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HOUSE OF REPRESENTATIVES—*Thursday, October 14, 1999*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. PEASE).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 14, 1999.

I hereby appoint the Honorable EDWARD A. PEASE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Dr. Charles Wright, The International Foundation, Washington, D.C., offered the following prayer:

Let us pray.

Lord God, our Forefathers often called You the God of Providence, living, helpful, within reach. Be present with the House of Representatives today. I pray You would give to the Members courage and insight, give them patience with each other.

Lord God, before the demands of the day threaten to take over, we turn our hearts to You. You tell us that You give wisdom to those who ask. We ask now. Decisions made here today will affect our Nation and the world. As these Members give themselves to these great tasks, we also pray for blessing and protection on their homes, their families.

I pray this in the name of the Lord who is today living, helpful, and within reach.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New Jersey (Mr. FRANKS) come forward and lead the House in the Pledge of Allegiance.

Mr. FRANKS of New Jersey led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

> H.R. 356. An act to provide for the conveyance of certain property from the United States to Stanislaus County, California.

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

> H.R. 1000. An act to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 1000) "An Act to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints from the Committee on Commerce, Science, and Transportation: Mr. MCCAIN, Mr. STEVENS, Mr. BURNS, Mr. GORTON, Mr. LOTT, Mr. HOLLINGS, Mr. INOUYE, Mr. ROCKEFELLER, and Mr. KERRY; and from the Committee on the Budget for the consideration of title IX of the bill: Mr. DOMENICI, Mr. GRASSLEY, Mr. NICKLES, Mr. LAUTENBERG, and Mr. CONRAD, to be the conferees on the part of the Senate.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 15 1-minute requests per side.

LOCKING UP AMERICA'S FORESTS

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, yesterday the President decided to lock up the Nation's forests and hand the keys to a group of Washington bureaucrats. With this move the President essentially told the American people that they are no longer welcome or able to use and enjoy and recreate on their land, the very land that their forefathers fought and died for. With this move the President has said to the millions of disabled Americans that they would no longer be able to visit and enjoy our national forests as well.

This land does not belong to the Federal Government. This land belongs to the American people. The only role that the Federal Government has is to manage it. The President has essentially taken our constituents, the public, and this Congress out of the decision process.

Mr. Speaker, if the President's big government initiative goes through, it would effectively bar the majority of the American public from visiting and enjoying their beautiful forests. It seems this administration cannot see the forest through the trees.

Mr. Speaker, I yield back the balance of my time and the administration's lack of common sense.

SLASH AND BURN SPENDING CUTS

(Ms. SANCHEZ asked and was given permission to address the House for 1 minute.)

Ms. SANCHEZ. Mr. Speaker, I rise today to call attention to the actions of the House leadership. The Republicans cannot make the tough choice on government spending, so they have

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

resorted to across-the-board spending cuts. It is a slash-and-burn budget cutting, and this will fall squarely on the backs of seniors and children, the most vulnerable members of society. That means cutting food and education programs to poor children and destroying Meals on Wheels for home-bound seniors. The programs that have been so successful in empowering our citizens to succeed like Head Start and Gear Up and adult literacy programs are slashed or gone entirely.

Mr. Speaker, the Republicans have missed their budget deadline. They have busted the budget caps, all the while claiming to be fiscally responsible, and they are spending the Social Security surplus, more than $19 billion of it.

So now we must judge them by their actions, or in this case, their gimmicks, calling the census an emergency, or adding a thirteenth month to the calendar year. This is not the kind of leadership the American people need and deserve from their elected representatives.

WHAT A DIFFERENCE A CONSERVATIVE CONGRESS MAKES

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, I listened with great interest to my colleague from California. It seems that mediscare and school lunches are back. My colleagues remember that from 1996, do they not? The spurious threat and the out and out untruths propagated by the left in their sole attempt, in their desperate attempt, to regain political power.

Certainly, Mr. Speaker, we can all agree that there is enough waste, fraud and abuse in these Washington-run programs that government can be run more efficiently and dare I say more compassionately, not by kowtowing to the interests of the labor bosses within government, but instead looking for true limited and effective government as Thomas Jefferson sought.

While facts are stubborn things, we would simply point out to my friends on the left that throughout their time and the last time they were in control of this House they spent all of the Social Security surplus, they gave us the largest tax increase in American history, and they sunk us deeper into debt.

My, what a difference a common sense, conservative Congress makes.

EVERYBODY HAS NUKES

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, China and Russia have nukes; India and Pakistan have nukes; Russia, Iran, and North Korea have nukes. Everybody has nukes. It is so bad, reports now say that McDonald's is developing the McNuke.

I ask, Mr. Speaker, what good is a nuclear test ban if every crackpot in the world keeps building nuclear weapons?

Beam me up here.

I say be careful, Congress, because America will abide by any nuclear test ban, but those crackpots throughout the world will not, and I tell my colleagues this: we can build them, but do not shoot them. Save that for the tooth fairy.

I yield back all those mad scientists with carpel funnel.

WAIVE DAVIS-BACON FOR CLEAN-UP EFFORTS FROM HURRICANE FLOYD

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, in 1992, after the Hurricane Andrew hit south Florida, President Bush suspended the Davis-Bacon law with regard to the clean-up and rehabilitation work receiving funds. President Clinton revoked that suspension when he got into office, so it never really was tested to see whether it would help get clean-up work done quicker and cheaper. I have been pushing President Clinton to waive the Davis-Bacon Act for clean-up efforts in Hurricane Floyd in my State of North Carolina and elsewhere and even sent him a letter signed by many Members of the House.

Waiving Davis-Bacon would not only save scarce Federal resources, but it would also save time in getting contractors out and create job opportunities for those in need of work. Unfortunately, I do not think I am going to get this administration to agree with me, even though it could save our taxpayers millions of dollars.

REFORM OF THE BROAD BAND POLICY

(Mr. BALDACCI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALDACCI. Mr. Speaker, I rise today to encourage my colleagues to continue the debate on broad band issues. It is vital, especially in rural areas in the country such as States like Maine that there exists a competitive environment for opening up high-speed information services. I have cosponsored legislation on this important issue and hope that we move to initiate to open up the market in data markets throughout the country and also in Maine. If we encourage high-speed Internet connections to multiply, rural areas that are currently left out of this market will benefit. It will increase consumer choices and will assure the Internet will quickly advance technology, allowing more and better interactive media, high-speed data and video systems.

It is my hope with full Internet access we will enable rural States like Maine to compete on a more equal footing in the economic sphere and enhance the quality of life for all of our citizens. Advancing such economic opportunities is one of the most important things that we can do as Members of Congress. I encourage my colleagues to work towards reform of the broad band policy.

SUPPORT MARTA BEATRIZ ROQUE AND THE CUBAN PEOPLE, NOT THE CASTRO DICTATORSHIP

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I rise to once again underscore the subjugation of the Cuban people and the widespread persecution of human rights dissidents and opposition leaders. This weekend the Castro regime sought to further torture Marta Beatriz Roque, one of Cuba's four leading dissidents, by moving her to a secret jail, blocking all but one relative from visiting her, and controlling even that access by having state security agents transport and monitor this relative.

Driven by the strength of her convictions and the commitment to give life and limb if necessary, if it furthers the cause of freedom and liberty for Cuba, Marta Beatriz Roque has gone on hunger strikes in defiance of the regime's threats to highlight the flagrant miscarriage of justice and the frequent violations of the rights of the Cuban people. Her uncompromising will stands as a thorn at the side of a regime seeking to hide Marta Beatriz and its brutality from the world.

My colleagues, I ask you to support Marta Beatriz Roque and the Cuban people and not the Castro dictatorship.

REPUBLICANS BALANCING THE BUDGET ON THE BACKS OF THE WORKING POOR

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, I met with low-income working families in my district on Monday, and here is what they have to say about the GOP gimmick to delay their tax refund, the earned income tax credit:

My colleagues do not know Christina Quinn, but she says, and I quote, "My husband and I budget for all of our bills, and we use the lump sum for things like buying a car because we have no credit. If we got it monthly, it would just be absorbed by the regular bills."

My colleagues do not know Gina Philips, but she has been using her yearly Federal tax refund to pay off her debts and clear up her credit so she can finally buy a home for herself and her 16-year-old daughter, and my colleagues do not know Jeanette Tilman, who says that Republican leaders in Congress who want to delay payment of the earned income tax credit for working families, and I quote, "need to walk in our moccasins."

Yes indeed, the Republican leadership of this House should not try to balance the budget on the backs of the working poor. They ought to heed the words of their presidential standard bearer.

RELIGIOUS FREEDOM

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, in debates in this body in recent weeks some Members have criticized measures aimed at protecting public religious expressions or allowing participation of faith-based institutions and programs in the public sphere. This argument is not founded in our history or heritage. It does not have its roots in our Constitution, but rather in the criticisms of revisionists who wish the Constitution said something other than what it actually does.

The record, however, is replete with the words and writings of our framers and founders, those who wrote the Constitution, founded our government overwhelmingly about the role of government and religion. Consider the words of John Jay, one of the three authors of the Federalist Papers, the first Chief Justice, U.S. Supreme Court. Jay declared quote:

"It is the duty of all wise, free and virtuous governments to countenance and encourage virtue and religion," end quote.

The third chief justice, Oliver Ellsworth, echoed this by saying quote:

"Institutions for the promotion of good morals are objects of legislative provision and support among these religious institutions."

Mr. Speaker, let us get back to our roots.

BAN ON NUCLEAR PROLIFERATION MAKES GOOD SENSE

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, the American people were hoping that good sense and good judgment would prevail, that all of us recognize that in this time of peace with our allies begging for consensus and collaboration that we would have accepted and responded to the requests for a ban on nuclear proliferation; but unfortunately in the quagmire of partisan politics and the insult and the back drop of allegations and accusations about old stories of impeachment, we fell before the cause and failed to take up what most Americans realize is good sense, the ban on nuclear proliferation. We only have to look to Japan and see the recent accident tragically where there was exposure to radiation and nuclear activity.

□ 1015

We see how damaging it can be, when our allies write letters and plead for our consensus and collaboration and we laugh in their face. What an insult, not to our allies, but to us. Shame on us, shame on America. When are we going to understand that partisan politics has to be put aside for the good of the world.

NAVY IN VIOLATION OF U.S. CODE REGARDING WEAPONS STATION EARLE

(Mr. FRANKS of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRANKS of New Jersey. Mr. Speaker, I recently learned of an attempt by the U.S. Navy to radically change the role of Weapons Station Earle in my home State of New Jersey. I was outraged that the Navy is making this decision without consulting the State of New Jersey, the New Jersey Congressional delegation, or the House Committee on National Security.

Today, I intend to introduce a resolution which would call on the Navy to cease its illegal realignment of Navy Weapons Station Earle. It is clear by a review of their own material that the Navy is in direct violation of section 2687 of Title 10 of the United States Code.

It is essential that the Navy abide by the law and that the appropriate congressional committees have the opportunity to review and evaluate the operational, budgetary, strategic, and local economic impact of such a realignment.

I am prepared to bring suit against the United States Navy if they continue to pursue the realignment of forces at Navy Weapons Station Earle, in direct violation of BRAC.

FAILURE TO RATIFY COMPREHENSIVE TEST BAN TREATY IS RECKLESS AND DENIES U.S. LEADERSHIP IN FIGHT AGAINST NUCLEAR PROLIFERATION

(Ms. MCKINNEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MCKINNEY. Mr. Speaker, the Republicans in the Senate are strutting around as if they have done something. TRENT LOTT and JESSE HELMS, our Nation's chief diplomats, have put this planet on notice that when it comes to nuclear testing, America would become the world's cheerleader.

Now, we know that this Republican Congress just loves to play the game of brinkmanship. Using the guise of fighting for Republican budget priorities, Newt Gingrich showed that he did not care about taking the whole country into the abyss with him as Republicans threw the whole government into shutdown chaos.

To fail to ratify the Comprehensive Test Ban Treaty is not just reckless, it denies U.S. leadership in the fight against nuclear proliferation. We have no moral or legal ground to stand on should any rogue state like North Korea or Afghanistan decide to go nuclear.

Unfortunately, the Senate Republicans do not seem satisfied with America in the abyss. It seems now they want to take the whole world there with them.

PATTING OURSELVES ON THE BACK

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Mr. Speaker, I came here; I said it was time to balance the budget. That was a dream. We said, though, in 1995 when the Republicans took over, we would do it in the year 2002, by then.

I think we need to say it and resay it; we need to take credit for it; we need to pat ourselves on the back. We have done what is right. And we are going to balance the budget this year, not using Social Security; and we are going to have a $1 billion surplus. That is well ahead of our goal of 2002. Not since 1960 has that happened.

So I say, take credit for the good work that we are doing here in Congress. The leadership of this House under Speaker HASTERT has led us to the point where we can proudly hold our heads up and say we are using the resources that the American people give us in a wise and proper way.

TIME TO PUT AMERICA'S CHILDREN FIRST

(Mr. WU asked and was given permission to address the House for 1 minute.)

Mr. WU. Mr. Speaker, classes have been in session in my home State of Oregon for about a month and a half now, and we are still engaged in budget fights here that will determine the quality of education in States across America and for children across America.

About 70 percent of schoolchildren in the Portland metropolitan area in grades K through 3 are in class sizes above ideal. Many high schoolers are in class sizes of 40 or 50 in Portland. Across the congressional district that I represent, there are inadequate facilities.

We need to fight strongly to reduce class size by adding 100,000 additional qualified teachers across America. That would bring about 2,500 teachers to my home State of Oregon. We need to modernize school facilities so that teachers have a place to teach and students have a place to learn.

In this budget fight, we need to put the interests of America's children first.

STRONG NATIONAL DEFENSE TRUMPS UNVERIFIABLE TEST BAN TREATY

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, today's headlines are filled with two stories of great importance to our national interest and security. In the first, we learn that a military coup overturned the government of Pakistan, who has nuclear weapons.

In the second, we see the other body voted against ratifying the Comprehensive Test Ban Treaty. The Senate deserves our thanks for their correct and courageous vote to defeat the Comprehensive Test Ban Treaty.

The President and the liberals did their very best to convince the American people to rely on an unverifiable treaty for security. As we already know, the Chinese Communists have stolen the technology they need to skirt this test ban. If they have the technology, there is no doubt that the rogue nuclear powers such as North Korea and Iraq will have it as well.

A better solution lies in a strong national defense. We recently have had successful tests of both strategic and theater systems. We need to move forward with enhanced testing and deployment.

It is time to move beyond unverifiable treaties as the answer to our defense needs.

GO YANKEES, GO METS—BUT WHO TO ROOT FOR?

(Mr. ENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGEL. Mr. Speaker, this is an exciting time for baseball fans in New York. For the first time since the 1950s, we have a very real chance to have a subway series. In the 1950s, the Brooklyn Dodgers and the New York Giants baseball team routinely played the New York Yankees in the subway series, and now we have a real chance for the New York Mets and the New York Yankees to play each other in the subway series.

I know there are some naysayers out there who are saying well, the Mets lost the first two games, so things do not look very well. But I want to remind everybody that in 1986, the world champion New York Mets also lost the first two games of the world series.

As a Bronx boy who represents the Bronx, who grew up within walking distance of Yankee stadium, I am very, very proud of the Yankees; and I have a bet with my good friend, the gentleman from Massachusetts (Mr. MARKEY), on the Boston-Yankees playoffs game.

We are very, very happy in New York. We look forward to a World Series between the New York Yankees and the New York Mets, and I will worry about who to root for when that happens.

Go Yankees; go Mets. 1999 is the year.

THE PROMISE OF TELEMEDICINE

(Mr. OSE asked and was given permission to address the House for 1 minute.)

Mr. OSE. Mr. Speaker, I recently rose in support of the Thompson amendment calling for a comprehensive study of telemedicine as a method of delivering timely, quality health care, particularly in rural districts like mine.

Today, I wish to discuss a vital component of telemedicine, and that is the Internet, but not the Internet of old and not the Internet of the "worldwide wait." No, Mr. Speaker, I refer to an Internet built on a foundation of high-speed technologies that will enable transmission of vast amounts of data in real-time. Physicians will then have the ability to transmit medical images to radiologists anywhere in the country for interpretation. Patients will have the option of remaining home and having their daily readings checked without traveling all the way to the doctor's office, often a substantial distance from home.

These are but two examples of telemedicine's promise. Congress should take the steps necessary to ensure that these technologies are developed and deployed swiftly. Our constituents deserve nothing less.

A VERY SAD DAY FOR AMERICA

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, this is a sad day for this country. Santayana said, "Those who fail to learn from history are doomed to repeat it." Yesterday, we saw what was, in my view, a very important event. The United States Senate said, we do not care who tests or how much testing there is done in the world. It is the same group that sanctimoniously came out here and said, we will put sanctions on anybody who blows off a bomb. So when India and Pakistan got into that last year, we said, oh, this is awful, this is terrible. But when the time comes to say, let us stop it, they say no.

Now, it is a sad day, in my view, when the United States steps back from leadership in the world. The last time we voted down a treaty was the Treaty of Versailles. We did not join the League of Nations. And what happened? We had the Second World War.

When we in this country refuse to take our leadership role and say, we will not test and no one else should test, we abrogate our leadership in the world. It is a very bad day for America.

AMERICANS DESERVE SOCIAL SECURITY LOCKBOX

(Mr. HERGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERGER. Mr. Speaker, this Republican Congress has stopped the raid on Social Security.

The Congressional Budget Office projected this week that in fiscal year 1999, for the first time in 30 years, not one penny of the Social Security surplus was spent. Now, it is our duty to prevent the raid from ever happening again.

Mr. Speaker, 140 days ago, Republicans and Democrats in the House joined together to pass a Social Security lockbox, which protects Social Security from being spent on unrelated programs. Senate Republicans have attempted to bring this bill to the Senate Floor seven times, and on seven occasions, the measure was blocked from even being considered by a straight party line vote.

Mr. Speaker, American seniors deserve more from Senate Democrats and President Clinton. They deserve a Social Security lockbox.

WHITE HOUSE DESTROYS ACCESS TO NATIONAL FORESTS WITH THE STROKE OF A PEN

(Mrs. CHENOWETH-HAGE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CHENOWETH-HAGE. Mr. Speaker, yesterday the President, with the stroke of a pen, set aside 41 million acres, 41 million acres that humans will no longer have access to as they have known in the past because he is closing the roads and, in essence, putting up signs that almost say "no trespassing" to humans. That means hunters, that means campers, loggers, people who have traditionally gone into the woods to pick berries, to enjoy family outings, photographers, ranchers, Americans who enjoy our national forests.

Mr. Speaker, 41 million new acres can no longer be accessed by most Americans. Only the young and fit who are able to hike in wilderness conditions will be able to access our forests. With the stroke of a pen.

Mr. Speaker, what this does is actually destroys our forests and families and communities. This has a real human face on it, and it is a big problem.

BP AMOCO AND GM—PARTNERSHIP FOR CLEANER FUELS

(Mrs. BIGGERT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BIGGERT. Mr. Speaker, starting today, the men and women and children of Chicagoland can breathe easier, thanks to the innovative and cooperative efforts of BP Amoco and General Motors. These two responsible corporate citizens today will announce that cleaner burning, low-sulfur gasoline will be distributed by Amoco and BP service stations throughout the Chicagoland area.

The resulting emissions reductions will be equivalent to removing 70,500 cars from Chicagoland's highways each day. That is more than three times the number of cars that enter Chicago on the Kennedy Expressway each day during the morning rush hour.

BP Amoco and GM are not waiting for government mandates, they are not waiting for consumer demand, they are not waiting for someone else to take the lead, and they are not waiting for air quality in Chicago to get better on its own. To top things off, BP Amoco will continue to use ethanol in the Chicagoland area. They have chosen to support the farmers of America's heartland while improving the air quality of our cities.

Thanks to their innovative corporate partnership, BP Amoco and General Motors are working to address air quality issues using new and creative approaches.

□ 1030

PRAISING SENATE REPUBLICANS FOR VOTING TO TURN DOWN THE TEST BAN TREATY

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, we have heard this morning individuals from the other side of the aisle criticize turning down the nuclear test ban treaty over in the Senate.

I am disappointed that there was partisanship on the part of the Democrats, that all those Democrats in the Senate voted for that test ban treaty, despite the fact that six former Secretaries of Defense urged the Senate to vote it down, four former Secretaries of Energy urged the Senate to vote it down, four former CIA directors urged the Senate to turn it down; (that includes two of the directors in the CIA appointed by President Clinton, Jim Woolsey and John Deutch), two former national security advisers, urged the Senate to turn it down; four former chairmen of the Joint Chiefs of Staff, and former Secretary of State Henry Kissinger called the Senate saying it was going to tremendously jeopardize the security of this country if they voted for it.

I think, Mr. Speaker, it is important that as we look at all this expert advice and all of the additional retired generals and admirals that have come forward urging a "no" vote, there is no question in my mind, we have done this country a security favor by turning down this particular test ban treaty. Good going, Senate Republicans, for doing what is right.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). All Members are reminded that they are to refrain from characterizing the actions of the Senate.

THE EDUCATION OF OUR CHILDREN IS CRITICAL TO AMERICA'S FUTURE

(Mr. ROYCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROYCE. Mr. Speaker, in my view, nothing is more important to the future of this country than the education of our children. Our kids are going to be the future doctors, the future scientists. They are going to be our future leaders. As such, we want to assure that they have the best education possible.

This comes down to a question of who knows best how to develop that curriculum. Who should be developing that curriculum? Should it be the teachers? They are in the classroom. Or should it be some bureaucrat miles and miles away? Should it be some bureaucrat in Washington, D.C. that develops that curriculum?

The Federal Government today operates 760 Federal education programs, 39 different Federal education agencies. This is $100 billion that we spend on education. Yet, public education for some reason is worse than it was 20 years ago. It is worse.

We can improve education by shifting decision-making power towards principals, teachers, parents, and people who have a direct impact on learning. That is why I am pleased to have cosponsored the Dollars to the Classroom resolution, which urges the Department of Education to spend 95 percent in the classroom.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2684, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2000

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 328 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 328

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2684) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000, and for other purposes. All points of order against the conference report and against consideration are waived. The conference report shall be considered as read.

SEC. 2. House Resolution 300 is laid on the table.

The SPEAKER pro tempore. The gentlewoman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MOAKLEY), the distinguished ranking member of the Committee on Rules, pending which I yield myself such time as I may consume. During consideration of the resolution, all time yielded is for purposes of debate only.

Mr. Speaker, House Resolution 328 is a rule providing for the consideration of the VA-HUD conference report which provides funding in fiscal year 2000 for the Department of Veterans Affairs, the Department of Housing and Urban Development, and the Environmental Protection Agency, among other programs.

The rule waives all points of order against the conference report and against its consideration.

Mr. Speaker, today, with the passage of this rule and the VA-HUD conference report, Congress will be one step closer to meeting our budget goals for the year 2000; namely, maintaining a balanced budget without raiding the social security trust fund to pay for it.

We have fought long and hard to achieve a balanced budget by making the tough decisions necessary to reduce Federal spending, shrink the size of government, and reform Federal programs.

It has not been easy, change never is, but our work has met with success, which has emboldened our cause. Just this week the Congressional Budget Office reported that in fiscal year 1999, for the first time in 40 years, we experienced a true budget surplus, without touching a dime of the social security trust fund.

That means that we have transitioned from a pattern of deficit spending to a new era of balanced budgets, and now to a more honest method of budgeting that really places social security off limits.

Mr. Speaker, we have turned a corner, and it is no time to look back. Today Congress will continue down this path of fiscal discipline and integrity as we consider the VA-HUD conference report.

I am pleased to report that this conference report is the product of negotiating and consensus between Congress and the President, who worked together to come up with adequate funding for a variety of priority programs.

Not only were the levels of funding in the bill agreed to in the spirit of cooperation, but the offsets, which ensured that the bill meets our goals of protecting social security, were also approved on a bipartisan basis.

The VA-HUD conference report reaches a balance by actually reducing spending below last year's level while adding resources to our top priorities, not the least of which is support for our Nation's veterans.

While we can never fully repay the debt we owe to those who were willing to sacrifice their lives for our freedom, it is worth noting that this conference report provides for the largest increase in veterans health care programs in a decade. The $1.7 billion increase the conference report provides will bring spending on veterans health care to a total of $19 billion. That is just for next year.

In addition to helping veterans, this bill addresses the critical housing needs of our most vulnerable populations. For the poor and homeless in our society, the VA-HUD conference report provides an increase of over $2 billion for the Department of Housing and Urban Development.

Housing for our Nation's elderly will see an increase of $50 million over last year. Disabled housing will receive an additional $5 million, and the people living with AIDS who are served by the HOPWA program will see a boost of $7 million.

Moreover, the Housing Certificate Fund, which fully funds Section 8 renewals and tenant protections, is funded at $11 billion, which is significantly more than the President's budget request.

But, funding for HUD is not just about housing. The Department also promotes community development. I am pleased that added to the conference report is $55 million to fund the designated empowerment zones across our Nation.

With the blessing of the Federal Government, these communities have worked to develop strategies to attract investment, revitalize their neighborhoods, and create jobs. But their plans rely on a commitment of assistance by the Federal Government that we should honor. The conference report will help us meet that commitment by providing some $3.5 million for each urban empowerment zone, as well as $15 million in grant money for rural empowerment zones and enterprise community programs.

The VA-HUD conference report also finances the Federal Emergency Management Agency, which it seems we have to call on far too often as our citizens have seen their communities ravaged by hurricanes, floods, or fire.

In times of true emergencies and catastrophic loss, our Federal Government has a responsibility to reach out and help people put their lives back together. The conference report provides $300 million for FEMA, as well as $2.5 billion in emergency disaster relief, which matches the President's request.

At the same time, this legislation addresses the most pressing concerns of those who need our help today. It also invests in future generations through the funding for environmental protection and scientific research. For example, the EPA will receive more funding than the President requested. However, these dollars will be focused on local efforts to address pollution, particularly the States' efforts to ensure clean water and safe drinking water for their citizens. In addition, State Air Grants will be fully funded at the level requested by the President.

When the House first debated the VA-HUD appropriations bill back in August, many Members expressed their concerns about maintaining our commitment to scientific research in our Nation's space program. At that time, the gentleman from New York (Chairman WALSH) made a commitment to working in conference to improve the level of funding for these programs, and he has.

The National Science Foundation will see an increase of $240 million over last year, and NASA will receive more than $13.5 billion, which is $75 million more than the President requested.

Mr. Speaker, all told, this bill is a testament to the commitment this Congress has made to responsible government in the context of a balanced budget. In the case of the VA-HUD conference report, we have achieved these goals on a bipartisan basis with the President's cooperation.

So I hope my colleagues on both sides of the aisle will join me in support of this rule, so we can continue our march towards a responsible, honest Federal budget that keeps our eye on the ball and our hands off of social security.

Mr. Speaker, I urge a "yes" vote on the rule and the conference report.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to begin by thanking my colleagues, the gentleman from New York (Mr. WALSH) and the gentleman from West Virginia (Mr. MOLLOHAN) for their very hard work in bringing this conference report to the floor. I also want to congratulate them for putting together such a strong, bipartisan bill.

Although the conference report had a very rocky beginning, I am very happy to see my colleagues on both sides of the aisle manage to come up with a bill that funds so many important programs.

This bill, Mr. Speaker, increases spending for the veterans health care programs by $1.7 billion, the largest increase in 10 years. That is one that is long overdue. Too many of our veterans have not been getting the health care they deserve, but this bill will help change that.

This bill also funds the Environmental Protection Agency, which helps keep our air and water clean, as well as supervising the cleanup of Superfund sites. This bill funds NASA and the International Space Station, and although earlier versions of the bill might have cost the United States its leadership in space exploration, Mr. Speaker, this version of the bill will not. It deserves our full support.

This bill also provides for $2.4 billion in emergency spending to help people recover from Hurricane Floyd, which is still having a very devastating effect in North Carolina.

Finally, Mr. Speaker, this bill will address some of our critical housing needs. It will provide housing for the Nation's elderly and disabled. It will also help modernize our public housing, which is falling into disrepair. Finally, Mr. Speaker, it would fund Section 8 renewals and 60,000 new housing vouchers.

Mr. Speaker, I am especially pleased to see the new housing vouchers. As a youngster, I lived in the country's first public housing, and I know what a tremendous help that can be.

Today we are having a terrible affordable housing shortage, especially in my home city of Boston. Nationwide there are still 5.3 million low-income families who get no housing assistance at all. People who want Section 8 housing have to wait an average of 2 years to get it. These additional funds included in this bill will help put decent housing within the reach of more hard-working American families.

I urge my colleagues to support this rule for the VA-HUD appropriations conference report. This bill keeps our promises to our veterans, it protects our environment, it helps keep roofs over the heads of low-income disabled and elderly Americans, and it helps make repairs after natural disasters, and turn scientific research on the heavens into real answers for today's problems here on Earth.

I thank my colleagues on the VA-HUD conference committee again for their hard work.

Mr. Speaker, I reserve the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I am pleased to yield 3 minutes to my distinguished colleague, the gentleman from Illinois (Mr. WELLER).

Mr. WELLER. Mr. Speaker, I rise not only in support of the rule. but also in support of this conference report. I want to commend the gentleman from New York (Mr. WALSH), as well as the ranking member, the gentleman from West Virginia (Mr. MOLLOHAN) for his leadership in putting together a good bill.

I would also like to note that this legislation is historical from a veteran's standpoint. The fact that we are providing $1.7 billion more in funding for veterans health care this year, historically the largest increase in veterans health care in history, it says that veterans are a priority.

□ 1045

Particularly as our veterans reach retirement age, particularly as so many of our veterans are now World War II and Korea veterans at the age where health care is a greater need, we are making that commitment. I salute the Subcommittee on VA, HUD and Independent Agencies for producing this good bill.

Mr. Speaker, there are a couple of other provisions that I also want to acknowledge and express my appreciation for this House in producing some real results. I represent the south side of Chicago in the south suburbs.

We have a project in this part of Illinois which is so important, not only to residents in the City of Chicago, but the south suburbs because it provides flood relief as well as protects the drinking water of people of Chicago and the entire Chicago metropolitan area. That is the Deep Tunnel Project, a flood control project which prevents, when there is heavy rains and storm water, prevents, frankly, raw sewage from being flushed out into Lake Michigan, which is a source of drinking water.

This House continues to make a commitment to complete this important environmental project. I want to thank the subcommittee for the $5 million that was included to continue development of this project to protect our Lake Michigan drinking water.

Second, I also want to commend this House for overturning the President's recommendation on Federal veterans' nursing home grant funding. The President's budget recommended slashing this important program which provides matching grants to the States to develop and operate nursing homes for our veterans.

I would point out that State homes provide a savings in providing health care. In fact, the State homes for veterans costs about $40 per day per patient, whereas VA nursing care is about $255 a day. So it is a bargain.

The President, in his budget, proposed cutting by more than half this important program. It is currently funded at $90 million. The President proposed cutting it to $40 million.

I am pleased that this House disagreed. I am pleased that this House restored funding for veterans nursing home grants. It is important to States like Illinois.

Illinois has a lot of veterans in need of nursing home care. In fact, in my own district, La Salle Veterans Home has over 200 veterans on a waiting list. Imagine this, if one has a friend or relative, a family member who is in need of nursing home care, and the waiting list is over a year, maybe a year and a half they have to wait in order to have access to this veterans home.

This is good legislation. We restored the funding.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. MOAKLEY), the ranking member of the Committee on Rules, for yielding me this time. I thank the gentlewoman from Ohio (Ms. PRYCE), chairwoman now of the Committee on Rules who is in place for the chairman in presenting this rule.

I particularly thank the ranking member and the chairman of the Subcommittee on VA, HUD and Independent Agencies. I call this bill relief, R-E-L-I-E-F. I hope that my spelling is correct on the floor of the House, because it does connote relief. I thank them for this very good bill.

Tomorrow I will have the opportunity to speak to a group of my paralyzed veterans. I will be able to give them some relief, particularly with the emphasis on the $11.4 billion for housing, but with special emphasis on veterans health.

If I ever get any questions in my meetings with constituents, invariably there is a veteran there who asks about the care and the health care that is needed for the veterans that are there now and those who will be coming after.

This restoration on the dollars that have been put in this bill for veterans health care is imperative. So I will be able to say to my paralyzed veterans and other veterans that we did not forget them. In my hometown of Houston, there are some 20,000 plus individuals on the waiting list for housing.

I would like to speak a little bit about section 8 housing certificates, the kinds of opportunity that it gives to families who are trying to get a leg up on the ladder of opportunity.

This $11.4 billion for section 8 housing will do a lot to bring down the thousands of those who are on the list waiting for opportunity in housing.

My mayor has committed, and I join him, in increasing the numbers of those who own homes in the city of Houston. We are working on that. We believe in affordable housing. But at this juncture, there are those who are simply waiting for a decent apartment.

Section 8 certificates will give families, single parents with children, grandmothers, and grandfathers raising children the opportunity to live in decent housing. Section 8 is an equalizer. It distributes individuals throughout communities. It creates a sense of neighborhood. I applaud the increase in dollars.

I thought for once that we were going to forget the place that America held in the Space Program of the world, but I am delighted that we have restored the $998.9 million, therefore giving NASA $13.7 billion. If that had not occurred, we would have seen the closing of centers like NASA, Johnson, Huntsville, Kennedy. We would have seen enormous loss of jobs. But more importantly, Mr. Speaker, we would have seen us lose our place in the world stage of space exploration.

I am delighted that AmeriCorps has been funded, the National Science Foundation. This is a bill that provides for the Environmental Protection Agency.

Mr. Speaker, this is a bill that should be passed for we have responded to the needs of the American citizens, and we protected Social Security.

Ms. PRYCE of Ohio. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Mr. Speaker, I thank the gentlewoman from Ohio for yielding me this time.

Mr. Speaker, I rise to thank the gentleman from New York (Mr. WALSH), the chairman of the Subcommittee on VA, HUD and Independent Agencies, for his hard work on this bill and for the results he was able to achieve.

As the gentleman well knows, I have spoken to him a number of times about the importance of science. I have also spoken to many other colleagues and to this Chamber. Scientific research and development is the single biggest factor today in the economic growth of our Nation. If we do not continue to support our scientific and technological enterprise, we are throwing away our economic future. It is just that simple, and it is that stark.

When we look at the world scene, we notice that our spending on basic science, mathematics, engineering and technology research, is declining compared to our gross domestic product. Japan is now ahead of us and increasing their spending in that area. South Korea is coming up fast and has almost surpassed us on a per capita basis, and Germany already is above us as well.

So we are in danger of losing our economic leadership on this planet by virtue of losing our leadership of scientific and technological research. It is very important that we continue that. The gentleman from New York (Chairman WALSH) recognizes that.

Unfortunately, the allocation that was given to him earlier in the year did not permit him to provide full funding for science. But, fortunately, the final allocation was increased; and he did a magnificent job of restoring the funding, not only to the National Science Foundation, which is the key to our research future, but also restoring the funding to the National Aeronautics and Space Administration, better known as NASA.

I just want to thank the gentleman from New York (Mr. WALSH) from the bottom of my heart, and thank him also on behalf of the many scientists, engineers, mathematicians, and technologists in this country for the work that he has done on this budget. It is a magnificent piece of work, in particularly difficult times, and I certainly appreciate it.

I also want to mention a personal interest in terms of clean water activity. We still have a long ways to go in this country in purifying our water and making it pure. The gentleman from New York has provided appropriate funding for that purpose as well.

In addition, Housing and Urban Development has some wonderful programs. There are some that need cleaning up, but there are some wonderful programs in HUD.

Michigan, in particular, through its Michigan State Housing Development Authority, has done a great deal to provide low-income home ownership opportunities for the people of our State, particularly in my area where we have some faith-based organizations which have developed to take advantage of both MSHDA and HUD funding and have done a magnificent job. I want to especially mention Habitat for Humanity and a local homespun organization we have, the Inner City Christian Federation. The latter has been phenomenally successful.

We have done better at providing home ownership opportunities for low-income individuals than almost anywhere in this country. They are totally dependent on the HUD and MSHDA funding.

I want to thank the gentleman from New York (Chairman WALSH) and the members of the committee for their good work. I urge adoption of the rule and passage of the conference report.

Mr. MOAKLEY. Mr. Speaker, I yield back the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in closing, let me remind my colleagues that this rule is customary for the consideration of appropriations conference reports.

Further, the conference report itself is the product of bipartisan cooperation between the President and the Congress. The White House worked with the conference committee to ensure that its priorities were funded, and the President agreed to the provisions in the bill that ensure its fiscal responsibility.

This bill contains many good things that I know my colleagues can support, including the largest increase in veterans health care spending in a decade, increased funding for numerous housing programs, restored funding for important science programs in NASA, and funding for emergencies and disasters that matches the President's request.

All of this, and still the conference report maintains our commitment to a balanced budget while keeping Social Security off limits. We made the tough decisions. We prioritized, and we have a good work product to show for it.

I can congratulate the gentleman from New York (Chairman WALSH) and all the conferees who made this process work.

I urge support for the rule and the legislation.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WALSH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report to accompany the bill (H.R. 2684) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000, and for other purposes, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

CONFERENCE REPORT ON H.R. 2684, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2000

Mr. WALSH. Mr. Speaker, pursuant to House Resolution 328, I call up the conference report on the bill (H.R. 2684) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 328, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of October 13, 1999, at page H9983.)

The SPEAKER pro tempore. The gentleman from New York (Mr. WALSH) and the gentleman from West Virginia (Mr. MOLLOHAN) each will control 30 minutes.

The Chair recognizes the gentleman from New York (Mr. WALSH).

Mr. WALSH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is a terrific day to be here, I think, with the results that we have. It has been a remarkable process beginning back in the spring, the hearings over these many, many different and, by definition, sundry departments, lots of priorities with competing needs. I think that the process worked its way through in a very nonpartisan fashion. Mostly, the competition is between the Departments within the bill.

We had wonderful cooperation from the minority. Specifically the gentleman from West Virginia (Mr. MOLLOHAN), the ranking Democrat on the subcommittee, was very, very constructive and very, very helpful all the way along, not only in helping us establish priorities, but in getting votes to pass the bill as we first came through the House. I owe him a deep debt of gratitude. He had a very difficult personal period at the same time, and he just kept moving forward with us. Without him, we could not have been successful. So I thank the gentleman from West Virginia (Mr. MOLLOHAN).

I also thank his staff and my staff who worked so well together, and also the members of the Senate, Senator BOND who chaired the conference, and Senator MIKULSKI, the ranking Democrat from the Senate.

We felt that, by working out the issues amongst ourselves before we sat down and discussed these issues with the White House, we would be in better shape to bring the priorities together. That is what we did.

□ 1100

We had pretty much a consensus legislative position, and then we sat down with the White House and asked them what their priorities were, and it worked fairly well.

The bottom line here is that this bill provides total discretionary and mandatory spending of $93.1 billion, which includes disaster relief of $2.4 billion and also includes the largest-ever increase for veterans' medical care, and also an increase of $2 billion for section 8 housing vouchers.

The bill nets out at $257 million dollars below our budget authority allocation. It also comes out $2 million below our budget allocation for outlays. I think that is a remarkable achievement considering the fact that we met all of the Congress's priorities, including the House and Senate and also the White House's priorities.

We increased VA medical care $1.7 billion above the President's initial request, bringing the total to $19.6 billion. That account is fully offset.

I would like to thank the gentleman from Arizona (Chairman STUMP), the chairman of the full committee, as well as Members, including the gentleman from New Jersey (Mr. FRELINGHUYSEN) on our subcommittee who worked so hard on the veterans' issues.

Regarding HUD, which is the largest part of this subcommittee bill, it preserves the taxpayers' substantial investment in existing affordable housing stock by increasing public housing operating subsidies and modernization funds above the President's request.

We felt very strongly that, with the huge investment that we have in public housing and while there are other options, including section 8, we need to take care of the existing housing stock and protect that investment. That we have. I thank the White House for coming forward and providing an additional offset so that we could increase operating subsidies by $135 million.

Operating subsidies are at $3.138 billion, as I said, an increase of $135 million. And the capital improvement account is $2.9 billion, an increase of $345 million. This provides funds for 60,000 new housing vouchers, as well, which are fully offset. That was a priority of Secretary Cuomo and of the White House and of my colleague, the gentleman from West Virginia (Mr. MOLLOHAN); and we were able to work that issue out so that I think everyone was more than satisfied with the resolution of that issue.

Selective Service. We do provide funds for the regular operations of the Selective Service. The House vote was very strong in taking the position to end Selective Service. However, the Senate position prevailed. I think that debate will continue next year. Although, there are members of the subcommittee, including the gentleman from California (Mr. CUNNINGHAM), who felt very strongly that we should hold to the Senate position.

The Americorps program is funded at $434.5 million. This is a priority of the President. We knew that this bill would not achieve a Presidential signature if we did not resolve that, and we did.

It also provides $2.5 billion for FEMA for disaster relief. Governor Hunt of North Carolina came in to see me, and I believe he saw the gentleman from West Virginia (Mr. MOLLOHAN) with the entire North Carolina delegation, Republican and Democrat, and made a very strong case that we need to have emergency funding.

The CBO said that we would run out of money before the end of January next year, and we felt, quite frankly, that this would help our bill if we had disaster relief in the bill. It does not need to be offset. It is true emergency spending; and, therefore, it increased our allocation but did not break any budget caps. It was important to the people who have been suffering under the flood from Hurricane Floyd that we provide relief and give them some hope.

On NASA, it provides an increase of $75 million for NASA, including a $152 million increase for vital aeronautics programs; and it fully funds current space science missions. I know Administrator Golden was very pleased with the end result. I spoke with him personally.

Also, I know the gentleman from West Virginia (Mr. MOLLOHAN), the gentleman from Virginia (Mr. BATEMAN), the gentleman from Alabama (Mr. CRAMER), the gentleman from California (Mr. ROGAN), and the gentleman from Florida (Mr. WELDON) all weighed in very heavily for additional funds for NASA, just to name a few. There was very strong support for improving what the House position was for NASA.

On EPA, we provided $7.59 billion for EPA, which is virtually level spending with fiscal year 1999. The conferees have kept the growth of the agency in check while providing at least $800 million over the budget request for State and local drinking water and waste water construction grants.

We feel very strongly and the House held its position that we need to be there for our communities who are under court order to meet clean water standards. I agree the EPA needs to keep all of our communities' feet to the fire to clean up the water, to raise the drinking water quality standards in all of our lakes and rivers and water features around this country. It is critical. And this bill I think goes farther than many others have in the past to meeting that commitment to clean up our air and to clean up our water.

I am very, very proud, Mr. Speaker, that, this being a Republican-led Congress, that we actually put more money in to resolve those clean water and clean air issues than the President, and I am very proud of that.

I think that, just to be partisan for just one brief moment, our party has gotten criticism over the years, I think undeservedly so. And I think we stepped up to the plate in this bill, met our commitments, supported our local community, whether they were Republican or Democrat communities, supported them to meet the challenge of these court orders that they are under, all in keeping with making water cleaner. And we are doing that.

The water in this country is getting cleaner as we speak, and I think we can all be very proud of that regardless of our party.

Research at EPA is a priority, as well, as the conferees provided $645 million in new spending, a shade under last year.

Lastly, the National Science Foundation reaches an all-time high of $3.9 billion, an increase of $241 million over fiscal year 1999.

I think once again the Congress has shown its commitment to research and development, to the support of our research institutions, primarily our colleges and universities across the Nation who lead the world in research, who are making the investments now that will keep Americans living longer, healthier lives in a cleaner environment, with better jobs, better products, and keeping the United States competitive at the top of the game globally.

This investment will pay huge dividends in the future, as it is doing today. This support once again demonstrates our commitment to science. People like the gentleman from Michigan (Mr. EHLERS) and again the gentleman from West Virginia (Mr. MOLLOHAN) have argued very strongly for increasing National Science Foundation funds.

Let me conclude my remarks by thanking my subcommittee members, who worked so hard and so long to make this product come out the way it did. I would like to thank our staff, who put in a tremendous amount of work. And it is not just the clerical work that they do. It is the advice that they provide, it is the experience that they have, it is the institutional memory that they bring to the table that makes our job so much easier.

I would also like to thank the White House, President Clinton, OMB Director Jacob Lew for coming to the table I think in a very genuine way seeking to help us to solve some of our problems with us being able to help them solve some of their problems. And when they came and asked for additional spending, they said, we will provide the offsets. And they did provide the offsets.

Mr. Speaker, in conclusion, this is a major commitment on the part of the

Congress to a balanced budget. We will have a balanced budget this year, and to a large degree it is because of the work that we did to scrub this budget to get it in under our spending allocation. And we are going to do this. We are going to have this balanced budget on budget without affecting our Social Security Trust Fund.

For the first time in 40 years, at least, we will bring a budget to the American people that is balanced, balanced on each side of the ledger, without reaching across and dipping into the Social Security Trust Fund.

Mr. Speaker, if it seems that I am very proud of this accomplishment, I am. But there is no way that it could have been accomplished without the support of all the others that I have mentioned.

Mr. Speaker, I reserve the balance of my time.

Mr. MOLLOHAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to begin my remarks by expressing my most sincere appreciation to my chairman the gentleman from New York (Mr. WALSH). He has been totally fair and totally forthcoming throughout this process and has moved this bill with great skill.

This has been a very difficult year to move appropriations bills, and it is a testament to his legislative ability that we are here this morning with a passable bill. It has been a real pleasure working with him. He is particularly capable. He is a class act.

Mr. Speaker, before I continue, I would like to take a moment to thank the staff who have all put in countless hours since we started our hearing process in February.

First, I would like to thank the committee staff, including both the majority staff, Frank Cushing, Valerie Baldwin, Tim Peterson, Dena Baron, and their detailee Angela Snell; and on the minority side, two skilled and dedicated staffers, Del Davis and David Reich.

I would also like to thank the personal staff of the chairman, Ron Anderson and John Simmons and, of course, my own personal staff, Lee Alman and Gavin Clingham, who have done a fine job working on this bill.

Mr. Speaker, this is my first year as ranking minority member of this subcommittee and it has been quite an interesting year. I began this appropriations cycle thinking that this bill could never pass the House. And now, several months later, we are through conference with a signable bill. And not only is it a signable bill, it is a good bill.

Indeed, if one considers the circumstances under which this subcommittee was operating, this is a great bill. This success was made possible by the serious constructive manner in which all sides approached the conference process, by the skill of the chairman, and by the cooperation of the administration, particularly the administration's willingness to find the necessary budget offsets for some spending increases which the administration was urging.

Without repeating the statement of the chairman, I would like to quickly run through just a few of the highlights of this conference report.

First, for veterans' medical care. It provides a $1.7 billion increase over last year's level. This increase is vital in order to help the Department of Veterans' Affairs keep up with the medical needs of our Nation's veterans.

In the housing area, the conference report provides for 60,000 additional incremental section 8 housing assistance vouchers. That is, it appropriates sufficient funds, both to renew all existing section 8 housing assistance contracts and to increase the number of families assisted by 60,000.

This modest expansion of housing assistance is extremely important in light of the serious and growing unmet needs for affordable housing that exists in our country.

The conference report also takes important steps to assist public housing, which remains a very important part of our overall national strategy for meeting the housing needs of low-income people. It increases public housing operating assistance by $320 million over the fiscal year 1999 level to help local housing authorities pay their utility bills and keep up with maintenance needs.

It also provides $2.9 billion for public housing capital assistance, a bit less than the $3 billion provided last year but still well above the levels during the preceding several years.

The measure also includes a $50 million increase in the section 202 program that helps provide housing for low-income elderly people and a $45 million increase in grants for assistance to the homeless.

I would like to express my appreciation to Secretary Cuomo here, who has tirelessly advocated for many of these increases.

Before I leave the housing area, I should also mention that some very important authorizing has been incorporated into our legislation, namely part of H.R. 202.

After this bill passed the House by an overwhelming vote last month, the bipartisan leadership of the banking committee and its housing subcommittee approached our subcommittee and asked if the legislation could be added to the appropriations bill to expedite its enactment.

While I and others of the House conferees would have preferred to adopt H.R. 202 in its entirety just as it passed the House, we were not able to secure the agreement from the Senate conferees to do so.

Nevertheless, the portions of H.R. 202 that we were able to add to the conference agreement takes some important steps to help keep project-based section 8 housing viable and to improve housing programs for the elderly and the disabled.

The second part of the conference agreement of which I am especially proud is the funding for NASA. While the House-passed bill cut NASA substantially, the conference agreement provides $1 billion more and $75 million more than the budget request for NASA. The increases above the request are targeted to the science and aeronautics mission areas, which I think are particularly high priorities.

□ 1115

Some items of note within the NASA section of the conference report include an increase of $25 million for safety-related upgrades to space shuttle; an overall increase of $1.25 million above the budget request for space science, which represents $240 million over the House-passed level; increases of at least $130 million for various aeronautics programs involving development of new technologies for both aircraft and spacecraft; and $19.6 million for the space grant program.

Also in the space science area, the conference agreement provides an increase for the National Science Foundation totaling about $240 million above last year. This increase includes $50 million for the foundation's biocomplexity research initiative.

Also included is $36 million for the construction of a five-teraflop computing facility, capable of trillions of calculations per second. This capability is essential if we are to continue our world leadership in information technology. And in that same vein I am pleased to report that this conference agreement has provided $75 million for the administration's IT-squared initiative.

In addition, Mr. Speaker, the agreement appropriates about $2.5 billion in emergency funding for the Federal Emergency Management Agency, FEMA, as requested by the administration. This appropriation will allow FEMA to continue to meet urgent needs in North Carolina and other States recently struck by national disasters as well as replenish FEMA's funds so that it will be able to respond quickly whenever the next disaster strikes.

In summary, Mr. Speaker, I think we present to the body today a good conference report that is certainly worthy of support. It is by no means an extravagant piece of legislation, but it does provide some additional resources to maintain our leadership in science, help meet housing needs, respond to disasters, care for our veterans and accomplish other useful and important things.

I urge a "yes" vote on the conference report. I again express my appreciation to the gentleman from New York for his leadership.

Mr. Speaker, I reserve the balance of my time.

Mr. WALSH. Mr. Speaker, I yield 1½ minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN), a member of the subcommittee.

Mr. FRELINGHUYSEN. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise today in support of the VA-HUD conference report. I commend the gentleman from New York, our chairman, and the gentleman from West Virginia, our ranking member, for all their hard work and the hard work of our staff. The gentleman from West Virginia and the gentleman from New York work well together, and I think the product that we have today is fully supportable.

While I am supportive of many provisions of this bill, including critical dollars for housing, most especially for housing for people with disabilities and older Americans, I am especially supportive of additional money for basic scientific research, further space exploration and the additional dollars to protect our environment as well as address so many natural disasters. I specifically want to commend the chairman and ranking member for standing in support of more funding for veterans medical care. We as Members of Congress are united in a most bipartisan manner in this and other regards.

I am pleased that this conference report contains a record $1.7 billion increase for veterans medical care added to the House bill. This additional funding will help countless veterans, many older, sicker, some nearly 100 percent dependent on the system for their health care and will mean increased access to service and improved quality of care. And, yes, we must as we pass these additional dollars reinvigorate our roles as committee members to assure that these dollars are well spent.

I rise in support of the conference report.

Mr. MOLLOHAN. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY), the distinguished ranking minority member on the full committee.

Mr. OBEY. I thank the gentleman for yielding me this time.

Mr. Speaker, as previous speakers have said, there are many things about this bill that are good. It does a lot of things for a lot of people. But I have one simple question: Is there anybody around here, either on the floor or in any other congressional office on the House side of the Capitol who really knows what is going on around here in terms of the overall spending that will result by the end of the year?

Yesterday we passed our biggest bill. That bill accounts for about half of all discretionary spending in the budget. That bill was $9 billion over the President's request. The defense bill.

Now we have a bill that is either the second or the third largest appropriations bill, and I think we ought to take a look at its increases. Veterans medical care is $1.7 billion above the President. I think that is fine. I would like to see that more. EPA is $400 million above the President. NASA is $75 million above. Now, each of those programs in and of themselves are worthy programs, and I would like in an ideal world to be spending more on all of them. But my question is, with what we did on defense yesterday, with what we are doing on this bill, where are we going to end up? What is the plan? Indeed, is there a plan to deal with our other critical needs?

We have, I think, with the passage of this bill and a number of other bills, we are seeing Congress engage in a gigantic and repetitive shell game. We see double sets of books, we see innovative accounting, we order our own fiscal scorekeeper to simply ignore the fact that one of the bills that we passed will spend $10 billion more than his official numbers would otherwise indicate.

What will the DOD bill do to our education priorities in the country, to our health priorities, to our job training priorities, to our efforts to reduce class sizes, to our efforts to produce school modernization? The answer is, nobody knows, because everybody is playing poker without knowing what their hold card is. You can lose an awful lot of money that way.

So I would simply suggest, do whatever you want to do on this bill, there are good reasons to vote for it in and of itself, but the fact is that this House does not know what it is doing, it does not know what the end game is going to be, and certainly Members need to be aware of the fact that the appropriations bills on their present track contain over $42 billion in spending gimmicks, and, in fact, that means that, despite all of the declarations to the contrary, these budget bills are eating up virtually all of the non-Social Security surplus and are certainly at this point headed down the road to spend close to $20 billion of the Social Security surplus.

I say that simply in the interest of honest accounting, and I say that to simply urge Members once again to ask, where is this all going to wind up? The only way to work out a decent end is for this institution to sit down with the White House and have both parties represented and work out our differences so that we know what each of these bills is doing to other key national priorities that we also have an obligation to deal with.

Mr. WALSH. Mr. Speaker, I yield myself such time as I may consume.

The gentleman from Wisconsin just spoke regarding the offsets in the bill. I would remind him that when we left the House with our bill, we did not use the $4.2 billion advance appropriation that the White House used and that ultimately the Senate used. So I thought that we did it the right way. However, this is a process of compromise and negotiation, and when the House position was different than the Senate and the White House, I felt that it would be in our best interest to work with those two the way they determined their allocation.

Selfishly, it made our job a lot easier to use that offset. But the fact of the matter is that this is an accepted offset. It is scored. All of this bill is offset according to CBO and OMB. They are in agreement that the bill is offset properly. So, therefore, we are within our rules. As the gentleman knows so well, rules can be helpful and they can be a hindrance. In this case, I think the rules were helpful.

As far as the offset, the $4.2 billion advance appropriation, the White House suggested that we use that to fund section 8 vouchers. Section 8 vouchers provide housing for America's poor. So there was a real effort to try to make sure we had additional vouchers, because the program is working. The problem is when you use an advance appropriation, it puts off the problem more or less until next year. The outlay rate in the first year is very low. In the second year it is very high. It creates problems for us in the future to do things this way is the bottom line.

So what we suggested to the White House when we accepted this advance appropriation is, you folks need to sit down with us, with CBO, with the House and Senate leaders in the housing arena, authorizers and appropriators, and resolve this issue, because if we do not deal with it next year properly, this section 8 housing voucher problem could implode.

We do need to deal with this in a realistic way with real money and with a long-term plan. Everybody agrees section 8 is a good program, but we need to make sure we fund it in a proper way. I am not convinced that advance appropriations are the best way to do this, and I think the White House and the Senate would agree with that. So it will be a challenge for us, especially for the authorizers working with us to make sure that if we are going to pursue this section 8 as a viable alternative to public housing, we need to fund it properly.

Mr. Speaker, I enter into the RECORD a chart regarding the overall expenditures of the bill and the breakdown.

The document referred to follows:

H.R. 2684 - DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES, 2000

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
TITLE I						
DEPARTMENT OF VETERANS AFFAIRS						
Veterans Benefits Administration						
Compensation and pensions	21,857,058	21,568,364	21,568,364	21,568,364	21,568,364	-288,694
Readjustment benefits	1,175,000	1,469,000	1,469,000	1,469,000	1,469,000	+294,000
Veterans insurance and indemnities	46,450	28,670	28,670	28,670	28,670	-17,780
Veterans housing benefit program fund program account (indefinite)	300,266	282,342	282,342	282,342	282,342	-17,924
(Limitation on direct loans)	(300)	(300)	(300)	(300)	(300)	
Administrative expenses	159,121	156,958	156,958	156,958	156,958	-2,163
Education loan fund program account	1	1	1	1	1	
(Limitation on direct loans)	(3)	(3)	(3)	(3)	(3)	
Administrative expenses	206	214	214	214	214	+8
Vocational rehabilitation loans program account	55	57	57	57	57	+2
(Limitation on direct loans)	(2,401)	(2,531)	(2,531)	(2,531)	(2,531)	(+130)
Administrative expenses	400	415	415	415	415	+15
Native American Veteran Housing Loan Program Account	515	520	520	520	520	+5
Guaranteed Transitional Housing Loans for Homeless Veterans program account				48,250	48,250	+48,250
(Limitation on direct loans)				(100,000)	(100,000)	(+100,000)
Total, Veterans Benefits Administration	23,539,072	23,506,541	23,506,541	23,554,791	23,554,791	+15,719
Veterans Health Administration						
Medical care	16,528,000	16,671,000	18,371,000	17,771,000	18,106,000	+1,578,000
Delayed equipment obligation	778,000	635,000	635,000	635,000	900,000	+122,000
Total	17,306,000	17,306,000	19,006,000	18,406,000	19,006,000	+1,700,000
Contingent emergency funding				600,000		
(Transfer to general operating expenses)	(-27,420)			(25,930)	(-27,907)	(-487)
Medical care cost recovery collections:						
Offsetting receipts	-583,000	-608,000	-608,000	-608,000	-608,000	-25,000
Appropriations (indefinite)	583,000	608,000	608,000	608,000	608,000	+25,000
Total available	(17,889,000)	(17,914,000)	(19,614,000)	(19,014,000)	(19,614,000)	(+1,725,000)
Medical and prosthetic research	316,000	316,000	326,000	316,000	321,000	+5,000
Medical administration and miscellaneous operating expenses	63,000	61,200	61,200	60,703	59,703	-3,297
General Post Fund, National Homes:						
Loan program account (by transfer)	(7)	(7)	(7)	(7)	(7)	
(Limitation on direct loans)	(70)	(70)	(70)	(70)	(70)	
Administrative expenses (by transfer)	(54)	(54)	(54)	(54)	(54)	
General post fund (transfer out)	(-61)	(-61)	(-61)	(-61)	(-61)	
Total, Veterans Health Administration	17,685,000	17,683,200	19,393,200	19,382,703	19,386,703	+1,701,703
Departmental Administration						
General operating expenses	855,661	912,353	886,000	912,594	912,594	+56,933
Offsetting receipts	(38,960)	(36,754)	(36,754)	(36,754)	(36,754)	(-2,206)
Total, Program Level	(894,621)	(949,107)	(922,754)	(949,348)	(949,348)	(+54,727)
(Transfer from medical care)	(27,420)				(27,907)	(+487)
(Transfer from national cemetery)	(90)				(117)	(+27)
(Transfer from inspector general)	(30)				(30)	
National Cemetery Administration	92,006	97,000	97,000	97,256	97,256	+5,250
(Transfer to general operating expenses)	(-90)				(-117)	(-27)
Office of Inspector General	36,000	43,200	38,500	43,200	43,200	+7,200
(Transfer to general operating expenses)	(-30)				(-30)	
Construction, major projects	142,300	60,140	34,700	70,140	65,140	-77,160
Construction, minor projects	175,000	175,000	102,300	175,000	160,000	-15,000
Grants for construction of State extended care facilities	90,000	40,000	87,000	90,000	90,000	
Grants for the construction of State veterans cemeteries	10,000	11,000	11,000	25,000	25,000	+15,000
Capital asset fund		10,000				
Total, Departmental Administration	1,400,967	1,348,693	1,256,500	1,413,190	1,393,190	-7,777
Total, title I, Department of Veterans Affairs	42,625,039	42,538,434	44,156,241	44,350,684	44,334,684	+1,709,645
Appropriations	(42,625,039)	(42,538,434)	(44,156,241)	(43,750,684)	(44,334,684)	(+1,709,645)
Contingent emergency appropriations				(600,000)		
Consisting of:						
Mandatory	(23,378,774)	(23,348,376)	(23,348,376)	(23,396,626)	(23,396,626)	(+17,852)
Discretionary	(19,246,265)	(19,190,058)	(20,807,865)	(20,954,058)	(20,938,058)	(+1,691,793)

H.R. 2684 - DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES, 2000 — continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
TITLE II						
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT						
Public and Indian Housing						
Housing Certificate Fund	10,326,542	7,322,095	10,540,135	6,851,135	7,176,695	-3,149,847
(By transfer)		(183,000)	(183,000)	(183,000)	(183,000)	(+183,000)
Advance appropriation, FY 2001		4,200,000		4,200,000	4,200,000	+4,200,000
Total funding	10,326,542	11,522,095	10,540,135	11,051,135	11,376,695	+1,050,153
Housing set-asides:						
Expiring section 8 contracts	(9,600,000)	(10,640,135)	(10,540,135)	(10,855,135)	(10,834,135)	(+1,234,135)
Section 8 relocation assistance	(433,542)	(156,000)		(156,000)	(156,000)	(-277,542)
Regional opportunity counseling	(10,000)	(20,000)				(-10,000)
Welfare to work housing vouchers	(283,000)	(144,400)				(-283,000)
Contract administration		(209,000)				
Incremental vouchers		(346,560)			(346,560)	(+346,560)
Administrative fee change		(6,000)				
Voucher for disabled				(40,000)	(40,000)	(+40,000)
Subtotal	(10,326,542)	(11,522,095)	(10,540,135)	(11,051,135)	(11,376,695)	(+1,050,153)
Rescission of unobligated balances:						
Section 8 recaptures (rescission)	-2,000,000				-1,300,000	+700,000
Section 8 carryover and Tenant Protection (rescission)					-943,000	-943,000
Subtotal	-2,000,000				-2,243,000	-243,000
Public housing capital fund	3,000,000	2,555,000	2,555,000	2,555,000	2,900,000	-100,000
Public housing operating fund	2,818,000	3,003,000	2,818,000	2,900,000	3,138,000	+320,000
Subtotal	5,818,000	5,558,000	5,373,000	5,455,000	6,038,000	+220,000
Drug elimination grants for low-income housing	310,000	310,000	290,000	310,000	310,000	
Revitalization of severely distressed public housing (HOPE VI)	625,000	625,000	575,000	500,000	575,000	-50,000
Native American housing block grants	620,000	620,000	620,000	620,000	620,000	
Indian housing loan guarantee fund program account	6,000	6,000	6,000	6,000	6,000	
(Limitation on guaranteed loans)	(68,881)	(71,956)	(71,956)	(71,956)	(71,956)	(+3,075)
Total, Public and Indian Housing	15,705,542	18,641,095	17,404,135	17,942,135	16,682,695	+977,153
Community Planning and Development						
Housing opportunities for persons with AIDS	215,000	240,000	225,000	232,000	232,000	+17,000
Additional provisions - Division A, P.L. 105-277	10,000					-10,000
Rural housing and economic development	25,000	20,000		25,000	25,000	
America's private investment companies program:						
(Limitation on guaranteed loans)		(1,000,000)			(541,000)	(+541,000)
Credit subsidy		37,000			20,000	+20,000
Regional empowerment zone initiative		50,000				
Urban empowerment zones					55,000	+55,000
Rural empowerment zones					15,000	+15,000
Empowerment Zones and Enterprise Communities:						
Additional provisions - Division A, P.L. 105-277	45,000					-45,000
Subtotal	45,000	50,000			70,000	+25,000
Community development block grants	4,750,000	4,775,000	4,500,200	4,800,000	4,800,000	+50,000
Emergency funding	20,000					-20,000
Section 108 loan guarantees:						
(Limitation on guaranteed loans)	(1,261,000)	(1,261,000)	(1,087,000)	(1,261,000)	(1,261,000)	
Credit subsidy	29,000	29,000	25,000	29,000	29,000	
Administrative expenses	1,000	1,000	1,000	1,000	1,000	
Brownfields redevelopment	25,000	50,000	20,000	25,000	25,000	
Regional connections		50,000				
Redevelopment of abandoned buildings initiative		50,000				
HOME investment partnerships program	1,600,000	1,610,000	1,580,000	1,600,000	1,600,000	
Homeless assistance grants	975,000	1,020,000	970,000	1,020,000	1,020,000	+45,000
Homeless assistance demonstration project		5,000				
Total, Community planning and development	7,695,000	7,937,000	7,321,200	7,732,000	7,822,000	+127,000
Housing Programs						
Housing for special populations	854,000	854,000	854,000	911,000	911,000	+57,000
Housing for the elderly	(660,000)	(660,000)	(660,000)	(710,000)	(710,000)	(+50,000)
Housing for the disabled	(194,000)	(194,000)	(194,000)	(201,000)	(201,000)	(+7,000)

H.R. 2684 - DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES, 2000 — continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
Federal Housing Administration						
FHA - Mutual mortgage insurance program account:						
(Limitation on guaranteed loans)	(140,000,000)	(120,000,000)	(140,000,000)	(120,000,000)	(140,000,000)	....
(Limitation on direct loans)	(100,000)	(50,000)	(50,000)	(100,000)	(100,000)	....
Administrative expenses	328,888	330,888	328,888	330,888	330,888	+2,000
Offsetting receipts	-529,000	....	....	....	....	+529,000
Administrative contract expenses	....	160,000	....	160,000	160,000	+160,000
Additional contract expenses	....	4,000	....	4,000	4,000	+4,000
FHA - General and special risk program account:						
(Limitation on guaranteed loans)	(18,100,000)	(18,100,000)	(18,100,000)	(18,100,000)	(18,100,000)	....
(Limitation on direct loans)	(50,000)	(50,000)	(50,000)	(50,000)	(50,000)	....
Administrative expenses	211,455	64,000	64,000	64,000	64,000	-147,455
Administrative expenses (unobligated balances)	....	(147,000)	(147,000)	(147,000)	(147,000)	(+147,000)
Negative subsidy	-125,000	-75,000	-75,000	-75,000	-75,000	+50,000
Subsidy	81,000	....	....	....	....	-81,000
Subsidy (unobligated balances)	....	(153,000)	(153,000)	(153,000)	(153,000)	(+153,000)
Non-overhead administrative expenses	....	144,000	....	144,000	144,000	+144,000
Additional contract expenses	....	7,000	....	7,000	7,000	+7,000
Total, Federal Housing Administration	-32,657	634,888	317,888	634,888	634,888	+667,545
Government National Mortgage Association						
Guarantees of mortgage-backed securities loan guarantee program account:						
(Limitation on guaranteed loans)	(200,000,000)	(200,000,000)	(200,000,000)	(200,000,000)	(200,000,000)	....
Administrative expenses	9,383	15,383	9,383	15,383	9,383	....
Offsetting receipts	-370,000	-422,000	-422,000	-422,000	-422,000	-52,000
Policy Development and Research						
Research and technology	47,500	50,000	42,500	35,000	45,000	-2,500
Fair Housing and Equal Opportunity						
Fair housing activities	40,000	47,000	37,500	40,000	44,000	+4,000
Office of Lead Hazard Control						
Lead hazard reduction	80,000	80,000	70,000	80,000	80,000	....
Management and Administration						
Salaries and expenses	456,843	502,000	456,843	457,093	477,000	+20,157
(By transfer, limitation on FHA corporate funds)	(518,000)	(518,000)	(518,000)	(518,000)	(518,000)	....
(By transfer, GNMA)	(9,383)	(9,383)	(9,383)	(9,383)	(9,383)	....
(By transfer, Community Planning & Development)	(1,000)	(1,000)	(1,000)	(1,000)	(1,000)	....
(By transfer, Title VI)	(200)	(150)	(150)	(150)	(150)	(-50)
(By transfer, Indian Housing)	(400)	(200)	(200)	(200)	(200)	(-200)
Total, Salaries and expenses	(985,826)	(1,030,733)	(985,576)	(985,826)	(1,005,733)	(+19,907)
Y2K conversion (emergency funding)	12,200	....	....	....	....	-12,200
Office of Inspector General	49,567	38,000	40,000	63,567	50,657	+1,090
(By transfer, limitation on FHA corporate funds)	(22,343)	(22,343)	(22,343)	(22,343)	(22,343)	....
(By transfer from Drug Elimination Grants)	(10,000)	(10,000)	(10,000)	(10,000)	(10,000)	....
Total, Office of Inspector General	(81,910)	(70,343)	(72,343)	(95,910)	(83,000)	(+1,090)
Office of Federal Housing Enterprise Oversight	16,000	19,493	19,493	19,493	19,493	+3,493
Offsetting receipts	-16,000	-19,493	-19,493	-19,493	-19,493	-3,493
Administrative Provisions						
Single Family Property Disposition	-400,000	....	....	....	....	+400,000
Sec. 212, calculation of downpayment	15,000	....	....	....	....	-15,000
FHA increase in loan amounts	-83,000	....	....	....	....	+83,000
GSE user fee	....	-10,000	....	....	....	....
Sec. 208 FHA	....	-319,000	....	-319,000	-319,000	-319,000
Annual contribution (transfer out)	....	(-79,000)	(-79,000)	(-79,000)	(-79,000)	(-79,000)
Annual contributions (transfer out)	....	(-104,000)	(-104,000)	(-104,000)	(-104,000)	(-104,000)
Sec. 212 Rescissions	....	....	-74,400	....	-74,400	-74,400
Sec. 213 National Cities in Schools	....	....	5,000	....	5,000	+5,000
Sec. 214 Moving to Work	....	....	5,000	....	5,000	+5,000
Total, administrative provisions	-468,000	-329,000	-64,400	-319,000	-383,400	+84,600
Total, title II, Department of Housing and Urban Development (net)	24,079,378	28,048,366	26,067,049	27,170,066	25,951,223	+1,871,845
Current year, FY 2000 (net)	(24,079,378)	(23,848,366)	(26,067,049)	(22,970,066)	(21,751,223)	(-2,328,155)
Appropriations	(26,047,178)	(23,848,366)	(26,141,449)	(22,970,066)	(24,068,623)	(-1,978,555)
Rescissions	(-2,000,000)	....	(-74,400)	....	(-2,317,400)	(-317,400)
Emergency appropriations	(32,200)	....	....	....	....	(-32,200)
Advance appropriation, FY 2001	....	(4,200,000)	....	(4,200,000)	(4,200,000)	(+4,200,000)

H.R. 2684 - DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES, 2000 — continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
TITLE III						
INDEPENDENT AGENCIES						
American Battle Monuments Commission						
Salaries and expenses	26,431	28,467	28,467	28,467	28,467	+2,036
Chemical Safety and Hazard Investigation Board						
Salaries and expenses	6,500	7,500	7,000	6,500	8,000	+1,500
Department of the Treasury						
Community Development Financial Institutions						
Community development financial institutions fund program account	80,000	110,000	70,000	80,000	95,000	+15,000
Microenterprise technical assistance		15,000				
Additional provisions - Division A, P.L. 105-277	15,000					-15,000
Total	95,000	125,000	70,000	80,000	95,000	
Consumer Product Safety Commission						
Salaries and expenses	47,000	50,500	47,000	49,500	49,000	+2,000
Corporation for National and Community Service						
National and community service programs operating expenses	425,500	545,500		423,500	434,500	+9,000
Additional provisions - Division A, P.L. 105-277	10,000					-10,000
Rescission				-80,000	-80,000	-80,000
Office of Inspector General	3,000	3,000	3,000	5,000	4,000	+1,000
Total	438,500	548,500	3,000	348,500	358,500	-80,000
United States Court of Appeals for Veterans Claims						
Salaries and expenses	10,195	11,450	11,450	11,450	11,450	+1,255
Department of Defense - Civil						
Cemeterial Expenses, Army						
Salaries and expenses	11,666	12,473	12,473	12,473	12,473	+807
Environmental Protection Agency						
Science and Technology	650,000	642,483	645,000	642,483	645,000	-5,000
Transfer from Hazardous Substance Superfund	40,000	37,271	35,000	38,000	38,000	-2,000
Additional provisions - Division A, P.L. 105-277	10,000					-10,000
Subtotal, Science and Technology	700,000	679,754	680,000	680,483	683,000	-17,000
Environmental Programs and Management	1,848,000	2,046,993	1,850,000	1,897,000	1,900,000	+52,000
Transfer to STAG (P.L. 106-31)	-1,300					+1,300
Subtotal, EPM	1,846,700	2,046,993	1,850,000	1,897,000	1,900,000	+53,300
Office of Inspector General	31,154	29,409	25,000	32,409	32,409	+1,255
Transfer from Hazardous Substance Superfund	12,237	10,753	11,000	10,753	11,000	-1,237
Subtotal, OIG	43,391	40,162	36,000	43,162	43,409	+18
Buildings and facilities	56,948	62,630	62,600	25,930	62,600	+5,652
Hazardous Substance Superfund	1,400,000	1,500,000	1,450,000	1,300,000	1,300,000	-100,000
Delay of obligation	100,000			100,000	100,000	
Transfer to Office of Inspector General	-12,237	-10,753	-11,000	-10,753	-11,000	+1,237
Transfer to Science and Technology	-40,000	-37,271	-35,000	-38,000	-38,000	+2,000
Subtotal, Hazardous Substance Superfund	1,447,763	1,451,976	1,404,000	1,351,247	1,351,000	-96,763
Leaking Underground Storage Tank Program	72,500	71,556	60,000	71,556	70,000	-2,500
Oil spill response	15,000	15,618	15,000	15,000	15,000	
State and Tribal Assistance Grants	2,506,750	1,953,000	2,315,000	2,355,000	2,581,650	+74,900
Categorical grants	880,000	884,957	884,957	895,000	885,000	+5,000
Additional provisions - Division A, P.L. 105-277	20,000					-20,000
Transfer from EMP (P.L. 106-31)	1,300					-1,300
Subtotal, STAG	3,408,050	2,837,957	3,199,957	3,250,000	3,466,650	+58,600
Montreal Protocol across-the-board reduction				-12,000		
Total, EPA	7,590,352	7,206,646	7,307,557	7,322,378	7,591,659	+1,307
Executive Office of the President						
Office of Science and Technology Policy	5,026	5,201	5,108	5,201	5,108	+82
Council on Environmental Quality and Office of Environmental Quality	2,675	3,020	2,827	2,675	2,827	+152
Total	7,701	8,221	7,935	7,876	7,935	+234

H.R. 2684 - DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES, 2000 — continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
Federal Deposit Insurance Corporation						
Office of Inspector General (transfer)	(34,666)	(33,666)	(33,666)	(34,666)	(33,666)	(-1,000)
Federal Emergency Management Agency						
Disaster relief	307,745	300,000	300,000	300,000	300,000	-7,745
(Transfer out)		(-2,900)	(-3,000)	(-2,900)	(-2,900)	(-2,900)
Emergency funding	2,036,000	2,480,425			2,480,425	+444,425
Pre-disaster mitigation		30,000				
(Transfer out)		(-2,600)				
Disaster assistance direct loan program account:						
State share loan	1,355	1,295	1,295	1,295	1,295	-60
(Limitation on direct loans)	(25,000)	(25,000)	(25,000)	(25,000)	(25,000)	
Administrative expenses	440	420	420	420	420	-20
Y2K local government and loan program (contingent emergency appropriations)				100,000		
Funds appropriated to the President (Y2K) (rescission)				-100,000		
Salaries and expenses	171,138	189,720	177,720	180,000	180,000	+8,862
Y2K conversion (emergency funding)	3,641					-3,641
Office of Inspector General	5,400	8,015	6,515	8,015	8,015	+2,615
Emergency management planning and assistance	240,824	250,850	280,787	255,850	267,000	+26,176
(By transfer)		(5,400)	(3,000)	(2,900)	(2,900)	(+2,900)
Y2K conversion (emergency funding)	3,711					-3,711
Radiological emergency preparedness fund	12,849					-12,849
Collection of fees	-12,849					+12,849
new language		-1,000	-1,000	-1,000	-1,000	-1,000
Emergency food and shelter program	100,000	125,000	110,000	110,000	110,000	+10,000
Flood map modernization fund		5,000	5,000		5,000	+5,000
National insurance development fund		(3,730)	(3,730)	(3,730)	(3,730)	(+3,730)
National Flood Insurance Fund (limitation on administrative expenses):						
Salaries and expenses	(22,685)	(24,131)	(24,333)	(24,333)	(24,333)	(+1,648)
Flood mitigation	(78,464)	(78,912)	(78,710)	(78,710)	(78,710)	(+246)
(Transfer out)		(-20,000)	(-20,000)	(-20,000)	(-20,000)	(-20,000)
National flood mitigation fund		12,000				
(By transfer)		(20,000)	(20,000)	(20,000)	(20,000)	(+20,000)
Total, Federal Emergency Management Agency	2,870,254	3,401,725	880,737	854,580	3,351,155	+480,901
Appropriations	(826,902)	(921,300)	(880,737)	(854,580)	(870,730)	(+43,828)
Emergency funding	(2,043,352)	(2,480,425)			(2,480,425)	(+437,073)
General Services Administration						
Consumer Information Center Fund	2,619	2,622	2,622	2,622	2,622	+3
National Aeronautics and Space Administration						
Human space flight	5,480,000	5,638,000	5,388,000		5,510,900	+30,900
International Space Station				2,482,700		
Launch vehicles and payload operation				3,156,000		
Subtotal	5,480,000	5,638,000	5,388,000	5,638,700	5,510,900	+30,900
Science, aeronautics and technology	5,653,900	5,424,700	4,975,700	5,424,700	5,606,700	-47,200
Mission support	2,511,100	2,494,900	2,269,300	2,495,000	2,515,100	+4,000
Office of Inspector General	20,000	20,800	20,800	20,000	20,000	
Total, NASA	13,665,000	13,578,400	12,653,800	13,578,400	13,652,700	-12,300
National Credit Union Administration						
Central liquidity facility:						
(Limitation on direct loans)	(600,000)	(600,000)				(-600,000)
(Limitation on administrative expenses, corporate funds)	(176)	(257)	(257)	(257)	(257)	(+81)
Revolving loan program	2,000		1,000		1,000	-1,000
National Science Foundation						
Research and related activities	2,770,000	3,004,000	2,768,500	3,007,300	2,966,000	+196,000
Major research equipment	90,000	85,000	56,500	70,000	95,000	+5,000
Education and human resources	662,000	678,000	660,000	688,600	696,600	+34,600
Salaries and expenses	144,000	149,000	146,500	150,000	149,000	+5,000
Office of Inspector General	5,200	5,450	5,325	5,550	5,450	+250
Total, NSF	3,671,200	3,921,450	3,636,825	3,921,450	3,912,050	+240,850
Neighborhood Reinvestment Corporation						
Payment to the Neighborhood Reinvestment Corporation	90,000	90,000	80,000	60,000	75,000	-15,000

H.R. 2684 - DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES, 2000 — continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
Selective Service System						
Salaries and expenses	24,176	25,250	7,000	25,250	24,000	-176
Y2K conversion (emergency funding)	250					-250
Total	24,426	25,250	7,000	25,250	24,000	-426
Total, title III, Independent agencies	28,558,844	29,016,204	24,756,866	26,307,446	29,181,011	+622,167
Appropriations	(26,515,242)	(26,535,779)	(24,756,866)	(26,307,446)	(26,700,586)	(+185,344)
Rescission				(-80,000)	(-80,000)	(-80,000)
Emergency funding	(2,043,602)	(2,480,425)			(2,480,425)	(+436,823)
TITLE IV - GENERAL PROVISIONS						
Tennessee Valley Authority Borrowing Authority			-3,000,000			
TITLE V						
H.R. 202 - Preservation of Affordable Housing					-14,000	-14,000
Grand total (net)	95,263,261	99,603,004	91,980,156	97,828,196	99,452,918	+4,189,657
Current year, FY 2000 (net)	(95,263,261)	(95,403,004)	(91,980,156)	(93,628,196)	(95,252,918)	(-10,343)
Appropriations	(95,187,459)	(92,922,579)	(92,054,556)	(93,108,196)	(95,169,893)	(-17,566)
Rescissions	(-2,000,000)		(-74,400)	(-160,000)	(-2,477,400)	(-477,400)
Emergency funding	(2,075,802)	(2,480,425)			(2,480,425)	(+404,623)
Advance appropriation, FY 2001		(4,200,000)		(4,200,000)	(4,200,000)	(+4,200,000)
(By transfer)	(34,727)	(236,727)	(236,727)	(263,657)	(236,727)	(+202,000)
(Transfer out)	(-61)	(-203,161)	(-203,061)	(-203,061)	(-203,061)	(-203,000)
(Limitation on administrative expenses)	(101,149)	(103,043)	(103,043)	(103,043)	(103,043)	(+1,894)
(Limitation on direct loans)	(846,655)	(799,860)	(199,860)	(349,860)	(349,860)	(-496,795)
(Limitation on guaranteed loans)	(359,361,000)	(340,361,000)	(359,187,000)	(339,361,000)	(359,902,000)	(+541,000)
(Limitation on corporate funds)	(561,502)	(561,333)	(561,333)	(561,333)	(561,333)	(-169)
Total amounts in this bill	95,263,261	99,603,004	91,980,156	97,828,196	99,452,918	+4,189,657
Scorekeeping adjustments	-3,145,802	-6,290,000	-2,090,000	-6,290,000	-6,290,000	-3,144,198
Total mandatory and discretionary	92,117,459	93,313,004	89,890,156	91,538,196	93,162,918	+1,045,459
Mandatory	22,312,774	21,258,376	21,258,376	21,306,626	21,306,626	-1,006,148
Discretionary	69,804,685	72,054,628	68,631,780	70,231,570	71,856,292	+2,051,607

Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for yielding me this time. I rise in support of the conference report. Though I voted against the original VA-HUD bill as it left this House, I tend to support this conference report. My concern at that time was that, though the original bill had good funding for veterans care, it significantly underfunded the NASA account. I am very pleased to see that the NASA funding problem was corrected in this bill. I want to commend the gentleman from West Virginia and the gentleman from New York for their very, very hard work. They had a very, very difficult job. I really want to commend all the members of the conference committee on both sides of the aisle. I believe that this is a bill that Democrats and Republicans on both sides should be able to support.

Mr. MOLLOHAN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Mrs. MEEK), a very effective, hardworking member of the subcommittee.

Mrs. MEEK of Florida. Mr. Speaker, I rise in strong support of the conference report. I urge my colleagues to vote for this report. I do not think that anyone realizes the amount of cooperation and coordinated effort that was put into this between our ranking member and our chairperson and the hardworking staff and the members. I think there is sort of an attunement among the members of the VA-HUD committee. I think we work very well together for a common goal. There is a commitment there, there is expertise there, and this process was one that was apparent to all of us, that in the end it would create a very good result.

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I am particularly happy about the housing part of the bill. Of course there are other parts of it that I take great pride in also, but I want to applaud what we did for veterans, what we did for NASA, what we did for EPA; but I am particularly proud of what the committee did for housing in that people I represent have a very dire need for better housing, and this conference report took this into consideration and provided considerably new support for affordable housing and to create better housing for low-income Americans. We know what the situation is in this country with rent, and this committee addressed that; and I want to applaud them and to ask my colleagues to please support this. It is worthy of their consideration.

Mr. WALSH. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Mr. Speaker, I thank the gentleman for yielding this time to me. Let me first comment briefly on the comments of the gentleman from Wisconsin (Mr. OBEY). I was disappointed that he came in and basically rained on the parade here, because frankly I think everyone in this Chamber and everyone in the House is very pleased with this bill and with the result that the chairman, the gentleman from New York (Mr. WALSH), and the ranking member have achieved. I am personally very pleased with it.

Furthermore, on the issue of Social Security and dipping into Social Security, I hope we do not dip into Social Security this year, but even if we would have to dip into it slightly, as the gentleman from Wisconsin observed, I would just point out that during the last year that he controlled the Committee on Appropriations the dip into Social Security was well over $60 billion, the entire amount available.

Now let me get to the main point that I wanted to make, and that is to thank the chairman, the gentleman from New York (Mr. WALSH), and the ranking member, the gentleman from West Virginia (Mr. MOLLOHAN), for their work on this bill.

I was responsible for circulating a letter which was signed by over 80 House Members and sent to the chairman of the Committee on Appropriations urgently requesting that the National Science Foundation budget be increased above the House figures as they came out of this chamber. I am very pleased that Chairman Walsh was able to accomplish that. In fact, he did yeoman's work on the entire budget, but particularly on the budget of the National Science Foundation. Furthermore, what he has done on environmental issues is also very worthy, and I certainly appreciate it. I thank him and the rest of the members of the committee for their fine work on this bill.

I urge that we adopt the conference report.

Mr. MOLLOHAN. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama (Mr. CRAMER), another hardworking member of our subcommittee and a very effective one.

Mr. CRAMER. Mr. Speaker, I thank the ranking member for yielding this time to me.

Mr. Speaker, I rise today in strong and enthusiastic support of the VA-HUD and independent agencies' conference report. I will echo some of the comments that have been made already particularly by my colleague, the gentleman from Florida (Mr. WELDON), a few minutes ago. As the gentleman from New York (Mr. WALSH) knows and the gentleman from West Virginia (Mr. MOLLOHAN) knows, I represent the Marshall Space Flight Center and NASA Center back in Alabama. That first mark that we endured was quite a hit on NASA.

I appreciate the gentleman from New York's work; I appreciate the gentleman from West Virginia's work to make sure that we restored that cut. We would do it, and we, in fact, did do it; but, as has been said, this does not just happen. It is because of the determination of the chairman, the determination of the ranking member that issues like this can be brought back to the table and kept alive. So I thank them very much on behalf of the NASA employees that I represent, as well as the staff of the subcommittee as well. I am a new member of this subcommittee. They have made the experience of working on this subcommittee very, very pleasurable.

This is a good bill, a bill that the Members should vote for. The conference report is a fair conference report. Our investment in veterans' health care issues, the emergency funds to FEMA, especially in light of the devastation brought on by Hurricane Floyd, the significant reinvestment in HUD, the re-commitment to NASA as well. All of those are reasons why this conference report should pass, and I thank my ranking member, and I thank the chairman for being so patient with some of us that were in an awkward position as we negotiated through this bill.

Mr. Speaker, I rise today in support of the VA–HUD and Independent Agencies Conference Report. In this bill we have been able to provide a substantial investment in Veteran's Health Care, provide emergency funds to FEMA to address the devastation brought on by Hurricane Floyd, and significantly invest in HUD and NASA. So this is a good bill, negotiated in a bipartisan fashion.

Mr. Speaker, I want to just take a few minutes to express my appreciation for all of the hard work that Chairman WALSH and Ranking Member MOLLOHAN have put into this bill in order to get us to this point. I also want to express my appreciation for all of the hard work of the staff over the last few weeks. Now, Mr. Speaker, I am a new Member to this subcommittee. And it was just my luck that the very year that I was able to finally come over to the subcommittee—NASA, which has Marshall Space Flight Center in my district, took a $1.4 billion dollar hit in the House subcommittee mark. Our continued investment in NASA today will inevitably pay off down the line in terms of real and tangible benefits. I am also pleased that we were able to reach agreement on some of the more sticky issues dealing with HUD's funding.

Under the conference agreement, we were able to provide funding for an additional 60,000 section 8 vouchers, increase the funding to public housing operating assistance, and provide additional funds for HUD's homeless assistance and prevention programs. In addition, the compromise reached on the Community Builders program demonstrates what invaluable resources these public servants have been to HUD's management reform process and to communities across the country. I know that negotiations around these issues were tense, so I'm glad we were able to come to a suitable compromise.

Mr. Speaker, this is a good conference report we are considering today. I urge all of my colleagues to support this bill so that it can be sent to the President and signed into law.

Mr. WALSH. Mr. Speaker, I yield 2 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I thank the gentleman for yielding the time; and I rise, Mr. Speaker, in strong support of this conference agreement, and I do want to thank wholeheartedly the gentleman from New York (Mr. WALSH), the gentleman from Alaska (Mr. YOUNG), the gentleman from West Virginia (Mr. MOLLOHAN) for their indefatigable efforts to increase two important agencies in our Nation's scientific enterprise, NASA and the National Science Foundation. I have a deep concern that the very tight budget allocations that were imposed on that House bill did not provide these agencies with adequate funding, and I am pleased that the conference report increases the House levels and restores enough funding for these agencies to sufficiently meet their critical national missions.

As my colleagues know, before this conference report there might have been a loss of about 2,500 jobs and one half of them from Maryland, Virginia and the District of Columbia region, also impacting contractors. This is Goddard Space Center, university R&D, important scientific projects. Scientific research and growth is critical to our Nation's continued economic prosperity, and I want to commend the chairman for recognizing the importance of maintaining our technological preeminence.

I also want to comment that I am pleased that the conferees have funded the housing opportunities for persons with AIDS, the HOPWA program at $232 million. This is $7 million above the fiscal year 1999 program. This program enjoys wide bipartisan support, and it is the only Federal program that provides cities and States with the resources to specifically address the housing crisis facing people with AIDS, and it is also financially solvent. It saves us money actually doing that.

I further want to applaud the conferees for including provisions of H.R. 202 to provide grants to States to preserve privately owned affordable housing servicing low-income individuals and families. Additionally, this conference provides HUD with authority to offer enhanced vouchers to elderly and disabled residents.

Finally, I want to comment on the fact that $300,000 for the Potomac River Visions Initiative is included in this conference report. This long-range project will preserve and enhance the resources of the Potomac River watershed. My colleagues, you can see that I enthusiastically support this conference report.

Mr. MOLLOHAN. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. FRANK), the distinguished authorizer.

Mr. FRANK of Massachusetts. Mr. Speaker, the chairman and ranking member are entitled to congratulations for doing a very good job in very difficult circumstances. The difficult circumstances is the unrealistically low budget allocation that they were given, and I think the job they did as well as what they left undone, not because of their own faults, but because of what they had to work with, is very important for us to focus on. What they did was to show that we can work within a given amount of resources in both a bipartisan way, and we can also overcome some of the committee jurisdictional problems that sometimes beset us.

As the ranking Democrat on the Subcommittee on Housing and Community Opportunity, I work with the chairman, the gentleman from New York (Mr. LAZIO), along with the appropriators so the language that we developed and put through the House in the authorizing area to protect existing tenants in various subsidized programs is now made part of the law and funded simultaneously, and that is very important.

We have a lot of people out there in housing and have been out there for a while who were threatened with the loss of their housing, and they can now be assured, those who are in these programs, the section 8 program and the assisted housing program, that existing tenancies will be protected, and protected not just for a year, but as long as they are around; and I think that is a very important commitment that we ought to reaffirm.

In addition, I am very pleased that they voted some new vouchers because we have an enormous housing crisis in this country. We have millions of hard-working Americans who cannot afford to live decently or can do that only by biting into other parts of their income, and it was important that we did it. But it is also important to note how much we have left undone, and I want to say I am particularly struck that so many of my Republican colleagues have come to the floor and accurately praised this bill for funding government programs.

But let us be clear of what we are talking about. We are talking about my Republican colleagues joining us and congratulating ourselves for spending government money because there is too often a kind of semantic separation, a disconnect, in which everybody is for the particulars and nobody is for the general, and let us understand this.

One cannot have a whole that is smaller than the sum of the parts; one cannot be for more housing for the elderly, for adequately funding the National Science Foundation, take credit for better veterans' health, do more for environmental protection, and simultaneously boast at how little money they are spending, and that is the dilemma we are in. We have a political and idealistic attachment to striking the whole, while we have a realistic understanding of the importance of the parts, and the time has come no longer to subject people like the gentleman from New York and the gentleman from West Virginia to the need to do contortions, jumps and loops.

Let us get a more realistic overall amount so that next year when Republicans and Democrats again come and congratulate ourselves for intelligently spending tax dollars on various important social needs, we will have done it with a lot less acrobatics.

Mr. WALSH. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Speaker, let me first thank the gentleman from West Virginia and the gentleman from New York for a bill that really speaks to the needs of Hurricane Floyd victims in North Carolina. I toured last week on behalf of this Congress, and I saw the tragedy in its worst possible case. People can look to us here in Washington, the Federal Government. Because of this bill they know we care, they know we are going to do something to help them rebuild their lives and their businesses. They know that we are aware and will move as quickly as we can to help them in their hour of need again.

I thank the gentleman from West Virginia (Mr. MOLLOHAN) and the gentleman from New York (Mr. WALSH) for their efforts. A good bill. I heartily support it.

Mr. MOLLOHAN. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, I am pleased to support the VA HUD conference agreement. I want to thank the chairman, the gentleman from New York (Mr. WALSH), and also the ranking member, the gentleman from West Virginia (Mr. MOLLOHAN), for their excellent work in dramatically improving this bill since it left this House. I also want to thank Secretary Cuomo for his tireless efforts and commitment to the housing needs of those with minimum resources in this country. As someone who represents one of the highest housing cost areas in the Oakland/San Francisco Bay area, I am especially supportive of this effort.

The conference report is really a better bill because it includes additional section 8 housing preservation and tenant protection. We are rapidly losing hard-gained section 8 housing because of high rents. This bill now allows for some rent increases to preserve such housing. It also gives additional protections to tenets by promoting housing preservation with specific mechanisms to bring in local resources to work with HUD to do everything possible to protect our existing housing stock for low income tenets.

The shocking fact of housing in this country is that there are from 5 million to over 12 million people who are in housing that is grossly substandard who have to pay over 50 percent of their income for housing. The Washington Post had an excellent story on this just 2 days ago. How we respond to such facts, to me, is a true test of our ethical and moral sense.

This bill comes a bit closer to our desperate housing needs by providing $690 million and 60,000 section 8 vouchers more than the House bill. It also better attends to the housing needs of our elderly and disabled by increasing living facilities which are assisted, service coordinators, capital repairers, elderly housing debt forgiveness and other mechanisms; and for our very important veterans it provides 1.7 billion more than fiscal 1999 and 1.8 billion more than requested by the administration.

Of course like some, I too am not pleased with the funny accounting devices; but we must see this as a cup that is half full rather than half empty. I ask my colleagues to support the conference report.

Mr. WALSH. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. ROHRABACHER), a member of the Committee on Science.

Mr. ROHRABACHER. Mr. Speaker, I rise in support of this conference committee report, and I would just like to suggest that the people who are doing the work on VA-HUD appropriations have a very tough job.

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It is, perhaps, one of the toughest assignments in Washington to try to handle the appropriations for VA-HUD, because it includes such a broad range of issues that we have to deal with and a broad range of concerns and interest groups.

I oversee the NASA budget in terms of the authorization side of the House, and I work very closely with the gentleman from New York (Mr. WALSH). And I want my colleagues to know that just the authorizing process is hard, and I know that the appropriations side of it has to be twice as hard with people putting pressure on us from all directions.

Those involved with this VA-HUD conference actually have had to deal not just with the authorizers versus the appropriators and NASA, but they have had to deal with pressures from interest groups from as wide a variety as any group in this Congress.

So I appreciate the job that they have done. I might have a few disagreements, but the fact is that they have done a good job with what they could do and especially in a time like this when there has been such maximum pressure on them from not only the different groups that need to be taken care of, but also the overall country's need to balance the budget and how to proceed with the budget restrictions that we have.

So I will be supporting this measure today, and I am very happy that we have established a good working relationship between the authorizers and the appropriators, and we will continue to try to do that in the time ahead. I ask my colleagues to join me in support of this conference report.

Mr. MOLLOHAN. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Speaker, I thank the gentleman for yielding to me. I strongly urge my colleagues to support the bill. This is a vastly improved bill over the original House bill because there are significant improvements in housing programs, NASA, EPA and veterans' medical care.

I especially want to compliment the gentleman from New York (Mr. WALSH), my friend and New York colleague, who really has done an excellent job in terms of putting this bill together and working to include everybody into this bill. Housing funding is increased $2.4 billion, raising the funding to $28.6 billion. NASA's budget increased. Veterans' medical care increased by $1.7 billion, and there is $3 million, of interest for me particularly, in the subcommittee report for renovations to the Bronx VA, the Veterans Administration, which will be working in connection with Mount Sinai School of Medicine. There is also $1 million in the subcommittee report for the Carl Sagan Center and the Children's Hospital at Montefiore Medical Center in Bronx, New York. Those are two very important programs.

So this bill is a vast improvement over the original bill. I look forward to voting for the bill today and working with the Chairman to make these projects a reality. I again want to compliment my friend, the gentleman from New York (Mr. WALSH), for the fine work that he has done.

Mr. WALSH. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Indiana (Mr. MCINTOSH).

Mr. MCINTOSH. Mr. Speaker, I want to commend my colleague from New York (Mr. WALSH) for his leadership on this VA-HUD bill, particularly for wrestling with many very difficult questions. One of them that we have taken up in my oversight subcommittee is the question of the EPA's continued effort to implement the Kyoto protocol, in spite of language that was put into the bill last year indicating that it was the intent of Congress not to use funds appropriated for that purpose.

I will report to the body and to the gentleman from New York (Mr. WALSH) that during the conference on October 6, Mr. Gary Guzy, who is the EPA's general counsel, reported and stuck by their position that they have the ability to regulate carbon dioxide, in spite of the fact that the structure of the statute, the intent of the Clean Air Act is that they do not have the authority to regulate that substance.

At this time, I would include a letter from the gentleman from Michigan (Mr. DINGELL), who is the ranking member on the Committee on Commerce and chaired the conference in 1990 when the Clean Air Act amendments were passed. His letter said, in part, "The House and Senate conferees never agreed to designate carbon dioxide as a pollutant for regulatory or other purposes."

I will include that letter at this point in the RECORD.

COMMITTEE ON COMMERCE,
Washington, DC, October 5, 1999.

Hon. DAVID M. MCINTOSH,
Chairman, Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs, Committee on Government Reform, Washington, DC.

DEAR MR. CHAIRMAN: I understand that you have asked, based on discussions between our staffs, about the disposition by the House-Senate conferees of the amendments in 1990 to the Clean Air Act (CAA) regarding greenhouse gases such as methane and carbon dioxide. In making this inquiry, you call my attention to an April 10, 1998 Environmental Protection Agency (EPA) memorandum entitled "EPA's Authority to Regulate Pollutants Emitted by Electric Power Generation Sources" and an October 12, 1998 memorandum entitled "The Authority of EPA to Regulate Carbon Dioxide Under the Clean Air Act" prepared for the National Mining Association. The latter memorandum discusses the legislative history of the 1990 amendments.

First, the House-passed bill (H.R. 3030) never included any provision regarding the regulation of any greenhouse gas, such as methane or carbon dioxide, nor did the bill address global climate change. The House, however, did include provisions aimed at implementing the Montreal Protocol on Substances that Deplete the Ozone Layer.

Second, as to the Senate version (S. 1630) of the proposed amendments, the October 12, 1998 memorandum correctly points out that the Senate did address greenhouse gas matters and global warming, along with provisions implementing the Montreal Protocol. Nevertheless, only Montreal Protocol related provisions were agreed to by the House-Senate conferees (see Conf. Rept. 101–952, Oct. 26, 1990).

However, I should point out that Public Law 101–549 of November 15, 1990, which contains the 1990 amendments to the CAA, includes some provisions, such as sections 813, 817 and 819–821, that were enacted as free-standing provisions separate from the CAA. Although the Public Law often refers to the "Clean Air Act Amendments of 1990," the Public Law does not specify that reference as the "short title" of all of the provisions included the Public Law.

One of these free-standing provisions, section 821, entitled "Information Gathering on Greenhouse Gases Contributing to Global Climate Change" appears in the United States Code as a "note" (at 42 U.S.C. 7651k). It requires regulations by the EPA to "monitor carbon dioxide emissions" from "all affected sources subject to title V" of the CAA and specifies that the emissions are to be reported to the EPA. That section does not designate carbon dioxide as a "pollutant" for any purpose.

Finally, Title IX of the Conference Report, entitled "Clean Air Research," was primarily negotiated at the time by the House and Senate Science Committees, which had no regulatory jurisdiction under House-Senate Rules. This title amended section 103 of the CAA by adding new subsections (c) through (k). New subsection (g), entitled "Pollution Prevention and Control," calls for "non-regulatory strategies and technologies for air pollution prevention." While it refers, as noted in the EPA memorandum, to carbon dioxide as a "pollutant," House and Senate conferees never agreed to designate carbon dioxide as a pollutant for regulatory or other purposes.

Based on my review of this history and my recollection of the discussions, I would have difficulty concluding that the House-Senate conferees, who rejected the Senate regulatory provisions (with the exception of the above-referenced section 821), contemplated regulating greenhouse gas emissions or addressing global warming under the Clean Air Act. Shortly after enactment of Public Law 101–549, the United Nations General Assembly established in December 1990 the Intergovernmental Negotiating Committee that ultimately led to the Framework Convention on Climate Change, which was ratified by the United States after advice and consent by the Senate. That Convention is, of course, not self-executing, and the Congress has not enacted implementing legislation authorizing EPA or any other agency to regulate greenhouse gases.

I hope that this is responsive.

With best wishes,

Sincerely,

JOHN D. DINGELL,
Ranking Member.

Mr. MCINTOSH. Mr. Speaker, the law and the legislative history is clear about this point, and there are some questions that still remain in this bill because it contains the language, which I wholly endorse, authored by the gentleman from Michigan (Mr. KNOLLENBERG) saying that EPA cannot spend funds to further implement the Kyoto protocol, but there are some unanswered questions in the legislative report whether the House intent on that or the Senate intent prevails, or, as I would hope would happen, they would both be governing on the executive branch as they spend funds from this bill.

Mr. MOLLOHAN. Mr. Speaker, I yield myself such time as I may consume.

With regard to the previous speaker's comments, I would just like to make clear that there have been efforts as the process has moved forward, both this year and last year, to effect authorizations in the clean air area on our appropriation bill. It is a particularly complicated subject, difficult for the authorizers to deal with, as is evidenced by the way it is dealt with by them, and the appropriations bill is a particularly inappropriate place to try to deal with them.

The appropriations process is an inappropriate place to deal with clean air authorizing issues; trying to impact interpretations in that area and comments as we debate a conference report is equally or more inappropriate place to deal with it. There is a difference on the Kyoto issue between the House and the Senate report. The administration has its interpretation of that.

Going back to the compromise language on Kyoto that was contained in last year's appropriation report, they would maintain that that is the interpretation that applies this year. The gentleman can add his interpretation on that and they can debate it, but I would submit that comments offered in the course of this debate on this conference report do not impact the legislative intent in any way with regard to the Kyoto issue.

Mr. WALSH. Mr. Speaker, I have no further requests for time at this time, so I will reserve the balance of my time.

Mr. MOLLOHAN. Mr. Speaker, I yield 1½ minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, I rise in strong support for the VA–HUD conference report.

When the bill was debated on this floor, I offered two amendments. One would have restored funding for HOPWA, the Housing Opportunities for People With AIDS, to the level of the fiscal year 1999 budget which was provided for in the Senate bill, but was not provided for in the House bill. The HOPWA amendment was accepted by this body.

Unfortunately, the second amendment which I offered which sought to increase funding for new Section 8 vouchers; that is, to provide funding for new Section 8 vouchers and increase the public housing operating fund was not accepted.

I am happy that reason and compassion have prevailed in the conference report. The conference report provides $347 million to fund 60,000 new Section 8 housing vouchers and to increase the public housing operating fund. Furthermore, HOPWA's funding was increased by $7 million above the Senate level. The report will go a long way in assisting people with AIDS and assisting people in finding affordable housing to make the necessary repairs they so desperately need. We have not provided new Section 8 housing vouchers for over 2 years.

The need for housing assistance remains staggering. Today, over 5 million low-income families pay more than 50 percent of their income for rent or live in severely substandard housing. Not one of these 5 million families receives any Federal housing assistance. Their needs are desperate and in this bill today, in this conference report, we have chosen to begin to address the severity of those needs; and that is progress.

So again, I urge support of the VA-HUD conference report.

Mr. MOLLOHAN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise to applaud the work of my colleagues in the House and the other body.

Two months ago, the Committee on Appropriations reported out a House spending bill that cut $1 billion from critical housing programs. This was done while our Nation faces a dire crisis in housing. In Chicago alone, 35,000 families are on the waiting list for public housing; and, across the country, over 5 million households faced worst-case housing needs. Not only were these cuts proposed in the face of great need, but they were proposed in a time of great plenty. Our economy is in the middle of its strongest run ever, and the Federal Government is reporting budget surpluses. It hardly seemed like the time to cut critical investment in housing for seniors, families, and others on low and fixed incomes.

Today, however, House and Senate conferees have improved that bill and are reporting a bill that actually increases spending for housing. There is over $400 million more than the President requested for public housing programs. Homeless assistance is increased $25 million over last year. The HOPWA program will receive $7 million more than last year. Housing for persons with disabilities will receive $5 million more than last year. Housing for our Nation's elderly will get $50 million more than last year, and the conferees funded 60,000 new rental vouchers for families to use in the private rental market.

Moreover, the conference increased spending in economic development programs. These programs allow State and local governments to encourage business and create good-paying jobs. When the housing budget was first proposed late last summer, I and other colleagues in the House and people and organizations across the country rose in outrage. We ought to have fought cutting housing when we had so much while so many people had so little. But now, I am happy to rise and applaud the final product, which has done an about-face and increases investment in people by increasing our investment in their housing and jobs.

I urge my colleagues to give a resounding vote in favor of this bill.

Mr. MOLLOHAN. Mr. Speaker, I reserve the balance of my time.

Mr. WALSH. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. KNOLLENBERG), a member of the subcommittee.

Mr. KNOLLENBERG. Mr. Speaker, I do appreciate the time. I just want to respond to the gentleman from Virginia, Mr. MOLLOHAN. He and I have had a lot of agreements; we have had some disagreements. And I notice that in his comments he made reference to language that appeared in the fiscal year 1999 report. I am here to say that we differ strongly on that; and I think as a Member of this committee, as a senior Member, that I should state that the language, the intent of both the House and the Senate should be referred to. It should be referenced, and it should not just simply be fiscal year 1999, because that language is in the ash can of history, in my judgment. We should look at fiscal year 2000.

So my belief is that it is important that I at least get that out as an additional view of this report. It does not say that we are not going to have this debate in the future, but I do believe it is clear that he and I differ. And I think I should get that report, that comment on the record.

Mr. MOLLOHAN. Mr. Speaker, I yield myself such time as I may consume. Regrettably, I feel compelled to respond to the gentleman from Michigan.

If he is trying to establish a legislative history with regard to the Kyoto language, I repeat that I think this is a poor place to do it. The facts are that there is language in the House report on that subject. The language in the Senate report differs, and there could not be any consensus drawn of the congressional intent with regard to that topic by looking at the 2000 report, the report accompanying this bill. The language in the 1999 report accompanying the VA appropriations was agreed to by both the House and the Senate.

I leave it to the lawyers, if it gets to that, to debate what actually reflects the legislative intent of the Congress on that topic. However, I would note that the Senate worked long and hard for 2 years now on this language. That language was agreed to by both bodies in last year's report. This year, there was not agreement on the Kyoto language between the House and the Senate. So that I do not think one can draw a conclusion that the Congress has spoken on that issue in unison this year.

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On the other hand, one could draw a conclusion that the last time the Congress spoke on the issue in agreement was in the 1999 report.

Not that this clarifies anything, except to suggest that I would not agree with the gentleman that the language coming out of the report accompanying this year's bill would determine legislative intent in any way on this topic.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. WALSH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just take one second, once again, to thank my colleague, the gentleman from West Virginia (Mr. MOLLOHAN), for his cooperation on this bill. I have enjoyed working with the gentleman.

Mr. MOLLOHAN. Mr. Speaker, will the gentleman yield?

Mr. WALSH. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Speaker, I would like to conclude with similar expressions of appreciation for his many courtesies during this process, and for his allowing the minority all along the process to participate in a very meaningful way in bringing this bill to the floor.

Again, I repeat that it is a testament to his skill and legislative leadership that we are bringing this kind of a bill to the floor in a very bipartisan way in a year in which it is terribly difficult to do that.

If the chairman would allow me to express appreciation to members on the minority side of the subcommittee, to the gentlewoman from Ohio (Ms. KAPTUR), the gentlewoman from Florida (Mrs. MEEK), the gentleman from North Carolina (Mr. PRICE), and the gentleman from Alabama (Mr. CRAMER), they were all very hardworking members on the subcommittee throughout the year to bring this bill where we are today.

I very much appreciate their efforts in working with them, as well as the chairman and the majority members.

Mr. SAWYER. Mr. Speaker, I note that the statement of the managers in the VA–HUD FY 2000 Conference Report directs HUD to honor its prior agreements for Section 8 projects which already have gone through one of the Reengineering Demonstration Programs and entered into a HUD use agreement providing for budget-based rents. This direction was inserted in the conference report to ensure that the limited number of such projects which did not also have their mortgages restructured at the time, would not now have to go through a mortgage restructuring—which can only be done at significant cost and expense to the project and to the government.

One such project, Canal Park Tower, is located in my district in downtown Akron, Ohio, where it provides more than 190 efficiency units for the elderly and disabled. Canal Park Tower provides on-site congregate meals and support services for the project's residents. Canal Park Tower is an important element in Akron's effort to meet the needs of its low-income elderly and disabled.

Last Year, after receiving a Section 8 commitment from HUD, the owner entered into a use agreement with HUD under which the project's rents were reset on a budget basis instead of being restructured. Under the use agreement, the owner was required to continue to accept Section 8 assistance and to continue to provide low-income housing for a 20-year period. The owner had earlier made a different proposal to HUD which involved mortgage restructuring. In the end, HUD determined the project inappropriate for mortgage restructuring. At HUD's insistence, the project went forward with budget-based rents.

The Managers recognized that it would be unfair at this late date to force the owner to go through a mortgage restructuring. In doing so, the managers have resolved a nagging issue that has worried residents and low-income housing advocates throughout Akron. I am sure I am not alone in commending them for their attention to this narrow issue.

Mr. CAPUANO. Mr. Speaker, I rise in support of the FY 2000 VA–HUD and Independent Agencies Appropriations Conference Report. My colleagues have worked hard to craft a bill that a majority of us can support, and I applaud their efforts. The conference report provides vital funding to help address our nation's housing needs, fund science and technology research, and keep our commitment to our veterans.

Although the bill does not fund all of our housing priorities, it does take a significant step towards helping low- and moderate-income Americans afford a safe place to live by providing 60,000 new Section 8 vouchers to help families with worst-case housing needs. The bill also provides substantial increases in support for public housing programs, homeless assistance, housing for persons living with AIDS, senior housing, and programs for disabled citizens.

The conference report also includes funding for economic development projects in our cities and towns. The Community Development Block Grants, HOME, and Brownfields Redevelopment programs all received additional funding in this bill.

In addition, the bill provides $70 million for the Urban and Rural Empowerment Zones. While this is substantially less than these communities were promised, I will continue to work with my colleagues to secure full funding for this important initiative next year.

With respect to Veterans Affairs, the conference report provides $44.3 billion for the programs and benefits administered by the Department of Veterans. This represents a four percent, or $1.7 billion, increase above Fiscal Year 1999 levels. Of the amounts provided in the conference report, $19.6 billion is for veterans medical care, $21.6 billion is for compensation benefits for veterans who suffer from service connected disabilities, $65 million is provided for construction and renovation on VA facilities, and $48 million is provided for transitional housing for the thousands of homeless veterans across the country.

Additonally, the conference report proclaims success for the future of cutting edge science and technology. NASA will receive $13.7 billion in Fiscal Year 2000. This is an eight percent increase from the original numbers previously proposed in the House of Representatives.

Through civilian space flight, exploration, scientific advancement, and the development of next-generation technologies, NASA has successfully ensured U.S. leadership in world aviation and space exploration. Clearly this bill represents a victory for the United States and its future in space exploration. While I regret that the International Space Station will only be funded at $2.3 billion, I am pleased that NASA has been given the resources to continue its mission to conduct space and aeronautical research, development, and flight activities to maintain U.S. superiority in aeronautics and space exploration. I look forward to promoting space endeavors in the future.

Along with NASA, the National Science Foundation (NSF) also was granted an eight percent increase over the original H.R. 2684 levels. With the $3.9 billion appropriated, NSF can continue to support basic and applied research, science and technology policy research, and science and engineering education programs. This bill provides $697 million for NSF to continue its math and science education initiatives.

Through grants, contracts, and cooperative agreements, NSF supports fundamental and applied research in all major scientific and engineering disciplines. NSF funding is a key investment in the future of advanced technologies and reaffirms America's strong and longstanding leadership in scientific research and education.

As a result of these long-awaited and anxiously anticipated increases in funding of critical programs that are key to our nation's well-being and future success, I am pleased to support this bill.

Mr. CRANE. Mr. Speaker, I rise today on the floor of the House of Representatives to speak in strong support of funding increases for the Department of Veterans Affairs. Last month I was proud to support the passage of H.R. 2684, the FY 2000 Veterans Affairs/Housing and Urban Development and Related Agencies (VA/HUD) Appropriations Act. The bill contained $1.7 billion more than FY 1999 and $1.8 billion more than the President's request for FY 2000 VA Appropriations.

The Veterans Integrated Services Network 12 (VISN 12) conducted a study and reported six options to save money within the VISN. Of the six options, only one would not move services from the North Chicago VA to other VA hospitals within the VISN, or completely close the North Chicago hospital. This option study was delivered to my office the day after the House passed its version of H.R. 2684, thus preventing any legislative action by the House, which could prevent any reorganization or closure within VISN 12.

Today, I was pleased to read the Conference Report containing strong language to include veterans groups, medical schools having an affiliation with a VA hospital, employee representatives, and any other interested parties as stakeholders to be consulted by the Department of Veterans Affairs before any reorganization within VISN 12 occurs. Although, the VA hospital in North Chicago only borders my district, a large number of veterans from my district use the North Chicago hospital for treatment. Many of the veterans from the northeastern part of the state seek medical treatment at North Chicago, because the only other option is to travel a minimum of an hour either north to Milwaukee or south to Chicago.

Unfortunately, the Conference Report to H.R. 2684 increases spending $7.5 billion over the House-passed version, but does not provide additional funding for VA programs. However, the Conference Report does spend more money on programs like NASA, $13.7 billion, $999 million more than the House approved initially, $7.5 billion for EPA, an increase of $284 million over the House version and, $438.5 million for AmeriCorps, which the House version eliminated. Finally, the Conference Report restores a $3 billion reduction to the Tennessee Valley Authority's (TVA) borrowing authority just to name a few increases.

I am very supportive of our veterans in Illinois, but because of these increases in spending noted, I am unable to vote in favor of the Conference Report to H.R. 2684.

Mr. LEACH. Mr. Speaker, I rise today in support of the Conference Report to H.R. 2684, the "FY 2000 VA, HUD and Independent Agencies Appropriations Act." Let me commend the Chairman of the Appropriations Subcommittee, Mr. WALSH, and the Ranking Member, Mr. MOLLOHAN, for their tremendous work in completing one of the most complex and jurisdictionally-diverse funding bills before Congress.

Mr. Speaker, I am particularly proud of provisions that are included in the bill before us under title V, entitled "Preserving Affordable Housing for Seniors and Families into the 21st Century." This legislation is the product of months of work among Republicans and Democrats in both bodies and the Administration to deal with one of the most pressing social needs in recent years—the need for safe, secure, affordable housing.

Our proposal addresses the so-called Section 8 "opt-out" problem where hundreds of thousand of affordable housing units would have been at risk of being lost over the next several years as rental assistance contracts with the Federal Government expire in increasing numbers. Our legislation protects seniors, individuals with disabilities and low-income families living in assisted housing from displacement in opt-out circumstances, and encourages the preservation of the housing as affordable where possible. "Preserving Affordable Housing for Seniors and Families into the 21st Century" passed the House freestanding on September 27, 1999, by an overwhelming vote of 405 to five.

Mr. Speaker, the legislation before the House today is one of the most important housing bills in recent years, and would affect the lives of millions of low-income families across the country. The loss of affordable housing in my home state of Iowa first generated national attention to the critical nature of the problem. More than 15,000 families in Iowa, and more than 500,000 across the country would potentially be at risk of losing their homes if we do not act.

Without the cooperation and assistance of Members from both sides of the aisle as well as the Administration we could not be here today. Under the leadership of Secretary Andrew Cuomo, the U.S. Department of Housing and Urban Development has been a key player throughout the entire process in our efforts to protect vulnerable families from displacement and to preserve affordable housing. Our work together on this legislation is one of the most significant efforts of truly bipartisan cooperation of the 106th Congress.

Above all, let me recognize the Chairman of the Housing Subcommittee and author of the bill, Mr. LAZIO, for his leadership and tireless dedication to provide affordable housing and community development opportunities to those least able to provide for themselves.

Mr. LAZIO. Mr. Speaker, H.R. 2684, this year's VA, HUD and Independent Agencies Appropriations Act, is truly the culmination of bipartisan efforts to meet the critical shelter needs of many of our most vulnerable citizens. I want to commend my friend and fellow New Yorker, JIM WALSH, the Chairman of the VA/HUD and Independent Agencies Appropriations Subcommittee, for producing a bill of which all of us in the House and Senate can be proud. I also want to thank Mr. WALSH for working closely with me to ensure that certain provisions from housing authorization bills that I have sponsored and supported are included in this bill.

Let me briefly explain some of these provisions, which compose Title V of H.R. 2684. This portion of the bill contains many original provisions from H.R. 202, the "Preserving Affordable Housing for Senior Citizens and Families into the 21st Century Act" a bill Chairman LEACH and I introduced this year. Also contained in this appropriations bill are provisions from H.R. 1336, the "Emergency Residents Protection Act," which was introduced by Chairman LEACH, Rep. Jim WALSH, and myself earlier this year. There are also parts of H.R. 1624, the "Elderly Housing Quality Improvement Act", introduced by Mr. LAFALCE, Ranking Member of the Banking Committee.

These various authorization bills have been the subjects of numerous Committee hearings during the 106th Congress. Majority and Minority Committee staff worked, along with the Administration, for the last several months to develop a bipartisan consensus product supported by the Committee Republican and Democratic leadership, and which combined the best ideas from these various pieces of legislation into a new H.R. 202. The Banking Committee reported out the resulting legislation by unanimous vote. H.R. 202 passed the House under suspension of the rules on September 27th by a vote of 405 to 5. In short, Mr. Speaker, the provisions of H.R. 202 enjoy overwhelming, bipartisan support.

Mr. Speaker, this bill encompasses a broad spectrum of ideas. And they are all the right ideas to help America's seniors and other vulnerable citizens find affordable housing.

On the horizon, a gray dawn is approaching where more and more Americans will live longer and enjoy more active, healthy lives. More than 33 million people in the United States are now 65 years of age and older, and by the year 2020 that number will grow to almost 53 million. That is one in every six Americans. In this environment of a graying population, we should celebrate this new-found longevity, but we must not overlook the fact that millions of senior citizens will suffer a crisis of safe, affordable housing if we fail to prepare for it. These senior citizens, who created the foundation of greatness of this nation that we all enjoy today, deserve to know that they will be taken care of.

These seniors are the same people who guided America through the Great Depression; the same people who served us on the front lines and on the assembly lines in world War II; the same people who led the nation to superpower strength following the war. Some may have even lost a leg or their sight in the war or in a factory accident. They have provided an almost unspeakable service to each and every American alive today and made sacrifices which some of us with fewer years can hardly imagine.

We would be failing them if we did not help provide them the same security they have given us. They deserve the sense of security that would come from knowing they can stay in their current housing and continue to build a life there. And they deserve the peace of mind that comes with knowing they have a place to lay their head at night.

This bill would provide that peace of mind. This bill in fact reauthorizes the Section 202 program, the primary method of federal assistance for low-income senior citizens, and the section 811 program, which provides affordable housing for disabled citizens. In addition, the legislation creates a commission to study elderly housing issues and recommend how best to provide for the elderly. This bill also contains streamlined refinancings of Section 236 projects so we can provide more resources to these projects for the benefit of the residents. Finally, certain reforms to the Section 811 program affecting the size of projects, supported by advocacy groups for the disabled, are also included in the legislation.

The provisions in this bill are designed to protect our seniors, the disabled, and our vulnerable families from displacement or drastic rent increases. Indeed, by incorporating much of H.R. 1336, Title V of this bill addresses the so-called Section 8 "opt-out problem", which is caused by owners opting not to renew their Section 8 contracts upon expiration. The Housing Subcommittee held hearings earlier this year on the problem of expiring Section 8 contracts, and found that a significant number of owners that were indicating they planned to "opt out" of the Section 8 program. Five hundred thousand units were "at-risk" over the next five years of being lost as affordable housing.

Mr. Speaker, the Section 8 opt-out problem was characterized by many as the most significant housing crisis facing our nation. With this bill, this Congress has taken affirmative, concrete action to solve this housing problem.

Finally, while some of the provisions of H.R. 202 are not included in Title V, we hope to accomplish many of the same goals through report language. As an example, this legislation directs HUD to streamline the existing Home Equity Conversion Mortgage program, allowing seniors more flexibility to maximize the equity in their homes. Mr. Speaker, to the extent that certain reforms in H.R. 202, pertaining to the 202 elderly and 811 disabled program are not included in this bill, it is my intent to work with the Minority and our authorizing counterparts from the Senate to see that these improvements are in fact enacted in the next session. I look forward to that risk.

This bill truly incorporates a 21st century model of housing, where creativity and partnering combine to result in a compassionate piece of legislation that will result in security and peace of mind for some of our most cherished citizens. Today we stand with our seniors and provide them a variety of programs that will help them as they more into their twilight years.

I thank Chairman Walsh for his leadership, and thank all the members of the Appropriations Committee for working with the Republican and Democratic authorizers from the Banking Committee, in such a bipartisan manner to solve these problems.

Mr. MATSUI. Mr. Speaker, I rise to extend a sincere thanks to Chairman WALSH, and the Ranking Member, Mr. MOLLOHAN, for their support of funding Sacramento projects included in the conference report on H.R. 2684, the VA–HUD-Independent Agencies Appropriations for FY 2000.

I would first like to thank the committee in providing support to the Sacramento Combined Sewer System. The City of Sacramento's 100 year old combined sewer system is no longer capable of handling both the stormwater and sanitary wastewater flows it was designed to carry. The City remains committed to providing a minimum 50 percent of the cost share in meeting the construction-related needs of this project. It will complement overall efforts to improve the California Bay-Delta's water quality and will greatly assist the City's efforts to protect the public health. Most importantly, the project will stop the flow of sewage into City streets and the Sacramento River, which serves as the primary source of drinking water for more than 20 million Californians.

Additionally, I also appreciate the committee's continued support for the Sacramento River Toxic Pollutant Control Program. The Sacramento River currently exceeds water quality criteria recommended by the state of California and EPA for metals such as copper, mercury and lead. Past funding provided by Congress has been used to successfully organize a multiyear monitoring and management effort with a regional stakeholder group that includes representatives of federal, state, and local agencies, agriculture and industry organizations, environmental organizations, and public interest groups. Together, the region has developed an integrated water quality monitoring program in collaboration with other ongoing efforts in the watershed, leveraging resources among programs and producing consistent reliable information on important water quality characteristics. Continued funding will allow the region to move forward with critical steps needed in the development of the pollutant reduction plan.

Finally, I am grateful that the Committee was willing to provide much needed funding to the Franklin Villa Housing Development in Sacramento. The Sacramento Housing and Redevelopment Agency (SHRA), which serves the interests of both the City and the County of Sacramento, has identified Franklin Villa as one of the most pressing priorities for the region. Once a senior center, the units in Franklin Villa became privately held, most by absent organizations, national non-profit entities, local government representatives, and private sector companies such as Freddie Mac. SHRA also is working closely with the Department of Housing and Urban Development on issuers relating to the revitalization plan, including current efforts aimed at concluding a joint agreement on the management of HUD-owned units. With a full-scale revitalization plan developed, and with work continuing at the local and national levels to move the plan forward, the primary obstacle that remains is the availability of sufficient funding.

Existing housing programs from the Department of Housing and Urban Development such as the HOME Program and the HOPE VI Program cannot be brought to bear on the Franklin Villa project because these important programs only target public housing, not privately-held housing. Therefore, federal seed funding for the Franklin Villa project, absent congressional direction, would not be available.

Again, I remain grateful for the assistance given to these projects that are so vital to the needs of the Sacramento community. I commend the leadership of the committee and the commitment put forth by the conferees to address these important issues.

Mr. LAFALCE. Mr. Speaker, the VA/HUD Conference Report is a good bill for housing. Unlike the House-passed bill, the conference report addresses the twin goals of housing preservation and expanding affordable housing opportunities for the 5.3 million American families with worse case housing needs.

The conference report funds 60,000 new Section 8 vouchers, the second year in a row that we have provided incremental vouchers. The bill keeps our promise with last year's public housing reform bill—providing almost $700 million more for public housing than the bill passed by the House. And, it includes funding increases for critical housing programs like homeless prevention, elderly and disabled housing, housing for persons with AIDS, and fair housing enforcement.

Equally important, the bill provides a comprehensive response to the Section 8 "opt-out" crisis, which threatens us with the loss of hundreds of thousands of affordable housing units. By building on HUD's mark-up-to-market initiative, announced earlier this year, we preserve the best portion of our affordable housing stock and fully protect all tenants who live in units we are unable to preserve. This is a carefully crafted approach, which targets scarce resources to preserve projects in tight rental markets and protect tenants most at risk, while giving HUD flexibility to preserve additional housing.

The conference report is also a good bill for community development. Funding is provided for the APIC New Markets initiative, to leverage billions of dollars of private capital for under-served and economically depressed areas. However, since such funding is conditioned on enactment of authorizing legislation, I call on the House to hold hearings and act expeditiously on this legislation.

The conference report also increases funding for CDBG, provides $70 million for Enterprise Zones and Empowerment Communities, and restores cuts made in the House bill in the brownfields redevelopment program.

Finally, I would like to express my appreciation to conferees for including a number of provisions from H.R. 1624, the "Elderly Housing Quality Improvement Act," which I introduced earlier this year, along with Reps. VENTO, KANJORSKI, and a number of other members. Following is an explanation of the provisions from H.R. 1624 which are being included in the conference report.

A major focus of H.R. 1624 is the capital repair and maintenance of our federally assisted elderly housing stock. As units built in the 1970s and 1980s have aged, project sponsors, many of them non-profits, too often lack the resources for adequate repair and maintenance. There are four provisions in the conference report that are taken from H.R. 1624 that give elderly affordable housing sponsors more resources and flexibility in this area.

Section 532(b) of the conference report [Section 3(d) of H.R. 1624] helps non-federally-insured Section 236 projects by letting them keep their "excess income," as insured projects are currently allowed to do. Excess income is rent that uninsured projects can collect, but must currently give back to the federal government. This change will help nonprofits who lack access to capital, and will help preserve Section 8 housing owned by for-profits.

Section 522 of the conference report [Section 2 of HR 1624] authorizes a new capital grant program for capital repair of federally assisted elderly housing units. Funds are to be awarded on a competitive basis, based on the need for repairs, the financial need of the applicant, and the negative impact on tenants of any failure to make such repairs.

Section 533 of the conference report [Section 3(b) of H.R. 1624] amends an existing grant program, created by the 1997 mark-to-market legislation, which authorizes HUD to make multi-year grants to federally insured affordable housing projects from funds recaptured when existing Section 236 projects prepay their loans and surrender their Interest Reduction Payment (IRP) subsidies. Section 533 of the conference report accelerates the availability of these multi-year grants to an up-front capital grant, so that sponsors may use the funds for much-needed capital repairs. This accelerated availability of funds is achieved at no cost to the government.

Finally, while not included in the conference report, Section 3(a) of H.R. 1624 was incorporated into the managers report language for the conference report. The intent of Section 3(a) of H.R. 1624 is to facilitate the refinancing of high interest rate Section 202 elderly housing projects. The managers report language tracks this provision by directing HUD to guarantee that a Section 202 sponsor may keep at least 50% of annual debt service savings from a refinancing—as long as such savings are used for the benefit of the tenants or for the benefit of the project.

A second major focus of the bill is to make assisted living facilities more available and affordable to lower income elderly. Assisted living facilities provide meals, health care, and other services to frail senior citizens who need assistance with activities of daily living. Unfortunately, poorer seniors who can't afford assisted living facilities are often forced to move into nursing homes, with a lower quality of life, at a higher cost to the federal government.

To address this affordability problem, Section 522 [Section 2 of H.R. 1624] of the conference report also authorizes funds under the newly created capital grant program to be used for the conversion of existing federally assisted elderly housing to assisted living facilities. I would note that the VA/HUD bill funds $50 million in fiscal year 2000 under this authorization for the conversion of Section 202 properties to assisted living facilities.

Section 523 of the conference report [Section 5 of H.R. 1624] authorizes the use of Section 8 vouchers to pay the rental component of any assisted living facility. This would make 200,000 senior citizens currently receiving vouchers eligible to use such vouchers in assisted living facilities. This flexibility, designed to enhance the continuum of care, is accomplished at no cost to the federal government.

A third major area of focus of H.R. 1624 is the promotion of the use of service coordinators, which help elderly and disabled tenants grain access to local community services, thereby preserving their independence. Section 4(a) of H.R. 1624 doubled funding for grants for service coordinators in federally assisted housing—by authorizing $50 million in fiscal year 2000 for new and renewal grants. The conference report adopts this recommendation—by using this $50 million funding level.

Cumulatively, the provisions in H.R. 1624 which are being enacted into law through Title V of the conference report help seniors age in place, preserve their independence and self-sufficiency, and provide affordable alternatives to nursing home care.

Mr. BEREUTER. Mr. Speaker, this Member rises today in support of the conference report on H.R. 2684, the Veterans (VA), Housing and Urban Development (HUD) and Independent Agencies appropriations bill for fiscal year 2000. First, this Member would like to thank the distinguished Chairman of the VA, HUD, and Independent Agencies Appropriations Subcommittee (Mr. WALSH), the distinguished Ranking Minority Member (Mr. MOLLOHAN) and all members of the conference committee for the important but difficult work they did under the current tight budget constraints.

The conference committee undoubtedly struggled to complete the tough task of allocating limited resources among many deserving programs. As a Member of the House Banking Committee, the committee with jurisdiction over Federal housing programs, this Member is very interested in how funds are appropriated in this area. Although there are numerous deserving programs included in this funding bill, this Member would like to emphasize four points.

First, this Member especially appreciates the $550,000 Community Development Block Grant appropriation for the development in Lincoln, Nebraska, of the North 27th Street Community Center by Cedars Youth Services, Inc., a leading social service provider in the City of Lincoln. These funds will be used to construct a community center on the corner of 27th and Holdrege Streets to serve as the focal point for a variety of services and support to strengthen and revitalize the surrounding neighborhood. Social services, such as Head Start preschool classes, as well as neighborhood-strengthening activities, such as preventive health care and recreational opportunities, will be provided at the North 27th Street Community Center.

The site of this new community center in the Clinton School neighborhood contains the highest percentage of families living in poverty in Lincoln, has greater incidences of crime than most neighborhoods, and its local elementary school is experiencing an alarming dropout rate. The neighborhood has over 1,500 children living there, but no licensed child care center, no public library, no swimming pools, and no health care facilities. As a result of these deficiencies, the North 27th Street Community Center's primary focus would be children.

Second, this Member is very pleased that H.R. 2684 contains the largest appropriation ever, $19,386,700,000, to fund veterans health programs. Veterans fought to protect our freedom and way of life. As they served our nation in a time of need, the Federal Government must remember them in their time of need. The people of the U.S. owe our veterans a great deal and should keep the promises made to them.

Third, this Member, in particular, would like to comment favorably upon the treatment of some housing programs. Section 8, Section 184, Section 202, and Section 811 programs probably were funded as adequately we can under the budgetary restraints. In particular, this Member commends the $6 million appropriation for the Section 184 program, the American Indian Housing Loan Guarantee Program, which he authored. This seems to be a program with excellent potential which, this Member notes without appropriate modesty in recognizing the support received from many colleagues, is for the first time providing private mortgage fund resources for Indians on reservations through a Federal Government guarantee program for those Indian families who have in the past been otherwise unable to secure conventional financing due to the trust status of Indian reservation land.

Fourth, this Member is pleased that the conference report restores funding for Americorps at the FY99 level.

Mr. Speaker, in closing, this Member urges his colleagues to support the conference report on H.R. 2684.

Mr. SENSENBRENNER. Mr. Speaker, H.R. 2684, the Department of Veterans Affairs, Housing and Urban Development, and Independent Agencies Appropriations Act for Fiscal Year 2000 is the most critical funding bill for American science.

All scientific endeavors we marvel at today started with intensive basic research. Today's basic research is the seedcorn for our future economic endeavors and basic research has provided the scientific foundation for all the significant discoveries we have made in medicine, telecommunications and manufacturing. This conference report recommends a level of $3.912 billion for NSF and will provide a $240 million boost to NSF activities over the FY 1999 enacted level. Included in this amount is $2.996 billion for the Research and Related Activities account. This is nearly $200 million or 7% over the FY99 level and will support crucial research activities at NSF.

Key among these activities is the support for basic research in Information Technology (IT). The conferees have increased funding for IT by over $126 million from last year's level, more than was apportioned in either the House or Senate FY 2000 bills. Included in this amount is $36 million for Terascale computing. These large increases are in keeping with the legislative intent set out in H.R. 2086, the Networking and Information Technology Research and Development Act (NITRD) of 1999.

H.R. 2086 charts a new course for IT research at the federal level. The Committee on Science passed the bill by a vote of 41–0. I expect the bill will be taken up by the full House prior to our recess. The bill has been endorsed by the co-chairs of the President's Information Technology Advisory Commission (PITAC) as well as numerous other university and industry groups that recognize the need for long-term support of IT research. I thank the conferees for appropriating sufficient funds for NITRD and making the programs authorized in H.R. 2086 a reality. This investment in

IT research will pay large dividends for future generations of Americans.

NSF is not the only agency that falls under the purview of IT research in this funding bill. National Aeronautics and Space Administration (NASA) and the Environmental Protection Agency (EPA) are both funded at levels consistent with H.R. 2086. Both of these agencies have important roles to play in furthering basic IT research.

Also included in this bill is a provision to rename the United States-Mexico Foundation for Science in commemoration of the Science Committee's former Chairman and Ranking Member, George E. Brown. George was dedicated to improving scientific collaboration between the United States and Mexico. The George E. Brown/United States-Mexico Foundation for science is a fitting tribute to a man known by his colleagues as "Mr. Science."

The Environmental Protection Agency (EPA) is funded at an overall level of $7.592 billion. Within this amount, $645 million is devoted to EPA science and technology programs. This is adequate funding for EPA's science and technology needs.

Under this conference agreement, NASA is funded at $13.653 billion. This amount is $75 million above the President's request and $12 million below the FY1999 enacted level. Within this amount, the International Space Station is funded at $2.33 billion, $30 million more than FY 1999 and $152 million below the President's request. In the past, the cost growth associated with the Space Station program has resulted in cuts to critical science programs at NASA. The $2.33 billion level should enable NASA to meet station obligations without robbing from critical science programs.

Likewise, a recent NASA Inspector General's report raises serious questions over whether the Triana spacecraft represents the best use of NASA's limited research dollars. This bill requires a study by the National Academy of Sciences regarding the scientific merit of the Triana project before work can proceed. I can only hope that the Academy will look at the relative merit of funding Triana as it compares with other NASA programs such as Space Science. Unfortunately, it appears that the review will not focus on how the mission was originally selected, thus, leaving the NASA IG's questions unanswered. Certainly, the NASA resources committed to Triana would be better spent on science projects selected through a peer review process. Restoring funding to Space Science, which has made such strides in performing NASA missions "faster, cheaper, and better" would be a better use of limited resources.

Unfortunately, despite the strong commitment to science incorporated within this bill, NASA's decision to end-run the joint efforts by House and Senate authorizers by insisting on the inclusion of a damaging legislative rider requires my opposition to this bill. NASA's legislative rider threatens the future of space commercialization and was slipped into this otherwise scientifically sound bill without a single hearing or any public debate. This new commercial development program puts NASA in the untenable position of weighing business risks, market potential, and an individual venture's probability of success. NASA, as a federal agency, is not competent to make these decisions, which are best left to private markets. The Science Committee has been working with NASA and the private sector to address the area of space commercialization. Yet NASA decided to skirt public debate and secure its own preeminence in an area outside of its capabilities. This demonstrates a callousness and arrogance that I cannot support or condone. As a long-time supporter of NASA, I'm deeply disappointed the agency would choose to intentionally circumvent the Science Committee, its strongest congressional advocate.

Therefore, Mr. Speaker, despite the fact that I support the increased funding levels for science in this measure, I cannot support this conference report.

Mr. WALSH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FOLEY). Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 406, nays 18, not voting 10, as follows:

[Roll No. 500]

YEAS—406

Abercrombie
Ackerman
Aderholt
Allen
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Everett
Ewing
Farr
Fattah
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—18

Boswell
Chabot
Chenoweth-Hage
Coburn
Crane
Evans
Filner
Hefley
Hoekstra
Holt
Hostettler
McInnis
Paul
Salmon
Sanford
Schaffer
Sensenbrenner
Shadegg

NOT VOTING—10

Andrews
Carson
Conyers
Green (TX)
Jefferson
John
Johnson (CT)
Kingston
Scarborough
Young (AK)

☐ 1223

Mr. MCINTOSH changed his vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. JOHNSON of Connecticut. Mr. Speaker, on rollcall No. 500, I was on the floor, inserted my voting card, but for some unexplained reason my vote was not recorded. I meant to have voted "yea."

MOTOR CARRIER SAFETY ACT OF 1999

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 329 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 329

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2679) to amend title 49, United States Code, to establish the National Motor Carrier Administration in the Department of Transportation, to improve the safety of commercial motor vehicle operators and carriers, to strengthen commercial driver's licenses, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against the bill and against its consideration are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. The amendment printed in part A of the report of the Committee on Rules accompanying this resolution shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered by title rather than by section. Each title shall be considered as read. Before consideration of any other amendment it shall be in order to consider the amendment printed in part B of the report of the Committee on Rules, if offered by a Member designated in the report. That amendment shall be considered as read, may amend portions of the bill not yet read for amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. Points of order against that amendment for failure to comply with clause 7 of rule XVI are waived. During consideration of the bill for further amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill, as amended, and any further amendment thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. FOLEY). The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During the consideration of this resolution, all time is yielded for the purposes of debate only.

Mr. Speaker, the legislation before us today is an open rule providing for 1 hour of general debate divided equally between the chairman and ranking minority member of the Committee on Transportation and Infrastructure.

The rule waives all points of order against the bill and against its consideration. The rule provides that the amendment printed in part A of the Committee on Rules accompanying the resolution shall be considered as adopted and that the bill as amended shall be opened to amendment by title.

The rule also provides for the consideration, before any other amendment, of the manager's amendment printed in part B of the Committee on Rules report, which shall be considered as read; may amend portions of the bill not yet read for amendment and shall not be subject to a division of the question.

Clause 7 of rule XVI prohibiting nongermane amendments is waived against the amendment printed in part B of the Committee on Rules report. The rule allows the chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce voting to 5 minutes on a postponed question if the vote follows a 15-minute vote.

Members who have pre-printed their amendments in the RECORD prior to their consideration will be given priority in consideration to offer their amendments if otherwise consistent with House rules.

Finally, the rule provides for one motion to recommit with or without instructions.

Mr. Speaker, the underlying legislation, the Motor Carrier Safety Act of 1999, is very important legislation.

☐ 1230

Many of my constituents have contacted me with their concerns related to safety on our highways. The House Committee on Transportation and Infrastructure responded to, not only my request, but also other concerns that Members had in this body by holding a series of hearings on this issue earlier this year.

Consensus emerged from those hearings that highway safety was not receiving the level of attention it should as part of the Federal Highway Administration.

Today, the House makes a significant step toward safer highways by doubling grants to the States for roadside inspections and imposing tougher fines for repeat violators of Federal truck safety regulations.

The bill also establishes minimum fines for all violations and requires drivers who have their licenses revoked to serve their full suspensions.

The bill upgrades the Federal Highway Administration's office of Motor Carrier to a separate administration within the Transportation Department.

The bill also increases truck inspections at the border to ensure that Mexican trucks entering the United States comply with all U.S. and safety truck regulations.

Truck-related highway accidents impose a huge cost on our society. These costs can be reduced without burdening truckers and the people who depend on them, and that is exactly what this legislation does.

Mr. Speaker, the Motor Carrier Safety Act passed the 75-member Committee on Transportation and Infrastructure with only 2 nays. Last night, the rule for this legislation passed by unanimous vote in the Committee on Rules.

Mr. Speaker, I urge my colleagues to continue this bipartisan manner under which this legislation was crafted, and to support the rule.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from Texas (Mr. SESSIONS) for yielding me the customary time, and I yield myself such time as I may consume.

Mr. Speaker, this is an open rule providing for the consideration of H.R. 2679, the Motor Carrier Safety Act of 1999.

The rule provides the opportunity for the House to consider the underlying bill which would establish the National Motor Carrier Administration within the Department of Transportation.

Mr. Speaker, the interstates, highways and even rural blacktop roads of this Nation are shared by drivers responsible for everything from 18-wheelers to an old four-door sedan. The goal of this new agency would be to bring even more new scientific focus and energy to our efforts at making sure those vehicles and their drivers are operating as safely as possible.

The Motor Carrier Safety Act of 1999 is the product of considerable discussion and input from highway safety advocates, organized labor, people in the truck and bus industries, and the government agencies responsible for oversight.

As stated in the report, the principal goal of the bill is to reduce the number and severity of large truck-involved fatal crashes.

Tragically, the number of fatalities involving large truck travel has been growing since early in this decade, and that rise in fatalities is projected to continue unless action is taken.

After considering a variety of options, the Committee on Transportation and Infrastructure determined that creating this separate agency, with safety as its top priority, would be the most effective approach.

Mr. Speaker, a number of high-profile accidents in Illinois, New Jersey, and Louisiana have raised troubling questions about loopholes in the system which licenses commercial drivers. These crashes have included multiple fatalities and injuries and are a call to action for this Congress and this Nation to set tougher standards and to close those loopholes. This bill is a response to that call.

Mr. Speaker, the rule does allow for several thoughtful amendments to be considered; and, therefore, I urge favorable consideration of this rule.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. SHUSTER), one of the most respected Members of this body, one of the most influential, who is the chairman of the Committee on Transportation and Infrastructure.

Mr. SHUSTER. Mr. Speaker, I thank the gentleman from Texas (Mr. SESSIONS) for yielding me this time. I rise in strong support of this rule and this legislation.

Mr. Speaker, moments ago, the gentleman from Minnesota (Mr. OBERSTAR), the distinguished ranking member of the Committee on Transportation and Infrastructure, and I introduced legislation, H.R. 3072, requiring Great Britain to open up its skies and its airports to U.S. planes; and, indeed, if they fail to do so, requiring our government to renunciate the Bermuda II agreements.

In the past several years, both the Bush and the Clinton administrations have been very successful in negotiating open skies agreements so we can compete around the world with our aviation. Indeed, we have such agreements with 38 countries.

But Great Britain, which is supposed to be our closest ally, has refused to level the playing field so that U.S. carriers could compete in the London-to-U.S. market. It is time that we, not simply talk about it, but do something about it.

On October 18, Secretary Slater's people will be going to Great Britain to continue negotiations on several aviation matters. Indeed, I have met with the Secretary. They understand we are deadly serious about this issue, and we look forward to Brits finally opening up the aviation market to U.S. carriers. If they do not do so, we will certainly be prepared to move forward to renunciate Bermuda II and thereby block all British airlines from flying into the United States.

Mr. Speaker, I yield to the gentleman from Minnesota (Mr. OBERSTAR), the ranking member of the full committee.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman from Pennsylvania, my chairman, for yielding and compliment him on the decisiveness with which he has moved on this issue, particularly on the eve of renewed U.S.-UK bilateral aviation talks.

We are deadly serious. This is serious business to introduce legislation of this nature to terminate an important aviation bilateral. But it is the only message I am convinced, as the chairman has just said, that our British negotiators will understand.

The significance of this market is that U.S.-UK service is about a $10 billion market. It is half of the $20 billion U.S.-Europe market. Our carriers have less than 37 percent of that market share, compared to other markets around the world where we have open skies bilaterals where our carriers have penetrated up to 60 percent of market share.

Those numbers simply underscore the seriousness of purpose with which the chairman and I are engaged in the message that we deliver to our Secretary of Transportation and to the British Minister of Transportation. That market has to be open; and if it does not, these are the tools the chairman has outlined we will invoke to ensure that serious steps will be taken in the future.

I compliment the gentleman from Pennsylvania (Chairman SHUSTER) on his courage in moving forward.

Mr. SHUSTER. Mr. Speaker, I thank the gentleman from Minnesota, and I emphasize we expect the Brits to show us a virtual immediate good-faith response at least on one route; and if that happens, then we can take the time necessary to work out the broader agreements.

Ms. SLAUGHTER. Mr. Speaker, I am happy to yield back the balance of my time.

Mr. SESSIONS. Mr. Speaker, I urge support of the rule. I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. SESSIONS). Pursuant to House Resolution 329 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2679.

□ 1240

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2679) to amend title 49, United States Code, to establish the National Motor Carrier Administration in the Department of Transportation, to improve the safety of commercial motor vehicle operators and carriers, to strengthen commercial driver's licenses, and for other purposes, with Mr. FOLEY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today we are considering H.R. 2679, the Motor Carrier Safety Act of 1999. This is truly a comprehensive bill that reforms Federal motor carrier safety efforts.

Trucking is the biggest sector of the transportation industry in this country, moving over 85 percent of all freight in the U.S., and it continues to grow. We owe it to the driving public to ensure that the trucks with which they share the road are safe.

To ensure this safety, this bill creates a separate agency, the National Motor Carrier Administration, within the Department of Transportation. The agency will be dedicated to the truck and bus safety.

In the past, motor carrier safety oversight was housed within the Federal Highway Administration, where it had to compete with large Federal infrastructure programs for attention. The complexity and the growth of the trucking industry justifies the creation of an agency with a clear preeminent safety mission, focused on truck and bus safety. Trucking safety will now have the same organizational status within the Department as aviation safety, automobile safety, and maritime safety.

I want to emphasize, I spoke with Secretary Slater this morning. He tells me that the Administration is supportive of this legislation.

This bill is not just about moving around boxes on an organization chart, however. It is a new agency which will have the powers and the resources needed to do its job and to do it well.

The bill increases funding for Federal and State enforcement efforts, enabling States to put more inspectors on the roads and at the international border areas.

Finally, the bill makes important reforms to the commercial driver's license program and a number of other Federal motor carrier laws by closing loopholes and imposing tough penalties for repeat violators.

These measures will get truck safety enforcement efforts on track and allow us to recapture the momentum we had in the 1980s and early 1990s when truck-related fatalities dramatically declined. Indeed, I should emphasize that there was a significant decline in truck-related fatalities. But that has leveled out. We have not had an increase in truck fatalities; however, the decline which we were so happy to note in the past year seems to have leveled out.

We do not have a crisis in truck safety, but we do have a need to make sure that the gains which we previously realized in safety continue as we move into the next century. This bill is a pro safety bill that will improve highway safety for all Americans.

Mr. Chairman, I urge passage of the bill.

Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is important legislation. It is also very good, far-reaching, substantive safety legislation. I want to express my great appreciation to the gentleman from Pennsylvania (Chairman SHUSTER) for a splendid job of bipartisan crafting of this legislation for the inclusiveness that he has extended in crafting this bill and for his commitment to safety.

I want to express my appreciation also to the gentleman from Wisconsin (Chairman PETRI), the chair of the Subcommittee on Ground Transportation, and the gentleman from West Virginia (Mr. RAHALL), the ranking member of the Subcommittee on Ground Transportation, for consistent, concerted efforts to develop a strong motor carrier safety bill that we can all support.

□ 1245

This legislation will give the Federal Government the direction, the incentives, and the resources it needs to improve safety in the trucking sector of our Nation's highways.

Every year crashes involving large trucks kill more than 5,300 people and injure in the range of 130,000 others. On any day, there are 14 deaths and 350 injuries. That is unacceptable.

Unless the Federal safety program is significantly improved, there will be more deaths and more injuries as the number of miles traveled by large trucks increases.

The Inspector General of the Department of Transportation, the General Accounting Office, and indeed our former colleague Norm Mineta, a former chairman of the committee who was assigned the task to review this issue by the Secretary of Transportation, Rodney Slater, and our own Subcommittee on Ground Transportation and the full committee all have concluded that the Federal Government program to ensure motor carrier safety has major deficiencies.

The studies found that DOT has not been conducting enough inspections of commercial vehicles and of commercial drivers and that the penalties imposed for violations are too low to deter future violations. The studies also found that DOT rarely completes needed safety regulation on time.

More than 20 motor carrier safety rulemakings have been in process for between 3 and 9 years. That is just simply unacceptable. These rulemakings involve very important decisions, such as our service limits, permits for carrying hazardous materials, training standards for entry level drivers. They should not be languishing for years.

Databases at DOT are incomplete, unreliable. The Department lacks adequate personnel and adequate facilities at our borders to stop the influx of unsafe trucks. Perceived conflicts of interest have undermined the credibility of DOT's research program.

Since those troubling reports and analyses have been issued, the Secretary, to his great credit, has taken important steps to improve the effectiveness of the motor carrier safety program. Secretary Slater did not stand idly by wringing his hands denying the problems but, in fact, acknowledged that there were deficiencies and set about correcting them. But the Secretary does not have sufficient authority to go as far as is needed. This legislation gives him that authority, gives him the resources.

There are four principles, I believe, that underlie any motor carrier safety program. Safety should be the primary mission. Second, sound and credible research must be the foundation for good policy. Third, vigorous oversight and enforcement must be an essential part of the program. And fourth, there have to be adequate financial and personnel resources.

This bill addresses each one of those four principles. It creates a new administration, the National Motor Carrier Administration, within DOT. The new administration will have the direction, the incentives, the financial and the personnel resources needed to improve motor carrier safety. There will also be a regulatory ombudsman in this new administration with the authority to speed up rulemaking by assigning the additional necessary staff and the authority to resolve disagreements within the agency.

What pleases me most is that the bill follows the model in the spirit of the legislation, the model of the Federal Aviation Act of 1958, which established the FAA for the purpose of improving aviation safety. This bill directs the National Motor Carrier Administration to consider the assignment and maintenance of safety as the highest priority.

The clear intent, the clear encouragement, the obvious dedication of the Congress in this legislation is to the furtherance of the highest degree of safety in motor carrier transportation. With that statement, we put the whole body and thrust of this new entity on the path of safety.

The four top officials of the administration, the administrator, deputy administrator, chief safety officer, regulatory ombudsman, are each required under this bill to sign a performance agreement with specific measurable goals to carry out this safety strategy, including increasing the number of inspections and compliance reviews, eliminate the backlog in rulemaking, eliminate the backlog in enforcement cases, improve quality and effectiveness of databases, and improve inspection at our borders.

If those goals are met, these officials will be eligible for performance dividends of up to $15,000 each. In addition, agency employees as a group will be eligible for a bonus if the new entity makes sufficient progress toward accomplishing these goals.

The administration will have the resources it needs to do a better job because the bill will provide a substantial increase in guaranteed and authorized funding for motor carrier safety programs. The resources of the new administration will be 70 percent higher than current staffing standards at the Office of Motor Carriers in its current structure. That means $38 million a year more. Additional funding will help this new Motor Carrier Administration hire more inspectors and more attorneys to complete the rulemakings that are necessary.

Motor carrier safety grants to States, which are an important element and in fact the backbone of enforcement, motor carrier safety grants will be increased 68 percent. That is $65 million more in each of the fiscal years authorized under the bill. And there will be an additional $75 million a year for motor carrier safety grants above that guaranteed levels.

There are a number of program changes to improve safety by keeping dangerous drivers off the roads and enhancing oversight.

We, in this legislation, improve the consistency of commercial driver's licenses by closing loopholes and recordkeeping and putting in place tougher penalties for crashes that cause fatalities, and we authorize DOT to decertify the Commercial Driver's License program of States that do not comply with these national requirements.

Finally, trucks entering the United States will face much more intensive oversight when DOT implements the new staffing standards for inspectors at our borders. There will be penalties high enough to make it clear to violators that they have got to be in compliance.

Maximum fines will be assessed for repeat offenders as well as for patterns of violations of our safety laws and regulations.

All in all, taken together in a comprehensive basis, this is a new era for motor carrier safety on America's highways.

Mr. Chairman, I reserve the balance of my time.

Mr. PETRI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the bill before us, the Motor Carrier Safety Act of 1999, is a comprehensive bill designed to improve truck and bus safety by strengthening Federal and State safety programs.

The bill creates a new National Motor Carrier Administration within the U.S. Department of Transportation to administer Federal motor carrier safety programs. It increases funding from the Highway Trust Fund for Federal and State safety efforts, and it tightens the commercial driver's license program.

For example, the bill gives the Secretary emergency authority to revoke the license of a truck or bus driver who is found to constitute an imminent hazard.

This year the subcommittee held 4 days of hearings on motor carrier safety issues. We heard from a broad range of witnesses, including the Department of Transportation, the Inspector General, the General Accounting Office, representatives of the truck and bus industries, organized labor, and highway safety representatives.

After listening to their testimony, we concluded that the best course of action that this committee could take for the safety of the Nation was to create this administration. The bottom line was that truck safety was just not getting the level of attention it should while it was part of the Federal Highway Administration.

The process of establishing this administration has already begun because of the inclusion in the Transportation Appropriations Act of a vision that prohibits the Federal Highway Administration from continuing to carry out motor carrier safety functions. The Secretary of Transportation has implemented this provision by creating a freestanding office.

The National Motor Carrier Administration is given increased funding for safety to allow for growth in the number of safety inspectors and in safety research. The bill authorizes $420 million over the next 3 years from the Highway Trust Fund for motor carrier safety grants, and these grants fund State safety enforcement efforts.

The bill also contains a number of programmatic reforms, including the closing of loopholes in the Commercial Driver's License, setting standards for fines, and improving border safety efforts.

The bill has bipartisan support. The Secretary of Transportation wrote to us on Tuesday in support of the legislation. It is an important bill that truly will improve highway safety, and I urge its immediate passage.

Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from West Virginia (Mr. RAHALL), ranking member of the Subcommittee on Ground Transportation.

Mr. RAHALL. Mr. Chairman, I thank the distinguished ranking member for yielding me the time. I want to commend him, as well as the gentleman from Pennsylvania (Chairman SHUSTER) and the gentleman from Wisconsin (Mr. PETRI), the subcommittee chairman, for bringing the Motor Carrier Safety Act of 1999 to the floor today.

The fundamental problem that this legislation seeks to address is this: in recent years, the Office of Motor Carriers began to move away from a prescriptive regulatory regime to a performance-based program. This in and of itself is not bad.

However, in doing so, the Office of Motor Carriers sought to leap-frog rather than evolve; and a void was created, a void in fundamental inspection and enforcement activities and a void in leadership. This has caused a trickle-down effect on State programs and left us with inadequate compliance reviews, inspection levels, and a legacy of unpromulgated regulations.

In response, the pending legislation does three things. First, it seeks to rehabilitate the Office of Motor Carriers by establishing it as a separate entity within the Department of Transportation. In doing so, we are hoping to provide its programs with the emphasis and the priority that they deserve within the Department's pecking order.

Motor carrier safety, Mr. Chairman, should not be second to aviation safety. Motor carrier safety should not be second to railroad safety. Indeed it should, at the very least, be on par with them.

Second, this bill will make improvements to the Commercial Driver's License program, primarily by closing loopholes relating to the qualification of drivers.

Third, this bill will provide both truck and bus safety programs with greater financial resources, with some targeting taking place at border crossings.

I think we are at a crossroads here. We can quibble and we can quarrel about where motor carrier safety jurisdiction should rest, or we can seize the brass ring and pull these safety programs out of the quagmire they are currently wallowing in and by doing so do some real good for the American people and their safety.

Again, Mr. Chairman, I wish to commend the gentleman from Pennsylvania (Chairman SHUSTER); the gentleman from Wisconsin (Mr. PETRI), the subcommittee chairman; and the gentleman from Wisconsin (Mr. OBEY), the ranking Democrat, for their truly diligent and dedicated work on this legislation.

I wish to conclude by commending our Secretary of Transportation, Rodney Slater, as well, for not only supporting the pending legislation on behalf of the administration but for the efforts that he has made, especially since the enactment last week of the transportation appropriations bill and the truly dedicated efforts he and his staff have made to ensuring that the traveling public remain in a safe manner.

Mr. PETRI. Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I am pleased to yield 5 minutes to the gentleman from Illinois (Mr. LIPINSKI), the ranking member of the Subcommittee on Aviation.

Mr. LIPINSKI. Mr. Chairman, I want to thank the ranking member of the full committee for yielding me this time.

Mr. Chairman, I rise today in strong support of H.R. 2679. But specifically, I rise to say thank you to the gentleman from Pennsylvania (Chairman SHUSTER), the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from Wisconsin (Chairman PETRI), and the gentleman from West Virginia (Mr. RAHALL) for incorporating into the manager's amendment an amendment that I crafted along with my friend and colleague, the gentleman from New York (Mr. QUINN), regarding foreign trucks.

☐ 1300

According to a letter from the Department of Transportation's Inspector General to the Senate transportation appropriations chairman, unsafe Mexican trucks have been found illegally in 28 States in violation of NAFTA.

Mr. Chairman, the full text of the letter is as follows:

U.S. DEPARTMENT OF TRANSPORTATION, OFFICE OF THE SECRETARY OF TRANSPORTATION,
Washington, DC, June 14, 1999

Hon. RICHARD C. SHELBY,
Chairman, Subcommittee on Transportation, Committee on Appropriations, Washington, DC.

DEAR CHAIRMAN SHELBY: At the February 9, 1999 hearing before your committee on the Top Ten Management Issues within the Department of Transportation, you asked if Mexican trucks drive beyond the commercial zone boundaries of the four border states. The answer is "yes", even though Mexican trucks are not authorized to go beyond the commercial zones.

All interstate motor carriers operating in the United States, including Mexican motor carriers operating in the commercial zones, are required to obtain a Department of Transportation (DOT) identification number and to display this unique identifying number on their commercial trucks. We used the identification number to get the information needed to answer your question.

Under the Motor Carrier Safety Assistance Program, state safety inspectors perform roadside inspections of commercial trucks and drivers throughout the United States to ensure compliance with U.S. safety regulations. Therefore, Mexican trucks operating inside or outside the commercial zones are subject to roadside inspections.

The Office of the Inspector General extracted the DOT identification numbers for motor carriers identified as domiciled in Mexico from the Office of Motor Carriers Management Information System. We compared these unique numbers to the FY 1998 roadside inspections of commercial vehicles also contained in the Office of Motor Carriers Management Information System. The results of our comparison indicate that:

Roadside inspections were performed beyond the boundaries of the commercial zone on 68 motor carriers identified as domiciled in Mexico, and were performed more than once for 11 of the 68 carriers.

Roadside inspections were performed on the 68 motor carriers at least 100 times in 24 states on the U.S.-Mexico border, which include the States of New York, Florida, Washington, Montana, North Dakota, Colorado, Iowa, South Dakota, and Wyoming.

Roadside inspections were also performed on the 68 motor carriers outside the commercial zones but within the four border states (Arizona, California, New Mexico and Texas) more than 500 times.

This demonstrates that Mexican trucks are operating well beyond the designated commercial zones. Enclosed is a copy of our recent report on the Department's Motor Carrier Safety Program. It identifies the current problems that impact negatively on motor carrier safety together with recommendations to address those issues.

If I can answer any questions, or be of further assistance, please feel free to contact me at 366–1959 or my Deputy, Raymond J. DeCarli at 366–6767.

Sincerely,

KENNETH M. MEAD,
Inspector General.

Mr. Chairman, current law only allows Mexican trucks to travel into a small NAFTA commercial zone in the four border States. But as Members can see from this map, Mexican motor carriers have ignored the present law and have traveled all around the country, from Oregon to my home State of Illinois, to New York. Why do they ignore the law? Because there is no strong enforcement mechanism with which to punish violators of NAFTA. The current fine is only $500. Clearly, we need to strengthen these fines, and that is exactly what the gentleman from New York and I worked with the committee's leadership to have included in the manager's amendment.

The manager's amendment raises the fine up to $10,000 with a possible disqualification for the first offense, and up to $25,000 and a guaranteed disqualification for a second offense. Surely, Mr. Chairman, Mexican and foreign motor carriers will think twice about violating our laws with such a stiff penalty. But this begs the question: Why has the Department of Transportation not done anything up to this point? Does this administration not care about executing international treaties and the laws of this country? Why has the $500 fine, which is measly, not been enforced by the Department of Transportation? They have not bothered to issue one fine for 68 motor carriers that have gone beyond the commercial zone. Why? Has this administration bowed down to the altar of free trade so much that they are afraid to execute their own laws?

Hopefully, these new penalties will give the DOT the teeth and the motivation to enforce current law. If they do not enforce the law, Mr. Chairman, the American people will suffer the consequences. The DOT Inspector General found that only 1 percent of the 3.7 million Mexican trucks that crossed into the United States in 1997 were inspected. And of that 1 percent, almost 50 percent have been ordered to undergo immediate service for safety problems. Clearly, if the DOT does not start issuing the harsh fines and penalties that this bill empowers them to do, then we will find millions upon millions of unsafe Mexican trucks on our highways and byways.

While I am grateful that my concerns were addressed in the manager's amendment, I would be remiss if I did not say that possible loopholes could be closed and that these penalties could be strengthened so that the DOT would not have any choice but to penalize violators to the fullest extent. Hopefully these concerns can be addressed in the future.

In addition to the foreign penalty provisions, I am extremely happy that this bill addresses the lack of truck and bus safety enforcement on our American roads. Back on May 17, I and the gentleman from Illinois (Mr. DAVIS) led an Illinois delegation letter to the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) that emphasized the dangers that drivers in my home State of Illinois face due to the lack of intense truck inspections. Illinois' roads are the most traveled truck routes in the U.S. Yet Illinois ranks at the bottom when it comes to the percentage of intensive truck inspections performed on its trucks. I have no doubt that the low level of intense inspections led to 166 fatalities in large truck crashes in 1996 and in 1997 in Illinois. I therefore asked the gentleman from Pennsylvania and the gentleman from Minnesota to increase the funding for the grant programs to the States so that the level of intense inspections can increase in Illinois and other States. I am pleased that these wise men heeded my advice and increased the motor carrier safety assistance program by $250 million over the course of the next 4 years.

Mr. Chairman, I am grateful that the leadership on the Committee on Transportation and Infrastructure has given State inspectors the tools to make our roads safer. I am also extremely grateful that the committee worked with the gentleman from New York and I on such short notice in order to give the DOT the same tools to protect our roads from unsafe foreign trucks. As the world grows into a smaller place, it is clear that we must address and punish domestic as well as foreign violators of our laws.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I thank the gentleman for yielding me this time.

I am pleased to support this legislation. I appreciate what the gentleman from Illinois (Mr. LIPINSKI) mentioned in some detail on the floor, and I shall not repeat the pattern of illegal operations that we are seeing across the country.

What is important here is that we have legislation that for the first time is going to provide some real teeth, being able to take people who have a pattern of illegal operation in this country, in many cases they are unsafe and environmentally not sound, being able to take these operations out of service. There is an opportunity now to strengthen the provisions so that we make sure that the civil penalties that sometimes people are simply ignoring can in fact be enforced, and a pattern of offenses can result in a significant fine of $25,000 and that they will be disqualified.

I do not think that this is an issue necessarily that deals with free trade or not. I think this is one area where people on both sides of NAFTA, for instance, can come together. This is simple, common-sense enforcement of our motor carrier laws, standing up for what is important for our motorists, for the environment. In fact, I think that people who had supported NAFTA have even more reason to stand up, because if we are not providing this type of enforcement, it makes a sham out of the representations that are made that are in good faith on this floor in bringing this legislation forward.

Last but not least, I like the notion of disarming people who are not appropriately operating vehicles in this country. I feel that if we take this philosophy further, I think nothing would solve the problem of repeat drunk drivers more than taking the cars away, selling them, getting their attention, the same way that taking these trucks out of service, taking these vehicles out of service will get their attention. It is a simple, common-sense approach that I think the American public would support, with broad application, and I hope that it will prove to be effective here and will be able to be used in other areas of making our highways safer and making sure that people obey our laws.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Chairman, I rise today in strong support of the bill put forth by the gentleman from Pennsylvania and the gentleman from Minnesota as well as the chairman and ranking member of the subcommittee to bring increased truck safety on our highways and to rein in those commercial motor carriers that are attempting to operate with a loose regard for safety. In my district in the Houston, Texas area, many major highway routes in and around the city and Harris County have increasingly become the scene of horrendous accidents involving tractor-trailers and small passenger vehicles.

Just this month, a criminal trial has concluded involving a truck driver who, while operating an 18-wheeler with faulty brakes and also driving while intoxicated, killed four members of the Groten family of the city of West University which is in the 25th District. Lisa Groten managed to escape the crash but was forced to watch as her husband was unable to extricate himself from the wreckage and died as well as her three children who were killed instantly. I think that it is highly incumbent upon the Congress to move quickly as the chairman and ranking member have chosen to do so in bringing this bill forward and saying that we are going to crack down on this type of activity.

Second of all, I want to associate myself with the remarks both of the gentleman from Oregon and the gentleman from Illinois on the problem of illegal truck activity from Mexico and, for that matter, Canada as well. I do support NAFTA, but I think the gentleman from Illinois is correct and, that is, that the laws and the agreements made in NAFTA must be enforced. We have consistently found, the General Accounting Office has found, that the inspections at the border have been wholly insufficient and until such time as there is adequate inspection at the border, I do not believe we can expand access to trucks coming in from Mexico, ensuring that they are meeting the safety requirements and the road requirements that we require American trucks to meet. I commend the ranking member and the chairman for that. But most of all let me say in conclusion that I think this is a good bill and it puts safety first. That is what we owe our constituents.

Mr. SHUSTER. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Chairman, I thank the gentleman for yielding me this time and would like to engage him in a colloquy on the important subject of railroad mitigation.

As the gentleman well knows in my district, the Dakota, Minnesota and Eastern Railroad has proposed a $1.4 billion upgrade of its current line which will transform the railroad from a sleepy, couple-of-trains-a-day to a modern, high-speed, busy railroad. Needless to say, many of my constituents are concerned about what this means to them.

The West probably would not have been opened without the help of railroads. Many of our first towns were built to provide water and coal to the early trains. Some railroads do not serve the communities they travel through today. They are only interested in the cargo traffic moving between major cities. There are benefits to large regional and national railroads. Americans enjoy cheaper products, quicker delivery from coast to coast and much more.

In dealing with the railroads, communities must build safety crossings, viaducts and more. These things cost a lot of money. A simple railroad crossing with gates for a two-lane road costs about $150,000. Minnesota, my State, receives $4.5 million from the Federal Government for railroad mitigation. That is enough for 30 crossings. The DM&E will have 300 crossings in Minnesota alone.

Because the Federal railroad mitigation account is underfunded, many mitigation projects are funded by the local taxpayers, even though those taxpayers will receive minimal benefit from the railroad. This is not right. A strong economy rides on a good transportation system which must include modern railroads. However, if our national policy is such that it promotes railroads at the expense of our local folks, then problems will arise.

I hope the gentleman will agree that the American people would support helping out communities negatively affected by railroads which does not really help the community. As a matter of fact, the Federal Government should help these communities.

I believe the gentleman's committee and the subcommittee chaired by the gentleman from Wisconsin (Mr. PETRI) will be holding hearings on this topic, and I would appreciate if he could examine some particular concerns that I have. And, if possible, I would appreciate the opportunity to testify about the specific problems communities in my district are facing.

Mr. SHUSTER. If the gentleman will yield, I want to assure the gentleman that we will be looking at this important safety issue. We will be very pleased to have him involved in the process, and if we hold hearings, as I expect we will, to have him testify.

Mr. OBERSTAR. Mr. Chairman, I yield myself such time as I may consume for the purpose of addressing, supplementing the excellent statement the gentleman from Minnesota (Mr. GUTKNECHT) has just raised.

The matter of the DM&E Railroad is a very serious one for the city of Rochester, Minnesota, where the world renowned Mayo Clinic is located. The DM&E expanded service will mean as many as 30 trains a day rumbling within a quarter of a mile or less of the heart of the Mayo Clinic and right next to one of its main hospitals. That amount of vibration and attendant noise is very disconcerting to the medical staff and the administration of the Mayo Clinic.

□ 1315

It is a very serious matter. The best way it can be addressed, I think, is to completely relocate the railroad at a cost of several hundreds of millions of dollars. There are other mitigation efforts, though, that can be taken at less cost that can and should be taken; and I am delighted to work with my colleague who represents the Rochester area with distinction in this body and with the mayor of Rochester and the Mayo Clinic board. We must do all that we can to assure that this medical institution with an international reputation is not demeaned in any way by the necessary railroad service that must also go through the community.

I know this is a very thorny issue that the gentleman has attempted to address, and it is a statewide matter. It is not just a local matter.

Mr. GUTKNECHT. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Minnesota.

Mr. GUTKNECHT. Mr. Chairman, I just want to thank my colleague from Minnesota who does such a good job for us on the Committee on Transportation and Infrastructure.

This is a major issue, and frankly I think Rochester is one example; but it really is an example that we are going to be facing around the rest of the country. We certainly need railroads. We need to upgraded many of the railroads that are out there, but I think it has got to be taken into account in terms of our overall transportation strategy and what level of support the Federal Government should provide.

The one thing I think we should all agree, and that is that local taxpayers should not be held responsible to pay enormous costs for a new railroad upgrade from which they get very little benefit, and I think there is a big public policy question here, the issue of the Mayo Clinic is certainly a big one as well, and I want to thank the gentleman from Minnesota in joining with me to work with local communities to help solve these problems.

Mr. OBERSTAR. Mr. Chairman, additionally I would point out this instant case plus an additional one in the district of our colleague from near Cleveland, Ohio (Mr. KUCINICH) where the CSX merger has increased, and let me take that word back, has doubled rail traffic to 110 trains a day through his little town of Berea, Ohio.

The vibration, the noise, the safety whistles of the trains going through have disrupted to an unacceptable level the lives of the people who for years have lived peaceably along that track. The situation is parallel to that of the gentleman from Minnesota, and the Surface Transportation Board has to take into account these adverse consequences on communities in its consideration of requests for service expansion and mergers of the Nation's railroads. This is an instant case of the failure of the Surface Transportation Board adequately to consider the adverse impacts on people, business, and people and other businesses in the communities served by the very important rail service of our Nation.

Mr. WOLF. Mr. Chairman, let me just say that I appreciate the gentleman from Pennsylvania, Mr. SHUSTER, for bringing up H.R. 2679 on the floor of the House today. Truck safety is a topic in which we both have an interest and it is important that this House continue to address it.

The current structure of motor carrier enforcement is just not working. It has allowed trucks to operate on the road that are unsafe and has resulted in over 5300 deaths for several years. In short, the status of truck safety is not good.

This bill, while not perfect is a good first step towards improving safety in the trucking industry. For the record, most truck drivers and trucking companies operate in a safe manner. They care not only about making the delivery on time, but making it safely. But there are those on the margins who unfortunately operate unsafely. It is those that this bill focuses on.

I would like to bring to the House's attention a letter from safety groups that has recommendations to improve truck safety and I believe the Congress and Administration should address these recommendations as this bill moves toward enactment.

The letter follows:

URGENT—VOTE TODAY

Public Citizen Advocates for Highway and Auto Safety.
Trauma Foundation.
Citizens for Reliable and Safe Highways (CRASH).
Parents Against Tired Truckers.
Consumer Federation of America.

SAFETY GROUPS AND TRUCK CRASH SURVIVORS URGE MEMBERS OF CONGRESS TO STRENGTHEN SAFETY PROVISIONS IN H.R. 2679

OCTOBER 14, 1999.

DEAR REPRESENTATIVE: Today the House is expected to vote on H.R. 2679, a bill to establish a National Motor Carrier Administration in the U.S. Department of Transportation. This legislation is an outgrowth of a number of reports from the Inspector General of the U.S. Department of Transportation and the General Accounting Office as well as hearings held by the National Transportation Safety Board and the Congress documenting the failures of the Federal Motor Carrier Safety program: failure to conduct inspections, failure to impose penalties, failure to issue safety standards, failure to collect and analyze accurate data, failure to conduct important scientific research, and failure to maintain an appropriate arms length relationship with the regulated industry. Taxpayer dollars have been squandered and safety has been seriously compromised.

Every year, more than 5,300 people die in crashes involving motor carriers and 127,000 are injured. Although big trucks account for only 3% of registered vehicles, they are involved in 9% of all fatal crashes and 12% of all highway deaths. Additionally, more than one out of five (22%) of passenger vehicle occupant deaths on our highways result from crashes with large trucks. Not surprisingly, in crashes involving a truck and passenger car, 98% of the fatalities are passenger car occupants, The fatalities are the equivalent of a major fatal airline crash every two weeks. It is a national disgrace that our federal regulatory and enforcement agency has failed to protect our American families on the highway.

We commend the House for moving swiftly in this session to enact motor carrier legislation. H.R. 2679 makes some important improvements in truck safety with provisions such as detailed attention to strengthening the Commercial Driver License Program. We also appreciate the emphasis in H.R. 2679 on "safety as highest priority." In addition, the Manager's amendments of October 13, 1999, appropriately devote extra attention in a new provision to the problem of illegal operations by foreign carriers which can pose a growing problem to highway safety if not checked, although we are concerned with the requirement that the violation be "intentional."

However, H.R. 2679, even with these and other provisions, can only be regarded at best as a tentative first step towards comprehensive motor carrier safety reform. Not only does the bill fail to address numerous, major areas of need to ensure significantly improved federal regulation and enforcement, but it essentially compromises the basic safety mission of a new independent motor carrier agency by charging it with oversight of economic laws and regulations, including responsibilities only recently assigned to the new Surface Transportation Board (STB) by the Interstate Commerce Commission (ICC) Termination Act of 1995.

This commingling of economic administrative duties with safety stewardship creates potentially conflicting missions which could lead to safety policy choices that are inevitably balanced with issues affecting the productivity and economic health of the trucking industry. In fact, H.R. 2679 actually increases the likelihood of economic considerations adversely influencing agency safety policy decisions because it places the administration of several sections of 49 United States Code in the new agency which had formerly been assigned, first, to the old ICC and, more recently, to the new STB. It is clear that, if enacted in its present form, H.R. 2679 would permit the agency to subvert the goals of safety regulation and enforcement by weighing them in a scale balanced explicitly with the economic needs of industry.

We are also concerned that the major problems identified by the Inspector General, the Government Accounting Office, and numerous witnesses are not addressed in this legislation, yet this legislation is an unprecedented opportunity to change the course of truck safety. With the addition of the following provisions recommended as well on many occasions by the safety organizations and survivors of truck crashes, the legislation would go a long way towards stemming this carnage on our highways.

We encourage members of Congress to propose amendments that address the following key deficiencies in H.R. 2679 to achieve strong legislation that will make our highways safer:

There is no direct charge to the new motor carrier agency explicitly to implement the findings and recommendations in the comprehensive report issued by the U.S. Department of Transportation's Office of the Inspector General in April 1999 which delineates the multiple failures of the Office of Motor Carriers and Highway Safety (OMCHS). The early provisions of the bill, such as Section 102, which simply consign important motor carrier safety enhancement goals to the discretion of the Secretary, cannot substitute for specific legislated targets and is essentially hortatory rather than prescriptive for agency compliance.

The bill fails to assign appropriate shared jurisdiction with the National Highway Traffic Safety Administration (NHTSA) for data acquisition and evaluation, including violation records and crash causation analysis, and for regulating retrofitted safety features, safety component maintenance, and safety equipment performance of in-service commercial motor vehicles, a responsibility which could substantially improve on-the-road motor carrier safety. The NHTSA issues new truck safety standards and should be responsible for concurrent issuance of requirements to maintain these standards in trucks on the road.

There have been significant conflict of interest problems involving research contracts at the OMC. The agency is ignoring general regulations that direct government agencies to avoid conflicts of interest in the awarding of contracts. As the Teamsters testified, OMC has awarded numerous contracts to the regulated industry to develop safety standards governing that industry. This is unacceptable and the bill should prohibit such conflicts.

A number of major areas of need regarding the qualifications of both new commercial drivers and of entrant motor carriers are not addressed. Among these are the pressing need for commercial driver entry-level and advanced training and certification as conditions for taking the basic CDL and advanced endorsement examinations, and for a proficiency examination requiring demonstrated understanding of the Federal Motor Carrier Safety Regulations by new drivers and by applicant carriers seeking interstate operating authority.

Specific reform of data needs such as mandating that the States maintain certain violation records, including traffic and felony violations, as well as a 10-year calendar governing Out of Service order violations, is not contained in H.R. 2679, although it is widely acknowledged that the Commercial Driver Licensing Information System is poorly administered and has either mistaken, outdated, or missing data entries needed to track commercial drivers for potential license suspension and driver disqualification.

H.R. 2679 not only fails to mandate specific minimum penalties that must be imposed by the Secretary, it weakens its direction to the Secretary in Section 208 to impose "civil penalties at a level calculated to ensure prompt and sustained compliance" by providing blanket discretion to the Secretary not only to lower the amount of such penalties but even to forgive repeated violations of safety law and regulation without penalty.

Other legislative initiatives, such as the need to consider extending the CDL requirements downward to commercial vehicles less than 26,000 pounds, closing the gap between federal motor carrier safety standards and the often far weaker state standards which nevertheless pass muster for securing Motor Carrier Safety Assistance Program (MCSAP) funds, and addressing the growing problem of high rates of deaths and injuries inflicted by intrastate-only motor carriers, are simply absent in H.R. 2679.

These deficiencies are far from a comprehensive listing of the missing provisions and failed approach of H.R. 2679 in dealing with a large and growing problem of weak federal safety oversight, widespread scofflaw conduct by drivers and carriers, systematic falsification of commercial driver paper logbooks, the need to strengthen federal enforcement mechanisms and insulate a new motor carrier agency from industry influence. Also, as the Administration's letter points out, the word "safety" should be in the name of the new agency, since that is its mission. If taxpayer dollars are going to be spent on the creation of a new agency to regulate and enforce motor carrier safety, it should be equipped with the authority to address all recognized problems and not just a few of them.

The American public is virtually unanimous that large trucks are a source of great danger on the highway and that action should be taken to make them safer. In two very recent polls, when asked whether they would pay more for goods shipped by trucks in exchange for truck safety improvements, 78% of the public said "yes." An overwhelming 93% said that allowing truck drivers to drive longer hours is less safe and 80% said it is much less safe. A large 81% favors installation of new technology such as driver warning systems and black boxes in trucks to improve enforcement. On that point, the National Transportation Safety Board has recommended again and again for over 15 years that black boxes be installed in trucks yet the Office of Motor Carriers has never initiated such a requirement.

The proposals listed above are reasonable and modest. If 5,300 people were killed every year and 127,000 people injured in airline crashes, the House would be enacting a bill addressing all facets of the problem. It would be holding emergency hearings condemning airline operations, the newspapers would put it on the front page, and it would be the lead story on the evening news. The trauma, the heartbreak, and the government responsibility are no less because these deaths are occurring one by one, community by community across America. This legislation is literally a matter of life and death. It is time to set things right and assure the public the kind of vigorous federal action which will be measured in crashes avoided and deaths prevented.

Your constituents are expecting leadership from their elected officials to tackle this problem. We urge you to fulfill this obligation.

Sincerely,

Judith L. Stone, President, Advocates for Highway and Auto Safety, Washington, DC.

Andrew McGuire, Executive Director, Trauma Foundation, San Francisco General Hospital, San Francisco, CA.

Joan Claybrook, President, Public Citizen, Washington, DC.

Daphne Izer, Parents Against Tired Truckers, Lisbon Falls, ME.

Michael Scippa, Executive Director, Citizens for Reliable and Safe Highways, Tiburon, CA.

Ellen Smead, Consumer Coalitions Coordinator, Consumer Federation of America, Washington, DC.

Mr. TRAFICANT. Mr. Chairman, I rise in support of H.R. 2679. This bill makes significant changes in how motor carrier safety rules are enforced. These changes will save lives and strengthen safety on our roads.

While I support the bill, I want to continue working with Chairman SHUSTER, Chairman PETRI and Ranking Member OBERSTAR and Ranking Member RAHALL to develop a consensus on how to address the inadequacies in current law relative to the commercial drivers license program for the school transportation industry.

While the bill before us today makes an earnest effort to resolve these issues, I think it falls short of what is needed to address the key problems facing the school transportation industry. These are the recruitment and retention of highly qualified and dedicated school bus drivers nationwide, and sustaining the remarkable safety record of so-called "yellow" school buses.

State directors of pupil transportation across the country are concerned about chronic school bus driver shortages. It is a serious problem in school districts across the country. The school transportation industry has always experienced a high turnover rate. Unfortunately, the current CDL program encourages prospective school bus drivers to avail themselves of the free CDL training the school transportation industry provides only to accept employment elsewhere. In many instances, these drivers never get behind the wheel of a school bus.

The school transportation industry has wasted millions of dollars training drivers who use their CDL to drive commercial vehicles other than school buses. This is senseless drain on the precious resources of school districts and small businesses. It has also exacerbated the school driver shortage problem which is forcing many school districts to adjust class schedules—often forcing young children to leave for school as early as 7:15 in the morning.

I hope to continue working with the committee to develop legislation that incorporates the following principles:

Every new school bus driver should be administered, as part of their CDL training, both written and skills tests that more closely assess the knowledge and skills required to operate a school bus. The Department of Transportation should promulgate minimum testing standards that States must use in their testing. States should then be required to provide a school-bus specific CDL.

That school bus-specific CDL should also be restricted, so as to require a holder desiring to operate another commercial vehicle in the same or a higher class to retest for that vehicle type. Illinois and Connecticut have implemented such a system, and have experienced a decline in wasted training costs and significantly higher school bus driver retention rates.

It is true that under current law there is nothing preventing more states from emulating Illinois and Connecticut. Unfortunately, over the 12-year history of the CDL law, most states have been slow to address this widespread and vexing problem.

It is also true that the school bus industry has an exceptional safety record. However, I echo the concern of the school transportation industry that, unless Congress takes action to encourage the retention and recruitment of highly qualified and dedicated school bus drivers, safety will be compromised.

There needs to be uniformity among the states when it comes to certifying school bus drivers—the same type of uniformity the original CDL law was intended to foster. Since 1997, Congress has been presented with testimony from the states that this is a problem that continues to grow.

Once again, I hope to continue working with the committee to develop a consensus legislative remedy to this problem as soon as possible.

Mr. QUINN. Mr. Chairman, first of all, I would like to thank the distinguished Chairman of the Transportation Committee, Mr. SHUSTER, for his diligent work on this issue.

He, along with Subcommittee Chairman PETRI and Ranking Members OBERSTAR and RAHALL, have done a magnificent job in crafting a bill that will comprehensively improve truck and bus safety.

The Motor Carrier Safety Act is not just a "quick fix" to the problem of truck related accidents and deaths on our nation's highways.

This legislation creates a new National Motor Carrier Administration that is directed to consider the assignment and maintenance of safety as its highest priority.

H.R. 2679 makes reforms and closes loopholes in federal motor carrier safety programs and in the Commercial Driver's License program.

And one section of the Manager's Amendment addresses another serious highway safety concern involving the presence of Mexican trucks operating illegally on our nation's highways.

The Department of Transportation's Inspector General recently reported that 68 Mexican motor carriers have been found operating illegally in 24 different states.

These trucks have been found as far north as my home state of New York—obviously well beyond the designated commercial zones.

The presence of these trucks on our highways poses a serious threat to the safety of American travelers because they do not have to abide by our safety regulations.

This legislation makes all illegally operating foreign carriers liable for a civil penalty and disqualification.

I am proud to have co-authored this section with my colleague and good friend from Illinois, Mr. LIPINSKI.

I feel we have adequately addressed the safety concerns of our highway users and I thank Chairman SHUSTER for including the language in the Manager's Amendment.

Mr. OBERSTAR. Mr. Chairman, I yield back the balance of my time.

Mr. SHUSTER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment printed in Part A of House Report 106-381 is adopted. The bill, as amended, shall be considered under the 5-minute rule by title, and each title shall be considered read.

Before consideration of any other amendment, it shall be in order to consider the amendment printed in Part B of the report if offered by the gentleman from Pennsylvania (Mr. SHUSTER) or his designee. That amendment shall be considered read, may amend portions of the bill not yet read for amendment and shall not be subject to the demand for division of the question.

During consideration of the bill for further amendment the Chair may accord priority in recognition to a Member offering an amendment that has been printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment and may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business providing that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

Mr. SHUSTER. Mr. Chairman, I ask unanimous consent that the entire bill be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The text of H.R. 2679, as amended, is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Motor Carrier Safety Act of 1999".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Purposes.

TITLE I—NATIONAL MOTOR CARRIER ADMINISTRATION

Sec. 101. Establishment of National Motor Carrier Administration.
Sec. 102. Motor carrier safety strategy.
Sec. 103. Revenue aligned budget authority.
Sec. 104. Additional funding for motor carrier safety grant program.
Sec. 105. Motor carrier safety advisory committee.
Sec. 106. Effective date.

TITLE II—COMMERCIAL MOTOR VEHICLE AND DRIVER SAFETY

Sec. 201. Disqualifications.
Sec. 202. CDL school bus endorsement.
Sec. 203. Requirements for State participation.
Sec. 204. State noncompliance.
Sec. 205. 24-hour staffing of telephone hotline.
Sec. 206. Checks before issuance of driver's licenses.
Sec. 207. Border staffing standards.
Sec. 208. Minimum and maximum assessments.
Sec. 209. Study of commercial motor vehicle crash causation and data improvement.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The current rate, number, and severity of crashes involving motor carriers in the United States are unacceptable.

(2) The number of Federal and State commercial motor vehicle and operator inspections is too low and the number and size of civil penalties for violators must be sufficient to establish a credible deterrent to future violations.

(3) The Department of Transportation takes too long to complete statutorily mandated rulemaking proceedings on motor carrier safety and, in some significant safety rulemaking proceedings, including driver hours-of-service regulations, extensive periods have elapsed without progress toward resolution or implementation.

(4) Too few motor carriers undergo compliance reviews and the Department's data bases and information systems require substantial improvement to enhance the Department's ability to target inspection and enforcement resources toward the most serious safety problems and to improve States' ability to keep dangerous drivers off the roads.

(5) There needs to be a substantial increase in appropriate facilities and personnel in international border areas to ensure that commercial motor vehicles, drivers, and carriers comply with United States safety standards.

(6) The Department should rigorously avoid conflicts of interest in research awards in Federally funded research.

(7) Unless meaningful measures to improve safety are implemented expeditiously, projected increases in vehicle-miles traveled will raise the number of crashes, injuries, and fatalities even higher.

(8) Wisely used additional funding and personnel are essential to the Department's ability to improve its research, rulemaking, oversight, and enforcement activities related to commercial motor vehicles, operators, and carriers.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to improve the administration of the Federal motor carrier safety program and to establish a National Motor Carrier Administration in the Department of Transportation; and

(2) to reduce the number and severity of large-truck involved crashes through more commercial motor vehicle and operator inspections and motor carrier compliance reviews, stronger enforcement measures against violators, expedited completion of rulemaking proceedings, scientifically sound research, and effective commercial driver's license testing, recordkeeping and sanctions.

TITLE I—NATIONAL MOTOR CARRIER ADMINISTRATION

SEC. 101. ESTABLISHMENT OF NATIONAL MOTOR CARRIER ADMINISTRATION.

(a) IN GENERAL.—Chapter 1 of title 49, United States Code, is amended by adding at the end the following:

"§ 113. National Motor Carrier Administration

"(a) IN GENERAL.—The National Motor Carrier Administration shall be an administration of the Department of Transportation.

"(b) SAFETY AS HIGHEST PRIORITY.—In carrying out its duties, the Administration shall consider the assignment and maintenance of safety as the highest priority, recognizing the clear intent, encouragement, and dedication of Congress to the furtherance of the highest degree of safety in motor carrier transportation.

"(c) ADMINISTRATOR.—The head of the Administration shall be the Administrator who shall be appointed by the President, by and with the advice and consent of the Senate. The Administrator shall report directly to the Secretary of Transportation.

"(d) DEPUTY ADMINISTRATOR.—The Administration shall have a Deputy Administrator appointed by the Secretary, with the approval of the President. The Deputy Administrator shall carry out duties and powers prescribed by the Administrator.

"(e) CHIEF SAFETY OFFICER.—The Administration shall have an Assistant National Motor Carrier Administrator appointed in the competitive service by the Secretary, with the approval of the President. The Assistant Administrator shall be the Chief Safety Officer of the Administration. The Assistant Administrator shall carry out the duties and powers prescribed by the Administrator.

"(f) REGULATORY OMBUDSMAN.—The Administration shall have a Regulatory Ombudsman appointed by the Administrator. The Secretary and the Administrator shall each delegate to the Ombudsman such authority as may be necessary for the Ombudsman to expedite rulemaking proceedings to comply with statutory and internal departmental deadlines, including authority to—

"(1) make decisions to resolve disagreements between officials in the Administration who are participating in a rulemaking process; and

"(2) ensure that sufficient staff are assigned to rulemaking projects to meet all deadlines.

"(g) OFFICES OF PASSENGER VEHICLE SAFETY, CONSUMER AFFAIRS, AND INTERNATIONAL AFFAIRS.—The Administration shall have an Office of Passenger Vehicle Safety, an Office of Consumer Affairs, and an Office of International Affairs.

"(h) POWERS AND DUTIES.—The Administrator shall carry out—

"(1) duties and powers related to motor carriers or motor carrier safety vested in the Secretary by chapters 5, 51, 55, 57, 59, 133 through 149, 311, 313, and 315; and

"(2) additional duties and powers prescribed by the Secretary.

"(i) LIMITATION ON TRANSFER OF POWERS AND DUTIES.—A duty or power specified in subsection (h)(1) may only be transferred to another part of the Department when specifically provided by law.

"(j) EFFECT OF CERTAIN DECISIONS.—A decision of the Administrator involving a duty or power specified in subsection (h)(1) and involving notice and hearing required by law is administratively final.

"(k) CONSULTATION.—The Administrator shall consult with the Federal Highway Administrator and with the National Highway Traffic Safety Administrator on matters related to highway and motor carrier safety.".

(b) ADMINISTRATIVE EXPENSES.—Section 104(a)(1) of title 23, United States Code, is amended—

(1) in paragraph (1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and by moving the text of such clauses 2 ems to the right;

(2) in paragraph (1) by striking "exceed 1½ percent of all sums so made available, as the

Secretary determines necessary—" and inserting "exceed—

"(A) 1⅙ percent of all sums so made available, as the Secretary determines necessary—";

(3) by striking the period at the end of paragraph (1)(A)(ii) (as redesignated by paragraphs (1) and (2) of this subsection) and inserting "; and" and the following:

"(B) ⅓ of one percent of all sums so made available, as the Secretary determines necessary, to administer the provisions of law to be financed from appropriations for motor carrier safety programs and motor carrier safety research."; and—

(4) by adding at the end the following:

"(4) Limitation on transferability.—Unless expressly authorized by law, the Secretary may not transfer any sums deducted under paragraph (1) to a Federal agency or entity other than the Federal Highway Administration and the National Motor Carrier Administration.".

(c) Conforming Amendments.—

(1) Chapter analysis.—The analysis for chapter 1 of title 49, United States Code, is amended by adding at the end the following:

"113. National Motor Carrier Administration.".

(2) Federal highway administration.—Section 104 of title 49, United States Code, is amended—

(A) in subsection (c)—

(i) by striking the semicolon at the end of paragraph (1) and inserting "; and";

(ii) by striking paragraph (2); and

(iii) by redesignating paragraph (3) as paragraph (2);

(B) by striking subsection (d); and

(C) by redesignating subsection (e) as subsection (d).

(d) Positions in Executive Service.—

(1) Administrator.—Section 5314 of title 5, United States Code, is amended by inserting after

"Administrator of the National Highway Traffic Safety Administration."

the following:

"Administrator of the National Motor Carrier Administration.".

(2) Deputy and assistant administrators.—Section 5316 of title 5, United States Code, is amended by inserting after

"Deputy Administrator of the National Highway Traffic Safety Administration."

the following:

"Deputy Administrator of the National Motor Carrier Administration.

"Assistant National Motor Carrier Administrator.".

(e) Conflicts of Interest.—

(1) Compliance with regulation.—In awarding any contract for research, the National Motor Carrier Administrator shall comply with section 1252.209-70 of title 48, Code of Federal Regulations, as in effect on the date of enactment of this section. The Administrator shall require that the text of such section be included in any request for proposal and contract for research made by the Administrator.

(2) Study.—

(A) In general.—The Administrator shall conduct a study to determine whether or not compliance with the section referred to in paragraph (1) is sufficient to avoid real or perceived conflicts of interest in contracts for research awarded by the Administrator and to evaluate whether or not compliance with such section unreasonably delays or burdens the awarding of such contracts.

(B) Consultation.—In conducting the study under this paragraph, the Administrator shall consult, as appropriate, with the Inspector General of the Department of Transportation, the Comptroller General, the heads of other Federal agencies, research organizations, industry representatives, employee organizations, safety organizations, and other entities.

(C) Report.—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit to Congress a report on the results of the study conducted under this paragraph.

SEC. 102. MOTOR CARRIER SAFETY STRATEGY.

(a) Safety Goals.—In conjunction with existing strategic planning efforts, the Secretary of Transportation shall develop a long-term strategy for improving commercial motor vehicle, operator, and carrier safety. The strategy shall include an annual plan and schedule for achieving, at a minimum, the following goals:

(1) Reducing the number and rates of crashes, injuries, and fatalities, involving commercial motor vehicles.

(2) Improving the consistency and effectiveness of commercial motor vehicle, operator, and carrier enforcement and compliance programs.

(3) Identifying and targeting enforcement efforts at high-risk commercial motor vehicles, operators, and carriers.

(4) Improving research efforts to enhance and promote commercial motor vehicle, operator, and carrier safety and performance.

(b) Contents of Strategy.—

(1) Measurable goals.—The strategy and annual plans under subsection (a) shall include, at a minimum, specific numeric or measurable goals designed to achieve the strategic goals of subsection (a). The purposes of the numeric or measurable goals are as follows:

(A) To increase the number of inspections and compliance reviews to ensure that all high-risk commercial motor vehicles, operators, and carriers are examined.

(B) To eliminate, with meaningful safety measures, the backlog of rulemakings.

(C) To improve the quality and effectiveness of data bases by ensuring that all States and inspectors accurately and promptly report complete safety information.

(D) To eliminate, with meaningful civil and criminal penalties for violations, the backlog of enforcement cases.

(E) To provide for a sufficient number of Federal and State safety inspectors, and provide adequate facilities and equipment, at international border areas.

(2) Resource needs.—In addition, the strategy and annual plans shall include estimates of the funds and staff resources needed to accomplish each activity. Such estimates shall also include the staff skills and training needed for timely and effective accomplishment of each goal.

(c) Submission With the President's Budget.—Beginning with fiscal year 2001 and each fiscal year thereafter, the Secretary shall submit to Congress the strategy and annual plan at the same time as the President's budget submission.

(d) Annual Performance.—

(1) Annual performance agreement.—For each of fiscal years 2001 through 2003, the following officials shall enter into annual performance agreements:

(A) The Secretary and the National Motor Carrier Administrator.

(B) The Administrator and the Deputy National Motor Carrier Administrator.

(C) The Administrator and the Chief Safety Officer of the National Motor Carrier Administration.

(D) The Administrator and the Regulatory Ombudsman of the Administration.

(2) Goals.—

(A) In general.—Each annual performance agreement shall set forth measurable organization and individual goals for each lower ranking official referred to in paragraph (1).

(B) Administrator, deputy administrator, and chief safety officer.—The performance agreements entered into under paragraphs (1)(A), (1)(B), and (1)(C) shall include the numeric or measurable goals of subsection (b).

(C) Regulatory ombudsman.—The performance agreement entered into under paragraph (1)(D) shall include goals in key operational areas, including promptly completing rulemaking proceedings and complying with statutory and internal departmental deadlines.

(3) Progress assessment.—No less frequently than semiannually, the Secretary shall assess the progress of each lower ranking official referred to in paragraph (1) toward achieving the goals in his or her performance agreement. The Secretary shall convey the assessment to such official, including identification of any deficiencies that should be remediated before the next progress assessment.

(4) Review and renegotiation.—Each agreement entered into under paragraph (1) shall be subject to review and renegotiation on an annual basis.

(5) Performance dividends.—

(A) General authority.—The Secretary may award to the Administrator, and the Administrator may award to each of the Deputy Administrator, Chief Safety Officer, and Regulatory Ombudsman, an annual performance dividend of not to exceed $15,000.

(B) Criteria for award.—If the Secretary finds that the Administrator has, and if the Administrator finds that one or more of the Deputy Administrator, Chief Safety Officer, and Regulatory Ombudsman have, made substantial progress toward meeting the goals of his or her performance agreement, the Secretary or Administrator, as the case may be, may award a performance dividend under this paragraph commensurate with such progress.

(C) Limitation.—Notwithstanding subparagraph (A), no performance dividend may be awarded to an official under this paragraph until the Administrator has submitted to the Office of Management and Budget regulations issued, after the date of enactment of this Act, to implement the safety fitness requirements of section 31144 of title 49, United States Code. The Secretary may waive the applicability of the preceding sentence (i) upon a finding of extraordinary circumstances, or (ii) for an official who has served in his or her position for less than 365 days.

(e) Achievement of Goals.—

(1) Progress assessment.—No less frequently than semiannually, the Secretary and the Administrator shall assess the progress of the Administration toward achieving the strategic goals of subsection (a). The Secretary and the Administrator shall convey their assessment to the employees of the Administration and shall identify any deficiencies that should be remediated before the next progress assessment.

(2) Bonus distribution.—In conjunction with the existing performance appraisal process, the Secretary and the Administrator shall award bonuses to all employees and officials of the Administration (other than officials to which subsection (d) applies) if the Secretary and the Administrator determine that the performance of the Administration merits the awarding of such bonuses. The Secretary and the Administrator

shall determine the size of bonuses to be awarded under this paragraph based solely on the performance of the Administration in its entirety and not on the performance of any individual employee or official.

(f) MISCELLANEOUS PROVISIONS.—

(1) FUNDING.—The Secretary may use amounts deducted under section 104(a)(1)(B) of title 23, United States Code, to make awards of performance dividends and bonuses under this section.

(2) RELATIONSHIP TO OTHER LAWS.—The authority to award performance dividends and bonuses under this section shall be in addition to any authority providing for bonuses or other incentives under title 5, United States Code.

(g) REPORT TO CONGRESS.—The Secretary shall report annually to Congress the contents of each performance agreement entered into under subsection (d), the official's performance relative to the goals of the performance agreement, and the performance dividends awarded or not awarded based on the performance of the official. In addition, the Secretary shall report to Congress on the performance of the Administration relative to the goals of the motor carrier safety strategy and annual plan under subsection (a) and the bonuses awarded or not awarded based on the performance of the Administration. The fiscal year 2002 annual report shall include an assessment of the effectiveness of the performance dividends and agencywide bonuses in improving the Administration's performance.

SEC. 103. REVENUE ALIGNED BUDGET AUTHORITY.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended—

(1) by redesignating the first section 110, relating to uniform transferability of Federal-aid highway funds, as section 126 and moving and inserting such section after section 125 of such chapter; and

(2) in the remaining section 110, relating to revenue aligned budget authority—

(A) in subsection (a)(2) by inserting "and the motor carrier safety grant program" after "relief)"; and

(B) in subsection (b)(1)(A)—

(i) by inserting "and the motor carrier safety grant program" after "program)";

(ii) by striking "title and" and inserting "title,"; and

(iii) by inserting ", and subchapter I of chapter 311 of title 49" after "21st Century".

(b) CONFORMING AMENDMENT.—The analysis for such chapter is amended—

(1) by striking

"110. Uniform transferability of Federal-aid highway funds.";

(2) by inserting after the item relating to section 125 the following:

"126. Uniform transferability of Federal-aid highway funds.";

and

(3) in the item relating to section 163 by striking "Sec.".

SEC. 104. ADDITIONAL FUNDING FOR MOTOR CARRIER SAFETY GRANT PROGRAM.

(a) IN GENERAL.—There are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for the Secretary of Transportation to carry out section 31102 of title 49, United States Code, $75,000,000 for each of fiscal years 2001 through 2003.

(b) INCREASED AUTHORIZATIONS FOR MOTOR CARRIER SAFETY GRANTS.—

(1) IN GENERAL.—Section 4003 of the Transportation Equity Act for the 21st Century (112 Stat. 395–398) is amended by adding at the end the following:

"(i) INCREASED AUTHORIZATIONS FOR MOTOR CARRIER SAFETY GRANTS.—The amount made available to incur obligations to carry out section 31102 of title 49, United States Code, by section 31104(a) of such title for each of fiscal years 2001 through 2003 shall be increased by $65,000,000.".

(2) CORRESPONDING REDUCTION TO OBLIGATION CEILING.—Section 1102 of such Act (23 U.S.C. 104 note; 112 Stat. 1115–1118) is amended by adding at the end the following:

"(j) REDUCTION IN OBLIGATION CEILING.—The limitation on obligations imposed by subsection (a) for each of fiscal years 2001 through 2003 shall be reduced by $65,000,000.".

(c) MAINTENANCE OF EFFORT.—The Secretary may not make, from funds made available by or under this section (including any amendment made by this section), a grant to a State unless the State first enters into a binding agreement with the Secretary that provides that the total expenditures of amounts of the State and its political subdivisions (not including amounts of the United States) for the development or implementation of programs for improving motor carrier safety and enforcement of regulations, standards, and orders of the United States on commercial motor vehicle safety, hazardous materials transportation safety, and compatible State regulations, standards, and orders will be maintained at a level at least equal to the level of such expenditures for fiscal year 1999.

(d) STATE COMPLIANCE WITH CDL REQUIREMENTS.—

(1) WITHHOLDING OF ALLOCATION FOR NONCOMPLIANCE.—If a State is not in substantial compliance with each requirement of section 31311 of title 49, United States Code, the Secretary shall withhold all amounts that would be allocated, but for this paragraph, to the State from funds made available by or under this section (including any amendment made by this section).

(2) PERIOD OF AVAILABILITY OF WITHHELD FUNDS.—Any funds withheld under paragraph (1) from any State shall remain available until June 30 of the fiscal year for which the funds are authorized to be appropriated.

(3) ALLOCATION OF WITHHELD FUNDS AFTER COMPLIANCE.—If, before the last day of the period for which funds are withheld under paragraph (1) from allocation are to remain available for allocation to a State under paragraph (2), the Secretary determines that the State is in substantial compliance with each requirement of section 31311 of title 49, United States Code, the Secretary shall allocate to the State the withheld funds.

(4) PERIOD OF AVAILABILITY OF SUBSEQUENTLY ALLOCATED FUNDS.—Any funds allocated pursuant to paragraph (3) shall remain available for expenditure until the last day of the first fiscal year following the fiscal year in which the funds are so allocated. Sums not expended at the end of such period are released to the Secretary for reallocation.

(5) EFFECT OF NONCOMPLIANCE.—If, on June 30 of the fiscal year in which funds are withheld from allocation under paragraph (1), the State is not substantially complying with each requirement of section 31311 of title 49, United States Code, the funds are released to the Secretary for reallocation.

SEC. 105. MOTOR CARRIER SAFETY ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—The Secretary of Transportation shall establish in the National Motor Carrier Administration a motor carrier safety advisory committee to advise, consult with, and make recommendations to the National Motor Carrier Administrator on matters relating to activities and functions of the Administration.

(b) COMPOSITION.—The advisory committee shall be composed of representatives of the motor carrier industry, drivers and manufacturers of commercial motor vehicles, employee and safety organizations, enforcement agencies, insurance industry, and the public.

(c) TERMINATION DATE.—The advisory committee shall remain in effect until September 30, 2003.

SEC. 106. EFFECTIVE DATE.

(a) IN GENERAL.—This title shall take effect on the date of enactment of this Act; except that the amendments made by section 101 shall take effect on October 1, 2000.

(b) IMPLEMENTATION.—

(1) AUTHORITY OF SECRETARY.—The Secretary of Transportation may take such action as may be necessary before October 1, 2000, to ensure the orderly transfer of duties and powers related to motor carrier safety, and employees carrying out such duties and powers, from the Federal Highway Administration to the National Motor Carrier Administration.

(2) BUDGET SUBMISSIONS.—The President's budget submission for fiscal year 2001 and each fiscal year thereafter shall reflect the establishment of the National Motor Carrier Administration in accordance with this Act.

TITLE II—COMMERCIAL MOTOR VEHICLE AND DRIVER SAFETY

SEC. 201. DISQUALIFICATIONS.

(a) DRIVING WHILE DISQUALIFIED AND CAUSING A FATALITY.—

(1) FIRST VIOLATION.—Section 31310(b)(1) of title 49, United States Code, is amended—

(A) by striking "or" at the end of subparagraph (B);

(B) by striking the period at the end of subparagraph (C) and inserting a semicolon; and

(C) by adding at the end the following:

"(D) committing a first violation of driving a commercial motor vehicle when the individual's commercial driver's license is revoked, suspended, or canceled based on the individual's operation of a commercial motor vehicle or when the individual is disqualified from operating a commercial motor vehicle based on the individual's operation of a commercial motor vehicle; or

"(E) convicted of causing a fatality through negligent or criminal operation of a commercial motor vehicle.":

(2) SECOND AND MULTIPLE VIOLATIONS.—Section 31310(c)(1) of such title is amended—

(A) by striking "or" at the end of subparagraph (C);

(B) by redesignating subparagraph (D) as subparagraph (F);

(C) by inserting after subparagraph (C) the following:

"(D) committing more than one violation of driving a commercial motor vehicle when the individual's commercial driver's license is revoked, suspended, or canceled based on the individual's operation of a commercial motor vehicle or when the individual is disqualified from operating a commercial motor vehicle based on the individual's operation of a commercial motor vehicle;

"(E) convicted of more than one offense of causing a fatality through negligent or criminal operation of a commercial motor vehicle; or"; and

(D) in subparagraph (F) (as redesignated by subparagraph (B) of this paragraph) by striking "clauses (A)–(C) of this paragraph" and inserting "subparagraphs (A) through (E)".

(3) CONFORMING AMENDMENT.—Section 31301(12)(C) of such title is amended by inserting ", other than a violation to which

section 31310(b)(1)(E) or 31310(c)(1)(E) applies" after "a fatality".

(b) Emergency Disqualification and Noncommercial Motor Vehicle Convictions.—Section 31310 of such title is amended—

(1) by redesignating subsections (f), (g), and (h) as subsections (h), (i), and (j), respectively;

(2) by inserting after subsection (e) the following:

"(f) Emergency Disqualification.—

"(1) Limited duration.—The Secretary shall disqualify an individual from operating a commercial motor vehicle for not to exceed 30 days if the Secretary determines that allowing the individual to continue to operate a commercial motor vehicle would create an imminent hazard (as such term is defined in section 5102).

"(2) After notice and hearing.—The Secretary shall disqualify an individual from operating a commercial motor vehicle for more than 30 days if the Secretary determines, after notice and an opportunity for a hearing, that allowing the individual to continue to operate a commercial motor vehicle would create an imminent hazard (as such term is defined in section 5102).

"(g) Noncommercial Motor Vehicle Convictions.—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue regulations providing for the disqualification by the Secretary from operating a commercial motor vehicle of an individual who holds a commercial driver's license and who has been convicted of serious offenses involving a motor vehicle other than a commercial motor vehicle. Such regulations shall establish the offenses and minimum periods for which such disqualifications shall be in effect, but in no case shall the types of disqualifying noncommercial motor vehicle offenses or the time periods for disqualification for noncommercial motor vehicle violations be more stringent than those for offenses or violations involving a commercial motor vehicle. The Secretary shall determine such periods based on the seriousness of the offenses on which the convictions are based."; and

(3) in subsection (h) (as redesignated by paragraph (1) of this subsection) by striking "(b)-(e)" each place it appears and inserting "(b) through (g)".

(c) Serious Traffic Violations.—Section 31301(12) of such title is amended—

(1) by striking "and" at the end of subparagraph (C);

(2) by redesignating subparagraph (D) as subparagraph (G); and

(3) by inserting after subparagraph (C) the following:

"(D) driving a commercial motor vehicle when the individual has not obtained a commercial driver's license;

"(E) driving a commercial motor vehicle when the individual does not have in his or her possession a commercial driver's license unless the individual provides, by the date that the individual must appear in court or pay any fine with respect to the citation, to the enforcement authority that issued the citation proof that the individual held a valid commercial driver's license on the date of the citation;

"(F) driving a commercial motor vehicle when the individual has not met the minimum testing standards—

"(i) under section 31305(a)(3) for the specific class of vehicle the individual is operating; or

"(ii) under section 31305(a)(5) for the type of cargo the vehicle is carrying; and".

(d) Conforming Amendments.—Section 31305(b)(1) of such title is amended—

(1) by striking "to operate the vehicle"; and

(2) by inserting before the period at the end "to operate the vehicle and has a commercial driver's license to operate the vehicle".

SEC. 202. CDL SCHOOL BUS ENDORSEMENT.

Section 31305(a) of title 49, United States Code, is amended—

(1) by striking "and" at the end of paragraph (7);

(2) by striking the period at the end of paragraph (8)(B) and inserting "; and"; and

(3) by adding at the end the following:

"(9) shall prescribe minimum testing standards for the operation of a school bus (that is a vehicle described in section 31301(4)(B)) in a State that elects to issue a commercial driver's license school bus endorsement and may prescribe different minimum testing standards for different classes of school buses.".

SEC. 203. REQUIREMENTS FOR STATE PARTICIPATION.

(a) Notification of State Officials.—Section 31311(a)(9) of title 49, United States Code, is amended—

(1) by striking "operating a commercial motor vehicle"; and

(2) by inserting "commercial" before "driver's license".

(b) Provisional Licenses.—Section 31311(a)(10) of such title is amended by inserting after "commercial driver's license" the following: "(including a provisional or temporary commercial driver's license)".

(c) Recordkeeping.—Section 31311(a) of such title is amended by striking paragraph (13) and inserting the following:

"(13) The State shall (A) record in the driving record of an individual who has a commercial driver's license issued by the State, and (B) make available to all authorized persons and governmental entities having access to such record, all information the State receives under paragraph (9) with respect to the individual and every conviction by the State of the individual for a violation involving a motor vehicle (including a commercial motor vehicle) of a State or local law on traffic control (except a parking violation), not later than 10 days after the date of receipt of such information or the date of such conviction.".

(d) Noncommercial Motor Vehicle Convictions.—Section 31311(a) of title 49, United States Code, is amended by adding at the end the following:

"(18) The State shall revoke, suspend, or cancel, for a period determined in accordance with regulations issued by the Secretary under section 31310(g), the commercial driver's license of an individual who has been convicted of serious offenses involving a motor vehicle other than a commercial motor vehicle.".

(e) Conforming Amendment.—Section 31311(a)(15) of such title is amended by striking "subsections (b)-(e), (g)(1)(A), and (g)(2) of".

SEC. 204. STATE NONCOMPLIANCE.

(a) In General.—Section 31314 of title 49, United States Code, is amended—

(1) in the section heading by striking "**Withholding amounts for**"; and

(2) by adding at the end the following:

"(d) Commercial Driver's Licenses.—

"(1) State not in substantial compliance.—If the Secretary determines that a State is not in substantial compliance with a requirement of section 31311(a), the Secretary shall issue an order declaring that all commercial driver's licenses issued by the State after the date of the order are not valid and the State may not issue any commercial driver's licenses after the date of such order.

"(2) Previously issued licenses.—Nothing in this subsection shall be construed as invalidating or otherwise affecting commercial driver's licenses issued by a State before the date of issuance of an order under paragraph (1) with respect to the State.

"(3) State in substantial compliance.—A State subject to an order under paragraph (1) may not resume issuing commercial driver's licenses until the Secretary determines that the State is in substantial compliance with all of the requirements of subsection 31311(a).

"(4) Nonresident CDLs.—Any State other than a State subject to an order under paragraph (1) shall issue a nonresident commercial driver's license to any individual domiciled in a State subject to such an order who meets all of the requirements of this chapter and any applicable State licensing requirements.".

(b) Conforming Amendment.—The analysis for chapter 313 of such title is amended by striking the item relating to section 31314 and inserting the following:

"31314. State noncompliance.".

SEC. 205. 24-HOUR STAFFING OF TELEPHONE HOTLINE.

Section 4017 of the Transportation Equity Act for the 21st Century (49 U.S.C. 31143 note; 112 Stat. 413) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(2) by inserting after subsection (b) the following:

"(c) Staffing.—The toll-free telephone system shall be staffed 24 hours a day 7 days a week by individuals knowledgeable about Federal motor carrier safety regulations and procedures."; and

(3) in subsection (e) (as redesignated by paragraph (1) of this section) by striking "for each of fiscal years 1999" and inserting "for fiscal year 1999 and $375,000 for each of fiscal years 2000".

SEC. 206. CHECKS BEFORE ISSUANCE OF DRIVER'S LICENSES.

Section 30304 of title 49, United States Code, is amended by adding at the end the following:

"(e) Driver Record Inquiry.—Before issuing a motor vehicle operator's license to an individual, a State shall request from the Secretary information from the National Driver Register under section 30302 and the commercial driver's license information system under section 31309 on the individual's driving record.".

SEC. 207. BORDER STAFFING STANDARDS.

(a) Development and Implementation.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall develop and implement appropriate staffing standards for Federal and State motor carrier safety inspectors in international border areas.

(b) Factors To Be Considered.—In developing standards under subsection (a), the Secretary shall consider volume of traffic, hours of operation of the border facility, types of commercial motor vehicles, types of cargo, delineation of responsibility between Federal and State inspectors, and such other factors as the Secretary determines appropriate.

(c) Maintenance of Effort.—The standards developed and implemented under subsection (a) shall ensure that the United States and each State will not reduce its respective level of staffing of motor carrier safety inspectors in international border areas from its average level staffing for fiscal year 2000.

(d) Border Commercial Motor Vehicle and Safety Enforcement Programs.—

(1) Enforcement.—If, on October 1, 2001, and October 1 of each fiscal year thereafter, the Secretary has not ensured that the levels of staffing required by the standards developed under subsection (a) are deployed, the Secretary shall designate 5 percent of amounts made available for allocation under section 31104(f)(1) of title 49, United States Code, for such fiscal year for States, local governments, and other persons for carrying out border commercial motor vehicle safety programs and enforcement activities and projects.

(2) Allocation.—The amounts designated pursuant to this subsection shall be allocated by the Secretary to State agencies, local governments, and other persons that use and train qualified officers and employees in coordination with State motor vehicle safety agencies.

(3) Limitation.—If the Secretary makes a designation pursuant to paragraph (1) for a fiscal year, the Secretary may not make a designation under section 31104(f)(2)(B) of title 49, United States Code, for such fiscal year.

SEC. 208. MINIMUM AND MAXIMUM ASSESSMENTS.

(a) In General.—The Secretary of Transportation should ensure that motor carriers operate safely by imposing civil penalties at a level calculated to ensure prompt and sustained compliance with Federal motor carrier safety and commercial driver's license laws.

(b) Establishment.—The Secretary—

(1) should establish and assess minimum civil penalties for each violation of a law referred to in subsection (a); and

(2) shall assess the maximum civil penalty for each violation of a law referred to in subsection (a) by any person who has previously been found to have committed the same violation or a related violation.

(c) Extraordinary Circumstances.—If the Secretary determines and documents that extraordinary circumstances exist which merit the assessment of any civil penalty lower than any level established under subsection (b), the Secretary may assess such lower penalty.

(d) Report to Congress.—

(1) In general.—The Secretary shall conduct a study of the effectiveness of the revised civil penalties established in the Transportation Equity Act for the 21st Century and this Act in ensuring prompt and sustained compliance with Federal motor carrier safety and commercial driver's license laws.

(2) Submission to congress.—The Secretary shall transmit the results of such study and any recommendations to Congress by September 30, 2002.

(e) Semiannual Audit by Inspector General.—The Inspector General of the Department of Transportation shall conduct a semiannual audit of the National Motor Carrier Administration's enforcement activities, including an analysis of the number of violations cited by safety inspectors and the level of fines assessed and collected for such violations, and of the number of cases in which there are findings of extrordinary circumstances under subsection (c) and the circumstances in which these findings are made and shall promptly submit the results of each such audit to Congress.

SEC. 209. STUDY OF COMMERCIAL MOTOR VEHICLE CRASH CAUSATION AND DATA IMPROVEMENT.

(a) Objectives.—The Secretary of Transportation shall conduct a comprehensive study to determine the causes of, and contributing factors to, crashes that involve commercial motor vehicles. The study shall also identify data requirements and collection procedures, reports, and other measures that will improve the Department of Transportation's and States' ability to—

(1) evaluate future crashes involving commercial motor vehicles;

(2) monitor crash trends and identify causes and contributing factors; and

(3) develop effective safety improvement policies and programs.

(b) Design.—The study shall be designed to yield information that will help the Department and the States identify activities and other measures likely to lead to significant reductions in the frequency, severity, and rate per mile traveled of crashes involving commercial motor vehicles. As practicable, the study shall rank such activities and measures by the reductions each would likely achieve, if implemented.

(c) Consultation.—In designing and conducting the study, the Secretary shall consult with persons with expertise on—

(1) crash causation and prevention;

(2) commercial motor vehicles, drivers, and carriers;

(3) highways and noncommercial motor vehicles and drivers;

(4) Federal and State highway and motor carrier safety programs;

(5) research methods and statistical analysis; and

(6) other relevant topics.

(d) Public Comment.—The Secretary shall make available for public comment information about the objectives, methodology, implementation, findings, and other aspects of the study.

(e) Report.—The Secretary shall promptly transmit the results of the study, together with any legislative recommendations, to Congress. The Secretary shall review the study at least once every 5 years and update the study and report as necessary.

(f) Data Improvements.—Based on the findings of the study, the Secretary shall work with the States, and other appropriate entities, to standardize crash data requirements, collection procedures, and reports.

(g) Eligibility.—Notwithstanding section 104(a)(4) of title 23, United States Code, activities under this section shall be eligible for funding under section 104(a) of such title and may be carried out by any entity within the Department that the Secretary designates.

AMENDMENT OFFERED BY MR. SHUSTER

Mr. SHUSTER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B Amendment offered by Mr. Shuster:

Page 7, line 8, before the semicolon insert the following:

and by section 18 of the Noise Control Act of 1972 (42 U.S.C. 4917; 86 Stat. 1249–1250); except as otherwise delegated by the Secretary to any agency of the Department of Transportation other than the Federal Highway Administration, as of October 8, 1999

Page 13, after line 21, insert the following:

(3) Savings clause.—In developing and assessing progress toward meeting the measurable goals set forth in this subsection, the Secretary and the Administrator shall not take any action that would impinge on the due process rights of motor carriers and drivers.

Page 22, line 9, insert "average" before "level".

Page 22, line 9, strike "fiscal year" and insert "fiscal years 1997, 1998, and".

Page 24, line 9, after "industry," insert "representatives from law enforcement agencies of border States,".

Page 35, line 1, insert "or renewing" after "issuing".

Page 36, line 10, strike "5 percent of amounts" and insert "the amount".

Page 36, line 11, strike "(1)" and insert "(2)(B)".

Page 37, line 15, strike "has previously" and all that follows through line 17 and insert the following:

is found to have committed a pattern of violations of critical or acute regulations issued to carry out such a law or to have previously committed the same or a related violation of critical or acute regulations issued to carry out such a law.

Page 37, line 22, after the period insert the following:

In cases where a person has been found to have previously committed the same or a related violation of critical or acute regulations issued to carry out a law referred to in subsection (a), extraordinary circumstances may be found to exist when the Secretary determines that repetition of such violation does not demonstrate a failure to take appropriate remedial action.

Page 40, after line 23, add the following:

SEC. 210. REGISTRATION ENFORCEMENT.

Section 13902 of title 49, United States Code, is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

"(e) Penalties for Failure To Comply with Registration Requirements.—In addition to other penalties available under law, motor carriers that fail to register their operations as required by this section or that operate beyond the scope of their registrations may be subject to the following penalties:

"(1) Out-of-service orders.—If, upon inspection or investigation, the Secretary determines that a motor vehicle providing transportation requiring registration under this section is operating without a registration or beyond the scope of its registration, the Secretary may order the vehicle out-of-service. Subsequent to the issuance of the out-of-service order, the Secretary shall provide an opportunity for review in accordance with section 554 of title 5; except that such review shall occur not later than 10 days after issuance of such order.

"(2) Permission for operations.—A person domiciled in a country contiguous to the United States with respect to which an action under subsection (c)(1)(A) or (c)(1)(B) is in effect and providing transportation for which registration is required under this section shall maintain evidence of such registration in the motor vehicle when the person is providing the transportation. The Secretary shall not permit the operation in interstate commerce in the United States of any motor vehicle in which there is not a copy of the registration issued pursuant to this section.".

SEC. 211. REVOCATION OF REGISTRATION.

Section 13905(c) of title 49, United States Code is amended—

(1) by inserting "(1) In general.—" before "On application";

(2) by inserting "(A)" before "suspend";

(3) by striking the period at the end of the second sentence and inserting "; and (B) suspend, amend, or revoke any part of the registration of a motor carrier, broker, or freight forwarder (i) for failure to pay a civil penalty imposed under chapter 5, 51, 149, or 311 of this title, or (ii) for failure to arrange and abide by an acceptable payment plan for such civil penalty, within 180 days of the time specified by order of the Secretary for the payment of such penalty. Subparagraph (B) shall not apply to any person who is unable to pay a civil penalty due to bankruptcy reorganization.

"(2) Regulations.—Not later than 12 months after the date of enactment of this paragraph, the Secretary, after notice and opportunity for public comment, shall issue regulations to provide for the suspension, amendment, or revocation of a registration under this part for failure to pay a civil penalty as provided in paragraph (1)(B)."; and

(4) by indenting paragraph (1) (as designated by paragraph (1) of this section) and aligning such paragraph with paragraph (2) of such section (as added by paragraph (3) of this section).

SEC. 212. STATE COOPERATION IN REGISTRATION ENFORCEMENT.

Section 31102(b)(1) of title 49, United States Code, is amended—

(1) by aligning subparagraph (A) with subparagraph (B) of such section; and

(2) by striking subparagraph (R) and inserting the following:

"(R) ensures that the State will cooperate in the enforcement of registration requirements under section 13902 and financial responsibility requirements under sections 13906, 31138, and 31139 and regulations issued thereunder;"

SEC. 213. EXPIRATION OF APPROVALS.

Section 13703 of title 49, United States Code, is amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g) respectively

SEC. 214. IMMINENT HAZARD.

Section 521(b)(5)(B) of title 49, United States Code, is amended by striking "is likely to result in" and inserting "substantially increases the likelihood of".

SEC. 215. PROHIBITED TRANSPORTATION BY COMMERCIAL MOTOR VEHICLE OPERATORS.

Section 521(b) of title 49, United States Code, is amended—

(1) by redesignating paragraphs (8) through (13) as paragraphs (9) through (14), respectively; and

(2) by inserting after paragraph (7) the following:

"(8) Prohibition operation in interstate commerce after nonpayment of penalties.—

"(A) In general.—An owner or operator of a commercial motor vehicle against whom a civil penalty is assessed under this chapter or chapters 51, 149, 311 of this title and who does not pay such penalty or fails to arrange and abide by an acceptable payment plan for such civil penalty may not operate in interstate commerce beginning on the 181st day after the date specified by order of the Secretary for payment of such penalty. This paragraph shall not apply to any person who is unable to pay a civil penalty due to bankruptcy reorganization.

"(B) Regulations.—Not later than 12 months after the date of enactment of the Motor Carrier Safety Act of 1999, the Secretary, after notice and an opportunity for public comment, shall issue regulations setting forth procedures for ordering commercial motor vehicle owners and operators delinquent in paying civil penalties to cease operations until payment has been made.".

SEC. 216. HOUSEHOLD GOODS AMENDMENTS.

(a) Definition of Household Goods.—Section 13102(10)(A) of title 49, United States Code, is amended by striking ", including" and all that follows through "dwelling," and inserting ", except such term does not include property moving from a factory or store, other than property that the householder has purchased with the intent to use in his or her dwelling and is transported at the request of, and the transportation charges are paid to the carrier by, the householder;".

(b) Arbitration Requirements.—Section 14708(b)(6) of such title is amended by striking "$1,000" each place it appears and inserting "$5,000".

(c) Study of Enforcement of Consumer Protection Rules in the Household Goods Moving Industry.—The Comptroller General shall conduct a study of the effectiveness of the Department of Transportation's enforcement of household goods consumer protection rules under title 49, United States Code. The study shall also include a review of other potential methods of enforcing such rules, including allowing States to enforce such rules.

SEC. 217. REGISTRATION OF MOTOR CARRIERS.

(a) Registration of Motor Carriers by a State.—

(1) Interim rule.—Section 14504(b) of title 49, United States Code, is amended—

(A) in the first sentence by striking "The" and inserting "Until January 1, 2002, the"; and

(B) in the second sentence by striking "When" and inserting "Until January 1, 2002, when".

(2) Repeal.—Effective January 1, 2002, section 14504 of such title and the item relating to such section in the analysis for chapter 145 of such title are repealed.

(b) Comprehensive Registration.—Section 13908 of such title is amended—

(1) in the first sentence of subsection (a) by inserting "the requirements of section 13304," after "this chapter,";

(2) by striking the last sentence of subsection (a);

(3) in subsection (b)—

(A) by striking paragraphs (1), (2), and (3); and

(B) by redesignating paragraphs (4), (5), and (6) as paragraphs (1), (2), and (3), respectively;

(4) in subsection (c) by striking "cover" and inserting "equal as nearly as possible"; and

(5) by striking subsection (d) and inserting the following:

"(d) State Registration Programs.—Effective January 1, 2002, it shall be an unreasonable burden on interstate commerce for any State or political subdivision thereof, or any political authority of 2 or more States, to require a motor carrier operating in interstate commerce and providing transportation in such State or States to, or to collect fees to—

"(1) register its interstate operating authority;

"(2) file information on its interstate Federal financial responsibility; or

"(3) designate its service of process agent.".

(c) Deadline.—Section 13908(e) of such title is amended—

(1) by striking "Not later than 24 months after January 1, 1996," and inserting "By January 1, 2002,";

(2) by inserting "and" after the semicolon at the end of paragraph (1);

(3) by striking paragraph (2); and

(4) by redesignating paragraph (3) as paragraph (2).

(d) Conforming Amendment.—Section 13304(a) of such title is amended by striking "and each State" and all that follows through "filed with it".

SEC. 218. FOREIGN MOTOR CARRIER PENALTIES AND DISQUALIFICATIONS.

(a) General Rule.—Subject to subsections (b) and (c), a foreign motor carrier or foreign motor private carrier (as such terms are defined under section 13102 of title 49, United States Code) that operates without authority, before the implementation of the land transportation provisions of the North American Free Trade Agreement, outside the boundaries of a commercial zone along the United States-Mexico border (as such zones were defined on December 31, 1995) shall be liable to the United States for a civil penalty and shall be disqualified from operating a commercial motor vehicle anywhere within the United States as provided in subsections (b) and (c).

(b) Penalty for Intentional Violation.—The civil penalty for an intentional violation of subsection (a) by a carrier shall not be more than $10,000 and may include a disqualification from operating a commercial motor vehicle anywhere within the United States for a period of not more than 6 months.

(c) Penalty for Pattern of Intentional Violations.—The civil penalty for a pattern of intentional violations of subsection (a) by a carrier shall not be more than $25,000 and the carrier shall be disqualified from operating a commercial motor vehicle anywhere within the United States and the disqualification may be permanent.

(d) Savings Clause.—No provision of this section may be enforced if it is inconsistent with any international agreement of the United States.

(e) Acts of Employees.—The actions of any employee driver of a foreign motor carrier or foreign motor private carrier committed without the knowledge of the carrier or committed unintentionally shall not be grounds for penalty or disqualification under this section.

SEC. 219. TEST RESULTS STUDY.

(a) In General.—The Secretary of Transportation shall conduct a study of the feasibility and merits of—

(1) requiring medical review officers to report all verified positive controlled substances test results on any driver subject to controlled substances testing under part 382 of title 49, Code of Federal Regulations, including the identity of each person tested and each controlled substance found, to the State that issued the driver's commercial driver's license; and

(2) requiring all prospective employers, before hiring any driver, to query the State that issued the driver's commercial driver's license on whether the State has on record any verified positive controlled substances test on such driver.

(b) Study Factors.—In carrying out the study under this section, the Secretary shall assess—

(1) methods for safeguarding the confidentiality of verified positive controlled substances test results;

(2) the costs, benefits, and safety impacts of requiring States to maintain records of verified positive controlled substances test results; and

(3) whether a process should be established to allow drivers—

(A) to correct errors in their records; and

(B) to expunge information from their records after a reasonable period of time.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report on the study carried out under this section, together with such recommendations as the Secretary determines appropriate.

Conform the table of contents of the bill accordingly.

Mr. SHUSTER. Mr. Chairman, this manager's amendment makes a number of technical changes and includes some additional programmatic provisions. The amendment increases safety enforcement by including the following: it authorizes the Department of Transportation to revoke the registration for a trucking company that has refused to pay its fines. It authorizes the Secretary to put out of service a truck that is not properly registered. That gives the Secretary the power to shut down a driver, truck or motor carrier upon finding that they are an imminent hazard to highway safety. It creates a unified registration system that will allow the Motor Carrier Administration to target unsafe trucking companies. It gives the Secretary enforcement authority over Mexican trucks operating illegally in the United States. The amendment also includes provisions including consumers' rights that have disputes involving the household goods moving industry.

I urge adoption of the amendment.

Mr. OBERSTAR. Madam Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Madam Chairman, I just want to observe that the issues in this manager's amendment have been very carefully worked out with cooperation on both sides on a bipartisan basis. We support the amendment in its entirety.

Mr. RAHALL. Madam Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. Madam Chairman, I would ask of the distinguished chairman, the gentleman from Pennsylvania, a provision in the pending manager's amendment would eliminate the requirement that agreements entered into pursuant to section 13703 of title 49 are subject to a mandatory 3-year review by the Surface Transportation Board. In effect, this provision would make the STB's review discretionary rather than mandatory and return the process for reviewing these arguments to what it was prior to the enactment of the ICC Termination Act of 1995.

In this regard is it the gentleman's intention that the basis of the public interest test used to review these agreements shall continue to be limited to the national transportation policy set forth in section 13101–a of title 49?

Mr. SHUSTER. The gentleman is correct. In this regard the national transportation policy has been recognized as defining the public interest objectives for many years. It is certainly our intent that the Surface Transportation Board shall not deviate from this practice by entertaining issues plainly not within its purview and not within the scope of the national transportation policy.

Mr. RAHALL. Madam Chairman, I thank the gentleman, and as a point of further clarification, last year the STB seemed to question whether the uniform bill of lading is regarded as part of the classification process. This clearly came as surprise because in doing so the STB ignored well-established precedent regarding relationship of the UBL to classification.

Is it the gentleman's intention that the uniform bill of lading should continue to be part of the national motor freight classification?

Mr. SHUSTER. Madam Chairman, the uniform bill of lading has always been presumed to be part and parcel classification that is based on well-established precedent, and the Congress anticipated no changes in this arrangement with enacting either the Trucking Industry Regulatory Reform Act of 1994 or the ICC Termination Act of 1995.

Mr. RAHALL. Madam Chairman, I thank the gentleman.

The CHAIRMAN pro tempore (Mrs. EMERSON). The question is on the amendment offered by the gentleman from Pennsylvania (Mr. SHUSTER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BALDACCI

Mr. BALDACCI. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BALDACCI:

Page 2, in the item relating to title I of the table of contents following line 4, insert "SAFETY" after "CARRIER".

Page 2, in the item relating to section 101 of the table of contents following line 4, insert "Safety" after "Carrier".

Page 4, line 12, insert, "Safety" after "Carrier".

Page 5, line 2, insert, "**SAFETY**" after "**CARRIER**".

Page 5, line 3, insert, "SAFETY" after "CARRIER".

Page 5, strike line 8 and insert the following:

"§ 113. National Motor Carrier Safety Administration.".

Page 5, line 9, insert, "Safety" after "Carrier".

Page 6, line 4, insert, "Safety" after "Carrier".

Page 9, line 3, insert, "Safety" after "Carrier".

Page 10, line 2, insert, "Safety" after "Carrier".

Page 10, line 11, insert, "Safety" after "Carrier".

Page 10, line 12, insert, "Safety" after "Carrier".

Page 10, line 17, insert, "Safety" after "Carrier".

Page 14, line 9, insert, "Safety" after "Carrier".

Page 14, line 11, insert, "Safety" after "Carrier".

Page 14, line 13, insert, "Safety" after "Carrier".

Page 23, line 25, insert, "Safety" after "Carrier".

Page 24, line 3, insert, "Safety" after "Carrier".

Page 24, line 23, insert, "Safety" after "Carrier".

Page 25, line 4, insert, "Safety" after "Carrier".

Page 38, line 12, insert, "Safety" after "Carrier".

Amend the title so as to read "To amend title 49, United States Code, to establish the National Motor Carrier Safety Administration in the Department of Transportation, to improve the safety of commercial motor vehicle operators and carriers, to strengthen commercial driver's licenses, and for other purposes.".

Mr. BALDACCI (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Maine?

There was no objection.

Mr. BALDACCI. Madam Chairman, I offer an amendment today, and first of all I want to commend the chairman of the committee, the gentleman from Pennsylvania (Mr. SHUSTER); the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), for bringing this important bill to the floor today and also to thank the gentleman from Wisconsin (Mr. PETRI) and the gentleman from West Virginia (Mr. RAHALL) for their leadership in bringing this legislation which is very important to our Nation today; and I rise to offer a simple amendment that will serve to buttress the spirit of this important legislation.

Mr. SHUSTER. Madam Chairman, will the gentleman yield?

Mr. BALDACCI. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Madam Chairman, we examined the gentleman's amendment, and we accept it. We think it is a good one.

Mr. BALDACCI. Madam Chairman, I thank the gentleman from Pennsylvania.

Mr. OBERSTAR. Madam Chairman, will the gentleman yield?

Mr. BALDACCI. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Madam Chairman, the gentleman's amendment enhances the safety purpose of this legislation, and we accept it.

Mr. BALDACCI. Madam Chairman, I thank the ranking member and the chairman.

I have a statement, and I ask that it be entered into the RECORD at this point and representing our communities and the people that have had devastating losses in Lisbon, Maine, and particularly Steve and Daphne Izer, and this very important legislation is a significant step in the right direction.

I commend Chairman SHUSTER and Ranking Member OBERSTAR for bringing this important bill to the floor today.

I rise to offer a simple but important amendment. My amendment would add one word to the title of the new National Motor Carrier Administration—"Safety." It will serve to buttress the spirit of this important legislation.

Madam Chairman, we must ask ourselves why it is that we are creating a new Motor Carrier Administration. Why are we taking the Office of Motor Carriers out of the Federal Highway Administration? The simple answer is to ensure safety. We are making this change to strengthen the administration, promulgation and effectiveness of motor carrier regulations. Safety is at the heart of what we are doing here today.

I am privileged to represent Steve and Daphne Izer, residents to Lisbon, Maine, who tragedy has thrust into the national spotlight. On October 10, 1993, their son, Jeff, and 3 other teenagers sat in the breakdown lane on an interstate in Maine waiting for help with their disabled car. Before help could arrive, the car was stuck by a commercial truck that drifted into the breakdown lane when the driver fell asleep. All four children were killed.

Steve and Daphne Izer were devastated by this loss. I commend them for funneling their grief into an on-going effort to make our roads safer. They founded the now nationally recognized advocacy group, Parents Against Tried Truckers. For six years, they have brought attention to the many issues that must be dealt with if we are to ensure the safety of the traveling public. They recognize that Safety must be our top priority. I couldn't agree more.

I am confident that all Members support making our highways safer for both automobiles and commercial trucks. We must continue to explore ways to combat trucker fatigue which is at the root of so many of our safety concerns. We must also continue to explore new technologies and business practices that might mitigate problems contributing to accidents. I am confident that this bill is a significant step in the right direction.

Madam Chairman, we owe it to our truckers and to all of the traveling public to ensure that this body is taking all the necessary measures to promote safety on our nation's roads. Adding "safety" to the title of the new administration will set the tone for the operations of the whole agency, create a positive atmosphere and lend to the credibility of this new entity. It will send a clear message that Safety is the primary focus and objective of this agency. I believe this is an amendment message, and I hope that all of my colleagues will support this amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Maine (Mr. BALDACCI).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

At the end of the bill, add the following:

SEC. 220. USE OF RECORDING DEVICES IN COMMERCIAL MOTOR VEHICLES.

(a) FINDING.—Congress finds that the use of electronic control modules in commercial motor vehicles may prove useful to law enforcement officials investigating crashes on the Nation's highways and roads and may prevent the future loss of life.

(b) STANDARDS.—

(1) IN GENERAL.—The Administrator of the National Motor Carrier Administration shall work with interested parties to develop standards regarding access to, and the relevant data to be recorded by, electronic control modules in commercial motor vehicles.

(2) PRIVACY.—In developing standards under this section the Administrator shall ensure that the privacy of data recorded by electronic control modules is protected to the highest standard.

Conform the table of contents of the bill accordingly.

Ms. JACKSON-LEE of Texas (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. JACKSON-LEE of Texas. Madam Chairman, I thank the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from West Virginia (Mr. RAHALL), the gentleman from Pennsylvania (Mr. SHUSTER) very much. I thank the Committee on Transportation and Infrastructure for creating this very important agency, the Motor Carrier Administration Agency, to oversee motor vehicle safety on this Nation's highway.

My amendment would add a section to the end of the bill to direct the administrator or the agency to work with the trucking industry and interested parties to decrease the number of trucking accidents causing serious bodily harm. In particular, it would work to provide the opportunity for electronic control modules in investigating crashes on the Nation's highways and roads and may prevent future loss.

Mr. SHUSTER. Madam Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Madam Chairman, we have examined this amendment. We think it is a good one, and we accept it.

Ms. JACKSON-LEE of Texas. Madam Chairman, I thank the gentleman from Pennsylvania very much, and I would simply like to add that we have a letter from the American Trucking Association which in part says, "We welcome your assistance in directing the National Motor Carrier Administration to move forward in aggressive fashion to accomplish this directive regarding devices."

I will conclude by just noting that my district, Madam Chairman, has a number of interstate highways. We have already heard mention of Mrs. Groten who lost her husband and three children in a tragic trucking accident that involved speed and drinking. This amendment that I have will help protect truckers as well as those on our highways and byways, and it will prevent the number of truck-related deaths that reached 5,000 in 1997.

In addition, I want to thank both of my colleagues for providing for the coverage of illegal trucks coming in from Mexico as well. I am delighted to have their support.

Mr. OBERSTAR. Madam Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Madam Chairman, we are happy to accept the gentlewoman's amendment that will add to and enhance safety and will provide the means for reaching the desired objective.

Ms. JACKSON-LEE of Texas. I thank the gentleman very much.

I ask to have my complete statement in the RECORD, and additionally in an appropriate time I would like to put the American Truckers Association letter dated October 14 in the RECORD as well, supporting this amendment:

Madam Chairman, nearly 5,000 people are killed in truck related accidents in each of the past three years on our nation's highways. There are many agencies within our government that have a shared responsibility for safety on our nation's highways, including the Transportation Department, the NTSB and the Federal Highway Administration. Nearly all the parties involved in this debate agree that change needs to occur has the GAO estimates that without action to improve trucking safety, fatalities will continue to climb. But despite much talk and discussion, several hearings, and meetings over improving trucking safety we have had little action aimed at improving safety.

What we do have is accident after accident involving truck drivers who are too tired and even drunk. A total of 5,374 people died in accidents involving large trucks which represents 13 percent of all the traffic fatalities in 1998 and in addition 127,000 were injured in those crashes.

I want to pause a moment to tell the American people about a remarkable woman from Houston, Texas. Ms. Groten has like too many Americans experienced the pain of losing her loved ones in a horrific trucking accident. She witnessed her entire family's death has they were burned alive as a result of a trucking accident. She lost her husband Kurt Groten (38 years old), and her three children David (5), Madeline (3) and Adam (1). Mrs. Groten was the only survivor of the crash and as she stated during the criminal proceeding ". . . I remember standing there and screaming, My life is over! All of my children are dead!"

I am hopeful that Mrs. Groten's loss will not be in vain as we currently have the technology to address the frequency of trucking accidents on our roads. Truck related deaths reached a decade high of 5,398 in 1997. Last year, truck deaths were 5,374 roughly equivalent to a major airplane crash every other week. In less than three months, trucks from Mexico will be able to drive on every road in America yet 44 percent of those trucks crossing the border today are in such poor condition that they would be immediately taken out of service if inspected. Though commercial trucks represent 3 percent of all registered vehicles they are still involved in 13 percent of the total traffic fatalities.

My amendment/resolution would require the Administrator of the National Motor Carrier Administration to work with interested parties to explore a standard of protocol for access to, and the relevant data to be recorded, from the electronic control modules in commercial motor vehicles. The NTSB has pushed for this technology as a means of verifying the hours drivers work since 1990. Currently truck drivers must comply with the federal government's 60-year-old rule that they take eight hours of rest for every 10 behind the wheel.

Truckers are required to maintain logbooks for their hours of service. But truckers have routinely falsified records, and many industry observers say, to the point that they are often referred to as "comic books." In their 1995 findings the National Transportation Safety Board found driver fatigue and lack of sleep were factors in up to 30 percent of truck crashes that resulted in fatalities. In 1992 report the NTSB reported that an astonishing 19 percent of truck drivers surveyed said they had fallen asleep at the wheel while driving. Recorders on trucks can provide a tamper-proof mechanism that can be used for accident investigation and to enforce the hours-of-service regulations, rather that relying on the driver's handwritten logs.

Madam Chairman, I know that the trucking industry is concerned by the added cost of the recorders as well as privacy issues. I also appreciate the fact that close to eighty percent of this country's goods move by truck and that the industry has a major impact on our economy.

As a result of the number of trucking accidents causing serious bodily injury and death and the industries concern over the privacy issues of black boxes being installed in trucks, I am offering an amendment stating that Congress may find the use of electronic control modules in commercial motor vehicles useful to law enforcement officials investigating crashes on our Nation's highways and roads.

My amendment would also direct the Administrator of the National Motor Carrier Administration to work with the trucking industry and interested parties to develop standards regarding the access to, and relevant data to be recorded by the electronic modules in commercial motor vehicles.

Madam Chairman there is no good reason that we should adhere to the advice of the NTSB and require these recorders on the trucks that navigate our highways.

I would like to thank Chairmen SHUSTER and PETRI, and Ranking Members OBERSTAR and RAHALL for working with me in moving forward on this very important legislation.

Putting our wallets before safety is simply foolish when the technology exists today which could save the lives of the constituents we represent.

AMERICAN TRUCKING ASSOCIATIONS,
Washington, DC, 14 October 1999.

HON. SHEILA JACKSON-LEE,
U.S. House of Representatives, Washington, DC.

DEAR MS. JACKSON-LEE: On behalf of the American Trucking Associations, I compliment you on your commitment to highway safety through your interest in ensuring trucks operate in a safer and more efficient manner.

The American Trucking Associations has had the opportunity to review your amendment regarding electronic control modules and the need for a single standard of protocol for their operation.

As you know, the industry has been working with the National Highway Traffic Safety Administration and the engine manufacturing industry to accomplish your goal. We welcome your assistance in directing the National Motor Carrier Administration to move forward in an aggressive fashion to accomplish this objective.

The American Trucking Associations looks forward to continuing to work with you on highway safety.

Sincerely,

JIM WHITTINGHILL,
Senior Vice President for Legislative and Intergovernmental Affairs.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

□ 1330

Mr. MENENDEZ. Madam Chairman, I move to strike the last word.

I rise to engage the gentleman from Minnesota (Mr. OBERSTAR), the ranking Democratic member of the Committee on Transportation and Infrastructure, in a colloquy.

I am extremely concerned about commercial passenger van safety as a result of what is happening in my own district, one of the most densely populated in the country.

Section 4008 of the Transportation Equity Act of the 21st century, TEA 21, enacted in June of 1998, provides that vehicles carrying more than eight passengers for compensation shall be subject to Federal Motor Carrier Safety regulations, except to the extent that within 1 year of enactment of TEA 21, the Secretary of Transportation specifically determines through a rulemaking proceeding to exempt any of these operators from these regulations.

In September of 1999, the Secretary issued two rules regarding commercial van safety. Neither of these rules immediately applies safety regulations to small passenger-carrying commercial vans. DOT proposes to require that these vehicles file a motor carrier identification report, mark their commercial motor vehicles with a U.S. DOT identification number, and maintain an accident register. If this proposal is made final, DOT would collect data for an unspecified period of time, and then presumably begin proceedings to consider whether the vehicles should be subject to Federal regulations.

Thus, today, 16 months after TEA 21 was signed into law, commercial operators are still not subject to motor carrier safety regulations; and DOT has just started proceedings to finally determine this issue.

I yield to the gentleman from Minnesota to see if he can give me some perspective.

Mr. OBERSTAR. Madam Chairman, I thank the gentleman for yielding.

I want to compliment him on his determination and especially his persistence on this issue which began during our consideration of TEA 21. TEA 21 did require the Department of Transportation to complete this important safety rulemaking within 1 year of enactment. As the gentleman from New Jersey has pointed out, it is now 16 months since TEA 21 was enacted, and small passenger-carrying commercial vehicles are still exempt from Federal motor carrier safety regulations. I am deeply disappointed in DOT's failure to act appropriately.

The Senate bill, as introduced by the chairman of the Commerce, Science and Transportation Committee, Mr. MCCAIN, includes a provision to apply Federal safety standards to these vehicles. This matter will be an issue, therefore, in any conference on this bill, and I look forward to working closely with the gentleman as we proceed to and through the conference.

I thank the gentleman for his concern.

Mr. MENENDEZ. Madam Chairman, I thank the gentleman for his information, and I look forward to working with the ranking member and the chairman of the full committee in hopefully trying to make some progress on this matter.

AMENDMENT OFFERED BY MR. MENENDEZ

Mr. MENENDEZ. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MENENDEZ:

At the end of the bill, add the following:

SEC. 210. PASSENGER VAN SAFETY.

(a) OBJECTIVES.—The Secretary of Transportation shall conduct a comprehensive study to determine the causes of, and contributing factors to, crashes occurring in the State of New Jersey that involve vehicles designed to carry 9 or more passengers. The study shall also identify data, requirements, collection procedures, reports, and other measures that will help the Department of Transportation's and States' develop effective safety improvement policies and programs and identify activities and other measures likely to lead to significant reductions in the frequency, severity, and rate-per-mile traveled of crashes involving such vehicles.

(b) CONSULTATION.—In designing and conducting the study, the Secretary shall consult with persons with expertise on—

(1) crash causation and prevention;

(2) commercial motor vehicles, drivers and their representatives, and carriers;

(3) highways and noncommercial motor vehicles and drivers;

(4) Federal and State highway and motor carrier safety programs; and

(5) research methods and statistical analysis.

(c) PUBLIC COMMENT.—The Secretary shall make available for public comment information about the objectives, methodology, implementation, findings, and other aspects of the study.

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to Congress the results of the study, together with any legislative recommendations.

Conform the table of contents of the bill accordingly.

Mr. MENENDEZ (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. MENENDEZ. Madam Chairman, I rise to offer this amendment. Thousands of passengers ride in commercial passenger vans daily. I know because I see them driving throughout my district, one of the most heavily traveled and populated districts in the country. Currently, commercial passenger vans carrying less than 16 passengers do not have to meet Federal Motor Carrier Safety standards.

As a consequence, in New Jersey we have seen increasing violations of safety guidelines by commercial van operators that carry less than 16 passengers. Now, these are not typical van pools or church vans or limousines. That is not what we are concerned about. Rather, they are for-profit entities providing transportation services, hundreds of them over the same route, damaging each other. Two of them have hit pedestrians just within the last year.

So while many operators act in good faith and comply with safety guidelines, there are some who risk the lives of their passengers, pedestrians, and other vehicles on the road around them. They do not meet safety standards.

According to the Department of Transportation, however, there is still not enough data available to justify forcing these companies to comply with the Federal Motor Carrier Safety Regulations. That is why I am offering my amendment.

My amendment would have the DOT carry out a comprehensive study of commercial vans carrying more than eight passengers and submit the report to Congress in a year.

Mr. SHUSTER. Madam Chairman, will the gentleman yield?

Mr. MENENDEZ. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Madam Chairman, we have studied this amendment, and we are prepared to accept it.

Mr. MENENDEZ. Madam Chairman, I appreciate the Chairman's support; and I know when to cease and desist.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New Jersey (Mr. MENENDEZ).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GONZALEZ

Mr. GONZALEZ. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GONZALEZ:

Page 34, strike line 6 and all that follows through the end of line 21, and insert the following:

SEC. 205. SAFETY VIOLATION TELEPHONE HOTLINE.

(a) STAFFING.—Section 4017 of the Transportation Equity Act for the 21st Century (49 U.S.C. 31143 note; 112 Stat. 413) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(2) by inserting after subsection (b) the following:

"(c) STAFFING.—The toll-free telephone system shall be staffed 24 hours a day 7 days a week by individuals knowledgeable about Federal motor carrier safety regulations and procedures."; and

(3) in subsection (e) (as redesignated by paragraph (1) of this section) by striking "for each of fiscal years 1999" and inserting "for fiscal year 1999 and $375,000 for each of fiscal years 2000".

(b) DISPLAY OF TELEPHONE NUMBER.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall issue regulations requiring all commercial motor vehicles (as defined in section 31101 of title 49, United States Code) traveling in the United States, including such vehicles registered in foreign countries, to display the telephone number of the hotline for reporting safety violations established by the Secretary under section 4017 of the Transportation Equity Act for the 21st Century (49 U.S.C. 31143 note).

Mr. GONZALEZ (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GONZALEZ. Madam Chairman, with the understanding that I will be withdrawing the amendment subject to discussions with the chairman and ranking member, the amendment I am offering today addresses a very important safety issue, and that is the reporting of unsafe tractor-trailer drivers and their equipment. I know that every Member of this House has been driving down the road with his or her family and seen one of the big commercial trucks speeding, weaving in and out of lanes and cutting people off. Also, we have seen trucks that appear to be in unsafe conditions operating on our highways.

My amendment would take a step in addressing this issue. My amendment would address and require that all trucks display the Department of Transportation hotline number, the 1-800 number, so that ordinary citizens, as they view the unsafe drivers or the unsafe equipment on our highways, would be able to simply get on their cell phones, because that is the condition of society today, and that is we all have cell phones in our cars, for the most part, to report these violations, or the unsafe conditions.

Mr. SHUSTER. Madam Chairman, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Madam Chairman, we have examined this amendment, and while I understand the gentleman is going to withdraw it, we will be happy to work with the gentleman as we move to conference on this to see if we may accommodate his interest.

Mr. OBERSTAR. Madam Chairman, if the gentleman will yield, I concur in the chairman's statement. We are very pleased to hear the gentleman's appeal. It is a very sound and sensible one. There are 1-800 numbers in other sectors of transportation. This matter needs further elaboration and we will work with the gentleman as we proceed through conference.

Mr. GONZALEZ. Madam Chairman, I appreciate looking to leadership on this issue, which is a very practical approach to a very complicated problem, but I appreciate my colleagues' assistance as we work through this.

Madam Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN pro tempore. The amendment is withdrawn.

Are there further amendments to the bill? There being no further amendments to the bill, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CALVERT) having assumed the chair, Mrs. EMERSON, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2679) to amend title 49, United States Code, to establish the National Motor Carrier Administration in the Department of Transportation, to improve the safety of commercial motor vehicle operators and carriers, to strengthen commercial driver's licenses, and for other purposes, pursuant to House Resolution 329, she reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore (Mr. CALVERT). Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SHUSTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 415, nays 5, not voting 11, as follows:

[Roll No. 501]

YEAS—415

Abercrombie
Ackerman
Aderholt
Allen
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
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Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
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McDermott
McGovern
McHugh
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McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
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Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
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Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
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Price (NC)
Pryce (OH)
Quinn
Radanovich
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Ramstad
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Reyes
Reynolds
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Rohrabacher
Ros-Lehtinen
Rothman
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Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
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Taylor (MS)
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Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—5

Chenoweth-Hage
Metcalf
Paul
Royce
Sanford

NOT VOTING—13

Andrews
Buyer
Carson
Conyers
Cox
Green (TX)
Jefferson
John
Kingston
Regula
Scarborough
Tauscher
Young (AK)

☐ 1359

Mr. METCALF changed his vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "To amend title 49, United States Code, to establish the National Motor Carrier Safety Administration in the Department of Transportation, to improve the safety of commercial motor vehicle operators and carriers, to strengthen commercial driver's licenses, and for other purposes.".

A motion to reconsider was laid on the table.

Stated for:

Mr. REGULA. Mr. Speaker, during the vote on H.R. 2679, the Motor Carrier Safety Act of 1999, I was unavoidably delayed. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. ANDREWS. Mr. Speaker, on roll call votes numbered 500 and 501, I was unavoidably detained because I was tending to family medical concerns, and I was unable to cast my vote. Had I been present, I would have voted "aye" on both of these votes.

☐ 1400

MOTION TO INSTRUCT CONFEREES ON H.R. 1501, JUVENILE JUSTICE REFORM ACT OF 1999

Ms. JACKSON-LEE of Texas. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore (Mr. HANSEN). The Clerk will report the motion.

The Clerk read as follows:

Ms. JACKSON-LEE of Texas moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill, H.R. 1501, be instructed to insist that—

(1) the committee of conference should immediately have its first substantive meeting to offer amendments and motions, including gun safety amendments and motions, and

(2) the committee of conference report a conference substitute by October 20, the six month anniversary of the tragedy at Columbine High School in Littleton, Colorado, and with sufficient opportunity for both the House and the Senate to consider gun safety legislation prior to adjournment.

The SPEAKER pro tempore. The gentlewoman from Texas (Ms. JACKSON-LEE) will be recognized for 30 minutes, and the gentleman from Indiana (Mr. PEASE) will be recognized for 30 minutes.

The Chair recognizes the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would think this House of Representatives and the United States Senate would want to be known to the American people as a Congress that works, a Congress that is responsive, a Congress that is sensitive to the needs of the American people.

I would prefer not standing here today. I would prefer actually being in conference to discuss H.R. 1501, the Juvenile Justice Reform Act, that includes gun safety measures that have been debated for a long time in the United States House of Representatives and, in fact, was passed out of the United States Senate. Yet now, it is October 14 and our conference has not yet had an additional meeting.

Next week, October 20, we will find ourselves 6 months in the anniversary or the commemoration of the tragedy at Columbine High School in Littleton, Colorado. I believe it is imperative that the Committee of the Conference report a conference substitute by that date, the 6-month anniversary of the tragedy at Columbine.

If we were to report a conference substitute, which we are perfectly able to do, we would then have sufficient time to bring to both the House and the Senate this legislation that the American people are asking for, along with the opportunity for the President of the United States to sign this bill.

Mr. Speaker, we need not repeat the figures that we have said over and over again. Thirteen children die every day from homicides. I have been dealing with this action and these issues for a long time. I am reminded of some 6 years ago, almost 7, 1992, 1993, as a member of the Houston City council, when we were having in the City of Houston any number of accidental shootings, children using guns and shooting children; babies taking guns; 3-year-olds accidentally finding guns and shooting another child.

We had a high number of these incidents where children were going into the emergency room. Fortunately, some of those children lived, but our medical professionals told us that we were spending as much as $65,000 for a child injured by a gun. We gathered our heads and our resources in a bipartisan manner, though my city council is not Republican or Democrat, and we passed the gun safety and responsibility act which held parents responsible, adults, for children getting guns in their hands.

Mr. Speaker, we saw a 50 percent decline, 50 percent decline, in the number of shootings and deaths by children, accidental, in Harris County and the City of Houston.

Now, today I stand before this body begging that we do the responsible thing, which is to pass gun safety legislation. The Senate passed gun safety legislation in early May, and the Republican House leadership waited over a month to consider gun safety legislation while the NRA drafted a phony loophole-filled bill that weakened the current law. More than a month has passed before conferees were appointed. We were asking every day, I remember, before we went on a work recess in August.

In the meantime, the Republican leadership again raised a phony issue to justify the delay. They actually claimed the ban on importing high-capacity ammo clips was a tax bill.

Let me at this point say there are many Republicans who agree that we should move forward. We have worked with the chairman of the Committee on the Judiciary on the House side, and I believe there are many issues that the gentleman from Illinois (Mr. HYDE) and Democrats, along with the gentleman from Michigan (Mr. CONYERS) on the Committee on the Judiciary and those of us appointed to the conference committee, can actually agree with.

Why then can we not do what the conference committee demands of us? Go to conference and generate a compromise to provide more safety features, more safety as it relates to guns for the American people.

The conference has held only one meeting, Mr. Speaker, over 2 months ago, only for the purpose of giving opening statements. Our appetite was whet at that time. We thought we were on the move. We thought we were going to have other meetings so that we could pursue this. It is outrageous, Mr. Speaker, that we have not had a serious working meeting for some 6 months since Columbine, and we have still done nothing.

This motion that I am offering today is an extremely important motion, Mr. Speaker, because it says the thing that the American people have sent us to do. It says, get to work immediately. Report a conference substitute by October 20, the 6-month anniversary of Columbine. Let us not have our words be of no substance, bring no comfort to the American people.

I remember the leader of this House, the gentleman from Missouri (Mr. GEPHARDT), telling us of the terrible moment he had in going to the funeral of those young people in Columbine; and he said the most moving experience he had was that of a parent who lost a child who said, simply, Mr. Leader, will you do something, will you do something?

Now, today, October 14, nearly the 6-month anniversary of that tragedy, we have done nothing. We must give the House and the Senate time to consider gun safety before this session of the Congress adjourns. Mr. Speaker, this is a simple request.

Mr. Speaker, I reserve the balance of my time.

Mr. PEASE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the Speaker knows, there are many ways to reach decisions. Conference committees do their work publicly. They do their work privately and, in fact, the reason that conferees on this conference committee are not here on the floor today to respond to the presentation made by the gentlewoman from Texas (Ms. JACKSON-LEE) is that they are at this moment engaged in negotiations and discussions on this issue.

Mr. Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield 3 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I thank the gentlewoman from Texas (Ms. JACKSON-LEE) for yielding me time.

Mr. Speaker, I rise in strong support of the motion to instruct conferees on the juvenile justice bill. A number of us on this side of the aisle came down several mornings in a row and read the names of young people that had died because of gun violence since Columbine. We read the names of the average of 13 children killed every day, a Columbine every day in this country, due to gun violence. We read their names, and we read their ages; 10-, 11-, 14-, 15-year-olds killed by gun violence since Columbine.

Now the Members of the conference committee have an opportunity to respond to that, to say we are going to do something. Are we going to stop all the killing? No, we are not going to stop all the killing. Can we save some lives? Can we save some children from being on that list? We can do that. Millions of American families are counting on Congress to help end the cycle of violence that has taken the lives of too many children. We must have a juvenile justice bill that includes these modest, common sense gun safety measures that are so widely supported by the American people.

The Senate passed these common sense gun safety provisions this year, and it would require the sale of child safety locks with each handgun. Who could possibly be opposed? We could prevent every single accidental shooting of children that pick up a handgun.

Close the gun show sales loophole. Why not prevent criminals from getting handguns at gun shows? And ban the importation of large capacity ammunition clips. We, however, have failed to pass any gun safety measures this year. I urge, along with my colleague, the gentlewoman from Texas (Ms. JACKSON-LEE), the House negotiators to agree to the Senate's common sense gun safety measures, and I urge them to do it now. It is time to pass, past time to pass, sensible gun safety legislation to protect our children and safeguard our communities.

I urge my colleagues to support this motion to instruct.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me thank the gentlewoman from Illinois (Ms. SCHAKOWSKY), because she has recounted where we are in this lack of activity on this very important issue. Might I remind my colleagues that Columbine was not the only tragic incident that we faced with our children suffering the frightening experience of having guns in schools and seeing young people with guns.

Conyers, Georgia, one month after Littleton, Colorado. In addition, several shootings took place in Illinois, particularly the terrible shooting during on the July 4 holiday when Benjamin Nathaniel Smith in a hateful rampage killed 2 people and injured 9 others. On July 29, Mark Barton from Atlanta, Georgia, killed nine people and wounded 13; and on August 5, the day the conference committee finally met, Allen Eugene Miller, Pelham, Alabama, went into his former places of employment and killed two co-workers and a third person at another company.

None of us have been able to get out of our minds the terrible tragedy in

Los Angeles of the Jewish Community Center as we saw babies running out of their day care center, hands holding on to police for dear life, while a deranged shooter who had gotten a gun from a gun show, ultimately traced back to a gun show, and took his deranged mind and his deranged attitudes and shot individuals at a day care center and ultimately killed another individual.

Mr. Speaker, the issue of this motion to instruct is for the House and the Senate conferees to get to work.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Chicago, Illinois (Mr. RUSH), my friend and a member of the Committee on Commerce.

Mr. RUSH. Mr. Speaker, I rise in support of this motion to instruct. It is very simple for me, Mr. Speaker. It is vital that the conference committee move forward on this very, very important and crucial piece of legislation, H.R. 1501.

Mr. Speaker, let me remind the Members here that the Senate passed gun safety legislation in early May of this year, early May, Mr. Speaker. Now it is mid-October, and we still have no action on this particular bill.

The House, Republican House leadership, waited over a month to consider gun safety legislation. While they waited, in the back room, in the smoke-filled back room, the NRA was busy at work drafting a phony loophole-filled bill that weakened even the current law.

□ 1415

More than a month passed before the conferees were appointed. In the meantime, the Republican leadership raised phony issues, blue slipping issues to justify their delay. Any excuse for delay was the order of the day, any excuse.

The most suspicious argument was foisted upon this body, excuse after excuse, delay after delay. They actually claim, Mr. Speaker, as a final resort, they claim the ban on importing high-capacity ammo clips was really a tax bill. How ludicrous. How ridiculous.

Mr. Speaker, it is so shameful that the conference has held only one meeting, and this was over 2 months ago, on this very, very important and critical issue.

The people in my district, the First District of Illinois, they are pleading, they are begging, they are waiting for this Congress to do something about gun safety. They want us to move, and they want us to move quickly.

Mr. Speaker, 6 months have passed, 6 months since Columbine, and still this body has done nothing. While we have sat around like knots on a log, sat around while guns are taking the lives of our children all across this Nation.

The Jackson-Lee motion to instruct simply instructs conferees to get to work, get to work immediately, get to work now, report the conference substitute by October 20, the 6-month anniversary of Columbine, and give both the House and the Senate time to consider gun safety before this session of Congress adjourns.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate very much the gentleman from Illinois (Mr. RUSH) pointing out that our task here is to save lives. I want to note that, interestingly enough, the Colt manufacturer has recognized that the gun has been an instrument that has been used to kill our children in its refusal to manufacture any more handguns.

Mr. Speaker, I yield 2½ minutes to the gentlewoman from Connecticut (Ms. DELAURO), the assistant to the minority leader.

Ms. DELAURO. Mr. Speaker, nearly 6 months ago, a devastating shooting at Columbine High School claimed 15 lives. It opened the eyes across the country to the tragedies that occur when guns are allowed into children's hands. Nearly 6 months and numerous deaths since Columbine, the Republican leadership of this House still has taken no action to keep guns out of the hands of children and criminals.

It should not take a Columbine or Jonesboro or a Los Angeles day care center shooting to get Congress to do the right thing, to enact common-sense gun safety measures. Daily double digit death counts of children because of guns ought to be enough to spur us to act.

Sadly, nearly 6 months since Columbine, nothing has been done. The Republican leadership that tried to water down and kill gun safety legislation at the bidding of the NRA earlier this year seems to be on the NRA payroll still.

The House and Senate are supposed to be working toward a compromise on juvenile justice legislation, but only one meeting has been held in the past 2 months, and it was only a symbolic gathering.

It is time for action. We need a strong bill that will keep firearms out of the hands of those who should not have them. At the very least, the final bill must include the Senate-passed gun safety measures and exclude the kind of poison pills that Republican leaders recently have used to try to block essential efforts such as campaign finance reform and a patients' bill of rights. Children's lives are much too important for such games.

Just this week, families in Connecticut were given another chilling reminder of the need to keep children and guns apart. The Hartford Courant's headlines captures what has become all too familiar: "Two Boys, A Gun, Another Nightmare." It reads, "In the Montville case, State police said Austin Lamb, 7, and brother Alex Lamb, 9, were apparently playing with a long-barreled weapon, either a rifle or a shotgun, in their grandparents' bedroom when the gun went off Sunday morning. Austin died of a single gunshot wound to the head."

It is time for Congress to enact common-sense gun safety measures. Let us be responsive to the parents, to the families, to the children of this country. I applaud the gentlewoman from Texas (Ms. JACKSON-LEE) and her motion to instruct.

Mr. PEASE. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I voted for this legislation when it was up for a House vote, and it failed to get the appropriate number of votes. I think it is a shame that there was a disagreement, maybe, on both sides with the suggestion that there be a 24-hour waiting period, a concern somewhat about whether 24 hours was legitimate.

I called the FBI, and I said, well, what happens in the current 3-day waiting period when you find afterwards that some individual has lied on the application plus taken possession of the gun? They said, well, there were many of those, something like 5,000 last year that they found out after the 3-day waiting period that they committed, really, two felonies. They committed one felony on lying on the application and they committed another felony by taking possession of that gun when they were prior-convicted felons.

I said, well, what happens then? They said, well, in all except a few cases, because they had committed a double felony, we went after them aggressively. We called the ATF. We called local law enforcement. We not only caught and started prosecuting most all of those individuals that we found out later had violated two laws, really, but we confiscated the weapons.

So it seems to me that, in the question of 24 hours, if somehow we have that good of record in terms of ATF and FBI and local law enforcement going after these individuals now that have committed two felonies, that there is some advantage in coming to some kind of an agreement that is reasonable to help assure that we close this loophole at gun shows and simply do not let it go on for partisan reasons.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me comment. I was trying to agree with the gentleman from Michigan (Mr. SMITH), particularly if the gentleman is talking about we need to close gun show loopholes. I have to remind the gentleman that one of the problems with the initiatives we passed in the House was that it opened a gaping loophole which most law enforcement opposed.

The limitation of 24 hours would not protect or provide opportunity for law enforcement to check gun shows that fall usually on Saturdays and Sundays. It does not give them the 3-day or 72 hours that was needed to close the loopholes that would allow the Mack truck, and I do not want to put anything on truckers, of criminals to drive through it, get their guns, and commit 10 felonies, not just two felonies.

So I hope the gentleman from Michigan is, in fact, agreeing that we in the conference committee can get to this meeting and develop a compromise that would truly close the loopholes that we are all facing that allows criminals to get guns in their hands and to commit felonies.

Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Massachusetts (Mr. MEEHAN), who is a former prosecutor and joins me as a member of the conference committee on H.R. 1501, trying to pass real gun safety.

Mr. MEEHAN. Mr. Speaker, I thank the gentlewoman from Texas (Ms. JACKSON-LEE) for her motion to instruct conferees in this issue. I have to say it is unacceptable, unconscionable that we have had one meeting in the conference committee as violence continues, as accidents with guns continue all across this country, and Congress does nothing.

The fact of the matter is, in America today, 13 young children a day die as a result of gun violence. As I go across my District in Massachusetts and talk to students, talk to high school students, talk to young people, they say, why is it that we can have so many problems with guns in America? Why is it that we could let 6 months go by from the tragedy in Columbine High and have the Congress of the United States respond by doing nothing?

We had a meeting of the conference committee, one meeting, and there was a discussion, and everybody sort of dug in. We have made zero progress.

The other body stood up and took a vote on gun safety measures that are reasonable, that make sense. The time has come to enact this legislation.

How frustrating it is to go back to my home district in Massachusetts and talk to the law enforcement community or to talk to the people that have been involved with the gun safety program in Boston, Massachusetts, a national model, and try to explain to them why we cannot get anything done in the Congress of the United States to send reasonable gun safety measures over to the President for his signature.

I cannot help but think, Mr. Speaker, about the enormous influence of these special interests, whether it is the NRA or the other groups that are trying to prevent the Congress from doing the right thing in this legislation, and just to look to see the enormous influence that they have in making contributions to the political system that is in desperate need of reform as that issue is debated in the other body. How fortunate we could be if we could take away the special interests and make decisions based on the merits.

The time has come for this Congress to take action. How many kids need to die before this Congress steps up to the plate and passes real gun safety legislation? We should be ashamed of the fact that we have let 6 months go by with the American public crying for action, crying for reasonable gun safety measures, but here we are capitulating, procrastinating, delaying.

I thank the gentlewoman from Texas for her motion, and I urge my colleagues to push the members of the conference committee to stop this delay and pass real meaningful gun safety legislation.

All we have to do is look at the tragedies that happen across this country. How many more children need to die as a result of lack of reasonable gun safety measures before this Congress takes a stand? All my colleagues need to do is talk to the members of the school departments in their district, to talk to young people, to talk to law enforcement officials. The time has come for action, reasonable gun safety measures.

So I urge the Congress to vote in favor of the Jackson-Lee motion to instruct conferees. I ask the Members of this body to move the conference committee ahead, and let us send this issue to the President within the next week or so. America is waiting for our action.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to ask the gentleman from Massachusetts (Mr. MEEHAN), we serve on the conference committee, but I also know in our work together in the Committee on the Judiciary, his work as a former prosecutor, there is some complaint or angst about the enforcement of laws. I do not think any of us have disagreed with the enforcement of laws.

But maybe the gentleman can comment on the value of having laws on the books that will be tools by which various loopholes can be closed so that prosecutors, whether they are State prosecutors or Federal prosecutors, can, in fact, have the tools to be able to prosecute.

The way the legislation is now postured out of the House as juxtaposed against the Senate, the conference is the only place where we can put together a good substitute to give those tools to close the loopholes where criminals every day are marching into gun shows randomly and recklessly taking guns and using them against innocent law-abiding citizens.

Mr. Speaker, I yield to the gentleman from Massachusetts (Mr. MEEHAN) to talk about the tools.

Mr. MEEHAN. Mr. Speaker, I thank the gentlewoman from Texas on that. I guess the best evidence that I would present is the Boston gun safety tracing program that even the opponents of gun safety measures in the conference committee brought up the Boston program and said that is a model. Let us just enforce those laws that are on the books.

□ 1430

The reality is that there are States, and Massachusetts is one of them, that are taking the initiative to go beyond what the Federal has. They have not waited for the Congress to act. Because if they waited for the Congress to act, under the Massachusetts gun safety laws, we would not have been able to institute the gun safety measures in Boston where guns that are used in the commission of a crime are being traced and those tracing those guns have enabled them to pull in more arrests, to reduce violence in Boston, to reduce violence in any of the jurisdictions where they have undertaken these gun safety projects.

But we need to provide the tools for law enforcement to take those models across the country where they have worked to learn from those areas of the country where we have all actually been able to reduce violence with guns and use those procedures and use those law enforcement techniques across the country.

One of the things we want to see in this bill passed is the resources to implement the tools of those areas where they are working so effectively.

I heard members of the conference committee on both sides of the aisle talking about the areas of the country where gun safety measures have worked with law enforcement working with the schools and working with prosecutors, working with the U.S. Attorney's Office and the FBI. And I would suggest that that effort in Boston, a national model where violence with handguns and violence with guns have dramatically been reduced as a result of it, that is all we need to look at. The fact is, Massachusetts has enacted gun safety legislation that Federal law enforcement officers have been able to use to make that program so effective.

So I think that if we look at those national models, then it is clear to see that we have an enormous opportunity to reduce gun violence measures simply by giving law enforcement the tools that they need.

Ms. JACKSON-LEE of Texas. Mr. Speaker, reclaiming my time, let me also note and compliment the community of the gentleman from Massachusetts (Mr. MEEHAN) for having at least 18 months to 2 years where they did not have the shooting of one single teenager, I believe, through this program, which means that his community had the tools, prosecutors had the tools, law enforcement had the tools in order to ensure that they save lives.

It really strikes me as strange that those who argue, our Republican friends, let law enforcement enforce the laws would now have a stalemate where we cannot even get into the conference committee and discuss amendments such as the one that I am recommending where children have to be accompanied by adults going to gun shows, where we are closing that 24-hour loophole, and where we are recognizing that trigger locks are important, ammunition clips utilized by Buford Furrow on August 10, as we just mentioned, who ran into a Jewish community center and subsequently killed a postal worker with guns with an automatic clip.

These are laws that we can in a consensus come to pass, hand over, if you will, those laws to the United States attorneys and to local officials to begin to enforce these. And yet we would not do it.

Mr. MEEHAN. Mr. Speaker, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Massachusetts.

Mr. MEEHAN. Mr. Speaker, why in the world would anyone think it is a bad idea to have an adult with a young person that goes into a gun show to buy a gun? Why in the world would anybody think that it is okay for children in America to go into a gun show and get a gun without the requisite background checks? Why would anybody think that is okay?

No one in this country thinks it is okay. Eighty-five percent of Americans say, why can we not do something about it? So I thank the gentlewoman for her comments, and the point that she brings up is just so valid. Who would ever think that was okay?

Mr. PEASE. Mr. Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield 2¼ minutes to the distinguished gentleman from Virginia (Mr. MORAN), a member of the Committee on Appropriations.

Mr. MORAN of Virginia. Mr. Speaker, I thank the very distinguished gentlewoman from Texas (Ms. JACKSON-LEE) for bringing this legislation up.

Obviously, the purpose of this is to continue to keep the public focused on the urgency and importance of gun legislation. It is unfortunate we use the term "gun control." This is simply common sense attempts to do what rational people would want done in the context of what has become a crisis situation in our schools and in our communities.

But what this legislation that has been suggested does not do is terribly important to emphasize. It does not prevent anyone from using rifles. It does not make it illegal to own handguns. It does not confiscate or require the registration of handguns. It does only three relatively marginal things. It says if they are at gun shows, then they ought to have the same requirements as retail gun shop owners in selling handguns. That makes sense, have the same requirements.

Why make it so much easier for people at a gun show? Why should we be importing large magazine clips? That does not make a lot of sense. They are not for the purpose of hunting. They are for the purpose of killing, and they are the weapons of choice for drug dealers. And then why not have child safety locks?

We do not let children drive automobiles. We require them to know what they are doing. We ought to make it difficult for children to be able to have access to guns. It seems to me these are marginal things, and they are suggested in the light of a critical situation.

Canada and other civilized countries have about a dozen deaths from firearms in a year. We have over 20,000. That is too many. Look at the differences. It is not that people hunt less in Canada. They hunt more. But they require people that have access to guns to be able to know how to use them. That is common sense.

Mr. PEASE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I advise my colleagues that we understand this is a difficult, complex, and emotional issue. It is not an issue without disagreement between members of both political parties within the parties and between the parties.

Even today, conferees from our party are working to try and reach a resolution on these terribly complex issues. But they are faced with the fact that there is not consensus within the Democratic party, nor is there consensus within the Republican party, nor is there consensus within the House or the Nation within the specifics. Yet, they are committed to bringing a conference committee report to this House before the end of this session for our consideration. We should give them the time to do so.

Mr. Speaker, I yield back the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a simple proposition to my colleagues. It is about keeping guns out of the hands of children and criminals. It is a vote to encourage the conference to meet.

My good friend on the Committee on the Judiciary knows full well that the Democrats are not engaged in this debate, that they are not inside these negotiations. American people want action. That action, Mr. Speaker, is to vote for this motion to instruct, that we have a substitute before October 20 to keep guns out of the hands of children and guns out of the hands of adults, to stop the proliferation of guns in this Nation and the killing of 13 children by guns every single day.

The American mothers, the American fathers, the American families want us to stand up and be counted against this kind of tragedy in America.

For my friends in Texas, this is not a vote against the Second Amendment. This is a vote for the Constitution and for the Second Amendment. Gun safety must be passed in America.

The SPEAKER pro tempore (Mr. HANSEN). Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 174, nays 249, not voting 10, as follows:

[Roll No. 502]

YEAS—174

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Bilbray
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Capps
Capuano
Cardin
Clay
Clayton
Clyburn
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dixon
Doggett
Dooley
Doyle
Dunn
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gejdenson
Gephardt
Gonzalez
Gutierrez
Hastings (FL)
Hinojosa
Hoeffel
Holt
Hooley
Horn
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kennedy
Kildee
Kilpatrick
Kleczka
Kucinich
Kuykendall
LaFalce
Lantos
Larson
Lazio
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moakley
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Porter
Price (NC)
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Rogan

Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Scott
Serrano
Shays
Sherman
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stupak
Tancredo
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Woolsey
Wu
Wynn

NAYS—249

Aderholt
Archer
Armey
Bachus
Baird
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Biggert
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dingell
Doolittle
Dreier
Duncan
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kind (WI)
King (NY)
Klink
Knollenberg
Kolbe
LaHood
Lampson
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Regula
Reynolds
Riley
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Saxton
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Turner
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wise
Wolf
Young (FL)

NOT VOTING—10

Buyer
Carson
Conyers
Green (TX)
Jefferson
John
Kingston
McKinney
Scarborough
Young (AK)

□ 1501

Messrs. PETRI, GREENWOOD, THOMAS, PICKERING, GANSKE, SMITH of Texas, NUSSLE and HILLIARD changed their vote from "yea" to "nay."

Messrs. LAZIO, JACKSON of Illinois, FRELINGHUYSEN and VISCLOSKY changed their vote from "nay" to "yea."

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1500

PROVIDING FOR CONSIDERATION OF H.R. 3064, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2000

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 330 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 330

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 3064) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2000, and for other purposes. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

The SPEAKER pro tempore (Mr. HANSEN). The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 330 is a closed rule providing for consideration of H.R. 3064, the D.C. appropriation bill for fiscal year 2000. The rule provides for 1 hour of general debate divided equally between the chairman and the ranking minority member of the Committee on Appropriations. Additionally, the rule waives all points of order against the bill. House Resolution 330 also provides for one motion to recommit with or without instructions, as is the right of the minority of the House.

Mr. Speaker, House Resolution 330 is a closed rule recognizing the full and fair debate that the House had on similar legislation on July 27, 1999. This rule will assist the House to move forward in the appropriations process.

I regret that it is necessary to bring another appropriations measure to the floor to fund the District of Columbia. As my colleagues know, Congress sent a bill to President Clinton on September 16 of this year that funded the District government at levels above those requested by the President and with almost no changes from the bill he signed a year earlier. Unfortunately, the President used this bill to send an early message to Congress and the American people he would be playing politics with the budget again this year.

The precursor to the underlying legislation, H.R. 2587, appropriated the total of $429 million in Federal funding support for the District, 35 million above the President's request. The bill sent 6.8 billion in District funds back to the people of Washington, $40 million more than was requested by the President. Apparently, Mr. Speaker, this was not enough.

I was very disappointed when the President vetoed the District funding bill, but I was most surprised by the issue cited by the President in his veto message. The President chose to put a bizarre agenda of free needles and legalized drugs over the interests of the citizens of Washington, D.C. He vetoed it because it would not allow the District to distribute needles to drug addicts or legalize marijuana.

The President's intent to allow the District to use Federal dollars to fund needle exchanges is only the latest time he has been on the wrong side of this issue. Last year Secretary Shalala indicated the Clinton administration would lift the ban on Federal funding, but when the drug czar, Barry McCaffrey, denounced the move saying it would sanction drug use, the White House upheld the Federal ban but continues to trumpet the effectiveness of needle exchange programs. This clever triangulation technique saved him from a political debacle; but it exposed his true convictions on this issue.

What kind of message do we send to our kids when our government tells them not to do drugs, but then supplies them with needles? As noted by the Heritage Foundation's Joe Loconte, quote, "The Clinton administration has tacitly embraced a profoundly misguided notion that we must not confront drug abusers on moral grounds. Instead we should use medical interventions to minimize the harm and the behavior it invites," close quotes.

Such a policy ignores that drug addiction is an illness of the soul as much as the body. We, as a Nation, have a responsibility to set moral and legal standards that demand responsible behavior and enabling drug users to engage in illegal behavior does nothing to end their tragic addiction or stop the spread of drugs in America.

Another reason President Clinton vetoed this bill is because he believes the District residents should be allowed to legalize marijuana. Not only does the President want D.C. residents to be able to use marijuana, but he also wants them to be able to grow it for their friends. Once again his own drug czar, General Barry McCaffrey, has said that, quote, "Smoked marijuana is not medicine. It has no curative impact at all," close quotes.

In fact, the drug czar advises against using marijuana for medical purposes, exactly the language used in the D.C. referendum. Still, the President vetoed the D.C. appropriations bill over this issue. This completely undercuts the consistent and responsible "Just Say No" message by General McCaffrey and Congress who are working to keep illegal drugs out of our schools and off our streets.

Over the last several months Congress and the President have been debating over the best way to spend the American people's hard-earned tax dollars. We have talked about education, Social Security, and our national defense. We have a lot of differences on these issues, but this is something I had hoped that we could agree on. Spending taxpayer dollars to fuel the habit of drug addicts is not only irresponsible, it is wrong.

There was a time when the President agreed that these provisions made sense. That time was 1 year ago when the President signed into law a District appropriations bill that contained the same responsible restrictions on Federal funds. This year, though, President Clinton has changed his tune and set aside the war on drugs for a war in Congress. I doubt the American people would consider this move a valuable use of public funds.

Some of my colleagues on the other side are going to use today's rule as an opportunity to harass this Congress and its leadership, but the real lack of leadership here is in the White House. When thousands of police officers work the streets every day to rid our Nation of drugs, they should at least be able to expect that the chief law enforcement officer in the land supports them and the laws that they protect. Congress has worked with the President on some of the objections he raised to the bill, but this Congress will not be moved from its conviction that legalized drugs and enabling drug users sends all the wrong messages to our young people as they wrestle with these issues in our communities back home.

I congratulate the gentleman from Oklahoma (Mr. ISTOOK) for his admirable work on this legislation, and I urge my colleagues to support this fair rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Republican majority is going to spend a lot of time today talking about marijuana and needles and drug addicts. I want to make it very clear that I am not in favor of the legalization of marijuana or needle exchange or doing anything that will further the use of illegal drugs in the District of Columbia or anywhere else in this country. But, Mr. Speaker, I also want my Republican colleagues to understand why many Democrats are going to oppose this rule and oppose this bill. We are going to oppose the bill and the rule because the Republican majority does not want to talk about anything else except what they want to talk about. No one else can get a word in edge-wise. We are going to oppose the bill because the Republican majority refuses to sit at the table with the administration, with the delegate from the District of Columbia, or with the Democratic members of the Committee on Appropriations to negotiate on this bill.

Mr. Speaker, we are now way beyond any one rider in this bill. The administration, the District, and the gentlewoman from the District of Columbia (Ms. NORTON) have all indicated that they are willing to be flexible on these issues. We oppose this rule and this bill because the Republican majority has closed the process and will not even give the people of the District of Columbia the simple courtesy of listening to their concerns.

Mr. Speaker, I had the opportunity in recent weeks to point out to my Republican colleagues that it seems they support local control only when it suits their purpose. Round two of the District of Columbia appropriations for fiscal year 2000 is another case in point. This bill is no improvement over the last because the Republican majority seems intent on adopting an attitude of Father Knows Best. Following the President's veto of the first D.C. appropriations bill, the Republican majority refused to sit down and talk about what should be done to move this bill. Instead, the Republican majority has chosen to use the D.C. appropriations bill as a political paint brush in an attempt to unfairly paint the administration and congressional Democrats as being soft on drugs.

I want to reiterate that I am not endorsing the legalization of marijuana or making needles available to IV drug users. No, Mr. Speaker, I am endorsing the idea of allowing the District the right that every other jurisdiction in this country now enjoys, the right of self-determination. The Republican majority has denied over a half million people that right by refusing to engage in any discussion about how best to settle this matter. As a consequence, I will join the delegate from the District of Columbia in opposing this bill.

To add insult to injury, the Republican majority is bringing this bill to the floor under a completely closed rule. I think it is a forgone conclusion what the outcome of any vote on any of these issues might be. But the fact that the Republican majority does not want to give the delegate this opportunity to represent her constituents is really unconscionable.

Mr. Speaker, I reserve the balance of my time.

Mr. LINDER. Mr. Speaker, I yield myself such time as I may consume.

At this time I would like to point out to my friend from Texas (Mr. FROST) that making this administration look bad on drug policies is the easiest thing we can do.

Mr. Speaker, I yield such time as he may consume to the gentleman from Oklahoma (Mr. ISTOOK), chairman of the Committee on Appropriations' Subcommittee on the District of Columbia.

Mr. ISTOOK. Mr. Speaker, I thank the gentleman from Georgia (Mr. LINDER) for yielding time.

I think it is important to note that the reason we will discuss certain issues today is not because I, as author of the bill and chairman of the subcommittee, it is not because I have selected some issues to talk about. The reasons we will talk about certain issues today, the reason is that the President of the United States, William Jefferson Clinton, sent to this Congress a veto of the bill that we sent him to fund the District of Columbia; and the President of the United States selected seven reasons in his veto message that he wrote to Congress, that William Jefferson Clinton said are the reasons he vetoed the bill and that people on the other side of the aisle have accepted as their reasons for opposing it.

Now, contrary to what the gentleman has represented, I know personally because I am the one involved, that we have sought endlessly to talk with the Members on the other side of the aisle, with the delegate from the District of Columbia. I have talked personally with the President's representative, Mr. Jack Lew of the Office of Management and Budget; I have offered to sit down with him whenever he was willing to do so. They do not respond, and I will not yield, not at this time. We have offered. They just want to say, "Oh, the District of Columbia ought to be free to make up its own mind if marijuana is going to be legal here."

☐ 1515

Now, Mr. Speaker, I would submit that we can save $16 billion a year of taxpayers' money if the President and my friends on the other side of the aisle want to go ahead and surrender in the national war against drugs, because that is how much we are spending. And if we say that any part of the country can declare itself a safe haven, a safe haven for marijuana or any other drug, then the result is going to be we no longer have a national policy against drugs, we no longer have a national law, so why are we spending this $16 billion a year.

I did not pick this fight. The President, the President vetoed the bill for this reason. The delegate for the District of Columbia took the House floor and in conversations has said, oh, let us make up our own minds whether we are going to honor and obey the drug laws that cover the rest of the country. I read an editorial in the paper today that said, the new phrase is probably going to be that D.C. stands for Drug Capital, because of the people that will want to flock here. And for people to use the pretense, the pretense that oh, this is about local control, this is about people able to make their own decisions, is such a red herring. If we want a Federal law, if it is important to have a Federal law on issues, then make it uniform and national. If not, it is no good.

Mr. Speaker, I am reading from the President's veto statement that he sent to this Congress when he vetoed the bill. I am quoting his own words: "Congress has interfered in local decisions in this bill in a way that it would not have done to any other local jurisdiction in the country," which, Mr. Speaker, is frankly absurd, because the drug laws cover every city in the country. He went on: "The bill would prohibit the District from legislating with respect to certain controlled substances. Of course, he means marijuana." That is all the bill talked about. It says the District of Columbia has to follow the same drug laws as the rest of the country, and he objects to that. The President wrote this. He went on to say, "Congress should not impose such conditions on the District of Columbia."

Mr. Speaker, if he does not want a national law to combat the terrible scourge and plague of drugs, that is his position; he is entitled to it; and I am entitled to object.

Let me read what the police chief of Washington, D.C. has submitted publicly about this whole effort. This is a statement that was put out by the police chief of Washington, D.C. a year ago when this issue arose, when they had this ballot initiative. I quote Chief Charles Ramsey: "Legalized marijuana under the guise of medicine is a surefire prescription for more marijuana on the streets of D.C., more trafficking and abuse, and more drug-related crime and violence in our neighborhoods. This measure would provide adequate cover in the name of medicine for offenders whose real purpose is to manufacture, distribute, and abuse marijuana," end of quote. These efforts are going on around the country.

The Clinton administration sent its drug policy people here to Capitol Hill to testify long before this bill ever came up, and it was the testimony from the Clinton White House's Drug Czar, General Barry McCaffrey, testimony to this Congress, quote: "Medical marijuana initiatives present even greater risks to our young people. Referenda that tell our children that marijuana is a medicine sends them the wrong signal about the dangers of illegal drugs, increasing the likelihood that more children will turn to drugs. Permitting the medical use of smoked marijuana," and he put medical in quotes, "will send a false and powerful message to our adolescents that marijuana use is beneficial. If pot is medicine, teenagers, rightfully, will reason, how can it hurt you? We can ill afford to send our children a mixed-up message on marijuana."

Testimony to this Congress from the White House's own Drug Czar, now contradicted by the President.

And then the Drug Enforcement Agency, part of the Clinton administration's Justice Department, in testimony just this summer to this Congress, told us, and I quote again: "Medical marijuana is merely the first tactical maneuver in an overall strategy that will lead to the eventual legalization of all drugs," end of quote. That is the Clinton administration's own Justice Department.

But now they say, under a pretext, a pretense of local control, let us say it is okay for Washington, D.C., under flimsy guidelines to legalize marijuana.

We have had testimony from the Clinton administration's own antidrug people that we pay through our tax money confirming that smoking marijuana is never medically indicated. It is not necessary to relieve any suffering or health problems. And the Justice Department testified to us that these so-called medical marijuana initiatives are draining their resources, robbing them of time and money and resources, to fight the drug problems, because they have to deal with these spurious attempts to override national drug laws with these local initiatives. That is the administration's point.

This bill expressly, expressly disproves the effort that was put on the ballot in Washington, D.C. to legalize marijuana in the Nation's Capital. If one votes against the bill, one is voting that it is okay to have drugs legalized in Washington, D.C. I do not care how much one claims to the contrary, I do not care how many smoke screens one throws up to us, that is the issue. Hide behind whatever one thinks is big enough to hide behind. But the issue is, are we against drugs? Are we trying to combat drugs before they get ahold of our kids, or are we declaring a truce and a surrender in the war against drugs? We are going to yield back this country one city at a time, one State at a time; go ahead and legalize it here, undercut all the drug laws, we do not care. I do not care what argument one throws up against it. That is the issue.

The President of the United States picked the issue by vetoing this bill and sending the veto message that he did, and no one can escape that.

Mr. FROST. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank the distinguished gentleman from Texas for yielding me this time.

To the gentleman from Oklahoma, what I would like to suggest, notwithstanding all of the rhetoric that the gentleman just shared with us, is that if the gentleman would agree to add one word and drop one provision that has nothing to do with drugs, then we would accept this bill, this bill gets signed, and this whole discussion is moot. It will be done. We cannot tell the President what to do, but from this side; not that we would want to disagree with the gentleman's premise, but the reality is that if the gentleman would simply let the District of Columbia use its own funds to review the court cases that are currently involved so that the D.C. Corporation Council can advise the D.C. City Council on what cases are currently pending in court, then we could accept this. That is all we are asking.

We are not fighting on this drug issue. We may disagree; we may feel that D.C. has the right to determine what is in its own interests. We may feel that it is appropriate to allow private funds to be used for legal purposes. But we also recognize we have a responsibility for the District of Columbia government to be able to function; and the fact is, this is a decent appropriations bill if it were not for all of these ideological riders.

The gentleman will recall that in the full Committee on Appropriations, we got some compromises. We did not ask for a lot. We got a compromise where the majority of the committee, bipartisan, agreed we will just put in with the use of public funds for any needle program. Forget the fact that it is used so that they can provide drug treatment and counseling and so on. Go ahead and ban the use of public funds, but do not try, through a Federal appropriations bill, to say private people cannot contribute money for private purposes. It is a nonprofit private organization. That is all we asked.

So there was a compromise, and we went to this floor in a spirit of compromise. And if the gentleman will recall, that bill passed overwhelmingly.

It was a good appropriations bill. It was a right thing for the District of Columbia. We go into conference and there is virtually nothing that happens. We lose that spirit of compromise.

Now we are here on the floor. I would not want to suggest that the only reason we are here is so that we can make some charges against the Clinton administration and the Democrats, charges that are clearly unfounded, charges that are clearly not right. In fact, the Clinton administration came out strongly against the medicinal use of marijuana even, came out strongly against any of the programs that the gentleman is suggesting. The gentleman has already quoted Clinton administration officials, but what they want to preserve is the right of the citizens of the District of Columbia to run their own affairs. That is the issue here.

All that the gentleman would have to do is to add one word, and that is "Federal," simply add that with regard to voting rights. That is all that we are talking about. And then, D.C. City Council can use public money, local, tax revenue so that its D.C. Corporation Council can advise it on bills that directly affect the D.C. government that are in the court.

Right now, the gentleman says D.C. government cannot use its own local funds to even advise the D.C. council on the status of the voting rights legislation. That is not fair. Prohibit Federal funds; do not prohibit D.C. local funds. Make that adjustment; we will find a way to get this bill over to the President's desk; and we will recommend signature. And we will have fulfilled our responsibility.

So for all of the protestations, for all of the rhetoric, here we have a negotiation. It is a reasonable offer. It has nothing to do with drugs, nothing to do with the social riders that the gentleman has been talking about. Accept it, we will move forward. We will fight these other issues maybe in another year, or on another appropriations bill, but let us do the right thing by the D.C. government, by the D.C. citizens. Let us keep this out of some omnibus bill where they lose control of the ultimate fate of this bill. It is a small bill. Let us do the right thing on this.

Mr. LINDER. Mr. Speaker, I yield 3 minutes to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Speaker, I thank the gentleman from Georgia for yielding me this time.

This is new, it has not been discussed before, and I would suggest that the gentleman from Virginia get together with the chairman of the committee, because this is not what we are hearing from the administration. The administration is saying we have some real problems with local control. We want them to go ahead and put in the provisions to legalize marijuana for medical purposes.

So I think we ought to just look at the provisions that the President is supporting, because I have with me the legislative text for the medical marijuana provisions and it says some very interesting things. It says, medical patients who use and their primary caregivers who use marijuana can avoid any of the District of Columbia drug laws; and they can designate who their primary caregivers are.

Let us just see, who are these primary caregivers that can completely avoid the drug laws that we have here in America. They can designate, and by the way, this is based on a recommendation from a physician which can be oral, it does not have to be in writing, it can be oral. This is the oral recommendation that one can use medical marijuana, and then one can designate this primary caregiver. A medical patient may designate or appoint a licensed health care practitioner, sibling, so one could have their brother be the primary caregiver; a child, someone below the age of 18, a child can be the primary caregiver; or other relative, domestic partner, case management worker or best friend; they can be your primary caregiver, and this designation does not need to be in writing, it can be verbal too.

□ 1530

So that says if you get some oral recommendation from a physician that you can use marijuana, you can say, I am not going to get it myself. I can designate somebody to go get it for me. I want my child to go get it, my 6-year-old kid, my eight-year-old kid. Send them down to the playground or wherever they are selling marijuana in the District of Columbia, they can possess that marijuana and take it back to the person to do drugs, to do the medical marijuana, a child. A child can be put in that position.

I have seen from personal experience children going to school with lunch money, and the bully of the school, of the play yard, said, give me a quarter or you can't come in. I want a quarter of your lunch money. The child says, okay, here is a quarter. Now it changes the whole scope of things. Here is a child in legal possession of marijuana. What is the bully going to ask for this time? Do Members think this will not proliferate drugs in the District of Columbia?

We want to make this a shining jewel of this Nation, one of the best cities in the Nation, something we can all be proud of; a safe place, not a drug haven, not the drug capital, our Nation's Capital. That is what we are leaning for here, and that is what the President is fighting for.

It is not over the budget. We have accepted the District of Columbia's budget, what was passed by their city council, what was approved by their Mayor. It is in this bill. The difference is the drug policy. That is what the President has narrowed this down to, the drug policy.

The gentleman from Virginia has aptly pointed out that he cannot speak for the administration. The administration has other ideas. This is one of them. This is one of the things that we are so worried about. I just would urge my colleagues to avoid any changes and to support this bill. This is a good bill.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, my wife is a medical social worker. She has worked at D.C. General, she has worked at Georgetown Hospital. She has seen crack babies. Nobody has to lecture me or her or anybody else on that side of the aisle on the idiocy and stupidity of drugs. I hate them. I hate all drugs.

But we have a difference of opinion here. We have a difference of opinion about whether we will really save lives by guaranteeing clean needle exchanges for people who are crazy enough or hooked enough to continue the drug habit. We have a difference of opinion on whether we will save lives or not.

I also do not happen to agree with the referendum that passed D.C. about the medical uses of marijuana, but I do believe that the District government ought to have the power to work out a rational compromise that does close the door to pain without opening the door to drug abuse.

But that is not what is at issue here today, because I recognize that the majority would rather have "Beat Up on Bill Clinton Day" than to sit down and negotiate in a rational way to work out agreements on these two issues. So recognizing the hardheaded reality on that side of the aisle, I would also say hardhearted, but it would be against the House rules if I said that, so I will simply say, put those issues aside.

The gentleman from Virginia (Mr. MORAN) has just indicated we may disagree with the gentleman on those issues, but we think the string has been run out on that. So what we do stand here today asking that side to do is this: Recognize the fundamental right of taxpayers in any locality in this country to use their own dollars any blessed way they want in order to defend their own interests in a democratic society, when it comes to the question of whether or not they are going to be able to exercise the most precious right that any individual citizen has in a democracy, the simple right to vote and have that vote count. That is all we are asking at this point: put aside the differences on the drug issues and simply say, okay, you win.

And now let us get to the question of democracy. All we have to do, as the gentleman from Virginia said, is to add one word, the word "Federal," so it makes clear that the D.C. government cannot spend Federal money to pursue the right of representation in a democratic system, but that they can spend their own money. What on God's green Earth is wrong with that?

Mr. LINDER. Mr. Speaker, I yield 3 minutes to my friend, the gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. Mr. Speaker, let me tell the gentleman what is wrong with it. What is wrong with it is it completely abrogates the responsibility of the Congress of the United States of America, representing the people of the country, to exercise exclusive legislation over the District of Columbia, which the Constitution provides. Members on that side have not mentioned it and there is a reason they have not, because they do not want to deal with it.

The fact of the matter is that our Founding Fathers placed full and complete plenary legislative authority over the District of Columbia in the hands of the Congress. If Members want to walk away from that and say the District of Columbia Council should have that authority, then fine, go ahead and propose a constitutional amendment. But those of us on this side have higher regard for our Constitution than to be a party to that.

We are not going to walk away from our responsibility reflecting the will of the people of the country by a large majority who do not want drugs legally flowing through the streets of the District of Columbia. They are already concerned enough about how many drugs are here, and the high murder rate. We are sure as heck not going to make it legal to do drugs in the District of Columbia. That, Mr. Speaker, is precisely what the District of Columbia wants to do.

As the gentleman from Oklahoma said, they can couch it in whatever flowery language they want to, and they can get down here with this self-righteous mantle of, do not lecture us about this or that, and people work in hospitals, and so forth. It is not hard-hearted, it is not uncompassionate, to say no to drugs.

What does the President want to do? The President wants to allow drugs, marijuana specifically, as a gateway drug, in the District of Columbia. We on this side of the aisle say no.

Let me answer the question posed to us earlier by the gentleman from Virginia in his proposal, his so-called compromise: No, N-O. I do not know whether they misunderstand those two letters, but we are not interested in the sham of saying, they can do it with this money, but not this money.

Either we stand up against drugs in our Nation's Capital, or we cave in to it. We want to stand tall on this side. We want to stand firm here and say, pursuant to our authorities under the Constitution of the United States of America, Article 1, Section 8, Clause 17, that we do have a responsibility here.

Our responsibility goes beyond simply the funding. It goes beyond simply dollars and cents. It goes to the fundamental issue of whether or not in our Nation's Capital we shall continue to fight against mind-altering drugs, or whether we shall surrender to it. The President wants to surrender, and we on this side of the aisle do not.

I appreciate the gentleman's offer. It is not a new one. They have tried it before. We argued last year about this. We argued this year about it. Apparently we are going to have to argue about it today. The answer is no.

Mr. MORAN of Virginia. Mr. Speaker, will the gentleman yield?

Mr. BARR of Georgia. I yield to the gentleman from Virginia.

Mr. MORAN of Virginia. Mr. Speaker, I understand the gentleman's point, but we have a misunderstanding as to the issue. I am not talking about the Federal use of funds for marijuana or for needles. This is only voting rights.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, my response to the gentleman from Georgia who just spoke is simply this. Of course the Congress has the constitutional authority to use its power to shove the District around, but the Constitution does not require that mature people in every instance use the full power that they have when another course is more fair and more rational and more just.

Just because we have the muscle does not mean it is always right to exercise it. Once in a while it pays to have a little sense of balance. That is what we are asking you to show for a change today.

Mr. FROST. Mr. Speaker, I yield 3½ minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, very frankly, I will say to my friend, the gentleman from Georgia, his side of the aisle is so intent on making the political point, and a point with which I agree with reference to the use of marijuana, that it is not listening to what the gentleman from Virginia said. So intent are they on the politicization of this debate that they are ignoring the substance of this debate.

What the gentleman from Virginia said, they have seven riders on this bill. He said with respect to one rider, to which I am vigorously opposed and believe is exactly contrary to what the Founding Fathers had in mind, and that is the restriction on the District of Columbia to press its rights in the courts of this land by refusing it the opportunity to use its corporate funds, that is, tax dollars paid in by its citizens to its government, for the purposes of saying, we are being denied our rights under the Constitution of the United States, that is what my friend is trying to preclude the District of Columbia citizens from doing. But he is so intent on making his political point that it is the drugs issue that he wants to focus on, solely.

The gentleman from Virginia said nothing about that provision. What he said was that we would agree to this bill, if that side added one word to the provision that prohibits 600,000 American citizens from pursuing their rights in the courts of this land, corporately.

The gentleman is the chairman of this committee said what I was saying was hogwash the last time we had this debate. One could make their own analysis of the substance of that kind of debate. But the fact of the matter is that he does prohibit in this bill the use of funds to pursue constitutional relief.

All the gentleman from Virginia is saying is, add "Federal funds." I think that is wrong, but add "Federal funds." Just because we have the power to do so, I would say that parents have the power to do things they ought not to do, and the State has the power to do things that it ought not to do. The fact of the matter is that we ought not to preclude Federal funds.

Let us assume that their side of the aisle, which has the majority votes, wants to preclude the District of Columbia from pursuing its constitutional relief by saying that they cannot use Federal funds. All the gentleman from Virginia is saying is, all right, let them use their own locally-raised funds to ask the Supreme Court or the circuit courts or the District court for relief.

If that is added, just that one word, what the gentleman from Virginia (Mr. MORAN) is offering is that we will support this bill and let it go; not because we agree with the other six, we do not necessarily agree with the other six, although I tend to agree with the gentleman's provision with reference to the provision that he is so offended by, but because we believe that this is the single most egregious provision I think we have included in any piece of legislation since I have been here, to say to 600,000 American citizens, we are not even going to allow you to use your corporately-raised funds for the purposes of redressing your constitutional grievances and protecting your constitutional rights.

Surely the gentleman from Georgia, who has talked about the Constitution, cannot support that provision.

Mr. FROST. Mr. Speaker, I yield 6 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, for Members, this may be a typical appropriation exercise.

That is not what it is for me. It is my city Members are talking about. I have come forward on this rule not for the usual reasons. For me, I want to be clear that this is well beyond any particular provision of this bill.

The demagoguing that is done on the other side about drugs falls like a lead balloon. There is nobody in the United States, even those who detest Bill Clinton, that believes he wants to legalize drugs in the District of Columbia. I am going to let that one fall.

The problem identified by the gentleman from Kansas (Mr. TIAHRT) is entirely correct. That is why I had indicated that the way to address that is to send the matter to the city council, which has the power to change it or obliterate the whole matter. Nobody thinks in the United States of America that drugs are at issue here.

For me, this matter is well beyond any particular provision of this bill. For me, this matter is about something that has never happened in this House since I have been here, and I have asked all the old-timers if they have ever seen it happen.

For me, this is about bringing a bill to the floor for a vote after a veto without a single word of discussion with the man who must sign the bill or his agent, the President of the United States. It has never been done so long as anybody knows in the history of this House.

□ 1545

Thus, I do not oppose this rule for the usual reason, that it is a closed rule. I oppose this rule because we have before us a unilateral document where no discussions have occurred with the White House, in spite of the fact that the White House on several occasions has come forward and asked for a discussion.

Mr. ISTOOK. Mr. Speaker, will the gentlewoman yield?

Ms. NORTON. I certainly will not yield. I certainly will not yield, sir. I will not yield a single moment, sir. Not only am I not going to yield, I may ask for some more time to discuss what is happening to my city.

The SPEAKER pro tempore (Mr. HANSEN). The gentlewoman from the District of Columbia (Ms. NORTON) still has the time.

Ms. NORTON. No, I am not going to yield. I have yielded too much. I let this bill go on this floor to conference, when many on my side said it should not. I yielded then, and the gentleman promised me that he would move on the matter that has been brought up here by several Members on voting rights for the people of my city, to have their corporation counsel look at the papers that had been prepared by a private law firm to see whether or not they were in order. I yielded. I am not going to yield this time.

For me, this is a new low in this House to proceed after a veto, stonewalling the President who comes forward and says I think we can work this out, let us have a discussion. That is all this is about.

I was so concerned that I marched over, just a couple of hours ago, to see the gentleman from Illinois (Mr. HASTERT) because I believe he is a fair man. I must say he saw me right on the spot. I marched over because I could not believe that he was part and parcel of not even having a word of discussion before we unilaterally brought a bill to the floor, inviting a veto. I am supposed to get up here and say to Democrats, vote no. You are supposed to get up here and say to Republicans, vote yes. Big exercise. Big ritual for you. Serious business for the more than half million people I represent. I was trying to break through it.

I am pleased the Speaker saw me. He said, "Eleanor, we do intend to have negotiations after this vote."

I said, "Fine. Let us have it before so that there is no posturing on the floor about drugs, so that I do not have to get up and talk about home rule."

Do it the way it is always done. Let us sit back and talk about it now. The administration is ready. I have talked with them."

The Speaker listened. His staff listened. He said that he would take it under advisement. There was a postponement. I thought maybe we were getting somewhere. Obviously people have been talking back and forth, but then we were told that the bill was in order.

All that is left, since the President of the United States must agree on this bill, all that is left is for me to ask for a no vote on this rule in order to begin discussions. And, my friends, I want you to hear my words, "begin." Discussions did not collapse. They have never begun.

When there is a veto, the only way to settle the matter is indeed to sit down with the adversary to see whether things can be straightened out. That is the way I have done business for my city ever since the first day I walked into this House in 1991. That is the way I intend always to do business for my city, and I ask for the respect that I think that I am due, to have you sit down with the agents of the President of the United States, so that Members of the House and the Senate can talk with them about whether we can get somewhere and, if we cannot then let us come back, have this vote and go the next step. That courtesy has not been given to me. I think I am entitled at least to that.

Mr. LINDER. Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma (Mr. ISTOOK).

Mr. ISTOOK. Mr. Speaker, there are other things that I will want to say before we conclude this debate, but in response to the, frankly, incredible statements just made by the gentlewoman from the District of Columbia (Ms. NORTON), having spent many hours talking with people, having told the White House just yesterday talking with their designated person on this that I would meet with them, I would change my schedule any, and they just do not get back to me. We keep trying. We have talked with them. I have done it personally.

I have talked with the gentlewoman. I have talked with other people. Ma'am, I take huge offense at your false representation that we have not been trying to work with people.

I would further submit, if the gentlewoman and other people would publicly call on the President to renounce his veto message, where he vetoed this over the marijuana laws in D.C., we would make great progress.

Why cannot the other side get this marijuana issue beside us by calling on the President to retract his veto message that the other side defends instead?

Mr. FROST. Mr. Speaker, I yield 1 additional minute to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, there is a veto SAP over here. The only reason there is a veto SAP over here is that instead of sitting down in a room with the administration, you have insisted upon unilaterally coming to the floor and you know good and well that the administration, Jack Lew himself called you personally and said to you that he was willing to negotiate any time; that you give one story, the Senate people give another story.

Instead of doing what you have done on every bill, which is everybody get in the room or get on a conference call and see what you can agree to, instead you get one person saying something that is exactly the opposite of another person, no agreement; and you do not get everybody sitting together trying to work out the bill the way you did on HUD/VA, the way you did on every bill; and that is the kind of respect that I think we are entitled to and you have not given us and you have not given the President of the United States.

Mr. FROST. Mr. Speaker, I yield 3 additional minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank the distinguished gentleman from Texas (Mr. FROST) for yielding me this time.

First of all, let me say to my friend and colleague, the gentleman from Oklahoma (Mr. ISTOOK), in defense of what my friend and colleague, the gentlewoman from the District of Columbia (Ms. NORTON), said we have two issues, as the gentleman knows, that could resolve this entire debate.

One is voting rights, which we have offered, and it simply says, as the gentleman from Maryland so eloquently expressed, just prohibit Federal funds. That is all.

The other is an issue that in a bipartisan way we discussed at length in the full Committee on Appropriations. We brought out all the scientific studies. We explained that this needle program is really for the purpose of bringing drug addicts in, enabling Whitman-Walker Clinic to provide drug treatment for them. It is access to people in desperate need of help.

We are not trying to use any Federal funds. The use of all public funds can be prohibited. Just let them use private funds; and that is what the bipartisan, full Committee on Appropriations agreed to, bar the use of public funds. Let Whitman-Walker conduct its own affairs, though, with private funds.

If those two provisions were accepted, the White House told the gentleman from Oklahoma (Mr. ISTOOK), it could accept this bill; it could accept this bill. The gentleman from Oklahoma (Mr. ISTOOK) told the gentlewoman from the District of Columbia (Ms. NORTON) he would work out the Voting Rights Act in conference. It was not done. That is why the gentlewoman is so upset. The gentleman said he would do it, and it did not get done. The gentleman can say he tried, but it did not happen.

With regard to needles, we are just saying bar the use of public funds, and that is what Members of the gentleman's side of the aisle agreed.

Mr. Speaker, let me just conclude the point that I was making. This side is not being intransigent. This side feels very strongly about all of the issues in the veto message, but this side wants to make an agreement.

This side wants to move forward. This side wants to find some bipartisan commonality. We are not asking for anything that has not been accepted by the majority of this body, really. Voting rights, and the amendment that was accepted in a bipartisan way on barring the use of public funds, this is not unreasonable.

All we have to do, and that is what the White House has suggested, buy into those, we will fight the issues another day. That is what we should do.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. Mr. Speaker, I thank my colleague, the gentleman from Georgia (Mr. LINDER), for yielding me this time.

Mr. Speaker, let me see if we can maybe narrow down the scope of our disagreement. My concern is with section 167 of this piece of legislation, specifically section 167(a) which says, "None of the funds contained in this Act may be used to enact or carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 802) or any tetrahydrocannabinols derivative," and section 167(b) which states, "The Legalization of Marijuana for Medical Treatment Initiative of 1998, also known as Initiative 59, approved by the electors of the District of Columbia on November 3, 1998, shall not take effect."

Now, is it my understanding that the gentleman from Virginia (Mr. MORAN) is willing to accept that language? Is he stating that he has no problem with either section 167(a) or 167(b)?

I would yield to the gentleman from Virginia (Mr. MORAN) to answer that.

Mr. MORAN of Virginia. Mr. Speaker, will the gentleman yield?

Mr. BARR of Georgia. I yield to the gentleman from Virginia.

Mr. MORAN of Virginia. I would say to the gentleman from Georgia (Mr. BARR), we have lots of problems with the language. What we want is to reach a compromise and get this appropriations bill.

Mr. BARR of Georgia. Reclaiming my time, I thought that the gentleman from Virginia (Mr. MORAN) previously was saying that we needed to insert the word "Federal," and then I understand from the gentleman from Maryland he was talking about a different section; but I implied from that, apparently erroneously, that the gentleman from Virginia (Mr. MORAN) has no problem with section 167(a) or (b), but apparently he does.

Mr. MORAN of Virginia. We have lots of problems, but we would like to work out a compromise.

Mr. BARR of Georgia. Reclaiming my time, I thought maybe we had narrowed down the areas of disagreement so the other side does disagree with the prohibition in this bill that would stop the District of Columbia from moving forward with legalization of marijuana. This again clarifies the issue. I really thought we had reached an agreement on 167(a) and (b), but the gentleman from Virginia (Mr. MORAN) informs me that we have not.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I recognize this is unusual. I appreciate how much people are trying to find some common ground and agreement here. There has been so much movement on the floor, so much more, I must say, than has taken place in any discussions, that I would ask that instead of going forward with the bill now that we go off this floor now and see if we can reach some kind of agreement on this bill.

I think everybody who has spoken has moved this forward. I cannot say what we have agreed to, but I can say that I think that the very process of talking back and forth for the first time has been a good process, and we ought to continue it rather than march down the line so we have hardened lines again and have to start all over again.

Mr. ISTOOK. Mr. Speaker, will the gentlewoman yield?

Ms. NORTON. I yield to the gentleman from Oklahoma.

Mr. ISTOOK. Is the gentlewoman willing to say publicly that she will accept the provision that does not permit the legalization of marijuana, Proposition 59, in the District of Columbia? Will the gentlewoman say that?

Ms. NORTON. My own position on the legalization of marijuana is well known. I oppose the legalization of drugs.

What I would like to move us ahead on is what we can do with the particular provisions in the bill. We have recognized all along that some of these provisions are going to be changed; that we have differences here but we have never been able to get down in a room and see what, in fact, can be done.

All I am saying is I am willing to do that right now and believe that the way to move this bill forward is to, in fact, take hold of the discussions that have begun here and try to come to agreement.

□ 1600

Mr. FROST. Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore (Mr. Hansen). The gentleman from Texas (Mr. FROST) has 3½ minutes remaining. The gentleman from Georgia (Mr. LINDER) has 6½ minutes remaining.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would only ask the gentleman from Georgia (Mr. LINDER), the manager of the rule, whether he is willing to entertain the suggestion by the gentlewoman from the District of Columbia (Ms. NORTON) that the rule be temporarily withdrawn from the floor so that the possibility of compromise can be pursued.

Mr. Speaker, I yield to the gentleman from Georgia (Mr. LINDER).

Mr. LINDER. Mr. Speaker, the gentleman from Georgia would like to inform the gentleman from Texas (Mr. FROST) that, as soon as he uses up his 3½ minutes, I intend to move the previous question.

Mr. FROST. So the answer to my question is no.

Mr. LINDER. Mr. Speaker, the answer is no.

Mr. FROST. Mr. Speaker, we have heard some very interesting debate on this bill. It is unfortunate that we cannot reach a compromise. It is clear the other side is unwilling to pursue a compromise at this point.

Mr. Speaker, I urge a "no" vote on the rule.

Mr. Speaker, I yield back the balance of my time.

Mr. LINDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to close by saying this is a fair rule, considering the fact that this entire bill was debated openly and at great length on July 27 or 28, that we have keen knowledge of what is in this bill from both sides.

I urge the House to support this rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 217, nays 202, not voting 14, as follows:

[Roll No. 503]

YEAS—217

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (FL)

NAYS—202

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Clayton
Clement
Clyburn
Condit
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
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Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—14

Boucher
Buyer
Carson
Clay
Conyers
Cooksey
Dooley
Green (TX)
Jefferson
John
Kingston
McNulty
Scarborough
Young (AK)

□ 1625

Mr. GUTIERREZ and Mr. BERMAN changed their vote from "aye" to "no."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT REGARDING AMENDMENT PROCESS FOR H.R. 2, DOLLARS TO THE CLASSROOM ACT OF 1999, AND H.R. 2300, ACADEMIC ACHIEVEMENT FOR ALL ACT

Mr. LINDER. Mr. Speaker, today a Dear Colleague letter was sent to all Members informing them that the Committee on Rules is planning to meet next week to grant a rule for the consideration of H.R. 2, the "dollars to the classroom act of 1999."

The Committee on Rules may grant a rule which would require that amendments to H.R. 2 be preprinted in the CONGRESSIONAL RECORD. In this case, amendments must be preprinted prior to their consideration on the floor. Amendments should be drafted to the version of the bill reported by the Committee on Education and the Workforce.

A second Dear Colleague letter was also sent to all Members today informing them that the Committee on Rules is planning to meet next week to grant a rule which may limit the amendment process for floor consideration of H.R. 2300, the "academic achievement for all act."

The Committee on Education and the Workforce ordered H.R. 2300 reported on October 13 and is expected to file its committee report on Monday, October 18.

Any Member wishing to offer an amendment should submit 55 copies and a brief explanation of the amendment to the Committee on Rules in Room H-312 of the Capitol by 2 p.m. on Tuesday, October 19. Amendments should be drafted to the bill as ordered reported by the Committee on Education and the Workforce. Copies of the bill may be obtained from that committee.

Members should use the Office of Legislative Counsel to ensure that their amendments to both bills are properly drafted and should check with the Office of the Parliamentarian to be certain that their amendments comply with the rules of the House.

PERSONAL EXPLANATION

Mr. FORD. Mr. Speaker, during the debate surrounding H.R. 2436, the "unborn victims of violence act," I was present on the House floor. When the yeas and nays were recorded for roll call votes 463 and 464, the electronic voting device correctly recorded my vote as "no" and "aye" respectively.

However, on roll call vote 465, the voting device failed to properly record my vote due to what was later determined to be a malfunctioning voting card. Indeed, Mr. Speaker, I was present and did note "no" on roll call 465. However, due to a defective voting card, my vote was not recorded.

Mr. Speaker, I could not be present for roll call votes 466 through 469. Had I been present for roll call vote 466, I would have voted "aye." For roll call vote 467, I would have voted "aye." For roll call vote 468, I would have voted "no." And on roll call vote 469, I would have voted "aye."

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2000

Mr. ISTOOK. Mr. Speaker, pursuant to House Resolution 330, I call up the bill (H.R. 3064) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2000, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The text of H.R. 3064 is as follows:

H.R. 3064

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending September 30, 2000, and for other purposes, namely:

TITLE I—FISCAL YEAR 2000 APPROPRIATIONS

FEDERAL FUNDS

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

For a Federal payment to the District of Columbia for a program to be administered by the Mayor for District of Columbia resident tuition support, subject to the enactment of authorizing legislation for such program by Congress, $17,000,000, to remain available until expended: *Provided*, That such funds may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, usable at both public and private institutions of higher education: *Provided further*, That the awarding of such funds may be prioritized on the basis of a resident's academic merit and such other factors as may be authorized: *Provided further*, That if the authorized program is a nationwide program, the Mayor may expend up to $17,000,000: *Provided further*, That if the authorized program is for a limited number of states, the Mayor may expend up to $11,000,000: *Provided further*, That the District of Columbia may expend funds other than the funds provided under this heading, including local tax revenues and contributions, to support such program.

FEDERAL PAYMENT FOR INCENTIVES FOR ADOPTION OF CHILDREN

For a Federal payment to the District of Columbia to create incentives to promote the adoption of children in the District of Columbia foster care system, $5,000,000: *Provided*, That such funds shall remain available until September 30, 2001 and shall be used in accordance with a program established by the Mayor and the Council of the District of Columbia and approved by the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That funds provided under this heading may be used to cover the costs to the District of Columbia of providing tax credits to offset the costs incurred by individuals in adopting children in the District of Columbia foster care system and in providing for the health care needs of such children, in accordance with legislation enacted by the District of Columbia government.

FEDERAL PAYMENT TO THE CITIZEN COMPLAINT REVIEW BOARD

For a Federal payment to the District of Columbia for administrative expenses of the Citizen Complaint Review Board, $500,000, to remain available until September 30, 2001.

FEDERAL PAYMENT TO THE DEPARTMENT OF HUMAN SERVICES

For a Federal payment to the Department of Human Services for a mentoring program and for hotline services, $250,000.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA CORRECTIONS TRUSTEE OPERATIONS

For salaries and expenses of the District of Columbia Corrections Trustee, $176,000,000 for the administration and operation of correctional facilities and for the administrative operating costs of the Office of the Corrections Trustee, as authorized by section 11202 of the National Capital Revitalization and Self-Government Improvement Act of 1997 (Public Law 105–33; 111 Stat. 712): *Provided*, That notwithstanding any other provision of law, funds appropriated in this Act for the District of Columbia Corrections Trustee shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: *Provided further*, That in addition to the funds provided under this heading, the District of Columbia Corrections Trustee may use a portion of the interest earned on the Federal payment made to the Trustee under the District of Columbia Appropriations Act, 1998, (not to exceed $4,600,000) to carry out the activities funded under this heading.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

For salaries and expenses for the District of Columbia Courts, $99,714,000 to be allocated as follows: for the District of Columbia Court of Appeals, $7,209,000; for the District of Columbia Superior Court, $68,351,000; for the District of Columbia Court System, $16,154,000; and $8,000,000, to remain available until September 30, 2001, for capital improvements for District of Columbia courthouse facilities: *Provided*, That of the amounts available for operations of the District of Columbia Courts, not to exceed $2,500,000 shall be for the design of an Integrated Justice Information System and that such funds shall be used in accordance with a plan and design developed by the courts and approved by the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration [GSA], said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives.

DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

For payments authorized under section 11–2604 and section 11–2605, D.C. Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Division of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Code, and payments for counsel authorized under section 21–2060, D.C. Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), $33,336,000, to remain available until expended: *Provided*, That the funds provided in this Act under the heading "Federal Payment to the District of Columbia Courts" (other than the $8,000,000 provided under such heading for capital improvements for District of Columbia courthouse facilities) may also be used for payments under this heading *Provided further*, That in addition to the funds provided under this heading, the Joint Committee on Judicial Administration in the District of Columbia may use a portion (not to exceed $1,200,000) of the interest earned on the Federal payment made to the District of Columbia courts under the District of Columbia Appropriations Act, 1999, together with funds provided in this Act under the heading "Federal Payment to the District of Columbia Courts" (other than the $8,000,000 provided under such heading for capital improvements for District of Columbia courthouse facilities), to make payments described under this heading for obligations incurred during fiscal year 1999 if the Comptroller General certifies that the amount of obligations lawfully incurred for such payments during fiscal year 1999 exceeds the obligational authority otherwise available for making such payments: *Provided further*, That such funds shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: *Provided further*, That notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration [GSA], said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives.

FEDERAL PAYMENT TO THE COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

For salaries and expenses of the Court Services and Offender Supervision Agency for the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, (Public Law 105–33; 111 Stat. 712), $93,800,000, of which $58,600,000 shall be for necessary expenses of Parole Revocation, Adult Probation, Offender Supervision, and Sex Offender Registration, to include expenses relating to supervision of adults subject to protection orders or provision of services for or related to such persons; $17,400,000 shall be available to the Public Defender Service; and $17,800,000 shall be available to the Pretrial Services Agency: *Provided*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: *Provided further*, That of the amounts made available under this heading, $20,492,000 shall be used in support of universal drug screening and testing for those individuals on pretrial, probation, or parole supervision with continued testing, intermediate sanctions, and treatment for those identified in need, of which $7,000,000 shall be for treatment services.

Children's National Medical Center

For a Federal contribution to the Children's National Medical Center in the District of Columbia, $2,500,000 for construction, renovation, and information technology infrastructure costs associated with establishing community pediatric health clinics for high risk children in medically underserved areas of the District of Columbia.

Federal Payment for Metropolitan Police Department

For payment to the Metropolitan Police Department, $1,000,000, for a program to eliminate open air drug trafficking in the District of Columbia: *Provided*, That the Chief of Police shall provide quarterly reports to the Committees on Appropriations of the Senate and House of Representatives by the 15th calendar day after the end of each quarter beginning December 31, 1999, on the status of the project financed under this heading.

DISTRICT OF COLUMBIA FUNDS

OPERATING EXPENSES

Division of Expenses

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided.

Governmental Direction and Support

Governmental direction and support, $162,356,000 (including $137,134,000 from local funds, $11,670,000 from Federal funds, and $13,552,000 from other funds): *Provided*, That not to exceed $2,500 for the Mayor, $2,500 for the Chairman of the Council of the District of Columbia, and $2,500 for the City Administrator shall be available from this appropriation for official purposes: *Provided further*, That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: *Provided further*, That no revenues from Federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission: *Provided further*, That the District of Columbia shall identify the sources of funding for Admission to Statehood from its own locally-generated revenues: *Provided further*, That all employees permanently assigned to work in the Office of the Mayor shall be paid from funds allocated to the Office of the Mayor.

Economic Development and Regulation

Economic development and regulation, $190,335,000 (including $52,911,000 from local funds, $84,751,000 from Federal funds, and $52,673,000 from other funds), of which $15,000,000 collected by the District of Columbia in the form of BID tax revenue shall be paid to the respective BIDs pursuant to the Business Improvement Districts Act of 1996 (D.C. Law 11–134; D.C. Code, sec. 1–2271 et seq.), and the Business Improvement Districts Temporary Amendment Act of 1997 (D.C. Law 12–23): *Provided*, That such funds are available for acquiring services provided by the General Services Administration: *Provided further*, That Business Improvement Districts shall be exempt from taxes levied by the District of Columbia.

Public Safety and Justice

Public safety and justice, including purchase or lease of 135 passenger-carrying vehicles for replacement only, including 130 for police-type use and five for fire-type use, without regard to the general purchase price limitation for the current fiscal year, $778,770,000 (including $565,511,000 from local funds, $29,012,000 from Federal funds, and $184,247,000 from other funds): *Provided*, That the Metropolitan Police Department is authorized to replace not to exceed 25 passenger-carrying vehicles and the Department of Fire and Emergency Medical Services of the District of Columbia is authorized to replace not to exceed five passenger-carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths of the cost of the replacement: *Provided further*, That not to exceed $500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: *Provided further*, That the Metropolitan Police Department shall provide quarterly reports to the Committees on Appropriations of the House and Senate on efforts to increase efficiency and improve the professionalism in the department: *Provided further*, That notwithstanding any other provision of law, or Mayor's Order 86–45, issued March 18, 1986, the Metropolitan Police Department's delegated small purchase authority shall be $500,000: *Provided further*, That the District of Columbia government may not require the Metropolitan Police Department to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed $500,000: *Provided further*, That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: *Provided further*, That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved: *Provided further*, That the Metropolitan Police Department is authorized to maintain 3,800 sworn officers, with leave for a 50 officer attrition: *Provided further*, That no more than 15 members of the Metropolitan Police Department shall be detailed or assigned to the Executive Protection Unit, until the Chief of Police submits a recommendation to the Council for its review: *Provided further*, That $100,000 shall be available for inmates released on medical and geriatric parole: *Provided further*, That commencing on December 31, 1999, the Metropolitan Police Department shall provide to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives, quarterly reports on the status of crime reduction in each of the 83 police service areas established throughout the District of Columbia: *Provided further*, That up to $700,000 in local funds shall be available for the operations of the Citizen Complaint Review Board.

Public Education System

Public education system, including the development of national defense education programs, $867,411,000 (including $721,847,000 from local funds, $120,951,000 from Federal funds, and $24,613,000 from other funds), to be allocated as follows: $713,197,000 (including $600,936,000 from local funds, $106,213,000 from Federal funds, and $6,048,000 from other funds), for the public schools of the District of Columbia; $10,700,000 from local funds for the District of Columbia Teachers' Retirement Fund; $17,000,000 from local funds, previously appropriated in this Act as a Federal payment, for resident tuition support at public and private institutions of higher learning for eligible District of Columbia residents; $27,885,000 from local funds for public charter schools: *Provided*, That if the entirety of this allocation has not been provided as payments to any public charter schools currently in operation through the per pupil funding formula, the funds shall be available for new public charter schools on a per pupil basis: *Provided further*, That $480,000 of this amount shall be available to the District of Columbia Public Charter School Board for administrative costs: $72,347,000 (including $40,491,000 from local funds, $13,536,000 from Federal funds, and $18,320,000 from other funds) for the University of the District of Columbia; $24,171,000 (including $23,128,000 from local funds, $798,000 from Federal funds, and $245,000 from other funds) for the Public Library; $2,111,000 (including $1,707,000 from local funds and $404,000 from Federal funds) for the Commission on the Arts and Humanities: *Provided further*, That the public schools of the District of Columbia are authorized to accept not to exceed 31 motor vehicles for exclusive use in the driver education program: *Provided further*, That not to exceed $2,500 for the Superintendent of Schools, $2,500 for the President of the University of the District of Columbia, and $2,000 for the Public Librarian shall be available from this appropriation for official purposes: *Provided further*, That none of the funds contained in this Act may be made available to pay the salaries of any District of Columbia Public School teacher, principal, administrator, official, or employee who knowingly provides false enrollment or attendance information under article II, section 5 of the Act entitled "An Act to provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes", approved February 4, 1925 (D.C. Code, sec. 31–401 et seq.): *Provided further*, That this appropriation shall not be available to subsidize the education of any nonresident of the District of Columbia at any District of Columbia public elementary and secondary school during fiscal year 2000 unless the nonresident pays tuition to the District of Columbia at a rate that covers 100 percent of the costs incurred by the District of Columbia which are attributable to the education of the nonresident (as established by the Superintendent of the District of Columbia Public Schools): *Provided further*, That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 2000, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area: *Provided further*, That the District of Columbia Public Schools shall not spend less than $365,500,000 on local schools through the Weighted Student Formula in fiscal year 2000: *Provided further*, That notwithstanding any other provision of law, the Chief Financial Officer of the District of Columbia shall apportion from the budget of the District of Columbia Public Schools a sum totaling 5 percent of the total budget to be set aside until the current student count for Public and Charter schools has been completed, and that this amount shall be apportioned between the Public and Charter schools based on their respective student population count: *Provided further*, That the District of Columbia Public Schools may spend $500,000 to engage in a Schools Without Violence program based on a model developed by the University of North Carolina, located in Greensboro, North Carolina.

Human Support Services

Human support services, $1,526,361,000 (including $635,373,000 from local funds, $875,814,000 from Federal funds, and $15,174,000 from other funds): *Provided*, That $25,150,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: *Provided further*, That a peer review committee shall be established to review medical payments and the type of service received by a disability compensation claimant: *Provided further*, That the District of Columbia shall not provide free government services such as water, sewer, solid waste disposal or collection, utilities, maintenance, repairs, or similar services to any legally constituted private nonprofit organization, as defined in section 411(5) of the Stewart B. McKinney Homeless Assistance Act (101 Stat. 485; Public Law 100–77; 42 U.S.C. 11371), providing emergency shelter services in the District, if the District would not be qualified to receive reimbursement pursuant to such Act (101 Stat. 485; Public Law 100–77; 42 U.S.C. 11301 et seq.).

Public Works

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and leasing of passenger-carrying vehicles, $271,395,000 (including $258,341,000 from local funds, $3,099,000 from Federal funds, and $9,955,000 from other funds): *Provided*, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business.

Receivership Programs

For all agencies of the District of Columbia government under court ordered receivership, $342,077,000 (including $217,606,000 from local funds, $106,111,000 from Federal funds, and $18,360,000 from other funds).

Workforce Investments

For workforce investments, $8,500,000 from local funds, to be transferred by the Mayor of the District of Columbia within the various appropriation headings in this Act for which employees are properly payable.

Reserve

For a reserve to be established by the Chief Financial Officer of the District of Columbia and the District of Columbia Financial Responsibility and Management Assistance Authority, $150,000,000.

District of Columbia Financial Responsibility and Management Assistance Authority

For the District of Columbia Financial Responsibility and Management Assistance Authority, established by section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (109 Stat. 97; Public Law 104–8), $3,140,000: *Provided*, That none of the funds contained in this Act may be used to pay any compensation of the Executive Director or General Counsel of the Authority at a rate in excess of the maximum rate of compensation which may be paid to such individual during fiscal year 2000 under section 102 of such Act, as determined by the Comptroller General (as described in GAO letter report B–279095.2).

Repayment of Loans and Interest

For payment of principal, interest and certain fees directly resulting from borrowing by the District of Columbia to fund District of Columbia capital projects as authorized by sections 462, 475, and 490 of the District of Columbia Home Rule Act, approved December 24, 1973, as amended, and that funds shall be allocated for expenses associated with the Wilson Building, $328,417,000 from local funds: *Provided*, That for equipment leases, the Mayor may finance $27,527,000 of equipment cost, plus cost of issuance not to exceed 2 percent of the par amount being financed on a lease purchase basis with a maturity not to exceed 5 years: *Provided further*, That $5,300,000 is allocated to the Metropolitan Police Department, $3,200,000 for the Fire and Emergency Medical Services Department, $350,000 for the Department of Corrections, $15,949,000 for the Department of Public Works and $2,728,000 for the Public Benefit Corporation.

Repayment of General Fund Recovery Debt

For the purpose of eliminating the $331,589,000 general fund accumulated deficit as of September 30, 1990, $38,286,000 from local funds, as authorized by section 461(a) of the District of Columbia Home Rule Act (105 Stat. 540; D.C. Code, sec. 47–321(a)(1)).

Payment of Interest on Short-Term Borrowing

For payment of interest on short-term borrowing, $9,000,000 from local funds.

Certificates of Participation

For lease payments in accordance with the Certificates of Participation involving the land site underlying the building located at One Judiciary Square, $7,950,000 from local funds.

Optical and Dental Insurance Payments

For optical and dental insurance payments, $1,295,000 from local funds.

Productivity Bank

The Chief Financial Officer of the District of Columbia, under the direction of the Mayor and the District of Columbia Financial Responsibility and Management Assistance Authority, shall finance projects totaling $20,000,000 in local funds that result in cost savings or additional revenues, by an amount equal to such financing: *Provided*, That the Mayor shall provide quarterly reports to the Committees on Appropriations of the House of Representatives and the Senate by the 15th calendar day after the end of each quarter beginning December 31, 1999, on the status of the projects financed under this heading.

Productivity Bank Savings

The Chief Financial Officer of the District of Columbia, under the direction of the Mayor and the District of Columbia Financial Responsibility and Management Assistance Authority, shall make reductions totaling $20,000,000 in local funds. The reductions are to be allocated to projects funded through the Productivity Bank that produce cost savings or additional revenues in an amount equal to the Productivity Bank financing: *Provided*, That the Mayor shall provide quarterly reports to the Committees on Appropriations of the House of Representatives and the Senate by the 15th calendar day after the end of each quarter beginning December 31, 1999, on the status of the cost savings or additional revenues funded under this heading.

Procurement and Management Savings

The Chief Financial Officer of the District of Columbia, under the direction of the Mayor and the District of Columbia Financial Responsibility and Management Assistance Authority, shall make reductions of $14,457,000 for general supply schedule savings and $7,000,000 for management reform savings, in local funds to one or more of the appropriation headings in this Act: *Provided*, That the Mayor shall provide quarterly reports to the Committees on Appropriations of the House of Representatives and the Senate by the 15th calendar day after the end of each quarter beginning December 31, 1999, on the status of the general supply schedule savings and management reform savings projected under this heading.

ENTERPRISE AND OTHER FUNDS

Water and Sewer Authority and the Washington Aqueduct

For operation of the Water and Sewer Authority and the Washington Aqueduct, $279,608,000 from other funds (including $236,075,000 for the Water and Sewer Authority and $43,533,000 for the Washington Aqueduct) of which $35,222,000 shall be apportioned and payable to the District's debt service fund for repayment of loans and interest incurred for capital improvement projects.

For construction projects, $197,169,000, as authorized by An Act authorizing the laying of watermains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes (33 Stat. 244; Public Law 58–140; D.C. Code, sec. 43–1512 et seq.): *Provided*, That the requirements and restrictions that are applicable to general fund capital improvements projects and set forth in this Act under the Capital Outlay appropriation title shall apply to projects approved under this appropriation title.

Lottery and Charitable Games Enterprise Fund

For the Lottery and Charitable Games Enterprise Fund, established by the District of Columbia Appropriation Act for the fiscal year ending September 30, 1982 (95 Stat. 1174 and 1175; Public Law 97–91), for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia (D.C. Law 3–172; D.C. Code, sec. 2–2501 et seq. and sec. 22–1516 et seq.), $234,400,000: *Provided*, That the District of Columbia shall identify the source of funding for this appropriation title from the District's own locally generated revenues: *Provided further*, That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

SPORTS AND ENTERTAINMENT COMMISSION

For the Sports and Entertainment Commission, $10,846,000 from other funds for expenses incurred by the Armory Board in the exercise of its powers granted by the Act entitled "An Act To Establish A District of Columbia Armory Board, and for other purposes" (62 Stat. 339; D.C. Code, sec. 2–301 et seq.) and the District of Columbia Stadium Act of 1957 (71 Stat. 619; Public Law 85–300; D.C. Code, sec. 2–321 et seq.): *Provided*, That the Mayor shall submit a budget for the Armory Board for the forthcoming fiscal year as required by section 442(b) of the District of Columbia Home Rule Act (87 Stat. 824; Public Law 93–198; D.C. Code, sec. 47–301(b)).

DISTRICT OF COLUMBIA HEALTH AND HOSPITALS PUBLIC BENEFIT CORPORATION

For the District of Columbia Health and Hospitals Public Benefit Corporation, established by D.C. Law 11–212, D.C. Code, sec. 32–262.2, $133,443,000 of which $44,435,000 shall be derived by transfer from the general fund and $89,008,000 from other funds.

DISTRICT OF COLUMBIA RETIREMENT BOARD

For the District of Columbia Retirement Board, established by section 121 of the District of Columbia Retirement Reform Act of 1979 (93 Stat. 866; D.C. Code, sec. 1–711), $9,892,000 from the earnings of the applicable retirement funds to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: *Provided*, That the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: *Provided further*, That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an itemized accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report: *Provided further*, That section 121(c)(1) of the District of Columbia Retirement Reform Act (D.C. Code, sec. 1–711(c)(1)) is amended by striking "the total amount to which a member may be entitled" and all that follows and inserting the following: "the total amount to which a member may be entitled under this subsection during a year (beginning with 1998) may not exceed $5,000, except that in the case of the Chairman of the Board and the Chairman of the Investment Committee of the Board, such amount may not exceed $7,500 (beginning with 2000).".

CORRECTIONAL INDUSTRIES FUND

For the Correctional Industries Fund, established by the District of Columbia Correctional Industries Establishment Act (78 Stat. 1000; Public Law 88–622), $1,810,000 from other funds.

WASHINGTON CONVENTION CENTER ENTERPRISE FUND

For the Washington Convention Center Enterprise Fund, $50,226,000 from other funds.

CAPITAL OUTLAY

(INCLUDING RESCISSIONS)

For construction projects, $1,260,524,000 of which $929,450,000 is from local funds, $54,050,000 is from the highway trust fund, and $277,024,000 is from Federal funds, and a rescission of $41,886,500 from local funds appropriated under this heading in prior fiscal years, for a net amount of $1,218,637,500 to remain available until expended: *Provided*, That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: *Provided further*, That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: *Provided further*, That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968 (82 Stat. 827; Public Law 90–495; D.C. Code, sec. 7–134, note), for which funds are provided by this appropriation title, shall expire on September 30, 2001, except authorizations for projects as to which funds have been obligated in whole or in part prior to September 30, 2001: *Provided further*, That upon expiration of any such project authorization, the funds provided herein for the project shall lapse.

GENERAL PROVISIONS

SEC. 101. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 102. Except as otherwise provided in this Act, all vouchers covering expenditures of appropriations contained in this Act shall be audited before payment by the designated certifying official, and the vouchers as approved shall be paid by checks issued by the designated disbursing official.

SEC. 103. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 104. Appropriations in this Act shall be available, when authorized by the Mayor, for allowances for privately owned automobiles and motorcycles used for the performance of official duties at rates established by the Mayor: *Provided*, That such rates shall not exceed the maximum prevailing rates for such vehicles as prescribed in the Federal Property Management Regulations 101–7 (Federal Travel Regulations).

SEC. 105. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: *Provided*, That in the case of the Council of the District of Columbia, funds may be expended with the authorization of the chair of the Council.

SEC. 106. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of judgments that have been entered against the District of Columbia government: *Provided*, That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947 (70 Stat. 78; Public Law 84–460; D.C. Code, sec. 47–1812.11(c)(3)).

SEC. 107. Appropriations in this Act shall be available for the payment of public assistance without reference to the requirement of section 544 of the District of Columbia Public Assistance Act of 1982 (D.C. Law 4–101; D.C. Code, sec. 3–205.44), and for the payment of the non-Federal share of funds necessary to qualify for grants under subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994.

SEC. 108. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 109. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

SEC. 110. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations, the Subcommittee on the District of Columbia of the House Committee on Government Reform, the Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia of the Senate Committee on Governmental Affairs, and the Council of the District of Columbia, or their duly authorized representative.

SEC. 111. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making payments authorized by the District of Columbia Revenue Recovery Act of 1977 (D.C. Law 2–20; D.C. Code, sec. 47–421 et seq.).

SEC. 112. No part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 113. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: *Provided*, That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowings and spending progress compared with projections.

SEC. 114. The Mayor shall not borrow any funds for capital projects unless the Mayor has obtained prior approval from the Council of the District of Columbia, by resolution, identifying the projects and amounts to be financed with such borrowings.

SEC. 115. The Mayor shall not expend any moneys borrowed for capital projects for the operating expenses of the District of Columbia government.

SEC. 116. None of the funds provided under this Act to the agencies funded by this Act, both Federal and District government agencies, that remain available for obligation or expenditure in fiscal year 2000, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for an agency through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or responsibility center; (3) establishes or changes allocations specifically denied, limited or increased by Congress in the Act; (4) increases funds or personnel by any means for any program, project, or responsibility center for which funds have been denied or restricted; (5) reestablishes through reprogramming any program or project previously deferred through reprogramming; (6) augments existing programs, projects, or responsibility centers through a reprogramming of funds in excess of $1,000,000 or 10 percent, whichever is less; or (7) increases by 20 percent or more personnel assigned to a specific program, project, or responsibility center; unless the Appropriations Committees of both the Senate and House of Representatives are notified in writing 30 days in advance of any reprogramming as set forth in this section.

SEC. 117. None of the Federal funds provided in this Act shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of the District of Columbia government.

SEC. 118. None of the Federal funds provided in this Act shall be obligated or expended to procure passenger automobiles as defined in the Automobile Fuel Efficiency Act of 1980 (94 Stat. 1824; Public Law 96–425; 15 U.S.C. 2001(2)), with an Environmental Protection Agency estimated miles per gallon average of less than 22 miles per gallon: *Provided*, That this section shall not apply to security, emergency rescue, or armored vehicles.

SEC. 119. (a) CITY ADMINISTRATOR.—The last sentence of section 422(7) of the District of Columbia Home Rule Act (D.C. Code, sec. 1–242(7)) is amended by striking ", not to exceed" and all that follows and inserting a period.

(b) BOARD OF DIRECTORS OF REDEVELOPMENT LAND AGENCY.—Section 1108(c)(2)(F) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Code, sec. 1–612.8(c)(2)(F)) is amended to read as follows:

"(F) Redevelopment Land Agency board members shall be paid per diem compensation at a rate established by the Mayor, except that such rate may not exceed the daily equivalent of the annual rate of basic pay for level 15 of the District Schedule for each day (including travel time) during which they are engaged in the actual performance of their duties.".

SEC. 120. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Law 2–139; D.C. Code, sec. 1–601.1 et seq.), enacted pursuant to section 422(3) of the District of Columbia Home Rule Act (87 Stat. 790; Public Law 93–198; D.C. Code, sec. 1–242(3)), shall apply with respect to the compensation of District of Columbia employees: *Provided*, That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5, United States Code.

SEC. 121. No later than 30 days after the end of the first quarter of the fiscal year ending September 30, 2000, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia the new fiscal year 2000 revenue estimates as of the end of the first quarter of fiscal year 2000. These estimates shall be used in the budget request for the fiscal year ending September 30, 2001. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 122. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985 (D.C. Law 6–85; D.C. Code, sec. 1–1183.3), except that the District of Columbia government or any agency thereof may renew or extend sole source contracts for which competition is not feasible or practical: *Provided*, That the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated rules and procedures and said determination has been reviewed and approved by the District of Columbia Financial Responsibility and Management Assistance Authority.

SEC. 123. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037; Public Law 99–177), the term "program, project, and activity" shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act, and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: *Provided*, That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 124. In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037: Public Law 99–177), after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order: *Provided*, That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act that are not specifically exempted from sequestration by such Act.

SEC. 125. (a) An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 2000 if—

(1) the Mayor approves the acceptance and use of the gift or donation: *Provided*, That the Council of the District of Columbia may accept and use gifts without prior approval by the Mayor; and

(2) the entity uses the gift or donation to carry out its authorized functions or duties.

(b) Each entity of the District of Columbia government shall keep accurate and detailed records of the acceptance and use of any gift or donation under subsection (a) of this section, and shall make such records available for audit and public inspection.

(c) For the purposes of this section, the term "entity of the District of Columbia government" includes an independent agency of the District of Columbia.

(d) This section shall not apply to the District of Columbia Board of Education, which may, pursuant to the laws and regulations of the District of Columbia, accept and use gifts to the public schools without prior approval by the Mayor.

SEC. 126. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979 (D.C. Law 3–171; D.C. Code, sec. 1–113(d)).

SEC. 127. (a) The University of the District of Columbia shall submit to the Mayor, the District of Columbia Financial Responsibility and Management Assistance Authority and the Council of the District of Columbia no later than 15 calendar days after the end of each quarter a report that sets forth—

(1) current quarter expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections versus budget broken out on the basis of control center, responsibility center, and object class, and for all funds, non-appropriated funds, and capital financing;

(2) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and for all funding sources;

(3) a list of all active contracts in excess of $10,000 annually, which contains the name of each contractor; the budget to which the contract is charged, broken out on the basis of control center and responsibility center, and contract identifying codes used by the University of the District of Columbia; payments made in the last quarter and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(4) all reprogramming requests and reports that have been made by the University of the District of Columbia within the last quarter in compliance with applicable law; and

(5) changes made in the last quarter to the organizational structure of the University of the District of Columbia, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

(b) The Mayor, the Authority, and the Council shall provide the Congress by February 1, 2000, a summary, analysis, and recommendations on the information provided in the quarterly reports.

SEC. 128. Funds authorized or previously appropriated to the government of the District of Columbia by this or any other Act to procure the necessary hardware and installation of new software, conversion, testing, and training to improve or replace its financial management system are also available for the acquisition of accounting and financial management services and the leasing of necessary hardware, software or any other related goods or services, as determined by the District of Columbia Financial Responsibility and Management Assistance Authority.

SEC. 129. None of the funds contained in this Act may be made available to pay the fees of an attorney who represents a party who prevails in an action, including an administrative proceeding, brought against the District of Columbia Public Schools under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) if—

(1) the hourly rate of compensation of the attorney exceeds 120% of the hourly rate of compensation under section 11–2604(a), District of Columbia Code; or

(2) the maximum amount of compensation of the attorney exceeds 120% of the maximum amount of compensation under section 11–2604(b)(1), District of Columbia Code, except that compensation and reimbursement in excess of such maximum may be approved for extended or complex representation in accordance with section 11–2604(c), District of Columbia Code.

SEC. 130. None of the funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

SEC. 131. None of the funds made available in this Act may be used to implement or enforce the Health Care Benefits Expansion Act of 1992 (D.C. Law 9–114; D.C. Code, sec. 36–1401 et seq.) or to otherwise implement or enforce any system of registration of unmarried, cohabiting couples (whether homosexual, heterosexual, or lesbian), including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples.

SEC. 132. The Superintendent of the District of Columbia Public Schools shall submit to the Congress, the Mayor, the District of Columbia Financial Responsibility and Management Assistance Authority, and the Council of the District of Columbia no later than 15 calendar days after the end of each quarter a report that sets forth—

(1) current quarter expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections versus budget, broken out on the basis of control center, responsibility center, agency reporting code, and object class, and for all funds, including capital financing;

(2) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and agency reporting code, and for all funding sources;

(3) a list of all active contracts in excess of $10,000 annually, which contains the name of each contractor; the budget to which the contract is charged, broken out on the basis of control center, responsibility center, and agency reporting code; and contract identifying codes used by the District of Columbia Public Schools; payments made in the last quarter and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(4) all reprogramming requests and reports that are required to be, and have been, submitted to the Board of Education; and

(5) changes made in the last quarter to the organizational structure of the District of Columbia Public Schools, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

SEC. 133. (a) IN GENERAL.—The Superintendent of the District of Columbia Public Schools and the University of the District of Columbia shall annually compile an accurate and verifiable report on the positions and employees in the public school system and the university, respectively. The annual report shall set forth—

(1) the number of validated schedule A positions in the District of Columbia public schools and the University of the District of Columbia for fiscal year 1999, fiscal year 2000, and thereafter on full-time equivalent basis, including a compilation of all positions by control center, responsibility center, funding source, position type, position title, pay plan, grade, and annual salary; and

(2) a compilation of all employees in the District of Columbia public schools and the University of the District of Columbia as of the preceding December 31, verified as to its accuracy in accordance with the functions that each employee actually performs, by control center, responsibility center, agency reporting code, program (including funding source), activity, location for accounting purposes, job title, grade and classification, annual salary, and position control number.

(b) SUBMISSION.—The annual report required by subsection (a) of this section shall be submitted to the Congress, the Mayor, the District of Columbia Council, the Consensus Commission, and the Authority, not later than February 15 of each year.

SEC. 134. (a) No later than November 1, 1999, or within 30 calendar days after the date of the enactment of this Act, whichever occurs later, and each succeeding year, the Superintendent of the District of Columbia Public Schools and the University of the District of Columbia shall submit to the appropriate congressional committees, the Mayor, the District of Columbia Council, the Consensus Commission, and the District of Columbia Financial Responsibility and Management Assistance Authority, a revised appropriated funds operating budget for the public school system and the University of the District of Columbia for such fiscal year that is in the total amount of the approved appropriation and that realigns budgeted data for personal services and other-than-personal services, respectively, with anticipated actual expenditures.

(b) The revised budget required by subsection (a) of this section shall be submitted in the format of the budget that the Superintendent of the District of Columbia Public Schools and the University of the District of Columbia submit to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia pursuant to section 442 of the District of Columbia Home Rule Act (Public Law 93–198; D.C. Code, sec. 47–301).

SEC. 135. The District of Columbia Financial Responsibility and Management Assistance Authority, acting on behalf of the District of Columbia Public Schools [DCPS] in formulating the DCPS budget, the Board of Trustees of the University of the District of Columbia, the Board of Library Trustees, and the Board of Governors of the University of the District of Columbia School of Law shall vote on and approve the respective annual or revised budgets for such entities before submission to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia in accordance with section 442 of the District of Columbia Home Rule Act (Public Law 93–198; D.C. Code, sec. 47–301), or before submitting their respective budgets directly to the Council.

SEC. 136. (a) CEILING ON TOTAL OPERATING EXPENSES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2000 under the caption "Division of Expenses" shall not exceed the lesser of—

(A) the sum of the total revenues of the District of Columbia for such fiscal year; or

(B) $5,515,379,000 (of which $152,753,000 shall be from intra-District funds and $3,113,854,000 shall be from local funds), which amount may be increased by the following:

(i) proceeds of one-time transactions, which are expended for emergency or unanticipated operating or capital needs approved by the District of Columbia Financial Responsibility and Management Assistance Authority; or

(ii) after notification to the Council, additional expenditures which the Chief Financial Officer of the District of Columbia certifies will produce additional revenues during such fiscal year at least equal to 200 percent of such additional expenditures, and that are approved by the Authority.

(2) ENFORCEMENT.—The Chief Financial Officer of the District of Columbia and the Authority shall take such steps as are necessary to assure that the District of Columbia meets the requirements of this section, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2000, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

(b) ACCEPTANCE AND USE OF GRANTS NOT INCLUDED IN CEILING.—

(1) IN GENERAL.—Notwithstanding subsection (a), the Mayor, in consultation with the Chief Financial Officer, during a control year, as defined in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104–8; 109 Stat. 152), may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this Act.

(2) REQUIREMENT OF CHIEF FINANCIAL OFFICER REPORT AND AUTHORITY APPROVAL.—No such Federal, private, or other grant may be accepted, obligated, or expended pursuant to paragraph (1) until—

(A) the Chief Financial Officer of the District of Columbia submits to the Authority a report setting forth detailed information regarding such grant; and

(B) the Authority has reviewed and approved the acceptance, obligation, and expenditure of such grant in accordance with review and approval procedures consistent with the provisions of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

(3) PROHIBITION ON SPENDING IN ANTICIPATION OF APPROVAL OR RECEIPT.—No amount may be obligated or expended from the general fund or other funds of the District government in anticipation of the approval or receipt of a grant under paragraph (2)(B) of this subsection or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to such paragraph.

(4) QUARTERLY REPORTS.—The Chief Financial Officer of the District of Columbia shall prepare a quarterly report setting forth detailed information regarding all Federal, private, and other grants subject to this subsection. Each such report shall be submitted to the Council of the District of Columbia, and to the Committees on Appropriations of the House of Representatives and the Senate, not later than 15 days after the end of the quarter covered by the report.

(c) REPORT ON EXPENDITURES BY FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY.—Not later than 20 calendar days after the end of each fiscal quarter starting October 1, 1999, the Authority shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Government Reform of the House, and the Committee on Governmental Affairs of the Senate providing an itemized accounting of all non-appropriated funds obligated or expended by the Authority for the quarter. The report shall include information on the date, amount, purpose, and vendor name, and a description of the services or goods provided with respect to the expenditures of such funds.

SEC. 137. If a department or agency of the government of the District of Columbia is under the administration of a court-appointed receiver or other court-appointed official during fiscal year 2000 or any succeeding fiscal year, the receiver or official shall prepare and submit to the Mayor, for inclusion in the annual budget of the District of Columbia for the year, annual estimates of the expenditures and appropriations necessary for the maintenance and operation of the department or agency. All such estimates shall be forwarded by the Mayor to the Council, for its action pursuant to sections 446 and 603(c) of the District of Columbia Home Rule Act, without revision but subject to the Mayor's recommendations. Notwithstanding any provision of the District of Columbia Home Rule Act (87 Stat. 774; Public Law 93–198) the Council may comment or make recommendations concerning such annual estimates but shall have no authority under such Act to revise such estimates.

Sec. 138. (a) Notwithstanding any other provision of law, rule, or regulation, an employee of the District of Columbia public schools shall be—

(1) classified as an Educational Service employee;

(2) placed under the personnel authority of the Board of Education; and

(3) subject to all Board of Education rules.

(b) School-based personnel shall constitute a separate competitive area from nonschool-based personnel who shall not compete with school-based personnel for retention purposes.

Sec. 139. (a) Restrictions on Use of Official Vehicles.—Except as otherwise provided in this section, none of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this paragraph, the term "official duties" does not include travel between the officer's or employee's residence and workplace (except: (1) in the case of an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or is otherwise designated by the Chief of the Department; (2) at the discretion of the Fire Chief, an officer or employee of the District of Columbia Fire and Emergency Medical Services Department who resides in the District of Columbia and is on call 24 hours a day; (3) the Mayor of the District of Columbia; and (4) the Chairman of the Council of the District of Columbia).

(b) Inventory of Vehicles.—The Chief Financial Officer of the District of Columbia shall submit, by November 15, 1999, an inventory, as of September 30, 1999, of all vehicles owned, leased or operated by the District of Columbia government. The inventory shall include, but not be limited to, the department to which the vehicle is assigned; the year and make of the vehicle; the acquisition date and cost; the general condition of the vehicle; annual operating and maintenance costs; current mileage; and whether the vehicle is allowed to be taken home by a District officer or employee and if so, the officer or employee's title and resident location.

Sec. 140. (a) Source of Payment for Employees Detailed Within Government.—For purposes of determining the amount of funds expended by any entity within the District of Columbia government during fiscal year 2000 and each succeeding fiscal year, any expenditures of the District government attributable to any officer or employee of the District government who provides services which are within the authority and jurisdiction of the entity (including any portion of the compensation paid to the officer or employee attributable to the time spent in providing such services) shall be treated as expenditures made from the entity's budget, without regard to whether the officer or employee is assigned to the entity or otherwise treated as an officer or employee of the entity.

(b) Modification of Reduction in Force Procedures.—The District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Code, sec. 1–601.1 et seq.), is further amended in section 2408(a) by deleting "1999" and inserting, "2000"; in subsection (b), by deleting "1999" and inserting "2000"; in subsection (i), by deleting "1999" and inserting, "2000"; and in subsection (k), by deleting "1999" and inserting, "2000".

Sec. 141. Notwithstanding any other provision of law, not later than 120 days after the date that a District of Columbia Public Schools [DCPS] student is referred for evaluation or assessment—

(1) the District of Columbia Board of Education, or its successor, and DCPS shall assess or evaluate a student who may have a disability and who may require special education services; and

(2) if a student is classified as having a disability, as defined in section 101(a)(1) of the Individuals with Disabilities Education Act (84 Stat. 175; 20 U.S.C. 1401(a)(1)) or in section 7(8) of the Rehabilitation Act of 1973 (87 Stat. 359; 29 U.S.C. 706(8)), the Board and DCPS shall place that student in an appropriate program of special education services.

Sec. 142. (a) Compliance With Buy American Act.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a–10c).

(b) Sense of the Congress; Requirement Regarding Notice.—

(1) Purchase of american-made equipment and products.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products to the greatest extent practicable.

(2) Notice to recipients of assistance.—In providing financial assistance using funds made available in this Act, the head of each agency of the Federal or District of Columbia government shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) Prohibition of Contracts With Persons Falsely Labeling Products as Made in America.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

Sec. 143. None of the funds contained in this Act may be used for purposes of the annual independent audit of the District of Columbia government (including the District of Columbia Financial Responsibility and Management Assistance Authority) for fiscal year 2000 unless—

(1) the audit is conducted by the Inspector General of the District of Columbia pursuant to section 208(a)(4) of the District of Columbia Procurement Practices Act of 1985 (D.C. Code, sec. 1–1182.8(a)(4)); and

(2) the audit includes a comparison of audited actual year-end results with the revenues submitted in the budget document for such year and the appropriations enacted into law for such year.

Sec. 144. Nothing in this Act shall be construed to authorize any office, agency or entity to expend funds for programs or functions for which a reorganization plan is required but has not been approved by the District of Columbia Financial Responsibility and Management Assistance Authority. Appropriations made by this Act for such programs or functions are conditioned only on the approval by the Authority of the required reorganization plans.

Sec. 145. Notwithstanding any other provision of law, rule, or regulation, the evaluation process and instruments for evaluating District of Columbia Public School employees shall be a non-negotiable item for collective bargaining purposes.

Sec. 146. None of the funds contained in this Act may be used by the District of Columbia Corporation Counsel or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

Sec. 147. None of the funds contained in this Act may be used to transfer or confine inmates classified above the medium security level, as defined by the Federal Bureau of Prisons classification instrument, to the Northeast Ohio Correctional Center located in Youngstown, Ohio.

Sec. 148. (a) Section 202(i) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104–8), as added by Section 155 of the District of Columbia Appropriations Act, 1999, is amended to read as follows:

"(j) Reserve.—

"(1) In general.—Beginning with fiscal year 2000, the plan or budget submitted pursuant to this Act shall contain $150,000,000 for a reserve to be established by the Mayor, Council of the District of Columbia, Chief Financial Officer for the District of Columbia, and the District of Columbia Financial Responsibility and Management Assistance Authority.

"(2) Conditions on use.—The reserve funds—

"(A) shall only be expended according to criteria established by the Chief Financial Officer and approved by the Mayor, Council of the District of Columbia, and District of Columbia Financial Responsibility and Management Assistance Authority, but, in no case may any of the reserve funds be expended until any other surplus funds have been used;

"(B) shall not be used to fund the agencies of the District of Columbia government under court ordered receivership; and

"(C) shall not be used to fund shortfalls in the projected reductions budgeted in the budget proposed by the District of Columbia government for general supply schedule savings and management reform savings.

"(3) Report requirement.—The Authority shall notify the Appropriations Committees of both the Senate and House of Representatives in writing 30 days in advance of any expenditure of the reserve funds.".

(b) Section 202 of such act (Public Law 104–8), as amended by subsection (a), is amended by adding at the end the following:

"(k) POSITIVE FUND BALANCE.—

"(1) IN GENERAL.—The District of Columbia shall maintain at the end of a fiscal year an annual positive fund balance in the general fund of not less than 4 percent of the projected general fund expenditures for the following fiscal year.

"(2) EXCESS FUNDS.—Of funds remaining in excess of the amounts required by paragraph (1)—

"(A) not more than 50 percent may be used for authorized non-recurring expenses; and

"(B) not less than 50 percent shall be used to reduce the debt of the District of Columbia.".

SEC. 149. (a) No later than November 1, 1999, or within 30 calendar days after the date of the enactment of this Act, whichever occurs later, the Chief Financial Officer of the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the District of Columbia Financial Responsibility and Management Assistance Authority a revised appropriated funds operating budget for all agencies of the District of Columbia government for such fiscal year that is in the total amount of the approved appropriation and that realigns budgeted data for personal services and other-than-personal-services, respectively, with anticipated actual expenditures.

(b) The revised budget required by subsection (a) of this section shall be submitted in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (Public Law 93–198; D.C. Code, sec. 47–301).

SEC. 150. None of the funds contained in this Act may be used for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug, or for any payment to any individual or entity who carries out any such program.

SEC. 151. (a) RESTRICTIONS.—None of the funds contained in this Act may be used to make rental payments under a lease for the use of real property by the District of Columbia government (including any independent agency of the District) unless—

(1) the lease and an abstract of the lease have been filed with the central office of the Deputy Mayor for Economic Development; and

(2)(A) the District of Columbia government occupies the property during the period of time covered by the rental payment; or

(B) within 60 days of the enactment of this Act the Mayor certifies to Congress and the landlord that occupancy is impracticable and submits with the certification a plan to terminate or renegotiate the lease or rental agreement; or

(C) within 60 days of the enactment of this Act the Council certifies to Congress and the landlord that occupancy is impracticable and submits with the certification a plan to terminate or renegotiate the lease or rental agreement.

(b) UNOCCUPIED PROPERTY.—After 120 days from the date of the enactment of this Act, none of the funds contained in this Act may be used to make rental payments for property described in subsections (a)(2)(B) or (a)(2)(C) of this section.

(c) SEMI-ANNUAL REPORTS BY MAYOR.—Not later than 20 days after the end of each 6-month period that begins on October 1, 1999, the Mayor of the District of Columbia shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate listing the leases for the use of real property by the District of Columbia government that were in effect during the 6-month period, and including for each such lease the location of the property, the name of any person with any ownership interest in the property, the rate of payment, the period of time covered by the lease, and the conditions under which the lease may be terminated.

SEC. 152. None of the funds contained in this Act or the District of Columbia Appropriations Act, 1999, may be used to enter into a lease on or after the date of the enactment of this Act (or to make rental payments under such a lease) for the use of real property by the District of Columbia government (including any independent agency of the District) or to purchase real property for the use of the District of Columbia government (including any independent agency of the District) or to manage real property for the use of the District of Columbia (including any independent agency of the District) unless—

(1) the Mayor and Council certify to the Committees on Appropriations of the House of Representatives and the Senate that existing real property available to the District (whether leased or owned by the District government) is not suitable for the purposes intended;

(2) notwithstanding any other provisions of law, there is made available for sale or lease all property of the District of Columbia which the Mayor and Council from time to time determine is surplus to the needs of the District of Columbia;

(3) the Mayor and Council implement a program for the periodic survey of all District property to determine if it is surplus to the needs of the District; and

(4) the Mayor and Council within 60 days of the date of the enactment of this Act has filed a report with the appropriations and authorizing committees of the House and Senate providing a comprehensive plan for the management of District of Columbia real property assets and is proceeding with the implementation of the plan.

SEC. 153. Section 603(e)(2)(B) of the Student Loan Marketing Association Reorganization Act of 1996 (Public Law 104–208; 110 Stat. 3009–293) is amended—

(1) by inserting "and public charter" after "public"; and

(2) by adding at the end the following: "Of such amounts and proceeds, $5,000,000 shall be set aside for use as a credit enhancement fund for public charter schools in the District of Columbia, with the administration of the fund (including the making of loans) to be carried out by the Mayor through a committee consisting of 3 individuals appointed by the Mayor of the District of Columbia and 2 individuals appointed by the Public Charter School Board established under section 2214 of the District of Columbia School Reform Act of 1995.".

SEC. 154. The Mayor, District of Columbia Financial Responsibility and Management Assistance Authority, and the Superintendent of Schools shall implement a process to dispose of excess public school real property within 90 days of the enactment of this Act.

SEC. 155. Section 2003 of the District of Columbia School Reform Act of 1995 (Public Law 104–134; D.C. Code, sec. 31–2851) is amended by striking "during the period" and "and ending 5 years after such date.".

SEC. 156. Section 2206(c) of the District of Columbia School Reform Act of 1995 (Public Law 104–134; D.C. Code, sec. 31–2853.16(c)) is amended by adding at the end the following: ", except that a preference in admission may be given to an applicant who is a sibling of a student already attending or selected for admission to the public charter school in which the applicant is seeking enrollment."

SEC. 157. (a) TRANSFER OF FUNDS.—There is hereby transferred from the District of Columbia Financial Responsibility and Management Assistance Authority (hereafter referred to as the "Authority") to the District of Columbia the sum of $18,000,000 for severance payments to individuals separated from employment during fiscal year 2000 (under such terms and conditions as the Mayor considers appropriate), expanded contracting authority of the Mayor, and the implementation of a system of managed competition among public and private providers of goods and services by and on behalf of the District of Columbia: *Provided*, That such funds shall be used only in accordance with a plan agreed to by the Council and the Mayor and approved by the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That the Authority and the Mayor shall coordinate the spending of funds for this program so that continuous progress is made. The Authority shall release said funds, on a quarterly basis, to reimburse such expenses, so long as the Authority certifies that the expenses reduce re-occurring future costs at an annual ratio of at least 2 to 1 relative to the funds provided, and that the program is in accordance with the best practices of municipal government.

(b) SOURCE OF FUNDS.—The amount transferred under subsection (a) shall be derived from interest earned on accounts held by the Authority on behalf of the District of Columbia.

SEC. 158. (a) IN GENERAL.—The District of Columbia Financial Responsibility and Management Assistance Authority (hereafter referred to as the "Authority"), working with the Commonwealth of Virginia and the Director of the National Park Service, shall carry out a project to complete all design requirements and all requirements for compliance with the National Environmental Policy Act for the construction of expanded lane capacity for the Fourteenth Street Bridge.

(b) SOURCE OF FUNDS; TRANSFER.—For purposes of carrying out the project under subsection (a), there is hereby transferred to the Authority from the District of Columbia dedicated highway fund established pursuant to section 3(a) of the District of Columbia Emergency Highway Relief Act (Public Law 104–21; D.C. Code, sec. 7–134.2(a)) an amount not to exceed $5,000,000.

SEC. 159. (a) IN GENERAL.—The Mayor of the District of Columbia shall carry out through the Army Corps of Engineers, an Anacostia River environmental cleanup program.

(b) SOURCE OF FUNDS.—There are hereby transferred to the Mayor from the escrow account held by the District of Columbia Financial Responsibility and Management Assistance Authority pursuant to section 134 of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277; 112 Stat. 2681–552), for infrastructure needs of the District of Columbia, $5,000,000.

SEC. 160. (a) PROHIBITING PAYMENT OF ADMINISTRATIVE COSTS FROM FUND.—Section 16(e) of the Victims of Violent Crime Compensation Act of 1996 (D.C. Code, sec. 3–435(e)) is amended—

(1) by striking "and administrative costs necessary to carry out this chapter"; and

(2) by striking the period at the end and inserting the following: ", and no monies in the Fund may be used for any other purpose.".

(b) Maintenance of Fund in Treasury of the United States.—

(1) In general.—Section 16(a) of such Act (D.C. Code, sec. 3–435(a)) is amended by striking the second sentence and inserting the following: "The Fund shall be maintained as a separate fund in the Treasury of the United States. All amounts deposited to the credit of the Fund are appropriated without fiscal year limitation to make payments as authorized under subsection (e).".

(2) Conforming amendment.—Section 16 of such Act (D.C. Code, sec. 3–435) is amended by striking subsection (d).

(c) Deposit of Other Fees and Receipts Into Fund.—Section 16(c) of such Act (D.C. Code, sec. 3–435(c)) is amended by inserting after "1997," the second place it appears the following: "any other fines, fees, penalties, or assessments that the Court determines necessary to carry out the purposes of the Fund,".

(d) Annual Transfer of Unobligated Balances to Miscellaneous Receipts of Treasury.—Section 16 of such Act (D.C. Code, sec. 3–435), as amended by subsection (b)(2), is amended by inserting after subsection (c) the following new subsection:

"(d) Any unobligated balance existing in the Fund in excess of $250,000 as of the end of each fiscal year (beginning with fiscal year 2000) shall be transferred to miscellaneous receipts of the Treasury of the United States not later than 30 days after the end of the fiscal year.".

(e) Ratification of Payments and Deposits.—Any payments made from or deposits made to the Crime Victims Compensation Fund on or after April 9, 1997 are hereby ratified, to the extent such payments and deposits are authorized under the Victims of Violent Crime Compensation Act of 1996 (D.C. Code, sec. 3–421 et seq.), as amended by this section.

Sec. 161. Certification.—None of the funds contained in this Act may be used after the expiration of the 60–day period that begins on the date of the enactment of this Act to pay the salary of any chief financial officer of any office of the District of Columbia government (including any independent agency of the District) who has not filed a certification with the Mayor and the Chief Financial Officer of the District of Columbia that the officer understands the duties and restrictions applicable to the officer and their agency as a result of this Act.

Sec. 162. The proposed budget of the government of the District of Columbia for fiscal year 2001 that is submitted by the District to Congress shall specify potential adjustments that might become necessary in the event that the management savings achieved by the District during the year do not meet the level of management savings projected by the District under the proposed budget.

Sec. 163. In submitting any document showing the budget for an office of the District of Columbia government (including an independent agency of the District) that contains a category of activities labeled as "other", "miscellaneous", or a similar general, nondescriptive term, the document shall include a description of the types of activities covered in the category and a detailed breakdown of the amount allocated for each such activity.

Sec. 164. (a) Authorizing Corps of Engineers To Perform Repairs and Improvements.—In using the funds made available under this Act for carrying out improvements to the Southwest Waterfront in the District of Columbia (including upgrading marina dock pilings and paving and restoring walkways in the marina and fish market areas) for the portions of Federal property in the Southwest quadrant of the District of Columbia within Lots 847 and 848, a portion of Lot 846, and the unassessed Federal real property adjacent to Lot 848 in Square 473, any entity of the District of Columbia government (including the District of Columbia Financial Responsibility and Management Assistance Authority or its designee) may place orders for engineering and construction and related services with the Chief of Engineers of the United States Army Corps of Engineers. The Chief of Engineers may accept such orders on a reimbursable basis and may provide any part of such services by contract. In providing such services, the Chief of Engineers shall follow the Federal Acquisition Regulations and the implementing Department of Defense regulations.

(b) Timing for Availability of Funds Under 1999 Act.—

(1) In general.—The District of Columbia Appropriations Act, 1999 (Public Law 105–277; 112 Stat. 2681–124) is amended in the item relating to "FEDERAL FUNDS—Federal Payment for Waterfront Improvements"—

(A) by striking "existing lessees" the first place it appears and inserting "existing lessees of the Marina"; and

(B) by striking "the existing lessees" the second place it appears and inserting "such lessees".

(2) Effective date.—This subsection shall take effect as if included in the District of Columbia Appropriations Act, 1999.

(c) Additional Funding for Improvements Carried Out Through Corps of Engineers.—

(1) In general.—There is hereby transferred from the District of Columbia Financial Responsibility and Management Assistance Authority to the Mayor the sum of $3,000,000 for carrying out the improvements described in subsection (a) through the Chief of Engineers of the United States Army Corps of Engineers.

(2) Source of funds.—The funds transferred under paragraph (1) shall be derived from the escrow account held by the District of Columbia Financial Responsibility and Management Assistance Authority pursuant to section 134 of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277; 112 Stat. 2681–552), for infrastructure needs of the District of Columbia.

(d) Quarterly Reports on Project.—The Mayor shall submit reports to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate on the status of the improvements described in subsection (a) for each calendar quarter occurring until the improvements are completed.

Sec. 165. It is the sense of the Congress that the District of Columbia should not impose or take into consideration any height, square footage, set-back, or other construction or zoning requirements in authorizing the issuance of industrial revenue bonds for a project of the American National Red Cross at 2025 E Street Northwest, Washington, D.C., in as much as this project is subject to approval of the National Capital Planning Commission and the Commission of Fine Arts pursuant to section 11 of the joint resolution entitled "Joint Resolution to grant authority for the erection of a permanent building for the American National Red Cross, District of Columbia Chapter, Washington, District of Columbia", approved July 1, 1947 (Public Law 100–637; 36 U.S.C. 300108 note).

Sec. 166. (a) Permitting Court Services and Offender Supervision Agency To Carry Out Sex Offender Registration.—Section 11233(c) of the National Capital Revitalization and Self-Government Improvement Act of 1997 (D.C. Code, sec. 24–1233(c)) is amended by adding at the end the following new paragraph:

"(5) Sex offender registration.—The Agency shall carry out sex offender registration functions in the District of Columbia, and shall have the authority to exercise all powers and functions relating to sex offender registration that are granted to the Agency under any District of Columbia law.".

(b) Authority During Transition to Full Operation of Agency.—

(1) Authority of pretrial services, parole, adult probation and offender supervision trustee.—Notwithstanding section 11232(b)(1) of the National Capital Revitalization and Self-Government Improvement Act of 1997 (D.C. Code, sec. 24–1232(b)(1)), the Pretrial Services, Parole, Adult Probation and Offender Supervision Trustee appointed under section 11232(a) of such Act (hereafter referred to as the "Trustee") shall, in accordance with section 11232 of such Act, exercise the powers and functions of the Court Services and Offender Supervision Agency for the District of Columbia (hereafter referred to as the "Agency") relating to sex offender registration (as granted to the Agency under any District of Columbia law) only upon the Trustee's certification that the Trustee is able to assume such powers and functions.

(2) Authority of metropolitan police department.—During the period that begins on the date of the enactment of the Sex Offender Registration Emergency Act of 1999 and ends on the date the Trustee makes the certification described in paragraph (1), the Metropolitan Police Department of the District of Columbia shall have the authority to carry out any powers and functions relating to sex offender registration that are granted to the Agency or to the Trustee under any District of Columbia law.

Sec. 167. (a) None of the funds contained in this Act may be used to enact or carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 802) or any tetrahydrocannabinols derivative.

(b) The Legalization of Marijuana for Medical Treatment Initiative of 1998, also known as Initiative 59, approved by the electors of the District of Columbia on November 3, 1998, shall not take effect.

Sec. 168. (a) In General.—There is hereby transferred from the District of Columbia Financial Responsibility and Management Assistance Authority (hereinafter referred to as the "Authority") to the District of Columbia the sum of $5,000,000 for the Mayor, in consultation with the Council of the District of Columbia, to provide offsets against local taxes for a commercial revitalization program, such program to be available in enterprise zones and low and moderate income areas in the District of Columbia: *Provided*, That in carrying out such a program, the Mayor shall use Federal commercial revitalization proposals introduced in Congress as a guideline.

(b) Source of Funds.—The amount transferred under subsection (a) shall be derived from interest earned on accounts held by the Authority on behalf of the District of Columbia.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Mayor shall report to the Committees on Appropriations of the Senate and House of Representatives on the progress made in carrying out the commercial revitalization program.

SEC. 169. Section 456 of the District of Columbia Home Rule Act (Section 47–231 et seq. of the D.C. Code, as added by the Federal Payment Reauthorization Act of 1994 (Public Law 103–373)) is amended—

(1) in subsection (a)(1), by striking "District of Columbia Financial Responsibility and Management Assistance Authority" and inserting "Mayor"; and

(2) in subsection (b)(1), by striking "Authority" and inserting "Mayor".

SEC. 170. (a) FINDINGS.—The Congress finds the following:

(1) The District of Columbia has recently witnessed a spate of senseless killings of innocent citizens caught in the crossfire of shootings. A Justice Department crime victimization survey found that while the city saw a decline in the homicide rate between 1996 and 1997, the rate was the highest among a dozen cities and more than double the second highest city.

(2) The District of Columbia has not made adequate funding available to fight drug abuse in recent years, and the city has not deployed its resources as effectively as possible. In fiscal year 1998, $20,900,000 was spent on publicly funded drug treatment in the District compared to $29,000,000 in fiscal year 1993. The District's Addiction and Prevention and Recovery Agency currently has only 2,200 treatment slots, a 50 percent drop from 1994, with more than 1,100 people on waiting lists.

(3) The District of Columbia has seen a rash of inmate escapes from halfway houses. According to Department of Corrections records, between October 21, 1998 and January 19, 1999, 376 of the 1,125 inmates assigned to halfway houses walked away. Nearly 280 of the 376 escapees were awaiting trial including 2 charged with murder.

(4) The District of Columbia public schools system faces serious challenges in correcting chronic problems, particularly long-standing deficiencies in providing special education services to the 1 in 10 District students needing program benefits, including backlogged assessments, and repeated failure to meet a compliance agreement on special education reached with the Department of Education.

(5) Deficiencies in the delivery of basic public services from cleaning streets to waiting time at Department of Motor Vehicles to a rat population estimated earlier this year to exceed the human population have generated considerable public frustration.

(6) Last year, the District of Columbia forfeited millions of dollars in Federal grants after Federal auditors determined that several agencies exceeded grant restrictions and in other instances, failed to spend funds before the grants expired.

(7) Findings of a 1999 report by the Annie E. Casey Foundation that measured the well-being of children reflected that, with 1 exception, the District ranked worst in the United States in every category from infant mortality to the rate of teenage births to statistics chronicling child poverty.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that in considering the District of Columbia's fiscal year 2001 budget, the Congress will take into consideration progress or lack of progress in addressing the following issues:

(1) Crime, including the homicide rate, implementation of community policing, the number of police officers on local beats, and the closing down of open-air drug markets.

(2) Access to drug abuse treatment, including the number of treatment slots, the number of people served, the number of people on waiting lists, and the effectiveness of treatment programs.

(3) Management of parolees and pretrial violent offenders, including the number of halfway house escapes and steps taken to improve monitoring and supervision of halfway house residents to reduce the number of escapes.

(4) Education, including access to special education services and student achievement.

(5) Improvement in basic city services, including rat control and abatement.

(6) Application for and management of Federal grants.

(7) Indicators of child well-being.

SEC. 171. The Mayor, prior to using Federal Medicaid payments to Disproportionate Share Hospitals to serve a small number of childless adults, should consider the recommendations of the Health Care Development Commission that has been appointed by the Council of the District of Columbia to review this program, and consult and report to Congress on the use of these funds.

SEC. 172. GAO STUDY OF DISTRICT OF COLUMBIA CRIMINAL JUSTICE SYSTEM.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a study of the law enforcement, court, prison, probation, parole, and other components of the criminal justice system of the District of Columbia, in order to identify the components most in need of additional resources, including financial, personnel, and management resources; and

(2) submit to Congress a report on the results of the study under paragraph (1).

This title may be cited as the "District of Columbia Appropriations Act, 2000".

TITLE II—TAX REDUCTION

SEC. 201. COMMENDING REDUCTION OF TAXES BY DISTRICT OF COLUMBIA.

Congress commends the District of Columbia for its action to reduce taxes, and ratifies D.C. Act 13–110 (commonly known as the Service Improvement and Fiscal Year 2000 Budget Support Act of 1999).

SEC. 202. RULE OF CONSTRUCTION.

Nothing in this title may be construed to limit the ability of the Council of the District of Columbia to amend or repeal any provision of law described in this title.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 330, the gentleman from Oklahoma (Mr. ISTOOK) and the gentleman from Virginia (Mr. MORAN) each will control 30 minutes.

☐ 1630

(By unanimous consent, Mr. ARMEY was allowed to speak out of order.)

LEGISLATIVE PROGRAM

Mr. ARMEY. Mr. Speaker, as the body knows, we are working on conference reports on appropriations bills. We are working well and making good progress on the remaining bills. Nevertheless, as it is turning out, we will not be able to file reports this evening that would make it possible for us to have bills on the floor tomorrow. In that regard, I think it is only fair that I advise the Members that as we enter this bill and this discussion, we will be taking on the final work of the day and the next series of votes should be expected to be the final votes of the day and, therefore, the final votes of the week. Members should expect to conclude our work at approximately 6 o'clock this evening.

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. I thank the gentleman for yielding. I would like to add to what the majority leader said and explain that it had been our intention to file the conference report on the Interior appropriations bill this evening, but just at the last minute a new proposal was submitted, the administration had a very strong position on something, the Senate agreed that it should be considered, and so we are not going to have time to do that and file the bill and get it to the Committee on Rules tonight. We apologize. We had expected to have this bill ready for consideration on the floor tomorrow except for this last-minute wrinkle that developed.

Mr. ARMEY. Mr. Speaker, my final observation, I am sure the Members at large will want to join me in expressing our appreciation to the members of the Committee on Appropriations and other conferees on other conferences for their willingness to continue this work tomorrow and even over the weekend even though the House will not be formally in session.

The SPEAKER pro tempore (Mr. LAHOOD). The House will now proceed on the District of Columbia appropriations bill.

The Chair recognizes the gentleman from Oklahoma (Mr. ISTOOK).

GENERAL LEAVE

Mr. ISTOOK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3064, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ISTOOK. Mr. Speaker, I yield myself such time as I may consume.

We are here, Mr. Speaker, on bringing back the appropriations bill for the District of Columbia that previously passed this House a few weeks ago and was vetoed by the President. It is because of the President's veto that we are still here.

The President in his veto message mentioned several items which I will cover in a moment. But I think if we look first, as we should, at what underlies this bill in the appropriations, we will understand why some of these other issues that are raised as a barrier to the passage of the bill should not be raised against it.

Mr. Speaker, this bill is important to the District of Columbia. It adopts and approves their budget as put forth to Congress by the mayor and the city council. We did not change their budget submission. We have a new mayor, a new council, we are trying to work closely with them. I have spent a great many hours working with them and other persons in the District of Columbia. I appreciate the fresh attitudes that many of them have brought to this effort.

This bill has Federal funding, not required under any sort of formula, Federal funding to assist in drug testing and drug treatment for some 30,000 persons in the District of Columbia that are on probation and parole, that are a great source of crime in the District. It has the crackdown money for the open air drug markets; again not money that the Congress was required to provide to the Nation's capital but which we are doing because it is the Nation's capital, it has a serious drug problem, we are trying to help them with their problem of drugs and the interrelated problem of crime.

We have extra Federal funding to help them clear the backlog of over 3,000 kids in D.C. that are stuck in foster homes that need to be adopted into permanent, stable, loving homes. We have funding for the incentives for that. We have funding for cleaning up the Anacostia River. We have a strengthening of the charter school movement which is taking great hold in D.C. in providing kids an alternative to some very troubled public schools in the Nation's capital. We have a scholarship program to help them attend college, several million dollars set aside for that purpose. We have funding for the court system, funding for the criminal justice system, funding for the prison and corrections system.

This is a very important bill to help cure some of the accumulated problems of the Nation's capital. We are assisting them in reducing the size of the District government, to help them buy up employment contracts so they can shrink the size of the District government. We have approval for the tax cuts that the D.C. mayor and council have adopted, historic tax cuts and reductions to make the Nation's capital a better and safer place to live, to work and to visit.

In the midst of all these, we also have some things that have been part of this bill for years, that nevertheless the President chose those things, to ignore all these other things which have had universal approval, to ignore all these others, and the President chose certain issues in his veto message.

There are seven things in his veto message. First, he said he was vetoing it because it did not allow the District of Columbia to decide for itself whether marijuana would be legal. Of course, that is why we have national drug laws. Second, because it does not permit the District to be involved in providing free needles to drug addicts, he vetoed it over that. Third, because it has a restriction that has been in this bill for 21 years, saying you do not use taxpayer money for unrestricted abortion, only in the cases of rape, incest and life of the mother. Next, he vetoed it because it continues a restriction that has been in effect for 8 years, saying that you do not provide taxpayer-funded benefits to unmarried persons living together, you do not give them the same consideration as persons living together in marriage. Next, he said he vetoed it because it does not allow taxpayer money to be used to finance a lawsuit, which was filed and is already proceeding, but it does not let taxpayer money finance a lawsuit against the House and the Senate challenging the Constitution's restriction that does not give D.C. a vote the same as another State in the Congress. Next, he vetoed it because he said we should not restrict the salaries of the D.C. city council members. There was a lid on how much they could go up. And, finally, because it had a restriction on how much hourly rates could be for attorneys that sue the schools in the District of Columbia, which the D.C. schools had told us was important because millions of dollars were being drained away from the schools by those lawsuits.

That was the President's veto message. What is different about this bill from when he vetoed it? We have taken away the restriction on the D.C. council members' salaries. We have made an adjustment, albeit a small one, on the hourly rate legal fees paid to attorneys. We have not changed the provisions relating to needles for drug addicts. We have not changed the provisions on taxpayer funding for this lawsuit which currently is proceeding with private funding. It is in the courts. Nobody's rights have been blocked. It is being funded with private dollars. They want to use taxpayers' money to pay attorneys that are right now willing to work for free. One of the leading law firms in the country, Covington & Burling, is handling that so-called voting rights lawsuit. We have not changed the provisions regarding abortion nor the so-called domestic partners benefits. And we have expressly retained the language saying the laws in the Nation's capital cannot conflict with the drug laws of the country. And we have expressly disapproved the initiative of the D.C. voters trying to legalize so-called medical marijuana.

Mr. Speaker, I heard persons on the other side of the aisle say, "Oh, these other things aren't issues," and sometimes it is one thing and sometimes it is another. But I have never, never, never, never, never heard them say, "We will accept the provision that requires D.C.'s drug laws to be consistent with the drug laws of the country." They have never said that. They have never asked the President to withdraw his veto on those grounds.

I have heard people try to say, "Well, the President didn't really veto it over that." Yes, he did. These are excerpts from the President's own veto statement.

He wrote to this Congress, it is in the CONGRESSIONAL RECORD, "Congress has interfered in local decisions in this bill in a way that it would not have done to any other local jurisdiction in the country."

What is he talking about? He said, "The bill would prohibit the District from legislating with respect to certain controlled substances." Controlled substances. That is drugs. That is what the law talks about. That is how we define drugs in the law. Because it does not allow the District to legalize marijuana as they are trying to do. And he says, "Congress should not impose such conditions on the District of Columbia." Congress imposes those conditions on Oklahoma City. It imposes them on Alexandria, Virginia. It imposes them on Grand Rapids, Michigan. Every place in the country is covered by the national drug laws. The President vetoed the bill because he says, "King's X, Washington D.C. shouldn't be covered," that they ought to be able to adopt their own rules of this so-called medical marijuana.

Mr. Speaker, that is greatly misleading. We have had testimony a number of times from the persons that we finance with a $16-billion-a-year effort to fight drugs in this country, including the White House's own office, the so-called drug czar, the Office of National Drug Policy. Here is the statement from the drug czar of the United States, General Barry McCaffrey: "Medical marijuana initiatives present even greater risks to our young people. Referenda that tell our children that marijuana is a 'medicine' send them the wrong signal about the dangers of illegal drugs, increasing the likelihood that more children will turn to drugs."

Why did the President not listen to his own White House people about the effort to legalize drugs? And they have told the Congress before that this is just part of the national effort to legalize drugs, city by city, State by State, poking holes in the consistent Federal law against it. I would like to hear a clear statement from my friends across the aisle, "We will accept that language in the bill. We will accept that the District of Columbia should be under the universal drug laws that cover all parts of the United States of America." That is all we are asking. They have not said it. Maybe they will today. But I hope it is clear and consistent that they ask the White House to retract this part of the veto statement by the President.

Why do they do such a thing? I can only surmise that he is trying to pander to certain political extremists, perhaps to assist the Vice President in securing an important part of his hoped-for constituency in his race for President. That is my theory. That is the only reason I can understand for why this would occur. I believe that it is really absurd and ridiculous for the President of the United States to say drug policy in America is going to change from a consistent national policy to protect our kids, and instead we are going to let people shoot holes in the laws all over the country.

I will place in the CONGRESSIONAL RECORD a copy of an April 1998 article from Readers Digest detailing the financed effort, using a lot of hype, a lot of misleading things, to promote the so-called medical marijuana.

We had a hearing before our subcommittee. We had the officials from the Justice Department and the White House and the Office of National Drug Control Policy come and testify. They confirmed to us that it is never, never medically necessary or suggested that smoking marijuana is the best way to alleviate any health problem. We have had legal for over 20 years, under prescriptions, the active ingredient, THC, which people can get via a doctor's prescription with a drug called Marinol and they have consistently said, let us handle the issue of drugs through the Food and Drug Administration and through considered policy rather than use these anecdotes and sob stories that sometimes people use in political referenda.

And certainly the police chief of Washington, D.C. is not fooled. Charles Ramsey, the chief of police of Washington, D.C., publicly issued this statement before D.C. had this vote.

□ 1645

The police chief said, quote:

"Legalized marijuana under the guise of medicine is a sure fire prescription for more marijuana on the streets of D.C., more trafficking and abuse, and more drug-related crime and violence in our neighborhoods. This measure would provide adequate cover in the name of medicine for offenders whose real purpose is to manufacture, distribute and abuse marijuana."

That is the police chief right here in Washington, D.C.

All I ask my friends across the aisle and the White House is to withdraw their objections to that part of the bill that says you do not legalize marijuana in the Nation's capital. I am asking the White House to retract that statement. Then we could focus on other issues.

Finally, in my comments at this time I recognize and will hear some about this voting rights effort to the lawsuit, trying to win through the courts, not through the Constitution, a vote for D.C. in the House and votes in the Senate. I understand their concern. The restriction in the bill does not say they cannot have such a suit; it says do not use taxpayers' money for it; that such a suit has been pending; it has been for many months, handled at private expense. The attorneys are handling it pro bono, which means they do not charge anything, and nobody's rights have been denied.

The District officials said, "Oh, we want to be able to pay the attorneys that are right now willing to do it for free." That is the issue. It has acquired some symbolism on both times.

I made a good faith effort in the House/Senate conference to craft something that would satisfy D.C. and satisfy the Senate. The Senate has not at this time been willing to go along with it.

I think symbolism has got people pushed on both sides, and I am not looking at the symbols, I am looking at the reality that the lawsuit is going to go forward with or without the funding; and nominal funding is one thing, large funding is another. Maybe we can work that out in conference because we are going to have a conference between the House and the Senate.

We are not trying to ramrod anything. I have been in communication with the White House officials through the Office of Management and Budget; I have been in communication with my friends across the aisle, with the persons in the District, with a ton of other people. We have had lots of discussions on this.

I hope nobody would believe anything to the contrary, and we are still going to have further discussions, but right now we need to move it along and get this bill passed. Then we will have the House/Senate conference, and we will try to work out the differences. I wish we could work them all out today. It will do no end of good if we could just have our friends across the aisle and the White House abandon their support of the effort of D.C. to legalize marijuana.

H.R. 3064 - DISTRICT OF COLUMBIA APPROPRIATIONS BILL, 2000

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	H.R. 2587 (vetoed)	H.R. 3064	H.R. 3064 vs. H.R. 2587
FEDERAL FUNDS					
District of Columbia Resident Tuition Support			17,000	17,000	
Incentives for Adoption of Foster Children			5,000	5,000	
Citizens Complaint Review Board			500	500	
Federal Payment for Human Services			250	250	
Metrorail improvements and expansion	25,000				
Federal payment for management reform	25,000				
Federal payment for Boys Town U.S.A	7,100				
Nation's Capital Infrastructure Fund	18,778				
Environmental Study and Related Activities at Lorton Correctional Complex	7,000				
Federal payment to the District of Columbia corrections trustee operations	184,800	176,000	176,000	176,000	
Federal payment to the District of Columbia Courts	128,000	137,440	99,714	99,714	
Defender Services in D.C. Courts			33,336	33,336	
Federal payment to the Court Services and Offender Supervision Agency of the District of Columbia	59,400	80,300	93,800	93,800	
Federal payment for Metropolitan Police Department	1,200		1,000	1,000	
Federal payment for Fire Department	3,240				
Federal payment for Georgetown Waterfront	1,000				
Federal payment to Historical Society for City Museum	2,000				
Federal payment for a National Museum of American Music and Downtown Revitalization	700				
United States Park Police	8,500				
Federal payment for waterfront improvements	3,000				
Federal payment for mentoring services	200				
Federal payment for hotline services	50				
Federal payment for public charter schools	15,622				
Medicare Coordinated Care Demonstration Project	3,000				
Federal payment for Children's National Medical Center	1,000		2,500	2,500	
National Revitalization Financing:					
Economic Development	25,000				
Special Education	30,000				
Year 2000 Information Technology	20,000				
Infrastructure and Economic Development	50,000				
Y2K conversion emergency funding (courts)	2,249				
Y2K conversion (emergency funding)	61,800				
Total, Federal funds to the District of Columbia	683,639	393,740	429,100	429,100	
DISTRICT OF COLUMBIA FUNDS					
Operating Expenses					
Governmental direction and support	(164,144)	(174,667)	(167,356)	(167,356)	
Economic development and regulation	(159,039)	(190,335)	(190,335)	(190,335)	
Public safety and justice	(755,786)	(778,670)	(778,770)	(778,770)	
Public education system	(788,956)	(850,411)	(867,411)	(867,411)	
Human support services	(1,514,751)	(1,525,996)	(1,526,361)	(1,526,361)	
Public works	(266,912)	(271,395)	(271,395)	(271,395)	
Receivership Programs	(318,979)	(337,077)	(342,077)	(342,077)	
Workforce Investments		(8,500)	(8,500)	(8,500)	
Buyouts and Management Reforms			(18,000)	(18,000)	
Reserve		(150,000)	(150,000)	(150,000)	
District of Columbia Financial Responsibility and Management Assistance Authority	(7,840)	(3,140)	(3,140)	(3,140)	
Financing and other		(384,948)			
Washington Convention Center Transfer Payment	(5,400)				
Repayment of Loans and Interest	(382,170)		(328,417)	(328,417)	
Repayment of General Fund Recovery Debt	(38,453)		(38,286)	(38,286)	
Payment of Interest on Short-Term Borrowing	(11,000)		(9,000)	(9,000)	
Certificates of Participation	(7,926)		(7,950)	(7,950)	
Human development	(6,674)				
Optical and Dental Insurance payments			(1,295)	(1,295)	
Productivity Bank			(18,000)	(18,000)	
Productivity Savings			(-18,000)	(-18,000)	
Procurement and Management Savings	(-10,000)	(-21,457)	(-21,457)	(-21,457)	
Total, operating expenses, general fund	(4,418,030)	(4,653,682)	(4,686,836)	(4,686,836)	
Enterprise Funds					
Water and Sewer Authority and the Washington Aqueduct	(273,314)	(279,608)	(279,608)	(279,608)	
Lottery and Charitable Games Control Board	(225,200)	(234,400)	(234,400)	(234,400)	
Office of Cable Television	(2,108)				
Public Service Commission	(5,026)				
Office of People's Counsel	(2,501)				
Office of Insurance and Securities Regulation	(7,001)				
Office of Banking and Financial Institutions	(640)				
Sports and Entertainment Commission	(8,751)	(10,846)	(10,846)	(10,846)	
Public Benefit Corporation	(66,764)	(89,008)	(89,008)	(89,008)	
D.C. Retirement Board	(18,202)	(9,892)	(9,892)	(9,892)	

H.R. 3064 - DISTRICT OF COLUMBIA APPROPRIATIONS BILL, 2000

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	H.R. 2587 (vetoed)	H.R. 3064	H.R. 3064 vs. H.R. 2587
Correctional Industries Fund	(3,332)	(1,810)	(1,810)	(1,810)	....
Washington Convention Center	(48,139)	(50,226)	(50,226)	(50,226)	....
Total, Enterprise Funds	(660,978)	(675,790)	(675,790)	(675,790)	....
Total, operating expenses	(5,079,008)	(5,329,472)	(5,362,626)	(5,362,626)	....
Capital Outlay					
General fund	(1,711,161)	(1,218,638)	(1,218,638)	(1,218,638)	....
Water and Sewer Fund	....	(197,169)	(197,169)	(197,169)	....
Total, Capital Outlay	1,711,161	1,415,807	1,415,807	1,415,807	....
Total, District of Columbia funds	(6,790,169)	(6,745,279)	(6,778,433)	(6,778,433)	....
Total:					
Federal Funds to the District of Columbia	683,639	393,740	429,100	429,100	....
District of Columbia funds	(6,790,169)	(6,745,279)	(6,778,433)	(6,778,433)	....

Mr. Speaker, I reserve the balance of my time.

Mr. MORAN of Virginia. Mr. Speaker, I yield myself such time as I may consume.

First of all, Mr. Speaker, let me respond to the challenge from the distinguished gentleman and chairman of this appropriation subcommittee as to what we are attempting to seek. I will say it as explicitly as possible.

The citizens of the District of Columbia do want to be held to the same Federal law that applies to every other citizen of the United States. We have said it, and in fact that is what this bill is all about. The only real issue here is whether D.C. citizens should have the same responsibilities and the same rights and be held accountable in the same manner as every other citizen in the United States.

That is what this whole issue is all about: apply the same Federal law on medicinal use of marijuana as we apply in every other State and every other community.

So we got a lot of red herrings here, and it has been suggested that the President on the one hand wants to legalize drugs and on the other hand, we quote, the very people he has appointed to fight drugs, quote them, that they are opposed to legalizing drugs. They cannot have it both ways unless all they are interested in is political rhetoric.

The fact is that the President does not oppose this bill for the specific issues in these riders but because these riders do not belong in an appropriations bill, and it is not fair to the citizens of the District of Columbia to treat them differently than every other American citizen is treated.

Now, Mr. Speaker, I am disappointed that I cannot support this bill, because the gentleman from Oklahoma (Mr. ISTOOK) did do a very fine job on the spending parts of this bill. In terms of appropriations, nice job, Mr. Chairman. Well done; it is a good bill. Unfortunately, it is the nonappropriation issues, the issues that do not belong in this bill, that have caused the problems. If it were not for those so-called social riders that should have been taken up by the authorizing committees that are substantive legislation that do not belong in an appropriations bill in our opinion, we are not for that; and this bill would pass unanimously.

We could offer as a substitute today the appropriations bill that was approved by the full Committee on Appropriations. We did not get everything we wanted. In fact, we yielded and lost on a number of issues. But we had a bipartisan vote; it was almost a unanimous vote in full committee and an almost unanimous vote on the floor. We accepted the will of the majority. It was fair. There was some compromise. It was a good appropriations bill. Give us that bill, and our work is done, and I know the President will sign this.

Give us the bill that the full majority-controlled Committee on Appropriations passed. Give us the bill that this House floor passed, and our work is done. We will sign in a moment, we will vote for it in a moment, and I am sure the President will sign it in a moment.

Efforts to micromanage the affairs of the District were kept to a minimum in that bill. The functions that the Federal Government assumed under the revitalization act, that was terrific legislation thanks to the gentleman from Virginia (Mr. DAVIS), the Chair of the authorizing committee, where these other issues should be dealt with. Those issues were funded at the appropriate levels. Those programs, they are good programs, crime, drug treatment, education, the environment, health care, and in fact they boosted funding for them. We wanted to keep that money; we wanted to support their efforts on that.

Mr. Speaker, as I say, after we had an opportunity to debate the pros and cons and do some compromise, we agreed that it was a good bill, it deserved our support.

But then we got to conference, and it became clear that we were not making progress, that in fact it was not a spirit of compromise that pervaded in the conference; and that is why we turned around and did not support the bill. For example, in voting rights the chairman gave assurances to the delegate from the District of Columbia that he would take care of the voting rights issue in conference. Did not happen. Had it happened, we would not be in this posture, and I would be happy to yield to the gentleman just as often as he yielded to me.

So let us talk about the issues that are at stake here, and the point that I am trying to make, that we ought to treat the District just like our own constituents, nothing more, nothing less.

No one in this body, to my knowledge no one in the Senate, has offered an amendment, for example, and has told their constituents that they cannot use their own local funds to provide health care for domestic partners. No one has done that. No one is telling their constituents who participate in more than 67 State and local government health care plans, more than 95 college and university health plans and 70 Fortune 500 company health care plans, at least 450 other major business plans, not-for-profit union health care plans, no one has tried to make it illegal for those private entities and State and local governments to do what they think is right for their constituents. No one, but we have done it for the District.

No one in this body has offered an amendment to prohibit the 113, 113 other localities that have needle exchange programs. We have not tried. No one has tried to prevent them from using their local funds for those programs, and yet the District of Columbia has the very highest rate in the country of HIV infection, and that is why so many people care. It is the single greatest source of deaths for people between the ages of 25 and 35. Of all the communities that ought to be afraid to do what they think is necessary, no matter how radical some people may think it, the District has the worst problem.

I am sure we would not do it to any other community, tell them that they cannot deal with their problems in the way that they see fit, particularly since every scientific and medical study, every study has affirmed that needle exchange programs in fact work. They reduce the transmission of AIDS and HIV, and they do not increase the use of illegal drugs. Every study has said that. But the reason that the Whitman-Walker Clinic in the District wants to do it is because it enables them to get access to people who are addicted to drugs. If they come in for the needles, the needles cost nothing; but when they go in, they identify the drug addicts in the community, they can get them into treatment, and they do not get needles unless they can get into drug treatment and counseling.

That is what that is all about.

But we said in committee, let us not deal with this issue with Federal funds. We accept the will of the majority. Let us not use any public funds. No public funds can be used for needle exchange programs, and that is what the full committee passed.

Give us that language, and again this becomes the kind of bill that we could support. But our colleagues would not give us that language. They are saying private funds cannot be used. No willingness to compromise.

Lastly, no one here would consider offering legislation that would apply the same restrictions on the medicinal use of marijuana that we have applied for District residents. We are not saying that we buy into the program. We understand it is a very controversial issue. But six States have passed referenda. They passed the referenda. Why not let the District of Columbia pass the same referenda?

I have not seen anybody from any of those States try to prevent their States from passing such a referenda, only D.C. Is that fair? As my colleagues know, it obviously is not fair.

So all we want to say is let the Federal law apply as it does to those six other States. We are not trying to change Federal law; we are just trying not to interfere with the District's right to have the same rights and responsibilities that everyone of our constituents have.

Likewise the abortion issue. We fight about it every year, but we are willing to accept what is a more than fair compromise, keep the Federal funds out of it, prohibit Federal funds.

So we go down the list, and everyone of these issues come down to the same thing, not whether or not we support the program, but whether or not we support the rights of the citizens of the District of Columbia to make their own judgments with their own funds, not with Federal funds. That is what this objection is all about.

Lastly is the issue of voting rights. We discussed it on the rule. All that needs to be allowed is for the D.C. Corporation Counsel to advise the D.C. City Council, the elected body of the District of Columbia, on the status of legislation directly affecting D.C. citizens. That is all they have to do because the cost is paid for pro bono by a large law firm, but right now the D.C. Corporation Counsel cannot even discuss it with the D.C. City Council. Now this is not an unreasonable request.

So I am going to offer an amendment, and all that amendment would do is to insert one word. It would say that no Federal funds can be used in the pursuit of, and actually I will give my colleagues the exact words; it would say: "No Federal funds can be used by the District of Columbia Corporation Counsel or any other officer or entities of D.C. government to provide assistance for any petition drive or civil action which seeks to require Congress to provide the voting representation of Congress for D.C."

□ 1700

No Federal funds can be used for that. That is what we want to do. I cannot imagine that my colleagues could come up with anything more reasonable as a compromise than that.

So with that, Mr. Speaker, I ask unanimous consent that the amendment that I have placed at the desk be considered as adopted.

The SPEAKER pro tempore (Mr. LAHOOD). Does the manager of the bill, the gentleman from Oklahoma (Mr. ISTOOK), who called the bill up for consideration, yield for this purpose?

Mr. ISTOOK. Mr. Speaker, under the rule, I do not believe I am permitted to yield for any amendments.

The SPEAKER pro tempore. Let me repeat the question. Does the manager of the bill, the gentleman from Oklahoma, who called the bill up for consideration, yield for that purpose?

Mr. ISTOOK. Mr. Speaker, I have not yielded for that purpose.

PARLIAMENTARY INQUIRY

Mr. MORAN of Virginia. Mr. Speaker, it is my understanding that, contrary to what the gentleman suggested, that that would not be prohibited by the rule for the gentleman to yield for this request.

The SPEAKER pro tempore. The gentleman has not yielded for that purpose.

Mr. MORAN of Virginia. Mr. Speaker, if I might explain my question of the Speaker, there is perhaps a misunderstanding, and maybe it is on my part, but is it not a correct understanding that it would be in order, if the gentleman were to yield, such yielding for this purpose would not be prohibited by the rule that was passed? Is that a correct interpretation?

The SPEAKER pro tempore. The Chair could entertain a unanimous consent request from the gentleman from Virginia if the gentleman from Oklahoma would yield for that purpose. He has not yielded.

Mr. MORAN of Virginia. Mr. Speaker, he has not yielded. I wanted to clarify that, that the gentleman was free to yield, but chose not to yield for that purpose. His yielding would not have been prohibited with the rule.

Mr. Speaker, I reserve the balance of my time.

PARLIAMENTARY INQUIRY

Mr. TIAHRT. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. TIAHRT. If the gentleman is making a unanimous consent request for the purpose of something that is already in the bill, would his request not already have taken place with the final vote of the bill?

The SPEAKER pro tempore. The Chair has not entertained any request.

Mr. ISTOOK. Mr. Speaker, I would inquire as to how much time remains on either side.

The SPEAKER pro tempore. The gentleman from Oklahoma (Mr. ISTOOK) has 15½ minutes remaining; the gentleman from Virginia (Mr. MORAN) has 18 minutes remaining.

Mr. ISTOOK. Mr. Speaker, I reserve the balance of my time.

Mr. MORAN of Virginia. Mr. Speaker, I yield 8 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding me this time.

I appreciate that there has been some disposition on this floor to try to rescue this bill from its stalemate. I cannot speak to the riders because this matter, for me, no longer is about the riders. I do believe that the riders can be settled; that there is, and one can see it from at least some of the Members here, some disposition to try to deal realistically with the riders.

However, as I look at what is happening on this floor, it is like looking at a play where everyone is playing her part. I am unable to play the part of the Republican who is for the riders and the Democrat who opposes the riders, because this is serious business for me. I want to focus on the process so that we can find our way out.

This bill was vetoed on September 28. That was 16 days ago. Since that time, there has not been a single meeting among all of those concerned. There have been discussions with individuals, discussions that none of them had the power to consummate into a bill. I had amicable discussions, for example, with the chair of the subcommittee. We even agreed to the kind of thing we certainly would not agree to see in the bill, something that had been proposed that we certainly did not want to see happen, and he said he would be back to me after he looked at the veto message. I have not heard from him, but I cannot much blame him, because he knows that ELEANOR HOLMES NORTON is not empowered to make an agreement on this bill.

For those new to the House, there is no Member in the Chamber now who is empowered to solve this matter. That is not what happens after a veto. After a veto, one has to get the House and the Senate Members together, have an exchange, and see what we can come up with.

Mr. Speaker, that is what has not occurred on this bill.

I want the Members to know that this Member believes that an accommodation can be made on this bill, and I ask only that we get in a room to seek that accommodation. The administration has tried; it has been unable to do so, and that may be because getting everybody together has been the problem. If there is goodwill on both sides, let us seek to do that now.

The District of Columbia is used to being treated uniquely; the District of Columbia is used to being treated unfairly, but it is a new low to isolate the city, to have no communication about its appropriation with the Members of the House and Senate who are in a position to resolve the matter.

When I went to speak with the Speaker, and I want to say that I appreciate that the Speaker spoke with me when I asked to speak with him, even though I had no meeting, and I appreciate the wonderful tone that the gentleman from Florida (Mr. YOUNG) and the Speaker set when I took the Mayor of the District of Columbia to meet them both. And we agreed that we were going to try to move forward this year in a fashion that was satisfactory to all and did not involve confrontation, and I appreciate that we had very serious discussions when we met. I have been assured by the Speaker and his staff that there would indeed be discussions following this vote.

The problem I have with that procedure is that even though there have been some virtual negotiations here, what happens after we have a vote, instead of hardening sides, I want to put the position of the District of Columbia on the table. Here I speak for the Mayor. Here I speak for the entire City Council, and here I speak from the only Member of Congress that represents them.

The District of Columbia does not want a confrontation. The District of Columbia does not want a vote on this matter at this time. The District of Columbia does not want "no" votes for the Democrats and "yes" votes for the Republicans. The District of Columbia does not want a House ritual. The District of Columbia wants the House and Senate, Democrats and Republicans to get in a room with the administration and solve this matter this very day. And we say that, despite the fact that there are more anti-home rule riders in this bill than ever in 25 years of home rule. Yet, we are willing to engage in realistic discussions.

From the beginning I have said that I knew we would not have a perfect bill. I have been prepared to iron out our concerns. I have found nobody who would get me in a room, and I do not even have to be in there. All that has to be in there is the agent of the person that has to sign the bill, we have nothing unless he signs it, and whoever is empowered in the House and the Senate to say yes. The gentleman from Oklahoma (Mr. ISTOOK) is not empowered to do that, he is not the chairman of the Committee on Appropriations, he is not the Speaker of the House. The gentleman from Virginia (Mr. MORAN) does not have the power to do that, he is not the ranking member of the Committee on Appropriations, the gentleman from Wisconsin (Mr. OBEY); and certainly nobody in this room is empowered to do that for the President of the United States. If one is serious about getting a bill done, everybody in this room knows that is the only way to do it.

This is no longer about any particular riders; all of the riders are now up for grabs. It is about whether we should go to a vote when this matter has been brought forward unilaterally. It is about whether we are willing to give respect to the new mayor and the new city council who have submitted a balanced budget and tax cuts and a surplus; it is about helping a city which has struggled out of insolvency.

We are well aware of our differences. We ask that we get the respect of not submitting us to the summary execution of a vote at this time, but allow discussions to go on before any vote occurs so that when we come back on Tuesday, we can have a vote which would be, in effect, a consensus vote.

Mr. ISTOOK. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. TIAHRT), a member of the subcommittee.

Mr. TIAHRT. Mr. Speaker, I thank the gentleman from Oklahoma for yielding me this time.

I just want to say that there is a lot of confusion on that side. First I heard there were two issues pending, then I heard that there were seven issues pending, and then that we have not had enough meetings. The chairman has been available to meet with the President's point of contact for this very bill, but they have not returned his phone calls.

Let us go back to the two very objections: voting rights and needle exchange programs. Both of these issues are progressing forward under private funds and there is nothing in this legislation that would stop them from happening. So to consider that this is an objection to stop the bill is false. They are continuing at their own speed with private funds, and I think they should. They want to use tax dollars, and they are my tax dollars too. I pay taxes in the District of Columbia like a lot of people do. I pay my parking tickets, and I do not want my taxes going for either one of these issues. But I do want to talk about the needle exchange program because it does currently exist and I think it should be stopped because number one, it is simply bad policy.

The Drug Czar, General Barry McCaffrey, says in his Office of National Drug Control Policy in July of 1999 that we should not have a needle exchange program, and why? The public health risks outweigh the benefits. He said that treatment should be our priority. He says it sends the wrong message to our children and it places disadvantaged neighborhoods in greater risk. Well, if one does not agree with General McCaffrey, then call for his resignation. We can quote study after study, but the Drug Czar says we should not be doing this and let us not do it. If one does not agree with that, call for his resignation.

I do not think it works, because number two, the facts are very clear. If we look at what has happened in Baltimore, Baltimore has had a needle exchange program for 7 years; all of the opportunity in the world for it to work. But, according to the AP in a story released on July 5, nine out of 10 injection drug users in Baltimore have a blood-borne virus, nine out of 10. If nine out of 10 is not failure, how do we define failure?

The District of Columbia should not accept 10 percent as a passing grade. It simply does not work.

Mr. MORAN of Virginia. Mr. Speaker, I yield myself such time as I may consume.

I know my friend from Kansas would appreciate having his quote fully explained so that no one might take it out of context.

General McCaffrey's quote was, "I think the expanding number of needle exchange programs may go on at the community level, but it is our own viewpoint that Federal dollars need to be really conserved for effective drug treatment, particularly in support of the criminal justice system."

General McCaffrey's office has told us that his remarks were taken out of context. He does support a ban on Federal funds for the use of needle exchange programs which, of course, is the language that we are trying to get in this bill, the very language General McCaffrey supports, but he has never supported a prohibition on local jurisdictions' efforts to implement a needle exchange program.

Now, these are the facts. I know the gentleman agrees with me that we are all entitled to our own opinion, but not to our own set of facts. These are facts. This is General McCaffrey's full quote, and I know he appreciates having his quote clarified so that it is not taken out of context.

Mr. Speaker, I reserve the balance of my time.

Mr. ISTOOK. Mr. Speaker, I yield 30 seconds to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Speaker, the gentleman from Virginia is right. Facts are stubborn things and the facts are that nine out of 10 injection drug users in Baltimore are infected with a drug-borne virus. A complete failure.

But to go back to the gentleman's point about General McCaffrey, this program does exist at the local level, it continues with local funds, and that agrees with what he is trying to say. So I do not think there is a disagreement with that. The disagreement is that this is bad policy; it simply does not work; and it should not progress the way we have it here in the District of Columbia. We should make this a shining city, a jewel on the top of the hill and not some place as a drug haven.

Mr. ISTOOK. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. DAVIS).

□ 1715

Mr. DAVIS of Virginia. Mr. Speaker, is the glass half empty or is it half full? That is where we always seem to be on the District appropriation bill.

This bill has a number of good things in it. We have taken off some of the riders from the last visit to the House floor. We have taken off the limitation on Council's salaries. We have taken off the capping of attorney's fees for special ed attorneys and the limiting of counsel on the leased property, working with the mayor.

But this bill continues to have a number of good things, in fact, even some better things as a result of bringing it to the floor this second time. There are three additional million dollars for the Southwest waterfront that were not here, additional funding to the CJA attorneys for the local courts, so they can be paid for representing poor people in the district.

We have money for the D.C. Scholarship Act. This is something that will allow D.C. students to pay in-State tuition to Virginia and Maryland State colleges, a right other people enjoy in all the other States of the union; money for the clean-up of the Anacostia river, dollars for a study of the widening of the 14th Street Bridge, additional money for drug treatment, and some other very good things in here. It takes and ratifies what the Mayor and the Council agreed on, and the Control Board, for their budget. So those are the very positive things.

It has some riders in the bill, some additions to this bill that have some controversy. We have talked about the marijuana initiative. This is a very poor initiative, in my judgment, because it is very overly drawn. The courts would have a field day. We do not even need a doctor's prescription to use marijuana under this, and it is something that frankly, outside of the appropriations process, I cannot believe Congress would approve. If my county passed it, I know the Commonwealth of Virginia would not allow us to do that. That is an issue that I do not think under any circumstances this Congress is going to have to yield to. It has the needle exchange program.

It has one particularly obnoxious rider that does not even allow the city to sue to get their voting status. I think that is wrong. I opposed it when it came up here. I would like to see this come out.

The city does not get a vote on the House floor. There are 600,000 people that do not get representation in a vote on the House floor, the only place in America, and we will not even allow them to use their own funds to bring a lawsuit to get those actions clarified.

Nevertheless, even with all of that, it has a number of good things. For that reason, on balance, I think this is a bill that I would urge my colleagues to support, and then say that when it goes to the Senate and when it comes back to conference, we need to continue the dialogue. We need to continue the dialogue with the delegate from the District of Columbia, continue the dialogue with Members of the other side, continue the dialogue with the District of Columbia government, and continue the dialogue with the President.

Eventually, we end up, I think, with a bill that we can all support, but to get there, this is an important stage in the process. If this goes down, we are back to ground zero. So I would urge my colleagues at this point to go ahead and support it.

I would just add, the budget was vetoed by the President on September 28. It is the city government that is now held hostage by not being able to move forward with this. The city has done nothing wrong in this except to ask approval of their budget. I hope we can get this resolved as expeditiously as possible.

Mr. ISTOOK. Mr. Speaker, I yield 1 minute to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Speaker, I rise today in support of the fiscal year 2000 District of Columbia Appropriations Act. I also urge President Clinton to take a firm stand against illicit drug use by signing this legislation into law when it arrives there.

Drug users today are no longer strangers relegated to dingy houses and back alleys. Drug users are too often our friends, colleagues, and family members. The Congressional Research Service estimates that 11 million Americans purchase illegal drugs and use them more than once a month. The FBI estimates that State and local authorities arrested roughly 1.5 million individuals for drug-related crimes in 1997. What is more, drug use is often a factor in cases of domestic abuse, child abuse, and mental illness.

Given these troubling numbers, I believe the President's decision last month to veto this legislation set an extremely bad precedent. While overcoming the challenge of drugs is a formidable task, it can be done. It will take resolve. It will take tough choices. It calls for bold leadership on the part of our political leaders.

I urge my colleagues to vote to send this bill to the President.

Mr. ISTOOK. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. MICA), the chairman of the Subcommittee on Criminal Justice, Drug Policy, and Human Resources.

Mr. MICA. Mr. Speaker, we have a constitutional responsibility of stewardship over the District of Columbia.

The other side for 40 years had that responsibility. When we inherited, a little over 4 years ago, almost 5 years ago, that responsibility, we inherited a District of Columbia where the education system was a failure, where the hospitals were nearly closed down, where HUD and the housing authority were bankrupt.

We could not drink the water, and the water had to be turned over to others to operate. The utilities had to be turned over to others to operate. The prison system was such a disaster that we basically had to close down the prison and have it run by someone else.

The morgue was in such bad shape that the bodies were stacked, and there were unburied bodies. That is what we inherited as a new majority, plus a deficit that was running in the hundreds of millions, a half a billion dollars a year.

In 4 years, what we have done is we have begun to turn things around, reduce the murders in this city. This is today's paper. Read today's paper, the homicides. Aaron Walker, 18, found dead. Derrick Edwards, 22, found dead and murdered. Theodore Garvin, 17. These are just 2 days of deaths. Do we want to turn back to that time when they had their opportunity, and let us inherit a disaster as far as deaths, and most of them drug-related?

Baltimore, and these are the statistics from 1996, went from just a few drug addicts in the beginning of their needle exchange program to, in 1996, 38,000. We had testimony and comments from one of the city councilmen in Baltimore that that figure has risen to one in eight in the population. Do we want to turn back to that liberal policy? Do we want to see more deaths? I say no.

Mr. ISTOOK. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. CUNNINGHAM), a member of our subcommittee.

Mr. CUNNINGHAM. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I happen to live in D.C. I am a resident. I think that for many, many years the other side has let D.C. deteriorate. We set up control boards. We focused on education. We fully funded charter schools. We funded education. We got a new mayor that I am proud of, Mayor Williams. He is working with us.

The things that we are doing in education, the waterfront, the Anacostia River, $5 million to clean up the most polluted river in the United States, with the highest fecal count of any river. Yet, my colleagues on the other side would vote against this bill.

I know what the leadership wants, the gentleman from Missouri (Mr. GEPHARDT). He is fighting for the majority. But to vote against this bill because they want to legalize marijuana is wrong.

My own son was involved with marijuana, Jim. He is in boot camp today. If there was a doctor's prescription and it was under real tight control, if someone had AIDS, someone had cancer, then yes, maybe. But I have talked to residents. I have talked to hundreds of people. Not a single one of them knew that it did not even take a doctor's prescription to use marijuana.

Maybe the President would like this. He could inhale, for a change. But it is wrong. Even the President saying, I would inhale if I could, is wrong. It is the wrong message. For the capital of the United States to say it is okay to legalize drugs is the wrong message. It is wrong.

With all of the fine things that are in this bill, my colleague, the gentleman from the other side, and he is my friend, he knows that, we have long discussions together through heat, through cold. But I believe that we have done a good job on this bill, I say to the gentleman from Virginia (Mr. MORAN), and that to deny, because the leadership wants to stop this bill for the crazy things, when we talk about home rule, it is wrong.

They, this House, inhibits our cities; IDEA, the Individuals With Disabilities Act, OSHA, everything is inhibited by this body. We are saying with all the good things in this bill, please support it. It helps Washington, D.C.

Mr. MORAN of Virginia. Mr. Speaker, I yield myself 30 seconds to respond to my friend, the gentleman from California, that the issue that he talked about is really not the issue that is at stake here. He very well knows that the State of California passed a referendum dealing with allowing medicinal use of marijuana. They had lots of loopholes in it. But my friend did not get to the floor and try to overturn their law. He may have tried, but it never got to the floor. It never got enacted. They are still dealing with that legislation.

We are just asking for D.C. citizens to be treated the same as California citizens.

Mr. ISTOOK. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. Mr. Speaker, I thank the gentleman for yielding time to me, and for his tremendous work in consistently highlighting the real problem here, and that is legalization of drugs in D.C.

Let me state for the record and for the benefit of those on the other side a statement made by Merilee Warren, Deputy Assistant Attorney General of the criminal division of the United States Department of Justice on September 29 of this year, before the subcommittee on the District of Columbia in the Committee on Appropriations.

She is discussing the exact same issue that brings us here today. That is the initiative in the District of Columbia for the legalization of marijuana. She says, "There is little doubt that the initiative undermines the Administration's consistent and effective national drug policy."

Where have we heard this before? Well, we have heard this, as the chairman of the subcommittee has stated earlier, from General McCaffrey. One could, Mr. Speaker, take this very quote from General McCaffrey of 1997, strike through it, put today's date in, because it was just about 6 hours ago that General McCaffrey, the head of the Office of National Drug Control Policy, said the same thing. He is against medical marijuana, he is against these sorts of initiatives, and this is policy inconsistent with what the President is trying to do that brings us here today.

The initiative, 59, in the District of Columbia is inconsistent with Federal laws as they apply to the citizens of every State of the union. It is inconsistent with the will of this Congress, as represented by vote after vote after vote, including the one that we will take today, that the District of Columbia should continue to be subject to the Federal drug laws that apply elsewhere in the country.

They should not be given a bye, they should not be given special treatment. They should not be allowed to use marijuana with impunity and in violation of Federal laws. While the President feels otherwise, this provision must stand. This appropriations conference report, with the prohibition in it, must move forward. It is consistent with Federal policy and with the policy as enunciated by members of this administration.

Mr. ISTOOK. Mr. Speaker, I reserve the balance of my time to close.

□ 1730

Mr. MORAN of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all, with regard to the last speaker, the gentleman from Georgia (Mr. BARR), we did, in fact, have a hearing on this issue. It was an enlightening hearing. It was not conclusive, in my opinion, because we had statements from such people as the administrative law judge for the Food and Drug Administration that after studying the issue for a couple of years determined that marijuana was not as harmful as it has been described, although obviously tobacco is harmful, too, and it certainly is as harmful as tobacco, but they did, in fact, say it had some therapeutic effect. I did not know that.

There are a lot of things that came out that were new to me, and I am sure would be new to a lot of people if there was a hearing, if we had all the facts out on the table, but we have not had that kind of a hearing because we are nowhere near making the medicinal use of marijuana legal for the rest of the country.

In fact, even though 6 States passed referenda, they do not implement it because the Federal law prohibits them. That would be the case in the District of Columbia. They would be treated the same way as 6 other States in the Nation, big States, important States, including California, Oregon, Arizona, Colorado, lots of important States; did not hear their constituents speaking up against their ability to have a referenda.

The needle exchange program, obviously controversial issue, difficult to discuss, like the abortion issue, but we have some very serious problems. More young adults die from HIV infection in the District of Columbia than from any other single cause. Yet, it is the principal cause, in fact, of transmission of AIDS to children, dirty needles. So the Whitman-Walker Clinic, private clinic, wants to be able to offer free needles so they can offer drug treatment and counseling to addicts. They need to be able to bring them in to the system, to try to save their lives.

In fact, every scientific study has concluded that the use of free needles does not increase the prevalence of AIDS and it does not increase the use of illegal drugs, every scientific study, but we are not asking to make that Federal law. In fact, we are suggesting, let us prohibit the use of all public funds for needle exchange programs.

Now, is that reasonable? Well, this body has decided on prior occasions that it is reasonable. The Labor Health and Human Services bill has that very same language. The Senate says it is okay to have needle exchange programs if the secretary certifies that it does not increase the use of illegal drugs and that it does not increase the prevalence of AIDS, the incidents of AIDS. That is a compromise. That is in this Labor Health and Human Services bill. We are just asking for the same language.

In other words, we are only asking that the citizens of the District of Columbia, Mr. Speaker, be treated as the citizens of every other State of the Union. We are asking for nothing more, but nothing less, and that is the problem with this bill. That is the problem with all those riders.

Imagine if a Member got up and offered legislation that prohibited a local jurisdiction in their district from using local property tax money for legal pursuits that their Commonwealth attorney or State attorney or whatever, or city attorney, might choose to pursue. That is all that is involved with this voting rights issue. All that the gentlewoman from the District of Columbia (Ms. NORTON) wants is for the D.C. corporation counsel to be able to advise the D.C. city council on the status of legislation directly affecting the city and demanded by their constituents.

All the language would say, that we have offered as a compromise, make sure no Federal funds are involved but let D.C. use its own money for that purpose. It is not much money. It is pennies, relative pennies, because a private law firm is doing the work. So all it does is to allow the D.C. corporation counsel to report to the D.C. city council on the status of the legislation. Big deal, and yet that is so threatening we cannot let D.C. do that? My gosh, it is not fair; it is not right.

Now, all of these suggestions have been made that this is really about the President wanting some kind of liberal drug agenda? Baloney. The President has not proposed any of that legislation. The President, in fact his professionals, the people he has appointed, have opposed needle exchanges, have opposed legalization of marijuana. Rightly or wrongly, they are on record opposing it. All the President wants is that the citizens of the District of Columbia be treated like the rest of his constituency, because he knows it is not fair to single out D.C. and to treat them in a punitive fashion and to strip them of their right to govern themselves with their own money. That is all this is all about. That is the only reason the President acted as he did in vetoing the bill.

In fact, we offered legislation, we offered a compromise, we probably went much too far, the gentleman from Wisconsin (Mr. OBEY) and myself and the gentlewoman from the District of Columbia (Ms. NORTON). We went further than we had any authority but we suggested, okay, let us just deal with the

Voting Rights Act and we will do what we can do to get this bill passed. That, when it was rejected, made it clear that the real objection is not about drugs or about some kind of liberal agenda. The real objection is that the majority in this body apparently wants the right to punish, to treat D.C. citizens differently than they would treat their own residents. That can be the only conclusion.

We have not asked for anything unreasonable on any of these issues, and I do not think the President acted unreasonably either when he vetoed the bill, for the reasons that he vetoed the bill.

Now, Mr. Speaker, let me suggest that there may be still hope. I hope when we go to conference, even though we will be compelled to vote against this bill, we can still get a bill out of conference that resembles the House bill when it was first passed by the House that reflected the spirit of compromise in the House Committee on Appropriations.

If we can get that kind of a bill, then we are on board; then we have acted responsibly towards the citizens of the District of Columbia. Then we know we have fulfilled our responsibility as Federal legislators.

Mr. ISTOOK. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. PORTMAN).

Mr. PORTMAN. Mr. Speaker, I rise in support of this bill and its cutting edge drug treatment testing and other anti-drug provisions.

Mr. Speaker, I rise today in support of the District of Columbia Appropriations legislation. I'd like to begin by commending the subcommittee, its Chairman (Mr. ISTOOK) and the full committee for their work on this important legislation.

As co-chairman of the Speaker's Working Group for a Drug-Free America, I'd like to focus my comments on the provisions of this legislation that are of particular interest to the drug prevention and education community.

Substance abuse contributes directly to many of our most difficult social problems—violence, child and spousal abuse, homelessness, robbery, theft and vandalism. And I'm pleased to say that this legislation contains some very important provisions to curb the problem of substance abuse here in our nation's capital—that could become a model for other communities around the country.

DRUG TESTING FOR PRISONERS AND PAROLEES

This legislation contains funding for drug testing of prisoners and parolees in the District of Columbia prison system. This is an important step, and I commend Chairman Istook for pushing hard for it.

Today, 80% of incarcerated prisoners in this nation were either under the influence or drugs or alcohol, were regular drug users or violated drug and alcohol laws at the time they committed their crimes. In 1996 alone, more than 1.5 million people were arrested for substance abuse-related offenses. As a result, our judicial system is overwhelmed with substance abusers.

You would think, when a criminal is locked up for a drug-related offense, the prison itself would be a drug-free environment and the prisoner would be forced to get drug treatment. But you'd be wrong. In fact, those who go to prison too often don't receive effective treatment to address their addiction—and they tend to wind up right back in the criminal justice system in future.

In fact, nationwide, only 13% of prisoners receive any sort of treatment for their drug problem at all and many of those treatment programs are considered inadequate.

And, instead of breaking the drug habits that underlie so much criminal behavior, our prisons too often fail to address—or sometimes worsen—them for thousands of prisoners and parolees. It's no surprise that, according to statistics from the National Center on Addiction and Substance Abuse, 50% of state parole and probation violators were under the influence of drugs, alcohol or both when they committed their new offense. In other words, these individuals continue to be a menace to society because their drug problems are not addressed behind bars.

There are a number of steps we can take to stop the revolving door of incarceration, parole and re-arrest—including the successful drug courts at the local level that use the threat of prison to get people to address their drug habits through treatment. In fact, a recent Federal Bureau of Prisons study showed that inmates, who receive treatment are 73% less likely to be re-arrested than untreated inmates.

To address this problem, I introduced the Drug-Free Prisons and Jails Act last year, which established a model program for comprehensive substance abuse treatment in the criminal justice system to reduce drug abuse, drug-related crime and the costs associated with incarceration.

And that's why I'm pleased to support the drug testing program in this legislation before us today. By identifying criminals and parolees in the District of Columbia with drug addiction problems, we will help to reduce crime in our nation's capital—and we will stop the costly revolving door of drug addiction and incarceration in the DC prison system.

MEDICAL MARIJUANA

Let me touch on two other provisions of this legislation that are important to the anti-drug community. First—the so-called "medical marijuana" ballot initiative.

I am very skeptical about the recent spate of ballot initiatives that seek to legalize the use of marijuana for medicinal purposes. The federal Food, Drug and Cosmetic Act—which created the FDA—specifically states that only the federal government has the authority to approve drugs for medical use. If a street drug like marijuana were to be studied for legitimate medical uses, FDA would regulate it as an investigational drug. FDA has not chosen to do so with marijuana, and the notion that states or the District of Columbia can choose to "opt out" of FDA regulation and approve drugs for use on their own strikes me as a threat to public health and safety.

We don't allow states or localities to opt out of Federal Aviation Administration regulations. We don't allow states or localities to opt out of OSHA regulations. And we should not allow state or local ballot initiatives to take the regulatory authority over the use of drugs out of the hands of the FDA.

I am even more skeptical about "medical marijuana" after reviewing the conclusions of the recent Institutes of Medicine report: Marijuana and Medicine: "Assessing the Science Base," which made it very clear that smoked marijuana is absolutely not beneficial as medicine.

The continued public debate over what, if any, medical benefits some chemical compounds found in marijuana may have makes it harder to convince our kids that drug use ends dreams and ruins lives. Every day, parents, teachers and community leaders confirm our worst fears about teenage drug use—not only has the overall number of kids trying drugs doubled since 1992, but they are using drugs in greater amounts, more frequently, and at younger ages. Recent studies indicate that 8–10% of our kids are currently or will become addicts. It's a national disgrace.

We know what works: Nothing is as important to turning around this trend than a powerful, unequivocal and consistent message from Washington, from our statehouses, from our courthouses, from our schools, our places of worship and our homes that drug use is wrong and dangerous. These ballot initiatives send the wrong message to the very kids who should hear that drug use is wrong and dangerous—period.

NEEDLE EXCHANGE

Finally, on the issue of needle exchange—I am pleased that this legislation takes steps to prohibit the use of federal funds for needle exchange programs.

Clearly, HIV transmission is a major public health issue—and no one disputes that needle sharing among IV drug users is a major source of HIV transmission.

The question is how best to respond to this problem. Do we simply give addicts clean needles and hope that they engage in "safe" drug usage? The Clinton Administration thinks so. We believe the answer is to address the underlying behavior—the drug use. And we are backed by strong scientific evidence.

Needle Exchange Programs Don't Work: A 1993 Centers for Disease Control study conducted by the University of California reviewed the impact of needle exchange programs on HIV infection rates—and found no difference in HIV infection rates between those participating in needle exchange and those who did not.

A 1996 study in Vancouver of more than 1000 IV drug users who visited needle exchanges showed that 40% of the group still borrowed needles and 18.6% of the group became infected with HIV during the test period.

And a 1997 Montreal study found that addicts who participated in needle exchange programs were more than twice as likely to become infected with HIV as those who didn't.

Why? (1) Addiction is a consuming habit, and hard-core addicts are more focused on getting their next "hit" than using clean needles;

(2) Needle exchange overlooks the core behavior—drug abuse—that causes people to engage in risky behavior, including risky sexual behavior that increases the chances of HIV infection. A recent University of Pennsylvania study found that overdoses, homicide,

heart disease, kidney failure, liver disease, and suicide are far more likely causes of death for addicts than HIV; and

(3) Needle exchange advocates argue that they're protecting not just the addict but also that person's needle exchange and/or sexual partners—but overlook the amount of violent crime caused by drug addicts.

Mr. Speaker, I think it is necessary that this legislation bar the use of federal funds to support needle exchange in the District of Columbia. The siren song of needle exchange—that we can have safe drug use without negative social consequences—is fundamentally flawed. We need to focus on the real solution—getting the addicts into treatment so they change their risky behavior—and stop wasting taxpayer dollars on programs whose alleged benefits are highly questionable.

I urge my colleagues to support this appropriations bill that contains these important anti-drug provisions, and I yield back the balance of my time.

Mr. ISTOOK. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Speaker, I submit for the RECORD an article entitled "Needle Exchange Programs Have Not Proven to Prevent HIV/AIDS."

[From Drug Watch International]

NEEDLE EXCHANGE PROGRAMS: 1998 REPORT

(By Janet D. Lapey, MD)

NEEDLE EXCHANGE PROGRAMS HAVE NOT BEEN PROVEN TO PREVENT HIV/AIDS

Outreach/education programs have been shown to be very effective in preventing HIV/AIDS. For instance, a Chicago study showed that HIV seroconversion rates fell from 8.4 to 2.4 per 100 person-years, a drop of 71%, in IV drug addicts through outreach/education alone without provision of needles. Needle exchange programs (NEPs) add needle provision to such programs. Therefore, in order to prove that the needle component of a program is beneficial, NEPs must be compared to outreach/education programs which do not dispense needles. This point was made in a Montreal study which stated, "We caution against trying to prove directly the causal relation between NEP use and reduction in HIV incidence. Evaluating the effect of NEPs per se without accounting for other interventions and changes over time in the dynamics of the epidemic may prove to be a perilous exercise. The authors conclude, "Observational epidemiological studies . . . are yet to provide unequivocal evidence of benefit for NEPs." An example of this failure to control for variables is a NEP study in The Lancet which compared HIV prevalence in different cities but did not compare differences in outreach/education and/or treatment facilities.

Furthermore, recent studies of Needle Exchange Programs show a marked increase in AIDS. A 1997 Vancouver study reported that when their NEP started in 1988, HIV prevalence in IV drug addicts was only 1-2%, now it is 23%. HIV seroconversion rate in addicts (92% of whom have used the NEP) is now 18.6 per 100 person-years. Vancouver, with a population of 450,000, has the largest NEP in North America, providing over 2 million needles per year. However, a very high rate of needle sharing still occurs. The study found that 40% of HIV-positive addicts had lent their used syringe in the previous 6 months, and 39% of HIV-negative addicts had borrowed a used syringe in the previous 6 months. Heroin use has also risen as will be described below. Ironically, the Vancouver NEP was highly praised in a 1993 study sponsored by the Centers for Disease Control.

The Vancouver study corroborates a previous Chicago study which also demonstrated that their NEP did not reduce needle-sharing and other risky injecting behavior among participants. The Chicago study found that 39% of program participants shared syringes vs 38% of non-participants; 39% of program participants "handed off" dirty needles vs 38% of non-participants; and 68% of program participants displayed injecting risks vs 66% of non-participants.

A Montreal study showed that IV addicts who used the NEP were more than twice as likely to become infected with HIV as IV addicts who did not use the NEP.vii(7) There was an HIV seroconversion rate of 7.9 per 100 person years among those who attended the needle program, and a rate of 3.1 per 100 person-years among those who did not. The data was collected from 1988–1995 with 974 subjects involved in the seroconversion analysis.

Mr. ISTOOK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I wish we were here just talking, as the gentleman from Virginia (Mr. MORAN) was just mentioning, just about this lawsuit, which is frankly already in court and the District of Columbia says we want the right to pay the attorneys for the work they are doing for free.

In fact, realizing that it is a highly symbolic issue, both with D.C. and some other Members of Congress, I sought to craft a compromise and get the House conferees to support a compromise in the earlier conference but was not successful. That is symbolism. When it comes to drugs, it is not symbolic, it is reality. If someone's kid is using drugs, that is reality, and it does not get any deeper than that.

This bill has language that says, the District of Columbia cannot have laws that differ from the laws of the land. We are all bound by them.

We are bound by article 1, Section 8, that gives us the responsibility for D.C. we do not have for any place else in the country. The Constitution, article 1, Section 8, says it is the Congress of the United States that has exclusive legislative authority over the District of Columbia.

Now, in other places we are only in charge of enforcing the Federal laws. If California or Arizona, anyplace, puts a law on the books we still make sure the Federal laws on marijuana and other drugs are still being enforced and we are making sure of that, but we do not have the ability about what the laws say. Here in D.C., we do. We are responsible if D.C.'s laws are bad. The Constitution says we are responsible, and if I am responsible I want to do the right thing.

The President of the United States, do not give me this business about saying the President of the United States does not want to legalize marijuana. Read the veto message he sent to us on this bill. He vetoed it because it prohibits the district from legislating with respect to certain controlled substances, controlled substances, drugs, marijuana. The only thing pending, of course, was the marijuana initiative.

The President vetoed the bill and told us it was because we would not let D.C. legalize marijuana, and we should not.

It is our responsibility. The police chief here in Washington, D.C. is not fooled. He has told the public, it will lead to more drug trafficking and abuse and more drug-related crime and violence in our neighborhoods.

If this bill is voted against, it is a vote to legalize drugs in Washington. I urge a yes vote.

Ms. STABENOW. Mr. Speaker, I rise today to oppose this legislation an to make clear my reasons for doing so. I want to make it perfectly clear at the outset that I do not support the legalization of marijuana or any reduction in penalties for Class One drugs. I was pleased when Mr. BARR'S amendment affirming this principle passed unanimously during House consideration of the initial D.C. Appropriations bill. In fact, I voted for this bill with that provision included when the House overwhelmingly approved the initial bill in July to keep the legislative process moving forward.

Mr. Speaker, I am opposed to this bill because it continues to broach the concept of local control for the District of Columbia, prohibiting the use of District and private funds on a host of matters, including the pursuit of voting rights in Congress for the citizens of the District. Furthermore, the process by which this bill has reached the floor has been flawed. The Republicans have not negotiated on these issues in good faith, and have not adequately worked with Representative NORTON. I know that we can reach agreement on a bill that maintains a strong prohibition on the legalization of all Class One drugs, if the majority will simply reach across the aisle. I hope this happens soon.

Mr. SANDLIN. Mr. Speaker, I intend to cast my vote today against the D.C. Appropriations Conference Report. I will vote against this bill not because I disagree with provisions banning the use of funds for needle exchange programs—I voted for the amendment adding this language to the House bill when it was passed by this body back in July. I am also strongly opposed to the use of marijuana for any purpose. I support these restrictions, and they are not the reasons for my concern.

I am, however, opposed to this bill because it deprives the people of the District of Columbia of their right to pursue legal recourse on voting rights. It effectively ties their hands, preventing them from using even their own money to address this issue in court.

Ms. Speaker, I do not believe that Congress has the right to dictate to the District, or to any other locality for that matter, how it should use its own money. Most of us agree that Congress should not tell cities across the country how they should use their own tax money; why should the District of Columbia be any different?

Mr. HAYES. Mr. Speaker, I spent a considerable amount of time last week touring the flood ravaged farms of eastern North Carolina.

And what the people of North Carolina cannot understand, is how the President can advocate policies that legalize marijuana and reward junkies with free needles, while at the same time, pledging to use the resources of the federal government to wipe out tobacco farmers with a federal lawsuit.

Mr. Speaker, this policy says, if you want to smoke pot—okay; if you're a junkie and you need another needle to shoot up—come on down and the government will give it to you.

But if you want to plant an acre of tobacco, you are public enemy number one and we are going to get you.

Mr. Speaker, this is obviously wrong, and it shows how far off track our government has fallen.

Mr. Speaker, I urge my colleagues to do what is right and take a stand against this ridiculous policy by voting for this bill.

Ms. PELOSI. Mr. Speaker, I rise in opposition to the second Conference Agreement on the District of Columbia Appropriations bill. This legislation is dangerous to the residents of the District—it prevents the use of federal or local funds for life saving needle exchange programs; prohibits the use of funds to provide medicinal marijuana; and forbids implementation of a Domestic Partners program that would extend health insurance coverage in the District.

Needle exchange must be part of the District's response to the growing AIDS epidemic. AIDS is the third leading cause of death in Washington, and last year more than a third of all AIDS cases where related to intravenous drug use. One half of all AIDS cases in children are the result of injection drug use by one or both parents.

In the district I represent, we have eliminated cases of perinatal HIV transmission through needle exchange programs and outreach to pregnant women. The leading scientists in our country have concluded that needle exchange programs reduce the spread of HIV and do not encourage drug use. We must allow public health officials in the District of Columbia to follow the advice of leading government scientists in order to save the lives of children.

Congress should also not prohibit the medicinal use of marijuana. The Institute of Medicine has issued a report commissioned by the Office of National Drug Control Policy. The IOM study found that marijuana is, "potentially effective in treating pain, nausea, the anorexia of AIDS wasting, and other symptoms." the American Academy of Family Physicians, the American Preventive Medical Association, and the American Public Health Association all support access to marijuana for medicinal purposes.

The District has prepared a balanced budget which cuts taxes and meets the needs of its citizens. It has a new management-oriented administration and is making progress on education and other local priorities.

Congress must stop trampling on the rights of District voters, residents, and tax payers. Congress must stop preventing the District from saving lives and fighting the devastating AIDS epidemic by following the guidance of leading government scientists.

I urge my colleagues to vote "no" on this bill.

Mr. CUNNINGHAM. Mr. Speaker, I rise in support of this bill. It continues our program of restoring Washington, D.C., to its rightful place as a world capital, putting further into history the city's problems borne of decades of neglect. Very simply, this bill adopts the City's budget. It keeps expanding and improving educational opportunity for citizens of the District. It helps restore the waterways and waterfronts of our Nation's Capital, so that they can be something all Americans can be proud of. And it is fiscally responsible, keeping its books in balance.

As the House goes to conference with the Senate for a second time on this measure, I hope that we will continue to work to make this the best possible legislation—in the interest of improving our nation's capital city for this generation and the next, and in the interest of our commitment to constitutional home rule.

For example, the measure provides for an infrastructure fund requested by the City. Recently, representatives of the City provided the Subcommittee its recommended allocation for the use of these funds. This allocation was developed by the Mayor's office, in consultation with the City Council. In light of the City's request to allocate these funds, I hope that the Conference Committee will see fit to adopt the entire recommended allocation as part of a conference agreement on the District budget, rather than the more limited list provided in this bill.

Secondly, one of the most important issues that this bill addresses is the reform of how the City handles leases of real property. There simply needs to be a predictable, orderly process for the development and execution of these leases, where the Mayor and the City Council each have clearly defined roles that move an accountable and transparent process forward. The provisions included in this bill go a long way toward providing that kind of clarification. I urge the Conference Committee to continue working with the City so that, when these provisions are enacted into law, there is no longer unnecessary confusion between the appropriate roles of the City's executive and legislative branches of government with regard to lease negotiations.

Again, I thank Chairman ISTOOK for his work on this legislation.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 330, the bill is considered read for amendment and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 211, nays 205, not voting 18, as follows:

[Roll No. 504]

YEAS—211

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Coble
Coburn
Collins
Combest
Cooksey
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Pease
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sanford
Saxton
Sensenbrenner
Sessions
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (FL)

NAYS—205

Abercrombie
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Capps
Capuano
Cardin
Chenoweth-Hage
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Fossella
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Gutierrez
Hall (OH)

Hall (TX)
Hastings (FL)
Hefley
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Salmon
Sanchez
Sandlin
Sawyer
Schaffer
Schakowsky
Scott
Serrano
Shadegg
Sherman
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—18

Ackerman
Buyer
Carson
Clay
Cook
Cox
Green (TX)
Jefferson
John
Kingston
Lofgren
McIntosh
McNulty
Paul
Sanders
Scarborough
Weldon (PA)
Young (AK)

□ 1805

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD during the vote). A few minutes ago, the Chair noted a disturbance in the gallery in contravention of the law and Rules of the House. The Sergeant at Arms removed those persons responsible for the disturbance and restored order to the gallery.

Mr. MASCARA changed his vote from "yea to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate agrees to the report of the Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2561) "An Act making appropriations for the Department of Defense for the fiscal year ending September 30, 2000, and for other purposes."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1275 AND H.R. 1304

Mr. COBURN. Mr. Speaker, I ask unanimous consent to remove my name from H.R. 1275 and H.R. 1304.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 2670, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND OTHER RELATED AGENCIES APPROPRIATIONS ACT, 2000

Mr. COBURN. Mr. Speaker, pursuant to clause 7(c) of Rule XXII, I hereby announce my intention to offer a motion to instruct conferees on H.R. 2670, the Commerce, Justice, State appropriations bill. The form of the motion is as follows:

Mr. COBURN moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2670 be instructed to agree, to the extent within the scope of the conference, to provisions that—

(1) reduce nonessential spending in programs within the Departments of Commerce, Justice, and State, the Judiciary, and other related agencies;

(2) reduce spending on international organizations, in particular, in order to honor the commitment of the Congress to protect Social Security; and

(3) do not increase overall spending to a level that exceeds the higher of the House bill or the Senate amendment.

APPOINTMENT OF CONFEREES ON H.R. 1000, AVIATION INVESTMENT AND REFORM ACT FOR THE 21ST CENTURY

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1000) to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania? The Chair hears none and, without objection, appoints the following conferees:

Messrs. SHUSTER, YOUNG of Alaska, PETRI, DUNCAN, EWING, HORN, QUINN, EHLERS, BASS, PEASE, SWEENEY, OBERSTAR, RAHALL, LIPINSKI, DEFAZIO, COSTELLO, and Ms. DANNER, Ms. EDDIE BERNICE-JOHNSON of Texas, Ms. MILLENDER-MCDONALD, and Mr. BOSWELL;

From the Committee on the Budget, for consideration of title IX and title X of the House bill, and modifications committed to conference:

Messrs. CHAMBLISS, SHAYS, and SPRATT;

From the Committee on Ways and Means, for consideration of title XI of the House bill, and modifications committed to conference:

Messrs. ARCHER, CRANE, and RANGEL;

From the Committee on Science, for consideration of title XIII of the Senate amendment, and modifications committed to conference:

Mr. SENSENBRENNER, Mrs. MORELLA, and Mr. HALL of Texas.

There was no objection.

PERMISSION TO HAVE UNTIL MIDNIGHT, FRIDAY, OCTOBER 15, 1999, TO FILE CONFERENCE REPORT ON H.R. 2466, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

Mr. REGULA. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight, Friday, October 15, 1999, to file a conference report on the bill (H.R. 2466) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, I yield to the gentleman from Texas (Mr. ARMEY) the majority leader for the purposes of inquiring as to the schedule for the rest of the day and week and for the following week.

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I am pleased to announce that we have completed the legislative business for the week.

On Monday, October 18, the House will meet at 12:30 p.m. for morning hour debate and at 2 p.m. for legislative business. We will consider a number of bills under suspension of the rules, a list of which will be distributed to Members' offices tomorrow.

On Monday we do not expect recorded votes until 6 o'clock p.m.

On Tuesday, October 19, through Friday, October 22, the House will take up the following measures, all of which will be subject to rules:

H.R. 2, the Student Results Act; H.R. 2260, the Pain Relief Promotion Act of 1999; H.R. 2300, Academic Achievement For All Act; and H.R. 1180, Work Incentives Improvement Act.

Mr. Speaker, there should also be a number of appropriations conference reports ready for consideration in the House throughout the week, and the House will likely take up a continuing resolution at some point next week.

Mr. Speaker, I would like to wish my colleagues a safe travel to their weekend work period and look forward to seeing them all again on Monday.

Mr. BONIOR. Mr. Speaker, reclaiming my time, I thank my colleague for his comments.

If he could help us with which appropriation conference report he expects to reach the floor next week, I am interested specifically in the Interior bill, but any others that he might be able to enlighten us on.

Mr. ARMEY. Mr. Speaker, if the gentleman would continue to yield, we have just seen the gentleman from Ohio (Mr. REGULA), the Chairman of the Appropriations Subcommittee on Interior, ask for permission to file. We would expect that next week.

We would also expect Commerce, Justice, State.

Mr. BONIOR. Mr. Speaker, can the gentleman give us a date on the Interior bill? It will not be Monday?

Mr. ARMEY. Mr. Speaker, if the gentleman will continue to yield, no, it will not be Monday.

Mr. BONIOR. Mr. Speaker, and what about late night sessions next week? Any evenings?

Mr. ARMEY. Mr. Speaker, I can only tell my colleague my best judgment is we should all be prepared to work late perhaps every night next week. We may not necessarily work late on each night, but I cannot tell my colleague which nights we might.

As soon as we have the conference reports and are able to move them, we will do so. I will just try to keep Members advised as the days go on.

Mr. BONIOR. Mr. Speaker, on the HMO bill that was passed by what I consider a very large margin last week, when will conferees be appointed for this bill?

Mr. ARMEY. Mr. Speaker, if the gentleman will continue to yield, the Speaker plans to make those appointments next week.

Mr. BONIOR. Mr. Speaker, and then finally, I would ask my friend the gentleman from Texas (Mr. ARMEY) and point out to him that he undoubtedly understands that people all over the country have gotten raises recently. The military and the latest defense bill that we passed today will get a raise.

Our civilian population will get a raise. Members of this body will get a raise at the beginning of the next year. And yet, we still have 12 million Americans out there who are making the minimum wage.

I would respectfully ask when the gentleman from Texas (Mr. ARMEY) expects to bring the minimum wage bill to the floor?

Mr. ARMEY. Mr. Speaker, if the gentleman would continue to yield, I appreciate the manner in which the gentleman put the question, I supposed designed to get a rise out of me.

But we do appreciate the work that the gentleman is concerned about. We have many Members working on it. That work I think is coming together. We do not have a scheduling announcement now, but we are well aware of the fact that many Members are interested in this work and the gentleman should expect that it will most likely be acted on before we leave this session.

Mr. BONIOR. Mr. Speaker, can the gentleman define "most likely" for us? Are we talking 50 percent, 75 percent, 90 percent here?

Mr. ARMEY. Mr. Speaker, I would like to be able to. I can just tell my colleague my sense is that there is a lot of interest on both sides of the aisle in this matter and we know a lot of people are working on it.

I can just tell the gentleman I think he has a good expectation of that work finding its way to the floor before the session is over.

Mr. BONIOR. Mr. Speaker, I thank my friend for his comments and hope he has a good weekend.

ADJOURNMENT TO MONDAY, OCTOBER 18, 1999

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

□ 1815

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. LAHOOD). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

INTRODUCING HOUSE RESOLUTION COMMEMORATING AND ACKNOWLEDGING THE SERVICE OF DWIGHT D. EISENHOWER AS GENERAL OF THE ARMY AND PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, today I am pleased to join with the gentleman from Texas (Mr. HALL) in introducing House Concurrent Resolution 198. It is my honor today to commend a fellow Kansan and the gentleman from Texas commending, I guess, a fellow Texan, Dwight David Eisenhower. Today is the 109th anniversary of the birth of our 34th President. The Kansas legislature recently passed a resolution recognizing today, October 14, that day of each year as Dwight D. Eisenhower Day, an official State observance and an opportunity for schools to teach students about our former President. The resolution encourages museums and schools to develop educational programs for our young people to learn about Eisenhower. The city of Abilene in my district is commencing holding 3 days of celebrations so that people across the State and country may recognize, celebrate and learn more about the life of our most accomplished son.

Today, I am speaking in hopes that we can follow Kansas' lead by encouraging Americans all across the United States to take time to remember, honor and learn about Dwight David Eisenhower.

President Eisenhower's life should be an inspiration to all Americans to work continuously to make this country and this world a better place. Born in Denison, Texas, in the district of the gentleman from Texas (Mr. HALL) and raised in Abilene, Kansas, in the First District of my State, Ike was one of seven sons and grew up in a home of modest means. He became interested in the military at an early age. Following his graduation from Abilene High School in 1909 and a job at the Bell Springs Creamery, young Ike was accepted to the United States Military Academy at West Point, New York, in 1911.

On July 1, 1916, Ike married Miss Mamie Geneva Doud of Denver, Colorado. The Eisenhowers had two sons, Doud Dwight who died in infancy and John Sheldon Doud who followed his father into national service, is now a retired brigadier general in the Army Reserves, a former U.S. ambassador to Belgium and one of our Nation's leading military historians.

In 1935, Ike assumed the rank of captain and accompanied General Douglas MacArthur to the Philippines, serving as a senior military assistant to the

Philippine government. After an impressive series of promotions, Mr. Eisenhower was appointed the supreme commander of the Allied forces in December 1943. On June 6, 1944, the day now known simply as D-Day, Ike commanded Operation Overlord, leading the invasion of Normandy which led to the successful liberation of France and the ultimate defeat of Nazi Germany.

On November 19, 1945, Eisenhower was designated as chief of staff for the U.S. Army, and in 1947 he became President of Colombia University in New York City. Upon hearing the call of his country, Ike returned to service and was named supreme allied commander of the North Atlantic Treaty Organization where he served until May of 1952.

That year, Eisenhower returned to his hometown of Abilene, Kansas, to announce his candidacy for President of the United States. Ike served two terms as President, from January 20, 1953 to January 20, 1961. As President, Ike saw the end of the Korean War, and the entry of Alaska and Hawaii into the union. Upon signing the Civil Rights Act of 1957, Ike helped desegregate public schools as well as the U.S. military claiming, "There must be no second class citizens in this country." As his civil rights policies changed the course of history, so did his establishment of the Federal interstate highway system. As the Eisenhower highway system connects the States, Eisenhower was instrumental in connecting us to space by signing the bill which created the National Aeronautics and Space Administration.

Clearly, Eisenhower had a profound effect on the course of mankind. This past March marked the 30th anniversary since Eisenhower's death. He died on March 28, 1969, at the age of 78 and was buried in Abilene, Kansas. Eisenhower's life achievements illustrate to kids that it is possible to aspire to greatness from humble beginnings, to respect those around you, and to take pride in our country. His character teaches parents the importance of instilling values of hard work, determination and honesty in our children. October 14 is a day to reflect on the contributions Dwight D. Eisenhower made to this country over his lifetime. We can all learn from his actions which is why folks in Abilene and in Kansas and all across the country still say, "I like Ike."

INS NEEDS TO CLEAN UP ITS ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. METCALF) is recognized for 5 minutes.

Mr. METCALF. Madam Speaker, I do not have to remind this House about the fine work of our border patrol officers. They put their lives at risk every day to slow the flow of illegal drugs into this country and to keep our borders safe from dangerous aliens. We are all thankful to them for their efforts.

Due to the current inept management of the Immigration and Naturalization Service, the INS, the jobs of these officers are made much, much more difficult. Last year, Congress appropriated enough money for the INS to hire and train 1,000 new border patrol agents. The agency has hired nowhere near that number, however, and has resorted to moving agents from our already shorthanded northwestern border to shore up its border patrol offices in Arizona. Nearly 10 percent of the field agents in Washington State have been temporarily assigned to the southern border. That is not what Congress intended. There were supposed to be more agents in Washington State, not less. INS management brags about the new sensor technology that has been developed to detect people who cross our northern border illegally, but what good is the technology if there is no one to catch the people that set off the sensors?

I agree that there are serious problems on the southern border. We all know that. That is why the INS was given so much money for the border patrol last year. INS management needs to do its job and hire more agents, instead of robbing from one shorthanded border to fill out another.

Last week, a Washington State trooper was shot and killed during a routine traffic stop. I feel this very deeply. My brother was a Washington State trooper for over 20 years. The main suspect in this killing is a 28-year-old Mexican national who had already been deported three times. This summer, he was already in jail on a cocaine delivery charge but was able to post bond and be let back out into the community. He should have been detained by the INS after posting bond but he was not because the border patrol agent who should have recognized him was somewhere in Arizona. This is tragic. This is sad. And this never should have happened. The INS needs to clean up its act.

ON INCREASING THE MINIMUM WAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Madam Speaker, in the few minutes allocated to me this evening, I want to address one of the most significant issues this Congress faces this year, a subject worthy of hours of exploration, discussion and debate: the need to increase the Federal minimum wage.

Madam Speaker, I could talk about how the average American worker now produces about 12 percent more in an hour's work than he or she did in 1989, but, after adjusting for inflation, that worker's wages have only increased 1.9 percent. But time does not permit us to examine this very basic question.

I could talk about how an increase in the minimum wage helps to convert low wage, dead-end jobs into decent jobs with wages to support a family, thereby reducing turnover and building worker loyalty and productivity. But I really do not have the time to do that, either.

We might speak about the role of the minimum wage in creating a truly national labor market and creating a level playing field for working men and women regardless of so-called State right-to-work laws and other anti-union legislation. We could look at the harm and distortions of our economy brought about by our failure to maintain the minimum wage. But that would take much more time than the few moments that I have this evening.

We could talk about how, without an increase, the real value of the minimum wage would fall to $4.90 an hour by the year 2000 according to inflation projections by the Congressional Budget Office.

We could talk about how 59 percent of workers on minimum wage are women and how women desperately need an increase in the minimum wage to rectify growing female wage inequality.

We could talk about how African Americans make up 11.6 percent of the workforce but 15.1 percent of those affected by an increase in the minimum wage. How Hispanics make up 10.6 percent of the workforce but 17.4 percent of those affected by an increase in the minimum wage. We could talk about the need for justice for these working families.

And we could talk about the pain, the anguish, the agony, the frustration of 11.8 million workers, more than 10 percent of the workforce, who live on minimum wage, 504,000 workers in Illinois alone who try and survive on minimum wage dollars. But it would be impossible to adequately describe that pain, that anguish, that agony in just a few minutes.

We could explode the myth, the great bogey man, of those opposed to raising the minimum wage that increases in the minimum wage reduce the number of minimum wage jobs and hurt low-income workers, especially youth. The 1999 Levy Institute survey of small businesses and 60 years of other studies which focus on facts, not tired old dogmas, show, contrary to the common supposition that youth and students are hurt, minimum wage increases actually shift employment to them, especially in the fast food industry. As one commentator said in this regard, "Our facts trump your theories."

We could talk about applying minimum wage theories to TANF activities and the positive effects on families and public budgets. Or we could talk about how our big cities, whose population of poverty is some 20 percent as opposed to 8 percent in suburban communities, are forced to bear a huge and disproportionate share of public costs of dealing with poverty, and how even an increase of $1 an hour in the minimum wage would impact that burden.

Census numbers released in September show that while the poverty rates are declining, the number of full-time workers with incomes below the poverty line rose by 459,000 in 1998. The numbers show that more than one in every three black and Hispanic children remain poor. The numbers show that poor families are poorer on average than a few years ago.

Madam Speaker, we could talk for hours, but it is clear that even Sy Plukas knows what all of America knows and demands, that it is only right, it is only justice, it is only fair, it is in the interest of all America, it is essential, it is critical to act now, this month, to raise the minimum wage by at least $1 per hour.

□ 1830

REVISIONS TO ALLOCATION FOR COMMITTEE ON APPROPRIATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. KASICH) is recognized for 5 minutes.

Mr. KASICH. Madam Speaker, pursuant to Sec. 314 of the Congressional Budget Act, I hereby submit for printing in the CONGRESSIONAL RECORD revisions to the allocation for the House Committee on Appropriations pursuant to House Report 106–373 to reflect $2,480,425,000 in additional new budget authority and $0 in additional outlays for emergencies. This will increase the allocation to the House Committee on Appropriations to $564,314,425,000 in budget authority and $597,532,000,000 in outlays for fiscal year 2000. This will increase the aggregate total to $1,454,763,425,000 in budget authority and $1,434,669,000,000 in outlays for fiscal year 2000.

As reported to the House, H.R. 2684, the conference report accompanying the bill making appropriations for the Department of Veterans Affairs and Housing and Urban Development, and independent agencies for fiscal year 2000, includes $2,480,425,000 in budget authority and $0 in outlays for emergencies.

These adjustments shall apply while the legislation is under consideration and shall take effect upon final enactment of the legislation. Questions may be directed to Art Sauer or Jim Bates at x6–7270.

ORDER OF BUSINESS

Mr. FOLEY. Madam Speaker, I ask unanimous consent to claim the time reserved for my special order today. I am on the list for today.

The SPEAKER pro tempore (Mrs. MYRICK). Is there objection to the request of the gentleman from Florida?

There was no objection.

INCREASING FUNDING FOR ALL DISEASES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FOLEY) is recognized for 5 minutes.

Mr. FOLEY. Madam Speaker, I just wanted to take a moment.

The other night I was quite alarmed because I saw on ABC News 20 20 a piece done by John Stossel regarding the impact of celebrity endorsements and the spending on diseases, and one of the things that came out of that seemed to be a bit of a negative perception of the money we are committing to AIDS funding and how some groups are starting to feel cheated by the Federal funding of their various programs, and I wanted to kind of address that issue because I am quite concerned about it, and I have actually heard about it from some of the groups coming before me to lobby for increases in their various diseases, and I want to suggest to all of the charities and all of the people listening and ask Mr. Stossel to look at his story once again and talk about the need to stay together on issues affecting public health, stay together on increasing funding at the National Institutes for Health for all diseases.

Madam Speaker, let us not single one out and make one a more important disease than the other. Let us not start bemoaning the fact that one may, in fact, have increased spending while others may have not had as much of an increase. Let us talk about AIDS and HIV for the moment because we see an alarming increase in the rate of both transmission among heterosexuals and amongst minorities.

So we clearly know that the AIDS virus and the epidemic is a significant problem, and it is the one disease that can be transmitted. There are others, of course. It is not the only one, but HIV can be transmitted through blood transfusion, through sexual contact, through drug use and through needle exchange.

So we recognize that the public is much more vulnerable to HIV and AIDS and the alarming spread and the increased cost to all taxpayers will, in fact, be exacerbated if we do not deploy the revenue to put forward the research to do what we can to bring a halt or at least to minimize the alarming spread of AIDS.

But I do want to say, as somebody who strongly stands on the floor to find funding for lupus, for Alzheimer's, for breast cancer, prostate cancer, Parkinson's disease, autism, Lou Gehrig's disease, American cancer, American heart and the other things that we all have to fight together, I will continue that fight, but I ask those charities to not dismiss or diminish others who are working hard to find a cure for AIDS.

The gentlewoman from California (Mrs. CAPPS) and I are both on a bill that deals with trying to limit and minimize, if you will, the waiting time on Medicare for those that are stricken by diseases like Parkinson's and Lou Gehrig's. We want to increase that opportunity for those stricken by disease to be able to maintain a quality of life, to be able to get on Medicare earlier, to be able to get access to the proven drugs and the things that may enhance their quality of life and make them healthy and as productive as we possibly can.

But I do not want to start down the road as Mr. Stossel did on ABC News 20 20 by suggesting somehow we should turn our backs on HIV and AIDS and somehow try and re-prioritize.

First, let me make correction of the assumption that was laid out in the piece that somehow we in Congress, Members of Congress, sit here and dictate to NIH where they will spend the money. That is not the case. NIH does their own screening empaneled, does their own determination. It is not influenced by politics.

That is very important. I am certain some of us would love to call up and say I would like some more money for Lou Gehrig's disease, but we cannot do that. That is why it is structured the way it is, so it is not influenced by those of us that may, in fact, be able to make a call.

So again, in all sincerity to all the charities, please, please, please do not come to our offices suggesting somehow that somebody is getting a bigger slice of the pie and that is not fair. Come to our offices and suggest we should all grow the pie to a larger number so we all can pursue meaningful research.

One of the things I am most happy about, if you will, is the fact that we are on the cutting edge of finding the causation of a number of diseases, Alzheimer's and others I have mentioned. We are on the cutting edge of new drug therapies that may, in fact, bring about a healthier quality of life for all Americans, and we are on the cutting edge, as we have noticed, protease inhibitors and others, working miraculously for people suffering from HIV infection.

Madam Speaker, these things are taking hold, they are taking place, and research is bringing us to a point hopefully in the near term, in the very, very short few years away, that we will start seeing some progress on these diseases. We will see an enhanced quality of life for all Americans, but we cannot do it by climbing on the backs of one another.

Again, let us remember to advocate for all, making certain that nobody is left out of the loop, making certain we are looking carefully at all the diseases, making certain we are doing all we can to enhance AIDS funding, and I know a number of my colleagues are joining us in that effort. We have all asked the appropriators to increase NIH, to help the Department of Defense in their work on breast cancer research, so nobody is being left out of the loop.

So again I urge people to disregard some of the stories they see on those issues and continue to work for all Americans who are suffering with us today.

VOICES AGAINST VIOLENCE CONFERENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Mrs. CAPPS) is recognized for 5 minutes.

Mrs. CAPPS. Madam Speaker, I rise this evening in great anticipation of next week's Voices Against Violence Teen Conference. The conference is a unique opportunity for Congress to listen to our Nation's youth. In our efforts to understand our young people and to curtail the violence which surrounds them all too often, we sometimes forget to consult the teenagers themselves. This is a mistake. It is time for us to learn from them.

When applications for this conference were distributed in my district, I thought there would be some interest, but I was simply overwhelmed by the response. It was tough deciding on the three teenagers to send to Washington, so I decided to form a Youth Advisory Council in my district. This council made up of all the applicants will advise the three delegates on their trip to the conference.

Our first Advisory Council meeting was held this past Monday. Students came from across my district, from Paso Robles to Santa Barbara. Some drove for 2 hours to have their opinions and feelings heard. The discussions were riveting and moving. It was fascinating to hear their views on the causes of youth and violence from young people themselves. Family was the focus. More than anything, these students see a strong home environment as the key to happier, better adjusted children and reduced violence.

Young people need to rely on their parents. They need to be able to communicate with their family members. They also cited peer and academic pressures, violence in the media, socioeconomic circumstances and discrimination as root causes of youth violence. Drugs and alcohol are also seen as contributing factors. Gun safety issues and gang pressures are certainly a part of their lives.

We discussed a range of solutions from metal detectors to school counseling to hot lines to recreational programs. Students raised the idea of having closed campuses on their high schools, limiting the ability of students to leave the building throughout the day. I was astounded to hear that some of the students do not think that closed campuses are realistic because they are too crowded.

One described his high school which houses 3100 students although it was built for 1800. I had not really thought of the school construction efforts here in Congress as being linked to school violence, but these students showed me that that link is very much a reality.

In more emotional moments we heard from a brave young woman who talked about her personal and triumphant battle with drugs, a habit which had been spurred on by the drug use and addiction of her parents. Another young woman recounted the fatal stabbing of her boyfriend on school grounds. She spoke with the deceased young man's mother sitting close by her side.

These are stories that we in Congress must hear and keep with us as we sort out our legislative options.

Madam Speaker, it is time for us to start listening to the students. Their insight can help us to understand the roots of today's violence and what we can do to help them stop it. I am so pleased that I will be able to welcome Cheyrl Villapania from El Puente High School in Santa Barbara, Stacie Pollock from Righetti High School in Santa Maria, and Brandon Tuman from Arroyo Grande High School in San Luis Obispo County. They are going to travel across the country next week to attend our conference, and I also commend their chaperone, Raquel Lopez, from Girls Incorporated in Santa Barbara. These capable young people will be the eyes and ears of our Youth Advisory Council here in Washington D.C. They will bring the concerns of the young people from the 22nd District of California to the conference and then report back to our youth and to our community on what they have accomplished. I am proud of them for taking the initiative, for making their voices heard on issues that are important to them, important to us all.

As important as our work here is in the capital, we know that the real work of reducing violence that surrounds our young people is going to come from within the communities themselves. Voices Against Violence conference is an excellent step in the right direction. I commend the gentleman from Missouri (Mr. GEPHARDT) and his staff for their leadership in organizing this conference. I look forward to welcoming to the capital next week students from the central coast of California and from around the country.

HATE CRIMES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 5 minutes.

Mr. BLUMENAUER. Madam Speaker, I rise today in support of the Hate Crime Prevention Act, and I strongly urge the Commerce-State-Justice conferees to include this important legislation in their conference report.

Since I was first elected to Congress, I have been focusing on the issues of livable communities, how we can create better partnerships between the Federal Government, State and local governments, private business and individual citizens to make our communities more livable. This means, in sum, communities that are safe, healthy and economically secure. If people are not safe from discrimination, the community is definitely not livable.

I have been a strong supporter of anti-discrimination efforts throughout my public service career. As a member of the Oregon State House of Representatives way back in 1973 I had an eye opening experience when I had the opportunity to chair the legislature's first hearing on the issue of gay rights. The Hate Crimes Prevention Act is an excellent opportunity for the Federal Government to continue a trend over the last 50 years of moving aggressively to deal with issues of anti-discrimination.

Since 1969, the Federal Government has had the ability to prosecute hate crimes if that crime was motivated by bias based on race, religion, national origin or color and if that victim was attempting to exercise a federally protected right. The law has, in fact, proven to be a valuable tool in the fight against hate crimes, but unfortunately these hate crimes are still a part of the American landscape, and sometimes the language of the current federal statute is simply too narrowly drawn. The Hate Crimes Prevention Act would make a critical amendment to the law, removing the requirement that the activity be, quote, federally protected and adds sexual orientation, gender and disability as covered categories.

As I said, there are still hate crimes among us. In 1997 there were over 8,000 that were reported.

I have had the opportunity to witness firsthand that there are real faces attached to those statistics. One of the most searing experiences in our community occurred about 10 years ago when three Ethiopian immigrants were attacked in my hometown of Portland, Oregon, one beaten to death solely because of the color of their skin. I think our hearts all went out to the families of the victims, but there were more victims than the immediate family.

Sadly I was acquainted with a family of one of the people, the skin heads, who were convicted of that murder, a young man who will spend the rest of his life behind bars, tearing up his family, and indeed the whole community was touched with the awful knowledge that something of that nature could occur in our midst.

If we can send clear signals that hate crimes are not acceptable, we can do more than just convict those who are guilty. If with these strong signals we can prevent these horrible crimes from happening in the first place, we will be making our communities more livable.

I hope that my colleagues will join in the cosponsorship of the Hate Crime Prevention Act and that they will all prevail upon the conferees of Commerce-State-Justice to move this important process forward by including the legislation in the conference report.

GOOD NEWS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Madam Speaker, I want to share with my colleagues and those who are watching in their offices some incredibly good news that appeared yesterday in many newspapers around the country, USA Today, many of the national newspapers. I know the St. Paul Pioneer Press back in my State carried the story, but it is incredibly good news, and I would like to read just the first paragraph or so.

It says something symbolically enormous may have happened today. The Congressional Budget Office announced that the government may have balanced the budget in fiscal year 1999. Now that is the one we just completed October 1 without spending Social Security money.

□ 1845

It goes on to say, if so, it would be the first time that that has happened since 1960 when Dwight Eisenhower was President, gentlemen sported fedoras, and women wore fox stoles.

Madam Speaker, this is incredibly good news for all generations. In fact, there were some other things that happened. To put this in perspective, the last time the Federal Government actually balanced the budget without using the Social Security trust funds, Elvis was just getting out of the army and going back to recording. The television show Bonanza was just going on the air. Apples sold for 18 cents a pound. The French company introduced the Renault Dalphine to the American market for about $1,400 per automobile. The minimum wage was $1, and some may even remember that Bill Mazeroski hit a home run in the bottom of the ninth to power the Pittsburgh Pirates to a world series win over the New York Yankees. I might add, and this is what really got my attention, the last time that the Congress and the Federal Government balanced the budget without using Social Security Trust Fund money, the last time that happened was 11 years before Congressman Paul Ryan was born. That really puts this into perspective. This has been a long time. In fact, I would like to say that we have been wandering in the wilderness of growing deficits for 40 years and finally, we have crossed the River Jordan, and I hope that we will not turn back.

Let me just show my colleagues another chart. This is what the Congressional Budget Office told us when I came here just five years ago in 1995. I was elected in 1994. But what they were saying was that in 1994, the Congress borrowed $57 billion from the Social Security Trust Fund, and then it went to $69 billion and then to $73 billion and then to $78 billion, and they were projecting that had the Congress had not gotten serious about controlling the growth in Federal spending and actually balancing the budget, they were projecting by this year we would be borrowing at least $90 billion from the Social Security trust fund. Again I say, this is good news.

Now, we are in a great budget debate right now with the White House in terms of whether or not we are going to continue on this path. Are we going to balance the budget? Are we going to steal from Social Security? Are we going to raise taxes? In order to get what we think needs to be done in terms of balancing the budget without using Social Security, we really only have three choices. We can raise taxes, and of course the President was out today saying that we need to raise taxes. In fact, he is proposing a tax on cigarettes. Now, I am not a fan of cigarettes, I do not smoke cigarettes, I wish no one smoked cigarettes. But the truth of the matter is that when we raise taxes on cigarettes, it is a very regressive tax. We know who ends up paying those taxes. It generally is people who can least afford to pay additional taxes.

The second option is to steal from Social Security. We have said that is not acceptable. The Democrats here in Congress have said that is not acceptable, and the White House has said that that is not acceptable. But that really leaves us with only one choice and that is to cut spending. We think that the fairest thing would be to cut spending across the board, all departments throughout the Federal bureaucracy. Some people say, well, that cannot be done. We cannot make the Federal Government tighten its belt by one notch. Well, I think those of my colleagues who represent farm districts know that farmers are tightening their belts by not one notch, but by perhaps 10 or 15 notches. So asking the Federal bureaucracy to tighten its belt one notch we believe is fair, is responsible, it is doable, and I think anybody outside of the beltway would agree that there is more than enough fat in the Federal budget to tighten it one percent across the board to make certain that we balance the budget without raising taxes and without raiding the Social Security Trust Fund.

I also want to mention a couple of other things. The President is very quick to spend our money, whether it is in Kosovo or Bosnia or in other places around the world. A couple of days ago, the gentleman from California (Mr. CUNNINGHAM) told us that already his estimates were that the efforts in Bosnia and Kosovo have cost us nearly $16 billion. Now, we did not budget for that. We have had to find other ways to pay for those special expenditures. But balancing the budget without raising taxes and without raiding the Social Security Trust Fund is going to become more and more difficult if the President continues to run a 911 service without the help from our allies.

I would remind all of my colleagues that when President Bush led us into the Gulf War, he got our allies to help pay for it. As a matter of fact, under some of the accounting that I have seen that actually, the net cost to the taxpayers in the United States of the Gulf War was virtually nothing.

So Madam Speaker, I just want to reiterate what great news this is, that for the time, we have balanced the budget in fiscal year 1999 without using the Social Security Trust Fund, and I want to say that it is great news for all generations of Americans: for senior citizens, for baby boomers, and more importantly, for a brighter future for our kids. I hope we stay the course. Let us not raid the Social Security Trust Fund.

FORTY YEARS OF LIBERALISM LEAVES DISTRICT OF COLUMBIA IN SHAMBLES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MICA) is recognized for 5 minutes.

Mr. MICA. Madam Speaker, the House today and this week and for the next number of days will be engaged in a very important debate. That debate is really a totally partisan debate. It is a debate about those who want liberal, big government programs and liberal programs for our government, and then on the other side, there are folks that think that we have too much power, too much spending, too many programs in Washington and that the policy of some 40 years did not, in many instances, work.

This afternoon we had a debate about a policy relating to the District of Columbia. The President has vetoed the District of Columbia appropriations measure. Within that measure and that bill are provisions which would allow liberalization of drug policy for the District of Columbia. That is one of the things that is holding that measure up. Again, a contrast between a liberal policy, wanting to spend more money, and also a liberal drug policy for the District of Columbia versus a conservative approach.

Now, let me tell my colleagues, the other side of the aisle and the liberals tried for 40 years to deal with the District of Columbia, and under the Constitution of the United States, the Congress is charged with that responsibility, and we take that very seriously. Now, when I came to Congress, as I said earlier this afternoon, in 1993, the District of Columbia, after 40 years of liberal Democrat rule, was in shambles. The Nation's Capital was a disgrace. The murder rate exceeded anywhere in the Nation. The schools had the highest per capita and per student expenditures and costs and some of the lowest performances. The hospitals were a joke.

In fact, there was an article in the Washington Post that I have cited a number of times that said you could dial 911 for an emergency for EMS and The Washington Post said you could dial for a pizza and get the pizza served quicker than you could get the EMS in the District. This is what they brought to the Nation's Capital, what should have been the gem of the Nation turned into despair. They had 60,000 employees, almost one in 10 people in the District of Columbia were employed in this massive Federal bureaucracy created under again, liberal Democrat rule. The prisons, as I said, were in such bad shape that the new Republican majority has had to take over control of the prisons and basically disbanned Lorton. And again, deaths, and most of those deaths, drug-related in the District, were in the neighborhood of 500. They were killing them in scores.

Now, just in a few years, in less than five years, this new Republican majority has brought some of these programs under control. We have brought some meaningful reform. They had a job training program here I reported on in the District that spent millions and millions of dollars and not one person trained. We have gotten that program under control. The District was running a surplus, I believe it was two-thirds of a billion dollars; if we check the exact statistics, we will find it was in the hundreds of millions of dollars a year. This Republican Congress, in less than five years, has brought that budget under control. We had to institute a control board and policies to do that.

Now, we are engaged in the same debate about Social Security. Here are the folks that spent, for 40 years, Social Security, all the money in the trust fund, every penny in the trust fund, and on top of that added hundreds of billions of dollars of debt per year. They spent all of the money that should be in the trust fund. All that is in there now are certificates of indebtedness of the United States. And now they are telling us they want to fix it. They have the same liberal policies, liberal drug exchange policies.

I have cited before that Baltimore in 1996 had 39,000 drug addicts, a dramatic increase since they started that program. That is what they want here. And the latest statistics are it is close to 60,000, or one in eight of the population in Baltimore under this liberal policy of needle exchanges is now a drug addict in Baltimore. A disgrace. But they want to take their model and impose it on the District of Columbia.

I do not care if there are 1,000 vetoes by the President. This is our charge and this is our responsibility, and we should not let what happened in a liberal venue happen in our Nation's Capital.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GREEN of Texas (at the request of Mr. GEPHARDT) for today on account of official business.

Ms. CARSON (at the request of Mr. GEPHARDT) for today and the balance of the week on account of official business.

Mr. MCNULTY (at the request of Mr. GEPHARDT) for today and the balance of the week on account of personal business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. CAPPS) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Mr. TOWNS, for 5 minutes, today.

Mrs. CAPPS, for 5 minutes, today.

(The following Members (at the request of Mr. FOLEY) to revise and extend their remarks and include extraneous material:)

Mr. MORAN of Kansas, for 5 minutes, today.

Mr. METCALF, for 5 minutes, today.

Mr. KASICH, for 5 minutes, today.

Mr. NETHERCUTT, for 5 minutes, on October 15.

Mr. FOLEY, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, today.

Mr. MICA, for 5 minutes, today.

ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2561. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2000, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the committee on House Administration, reported that that committee did on the following date present to the President, for his approval, bills of the House of the following titles:

On October 13, 1999:

H.R. 560. To designate the Federal building and United States courthouse located at the intersection of Comercio and San Justo Streets, in San Juan, Puerto Rico, as the "Jose V. Toledo Federal Building and United States Courthouse".

H.R. 1906. Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2000, and for other purposes.

ADJOURNMENT

Mr. MICA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 57 minutes p.m.), under its previous order, the House adjourned until Monday October 18, 1999, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4772. A letter from the President and Chairman, Export-Import Bank, transmitting transaction involving U.S. exports to the Kingdom of Thailand; to the Committee on Banking and Financial Services.

4773. A letter from the Director, FDIC Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule—Management Official Interlocks (RIN: 3064–AC08) received October 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4774. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Acid Rain Program-Nitrogen Oxides Emission Reduction Program, Rule Revision in Response to Court Remand [FRL–6455–4] received October 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4775. A letter from the Assistant Bureau Chief, Management, Federal Communications Commission, transmitting the Commission's final rule—Direct Access to the INTELSAT System [IB Docket No. 98–192 File No. 60–SAT–ISP–97] received October 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4776. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

4777. A letter from the Auditor, Office of the District of Columbia, transmitting a report entitled, "Audit of the Public Service Commission Agency Fund for Fiscal Year 1997," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

4778. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Additions to the Procurement List—received October 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4779. A letter from the Auditor, Office of the District of Columbia, transmitting a report entitled, "Chronology of the Steps Through Which the Tentative Agreement Between the Washington Teachers Union AFT Local #6, AFL-CIO and the District of Columbia Public School Passed"; to the Committee on Government Reform.

4780. A letter from the Auditor, Office of the District of Columbia, transmitting a report entitled, "Auditor's Review of Unauthorized and Improper Transactions of ANC 7C's Chairperson"; to the Committee on Government Reform.

4781. A letter from the Chief, Endangered Species Division, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Sea Turtle Conservation; Restrictions Applicable to Shrimp Trawl Activities; Leatherback Conservation Zone [Docket No. 950427117-9138-08; I.D. 051999A] (RIN: 0648-AH97) received October 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4782. A letter from the Chief, Endangered Species Division, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Sea Turtle Conservation; Restrictions Applicable to Shrimp Trawl Activities; Leatherback Conservation Zone [Docket No. 950427117-9133-07; I.D. 051299D] (RIN: 0648-AH97) received October 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4783. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Final Rule; Recreational Measures for the 1999 Fisheries for the Summer Flounder, Scup, and Black Sea Bass Fisheries of the Northeastern United States (RIN: 0648-AL75) received October 12, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4784. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Endangered and Threatened Species; Threatened Status for Two Chinook Salmon Evolutionary Significant Units (ESUs) in California [Docket No. 990303060-9231-03; I.D. 022398C] (RIN: 0648-AM54) received October 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4785. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Pacific Coast Groundfish Fishery; Amendment 11 [Docket No. 990121026-9229-02; I.D. 112498A] (RIN: 0648-AL52) received October 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4786. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 727 Series Airplanes [Docket No. 98-NM-378-AD; Amendment 39-11340; AD 99-20-10] (RIN: 2120-AA64) received October 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4787. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 98-NM-277-AD; Amendment 39-11339; AD 99-20-09] (RIN: 2120-AA64) received October 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4788. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives Eurocopter France Model EC 120B Helicopters [Docket No. 99-SW-53-AD; Amendment 39-11343; AD 99-19-23] (RIN: 2120-AA64) received October 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4789. A letter from the Deputy General Counsel, Investment Division, Office of Capital Access, Small Business Administration, transmitting the Administration's final rule—Small Business Investment Companies—received October 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

4790. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—William & Helen Woodral v. Commissioner [112 T.C. 19(1999) Docket No. 6385-98] received October 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4791. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Appeals Customer Service Program [Announcement 99-98] received October 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4792. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Administrative, Procedural, and Miscellaneous [Rev. Proc. 99-39] received October 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4793. A letter from the Secretary of Health and Human Services, transmitting the annual report on participation, assignment, and extra billing in the Medicare program; jointly to the Committees on Ways and Means and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 2886. A bill to amend the Immigration and Nationality Act to provide that an adopted alien who is less than 18 years of age may be considered a child under such Act if adopted with or after a sibling who is a child under such Act (Rept. 106-383). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLILEY: Committee on Commerce. H.R. 486. A bill to amend the Communications Act of 1934 to require the Federal Communications Commission to preserve low-power television stations that provide community broadcasting, and for other purposes; with an amendment (Rept. 106-384). Referred to the Committee of the Whole House on the State of the Union.

Mr. GOODLING: Committee on Education and the Workforce. H.R. 1987. A bill to allow the recovery of attorneys' fees and costs by certain employers and labor organizations who are prevailing parties in proceedings brought against them by the National Labor Relations Board or by the Occupational Safety and Health Administration; with an amendment (Rept. 106-385). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SHUSTER (for himself and Mr. OBERSTAR):

H.R. 3072. A bill to provide for increased access to airports in the United Kingdom by United States air carriers, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JOHNSON of Connecticut (for herself, Mr. CARDIN, Mr. ENGLISH, Mr. LEWIS of Kentucky, Mr. MATSUI, Mr. FOLEY, Mr. MCCRERY, Mr. STARK, Mr. CAMP, Mr. JEFFERSON, Mr. COYNE, and Mr. THOMAS):

H.R. 3073. A bill to amend part A of title IV of the Social Security Act to provide for grants for projects designed to promote responsible fatherhood, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COOK:

H.R. 3074. A bill to repeal the Federal estate and gift taxes and the alternative minimum tax on individuals and corporations; to the Committee on Ways and Means.

By Mr. THOMAS (for himself, Mr. ARCHER, Mr. CRANE, Mr. SHAW, Mrs. JOHNSON of Connecticut, Mr. HOUGHTON, Mr. HERGER, Mr. MCCRERY, Mr. CAMP, Mr. RAMSTAD, Mr. NUSSLE, Mr. SAM JOHNSON of Texas, Ms. DUNN, Mr. COLLINS, Mr. PORTMAN, Mr. ENGLISH, Mr. WATKINS, Mr. HAYWORTH, Mr. WELLER, Mr. HULSHOF, Mr. MCINNIS, Mr. LEWIS of Kentucky, Mr. FOLEY, Mr. BLUNT, Mr. THUNE, Mr. RYAN of Wisconsin, Mr. HUTCHINSON, Mr. RILEY, Mr. PETERSON of Pennsylvania, Mr. LATHAM, Mr. STUMP, Mr. SMITH of Michigan, Mr. WALDEN of Oregon, Ms. DANNER, Mr. SWEENEY, Mr. HASTINGS of Washington, Mr. BACHUS, Mr. KOLBE, Mr. LATOURETTE, Mr. BASS, Mr. PICKERING, Mr. SHAYS, Mr. MORAN of Kansas, Mr. LUCAS of Oklahoma, and Ms. PRYCE of Ohio):

H.R. 3075. A bill to amend title XVIII of the Social Security Act to make corrections and refinements in the Medicare Program as revised by the Balanced Budget Act of 1997; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DEAL of Georgia (for himself, Mr. Bliley, Mr. Hunter, Mr. Lipinski, Mr. Traficant, Mr. Norwood, Mr. Rohrabacher, Mr. Bartlett of Maryland, and Mr. Collins):

H.R. 3076. A bill to provide for the assessment of civil penalties for aliens who illegally enter the United States and for persons smuggling aliens within the United States; to the Committee on the Judiciary.

By Mr. DOOLEY of California (for himself, Mr. Radanovich, Mr. Condit, and Mr. Thomas):

H.R. 3077. A bill to amend the Act that authorized construction of the San Luis Unit of the Central Valley Project, California, to facilitate water transfers in the Central Valley Project; to the Committee on Resources.

By Mr. FALEOMAVAEGA:

H.R. 3078. A bill to direct the Secretary of Commerce, acting through the National Marine Fisheries Service, to study the practice of shark finning in United States waters of the Central and Western Pacific Ocean and the effects that practice is having on shark populations in the Pacific Ocean; to the Committee on Resources.

By Ms. HOOLEY of Oregon:

H.R. 3079. A bill to direct the Secretary of Veterans Affairs to establish an outpatient clinic in Salem, Oregon; to the Committee on Veterans' Affairs.

By Mr. KILDEE (for himself, Mr. Kennedy of Rhode Island, Mr. George Miller of California, Mr. Udall of New Mexico, Mr. Hayworth, Mr. Pomeroy, and Mr. Kolbe):

H.R. 3080. A bill to amend the Indian Self-Determination and Education Assistance Act to direct the Secretary of the Interior to establish the American Indian Education Foundation, and for other purposes; to the Committee on Resources, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LAZIO (for himself, Mr. Condit, Mr. Shimkus, Mr. Cramer, Mr. Sherwood, Mr. Bishop, Mr. Weller, Ms. Hooley of Oregon, Mr. Pickering, and Mr. Peterson of Minnesota):

H.R. 3081. A bill to increase the Federal minimum wage and to amend the Internal Revenue Code of 1986 to provide tax benefits for small businesses, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RAMSTAD (for himself, Mr. Cardin, Mr. Crane, Mr. Foley, Mr. Herger, Mr. Houghton, Mrs. Johnson of Connecticut, Mr. Kleczka, Mr. Lewis of Kentucky, Mr. Luther, Mr. McCrery, Mr. McInnis, Mr. Portman, Mrs. Thurman, Mr. Watkins, and Mr. Weller):

H.R. 3082. A bill to amend the Internal Revenue Code of 1986 to prohibit certain allocations of S corporation stock held by an employee stock ownership plan; to the Committee on Ways and Means.

By Ms. SCHAKOWSKY (for herself, Ms. Jackson-Lee of Texas, Mrs. Morella, Mr. Capuano, Mr. Meeks of New York, Mr. McGovern, Mr. Berman, Mr. Waxman, Mr. Sanders, Mr. Weiner, Mr. Hinchey, Mr. Frost, Mr. Farr of California, Mr. Stupak, Mr. Leach, Ms. Berkley, Ms. Woolsey, Mr. Abercrombie, Ms. Eddie Bernice Johnson of Texas, Mr. Wynn, Mrs. Maloney of New York, Ms. Norton, Mrs. Mink of Hawaii, Ms. Slaughter, Ms. Millender-McDonald, Mrs. Capps, Ms. Lee, Mr. Towns, Ms. Brown of Florida, Mrs. Lowey, Mr. Green of Texas, Mr. McNulty, Mr. George Miller of California, Mr. Crowley, Ms. McKinney, Mr. Conyers, Mrs. Meek of Florida, Mr. Kind, and Ms. DeLauro):

H.R. 3083. A bill to amend the Immigration and Nationality Act to provide protection for battered immigrant women, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Ways and Means, Banking and Financial Services, Education and the Workforce, Agriculture, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHIMKUS (for himself, Mr. LaHood, Mr. Lipinski, Mr. Ewing, Mr. Weller, Ms. Schakowsky, Mr. Hyde, Mr. Evans, Mr. Davis of Illinois, Mr. Costello, Mr. Phelps, Mr. Gutierrez, Mr. Rush, Mr. Blagojevich, Mrs. Biggert, Mr. Porter, Mr. Manzullo, Mr. Hastert, Mr. Jackson of Illinois, and Mr. Crane):

H.R. 3084. A bill to authorize the Secretary of the Interior to contribute funds for the establishment of an interpretative center on the life and contributions of President Abraham Lincoln; to the Committee on Resources.

By Mr. TERRY (for himself and Mr. DeMint):

H.R. 3085. A bill to provide discretionary spending offsets for fiscal year 2000; to the Committee on Ways and Means, and in addition to the Committees on Agriculture, Transportation and Infrastructure, Resources, Commerce, Education and the Workforce, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. THURMAN (for herself and Mr. McDermott):

H.R. 3086. A bill to direct the Secretary of Health and Human Services to make changes in payment methodologies under the Medicare Program under title XVIII of the Social Security Act, and to provide for short-term coverage of outpatient prescription drugs to Medicare beneficiaries who lose drug coverage under Medicare+Choice plans; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEINER (for himself, Mr. Forbes, Ms. Slaughter, Mr. Walsh, Mr. Sweeney, Mrs. McCarthy of New York, Mrs. Lowey, and Mr. Nadler):

H.R. 3087. A bill to provide assistance to State and local forensic laboratories in analyzing DNA samples from convicted offenders, and for other purposes; to the Committee on the Judiciary.

By Mr. WELDON of Florida:

H.R. 3088. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide additional protections to victims of rape; to the Committee on the Judiciary.

By Mr. MORAN of Kansas (for himself and Mr. Hall of Texas):

H. Con. Res. 198. Concurrent resolution acknowledging and commemorating the service of Dwight D. Eisenhower as General of the Army and President of the United States; to the Committee on Government Reform.

By Mr. BARTON of Texas (for himself, Mr. Weldon of Florida, Mr. Stearns, Mrs. Myrick, Mr. Coburn, Mr. Mica, Mr. Burton of Indiana, and Mr. Peterson of Pennsylvania):

H. Res. 331. A resolution amending the Rules of the House of Representatives to provide for mandatory drug testing of Members, officers, and employees of the House of Representatives; to the Committee on Rules.

By Mr. GREEN of Wisconsin (for himself, Mr. Radanovich, Mr. Gilman, Mr. Vento, Mr. Smith of New Jersey, Mr. Kind, Mr. Rohrabacher, Mr. Hunter, and Mr. Cunningham):

H. Res. 332. resolution condemning the communist regime in Laos for its many human rights abuses, including its role in the abduction of United States citizens Houa Ly and Michael Vang; to the Committee on International Relations, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 21: Mr. Gordon, Mr. Vitter, Mrs. Biggert, and Mr. Manzullo.

H.R. 274: Mr. Baker, Mr. Watkins, and Mr. Goode.

H.R. 405: Mr. Scarborough.

H.R. 501: Mr. Owens.

H.R. 534: Mr. Kasich and Mr. Holden.

H.R. 583: Mr. Udall of New Mexico.

H.R. 664: Mr. Barcia and Mr. Wynn.

H.R. 701: Mr. Bilirakis, Mr. Portman, and Mr. Souder.

H.R. 710: Mr. Barr of Georgia, Mr. Kolbe, and Mr. Hoyer.

H.R. 721: Mr. Canady of Florida.

H.R. 732: Mr. LoBiondo.

H.R. 740: Ms. DeLauro.

H.R. 827: Mr. Becerra, Ms. Stabenow, Mr. Neal of Massachusetts, and Mr. Snyder.

H.R. 976: Mr. Turner.

H.R. 1046: Ms. Berkley.

H.R. 1067: Ms Granger.

H.R. 1071: Mr. Barcia and Mr. Gejdenson.

H.R. 1182: Mr. Dickey.

H.R. 1221: Mr. Deal of Georgia, Mrs. Lowey, and Mr. Bonior.

H.R. 1248: Mr. Hoyer, Mr. Udall of Colorado, Mr. Turner, and Mr. Burton of Indiana.

H.R. 1265: Mr. Hall of Texas.

H.R. 1274: Mr. Jackson of Illinois.

H.R. 1285: Mr. Andrews.

H.R. 1304: Mr. Fattah and Mr. Gibbons.

H.R. 1313: Mr. Gejdenson and Mr. Weiner.

H.R. 1336: Mr. Castle.

H.R. 1385: Mr. Green of Wisconsin.

H.R. 1413: Ms. Granger.

H.R. 1452: Mr. Calvert and Mr. Nadler.

H.R. 1606: Mr. Capuano.

H.R. 1621: Mr. Sabo.

H.R. 1634: Mr. Frost.

H.R. 1650: Mr. MASCARA and Mr. BASS.

H.R. 1689: Mr. TANCREDO.

H.R. 1693: Mr. LAMPSON.

H.R. 1771: Mr. HILL of Montana.

H.R. 1772: Mr. HILL of Montana.

H.R. 1776: Mr. WELDON of Pennsylvania and Mr. BONILLA.

H.R. 1795: Mr. COBLE, Mr. JONES of North Carolina, Mr. GONZALEZ, Mr. MCGOVERN, and Mr. MORAN of Virginia.

H.R. 1837: Mr. BARRETT of Wisconsin, Mr. HOSTETTLER, Ms. DANNER, Mr. WATKINS, Mr. HUTCHINSON, Mr. FLETCHER, and Mr. WELDON of Florida.

H.R. 1838: Mr. KING.

H.R. 1839: Mr. LIPINSKI.

H.R. 1918: Ms. ROS-LEHTINEN.

H.R. 1926: Mrs. FOWLER.

H.R. 1933: Mr. CALVERT and Mr. MANZULLO.

H.R. 1987: Mr. LARGENT, Mr. HILL of Montana, Mr. GOSS, Mr. DUNCAN, Mr. DELAY, and Mr. ARMEY.

H.R. 2059: Mr. MCGOVERN and Mr. HOYER.

H.R. 2066: Mr. DOOLEY of California, Mr. STUPAK, Mr. GEJDENSON, Mr. GANSKE, Mr. PRICE of North Carolina, and Mr. GUTKNECHT.

H.R. 2100: Mr. LAHOOD.

H.R. 2129: Mr. BILBRAY, Mr. HOBSON, Mr. BOEHNER, Mr. CHAMBLISS, and Mr. HASTINGS of Washington.

H.R. 2141: Mr. DIAZ-BALART, Mr. RANGEL, and Mr. PAUL.

H.R. 2162: Mr. SMITH of Michigan and Mr. PITTS.

H.R. 2200: Mr. DEFAZIO.

H.R. 2241: Mrs. LOWEY, Mr. SANDLIN, Mr. SHAYS, and Mr. BARR of Georgia.

H.R. 2244: Mr. BLUNT and Mr. HANSEN.

H.R. 2247: Mr. WATKINS.

H.R. 2260: Mr. BERRY.

H.R. 2266: Mr. PHELPS.

H.R. 2300: Mr. OXLEY.

H.R. 2316: Ms. NORTON.

H.R. 2319: Mr. DEMINT, Ms. LOFGREN, and Mr. BARCIA.

H.R. 2341: Mr. BERRY, Mr. OXLEY, Mr. WU, Mr. PORTER, Mr. HOEFFEL, Mrs. MALONEY of New York, Mrs. CUBIN, Mr. HAYWORTH, Mr. FOLEY, Mr. JEFFERSON, Mr. CAMP, Ms. SLAUGHTER, Mrs. THURMAN, Mr. ORTIZ, Mr. SAWYER, Mr. PORTMAN, and Mr. SCOTT.

H.R. 2366: Mr. WATKINS.

H.R. 2387: Mr. BARCIA.

H.R. 2500: Mr. HINCHEY.

H.R. 2534: Mr. PHELPS.

H.R. 2551: Mr. LEACH, Mr. HUNTER, Mr. MCINTYRE, Mr. TIAHRT, and Mr. LATHAM.

H.R. 2554: Mr. BARCIA.

H.R. 2569: Mr. MENENDEZ, Mr. LEWIS of Georgia, Ms. MCCARTHY of Missouri, and Mr. PAYNE.

H.R. 2595: Mr. VISCLOSKY.

H.R. 2627: Mr. ROTHMAN.

H.R. 2631: Mr. FROST and Mr. GOODE.

H.R. 2719: Mr. RANGEL.

H.R. 2722: Mr. GREEN of Texas.

H.R. 2726: Mr. KUYKENDALL, Mr. STUMP, Mr. EDWARDS, Mr. ROGAN, Mr. WICKER, Mr. PICKERING, and Mr. BARCIA.

H.R. 2738: Ms. BALDWIN and Mr. HALL of Ohio.

H.R. 2744: Mr. VITTER, Mr. RAHALL, Mr. VISCLOSKY, Mr. MOLLOHAN, Mr. STARK, Mr. BALDACCI, and Mr. BORSKI.

H.R. 2749: Mr. WATKINS.

H.R. 2774: Mr. ANDREWS.

H.R. 2776: Mr. MCGOVERN.

H.R. 2785: Mr. MCCOLLUM and Mr. STEARNS.

H.R. 2790: Mr. UNDERWOOD and Mr. WYNN.

H.R. 2819: Mr. LARSON and Mr. UNDERWOOD.

H.R. 2824: Mr. GOODLATTE.

H.R. 2870: Mr. NEAL of Massachusetts and Mr. SKELTON.

H.R. 2907: Mrs. MINK of Hawaii.

H.R. 2933: Mr. UNDERWOOD AND MR. PHELPS.

H.R. 2934: Mr. PHELPS.

H.R. 2953: Mr. COOK, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. HOUGHTON.

H.R. 2956: Mr. WEXLER, Ms. MCKINNEY, and Mr. NEAL of Massachusetts.

H.R. 2991: Mr. BISHOP, Mr. GUTKNECHT, Mr. HERGER, Mr. COOK, Mr. SANDLIN, Mr. BONILLA, Mr. GOODLATTE, and Mr. HILL of Montana.

H.R. 2995: Mr. MCHUGH, Mr. MCNULTY, Mr. RILEY, and Mr. WELDON of Florida.

H.R. 3012: Mr. COBURN, Mr. SESSIONS, Mr. CHAMBLISS, Mr. SHIMKUS, Mr. SHAYS, and Mr. TANCREDO.

H.R. 3034: Mr. MICA and Mr. KNOLLENBERG.

H.J. Res. 46: Mr. EVANS, Mrs. JONES of Ohio, Mr. SAXTON, Mr. RODRIGUEZ, Ms. LEE, Mrs. MEEK of Florida, Mr. MARTINEZ, Mr. HASTINGS of Florida, Mr. NADLER, Ms. RIVERS, Ms. DELAURO, Mr. BECERRA, Ms. CARSON, Ms. WOOLSEY, Mr. KUYKENDALL, Mr. MEEKS of New York, Ms. MCKINNEY, Mr. HAYWORTH, Ms. SANCHEZ, Ms. BROWN of Florida, Mr. LEVIN, Mr. JACKSON of Illinois and Mr. PICKETT.

H.J. Res. 56: Mr. CROWLEY.

H. Con. Res. 30: Mr. SMITH of Texas.

H. Con. Res. 62: Mr. VENTO.

H. Con. Res. 89: Mr. DINGELL, Mr. LINDER, Mr. KLECZKA, and Mr. PASCRELL.

H. Con. Res. 120: Mr. DREIER.

H. Con. Res. 166: Mr. SCHAFFER.

H. Res. 82: Mr. KUCINICH.

H. Res. 285: Mr. ANDREWS.

H. Res. 298: Mr. MCINTYRE, Ms. CARSON, Mr. HOLT, Ms. NORTON, Mr. DIXON, Mr. LUTHER, Mr. LUCAS of Kentucky, Mrs. CAPPS, Mr. HOSTETTLER, Mr. BARTLETT of Maryland, and Ms. MCCARTHY of Missouri.

H. Res. 325: Mr. COOK, Mr. CAPUANO, and Mr. HOUGHTON.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1275: Mr. COBURN.

H.R. 1304: Mr. COBURN.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 5 by Mr. RANGEL on House Resolution 240: James A. Traficant, Jr.

Petition 6, October 5, 1999, by Mr. BONIOR on House Resolution 301: Neil Abercrombie and Collin C. Peterson.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 3037

OFFERED BY: MR. PAUL

AMENDMENT NO. 1: Page 52, line 3, after each of the dollar amounts, insert the following: "(increased by $25,000,000)".

Page 72, line 17, after the dollar amount, insert the following: "(reduced by $30,000,000)".

SENATE—*Thursday, October 14, 1999*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by Father Chad Hatfield, All Saints Orthodox Church, Salina, KS.

PRAYER

The guest Chaplain, Father Chad Hatfield, offered the following prayer:

Let us pray to the Lord.

O Lord, grant to the Members of this Senate peace in the coming day, helping them do all things in accordance with Your holy will. In every hour of this day, reveal Your will to them. Bless their dealings with one another. Teach them to treat all that comes to them throughout the day with peace of soul and the firm conviction that Your will governs all. In all their deeds and words, guide their thoughts and their feelings. In unforeseen events, let them not forget that all are sent by You. Teach every Member of this solemn assembly to act firmly and wisely without embittering and embarrassing others. Give them strength to bear the fatigue of the coming day with all that it shall bring. Direct them, teaching them to pray. And, Yourself, pray in all of us. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SAM BROWNBACK, a Senator from the State of Kansas, led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Alaska.

Mr. STEVENS. I thank the Chair.

Before making opening remarks, I yield to Senator BROWNBACK for such remarks he wishes to make.

Mr. BROWNBACK. I thank the Senator.

FATHER CHAD HATFIELD

Mr. BROWNBACK. I rise to thank Father Chad Hatfield of the All Saints Orthodox Church, Salina, KS, for his encouraging words. Today, it is appropriate to honor this man of God by describing his service to the people of Kansas.

Father Hatfield has served faithfully in the ministry for over 20 years and is presently the senior pastor of an Eastern Orthodox congregation. Before settling in Kansas, he lived in several places including South Africa during far more difficult days. His duties included ministering as well as editing a South African theological journal. He became an ordained Orthodox priest in January 1994, after several years in the Episcopal Church.

He is a respected theologian, as well as a man of deep faith whose talent lies in pointing people to a relationship with God. He is known for his special events for those exploring Christian Orthodoxy, and many in his congregation are new converts because of his witness.

I hope my words capture his strength and wisdom. This is a man who has dedicated himself to the people of his parish, not because it was his job but because they are his flock. His is the work of opening Godly mysteries, while serving the needs of those in his community. He is a servant to those in trouble involving the persecuted church overseas, youth violence at home, reducing teen pregnancy, preserving marriages, and helping promote such projects as Faith Works of Kansas which links needy families with churches to help people get back on their feet. His is the work of a true shepherd, and it is work which surely will remain.

The Bible says in Psalm 119:105, "Thy word is a lamp to my feet and a light to my path." Mr. President, I hope you join me in thanking Father Hatfield for his prayer and lighting our path for this day.

I thank the Chair and I yield the floor.

SCHEDULE

Mr. STEVENS. Mr. President, on behalf of the majority leader, I wish to announce that today the Senate will debate the Defense appropriations conference report for 1 hour. By previous consent, that vote will be postponed to occur at 4 p.m. this afternoon. For the remainder of the day, the Senate will debate the campaign finance reform bill with amendments expected to be offered. Senators who intend to offer amendments are encouraged to work with the bill managers to schedule a time for debate on their amendments. Further, Senators can expect votes throughout the day. The Senate may also consider any other conference reports available for action.

The distinguished majority leader thanks all Senators for their cooperation on this day. It will be a difficult day.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2000—CONFERENCE REPORT

The PRESIDING OFFICER. The Senate will now proceed to the consideration of the conference report accompanying H.R. 2561, which the clerk will report.

The bill clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill, H.R. 2561, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of October 8, 1999.)

The PRESIDING OFFICER. Under the previous order, there will now be 50 minutes of debate equally divided, with an additional 10 minutes under the control of the Senator from Arizona, Mr. MCCAIN.

The Senator from Alaska.

Mr. STEVENS. Mr. President, yesterday the House passed the conference report which is before the Senate which accompanies H.R. 2561, which is the fiscal year 2000 Department of Defense Appropriations Act. It passed by a vote of 372-55. All 17 Senate conferees signed this conference report which Senator INOUYE and I present to the Senate today.

This conference report reflects nearly 4 weeks of discussions and negotiations with the House committee. The conference report before the Senate is consistent with the bill passed by the Senate in June and the armed services conference report passed recently and signed by the President.

In most areas, we established a compromise figure between the House and Senate levels.

The excellent work undertaken by the Armed Services Committee provided an essential roadmap and guide for the work of our conference on most major programs.

The first priority of our conference was to ensure adequate funding for military personnel, including the 4.8-percent pay raise for the fiscal year 2000. Funding was also provided to implement the restoration of full retirement benefits for military personnel

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

and new retention and enlistment bonuses to attract and retain military personnel.

The conferees worked to increase needed spending for military readiness and quality of life priorities. More than $1 billion has been added to the President's request for operation and maintenance in the Department of Defense to make certain the Armed Forces are prepared to meet any challenge to our Nation's security.

The conferees faced wide gaps between modernization programs advocated by the House and Senate. This is the first year of many years we have had such major disagreements.

The Senate sustained the Department's request for several multiyear procurement initiatives which included the Apache, the Javelin, the F-18, C-17, and the M-1 tank. I am pleased to report each of these are included in the conference report before the Senate today. Those multiyear contracts, in our opinion, do give us better procurement at a lower cost.

The Senate included funds to meet the Marine Corps commandant's foremost priority, the LHD-8 amphibious assault ship. There is $375 million provided for that vessel at the authorized level.

Considerable media attention was focused on the action by the House to delete all procurement funding for the F-22. Consistent with the decision in the defense authorization bill, Senate conferees insisted that adequate funding be appropriated for the F-22.

Also, legislative authority was provided to execute the existing fixed-price contract for the first eight preproduction aircraft.

The conference outcome provides funds to sustain the F-22 program at the proposed production rates, with full advanced procurement for the 10 aircraft planned for the fiscal year 2001.

Legislative restrictions on those funds do mandate that during the fiscal year 2000, the Department meet its planned review thresholds. We are confident that will take place.

Language concerning the fiscal year 2001 contract awards by necessity will have to be reconsidered as part of the fiscal year 2001 bill, as this act does not govern appropriations after September 30 of next year.

The most important research and development program supported in this act is the national missile defense effort. The successful intercept test last week validates the work since 1983 to build and deploy an effective national missile defense system.

This conference report before the Senate allocates an additional $117 million from the 1999 omnibus bill to keep this program on track and to accelerate deployment as soon as practical.

The bill also provides funding for the Third Arrow Battery to assist our ally, Israel, in meeting its security needs. When the committee reported the defense bill to the Senate in May, Congress had just passed an $11 billion supplemental bill to meet the costs of the conflict in Kosovo.

As a result of the exceptional performance of our air and naval forces during that campaign, hostilities ended months earlier than projected in the supplemental bill. That effort afforded the Senate the option to apply those funds from the supplemental bill appropriated for Kosovo to meet the fiscal year 2000 defense needs. This bill utilized $3.1 billion in Kosovo carryover funds as it left the Senate. Based on extensive consultation with the Department of Defense, the conferees agreed to apply $1.6 billion of that sum to meet vital readiness and munitions needs for the fiscal year 2000.

Finally, the bill includes two new general provisions that place new maximum averages on defense contract payments. These provisions do not reduce in any way the amount the Department will pay to meet its obligations but does change the maximum number of days by which such payments must be made.

The Department must remain fully compliant with the Prompt Payment Act, and nothing was done in this act to extend payments beyond current legal limits.

As I have observed over the past 5 years, the work of presenting this bill and the conference report now before the Senate reflects a total partnership between myself and my great friend, the distinguished Senator from Hawaii. His wisdom, perseverance, and steadfast determination to work for the welfare of the men and women of our Armed Forces and the military preparedness of our Nation assured the nonpartisan result of this conference.

This bill also contains a provision to commence the formation of a commission to find a suitable national memorial to our former President, the distinguished general of the Army, President Eisenhower. I urge all Members become familiar with that process. It very much follows the commission that was established for a similar memorial to President Franklin Delano Roosevelt.

Following the statement of my good friend from Hawaii, to whom I now yield, I shall urge adoption of the conference report.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I rise this morning to add my support to H.R. 2561, the Department of Defense Appropriations Act for fiscal year 2000. I believe the conference report presents an agreement that is very much in keeping with the bill that passed the Senate and I would encourage all my colleagues to support it.

This was a tough conference. That is an understatement. The recommendations of the House and the Senate were different in many areas. Both sides felt strongly about their respective views. As noted by my chairman, nowhere was this more evident than in the case of the F-22. For that reason, and because of the importance of this program, I would like to spend a few minutes discussing the situation facing the conferees and the final outcome.

For 16 years, the Air Force has been researching and developing a new generation air superiority aircraft, called the F-22. The administration's budget request called for the aircraft to enter production in fiscal year 2000.

The House was divided in its view on this matter. The Defense authorization bill, as passed by the House and the conference agreement which followed, supported the program without adjustment. The House Appropriations Committee took a different view.

The committee recommended, and the House concurred in the Defense appropriations bill, that production should be "paused" for at least 1 year to allow for additional testing. The House eliminated all production funding for the program—an amount in excess of $1.8 billion—and reallocated these funds to other programs. Many of these were very meritorious, but they were lower priority in the view of the Defense Department.

The Senate fully supported the F-22 as requested and authorized. In conference, the House was adamant that production should not begin this year. The Senate understood the House's desire for additional testing on the program, but pointed out repeatedly that there was nothing in the initial phases of this program that would warrant slowing it down to await additional testing. In addition, the Senate voted that a pause would be very costly. Contracts would have to be renegotiated. Subcontractors expecting to begin production would have to stop work on the project. Restarting it would be costly even if the pause were only to last 1 year.

The F-22 is a highly sophisticated new aircraft with revolutionary capabilities. Those facts are not in dispute. But, these capabilities make it a very expensive program. The Senate conferees were concerned additional costs caused by delays would be so large as to force the Defense Department to cut or even cancel the program. It is ironic that after 16 years just when we are ready to begin production that some would now argue it was time to slow down the program. The differences between the two bodies were so strongly felt that it was extremely difficult to reach an agreement.

Finally, our chairman, acting with the advice of the leadership of the Defense Department, crafted a compromise that all parties embraced. The compromise provides $1.3 billion for the F-22. I for one would like to have seen more provided for this program, but that was the maximum to which the House would agree.

We have been told by the Air Force that this sum is sufficient to allow for the program to stay on track in the coming year. The conferees understand that the funds will be merged with other research and development funding to allow the Air Force to purchase another six F-22 aircraft as planned. It will also allow the Air Force to buy materials to produce 10 additional aircraft in fiscal year 2001.

There is language in the agreement that requires the Air Force to get approval from the Defense Acquisition Board before proceeding to purchase these aircraft. There is also language that would require the Air Force to complete certain testing before it purchases aircraft in 2001. However, that language, as noted by our chairman, would not have any effect until after the expiration of this act.

The conferees believe the Air Force should conduct adequate testing of the aircraft before it goes into full rate production. The precise level of that testing is an issue to be reexamined at a later date.

The Senate owes a debt of gratitude—a great debt of gratitude—to our chairman, Senator STEVENS. This was a tough conference. Our chairman was up to the task of defending the positions of the Senate. At the same time, he was most respectful of the views of the House. He worked tirelessly to try to reach an accommodation on this, as well as hundreds of other items.

A second matter that requires clarification is the overall spending in this bill. The Senate bill provided $264.7 billion in budget authority, with the estimated outlays of $255.4 billion. The House bill was nearly $4 billion higher.

In conference, the Senate agreed to increase the spending by $3.1 billion in budget authority and $200 million in outlays. The conferees also agreed to label $7.2 billion in budget authority as emergency spending. In so doing, the committee was able to reallocate $4.1 billion more than the original Senate allocation and $8.1 billion more than the House allocation for other discretionary domestic programs.

Many have stated that this bill is more than $17 billion above the amount recommended in fiscal year 1999. However, it should be noted that the Congress added $16.6 billion for Kosovo, Bosnia, and other emergency requirements in fiscal year 1999 that are not included in that calculation.

In comparing "apples to apples," this bill is a little over $1 billion more than provided in fiscal year 1999. I, for one, would argue that this increase is very modest for the coming year. Especially when one realizes we have provided funding for an expanded pay raise, an enhanced retirement system, and additional target pay increases for many members of the military, this increase is very modest, indeed.

This is a good conference report. While one can find one or two things one might not support, on balance I believe it is a good compromise package. So I most respectfully urge all my colleagues to support it.

In closing, I would like to give a word of commendation for two members who are not Members of the Senate, but we think they are members of our family: Steve Cortese and, this man, Charlie Houy. So, Mr. President, with the help of these two special staff members, we were able to craft this agreement we present today.

I yield the floor.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I understand under the unanimous-consent agreement I have 10 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. MCCAIN. Mr. President, I voted in support of the Defense authorization bill for the fiscal year that began earlier this month. I would have liked to have been able to similarly support the Defense appropriations bill. Unfortunately, the unconscionable and noncredible budgeting procedures that are used in this bill are too pervasive, the level of wasteful spending of taxpayer dollars is too irresponsible for me to acquiesce in passage of this legislation.

I look at this bill that is larded with earmarks and set-asides for powerful defense contractors, influential local groups and officials, and with other parochial interests. One can understand the distrust with which the average citizen views the Federal government. The use of gimmicks and budgetary subterfuge simply deepens the gulf that exists between those of us who toil within the confines of the Beltway, and Americans across the Nation who see large portions of their paychecks diverted by Congress for purposes they often do not support.

What kind of message are we sending American business men and women, especially the small businesses most affected by telling the Department of Defense to purposely delay paying its bills? When the Department of Defense fails to pay contractors on time, those contractors often have to tell their suppliers, subcontractors, and employees that they will have to wait for their check. The trickle-down effect is felt most by the employees and their families whose budgets often can't absorb a delay of a week in getting a paycheck, much less the 29-day delay mandated by this bill.

This provision simply pushes off until the next fiscal year the bills that come due in the last month of this fiscal year. Does anyone in this body believe that it will be any easier next year to live within the budget caps? It will be more difficult because, by approving this gimmick, we are spending $2 billion of next year's available funding. In fact, we already pushed another $6 billion into the next fiscal year by "forward funding" programs in the Labor-HHS Appropriations bill. In total, we will have already spent $8 billion out of next year's budget cap before taking up a single fiscal year 2001 appropriations bill.

And how can we explain the categorization of $2.7 billion for normal, predictable operations, training, and maintenance funding as "emergency" spending? Obviously, ongoing operations around the world cost money, as does necessary training as well as maintaining the admittedly bloated infrastructure of the Department of Defense. None of this should come as a surprise to the appropriators, and thus, in my view, cannot be justified as "emergency" spending, other than as a clear manifestation of an effort to evade budget caps.

This $7.2 billion will come straight out of the budget surplus that the Congress promised just a few months ago to return to the American taxpayers. Together with the ever-increasing $8.7 billion in "emergency" farm aid—some of which is admittedly justifiable—we will have already spent the entire non-Social Security surplus, and even a few billion of the Social Security Trust Fund. How can we vote—not once but four times—to put a "lockbox" on the Social Security surplus and then turn right around and spend it without blinking an eye?

At the same time, we are funding ships and aircraft and research programs that were not requested by the military, and in fact do not even appear on the ever-expanding Unfunded Requirements Lists, the integrity of which have been thoroughly undermined by pressures from this body.

Mr. President, this bill includes $6.4 billion in low-priority, wasteful spending not subject to the kind of deliberative, competitive process that we should demand of all items in spending bills. Six billion dollars—more than ever before in any defense bill in the 13 years I have been in this body.

Argue all you want about the merits of individual programs that were added at the request of interested Members. At the end of the day, there is over $6 billion worth of pork in a defense spending bill at the same time we are struggling with myriad readiness and modernization problems. No credible budget process can withstand such abuse indefinitely and still retain the level of legitimacy needed to properly represent the interests of the Nation as a whole.

The ingenuity of the appropriators never ceases to amaze me. In this defense bill, we are spending money on unrequested research and development projects like the $3 million for advanced food service technology and on activities totally unrelated to national defense, such as the $8 million in the budget for Puget Sound Naval Shipyard Resource Preservation.

These items are representative of the bulk of the pork-barrel spending that is inserted into spending bills for parochial reasons: hundreds of small items or activities totaling hundreds of millions of dollars. Combine them with the big-ticket items in the bill—like the 11 Blackhawk helicopters at a cost of over $100 million; the $375 million in long-lead funding for another amphibious assault ship; and the $275 million for F-15 aircraft above the $263 million in the budget request—and you have a major investment in special interest goodwill at the expense of broader national security considerations. Two of these programs, the amphibious assault ship and the Blackhawk helicopters, are specifically mentioned in the Secretary of Defense's letter to the chairmen of the Senate and House Appropriations Committees as diverting funds from "Much higher priority needs * * *"

How long are we going to continue to acquiesce in the forced acquisition of security locks just because they are manufactured in the state that was represented by a very powerful former member of this body? Making a bad situation worse, we have extended the requirement that one particular company's product be purchased for government-owned facilities to also include the contractors that serve them, and earmarked another $10 million for that purpose. What's next? Are we going to mandate that these locks be used for the bicycles of children of defense contractors?

Another distasteful budget sleight of hand was the addition of 15 military construction projects totaling $92 million that were neither requested nor authorized. The Appropriations Conference took care of that, however. These projects are both authorized and fully funded in the Conference Report, calling into question the relevance of the defense authorizing committees in the House of Representatives and the Senate.

As someone who is concerned that the Navy, by design, will lack the means of supporting ground forces ashore with high-volume, high-impact naval gunfire for at least another 10 years, I am more than a little taken aback that the California delegation has placed a higher priority on accumulating tourist dollars than on preserving one of the last two battleships in the fleet. The $3 million earmarked for relocating the U.S.S. *Iowa* represents a particularly pernicious episode of giving higher priority to bringing home the bacon than to national security interests. Simplistic platitudes regarding the age of these ships aside, no one can deny that they continue to represent one of the most capable non-nuclear platforms in the arsenal. But, yes, they do make fine museums.

Also discouraging is the growing use of domestic source restrictions on the acquisition of defense items. The Defense Appropriations Conference Report is replete with so-called "Buy American" restrictions, every one of which serves solely to protect businesses from competition. The use of protectionist legislation to insulate domestic industry from competition not only deprives the American consumer of the best product at the lowest price, it deprives the American taxpayer of the best value for his or her tax dollar. It undermines alliance relations while we are encouraging friendly countries to "buy American." As Secretary Cohen stated, such restrictions "undermine DoD's ability to procure the best systems at the least cost and to advance highly beneficial armaments cooperation with our allies."

Mr. President, our military personnel will not fail to notice that, while we are spending inordinate amounts of money on programs and activities not requested by the armed forces, we rejected a proposal to get 12,000 military families off food stamps. That is not a message with which I wish to be associated. This bill appropriates $2.5 million, at the insistence of the opposition of the House, not one penny to get the children of military personnel currently on food stamps off of them. The cost of the provision I sponsored in the defense authorization bill was $6 million per year to permanently remove 10,000 military families from the food stamp rolls. Yet those who fought hard to defeat that measure have no problem finding hundreds of millions of dollars to take care of businesses important to their districts and campaigns.

This conference report represents everything those of us in the majority were supposed to be against. We weren't supposed to be the party that, when it came to power, would abuse the Congressional power of the purse because we couldn't restrain ourselves from bowing to the special interests that ask us to spend billions of dollars on projects that benefit them, not the nation as a whole.

We were supposed to be the pro-defense party, the party that gave highest priority to ensuring our national security and the readiness of our Armed Forces. We weren't supposed to be the party that wastes $6.4 billion on low-priority, wasteful, and unnecessary spending of scarce defense resources.

Our Armed Forces are the best in the world, but there is much that must be done to complete their restructuring, retraining, and re-equipping to meet the challenges of the future. I support a larger defense budget but I know that, if we eliminate pork-barrel spending from the defense budget, we can modernize our military without adding to the overall budget. Every year, Congress earmarks about $4 to 6 billion for wasteful, unnecessary, and low-priority projects that do little or nothing to support our military. Because Congress refuses to allow unneeded bases to be closed, the Pentagon wastes another $7 billion per year to maintain this excess infrastructure. If we privatized or consolidated support and depot maintenance activities, we could save $2 billion every year. And if we eliminated the anti-competitive "Buy America" provisions from law, we could save another $5.5 billion every year on defense contracts. Altogether, these common-sense proposals would free up over $20 billion every year in the defense budget that could be used to provide adequate pay and ensure appropriate quality of life for our military personnel and their families; pay for needed training and modern equipment for our forces; and pay for other high-priority defense needs, like an effective national missile defense system.

Instead, the Congress continues to squander scarce defense dollars, while nearly 12,000 of the men and women who protect our nation's security, and their families, must subsist on food stamps. It is a national disgrace.

Moral indignation serves little practical purpose in the Halls of Congress. In the end, we are what we are: politicians more concerned with parochial matters than with broader considerations of national security and fiscal responsibility. I do not like voting against the bill that funds the Department of Defense, not while we have pilots patrolling the skies over Iraq and troops enforcing the peace on the Korean peninsula and in such places as Bosnia, Kosovo and even East Timor.

However, I cannot support this defense bill. It is so full of wasteful spending and smoke and mirrors gimmickry that what good lies within is overwhelmed by the bad. It wastes billions of dollars on unnecessary programs, while revitalizing discredited budgeting practices. Those of us in the majority correctly rejected the Administration's ill-considered attempt to incrementally fund military construction projects—but now we are proceeding to institutionalize budgeting practices that warrant even greater contempt.

I strongly urge my colleagues to vote against this bill.

Mr. President, the list of add-ons, increases, and earmarks that total $6.4 billion, can be found on my web site.

I yield the remainder of my time.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER (Mr. FRIST). The Senator from Alaska.

Mr. STEVENS. Mr. President, I know of nothing in this bill that deals with the food stamp issue. I don't understand the remarks of the Senator from Arizona. There is a 4.8 percent pay raise in this bill. We did exceed the President's request for the purpose of trying to make certain that all members of the armed services have sufficient funds with which to live. I know of no issue in this bill that deals with food stamps for service people. There are people in the service who are eligible for food stamps because of their own economic circumstances. That is very unfortunate. We are trying to work out a system whereby that will not happen. One of the ways to do that is to continue to increase the pay so they are comparable with people in the private sector and the jobs that they perform.

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I yield time to the Senator from Florida, Mr. GRAHAM.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GRAHAM. I thank the Chair.

Mr. President, I rise to speak, as I did yesterday, on the latest appropriations conference report. Yesterday I expressed my concern about the Agriculture conference report, which contained within it $8.7 billion of designated emergency spending. Adding that $8.7 billion to $7 billion, which has previously been designated as an emergency, we have now spent almost $16 billion of the $21 billion that was originally estimated to be available as the non-Social Security surplus.

We are clearly on the path of exhausting the non-Social Security surplus in a series of incremental decisions, without focusing on how we might use this opportunity of significant surplus for fundamental national policy issues. This legislation contains an additional expenditure of emergency funds in the amount of $7.2 billion. With the adoption of this conference report, we will have fully exhausted the non-Social Security surplus and probably will also begin to lap into the Social Security surplus.

Mr. President, there was an interesting quotation in the press within the last 2 weeks by a leading figure in the German Government in 1991. He talked about missed opportunities and said that Germany, in 1991, as part of reunification, had a national opportunity to deal with some of their fundamental problems which would have built a stronger nation for the 21st century. But he went on to say: We promised the nation we could do reunification without pain; therefore, we were unable or unwilling to ask the country to take those steps that would have built a stronger Germany for the 21st century.

I regretfully say that I believe we are "in 1991"; we are not in Germany, we are in the United States of America, and we are missing a similar opportunity to take some important steps that will strengthen our Nation, for precisely the same reason: We are unwilling to tell the American people the truth of what we are about, what the consequences are in terms of missed opportunities, and we are attempting to hide all of this under a cascading number of gimmicks and unique accounting. In my judgment, this Defense appropriations conference report adds to that book another significant chapter which will make it more difficult for us to deal with Social Security solvency, Medicare reform, and debt reduction—three priority issues challenging America.

What are some of the items in this Defense appropriations bill that raise those concerns? I have mentioned $7.2 billion listed as an emergency. What are the emergencies? Things such as routine operation and maintenance. Since the Bush administration, we have operated under a definition of what an emergency is which states that an emergency shall be "spending which is necessary, sudden, urgent, unforeseen, and not permanent." Those five standards were developed by President Bush, not the current administration. Those are the five standards to which this Congress has adhered. How can anyone declare that operation and maintenance in the Department of Defense is not permanent, is unforeseen, and is a sudden and urgent condition?

Beyond that, we are also slowing payments to contractors in order to move $1.2 billion of those costs out of the fiscal year in which we are currently operating into fiscal year 2001. We are advance appropriating $1.8 billion for the same purpose. We are offsetting $2.6 billion of this bill's cost by assuming the same level of proceeds from spectrum auction sales. This bill relies upon a direction that has been given to CBO to change the manner in which CBO estimates outlays so that $10.5 billion will occur after fiscal year 2000.

I am about to leave for a meeting of the Finance Committee, and there is going to be an effort made there to overturn a congressional statute by directing the administration, through the Department of Health and Human Services, to change the method by which Medicare providers are compensated in order to increase spending to those providers by an excess of $5 billion—a violation of congressional statute, a timidity of Congress to deal with changing that statute, with the consequence that we are going to take over $5 billion off budget but directly out of Social Security surplus.

So I regret, as my colleague from Arizona did, I will have to vote "no" on this legislation. But while recognizing the extreme importance of the national defense that is funded through this legislation, I believe it is also important that we exercise fiscal discipline and that we not commit ourselves to a pattern of accounting and budgetary devices which obscures the reality of what we are doing, which denies us the opportunity of surplus to build a stronger America for the 21st century, and which I think fails to face the reality of what our long-term commitments are going to have to be to secure our national defense.

So I regret my inability to support this legislation. I hope this will be a brief period in our American fiscal policy history and that before we complete the calendar year 1999, we will have an opportunity to revisit these issues with that higher standard of directness to the American people and a greater sense of importance of our protecting this rare period of fiscal strength and surplus, and we have to assure that America deals with its priorities as we enter the 21st century.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. While the Senator from Florida is here, I want to point out that we did use the spectrum concept in this bill. It was the administration that recommended that approach to the Congress, and we decided to use it in this bill.

Regarding the comments made both by the Senator from Florida and the Senator from Arizona about the payment schedule set forth in this bill, Congress had previously required the Department of Defense to pay sooner than required by the Prompt Payment Act. We have not reduced the amount of payments to be made to defense contractors; we have not changed, in any way, the contracts between those contractors and the United States. All we have said is the Department of Defense does not have to pay earlier than required by the Prompt Payment Act. It was the mandate to pay earlier that was causing a scoring problem, as far as the Department of Defense activities are concerned.

As a practical matter, what this does is deal with the average number of days within which payments are required under defense contracts. There is no reduction in the amount of money that would be spent, and there is no acceleration or deceleration of the rate at which it is to be spent; there is just no mandate that they have to pay sooner than is required by the Prompt Payment Act. Under the circumstances, we have not varied the amount of money that would be spent for these contracts within fiscal year 2000; we have just not mandated that they be spent sooner than would otherwise be required by normal, sound business practices.

Having done so, we are dealing with the scoring mechanisms that apply to this bill, not how the payments are made to contractors. I do believe that the comments that have been made concerning the scoring mechanisms under this bill do not recognize the fact that it is extremely necessary for us to pursue ways in which we can assure the moneys are available to the Department of Defense, notwithstanding the extraordinary burdens we faced in this subcommittee on defense coming from the increased activities in South Korea, increased activities in the Persian Gulf, permanent personnel stationed in both Kuwait and Saudi Arabia, from the activities in Bosnia—and we still have forces in Bosnia, and now in Kosovo; we have permanent forces now in Kosovo. All of those forces and activities have required enormous funding. We still have forces in Haiti.

Under the circumstances, all of these extraordinary burdens on the Department of Defense require us to find ways in which we can assure money is there for modernization, maintenance, for increased pay to our people, and for assuring that we will continue with the research and development necessary to assure that this Nation will have a viable Department of Defense in the next century.

I do not deny that there are things in here with which people could disagree. I only wish they had tried to understand them. I would be perfectly willing to have any of them visit with us any time if they can show us that we have underfunded the Department of Defense. We have adequately funded the Department of Defense, and that was our intention. It was our intention to use every possible legal mechanism available to us to assure that there is more money available for the Department of Defense in the coming year in view of the strains that we have on the whole system because of these contingencies that we have financed in the past 3 to 4 years.

This has been an extraordinary period for the Department of Defense. I can think of only one instance where we received a request from the administration to budget for those extraordinary expenses. We have had to find the money, we found the money, and we have kept the Department of Defense funded.

I, for one, want to thank my good friend from Hawaii for his extraordinary friendship and capability in helping on that job. I say without any fear of being challenged on this, I would challenge any other two Members of the Senate to find ways to do this better than the two of us have done it.

I, without any question, recommend this bill to the Senate. Those who wish to vote against it, of course, have the right to do so. But a vote against this bill is a vote to not fund the Department of Defense properly in the coming year. If you want to nitpick this bill, you can.

The process of putting it together was the most extraordinary process I have gone through in 31 years. I don't want to go through a conference like that again. And I assure the Senate that we will not.

COMMERCIAL SATELLITE IMAGERY AND GROUND STATIONS TO THE U.S. MILITARY

Mr. BURNS. Can the Senator from Michigan discuss the importance of this bill regarding commercial satellite imagery and ground stations to U.S. military?

Mr. ABRAHAM. The funding provided in this bill for Eagle Vision mobile ground stations enables reception of additional commercial high-resolution satellite imagery sources and is critical to supporting our military forces in peace time and in war. The currently deployed system has proven its worth in U.S. military activities in Bosnia and Kosovo. It has helped our pilots better prepare for critical missions, while providing an extra measure of safety and security for our fighting men and women as they head into harm's way.

Mr. BURNS. I have heard that the National Reconnaissance Office has recently completed an improved mobile ground station. I believe that it was built for receiving high-resolution commercial satellite imagery, such as the recently launched Ikonos satellite that is owned by Space Imaging. Is that correct?

Mr. ABRAHAM. Yes. The most recently deployed Eagle Vision II mobile ground station has been fielded by the National Reconnaissance Office for use by the U.S. Army. It is a much improved system with even greater capability than the original Eagle Vision System built in 1995. Its enhanced mobility ensures rapid deployment and survivability, which is critical in meeting the current threats facing our military around the world. I am proud that a company from my state (ERIM International) has been the leader in developing and building this Eagle Vision mobile ground station capability.

The funding in this bill has been sought and provided to ensure that additional Eagle Vision systems will be built with state-of-the art mobile capabilities to meet the critical imagery needs of our warfighters in the future. This is an outstanding example of how American firms can effectively work in partnership with the U.S. military to provide state-of-the-art technology to protect our men and women in uniform.

Mr. BURNS. I thank the Senator from Michigan.

SECTION 8160

Mr. WARNER. Mr. President, I want to congratulate my dear friend, Chairman STEVENS, and the ranking member of the Appropriations Committee, Senator BYRD, for bringing to the floor a conference report that I know was reached through very difficult negotiations.

There is no doubt that the conference on the Fiscal Year 2000 Defense Appropriations Bill was the most contentious in recent history. As the Chairman of the Armed Services Committee, I am aware of the difficult decisions that had to be made to reach a consensus with the House, and I will vote in favor of the conference report.

Despite my over all support of this conference report, I must point out one provision in the bill that is fraught with danger. That provision is section 8160 which states: "Not withstanding any other provision of law, all military construction projects for which funds were appropriated in Public Law 106–52 are hereby authorized." As all my colleagues are aware the Armed Services Committee has original jurisdiction for military construction and authorizes for appropriations each military construction project. In fact, the law requires that each military construction and military family housing construction project be both authorized and appropriated. The projects authorized in this conference report were not authorized in either the Senate or House Authorization Bills. The act of authorizing military construction projects in this conference report has a profound impact on the legislative process.

Senator STEVENS and I work closely in developing our respective bills. We have directed our staffs to share information and resolve differences in the bills before the Senate considers them. In fact, Chairman STEVENS commented in his floor statement on the Fiscal Year 2000 Defense Appropriations Bill that his bill mirrors closely the actions of the Armed Services Committee. This conference report is not consistent with that cooperation. It usurps the jurisdiction of the Armed Services Committee and may set a terrible precedent.

While the rules of the Senate do not allow us to correct this in this bill, I trust that Chairman STEVENS will acknowledge the jurisdiction of the Armed Services Committee over these matters and provide us his assurance that this conference report does not set a precedent and that military construction and military family housing projects will not be authorized in future appropriations bills.

Mr. STEVENS. Mr. President, I understand Senator WARNER's concerns and appreciate his support for the conference report. As the distinguished Chairman of the Armed Services Committee indicated, this was a very difficult conference. In order to assure the Senate's position on the most important national security issues, we agreed to other provisions that the Senate conferees would normally oppose. I assure my colleague that I respect the jurisdiction of the Armed Services Committee in these matters. I agreed to authorize the military construction projects only because it was necessary to reach a final agreement. In my view, these actions do not set any precedent for future actions on appropriations bills. It is my hope and intention that this will not happen again in the future.

Mr. WARNER. I appreciate the assurance of my colleague and thank him for addressing this matter.

SECTION 8008

Ms. SNOWE. Mr. President, the National Defense Authorization Act for FY 2000 contains a provision allowing the Navy to apply up to $190 million in FY 2000 advanced procurement funding to the DDG-51 multiyear procurement contracts renewed by Section 122 of the same legislation.

Are my colleagues, the Chairman of the Appropriations Committee, the Majority Leader, and the senior Senator from Mississippi, aware of any provision of the FY 2000 Defense Appropriations Conference Report that conflicts with Section 122 of the FY 2000 National Defense Authorization Act?

Mr. STEVENS. Mr. President, I can tell the senior Senator from Maine that no provisions of the FY 2000 Defense Appropriations Conference Report conflict with the DDG-51 multiyear procurement contracts extension or the $190 million DDG-51 FY 2000 advance procurement provisions of Section 122 of the National Defense Authorization Act.

Mr. LOTT. Mr. President, I appreciate the efforts of the senior Senator from Maine initiating this colloquy, and I concur with the statement of the Chairman of the Appropriations Committee.

Mr. COCHRAN. Mr. President, I fully support the interpretation of my colleagues from Maine, Alaska, and Mississippi. The Navy has cost-effectively produced the DDG-51 destroyer program under a very successful multiyear procurement, and no provision of the Conference Report conflicts with Section 122 of the National Defense Authorization Act for Fiscal Year 2000.

Ms. SNOWE. I thank my colleagues for joining me in clarifying this critical shipbuilding matter.

INDIA/PAKISTAN SANCTIONS WAIVER

Mr. ROBERTS. Mr. President, I take this opportunity to thank Chairman STEVENS for his outstanding leadership during the long hours of debate leading to passage of the FY 2000 Defense appropriations bill. I especially thank the chairman for supporting Title IX of the act which permanently grants the President waiver authority over sanctions imposed on India and Pakistan. American business, workers, and farmers appreciate your efforts on this important economic and foreign policy provision.

Mr. STEVENS. Mr. President, I am very pleased this conference report provides the President permanent, comprehensive authority to waive, with respect to India and Pakistan, the application of any sanction contained in section 101 or 102 of the arms Export Control Act, section 2(b)(4) of the Export-Import Bank Act of 1945, or Section 620E(e) of the Foreign Assistance Act of 1961, as amended. This authority provides needed tools for the United States to be in a position to waive sanctions as developments may warrant in the coming months and years.

DIGITAL MAMMOGRAPHY

Mr. BENNETT. Mr. President, I commend Senator STEVENS for his work on the Defense Appropriations bill, and will support the passage of this legislation. Before the final vote, I would like to get some clarification on the Defense Health Science program that is funded in this bill. In the conference report, the Secretary of Defense in conjunction with the Surgeons General is to establish a process to select medical research projects. I see that a number of possibilities are listed in the bill. Is it the Senator's intent that the Secretary of Defense and the service Surgeons General will consider the programs listed in the conference report?

Mr. STEVENS. The Senator is correct.

Mr. BENNETT. One of the projects listed is digital mammography technology development. Advancing second generation imaging technology has the potential of increasing efficiency, reliability and lower costs, but would not be considered basic research. However, it seems appropriate that this type of project be reviewed. Is it the intent of the committee that this type of research and development program be included in the selection process?

Mr. STEVENS. Since the Secretary and Surgeons General are charged with setting up a peer reviewed process, it is up to them to determine the specifics of the selection process. However, the Senator is correct that many health benefits are a result from technology development. I expect adjustments in the peer review process could be made, as appropriate, to delineate between basic research or technology development programs to account for differences as long as projects are in keeping with the "clear scientific merit and relevance to military health" requirement set forth in the report.

Mr. BENNETT. I thank the chairman for the clarification, and for his efforts to address military health issues.

Mr. CLELAND. Mr. President, I will vote for the Defense Appropriations Conference Report because there is much in it that I strongly support, especially including funding for the essential pay and benefit improvements for our service men and women which had been created by the Defense Authorization bill. I will also cast an affirmative vote as a measure of my admiration and respect for the fine work done by the Senate conferees, who were ably led by the distinguished senior Senator from Alaska and the distinguished senior Senator from Hawaii. Without the hard work of Senator STEVENS and Senator INOUYE I would likely have had to oppose the final product of the conference.

The reason for my concern, and for my reluctant support for the Defense Appropriations Conference Report, is that, because of the adamant position of the House conferees, the conference report, in my judgment, seriously hampers the rational and cost-effective development and production of the Pentagon's highest-priority new weapons system, the F-22 aircraft. The slowdown in production will undoubtedly result in increased costs and the House conferees indeed have indicated that the final production level will likely have to be reduced to well below the currently planned 339 aircraft which would precipitously drive up the unit costs. The F-22, which has been under development for 16 years and has received close and ongoing testing and Congressional oversight, is absolutely critical to maintaining our air superiority into the 21st Century.

Once again, I would like to thank Senators STEVENS and INOUYE for producing the best result for the F-22 that could be obtained, given the position of the House. While the compromise is an impediment to the F-22 program, it is not fatal, and with some extra effort, plus some shifting of Air Force funding, the delays and higher costs can be minimized. Nonetheless, I think all Members of the Senate, especially the 56 other Senators who joined with Senator COVERDELL and me in writing to the conferees in support of the Senate's position on the F-22, must be on notice that we will face another, and perhaps even tougher, fight on the future of the F-22 next year and beyond.

In closing, I want to note that the work on this Defense Appropriations bill, and the preceding Defense Authorization bill has been marked by bipartisanship and pragmatism, resulting in the kind of national consensus and resolve which is perhaps the single biggest factor undergirding a nation's security. Unfortunately, this stands in stark contrast to what we saw yesterday, with the near-party line vote rejecting the Comprehensive Test Ban. I believe both parties bear some of the blame for that most unfortunate outcome. What I want to say today is that, beyond the Test Ban Treaty, beyond any specific dispute in national security policy, we in this body, as well as those in the House, and in the Executive Branch must, I repeat must, work to repair the partisan breach, and begin to recreate a bipartisan consensus on national security policy. I have some ideas along those lines which I will be sharing with my colleagues in the days ahead, but I think we can all take a lesson from the cooperative efforts of Senators STEVENS and INOUYE who have achieved that objective in the critical area of Defense Appropriations.

Mrs. BOXER. Mr. President, I oppose the large increase in defense spending called for under the fiscal year 2000 Department of Defense Appropriations bill. The final conference report increases defense spending by $17.3 billion over last year's bill—$7.2 billion of which is declared as emergency spending and will come straight out of the surplus. At a time when Congress is slashing many important domestic programs, I cannot support an increase of this magnitude.

I do, however, want to express my strong support for the many good provisions that were included in this legislation. This bill includes funding for a needed pay raise of 4.8 percent for our military men and women and targeted bonuses to enhance recruitment and retention efforts. I was also pleased to see that the bill restores full retirement benefits for our personnel.

Nevertheless, I think it would have been possible to include these important provisions without substantially increasing the defense budget. The Department of Defense need only to look within to find these savings.

In January, the General Accounting Office found that auditors could not match about $22 billion in signed checks with corresponding obligations; $9 billion in known military materials and supplies were unaccounted for; and contractors received $19 million in overpayments. In April, a GAO study found that the Navy does not effectively control its in-transit inventory and has placed enormous amounts of inventory at risk of undetected theft or misplacement. For fiscal years 1996–98, the Navy reported that it had lost over $3 billion in in-transit inventory, including some classified and sensitive items such as aircraft guided missile launchers, night-vision devices, and communications equipment.

This bill also includes many unneeded items. In an effort to provide some fiscal responsibility to the defense budget, I offered an amendment to this bill that would have denied the Air Force the ability to lease six leather-seated Gulfstream executive jets for the regional commanders in chief (CINCs). Even though the military has hundreds of operational support aircraft, the main argument against my amendment was that leasing the Gulfstream jets would be cheaper than purchasing the jet favored by the CINC's—the more expensive Boeing 737s.

However, the final conference report not only includes the authority to lease Gulfstream jets, it also includes a $63 million Boeing 737 for the CINC of the Central Command. A recent article in Defense Week provides the details on how this unrequested jet was added to the bill.

Mr. President, I ask unanimous consent that this article be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mrs. BOXER. Mr. President, our men and women in the armed forces do a great job. From Kosovo to Korea, they prove that they are the best fighting force in the world. They deserve the pay raise and other important benefits that they have earned.

However, I cannot support the irresponsible spending that is included in this legislation and it is with regret that I must vote against it.

EXHIBIT 1

SIDESTEPPING BOSSES, FOUR STAR GENERAL LOBBIED FOR JETLINER

(By John Donnelly)

The U.S. commander in the Middle East recently went over the heads of his Pentagon bosses by persuading a key lawmaker to buy the military a $63 million jetliner which the Pentagon not only didn't request but explicitly opposed; Defense Week has learned.

On several occasions over the last year, Marine Corps Gen. Anthony Zinni told Rep. John Murtha (D–Pa.) how U.S. Central Command needs a new, bigger aircraft to replace the aging EC–135 that now ferries Zinni and his staff between their Tampa, Fla., headquarters and places such as Saudi Arabia and Pakistan, according to Murtha's spokesman and several congressional aides.

As a result, Murtha—the top Democrat on the House Appropriations Committee's defense panel and, like Zinni, a Marine—made sure money for a new Boeing 737–300 ER was inserted in the fiscal 2000 funding bill the House passed last July, Murtha's spokesman, Brad Clemenson, confirmed.

A four-star's advocacy of his command's needs, and a congressman's generosity, may not be scandalous. In fact, Zinni will have retired before the new plane arrives; and the aircraft arguably may be needed. But the incident illustrates one way the Pentagon's budget bloats: a general personally lobbying for money—in this case one of the biggest boosts to this year's Air Force procurement request—to buy a jet his employers had already said costs too much.

No 737 for any commander was in the Senate-passed appropriations bill or either the House- or Senate-passed authorization bills. This month, a House-Senate conference is scheduled to reconcile the two appropriations measures and decide whether to buy the 737.

Zinni's spokesman said the general did not ask for the 737, but only recounted his requirements in response to congressional queries. But that picture of a passive Zinni contrasts with those painted by numerous House officials, including Clemenson, Murtha's spokesman.

"Zinni did ask for the help, and Mr. Murtha was supportive of the request . . .," Clemenson said. "I don't know if he asked specifically for [a 737–300 ER], but he asked for help."

In the form of a bigger support aircraft? "Yes."

By sharp contrast, last March, Deputy Secretary of Defense John Hamre and Vice Chairman of the Joint Chiefs of Staff Air Force Gen. Joseph Ralston, in a study for Congress, said a Gulfstream V executive jet, not a 737, is "the single aircraft most capable of performing the CINC [Commander in Chief of unified combatant commands] support role at significantly reduced costs. . . ."

The Joint Staff study conceded that Boeing 737–300 ERs alone meet all the commanders' payload requirements, as the chiefs themselves state them. But the report advocated the Gulfstream V, designated C–37A, because the 737s cost twice as much.

"However," the study said, "on a one-for-one basis, the estimated 20-year total ownership cost . . . for the 737–300 ER is about double that of the C–37A."

If a commander needs a bigger airplane, the Joint Staff said, then one can be provided from "other DoD resources."

What's more, the Pentagon's Hamre told Defense Week last May how, in internal budget battles, he had fought hard to overcome the regional commanders' desire for jets larger than Gulfstreams to replace their aging fleet of nine aircraft, mostly Boeing 707s. Hamre said he had to convince the 10 generals and admirals (including the boss of the U.N. command in Korea) that the Gulfstream Vs were adequate.

"The CINCs aren't happy they have to live with a 12-passenger aircraft," Hamre said of the Gulfstream Vs. Most of the 707s the CINCs now fly seat 45. By comparison, the 737–300 can fit up to 128 passengers, depending on the configuration.

"I'll be honest," Hamre said. "It was hard pulling this off. We said [of the Gulfstream, or G–V]: 'That's good enough: It can get you to the theater, it can get you back and you'll be in constant communication with your battle staff.' So we sent up a report this spring saying the right answer is a G–V."

Having lost the battle inside the Pentagon, Zinni appears to have sought to win it on Murtha's House panel. If Zinni made a similar case to the other three defense committees, he wasn't successful. If other commanders waged a similar campaign on Capitol Hill, no word of it has emerged.

RESPONSE TO QUERY

Lt. Cdr. Ernest Duplessis, a spokesman for the U.S. Central Command chief, or CINCCENT, said: "Gen. Zinni never made a request for a 737 or any specific aircraft. Nor did he ask to have his own individually assigned aircraft. Rather, he provided his requirements when asked. . . .

"Gen Zinni has said he would accept the Gulfstream V with noted reservations about the suitability of the plane to the CINCCENT mission," Duplessis said. "His shortfalls were identified in response to questions from the House Appropriations Committee." Duplessis declined to name any lawmakers involved.

However, several congressional aides said that, if Murtha asked Zinni questions, they were likely to have originated as broad queries about overall needs, not questions about CINC-support aircraft. They said Murtha almost certainly didn't ask Zinni out of the blue if Zinni would like a new airplane.

According to Clemenson, last Christmas Eve Murtha and Zinni discussed U.S. Central Command's purported need for a larger support aircraft with Secretary of Defense William Cohen during a flight home from Saudi Arabia. In addition, aides said Zinni and Murtha also talked about it last February during a "courtesy call" Zinni paid to Murtha's office just prior to the general's annual testimony before the House defense-spending panel.

"It's something that's been talked about in a number of contexts for a number of years here," Clemenson said.

Regardless of how the subject first came up, Zinni's portrait of the shortfalls of the Gulfstream Vs and the advantages of a larger aircraft ran counter to the Pentagon's hard-fought policy favoring Gulfstream Vs for the commanders, whatever their personal misgivings.

NOT A STATED PRIORITY

The Joint Staff recommendation in favor of Gulfstreams came after the fiscal 2000 budget request went to Congress in February. The request contained no Gulfstreams, let alone 737s.

Nor were Gulfstreams or 737s included on any of this year's lists of "unfunded requirements," sometimes called wish lists—programs not in the budget request but ones that the service chiefs consider important.

Both the budget request and the wish lists are supposed to include the top requirements of chiefs such as Zinni, though some say the lists don't always include all key needs.

Nonetheless, Zinni and Murtha believe the U.S. Central Command chief, based at MacDill AFB, Fla., has a unique requirement for a large aircraft to replace the current EC–135, which is a 1962 airplane. The CINCENT must travel 8,000 miles to his conflict-ridden theater and must have the communications gear, staff and combat equipment to be able to perform a "full contingency operation," Duplessis said. To avoid delays, the aircraft must be able to make it that distance without landing to refuel.

The Senate-passed defense-appropriations bill, though it did not fund Gulfstreams or 737s, did give the Air Force legislative authority to lease, not buy, support aircraft, which the Air Force has said means six Gulfstreams.

However, even the plan to lease the smaller, cheaper Gulfstreams triggered a controversy on Capitol Hill.

Several lawmakers have criticized the purchase or lease of luxury jets for four-stars while, at the same time, many in uniform subsist on food stamps, aircraft are short on spare parts and other needs go unmet.

In addition, some in Congress point out that the military already has hundreds of domestic "operational support aircraft," which the General Accounting Office in 1995 said exceed actual needs. In addition to the CINC fleet, the Air Force alone has 11 Gulfstreams, three 727–100s, two 747s, four 757s and 70 Learjets. The other services have their own, smaller fleets. The GAO said the services do not share these assets effectively.

Rep. Peter DeFazio (D–Ore.) believes some of these stateside aircraft, if not needed domestically, should be provided to the CINCs. If a plane's range is not sufficient for intercontinental flight, he says, it should be sold to corporate executives to finance the purchase of any new, larger jets for the four-stars.

Sen. Tom Harkin (D–Iowa), a member of the Senate Appropriations Committee's defense panel, told Defense Week recently that the need for the existing fleet must be demonstrated before Congress signs up for new aircraft, whether Gulfstreams or 737s.

"Before buying these jets, Congress needs to get a lot more information as to the military's requirements for executive aircraft," he said.

Mr. FEINGOLD. Mr. President, I rise today to voice my strong opposition to the fiscal year 2000 Department of Defense Appropriations conference report.

Back in June, I lamented the Senate's unwillingness to scrutinize the Pentagon's profligate spending. During the Senate's debate of the DoD appropriations bill, we had exactly two amendments worthy of extensive debate. Two amendments, Mr. President. Here we have a defense policy that perpetuates a cold war mentality into the 21st century, and the Senate gave the Defense Department a pass.

Now we come to the conference report. I took some satisfaction from the F–22 drama that played out in conference, but the final act was rather predictable. Other than the F–22 program, however, did anyone question the Pentagon's continuing failure to adapt its priorities to the post-cold-war era? Clearly not.

And who is left to pay for this $268 billion debacle? Who else but the American taxpayers.

The Senate debated recently the wisdom of using across-the-board spending cuts as a budget tool.

This conference report is the best argument against that strategy. We need look no further than this bill to find billions of dollars in wasteful spending that could be cut to avoid reductions in programs that are truly justified—including Defense Department programs.

As we did last year, we are again in danger of breaking the spending caps agreed to in 1997, and as the distinguished Chairman of the Appropriations Committee was reported to have said, military spending will be the force that breaks them.

This bloated bill contains billions of dollars in spending that is simply unjustified. It spends even more than was requested by the Pentagon, a level that was already too high.

Let me take just one example—the tactical aircraft programs.

My opinion on the Navy's F/A–18E/F program is well known. I have not been shy about highlighting the program's myriad flaws, not least of which are its inflated cost with respect to its capabilities.

I have to admit, though, that the Super Hornet program can claim to build on a solid foundation, in the form of the reliable, cost-effective Hornet. The Air Force's F–22 program, on the other hand, is a brand new program. It is the most expensive fighter aircraft in the history of the world and arguably the most complex, yet it completed just 4 percent, or about 183 hours, of its flight test program before the Pentagon approved $651 million in production money. The completed flight test hours were about a quarter of the Air Force's own guidelines. In comparison, the F–15 flew for 975 hours before a production contract award; the F–16 for 1,115 hours; and even the much-flawed Super Hornet had 779 flight test hours before a production contract was awarded. Let me remind my colleagues that the flight test program hasn't even tested the aircraft's much-touted stealth or its electronics capabilities.

My primary concern with this program is its cost. This cold war anachronism will cost about $200 million a copy. Add this program's cost to the E/F and the Joint Strike Fighter, and we have a $340 billion fiscal nightmare on our hands. We cannot afford this. CBO knows it; GAO knows it; the CATO Institute knows it; the Brookings Institution knows it. The Congress, however, cannot seem to figure it out.

I know that some folks will talk about how this conference report puts the program under greater scrutiny and that it delays the aircraft's production, but let's be honest. Barring the discovery, and admission, of some enormous flaw, this conference report holds off the inevitable for just a year. This report postpones production of the Air Force's F–22 fighter plane until April 2001, but refrains from eliminating the program, as was done by the House.

The report provides $1.9 billion to purchase up to six planes, under the scope of research and development and testing and evaluation. It even spends $277 for advanced procurement. That is something. The program is supposed to be under a microscope, but we still put up more than a quarter of a billion dollars for advanced procurement. If that is not a clear indication of the plane's future, I do not know what is. And just to cover both ends, the report establishes a $300 million reserve fund to cover any liabilities the Air Force might incur as a result of terminating the program's contracts. That's an awfully generous insurance policy given the trouble we're going through to fund other important programs, like veterans health care and education.

As long as we are talking about money, I would like to take this opportunity to Call the Bankroll on the money that has poured into the coffers of candidates and political party committees from the defense contractors who have mounted a huge campaign to keep the F–22 alive.

First, we have defense contracting giant Lockheed Martin, the primary developer of the F–22. Lockheed Martin gave nearly $300,000 in soft money and more than $1 million in PAC money in the last election cycle.

During that same period, Boeing, one of the chief developers and producers of the F–22's airframe, gave more than $335,000 in soft money to the parties and more than $850,000 in PAC money to candidates.

Then there are the subcontractors for the F–22, who account for more than half the total dollar value of the project.

Four of the most important subcontractors, according to the F–22's own literature, are TRW, Raytheon, Hughes Electronics and Northrop Grumman.

And I guess it should come as little surprise to us to find that these major subcontractors also happened to be major political donors in the last election cycle.

Raytheon tops this list with nearly $220,000 in soft money and more than $465,000 in PAC money.

Northrop Grumman gave more than $100,000 in soft money to the parties and more than $450,000 in PAC money to candidates.

Hughes gave nearly $145,000 in PAC money during 1997 and 1998, and last but not least, TRW gave close to $200,000 in soft money and more than $235,000 in PAC money.

The F-22 program, and TacAir in general, highlights the Defense Department's flawed weapons modernization strategy. And today I Call the Bankroll to highlight how the corrupt campaign finance system encourages that flawed strategy—by creating an endless money chase that asks this body to put the interests of a few wealthy donors ahead of the best interests of our national defense.

The flawed strategy makes it impossible to buy enough new weapons to replace all the old weapons on a timely basis, even though forces are much smaller than they were during the cold war and modernization budgets are projected to return to cold war levels. Consequently, the ratio of old weapons to new weapons in our active inventories will grow to unprecedented levels over the next decade.

Subsequently, that modernization strategy is driving up the operating budgets needed to maintain adequate readiness, even though the size of our forces is now smaller than it was during the cold war. Each new generation of high complexity weapons costs much more to operate than its predecessor, and the low rate of replacement forces the longer retention and use of older weapons. Thus, as weapons get older, they become more expensive to operate, maintain, and supply.

Supporting the Defense Department's misguided spending priorities is not synonymous with supporting the military.

Mr. ROBB. Mr. President, I fully support a significant increase in defense spending, and I support the core of the defense appropriations bill we're considering today. Indeed, it includes many critical provisions—including pay and benefits changes—that I and my colleagues on the Senate Armed Services Committee worked hard to pass in the defense authorization bill. For that matter, this bill includes many projects important to the Commonwealth of Virginia that were included in the authorization bill. But this is simply not the way we should legislate. Tacking extraneous provisions onto necessary legislation is exactly what fuels the cynicism of the American people.

I have regularly supported Congressional increases to the defense budget. But this legislation is a perfect example of what's wrong with the Congress. And it reinforces the need for a line-item veto. The bill contains the usual billions of dollars of congressional spending not requested by the Department of Defense. My colleague from Arizona, Senator McCAIN, observed earlier this morning that some $6 billion in unrequested pork are part of this bill—perhaps the largest amount of unrequested pork ever. This is money that could have gone toward desperately needed improvements in our national defense, including more training, more spares and ammunition, more maintenance, and better quality of life for our soldiers, sailors, airmen and marines.

But beyond spending on unneeded projects, the bill employs some budget gimmicks that make a mockery of fiscal discipline. The bill designates—arbitrarily—$7.2 billion as emergency spending just to avoid the pain of dealing with the budget caps. I believe we ought to make the tough decisions to keep our spending under control. But if the Congress cannot discipline its spending, it ought to be forthright and acknowledge what it is doing. Avoiding hard choices with smoke and mirrors, however, is not responsible governing.

The bill authorizes 15 military construction projects that the Armed Services Committee decided not to authorize in its conference report. The authorization of military construction projects is the responsibility of the Senate Armed Services Committee. As a member of the Armed Services Committee, I serve as the Ranking Member on the Readiness Subcommittee, where military construction matters are considered. We have been successful in limiting military construction spending to projects that meet certain strict criteria—including whether the military plans to build these facilities at some point in their future years defense plan. The appropriations bill added 15 projects, of which at least half were not even on the Pentagon's books for eventual construction. Only the Armed Services Committee, with its longer-term, policy-oriented focus, can avoid this kind of spending that does little to improve the capabilities of our armed forces.

For these reasons, I will reluctantly vote against this bill knowing it will pass overwhelmingly. Since I know the bill will pass, my vote will not jeopardize national security. It will not preclude the Department of Defense from spending the additional funds included in the bill to provide more pay and benefits, more spare parts, increased training, and better maintenance. As I said before, I have fought long and hard to see those increases in the defense authorization bill. And if my protest vote would determine the outcome, I would act differently. But voting against this bill is one of the few means I have available to register my protest forcefully. I simply cannot acquiesce to a process which misdirects funds crucial to our national security to those who are seemingly more interested in their political security. No one should doubt my commitment to a strong national defense, but no one should doubt my commitment to fiscal responsibility as well. We cannot continue to squander so much of our scarce resources on unnecessary pet projects when our needs for improved readiness are so great. And as I stated when I voted against the pork-laden Kosovo supplemental earlier this year, just because we have troops in harm's way does not give us an excuse to go on a spending binge.

Hope springs eternal. Hopefully next year we can stem the pork, avoid the gimmicks, and respect long-standing committee jurisdictions.

Mr. LAUTENBERG. Mr. President, as a member of the Defense Appropriations subcommittee and the conference committee which produced this bill, I am prepared to join with most of my colleagues in voting for its adoption.

However, I feel I have a responsibility to raise several serious concerns and reservations about this conference report.

First, I am concerned that we as a nation are not allocating our defense dollars as effectively and efficiently as we could to meet future needs.

Defense programs sometimes seem to take on lives of their own. They are sustained and even expanded year after year, even if we would not include them in a truly zero-based budget designed to address our top priorities.

The Pentagon, and we in Congress, need to ensure that we are giving due priority to real national security needs, particularly opportunities to reduce the risk of conflict, the growing scourge of terrorism, and emerging threats like chemical and biological weapons and cyberwarfare.

We need to ask the tough questions, like whether it makes sense to devote billions to accelerating multiple missile defense programs which can be circumvented.

My second concern is what I can only describe as budget sleight of hand.

This bill is within its allocations, but it would not be if the Congressional Budget Office was simply allowed to do its job. But the political maneuvering forced arbitrary changes to paint a prettier, but fictional picture. The Budget Committees simply directed CBO to revise the numbers downward. This is far more than a minor accounting issue.

CBO indicates that its estimates include a $2.6 billion reduction in Budget Authority—the adjustment for spectrum sales—and reductions totaling $13 billion in outlays at the forced direction of the Budget Committees' leadership. We should not fool the public about whether that $13 billion will actually be spent this fiscal year—it will be!

We should not be blind-sided by these or other gimmicks through which the majority will claim not to be spending the social security surplus.

Earlier this year, many of my colleagues questioned whether certain funding has properly been declared "emergency" spending, which means it's a unique expenditure not subject to the budget caps that are supposed to control our spending. How do these cynics feel about the $7.2 billion in Operations and Maintenance funds which this conference report would declare an emergency?

This year's Budget Resolution adopted by the majority party which is now in charge even included a requirement that any emergency spending be fully justified in the accompanying report. But the conference report before us simply ignores that requirement. Can anyone with a straight face answer the questions the Budget Resolution would pose? Would they say it in front of a group of accountants or financial analysts? Would they tell their sons or daughters to run their finances that way?

Is this Operations and Maintenance spending, much of it requested by the President and funded in prior years, "sudden, quickly coming into being, and not building up over time"? Is it "unforeseen, unpredictable, and unanticipated"?

An emergency designation such as this in another appropriations bill would be subject to review by the Senate which could only be waived with 60 votes. However, the majority apparently anticipated this emergency because they exempted defense spending from the point of order.

My third major concern is what we call the top-line, though most Americans would call it the bottom line. This bill weighs in at $263 billion in new budget authority. That is over $3 billion more than the Defense Appropriations bill passed by the Senate and over $17 billion more than we spent on defense last year. These numbers come straight out of the conference report.

I would not deny that we need to address readiness concerns and modernize our armed forces. We live in an uncertain world, a world which has become more dangerous through this body's rejection of the Comprehensive Test Ban Treaty last night.

Can the dramatic increase in defense spending stand at this level while we starve other pressing needs in education, crime prevention, health care, and so many other areas?

I am not sure we can. So while I am prepared to vote for this bill today, I would urge President Clinton not to sign it into law until and unless other appropriations bills have reached his desk with sufficient funding levels to meet America's needs.

If this can be accomplished without simply resorting to more budgetary sleight-of-hand—and I sincerely hope we can do this—then I hope this bill will become law.

Mr. STEVENS. Mr. President, to my knowledge, there is no further Senator seeking time on the bill. I ask that we have a quorum call for a slight period to confirm the report that there are no other Senators wishing to speak. But if there are none within the next 5 or 6 minutes, I will ask the Senate to defer this matter according to the previous order. I will do that at 10:30, unless someone seeks time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I want to join my good friend from Hawaii in thanking our staff. Again, I can't remember in the time that I have served on the Appropriations Committee a more difficult period in terms of getting this bill to where it is in order to send it to the President. We fully expect it to be signed.

Without Steven Cortese and Charlie Houy and the people who work with them, both Republican and Democratic staffs on our committee, this would not have been possible. They have worked weekends. They have worked into the night. They have been on call at the oddest hours I think we have ever had in terms of dealing with this bill.

I sincerely want to thank them all and tell the Senate that this staff is primarily responsible for this bill being before the Senate today because of their hard work and their determination to make it come out right.

I thank them all.

I am now told that it has been confirmed there are no requests for time; therefore, I ask unanimous consent that there be no further time on this bill until the matter is called up for a vote by the leader according to the previous order.

The PRESIDING OFFICER. Without objection, the time is yielded.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BIPARTISAN CAMPAIGN REFORM ACT OF 1999—Resumed

The PRESIDING OFFICER. All time on H.R. 2561 having been yielded back, the Senate will now return to the pending business, which the clerk will report.

The legislative assistant read as follows:

> A bill (S. 1593) to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign finance reform.

Mr. McCAIN. Mr. President, we now begin debate again on an issue which is important to the American people. Before I begin my opening statement, it is my understanding that the Senator from Kentucky will manage on his side and I will manage on this side, along with the Senator from Wisconsin; is that correct?

Mr. REID. What is the request? Our side will be managed by the ranking member of the Rules Committee.

Mr. McCAIN. In support or opposition?

Mr. REID. We have the bill up and we are going to be managing for the minority, the ranking member of the Rules Committee.

Mr. McCAIN. Mr. President, it is customary with a piece of legislation when the sponsors of the bill are on the floor they manage the conduct of the legislation and the opposition manages the other. If the Senator from Nevada has other desires, I guess we can worry about it later on, but that is the way it has been in this debate.

Before I begin my remarks, I recognize a very unusual, incredible and great American, a true patriot, an incredible woman who is 89 years of age, named Doris Haddock.

Doris, known to all of us, and now millions of Americans, as "Granny D," began her walk months ago, beginning in the State of California. She has now arrived in the State of Tennessee. I believe she represents all that is good in America. She, at the age of 89, has taken up this struggle to clean up American politics. We are honored by her presence. She is in the gallery today, and we thank her for her commitment to open, honest government of which the American people can be proud.

So, "Granny D," you exceed any small, modest contributions those of us who have labored in the vineyards of reform have made to this Earth. We are grateful for you. We ask you not to give up this struggle because we know that we will prevail.

Mr. President, on December 6, 1904, Theodore Roosevelt, addressing the people of the United States, said:

> The power of the government to protect the integrity of the elections of its own officials is inherent and has been recognized and affirmed by repeated declarations of the Supreme Court. There is no enemy of free government more dangerous and none so insidious as the corruption of the electorate. No one defends or excuses corruption, and it would seem to follow that none would oppose vigorous measures to eradicate it. The details of such law may be safely left to the wise discretion of the Congress.

So said President Theodore Roosevelt in his fourth annual message delivered from the White House on December 6, 1904.

On August 31, 1910, Theodore Roosevelt said:

> Now this means that our government, national and State, must be freed from the sinister influence or control of special interests. Exactly as the special interests of cotton and

> slavery threatened our political integrity before the Civil War, so now the great special business interests too often control and corrupt the men and methods of government for their own profit. We must drive the special interests out of politics.

That is one of our tasks today.

And he goes on.

Some things obviously never change, such as the cycles of American politics. In 1907, thanks to the efforts of Theodore Roosevelt, a law was passed in Congress that banned corporate contributions to American political campaigns. I do not pretend to be as eloquent as Theodore Roosevelt was in that campaign against the influences of special interests on American politics. Suffice it to say, he succeeded. He succeeded in getting through Congress a law, which still remains on the statutes, that outlaws corporate contributions to American political campaigns.

In 1947, the Republican-controlled Congress of the United States outlawed union contributions to American political campaigns. And after the Watergate scandal of 1974, further limitations were placed on the influence of special interests in American political campaigns.

It is now legal in America for a People's Liberation Army-owned corporation in China, with a subsidiary in the United States of America, to give unlimited amounts of money to an American political campaign. That is wrong. It is wrong and it needs to be fixed.

The pending legislation is very simple. It does only two things: first, it bans Federal soft money and, second, it codifies the Beck decision. Soft money is the unlimited 6- and 7-figure contributions that now go into American political campaigns.

In the past, my colleague from Wisconsin and I have offered comprehensive campaign finance legislation. That measure was widely debated and many on this side of the aisle expressed criticism of certain provisions in the bill. As a result, we have taken a new approach, a simpler approach. We only seek to ban soft money, those big checks of ten thousand, one hundred thousand, and even one million dollars that powerful special interests use like clubs to make their narrow voices heard so loudly in the great chamber, and to codify the Beck decision. We leave all other issues off the table and instead would hope such matters could be dealt with in the amending process. And as such I implore my colleagues to come down to the floor, debate and offer amendments, and let us move forward on this simple, common sense and urgently needed reform.

I want to express my sincere hope that before this debate is over that we will have either passed this measure or will have come to agreement on how to move forward constructively on this very important subject.

Before I go on, I want to assure the Senator from Kentucky that I respect his opposition. I neither question his motives nor his integrity. He is a man who is willing to stand up and fight for what he believes in. The conduct of the debate in previous years has been characterized by mutual respect for the ideas and proposals of either side. I know I speak for the Senator from Wisconsin. I think it is important we maintain this debate on that level. I know we will do so as we have in the past.

Mr. President, will the banning of soft money clean up our elections completely? Of course not. But it is an important first step. Should more be done? Absolutely. For that reason, I hope we can engage in a constructive debate that addresses the concerns of senators from both parties who are sincerely interested in achieving genuine reform. We have an obligation—a duty—to at least close the most politically pernicious loophole in campaign finance law.

Let me stress at the outset, before reform opponents falsely charge proponents with an assault on the first amendment, that this legislation does not ban political speech, it is in truth about saving it. I want to protect the hard earned $100 contribution given by the small town business owner or union machinist to his or her Congressman. I want to protect the contribution of the local supporter, the little guy. The hard earned contribution given to a candidate by a voter, with a firm handshake and an honest look right in the eye and the expectation of good government, not a special corporate tax loophole or million dollar IOU to a union boss.

What this fight is all about is taking the $100,000 check out of American politics for good. It's about putting the little guy back in charge, and freeing our system from the corrupting power of the special interests bottomless wallet. It's about forcing our government to pay attention to the little guy, those people who actually cast votes to elect us, and not just to the richest in corporate America or the powerful union bosses.

We are blessed to be Americans, not just in times of prosperity, but at all times. We are a part of something noble; a great experiment to prove to the world that democracy is not only the most effective form of government, but the only moral government. And, at least in years past, we felt more than lucky to be Americans. We felt proud.

But, today , we confront a very serious challenge to our political system, as dangerous in its debasing effect on our democracy as war and depression have been in the past. And it will take the best efforts of every public-spirited American to defeat it.

The threat that concerns me is the pervasive public cynicism that is debilitating our democracy. When the people come to believe that government is so corrupt that it no longer serves their ends, basic civil consensus will deteriorate as people seek substitutes for the unifying values of patriotism.

A poll taken this July found that more than twice a many Americans—64 percent—feel disconnected from government as compared to those who feel connected to it. More than half of Americans—55 percent—refer to "the government" rather than "our government." Mr. President, as elected officials, we should find this trend alarming.

We are a prosperous country, but many Americans, particularly the young, can't see beyond the veil of their cynicism and indifference to imagine themselves as part of a cause greater than their self-interest. This cynicism in younger Americans is particularly acute. Among younger Americans—those 18-34—69 percent feel disconnected from the government with one in three of that 69 percent feeling "very disconnected."

This country has survived many difficult challenges: a civil war, world war, depression, the civil rights struggle, a cold war. All were just causes. They were good fights. They were patriotic challenges.

We have a new patriotic challenge for a new century: declaring war on the cynicism that threatens our public institutions, our culture, and, ultimately, our private happiness. It is a great and just cause, worthy of our best service. It should not, and neither I nor my friend from Wisconsin will allow it to, be casually dismissed with parliamentary tactics.

Those of us privileged to hold public office have ourselves to blame for the sickness in American public life today. It is we who have squandered the public trust. We who have, time and again, in full public view placed our personal and partisan interests before the national interest, earning the public's contempt for our poll-driven policies, our phony posturing, the lies we call spin and the damage control we substitute for progress. It is we who are the defenders of a campaign finance system that is nothing less than an elaborate influence peddling scheme in which both parties conspire to stay in office by selling the country to the highest bidder.

All of us are tainted by this system, myself included. I do not make any claims of piety. I have personally experienced the pull from campaign staff alerting me to a call from a large donor. I do not believe that any of us privileged enough to serve in this body would ever automatically do the bidding of those who give. I do not believe that contributions are corrupting in that manner. But I do believe they buy access. I do believe they distort the system. And I do believe, as I noted, that all of us, including myself, have been affected by this system.

The opponents of campaign finance reform will tell you the voters do not care. They are wrong. Most Americans care very much that it is now legal for a subsidiary of a corporation owned by the Chinese Army to give unlimited amounts of money to American political campaigns. Most Americans care very much when the Lincoln bedroom is rented out to the highest bidder. Most Americans care very much when impoverished Indian tribes must pay large sums of money to have their voice heard in Washington. If their outrage seems muted, it is only because they have resigned themselves to the sad conclusion that this cancer on the body politic is incurable.

I think most Americans understand that soft money—the enormous sums of money given to both parties by just about every special interest in the country—corrupts both politics and government whether it comes from big business or from labor bosses and trial lawyers. It seizes the attention of elected officials who then neglect problems that directly affect the lives of every American. That is something about which each of us should care deeply.

Americans care deeply about reforming our Tax Code, improving education, reducing the size of Government, about improving our national security, and many other pressing national issues. But, fundamental reform is not possible when soft money and special interests demand a higher return on their political investments.

Most Americans believe we conspire to hold on to every political advantage we have, lest we jeopardize our incumbency by a single lost vote. Most Americans believe we would pay any price, bear any burden to ensure the success of our personal ambitions—no matter how injurious the effect might be to the national interest. And who can blame them when the wealthiest Americans and richest organized interests can make six figure donations to political parties and gain the special access to power such generosity confers on the donor.

The special interests will tell you that the fight to limit soft money is an attack on the first amendment. They are wrong. They are entirely wrong. The courts have long held that Congress may constitutionally limit contributions to campaigns and political parties.

In the 1976 Supreme Court case Buckley versus Valeo the Justices affirmed Congress' right to uphold contribution limits in the name of preventing, and I quote, "corruption and the appearance of corruption spawned by the real or imagined coercive influence of large financial contributions on candidates' positions and their actions."

The Roger Tamrazes of the world, big tobacco, the labor unions, the trial lawyers, the corporate giants, and the endless number of special interests that grease their agenda with soft money know precisely what the court was saying.

Stopping corruption and the appearance of corruption was why in 1907, under the leadership of Republican President Teddy Roosevelt, corporations were barred from giving directly to political campaigns. Labor unions were similarly bound in 1947. Both of these bans have survived all court challenges and remain the law of the land—which is why claims that corporate and labor soft money is constitutionally protected are so absurd.

Stopping corruption and the appearance of corruption was why, in 1974, individual political action committee donations were limited. Should these amounts—and those limits on individual donors—be raised 25 years after they were enacted? Yes, they probably should. But that is reason for us not to engage in filibuster and obstruction and instead engage in constructive dialogue and the normal amendment process.

Stopping corruption and the appearance of corruption is why we must now close the loophole that allows unlimited amounts of soft money to overflow political coffers. Without the big dollar "quid" of soft money in the electoral process, there can be no legislative "pro quo" that neglects the national interest in favor of big donors. That is precisely what the Supreme Court had in mind in Buckley versus Valeo.

Some of my fellow Republicans have criticized my campaign finance reform proposals because they believe it leaves unaddressed the problem of union dues being used for political purposes against the wish of individual workers. I agree this is a problem that should be addressed, just as we should address the issue of corporate money being used for political purposes against the wish of stockholders. This legislation does seek to address that issue. First, as I have noted, the legislation codifies the Beck decision. And second, when we ban soft money, we are also banning union soft money. Let me emphasize this point. When we ban soft money, we are also banning union soft money spending which will have a dramatic effect on union influence in elections. Unions spend a great deal of soft money, most of it directed to elect Democrats and defeat Republicans. This bill will reduce that spending.

I have advocated codifying the Supreme Court's landmark Beck decision in which the court affirmed the right of nonunion workers to bar union dues they are forced to pay from being used for political purposes and to have that money returned to them. The Clinton administration has issued regulations that emasculate this rule. I believe it should be codified and enforced.

What could be more un-American, what could be more antithetical to the tenets of free political speech, than forcing workers to pay dues for election and political activities they oppose. The Beck decision should be codified, enforced, and even expanded. I would strongly support a commonsense expansion of Beck. And at the same time, we should find some mechanism to ensure that corporate contributions reflect the wishes of individual stockholders in a manner that mirrors what we do for unions.

If we can come to an agreement regarding the consideration of campaign finance reform in a fair manner, I am confident we could do much more to address the problems associated with labor union involvement in the political process.

If my colleagues believe more needs to be done, I would be pleased to entertain any legitimate ideas. However, to be clear, I will oppose any ideas that are meant merely to poison—or kill—any real possibility of enacting into law election reforms.

The sponsors of this legislation claim no exclusive right to propose campaign finance reform. We have offered good, fair, necessary reform but certainly not a perfect remedy. We welcome good faith amendments intended to improve the legislation.

But I beg my colleagues not to propose amendments designed to kill this bill by provoking a filibuster from one party or the other. If we cannot agree on every aspect of reform; if we have differences about what constitutes genuine reform, and we hold those differences honestly—so be it. Let us try to come to terms with those differences fairly. Let us find common ground and work together to adopt those basic reforms we can all agree on. That is what the sponsors of this legislation have attempted to do, and we welcome anyone's help to improve upon our proposal as long as that help is sincere and intended to reach the common goal of genuine campaign finance reform.

In closing, I reiterate that I believe we can work together. I believe the majority of the Members of this body realize that reform is necessary. I think we now have an opportunity to amend, to debate, and to come together. I hope we can achieve that goal.

In closing, I again thank my friend from the State of Wisconsin. My friend from the State of Wisconsin recently has felt a certain sense of loneliness because he has attempted to move this process forward in a fair, equitable, and reasonable fashion. The Senator from Wisconsin has shown his political courage. It has been a great honor and privilege for me to have the opportunity of working with him, and many others, in the cause of campaign reform.

Mr. President, I yield the floor.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I am very pleased the Senate is once again going to consider campaign finance reform.

I thank the senior Senator from Arizona. We have been at this effort now for almost 5 years. He has done so much, particularly in the last year, to raise this issue, not only within this body but throughout America. It has made an incredible difference in terms of the public's understanding, particularly of the problem soft money causes.

I also take note of one other Senator. There are many who have worked so hard on this, but I simply have to note the extreme dedication, hard work, and effectiveness of the Senator from Maine, SUSAN COLLINS, who has devoted herself to this cause as well.

This is not only a crucial issue to the health and future of the Congress but also for our democracy itself. My colleagues know it is my strong belief that this issue affects virtually everything we do in this Chamber.

I have spoken about the need for reform numerous times this year—15 times. Today is the 16th—on the Department of Defense appropriations bill. I call this the "calling of the bankroll" on specific campaign contributors with an interest in the bills we have considered.

Now the Senate has finally a chance to act. I am hopeful, as we begin this debate, that we can reach a consensus during the next few days and pass a campaign finance reform bill the House can accept and the President can sign.

This debate will undoubtedly be difficult and unpredictable. Unlike in past years, though, I hope this will not be a scripted debate where everyone basically knows the outcome in advance. We do not know exactly what is going to happen. We apparently are going to have the opportunity to offer and vote on amendments. We are going to legislate, not just make speeches for a couple of days and use parliamentary tactics to block reform. We are going to actually try to pass a bill.

I urge my colleagues, on both sides of the aisle, to keep an open mind and remember that what we are doing here will affect all Americans. Every one of our constituents, every citizen in this country, has an interest in the health of our democracy. We have a great responsibility here, and I hope we are up to it.

There are many things wrong with our current campaign financing system. I hope this body will grapple with that system in a comprehensive way at some point—sooner rather than later.

For me—and I do not speak for anyone else—I believe ultimately we should move to a system of public financing of elections to free candidates from the demands of fundraising and free the legislative process from the influence of special interests.

I favor giving candidates more access to the airwaves at reduced cost so they can get their messages out to the public without having to spend all this time raising money. I believe the groups that run ads that attack candidates within a month or even a few days of an election should have to report their contributors and their expenditures, just as a campaign committee has to do.

This is the key point: It is clear that this Senate—I emphasize, this Senate—will not pass a comprehensive bill to deal with all or even most of the problems with the current system. We have known this for some time. In fact, the bill we considered in the last Congress was even significantly narrower than the comprehensive bill Senator MCCAIN and I first introduced in 1995. But during our 5-year effort, it has become more and more clear that soft money is the biggest loophole in this system and perhaps the most corrupting aspect of the system.

Soft money has exploded during those 5 years to the point where many Americans believe—and I share their belief—that the loophole has swallowed the election laws. In fact, the best statement I have heard on this was by the third cosponsor of the original McCain-Feingold bill, the Senator from Tennessee, the chairman of the Governmental Affairs Committee, FRED THOMPSON, who said plainly, without any legal jargon and all the other language we tend to use out here: Mr. President, we really don't have a campaign finance system anymore. That said it all. That captured the impact of soft money on our system.

So the bill that Senator MCCAIN and I have introduced and that we consider today essentially asks a very simple question: Will the Senate ban political party soft money or not? It is that simple.

This bill is a soft money ban, pure and simple. At this point it says nothing—nothing—about issue ads, nothing about disclosure or even enforcement. It does codify the Beck decision on union dues. It has minor changes with regard to certain aggregate limits on hard money contributions. But otherwise it leaves the status quo intact, except for one simple and crucial reform: This bill prohibits the political parties from accepting unlimited contributions from corporations, unions, and wealthy individuals.

This is what it says to the political parties: Stop the charade. Forget about the loophole that has swallowed the law. Live under the law Congress passed in 1974. Raise your money primarily from individuals, not corporations or unions, in amounts of $20,000 per year or less.

It is soft money that brought us the scandals of 1996—the selling of access and influence in the White House and the Congress, the use of the Lincoln Bedroom and Air Force One to reward contributors, the White House coffees. All of this came from soft money because, without soft money, the parties would not have been tempted to come up with ever more enticing offers to get the big contributors to open their checkbooks. It just would not be worth it to do all of that under the hard money limits. It is only the unlimited opportunity for the unlimited check that creates that kind of a temptation.

But today, both parties aggressively engage in this big money auction. It is an arms race where the losers are the American people. Soft money causes Americans, time and time again, to question the integrity and impartiality of the legislative process. Everything we do is under scrutiny and subject to suspicion because major industries and labor organizations are giving our political parties such big piles of money. Whether it is the telecommunications legislation, Y2K liability, the bankruptcy bill, defense spending, or health care, someone out there is telling the public, often with justification, in my view, that the Congress cannot be trusted to do what is best for the public interest because the major affected industries are giving us money while those bills are pending in committee or debated on the floor. I have tried, over the past few months, to highlight the influence of money on the legislative process through the calling of the bankroll. Time and time again, I have found that increasingly, the really big money, the money that many believe now has the biggest influence here, is soft money.

We have to clean our campaign finance house, and the best way to start is to get rid of soft money. Let us make rules that protect the people again in this country. With soft money, there are essentially no rules and no limits. With this bill, we can begin to restore some sanity to our campaign finance system.

To be candid—I don't like to admit it—when I came to the Senate, I wasn't even sure what soft money was, or at least I didn't know everything that could be done with it. After a tough race in 1992 against a well-financed incumbent opponent who spent twice as much as I did, I was mostly concerned with the difficulties of people who are not wealthy in running for office. My commitment to campaign finance reform was honestly forged from that experience.

But something has happened since I got here. Soft money has exploded, with far-reaching consequences for our elections and the functioning of Congress. I truly believe—and I didn't necessarily feel this way 3 or 4 years ago—if we can do nothing else on campaign finance reform in this Congress, we must stop the cancerous growth of soft money before it consumes us and ultimately the remaining credibility of our system.

I want to take a few minutes to describe to my colleagues in concrete terms, instead of talking about large sums of money in general, the growth of soft money over the past 6 years, all since I first came to the Senate not so long ago. It is a frightening story. I hope my colleagues, staff, and people watching will listen to these numbers because they are staggering.

As this chart shows, soft money first arrived on the scene of our national elections in the 1980 election, after a 1978 FEC ruling opened the door for parties to accept contributions from corporations and unions that are barred from contributing to Federal elections. The best available estimate is that parties raised, in that 1980 cycle, that first cycle, under $20 million in soft money. By the 1992 election, the year I was elected to this body, soft money fundraising by the parties had gone from under $20 million to $86 million.

Obviously, $86 million already was a lot of money. It was nearly as much as the $110 million the two Presidential candidates were given in 1992 in public financing from the U.S. Treasury. There was already real concern about how that money was spent. Despite the FEC decision that soft money could be used for activities such as get-out-the-vote and voter registration campaigns without violating the Federal election law's prohibition on corporate and union contributions in connection with Federal elections, the parties sent much of their soft money to be spent in States where the Presidential election between George Bush and Bill Clinton was close or where there were key contested Senate races, not necessarily connected to the purposes for which that money was supposedly allowed to be used.

Still, soft money, in 1992, was far from the central issue in our debate over campaign finance reform in 1993 and 1994. Then in 1995, when Senator MCCAIN and I first introduced the McCain-Feingold bill, our bill did include a ban on soft money, but it wasn't even close to being the most controversial or important provision of our bill. As far as we knew, no one paid any attention to it. I have my own original summary of our first bill. It is numbered 9 out of 12 items. We mentioned all other kinds of things first. It is just above "ban on personal use of campaign funds," which was already essentially required by the FEC anyway. I am saying, I didn't realize, when I introduced this bill with Senator MCCAIN, what was about to happen.

Indeed, the Republican campaign finance bill introduced in the Senate in 1993, cosponsored by the Senator from Kentucky and many other opponents of reform on the Republican side, actually contained a ban on soft money. In 1993, they were very comfortable with the implications, constitutional issues and others, connected with stopping soft money. Apparently not today.

Then came the 1996 election and the enormous explosion of soft money fueled by the parties' decision to use the money on phony issue ads supporting their Presidential candidates. Remember those ads that everybody thought were Clinton and Dole ads but were really run by the parties? I remember seeing them for the first time in the Cloakroom. That was the moment when soft money began to achieve its full corrupting potential on the national scene.

As you can see on this chart, again, total soft money fundraising skyrocketed as a result. Three times as much soft money was raised in 1996 as in 1992. Let me say that again. Soft money tripled in one Presidential election cycle. What was the effect of this explosion of soft money, other than millions of dollars available for ads supporting Presidential candidates who had agreed to run their campaign on equal and limited grants from Federal taxpayers? The total dollars raised, as shown on this chart, don't tell the whole story. This talks about the total amounts. This talks about the campaign side of this problem of soft money. There is a whole other story, and that is the impact of these contributions on what we do here.

Soft money is raised primarily from corporate interests that have a legislative ax to grind. So the explosion of soft money brought another explosion—an explosion of influence and access in this Congress and in this administration. Consider these statistics on this chart. I hope people will note these figures. They amaze me. As long as I have been involved with this issue, they have amazed me.

In 1992, there were a total of 52 donors who gave over a total of $200,000 to political parties. In 1996, just 4 years later, 219 donors gave that much soft money. Over 20 donors gave over $300,000 in soft money contributions during the 1992 cycle. But in 1996, 120 donors gave contributions totaling $300,000 or more. What about over 400,000? In 1992, 13 donors gave that much soft money. But in 1996, it was all the way up to 79 donors giving $400,000 per person or interest. Whereas only 9 donors in 1992 gave $500,000—a half million dollars, Mr. President; people giving a half million dollars—by 1996, 50 donors gave a half million dollars.

Does anyone think those donors expect nothing for this act of generosity? Does anyone think those donors get nothing for their generosity? Does anyone think the principle of one person/one vote means anything to anyone anymore if somebody can give a half million dollars?

Here is another amazing statistic: This is even worse, to me. In 1992, only 7 companies gave over $150,000 to each of the political parties—double givers, we call them, who made contributions to both parties. In 1996, the number of these double givers was up to 43: Forty-three companies or associations gave $150,000 or more to both the Democrat and the Republican Party. I would suggest there is no ideological motive. This is not about their passion for good government. These donors are playing both sides of the fence. They don't care about who is in power. They want to get their hooks into whoever is controlling the legislative agenda.

Here are some of the companies in this rather exclusive group. We know they have a big interest in what Congress does: Philip Morris, Joseph Seagram & Sons, RJR Nabisco, Walt Disney, Atlantic Richfield, AT&T, Federal Express, MCI, the Association of Trial Lawyers, the National Education Association, Lazard Freres & Co., Anheuser Busch, Eli Lilly, Time Warner, Chevron Corp., Archer Daniel's Midland, NYNEX, Textron Inc., Northwest Airlines. Mr. President, it is a who's who of corporate America. These are the big investors in the U.S. Congress, and no one can convince the American people that these companies get no return on their investment. So we have an ever-increasing number of companies that are participating in this system, trying to make sure their interests are protected and their lobbyists' calls returned.

There is another effect of this explosion of soft money, and that is the increasing participation of Members of this body in raising it.

I do not know how many of my colleagues are actually picking up the phones across the street in our party committee headquarters to ask corporate CEOs for soft money contributions. But no one here can deny that our parties are asking us to do this. It is now simply expected that United States Senators will be soft money fundraisers.

Consider the soft money raised in recent off-year elections. In 1994, the parties raised a total of $101.7 million dollars. Only about $18.5 million of that amount was raised by the congressional and senatorial campaign committees. In 1998, the most recent election, soft money fundraising more than doubled to $224.4 million. And $107 million of that total was raised by the congressional and senatorial campaign committees. That's nearly half of the total soft money raised by the parties.

Half the soft money that the parties raised in the last election went to the several party campaign committees for members of Congress, as opposed to the national party committees.

When you hear all this talk about how the parties need this money generally, that is why they need soft money, and an awful of lot is not going to the parties generally. And I and many of my colleagues know from painful experience that much of that money ended up being spent on phony issue ads in Senate races. The direct contribution of corporate money to federal candidates has been banned in federal elections since 1907, but that money is now being raised by Senators as soft money and spent to try to influence the election of Senators. It is spent to try to influence the election of Senators. To me, this is a complete obliteration of the spirit of the law. It is wrong. It must be stopped.

The growth of soft money has made a mockery of our campaign finance laws. It has turned Senators into panhandlers for huge contributions from corporate patrons. And it has multiplied the number of corporate interests that have a claim on the attention of members and the work of this institution.

Mr. President, there is broad and bipartisan support for banning soft money. Former Presidents Bush, Carter, and Ford believe that soft money must be eliminated, as does a large and distinguished bipartisan group of former Members of Congress, organized last year by former Senator and Vice President Walter Mondale, a Democrat, and former Senator Nancy Kassebaum Baker, a Republican. Their effort has been joined at last count by 216 former members of the House and Senate. Senators Mondale and Kassebaum published an opinion piece in the Washington Post that eloquently spells out the rationale and the critical need to enact this reform.

They state that a ban on soft money would "restore a sound principle long held to be essential. That bedrock principle, developed step by step through measures signed into law by presidents from Theodore Roosevelt to Gerald Ford, is that federal elections campaigns should be financed by limited contributions from individuals and not by either corporate or union treasuries. Neither candidates for federal office, nor the national political party committees whose primary mission is to elect them, should be dependent on the treasuries of corporations or unions that have strong economic interests in the decisions of the federal government."

Mr. President, I ask unanimous consent that the full article by these two very distinguished former members of this body be printed in the RECORD at the conclusion of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. FEINGOLD. As I mentioned, Mr. President, Senators Mondale and Kassebaum Baker put together a group of former members 216 strong who want to end soft money. One of those is former Senator Bill Brock, who also served as Chairman of the Republican Party. In an op-ed last year, Senator Brock dispelled the myth that the parties cannot survive without soft money. He stated: "In truth, the parties were stronger and closer to their roots before the advent of this loophole than they are today." He adds: "Far from reinvigorating the parties themselves, soft money has simply strengthened certain specific candidates and the few donors who can make huge contributions while distracting parties from traditional grassroots work."

Those are not just my sentiments; they are the sentiments of former Senator Brock, and he has it exactly right.

Our national political parties should be the engines of democracy, the organizers of individual donors and volunteers who care about big ideas and are willing to work for them. Instead they have become fundraising behemoths, obsessed with extorting the biggest chunks of cash that they can from corporate and wealthy donors. This is not what the two great political parties should be about Mr. President. Soft money has changed our politics for the worse Mr. President. And I think everyone in this body knows that.

Mr. President, I ask unanimous consent that a statement from Senators Mondale and Kassebaum-Baker that contains excerpts from a number of articles written by former Members of Congress on the topic of banning soft money be printed in the RECORD at the conclusion of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 2.)

Mr. FEINGOLD. Mr. President, the bill the Senate is now considering accomplishes a ban on soft money in four simple ways. First, and most important, it prohibits the national political parties from raising or spending money that is not subject to the limits of the federal election laws. Second, it prohibits federal officeholders and candidates from raising money that is not subject to the election laws, except for appearing as a speaker at a fundraising event sponsored by a state or local political party. Third, to prevent soft money from being laundered through state parties and making its way back into federal elections, it requires state and local parties that spend money on certain federal election activities to use only money that is subject to the federal election laws. And finally, it prohibits the parties from soliciting money for or contributing money to outside organizations.

The amendment also makes some changes in the contribution limits of current law in a recognition of the new difficulties that parties may face as they are forced to go "cold turkey" in giving up soft money. It increases the amount that individuals can legally give to state party committees from $5,000 per year to $10,000 per year. And it increases the amount that an individual can give to all parties, PACs, and candidates combined in a year from $25,000 to $30,000.

This provision is tough, but it is fair. It allows federal candidates to continue to help raise money for their state parties by appearing at fundraisers. It permits the state parties until four months before an election to use nonfederal money to conduct voter registration drives that will obviously benefit federal candidates as well.

Mr. President, I truly believe that we must do much more than ban soft money to fix our campaign finance system. But if there is one thing more than any other that must be done now it is to ban soft money. Otherwise the soft money loophole will completely obliterate the Presidential public funding system, and lead to scandals that will make what we saw in 1996 seem quaint. And the number of investors in this body will continue to skyrocket, with untold consequences on the work of this body and the confidence of the American people in their government.

Mr. President, we have some momentum. I was delighted this week to have us get another cosponsor on this bill, the Senator from Kansas, SAM BROWNBACK, and to also have the endorsement of one of the leaders from the other body, Congressman ASA HUTCHINSON. So we have had good momentum this week. I am pleased with that. I especially felt the momentum when last Friday I had a chance to go to Nashville, Tennessee, and I had the good fortune to meet an extraordinary woman, who is in Washington today. I'm speaking of Doris Haddock, from Dublin, New Hampshire. Doris has become known to many people throughout the country and around the world as "Granny D."

She is 89 years old. On January 1st of this year, she set out to walk across this country to call attention to the need for campaign finance reform and call on this body to pass the McCain-Feingold bill. As she said last week, voting for McCain-Feingold is something our mothers and grandmothers would want us to do. And coming from Granny D, this is not just a polite request—it is a challenge and a demand from one of the toughest and bravest advocates of reform I have ever had the pleasure to know.

I joined Granny D on the road last week, and as we walked together through the streets of Nashville, shouts of "Go Granny Go" came from every corner—from drivers in their cars, pedestrians on the sidewalk and construction workers on the job.

The response she got that day, and the support she gets every day on her walk across America, speak volumes about where the American people stand on this issue. They are fed up with a campaign finance system so clogged with cash that it has essentially ceased to function; they are frustrated by a Congress that has stood by and watched our democracy deteriorate; and today they are demanding that the U.S. Senate join Granny D on the road to reform by passing the McCain-Feingold bill.

Granny D and countless Americans like her are demanding, here and now, that this body act to ban soft money and begin to clean up our campaign finance mess. Granny has been walking across this country for more than nine months now—from California to Tennessee, in the sweltering heat and now in the growing cold, over mountains and across a desert. At age 89, she has braved all of this. And all she is asking U.S. Senators to do in return one simple thing.

What she's asking is not anywhere near as strenuous, and it won't take anywhere near as much time as what she has endured.

All she is asking the members of this body to do is lift their arm to cast one vote—a vote to ban soft money.

That's what she's asking, and I urge my colleagues not let her down. The time has past for the excuses, equivocations and evasions that members of this body have employed time and again to avoid passing campaign finance reform legislation. The time has come to put partisanship aside, to put our own ideal reform bills aside and finally put our democracy first—let's join Granny D on the road to reform.

I yield the floor.

Exhibit 1

[From the Washington Post, Aug. 17, 1998]

Campaign Reform: Finish the Job

(By Nancy Kassebaum Baker and Walter F. Mondale)

The House's finest moment of this Congress will soon become the Senate's great opportunity. The House's action on campaign finance reform is a demonstration of courage, conviction and bipartisanship. It shows that clear majorities of both houses, when permitted to vote, want to remove the blight of soft money from our national politics. Now it's up to the Senate to complete the job.

Soft money, the flood of corporate and union treasury funds and unlimited donations from individuals to national political committees that swamped the 1991 elections with a quarter-billion dollars, undermines protections built by the Congress over the course of a century. Each major safeguard skirted by soft money, beginning with the 1907 ban on corporate treasury donations, resulted from efforts to protect the integrity of American elections.

No less is at stake now. The significant House vote cannot be allowed to become just a gesture. The Senate's task—supported by principle and an appreciation of experience, priority and responsibility, is to ensure that this singular achievement of the House becomes a large stride toward enactment of campaign finance reform in this Congress.

Principle. A ban on soft money would not introduce any new principle into the law. It would, instead, restore sound principle, long held to be essential. That bedrock principle, developed step by step through measures signed into law by presidents from Theodore Roosevelt to Gerald Ford, is that federal election campaigns should be financed by limited contributions from individuals and not by either corporate or union treasuries. Neither candidates for federal office nor the national political party committees whose primary mission is to elect them, should be dependent on the treasuries of corporations or unions that have strong economic interests in the decisions of the federal government. As for individuals, who should always be the center piece of our national politics, the law should encourage the broadest participation possible, while establishing reasonable limits to avoid disproportionate power by those who can write the biggest checks.

Experience. Nearly every major controversy and excess of the last election was related to soft money. If earlier Congresses were unaware of the full consequences of the soft-money loophole, our experience in 1996 and the investigations by this Congress have removed ignorance as a defense for inaction. Legislators are often challenged by the uncertainty of future developments. But to see the future of American elections, one only needs to look at the present and multiply. Soft money in the first year after the 1996 election was raised at twice the rate it was raised four years ago. We are on the way to a half-billion dollars or more in soft money in the 2000 elections.

Priority. The urgency of action is clear. Congress should use the shrinking window of time this year to safeguard the next presidential election. In response to the trauma of a president's fall in Watergate, this country struck a bargain with its presidential candidates. Accept public funding in the general election and forgo private fund-raising. Three presidential elections—in 1976, 1980 and 1984—were faithful to that bargain. Now the American taxpayer provides public funding while presidential candidates and their parties engage in an unlimited soft-money arms race. No matter who wins, the country will be diminished if this continues to be the way our presidents are elected.

Responsibility. Without authorization by Congress, the Federal Election Commission cracked open the door through which corporate, union and unlimited individual soft-money contributions have poured. But Congress can no longer avoid the responsibility for making the fundamental choice about the basic rules that should govern the financing of federal election campaigns. It should vote to either approve the soft-money system or end it. Either way, to borrow Harry Truman's phrase, Congress must know that the public understands that the buck, literally, stops on Capitol Hill.

In sum, this is a time for the Senate to recognize the force of the observation of one of its noted leaders, Everett McKinley Dirksen, who opened the path to enactment of the Civil Rights Act of 1964 by reminding senators of the strength of an idea whose time has come. The time has come—as former presidents Ford, Carter and Bush, hundreds of former members of both parties and majorities in both Houses firmly believe—for Congress to protect the integrity of our national elections. Our common purpose should be no less than to allow the nation to look forward with pride to the character of the new century's first presidential election.

Exhibit 2

Campaign Finance Reform—A Statement by Nancy Kassebaum Baker and Walter Mondale

June 15, 1998

A year ago, we released an open letter to the President and Congress calling on the Executive and Legislative Branches to debate and act on meaningful campaign finance reform. We included in the open letter our initial recommendation for several reforms—beginning with an end to "soft money" contributions to the national parties and their campaign organizations—on which agreement, in our view, could be attained.

Now, thanks to the extraordinary efforts of supporters of reform within and outside of the Congress, the House stands at the threshold of an important opportunity. And no one should underestimate how important and urgent its task is.

The issue of reform goes to the very heart of American democracy—to the trust and respect citizens can have in elections. Removing soft money will help restore the letter and spirit of existing campaign laws and reassure voters that they can again be the most important participants in elections.

Without action by this Congress on soft money, at the current fundraising rate, the 2000 presidential election will have more than a half billion dollars in soft money, double the amount of 1996.

Since our June 1997 open letter, we have been joined by hundreds of distinguished Americans who have helped to bring us all to this juncture. Foremost among them are former Presidents Bush, Carter and Ford, and also the 216 former Members of Congress who have signed a joint statement calling for reform.

Beyond lending their names to this effort, the former Presidents and former Members, in letters, guest editorials, and statements, have convincingly set forth the urgency and case for reform. The following brings together some of the main ideas that we and others have shared over the last year.

THE PRIMACY OF INDIVIDUAL VOTERS AND THEIR CONFIDENCE IN GOVERNMENT

As we wrote in the Los Angeles Times (September 22, 1997), "Progress on reform is perhaps the most important step that can be taken to restore voter confidence in the ability of all citizens, regardless of wealth, to participate fully in elections. The failure of Congress to act will only deepen voter despair about politics."

In a letter last June, former President Bush said, "We must encourage the broadest possible participation by individuals in financing elections." Former Presidents Carter and Ford, in a joint article in The Washington Post (October 5, 1997) said, "We must redouble our efforts to assure voters that public policy is determined by the checks on their ballots, rather than the checks from powerful interests."

Former Senator and Republican National Committee Chairman Bill Brock underscored that point in a guest editorial in the Hill (April 29, 1998). "The basic intent of the campaign finance laws that Congress enacted in the past is quite clear," he wrote, "It is that campaigns should be funded by individuals (not corporations and unions). . . . Because Americans have long believed in individual responsibility as the best antidote to the threats of excesses of wealth and institutional power." And, as former Republican Senator Mark Hatfield wrote in the Washington Times (March 26, 1998). "These prohibitions on corporate and union contributions reflect a basic idea: Individuals should be the dominant force in our political process."

Writing in the Chicago Sun-Times (March 24, 1998), former House Republican Leader Bob Michel and former Representative, Judge, and White House Counsel Abner Mikya, made the point that "[t]he cost to confidence in government of this breakdown in campaign finance regulation is high." Raising soft money, they explained, "requires the sustained effort of elected and party officials, often one-on-one with donors, to raise—indeed, wrest—the large sums involved in soft money contributions. The entities and people from whom soft money is sought often have enormous economic stakes in government decisions. Corporate and other soft money donors frankly say they feel shaken down."

Former Presidents Ford and Carter forcefully noted that soft money "is one of the most corrupting influences in modern elections because there is no limit on the size of donations—thus giving disproportionate influence to those with the deepest pockets."

IMPACT ON THE PRESIDENCY

As former Presidents Gerald Ford and Jimmy Carter expressed, it is vital for Congress "to seize this opportunity for reform now so it can improve the next presidential election."

Writing last week in the San Francisco Chronicle (June 3, 1998), former Representative and White House Chief of Staff Leon Panetta described the bargain the nation struck with its presidential candidates in 1974: in return for public financing of presidential elections, candidates would forego fundraising in general elections. ". . . the elections of 1976, 1980 and 1984 elections showed that national elections could be run with fidelity to that bargain."

Time is of the essence. As Leon Panetta observed, "As difficult as the chances may seem, this Congress remains the best hope for enabling the nation to begin the new century with a presidential election of which it can be proud."

As former Reps. Bob Michel and Abner Mikva observed about the coming House debate, "Either [the House] will act to end the scourge of soft money" or it "will do nothing about letting the next presidential election become the biggest auction the country ever has know."

RESTORING CONGRESSIONAL INTENT

"Congress never authorized soft money. "Bill Brock wrote as he called on Congress to "restore the spirit and the letter of election laws dating back decades," Reps. Michel and Mikva said, "Congress never agreed to the creation of soft money. The loophole is a product of exceptions allowed by the Federal Election Commission that were expanded by aggressive fund-raising by both parties."

Congress should decide whether it supports reforms dating back to the beginning of the Century. "It's time for lawmakers to say whether soft money is good or bad for the system," Brock said.

STRENGTHENING PARTIES

Bill Brock, writing from the perspective of a former party chairman, dispelled the myth that soft money strengthens parties. "In truth, parties were strongest and closer to their roots before the advent of this loophole than they are today." Far from reinvigorating the parties themselves," he observed, "soft money has simply strengthened certain specific candidates and the few donors who can make huge contributions, while distracting parties from traditional grassroots work."

Or, as we wrote in Roll Call (February 26, 1998), "no one can seriously say more people vote or participate because of soft money. In fact, as soft money has skyrocketed, voter turnout has continued to decline."

"Without soft money," we continued, "the parties will have to work harder to raise money. But the benefits gained—by increasing the public's faith in democracy and reducing the arms race for cash—will far outweigh the cost."

FOCUSING ON PRIORITIES

A consistent theme of our efforts, together with the former Presidents and other former Members, is that it is essential to take a first step toward reform, even while recognizing that further steps will need to be taken in the years ahead. Thus, as we wrote last July in The Washington Post (July 18, 1997), Congress "should not delay action on those measures that can pass now." Or, as former Senator Al Simpson wrote in The Boston Globe (February 24, 1998), "[Banning soft money] won't solve all the problems, but it sure will be a start, and it may even provide a sensible and responsible foundation on which many additional thoughtful reforms can be built. . . ."

And as the statement of more than 200 former members elaborates, "we believe it is time to test the merits of different or competing ideas through debate and votes, but that any disagreement over further reforms should not delay enactment of essential measures, beginning with a ban on soft money, where agreement is within reach."

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, here we are again. I think it is appropriate to say that campaign finance is a clinical term for "constitutional freedom."

Make no mistake, the essence of this debate is indeed freedom—fundamental first amendment freedom of speech and association guaranteed to every American, citizen group, candidate, and party. That is the view of the U.S. Supreme Court, the view of the American Civil Liberties Union, and the view of most Republicans. Soft money, issue advocacy, express advocacy, PACs, and all the rest are nothing more than euphemisms for first-amendment-protected political speech and association means of amplifying one's voice in this vast Nation of 270 million people.

It is important to remember that Dan Rather and Peter Jennings have a lot of speech, and the editorial page of the New York Times has a big audience. But the typical American citizen and the typical candidate, unless he or she can amass the resources to project their voices to a larger audience, just simply doesn't have as much speech as the press. So the means to amplify one's voice in this vast Nation of 270 million people is critical and constitutionally protected. It is no more complicated than that and no less vital to our democracy than the freedom of the press, which has taken a great interest in this issue.

Just thinking of the New York Times editorial page, for example, I think they have had 113 editorials on this subject since the beginning of 1997. That is an average of about one every nine days—issue advocacy, if you will, paid for by corporate soft money, expressing their view, which they have a right to do, on this important issue before us.

But as we look at this long odyssey of campaign finance reform, we have come a long way in the last decade, those of us who see through the reform patina—from the push 10 years ago for taxpayer financing of congressional campaigns and spending limits, and even such lunacy as taxpayer-financed entitlement programs for candidates to counteract independent expenditures, a truly bizarre scheme long gone from the congressional proposals but now echoed, interestingly enough, in the campaign reform platform of Presidential candidate Bill Bradley, who advocates a 100-percent tax—a 100-percent tax on issue advocacy. So if you were so audacious as to go out and want to express yourself on an issue, the Government would levy a 100-percent tax on your expression and give the money to whoever the Government thought was entitled to respond to it—a truly loony idea.

That was actually in the campaign finance bills we used to debate in the late 1980s and early 1990s and now is in the platform of one of the candidates for President of the United States, believe it or not.

So it was just 2 years ago that spending limits were thrown overboard from the McCain-Feingold bill and that the PAC and bundling bans were thrown overboard as well. Now the focus becomes solely directed at citizens groups and parties, which is the form McCain-Feingold took last year. Now, this month, the McCain-Feingold odyssey has arrived at the point that if it were whittled down any further, only the effective date would remain. As it is, McCain-Feingold now amounts to an effective date on an ineffectual provision.

Obviously, it is not surprising that that is my view. But it is also the view of the League of Women Voters, which opposes the current version of McCain-Feingold.

To achieve what proponents of this legislation profess to want to achieve—a reduction of special interest influence—if you want to do that, I think that is not a good idea at all, it is blatantly unconstitutional and the wrong thing to do. But if you wanted to do it, you would certainly have to deal with all the avenues of participation, not just political parties. Nonparty soft money as well as party soft money, independent expenditures, candidate spending—all of the gimmicks advanced through the years in the guise of reform—all would have to be treated, if you truly wanted to quiet the voices of all of these citizens, which is what the reformers initially sought to do.

The latest and leanest version of McCain-Feingold falls far short of that which would be needed if you were inclined to want to do this sort of thing to limit special interest influence. As the League of Women Voters contends—mind you, there is the first time I have ever agreed with them on anything—as they contend, you would have to treat all of the special interests if you were truly interested in quieting the voices of all of these Americans who belong to groups.

It could not be more clear that this sort of McCain-Feingold-light that is currently before us is designed only to penalize the parties and to shift the influence to other avenues. That is precisely what it would do. It could not be more clear. Prohibiting only party soft money accomplishes absolutely nothing. It is only fodder for press releases and would make the present system worse and not better.

That is quite aside from the matter of unconstitutionality and whether the parties have less first amendment rights to engage in soft money activities than other groups. If this were to be enacted, that issue would surely be settled by the Supreme Court, which is, of course, the Catch-22 of the reformers. The choice is between the ineffectual unconstitutional and the comprehensively unconstitutional. A younger generation would call that a choice between "dumb and dumber."

For reality ever to square with reformer rhetoric, the Constitution would have to be amended and political speech specifically carved out of the first amendment scope of protection.

There are those in this body who have actually proposed amending the Constitution. We had that debate in March of 1997. And, believe it or not, 38 Senators out of 100 voted to do just that—to amend the first amendment for the first time in 200 years to give the Government the power to restrict all spending, and in support of or in opposition to candidates. The ACLU calls that a "recipe for repression." But that got 38 votes. You could at least give those people credit for honesty. They understand that in order to do what the reformers seek to do, you really would have to change the first amendment for the first time in 200 years.

So what the McCain-Feingold saga comes down to is an effort to have the Government control all spending by, in support of, or in opposition to candidates, with a little loophole carving out the media's own spending, of course.

That this effort is allowed to be advanced as reform is one of the tragedies of our time. Fortunately, enough Senators on this side of the aisle have had the courage to forestall this assault on freedom for the past decade and have proven by example that there is a constituency for protecting constitutional freedom.

Let me just say there is an excellent letter from the American Civil Liberties Union—a group that is an equal opportunity defender for an awful lot of Americans but is truly America's experts on the first amendment—to me, which I just got yesterday, which I ask unanimous consent to be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN CIVIL LIBERTIES UNION,
Washington, DC.

Hon. MITCH MCCONNELL,
Senate Office Building,
Washington, DC.

DEAR SENATOR MCCONNELL: The ACLU is writing to express its opposition to the new, seemingly watered-down McCain-Feingold bill. While it is true that the most obvious direct legislative attacks on issue advocacy have been removed from this bill, S. 1593 continues to abridge the First Amendment rights of those who want to support party issue advocacy. The soft money restrictions proposed in S. 1593 are just another, less direct way to restrain issue advocacy and should therefore be opposed.

CONCERNS ABOUT SOFT MONEY RESTRICTIONS IN S. 1593

Soft money is funding that does not support express advocacy of the election or defeat of federal candidates, even though it may exert an attenuated influence on the outcome of a federal election. In other words, everything that is not hard money (express advocacy dollars) is soft money. Thus, soft money includes party funds and issue advocacy dollars.

Party soft money sustains primary political activity such as candidate recruitment, get-out-the-vote drives and issue advertising. While candidate-focused contributions and expenditures and "express advocacy" can be subject to various restrictions or regulations, the Supreme Court in Buckley v. Valeo, 424 U.S. 1 (1976) held that all speech which does not "in express terms advocate the election or defeat of a clearly identified candidate" shall remain free from the same regulations that apply to hard money. "So long as persons and groups eschew expenditures that in express terms advocate the election or defeat of a clearly identified candidate, they are free to spend as much as they want to promote the candidate and his views." 424 U.S. at 45 (emphasis supplied).

Indeed, the unrestricted use of soft money by political parties and non-party organizations like labor unions has been invited by Buckley and acknowledged by the Supreme Court. In Colorado Republican Federal Campaign Committee v. Federal Election Commission, 116 S.Ct. 2309 (1996), the Court upheld unlimited "hard money" independent expenditures by political parties on behalf of their candidates.

In Colorado, the Brennan Center provided the Court extensive charts and graphs detailing large individual and corporate soft money contributions to the two major parties that they asserted threatened the integrity of the FECA's federal contribution restrictions. (Brief, p. 8) Notwithstanding this "evidence," the Court stated:

"We recognize that FECA permits individuals to contribute more money ($20,000) to a party than to a candidate ($1,000) or to other political committees ($5,000). . . . We also recognize that FECA permits unregulated "soft money" contributions to a party for certain activities, such as electing candidates for state office . . . or for voter registration and "get out the vote" drives. . . . But the opportunity for corruption posed by these greater opportunities for contributions is, at best, attenuated." Id. at 2316.

Restricting soft money contributions alone will only force more dollars into other forms of speech beyond the reach of campaign finance laws. Soft money restrictions also give even more power to the media to influence voters' choices and to characterize candidate records. If S. 1593 is adopted, less money will be available to parties to assert the platform embraced by candidates and non-candidate party members. A soft money ban will not solve the problem that candidates now have, which is the dearth of hard dollars available to run competitive campaigns. Because contribution limits have remained unchanged since the 1970's it is no wonder that other avenues (party soft money and issue advocacy soft money) have been exploited to influence the outcome of elections.

The goal of the Common Cause-type reform advocates is to find all sources of money that may conceivably influence the outcome of elections and place them under the control of the Federal Election Commission. It is not possible within our constitutional framework to limit and regulate all forms of political speech. Further, it seems rather arrogant that some members of Congress believe that the candidates and the press alone should have unlimited power to characterize the candidates and their records. The rest of us must be silent bystanders denied our First Amendment rights to have our voices amplified by funding issue and party speech. Disclosure, rather than limitation, of large soft money contributions of political parties, is the more appropriate and less restrictive alternative.

Rather than assess how the limit driven approach caused our current campaign finance woes, we are asked to believe the fiction that the incremental limits approach in S. 1593 is the solution. The ACLU is forced to agree with the League of Women Voters who wisely withdrew their support for this legislation (albeit for different reasons) and asserted, ". . . the overall system may actually be made worse by this bill."

CONCERNS ABOUT POTENTIAL AMENDMENTS

Issue advocacy restrictions

Because issue ads generated from party and non-party sources have provoked the consternation of many members of Congress and so-called reform groups, it is likely that Senators will have the opportunity to vote on amendments that restrict issue advocacy. We urge the Senate to reject restrictions on issue advocacy because they violate the Constitution.

The Supreme Court in Buckley v. Valeo well understood the risks that overly broad campaign finance regulations could pose to electoral democracy. The Court said, "[discussion of public issues and debate on the qualifications of candidates are integral to the operation of the system of government established by our Constitution." 424 U.S. at 14. The Court recognized that "the distinction between discussion of issues and candidates and advocacy of election or defeat of candidates may often dissolve in practical application. Candidates, especially incumbents, are intimately tied to public issues involving legislative proposals and governmental actions. Not only do candidates campaign on the basis of their positions on various public issues, but campaigns themselves generate issues of public interest." 424 U.S. at 43. If any discussion of a candidate in the context of discussion of an issue rendered the speaker subject to campaign finance controls, the consequences for free discussion would be intolerable and speakers would be compelled "to hedge and trim," Id., quoting Thomas v. Collins, 323 U.S. 516, 535 (1945).

The Court fashioned the express advocacy doctrine to safeguard issue advocacy from campaign finance controls, even though such discussion might influence the outcome of an election. The doctrine provides a hard, bright-line, objective test that protects political speech and association by focusing solely on the content of the speaker's words, not the motive in the speaker's mind or the impact of the speaker's opinions, or the proximity to an election, or the phase of the moon. The doctrine marks the boundary of permissible regulation and frees issue advocacy from any permissible restraint.

The Buckley Court could not have been more clear about the need for that bright line test which focuses solely on the speaker's words and which is now an integral part of settled First Amendment doctrine. It was designed to protect issue discussion and advocacy by allowing independent groups of citizens to comment on and criticize the performance of elected officials without becoming ensnared in the federal campaign finance laws. And it permits issue discussion to go forward at the time that it is most vital in a democracy: during an election season.

Although not as sweeping as other proposals, we believe that the Snowe-Jeffords amendment restricting issue advocacy should be opposed for the reasons stated above.

Specific Problems with the Shays-Meehan Substitute

It is our understanding the Sen. Tom Daschle (D, SD) and Sen. Robert Torricelli (D, NJ) will offer the House passed version of Shays-Meehan, H.R. 417. We urge Senators to vote against this measure. Shays-Meehan has a chilling affect on issue group speech that is essential in a democracy. H.R. 417 contains the harshest and most unconstitutional controls on issue advocacy groups.

This bill contains a permanent year-round restriction on issue advocacy achieved through redefining express advocacy in an unconstitutionally vague and over-broad manner. The Supreme Court has held that only express advocacy, narrowly defined, can be subject to campaign finance controls. The key to the existing definition of express advocacy is the inclusion of an explicit directive to vote for or vote against a candidate. Minus the explicit directive or so-called "bright-line" test, what will constitute express advocacy will be in the eye of the beholder, in this case the Federal Election Commission (FEC). Few non-profit issue groups will want to risk their tax status or incur legal expenses to engage in speech that could be interpreted by the FEC to have an influence on the outcome of an election.

It requires a two-month black-out on all television and radio issue advertising before the primary and general elections. The bill's statutory limitations on issue advocacy would force groups that now engage in issue advocacy—501(c)(3)s and 501(c)(4)s—to create new institutional entities—PACs—in order to "legally" speak within 60 days before an election. Groups would also be forced to disclose or identify all contributors to the new PAC. For organizations like the ACLU, this will mean individuals will stop contributing rather than risk publicity about their gift. The opportunities that donors now have to contribute anonymously to our efforts to highlight issues during elections would be eliminated. (This is a special concern for groups that advocate unpopular or divisive causes. See NAACP v. Alabama 357 U.S. 449(1958).) For many non-profits, being forced to establish PACs entails a significant and costly burden, one that can change the very character of the organization. Separate accounting procedures, new legal compliance costs and separate administrative processes would be imposed on these groups—a high price to exercise their First Amendment rights to comment on candidate records. It is very likely that some groups will remain silent rather than risk violating this new requirement or absorbing the attendant cost of compliance. The only entities that will be able to characterize a candidate's record on radio and television during this 60-day period will be the candidates, PACs and the media. Yet, the period when non-PAC issue groups are locked out is the very time when everyone is paying attention! Further, members of Congress need only wait until the last 60 days before an election (as it often does now) to vote for legislation or engage in controversial behavior, so that their actions are beyond the reach of public comment and, therefore, effectively immune from citizen criticism.

Shays-Meehan contains a misleading exception for candidate voting records. The voting records that would be permitted under this new statute would be stripped of any advocacy-like commentary. For example, depending on its wording, the ACLU might be banned from distributing a voting guide that highlights members of Congress who have a 100 percent ACLU voting records as members of an "ACLU Honor Role." Unless the ACLU chose to create a PAC to publish such guides, we would be barred by this statute even though we do not expressly advocate the election or defeat of a candidate. Courts have clearly held that such a result is an unacceptable or unconstitutional restraint on issue-oriented speech.

It redefines "expenditure," "contribution" and "coordination with a candidate" so that heretofore legal and constitutionally protected activities of issue advocacy groups would become illegal. Let's say, for example, that the ACLU decided to place an ad lauding, by name, Representatives or Senators for the effective advocacy of constitutional campaign finance reform. That ad would be counted as express advocacy on behalf of the named Congresspersons under H.R. 417 and would be effectively prohibited. If the ACLU checked with key congressional offices to determine when this reform measure was coming to the floor so the placement of the ad would be timely—that would be an "expenditure" counted as a "contribution" to the named officials and it would be deemed "coordinated with the candidate." An expanded definition of coordination chills legal and appropriate issue group-candidate discussion.

If these very same restrictions outlined above were imposed on the media, we would have a national First Amendment crisis of huge proportions. Yet, newspapers such as the Washington Post, the New York Times, the Los Angeles Times and other media outlets relentlessly editorialize in favor of Shays-Meehan—a proposal that blatantly chills free speech rights of others, but not their own. Let's suppose Congress constrained editorial boards in a similar fashion. Any time news outlets ran an editorial—60 days before an election or otherwise—mentioned the name of a candidate, the law now required them to disclose the author of the editorial, the amount of money spent to distribute the editorial and the names of the owners of the newspaper of the FEC, or risk prosecution. The media powerhouses would engage in a frenzy of protest, and you could count on the ACLU challenging such restraints on free speech. Yet, the press has as much if not more influence on the outcome of elections as all issue advocacy groups combined. Some voters are more likely go to the polls with their newspaper's candidate endorsements wrapped under their arm than carrying other issue group literature into the voting booth.

The Shays-Meehan bill contains misguided and unconstitutional restrictions on issue group speech and only works to further empower the media to influence the outcome of elections. None of the proposals seek to regulate the ability of the media—print, electronic, broadcast or cable—to exercise its enormous power to direct news coverage and editorialize in favor or against candidates. This would be clearly unconstitutional. It is equally unconstitutional to effectively chill and eliminate citizen group advocacy. It is scandalous that Congress would muzzle issue groups in such a fashion.

Finally, the ACLU has to be especially watchful of the Federal Elections Commission because it is a federal agency whose primary purpose is to monitor political speech. If Congress gives the FEC the authority to decide what constitutes "true" issue advocacy versus "sham" issue advocacy, the FEC is then empowered to become "Big Brother" of the worst Kind. Already, it has been, far too often, an agency in the business of investigating and prosecuting political speech. The FEC would have to develop a huge apparatus that would be in the full-time business of determining which communications are considered unlawful "electioneering" by citizens and non-profit groups. Further, Shays-Meehan contains harsh penalties for failure to comply with the new laws.

Restrictions on the First Amendment Rights of Legal Permanent Residents (LPRs)

Lawful permanent residents are stakeholders in our society. They send their children to our schools, pay taxes on their worldwide income, and like citizens, must register for the draft and serve if the draft is re-instituted. In fact, nearly 20,000 lawful permanent residents now serve voluntarily in the military. By no stretch of the imagination is their money "foreign money." Lawful permanent residents must reside in the U.S. or they forfeit their green cards and right to remain. Moreover, the courts have repeatedly held that non-citizens in the United States have First Amendment rights, and this should include the right to make campaign contributions.

The Shays-Meehan campaign finance bill was amended to bar campaign contributions and expenditures from lawful permanent residents. It virtually guarantees that candidates and their campaign organizations will discriminate against new Americans because it threatens them with substantial penalties if they accept a donation they "should have known" came from a non-citizen. We urge you to reject any amendment to the McCain-Feingold bill that would bar such contributions.

Internet Political Speech Restrictions

We urge the Senate to support an amendment by Senator Robert Bennett (R, UT) that would prohibit the FEC from imposing restrictions on Internet commentary on candidates and their positions on issues. Attached is an ACLU press release that illustrates the draconian nature of FEC restrictions on free expression on the Internet.

Our Proposed Solutions

The ACLU believes that there is a less drastic and constitutionally offensive way to achieve reform: public financing.

If you believe that the public policy process is distorted by candidates' growing dependence on large contributions then you should help qualified candidates mount competitive campaigns—especially if they lack personal wealth or cannot privately raise large sums of money. Difficult questions have to be resolved about how to deal with soft money and independent expenditures. Some of these outcomes are constrained by constitutionally based court decisions.

But notwithstanding the nay-sayers who say public financing is dead on arrival, we should remember that we once had a system where private citizens and political parties printed their own ballots. It later became clear that to protect the integrity of the electoral process ballots had to be printed and paid for by the government. For the same reason the public treasury pays for voting machines, polling booths and registrars and the salaries of elected officials. In conclusion, we take it as a fundamental premise that elections are a public not a private process—a process at the very heart of democracy. If we are fed up with a system that allows too much private influence and personal and corporate wealth to prevail then we should complete the task by making public elections publicly financed.

Sincerely

LAURA W. MURPHY,
Director, Washington Office.
JOEL GORA,
Professor of Law, Brooklyn Law School and Counsel to the ACLU.
GREGORY NOJEIM,
Legislative Counsel.

Mr. MCCONNELL. Let me read some of the letter.

> The AFL-CIO is writing to express its opposition to the new seemingly watered down McCain-Feingold bill. While it is true that the most obvious direct legislative attacks on issue advocacy have been removed from the bill, S. 1593 continues to abridge the first amendment rights of those who want to support party issue advocacy. The soft money restrictions proposed in S. 1593 are just another less direct way to restrain issue advocacy and therefore should be opposed.

I think that, plus the balance of the letter, sums up the constitutional arguments against the latest version of McCain-Feingold.

Earlier it had been my hope there would be an amendment offered by the other side. Seeing that is not the case, I am prepared to move forward and lay down the first amendment of this debate in which we are engaged.

AMENDMENT NO. 2293

(Purpose: To require Senators to report credible information of corruption to the Select Committee on Ethics and amend title 18, United States Code, to provide for mandatory minimum bribery penalties for public officials)

Mr. MCCONNELL. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 2293.

Mr. MCCONNELL. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . REQUIRING SENATORS TO REPORT CREDIBLE INFORMATION OF CORRUPTION.

The Standing Rules of the Senate are amended by adding at the end the following:

"RULE XLIV

"REQUIRING SENATORS TO REPORT CREDIBLE INFORMATION OF CORRUPTION

"(a) A Senator shall report to the Select Committee on Ethics any credible information available to him or her that indicates that any Senator may have—

"(1) violated the Senate Code of Office Conduct;

"(2) violated a law; or

"(3) violated any rule or regulation of the Senate relating to the conduct of individuals in the performance of their duties as Senators.

"(b) Information may be reported under subsection (a) to the Chairman, the Vice Chairman, a Committee member, or the staff director of the Select Committee on Ethics.".

SEC. . BRIBERY PENALTIES FOR PUBLIC OFFICIALS.

Section 201(b) of title 18, United States Code, is amended by inserting before the period at the end the following: ", except that, with respect to a person who violates paragraph (2), the amount of the fine under this subsection shall be not less than $100,000, the term of imprisonment shall be not less than 1 year, and such person shall be disqualified from holding any office of honor, trust, or profit under the United States".

Mr. MCCONNELL. Mr. President, the Senator from Wisconsin is here. We want to talk a little bit in the course of this debate on the amendment that I sent to the desk about the issue of corruption. There have been a lot of charges of corruption both on and off the floor. I think these are very serious charges and I think they warrant some discussion, not only for our colleagues but for the members of the public who are interested in this issue.

My colleague from Arizona gave a moving speech in Bedford, NH, a few months ago to kick off his Presidential campaign. In that speech, my friend from Arizona laid out his vision of America with strong, and I must say, compelling statements about what he firmly believes to be corruption in American politics. If there is one thing that is often said about our colleague from Arizona, it is that he is a straight shooter and that he calls it as he sees it. I certainly wouldn't argue with that.

Based on the Senator's speech in New Hampshire and his remarks about his legislation, I assume I am correct in inferring that the Senator from Arizona believes the legislative process has been corrupted. I think he said that in the Wall Street Journal today. I don't believe I am misquoting him. I hope I am not. I see his staffer on the floor. I don't want to be talking about your boss in his absence, and I hope I am not misquoting him. I certainly hope he will come back to the floor for this debate.

What I will do is run through a few of the recent statements of the Senator from Arizona about corruption to be sure that the Senate fully understands his strongly held views on this subject.

Again, I encourage my friend from Arizona to come back to the floor because I certainly don't want to be talking about him in his absence, although I will say these quotes are quite precise and I assure him that I am not misquoting his observations in any way.

The Senator from Arizona, in discussing the subject of campaign finance reform in Bedford, NH, on June 30 of this year said:

> I think most Republicans understand that soft money, the enormous sums of money given to both parties by just about every special interest in the country, corrupts our political ideals, whether it comes from big business or from labor bosses and trial lawyers.

Quoting further from my friend from Arizona, he says:

> In truth, we are all shortchanged by soft money, liberal and conservative alike. All of our ideals are sacrificed. We are all corrupted. I know this is a harsh judgment, [says Senator MCCAIN] but it is, I'm sorry to say, a fair one.

So the principal quote from my friend from Arizona is that "We are all corrupted."

He goes on to say:

> Pork barrel spending is a direct result of unlimited contributions from special interests.

My friend from Arizona, also on CNN Early Edition, July 1 of this year, said:

> We have seen debasement of the institutions of government, including the corruption of Congress because of the influence of special interests.

Further, my friend from Arizona said:

> Soft money is corrupting the process.

Then on Fox News, Sunday, on June 27 of this year, my friend from Arizona said:

> I talked to Republicans all over America, including up here in New Hampshire, and when I tell them about the corruption that exists they nod their heads.

My friend from Arizona goes on:

> I think that Americans don't hold us in the esteem and with the respect that the profession deserves and that's because the profession has become permeated with special interests, which have caused corruption, which have then caused them to lose confidence in government.

And the Senator from Arizona went on:

> I'm trying to eliminate the soft money which has corrupted our legislative process, and I think soft money has permeated American politics. It has corrupted the process and it has to be eliminated.

And then in New Hampshire on July 3:

> Young people think politicians are corrupt. Know what? We are [said the Senator from Arizona] all corrupt.

Then on This Week on ABC, October 3, 1999, George Will said to the Senator from Arizona:

> Have you ever been or can you name a Republican who has ever been corrupted by the Republican National Committee?

The Senator from Arizona said:

> Not by the Republican National Committee, but all of us have been corrupted by the process where big money and big influence—and you can include me in the list where big money has bought access which has bought influence. Anybody who glances at the so-called 1996 Telecommunications Reform Act and then looks at the results—which is an increase in cable rates, phone rates, mergers, and lack of competition—clearly knows that the special interests are protected in Washington at the public. And the public interest is submerged.

George Will said:

> This is soft money to parties, that itself leads to corruption of Republicans?

And the Senator from Arizona says:

> Of course it does, George, and you work there and you see it.

Now my colleague from Arizona, on the Telecommunications Act of 1996, said:

> During hearings for the 1996 Telecommunications Act, every company affected by the legislation had purchased a seat at the table with soft money.

Now that was in a Bedford, NH, speech of June 30 of this year.

Referring now to the web site of my colleague from Arizona, there are charts that list accusations and lists of projects. Let me quote from the web site:

> In the last several years while Republicans have controlled Congress, special interest earmarks in appropriations bills have dramatically increased. The rise in pork barrel spending is directly related to the rise of soft money, as Republicans and Democrats scramble to reward major donors to our campaigns.

Straight from the web site, "It's Your Country." And then there are projects listed as examples of projects presumably inserted into bills as a result of soft money contributions.

There is $26 million to compensate fishermen, fish processors, and fishing crews negatively affected by restrictions on fishing in Glacier Bay National Park, and $70 million for expanding a livestock assistance program to include reindeer, both those projects in Alaska, projects which—I assume the allegation is—were inserted in a bill as a result of a soft money contribution, which, as we all know, can only go to political parties.

In the State of Utah, the site lists $2.2 million for sewer infrastructure associated with the 2002 winter games in Utah as an example of an appropriations insertion, presumably as a result of some soft money contribution to a political party.

Then it lists the State of Washington, $1.3 million for the WTO Ministerial Meeting in Seattle, WA, and an exemption for the Crown Jewel Mine, in Washington, to deposit mining waste on land adjacent to the mine.

Further, on September 26, 1999, the Daily Outrage from the web site says:

> The largest producer of ethanol, Archer-Daniels-Midland Corporation, who gave lavishly to both political parties—for their contribution, ADM recently received an extension of ethanol subsidies totaling $75 million. It also suggested that ADM also benefits from sugar support programs that keep the price of corn syrup artificially high. This sweetheart deal gets ADM another $200 million a year.

Then today in the Wall Street Journal, the Senator from Arizona says:

> In the past several years, while Republicans controlled Congress, earmarks in appropriations bills have dramatically increased. The reason for this pork barrel spending is that Republicans and Democrats are scrambling to reward major donors to their campaigns.

The Senator from Arizona, I see, is on the floor. I am just interested in engaging in some discussion here about what specifically—which specific Senators he believes have been engaged in corruption.

I know he said from time to time the process is corrupted. But I think it is important to note, for there to be corruption, someone must be corrupt. Someone must be corrupt for there to be corruption.

So I just ask my friend from Arizona what he has in mind here, in suggesting that corruption is permeating our body and listing these projects for the benefit of several States as examples.

Mr. McCAIN. Does the Senator yield the floor?

The PRESIDING OFFICER (Mr. ROBERTS). The Senator from Arizona.

Mr. McCAIN. Recently there was a book written by Elizabeth Drew called "The Corruption of American Politics." I commend it to the reading of the Senator from Kentucky. In chapter 4 titled "The Money Culture," she says:

> Indisputably, the greatest change in Washington over the past twenty-five years—in its culture, in the way it does business, and the ever-burgeoning amount of business transactions that go on here—has been in the preoccupation with money.
>
> Striving for and obtaining money has become the predominant activity—and not just in electoral politics—and its effects are pernicious. The culture of money dominates Washington as never before; money now rivals or even exceeds power as the preeminent goal. It affects the issues raised and their outcome; it has changed employment patterns in Washington; it has transformed politics; and it has subverted values. It has led good people to do things that are morally questionable, if not reprehensible. It has cut a deep gash, if not inflicted a mortal wound, in the concept of public service.

That is basically what Elizabeth Drew, who has been around this town for many years, said in her book. She states:

> Private interests have tried to influence legislative and administrative outcomes through the use of money for a long time. The great Daniel Webster was on retainer from the Bank of the United States and at the same time was one of its greatest defenders in the Congress. But never before in the modern age has political money played the pervasive role that it does now. By comparison, the Watergate period seems almost quaint.
>
> There was a time when people came to Washington out of a spirit of public service and idealism. Engendering this spirit was one of John F. Kennedy's most important contributions. Then Richard Nixon, picking up from George Wallace, and then Ronald Reagan, in particular, derided "federal bureaucrats." The spirit of public service was stepped on, but not entirely extinguished.
>
> But more than ever, Washington has become a place where people come or remain in order to benefit financially from their government service. (A similar thing could be said of journalists—and nonjournalists fresh out of government service—who package themselves as writers, television performers, and highly paid speakers at conventions.)

I have for many years had a set of criteria indicating that which I have said we cannot, should not, abide. Perhaps a lot of it is because I am a member of authorizing committees. I took the floor here just a couple of hours ago to talk about $6.4 billion that was added to the Defense appropriations bill. I will have to get the statement again to refresh myself with the specific numbers, but $92 million was for military construction projects which had not been authorized—no hearing, nothing whatsoever that had to do with the authorizing followed by the appropriating process.

I worked with a number of organizations: Citizens Against Government Waste, Citizens For A Sound Economy, and other organizations in Washington that are watchdog organizations. We developed a set of criteria. Those criteria have to do with: Whether it was requested in the President's budget, whether there was an authorization, whether there was a hearing, et cetera. There are a number. They are on their way over, the criteria I have used for many years.

Because when you bypass the authorizing and appropriating process, you obviously do not, No. 1, abide by the prescribed way we are supposed to do business around here; but then it opens up to improper procedures.

We have 12,000 enlisted families on food stamps. Yet we will spend $92 million, and other funds, on programs that the Secretary of Defense says specifically are not of the priority on which to be spending money:

> I have said for 10 years I have reviewed annual appropriations bills to determine whether they contain items that are low priority, unnecessary, or wasteful spending. In this process I have used five objective criteria to identify programs and projects that have not been appropriately reviewed in the normal merit-based prioritization process.
>
> These criteria are: Unauthorized appropriations, unrequested locality-specific earmarks, research-facility-specific earmarks, and other earmarks that would circumvent the formal competitive award process, budget add-ons that would be subject to a budget point of order, transfer or disposal of Federal property or items under terms that circumvent existing law, and new items that were added in conference that were never considered in either bill in either House.

The web site goes on to say:

> Senator McCAIN's criteria are not intended to reflect a judgment on the merits of an item. They are designed to identify projects that have not been considered in an appropriate merit-based prioritization process.

I do not intend to let this debate, which is about banning soft money, get into some kind of personal discussion here. I simply will not do it, except to say that Elizabeth Drew has it right. Many other people who judge this town have it right. The fact is, there is a pernicious effect of money on the legislative process.

I refuse to, and would not in any way, say that any individual or person is guilty of corruption in a specific way, nor identify them, because that would defeat—

Mr. McCONNELL. Will the Senator yield for a question?

Mr. McCAIN. I would like to finish.

That would defeat the purpose because, as I have said many times before, this system makes good people do bad things. It makes good people do bad things. That is to go around the process which is prescribed for the Senate—the Congress of the United States—to operate under.

When I go to San Diego and I meet enlisted people who are on active duty who are required to stand in line for food, for charity, and we are spending money on projects and programs that are unwarranted, unnecessary, and unauthorized, I will tell my friend from Kentucky, I get angry.

I do not know much about the background of the Senator from Kentucky or his priorities, but I have mine. One is that I am not going to stand by without getting very upset when young Americans who are serving this country are on food stamps while we are wasting $6.4 billion in pork barrel projects.

All I can say to the Senator from Kentucky, if he wants to engage in this kind of debate, I think it will be a waste of our 5 days of time. But I believe, as Elizabeth Drew has said, this system is wrong, it needs to be fixed, and the influence of special interests has a pernicious effect on the legislative process.

The Senator from Kentucky is entitled to his view that he does not agree with that, or obviously the Senator from Utah. That is my considered opinion. But I will state to the Senator from Kentucky now, I am not in the business of identifying individuals or attacking individuals. I am attacking a system. I am attacking a system that has to be fixed and that has caused 69 percent of young Americans between 18 and 35 to say they are disconnected from their Government, that caused in the 1998 election the lowest voter turnout in history of 18- to 26-year-olds. Those 18- to 26-year-olds were asked: Why didn't you vote? And they said they believe we do not represent them anymore, because they have lost confidence. They say they will not run for public office, that they believe we are corrupt.

It is the appearance of corruption that is causing young Americans to divorce themselves from the political process, refuse to run for public office, and there is poll after poll and data that will so reflect.

Mr. McCONNELL. Will the Senator yield for a question?

Mr. McCAIN. I will be glad to yield for question.

Mr. McCONNELL. By the way, I only quoted the Senator's comments and everything was quoted accurately. I raised the Senator's own words in the debate, words he has used as a justification for this bill that is currently before us.

I ask the Senator from Arizona, how can it be corruption if no one is corrupt? That is like saying the gang is corrupt but none of the gangsters are. If there is corruption, someone must be corrupt.

On the Senator's web site, he names some projects that he specifically says are in these bills as a result of soft money contributions which, of course, as we all know, cannot be received by anybody who votes anyway; they are given to a party.

I repeat my question to the Senator from Arizona: Who is corrupt?

Mr. McCAIN. First of all, I have already responded to the Senator that I will not get into people's names. I will, indeed, repeat, again, to the Senator from the web site from which he is quoting. Here it is:

> For 10 years, Senator McCAIN has reviewed the annual appropriations bills to determine whether they contain items that are low priority, unnecessary, or wasteful spending. In this process, he has used five objective criteria.

And I go on to list them. That is why——

Mr. McCONNELL. Does that equal corruption though?

Mr. McCAIN. If the Senator from Kentucky will not accept that answer, there is no point in me continuing to answer. I have already answered.

Mr. McCONNELL. I heard the answer, but the answer, I gather, deleted the word "corruption." The suggestion is that these were inserted as a result of some corrupt act by someone; is that right?

Mr. McCAIN. No, that is not right. It is a system. It is a system that has violated the process and has therefore caused the American people to lose confidence and trust in the Government.

Mr. McCONNELL. The Senator agrees "corruption" may not be appropriate. If there is no individual he can name who is corrupt, then "corruption" may not be the appropriate word; would the Senator agree?

Mr. McCAIN. I would not, I say to the Senator from Kentucky. He is entitled to his views, his opinions, and his conclusions. I am entitled to mine.

Mr. McCONNELL. I see the Senator from Utah.

Mr. BENNETT. I ask if the Senator from Arizona will yield further for a question?

Mr. McCAIN. Yes, I will be glad to.

Mr. BENNETT. I am holding a copy of the web site in which the Senator from Arizona is quoted as follows:

> In the last several years, while Republicans controlled Congress, special interest earmarks in appropriations bills have dramatically increased. The rise in pork barrel spending is directly related to the rise of soft money, as Republicans and Democrats scramble to reward major donors to our campaigns.

Immediately adjacent to that statement, as an example which "will give you an idea of what laced this most recent trichinosis attack," again a direct quote from the web site:

> . . . $2.2 million for sewer infrastructure needs associated with the 2002 Winter Olympics in Utah.

I plead guilty. I am the Senator who approached the Appropriations Committee to ask for that earmark.

I ask the Senator from Arizona if he can identify for me from the words he has used in the web site, "the rise of soft money" that came to me that caused me to approach the Appropriations Committee to ask for that money; specifically, I am going to ask the Senator from Arizona to identify the source of the money, the amount of the money, the recipient of the money that produced that which he describes on his web site as a direct result of, presumably, the money that was received.

Mr. McCAIN. I will be glad to respond to the Senator from Utah. In September 19, 1997, I wrote a letter to the Senator from Utah. I never received an answer. A year later, I came to the Senator from Utah and handed him a copy of the letter. The Senator from Utah never answered.

Let me read parts from the letter to the Senator from Utah to remind him because he never answered the letter:

> September 19, 1997, Honorable Robert F. Bennett, United States Senate, Washington, DC.
>
> Dear Bob: I am writing about the recent efforts to add funds to appropriations measure for the 2002 Winter Olympics in Salt Lake City. By my count, the Senate has approved earmarks in three of the appropriations bills, earmarking $14.8 million for next year alone to fund various activities related to planning and preparation for the Utah Olympics. These funds were not included in the FY 1998 budget request, and many were not considered during the Appropriations Committee's review of the bills.
>
> Bob, you are aware of my long history of opposing location-specific earmarks of taxpayer dollars. We discussed several of these amendments when they were offered, and I explained why I was particularly opposed to earmarking funds for the Olympics.
>
> I have to say that I am disappointed with the approach being taken to earmark funding for the Utah Olympics. In light of the Republicans' long-fought efforts to balance the

budget and provide relief to American taxpayers, and with all of the concerns about lack of federal resources to ensure that our children and less fortunate citizens are not unduly harmed as we reduce government spending, I am surprised that you would earmark millions of dollars for a sporting event. And I fear this is just the beginning—

And those fears in 1997 were well justified.

—if the experience of the Atlanta Olympics is any indication.

Of course, I understand your desire, and that of your constituents, to ensure that transportation, security, communications, and other support for the 2002 Olympics is completed in an efficient and cost-effective manner. However, I find it disturbing that adding money for the Olympics would be your highest priority, at least according to your staff.

Randomly adding millions of dollars to the appropriations bills, without benefit of appropriate Administration or Congressional review, is not the way business is done in the Senate, nor is it an appropriate way to ensure we spend the taxpayers' dollars wisely. That is why I have opposed unauthorized and location-specific earmarks in an appropriations bill, whether for the Olympics or for any other defense or domestic expenditure.

If this process, to which I am unalterably opposed, continues and these funds do not go through the normal authorizing and appropriating process, then I will have to use whatever parliamentary means are available to me to prevent further unauthorized expenditures of taxpayer dollars, for whatever purposes.

Again, Bob, I recognize that proper preparation for the Olympics is vital to the success of the games. It seems to me, though, that the best course of action would be to require the U.S. Olympic Committee, in coordination with the Administration and Congress, to prepare and submit a comprehensive plan detailing, in particular, the funding anticipated to be required from the taxpayers for this event. As you may know, the Commerce Committee, which I chair, has jurisdiction over the activities of the U.S. Olympic Committee. I am willing to work with you, the Administration, and the Olympic Committee to devise such a plan, and I will hold hearings in the Committee as expeditiously as possible to review the plan and provide appropriate authorization for appropriations in support of an approved plan.

Please call me so that we can start work immediately to establish some predictability and rationality in the process of preparing for Olympics events in our country.

Sincerely,

JOHN MCCAIN.

That was written to you in September of 1997, a little over 2 years ago. Since I received no response whatsoever, a year later I handed you a copy of this letter asking for a response. I know how busy you are, but I never got an answer.

But what I did see was exactly what I was warning about in 1997; that is, these unauthorized, unappropriated moneys going into an enterprise—which since then we have found out has maybe had some other problems associated with it, which my committee is going to have hearings about.

So my answer to you, sir, is that even in light of the fact that I wrote you a letter and then personally handed you a copy and beseeched you to go through the normal process of authorization and appropriation as prescribed by the rules of the Congress of the United States, you refused to do so; therefore, I identified it on my web site as not meeting the criteria that I mentioned before.

Now, I will repeat again what Elizabeth Drew wrote in her book that this process of money has done great damage to all of us and has had a pernicious and corrupting effect on the process.

But for you to say that this clearly unauthorized, unacceptable procedure, at least as far as my taxpayers are concerned, because the people of Arizona would at least like to have a hearing before their tax dollars go to the State of Utah—this is, in my view, something that we have to obviously fix.

I do not know if we will ever stop this practice of earmarking and pork barreling, but I will never stop resisting it. And I will never stop trying to see that the taxpayers of America receive an open and fair hearing before—I have forgotten. We will total it up for the RECORD later on how much you stuffed into the appropriations bills without a single hearing. We will total it up. In fact, I think it was—oh, yes, the GAO estimates that the Federal funding and support plan for the 2002 Olympics and Paralympics in Salt Lake City totals more than $1.9 billion in Federal funding.

I am on the oversight committee. We have never had a hearing on that oversight because it has never been requested. It has been stuffed into an appropriations bill, sometimes even in a conference report. I would think that the Senator from Utah might think that is not a good way to do business in the Congress of the United States, and it then gives rise—then gives rise—to the suspicion that young Americans have about the way we do business and whether they are well represented.

I go to schools in Arizona. I say to the schoolchildren, Do you know that $1.9 billion of your money and your parents' money is going to support the 2002 Olympics and Paralympics, without a hearing, without a decision as to whether it is needed or not, without any kind of scrutiny; that there is a Senator who goes through the appropriations process, puts it in an appropriations bill, and it is a line item that we read about?

Then maybe you can understand a little better why there is this suspicion, I would say to the Senator from Utah. In fact, I would hope the Senator from Utah would, as a result of this dialogue, understand why people to whom I talk all over America are so upset about the way we are doing business here in Washington.

Mr. BENNETT. May I respond?

Mr. MCCAIN. I yield the floor.

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. At some future point, Mr. President, I shall be happy to debate the appropriateness of Olympic appropriations with the Senator from Arizona. That was not my question.

The Senator from Arizona has not answered my question. And Elizabeth Drew is not capable of answering my question because Elizabeth Drew did not make the accusation.

The accusation is made on the web site "It's YOUR Country.com": "The rise in pork barrel spending is directly related to the rise of soft money." And one example of that is the $2.2 million appropriation for sewer and infrastructure associated with the Winter Olympics.

My question to the Senator from Arizona was—and remains—not, is the appropriation for the Olympics appropriate or not? My question for the Senator from Arizona is, who gave the soft money? How much was it? And where did it go that resulted in my actions being taken?

Now, let me point out that it is possible to answer those questions with respect to corruption. I sat as a member of the Governmental Affairs Committee that examined what happened in the 1996 election.

I will give you three examples that I want to apply to this context. Then if the Senator from Arizona will give me an answer, I will yield to him for an answer to my question.

Example No. 1: Who gave the money? is the question. The answer is: Roger Tamraz, a fugitive from justice from many countries in the world.

Second question: How much? $300,000.

Third question: To whom? The Democratic National Committee.

Fourth question: What did he get for it? The answer is he got invited to the White House, a dinner with the President and a conversation with the President, that which is facetiously referred to as "face time," despite the fact that the National Security Council told the White House that Roger Tamraz should not be allowed in the White House because of his background.

There are the four elements: Who gave the money? How much was it? Where did it go? And what was the quid pro quo? All four are identifiable. I would be willing to say that constitutes corruption.

Roger Tamraz gave $300,000 to the Democratic National Committee to earn entry into the White House and "face time" with the President, in spite of the warning by the National Security Council that he should not do that.

Example No. 2. The Riady family. Who gave the money? The Riady family. They were the largest single contributor to the Clinton campaign in the 1992 election. How much? I don't have that total. It was in the millions. To whom was it given? Soft money. It went to the Democratic National Committee.

What was the quid pro quo? The quid pro quo was the placing of John Huang in the Commerce Department where he could become, in the words of the Riadys—of James Riady—"My man in the U.S. Government."

There are the four elements: Who gave the money? The Riadys. How much was it? In the millions. Where did it go? The Democratic National Committee. And what did they get? An appointment of their individual buried inside the administration.

No. 3, not quite as clear, but nonetheless the four elements are there. The Indian tribe that was approached by the Democratic National Committee, an Indian tribe that was one of the most impoverished in the United States.

What did they want? They wanted the return of what they considered to be ancestral lands. They were told, if they gave hundreds of thousands of dollars to the Democratic National Committee, they would receive the lands that had been taken away from them decades prior. They raised the money.

Where did the money come from? It came from the Indian tribes. How much was it? It was in the hundreds of thousands of dollars. Where did it go? It went to the Democratic National Committee. What did they get for it? In fact, they got nothing because the administration was unable to return the lands. That was the case of a scam, in my opinion, that is corrupt.

So I come back to this question to the Senator from Arizona, or anyone else who can answer it: With respect to the $2 million that was appropriated for sewer infrastructure in Utah, I want to know, who gave the money? How much was it? Where did it go? And where was the quid pro quo that I delivered on?

I am unaware of any money that was given by anybody in any amounts that influenced my action here. But I have been accused on a web site, for the entire world to see, of caving into soft money. I have been accused of being corrupt. I have been accused of doing something in this body solely because—and I quote—"The rise in pork barrel spending is directly related to the rise of soft money." As I say, I will engage in a debate over the wisdom of Federal support for the Olympics in another time and in another venue. The issue has nothing to do with that question. The issue is whether or not a Member of the Senate, when he is accused of corruption, has a right to know the details of the corruption; whether a Member of the Senate has the right to know, when his young people are told by one of his colleagues that he is corrupt and, therefore, the young people in his State may be discouraged from running for public office or may feel ill about the system, because they are told their Senator is corrupt, he has the right to know the details of that corruption accusation. I believe that is a fundamental right of every Member of this body.

I am asking the Senator from Arizona to answer those questions: Who gave the money? How much was it? Where did it go? How did it affect my actions with respect to the Appropriations Committee?

I am prepared to yield to the Senator from Arizona for an answer to that, if he wants to do it now, or I will give him a chance to research it, if he prefers. It has nothing to do, in my view, with Elizabeth Drew or with actions within the Appropriations Committee so much as it has to do with the accusation that has been made about me personally, to which I take personal offense.

Mr. McCONNELL. If the Senator will yield for one observation before Senator MCCAIN responds, Senate rule XLIII seems to be the rule that applies here. It says: The decision to provide assistance may not be made on the basis of contributions or services, or on promises of contributions or services, to the Member's political campaigns or to other organizations in which the Member has a political, personal, or financial interest. That is Senate rule XLIII relating to constituent service, which appears to be the applicable Senate rule in this situation.

Mr. BENNETT. Mr. President, I am prepared to yield to the Senator from Arizona to respond if he wishes.

Mr. SCHUMER. Will the Senator from Utah yield for a question?

Mr. BENNETT. I am happy to yield to the Senator from New York.

Mr. SCHUMER. I thank the Senator from Utah for yielding and I understand his anger and anguish about this specific allegation. I do not wish to comment on the details other than to say I have complete respect for the integrity of the Senator from Utah and have witnessed it in my time here.

My question is this: Given all of the examples he has mentioned, some of which he thinks are conclusive cases—first I think it was three, and then he said the fourth was maybe a little less conclusive

Mr. BENNETT. Two and then three.

Mr. SCHUMER. Excuse me. The two he said were conclusive and the third possibly conclusive. The allegations that he feels, at least in my judgment, correctly, wounded about, don't all of these questions and particularly the cases that the Senator has laid out—and I am not commenting on whether I agree with his cause and effect—make as strong a case as we have seen for passing some campaign finance reform? Doesn't it importune the gentleman from Utah, and so many others in this Chamber, that we pass something because all of these allegations fly around? And in fairness to the Senator from Arizona, when I heard his response, he was talking about appearances as opposed to realities, but appearances that are damaging to the body politic, whether there is reality or not.

My question to the good Senator from Utah is, once again, don't the instances that he has outlined, the ones not referring to himself but the ones he believes fervently about the Democratic National Committee, motivate him to fight very hard that we pass something, not allow a filibuster to prevent us from passing it, and do something good for campaign finance reform? It seems to me the logic is sort of inexorable, as inexorable as the logic of the Senator's piercing questions about his specific case.

I thank the Senator for yielding and ask him to respond.

Mr. BENNETT. I am happy to respond. If I were convinced the legislation before us would achieve the result that is claimed for it, I would vote for it happily. My concern with the legislation before us is that it, in fact, would make things worse rather than better. We can discuss that and those details at an appropriate point in the debate.

I don't want to dodge it because I think the point the Senator from New York is making is a legitimate one, and his logic is, indeed, inexorable. The one hole I see in it is his assumption that this bill before us would work. My conviction, after reading it carefully, is that it not only would not work but would do serious damage to our first amendment rights.

I come back to the fundamental question we are dealing with in terms of the spirit of this debate and the spirit in which it is cast. This debate is being cast in the national press and over the Internet and, indeed, in the Presidential campaign as a debate between the incorrupt and the corrupt. I have been labeled as being on the side of the corrupt, and I don't like it.

If I am, I want to be identified in such a way that makes it clear that I am, instead of in a broad brush kind of way. One of the things we all try to avoid is tarring people with broad brushes. This is not a broad brush. This is a specific charge that then is drawn over into the broad brush of "we are all corrupt." I want to know from whom did the money come, how much was it, and to what organization did it go that caused me to take the action I took.

In the absence of being able to produce those statistics, I think the charge that I am corrupt should be withdrawn. That is what I am saying. That is what I am going to continue to say as a matter of personal privilege until we get this thing resolved. It has nothing whatever to do with the merits or demerits of funding for the Olympics on the Federal level. It is a question of my position, of personal integrity, that, in my view, has been impugned on a web site available to the entire country.

Mr. McCAIN. Does the Senator yield the floor?

Mr. BENNETT. I will yield for a response to my question. If it means yielding the floor, I am happy to yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. I don't want to keep the Senator from Arizona from responding, if he is ready to.

Mr. McCAIN. I would like the floor to respond.

Mr. McCONNELL. I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, first of all, the Senator is incorrect. I did not accuse him of being corrupt. No apology or withdrawal is warranted.

Secondly, the Senator engaged in a continuous practice of violating the rules of the Senate, which require authorization and then appropriation, for several years now. I hope that the Senator, as a product of this debate, will seek an authorization for the $1.9 billion which the GAO has identified as going to the Olympics. The Olympics have had a lot of problems in addition to that. I hope the Senator will address those as well.

The third point is, indeed, banks and securities gave $14 million in soft money. They got, in the last tax cut, $38 billion in tax breaks.

Restaurants and hotels gave $3 million in soft money; they got $14 billion in tax breaks.

The oil and gas industry gave $19 million in soft money; they got $5 billion in tax breaks.

Between 1991 and 1997, the chemical, iron, and steel manufacturing industries gave $22.2 million in soft money to the political parties. The 1999 tax bill included a provision to eliminate the alternative minimum tax, which will allow these industries to completely eliminate their tax liability in any one year. If the bill had not been vetoed, this single change would have saved these industries $7.9 billion over an 8-year period or almost $1 billion a year.

Over the last decade, the oil industry has given $22 million in soft money donations to the political parties. What did they get? The 1999 tax bill included a provision to remove the current limit of 35 percent on Federal tax credits that oil companies can take for taxes they pay to foreign countries. If the bill had not been vetoed, the provision would have allowed oil companies to take much larger credits against their tax liability, saving them $800 million a year; return on investment, 3,600 percent.

Between 1995 and 1998, the restaurant and hotel industry gave $4.3 million in soft money to the political parties. The 1999 tax bill included a provision to increase tax deductibility of business meals to 60 percent, although the industry wanted 100 percent. If the bill had not been vetoed, this provision reviving the three-martini power lunch would have cost taxpayers $4 billion over the next 10 years. The list goes on and on, I say to the Senator from Utah.

Now, the specific language says in the appropriations bill:

> Special interests unlimited campaign contributions were a key ingredient in the pork stew that is choking the American people.

They were a key ingredient in all of these that I described. Perhaps they were not in the case of the Senator from Utah. Perhaps the Senator from Utah just decided to violate the rules of the Senate, and he is free to do that, although I will do everything in my power to see that this $1.9 billion is restrained.

Now, I finally want to mention an incident. I was in the Republican caucus when a certain Senator stood up and said it was OK for you not to vote against the tobacco bill because the tobacco companies will run ads in our favor.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. McCONNELL. Mr. President, the Senator from Arizona has not named the Senators who were allegedly responsible for inserting all of the provisions that he listed in various and assorted bills, which he suggests were inserted as a result of soft money contributions to political parties.

So the question remains: Who were the Senators?

There was, however, at the end of his remarks, a not-so-veiled reference to this Senator, to which I would like to respond. Senator McCain suggested, I assume, as I heard him correctly a few moments ago, that as a result of the tobacco debate last year—and I might mention to my colleagues I have 45,000 tobacco growers; before the Clinton administration, I had 60,000 tobacco growers, and they are falling daily. These are the hard-working farmers engaged in producing a legal crop that representatives of Kentucky, regardless of party, seek to defend.

In any event, Senator McCain brought up the way the tobacco debate ended last year, and there were allegations in the paper that this Senator, the Senator from Kentucky, had said to everyone: Don't worry about defeating the tobacco bill, the tobacco companies will be out there doing issue ads.

As a result of that assertion, there was a complaint filed against me, and I want to refer to a letter from the Justice Department of January 29, 1999, to Chairman Orrin Hatch:

> I am writing in further response to your letter of September 8, 1998, regarding the complaint filed with the Federal Election Commission by the National Center For Tobacco-Free Kids. Consistent with the Department's longstanding practice, we deferred any inquiry until issues arising under the Federal election laws have been reviewed by the FEC. We did, however, agree to review the portions of that complaint related to 18 U.S.C. 201 [which is a criminal statute]. After careful examination, the criminal division has concluded that there is insufficient evidence to warrant a criminal investigation.

So the suggestion that the Senator from Arizona was making was that I, representing 45,000 tobacco growers, was somehow trying to defeat a tobacco bill because of some alleged assistance by the tobacco industry to political parties. I might say to the Senator from Arizona, I am deeply offended by that. I don't know who are the most important and largest number of constituents in Arizona that he works for, but I try to help the 45,000 tobacco growers in my State. I try to defeat tobacco bills when they come before the body, as did Wendell Ford of the Democratic Party when he was here all those years. I don't need any contribution from anybody to myself, to the National Republican Senatorial Committee, any of our parties, or anybody, to stand up and defend the 45,000 tobacco growers from my State.

So I repeat to the Senator from Arizona, the question before us is not reading a list of what he considers to be inappropriate projects. That is not the issue. The issue is, where is the corruption? You cannot have corruption unless somebody is corrupt. There is not corruption without somebody being corrupt. You can't say the gang is corrupt and none of the gangsters are. If the Senator from Arizona believes there is corruption, he has an obligation, under the Senate rules and the Federal bribery statute, to name the people. Who is being corrupt? Who are the people putting all of these items in these bills? What was their impetus for doing it? Who made the contribution, as the Senator from Utah said, and to whom? Where is the corruption?

Mr. McCAIN. Does the Senator yield the floor?

Mr. McCONNELL. Yes.

Mr. McCAIN. Mr. President, I have responded. It is time to move on. If the Senator from Kentucky has an amendment concerning this issue, I will be glad to address it. I have responded, and I will continue to respond. I am trying to change a system that corrupts all of us. I believe there is ample evidence, as I have cited, of this system's pernicious effect, in my view, and in the view of most objective observers. I am not going to let this debate, in the few days we have, get bogged down on this issue. It is time we move on with the amending process. I have responded. I have said to the Senator from Utah and the Senator from Kentucky that I am fighting a system here. I will continue to fight that system, with its pernicious effects on the American people.

Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair observes that the priority of recognition is determined, first, by Senator LOTT, the majority leader; second, the distinguished Democratic leader; third, by the manager of the bill; and also the designee of the minority leader; or by service on the committee of jurisdiction in order of seniority.

In that regard, I recognize the Senator from Kentucky.

Mr. McCONNELL. I thank the Chair.

Mr. President, we are not bogged down; we are just getting started. We just took the bill up a few moments ago. At the heart of this whole debate—elevated now to a Presidential campaign—are allegations of corruption.

All I am asking is a very simple question: Where is the corruption? The Senator from Utah is trying to get an answer to his question, and I haven't heard it yet. I know the State of Washington is also listed on the web site. I wonder if the Senator from Washington would also like to take the floor. I ask my colleague from Washington if he has also noted the web site that we were discussing earlier, in which a couple of projects from Washington are referred to.

Mr. WELLSTONE. Mr. President, may I make an inquiry?

Mr. McCONNELL. I believe I have the floor.

Mr. WELLSTONE. I have a question; that is all it is.

I ask my colleague from Kentucky, for those of us who want to debate this larger question, how long will you continue with this attack of Senator MCCAIN on the floor? How much longer is that going to happen?

Mr. McCONNELL. Mr. President, I thank my friend from Minnesota for his question.

I now turn to the Senator from Washington and ask him if he noted on the web site the suggestion about $1.3 million for the World Trade Organization's ministerial meeting in Seattle, WA, the Senator's State, and an exemption for the Crown Jewel mine in Washington State to deposit mining waste on additional land adjacent to the mine. Listed on the web site of Senator MCCAIN are examples of "pork barrel spending is a direct result of unlimited contributions from special interests."

Mr. GORTON. The Senator from Kentucky is correct. There are quotations from Senator MCCAIN's web site. There are two that I thought particularly bizarre coming from one of my closest friends in the Senate.

The first of those two is——

Mr. FEINGOLD. Mr. President, I ask the Chair, who has the floor?

The PRESIDING OFFICER. The Senator from Kentucky has the floor.

Mr. FEINGOLD. I wonder how a Senator can ask another Senator to yield the floor.

Mr. McCONNELL. Mr. President, as I understand it, seniority is a factor in the floor recognition. If I yield the floor, the Senator from Washington would be the senior Senator on the floor to be recognized first.

Mr. FEINGOLD. I don't believe one Senator can ever yield the floor to another Senator.

The PRESIDING OFFICER. If the Senator yields the floor, it is the judgment of the Chair to recognize whichever Senator would rise to his feet and be recognized.

Mr. McCONNELL. I believe I have the floor.

The PRESIDING OFFICER. The Senator from Kentucky has the floor.

Mr. McCONNELL. I believe the Senator from Washington would surely——

Mr. GORTON. I ask the Senator from Kentucky to yield for a question.

Mr. McCONNELL. I yield to the Senator from Washington for a question.

Mr. GORTON. In the web site to which the Senator from Kentucky has referred, there is the statement by the primary sponsor of this bill that "pork barrel spending is a direct result of unlimited contributions from special interests."

The first example in the——

Mr. McCAIN. The Senator is incorrect. Will the Senator yield? The Senator is incorrect. He is incorrect in his statement. The statement says "a key ingredient"—the "key ingredient." It doesn't say that it is the cause of it. So I hope the Senator will at least quote my web site accurately.

Mr. GORTON. I am reading from what I believe is the web site. I think one sentence in the paragraph that doesn't have——

The PRESIDING OFFICER. The Senator will suspend. The Senator from Kentucky has the floor, and the Senator is posing a question to the Senator from Kentucky.

Mr. GORTON. I pose a question to the Senator from Kentucky.

Mr. McCONNELL. I yielded to the Senator from Washington for a question. Is that permissible?

The PRESIDING OFFICER. The Senator is correct.

Mr. GORTON. To the best of my knowledge, I say to the Senator from Kentucky, I am reading from a web site of the Senator from Arizona, which includes the sentence that says, and I quote, "Pork barrel spending is a direct result of unlimited contributions from special interests."

In this particular list, entitled "The List Goes On and On," the very first example is a $1.3 million earmark for the World Trade Organization ministerial meeting to be held in Seattle, WA.

Just what pork barrel spending is and just how that spending is a result of unlimited contributions from special interests is a matter that the Senator from Washington fails totally and completely to understand.

I say to the Senator from Kentucky that the appropriation was the result of a request made by the U.S. Trade Representative in what I believe is a Democratic administration to the two Senators from Washington for assistance in financing a governmental operation—a U.S. governmental operation—the U.S. Trade Representative's participation in that World Trade Organization meeting to be held in Seattle.

I ask the Senator from Kentucky, since the Senator from Arizona has refused to answer these questions of him, or similar questions from the Senator from Utah, how in the world can an appropriation to a unit of the U.S. Government to conduct trade negotiations be either pork barrel spending or the result of unlimited contributions from special interests? Can the Senator from Kentucky enlighten me on an answer to that question?

Mr. McCONNELL. I say to my friend from Washington that I am mystified. I do not recall a situation where you have corporate contributions to the government that might then—it is a mysterious thing to think that kind of a proposal could be a result of soft money. It is important to remember that candidates for office can't receive soft money anyway. The contribution is to a party, and parties don't vote. I am astonished by the allegation. I am not sure I can answer the question because it is a mystery.

Mr. GORTON. A second question: There is a second accusation on another portion of the web site: The part that "This 'Pork Delight' took the form of the 1999 emergency supplemental appropriations bill. Special interest unlimited campaign contributions were a key ingredient in the pork stew that is choking the American people."

One of those is, "An exemption for the Crown Jewel mine in Washington State to deposit mining waste on additional land surrounding the mine, even though other mines were denied similar permission."

First, I ask the Senator from Kentucky, I don't see any appropriations or any use of the taxpayers' money in that connection. I have checked with the mining company in question that tells me they have never made a soft money contribution to any party or any group whatsoever.

I have letters from the county commissioners of the county in question praising this action—in fact, from a labor union that is usually not a supporter of the Senator from Washington on the same account—because this is one of the most poverty-stricken counties in the State of Washington, the Federal Government having closed almost all the timber harvests on public lands, other organizations having bought up other timberlands to prevent their harvest, and the administration being in the process of cutting off irrigation water to farmers. After 7 years of study and $80 million in complying with every single environmental law in the State of Washington, or for that matter the Federal Government, this company was denied its permit after a 100-year policy by a single bureaucrat.

I ask the Senator from Kentucky, in the absence of an answer from the Senator from Arizona, isn't this what we are supposed to do, represent our constituents? What soft money contribution could possibly have influenced this? One may certainly disagree with the policy.

Mr. MCCONNELL. I say to my friend from Washington that it is inconceivable to me how a soft money contribution to a political party would have anything to do with a project for a Senator's home State. I am mystified by the connection. It is astonishing.

We have here rampant charges of corruption and yet no names are named, no transactions are named. You know it is not unusual for the newspapers looking to sell copies or talking heads looking for air time to point to an alignment of interests among member parties, issue groups, and contributors and speculators maybe even going so far as to infer that official actions were taken in exchange for campaign support.

Mr. GORTON. Will the Senator yield for a question?

Mr. MCCONNELL. I yield for another question.

Mr. GORTON. The Senator from Arizona said he wants to get back to the issues involved. I assume the Senator from Kentucky would agree with me that reasonable Members can differ on questions of high public policy, on the way in which we finance political campaigns, on how the Constitution of the United States with its unequivocal demand that Congress shall pass no law respecting the freedom of speech should be interpreted; that all of these are appropriate matters for debate, but that they are far better debated upon the merits, and, in general, accusations of a corrupt system, and rather specific examples pointed at individual Members without the slightest degree of proof, without evidence at all that they were related in any respect whatsoever to this matter—that these are separate questions but they are related questions when the proposition——

Mr. WELLSTONE. Mr. President, I call for regular order.

Mr. GORTON. Should result from—

The PRESIDING OFFICER. The Senator from Kentucky has the floor and has yielded for a question.

Mr. GORTON. These unproven allegations.

Does the Senator from Kentucky agree that these are separate but highly related and relevant questions?

Mr. MCCONNELL. I agree completely with the Senator from Washington. What we have here suggests that there can be corruption but no one is corrupt.

How can there be corruption unless someone is engaging in corrupt activity? I say to my friend from Washington, as I said earlier in this debate, that is similar to saying the gang is corrupt but none of the gangsters is.

It is shocking to have these allegations when there are no specifics.

Mr. BENNETT. Will the Senator yield for a question?

Mr. MCCONNELL. Yes.

Mr. BENNETT. In response to my comment, the Senator from Arizona said I was violating the rules of the Senate in terms of what I was doing. He said he had not accused me of corruption. The Senator from Kentucky has been in the Senate longer than I and been on the Appropriations Committee longer than I. I ask, have my actions been violative of the rules of the Senate?

Mr. MCCONNELL. I say to my friend from Utah, no rule of which I am aware.

What we really are talking about in this particular debate on this particular amendment, which I will describe in a moment and have not described yet, is the whole notion that there is corruption. Yet no one is named. Somebody is alluded to, as the Senator from Utah and the Senator from Washington were, yet there is no proof.

Mr. BENNETT. If I could ask an additional question, is the appropriations process, as it has been followed in this Congress and previous Congresses under Republican leadership and democratic leadership, in and of itself, demonstrative of corruption if there is an appropriations action that is not authorized?

The Senator is the chairman of the Ethics Committee, and I see the other member of the Ethics Committee leadership on the floor in the form of Senator REID. I ask, is this process, as it is being practiced and handled, virtually on a routine basis, violative of the rules of the Senate?

Mr. MCCONNELL. If to appropriate an unauthorized sum of funds were a violation of Senate rules, there would be a lot of Senators in trouble around here. We try to do it through the authorization and then appropriations process, but to suggest that it is somehow unsavory or inappropriate behavior for there to be an appropriation without an authorization I think is stretching the matter quite a distance. There is certainly nothing improper about it.

We can have a policy argument about whether every single item ought to be authorized—and most of them are—but it certainly would not be appropriate to cast aspersions on the integrity of a Member of the Senate for trying to deliver something for his or her home State that might have at some point not been authorized by an authorizing committee.

What is new is Senators who serve here, walking these Halls every day, who meet with their fellow Senators every day, who watch their fellow Members take official actions every day, go before the American people and declare openly and with great conviction that votes are being bought in the Halls of the U.S. Capitol. When Senators make those kinds of allegations about their colleagues, I think we are suggesting they ought to back it up. They ought to back it up.

There are specific rules in the Senate that prevent taking an official action in order to reward somebody for a contribution. In addition to that, we have bribery statutes involving public officials:

> Any public official who "directly or indirectly," corruptly, demands, seeks, receives, accepts, or agrees to receive or accept anything of value personally or for any other person or entity, in return for . . . being influenced in the performance of any official act . . . shall be fined under this title . . . or imprisoned for not more than 15 years, or both, and may be disqualified from holding any office of honor, trust, or profit under the United States.

We have suggestions of violations not only of Senate rules but of Federal bribery statutes, without specifics. That is unfair to the Members of this body who are doing their very best to represent their constituents who are honest, hard-working, and good citizens. It is unfair to the Members of the Senate to have these aspersions cast on their honor and the honor of this institution.

There is an amendment at the desk which is the subject of this debate. Let me describe what it would do. It is an amendment that would amend the Senate Code of Conduct to create an affirmative duty for all Senators who report any credible information of corruption directly to the Ethics Committee. As a former chairman of the Ethics Committee, I am familiar with Ethics Committee rule 3 that requires every member of the Ethics Committee to report credible information of corruption to the committee.

The charges of corruption that are being made in this body require Members to extend the Ethics Committee rule to the full Senate. In the past, there has been an affirmative duty on the part of members of the Ethics Committee to report information about corruption directly to the committee. I think that now should be extended to the whole Senate because we have a number—at least two Members of the Senate—who have been alleging corruption. They have an affirmative duty, if this amendment passes, to report that corruption to the Ethics

Committee so we can all get to the bottom of it because these allegations demean the entire Senate.

The message of this amendment is simple. If any Member of this body knows of corruption, he or she must formally report it to the Ethics Committee. In addition, the amendment also amends the Federal Criminal Code to establish mandatory minimum penalties for public officials who engage in corruption.

Our criminal law is full of mandatory minimum penalties already. We have imposed them for a variety of different offenses over the years. For example, arson on Federal property requires a mandatory minimum penalty of 5 years in prison; special immigration attorneys disclosing classified information requires a mandatory minimum penalty of 10 years imprisonment; bribery involving meat inspectors requires a minimum of 3 years imprisonment; bribery involving harbor employees requires a minimum of 6 months imprisonment.

We have mandatory minimum penalties for bribery involving harbor employees and meat inspectors. Surely it is not too much to ask we establish mandatory minimum penalties for bribery involving public officials.

My amendment establishes that a conviction involving bribery of public officials as set forth in 18 USC 201 triggers a mandatory minimum penalty of **$100,000**, 1 year imprisonment, and disqualification from holding any office of honor, trust, or profit under the United States.

As Henry Clay once stated, "Government is a trust and the officers of the government are trustees." I believe that principle to be true. These amendments firmly establish the principle in our Senate Code of Conduct in our criminal law.

Before we pass laws that restrict the free speech rights of every American citizen, we should restrict ourselves. Let's regulate the 100 men and women who cast votes in this great body before we regulate the speech of more than 250 million Americans.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BUNNING). Without objection, it is so ordered.

The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I thank the Senator from Kentucky.

Mr. McCAIN. Will the Senator yield for one question?

Mr. FEINGOLD. Yes.

Mr. McCAIN. I know the Senator is aware, but for clarification, on my web site I state the general proposition that soft money creates pork barrel spending. I then identify a recent appropriations bill as an example of how big the problem of pork barrel spending is. Nowhere should it be interpreted that every single one of those pork barrel projects are as a result of soft money. But they are a result of a violation of criteria that I have held for 10 years, which the Senator from Utah seems to think is OK, which bypasses the authorizing process. I am sure the Senator from Wisconsin appreciates it.

Who is corrupted by this system? All of us are corrupted by it because money buys access and access is influence. The object is not to get into a vendetta about who is corrupted and who is not because the system is what needs to be fixed. We would never fix the system if I got into a business of finger pointing, name calling. For 10 years I have identified pork barrel spending which violates a process and criteria set up, not by me, but by the Citizens Against Government Waste, Citizens For a Sound Economy, National Taxpayers Union, and other objective and respected watchdog organizations.

Finally, I would say I hope the Senator from Wisconsin will ask the Senator—I am ready to accept his amendment by voice vote. I hope the Senator from Kentucky appreciates the fact that we entered into this agreement and did not hold up the Senate so we could have an amending process going back and forth on both sides of this issue. I hope that is what will be adhered to.

I also would say it is customary in this body to recognize one Member on this side of the aisle and another Member on the other side of the aisle, with the exception of the distinguished majority leader and Democrat leader. So I hope we could get some comity in this process, as we had intended to do at the beginning as part of the agreement.

I ask my friend from Wisconsin if he agrees with that?

Mr. FEINGOLD. I thank the Senator from Arizona for his question. I certainly do agree with it. I appreciate the way he said it.

I think we all agreed early on we would easily accept an amendment such as this. I want to make a couple of comments before we go forward with it.

I think a serious omission has been made in this conversation about what the standard is with regard to corruption. The Supreme Court in Buckley v. Valeo did not just speak of corruption, which is the standard the Senator from Kentucky insists on. It also clearly refers to the appearance of corruption. So any suggestion that we have to demonstrate in this case or that case that there is actual corruption flies directly in the face of what the law of the land is under Buckley v. Valeo. So there is not a problem with the amendment itself. I question how much it has to do with the debate before us. I think it is irrelevant unless the Senator from Kentucky believes we do not have bribery laws, but I don't see any problem with it.

Mr. BENNETT. Will the Senator yield for a question?

Mr. FEINGOLD. I will in a moment. I want to make a few comments because it was very difficult to get the floor, given the method of recognition used this morning.

But the irony of this amendment, even though it certainly is acceptable, is that the corruption that is so evident is evident as a moral matter; it is a matter of governance. It is not recognized by the current law—except perhaps in cases I don't know about—as actual legal violation or a crime. The corruption our bill seeks to ban now is perfectly legal. That is the point. It is perfectly legal and it would not be reached as a legal matter by this amendment. This amendment would not reach the kind of soft money contribution we are talking about.

The Senator from Kentucky knows this very well and almost revels in the loophole that would swallow the law. It is very important to recognize because I hope someday this gets before the U.S. Supreme Court.

The Senator from New York said: Well, we already have a record of at least the appearance of corruption as provided by the Senator from Utah.

Remember, our bill doesn't just affect congressional soft money; it also affects money used in Presidential elections, and thanks to the Senator from Utah, we now have on the record for the Justices to examine, his conclusion—which I believe is a fair statement—that you at least believe there was an appearance of corruption with regard to the Mr. Tamraz situation and the Indian tribe situation.

I have to tell you, when I saw the TV show about the contributions with regard to the Indian tribe, it was one of the saddest things I have ever seen. Just as a citizen of this country, not as a Senator, if that didn't have the appearance of corruption, I don't know what would.

To suggest there is a connection between soft money and an appearance of corruption is very legitimate, and I thank the Senator from Utah for putting on the record three examples of what I think easily qualify as appearances of corruption. Certainly, the American people regard it as the appearance of corruption. That is the standard. The standard is not what the Senator from Kentucky is trying to make the standard, that we have to walk in here with documented corruption that is tantamount to bribery. There are laws on the books for that. The whole point is these practices are perfectly legal and nobody should be in trouble under the law for doing something that is perfectly legal.

Let me read from Buckley v. Valeo because this is the central confusion on this whole debate this morning, that somehow the standard is that Senator McCAIN or I or somebody else has to walk in here with evidence of corruption. In fact, it would probably be a violation of rule XIX of the Senate if we did. But that is not even our point. It doesn't have to do with individual Members of the Senate; certainly not anything I have tried to do. Let me read from what the Court said. The Court specifically pointed out that you don't have to prove bribery in order to have a justification for some kind of limits on campaign contributions. The Court said:

> Laws making criminal the giving and taking of bribes deal with only the most blatant and specific attempts of those with money to influence governmental action. And while disclosure requirements serve the many salutary purposes discussed elsewhere in this opinion, Congress was surely entitled to conclude that disclosure was only a partial measure and that contribution ceilings were a necessary legislative concomitant to deal with the reality or the appearance of corruption inherent in a system permitting unlimited financial contributions, even when the identities of the contributors and the amounts of their contributions are fully disclosed.

This is where the Senator from Kentucky is not properly stating what the Court asked for. The Court does not say it must be only the reality of corruption. The Court says it may be the appearance of corruption, and that is often going to be in the eyes of the beholder. And Senators can disagree about what is the appearance of corruption and can amass evidence for the record of what may be the appearance of corruption, and that is what I have done by my calling of the bankroll and nobody objected for 14 times when I pointed out what appears to be a corrupting influence of multihundred-thousand-dollar contributions. It is not only the appearance of corruption, but that this is inherent, according to the Supreme Court, it is of the nature of large contributions. So this bar that the opponents of reform raise for us, that somehow we have to come in here with a pile of evidence of what everybody knows is true; that is, that soft money has a very inappropriate influence on our legislative process—I reiterate, not an illegal influence. That is why we need a law. That is why we are here. We need to make these kinds of unlimited contributions clearly illegal once again.

Mr. President, I certainly have no problem with accepting the amendment, having had the opportunity to express my view that this debate, thus far, was not directly related to the issue of soft money. But I will be happy to yield for a question from the Senator from Utah.

Mr. BENNETT. Mr. President, I appreciate the comments made by my friend, and I ask him if, in his opinion, the appropriation of funds that are not authorized is an automatic appearance of corruption.

Mr. FEINGOLD. What is it again? I did not hear the question.

Mr. BENNETT. The question is, When the Appropriations Committee appropriates money that has not been previously authorized, is that prima facie an appearance of corruption?

Mr. FEINGOLD. I do not think it is possible for anyone to determine for everyone else what an appearance of corruption is. It is our responsibility as a legislative body to look at the total record of what is going on in our campaign finance system and to determine whether the American people believe the various things we do have an appearance of corruption and whether there is a remedy for it.

I do not think it has anything to do with any particular part of the process. I think any part of the process can be perfectly clean at any point, but if there is an abuse at some point, a very large contribution at the wrong time, it is not about whether technically it is legal. It is about whether a large body of the American people would consider—for example, a $200,000 contribution given 2 days after the House marked up a bankruptcy bill by MBNA. OK, it is not illegal. Conceded. Maybe it is not even corrupt, but it certainly has an appearance of corruption to me and I think to many people. That would be a concrete example of where the appearance of corruption may occur.

Mr. BENNETT. I thank the Senator for that example because he named a name, the source, and he named an amount, the $200,000. He did not name the recipient. Was it to the Republican National Committee?

Mr. FEINGOLD. I believe it was the Republican Senate campaign committee——

Mr. BENNETT. National Republican Senatorial Committee?

Mr. FEINGOLD. Yes. On the 16 occasions I came to the floor and read out these contributions, I was careful to identify both sides. In my opening statement, I identified not only groups that would be more likely to support Republicans but Democrats, and in every instance I am referring to an appearance of corruption that the American people may see in looking at this. I am not making any allegation of illegality. But the issue here is the appearance of corruption under Buckley v. Valeo.

Mr. BENNETT. I thank the Senator for that because, as I say, he has responded with things I have requested with respect to the allegations that I was under the appearance of corruption which I have not yet received.

Mr. FEINGOLD. Will the Senator yield for a question?

Mr. BENNETT. The Senator has the floor.

Mr. FEINGOLD. Let me ask, in response, when you became aware of the allegation against yourself?

Mr. BENNETT. It was several days ago when my attention was called to it on the web site. I wrote to the Senator from Arizona and told him I was going to raise this on the floor because I did not want him to be blindsided by it. I wanted to be as courteous as possible. But in my letter to the Senator from Arizona, I told him I was disturbed, indeed offended, by this and intended to raise it. Therefore, I have kept my word to the Senator from Arizona.

My question still goes to the response that I have had which is that the appearance of corruption comes from appropriations that are unauthorized. I want my friend to address this directly because he has been the outspoken advocate of this appearance of corruption question.

Mr. FEINGOLD. As I said earlier, it is perfectly possible on an occasion that the kind of procedure the Senator has talked about could give rise to an appearance of corruption. It is not something one can sort of determine by a series of court rulings. The question is, Do we as legislators find that our constituents see that sort of thing as appearing corrupt and, therefore, do we legislate a response to it? That is the standard for legislatures, not the standard for the court which is trying to convict someone of a crime.

Mr. BENNETT. But the standard I am trying to understand that has been raised in this debate today is that any time a Senator achieves an appropriations—as I say, I plead guilty. I make no attempt to hide this. I plead guilty as having been the Senator who approached the Appropriations Committee in request of this particular item.

It has been raised here that by virtue of the fact that I did that on an item for which there was not a previous appropriation, that in and of itself is an appearance of corruption, and I am asking the Senator if he agrees with that characterization.

Mr. FEINGOLD. I simply cannot say for the general public on that particular example how they would react. That is not my role. My job as a representative is to react to what people respond to when you point out various things that have been done. I do not know what the response would be to the particular incident.

Some people might, obviously, as you say, think you were successful in doing something for your constituents. I know from my own experience as a Senator that you have to be very careful about the appearance as you move forward with something, not for purposes of our debate but for purposes of how it might look to your constituents. So you look to your constituents and you look to your sense of what people are feeling about the system for an answer to your question.

In answer to your question, there is no automatic connection between every time a Senator does something for an interest and corruption—of course not—or the appearance of corruption. But the question is, How do the American people feel about the process?

What I am saying is, what this debate is about, because we got into the issue of soft money, is whether there is a level of contribution, whether the dollars get so high that the Supreme Court's language of it being inherently appearing corrupt comes into play. I suggest when you get into high numbers of contributions, you cannot avoid the appearance of corruption. You may avoid actual corruption, but you cannot avoid the appearance of corruption when we increasingly have the reality of people giving $500,000 apiece.

Mr. BENNETT. If I can ask the Senator an additional question—and I appreciate his comments; I think we are getting somewhere—will the Senator agree that the appearance of corruption would be much lower if there were no contribution identified at all, which is the case in the circumstance that I have raised? There has been no contribution identified from anyone connected with this in any form. Does the Senator not agree, therefore, that the appearance of corruption here would be pretty low?

Mr. FEINGOLD. Again, I do not know the specifics of the case the Senator is discussing. Obviously, given the issue we are raising about soft money, the strongest case is made if you demonstrate large soft money contributions. That is most likely to lead to an appearance of corruption.

Mr. McCAIN. Will the Senator yield for another question?

Mr. FEINGOLD. Yes.

Mr. McCAIN. Is the Senator aware this is a straw man because what I said, and I repeat for about the tenth time:

> Special interests and unlimited contributions were a key ingredient—

And then I listed a whole bunch. I have listed for 10 years on my web site unauthorized appropriations to which I have taken great offense. I have argued that they are wrong. I will continue to argue they are wrong, and if the Senator from Utah wants to somehow interpret the fact that soft money is a key element or is not a key element in his particular appropriation, that is fine. I am telling the Senator from Utah that I listed a lot of projects. Some fall into the category of unauthorized appropriations.

I have said it now about five times, and I hope we can move forward. We only have 5 days of debate. I hope we can move forward with various amendments and allow other Members to make statements; otherwise, we rapidly approach the appearance of a filibuster which was not the agreement that Senator FEINGOLD and I entered into with the majority leader when we began. There are Senators who have been waiting to give statements. There are Senators who have been waiting to give speeches. And we have massaged this issue rather significantly.

Again, I ask the Senator from Wisconsin if he agrees with me, the way we usually function in the consideration of legislation is proponents of the legislation have an amendment and then opponents have an opportunity to propose an amendment. We had understood that would be the way we would proceed.

Is that the perception of the Senator from Wisconsin of this agreement, which was really a gentleman's agreement?

Mr. FEINGOLD. Mr. President, I certainly agree with the Senator's suggestion of how we are going to proceed. And to reiterate, when I started on the floor on May 20, 1999 and talked about various changes in the mining law that were prevented under the emergency supplemental appropriations conference report, as the Senate suggested, I was not talking about a particular contribution to any particular Member. It was a process with many factors. One of the factors was the $10.6 million the mining interests gave over a 6-year period. To me, that is of such a high level that it raises an appearance of corruption.

I think that is exactly what the Senator from Arizona is getting at, and exactly what he was trying to do in the case before us.

Mr. President, I yield the floor.

Mr. McCONNELL. I believe we are ready to vote.

Mr. REID. Mr. President, if I could ask my friend from Kentucky a question as to how we are going to proceed. I think the discussion has been important, but it has taken several hours. I do not know when we started on this, but I think it was at 10:30 or a quarter of 11. It is now 1:30. I have a list of nine Senators on the Democratic side who wish to give statements on the general bill.

Mr. McCONNELL. I say to my friend from Nevada, I wanted to start last night and no one wanted to stay past 7:30. Many of us believe this is a very important amendment. We have spent a couple of hours on it. But it is important. We are now ready to vote.

I agree with the suggestions that have been made that we go back and forth. As you know, this is not a straight party-line issue. So I think back and forth means people who are generally in sympathy with this legislation offer an amendment; people who are not do not offer an amendment. The people who are not just offered one, which we are about to approve on a voice vote. My view is, you are next.

Mr. REID. I say to my friend from Kentucky, we will be happy to give every consideration to alternating amendments. That seems to be a thoughtful suggestion. However, prior to our offering any amendments, we want to be able to speak on the underlying bill. That is the normal procedure.

Mr. McCONNELL. That is fine.

Mr. REID. We have people who have requested time from 5 minutes to 30 minutes, reasonable requests for time.

Mr. McCONNELL. Sure.

Mr. REID. We agree with the Senator from Kentucky, this is an important issue. But people have been waiting over here for a long time to discuss the issue.

So we are ready to vote on this matter at this time. It is going to be, I understand, by voice; is that true?

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2293.

The amendment (No. 2293) was agreed to.

Mr. McCONNELL. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. I am going to take a couple minutes, and then I will yield the floor. I know the Senator from New York has been waiting patiently.

The debate we just had has been an effort—toward the end of it—to shift it in a different direction. We are going to come back to this over and over again for the next 3 or 4 days.

We are not just talking about the appearance of corruption. What the Senator from Arizona has repeatedly said is things such as, "corrupts our political ideals," "we are all corrupted," "the corruption of Congress," "soft money is corrupting the process."

These have been allegations of corruption, which is a violation of Senate rules and a violation of Federal bribery statutes.

I would suggest to all of our colleagues, in our exuberance to pursue our different points of view on this issue, do not suggest corruption unless you have evidence of corruption. It demeans the Senate, and in the instances of Senators BENNETT and GORTON, it demeans a specific Senator. It is clear from this debate, there is no evidence—none whatsoever—of corruption.

Mr. President, I yield the floor.

Mr. SCHUMER addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. I ask to address the Senate for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. I thank the Chair and all of my colleagues.

Before I get into the substance of the bill, I think many of my colleagues on the other side of the aisle, in this last debate, are missing the forest for the trees. In fact, in my judgment, the Senators from Kentucky and Utah and Washington have helped make the case for the bill, not only in the specifics that I talked about with the Senator from Utah before, but everyone in this Chamber, all three, in my judgment, all three have felt compelled, in a certain sense, to explain themselves. All three are very honorable people. I tend to be sympathetic. If I were listed, I would feel the same way.

But there is a cloud hanging over the Senate. There is a cloud hanging over this Capitol Dome and all of Washington. In good part, it has been caused by the way we finance campaigns.

So even when Senators have the purest of motives, they are called into question. The good Senator from Utah felt his integrity was questioned. The Senator from Washington felt his integrity was questioned. The Senator from Kentucky was defending the honor of his colleagues.

Why was that necessary? It is necessary because with the system we use today, there is such mistrust that no action—no action—no matter how purely done, is perceived that way.

Obviously, there are many gradations. Pick Senator A and Senator B; Senator A is a lifelong believer in the pro-life movement and receives money from a pro-life PAC. Nobody questions that—or pro-choice.

But how about if Senator C believes strongly that a certain facility or company needs dollars to bring jobs to his area and receives contributions closely related to that? Everyone doubts it.

I would argue to you that those two cases, at least on a factual basis, are not distinguishable. But every—every—move we make in Washington is now under a cloud. It is under a cloud because of the system by which we finance campaigns. We must change it.

This is the most important vote we are facing in this whole year of Congress, period. I know we have had important ones. But the very roots, the foundations of this democracy, are being eaten away by public cynicism. In good part, that public cynicism is caused by our system of financing campaigns.

The great debates we have had this year—whether it be on impeachment or guns or Patients' Bill of Rights—over every one of them, the cloud of how we finance campaigns hung over it. The debate is vitiating by that cloud, and because of this system people feel further and further away from the Government that is theirs.

So those who argue for the status quo, saying nothing is wrong, or other issues that predominate, sort of befuddle me. I am surprised at the advocacy of the first amendment by some on the issue of financing campaigns, when that advocacy on other issues—freedom of artistic expression—does not seem to be there. I find that befuddling.

But, to me, there is no higher value that we can create than trust between the people and their Government. If that trust continues to decline, I don't know if this system of Government survives. So to argue whether the Senator from Utah or the Senator from Washington was maligned in a specific and wrong way, misses the point. To argue that every Senator is maligned fairly or unfairly by a system that the public perceives—and their perception is not out of cloud 9; their perception has many bases in reality—is making that Government further and further removed from their reach, that is what we are talking about.

This proposal is a minor proposal in the broad scheme of what we must do. It is, to me, a disappointment. I would have liked to have gone a lot further. I do not hold my colleagues from Arizona and Wisconsin responsible for that. They are trying to go as far as this body will let them go.

One thing I believe we cannot do—one thing we try to do too often—is let the perfect be the enemy of the good. The McCain-Feingold proposal will make some good, positive changes. Will it advantage one party or the other? I don't know. I don't think any of us can predict. Will it advantage one race, one person in a political race over another? Maybe yes; maybe no. We know one thing. We know it will begin that first step of rebuilding trust between the people and their Government. It will begin the first step so the kind of debate that occurred on the floor a few minutes ago won't be necessary, because the public will have the kind of faith they had in their elected officials in decades and centuries past.

We must move forward. Can we improve on the proposal before us? Yes. I am going to offer a proposal, most likely with the Senator from Nebraska, Mr. HAGEL, to say that when there are independent expenditures and when there are independent committees, the financing there must be disclosed. That will help a little bit more without vitiating the chances of passing this bill. I hope my colleagues will support that. We will be talking about it.

The bottom line is, we have a tremendously serious problem. We have a poison that is in the roots of this great tree of democracy. It is spreading day by day, week by week, and month by month. That poison is cynicism. That poison is a view of the average citizen, rightly or wrongly—and in many cases, it is right—that the average person doesn't have the influence of a person or a company or a group of great wealth. We have to begin to change it. In a complicated world, where decisions are not so clear and not so black and white, we cannot afford to have every decision, difficult as they are on the merits, be held in askance or even contempt by average citizenry because they don't think they have a fair shot at influencing their legislator.

I ran for office at the age of 23, right out of law school. It is because I believed in our system of government. There were tens of thousands of young men and women, Republicans and Democrats, who threw themselves into government because they believed. We had seen good things happen in terms of World War II, getting out of the Depression, the prosperity of the 1950s, the civil rights movement, and the protests, angry at times, that changed our course in Vietnam. People believed.

My guess is that there are far fewer 23-year-olds today who are making the sacrifices it takes to go into government because of the cynicism, because of the mistrust, because of the problems of financing their own campaigns. If we can no longer get our best young people going into government, whether it be elected or appointed, and if we can no longer have the citizens believe, when this body debates an issue, that the debates are being divided by firmly held beliefs rather than by who is manipulating, controlling, or contributing to whom, then we can't survive as a democracy. That fatal distance between people and their government will get larger and larger and larger. We will wake up one morning and say: We don't have the kind of democracy that the Jeffersons and the Madisons and the Washingtons and the Jays believed in and put together for us.

This is not a trivial debate. The bill is smaller than many of us would like. But it is a debate that goes to the core of whether this Government will ultimately survive.

I urge my colleagues on both sides of the aisle not to look at the specific details of "this provision is in" and "that provision is out," but to look at the broad, in general, anger, hostility, cynicism, skepticism, and impotence that the public believes they have in relation to their government; then ask what can be done about it.

My guess is, one of the few things we actually can do as Senators is pass the bill the Senators from Arizona and Wisconsin have put together. It is an important debate. I am glad we are getting to debate it on the floor. I hope and pray that at the end of the day we will not walk out of this Chamber emptyhanded and end up being worse off than we were before the debate started, as the public will believe this Government has finally pulled totally out of their reach and influence.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. My colleague, Senator DURBIN, is in order. I ask unanimous consent that he be allowed to speak now. I have the floor, but I don't want to jump ahead of him.

The PRESIDING OFFICER. There is no order.

Mr. WELLSTONE. I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I thank the Chair.

This debate on campaign finance reform is certainly not a new topic for any Member of this Chamber. I start by saluting my colleague, Senator JOHN MCCAIN of Arizona. He has been my friend since we served together in the House of Representatives many years ago. We have differed from time to time, which is not unusual in politics, but I have the greatest respect and admiration for the leadership he has shown on this and so many important issues, such as tobacco and others, that are near and dear to my heart. I thank him. I know that sometimes it is a lonely task to be a leader on an issue. I respect him very much for what he has done.

My colleague, Senator RUSS FEINGOLD, deserves similar accolades, and more, for the leadership role he has taken on this issue. Senator FEINGOLD, in his race for reelection in the State of Wisconsin, demonstrated rare political courage when he said he would live by the standards he preached when it came to campaign finance reform. It is a real test for every one of us in public life to be held to that standard. I am glad the people of the State of Wisconsin not only respected his decision but said they wanted him to continue as their spokesman in the Senate. I am happy to count him as a colleague and a friend.

I find this debate to be absolutely critical when it comes to the future of our Nation. I don't think what is at stake in this debate is just a question of money and where it comes from. It is about much more. What is at stake in this debate is the future of this democracy. We expect politicians to be hyperbolic, to say things that sound so sweeping, they can't be true. But in my heart, I really believe what I have said is true. I am honestly, genuinely, and personally concerned, as a Member of the Senate, a former Member of the House of Representatives, and as a person who, for better or worse, has devoted his adult live to public service, about the fact that the people I represent and we represent are losing interest in their Government. The clearest indication of that loss of interest is in their declining participation in elections.

Why is it, at this moment in the history of the United States of America, in the closing days of 1999, as we anticipate a new century and a new millennium, as we see the end of the so-called American century, when we swell with pride when hearing our national anthem and seeing our flag and appreciating what this country is all about, when we watch as leaders from around the world in burgeoning democracies come here to the United States to validate their pursuit of democratic ideals—why is it now that the people of the United States of America have decided they are basically not going to be involved in the most critical single decision any citizen can make, which is the decision to vote for the man or woman of their choice for public office?

I have tried to analyze this, and I have to say it is interesting that this problem, in my mind, relates to this debate on the floor. This is a debate about political campaigns, money, and voters.

I have a bar graph I would like to display which shows in fairly graphic terms what I think this debate is all about. If you look at this, you will notice that, in 1960, in the Presidential election campaign, both candidates spent the relatively meager sum of $175 million. And then, if you will fast forward to the estimated expenditures of the 1996 campaign—a span of 36 years—it went from $175 million to $4 billion.

What happened in between to cause this dramatic increase in spending on campaigns? Certainly inflation was part of it, but this is more than inflation. What happened is that candidates—myself included, and virtually every Member of the Senate—decided that to win a vote or entice a voter, they had to spend money in record amounts—on television, on radio, direct mail, bumper stickers, pocket combs.

I carry a comb in my pocket given to me by a friend named Craig Lovett who ran for Congress and lost. About the only thing remembered of Craig's campaign is these wonderful combs, which I have carried around for over 20 years. He was a great fellow, and he has passed away. Sometimes that is all that is left of a campaign. We spend money on things such as that, as candidates, in trying to reach the voters, touch the voters, convince them we are worth voting for. If you look at them, you have to ask, as we plow more money into our political system of elections, is it working? The honest answer is that it is not.

There is another part of this graph that is worth noting, too. The statistics here indicate voter turnout in Presidential elections. Look at what is happening. When we spent $175 million in 1960, 63.1 percent of the eligible voters turned out. Then we started piling on big time all the money we could find and raise legally in the system. And what happened? There was a steady decline in voter interest and participation to 49.1 percent in 1996. We have lost 14 percent of the eligible electorate as we have plowed massive amounts of money into the system.

Some people on the other side of this debate have argued that the weakness in the American political system is not enough money. If we can just jam this blue bar up in the next campaign to $5 billion, $6 billion, and beyond, they will tell you, in their way of thinking, that is how democracy works. I have heard political spokesmen such as George Will talk about money being free speech, and if we had more free speech—that is, more money—then we would be living up to our constitutional ideal, and that is what we should be all about. But the facts don't bear that out. The more money we plow into it, the fewer people turn out to vote. I think that is significant because I think something is happening here that really is worth our observation.

Look at what happened on November 5, 1996—or perhaps what didn't happen. I think it represented the single most dangerous and tragic threat to our democracy, the outcome of that election campaign—not the candidates, but from the voters' point of view. One need not look beyond the voter turnout in the last Presidential election to recognize the degree of public disillusionment in America. It is perplexing that this very same election cycle that spawned skyrocketing revenues and outlays in campaign dollars generated only a 49.08-percent turnout at the polls.

The 1996 Presidential campaign had the lowest national average turnout for a Presidential election in 72 years. The money was there; the voters weren't. If one accounts for the flood of new voters in 1924 with the passage of women's suffrage, it may have been the lowest percentage turnout of eligible voters to vote for President since mass popular balloting was introduced in America in the 1830s, in the 160-year history of the United States. And by 1996, the voters of the United States said: None of the above; we don't care; a majority will stay home.

The average voter participation rate in Presidential elections between 1948 and 1968 was 60.4 percent. This dropped to a 53.2-percent average turnout from 1972 to 1992. Campaigns are too long, too expensive, too negative, and a majority of self-respecting people have said: We don't want to sully our hands by even voting. And they vote with their feet; they stay home.

The decline in the exercise of the basic right of citizenship is a grave concern. More than 100 million Americans of voting age don't participate. I don't think this is an accident. Despite the fact that we tend to register more voters—an increase of some 8 million eligible voters, resulting in 4 million being registered—fewer Americans cast their ballots in the most recent election, the 1998 mid-term, than in 1994's similar election, plunging voter turnout to the lowest level in over 50 years.

I think the message here is clear. Americans have watched this electoral process, and an estimated 119 million of them have decided to avoid the ballot box like a root canal. That is the largest number in American history. If you look at the United States in terms of other countries around the world and all the things we point to with pride in this country, we cannot point to voter participation with pride.

According to data compiled by IDEA, the United States ranked 114 out of 140 countries the voter turnout of which has been assessed since 1945. Despite all the money, we don't see the participation we have come to expect.

The life of a Senator is a wonderful life in many respects. I am so honored to represent a great State such as Illinois and to be able to stand in this Chamber and use my best judgment on my votes to try to help them. But the path to the Senate, for someone who is not independently wealthy, is a path that takes you to many small offices, many desks, many telephones, and many telephone calls to perfect strangers, begging for money.

When I was a Member of the House of Representatives running for the Senate, I used to take off during the course of a day, drive about a block away to a little cubicle I had rented, where I could sit and legally make fundraising calls. I would take every available minute to do it. When I received my beeper notification, I would race back to the floor of the House of Representatives to cast a vote and then back to make more phone calls and raise more money. Of course, it is going to have an impact on your private life, and it had an impact on my public life, too. I can remember, to this minute, the day I left to race over and make a vote on the floor of the House. As I cast my vote, I looked up and thought of the list of potential contributors I was now about to call. But there were two or three of them I could not call. I just voted against them. You know, when that becomes part of the calculation, it takes something away from your judgment.

I don't point the finger of blame to any of my colleagues in this Chamber. I think they are, by and large, to my knowledge, some of the most honorable people I have come to know in life, and they are really conscientious in the job they do. But the system as it is currently constructed is a system that, frankly, is going to lead all of us to make conclusions and make decisions which may not be the right ones.

The argument on the other side against Senator McCAIN and Senator FEINGOLD is the suggestion that more money into this system is going to make it better. This is not a new argument. We have seen it in several other iterations.

I can recall the debate over guns in America. The National Rifle Association is for a concealed carry law. What does it mean? It means all of us would be able to carry a gun around in our pockets or, for women, in their purses, taking them into shopping malls, restaurants, churches, and high school basketball games. It is their belief that this proliferation of guns in America will make us safer.

Yesterday, we had a vote on a nuclear test ban treaty. Many of us believe that we have all the nuclear weapons in the world we will ever need and that we should have passed that treaty to reduce the number of nuclear weapons in those countries that possess them. The treaty was defeated. Those who wanted fewer nuclear weapons lost. Those who believe we shouldn't have a limit on testing and, therefore, the development of nuclear weapons around the world prevailed. They believe, obviously, that more nuclear weapons around the world make us safer. I don't share that belief.

But a similar argument is at hand. There are those who argue that more money going into the political system will somehow result in better men and women being elected to Congress and to other offices. I don't believe that is the case.

In 1996, the Republicans raised $548 million; the Democrats raised $332 million. The Republicans outraised us 65 percent more than we did in 1996. In 1992, both parties had only raised $507 million. So you can see the numbers going up dramatically.

Part of the resistance to campaign finance reform reflects the reality that the incumbent Republican leadership in the House of Representatives and in the Senate does not want to put an end to a good thing. I can understand that. It makes sense to me as a political person that some might take that position, with notable exceptions such as Congressman SHAYS from Connecticut, the Republican who supports campaign finance reform, and others on the Republican side.

Centuries ago, Machiavelli wrote his famous book, "The Prince," and outlined some ideas and principles of politics. I have always said that if he did not have a chapter in his book on the subject, he should, and it should be entitled "If you have the power, for God's sake, don't give it away." The power now is in the money. And many on the Republican side of the aisle who are capable of raising more money than we do on the Democratic side of the aisle do not want to surrender that advantage.

It is similar to handing a weapon to your enemy, as they see it. That is an understandable conclusion by some. But thank goodness for Senator McCAIN and others who have risen above it and said it is an empty victory to continue the status quo, the current system of campaign fundraising, if in fact we are losing credibility and losing the respect of the American people. What good does it do for us to be elected and supposedly lead this country when the American people do not give us the respect for the office or the job we do? It has a lot to do with the campaign finance system.

This bill in its particulars addresses many issues, and one of them primarily in the focus of this debate is on the question of soft money. In 1996, the Republican national party committees tallied soft money receipts of $141 million; in 1998, an off year, $131.6 million. That was the dramatic increase over the prior off-year election. The Democratic side raised $122 million in soft money in 1996 and, in 1998, $92.8 million. That was a 89-percent increase over the summer election cycle just a few years before.

Much time and energy has been spent in the aftermath of the 1996 Federal election cycle, launching accusations about questionable practices that occurred. I sat through Senator THOMPSON's hearings investigating the Presidential campaign for a year. There were certainly irregularities and embarrassments involved in that campaign. I am certain as I stand here that similar irregularities and embarrassments happen on both sides—Democrat and Republican.

You cannot deal with these massive sums of money from people whom you don't know as well as you might a member of your family and not run into embarrassing circumstances. I have. There have been times when I have received checks in my campaign and have taken a hard look at them and said, "Send them back." It just raises too big a question as to whether my values and principles are being compromised. Think about a national party raising millions of dollars under similar circumstances and wondering if any single check is tainted or raises questions about your honesty.

What we learned from investigating the Presidential campaigns is that some of the most reprehensible and unseemly tactics are perfectly legal under the law today. Several loopholes in the law allow funds to be raised and spent in ways that do not violate the letter, although they might violate the spirit, of the law. Chief among them is soft money donations.

It is an arcane world for the average American to try to figure out the difference between hard money and soft money, caps on spending, and the like. I can tell you, there are certain things that can basically differentiate them.

Hard money is limited as to how much you can raise with each individual. You are limited as to the sources and individuals as well as PACs. You are limited in how much they can give, and everything is disclosed.

Hard money is a reform that really tried to clean up the system by saying, if we limit those who can give while staying away from corporations, for example, and we limit how much people can give, and then we have full disclosure, we will have a more honest system. I think the premise was sound.

Soft money violates basically all these rules. Soft money doesn't live by these limitations. The sources, the amounts, and the disclosures in many cases just aren't there.

That is what this debate is about. Senators McCAIN and FEINGOLD have said put an end to this soft money and the problems it creates for our electoral system.

There are several items and issues that will come up, I am sure, later in the debate. I am going to hold back from going into some of them. One of them has to do with issue ads. I am looking forward to that because I think my greatest fear is that if we ban soft money, we will create vehicles for more and more independent so-called "independent organizations" to appear and become part of this process.

Let me close by saying this: I have supported the McCain-Feingold bill as originally written. It embodied a number of reforms that I think are essential to restore confidence in this electoral process. I have been disappointed by some sponsors. I understand their political realities. But I have been disappointed in the fact that we have over time lost some of the major reform provisions in the bill and we are now focusing on just one—the abolition of soft money. There are many other parts of that bill which deserve to be enacted into law if we are going to have real reform.

I will close on this note. I hope this Congress—particularly this Senate—can muster the political courage to vote for this reform. I hope that will happen. I am skeptical as to whether that will be the outcome.

We have seen demonstrated in American political history time and time again that it takes a major overwhelming scandal for this Congress to act to enact real reform. The Watergate scandal is one example, and others have shown up in our history. We are not dealing with such a scandal today in specifics, but we are dealing with a scandalous system, a system which really troubles me the most, that so many Americans have given up on us. We can't allow that to happen. We can't afford it.

For those who argue that we have to allow the very wealthiest in America to be articulate in our political process by writing checks for thousands—$10,000, $20,000, $50,000, or $100,000—I think on its face is laughable. To think we would give up on working people, average families, and businesses making modest amounts and disclosing contributions and instead turn this process over to the wealthiest in America is to give up on the very basis of this democracy. It will continue to push away from the average American that interest they should have in this most fundamental system of representative democracy.

I rise in support of McCain-Feingold. I yield the floor.

Mr. WELLSTONE. Mr. President, I think we will alternate sides.

I ask my colleague from Tennessee, if we are going to rotate, could I ask unanimous consent I be allowed to follow the Senator from Tennessee?

The PRESIDING OFFICER (Mr. VOINOVICH). Without objection, it is so ordered.

The Senator from Tennessee.

Mr. THOMPSON. Mr. President, I rise in support of the McCain-Feingold legislation as amended. I do so based upon the premise that it is our responsibility in this body, it is our responsibility as a Congress, to address the issues concerning the election of Federal officials. I can think of nothing more appropriate to address than how we elect Federal officials and the way in which we elect them. It is not up to the Federal Election Commission to do this for Congress. It is not up to the Attorney General to do this for Congress, nor the lower courts. It is for Congress to state precisely what kind of system we want—or no system, if we don't want a system—to state that clearly and be willing to stand up and make a case.

This is a balancing process, one that has been endorsed by the Supreme Court of the United States. I think the purists on both sides of this issue probably have missed the boat. It clearly does cost more now to run campaigns than it used to cost. In my opinion, the $1,000 limitation, for example, is clearly too low. It needs to be adjusted for inflation. On the other hand, those who say there is not enough money in politics and that we should be able to donate unlimited amounts of money to parties for the benefit of those who are running for office I think miss the boat, also. Surely, we can strike some kind of a balance wherein we can address the legitimate costs of running for office and the fact that we are not going to be able to eliminate money from politics on the one hand with certain reasonable limitations that do not cause public cynicism and do not cause questions to be raised concerning the motivations of those who write the laws in this country.

Both history and common sense demonstrate beyond any purview of a doubt there is something inherently problematic with giving large amounts of money to people who write the laws, especially when donors of that money are affected by the laws that are being written. That is not a novel concept. That is something historians back in the 19th century were talking about. They were talking about the downfall of the Roman Empire, something that the Venetians addressed seven centuries ago when they placed strict limits on what could be given to elect the officials. Under their system, if one was going to ask elected officials for any favors, one couldn't contribute to them at all.

We have recognized that in this body. Senator Barry Goldwater, who is one of my heroes, has been called Mr. Republican; he has been called Mr. Conservative over the years. He is the conscience of the conservatives. It is one of the things that caused me to want to get into politics. I admired his courage. I also admired what was on his mind. He was always a man of integrity and always willing to look a little bit further than the end of his nose, look a little bit further than things that affected him.

He said in 1983 about big money:

> It eats at the heart of the democratic process. It feeds the growth of special interest groups created solely to channel money into political campaigns. It creates the impression that every candidate is bought and owned by the biggest givers, and it causes elected officials to devote more time to raising money than to their public duties. If the present trends continue, voter participation will drop off significantly—

I might ask parenthetically if that sounds familiar—

> public respect will fall to an all-time low—

I ask the same question—

> and political campaigns will be controlled by slick packaging artists, and neglect of public duties by absentee officials will undermine government praises.

That was Barry Goldwater in 1983. I am disappointed some of my colleagues on the Senate floor did not have an opportunity to question him and interrogate him and try to get him to name names as to those who are corrupt. That is what Barry Goldwater said in 1983.

It is not just statements made here that recognize this inherent problem to which there is no one answer—I might add, an inherent obvious problem—and has been with us over the centuries. It is based on human nature. In response to that, we do such things as pass a gift ban. If there is no problem with the giving of things to public officials and to candidates for office, why have we passed the gift ban rule? But we did. So we have the rather curious situation now where an individual cannot buy a Member dinner, but he can give a Member $1,000 for his campaign. Or he can bundle $100,000 for you. Or if he is rich enough, he can give $1 million to your party for your benefit, but he cannot buy you dinner.

We recognize this basic question in the laws that we pass. In 1907, we banned corporate contributions. In 1943, we banned union corporations. In 1974, we passed limits on amounts of money that could be given to individual candidates. We passed limits on amounts of money that could be given to political parties. We set up a system of partially funding Presidential campaigns—the idea being if the taxpayers funded the Presidential campaigns, the Presidential candidates would not have to go out and raise private money.

Why were we concerned about that if it is the same old answer—the things we have been talking about for the last few minutes. We set up that system. I might say, since that was passed and has been in effect since 1976, until the last Presidential campaign, we have had no real problems in terms of scandals. The Presidential candidates each spent about the same amount of money; sometimes Republicans won, sometimes Democrats, sometimes incumbents, sometimes challengers. That is what we had until recently.

This balance that was struck—not impeding first amendment rights but recognizing this inherent question, this inherent historical century-old problem—the balance that was struck was upheld by the Supreme Court. The Supreme Court acknowledged we were placing limitations on individuals, perhaps involving the first amendment in some ways, but the Supreme Court said in striking a balance between that legitimate concern on the one hand and the concern over the corruption or appearance of corruption on the other hand was a decent one to strike and was permissible to strike. So we set up a system of limitations and disclosures.

This is not a personal matter. This does not have to do with individual Members. It is not about Members as individuals as we consider this in the Senate and the Congress. We haven't been here for very long when considering the course of history, and none will be here very much longer. What we are supposed to do is look past that and do what is necessary and beneficial for the country.

I have been distressed in watching this morning, that all of the concern supposedly has not been on the merits of campaign finance but attacks on the Senator from Arizona because he has raised these questions—the same ones that Barry Goldwater raised. Hopefully, we will be able to get back and debate the issues as to whether or not our current situation is a good one.

I was thumbing through some material. I haven't been able to catch up on my reading lately. I suggest we direct our attention to what people are saying—not the Senator from Arizona, not Common Cause, not the ACLU, not the advocates we all are on the issues.

Congressional Daily was put out by the National Journal on October 7. This journal is primarily a discussion of the legislative issues, what is happening and what is going to happen. In this article written by Bruce Stokes, I was struck by this passage that probably didn't raise any eyebrows because it is so common nowadays. This man wrote:

> More importantly, the China WTO issue may loom large in some congressional primaries not because voters will care but because candidates on both sides of the issue will use it to raise money from business and labor, a milk cow Members of Congress may be reluctant to cut off by actually voting on the issue.

That is not something I would say. I do not know that to be true at all. But this is what people writing for the National Journal are saying. I suggest we ought to be concerned about that. We ought to be a little bit more concerned about the message and not so much concerned about the messenger. So maybe we can get back to the issue, as we proceed these next few days, as to whether or not we have a good situation in this country today.

I suggest it is not about the total amount of money in politics. People argue there is too much money in politics; there is not enough money in politics. How long is a piece of string? I am not here to say there is too much or too little money in politics per se. People point out Procter & Gamble spends more on advertising soap than we spend on politics. But I would say a couple of things about this.

No. 1, I draw a distinction between what we do and soap making. I hope it would be fairly obvious but perhaps not.

Second, the problem, again, is the age-old question: What do we do about the necessity for money in politics and political campaigns on the one hand and the inherent problem of giving large sums of money to individual politicians, to individual legislators, or to individual parties which will inure to the benefit of those legislators? Procter & Gamble has nothing to do with that. The advertisers who place those ads, the people who run those ads, do not conduct public policy in this country, but we do.

So why are we here today? Why does this keep coming back? Because, as I have said, we have not addressed this legislatively. The answer is, we are going to have to strike a new balance. We are going to have to readdress what we have done in this country on campaign finance and what we have learned over the last few years because having set up a system that, for better or for worse, whether you agree with it or not, struck that balance in terms of letting money in, letting people have enough money to run but not being overwhelmed by money so it looks as if your vote is based on something other than the merits—that has been totally done away with, basically. We do not have that system anymore.

You say: When did Congress change it? Congress did not. Congress really did not do anything to change that system. That system was changed by, basically, the Federal Election Commission and by interpretations of the Attorney General. Now soft money can, in large measure, do what hard money used to do. The gates have been opened. Presumably, after learning the lessons of the last Presidential campaign and the interpretations that the highest law enforcement officer in the country has placed on it, which presumably is the law which presumably is going to be the pattern candidates for both parties are going to be following, a candidate can now go out and raise millions of dollars of soft money, run it through the State parties, coordinate its expenditures, and run television ads, as long as he doesn't say, "Vote for me." That is basically the system we have today.

The system we have now is not what we want. It is not what we ever voted for before. It is not the system we have had before. But because of FEC interpretations and the Attorney General, that is the system we have now.

As we often have to do in this body, we have to readdress fundamental issues. You seldom fix anything for the duration of eternity. Sometimes you can do pretty well for a couple of decades, as we did in 1974. People say it didn't work. I think it worked pretty well in most respects. Certainly, in the Presidential campaigns it has worked well. It has now been proven the hard money limits are too low. That is one of the things we have learned. What do we do? Throw the whole thing out or do we raise the hard money limits? I think we ought to raise the hard money limits in light of the reality we have learned since the last time we addressed this issue.

We have a system now where basically there are no practical limitations on any amount of money anybody wants to give to effect political campaigns. If that is what we want, an argument can be made that is a good thing. It has never been made as far as I know. It has never been voted on in this body. Do we want that? If we do not want that, we ought to say so. If we do, we ought to say so.

How did we get into a situation where, without this body lifting a finger, we went from a system where people were mightily concerned about the $5,000 PAC check, by the $1,000 individual check—from that system, that is the last time we addressed it, to a system whereby now you are not a player unless you are giving $100,000?

It started in 1978, the FEC rule that parties could send certain moneys to the State parties; the Federal party could send to the State parties for party-building activity. Then in 1991, they said they could fund certain voter drive costs with soft money, up to a percentage: It is 35 percent in a nonelection year, 40 percent in an election year. In 1995, for the first time the FEC said you can use soft money for television. Then, Mr. Morris over at the White House showed the President how he could take the matching money, certify that he wouldn't raise any money himself, go out and raise all of this additional $44 million in soft money, while being able to say, "I am not raising this money for my campaign; I am raising it for the party."

So the President raises all this additional money, the President sits in the Oval Office and coordinates all of it, tells what kind of ads to put on, where to put them on, how much, and how much money to spend. That is the procedure that Attorney General Reno put her stamp of approval on. Until some court or somebody—or this body—says otherwise, that is the way it is.

Now a President or a Presidential candidate, and if so, a congressional candidate, can raise unlimited amounts of soft money, run it through the proper party, coordinate the ads, and have ads run as long as they qualify as issue ads.

I am not even arguing the merits of that now. I am saying that is what we have today, and I do not think a lot of people realize it. We did not realize it until recently. The problem we have is that we want to castigate the President for opening up the floodgates. But instead of leaving it at that, we want to do it, too, because the system we have now has been the one that has been developed by the FEC, Mr. Morris, the President, and the Attorney General. Those are the standards we are now operating under. Those are the standards which Members of this body are fighting to preserve.

Not only have we discovered it because a few years ago soft money did not play much of a role at all, and what was there went for party-building activities, not for what we see now—not only have we discovered it, or the President discovered it for us, we discovered it, we like it, it now has constitutional protection, and we would have political disaster if we did not have it anymore. We haven't had it very long, but now that we have it, it would be absolute political disaster if we had to do away with it.

Back in 1990, for a 2-year cycle, both parties raised $25 million in soft money. In 1996, under Mr. Morris and the President and their new plan—their Plan B, they called it—they raised $261 million. That is from $25 million at the beginning of the decade to $261 million. For the first 6 months of 1999, the parties have raised $55 million and the predictions are, by those who do this sort of thing and have been correct in the past, that by November of 2000 we will have raised $525 million of soft money, which is more than double 1996. The year 1996 was the high-water mark because that is when it was discovered; that is when it was perfected; that is when the doors were opened.

By November of next year, the predictions are we will double that. The question is, How long will this go on? How long should it go on?

I suggest that we are in need of a new balance. We need to drastically cut back or eliminate soft money, but we need to raise the hard money limits to comport with inflation.

It is true—and the promoters of reform need to understand this—that we are developing a system whereby only the rich or the professional politician can participate anymore because those limits are so low. They have not kept up with inflation. If $5,000 were indexed for inflation today, it would be, what, $32,000,• or something of that nature. The costs are much more. It is becoming much more time consuming. We need to raise those hard dollar limits across the board, and then we would not need that soft money as much, for one thing, and a lot of that soft money, I think, would come into the hard money system.

That would be consistent with our long history of concern on this matter and our long history of legislating on this matter.

What are the arguments? I would have hoped by now we would have heard a little bit more about the merits and the arguments of this case instead of the personalities. But as I understand the arguments, No. 1, all this soft money—it is true that the floodgates have been opened. It is true that in every election cycle, we will be doubling the amount of money next time. We will be up there with good old Procter & Gamble before long.

The answer is, this just goes to parties; it does not go to candidates, so it cannot have a corrupting influence. I am wondering, if that is the case, why are we spending so much time raising it. I am wondering why President Clinton spent so much time raising it in the White House? Did he really enjoy having coffee with all that many people because the money was going to the Democratic National Committee? And yet he continued to raise it.

Do the national committees have no relationship at all to the members? I do not think we want to try to convince the American people of that. Roger Tamraz met with Don Fowler when he was chairman of the Democratic National Committee. Tamraz agreed to contribute $300,000 to the DNC. He had an oil pipeline he wanted to build in the Caspian Sea region.

To make a very long story short, he was able to set up a meeting with the Vice President. To the Vice President's credit, he canceled that meeting. He kept working. He got Mr. Fowler to call the National Security Council for him. He got Mr. Fowler to call the CIA for him. Tamraz attended six events with President Clinton in 9 months. Sullivan over at the Democratic National Committee prepared two memos summarizing Tamraz's hundreds of thousands of dollars in contributions to various Democratic institutions. Four days later, he attended a coffee with the President, talked about the pipeline with Mr. McCarty, and McCarty later enlisted Energy Department officials to lobby for the pipeline, officials who were aware of Mr. Tamraz's contributions to the DNC.

I do not think anyone would contend that Mr. Fowler, who was chairman of the DNC at that time, had no influence with regard to the members of his own party and the members of this administration. Some people say Mr. Tamraz did not get what he wanted. Is that cause for great comfort to find out in a situation such as this, a pitiful situation such as this, that this individual did not in this instance get what he wanted? Besides, I raise the question, if there had not been a courageous young woman by the name of Ms. Heslin at the National Security Council who was raising red flags about all of this, I do not know whether or not Mr. Tamraz's luck would have been different.

The same principles are involved with soft money contributions as they are with hard money contributions. This is not an easy thing to discuss. This is not something where anybody wants to be holier than thou. We all raise money. We all know we have to raise money. We all try to strike a balance in terms of amounts, in terms of appearances, but if we really are trying to strike a proper balance to come up with something that may not necessarily be the best in the world for us as an individual politician but really is something the country is going to have to move toward, if we really do our jobs, we are going to have to do that.

Let's not kid ourselves: We are not casting aspersions on any individual. It is not enough for us to stand up and say: OK, who here is a crook? I see no hands; therefore, there is no problem. Let's go home.

We are talking about something that is supposed to pertain for all time and something that, hopefully, will deal with appearances as well as reality, appearances that the Supreme Court recognizes as a valid concern and has been recognized as a valid concern throughout history.

Mr. McCAIN. Will the Senator yield to me for one question?

Mr. THOMPSON. Yes.

Mr. McCAIN. Mr. President, in response to the Senator from Utah, the argument I made both on my web site and today is that I believe that part of the problem—indeed, a key ingredient of wasteful spending and special interest tax breaks—is the effect of soft money on the legislative process. Not that every bit of pork that Members secure is caused by soft money, but in the aggregate, wasteful spending is caused by, among other things, soft money.

Let me offer my colleagues a definition of "corruption" from Webster's dictionary. Corruption: The impairment of integrity, virtue, or moral principle.

Note, this definition does not say that corruption occurs only when laws are broken. I have already cited, as has the Senator from Wisconsin, the large amount of soft money given to both parties by various industries and the aggregate amount of tax breaks those industries receive. I believe, even if some of my colleagues do not, that these amounts have impaired our integrity. I believe that as strongly as I believe anything. Unlimited amounts of money given to political campaigns have impaired our integrity as political parties and as a legislative institution.

As the Senator from Wisconsin has noted, we are not accusing Members of violating Federal bribery statutes. No, we are here because there no longer is a law controlling the vast amounts of money that I believe are impairing our integrity. In the immortal words of the Vice President: "There is no controlling legal authority."

I watched very closely as the 1996 telecommunications deregulation bill became everything but deregulatory and led to far less competition than it was intended to engender and the consequent increase in cable rates, telephone rates, et cetera. I believe soft money played some role in that; again, not in a way that fits within a legal definition of "bribery," but in a way the vast majority of Americans believe is an impairment of our integrity, and I include myself in that indictment.

That is the problem I am trying to address in this legislation and no attack, no amount of head-in-the-sand pretense that soft money does not affect legislation will cause me to desist in my efforts.

I will close with one observation. If special interests did not believe their millions of dollars in donations buy them special consideration in the legislative process, then those special interests that have a fiduciary responsibility to their stockholders would not give us that money, would they?

Those interests enjoy greater influence here than the working men and women who cannot buy our attention but are sometimes affected adversely by the laws we pass.

To me that seems to be a good working definition of the impairment of our integrity which, as I noted, is Webster's definition of "corruption."

My question to the Senator from Tennessee is, indeed, is there anything that would be a violation of law that we do in any way in our pursuit of money today?

Mr. THOMPSON. Is there any way you can violate the law under our current system today? Yes, I can think of ways. A clear quid pro quo would be a violation of the law. But you have to prove a quid pro quo, which is a very high standard. That is under the bribery statutes.

But under the campaign part of it, as long as you disclosed it, raising unlimited amounts, I see no effective limitation.

There is even a controversy as to whether or not foreign soft money contributions are now legal. A lower court held they were legal. I had a discussion with Attorney General Reno in one of our hearings, when she was trying to excuse what was going on over in the White House and the fact that the President was sitting over there coordinating millions of dollars of soft money for his personal ads to benefit his campaign, and she said: Well, soft money is not regulated.

I said: Soft money is not regulated. What about soft money that came from China or Indonesia or somewhere?

She said: Well, that would be illegal.

I said: Logically, it wouldn't be. If soft money is soft money, it doesn't say anything about a source.

Sure enough, a Federal judge agreed with my analysis. Now the court of appeals has overturned that lower court. So goodness knows where we are. But the whole question of foreign soft money is at issue now.

Mr. McCONNELL. Would the Senator yield for a question?

Mr. THOMPSON. Certainly.

Mr. McCONNELL. I listened carefully to the statement of my friend from Arizona. I am still trying to understand it. I know the Senator from Tennessee has the floor, so I don't know if I should pose this question to him or the Senator from Arizona.

Mr. THOMPSON. I will take it and pose it to him.

Mr. McCONNELL. OK. Is the Senator from Arizona saying, then, it is possible to have corruption and that no one is corrupt? You can have corruption and yet there isn't anybody actually responsible for it?

Mr. McCAIN. May I answer?

Mr. THOMPSON. Yes.

Mr. McCAIN. I say to my friend from Kentucky, either the Senator from Kentucky did not listen to what I said or doesn't care about what I said.

Mr. McCONNELL. Would you say it again?

Mr. McCAIN. I repeat again, the definition of "corruption" from Webster's dictionary: The impairment of integrity, virtue, or moral principle.

I repeat again, we have impaired our integrity when we convey to the American people the impression that soft money distorts the legislative process, such as it did, in my view, in the 1996 Telecommunications Deregulation Act, with the protection of special interests, which caused increases in cable rates, phone rates, and led to mergers rather than competition in the industry.

So this system has impaired our integrity. That does not mean bribery laws were broken necessarily. They may have been. I don't know. But I do know that our integrity has been impaired. And whether that is the view of the Senator from Kentucky or the view of the Senator from Utah or my view, it is the view of the American people. That is substantiated by polling data and personal experience.

Mr. McCONNELL. So let me get this right. All of our integrity is now impaired—all of us.

Mr. McCAIN. I will repeat again. I believe that a system of unlimited soft money in the American political process has impaired our integrity because we are now held in such low esteem by Americans because they believe we no longer respond to their hopes and dreams and aspirations.

Mr. THOMPSON. Let me reclaim the floor, if I can. I won't be very much longer.

But listening to the discussion, it looks as if we need to take a step back and look at it as others have from the outside.

What makes me angry is reading things such as the article in the National Journal. To me—this is my view; you know what I think about the system—I think things such as this article in the National Journal and others portray a situation that is worse than it is. But it is portrayed that way because so many people believe that.

Our problem is this—this is no aspersion on anyone, but I am not going to shrink from it because you ask me to name names—our problem is this: When big bills come up and major industries are affected—whether it be telecommunications, whether it be banking, whether it be health care, or anything else—and the tremendous hard money contributions start coming into our respective parties, Democrat and Republican, I think people take a look at that and think there is a connection.

Do they think that we are necessarily being bribed? I would hope not. Because I know that not to be the case. But it is, at a minimum, an appearance problem that has been with us historically. We have always recognized there is this tradeoff we are having to deal with. What we are trying to do is strike a proper balance.

Mr. McCONNELL. Would the Senator yield for a further question?

Mr. THOMPSON. I will. But I would also like—now or later—to pose this: I was looking through this list, and in the first 6 months of this year, 37 companies, corporations, gave $50,000 or more to both parties—both parties. I would ask the Senator why he thinks they did that.

Mr. McCONNELL. I am grateful they did because it gave us an opportunity to compete with the newspapers and the special interest groups that have a constitutional right to participate in the political process. I am extraordinarily grateful that all of these disclosed contributions—and this is why my friend from Tennessee knows who contributed—extraordinarily grateful that these companies are giving us the opportunity to engage in vote buying, engage in getting out the vote, engage in issue advocacy, and the other things that benefit our parties.

I am extremely grateful they do that. And anybody who wants to make an issue out of it, it is fully disclosed, which is why my friend from Tennessee has the list.

Mr. THOMPSON. Most of these things we are talking about are disclosed, and that does allow us to have the debate.

But to follow up on that for a moment, conceding, for a moment, we are using the money for noble purposes.

Mr. McCONNELL. I assure you we are. Winning elections is a noble purpose for a political party.

Mr. THOMPSON. We are talking about motivations. The Senator brought this up. It caused me to think about this. Again, I ask you, why do you think these corporations and unions contributed that much money to both parties?

Mr. McCONNELL. I don't know of any labor unions contributing to my party. But I assume the reason they are contributing is they believe in the principles that you stand for, which they have a constitutional right to do.

Mr. THOMPSON. Principles of both parties simultaneously?

Mr. McCONNELL. I think you have the right to be duplicitous in this country if you want to. I think it is not uncommon for people to contribute to both sides.

May I ask the Senator a question?

The Senator from Arizona was talking—again, I am trying to understand what he said and you said, I say to Senator THOMPSON—that the appearance is the problem and not the reality. I guess the argument then is, based on appearance, we should enact legislation. Appearance we can only ascertain by looking at polls, so let me——

Mr. THOMPSON. Partially the basis of Buckley v. Valeo, you would agree.

Mr. McCONNELL. Let me give you poll data of how people feel about newspapers and see if the Senator thinks we ought to legislate based on the appearance there to restrict the activities of newspapers.

A poll taken in September of 1997 indicated that 86 percent of the American people believe newspapers should be required to provide equal coverage of congressional candidates; 80 percent want restrictions placed on the way newspapers cover political campaigns; 68 percent believe newspaper editorials are more influential than a $1,000 contribution; 70 percent believe reporter bias influences the coverage of politics; 61 percent believe the candidate preferred by a reporter will beat the candidate with more money; and 42 percent believe newspaper editorial boards should be required to have both Republicans and Democrats.

This is the public's perception of the newspapers, which operate under the first amendment, just as American citizens and parties do.

If the argument is that we should pass legislation restricting first amendment rights based upon perception, I am wondering if the Senators also believe we ought to eliminate the newspaper exemption from the Federal Election Campaign Act and react to the public perception that newspapers need a bit of this Government regulation of speech as well?

Mr. McCAIN. Could I just——

Mr. THOMPSON. If I may, in the first place, the perception of potential corruption is one of the bases for Buckley v. Valeo. The Supreme Court took a look at that and they said that is a valid reason for legislating in this area. And because of that, because of that decision, what we are talking about today is not a restriction on anybody's first amendment rights.

I think in times past Senators had a decent point with some provisions. What we are talking about today does not impinge on the first amendment because it in some way restricts somebody to spend some money somewhere. Because they are limited in donations does not impinge on the first amendment. Buckley v. Valeo holds that also.

In answer to my friend, I am aware of erroneous public perceptions as well. They don't trust used car dealers much. My father was one for 50 years in the same little town. I know about all that. But I answer that when newspapers start voting, when they are sent up here and trust and confidence is placed in them to come up here and vote for the American people on these issues, then they subject themselves to the same limitations the Supreme Court says can be placed on us.

Mr. McCAIN. Is the Senator aware that, at least in the words of the Senator from Utah, it isn't just the appearance of corruption. The Senator from Utah pointed out three cases—I can recall two: Mr. Tamraz and the Indians. Mr. Tamraz said: Next time I am going to pay $600,000—where, at least if I understood the comments of the Senator from Utah, there were actual acts of corruption.

Mr. McCONNELL. Isn't that against the law now?

Mr. McCAIN. As far as I know, it is not against the law.

Mr. THOMPSON. There are lots of things we used to think were against the law.

Mr. McCONNELL. It should be against the law.

Mr. McCAIN. It should be against the law. The point is, apparently it is not because Mr. Tamraz was not prosecuted, at least under this Justice Department.

Mr. McCONNELL. That might say something about the prosecutor.

Mr. McCAIN. It is not just the fact that there is the appearance of corruption. I think most Americans believe that there was actual corruption in that case and the Indian case. What we are fighting against here in the soft money is not only against allegations but also reality. Those examples the Senator from Utah pointed out are how terrible the situation can become. When a poor, impoverished Indian tribe is asked to give money in order to have their voice heard in Washington, I hope that would compel the Senator from Kentucky to rethink his position concerning soft money.

Mr. McCONNELL. That should be illegal, should it not? That is against the law now, isn't it?

Mr. THOMPSON. The real question is, if you prove a quid pro quo, which reminds me of some of the old corruption laws we have had on the books for many years, under which there has never been a prosecution, you have to prove the high standard of a quid pro quo, which is very difficult. I think we can all agree that it is improper, whether or not it is illegal.

I think it raises a further question, the basic question, which is kind of the converse of the well-stated point I think the Senator from Kentucky made. The converse of that is, do appearances matter at all? Suppose we know we are trying to do the right thing, but we are seeing this tremendous influx of money at times from industries with which we are dealing on legislation. Should we be concerned about that? Perhaps we should go out and explain to the American people how that is unrelated, how the patriotic spirit of these companies and unions just happened to peak at certain times coincidentally. I am not saying that appearances should rule, but I do ask the question whether or not they should matter.

I yield for the purpose of an answer to the Senator from Utah.

Mr. BENNETT. I ask unanimous consent that I may make a comment without the Senator losing his right to the floor.

Mr. WELLSTONE. Mr. President, reserving the right to object, I don't think I will, but I have been here since early this morning. It depends upon how long my colleague from Utah wants to respond.

Mr. BENNETT. I shall respond within 2 minutes or less.

Mr. WELLSTONE. I do not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. My only response to my chairman, when I served as a member of his committee, we talked about Roger Tamraz, the Riadys, and the Indian tribes not being illegal. It has the appearance of impropriety. I think it is only not illegal in the opinion of the current Attorney General. I think there are others for whom it clearly would be considered illegal and that indictments might be brought. The current Attorney General has decided in her wisdom that it is not illegal.

I want to be clearly on record as disagreeing with her on that and believing that indictments should have been brought and that this is, in fact, a violation of existing law. Being unburdened with a legal education, I think perhaps I can make that kind of comment without having to back it up. Nonetheless, it is my opinion with respect to her opinion on these particular cases.

Mr. THOMPSON. I couldn't agree more with my colleague from Utah on that point. It points out another difficulty for those who would try to sit down and apply some kind of commonsense analysis to this and think about what it ought to be, maybe 10 years after we have left this body, something we can be proud of. We sat there, the Senator from Utah and I, for almost a year and saw the most egregious violations of propriety, ethics, what ought to be illegal—some clearly was illegal. And many of our colleagues who are now calling the loudest for reform were definitely silent on those occasions. It really grieves me. I think it is extremely unfortunate that so many of us have lost our ability to take the high ground on this issue because of that.

Now we see a succession of semiprosecutions where nobody gets any jail time. Everybody gets a slap on the wrist. Nobody is forced to testify against anybody else: The Attorney General gives her stamp of approval on something that nobody in their wildest imaginations thought would have been legal a few years ago. That is kind of a sidebar.

What I am trying to do is not let my anger over that and having watched that and gotten damn little cooperation during it cause me not to be able to try to figure out what would be best for us as a system as we go forward.

Briefly—I have taken too long—on the constitutional issue, I do not believe the constitutional concerns that have been expressed heretofore are with us now. We do limit hard money. Under prior law, 1974, we limited hard money to both individuals and to parties in this country. We actually prohibit unions and corporations from contributing in this country. That has been upheld as constitutional. It would not make any sense to me to say that we can limit a $1,000 contribution in hard money but we cannot limit or do anything with a million-dollar contribution in soft money when it is going for the same purpose. I think the constitutional points that were made previously no longer apply.

In summary, allusion has been made to perception. My concern on that is not what a public opinion poll one day or the next might say but a consistent trend of objective analysis—the Pew Research people are some that come to mind—that shows that in this time of prosperity, this time of peace, we have increasingly cynical views toward our elected officials in this country and toward our institutions. This is especially true with regard to the young people.

This is a generation of young people who did not experience Watergate, who did not experience Vietnam, who did not experience the assassinations we all went through as a nation. What reason do they have to be cynical? They are more prosperous than young people have ever been before. Yet the numbers indicate they are more cynical about us and what we are doing than ever before. That is what concerns me, not these petty personality disputes we have around here.

In 1968, 8 percent of the American people contributed to elections of any kind—Federal, State, national, local. By 1992, it had dropped to 4 percent. I don't know what it is today. But talking about contributions, that is 4 percent of the American people. So as the soft money doubles, the amount of people contributing is halved; voter turnout declines.

Thomas Paine, the famed agitator for the American Revolution and author of Common Sense, said this: A long habit of not thinking a thing wrong gives it a superficial appearance of being right and raises at first a formidable cry in defense of custom.

Let's not lock ourselves into the defense of this custom. Let us look beyond ourselves for a moment and ask ourselves: Is what we are doing going to make for a stronger country? Will it engender respect for our institutions and for this body? Will it give the average citizen more or less confidence in the integrity of his or her government? I think we know the answers to those questions.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota is recognized.

Mr. WELLSTONE. Before the Senator from Tennessee leaves, I want to say I don't think he was on the floor too long, and I think his comments were very important. I appreciate what he had to say.

Mr. President, I ask unanimous consent, as we go back and forth, that on the Democratic side Senator BOXER be allowed to speak when it comes back to our side, followed by Senator CLELAND.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I have some prepared remarks. I don't know how much I will pay attention to it because I have been listening to the debate about corruption. Let me try a different definition, which my colleague from Kentucky, who is very skillful, may want to challenge. But this is at least the way I look at this question.

The kind of corruption I think we are talking about is actually much more serious than the wrongdoing of an individual office holder. That is not what I will focus on. I gather that is what some of my colleagues have focused on and questioned. I say it is much more serious. I say it is a systemic corruption, and it is a systemic corruption when there is a huge imbalance between too few people with so much wealth, so much power, so much access, and so much say, and the vast majority of people in the country who don't make the big contributions, aren't the heavy hitters, aren't the investors, and who believe that if you don't pay, you don't play: I think that is the corruption.

I think the corruption is that the standard of a representative democracy that says each person should count as one, and no more than one, is violated. If any Senator—Democrat or Republican—should go into any cafe in Minnesota, or around the country, and try to make the argument that, as a matter of fact, because of this system we have—which I think is really a failure when it comes to any standard of representative democracy—if we were to try to argue, no, it is not true that people who are the investors and make these big contributions don't have too much access and too much say, I think 99 percent of the people in the country would say you are not credible. Of course, that is what is going on. Of course, people make contributions for a variety of different reasons, one of which is to have access and a say.

I say to my colleague from Utah, I think it is a bipartisan problem. We don't need to talk about individual cases. And I understand the comments he has tried to make. I see it on both sides of the aisle. Look, both parties will talk about special gatherings we will have with the business community here, or the high-tech community there, or the labor community there. We will have gatherings where big contributors come. That is what is done. We have big dinners, and we are told to come to the dinners. What is the purpose of those dinners? These dinners are with the big contributors. We are told to come, to be there. It seems as though, if you don't come, you have no interest.

Both parties give these lectures at caucuses to all of us. And we go. The reason we go is, we believe, given the system we have, people have to raise money, and if you don't come and you are not up for reelection, you believe, when you are up—you hope, given this rotten system we have—there is enough money raised for you, so now you go to help other people.

But the truth of the matter is that the vast majority of people in the country don't come to these dinners. The vast majority of people aren't invited to special gatherings and special sessions. The people who are invited by both parties are the big contributors. They are the investors.

Come on. You are not going to try to argue on the floor of the Senate that we don't have a problem with systemic corruption, where we have just too few people who make these big contributions, who, as a result, perhaps have too much access and too much say.

Let me go out on a limb. It is not just a question of perception. The vast majority of people in our country today believe their concerns about themselves and their families and their communities are of little concern in the corridors of power or the Halls of the Congress in Washington, DC. Do you know what. We have given them entirely too much justification for having that point of view. They are not necessarily wrong.

I am not going to have somebody, all of a sudden, ask me to yield for a question and take my head off because it looks as if I am making an individual accusation. I am not going to do that. But I will tell you something right now. I am fully prepared, as a Senator from Minnesota and a political scientist, to tell you I see certain people, who also happen to be the big contributors, who have way too much access here. I don't know whom we think we are kidding.

When we debated the telecommunications bill, the anteroom outside the Chamber was packed with people. I could not find truth, beauty, and justice anywhere. Everybody was representing billions of dollars here and billions of dollars there. And when we had a debate about the welfare bill—whatever you think about the welfare bill—where were the poor mothers and children? Where was their powerful lobby? They were nowhere to be found.

When we decide where we are going to make deficit reduction and make the cuts, and when we do tax policy, and when we do a lot of other policy, it just so happens that certain folks and certain interests seem to be much better represented than others. I think that is true. I think we can make it better. I think we can do a lot better job of reaching the standard that each person should count as one and no more than one.

Certainly, we have corruption, but it is not the wrongdoing of any individual office holder that I know of; it is systemic. When you have this frightening imbalance of power between the elites, the few who make the big contributions and are so well connected, and the majority of the people who basically feel locked out—and they have every reason to feel locked out—that is the problem.

I smile at the proposal, which may be one of the amendments to this bill, to raise the contribution limits. I think it is about two-tenths of 1 percent of the top population, or less, who can afford to make a contribution of $1,000 or more. I am not supposed to look up in the galleries, and I certainly do not invite comment from people in the galleries—that would go against the rules—but I bet most of the people in the galleries observing our debate would probably think to themselves: We don't make $1,000 contributions.

The fact is, two-tenths of 1 percent are able to make those kinds of contributions. Some people want to now raise it to $3,000. If you want to further skew the imbalance of power, where some people are counted on even more to make the big contributions and most regular people feel left out, then pass that kind of amendment. We will look like fools to people in the country. They will say: My God, the Senate took up reform and today passed an amendment that raised the individual contribution from $1,000 to $3,000—actually from $2,000 to $6,000 through the primary and general election. Most people will scratch their heads and ask: This is the Senate's definition of reform? I don't know, but I think people are being foolish if they don't think that campaign finance reform is an idea—with apologies to Victor Hugo—whose time has long passed.

We have seven Republicans supporting this piece of legislation, the McCain-Feingold legislation. It will take only eight Republicans more to assure that we can pass a bill and to stop this effort to block all reform. I hope there will at least be eight Republicans, if not more, who will find the courage to basically vote for reform, who will find the courage to no longer be a part of this effort to block reform, to expand democracy.

I want to say to my colleagues, Senator MCCAIN and Senator FEINGOLD, in the spirit of friendship and honesty, this bill, in its present form, is a mere shadow of its former self. I don't think it lights up people around the country. I don't think it is going to bring people to the reform barricade. I don't think it is going to galvanize people or cause people to rise up and really put the pressure on Senators. I wish it were more comprehensive. That is what I am saying. I wish it were much more comprehensive.

I think we would be much better off talking about clean money and clean elections and getting as much of this interested big money out of politics and bringing as many people back into politics as possible. I think issue advocacy ads are phony.

While I have the floor of the Senate to talk about my experience, especially in 1996, I worry about the ways in which money will shift from one source to the other. I think we can do better, although I will tell you that if we could ban the soft money, the unregulated money, the under-the-table money, the money where there is essentially no accountability in this system, we would still be taking an important step forward.

I want to express my fear, and then I want to express my hope.

Fear: What could happen is that none of the amendments to strengthen this bill will pass. But there will be a number of amendments to what is a very water-downed version, a very almost timid piece of legislation, but it represents a step forward. I would be proud to support it. But you will get some additional amendments raising the amount of money people can contribute. Gosh knows what else. Then we in the Senate will announce that we did campaign reform for the new millennium, and let's go forward with our special interest parties.

I am going to worry that we may end up getting a bill that will have some fine sounding acronyms, such as "PEOPLE," or something like that, which actually won't represent hardly any step forward at all.

On the other hand, we have this bill right now, and if we can just deal with the soft money ban, we would be making a real step forward.

I want to speak a little bit to this whole question of freedom because it has come up a lot and is raised by a number of colleagues. I want to simply draw from an important book by Eric Foner called, "The Story of American Freedom." He talks about what freedom has meant to people in our country over the years. Freedom is way beyond the kind of definition that we have been given of it. Freedom means the ability to participate. Freedom means to have a place at the table. The definition of freedom of speech is larger than the absence of a regulation that would say we are going to try to put up some kind of framework that doesn't undercut representative democracy.

If you think about it, union organizers in the 1930s and working people were talking about freedom to be more involved in the economic decisions that affected their lives. That was the kind of freedom on which they were focused.

Then we had a fight for political freedom which began with our own American Revolution. Also, an important part of our history was the emancipation of slaves during the Civil War, then the passage of the 13th, 14th, and 15th amendments—again, a broad definition of freedom; in the 1950s and 1960s, freedom which had to do with desegregating our schools and the Civil Rights Act of 1964 and 1965. Each time the kind of freedom we were talking about was the freedom to participate in the political life of our country, or the economic life of our country, or the community life of our country.

Let me share with you the words of Dr. Gwendolyn Patton at a recent conference at Howard University sponsored by the National Voting Rights Institute. She said:

> We thought we had scored a people's victory when we ushered in the 1965 Voting Rights Act. Our movement of great numbers of "street heat" feet wrought a structural change that fundamentally expanded democracy. But we know now that it wasn't enough. Ridding the system of private, special interest money is the unfinished business of the voting rights movement. This movement, like that one, is a revolutionary movement—it is not just a tactical question. It is an ideological struggle, not only for black folks, but for all Americans. We are engaged, to borrow Lincoln's words, in "a great civil war."

She goes on to say, that while much was achieved through voter registration of African Americans, Latinos, and others.

> As a result of these victories we entered the political arena by the millions—but as passive voters. Soon we began to realize that we had to become active participants by running for office if we were going to enact laws and implements policies that would make a change for the better in our lifetime. That's when we discovered another barrier, and while it's not as directly life threatening, it's certainly as formidable as any we have faced before. That's the barrier of money.

Dr. Gwendolyn Patton is talking about basically what we have right now, which is a wealth primary. What we are really saying is the very question of who gets to run, the very question of who is likely to get elected, the very question of what issues quite often get considered, the very question of what legislation we are able to pass, the very question of who has access to the political process and who doesn't, is all too often determined by money. The vote is undermined by the dollar. Our elections have become auctions.

Some of my colleagues want to talk about raising the contribution limits. Let me just give you some figures.

This is a picture of those who contribute the vast majority of money to candidates under the current contribution limits. Believe me, this is a picture that is not a broad slice of America. It is overwhelmingly white, it is overwhelmingly male, and it is overwhelmingly wealthy. These are people who have contributed over $200, and some colleagues want to go from $1,000 to $3,000.

Mr. McCAIN. Mr. President, will the Senator yield for a question?

Mr. WELLSTONE. I would be pleased to yield for a question.

Mr. McCAIN. The Senator from Minnesota, in his opening statement, used the word "systemic corruption" associated with the present campaign finance system. Since I have been challenged on comments such as that, would the Senator mind defining what he is saying there?

Mr. WELLSTONE. I say to my colleague from Arizona, I thank him for his question. I would be pleased to be challenged by anybody on the floor on this comment. I made a comment that I think is quite similar to what the Senator from Arizona has been trying to say, that we have a systemic corruption that is, unfortunately, far more serious than the wrongdoing of individual office holders—far more serious. It is a corruption when you have a huge imbalance of power between too few people who have so much wealth and money, who make these large contributions, and who have so much more access and influence, versus the majority of people who have concluded that either you pay, and therefore you can play; but if you do not pay, you don't play. They feel locked out. They feel left out. They are disillusioned. They do not believe the political process belongs to them.

That is a fundamental corruption of representative democracy. And I say to my colleague it violates the most important principle—that in a representative democracy each person should count as one and no more than one. That is being undermined.

Mr. McCAIN. Will the Senator respond to an additional question?

Mr. WELLSTONE. I would be pleased to.

Mr. McCAIN. I thank the Senator for his eloquent answer.

Secondly, would the Senator be willing to name names as to examples of that corruption?

Mr. WELLSTONE. Mr. President, I would not want to name names, and I don't need to name names because the kind of corruption that I am talking about goes way beyond any one officeholder. It is systemic; it is endemic; it is structural; and it is very serious. The fact is big money has hijacked representative democracy. It undercuts representative democracy, and it violates the very principle that each person should count as one and no more than one.

Therefore, I would be proud to be included in the ranks of my colleague from Arizona as a Senator who is not naming names.

Let me go forward and just present some figures.

A study conducted of donors in the 1996 election found the following characteristics of such donors.

Ninety-five percent—these are people who contributed over $200—were white; 80 percent were male; 50 percent were over 60 years of age; 81 percent had annual incomes of over $100,000.

The population at large in the United States had the following characteristics:

Seventeen percent were nonwhite; 51 percent were women; 12.8 percent were over 60; and 4.8 percent had incomes over $100,000.

Eighty percent of the people who make contributions of over $200 have incomes over $100,000. And that represents exactly 4.8 percent of the population. If the hard money contributions are increased, as some of my colleagues have suggested, then the picture is going to become even more skewed.

If money equals speech, as some have suggested, we can clearly see who is doing all the talking. If money equals speech, then we can clearly see who is doing all the talking. At least those folks are being listened to. The hopes and the dreams and the concerns of the vast majority of the American people are going unheard because the bullhorn of the $1,000 contribution drowns them out.

For those who want to raise the limits, why make the bullhorn bigger and louder? Why give greater access and more control to those people who already have too much access and too much control?

Again I issue this challenge in anticipation of what might happen. If what we do on the floor of the Senate in a couple of days is raise the contribution level from $1,000 to $3,000—even given the sometimes too low opinion they have of the Senate—people in the country will become even more disillusioned; they won't believe it. I certainly hope we don't do that.

I want to talk about the distrust and the dissatisfaction. Mr. President, 92 percent of all Americans believe special interest contributions buy votes of Members of Congress—92 percent; 88 percent believe those who make large contributions get special favors from politicians; 67 percent think their own representatives in Congress would listen to the views of outsiders who made large political contributions before they would listen to their own constituents' views; nearly half of the registered voters in our country believe lobbyists and special interests control the Congress.

I will go out on a limb and not antagonize, but perhaps prompt, some response from colleagues. All politicians love children, but we do precious little for them. One of the reasons we have done so little for or about poor children in America—who, by the way, constitute the largest group of poor citizens in our country—might be that they and their parent or parents don't contribute much by way of big contributions and don't have much access.

One of the reasons we have done very little to close the gulf between the rich and the poor, one of the reasons we have done so little to combat homelessness, and one of the reasons we have done so little to respond to the concerns of hard-pressed Americans even in these flush economic times is that these are the people who don't pay and don't play.

Perhaps the same argument can be made why we have been so generous in providing special breaks for oil companies; we have been so generous in making sure the tobacco industry continues to rule; we have been so generous in making sure we dare not take on the pharmaceutical companies, we dare not take on the insurance industry.

With all due respect, I don't know who is kidding whom, but I call this a very serious kind of corruption. I will keep using the word. It is not the wrongdoing of individual office holders, but we have developed a severe, serious imbalance of power in a representative democracy so that the very few in the country dominate the political process and all too often have their way and get exactly what they want and what they need, and the vast majority of people think their voice is not heard.

Mr. McCAIN. Will the Senator yield for a question?

Mr. WELLSTONE. I yield.

Mr. McCAIN. Is the Senator familiar with the tax bill of $792 billion that passed through the Senate, and then there was going to be a tidal wave of public opinion that would force the President of the United States to sign it?

Does the Senator remember there were a number of special tax breaks in that bill—one for a corporation that turns chicken litter into energy and another for oil and gas, and even for people who make tackle boxes?

Does the Senator remember that those tax breaks would take effect immediately upon the signature of the President of the United States and that there were provisions to repeal the marriage penalty and others that would help average working Americans who don't make big political contributions, yet those tax breaks would not kick in until well into the next century?

Is the Senator familiar with those provisions of the tax bill, and, if so, what conclusions does he draw?

Mr. WELLSTONE. Mr. President, I will not draw one-on-one conclusions about each and every one of those provisions, and I will not make the assumptions that Senators vote one way or the other each and every time because of campaign contributions that a particular Senator may receive, but the overall bias is so much in favor of those large interests that are able to control and invest so much of the money in the political process. That is the problem.

One can allow on any one vote for Senators to honestly disagree, and we can't each time say it is because of money, but overall, I don't know anybody in the world who could argue that we don't have a serious problem.

Mr. McCAIN. Did the Senator dare to use the word "corruption"?

Mr. WELLSTONE. I have deliberately used the word "corruption" about 10 times because I think that is exactly what we are talking about: systemic corruption, not the wrongdoing of individual officeholders but the kind of corruption that exists when there is such a huge imbalance and few people have too much wealth and power and the majority of the people are left out of the picture.

Let me conclude in two different ways. One, I make a political science point; and, two, I want to make a personal point. I think what we are talking about, in the words of my hero journalist, Bill Moyers, is the soul of democracy. My premise is that political democracy—and I am pleased to be challenged on this if my colleagues choose—has several basic requirements.

First, we need to have free and fair elections. It is very hard to say we have them now. That is why people stay at home on election day. That is why they don't participate in the process. Incumbents outspend challengers 8 or 10 to 1 on average. Millionaires spend their personal fortunes to buy access to the airwaves, and special interests buy access to the Congress, all of which warps and distorts our democratic process.

That is what is going on. A millionaire can run and spend their own money—and many do, and there are millionaire Senators who are great Senators. Again, it is not a personal point I am making. However, most people ought to be able to run for office even if they are not a millionaire. If you are an incumbent—and I certainly hope this debate is not, in the last analysis, a debate between ins and outs—if you are an incumbent and you are an "in," this system is wired for incumbents. We can go out and raise a lot of money. It is much harder for challengers to raise that money. This is a system that warps and distorts the democratic process, and we do not have free and fair elections.

The second criterion: A representative democracy requires the consent of the people. The people of this country, not special interests-big money, should be the source of political power. Government must remain the domain of the general citizenry, not a narrow elite.

We have two-tenths of 1 percent of the population that makes contributions of $1,000 or more. I don't know what percentage that is of the overall money we raise—60 percent? I could be wrong, but it is really skewed.

Let me put it this way. When I was teaching a class about the Congress, I remember I would talk about the Senate. I did not know people, and I have had a million pleasant surprises. In another speech, another debate, I will talk about all the pleasant surprises. But I made the argument: If you look at who the people are in the Senate, by background characteristics, by their income, by who they are, they certainly are not truly representative of the American population. But the more serious problem is, if you then look at the people back home, the constituents who are the relevant constituents, who can most affect our tenure or our lack of tenure, they are the people with the money. They are the people who can make the contributions so we can then put the ads on television in these hugely expensive, capital-intensive campaigns. The vast majority of people in the country know that and they feel left out. We should hate it.

I hope it is OK to say this about my conversation with my colleague from California. Jump up if I am wrong. We were talking about this. I think all of us should hate this system. We should all hate it. On the one hand, I say to myself: I get this. I know why a lot of colleagues do not want any reform, even this modest step of this legislation, which gets at a lot of the unregulated money, the soft money. I say to myself: I can figure this out because it is wired for incumbents. This is not a debate about Democrats versus Republicans, although all the Democrats are going to support this bill, and I hope we will have enough Republicans to pass it and stop the people who are blocking it. Maybe this is a debate between ins and outs and the ins don't want to change it. They don't want to change it because it is wired for us.

But then I think to myself: This cannot be because it is degrading getting on the phone calling strangers, people you do not even know. I don't know what is worse, I say to my colleague from California. I don't know what is worse.

I am having a little fun on the floor right now. I am on a roll, so I have to talk a little longer.

I don't know what is worse, when I call someone up, a perfect stranger, and I call them five times and they never return the call, or I call them up and they say no—I don't know whether that is worse, or if it is worse when they make a contribution, but I don't know them and they don't know me and I don't know why they made a contribution. I am not sure which is worse.

The only thing I know is it is torture. It is torture to have to get on this phone and beg and beg and beg for money. It is degrading.

Mr. McCAIN. Will the Senator yield for a question?

Mr. WELLSTONE. I will be pleased. Can I make one brilliant point before I take my colleague's question?

On this ins versus outs, I think all of us ins should be supporting the McCain-Feingold legislation and more, for one other reason. The other reason is, when we are up and it is our cycle, we can't do a good job of representing people because every day we have to spend 2 and 3 hours on the phone. We miss debate that we should be involved in; we miss committee work we should be involved in; we miss a lot of work that we should be doing, representing the people of our States. We should want to change this for that reason as well.

I will be pleased to yield for a question.

Mr. McCAIN. Does the Senator think if he had a more pleasing personality and shaved his beard he would get a more positive response?

Mrs. BOXER. They can't see the beard on the phone, though.

Mr. WELLSTONE. Mr. President, I am speechless. That doesn't happen that often.

Mr. President, I want to finish up. I said that three times. I will finish up.

The last criterion is political equality. Everybody ought to have an equal opportunity to participate in the process. That means the values and preferences of citizens, not just those who get our attention through the large contributions, should be considered in the debate. One person, one vote; no more, no less; one person, same influence. Each person counts as one, no more than one. That is the standard. That is what it is all about. That precious principle, that precious standard of representative democracy, is being violated.

I have spoken about why I am going to oppose with all my might efforts to raise the limits on contributions. I want to speak about one amendment that I will introduce, which I think is a good amendment, I say to my colleague from Arizona. It is a States rights amendment. It holds harmless—no State certainly could go below the standards we have in Federal campaign finance law, but it would allow States which want to move toward clean money, clean elections, to do so. Arizona has done that; Massachusetts has done that; Maine has done that; Vermont has done that. There are going to be other votes in other States. It would say to those States: If you want tc get much of the interested money out and you want to have clean money and clean elections and the people in your State vote for it, you should be able to apply it in Federal elections.

If we are not at the point yet where we have the political will so that we can pass more far-reaching reform, I say people in our States, if they are willing to apply this to Federal elections, should be allowed to do so. There is a lot of steam and there is a lot of momentum and a lot of enthusiasm for the clean money/clean election option. I think it is a very important one.

Finally, I have to say this because I forgot to mention this earlier. This is the part of the McCain-Feingold legislation that I think is perhaps most important. I remember the 1996 election. I think these issue advocacy ads are a nightmare. I think all of us should hate them. I very much would like to apply this to independent expenditures as well. I want to be clear about it. But in Minnesota, it was a barrage of these phony issue advocacy ads, where they do not tell you to vote for or against; they just bash you and then they say: Call Senator So-and-so.

They are soft money contributions with no limits on how much money is raised, no limits on how the money is raised. It could be in $100,000 contributions, $200,000 contributions, and make no mistake about it, this is in both parties. These big soft money contributors have a tremendous amount of access and way too much influence in both parties.

So with one stroke, it would be a wonderful marriage. We could get some of this poison politics off television. We could get some of these phony ads off television. We could build more accountability, and we would make both political parties, I think, more accountable to the public.

This debate is about whether or not something we all value and love, which is our representative democracy, is going to continue to be able to function. It is the most important debate we are going to have. That is the core question, the core issue, the core problem. I hope there will be a vote for McCain-Feingold. I hope we can strengthen it. I hope those who oppose reform and continue to block efforts will not be successful. I think people in our country are counting on us to vote for democracy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 2294

(Purpose: To increase reporting and disclosure requirements)

Mr. McCAIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN] proposes an amendment numbered 2294.

Mr. McCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following:

SEC. __. DISCLOSURE REQUIREMENTS FOR CERTAIN MONEY EXPENDITURES OF POLITICAL PARTIES.

(a) Transfers of Funds by National Political Parties.—Section 304(b)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(4)) is amended—

(1) by striking "and" at the end of subparagraph (H);

(2) by adding "and" at the end of subparagraph (I); and

(3) by adding at the end the following new subparagraph:

"(J) in the case of a political committee of a national political party, all funds transferred to any political committee of a State or local political party, without regard to whether or not the funds are otherwise treated as contributions or expenditures under this title;".

(b) Disclosure by State and Local Political Parties of Information Reported Under State Law.—Section 304 of Federal Election Campaign Act of 1971 (2 U.S.C. 434), as amended by section 4, is amended by adding at the end the following:

"(e) If a political committee of a State or local political party is required under a State or local law to submit a report to an entity of State or local government regarding its disbursements, the committee shall file a copy of the report with the Commission at the same time it submits the report to such entity.".

(c) Effective Date.—The amendments made by this section shall apply with respect to elections occurring after January 2001.

SEC. __. PROMOTING EXPEDITED AVAILABILITY OF FEC REPORTS.

(a) Mandatory Electronic Filing.—Section 304(a)(11)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(11)(A)) is amended by striking "permit reports required by" and inserting "require reports under".

(b) Requiring Reports for All Contributions Made to Any Political Committee Within 90 Days of Election; Requiring Reports To Be Made Within 24 Hours.—Section 304(a)(6) of Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(6)) is amended to read as follows:

"(6)(A) Each political committee shall notify the Secretary or the Commission, and the Secretary of State, as appropriate, in writing, of any contribution received by the committee during the period which begins on the 90th day before an election and ends at the time the polls close for such election. This notification shall be made within 24 hours (or, if earlier, by midnight of the day on which the contribution is deposited) after the receipt of such contribution and shall include the name of the candidate involved (as appropriate) and the office sought by the candidate, the identification of the contributor, and the date of receipt and amount of the contribution.

"(B) The notification required under this paragraph shall be in addition to all other reporting requirements under this Act.".

(c) Increasing Electronic Disclosure.—Section 304 of Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)), as amended by section 6(b), is amended by adding at the end the following:

"(f) The Commission shall make the information contained in the reports submitted under this section available on the Internet and publicly available at the offices of the Commission as soon as practicable (but in no case later than 24 hours) after the information is received by the Commission.".

(d) Effective Date.—The amendment made by this section shall apply with respect to reports for periods beginning cn or after January 1, 2001.

Mr. McCAIN. Mr. President, I will say to my colleague from California I will be very brief on my statement on the amendment. I know she has been waiting a long time and has shown patience. I will be brief on this amendment because I know she wants to speak on this important issue. I will take about 2 minutes to explain the amendment.

Mr. President, the amendment is simple. It simply calls for greater disclosure of campaign funds. I begin this discussion by noting this is not an original idea. It is language borrowed directly from legislation offered in the House of Representatives by our colleague, Congressman DOOLITTLE.

Specifically, this amendment requires campaign contribution disclosures made by political committees under State or local law to also be submitted to the FEC. Additionally, all campaign contributions made to political committees within 90 days of an election must be reported within 24 hours of receipt and the campaign contribution reports then be made available on the Internet by the FEC.

These provisions ensure the public knows who is contributing to campaigns in the closing days of an election and how much is being contributed. These added protections will allow the voting public to decide for themselves whether a campaign or an election is being unduly influenced by special interests.

I do not think these disclosure provisions will pose any unnecessary hardship on political parties or committees. This amendment provides simply for additional information about State and local elections to be made available quickly through the Internet and by the FEC. It ensures a common data bank of information about contributions so that interested voters can get updated information in one place and, as an election draws near, with close to realtime disclosures.

I firmly believe the public has a right to know, and tighter disclosure requirements will provide important information to the voters which will allow each voter to draw his or her conclusion about whether the effect of the contribution is—dare I say it? —corruption. But unlike the Doolittle bill, I believe these provisions add to the underlying bill and should not be considered a substitute. The amendment makes the bill better, and I hope my colleagues will support it.

In summary, the Internet has done enormously beneficial things. As far as the political process is concerned, it has provided a tremendous way for us to receive on-time information. We can, hopefully, utilize this incredible technological marvel to allow Americans who are interested to know literally within 24 hours of a contribution whom it was from and the amount of it.

I also believe we can do the same thing at a later time on expenditures as well because the Internet has provided us a great opportunity. Knowledge and information is obviously power and will help our voters understand the issues to make a more informed judgment.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Under the previous order, a Democrat should be recognized. The Senator from California.

Mrs. BOXER. I thank the Chair.

Mr. President, I assure my friend from Utah, I will not be long. I was looking at my statement, and even if I get enthusiastic and go off it, I think he is looking at 10 or 15 minutes.

Mr. BENNETT. Mr. President, if I may, I thank the Senator from California. I was under the impression it would be by position rather than by party, but I am more than happy to listen to her for 10 to 15 minutes because I am making notes.

Mrs. BOXER. I appreciate that, and I am sure my friend will find added comments after he listens to mine.

Mr. President, I want to start off by thanking Senators McCAIN and FEINGOLD for their leadership on this issue. It is nice to see this cooperation across the aisle. I like it. It is healthy for the system, it is good for the system, and we gain more respect as an institution when we work together as opposed to constantly being on opposite sides. People get suspicious; they say: Why is it they always are fighting each other? This is good, and the subject is so important and gets right to the heart and soul of who we are as a people.

I also point out that it is very difficult around here to challenge the status quo. Some of us saw Senator McCAIN getting fairly well grilled this morning. It is every Senator's right to grill another Senator. But it is very lonely sometimes to take on the status quo.

I have noticed in all my years in politics—and it has been a long time—what a legislature likes to do most is nothing, because it is easy, because if you keep it the same, you do not make waves, you do not disturb anybody, and it is comfortable. Certainly campaign finance reform is comfortable for many of us who have been in this for a long time.

Ever since I have been in politics, I have been supporting reforms in campaign finance. I have been in politics, in elected office, for 23 years. That is most of my adult working life. I started in local politics. It was an issue then. Then I went to the House in 1983. It was an issue then, and it has been an issue in the Senate during the 7 years I have served.

It is fair to ask: Why is Senator BOXER in favor of the most far-reaching campaign finance reform we can get? I can sum it up with three main reasons. Maybe there are 10 or 12, but I want to give the Senate the three main reasons.

First of all, the system is bad for ordinary people; and I will expand on that. Secondly, the system has the appearance of corruption; and I will expand on that. And thirdly, the system is stealing precious time from public officials who are elected to do a job; and I will expand on that.

First, the system is bad for ordinary people. Let me tell you why. Ordinary people feel disenfranchised. Ordinary people who cannot afford to make contributions to campaigns feel left out. Even if they were wrong on that—and I would tell people in my State, regardless of whether they make a campaign contribution or not, they are important to me. We all say that, and we mean that. They do have the vote. They are important to us. They do not believe it. They do not believe they count. They believe the people who count are the people who give $100, $500, $1,000—soft money contributions.

How do we know they feel this way? They have shut us out. They do not believe us when we talk. They believe we are motivated by people who give us the big dollars, and, sad to say, they are not voting. I look at the turnout of voters, and it is sad when we see in many elections 25 percent of the electorate votes, 40 percent of the electorate votes, and there are people all over the world literally dying to stand in line to vote in countries that are struggling to get the franchise. Ordinary people feel left out. That is a danger.

Secondly, the system has the appearance of corruption. Let me talk about the fight I waged on oil royalties. I do not know anyone who stood up in that debate who did not believe big oil companies were not paying their fair share of royalties.

Everyone agreed; even the key opponent of my perspective that we ought to do something about it said it is true, they are not paying their royalties. I know it to be the case when the person who stands up on this floor, whoever that might be—and in another case it could be me; in this case it was another Senator—and fights for the status quo for one particular industry and the newspapers write a story that that individual got more money from that industry than anyone else; even if the motives were as pure as the driven snow—and I have no reason to believe otherwise—people lose faith. They do not want to believe us if we stand up and fight for an industry and we are the biggest recipient of the industry's funds.

We are not talking about a thousand bucks; we are talking about big bucks. The appearance of corruption, if I may use the word, is out there.

I don't care what Senator, on either side of the aisle, stands up and stamps his or her foot and says: That's a terrible word. Don't use it; the appearance of corruption is out there. Maybe you don't think so, but ordinary people think so. We know it. It is another reason they are turned off. It is another reason they do not vote.

And the third reason: The system is stealing precious time from elected officials. Look, let's be honest. A person who comes from California, who takes the oath of office, would have to raise $10,000 a day, 7 days a week, for 6 years, in order to have the resources to run for reelection.

Let me repeat that—for 6 years, $10,000 a day, 7 days a week, in order to have the assets that are needed to run for reelection in California, where there are 33 million people and the highest TV rates in the country.

How do you think that happens? Do you think that individual in the Senate can possibly do all that and still do the best job that she can do? It is impossible.

Let me make a confession on the floor of the Senate. Having run for the Senate twice from that great State, I did every single thing I could to raise as much money as I could within the law. I don't want anyone to think I am holier than thou because I am not. If I was, I would have said: I'm not going to take the PAC money. I'm not going to ask people for soft money. I'm going to demand they take the issues ads off when they help me.

I am not holier than thou. I am a user of the system, and the system is wrong. I think the Senators from California who know what it is like to do this in some ways have more credibility than Senators from small States to talk about the evils of this system. The system is broken, and we have to clean up our act. It is very simple.

I am willing to do it in a baby step, which is what I consider this stripped-down bill to be, or I am willing to do a much larger step, which I think Shays-Meehan is in the House. I like it better. I will do what it takes to get something out of this Senate that speaks to reform.

Soft money, unlimited dollars, it does not matter what it is. It could be any amount going to the parties. Did it help me? Oh, yes. It helped me a lot. In some ways, I was in a better position than my opponent. He spent a fortune. I was able to raise more.

Why am I standing here? I know how to work the system. I have been at it a long time. It is in my benefit to keep it the way it is. Even a well-heeled opponent that I had and I faced, with all the support of the Republican Party, could not go toe to toe with me because I know how to work the system. But the system is broken, and we have to clean up our act. We have a chance to do it.

I hope people in this Senate who know this system inside out will do what they can to change it. Doing away with soft money is a step in the right direction. Do we need other steps? You bet we do.

We need to expand disclosure requirements, and I am going to read Senator McCain's amendment with great interest. It seems to me we can do that in this bill because many times the special interests will wait until the last minute to dump big money into their candidate's campaign, hoping it will not be found out until after election day. With the computers the way we have them today, we ought to be able to know it pretty much on a real-time basis.

We need to ensure that these issue ads become a thing of the past. What a phony deal that is. That is as much an ad as the ad I put on for myself. How is this for an issue ad? "Senator X has just cast a vote against a particular bill. It is a disaster for our country. Call Senator X and tell her she is wrong." That is an issue ad? No. That is a personal attack.

"Senator Y has supported a bill that is going to hurt our country's economy. Call Senator Y. Here are the three reasons he is wrong on that," and you mention the Senator's name over and over. By the way, you can even show the Senator's face.

That is not an issue ad. That is a direct attack ad. Was it done against my opponent? Yes, it was. Was it done against me? Yes, it was. It is uncontrolled. It brings in other issues that the two candidates themselves do not even want to talk about. It unbalances the whole debate in the campaign. It has to be a thing of the past.

"Free speech," my colleagues say on the other side. I will tell you, I never heard anyone more eloquent on the point than the Senator from Kentucky. The Supreme Court was divided 5 to 4 on the issue of free speech. I tell you, they are wrong because when you say money equals speech, you are demeaning the Constitution; you are demeaning this democracy.

How is it free speech if candidate A is a billionaire and can buy up every inch of time on the TV and the radio and the other candidate, candidate Y, is a poor candidate and has to go raise money? By the time he gets the money, he goes to the TV stations and the radio stations, and they say: Oh, sorry, candidate Y. There is no time left for you to buy. That is an infringement on his speech.

I had an interesting situation at the end of my last campaign. A lot of money came in toward the end of my campaign. I sent it over to the TV stations. I just got it back with a big refund. By the time we got it over there, there was no more time.

So how do you say that money equals speech if one candidate has it; the other one has a harder time getting it, and they cannot get the prime time? This speech argument is a debasement of everything that I believe in. I believe that our Founders would roll over in their graves if they knew that when they fought and died for free speech, it now means money, and you cannot tell a wealthy candidate you can only put X into your campaign, because it is a violation of free speech. But what about the poor candidate? He does not have the money. What about his speech?

So this argument on speech, to me, is nonsensical. I am one of these people who believe the Supreme Court ought to take another look at that Buckley v. Valeo because I think it is off the wall.

So here I am standing in front of my colleagues admitting that I have used this system to the ultimate, that I have benefited from it because I understand it, that I am good at it. I have had, in the course of my campaigns, thousands and thousands and thousands of contributors. There is not a day that goes by that I do not thank them for their support because I would not be here; I could not have gotten my message out. But they understand, in their heart of hearts, and one of the reasons they wanted me to be here, I will stand up and fight against this system.

So I am doing it again in the hopes that maybe this time, with this stripped-down bill, we can pick up enough votes from the other side of the aisle to ensure that we will have some reform.

I beg my colleagues—we have had some bitter debates, very partisan debates, and it has not been a pretty thing to watch—maybe we can make this a pretty thing to watch. So far it has been kind of contentious.

In the end, if we can get the 60 bipartisan votes to shut off debate, maybe we will get a bill, maybe we can be proud of something we did in this Congress. They did it in the House.

I urge my colleagues, let us follow the lead of Senators McCain and Feingold. Let us reach across the aisle, do something right for the people, restore their faith in this system. Maybe they will start voting again and feel good about who we are and, frankly, about this country, if they think we are moving toward a truer democracy. We have a chance to do it. I hope we will.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. Under the previous order, a Republican is to be recognized at this time. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I appreciate the remarks of the distinguished Senator from California. I know there has been a lot of frustration about campaigns, campaign financing and having to run for office and ask for money. I am not good at it and don't like to do it. It is a humbling experience. Sometimes people won't give you money. If enough people won't give you money to run your campaign, it may be an indication you are not as good a candidate as you think you are. But if you have a message and people care about it and want to give to it, that is what happens in this country.

I guess what I want to say is, there are frustrations. Part of it, for those who wish this system weren't the way it is, is the first amendment to the

Constitution. It provides for free speech. In the primary, when I ran in Alabama in 1996, for the Senate—I have only been here since then—there were two individual candidates who ran against me in that primary who personally put in over $1 million of their own money into that race. I spent $1 million in my race and raised it by every way I could. I had two kids in college and was living on a government salary. I didn't have a million dollars, but I won the race. And there are instances of people spending tens of millions and losing.

The Supreme Court has said you cannot deny, under the free speech clause of the Constitution, an individual citizen the right to go on television and say, I have a dream for America or Alabama and I want to carry it out and listen to me. You can't prohibit that. That is free speech. I wish it wasn't so. They have things such as, well, you can do it except for the last 60 days before the election. They said that one time. I suspect we will have an amendment a little later on on this bill that goes back to that, saying you can have free speech, but not for 60 days before the election. That dog won't hunt, as they say. When do you want to speak most intently, if it isn't during the election cycle?

We have a serious problem, when we try to contain by Federal law the right of individual Americans to come together to put money in a pot and to campaign for or against a no-good or a great candidate for the Senate or the Congress or anything else. That is what we are talking about. We are saying people can't get together and actively challenge and fight, with every ounce they have, for the beliefs that they share.

Two years ago, when I got here, I couldn't believe what was happening. The Chair is an attorney, and he will understand this. We actually had an amendment offered in 1997 in this body to amend the first amendment to the Constitution, the right of free speech and press. Thirty-eight Senators out of 100 voted for it. It would have been the greatest retrenchment of American democracy since the founding of this country. I was shocked at it. I guess they are not embarrassed. They have not offered it again. They haven't come back with that amendment. I have it right here.

This was the amendment. Thirty-eight Senators proposed to amend it by saying that Congress shall be able to set limits on contributions in campaigns.

I will say one thing about those people, they were honest about it. They were direct about it. They knew that being able to speak out and raise money and buy time on television is part and parcel of free speech, and they were willing to pass a constitutional amendment so it could be done. We have problems when we start telling people they can't raise money.

As the Senator from Kentucky says, to speak, to carry your message, what you are doing is, these politicians, we politicians are going to get around here and say who can speak and who can't speak. We are going to tend to say the ones who can't speak are the ones who are attacking us and don't agree with us. American democracy is a great, great thing. Some say, our government is terrible but it is better than all others. I suppose that is what we are talking about fundamentally. We have learned over the years that the right of Americans to speak and debate and contend for their beliefs is ultimately better than passing laws to control it. That is the fundamental choice with which we are dealing.

McCain-Feingold originally, as it came forward, was going to stop all kinds of activity within days of the election. It was going to do a lot of different things on issue advocacy, that sort of thing.

Mr. President, I believe I will need unanimous consent to retain the floor following the vote at 4 on the DOD conference report. I ask for that at this time.

The PRESIDING OFFICER. Is there objection?

Mr. CHAFEE. Mr. President, we are going to vote at 4, is my understanding.

The PRESIDING OFFICER. The Senator is correct.

Mr. CHAFEE. Does this unanimous consent request change that?

The PRESIDING OFFICER. It does not.

Mr. CHAFEE. So we will still vote at 4 on DOD?

The PRESIDING OFFICER. This request does not change that.

Mr. CHAFEE. I thank the Chair.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, the vote is scheduled for 4? We will be voting at 4?

The PRESIDING OFFICER. Yes.

Mr. SESSIONS. I will simply wrap up by saying there is not an easy way around this. The original McCain-Feingold attempted to contain all collections of money outside a political campaign in a lot of different ways. The effect of that was to say that a pro-choice group, a pro-life group could not raise funds and speak out on issues, even as it related to a particular candidate or campaign. When it became clear, I submit, that would not meet constitutional muster, we now have McCain-Feingold lite, as they say. It simply says you can't give but a limited amount of money to a political committee, Republican or Democratic committee or Republican or Democratic congressional campaign committee and, I suppose, some other party, if they have that much strength and qualify, but basically, political parties can't receive moneys except under the limited powers given. They have had to abandon the goal of prohibiting independent political action groups from receiving money and spending it.

I had groups against me that had spent money that I am not sure who they were. They were basically fly-by-night groups. I have heard other Senators talk about waking up and turning on the television and being attacked by some citizens for the environment or citizens for this or that. People put their money into those groups. They run ads, and they call your name. That is not covered by this bill. All it says is you can't give to a political party who may be involved in the election and you are limited in how much money you could give to them. But a political party is better than these fly-by-night groups. A political party has to be there the next election. If they cheat and lie and misrepresent, you can hold them accountable, and it probably will hurt them in the next election. They have people whose reputations are committed to those parties.

If we are going to control anything, we ought to do these other groups, rather than political parties, because they have an incentive to maintain credibility, and this bill would not do anything except for political organizations.

I thank the Chair and yield the floor.

DEPARTMENT OF DEFENSE APPROPRIATIONS, 2000—CONFERENCE REPORT—Continued

The PRESIDING OFFICER. Under the previous order, the hour of 4 p.m. having arrived, the Senate will now proceed to vote on the conference report accompanying H.R. 2561, which the clerk will report.

The legislative assistant read as follows:

> Conference report accompanying H.R. 2561, making appropriations for the Department of Defense for the fiscal year ending September 30, 2000, and for other purposes.

Mr. DOMENICI. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the conference report. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative assistant called the roll.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

I further announce that if present and voting the Senator from Massachusetts (Mr. KENNEDY) would vote "aye."

The result was announced—yeas 87, nays 11, as follows:

[Rollcall Vote No. 326 Leg.]

YEAS—87

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feinstein
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kerrey
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wyden

NAYS—11

Bayh
Boxer
Feingold
Fitzgerald
Graham
Harkin
Kohl
McCain
Robb
Voinovich
Wellstone

NOT VOTING—2

Kennedy
Kerry

The conference report was agreed to.

Ms. COLLINS. I move to reconsider the vote.

Mr. GRASSLEY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

BIPARTISAN CAMPAIGN REFORM ACT OF 1999—Continued

The PRESIDING OFFICER. Under the previous order, the Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I thank the Chair.

Mr. President, there is a difficulty in a free country, one that guarantees the right of free speech and the press, to tell a group of citizens they cannot raise money and speak out at any time they choose to carry forth the message they believe in deeply. We are not talking about a game here. It is nice to sit around and say: How can we do something about this money in campaigns? It is such a burden to raise money. People try to buy influence. It is true people do try to ingratiate themselves to Members of Congress. How do you stop it? How do you do it, consistent with the great democracy of which we are a part?

This bill as it is written, the "McCain-Feingold lite"—the final version that has been altered, as we have gone by—is a feeble, sad attempt, really, to control spending in a way that is not going to be at all effective. In fact, it is going to be counterproductive and unwise, at the same time undermining the great first amendment of our Constitution.

This bill would fundamentally only ban contributions of soft money; that is, contributions of money of certain amounts that are limited in the statute. If you give more than that to a party, then that becomes soft money. It would ban these contributions to parties or party organizations.

Parties are good things. A lot of fine political scientists have been concerned over a number of years that parties have begun to lose their strength. But they go out to educate the public. People can call them to get information. They help young, inexperienced candidates get into the political fray. They help them fill out their forms right and make sure they comply with the campaign laws and the other laws involved in these elections. They serve good purposes. They are, at their foundation, a group of American citizens who share a general view of government who desire to come together to further those ends through their organization. So we are banning money to them. Who does not get soft money or money over the $1,000 contribution limits? Parties cannot get it. At the same time, there would be no ban on contributions to organizations that are not historic, that will not continue to exist from election to election. They will go away.

In Alabama, in 1996, the ad that was voted the worst ad in America was run in our supreme court race. It was a skunk ad, and it was a despicable ad. It was done by money that apparently was given by a trial lawyers' association to an organization. I think the title of it was the "Good Government Association." They raised this money and put it into this thing. It had one purpose. It didn't register voters, didn't answer the phone, didn't produce literature—it ran attack ads against a good and decent candidate for the supreme court of the State of Alabama. This bill would not stop that kind of thing. That could still go on.

That is why I believe it would do nothing to deal with that fundamental problem. When people care about an election, they are going to speak out. These fly-by-night groups that come together, they have no integrity to defend over the years as a political party does. Their leaders oftentimes are people you will never hear from again. But a chairman of a political party, the candidates and members of that party, Republican or Democrat, have a vested interest in trying to maintain the integrity of their party. I think, in truth, there are going to be fewer abuses by a political party, frankly, than another kind of institution. I will just say these would be legal under this bill. It would not deal with the fundamental question with which we are most concerned.

We know one of the union labor leaders has promised to spend $46 million in 35 congressional races to defeat Republican candidates and take over the House of Representatives. He has announced that: Over $1 million per race. This bill would provide no control over that.

What if you are a candidate in Alabama and all of a sudden you wake up and you have been targeted and they are spending $2 million—it could be $2 million, maybe $3 million—against you, running attack ads daily? You go around to ask people to raise money to help you and they cannot give but $1,000 and you cannot get your message out because you have been overwhelmed. That is not fairness. It would not control that kind of immense funding in any way. That is not fair. That is all I am saying. That is not fair. We do not need to do that thing, in my view.

If there is a problem in campaign finance and funding, one of the most amazing and aggravating things to me is that a union member who favors me or someone else, another candidate, may have his money taken or her money taken and spent for the person they oppose. They have no choice in it whatsoever. They have to work, they have to pay union dues, and the money is spent. This bill throws up a figleaf and says, if you are not a union member, then you can object, if they are taking your union dues, and maybe get a little bit of it back if you protest and demand it back. But as far as dealing fundamentally with the freedom of working Americans to decide who their money is spent on, it would do nothing. That is a wrong, if you want to know what is wrong in this country.

I submit this bill is a shell, a pretend bill. It will not stop soft money. That is so obvious as to be indisputable. It is going to continue. It is just going to go through organizations other than political parties. It will not stop unions from spending $46 million on a few targeted races. It is not going to stop political action committees with special interests from raising funds, involving themselves in elections. Indeed, how can it? Should it be able to? Probably not. How can we stop people from doing that?

I don't like it. I don't like people running ads against me and I have had them run against me saying: Call JEFF SESSIONS and tell him you don't like what he is doing. It is basically an attack ad. It is not going to change.

What can we do? I can suggest a few things. Let's raise the 1974 spending limits. That is way out of date. It is time to bring those up to date. Then a person who cares about an election, if he gives $2,000 or $3,000, may not believe he needs to carry on by giving money to a special committee to argue the case further. He may be satisfied with that. That would be natural and normal. It would reduce the pressure for soft money.

I believe we need more prompt disclosure. People need to know who is giving this money. It would have been helpful for the voters of Alabama to have known that a skunk ad came from defense lawyers, plaintiff lawyers, and business interests on one side of that debate. They would be more understanding of what it means and may be able to hold somebody accountable in a way they would not otherwise.

Frankly, we ought to start enforcing the law. I spent 15 years as a Federal prosecutor. We are not doing a very good job, in my view, of finding people who violate existing laws and seeing that people are held accountable. There are going to be mistakes, and I am not talking about witch hunts and trying to disturb honest and decent candidates who have done their best to comply with many regulations, but we really need to watch those cases where we have serious enforcement problems.

The Senator from Utah talked about Mr. Tamraz who gave $300,000 to the Democratic Party to meet with the President, and the State Department people said he is a bad character and they should not see him. But he was invited to the White House and the President saw him anyway. That is helpful and may not be an absolute violation of the law, but that is the kind of thing we ought to know about and stand up against. But this is freedom fundamentally to speak out.

My time is up. Our cure, I am afraid, is more dangerous than the disease. We have a lot of problems in elections and because of them people get upset. But fundamentally in America, today you can campaign and get your message out, and the American people accept the results of those elections. We do not have riots when one candidate wins and another one does not. It is because people feel they have an adequate opportunity to have their say.

This legislation clearly, in my opinion, would weaken the first amendment right to free press and freedom of speech. It would be dangerous because the incumbents will be setting the rules. As Members of this body, we are going to set rules which protect and resist activities that we as incumbent politicians do not like. Every now and then, it might be healthy for somebody who wants to raise a bunch of money and run against some of us. It might be good for us. One can make an issue of it if they think it is unfair, but how can we say they cannot do that? Many of the rules we are talking about cannot be enforced. They will not be enforced or do not even attempt to avoid certain loopholes which we close in a little gate and then the whole fence is down when we allow this money to go through other political groups and just barring parties from spending the money.

This plan will not work. It will not achieve the goal of the parties submitting it. It will not do that. It encroaches on the first amendment and is not good public policy.

I thank the Chair for the opportunity to speak and yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Georgia is recognized.

Mr. CLELAND. I thank the Chair.

Mr. President, campaign finance reform was the first issue on which I chose to speak when I was duly elected to the Senate almost 3 years ago. I occupied this desk and talked about my understanding of the state of campaign financing in America. I had just gone through one of the most expensive Senate races in the history of the United States where I was outspent some 3½ to 1. I am lucky to be here.

The current status of campaign financing in America is a moral swamp; it is full of skunks; it is full of special interests out to buy their way into the heart of the American Government. Those of us in this Senate, 100 selected, want to make sure the public interest prevails, not special interests. I tip my hand and my hat to two fine Members of this body who day in and day out, year in and year out, have fought the good fight in cleaning up this moral swamp of campaign financing.

My dear friend and fellow Vietnam veteran, Senator JOHN MCCAIN, and my seatmate, Senator FEINGOLD, have put together an effort which I believe has a reasonable chance of succeeding.

I can remember sitting here a couple years ago after a whole year of sitting on the Governmental Affairs Committee and listening to one horror story after another about problems of campaign financing in America, and a majority of our Governmental Affairs Committee decided we needed campaign financing; we needed the McCain-Feingold bill. I was an original cosponsor of it and a majority of the Senate supported it, but we could not get 60 votes.

Senator MCCAIN, in those days, said something like: It is a question of time. This Senate will pass campaign finance reform. It is just a matter of when, and it will be whether or not we are here.

I am glad the issue of campaign finance reform is back before this distinguished body, and it is none too late. In 1998, the last general election in this country, we had higher spending, more negativity, greater public cynicism, and not coincidentally, lower voter turnout than at any time in this century. We are at a turning point. I thank Senator JOHN MCCAIN and Senator RUSS FEINGOLD for offering to us, again, a chance to clean up this moral swamp.

My dear colleague from Arizona and I were in the Vietnam war. We have been shot at before. We have been attacked before. We have been criticized before. But his integrity is still intact. He is incorruptible, he is unbought and unbossed, and I am honored to serve with him today.

Over the years, opponents of McCain-Feingold have continued to concentrate their spoken criticisms on its alleged violations of free speech, though that is, in my opinion, a flawed equation of money with speech.

I look back at the 1976 decision by the Supreme Court which, in effect, equated the ability to spend money with free speech. In the campaign finance hearings a couple of years ago, I asked the simple question: If you do not have any money in this country, does that mean you do not have any speech? Of course not. The problem is we have equated money with speech and the ability to get on the air with 30- and 60-second spots which make us want to throw up.

I share the concern of the distinguished Senator from Alabama, Mr. SESSIONS, about these negative attack ads that come from out of State and seem to originate from God knows where. They come in and assassinate someone's character. That is not the country for which Senator MCCAIN and I fought. That is not the kind of democracy we intend to serve. That is one reason why I have bonded with him in such a close way: to support cleaning up this incredible process.

Right now we have a system where every millionaire in America can expect to run for public office. The rest of us will have to take a back seat.

I would say there is little doubt about the commitment of James Madison, father of the Constitution, an architect of the Bill of Rights, and President of the United States, to the great cause of free speech. Madison was the author of the first 10 amendments to the Constitution, the Bill of Rights. In The Federalist Papers, Madison put the challenge of governing this way. He said:

> But what is government itself, but the greatest of all reflections on human nature? If men were angels, no government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself.

We have to control this campaign finance system or it will eat us alive. Our system of elections is fast becoming a system of auctions. While Madison was certainly both a revolutionary and a visionary, he never allowed himself to stray too far from the practical realities of the world in which he lived. To him, the lack of human perfection was thus the basis for government and a factor which must be taken into account in providing a government with sufficient powers to accomplish its necessary functions.

The last time the Senate debated McCain-Feingold, back in 1997, Senator FRED THOMPSON, the chairman of the

Governmental Affairs Committee, delivered a very fine statement on the Senate floor about campaign finance reform and free speech in which he pointed out that, in the real world, the debate about campaign finance reform and free speech is not one of absolutes, as some would have it. There is not a choice between a system of unfettered free speech and government regulation, for our current system recognizes many instances in which there is a legitimate and constitutional public interest in regulating speech, from slander laws, to prohibitions on the disclosure of the identities of American intelligence agents, to the campaign arena itself, with a longstanding ban on corporate contributions and quarter-century and older limits on other forms of contributions and disclosure requirements.

So the debate isn't really over whether or not there will be government regulation of campaigns but on what form that regulation will take. In the words of Dr. Norm Ornstein, a noted political scientist and a witness in the Governmental Affairs hearings, the question is whether or not we will erect some "fences" to prevent the worst abuses from recurring.

As I have told anyone who has asked me, I love being a Senator. I cherish this body. As does Senator BYRD, I cherish its traditions. Having the privilege of representing my State in this body, where such giants as Clay and Webster and Calhoun and Norris and LaFollette and Dirksen and Russell and Senator BYRD have served with great distinction, is the greatest honor of my life. But, my fellow Members of the Senate, I was not honored by the process that I and every other candidate for the Senate had to undergo in order to get here.

We have to spend years in raising millions of dollars just to defend ourselves out there in the marketplace. I have not felt privileged sitting here day by day, with evidence continually mounting in congressional hearings, in newspaper reports, of campaign abuses, or public opinion surveys chronicling the loss of public trust in the political process, or the ongoing massive fundraising which takes place all the time in this, the Nation's Capital. The current system is broken, and it cries out for reform.

We have heard a lot of talk, and we will hear more talk, about these abuses, and about the general topic of campaign finance reform. But the time is coming when we must take action. Certainly the revised McCain-Feingold package is not perfect; it is not all that I think needs to be done to remedy our problem, but it is an essential first step, aimed at dealing with the worst of the abuses which currently plague our campaign system.

It is fascinating how the term "soft money" has grown up. It is really not soft money; it is hard money with soft laws. It is now time to correct that abuse. The revised bipartisan campaign finance reform proposal does not contain spending limits. I wish it did. Unfortunately, the Supreme Court has declared that unconstitutional. It does not contain limits on PACs. The current law does. It does not provide free discounted broadcast air time for Federal candidates. I think we ought to have that. And the bill does not place any limitations on sham issue ads, which we need very badly. We need to place some limitations on that, especially 60 days out from an election.

But what the proposal does do is this:

One, it bans soft money contributions to and spending by national political parties and candidates for Federal office. That, in and of itself, is an achievement.

Two, it curbs soft money contributions to and spending by State parties when such activities are related to Federal elections.

And three, it strictly codifies the Beck decision concerning the right of nonunion members to have a refund of any union fees used for political purposes to which they object.

There are certainly areas where I believe this package should be strengthened, but we must not let the pursuit of a politically unattainable ideal prevent us from adopting the very useful and important provisions in this package.

Let us remember that it was soft money which was at the heart of most of the egregious campaign abuses uncovered by the Governmental Affairs Committee's investigation of the 1996 campaign. I sat through a whole year of listening to those horror stories, and it convinced me it is long since time that we act.

The country is watching what we do on campaign finance reform. Make no mistake about that. They are understandably skeptical that we will take action to reform the very system under which we all were elected, and, shall we say, expectations are extremely low. Unfortunately, based on our behavior to date, those expectations are being fulfilled.

But this is a real opportunity, the best we will have in this Congress to show we can take the hard but necessary steps to help begin to restore the public's faith in the workings of our great experiment in democracy.

Earlier this year, by an overwhelming bipartisan majority, the House of Representatives approved the Shays-Meehan bill, which goes far beyond the measure currently before the Senate. The President of the United States stands prepared to sign any reasonable version of either of the bills into law. Now the ball is clearly in our court.

As we consider the McCain-Feingold legislation, I hope we will at long last be allowed to engage in the normal amendment process whereby the Senate can truly work its will and seek to improve the pending legislation. There are a number of areas in which I think the existing bill can and should be improved. For my part, I will be offering a series of amendments related to enforcement of existing laws by strengthening the Federal Elections Commission and campaign disclosure requirements. The FEC is the referee in this ballgame. It is time we gave the referee some strength.

One of the most glaring deficiencies in our current Federal campaign system is the ineffectiveness of this referee. The FEC, whether by design or through circumstance, has been beset by partisan gridlock, uncertain and insufficient resources, and lengthy proceedings which offer no hope of timely resolution of charges of campaign violations. It is similar to a referee in a football game blowing a whistle and 9 months later throwing the flag.

Thus, the first major element of my amendments is to strengthen the ability of the Federal Election Commission to be an effective and impartial enforcer of Federal campaign laws.

I will be offering amendments to do several things:

One, alter the Commission structure to remove the possibility of partisan gridlock by adding a seventh member, who would serve as Chairman and would be appointed by the President—with the advice and consent of the Senate—from among 10 nominees recommended by the Supreme Court.

Two, require electronic filing of reports to the FEC; authorize the FEC to conduct random audits; give the FEC independent litigating authority, including before the Supreme Court; and establish a right of private civil action to seek court enforcement in cases where the FEC fails to act, all of which should dramatically improve the prospects for timely enforcement of our campaign finance laws.

Three, provide sufficient funding of the FEC from a source independent of congressional intervention by the imposition of filing fees on Federal candidates, with such fees being adequate to meet the needs of the Commission.

There is another area to be addressed by my amendments. The area I would like to address is to enhance the effectiveness of campaign contribution disclosure requirements.

I have to admit, of all the laws, of all the requirements I have seen at the State level and the Federal level, over the years in which I have been dealing with the question of campaign finance reform—and I was the State official in Georgia for 12 years who was the State elections officer, and I pushed for campaign finance reform then, and now I am pushing for it as a Senator. Of all the requirements I have seen, of all the laws and the rules and regulations, I think the most effective brake on abuse in the campaign finance system is disclosure. As Justice Brandeis once observed: Publicity is justly commended as a remedy for social and industrial diseases. Sunlight is said to be the best of disinfectants.

This is certainly true in the realm of campaign finance. Let there be more sunlight. Perhaps the most enduring legacy of the Watergate reforms of a quarter century ago is the expanded campaign and financial disclosure requirements which emerged from that tragedy. By and large, those increased disclosure requirements have served us well, but as with everything else, they need to be periodically reviewed and updated in the light of experience.

Therefore, based in part on testimony I heard during the last session's Governmental Affairs Committee investigation and in part on the FEC's own recommendations for improved disclosure, my amendments would make several changes in current disclosure requirements.

Specifically, I am recommending a reform which will make it more difficult for contributors and campaigns alike to turn a blind eye to current disclosure requirements by requiring those who contribute $200 or more to provide a signed certification that their contribution is not from a foreign national and is not the result of a contribution in the name of another person.

In addition, I will offer amendments embodying a number of disclosure recommendations made by the FEC in its reports to the Congress and by other campaign finance experts, including, among others: One, requiring all reports to be filed by the due date of the report; two, requiring all authorized candidate committee reports to be filed on a campaign-to-date basis rather than on a calendar-year cycle; three, mandating monthly reporting for multicandidate committees which have raised or spent or anticipate raising or spending in excess of $100,000 in the current election cycle; again, clarifying that reports of last-minute independent expenditures must be received at the FEC within 24 hours of when the expenditure is made; and, finally, requiring that noncandidate political committees which have raised or received in excess of $100,000 be subjected to the same last-minute contribution reporting requirements as candidate committees.

It is so easy to be pessimistic about campaign finance reform efforts. The public and the media are certainly expecting this Congress and this Senate to fail to take significant action in cleaning up this swamp. The scandalous campaign system, though, under which we all now suffer must be changed.

I suggest we cannot afford the luxury of complacency. We may think we will be able to win the next election or reelection because the level of outrage and the awareness of the extent of the vulnerability of our political system have perhaps not yet reached critical mass. I am confident it is only a matter of time, as Senator McCAIN has said, and perhaps the next election cycle, which will undoubtedly feature more unaccountable soft money, more sham issue ads, more circumvention of the spirit and, in some cases, the letter of current campaign finance laws, before the scales are decisively tilted in favor of reform.

We will have campaign finance reform, Mr. President. The only question is whether or not this Congress and this Senate step up to the plate and fulfill their responsibility to the American public and give them a system in which they can have confidence.

I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Nevada.

Mr. REID. Mr. President, for the information of Members, the manager of the bill and the minority are trying to work out a time. We expect there will be a vote at 6 on the underlying amendment. All Members should keep that in mind. We don't have it yet, where we can enter a unanimous consent request, but we are very close to it.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I rise today as we begin the debate on campaign finance reform to discuss my thoughts and hopes on the actions the Senate will be taking in the coming days.

First, let me thank the sponsors of the legislation, Senators McCAIN and FEINGOLD, for their tireless perseverance to enact campaign finance reform. Without their hard work and vast knowledge, we would not be at this important point. I would also like to thank the majority leader, Senator LOTT, for working with Senators McCAIN and FEINGOLD to schedule this time for what I hope will be a full and open debate on this important issue. I look forward to hearing and debating the many ideas of my colleagues and believe the Senate should strive over the next couple of days to show why we are considered the greatest deliberative body in the world.

Mr. President, I was first elected to Congress following the Watergate scandal, right around the time Congress last enacted comprehensive reform of our campaign finance system. I have watched with growing dismay over my almost 25 years in Congress as the number of troubling examples of problems in our current campaign finance system have increased. These problems have led to a perception by the public that a disconnect exists between themselves and the people that they have elected. I believe that this perception is a pivotal factor behind the disturbingly low voter turnouts that have plagued national elections in recent years.

While some may point to surveys that list campaign finance reform as a low priority for the electorate, I believe that the public actually strongly supports Congress debating and enacting comprehensive reform this year. It is important to reverse the trend of shrinking voter turnout by reestablishing the connection between the public and us, their elected representatives, by passing comprehensive campaign finance reform.

As I said earlier, I look forward to a full and open debate on the issue of campaign finance reform including the amendments that will be offered. At the end of this debate, the Senate should be able to pass comprehensive campaign finance reform. That to me is the most important aspect of any bill the Senate may pass, it must be comprehensive. If we fail to address the problems facing our campaign finance system with a comprehensive balanced package we will ultimately fail in our mission of reforming the system. Closing one loophole, without addressing the others in a systematic way, will not do enough to correct current deficiencies, and may in fact create new and unintended consequences.

Mr. President, we have all seen firsthand the problems with the current state of the law as it relates to sham issue advertisements. I have focused much time and effort on developing a legislative solution on this topic with my colleague Senator OLYMPIA SNOWE, and was pleased that this solution was adopted by the Senate during the last debate on campaign finance reform. I was also proud to cosponsor the comprehensive campaign finance bill Senators McCAIN and FEINGOLD introduced earlier this year that included this legislative solution.

While I understand the rationale my colleagues used in crafting the base legislation that we are debating, I feel strongly that the legislation the Senate must ultimately vote on include some kind of changes to the current law concerning sham issue advertisements. I feel that we have crafted a reasonable, constitutional approach to this problem and will be offering it as an amendment during this debate.

That does not mean, though, that we will stop working with our colleagues to craft additional, and perhaps different, ideas to address the problems with the current law on sham issue advertisements. My ultimate goal is to create a comprehensive campaign finance bill that will garner the support of at least 59 of my other colleagues, and hopefully more.

Mr. President, I look forward to the upcoming full and open debate on this important issue, and pledge to continue working with my colleagues to enact comprehensive campaign finance reform into law this year.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the vote on the underlying amendment occur at 6 o'clock this evening, and that the time be divided equally between the respective parties prior to that time.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. Would the Senator repeat the unanimous consent request?

Mr. REID. It is that the vote on the underlying amendment would occur at 6 o'clock, there would be no second-degree amendments in order, and that the time between now and 6 o'clock be divided between the proponents and opponents of the amendment.

Mr. MCCAIN. I don't object.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I am also informed—and I believe it is the case—that after the vote at 6 o'clock, there will be 20 minutes on the VA-HUD Appropriations bill.

That is for the information of Senators. It hasn't been determined by the leaders for sure, but that is what I expect will happen.

Mr. MCCONNELL. Mr. President, let me second what the assistant Democratic leader has said. That is the anticipation with regard to the VA-HUD.

Mr. President, seeing no one on the floor at the moment, I thought I might make a few observations about the debate in which we are currently engaged.

One of the commonly stated myths that we have heard throughout the day is that soft money in our current campaign finance system is the cause of unprecedented public cynicism about, and distrust of, government. The truth is, according to a study published by Oxford Press in 1999, which was coordinated by the faculty of the Kennedy school and which benefited from the participation of scholars from the University of Michigan, the University of Arizona, and the University of Illinois, public trust in government and cynicism about government predates not only soft money but also the events that prompted the original Federal Election Campaign Act. According to this study, public trust in the Federal Government has suffered a fairly steady decline since 1958, when 75 percent of the American people trusted the Federal Government most of the time. By the end of the Carter administration, this number had dropped to approximately 25 percent. This trend was temporarily reversed during the Reagan administration, but during the subsequent administrations, it again declined to near pre-Reagan levels of distrust. The fact that our campaign finance system and soft money have not caused a precipitous drop in public trust and an unprecedented increase in cynicism is confirmed by an even more recent study by two Harvard professors, which is going to press at the Princeton University Press. This study shows that trust in government did not precipitously decline during the scandal-ridden 1996 Presidential campaign.

These studies show that, according to most recent data available to these distinguished scholars, levels of public trust in government are currently no higher than they were in 1994 or at the end of the Carter administration in 1980. Simply put, the best and most recent scholarship establishes that public distrust of government predates our current campaign finance system and soft money, and the advent of our current campaign finance system and soft money have not accelerated the relatively steady decline in public trust that began in 1958. So it is clear that this debate we are having has absolutely nothing to do with the steady decline of confidence in our government.

Now, the prescription for this steady decline that has been offered by a variety of so-called reformers around here has been tried in some other democracies.

Let's look at Canada, for example. Our neighbors to the north already have passed many of the types of regulations supported by the proponents of the various reforms that are before the Senate or have been before the Senate in recent years. Canada has adopted the following regulations of political speech: spending limits that all national candidates must abide by to be eligible to receive taxpayer matching funds. Candidates can spend $2 per voter for the first 15,000 votes they get, $1 per voter for all the votes up to 25,000, and 50 cents per voter beyond 25,000.

Canada also has spending limits on parties that restrict parties to spending the product of a multiple used to account for cost of living times the number of registered voters in each electoral district in which the party has a candidate running for office. Right now, it comes out to about a dollar a voter.

Canada also has indirect funding via media subsidies. The Canadian Government requires that radio and television networks provide all parties with a specified amount of free air time during the month prior to an election. The government also provides subsidies to defray the costs of political publishing and gives tax credits to individuals and corporations which donate to candidates and/or parties.

That is the prescription in Canada. It is not all that dissimilar to the ones that have been promoted here in recent years, up to and including the bill we currently have before us.

Let's look at the attitude about government in Canada after all of these reforms. The most recent political science studies of Canada demonstrate that, despite all of this regulation of political speech by candidates and parties, the number of Canadians who feel "the government doesn't care what people like me think" has grown from roughly 45 percent to 67 percent. Confidence in the national legislature, after the enactment of all of these speech controls, has dropped from 49 percent to 21 percent. The number of Canadians satisfied with their system of government has declined from 51 percent to 34 percent.

Let's take a look at Japan. According to the Congressional Research Service:

> Japanese election campaigns, including campaign financing, are governed by a set of comprehensive laws that are the most restrictive among democratic nations.

After forming a seven-party coalition government in August 1993, Prime Minister Hosokawa placed campaign finance reform at the top of his agenda. He asserted that his reforms would restore democracy in Japan. In November 1994, his reform legislation passed. After this legislation, the Japanese Government imposed the following restrictions on political speech:

Candidates are forbidden from donating to their own campaigns. Any corporation that is a party to a government contract, grant, loan, or subsidy is prohibited from making or receiving any political contributions for 1 year after they receive such a contract, grant, loan, or subsidy.

There are strict limits on what corporations and unions and individuals may give to candidates and parties. There are limits on how much candidates may spend on their own campaigns.

Candidates are prohibited from buying any advertising in magazines and newspapers beyond the five print media ads of a specified length that the government purchases for each candidate.

Parties are allotted a specified number of government-purchased ads of a specified length. The number of ads a party gets is based on the number of candidates they have running. It is illegal for these party ads to discuss individual candidates.

In Japan, candidates and parties spend nothing on media advertising because not only are they prohibited from purchasing print media ads, but they are also prohibited from buying time on television or radio.

The government requires TV stations to permit parties and each candidate a set number of television and radio ads during the 12 days prior to the election.

Each candidate gets one government-subsidized televised broadcast.

The government's election management committee provides each candidate with a set number of signboards and posters that subscribe to the standard government-mandated format.

The Election Management Committee also designates the places and times candidates may give speeches.

The government says when candidates may speak, and where they may speak.

You may ask: What happened after these exacting regulations on political speech that amount to a reformer's wish list were imposed in Japan? Did cynicism decline? Did trust in government increase? Not so, as you notice.

Following the imposition of these regulations, the number of Japanese saying they had no confidence in legislators rose to 70 percent.

Following these regulations, only 12 percent of Japanese believe the government is responsive to the people's opinions and wishes.

The percentage of Japanese satisfied with the Nation's political system fell to 5 percent.

Voter turnout continued to decline.

Let's take a look at France.

In France, there is significant regulation of political speech with government funding of candidates, government funding of parties, free radio and television time, reimbursement for printing posters, and for campaign-related transportation.

In France, they ban contributions to candidates by any entity except parties to PACs.

Individual contributions to parties are limited.

Strict expenditure limits are set for each electoral district in place.

Every single candidate's finances are audited by the Commission Nationale, generally known as CCFP, to ensure compliance with the rules.

Despite all of these regulations on political speech in France, the latest studies indicate the French people's confidence in their government and political institutions has continued to decline. Voter turnout has continued to decline.

Let's look at Sweden.

Sweden imposed the following regulations on political speech: There is no fundraising for spending for individual candidates at all. Citizens merely vote for parties which assign seats on the proportion of votes they receive.

The government subsidizes print ads by the parties.

Despite the fact that Sweden allows no fundraising or spending for individual candidates, since these requirements have been in force the number of Swedes disagreeing with the statement that "parties are only interested in people's votes, not in their opinions" has declined from 51 percent to 28 percent.

The number of people expressing confidence in the Swedish Parliament has declined from 51 percent to 19 percent.

So it is clear that many assertions made by the proponents of additional campaign finance regarding the causal link between the campaign finance system or soft money, and voter turnout, public cynicism, national pride, and the health of our democracy are not supported but actually contradicted by the best and most recent scholarship and empirical data available from prestigious academics at institutions such as the Kennedy School at Harvard and the University of California System's Center for the Study of Democracy, and contrary to the experience of the other industrialized democracies that have passed the type of measures desired by proponents of more regulation of political speech.

The rationale for all of this has been that we need to clean up the system, squeezing out all of these private interests so everybody will have more confidence in the government.

That didn't work anywhere overseas. So let's take a look at the United States.

Voter turnout at home: In the end, we don't even have to look at other countries to see that speech controls do not increase confidence, nor do they increase voter turnout. In 1974, as we all know, the Federal Election Campaign Act was expanded to limit the amount of money that Presidential candidates could raise and spend. That is the system under which the current candidates for President operate.

So if the reformers premise that limiting speech increases turnout is true, then surely voting in American Presidential elections would have increased over the last 25 years. Let's look at the statistics.

In the 1950s and 1960s, before the passage of the Federal Election Campaign Act, the average voter turnout was consistently at 60 percent or higher.

So post-1974 must have been higher, right? After all, we passed the Federal Election Campaign Act. After all, the Congress supposedly gave us "comprehensive reform" for the Presidential system in 1974.

But the numbers show the emptiness of the reformers' rhetoric. The voter turnout for every Presidential election postreform has never reached 60 percent. In fact, the postreform high was 1992 when voter turnout reached 55 percent.

Even if one accepts the reformers' notion that voter turnout and voter confidence are problems in America, banning issue speech by political parties is clearly not the solution. Having less speech, less debate, and less discussion is clearly not going to have a positive impact on voter turnout, and there are simply no statistics—none whatsoever—to substantiate the claim that passing the kind of legislation which is before us today, or the kind that has been before us seemingly annually for the last 10 or 12 years, would have any impact whatsoever on reducing cynicism or raising turnout.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, we start from the most fundamental of all propositions, the first amendment to the Constitution of the United States. That amendment reads as it affects this debate, "Congress shall make no law abridging the freedom of speech or of the press"—"no law abridging the freedom of speech or of the press."

The Supreme Court of the United States quite properly has determined that meaningful freedom of speech requires the expenditure of money and has been loathe to accept any restrictions upon the use of money to broadcast one's ideas about political propositions in the United States.

At least several speeches that I have heard during the course of the day—most notably earlier this afternoon by the junior Senator from California—quarreled with that fundamental proposition in the first amendment. About 30 of the Members of this body a year or so ago were courageous enough to vote for a constitutional amendment that would have limited first amendment rights. They were wrong, in my view, but they were highly principled to do so. Any meaningful limitation on political speech, in the view of this Senator, will require an amendment to the Constitution of the United States.

Mr. McCAIN. Will the Senator yield?

Mr. GORTON. I yield.

Mr. McCAIN. Parliamentary inquiry: Will the Chair illuminate me on whose time is being used at this time and whose time is remaining so I might understand the parliamentary situation?

The PRESIDING OFFICER. The Senator from Kentucky spoke in opposition to the amendment and used 5 minutes 40 seconds.

Mr. McCAIN. The Senator from Washington is speaking.

The PRESIDING OFFICER. The Senator from Washington is speaking on the time of the proponents.

Mr. McCAIN. I am sorry to interrupt the Senator from Washington, but I don't quite understand.

Mr. GORTON. The Senator from Washington is speaking on the same side as the Senator from Kentucky.

The PRESIDING OFFICER. The time will be adjusted accordingly.

Mr. McCAIN. I thank the Chair, and I thank the Senator from Washington.

Mr. GORTON. The quarrel of the general proponents of these ideas is with the Constitution of the United States and most expressly with the first amendment. The drafters of that amendment did not say that the Congress could attempt to equalize the rights of speech of each individual citizen of the United States. They simply said that political speech was open and could not be restricted in any way by the Congress of the United States.

If unlimited or, rather, if the right of some people to communicate more widely than others could be restricted, presumably we could treat as soft money the money spent by the New York Times to editorialize on this issue or that of a television network. Obviously, the editorial director of the New York Times has a stronger voice heard by more people than the average citizen. And so, of course, does a group or a corporation, for that matter, whose rights and money is at risk in debate here in Congress.

Those who feel at risk with respect to the policies that we adopt have an absolute right to speak out in that connection. It is a right that the proponents of this bill in general terms don't want to restrict. Few of them, however, have proposed constitutional amendments or limits on free speech in the arts or in literature or with respect to pornography. We are faced with the paradox in this debate that the proponents think the only kind of speech that ought to be limited is political speech, the kind of speech the first amendment drafters had in mind when they wrote the first amendment.

In a narrow phase of this bill as it appears before the Senate, the only evil organizations whose activities are to be controlled or whose contributions are to be not limited or banned of a certain kind are the two major political parties and their organizations. This bill at this time has no limitation on the contribution of soft money to other organizations that have political agendas. It cannot constitutionally limit issue advocacy. It can't even limit individual express advocacy as long as that advocacy is disclosed.

I suppose I find it most paradoxical the proposition that we base these controls on corruption or the appearance of corruption when the appearance of corruption is primarily created by those who want these limitations. Presumably, whenever they say that a particular act carries with it the appearance of corruption, that means it is the case and that the limits they propose on political speech are, therefore, valid.

That simply is not the case. Political controversy in the United States from the time of the first Congress in 1789 and the passage of the first amendment has often been disorderly; it has involved a number of outrageous charges as well as careful political thought; it has benefited those who want to put the greatest amount of time and money and effort and press into expressing their ideas. It has not been regulated by the Congress of the United States and somehow or another we have been successful.

The idea that cynicism or opting out of the political process is going to be improved by passing laws is a triumph of hope over experience. It hasn't happened in connection with any such law here or in any other State at any time in the past. We have gotten this far in the history of the United States with its most successful free government by prohibiting the control of political speech on the part of the Government of the United States. We will survive the next 200 years far better without any such prohibitions than if we grant them.

Congress shall make no law abridging the freedom of speech. That is our command. This is an attempt to cause such an abridgement.

The PRESIDING OFFICER. The Senator from Arizona

Mr. McCAIN. Mr. President, I wish to take a minute before my colleague from Wisconsin speaks for the purpose of asking unanimous consent to have printed in the RECORD a letter from the American Bar Association and a letter from the League of Women Voters. I so ask.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN BAR ASSOCIATION,
GOVERNMENTAL AFFAIRS OFFICE,
Washington, DC, October 8, 1999.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: As the Senate begins consideration of campaign finance reform legislation, I write on behalf of the American Bar Association to urge you to support reform that will strengthen the electoral process; reduce the influence of special interests; allow members and candidates to devote more time to substantive issues, rather than fundraising; and preserve the First Amendment rights of eligible individuals to participate in political campaigns.

The American Bar Association (ABA) has long been concerned with campaign finance and electoral issues. In 1973, the ABA created its Standing Committee on Election Law with the purpose of developing and examining ways to improve the federal electoral process. The overriding premise of these efforts has been to support candidate and citizen participation in the electoral process, and to increase public confidence through accountability and disclosure.

As you know, campaign finance laws have not been substantially revised by Congress for over twenty years. Changes in campaign finance mechanisms, the infusion of "soft money" into the system, the burgeoning use of electronic media, and the emergence of issue advertisements have literally transformed the ways in which campaigns are financed and run. Yet, our laws and regulations have not kept pace with the innovations in campaign activities. The statutory and regulatory framework for campaign finance regulation needs to be modified to address these changing trends in order to ensure the integrity of the campaign finance system.

The American Bar Association believes the following principles should be included as part of any campaign finance legislation:

Full Disclosure. Disclosure is a vital and necessary component to maintaining the integrity of the campaign finance system. The ABA supports full and timely disclosure of campaign contributions and expenditures in excess of minimal amounts. All contributions to and expenditures by state and federal party committees should be reported publicly and electronically. In addition, the Federal Election Commission should be required to maintain a central clearinghouse with respect to data concerning both contribution and expenditure reports.

Reasonable Contribution Limits, Adjusted and Indexed for Inflation. Campaign contributions to candidates and political parties should be limited to reasonable amounts. The current contribution limit was set in 1974, and has not been adjusted to take into account inflation, increases in the size of the electorate and the dramatic rise in campaign costs. Raising the individual contribution limit would allow candidates to spend less time fundraising and more time discussing substantive issues, help level the playing field between incumbents and challengers, and channel money currently being contributed outside the federal system (soft money) back into the regulated process. Therefore, the ABA believes that current individual campaign contribution limits should be adjusted for inflation and indexed thereafter.

Soft Money. The ABA opposes the solicitation and use in presidential and congressional campaigns of "soft money", i.e., contributions to political party committees in unlimited amounts by corporations, labor unions and individuals, and supports the effort to prohibit such contributions. Soft money has been used as a method by which contribution limits and prohibitions under the Federal Election Campaign Act have been successfully circumvented and has created at least the appearance, if not the reality, of corruption in the political system. This issue must be addressed in order to help restore public confidence in the electoral process.

Public Participation—Legal Permanent Residents. Campaign finance laws should not discourage the participation of individuals, political parties, and organized political groups in all aspects of the electoral process. Of particular concern are efforts to restrict the political activities of legal permanent residents. The fundamental rights of free speech and association are an integral part of this nation's democratic process and are not restricted only to citizens. Legal permanent residents, who bear most of the same civic responsibilities as citizens, including paying taxes and registering for the draft, must not be prevented from exercising their constitutional right to participate in the political process. The ABA therefore opposes any diminution of the existing rights of legal permanent residents to make campaign contributions and expenditures to the same extent as U.S. citizens.

Public Financing. The ABA supports partial public financing of congressional and presidential elections as a desirable means of providing a floor for campaign funds, promoting and ensuring an effective and competitive electoral process, and minimizing the importance of wealth and the need for large contributions.

Reforming campaign finance laws to reflect the foregoing principles will help ensure increased citizen and candidate participation and restored public confidence in the electoral process. We urge you to keep these principles in mind as the Senate debates campaign finance reform legislation.

If you would like further information, please do not hesitate to contact either me or Kristi Gaines in the ABA Governmental Affairs Office.

Sincerely,

ROBERT D. EVANS,
Director.

THE LEAGUE OF WOMEN VOTERS®
OF THE UNITED STATES,
Washington, DC, September 28, 1999.

Re Campaign finance reform.

To: Members of the U.S. Senate

From: Carolyn Jefferson-Jenkins, Ph.D., President

The League of Women Voters urges you not to support the modified version of the McCain-Feingold campaign finance reform legislation, S. 1593.

The decision to remove the "sham issue ad" provisions from the original bill, S. 26, means that the current system that allows large, undisclosed contributions from corporate and union treasuries and from wealthy individuals to go toward elections advertising will go unchecked. We believe that real reform legislation must address this growing problem rather than ignore it.

Proponents of the modified legislation argue that it "bans" soft money. This is simply not the case because sham issue ads are a form of soft money. Soft money consists of corporate and union treasury money and funds from wealthy individuals that operate outside the current regulatory regime. Sham issue ads are clearly part of this problem. Because the modified legislation fails to deal with sham issue ads, it fails to fully address the soft money crisis.

In fact, the modified bill will drive soft money into sham issue ads, expanding the current loophole. To avoid the provisions of the bill, corporations, unions and wealthy individuals can simply reconstitute their contributions into sham issue ads designed to elect or defeat candidates. In addition, because contributions to sham issue ads are undisclosed while traditional soft money contributions are disclosed, the overall system may actually be made worse by the modified bill. It will transform disclosed contributions into undisclosed campaign money.

Sham issue advocacy—campaign ads designed to elect or defeat clearly identified candidates by masquerading as issue advocacy—provides a useful conduit for those with large amounts of money to influence federal elections without leaving any fingerprints.

Unlimited, undisclosed money is overwhelming the election system. By running ads immediately preceding an election that savage a candidate's opponent, special interests can provide something of great value to the candidate they support, while avoiding disclosure requirements and contribution limits.

In addition, candidates are losing control of their own campaigns. Representative government depends on elected officials being responsible to their constituencies. Unless the sham issue ad loophole is closed, outcomes of elections will more and more be determined by the irresponsible actions of outsiders, unfettered by the need to represent the interests of the citizens of a state or district.

Even more troubling is the possibility that foreign donors will exploit sham issue advocacy to influence U.S. elections and public policy. The sham issue advocacy loophole provides a perfect—and perfectly legal—route for domestic or foreign interests to influence our elections and add a corrupting influence to public policy debates.

Given current expenditures on issue advocacy, the potential for abuse is enormous. The Annenberg Public Policy Center at the University of Pennsylvania estimates the amount of issue advocacy advertising during the 1996 election season at $150 million, over one-third of the $400 million spent on advertising by all candidates for President and Congress combined. For the 1998 election, the Annenberg Center estimates that $275 to $340 million was spent on issue ads, double what was spent in 1996.

The Annenberg studies also demonstrate that issue ads frequently bear more than a passing resemblance to campaign ads. Although issue ads ostensibly have the primary purpose of promoting a sponsor's ideas or policies, fewer than one in five ads from the 1996 campaign directly advocated the sponsor's own position! In addition, nearly nine in ten issue ads referred to a clearly identified candidate for office. Less than five percent advocated support or opposition to a piece of legislation. In the 1998 election cycle, 80 percent of issue ads in the last two months mentioned candidates for office by name.

We are strong proponents of closing the "soft money" loophole and for campaign finance reform generally. By excluding the provisions developed by Senators Snowe and Jeffords to ensure that funding for sham issue ads is effectively covered by election rules, the modified bill falls too short.

The League of Women Voters believes strongly that the Snowe-Jeffords Amendment, or other similar language designed to ensure that funding for "sham issue ads" is effectively covered by election rules, is an essential part of campaign finance reform.

Mr. McCAIN. Mr. President, the letter is from Mr. Robert Evans, of the American Bar Association:

> I write on behalf of the American Bar Association to urge you to support reform that will strengthen the electoral process; reduce the influence of special interests; allow members and candidates to devote more time to substantive issues. . . .

They support full disclosure, reasonable contribution limits, adjusted and indexed for inflation. The ABA opposes campaigns of soft money, and also public participation of legal permanent residents.

Also, the League of Women Voters, referred to earlier by the Senator from Kentucky, says that Senator McCONNELL's statement on the floor suggested the League of Women Voters is in support of his position. On the contrary. The League's position is opposite that of Senator McCONNELL, who in their words "opposes any meaningful campaign finance reform."

They support comprehensive campaign finance reform. In fairness, the League of Women Voters thinks the Senator from Wisconsin and I are now too weak in our approach.

To assume somehow that as one may have in listening to the statement of the Senator from Kentucky this morning that the League of Women Voters was in agreement with this position is not the fact as demonstrated in this letter.

Mr. REID. Will the Senator yield for a question?

Mr. McCAIN. I am happy to yield to the Senator.

Mr. REID. Does the Senator from Arizona have an estimate, a guess, an observation of how much this Senator and my opponent spent in the last general election I was involved in in Nevada.

We spent about an equal amount of money. Does the Senator have a guess, estimate, or observation?

Mr. McCAIN. I say to my friend from Nevada, I am from a neighboring State and I paid a lot of attention to that race. It was a very close and hard-fought race—I mean this in all due respect—in what is a relatively small State, population-wise, although dynamically growing. I think percentage-wise, it is the fastest growing State in America.

I believe—I may be wrong—it was about $10 million each.

Mr. REID. The State of Nevada had less than 2 million people at that time. The Senator is absolutely right; the two of us spent with State party soft money, plus our hard money accounts, over $20 million. That does not count the independent expenditures, and we really don't know how much they are because they are hard to track.

Mr. McCAIN. Could I ask my friend, some of the estimates I heard on the independent campaign expenditures were as high as the $20 million spent by both you and your opponent?

Mr. REID. Probably not; I guess another $3 million.

In a small State such as Nevada, is the Senator surprised that $23 million was spent?

Mr. McCAIN. I say to my friend from Nevada, it is a compelling argument for reform. I have a lot of friends who live in your State. In all due respect to the quality of the commercials that were run during that campaign, I heard many friends of mine who live in Nevada say they had enough, considering they were inundated—for how long? The campaign went on for a year and a half?

Mr. REID. The campaign went on for a long time. The television money was spent, of course, in a relatively short period of time.

I do not know if my colleague is aware that my opponent, John Ensign, and I talked on several occasions. Even though there was that much money spent on the campaign, we never campaigned against each other. There were all these outside interests. We never had a chance to campaign for ourselves.

So I would say if there is no other example given on the floor of the Senate regarding campaign finance reform, all you have to do is look at the relatively sparsely populated State of Nevada and there is a compelling reason we need to do something about the present campaign system in America.

Mr. McCAIN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, it has only been the first day of debate on this issue. I do note a marked shift in the strategy of our opponents. They are not talking so much about how the first amendment to the United States Constitution Bill of Rights would be violated by our version of the bill, the soft money prohibition. There have been a few comments, but this has not been the main thrust.

There is a good reason for it. That is because there is not a credible case that can be made that banning soft money contributions to the political parties is unconstitutional. I think it is useful at this time to lay out a few of the reasons why this is the case, so no one can be confused by the desperate attempt that has been made to label any attempt at campaign finance reform, regardless of what its provisions might be, as unconstitutional. It has become a mantra, a standard line, but it does not hold water regarding the bill before us.

The first proposition is very straightforward and that is that Congress can prohibit corporate and labor contributions. Congress prohibited the contributions by corporations in 1907 in the Tillman Act, and then in 1947 it prohibited the same kinds of contributions by unions under the Taft-Hartley Act. The courts have recognized that corporate treasury money can amount to an undue influence or an unfair advantage. That is why in a couple of key cases the courts have so ruled.

In Massachusetts, Citizen For Life v. FEC, 1984, for example, they stated:

> Direct corporate spending on political activity raises the prospect that resources amassed in the economic marketplace may be used to provide an unfair advantage in the political marketplace. Political "free trade" does not necessarily require that all who participate in the political marketplace do so with exactly equal resources.
>
> Relative availability of funds is after all a rough barometer of public support. The resources in the treasury of a business corporation, however, are not an indication of popular support for the corporation's political ideas. They reflect instead [the court said] the economically motivated decisions of investors and customers. The availability of these resources may make a corporation a formidable political presence, even though the power of the corporation may be no reflection of the power of its ideas.

Then, after making that very clear with regard to the ability of restricting direct corporate contributions, the Austin case made it clear and affirmed this decision, saying:

> We therefore have recognized that "the compelling governmental interest in preventing corruption support[s] the restriction of the influence of political war chests funneled through the corporate form."

It is clear law, indisputable law, that Congress can prohibit corporate and labor direct contributions to candidates or to the political parties.

Furthermore, so there is no confusion because there was a lot of talk today about somehow we have to demonstrate actual corruption in each instance before we can do something about it, that is not the law with regard to our ability to limit individual contributions. The Court has been clear that we can limit individual contributions either in the case of actual corruption, the reality of corruption, or the appearance of corruption. This is the system that was validated in the most significant ruling of many decades in the area of campaign finance reform, Buckley v. Valeo, 1974. Let me put some of the language in the RECORD from that decision that supports that. The court said:

> By contrast with a limitation upon expenditures for political expression, a limitation upon the amount that any one person or group may contribute to a candidate or political committee entails only a marginal restriction upon the contributors' ability to engage in free communication. A contribution serves as a general expression of support for the candidate and his views, but [the court said, that it] does not communicate the underlying basis for the support. The quantity of communication by the contributor does not increase perceptibly with the size of his contribution, since the expression rests solely on the undifferentiated, symbolic act of contributing.

Later in the decision the court continued:

> It is unnecessary to look beyond the Act's primary purpose to limit the actuality and appearance of corruption regarding from large financial contributions—in order to find a constitutionally sufficient justification for the $1,000 contribution limitation.

The Court then said:

> To the extent large contributions are given to security political quid pro quo's from current and potential office holders, the integrity of our system of representative democracy is undermined.

That had to do with the quid pro quos. And then the Court continued:

> Of almost equal concern as the danger of actual quid pro quo arrangements is the impact of the appearance of corruption stemming from public awareness of the opportunities for abuse inherent in a regime of large individual financial contributions.

The Buckley case makes it clear you can limit the individual contributions. The Court said:

> We find that, under the rigorous standard review established by our prior decisions, the weighty interests served by restricting the size of financial contributions to political candidates are sufficient to justify the limited effect upon First Amendment freedoms caused by the $1,000 contribution ceiling.

So these are the court cases. If you do not believe my word on it alone, I suggest one take a look at the letter we have from 126 legal scholars, constitutional scholars around the country who say specifically that it is entirely constitutional to ban soft money given to the parties.

These scholars wrote as a group in a letter:

> We believe that such restrictions are constitutional. The soft money loophole has raised the specter of corruption stemming from large contributions (and those from prohibited sources) that led Congress to enact the federal contribution limits in the first place. In Buckley v. Valeo, the Supreme Court held that the government has a compelling interest in combating the appearance and reality of corruption, an interest that justifies restricting large campaign contributions in Federal elections. . . . Significantly, the Court upheld the $25,000 annual limit on an individual's total contributions in connection with federal elections.

And so on.

Mr. President, 126 constitutional scholars have backed up this almost obvious notion we can ban the soft money given to the political parties.

I might add, since the Senator from Kentucky is fond of quoting the ACLU as one of his allies on this issue, in fact, every living former president, executive director, and legal director of the ACLU all think that it is perfectly constitutional to ban soft money.

Finally, if you do not believe any of those folks, I hope you would believe the Senator from Washington, one of the strongest opponents of our bill. Senator GORTON, on this floor, in a candid moment, said:

> In fact, with my own views on where the constitutional line is likely to be drawn, McCain-Feingold restrictions on money to political parties might well be upheld, probably would be upheld, at least in part. It is possible that they would be upheld in their entirety.

So even one of our most learned and effective opponents on this issue, Senator GORTON, has said on this floor that it is perfectly constitutional to ban soft money. That is why you are not hearing much about the constitutional problems in this bill, as you did last year. I think some of those arguments weren't too strong, but they certainly were stronger.

This bill would pass constitutional muster quite easily. I believe there is no legitimate authority to contradict that. I believe it is important to have this in the RECORD. Perhaps this will be returned to later on, as an argument. I have noticed a strong diminution in the reliance on the constitutional argument. There are other arguments being made: That somehow this is a dagger to the heart of one party or another; the attempt to have Senator MCCAIN answer very specific questions about comments he made in his Presidential campaign. The opposition seems very diffused on this point on a number of issues, but the constitutional question is not being very effectively or seriously raised.

Mr. President, I suggest that is because there is no legitimate constitutional argument against what we are trying to do.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. All time remaining is on the side of the proponents.

Mr. MCCONNELL. Mr. President, how much time remains?

The PRESIDING OFFICER. The time remaining is 8 minutes 41 seconds.

Mr. McCONNELL. Mr. President, there has been a lot of talk about where the so-called constitutional scholars are on the constitutionality of this measure and its other incarnations we have had before us in the last few years.

One of the scholars cited by the proponents of this legislation, Professor Robert W. Benson of Loyola Law School, wrote an article before NAFTA was enacted called, "Free Trade as an Extremist Ideology." The article, to put it mildly, is critical of the North American Free Trade Agreement.

In it, Benson states:

> Ideological extremism . . . is pushing an agenda of radical risk taking in the form of the North American Free Trade Agreement and the General Agreement on Tariffs.

He says free trade is "a classic extremist ideology, just as, until recently, Marxism and Leninism was."

He says the idea of free trade fits "two criteria that characterize extremist ideologies . . . [its] adherents are oblivious to cognitive dissonance contradicting their analyses, and (2) . . . [they] are willing to plunge themselves and others into great risks in the name of ideology."

He argued that enacting NAFTA would "erode Democratic government in the United States."

This is one of the so-called constitutional scholars on this lengthy list being quoted.

He also wrote an article that purported to be about legal theory entitled, "Deconstruction's Critics, the TV Scramble Effect and the Fajita Pita Syndrome."

Among academics, he is considered an expert on international law. He is not a constitutional law professor.

Many in favor of campaign finance reform and relying on Professor Benson's view of campaign finance reform disregarded Professor Benson's warnings about the North American Free Trade Agreement, an issue within his area of expertise. These Members, of course, include a number of the proponents of this legislation.

Another one of the constitutional scholars quoted by the other side is Professor Daan Braveman of Syracuse University College of Law. This outstanding scholar wrote an article discussing the first amendment——

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. If the Senator will suspend.

Mr. McCONNELL. I believe I have the floor.

Mr. FEINGOLD. I understand the opponents' time is gone.

The PRESIDING OFFICER. All the time remaining is for the proponents.

Mr. FEINGOLD. I will be happy to yield time to the Senator from Kentucky.

Mr. McCONNELL. Since I support the amendment, wouldn't that qualify me?

The PRESIDING OFFICER. If the Senator is a proponent of the amendment.

Mr. McCONNELL. I am indeed.

Mr. FEINGOLD. Can a Senator speak as both a proponent and opponent of an amendment?

Mr. McCONNELL. I am not aware of any opponents to this amendment.

Mr. FEINGOLD. I believe the Senator from Kentucky previously was counted, with regard to time, as an opponent in this process.

The PRESIDING OFFICER. If the Senator is a proponent——

Mr. McCONNELL. I ask unanimous consent that I be allowed to speak for 5 minutes.

Mr. FEINGOLD. Reserving the right to object, I ask unanimous consent that our time be restored to what it was prior to the remarks of the Senator from Kentucky and that we have our full measure of time. I have no objection to his having additional time.

Mr. McCONNELL. I don't want to delay the vote. I will be happy to make my remarks later with regard to the outstanding qualifications of a number of the constitutional scholars cited by my friend from Wisconsin. I look forward to going into some of their interesting writings. I am happy to yield the floor, and the vote will occur at 6 o'clock.

Mr. FEINGOLD. How much time remains?

The PRESIDING OFFICER. Four minutes 40 seconds.

Mr. FEINGOLD. I certainly want the Record to note I had no objection to the Senator from Kentucky speaking, as long as it did not come out of our time. In fact, I was happy to give additional time.

I want to make a comment or two about what he is talking about because he is launching, apparently, an attack on people who signed the letter, 127 constitutional scholars. Apparently there is a problem. One of the men who wrote an article about NAFTA—I do not know what it has to do with his ability to comment on this.

I am surprised to hear Senator McCONNELL say some of this. Back when we presented this letter, he said he could easily come up with 127 scholars on his own who would say banning soft money is unconstitutional. He has not done that, and it has been a long time since that time, and I frankly doubt he ever will.

Anyone who knows anything about the law and the legal academy would agree that instead of picking individual people out of this list and attacking them personally, they would have to concede that many of the people on the list are very distinguished law professors. Professor Erwin Chemerinsky of the University of Southern California Law Center, Professor Jack Balkin of Yale Law School, Professor Frank Michelman of Harvard Law School, and Professor Norman Dorsen of NYU Law School know something about the law. In fact, they know more than just about anybody in this body.

The executive director and the legal director of the ACLU says a ban on soft money is constitutional. Of course, the ultimate arbiter, the Supreme Court, said in the Buckley case that individual contributions can be limited and, in the Austin case, that corporate contributions can be prohibited.

If Senator McCONNELL does not believe these authorities, he should, again, consult with the Senator from Washington, Mr. GORTON, one of his strongest supporters on the floor in opposing reform, who has essentially conceded that banning party soft money would likely be found constitutional.

This notion that the Senator from Kentucky could easily come up with his list of constitutional scholars which we have never seen is a ploy that I, frankly, do not understand. Where is the list? Instead, he wants to pick apart one or two people on the list. I question that. These folks gave it their best shot and indicated what everybody concludes with any credibility on this subject, and that is that it is perfectly constitutional to ban soft money.

Mr. President, I reserve the remainder of my time, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BENNETT). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the Senate will now proceed to vote on the amendment.

Mr. DOMENICI. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to Amendment No. 2294. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Rhode Island (Mr. CHAFEE) is necessarily absent.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The result was announced—yeas 77, nays 20, as follows:

[Rollcall Vote No. 327 Leg.]

YEAS—77

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Boxer
Breaux
Brownback

Bryan
Bunning
Burns
Byrd
Campbell
Cleland
Conrad
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Grams
Grassley
Harkin
Hatch
Helms
Hollings
Hutchison
Inouye
Jeffords
Johnson
Kerrey
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Mack
McCain
McConnell
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (OR)
Specter
Thomas
Torricelli
Warner
Wellstone
Wyden

NAYS—20

Bond
Cochran
Collins
Coverdell
Enzi
Gramm
Gregg
Hagel
Hutchinson
Inhofe
Kyl
Lott
Murkowski
Nickles
Smith (NH)
Snowe
Stevens
Thompson
Thurmond
Voinovich

NOT VOTING—3

Chafee
Kennedy
Kerry

The amendment (No. 2294) was agreed to.

Mr. LOTT. Mr. President, I move to reconsider the vote.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DEPARTMENT OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2000—CONFERENCE REPORT

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to consider the conference report to accompany the VA-HUD appropriations bill, it be considered as having been read, and there be 20 minutes equally divided for debate between the two managers; I further ask unanimous consent there be an additional 5 minutes under the control of Senator McCAIN, and 30 minutes under the control of Senator WELLSTONE, with the vote occurring on adoption at 9:15 a.m. on Friday, October 15, with paragraph 4 of rule XII being waived.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. I thank my colleagues. I yield the floor.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

> The committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill, H.R. 2684, having met have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of October 13, 1999.)

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I appreciate the generosity of the majority and minority leaders for allowing us to proceed on the consideration of the Senate conference report to accompany H.R. 2684.

I ask that the Chair advise me when 5 minutes have been utilized. I want to save some of my time and be able to yield to my distinguished colleague from Maryland.

This has been a very difficult bill, not unlike, as someone suggested, riding a tilt-a-whirl at the county fair. I am glad to say the ride is over. It was fun while it lasted. We are finally on solid ground with this conference report.

We have a bill that meets many priorities of the Members and I think addresses fairly a number of concerns of the administration without totally satisfying everyone.

First, my sincerest thanks to Senators STEVENS and BYRD for helping us to reach an adequate allocation. Without their help, this bill would still be a work in progress, and we would not be able to complete it.

A very special thanks once again to Senator MIKULSKI, who worked with us to find a good balance in making some very difficult funding decisions. It was a pleasure as always to have her good guidance and sound judgment.

I believe she will join me in saying a special thanks to the new Chair and ranking member in the House, Chairman WALSH, and Congressman MOLLOHAN, who were a tremendous pleasure to work with. We appreciate their assistance.

My thanks to staff on the minority side: Paul Carliner Jeannie Schroeder, and Sean Smith; on my side, a very special thanks to Jon Kamarck, Julie Dammann, Carolyn Apostolou, and Cheh Kim.

I believe the bill before the Senate is a very good bill with funds allocated to the most pressing needs we face. Total spending is $72 billion in budget authority and $82.6 billion in outlays. It is roughly the same as the President's overall request for the VA-HUD subcommittee, plus FEMA emergency funds.

Unlike the President's budget, the highest priority is the recommendation before the Senate for VA medical care, which has increased $1.7 billion above the President's request as directed by this body, and it is fully paid for in the bill. We have also included significant new funds for 60,000 incremental vouchers, additional funds above the President's request for public housing, capital and operating funds, as well as the President's request for NSF, and an additional $75 million for NASA.

All of these funding levels have been fully offset. In addition, there has been $2.5 billion in emergency FEMA funding for the victims of Hurricane Floyd, to whom our hearts go out.

As I noted, the conference agreement provides $44.3 billion for veterans funding, which includes a full $1.7 billion for medical care. This is the largest increase ever for VA medical care—clearly the highest priority of this body.

I point out that the vouchers we have provided do not create additional housing. There was discussion on this floor that we desperately need to increase the production of affordable low-income housing. In many areas, such as St. Louis in my State, housing is not available for the vouchers that are there. We have had to use budget gimmicks suggested by the administration, deferring $4.2 billion of section 8 funding for fiscal year 2000 expiring section 8 contracts until fiscal year 2001. That will create an additional $8 million funding requirement, or some $14 billion in BA needed in fiscal year 2000 if we intend to renew all expiring section 8 contracts.

To be clear, this means we will go into next year's appropriation cycle with a funding shortfall of over $8 billion. We emphasized our concern to the administration for their failure to work with Members on dealing with this funding crisis. Last year they promised to help, but the only thing we got this year was a deferral of $4.2 billion. This year, in discussions and negotiations, we reached agreement with Jack Lew, the Director of OMB, who has personally promised they will work with Members to address the funding shortfall in BA in the section 8 account. We expect Mr. Lew and the administration to live up to that commitment. Nevertheless, we cannot keep writing blank checks on an empty account. The outyear projections we have from OMB are for flat funding, which means 1.3 million families kicked out of section 8 housing.

To reiterate:

Many of us have been hearing from veterans in our state for some time about their concerns with VA's budget. They have been hearing that their local VA hospital may lose numerous employees, terminate critical services, increase waiting times for appointments, may even shut down altogether. The additional $1.7 billion above the President will ensure none of these things happen. VA will be above to expand services and care to thousands of additional veterans. VA will be able to accommodate increased costs associated with pharmaceuticals, prosthetics, and pay raises.

At the same time, we strongly support continued improvements and reforms to the VA health care system to ensure VA medical care dollars go to health care for vets, not maintaining buildings and the status quo.

Other increases in VA's budget include VA research, the state cemetery grant program, the state nursing home construction grant program, and the Veterans Benefits Administration. These are all critical programs and very high priorities.

EPA funding totals $7.6 billion, the same as FY99 and $383 million above the President's request. Funding increase were provided for the state revolving funds—which the President had proposed cutting by $550 million. We have accommodated administration concerns in such areas as the Montreal Protocol.

We were forced to make some tough choices and eliminate or reduce lower priority, lower risk programs in order to accommodate higher priorities. The appropriation protects core EPA programs such as NPDES permitting, RCRA corrective action, and pesticides registration and re-registration.

FEMA funding totals $870 million, an increase of $44 million over FY99. This includes an increase of $10 million for the emergency food and shelter grant program, $25 million for the Project Impact grant program, $5 million in start-up funds for the flood map modernization initiative, and increases in critical programs such as anti-terrorism training. In addition, we have included $2.5 billion in emergency disaster assistance—funding which is truly needed.

We have funded the Department of Housing and Urban Development at $27.16 billion, which is some $2.5 billion over last year's level and which will allow us to put HUD on some very solid ground. Because of the priority needs for our veterans, we had to make some tough choices, and in HUD's case, that meant not funding any of HUD's 19 new programs and initiatives. Instead, we have focused on funding HUD's core programs, such as public housing, CDBG, HOME, Drug Elimination grants, and Homeless Assistance and Section 202 Housing for the elderly. These are the key housing and community development programs that make a critical difference in people's lives, and they are programs with a proven track record.

Also, we funded 60,000 new incremental vouchers. I continue to have major concerns about this program—vouchers do not produce or assist in the financing of any new housing and we desperately need to increase the production of affordable, low-income housing. In addition, in many areas of the country, including areas in my state such as St. Louis, vouchers are very difficult to use—the housing which is affordable under the voucher program is just not available. In addition, against my better judgment but because we do not have the funds in our allocation to meet the funding needs of our key programs, we have used the Administration's budget gimmick of deferring $4.2 billion of section 8 funding for fiscal year 2000 expiring contracts until fiscal year 2001. This will create an additional $8 billion funding requirement for a total of some $14 billion in BA needed in fiscal year 2001 if we intend to renew all expiring section 8 contracts—to be clear, this means we already have a funding shortfall in the VA/HUD appropriations bill for fiscal year 2001 of over $8 billion.

I want to emphasize my concern with the Administration's past failure to address this section 8 funding crisis; the Administration has created this hole and up to now has not acted responsibly in meeting these funding requirements. And I have gone to the top. In this year's negotiations on the VA/HUD appropriations bill, Jack Lew, the Director of OMB, personally has promised to address the funding shortfall in the section 8 account. I expect Mr. Lew and the Administration to live up to this commitment. Nevertheless, this is the same song and dance we heard from HUD last year when the Secretary of HUD personally promised to address section 8 costs and them responded by pushing much of the section 8 costs into FY 2001 and the outyears. Writing blank checks on an empty account is unacceptable, and under the Administration's outyear budget projections, section 8 contract renewal funding will be flat funded at $11.5 billion which means over the next 10 years some 1.3 million section families will lose their housing. This is wrong and I do not plan to sit by and let it happen.

I also want to emphasize several issues of particular importance to me. First, I introduced the "Save My Home Act of 1999" earlier this year to require HUD to renew expiring below-market section 8 contracts at a market rate for elderly and disabled projects and in circumstances where the housing is located in a low vacancy area, such as a rural area or high cost area.

The bill also provides new authority for section 8 enhanced or "sticky" vouchers to ensure that families in housing for which owners do not renew their section 8 contracts will be able to continue to live in their homes with the Federal government picking up the additional rental costs of the units. It is important to preserve this housing, and these provisions are included in the VA/HUD appropriations bill as well as other important elderly housing reforms.

With respect to NASA, the bill funds the National Aeronautics and Space Administration at $75 million above the President's request of $13.6 billion, including needed funding for the International Space Station and the Shuttle. I know NASA funding was a huge concern for many Members because of the House reductions of some $900 million.

For the National Science Foundation, the bill includes over $3.9 billion, which approximates the Administration's request. NSF's allocation is over $240 million more than last year's enacted level—about a 6 percent increase. This increase in funds continues our commitment and support for the Nation's basic research and education needs.

Some of the major highlights of this allocation include $126 million in additional funds for computer and information science and engineering activities; $60 million for the important Plant Genome Program; and $50 million for the Administration's "Biocomplexity" initiative.

Ms. MIKULSKI. Mr. President, I thank my colleague, Senator BOND, for working with me and producing what I think is an outstanding conference that we bring to our colleagues. We could not have done this without the help of Senator BYRD and Senator STEVENS, who got the committee over some very significant fiscal humps, and also our House colleagues who operated in a spirit of bicameral cooperation. I believe also the White House played a very constructive role in suggesting offsets to meet key national priorities. We think we come with a very good bill, and we are going to urge all of our colleagues to support it.

We got started on this bill in the spring. We got started a little bit late because of impeachment. Everyone wondered how would the Senate proceed after we had been through such a wrenching constitutional crisis. I can say in the VA-HUD subcommittee we did just fine. We moved with a quick step. I believe we probed the fiscal situations of the agencies as to what their needs were and, at the same time, how could we meet national priorities within the discipline of the thinking of a balanced budget.

I believe we do that. I believe today what we present takes care of national interests and national needs. I am confident this bill will be signed by the President. I am pleased what we were able to do it to meet our obligations to veterans. Promises made are promises kept to the people who saved Western civilization. This conference report also serves core constituencies, invests in our neighborhoods and communities, and creates opportunities for people and advances in science and technology. I believe that is an outstanding accomplishment.

I am very pleased we were able to provide a significant increase in funding for veterans' health care, $1.7 billion over the President's request, and not only providing health care as we know it but breaking new ground in creating primary care opportunities out in communities so that our rural veterans do not have to drive hundreds of miles for their care. We have also increased the funding for VA medical research, with special emphasis on geriatric care, orthopedic research, and prostate cancer. At the same time, we are looking at new and innovative ways to begin to fund the compelling need for long-term care, increasing the funds from what we call the State Veterans Homes, Federal and State partnerships.

We are also taking care of America's working families in this bill. We fund the housing programs that help lives. We are going to have $11 billion in all section 8 housing vouchers, including 60,000 additional vouchers to enable people to have affordable, decent, and safe housing. We also maintained core HUD programs, we increased housing for the elderly by $50 million over the President's request, and increased funding so that more disabled Americans can find housing.

We didn't forget about the homeless. This will now be funded at over $1 billion. We wanted to make sure local communities have a major say in what is going to happen to them, and that of course occurs in the community development block grant which will be funded at $4.8 billion.

Whether it is improving the funding for community development financial institutions or empowerment zones, we were able to create more opportunity and yet meet taxpayer obligations.

In addition to that, we also wanted to look at where we were heading with our science and our technology. I am pleased our bill fully funds NASA and restores the severe cuts made to NASA in the House bill. This will save 2,000 jobs at Goddard Flight Center in Maryland, as well as the Wallops Flight Facility on the Eastern Shore. This legislation will fund NASA $13.6 billion. This means we will be looking at Earth science, we will be looking at how to fund the new generation of space telescopes, and at the same time we are going to upgrade the safety of the space shuttle. That means we are going to invest $25 million in the upgrading of the space shuttle while we maintain our commitment to the international space station.

We also fully fund the National Science Foundation, where I believe there will be new intellectual breakthroughs, particularly in information technology research. We also fund the National Service at $433 million, which is close to the President's request. This means that 100,000 members and participants across the country right now are engaging in community service programs at AmeriCorps, Learn and Serve America. We believe that every right has a responsibility, every opportunity has an obligation, and this is what National Service does; it rekindles the habits of the heart.

With regard to our EPA bill, this provides $7.5 billion in funding. This is $384 million over the President's request. At the same time, we declare an emergency and do $2.5 billion in emergency disaster assistance for all of the damage created by Hurricane Floyd. It is not true when they say: A billion here, a billion there, and that is the way Congress works.

We focused on how we can meet compelling human need; how, in the last appropriations of this century, we wanted to make sure we had veterans' health care for the people who, five different times, answered the call of duty to be able to uphold our national interests around the world; to make work worth it by making sure if you are out there and you are working, perhaps at the minimum wage, we are willing to subsidize housing and therefore subsidize work so we could create a true, real safety net for those affected by welfare reform.

We also know America's genius is in its science and technology. As this century closes, we know we not only planted our flag at Iwo Jima and honor our veterans who did that, but we planted our flag on the Moon, which shows the United States of America continues to be a nation of pioneers. We do not seek to conquer other nations. We seek to win wars against cancer. We seek to win the battles of the mind in which we create new ideas, where we win Nobel prizes and then go on to win new markets.

This is what the VA-HUD bill is all about. I am very pleased to bring this to the Democrats. I thank my colleague, Senator BOND, for all of his courtesies and collegiality.

I thank John Kamarck, Carolyn Apostolou, Cheh Kim, and Julie Dammann on his staff for working so close with my staff. I want to especially thank Paul Carliner, Sean Smith, and Jeannie Schroeder, and most of all I thank the Senate for all its cooperation in moving our bill.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. WELLSTONE. I ask my colleague, Senator MCCAIN—I am actually going to take about 15 minutes at the most—if he wants to precede me?

Mr. McCAIN. Mr. President, I yield my time.

The PRESIDING OFFICER. Then we go to Senator WELLSTONE for 30 minutes. But the Senator from Missouri reserved 5 minutes of his time.

Mr. McCAIN. The unanimous consent agreement said I had 5 minutes. I yielded those 5 minutes.

The PRESIDING OFFICER. The Senator from Arizona has yielded his 5 minutes.

Does the Senator from Missouri yield the remainder of his time?

The Chair understands the Senator from Missouri had 10 minutes and he specifically asked to be notified when 5 minutes were up.

Mr. BOND. Do I understand the Senator from Arizona is not going to take 5 minutes? He yielded that time?

He is not speaking.

I reserve the remainder of my time and turn to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. MIKULSKI. If my colleague from Minnesota will wait 1 minute, can I seek clarification from the Senator from Arizona on one point? The Senator from Arizona, did he yield his time or did he just yield his place?

Mr. McCAIN. I yielded my time. I do not wish to speak on the pending legislation.

Ms. MIKULSKI. I thank the Senator from Arizona.

Mr. BOND. As do I.

Ms. MIKULSKI. I thank the Senator from Minnesota for his patience.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Under the unanimous consent agreement, I have up to 30 minutes. I do not think I will need to take that time. I want to comment on the conference report. I thank the Senator from Missouri and the Senator from Maryland for their work. I am going to vote for this conference report.

Given the constraints they have been working under, and the framework they had to work within, they did a yeoman job, and I thank them.

I want to make three comments and I think I can be brief. First of all, on the veterans' health care budget, it is true; we went up by $1.7 billion above the President's request. But if you look at the last 3 or 4 or 5 years of flatline budgets, which means really the veterans' health care budget was not even keeping up with inflation, we are essentially still not very far ahead. I believe the veterans organizations, AMVETS and VFW and Paralyzed Veterans of America and Disabled American Veterans, were right in their independent budget, which called for us to bump up the President's request, which was inadequate, by $3 billion.

We had a sense-of-the-Senate vote on that, where every single Senator voted for that recommendation. I think we are going to have to do much better next year. I think this was progress. I thank my colleagues for their fine work, but it is my honest to goodness judgment this is underfunded; there are some real gaps. In particular, we have the challenge of a veterans community that is growing older. How are we going to provide the care for this community? We still have the challenge of too long a waiting list and too long a distance for people to drive.

I believe we had an amendment on the floor, with Senator JOHNSON, to go up $3 billion. I wish we had because I think there are still going to be some unmet needs. That was my first point.

The second point is one about which I feel very strongly. Senator MIKULSKI, in particular, has been very helpful. But it is the same moving picture shown over and over again, this time just on a sense-of-the-Senate amendment.

For about 5 or 6 years, I have been talking about the importance of getting some compensation for atomic veterans. These are veterans who went to States such as Utah and Nevada. They went to ground zero. Our Government asked them to be there. Our Government never told them they were in harm's way, didn't give them any protective gear. It is horrible what has happened to them. The incidence of cancer is quite understandable. The incidence of illness and disease, not just for these veterans but for their children and even their grandchildren, is frightening. It is scary. You cannot do dose reconstruction. There is no way they can prove their case.

I cannot understand why the Senate and the House of Representatives cannot find it in its collective heart a way to provide some compensation for these veterans just as we did with Agent Orange with the Vietnam vets. We were never able to prove one way or the other the connection between Agent Orange and lung cancer. We said we are going to make this a presumptive disease. We are going to argue the presumption is this was caused by Agent Orange.

I have had amendments passed and then they have been taken out in conference committee. This time I wanted to get a good vote on a sense-of-the-Senate amendment because I could not legislate on this appropriations bill. I got 75 or 76 votes which said, at the very minimum, we would include three diseases: lung cancer, colon cancer, and tumors of the brain and the central nervous system.

There are several thousand of these veterans. They are older. They feel so betrayed. This is the classic example of our Government having lied to these veterans. I cannot understand, for the life of me, why a sense-of-the-Senate amendment that is all it was—should have been taken out in conference committee.

I thank my colleagues, Democrats and Republicans, for their support. But I want to say on the floor of the Senate, next year—I think I can get the support from Senator MIKULSKI and Senator BOND and I hope everybody here—we will be ready. One way or another, we are going to get this through. It has been 6 or 7 years. I do not think we can say to these veterans we do not have the resources; we cannot give you any compensation. If we say that, we are just going to say: We don't care what happened to you. We don't care what happened to you. We don't care what happened to you. It has been going on year after year after year. I wanted to express my outrage that we cannot do better.

I will be back next year. Hopefully, we can get better support and get this done in authorization and appropriations. It is a matter of justice. It has been a shameful history. What we have done to these people is a shameful chapter in the history of our country. I hope we in the Senate and the House can find it in our hearts to provide them with compensation. It will mean a great deal to these veterans and their families.

Finally, I thank both colleagues. I do not think they could do any better with these appropriations bills, given the context. But the other issue, because this is VA housing, is, for example, the vouchers in a State such as Minnesota. It does not help at all. We have no vacancies. The fact is, with the limits on what a family would be eligible for, right now the housing is so high that what housing is there is above what the voucher plan will cover. It just doesn't help us at all.

I thank my colleagues because they are trying to do everything they can, everything humanly possible. But I am predicting there are going to be a lot of articles over this next year about housing prices. I hope they will be front page stories because for so many families, they just cannot find any affordable housing. It is just not there. The vouchers don't help because it is not there.

I will give one example and then finish up. Sheila and I do a lot of work with women who have been victims of family violence, domestic violence. They go to shelters. That is the first courageous step, to get out of that home. It is a dangerous place.

Then they are in the shelters. Then where else do they go? There is no affordable housing. In fact, a lot of the battered women's shelters cannot even take some of the battered women because other women and children who cannot afford housing and are homeless actually call shelters and say they have been battered because they are looking for shelter.

I understand the importance of the vouchers, but in many of the communities in Minnesota and around the country, it is not going to help at all. There is no housing. It is not available, so the voucher does not help. Housing has become so high that the voucher, which covers the difference between the fair market value and 25 or 30 percent of their monthly income, will not do any good because the fair market value is above the value of what the vouchers will cover.

We have a real crisis. Both my colleagues know this. It is unbelievable how expensive housing is. The lack of affordable housing for families in our country is a huge issue and not just in the cities, but also in the suburbs and in rural areas as well.

Next year, we are going to get ourselves out of the straitjacket and the framework and make more of the investment.

Senator BOND and Senator MIKULSKI did a yeoman job. They did exceptional work. I thank them. I wanted to lay out these three points. I yield the floor.

ENVIRONMENTAL DATA MANAGEMENT

Mr. LAUTENBERG. Mr. President, Chairman BOND, in the Senate report on the Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000, the committee instructs EPA to "establish procedures to engage the public in the development, maintenance and modification of information products it offers to the public." It is my understanding that the committee does not necessarily intend for this process to consume the time or resources that would be involved in a rule-making.

I also understand that, in general, the committee intends that EPA's obligation to honor the public's right to know and to disseminate to the public information about issues affecting human health and the environment should be balanced against the expectations discussed in the "Environmental Data Management" section of the report.

Mr. BOND. The Senator is correct in his understanding.

CLARIFICATION ON STATE FUNDING BY EPA FOR THE REGIONAL HAZE RULE

Mr. BURNS. Mr. President, I rise today to engage the senior Senator from Missouri, who is also the chairman of the Departments of Veterans Affairs and Housing and Urban Development and Independent Agencies Subcommittee responsible for the fiscal year 2000 appropriations bill, in a colloquy. This colloquy is to clarify the committee's position on the Environmental Protection Agency (EPA)'s funding in fiscal year 2000 to implement the regional haze rule. I have concerns about how the EPA may distribute fiscal year 2000 funding provided for this rule.

Mr. BOND. I am pleased to enter into a colloquy with the distinguished Senator from Montana, who also serves on the Departments of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriation Subcommittee. Clarifying the committee's position on how EPA should distribute fiscal year 2000 funding to the states to implement the new regional haze rule is an important matter to me.

Mr. BURNS. I understand that in the conference report to the fiscal year 2000 Departments of Veterans Affairs and Housing and Urban Development and independent agencies appropriations bill, $5,000,000 is provided to help the states and recognized regional partnerships implement the new EPA regional haze rule. Of this total, an unspecified amount will be provided directly to the Western Regional Air Partnership (WRAP) and the remaining portion will be allocated among the states and other recognized regional partnerships. My concern is, given that 10 states are part of the WRAP, EPA may distribute a major share of the $5,000,000 to the WRAP and not provide any funding to these 10 states since they are involved with the WRAP. In essence, EPA could assume that funding for the WRAP constituted funding for these 10 states. This is not what I believe this report language intended. Thus, I believe that we need to ensure that EPA understands that funding for the states includes those states working in the WRAP.

Mr. CRAIG. I join with my friend from the State of Montana in supporting this expectation that the states within the WRAP should not be precluded from any distribution of the $5,000,000 provided in this fiscal year 2000 appropriation bill. The State of Idaho has new requirements and responsibilities based upon this new regional haze rule. These new requirements require Idaho to develop new emissions data and programs which the state doesn't have now. So the State of Idaho must develop new internal capabilities to meet the new regulatory deadlines. The WRAP can assist the states in developing some of these capabilities, however, the states have their own unique roles and responsibilities beyond those of the WRAP. Thus, all states need additional funding beyond that provided to the WRAP.

Mr. BURNS. The purpose for this conference report language to directly fund the WRAP was based upon Congressional concerns with delayed funding in fiscal year 1999 to the WRAP. As of the end of fiscal year 1999, no funds from EPA had been allocated to the WRAP as had been appropriated. This delay in funding has jeopardized the program and progress of the WRAP to assist the states in addressing new regulatory requirements and deadlines of the regional haze rule. This delay also seems a bit ironic since EPA encourages states to form regional partnerships to implement this new law. Since the WRAP is faced with an October 2000 deadline to develop target levels for sulfur dioxide emissions and a contingent Market Trading Program for this new rule, direct funding in fiscal year 2000 is the most effective way to ensure the states meet this new rule.

Mr. BOND. Funds are to be allocated to the WRAP and all states in an equitable manner.

Mr. BURNS. I thank the Chairman for this clarification. I trust that the Environmental Protection Agency will follow these guidelines in developing the distribution of the $5,000,000 to the states in fiscal year 2000.

Mr. CRAIG. I thank the Chairman also for this clarification.

SECTION 425

Mr. LAUTENBERG. Chairman BOND, I understand that section 425 of the Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000 is not intended to impede federal grantees or contractors from implementing responsibilities permitted under grant agreements.

OMB Circular A–122, Cost Principles of Non-Profit Organizations, makes clear that federal funds cannot be used to lobby Congress or initiate litigation against the U.S. government unless specifically authorized by statute to do so. Similar language exists in other cost principles, as well as Federal Acquisition Regulations affecting contractors. Section 425 is intended to be consistent with these prohibitions.

When an organization endorses the terms and conditions of a grant or contract, that organization also certifies its compliance with the lobbying and litigation prohibitions in the cost principles. Section 425 makes clear that the signatory agreeing to the grant, contract, or other award is to be that of a chief executive officer (CEO) and will serve as meeting the requirements of section 425. Once a CEO (or his or her delegate) signs the grant, contract or other award, the terms and conditions become binding when an audit is conducted to verify that no funds have been used to lobby Congress or initiate litigation against the U.S. government unless specifically authorized otherwise.

Additionally, it is my understanding that the language in section 425 prohibiting the use of federal funds awarded to grantees and contractors from being used for lobbying and litigating on adjudicatory matters is consistent with current rules that restrict the use of these funds for such purposes. This section is not intended to supercede any statute that specifically authorizes the use of federal funds to compensate parties for legal expenses such as the Equal Access to Justice law that allows small businesses and others that sue federal agencies for violating the law to recover their legal expenses when the agency's action is judged to be unfounded.

Section 425 also does not change current practices where federal grantees may be representing low-income or disadvantaged tenants or other individuals, such as veterans, in adjudicatory proceedings. For example, under the Housing Counseling program, HUD reimburses federal grantees for representing tenants. This is something that Congress strongly supports and section 425 is not intended to limit or restrict such programs.

Finally, section 425 is not intended to add new restrictions on membership fees or contributions that an individual whose sole income comes from federal benefits appropriated under this bill gives to organizations that may use a portion of the fee or contribution for lobbying, representing individuals in adjudicatory proceedings, or litigating. For example, the membership fee that a veteran, who has no other source of income other than federal support through this bill, gives to a veterans service organization should not restrict the VSO from representing the veteran in a manner that is any different than current rules.

Let me restate that nothing in section 425 precludes affected entities from enforcing rights under federal law, including, but not necessarily limited to the Administrative Procedure Act and the Constitution of the United States. Its intent is limited to ensuring that current grant and contract prohibitions are followed, not to impede participation in administrative actions.

Mr. BOND. The Senator is correct in his understanding of section 425.

CLIMATE CHANGE LANGUAGE

Mr. BYRD. Mr. President, the Fiscal Year 2000 VA/HUD Conference Report (106–161) contains bill language regarding implementation of the Kyoto Protocol. This bill language is identical to bill language included in the Fiscal Year 1999 VA/HUD Conference Report (105–769). I would like to ask the distinguished Chairman and Ranking Member of the VA/HUD Subcommittee two questions to clarify their understanding of this provision.

I note that last year, the conferees carefully crafted bill and report language that clearly addressed the concern that the Administration does not implement the Kyoto Protocol through domestic regulatory action before the Senate gave its advice and consent to the Protocol. At the same time, the conferees clarified that they did not intend to jeopardize ongoing, voluntary programs. These voluntary programs have numerous benefits and are consistent with our treaty commitments under the U.N. Framework Convention on Climate Change, ratified by the U.S. in 1992.

In the Fiscal Year 2000 VA/HUD Appropriations bill (S. 1596), the Senate included bill and report language that remains consistent with last year's bill and report language. By doing so, the Senate believes that this language provides the necessary consistency and prohibits only funding for proposing or issuing federal regulatory action called for solely to implement the Kyoto Protocol. These programs have long had the support within both the public and private sectors, and thus it makes both economic and environmental sense that we take this course.

It is, therefore, my understanding that, like last year, the provision in question is not intended to restrict ongoing, voluntary programs or activities that, in their entirety, help to improve air quality standards, increase energy efficiency, develop cutting-edge technologies, and reduce global greenhouse gas emissions. Is my understanding correct?

As you also know, the Senate has clearly expressed its bipartisan view regarding the Kyoto Protocol in S. Res. 98, adopted unanimously by the Senate on July 25, 1997. That resolution calls on the Administration to achieve commitments from developing countries, especially the largest emitters, as well as protect U.S. economic interests by emphasizing market-based mechanisms and the use of energy efficient technologies. Is my understanding correct that this provision would not prohibit the Administration from working to achieve S. Res. 98?

Mr. BOND. I thank the distinguished Senator from West Virginia for his questions. Your understanding is correct. The provision is not intended to restrict ongoing, voluntary programs and initiatives such as you have described or to limit efforts to meet the conditions of S. Res. 98. Rather, it is intended to prevent the Administration from proposing or issuing administrative rules, regulations, decrees, or orders for the sole purpose of implementation of the Kyoto Protocol prior to its consideration by the Senate.

Ms. MIKULSKI. The Senator's understanding is correct. The language is not intended to prohibit the United States from supporting ongoing, voluntary programs or activities that are consistent with our treaty commitments under the Framework Convention on Climate Change ratified in 1992, have had broad bipartisan support in both the public and private sectors, and are consistent with the objectives of S. Res. 98.

Mr. CRAIG. Mr. President, I want to express my appreciation to the chairman of the Appropriations Subcommittee on VA, HUD, and Independent Agencies for his leadership in steering this bill and its many, diverse provisions successfully through the Senate and conference.

One item is noteworthy both for its importance and its ready acceptance on both sides of the aisle and in both Houses. This is the language prohibiting EPA from spending funds to implement the Kyoto Protocol on global climate change, prior to ratification and Senate consent. The bill language on this subject is the same as last year's reiterating a strong congressional position.

Also important is this year's Senate report language requiring greater accountability in the Administration's climate change proposals and initiatives. This language renews and reiterates directives in the managers' statement in last year's conference report. It also expresses disappointment in the late filing, earlier this year, of agency reports explaining the administration's programs, objectives, and performance measures.

I would ask the Chairman if it is fair to say the committee's intent is to put the administration on notice that we fully expect such reports to be included, on a timely basis, as part of the President's fiscal year 2001 budget submission next year?

Mr. BOND. The Senator's understanding is correct. The clear intent of this year's Senate report is to carry last year's directives forward for another year. If Congress, and the authorizing and appropriations committees, in particular, are to make a full and fair assessment of the Administration's programs and proposals, then submission of agency climate change reports with the President's FY 2001 budget is both necessary and expected.

EDI SPECIAL PURPOSE GRANTS

Ms. MIKULSKI. Mr. President, I would like to engage in a colloquy with the distinguished chairman of the VA-HUD Appropriations Subcommittee.

Mr. President, regrettably, the FY2000 conference report contains a typographical error that was made during the final drafting of this conference report. Contrary to the intent of the managers and conferees, a $1,000,000 earmark for the New Jersey Community Development Corporation's Transportation Opportunity Center and a $750,000 earmark for South Dakota State University's performing arts center were accidently deleted from the list of EDI Special Purpose Grants due to a computer malfunction.

Unfortunately, we are not able to amend this conference report at this point, but I wanted to ask the distinguished chairman, Senator BOND, if he will work with me, Senator BYRD, and Senator STEVENS to ensure that these typographical errors are corrected in another appropriations bill before this session of Congress ends?

Mr. BOND. Absolutely. First, I totally agree with distinguished ranking member of the VA-HUD subcommittee's account of how this typographical error transpired. Second, I agree that this error is typographical in nature and contrary to the intent of the conferees. Finally, I will work with Senators MIKULSKI, BYRD, and STEVENS to ensure that this typographical error will be corrected in another appropriations measure, before this session of Congress ends.

Ms. MIKULSKI. I thank the distinguished Chairman.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Missouri.

Mr. BOND. Mr. President, I thank my colleague from Minnesota for his comments on the lack of available housing. We have been talking about the lack of available housing. Over the years prior to the time my ranking member and I were leading this committee, we stopped issuing long-term, 15-year section 8 vouchers. Those long-term vouchers were sufficient to generate new housing. The 1-year vouchers we now issue generally under the section 8 program do not create any new housing.

As I said in my opening remarks, half the vouchers issued in St. Louis County have already been used. We have programs such as the HOME program, the CDBG program, the section 202 elderly, the section 811, disabled, the hop-up program and HOPE VI programs which do provide housing.

We also provided additional assistance to maintain the public housing stock that is in danger of falling into disuse and becoming HOPE VI housing. That having been said, part of our discussions with the administration and with the authorizing committee will be the need to look at how we are going to assure there is adequate housing stock. This is a question not just in the appropriations process where we are putting in money where we can to create new housing; it is something we have to work on with the Finance Committee to make sure low-income housing credits exist.

This is a problem that simply adding some incremental section 8 vouchers is not going to solve; that and the budget authority problem for section 8 we will have to deal with next year.

The Senator also laid out a good argument for authorizing the committee to consider expanding veterans' benefits and programs. Again, we are happy to work with the authorizing committee when it gets beyond the appropriations measures and attempts to improve the programs in addition to just funding them.

Again, my very special thanks to the distinguished Senator from Maryland whose guidance, and not just assistance, but guidance and good humor, made this ride on the tilt-a-whirl an enjoyable one, even though somewhat too exciting at times. I thank her. Her help and her persuasion, and that of the administration, helped us achieve passage of this bill.

I reiterate my thanks particularly to Paul Carliner on that side and the great John Kamarck on our side, as well as the other staffers.

I yield the floor and yield back my time.

Ms. MIKULSKI. Mr. President, I, too, thank Senator BOND and his staff, as well as my own. At times, the atmosphere in this institution can be quite prickly and quite partisan. If only we would focus on the national interests the way we have in this bill. Through good will, good offsets, and focusing on national priorities we were able to move this legislation through.

I believe Senator BOND is a leader. This legislation would not have moved forward had it not been for his willingness to engage in a dialog with the White House on what their priorities were, insisting, of course, on the Senate's prerogatives.

Again, I thank him, and I yield the floor.

Mr. BOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Senate now proceed to a period for morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE DEATH OF AMBASSADOR E. WILLIAM CROTTY

Mr. DASCHLE. Mr. President, I take this opportunity to express my regret at the loss of Ambassador E. William Crotty, U.S. Ambassador to Barbados. Bill assumed his position as ambassador in November 1998, so he had only begun his fine work representing the United States in Barbados and six other eastern Caribbean island nations. I am confident, however, that his contributions in service to his country would have continued and multiplied.

I had the great fortune of knowing Bill over the years, and I saw firsthand his deep affection for his family and friends, and his fine work for his community, his party and his country. I am very sorry he will no longer be with us, and I send my condolences to his wife, Valerie, seven children and 14 grandchildren.

Bill Crotty was an American success story. He was born in a small town during the Great Depression to a loving family. This set of experiences instilled in him a work ethic and a love of family and community that guided his life. Bill graduated from college and law school, succeeded in the business world and spent years giving back to his community and country.

I would like to take a moment to cite some examples of Bill Crotty's work in his community that demonstrate the value of his contributions. He was chair of the Capital Fund Drive for Bethune-Cookman College. He was a member of the Board of Counselors of Bethune-Cookman College. He was chair of the membership drive for the Volusia County Society for Mentally Retarded Children. He was a member of the Board of Directors of the United Fund of Volusia County and of the Richard Moore Community Center, Inc. He was a charter member of W.O.R.C., an organization dedicated to the rehabilitation of the disabled.

I could cite more examples, but these help provide a flavor of the kind of person Bill Crotty was. I feel privileged to have known him over the years. As a husband, father and grandfather, as a friend and as a public servant, Bill Crotty will be sorely missed.

Mr. GRAHAM. Mr. President, I rise to offer a tribute to a great Floridian and a great American: Mr. E. William "Bill" Crotty of Florida, the United States Ambassador to Barbados and the Eastern Caribbean.

Bill Crotty died Sunday, October 10, 1999, at Shands Teaching Hospital in Gainesville, Florida. Funeral mass and burial will take place today in Bill's hometown of Daytona Beach, Florida.

Among Bill Crotty's many friends in this world, some of his closest friends are members of this body. On behalf of them and the United States Senate, we offer our heart-felt sympathy to Bill's wife, Valerie, and to his large and loving family.

During his rich and full life, Bill Crotty was many things: a five-sport athlete, lawyer, proud parent of seven children, successful businessman, Irish story-teller and political and civic activist. Above all, Bill Crotty was an ambassador. His smile, his laugh, his easy manner and his sense of humor were lifelong gifts to the countless individuals he encountered during his 68 years on this earth.

Bill Crotty was an ambassador for his alma mater—Dartmouth College in his native New England. He was an ambassador for his adopted home of Daytona Beach, and its Bethune-Cookman College and International Speedway. The local Chamber of Commerce declared him Citizen of the Year in 1992.

Late in life, Bill Crotty was officially certified as an ambassador. Last year, after Senate confirmation, he reported to our embassy in Barbados. He and Valerie have done an outstanding job representing the people of the United States in this important neighboring region. One of their efforts has been to help restore the historic home in Barbados where young George Washington once lived with his older brother.

Like me, Bill Crotty was born during the Great Depression. Demographers note that America's birth rate declined during the Depression, prompting some social commentators to remark that the parents of those born during this troubled era were passionate or crazy or both.

Bill was born with few material possessions. His strong family, his sharp mind, and agile body propelled him to top educational institutions and success in life.

Most importantly, Bill Crotty was my friend. I fondly recall repeat visits to his home in Daytona Beach, and his tradition of preparing bountiful breakfasts to start the day. In addition to his cooking skills, Bill was rightfully proud of his agility on the tennis court.

Mr. President, we mourn the loss of our friend, Ambassador Crotty, while recognizing and celebrating his many achievements in Daytona Beach, in Florida, in America, and throughout our hemisphere.

HISPANIC HERITAGE MONTH 1999

Mr. DOMENICI. Mr. President, as I attend dinners and events to celebrate Hispanic Heritage Month, I have been impressed with the energy that the Latino people are adding to our nation. They are having an impact in the work place, the market place, in politics and in our culture. Hispanics will surpass blacks as our nation's largest minority by the year 2005.

For my colleagues who do not understand my own link to the Hispanic people, I would like to remind you, I grew up in an immigrant household. My father spoke and wrote Italian. He was fluent in Spanish and English, but did not write English. His customers and employees were Hispanics, mainly in the Albuquerque area. He spoke Spanish at home and at work.

In the downtown area of Albuquerque, where I grew up, my Hispanic friends spent hours at our family home, and I spent hours in their homes. Personally I understand more Spanish than I speak, despite all the credit I get for being Spanish-speaking. My wife and I are enchanted by the Spanish masses in New Mexico. The guitars and singing add a beautiful and clearly Hispanic dimension to a worship service.

In my twenty-six years as a Senator from New Mexico, I have only grown in my appreciation for the Spanish influence in my home state. Although New Mexico is surpassed in absolute numbers of Hispanics by states like California, Texas, Illinois, New York, and Florida, no other state has a higher percentage of Hispanic people than New Mexico. Forty percent, or about 680,000 New Mexicans are of Hispanic origin.

Because of our unique history, Hispanics in New Mexico are influential in all areas of life. There are well educated Hispanics in our national laboratories, our universities, in the legal and medical professions, and in virtually every business, including ranching and farming. Spanish architecture and culture add a significant depth to life in New Mexico.

It is clear to me that Hispanics in every state, not just New Mexico, want to be part of the American mainstream. They want to get ahead and succeed. Hispanics want to own businesses and buy their own homes, and they want their children to get a good education. Recent national surveys confirm that Hispanics want what most Americans want. They want the American Dream. They want to earn good money, buy their own homes, drive nice cars, send their children to safe schools, provide for a college education for their children, and invest in the future.

The great majority of Hispanics are working class Americans who work hard. For most Hispanics, the American dream is a reality or approaching reality. About one in four Hispanics remains in poverty, twice the national poverty rate. Recent studies show slight declines in the Latino poverty rates. This is good news, but it could be better, as I will discuss soon.

Latinos are forming their own businesses at the highest rates in the nation. The United States Small Business Administration (SBA) reports that the 1.4 million Latino businesses in 1997 represent a 232 percent increase over 1987.

Two years later, in 1999, there are more than 1.5 million Latino businesses in the United States, with projections for reaching 3 million businesses by the year 2010. Hispanics were a major force in the California economic recovery, where it is now estimated that 400,000 Latino businesses are established and growing. The most common name of home buyers in Los Angeles is Garcia, followed by Gonzales, Rodriguez, Hernandez, Lopez, and more Spanish names. Los Angeles has 6 million Latinos, more than the total population of most states.

In 1997, national Hispanic business receipts were estimated at $184 billion or 417 percent higher than 1987, and employment in these businesses was up 464 percent over 1987.

The first Hispanic business in America exceeded one billion dollars in annual revenues this year. This important milestone was accomplished by MasTec Inc of Miami, a large construction firm headed by Jorge Mas Jr. whose father was a Cuban exile leader.

As a Time magazine article about Hispanics concluded a few years ago, "Hispanics are coming and they come bearing gifts." In July, of this year Adweek observed in a paraphrase of the Time comment, "Hispanics are here and they come bearing profits."

Besides becoming home owners as fast as they can and starting businesses faster than any other ethnic group, Hispanic consumers are also a growing market force.

The impact of Latinos in our domestic and international markets is huge. Alert executives have welcomed these new markets and profits by serving the needs of Latino consumers right here in the United States. Adweek recently made this observation about this growing market force, "Many of the top American companies are already courting the market intelligently and aggressively. Procter & Gamble, Sears & Roebuck, Western Union, Colgate-Palmolive, McDonalds, Allstate and many more are already profiting from the Hispanic market. It's because Hispanics are smart consumers who are loyal to the brands that serve them best and to manufacturers who ask for the order."

Recent headlines report the impact of Latino activities on the mainstream culture. Major magazines this year have has such headlines such as: "Young Hispanics Are Changing America" and "Latino Power Brokers are Making America Sizzle."

This month, the Albuquerque Tribune had a story with the headline, "Hispanic Influence, Power on the Rise." Sammy Sosa's home runs are featured in sports headlines, and Ricky Martin and "La Vida Loca" win Grammy awards while Latin music is a $12.2 billion industry.

There are other major indicators of the growing Hispanic or "Latino" influence in our markets, our labor force, and in our schools. Some of these indicators are:

—31 million Hispanics now live in America. This is nine million more than the 22.2 million Hispanics reported in the 1990 census.

—Latinos account for over 11% of our national population—one in nine Americans is Latino. It is predicted that one in four Americans will be Latino by the year 2050.

—Hispanic buying power in America has increased 65% since 1990 to almost $350 billion today, more than the entire GNP of Mexico.

—4.3 million Hispanics voted in 1996 and 5.5 million are expected to vote in the year 2000 elections. Over 12 million Latinos are eligible to vote.

—Spanish-speaking America is already the world's fifth largest Hispanic nation. In ten years, only Mexico will have a larger Hispanic population.

—Spanish-speaking America is already the world's fifth largest Hispanic nation. There are 400 million Hispanics in the western hemisphere.

—There are proportionally more Medal of Honor winners among Hispanics than any other ethnic group in America.

It is no wonder that George W. Bush and Al Gore are speaking their best Spanish to Latino audiences. Some are even asking, "Who is assimilating whom?

Some say we need "English Only" as a protection from the growing numbers of Spanish speakers. I say we need to apply "English Plus" other languages like Spanish. Our nation will be better prepared for the future by adding Spanish, Italian, German, Japanese, and other languages to our national strengths. I will oppose movements like "English Only" that are so brazenly aimed at Hispanics and Hispanic culture. "English Plus" is a much more healthy approach to our economic and cultural future.

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Having surveyed the major indicators of Hispanic growth and economic potential over the past decade and the important prospects for further growth and influence, I must now stress to my colleagues that Hispanic people in America today still face two major obstacles that I see.

First, capital is the key to growing business in our great country, and Hispanics do not have sufficient access to capital that their numbers and ideas might indicate. Second, and even more important for our future, the drop-out rate of Hispanics is unacceptably high. Let me elaborate.

As Hector D. Cantu observed in his Hispanic Business Column (July 1, 1999) for Knight Ridder News, "Put Latino entrepreneurs in any room and they soon start talking about capital. Or rather, the lack of it. So many business plans, they might say, and so few banks willing to lend them money."

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This study also noted that with the following baseline characteristics: "eating/drinking place, high school education, proficient in English, no previous experience as an owner, aged 37 years, male, and business started 12 years ago," "A White owner . . . starts with 167 percent more funding ($54,564) than a comparable Hispanic ($20,414); and Asian owner starts with 32 percent more ($26,921); and an owner in the Other category starts with 49 percent more ($30,479)." A Black owner in this study started with "an estimated 46 percent smaller pool of funds ($11,104) than a comparable Hispanic."

To help remedy situations like this all around the country, the U.S. Small Business Administration (SBA) gave us some good news last month about business loans to Hispanics throughout the nation. They reported that SBA-backed loans (bank loans guaranteed by SBA) have more than doubled from $286 million in FY 1992 to about $635 million in FY 1999. This represents more than 21,000 loans worth about $3.7 billion in loans to Hispanic-owned businesses in this seven year period.

Even with these impressive improvements in SBA participation and growth rates of 232% in Hispanic-owned businesses in the last decade, Hispanics still own only about 5 percent of the businesses in the United States.

As Hispanic influence is felt in our markets, I will encourage continued SBA support for improving bank lending. I would like to note for my colleagues that, on the private sector side of the ledger, Merrill Lynch is reportedly seeking more Hispanic mortgage lending, economic empowerment initiatives, and small business lending.

Merrill Lynch has launched a $77 million pilot called the Southern California Partnership for Economic Achievement. In his article about this on April 8, 1999, Hector D. Cantu (Knight Ridder) noted that a vice president of Merrill Lynch in California made this observation about his company: "The history of Merrill Lynch has been a company that has prided itself on being one step ahead of the competition and positioning itself where great wealth is being created." He noted that after World War II, "We saw great wealth being created in the suburbs. In the 1980s, we saw worldwide economic explosions. We went to Japan and Europe to be positioned globally as we saw capitalism breaking out."

"To this list, Merrill Lynch is now adding the U.S. Hispanic market." "It's not a trend that started last year. It's something that has been decades in the making. We see it reaching critical mass in very specific ways. In small business creation. In home ownership. In pure demographics."

With this kind of economic future and solid demographics to back the Hispanic markets, there is still a disturbing weakness in the underbelly of these numbers and hopes.

As many have noted during Hispanic Heritage Month, education is key to Hispanic success in America. I feel that the break-down in our public education system affects minorities and Hispanics more than others.

Federal programs that reach our public schools and universities account for about 7 percent of all their resources. A disproportionate share of these federal resources reaches minority students in such programs as Title I of the Elementary and Secondary Education Act (ESEA). Yet, the effectiveness of this federal investment is still questionable for many reasons, mainly significant and continuing lags in educational attainment and drop outs. Clearly, these are related.

Bilingual education is most often funded with federal support, even though two-thirds of Spanish-speaking Latinos in our country are educated in English only classrooms. The federally funded TRIO programs help to identify and tutor minority students bound for college, and federally subsidized student loans help to keep students in college.

In an era when we face competition from countries all around the world like Mexico and China, we need to do all we can to keep our national competitive advantage, especially in the scientific and technical fields. There is no question that the required formal education is now higher for these fields, and it is disheartening to see so many Latinos dropping out of high school.

I will personally be looking more closely at successful programs like "Cada Cabeza Es Un Mundo" ("Each Mind Is A World") in California and Aspectos Culturales (Cultural Aspects) of Santa Fe, New Mexico. As we debate ESEA reauthorization, I will encourage more locally based efforts to include parents and other role models to participate in improving the educational environment for all students, especially those most likely to drop out.

Dropout rates among newer Latino immigrants are the highest among all ethnic groups with the exception of American Indians, who make up less than one percent of our population. Current reports by the Congressional Research Service (CRS) place the drop-out rate for Hispanics who are born outside the U.S. at 38.6%.

For first generation Hispanics the drop-out rate is 15.4%. For Hispanics beyond the first generation in America, the drop-out rate is slightly higher at 17.7%. Overall, including foreign born Latinos, the Hispanic drop-out rate is 25.3% compared to 7.6% for whites and 13.4% for blacks.

We cannot tolerate drop-out rates like these.

As our economy demands higher education, and jobs are not being filled for lack of education or experience, the critical value of achievement in education becomes an issue for all of us in the Congress to note. The Hispanic Association of Colleges and Universities (HACU) released an important report documenting the strong link between education and employment for Hispanics. It is entitled, "Education=Success: Empowering Hispanic Youth and Adults."

We have federal programs that address virtually every aspect of education, from Headstart to advanced degrees in science. Yet too many Latinos are being left behind at a time when we pride ourselves in an economy that is surging ahead. We need to make our great American advancements in mathematics, science, and engineering more available to all striving students, especially Latino students who drop out more often than most students.

Bill Gates recognized this problem. He recently announced his recent billion dollar donation to minority education, much of which will go to Latino children. He saw the importance of reaching and inspiring Latinos, Blacks, and other minorities to attain higher degrees in science and mathematics. He put his foundation money behind this idea.

It is time to refocus and re-energize our federal efforts to help Latinos and others in need of educational assistance. This is not a time to see more and more Latinos falling behind in school just when more formal education is essential to job market participation.

When we celebrate National Hispanic Heritage Month in the year 2000, I hope to be able to report more progress in private lending to Hispanic businesses and better federal support for Hispanic education. Now that Hispanic Americans have become a new economic, cultural, and political force among us, we need to recommit our efforts to see that our financial institutions treat them fairly and that Hispanics are suitably educated for a future we will all live and prosper in together.

Mrs. FEINSTEIN. Mr. President, I rise to pay tribute to the Hispanic community. As we commemorate Hispanic Heritage Month, I want to recognize the contributions made by millions of Latinos in our nation. California is truly a multi-cultural state and I am honored to help represent this community in the United States Senate.

This month we celebrate a community that shares the common goals of other Americans of freedom, opportunity and a chance to build a better life. In pursuing these aspirations, they have made important contributions to life in the United States in the fields of business, politics, science, culture, sports, and entertainment. Latinos have served in the armed services with bravery and courage and many have made the ultimate sacrifice in giving their lives for the common good of our country.

Today, I honor these brave Americans and their families. I also honor Latino heroes and heroines like the late Julia de Burgos, Arturo Alphonso Schomburg, Roberto Clemente, and Cesar Chavez. These teachers, advocates, athletes, and activists have brought pride to their community, enriched our country, and provided role models for all of us to emulate.

Indeed, Latinos are changing the way America looks at itself. Today there are 31 million Hispanics in the U.S. By 2050, the population is projected to hit 96 million—an increase of more than 200 percent. Latinos are making their mark, Sammy Sosa leading the great American home-run derby. Ricky Martin, Jennifer Lopez, and Carlos Santana topping the pop music charts. Salma Hayek, Jimmy Smits, Andy Garcia, Edward James Olmos, and Rita Moreno are making great contributions to the entertainment industry.

I commend the Latino community for its courage and persistence and want to warmly acknowledge the contributions and vitality this community brings to our nation. I thank the leaders of this community for leading by example and for promoting a national policy agenda which highlights basic human necessities that should be the right of every American.

Between 1984 and 1998, Latino voting jumped nationwide in midterm elections by 27 percent, even as overall voter turnout declined by 13 percent. In my own state of California, Latinos are participating and contributing to civic life. For the first time in the California State Legislature's history, two of its reality. About one in four Hispanics remains in poverty, twice the national poverty rate. Recent studies show slight declines in the Latino poverty rates. This is good news, but it could be better, as I will discuss soon.

Latinos are forming their own businesses at the highest rates in the nation. The United States Small Business Administration (SBA) reports that the 1.4 million Latino businesses in 1997 represent a 232 percent increase over 1987.

Two years later, in 1999, there are more than 1.5 million Latino businesses in the United States, with projections for reaching 3 million businesses by the year 2010. Hispanics were a major force in the California economic recovery, where it is now estimated that 400,000 Latino businesses are established and growing. The most common name of home buyers in Los Angeles is Garcia, followed by Gonzales, Rodriguez, Hernandez, Lopez, and more Spanish names. Los Angeles has 6 million Latinos, more than the total population of most states.

In 1997, national Hispanic business receipts were estimated at $184 billion or 417 percent higher than 1987, and employment in these businesses was up 464 percent over 1987.

The first Hispanic business in America exceeded one billion dollars in annual revenues this year. This important milestone was accomplished by MasTec Inc of Miami, a large construction firm headed by Jorge Mas Jr. whose father was a Cuban exile leader.

As a Time magazine article about Hispanics concluded a few years ago, "Hispanics are coming and they come bearing gifts." In July, of this year Adweek observed in a paraphrase of the Time comment, "Hispanics are here and they come bearing profits."

Besides becoming home owners as fast as they can and starting businesses faster than any other ethnic group, Hispanic consumers are also a growing market force.

The impact of Latinos in our domestic and international markets is huge. Alert executives have welcomed these new markets and profits by serving the needs of Latino consumers right here in the United States. Adweek recently made this observation about this growing market force, "Many of the top American companies are already courting the market intelligently and aggressively. Procter & Gamble, Sears & Roebuck, Western Union, Colgate-Palmolive, McDonalds, Allstate and many more are already profiting from the Hispanic market. It's because Hispanics are smart consumers who are loyal to the brands that serve them best and to manufacturers who ask for the order."

Recent headlines report the impact of Latino activities on the mainstream culture. Major magazines this year have has such headlines such as: "Young Hispanics Are Changing America" and "Latino Power Brokers are Making America Sizzle."

This month, the Albuquerque Tribune had a story with the headline, "Hispanic Influence, Power on the Rise." Sammy Sosa's home runs are featured in sports headlines, and Ricky Martin and "La Vida Loca" win Grammy awards while Latin music is a $12.2 billion industry.

There are other major indicators of the growing Hispanic or "Latino" influence in our markets, our labor force, and in our schools. Some of these indicators are:

—31 million Hispanics now live in America. This is nine million more than the 22.2 million Hispanics reported in the 1990 census.

—Latinos account for over 11% of our national population—one in nine Americans is Latino. It is predicted that one in four Americans will be Latino by the year 2050.

—Hispanic buying power in America has increased 65% since 1990 to almost $350 billion today, more than the entire GNP of Mexico.

—4.3 million Hispanics voted in 1996 and 5.5 million are expected to vote in the year 2000 elections. Over 12 million Latinos are eligible to vote.

—Spanish-speaking America is already the world's fifth largest Hispanic nation. In ten years, only Mexico will have a larger Hispanic population.

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—There are proportionally more Medal of Honor winners among Hispanics than any other ethnic group in America.

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Between 1984 and 1998, Latino voting jumped nationwide in midterm elections by 27 percent, even as overall voter turnout declined by 13 percent. In my own state of California, Latinos are participating and contributing to civic life. For the first time in the California State Legislature's history, two of its three highest offices are occupied by Latinos, Lt. Governor Cruz Bustamante and Speaker of the Assembly Antonio Villaraigosa.

A democratic and prosperous society should not step back from a national commitment to provide assistance to those who strive to achieve the American dream, despite the odds. In particular, I want to emphasize the importance of a quality education for the success of Latino children. Our Latino young people are a great source of strength and hope for the future of this nation and they should be able to participate fully in the American experience.

I am proud to honor California's Hispanic community and to have the opportunity to ensure that Latino contributions and sacrifices do not go unnoticed.

COMPREHENSIVE NUCLEAR TEST BAN TREATY

Mr. CLELAND. Mr. President, there are many important Constitutional responsibilities of United States Senators, but none is more important than providing "Advice and Consent" for treaties with other nations. And among treaties, those involving control of nuclear arms, which continue to be the only instruments capable of threatening the physical survival of the United States, must top the list of our concerns.

Since the landmark Limited Test Ban Treaty of 1963, every American president, no matter his party affiliation, has recognized the value of responsible and verifiable arms control agreements in making the arms race less dangerous and the American people more secure. And each time an American president has entered into negotiations, concluded a treaty and then sought ratification by the United States Senate, the debate in the Senate and in the country has been remarkably similar. For example, when President Kennedy announced the signing of the Limited Test Ban Treaty on July 16, 1963, he responded to the concerns and criticisms then being directed at that proposed first step in the effort to control nuclear weapons:

> Secret violations are possible and secret preparations for a sudden withdrawal are possible, and thus our own vigilance and strength must be maintained, as we remain ready to withdraw and to resume all forms of testing if we must. But it would be a mistake to assume that this treaty will be quickly broken. The gains of illegal testing are obviously slight compared to their cost and the hazard of discovery, and the nations which have initialed and will sign this treaty prefer it, in my judgment, to unrestricted testing as a matter of their own self-interest. For these nations, too, and all nations have a stake in limiting the arms race, in holding the spread of nuclear weapons and in breathing air that is not radioactive. While it may be theoretically possible to demonstrate the risks inherent in any treaty—and such risks in this treaty are small—the far greater risks to our security are the risks of unrestricted testing, the risk of a nuclear arms race, the risk of new nuclear powers, nuclear pollution and nuclear war.

Now, thirty-six years later, the United States Senate is being asked to give its advice and consent on the Comprehensive Test Ban Treaty, a goal first formulated in the Eisenhower Administration. The Treaty itself was approved by the United Nations General Assembly in September of 1996 by a vote of 158 to 3, and signed by President Clinton later that same month. As of today, 153 nations have signed the treaty, with 47 of those formally ratifying it.

Today, in spite of the long history of the treaty's development, in spite of the fact that we now have over a third of a century of experience in negotiating, implementing and monitoring arms control agreements, in spite of the long list of current and former military leaders have endorsed the treaty and in spite of the treaty's widespread support among the American people and other nations, we still confront the same doubts and fears that President Kennedy sought to address so long ago.

While I have heard legitimate concerns voiced about certain aspects of the treaty, I reject the notion that the test this proposal must pass is one of perfection. Rather, in this world of imperfect men and women and laws, the test must be a less absolute one—Will the people of the United States, on balance, be better off if this treaty enters into force than if it doesn't? In other words, is it an acceptable risk, realizing that no possible course is risk free?

In my opinion, this agreement appears to be very much in the best interests of the United States and its ratification will inhibit nuclear proliferation, enhance our ability to monitor and verify suspicious activities by other nations, assure the sufficiency of our existing nuclear deterrent, and inhibit a renewal of the nuclear arms race.

Speaking on behalf of the unanimous view of the Joint Chiefs of Staff, General Henry Shelton, Chairman of the Joint Chiefs, told us on the Senate Armed Services Committee last week that:

> The Joint Chiefs support ratification of the CTBT with a safeguards package. This treaty provides one means of dealing with a very serious security challenge, and that is nuclear proliferation. The CTBT will help limit the development of more advanced and destructive weapons and inhibit the ability of more countries to acquire nuclear weapons. In short, the world will be a safer place with the Treaty than without it, and it is in our national security interests to ratify the CTBT Treaty.

In other words, what the Joint Chiefs are telling us is that the fewer fingers on the nuclear trigger, the better.

As reported in an October 8, 1999 New York Times article about a recent conference organized by the United Nations on the CTBT:

> Several delegates seemed mystified that hawkish Republicans oppose the treaty. It was negotiated by a Republican president, and polls show that 82 percent of Americans support it. It would freeze the arms race while the United States enjoys a huge lead. And instead of paying 100 percent of the cost of the world's second-most-sophisticated nuclear-test detection system (the current American one), they said, the United States would pay only 25 percent for the world's most sophisticated one, with sensors deep inside Russia, China, Iran and other nations where the United States is not normally encouraged to gather data.

Most of this debate has centered on questions like these, related to the risks of ratifying the treaty, and has been concerned about the verifiability of the proposal, and its impact on the credibility of the U.S. nuclear deterrent. These are indeed important questions, and I stand with the large majority of the American people, of our military leadership, and of our allies in concluding that, on balance, the CTBT is a net plus for our security.

But when weighing the risks involved in the Senate's action on this treaty, we must also examine the risks involved in rejecting the treaty. The leaders of three of our major allies who have already ratified the CTBT, Great Britain, France and Germany—who also represent two of the world's seven recognized countries which have successfully tested nuclear weapons—recently sent an unprecedented joint communication to the United States Senate which concluded:

> Rejection of the treaty in the Senate would remove the pressure from other states still hesitating about whether to ratify it. Rejection would give great encouragement to proliferators. Rejection would also expose a fundamental divergence within NATO. The United States and its allies have worked side by side for a Comprehensive Test Ban Treaty since the days of President Eisenhower. This goal is now within our grasp. Our security is involved, as well as America's. For the security of the world we will leave to our children, we urge the United States Senate to ratify the treaty.

The consensus assessment of what will happen if the Senate rejects the treaty is that none of the other nuclear powers—Russia, China, India and Pakistan—will ratify the agreement while all are likely to do so if we ratify.

In May of 1998, in an irresponsible show of strength, both India and Pakistan detonated nuclear devices to demonstrate to the world, but, more importantly each other, their formal initiation in the ranks of nuclear powers. Yesterday's disturbing news that the democratically elected government of Pakistan had fallen victim to a military coup stresses just how important the CTBT is to both the subcontinent and to global security. These events coupled with the recent elections in

India which returned Prime Minister Vajpayee's Bharatiya Janata Party (BJP)—the party which chose to ignite the nuclear arms race on the subcontinent—further underscore the need for sensibility when it comes to testing nuclear weapons. Both India and Pakistan have indicated their unwillingness to consider ending their nuclear arms race and sign the CTBT only if the United States has ratified the treaty. The national security of the United States and, in fact, the security of everyone on the planet, will be enhanced when countries such as India and Pakistan decide to stop testing nuclear weapons.

The United States stands today as the unchallenged military superpower, with by far the largest, most reliable and most versatile nuclear arsenal, as well as the strongest conventional arsenal. Indeed, the trends of the last decade, where the demise of the Soviet Union has led to an ongoing and inexorable decline in the capacity of what had been the only comparable strategic nuclear force and a continuing "technology and investment gap" has led to a circumstance where our conventional forces are vastly more capable than those of even our closest allies as evidenced by the recent war against Serbia, have placed us in the strongest relative military posture we have perhaps ever experienced as a Nation. As such, we are certainly more secure than when John F. Kennedy sought ratification of the Limited Test Ban Treaty in 1963, more secure than when Ronald Reagan sought approval of the Intermediate Nuclear Forces Treaty in 1988, and more secure than when President Bush submitted the START I Treaty for Senate ratification in 1992.

While no course of human action is ever risk free, of all nations in the world, we have the most to gain from slowing the development of more capable weapons by others and the spread of nuclear weapons to additional countries, even if we cannot expect to prevent such developments altogether. In addition, the Treaty cannot enter into force unless and until all 44 nuclear-capable states, including China, India, Iran, North Korea and Pakistan, have ratified it. Should any one of these nations refuse to accept the treaty and its conditions all bets are off. Finally, even if all of the required countries ratify, we will still have the right to unilaterally withdraw from the treaty if we determine that our supreme national interests have been jeopardized.

After debating concerns about verification and the impact on our nuclear arsenal on September 22, 1963, the United States Senate, on a bipartisan basis ratified the Limited Test Ban Treaty by a vote of 80 to 19. On October 7th of that year, President Kennedy signed the instruments of ratification in the Treaty Room at the White House. He said:

> In its first two decades, the Age of Nuclear Energy has been full of fear, yet never empty of hope. Today the fear is a little less and the hope a little greater. For the first time we have been able to reach an agreement which can limit the dangers of this age. The agreement itself is limited, but its message of hope has been heard and understood not only by the peoples of the three original nations but by the peoples and governments of the hundred other countries that have signed * * * What the future will bring, no one of us can know. This first fruit of hope may not be followed by larger harvests. Even this limited treaty, great as it is with promise, can survive only if it has from others the determined support in letter and in spirit which I hereby pledge on behalf of the United States. If this treaty fails, and it need not fail, we shall not regret that we have made this clear and national commitment to the cause of man's survival. For under this treaty we can and must still keep our vigil in defense of freedom.

Mr. ABRAHAM. Mr. President, I oppose the Comprehensive Test Ban Treaty, (CTBT). I do so because this accord is, in my view, fatally flawed. While I share the almost universal goal of nuclear nonproliferation, it seems clear to me that this Treaty, as written, will weaken America's national security. I have been strongly influenced in my examination of this issue by the fact that this treaty is opposed by 6 past Secretaries of Defense, 2 past Chairmen of the Joint Chiefs of Staff, 5 past Directors of the Central Intelligence Agency, Former Secretary of State Henry Kissinger, former National Security Advisor Brent Scowcroft, former Ambassador to the United Nations Jeanne Kirkpatrick and a host of other experts in the field.

I took seriously the objection raised by these experts and public servants. And I have come to the conclusion that the CTBT would be dangerous to America, and to the American people. CTBT is not verifiable. It would erode our confidence in the safety and reliability of our own nuclear deterrent. And, perhaps most damning, it would utterly fail to halt the proliferation of nuclear weapons.

Let me explain my reasoning.

First, this treaty is not verifiable. The United States simply does not have the technical means to detect violations of the Treaty at this time. Nor are such technical means currently in development. Thus, it would be entirely feasible for an adversary to conduct significant military testing with little or no risk of detection.

With our current capability, we could not detect, with any significant degree of confidence, any nuclear testing producing yields of less than 1 kiloton. Yet testing that is of real, military significance does not require a 1 kiloton yield. If we are to have effective verification, we must have high and rationally based confidence that we can detect militarily significant cheating.

To make matter worse, potential adversaries can employ evasion techniques of varying complexity that would make nuclear tests with yields as large as 10 kilotons extremely difficult to detect and identify with any confidence. In addition, we should not forget that a country determined to develop a nuclear arsenal could do so without any testing whatsoever. The resulting nuclear capability might be unreliable. But it would be no less dangerous for that fact.

Throughout the last several decades of test ban negotiations it has consistently been United States policy that our nation would not sign any treaty unless it were effectively verifiable. This position has been based on solid reasoning: any adversary that covertly tests—while the United States foregoes testing—could gain significant military advantage over us. Based on this fault alone, I would recommend against ratification of CTBT.

But there are other serious flaws in this treaty that, in my view, dictate its rejection. Among these is the simple fact that reliability requires testing. Our nation's national security strategy is based on the policy of deterrence. CTBT will jeopardize our policy of nuclear deterrence by undermining the reliability of our nuclear weapons and by foreclosing the addition of advanced safety measures to our warheads.

Mr. President, for deterrence to be effective, the nuclear stockpile must be safe and reliable. By banning testing, the CTBT would permanently deny the US the only proven means we have for ensuring the safety and reliability of our nuclear deterrent.

The Administration is pursuing various new experimental techniques as part of its Stockpile Stewardship Program (SSP) to replace actual nuclear testing with sophisticated computer modeling and simulations. However, these new techniques are not yet proven and there is no way to confirm that even the best models will be able to predict, with adequate precision, the condition of weapons systems.

In fact, Dr. James Schlesinger, the former Secretary of both Defense and Energy, has testified before the Senate that "it will be many, many years before we can assess adequately the degree of success of the Stewardship Program and the degree to which it may mitigate the decline of confidence in the reliability of the stockpile." It would be irresponsible for us to bet something as critical to national security as the safety and reliability of our nuclear weapons on unproven technology. We have no right to take such a leap of faith where the safety and very survival of the American people are involved. We must keep open the option of future testing.

Finally, the CTBT will neither stop nor slow nuclear proliferation. As I have mentioned, nuclear testing is not a prerequisite to acquiring a workable arsenal. Simple nuclear weapons can be designed with high confidence without nuclear testing. For example, South Africa designed and developed nuclear weapons without testing. The CTBT will not create a significant or meaningful obstacle to nuclear proliferation. A nation that attempts to build complex nuclear weapons will encounter problems with reliability. But it is entirely feasible for a nation to design, build, and stockpile effective nuclear weapons without nuclear testing.

CTBT, as its name implies, is simply a ban on nuclear explosions of any yield exceeding zero. It is not a treaty by which states which currently have nuclear weapons agree to give them up, reduce their numbers, even stop their development or agree not to give them to others. It simply would not provide any added safety in our dangerous world. Indeed, by reducing the reliability of our own nuclear deterrent and encouraging the secret development of nuclear weapons, it would significantly reduce the level of safety currently enjoyed by citizens of the United States, and of the world.

I am convinced that it would be a tragic disservice to the American people for this body to approve the Comprehensive Test Ban Treaty. I urge my colleagues to vote for safety by voting against this treaty.

Ms. LANDRIEU. Mr. President, I came across a quote from a Senate treaty debate, and I thought it was important to restate it for my colleagues. The quote reads:

> I am as anxious as any human being can be to have the United States render every possible service to the civilization and the peace of mankind. But I am certain that we can do it best by not putting ourselves in leading strings, or subjecting our policies and our sovereignty to other nations.

It struck me how familiar the passage sounded. It is similar in tone and substance to the remarks made during the debate on the Comprehensive Test Ban Treaty these last few days. However, the quote is almost exactly 80 years old, because it was nearly 80 years ago today, that this body took its first steps towards rejecting the Treaty of Versailles, and preventing our entry into the League of Nations.

The statement is from the distinguished Republican Majority Leader, Henry Cabot Lodge. Senator Lodge had a very real distaste for the President at the time. He, and a small minority of Senators used this treaty to send a political message to then President Wilson. The President had worked very hard to establish the League of Nations, he was very popular with the American people, and so was this treaty. However, through red herring arguments, and political arm twisting, Senator Lodge was able to block ratification. He thought he had embarrassed the President; he thought he had outmaneuvered the Democratic party; he thought he was laying the groundwork for the Presidential election of 1920. But Senator Lodge did not beat President Wilson that day, he beat America. Senator Lodge did not believe America needed to lead. In his view, America could withdraw across the Atlantic, and the world events would take care of themselves.

Detractors of this world view called its adherents "little Americans." In other words, the proponents of isolation and withdrawal, saw the United States as a country with no particular place in history, and with no important place in world events. Twenty years later, millions around the world would pay the price for Senator Lodge's short-sightedness. The United States never did join the League, and that fact undermined its credibility from the word go. First, neighboring states in the western hemisphere withdrew from the League: Brazil, Honduras, Costa Rica and a host of others. The trend continued until finally Germany and Japan left the organization. Having abandoned our place at the table, the power vacuum was filled by other forces, in this case the ultra-nationalist and fascist regimes of Germany, Italy and Japan.

To put that mistake into a little greater perspective, about 7 million soldiers lost their lives in World War I. That was a shocking figure at the time, it was greater than the combined total of all the wars in Europe for the previous 100 years. However, the horrors of World War I, were completely overshadowed by what came next. The U.S. withdrew into isolation, the League of Nations failed, and World War II was the direct result. World War I was the worst disaster humanity had known in 1919, the loses in World War II were three times worse. This is a very high price to pay for a little presidential politics, and the false security of isolationism.

Mr. President, we have an often repeated axiom in the Senate, that politics stops at the waters edge. The axiom is there to remind us of exactly the kind of mistake this body made 80 years ago. To play politics with international agreements is to invite disaster. The headlines were the same all over last night, the Senate handed the President a major defeat last night by rejecting the Comprehensive Test Ban Treaty. There is no defeating the President, he will be out of office in 18 months, his legacy will not rise or fall with the passage of this treaty. However, the members of this body can undermine America's standing in the world, and last night they did just that.

As a member of the Armed Services Committee, I sat through several hearings, listened to testimony on the CTBT, and weighed the merits of the agreement. I understood the perspective of my Chairman, Senator WARNER and others with respect to this agreement. There were legitimate concerns expressed by the directors of our national laboratories, there were serious questions about our ability to monitor this agreement, and I understand how reasonable minds can disagree about the merits of the treaty. However, what occurred last night was willful disregard for the leadership role that this nation plays in the world. That vote need not have occurred. We could have waited for a stronger consensus on the science of the stockpile stewardship program. Had we delayed consideration, we would have benefitted from the revised national intelligence estimate. We might also have negotiated with the Russians and Chinese to address some of the more difficult treaty monitoring questions. However, all such potential benefits of time are lost to us. All of this despite the fact that a clear majority of Senators would have preferred to delay consideration of the treaty. Sadly, I must conclude that the drive to bring this treaty to a vote was not a question of merit, it was a political exercise.

We have numerous treaties sitting before the Senate Foreign Relations Committee that might be brought up, and dealt with the same way. I'll give just one example—the Convention on the Elimination of all forms of Discrimination Against Women or CEDAW. There are many in this body who oppose particular provisions of this treaty, and I am not certain that if we brought it to the floor, there would be sufficient votes to ratify it. The reason we do not bring it to the floor, is because the United States is not going to send a message to the world that the United States tacitly endorses discrimination, by actively rejecting this treaty. However, on something as important as nuclear proliferation, the majority felt compelled to do exactly that.

Mr. President, I believe that a small group of the members of this body took aim at our President with last night's vote. Unfortunately, like Senator Lodge before them, they missed the President and hit the American people. President Wilson was fond of saying that American power, was moral power. He was right. The United States does not, and cannot rely on its nuclear weapons to convince the nations of the world to follow our example. The only real weapon that we have to combat nuclear proliferation is our world leadership and the power of American moral authority. With last night's vote, I am afraid that we unilaterally disarmed.

SKILLED NURSING FACILITIES

Mr. DOMENICI. Mr. President, I want to speak for a moment about a crisis going on in our nursing home industry. Today, a very large nursing home with headquarters in my home State of New Mexico filed for Chapter

11, that is bankruptcy protection but it is bankruptcy nonetheless. This is the second nursing home chain to file for bankruptcy in the last 2 months. These two nursing home chains own hundreds of facilities over the country, across it from north to south and east to west. So every Senator should be concerned about what is happening in this industry.

Frankly, we could have avoided this crisis if the administration had been more willing to acknowledge and address the problem. We wrote a bipartisan letter to Secretary Shalala in May, signed by 64 Senators, urging her to work with us to address the problem administratively. We have yet to get a response. Now I am here to tell you unless something very dramatic is done, this crisis is not over. We are going to see more bankruptcies and ultimately disruptions in the care for our senior citizens unless we fix this problem.

Clearly, one of the major reasons for these failures is the new payment system through the Medicare program for skilled nursing facilities and some of the services they give to their patients. Everyone, including the Health Care Financing Administration, acknowledges that this payment system does not adequately reimburse nursing homes for so-called nontherapy ancillary services; that is, drugs, oxygen, and other costs incurred, which are a very large part of the expenses of taking care of our seniors in nursing homes.

To address this problem, I joined with Senator HATCH and others in introducing S. 1500. That would fix the new payment system and it is fiscally responsible.

Unfortunately, the package of Medicare provisions released by the Chairman and Ranking Member of the Finance Committee yesterday is woefully inadequate.

Hatch-Domenici increased the payment rates in the 15 categories of reimbursement that clearly underpay for those patients with high non-therapy ancillary costs.

The Finance Committee package, however, only includes two of these 15 categories.

I am told that this is the position that HCFA supports, perhaps based on a contractor's analysis of the problem.

But I am also told that the same contractor indicates right up front in the report that patients with high nontherapy ancillary costs are likely to appear in the patient categories covered by the Hatch-Domenici bill.

But, it seems to me that there is no higher priority in Medicare than fixing this problem, which is on the verge of disrupting care for millions of seniors in every state.

The Finance Committee is working on a bill to help in this area and some others. I have seen the bill as of yesterday. It is totally inadequate to take care of this problem, this crisis across this land. In my State, if this company goes bankrupt, totally bankrupt, it will not only hurt seniors across this land but we will have 700 to 800 people who will lose their jobs. They have been working in this industry for years.

I ask the Finance Committee to reconsider what they contemplated yesterday. I will begin working with some of them, with specifics. But I guarantee those who are contemplating a bill to do some justice and fairness in this area, we are not going to get by with the provisions that were in the bill as of yesterday.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, October 13, 1999, the Federal debt stood at $5,662,720,361,489.64 (Five trillion, six hundred sixty-two billion, seven hundred twenty million, three hundred sixty-one thousand, four hundred eighty-nine dollars and sixty-four cents).

One year ago, October 13, 1998, the Federal debt stood at $5,537,721,000,000 (Five trillion, five hundred thirty-seven billion, seven hundred twenty-one million).

Five years ago, October 13, 1994, the Federal debt stood at $4,690,874,000,000 (Four trillion, six hundred ninety billion, eight hundred seventy-four million).

Ten years ago, October 13, 1989, the Federal debt stood at $2,869,041,000,000 (Two trillion, eight hundred sixty-nine billion, forty-one million) which reflects a doubling of the debt—an increase of almost $3 trillion—$2,793,679,361,489.64 (Two trillion, seven hundred ninety-three billion, six hundred seventy-nine million, three hundred sixty-one thousand, four hundred eighty-nine dollars and sixty-four cents) during the past 10 years.

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Finance.

(The nomination received today is printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 12:15 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1993. An act to reauthorize the Overseas Private Investment Corporation and the Trade and Development Agency, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 141. Concurrent resolution celebrating One America.

The message further announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill, H.R. 2684, making appropriations for the Departments of Veterans Affairs Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000, and for other purposes.

ENROLLED BILL SIGNED

At 6:09 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 2561. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2000, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

At 6:22 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2990. An Act to amend the Internal Revenue Code of 1986 to allow individuals greater access to health insurance through a health care tax deduction, a long-term care deduction, and other health-related tax incentives, to amend the Employee Retirement Income Security Act of 1974 to provide access to and choice in health care through association health plans to amend the Public Health Service Act to create new pooling opportunities for small employers to obtain greater access to health coverage through HealthMarts; to amend title I of the Employee Retirement Income Security Act of 1974, title XXVII of the Public Health Service Act, and the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage; and for other purposes.

At 6:37 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3064. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2000, and for other purposes.

MEASURE REFERRED

The following concurrent resolution was read and referred as indicated:

H. Con. Res. 141. Concurrent resolution celebrating One America; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bills were read twice and placed on the calendar:

H.R. 1993. An act to reauthorize the Overseas Private Investment Corporation and the Trade and Development Agency, and for other purposes.

H.R. 3064. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2000, and for other purposes.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on October 14, 1999, he had presented to the President of the United States, the following enrolled bills:

S. 322. An act to amend title 4, United States Code, to add the Martin Luther King Jr. holiday to the list of days on which the flag should especially be displayed.

S. 800. An act to promote and enhance public safety through the use of 9–1–1 as the universal emergency assistance number, further deployment of wireless 9–1–1 service, support of States in upgrading 9–1–1 capabilities and related functions, encouragement of construction and operation of seamless, ubiquitous, and reliable networks for personal wireless services, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–5614. A communication from the Deputy Assistant Administrator for Fisheries, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Species; Threatened Status for Two Chinook Salmon; Evolutionarily Significant Units (ESUs) in California" (RIN0648–AM54), received October 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5615. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Stage II Gasoline Vapor Recovery and RACT Requirements for Major Sources of VOC" (FRL #6457–1), received October 8, 1999; to the Committee on Environment and Public Works.

EC–5616. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Maryland; Revision to Section 111(d) Plan Controlling Total Reduced Sulfur Emissions from Existing Kraft Pulp Mills" (FRL #6456–6), received October 8, 1999; to the Committee on Environment and Public Works.

EC–5617. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Pennsylvania; Control of Total Reduced Sulfur Emissions from Existing Kraft Pulp Mills" (FRL #6456–4), received October 8, 1999; to the Committee on Environment and Public Works.

EC–5618. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Vermont: Final Authorization of State Hazardous Waste Management Program Revision" (FRL #6456–8), received October 8, 1999; to the Committee on Environment and Public Works.

EC–5619. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Acid Rain Program—Nitrogen Oxides Emission Reduction Program, Rule Revision in Response to Court Remand" (FRL #6455–4), received October 7, 1999; to the Committee on Environment and Public Works.

EC–5620. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Delaware; 15 Percent Rate of Progress Plan" (FRL #6453–5), received October 6, 1999; to the Committee on Environment and Public Works.

EC–5621. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Texas: Redesignation Request and Maintenance Plan for the Collin County Lead Nonattainment Area" (FRL #6449–5), received October 6, 1999; to the Committee on Environment and Public Works.

EC–5622. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Approval of Revisions to the North Carolina State Implementation Plan" (FRL #6453–8), received October 6, 1999; to the Committee on Environment and Public Works.

EC–5623. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Massachusetts: Final Authorization of State Hazardous Waste Management Program Revision" (FRL #6454–1), received October 6, 1999; to the Committee on Environment and Public Works.

EC–5624. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting two reports entitled "Guidance on Calculating the Economic Benefit of Noncompliance by Federal Agencies," and "The Yellow Book: Guide to Environment Enforcement and Compliance at Federal Facilities"; to the Committee on Environment and Public Works.

EC–5625. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Standard Review Plan on Foreign Ownership, Control, or Domination," received October 12, 1999; to the Committee on Environment and Public Works.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–366. A joint resolution adopted by the Legislature of the State of California relative to space-related commerce; to the Committee on Finance.

ASSEMBLY JOINT RESOLUTION NO. 33

Whereas, As we approach the next millennium an unprecedented surge in space technology and commercial enterprise is creating a new space services era; and

Whereas, Over 40 countries are vigorously competing to participate in this rapidly expanding industry; and

Whereas, At a time of increasing foreign launch competition, the United States Air Force has stated that it intends to encourage private development and become a customer of launch facilities in lieu of its current role as developer, operator, and maintainer of United States space launch complexes; and

Whereas, The recently completed Cox Commission report concludes that it is in the national security interest of the United States to expand our domestic launch capability; and

Whereas, It is in the best interest of California's economy to encourage the development of a robust commercial launch industry so that the state can continue its role as an international space "center of excellence" in the rapidly growing commercial space market; and

Whereas, California's educational institutions, aerospace industries, and highly skilled work force have historically played a dominant role in space education, research, technology, manufacturing, services, and transportation, now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to recognize the driving force of space-related commerce in our economy and support Sen. No. 1239 and H.R. No. 2289, federal legislation to classify spaceports as exempt facilities and enable state and local entities to sell bonds for private or public development of spaceport infrastructure; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate of the United States, and to each

Senator and Representative from California in the Congress of the United States.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with amendments:

S. 710. A bill to authorize the feasibility study on the preservation of certain Civil War battlefields along the Vicksburg Campaign Trail (Rept. No. 106–184).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with amendments and an amendment to the title:

S. 905. A bill to establish the Lackawanna Valley American Heritage Area (Rept. No. 106–185).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with amendments:

S. 1117. A bill to establish the Corinth Unit of Shiloh National Military Park, in the vicinity of the city of Corinth, Mississippi, and in the State of Tennessee, and for other purposes (Rept. No. 106–186).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 1324. A bill to expand the boundaries of the Gettysburg National Military Park to include Wills House, and for other purposes (Rept. No. 106–187).

By Mr. CHAFEE, from the Committee on Environment and Public Works, with amendments and an amendment to the title:

H.R. 2454. A bill to assure the long-term conservation of mid-continent light geese and the biological diversity of the ecosystem upon which many North American migratory birds depend, by directing the Secretary of the Interior to implement rules to reduce the overabundant population of mid-continent light geese (Rept. No. 106–188).

By Mr. CHAFEE, from the Committee on Environment and Public Works, with an amendment:

S. 835. A bill to encourage the restoration of estuary habitat through more efficient project financing and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes (Rept. No. 106–189).

By Mr. CHAFEE, from the Committee on Environment and Public Works, without amendment:

S. 1730. An original bill to amend the Federal Water Pollution Control Act to provide that certain environmental reports shall continue to be required to be submitted (Rept. No. 106–190).

S. 1731. An original bill to amend the Clean Air Act to provide that certain environmental reports shall continue to be required to be submitted (Rept. No. 106–191).

By Mr. CAMPBELL, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 225. A bill to provide housing assistance to Native Hawaiians (Rept. No. 106–192).

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of a committee were submitted:

By Mr. HATCH, for the Committee on the Judiciary:

Barbara M. Lynn, of Texas, to be United States District Judge for the Northern District of Texas.

William Joseph Haynes, Jr., of Tennessee, to be United States District Judge for the Middle District of Tennessee.

Ronald A. Guzman, of Illinois, to be United States District Judge for the Northern District of Illinois.

(The above nominations were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. JEFFORDS:

S. 1725. A bill to amend title XVIII of the Social Security Act to modernize medicare supplemental policies so that outpatient prescription drugs are affordable and accessible for medicare beneficiaries; to the Committee on Finance.

By Mr. McCAIN (for himself, Mr. CAMPBELL, and Mr. INOUYE):

S. 1726. A bill to amend the Internal Revenue Code of 1986 to treat for unemployment compensation purposes Indian tribal governments the same as State or local units of government or as nonprofit organizations; to the Committee on Finance.

By Mr. DOMENICI:

S. 1727. A bill to authorize funding for the expansion annex of the historic Palace of the Governors, a public history museum located, and relating to the history of Hispanic and Native American culture, in the Southwest and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. VOINOVICH (for himself and Mr. DEWINE):

S. 1728. A bill to amend title XIX of the Social Security Act to remove the limit on amount of medicaid disproportionate share hospital payment for hospitals in Ohio; to the Committee on Finance.

By Mr. CAMPBELL (for himself and Mr. ALLARD):

S. 1729. A bill to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CHAFEE:

S. 1730. An original bill to amend the Federal Water Pollution Control Act to provide that certain environmental reports shall continue to be required to be submitted; from the Committee on Environment and Public Works; placed on the calendar.

S. 1731. An original bill to amend the Clean Air Act to provide that certain environmental reports shall continue to be required to be submitted; from the Committee on Environment and Public Works; placed on the calendar.

By Mr. BREAUX (for himself, Mr. JEFFORDS, Mr. GRASSLEY, Mr. KERREY, and Mr. HATCH):

S. 1732. A bill to amend the Internal Revenue Code of 1986 to prohibit certain allocations of S corporation stock held by an employee stock ownership plan; to the Committee on Finance.

By Mr. FITZGERALD (for himself, Mr. LEAHY, Mr. LUGAR, Mr. HARKIN, and Mr. CRAIG):

S. 1733. A bill to amend the Food Stamp Act of 1977 to provide for a national standard of interoperability and portability applicable to electronic food stamp benefit transactions; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DURBIN (for himself and Mr. FITZGERALD):

S. 1734. A bill to authorize the Secretary of the Interior to contribute funds for the establishment of an interpretative center on the life and contributions of President Abraham Lincoln; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 203. A resolution to authorize document production, testimony, and representation of Senate employees, in a matter before the Grand Jury in the Western District of Pennsylvania; considered and agreed to.

By Mr. SMITH of New Hampshire (for himself, Mr. BROWNBACK, and Mr. HELMS):

S. Con. Res. 59. A concurrent resolution urging the President to negotiate a new base rights agreement with the Government of Panama in order for United States Armed Forces to be stationed in Panama after December 31, 1999; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JEFFORDS:

S. 1725. A bill to amend title XVIII of the Social Security Act to modernize Medicare supplemental policies so that outpatient prescription drugs are affordable and accessible for medicare beneficiaries; to the Committee on Finance.

THE DRUGGAP INSURANCE FOR SENIORS ACT OF 1999

Mr. JEFFORDS. Mr. President, I come to the floor today to introduce the DrugGap Insurance for Seniors Act of 1999, which will provide much-needed insurance coverage for medicines for low-income seniors, and will allow all other seniors, for the first time, to purchase an affordable, drug-only insurance policy to protect them against the runaway cost of drugs.

Mr. President, we are all aware that prescription drug costs continue to grow at an alarming rate. Seniors are being forced to spend greater and greater portions of their fixed incomes on prescription drugs that they need to live. Research and development of prescription drugs have come a long way since Medicare was originally enacted in 1965. Today, drugs are just as important, and in many cases more important, than hospital visits. It does not make sense for Medicare to reimburse hospitals for surgery, but not provide coverage for the drugs that might prevent surgery. That is why I am committed to modernizing the Medicare program so that it does not go bankrupt in the next 10 to 15 years. In addition, we must ensure that any Medicare reform proposal we consider includes a prescription drug benefit that helps all seniors.

This is a basic coverage problem that we must address as we modernize the Medicare program, and it is one of my top priorities. Ideally, it should be part of broad Medicare reform. Even if we are not able to achieve broad reform in the Medicare program this year, we must at least do something to address this basic need for seniors.

Today, I am introducing a bill that will target the most needy seniors. Currently, Medicare beneficiaries can purchase private insurance plans, called Medigap plans, to pay certain health care expenses that are not covered by Medicare. The law allows Medigap insurers to offer ten standardized plans to beneficiaries. However, only the three most expensive Medigap plans cover prescription drugs.

My plan calls for three new Medigap insurance plans to be developed that will cover only prescription drugs. The federal government will use a small portion of the budget surplus to purchase these new "DrugGap" policies for low-income Medicare beneficiaries who do not already have prescription drug coverage under Medicaid or through an employer sponsored plan. This bill provides all seniors the option of purchasing affordable, comprehensive coverage for prescription drugs even if they do not qualify for the federal government purchase plan. The bill also includes reforms to the Medigap system to give seniors more choice, and to keep Medigap premiums affordable.

Mr. President, this bill offers several significant advantages to Medicare beneficiaries who need coverage for prescription drugs. First, nothing will change for those Medicare beneficiaries who like their current Medigap plans. This bill will offer more choices for Medicare beneficiaries, but will not make seniors change coverage that they like.

Second, this plan does not mandate prescription drug benefits on the current standardized plans, which some critics have argued will raise premiums. Indeed, one of the goals of this legislation is to make Medigap more affordable, and to seek solutions to the problem of the spiraling cost of Medigap premiums. This bill offers a way to accomplish this goal.

This bill also gives DrugGap policy holders access to the deep discounts on drugs that HMOs get, even if the beneficiary has not met the policy's deductible, and makes it clear that insurance companies can issue drug discount cares to Medigap policy holders even if the policy doesn't cover prescription drugs.

Finally, this bill will provide federal grants to the states for counseling for seniors regarding this new benefit.

Mr. President, this bill is not a substitute for the much-needed Medicare reform and Medicare drug benefit, but it is a positive step that we can take right now to protect Medicare beneficiaries until Medicare reform can be achieved, and a broad drug benefit is implemented. I hope my colleagues will support this moderate approach to helping Medicare beneficiaries deal with the runaway costs of prescription drugs.

Mr. President, I ask unanimous consent that the text of the bill and a brief summary of the bill be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

S. 1725

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "DrugGap Insurance for Seniors Act of 1999".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Modernization of medicare supplemental benefit packages.
Sec. 4. Assistance to qualified low-income medicare beneficiaries.
Sec. 5. Grandfathering of current Medigap enrollees.
Sec. 6. Health insurance information, counseling, and assistance grants.
Sec. 7. NAIC study and report.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) Coverage of outpatient prescription drugs is the most important aspect of medical care not currently provided under the medicare program under title XVIII of the Social Security Act.

(2) The medicare program needs to be reformed, and should include provisions that provide access to outpatient prescription drugs for all medicare beneficiaries.

(3) Comprehensive medicare reform will require extensive time and effort, but Congress must act now to provide outpatient prescription drug coverage to the most vulnerable medicare beneficiaries until such time as the medicare program is reformed.

(4) Low-income medicare beneficiaries are the most vulnerable to the high cost of outpatient prescription drugs, since they are often not eligible to receive benefits under medicaid, yet have incomes too low to afford medicare supplemental policies that include coverage for outpatient prescription drugs.

(5) Medicare beneficiaries deserve meaningful choices among medicare supplemental policies, including the option of purchasing affordable outpatient prescription drug-only medicare supplemental policies.

(6) Premiums for medicare supplemental policies have risen dramatically in recent years, and steps must be taken to keep premiums from rising out of the reach of medicare beneficiaries.

(7) Increased use of medicare supplemental policies does not represent sufficient structural medicare reform.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To provide medicare supplemental policies covering outpatient prescription drugs to low-income medicare beneficiaries at no cost.

(2) To provide expanded choice to all medicare beneficiaries by creating affordable drug-only medicare supplemental policies.

(3) To ensure that medicare supplemental policies are modernized in a manner that promotes competition and preserves affordability for all medicare beneficiaries.

SEC. 3. MODERNIZATION OF MEDICARE SUPPLEMENTAL BENEFIT PACKAGES.

(a) ADDITION OF DRUGGAP POLICIES AND MODIFICATION OF EXISTING MEDIGAP POLICIES.—Section 1882 of the Social Security Act (42 U.S.C. 1395ss) is amended by adding at the end the following:

"(v) MODERNIZED BENEFIT PACKAGES FOR MEDICARE SUPPLEMENTAL POLICIES.—

"(1) PROMULGATION OF MODEL REGULATION.—

"(A) NAIC MODEL REGULATION.—If, within 9 months after the date of enactment of the DrugGap Insurance for Seniors Act of 1999, the National Association of Insurance Commissioners (in this subsection referred to as the "NAIC") changes the 1991 NAIC Model Regulation (described in subsection (p)) to incorporate—

"(i) limitations on the benefit packages that may be offered under a medicare supplemental policy consistent with paragraphs (2) and (3) of this subsection;

"(ii) an appropriate range of coverage options for outpatient prescription drugs, including at least a minimal level of coverage under each benefit package;

"(iii) a deductible for outpatient prescription drugs that is uniform across each benefit package;

"(iv) uniform language and definitions to be used with respect to such benefits;

"(v) uniform format to be used in the policy with respect to such benefits; and

"(vi) other standards to meet the additional requirements imposed by the amendments made by the DrugGap Insurance for Seniors Act of 1999;

subsection (g)(2)(A) shall be applied in each State, effective for policies issued to policy holders on and after the date specified in subparagraph (C), as if the reference to the Model Regulation adopted on June 6, 1979, were a reference to the 1991 NAIC Model Regulation as changed under this subparagraph (such changed regulation referred to in this section as the '2000 NAIC Model Regulation').

"(B) REGULATION BY THE SECRETARY.—If the NAIC does not make the changes in the 1991 NAIC Model Regulation within the 9-month period specified in subparagraph (A), the Secretary shall promulgate, not later than 9 months after the end of such period, a regulation and subsection (g)(2)(A) shall be applied in each State, effective for policies issued to policy holders on and after the date specified in subparagraph (C), as if the reference to the Model Regulation adopted on June 6, 1979, were a reference to the 1991 NAIC Model Regulation as changed by the Secretary under this subparagraph (such changed regulation referred to in this section as the '2000 Federal Regulation').

"(C) DATE SPECIFIED.—

"(i) IN GENERAL.—Subject to clause (ii), the date specified in this subparagraph for a State is the date the State adopts the 2000 NAIC Model Regulation or 2000 Federal Regulation or 1 year after the date the NAIC or the Secretary first adopts such standards, whichever is earlier.

"(ii) STATES REQUIRING REVISIONS TO STATE LAW.—In the case of a State which the Secretary identifies, in consultation with the NAIC, as—

“(I) requiring State legislation (other than legislation appropriating funds) in order for medicare supplemental policies to meet the 2000 NAIC Model Regulation or 2000 Federal Regulation; but

“(II) having a legislature which is not scheduled to meet in 2001 in a legislative session in which such legislation may be considered;

the date specified in this subparagraph is the first day of the first calendar quarter beginning after the close of the first legislative session of the State legislature that begins on or after January 1, 2000. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

“(D) CONSULTATION WITH WORKING GROUP.—In promulgating standards under this paragraph, the NAIC or Secretary shall consult with a working group composed of representatives of issuers of medicare supplemental policies, consumer groups, medicare beneficiaries, and other qualified individuals. Such representatives shall be selected in a manner so as to assure balanced representation among the interested groups.

“(E) MODIFICATION OF STANDARDS IF MEDICARE BENEFITS CHANGE.—If benefits (including deductibles and coinsurance) under this title are changed and the Secretary determines, in consultation with the NAIC, that changes in the 2000 NAIC Model Regulation or 2000 Federal Regulation are needed to reflect such changes, the preceding provisions of this paragraph shall apply to the modification of standards previously established in the same manner as they applied to the original establishment of such standards.

“(2) CORE GROUP OF BENEFITS AND NUMBER OF BENEFIT PACKAGES.—The benefits under the 2000 NAIC Model Regulation or 2000 Federal Regulation shall provide—

“(A) for such groups or packages of benefits as may be appropriate taking into account the considerations specified in paragraph (3) and the requirements of the succeeding subparagraphs;

“(B) for identification of a core group of basic benefits common to all policies other than the medicare supplemental policies described in paragraph (12)(B); and

“(C) that, subject to paragraph (4)(B), the total number of different benefit packages (counting the core group of basic benefits described in subparagraph (B) and each other combination of benefits that may be offered as a separate benefit package) that may be established in all the States and by all issuers shall not exceed 10 plus the 2 benefit packages described in paragraph (11) and the 3 policies described in paragraph (12)(B).

“(3) BALANCE OF OBJECTIVES.—The benefits under paragraph (2) shall, to the extent possible, balance the objectives of—

“(A) ensuring that medicare supplemental policies are affordable for beneficiaries under this title, and that the policies modernized under this subsection do not have premiums higher than the medicare supplemental policies available on the date of enactment of the DrugGap Insurance for Seniors Act of 1999;

“(B) facilitating comparisons among policies;

“(C) avoiding adverse selection;

“(D) providing consumer choice;

“(E) providing market stability;

“(F) promoting competition;

“(G) including some drug coverage, however limited, in each of the 10 benefit packages described in paragraph (2)(C); and

“(H) ensuring that beneficiaries under this title receive the benefit of prices for outpatient prescription drugs negotiated by issuers of medicare supplemental policies under this section.

“(4) STATES MAY OFFER NEW OR INNOVATIVE SUPPLEMENTAL BENEFITS.—

“(A) COMPLIANCE WITH APPLICABLE 2000 NAIC MODEL REGULATION OR 2000 FEDERAL REGULATION REQUIRED.—

“(i) STATES.—Except as provided in subparagraph (B) or paragraph (6), no State with a regulatory program approved under subsection (b)(1) may provide for or permit the grouping of benefits (or language or format with respect to such benefits) under a medicare supplemental policy unless such grouping meets the applicable 2000 NAIC Model Regulation or 2000 Federal Regulation.

“(ii) FEDERAL GOVERNMENT.—Except as provided in subparagraph (B), the Secretary may not provide for or permit the grouping of benefits (or language or format with respect to such benefits) under a medicare supplemental policy seeking approval by the Secretary unless such grouping meets the applicable 2000 NAIC Model Regulation or 2000 Federal Regulation.

“(B) ADDITIONAL BENEFITS.—The issuer of a medicare supplemental policy may offer the benefits described in subsection (p)(3)(B) under the circumstances described in such subsection as if each reference to ‘1991’ were a reference to ‘2000’.

“(5) STATES MAY NOT RESTRICT CORE BENEFITS.—

“(A) MEDICARE SUPPLEMENTAL POLICIES SUBJECT TO STATE REGULATION.—Except as provided in subparagraph (B), this subsection shall not be construed as preventing a State from restricting the groups of benefits that may be offered in medicare supplemental policies in the State.

“(B) MUST MAKE CORE BENEFITS AVAILABLE.—A State with a regulatory program approved under subsection (b)(1) may not restrict under subparagraph (A) the offering of a medicare supplemental policy consisting only of the core group of benefits described in paragraph (2)(B).

“(6) STATE ALTERNATIVE SIMPLIFICATION PROGRAMS.—The Secretary may waive the application of standards described in clauses (i) through (vi) of paragraph (1)(A) in those States that on the date of enactment of the DrugGap Insurance for Seniors Act of 1999 had in place an alternative simplification program.

“(7) DISCOUNTS FOR ITEMS AND SERVICES NOT COVERED UNDER MEDICARE SUPPLEMENTAL POLICIES.—This subsection shall not be construed as preventing an issuer of a medicare supplemental policy who otherwise meets the requirements of this section from providing, through an arrangement with a vendor, for discounts from that vendor to policy holders or certificate holders for the purchase of items or services not covered under its medicare supplemental policies or under this title, including the issuance of drug discount cards.

“(8) CIVIL PENALTY FOR VIOLATION OF THE MODEL REGULATION.—Except as provided in paragraph (10), any person who sells or issues a medicare supplemental policy, on and after the effective date specified in paragraph (1)(C), in violation of the applicable 2000 NAIC Model Regulation or 2000 Federal Regulation insofar as such regulation relates to the requirements of subsection (o) or (q) or clauses (i) through (vi) of paragraph (1)(A) is subject to a civil money penalty of not to exceed $25,000 (or $15,000 in the case of a seller who is not an issuer of a policy) for each such violation. The provisions of section 1128A (other than the first sentence of subsection (a) and other than subsection (b)) shall apply to a civil money penalty under the previous sentence in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).

“(9) REQUIREMENTS OF SELLERS.—

“(A) CORE BENEFIT PACKAGE.—Anyone who sells a medicare supplemental policy to an individual shall make available for sale to the individual a medicare supplemental policy with only the core group of basic benefits (described in paragraph (2)(B)).

“(B) OUTLINE OF COVERAGE.—Anyone who sells a medicare supplemental policy to an individual shall provide the individual, before the sale of the policy, an outline of coverage which describes the benefits under the policy. Such outline shall be on a standard form approved by the State regulatory program or the Secretary (as the case may be) consistent with the 2000 NAIC Model Regulation or 2000 Federal Regulation under this subsection.

“(C) PENALTIES.—Whoever sells a medicare supplemental policy in violation of this paragraph is subject to a civil money penalty of not to exceed $25,000 (or $15,000 in the case of a seller who is not the issuer of the policy) for each such violation. The provisions of section 1128A (other than the first sentence of subsection (a) and other than subsection (b)) shall apply to a civil money penalty under the previous sentence in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).

“(D) EFFECTIVE DATE.—Subject to paragraph (10), this paragraph shall apply to sales of policies occurring on or after the effective date specified in paragraph (1)(C).

“(10) SAFE HARBOR FOR SELLERS.—No penalty may be imposed under paragraph (8) or (9) in the case of a seller who is not the issuer of a policy until the Secretary has published a list of the groups of benefit packages that may be sold or issued consistent with paragraph (1)(A)(i).

“(11) ADDITION OF HIGH DEDUCTIBLE MEDICARE SUPPLEMENTAL POLICIES.—For purposes of paragraph (2), the benefit packages described in this paragraph are the benefit packages modernized under this subsection that the Secretary determines are most comparable to the benefit packages described in subsection (p)(11).

“(12) DRUGGAP MEDICARE SUPPLEMENTAL POLICIES.—

“(A) ESTABLISHMENT OF DRUG-ONLY MEDICARE SUPPLEMENTAL POLICIES.—

“(i) IN GENERAL.—There are established 3 benefit packages, consistent with the benefit packages described in subparagraph (B), that—

“(I) consist of only outpatient prescription drug benefits;

“(II) may be designed to incorporate the utilization management techniques described in subparagraph (C);

“(III) do not include benefits for prescription drugs otherwise available under part A or B; and

“(IV) do not include benefits for any prescription drug excluded by the State in which the medicare supplemental policy is issued or sold under section 1927(d).

“(ii) DEFINITION.—In this section, the term ‘DrugGap medicare supplemental policy’ means a medicare supplemental policy (as defined in subsection (g)(1)) that has 1 of the benefit packages described in subparagraph (B).

"(B) Benefit packages described.—The benefit packages for DrugGap medicare supplemental policies described in this paragraph are as follows:

"(i) Standard druggap benefit packages.—

"(I) Standard druggap.—A Standard DrugGap medicare supplemental policy that provides a deductible not to exceed $250, coinsurance not to exceed 20 percent, and a $5,000 maximum benefit.

"(II) Low-cost standard druggap.—A Low-Cost Standard DrugGap medicare supplemental policy that provides a deductible not to exceed $750, coinsurance not to exceed 30 percent, and a $5,000 maximum benefit.

"(ii) Stop-loss druggap benefit package.—A Stop-Loss DrugGap medicare supplemental policy that provides a stop-loss coverage benefit that limits the application of any beneficiary cost-sharing during a year after the beneficiary incurs out-of-pocket covered expenditures in excess of $5,000, or, in the case that the beneficiary owns a DrugGap medicare supplemental policy described in clause (i), such beneficiary reaches the maximum benefit under such policy.

"(iii) Maximum benefit defined.—In this paragraph, the term 'maximum benefit' means the total amount paid for covered outpatient prescription drugs, including any amounts paid by the issuer of the DrugGap medicare supplemental policy and any cost-sharing paid by the policyholder.

"(C) Use of utilization management techniques.—

"(i) Formularies.—An issuer may use a formulary to contain costs under any benefit package established under subparagraph (A)(i) only if the issuer—

"(I) includes in the formulary at least 1 drug from each therapeutic class and provides at least 1 generic equivalent, if available; and

"(II) provides for coverage of otherwise covered nonformulary drugs when a nonformulary alternative is medically necessary and appropriate.

"(ii) Other utilization management techniques.—Nothing in this part shall be construed as preventing an issuer offering DrugGap medicare supplemental policies from using reasonable utilization management techniques, including generic drug substitution, consistent with applicable law.".

(b) DrugGap Medigap Policies Do Not Duplicate Other Medigap Policies.—Section 1882(d)(3) of the Social Security Act (42 U.S.C. 1395ss(d)(3)) is amended—

(1) in subparagraph (A), by adding at the end the following:

"(ix) Nothing in this subparagraph shall be construed as preventing the sale of a DrugGap policy to an individual, provided that the sale is of a DrugGap policy that does not duplicate any health benefits under a medicare supplemental policy owned by the individual.";

(2) in subparagraph (B)(ii)(I), by inserting "and one DrugGap medicare supplemental policy" before the comma; and

(3) in subparagraph (B)(iii)—

(A) in subclause (I), by striking "(II) and (III)" and inserting "(II), (III), and (IV)";

(B) by redesignating subclause (III) as subclause (IV); and

(C) by inserting after subclause (II) the following:

"(III) If the statement required by clause (i) is obtained and indicates that the individual is enrolled in 1 or more medicare supplemental policies, the sale of a DrugGap policy is not in violation of clause (i) if such DrugGap policy does not duplicate health benefits under any policy in which the individual is enrolled.".

(c) Enrollment in Case of Involuntary Terminations of Coverage.—Section 1882(s)(3)(C)(i) of the Social Security Act (42 U.S.C. 1395ss(s)(3)(C)(i)) is amended by striking "under subsection (p)(2)" and inserting "under subsection (v)(2), a Standard DrugGap medicare supplemental policy under the standards established under subsection (v)(12)(B)(i), and a Stop-Loss DrugGap medicare supplemental policy under the standards established under subsection (v)(12)(B)(ii)".

(d) Special Enrollment Period.—Section 1882(n) of the Social Security Act (42 U.S.C. 1395ss(n)) is amended by adding at the end the following:

"(7)(A) No medicare supplemental policy of the issuer shall be deemed to meet the standards in subsection (c) unless the issuer—

"(i) provides written notice, within a 60-day period specified in the modernization of the medicare supplemental policies under subsection (v), to the policyholder or certificate holder (at the most recent available address) of the offer described in clause (ii); and

"(ii) offers the individual under the terms described in subparagraph (B), during a period of 180 days beginning on the date specified in subparagraph (C), institution of coverage effective as of the date specified in the modernization described in clause (i) for such purpose, for any policy described under subsection (v).

"(B) The terms described under this subparagraph are terms which do not—

"(i) deny or condition the issuance or effectiveness of a medicare supplemental policy described in subparagraph (A)(ii) that is offered and is available for issuance to new enrollees by such issuer;

"(ii) discriminate in the pricing of such policy, because of health status, claims experience, receipt of health care, or medical condition; or

"(iii) impose an exclusion of benefits based on a preexisting condition under such policy.

"(C) The date specified in this subparagraph for a policy issued in a State is such date as the Secretary, in consultation with the NAIC, specifies (taking into account the method used under paragraph (4) for establishing a date under this subsection).".

(e) Conforming Amendments.—Section 1882 of the Social Security Act (42 U.S.C. 1395ss) is amended—

(1) in subsection (a)(2)—

(A) in the matter preceding subparagraph (A), by striking "(p)" and inserting "(v)";

(B) in subparagraph (A)—

(i) by striking "1991" each place it appears and inserting "2000"; and

(ii) by striking "(p)" and inserting "(v)"; and

(C) in the matter following subparagraph (B), by striking "(p)" and inserting "(v)";

(2) in subsection (o)—

(A) in paragraph (1), by striking "(p)" and inserting "(v)"; and

(B) in paragraph (2), by striking "(p)" and inserting "(v)"; and

(3) in subsection (r)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking "(p)" and inserting "(v)"; and

(ii) in the matter following subparagraph (B), by striking "(p)" and inserting "(v)"; and

(B) in paragraph (2)(A)—

(i) by striking "(p)" and inserting "(v)"; and

(ii) by striking "the date specified in section 171(m)(4) of the Social Security Act Amendments of 1994" and inserting "the date of enactment of the DrugGap Insurance for Seniors Act of 1999".

SEC. 4. ASSISTANCE TO QUALIFIED LOW-INCOME MEDICARE BENEFICIARIES.

(a) In General.—Part B of title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.) is amended by adding at the end the following:

"SEC. 1849. ASSISTANCE TO QUALIFIED LOW-INCOME MEDICARE BENEFICIARIES.

"(a) Qualified Low-Income Medicare Beneficiary Defined.—For purposes of this part, the term 'qualified low-income medicare beneficiary' means an individual—

"(1) who is—

"(A) entitled to benefits under part A;

"(B) enrolled under this part; and

"(C) who does not have coverage for outpatient prescription drugs through enrollment in a Medicare+Choice plan offered by a Medicare+Choice organization under part C or in a group health plan;

"(2) who would be eligible for medical assistance under title XIX but for the fact that the individual's income exceeds the income level (expressed as a percentage of the poverty line) established by the State for eligibility for medical assistance under such title, including at least the care and services listed in paragraphs (1) through (5), (17), and (21) of section 1905(a), but does not exceed the lesser of—

"(A) 50 percentage points above such income level; or

"(B) 200 percent of the poverty line; and

"(3) who is enrolled in—

"(A) a Standard DrugGap medicare supplemental policy and a Stop-Loss DrugGap medicare supplemental policy as such policies are described in clauses (i)(I) and (ii) of section 1882(v)(12)(B), respectively; or

"(B) a Low-Cost Standard DrugGap medicare supplemental policy and a Stop-Loss DrugGap medicare supplemental policy as such policies are described in clauses (i)(II) and (ii) of section 1882(v)(12)(B), respectively.

"(b) Program Administered by the States.—

"(1) In general.—The Secretary shall establish an arrangement with each State (as defined under section 1861(x)) under which the State performs the functions described in paragraphs (2) through (4).

"(2) Annual eligibility.—The State shall determine whether a beneficiary under this title in the State is a qualified low-income medicare beneficiary. A determination that such an individual is a qualified low-income medicare beneficiary shall remain valid for a period of 12 months but is conditioned upon continuing enrollment in medicare supplemental policies described in subsection (a)(4).

"(3) Computation of state weighted average premium for standard druggap and stop-loss druggap medicare supplemental policies.—For each year, the State shall compute a State weighted average premium equal to the weighted average of the premiums for medicare supplemental policies described in clause (i)(I) of section 1882(v)(12)(B) and the medicare supplemental policies described in clause (ii) of such section for the State, with the weight for each medicare supplemental policy being equal to the average number of beneficiaries under this title enrolled under such policy in the previous year. In the initial year that such medicare supplemental policies are available, the State shall estimate the State weighted average premium for each type of policy.

"(4) PAYMENT BY STATES ON BEHALF OF QUALIFIED LOW-INCOME MEDICARE BENEFICIARIES.—The State shall provide for payment to the appropriate entity on behalf of a qualified low-income medicare beneficiary for a year in an amount equal to—

"(A) for the medicare supplemental policy described under clause (i) of section 1882(v)(12)(B) in which such beneficiary is enrolled, the lesser of—

"(i) the amount of the State weighted average premium (as computed under paragraph (3)) for the policies described under subclause (I) of such clause; or

"(ii) the full quoted premium for the policy;

"(B) for the medicare supplemental policy described under clause (ii) of section 1882(v)(12)(B) in which such beneficiary is enrolled, the lesser of—

"(i) the amount of the State weighted average premium (as computed under paragraph (3)) for the policies described under such clause; or

"(ii) the full quoted premium for the policy; and

"(C) such beneficiary out-of-pocket expenses related to the supplemental benefits provided under the policies described in subparagraphs (A) and (B) as the State determines is appropriate.

"(c) PAYMENTS TO STATES.—

"(1) REIMBURSEMENT FROM FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND.—Each calendar quarter in a fiscal year, the Secretary shall pay to each State from the Federal Supplementary Medical Insurance Trust Fund under section 1841 an amount equal to the amount paid by the State under subsection (b)(4).

"(2) EXCLUSION OF ADDITIONAL PART B COSTS FROM DETERMINATION OF PART B PREMIUM.—In estimating the benefits and administrative costs that will be payable from the Federal Supplementary Medical Insurance Trust Fund for a year for purposes of determining the monthly premium rate under section 1839(a)(3), the Secretary shall exclude an estimate of any benefits and administrative costs attributable to the application of this section.

"(3) CONSTRUCTION RELATIVE TO OTHER BENEFITS.—Nothing in this section shall be construed as requiring a State, under its plan under title XIX, to be responsible for any portion of the subsidy or beneficiary cost-sharing provided under this section to qualified low-income medicare beneficiaries.

"(d) MAINTENANCE OF STATE EFFORT REQUIREMENT.—In the case of any State in which the income level (expressed as a percentage of the poverty line) established by the State for eligibility for medical assistance under title XIX (that includes at least the care and services listed in paragraphs (1) through (5), (17), and (21) of section 1905(a)) is less than 150 percent of the poverty line applicable to a family of the size involved in a calendar quarter in a fiscal year—

"(1) no payment may be made to such State under section 1849(c) for a calendar quarter in a fiscal year unless the State demonstrates to the satisfaction of the Secretary that the expenditures of the State for any State-funded prescription drug program for which individuals entitled to benefits under this section are eligible during the fiscal year is not less than the level of such expenditures for fiscal year 1999; and

"(2) payments shall not be made under this section for coverage of prescription drugs to the extent that—

"(A) payment is made under such a program; or

"(B) the Secretary determines payment would be made under such a program as in effect on the date of enactment of the DrugGap Insurance for Seniors Act of 1999.

"(e) POVERTY LINE DEFINED.—The term 'poverty line' has the meaning given such term in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by such section.".

(b) CONFORMING AMENDMENT.—Section 1839(a)(3) of the Social Security Act (42 U.S.C. 1395r(a)(3)), as amended by section 5101(e) of the Tax and Trade Relief Extension Act of 1998 (contained in division J of Public Law 105–277), is amended by striking "except as provided in subsection (g)" and inserting "except as provided in subsection (g) or section 1849(d)".

SEC. 5. GRANDFATHERING OF CURRENT MEDIGAP ENROLLEES.

(a) IN GENERAL.—The amendments made by this Act shall take effect on the date of enactment of this Act, and shall apply to medicare supplemental policies issued or sold after the date specified in subsection (b), but shall not apply to the renewal of medicare supplemental policies that are in existence on such date.

(b) DATE SPECIFIED.—The date specified in this subsection for each State is the date specified under section 1882(n)(7)(C) of the Social Security Act (42 U.S.C. 1395ss(n)(7)(C)) (as added by section 3(d) of this Act).

SEC. 6. HEALTH INSURANCE INFORMATION, COUNSELING, AND ASSISTANCE GRANTS.

(a) IN GENERAL.—Section 4360(b)(2)(A)(ii) of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 1395b–4(b)(2)(A)(ii)) is amended by striking "and information" and inserting ", providing specific information regarding any DrugGap benefit medicare supplemental policy described under section 1882(v) of the Social Security Act (42 U.S.C. 1395ss(v)), and information".

(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to any amounts otherwise appropriated, there are authorized to be appropriated $50,000,000 for each fiscal year, beginning with the first year in which a DrugGap medicare supplemental policy described in section 1882(v)(12) is available, for the purpose of carrying out the provisions of section 4360 of the Omnibus Budget Reconciliation Act of 1990 (as amended by subsection (a)).

SEC. 7. NAIC STUDY AND REPORT.

(a) STUDY.—The Secretary of Health and Human Services shall contract with the National Association of Insurance Commissioners (referred to in this section as the "NAIC") to conduct a study of medicare supplemental policies offered under section 1882 of the Social Security Act (42 U.S.C. 1395ss) in order to identify—

(1) areas that are the cause of increasing medicare supplemental insurance claims costs (such as outpatient expenses) that affect the affordability of medicare supplemental policies;

(2) changes to Federal law (if any) required to address the issues identified under paragraph (1) to make medicare supplemental policies more affordable for beneficiaries under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.); and

(3) methods of encouraging additional issuers to offer such policies and to reduce the cost of premiums for such policies.

(b) REPORT.—Not later than November 1, 2001, the NAIC shall submit a report to the Secretary of Health and Human Services on the study conducted under subsection (a) that contains a detailed statement of the findings and conclusions of the NAIC together with recommendations for such legislation and administrative actions as the NAIC considers appropriate.

(c) TRANSMISSION TO CONGRESS.—Not later than January 1, 2002, the Secretary of Health and Human Services shall transmit the report submitted under subsection (b) to Congress together with recommendations for such legislation and administrative actions as the Secretary considers appropriate.

DrugGap Insurance for Seniors Act

PROPOSAL

The Federal government will purchase Medicare supplemental ("Medigap") insurance policies covering prescription drugs (called "DrugGap" plans) for low-income seniors, which provides greater access to affordable medicines, and affordable insurance policies for all Medicare beneficiaries through modernized Medigap plans.

HOW IT WORKS

Current Coverage Continues: All beneficiaries currently enrolled in Medigap who are satisfied with their plans will keep their current policies, but those who want to take advantage of a new drug-only plan may do so.

Medigap Modernization: Under this proposal, the ten Medigap standardized plans will be reconsidered by the National Association of Insurance Commissioners (NAIC) in order to develop more efficient standardized policies that more appropriately represent today's dynamic health care system. The NAIC will use the same collaborative process outlined in OBRA '90 to modernize the ten standardized Medigap plans and determine the appropriate level of prescription drug coverage in each of the ten modernized plans. This process requires the participation of consumer groups, Medicare beneficiaries, and other representatives selected in a manner to assure balanced representation among the interested groups.

New Drug-Only "DrugGap" Plans: In addition to modernizing the existing ten standardized plans, NAIC would be required to develop three new standardized DrugGap plans, within the following structure:

(1) "Standard DrugGap" plan will have low deductible (maximum $250) and cost-sharing levels (maximum 20% copay), and a $5000 maximum benefit;

(2) "Low-Cost Standard DrugGap" will have somewhat higher deductible (maximum $750) and cost-sharing levels (maximum 30% copay), and $5000 maximum benefit;

(3) "Stop-Loss DrugGap" plan will cover any out-of-pocket prescription medicine costs after total prescription medicine costs reach $5000.

Affordability: Issuers of the new DrugGap plans will be given flexibility to employ a variety utilization management techniques to ensure affordability in these plans, including incentives to encourage appropriate generic substitution. The NAIC standards will include standards by which formularies could be developed, including requirements that all therapeutic classes of drugs will be covered, and beneficiaries will be guaranteed access to off-formulary drugs when they are necessary and appropriate. The standards will also include a mechanism to ensure appropriate utilization and to minimize incidents of adverse drug interactions, as well as mechanisms to ensure reasonable accessibility. Competition between plans will push actual deductible and coinsurance levels lower than the maximum allowable deductible and cost-sharing amounts.

Eligibility for Assistance: Any Medicare beneficiary who: (1) has income of less than 150% of the federal poverty level (in states where Medicaid eligibility is currently above 100% of poverty, the eligibility level will be 50 percentage points above the states' current Medicaid eligibility, up to 200% of the federal poverty level); (2) does not currently have employer-sponsored coverage for prescription drugs; and (3) who is not eligible to receive prescription drugs through Medicaid, is eligible to receive federal assistance. Each eligible beneficiary will receive federal assistance in purchasing a Standard DrugGap and Stop-Loss DrugGap plan.

Beneficiary Access: Any DrugGap plan may be purchased by any Medicare beneficiary regardless of whether the beneficiary is eligible for federal government assistance under this proposal.

Access to Discounts: Before the deductible has been satisfied, and after the maximum coverage amount of the DrugGap plan has been reached, plans are required to make drugs available to covered beneficiaries at the same price that is referenced by the plan in determining the plan coverage—i.e., beneficiaries purchase medications at the plan's discounted price. When providing drugs in these situations, plans may assess nominal administration/dispensing fees. This allows seniors to access the heavily discounted plan prices, which may be 20% to 25% lower than the market price for important prescription medicines.

Grants to States: This proposal will include grants to the states ($50 million) for counseling of seniors regarding this new benefit, and to help them access the new DrugGap policies.

Affordable Premiums: As a part of this Act, Congress would also instruct the NAIC to make recommendations regarding other regulatory and statutory changes which, if enacted, would reduce the cost of Medigap premiums, and would encourage more issuers to offer Medigap policies. These changes would address issues such as balance-billing and outpatient expenses.

By Mr. McCAIN (for himself, Mr. CAMPBELL, Mr. INOUYE):

S. 1726. A bill to amend the Internal Revenue Code of 1986 to treat for unemployment compensation purposes Indian tribal governments the same as State or local units of government or as nonprofit organizations; to the Committee on Finance.

THE INDIAN TRIBAL GOVERNMENT UNEMPLOYMENT COMPENSATION ACT TAX RELIEF AMENDMENTS OF 1999

Mr. McCAIN. Mr. President, I rise today on behalf of myself, Senator CAMPBELL and Senator INOUYE to introduce the Indian Tribal Government Unemployment Compensation Act Tax Relief Amendments of 1999.

This bill would correct a serious oversight in the way the Internal Revenue Code treats Indian tribal governments for unemployment tax purposes under the unique, State-Federal program authorized by the Federal Unemployment Tax Act (FUTA). It would clarify existing tax statutes so that tribal governments are treated just as State and local units of governments are treated for unemployment tax purposes.

It is well-settled that tribal governments are not taxable entities under the Federal Tax Code because of their governmental status. But in recent years, both the Internal Revenue service and the U.S. Department of Labor have begun to advance an interpretation of FUTA that is particularly burdensome to Indian tribal governments.

The IRS has begun to insist on collecting the Federal portion of the FUTA tax from tribal governmental employers. The IRS rationale is that because the FUTA statute expressly exempts charitable organizations and all State and local units of government from paying the Federal portion of the FUTA tax, but does not expressly mention tribal governments, it must collect the Federal portion of the tax from tribal employers.

The Labor Department, for its part, several years ago issued an opinion declaring that State unemployment funds may not treat tribal government employers like other governmental units and accord them "reimburser" status. The Department's rationale was that FUTA statute does not expressly authorize tribal governments to participate on a reimbursable basis, and so State Unemployment Funds were prohibited from allowing them to do so.

The Congressional Research Service conducted a study at my request in the early 1990s which revealed that FUTA was being applied to tribal government employers differently throughout our Nation. Some were allowed to participate, even as reimbursers. Others were denied participation but charged the full tax without getting any benefit whatsoever. The recent actions by the IRS and the Labor Department have only served to make the application of FUTA to tribal government employers even more confusing, contradictory, and unfair.

FUTA involves a joint Federal-State taxation system that levies two taxes on most employers: an 0.8 percent unemployment tax and a State unemployment tax ranging up to more than 9 percent of a portion of an employer's payroll. Since its enactment in the 1930s, FUTA has treated foreign, Federal, State, and local government employers differently from private commercial business employers. It exempts all foreign, Federal, State, and local government employers from the 0.8 percent Federal FUTA tax. It exempts foreign and Federal government employers from State unemployment programs and allows State and local government employers to pay lower State unemployment taxes as reimbursers. FUTA also treats income tax-exempt charitable organizations the same as State and local governments. All other private sector employers pay both the Federal and State FUTA tax rates. The FUTA statute does not expressly include tribal government employers within the definition of governmental employers.

This legislation will expressly authorize tribal governments, like State and local units of government and charitable organizations, to contribute to a State fund on a reimbursable basis for unemployment benefits actually paid out. Private sector employers typically must pay an unemployment tax in advance. The rationale for reimburser status is that governmental employers, like tribes and States, have a far more stable employment environment than that of the private sector, and that governmental revenue should not be committed to such purposes in advance of when the obligation to pay arises.

Let me be clear, this bill would ensure that tribes participate in the unemployment compensation system. Some now do not do so. Their participation would be on the same terms as other governments. Tribal government employers would pay for every dime that is paid out in benefits to workers they lay off. But the bill would clarify the law to ensure that tribal government employers do not pay more than what is paid, a "reimburser" status long accorded all other governmental employers and tax-exempt organization employers.

The bill I am introducing today would permanently resolve this matter across the Nation for every Indian tribal government. Unless this problem is resolved, many former tribal government employees will continue to be denied benefits by State unemployment funds and many tribal government employers will be charged at much higher rates than are all other governmental and tax-exempt employers. I believe tribal governments should be treated no differently than all other governments under our tax code, and that Indian and non-Indian workers who are separated from tribal governmental employment should be included within our Nation's comprehensive unemployment benefit system. This bill will go a long way toward ensuring mandatory participation by tribal governments on a fair and equitable basis in the Federal-State unemployment fund system. I can think of nothing more fair than the approach clarified in this bill. I urge my colleagues to support this legislation.

Mr. President, the Joint Committee on Taxation, through the Congressional Budget Office, estimates the cost of this bill to be minimal, about ten million dollars over a ten-year period. The cost to implement these provisions in the first few years will eventually be offset over the ten-year period, resulting in a negligible effect on the Federal treasury.

I ask unanimous consent that the text of the legislation, as well as a September 27, 1999 letter from the Joint Committee on Taxation providing the revenue estimate on this bill, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1726

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Tribal Government Unemployment Compensation Act Tax Relief Amendments of 1999".

SEC. 2. TREATMENT OF INDIAN TRIBAL GOVERNMENTS UNDER FEDERAL UNEMPLOYMENT TAX ACT.

(a) IN GENERAL.—Section 3306(c)(7) of the Internal Revenue Code of 1986 (defining employment) is amended—

(1) by inserting "or in the employ of an Indian tribe," after "service performed in the employ of a State, or any political subdivision thereof,"; and

(2) by inserting "or Indian tribes" after "wholly owned by one or more States or political subdivisions".

(b) PAYMENTS IN LIEU OF CONTRIBUTIONS.—Section 3309 of the Internal Revenue Code of 1986 (relating to State law coverage of services performed for nonprofit organizations or governmental entities) is amended—

(1) in subsection (a)(2), by inserting ", including an Indian tribe," after "the State law shall provide that a governmental entity";

(2) in subsection (b)(3)(B), by inserting ", or of an Indian tribe" after "of a State or political subdivision thereof";

(3) in subsection (b)(3)(E), by inserting "or the tribe's" after "the State"; and

(4) in subsection (b)(5) by inserting "or of an Indian tribe" after "an agency of a State or political subdivision thereof".

(c) STATE LAW COVERAGE.—Section 3309 of the Internal Revenue Code of 1986 (relating to State law coverage of services performed for nonprofit organizations or governmental entities) is amended by adding at the end the following:

"(d) ELECTION BY INDIAN TRIBE.—The State law shall provide that an Indian tribe may elect to make contributions for employment as if the employment is within the meaning of section 3306 or to make payments in lieu of contributions under this section, and shall provide that an Indian tribe may make separate elections for itself and each subdivision, subsidiary, or business enterprise chartered and wholly owned by such Indian tribe. State law may require an electing tribe to post a reasonable payment bond or take other reasonable measures to assure the making of payments in lieu of contributions under this section. An election under this subsection may not be made except by an Indian tribe within the meaning of section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).".

(d) DEFINITIONS.—Section 3306 of the Internal Revenue Code of 1986 (relating to definitions) is amended by adding at the end the following:

"(u) INDIAN TRIBE.—For purposes of this chapter, the term 'Indian tribe' has the meaning given to such term by section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), and includes any subdivision, subsidiary, or business enterprise chartered and wholly owned by such an Indian tribe.".

(e) TRANSITION RULE.—For purposes of the Federal Unemployment Tax Act, service performed in the employ of an Indian tribe (as defined in section 3306(u) of the Internal Revenue Code of 1986 (as added by this Act)) shall not be treated as employment (within the meaning of section 3306 of such Code) if—

(1) it is service which is performed before the date of enactment of this Act and with respect to which the tax imposed under the Federal Unemployment Tax Act has not been paid; and

(2) such Indian tribe reimburses a State unemployment fund for unemployment benefits paid for service attributable to such tribe for such period.

JOINT COMMITTEE ON TAXATION,
Washington, DC, September 27, 1999.

Hon. JOHN MCCAIN,
United States Senate,
Washington, DC.

DEAR SENATOR MCCAIN: This letter is in response to your request for an estimate of the revenue effects of the "Indian Tribal Government Unemployment Compensation Act Tax Relief Amendments of 1999."

The proposal would treat tribal governments like State governments for the purpose of defining their obligations under the Federal Unemployment Tax Act ("FUTA"). Specifically, tribal government employers would be exempt from the Federal unemployment tax and would be authorized to contribute to State unemployment funds on a reimbursement basis. The proposal is assumed to be effective for services performed on or after January 1, 2000.

Because the provision affects contributions to the FUTA trust fund, the Congressional Budget Office ("CBO") estimates its revenue effects. CBO estimates that the provision would have the following effects for Federal fiscal year budget receipts:

Fiscal years:	*Million*
2000	−$20
2001	−11
2002	−10
2003	−9
2004	36
2000–2004	−14
2000–2009	−10

I hope this information is helpful to you. Please let me know if we can be of further assistance in this matter.

Sincerely,

LINDY L. PAULL.

Mr. CAMPBELL. Mr. President, today I am pleased to be joining Senator MCCAIN in co-sponsoring the Indian Tribal Government Unemployment Compensation Act Tax Relief Amendments of 1999. If enacted, this legislation will modify the Federal Unemployment Tax Act of 1935 ("FUTA") to allow Indian tribal governments to receive the same unemployment compensation treatment as state and local governments.

FUTA imposes a tax on the wages paid by employers to their employees. From these tax proceeds, unemployment insurance and benefits for out-of-work citizens is provided. Under the bill introduced today, Indian tribal governments would be treated as state and local governments, and would be authorized to contribute to state unemployment funds on a reimbursable basis.

The Congressional Budget Office (CBO) estimated that this bill would have a minimal impact, $10 million over 10 years, on the Federal budget.

However, the impact that this amendment would have on Indian economic development is immeasurable. The development of strong tribal economies is fundamental for tribal self-sufficiency and self-determination.

Private enterprise is often reluctant to do business and hire Indian workers if legal, tax, and regulatory regimes they face are confusing or unfriendly. This legislation would eliminate any confusion over the applicability of the FUTA tax and would create a level playing field for tribal governments and enhance their ability to attract and retain the best skilled employees.

By providing equitable FUTA treatment to tribal government employers, this legislation will assist in the long-term growth and stability of tribal economies.

I urge my colleagues to join Senator MCCAIN and I in supporting this important legislation.

By Mr. DOMENICI:

S. 1727. A bill to authorize funding for the expansion annex of the historic Palace of the Governors, a public history museum located, and relating to the history of Hispanic and Native American culture, in the Southwest and for other purposes; to the Committee on Energy and Natural Resources.

THE PALACE OF THE GOVERNORS EXPANSION ACT

Mr. DOMENICI. Mr. President, in conjunction with Hispanic Heritage Month I am introducing the Palace of the Governors Expansion Act. The Palace is a symbol of Hispanic influence in the United States and truly shows the coming together of many cultures in the New World—the various Native American, Hispanic and Anglo peoples who have lived in the region for over four centuries.

It is appropriate that during Hispanic Heritage Month that a bill should be introduced to preserve a priceless collection of Spanish Colonial, Iberian Colonial paintings, artifacts, maps, books, guns, costumes, photographs. The collection includes such historically unique items as the helmets and armor worn by the Don Juan Onate expedition conquistadors who established the first capital in the United States, San Juan de los Caballeros, in July of 1598. It includes the Vara Stick, a type of yardstick used to measure land grants and other real property boundaries in Dona Ana County, New Mexico.

We have all heard of Geronimo. The Collection includes a rifle dropped by one of his men during a raid in the Black Range area of Western New Mexico.

We have all heard of Pancho Villa. His activities in the Southwest come alive when viewing some of the artifacts included in the Palace of the Governors Collection. The Columbus, New Mexico Railway Station clock was shot in the pendulum, freezing for all history the moment that Pancho Villa's raid and invasion began. It is part of the collection, but you wouldn't know it because there is no room to display it.

Brigadier General Stephen Watts Kearny was posted to New Mexico during the Mexican War. He commanded the Army of the West as they traveled from the Santa Fe trail to occupy the territories of New Mexico and California. As Kearny travelled, he carried a field desk which he used to write letters, diaries, orders and other historical documents. It is part of the collection, but you can't see it because there is no display space for it in the Palace of the Governors.

Many of us have read books by D. H. Lawrence, but none of us have seen the note from his mother that is part of the collection.

There are more than 800,000 other historic photographs, guns, costumes, maps, books and handicrafts.

Today, where are these treasures that Teddy Roosevelt wanted to make part of the Smithsonian housed now?

Where is this collection that has been designated as National Treasures by the National Trust for Historic preservation kept?

In the basement of a 400 year old building.

It is a national travesty.

This legislation would right this wrong by authorizing funds for a Palace of the Governors Expansion Annex. The entire project will cost $32 million. The legislation authorizes a $15 million federal grant if the Museum can match the grant on a 50–50 basis.

The Palace of the Governors has acquired a half block right behind the current Palace. Obtaining this valuable real estate is evidence of the ingenuity and commitment of those involved in preserving the collection. Real estate near Santa Fe's plaza is seldom for sale at any price, much less an affordable price.

Palace of the Governors has been the center of administrative and cultural activity over a vast region in the Southwest since its construction as New Mexico's second capitol in Santa Fe by Governor Pedro de Peralta in 1610. The building is the oldest continuously occupied public building in the United States. Since its creation, the Museum of New Mexico has worked to protect and promote Hispanic, Southwest and Native American arts and crafts.

I hope my colleagues will join me in supporting this important legislation saving this important collection. I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1727

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1.

(a) SHORT TITLE.—This act may be cited as Palace of the Governors Expansion Act.

SEC. 2. CONSTRUCTION OF PALACE OF THE GOVERNORS EXPANSION.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States has an enriched legacy of Hispanic influence in politics, government, economic development and cultural expression.

(2) The Palace of the Governors has been the center of administrative and cultural activity over a vast region of the Southwest since its construction as New Mexico's second capitol in Santa Fe by Governor Pedro de Peralta in 1610.

(3) The Palace of the Governors is the oldest continuously occupied public building in the United States and has been occupied for 390 years.

(4) Since its creation the Museum of New Mexico has worked to protect and promote Southwest, Hispanic and Native American arts and crafts.

(5) The Palace of the Governors is the history division of the Museum of New Mexico and was once proposed by Teddy Roosevelt to be part of the Smithsonian Museum and known as the "Smithsonian West."

(6) The Museum has an extensive and priceless collection of:

(A) Spanish Colonial and Iberian Colonial paintings including the Sagesser Hyde paintings on buffalo hide dating back to 1706,

(B) Pre-Columbian Art,

(C) Historic artifacts including:

(i) helmets and armor worn by the Don Juan Onate expedition conquistadors who established the first capital in the United States, San Juan de los Caballeros, in July of 1598.

(ii) The Vara Stick used to measure land grants and other real property boundaries in Dona Ana County, New Mexico.

(iii) The Columbus, New Mexico Railway Station clock that was shot, stopping the pendulum, freezing for all history the moment when Pancho Villa's raid began. It marks the beginning of the last invasion of the continental United States.

(iv) the field desk of Brigadier General Stephen Watts Kearny who was posted to New Mexico during the Mexican War and whose Army of the West traveled the Santa Fe trail to occupy the territories of New Mexico and California.

(v) more than 800,000 other historic photographs, guns, costumes, maps, books and handicrafts.

(7) The Palace of the Governors and the Sagesser Hyde paintings were designated Natural Treasures by the National Trust for Historic Preservation.

(8) The facilities both for exhibiting and storage of this irreplaceable collection are so totally inadequate and dangerously unsuitable that their existence is endangered and their preservation is in jeopardy.

(b) DEFINITIONS.—In this section:

(1) ANNEX.—The term "Annex" means the Palace of the Governors, Museum of New Mexico addition to be located directly behind the historic Palace of the Governors building at 110 Lincoln Avenue, Santa Fe, New Mexico..

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(c) CONSTRUCTION OF THE ANNEX.—Subject to the availability of appropriations, the Secretary shall award a grant to New Mexico to pay for the Federal share of the costs of the final design, construction, furnishing and equipping of the Palace of the Governors Expansion Annex that will be located directly behind the historic Palace of the Governors at 110 Lincoln Avenue, Santa Fe, New Mexico.

(d) GRANT REQUIREMENTS.—(1) IN GENERAL.—In order to receive a grant awarded under subsection (c), New Mexico, acting through the Office of Cultural Affairs—

(A) shall submit to the Secretary, within 30 days of the date of enactment of this section, a copy of the architectural blueprints for the Palace of the Governors Expansion Annex.

(B) shall exercise due diligence to obtain an appropriation from the New Mexico State Legislature for at least $8 million.

(C) shall exercise due diligence to expeditiously execute a memorandum of understanding recognizing that time is of the essence for the construction for the Annex because 2010 marks the 400th anniversary of the continuous occupation and use of the Palace of the Governors.

(2) MEMORANDUM OF UNDERSTANDING.—The memorandum of understanding described in paragraph (1) shall provide—

(A) the date of completion of the construction of the Annex.

(B) that Office of Cultural Affairs shall award the contract for construction of the Annex in accordance with the New Mexico Procurement Code; and

(C) that the contract for the construction of the Annex—

(i) shall be awarded pursuant to a competitive bidding process.

(3) FEDERAL SHARE.—The Federal share of the costs described in subsection (c) shall be 50 percent.

(4) NON-FEDERAL SHARE.—The non-Federal share of the costs described in section (c) shall be in cash or in kind fairly evaluated, including land, art and artifact collections, plant, equipment, or services. The non-Federal share shall include any contribution received by New Mexico for the design, land acquisition, library acquisition, library renovation, Palace of the Governors conservation, and construction, furnishing, equipping of the Annex, or donations of art collections to the Museum of New Mexico prior to the date of enactment of this section. The non-Federal share of the costs described in subsection (c) shall include the following:

(A) cost of the land at 110 Lincoln Avenue, Sante Fe, New Mexico,

(B) Library acquisition expenditures,

(C) Library renovation expenditures,

(D) Palace conservation expenditures,

(E) New Mexico Foundation and other endowments funds,

(F) Donations of art collections or other artifacts.

(e) USE OF FUNDS FOR CONSTRUCTION.—FURNISHING AND EQUIPMENT.—Subject to funds being appropriated, the funds received under a grant awarded under subsection (c) shall be used only for the final design, construction, management, inspection, furnishing and equipment of the Annex.

(f) AUTHORIZATION OF APPROPRIATIONS.—Subject to funds being appropriated, there is authorized to be appropriated to the Secretary to carry out this section a total of $15,000,000 for fiscal year 2001 and succeeding fiscal years. Funds appropriated pursuant to the authority of the preceding sentence shall remain available until expended but are conditioned upon the New Mexico State legislature appropriating at least $8 million between date of enactment and 2010 and other non-federal sources providing enough funds, when combined with the New Mexico State legislature appropriations, to make this federal grant based on a fifty-fifty match.

By Mr. VOINOVICH (for himself and Mr. DEWINE):

S. 1728. A bill to amend title XIX of the Social Security Act to remove the limit on amount of medicaid disproportionate share hospital payment for hospitals in Ohio; to the Committee on Finance.

MEDICAID HOSPITAL PAYMENT FOR HOSPITALS IN OHIO

Mr. VOINOVICH. Mr. President, I rise today with my good friend and colleague from Ohio, Senator MIKE DEWINE, to introduce legislation that will remove the limit on the amount of federal Medicaid disproportionate share (DSH) payments for hospitals in Ohio. In 1993, Congress passed the Omnibus Budget Reconciliation Act (OBRA) in an effort to curb the rate of growth of federal Medicaid DSH spending to hospitals. Section 1923(g) of that bill placed maximum payment caps on hospitals. Subsequently, Congress passed the Balanced Budget Act (BBA) in 1997, in which Section 1923(f) placed funding caps on states. With the implementation of the aggregate state DSH spending limits, hospital-specific caps are no longer needed to assure the financial integrity of the program.

I have often spoken on the floor of the Senate in support of federalism. When the federal government makes overly prescriptive laws and regulations, it can erode the ability of state governments to protect consumers, promote economic development, and generate the revenue streams that fund education, public safety, infrastructure and other vital services. This is especially true in the case of Medicaid. Hospitals that provide care to indigent patients provide an invaluable service to their communities, often at great expense. DSH payments are intended to help reimburse those expenses. Congress should allow individual states to administer their DSH program in a way that provides the most funding for the most hospitals as possible. Without such leeway, we are imposing what is effectively an unfunded mandate on the private sector—telling these hospitals to treat Medicaid and uninsured patients without helping them pay for it. This is not good policy.

This legislation is federalism at its best. Section 1923(g) fails to recognize that each state implements its DSH program differently, and thus fails to recognize that the hospital-specific caps adversely affect Ohio hospitals. This legislation is budget neutral, yet it gives my state the flexibility to implement the Medicaid DSH program in the fairest and most equitable manner.

Under Ohio's DSH program, the Hospital Care Assurance Program (HCAP), all necessary hospital services are provided free of charge to persons below the federal poverty line. Generally, under HCAP, hospitals are taxed and those funds are used as the state's share to draw matching federal Medicaid DSH funds. The total pool is then distributed back to hospitals based on the level of each hospital's indigent care. Ideally, the DSH dollars should follow the indigent patients. However, partly because of the hospital-specific caps that were enacted in 1993, there are many HCAP hospitals that are reimbursed far less than the amount that would actually cover their indigent care expenses. The bill will give Ohio the ability to implement a new formula to correct this inequity within Ohio's overall spending limit.

Mr. President, Ohio deserves the authority to make health care decisions that are in the best interest of her citizens and their local hospitals. Ohio is not seeking additional federal dollars, merely the flexibility to allocate reimbursement funds under the DSH program where the funds are needed most. I urge passage of this legislation that will give relief to our hospitals and allow them to continue to provide quality care to each and every citizen in my state.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1728

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REMOVAL OF LIMIT ON AMOUNT OF MEDICAID DISPROPORTIONATE SHARE HOSPITAL PAYMENT FOR HOSPITALS IN OHIO.

(a) IN GENERAL.—Section 1923(g)(1) of the Social Security Act (42 U.S.C. 1396r-4(g)(1)) is amended—

(1) in subparagraph (A), by striking "A" and inserting "Except as provided in subparagraph (D), a"; and

(2) by adding at the end the following new subparagraph:

"(D) EXCEPTION.—The limitations in subparagraphs (A) and (C) shall not apply to payments made to hospitals (other than institutions for mental diseases or other mental health facilities) located in Ohio.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to payments and payment adjustments made to hospitals on or after July 1, 1999.

By Mr. CAMPBELL (for himself and Mr. ALLARD):

S. 1729. A bill to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails, and for other purposes; to the Committee on Energy and Natural Resources.

THE NATIONAL TRAILS-WILLING SELLER LEGISLATION

Mr. CAMPBELL. Mr. President, today I am introducing legislation to amend the National Trails System Act to clarify federal authority relating to land acquisition from willing sellers. This bill is the companion to Congressman SCOTT MCINNIS' legislation. Congressman MCINNIS has been an advocate for this legislation for many years.

There are 20 trails in the national scenic and historic trail system. These trails are among some of the most beautiful areas in the United States and are deserving of preservation. This bill will enable the federal government to help conserve the special resources of all of these congressionally designated trails, enabling everyone to enjoy the benefit of these trails today and for future generations of Americans tomorrow.

This legislation does not appropriate any money, it only provides the federal government the authority to acquire lands from willing sellers. Once willing sellers are identified, Congress then appropriates the money so that the land can be purchased. It also will help to address the increasing development pressures that threaten the long-range continuity of the National Trails System.

Currently, the federal government only has authority to buy land along 11 of the 20 national scenic and historic trails. This bill gives authority to buy land from willing sellers along the other nine trails to ensure that the entire trail can be preserved.

There are many unique and special historic sites along the nine affected scenic and historic trails. These sites have been voluntarily protected for several generations by responsible individual families. These families should have the right to sell these irreplaceable places of our nation's heritage to the federal government to continue their protection when and if they choose to do so.

This legislation is a vehicle to help preserve part of our natural heritage. I urge my colleagues to support passage of this bill. I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1729

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Trails Willing Seller Act of 1999".

SEC. 2. FINDINGS.

Congress finds that—

(1) despite commendable efforts by the State governments (including political subdivisions) and private volunteer trail groups to develop, operate, and maintain the national scenic and national historic trails, the rate of progress toward developing and completing the trails is slower than anticipated;

(2) Congress authorized several national scenic and historic trails between 1978 and 1986, with restrictions excluding Federal authority for land acquisition;

(3) to develop and complete the authorized trails as intended by Congress, acquisition authority to secure necessary rights-of-way and historic sites and segments specifically

excluding condemnation authority should be extended to the head of each Federal agency administering a trail;

(4) to address the problems involving multijurisdictional authority over the national trails system, the head of each Federal agency with jurisdiction over an individual trail—

(A) should cooperate with appropriate officials of States (including political subdivisions) and private persons with an interest in the trails to complete the development of the trails; and

(B) should be granted sufficient authority to purchase land from willing sellers that is critical to the completion of the trails; and

(5) land or interests in land for the authorized components of the National Trails System affected by this Act should only be acquired by the Federal Government only from willing sellers.

SEC. 3. ACQUISITION OF TRAILS FROM WILLING SELLERS.

(a) Acquisition Authority.—Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended—

(1) in the fourth sentence of paragraph (11)—

(A) by striking “No lands or interest therein outside the exterior” and inserting “No land or interest in land outside of the exterior”; and

(B) by inserting before the period the following: “without the consent of the owner of the land or interest”; and

(2) in the fourth sentence of paragraph (14)—

(A) by striking “No lands or interests therein outside the exterior” and inserting “No land or interest in land outside of the exterior”; and

(B) by inserting before the period the following: “without the consent of the owner of the land or interest”.

(b) Expenditure of Funds.—Section 10(c) of the National Trails System Act (16 U.S.C. 1249(c)) is amended by striking subsection (c) and all that follows through the end of paragraph (1) and inserting the following:

“(c) Expenditure of Funds.—

“(1) Trails.—

“(A) In general.—Notwithstanding any other provision of law (including any other provision of this Act), except as provided in subparagraph (B), no funds may be expended by the Federal Government for the acquisition of any land or interest in land outside of the exterior boundaries of Federal land that, on the date of enactment of this subparagraph, comprises—

“(i) the Continental Divide National Scenic Trail;

“(ii) the North Country National Scenic Trail;

“(iii) the Ice Age National Scenic Trail;

“(iv) the Oregon National Historic Trail;

“(v) the Mormon Pioneer National Historic Trail;

“(vi) the Lewis and Clark National Historic Trail; and

“(vii) the Iditarod National Historic Trail.

“(B) Consent of landowner.—The Federal Government may acquire land or an interest in land outside the exterior boundary of Federal land described in subparagraph (A) with the consent of the owner of the land or interest.

“(2) Failure to make payment.—If the Federal Government fails to make payment in accordance with a contract for sale of land or an interest in land under this subsection, the seller may use all remedies available under all applicable law, including electing to void the sale.”.

By Mr. BREAUX (for himself, Mr. Jeffords, Mr. Grassley, Mr. Kerrey, and Mr. Hatch):

S. 1732. A bill to amend the Internal Revenue Code of 1986 to prohibit certain allocations of S corporation stock held by an employee stock ownership plan; to the Committee on Finance.

PROHIBITED ALLOCATIONS OF S CORPORATIONS STOCK HELD BY AN ESOP

• Mr. BREAUX. Mr. President, I ask that the text of the bill be printed in the Record.

The bill follows:

S. 1732

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROHIBITED ALLOCATIONS OF S CORPORATIONS STOCK HELD BY AN ESOP.

(a) In General.—Section 409 of the Internal Revenue Code of 1986 (relating to qualifications for tax credit employee stock ownership plans) is amended by redesignating subsection (p) as subsection (q) and by inserting after subsection (o) the following new subsection:

“(p) Prohibited Allocations of Securities in an S Corporation.—

“(1) In general.—An employee stock ownership plan holding employer securities consisting of stock in an S corporation shall provide that no portion of the assets of the plan attributable to (or allocable in lieu of) such employer securities may, during a nonallocation year, accrue (or be allocated directly or indirectly under any plan of the employer meeting the requirements of section 401(a)) for the benefit of any disqualified person.

“(2) Failure to meet requirements.—

“(A) In general.—If a plan fails to meet the requirements of paragraph (1), the plan shall be treated as having distributed to any disqualified person the amount allocated to the account of such person in violation of paragraph (1) at the time of such allocation.

“(B) Cross reference.—

“For excise tax relating to violations of paragraph (1) and ownership of synthetic equity, see section 4979A.

“(3) Nonallocation year.—For purposes of this subsection—

“(A) In general.—The term ‘nonallocation year’ means any plan year of an employee stock ownership plan if, at any time during such plan year—

“(i) such plan holds employer securities consisting of stock in an S corporation, and

“(ii) disqualified persons own at least 50 percent of the number of shares of stock in the S corporation.

“(B) Attribution rules.—For purposes of subparagraph (A)—

“(i) In general.—The rules of section 318(a) shall apply for purposes of determining ownership, except that—

“(I) in applying paragraph (1) thereof, the members of an individual's family shall include members of the family described in paragraph (4)(D), and

“(II) paragraph (4) thereof shall not apply.

“(ii) Deemed-owned shares.—Notwithstanding the employee trust exception in section 318(a)(2)(B)(i), for purposes of determining whether an individual is a disqualified person, such individual shall be treated as owning deemed-owned shares.

“(4) Disqualified person.—For purposes of this subsection—

“(A) In general.—The term ‘disqualified person’ means any person if—

“(i) the aggregate number of deemed-owned shares of such person and the members of such person's family is at least 20 percent of the number of deemed-owned shares of stock in the S corporation, or

“(ii) in the case of a person not described in clause (i), the number of deemed-owned shares of such person is at least 10 percent of the number of deemed-owned shares of stock in such corporation.

“(B) Treatment of family members.—In the case of a disqualified person described in subparagraph (A)(i), any member of such person's family with deemed-owned shares shall be treated as a disqualified person if not otherwise treated as a disqualified person under subparagraph (A).

“(C) Deemed-owned shares.—For purposes of this paragraph—

“(i) In general.—The term ‘deemed-owned shares’ means, with respect to any person—

“(I) the stock in the S corporation constituting employer securities of an employee stock ownership plan which is allocated to such person under the plan, and

“(II) such person's share of the stock in such corporation which is held by such plan but which is not allocated under the plan to participants.

“(ii) Person's share of unallocated stock.—For purposes of clause (i)(II), a person's share of unallocated S corporation stock held by such plan is the amount of the unallocated stock which would be allocated to such person if the unallocated stock were allocated to all participants in the same proportions as the most recent stock allocation under the plan.

“(D) Member of family.—For purposes of this paragraph, the term ‘member of the family’ means, with respect to any individual—

“(i) the spouse of the individual,

“(ii) an ancestor or lineal descendant of the individual or the individual's spouse,

“(iii) a brother or sister of the individual or the individual's spouse and any lineal descendant of the brother or sister, and

“(iv) the spouse of any individual described in clause (ii) or (iii).

A spouse of an individual who is legally separated from such individual under a decree of divorce or separate maintenance shall not be treated as such individual's spouse for purposes of this subparagraph.

“(5) Treatment of synthetic equity.—For purposes of paragraphs (3) and (4), in the case of a person who owns synthetic equity in the S corporation, except to the extent provided in regulations, the shares of stock in such corporation on which such synthetic equity is based shall be treated as outstanding stock in such corporation and deemed-owned shares of such person if such treatment of synthetic equity of 1 or more such persons results in—

“(A) the treatment of any person as a disqualified person, or

“(B) the treatment of any year as a nonallocation year.

For purposes of this paragraph, synthetic equity shall be treated as owned by a person in the same manner as stock is treated as owned by a person under the rules of paragraphs (2) and (3) of section 318(a).

“(6) Definitions.—For purposes of this subsection—

“(A) Employee stock ownership plan.—The term ‘employee stock ownership plan’ has the meaning given such term by section 4975(e)(7).

“(B) Employer securities.—The term ‘employer security’ has the meaning given such term by section 409(l).

"(C) SYNTHETIC EQUITY.—The term 'synthetic equity' means any stock option, warrant, restricted stock, deferred issuance stock right, or similar interest or right that gives the holder the right to acquire or receive stock of the S corporation in the future. Except to the extent provided in regulations, synthetic equity also includes a stock appreciation right, phantom stock unit, or similar right to a future cash payment based on the value of such stock or appreciation in such value.

"(7) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this subsection."

(b) COORDINATION WITH SECTION 4975(e)(7).—The last sentence of section 4975(e)(7) of such Code (defining employee stock ownership plan) is amended by inserting ", section 409(p)," after "409(n)".

(c) EXCISE TAX.—

(1) APPLICATION OF TAX.—Subsection (a) of section 4979A of such Code (relating to tax on certain prohibited allocations of employer securities) is amended—

(A) by striking "or" at the end of paragraph (1),

(B) by striking the period at the end of paragraph (2) and inserting a comma, and

(C) by striking all that follows paragraph (2) and inserting the following:

"(3) there is any allocation of employer securities which violates the provisions of section 409(p), or

"(4) any synthetic equity is owned by a disqualified person in any nonallocation year,

there is hereby imposed a tax on such allocation or ownership equal to 50 percent of the amount involved."

(2) LIABILITY.—Section 4979A(c) of such Code (defining liability for tax) is amended to read as follows:

"(c) LIABILITY FOR TAX.—The tax imposed by this section shall be paid—

"(1) in the case of an allocation referred to in paragraph (1) or (2) of subsection (a), by—

"(A) the employer sponsoring such plan, or

"(B) the eligible worker-owned cooperative,

which made the written statement described in section 664(g)(1)(E) or in section 1042(b)(3)(B) (as the case may be), and

"(2) in the case of an allocation or ownership referred to in paragraph (3) or (4) of subsection (a), by the S corporation the stock in which was so allocated or owned."

(3) DEFINITIONS.—Section 4979A(e) of such Code (relating to definitions) is amended to read as follows:

"(e) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) DEFINITIONS.—Except as provided in paragraph (2), terms used in this section have the same respective meanings as when used in sections 409 and 4978.

"(2) SPECIAL RULES RELATING TO TAX IMPOSED BY REASON OF PARAGRAPH (3) OR (4) OF SUBSECTION (a).—

"(A) PROHIBITED ALLOCATIONS.—The amount involved with respect to any tax imposed by reason of subsection (a)(3) is the amount allocated to the account of any person in violation of section 408(p)(1).

"(B) SYNTHETIC EQUITY.—The amount involved with respect to any tax imposed by reason of subsection (a)(4) is the value of the shares on which the synthetic equity is based.

"(C) SPECIAL RULE FOR PROHIBITED ALLOCATION DURING FIRST NONALLOCATION YEAR.—For purposes of subparagraph (A), the amount involved for the first nonallocation year of any employee stock ownership plan shall be determined by taking into account the total value of all the deemed-owned shares of all disqualified persons with respect to such plan.

"(D) STATUTE OF LIMITATIONS.—The statutory period for the assessment of any tax imposed by this section by reason of paragraph (3) or (4) of subsection (a) shall not expire before the date which is 3 years from the later of—

"(i) the allocation or ownership referred to in such paragraph giving rise to such tax, or

"(ii) the date on which the Secretary is notified of such allocation or ownership."

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to plan years beginning after December 31, 2000.

(2) EXCEPTION FOR CERTAIN PLANS.—In the case of any—

(A) employee stock ownership plan established after July 14, 1999, or

(B) employee stock ownership plan established on or before such date if employer securities held by the plan consist of stock in a corporation with respect to which an election under section 1362(a) of the Internal Revenue Code of 1986 is not in effect on such date,

the amendments made by this section shall apply to plan years ending after July 14, 1999.●

By Mr. FITZGERALD (for himself, Mr. LEAHY, Mr. LUGAR, Mr. HARKIN, and Mr. CRAIG):

S. 1733. A bill to amend the Food Stamp Act of 1977 to provide for a national standard of interoperability and portability applicable to electronic food stamp benefit transactions; to the Committee on Agriculture, Nutrition, and Forestry.

THE ELECTRONIC BENEFIT TRANSFER INTEROPERABILITY AND PORTABILITY ACT OF 1999

Mr. FITZGERALD. Mr. President, I rise today with my Colleagues to introduce the Electronic Benefit Transfer Interoperability and Portability Act of 1999. This legislation addresses the problem of food stamp beneficiaries being unable to redeem their benefits in authorized stores that may be located outside their state of residence.

As you may know, Congress passed legislation in 1996 that required the federal government to deliver food stamp benefits electronically, rather than using the paper coupons. Most states have started the process of issuing plastic cards, very similar to ATM cards to access these benefits. The federal government termed this new process, electronic benefits transfer (EBT).

You may have noticed a separate button on the payment terminal in your local supermarket with the designation "EBT" or a separate standalone payment terminal to handle these new transactions.

More than half of the country has already switched from the paper coupons to this new EBT card. However, one significant issue is causing problems in the program for retailers, states and recipients. That issue is the inability for recipients to use their state-issued cards across state lines. This is especially true in communities that are near a state border.

Under the old paper system, recipients could use the coupons in any state in the country. Under the new electronic system, that is currently not the case. Customers go into a food store expecting to use their federal benefits to purchase food and when they cannot use their EBT cards, they become frustrated and dissatisfied with the food stamp program.

For example, under the old system, a food stamp recipient living in Palmyra, MO could use their food stamp coupons in their favorite grocery store in Quincy, IL just over the Illinois border. Similarly, a recipient living in Illinois could visit family in Tennessee and still purchase food for their children. Food stamp beneficiaries are not unlike the average shopper. Cross border shopping occurs for a variety of reasons. One reason is convenience; another equally important one is the cost of groceries. The supermarket industry is very competitive. Customers paying with every type of tender except EBT have the ability to shop around for the best prices. Shouldn't recipients of our nation's federal food assistance benefits be able to stretch their dollars without regard to state borders?

Another reason is convenience. While one of my constituents may live in the metro east area, they might work in St. Louis. Under the current situation, if the only grocery store between their work and their home is in Missouri, the recipient cannot purchase food without traveling out of their way.

The legislation I am introducing today would once again, provide for the portability of food assistance benefits and allow food stamp recipients the flexibility of shopping at locations that they choose.

Interoperability works well today with ATM/Debit cards, the type of cards that EBT was modeled after. Consumers and merchants are confident that when a MAC card issued by a bank in Pittsburgh is presented, authorization and settlement of that transaction will work the same as when a Star card, issued by Bank of America in California is presented. This occurs regardless of where the merchant is located.

Unfortunately, this is currently not the case with EBT cards. If every state operated their EBT program under a standard set of operating rules as this legislation requires, companies operating in multiple states could be more efficient, resolve any discrepancies in customer accounts more quickly and ultimately hold down the price of groceries for all consumers.

This legislation I am introducing is very straightforward. Specifically, the legislation:

Requires interoperability by October 1, 2002, with a few exceptions needing a waiver;

Requires USDA to "adopt" the national standard used by the majority of the States;

Requires USDA to pay for all interoperability costs (currently estimated by Benton International to be no more than a maximum of $500,000 annually when all states are on EBT systems or $160,000 for the current year), significantly less than the $20 million USDA pays annually to the Federal Reserve to redeem coupons;

Requires contracts entered into after the date when the national standard is adopted to use the standard, and for USDA to pay the interoperability costs;

Includes transitional funding for states currently using a national standard. Upon enactment, FNS will pay 100 percent of the costs of interoperability fees for current states using a national standard (While the interoperability pilot sponsored by NACHA is due to expire in September, this would allow those states and beneficiaries in states participating in the pilot to continue to have interoperable transactions beyond the pilot period without interruption.);

Requires current contracts that are not using the national standard to convert at the point of a new contract;

Includes a waiver process for current states with significant technological challenges to provide time to convert to the national standard (This is intended to cover current smart card states).

This legislation is more about good government than it is about food stamps. Since 1996, the transition from paper coupons to electronic benefit transfer has saved the federal government a significant amount of money. For example, while the food stamp caseload decreased 24 percent from fiscal year 1995 to 1998, food stamp production and redemption costs dropped by an impressive 39 percent. While it is estimated that the bill's implementation will cost the federal government no more than $500,000 annually, it will save at least $20 million per year when paper coupons are a thing of the past.

This legislation is sound public policy that enjoys bipartisan support. I thank my Colleagues, Senators LEAHY, LUGAR, HARKIN and CRAIG, for joining me as co-sponsors of this bill. I would stress to my fellow Senators that this legislation is vitally important to every food stamp recipient, every state food stamp program administrator and every grocery store nationwide. I ask each of you to join me as co-sponsors of this important legislation.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1733

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Electronic Benefit Transfer Interoperabilty and Portability Act of 1999".

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to protect the integrity of the food stamp program;

(2) to ensure cost-effective portability of food stamp benefits across State borders without imposing additional administrative expenses for special equipment to address problems relating to the portability;

(3) to enhance the flow of interstate commerce involving electronic transactions involving food stamp benefits under a uniform national standard of interoperability and portability; and

(4) to eliminate the inefficiencies resulting from a patchwork of State-administered systems and regulations established to carry out the food stamp program

SEC. 3. INTEROPERABILTY AND PORTABILITY OF FOOD STAMP TRANSACTIONS.

Section 7 of the Food Stamp Act of 1977 (7 U.S.C. 2016) is amended by adding at the end the following:

"(k) INTEROPERABILTY AND PORTABILITY OF ELECTRONIC BENEFIT TRANSFER TRANSACTIONS.—

"(1) DEFINITIONS.—In this subsection:

"(A) ELECTRONIC BENEFIT TRANSFER CARD.—The term 'electronic benefit transfer card' means a card that provides benefits under this Act through an electronic benefit transfer service (as defined in subsection (i)(11)(A)).

"(B) ELECTRONIC BENEFIT TRANSFER CONTRACT.—The term 'electronic benefit transfer contract' means a contract that provides for the issuance, use, or redemption of coupons in the form of electronic benefit transfer cards.

"(C) INTEROPERABILTY.—The term 'interoperability' means a system that enables a coupon issued in the form of an electronic benefit transfer card to be redeemed in any State.

"(D) INTERSTATE TRANSACTION.—The term 'interstate transaction' means a transaction that is initiated in 1 State by the use of an electronic benefit transfer card that is issued in another State.

"(E) PORTABILITY.—The term 'portability' means a system that enables a coupon issued in the form of an electronic benefit transfer card to be used in any State by a household to purchase food at a retail food store or wholesale food concern approved under this Act.

"(F) SETTLING.—The term 'settling' means movement, and reporting such movement, of funds from an electronic benefit transfer card issuer that is located in 1 State to a retail food store, or wholesale food concern, that is located in another State, to accomplish an interstate transaction.

"(G) SMART CARD.—The term 'smart card' means an intelligent benefit card described in section 17(f).

"(H) SWITCHING.—The term 'switching' means the routing of an interstate transaction that consists of transmitting the details of a transaction electronically recorded through the use of an electronic benefit transfer card in 1 State to the issuer of the card that is in another State.

"(2) REQUIREMENT.—Not later than October 1, 2002, the Secretary shall ensure that systems that provide for the electronic issuance, use, and redemption of coupons in the form of electronic benefit transfer cards are interoperable, and food stamp benefits are portable, among all States.

"(3) COST.—The cost of achieving the interoperability and portability required under paragraph (2) shall not be imposed on any food stamp retail store, or any wholesale food concern, approved to participate in the food stamp program.

"(4) STANDARDS.—Not later than 120 days after the date of enactment of this subsection, the Secretary shall promulgate regulations that—

"(A) adopt a uniform national standard of interoperability and portability required under paragraph (2) that is based on the standard of interoperability and portability used by a majority of State agencies.

"(B) require that any electronic benefit transfer contract that is entered into 30 days or more after the regulations are promulgated, by or on behalf of a State agency, provide for the interoperability and portability required under paragraph (2) in accordance with the national standard.

"(5) EXEMPTIONS—

"(A) WAIVER.—At the request of a State agency, the Secretary may provide 1 waiver to temporarily exempt, for a period ending on or before the date specified under clause (iii), the State agency from complying with the requirements of paragraph (2), if the State agency—

"(i) establishes to the satisfaction of the Secretary that the State agency faces unusual technological barriers to achieving by October 1, 2002, the interoperability and portability required under paragraph (2);

"(ii) demonstrates that the best interest of food stamp benefit households and of the food stamp program would be served by granting the waiver with respect to the electronic benefit transfer system used by the State agency to administer the food stamp program; and

"(iii) specifies a date by which the State agency will achieve the interoperability and portability required under paragraph (2).

"(B) SMART CARD SYSTEMS.—The Secretary shall allow a State agency that is using smart cards for the delivery of food stamp program benefits to comply with the requirements of paragraph (2) at such time after October 1, 2002, as the Secretary determines that a practicable technological method is available for interoperability with electronic benefit transfer cards.

"(6) FUNDING.—

"(A) IN GENERAL.—In accordance with regulations promulgated by the Secretary, the Secretary shall pay 100 percent of the costs incurred by a State agency under this Act for switching and settling interstate transactions—

"(i) incurred after the date of enactment of this subsection and before October 1, 2002, if the State agency uses the standard of interoperability and portability adopted by a majority of State agencies; and

"(ii) incurred after September 30, 2002, if the State agency uses the uniform national standard of interoperability and portability adopted under paragraph (4)(A).

"(B) LIMITATION.—The total amount paid to State agencies for each fiscal year under subparagraph (A) shall not exceed $500,000.".

SEC. 4. STUDY OF ALTERNATIVES FOR HANDLING ELECTRONIC BENEFIT TRANSACTIONS INVOLVING FOOD STAMP BENEFITS.

Not later than 1 year after the date of enactment of this Act, the Secretary of Agriculture shall study and report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate on alternatives for handling interstate electronic benefit transactions involving food stamp benefits provided under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), including the feasibility and desirability of a single hub for switching (as defined in section 7(k)(1) of that Act (as added by section 3)).

Mr. LEAHY. Mr. President, I am proud to join Senator FITZGERALD in cosponsoring the Electronic Benefit Interoperability and Portability Act of 1999.

The Food Stamp Program has been critical to diminishing hunger and improving nutrition and health throughout our country. As the country's largest source of food aid, approximately 18 million people—half of which are children—receive food stamp benefits every month. In my home State of Vermont, more than 20,000 households depend on food stamps to help feed their families.

In an effort to strengthen and streamline the Food Stamp Program, three years ago Congress mandated that every State switch to an Electronic Benefits Transfer system for distributing food stamp benefits. Operating like ATM or credit card machines at cash registers, EBT streamlines food stamps by eliminating the cumbersome paper system.

The implementation of the EBT system was left up to the States, and nearly 40 States currently have switched to this new system. EBT has already demonstrated itself to be a more efficient system for distributing food stamp benefits, and it promises to help reduce food stamp fraud.

However, three years into the implementation of EBT, a problem has arisen—some State EBT systems do not match up with neighboring State EBT systems, leaving residents of border communities unable to utilize their food stamp benefits across State lines. This Federal benefit program has always been recognized and redeemable in every State, irrespective of where the actual food stamps were issued.

For some of our more rural States, the inability to access food stamp benefits across State lines could mean the difference between traveling a few miles to a grocery store in the next State to traveling an hour or more to the closest grocery store in one's home State. Clearly, this creates quite a burden.

The bill which we are introducing today would correct this oversight by requiring the U.S. Department of Agriculture to adopt a national EBT standard, and requiring that all States be EBT interoperable by 2002.

Vermont Commissioner of Social Welfare Jane Kitchel has voiced her support for this bill, as has the New England Convenience Store Association.

Mr. President, I would like to thank Senator FITZGERALD for all of his work on this issue. I believe that this bill will help make the Food Stamp Program more streamlined and efficient, and I am proud to cosponsor this legislation.

By Mr. DURBIN (for himself and Mr. FITZGERALD):

S. 1734. A bill to authorize the Secretary of the Interior to contribute funds for the establishment of an interpretive center on the life and contributions of President Abraham Lincoln; to the Committee on Energy and Natural Resources.

ABRAHAM LINCOLN PRESIDENTIAL LIBRARY

• Mr. DURBIN. Mr. President, today I am pleased to be joined by my Illinois colleague, Senator FITZGERALD, in introducing legislation that would authorize an important Department of the Interior project—the Abraham Lincoln Presidential Library in Springfield, Illinois.

I should begin by confessing a Lincoln bias. Obviously, I'm an Illinoisan, but I hail from the same city, Springfield, that Abraham Lincoln once called home. I practiced law in an office not far from the historic Lincoln-Herndon Law Office. I also represented a district in the U.S. House of Representatives that included portions of the district Congressman Abraham Lincoln represented in the 30th Congress—1847 to 1849. My home state, the "Land of Lincoln," holds the former President in very high regard.

Abraham Lincoln is considered to be one of our nation's greatest Presidents. Yet, his works and the story of his life and public service are spread over numerous historic sites, monuments, museums, and private collections of Lincoln memorabilia. The State of Illinois has a more than 42,000-item Lincoln Collection which contains national treasures such as the Gettysburg Address, the Emancipation Proclamation, and Lincoln's Second Inaugural Address. The Collection is part of the State's 12-million-item historical library, which is the nation's only public institution engaged in ongoing research on the life and legacy of Abraham Lincoln.

Currently, 13 former Presidents, including Confederate leader Jefferson Davis, have presidential libraries. Our 16th President certainly deserves such a facility so children and people from around the world can learn from the excellent examples Lincoln set during his life and his Presidency and historians can continue to discover more about the man who preserved the Union.

The Abraham Lincoln Presidential Library would serve as a state-of-the-art, interactive library, museum, and interpretative center where visitors could learn about Abraham Lincoln and the events and places that shaped his life and the history of our country. It would also serve as an academic archive and research facility for scholars to study Illinois' collection of Lincoln documents and personal effects.

The legislation we are introducing today would require that for every dollar of federal funds directed toward this project, two dollars must come for other non-federal sources. The State of Illinois and the City of Springfield have already pledged significant financial support for the Library. Also, it is important to note that the U.S. Department of the Interior is not being asked to operate or maintain the facility. The State of Illinois, through the Illinois Historic Preservation Agency, would run the day-to-day operations and handle upkeep of the Library.

Mr. President, the Illinois Congressional Delegation, Illinois Governor George Ryan, and the City of Springfield strongly support this important project and this authorizing legislation. I urge my colleagues to join me and Senator FITZGERALD in constructing a lasting legacy for Abraham Lincoln.•

ADDITIONAL COSPONSORS

S. 31

At the request of Mr. THURMOND, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 31, a bill to amend title 1, United States Code, to clarify the effect and application of legislation.

S. 285

At the request of Mr. MCCAIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 285, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 631

At the request of Mr. DEWINE, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 631, a bill to amend the Social Security Act to eliminate the time limitation on benefits for immunosuppressive drugs under the medicare program, to provide continued entitlement for such drugs for certain individuals after medicare benefits end, and to extend certain medicare secondary payer requirements.

S. 662

At the request of Mr. CHAFEE, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 662, a bill to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program.

S. 777

At the request of Mr. FITZGERALD, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 777, a bill to require the Department of Agriculture to establish an electronic filing and retrieval system to enable the public to file all required paperwork electronically with the Department and to have access to public information on farm programs, quarterly trade, economic, and production reports, and other similar information.

S. 784

At the request of Mr. ROCKEFELLER, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 784, a bill to establish a demonstration project to study and provide coverage of routine patient care costs for medicare beneficiaries with cancer who are enrolled in an approved clinical trial program.

S. 808

At the request of Mr. JEFFORDS, the name of the Senator from Nebraska (Mr. KERREY) was added as a cosponsor of S. 808, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives for land sales for conservation purposes.

S. 1133

At the request of Mr. GRAMS, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 1133, a bill to amend the Poultry Products Inspection Act to cover birds of the order Ratitae that are raised for use as human food.

S. 1187

At the request of Mr. DORGAN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1187, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Lewis and Clark Expedition, and for other purposes.

S. 1277

At the request of Mr. GRASSLEY, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1277, a bill to amend title XIX of the Social Security Act to establish a new prospective payment system for Federally-qualified health centers and rural health clinics.

S. 1291

At the request of Mr. DEWINE, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1291, a bill to amend the Internal Revenue Code of 1986 to allow small business employers a credit against income tax for certain expenses for long-term training of employees in highly skilled small business trades.

S. 1304

At the request of Mrs. MURRAY, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 1304, a bill to amend the Family and Medical Leave Act of 1993 to allow employees to take school involvement leave to participate in the academic school activities of their children or to participate in literacy training, and for other purposes.

S. 1488

At the request of Mr. GORTON, the names of the Senator from Arkansas (Mrs. LINCOLN), the Senator from California (Mrs. FEINSTEIN), and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. 1488, a bill to amend the Public Health Service Act to provide for recommendations of the Secretary of Health and Human Services regarding the placement of automatic external defibrillators in Federal buildings in order to improve survival rates of individuals who experience cardiac arrest in such buildings, and to establish protections from civil liability arising from the emergency use of the devices.

S. 1547

At the request of Mr. BURNS, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1547, a bill to amend the Communications Act of 1934 to require the Federal Communications Commission to preserve low-power television stations that provide community broadcasting, and for other purposes.

S. 1571

At the request of Mr. JEFFORDS, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1571, A bill to amend title 38, United States Code, to provide for permanent eligibility of former members of the Selected Reserve for veterans housing loans.

S. 1590

At the request of Mr. CRAPO, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 1590, a bill to amend title 49, United States Code, to modify the authority of the Surface Transportation Board, and for other purposes.

S. 1623

At the request of Mr. SPECTER, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1623, a bill to select a National Health Museum site.

S. 1666

At the request of Mr. LUGAR, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1666, a bill to provide risk education assistance to agricultural producers, and for other purposes.

SENATE RESOLUTION 118

At the request of Mr. REID, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of Senate Resolution 118, a resolution designating December 12, 1999, as "National Children's Memorial Day."

SENATE CONCURRENT RESOLUTION 59—URGING THE PRESIDENT TO NEGOTIATE A NEW BASE RIGHTS AGREEMENT WITH THE GOVERNMENT OF PANAMA IN ORDER FOR UNITED STATES ARMED FORCES TO BE STATIONED IN PANAMA AFTER DECEMBER 31, 1999

Mr. SMITH of New Hampshire (for himself, Mr. BROWNBACK, and Mr. HELMS) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 59

Whereas the Panama Canal remains a vital economic and strategic asset to the United States, its allies, and the world;

Whereas the United States has maintained a military presence in Panama since Panama gained its independence in 1903, ensuring the protection of the Canal and its unfettered operations;

Whereas the United States Armed Forces have depended upon the Panama Canal for rapid transit in times of global conflict, including during World War II, the Korean War, the Vietnam War, the Cuban Missile Crisis, and the Persion Gulf War;

Whereas the 1977 Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal provides that Panama and the United States have the joint responsibility to ensure that the Panama Canal will remain open and secure, and provides that each signatory, in accordance with their constitutional processes, shall defend the Canal against any threat to its neutrality and shall have the right to act against threats against the peaceful transit of vessels through the Canal;

Whereas the Government of Panama, in the bilateral Protocol of Exchange of instruments of ratification, agreed to consider negotiating future arrangements or agreements to maintain military forces necessary to fulfill the responsibility of both signatories to maintain the neutrality of the Canal;

Whereas the common interests of Panama and the United States have produced close relations between the two nations and a shared interest in protecting the Canal and its operations;

Whereas public opinion surveys in Panama consistently demonstrate that an estimated 70 percent of the people of Panama support a continued United States military presence in Panama;

Whereas Panama and the United States are both confronting growing problems with illegal drug trafficking, money laundering, and narcoterrorism in the Western Hemisphere, and those problems threaten peace and security in the region;

Whereas facilities now utilized by the United States Armed Forces in Panama are essential to the coordination of any counternarcotic efforts in the region;

Whereas the Revolutionary Armed Forces of Colombia (FARC), a narco-trafficking terrorist organization, is operating from Panamanian territory and poses a risk to the security of Panama and to the stability of Latin America;

Whereas the former United States Ambassador to Panama and others have protested the lack of transparency and the unorthodox bidding process in the granting of leases for the port facilities at Balboa and Cristobal in 1997 during the Administration of former Panamanian President Balladares; and

Whereas the passage of Panama Law Number 5 and the lease agreements for the port facilities at Balboa and Cristobal, because of reputed affiliations between the leaseholder and the People's Republic of China and the People's Liberation Army, have created concern about the future security of the Canal and its continued unfettered operations and the future disposition of United States facilities in Panama: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) the President should negotiate a new base rights agreement with the newly inaugurated Government of Panama—

(A) to permit stationing of United States Armed Forces in Panama beyond December 31, 1999; and

(B) to ensure that the Panama Canal remains open, secure, and neutral, consistent with the Panama Canal Treaty, the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal, and the resolutions of ratification thereto;

(2) the President should ensure that United States military facilities which could be utilized for stationing of United States Armed Forces shall be fully maintained and secured if the Government of Panama is willing to enter into good faith negotiations for a continued United States military presence; and

(3) the President shoula consult with Congress throughout the negotiations described in paragraph (1).

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President.

AMENDMENTS SUBMITTED

BIPARTISAN CAMPAIGN REFORM ACT OF 1999

McCONNELL AMENDMENT NO. 2293

Mr. McCONNELL proposed an amendment to the bill (S. 1593) to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform; as follows:

At the appropriate place, insert the following:

SEC. . REQUIRING SENATORS TO REPORT CREDIBLE INFORMATION OF CORRUPTION.

The Standing Rules of the Senate are amended by adding at the end the following:

"RULE XLIV

"REQUIRING SENATORS TO REPORT CREDIBLE INFORMATION OF CORRUPTION

"(a) A Senator shall report to the Select Committee on Ethics any credible information available to him or her that indicates that any Senator may have—

"(1) violated the Senate Code of Office Conduct;

"(2) violated a law; or

"(3) violated any rule or regulation of the Senate relating to the conduct of individuals in the performance of their duties as Senators.

"(b) Information may be reported under subsection (a) to the Chairman, the Vice Chairman, a Committee member, or the staff director of the Select Committee on Ethics.".

SEC. . BRIBERY PENALTIES FOR PUBLIC OFFICIALS.

Section 201(b) of title 18, United States Code, is amended by inserting before the period at the end the following: ", except that, with respect to a person who violates paragraph (2), the amount of the fine under this subsection shall be not less than $100,000, the term of imprisonment shall be not less than 1 year, and such person shall be disqualified from holding any office of honor, trust, or profit under the United States".

McCAIN AMENDMENT NO. 2294

Mr. McCAIN proposed an amendment to the bill, S. 1593, supra; as follows:

At the end of the bill, add the following:

SEC. . DISCLOSURE REQUIREMENTS FOR CERTAIN MONEY EXPENDITURES OF POLITICAL PARTIES.

(a) TRANSFERS OF FUNDS BY NATIONAL POLITICAL PARTIES.—Section 304(b)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(4)) is amended—

(1) by striking "and" at the end of subparagraph (H);

(2) by adding "and" at the end of subparagraph (I); and

(3) by adding at the end the following new subparagraph:

"(J) in the case of a political committee of a national political party, all funds transferred to any political committee of a State or local political party, without regard to whether or not the funds are otherwise treated as contributions or expenditures under this title;".

(b) DISCLOSURE BY STATE AND LOCAL POLITICAL PARTIES OF INFORMATION REPORTED UNDER STATE LAW.—Section 304 of Federal Election Campaign Act of 1971 (2 U.S.C. 434), as amended by section 4, is amended by adding at the end the following:

"(e) If a political committee of a State or local political party is required under a State or local law to submit a report to an entity of State or local government regarding its disbursements, the committee shall file a copy of the report with the Commission at the same time it submits the report to such entity.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to elections occurring after January 2001.

SEC. . PROMOTING EXPEDITED AVAILABILITY OF FEC REPORTS.

(a) MANDATORY ELECTRONIC FILING.—Section 304(a)(11)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(11)(A)) is amended by striking "permit reports required by" and inserting "require reports under".

(b) REQUIRING REPORTS FOR ALL CONTRIBUTIONS MADE TO ANY POLITICAL COMMITTEE WITHIN 90 DAYS OF ELECTION; REQUIRING REPORTS TO BE MADE WITHIN 24 HOURS.—Section 304(a)(6) of Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(6)) is amended to read as follows:

"(6)(A) Each political committee shall notify the Secretary or the Commission, and the Secretary of State, as appropriate, in writing, of any contribution received by the committee during the period which begins on the 90th day before an election and ends at the time the polls close for such election. This notification shall be made within 24 hours (or, if earlier, by midnight of the day on which the contribution is deposited) after the receipt of such contribution and shall include the name of the candidate involved (as appropriate) and the office sought by the candidate, the identification of the contributor, and the date of receipt and amount of the contribution.

"(B) The notification required under this paragraph shall be in addition to all other reporting requirements under this Act.".

(c) INCREASING ELECTRONIC DISCLOSURE.—Section 304 of Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)), as amended by section 6(b), is amended by adding at the end the following:

"(f) The Commission shall make the information contained in the reports submitted under this section available on the Internet and publicly available at the offices of the Commission as soon as practicable (but in no case later than 24 hours) after the information is received by the Commission.".

(d) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to reports for periods beginning on or after January 1, 2001.

THE VALLEY FORGE MUSEUM OF THE AMERICAN REVOLUTION ACT OF 1999

MURKOWSKI AMENDMENT NO. 2295

Mr. SANTORUM (for Mr. MURKOWSKI) proposed an amendment to the bill (H.R. 659) to authorize appropriations for the protection of Paoli and Brandywine Battlefields in Pennsylvania, to direct the National Park Service to conduct a special resource study of Paoli and Brandywine Battlefields, to authorize the Valley Forge Museum of the American Revolution at Valley Forge National Historical Park, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

"SECTION 1. SHORT TITLE.

This Act may be cited as the "Pennsylvania Battlefields Protection Act of 1999".

TITLE I—PAOLI AND BRANDYWINE BATTLEFIELDS

SEC. 101. PAOLI BATTLEFIELD PROTECTION.

(a) PAOLI BATTLEFIELD.—The Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to provide funds to the borough of Malvern, Pennsylvania, for the acquisition of the area known as the "Paoli Battlefield", located in the borough of Malvern, Pennsylvania, as generally depicted on the map entitled "Paoli Battlefield" numbered 80,000 and dated April 1999 (referred to in this title as the "Paoli Battlefield"). The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(b) COOPERATIVE AGREEMENT AND TECHNICAL ASSISTANCE.—The Secretary shall enter into a cooperative agreement with the borough of Malvern, Pennsylvania, for the management by the borough of the Paoli Battlefield. The Secretary may provide technical assistance to the borough of Malvern to assure the preservation and interpretation of the Paoli Battlefield's resources.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $1,250,000 to carry out this section. Such funds shall be expended in the ratio of one dollar of Federal funds for each dollar of funds contributed by non-Federal sources. Any funds provided by the Secretary shall be subject to an agreement that provides for the protection of the Paoli Battlefields's resources.

SEC. 102. BRANDYWINE BATTLEFIELD PROTECTION.

(A) BRANDYWINE BATTLEFIELD.—

(1) IN GENERAL.—The Secretary is authorized to provide funds to the Commonwealth

of Pennsylvania, a political subdivision of the Commonwealth, or the Brandywine Conservancy, for the acquisition, protection, and preservation of land in an area generally known as the Meetinghouse Road Corridor, located in Chester County, Pennsylvania, as depicted on a map entitled "Brandywine Battlefield—Meetinghouse Road Corridor", numbered 80,000 and dated April 1999 (referred to in this title as the "Brandywine Battlefield"). The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(2) WILLING SELLERS OR DONORS.—Lands and interests in land may be acquired pursuant to this section only with the consent of the owner thereof.

(b) COOPERATIVE AGREEMENT AND TECHNICAL ASSISTANCE.—The Secretary shall enter into a cooperative agreement with the same entity that is provided funds under subsection (a) for the management by the entity of the Brandywine Battlefield. The Secretary may also provide technical assistance to the entity to assure the preservation and interpretation of the Brandywine Battlefield's resources.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $3,000,000 to carry out this section. Such funds shall be expended in the ratio of one dollar of Federal funds for each dollar of funds contributed by non-Federal sources. Any funds provided by the Secretary shall be subject to an agreement that provides for the protection of the battlefield's resources.

TITLE II—VALLEY FORGE NATIONAL HISTORICAL PARK

SEC. 201. PURPOSE.

(a) The purpose of this title is to authorize the Secretary of the Interior to enter into an agreement with the Valley Forge Historical Society (hereinafter referred to as the "Society"), to construct and operate a museum within the boundary of Valley Forge National Historical Park in cooperation with the Secretary.

SEC. 202. VALLEY FORGE MUSEUM OF THE AMERICAN REVOLUTION AUTHORIZATION.

(a) AGREEMENT AUTHORIZED.—The Secretary of the Interior, in administering the Valley Forge National Historical Park, is authorized to enter into an agreement under appropriate terms and conditions with the Society to facilitate the planning, construction, and operation of Valley Forge Museum of the American Revolution on Federal land within the boundary of Valley Forge National Historical Park.

(b) CONTENTS AND IMPLEMENTATION OF AGREEMENT.—An agreement entered into under subsection (a) shall—

(1) authorize the Society to develop and operate the museum pursuant to plans developed by the Secretary and to provide at the museum appropriate and necessary programs and services to visitors to Valley Forge National Historical Park related to the story of Valley Forge and the American Revolution;

(2) only be carried out in a manner consistent with the General Management Plan and other plans for the preservation and interpretation of the resources and values of Valley Forge National Historical Park;

(3) authorize the Secretary to undertake at the museum activities related to the management of Valley Forge National Historical Park, including, but not limited to, provision of appropriate visitor information and interpretive facilities and programs related to Valley Forge National Historical Park;

(4) authorize the Society, acting as a private nonprofit organization, to engage in activities appropriate for operation of the museum that may include, but are not limited to, charging appropriate fees, conducting events, and selling merchandise, tickets, and food to visitors to the museum;

(5) provide that the Society's revenues from the museum's facilities and services shall be used to offset the expenses of the museum's operation; and

(6) authorize the Society to occupy the museum so constructed for the term specified in the Agreement and subject to the following terms and conditions:

(A) The conveyance by the Society to the United States of all right, title, and interest in the museum to be constructed at Valley Forge National Historical Park.

(B) The Society's right to occupy and use the museum shall be for the exhibition, preservation, and interpretation of artifacts associated with the Valley Forge story and the American Revolution, to enhance the visitor experience of Valley Forge National Historical Park, and to conduct appropriately related activities of the society consistent with its mission and with the purposes for which the Valley Forge National Historical Park was established. Such right shall not be transferred or conveyed without the express consent of the Secretary.

(C) Any other terms and conditions the Secretary determines to be necessary.

SEC. 203. PRESERVATION AND PROTECTION.

Nothing in this title authorizes the Secretary or the Society to take any actions in derogation of the preservation and protection of the values and resources of Valley Forge National Historical Park. An agreement entered into under section 203 shall be construed and implemented in light of the high public value and integrity of the Valley Forge National Historical Park and the National Park System.

Amend the title so as to read: "An Act to authorize appropriations for the protection of Paoli and Brandywine Battlefields in Pennsylvania, to authorize the Valley Forge Museum of the American Revolution at Valley Forge National Historical Park, and for other purposes."

FALLEN TIMBERS BATTLEFIELD AND FORT MIAMIS NATIONAL HISTORICAL SITE ACT

DEWINE AMENDMENT NO. 2296

Mr. SANTORUM (for Mr. DEWINE) proposed an amendment to the bill (S. 548) to establish the Fallen Timbers Battlefield and Fort Miamis National Historical Site in the State of Ohio; as follows:

Beginning on page 10, strike line 23 and all that follows through page 11, line 11, and insert the following:

(4) The term "management entity" means the Metropolitan Park District of the Toledo Area.

On page 15, line 7, strike "use or disposal" and insert "use, or disposal".

On page 15, line 13, strike "use of disposal" and insert "use, or disposal".

HAWAII VOLCANOES NATIONAL PARK ADJUSTMENT ACT OF 1999

AKAKA AMENDMENT NO. 2297

Mr. SANTORUM (for Mr. AKAKA) proposed an amendment to the bill (S. 938) to eliminate restrictions on the acquisition of certain land contiguous to Hawaii Volcanoes National Park, and for other purposes; as follows:

On page 2, after line 11, insert the following new sections:;

SEC. 3. CORRECTIONS IN DESIGNATIONS OF HAWAIIAN NATIONAL PARKS

(a) HAWAI'I VOLCANOES NATIONAL PARK.—

(1) IN GENERAL.—Public Law 87–278 (75 Stat. 577) is amended by striking "Hawaii Volcanoes National Park" each place it appears and inserting "Hawai'i Volcanoes National Park".

(2) REFERENCES.—Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to "Hawaii Volcanoes National Park" shall be considered a reference to "Hawai'i Volcanoes National Park".

(b) HALEAKALĀ NATIONAL PARK.—

(1) IN GENERAL.—Public Law 86–744 (74 Stat. 881) is amended by striking "Haleakala National Park" and inserting "Haleakalā National Park".

(2) REFERENCES.—Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to "Haleakala National Park" shall be considered a reference to "Haleakalā National Park".

(c) KALOKO-HONOKŌHAU.—

(1) IN GENERAL.—Section 505 of the National Parks and Recreation Act of 1978 (16 U.S.C. 396d) is amended—

(A) in the section heading, by striking "HALOKO-HONOKOHAU" and inserting "HALOKO-HONOKŌHAU"; and

(B) by striking "Kaloko-Honokohau" each place it appears and inserting "Kaloko-Honokōhau".

(2) REFERENCES.—Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to "Kaloko-Honokohau National Historical Park" shall be considered a reference to "Kaloko-Honokōhau National Historical Park".

(d) PUὺHONUA O HŌAUNAU NATIONAL HISTORICAL PARK.—

(1) IN GENERAL.—The Act of July 21, 1955 (chapter 385; 69 Stat. 376), as amended by section 305 of the National Parks and Recreation Act of 1978 (92 Stat. 3477), is amended by striking "Puuhonua o Honaunau National Historical Park" each place it appears and inserting "Puùhonua o Hōnaunau National Historical Park".

(2) REFERENCES.—Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to "Puuhonua o Honaunau National Historical Park shall be considered a reference to "Puùhonua o Hōnaunau National Historical Park".

(e) PUÙKOHOLĀ HEIAU NATIONAL HISTORIC SITE.—

(1) IN GENERAL.—Public Law 93–388 (86 Stat. 562) is amended by striking "Puukohola Heiau National Historic Site" each place it appears and inserting "Puùkoholā Heiau National Historic Site".

(2) References.—Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to "Puukohola Heiau National Historic Site" shall be considered a reference to "Puùkoholā Heiau National Historic Site".

SEC. 4. CONFORMING AMENDMENTS

(a) Section 401(8) of the National Parks and Recreation Act of 1978 (Public Law 95–625; 92 Stat. 3489) is amended by striking "Hawaii Volcanoes" each place it appears and inserting "Hawai'i Volcanoes".

(b) The first section of Public Law 94-567 (90 Stat. 2692) is amended in subsection (e) by striking "Haleakala" each place it appears and inserting "Haleakalā".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry, be allowed to meet during the session of the Senate on Thursday, October 14, 1999. The purpose of this meeting will be to discuss risk management and crop insurance.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 9:30 a.m., on Thursday, October 14, 1999, in open session, to receive testimony on the lessons learned from the military operations conducted as part of Operation Allied Force, and associated relief operations, with respect to Kosovo.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, October 14, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this hearing is to receive testimony on S. 1683, a bill to make technical changes to the Alaska Lands Conservation Act; S. 1686, a bill to provide for the conveyances of land interests to Chugach Alaska Corporation to fulfill the intent, purpose, and promise of the Alaska Native Claims Settlement Act, and for other purposes; S. 1702, a bill to amend the Alaska Native Claims Settlement Act to allow shareholder common stock to be transferred to adopted Alaska Native Children and their descendants, and for other purposes; H.R. 2841, a bill to amend the Revised Organic Act of the Virgin Islands to provide for greater fiscal autonomy consistent with other United States jurisdictions, and for other purposes; and H.R. 2368, the Bikini Resettlement and Relocation Act of 1999.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BENNETT. Mr. President, the Committee on the Judiciary requests unanimous consent to conduct a markup on Thursday, October 14, 1999 beginning at 10 a.m. in Dirksen Room 226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BENNETT. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, October 14, 1999 at 2 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON THE YEAR 2000 TECHNOLOGY PROBLEM

Mr. BENNETT. Mr. President, I ask unanimous consent that the Special Committee on the Year 2000 Technology Problem be permitted to meet on October 14, 1999 at 9:30 a.m. for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CLEAN AIR, WETLANDS, PRIVATE PROPERTY, AND NUCLEAR SAFETY

Mr. BENNETT. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air, Wetlands, Private Property, and Nuclear Safety be granted permission to conduct a hearing Thursday, October 14, 9 a.m., Hearing Room (SD–406), on the reauthorization of the Clean Air Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FOREST AND PUBLIC LAND MANAGEMENT

Mr. BENNETT. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, October 14, for purposes of conducting a Subcommittee on Forests and Public Lands Management hearing which is scheduled to begin at 2:30 p.m. The purpose of this hearing is to receive testimony on S. 610, a bill to direct the Secretary of the Interior to convey certain land under the jurisdiction of the Bureau of Land Management in Washakie County and Big Horn County, Wyoming, to the Westside Irrigation District, Wyoming, and for other purposes; S. 1218, a bill to direct the Secretary of the interior to issue the Landusky School District, without consideration, a patent for the surface and mineral estates of certain lots, and for other purposes; S. 1343, a bill to direct the Secretary of Agriculture to convey certain National Forest land to Elko County, Nevada, for continued use as a cemetery; S. 408, a bill to direct the Secretary of the Interior to convey a former Bureau of Land Management administrative site to the City of Carson City, Nevada, for use as a senior center; S. 1629, a bill to provide for the exchange of certain land in the state of Oregon; and S. 1599, a bill to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other land in the Black Hills National Forest and to use funds derived from the sale or exchange to acquire replacement sites and to acquire or construct administrative improvements in connection with the Black Hills National Forest.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INVESTIGATIONS

Mr. BENNETT. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Governmental Affairs Committee be permitted to meet on Thursday, October 14, 1999, at 9:30 a.m., for a hearing entitled "Conquering Diabetes: Are We Taking Full Advantage of the Scientific Opportunities For Research?."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NEAR EASTERN AND SOUTH ASIAN AFFAIRS

Mr. BENNETT. Mr. President, I ask unanimous consent that the subcommittee on near Eastern and South Asian Affairs be authorized to meet during the session of the Senate on Thursday, October 14, 1999 at 2 p.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

STAR PRINT—S. 1678

Mr. SANTORUM. Mr. President, I ask unanimous consent that the S. 1678 be star printed with changes that are at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

PENNSYLVANIA BATTLEFIELDS PROTECTION ACT OF 1999

Mr. SANTORUM. Mr. President, I ask unanimous consent that H.R. 659 be discharged from the Energy Committee, and further, the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative assistant read as follows:

A bill (H.R. 659) to authorize appropriations for protection of Paoli and Brandywine Battlefields in Pennsylvania, to direct the National Park Service to conduct a special resource study of Paoli and Brandywine Battlefields, to authorize the Valley Forge Museum of the American Revolution at Valley Forge National Historical Park, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 2295

Mr. SANTORUM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Pennsylvania [Mr. SANTORUM], FOR MR. MURKOWSKI, proposes an amendment numbered 2295.

Mr. SANTORUM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

"SECTION 1. SHORT TITLE.

This Act may be cited as the "Pennsylvania Battlefields Protection Act of 1999".

TITLE I—PAOLI AND BRANDYWINE BATTLEFIELDS

SEC. 101. PAOLI BATTLEFIELD PROTECTION.

(a) Paoli Battlefield.—The Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to provide funds to the borough of Malvern, Pennsylvania, for the acquisition of the area known as the "Paoli Battlefield", located in the borough of Malvern, Pennsylvania, as generally depicted on the map entitled "Paoli Battlefield" numbered 80,000 and dated April 1999 (referred to in this title as the "Paoli Battlefield"). The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(b) Cooperative Agreement and Technical Assistance.—The Secretary shall enter into a cooperative agreement with the borough of Malvern, Pennsylvania, for the management by the borough of the Paoli Battlefield. The Secretary may provide technical assistance to the borough of Malvern to assure the preservation and interpretation of the Paoli Battlefield's resources.

(c) Authorization of Appropriations.—There are authorized to be appropriated $1,250,000 to carry out this section. Such funds shall be expended in the ratio of one dollar of Federal funds for each dollar of funds contributed by non-Federal sources. Any funds provided by the Secretary shall be subject to an agreement that provides for the protection of the Paoli Battlefields's resources.

SEC. 102. BRANDYWINE BATTLEFIELD PROTECTION.

(A) Brandywine Battlefield.—

(1) In general.—The Secretary is authorized to provide funds to the Commonwealth of Pennsylvania, a political subdivision of the Commonwealth, or the Brandywine Conservancy, for the acquisition, protection, and preservation of land in an area generally known as the Meetinghouse Road Corridor, located in Chester County, Pennsylvania, as depicted on a map entitled "Brandywine Battlefield—Meetinghouse Road Corridor", numbered 80,000 and dated April 1999 (referred to in this title as the "Brandywine Battlefield"). The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(2) Willing sellers or donors.—Lands and interests in land may be acquired pursuant to this section only with the consent of the owner thereof.

(b) Cooperative Agreement and Technical Assistance.—The Secretary shall enter into a cooperative agreement with the same entity that is provided funds under subsection (a) for the management by the entity of the Brandywine Battlefield. The Secretary may also provide technical assistance to the entity to assure the preservation and interpretation of the Brandywine Battlefield's resources.

(c) Authorization of Appropriations.—There are authorized to be appropriated $3,000,000 to carry out this section. Such funds shall be expended in the ratio of one dollar of Federal funds for each dollar of funds contributed by non-Federal sources. Any funds provided by the Secretary shall be subject to an agreement that provides for the protection of the battlefield's resources.

TITLE II—VALLEY FORGE NATIONAL HISTORICAL PARK

SEC. 201. PURPOSE.

(a) The purpose of this title is to authorize the Secretary of the Interior to enter into an agreement with the Valley Forge Historical Society (hereinafter referred to as the "Society"), to construct and operate a museum within the boundary of Valley Forge National Historical Park in cooperation with the Secretary.

SEC. 202. VALLEY FORGE MUSEUM OF THE AMERICAN REVOLUTION AUTHORIZATION.

(a) Agreement Authorized.—The Secretary of the Interior, in administering the Valley Forge National Historical Park, is authorized to enter into an agreement under appropriate terms and conditions with the Society to facilitate the planning, construction, and operation of Valley Forge Museum of the American Revolution on Federal land within the boundary of Valley Forge National Historical Park.

(b) Contents and Implementation of Agreement.—An agreement entered into under subsection (a) shall—

(1) authorize the Society to develop and operate the museum pursuant to plans developed by the Secretary and to provide at the museum appropriate and necessary programs and services to visitors to Valley Forge National Historical Park related to the story of Valley Forge and the American Revolution;

(2) only be carried out in a manner consistent with the General Management Plan and other plans for the preservation and interpretation of the resources and values of Valley Forge National Historical Park;

(3) authorize the Secretary to undertake at the museum activities related to the management of Valley Forge National Historical Park, including, but not limited to, provision of appropriate visitor information and interpretive facilities and programs related to Valley Forge National Historical Park;

(4) authorize the Society, acting as a private nonprofit organization, to engage in activities appropriate for operation of the museum that may include, but are not limited to, charging appropriate fees, conducting events, and selling merchandise, tickets, and food to visitors to the museum;

(5) provide that the Society's revenues from the museum's facilities and services shall be used to offset the expenses of the museum's operation; and

(6) authorize the Society to occupy the museum so constructed for the term specified in the Agreement and subject to the following terms and conditions:

(A) The conveyance by the Society to the United States of all right, title, and interest in the museum to be constructed at Valley Forge National Historical Park.

(B) The Society's right to occupy and use the museum shall be for the exhibition, preservation, and interpretation of artifacts associated with the Valley Forge story and the American Revolution, to enhance the visitor experience of Valley Forge National Historical Park, and to conduct appropriately related activities of the society consistent with its mission and with the purposes for which the Valley Forge National Historical Park was established. Such right shall not be transferred or conveyed without the express consent of the Secretary.

(C) Any other terms and conditions the Secretary determines to be necessary.

SEC. 203. PRESERVATION AND PROTECTION.

Nothing in this title authorizes the Secretary or the Society to take any actions in derogation of the preservation and protection of the values and resources of Valley Forge National Historical Park. An agreement entered into under section 203 shall be construed and implemented in light of the high public value and integrity of the Valley Forge National Historical Park and the National Park System.

Amend the title so as to read: "An Act to authorize appropriations for the protection of Paoli and Brandywine Battlefields in Pennsylvania, to authorize the Valley Forge Museum of the American Revolution at Valley Forge National Historical Park, and for other purposes.".

Mr. SANTORUM. Mr. President, I thank all of those who have been involved in trying to clear this piece of legislation. This is a very important piece of legislation for the preservation of the Paoli and Brandywine Battlefields. There is money in the Interior Appropriations bill to help with the State and local funds to combine to purchase a piece of the battlefield that would otherwise be sold for development. It would be a real tragedy to lose a Revolutionary War battlefield because of inaction in the Senate.

I appreciate the bipartisan support we had to clear this particular bill because the deadline is tomorrow. The development contract would have been exercised, and we would not have been able to purchase this land by clearing this bill today in time to get that done. It is very important to the people in that community.

I thank the minority leader, Senator Daschle, Senator Bingaman, Senator Johnson, and many others who were involved in helping to clear this issue on the Democratic side, and I certainly thank Senator Murkowski for his effort in putting that together on the Republican side. Obviously, the sponsors of the bill, Senator Specter and myself, are appreciative of the work that was done to take this bill out of what is a very big stack of bills that I know many Members want to have moved in the Senate and to treat this specially because of the time sensitivity. At a time when comity is short because of how difficult these last few weeks have been, people have put those kinds of differences aside and recognized what is in the best interest of all involved. That speaks volumes for both sides of the aisle. So I want to commend, in a time of difficulty, and maybe even rancor, the people who put their differences aside and did do what is right. It is a heartening thing to me personally, and it is certainly something that I will long remember and appreciate.

Mr. President, I ask unanimous consent that the amendment be agreed to, the bill, as amended, be read the third time and passed, the title amendment be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2295) was agreed to.

The bill (H.R. 659), as amended, was read the third time and passed.

The bill will be printed in a future edition of the RECORD.

The title was amended so as to read:

An Act to authorize appropriations for the protection of Paoli and Brandywine Battlefields in Pennsylvania, to authorize the Valley Forge Museum of the American Revolution at Valley Forge National Historical Park, and for other purposes.

THE CALENDAR

Mr. SANTORUM. Mr. President, I now ask unanimous consent that the Senate proceed en bloc to the following bills on the calendar: Calendar No. 134, S. 548; Calendar No. 174, S. 938; Calendar No. 173, S. 762.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANTORUM. Mr. President, I ask unanimous consent that amendment No. 2296 to S. 548 be agreed to and amendment No. 2297 to S. 938 be agreed to.

I further ask unanimous consent that any committee amendment, if applicable, be agreed to, the bills be read a third time, passed, and the motion to reconsider be laid upon the table, and that any statements relating to any of these bills be printed in the RECORD, with the above occurring en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

FALLEN TIMBERS BATTLEFIELD AND FORT MIAMIS NATIONAL HISTORICAL SITE ACT

The Senate proceeded to consider the bill (S. 548) to establish the Fallen Timbers Battlefield and Fort Miamis National Historical Site in the State of Ohio, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fallen Timbers Battlefield and Fort Miamis National Historic Site Act of 1999".

SEC. 2. DEFINITIONS.

As used in this Act:

(a) DEFINITIONS.—

(1) The term "historic site" means the Fallen Timbers Battlefield and Monument and Fort Miamis National Historic Site established by section 4 of this Act.

(2) The term "management plan" means the general management plan developed pursuant to section 5(d).

(3) The term "Secretary" means the Secretary of the Interior.

(4) The term "management entity" means one representative from each of the following organizations:

(A) The Ohio Historical Society;

(B) The City of Maumee;

(C) The Maumee Valley Heritage Corridor;

(D) The Fallen Timbers Battlefield Preservation Commission;

(E) Heidelberg College;

(F) The City of Toledo;

(G) The Metropark District of the Toledo Area; and

(H) any other 2 organizations designated by the Governor of Ohio.

(5) The term "technical assistance" means any guidance, advice, or other aid, other than financial assistance, provided by the Secretary.

SEC. 3. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The 185-acre Fallen Timbers Battlefield is the site of the 1794 battle between General Anthony Wayne and a confederation of Native American tribes led by Little Turtle and Blue Jacket.

(2) Fort Miamis was occupied by General Wayne's legion from 1796 to 1798.

(3) In the spring of 1813, British troops, led by General Henry Proctor, landed at Fort Miamis and attacked the fort twice, without success.

(4) Fort Miamis and Fallen Timbers Battlefield are in Lucas County, Ohio, in the city of Maumee.

(5) The 9-acre Fallen Timbers Battlefield Monument is listed as a National Historic Landmark.

(6) Fort Miamis is listed in the National Register of Historic Places as a historic site.

(7) In 1959, the Fallen Timbers Battlefield was included in the National Survey of Historic Sites and Buildings as 1 of 22 sites representing the "Advance of the Frontier, 1763–1830".

(8) In 1960, the Fallen Timbers Battlefield was designated as a National Historic Landmark.

(b) PURPOSES.—The purposes of this Act are—

(1) to recognize and preserve the 185-acre Fallen Timbers Battlefield site;

(2) to recognize and preserve the Fort Miamis site;

(3) to formalize the linkage of the Fallen Timbers Battlefield and Monument to Fort Miamis;

(4) to preserve and interpret United States military history and Native American culture during the period from 1794 through 1813;

(5) to provide assistance to the State of Ohio, political subdivisions of the State, and nonprofit organizations in the State to implement the management plan and develop programs that will preserve and interpret the historical, cultural, natural, recreational and scenic resources of the historic site; and

(6) to authorize the Secretary to provide technical assistance to the State of Ohio, political subdivisions of the State, and nonprofit organizations in the State, including the Ohio Historical Society, the city of Maumee, the Maumee Valley Heritage Corridor, the Fallen Timbers Battlefield Commission, Heidelberg College, the city of Toledo, and the Metropark District of the Toledo Area, to implement the management plan.

SEC. 4. ESTABLISHMENT OF THE FALLEN TIMBERS BATTLEFIELD AND FORT MIAMIS NATIONAL HISTORIC SITE.

(a) IN GENERAL.—There is established, as an affiliated area of the National Park System, the Fallen Timbers Battlefield and Fort Miamis National Historic Site in the State of Ohio.

(b) DESCRIPTION.—The historic site is comprised of the following as generally depicted on the map entitled Fallen Timbers Battlefield and Fort Miamis National Historical Site-proposed, number NHS–FTFM, and dated May 1999:

(1) The Fallen Timbers site, comprised generally of the following:

(A) The Fallen Timbers Battlefield site, consisting of an approximately 185-acre parcel located north of U.S. 24, west of U.S. 23/I–475, south of the Norfolk and Western Railroad line, and east of Jerome Road.

(B) The approximately 9-acre Fallen Timbers Battlefield Monument, located south of U.S. 24; and

(2) The Fort Miamis Park site.

(c) MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

SEC. 5. ADMINISTRATION OF HISTORIC SITES.

(a) APPLICABILITY OF NATIONAL PARK SYSTEM LAWS.—The historic site shall be administered in a manner consistent with this Act and all laws generally applicable to units of the National Park System, including the Act of August 25, 1916 (16 U.S.C. 1, 2–4; commonly known as the National Park Service Organic Act), and the Act of August 21, 1935 (16 U.S.C. 461 et seq.; commonly known as the Historic Sites, Buildings, and Antiquities Act).

(b) COOPERATIVE AGREEMENT.—The Secretary may enter into a cooperative agreement with the management entity to provide technical assistance to ensure the marking, research, interpretation, education and preservation of the Fallen Timbers Battlefield and Fort Miamis National Historic Site.

(c) REIMBURSEMENT.—Any payment made by the Secretary pursuant to this section shall be subject to an agreement that conversion, use or disposal of the project so assisted for purposes contrary to the purposes of this section as determined by the Secretary, shall result in a right of the United States to reimbursement of all funds made available to such project or the proportion of the increased value of the project attributable to such funds as determined at the time of such conversion, use of disposal, whichever is greater.

(d) GENERAL MANAGEMENT PLAN.—

(1) IN GENERAL.—The Secretary, in consultation with the management entity and Native American tribes whose ancestors were involved in events at these sites, shall develop a general management plan for the historic site. The plan shall be prepared in accordance with section 12(b) of Public Law 91–383 (16 U.S.C. 1a–1 et seq.; commonly known as the National Park System General Authorities Act).

(2) COMPLETION.—The plan shall be completed not later than 2 years after the date funds are made available.

(3) TRANSMITTAL.—Not later than 30 days after completion of the plan, the Secretary shall provide a copy of the plan to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS

There is authorized to be appropriated such funds as are necessary to carry out this Act.

Amendment No. 2296 was agreed to as follows:

Beginning on page 10, strike line 23 and all that follows through page 11, line 11, and insert the following:

(4) The term "management entity" means the Metropolitan Park District of the Toledo Area.

On page 15, line 7, strike "use or disposal" and insert "use, or disposal".

On page 15, line 13, strike "use or disposal" and insert "use, or disposal".

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 548), as amended, was passed, as follows:

S. 548

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fallen Timbers Battlefield and Fort Miamis National Historic Site Act of 1999".

SEC. 2. DEFINITIONS.

As used in this Act:

(a) DEFINITIONS.—

(1) The term "historic site" means the Fallen Timbers Battlefield and Monument and Fort Miamis National Historic Site established by section 4 of this Act.

(2) The term "management plan" means the general management plan developed pursuant to section 5(d).

(3) The term "Secretary" means the Secretary of the Interior.

(4) The term "management entity" means the Metropolitan Park District of the Toledo Area.

(5) The term "technical assistance" means any guidance, advice, or other aid, other than financial assistance, provided by the Secretary.

SEC. 3. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The 185-acre Fallen Timbers Battlefield is the site of the 1794 battle between General Anthony Wayne and a confederation of Native American tribes led by Little Turtle and Blue Jacket.

(2) Fort Miamis was occupied by General Wayne's legion from 1796 to 1798.

(3) In the spring of 1813, British troops, led by General Henry Proctor, landed at Fort Miamis and attacked the fort twice, without success.

(4) Fort Miamis and Fallen Timbers Battlefield are in Lucas County, Ohio, in the city of Maumee.

(5) The 9-acre Fallen Timbers Battlefield Monument is listed as a National Historic Landmark.

(6) Fort Miamis is listed in the National Register of Historic Places as a historic site.

(7) In 1959, the Fallen Timbers Battlefield was included in the National Survey of Historic Sites and Buildings as 1 of 22 sites representing the "Advance of the Frontier, 1763–1830".

(8) In 1960, the Fallen Timbers Battlefield was designated as a National Historic Landmark.

(b) PURPOSES.—The purposes of this Act are—

(1) to recognize and preserve the 185-acre Fallen Timbers Battlefield site;

(2) to recognize and preserve the Fort Miamis site;

(3) to formalize the linkage of the Fallen Timbers Battlefield and Monument to Fort Miamis;

(4) to preserve and interpret United States military history and Native American culture during the period from 1794 through 1813;

(5) to provide assistance to the State of Ohio, political subdivisions of the State, and nonprofit organizations in the State to implement the management plan and develop programs that will preserve and interpret the historical, cultural, natural, recreational and scenic resources of the historic site; and

(6) to authorize the Secretary to provide technical assistance to the State of Ohio, political subdivisions of the State, and nonprofit organizations in the State, including the Ohio Historical Society, the city of Maumee, the Maumee Valley Heritage Corridor, the Fallen Timbers Battlefield Commission, Heidelberg College, the city of Toledo, and the Metropark District of the Toledo Area, to implement the management plan.

SEC. 4. ESTABLISHMENT OF THE FALLEN TIMBERS BATTLEFIELD AND FORT MIAMIS NATIONAL HISTORIC SITE.

(a) IN GENERAL.—There is established, as an affiliated area of the National Park System, the Fallen Timbers Battlefield and Fort Miamis National Historic Site in the State of Ohio.

(b) DESCRIPTION.—The historic site is comprised of the following as generally depicted on the map entitled Fallen Timbers Battlefield and Fort Miamis National Historical Site-proposed, number NHS–FTFM, and dated May 1999:

(1) The Fallen Timbers site, comprised generally of the following:

(A) The Fallen Timbers Battlefield site, consisting of an approximately 185-acre parcel located north of U.S. 24, west of U.S. 23/I–475, south of the Norfolk and Western Railroad line, and east of Jerome Road.

(B) The approximately 9-acre Fallen Timbers Battlefield Monument, located south of U.S. 24; and

(2) The Fort Miamis Park site.

(c) MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

SEC. 5. ADMINISTRATION OF HISTORIC SITES.

(a) APPLICABILITY OF NATIONAL PARK SYSTEM LAWS.—The historic site shall be administered in a manner consistent with this Act and all laws generally applicable to units of the National Park System, including the Act of August 25, 1916 (16 U.S.C. 1, 2–4; commonly known as the National Park Service Organic Act), and the Act of August 21, 1935 (16 U.S.C. 461 et seq.; commonly known as the Historic Sites, Buildings, and Antiquities Act).

(b) COOPERATIVE AGREEMENT.—The Secretary may enter into a cooperative agreement with the management entity to provide technical assistance to ensure the marking, research, interpretation, education and preservation of the Fallen Timbers Battlefield and Fort Miamis National Historic Site.

(c) REIMBURSEMENT.—Any payment made by the Secretary pursuant to this section shall be subject to an agreement that conversion, use, or disposal of the project so assisted for purposes contrary to the purposes of this section as determined by the Secretary, shall result in a right of the United States to reimbursement of all funds made available to such project or the proportion of the increased value of the project attributable to such funds as determined at the time of such conversion, use, or disposal, whichever is greater.

(d) GENERAL MANAGEMENT PLAN.—

(1) IN GENERAL.—The Secretary, in consultation with the management entity and Native American tribes whose ancestors were involved in events at these sites, shall develop a general management plan for the historic site. The plan shall be prepared in accordance with section 12(b) of Public Law 91–383 (16 U.S.C. 1a–1 et seq.; commonly known as the National Park System General Authorities Act).

(2) COMPLETION.—The plan shall be completed not later than 2 years after the date funds are made available.

(3) TRANSMITTAL.—Not later than 30 days after completion of the plan, the Secretary shall provide a copy of the plan to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS

There is authorized to be appropriated such funds as are necessary to carry out this Act.

HAWAII VOLCANOES NATIONAL PARK ADJUSTMENT ACT OF 1999

The Senate proceeded to consider the bill (S. 938) to eliminate restrictions on the acquisition of certain land contiguous to Hawaii Volcanoes National Park, and for other purposes.

The amendment (No. 2297) was agreed to as follows:

On page 2, after line 11, insert the following new sections:

SEC. 3. CORRECTIONS IN DESIGNATIONS OF HAWAIIAN NATIONAL PARKS.

(a) HAWAI'I VOLCANOES NATIONAL PARK.—

(1) IN GENERAL.—Public Law 87–278 (75 Stat. 577) is amended by striking "Hawai'i Volcanoes National Park" each place it appears and inserting "Hawai'i Volcanoes National Park".

(2) REFERENCES.—Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to "Hawaii Volcanoes National Park" shall be considered a reference to "Hawai'i Volcanoes National Park".

(b) HALEAKALĀ NATIONAL PARK.—

(1) IN GENERAL.—Public Law 86–744 (74 Stat. 881) is amended by striking "Haleakala National Park" and inserting "Haleakalā National Park".

(2) REFERENCES.—Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to "Haleakala National Park" shall be considered a reference to "Haleakalā National Park".

(c) KALOKO-HONOKŌHAU.—

(1) IN GENERAL.—Section 505 of the National Parks and Recreation Act of 1978 (16 U.S.C. 396d) is amended—

(A) in the section heading, by striking "KALOKO-HONOKOHAU" and inserting "KALOKO-HONOKŌHAU"; and

(B) by striking "Kaloko-Honokohau" each place it appears and inserting "Kaloko-Honokōhau".

(2) REFERENCES.—Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to "Kaloko-Honokohau National Historical Park" shall be considered a reference to Kaloko-Honokōhau National Historical Park".

(d) PUÙHONUA O HŌNAUNAU NATIONAL HISTORICAL PARK.—

(1) IN GENERAL.—The Act of July 21, 1955 (chapter 385; 69 Stat. 376), as amended by section 305 of the National Parks and Recreation Act of 1978 (92 Stat. 3477), is amended by striking "Puuhonua o Honaunau National Historical Park" each place it appears and inserting "Puùhonua o Hōnaunau National Historical Park".

(2) REFERENCES.—Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to Puuhonua o Honaunau National Historical Park shall be considered a reference to "Puùhonua o Hōnaunau National Historical Park".

(e) PUÙKOHOLĀ HELAU NATIONAL HISTORIC SITE.—

(1) IN GENERAL.—Public Law 92–388 (86 Stat. 562) is amended by striking "Puukohola Heiau National Historic Site" each place it appears and inserting "Puùkoholā Heiau National Historic Site".

(2) REFERENCES.—Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to "Puukohola Heiau National Historic Site" shall be considered a reference to "Puùkoholā Heiau National Historic Site."

SEC 4. CONFORMING AMENDMENTS.

(a) Section 401(8) of the National Parks and Recreation Act of 1978 (Public Law 95–625; 92 Stat. 3489) is amended by striking "Hawaii Volcanoes" each place it appears and inserting "Hawai'i Volcanoes".

(b) The first section of Public Law 94–567 (90 Stat. 2692) is amended in subsection (e) by striking "Haleakala" each place it appears and inserting "Haleakalā".

The bill (S. 938), as amended, was read the third time and passed.

(The bill will be printed in a future edition of the RECORD.)

INCLUSION OF MIAMI CIRCLE IN BISCAYNE NATIONAL PARK

The Senate proceeded to consider the bill (S. 762) to direct the Secretary of the Interior to conduct a feasibility study on the inclusion of the Miami Circle in Biscayne National Park, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Tequesta Indians were one of the earliest groups to establish permanent villages in southeast Florida;

(2) the Tequestas had one of only two North American civilizations that thrived and developed into a complex social chiefdom without an agricultural base;

(3) the Tequesta sites that remain preserved today are rare;

(4) the discovery of the Miami Circle, occupied by the Tequesta approximately 2,000 years ago, presents a valuable new opportunity to learn more about the Tequesta culture; and

(5) Biscayne National Park also contains and protects several prehistoric Tequesta sites.

(b) PURPOSE.—The purpose of this Act is to direct the Secretary to conduct a special resource study to determine the national significance of the Miami Circle site as well as the suitability and feasibility of its inclusion in the National Park System as part of Biscayne National Park.

SEC. 2. DEFINITIONS.

In this Act:

(1) MIAMI CIRCLE.—The term "Miami Circle" means the property in Miami-Dade County of the State of Florida consisting of the three parcels described in Exhibit A in the appendix to the summons to show cause and notice of eminent domain proceedings, filed February 18, 1999, in Miami-Dade County v. Brickell Point, Ltd., in the circuit court of the 11th judicial circuit of Florida in and for Miami-Dade County.

(2) PARK.—The term "Park" means Biscayne National Park in the State of Florida.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the National Park Service.

SEC. 3. SPECIAL RESOURCE STUDY.

(a) IN GENERAL.—Not later than one year after the date funds are made available, the Secretary shall conduct a special resource study as described in subsection (b). In conducting the study, the Secretary shall consult with the appropriate American Indian tribes and other interested groups and organizations.

(b) COMPONENTS.—In addition to a determination of national significance, feasibility, and suitability, the special resource study shall include the analysis and recommendations of the Secretary with respect to—

(1) which, if any, particular areas of or surrounding the Miami Circle should be included in the Park;

(2) whether any additional staff, facilities, or other resources would be necessary to administer the Miami Circle as a unit of the Park; and

(3) any impact on the local area that would result from the inclusion of Miami Circle in the Park.

(c) REPORT.—Not later than 30 days after completion of the study, the Secretary shall submit a report describing the findings and recommendations of the study to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the United States House of Representatives.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this Act.

Amend the title so as to read: "A bill to direct the Secretary of the Interior to conduct a special resource study to determine the national significance of the Miami Circle site in the State of Florida as well as the suitability and feasibility of its inclusion in the National Park System as part of Biscayne National Park, and for other purposes.".

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 762), as amended, was read the third time and passed.

The title was amended so as to read:

A bill to direct the Secretary of the Interior to conduct a special resource study to determine the national significance of the Miami Circle site in the State of Florida as well as the suitability and feasibility of its inclusion in the National Park System as part of Biscayne National Park, and for other purposes.

AUTHORIZATION OF SENATE LEGAL COUNSEL

Mr. SANTORUM. Mr. President, I ask unanimous consent the Senate now proceed to the immediate consideration of S. Res. 203 submitted earlier by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative assistant read as follows:

A resolution (S. Res. 203) to authorize document production, testimony, and representation of Senate employees in the matter before the grand jury in the Western District of Pennsylvania.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, this resolution would authorize the offices of Senator RICK SANTORUM and Senator ARLEN SPECTER to respond to subpoenas for documents sought by a grand jury convened in the Western District of Pennsylvania. The subpoenas seek documents regarding a constituent inquiry made to both Senators' offices. Both Senators are cooperating with this investigation, and this resolution would authorize the custodian of records in each office to produce any relevant documents. This resolution would also authorize testimony by employees of the Senate, except where a privilege should be asserted, with representation by the Senate Legal Counsel in the event it becomes necessary.

The U.S. Attorney's office has indicated that no Senate party is a subject of this investigation.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 203) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 203

Whereas, in a proceeding before a grand jury in the United States District Court of the Western District of Pennsylvania, documents have been subpoenaed from the offices of Senators Arlen Specter and Rick Santorum, and testimony from Senate employees may be requested;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(2), the Senate may direct its counsel to represent Members and employees of the Senate with respect to any subpoena, order, or request for testimony or the production of documents relating to their official responsibilities: Now, therefore be it

Resolved, That the records custodians in the offices of Senator Rick Santorum and Senator Arlen Specter, and any other employee of the Senate from whom testimony or document production may be required, are authorized to testify and produce documents in this grand jury proceeding or in any related proceeding, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Senators Specter and Santorum and any employee of the Senate in connection with the document production and testimony authorized in section one of this resolution.

INTERIM CONTINUATION OF MOTOR CARRIER FUNCTIONS BY THE FEDERAL HIGHWAY ADMINISTRATION

Mr. SANTORUM. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of H.R. 3036, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3036) to provide for the interim continuation of motor carrier functions by the Federal Highway Administration.

There being no objection, the Senate proceeded to consider the bill.

Mr. HOLLINGS. Mr. President, I rise in support of H.R. 3036. This legislation is being considered to remedy language included in section 338 of the Department of Transportation and Related Agencies Appropriations Act, 2000. Contained in the FY 2000 DOT Conference

Report was a provision that prohibits the enforcement of civil penalties against truck and commercial vehicles for safety violations until separate legislation is passed to move motor carrier safety functions out of the Federal Highway Administration (FHWA). The provision would also have the impact of eliminating authority to shut down unfit carriers who pose a serious threat to highway safety.

While it is the intent of the committee to mark up a bill this month, it does not make sense to hamstring the agency charged with regulating and enforcing safety until the legislative process has taken its course. H.R. 3036 passed the House last night under suspension of the rules and quick consideration by the Senate today will ensure that the enforcement authority for motor carriers will be restored to the DOT. As we consider authorizing legislation that will reorganize and reprioritize the functions of the Office of Motor Carriers, this legislation will enable the federal government to continue to enforce important federal truck safety rules.

This bill is fair in that it provides authority to DOT to continue to levy penalties until we finalize legislation on this matter. There are pending bills in both bodies, it would be premature to change the functions of this critical safety agency prior to the completion of properly considered legislation.

Mr. McCAIN. Mr. President, we must take swift action to remedy a serious safety consequence which resulted upon enactment of H.R. 2084, the Fiscal Year 2000 Transportation Appropriations Bill, P.L. 106-69 .

Signed into law last Saturday, section 338 of this law prevents the Federal Highway Administration (FHWA) from expending any funds for motor carrier safety activities. Although the new law allows the Secretary to transfer the safety functions elsewhere, which has already occurred, there are some safety activities solely vested in FHWA and the Secretary is precluded by law from permitting any other entity to carry out those duties. In particular, the Department's safety enforcement program has nearly come to a halt as a result of the Appropriators' language.

We must restore the Department's ability to fully enforce our federal motor carrier safety regulations. Specifically, we need to restore the department's authority to assess civil penalties when safety violations have been identified. Currently, the Department can continue to carry out inspections, but in most cases has no authority to require a carrier to take corrective action. This is like a police officer pulling a driver over for speeding, but not being able to write a ticket.

Last Mother's Day, 22 people lost their lives when a charter bus ran off the road and crashed. After the accident, the Federal Highway Administration imposed the maximum fine against the company that it is statutorily authorized to assess. If we do not act, the fine will be held in abeyance. How can this be justified? I hope the Appropriators are finally the full consequences of this provision which was opposed by the authorizing Committees of jurisdiction.

The DOT Inspector General has repeatedly stated that strong enforcement with meaningful sanctions is needed at the Office of Motor Carriers. As long as this provision is allowed to stand, there will be no fines assessed against violators and efforts to strengthen Federal enforcement of motor carrier safety laws will be rendered meaningless.

Mr. President, the Senate Commerce Committee has been working to improve truck safety. Many serious safety gaps have been identified and I believe we need to transfer authority for safety to a separate Motor Carrier Safety Administration. But, we need to act responsibly. We need to allow the authorization process to proceed. We need to put drivers and passengers ahead of unreviewed, unexamined quick-fix gimmicks that have resulted in very disturbing and likely unintended consequences.

Last year, a similar attempt was made by the House Appropriations Committee to strip FHWA from its authority over motor carrier safety matters. As Chairman of the Senate Committee on Commerce, Science, and Transportation, which has jurisdiction over most federal transportation safety policies, including motor carrier and passenger vehicle safety, I opposed this proposal, in part because it had never been considered by the authorizing committees of jurisdiction. The provision was ultimately not enacted and I pledged that I would work to address motor carrier safety concerns in this Congress. I have lived up to this commitment.

At my request, the Inspector General of the Department of Transportation conducted a comprehensive analysis of federal motor carrier safety activities. Serious safety gaps have been identified, and as such, the authorizing Committees of jurisdiction have been working to move legislation to improve motor carrier safety. The Commerce Committee held a hearing on my specific safety proposal and we expect to mark up that measure during the next Executive session. Indeed, we are working to move legislation through the regular legislative process.

Public safety could be seriously jeopardized if Congress does not take quick action to restore federal motor carrier safety enforcement activities. I am aware safety improvements are necessary. I am working to pass those needed improvements. But halting motor carrier enforcement activities is clearly not in the interest of truck and bus safety.

Mr. President, we cannot allow the destruction of the Federal government's motor carrier safety enforcement program. I fully support passage of H.R. 3036 to restore the Department's truck safety enforcement programs. I urge my colleague to support this much needed bill.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statement relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3036) was passed.

ORDERS FOR FRIDAY, OCTOBER 15, 1999

Mr. SANTORUM. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:15 a.m. on Friday, October 15. I further ask unanimous consent that on Friday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin the vote on the conference report to accompany the VA-HUD appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUALITY CARE FOR THE UNINSURED ACT OF 1999

The PRESIDING OFFICER. The Chair has an announcement.

Under unanimous consent, the Chair lays before the Senate H.R. 2990. All after the enacting clause is stricken. The text of S. 1344 is inserted. The bill is read a third time, passed, and the Senate insists on its amendment and requests a conference with the House.

PROGRAM

Mr. SANTORUM. Mr. President, for the information of all Senators, the Senate will conduct a vote on the VA-HUD appropriations conference report tomorrow morning at approximately 9:15. Following the vote, the Senate will resume debate on the campaign finance reform bill, with further amendments to be expected. Senators are encouraged to work with the bill managers on a time to come to the floor to offer their amendments in a timely manner.

ADJOURNMENT UNTIL 9:15 A.M. TOMORROW

Mr. SANTORUM. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:43 p.m., adjourned until Friday, October 15, 1999, at 9:15 a.m.

NOMINATIONS

Executive nominations received by the Senate October 14, 1999:

DEPARTMENT OF THE TREASURY

CHARLES L. KOLBE, OF IOWA, TO BE A MEMBER OF THE INTERNAL REVENUE SERVICE OVERSIGHT BOARD FOR A TERM OF THREE YEARS. (NEW POSITION)

EXTENSIONS OF REMARKS

TEEN VIOLENCE CONFERENCE

HON. FRANK MASCARA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. MASCARA. Mr. Speaker, I would like to honor three special constituents from my district who have been selected to take part in the "Voices Against Violence Congressional Teen Conference," to be held here in Washington, D.C. on October 19th and 20th, 1999.

I am pleased to announce that after a rigorous selection process, three bright young students from my district will join 400 teenage boys and girls from around the country to take part in the "Voices Against Violence Congressional Teen Conference." Jonathan Chambers, Steven Hoak, and Seth Caton have been chosen to come to the Conference to share their views and insight into the problem of teen violence.

Violence among our youth is a concern nationwide. We, as Members of Congress, can learn a great deal from the youth of our nation. They bring to us a fresh perspective based on real-life experiences. It is our responsibility to work with them to come up with realistic solutions.

One of the purposes of the Conference will be to draft a House Resolution that will define action Congress can take to help prevent youth violence. These 400 teenagers will present us with legislation that will guide us toward helping families, schools and communities in our districts solve this tragic problem.

Jonathan, Steven, and Seth were selected to participate in this monumental event because they demonstrated a true commitment to their schools and to their communities. Jonathan is a Senior at Trinity High School in Washington County; Steven is a Sophomore at California High School, also in Washington County; and Seth is a Senior at Laurel Highlands High School in Fayette County.

I know they are looking forward to being active participants in this Conference, and I am honored to have them represent the 20th Congressional District of Pennsylvania.

TRIBUTE TO MURIEL WATSON

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. HUNTER. Mr. Speaker, I rise today to recognize the outstanding service and dedication of a hometown heroine from my district, Mrs. Muriel Watson. On November 4, 1989, Mrs. Watson assembled a group of people with 23 cars on Dairy Mart Road where they turned on their headlights and shined them into Mexico for a half-hour as a protest against illegal drugs and aliens coming into California from across the border. Mrs. Watson's late husband had been a Border Patrol agent for 30 years.

The enthusiasm of the participants made this event such a success that Mrs. Watson began to distribute flyers to friends, and friends of friends. On December 10, 1989, Mrs. Watson held another "Light Up the Border" with 60 cars, and the following month over 100 cars participated. The event was featured on the Roger Hedgecock radio show and in February, over 200 cars took part and in March over 1,000 cars showed up. By this time, Mrs. Watson was providing participants with printed instructions, asking them to stay in their cars for 45 minutes, turn on their lights for 30 minutes and then turn them off.

At about this same time, we were able to obtain an engineering unit from the California National Guard to work on border enforcement projects. This unit, under the direction of Captain Wade Rowley, began building several roads and a 10-foot high steel fence made of surplus steel landing mats. This fence was successful in stopping drive-throughs by drug smugglers and illegal aliens, but did not prevent several people from crawling under, or climbing over the barricade. It was then that Mrs. Watson's event was brought to my attention by my District Deputy Chief of Staff, Cato Cedillo, and I felt that her concept should be applied on the border on a more permanent basis. Consequently, we have added lights, sensors, and other detection devices to assist the Border Patrol agents with their responsibilities.

Before her work with "Light Up the Border", Mrs. Watson started a scholarship fund in 1982 for children of Border Patrol agents, providing two $500 scholarships herself out of her own funds. Impressed with her commitment, I wanted to help this effort and in 1994 began to auction off signed lithographs of Olaf Weighost pictures with the proceeds going to the Watson Fund.

Mr. Speaker, in a time where apathy is the common attitude towards most of our problems, Mrs. Watson is a shining example of how one person can make a difference. Mrs. Watson not only created "Light Up the Border", but she herself lights up any gathering she attends.

TRIBUTE TO AARON ADOBERAVOSKI AND C.J. TRUJILLO

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mrs. WILSON. Mr. Speaker, I wish to bring to your attention the heroic acts of twelve years old Aaron Adoberavoski and nine year old C.J. Trujillo. Aaron is a seventh grader at Kennedy Middle School and C.J. is a fourth grader at Tomasita Elementary School in Albuquerque, New Mexico.

In April 27, 1999, these two young boys were riding their bikes around Sandia Vista Park when they saw a man eluding some police officers. After a short while, the boys spotted a bag of money dropped in haste in a tunnel just off the park. The bag contained $1,900. The money had been stolen earlier from a Norwest Bank branch in a Furr's grocery store. C.J. and Aaron found a police officer at the park and turned the money over to him.

Too often we do not recognize the positive things kids do. Aaron Adoberavoski and C.J. Trujillo showed that honesty is often its own reward and they were willing to act without hesitation.

Please join me in thanking Aaron Adoberavoski and C.J. Trujillo for this act of citizenship. They are true models of honesty and integrity in our great community of Albuquerque, New Mexico.

IN HONOR OF THE SAINT SAVA SERBIAN ORTHODOX CATHEDRAL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to honor the 90th anniversary of the Saint Sava Serbian Orthodox Cathedral in Cleveland, OH. The festivities will be held on the weekend of October 23, 1999 to commemorate this great milestone in their history.

In the past 90 years the Saint Sava Serbian Orthodox Cathedral has been a cornerstone of the Serbian community in Cleveland. Now, almost a century later, the cathedral has developed into a cherished place for learning, teaching, and growing. Through the leadership of its members and clergy, the cathedral has succeeded in passing on many beliefs and values. The cathedral has helped young children develop their heritage and learn about their culture. It is here that the members come together as a community and a family to share in their beliefs and traditions. Organizations like the Saint Sava Serbian Orthodox Cathedral must be applauded and recognized for their years of dedication to so many generations of Clevelanders.

I urge my fellow colleagues to please join me in recognizing the dedication and faith of the families of the Saint Sava Serbian Orthodox Cathedral as they celebrate 90 years of service in the Greater Cleveland area.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

PERSONAL EXPLANATION

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Ms. CARSON. Mr. Speaker, I was unavoidably absent the morning of Wednesday, October 13, 1999, and as a result, missed rollcall vote 494. Had I been present, I would have voted "yes" on rollcall vote 494.

PRESERVING OUR HERITAGE IN SPACE EXPLORATION

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. HORN. Mr. Speaker, today the House has passed the conference report of the bill making appropriations for the Departments of Veterans Affairs, Housing and Urban Development and Independent Agencies. This bill includes vital help for the city of Downey, California, as it adjusts to changes in America's space program.

For nearly seven decades, Downey has been a creative center in our efforts to explore space. At one time, some 28,000 workers were employed at NASA's manufacturing facilities in Downey, producing the Apollo command and service modules that took Neil Armstrong and our other astronauts to the moon and back. In more recent times, Downey has produced the Space Shuttle, but now all manufacturing work is being phased out and the remaining 3,000 workers will leave Downey's plants by the end of this year.

As the city makes the transition to new development and new jobs for this area, it also plans to preserve the rich heritage of Downey's role in our space program. This bill helps that effort by providing funds for a Space Science Museum and Educational Program as a key part of the new development.

Mr. Speaker, I want to thank the subcommittee chairman, Representative JIM WALSH, the ranking member, Representative ALAN MOLLOHAN, Representative JERRY LEWIS and all of the other Members and staff who have helped make this assistance a realty. When a community loses 3,000 high-skill jobs, it is a devastating blow. I am confident that Downey will recover and that it will, in fact, thrive in the years ahead, but it is very appropriate that we assist that recovery in any way we can and that we do so in a way that not only preserves a heritage that is important to Downey but to all Americans.

TRIBUTE TO FRANK DILLMAN

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. HUNTER. Mr. Speaker, I rise today to recognize one of our country's great veterans, Mr. Frank Dillman. Frank was a member of the old Fourth Marine Regiment which was stationed in China before being shipped out to the Philippines during the outbreak of World War II. This regiment arrived in the Philippines days before the Japanese arrived to continue the attack they had initiated at Pearl Harbor.

With no hope for reinforcements because of the destruction of the American Naval fleet days before, the Philippines were forced to surrender shortly after the fighting began. Frank survived the Bataan Death March, was interned in a prisoner-of-war camp before being transported to Japan where he was forced to work slave labor in a Mitsubishi-owned copper mine until Japan surrendered in 1945.

Following his release, Frank was asked by Marine Corps General Lem Shepherd to write a history of his ordeal. Frank agreed and, while working on his project, began collecting pictures, artifacts and stories that would eventually become an exhibit known as the Pacific Memorial Freedom Foundation. This exhibit includes the first American flag to be pulled down and desecrated by the Japanese at Baguio and an original copy of the Freedom Proclamation issued by General Douglas MacArthur. The exhibit has been displayed at a number of high school libraries in San Diego County and is currently located at the Veterans Memorial Center in Balboa Park in San Diego.

As news of the exhibit spread, Frank still receives pictures and artifacts as he continue to write extensively on the collection and the American and Filipino soldiers involved with the conflict. As we all know, America allowed Filipinos to enlist in the U.S. Navy while in the Philippines where they would eventually visit and experience San Diego during their travels. Many decided to make San Diego their home and, as a result, San Diego County has the greatest concentration of Filipinos of any county in California.

Mr. Speaker, Frank Dillman's vision has created an exhibit that reminds us all of our important history. His efforts honor our Nation's veterans and provide a unique service, not just to those in San Diego, but to our country as well.

TRIBUTE TO ELIZABETH EMERY

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mrs. WILSON. Mr. Speaker, I wish to bring to your attention Elizabeth Emery of Albuquerque, New Mexico, a gold medalist in the women's individual time trial cycling event at the 1999 Pan American Games.

Elizabeth started cycling at the age of 27. To some this would be described as a late start, however through hard work and commitment she made up for the time lost. Elizabeth Emery serves as a role model to young people, especially young woman. Her outstanding gold medal performance proved what can be accomplished when you set a goal, and work hard. We know that young women who are involved in sports are more likely to stay in school, set and achieve their goals and make positive life choices. Ms. Emery is a successful woman athlete we can all learn from.

Please join me in commending her for proudly representing the United States and securing a spot on the US Team to compete at the 1999 World Cycling Championships, October 1999 in Italy.

IN HONOR OF MS. OLIVE WHITMORE ON CELEBRATING HER 99TH BIRTHDAY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Ms. Olive Whitmore as she celebrates her 99th birthday on October 14, 1999.

Ms. Whitmore is a native Clevelander, where she has lived and prospered. A member of the West Boulevard Church since she was three years old, she is now the oldest living member. Her faith in God and her belief in the everlasting have carried her through an amazing life. Her religious values are remarkable.

Olive Whitmore was a charter member of the Order of Eastern Star and a charter member of the Electra Club. While a member of the Electra Club she sang with the choir under the direction of Charles Dawes of the "Cleveland Orchestra". They sang at the first 4th of July festival at the Cleveland Municipal Standium. It was said that the gathering was so large that the following year it was moved to Edgewater Park where it is still celebrated.

Ms. Whitmore worked at Halle's Department Store, downtown from 1957 to 1970. During her work at Halle's, she managed to help thousands of Clevelanders, always with a smile on her face, a twinkle in her eye, and a bounce in her step. After her retirement she became a noted traveler, visiting places from Nova Scotia to the United States. While a noted visitor to other places, her heart always remained grounded in her hometown.

Ms. Whitmore is the oldest of three children. She has a contagious joy for life and is a delightful women. My distinguished colleagues, please join me in honoring Ms. Olive Whitmore on her 99th Milestone Birthday.

HONORING PATRICK HARTEN ON HIS 100TH BIRTHDAY

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. CROWLEY. Mr. Speaker, I rise to honor an Irishman who has lived a long, full life of devotion to God and family, Patrick Harten, on the occasion of his 100th birthday.

Patrick Harten, who is my great uncle, was born on October 17th, 1899 in the Parish of Mullaghoran in County Cavan, Ireland. He was the third child of eight children raised by Patrick and Rose (White) Harten.

Patrick attended the Carnagh Upper National School, then later received training as a radio operator in Dublin.

Around the age of 28, Patrick immigrated to Canada. Patrick lived for many years near Toronto, where he farmed and also worked as a lumberjack.

Patrick's family in Ireland remembers his great kindness and generosity during World War II. He never forgot his family thousands of miles across the Atlantic in war torn Europe, and sent many packages of fruit, tea, as well as other goodies for the children—items that would have otherwise been unavailable to them during those adverse times.

Patrick's concern for his family is also related by his sister-in-law Mae who remembers the long letters the two would exchange as Patrick inquired about the family's well being. Several years after the war, Patrick returned to Mullaghoran to visit the Irish Hartens.

Currently, Patrick resides at the Maynard Home in Toronto.

Mr. Speaker, please join me in congratulating Patrick Harten for a remarkable life on the occasion of his 100th birthday.

CONGRATULATIONS ON THE MERGER OF PICADA AND DANE COUNTY YOUTH CONNECTION

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Ms. BALDWIN. Mr. Speaker, I rise to offer my congratulations to the staff and board of directors of the newly merged PICADA and Dane County Youth Connection. This recent collaboration has been positively received by members of the community and civic leaders, who recognize the importance of high profile prevention and early intervention strategies. Such work is far reaching and immeasurable. The practice of making healthy choices is crucial for individuals and families in Dane County. I invite my colleagues to proudly join me in commending the union of these two exemplary organizations.

CELEBRATING THE MEMORY OF MATTHEW SHEPARD

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. UDALL of Colorado. Mr. Speaker, I rise today to celebrate the memory of Matthew Shepard. One year ago, this 21-year-old college student died in a hospital bed in Fort Collins, Colorado, the victim of a brutal and senseless act of hate. I don't think anyone will ever forget the imagery of him being pistol-whipped, beaten, robbed, tied to a rough-hewn fence and left for dead on a cold October morning outside of Laramie, WY. And all of this because he was gay.

It is ironic that his life would be taken in such a violent way, considering the fact that Matthew wanted to dedicate his life to creating a world of peace and promoting human rights. He did not die in vain. His death shook us by our shoulders and forced us to deal with the issue of hate crimes and come to grips with the hate that brews in so many people's hearts. A crime motivated by hate is more than just another crime committed against an individual—it is intended to put fear into a whole community whether it is the African-American, Asian, Latino, disabled, gay and lesbian or senior communities.

Mr. Speaker, enough is enough. Every person is entitled to respect and human dignity, and no person should live in fear for being who they are. Our nation is strong because of our diversity, not in spite of it. We must speak with one voice to erase violence and hate from our communities and from our hearts. And we must pass the Hate Crimes Prevention Act. This piece of legislation may not end all hate violence, but it will send a strong message that this Congress will not tolerate hate crimes, and that people who commit such acts will be met with swift and equal justice. And it will renew our commitment to creating an America where there is "liberty and justice for all."

IN RECOGNITION OF JOAN KRON

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. ACKERMAN. Mr. Speaker, I rise today to pay tribute to Joan Kron as she is honored by the Saul Weprin Democratic Club on Sunday, October 17th, 1999 at the club's 42nd annual dinner dance.

Joan Kron has been a long time member of the Board of Governors of the Saul Weprin Democratic Club. She is an experienced educator who has been employed by the New York City Board of Education for twenty four years. For the last twenty years, Joan Kron has been the Resource Room teacher at P.S. 186 in Bellerose, Queens.

An alumini of Lehman College, Joan Kron earned a Bachelor of Arts in Elementary Education and a Master of Arts in Special Education. She is currently pursuing a Certificate in Supervision and Administration from Queens College.

For the past year, Joan Kron has served as the UFT representative for her school and has been involved with various union issues. She is a passionate community activist who has given both of her time and her energy to a number of worthy causes.

Joan Kron is a devoted wife to her husband, Barry, and dedicated mother to her daughter, Beth, and her son, Jonathan. Beth is currently attending SUNY College at Oneonta and Jonathan attends Townsend Harris High School.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me in extending my congratulations to Joan Kron as she is honored by the Saul Weprin Democratic Club for her years of dedicated service to the community.

TRIBUTE TO REVEREND BENEDICT J. BENAKOVIC

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. VISCLOSKY. Mr. Speaker, I would like to take this opportunity to congratulate Reverend Benedict J. Benakovic on the 50th Anniversary of ordination into the priesthood. On Sunday, October 17, 1999, the parishioners of St. Joseph the Worker Croatian Catholic Church in Gary, Indiana, will honor its jubilarian priest. Father Benedict's 50th Anniversary festivities will begin at 11:00 a.m. with a Mass of Thanksgiving at the church, followed by a reception in the church hall.

Father Benedict was born on January 18, 1923 in Slavonski Brod, Croatia. He entered the minor seminary of the St. Jerome Province of the Croatian Conventual Franciscans on September 6, 1935, and pronounced his solemn vows on December 26, 1945. He completed studies in philosophy and theology at the Archdiocesan Seminary in Zagreb, Croatia, and was ordained a priest on June 29, 1949 in the cathedral in Zagreb. Father Benedict offered his first Mass on Sunday, July 3, 1949 in Zupanja, his family's hometown.

After one year of military service, Father Benedict was appointed assistant pastor at St. Anthony Church in Zagreb. In 1962, he was sent to the United States to minister to the faithful in a Croatian parish. On February 13 of the same year, he came to Gary, Indiana, where he has lived ever since. The very Reverend Andrew G. Grutka, Bishop of Gary, appointed Father Benedict assistant pastor of St. Joseph the Worker Croatian Church in Gary, Indiana. In 1972, Father Benedict was appointed Pastor, and has remained in that position for the past 27 years.

Father Benedict has never believed that his work as a priest was limited to Sunday mornings. Even though he is extremely dedicated to the people of his parish, Father Benedict has never restricted his humanitarian activities to only his parishioners. Instead, he aids as many people as he can, no matter what the circumstances are. In fact, in October of 1994, Father Benedict was awarded the Columbian Award by the St. Thomas Council, a Catholic fraternal organization based in Hobart, Indiana for his outstanding service and commitment to the community.

Mr. Speaker, I ask that you and my distinguished colleagues join me in congratulating Reverend Benedict on his 50th Anniversary of ordination into the priesthood. I would also like to take this opportunity to commend him for his service and dedication to our country, and especially the citizens of Indiana's First Congressional District.

TRIBUTE TO CHRIS FINK

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. HUNTER. Mr. Speaker, I rise today to recognize one of our country's great veterans, Mr. Chris Fink. Chris received his commission as an Ensign in the U.S. Naval Reserve on October 10, 1941. Shortly after World War II began, he was assigned to the Pacific as a dive-bomber with the U.S.S. *Enterprise*.

Chris was one of eleven Navy pilots assigned to defend the recently captured island of Guadalcanal. On the day following his arrival, Chris' squadron attacked the Japanese transport *Kinryu Maru*, sinking the vessel and denying the Japanese the opportunity to land its 1,000-man force on the island. Three days later, Chris bombed the lead ship of Japanese destroyers, once again thwarting the enemy's attempt to take Guadalcanal and earning the nickname "Never miss'em" by his fellow airmen.

Returning from Guadalcanal, Chris was awarded the Silver Star by Secretary of Navy Frank Knox for his bravery and actions. He soon rejoined his squadron and would later take part in numerous more naval missions, including campaigns over the Philippines, the China Sea, Japan, Formosa and Wake Island. Because of his success, Chris was called back to the U.S. to participate in the War Bond Tour, which would travel the country and rally people to purchase bonds to finance the war.

Following World War II, Chris became the 23rd naval flier to receive a helicopter pilot's license, which was still considered an experimental aircraft, and traveled to several bases across the country demonstrating its potential. During the Korean War, Chris directed carrier-based air strikes against North Korean forces and took on several assignments, including Commander of Fighter Squadron 54, Executive Commander of the U.S.S. *Wasp*, Deputy Commander at Naval Air Station, Memphis, and Navy Liaison at Sikorski Aircraft Company.

In 1966, after 25 years of faithful service, Chris retired from the Navy having earned numerous awards and medals, including the Silver Star, the Distinguished Flying Cross, the Presidential Unit Citation, and the National Defense Medal.

Mr. Speaker, in an era when our nation's veterans are often not given sufficient recognition, outstanding leaders, such as Chris Fink, exemplify the courage and dedication of our nation's military and remind us all what it means to be an American hero.

TRIBUTE TO NEW MEXICO PARENTS OF THE YEAR

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mrs. WILSON. Mr. Speaker, I wish to bring to your attention the recipients of the 1999 New Mexico parents of the year award. This award is administered by the New Mexico Parent's day coalition. As we recognized these parents, I thank them for the role they play in strengthening and restoring the foundation of our country—the family.

Bob and Tina Schmitt, Los Lunas; Steve Trujillo, and Barbara Gauna Trujillo, Albuquerque; Kent and Carolyn Cummings, Las Cruces; Ronald and Joy Jones, Albuquerque; David and Rose Ostrovitz, Albuquerque; Robert and Mary McCray, Las Cruces; and Pete and Catherine Powdrell, Albuquerque.

Please join me in thanking these parents for their dedication to raising good citizens and their contributions to New Mexico's future.

EXPORT ENHANCEMENT ACT OF 1999

SPEECH OF

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1993) to reauthorize the Overseas Private Investment Corporation and the Trade and Development Agency, and for other purposes:

Mr. KUCINICH. Mr. Chairman, I rise in favor of this amendment to require the public disclosure of environmental impact statements for all OPIC projects designated "Category A". It requires information disclosure for environmentally sensitive OPIC Investment Fund projects such as oil refineries, chemical plants, oil and gas pipelines, large-scale logging projects and projects near wetlands or other protected areas. Current OPIC Investment Funds are not subject to any transparency requirements. Furthermore, no specific information on these projects is contained in OPIC's annual reports.

As a consequence, Congress, the public and the residents living near OPIC have no knowledge of the potential environmental and related financial and political risks. What is the taxpayer's interest in these projects?

Taxpayers are liable for OPIC investments overseas if they fail. Private corporations and investors make investments in OPIC Investment Funds. OPIC-supported funds, in turn, make direct equity and equity-related investments in new, expanding and privatizing companies in "emerging market" economies. While taxpayer money is not actually invested in these funds, taxpayers are liable for the investments should they fail. These funds have invested in more than 240 business projects in over 40 countries. Recent estimates show that the total amount in Investment Fund programs will soon reach $4 billion.

Since taxpayers are exposed to millions of dollars of potential liabilities, I believe OPIC has a responsibility to Congress and the public to operate in an open and transparent manner. The lack of environmental transparency conceals environmentally destructive investments of these funds not only from Congress and the American public, but also to locally-affected people in the countries where OPIC projects are run.

For example, a 1996 FOIA lawsuit focusing on OPIC activity in Russia revealed that an Investment Fund project was involved in clear cutting of primary ancient forests in Northwest Russia. Russian citizens, expecting democracy building assistance from the U.S. Government, had not been provided with any environmental documentation. In fact, according to documents obtained in the lawsuit, an OPIC consultant had falsely documented the Russian citizens' support for the harmful, irreversible logging of pristine forests.

OPIC Investment Funds have also been involved in a gold mine in the Côte d'Ivoire in the area of a primary tropical forest which is opposed by local citizens. Reports of other troubling projects are also being circulated. Conservation groups have filed FOIA requests to obtain the names, nature, location and environmental impact assessments for all OPIC investment fund projects. OPIC, however, continues to conceal the environmental consequences of these questionable investments from the public.

What little information that has been uncovered about these funds reveals a checkered environmental record. With environmentally and socially sensitive projects being a main focus of the funds, public disclosure of environmental impact assessments is even more crucial.

Organizations such as the National Wildlife Federation, Friends of the Earth, Institute for Policy Studies, Environmental Defense Fund, Sierra Club, Center for International Environmental Law and Pacific Environment and Resources Center have long advocated for increased transparency in OPIC Investment Fund projects.

Representatives of these organizations met with the new OPIC President in February where he agreed with their assertion that these funds should be transparent when it comes to the environment. OPIC recently launched a $350 million equity fund for investment in Sub-Saharan Africa which will include transparency and public disclosure provisions. But there are still 26 other funds which remain shrouded in secrecy.

With almost $4 billion dollars invested in these programs, and OPIC's sketchy environmental record, it is ever more important that OPIC be held accountable to the public regarding its investments in environmentally sensitive projects.

The ideal legislation to correct the lack of transparency in Investment Fund projects would require the public disclosure of Environmental Impact Assessments conducted on all new investment projects. It would also allow for a public comment period where citizens, especially those living in the affected area of the project, could voice their opinions of the project. In the case of projects already underway, a renegotiation of contracts to allow for public disclosure would be required to avoid breech of contract concerns.

If we can't have full transparency in all Investment fund projects, then OPIC should not be involved in projects that are environmentally sensitive.

While projects like oil refineries, gas and oil pipelines, chemical plants that produce hazardous or toxic materials, and large-scale logging projects may be necessary for the industrial development of developing countries, holding the US taxpayers liable for investments in projects that could pose serious environmental or health risks to local populations with no public oversight or disclosure is unacceptable.

It is OPIC's policy, as outlined in the Environmental Handbook to conduct rigorous internal Environmental Impact Assessments on all environmentally sensitive projects. Environmental impact assessments are also required by law as found in Executive Order 12114 and Public Law 99–204. However, while the assessments for insurance and finance projects are publicly disclosed, assessments on Investment Fund projects are not. Accountable government demands that these assessments be disclosed.

I urge my colleagues to support this amendment and shed some light on OPIC's environmentally sensitive Investment Fund projects.

MOVING FORWARD TO PROTECT ROADLESS AREAS IN AMERICA'S NATIONAL FORESTS

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. HORN. Mr. Speaker, the effort to protect as much as 40 million acres of roadless area throughout our National Forest System took an important step forward this week. The President has directed the National Forest Service to prepare an environmental analysis on how best to conserve and safeguard the roadless areas in numerous forests across our nation.

While approximately 60 million acres in our National Forest System remain untouched, these unspoiled areas have been left unprotected from future mining, logging, and roadbuilding. Without the development of a science-based policy for managing roadless areas, these unspoiled lands may become susceptible to a wide variety of ecological problems. Some of the problems include: an increased frequency of flooding and landslides; increased habitat fragmentation; increased frequency of fires as a result of access; and invasion of exotic species that displace native species.

On June 18, 1999, 168 Members of the House joined with me and Representative HINCHEY in urging the President, to start taking decisive action to protect roadless areas in all national forests from logging, mining, and other destructive activities. Over half of the Forest Service's 191 million acres are presently available for logging, mining, drilling for oil and gas, and other types of development. These scarce roadless areas provide essential habitat for fish and wildlife, protect the greatest reserves of diverse plant life, and offer our nation's people an abundant supply of clean drinking water and opportunities for outdoor recreational activities. Clearly, these natural resources must be protected.

While the current moratorium on road building in roadless areas of the Forest Service's lands provides temporary protection from further development, future management policies and protection efforts must be set in motion to safeguard these pristine areas. President Clinton's announcement today is a good step toward a national policy that will safeguard our roadless areas so that these national treasures are not lost, and can be enjoyed by future generations. Furthermore, I encourage the public to take an active role in the development of a long-term protection plan. Congress also must be ready and willing to engage in a constructive and positive debate to shape a sound new approach to the nation's forests.

RECOGNIZING A LOCAL CHAMPION—MR. JOSH WEIR

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Ms. CARSON. Mr. Speaker, I rise today to bestow much deserved recognition to Josh Weir, a senior at Ben Davis High School located in my home town of Indianapolis, IN.

All too often we focus on negative stories regarding our youth while neglecting to praise the millions of young people across this country who are eager to face the challenges and meet the responsibilities and expectations that society places upon them. Josh Weir is one such extraordinary young man.

This past summer, Josh won two gold medals and one silver medal at the Junior Track Cycling Championships at the Indianapolis Major Taylor Velodrome. In doing so, Josh has earned the honor of being called "National Champion."

This honor did not come without hard work and the support of his parents. His preparation required him to devote countless hours in the weight room, and train hours away from home. Josh's coach, Gil Hatton, recently exclaimed, "One very positive thing about Josh Weir is that his parents are very supportive of what he does." Their support is to be commended.

In addition to his athletic accomplishments, Josh has given back to his community. Josh belongs to Top Teens of America, Inc., a nationally known service organization. As we approach the dawn of a new century, young people such as Josh Weir will make certain a brighter future for our community, State, and country.

Mr. Speaker, though someday, Josh dreams to race for the U.S. national team and perhaps even in the 2004 Olympics, he knows that a college degree represents the ultimate trophy. By choosing this path to success, Josh is a true hero.

TRIBUTE TO VALENTIN S. KRUMOV

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. CROWLEY. Mr. Speaker, I rise today to extend my sincere condolences to the family of Valentin S. Krumov, who's life was cut tragically short in Kosova where he worked for the United Nations Interim Administration Mission in Kosovo (UNIMIK). Valentin arrived in Kosova on Monday, October 11 and was killed at 9:00 p.m. local time by a group of Albanian teenagers who brutally beat and then shot. According to police reports, Valentin had responded to a question posed to him in Serbian. Although he is a Bulgarian national, Mr. Krumov once lived in Queens, which I am proud to represent. Mr. Krumov was 38 years old and a respected scholar who received his doctorate in political science from the University of Georgia. He dedicated his adult life to the disciplines of international relations and economics, going to Kosova to help restore democracy and rebuild that war-torn land. According to the United Nations, police are still investigating this terrible and cowardly crime. I am hopeful that the perpetrators will be brought to justice soon.

Mr. Speaker, this tragedy only serves to illustrate that although the bombing has ended in Kosova, the violence has not. The United Nations has a difficult job before it and must have the resources to do it properly. Before this first session of the 106th Congress ends, I hope that we have appropriated the money necessary to help rebuild Kosova and make it safe.

RECOGNITION OF MS. CLARA DAVELER'S OUTSTANDING COMMUNITY SERVICE

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Ms. BALDWIN. Mr. Speaker, I rise to honor an amazing woman, one who has bettered the lives of many people over the years, Ms. Clara Daveler. As the manager at a senior nutrition site, Ms. Daveler has been filling a real need in the community by providing nutritious, appetizing hot lunches to seniors at the Bashford Methodist Church for over 15 years. Not only does she serve, prepare, and tidy up after the meals, she does so with a smile and kind words, as the regulars, the delivery man, and her co-workers can attest. Ms. Daveler, a 76-year-old dynamo, still works 20 hours per week, and when asked about her job, says, "We always have a good time."

This October is the 25th anniversary of the Bashford Methodist Church's senior nutrition site, and to commemorate this special time, Clara's co-workers wanted to honor the one woman without whom it couldn't have happened. I commend Clara Daveler for her great contributions, and I wish her many more happy years with her friends and colleagues at the Bashford Methodist Church.

FEDERAL LAW ENFORCEMENT ANIMAL PROTECTION ACT OF 1999

SPEECH OF

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1999

Mr. UDALL of Colorado. Mr. Speaker, I rise in support of this measure to protect not only the animals involved in federal law enforcement, but also the people and institutions these animals serve.

Under this bill, individuals who commit or attempt to commit malicious acts on federal law enforcement animals will face jail sentences of one to ten years depending on the gravity of the act. This important legislation will send a message to any potential offenders that our police dogs and horses are valued for the law enforcement functions they serve, and any offenses against these animals will have serious consequences.

This is a modest step, but an important one and I urge its passage.

TRIBUTE TO RABBI STANLEY HALPERN AND RABBI MICHAEL STEVENS

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. VISCLOSKY. Mr. Speaker, it is my distinct honor to commend two of Northwest Indiana's most distinguished citizens, Rabbi Stanley Halpern and Rabbi Michael Stevens. On Sunday, October 17, 1999, Rabbis Halpern and Stevens will be honored for their exemplary and dedicated service to Northwest Indiana and to the State of Israel. Their praiseworthy efforts will be recognized at the Northwest Indiana-Israel Dinner of State, as they receive the Shema Yisrael Award. The Shema Yisrael Award is given to worthy recipients who demonstrate their dedication and outstanding service of Israel and their community.

Rabbi Stanley Halpern, a resident of Portage, Indiana, came to Temple Israel in Gary, Indiana, in 1988 from Central California where he served as the Executive Director of the Bureau of Jewish Education in Sacramento. Rabbi Halpern is very involved in several organizations, including: the Jewish Deaf Congress, the Gary Interfaith Clergy Council, and the Interfaith Alliance of Northwest Indiana. He also serves as chaplain of the Gary Police Department. Additionally, he serves on the board at the Northwest Indiana Open Housing Center, the Bio-Ethics Committee of Munster Community Hospital, the Liheyot panel of the UAHC Committee on Family Concerns, and the CJF Special Committee on Accessibility. Though Rabbi Halpern is dedicated to his career and his community, he has never limited his time and love for his 16-year-old daughter, Sasha.

Rabbi Michael Stevens, a native of Brooklyn, New York, received both a bachelor's and master's degree in music, as well as a master's degree in Hebrew literature. In 1976, Rabbi Stevens was ordained as a Rabbi at the Hebrew Union College-Jewish Institute of Religion in New York. Before coming to Northwest Indiana in 1987 to serve the Temple Beth-El in Munster, Rabbi Stevens served as Rabbi of Beth Israel Temple Center in Warren, Ohio, and of Congregation Rodeph Shalom in Montreal, Quebec. He also served as Interim Rabbi of Congregation Keneseth Israel in Allentown, Pennsylvania. While Rabbi Stevens has dedicated considerable time and energy to his work, he always made an extra effort to give to the community. He has served on the Lake County AIDS Pastoral Care Network, reviewed concerts of the Northwest Indiana Symphony Orchestra, composed music for the Temple Beth-El choir, and has played the role of the Rabbi in a production of "Fiddler on the Roof." He has served for many years on the faculty of the Olin-Sang-Ruby Union Institute camp in Oconomowoc, Wisconsin, and currently teaches in the Department of English and Philosophy at Purdue University Calumet. Rabbi and Judy Stevens are the proud parents of four wonderful children, David, Joshua, Andrea, and Aaron.

The special guest at this gala event will be Mr. Uriel Lynn. Mr. Lynn is a distinguished lawyer and businessman and a former highly regarded member of Israel's Knesset.

Mr. Speaker, I ask you and my distinguished colleagues to join me in congratulating Rabbis Stanley Halpern and Michael Stevens for receiving the Shema Yisrael Award. Their dedicated service to both the State of Israel and our Northwest Indiana community is commendable and admirable.

IN RECOGNITION OF ROBERT FONTI

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. ACKERMAN. Mr. Speaker, I rise today to pay tribute to Mr. Robert G. Fonti as he is honored by the Saul Weprin Democratic Club on Sunday, October 17th, 1999 at the club's 42nd annual dinner dance.

Robert Fonti is an active member of the Board of Governors of the Saul Weprin Democratic Club. He is the President and the CEO of the Vincent James Management Company where he specializes in Real Estate Brokerage and Property management.

An alumni of St. John's University, Robert Fonti earned a Bachelor and a Master of Arts in Government and Politics as well as a Certificate in Public Administration. He is actively involved in professional organizations such as the National Realty Organization, the Real Estate Board of Education, the New York Association of Realty Managers and the National Asbestos Council. As a real estate consultant to the Town of Huntington, Robert Fonti advises the Town Board on all trustee and land use matters. He also serves as the VP of Budget and Finance for Respect for Law Alliance Inc.

Aside from his professional duties, Robert Fonti donates his time and energy to such worthy causes as the New York State Order of the Sons of Italy in America, the Coalition of Italian American Organizations, and the Boy Scouts of America.

Robert is a devoted husband to his wife, Barbara, and father to his daughters, Barbara Olivia and Lauren Anne.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me in extending my congratulations to Robert Fonti as he is honored by the Saul Weprin Democratic Club for his years of active service to his community.

IN RECOGNITION OF JAMES CONLON

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. FRANKS of New Jersey. Mr. Speaker, I rise today to acknowledge an admirable and dedicated resident of Union, New Jersey who has graciously served his community for many years.

James Conlon is a graduate of the Rutgers University School of Law and member of the New Jersey State and Union County Bar Associations. He served for 21 years as a Union Township Committee member where he went on to become Mayor for five terms between 1975 and 1982. Mr. Conlon was an attorney for Union Township from 1982 to 1993 and has been admitted to practice law before the United States Supreme Court.

Mr. Conlon has contributed countless hours of his time to the younger community in Union, as well as to the fight against cancer. He has served as counsel to the American Lung Association of New Jersey and acted as a former trustee for the Boys and Girls Club of Union. In addition, Mr. Conlon has exhibited a strong involvement in the religious community as a member of, and advocate for, the Union Council Knights of Columbus.

Mr. Conlon is an example of courage, integrity, and commitment through his political, professional, and civic efforts to better the community of Union, New Jersey. Please join me in thanking him for his years of service and wishing him continued success.

HONORING WALLACE T. DREW AND DR. URSULA HENDERSON DREW

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mrs. CAPPS. Mr. Speaker, today I rise to bring to the attention of my colleagues two extraordinary people, who on October 9th were honored by their community with the distinguished United Way Community Excellence Award.

Wallace T. Drew has had an impressive career as a managing director for Revlon, Inc., head of Coty Inc. and Vice President of the local Salomon Smith Barney. Mr. Drew has also been a driving force in countless community service organizations in Santa Barbara. He has served on the boards of the United Nations Association of the USA, United Boys & Girls Clubs, the Santa Barbara Symphony, Lobero Theatre Foundation, and the Santa Barbara Arts Council. He was also founder and Chairman of the Nuclear Age Peace Foundation and Senior Warden at All Saints by the Sea Episcopal Church. In addition, Mr. Drew has served on every committee within the Santa Barbara County United Way organization, including Vice-Chair of "Burn the Mortgage in 90" Campaign, founding member of the Endowment Committee and Leadership Circle Committee, and Board Treasurer and President.

Board certified in Psychiatry and Neurology, now retired, Dr. Ursula Henderson Drew was in private practice in Santa Barbara since 1977. She married Wallace T. Drew in 1993. She has served on the Santa Barbara City College Foundation and on the Advisory Committee for the Garvin Theatre. She has also served on the boards of the Santa Barbara Film Festival and the Ensemble Theatre. As Chairwoman of the Department of Psychiatry at Cottage Hospital, she also served on the Committee for the Homeless and the Physician's Well-Being Committee. She currently serves on the Board of the Santa Barbara Mental Health Association. Her latest leadership role has been Co-Chair of a $1.5 million campaign to reopen Health House and retain Sarah House.

Mr. Speaker, I was honored to join the United Way in recognizing Wallace and Ursula Drew for their generosity to the City of Santa Barbara. I am inspired by the Drews' service and commitment to their fellow citizens. The lifetime achievements of Wallace and Ursula Henderson Drew will continue in perpetuity.

TRIBUTE TO BRIGADIER GENERAL ROBERT CARDENAS

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. HUNTER. Mr. Speaker, to quote one of our Nation's greatest Presidents, Ronald Reagan:

> Those who say that we're in a time when there are no heroes just don't know where to look. You can see heroes every day going in and out of factory gates. Others, a handful in number, produce enough food to feed all of us and then the world beyond. You meet heroes across a counter—and they're on both sides of that counter. There are entrepreneurs—with faith in themselves and faith in an idea—who create new jobs, new wealth and opportunity. They're individuals and families whose taxes support the government and whose voluntary gifts support church, charity, culture, art and education. Their patriotism is quiet but deep. Their values sustain our national life.

San Diego is fortunate to have many heroes in our community. I would like to take this opportunity to highlight one of our local heroes and honor his sacrifice and achievements.

Many of you may already know the story of Brigadier General Robert Cardenas (USAF retired), one of the greatest test pilots of all time. While General Cardenas is well known for being the pilot of the aircraft that dropped the X–1 being flown by Chuck Yeager, he also was the test pilot for the "Flying Wing", the Northrop YB–49, in 1947 and 1948. The Flying Wing was a revolutionary aircraft at the time and to be chosen as a test pilot was a great honor. It was also a very dangerous assignment. General Cardenas, in an interview described one particular test flight where "he found himself at the controls of an airplane that was pointing almost straight up; refusing to respond to the controls, it was falling tail-first at 5,000 feet per minute. The aircraft then tumbled over backwards." General Cardenas managed to land the aircraft safely. In January 1949, General Cardenas flew the YB–49 on a high-speed exhibition run to Washington, DC, and where a famous picture of the YB–49 flying over the U.S. Capitol was taken.

The Flying Wing project was eventually canceled and the plane was not duplicated until the current B–2 aircraft. It is safe to say, however, that without test pilots like General Cardenas who were willing to risk their lives, we would not have the B–2 today. General Cardenas is a true American Hero and our country owes him a debt for his contributions to the development of our national security.

TRIBUTE TO FORMER PRESIDENT JULIUS NYERERE

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. PAYNE. Mr. Speaker, I rise today to pay tribute to a great man, a great statesman, a man of great compassion and a visionary who believed strongly in Africa's ability to forge a prosperous future of unity and peace. Former President Julius Nyerere of Tanzania passed away today in London at age 77 after losing a 2-year battle with leukemia.

Known affectionately throughout Africa as Mwalimu, or "teacher" in Swahili, President Julius Nyerere was the father of Tanzanian independence and a symbol of Africa's hope as it emerged from the shadow of European colonial rule.

He led the drive for the independence of his East African nation from British rule and became the country's first president in 1962.

In 1979, in defiance of the Organization of African Unity, President Nyerere sent troops to Uganda in response to the intense suffering of the Ugandan people under the brutal dictatorial regime of Idi Amin Dada. That operation—one of the first humanitarian missions of its kind—would help set a legal precedent for peacekeeping missions all over the globe.

Nyerere stepped down as president in 1985 after 23 years in office to devote his time to farming and diplomacy. He worked tirelessly to negotiate an end to the violence that has plagued central and southern Africa in the past decade.

Most recently, Nyerere's efforts were directed toward mediating an end to the bloody civil war in neighboring Burundi, where more than 200,000 people, mostly civilians, have been killed since 1993.

Nyerere wrote eight books mainly on development and socialism in Africa and Tanzania in particular. He also translated William Shakespeare's plays "Julius Caesar" and "The Merchant of Venice" into Swahili.

A Roman Catholic, Nyerere was married and had eight children.

The current President of Tanzania, President Mkapa, has announced that a state funeral will be held for Nyerere in Dar es Salaam early next week.

RECOGNITION OF THE 150TH ANNIVERSARY OF PFIZER, INC.

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. GEJDENSON. Mr. Speaker, I rise today to commemorate the 150th anniversary of Pfizer, Inc. and to congratulate the company on its pioneering innovations in the vital pharmaceutical industry. Pfizer's story is one of adventure, risk-taking, bold decision-making, and lifesaving. It's the chronicle of a small chemical firm from Brooklyn, NY, which, over the years, has become one of the world's premier pharmaceutical enterprises. Pfizer now employs close to 50,000 people in 85 countries, including 4,939 employees in Groton, CT. Pfizer's products are now available in 150 countries. These products treat a variety of diseases and conditions, such as hypertension, Alzheimer's, infections, diabetes, and arthritis.

Cousins Charles Pfizer and Charles Erhart emigrated to New York from Ludwigsberg, Germany in the mid-1840s. In the U.S., the young cousins united their skills and opened shop as a chemical firm in 1849. Charles Pfizer & Co. filled a gap in the American chemical market by manufacturing specialty chemicals that had not been produced in America. The company made many important breakthroughs and developed popular and effective drug treatments in its first 75 years. Medicines developed by Pfizer helped to save many lives during the Civil War.

However, it took bold decision-making to catapult Pfizer into its role as a trendsetter in the antibiotic era and a leader in the pharmaceutical industry. In 1928, when Alexander Fleming discovered the germ-killing properties of the "mold juice" secreted by penicillium, he knew that it could have enormous medical value. Unfortunately, Fleming was unable to mass-produce penicillin. In 1941, following new research relating to this "wonder drug," Pfizer executives risked their own stocks and invested millions of dollars to develop a process to mass–produce penicillin. Thankfully, they were successful. With the U.S. Government desperate for penicillin to aid soldiers in World War II, the company, in true patriotic spirit, agreed to share its method with competitors while still leading the way in penicillin production.

From this point on, Pfizer expanded into a global leadership role in the pharmaceutical industry. The company opened operations around the world and developed new and effective antibiotics to help in the fight against deadly bacteria.

Pfizer has invested a great amount of its resources into R&D—over $2.8 billion in1999 alone. This strategy has resulted in the launch of many successful drugs that help people live better lives. By bringing best-in-class medicines to market and working with patients and physicians to develop comprehensive disease management programs, Pfizer helps people control their illness, rather than letting peoples' illness control them.

Recognized as one of the world's most admired companies, Pfizer was recently named

"Company of the Year" by Forbes magazine. I applaud the employees of Pfizer in Groton and around the world on the company's 150th anniversary for the many contributions they have made to improving the health and well-being of millions in this country and across the globe.

RECOGNITION OF THOMAS G. LABONTE

HON. ROBERT A. WEYGAND

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. WEYGAND. Mr. Speaker, I rise today to honor the 1999 National Distinguished Principal from the State of Rhode Island, Thomas Labonte. Thom is in Washington this week to join his peers and accept this prestigious honor. I am particularly pleased to honor Thom today, as I have had the opportunity to know him and his family since we grew up in the same city and our paths have crossed numerous times throughout our lives. He worked at the local pharmacy my family frequented, his brother went to high school with me, he was my son's principal in East Providence and his son started as an intern in my State house office and now serves on my staff in Washington.

Thom began as a classroom teacher in East Providence in 1970 and was appointed principal of Kent Heights Elementary School in 1986. During his time at Kent Heights, he oversaw the expansion of this neighborhood school to a school which educates over 320 students today. My son was one of Thom's students before Thom left Kent Heights to become the principal at the Watters and Meadowscrest Elementary Schools and begin his service in Pawtucket in 1990.

When he first arrived at Elizabeth Baldwin Elementary School in Pawtucket, he served as the sole administrator in a school with nearly 800 students, 90 percent of whom were eligible for free or reduced lunch. Considering that working with high risk students is one of his passions, it is no surprise that Thom thrived in this setting. During his time in Pawtucket, he also developed and began the first teacher mentoring program, which provides new teachers with a seasoned and experienced mentor as they begin their careers. This mentoring program has been lauded statewide as a model.

When he arrived in South Kingstown, he continued his refreshing and creative educational leadership. While principal of Wakefield Elementary School, he was appointed to serve concurrently as the director of the Hazard School where he oversaw the rehabilitation and redevelopment of the town's kindergarten center. He continues to provide a stable and thriving learning environment to the students, teachers, parents in the Wakefield School community.

As Thom has said, "I model the behaviors I want others to emulate, because I truly respect each child, parent, and teacher, and want the school to have a caring atmosphere which supports others." I have visited Wakefield Elementary School and can attest that his simple philosophy has created a learning environment where all kids can learn.

His son once remarked to me that although many children have been blessed with Thom's talents during their time in elementary school, he has been most fortunate to be blessed with his father's talents for his entire life. On behalf of the many children who have been fortunate to have Mr. Labonte as their principal, I offer my congratulations to him and his wife Jane, to whom Thom gives much deserved credit.

TAIWAN'S NATIONAL DAY

HON. RUBEN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. HINOJOSA. Mr. Speaker, I would like to congratulate President Lee Teng-hui and the 21 million Chinese in Taiwan on the occasion of their National Day. At the same time, I wish to convey to President Lee and his people my deep concern about the recent quake that hit their nation. I know rebuilding after the quake is a long painful process, but the good news is that I am confident of President Lee's leadership and his people's industry and perseverance. Taiwan will soon be on its feet again.

Good luck, Taiwan.

COMMENDING THE YOUTH ENTERPRISE IN AGRICULTURE (YEA) PROGRAM

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. BERRY. Mr. Speaker, I rise today to talk about the Youth Enterprise in Agriculture (YEA) program, that has worked so hard to teach young people in Arkansas about the importance of agriculture. Farming has been in my family for generations and I believe that it is one of the most noble professions on earth. I am proud that the YEA program works to teach young people about farming and encourages them to get involved in agricultural careers.

The YEA program was established at the Arkansas Land and Farm Development Corporation in 1991. It was designed as an agricultural career and leadership development program for high school youth to help preserve the small family farm by enhancing youth interest toward farming as a business enterprise and agriculture-related careers. Through work experience, classroom education, leadership development training and career goal-setting, participants are encouraged to continue their education and pursue agriculture-related careers.

YEA provides students, ages 16–19 from Arkansas, Illinois and Mississippi with career and leadership development activities. In the 2-year active training phase, students are offered paid internships with Arkansas family farmers who provide training, work experiences and exposure to agriculture as a lifestyle and business. The YEA program has played an important role in boosting the number of students that are exploring careers in agriculture-related fields.

Through the program, many young people have become strong advocates for agriculture and its diversity and have a broad understanding and mind-set for becoming successful agri-business people and entrepreneurs. These youth represent the next generation of rural leaders and agriculture professionals.

Though only in its ninth year of operation, YEA has been a remarkable success, and has played an important part in the agricultural arena and rural community development and I wish this program more continued success in the future.

IN RECOGNITION OF THE CONTRIBUTIONS OF KENNETH GUNSALUS

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. GEJDENSON. Mr. Speaker, I rise today to congratulate Kenneth Gunsalus upon his 75 years of service with the Boy Scouts of America. Mr. Gunsalus is a distinguished resident of Putnam, Connecticut, and an extraordinary example for us all.

Mr. Gunsalus has been a Boy Scout since first joining Troop 1 in Putnam, Connecticut in 1925. He attained the rank of Eagle Scout in 1933. During his 40 years as a Scoutmaster, Mr. Gunsalus mentored over 1800 scouts. Even after his "retirement" as a Scoutmaster, Mr. Gunsalus has continued to advise young scouts as a Scout committeeman. Thanks to Mr. Gunsalus, hundreds of young men have had the opportunity to benefit from his wisdom and guidance for over seven decades.

Mr. Gunsalus is more than just a dedicated volunteer. He is also a veteran with 4½ years in the Pacific theater in World War II. In his professional life, he worked for Connecticut Light and Power for 43 years.

Mr. Speaker, I join residents from Putnam in congratulating Mr. Kenneth Gunsalus on his decades of service to his community and country. His dedication is a tribute to his family, his society, and serves as a shining example to volunteers across America.

TAIWAN'S NATIONAL DAY

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. REYES. Mr. Speaker, in celebration of Taiwan's National Day, I wish to express support for President Lee Teng-hui, Vice President Lien Chan and Premier Vincent Siew as they take the difficult steps to rebuild their nation in the aftermath of last month's devastating earthquake. As someone who has visited the Republic of China on several occasions since becoming a member of the United States Congress, I have gained a tremendous appreciation for Taiwan and its 21 million citizens.

Taiwan has developed into a world manufacturing and commercial center. Furthermore, their geographic presence in the Pacific is vital to our national security interests. As a consequence, the bonds between our nations are extensive and deep. Hence our nation listened with great concern and sadness as we heard of the devastating earthquake on September 21st. The cost of this natural disaster is unimaginable, with millions of dollars in damage and over two thousand fatalities.

As this tragedy unfolded, our country immediately responded to assist in Taiwan's recovery. The United States government has mobilized search and rescue teams and emergency personnel to assist Taiwan in recovering and rehabilitation efforts. With this assistance, along with additional rescue teams from around the world, some of the pain of this crisis has been alleviated.

Certainly the road to recovery will neither be quick nor easy, however, I am confident that the resilience and strength of the Taiwanese people will allow them to overcome the challenges of reconstruction.

During Taiwan's National Day, I wish to offer my condolences to the Taiwanese government and all Taiwanese citizens. The United States stands ready to assist them during this difficult time.

COMMEMORATING NATIONAL BIBLE WEEK, NOVEMBER 21–28, 1999

HON. LAMAR S. SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. SMITH of Texas. Mr. Speaker, it is my honor to serve as a Congressional Co-Chairman for this year's celebration of National Bible Week. During this week of Thanksgiving and prayer, it is fitting that we take time to recognize the importance and significance of the Holy Bible and encourage all walks of life to embrace the Bible in their daily lives. I also want to thank Mr. William E. Simon for serving as National Chairperson for the 1999 National Bible Week.

I commend the endeavors of the National Bible Association for setting aside this week to celebrate our common faith and to encourage others to read the Bible. It is in the Bible that we realize the wisdom of the Lord, and the true meaning of charity, love, and forgiveness. We must do more, through government and private action, to strengthen our families, care for our aging parents, and show hospitality to our neighbors. I am confident that in the Bible we, as a people and a world community, can find the answers to solving many of the problems we face in today's society.

I encourage all people, young and old, man and woman, rich and poor, sick and healthy to open up your lives to the teachings of the Holy Bible.

RESTORE BBA–97 MEDICARE FUNDING CUTS TO HOME HEALTH, HOSPITALS AND NURSING HOMES

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. RAHALL. Mr. Speaker, I am pleased to speak on the urgent matter of making restoration of Medicare funding to our home health agencies, hospitals and nursing homes, especially those that serve rural areas.

We are here to again bring to the attention of the House, and the American people, the absolute urgent need to take action before the end of this session of Congress—to restore Medicare funding and make other administrative adjustments to cutbacks imposed under the BBA of 1997.

The BBA–97, as it is called, proposed to cut $115 billion from Medicare by either terminating or massively reducing Medicare reimbursement to providers of health and medical care for senior citizens and the disabled.

The effect has been that with only one-third of the mandated Medicare cuts having been implemented so far, the total cut is not $115 billion—it already totals more than $206 billion.

Imagine what will occur if the other two-thirds of proposed Medicare cuts are implemented in the coming year.

In West Virginia, the hardest hit segment of our health care delivery system has been among home health agencies. We have seen the closure of 18 of our home health agencies, and drastic reductions in staff and services at those still operating.

Our hospitals—especially the rural hospitals—are suffering the same kind of financial crush—with many of them having already drastically reduced staff, and dozens that have had to curtail services for outpatient care.

I just received word yesterday that the Appalachian Regional Hospital at Man, West Virginia, may be forced to close by the end of October—due in part to the loss of Medicare reimbursement. Another local hospital nearby which is in financial difficulty also, may eventually close. These are the only two hospitals serving a large rural county in my district. It is obvious that the closure of one hospital is bad enough—closure of two would create critical access problems for my constituents in need of emergency room care, inpatient care, and outpatient clinic services.

The same kind of burden has been placed upon nursing homes where the sickest, poorest and most vulnerable Medicare beneficiaries are cared for—and due to infirmities caused by age and disease—from heart problems to diabetes to stroke—they are the most costly of patients.

We have reached this impasse tonight because, in my view, Congress balanced our Nation's budget on the backs of its elderly, disabled, homebound citizens whose only help comes from Medicare.

It is my understanding—and if true I applaud him—that our colleague and friend, Representative BILL THOMAS, Chair of the Ways and Means Health Subcommittee, will have introduced today—a plan to restore some of the BBA cuts to Medicare.

The first words that occurred to me when I heard about the Thomas plan was: It's about time.

But I genuinely applaud his effort because it is important to have our Health Subcommittee Chairman on record as having acknowledged the adverse impact of the Medicare cuts imposed on providers of this country's health care for our most needy, most vulnerable senior citizens.

It wasn't that long ago that we were constantly admonished not to pay any attention to our home health agencies about the Medicare cuts—even as they closed over 2,000 of them nationwide—18 of them in my State.

We were told that the cuts were not too deep, and that the impact was not so adverse as to require congressional action to restore them.

And so again I greet Chairman THOMAS' plan for restoring some of the BBA–97 Medicare cuts with genuine hope and lingering uncertainty, because we have not seen the details.

I am also gratified to hear—after preaching on the subject for two long years—that the Administration is looking into ways that Medicare reimbursement cuts can be restored through administrative action.

My colleagues here on the floor tonight will recall with me that we suggested this administrative action in a half-dozen letters to the Administration beginning over two years ago. But we were told that the BBA–97 was so tightly written that only legislative relief could help restore the Medicare cuts. We were told that the Administration had no "wiggle room" to act on its own.

Once the details of the Thomas plan are available to us for our study—we will know for sure whether he has sent the Fire Brigade to our rescue, or if we are being handed a pitcher of spit to try and extinguish the fires of neglect brought to our health care delivery system through the excessive Medicare cuts contained in the BBA of 1997.

Finally, Mr. Speaker, I say only what many of us have been saying all along—that we must work together to get this burgeoning loss of health services under control.

Chairman THOMAS has taken a first step in leading Congress to act before the end of this year.

This is an important day—and I have every hope and expectation that Congress will move quickly and effectively to address the needs of our home health agencies, our hospitals, our nursing homes—providers who deserve our thanks and our support for this restoration of Medicare cuts imposed by BBA–97.

TRIBUTE TO DR. HECTOR O. NEVAREZ

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. ORTIZ. Mr. Speaker, I rise to commend Mr. Hector Nevarez who recently retired from the Federal Government after 30 years of distinguished service. I would like to commend him for his patriotism in serving our nation.

Our men and women in uniform and their families owe him a special debt of gratitude for his hard work in improving their quality of life over the course of his career. As the director of the Department of Defense Domestic Dependent Elementary and Secondary Schools, and as superintendent for Department of Defense overseas schools in Panama and Cuba, he raised the quality of these school systems to sterling heights. In doing so, he earned the respect and confidence of all those he served.

I know that his recent efforts as the director of support and deputy executive director of congressionally mandated Commission for Servicemembers and Veterans Transition Assistance contributed significantly to the enactment of legislation this year that greatly improves the benefits for servicemenbers and veterans.

He did very important work as the Federal Advisory Committee Act official for the President's panel on the disposition of Vieques. This sensitive position required the utmost in personal and professional integrity which he embodied throughout.

In these executive level positions, Mr. Nevarez displayed impeccable character and leadership worthy of the Senior Executive Service rank he holds. He epitomizes the value of including everyone in the government of our country and the values of fair play that are a tradition in our culture.

I ask my colleagues to join me in wishing him the best as he moves into another phase of his life, and I am sure that he will be as successful as he has been in Government.

TAIWAN'S NATIONAL DAY

HON. JOHN COOKSEY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. COOKSEY. Mr. Speaker, I want to congratulate President Lee Teng-hui of the Republic of China on the occasion of Taiwan's National Day. In the past decade, Taiwan has achieved remarkable economic and political growth. Taiwan enjoys one of the highest standards of living in Asia, and its people enjoy all the political freedoms of a full democracy.

I am pleased to learn that the Taiwan Government has been doing its best to assist all those that have been affected by the September 21 earthquake. Because of Taiwan's progressive leadership I feel certain the recovery from the earthquake will be swift.

My thoughts and prayers are with the good people in Taiwan during this difficult period in their lives.

IN RECOGNITION OF ANTHONY RUSSO

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. FRANKS of New Jersey. Mr. Speaker, I rise today to recognize an individual who exemplifies the essence of public service.

Anthony Russo has made significant contributions as a leader in Union, New Jersey for many years. After receiving his law degree from Rutgers University and becoming a member of the Union County Bar Association, Mr. Russo was admitted to practice before the United States Supreme Court. He served as a Union Township Committee member for 27 years, Mayor for nine terms, and New Jersey Senator from 1978 to 1981. Mr. Russo is the current Union County Adjuster—a position he has held since 1972.

Mr. Russo is a pillar of society who has illustrated genuine dedication to cancer-fighting organizations and with Union Township's youth. He was an original organizer of the Boys Club of Union, now known as the Boys and Girls Club of Union, and served in several leadership positions within the group for many years. In addition, Mr. Russo has volunteered his fund raising efforts on behalf of cancer research for the Union County Chapter of The American Cancer Society as well as the March of Dimes, Boy Scouts, Mental Health and the American Red Cross.

Mr. Russo's dedication has earned a great deal of acknowledgment by numerous political, civic, and community organizations. Indeed, he is a hard worker whose selfless efforts continue to be an inspiration to his community. Please join me in thanking him for bringing real leadership to Union, New Jersey and wishing him the best in his future endeavors.

HONORING RAYTHEON SYSTEMS COMPANY

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mrs. CAPPS. Mr. Speaker, today I rise to bring to the attention of my colleagues an extraordinary company in my district—Raytheon Systems Company.

Since 1956, when Raytheon Systems Company located in Santa Barbara, the impact of the Company's vision and commitment to our community has been known. The employees of Raytheon for the last four decades have been consistently working to make Santa Barbara a better place by their involvement in their children's PTAs, scout troops, and churches. Raytheon has also been very involved with local youth through their sponsorship of career fairs, mentoring and shadow programs. Raytheon and its employees are most recognized for their support of local public education by the donation of countless computers and copiers through the Adopt-a-School program and the Computers for Families Project. Their contributions to schools and to our children have been recognized by the Santa Barbara Industry Education Council and many other organizations committed to education.

Equally important has been the personal involvement of the top management of Raytheon in United Way annual campaigns. Over the last 23 years, hundreds of Raytheon executives and employees have contributed thousands of volunteer hours to United Way fundraising, allocations review and Day of Caring activities. The Company and employees have also contributed millions of dollars to the Health and Human Services network in South Santa Barbara County that provides a helping hand up to more than 60,000 local residents annually.

Mr. Speaker, I was honored to join the United Way in recognizing Raytheon Systems Company. The Company and its employees have made immeasurable contributions to the City of Santa Barbara. I believe that the spirit of generosity and leadership shown by Raytheon Systems Company is an example for the Nation.

CENTRAL NEW JERSEY RECOGNIZES JIM GRATTON

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. HOLT. Mr. Speaker, I rise today in recognition of Jim Gratton, who has served the labor movement in a variety of capacities for 44 years. Mr. Gratton has led local union members as business manager of Local Union 400 and as president of Monmouth/Ocean Building Trades.

In 1974, Mr. Gratton negotiated a maintenance agreement for the building trades at Oyster Creek Nuclear Generating Station. Prior to this agreement there was no union involvement in any maintenance or shut down work. Mr. Gratton also went to work negotiating the development of a second nuclear plant at the Oyster Creek site, and the project's labor agreement went on to set the standard for such agreements across the country.

Under Mr. Gratton's leadership Local 400 grew in the 1970s and 1980s. He worked to establish a residential program that enabled the local unions to have greater control of its jurisdiction. His administration promoted both an annuity fund to secure better retirement packages and a Trades Assistance Program to aid union members suffering from drug and alcohol abuse.

Recognizing the need for qualified linemen, Mr. Gratton convinced Northeast Apprentice Training program to use Local 400's property as the site for their school. Line apprentices still learn their basic skills at this facility. He also promoted the Monmouth and Ocean Development Council and received their "Man of the Year Award" in 1992. He is the 1998 recipient of the Alliance for Action's Silver Gull Award.

In 1998 Jim retired from his IBEW positions and from the presidency of the Monmouth and Ocean Building Trades. During his three decades of leadership his union organizations grew in both size and stature. He serves as a model for labor leaders in our state. Currently Jim remains active in rebuilding and revitalizing Asbury Park, the Charter city of his Local 400.

I urge all of my colleagues to join me in recognizing Mr. Gratton's community service. I extend to him my gratitude, and the best of luck in any future endeavors.

THE 125TH ANNIVERSARY OF THE BUDD LAKE UNION CHAPEL, COUNTY OF MORRIS, NJ

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to commemorate the 125th Anniversary of the Budd Lake Union Chapel, County of Morris, NJ.

Allow me to recount the history of the Chapel. Mrs. John Chipps started a Sunday school in the home of John Budd in 1871. That year seven teachers taught forty students. On August 14, 1872, Budd deeded land to the trustees to erect a chapel "for the use of all Protestant denominations." Three years later, in 1875, the church was dedicated.

From late 1875 to 1880, especially during the winter months, attendance was at times low, but the desire to serve the community and the spirit of the congregation carried them through the rougher times. By the mid-1900s, the congregation was growing, holding fairs and Christmas shows and purchasing a new organ for the Chapel.

In 1954 and 1955, the Chapel was incorporated and the Board of Trustees announced that the Reverend Glenn C. Tompkins, would serve as the Chapel's first full-time minister. During the Reverend's tenure, the Chapel adopted a Constitution and bylaws, made structural improvements and was active in the surrounding community. The dedication of Faith Hall and addition to the original chapel took place on March 26, 1962.

Throughout the 1960s, the Budd Lake Union Chapel served the community, both locally and globally. The Women's Guild raised funds to improve the physical structure of the buildings, and the Chapel supported missionaries around the world.

Mr. Speaker, for the past 125 years, the Budd Lake Union Chapel has prospered enormously in order to unite the community and it will continue to do so for many years to come. Mr. Speaker, I ask you and my colleagues to congratulate the congregation of the Budd Lake Union Chapel on this special anniversary year.

PERSONAL EXPLANATION

HON. HAROLD E. FORD, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. FORD. Mr. Speaker, during the debate surrounding H.R. 2436, the Unborn Victims of Violence Act, I was present on the House floor. When the yea's and nay's were recorded for rollcall votes 463 and 464, the electronic voting device correctly recorded my vote as "no" and "aye" respectively.

On rollcall vote 465, the electronic voting device failed to properly record my vote due to what was later determined to be a malfunctioning vote card. Indeed, Mr. Speaker, I was present and did vote "no" on rollcall 465; however, due to a defective voting card, my vote was not recorded.

In addition, Mr. Speaker, I could not be present for rollcall votes 466 through 469. Had I been present for rollcall vote 466, I would have voted "aye"; for rollcall 467, I would have voted "aye"; on rollcall 468, I would have voted "no"; and on rollcall vote 469, I would have voted "aye."

CONGRATULATING PEERLESS ROCKVILLE ON ITS TWENTY-FIFTH ANNIVERSARY

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mrs. MORELLA. Mr. Speaker, I rise in recognition of Peerless Rockville as they celebrate their 25th anniversary. This committed organization has advanced historic preservation in the community of Rockville, Maryland since 1974. The crowning event of this majestic year is the anniversary gala celebration scheduled for November 5th. I praise Peerless for their continuing advocacy on behalf of Rockville's historic resources.

The fundamental mission and goal of Peerless Rockville is the preservation of historic buildings, objects, and information important to the heritage of this community. Historic structures across our nation too often crumble and fall into disrepair. Using education, advocacy, and community involvement, Peerless Rockville has worked to protect and strengthen many of these treasures in Montgomery County.

Peerless Rockville has been recognized for its emphasis on the preservation of neighborhoods and community. This year, the Maryland Historical Trust selected Peerless Rockville for a 1999 Preservation Service Award. This honor recognizes accomplishments that advance the public appreciation, understanding, and involvement in historic preservation at the local or regional level.

Over the past twenty-five years, Peerless Rockville has successfully protected much of Rockville's historic character. For example, the rescue of the adored Wire Hardware store would not have been possible without the tireless efforts of Peerless Rockville. The organization has raised funds for the restoration of the Grand Courtroom in the Red Brick courthouse. They have researched and identified more than 400 historic sites in every neighborhood of Rockville. In short, Peerless Rockville has preserved the structures and traditions in their local community.

Mr. Speaker, I would like to offer congratulations and my warmest wishes to Peerless Rockville as they celebrate this important milestone. May their leadership and devotion continue to enrich the community for many years to come!

IN RECOGNITION OF FATHER HUMMEL

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. FRANKS of New Jersey. Mr. Speaker, I rise before you today to recognize an outstanding individual who is an exemplary role model for New Jersey and the nation, Father Donald K. Hummel.

As a result of 25 years of service to his community and the nation, Father Hummel is being presented with the Distinguished Eagle Scout Award on Thursday, October 21, 1999. He is the first Catholic parish priest to ever receive this award—a truly amazing accomplishment.

Father Hummel currently serves as the Associate Pastor/Parochial Vicar at Saint Helen's Roman Catholic Church in Westfield, New Jersey in my Congressional District. He has dedicated his life to helping others by serving as the Police Chaplin in Westfield and as a member of the International Conference of Police Chaplains and the Union County Coalition for Substance Abuse. He is also a teacher with Saint Helen's Christian Foundation for Ministry Program and serves as Eagle Chairman of the New Jersey Chapter of the Sons of the American Revolution.

Mr. Speaker, as you can see, Father Hummel is truly an outstanding individual who deserves to be recognized. Therefore, I ask you to please join me in congratulating him on receiving the Distinguished Eagle Scout Award and wishing him continued success.

PAUL-DOOLITTLE AMENDMENT TO H.R. 3037

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. PAUL. Mr. Speaker, today I am placing in the Congressional Record an amendment I, along with my colleague, Mr. Doolittle of California, are offering to H.R. 3037, the Labor/HHS/Education Appropriations bill, to reduce funding for the National Labor Relations Board (NLRB) by $30,000,000, increase funding for the Individuals with Disabilities Education Act (IDEA) by $25,000,000 and apply $5,000,000 toward debt reduction. Our amendment provides an increase in financial support to help local schools cope with the federal IDEA mandates by reducing funding for an out-of-control bureaucracy that is running roughshod over the rights of workers, and even defying the Supreme Court!

The NLRB has repeatedly proven itself incapable of acting as an unbiased arbiter for individual employees. Most recently the NLRB established a new nationwide rule that union officials may force employees to pay for union organizing drives as a condition of employment—directly contradicting several Supreme Court rulings!

It is an outrage that the tax dollars of working men and women are wasted on an agency that flaunts Supreme Court rulings in support of its forced-dues agenda—especially when local schools are struggling with the IDEA mandate that they provide a "free and appropriate" public education to children with disabilities.

Congress must make funding for schools and disabled children a greater priority than funding for a rogue federal agency. Therefore, I hope all my colleagues will support the Paul-Doolittle amendment to H.R. 3037.

RECOGNIZING THE CITY OF LARGO, FLORIDA AS A FINALIST FOR THE INNOVATIONS IN AMERICAN GOVERNMENT AWARDS

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. YOUNG of Florida. Mr. Speaker, I rise today to commend the City of Largo, Florida in the Tenth Congressional District which I have the privilege to represent. The city has recently been named a finalist for the Innovations in American Government Awards and it is most fitting that we in Congress recognize this outstanding achievement.

In 1997, the City of Largo noticed a problem with its processing of evidence in domestic violence cases, which in turn resulted in a low filing rate for instances of spousal and child abuse. To respond to this critical problem, Largo launched a secure internet site to house evidence relating to domestic violence cases. This site is available to law enforcement personnel, prosecutors, and judges, creating a much more efficient and effective way of handling domestic violence cases. The results have affirmed Largo's innovative initiative. Since implementation of this program, the prosecution rate for domestic violence cases has increased from 16 to 50 percent.

This outstanding program deserves to be recognized by the Innovations in American Government Awards, and likewise deserves to be recognized by this Congress. We are all concerned about reports of domestic violence, and all of us in this House would certainly do whatever we can to put an end to this crime. That is why it is most fitting that my colleagues and I rise today to commend this aggressive program developed by the City of Largo.

Please join me in saluting our city's leaders and this outstanding program as they are honored with this prestigious award.

MILITARY COUP IN PAKISTAN

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. BERMAN. Mr. Speaker, the military coup in Pakistan is an unfortunate setback for democracy in South Asia. It stands in stark contrast to last month's elections in India, which reaffirmed that nation's strong commitment to democratic values.

Until democracy is restored in Islamabad, it would be a mistake for the Clinton administration to waive existing sanctions that prohibit arms transfers and military training. In addition, the administration should immediately take steps to invoke section 508 of the Foreign Operations Appropriations Act, which prohibits certain foreign assistance to any country whose duly elected head of government has been deposed in a military coup.

Democracy in Pakistan was far from perfect under Prime Minister Nawaz Sharif. Indeed, his government severely limited free political expression and often failed to respect basic human rights. Nevertheless, the fact remains that Sharif and his party were supported by an overwhelming majority of voters in 1997 elections judged to be free and fair. The failings of his administration do not justify the military's subversion of the constitutional order.

At times the Clinton administration has gone out of its way to avoid triggering section 508. For example, Hun Sen's bloody 1997 takeover of the Cambodian Government, in which over 40 military and political leaders were killed, was never designated as a coup. Although Gen. Pervez Musharraf's recent coup was "bloodless," and despite the fact that applying section 508 to Pakistan would only involve only a very limited amount of aid, we must send a strong signal to other would-be military strongmen that the United States will not tolerate such anti-democratic actions.

I urge the Clinton administration to promptly apply section 508 to Pakistan.

A TRIBUTE TO JODI SCHWARTZ

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mrs. LOWEY. Mr. Speaker, I rise today to express my great admiration for Jodi J. Schwartz, an outstanding attorney and community leader who will be honored with the George A. Katz Torch of Learning Award from American Friends of the Hebrew University on October 19th.

Ms. Schwartz is a partner at the prestigious firm of Wachtell, Lipton, Rosen & Katz. As a widely-respected expert in merger and acquisition transactions, she has been at the center of some of the most important business arrangements of the decade, including AT&T's acquisition of MediaOne and TCI, USA Network's acquisition of Universal Studios, and AT&T international telecommunications' joint venture with British Telecommunications.

Ms. Schwartz brings to her professional challenges a powerful intellect, a deep commitment to the law, and a profound understanding of the global economy. These skills alone merit the applause and admiration of those who know her.

But Ms. Schwartz's accomplishments do not end at the bar. Indeed, her volunteer and community service efforts are just as impressive.

She has served on the Executive Committees of AIPAC, the Israel Policy Forum, the Jewish Community Relations Council, and the Jewish Board of Family and Children's Services. In addition, Ms. Schwartz has been nominated to serve as an officer of UJA-Federation of New York.

Ms. Schwartz's devotion to the Jewish community and to the values of community service embody the admonition "Tikkun Olam"—repair the world. She is an inspiration to colleagues and friends, and a great credit to our Nation.

It is my pleasure to join in saluting Jodi Schwartz and in thanking her for so many outstanding contributions to her field and to our country.

HONORING THE PASADENA LIVESTOCK SHOW AND RODEO ON ITS 50TH ANNIVERSARY

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. BENTSEN. Mr. Speaker, I rise to recognize the Pasadena Livestock Show and Rodeo as a celebration of our ranching and agricultural traditions that has inspired the Pasadena community for 50 years. The founders of the Pasadena Rodeo created the celebrated event in 1949 to bring the citizens of Pasadena together, offer opportunities for the community youth, and to preserve the lifestyle and moral convictions of an agricultural era that was quickly passing. I don't believe that the founders themselves fully realized to what extent their ambitions would be realized. Fifty years later, the Pasadena Livestock Show and Rodeo is stronger than ever, bringing joy and togetherness to the community, especially to children, who learn that being a cowboy or cowgirl is to possess independence, compassion, and integrity. The code of the cowboy, which the Pasadena Rodeo has brought to life for generations, is that of a person who strives to preserve his honor and his self-respect while offering the same to others.

The forefathers of the Pasadena Rodeo such as J.W. Anderson, Edgar L. Ball, Jack J. Blankfield, C.T. Gary, L.S. Locklin, J.M. Magruder, Jr., Rushing Manning, William E. Meyer, O.D., J.W. Nagel, J.C. Thomas, Sr., W.R. Turner, M.J. Wright, Frank S. Young, Jr., L.O. Zelgar, and Norman L. Zelman had a vision. The wanted to illustrate how the business community, the cowboy, and a rural lifestyle could work together successfully.

Today's Rodeo organizers and volunteers, including David Gresset, Bill Bezdek, J.J. Isbell. Mike Blasingame, Jay Goyer, David Ghormley, Rex Davis, Billy Don Ivey, LeRoy Stanley, Nanci Szydlik, Earl Baker, Frank Baker, Errol Slaton, Sherri Harnar, Karen Brown, and Rhonda Stevens take seriously this Texas legacy. Like their many dedicated predecessors over a half century, they too have fashioned an event celebrating good sportsmanship, regional music and agricultural know-how to help our youth understand that being a "cowboy" is not merely being a "bow-legged bronco-riding country boy," looking for a "rootin-tootin good time." Being a cowboy requires maintaining good business ethics, setting goals, and making decisions. For 50 years the Pasadena Rodeo has delighted our children and showed them that being a cowgirl or being a cowboy means following through on one's commitments, setting goals, and achieving those goals both personally and professionally.

Although the Pasadena Livestock Show and Rodeo provides a wide range of entertainment during the year, the major function of the organization is to send as many of our community's graduating seniors to college as possible through the awarding of scholarships. That commitment to youth and to the power of education is a testament to the men and women who have carried on our Rodeo tradition 50 years.

Mr. Speaker, I congratulate the people who have brought us the Pasadena Livestock Show and Rodeo for half a century, and I thank them for their contributions toward ensuring our community, and especially our children, experience the joys and values of our longtime rodeo tradition.

SUPPORTING "BROADBAND" NETWORKS

HON. JESSE L. JACKSON, JR.

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. JACKSON of Illinois. Mr. Speaker, the Telecommunications Act of 1996 promised new investment in high-speed digital networks capable of sending and receiving huge amounts of data and information. These networks, known as "broadband," are far superior to dial-up technology that relies on modems and conventional telephone lines. Make no mistake, broadband networks are a critical part of the continued growth of the Internet. However, the promise of the Telecommunications Act has not been met. Thus far, the main beneficiaries of these state-of-the-art networks are almost exclusively downtown business centers. Broadband services simply aren't widely available to people and small businesses, like my constituents in the second district of Illinois.

I have reviewed letters and other communications from the University of Illinois, Northwestern University, Western Illinois University, the State Board of Education, the Board of Higher Education, and the Illinois Department of Central Management Services as well as several community colleges and small businesses on this issue.

I am convinced that we need to take definitive and immediate steps to deal with the digital divide. If we don't we will be a nation of "haves" and "have nots." That's exactly what's occurring today and why I hope we will advance legislation to address this problem. As a matter of public policy, we should remove outdated regulations and encourage investment and competition by local telephone companies in the Internet's network backbone.

Mr. Speaker, we owe it to our constituents to keep the promise of a bright technological future for all Americans.

TRIBUTE TO ERIC ANDREW THACH

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. PACKARD. Mr. Speaker, I would like to take this opportunity to pay tribute to Deputy Sheriff Eric Andrew Thach who was killed in the line of duty last week in Riverside, CA. Deputy Thach was born on March 19, 1965, in Van Nuys, CA. He was hired by the Riverside County Sheriff's Department on September 30, 1996. He served as a Deputy Sheriff assigned to Corrections, and then transferred to a field patrol assignment serving from the Jurupa Sheriff's Station.

On Friday, October 8, 1999, Deputy Thach, while investigating an in-home burglary, was shot and killed. Although his time in our community was short, Deputy Thach was known as an exemplary officer who lived his life with strength and courage. Our community is deeply saddened that he was taken from us so soon. He will live on in our memory. My thoughts and prayers go out to his widow, Evelyn; his daughter, Shana; and his colleagues, who mourn his loss.

Mr. Speaker, law enforcement officers put their lives at risk every day to ensure the safety of our citizens. Deputy Thach paid the ultimate price for our safety with his very life. I am deeply honored to recognize Deputy Thach for his tremendous service and sacrifice for the citizens of Riverside County. His brave service to our community will not be forgotten.

TRIBUTE TO MYREL FRANK

HON. FRANK D. LUCAS

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. LUCAS of Oklahoma. Mr. Speaker, I rise today to recognize and celebrate the 100th birthday of Mrs. Myrel Frank. Mrs. Frank was born in Oklahoma City today, October 14 in 1899, the same year William McKinley was United States President and Oklahoma was still a territory. She graduated from high school in 1918, while the "Great War" raged on in Europe. And she married in 1920, the year Oklahoma Republicans elected their only majority in the Oklahoma State House of Representatives.

Mrs. Frank and her family moved to Yukon, OK, in 1935 where they weathered the Great Depression and watched as many fellow Oklahomans left the state, making the journey to the picking fields of California. Mrs. Frank, her husband and four children, however, stayed on in Yukon where she resides today.

Mrs. Frank has witnessed a century of our nation's history. Classroom and library textbooks can only provide so much historical detail for present and future generations. It is the oral history—the personal stories experienced and told by those who come before us—that truly makes our nation's history come to life. I thank Mrs. Frank for continuing to share her stories with us, and I extend my sincerest birthday wishes to her today on her 100th birthday. I hope that the years to come only add to an already impressive treasure chest of experiences and stories. Happy Birthday.

AMERICAN INDIAN EDUCATION FOUNDATION

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. KILDEE. Mr. Speaker, as Co-chairman of the House Congressional Native American Caucus, it is an honor for me to introduce a bill creating an American Indian Education Foundation. I especially want to thank the original cosponsors of this bill; they include: Representatives PATRICK KENNEDY, GEORGE MILLER, TOM UDALL, J.D. HAYWORTH, EARL POMEROY and JIM KOLBE.

As a senior member of the House Education and the Workforce Committee, I have enjoyed the opportunity of developing proposals designed to support Indian education. Up for reauthorization this Congress is the Elementary and Secondary Education Assistance Act that includes a section devoted to Indian education. This act supports the educational, cultural and academic needs of American Indian, Alaska Native and Native Hawaiian children.

It is estimated that the BIA educates approximately 12 percent of the Native American K–12 population. This means that 88 percent of our American Indian and Alaska Native youth rely on supplemental educational programs like Johnson O'Malley. This program provides services to more than 200,000 Indian students. However, these programs are drastically underfunded.

A critical need for an increase in funding for school construction exists in Indian country. When I came to Congress 23 years ago, I was appointed chairman of the Indian Education Task Force. I will never forget visiting schools that were in such poor condition that the children of these schools could barely keep warm let alone have a chance at getting a decent education. I know that the judges in my hometown in Michigan shutdown prisons that were in better condition than many schools I visited.

Our Native American students deserve a decent education. It is our responsibility to ensure that our children are studying in environments conducive to learning. I support the creation of an American Indian Education Foundation because I believe Congress must find a new way to supplement current funding for BIA Indian education programs. The Foundation would encourage gifts of real and personal property and income for support of the education goals of the BIA's Office of Indian Education Programs and to further the educational opportunities of American Indian and Alaska Native students.

The governing body of the Foundation would consist of nine board of directors who are appointed by the Secretary of Interior for an initial period. The secretary of Interior and the Assistant Secretary of Interior for Indian Affairs would serve as ex officio nonvoting members.

Members of the board have to be "knowledgeable or experienced in American Indian education and . . . represent diverse points of view relating to the education of American Indians." Election, terms of office, and duties of members would be provided in the constitution and bylaws of the Foundation. Administering the funds would be the responsibility of the Foundation.

This bill would allow the Secretary of Interior to transfer certain funds to the Foundation. It is my understanding that the initial funding for the Foundation would come from existing donations or bequests made to the BIA. Funds prohibited by the terms of the donations would not be used for the Foundation.

The Foundation is not a new idea to Congress. Congress has, from time to time, created federally chartered corporations. In 1967, Congress established the National Park Foundation. The purpose of the Foundation is to raise funds for the benefit of the National Park Service. Funds received from individuals, corporations, and foundations are distributed to individual parks through competitive grants. My bill is modeled after the 1967 Act.

I believe that an American Indian Education Foundation could be just as successful as the National Park Foundation. I want to emphasize that I believe that Congress has a Federal trust responsibility to ensure that every Native American receives a decent education. This Foundation would not replace that responsibility, but would supplement it through grants designed to support educational, cultural and academic programs.

Mr. Speaker, this concludes my remarks on creating an American Indian Education Foundation.

THE AMERICAN INDIAN EDUCATION FOUNDATION ACT

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. KENNEDY of Rhode Island. Mr. Speaker, it is an honor to be able to join my friend and cofounder of the Native American Caucus, Congressman DALE KILDEE, for the introduction of this legislation.

Over the past several years it seems to me that Indian Country has continually been on the defensive. Often tribes have had to struggle to simply keep the status quo against legislative proposals that would serve to undermine Tribal sovereignty and weaken the trust relationship.

Today can be different. Today we have a chance to do something positive for Indian Country. Right now we can begin a process where the hallmarks of treaty and trust are celebrated. We can offer Indian Country a distinct opportunity to improve the quality of life for future generations of Native children.

As I am sure the committee is well aware, the state of education in Indian Country is far below that of non-Native communities.

The per pupil expenditure for public elementary and secondary schools during the 1994–95 school year was over $7,000. The Indian Student Equalization Program funding for BIA students was about $2,900.

Unlike public schools which have State and local resources for education programs, Indian schools in the BIA are totally reliant upon the Federal Government to meet their educational needs.

According to the 1990 Census, the American Indian poverty rate is more than twice the national average as 31 percent of American Indians live below the poverty level.

The 1994 National Assessment of Education Progress showed that over 50 percent of American Indian 4th graders scored below the basic level in reading proficiency. Another NAEP assessment showed that 55 percent of 4th grade American Indian students scored below the basic level in mathematics.

American Indian students have the highest dropout rate of any racial or ethnic group (36 percent), and the lowest high school completion and college attendance rates of any minority group. As of 1900, only 66 percent of American Natives aged 25 years or older were high school graduates, compared to 78 percent of the general population.

Approximately one-half of BIA/tribal schools (54 percent) and public schools with high Indian student enrollment (55 percent) offer college preparatory programs, compared to 76 percent of public schools with few (less than 25 percent) Indian students.

Sixty-one percent of students in public schools with Indian enrollment of 25 percent or more are eligible for free or reduced-price lunch, compared to the national average of 35 percent.

And finally, many of the 185 BIA-funded schools are in desperate need of replacement or repair.

Members of the Committee, it is clear from these statistics that there is a pressing need in elementary and secondary Indian education. My colleagues, this is a situation which must be met with fierce determination. We need to support an aggressive agenda for Indian education because the current landscape is not meeting the challenge.

Right now, the BIA and Office of Indian Education is not authorized to distribute privately donated monetary gifts or resources to supplement the missions of these agencies. Yet every year numerous inquiries from the public are made as to where they can donate funds that will be spent wisely on behalf of Indian education. Simply put, we are missing out on a unique opportunity to help funnel nongovernmental resources into Indian education. Ultimately, I believe this legislation is the appropriate answer to this situation. We can give the public a high profile mechanism to reach out to Indian Nations in a way that is apolitical and noncontroversial.

Simply put, the establishment of an American Indian Education Foundation is good government. It speaks to a modern way of doing things in which successful private-public partnerships are created. It is also an efficient way to get at the heart of a very pressing problem without placing an undue additional burden on taxpayers.

Within 2 to 3 years after enactment of this bill the Foundation should be completely self-sufficient and will not use more than 10 percent of its generated funds to pay for operating expenses. My colleagues, lets be clear at the outset—the purpose of this legislation is not to create a new level of bureaucracy or make some staffer rich. In my opinion such a situation would be one more example of where this government has failed in its trust duty to Indian Country. In brief, it is my intention to hold the bureaucracy to the letter of the law that we are now beginning to draft.

As for the role of Congress I do want to make one thing perfectly clear. It should not be the intent of this legislation to use the funds raised to take the place of existing Indian education programs. Rather, these funds should be considered entirely separate and supplemental to the efforts of the Federal and tribal governments.

My colleagues, we all understand the budget shell game and I do not want to see the success of this program leveraged against governmental funding for teacher training, school modernization, and education technology initiatives.

In short, I do not want to hear one voice out there saying that we do not need to fund the Office of Indian Education because the Foundation has X amount of dollars in its account. To do so would again be another slight against our trust and treaty obligations to the First people of this Nation.

In the end, I want to reiterate the obvious. Indian Country is lacking in the resources needed to train its children for the demands of the global economy.

The 106th Congress has a chance to help rectify this problem. While we should continue to allocate more Federal resources towards the growing population of children within Indian Country we can also make it easier for private interests to become involved. Helping Indian children achieve is not only a public trust but a private one as well.

Mr. Speaker, I hope the House will move this legislation in a expeditious manner.

THE GOVERNMENT OF SUDAN'S ANNOUNCED INTENTION TO CONFISCATE THE PROPERTY OF THE EPISCOPAL DIOCESE OF KHARTOUM

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. HALL of Ohio. Mr. Speaker, religious freedom and the lives of many faithful Christians are in grave danger in Sudan. The latest threat arise from the Sudanese government's planned seizure on October 16 of the headquarters of the Episcopal Church in Omdurman, part of greater Khartoum. These buildings, home to the Episcopal Church of Sudan since 1925, are occupied by clergy and lay people who will not leave until the matter is resolved. Christians in Sudan and their friends elsewhere have been called to several days of fasting and prayer, beginning October 15.

These buildings are being seized on a pretext, just as the government, which also refuses to grant permission to build any new churches in Khartoum, has illegally seized many other pieces of church property. Local Christians had taken to the streets to protest the planned seizure last month, and the government announced that it would give title to the property to the church. The government has since reversed itself and announced plans to go forward with the seizure. I fear the seizure will trigger violence or bloodshed. Unarmed clergy and lay persons holding vigil within the compound could be in harm's way.

The action by the government in Khartoum makes a mockery of its claims to respect religious freedom and human rights, and demonstrates, yet again, its intentions to continue to persecute Christians and Muslims who do not agree with the regime's particular brand of Islam.

The United States government has been active in opposing this kind of human rights abuse in Sudan, and I ask our State Department to continue to shine a spotlight on this kind of human rights violation. In addition, I call upon our allies and friends in the world community to intervene with the government of Sudan to stop these human rights abuses.

In particular, I challenge the governments of Canada and France, whose companies are helping to develop Sudan's oil reserves, to speak up boldly in defense of religious freedom and against these unjustified actions by the government of Sudan. Concrete actions by these governments to denounce these human rights violations may make the difference between freedom and oppression for these people, and possibly between life and death. The United States and the entire international community must not stand by in the face of persecution.

HATE CRIMES

SPEECH OF

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1999

Ms. DELAURO. Mr. Speaker, I'm proud to rise this evening to join my colleagues in calling on the Republican Leadership to bring hate crimes legislation to the floor of this House.

For too long, this House has failed to act in the face of the growing list of victims who have fallen to the culture of hatred that seems to be on the rise in this country. We have seen synagogues burned to the ground. We have seen James Byrd dragged to his death down a dusty road in Texas. And one year ago yesterday, we lost Matthew Shepard after he was beaten and left for dead on a cold night in Laramie, WY. And there have been too many stories, some that the Nation has not yet heard, of young men and women visited by untimely and violent deaths.

In Texas City, TX, Laaron Morris and Kevin Tryals were shot to death, one of their bodies left in a burning car, simply because they were gay.

In Ft. Lauderdale, CA, Jody-Gaye Bailey was shot in the head by a self-proclaimed skinhead. Minutes before the shooting, her assailant ranted about his desire to kill her just because she was black.

In Sylacauga, AL, Billy Jack Gaither was beaten to death with an ax handle, his body set afire on a pile of burning tires, because he was gay.

In Kenosha, WI, two African-American teens were intentionally run down while walking on the sidewalk. Eight years earlier, their assailant had deliberately rammed a van carrying five African-American men.

In northern California, three synagogues were burned to the ground by two brothers who are also suspected of gunning down two gay men in Redding, CA.

Even as violent crime continues to decline in America, the awful list of hate crime victims continues to grow. According to the FBI, there were nearly 8,000 hate crimes committed in 1995 alone. From attacks on synagogues in northern California early this summer to the tear gassing of a gay pride parade in San Diego this past August, we have seen assault after assault on individuals because of their religion, their race, or their sexual orientation.

We are all appalled by these violent, hateful crimes. But how many more of our citizens have to fall to the epidemic of hate crime in this country before this House is compelled to act? We passed resolutions condemning hatred and racism. We came to the floor of this House and sent out thoughts and prayers to the families of the victims. We spoke of the loss of values in America. But a Nation's values must also be reflected in its laws. We should not just speak of our outrage. We should pass this legislation and help put a stop to acts of hatred.

Currently, the law only allows the prosecution of a hate crime if it is committed while the victim is exercising a federally protected right, such as voting or attending school. This law was written to address the challenge of segregationists attempting to prevent minorities from voting or going to school, it does not meet the challenge of today's hate groups that seek to terrorize entire communities with their violent acts. By passing the Hate Crimes Prevention Act, we empower federal prosecutors to assist local law enforcement in finding and punishing those who commit hate crimes based on a person's race, religion, gender, or sexual orientation.

Hate crimes are not just assaults on individual victims, they are an assault on entire communities. The murder of one gay man is about attacking the entire gay community. Burning down a synagogue is about striking fear into the hearts of Jews everywhere. Let's call hate crimes what they really are—terrorism. When the supporters of hatred and division turn their thoughts into hateful acts, they need to know that we will come after them with full force of law and that they will pay for their crimes.

I want to thank my colleagues who came to the floor this evening to keep this issue on the national agenda. We will continue to fight for passage of the Hate Crimes Prevention Act and we will not stop until it is the law of the land. Let us do this in memory of the victims of hate crimes. And let's do it to ensure that we are not here this time next year, remembering the life of Matthew Shepard and mourning the loss of another 8,000 victims of hate crimes.

SENATE SHOULD PASS RELIGIOUS LIBERTY PROTECTION ACT

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. TOWNS. Mr. Speaker, recently, this House passed H.R. 1691, the Religious Liberty Protection Act. The bill is currently in committee in the Senate and I would like to take this opportunity to urge our colleagues in the other house to pass this bill as soon as possible.

America is a secular democracy, a country where the religious rights of every citizen are protected by the Constitution. In many other countries, including some that call themselves secular and democratic, people do not enjoy these freedoms. We must do whatever we can to protect religious freedom for every American.

The Sikh religion requires Sikhs to have five symbols known as the "five Ks." The five Ks are unshorn hair (Kes), a comb (Kanga), a bracelet (Kara), a kind of shorts (Kachha), and a ceremonial sword (Kirpan). These are required by the religion.

In a recent incident in Mentor, Ohio, outside Cleveland, a 69-year-old Sikh named Gurbachan Singh Bhatia was involved in a minor traffic accident. When the police arrived at the scene, a policeman saw Mr. Bhatia's kirpan (ceremonial sword). He was arrested for carrying a concealed weapon. The case is scheduled to be heard in December. In a case in Cincinnati involving similar circumstances, the judge, the Honorable Mark Painter wrote, "To be a Sikh is to wear a kirpan—it is that simple. It is a religious symbol and in no way a weapon."

Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, has been working to get the Religious Liberty Protection Act to protect the rights of Mr. Bhatia and all religious people of all faiths in America. No person should be harassed for his religious faith. He has written to Senator HATCH, who chairs the Judiciary Committee over there, and all members of the committee in support of this bill.

I call on the local authorities in Mentor to drop all charges against Mr. Bhatia and I also call on my colleagues over in the Senate to pass H.R. 1691, the Religious Liberty Protection Act.

I submit Dr. Aulakh's letter to Senator HATCH into the RECORD for the information of my colleagues.

COUNCIL OF KHALISTAN,
Washington, DC, October 7, 1999.

Hon. ORRIN HATCH,
Chairman, Senate Judiciary Committee, Washington, DC.

SUBJECT: REQUEST TO EXPEDITE PASSAGE OF H.R. 1691 TO PROTECT RELIGIOUS FREEDOM

DEAR SENATOR HATCH: On behalf of over 500,000 Sikhs, I am writing to you in support of H.R. 1691, the Religious Liberty Protection Act.

The Council of Khalistan represents the interests of the Sikh Nation in this country and worldwide. It was constituted by the Panthic Committee to represent the Sikh struggle for freedom. We have worked for the last 12 years in pursuit of this objective.

It is vitally important that the Religious Liberty Protection Act be reported out of committee and passed as soon as possible.

Charan Singh Kalsi of New Jersey was fired by the New York Transit Authority. The Transit Authority tried to force him to wear a hard hat instead of his turban, which he is required to wear as a symbol of his Sikh religion.

When a Sikh is baptized, he or she is required to have five symbols called the five Ks. They are unshorn hair (Kes), a comb (Kanga), a bracelet (Kara), a kind of shorts (Kachha), and a ceremonial sword (Kirpan). These are required by the religion.

Recently in Mentor, Ohio, Gurbachan Singh Bhatia, a 69-year-old Sikh, was involved in a minor traffic accident. The police were called to the scene of the accident. When the policeman saw Mr. Bhatia's kirpan (ceremonial sword), he was arrested for carrying a concealed weapon. He is currently scheduled to go to trial in December. In a similar case in Cincinnati, Judge Mark Painter wrote, "To be a Sikh is to wear a kirpan—it is that simple. It is a religious symbol and in no way a weapon."

Mr. Bhatia and Mr. Kalsi are exercising their freedom of religion. The U.S. Constitution guarantees religious freedom to everyone. The Religious Liberty Protection Act will protect individuals like Gurbachan Singh Bhatia and Charan Singh Kalsi from being prosecuted and denied jobs for exercising their religious freedom. That is why this bill is so important.

On behalf of the Sikhs in America, I urge you to report the Religious Liberty Protection Act out so that it can be passed and become law as soon as possible.

Sincerely,

DR. GURMIT SINGH AULAKH,
President, Council of Khalistan.

HONORING JUDGE MYRON DONOVAN CROCKER

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Judge Myron Donovan Crocker for his outstanding contributions to the community.

As long as there has been an Eastern District of California, there has been a Judge Myron Donovan Crocker. Judge Crocker was born in Pasadena on September 4, 1915 and was raised in Fresno. He attended Fresno schools and graduated from Fresno High School in 1933 and Fresno State College in 1937. He received his law degree from the University of California, Boalt Hall, in May of 1940. His first job was with the FBI in New York, first in Albany and then in New York City during World War II handling counter-espionage matters. Judge Crocker and his wife Elaine were married in New York while he was stationed there.

After the war ended, the FBI granted Crocker's request for a transfer closer to home and he was assigned to Los Angeles. In 1946, he entered private practice in Chowchilla and worked as Deputy District Attorney for Madera County. In 1951, he became Judge of the Chowchilla Justice Court, while continuing his private practice. He was appointed Superior Court Judge of Madera County in 1958, and remained there for only 1 year before his appointment to the Federal Bench.

Upon Judge Crocker's appointment to the Federal Bench on September 21, 1959, he spent most of his time in Los Angeles and San Diego. At that time, the Federal court in Fresno was part of the Southern District of California. With redistricting in September, 1966, Judge Crocker became the Chief Judge of the Eastern District of California, and was the sole Federal judge in the Fresno district. His duties as Chief Judge included overseeing the completion of the Federal Courthouse in Fresno. Judge Crocker stepped down as Chief Judge in June 1967.

Although the caseload in Fresno grew quickly after redistricting, Judge Crocker still traveled frequently to sit on cases throughout the United States, including being in Washington, D.C. in 1968 when Martin Luther King Jr. was assassinated. Judge Crocker remained the sole Federal judge in Fresno until 1979, when an additional judgeship was approved and Judge Edward D. Price was appointed. In 1981, Judge Crocker took Senior status and Judge Robert E. Coyle was appointed in his place. As a senior judge, Judge Crocker has continued to take cases and has made himself available for high profile cases outside his district.

Judge Crocker is held in highest esteem by his peers, staff and the legal community for his legal ability, demeanor, kindness, and fairness. As a colleague stated, "He is held in universal affectionate esteem."

Mr. Speaker, I rise to honor Judge Myron Donovan Crocker for his service to Fresno and the Eastern District of California on his 40th anniversary of service. I urge my colleagues to join me in wishing Judge Crocker many more years of continued success and happiness.

RECOGNIZING MARPLE NEWTOWN CARING COALITION

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. WELDON of Pennsylvania. Mr. Speaker, it is my distinct honor to stand before you today to recognize the tireless and exemplary efforts of the Marple Newtown Caring Coalition. This organization brings together schools and the community as partners in order to work side-by-side for substance abuse prevention education.

During the week of October 23–27, the Marple Newtown Caring Coalition alongside numerous schools and community programs across the country will be participating in Red Ribbon Week. The goal behind Red Ribbon Week is to educate students of all ages from kindergarten through high school on the grave dangers of drug and alcohol abuse. The Red Ribbon Campaign first originated in 1985 after the tragic death of Special Agent Enrique Camarna of the U.S. Drug Enforcement Administration in the battle against drugs. Red Ribbons are worn by school students as a symbol of intolerance against drug use and a commitment to a drug-free lifestyle.

On October 25th, Marple Newtown Caring Coalition will proudly host the Red Ribbon Week Celebration in my Congressional District. The presentation will bring representatives from over 10 elementary and high schools together to promote substance abuse prevention. This gathering of students of all ages and different schools works to facilitate a bond between students and adults to achieve better communications for safe schools and communities.

I applaud Marple Newtown Caring Coalition's endeavors to educate the entire community on the necessity of drug prevention education not only for the future of our community, but also for the future of our children. The Coalition stands behind a proactive approach by bringing parents, teachers, students, law enforcement officers and community leaders together to strive toward a healthy, drug-free atmosphere in our communities.

Mr. Speaker, I feel it is imperative we support and encourage students and adults working together to end the destruction of drug abuse and move towards a reality dominated by drug-free and alcohol-free students. I would like to ask my colleagues to support their local Red Ribbon weeks at schools within their districts. With organizations like the Marple Newtown Caring Coalition and our local schools around the nation, we can strike a serious blow in the fight against drugs.

ANNIVERSARY OF THE DEATH OF MATTHEW SHEPARD

HON. CYNTHIA A. McKINNEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Ms. MCKINNEY. Mr. Speaker, the tragic death of Matthew Shepard should have marked a turning point* * * but tragically it didn't.

The hatred and the violence against gays and lesbians still exits today. These days it seems that anyone, whether they're gay or merely perceived to be, runs the risk of becoming the victim of a hate crime. That is why we must expand federal hate crime laws to include offenses based on sexual orientation.

Nationwide, scores of beatings and bashings of gays and lesbians have occurred, regularly reported by the gay press, but often ignored by the mass media.

Some of you probably haven't heard of a California gay couple who was murdered in their home this summer or the shooting of a gay man in Michigan earlier this year.

In a recent speech, Matthew's mom, Judy Shepard said: "For all who ask what they can do for Matthew and other victims, my answer is to educate and bring understanding where you see hate and ignorance, bring light where you see darkness, bring freedom where there is fear and begin to heal."

That is the message we should take to heart on this anniversary of Matthew Shepard's murder.

TRIBUTE TO THE ARC-SOUTH BAY

HON. STEVEN T. KUYKENDALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. KUYKENDALL. Mr. Speaker, I rise today to recognize a very special organization in my district, The ARC-South Bay. For forty years, the staff and volunteers of The ARC-South Bay have provided an invaluable service to the developmentally disabled.

The Southwest Association for Retarded Children (SWARC), now known as The ARC-South Bay, was founded on November 3, 1959. One of the organization's original purposes was to provide a wide variety of recreational and social programs for mentally retarded youngsters and adults in the South Bay area.

The mission of The ARC-South Bay has continued to broaden throughout the years. The organization now provides support to the families of individuals with mental retardation. They also set out to facilitate equal access to society for individuals with mental retardation.

The ARC-South Bay is a pioneer organization within the developmentally disabled community. They strive to enhance opportunities for growth and independence.

I commend the staff and volunteers of The ARC-South Bay for their efforts in improving the quality of life for individuals with mental retardation. Congratulations on this milestone, and I wish you continued success. The South Bay is grateful for your services.

PERSONAL EXPLANATION

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. PASCRELL. Mr. Speaker, as is reflected in the CONGRESSIONAL RECORD, I was granted an official leave of absence for Tuesday, October 12, 1999.

Had I been present, I would have voted as follows:

Rollcall vote 493—H.R. 493 to Suspend the Rules and Pass, as Amended the Hillory J. Farias Date-Rape Prevention Drug Act—I would have voted "yes"; rollcall vote 492—S. 800 to Suspend the Rules and Pass the Wireless Communications and Public Safety Act—I would have voted "yes"; rollcall vote 491—H. Res. 303 on Motion to Suspend the Rules and agree, as Amended, Expressing the Sense of the House of Representatives urging that 95% of Federal education dollars be spent in the classroom—I would have voted "yes."

COMMENDING THE PENNSYLVANIA FAMILY INSTITUTE

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. PITTS. Mr. Speaker, I would like to take this time to commend the Pennsylvania Family Institute as it celebrates its Tenth Anniversary tonight. In those 10 years, the Institute has grown to be a strong and respected voice for the family in the Commonwealth of Pennsylvania. The spirit of principled involvement that the Pennsylvania Family Institute encourages and engenders in Pennsylvania is to be applauded. Congratulations to the directors, staff and supporters of the Pennsylvania Family Institute for their work in service to Pennsylvania's families.

During my service in the Pennsylvania General Assembly, I had many occasions to work closely with the Institute's president, Michael Geer, on issues of prime concern to Pennsylvania's families. From its very first days, the Pennsylvania Family Institute has taken effective stands in support of the sanctity of life, in defense of marriage, for academic excellence in our schools, and for the promotion of a more civil society. And its recent leadership against the expansion of gambling in Pennsylvania has helped protect many children and families from the addiction and devastation wrought by casino gambling.

Mr. Speaker, Dr. James Dobson, the guest of honor at tonight's Pennsylvania Family Institute 10th Anniversary Banquet, is an ideal man to speak, as Dr. Dobson has been a beacon of wisdom and insight for families around the world through his many books and his ministry at Focus on the Family. Here in Congress, I have had the opportunity to work with Dr. Dobson on a number of family issues. His energy, principle and dedication are nearly unmatched.

Today, I also want to join the Pennsylvania Family Institute in remembrance of a true hero, William Bentley Ball, Esquire. We all owe a debt of gratitude to Mr. Ball for his exemplary dedication to the principles of liberty, fidelity to the Constitution and the defense of human life. Mr. Ball stood tall in defense of religious liberty and the right of parents to direct the upbringing and education of their children in a time when both were under great attack.

Again, my deep congratulations and best wishes to the Pennsylvania Family Institute for a terrific 10 years. I look forward to working with them in the years to come.

EARTH SCIENCE WEEK—OCTOBER 10-16, 1999

HON. BARBARA CUBIN

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mrs. CUBIN. Mr. Speaker, very soon an extraordinary individual, earth scientist, and mentor of many who followed in his field, Dr. J. David Love, born and raised in my home state of Wyoming, will receive the "Legendary Geologist Award" from the American Geological Institute, a federation of 34 earth-science societies with a collective membership exceeding more than 100,000 persons.

Some of Dr. Love's accomplishments include creating the modern geologic map of my home state of Wyoming, and the geologic map of Grand Teton National Park. My home state of Wyoming is rich in geologic wonders, and the people of Wyoming have a great appreciation the importance these maps and their value with regard to identifying geologic treasures, providing for the prudent use of our natural resources, hazard mitigation, and the expansion of our economy.

With this in mind, I introduced legislation earlier this year that will reauthorize the National Geological Mapping Act (NGMA), which established a highly successful cooperative program between the U.S. Geological Survey and Geological Surveys of the 50 states and U.S. Territories. The maps produced under NGMA auspices provide society with information useful for the abatement of natural hazards such as floods, earthquakes, landslides and volcanic eruptions; the broad delineation of mineral potential, including groundwater resources, and candidate areas for waste burial sites for land-use planning purposes, as well as a better understanding of "how the Earth works."

As such, I rise today to recognize the American Geological Institute's adoption of October 10th through October 16th, 1999, as "Earth Science Week." Earth Science Week was initiated last year by the American Geological Institute as a way to educate society about the Earth, the earth sciences, and the importance of earth scientists' work in solving the challenges we face with providing for the prudent management of our resources.

This week, an Earth Science Week activity is taking place in schools in every state, and to date, 25 states have made official Earth Science Week proclamations, including my home state of Wyoming.

Therefore, let it be known that:

Geology and the other earth sciences are fundamental to the safety, health, and welfare of the United States economy and its citizens.

The earth sciences are integral to finding, developing, and on serving mineral, energy and water resources needed for the Nation's continuing prosperity.

The earth sciences provide the basis for preparing for and mitigating natural hazards such as earthquakes, floods, and landslides.

The earth sciences are crucial to environmental and ecological issues ranging from water and air quality to waste disposal.

The earth sciences contribute directly to our understanding and appreciation of Nature.

Geological factors of resources, hazards, and environment are vital to land management and land use decisions.

Mr. Speaker, our ever-changing world challenges us to wisely manage the earth and its resources. During this week, let us pay tribute to the important role that earth science plays in the economic success, safety, and welfare of this Nation.

TAIWAN'S NATIONAL DAY

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. WALDEN. Mr. Speaker, the September 21 earthquake that devastated Taiwan was a horror story. More than 2,000 people lost their lives, over 100,000 people were left homeless, and Taiwan's financial loss was in the billions of dollars. But the world reached out to Taiwan, delivering help quickly to this valuable member of the global community. The spontaneous outpouring of assistance to Taiwan and the earthquake's victims continuous today. Taiwan's government has been doing all that it can to help the victims of the earthquake, providing them financial and other forms of assistance to help them rebuild their lives, homes and businesses.

Despite the devastation of the earthquake, Taiwan has once again demonstrated to the world that it appreciates foreign assistance and has pledged to repay the international community whenever they can. Taiwan's comprehensive effort to help its people is a sound example of how a democracy keeps its citizens' welfare at heart.

Notwithstanding the earthquake. Taiwan has every good reason to be proud on its National Day. Taiwan appreciates its generous friends from other countries and its government and people are unified in their goal of rebuilding a modern Taiwan after the earthquake.

TRIBUTE TO FALLEN OFFICERS IN TEXAS

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. RODRIGUEZ. Mr. Speaker, this past Tuesday will be remembered as one of the darkest in the history of the town of Pleasanton in Atascosa County. TX. Three brave officers of the law fell in the line of duty. Two others received wounds. I rise to pay tribute to these men and their families for enduring the ultimate sacrifice. It is appropriate for all of us in this House to pause and reflect on this terrible tragedy.

While news reports are still coming in, the story appears to unfold as follows. Late Tuesday night, officers from the Atascosa County Sheriff's Department, the Pleasanton Police Department, and the Texas Department of Public Safety responded to what turned out to be a bogus call alleging a domestic dispute near Pleasanton, a small and close-knit community south of San Antonio. Two Atascosa Sheriff's deputies, first Thomas Monse, then mark Stephenson, arrived at the scene, only to meet a storm of high-powered gun fire from an assailant who made the phony call. The shooter, who had been out of jaii only a few hours on a domestic abuse arrest, allegedly then took the deputies' own guns and executed them. These officers never had a chance.

Next to arrive on the scene was Texas state trooper Terry Miller, sent in to find out why the first two did not respond to calls from the dispatcher. He got there almost twenty minutes after Officer Stephenson and had just enough time to radio in the shooting of the first two deputies. But he too was shot and killed in the ambush.

When dozens of officers responded to Trooper Miller's call, the assailant, still hiding in some nearby underbrush, shot two more officers before he was surrounded. He then apparently took his own life as the two wounded officers were flown by helicopter for treatment in San Antonio.

This tragic event, during which over 100 rounds of ammunition were fired, leaves us in great sadness, with more questions than we can answer. We cannot bring back Officers Miller, Monse, and Stephenson, who bravely gave their lives to ensure that others would be safe. But we can honor their memory and convey our deep condolences to the love ones they left behind.

Officer Miller, the first Texas trooper killed since 1994 and the 74th trooper killed in the line of duty, leaves behind a wife and two children, ages 13 and 22 months. Officer Monse, a former Bexar County deputy, leaves behind a wife and four children. Officer Stephenson, who also served our nation in the military for seven years, leaves behind a wife and three children.

To the two wounded men, Atascosa County deputy Carl Fisher and Pleasanton police officer Luis Tudyk, we wish the best in a speedy recovery.

This unfortunate incident sends a reminder to us all of the dedication of law enforcement officers who each day leave the security of their homes and families to serve those in need all across America. Their sacrifice keeps us free.

KHALISTAN LEADER DR. AULAKH TO BE NOMINATED FOR NOBEL PRIZE

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. DOOLITTLE. Mr. Speaker, at the recent convention of the Council of Khalistan, held October 9 and 10 in New York, the delegates passed a resolution to nominate Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, for the Nobel Peace Prize. I believe that he would be an excellent candidate.

Dr. Aulakh's organization leads the struggle to liberate Khalistan, the Sikh homeland, from Indian occupation. It is committed to peaceful action to achieve that goal. While the Indian government continues to murder, kidnap, and torture Sikhs, Dr. Aulakh has been a clear and strong voice for freedom.

Dr. Aulakh would be an excellent recipient of the Nobel Peace Prize. I urge the Nobel Prize committee to act favorably on his impending nomination.

Mr. Speaker, I will place the Council of Khalistan's resolution nominating Dr. Aulakh for the Nobel Prize into the RECORD.

RESOLUTION RECOMMENDING DR. GURMIT SINGH AULAKH FOR THE NOBEL PEACE PRIZE

PASSED AT THE CONVENTION OF THE COUNCIL OF KHALISTAN OCTOBER 9–10, 1999, RICHMOND HILL, N.Y.

Whereas Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, has worked tirelessly to liberate the Sikh homeland, Khalistan;

Whereas Dr. Aulakh is committed to promoting a Shantmai Morcha, or peaceful agitation, to liberate Khalistan, as well as free and fair plebiscite;

Whereas Dr. Aulakh and the Council of Khalistan have consistently rejected militancy as a means of liberating Khalistan;

Whereas Dr. Aulakh's efforts have helped to expose Indian genocide against the Sikhs, Christians, Muslims, Dalits, and others; and

Whereas he has worked with the U.S. Congress, the American media, the United Nations, and the Unrepresented Nations and Peoples Organization to promote the peaceful, democratic, nonviolent movement for Sikh freedom;

Therefore be it Resolved by the delegates of this convention to the Council of Khalistan:

That we recommend Dr. Gurmit Singh Aulakh for the Nobel Peace Prize; and

That his name should be submitted to the Nobel Prize Committee at the first opportunity.

SENATE—*Friday, October 15, 1999*

The Senate met at 9:15 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, we commit this day to You. By Your grace, You have brought us to the end of another workweek. Yet there is still so much more to do today. There are votes to cast, speeches to give, and loose ends to be tied. In the weekly rush of things, it is so easy to live with "horizontalism," dependent only on our own strength and focused on what others can do for us or with us. Today, we lift our eyes to behold Your glory, our hearts to be filled with Your love, joy, and peace, and our bodies, worn with the demanding schedule of the past week, to be replenished.

Fill the wills of our soul with Your strength and our intellects with fresh inspiration. We know that trying to work for You will wear us out, but allowing You to work through us will keep us fit and vital. Now, here are our minds, enlighten them; here are our souls, empower them; here are our wills, quicken them; here are our bodies, infuse them with energy. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SPENCER ABRAHAM, a Senator from the State of Michigan, led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. DEWINE). The Senator from Idaho.

GREETING THE CHAPLAIN

Mr. CRAIG. Mr. President, let me tell you how comforting it is to have our Chaplain, Lloyd Ogilvie, returning to us in good health and to hear his words and the spiritual guidance he offers the Senate.

We are to happy to have Lloyd Ogilvie back.

SCHEDULE

Mr. CRAIG. Mr. President, today the Senate will immediately proceed to a vote on the conference report to accompany the VA-HUD appropriations bill. Following the vote, the Senate will immediately resume debate on the campaign finance reform bill, with further amendments to the bill anticipated. Debate on the campaign finance bill is expected to consume the remainder of the day and will continue throughout the early part of next week. However, Senators who intend to offer amendments are encouraged to work with the bill managers to schedule a time for debate on those amendments as soon as possible.

I thank my colleagues for the attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2000—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 2684, which the clerk will report.

The bill clerk read as follows:

> Conference report to accompany H.R. 2684, an act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies for the year ending September 30, 2000.

Mr. SARBANES. Mr. President, I want to extend my congratulations and thanks to both Senators BOND and MIKULSKI for the conference report they are presenting us today. This bill makes constructive strides toward improving the housing situation for many poor and low income working families.

Though the Chairman and Ranking Member were under extremely tight budgetary constraints, they stood together and worked hard to bring us a conference report which restores important funding. They have presented us with a strong bill that invests in our nation's low income housing stock and continues our efforts to aid struggling communities in their redevelopment efforts.

It is my understanding that this bill moved forward with the support of members from both sides of the aisle. I think that the Chairman and Ranking Member should be commended for this as well. It is notable when legislation receives such even handed, bipartisan support.

Let me highlight a few of the programs that received increased funding in this year's appropriations bill.

It includes 60,000 new section 8 vouchers to be used in our nation's most needy areas. I cannot express how important these new vouchers are to addressing the needs of low income Americans. As the economy soars, so do rents in many metropolitan areas, making it nearly impossible for low income families to afford an apartment. A recent report by the Low Income Housing Coalition shows that in no metropolitan area in this country can a person working at a minimum wage job forty hours a week afford the rent on an average two bedroom apartment.

There are 5.3 million families that HUD classifies as "worst case housing needs." These are families that live in substandard housing or pay more than 50% of their income towards rent. Sixty thousand vouchers will not help all of these families, but they are an important step in the direction of alleviating poverty and will be enthusiastically received by the families that benefit from them.

Also included in this bill is funding for the important mark-to-market plan that will allow HUD to raise section 8 payments to prevent landlords from opting out of the program. In addition, the bill exempts the old preservation deals from restructuring, which saves money and housing. These two provisions are important to preserving affordable housing in our nation's communities.

This bill includes an additional $50 million to be used for Community Development Block Grants, or CDBG. These funds are used to address the needs of low income neighborhoods in a holistic manner. They have been a resource for renewal and redevelopment in many cities, including Baltimore and other Maryland metropolitan areas, since their creation in 1974. I am extremely pleased to see an increased investment in the hope that CDBG funds can bring needed assistance to many communities across America.

There is also an increase of $55 million to aid the rehabilitation of disabled elderly housing programs. That includes provisions to provide supportive housing for the elderly, service coordinators in elderly facilities, grants to convert elderly housing into assisted living, and funds for section 8 assistance to be used for assisted living facilities. These levels show that we are committed to our low income senior citizens.

Lastly, I want to highlight the increased commitment to improve the public housing projects that remain. Over the last few years many politicians have pointed to the failing of public housing, but have not provided the necessary funds to improve those developments. Senators BOND and MIKULSKI's bill takes the important and necessary action of increasing the public housing operating fund by $320 million. I look forward to seeing and hearing about the new and positive improvements that will occur as a result of this new funding.

I will continue in the years to come to press for an increased commitment to housing programs that serve our nations' working and low income families. Overall, the bill we are presented with today is a good bill, with funding for many vital housing programs.

Mr. GORTON. Mr. President, in 1997, Congress created the Mark-to-Market program, which was designed to preserve the affordability of low-income rental housing and reduce the long-term costs to the Federal government. The program is designed to restructure the mortgages for HUD insured properties so that they can be supported by market based rents.

Under the Mark-to-Market program, HUD enters into agreements with State and local housing finance agencies, as well as a limited number of private firms, called Participating Administrative Entities or PAEs. The PAEs underwrite and recommend the financial restructuring of these properties. Under the agreement, the PAEs determine rent levels, how much of a new mortgage the property can support with those rents, and how much of a second mortgage HUD will have to hold on the property in order to ensure that the restructuring is economically feasible. The program also allows the housing finance agencies to provide financing for the new first mortgage on the property, even though they have inside knowledge of how the agreement is negotiated and structured.

However, the legislation creating the program recognizes that a conflict of interest can exists where the housing finance agency that is charged with restructuring the mortgage provides financing for the same property. In this situation, HUD is to establish guidelines to prevent conflicts of interest. Despite this provision, the legislation before us today requires the Secretary to approve financing by a HFA under the risk sharing program where the financing meets certain terms and conditions. Under this language, it is possible that the housing finance agency can gain an unfair advantage over other lenders who want to compete to provide financing. This could happen if the housing agency has the opportunity to review all submissions for financing and structure its own proposal so that no other lender can compete. In addition, property owners will have virtually no voice in determining who provides a mortgage on their property if they wish to stay in the program.

It is the intent of this bill, in the interest of all parties, that all lenders be given the opportunity to compete on a level playing field in providing financing. To this end, HUD should exercise its authority under the conflict of interest requirement and undertake an independent review of the financing proposals. This could be accomplished, for example, by having the housing finance agency submit all lenders' proposed financing packages to HUD and include a statement justifying its position on the recommended financing. This independent review will allow the best financing alternative to be used for restructuring and will allow lenders to compete on a level playing field.

Mr. McCAIN. Mr. President, I regret that I must vote against this conference report. Once again, I have the unpleasant task of speaking before my colleagues about unacceptably high funding levels of parochial projects throughout this bill. In addition, the conferees have included several legislative provisions that were not in either bill, nor were these initiatives considered by either the House or Senate before they were summarily added to this bill. Therefore, despite the fact that the bill contains funding for many purposes which I strongly support, I oppose its passage because of these objectionable provisions.

This bill, in total, contains more than $700 million in low-priority, wasteful, and unnecessary spending. This is an unacceptable waste of the taxpayers' hard-earned money, and I will not be a party to Congress' pork-barrel spending habits.

I very much regret having to oppose a bill that contains critical funding for programs for our Nation's veterans.

I would like to point out that I actively supported adding $3 billion for veterans medical health care in this year's appropriations bill. I cosponsored several amendments introduced in the Senate, including the Wellstone amendment, which would have provided an additional $3 billion above the President's VA budget request. Although the Wellstone amendment failed, the amendment proposed by Senators BYRD and BOND, which I also supported, passed overwhelmingly, increasing the total amount of VA funding to $1.7 billion above the President's request.

I commend the conferees for keeping the $1.7 billion for essential health care programs for veterans in the conference report. This represents the largest annual increase since the Department of Veterans Affairs was created. Although I sincerely welcome this increase, I will continue to do all in my power to find additional money in the budget to fund veterans health care at an amount that will guarantee a higher, sustainable level of quality health care for all veterans.

It is important to note that the level of earmarks and set-asides in the Veterans Affairs section of this conference report is down from previous years. The total value of specific earmarks in the Veterans Affairs section of the VA-HUD conference report is $31.3 million, about one third of the amount that was inserted in this section of the Senate-approved VA-HUD appropriations funding measure.

Certain provisions in this section, however, illustrate that Congress still does not have its priorities in order. For example, it is disturbing to me and many other Senators who stood on the floor of this body to fight for additional funding for veterans benefits to learn that the conferees have agreed to direct some of the critical dollars from veterans health care to fund wasteful projects like the "mothballing" of four historic buildings in Dayton, Ohio.

There are other notable examples of unnecessary items included in the conference report. An especially troublesome expense, neither budgeted for nor requested by the Administration for the past eight years, is a provision that directs the Department of Veterans Affairs to continue the eight-year-old demonstration project involving the Clarksburg, West Virginia VAMC and the Ruby Memorial Hospital at West Virginia University. Several years ago, the VA-HUD appropriations bill contained a plus-up of $2 million to the Clarksburg VAMC that ended up on the Administration's line-item veto list—even the Administration concluded that this was truly wasteful.

Like the transportation and military construction funding bills, the VA-HUD funding bill also includes many construction project additions to the President's budget request. For example, the VA-HUD appropriations conference report adds $1 million for the advance planning and design of the Lebanon VAMC renovation of patient care units and other enhancements for extended care programs. An additional $500,000 was provided for planning national cemeteries in Atlanta, Georgia; Pittsburgh, Pennsylvania; Miami, Florida; and Sacramento, California. Although all of these areas likely are deserving of veterans cemeteries, I just wonder how many other national cemetery projects in other states were leapfrogged to ensure that these states received the VA's highest priority. This bill directs VA to award a contract for design, architectural, and engineering services in this month for a new National Cemetery in Lawton (Oklahoma City/Fort Sill), Oklahoma and also directs the President's fiscal year 2001 budget to include construction funds for a new National Cemetery in Oklahoma. This is an amazing feat, since this appropriations bill is supposed to provide single-year appropriations, yet is attempting to direct next year's funding, too.

The bill also directs the VA to reprogram $11.5 million originally appropriated in fiscal year 1998 to renovate Building 9 at the VAMC in Waco, Texas, to instead be used for renovation and construction of a joint venture cardiovascular institute at the Olin E. Teague VAMC in Temple, Texas. This unusual procedure is outside of the established reprogramming process—unfortunately, it sends the message to the VA that the money can be reprogrammed "as long as the money stays in Texas."

Other VA construction projects—outside the President's original budget request—include: $3.9 million to convert unfinished space into research laboratories at the ambulatory care addition of the Harry S. Truman VAMC in Columbia, Missouri; $3 million for renovations of the research building at the Bronx VAMC in Bronx, New York (next door to the prestigious Mount Sinai Hospital); and $500,000 for preparation of the satellite site to expand the National Cemetery at Salisbury, North Carolina. Some final egregious examples of unrequested, additional spending include the following: the VA is directed to provide $1 million to the National Technology Transfer Center to establish a pilot program to assess, market, and license medical technologies researched in VA facilities; $750,000 is provided to continue the VA's participation with the Alaska Federal Health Care Access Network; and Marshall County, Mississippi, Hardin County Tennessee and Letcher County, Kentucky were inserted ahead of other remote areas to become federally funded Community Health Care Centers to provide outpatient primary and preventive health care services to veterans in their home communities. These areas appear to have been added ahead of higher priority communities because their interests were well-represented in the Appropriations Conference.

I am encouraged by the increase in veterans health care funding, and if this title of the bill had been separately presented to the Senate, I would have wholeheartedly supported it, despite the earmarks and set-asides it contains.

This title of the bill contains the funding for many programs vital in meeting the housing needs of our nation and for the revitalization and development of our communities. Many of the programs administered by HUD help our nation's families purchase their homes, assist low-income families obtain affordable housing, combat discrimination in the housing market, assist in rehabilitating neighborhoods and help our nation's most vulnerable—the elderly, disabled and disadvantaged—have access to safe and affordable housing.

When the Senate debated this bill, I highlighted for my colleagues numerous funding earmarks for specific housing proposals and set asides contained in the Senate version of this bill. Unfortunately, I find myself coming to the floor today to again highlight the numerous budgetary violations which remain or were added to this conference report. The list of projects which received priority billing is quite long but I will highlight a few of the more egregious violations.

$3,000,000,000 to Olympic Regional Development Authority, New York for upgrades at Mt. Van Hoevenberg Sports Complex.

New language inserted in conference providing $15,000,000 for urban empowerment zones.

$1,000,000 to the Salt Lake City Organizing Committee for housing infrastructure improvements for the Olympics and Paraolympics.

$1,000,000 to Syracuse University in New York for rehabilitation and community redevelopment of the Marshall Street Area.

Directive language to the Secretary requiring the continuation of providing interest reduction payment in accordance with the existing authorization schedule for Darlinton Manor Apartments, 100-Unit project located at 606 North 5th Street, Bozeman, Montana, which will continue as affordable housing pursuant to a use agreement with the state of Montana.

In addition to the numerous budgetary violations which this report contains, I am also concerned about the legislative initiatives which have suddenly appeared during conference which were not contained in the Senate or House appropriation bills. The intent of this legislative language is certainly laudable—providing safe, quality and affordable housing for seniors and the disabled is and must remain a priority for our nation. However, we cannot and should not be passing comprehensive legislation which makes substantial changes to the housing system without allowing both chambers of Congress to debate and provide valuable input to such an important proposal. Certainly, an issue as important as meeting the housing needs of our most vulnerable population, deserves thoughtful deliberation and careful review through the established legislative process and should not be attached at the last moment to a funding conference report. This is not the manner in which we should be implementing meaningful reform intended to benefit the citizens of our nation.

After reviewing the sections funding the Environmental Protection Agency, I find that the conferees continued to run rampant in their pork-barrelling in this section of the bill. There are few areas in this final conference report that clearly indicate the level of parochial actions than those targeted in EPA's budget.

Just last month, the Senate passed a bill providing funding for environmental protection programs, which included $207 million in unrequested and low-priority earmarks. However, the number of earmarks has seriously inflated in the conference report by $73 million to a new grand pork total of $280 million.

I understand that we have critical needs around our country dealing with leaking underground storage tanks, water and wastewater infrastructure, air pollution, pesticide abatement, and other important environmental issues. Many of the projects identified in this conference report are no doubt critical to many communities who are forced to deal with these serious environmental threats.

I do not question their merit at all. I do question the process by which the appropriators have made decisions that prioritize certain projects over many others across our nation in such a blatant and provincial manner. For example, $1 million is earmarked for the Animal Waste Management Consortium that will benefit the University of Missouri, Iowa State University, North Carolina State University, Michigan State University, Oklahoma State University, and Purdue University to deal with animal waste management. Again, this may very well be important, but there is little background provided in the report to explain the national priority interest of earmarking a million dollars to deal with animal waste management in six specific states.

EPA has an established process by which the agency administers grant and loan programs that are supposed to be awarded on a competitive and priority basis. However, these guidelines are simply thrown out the window when the conferees direct the agency through earmarks and directive language to give priority consideration to various states and projects rather than undergoing a competitive review. Despite stated budget constraints, the conferees found a way to include an additional $68 million more in wastewater infrastructure funding than previously agreed to by both houses for locale-specific earmarks.

I know first-hand that many of my constituents in Arizona have a great need to improve their water and wastewater systems, but they will be forced to wait in line while other projects are given priority treatment through this conference report.

Clearly, no title of the bill was left unsullied by pork-barrel spending. For the Federal Emergency Management Agency (FEMA), there is $10 million available to the State of California for pilot projects to demonstrate seismic retrofit technology. For the National Aeronautics and Space Administration (NASA), this Report also includes earmarks of money for locality-specific projects such as $3 million for the Adler Planetarium in Chicago, Illinois,

$14 million for infrastructure needs at the University of Missouri, Columbia, and $10 million for the Regional Application Center in Cayuga County, New York. For example, the National Science Foundation (NSF), there is $60 million for the Plant Genome Research Program. When will this outrageous pork-barrel spending stop?

The conferees have also included legislative initiatives that were clearly out of scope of the conference. The bill includes a general provision authorizing NASA to carry out a new program to demonstrate the commercial feasibility and economic viability of private business operations involved in the International Space Station. This provision has not had the benefit of consideration in any hearings or public and private industry discussions. It would seem logical for private sector views to be considered if we hope to attract them to this venture.

The bill also shifts the way NASA will operate both the space station and the space shuttle program. We have already heard from some small companies that this program will put NASA and use of the shuttle for commercial payloads in direct competition. We do not want to stifle the creativity and ingenuity of these small launch companies, nor should we rely upon NASA to provide all the answers to our space problems, especially in the area of commercialization of space. I think NASA has enough problems with the space station, including the fact that it is two years behind schedule and $9 billion over budget.

Finally, the conferees have included two provisions related to commercial space launch indemnification extensions and insurance and indemnification for experimental vehicles. Neither of these provisions were included in either of the appropriations bills and they clearly fall within the jurisdiction of the appropriate authorizing committees.

The appropriators should abide by the rules and procedures of the Senate and refrain from usurping the power of the authorizing committees, in fact, the rest of the Senate, by including these legislative provisions in a conference report written behind closed doors.

I am gravely disappointed that I am unable to vote for this conference report. This measure contains funding for many critical programs which help provide important resources to our communities. It includes vitally important funding to fulfill our obligation to our nation's veterans, those who fought for the peace and security we enjoy today. Included in this bill is funding for section 202 housing which I know most, if not all, of my colleagues would agree helps meet the needs of America's seniors by ensuring they have homes which are safe, affordable and accommodates the demands of aging. Also included is valuable funding for section 811 which helps disabled individuals have an opportunity to live independently as part of a community in quality and reasonably priced homes.

Because of the egregious amount of pork-barrel spending in this bill and the addition of legislative provisions clearly outside the scope of the conference, I must oppose its passage. I regret doing so because of the many important and worthy programs included in the conference agreement, but I cannot endorse the continued waste of taxpayer dollars on special-interest programs, nor can I acquiesce in bypassing the normal authorizing process for legislative initiatives.

Mr. President, the full list of the objectional provisions is on my Senate website.

HIGH PRODUCTION VOLUME CHEMICAL TESTING

Mr. LAUTENBERG. Mr. President, I would like to confirm my understanding with Chairman BOND regarding the conference report concerning the HPV chemical testing program. My understanding regarding the "agreement" is that it is actually a letter from EPA asking participants in the challenge program to make certain changes, and not in fact an "agreement" to do so. Is that correct?

Mr. BOND. That is correct.

Mr. LAUTENBERG. And is it also correct that by using the word "consistent," the conferees did not intend or imply that the test rule must be the exact equivalent of the voluntary part of the program in terms of the actual testing requirements?

Mr. BOND. That is correct.

Mr. LAUTENBERG. I thank the Senator.

WARRIOR HOTEL EDI PROJECT

Mr. HARKIN. Mr. President, I understood that the conference report was supposed to contain the following language concerning an economic development initiative item approved in the FY 99 VA–HUD Appropriations measure: "The description of the Warrior Hotel EDI project in the FY 99 HUD–VA Appropriations report is modified to the following: $1 million for the restoration of the Warrior Hotel in Sioux City, IA, to be used for adult day care and other services or uses consistent with the revitalization of the Central Business District". Unfortunately, this language was inadvertently left out of the report.

Mr. BOND. The Senator from Iowa is correct, the language was inadvertently left out of the FY 2000 conference report and it was our intention to have the language included.

Ms. MIKULSKI. I concur with the remarks of Chairman BOND and Senator HARKIN.

Mr. JOHNSON. Mr. President, I offer my strong support for the fiscal year 2000 VA–HUD Appropriations Conference Report and am pleased to join my Senate colleagues in passing this important piece of legislation today. Rural America, and my state of South Dakota, is in the midst of an affordable housing shortage crisis. According to reports, 5.3 million Americans pay more then 50 percent in their annual income to rent or living in substandard conditions. This is unacceptable for a society as wealthy as ours, and we must make real progress now to improve housing conditions for all Americans.

Although I supported the VA–HUD Appropriations Bill on the Senate floor last month, I was disappointed that the bill failed to provide additional Section 8 rental assistance for the thousands of American families that desperately need it. Additional Section 8 rental assistance, like that proposed by the President, would have allowed 321 families in South Dakota to receive Section 8 vouchers to help them afford adequate housing. In addition, I objected to the elimination of the Community Builders program in the original bill. In South Dakota, Community Builders have worked with local governments and housing authorities to provide needed rental assistance statewide.

I joined my Democratic colleagues on the Senate Banking and Housing Committee in writing to Chairman BOND and Ranking Member MIKULSKI, asking them to fund additional Section 8 vouchers and restore the Community Builders program during their negotiations with conferees from the House of Representatives. I am pleased that Chairman BOND and Ranking Member MIKULSKI were able to secure funding for an additional 60,000 Section 8 vouchers. The VA–HUD Appropriations Conference Report also reiterates the need for Community Builders in HUD to help bring important HUD programs to an increasing number of Americans.

This legislation will help address the affordable housing shortage in my state of South Dakota. Currently, South Dakota families in need of housing assistance spend an average of 9 months on a waiting list for current Section 8 vouchers. While not helping all of those in need, the additional Section 8 vouchers contained in the VA–HUD Appropriations Conference Report will begin to shorten the time it takes for low-income families to receive much needed assistance.

Community Builders will also be able to continue to work with South Dakota communities to increase access for affordable housing. In the past, Community Builders worked with the Northeastern Council of Governments in South Dakota to spread information to several northeastern counties on the services that HUD provides, and how to access these services. Community Builders have facilitated FHA loans for the construction of affordable homes in Rapid City, while also helping the

Sioux Empire Housing Partnership become a HUD-approved housing counseling agency. The Community Builder program has begun to address the housing needs in historically underserved communities, including the Pine Ridge Indian Reservation. Community Builders have enabled tribal leaders to better utilize HUD's programs to the benefit of one of the most poor populations in the nation.

I would like to thank Chairman BOND and Ranking Member MIKULSKI for improving the VA-HUD Appropriations bill despite the strict budget constraints the committee faced. I believe it is a wise investment in our country's future when we ensure that our working families have adequate housing, and I look forward to continue working with my colleagues to find ways to help South Dakota families and families across the nation address their housing needs.

Mrs. BOXER. Mr. President, I support the conference agreement on appropriations for fiscal year 2000 for the departments of Veterans Affairs, Housing and Urban Development, and other independent agencies.

I thank Senator MIKULSKI and Senator BOND for their hard work and commitment to providing adequate health care for our veterans and housing for our citizens.

The conference agreement provides $19 billion for veterans health care, $1.7 billion more than the President requested. I am pleased that Congress has made a commitment to take care of our veterans. I do wish that we had agreed to Senator WELLSTONE's amendment to provide $20.3 billion, but I believe that our nation's veterans will be cared for under this legislation.

Mr. President, I am very pleased that housing needs will also be addressed with this legislation. First, the agreement provides a much needed 60,000 additional Section 8 vouchers. A far greater need for vouchers exists in California, let alone across the nation. But this is a much acknowledged vital step in the right direction towards addressing the housing needs for the poorest of Americans. Second, public housing, Housing for Persons With AIDS (HOPWA), and homeless assistance programs will all experience an increase in funding. Third, the agreement also provides additional tools for preserving existing affordable housing. Specifically, HUD will be provided with significant new legal authority to address the Section 8 "opt-out" crisis—including longer contract renewal terms. Last, the agreement exhibits strong support for HUD's Community Builder program. This program has been a key component of HUD's reinvention efforts and is working. I received numerous letters from elected officials and nonprofit organizations throughout California expressing support for the Community Builder program and am grateful that the conference committee agreed to reinstate earlier cuts to the program.

The conference agreement also addresses other key areas, such as the environment and space exploration and research. The Environmental Protection Agency will receive $7.59 billion to carry out its important functions. The National Aeronautical and Space Administration is funded at $13.65 billion. I am pleased that the conferees agreed to restore the drastic cuts in NASA programs that were in the House version of the bill.

Mr. CRAIG. Mr. President, I call for the yeas and nays on the VA-HUD appropriations conference report.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question now occurs on agreeing to the adoption of the conference report accompanying H.R. 2684, the VA-HUD appropriations bill. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

I also announce that the Senator from Connecticut (Mr. DODD) is absent because of family illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 93, nays 5, as follows:

[Rollcall Vote No. 328 Leg.]

YEAS—93

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Domenici
Dorgan
Durbin
Edwards
Enzi
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—5

Bayh
Feingold
Kyl
McCain
Voinovich

NOT VOTING—2

Dodd
Kennedy

The conference report was agreed to.

Mr. BOND. I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. NICKLES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

APPOINTMENT OF CONFEREES—S. 2990

Mr. LOTT. Mr. President, I ask unanimous consent that with respect to H.R. 2990, the Chair now be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Presiding Officer (Mr. GORTON) appointed Mr. JEFFORDS, Mr. GREGG, Mr. FRIST, Mr. HUTCHINSON, Mr. NICKLES, Mr. GRAMM, Mr. ENZI, Mr. KENNEDY, Mr. DODD, Mr. HARKIN, Ms. MIKULSKI, and Mr. ROCKEFELLER conferees on the part of the Senate.

ORDER OF BUSINESS

Mr. LOTT. Mr. President, in light of the agreement, there will be no further votes today. Members can expect a rollcall vote at 5:30 on Monday relative to an amendment to campaign finance reform or on any judicial nomination or other Executive Calendar matter that may be cleared for a vote.

Let me emphasize, there will be a vote or votes at 5:30 on Monday. I hope an agreement can be worked out as to how to proceed on the campaign finance reform debate this afternoon. I had been willing to actually be in on Saturday to have debate on that and/or votes, but that was not well received on either side of the debate and on either side of the aisle. So we will not be in session on Saturday. I am hoping we can have some good debate and we can get an agreement on some amendment or amendments, if we can get more than one done, that actually can be voted on Monday afternoon at 5:30.

We will have votes on that or we will have a vote on probably a judicial nominee at that time, if that is what is necessary.

I yield the floor.

BIPARTISAN CAMPAIGN REFORM ACT OF 1999—Resumed

AMENDMENT NO. 2298

(Purpose: To provide a complete substitute)

Mr. DASCHLE. Mr. President, I have an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from South Dakota [Mr. DASCHLE], for himself, Mr. TORRICELLI, Mrs. FEINSTEIN, Mr. LEAHY, Mr. DURBIN, Mr. BINGAMAN, Mr. REED, Mr. KERREY, and Mr. KERRY, proposes an amendment numbered 2298.

Mr. DASCHLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

AMENDMENT NO. 2299 TO AMENDMENT NO. 2298

Mr. REID. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

> The Senator from Nevada [Mr. REID] proposes an amendment numbered 2299 to amendment No. 2298.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, Thomas Paine, the famed orator of the American Revolution, once offered an explanation for why corrupt systems last so long. He said:

> A long habit of not thinking a thing wrong gives it a superficial appearance of being right, and raises, at first, a formidable cry in defense of custom.

That is certainly true of the way we pay for campaigns in this country. Our reliance on special interest money to run political campaigns is such an old habit that for a long time it had the superficial appearance of being right but not anymore.

While there is still a vocal minority who deny it, a clear majority in this Congress, and an overwhelming majority of the American people, know that our current campaign finance system is broken.

The American people understand that special-interest money too often determines who runs, who wins, and how they govern.

Opponents of change tell us that no one cares much about campaign finance reform.

I believe they're mistaken.

I believe the tide has turned.

Instead of hearing a "formidable cry in defense of custom," to use Tom Paine's expression, what we are hearing now is a growing demand for change.

One of the newest voices demanding change belongs to a group of more than 200 CEOs of major corporations. They call themselves the Committee for Economic Development, and many of them are Republican. They're pushing for a ban on soft money because, they say, they're "tired of being shaken down" by politicians looking for campaign contributions.

They, like the rest of America, will be watching this debate, Mr. President.

Another reason I believe the tide has turned is because this election cycle has gotten off to such an ominous start.

At both the Presidential and congressional level, we are on pace to shatter all previous records.

During the first six months of this year, soft money donations—the unlimited, unregulated contributions to political parties—were already 80 percent above where they were at this point in the last Presidential election cycle, in 1995.

There really are no limits any more, Mr. President. We all know that.

The current system is more loophole than law.

Opponents argue that our Constitution forbids us from correcting the worst abuses in the system. I disagree with their pinched interpretation of our Constitution. In any case, I believe our conscience demands that we at least try to fix the system.

And so during this debate, Senator TORRICELLI and I, and others, will offer the Shays-Meehan plan.

As I said, I have great admiration and respect for what Senator FEINGOLD and Senator MCCAIN have attempted to achieve. But I believe we can—and must—go further than their bill now allows.

Shays-Meehan is fair. It does not place one party or another at an advantage. It treats incumbents and challengers in both parties fairly.

Shays-Meehan is bipartisan.

Shays-Meehan is passable. It has already passed the House. It is signable. The President will sign it into law.

Most importantly, Shays-Meehan is comprehensive. Not only does it ban unregulated "soft money" to political parties—the biggest loophole in the current system—it also prevents soft money from being re-channeled to outside groups for phony "issue ads."

This is critically important, Mr. President.

Spending on sham "issue ads" by advocacy groups and special interests more than doubled between the '96 and '98 election cycles—to somewhere between $275 million and $340 million.

A 1997 study by the respected Annenberg Public Policy Center at the University of Pennsylvania found that phony "issue ads" are nearly identical to campaign ads—with two exceptions. The "issue ads" are more attack-oriented and personal. And, it is harder to identify the sponsor. These ads epitomize the negative campaigning—without any accountability—the public so dislikes.

Shays-Meehan closes the "issue ad" loophole. It does so by applying existing rules to ads targeting specific candidates that are run by advocacy groups within 60 days of an election.

It does not silence anyone. It merely says, if you want to participate in the election process, you have to follow the rules.

In addition to closing the "soft money" and "issue ad" loopholes, Shays-Meehan makes two other important changes.

First, it provides for expanded and speedier disclosure of both campaign contributions and expenditures—plus, stiffer penalties for anyone who violates the requirements.

Second, it bans direct and indirect foreign contributions to political campaigns.

Shays-Meehan won a bipartisan majority in the other body, Mr. President. It deserves the same in this Senate.

When a person gives money to a judge who is deciding his case, we call that bribery. But when special interests give money to politicians who vote on bills that help or hurt them, we call that "business as usual."

Some mistakenly call it "free speech."

Let's be very clear: Shays-Meehan is not an attack on free speech. It advances free speech by ensuring that those with the biggest checkbooks are not the only voices that are heard.

Shays-Meehan represents extraordinarily modest reforms.

It doesn't fix every problem with our current system. But it bans the worst excesses.

It is not a panacea. But it is a credible and necessary first step in rebuilding people's trust in government.

I have no doubt we will hear a great deal over the next few days about abuses of the current system.

There are abuses—on both sides of the aisle. That's why we're having this debate.

But it's not enough just to decry the abuses. If you're really outraged by the abuses, fix the system that invites them.

Defenders of the status quo have tried to dissuade some of us from supporting real reform by warning how much it might cost us in lost campaign contributions.

What about how much the current system costs us in lost credibility?

Listen to this quote:

> Senators and Representatives, faced incessantly with the need to raise ever more funds to fuel their campaigns, can scarcely avoid weighing every decision against the question "How will this affect my fundraising prospects," rather than "How will this affect the national interest?"

Do you know who said that?

It wasn't some Pollyanna progressive.

That was Barry Goldwater, in 1995.

And even if we don't make those kinds of calculations, it doesn't matter. No one has to prove that money influences our votes. It's damaging enough that people believe money influences our votes.

There are other ways the current system costs us as well. Like the cost of endless fundraising. The demeaning, demanding money chase.

In 1998, it cost an average of $4.9 million to run a successful Senate campaign.

To raise that kind of money, you have to bring nearly $16,000 a week, every week, for 6 years. That is the minimum it takes. Some people have to raise twice that much.

And we all know what that means. It means we spend hours and hours in campaign offices, dialing for dollars, instead of doing what people sent us here to do.

It means running to fundraisers every night—sometimes two and three a night—instead of working on problems that affect families—or maybe just having dinner every once in a while with our own families.

But the biggest cost of the current system is the cynicism it produces in people.

The American people are disgusted, and they feel disenfranchised, by the current system.

Every election cycle, the amount of money goes up, and voting goes down.

Defenders of the status quo say we need soft money for "party building" activities—like "get out the vote" drives.

If you really want to get out the vote, get the money out of politics!

Pass Shays-Meehan.

We expect opponents will use every procedural trick and advantage they can think of to try to block any real reform. They will offer amendments not to strengthen our proposal, but to sink it.

They should know: The American people understand that game. They can tell the differences between protecting principles, and protecting partisan advantage.

We make this pledge at the beginning of this debate: If Shays-Meehan does not pass, we will do everything we can to build a coalition for real reform.

We will work with Senator FEINGOLD and Senator MCCAIN to strengthen their proposal and make it, once again, a comprehensive plan.

When you read the history of campaign finance, one of the names that stands out is Mark Hanna. U.S. Senator. Wealthy businessman. Ohio political boss. And head, at the turn of the last century, of his national political party.

Mark Hanna is widely credited with being the father of systemic campaign fundraising techniques.

He introduced the concept, for instance, of regularly assessing businesses for contributions to his party, based on their "share in the general prosperity."

He also introduced the first modern political advertising operation.

In 1895, Mark Hanna remarked that "there are two things that are important in politics. The first is money—and I can't remember what the second one is."

Mr. President, I believe Senator Hanna got it wrong. Money isn't the most important thing in politics. Integrity is.

Integrity is essential to democracy. Without integrity we lose public confidence. And without public confidence, a democratic government loses its ability to function.

We all know—whether we will admit it or not—that the current system is broken.

I hope we can work together. I hope we can come up with a comprehensive, workable plan to fix it.

The currency of politics should be ideas—not cash.

CLOTURE MOTIONS

Mr. DASCHLE. Mr. President, I send two cloture motions to the desk.

The PRESIDING OFFICER. The clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Daschle amendment, No. 2298, to S. 1593:

Tom Daschle, Chuck Robb, Mary L. Landrieu, Joseph Lieberman, Jack Reed, Max Baucus, Barbara Boxer, Richard H. Bryan, Jeff Bingaman, Tim Johnson, Harry Reid, Robert G. Torricelli, Blanche L. Lincoln, Dianne Feinstein, Jay Rockefeller, Richard J. Durbin, Daniel K. Akaka, Ron Wyden, Byron L. Dorgan, and Tom Harkin.

CLOTURE MOTION

The PRESIDING OFFICER. The clerk will report the second cloture motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Reid of Nevada amendment No. 2299:

Tom Daschle, Chuck Robb, Barbara Boxer, Joseph Lieberman, Jack Reed, Richard H. Bryan, Jeff Bingaman, Tim Johnson, Harry Reid, Blanche L. Lincoln, Dianne Feinstein, Jay Rockefeller, Richard J. Durbin, Daniel K. Akaka, Ron Wyden, Byron L. Dorgan, Tom Harkin, and Barbara Mikulski.

Mr. DASCHLE. Mr. President, I yield the floor.

Mrs. FEINSTEIN. Mr. President, I rise to express my strong support for the amendment offered by the minority leader and the Senator from New Jersey. As you know, this amendment is almost identical to the Shays-Meehan bill that passed the House of Representatives by a decisive, bipartisan vote of 252–177. It is time for the Senate to show the same courage and pass this important legislation.

As I enter my eleventh political campaign and my fourth California statewide election, I am one who knows a little about the dynamics of campaigning in expensive races. In the 1990 race for Governor, I had to raise about $23 million. In the first race the Senate, $8 million; in the second race, $14 million. In 1994, my opponent spent nearly $30 million in his attempt to defeat me. My experiences have led me to believe that the current campaign finance system is badly flawed and in need of overhaul.

Since 1976, the first election after the last major revision of campaign finance laws, the average cost of a winning Senate race went from $609,000 to $3.8 million in 1998. The average cost for a winning House candidate rose from $87,000 in 1976 to $679,000 in 1998.

Campaigns in 2000 are very different than they were in 1976. Clearly, our campaign finance system must be reformed to reflect these differences.

I have been a strong supporter of federal campaign finance reform since my first election to the Senate. Campaigns simply cost too much and it is long past time that Congress does something about it.

I believe very strongly that this will be the final real opportunity this millennium to make significant structural reforms to our campaign finance system. Two of the fundamental changes that I believe must be made are a complete ban on soft money contributions to political parties and making independent campaign ads subject to contribution limits and disclosure requirements as are a candidate's campaign ads.

While I have a great deal of respect for the persistence the Senators from Arizona and Wisconsin have demonstrated in pushing the Senate to act on campaign finance reform, I am concerned that the underlying bill, S. 1953, is too narrow to constitute a real reform of the campaign finance system. Banning soft money without addressing issue advocacy will simply redirect the flow of undisclosed money in campaigns. Instead of giving soft money to political parties, the same dollars will be turned into "independent" ads.

The issues of soft money ban and independent advertisements go hand in hand and one can not be addressed without the other.

SOFT MONEY BAN

The ability of corporations, unions, and wealthy individuals to give unlimited amounts of soft money to political parties is the largest single loophole in the current campaign finance structure. The lack of restrictions on soft money enables anonymous individuals and anonymous organizations to play a major role in campaigns. They can hit hard and no one knows from where the hit is coming. The form that soft money is increasingly taking is negative, attack ads that distort, mislead, and misrepresent a candidates position on issues. These ads have become the scourge of the electoral process.

This is the third time in as many years that the Senate has had the opportunity to pass meaningful campaign finance legislation. Last year, a minority of Senators blocked its passage and they appear poised to do so again.

The consequence of this action is clear: voters will continue to become disenchanted with the political process and the flow of money into campaigns and the access it buys will continue to grow.

The numbers speak for themselves. According to the Federal Election Commission, the Republican party raised $131 million in soft money during the 1998 election cycle. That is a 149 percent increase over the last midterm election in 1994. The Democratic party is not much better. We raised $91.5 million, a 89 percent increase.

Soft money contributions are continuing to rise. In the first 6 months of this year, Republicans raised $30.9 million. 42 percent more than in the first six months of the 1997–98 election cycle. Democrats raised $26.4 million, a 93 percent increase.

One organization, Public Citizen, estimates that soft money spending this election cycle will exceed $500 million. That is double the amount spent in the last presidential election cycle and six times as much as in 1992.

At some point this escalation of campaign spending has got to stop. We simply cannot continue down this path. A complete ban on soft money contributions to political parties is the first and most basic way to reduce the amount of money in our campaigns.

ISSUE ADVOCACY

That brings me to the other disturbing trend in the American political system: the rise of issue advocacy. This campaign loophole allows unions, corporations, and wealthy individuals to influence elections without being subject to disclosure or expenditure restrictions.

During last year's debate, I mentioned a study released by the Annenberg Public Policy Center that estimated that during the 1995–96 election cycle independent groups spent between $135 and $150 million on issue advocacy.

The Center has done a similar study for the 1997–98 cycle and the result is quite disturbing. They estimate that the amount spent on issue advocacy more than doubled to between $275 million and $340 million.

These ads do not use the so-called "magic words" that the Supreme Court identified as express advocacy and, therefore, are not subject to FEC regulation. The Annenberg study found, however, that 53.4 percent of the issue ads mentioned a candidate up for election.

The Center found another unfortunate twist to issue advocacy. Prior to September 1, 1998, that is in the first 22 months of the election cycle, only 35.3 percent of issue ads mentioned a candidate and 81.3 percent of the ads referred to a piece of legislation or a regulatory issue.

After September 1, 1998, during the last 2 months of the campaign, a dramatic shift occurred. The proportion of ads naming specific candidates rose to 80.1 percent and those mentioning legislation fell to 21.6 percent.

A similar shift can be seen in terms of attack ads. Prior to September 1, 33.7 percent of all ads were attack oriented. After September 1, over half were.

These findings clearly demonstrate that as election day gets closer, issue ads become more candidate oriented and more negative. This kind of unregulated attack advertisements are poisoning the process and driving voters away from the polls.

The amendment offered by the minority leader defines "express advocacy" communications as advocating election or defeat of candidate by: First, using explicit phrases, words, or slogans that have no other reasonable meaning than influence elections; second, referring to a candidate in a paid radio or TV broadcast ad that runs within 60 days of election; or third, expressing unmistakable, unambiguous election advocacy.

This provision draws a clear line between true issue advertising and electioneering activities. It is an important part of any real reform effort and I applaud the minority leader for seeing that we have an opportunity to vote on it.

OTHER ISSUES

This amendment also contains a number of important issues that are not contained in the underlying bill. I understand the sponsors of the bill removed them in an attempt to force a straight up or down vote on the soft money ban. I do feel, however, that some of these provisions will significantly improve the campaign finance system and are worth mentioning.

The bill mandates electronic filing; allows the FEC to conduct random audits of campaigns within 12 months of an election; makes it easier for the FEC to initiate enforcement action; and increases penalties for knowing and willful violations of election law.

This amendment would lower the threshold for disclosure of contributions from $200 to $50. It would prevent candidates from depositing contributions of $200 if the disclosure requirements are not complete. It would also require the FEC to post contribution information on the Internet within 24 hours of receipt.

These are commonsense steps to making our elections more open to the public. Voters are increasingly feeling cut out of the political process. By allowing an open window into our campaigns, we can begin the process of reconnecting with voters.

In closing, Mr. President, I want to again thank the Senators from Arizona and Wisconsin. Without their leadership on this issue we would not have come as far as we have.

This body is now faced with a choice. We have been at this same point several times in the last couple of years and each time we have failed to act and each time the American public has grown more cynical and lost more confidence in their government.

With the passing of every election, it becomes more and more clear that our campaign system desperately needs reform. I remain hopeful that this is the year that Congress can finally come together in support of legislation that brings about a real improvement in our campaign system. Let's make the first election of the twenty-first century one of which we can be proud. I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I regret that I cannot support this amendment at this time. I want to make it clear why.

The amendment would essentially restore all of the provisions of S. 26, which is the original McCain-Feingold legislation to this bill. I still support those provisions and strongly believe that most, if not all, should be enacted into law. Now is not the time to do so.

My good friend, RUSS FEINGOLD, and I spent much time debating as to how we could move forward on the subject of campaign finance reform. We, along with many others who have supported this effort for many years, came to the conclusion that some reform is better than no reform. Unfortunately, if this amendment is adopted, a political point will be made, but reform will be doomed, and the sponsors of this present amendment are very well aware of that.

We all know there are 52 votes for S. 26. We all know that. We went through a long period of debate and amending. We know there are 52 votes. Tell me where the additional 8 votes are for S. 26, and I will be the first to sign on and support this.

I ask my dear friends who just propounded what is basically McCain-Feingold, where are the votes? I think the answer is obvious.

What we have tried to do in proposing a ban on soft money and a codification of that is to start a process which has succeeded in this great deliberative body over many years with amendments and disposal of amendments, up or down, and improving the bill but letting the Senate work its will. We have already picked up one additional vote. I am told there are other Members on this side of the aisle who are considering supporting this legislation.

But it is also clear that those same people who are leaning towards supporting would not vote for S. 26 in its entirety because of their strongly held—although I don't agree, I respect their views—view that the independent campaign aspect of the original McCain-Feingold has constitutional difficulties associated with it.

We know the facts. We need 60 votes to prevail, and 52, while a majority, is not enough and will not be until the rules of the Senate are changed where 51 votes are necessary for passage.

For some time, I hoped that my colleagues who oppose reform would allow a majority in both bodies to prevail and do what the vast majority of the American public desires. But the opponents of reform, defenders of the status quo, won't cede their rights.

I have learned from previous debates on other matters not to let the perfect be the enemy of the good. The bill before the Senate represents a modest step but a very important step forward.

I want to emphasize that point again. If we can pass the underlying bill, we will have made an extremely important and vitally needed step forward.

There is no observer of this issue of campaign finance reform who does not disagree that banning of soft money would have an important and salutary effect on the evils and ills of the present campaign finance system. There is no objective observer, whether they are for or against campaign finance reform, who would deny that the single act about allowing soft money would have a significant effect on the present system.

Do I personally desire that a more comprehensive bill be passed into law? Yes. In my 16 years in the Congress, I have learned to be a realist.

Simply put, if this amendment is accepted, campaign finance reform will be dead. There will be no reform this year and most likely next year. During that period, I am sure that more loopholes in the current system will be found and exploited. Public cynicism will have grown and, unfortunately, nothing will have changed except the same political points will have been made once again and, undoubtedly, more and more money will be awash in our political process.

The New York Times had it right on 14 October. Let me quote:

> An important but little-noticed boost was given to campaign finance reform in the Senate this week. Sam Brownback of Kansas became the eighth Republican to break with his party's leadership and support the McCain-Feingold soft-money ban, scheduled for debate today. There are now 53 votes to choke off a Republican-led filibuster and pass the bill, only seven votes short of what is needed. The pressure is mounting on other Republicans to support reform. But amid these favorable developments, a move by Robert Torricelli and some other Democratic supporters of reform could undercut the cause.
>
> The risk is posed by a Democratic attempt to block Senators John McCain and Russell Feingold from advancing a stripped-down version of their reform legislation. The new McCain-Feingold bill would omit a section preventing independent groups from raising unlimited money for sham campaign ads two months before an election. Some Republicans say that because that section threatens free speech, they cannot go along with the central objective of reform, which is to ban unlimited donations to campaigns waged by political parties. Shrinking the bill to a simple soft-money ban for parties has paid off. Senator Brownback is on board and other Senate Republicans may follow.
>
> Mr. Torricelli and the Democratic Senate leader, Tom Daschle, are nonetheless determined today to scrap the new McCain-Feingold bill and substitute the original bill, with the limits on independent groups. This is a serious tactical mistake that raises questions about the Democrats' commitment to campaign finance reform. They ought to know that the bill they are pushing does not have the votes to break a filibuster, whereas the revised McCain-Feingold bill has a chance of getting them.
>
> It would be especially grievous if their move played into the destructive tactics of Senator Mitch McConnell of Kentucky and other Republican foes of reform. Mr. McConnell might even try to deliver enough votes for the Democratic move, allowing it to pass because in the end the bill in that form will surely die.
>
> Some Democrats, noting that the House passed its broader Shays-Meehan reform last month, warn that a narrower bill in the Senate will not survive either. But Mr. Brownback's courageous move makes it worth a try.

Mr. President, I think the New York Times has it right. I think we should determine that this would be viewed by many as a cynical ploy which would assure the failure of campaign finance reform.

I believe we need to vote down this amendment, return to what has given those who have been laboring on this issue for many years, some optimism, and to go back to a process where there are amendments on the specific issues. If we correctly debate and amend this issue, each one of those provisions of the original provisions of McCain-Feingold will be brought up for consideration, voted, and the body will work its will.

It is abundantly clear that if this amendment is adopted, it is the end of campaign finance reform. Have no doubt about the effect of this amendment. No one should have any doubt about the effect of this amendment. I hope that is well understood by Americans all over this country who have committed themselves, people such as "Granny D," who yesterday visited with me and Senator FEINGOLD. She has walked across this country. People have committed themselves to reforming this system. People such as her all over America deserve better than what is being done with this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, every Senator who has taken the floor has given the appropriate compliments to Senator FEINGOLD and Senator MCCAIN. I will be no exception. Congress has been considering campaign finance reform for more than a decade. There have been, by my estimation, 3,000 speeches made on the floor of the Senate for campaign finance reform, some 6,500 pages of CONGRESSIONAL RECORD, 300 pieces of legislation. Indeed, we would not be at this moment without Senator FEINGOLD or Senator MCCAIN. They deserve that credit.

I found their arguments in recent years so persuasive that I am today joining Senator DASCHLE in presenting their own legislation. The original McCain-Feingold bill, which found its way to the House of Representatives, is before the Senate now as the Shays-Meehan legislation. Similar in content and purpose, it is comprehensive campaign finance reform.

Regarding advocacy of that reform, I take a second place to no Member in my years in the Congress. I have never voted against campaign finance reform, and I never will. I believe the integrity of this system of government and the confidence of the American people is at issue. It is not by chance that only a third of the American people are participating in some elections. Even in the choice of the Presidency of the United States, with those not registered and those not choosing to vote in many of our localities and States, half of the American people are not participating. It is not that they do not recognize the choice is important. I do not believe they have a lack of confidence in our country. They do not respect the process because they believe they do not have an equal position, and it is money that is the heart of that problem.

When we entered into this new phase of campaign finance reform 2 years ago, along with most Members of this institution, I had great ambitions for how far we could go with reform. Indeed, in private conversation, almost every Member of this Senate knows the fundamentals of comprehensive reform. We started with such ambition. We were going to subject all independent advocacy groups in issue advertising to the rules of the FEC. We were going to require full and immediate disclosure by all contributors. We were going to ban soft money to the political parties. We were going to prohibit foreign interests. We were going to reduce the cost of television time. We even discussed the subsidies of mail to inform voters.

One by one almost every one of these reforms has been eliminated from the legislation. Political cultures in all of our States are different. In my State, in Florida, Illinois, Massachusetts, Texas, and California, I don't believe real campaign finance reform is possible without reducing the cost of television advertising. There is a reason for the spiraling rise of campaign spending; it is the cost of television advertising. In each of the large metropolitan areas, 90 percent of the money goes to feed the television networks. That was the first reform to be eliminated.

Then there was the advocacy of subsidized mail. It went the way of public finance—one by one by one. Yet, because the need for reform is so overwhelming and the public confidence is so much in question, I joined in the last Congress with Senator McCAIN and Senator FEINGOLD and reluctantly supported their legislation. Although I believe these critical provisions for the reduced cost of television advertising were essential for reform in my area of the country, I joined in support of the McCain-Feingold. That was to be followed by the House of Representatives which reached the same judgment in a historic vote for Shays-Meehan.

That brings the Senate to this moment. In a frustration I share with other advocates of campaign finance reform, the mantra of the day has become: Do something, do anything. Pass some legislation. Call it reform. Let's put the problem behind us.

If only it were so easy.

The new legislation presented by Senators McCAIN and FEINGOLD has a single objective: to eliminate soft money fundraising from Democratic and Republican Parties. It is a worthwhile objective, but it does raise the prospect that if passed it will eliminate the chance to have any further campaign finance reform. If history is any guide, every decade we get one chance to redesign this system. We are largely still governed by the Watergate reforms of 1974. Through a series of court rulings and FEC decisions, they clearly are no longer producing a system that was once envisioned. If we institute but this single change, we will not create a new system of our design but, in my judgment, be governed by the law of unintended consequences.

Let's look for a moment at this new national campaign system. If Senator DASCHLE and I fail and the House of Representatives legislation in Shays-Meehan is rejected and instead we adopt this very narrow reform as envisioned by Senators McCAIN and FEINGOLD, we eliminate soft money fundraising by the political parties, but it is maintained for issue advocacy and independent expenditures.

The principal rise in campaign advertising in recent years is not the political parties; it is this independent advocacy expenditure. This chart tells the story. In 1998, the Democratic and Republican Parties spent $64 million in issue advocacy spending; nonparty advocacy groups spent $276 million, rising at a rate of 300 percent cycle to cycle.

In my hand I have the list of 70 advocacy groups. It begins alphabetically with the AFL–CIO and ends with the Vietnam Veterans. In between are many organizations I support and believe have a worthwhile contribution to the national political debate; some I note I do not believe have great contributions to the political debate. But they are all heard—in the last election cycle, $276 million worth of advocacy.

The legislation before the Senate by Senators FEINGOLD and McCAIN does nothing about the expenditures, nothing. Nothing. Many exist as nonprofit tax-free organizations under the IRS Code. From whom they raise money is unknown. As to the sources of their contributions, no one in this Senate could attest. They often exist before the public eye as names that misrepresent their purpose and are designed to shield their objectives. They are not just a part of the national political advertising debate; they are coming to dominate it.

What is this new campaign finance world that will be produced if Senator DASCHLE and I fail and the House of Representatives Shays-Meehan legislation is rejected? A national political debate that is fought by surrogates. The Democratic and Republican Parties will be within FEC rules, raising money only at $1,000 per person, $50 a person, $100 a person—a good system, where every name will be known, limits will be imposed to reasonable amounts. But over our heads will be a far larger contest fought by the AFL–CIO, with millions more dollars of expenditures, the Christian Coalition, anti-abortion groups, chemical companies, automobile companies, steel companies, that will spend millions, indeed, if history now is any guide, hundreds of millions of dollars of advocacy.

Mr. REID. Will the Senator yield for a question?

Mr. TORRICELLI. I will be happy to yield.

Mr. REID. Yesterday, in a colloquy I had with the senior Senator from Arizona, we established that in the very sparsely populated State of Nevada, in the last general election—I was a candidate, HARRY REID, running for election, and John Ensign, Congressman Ensign, was running for my seat—we spent over $20 million in our direct campaigns and in the soft money. That is established. You can determine how much that is.

The Senator would acknowledge that; is that right?

Mr. TORRICELLI. I would.

Mr. REID. Yet to this day, a year after the election, we do not know how much money was spent by these outside groups you are talking about, the NRA, the League of Conservation Voters, the truckers——

Mr. TORRICELLI. You don't know how much was spent or who spent it?

Mr. REID. No; nor where their money came from. Is that the point the Senator is making?

Mr. TORRICELLI. It is the central point. The proper system is the full disclosures we have for the Democratic and Republican Parties; limit those political parties just to these hard money contributions within the law, but extend that to all Americans who participate in the national political debate.

The fact that my colleague, as a Senator, has accounted for every dollar he has raised, and he did so within limits, but these major groups enter his State either on his behalf or against his candidacy, yet my colleague doesn't know who they are or where their money is coming from and to whom they are accountable, is the heart of the problem.

Mr. REID. I say to my friend from New Jersey, in the election that was held in the State of Nevada last year, Congressman Ensign and Senator REID never really campaigned because of all the outside influences. Our campaigns were buried in all these independent expenditures and State party expenditures.

At least with my campaign, and that of the State party, anyone in the world can find out how much money was spent. But for the independent expenditures, no one in the world can find out what money was spent.

Mr. TORRICELLI. I point out to the Senator from Nevada, this is not simply a problem with our adversaries; sometimes it is a problem with our allies.

When I go to the people of New Jersey, I want to present to them who I am and what I want to do, what my record is as a Senator. Groups whose support I am very proud of—AFL–CIO, National Abortion Rights League, Sierra Club, environmental groups—I am proud to have their support, but I don't want them presenting my campaign. Under the system that would be in place if Shays-Meehan were rejected, the political parties would be further restricted from advertising. I think they should be restricted with soft money. But if these advocacy groups were to take over, they would hijack your campaign; they would tell the people of your State what you were for and what you were against.

It is not only your adversaries who will be out there presenting a campaign against you with these enormous amounts of money, it is even your allies who are not so restricted.

Mr. REID. I say to my friend, in the election of 1986, when Senator BRYAN was elected to the Senate, he was a sitting Governor at the time. At that time, there were these ads that came from nowhere, hundreds of thousands of dollars of ads in the State of Nevada. These ads were talking about Social Security.

One would think these ads were run by some organization that had some concern about Social Security. We learned later that those ads were being paid for by foreign auto dealers—talking about the United States of America's Social Security plan. That is what happens when these groups have unfettered, unrestricted ability to spend money on any subject they want for any cause they want.

Mr. TORRICELLI. Let me say to the Senator from Nevada, that is not atypical. Health care in this country has been undermined by advocacy of insurance companies whose principal interest is not the delivery of quality health care to people who are currently uninsured, but they stand behind these blind advertising campaigns where no one knows where the money comes from.

Just as in the campaign of my colleague from Nevada, we have polluters who are running ads on environmental protection; we have people on consumer safety who are representing groups that are damaging to individual consumers. That is because none of these groups is disclosable and none is accountable.

In the current system, bad as it is, while these groups can run these advertising campaigns, the political parties are also raising soft money and there is a chance to answer them. Now the political parties will no longer be able to raise these funds, but these advocacy groups will continue in an upward spiral of spending. Senator Daschle's point is, let's eliminate this gross fundraising and these soft money expenditures across the board within 60 days of an election by putting everybody under the FEC rules.

Senator McCain has said, "But that will not pass." It may not. But it passed in the House of Representatives, and 60 Republicans came to join with the Democratic majority in passing it. We are not 20 or 30 or 40 votes from passing it in the Senate, we are 7 or 8. I would come back here every week of every month of every year until we restored the integrity of this Government and got comprehensive campaign finance reform.

But the answer is not to lower our ambitions for campaign finance reform, to have a new, distorted system to make American politics fought by surrogates over the heads of candidates. The answer is to remain committed to this reform, reveal to the American people who is voting against it, who is stopping it, and let the American people decide.

Mr. REID. I say to my friend in conclusion—and I appreciate his allowing me to ask him a question or two—first of all, I hope beyond all hope the Shays-Meehan bill passes. That is the amendment that has been filed by our leader, the Democratic leader. I hope that passes. I am going to do everything I can to make sure that passes. I hope we have Republicans of goodwill who will support that legislation.

I have offered another amendment that would eliminate soft money. I respect and appreciate what the Senator from New Jersey has said. Certainly there is merit to what he said. But I believe, as I think does most everyone in the Democratic conference, that even if Shays-Meehan for some reason fails, there will be a significant number of us, out of desperation regarding the system that is so bad in this country, who will support the so-called soft money ban. I hope we do not get to that. I hope Shays-Meehan passes. The Senator makes a compelling case for what might happen. I hope something short of that will happen and the soft money ban will bring some reality to the system.

Mr. TORRICELLI. I thank the Senator from Nevada.

I note the problems of which I speak are not theoretical. Groups are already adjusting to the possibility that there will be a soft money ban in the political parties but no Shays-Meehan reform. They therefore are adjusting to this new reality. Let me give an example.

Congressman DeLay has now formed a group, Citizens For A Republican Congress. He has gone to the wealthiest donors in the Nation, promising them a safe haven for anonymous and limitless contributions to the 2000 elections. He is reportedly planning on spending $25 to $30 million in 30 competitive House races in soft money.

So Congressman DeLay will now, if this happens in the Democratic and Republican Parties, personally be directing a larger advertising campaign than the Democratic or Republican Parties in either House of Congress.

The former advisers to Congressman DeLay are also forming a Republican issues majority committee, which is planning on spending $25 million.

Already in a previous cycle, in the 1996 cycle, Americans for Tax Reform received $4.6 million from the Republican National Committee that they were able to spend on issue advocacy.

United Seniors Association spent $3 million in direct mail in seven States in the 1996 election. They are an IRS tax-exempt 501(c)(4) social welfare organization.

U.S. Term Limits, a 501(c)(3) tax-exempt charitable organization, spent $1.8 million in 1996;

Americans for Limited Terms, $1.8 million in seven States;

American Renewal, $400,000, a 501(c)(3).

These are charitable organizations. The Tax Code has these provisions for people who want to help churches, synagogues, and Americans who are hurt and damaged, and to help build communities. They are being used as a cover for political advertising and no longer simply a force on the fringes of American politics.

Look at the chart I have on my left: 1998 elections. Nonparty advocacy groups are two-thirds of all the issue ads in U.S. politics. The political parties, Democratic and Republican Parties, are one-third. If the sum total of the legislation offered by Mr. McCain and Mr. Feingold is that we will largely eliminate this third, when a Senator stands here a year from now going over this same problem, this entire pie chart will be advocacy groups, many of them tax-free organizations that are hiding who is contributing to them, who is running them, where their money is coming from, often using disguised names and running surrogate campaigns over the heads of political candidates.

Mr. FEINGOLD. Will the Senator yield for a question?

Mr. TORRICELLI. I will be happy to yield to the Senator.

The PRESIDING OFFICER (Mr. Thomas). The Senator from New Jersey has the floor and has agreed to yield for a question from the Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, let me ask a question, if I can, about the chart I believe he has up at this time. Is the Senator from New Jersey aware the $276 million estimate of issue advertising in the 1998 cycle, which the Senator has there I believe, includes all issue advertising, not just ads that are so-called phony issue ads? Is the Senator aware this chart actually covers all issue ads?

Mr. TORRICELLI. I think I said it covers all.

Mr. FEINGOLD. It covers the Harry and Louise type of ads, tobacco ads and ads just related to bills that do not have anything to do with campaigns directly.

Mr. TORRICELLI. It covers all of those. I do not see that because they are dealing with an issue, they are not otherwise intending to influence an election.

Mr. FEINGOLD. Fair enough. I wanted to establish that. The chart the Senator from New Jersey is using relates to an entire election cycle, a 2-year period, and it covers all sorts of ads. That means all kinds of true issue ads and so-called phony issue ads, as well as political party ads, are included in his chart.

All three categories are in there. That is the basis on which he makes his argument. Is he aware the Shays-Meehan bill—which, of course, Senator McCain and I essentially wrote in the first place—that he has offered as an amendment would have no effect on any ad aired before the last 2 months of an election campaign?

Mr. TORRICELLI. I am aware of it, and if it was my design, I would have it apply to issue advocacy ads throughout the calendar so everyone is equal. To quote Senator McCain, making the perfect the enemy of the good, if it is your argument that because I cannot bring all issue advocacy under FEC hard money limits, therefore we should do none, that, I think, is to surrender the point and we will not make any progress.

Mr. FEINGOLD. Mr. President, if the Senator will further yield, that is very interesting because it is essentially the same argument the Senator from New Jersey is using against the McCain-Feingold approach at this time which is, unless you do it all, it is not worth doing some because the soft money would flow to outside groups.

Mr. TORRICELLI. My argument is, I believe, the Senator from Wisconsin and the Senator from Arizona are making a premature retreat. I concede there may not be 60 votes in the Senate today for comprehensive campaign finance reform, but I do believe there is mounting public pressure. I believe Senators who vote against comprehensive campaign finance reform, who will vote against us on cloture on the amendment offered by Senator DASCHLE, are accountable to the people in their States. In the House of Representatives 2 years ago, the passage of comprehensive campaign finance reform was equally unlikely. Sixty Republicans crossed the aisle to vote with Democrats for real reform.

These numbers are untenable. You cannot explain to the American people that you allow this charade to continue of people hiding behind these groups and spending $1 million, $100,000 contributions that are not accountable.

I respect the Senator's work, but I believe we would do better to remain on this. I believe, in the alternative, you are going to establish a system where these groups dominate American politics as you silence the political parties..

Mr. FEINGOLD. Mr. President, will the Senator further yield for a question?

Mr. TORRICELLI. I would, but Senator BENNETT is standing. If we could go to him next.

Mr. BENNETT. Mr. President, I thank the Senator for yielding for a question, and I precede the question with a comment that I think the Senator from New Jersey is doing us a very worthwhile service in pointing out the reality of the world in which we would live if soft money were banned for political parties but not for everybody else. I agree with the Senator from New Jersey, absolutely in his words, when he says the debate would be fought by surrogates which would take place over our heads, a far larger context.

I ask the Senator to give us his opinion of what would happen if Shays-Meehan, which he is endorsing, were to pass and then the Supreme Court were to strike down as unconstitutional the ban on issue ads by outside groups? Would that not, in fact, then leave us with the situation which the Senator from New Jersey is decrying, I think appropriately, as a bad system?

Mr. TORRICELLI. Senator BENNETT raises a very worthwhile point. Indeed, as Senator McCONNELL has noted in a number of cases, this is all an interesting debate. There are various sides trying to do good things, but the last word is in the Supreme Court, and, indeed, whether or not the Supreme Court will allow us to ban issue advocacy through soft money contributions to advocacy groups or even the political parties remains a question.

If the Senator's point is correct, we could end up in the same place with, I will concede to you, the current McCain-Feingold if the Court were to do so. Senator McCONNELL has also pointed out it is a question of whether the Court will allow us to maintain the current limits on campaign fundraising in any case. Senators who vote on this should be aware that the Court, before we are concluded, will change probably much of what we are writing.

Mr. BENNETT. Mr. President, if I can ask a further question of the Senator from New Jersey, if he is aware—I know he is aware because he is a very astute student of politics but maybe not aware enough to comment without further research—if he is aware of what has happened in the State of California where they have virtually unlimited initiative opportunities and virtually every truly contentious political issue is now decided by initiative rather than by the legislature and the amount of money that is spent in an initiative fight dwarfs any of the sums we are talking about here.

In the State of California, when an initiative fight comes up over an issue, which traditionally would be handled by the State legislature, the special interests on both sides of that fight routinely go over the hundreds of millions of dollars on both sides of the fight which dwarf the amount of money spent for a senatorial or gubernatorial race in that State.

I ask if the Senator is aware of some of those particulars and if he will comment on the implications of that on a national basis if we get to the point where issues are fought out by special interest groups with unlimited budgets being spent on both sides, the implications on the role of the legislature in its constitutional responsibility to control the legislative agenda.

Mr. TORRICELLI. We may not be on the same side of the debate for comprehensive reform, but I think our dialog can help Senators understand the world in which we are entering, because if we, indeed, reject Shays-Meehan and only go to this narrow reform, that single adjustment is going to change the American political debate as we know it. The Senator has raised some of the means by which it will change.

I will predict for the Senator the new environment in which we are going to live: The Democratic and Republican Parties that now receive great amounts of this soft money with a wink and a nod are simply going to direct it to favorite organizations. Instead of soft money contributions coming to the Republican National Committee, for example, people who are interested in a particular issue are going to give it to an advocacy group. You will never know who they are. The contribution will never be known, but the money will be redirected, and rather than leaders of the party deciding how to present the issue, those groups will do so.

Second, I predict to you the Democratic and Republican Parties will establish their own independent wings, much like legally what Senator D'AMATO did with the Republican Senatorial Campaign Committee. Down the hall, they put a new sign on the door, new incorporators, a new name, took money, and did issue advocacy.

As long as you do that fully at arm's length, it is fine to do. But the same soft money you think you are banning in the parties will now go to these independent groups or affiliated groups. Unless this is done comprehensively, you are only going to have money flow in through different windows.

What bothers me the most is that the people who are most honest about the process and most committed to stopping this abuse will suffer while those who are prepared to do the winks and nods, establishing the other organizations, working on some affiliated arm's-length basis will succeed. In any case, we are not going to stop this money; we are going to redirect it. The only way to stop it, in my judgment, is comprehensive reform.

Mr. FEINGOLD. Will the Senator yield for a further question?

Mr. TORRICELLI. I am happy to.

Mr. FEINGOLD. I think this is an extremely useful exchange that really goes to the core question about this legislation. I want to thank the Senator from New Jersey, even though we may come to different conclusions about specific tactics in what we do here. I thank the Senator for allowing us to talk about this because this is really what it is all about. Let me first reiterate my concern and ask a question about the totality of the ads the Senator suggested on his charts.

Would the Senator concede that when you are dealing with ads that simply have to do with legislation, prior to 60 days, let's say, for example—the kind of tobacco ads we have seen; the ads we have seen about the Patients' Bill of Rights, the so-called Harry and Louise ads during the health care debate—there is no way under either Shays-Meehan or under McCain-Feingold, or even under any other legislation, we could prohibit those ads? Is that something with which the Senator would agree?

Mr. TORRICELLI. I think it is difficult to know how the Supreme Court is going to deal with all of this. But certainly, if you get outside the 60 days and you are attempting to bring people under FEC regulations for issue advocacy outside of the 60 days, your case will clearly be weakened.

Mr. FEINGOLD. I am specifically talking here about ads that do not talk about elections at all, they are simply talking about legislation. The Senator will concede, without a constitutional amendment, we could not prohibit such ads?

Mr. TORRICELLI. I don't dispute that, although, indeed, if we were really doing comprehensive reform, which seems to be lost in the Senate, frankly, I would be going to that question on disclosability and tax deductibility and people remaining in tax-free status to do so. That would be comprehensive reform. But for the purpose of the argument, I will concede the point.

Mr. FEINGOLD. Fair enough. I think that is important because we have to distinguish here between the kinds of ads we are talking about.

If it is the case, as the Senator from New Jersey suggests, that banning soft money will cause money to flow to phony issue ads, I think it is also rather difficult to dispute—in fact, you seem to concede—if we prohibit that, that the money will just flow to generic issue ads as well. Isn't that your likely scenario?

Mr. TORRICELLI. That is the scenario I predict.

Mr. FEINGOLD. Let me follow then to the really important question you are raising about the possibility of the attempts to evade our attempts to simply ban party soft money.

I don't doubt for a minute that the Senator is right, that the attempt will be made to evade the intent of the law, and in some cases it could succeed. But is the Senator aware that the McCain-Feingold soft money ban, the bill we have introduced, will prohibit Federal candidates from raising money for these phony outside groups such as the organization that is connected with Representative DELAY? Are you aware that that provision is actually in this soft money ban?

Mr. TORRICELLI. I am aware of it. And I believe it will be proven to be entirely ineffective.

Mr. FEINGOLD. Are you further aware that the bill will prohibit the parties from transferring money to 501(c)(4) organizations such as Americans for Tax Reform, which you mentioned a short time ago?

Mr. TORRICELLI. There would be no reason to do so. They are no longer raising soft money, so why would they need to transfer?

Mr. FEINGOLD. So that route will be blocked.

Mr. TORRICELLI. That route will be blocked. Instead, the environment we create would be this. Is the Senator from Wisconsin, with his familiarity with American politics and American fundraising, generally of the belief that people who are now contributing $100,000 or $250,000 contributions, because they are advocating some perspective in American politics, when you pass this law, you are going to sit at home and say: You know, I guess I'm just not going to be heard; I'm going to remove myself from the process because that's the right thing to do?

I think the Senator from Wisconsin must at least be suspicious that that money, that same check, is going to work itself into Americans for Tax Justice or one of these other 70 organizations that are engaged in this political advertising.

It may not happen, as the Senator has appropriately written the bill, that a Member of Congress or a political party leader calls one of these contributors and says: Send your check to so-and-so. But certainly the Senator is aware it will not be very hard for political leaders to divert this money by a wink or a nod or some smile in the right direction, and we are going to end up, instead, having these surrogate organizations running these campaigns.

Mr. FEINGOLD. I further ask the question—I do appreciate these answers—I think when you look at the tough provisions we put in this bill, although nothing is ever perfectly complete if somebody is willing to violate the law and take their chances, but what we are talking about here is corporate executives, CEOs, who now give money directly to political parties, taking the chance of running afoul of these new criminal laws.

I have this chart. It is a list of all the soft money double givers. These are corporations that have given over $150,000 to both sides. Under the Senator's logic, these very same corporations—Philip Morris, Joseph Seagram, RJR Nabisco, BankAmerica Corporation—each of these would continue making the same amount of contributions; they would take the chance of violating the law by doing this in coordination with or at the suggestion of the parties, and they would calmly turn over the same kind of cash to others, be it left-wing or right-wing independent groups?

I have to say—and I will finish my question—I am skeptical that if they cannot hand the check directly to the political party leaders, they will take those chances.

I share your suspicions about some group trying to funnel this money. There is no question that some of that will happen. But wouldn't you concede there has to be some serious risk, in our soft money ban, for these corporations to pull this kind of a stunt?

Mr. TORRICELLI. Reclaiming my time, I do not doubt there are some people who will not participate in doing so. But in what is a rising tide of soft money contributions in the country, they will be overwhelmed by people who will because it is not illegal. It will not be illegal. It will be fundamentally clear which of these affiliated organizations each political party supports and favors.

It certainly is not going to be lost upon many donors that the Democratic Party looks favorably upon the Sierra Club or NARAL. I doubt that any major Republican contributor is not going to understand that Grover Norquist, Americans for Tax Justice, or term limits, or the antiabortion groups, or term limits are favored by the RNC.

No one is going to have to send out a letter or make a speech. Everybody is going to know where everybody stands. The same money just gets redirected, but not equally as bad as the party contributions—worse, no accountability; you will never know who they are. And the ads, I believe, become less and less responsible.

Mr. FEINGOLD. Will——

Mr. TORRICELLI. Nor, by the way, if I may continue, is this a theoretical problem. I do not cast aspersions, but entirely legally in the 1996 cycle, when the restrictions were out on the coordination of issue advertising, Senator D'AMATO set up a separate division and did issue advertising. It is entirely appropriate, entirely appropriate.

This August, Grover Norquist had $4.5 million worth of advertising for his Americans for Tax Justice. In some of those advertisements, they used the same film footage as Republican candidates were using—on the same issues. That technically is not advisable, but it is happening. We have some responsibility here in the Senate to deal with the reality of how this process is going to evolve.

Mr. FEINGOLD. One more question, because the Senator from New Jersey has been very generous in responding.

The proposition you are advancing appears to be—given this chart, Philip Morris did give almost $500,000 to the Democrats, although they gave $2.5 million to the Republicans—apparently the Senator believes, one way or another, Philip Morris is going to see to it that that kind of money—$500,000—sees its way to the Sierra Club or NARAL or some kind——

Mr. TORRICELLI. Probably not the groups the Senator has cited, but I do believe they end up in an organization.

Mr. FEINGOLD. But it will go to that kind of a group.

The point I want to reiterate—and I put it in the form of a question—is that the suggestion that a party soft money ban that includes some new tough provisions to protect against evasions of the law would not make a difference, I think, is problematic. We are talking about making these subterfuges, which are currently legal—maybe at the most they are stretching the law—illegal. What Mr. DELAY is doing, from the other body, apparently is right on the line, some would say. Maybe it is legal; maybe it isn't. But we can't say for sure it is illegal. We are making sure in our bill that it is a crime to do this sort of thing.

Don't you think it would make a significant difference and raise the bar on the risk for these companies and those individuals to play this game? Isn't it worth taking the chance by banning soft money and having these tough provisions? Isn't it worth giving it a try?

Mr. TORRICELLI. My point to the Senator from Wisconsin is, he is not banning soft money. He is continuing the legitimization of a process where money from unknown contributors is distorting the American political process and undermining confidence.

I have great respect for what the Senator from Wisconsin has done, but it is a premature and unfortunate retreat. If the Senator believes we should be banning soft money, we should be banning soft money for people in the entire process, not the Democratic and Republican parties alone.

Could the Senator tell me, under your provisions, when Congressman DeLay simply takes his name off of this and he puts on his cousin, B.B. DeLay, or his former chief of staff, how does your law protect his $25 million expenditures when he no longer has a name on it, but it is very clear to anyone in the country the organization that he favors?

Mr. FEINGOLD. I am very glad the Senator asked me that question. Again, you come to the heart of the matter. Let us look at the language of the bill we have put forward.

It does not talk about only what the gentleman from Texas—as we should perhaps refer to him on the floor—would do directly. The language is clear. It says: A candidate, an individual holding Federal office, agent of a candidate or individual holding Federal office, or an entity directly or indirectly established, financed, maintained, controlled by, or acting on behalf of one or more candidates—cannot raise this money.

We deal with the indirect problem. It is not possible to have B.B. DeLay become the shell person to do this without running the risk of violating the law.

Since you asked me a question this time, I will answer in the form of a question back to you. How can you say to me that we only deal with some of the soft money when the whole exchange we just had made you concede—you clearly conceded—that you can't deal with all the soft money, that there is no way you could ever deal with——

Mr. TORRICELLI. Reclaiming my time, I can deal with it. I remind the Senator, I am yielding the time. It can be dealt with. I am telling you about our legislation. In the original McCain-Feingold bill now passed by the House of Representatives, we are dealing with soft money in this 60-day period.

Mr. FEINGOLD. You are not dealing——

Mr. TORRICELLI. The most sensitive period for American elections are those ads that are actually directly influencing elections.

Mr. FEINGOLD. Is the Senator not aware that even during the 60-day period, the Shays-Meehan bill, which, of course, was the McCain-Feingold bill, does not cover pure issue ads? It only covers ads that show the likeness of a candidate or mention the name of a candidate. It does not cover the Harry-and-Louise kind of ads.

Mr. TORRICELLI. The Senator knows I am aware. But to go back to Senator McCain's point, his argument of making the perfect the enemy of the good, no; I can't control every abuse in American politics by the Shays-Meehan bill. I can't control advertising throughout the entire 2 years. I can't control advertising where someone wants to buy a soft money ad to show the virtues of his grandmother. I can't do that. That may not be important. But what we did accomplish in the original McCain-Feingold bill is, in that 60-day period when elections are most influenced, we were making sure the American people knew who was doing the advertising and where the money was coming from if they were attempting to influence their votes. That was a high standard, not an impossible standard, and a worthwhile goal. It never should have been abandoned. That is what leads us to the floor today.

I want to ask one final question, and then I will yield to Senator Bennett.

Mr. BENNETT. I thank the Senator.

Mr. TORRICELLI. I want to ask the Senator from Wisconsin one more question. A group of unaffiliated citizens decides they are going to rent a building next to DNC headquarters. In that building, they are going to call themselves Democrats for a Better America. Democrats for a Better America is going to file as a charitable organization along with the Red Cross and the Boy Scouts. No one in the current DNC leadership is going to be on their board of directors, but they are right next door. They are going to have the same seal as the DNC except they are going to take one toe off the eagle and they are going to change the color tone a little bit, but they are going to be right next door. They are going to take $200,000 contributions, million-dollar contributions. And unlike the Democratic Party, they are not going to disclose them. No one is going to know where the money is going to come from.

Can the Senator tell me how legally we are going to restrict American citizens from doing this constitutionally under your provision, unless we had Shays-Meehan, which applied these soft money bans to everybody's efforts?

Mr. FEINGOLD. I think, in the scenario you described, there would be a heck of a case to suggest there is indirect coordination. What you have just described is an obvious scenario.

Mr. TORRICELLI. Different address, different name, different purpose.

Mr. FEINGOLD. I would be delighted to have some sort of an investigation of whether or not that is a different organization and has no connection with the party. But if the Senator has some concerns about how we drafted this, if he thinks we need to take the language and tighten it up—I think it is pretty tight—but we would be delighted to try to make this tougher. You are right. We shouldn't let anybody do this by ruse. What you described is a ruse.

Mr. TORRICELLI. Reclaiming my time, what I am describing to you is what I believe is going to be the future of American politics. We do have tougher language; it is called Shays-Meehan. That is why Senator Daschle and I have offered it. It is a complete, comprehensive ban on soft money. It is genuine reform. There is no end to my admiration of the gentleman from Wisconsin who wrote it.

I yield to Senator Bennett.

Mr. FEINGOLD. I want to make one comment, if I could, in response to that. Excuse me, to the Senator from Utah.

Let me again thank you and, of course, reiterate, I helped write those provisions in Shays-Meehan. I would love to see them passed. It would do more than the bill we are now proposing. But the notion that it isn't worth it, if that is all we can do—and that is something we disagree on and we will debate in a few minutes, I hope—the notion that it isn't worth it to ban these giant direct contributions to the parties, as well as the various attempted ways to try to get around the ban, which we seek to do, to not do that, to suggest that not doing that alone isn't worth it and it is worse than the status quo, to me, is absurd.

Let me reiterate, I do support the language of Shays-Meehan. But the question that is crucial is whether or not it is at all possible to get 60 votes for that. I suggest stopping this is well worth doing.

I thank the Senator from New Jersey.

Mr. BENNETT. I thank the Senator from New Jersey.

Is he aware of a gentleman named Arnold Hyatt?

Mr. TORRICELLI. I do not know Mr. Hyatt. Should I?

Mr. BENNETT. If I may, then, could I enlighten the Senator from New Jersey on the case of Arnold Hyatt. This comes from an article that appeared in Fortune magazine on September 7, 1998, in an article entitled "The Money Chase," the subtitle of which says: It's as venal as this: The Presidential candidates who raise the most money get the nomination. Fortune's guide to the masters of the political universe.

Now, in that article, it describes Arnold Hyatt, 71, who, in 1996, was the second largest individual contributor to the Democratic Party. His $500,000 gift was second only to the $600,000 given by Loral's Bernard Schwartz.

The article goes on to say: Hyatt wrote his $500,000 check a month before the November 1996 election, specifically to help unseat vulnerable House Republicans and return the House to Democratic control.

I am sure the Senator from New Jersey would accept that as a laudable goal. The Senator from Utah might argue with that, but that was his purpose. In the article it says he has decided not to give any more soft money. Quoting the article, why he decided to stop contributing to politicians so soon after giving so much, he admits that it was because his Democrats didn't win.

Then, the article goes on:

> He still aspires to topple his enemies by ending the Republican majority in Congress. Hyatt then hasn't gotten religion, he's changed tactics. Rather than relying on the Democrats to press his agenda, he is now giving heavily to organizations like the Washington-based Public Campaign, which lobbied for publicly financed elections.

I submit to the Senator from New Jersey that what he says will go on and, in fact, is already going on, as demonstrated in the case of Mr. Hyatt who gave one-half million dollars—enough to put him on the chart of the Senator from Wisconsin all by himself, without any company behind him, his own money, one-half million dollars. Clearly, it had to be soft money because if it were hard money, it would be illegal and over the $25,000 limit. He decided to shift that giving from a party—because he wasn't getting the results he was hoping for—to a special interest group.

That is why I asked if the Senator was aware of him because, in my view, he represents a class A example of exactly what the Senator from New Jersey is saying will happen. It has already started to happen and will continue to happen if we pass the underlying legislation.

I thank the Senator.

Mr. TORRICELLI. I thank the Senator. It is illustrative that we can be on different sides politically in the campaign finance debate and see emerging the same future. The Senator has described the future of American politics, where large donors choose their favorite organization, or create one of their own. Rather than be part of a political campaign, they create their own issue advocacy group, fund it with their own money, and run their own advertising. You, as a candidate, will sit in the leisure of your home, sending out postcards or mail with your thousand dollars in federally restricted funds, while on your side the Chamber of Commerce, or on my side the AFL–CIO, fights a war in the airwaves over our heads. You won't control content; you won't define yourself; you won't answer to your opponents. You will be a spectator in your own campaign.

We may have different prescriptions for the problem—mine is Shays-Meehan—to put everybody on the same plain. You may have a different formula, but we see the same future.

Mr. McCONNELL. Will the Senator from New Jersey yield?

Mr. TORRICELLI. Yes.

Mr. McCONNELL. I have been listening carefully to the observations of my friend from New Jersey. Along the same lines, would the Senator agree with the Senator from Kentucky that the only entities in American politics completely devoted and willing to support challengers are the political parties?

Mr. TORRICELLI. In my experience, that is largely true.

Mr. McCONNELL. Would the Senator from New Jersey agree that, as a practical matter, the result of the most recent version of McCain-Feingold is to take away 35 percent of the budget of the Democratic Senatorial Committee, 35 percent of the budget of the Republican Senatorial Committee, and roughly 40 percent of the budgets of the RNC and the DNC; is that not correct?

Mr. TORRICELLI. That is probably a fair estimate.

Mr. McCONNELL. So I say to my friend from New Jersey, another maybe unintended consequence of the proposal that is targeted right at the heart of America's two great political parties is that it will make it even more difficult for challengers to be competitive in elections across America.

Mr. TORRICELLI. I think the Senator from Kentucky makes a good point, that neither will be in a position to fund challengers. I don't know about the spending priorities of the Republican organization, but I can tell you soft money, largely raised by the DNC and the DSCC, also goes for things such as voter registration, for get-out-the-vote efforts, which are not necessarily things for which to use Federal moneys. That soft money, in our case, almost exclusively goes for those outreach programs. Indeed, our States are all different, but in my State, soft money goes almost entirely to minority communities for get-out-the-votes and registration.

Having said that, the Senator and I agree on his analysis. Nevertheless, where we part is I would be prepared to have the DSCC and the DNC forego all soft money and operate only on hard money. But my concern is, I don't want to do so while the National Rifle Association or the Christian Coalition or the right-to-life organizations are running soft money campaigns against our candidates or challengers.

Mr. McCONNELL. I say to my friend, we don't agree on the underlying issue. But selective disarmament of the two great political parties, some would argue, is not a step forward in having more and more competitive elections, which presumably would be a good thing for the American political system. As the Senator knows, I don't want to disarm anybody. I don't think we have a problem in America because we have too few voices speaking on issues.

My view is, a government that spends $1.8 trillion a year is a government that can threaten an awful lot of people. It is not at all surprising these citizens, groups, and parties want to have an impact on a government that has the ability to take away everything they have. So I am not surprised, nor am I offended, by all of these voices having the opportunity to speak out.

But I thank the Senator from New Jersey for making the very important point that it is a sort of selective quieting of voices, a singling out of six committees. I think there are something like 3,000 committees registered with the Federal Election Commission. If this particular version of McCain-Feingold were passed, I say to my friend from New Jersey, 6 committees out of 3,000 would be unable to engage in issue advocacy, raising an important fifth amendment problem under the equal protection clause. Is it possible for the Government to single out 6 committees out of 3,000 and say only those committees cannot engage in issue advocacy?

So this thing has an important fifth amendment problem. We have talked a lot about the first amendment in this debate. This proposal has a serious fifth amendment problem.

I thank my friend from New Jersey for his observations about what is going to happen, practically, if you simply target the parties.

Mr. TORRICELLI. I thank my friend. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, the question before the Senate is, Are we going to make progress in reforming our campaign finance system or not?

That is the simple question before us. In the 105th Congress, the Senate took up comprehensive campaign finance reform measures three times—in September of 1997, in March of 1998, and in September of 1998. Despite my support and the support of a majority of the Senate, these measures could not break the legislative logjam and move forward. So it was obvious it was time for a new approach, a new test that would allow the Senate to consider a more narrow piece of legislation and then work its will on the various components of the original McCain-Feingold bill.

Now, I am a supporter of the more comprehensive approach. I am proud to have been an early cosponsor of the McCain-Feingold bill. The Shays-Meehan bill is, too, an excellent piece of legislation. It contains many provisions I wholeheartedly support. But the point is—and the Senator from New Jersey is well aware of it—the comprehensive approach will not garner the votes necessary to move through this Senate. So the question is, Do we want to make progress or don't we?

It is difficult to think of a better example of the old adage of "the perfect being the enemy of the good" than the debate we are having this morning. So I rise in strong support of the underlying measure before us, the revised McCain-Feingold bill.

The underlying bill closes the most glaring loophole in our campaign finance laws by banning the unlimited, unregulated contributions known as soft money. The legislation also takes an important step of codifying the Supreme Court's decision in the Beck case. This will preserve the rights of nonunion members who must pay fees to a union to have their money excluded from the union's political activity fund.

In 1974, in the aftermath of Watergate, Congress passed comprehensive campaign finance reform measures that placed dollar limits on political contributions.

In its Buckley v. Valeo ruling, the Supreme Court upheld those contributions limits reasoning they were a legitimate means to guard against the reality or appearance of improper political influence.

Contribution limits remain on the books, but in reality, they have become a dead letter. The resourceful have found that the easiest way to circumvent the spirit of Federal election law is to provide huge sums to the political parties through soft money donations. For years, soft money contributions to the major political parties were used for party overhead and organizational expenses. But over time, the use of soft money has increased dramatically to include a wider range of activities which influence elections.

Mr. President, in 1907, corporations were banned from directly contributing to Federal elections from their treasury funds. In 1947, Congress passed the Taft-Hartley Act, which banned labor unions from contributing treasury funds to candidates. Plain and simple, the soft money corporations and labor unions funnel through the parties clearly circumvents those laws.

We in this body decry legal loopholes, but we have reserved a gaping one for ourselves. Indeed, the soft money loophole is more like a black hole, and that sucking sound you hear during election years is the whoosh of six-figure soft money donations gushing into party coffers.

The soft money loophole in our Federal election laws has been exploited to the point where the legislative framework put in place in the 1970's has become a mere shell. In 1994, approximately $100 million was raised through soft money by the major parties. Four years later, that amount more than doubled—fully $224 million was raised in soft money.

The problem with soft money was painfully evident during the 1997 hearings at the Senate Governmental Affairs Committee, in which the Committee heard from one individual who gave $325,000 to the Democratic National Committee in order to secure a picture with the President of the United States. We also heard from another individual, the infamous and clearly unrepentant Roger Tamraz who testified that next time he is willing to spend $600,000, rather than $300,000, to purchase access to the White House. In a July, 1997 interview with the Los Angeles Times, Johnny Chung, who gave $366,000 derived from illegal foreign sources to the Democratic National Committee and other Democrat organizations, cynically revealed the depth of the current problem; he said, "I see the White House is like a subway—you have to put in the coins to open up the gates."

This is what this debate is about.

How long can public faith in a political system survive when the public perception exists that wealthy groups are given a stage, podium and a microphone to broadcast their concerns, while the voice of the vast majority remains muted?

I hope Members will indulge me if I take a moment to explain the importance of this issue to the people of Maine.

Time and time again, I hear it said on the Senate floor and elsewhere that the American people do not care about this issue. I can't speak for the citizens of other States, but I know the people of Maine care deeply about this issue—about reforming our campaign finance system.

My home State has a deep commitment to preserving the integrity of the electoral system and ensuring that all Mainers have an equal political voice—and Mainers have backed their commitment to an open political process in both word and deed. In many regions of Maine, political life is dominated by town meetings and public forums in which all citizens are invited to share their concerns, and hash out critical political matters. This is unvarnished direct democracy where all citizens are a part of the process. People with more money do not get to speak longer or louder than people with less money. Perhaps it is our tradition of town meetings that explains why so many Maine citizens feel so strongly about reforming our Federal campaign laws, about reforming the current system. And that strong feeling is one I share.

The bill before us today is not a broad sweeping reform such as the one we considered last year and the year before. Rather, it is a modest attempt to achieve some progress by tackling the biggest abuse in the system. This primary purpose of today's bill is to stem the growing reliance on huge soft money contributions. This is not a radical approach; rather, our proposal to eliminate political party soft money, endorsed by former Presidents Gerald Ford, Jimmy Carter and George Bush, is a measured step toward meaningful reform.

Mr. President, when I ran for a seat in this body, I advocated major changes to our campaign finance law, but I recognize that goal must wait for another time.

But surely we can take this initial critical first step. Although I remain personally committed to more comprehensive changes in the current law, I believe the revised McCain-Feingold bill before us today will serve as a building block on which we can build a much better election financing system.

I look forward to the debate in the days ahead. My colleagues have several proposals to improve this bill. But at the conclusion of this debate, my guiding principle in casting my votes on the amendments before us, including the proposal by the Democratic leader, will be answering the question of whether we are moving forward and whether we are successfully ending the abuse of unregulated soft money in our campaign finance system.

I urge my colleagues to join me in supporting this modest, commonsense first step to restore integrity and public confidence in our campaign system.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I thank the Senator from Maine. She has been a stalwart and steadfast advocate, ally, and friend in this very difficult effort. I know that not only the people of Maine but the people of Arizona are very appreciative of everything she has done in this effort. She lends credibility and grace to the debate. I thank her very much for everything she has done.

I want to talk for a few minutes about an organization called the Committee for Economic Development. It is an independent research and policy organization of some 250 business leaders and educators. It is nonprofit, nonpartisan, and nonpolitical.

The interesting thing about the Committee for Economic Development is that they are composed preliminarily of business leaders in America, mainly from major corporations, some smaller, and many educators. It has an incredibly illustrious membership.

This organization took a very bold step not too long ago; that is, a group of chief executive officers of major corporations decided they would stand up and reject soft money contributions to American political campaigns, whether they be Republican or Democrat. I am sure that was not an easy decision on their part. I am sure there have been significant pressures brought to bear against many of them as individuals and as corporations.

They issued a very interesting statement by the Research and Policy Committee, the Committee for Economic Development. It is entitled, "Investing in the People's Business: A Business Proposal for Campaign Finance Reform." Chapter IV is entitled: "Recommendations for Reform." It says,

> Our recommendations are also informed by our belief in certain basic principles that should govern a system of campaign finance regulation. The five principles listed below reflect the objectives we regard as most important, which should form the basis for evaluating regulatory reform proposals.
>
> (1) Regulation should protect free speech and promote an informed citizenry.
>
> The First Amendment and the principles it embodies guarantee freedom of speech and expression and thus protect the cornerstone of our political system: full and robust political debate. The courts have acknowledged the link between political finance and the First Amendment in ruling that the financing of political expression is a protected form of political speech under the First Amendment. Campaign finance laws must recognize these constitutional considerations and uphold the principles of free speech. It is especially important to protect and promote the political speech that takes place in election campaigns, the purpose of which is to provide American citizens with the knowledge needed to make informed decisions on Election Day.
>
> (2) Regulation should protect the political system from corruption or the appearance of corruption.
>
> The regulations governing campaign finance should promote public confidence in the political process and ensure that the integrity of the electoral system is maintained. It is therefore essential that the system guard against corruption or the appearance of corruption in the financing of political campaigns. A system of political finance that fulfills this objective helps to ensure that elected officials are responsive to broad public interests and the desires of their constituencies.
>
> (3) Regulation should ensure public accountability.
>
> A goal of the campaign finance system should be full transparency of the funding of campaigns for public office, supported by the public's right to know. Elections allow citizen to hold candidates and elected officials accountable for their views and actions. If the major participants in political campaigns are to be held accountable, the public must have full and timely information about their campaigns.

I might add, Mr. President, one of the first amendments I proposed yesterday, which was adopted, concerned full and complete disclosure and using the Internet as part of that capability to do so.

> Any system of campaign finance must therefore ensure full public disclosure of the sources of campaign funding, the activities undertaken with it, and the amounts raised and spent. Disclosure not only provides the electorate with the information it needs but also helps curtail excesses and promote full public scrutiny of financial transactions.
>
> (4) Regulation should encourage public participation in the political system.
>
> The strength of a democracy depends upon the political participation of its citizens. Citizens should be encouraged not only to vote but to participate in the process in other ways. Campaign finance rules should not discourage citizens from seeking elective office, associating with others, volunteering their skills and time, or participating in the financing of campaigns. Such participation enhances the legitimacy of the representative process and thereby strengthens popular support for the political system.
>
> (5) Regulation should promote electoral competition.
>
> The essence of democracy lies in competitive elections that offer voters a choice of candidates. Competition stimulates public interest in election campaigns, induces greater numbers of citizens to learn about the candidates, gives more meaning to elections, and encourages people to vote. It is an essential element in promoting the vitality and quality of political life. The regulation of campaign funding should therefore promote competitive elections by ensuring that candidates have an opportunity to obtain the resources needed to share their views with voters.

Mr. President, one reason I quote that is I think it is a very important statement as to what our goals should be in political campaigns. It lays out the basis for the first recommendation of the Committee for Economic Development. Their first recommendation is eliminate soft money.

> We believe that, as a general principle, funds used to promote political candidacies should be subject to the requirements and restrictions of federal law on campaign finance. Soft money is the most egregious example of campaign financing that violates this principle. No reform is more urgently needed than the elimination of soft money.
>
> Some business leaders have already taken action to help remedy this problem by refusing to participate in the soft money system. Most businesses in America do not give unregulated soft money funds to the political parties. Others, including such industry leaders as General Motors, AlliedSignal, and Monsanto, have recently declared that they will no longer make such contributions. They have been joined by dozens of corporate executives, who recognize the dangers to our system of government created by this type of fundraising.[49] CED supports these voluntary efforts to reduce soft money and lauds the leadership shown by these members of the business community. We urge other business leaders, labor unions, and individual citizens to follow this lead and voluntarily work to reduce the supply of soft money funds.
>
> There are ample opportunities for members of the business community to express their support for candidates or party organizations, either as individuals or through PACs. We encourage participation in the process in these ways. But there is no need for members of the business community, labor unions, or others to supplement these opportunities with soft money contributions. Participation in the soft money practices of the national party committees fuels the demand for soft dollars and spurs the arms race mentality that now characterizes party fundraising at the national level.
>
> Voluntary efforts alone, however, will not solve the soft money problem. Potential donors will still face pressure from elected officials and national party leaders to make soft money contributions. We therefore believe that a legislative remedy is needed to end soft money. Specifically, we recommend that Congress prohibit national party committees, their officers or staff, and any organizations or entities established or controlled by national party committees or their personnel, from soliciting, receiving, or directing any contributions, donations, or transfers of funds that are not subject to the limitations, prohibitions, and public disclosure requirements of federal law. These committees and individuals should also be prohibited from spending any funds that are not subject to such restrictions and requirements. Similar prohibitions should be applied to federal officeholders, candidates, and their agents or staffs. In addition, federal officeholders or candidates should be prohibited from raising or spending soft money through personal PACs or so-called "leadership PACs." (An exemption, however, would be made for federal officeholders running for state or local office who are raising monies allowable under the relevant state law—e.g., a U.S. senator running as a candidate in a gubernatorial election.)
>
> In short, national party committees, including the national congressional campaign committees, and federal politicians would not be allowed to raise and spend monies from unrestricted sources in unlimited amounts. We believe that this reform will greatly reduce the unregulated party money that is now flowing through the system.
>
> This reform also would significantly simplify the rules governing party finance. National party committees would be allowed to raise only hard money. National party committees would no longer be able to raise or use corporate or labor union treasury funds or unlimited gifts from individuals and PACs. Their revenues would have to come from limited voluntary contributions from individuals, PACs, or other federally registered political committees, such as candidate campaign committees. There would no longer be a need for separate types of bank accounts or complex allocation rules for the financing of different types of party activity.
>
> Taking national party committees, federal officeholders and candidates, and their agents and staffs out of the business of raising and spending soft money will change the relationship between donors and federal politicians. It will reduce both the incentive for donors to give in exchange for access and the pressure to give that is created by solicitations from national party leaders or elected officeholders. It will also prevent federal candidates from raising unlimited funds that can be used by party committees to benefit indirectly their own bids for office. We believe that this reform will substantially alter the incentive structure that encourages soft money contributions. As a result, we expect the vast majority of this pool of funds, especially much of the money donated by the business community, to dry up. Most of this money came into the system only during the last two presidential cycles, largely in response to the aggressive fundraising practices of the national party committees. These donors are unlikely to aggressively seek out other means of pouring money into the system.
>
> We recognize, however, that this recommendation could be circumvented. Federal officeholders and candidates could still engage in soft money fundraising by shifting their activities to the state level. Federal officials could help their respective state parties raise funds that are not subject to federal limits, and the state parties could in

turn use these monies to finance activities, such as voter registration and turnout drives, that influence federal elections in their state. Such activities would diminish the benefits of reforms adopted at the national level.

We have carefully considered the proposal to close this "loophole" by extending federal regulation to any state party activities that might influence the outcome of a federal election and are financed by contributions not permitted by federal law. But we are very troubled by the prospect of using federal rules to govern state party political finance, especially when these committees are acting in conformance with the laws adopted by the people of their states. Such an approach raises troublesome issues regarding the principle of federalism and the scope of Congress's authority to legislate in this area. Accordingly, we conclude that this issue is most appropriately handled by the states. We therefore urge state legislatures to pass any legislation necessary to ensure that state party committees cannot finance their activities from unrestricted or undisclosed sources of funding.

We recognize that a ban on soft money will have a significant effect on the resources available to national party committees and may diminish their role in the electoral process. Soft money represents a substantial share of party revenues and is used to finance many of the costs directly related to the parties' activities, ranging from staff salaries and overhead expenses to voter registration and mobilization efforts. The loss of soft money is likely to reduce such party activities and would require that parties pay more of their administrative and political services costs from funds they raise under federal limits. This, in turn, may lead to a reduction in the amounts of money available for candidate support or voter turnout efforts. Since parties are the only source of private funding (other than personal contributions or loans) that favors challengers, a significant reduction in party resources is likely to decrease the resources available to challengers. It is also likely to reduce the amounts available for voter identification and turnout programs. We believe that these party activities play a valuable role in enhancing the competitiveness of elections and encouraging citizen participation.

To partially compensate for this loss, we recommend a change in the rules limiting individual contributions to federal candidates and political committees. Under current law, individuals are limited to an annual total of $25,000 for all contributions made to federal candidates, PACs, and party committees. We propose that Congress establish two separate aggregate limits for individuals. The first would limit the total amount contributed by an individual to federal candidates and PACs to $25,000 annually. The second, separate ceiling would limit the total amount contributed by an individual to national party committees to $25,000 annually. This change will allow parties to raise more regulated money from individuals than is permissible under current federal law.

Mr. President, how did we get to where we are in this soft money? I think probably one of the best depictions of it is also in chapter 3 of the CED's report. I quote:

Efforts to regulate the flow of campaign money often produce unintended and unforeseen consequences. Candidates and their staffs, as well as party committees and interest groups, have responded to regulation with imaginative innovations, producing new financial practices unanticipated by lawmakers. The law has also been interpreted by the courts and administrative agencies in unexpected ways, producing new directives that also have encouraged new financial strategies. Both these developments have dramatically increased the flow of money in federal elections and significantly undermined the effectiveness of our federal campaign finance laws.

Soft money was not recognized as a form of party finance under the original provisions of FECA. In fact, FECA contained only one narrow exception to the party contribution limits. Parties could receive contributions in unlimited amounts from unlimited sources for "building funds" established to pay for new buildings or headquarters structures. Outside of this "bricks and mortar" provision, all monies received by parties were subject to federal limits.

By 1980, the year of the second presidential election conducted under FECA, these tough prohibitions on party receipts and expenditures had begun to erode, and the door had been opened to unregulated party financial activity. This occurred as a result of problems experienced in the 1976 election and administrative decisions of the Federal Election Commission (FEC) that altered the kinds of money parties could raise.

In the 1976 election, party leaders quickly recognized that the activities they traditionally financed in conjunction with national elections were significantly hindered by the new system of public financing and spending limits for presidential campaigns. Under the new law, expenditures by a party to help the presidential ticket might be considered in-kind contributions to the candidate or election-related expenditures that were no longer allowed. Parties therefore looked to the presidential campaigns to fund much of the paraphernalia used in traditional volunteer activities, such as signs, bumper stickers, and buttons, as well as voter registration and turnout activities. But the presidential campaigns, now faced with limited funds and wanting to maximize the resources available for television advertising, did not allocate substantial amounts to these other activities that parties considered important. As a result, party leaders appealed to Congress after the election to change the law so that they could finance volunteer and party-building activities without risking a violation of the law.

Congress responded to these concerns and in 1979 amended FECA to exempt very specific, narrowly defined party activities from the definitions of "expenditure" and "contribution" contained in the Act. Thus, parties were allowed to spend unlimited amounts on grassroots, party-building activities and generic party activities such as voter registration and turnout drives. They were also permitted to spend unlimited amounts on such traditional campaign materials as bumper stickers, buttons, and slate cards. But the Congress did not change the rules on party fundraising: the monies spent on these activities had to come from "hard money" donations subject to federal contribution limits. Congress also specified that none of these unlimited expenditures could pay for mass public communications, such as direct mail or television advertising.

At the same time that Congress was making these changes in the law, party officials were asking the FEC to decide another set of issues related to general party activities. The parties argued that their organizations were involved not only in federal but also in non-federal election activity, such as supporting candidates in state-level races and building party support at the state and local level. Furthermore, many generic party activities, such as voter registration and turnout drives, are conducted to help both federal and non-federal candidates. The parties therefore contended that the finance rules should recognize the non-federal role of party organizations and allow parties to partially finance their political activity with monies subject only to state laws.

The FEC responded to these questions with a series of ruling that recognized the non-federal role of state and national party organizations. These rulings allowed parties to finance a share of their activities with money raised under state law if they maintained separate accounts for federal and non-federal funds. Subsequent rules established complex allocation formulas that determined the shares of particular expenditures that had to be allocated to federal and non-federal accounts.

Thus was born the distinction between "hard" and "soft" money. Hard (federal) money is subject to federal contribution limits and is the only type of funding that can be used to support federal candidates directly. All contributions to federal candidates, coordinated expenditures, or independent expenditures made in federal contests must use hard money. Soft (non-federal) money is exempt from federal limits and can be used to finance general party activities, including such activities as voter registration drives, even though these activities may indirectly influence federal elections, for example, by encouraging more party members to vote.

The FEC's decisions essentially freed parties to engage in unlimited fundraising as long as they abided by the technical requirements of the law. They could now raise (and spend) monies obtained from sources that were banned from participating in federal elections or from individuals and PACs that had already donated the legal maximum. These changes in the rules thus gave parties a strong incentive to raise soft money.

THE GROWTH OF SOFT MONEY

Parties quickly adapted to the new regulatory environment. At first, soft money was primarily raised in presidential election years for use on voter registration and turnout operations. But the parties soon expanded the role of soft money by expanding the range of activities that could be paid for with these funds. They also began to raise soft money more aggressively, soliciting ever larger sums.

Since 1980, soft money has grown rapidly. In 1980, the Republican and Democratic national party committees spent a total of about $19 million in soft money, with the Republicans disbursing $15 million and the Democrats $4 million. Much the same pattern existed in 1984. By 1988, however, the amount of soft money had more than doubled to $45 million, shared about equally between the two major parties. By 1992, soft money had almost doubled again to $80 million, with the Republicans spending $47 million to the Democrats' $33 million.

Yet the soft money raised in those elections pales in comparison to that raised in 1996 and 1998. In the Presidential election cycle of 1996 the two major parties raised $262 million in soft money, more than three times the amount garnered only four years earlier. (See Figure 5.) The Republican committees solicited more than $138 million and the Democratic committees $124 million. In contrast, hard money increased much more they be Republican or Democrat. I am sure that was not an easy decision on their part. I am sure there have been significant pressures brought to bear against many of them as individuals and as corporations.

They issued a very interesting statement by the Research and Policy Committee, the Committee for Economic Development. It is entitled, "Investing in the People's Business: A Business Proposal for Campaign Finance Reform." Chapter IV is entitled: "Recommendations for Reform." It says,

> Our recommendations are also informed by our belief in certain basic principles that should govern a system of campaign finance regulation. The five principles listed below reflect the objectives we regard as most important, which should form the basis for evaluating regulatory reform proposals.
>
> (1) Regulation should protect free speech and promote an informed citizenry.
>
> The First Amendment and the principles it embodies guarantee freedom of speech and expression and thus protect the cornerstone of our political system: full and robust political debate. The courts have acknowledged the link between political finance and the First Amendment in ruling that the financing of political expression is a protected form of political speech under the First Amendment. Campaign finance laws must recognize these constitutional considerations and uphold the principles of free speech. It is especially important to protect and promote the political speech that takes place in election campaigns, the purpose of which is to provide American citizens with the knowledge needed to make informed decisions on Election Day.
>
> (2) Regulation should protect the political system from corruption or the appearance of corruption.
>
> The regulations governing campaign finance should promote public confidence in the political process and ensure that the integrity of the electoral system is maintained. It is therefore essential that the system guard against corruption or the appearance of corruption in the financing of political campaigns. A system of political finance that fulfills this objective helps to ensure that elected officials are responsive to broad public interests and the desires of their constituencies.
>
> (3) Regulation should ensure public accountability.
>
> A goal of the campaign finance system should be full transparency of the funding of campaigns for public office, supported by the public's right to know. Elections allow citizen to hold candidates and elected officials accountable for their views and actions. If the major participants in political campaigns are to be held accountable, the public must have full and timely information about their campaigns.

I might add, Mr. President, one of the first amendments I proposed yesterday, which was adopted, concerned full and complete disclosure and using the Internet as part of that capability to do so.

> Any system of campaign finance must therefore ensure full public disclosure of the sources of campaign funding, the activities undertaken with it, and the amounts raised and spent. Disclosure not only provides the electorate with the information it needs but also helps curtail excesses and promote full public scrutiny of financial transactions.
>
> (4) Regulation should encourage public participation in the political system.
>
> The strength of a democracy depends upon the political participation of its citizens. Citizens should be encouraged not only to vote but to participate in the process in other ways. Campaign finance rules should not discourage citizens from seeking elective office, associating with others, volunteering their skills and time, or participating in the financing of campaigns. Such participation enhances the legitimacy of the representative process and thereby strengthens popular support for the political system.
>
> (5) Regulation should promote electoral competition.
>
> The essence of democracy lies in competitive elections that offer voters a choice of candidates. Competition stimulates public interest in election campaigns, induces greater numbers of citizens to learn about the candidates, gives more meaning to elections, and encourages people to vote. It is an essential element in promoting the vitality and quality of political life. The regulation of campaign funding should therefore promote competitive elections by ensuring that candidates have an opportunity to obtain the resources needed to share their views with voters.

Mr. President, one reason I quote that is I think it is a very important statement as to what our goals should be in political campaigns. It lays out the basis for the first recommendation of the Committee for Economic Development. Their first recommendation is eliminate soft money.

> We believe that, as a general principle, funds used to promote political candidacies should be subject to the requirements and restrictions of federal law on campaign finance. Soft money is the most egregious example of campaign financing that violates this principle. No reform is more urgently needed than the elimination of soft money.
>
> Some business leaders have already taken action to help remedy this problem by refusing to participate in the soft money system. Most businesses in America do not give unregulated soft money funds to the political parties. Others, including such industry leaders as General Motors, AlliedSignal, and Monsanto, have recently declared that they will no longer make such contributions. They have been joined by dozens of corporate executives, who recognize the dangers to our system of government created by this type of fundraising.[49] CED supports these voluntary efforts to reduce soft money and lauds the leadership shown by these members of the business community. We urge other business leaders, labor unions, and individual citizens to follow this lead and voluntarily work to reduce the supply of soft money funds.
>
> There are ample opportunities for members of the business community to express their support for candidates or party organizations, either as individuals or through PACs. We encourage participation in the process in these ways. But there is no need for members of the business community, labor unions, or others to supplement these opportunities with soft money contributions. Participation in the soft money practices of the national party committees fuels the demand for soft dollars and spurs the arms race mentality that now characterizes party fundraising at the national level.
>
> Voluntary efforts alone, however, will not solve the soft money problem. Potential donors will still face pressure from elected officials and national party leaders to make soft money contributions. We therefore believe that a legislative remedy is needed to end soft money. Specifically, we recommend that Congress prohibit national party committees, their officers or staff, and any organizations or entities established or controlled by national party committees or their personnel, from soliciting, receiving, or directing any contributions, donations, or transfers of funds that are not subject to the limitations, prohibitions, and public disclosure requirements of federal law. These committees and individuals should also be prohibited from spending any funds that are not subject to such restrictions and requirements. Similar prohibitions should be applied to federal officeholders, candidates, and their agents or staffs. In addition, federal officeholders or candidates should be prohibited from raising or spending soft money through personal PACs or so-called "leadership PACs." (An exemption, however, would be made for federal officeholders running for state or local office who are raising monies allowable under the relevant state law—e.g., a U.S. senator running as a candidate in a gubernatorial election.)
>
> In short, national party committees, including the national congressional campaign committees, and federal politicians would not be allowed to raise and spend monies from unrestricted sources in unlimited amounts. We believe that this reform will greatly reduce the unregulated party money that is now flowing through the system.
>
> This reform also would significantly simplify the rules governing party finance. National party committees would be allowed to raise only hard money. National party committees would no longer be able to raise or use corporate or labor union treasury funds or unlimited gifts from individuals and PACs. Their revenues would have to come from limited voluntary contributions from individuals, PACs, or other federally registered political committees, such as candidate campaign committees. There would no longer be a need for separate types of bank accounts or complex allocation rules for the financing of different types of party activity.
>
> Taking national party committees, federal officeholders and candidates, and their agents and staffs out of the business of raising and spending soft money will change the relationship between donors and federal politicians. It will reduce both the incentive for donors to give in exchange for access and the pressure to give that is created by solicitations from national party leaders or elected officeholders. It will also prevent federal candidates from raising unlimited funds that can be used by party committees to benefit indirectly their own bids for office. We believe that this reform will substantially alter the incentive structure that encourages soft money contributions. As a result, we expect the vast majority of this pool of funds, especially much of the money donated by the business community, to dry up. Most of this money came into the system only during the last two presidential cycles, largely in response to the aggressive fundraising practices of the national party committees. These donors are unlikely to aggressively seek out other means of pouring money into the system.
>
> We recognize, however, that this recommendation could be circumvented. Federal officeholders and candidates could still engage in soft money fundraising by shifting their activities to the state level. Federal officials could help their respective state parties raise funds that are not subject to federal limits, and the state parties could in

turn use these monies to finance activities, such as voter registration and turnout drives, that influence federal elections in their state. Such activities would diminish the benefits of reforms adopted at the national level.

We have carefully considered the proposal to close this "loophole" by extending federal regulation to any state party activities that might influence the outcome of a federal election and are financed by contributions not permitted by federal law. But we are very troubled by the prospect of using federal rules to govern state party political finance, especially when these committees are acting in conformance with the laws adopted by the people of their states. Such an approach raises troublesome issues regarding the principle of federalism and the scope of Congress's authority to legislate in this area. Accordingly, we conclude that this issue is most appropriately handled by the states. We therefore urge state legislatures to pass any legislation necessary to ensure that state party committees cannot finance their activities from unrestricted or undisclosed sources of funding.

We recognize that a ban on soft money will have a significant effect on the resources available to national party committees and may diminish their role in the electoral process. Soft money represents a substantial share of party revenues and is used to finance many of the costs directly related to the parties' activities, ranging from staff salaries and overhead expenses to voter registration and mobilization efforts. The loss of soft money is likely to reduce such party activities and would require that parties pay more of their administrative and political services costs from funds they raise under federal limits. This, in turn, may lead to a reduction in the amounts of money available for candidate support or voter turnout efforts. Since parties are the only source of private funding (other than personal contributions or loans) that favors challengers, a significant reduction in party resources is likely to decrease the resources available to challengers. It is also likely to reduce the amounts available for voter identification and turnout programs. We believe that these party activities play a valuable role in enhancing the competitiveness of elections and encouraging citizen participation.

To partially compensate for this loss, we recommend a change in the rules limiting individual contributions to federal candidates and political committees. Under current law, individuals are limited to an annual total of $25,000 for all contributions made to federal candidates, PACs, and party committees. We propose that Congress establish two separate aggregate limits for individuals. The first would limit the total amount contributed by an individual to federal candidates and PACs to $25,000 annually. The second, separate ceiling would limit the total amount contributed by an individual to national party committees to $25,000 annually. This change will allow parties to raise more regulated money from individuals than is permissible under current federal law.

Mr. President, how did we get to where we are in this soft money? I think probably one of the best depictions of it is also in chapter 3 of the CED's report. I quote:

Efforts to regulate the flow of campaign money often produce unintended and unforeseen consequences. Candidates and their staffs, as well as party committees and interest groups, have responded to regulation with imaginative innovations, producing new financial practices unanticipated by lawmakers. The law has also been interpreted by the courts and administrative agencies in unexpected ways, producing new directives that also have encouraged new financial strategies. Both these developments have dramatically increased the flow of money in federal elections and significantly undermined the effectiveness of our federal campaign finance laws.

Soft money was not recognized as a form of party finance under the original provisions of FECA. In fact, FECA contained only one narrow exception to the party contribution limits. Parties could receive contributions in unlimited amounts from unlimited sources for "building funds" established to pay for new buildings or headquarters structures. Outside of this "bricks and mortar" provision, all monies received by parties were subject to federal limits.

By 1980, the year of the second presidential election conducted under FECA, these tough prohibitions on party receipts and expenditures had begun to erode, and the door had been opened to unregulated party financial activity. This occurred as a result of problems experienced in the 1976 election and administrative decisions of the Federal Election Commission (FEC) that altered the kinds of money parties could raise.

In the 1976 election, party leaders quickly recognized that the activities they traditionally financed in conjunction with national elections were significantly hindered by the new system of public financing and spending limits for presidential campaigns. Under the new law, expenditures by a party to help the presidential ticket might be considered in-kind contributions to the candidate or election-related expenditures that were no longer allowed. Parties therefore looked to the presidential campaigns to fund much of the paraphernalia used in traditional volunteer activities, such as signs, bumper stickers, and buttons, as well as voter registration and turnout activities. But the presidential campaigns, now faced with limited funds and wanting to maximize the resources available for television advertising, did not allocate substantial amounts to these other activities that parties considered important. As a result, party leaders appealed to Congress after the election to change the law so that they could finance volunteer and party-building activities without risking a violation of the law.

Congress responded to these concerns and in 1979 amended FECA to exempt very specific, narrowly defined party activities from the definitions of "expenditure" and "contribution" contained in the Act. Thus, parties were allowed to spend unlimited amounts on grassroots, party-building activities and generic party activities such as voter registration and turnout drives. They were also permitted to spend unlimited amounts on such traditional campaign materials as bumper stickers, buttons, and slate cards. But the Congress did not change the rules on party fundraising: the monies spent on these activities had to come from "hard money" donations subject to federal contribution limits. Congress also specified that none of these unlimited expenditures could pay for mass public communications, such as direct mail or television advertising.

At the same time that Congress was making these changes in the law, party officials were asking the FEC to decide another set of issues related to general party activities. The parties argued that their organizations were involved not only in federal but also in non-federal election activity, such as supporting candidates in state-level races and building party support at the state and local level. Furthermore, many generic party activities, such as voter registration and turnout drives, are conducted to help both federal and non-federal candidates. The parties therefore contended that the finance rules should recognize the non-federal role of party organizations and allow parties to partially finance their political activity with monies subject only to state laws.

The FEC responded to these questions with a series of ruling that recognized the non-federal role of state and national party organizations. These rulings allowed parties to finance a share of their activities with money raised under state law if they maintained separate accounts for federal and non-federal funds. Subsequent rules established complex allocation formulas that determined the shares of particular expenditures that had to be allocated to federal and non-federal accounts.

Thus was born the distinction between "hard" and "soft" money. Hard (federal) money is subject to federal contribution limits and is the only type of funding that can be used to support federal candidates directly. All contributions to federal candidates, coordinated expenditures, or independent expenditures made in federal contests must use hard money. Soft (non-federal) money is exempt from federal limits and can be used to finance general party activities, including such activities as voter registration drives, even though these activities may indirectly influence federal elections, for example, by encouraging more party members to vote.

The FEC's decisions essentially freed parties to engage in unlimited fundraising as long as they abided by the technical requirements of the law. They could now raise (and spend) monies obtained from sources that were banned from participating in federal elections or from individuals and PACs that had already donated the legal maximum. These changes in the rules thus gave parties a strong incentive to raise soft money.

THE GROWTH OF SOFT MONEY

Parties quickly adapted to the new regulatory environment. At first, soft money was primarily raised in presidential election years for use on voter registration and turnout operations. But the parties soon expanded the role of soft money by expanding the range of activities that could be paid for with these funds. They also began to raise soft money more aggressively, soliciting ever larger sums.

Since 1980, soft money has grown rapidly. In 1980, the Republican and Democratic national party committees spent a total of about $19 million in soft money, with the Republicans disbursing $15 million and the Democrats $4 million. Much the same pattern existed in 1984. By 1988, however, the amount of soft money had more than doubled to $45 million, shared about equally between the two major parties. By 1992, soft money had almost doubled again to $80 million, with the Republicans spending $47 million to the Democrats' $33 million.

Yet the soft money raised in those elections pales in comparison to that raised in 1996 and 1998. In the Presidential election cycle of 1996 the two major parties raised $262 million in soft money, more than three times the amount garnered only four years earlier. (See Figure 5.) The Republican committees solicited more than $138 million and the Democratic committees $124 million. In contrast, hard money increased much more slowly. Democratic hard money increased by 59 percent over 1992, and Republican funds by 71 percent.

Similarly, soft money fundraising in 1998 was up dramatically over the previous off-year election cycle of 1994. As of 20 days after the election, the national party committees had raised $201 million in soft money, close to twice the $107 million they had raised in the entire 1994 election cycle. The Republicans had raised $111.3 million, compared with $52.5 million in 1994, an increase of 112 percent; the Democrats had raised $89.4 million, 82 percent more than the $49.1 million four years earlier.

The share of total party funds represented by soft money has also increased substantially. In 1992, for example, soft money constituted 26 percent of the receipts of all three Democratic national party committees. By 1998 the soft-money share had risen to 37 percent. For the three Republican national party committees, the proportion rose from 20 percent to 29 percent during the same six years.

THE SOURCES OF SOFT MONEY

Soft money has grown rapidly because both parties have been increasingly successful in soliciting large soft money gifts. Since at least 1988, both parties have had organized programs to recruit large donors. In 1992, for example, the DNC and RNC raised a total of $63 million in soft money, about 30 percent of which came from contributors of $100,000 or more. The parties have also been successful in soliciting major contributions from corporations and, primarily in the Democratic Party, labor unions. The parties have thus succeeded in gaining access to contributions from sources and in amounts that were prohibited by the campaign finance reforms of the 1970s.

According to an analysis by the FEC, the parties have raised an increasingly large number of contributions in this manner. During the 1992 election cycle, the national party committees' soft money accounts accepted at least 381 individual contributions in excess of $20,000 (the annual federal party contribution limit) and about 11,000 contributions from sources that are prohibited from giving in federal elections, particularly corporations and labor unions. By the 1996 election cycle, these figures had more than doubled. The national party committees received nearly 1,000 individual contributions of more than $20,000 and approximately 27,000 contributions from sources prohibited from giving hard money.

The business community is by far the most important source of soft money, as shown in Table 5 (page 26). According to one independent analysis, businesses provided $55.9 million of the $102.2 million in soft money received by national party committees during the 1994 election cycle. In 1998, these organizations had donated more than $105 million of the more than $200 million received through October. The vast majority of this money came from corporations rather than trade associations or other incorporated organizations. These figures do not, of course, include individual contributions made by members of the business community.

A substantial share of this money came from large contributions. In 1998 at least 218 corporations donated more than $100,000, compared with 96 that gave this amount in 1994. Sixteen corporations gave $500,000 or more, whereas only four gave at this level four years earlier.

Further evidence of the role of business contributions in the growth of soft money is found in a 1997 analysis conducted by the Los Angeles Times, which found that soft money donations made by the 544 largest public and private U.S. companies had more than tripled between 1992 and 1996, growing from $16 million to $51 million. In comparison, the contributions made by PACs maintained by these companies rose only from $43 million to $52 million.

The largest soft money donors tend to be companies or industries that are heavily regulated by the federal government or those whose profits can be dramatically affected by government policy. For example, according to the Center for Responsive Politics' analysis of 1996 donors:

"Tobacco companies and their executives, who have faced concerted federal efforts to strengthen the regulations governing tobacco sales and advertising, as well as the possibility of congressional action to settle ongoing lawsuits, gave a total of $6.83 million in 1996, with $5.77 million donated to the Republicans and $1.06 million to the Democrats. This group was led by Philip Morris, which donated the most soft money of all contributors in 1996, giving a total of about $3 million, $2.52 million of which went to the Republicans. RJR Nabisco gave a total of $1.44 million, with $1.18 million going to the Republicans."

There is a study by Professor Kathleen Jamieson of the Annenberg School at the University of Pennsylvania, in which she describes not only the political contributions of the tobacco companies but the amount of lobbying fees which, according to her, is the most in the history of American politics.

I will be reading that and inserting it in the RECORD at the proper time. It goes on to list a number of the large contributions.

Finally, the effects of soft money on the political system. This is the view, of course, of the CED:

> The rise of soft money has greatly increased the flow of money in national elections and has turned party fundraising into a frenetic and never ending chase for large contributions. As the range of party activities financed with soft money has increased, party organizations have engaged in more aggressive and directed efforts to raise soft dollars. The parties therefore have sought ever larger amounts from soft money donors and have pursued new sources of soft money contributions, especially among members of the business community.
>
> One of the primary ways parties obtain very large contributions is by providing donors with access to federal elected officials. The most highly publicized and controversial example of the access and privilege afforded soft money donors is the use of the White House during the 1996 election cycle as a venue for dinners and other events with President Clinton. While money was not raised at these events, they were clearly designed to reward past soft money donors and stimulate future contributions. Published reports of these sessions sparked a controversy that raised serious questions as to whether access to the White House was for sale and fueled public cynicism about the influence enjoyed by wealthy contributors. Further examination of the Democratic Party's public disclosure reports revealed that the Democratic National Committee had deposited at least $3 million in illegal or questionable contributions into their soft money accounts.
>
> The Democratic Party's 1996 fundraising activities, however, are only one example of the consequences of unrestricted party fundraising. In recent years, both major parties have offered soft money donors access to elected leaders in exchange for contributions. White House officials and congressional leaders have been asked to appear at party soft money fund-raisers, participate in party-sponsored policy briefings, attend weekend retreats with donors, and play a role in other small group meetings. Elected officials have even been recruited by the party committees to solicit soft money donations from potential contributors, especially from their own financial supporters and others with whom they have relationships.
>
> Federal officeholders have thus assisted their parties in raising funds for issue advocacy advertising, voter registration, election day turnout drives, and other activities that directly benefit their own campaigns for office. They have also participated in fundraising efforts directed at donors whose interests are directly influenced by federal policy decisions. Such activities place undue pressure on potential donors. Businesses, in particular, are induced to contribute to keep up with their competitors or ensure their own access to lawmakers.
>
> Given the size and source of most soft money contributions, the public cannot help but believe that these donors enjoy special influence and receive special favors. The suspicion of corruption deepens public cynicism and diminishes public confidence in government. More important, these activities raise the likelihood of actual corruption. Indeed, we believe it is only a matter of time before another major scandal develops within the soft money system.

Mr. President, I have often said that the scandal in Washington in 1996 was not Monica Lewinsky. The scandal in Washington was a debasement of virtually every institution of government carried out by the Clinton administration when the Lincoln Bedroom was rented out, when access to the President—I think it was Mr. Chung who said the White House is like the subway: You have to put in money in order to open the gates.

I have a memo that is a public document. It is a memo from the Democratic National Committee to the White House that lists activities to be coordinated with the White House by the DNC for $100,000 givers and says—I think it is the third or fourth item on the list—seats on official trade missions. That was the scandal in Washington, and the ongoing scandal, of course, is the failure of the Attorney General to pursue these very well documented allegations.

I do agree with the CED when they say at the end: "Indeed, we believe it is only a matter of time before another major scandal develops within the soft money system."

That is what we are trying to prevent. We had a spirited debate yesterday about this issue, and I tried to point out that I think these huge amounts of money have made decent and good people do things they should not otherwise do. That is an example which should be cited in these scandals I just described in the 1996 Clinton-Gore campaign.

We have to try to restrain the system. I am fully aware it will never be completely the kind of system we want it to be, but I also will at a later time, because I have been talking a long time, chronicle that throughout American history we have had cycles. We have had cycles where the system has been cleaned up, as Teddy Roosevelt was able to do in 1907. I continue to quote extensively from him and read him as he talks about the corrupting influence of the robber barons at the turn of the century.

Then we had, of course, the scandals of 1974 which caused us to clean up again. And if we succeed in cleaning up this system 10, 15, or 20 years from now, we will be back—maybe not me, maybe not RUSS FEINGOLD, maybe not Senator McCONNELL or Senator BENNETT, but there will be others who will be back because we know that money in politics flows like water through cracks.

What I read was how we had gone in the 1970s from a virtual nonexistence of the so-called soft money to the point where we are now awash in it. Sooner or later we will clean this up, and then sooner or later, unfortunately, it will need cleaning up again. That is why legislatures do not go into session and adjourn permanently.

In 1986, we cleaned up the Tax Code. We did a good job. We took 3 million Americans off the tax rolls, something I think overall, despite some flaws associated with it, was a good bill. We need to clean up the Tax Code again. It is now 44,000 pages long. We need to change it from the cornucopia of good deals for special interests and a chamber of horrors for average American citizens.

Why should a lower- or middle-income American have to go to an accountant to fill out their tax return? Why is it that it is 44,000 pages long? Why is it that we cannot break the grip of the teachers unions to reform education? Why is it we cannot come together reasonably and give patients who are members of HMOs decent, reasoned, balanced rights? Why is it that we cannot restructure the military so we can meet the challenges of the future we face in the next century? Events around the world have, again, amply demonstrated, such as in Pakistan, we ought to be able to cope with some very serious challenges in the next century in the military, but we cannot restructure it. It takes 2 months to get 24 Apache helicopters from Germany to Albania. They train and crash two, and we never use them in the conflict.

We need to move forward on this issue. We need to do it, and I hope the sponsors of the amendment that is presently under consideration will recognize this is the same amendment which stalled us out last time. I believe we can make progress by moving forward with an amending process which requires votes which requires debate. I believe we can do that.

I commend to my colleagues, particularly on my side of the aisle, who are involved with the business community, this little booklet. Major executives, major corporations in America have become sick and tired of being sick and tired. I cannot tell how many of them have told me—and I am sure they have told my colleagues privately—they are tired of the phone calls, they are tired of being dunned, they are tired of being called upon to give to both parties.

Senator McCONNELL said yesterday, in response to the comment that the major corporations now give to both parties, they have a right to be duplicitous.

I do not deny him that right to be duplicitous. I hope we could arrange a system where they do not feel they have to be duplicitous. That is what this object is all about.

Mr. President, I thank my colleagues for their patience and I yield the floor.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER (Mr. BUNNING). The Senator from Kentucky.

Mr. McCONNELL. Mr. President, there are a number of Republican Senators anxious to offer amendments, and I would like to create an environment in which people can come over, offer their amendment, discuss it, and lay it aside.

Senator BENNETT has been sitting here patiently for some time. He and Senator BURNS have an important amendment related to the Internet.

Therefore, I ask unanimous consent the pending two amendments be laid aside in order for Senator BENNETT to offer an amendment, along with Senator BURNS, regarding Internet free speech, and that no second-degree amendments be in order prior to a vote in relation to the amendment. I further ask——

Mr. REID. Reserving the right to object.

Mr. McCONNELL. Could I finish?

I further ask consent that the vote occur on or in relation to the amendment at 5:30 p.m., on Monday, and there be 5 minutes, equally divided, for closing remarks just prior to the vote, and following the debate today, the amendment be laid aside until that time.

The PRESIDING OFFICER. Is there an objection?

Mr. REID. Reserving the right to object, and I will object, I say to my friend from Kentucky, these amendments can still be offered, but we think they should not be offered to the two amendments that are pending.

The PRESIDING OFFICER. Objection is heard.

Mr. McCONNELL. Mr. President, what we have is a debate that is proceeding in such a way that amendments are not being allowed.

One of the things we talked about this year, and Senator McCAIN indicated he wanted, was an open debate, in which Senators would be able to lay down their amendments, get debate, and get votes.

I say to all of my colleagues, we have Senator BENNETT and Senator BURNS here with a very important amendment they would like to get offered. Senator SESSIONS is on the floor. He has an amendment he would like to offer. Senator THOMPSON and Senator LIEBERMAN have an amendment they would like to offer. Senator NICKLES has an amendment he would like to offer; Senator HATCH, in all likelihood. Senator HAGEL has indicated he may be offering an amendment, as well.

We have an opportunity here to lay down and discuss these amendments, lay them aside, and guarantee these Senators an opportunity to vote.

I am somewhat confused about where we are. I thought the whole idea behind having 4 or 5 days of debate, I would say to my friend from Arizona—although he did not object; it was the assistant minority leader—I guess I am perplexed about where we are. I would like to protect the opportunity of my colleagues on the Republican side to offer amendments about which they feel strongly about.

Mr. McCAIN addressed the Chair.

Mr. McCONNELL. I am going to retain the floor, but I will be glad to yield for some observation.

Mr. McCAIN. Will the Senator from Kentucky yield to me?

First of all, I believe we should move forward and have amendments. I would like to discuss it with all of us discussing it, go into a quorum call in a second, if we might.

First of all, I would like to frame a parliamentary inquiry very quickly.

Mr. President, if an amendment in the nature of a substitute were to be offered, how many votes would be needed to affirmatively adopt the amendment?

The PRESIDING OFFICER. Will the Senator restate his question?

Mr. McCAIN. If an amendment in the nature of a substitute were to be offered, how many votes would be needed to affirmatively adopt the amendment?

The PRESIDING OFFICER. Is the Senator asking in terms of a simple majority?

Mr. McCAIN. I am asking, if an amendment in the nature of a substitute——

The PRESIDING OFFICER. A simple majority would be required.

Mr. McCAIN. If such an amendment were adopted, and it contained a new rules change, how many votes would be required to invoke cloture?

The PRESIDING OFFICER. Sixty seven, if 100 Senators are voting.

Mr. McCAIN. During consideration of the pending, underlying legislation, would such an amendment be in order?

The PRESIDING OFFICER. Yes.

Mr. McCAIN. My point is, a little parliamentary tactic was played early yesterday which did not start things off in the manner which we had sort of hoped it would—that a rule was adopted that now requires 67 votes. But as most parliamentary tactics, it can be negated by a simple substitute amendment that could be propounded by any Senator, which amendment, in the form of a substitute, would then negate the rule change, which then would bring us back to the position that we are of 60 votes.

So I say to my friend from Kentucky, when we agree to further amendments or we agree to his unanimous consent request—which none of us has seen, which the Senator did not take the time to show me—we have to be a little bit careful and cautious as to what we agree to.

So I want to move forward. I want to move forward with amendments. I will be glad to go into a quorum call and sit down with all of the Senators present on the floor and see if we can't work something out.

Mr. McCONNELL. Do I have the floor?

The PRESIDING OFFICER. The Senator from Kentucky has the floor.

Mr. McCAIN. I still have the floor.

Mr. McCONNELL. I believe I did not yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky yielded to the Senator from Arizona for a question.

Mr. McCAIN. No. I asked if the Senator would yield. I did not ask if the Senator would yield for a question.

Mr. McCONNELL. He did not ask me to yield the floor, and I did not yield the floor, Mr. President.

The PRESIDING OFFICER. That is correct.

Mr. McCONNELL. Mr. President, might I suggest a solution to the problem of my friend from Arizona. He might want to look at the amendments. If he does not find them offensive, maybe he would want to give his Republican colleagues an opportunity to lay down their amendments, to discuss them, and lay them aside, with the understanding that, obviously, they would get a vote at someplace down the road, unless they were filibustered.

I would ask my friend from Arizona, what would be wrong in taking a look at the amendments, one by one, and if they met the Senator's approval, maybe he would give our Republican colleagues an opportunity to have some votes?

Mr. McCAIN. If the Senator would allow——

Mr. McCONNELL. I yield for a question.

Mr. McCAIN. I cannot ask you a question. I can only answer. You can yield the floor, and I will be glad to yield the floor back.

Mr. McCONNELL. I do not yield the floor, but there must be some way for the Senator from Arizona to express himself. I will be glad to yield to him for a question.

Mr. McCAIN. I will try to frame it as a question.

Is the Senator aware that up until half an hour ago we were not allowed to see the amendment nor have we been able to see your proposed unanimous consent request—we were not allowed to look at it. Now we have a chance to look at it. We would be glad to look at it, but I still say, if the Senator from Kentucky wants to really move forward, then we go into a quorum call, we sit down, as has been my habit in 13 years on the floor here, and see if we cannot work out an agreement. If we cannot, then we will not. But that is the way we usually do it.

I want to assure the Senator from Kentucky that, from my viewpoint, as long as we are protected, as long as we can make sure this is a straightforward process, then I am eager for additional amendments to be considered when debate on this particular amendment has been consumed.

Mr. President, I suggest the absence of a quorum.

Mr. McCONNELL. I believe I have the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Kentucky has the floor.

Mr. McCONNELL. Might I suggest the Senator from Arizona and the Senator from Montana and the Senator from Utah have a discussion about this while I make some remarks. Maybe the Senator from Arizona might be satisfied that there is no chicanery afoot here between the Senator from Utah and the Senator from Montana. Might I suggest to the Senator from Arizona, since the objection came from the assistant Democratic leader, you might want to include him in the discussion.

Mr. REID. Will the Senator yield for a question?

Mr. McCONNELL. I yield for a question.

Mr. REID. I say to my friend from Kentucky, in response to a question asked by the Senator from Arizona, the Senator stated to me—and it was reported in the press this morning—that the Senator yesterday, in the effort with the amendment for a rules change, has indicated that the intent of the Senator from Kentucky was to change the rule, not to change the number of Senators it would take to invoke cloture in this matter. The Senator has stated, as I said, publicly and stated to me personally that in this matter we would only need 60 votes.

Is that what the Senator said?

Mr. McCONNELL. That is exactly what the Senator said. I am not prepared to withdraw that yet, as Senator MCCAIN indicated that that could be displaced, in any event, by some substitute, which the Senator from Nevada has already offered. I reject the notion that there is some devious notion at work. Besides, I don't even want to get into that. The only issue before us, I say to the Senator from Nevada, is whether or not we can get consent to have some other Senators take advantage—we have had all this discussion about having an open debate on campaign finance reform. We can't even get amendments laid down for discussion. We are not talking about controversial amendments, I don't think. People do have the option to vote against them.

Mr. REID. Will the Senator yield for a question?

Mr. McCONNELL. I yield for a question.

Mr. REID. I say to my friend, the Senator has indicated there are two amendments the Senator wishes, he and/or his colleagues, to file today. I have stated that as far as the two amendments pending, one by Senator DASCHLE and one by this Senator, we would not agree to set those aside. However, the record is quite clear; there are two spots still open in the tree that these Senators could file their amendments any time they want today. All they need is recognition.

Mr. McCAIN. Will the Senator from Kentucky yield again for a question?

Mr. McCONNELL. Mr. President, I would like to make a parliamentary inquiry with respect to the amending process in relation to what the Senator from Nevada just suggested. Is it true that a first and second-degree amendment are pending, as offered by the minority leader and the assistant minority leader, that would take consent to lay aside?

The PRESIDING OFFICER. Yes, the Senator is correct.

Mr. McCONNELL. Is it true that although two additional amendment slots are available to offer amendments, if amendments were offered and agreed to, and an amendment offered by the minority leader was subsequently adopted, the action taken on the two additional amendment slots would, in effect, become moot?

The PRESIDING OFFICER. The Senator is correct.

Mr. McCONNELL. With this record now made by the Chair, I regret that our Democratic colleagues are blocking amendment consideration during this campaign finance reform bill. What we are trying to do is to give Republican Senators an opportunity to offer amendments. If I understand the Chair correctly, where we are is that without consent, either from the assistant Democratic leader or the Senator from Arizona, my Republican colleagues are not going to be able to offer an amendment.

Mr. McCAIN. Will the Senator yield for a question?

Mr. McCONNELL. I will yield for a question.

Mr. McCAIN. I want to tell the Senator that the Senator from Montana and the Senator from Utah and I and the Senator from Wisconsin are in agreement that an amendment by Senator BENNETT and Senator CONRAD would be in order, unless the Senator from Wisconsin has additional comments about the pending amendment, but that it is also proper and appropriate to continue the debate until finished on the pending amendment and that, of course, we would like to make sure that any unanimous consent agreement we are in agreement with. I hope the Democratic leader would also agree with that approach to the pending business because I am not in any way in disagreement with the view of the Senator from Kentucky that we need to move forward with the process.

Mr. McCONNELL. I thank the Senator from Arizona. Maybe I should make the consent request again.

I ask unanimous consent that the pending two amendments be laid aside in order for Senator BENNETT and Senator BURNS to offer an amendment regarding Internet free speech and that no second-degree amendments be in order prior to the vote in relation to the amendment. I further ask consent that the vote occur on or in relation to the amendment at 5:30 p.m. on Monday, and that there be 5 minutes equally divided for closing remarks just prior to the vote and, following the debate today, the amendment be laid aside until that time.

Mr. REID. Reserving the right to object, Mr. President.

Mr. McCAIN. Reserving the right to object——

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, the amendment, which I personally haven't seen, but I am sure has been shared with the staff, we have not had an opportunity to discuss, to even show the amendment to the ranking member of the Commerce Committee, the ranking member of the Judiciary Committee, both of whom are tremendously interested in anything dealing with the Internet. First of all, to lock in a time, that is something we couldn't do.

Secondly, I say to my friend from Kentucky, there are no more votes until 5:30. That is an announcement made by the majority leader. So we are not stopping anyone from voting. That decision has been made by the majority. We would have been happy to stay and vote. I have been here the last several days anyway. If there had been some notice there would be votes, other people would be here.

I say there is ample opportunity to talk about any of these issues in whatever length anyone cares to. We have a vote scheduled at 5:30 on a judicial nomination or whatever the majority leader decides. We have cloture votes that are going to take place on Tuesday. I think we have plenty to do on this.

I might say in passing that I think now the majority knows how we feel all the time when we can't offer amendments to pending legislation. On this legislation, we have two amendments that have been filed: One dealing with the Shays-Meehan legislation, and one dealing with the so-called soft money amendment. That is what this debate is all about. That is what it should focus on. Objection is heard.

The PRESIDING OFFICER. Objection is heard.

Mr. McCONNELL. Let me try another approach, if I may. I heard the distinguished assistant Democratic leader say the time was a problem. Let me try it a different way.

I ask unanimous consent that the pending two amendments be laid aside in order for Senator BENNETT and Senator BURNS to offer an amendment regarding Internet free speech, and that following the reporting by the clerk, the amendment be laid aside.

Mr. McCAIN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I reserve the right to object. I will not object. I think it is important that we move forward. I think there are Senators on the floor who want to propose amendments and who want to debate. I want to say—perhaps this is the only time in this entire debate the Senator from Kentucky and I are in total agreement—that we should allow an amendment by Senator BENNETT and Senator BURNS, even if I am not in agreement with that amendment. I think it is very destructive of the entire proposition with which we began this debate, and that is that we would allow amendments and votes. I do not object.

Mr. REID. Reserving the right to object, Mr. President, I say this: These amendments can be offered. There is no question they can be offered. It has already been indicated that they be offered. There are two spots still open on the tree. Objection is heard.

The PRESIDING OFFICER. Objection is heard.

Mr. McCONNELL. Mr. President, I am told by the parliamentary experts who serve us that to amend the rest of the tree is essentially a waste of time. So as a practical matter, what our Democratic colleagues are doing is preventing Republicans from offering amendments. This has the result of putting us back to the way we have handled this in the past, which the Senator from Arizona and I thought the other side had agreed we would not do this time, which was to allow amendments. The practical effect of where we are now is we are going to have two cloture votes, which is the way this issue has been dealt with in recent years, and it prevents Senators from offering amendments, having them debated, and having them voted on. I think that is unfortunate.

Mr. President, on the substance of the issue, unless there is some change of heart on the part of my good friend from Nevada, and I see he, with a determined look on his face, has taken his seat, I assume the last word on that issue has been uttered.

Mr. McCAIN. Could I prevail one more time on the Senator from Kentucky to yield for a question?

Mr. McCONNELL. I yield for a question.

Mr. McCAIN. According to the parliamentary exchange that I heard between you and the President, the Senator from Utah still can offer an amendment; is that correct?

Mr. McCONNELL. He can offer an amendment, but if their amendment were adopted, his is wiped out. What I am told is it, in effect, makes the offering of the amendment an exercise in futility. That is what I am advised.

Mr. McCAIN. By the brains?

Mr. McCONNELL. Yes, by our super-Parliamentarian.

Mr. McCAIN. I thank the Senator for his response.

Mr. McCONNELL. I thank the Senator from Arizona for being willing to let our colleagues offer their amendments. Let me repeat, where that leaves us is we have been shut out, as a practical matter, by the other side and denied an opportunity to offer important amendments that many of us believe would have improved this bill.

I want to encourage Senator BURNS and Senator BENNETT, who are on the floor, to go ahead and say what they would have done had they had the opportunity to do it. I think this is a very constructive amendment, and if they will just indulge me for one moment, I will yield the floor, and I hope they get an opportunity to discuss the amendment they would have offered had they had an opportunity to do so.

Mr. BURNS. Will the Senator yield for a question?

Mr. McCONNELL. I yield for a question.

Mr. BURNS. Mr. President, I assume we will have a vote on the Democratic amendment; is that correct?

Mr. McCONNELL. There are two cloture votes. The Democratic leader laid down what is typically referred to as Shays-Meehan, the bill that passed the House. The assistant Democratic leader second-degreed that with the underlying "McCain-Feingold lite" and filed cloture on both.

Under the rules of the Senate, those votes would occur Tuesday morning. The dilemma we now have is, we are in a position where colleagues on our side of the aisle are unable to offer amendments.

What I suggest to my friend from Montana is——

Mr. BURNS. Once the cloture vote has been taken and cloture is not agreed to, then what happens?

Mr. McCONNELL. I believe the Republican leader will have concluded that, after 5 days of this debate, we would go on to other matters before the Senate. From a parliamentary point of view, we will be right where we are now if cloture is not invoked. So all that will have happened is, Senators such as you and the Senator from Utah will have been denied the opportunity to offer amendments.

Mr. BURNS. Will we move off this issue and go to another issue?

Mr. McCONNELL. That is my understanding. The majority leader has other important matters he would like the Senate to turn to after Tuesday. That is his decision.

What I suggest to both of the Senators, who have been waiting patiently, is to describe the amendment that would have been offered had the Senator been given an opportunity to do so, and put that in the RECORD. Maybe at some point between now and Tuesday, there will be some change of heart. But I think we ought to say to the Senate what the Senator wanted to be able to do had he been permitted.

Mr. BURNS. I have a very short statement on that. I will yield to the advice of the Senator from Kentucky and also yield to my good friend from Utah as to what he would like to do.

Mr. McCONNELL. Mr. President, I yield the floor.

Mr. BENNETT. Mr. President, I don't have a time schedule today. I will spend the entire weekend in the Washington area. My friend from Montana has an airplane to catch, so I am happy to step aside and let him make whatever statement he wants to make and delay my comments until he has finished.

Mr. BURNS. I thank my friend from Utah.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. I thank the Chair.

The amendment that was crafted by Senator BENNETT and myself is a very important amendment regarding this business of freedom of speech and how it is connected to the issue of campaign finance reform. What the amendment actually says is that citizens who use the Internet to express themselves politically are not subject to "Big Brother" policing imposed by the Federal election bureaucrats. The amendment simply prevents the FEC from defining political communications by individuals over the Internet as campaign contributions.

I thank my friend from Utah for his input when we crafted this amendment. I should emphasize to my colleagues that this amendment is very narrow in scope and covers only individuals who don't receive compensation for their Internet communications. I think that is very important—individuals who do not receive compensation for their Internet communications. Further, these individuals cannot solicit political contributions using the Internet.

If an American citizen feels strongly enough about a candidate or an issue to create a web site to express his views, he should not be subject to oversight by the Federal Election Commission. Free expression is the founding principle of this country.

Currently—and not a surprise to those of us who have seen the explosion of the Internet—there are 90 million Americans who use the World Wide Web to access information, e-mail, and other services every day. Undoubtedly, many of these communications are political in nature. Are we to expect the FEC to somehow monitor and regulate all of this political dialog? To me, that is a very chilling scenario.

I myself use the unique capabilities of the Internet for a host of things—to communicate with my constituents, for services. We have a web page that allows my constituents access to my office electronically. Every week, I do a "cybercast" from my web site, where I answer questions posed to me by my constituents from Montana and across the country.

By the way, once you go on the web, you are everywhere. Just yesterday, in my cybercast, I commented on the tremendous, productive debate that has resulted from the increased use of this great thing we call the Internet. It allows any individual to become a publisher and have the same access in the marketplace of ideas as the largest political party, or corporation, for that matter.

We have seen the leveling of marketing because one person with an idea for a service or goods can now go on the web and take on the largest corporations and be successful. That is what makes it a very powerful tool.

We have seen spectacular growth result from the upward spiral of the Internet. A recent Commerce Department study has indicated that over a third of the U.S. increase in gross domestic product since 1995 is directly traceable to information technologies and, in particular, the Internet. Small businesses and individuals have used those capabilities of this new tool to tap into global markets and compete directly with large corporations.

Even more important than the raw economic numbers, however, is the flowering of the discussion of ideas that has been fostered by the Internet. Whether on web sites, chat rooms, or e-mail, the revolution in information technology has resulted in the ongoing, vigorous, sustained debates on the critical issues that now face our country.

A year ago, I was in China and there, too, as the capability grows, the Internet grows—not as fast as we have experienced here in this country, because of infrastructure more than anything else, but it is growing. And with it is a growing fear in that country where the Government controls every aspect of information; the fear of the freedom of flow on the Internet is very real.

The Internet uniquely provides the ability for any individual to express his political beliefs, and we think that should not be infringed upon. To limit free speech of individuals in the very country that created the Internet is as dangerous as it is misguided. As chairman of the Senate Communications Subcommittee, and cochairman of the Internet Caucus, I have been convinced time and time again of the folly of trying to regulate the Internet.

Government should not impose burdensome regulations on political speech on the Internet, or any other medium. Instead, the Government should act to keep the Internet and those medium outlets a free speech zone.

I urge my colleagues, if this amendment sees the light of day and comes to this floor, to adopt this amendment as part of the ongoing reform.

I thank the Chair. I thank my good friend from Kentucky.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, before my friend from Montana leaves for Montana, he can offer his amendment. The Senator from Utah can offer his amendment to two slots to which I previously referred. If they are subsequently adopted, they could try to defeat, of course, the Daschle-Reid amendments by votes, or after the Reid amendment is disposed of, they could still offer their amendments to the Daschle amendment. In short, there are occasions in the Senate when it doesn't work by majority rule but most of the time majority rules. In this instance, the majority rules. All they need to do is pass this amendment and defeat the Reid-Daschle amendment.

It is a very simple procedure. They can offer their amendments. They not only can talk about them but they can offer both of them.

Remember the procedure we are now working under. There will be no votes this day or on Monday until 5:30. We will come in sometime Monday. There will be further discussion on this bill. There are people on my side of the aisle, on the minority side, who still want to talk about the bill.

Also, there has been some talk about pulling down this bill on Tuesday. Of course, it is 5 days. I know the majority leader recognizes the fifth day is on Wednesday. But also, you can't automatically go to something else. It takes, again, a majority vote to do that.

As I have indicated, all they need are majority votes to adopt the Burns amendment and the Bennett amendment and have a majority vote to go to some other issue rather than campaign finance reform.

We are operating, we think, in good faith. There are still two spots to offer their amendments. If there are two Senators who wish to offer their amendments, they can certainly do that.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, as a practical matter, I repeat what I said earlier. The offering of amendments to the rest of the tree would be a waste of time. Several of the amendments my colleagues want to offer would not be germane postcloture.

We are, as a result of the actions of the other side, on a glidepath to two cloture votes on Tuesday. But we will have an opportunity to discuss amendments that would have been offered could they have been offered and that would have been offered, if this parliamentary situation would have allowed it.

I encourage, in addition, Senator BURNS, who has already talked about his amendment, and Senators SESSIONS, THOMPSON, LIEBERMAN, NICKLES, HATCH, and HAGEL to take the opportunity—if not today at least on Monday—to come over to the Senate and describe the amendments they would have offered and put them in the RECORD so everyone is aware of the opportunities that were missed.

I was listening with some interest to the Senator from Arizona earlier in describing what he perceived to be the position of the business community in this country with regard to non-Federal money. The Senator described the views of a business group which until a few months ago no one had ever heard of, and more specifically the recommendations of a subcommittee of that group that was dominated by businessmen who have contributed to Democrats over 2-to-1 and leaving out of the description the remainder of that business groups' views on campaign finance reform, which are for public funding, taxpayer funding, of elections and spending limits, which is such a bizarre position these days. It hasn't even been advocated by the other side in the last few years. I think it is safe to say that this little-known business group does not represent the views of American business.

Let me take a few moments to outline the views of American business on the issue before us.

There are 10 business groups representing over 4 million businesses, and 40 million employees representing the Business and Industry Political Action Committee, the U.S. Chamber of Commerce, the National Mining Association, the National Restaurant Association, the National Association of Realtors, the National Association of Manufacturers, the National Association of Business Political Action Committees, the Associated Builders and Contractors, the National Association of Wholesaler-Distributors, and the National Association of Broadcasters, a media group, all of whom signed the following letter:

> As the leading business associations in America, we oppose the current campaign finance reform legislation being debated in the Senate and strongly oppose that which recently passed the U.S. House of Representatives. * * * the tenets of McCain-Feingold and the House-passed Shays-Meehan Bill run contrary to the First Amendment guarantees of freedom of speech.
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> * * * * *
>
> Further regulating issue advocacy should be rejected as an infringement on the basic right of free speech. We are also concerned that these bills decrease opportunities and incentives for citizen participation in the election process.
>
> * * * * *
>
> Just as over-regulation distorts the commercial marketplace, so can over-regulation distort the marketplace of political ideas.
>
> * * * * *

Mr. President, I ask unanimous consent that letter be printed in the RECORD, as well as an excellent letter from the National Association of Manufacturers on the same subject, and a letter by the Chamber of Commerce on the same subject.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

BUSINESS-INDUSTRY POLITICAL
ACTION COMMITTEE OF AMERICA,
Washington, DC, October 7, 1999.

Hon. —
U.S. House of Representatives, Washington, DC.

DEAR —: As the leading business associations in America, we oppose the current campaign finance reform legislation being debated in the Senate and strongly oppose that which recently passed the U.S. House of Representatives. While most of the nation's business community agrees with the need for some meaningful reform of the Federal laws regarding campaign finance, the tenets of McCain-Feingold and the House-passed Shays-Meehan Bill run contrary to the First Amendment guarantees of freedom of speech.

This week, the U.S. Supreme Court will be hearing yet another case on the constitutionality of limiting free speech. Further regulating issue advocacy should be rejected as an infringement of the basic right of free speech. We are also concerned that these bills decrease opportunities and incentives for citizen participation in the election process.

Comprehensive campaign finance legislation has not been passed since 1974 and contribution caps established at that time have not been adjusted for inflation. The maximum contribution of $1,000 in 1974 is worth only $303 today. These artificially low ceilings have forced candidates and political parties to seek alternative ways to finance effective participation in the election process. Candidates now have more voters to reach and the cost of campaigning continues to rise.

Just as over-regulation distorts the commercial marketplace, so can over-regulation distort the marketplace of political ideas. Rather than regulating more, we would suggest both complete and immediate disclosure of all campaign contributions and raising or eliminating limits on individual and PAC contributions.

Eliminating or further limiting financial alternatives basically used to fund get-out-the-vote drives or issue awareness efforts, without corresponding actions to raise personal and corporate limits, only exacerbates the funding shortfalls of current campaigns and the increasingly lower voter turnout.

Sincerely,

Gregory S. Casey, President and CEO, BIPAC; Thomas J. Donohue, President and CEO, U.S. Chamber of Commerce; Richard L. Lawson, President and CEO, National Mining Association; Stephen C. Anderson, President and CEO, National Restaurant Association; Lee L. Verstandig, Senior Vice President, Govt. Affairs, National Association of Realtors; Jerry J. Jasinowski, President, National Association of Manufacturers; David Rehr, President, National Association of Business Political Action Committees; Charlotte W. Herbert, Vice President, Government Affairs, Associated Builders and Contractors, Inc.; Dirk Van Dongen, President, National Association of Wholesaler-Distributors; Edward O. Fritts, President and CEO, National Association of Broadcasters.

NATIONAL ASSOCIATION
OF MANUFACTURERS,
Washington, DC, September 20, 1999.

Hon. MITCH MCCONNELL,
U.S. Senate, Washington, DC.

DEAR SENATOR MCCONNELL: On behalf of the more than 14,000 members of the National Association of Manufacturers, including approximately 10,500 small manufacturers, I want to applaud your efforts in protecting the First Amendment rights of individuals and organizations to participate in the political process by opposing attempts to further regulate campaign finance and political speech.

I want to share our thoughts on campaign finance reform with you:

1. While the NAM has no formal policy on soft money, manufacturers know that just as over-regulation distorts the commercial marketplace, so can over-regulation distort the marketplace of political ideas. The so-called soft money issue emerged in response to earlier regulatory restrictions imposed on the political system. Adding another layer of regulations to cover the failures of previous regulatory efforts will inevitably lead to further distortions. The NAM believes that raising limits on individual and PAC contributions is long overdue. The NAM supports full disclosure of campaign contributions.

2. The NAM is completely opposed to total or partial government funding of congressional campaigns. The NAM believes that our representative form of government functions best when candidates seek voluntary contributions from private citizens or citizen groups. Government funding through tax dollars of candidates for the U.S. Senate and House of Representatives would constitute drastic and costly change in our electoral process. Such unwarranted federal intrusion into the election process would also reverse the present healthy trend toward a reduction in the many pervasive levels of bureaucracy in the federal government. On PACs: As many as 20 million Americans participate in nearly 4000 PACs. That is almost half of the total number of people who voted in the last election cycle. PAC participation is an exercise in free speech and voluntary political activity that has brought millions into the political process.

3. The Supreme Court has decided that money is a form of speech. So, limitations on

giving as a form of political speech, whether voluntary or coerced, are limitations on the ability to exercise free speech. Those of us in industry that have been highly impacted by government regulation know that elections have consequences and limitations on our ability to be involved in the process is consequential to the support and election of pro-growth candidates.

4. Issue advocacy restrictions are very worrisome and almost certainly unconstitutional. If the NAM ran ads today about health care or Social Security reform that mention a Congressman's vote on those issues but do not urge the election or defeat of the Congressman, that's perfectly legal under current law (for example, "thank-you" ads manufacturers have run in recent years). Under previous versions of the McCain-Feingold plan, this would change. Running ads more than 60 days before a general election would be constitutionally protected free speech, but running identical ads less than 60 days before an election would be highly regulated speech. NAM has no formal policy on restrictions on issue advocacy, but is very troubled by them.

5. The role of organized labor in the political process is not adequately addressed by proponents of reform. The involuntary collection of union dues for political purposes is anathema to democracy. NAM policy states that "The involuntary collection and use of funds by labor unions for political purposes should be prohibited by statute. The NAM supports the codification of the Beck Supreme Court decision and further paycheck protection measures that ensure that union members cannot be forced to have mandatory union dues go to political causes or organizations they do not support."

In recent years, these five areas of concern have been the principal reasons why the NAM has opposed campaign finance reform legislation and the NAM Key Vote Advisory Committee has named campaign finance reform a Key Manufacturing Vote. The NAM has long advocated individual freedom and participation by all citizens in the legislative and the political process. Therefore, we must again oppose the McCain-Feingold legislation.

For all these reasons, opposition to McCain-Feingold, like the Shays-Meehan bill in the House, will be designated a Key Manufacturing Vote in the NAM voting record for the 106th Congress.

We greatly appreciate your leadership on this important issue.

Sincerely,

JERRY J. JASINOWSKI.

CHAMBER OF COMMERCE OF THE
UNITED STATES OF AMERICA,
Washington, DC, September 14, 1999.

Hon. MITCH MCCONNELL,
U.S. Senate, Washington, DC.

DEAR SENATOR MCCONNELL: On behalf of the U.S. Chamber of Commerce, the world's largest business organization representing more than three million businesses of every size, sector and region, I want to applaud your efforts in protecting the First Amendment rights of individuals and organizations by opposing attempts to regulate "issue advocacy."

The U.S. Chamber has long advocated individual freedom and unrestricted participation by all citizens in the legislative and the political process. Therefore, we oppose the McCain/Feingold legislation. By restricting issue advocacy, we believe the legislation is an infringement on the constitutionally protected right of free speech of individuals and organizations.

After numerous press reports we feel it is imperative to clarify our differences with some groups. The Chamber believes in reasonable campaign finance reform proposals. We support a system that relies on full disclosure, voluntary participation, and the confidence in the electorate to make sound decisions through the free exchange of ideas and information. We believe true reform protects the First Amendment rights of American citizens, organizations and parties.

The Chamber does not support taxpayer financing of congressional races as it would dangerously extend the government's role in the traditionally voluntary political process based on individual choice. We believe spending limits are unconstitutional and we will continue to adamantly oppose restrictions on the use of "issue advocacy" as an infringement on First Amendment rights.

We greatly appreciate your leadership on this important issue.

Sincerely,

TOM.

Mr. MCCONNELL. Mr. President, it has been suggested that somehow members of the business community believe they have to contribute to political campaigns. Nothing could be further from the truth. I am familiar with a number of companies that do not contribute non-Federal money, as is their right. We appreciate those who do choose to support our party and give us an opportunity to engage in issue advocacy, voter turnout, and other projects that are funded by non-Federal money, which gives us an opportunity to compete in the marketplace of ideas and gives us a chance to win elections. For those who do choose to participate, we want to thank you.

I also suggest to those who do not want to, don't feel obliged to. There are plenty other members of the business community who want to get involved, who want to help advance the cause that my party stands for, and we are grateful for their support.

I don't know whether we are going to have any more speakers. I want to check with our floor staff and see if we might not be at a point to wrap it up.

Mr. REID. Senator FEINGOLD says he wants to speak for 10 or 15 minutes on the bill. But other than that, we have no request for speakers on this side.

Mr. MCCONNELL. Mr. President, Senator BENNETT might come back. But he will be here Monday as well and will be able to speak at that point.

I see the Senator from Wisconsin is here and wishes to speak. I don't believe we have any other interest in speaking on this side.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, we have had an excellent debate so far. I am pleased to have an opportunity to make a few comments essentially in summary on what we have covered.

We have been debating an amendment. In fact, we have been debating two amendments. We have been debating two alternatives, both of which I like very much. One of them is the original version of the McCain-Feingold bill, which is very similar to the Shays-Meehan bill that has been offered, and the other is essentially the underlying bill, the approach of simply banning soft money. We think that is well worth doing if we can get nothing else out of the Senate.

I want to make it very clear. I, like my leader, the Senator from South Dakota, also support comprehensive reform. It is even a little bit amusing to me because I remember we had the first version of the McCain-Feingold bill. And when the decision was made to make it a little bit lighter in order to get more support, there was outcry by some that we had abandoned comprehensive reform.

What is now the Shays-Meehan bill was said at that time not to be comprehensive, but today the Shays-Meehan bill is being called comprehensive reform.

It is not comprehensive, I am the first to admit; not only that bill, not only our bill, but any of the bills that have been offered, including the original McCain-Feingold bill. I prefer public financing. So the question isn't: Is this bill comprehensive reform? There is no comprehensive reform being offered on the floor of the Senate in this debate. The question is whether we are advancing the cause of campaign finance reform in a meaningful way with these different alternatives.

I think either alternative, Shays-Meehan or the McCain-Feingold soft money ban, does advance the cause of campaign finance reform.

Then there are only two questions in deciding which approach to follow at this point in this Senate. The first question is: Can it pass? Can the legislation get over the filibuster in the Senate? The second question, and it is as important as the first question, maybe more important: Is it worth it to pass the bill assuming we can do it? That is the issue we have to address.

On the first question, what can be passed in this body? I would love and have fought long and hard for years to be able to pass a bill through this body that includes not only a ban on soft money but that also deals with the phony issue ads that almost every American knows are campaign ads. But unlike the Senator from New Jersey, I have taken the time to sit down individually with every Republican Senator who has not supported our side in the past, who I thought might support our side on a pure soft money ban or some other alternative.

I asked each Member what they want to see in a campaign finance reform bill. I did this largely with the help and special extra effort not only of Senator MCCAIN, but also the Senator from Maine. This was a process we undertook in May and June and that continues today. I believe these Senators were being sincere with me. Some said they would not support anything and enjoyed the conversation. Some told me maybe there was a way they could support a stronger bill. The underlying theme from these conversations was whereas they couldn't support the provisions having to do with phony issue ads, many of them were open to the possibility of simply banning soft money. Some said: Let's ban soft money and do a couple of other things, too.

There was a thread that came through all of these conversations. I can say to my colleagues with absolute certainty: I don't believe there is any scenario where the phony issue ads issue can be dealt with in this body on this piece of legislation. We cannot get 60 votes for it. And if we don't get 60 votes, the efforts in the House a few weeks ago that were so admirable are wasted. The House passed a bill that has both the soft money ban, and good provisions dealing with the phony issue ads. If we don't pass a bill in the Senate at all, we all know the process. This isn't Nebraska; it is not a unicameral legislature. There are two Houses. If we can't get a bill out of this body, there can't be a conference; or if the House can't agree to the Senate position, we can't have campaign finance reform.

As great as the Shays-Meehan approach or the original McCain-Feingold approach is, I guarantee, I know we can't get 60 votes for that approach in this Senate at this stage of the process.

It is fair to ask whether or not we can pass the soft money ban. We don't know for sure. But we do know this: This long, difficult battle has been won, one piece at a time. We are going to win it. The claim originally was, we only have a few supporters. Then the claim was, we just have Democrats and Senator MCCAIN and Senator THOMPSON; we don't have a third Republican. Then Senator COLLINS came on board. Then Senator SPECTER came on board. Then they said, there are only 49 votes; you don't have a majority, so you can't win. Then we were very fortunate to gain the support of three Senators—Senators SNOWE, JEFFORDS, and CHAFEE, and we had a majority in the Senate. Then they said, you can't get 60 votes.

Fair enough. We know we need 60 votes, if people want to play the game that way—and it is the way it is often played in the Senate to win. For the last year, we have needed eight votes; we need eight votes. Because we had made the decision to listen to our Republican colleagues who were willing to listen, to try to just do a soft money ban if we can't do anything else, we now only need seven votes, as the Senator from Kansas, Mr. BROWNBACK, has cosponsored the McCain-Feingold bill to ban soft money. Now it is seven.

Maybe in a couple of days it will be five or three or two. The point is, in this game we lose and lose and lose and lose until we win, and we only have to win once. That is what legislating is all about. We can win. We must find out whether it is possible to win by finding out how many Members of this body answer the following question with a yes or a no. The question is, Are you for or against party soft money?

Do you think people should be able to give unlimited contributions to the political parties, $100,000, $250,000, $500,000, $1 million—even though corporations and unions have been prohibited from doing that for decades in the United States? That is the question. Are Members for soft money or are they against soft money? Are they for a system of legalized bribery or against a system of legalized bribery? That is the question.

I do believe there is no contest, no question as to which approach is most likely to break the filibuster. It is the approach of simply banning soft money.

That leads to the second question, and this is the excellent exchange we had with Senator TORRICELLI today. It was all about whether it will make a difference, whether it is worth it, whether it will do anything at all if we are able to only ban party soft money. It is a fair question because I don't think there is any doubt there will always be attempts to avoid the ban and have the money flow to other sources.

But my belief that it would make a huge difference to ban party soft money in this process is not some kind of utopian version. It is not some kind of a millennial fervor about being able to sever the connection between money and politics. I believe that is eternal. There will always be some connection between money and politics.

The question is whether we can do something to close an outrageous loophole that has caused America to not have a campaign finance reform system at all—which is exactly what the Senator from Tennessee, Mr. THOMPSON, has said on many occasions. That is the question. Is it worth closing this loophole?

Senator MCCAIN said it well. We may have to do more. Even this attempt may in 10 years be void. It is similar to tax reform. Nobody thinks when we do tax reform, as we did in 1986, that it is forever. It works for a while and we have to come back and do it again. That is why the Senator from Arizona said we don't adjourn permanently. Problems recur. Thomas Jefferson even said we should have a revolution every 20 years. Surely, it is not such a bad thing if we have campaign finance reform attempted every 20 years.

I do think it is worth it. The reason I think it is worth it is because of the staggering figures I think many Americans are not aware of which are demonstrated on this chart. Do the American people know the kind of money that is being given to the political parties in this country, in a country that is supposed to be based on the principle of one person, one vote? How can they believe they are operating under a system of one person, one vote when enormous contributions can be given by corporations, unions, and individuals that make a farce out of the Watergate era reforms?

These figures bear repetition. In 1992, 52 people gave over $200,000 to one of the major political petitioners. That is a lot. But by 1996, 219 people had given over $200,000. What about over $300,000? In 1992, only 20 people had given $300,000 to the major political parties. That figure sextupled—120 people instead of 20 gave in 1996 that amount.

What about those who gave $400,000? These aren't groups that represent a bunch of individuals. These are one individual or one union or one corporation, each giving $400,000. Thirteen entities or persons did that in 1992, but in 1996 it was 1979.

Finally, $500,000, a half a million dollars—people or corporations or unions giving a half a million dollars to one of the political parties: there were 9 people or groups who did that in 1992; by 1996 it was 50. I can just imagine what that figure is going to look like in the year 2000. It will be enormous. In a system where people are supposed to generally have their votes count the same, some people get to give these unlimited contributions to the national political parties.

To tie this into the debate from yesterday about the issue of corruption and the appearance of corruption, I reminded my colleagues after the exchange here that the test that the Supreme Court has put forward as to whether you can ban contributions or limit contributions is whether there is corruption or the appearance of corruption. All I needed to do to drive this point home was to open up the newspaper this morning and on the front page of the Washington Post see this headline:

> Microsoft Targets Funding For Antitrust Office.

Apparently Microsoft and their allies are not seeking to directly affect the litigation that is being conducted with regard to Microsoft by the Justice Department at this time; what they are trying to do, according to this article, is cut the overall funding for the Justice Department's Antitrust Division. In this context, if somehow things don't look right, there is the ever present possibility that there would be an appearance of corruption. It just so happens on the plane out here, next to my seat there was a copy of Forbes magazine and the Forbes 400. I read the whole thing.

I found out to be in the Forbes 400 now it is not enough to have half a billion dollars. You are not on the team if you're only worth half a billion. You get kicked off the Forbes 400 list. You have to have $620 million to be on the Forbes 400 list.

Who do you think led that list? Who do you think was the lead in the whole thing? It was the Microsoft executive, of course, and Mr. Gates himself is so much more wealthy than the next wealthiest person that it is absolutely staggering.

One chart in the magazine article showed five or six people and how their wealth was greater than the wealth of various countries. They put the picture of the head of the person next to the wealth of the country. In this context, where Microsoft wants the Justice Department's budget cut, to have a scenario where corporations and unions and individuals can give unlimited amounts of soft money certainly creates the potential for an appearance of corruption.

I have no idea what Microsoft's or Bill Gates' actual contributions are, and I am not suggesting that they are making those contributions to influence the funding of the Justice Department. But for us to create a scenario where Mr. Gates could give unlimited amounts of money rather than the old $2,000 of hard money, or a Microsoft PAC could give more than $10,000, to just have it be unlimited I believe almost inherently, as the Supreme Court would say, creates an appearance of corruption that is bad for Microsoft, bad for the Justice Department, and bad for our country.

We have never permitted this in the past. We have never permitted corporations to give this kind of money. We have never permitted unions to give this kind of money. Essentially in the last 5 years, one way to describe this: This kind of negative influence of money and politics, which will always be there, has gone from the retail—$2,000, $10,000—to the wholesale side. We now have the wholesale purchase of public policy, or the appearance thereof, in this country.

I will simply quote from a Minneapolis Star Tribune editorial from October 13, 1999. This summarizes this very well, the fact that it is worth it to prohibit corporations and unions and individuals from giving unlimited contributions to the political parties. The editorial says:

> Later this week, when the Senate tries again to pass campaign-finance reform, opponents will argue that Congress shouldn't abridge the right of citizens to express their opinions through their checkbooks. Sen. Mitch McConnell, the Republicans' legendary fund-raiser from Kentucky, told the Washington Post this week: "Somebody needs to protect the right of Americans to project their message."
>
> This is a plausible argument in a society that values free speech. Except that some of the people with the biggest checkbooks say it's a load of bunk.
>
> Listen to Rob Johnson, corporate vice president for public affairs at Cargill Inc.: "Even if money doesn't buy influence, it is perceived to buy influence. That perception erodes peoples' confidence in their government and their willingness to participate in the electoral process."
>
> Consider Marilyn Carlson Nelson of the Carlson Companies, or James Porter, a vice president at Honeywell. Both are active in the Committee for Economic Development (CED), a New York study group of influential corporate executives. After researching the cost of political campaigns, the CED concluded last summer: 'Candidates spend an inordinate amount of time fundraising, reducing the time they spend communicating their ideas to constituents."
>
> If these powerful executives—the very people who might benefit most from checkbook politics—can see the corrupting influence of money in campaigns, it's astonishing that the Senate cannot.
>
> And yet reform will almost certainly die in the Senate this month, for the third time in as many years. Though a promising bill just passed the House and has majority support in the Senate, reformers cannot muster the votes to break a GOP filibuster.
>
> The point is not that big donors always get their way. Populists can point to the occasional victory—the recent House vote on patient' rights, for example, or President Clinton's veto of the big GOP tax cut.
>
> The point is that big money has taken politics out of the hands of citizens and delivered it into the hands of cynics. Promising candidates refuse to run for office because they can't face begging for cash. Talented incumbents shirk their legislative work to raise money for the next campaign. Citizen volunteers drop out of politics because the old forms of participation—pounding lawn signs and calling neighbors—have given way to slick direct mail and vicious TV spots. Voters eventully understand that politcs no longer belongs to them.
>
> The bill that comes before the Senate this week—a whittled-down reform written by Republican John McCain of Arizona and Democrat Russell Feingold of Wisconsin—wouldn't revoluntionize politics. It would merely ban "soft money," the unregulated form of contributions that has spiraled out of control in recent years. But banning soft money would at least be a start toward healthier politics. Alas, that start must likely await another year, and a Congress with more courage.
>
> After three fruitless years, the reform effort has grown demoralizing. And yet the marathon debate is useful—it brings new critics to their feet, whets the outrage of intelligent citizens, and drives the obstructionists to ever more desperate tactics.

This is a good statement of why it is worth it to ban this kind of outrageous abuse of our American democracy.

Justice Souter said it very well at the oral argument in the Shrink Missouri Government PAC case just a few days ago; which I had a chance to attend. I know this was just a comment from the bench. We don't know what the ruling will be. But Justice Souter described exactly what these giant contributions have to mean to almost any American. He said:

> Most people assume, and I do, certainly, that someone making an extraordinarily large contribution gets something extraordinary in return.

I am sure the Court will take notice, if we ever get to that point, that many Americans share that view, and it is very significant that one of the great Justices of the Supreme Court took notice that it gives him the feeling there is an appearance of corruption in this system.

To finally respond to the point the Senator from New Jersey made, the Senator from New Jersey said—I don't know what his historical basis for this is, but it is an interesting comment: "We only get a chance once every 10 years to do campaign finance reform." He said that is why we had to do the Shays-Meehan approach rather than the soft money ban.

But this is what I know to be true. Not only is it worth it to ban soft money, but if we don't take this opportunity to at least ban soft money, there will be no campaign finance reform at all during the 1990s. The opportunity to have any campaign finance reform will have been destroyed by Congress after Congress after Congress. This is our chance to break down this system that is destroying anybody's sense that there is a system of one person one vote in the United States anymore.

This is a chance. This is the one we must take. This is the one on which we must have a yes-or-no vote early next week.

Mr. President, I yield the floor.

Ms. MIKULSKI. Mr. President, once again the Senate is considering campaign finance reform. As my colleagues know, the House of Representatives in September passed a strong, bipartisan reform measure. Senators MCCAIN and FEINGOLD have put a bipartisan reform proposal before the Senate.

The House has acted overwhelmingly in favor of reform and the majority of Americans support them. It is imperative that the Senate pass a tough campaign finance reform measure this year.

I have consistently supported campaign finance reform since coming to Congress. As many of my colleagues know, I started my career in politics as a community activist, working to prevent a highway from demolishing my Fell's Point neighborhood. I don't want the next generation of community activists shut out of the political process. I want them to know that their efforts matter. I want to restore each American's faith and trust in government. This bill is an important step in restoring the faith of the American people and ensuring that our citizens have a voice in government.

Vote after vote in the past has shown that the majority of the United States Senate supports the McCain-Feingold reform proposal. Unfortunately, through parliamentary tactics and filibuster, a majority of the Senate has not been able to work its will on this issue. I hope this year will be different, and that we will pass and enact meaningful campaign finance reform.

During my time in the United States Senate, I have voted 19 times to end filibusters on campaign finance reform. So I know we have a fight on our hands. But it is time for action, and it is time for reform. The American people are counting on us.

I believe we need campaign finance reform for a number of reasons. First and most important, we need to restore people's faith in the integrity of government, the integrity of their elected officials, and the integrity of our political process.

Many Americans are fed up with a political system that ignores our Nation's problems and places the concerns of working families behind those of big interests. Our campaign finance system contributes to a culture of cynicism that hurts our institutions, our government and our country.

When Congress fails to enact legislation to save our kids from the public health menace of smoking because of the undue influence of Big Tobacco, it adds to that culture of cynicism. When powerful health care industry interests are able to block measures to provide basic patient protections for consumers who belong to HMOs, that adds to the culture of cynicism. Is it any wonder that Americans do not trust their elected leaders to act in the public interest?

It's time for the Senate to break this culture of cynicism. We can enact legislation to eliminate the undue influence of special interests in elections.

How does this bill do that? First of all, it stems the flood of unregulated, unreported money in campaigns. It will ban soft money, money raised and spent outside of federal campaign rules and which violates the spirit of those rules.

During the 1996 Presidential election cycle, the political parties in America raised a record $262 million. In just the first six months of the 2000 election cycle, the parties have raised an astounding $55.1 million. That's 80% more than they raised in the same period of the 1996 cycle. The need to shut down the growing soft money machine is clear.

This bill will also codify the Beck decision, by allowing non-union members who pay fees in lieu of union dues to obtain a refund of the portion of those fees used for political activities. Unions play a vital role in our political process. This provision enables unions to more accurately reflect the views of their members.

These are reasonable reforms. They will help get the big money and the secret money out of campaigns. They will help to strengthen democracy and strengthen the people's faith in their elected officials.

Mr. President, we can improve our political process, making it more fair and more inclusive, without compromising our rights under the Constitution.

By limiting the influence of those with big dollars, and increasing the influence of those with big hearts, we can bring government back to where it belongs—with the people.

The Bipartisan Campaign Reform Act will help us to do that, and I am proud to support it and encourage my colleagues to do likewise.

MORNING BUSINESS

Mr. McCONNELL. The distinguished assistant Democratic leader and I have agreed it would be in the best interests of both sides to put the Senate into morning business, which will give everyone an opportunity to talk on whatever subject they would like to speak. Therefore, I ask unanimous consent the Senate now proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Ms. COLLINS. The Senator from Kansas and I have a colloquy into which we are going to enter. It is my understanding the Senator from Oregon has just a few brief remarks to make. I wonder if he wants to go before the Senator from Kansas and myself, since we anticipate using approximately a half-hour.

Mr. WYDEN. If the Senator will yield, I have about 10 minutes. I appreciate her thoughtfulness. Perhaps we can go into a quorum call and work all this out.

Mr. KERREY. Mr. President, I had asked the Senator from Oregon if I could speak for no more than 5 minutes. I want to engage the Senator from Wisconsin in a colloquy on campaign finance reform. I will leave and let the two Senators work it out. He was kind to say I could go ahead of him. Is that OK?

Ms. COLLINS. That is certainly acceptable to the Senator from Maine, assuming the Senator from Oregon does not take more than 10 minutes.

Mr. WYDEN. That is acceptable to me as well.

The PRESIDING OFFICER. The Senator from Nebraska.

CAMPAIGN FINANCE REFORM

Mr. KERREY. Mr. President, I come to the floor to describe why I think it is very important to hang on to the bill the Senator from Wisconsin and the Senator from Arizona have put before us on campaign finance reform.

There will be all kinds of amendments offered to change the bill, some of which I support strongly. It seems to me our only chance of getting this legislation passed is to stick as closely as possible to the bill we currently have in front of us.

I have had a fair amount of experience in soliciting soft money contributions from donors. I can say that both the contributors and myself, and anybody else who solicits, would have a difficult time denying they are extremely uncomfortable with the dollar amounts that are coming into political parties, or for that matter—I have never done it—for individual organizations that are spending money in a so-called generic fashion as well.

One of the reasons, I say to the Senator from Wisconsin, I feel strongly that change is needed is because we have added a fourth requirement to the Constitution for service in the Senate. The Constitution lays out three requirements for someone who wants to run for office—you have to be a U.S. citizen for 9 years; you have to be 30 years of age; and you have to live in the State for whose office you are running. But there has been a fourth requirement added, and that is you have to be able to raise enough money or you will not be a credible candidate.

Those who have been challenged before, those who have run for office will tell you, if you do not have enough money to advertise on television—I know the Senator from Wisconsin ran on an anti-incumbent strategy, but it is very difficult for most citizens. In Nebraska, there are only a handful of people who are eligible given that fourth requirement.

I wonder if the Senator from Wisconsin will tell me if what I am saying is true. I like Shays-Meehan. I like the bill. The junior Senator from Nebraska, Mr. HAGEL, has an amendment I like as well. The trouble is, when these amendments are adopted, if these amendments are adopted, it reduces the chances of our defeating a declared filibuster. It makes it much more likely we will fail to break a filibuster and, as a consequence of that failure, fail to enact legislation, and as a consequence of that, we will never go to conference and never change the law.

I wonder if he can comment on that a bit because there are a lot of us who will be facing amendments coming up on this bill. The comment we will have is: Gee, I like that amendment; why not vote for it? There may be a good answer why not to vote for it. It may be the amendment will make it difficult for us to succeed in changing the law and reducing, in my mind—I understand and appreciate the problem of apparent corruption. I would like to get that out of the system. The big thing I see in the system right now is we have a very high barrier to public service, and it is much harder, as a consequence, to persuade men and women that they ought to take one of us on and try to come and serve their State and Nation.

Mr. FEINGOLD. Mr. President, I thank the Senator from Nebraska for his question. I first compliment him.

Not only has he, obviously, done a good job when he was in the role of being a leader for our political party committee, which involved fundraising, but he has always been an ardent supporter of campaign finance reform at the same time. He knows very well because he was involved.

The fact that people do not have a lot of money can keep them out of politics. It almost kept me out of politics. That is the reason I got involved in this issue in the first place. I certainly was not aware of what soft money was at that time.

In answer to the Senator's question, this clearly is not comprehensive reform; Shays-Meehan is not comprehensive reform. But when we get to the point of simply banning soft money, we should take the opportunity.

In specific answer to his question about what happens when these amendments come up, all I can do is tip my hat and say let's follow the example of the other body which, on two occasions, has shown us what to do.

You have to be willing on some occasions to vote against a good amendment in which you believe—I am even prepared, if necessary, to vote against a bill that has my name on it—if you believe the reason for putting that amendment on is to destroy the chance to pass a reasonable and appropriate bill. They had to do that in the House. Members had to vote against amendments that had to do with disclosure, almost an indisputable principle. They had to vote against other amendments they liked very much in order to make sure they could pass a reasonable bill, such as the Shays-Meehan bill, that included a number of important provisions.

We have to be ready to do the same thing. I believe in some cases, I say to the Senator from Nebraska, the amendments that will be offered will be helpful and do not threaten our ability to win, but in some cases I think they are poison pills and we need to work together to defeat them. I am confident we have a majority of people in this body who are reformers and understand the importance of taking the vote you have to take in order to win this battle.

Mr. KERREY. The Senator is very kind to say I have always been a supporter. Actually I have not always been a supporter. When I came to the Senate in 1989, this was not a very important issue. Indeed, at one point, I joined the Senator from Kentucky, Mr. MCCONNELL, to defeat campaign finance reform.

Then I had the experience of going inside the beast in 1996, 1997, and 1998 when I was Chairman of the Democratic Senatorial Campaign Committee—I do not want to raise a sore subject for the Senator from Maine. It changed my attitude in two big ways: One, the apparent corruption that exists. People believe there is corruption. If they believe it, it happens. We all understand that. If the perception is it is A, it is A even though we know it may not be, and the people believe the system is corrupt.

Equally important to me, I discovered in 1996, 1997, and 1998 that there are men and women who would love to serve. They say: I can't be competitive; I can't possibly raise the money necessary to go on television; oh, and by the way, my reputation could get damaged as a consequence of what could be said on television against me.

I am persuaded this law needs to be changed for the good of the Republic, for the good of democracy. I hope Members, such as myself, who are enthusiastic about changing that law will take the advice of the Senator from Wisconsin and the Senator from Arizona to heart because we may have to vote against things we prefer in order to make certain we get something that not only we want but the Nation desperately needs.

Mr. FEINGOLD. Mr. President, if I can respond briefly, I cannot think of a more helpful remark than what the Senator from Nebraska just said. What he is talking about—and this is his nature—is to actually get something done. Not just posture but actually accomplish something. I am grateful because that is the discipline we are going to need when we start voting next week.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. I thank the Chair. I thank the Senator from Maine for her thoughtfulness.

MEDICARE COVERAGE FOR PRESCRIPTION DRUGS

Mr. WYDEN. Mr. President, I want to take a few minutes to talk about the effort I have launched with the other Senator from Maine, Ms. OLYMPIA SNOWE, around the only bipartisan effort now before the Senate to get Medicare coverage for prescription drugs for the Nation's senior citizens.

As my colleagues can see in this poster next to me, Senator SNOWE and I are urging that senior citizens send in their prescription drug bills to Members of the Senate in Washington, DC, to help show how important it is we address this issue in a bipartisan way for the millions of vulnerable elderly people.

Here are a few of the prescription drug bills I have received from senior citizens from my home area in the Pacific Northwest. I will take a few minutes this afternoon on behalf of Senator SNOWE and myself to talk about why this bipartisan issue is so very important.

Let me read from a letter sent October 1 from an elderly women in Lebanon, OR. She said:

> Please find enclosed a copy of the prescription costs for the past 6 months. As you will note, the average cost each month is $236.92 without the over-the-counter medications I must take. Please make use of these figures any way you can in your effort to obtain prescription coverage for those of us receiving Medicare. I'm 78 years old and doubt if I will see the time prescriptions are a covered item. However, keep fighting for the next generation.

I want to tell this older person in Lebanon, at home in Oregon, that we are going to be fighting for her. We are not going to wait until the next generation to get older people the coverage they need. To think that this Congress would say it is not critical to help this kind of vulnerable, elderly woman isn't acceptable to Senator SNOWE and me. We have a market-oriented approach, one that can hold down the costs of prescription medicine for the Nation's senior citizens.

On the basis of these bills that are being sent now to Senator SNOWE and me, I think we can show this Congress that the time to act, in a bipartisan fashion, is now and not after the next election or the next election after that.

Let me read from another letter I received on September 29 of this year from a gentleman, an elderly gentleman, in King City, OR. He said:

> I am a constant user of inhalant. Two uses per day come to $839.80.

Imagine that, two uses a day: $839.80. And he says:

> Fortunately, I drove a Chevrolet when my friends were driving Cadillacs and our family vacations were spent in the United States, not the South Seas, so I'm able to carry the load, at least for a while.

The annual cost of this prescription medication for this older person in King City, at home, is $30,600. It equals what it would cost to stay in a nursing home.

I am just hopeful that with more examples like this, where senior citizens send to Senator SNOWE and me copies of their prescription drug bills, we can win bipartisan support for this legislation before the end of this session.

Let me cite a third letter I received at the beginning of October. This is from an elderly woman—it came just a few days ago—whose Social Security income is $1,179 a month. She spends $500 of her monthly income of $1,179 on prescription drugs. She is taking Fosamax. That is a drug that costs $179 a month. She is taking Prilosec. It costs $209 a month. And she is taking Lescol, which costs $112 a month. So it takes $500 a month from the monthly income of $1,179 of an elderly woman in the Pacific Northwest.

Mr. President and colleagues, these bills that are being sent to Senator SNOWE and me do not lie; they tell the whole story. We are going to do everything we can to ensure that Congress acts on this matter, in a bipartisan way, in this session of Congress.

Just this week, I saw a story in one of the publications saying there was not a consensus around this issue. Senator SNOWE and I got 54 votes—a majority in the Senate—to join us in a funding plan for a prescription drug program. I am of the view that we cannot afford not to cover prescription drugs because so many of these prescription drugs today help to lower blood pressure and cholesterol and keep folks well.

What Senator SNOWE and I are proposing is a market-oriented approach. It is based on the model that is used for Federal employees. It is market driven. It has choices. We would not see the kind of price-control approach that is being advocated by some. I am very opposed to that kind of price-control orientation because what will happen is, if you just try to control prices for Medicare drugs, the costs will all be shifted to somebody else.

Senator SNOWE and I do not want to see a divorced mom at the age of 27, with a modest income and two kids, have to pick up all the extra costs. So we are going with a market-oriented approach. I hope that in the days ahead, as a result of bills such as this, and others that I know are being sent to our colleagues—and the campaign we have launched here on the floor so that seniors will, as this poster says, send in copies of their prescription drug bills—we can show the people of this country that we are not going to wait until the next election or the election after that; we are going to find a way to come together now to do the job we were elected to do, which is to work in a bipartisan way.

Unfortunately, that did not happen this week on the Comprehensive Test Ban Treaty. I wish it had. I am anxious to work with the Presiding Officer and my colleagues on the other side of aisle. We can do it on prescription drugs. We can do it on an issue that is foremost in the minds of millions of our families and our seniors.

We have 20 percent of the Nation's older people spending more than $1,000 a year out of pocket on their prescription medicine.

I described this afternoon an elderly woman with a monthly income of $1,179, who every month spends more than $500 on prescriptions. Let's show seniors such as that elderly woman who wrote from the Willamette Valley in my home State of Oregon that we can act now. She was skeptical. She has heard all the oratory and all the partisan rhetoric on this issue, and she is understandably skeptical.

Senator SNOWE and I are trying to mobilize a bipartisan coalition in this Senate to act in this session so that older people can get decent prescription drug coverage under Medicare. We should not wait until the next election. We were elected to act now and to act in a bipartisan way.

I hope, as a result of this short statement today, that additional older people, as this poster says, will send us copies of the prescription drug bills with which they are faced.

Senator SNOWE and I intend to be back on this floor again and again and again through this session of Congress until we get action. We will be talking about it next week, and we are going to talk about it the following week and the week after that. It is not right to wait on an issue such as this that is so pressing to vulnerable older people such as those who have written me the letters I have described today.

I am very grateful to my colleague, the other Senator from Maine, who, by the way, has a long record of being an advocate for consumer issues as well. And she knows how much I enjoy working with her. I thank her for this courtesy this afternoon.

Mr. President, I yield the floor.

Ms. COLLINS addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. First, I thank the Senator for his kind comments and for bringing to the Senate's attention a very important issue.

I ask unanimous consent that the Senator from Kansas and I be allowed to proceed in morning business in a colloquy for as much time as we may consume.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Ms. COLLINS. Thank you, Mr. President.

HOME HEALTH SERVICES

Ms. COLLINS. Mr. President, Senate Republicans are committed to enacting legislation to preserve, strengthen, and save Medicare for current and future generations. In addition to addressing the long-term issues facing Medicare, it is absolutely critical that this Congress also take action this year to remedy some of the unintended consequences of the Balanced Budget Act of 1997, which have been exacerbated by a host of ill-conceived new regulatory requirements imposed by the Clinton administration.

These problems are the subject of the issue my colleague from Kansas and I wish to address today, for these problems are jeopardizing access to critical home health services for millions of our Nation's most vulnerable and frail senior citizens.

America's home health agencies provide invaluable services that have enabled a growing number of our vulnerable senior citizens to avoid hospitals, to avoid nursing homes, and receive the care they need and want in the security and privacy of their own homes—right where they want to be.

In 1996, however, home health was the fastest growing component of the Medicare budget, which understandably prompted Congress and the Clinton administration to initiate changes that were intended to make the program more cost effective and efficient. There was strong bipartisan support for the provisions that called for the implementation of a prospective payment system for home care. Unfortunately, until this system is implemented, home health care agencies are being paid under a critically flawed interim payment system known as IPS, that penalizes those home health agencies that historically have been the most cost effective.

Mr. ROBERTS. Mr. President, will the Senator from Maine yield to me for a question?

Ms. COLLINS. I am happy to yield to my colleague.

Mr. ROBERTS. For all of those who are listening and watching this debate, I thank the distinguished Senator from Maine for her—I wrote it down—untiring, persevering, never-give-up leadership with regard to this effort to resolve our problems with HCFA. What an acronym. We have all heard of Peter and the dike. This is Susan at the dam, the HCFA dam. In fact, we could probably turn that around in regard to what is happening.

I want to ask a question. Do you mean this new interim payment system—and we will go through this in some detail. I want folks to remember interim payment system, IPS. That is the acronym. Everything has to be an acronym in Washington. I don't call it IPS. I call it the "IPS mess". It not only rewards but actually penalizes the home health care agencies for their past, not bad behavior but good behavior; is that right?

Ms. COLLINS. Unfortunately, that is exactly right. Unbelievable though it may seem, the formula that is being used actually penalizes those agencies in our two States that have done a good job of holding down costs. It rewards those home health agencies that have provided the most visits, that have spent the most Medicare dollars. It is totally backwards. In fact, home health agencies in our two regions of the country, the Northeast and the Midwest, are among those that have been particularly hard hit by this inexplicable formula, the IPS, that the Senator just mentioned.

The Wall Street Journal observed last year—this could be said of agencies in the Midwest as well—that if New England had just been a little greedier, its home health agencies would be a whole lot better off now. Ironically, the regions, yours and mine, are getting clobbered by the system because they have had a tradition of nonprofit community service and efficiency.

Even more troubling—and I commend the Senator from Kansas for his leadership on this issue; I know this troubles him as well—is the fact the flawed system is restricting access to care for the very senior citizens who need the care the most. Those are our seniors who are the sicker patients, who have complex chronic care needs, such as diabetic wound care patients whom I visited in northern Maine during a home health care visit, or IV therapy patients who require multiple visits. Indeed, according to a recent survey by the Medicare Payment Advisory Commission, almost 40 percent of home health agencies have said there are patients who they no longer serve due to the flawed interim payment system and the regulatory overkill on the part of the Clinton administration.

I show the distinguished Senator from Kansas and the distinguished Presiding Officer, who is also committed to this issue, and my other colleagues, a chart that demonstrates the dramatic impact the IPS, this flawed payment system, has had in my own State of Maine.

As you can see, the number of Medicare beneficiaries who have been served by home health care agencies has dropped dramatically. It has dropped by 13 percent, from 49,458 to 42,858; 6,600 senior and disabled citizens in my State have lost their access to home health care services in 1 year. This is so troubling to me. The number of visits has plummeted by more than 420,000, and reimbursements to our home health agencies have dropped by an astounding $20 million in a year. Keep in mind that Maine has some of the least costly home health care agencies in the country. They have been very prudent in their use of resources. They were low cost to begin with. So when this formula went into effect, it put such a squeeze on them, they had no choice but to close offices, lay off staff, and stop serving some of the most vulnerable, ill senior citizens in my State.

The point is, cuts of this magnitude, that we have seen in the State of Maine and throughout the country, cannot be sustained without hurting senior citizens.

Mr. ROBERTS. Mr. President, I will ask the Senator from Maine, if she will yield, another question.

Ms. COLLINS. I am happy to yield.

Mr. ROBERTS. I heard similar complaints—I have them written down—on the interim payment system, the IPS system, from the same agencies in my State. In fact, since January of 1998, 56 Medicare-certified agencies in Kansas have closed their doors, largely as a result of the changes in the IPS. These are not the fly-by-night home health care agencies we hear about that sometimes are in the press. Many of these agencies have been in existence for 20 years. I have visited these agencies. There was a survey conducted by the Kansas Home Care Association that shows agencies have laid off an average of 42 percent of their staff. They are subsidizing their Medicare payments to the tune of $213,000. In 1997, many agencies decreased the Medicare patient visits by 63 percent. Your chart shows 6,600 people. I have asked Kansas to come up with the numbers of people who are affected. They are trying to do that. It could be in the hundreds; it could be in the thousands.

But one person, just one person is a valued individual. That is everybody's mom, dad, grandmother, or granddad. So from the standpoint of numbers, it is astounding what the distinguished Senator has put up on the chart with regard to this so-called IPS system. We are going through the same kind of problem. I am going to ask you, how much longer is this IPS mess going to be in effect? It was supposed to be a transition program to the prospective payment system, but they said, well, we can't do it that fast. I understand that because it does take a lot of work, but how much longer will we have to put up with this?

Ms. COLLINS. Unfortunately, I say to my friend, the Senator from Kansas, the answer is far longer than any of us in Congress ever anticipated. The problems with the IPS system, which the Senator has described so eloquently for his State, and we have seen in my State, are all the more pressing because the Clinton administration has missed the deadline for implementing the prospective payment system. As a consequence, home health care agencies throughout our Nation are going to be struggling under this unfair and flawed payment system far longer than Congress ever envisioned or intended when it passed the Balanced Budget Act.

Mr. ROBERTS. Mr. President, I ask the Senator to yield for another question, if she will.

Ms. COLLINS. I am happy to.

Mr. ROBERTS. The home health care agencies are worried about IPS in Kansas. I know the same is true of all around the country. They also complain that their financial problems have been exacerbated—that is a fancy word that means a whole lot worse—by a host of new regulatory requirements imposed by HCFA—my favorite agency in Washington—including the implementation of something called OASIS—I have the report—that they are requiring nurses to fill out. Oasis, if you look in the dictionary, is a desert island somewhere or in the middle of the desert; you come to an oasis and you get relief. Oasis is not relief. You don't spell relief by spelling oasis: a new outcome and assessment information data set; new requirements for surety bonds, sequential billing, overpayment recoupment, and a new 15-minute increment reporting requirement that is a doozy. What about all these reporting requirements in addition to the IPS problem? What about OASIS?

Ms. COLLINS. The Senator is absolutely correct. We not only have a flawed payment system, but home health agencies are struggling under a mountain of burden of unnecessary and onerous regulations imposed by HCFA, imposed by the Clinton administration. In fact, my colleague may be interested to know that earlier this year I chaired a hearing of the Permanent Subcommittee on Investigations on home health care. We heard firsthand about the financial distress and cash-flow problems that home health agencies across the country are experiencing. In fact, the Senator has talked about the number that have closed in Kansas.

The Senator may already know, but for the benefit of my colleagues who may not be as well informed as the Senator from Kansas, more than 2,300 home health agencies across the country have been forced to close their doors as a result of the regulatory burden and the flawed payment system.

We heard witnesses talk about their frustrations. In fact, the CEO of the Visiting Nurses Service in Saco, ME, termed the Clinton administration's regulatory policy as being one of "implement and suspend." She and others pointed to numerous examples of hastily enacted, ill-conceived requirements along the lines of what the Senator pointed out—surety bonds, sequential billing, the OASIS system, a host of unnecessary regulatory requirements. What has happened is, no sooner does HCFA impose this burden on these home health agencies and they invest the costs necessary to comply, then HCFA changes its mind and suspends the regulatory requirements and says never mind.

Mr. ROBERTS. Will the Senator yield for another question or just an observation?

Ms. COLLINS. Yes.

Mr. ROBERTS. Now, wait a minute, HCFA imposed the cost burden of this mandate on home health care agencies. Then they had seconds thoughts. Why?

Ms. COLLINS. I think the Senator will allow me to respond. This is a typical example of the administration rushing in without thinking through the regulatory burden that is imposed and, in response to an outcry from Members of Congress, such as ourselves, and from senior citizens and home health agencies, it then decided maybe it made a mistake. But, in the meantime, our home health agencies have gone through the time, trouble and expense of implementing these requirements.

Mr. ROBERTS. But they suspended them?

Ms. COLLINS. That's correct.

Mr. ROBERTS. They didn't say you have no requirement to keep up the reporting paperwork; they just suspended them. So that shoe will drop again.

Ms. COLLINS. The Senator makes a good point. In some cases, they may suspend it and then they may turn around and impose the burden again. It is hard to know. The agency seems to be in so much turmoil and so insensitive to the home health care agencies.

Mr. ROBERTS. If there is a home health care agency and they go through the requirements and get, hopefully, up to speed—although you don't know how with the lack of personnel and you are not being paid for it, et cetera—they could then be suspended, but they have already gone through those costs to comply. But then you don't know. Aren't they sort of in a "HCFA purgatory" here?

Ms. COLLINS. The Senator is exactly correct. Let me give you a specific example. In 1998, HCFA instituted a new policy for sequential billing. Under this policy, home health agencies are required to submit claims in a sequential order to Medicare. Now, this required a substantial investment in computer software, a lot of process changes on behalf of the home health agencies and the fiscal intermediaries. Moreover, the way the system was set up, if there were subsequent claims for a particular patient, they could not be paid until all previous claims relating to this patient were settled. This caused enormous cash flow problems for home health agencies. They experienced delays as long as 120 days before they could get the payment they were due.

One witness at my hearing testified that her agency was still owed about $20,000 for fiscal '98, and other agencies reported they had to obtain bridge loans, or tap into their credit lines, solely because of this ill-conceived policy.

Now, due to the objections raised by the Senator from Kansas, myself, other Members, and the home health care industry, HCFA finally decided to suspend the policy this past July. But, in the meantime, we have had over a year of turmoil because of this policy, and home health agencies had already spent time, energy, training, and effort to comply with a misguided policy that now is, as you put it, in "HCFA purgatory."

Mr. ROBERTS. Mr. President, I ask the Senator if she will yield for another question?

Ms. COLLINS. I am happy to yield.

Mr. ROBERTS. We have also heard a number of complaints from my constituents about this business called OASIS. For those who don't know, again, OASIS is a system of records containing all this data on the physical, mental, and functional status of Medicare and Medicaid patients receiving care from home health care agencies. So HCFA then implemented OASIS, as I understand it, as a tool to help the agency improve the quality of care and form the basis for a new home health prospective payment system. There is certainly nothing wrong with that. But the problem, as the Senator has pointed out, is that the collection of data is burdensome and expensive for agencies; it invades the personal privacy of patients, and it must be collected for non-Medicare patients—that is the part I don't understand—as well as those served by Medicare.

Why on earth would they require that? I don't understand this. You talk about an unfunded mandate. This has to be at least in the top 10.

The Kansas House of Representatives actually passed a resolution earlier this year that asked Congress to rescind HCFA rules requiring OASIS. I have it right here. It is not often that an entire legislature of a State passes a resolution telling some alphabet soup agency back here, wait a minute, this doesn't make any sense; you are causing an awful lot of regulatory overkill and causing home health care agencies to go out of business. Let's see. The State of Kansas is very concerned about the health and well-being of the senior and disabled citizens. We have 1, 2, 3, 4, 5, 6 "whereases," translated: Whoa, HCFA, don't do this. It is an unfunded mandate.

This was passed by the House of Representatives of the State of Kansas and it was resolved "that the Secretary of State be directed to provide an enrolled copy of this resolution to the President of the United States, Secretary of Health and Human Services, President of the United States Senate, Speaker of the House of Representatives, Minority leaders of the United States Senate and the United States House of Representatives," saying please don't enforce these OASIS regs the way they are being enforced. It is signed by the distinguished speaker of the House in Kansas and the President of the Senate.

I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the material resolution was ordered to be printed in the RECORD, as follows:

House Concurrent Resolution No. 5041

Whereas, New rules made by HCFA require OASIS assessment and follow-up reports for all patients of Medicare-certified home health agencies and health departments whether or not the personal or attendant care for such patients is paid from Medicare; and

Whereas, The new HCFA report requires an 18-page initial assessment, which must be completed by a registered nurse, with a 13 page follow-up assessment being required every 60 days; and

Whereas, The requirement for computer software for the preparation and transmission of such assessments and follow-up reports is another unfunded mandate of the federal government; and

Whereas, The HCFA requirement requires costly unfunded reporting of those who receive services which are not paid by Medicare—which reporting duplicates existing assessment and reporting requirements of the Kansas Department on Aging; and

Whereas, In the environment of the small, home health care services existing in Kansas, it is not feasible to create separate organizations to provide services for non-Medicare customers. The end result of the HCFA rules is that Medicare-certified agencies will no longer be able to provide in-home services to non-Medicare customers. Consequently, with lower levels of preventive home services being available to older Kansans there will be an increase in hospital admissions, thus increasing Medicare costs, and an increase in nursing home admissions, thus increasing Medicaid costs; and

Whereas, OASIS appears to be solely a research project of HCFA, totally unfunded by federal sources, and accomplished with loss of funds by reporting agencies and loss of services for Kansas seniors: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That we memorialize the Congress of the United States to require the Health Care Financing Administration OASIS reporting and data reporting requirements to apply only to Medicare patients and not to all patients of Medicare-certified home health agencies; and

Be it further resolved: That the Secretary of State be directed to provide an enrolled copy of this resolution to the President of the United States, Secretary of Health and Human Services, President of the United States Senate, Speaker of the United States House of Representatives, minority leaders of the United States Senate and the United States House of Representatives, and to each member of the Kansas Congressional delegation.

Mr. ROBERTS. I am sure that this burden is being felt by agencies nationwide, not only in Kansas. I am not sure the legislatures of each State have been passing resolutions to say we need relief from OASIS, but I ask the Senator if she has any idea how long it takes for nurses to collect this information?

Ms. COLLINS. Most agencies are reporting that it takes a nurse between 1 and a half and 2 hours per patient. Now, I point out, that is 2 hours that could be used on direct patient care, on tending to the problems that caused the home health visits to be necessary in the first place. Instead, as the Senator has so ably described, it is being spent on unnecessary paperwork.

Mr. ROBERTS. Mr. President, I have 2 or 3 more questions. I have a copy of OASIS. This is not relief. I understand the time requirements. I want you to look at this. This OASIS document includes an 18-page initial assessment that must be completed by a registered nurse, and a 13-page follow-up assessment that is required every 60 days. This is perpetual reporting, a perpetual reporting machine, well-boiled by HCFA. And this is on top of assessments already required by States. The paperwork burden is immense. I am curious about what is included in this assessment. Is the Senator aware of the nature of the questions in this assessment?

I think I know the answer. I have read through this OASIS—the third degree, or whatever you want to call it. Will the Senator speak to the nature of the questions in the assessment?

Ms. COLLINS. Well, the Senator has put his finger on yet another problem. As I understand it—and the Senator is the expert on the OASIS system—OASIS collects information on the patients' medical history. We can understand that part, but also on the patient's living arrangements, sensory status, medications, and emotional state.

Mr. ROBERTS. Will the Senator yield for a question?

Ms. COLLINS. I am glad to.

Mr. ROBERTS. Emotional status?

Ms. COLLINS. That is correct.

Mr. ROBERTS. I see that page, as I have gone over this.

I tell the distinguished Presiding Officer, nurses in Colorado must ask the questions of these patients about their feelings—it sounds like a Barbara Streisand song—such as if they have ever felt depressed, had trouble sleeping, or even if they have ever attempted suicide. The thought occurs to me that Members of this distinguished body from time to time feel depressed and have trouble sleeping. I hope that would not be the case with regard to suicide.

I am being too sarcastic.

Do we really think we need to ask a nurse to bother a physical therapy patient for this information so that he or she can send the answers over to some computer someplace in Baltimore that will then use this information to develop a prospective payment system, and we can't find out when it is going to be proposed? Who in Baltimore reads these? I asked that in regard to HCFA, in regard to all of their requirements back when it was Health, Education, and Welfare in regard to Kansas City. I wanted to go to Kansas City and say: Who reads this stuff? What do they do with it? Maybe the Senator and I could go to Baltimore and figure that out. Why on Earth would we ask a nurse to bother a physical therapy patient for this information so they can send the answers? It hasn't anything to do with physical therapy patients. Why is that?

Ms. COLLINS. I completely agree with my colleague. These are the questions, when asked of the senior citizens whom I talked to, they find very intrusive. The nurses who are treating them are offended that they have to pry into matters that have no connection to the reason for the home health visit.

Moreover, as I pointed out earlier to my friend and colleague, this is time that is being spent on unnecessary paperwork, on intrusive questions that alienate and destroy the relationship between the nurse and the patients that could better be used for actually caring for the patient.

Agencies are not reimbursed for this time. Moreover, in a State such as Maine, which is very rural, our home health providers have to spend a lot of time traveling from patient to patient. This is time that is lost from the system.

Another issue, which the Senator has also raised, which is inexplicable to me, is why is HCFA collecting this data for non-Medicare patients? I don't understand that. Am I correct? The Senator from Kansas is much more knowledgeable about the OASIS system than I am. Am I correct that it actually applies to non-Medicare patients as well?

Mr. ROBERTS. I would be happy to respond to the distinguished Senator.

Unfortunately, she is correct. Any Medicare-approved health care agency must comply with all Medicare conditions of participation. That is MCP—probably another acronym, and I will not venture to say what that sounds like—including the collection of OASIS. This means patients who do not participate in Medicare are still subject to Medicare assessment.

In June, HCFA amended this regulation to say that these agencies don't have to—here again, this is what we have a lot of trouble with—transmit the data on non-Medicare patients for the time being, but they still must spend the time taking these assessments. Hello.

Ms. COLLINS. Yet another sample of what the Senator has described as policies being implemented, then pulled back, agencies not knowing whether they are coming or going, and being subjected to the confusing and conflicting and extensive requirements that are detracting from the ability of these agencies to provide essential care to our seniors.

I want to give the Senator from Kansas yet another example of this regulatory overkill by HCFA. I don't know whether the Senator from Kansas is familiar with this, but it is the new 15 -minute incremental reporting requirement. HCFA is requiring nurses to act more like accountants or lawyers billing for every 15 minutes of their time. They are going to have to carry stopwatches to comply with this. Implementation is not only going to be very difficult for the staff to administer, but also, once again, it changes the very relationship between the patient and the nurse. It is very disruptive to a patient's care.

Mr. ROBERTS. Will the Senator yield for one additional observation and a question?

Ms. COLLINS. I am glad to yield.

Mr. ROBERTS. I want to go back to my statement earlier when I said in that June HCFA responded in regard to the outcry on the part of the home health care agencies in regards to the regulation on the conditions of participation with OASIS. As I indicated before, the agency still must spend the time taking the assessment. So I asked staff. I said: Wait a minute. Why is it, if they suspended it, you still have to take the assessment? I don't know where they are storing all of this paperwork. Maybe they burn it at Christmas time That may be a good idea. But, at any rate, write the mail; don't send it. And I asked staff: Why are we still doing this if, in fact, you don't send it in? It is a privacy issue. Look at the questions that are involved. These are privacy issues, and they haven't figured that out yet. So if, in fact, there are privacy issues, it would seem to me we had better settle those first or we are going to have lawsuits, big time. Why issue the regulation and then say to people: Well, we have a bunch of privacy issues that we haven't thought through, but keep on filling them out, and when we figure out the privacy issue, why, then we will get back to you.

I am extremely sympathetic to the concerns raised by my constituents that these new policies will harm seniors.

But let's give HCFA a break. I have been pretty critical and a little sarcastic, and I have to admit that I have a bias.

I have been working on this ever since I have had the privilege of being in public service. Even back when I was an administrative assistant to Congressman Keith Sebelius, we used to have these HCFA directives coming out to the rural health care delivery system. I can remember one right off the bat on behalf of cost containment.

Give HCFA a break. They are in charge of cost containment. We are all good at passing laws and then passing a lot of regulations, and saying, OK, you have to really put up with these, and it is up to HCFA to put out the regulations. And when we find they don't work, the people come to us and complain about it.

I can remember one rather incredible thing when they said we are not going to pay anybody any Medicare reimbursement unless the patient admissions are reviewed by hospitals on a 24-hour basis by three doctors. We thought about that a little and said: We think we are for this—because we didn't have any doctors. I figured, well, what the heck. If we go ahead and accept this regulation, maybe they could provide the three.

Then there was the other great example of the sole provider and community hospital—talking about Goodland, KS, America, out on the prairie at the top of the world, a great place to live, a great farming community miles from nowhere. We asked again—it was HHS at that particular time—can you give us this decree, or this ruling to make this hospital eligible for a little more in payments? They said: Well, no, because everybody out there—I am not making this up—has four-wheel drives, and it is pretty flat in Kansas. What? As opposed to Colorado, I say to the distinguished Presiding Officer, who serves as an outstanding Senator. Four-wheel drive, and it is flat, and because they have lizards, windstorms. Our weather out there is a little tough for some bird in, like Virginia, down here to make that assessment.

So I have a little bias here, but I want to give HCFA a break.

I want to ask the Senator, are these policy changes necessary to achieve the Medicare savings goals? Medicare is a top concern; strengthen and preserve it. We have all worked very hard to do that. Are these policies necessary to achieve the savings that we want to achieve to strengthen and preserve Medicare?

Ms. COLLINS. The Senator has raised an excellent question. There is a very good answer. That is no. In fact, the regulatory overkill of the Clinton administration has already exceeded the savings projected by the balanced budget amendment. Medicare for home health fell nearly 15 percent last year, and CBO now projects the reductions in home health care will exceed $46 billion over the next 5 years. That is almost three times greater than the $16 billion estimate that the Congressional Budget Office originally estimated.

It is yet another indication that these cuts are far too deep, and that they are hurting far too many people completely unnecessarily. They have been far too severe and much more far reaching than Congress ever intended when it was trying to bring a measure of fiscal restraint to the Medicare Program.

Mr. ROBERTS. I ask the distinguished Senator from Maine, didn't we fix the problems last year when we passed the omnibus appropriations bill? I think we both made speeches at that particular time. What is the status?

Ms. COLLINS. The Senator worked closely with me and others last year in providing a small measure of relief in the omnibus appropriations bill. I am pleased that together we were able to take some initial steps to remedy this issue. However, I think it is evident from the overwhelming evidence that the proposal did not go nearly far enough in relieving the financial distress of these home health agencies. The ones that are paying the price are the good agencies, the cost-effective agencies that are serving our seniors. That is the tragedy.

Mr. ROBERTS. If I could ask the Senator one final question, I know I have been hard on HCFA. Each Member has some very special experiences, and these are experiences that come to our attention when a constituent is having a big-time problem or a hospital or home health care agency. All of the folks that work down at HHS certainly don't fall under the category that I have been talking about. So what about our responsibility? What about our leadership? What should we do to fix the problem? How can we provide more relief to the beleaguered home health care agency?

Ms. COLLINS. I know the Senator from Kansas has been such a leader and cares so much about this issue and has joined with me in introducing legislation, along with our colleague from Missouri, Senator BOND, and 31 of our colleagues. Both sides of the aisle have joined in legislation that we have introduced called the Medicare Home Health Equity Act.

This solves the problem. For one thing, it eliminates another 15-percent cut that is scheduled to go into effect in October of next year. I am sure my friend, the Senator from Kansas, agrees with me if that goes into effect, it will sound the death knell for the remaining home health agencies. That means the ones that have been struggling to hang on will be forced to close their doors or refuse even more services to our senior citizens. This is totally unnecessary because we have already achieved the savings, the targets set by the Balanced Budget Act.

The legislation includes a number of other provisions that affect a lot of the regulatory issues we have discussed today. I think it is absolutely critical we pass this legislation or similar provisions before we go home. I have visited senior citizens in my State who, if they lose their home health services, are going to be forced into nursing homes or hospitals. The irony is that is going to be at far greater cost.

Mr. ROBB. It will increase the costs.

Ms. COLLINS. The Senator is right. This is penny wise and pound foolish—not to mention the human toll that is being taken on our vulnerable senior citizens and our disabled citizens.

I know the Senator shares my commitment. This is of highest priority. We must solve this problem before we adjourn.

Mr. ROBERTS. If the Senator will yield one more time, I thank the Senator for all of her leadership and all of her hard work in this effort. I believe it is absolutely mandatory for Congress to bring much needed relief to the home health care industry in the timeframe she has emphasized, as well as to the small rural hospitals and teaching hospitals that also are feeling the pinch of all the legislative and regulatory changes made in the last few years.

The Senator is exactly right. We will have to move quickly. We must do it this year. There has been talk if we can't agree on a single proposal, we might have to put it off until next year. Time is of the essence in regard to our hospitals, especially the small rural providers. They operate on a shoestring budget. The same is true for the home health care agencies.

I will continue to work with the distinguished Senator to pass legislation before Congress adjourns for the year. We cannot go home before we straighten this out and provide some help.

I thank the Senator for her leadership. I think we have had a very good colloquy.

Ms. COLLINS. I thank the Senator from Kansas. I appreciate his support and his compassion in making sure we are keeping our promise to our senior citizens. With his help and with our continuing partnership, I am convinced we can do the job and solve this problem before we adjourn.

I yield the floor.

GUNS IN SCHOOLS

Mr. GORTON. Mr. President, when is it okay for a gun to be at school? I find it hard to think of an instance when it is. In fact, a few years ago Congress was so concerned about guns at school that it passed a law that required school districts to implement a zero tolerance policy for guns or lose their Federal funding. Schools must expel a student who brings a gun to school for a year.

Three weeks ago a young man at Lakeside High School, a public school of 520 students in the Nine Mile Falls School District in eastern Washington, brought a handgun to school. Thankfully, school authorities were notified quickly and nobody was hurt. Students and parents were understandably upset that such an incident would happen at all, and assumed that the situation would be dealt with in accordance with the district's "zero-tolerance" policy for such matters.

What happened was very different. I began receiving calls from students and parents who were concerned that this young man will now be allowed back at school after just 45 days. They were both confused and upset when they found out that Federal law supersedes local policies for addressing such incidents. So upset, in fact, that students at Lakeside High School have begun organizing a walkout. I have a flyer that has been circulated by students promoting a planned walkout on October 18. The students plan to drive to the district office and protest the return of the student. I ask unanimous consent the students' flyer be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Do we really want this kid with a gun coming back to our school?!

NO!!!

Let's stand for our

RIGHTS!

Join US

On October 18, 1999, LHD Students Are Having A WALK OUT! Between 1st and 2nd Block—Meet In The Student parking lot and drive down to the district office.

WE HAVE A RIGHT, TOO!

Like other school districts across the country, the students, parents and educators at Lakeside High School have just run head-first into the double standard inherent in the discipline policies mandated by the federal Individuals With Disabilities Education Act, or IDEA. While the intent of this law is commendable—to ensure that disabled children are educated in a fair and equitable manner—in practice it has again shown its flaws. As I said when I was the only Senator to vote against the reauthorization of IDEA in 1997, the single aspect of this bill that is most questionable and unjust is the double standard it sets with respect to discipline in schools. Each and every school district retains nearly full and complete authority over disciplinary matters as they apply to students who are not in special education classes. They lose almost all of that authority under the present IDEA statute.

Under the IDEA amendments of 1997, if a child brings a gun to school and a team of parents and educators decide it is not related to the child's disability, that student may be removed for up to a year. But, the district must continue to provide the child with a free appropriate public education.

If the incident is determined to be caused by the child's disability, then the student may be moved from their regular classroom for no more than 45 days. Again, that child must receive not simply a free appropriate public education, but the school district must ensure that the student can continue to participate in the general curriculum, continue to receive services that allow the student to meet the goals set out in the child's individual education plan, and the school must provide services that address the misbehavior so that it does not recur.

Although I've just given you a succinct description of federal law, Mr. Parker is still faced with a paradox. He is responsible for making sure school is a safe place for all children to learn. However, IDEA requires the school to implement different consequences for children who qualify for special education services for violations like bringing a gun to school, selling drugs or engaging with violent behavior. Children in special education can make up anywhere from 10-20 percent of a school district's enrollment, encompassing children with a broad range of disabilities.

Instead of focusing on what's best for the children and staff at his school, including the student who brought the gun to school, he and other administrators in his district must focus on what they have to do to minimize the district's exposure to a lawsuit. It's an unfortunate fact that this provision of law is often fought out in the court room, driving desperately needed resources away from serving children.

Mr. Parker and district officials have not yet made a final decision about what to do in this instance. However, Mr. Parker did make a point in an article published in the Spokane Spokesman Review yesterday. He said, "We have to focus on the law, not the kid." He's right. As I mentioned earlier, students at Lakeside High School are planning to walk out of class on the 18th of October and hold a rally to bring attention to their concerns. I want to assure the students and parents that they have my attention, and a disruption of classes is unnecessary. Instead, I hope they channel that energy into writing letters to and meeting with their elected officials to make them aware of their concerns about the law.

Mr. President, IDEA says that Members of Congress know more about how to educate students than do their teachers, their administrators, their school board members, people who have spent their lives and careers at this job. We do not know more. They know more. We should permit them to do their jobs.

The PRESIDING OFFICER. The Senator from Alabama.

FEDERAL MANDATES AND SCHOOLS

Mr. SESSIONS. Mr. President, the Senator from Washington has, once again, succinctly and clearly stated a circumstance and situation in this country that is almost beyond belief. I have had a number of complaints about that. I used to be a Federal prosecutor. One of my good friends who has been a prosecutor for a very long time personally came to Washington to talk to me about the abuses of this law. It actually resulted in a full-page article in Time magazine. The title of it was, "The Meanest Kid In Alabama."

It is probably not an accurate statement, but it indicated what we were dealing with. My friend, David Whetstone, told me of the circumstance in which a very violent, disruptive young man was kept in the classroom, under these Federal laws, beyond all common sense, all reason, beyond anything that can have any basis in connection with reality.

Americans may not know what is occurring, but this is happening in other schools. I want to tell you what happened to this young man. He had an aide who got on the school bus with him alone in the morning, sat with him alone through the classroom day, and went home with him at the end of the day because of his disruptive behavior. That had to be paid for by the school board, the taxpayers of that community. Can you imagine what it would be like trying to be a teacher, trying to teach in a classroom with that kind of problem? He used curse words to the principal on a regular basis, and it was very disruptive. But our law said, basically, he had to stay in that classroom. It was just remarkable.

Eventually the young man, going home one afternoon on the school bus, attacked the bus driver, it has been reported. The aide tried to restrain him, and he attacked the aide. My friend, the prosecutor, brought a criminal action or some legal action against him to try to deal with it. He was shocked, stunned, and amazed that this goes on, on a regular basis. He wrote me that in that County, Baldwin County, AL, there are at least six other incidents of a similar nature of which he was aware.

This may sound unbelievable, but I suggest anybody who thinks what the Senator has just said is not true, the kinds of things I am talking about are not true, ask your principals and teachers. Just ask them. It is Federal law that is mandating it.

We were supposed to pay for it when we passed it, and we never even paid for it. We were supposed to pay 40 percent of that unfunded mandate on the school systems. I think we are paying 15 percent now. This administration, President Clinton, opposes our getting it up to 40 percent. Why? I will tell you why I think the President opposes it. Not because it is not necessary; it is because the school systems, by this law, are having to do it anyway. They ran polling data that said maybe it strikes a better chord to have more teachers than to have funding for the Federal mandate we put on the schools, so we want to get more teachers and get more political credit or something; I don't know. We ought to finish funding this mandate. We ought to go back and look at this requirement and change it. It is not sound.

We want to keep disabled children in the classroom as much as possible. That is a worthy goal. But to go to the extent that we cannot remove children who bring guns to school, who consistently disrupt the school system, is beyond my comprehension.

In the Health, Education, Labor and Pensions Committee, we had testify the superintendent of a school system in Vermont. I was stunned. He said 20 percent of his budget goes to IDEA students, these kids with disabilities. In Vermont, 20 percent of the system's money goes for that. Somehow we are out of sync. You wonder why we cannot get more good education? Teachers cannot maintain discipline. They can only remove them, what, 40 days from a classroom in the face of the most outrageous behavior, even where there is violence involved. We have an obligation to the classrooms and to our teachers to help our teachers maintain order. If we are not going to do anything, then we don't do anything, but the worst thing for this Congress to do is to pass laws that make it worse, make it harder for a teacher to do his or her job.

I know teachers who have quit; they say they cannot take it anymore. A friend of mine, who is 6 feet 4 and played college basketball, told me he taught junior high school and he didn't feel safe a lot of days.

I think we can do better. We ought to help our school systems do that. The Senator from Washington and a number of us, including the Presiding Officer, are working on some proposals that would allow us to empower school systems to receive funds with a minimum of restrictions as long as they have a firm plan that they know will work in their community to actually improve education.

We need to give the people elected to run our school systems more authority and give them the money so they can use it of the Federal money we are spending on schools, we know now only 65 cents out of every Federal dollar for education actually gets down to the classroom. We need to get our dollars to the classroom. We need to get that money down to the people who know our children's names. They need the money, not Washington. We cannot be a super school board for America. That would be so silly.

CUTS IN HOME HEALTH CARE FUNDING

Mr. SESSIONS. Mr. President, I sat here and listened with great interest when the Senator from Maine and the Senator from Kansas were talking about the home health care. I realized early that was going to be a problem in Alabama. It has had a dramatic and devastating impact on the State. Mr. President, 15 percent cuts consistently are really devastating the home health care agency.

Senator SHELBY, the senior Senator from Alabama, and I, right after this bill passed—without hearings, by the way, as part of a conference committee report—along with other people, when it was voted on, did not realize its significance. But pretty soon we realized that, so we called the top officials of HCFA into our office to discuss with them what we could do. We had proposed and offered an amendment to the effect we would delay the implementation of these changes until we had hearings to analyze their impact. We could tell it was going to be very bad. HCFA refused. They would not join us in that effort. That amendment we sought to have agreed to over a year ago was not agreed to.

It is, to my way of thinking, a situation that cannot continue. We are going to have to fix it. It was seen early. It was a matter that came up in an attempt to make some changes they thought would work, and Congress ought to pass laws to help effectuate that. But there was not an understanding of how bad it was going to be.

The agency in charge of the management of the home health care, HCFA, is responsible and ought to be helping us in a more effective way to deal with this. It is true, as the Senator from Maine said, even under the containment of costs provided in the legislation that passed at that time, HCFA has cut substantially more than that.

It is expected to produce only about one-third of the savings that actually occurred. They squeezed that program for $46 billion over 5 years. That is about three times what was actually planned to be cut. We have a crisis that does require attention. I thank the Senator from Maine for leading the effort.

DEFENSE APPROPRIATIONS CONFERENCE REPORT

Mr. KYL. Mr. President, Congress has no greater responsibility than to ensure that our Armed Forces—the guardians of the freedoms which all Americans cherish so dearly—are given the resources they need to carry out their mission. Consequently, the Defense Appropriations bill is one of the most important pieces of legislation that we pass each year.

As others have expressed, this is by no means a perfect piece of legislation. There are a number of items contained in this bill that do not meet the most urgent needs of the Armed Forces. At a time when the men and women who serve in uniform are being called upon to serve the interests of the United States in a growing number of places—Bosnia, Kosovo, Haiti, Iraq, and the list goes on—Congress must ensure that the most critical needs of the Armed Forces are met first.

However, I believe that the strengths of this conference report outweigh its faults. The report does contain funding to address a growing number of readiness and quality-of-life issues currently challenging our military. Our men and women in uniform need to know that their Congress supports them, and voting for this conference report is one way to demonstrate that support.

So, Mr. President, although I believe that Congress can always do a better job of directing defense dollars where they are most needed, I also I believe that there is much in this conference report that addresses critical needs of the military, and that is why I voted in favor of the report.

IN THE AFTERMATH OF THE RONNIE WHITE VOTE

Mr. LEAHY. Mr. President, this Chamber is where 50 years ago this month, in October 1949, the Senate confirmed President Truman's nomination of William Henry Hastie to the Court of Appeals for the Third Circuit, the first Senate confirmation of an African-American to our federal district courts and courts of appeal. Indeed, today is the 50th anniversary of that historic event. This Senate is where some 30 years ago the Senate confirmed President Johnson's nomination of Thurgood Marshall to the United States Supreme Court. And this is where last week, the Senate wrongfully rejected President Clinton's nomination of Justice Ronnie White. That vote made me doubt seriously whether this Senate, serving at the end of a half century of progress, would have voted to confirm Judge Hastie or Justice Marshall.

For the first time in almost 50 years a nominee to a Federal district court was defeated by the United States Senate. There was no Senate debate that day on the nomination. There was no open discussion—just that which took place behind the closed doors of the Republican caucus lunch that led to the party line vote. On October 5, 1999, the Senate Republicans voted in lockstep to reject the nomination of Justice Ronnie White to the Federal court in Missouri.

For many months I had been calling for a fair vote on the nomination, which had been delayed for 27 months. Instead, the country witnessed a partisan vote and a party line vote as the 54 Republican members of the Senate present that day all voted against confirming this highly qualified African-American jurist to the Federal bench.

Tuesday of last week the Republican Senate caucus blocked confirmation of Justice Ronnie White. It is too late for the Senate to undo the harm done by that caucus vote, although I would hope that some who voted based on inaccurate characterizations of Justice White and his record would apologize to him. What the Senate can do and must do now is to make sure that partisan error is not repeated. The Senate should ensure that other minority and women candidates receive a fair vote. We can start with the nominations of Judge Richard Paez and Marsha Berzon, which have been held up far too long without Senate action. It is past time for the Senate to do the just thing, the honorable thing, and vote to confirm each of these highly qualified nominees.

Likewise, we should be moving forward to consider the nomination of Judge Julio Fuentes to the Third Circuit. His nomination has already been pending for over seven months. He should get a hearing and prompt consideration. He should be accorded a fair up or down vote on his nomination before the Senate adjourns this year.

The bipartisan Task Force on Judicial Selection of Citizens for Independent Courts recently recommended that the Senate complete its consideration of judicial nominations within 60 days. The Senate has already exceeded that time with respect to the nomination of Judge Ann Williams to the Seventh Circuit. When confirmed, she will be the first African-American to serve on that court. We should proceed on that nomination without further delay.

Likewise, the Senate should be moving forward to consider the nomination of Judge James Wynn, Jr. to the

Fourth Circuit. When confirmed, Judge Wynn will be the first African-American to serve on the Fourth Circuit and will fill a judicial emergency vacancy. Fifty years has passed since the confirmation of Judge Hastie to the Third Circuit and still there has never been an African-American on the Fourth Circuit. The nomination of Judge James A. Beaty, Jr., was previously sent to us by President Clinton in 1995. That nomination was never considered by the Senate Judiciary Committee or the Senate and was returned to President Clinton without action at the end of 1998. It is time for the Senate to act on a qualified African-American nominee to the Fourth Circuit.

In addition, early next year the Senate should act favorably on the nominations of Kathleen McCree Lewis to the Sixth Circuit and Enrique Moreno to the Fifth Circuit. Mr. Moreno succeeded to the nomination of Jorge Rangel on which the Senate refused to act last Congress. These are both well qualified nominees who will add to the capabilities and diversity of those courts. In fact, the Chief Judge of the Fifth Circuit has this month declared that a judicial emergency exists on that court, caused by the number of judicial vacancies, lack of Senate action on pending nominations, and overwhelming workload.

I have noted the unfortunate pattern that the Republican Senate has established by delaying consideration of too many women and minority nominees. The recent Republican caucus vote against Justice Ronnie White is the most egregious example, but the treatment of Judge Richard Paez and Marsha Berzon show that it is, unfortunately, not an isolated example.

Filling these vacancies with qualified nominees is the concern of all Americans. The Senate should treat minority and women nominees fairly and proceed to consider them with the same speed and deference that it shows other nominees. Let us start the healing process. Let us vote to confirm Judge Richard Paez and Marsha Berzon before this month ends; Judge Julio Fuentes before the Senate adjourns in November; and Judge Ann Williams, Judge James Wynn, Kathleen McCree Lewis, and Enrique Moreno in the first weeks of next year.

MOTHERS AND NEWBORNS HEALTH INSURANCE ACT

Mr. BAUCUS. Mr. President, I rise today in support of the Mothers and Newborns Health Insurance Act, a bill that I have introduced along with my colleagues Senators BOND, BREAUX, LINCOLN, and McCAIN.

As you know, Mr. President, in 1997 Congress passed the Children's Health Insurance Program, or CHIP. CHIP is a joint Federal-State program, designed to ensure that children of low-income working families have access to health insurance. I'm proud to have worked on the Senate Finance Committee to establish CHIP, and I remain committed to its guiding principle: that all children should have access to the medical care they need to stay healthy and strong.

In fact, just 13 days ago, the Montana CHIP program went into effect. So as I speak, children in my state are already benefitting from this program.

But while CHIP is important, it is not without imperfections. Most notably, States are not allowed to extend CHIP funds to low-income, pregnant adult women. This just doesn't make sense. If pregnant women go uninsured, they are far less likely to receive prenatal care. And if they don't receive prenatal care, their babies face a much higher risk of having health problems, from premature birth to birth defects. We should make sure that these babies are healthy and strong from the very start, by allowing states to offer health insurance to low-income pregnant women under CHIP.

A second problem with CHIP is that, just like the Medicaid program, we've had a hard time getting the word out about it. Right now, there are 358,000 pregnant woman and fully 3 million children who are eligible for Medicaid, but are not enrolled in the program. The same holds true with CHIP: across the United States, low-income, uninsured kids cannot benefit from the program, because they aren't enrolled.

Mr. President, our bill is aimed at solving these problems, and making CHIP an even stronger, more effective program. First, it would give States the freedom to extend CHIP funds to low-income, pregnant mothers above the age of 19. This is a critical steps toward empowering our States to provide health care to those who need it most, when they need it most. As many as 45,000 pregnant women could benefit from this change every year—and bare in mind, that means that 45,000 babies could benefit as well.

And let me add, Mr. President, that this does not create a new Federal mandate. To the contrary, this provision would only increase the freedom of the States to direct these Federal health care resources as they see fit.

Second, our bill would assist States in reaching out to their uninsured citizens. When Congress passed the welfare reform bill in 1996, we also created a $500 million fund that States could use to let uninsured folks know if they were eligible for Medicaid. The problem is, most of this money has gone unused. And in just a short while, most states will lose their 3-year window of opportunity to use these funds. Our bill will eliminate this 3-year deadline, to allow continued access to these funds. It will also allow states to use the funds to reach out to both Medicaid and CHIP-eligible women and children. By making this change, we can help ensure that CHIP and Medicaid function as they are supposed to—and that the mothers and children who need health insurance coverage will get it.

Mr. President, most of my colleagues, liberal and conservative alike, agree that CHIP is a step in the right direction toward solving the growing problem of the uninsured. Let's act now to make CHIP even stronger.

CTBT VOTE

Mr. KYL. Mr. President, I want to take a few minutes today to correct some misconceptions about the reasons why the Senate voted to reject the Comprehensive Test Ban Treaty Wednesday, and the impact its rejection will have on efforts to control the spread of nuclear weapons.

Some have asserted that the Senate acted to reject the treaty for partisan political reasons. At the same time, they threatened grave political consequences for those who opposed the treaty. Obviously, there is a lot more politics in the aftermath of the treaty's rejection (by supporters) than in its not popular, but principled rejection. Simply put, Senators voted to defeat the treaty because it jeopardized our nation's security by undermining the U.S. nuclear deterrent that has served our country so well for the past 50 years.

Nor was this evidence that Republicans are isolationist, as the President charged. It is Republicans who support free trade agreements (rather than the President's party, which is dominated by labor union isolationism). And Republicans strongly supported NATO expansion.

Our distinguished colleague, Senator LUGAR, summed up the case against the CTBT quite well stating,

> I do not believe that the CTBT is of the same caliber as the arms control treaties that have come before the Senate in recent decades. Its usefulness to the goal of nonproliferation is highly questionable. Its likely ineffectuality will risk undermining support and confidence in the concept of multilateral arms control. Even as a symbolic statement of our desire for a safer world, it is problematic because it would exacerbate risks and uncertainties related to the safety of our nuclear stockpile.

The majority leader and other opponents of this treaty never asked Members to vote against it for reasons of party loyalty. Rather, Senators were persuaded to reject the treaty by the facts about its effect on our security. In fact, Republican Senators were on both sides of this issue, while Democrats paradoxically, voted lockstep, except for Senator BYRD, who voted present.

Unfortunately, the President and the Democratic leader have asserted that the process for consideration of the treaty was unfair, and have implied they were forced to vote on the treaty.

With all due respect, these assertions strike me as nothing more than sour grapes. Let's review the history that brought us to the vote yesterday.

For 2 years, the President and other supporters of the CTBT called on the Senate to take up the treaty.

In his State of the Union Address in 1998, President Clinton called for it to be taken up "this year."

In June 1998, President Clinton said it was "important that the Senate debate and vote on the Comprehensive Test Ban Treaty without delay."

On August 9 of this year, the President asked "the full Senate to vote for ratification as soon as possible."

On April 1 of this year, Secretary of State Albright gave a speech calling for action on the CTBT, "this year, this session, now."

And some of our colleagues on the other side of the aisle were quite outspoken in calling for a vote on the treaty. In 1998, the Democratic leader, Senator DASCHLE said on the Senate floor that "We believe that it's important for us to move this very important treaty this year." And just over 2 weeks ago, he stood on the Senate floor and said, "I still think, one way or the other, we ought to get to this treaty, get it on the floor, debate it, and vote on it."

And as we all know, it was the threat to bring the business of the Senate to a halt that led the majority leader to offer a unanimous consent agreement on the CTBT. On September 8—with 22 days remaining in the fiscal year to dispose of the remaining appropriations bills—Senator DORGAN said the following:

> When [the majority leader] comes to the floor, I intend to come to the floor and ask him when he intends to bring this treaty to the floor. If he and others decide it will not come to the floor, I intend to plant myself on the floor like a potted plant and object. I intend to object to other routine business of the Senate until this country decides to accept the moral leadership that is its obligation and bring this treaty to the floor for a debate and a vote.

Supporters of the CTBT clearly wanted a vote on the treaty; it now turns out they actually only wanted a vote if they could win. Well, that's not the way it works.

I have also been surprised that some Senators have complained that the time for consideration of the treaty was too short. Let's remember that the time-frame for consideration of the treaty was established by unanimous consent. In fact, the majority leader first offered a unanimous-consent agreement on September 30. The Democratic leader objected to that first request, asking for it to be modified to add more time—4 more hours of general debate, and up to 8 hours for amendments (in addition to the 10 hours already allocated). The majority leader accommodated the Democratic request, and on October 1, a modified version of the unanimous-consent request was again offered, and not a single Senator objected either to the time or to the date. The latter is also important, because setting the date for the vote on October 12 or 13 (it occurred on the 13th) meant there were almost 2 weeks for "education" of Senators who had not already become educated on the treaty. (Presumably those who were fomenting consideration of the treaty had taken the time to familiarize themselves with it. They can hardly argue they needed more time in view of their insistence.)

In any event, we all agreed on a timetable to take up the treaty. This is why I am disappointed that some have charged that the majority leader scheduled the vote out of some sense of partisanship. If Members had a concern about the time frame for the treaty's consideration, any single Senator could have objected—but none did. And the week after the agreement, three Senate committees held hours of hearings. Responsible Senators had plenty of time to learn enough to make an informed decision, witness the early expression of support by those who said others needed more time (i.e., those who didn't agree with them).

I am also disappointed by assertions that, by rejecting the CTBT, the United States Senate has diminished America's moral authority in the fight against nuclear proliferation. I deeply regret that this sentiment has been echoed, and to some degree instigated, by Members of this body and the administration who find themselves on the losing side of the debate.

Nothing could be further from the truth. By rejecting this deeply flawed accord, the Senate has anchored the United States firmly on the moral high ground.

My vote against this treaty rested on three premises:

First, we must be able to test if we are to maintain safe and reliable nuclear weapons because they help to secure peace for American citizens and for the rest of the world.

Second, this unenforceable, unverifiable treaty would have little if any impact on the problem of proliferation. In fact, it might actually cause more nations to seek nuclear weapons if they became unsure of the reliability of the U.S. nuclear umbrella.

It is vitally important that our Nation pursue efforts to combat nuclear proliferation. But we should pursue meaningful efforts with real effects. Unfortunately, while criticizing treaty opponents of not being serious about proliferation, it is the Clinton administration that has not been willing to take serious actions to combat proliferation. For example, in 1997, when reports began to surface about Russian missile assistance to Iran, I led a group of 99 Members of the House and Senate, in writing to the President to urge him to invoke sanctions to halt this trade. The President refused. In November 1997, the Senate unanimously passed a concurrent resolution that I sponsored, expressing the sense of the Congress that the President should sanction the Russian organizations involved in selling missile technology to Iran. The House also passed this resolution overwhelmingly by a vote of 414 to 8. Again the President refused to impose sanctions.

The Congress tried again to spur the administration to action 6 months later, when we passed the Iran Missile Proliferation Sanctions Act mandating sanctions on any organization involved in assisting Iran's missile program. This bill passed the Senate by a vote of 90 to 4. Yet when it reached the President's desk, he vetoed the bill. As these examples show, this administration is simply not willing to take the tough actions necessary to prevent proliferation. It is these meaningful measures that will reduce proliferation, not an unenforceable, unverifiable treaty.

The third and final reason I voted against the CTBT is that the Constitution establishes the Senate as co-equal with the President in committing this country to treaties. I take this responsibility seriously, and will not simply rubber-stamp any arms control agreement that does not meet at least minimum standards—and this one does not. Rejection will help future negotiators insist on meaningful provisions that are verifiable and enforceable.

Each of these premises is morally sound; in my view they are morally superior than a vote for this flawed pact, no matter how well-intentioned.

Because this treaty would have harmed our security, its ratification would have been an abdication of our moral responsibility to maintain peace through strength. In 1780, President George Washington said, "There is nothing so likely to produce peace as to be well prepared to meet an enemy." Two hundred years later, President Ronald Reagan called this doctrine "Peace Through Strength." History has redeemed the judgment of Ronald Reagan in first adopting this stance with the Soviet Union; I believe that history will redeem the rejection of the CTBT as well.

CTBT COMMISSION

Mr. WARNER. Mr. President, on Wednesday evening, the Senate cast a historic vote on the Comprehensive Test Ban Treaty.

In the aftermath of this vote, I am reminded of the old saying, "The past is prologue."

At some point we have to lift this issue from the cauldron of politics.

Now, is it not time to build bridges and find common ground on the issue of a possible treaty covering nuclear testing? Let the issues be worked on, for a while, by people of the caliber, of the experience, of those who wrote to the Senate, who testified, and called or sent statements during the Senate's debate. Their wisdom can then be returned to our next President and the 107th Congress.

That is why, today, I propose the creation of a bipartisan, blue ribbon commission of experts, representing differing viewpoints on the basic issues, to study this issue and make recommendations—including possible changes to the treaty. Colleagues, I ask for your "advice and consent" as I pursue this goal of a commission.

During the course of the debate in the Senate, it was clear that a number of Members could have supported some type of a test ban treaty, but were troubled by several key provisions in the Comprehensive Test Ban Treaty that was before us.

Of a particular concern was the zero-yield threshold. Legitimate concerns were raised about our ability to monitor violations down to the zero-yield level, and with our need to conduct, at some point in the future, very low yield nuclear explosions to verify the safety of our stockpile, or to ensure the validity of the stockpile stewardship program. Perhaps it would have been better to agree to a Treaty which allowed very low yield testing—as all past presidents, beginning with President Eisenhower, have proposed.

Another grave concern was the fact that this Treaty bans nuclear testing in perpetuity. When we are dealing with the safety and credibility of the U.S. nuclear arsenal, we should exercise the greatest degree of caution. Would it not have been better to have a treaty which required, specifically in its text, periodic reviews, at fixed intervals, as did the Nuclear Non-Proliferation Treaty, NPT. At the time the Senate considered that Treaty, the NPT provided for automatic reviews every 5 years.

The Stockpile Stewardship Program was another issue of concern. In my view, it is just not far enough along, as confirmed by qualified experts, for the United States to stake the future of its nuclear arsenal on this alternative to actual testing. More needs to be done on that issue. For example, there is currently underway a panel, pursuant to a provision in the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999, to study and report on the reliability, safety and security of the U.S. nuclear stockpile. Perhaps some of the fine work of this commission, which is comprised of experts such as former Secretary of Defense James Schlesinger and Dr. Johnny Foster, could be incorporated into the work of a test ban commission.

These are but examples of a number of issues related to this Treaty where there are honest differences of opinion, and over which bridges must be built to reach common ground. These issues could benefit from examination now by a group outside of the political arena—a group of experts.

Recent history is replete with examples of commissions, composed of a bipartisan group of experts, who have successfully advised the Congress, the President.

For example, in 1994, when I was Vice Chairman of the Intelligence Committee and the CIA was under attack, I included legislation in the FY 1995 Intelligence Authorization Act establishing a commission to study the roles and capabilities of the Intelligence Community. The commission was formed by the President and the congressional leadership. It was chaired by former secretaries of defense Les Aspin and Harold Brown and former Senator Warren Rudman. They met the challenge; their advice was accepted.

Let's join together; get it done.

I ask unanimous consent that a number of items be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXCERPTS FROM THE STROM THURMOND NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999 CONFERENCE REPORT

SEC. 3159. PANEL TO ASSESS THE RELIABILITY, SAFETY, AND SECURITY OF THE UNITED STATES NUCLEAR STOCKPILE.

(a) REQUIREMENT FOR PANEL.—The Secretary of Defense, in consultation with the Secretary of Energy, shall enter into a contract with a federally funded research and development center to establish a panel for the assessment of the certification process for the reliability, safety, and security of the United States nuclear stockpile.

(b) COMPOSITION AND ADMINISTRATION OF PANEL.—(1) The panel shall consist of private citizens of the United States with knowledge and expertise in the technical aspects of design, manufacture, and maintenance of nuclear weapons.

(2) The federally funded research and development center shall be responsible for establishing appropriate procedures for the panel, including selection of a panel chairman.

(c) DUTIES OF PANEL.—Each year the panel shall review and assess the following:

(1) The annual certification process, including the conclusions and recommendations resulting from the process, for the safety, security, and reliability of the nuclear weapons stockpile of the United States, as carried out by the directors of the national weapons laboratories.

(2) The long-term adequacy of the process of certifying the safety, security, and reliability of the nuclear weapons stockpile of the United States.

(3) The adequacy of the criteria established by the Secretary of Energy pursuant to section 3158 for achieving the purposes for which those criteria are established.

(d) REPORT.—Not later than October 1 of each year, beginning with 1999, the panel shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report setting forth its findings and conclusions resulting from the review and assessment carried out for the year covered by the report. The report shall be submitted in classified and unclassified form.

(e) COOPERATION OF OTHER AGENCIES.—The panel may secure directly from the Department of Energy, the Department of Defense, or any of the national weapons laboratories or plants or any other Federal department or agency information that the panel considers necessary to carry out its duties.

(2) For carrying out its duties, the panel, shall be provided full and timely cooperation by the Secretary of Energy, the Secretary of Defense, the Commander of United States Strategic Command, the Directors of the Los Alamos National Laboratory, the Lawrence Livermore National Laboratory, the Sandia National Laboratories, the Savannah River Site, the Y-12 Plant, the Pantex Facility, and the Kansas City Plant, and any other official of the United States that the chairman of the panel determines as having information described in paragraph (1).

(3) The Secretary of Energy and the Secretary of Defense shall each designate at least one officer or employee of the Department of Energy and the Department of Defense, respectively, to serve as a liaison officer between the department and the panel.

(f) FUNDING.—The Secretary of Defense and the Secretary of Energy shall each contribute 50 percent of the amount of funds that are necessary for the panel to carry out its duties. Funds available for the Department of Energy for atomic energy defense activities shall be available for the Department of Energy contribution.

(g) TERMINATION OF PANEL.—The panel shall terminate three years after the date of the appointment of the member designated as chairman of the panel.

(h) INITIAL IMPLEMENTATION.—The Secretary of Defense shall enter into the contract required under subsection (a) not later than 60 days after the date of the enactment of this Act. The panel shall convene its first meeting not later than 30 days after the date as of which all members of the panel have been appointed.

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EXCERPT FROM THE INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1995

TITLE IX—COMMISSION ON THE ROLES AND CAPABILITIES OF THE UNITED STATES INTELLIGENCE COMMUNITY

SEC. 901. ESTABLISHMENT.

There is established a commission to be known as the Commission on the Roles and Capabilities of the United States Intelligence Community (hereafter in this title referred to as the "Commission").

SEC. 902. COMPOSITION AND QUALIFICATIONS.

(a) MEMBERSHIP.—(1) The Commission shall be composed of 17 members, as follows:

(A) Nine members shall be appointed by the President from private life, no more than four of whom shall have previously held senior leadership positions in the intelligence community and no more than five of whom shall be members of the same political party.

(B) Two members shall be appointed by the majority leader of the Senate, of whom one shall be a Member of the Senate and one shall be from private life.

(C) Two members shall be appointed by the minority leader of the Senate, of whom one shall be a Member of the Senate and one shall be from private life.

(D) Two members shall be appointed by the Speaker of the House of Representatives, of whom one shall be a Member of the House and one shall be from private life.

(E) Two members shall be appointed by the Minority Leader of the House of Representatives, of whom one shall be a Member of the House and one shall be from private life.

(2) The members of the Commission appointed from private life under paragraph (1) shall be persons of demonstrated ability and accomplishment in government, business, law, academe, journalism, or other profession, who have a substantial background in national security matters.

(b) CHAIRMAN AND VICE CHAIRMAN.—The President shall designate two of the members appointed from private life to serve as Chairman and Vice Chairman, respectively, of the Commission.

* * * * *

SEC. 903. DUTIES OF THE COMMISSION.

(a) IN GENERAL.—It shall be the duty of the Commission—

(1) to review the efficacy and appropriateness of the activities of the United States intelligence community in the post-cold war global environment; and

(2) to prepare and transmit the reports described in section 904.

(b) IMPLEMENTATION.—In carrying out subsection (a), the Commission shall specifically consider the following:

(1) What should be the roles and missions of the intelligence community in terms of providing support to the defense and foreign policy establishments and how should these relate to tactical intelligence activities.

(2) Whether the roles and missions of the intelligence community should extend beyond the traditional areas of providing support to the defense and foreign policy establishments, and, if so, what areas should be considered legitimate for intelligence collection and analysis, and whether such areas should include, for example, economic issues, environmental issues, and health issues.

(3) What functions, if any, should continue to be assigned to the organizations of the intelligence community, including the Central Intelligence Agency, and what capabilities should these organizations retain for the future.

(4) Whether the existing organization and management framework of the organizations of the intelligence community, including the Central Intelligence Agency, provide the optimal structure for the accomplishment of their missions.

(5) Whether existing principles and strategies governing the acquisition and maintenance of intelligence collection capabilities should be retained and what collection capabilities should the Government retain to meet future contingencies.

(6) Whether intelligence analysis, as it is currently structured and executed, adds sufficient value to information otherwise available to the Government to justify its continuation, and, if so, at what level of resources.

(7) Whether the existing decentralized system of intelligence analysis results in significant waste or duplication, and if so, what can be done to correct these deficiencies.

(8) Whether the existing arrangements for allocating available resources to accomplish the roles and missions assigned to intelligence agencies are adequate.

(9) Whether the existing framework for coordinating among intelligence agencies with respect to intelligence collection and analysis and other activities, including training and operational activities, provides an optimal structure for such coordination.

(10) Whether current personnel policies and practices of intelligence agencies provide an optimal work force to satisfy the needs of intelligence consumers.

(11) Whether resources for intelligence activities should continue to be allocated as part of the defense budget or be treated by the President and Congress as a separate budgetary program.

(12) Whether the existing levels of resources allocated for intelligence collection or intelligence analysis, or to provide a capability to conduct covert actions, are seriously at variance with United States needs.

(13) Whether there are areas of redundant or overlapping activity or areas where there is evidence of serious waste, duplication, or mismanagement.

(14) To what extent, if any, should the budget for United States intelligence activities be publicly disclosed.

(15) To what extent, if any, should the United States intelligence community collect information bearing upon private commercial activity and the manner in which such information should be controlled and disseminated.

(16) Whether counterintelligence policies and practices are adequate to ensure that employees of intelligence agencies are sensitive to security problems, and whether intelligence agencies themselves have adequate authority and capability to address perceived security problems.

(17) The manner in which the size, missions, capabilities, .and resources of the United States intelligence community compare to those of other countries.

(18) Whether existing collaborative arrangements between the United States and other countries in the area of intelligence cooperation should be maintained and whether such arrangements should be expanded to provide for increased burdensharing.

(19) Whether existing arrangements for sharing intelligence with multinational organizations in support of mutually shared objectives are adequate.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, October 14, 1999, the Federal debt stood at $5,666,668,943,905.59 (Five trillion, six hundred sixty-six billion, six hundred sixty-eight million, nine hundred forty-three thousand, nine hundred five dollars and fifty-nine cents).

One year ago, October 14, 1998, the Federal debt stood at $5,536,803,000,000 (Five trillion, five hundred thirty-six billion, eight hundred three million).

Five years ago, October 14, 1994, the Federal debt stood at $4,691,920,000,000 (Four trillion, six hundred ninety-one billion, nine hundred twenty million).

Twenty-five years ago, October 14, 1974, the Federal debt stood at $478,496,000,000 (Four hundred seventy-eight billion, four hundred ninety-six million) which reflects a debt increase of more than $5 trillion—$5,188,172,943,905.59 (Five trillion, one hundred eighty-eight billion, one hundred seventy-two million, nine hundred forty-three thousand, nine hundred five dollars and fifty-nine cents) during the past 25 years.

MESSAGE FROM THE HOUSE

At 11:33 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2679. An act to amend title 49, United States Code, to establish the National Motor Carrier Administration in the Department of Transportation, to improve the safety of commercial motor vehicle operators and carriers, to strengthen commercial driver's licenses, and for other purposes.

The message also announced that the House disagrees to the amendment of the Senate to the bill, H.R. 1000, to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. SHUSTER, Mr. YOUNG of Alaska, Mr. PETRI, Mr. DUNCAN, Mr. EWING, Mr. HORN, Mr. QUINN, Mr. EHLERS, Mr. BASS, Mr. PEASE, Mr. SWEENEY, Mr. OBERSTAR, Mr. RAHALL, Mr. LIPINSKI, Mr. DEFAZIO, Mr. COSTELLO, Ms. DANNER, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MILLENDER-MCDONALD, and Mr. BOSWELL as managers of the conference on the part of the House:

From the Committee on the Budget, for consideration of titles IX and X of the House bill, and modifications committed to conference: Mr. CHAMBLISS, Mr. SHAYS, and Mr. SPRATT.

From the Committee on Ways and Means, for consideration of title XI of the House bill, and modifications committed to conference: Mr. ARCHER, Mr. CRANE, and Mr. RANGEL.

From the Committee on Science, for consideration of title XIII of the Senate amendment and modifications committed to conference: Mr. SENSENBRENNER, Mrs. MORELLA, and Mr. HALL of Texas.

MEASURE REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 2679. An act to amend title 49, United States Code, to establish the National Motor Carrier Administration in the Department of Transportation, to improve the safety of commercial motor vehicle operators and carriers, to strengthen commercial driver's licenses, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-5626. A communication from the General Counsel, Department of Defense, transmitting, pursuant to law, a report relative to the methods of selection of members of the Armed Forces to serve on courts-martial; to the Committee on Armed Services.

EC-5627. A communication from the Deputy Secretary of Defense transmitting a report relative to the Department of Energy Stockpile Stewardship Program; to the Committee on Appropriations.

EC–5628. A communication from the Commissioner, Bureau of Reclamation, Department of the Interior, transmitting, pursuant to law, the financial reports of the Colorado River Basin Project for fiscal year 1997; to the Committee on Energy and Natural Resources.

EC–5629. A communication from the Assistant Secretary for Environmental Management, Department of Energy, transmitting, pursuant to law, the annual report on Accelerated Land Transfer and Technology Integration; to the Committee on Energy and Natural Resources.

EC–5630. A communication from the Deputy General Counsel, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "Small Business Investment Companies (LMI)" (FR Doc. 99-25244, Published 9/30/99, 64 FR 52641), received October 13, 1999; to the Committee on Small Business.

EC–5631. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Individual Development Accounts" (Rev. Rul. 99-44), received October 14, 1999; to the Committee on Finance.

EC–5632. A communication from the Commissioner of Social Security, transmitting, pursuant to law, a report relative to the processing of continuing disability reviews for fiscal year 1998; to the Committee on Finance.

EC–5633. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, the actuarial reports on the Judicial Officers' Retirement Fund, the Judicial Survivors' Annuities System, and the Court of Federal Claims Judges' Retirement System for the plan year ending September 30, 1998; to the Committee on Governmental Affairs.

EC–5634. A communication from the Executive Director, Committee for Purchase From People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of a rule relative to additions to the Procurement List, received October 13, 1999; to the Committee on Governmental Affairs.

EC–5635. A communication from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits," received October 12, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–5636. A communication from the Deputy Executive Secretary, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Human Drugs and Biologics; Determination That Informed Consent Is Not Feasible or Is Contrary to the Best Interests of Recipients; Revocation of 1990 Interim Final Rule; Establishment of New Interim Final Rule" (RIN0910–AA89), received October, 5, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–5637. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Food Labeling, Declaration of Ingredients" (98P–0968), received October 13, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–5638. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Internal Analgesics, Antipyretic and Antirheumatic Drug Products for Over-the-Counter Human Use; Final Rule for Professional Labeling of Aspirin, Buffered Aspirin and Aspirin in Combination With Antacid Drug Products—Final Rule—Technical Amendment" (77N–094A), received October 13, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–5639. A communication from the Director, Fish and Wildlife Service, Division of Endangered Species, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants: Final Rule To List the Devils River Minnow as Threatened" (RIN1018–AE86), received October 14, 1999; to the Committee on Environment and Public Works.

EC–5640. A communication from the Director, Fish and Wildlife Service, Division of Endangered Species, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants: Final Rule To List the Plant Deseret Milk-Vetch as Threatened Under the Endangered Species Act" (RIN1018–AE57), received October 14, 1999; to the Committee on Environment and Public Works.

EC–5641. A communication from the Director, Fish and Wildlife Service, Division of Endangered Species, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants: Final Rule To List the Plant Pecos Sunflower as Threatened Under the Endangered Species Act" (RIN1018–AE88), received October 14, 1999; to the Committee on Environment and Public Works.

EC–5642. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Expand Applicability of Part 72 to Holders of, and Applicants for, Certificates of Compliance, and Their Contractors and Subcontractors" (RIN3150–AF93), received October 14, 1999; to the Committee on Environment and Public Works.

EC–5643. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Texas; Repeal of Board Seal Rule and Revisions to Particulate Matter Regulations" (FRL #6459–8), received October 14, 1999; to the Committee on Environment and Public Works.

EC–5644. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; State of Maryland; Enhanced Inspection and Maintenance Program" (FRL #6449–3), received October 14, 1999; to the Committee on Environment and Public Works.

EC–5645. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Land Disposal Restriction Phase IV:P Final Rule Promulgating Treatment Standards for Metal Wastes and Mineral Processing Wastes; Mineral Processing Secondary Materials and Devill Exclusion Issues; Treatment Standards for Hazardous Soils, and Exclusion of Recycled Wood Preserving Wastewater" (FRL #6458–8), received October 14, 1999; to the Committee on Environment and Public Works.

EC–5646. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting a report entitled "Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) or Superfund, Section 104; to the Committee on Environment and Public Works.

EC–5647. A communication from the Commandant, U.S. Coast Guard, transmitting, pursuant to law, a report relative to the establishment of a seasonal search and rescue facility on Southern Lake Michigan; to the Committee on Commerce, Science, and Transportation.

EC–5648. A communication from the Secretary of Commerce transmitting a report entitled "National Implementation Plan for Modernization of the National Weather Service"; to the Committee on Commerce, Science, and Transportation.

EC–5649. A communication from the Assistant Secretary for Communications and Information, Department of Commerce, transmitting a report relative to the Public Telecommunications Facilities Program grants for fiscal year 1999; to the Committee on Commerce, Science, and Transportation.

EC–5650. A communication from the Assistant Secretary for Communications and Information, Department of Commerce transmitting a report relative to the Telecommunications and Information Infrastructure Assistance Program grants for fiscal year 1999; to the Committee on Commerce, Science, and Transportation.

EC–5651. A communication from the Chairman, National Transportation Safety Board, transmitting, pursuant to law, a report relative to the fiscal year 2001 budget request; to the Committee on Commerce, Science, and Transportation.

EC–5652. A communication from the Chairman, National Transportation Safety Board, transmitting, pursuant to law, the annual report for 1997; to the Committee on Commerce, Science, and Transportation.

EC–5653. A communication from the Chairman, National Transportation Safety Board, transmitting, pursuant to law, a report relative to the proposed "National Transportation Safety Board Amendments Act of 1999"; to the Committee on Commerce, Science, and Transportation.

EC–5654. A communication from the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations; Socorro, NM; Shiprock, NM; Magdelena, NM; Minatare, NE; Dexter, NM; Tularosa, NM; (MM Docket Nos. 99–90, 99–119, 99–120, 99–122, 99–158, 99–191), received October 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5655. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of

Section 73.202(b), Table of Allotments; FM Broadcast Stations; Choteau, Alberton, and Valier, MT; Hubbardston, MI; Ingramm, and Breckenridge, TX; Parowan and Toquerville, UT; Washburn, WI; (MM Docket Nos. 99–219, 99–80, 99–235, 99–224, 99–226, 99–228, 99–18, 99–243, and 99–218), received October 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5656. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations; Wellsville and Canaseranga, NY"; (MM Docket No. 98–207, RM–9408, RM–9497), received October 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5657. A communication from the Chief, Endangered Species Division, Office of Protected Resources, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Sea Turtle Conservation; Restrictions Applicable to Shrimp Trawl Activities; Leatherback Conservation Zone" (Docket No. 950427117–9138–08; I.D. #051999D; RIN0648–AH97), received October 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5658. A communication from the Assistant Bureau Chief, Management, International Bureau, Satellite and Radiocommunications Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Report and Order in the Matter of Direct Access to the INTELSAT System"; (IB Docket No. 98–192, File No. 60–SAT–ISP–97, FCC 99–236), received October 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5659. A communication from the Chief, Endangered Species Division, Office of Protected Resources, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Sea Turtle Conservation; Restrictions Applicable to Shrimp Trawl Activities; Leatherback Conservation Zone" (Docket No. 950427117–9149–09; I.D. #052799D; RIN0648–AH97), received October 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5660. A communication from the Chief, Endangered Species Division, Office of Protected Resources, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Sea Turtle Conservation; Restrictions Applicable to Shrimp Trawl Activities; Leatherback Conservation Zone" (Docket No. 950427117–9133–07; I.D. #051299D; RIN0648–AH97), received October 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5661. A communication from the Chief, Endangered Species Division, Office of Protected Resources, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Sea Turtle Conservation; Restrictions Applicable to Shrimp Trawl Activities; Leatherback Conservation Zone" (Docket No. 950427117–9123–06; I.D. #050599D; RIN0648–AH97), received October 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5662. A communication from the Associate Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "1998 Biennial Regulatory Review-Spectrum Aggregation Limits for Wireless Telecommunications Carriers"; (WT Docket Nos. 98–205 and 96–59, GN Docket No. 93–252, FCC 99–244), received October 8, 1999; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. ENZI:

S. 1735. A bill to expand the applicability of daylight saving time; to the Committee on Commerce, Science, and Transportation.

By Mr. SPECTER:

S. 1736. A bill to amend the Fair Labor Standards Act of 1938 to permit certain youth to perform certain work with wood products; to the Committee on Health, Education, Labor, and Pensions.

By Mr. TORRICELLI (for himself and Mr. SCHUMER):

S. 1737. A bill to amend the National Housing Act with respect to the reverse mortgage program and housing cooperatives; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. JOHNSON (for himself, Mr. KERREY, Mr. GRASSLEY, and Mr. THOMAS):

S. 1738. A bill to amend the Packers and Stockyards Act, 1921, to make it unlawful for a packer to own, feed, or control livestock intended for slaughter; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. WELLSTONE (for himself, Mr. DORGAN, Mr. DASCHLE, Mr. FEINGOLD, Mr. HARKIN, Mr. JOHNSON, and Mr. LEAHY):

S. 1739. A bill to impose a moratorium on large agribusiness mergers and to establish a commission to review large agriculture mergers, concentration, and market power; to the Committee on the Judiciary.

By Mr. HARKIN (for himself, Mr. BRYAN, Mr. KERREY, and Mr. DODD):

S. 1740. A bill to protect consumers when private companies offer services or products that are provided free of charge by the Social Security Administration and the Department of Health and Human Services; to the Committee on Finance.

By Mr. DURBIN (for himself, Mr. ROCKEFELLER, Mr. BYRD, Mr. HOLLINGS, Mr. HATCH, and Mr. SANTORUM):

S. 1741. A bill to amend United States trade laws to address more effectively import crises; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HATCH (for himself, Mr. ABRAHAM, Mr. BAYH, Mr. BENNETT, Mr. BURNS, Mr. BYRD, Mr. DEWINE, Mr. DODD, Mr. GRAMS, Mr. GREGG, Mr. HAGEL, Mr. HELMS, Mr. INOUYE, Mr. LEVIN, Mr. LUGAR, Mrs. MURRAY, Mr. REID, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon, Mr. THURMOND, and Mr. WYDEN):

S. Res. 204. A resolution designating the week beginning November 21, 1999, and the week beginning on November 19, 2000, as 'National Family Week,' and for other purposes; to the Committee on the Judiciary.

By Mr. FEINGOLD (for himself and Mr. KOHL):

S. Con. Res. 60. A concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. *Wisconsin* and all those who served aboard her; to the Committee on Governmental Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ENZI:

S. 1735. A bill to expand the applicability of daylight saving time; to the Committee on Commerce, Science, and Transportation.

THE HALLOWEEN SAFETY ACT OF 1999

MR. ENZI. Mr. President, today I am pleased to introduce the "Halloween Safety Act of 1999." This Act has one simple purpose: to extend the date on which the daylight saving time ends from the last Sunday in October to the first Sunday of November in order to include the holiday of Halloween.

The idea of extending daylight saving time was first introduced to me by Sharon Rasmussen, a second grade teacher from Sheridan, Wyoming, and her students. I received a packet of twenty letters from Mrs. Rasmussen's second grade class expressing their wish to have an extra hour of daylight during Halloween in order to make the holiday safer. These children explained that they would feel more secure if they had an extra hour of daylight when venturing door-to-door in their annual trick-or-treating. Halloween is a holiday of great importance to youngsters throughout the United States and a large number of children do celebrate by trick-or-treating in their neighborhoods and towns. I believe this reasonable proposal would make those Halloween activities safer.

Upon conducting some research of my own, I discovered that Halloween is a time of increased danger for children. According to the Insurance Institute for Highway Safety, fatal pedestrian-motor vehicle collisions occur most often between 6 and 9 p.m., comprising twenty-five percent of the total. Another twenty-one percent occur between 9 p.m. and midnight, making nighttime the most dangerous time for pedestrians.

Unfortunately, these general accident trends are magnified on Halloween given the considerable increase in pedestrians—most of whom are children, on Halloween evening. A study by the Division of Injury Prevention, National Center for Injury Prevention and Control of the Center for Disease Control, concluded that the incidence of pedestrian deaths in children ages 5–14 is four times higher on Halloween than any other night of the year. In order to make this holiday safer for all our children, Congress should take the modest step of providing one extra week of daylight saving time.

Attempts have been made in the past to extend daylight saving time. Most recently, Senator Alan Simpson introduced the "Daylight Saving Extension Act of 1994." Although Senator Simpson's legislation would have changed both the starting date and the ending date of daylight saving time, the legislation I am introducing today would simply extend it for a week.

The fact that the students of Mrs. Rasmussen's second grade class took the time to write and request that I sponsor a bill to extend daylight saving time is important to me. I believe that many of these children's parents would also be pleased with this extension of daylight savings time. If children are concerned about their own safety and come up with a reasonable approach to make their world a little bit safer, I believe that accommodating their request is not too much to ask. Protecting the children of our country should be a primary concern for all of us as lawmakers. If one life could be saved by extending daylight saving time to encompass Halloween, it would be worthwhile. I trust that all my colleagues will take the time to consider the importance the "Halloween Safety Act of 1999" would have for children and their parents in their respective states.

By Mr. SPECTER:

S. 1736. A bill to amend the Fair Labor Standards Act of 1938 to permit certain youth to perform certain work with wood products; to the Committee on Health, Education, Labor, and Pensions.

FAIR LABOR STANDARDS ACT AMENDMENTS

Mr. SPECTER. Mr. President, I have sought recognition today to introduce legislation designed to permit certain youths (those exempt from attending school) between the ages of 14 and 18 to work in sawmills under special safety conditions and close adult supervision. I introduced an identical measure at the close of the 105th Congress and am hopeful that the Senate can once again consider this important issue. Similar legislation introduced by my distinguished colleague, Representative JOSEPH R. PITTS, has already passed in the House this year.

As Chairman of the Labor, Health and Human Services and Education Appropriations Subcommittee, I have strongly supported increased funding for the enforcement of the important child safety protections contained in the Fair Labor Standards Act. I also believe, however, that accommodation must be made for youths who are exempt from compulsory school-attendance laws after the eighth grade. It is extremely important that youths who are exempt from attending school be provided with access to jobs and apprenticeships in areas that offer employment where they live.

The need for access to popular trades is demonstrated by the Amish community. Last year, I toured an Amish sawmill in Lancaster County, Pennsylvania, and had the opportunity to meet with some of my Amish constituency. They explained that while the Amish once made their living almost entirely by farming, they have increasingly had to expand into other occupations as farmland disappears in many areas due to pressure from development. As a result, many of the Amish have come to rely more and more on work in sawmills to make their living. The Amish culture expects youth upon the completion of their education at the age of 14 to begin to learn a trade that will enable them to become productive members of society. In many areas, work in sawmills is one of the major occupations available for the Amish, whose belief system limits the types of jobs they may hold. Unfortunately, these youths are currently prohibited by law from employment in this industry until they reach the age of 18. This prohibition threatens both the religion and lifestyle of the Amish.

In the 105th Congress, the House passed by a voice vote H.R. 4257, introduced by Representative Pitts, which was similar to the bill I am introducing today. I am aware that concerns to H.R. 4257 existed: safety issues had been raised by the Department of Labor and Constitutional issues had been raised by the Department of Justice. I have addressed these concerns in my legislation.

Under my legislation youths would not be allowed to operate power machinery, but would be restricted to performing activities such as sweeping, stacking wood, and writing orders. My legislation requires that the youths must be protected from wood particles or flying debris and wear protective equipment, all while under strict adult supervision. The Department of Labor must monitor these safeguards to insure that they are enforced.

The Department of Justice stated that H.R. 4257 raised serious concerns under the Establishment Clause. The House measure conferred benefits only to a youth who is a "member of a religious sect or division thereof whose established teachings do not permit formal education beyond the eighth grade." By conferring the "benefit" of working in a sawmill only to the adherents of certain religions, the Department argues that the bill appears to impermissibly favor religion to "irreligion." In drafting my legislation, I attempted to overcome such an objection by conferring permission to work in sawmills to all youths who "are exempted from compulsory education laws after the eighth grade." Indeed, I think a broader focus is necessary to create a sufficient range of vocational opportunities for all youth who are legally out of school and in need of vocational opportunities.

I also believe that the logic of the Supreme Court's 1972 decision in Wisconsin v. Yoder supports my bill. Yoder held that Wisconsin's compulsory school attendance law requiring children to attend school until the age of 16 violated the Free Exercise clause. The Court found that the Wisconsin law imposed a substantial burden on the free exercise of religion by the Amish since attending school beyond the eighth grade "contravenes the basic religious tenets and practices of the Amish faith." I believe a similar argument can be made with respect to Amish youth working in sawmills. As their population grows and their subsistence through an agricultural way of life decreases, trades such as sawmills become more and more crucial to the continuation of their lifestyle. Barring youths from the sawmills denies these youths the very vocational training and path to self-reliance that was central to the Yoder Court's holding that the Amish do not need the final two years of public education.

I offer my legislation once again with the hope of opening a dialogue on this important issue. This is a matter of great importance to the Amish community and I urge its timely consideration by the Senate.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1736

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXEMPTION.

Section 13(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(c)) is amended by adding at the end the following:

"(6)(A) Subject to subparagraph (B), in the administration and enforcement of the child labor provisions of this Act, it shall not be considered oppressive child labor for an individual who—

"(i) is under the age of 18 and over the age of 14, and

"(ii) by statute or judicial order is exempt from compulsory school attendance beyond the eighth grade,

to be employed inside or outside places of business where machinery is used to process wood products.

"(B) The employment of an individual under subparagraph (a) shall be permitted—

"(i) if the individual is supervised by an adult relative of the individual or is supervised by an adult member of the same religious sect or division as the individual;

"(ii) if the individual does not operate or assist in the operation of power-driven woodworking machines;

"(iii) if the individual is protected from wood particles or other flying debris within the workplace by a barrier appropriate to the potential hazard of such wood particles or flying debris or by maintaining a sufficient distance from machinery in operation; and

"(iv) if the individual is required to use personal protective equipment to prevent exposure to excessive levels of noise and saw dust.".

By Mr. JOHNSON (for himself, Mr. KERREY, Mr. GRASSLEY, and Mr. THOMAS):

S. 1738. A bill to amend the Packers and Stockyards Act, 1921, to make it unlawful for a packer to own, feed, or control livestock intended for slaughter; to the Committee on Agriculture, Nutrition, and Forestry.

THE RANCHER ACT OF 1999

• Mr. JOHNSON. Mr President, I rise before you today to introduce legislation on behalf of Senators BOB KERREY, CHARLES GRASSLEY, CRAIG THOMAS, and myself. The RANCHER Act (Rural America Needs Competition to Help Every Rancher) is designed to reestablish a free, fair, and competitive market for independent livestock producers.

South Dakota family farmers and ranchers indicate to me that one of the most critical problems in agriculture today is the growing, unabated trend of agribusiness consolidation and concentration. Too often today, elected leaders overlook agricultural concentration with rhetoric and empty promises. But talk doesn't provide any assurance to a cow-calf producer in South Dakota worried about what he or she will sell feeder calves for this fall. Talk doesn't minimize the worries of a diversified farmer looking for competitive markets in which to sell his or her grain. And talk surely doesn't assure any feeder of livestock that he or she will have a fair opportunity to sell slaughter livestock in this concentrated market.

This bipartisan legislation would strengthen and amend Section 202 of the Packers and Stockyards Act of 1921 by prohibiting meatpackers from owning livestock prior to purchase for slaughter. It does provide exceptions for farmers and ranchers who own and process livestock in a producer owned and controlled cooperative.

Mr. President, concern over meatpacker concentration is not new in the United States. Cartoons in the 1880s negatively depicted companies that pooled livestock together for sale as "beef trusts" engaging in monopolistic pricing behavior. In 1917 President Woodrow Wilson directed the Federal Trade Commission (FTC) to investigate meatpackers to determine if they were leveraging too much power over the marketplace.

The FTC released a report in 1919 stating that the "Big 5" meatpackers (Armour, Swift, Morris, Wilson, and Cudahy) dominated with "monopolistic control of the American meat industry". The FTC also found these meatpackers owned stockyards, rail car lines, cold storage plants, and other essential facilities for distributing food. This led to the Packers Consent Decree of 1920 which prohibited the Big 5 packers from engaging in retail sales of meat and forced them to divest of ownership interests in stockyards and rail lines. Then, Congress enacted the Packers and Stockyards Act of 1921 that—among other things—prohibited meatpackers from engaging in unfair, discriminatory, or deceptive pricing practices.

Unfortunately, we have allowed some in the meatpacking industry to once again dangerously choke free enterprise and market access. As in the past, producers again look to their elected leaders to take action. That is why I have introduced legislation in Congress to combat meatpacker concentration in livestock markets. My legislation will prohibit meatpackers from owning livestock for slaughter.

Within the last few weeks, we've heard from pork conglomerates Smithfield Foods, Murphy Farms, and Tyson Foods regarding Smithfield's intention to own all the hogs currently held by both Murphy and Tyson. If these deals are to go through, around 800,000 sows could be owned and controlled by Smithfield. Ask any pork producer, a breeding stock herd of this size could enable Smithfield to totally dominate the hog industry.

In response, we could seek a Department of Justice investigation of this deal, but it is clear to me that current anti-trust law may be simply too weak to stop a marriage of this nature. Some may believe we need trust busters with true grit in the Justice or Agriculture Departments to keep these deals from happening, but my experience in Congress tells me if we wait for this type of action, we won't have an independent farmer or rancher left—anywhere.

Mr. President, current anti-trust laws have failed to address concerns of livestock producers in the marketplace. Moreover, growing packer concentration creates an imbalance in bargaining power between a few meatpackers who buy livestock and several producers who sell livestock. The relative lack of buyers means the buying side of the market has much more power than the selling side. Envision an hourglass: it is wide at both ends and very narrow in the middle. The two wide ends aptly represent agricultural producers and consumers. The narrow middle of the hourglass is the number of processors and meatpackers that buy livestock from farmers and ranchers and then sell food to consumers. A decision on the part of one meatpacker may have a substantial effect on the marketplace. For instance, when Smithfield shut down the pork plant in Huron—formerly owned by American Foods Group—pork producers in South Dakota were left with merely a single market for their slaughter hogs in the state. Alternatively, a decision on the part of a livestock producer seller has little if any effect at all on price. What does this mean? It means the marketplace is not competitive.

Some so called experts" in the industry claim that concentration leads to cheap prices for consumers. These experts believe concentration is simply unstoppable, and better yet, they point to the vertically integrated poultry industry as a successful guide or model for cattle and pork producers. They gloss over the real effects of concentration by touting economies of scale and productive efficiency.

Apologists for the corporate conglomerates can criticize my efforts to keep meatpackers from owning livestock if they want, but given a choice, I will side with a broad base of family farmers and ranchers over conglomerate agriculture any day. It boils down to whether we want independent producers in agriculture, or if we will yield to concentration and see farmers and ranchers become low wage employees on their own land.

Ultimately, if we continue to stand idle and watch control of the world's food supply fall into the hands of the few, consumers will be the real losers in terms of both retail cost and food safety.

So today, almost a century after President Teddy Roosevelt used a big stick to give livestock producers a square deal, we again face a choice between corporate takeover of agriculture and a fight for free enterprise. I proudly cast my lot with the free enterprise family farm and ranch agriculture that has served our country so well.•

• Mr. THOMAS. Mr. President, it gives me great pleasure to join my colleagues Senator JOHNSON, Senator GRASSLEY and Senator KERREY in introducing the "Rural America Needs Competition to Help Every Rancher Act of 1999" (RANCHER).

Additional regulation of meat packing companies has become necessary because of a loophole my colleagues and I have long been concerned about: the Packers and Stockyards Act of 1921 does not clearly and definitively address meat packers owning livestock for slaughter. This legislation will prohibit meat packing companies from owning and feeding livestock, with the exception of producer-owned cooperatives defined by the majority of ownership interest in the cooperative being held by co-cop members that own, feed, or control livestock and provide those livestock to the co-op. An exemption for cooperatives is included as recognition and reward to those producers who have invested the resources necessary to enhance their market edge.

In placing a prohibition on meat packing companies, our efforts today will be branded as anti-competitive and in support of "big government," versus the "free market." However, our intentions are precisely the opposite—we are introducing this legislation with goal of restoring competition to our livestock markets. In fact, this legislation is long overdue. In recent years, livestock markets have become increasingly more concentrated, leaving individual producers with fewer options for selling their products.

According to the U.S. Department of Agriculture (USDA), the four top meat packing firms control roughly 80 percent of today's slaughter market, while less than 20 years ago, the top four firms controlled only 36 percent of the market. Over the last year we have watched the on-farm price of commodities plummet, while at the same time, retail prices have remained constant or even increased. The problem of price disparity, I believe is in part, attributable to growing market concentration. Since it is evident that market concentration exists, this legislation is a first step in working to restore fair market prices to our producers.

Mr. President, I am proud to cosponsor this legislation—it is an admirable initiative that seeks to strengthen financial solvency for our family producers. I hope our colleagues in the Senate will recognize the benefits this effort will generate for producers and rural communities across the United States and will join us in restoring true market competition.●

By Mr. WELLSTONE (for himself, Mr. DORGAN, Mr. DASCHLE, Mr. FEINGOLD, Mr. HARKIN, Mr. JOHNSON, and Mr. LEAHY):

S. 1739. A bill to impose a moratorium on large agribusiness mergers and to establish a commission to review large agriculture mergers, concentration, and market power; to the Committee on the Judiciary.

AGRIBUSINESS MERGER MORATORIUM AND ANTITRUST REVIEW ACT OF 1999

● Mr. DORGAN. Mr. President, over the past several years there has been a wave of corporate mergers and acquisitions in this country that is of historic proportions. Last year the dollar value of announced corporate combinations in the United States was more than $1.6 trillion. This exceeded the amount of all the mergers in the world the year before.

The big are getting bigger, the small are getting trampled, and this has large implications for the kind of economy we are going to have and—more importantly—for the kind of nation we are going to be.

This is apparent in rural America, where the elephants have been stomping with a special gusto. Control of the nation's food chain—from production and processing to packing and distribution—has been falling into fewer and fewer hands. Over a decade ago, the four biggest grain processing companies in the U.S. accounted for some 40 percent of the nation's flour milling. Today the figure is 62 percent. About three quarters of the wet corn milling and soybean crushing are controlled by the four biggest firms—and about 80 percent of the beef.

This extraordinary concentration of economic power has large implications. It is draining the economic life out of rural America. In 1952 farmers received close to half of every retail food dollar. Today they get less than a quarter of that same dollar. From a pound loaf of white bread that costs 87 cents at the store, the wheat farmer gets less than 4 cents. Farmers are working harder than ever; but the reward for their toil is going to the corporate conglomerates, which offer farmers fewer options for marketing their products than at probably any time in this century.

While these corporations are showing record profits, farmers are forced to sell commodities such as wheat and pork, at Depression era prices. Thousands of farmers have gone under, and thousands more are barely hanging on. Farm auctions have become a grim feature of the rural landscape today, as has suicide. "Everything is gone, wore out or shot, just like me," one Iowa farmer said in his suicide note.

When farmers go, our rural communities go. We lose the stable social structures, the generations of family ties, the investment in schools and churches, libraries and clinics. Independent business people, from implement dealers to insurance salesmen, go belly up. And what do we get for this human tragedy and social loss? The low prices on the farm have not shown up in corresponding decreases at the supermarket. The processors and packers are getting the money instead.

That's not the only source of the hardship in rural America. But it's a large one. The growing concentration of the nation's food chain into fewer corporate hands is something this Congress must address.

The Clinton Administration deserves credit for reviving antitrust enforcement from the dormancy of the previous administrations. But it is laboring under reduced budgets and a body of law that, as interpreted by court decisions, may not be up to the task. When the two giants of the grain trade, Continental Grain and Cargill, are permitted to merge, then one has to wonder if the hole in the screen has become so big that there's no screen left.

That's why I'm joining with Senator WELLSTONE in introducing legislation to impose a moratorium on large corporate mergers in the agriculture sector. The legislation would also create an independent commission to advise how to change the underlying antitrust laws and other federal laws and regulations to ensure a competitive agricultural marketplace and to protect family farmers and other family-sized producers.

A moratorium on large corporate agriculture mergers is needed to give Congress time to consider these important questions and craft a suitable response. If we wait it could be too late. We won't be able to advance the fortunes of family-based agriculture because there won't be much left.

Specifically, our bill imposes an 18-month moratorium on those large corporate mergers in the agriculture industry that would generally be required to make a "Hart-Scott-Rodino" pre-merger filing with the Department of Justice. Such filings are triggered by a three-part test, one of which is that either of the two firms proposed for merger or acquisition have $100 million or more in net annual sales or assets. The Attorney General is granted authority to waive the application of the moratorium in "extraordinary circumstances" such as a merging firm's facing insolvency or similar financial distress.

The legislation also establishes a 12-member commission to study the nature and consequences of mergers and concentration in America's agricultural economy. The Commission members are appointed by the leaders in the Senate and House of Representatives after consultation with the Chairmen and ranking members of the House and Senate Agriculture Committees. After completing its study, the Commission will submit to the President and Congress a final report that includes its findings on consolidation in agriculture and recommendations about how our antitrust laws and other federal regulations should be changed to protect family-based agriculture, the communities they comprise, and the food shoppers of the nation.

The family farmers of this nation are facing what could be the end game. The distortions and abuses in the agriculture marketplace have contributed to the loss of thousands of family farmers, and the grim foreboding that hangs over much of rural America.

This does not have to be. No harm will come from this moratorium. Agribusiness enterprises will continue to see record profits, if the market so permits. Farmers and food shoppers will not lose because the record is clear that concentration in the food sector does not benefit them. Ironically, this merger mania means less freedom and less choice—in a nation that is supposed to stand for them.

I urge my colleagues to support this moratorium, and antitrust review commission, and cast a vote for family-based agriculture and the health of rural America.●

By Mr. HARKIN (for himself, Mr. BRYAN, Mr. KERREY, and Mr. DODD):

S. 1740. A bill to protect consumers when private companies offer services or products that are provided free of charge by the Social Security Administration and the Department Of Health and Human services; to the Committee on Finance.

SOCIAL SECURITY CONSUMER PROTECTION ACT

Mr. HARKIN. Mr. President, today I am reintroducing legislation I originally proposed during the 105th Congress, the Social Security Consumer Protection Act. Quite simply, this bill is designed to protect constituents from what has been an all too common consumer scam.

I introduced a similar bill during the prior Congress after an investigation by my staff found that unsuspecting consumers—from new parents to newlyweds to senior citizens—were falling prey to con artists who charged them for services that are available free of charge from the Social Security Administration (SSA) or the Department of Health and Human Services (HHS). Many of these schemes involve the use of materials and names which purposely mislead consumers into believing the scam artists are affiliated with the government.

Companies operating under official sounding names like Federal Document Services, Federal Record Service Corporation, National Records Service, and U.S. Document Services are mailing information to thousands of Americans, scaring them into remitting a free to receive basic government services, such as a new Social Security number and card for a newborn or changing names upon marriage or divorce.

One of my constituents, Deb Conlee of Fort Dodge, received one of these mailings. It sounded very official. It began, "Read Carefully: Important Facts About your Social Security Card." The response envelope is stamped "SSA-7701" giving the impression that it is connected with the SSA. The solicitation goes on to say that she is required to provide SSA with any name change associated with her recent marriage and get a new Social Security card. It then urges her to send the company $14.75 to do this on her behalf. It includes the alarming statement, "We urge you to do this immediately to help avoid possible problems where your Social Security benefits or joint income taxes might be questioned."

What the solicitation fails to mention, of course, is that these services are provided at no charge by SSA.

After hearing Ms. Conlee's story, I contacted SSA and asked them to investigate these complaints. Then SSA Commissioner Shirley Chater responded that the services provided by these companies, "Are completely unnecessary. Not only do they fail to produce any savings of time or effort for the customer, they also tend to delay issuance of the new Social Security card."

In its investigations, SSA received hundreds of complaints involving over 100 companies. The Postal Inspection Service has received hundreds of additional complaints. The Inspector General of SSA validated many of these complaints, including finding repeated cases of violations of Federal law. While it is already illegal for a company to imply any direct connection with a Federal agency, it is not illegal to charge for the very same services that are available at no cost to the Government.

The Social Security Consumer Protection Act addresses this issue in a few important ways. First, the bill prohibits charging for services that are provided for free by SSA and HHS unless the following statement is prominently displayed on the first page of the solicitation in bold type, 16-point font, "Important Public Disclosure: The product or service described here and assistance to obtain the product or service is available free of charge from the Social Security Administration and the Department of Health and Human Services. You may wish to check the government section of your local phone book for the phone number of your local Social Security Administration or Department of Health and Human Services office for help in obtaining this service for no charge or you may choose to use our service for a fee."

Should a consumer decide to use the services of one of these companies, they are protected from inappropriate use of their personal information. This bill prohibits the sale, transfer or use of personal information obtained on consumers through such a solicitation without their consent on a separate authorization form that clearly and plainly explains how their personal information could be used.

I am joined in introducing this important consumer legislation by Senators BRYAN, KERREY, and DODD.

I am also pleased that the Social Security Consumer Protection Act enjoys the support of such consumer organizations as the National Committee to Preserve Social Security and Medicare and the Consumer Federation of America.

Mr. President, these scams must come to an end. Consumers deserve full disclosure. This legislation will go a long way toward ensuring consumers understand their rights when it comes to obtaining services from their government. I urge my colleagues to support it.

I ask unanimous consent that a copy of the Social Security Consumer Protection Act be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1740

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Social Security Consumer Protection Act".

SEC. 2. PROHIBITION OF CHARGING FOR SERVICES OR PRODUCTS THAT ARE PROVIDED WITHOUT CHARGE BY THE SOCIAL SECURITY ADMINISTRATION OR THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND PROHIBITION OF SALE, TRANSFER, OR USE OF CERTAIN INFORMATION.

(a) IN GENERAL.—Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by inserting after section 1140 the following:

"SEC. 1140A. PROHIBITION OF CHARGING FOR SERVICES OR PRODUCTS THAT ARE PROVIDED WITHOUT CHARGE BY THE SOCIAL SECURITY ADMINISTRATION OR THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND PROHIBITION OF SALE, TRANSFER, OR USE OF CERTAIN INFORMATION.

"(a) IN GENERAL.—Except as provided in subsection (b), a person shall not offer, for a fee, to assist an individual to obtain a product or service that the person knows or should know is provided for no fee by the Social Security Administration or the Department of Health and Human Services.

"(b) EXCEPTION.—A person may offer assistance for a fee if, at the time the offer is made, the person provides, to the individual receiving the assistance, a written notice on the first page of the offer that clearly and prominently contains the following phrase (printed in bold 16 point type): 'IMPORTANT PUBLIC DISCLOSURE: The product or service described here and assistance to obtain the product or service is available free of charge from the Social Security Administration or the Department of Health and Human Services. You may wish to check the government section of your local phone book for the phone number of your local Social Security Administration or Department of Health and Human Services office for help in obtaining this service for no charge or you may choose to use our service for a fee.'.

"(c) SALE, TRANSFER, OR USE OF INFORMATION.—

"(1) IN GENERAL.—Except with prior, express, written authorization from an individual, a person obtaining any information regarding such individual in connection with an offer of assistance under subsection (b) shall not—

"(A) sell or transfer such information; or

"(B) use such information for a purpose other than providing such assistance.

"(2) REQUIRED FORM OF AUTHORIZATION.—An authorization under paragraph (1) shall be presented to the individual as a separate document, clearly explaining the purpose and effect of the authorization and the offer under subsection (a) shall not be contingent on such authorization.

"(d) IMPOSITION OF PENALTY.—

"(1) IN GENERAL.—The Commissioner or the Secretary (as applicable), pursuant to regulations, may impose a civil monetary penalty against a person for a violation of subsection (a) or (c) not to exceed—

"(A) except as provided in subparagraph (B), $5,000; or

"(B) in the case of a violation consisting of a broadcast or telecast, $25,000.

"(2) VIOLATIONS WITH RESPECT TO INDIVIDUAL ITEMS.—

"(A) OFFER OF SERVICES.—In the case of an offer of services consisting of pieces of mail, each piece of mail in violation of this section shall be a separate violation.

"(B) USE OF INFORMATION.—In the case of a violation of subsection (c), each sale, transfer, or use of information with respect to an individual shall be a separate violation.

"(e) RECOVERY OF PENALTY.—

"(1) PROCEDURE.—The provisions of section 1128A (other than subsections (a), (b), (f), (h),

(i) (other than paragraph (7)), and (m) and the first sentence of subsection (c)) shall apply to civil money penalties imposed under subsection (d) in the same manner as the provisions apply to a penalty or proceeding under section 1128A(a).

"(2) COMPROMISE.—Penalties imposed against a person under subsection (d) may be compromised by the Commissioner or the Secretary (as applicable).

"(3) VENUE.—Penalties imposed against a person under subsection (d) may be recovered in a civil action in the name of the United States brought in the district court of the United States for the district in which the violation occurred or where the person resides, has its principal office, or may be found as determined by the Commissioner or the Secretary (as applicable).

"(4) DEDUCTION OF PENALTY FROM BENEFITS.—The amount of a penalty imposed under this section may be deducted from any sum then or later owing by the United States to the person against whom the penalty has been imposed.

"(f) USE OF PENALTY AMOUNTS RECOVERED.—

"(1) COSTS OF THE OFFICE OF THE INSPECTOR GENERAL.—Amounts recovered under this section shall be made available to the Commissioner and the Secretary (as applicable) to reimburse costs of the applicable Office of the Inspector General related to the enforcement of this section.

"(2) EXCESS AMOUNTS.—Amounts recovered under this section, in excess of the amounts needed to reimburse the Commissioner and the Secretary under paragraph (1), shall be deposited as miscellaneous receipts of the Treasury of the United States.

"(g) ENFORCEMENT.—The provisions of this section may be enforced through the Office of the Inspector General of the Social Security Administration or the Office of the Inspector General of the Department of Health and Human Services (as appropriate).".

(b) CONFORMING AMENDMENT.—The table of sections for part A of title XI of the Social Security Act is amended by inserting after the item relating to section 1140 the following:

"Sec. 1140A. Prohibition of charging for services or products that are provided without charge by the Social Security Administration or the Department of Health and Human Services and prohibition of sale, transfer, or use of certain information.".

ADDITIONAL COSPONSORS

S. 20

At the request of Mr. LAUTENBERG, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 20, a bill to assist the States and local governments in assessing and remediating brownfield sites and encouraging environmental cleanup programs, and for other purposes.

S. 670

At the request of Mr. JEFFORDS, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 670, a bill to amend the Internal Revenue Code of 1986 to provide that the exclusion from gross income for foster care payments shall also apply to payments by qualifying placement agencies, and for other purposes.

S. 863

At the request of Mr. DASCHLE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 863, a bill to amend title XIX of the Social Security Act to provide for medicaid coverage of all certified nurse practitioners and clinical nurse specialists.

S. 909

At the request of Mr. CONRAD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 909, a bill to provide for the review and classification of physician assistant positions in the Federal Government, and for other purposes.

S. 956

At the request of Ms. SNOWE, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 956, a bill to establish programs regarding early detection, diagnosis, and interventions for newborns and infants with hearing loss.

S. 1091

At the request of Mr. DEWINE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1091, a bill to amend the Public Health Service Act to porvide for the establishment of a pediatric research initiative.

S. 1263

At the request of Mr. JEFFORDS, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 1263, a bill to amend the Balanced Budget Act of 1997 to limit the reductions in medicare payments under the prospective payment system for hospital outpatient department services.

S. 1419

At the request of Mr. MCCAIN, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from California (Mrs. FEINSTEIN), and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of S. 1419, a bill to amend title 36, United States Code, to designate May as "National Military Appreciation Month".

S. 1539

At the request of Mr. DODD, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 1539, a bill to provide for the acquisition, construction, and improvement of child care facilities or equipment, and for other purposes.

S. 1592

At the request of Mr. DURBIN, the names of the Senator from California (Mrs. BOXER), the Senator from Maryland (Ms. MIKULSKI), the Senator from Connecticut (Mr. DODD), and the Senator from Florida (Mr. GRAHAM) were added as cosponsors of S. 1592, a bill to amend the Nicaraguan Adjustment and Central American Relief Act to provide to certain nationals of El Salvador, Guatemala, Honduras, and Haiti an opportunity to apply for adjustment of status under that Act, and for other purposes.

S. 1633

At the request of Mr. MCCAIN, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1633, a bill to recognize National Medal of Honor sites in California, Indiana, and South Carolina.

SENATE JOINT RESOLUTION 34

At the request of Ms. SNOWE, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of Senate Joint Resolution 34, a joint resolution congratulating and commending the Veterans of Foreign Wars.

SENATE CONCURRENT RESOLUTION 32

At the request of Mr. CONRAD, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of Senate Concurrent Resolution 32, a concurrent resolution expressing the sense of Congress regarding the guaranteed coverage of chiropractic services under the Medicare+Choice program.

SENATE CONCURRENT RESOLUTION 59

At the request of Mr. KYL, his name was added as a cosponsor of Senate Concurrent Resolution 59, a concurrent resolution urging the President to negotiate a new base rights agreement with the Government of Panama in order for United States Armed Forces to be stationed in Panama after December 31, 1999.

SENATE CONCURRENT RESOLUTION 60—EXPRESSING THE SENSE OF CONGRESS THAT A COMMEMORATIVE POSTAGE STAMP SHOULD BE ISSUED IN HONOR OF THE U.S.S. "WISCONSIN" AND ALL THOSE WHO SERVED ABOARD HER

Mr. FEINGOLD (for himself and Mr. KOHL) submitted the following concurrent resolution; which was referred to the Committee on Governmental Affairs:

S. CON. RES. 60

Whereas the Iowa Class Battleship, the U.S.S. Wisconsin (BB-64), is an honored warship in United States naval history, with 6 battle stars and 5 citations and medals during her 55 years of service;

Whereas the U.S.S. Wisconsin was launched on December 7, 1943, by the Philadelphia Naval Shipyard; sponsored by Mrs. Walter S. Goodland, wife of then-Governor Goodland of Wisconsin; and commissioned at Philadelphia, Pennsylvania, on April 16, 1944, with Captain Earl E. Stone in command;

Whereas her first action for Admiral William "Bull" Halsey's Third Fleet was a strike by her task force against the Japanese facilities in Manila, thereby supporting the amphibious assault on the Island of Mindoro, which was a vital maneuver in the defeat of the Japanese forces in the Philippines;

Whereas the U.S.S. Wisconsin joined the Fifth Fleet to provide strategic cover for the assault on Iwo Jima by striking the Tokyo area;

Whereas the U.S.S. Wisconsin supplied crucial firepower for the invasion of Okinawa;

Whereas the U.S.S. Wisconsin served as a flagship for the Seventh Fleet during the Korean conflict;

Whereas the U.S.S. Wisconsin provided consistent naval gunfire support during the Korean conflict to the First Marine Division, the First Republic of Korea Corps, and United Nations forces;

Whereas the U.S.S. Wisconsin received 5 battle stars for World War II and one for the Korean conflict;

Whereas the U.S.S. Wisconsin returned to combat on January 17, 1991;

Whereas the U.S.S. Wisconsin served as Tomahawk strike warfare commander for the Persian Gulf, and directed the sequence of Tomahawk launches that initiated Operation Desert Storm;

Whereas the U.S.S. Wisconsin, decommissioned on September 30, 1991, is berthed at Portsmouth, Virginia; and may soon be berthed at Nauticus, the National Maritime Museum in Norfolk, Virginia, where she would serve as a floating monument and an educational museum: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) a commemorative postage stamp should be issued by the United States Postal Service in honor of the U.S.S. Wisconsin and all those who served aboard her; and

(2) the Citizen's Stamp Advisory Committee should recommend to the Postmaster General that such a postage stamp be issued.

Mr. FEINGOLD. Mr. President, today, I have the distinct honor of submitting a resolution that commemorates one of the great vessels in our naval history and her crew members. I am joined by the senior Senator from Wisconsin, Mr. KOHL.

Mr. President, the U.S.S. *Wisconsin* is one of four *Iowa*-class battleships, the largest battleships ever built by the Navy. The four vessels, the *Wisconsin*, the *Iowa*, the *New Jersey* and the *Missouri*, served gallantly in every significant United States conflict from World War II to the Persian Gulf war.

At 887 feet, the *Wisconsin* carries a 108-foot, three-inch beam with a displacement of 45,000 tons. Her armor includes 9 sixteen-inch guns, 20 five-inch guns, 80 40-millimeter guns, and 49 20-millimeter guns. The 16-inch guns can lob shells roughly the weight of a VW Beetle to distances of up to 24 miles. The recoil of these might guns was so great that the deck had to be built of teak wood because steel plating would buckle from the stress. She was designed for a crew of 1,921 sailors, but she carried as many as 2,700 sailors during World War II and the Korean war.

Mr. President, the U.S.S. *Wisconsin* was built in Philadelphia and commissioned on 7 December 1943, exactly 2 years after the attack on Pearl Harbor. From the moment President Roosevelt selected the name of the vessel, Wisconsin citizens took an immediate interest. School children volunteered to christen the battleship. Some folks even recommended christening the *Wisconsin* with water from the Wisconsin River, instead of champagne.

In the summer of 1944, she underwent sea trials and training in the Chesapeake Bay. On 7 July, the *Wisconsin* departed from Norfolk, VA, on her way to war with the legendary Adm. William F. "Bull" Halsey and his 3rd Fleet. As U.S. Marines and infantry began their island-hopping strategy toward the home islands of Japan, *Wisconsin* sent her shells hurling with deadly accuracy into the Philippines. And coincidentally enough, the *Wisconsin*'s first commander, Captain Earl E. Stone, was born in Milwaukee and attended the city's public schools and the State university before his appointment to the Naval Academy.

The *Wisconsin* then joined the 5th Fleet under another legendary commander, Adm. Raymond Spruance, and helped silence Japanese resistance on Iwo Jima and Okinawa, and then joined in the Battle of Leyte Gulf. Soon thereafter, the U.S.S. *Wisconsin* became part of Fast Carrier Task Force 38. She joined in attacks in the Philippine Islands, Saigon, Camranh Bay, Hong Kong, Canton, Hainan, and the Japanese home islands.

After the Japanese surrender, the *Wisconsin* headed home with five battle stars to her credit. One amazing fact about her World War II service is that the *Wisconsin* didn't lose one crewman or get hit.

She spent the summer at the Norfolk Naval Shipyard where she underwent an extensive overhaul. Following a 2-year stint as a training ship, she returned to Norfolk and joined the Atlantic Fleet Reserve Fleet for inactivation.

By July 1, 1948, she was taken out of commission and mothballed. However, the Korean war reawakened the *Wisconsin* and her sister battleships. She departed Norfolk on October 25, 1951, bound for the Pacific where she became the flagship of the 7th Fleet. When the Korean war broke out, future Adm. Elmo Zumwalt, Jr., served as the *Wisconsin*'s navigator and extolled her "versatility, maneuverability, strength, and power." During the conflict, she covered troop landings; fired upon enemy troops, trains, trucks, and bridges all along the Korean coastline; and attacked important North Korean ports in Hungnam, Wonsan, and Songjin. In April 1952, she steamed toward Norfolk with another battle star.

Upon arriving in Norfolk, *Wisconsin* received her second overhaul at the Norfolk Naval Shipyard. Following a number of peacetime and diplomatic voyages showing the flag, she returned to Norfolk on June 11, 1954 for a brief overhaul before taking her role as a training ship.

On May 6, 1954, she was cruising off the Virginia Capes in heavy fog when she collided with the destroyer U.S.S. *Eaton*. *Wisconsin* returned to Norfolk with extensive bow damage, and a week later found herself back in the Norfolk Naval Shipyard. Shipyard workers fitted a 120-ton, 68-foot bow section from the unfinished Iowa-class battleship Kentucky. Working round-the-clock, *Wisconsin*'s ship's force and shipyard personnel completed the operation in just 16 days.

On June 28, 1956, the ship was ready for sea. *Wisconsin* steamed from Norfolk five more times before heading for Philadelphia and deactivation in 1958. She remained on inactive status until 1986, when she was towed to Ingalls Shipbuilding in Pascagoula, Mississippi. In 1988, the U.S.S. *Wisconsin* was re-commissioned for a third time.

In 1991, she led the Navy's surface attack on Iraq during the Gulf war with the first-ever use of cruise missiles in battle.

Now, Mr. President, she is decommissioned and will soon be berthed at Nauticus, the National Maritime Museum in Norfolk, VA, where she will serve as a floating monument and an educational museum. I wish she had found her final port in the great State of Wisconsin, but getting her there simply isn't possible—she's just too big.

Mr. President, I hope my colleagues will help me and the senior Senator from Wisconsin honor this great ship with a commemorative stamp.

SENATE RESOLUTION 204—DESIGNATING THE WEEK BEGINNING NOVEMBER 21, 1999, AND THE WEEK BEGINNING ON NOVEMBER 19, 2000, AS "NATIONAL FAMILY WEEK", AND FOR OTHER PURPOSES

Mr. HATCH (for himself, Mr. ABRAHAM, Mr. BAYH, Mr. BENNETT, Mr. BURNS, Mr. BYRD, Mr. DEWINE, Mr. DODD, Mr. GRAMS, Mr. GREGG, Mr. HAGEL, Mr. HELMS, Mr. INOUYE, Mr. LEVIN, Mr. LUGAR, Mrs. MURRAY, Mr. REID, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon, Mr. THURMOND, and Mr. WYDEN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 204

Whereas the family is the basic strength of any free and orderly society;

Whereas it is in the family that America's youth are nurtured and taught the values vital to success and happiness in life: respect for others, honesty, service, hard work, loyalty, love, and others;

Whereas the family provides the support necessary for people to pursue their goals;

Whereas it is appropriate to honor the family unit as essential to the continued well-being of the United States;

Whereas it is fitting that official recognition be given to the importance of family loyalties and ties: Now, therefore, be it

Resolved, That the Senate designates the week beginning on November 21, 1999 and the week beginning on November 19, 2000, as "National Family Week". The Senate requests the President to issue a proclamation calling on the people of the United States to observe each week with appropriate ceremonies and activities.

Mr. HATCH. Mr. President, I am pleased today to submit a resolution designating the week beginning on November 21, 1999, and the week beginning on November 19, 2000, as "National Family Week." Such a resolution has been passed in every Congress since 1976, and I am proud to support this tradition of honoring America's families.

The family is the backbone of our free nation and vital to the prosperity of the United States. We have all seen and, hopefully, have felt the tremendous impact a supportive family makes in the life of an individual. A strong family nurtures and teaches children the values they need to be successful in this world: hard work, honesty, loyalty and respect for others.

National Family Week is the week that includes Thanksgiving in both 1999 and 2000. This is a very fitting time to celebrate the institution that brings us together with those we love.

This resolution will officially recognize the great significance of the family in our society and encourages states and communities to emphasize the importance of the family with appropriate activities, celebrations, and ceremonies.

I hope my distinguished colleagues will join me in support of this resolution.

AMENDMENTS SUBMITTED

BIPARTISAN CAMPAIGN REFORM ACT OF 1999

DASCHLE (AND OTHERS) AMENDMENT NO. 2298

Mr. DASCHLE (for himself, Mr. TORRICELLI, Mrs. FEINSTEIN, Mr. LEAHY, Mr. DURBIN, Mr. BINGAMAN, Mr. REED, and Mr. KERRY) proposed an amendment to the bill (S. 1593) to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform; as follows:

Strike all after the first word and insert the following:

1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Bipartisan Campaign Finance Reform Act of 1999".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—REDUCTION OF SPECIAL INTEREST INFLUENCE

Sec. 101. Soft money of political parties.
Sec. 102. Increased contribution limits for State committees of political parties and aggregate contribution limit for individuals.
Sec. 103. Reporting requirements.

TITLE II—INDEPENDENT AND COORDINATED EXPENDITURES

Sec. 201. Definitions.
Sec. 202. Express advocacy determined without regard to background music.
Sec. 203. Civil penalty.
Sec. 204. Reporting requirements for certain independent expenditures.
Sec. 205. Independent versus coordinated expenditures by party.
Sec. 206. Coordination with candidates.

TITLE III—DISCLOSURE

Sec. 301. Filing of reports using computers and facsimile machines.
Sec. 302. Prohibition of deposit of contributions with incomplete contributor information.
Sec. 303. Audits.
Sec. 304. Reporting requirements for contributions of $50 or more.
Sec. 305. Use of candidates' names.
Sec. 306. Prohibition of false representation to solicit contributions.
Sec. 307. Soft money of persons other than political parties.
Sec. 308. Campaign advertising.

TITLE IV—PERSONAL WEALTH OPTION

Sec. 401. Voluntary personal funds expenditure limit.
Sec. 402. Political party committee coordinated expenditures.

TITLE V—MISCELLANEOUS

Sec. 501. Codification of Beck decision.
Sec. 502. Use of contributed amounts for certain purposes.
Sec. 503. Limit on congressional use of the franking privilege.
Sec. 504. Prohibition of fundraising on Federal property.
Sec. 505. Penalties for violations.
Sec. 506. Strengthening foreign money ban.
Sec. 507. Prohibition of contributions by minors.
Sec. 508. Expedited procedures.
Sec. 509. Initiation of enforcement proceeding.
Sec. 510. Protecting equal participation of eligible voters in campaigns and elections.
Sec. 511. Penalty for violation of prohibition against foreign contributions.
Sec. 512. Expedited court review of certain alleged violations of Federal Election Campaign Act of 1971.
Sec. 513. Conspiracy to violate presidential campaign spending limits.
Sec. 514. Deposit of certain contributions and donations in Treasury account.
Sec. 515. Establishment of a clearinghouse of information on political activities within the Federal Election Commission.
Sec. 516. Enforcement of spending limit on presidential and vice presidential candidates who receive public financing.
Sec. 517. Clarification of right of nationals of the United States to make political contributions.

TITLE VI—INDEPENDENT COMMISSION ON CAMPAIGN FINANCE REFORM

Sec. 601. Establishment and purpose of Commission.
Sec. 602. Membership of Commission.
Sec. 603. Powers of Commission.
Sec. 604. Administrative provisions.
Sec. 605. Report and recommended legislation.
Sec. 606. Expedited congressional consideration of legislation.
Sec. 607. Termination.
Sec. 608. Authorization of appropriations.

TITLE VII—PROHIBITING USE OF WHITE HOUSE MEALS AND ACCOMMODATIONS FOR POLITICAL FUNDRAISING

Sec. 701. Prohibiting use of White House meals and accommodations for political fundraising.

TITLE VIII—SENSE OF THE CONGRESS REGARDING FUNDRAISING ON FEDERAL GOVERNMENT PROPERTY

Sec. 801. Sense of the Congress regarding applicability of controlling legal authority to fundraising on Federal government property.

TITLE IX—PROHIBITING SOLICITATION TO OBTAIN ACCESS TO CERTAIN FEDERAL GOVERNMENT PROPERTY

Sec. 901. Prohibition against acceptance or solicitation to obtain access to certain Federal government property.

TITLE X—REIMBURSEMENT FOR USE OF GOVERNMENT PROPERTY FOR CAMPAIGN ACTIVITY

Sec. 1001. Requiring national parties to reimburse at cost for use of Air Force One for political fundraising.

TITLE XI—PROHIBITING USE OF WALKING AROUND MONEY

Sec. 1101. Prohibiting campaigns from providing currency to individuals for purposes of encouraging turnout on date of election.

TITLE XII—ENHANCING ENFORCEMENT OF CAMPAIGN LAW

Sec. 1201. Enhancing enforcement of campaign finance law.

TITLE XIII—BAN ON COORDINATED SOFT MONEY ACTIVITIES BY PRESIDENTIAL CANDIDATES

Sec. 1301. Ban on coordination of soft money for issue advocacy by presidential candidates receiving public financing.

TITLE XIV—POSTING NAMES OF CERTAIN AIR FORCE ONE PASSENGERS ON INTERNET

Sec. 1401. Requirement that names of passengers on Air Force One and Air Force Two be made available through the Internet.

TITLE XV—EXPULSION PROCEEDINGS FOR HOUSE MEMBERS RECEIVING FOREIGN CONTRIBUTIONS

Sec. 1501. Permitting consideration of privileged motion to expel House member accepting illegal foreign contribution.

TITLE XVI—SEVERABILITY; CONSTITUTIONALITY; EFFECTIVE DATE; REGULATIONS

Sec. 1601. Severability.
Sec. 1602. Review of constitutional issues.
Sec. 1603. Effective date.
Sec. 1604. Regulations.

TITLE I—REDUCTION OF SPECIAL INTEREST INFLUENCE

SEC. 101. SOFT MONEY OF POLITICAL PARTIES.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following new section:

"SOFT MONEY OF POLITICAL PARTIES

"SEC. 323. (a) NATIONAL COMMITTEES.—

"(1) IN GENERAL.—A national committee of a political party (including a national congressional campaign committee of a political party) and any officers or agents of such party committees, shall not solicit, receive, or direct to another person a contribution, donation, or transfer of funds, or spend any funds, that are not subject to the limitations, prohibitions, and reporting requirements of this Act.

"(2) APPLICABILITY.—This subsection shall apply to an entity that is directly or indirectly established, financed, maintained, or controlled by a national committee of a political party (including a national congressional campaign committee of a political party), or an entity acting on behalf of a national committee, and an officer or agent acting on behalf of any such committee or entity.

"(b) State, District, and Local Committees.—

"(1) In general.—An amount that is expended or disbursed by a State, district, or local committee of a political party (including an entity that is directly or indirectly established, financed, maintained, or controlled by a State, district, or local committee of a political party and an officer or agent acting on behalf of such committee or entity) for Federal election activity shall be made from funds subject to the limitations, prohibitions, and reporting requirements of this Act.

"(2) Federal election activity.—

"(A) In general.—The term 'Federal election activity' means—

"(i) voter registration activity during the period that begins on the date that is 120 days before the date a regularly scheduled Federal election is held and ends on the date of the election;

"(ii) voter identification, get-out-the-vote activity, or generic campaign activity conducted in connection with an election in which a candidate for Federal office appears on the ballot (regardless of whether a candidate for State or local office also appears on the ballot); and

"(iii) a communication that refers to a clearly identified candidate for Federal office (regardless of whether a candidate for State or local office is also mentioned or identified) and is made for the purpose of influencing a Federal election (regardless of whether the communication is express advocacy).

"(B) Excluded activity.—The term 'Federal election activity' does not include an amount expended or disbursed by a State, district, or local committee of a political party for—

"(i) campaign activity conducted solely on behalf of a clearly identified candidate for State or local office, provided the campaign activity is not a Federal election activity described in subparagraph (A);

"(ii) a contribution to a candidate for State or local office, provided the contribution is not designated or used to pay for a Federal election activity described in subparagraph (A);

"(iii) the costs of a State, district, or local political convention;

"(iv) the costs of grassroots campaign materials, including buttons, bumper stickers, and yard signs, that name or depict only a candidate for State or local office;

"(v) the non-Federal share of a State, district, or local party committee's administrative and overhead expenses (but not including the compensation in any month of an individual who spends more than 20 percent of the individual's time on Federal election activity) as determined by a regulation promulgated by the Commission to determine the non-Federal share of a State, district, or local party committee's administrative and overhead expenses; and

"(vi) the cost of constructing or purchasing an office facility or equipment for a State, district or local committee.

"(c) Fundraising Costs.—An amount spent by a national, State, district, or local committee of a political party, by an entity that is established, financed, maintained, or controlled by a national, State, district, or local committee of a political party, or by an agent or officer of any such committee or entity, to raise funds that are used, in whole or in part, to pay the costs of a Federal election activity shall be made from funds subject to the limitations, prohibitions, and reporting requirements of this Act.

"(d) Tax-Exempt Organizations.—A national, State, district, or local committee of a political party (including a national congressional campaign committee of a political party), an entity that is directly or indirectly established, financed, maintained, or controlled by any such national, State, district, or local committee or its agent, and an officer or agent acting on behalf of any such party committee or entity, shall not solicit any funds for, or make or direct any donations to, an organization that is described in section 501(c) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code (or has submitted an application to the Commissioner of the Internal Revenue Service for determination of tax-exemption under such section).

"(e) Candidates.—

"(1) In general.—A candidate, individual holding Federal office, agent of a candidate or individual holding Federal office, or an entity directly or indirectly established, financed, maintained or controlled by or acting on behalf of one or more candidates or individuals holding Federal office, shall not—

"(A) solicit, receive, direct, transfer, or spend funds in connection with an election for Federal office, including funds for any Federal election activity, unless the funds are subject to the limitations, prohibitions, and reporting requirements of this Act; or

"(B) solicit, receive, direct, transfer, or spend funds in connection with any election other than an election for Federal office or disburse funds in connection with such an election unless the funds—

"(i) are not in excess of the amounts permitted with respect to contributions to candidates and political committees under paragraphs (1) and (2) of section 315(a); and

"(ii) are not from sources prohibited by this Act from making contributions with respect to an election for Federal office.

"(2) State law.—Paragraph (1) does not apply to the solicitation, receipt, or spending of funds by an individual who is a candidate for a State or local office in connection with such election for State or local office if the solicitation, receipt, or spending of funds is permitted under State law for any activity other than a Federal election activity.

"(3) Fundraising events.—Notwithstanding paragraph (1), a candidate may attend, speak, or be a featured guest at a fundraising event for a State, district, or local committee of a political party.".

SEC. 102. INCREASED CONTRIBUTION LIMITS FOR STATE COMMITTEES OF POLITICAL PARTIES AND AGGREGATE CONTRIBUTION LIMIT FOR INDIVIDUALS.

(a) Contribution Limit for State Committees of Political Parties.—Section 315(a)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(1)) is amended—

(1) in subparagraph (B), by striking "or" at the end;

(2) in subparagraph (C)—

(A) by inserting "(other than a committee described in subparagraph (D))" after "committee"; and

(B) by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(D) to a political committee established and maintained by a State committee of a political party in any calendar year that, in the aggregate, exceed $10,000".

(b) Aggregate Contribution Limit for Individual.—Section 315(a)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(3)) is amended by striking "$25,000" and inserting "$30,000".

SEC. 103. REPORTING REQUIREMENTS.

(a) Reporting Requirements.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) (as amended by section 204) is amended by inserting after subsection (d) the following:

"(e) Political Committees.—

"(1) National and congressional political committees.—The national committee of a political party, any national congressional campaign committee of a political party, and any subordinate committee of either, shall report all receipts and disbursements during the reporting period.

"(2) Other political committees to which section 323 applies.—In addition to any other reporting requirements applicable under this Act, a political committee (not described in paragraph (1)) to which section 323(b)(1) applies shall report all receipts and disbursements made for activities described in paragraphs (2)(A) and (2)(B)(v) of section 323(b).

"(3) Itemization.—If a political committee has receipts or disbursements to which this subsection applies from any person aggregating in excess of $200 for any calendar year, the political committee shall separately itemize its reporting for such person in the same manner as required in paragraphs (3)(A), (5), and (6) of subsection (b).

"(4) Reporting periods.—Reports required to be filed under this subsection shall be filed for the same time periods required for political committees under subsection (a).".

(b) Building Fund Exception to the Definition of Contribution.—Section 301(8)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(B)) is amended—

(1) by striking clause (viii); and

(2) by redesignating clauses (ix) through (xiv) as clauses (viii) through (xiii), respectively.

TITLE II—INDEPENDENT AND COORDINATED EXPENDITURES

SEC. 201. DEFINITIONS.

(a) Definition of Independent Expenditure.—Section 301 of the Federal Election Campaign Act (2 U.S.C. 431) is amended by striking paragraph (17) and inserting the following:

"(17) Independent expenditure.—

"(A) In general.—The term 'independent expenditure' means an expenditure by a person—

"(i) for a communication that is express advocacy; and

"(ii) that is not coordinated activity or is not provided in coordination with a candidate or a candidate's agent or a person who is coordinating with a candidate or a candidate's agent.".

(b) Definition of Express Advocacy.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by adding at the end the following:

"(20) Express advocacy.—

"(A) In general.—The term 'express advocacy' means a communication that advocates the election or defeat of a candidate by—

"(i) containing a phrase such as 'vote for', 're-elect', 'support', 'cast your ballot for', '(name of candidate) for Congress', '(name of candidate) in 1997', 'vote against', 'defeat', 'reject', or a campaign slogan or words that in context can have no reasonable meaning other than to advocate the election or defeat of one or more clearly identified candidates;

"(ii) referring to one or more clearly identified candidates in a paid advertisement that is transmitted through radio or television within 60 calendar days preceding the date of an election of the candidate and that appears in the State in which the election is occurring, except that with respect to a candidate for the office of Vice President or President, the time period is within 60 calendar days preceding the date of a general election; or

"(iii) expressing unmistakable and unambiguous support for or opposition to one or more clearly identified candidates when taken as a whole and with limited reference to external events, such as proximity to an election.

"(B) VOTING RECORD AND VOTING GUIDE EXCEPTION.—The term 'express advocacy' does not include a communication which is in printed form or posted on the Internet that—

"(i) presents information solely about the voting record or position on a campaign issue of one or more candidates (including any statement by the sponsor of the voting record or voting guide of its agreement or disagreement with the record or position of a candidate), so long as the voting record or voting guide when taken as a whole does not express unmistakable and unambiguous support for or opposition to one or more clearly identified candidates;

"(ii) is not coordinated activity or is not made in coordination with a candidate, political party, or agent of the candidate or party, or a candidate's agent or a person who is coordinating with a candidate or a candidate's agent, except that nothing in this clause may be construed to prevent the sponsor of the voting guide from directing questions in writing to a candidate about the candidate's position on issues for purposes of preparing a voter guide or to prevent the candidate from responding in writing to such questions; and

"(iii) does not contain a phrase such as 'vote for', 're-elect', 'support', 'cast your ballot for', '(name of candidate) for Congress', '(name of candidate) in (year)', 'vote against', 'defeat', or 'reject', or a campaign slogan or words that in context can have no reasonable meaning other than to urge the election or defeat of one or more clearly identified candidates.".

(c) DEFINITION OF EXPENDITURE.—Section 301(9)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)(A)) is amended—

(1) in clause (i), by striking "and" at the end;

(2) in clause (ii), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(iii) a payment made by a political committee for a communication that—

"(I) refers to a clearly identified candidate; and

"(II) is for the purpose of influencing a Federal election (regardless of whether the communication is express advocacy).".

SEC. 202. EXPRESS ADVOCACY DETERMINED WITHOUT REGARD TO BACKGROUND MUSIC.

Section 301(20) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(20)), as added by section 201(b), is amended by adding at the end the following new subparagraph:

"(C) BACKGROUND MUSIC.—In determining whether any communication by television or radio broadcast constitutes express advocacy for purposes of this Act, there shall not be taken into account any background music not including lyrics used in such broadcast.".

SEC. 203. CIVIL PENALTY.

Section 309 of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g) is amended—

(1) in subsection (a)—

(A) in paragraph (4)(A)—

(i) in clause (i), by striking "clause (ii)" and inserting "clauses (ii) and (iii)"; and

(ii) by adding at the end the following:

"(iii) If the Commission determines by an affirmative vote of 4 of its members that there is probable cause to believe that a person has made a knowing and willful violation of section 304(c), the Commission shall not enter into a conciliation agreement under this paragraph and may institute a civil action for relief under paragraph (6)(A)."; and

(B) in paragraph (6)(B), by inserting "(except an action instituted in connection with a knowing and willful violation of section 304(c))" after "subparagraph (A)"; and

(2) in subsection (d)(1)—

(A) in subparagraph (A), by striking "Any person" and inserting "Except as provided in subparagraph (D), any person"; and

(B) by adding at the end the following:

"(D) In the case of a knowing and willful violation of section 304(c) that involves the reporting of an independent expenditure, the violation shall not be subject to this subsection.".

SEC. 204. REPORTING REQUIREMENTS FOR CERTAIN INDEPENDENT EXPENDITURES.

Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended—

(1) in subsection (c)(2), by striking the undesignated matter after subparagraph (C);

(2) by redesignating paragraph (3) of subsection (c) as subsection (f); and

(3) by inserting after subsection (c)(2) (as amended by paragraph (1)) the following:

"(d) TIME FOR REPORTING CERTAIN EXPENDITURES.—

"(1) EXPENDITURES AGGREGATING $1,000.—

"(A) INITIAL REPORT.—A person (including a political committee) that makes or contracts to make independent expenditures aggregating $1,000 or more after the 20th day, but more than 24 hours, before the date of an election shall file a report describing the expenditures within 24 hours after that amount of independent expenditures has been made.

"(B) ADDITIONAL REPORTS.—After a person files a report under subparagraph (A), the person shall file an additional report within 24 hours after each time the person makes or contracts to make independent expenditures aggregating an additional $1,000 with respect to the same election as that to which the initial report relates.

"(2) EXPENDITURES AGGREGATING $10,000.—

"(A) INITIAL REPORT.—A person (including a political committee) that makes or contracts to make independent expenditures aggregating $10,000 or more at any time up to and including the 20th day before the date of an election shall file a report describing the expenditures within 48 hours after that amount of independent expenditures has been made.

"(B) ADDITIONAL REPORTS.—After a person files a report under subparagraph (A), the person shall file an additional report within 48 hours after each time the person makes or contracts to make independent expenditures aggregating an additional $10,000 with respect to the same election as that to which the initial report relates.

"(3) PLACE OF FILING; CONTENTS.—A report under this subsection—

"(A) shall be filed with the Commission; and

"(B) shall contain the information required by subsection (b)(6)(B)(iii), including the name of each candidate whom an expenditure is intended to support or oppose.".

SEC. 205. INDEPENDENT VERSUS COORDINATED EXPENDITURES BY PARTY.

Section 315(d) of the Federal Election Campaign Act (2 U.S.C. 441a(d)) is amended—

(1) in paragraph (1), by striking "and (3)" and inserting ", (3), and (4)"; and

(2) by adding at the end the following:

"(4) INDEPENDENT VERSUS COORDINATED EXPENDITURES BY PARTY.—

"(A) IN GENERAL.—On or after the date on which a political party nominates a candidate, a committee of the political party shall not make both expenditures under this subsection and independent expenditures (as defined in section 301(17)) with respect to the candidate during the election cycle.

'"(B) CERTIFICATION.—Before making a coordinated expenditure under this subsection with respect to a candidate, a committee of a political party shall file with the Commission a certification, signed by the treasurer of the committee, that the committee has not and shall not make any independent expenditure with respect to the candidate during the same election cycle.

"(C) APPLICATION.—For the purposes of this paragraph, all political committees established and maintained by a national political party (including all congressional campaign committees) and all political committees established and maintained by a State political party (including any subordinate committee of a State committee) shall be considered to be a single political committee.

"(D) TRANSFERS.—A committee of a political party that submits a certification under subparagraph (B) with respect to a candidate shall not, during an election cycle, transfer any funds to, assign authority to make coordinated expenditures under this subsection to, or receive a transfer of funds from, a committee of the political party that has made or intends to make an independent expenditure with respect to the candidate.".

SEC. 206. COORDINATION WITH CANDIDATES.

(a) DEFINITION OF COORDINATION WITH CANDIDATES.—

(1) SECTION 301(8).—Section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)) is amended—

(A) in subparagraph (A)—

(i) by striking "or" at the end of clause (i);

(ii) by striking the period at the end of clause (ii) and inserting "; or"; and

(iii) by adding at the end the following:

"(iii) coordinated activity (as defined in subparagraph (C))."; and

(B) by adding at the end the following:

"(C) 'Coordinated activity' means anything of value provided by a person in coordination with a candidate, an agent of the candidate, or the political party of the candidate or its agent for the purpose of influencing a Federal election (regardless of whether the value being provided is a communication that is express advocacy) in which such candidate seeks nomination or election to Federal office, and includes any of the following:

"(i) A payment made by a person in cooperation, consultation, or concert with, at the request or suggestion of, or pursuant to any general or particular understanding with a candidate, the candidate's authorized committee, the political party of the candidate, or an agent acting on behalf of a candidate, authorized committee, or the political party of the candidate.

"(ii) A payment made by a person for the production, dissemination, distribution, or republication, in whole or in part, of any broadcast or any written, graphic, or other form of campaign material prepared by a candidate, a candidate's authorized committee, or an agent of a candidate or authorized committee (not including a communication described in paragraph (9)(B)(i) or a communication that expressly advocates the candidate's defeat).

"(iii) A payment made by a person based on information about a candidate's plans, projects, or needs provided to the person making the payment by the candidate or the candidate's agent who provides the information with the intent that the payment be made.

"(iv) A payment made by a person if, in the same election cycle in which the payment is made, the person making the payment is serving or has served as a member, employee, fundraiser, or agent of the candidate's authorized committee in an executive or policymaking position.

"(v) A payment made by a person if the person making the payment has served in any formal policy making or advisory position with the candidate's campaign or has participated in formal strategic or formal policymaking discussions (other than any discussion treated as a lobbying contact under the Lobbying Disclosure Act of 1995 in the case of a candidate holding Federal office or as a similar lobbying activity in the case of a candidate holding State or other elective office) with the candidate's campaign relating to the candidate's pursuit of nomination for election, or election, to Federal office, in the same election cycle as the election cycle in which the payment is made.

"(vi) A payment made by a person if, in the same election cycle, the person making the payment retains the professional services of any person that has provided or is providing campaign-related services in the same election cycle to a candidate (including services provided through a political committee of the candidate's political party) in connection with the candidate's pursuit of nomination for election, or election, to Federal office, including services relating to the candidate's decision to seek Federal office, and the person retained is retained to work on activities relating to that candidate's campaign.

"(vii) A payment made by a person who has directly participated in fundraising activities with the candidate or in the solicitation or receipt of contributions on behalf of the candidate.

"(viii) A payment made by a person who has communicated with the candidate or an agent of the candidate (including a communication through a political committee of the candidate's political party) after the declaration of candidacy (including a pollster, media consultant, vendor, advisor, or staff member acting on behalf of the candidate), about advertising message, allocation of resources, fundraising, or other campaign matters related to the candidate's campaign, including campaign operations, staffing, tactics, or strategy.

"(ix) The provision of in-kind professional services or polling data (including services or data provided through a political committee of the candidate's political party) to the candidate or candidate's agent.

"(x) A payment made by a person who has engaged in a coordinated activity with a candidate described in clauses (i) through (ix) for a communication that clearly refers to the candidate or the candidate's opponent and is for the purpose of influencing that candidates's election (regardless of whether the communication is express advocacy).

"(D) For purposes of subparagraph (C), the term 'professional services' means polling, media advice, fundraising, campaign research or direct mail (except for mailhouse services solely for the distribution of voter guides as defined in section 431(20)(B)) services in support of a candidate's pursuit of nomination for election, or election, to Federal office.

"(E) For purposes of subparagraph (C), all political committees established and maintained by a national political party (including all congressional campaign committees) and all political committees established and maintained by a State political party (including any subordinate committee of a State committee) shall be considered to be a single political committee.".

(2) Section 315(a)(7).—Section 315(a)(7) (2 U.S.C. 441a(a)(7)) is amended by striking subparagraph (B) and inserting the following:

"(B) a coordinated activity, as described in section 301(8)(C), shall be considered to be a contribution to the candidate, and in the case of a limitation on expenditures, shall be treated as an expenditure by the candidate.

(b) Meaning of Contribution or Expenditure for the Purposes of Section 316.—Section 316(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b(b)) is amended by striking "shall include" and inserting "includes a contribution or expenditure, as those terms are defined in section 301, and also includes".

TITLE III—DISCLOSURE

SEC. 301. FILING OF REPORTS USING COMPUTERS AND FACSIMILE MACHINES.

Section 304(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)) is amended by striking paragraph (11) and inserting the following:

"(11)(A) The Commission shall promulgate a regulation under which a person required to file a designation, statement, or report under this Act—

"(i) is required to maintain and file a designation, statement, or report for any calendar year in electronic form accessible by computers if the person has, or has reason to expect to have, aggregate contributions or expenditures in excess of a threshold amount determined by the Commission; and

"(ii) may maintain and file a designation, statement, or report in electronic form or an alternative form, including the use of a facsimile machine, if not required to do so under the regulation promulgated under clause (i).

"(B) The Commission shall make a designation, statement, report, or notification that is filed electronically with the Commission accessible to the public on the Internet not later than 24 hours after the designation, statement, report, or notification is received by the Commission.

"(C) In promulgating a regulation under this paragraph, the Commission shall provide methods (other than requiring a signature on the document being filed) for verifying designations, statements, and reports covered by the regulation. Any document verified under any of the methods shall be treated for all purposes (including penalties for perjury) in the same manner as a document verified by signature.".

SEC. 302. PROHIBITION OF DEPOSIT OF CONTRIBUTIONS WITH INCOMPLETE CONTRIBUTOR INFORMATION.

Section 302 of Federal Election Campaign Act of 1971 (2 U.S.C. 432) is amended by adding at the end the following:

"(j) Deposit of Contributions.—The treasurer of a candidate's authorized committee shall not deposit, except in an escrow account, or otherwise negotiate a contribution from a person who makes an aggregate amount of contributions in excess of $200 during a calendar year unless the treasurer verifies that the information required by this section with respect to the contributor is complete.".

SEC. 303. AUDITS.

(a) Random Audits.—Section 311(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(b)) is amended—

(1) by inserting "(1) In general.—" before "The Commission";

(2) by moving the text 2 ems to the right; and

(3) by adding at the end the following:

"(2) Random audits.—

"(A) In general.—Notwithstanding paragraph (1), the Commission may conduct random audits and investigations to ensure voluntary compliance with this Act. The selection of any candidate for a random audit or investigation shall be based on criteria adopted by a vote of at least four members of the Commission.

"(B) Limitation.—The Commission shall not conduct an audit or investigation of a candidate's authorized committee under subparagraph (A) until the candidate is no longer a candidate for the office sought by the candidate in an election cycle.

"(C) Applicability.—This paragraph does not apply to an authorized committee of a candidate for President or Vice President subject to audit under section 9007 or 9038 of the Internal Revenue Code of 1986.".

(b) Extension of Period During Which Campaign Audits May Be Begun.—Section 311(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(b)) is amended by striking "6 months" and inserting "12 months".

SEC. 304. REPORTING REQUIREMENTS FOR CONTRIBUTIONS OF $50 OR MORE.

Section 304(b)(3)(A) of the Federal Election Campaign Act at 1971 (2 U.S.C. 434(b)(3)(A) is amended—

(1) by striking "$200" and inserting "$50"; and

(2) by striking the semicolon and inserting ", except that in the case of a person who makes contributions aggregating at least $50 but not more than $200 during the calendar year, the identification need include only the name and address of the person;".

SEC. 305. USE OF CANDIDATES' NAMES.

Section 302(e) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(e)) is amended by striking paragraph (4) and inserting the following:

"(4)(A) The name of each authorized committee shall include the name of the candidate who authorized the committee under paragraph (1).

"(B) A political committee that is not an authorized committee shall not—

"(i) include the name of any candidate in its name; or

"(ii) except in the case of a national, State, or local party committee, use the name of any candidate in any activity on behalf of the committee in such a context as to suggest that the committee is an authorized committee of the candidate or that the use of the candidate's name has been authorized by the candidate.".

SEC. 306. PROHIBITION OF FALSE REPRESENTATION TO SOLICIT CONTRIBUTIONS.

Section 322 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441h) is amended—

(1) by inserting after "Sec. 322." the following: "(a) In General.—"; and

(2) by adding at the end the following:

"(b) Solicitation of Contributions.—No person shall solicit contributions by falsely representing himself or herself as a candidate or as a representative of a candidate, a political committee, or a political party.".

SEC. 307. SOFT MONEY OF PERSONS OTHER THAN POLITICAL PARTIES.

(a) IN GENERAL.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) (as amended by section 103(c) and section 204) is amended by adding at the end the following:

"(g) DISBURSEMENTS OF PERSONS OTHER THAN POLITICAL PARTIES.—

"(1) IN GENERAL.—A person, other than a political committee of a political party or a person described in section 501(d) of the Internal Revenue Code of 1986, that makes an aggregate amount of disbursements in excess of $50,000 during a calendar year for activities described in paragraph (2) shall file a statement with the Commission—

"(A) on a monthly basis as described in subsection (a)(4)(B); or

"(B) in the case of disbursements that are made within 20 days of an election, within 24 hours after the disbursements are made.

"(2) ACTIVITY.—The activity described in this paragraph is—

"(A) Federal election activity;

"(B) an activity described in section 316(b)(2)(A) that expresses support for or opposition to a candidate for Federal office or a political party; and

"(C) an activity described in subparagraph (B) or (C) of section 316(b)(2).

"(3) APPLICABILITY.—This subsection does not apply to—

"(A) a candidate or a candidate's authorized committees; or

"(B) an independent expenditure.

"(4) CONTENTS.—A statement under this section shall contain such information about the disbursements made during the reporting period as the Commission shall prescribe, including—

"(A) the aggregate amount of disbursements made;

"(B) the name and address of the person or entity to whom a disbursement is made in an aggregate amount in excess of $200;

"(C) the date made, amount, and purpose of the disbursement; and

"(D) if applicable, whether the disbursement was in support of, or in opposition to, a candidate or a political party, and the name of the candidate or the political party.".

(b) DEFINITION OF GENERIC CAMPAIGN ACTIVITY.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) (as amended by section 201(b)) is further amended by adding at the end the following:

"(21) GENERIC CAMPAIGN ACTIVITY.—The term 'generic campaign activity' means an activity that promotes a political party and does not promote a candidate or non-Federal candidate.".

SEC. 308. CAMPAIGN ADVERTISING.

Section 318 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking "Whenever" and inserting "Whenever a political committee makes a disbursement for the purpose of financing any communication through any broadcasting station, newspaper, magazine, outdoor advertising facility, mailing, or any other type of general public political advertising, or whenever";

(ii) by striking "an expenditure" and inserting "a disbursement"; and

(iii) by striking "direct"; and

(B) in paragraph (3), by inserting "and permanent street address" after "name"; and

(2) by adding at the end the following:

"(c) Any printed communication described in subsection (a) shall—

"(1) be of sufficient type size to be clearly readable by the recipient of the communication;

"(2) be contained in a printed box set apart from the other contents of the communication; and

"(3) be printed with a reasonable degree of color contrast between the background and the printed statement.

"(d)(1) Any communication described in paragraphs (1) or (2) of subsection (a) which is transmitted through radio or television shall include, in addition to the requirements of that paragraph, an audio statement by the candidate that identifies the candidate and states that the candidate has approved the communication.

"(2) If a communication described in paragraph (1) is transmitted through television, the communication shall include, in addition to the audio statement under paragraph (1), a written statement that—

"(A) appears at the end of the communication in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds; and

"(B) is accompanied by a clearly identifiable photographic or similar image of the candidate.

"(e) Any communication described in paragraph (3) of subsection (a) which is transmitted through radio or television shall include, in addition to the requirements of that paragraph, in a clearly spoken manner, the following statement: ' is responsible for the content of this advertisement.' (with the blank to be filled in with the name of the political committee or other person paying for the communication and the name of any connected organization of the payor). If transmitted through television, the statement shall also appear in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds.".

TITLE IV—PERSONAL WEALTH OPTION

SEC. 401. VOLUNTARY PERSONAL FUNDS EXPENDITURE LIMIT.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), as amended by section 101, is further amended by adding at the end the following new section:

"VOLUNTARY PERSONAL FUNDS EXPENDITURE LIMIT

"SEC. 324. (a) ELIGIBLE CONGRESSIONAL CANDIDATE.—

"(1) PRIMARY ELECTION.—

"(A) DECLARATION.—A candidate for election for Senator or Representative in or Delegate or Resident Commissioner to the Congress is an eligible primary election Congressional candidate if the candidate files with the Commission a declaration that the candidate and the candidate's authorized committees will not make expenditures in excess of the personal funds expenditure limit.

"(B) TIME TO FILE.—The declaration under subparagraph (A) shall be filed not later than the date on which the candidate files with the appropriate State officer as a candidate for the primary election.

"(2) GENERAL ELECTION.—

"(A) DECLARATION.—A candidate for election for Senator or Representative in or Delegate or Resident Commissioner to the Congress is an eligible general election Congressional candidate if the candidate files with the Commission—

"(i) a declaration under penalty of perjury, with supporting documentation as required by the Commission, that the candidate and the candidate's authorized committees did not exceed the personal funds expenditure limit in connection with the primary election; and

"(ii) a declaration that the candidate and the candidate's authorized committees will not make expenditures in excess of the personal funds expenditure limit.

"(B) TIME TO FILE.—The declaration under subparagraph (A) shall be filed not later than 7 days after the earlier of—

"(i) the date on which the candidate qualifies for the general election ballot under State law; or

"(ii) if under State law, a primary or runoff election to qualify for the general election ballot occurs after September 1, the date on which the candidate wins the primary or runoff election.

"(b) PERSONAL FUNDS EXPENDITURE LIMIT.—

"(1) IN GENERAL.—The aggregate amount of expenditures that may be made in connection with an election by an eligible Congressional candidate or the candidate's authorized committees from the sources described in paragraph (2) shall not exceed $50,000.

"(2) SOURCES.—A source is described in this paragraph if the source is—

"(A) personal funds of the candidate and members of the candidate's immediate family; or

"(B) proceeds of indebtedness incurred by the candidate or a member of the candidate's immediate family.

"(c) CERTIFICATION BY THE COMMISSION.—

"(1) IN GENERAL.—The Commission shall determine whether a candidate has met the requirements of this section and, based on the determination, issue a certification stating whether the candidate is an eligible Congressional candidate.

"(2) TIME FOR CERTIFICATION.—Not later than 7 business days after a candidate files a declaration under paragraph (1) or (2) of subsection (a), the Commission shall certify whether the candidate is an eligible Congressional candidate.

"(3) REVOCATION.—The Commission shall revoke a certification under paragraph (1), based on information submitted in such form and manner as the Commission may require or on information that comes to the Commission by other means, if the Commission determines that a candidate violates the personal funds expenditure limit.

"(4) DETERMINATIONS BY COMMISSION.—A determination made by the Commission under this subsection shall be final, except to the extent that the determination is subject to examination and audit by the Commission and to judicial review.

"(d) PENALTY.—If the Commission revokes the certification of an eligible Congressional candidate—

"(1) the Commission shall notify the candidate of the revocation; and

"(2) the candidate and a candidate's authorized committees shall pay to the Commission an amount equal to the amount of expenditures made by a national committee of a political party or a State committee of a political party in connection with the general election campaign of the candidate under section 315(d).".

SEC. 402. POLITICAL PARTY COMMITTEE COORDINATED EXPENDITURES.

Section 315(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)) (as amended by section 204) is amended by adding at the end the following:

"(5) This subsection does not apply to expenditures made in connection with the general election campaign of a candidate for

Senator or Representative in or Delegate or Resident Commissioner to the Congress who is not an eligible Congressional candidate (as defined in section 324(a)).''.

TITLE V—MISCELLANEOUS

SEC. 501. CODIFICATION OF BECK DECISION.

Section 8 of the National Labor Relations Act (29 U.S.C. 158) is amended by adding at the end the following new subsection:

''(h) Nonunion Member Payments to Labor Organization.—

''(1) In general.—It shall be an unfair labor practice for any labor organization which receives a payment from an employee pursuant to an agreement that requires employees who are not members of the organization to make payments to such organization in lieu of organization dues or fees not to establish and implement the objection procedure described in paragraph (2).

''(2) Objection procedure.—The objection procedure required under paragraph (1) shall meet the following requirements:

''(A) The labor organization shall annually provide to employees who are covered by such agreement but are not members of the organization—

''(i) reasonable personal notice of the objection procedure, a list of the employees eligible to invoke the procedure, and the time, place, and manner for filing an objection; and

''(ii) reasonable opportunity to file an objection to paying for organization expenditures supporting political activities unrelated to collective bargaining, including but not limited to the opportunity to file such objection by mail.

''(B) If an employee who is not a member of the labor organization files an objection under the procedure in subparagraph (A), such organization shall—

''(i) reduce the payments in lieu of organization dues or fees by such employee by an amount which reasonably reflects the ratio that the organization's expenditures supporting political activities unrelated to collective bargaining bears to such organization's total expenditures; and

''(ii) provide such employee with a reasonable explanation of the organization's calculation of such reduction, including calculating the amount of organization expenditures supporting political activities unrelated to collective bargaining.

''(3) Definition.—In this subsection, the term 'expenditures supporting political activities unrelated to collective bargaining' means expenditures in connection with a Federal, State, or local election or in connection with efforts to influence legislation unrelated to collective bargaining.''.

SEC. 502. USE OF CONTRIBUTED AMOUNTS FOR CERTAIN PURPOSES.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by striking section 313 and inserting the following:

''USE OF CONTRIBUTED AMOUNTS FOR CERTAIN PURPOSES

''Sec. 313. (a) Permitted Uses.—A contribution accepted by a candidate, and any other amount received by an individual as support for activities of the individual as a holder of Federal office, may be used by the candidate or individual—

''(1) for expenditures in connection with the campaign for Federal office of the candidate or individual;

''(2) for ordinary and necessary expenses incurred in connection with duties of the individual as a holder of Federal office;

''(3) for contributions to an organization described in section 170(c) of the Internal Revenue Code of 1986; or

''(4) for transfers to a national, State, or local committee of a political party.

''(b) Prohibited Use.—

''(1) In general.—A contribution or amount described in subsection (a) shall not be converted by any person to personal use.

''(2) Conversion.—For the purposes of paragraph (1), a contribution or amount shall be considered to be converted to personal use if the contribution or amount is used to fulfill any commitment, obligation, or expense of a person that would exist irrespective of the candidate's election campaign or individual's duties as a holder of Federal officeholder, including—

''(A) a home mortgage, rent, or utility payment;

''(B) a clothing purchase;

''(C) a noncampaign-related automobile expense;

''(D) a country club membership;

''(E) a vacation or other noncampaign-related trip;

''(F) a household food item;

''(G) a tuition payment;

''(H) admission to a sporting event, concert, theater, or other form of entertainment not associated with an election campaign; and

''(I) dues, fees, and other payments to a health club or recreational facility.''.

SEC. 503. LIMIT ON CONGRESSIONAL USE OF THE FRANKING PRIVILEGE.

Section 3210(a)(6) of title 39, United States Code, is amended by striking subparagraph (A) and inserting the following:

''(A) A Member of Congress shall not mail any mass mailing as franked mail during the 180-day period which ends on the date of the general election for the office held by the Member or during the 90-day period which ends on the date of any primary election for that office, unless the Member has made a public announcement that the Member will not be a candidate for reelection during that year or for election to any other Federal office.''.

SEC. 504. PROHIBITION OF FUNDRAISING ON FEDERAL PROPERTY.

Section 607 of title 18, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

''(a) Prohibition.—

''(1) In general.—It shall be unlawful for any person to solicit or receive a donation of money or other thing of value in connection with a Federal, State, or local election from a person who is located in a room or building occupied in the discharge of official duties by an officer or employee of the United States. An individual who is an officer or employee of the Federal Government, including the President, Vice President, and Members of Congress, shall not solicit a donation of money or other thing of value in connection with a Federal, State, or local election while in any room or building occupied in the discharge of official duties by an officer or employee of the United States, from any person.

''(2) Penalty.—A person who violates this section shall be fined not more than $5,000, imprisoned more than 3 years, or both.''; and

(2) in subsection (b), by inserting ''or Executive Office of the President'' after ''Congress''.

SEC. 505. PENALTIES FOR VIOLATIONS.

(a) Increased Penalties.—Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)) is amended—

(1) in paragraphs (5)(A), (6)(A), and (6)(B), by striking ''$5,000'' and inserting ''$10,000''; and

(2) in paragraphs (5)(B) and (6)(C), by striking ''$10,000 or an amount equal to 200 percent'' and inserting ''$20,000 or an amount equal to 300 percent''.

(b) Equitable Remedies.—Section 309(a)(5)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(5)) is amended by striking the period at the end and inserting '', and may include equitable remedies or penalties, including disgorgement of funds to the Treasury or community service requirements (including requirements to participate in public education programs).''.

(c) Automatic Penalty for Late Filing.—Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)) is amended—

(1) by adding at the end the following:

''(13) Penalty for Late Filing.—

''(A) In general.—

''(i) Monetary penalties.—The Commission shall establish a schedule of mandatory monetary penalties that shall be imposed by the Commission for failure to meet a time requirement for filing under section 304.

''(ii) Required filing.—In addition to imposing a penalty, the Commission may require a report that has not been filed within the time requirements of section 304 to be filed by a specific date.

''(iii) Procedure.—A penalty or filing requirement imposed under this paragraph shall not be subject to paragraph (1), (2), (3), (4), (5), or (12).

''(B) Filing an exception.—

''(i) Time to file.—A political committee shall have 30 days after the imposition of a penalty or filing requirement by the Commission under this paragraph in which to file an exception with the Commission.

''(ii) Time for commission to rule.—Within 30 days after receiving an exception, the Commission shall make a determination that is a final agency action subject to exclusive review by the United States Court of Appeals for the District of Columbia Circuit under section 706 of title 5, United States Code, upon petition filed in that court by the political committee or treasurer that is the subject of the agency action, if the petition is filed within 30 days after the date of the Commission action for which review is sought.'';

(2) in paragraph (5)(D)—

(A) by inserting after the first sentence the following: ''In any case in which a penalty or filing requirement imposed on a political committee or treasurer under paragraph (13) has not been satisfied, the Commission may institute a civil action for enforcement under paragraph (6)(A).''; and

(B) by inserting before the period at the end of the last sentence the following: ''or has failed to pay a penalty or meet a filing requirement imposed under paragraph (13)''; and

(3) in paragraph (6)(A), by striking ''paragraph (4)(A)'' and inserting ''paragraph (4)(A) or (13)''.

SEC. 506. STRENGTHENING FOREIGN MONEY BAN.

(a) In General.—Section 319 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e) is amended—

(1) by striking the heading and inserting the following: ''CONTRIBUTIONS AND DONATIONS BY FOREIGN NATIONALS''; and

(2) by striking subsection (a) and inserting the following:

''(a) Prohibition.—It shall be unlawful for—

"(1) a foreign national, directly or indirectly, to make—

"(A) a donation of money or other thing of value, or to promise expressly or impliedly to make a donation, in connection with a Federal, State, or local election; or

"(B) a contribution or donation to a committee of a political party; or

"(2) a person to solicit, accept, or receive such a contribution or donation from a foreign national.".

(b) Prohibiting Use of Willful Blindness as Defense Against Charge of Violating Foreign Contribution Ban.—

(1) In general.—Section 319 of such Act (2 U.S.C. 441e) is amended—

(A) by redesignating subsection (b) as subsection (c); and

(B) by inserting after subsection (a) the following new subsection:

"(b) Prohibiting Use of Willful Blindness Defense.—It shall not be a defense to a violation of subsection (a) that the defendant did not know that the contribution originated from a foreign national if the defendant should have known that the contribution originated from a foreign national, except that the trier of fact may not find that the defendant should have known that the contribution originated from a foreign national solely because of the name of the contributor.".

(2) Effective date.—The amendments made by this subsection shall apply with respect to violations occurring on or after the date of the enactment of this Act.

SEC. 507. PROHIBITION OF CONTRIBUTIONS BY MINORS.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), as amended by sections 101 and 401, is further amended by adding at the end the following new section:

"PROHIBITION OF CONTRIBUTIONS BY MINORS

"Sec. 325. An individual who is 17 years old or younger shall not make a contribution to a candidate or a contribution or donation to a committee of a political party.".

SEC. 508. EXPEDITED PROCEDURES.

(a) In General.—Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)) (as amended by section 505(c)) is amended by adding at the end the following:

"(14)(A) If the complaint in a proceeding was filed within 60 days preceding the date of a general election, the Commission may take action described in this subparagraph.

"(B) If the Commission determines, on the basis of facts alleged in the complaint and other facts available to the Commission, that there is clear and convincing evidence that a violation of this Act has occurred, is occurring, or is about to occur, the Commission may order expedited proceedings, shortening the time periods for proceedings under paragraphs (1), (2), (3), and (4) as necessary to allow the matter to be resolved in sufficient time before the election to avoid harm or prejudice to the interests of the parties.

"(C) If the Commission determines, on the basis of facts alleged in the complaint and other facts available to the Commission, that the complaint is clearly without merit, the Commission may—

"(i) order expedited proceedings, shortening the time periods for proceedings under paragraphs (1), (2), (3), and (4) as necessary to allow the matter to be resolved in sufficient time before the election to avoid harm or prejudice to the interests of the parties; or

"(ii) if the Commission determines that there is insufficient time to conduct proceedings before the election, summarily dismiss the complaint.".

(b) Referral to Attorney General.—Section 309(a)(5) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(5)) is amended by striking subparagraph (C) and inserting the following:

"(C) The Commission may at any time, by an affirmative vote of at least 4 of its members, refer a possible violation of this Act or chapter 95 or 96 of the Internal Revenue Code of 1986, to the Attorney General of the United States, without regard to any limitation set forth in this section.".

SEC. 509. INITIATION OF ENFORCEMENT PROCEEDING.

Section 309(a)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(2)) is amended by striking "reason to believe that" and inserting "reason to investigate whether".

SEC. 510. PROTECTING EQUAL PARTICIPATION OF ELIGIBLE VOTERS IN CAMPAIGNS AND ELECTIONS.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), as amended by sections 101, 401, and 507, is further amended by adding at the end the following new section:

"PROTECTING EQUAL PARTICIPATION OF ELIGIBLE VOTERS IN CAMPAIGNS AND ELECTIONS

"Sec. 326. (a) In General.—Nothing in this Act may be construed to prohibit any individual eligible to vote in an election for Federal office from making contributions or expenditures in support of a candidate for such an election (including voluntary contributions or expenditures made through a separate segregated fund established by the individual's employer or labor organization) or otherwise participating in any campaign for such an election in the same manner and to the same extent as any other individual eligible to vote in an election for such office.

"(b) No Effect on Geographic Restrictions on Contributions.—Subsection (a) may not be construed to affect any restriction under this title regarding the portion of contributions accepted by a candidate from persons residing in a particular geographic area.".

SEC. 511. PENALTY FOR VIOLATION OF PROHIBITION AGAINST FOREIGN CONTRIBUTIONS.

(a) In General.—Section 319 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e), as amended by section 506(b), is further amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

"(c) Penalty.—

"(1) In general.—Except as provided in paragraph (2), notwithstanding any other provision of this title any person who violates subsection (a) shall be sentenced to a term of imprisonment which may not be more than 10 years, fined in an amount not to exceed $1,000,000, or both.

"(2) Exception.—Paragraph (1) shall not apply with respect to any violation of subsection (a) arising from a contribution or donation made by an individual who is lawfully admitted for permanent residence (as defined in section 101(a)(22) of the Immigration and Nationality Act).".

(b) Effective Date.—The amendments made by this section shall apply with respect to violations occurring on or after the date of the enactment of this Act.

SEC. 512. EXPEDITED COURT REVIEW OF CERTAIN ALLEGED VIOLATIONS OF FEDERAL ELECTION CAMPAIGN ACT OF 1971.

(a) In General.—Section 309 of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

"(d) Notwithstanding any other provision of this section, if a candidate (or the candidate's authorized committee) believes that a violation described in paragraph (2) has been committed with respect to an election during the 90-day period preceding the date of the election, the candidate or committee may institute a civil action on behalf of the Commission for relief (including injunctive relief) against the alleged violator in the same manner and under the same terms and conditions as an action instituted by the Commission under subsection (a)(6), except that the court involved shall issue a decision regarding the action as soon as practicable after the action is instituted and to the greatest extent possible issue the decision prior to the date of the election involved.

"(2) A violation described in this paragraph is a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1986 relating to—

"(A) whether a contribution is in excess of an applicable limit or is otherwise prohibited under this Act; or

"(B) whether an expenditure is an independent expenditure under section 301(17).".

(b) Effective Date.—The amendments made by this section shall apply with respect to elections occurring after the date of the enactment of this Act.

SEC. 513. CONSPIRACY TO VIOLATE PRESIDENTIAL CAMPAIGN SPENDING LIMITS.

(a) In General.—Section 9003 of the Internal Revenue Code of 1986 (26 U.S.C. 9003) is amended by adding at the end the following new subsection:

"(g) Prohibiting Conspiracy To Violate Limits.—

"(1) Violation of limits described.—If a candidate for election to the office of President or Vice President who receives amounts from the Presidential Election Campaign Fund under chapter 95 or 96 of the Internal Revenue Code of 1986, or the agent of such a candidate, seeks to avoid the spending limits applicable to the candidate under such chapter or under the Federal Election Campaign Act of 1971 by soliciting, receiving, transferring, or directing funds from any source other than such Fund for the direct or indirect benefit of such candidate's campaign, such candidate or agent shall be fined not more than $1,000,000, or imprisoned for a term of not more than 3 years, or both.

"(2) Conspiracy to violate limits defined.—If two or more persons conspire to violate paragraph (1), and one or more of such persons do any act to effect the object of the conspiracy, each shall be fined not more than $1,000,000, or imprisoned for a term of not more than 3 years, or both.".

(b) Effective Date.—The amendment made by this section shall apply with respect to elections occurring on or after the date of the enactment of this Act.

SEC. 514. DEPOSIT OF CERTAIN CONTRIBUTIONS AND DONATIONS IN TREASURY ACCOUNT.

(a) In General.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), as amended by sections 101, 401, 507, and 510, is further amended by adding at the end the following new section:

"TREATMENT OF CERTAIN CONTRIBUTIONS AND DONATIONS TO BE RETURNED TO DONORS

"Sec. 327. (a) Transfer to Commission.—

"(1) In general.—Notwithstanding any other provision of this Act, if a political committee intends to return any contribution or donation given to the political committee, the committee shall transfer the contribution or donation to the Commission if—

"(A) the contribution or donation is in an amount equal to or greater than $500 (other than a contribution or donation returned within 60 days of receipt by the committee); or

"(B) the contribution or donation was made in violation of section 315, 316, 317, 319, 320, or 325 (other than a contribution or donation returned within 30 days of receipt by the committee).

"(2) Information included with transferred contribution or donation.—A political committee shall include with any contribution or donation transferred under paragraph (1)—

"(A) a request that the Commission return the contribution or donation to the person making the contribution or donation; and

"(B) information regarding the circumstances surrounding the making of the contribution or donation and any opinion of the political committee concerning whether the contribution or donation may have been made in violation of this Act.

"(3) Establishment of escrow account.—

"(A) In general.—The Commission shall establish a single interest-bearing escrow account for deposit of amounts transferred under paragraph (1).

"(B) Disposition of amounts received.—On receiving an amount from a political committee under paragraph (1), the Commission shall—

"(i) deposit the amount in the escrow account established under subparagraph (A); and

"(ii) notify the Attorney General and the Commissioner of the Internal Revenue Service of the receipt of the amount from the political committee.

"(C) Use of interest.—Interest earned on amounts in the escrow account established under subparagraph (A) shall be applied or used for the same purposes as the donation or contribution on which it is earned.

"(4) Treatment of returned contribution or donation as a complaint.—The transfer of any contribution or donation to the Commission under this section shall be treated as the filing of a complaint under section 309(a).

"(b) Use of Amounts Placed in Escrow To Cover Fines and Penalties.—The Commission or the Attorney General may require any amount deposited in the escrow account under subsection (a)(3) to be applied toward the payment of any fine or penalty imposed under this Act or title 18, United States Code, against the person making the contribution or donation.

"(c) Return of Contribution or Donation After Deposit in Escrow.—

"(1) In general.—The Commission shall return a contribution or donation deposited in the escrow account under subsection (a)(3) to the person making the contribution or donation if—

"(A) within 180 days after the date the contribution or donation is transferred, the Commission has not made a determination under section 309(a)(2) that the Commission has reason to investigate whether that the making of the contribution or donation was made in violation of this Act; or

"(B)(i) the contribution or donation will not be used to cover fines, penalties, or costs pursuant to subsection (b); or

"(ii) if the contribution or donation will be used for those purposes, that the amounts required for those purposes have been withdrawn from the escrow account and subtracted from the returnable contribution or donation.

"(2) No effect on status of investigation.—The return of a contribution or donation by the Commission under this subsection shall not be construed as having an effect on the status of an investigation by the Commission or the Attorney General of the contribution or donation or the circumstances surrounding the contribution or donation, or on the ability of the Commission or the Attorney General to take future actions with respect to the contribution or donation.".

(b) Amounts Used To Determine Amount of Penalty for Violation.—Section 309(a) of such Act (2 U.S.C. 437g(a)) is amended by inserting after paragraph (9) the following new paragraph:

"(10) For purposes of determining the amount of a civil penalty imposed under this subsection for violations of section 326, the amount of the donation involved shall be treated as the amount of the contribution involved.".

(c) Disgorgement Authority.—Section 309 of such Act (2 U.S.C. 437g) is amended by adding at the end the following new subsection:

"(e) Any conciliation agreement, civil action, or criminal action entered into or instituted under this section may require a person to forfeit to the Treasury any contribution, donation, or expenditure that is the subject of the agreement or action for transfer to the Commission for deposit in accordance with section 326.".

(d) Effective Date.—The amendments made by subsections (a) and (b) shall apply to contributions or donations refunded on or after the date of the enactment of this Act, without regard to whether the Federal Election Commission or Attorney General has issued regulations to carry out section 326 of the Federal Election Campaign Act of 1971 (as added by subsection (a)) by such date.

SEC. 515. ESTABLISHMENT OF A CLEARINGHOUSE OF INFORMATION ON POLITICAL ACTIVITIES WITHIN THE FEDERAL ELECTION COMMISSION.

(a) Establishment.—There shall be established within the Federal Election Commission a clearinghouse of public information regarding the political activities of foreign principals and agents of foreign principals. The information comprising this clearinghouse shall include only the following:

(1) All registrations and reports filed pursuant to the Lobbying Disclosure Act of 1995 (2 U.S.C. 1601 et seq.) during the preceding 5-year period.

(2) All registrations and reports filed pursuant to the Foreign Agents Registration Act, as amended (22 U.S.C. 611 et seq.), during the preceding 5-year period.

(3) The listings of public hearings, hearing witnesses, and witness affiliations printed in the Congressional Record during the preceding 5-year period.

(4) Public information disclosed pursuant to the rules of the Senate or the House of Representatives regarding honoraria, the receipt of gifts, travel, and earned and unearned income.

(5) All reports filed pursuant to title I of the Ethics in Government Act of 1978 (5 U.S.C. App.) during the preceding 5-year period.

(6) All public information filed with the Federal Election Commission pursuant to the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) during the preceding 5-year period.

(b) Disclosure of Other Information Prohibited.—The disclosure by the clearinghouse, or any officer or employee thereof, of any information other than that set forth in subsection (a) is prohibited, except as otherwise provided by law.

(c) Director of Clearinghouse.—

(1) Duties.—The clearinghouse shall have a Director, who shall administer and manage the responsibilities and all activities of the clearinghouse. In carrying out such duties, the Director shall—

(A) develop a filing, coding, and cross-indexing system to carry out the purposes of this section (which shall include an index of all persons identified in the reports, registrations, and other information comprising the clearinghouse);

(B) notwithstanding any other provision of law, make copies of registrations, reports, and other information comprising the clearinghouse available for public inspection and copying, beginning not later than 30 days after the information is first available to the public, and permit copying of any such registration, report, or other information by hand or by copying machine or, at the request of any person, furnish a copy of any such registration, report, or other information upon payment of the cost of making and furnishing such copy, except that no information contained in such registration or report and no such other information shall be sold or used by any person for the purpose of soliciting contributions or for any profit-making purpose; and

(C) not later than 150 days after the date of the enactment of this Act and at any time thereafter, to prescribe, in consultation with the Comptroller General, such rules, regulations, and forms, in conformity with the provisions of chapter 5 of title 5, United States Code, as are necessary to carry out the provisions of this section in the most effective and efficient manner.

(2) Appointment.—The Director shall be appointed by the Federal Election Commission.

(3) Term of service.—The Director shall serve a single term of a period of time determined by the Commission, but not to exceed 5 years.

(d) Penalties for Disclosure of Information.—Any person who discloses information in violation of subsection (b), and any person who sells or uses information for the purpose of soliciting contributions or for any profit-making purpose in violation of subsection (c)(1)(B), shall be imprisoned for a period of not more than 1 year, or fined in the amount provided in title 18, United States Code, or both.

(e) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to conduct the activities of the clearinghouse.

(f) Foreign Principal.—In this section, the term "foreign principal" shall have the same meaning given the term "foreign national" under section 319 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e), as in effect as of the date of the enactment of this Act.

SEC. 516. ENFORCEMENT OF SPENDING LIMIT ON PRESIDENTIAL AND VICE PRESIDENTIAL CANDIDATES WHO RECEIVE PUBLIC FINANCING.

(a) In General.—Section 9003 of the Internal Revenue Code of 1986 (26 U.S.C. 9003) is amended by adding at the end the following new subsection:

"(f) Illegal Solicitation of Soft Money.—No candidate for election to the office of President or Vice President may receive amounts from the Presidential Election Campaign Fund under this chapter or chapter 96 unless the candidate certifies that the candidate shall not solicit any funds for the purposes of influencing such election, including any funds used for an independent expenditure under the Federal Election Campaign Act of 1971, unless the funds are subject to the limitations, prohibitions, and reporting requirements of the Federal Election Campaign Act of 1971.".

(b) Effective Date.—The amendment made by this section shall apply with respect to elections occurring on or after the date of the enactment of this Act.

SEC. 517. CLARIFICATION OF RIGHT OF NATIONALS OF THE UNITED STATES TO MAKE POLITICAL CONTRIBUTIONS.

Section 319(d)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e(d)(2)), as amended by sections 506(b) and 511(a), is further amended by inserting after "United States" the following: "or a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act)".

TITLE VI—INDEPENDENT COMMISSION ON CAMPAIGN FINANCE REFORM

SEC. 601. ESTABLISHMENT AND PURPOSE OF COMMISSION.

There is established a commission to be known as the "Independent Commission on Campaign Finance Reform" (referred to in this title as the "Commission"). The purposes of the Commission are to study the laws relating to the financing of political activity and to report and recommend legislation to reform those laws.

SEC. 602. MEMBERSHIP OF COMMISSION.

(a) Composition.—The Commission shall be composed of 12 members appointed within 15 days after the date of the enactment of this Act by the President from among individuals who are not incumbent Members of Congress and who are specially qualified to serve on the Commission by reason of education, training, or experience.

(b) Appointment.—

(1) In general.—Members shall be appointed as follows:

(A) Three members (one of whom shall be a political independent) shall be appointed from among a list of nominees submitted by the Speaker of the House of Representatives.

(B) Three members (one of whom shall be a political independent) shall be appointed from among a list of nominees submitted by the majority leader of the Senate.

(C) Three members (one of whom shall be a political independent) shall be appointed from among a list of nominees submitted by the minority leader of the House of Representatives.

(D) Three members (one of whom shall be a political independent) shall be appointed from among a list of nominees submitted by the minority leader of the Senate.

(2) Failure to submit list of nominees.—If an official described in any of the subparagraphs of paragraph (1) fails to submit a list of nominees to the President during the 15-day period which begins on the date of the enactment of this Act—

(A) such subparagraph shall no longer apply; and

(B) the President shall appoint three members (one of whom shall be a political independent) who meet the requirements described in subsection (a) and such other criteria as the President may apply.

(3) Political independent defined.—In this subsection, the term "political independent" means an individual who at no time after January 1992—

(A) has held elective office as a member of the Democratic or Republican party;

(B) has received any wages or salary from the Democratic or Republican party or from a Democratic or Republican party officeholder or candidate; or

(C) has provided substantial volunteer services or made any substantial contribution to the Democratic or Republican party or to a Democratic or Republican party office-holder or candidate.

(c) Chairman.—At the time of the appointment, the President shall designate one member of the Commission as Chairman of the Commission.

(d) Terms.—The members of the Commission shall serve for the life of the Commission.

(e) Vacancies.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(f) Political Affiliation.—Not more than four members of the Commission may be of the same political party.

SEC. 603. POWERS OF COMMISSION.

(a) Hearings.—The Commission may, for the purpose of carrying out this title, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate. In carrying out the preceding sentence, the Commission shall ensure that a substantial number of its meetings are open meetings, with significant opportunities for testimony from members of the general public.

(b) Quorum.—Seven members of the Commission shall constitute a quorum, but a lesser number may hold hearings. The approval of at least nine members of the Commission is required when approving all or a portion of the recommended legislation. Any member of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take under this section.

SEC. 604. ADMINISTRATIVE PROVISIONS.

(a) Pay and Travel Expenses of Members.—(1) Each member of the Commission shall be paid at a rate equal to the daily equivalent of the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Commission.

(2) Members of the Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(b) Staff Director.—The Commission shall, without regard to section 5311(b) of title 5, United States Code, appoint a staff director, who shall be paid at the rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(c) Staff of Commission; Services.—

(1) In general.—With the approval of the Commission, the staff director of the Commission may appoint and fix the pay of additional personnel. The Director may make such appointments without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and any personnel so appointed may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the maximum annual rate of basic pay payable for grade GS–15 of the General Schedule under section 5332 of title 5, United States Code.

(2) Experts and consultants.—The Commission may procure by contract the temporary or intermittent services of experts or consultants pursuant to section 3109 of title 5, United States Code.

SEC. 605. REPORT AND RECOMMENDED LEGISLATION.

(a) Report.—Not later than the expiration of the 180-day period which begins on the date on which the second session of the One Hundred Sixth Congress adjourns sine die, the Commission shall submit to the President, the Speaker and minority leader of the House of Representatives, and the majority and minority leaders of the Senate a report of the activities of the Commission.

(b) Recommendations; Draft of Legislation.—The report under subsection (a) shall include any recommendations for changes in the laws (including regulations) governing the financing of political activity (taking into account the provisions of this Act and the amendments made by this Act), including any changes in the rules of the Senate or the House of Representatives, to which nine or more members of the Commission may agree, together with drafts of—

(1) any legislation (including technical and conforming provisions) recommended by the Commission to implement such recommendations; and

(2) any proposed amendment to the Constitution recommended by the Commission as necessary to implement such recommendations, except that if the Commission includes such a proposed amendment in its report, it shall also include recommendations (and drafts) for legislation which may be implemented prior to the adoption of such proposed amendment.

(c) Goals of Recommendations and Legislation.—In making recommendations and preparing drafts of legislation under this section, the Commission shall consider the following to be its primary goals:

(1) Encouraging fair and open Federal elections which provide voters with meaningful information about candidates and issues.

(2) Eliminating the disproportionate influence of special interest financing of Federal elections.

(3) Creating a more equitable electoral system for challengers and incumbents.

SEC. 606. EXPEDITED CONGRESSIONAL CONSIDERATION OF LEGISLATION.

(a) In General.—If any legislation is introduced the substance of which implements a recommendation of the Commission submitted under section 605(b) (including a joint resolution proposing an amendment to the Constitution), subject to subsection (b), the provisions of section 2908 (other than subsection (a)) of the Defense Base Closure and Realignment Act of 1990 shall apply to the consideration of the legislation in the same manner as such provisions apply to a joint resolution described in section 2908(a) of such Act.

(b) Special Rules.—For purposes of applying subsection (a) with respect to such provisions, the following rules shall apply:

(1) Any reference to the Committee on Armed Services of the House of Representatives shall be deemed a reference to the Committee on House Oversight of the House of Representatives and any reference to the Committee on Armed Services of the Senate shall be deemed a reference to the Committee on Rules and Administration of the Senate.

(2) Any reference to the date on which the President transmits a report shall be deemed a reference to the date on which the recommendation involved is submitted under section 605(b).

(3) Notwithstanding subsection (d)(2) of section 2908 of such Act—

(A) debate on the legislation in the House of Representatives, and on all debatable motions and appeals in connection with the legislation, shall be limited to not more than 10 hours, divided equally between those favoring and those opposing the legislation;

(B) debate on the legislation in the Senate, and on all debatable motions and appeals in connection with the legislation, shall be limited to not more than 10 hours, divided equally between those favoring and those opposing the legislation; and

(C) debate in the Senate on any single debatable motion and appeal in connection with the legislation shall be limited to not more than 1 hour, divided equally between the mover and the manager of the bill (except that in the event the manager of the bill is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee), and the majority and minority leader may each allot additional time from time under such leader's control to any Senator during the consideration of any debatable motion or appeal.

SEC. 607. TERMINATION.

The Commission shall cease to exist 90 days after the date of the submission of its report under section 605.

SEC. 608. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission such sums as are necessary to carry out its duties under this title.

TITLE VII—PROHIBITING USE OF WHITE HOUSE MEALS AND ACCOMMODATIONS FOR POLITICAL FUNDRAISING

SEC. 701. PROHIBITING USE OF WHITE HOUSE MEALS AND ACCOMMODATIONS FOR POLITICAL FUNDRAISING.

(a) In General.—Chapter 29 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 612. Prohibiting use of meals and accommodations at White House for political fundraising

"(a) It shall be unlawful for any person to provide or offer to provide any meals or accommodations at the White House in exchange for any money or other thing of value, or as a reward for the provision of any money or other thing of value, in support of any political party or the campaign for electoral office of any candidate.

"(b) Any person who violates this section shall be fined under this title or imprisoned not more than 3 years, or both.

"(c) For purposes of this section, any official residence or retreat of the President (including private residential areas and the grounds of such a residence or retreat) shall be treated as part of the White House.".

(b) Clerical Amendment.—The table of sections for chapter 29 of title 18, United States Code, is amended by adding at the end the following new item:

"612. Prohibiting use of meals and accommodations at White House for political fundraising.".

TITLE VIII—SENSE OF THE CONGRESS REGARDING FUNDRAISING ON FEDERAL GOVERNMENT PROPERTY

SEC. 801. SENSE OF THE CONGRESS REGARDING APPLICABILITY OF CONTROLLING LEGAL AUTHORITY TO FUNDRAISING ON FEDERAL GOVERNMENT PROPERTY.

It is the sense of the Congress that Federal law clearly demonstrates that "controlling legal authority" under title 18, United States Code, prohibits the use of Federal Government property to raise campaign funds.

TITLE IX—PROHIBITING SOLICITATION TO OBTAIN ACCESS TO CERTAIN FEDERAL GOVERNMENT PROPERTY

SEC. 901. PROHIBITION AGAINST ACCEPTANCE OR SOLICITATION TO OBTAIN ACCESS TO CERTAIN FEDERAL GOVERNMENT PROPERTY.

(a) In General.—Chapter 11 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 226. Acceptance or solicitation to obtain access to certain Federal Government property

"Whoever solicits or receives anything of value in consideration of providing a person with access to Air Force One, Marine One, Air Force Two, Marine Two, the White House, or the Vice President's residence, shall be fined under this title, or imprisoned not more than one year, or both.".

(b) Clerical Amendment.—The table of sections for chapter 11 of title 18, United States Code, is amended by adding at the end the following new item:

"226. Acceptance or solicitation to obtain access to certain Federal Government property.".

TITLE X—REIMBURSEMENT FOR USE OF GOVERNMENT PROPERTY FOR CAMPAIGN ACTIVITY

SEC. 1001. REQUIRING NATIONAL PARTIES TO REIMBURSE AT COST FOR USE OF AIR FORCE ONE FOR POLITICAL FUNDRAISING.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), as amended by sections 101, 401, 507, 510, and 515, is further amended by adding at the end the following new section:

"REIMBURSEMENT BY POLITICAL PARTIES FOR USE OF AIR FORCE ONE FOR POLITICAL FUNDRAISING

"Sec. 328. (a) In General.—If the President, Vice President, or the head of any executive department (as defined in section 101 of title 5, United States Code) uses Air Force One for transportation for any travel which includes a fundraising event for the benefit of any political committee of a national political party, such political committee shall reimburse the Federal Government for the fair market value of the transportation of the individual involved, based on the cost of an equivalent commercial chartered flight.

"(b) Air Force One Defined.—In subsection (a), the term 'Air Force One' means the airplane operated by the Air Force which has been specially configured to carry out the mission of transporting the President.".

TITLE XI—PROHIBITING USE OF WALKING AROUND MONEY

SEC. 1101. PROHIBITING CAMPAIGNS FROM PROVIDING CURRENCY TO INDIVIDUALS FOR PURPOSES OF ENCOURAGING TURNOUT ON DATE OF ELECTION.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), as amended by sections 101, 401, 507, 510, 515, and 1001, is further amended by adding at the end the following new section:

"PROHIBITING USE OF CURRENCY TO PROMOTE ELECTION DAY TURNOUT

"Sec. 329. It shall be unlawful for any political committee to provide currency to any individual (directly or through an agent of the committee) for purposes of encouraging the individual to appear at the polling place for the election.".

TITLE XII—ENHANCING ENFORCEMENT OF CAMPAIGN LAW

SEC. 1201. ENHANCING ENFORCEMENT OF CAMPAIGN FINANCE LAW.

(a) Mandatory Imprisonment for Criminal Conduct.—Section 309(d)(1)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(d)(1)(A)) is amended—

(1) in the first sentence, by striking "shall be fined, or imprisoned for not more than one year, or both" and inserting "shall be imprisoned for not fewer than 1 year and not more than 10 years"; and

(2) by striking the second sentence.

(b) Concurrent Authority of Attorney General To Bring Criminal Actions.—Section 309(d) of such Act (2 U.S.C. 437g(d)) is amended by adding at the end the following new paragraph:

"(4) In addition to the authority to bring cases referred pursuant to subsection (a)(5), the Attorney General may at any time bring a criminal action for a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1986.".

(c) Effective Date.—The amendments made by this section shall apply with respect to actions brought with respect to elections occurring after January 1999.

TITLE XIII—BAN ON COORDINATED SOFT MONEY ACTIVITIES BY PRESIDENTIAL CANDIDATES

SEC. 1301. BAN ON COORDINATION OF SOFT MONEY FOR ISSUE ADVOCACY BY PRESIDENTIAL CANDIDATES RECEIVING PUBLIC FINANCING.

(a) In General.—Section 9003 of the Internal Revenue Code of 1986 (26 U.S.C. 9003) is amended by adding at the end the following new subsection:

"(f) Ban on Coordination of Soft Money for Issue Advocacy.—

"(1) In general.—No candidate for election to the office of President or Vice President who is certified to receive amounts from the Presidential Election Campaign Fund under this chapter or chapter 96 may coordinate the expenditure of any funds for issue advocacy with any political party unless the funds are subject to the limitations, prohibitions, and reporting requirements of the Federal Election Campaign Act of 1971.

"(2) Issue advocacy defined.—In this section, the term 'issue advocacy' means any activity carried out for the purpose of influencing the consideration or outcome of any Federal legislation or the issuance or outcome of any Federal regulations, or educating individuals about candidates for election for Federal office or any Federal legislation, law, or regulations (without regard to whether the activity is carried out for the purpose of influencing any election for Federal office).".

(b) Effective Date.—The amendment made by this section shall apply with respect to elections occurring on or after the date of the enactment of this Act.

TITLE XIV—POSTING NAMES OF CERTAIN AIR FORCE ONE PASSENGERS ON INTERNET

SEC. 1401. REQUIREMENT THAT NAMES OF PASSENGERS ON AIR FORCE ONE AND AIR FORCE TWO BE MADE AVAILABLE THROUGH THE INTERNET.

(a) In General.—The President shall make available through the Internet the name of any non-Government person who is a passenger on an aircraft designated as Air Force One or Air Force Two not later than 30 days after the date that the person is a passenger on such aircraft.

(b) Exception.—Subsection (a) shall not apply in a case in which the President determines that compliance with such subsection would be contrary to the national security interests of the United States. In any such case, not later than 30 days after the date that the person whose name will not be made available through the Internet was a passenger on the aircraft, the President shall submit to the chairman and ranking member of the Permanent Select Committee on Intelligence of the House of Representatives and of the Select Committee on Intelligence of the Senate—

(1) the name of the person; and

(2) the justification for not making such name available through the Internet.

(c) Definition of Person.—As used in this Act, the term "non-Government person" means a person who is not an officer or employee of the United States, a member of the Armed Forces, or a Member of Congress.

TITLE XV—EXPULSION PROCEEDINGS FOR HOUSE MEMBERS RECEIVING FOREIGN CONTRIBUTIONS

SEC. 1501. PERMITTING CONSIDERATION OF PRIVILEGED MOTION TO EXPEL HOUSE MEMBER ACCEPTING ILLEGAL FOREIGN CONTRIBUTION.

(a) In General.—If a Member of the House of Representatives is convicted of a violation of section 319 of the Federal Election Campaign Act of 1971 (or any successor provision prohibiting the solicitation, receipt, or acceptance of a contribution from a foreign national), the Committee on Standards of Official Conduct, shall immediately consider the conduct of the Member and shall make a report and recommendations to the House forthwith concerning that Member which may include a recommendation for expulsion.

(b) Exercise of Rulemaking Authority.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the House of Representatives, and as such it is deemed a part of the rules of the House of Representatives, and it supersedes other rules only to the extent that it is inconsistent therewith; and

(2) with full recognition of the constitutional right of the House of Representatives to change the rule at any time, in the same manner and to the same extent as in the case of any other rule of the House of Representatives.

TITLE XVI—SEVERABILITY; CONSTITUTIONALITY; EFFECTIVE DATE; REGULATIONS

SEC. 1601. SEVERABILITY.

If any provision of this Act or amendment made by this Act, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act and amendments made by this Act, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

SEC. 1602. REVIEW OF CONSTITUTIONAL ISSUES.

An appeal may be taken directly to the Supreme Court of the United States from any final judgment, decree, or order issued by any court ruling on the constitutionality of any provision of this Act or amendment made by this Act.

SEC. 1603. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act and the amendments made by this Act shall take effect upon the expiration of the 90-day period which begins on the date of the enactment of this Act.

SEC. 1604. REGULATIONS.

The Federal Election Commission shall prescribe any regulations required to carry out this Act and the amendments made by this Act not later than 45 days after the date of the enactment of this Act.

SEC. . DISCLOSURE REQUIREMENTS FOR CERTAIN MONEY EXPENDITURES OF POLITICAL PARTIES.

(a) Transfers of Funds by National Political Parties.—Section 304(b)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(4)) is amended—

(1) by striking "and" at the end of subparagraph (H);

(2) by adding "and" at the end of subparagraph (I); and

(3) by adding at the end the following new subparagraph:

"(J) in the case of a political committee of a national political party, all funds transferred to any political committee of a State or local political party, without regard to whether or not the funds are otherwise treated as contributions or expenditures under this title;".

(b) Disclosure by State and Local Political Parties of Information Reported Under State Law.—Section 304 of Federal Election Campaign Act of 1971 (2 U.S.C. 434), as amended by section 4, is amended by adding at the end the following:

"(e) If a political committee of a State or local political party is required under a State or local law to submit a report to an entity of State or local government regarding its disbursements, the committee shall file a copy of the report with the Commission at the same time it submits the report to such entity.".

(c) Effective Date.—The amendments made by this section shall apply with respect to elections occurring after January 2001.

SEC. . PROMOTING EXPEDITED AVAILABILITY OF FEC REPORTS.

(a) Mandatory Electronic Filing.—Section 304(a)(11)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(11)(A)) is amended by striking "permit reports required by" and inserting "require reports under".

(b) Requiring Reports for All Contributions Made to Any Political Committee Within 90 Days of Election; Requiring Reports To Be Made Within 24 Hours.—Section 304(a)(6) of Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(6)) is amended to read as follows:

"(6)(A) Each political committee shall notify the Secretary or the Commission, and the Secretary of State, as appropriate, in writing, of any contribution received by the committee during the period which begins on the 90th day before an election and ends at the time the polls close for such election. This notification shall be made within 24 hours (or, if earlier, by midnight of the day on which the contribution is deposited) after the receipt of such contribution and shall include the name of the candidate involved (as appropriate) and the office sought by the candidate, the identification of the contributor, and the date of receipt and amount of the contribution.

"(B) The notification required under this paragraph shall be in addition to all other reporting requirements under this Act.".

(c) Increasing Electronic Disclosure.—Section 304 of Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)), as amended by section 6(b), is amended by adding at the end the following:

"(f) The Commission shall make the information contained in the reports submitted under this section available on the Internet and publicly available at the offices of the Commission as soon as practicable (but in no case later than 24 hours) after the information is received by the Commission.".

(d) Effective Date.—The amendment made by this section shall apply with respect to reports for periods beginning on or after January 1, 2001.

REID AMENDMENT NO. 2299

Mr. REID proposed an amendment to amendment No. 2298 proposed by Mr. Daschle to the bill, S. 1593, supra; as follows:

In the amendment strike all after the first line and insert the following:

This Act may be cited as the "Bipartisan Campaign Reform Act of 1999".

SEC. 2. SOFT MONEY OF POLITICAL PARTIES.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following:

"SEC. 323. SOFT MONEY OF POLITICAL PARTIES.

"(a) National Committees.—

"(1) In general.—A national committee of a political party (including a national congressional campaign committee of a political party) and any officers or agents of such party committees, shall not solicit, receive, or direct to another person a contribution, donation, or transfer of funds, or spend any funds, that are not subject to the limitations, prohibitions, and reporting requirements of this Act.

"(2) Applicability.—This subsection shall apply to an entity that is directly or indirectly established, financed, maintained, or controlled by a national committee of a political party (including a national congressional campaign committee of a political party), or an entity acting on behalf of a national committee, and an officer or agent acting on behalf of any such committee or entity.

"(b) State, District, and Local Committees.—

"(1) In general.—An amount that is expended or disbursed by a State, district, or local committee of a political party (including an entity that is directly or indirectly established, financed, maintained, or controlled by a State, district, or local committee of a political party and an officer or agent acting on behalf of such committee or entity) for Federal election activity shall be made from funds subject to the limitations, prohibitions, and reporting requirements of this Act.

"(2) Federal election activity.—

"(A) In general.—The term 'Federal election activity' means—

"(i) voter registration activity during the period that begins on the date that is 120 days before the date a regularly scheduled Federal election is held and ends on the date of the election;

"(ii) voter identification, get-out-the-vote activity, or generic campaign activity conducted in connection with an election in which a candidate for Federal office appears on the ballot (regardless of whether a candidate for State or local office also appears on the ballot); and

"(iii) a communication that refers to a clearly identified candidate for Federal office (regardless of whether a candidate for State or local office is also mentioned or identified) and is made for the purpose of influencing a Federal election (regardless of whether the communication is express advocacy).

"(B) Excluded activity.—The term 'Federal election activity' does not include an amount expended or disbursed by a State, district, or local committee of a political party for—

"(i) campaign activity conducted solely on behalf of a clearly identified candidate for State or local office, provided the campaign activity is not a Federal election activity described in subparagraph (A);

"(ii) a contribution to a candidate for State or local office, provided the contribution is not designated or used to pay for a Federal election activity described in subparagraph (A);

"(iii) the costs of a State, district, or local political convention;

"(iv) the costs of grassroots campaign materials, including buttons, bumper stickers, and yard signs, that name or depict only a candidate for State or local office;

"(v) the non-Federal share of a State, district, or local party committee's administrative and overhead expenses (but not including the compensation in any month of an individual who spends more than 20 percent of the individual's time on Federal election activity) as determined by a regulation promulgated by the Commission to determine the non-Federal share of a State, district, or local party committee's administrative and overhead expenses; and

"(vi) the cost of constructing or purchasing an office facility or equipment for a State, district or local committee.

"(C) GENERIC CAMPAIGN ACTIVITY.—The term 'generic campaign activity' means an activity that promotes a political party and does not promote a candidate or non-Federal candidate.

"(c) FUNDRAISING COSTS.—An amount spent by a national, State, district, or local committee of a political party, by an entity that is established, financed, maintained, or controlled by a national, State, district, or local committee of a political party, or by an agent or officer of any such committee or entity, to raise funds that are used, in whole or in part, to pay the costs of a Federal election activity shall be made from funds subject to the limitations, prohibitions, and reporting requirements of this Act.

"(d) TAX-EXEMPT ORGANIZATIONS.—A national, State, district, or local committee of a political party (including a national congressional campaign committee of a political party), an entity that is directly or indirectly established, financed, maintained, or controlled by any such national, State, district, or local committee or its agent, and an officer or agent acting on behalf of any such party committee or entity, shall not solicit any funds for, or make or direct any donations to, an organization that is described in section 501(c) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code (or has submitted an application for determination of tax exempt status under such section).

"(e) CANDIDATES.—

"(1) IN GENERAL.—A candidate, individual holding Federal office, agent of a candidate or individual holding Federal office, or an entity directly or indirectly established, financed, maintained or controlled by or acting on behalf of one or more candidates or individuals holding Federal office, shall not—

"(A) solicit, receive, direct, transfer, or spend funds in connection with an election for Federal office, including funds for any Federal election activity, unless the funds are subject to the limitations, prohibitions, and reporting requirements of this Act; or

"(B) solicit, receive, direct, transfer, or spend funds in connection with any election other than an election for Federal office or disburse funds in connection with such an election unless the funds—

"(i) are not in excess of the amounts permitted with respect to contributions to candidates and political committees under paragraphs (1) and (2) of section 315(a); and

"(ii) are not from sources prohibited by this Act from making contributions with respect to an election for Federal office.

"(2) STATE LAW.—Paragraph (1) does not apply to the solicitation, receipt, or spending of funds by an individual who is a candidate for a State or local office in connection with such election for State or local office if the solicitation, receipt, or spending of funds is permitted under State law for any activity other than a Federal election activity.

"(3) FUNDRAISING EVENTS.—Notwithstanding paragraph (1), a candidate may attend, speak, or be a featured guest at a fundraising event for a State, district, or local committee of a political party.".

SEC. 3. INCREASED CONTRIBUTION LIMITS FOR STATE COMMITTEES OF POLITICAL PARTIES AND AGGREGATE CONTRIBUTION LIMIT FOR INDIVIDUALS.

(a) CONTRIBUTION LIMIT FOR STATE COMMITTEES OF POLITICAL PARTIES.—Section 315(a)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(1)) is amended—

(1) in subparagraph (B), by striking "or" at the end;

(2) in subparagraph (C)—

(A) by inserting "(other than a committee described in subparagraph (D))" after "committee"; and

(B) by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(D) to a political committee established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $10,000.".

(b) AGGREGATE CONTRIBUTION LIMIT FOR INDIVIDUAL.—Section 315(a)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(3)) is amended by striking "$25,000" and inserting "$30,000".

SEC. 4. REPORTING REQUIREMENTS.

(a) REPORTING REQUIREMENTS.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended by adding at the end the following:

"(d) POLITICAL COMMITTEES.—

"(1) NATIONAL AND CONGRESSIONAL POLITICAL COMMITTEES.—The national committee of a political party, any national congressional campaign committee of a political party, and any subordinate committee of either, shall report all receipts and disbursements during the reporting period.

"(2) OTHER POLITICAL COMMITTEES TO WHICH SECTION 323 APPLIES.—In addition to any other reporting requirements applicable under this Act, a political committee (not described in paragraph (1)) to which section 323(b)(1) applies shall report all receipts and disbursements made for activities described in subparagraphs (A) and (B)(v) of section 323(b)(2).

"(3) ITEMIZATION.—If a political committee has receipts or disbursements to which this subsection applies from any person aggregating in excess of $200 for any calendar year, the political committee shall separately itemize its reporting for such person in the same manner as required in paragraphs (3)(A), (5), and (6) of subsection (b).

"(4) REPORTING PERIODS.—Reports required to be filed under this subsection shall be filed for the same time periods required for political committees under subsection (a).".

(b) BUILDING FUND EXCEPTION TO THE DEFINITION OF CONTRIBUTION.—Section 301(8)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(B)) is amended—

(1) by striking clause (viii); and

(2) by redesignating clauses (ix) through (xiv) as clauses (viii) through (xiii), respectively.

SEC. 5. CODIFICATION OF BECK DECISION.

Section 8 of the National Labor Relations Act (29 U.S.C. 158) is amended by adding at the end the following:

"(h) NONUNION MEMBER PAYMENTS TO LABOR ORGANIZATION.—

"(1) IN GENERAL.—It shall be an unfair labor practice for any labor organization which receives a payment from an employee pursuant to an agreement that requires employees who are not members of the organization to make payments to such organization in lieu of organization dues or fees not to establish and implement the objection procedure described in paragraph (2).

"(2) OBJECTION PROCEDURE.—The objection procedure required under paragraph (1) shall meet the following requirements:

"(A) The labor organization shall annually provide to employees who are covered by such agreement but are not members of the organization—

"(i) reasonable personal notice of the objection procedure, the employees eligible to invoke the procedure, and the time, place, and manner for filing an objection; and

"(ii) reasonable opportunity to file an objection to paying for organization expenditures supporting political activities unrelated to collective bargaining, including but not limited to the opportunity to file such objection by mail.

"(B) If an employee who is not a member of the labor organization files an objection under the procedure in subparagraph (A), such organization shall—

"(i) reduce the payments in lieu of organization dues or fees by such employee by an amount which reasonably reflects the ratio that the organization's expenditures supporting political activities unrelated to collective bargaining bears to such organization's total expenditures; and

"(ii) provide such employee with a reasonable explanation of the organization's calculation of such reduction, including calculating the amount of organization expenditures supporting political activities unrelated to collective bargaining.

"(3) DEFINITION.—In this subsection, the term 'expenditures supporting political activities unrelated to collective bargaining' means expenditures in connection with a Federal, State, or local election or in connection with efforts to influence legislation unrelated to collective bargaining.".

The provisions of the Act shall take effect one day after date of enactment.

SEC. ___. DISCLOSURE REQUIREMENTS FOR CERTAIN MONEY EXPENDITURES OF POLITICAL PARTIES.

(a) TRANSFERS OF FUNDS BY NATIONAL POLITICAL PARTIES.—Section 304(b)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(4)) is amended—

(1) by striking "and" at the end of subparagraph (H);

(2) by adding "and" at the end of subparagraph (I); and

(3) by adding at the end the following new subparagraph:

"(J) in the case of a political committee of a national political party, all funds transferred to any political committee of a State or local political party, without regard to whether or not the funds are otherwise treated as contributions or expenditures under this title;".

(b) DISCLOSURE BY STATE AND LOCAL POLITICAL PARTIES OF INFORMATION REPORTED UNDER STATE LAW.—Section 304 of Federal Election Campaign Act of 1971 (2 U.S.C. 434), as amended by section 4, is amended by adding at the end the following:

"(e) If a political committee of a State or local political party is required under a State or local law to submit a report to an entity of State or local government regarding its disbursements, the committee shall file a copy of the report with the Commission at the same time it submits the report to such entity.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to elections occurring after January 2001.

SEC. . PROMOTING EXPEDITED AVAILABILITY OF FEC REPORTS.

(a) MANDATORY ELECTRONIC FILING.—Section 304(a)(11)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(11)(A)) is amended by striking "permit reports required by" and inserting "require reports under".

(b) REQUIRING REPORTS FOR ALL CONTRIBUTIONS MADE TO ANY POLITICAL COMMITTEE WITHIN 90 DAYS OF ELECTION; REQUIRING REPORTS TO BE MADE WITHIN 24 HOURS.—Section 304(a)(6) of Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(6)) is amended to read as follows:

"(6)(A) Each political committee shall notify the Secretary or the Commission, and the Secretary of State, as appropriate, in writing, of any contribution received by the committee during the period which begins on the 90th day before an election and ends at the time the polls close for such election. This notification shall be made within 24 hours (or, if earlier, by midnight of the day on which the contribution is deposited) after the receipt of such contribution and shall include the name of the candidate involved (as appropriate) and the office sought by the candidate, the identification of the contributor, and the date of receipt and amount of the contribution.

"(B) The notification required under this paragraph shall be in addition to all other reporting requirements under this Act.".

(c) INCREASING ELECTRONIC DISCLOSURE.—Section 304 of Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)), as amended by section 6(b), is amended by adding at the end the following:

"(f) The Commission shall make the information contained in the reports submitted under this section available on the Internet and publicly available at the offices of the Commission as soon as practicable (but in no case later than 24 hours) after the information is received by the Commission.".

(d) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to reports for periods beginning on or after January 1, 2001.

HAGEL AMENDMENTS NOS. 2300–2301

(Ordered to lie on the table.)

Mr. HAGEL submitted two amendments intended to be proposed by him to the bill, S. 1593, supra; as follows:

AMENDMENT NO. 2300

Beginning on page 1, strike line 7 and all that follows through page 8, line 6, and insert the following:

(a) IN GENERAL.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following:

"SEC. 323. SOFT MONEY OF POLITICAL PARTIES.

"(a) IN GENERAL.—A national committee of a political party, a Senatorial or Congressional Campaign Committee of a national political party, or an entity directly or indirectly established, financed, maintained, or controlled by such committee shall not accept a contribution, donation, gift, or transfer of funds of any kind (not including a transfer from another committee of the political party) from a person, during a calendar year, in an aggregate amount in excess of $60,000.

"(b) AGGREGATE LIMIT ON DONOR.—A person shall not make an aggregate amount of disbursements described in subsection (a) in excess of $60,000 in any calendar year.

"(c) INDEX OF AMOUNT.—In the case of any calendar year after 1999—

"(1) each $60,000 amount under subsections (a) and (b) shall be increased based on the increase in the price index determined under section 315(c), except that the base period shall be calendar year 1999; and

"(2) each amount so increased shall be the amount in effect for the calendar year.".

(b) CONFORMING AMENDMENTS.—Section 315(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)) is amended—

(1) in paragraph (1), by striking "No person" and inserting "Subject to section 323(b), no person"; and

(2) in paragraph (2), by striking "No multicandidate" and inserting "Subject to section 323(b), no multicandidate".

At the end of the bill, add the following:

SEC. 6. INCREASE IN CONTRIBUTION LIMITS.

(a) INCREASE IN INDIVIDUAL AND POLITICAL COMMITTEE CONTRIBUTION LIMITS.—Section 315(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking "$1,000" and inserting "$3,000";

(B) in subparagraph (B), by striking "$20,000" and inserting "$60,000"; and

(C) in subparagraph (C), by striking "$5,000" and inserting "$15,000"; and

(2) in paragraph (3), as amended by section 3(b)—

(A) by striking "$30,000" and inserting "$75,000"; and

(B) by striking the second sentence.

(b) INCREASE IN MULTICANDIDATE LIMITS.—Section 315(a)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(2)) is amended—

(1) in subparagraph (A), by striking "$5,000" and inserting "$7,500";

(2) in subparagraph (B), by striking "$15,000" and inserting "$30,000"; and

(3) in subparagraph (C), by striking "$5,000" and inserting "$7,500".

(c) INDEXING.—Section 315(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(c)) is amended—

(1) in paragraph (1)—

(A) by striking the second and third sentences;

(B) by inserting "(A)" before "At the beginning"; and

(C) by adding at the end the following:

"(B) Except as provided in subparagraph (C), in any calendar year after 1999—

"(i) a limitation established by subsection (a), (b), or (d) shall be increased by the percent difference determined under subparagraph (A); and

"(ii) each amount so increased shall remain in effect for the calendar year.

"(C) In the case of limitations under paragraphs (1)(A) and (2)(A) of subsection (a), each amount increased under subparagraph (B) shall remain in effect for the 2-year period beginning on the first day following the date of the last general election in the year preceding the year in which the amount is increased and ending on the date of the next general election."; and

(2) in paragraph (2)(B), by striking "means the calendar year 1974" and inserting "means—

"(i) for purposes of subsections (b) and (d), calendar year 1974; and

"(ii) for purposes of subsection (a), calendar year 1999".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to calendar years beginning after December 31, 1999.

(2) TRANSITION RULE.—For purposes of indexing amounts for a 2-year period under subparagraph (C) of section 315(c)(1) of the Federal Election Campaign Act of 1971, as added by subsection (c)(1)(C) of this section, the period beginning on January 1, 2000, and ending on the date of the first general election after the date of the enactment of this Act shall be treated as a 2-year period.

AMENDMENT NO. 2301

At the end of the bill, add the following:

SEC. 6. PUBLIC ACCESS TO BROADCASTING RECORDS.

Section 315 of the Communications Act of 1934 (47 U.S.C. 315) is amended by redesignating subsections (c) and (d) as subsections (d) and (e), respectively, and inserting after subsection (b) the following:

"(c) POLITICAL RECORD.—

"(1) IN GENERAL.—A licensee shall maintain, and make available for public inspection, a complete record of a request to purchase broadcast time that—

"(A) is made by or on behalf of a legally qualified candidate for public office; or

"(B) communicates a message relating to any political matter of national importance, including—

"(i) a legally qualified candidate;

"(ii) any election to Federal office; or

"(iii) a national legislative issue of public importance.

"(2) CONTENTS OF RECORD.—A record maintained under paragraph (1) shall contain information regarding—

"(A) whether the request to purchase broadcast time is accepted or rejected by the licensee;

"(B) the rate charged for the broadcast time;

"(D) the date and time that the communication is aired;

"(E) the class of time that is purchased;

"(F) the name of the candidate to which the communication refers and the office to which the candidate is seeking election, the election to which the communication refers, or the issue to which the communication refers (as applicable);

"(G) in the case of a request made by, or on behalf of, a candidate, the name of the candidate, the authorized committee of the candidate, and the treasurer of such committee; and

"(H) in the case of any other request, the name of the person purchasing the time, the name, address, and phone number of a contact person for such person, and a list of the chief executive officers or members of the executive committee or of the board of directors of such person.

"(3) TIME TO MAINTAIN FILE.—The information required under this subsection shall be placed in a political file as soon as possible and shall be retained by the licensee for a period of not less than 2 years.".

APPROPRIATIONS FOR THE GOVERNMENT OF THE DISTRICT OF COLUMBIA FOR FISCAL YEAR 2000

HUTCHISON (AND DURBIN) AMENDMENT NO. 2302

Mr. SESSIONS (for Mrs. HUTCHISON (for herself and Mr. DURBIN)) proposed an amendment to the bill (H.R. 3064) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2000, and for other purposes; as follows:

Strike all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending September 30, 2000, and for other purposes, namely:

TITLE I—FISCAL YEAR 2000 APPROPRIATIONS

FEDERAL FUNDS

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

For a Federal payment to the District of Columbia for a program to be administered by the Mayor for District of Columbia resident tuition support, subject to the enactment of authorizing legislation for such program by Congress, $17,000,000, to remain available until expended: *Provided*, That such funds may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, usable at both public and private institutions of higher education: *Provided further*, That the awarding of such funds may be prioritized on the basis of a resident's academic merit and such other factors as may be authorized: *Provided further*, That if the authorized program is a nation-wide program, the Mayor may expend up to $17,000,000: *Provided further*, That if the authorized program is for a limited number of states, the Mayor may expend up to $11,000,000: *Provided further*, That the District of Columbia may expend funds other than the funds provided under this heading, including local tax revenues and contributions, to support such program.

FEDERAL PAYMENT FOR INCENTIVES FOR ADOPTION OF CHILDREN

For a Federal payment to the District of Columbia to create incentives to promote the adoption of children in the District of Columbia foster care system, $5,000,000: *Provided*, That such funds shall remain available until September 30, 2001 and shall be used in accordance with a program established by the Mayor and the Council of the District of Columbia and approved by the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That funds provided under this heading may be used to cover the costs to the District of Columbia of providing tax credits to offset the costs incurred by individuals in adopting children in the District of Columbia foster care system and in providing for the health care needs of such children, in accordance with legislation enacted by the District of Columbia government.

FEDERAL PAYMENT TO THE CITIZEN COMPLAINT REVIEW BOARD

For a Federal payment to the District of Columbia for administrative expenses of the Citizen Complaint Review Board, $500,000, to remain available until September 30, 2001.

FEDERAL PAYMENT TO THE DEPARTMENT OF HUMAN SERVICES

For a Federal payment to the Department of Human Services for a mentoring program and for hotline services, $250,000.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA CORRECTIONS TRUSTEE OPERATIONS

For salaries and expenses of the District of Columbia Corrections Trustee, $176,000,000 for the administration and operation of correctional facilities and for the administrative operating costs of the Office of the Corrections Trustee, as authorized by section 11202 of the National Capital Revitalization and Self-Government Improvement Act of 1997 (Public Law 105–33; 111 Stat. 712): *Provided*, That notwithstanding any other provision of law, funds appropriated in this Act for the District of Columbia Corrections Trustee shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: *Provided further*, That in addition to the funds provided under this heading the District of Columbia Corrections Trustee may use a portion of the interest earned on the Federal payment made to the Trustee under the District of Columbia Appropriations Act, 1998, (not to exceed $4,600,000) to carry out the activities funded under his heading.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

For salaries and expenses for the District of Columbia Courts, $99,714,000 to be allocated as follows: for the District of Columbia Court of Appeals, $7,209,000; for the District of Columbia Superior Court, $68,351,000; for the District of Columbia Court System, $16,154,000; and $8,000,000, to remain available until September 30, 2001, for capital improvements for District of Columbia courthouse facilities: *Provided*, That of the amounts available for operations of the District of Columbia Courts, not to exceed $2,500,000 shall be for the design of an Integrated Justice Information System and that such funds shall be used in accordance with a plan and design developed by the courts and approved by the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration [GSA], said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives.

DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

For payments authorized under section 11–2604 and section 11–2605, D.C. Code (relating to representatives provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Division of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Code, and payments for counsel authorized under section 21–2060, D.C. Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), $33,336,000, to remain available until expended: *Provided*, That the funds provided in this Act under the heading "Federal Payment to the District of Columbia Courts" (other than the $8,000,000 provided under such heading for capital improvements for District of Columbia courthouse facilities) may also be used for payment under this heading: *Provided further*, That in addition to the funds provided under this heading, the Joint Committee on Judicial Administration in the District of Columbia may use a portion (not to exceed $1,200,000) of the interest earned on the Federal payment made to the District of Columbia courts under the District of Columbia Appropriations Act, 1999, together with funds provided in this Act under the heading "Federal Payment to the District of Columbia Courts" (other than the $8,000,000 provided under such heading for capital improvements for District of Columbia courthouse facilities), to make payments described under this heading for obligations incurred during fiscal year 1999 if the Comptroller General certifies that the amount of obligations lawfully incurred for such payments during fiscal year 1999 exceeds the obligational authority otherwise available for making such payments: *Provided further*, That such funds shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: *Provided further*, That notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration [GSA], said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the Senate and House Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives.

FEDERAL PAYMENT TO THE COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

For salaries and expenses of the Court Services and Offender Supervision Agency for the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, (Public Law 105–33; 111 Stat. 712), $93,800,000, of which $58,600,000 shall be for necessary expenses of Parole Revocation, Adult Probation, Offender Supervision, and Sex Offender Registration, to include expenses relating to supervision of adults subject to protection orders or provision of services for or related to such persons; $17,400,000 shall be available to the Public Defender Service; and $17,800,000 shall be available to the Pretrial Services Agency: *Provided*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: *Provided further*, That of the amounts made available under this heading, $20,492,000 shall be used in support of universal drug screening and testing for those individuals on pretrial, probation, or parole supervision with continued testing, intermediate sanctions, and treatment for those identified in need, of which $7,000,000 shall be for treatment services.

Children's National Medical Center

For a Federal contribution to the Children's National Medical Center in the District of Columbia, $2,500,000 for construction, renovation, and information technology infrastructure costs associated with establishing community pediatric health clinics for high risk children in medically undeserved areas of the District of Columbia.

Federal Payment for Metropolitan Police Department

For payment to the Metropolitan Police Department $1,000,000, for a program to eliminate open air drug trafficking in the District of Columbia: *Provided*, That the Chief of Police shall provide quarterly reports to the Committees on Appropriations of the Senate and House of Representatives by the 15th calendar day after the end of each quarter beginning December 31, 1999, on the status of the project financed under this heading.

DISTRICT OF COLUMBIA FUNDS

OPERATING EXPENSES

Division of Expenses

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided.

Governmental Direction and Support

Governmental direction and support, $162,356,000 (including $137,134,000 from local funds, $11,670,000 from Federal funds, and $13,552,000 from other funds): *Provided*, That not to exceed $2,500 for the Mayor, $2,500 for the Chairman of the Council of the District of Columbia, and $2,500 for the City Administrator shall be available from this appropriation for official purposes: *Provided further*, That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: *Provided further*, That no revenues from Federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission: *Provided further*, That the District of Columbia shall identify the sources of funding for Admission to Statehood from its own locally-generated revenues: *Provided further*, That all employees permanently assigned to work in the Office of the Mayor shall be paid from funds allocated to the Office of the Mayor: *Provided further*, That, notwithstanding any other provision of law now or hereafter enacted, no Member of the District of Columbia Council eligible to earn a part-time salary of $92,520, exclusive of the Council Chairman, shall be paid a salary of more than $84,635 during fiscal year 2000.

Economic Development and Regulation

Economic development and regulation, $190,335,000 (including $52,911,000 from local funds, $84,751,000 from Federal funds, and $52,673,000 from other funds), of which $15,000,000 collected by the District of Columbia in the form of BID tax revenue shall be paid to the respective BIDs pursuant to the Business Improvement Districts Act of 1996 (D.C. Law 11–134; D.C. Code, sec. 1–2271 et seq.), and the Business Improvement Districts Temporary Amendment Act of 1997 (D.C. Law 12–23): *Provided*, That such funds are available for acquiring services provided by the General Services Administration: *Provided further*, That Business Improvement Districts shall be exempt from taxes levied by the District of Columbia.

Public Safety and Justice

Public safety and justice, including purchase or lease of 135 passenger-carrying vehicles for replacement only, including 130 for police-type use and five for fire-type use, without regard to the general purchase price limitation for the current fiscal year, $778,770,000 (including $565,511,000 from local funds, $29,012,000 from Federal funds, and $184,247,000 from other funds): *Provided*, That the Metropolitan Police Department is authorized to replace not to exceed 25 passenger-carrying vehicles and the Department of Fire and Emergency Medical Services of the District of Columbia is authorized to replace not to exceed five passenger-carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths of the cost of the replacement: *Provided further*, That not to exceed $500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: *Provided further*, That the Metropolitan Police Department shall provide quarterly reports to the Committees on Appropriations of the House and Senate on efforts to increase efficiency and improve the professionalism in the department: *Provided further*, That notwithstanding any other provision of law, or Mayor's Order 86–45, issued March 18, 1986, the Metropolitan Police Department's delegated small purchase authority shall be $500,000: *Provided further*, That the District of Columbia government may not require the Metropolitan Police Department to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed $500,000: *Provided further*, That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: *Provided further*, That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved: *Provided further*, That the Metropolitan Police Department is authorized to maintain 3,800 sworn officers, with leave for a 50 officer attrition: *Provided further*, That no more than 15 members of the Metropolitan Police Department shall be detailed or assigned to the Executive Protection Unit, until the Chief of Police submits a recommendation to the Council for its review: *Provided further*, That $100,000 shall be available for inmates released on medical and geriatric parole: *Provided further*, That commencing on December 31, 1999, the Metropolitan Police Department shall provide to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives, quarterly reports on the status of crime reduction in each of the 83 police service areas established throughout the District of Columbia: *Provided further*, That up to $700,000 in local funds shall be available for the operations of the Citizen Complaint Review Board.

Public Education System

Public education system, including the development of national defense education programs, $867,411,000 (including $721,847,000 from local funds, $120,951,000 from Federal funds, and $24,613,000 from other funds), to be allocated as follows: $713,197,000 (including $600,936,000 from local funds, $106,213,000 from Federal funds, and $6,048,000 from other funds), for the public schools of the District of Columbia; $10,700,000 from local funds for the District of Columbia Teachers' Retirement Fund; $17,000,000 from local funds, previously appropriated in this Act as a Federal payment, for resident tuition support at public and private institutions of higher learning for eligible District of Columbia residents; $27,885,000 from local funds for public charter schools: *Provided*, That if the entirety of this allocation has not been provided as payments to any public charter schools currently in operation through the per pupil funding formula, the funds shall be available for new public charter schools on a per pupil basis: *Provided further*, That $480,000 of this amount shall be available to the District of Columbia Public Charter School Board for administrative costs: $72,347,000 (including $40,491,000 from local funds, $13,536,000 from Federal funds, and $18,320,000 from other funds) for the University of the District of Columbia; $24,171,000 (including $23,128,000 from local funds, $798,000 from Federal funds, and $245,000 from other funds) for the Public Library; $2,111,000 (including $1,707,000 from local funds and $404,000 from Federal funds) for the Commission on the Arts and Humanities: *Provided further*, That the public schools of the District of Columbia are authorized to accept not to exceed 31 motor vehicles for exclusive use in the driver education program: *Provided further*, That not to exceed $2,500 for the Superintendent of Schools, $2,500 for the President of the University of the District of Columbia, and $2,000 for the Public Librarian shall be available from this appropriation for official purposes: *Provided further*, That none of the funds contained in this Act may be made available to pay the salaries of any District of Columbia Public School teacher, principal, administrator, official, or employee who knowingly provides false enrollment or attendance information under article II, section 5 of the Act entitled "An Act to provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes", approved February 4, 1925 (D.C. Code, sec. 31–401 et seq.): *Provided further*, That this appropriation shall not be available to subsidize the education of any nonresident of the District of Columbia at any District of Columbia public elementary and secondary school during fiscal year 2000 unless the nonresident pays tuition to the District of Columbia at a rate that covers 100 percent of the costs incurred by the District of Columbia which are attributable to the education of the nonresident (as established by the Superintendent of the District of Columbia Public Schools): *Provided further*, That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 2000, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area: *Provided further*, That the District of Columbia Public Schools shall not spend less than $365,500,000 on local schools through the Weighted Student Formula in fiscal year 2000: *Provided further*, That notwithstanding any other provision of law, the Chief Financial Officer of the District of Columbia shall apportion from the budget of the District of Columbia Public Schools a sum totaling 5 percent of the total budget to be set aside until the current student count for Public and Charter schools has been completed, and that this amount shall be apportioned between the Public and Charter schools based on their respective student population count: *Provided further*, That the District of Columbia Public Schools may spend $500,000 to engage in a Schools Without Violence program based on a model developed by the University of North Carolina, located in Greensboro, North Carolina.

HUMAN SUPPORT SERVICES

Human support services, $1,526,361,000 (including $635,373,000 from local funds, $875,814,000 from Federal funds, and $15,174,000 from other funds): *Provided*, That $25,150,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: *Provided further*, That a peer review committee shall be established to review medical payments and the type of service received by a disability compensation claimant: *Provided further*, That the District of Columbia shall not provide free government services such as water, sewer, solid waste disposal or collection, utilities, maintenance, repairs, or similar services to any legally constituted private nonprofit organization, as defined in section 411(5) of the Stewart B. McKinney Homeless Assistance Act (101 Stat. 485; Public Law 100–77; 42 U.S.C. 11371), providing emergency shelter services in the District, if the District would not be qualified to receive reimbursement pursuant to such Act (101 Stat. 485; Public Law 100–77; 42 U.S.C. 11301 et seq.).

PUBLIC WORKS

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and leasing of passenger-carrying vehicles, $271,395,000 (including $258,341,000 from local funds, $3,099,000 from Federal funds, and $9,955,000 from other funds): *Provided*, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business.

RECEIVERSHIP PROGRAMS

For all agencies of the District of Columbia government under court ordered receivership, $342,077,000 (including $217,606,000 from local funds, $106,111,000 from Federal funds, and $18,360,000 from other funds).

WORKFORCE INVESTMENTS

For workforce investments, $8,500,000 from local funds, to be transferred by the Mayor of the District of Columbia within the various appropriation headings in this Act for which employees are properly payable.

RESERVE

For a reserve to be established by the Chief Financial Officer of the District of Columbia and the District of Columbia Financial Responsibility and Management Assistance Authority, $150,000,000

DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY

For the District of Columbia Financial Responsibility and Management Assistance Authority, established by section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (109 Stat. 97; Public Law 104–8), $3,140,000: *Provided*, That none of the funds contained in this Act may be used to pay any compensation of the Executive Director or General Counsel of the Authority at a rate in excess of the maximum rate of compensation which may be paid to such individual during fiscal year 2000 under section 102 of such Act, as determined by the Comptroller General (as described in GAO letter report B–279095.2).

REPAYMENT OF LOANS AND INTEREST

For payment of principal, interest and certain fees directly resulting from borrowing by the District of Columbia to fund District of Columbia capital projects as authorized by sections 462, 475, and 490 of the District of Columbia Home Rule Act, approved December 24, 1973, as amended, and that funds shall be allocated for expenses associated with the Wilson Building, $328,417,000 from local funds: *Provided*, That for equipment leases, the Mayor may finance $27,527,000 of equipment cost, plus cost of issuance not to exceed 2 percent of the par amount being financed on a lease purchase basis with a maturity not to exceed 5 years: *Provided further*, That $5,300,000 is allocated to the Metropolitan Police Department, $3,200,000 for the Fire and Emergency Medical Services Department, $350,000 for the Department of Corrections, $15,949,000 for the Department of Public Works and $2,728,000 for the Public Benefit Corporation.

REPAYMENT OF GENERAL FUND RECOVERY DEBT

For the purpose of eliminating the $331,589,000 general fund accumulated deficit as of September 30, 1990, $38,286,000 from local funds, as authorized by section 461(a) of the District of Columbia Home Rule Act (105 Stat. 540; D.C. Code, sec. 47–321(a)(1)).

PAYMENT OF INTEREST ON SHORT-TERM BORROWING

For payment of interest on short-term borrowing, $9,000,000 from local funds.

CERTIFICATES OF PARTICIPATION

For lease payments in accordance with the Certificates of Participation involving the land site underlying the building located at One Judiciary Square, $7,950,000 from local funds.

OPTICAL AND DENTAL INSURANCE PAYMENTS

For optical and dental insurance payments, $1,295,000 from local funds.

PRODUCTIVITY BANK

The Chief Financial Officer of the District of Columbia, under the direction of the Mayor and the District of Columbia Financial Responsibility and Management Assistance Authority, shall finance projects totaling $20,000,000 in local funds that result in cost savings or additional revenues, by an amount equal to such financing: *Provided*, That the Mayor shall provide quarterly reports to the Committees on Appropriations of the House of Representatives and the Senate by the 15th calendar day after the end of each quarter beginning December 31, 1999, on the status of the projects financed under this heading.

PRODUCTIVITY BANK SAVINGS

The Chief Financial Officer of the District of Columbia, under the direction of the Mayor and the District of Columbia Financial Responsibility and Management Assistance Authority, shall make reductions totaling $20,000,000 in local funds. The reductions are to be allocated to projects funded through the Productivity Bank that produce cost savings or additional revenue in an amount equal to the Productivity Bank financing: *Provided*, That the Mayor shall provide quarterly reports to the Committees on Appropriations of the House of Representatives and the Senate by the 15th calendar day after the end of each quarter beginning December 31, 1999, on the status of the cost savings or additional revenues funded under this heading.

PROCUREMENT AND MANAGEMENT SAVINGS

The Chief Financial Officer of the District of Columbia, under the direction of the Mayor and the District of Columbia Financial Responsibility and Management Assistance Authority, shall make reductions of $14,457,000 for general supply schedule savings and $7,000,000 for management reform savings, in local funds to one or more of the appropriation headings in this Act: *Provided*, That the Mayor shall provide quarterly reports to the Committees on Appropriations of the House of Representatives and the Senate by the 15th calendar day after the end of each quarter beginning December 31, 1999, on the status of the general supply schedule savings and management reform savings projected under this heading.

ENTERPRISE AND OTHER FUNDS

WATER AND SEWER AUTHORITY AND THE WASHINGTON AQUEDUCT

For operation of the Water and Sewer Authority and the Washington Aqueduct, $279,608,000 from other funds (including $236,075,000 for the Water and Sewer Authority and $43,533,000 for the Washington Aqueduct) of which $35,222,000 shall be apportioned and payable to the District's debt service fund for repayment of loans and interest incurred for capital improvement projects.

For construction projects, $197,169,000, as authorized by an Act authorizing the laying of watermains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes (33 Stat. 244; Public Law 58–140; D.C. Code, sec. 43–1512 et seq.): *Provided*, That the requirements and restrictions that are applicable to general fund capital improvements projects and set forth in this Act under the Capital Outlay appropriation title shall apply to projects approved under this appropriation title.

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

For the Lottery and Charitable Games Enterprise Fund, established by the District of Columbia Appropriation Act for the fiscal year ending September 30, 1982 (95 Stat. 1174 and 1175; Public Law 97–91), for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia (D.C. Law 3–172; D.C. Code, sec. 2–2501 et seq. and sec. 22–1516 et seq.), $234,400,000: *Provided*, That the District of Columbia shall identify the source of funding for this appropriation title from the District's own locally generated revenues: *Provided further*, That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

SPORTS AND ENTERTAINMENT COMMISSION

For the Sports and Entertainment Commission, $10,846,000 from other funds for expenses incurred by the Armory Board in the exercise of its powers granted by the Act entitled "An Act To Establish A District of Columbia Armory Board, and for other purposes" (62 Stat. 339; D.C. Code, sec. 2–301 et seq.) and the District of Columbia Stadium Act of 1957 (71 Stat. 619; Public Law 85–300; D.C. Code, sec. 2–321 et seq.): *Provided*, That the Mayor shall submit a budget for the Armory Board for the forthcoming fiscal year as required by section 442(b) of the District of Columbia Home Rule Act (87 Stat. 824; Public Law 93–198; D.C. Code, sec. 47–301(b)).

District of Columbia Health and Hospitals Public Benefit Corporation

For the District of Columbia Health and Hospitals Public Benefit Corporation, established by D.C. Law 11–212. D.C. Code, sec. 32–262.2, $133,443,000 of which $44,435,000 shall be derived by transfer from the general fund and $89,008,000 from other funds.

District of Columbia Retirement Board

For the District of Columbia Retirement Board, established by section 121 of the District of Columbia Retirement Reform Act of 1979 (93 Stat. 866; D.C. Code, sec. 1–711), $9,892,000 from the earnings of the applicable retirement funds to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: *Provided*, That the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: *Provided further*, That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an itemized accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report: *Provided further*, That section 121(c)(1) of the District of Columbia Retirement Reform Act (D.C. Code, sec. 1–711(c)(1)) is amended by striking "the total amount to which a member may be entitled" and all that follows and inserting the following: "the total amount to which a member may be entitled under this subsection during a year (beginning with 1998) may not exceed $5,000, except that in the case of the Chairman of the Board and the Chairman of the Investment Committee of the Board such amount may not exceed $7,500 (beginning with 2000).".

Correctional Industries Funds

For the Correctional Industries Fund, established by the District of Columbia Correctional Industries Establishment Act (78 Stat. 1000; Public Law 88–622), $1,810,000 from other funds.

Washington Convention Center Enterprise Fund

For the Washington Convention Center Enterprise Fund, $50,226,000 from other funds.

Capital Outlay

(INCLUDING RESCISSIONS)

For construction projects, $1,260,524,000 of which $929,450,000 is from local funds, $54,050,000 is from the highway trust fund, and $277,024,000 is from Federal funds, and a rescission of $41,886,500 from local funds appropriated under this heading in prior fiscal years, for a net amount of $1,218,637,500 to remain available until expended: *Provided*, That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: *Provided further*, That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: *Provided further*, That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968 (82 Stat. 827; Public Law 90–495; D.C. Code, sec. 7–134, note), for which funds are provided by this appropriation title, shall expire on September 30, 2001, except authorizations for projects as to which funds have been obligated in whole or in part prior to September 30, 2001: *Provided further*, That upon expiration of any such project authorization, the funds provided herein for the project shall lapse.

General Provisions

Sec. 101. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

Sec. 102. Except as otherwise provided in this Act, all vouchers covering expenditures of appropriations contained in this Act shall be audited before payment by the designated certifying official, and the vouchers as approved shall be paid by checks issued by the designated disbursing official.

Sec. 103. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

Sec. 104. Appropriations in this Act shall be available, when authorized by the Mayor, for allowances for privately owned automobiles and motorcycles used for the performance of official duties at rates established by the Mayor: *Provided*, That such rates shall not exceed the maximum prevailing rates for such vehicles as prescribed in the Federal Property Management Regulations 101–7 (Federal Travel Regulations).

Sec. 105. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: *Provided*, That in the case of the Council of the District of Columbia, funds may be expended with the authorization of the chair of the Council.

Sec. 106. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of judgments that have been entered against the District of Columbia government: *Provided*, That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947 (70 Stat. 78; Public Law 84–460; D.C. Code, sec. 47–1812.11(c)(3)).

Sec. 107. Appropriations in this Act shall be available for the payment of public assistance without reference to the requirement of section 544 of the District of Columbia Public Assistance Act of 1982 (D.C. Law 4–101; D.C. Code, sec. 3–205.44), and for the payment of the non-Federal share of funds necessary to qualify for grants under subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994.

Sec. 108. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Sec. 109. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

Sec. 110. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations, the Subcommittee on the District of Columbia of the House Committee on Government Reform, the Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia of the Senate Committee on Governmental Affairs, and the Council of the District of Columbia, or their duly authorized representative.

Sec. 111. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making payments authorized by the District of Columbia Revenue Recovery Act of 1977 (D.C. Law 2–20; D.C. Code, sec. 47–421 et seq.).

Sec. 112. No part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

Sec. 113. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: *Provided*, That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowings and spending progress compared with projections.

Sec. 114. The Mayor shall not borrow any funds for capital projects unless the Mayor has obtained prior approval from the Council of the District of Columbia, by resolution, identifying the projects and amounts to be financed with such borrowings.

Sec. 115. The Mayor shall not expend any moneys borrowed for capital projects for the operating expenses of the District of Columbia government.

Sec. 116. None of the funds provided under this Act to the agencies funded by this Act, both Federal and District government agencies, that remain available for obligation or expenditure in fiscal year 2000, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for an agency through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or responsibility center; (3) establishes or changes allocations specifically denied, limited or increased by Congress in the Act; (4) increases funds or personnel by any means for any program, project, or responsibility center for which funds have been denied or restricted; (5) reestablishes through reprogramming any program or project previously deferred through reprogramming; (6) augments existing programs, projects, or responsibility centers through a reprogramming of funds in excess of $1,000,000 or 10 percent, whichever is less; or (7) increases by 20 percent or more personnel assigned to a specific program, project, or responsibility center; unless the Appropriations Committees of both the Senate and House of Representatives are notified in writing 30 days in advance of any reprogramming as set forth in this section.

SEC. 117. None of the Federal funds provided in this Act shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of the District of Columbia government.

SEC. 118. None of the Federal funds provided in this Act shall be obligated or expended to procure passenger automobiles as defined in the Automobile Fuel Efficiency Act of 1980 (94 Stat. 1824; Public Law 96–425; 15 U.S.C. 2001(2)), with an Environmental Protection Agency estimated miles per gallon average of less than 22 miles per gallon: *Provided*, That this section shall not apply to security, emergency rescue, or armored vehicles.

SEC. 119. (a) CITY ADMINISTRATOR.—The last sentence of section 422(7) of the District of Columbia Home Rule Act (D.C. Code, sec. 1–242(7)) is amended by striking ", not to exceed" and all that follows and inserting a period.

(b) BOARD OF DIRECTORS OF REDEVELOPMENT LAND AGENCY.—Section 1108(c)(2)(F) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Code, sec. 1–612.8(c)(2)(F)) is amended to read as follows:

"(F) Redevelopment Land Agency board members shall be paid per diem compensation at a rate established by the Mayor, except that such rate may not exceed the daily equivalent of the annual rate of basic pay for level 15 of the District Schedule for each day (including travel time) during which they are engaged in the actual performance of their duties.".

SEC. 120. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Law 2–139; D.C. Code, sec. 1–601.1 et seq.), enacted pursuant to section 422(3) of the District of Columbia Home Rule Act (87 Stat. 790; Public Law 93–198; D.C. Code, sec. 1–242(3)), shall apply with respect to the compensation of District of Columbia employees: *Provided*, That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5, United States Code.

SEC. 121. No later than 30 days after the end of the first quarter of the fiscal year ending September 30, 2000, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia the new fiscal year 2000 revenue estimates as of the end of the first quarter of fiscal year 2000. These estimates shall be used in the budget request for the fiscal year ending September 30, 2001. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 122. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985 (D.C. Law 6—85; D.C. Code, sec. 1–1183.3), except that the District of Columbia government or any agency thereof may renew or extend sole source contracts for which competition is not feasible or practical: *Provided*, That the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated rules and procedures and said determination has been reviewed and approved by the District of Columbia Financial Responsibility and Management Assistance Authority.

SEC. 123. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037; Public Law 99–177), the term "program, project, and activity" shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act, and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: *Provided*, That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 124. In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037: Public Law 99–177), after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order: *Provided*, That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act that are not specifically exempted from sequestration by such Act.

SEC. 125. (a) An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 2000 if—

(1) the Mayor approves the acceptance and use of the gift or donation: *Provided*, That the Council of the District of Columbia may accept and use gifts without prior approval by the Mayor; and

(2) the entity uses the gift or donation to carry out its authorized functions or duties.

(b) Each entity of the District of Columbia government shall keep accurate and detailed records of the acceptance and use of any gift or donation under subsection (a) of this section, and shall make such records available for audit and public inspection.

(c) For the purposes of this section, the term "entity of the District of Columbia government" includes an independent agency of the District of Columbia.

(d) This section shall not apply to the District of Columbia Board of Education, which may, pursuant to the laws and regulations of the District of Columbia, accept and use gifts to the public schools without prior approval by the Mayor.

SEC. 126. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979 (D.C. Law 3–171; D.C. Code, sec. 1–113(d)).

SEC. 127. (a) The University of the District of Columbia shall submit to the Mayor, the District of Columbia Financial Responsibility and Management Assistance Authority and the Council of the District of Columbia no later than 15 calendar days after the end of each quarter a report that sets forth—

(1) current quarter expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections versus budget broken out on the basis of control center, responsibility center, and object class, and for all funds, non-appropriated funds, and capital financing;

(2) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and for all funding sources;

(3) a list of all active contracts in excess of $10,000 annually, which contains the name of each contractor; the budget to which the contract is charged, broken out on the basis of control center and responsibility center, and contract identifying codes used by the University of the District of Columbia; payments made in the last quarter and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(4) all reprogramming requests and reports that have been made by the University of the District of Columbia within the last quarter in compliance with applicable law; and

(5) changes made in the last quarter to the organizational structure of the University of the District of Columbia, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

(b) The Mayor, the Authority, and the Council shall provide the Congress by February 1, 2000, a summary, analysis, and recommendations on the information provided in the quarterly reports.

SEC. 128. Funds authorized or previously appropriated to the government of the District of Columbia by this or any other act to procure the necessary hardware and installation of new software, conversion, testing, and training to improve or replace its financial management system are also available for the acquisition of accounting and financial management services and the leasing of necessary hardware, software or any other related goods or services, as determined by the District of Columbia Financial Responsibility and Management Assistance Authority.

SEC. 129. (a) None of the funds contained in this Act may be made available to pay the fees of an attorney who represents a party who prevails in an action, including an administrative proceeding, brought against the District of Columbia Public Schools under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) if—

(1) the hourly rate of compensation of the attorney exceeds 120% of the hourly rate of compensation under section 11–2604(a), District of Columbia Code; or

(2) the maximum amount of compensation of the attorney exceeds 120% of the maximum amount of compensation under section 11–2604(b)(1), District of Columbia Code, except that compensation and reimbursement in excess of such maximum may be approved for extended or complex representation in accordance with section 11–2604(c), District of Columbia Code.

(b) Notwithstanding the preceding subsection, if the Mayor, District of Columbia Financial Responsibility and Management Assistance Authority and the Superintendent of the District of Columbia Public Schools concur in a Memorandum of Understanding setting forth a new rate and amount of compensation, then such new rates shall apply in lieu of the rates set forth in the preceding subsection.

SEC. 130. None of the funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

Sec. 131. None of the funds made available in this Act may be used to implement or enforce the Health Care Benefits Expansion Act of 1992 (D.C. Law 9-114; D.C. Code, sec. 36-1401 et seq.) or to otherwise implement or enforce any system of registration of unmarried cohabiting couples (whether homosexual, heterosexual, or lesbian), including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples.

Sec. 132. The Superintendent of the District of Columbia Public Schools shall submit to the Congress, the Mayor, the District of Columbia Financial Responsibility and Management Assistance Authority, and the Council of the District of Columbia no later than 15 calendar days after the end of each quarter a report that sets forth—

(1) current quarter expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections versus budget, broken out on the basis of control center, responsibility center, agency reporting code, and object class, and for all funds, including capital financing;

(2) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and agency reporting code, and for all funding sources;

(3) a list of all active contracts in excess of $10,000 annually, which contains the name of each contractor; the budget to which the contract is charged, broken out on the basis of control center, responsibility center, and agency reporting code; and contract identifying codes used by the District of Columbia Public Schools; payments made in the last quarter and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(4) all reprogramming requests and reports that are required to be, and have been, submitted to the Board of Education; and

(5) changes made in the last quarter to the organizational structure of the District of Columbia Public Schools, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

Sec. 133. (a) In General.—The Superintendent of the District of Columbia Public Schools and the University of the District of Columbia shall annually compile an accurate and verifiable report on the positions and employees in the public school system and the university, respectively. The annual report shall set forth—

(1) the number of validated schedule A positions in the District of Columbia public schools and the University of the District of Columbia for fiscal year 1999, fiscal year 2000, and thereafter on full-time equivalent basis, including a compilation of all positions by control center, responsibility center, funding source, position type, position title, pay plan, grade, and annual salary; and

(2) a compilation of all employees in the District of Columbia public schools and the University of the District of Columbia as of the preceding December 31, verified as to its accuracy in accordance with the functions that each employee actually performs, by control center, responsibility center, agency reporting code, program (including funding source), activity, location for accounting purposes, job title, grade and classification, annual salary, and position control number.

(b) Submission.—The annual report required by subsection (a) of this section shall be submitted to the Congress, the Mayor, the District of Columbia Council, the Consensus Commission, and the Authority, not later than February 15 of each year.

Sec. 134. (a) No later than November 1, 1999, or within 30 calendar days after the date of the enactment of this Act, whichever occurs later, and each succeeding year, the Superintendent of the District of Columbia Public Schools and the University of the District of Columbia shall submit to the appropriate congressional committees, the Mayor, the District of Columbia Council, the Consensus Commission, and the District of Columbia Financial Responsibility and Management Assistance Authority, a revised appropriated funds operating budget for the public school system and the University of the District of Columbia for such fiscal year that is in the total amount of the approved appropriation and that realigns budgeted data for personal services and other-than-personal services, respectively, with anticipated actual expenditures.

(b) The revised budget required by subsection (a) of this section shall be submitted in the format of the budget that the Superintendent of the District of Columbia Public Schools and the University of the District of Columbia submit to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia pursuant to section 442 of the District of Columbia Home Rule Act (Public Law 93-198; D.C. Code, sec. 47-301).

Sec. 135. The District of Columbia Financial Responsibility and Management Assistance Authority, acting on behalf of the District of Columbia Public Schools [DCPS] in formulating the DCPS budget, the Board of Trustees of the University of the District of Columbia, the Board of Library Trustees, and the Board of Governors of the University of the District of Columbia School of Law shall vote on and approve the respective annual or revised budgets for such entities before submission to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia in accordance with section 442 of the District of Columbia Home Rule Act (Public Law 93-198; D.C. Code, sec. 47-301), or before submitting their respective budgets directly to the Council.

Sec. 136. (a) Ceiling on Total Operating Expenses.—

(1) In general.—Notwithstanding any other provision of law, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2000 under the caption "Division of Expenses" shall not exceed the lesser of—

(A) the sum of the total revenues of the District of Columbia for such fiscal year; or

(B) $5,515,379,000 (of which $152,753,000 shall be from intra-District funds and $3,113,854,000 shall be from local funds), which amount may be increased by the following:

(i) proceeds of one-time transactions, which are expended for emergency or unanticipated operating or capital needs approved by the District of Columbia Financial Responsibility and Management Assistance Authority; or

(ii) after notification to the Council, additional expenditures which the Chief Financial Officer of the District of Columbia certifies will produce additional revenues during such fiscal year at least equal to 200 percent of such additional expenditures, and that are approved by the Authority.

(2) Enforcement.—The Chief Financial Officer of the District of Columbia and the Authority shall take such steps as are necessary to assure that the District of Columbia meets the requirements of this section, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2000, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

(b) Acceptance and Use of Grants Not Included in Ceiling.—

(1) In general.—Notwithstanding subsection (a), the Mayor, in consultation with the Chief Financial Officer, during a control year, as defined in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104-8; 109 Stat. 152), may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this Act.

(2) Requirement of chief financial officer report and authority approval.—No such Federal, private, or other grant may be accepted, obligated, or expended pursuant to paragraph (1) until—

(A) the Chief Financial Officer of the District of Columbia submits to the Authority a report setting forth detailed information regarding such grant; and

(B) the Authority has reviewed and approved the acceptance, obligation, and expenditure of such grant in accordance with review and approval procedures consistent with the provisions of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

(3) Prohibition on spending in anticipation of approval or receipt.—No amount may be obligated or expended from the general fund or other funds of the District government in anticipation of the approval or receipt of a grant under paragraph (2)(B) of this subsection or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to such paragraph.

(4) Quarterly reports.—The Chief Financial Officer of the District of Columbia shall prepare a quarterly report setting forth detailed information regarding all Federal, private, and other grants subject to this subsection. Each such report shall be submitted to the Council of the District of Columbia, and to the Committees on Appropriations of the House of Representatives and the Senate, not later than 15 days after the end of the quarter covered by the report.

(c) Report on Expenditures by Financial Responsibility and Management Assistance Authority.—Not later than 20 calendar days after the end of each fiscal quarter starting October 1, 1999, the Authority shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Government Reform of the House, and the Committee on Governmental Affairs of the Senate providing an itemized accounting of all non-appropriated funds obligated or expended by the Authority for the quarter. The report shall include information on the date, amount, purpose, and vendor name, and a description of the services or goods provided with respect to the expenditures of such funds.

SEC. 137. If a department or agency of the government of the District of Columbia is under the administration of a court-appointed receiver or other court-appointed official during fiscal year 2000 or any succeeding fiscal year, the receiver or official shall prepare and submit to the Mayor, for inclusion in the annual budget of the District of Columbia for the year, annual estimates of the expenditures and appropriations necessary for the maintenance and operation of the department or agency. All such estimates shall be forwarded by the Mayor to the Council, for its action pursuant to sections 446 and 603(c) of the District of Columbia Home Rule Act, without revision but subject to the Mayor's recommendations. Notwithstanding any provision of the District of Columbia Home Rule Act (87 Stat. 774; Public Law 93–198) the Council may comment or make recommendations concerning such annual estimates but shall have no authority under such Act to revise such estimates.

SEC. 138. (a) Notwithstanding any other provision of law, rule, or regulation, an employee of the District of Columbia public schools shall be—

(1) classified as an Educational Service employee;

(2) placed under the personnel authority of the Board of Education; and

(3) subject to all Board of Education rules.

(b) School-based personnel shall constitute a separate competitive area from nonschool-based personnel who shall not compete with school-based personnel for retention purposes.

SEC. 139. (a) Restrictions on Use of Official Vehicles.—Except as otherwise provided in this section, none of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this paragraph, the term "official duties" does not include travel between the officer's or employee's residence and workplace (except: (1) in the case of an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or is otherwise designated by the Chief of the Department; (2) at the discretion of the Fire Chief, an officer or employee of the District of Columbia Fire and Emergency Medical Services Department who resides in the District of Columbia and is on call 24 hours a day; (3) the mayor of the District of Columbia; and (4) the Chairman of the Council of the District of Columbia).

(b) Inventory of Vehicles.—The Chief Financial Officer of the District of Columbia shall submit, by November 15, 1999, an inventory, as of September 30, 1999, of all vehicles owned, leased or operated by the District of Columbia government. The inventory shall include, but not be limited to, the department to which the vehicle is assigned; the year and make of the vehicle; the acquisition date and cost; the general condition of the vehicle; annual operating and maintenance costs; current mileage; and whether the vehicle is allowed to be taken home by a District officer or employee and if so, the officer or employee's title and resident location.

SEC. 140. (a) Source of Payment for Employees Detailed Within Government.—For purposes of determining the amount of funds expended by any entity within the District of Columbia government during fiscal year 2000 and each succeeding fiscal year, any expenditures of the District government attributable to any officer or employee of the District government who provides services which are within the authority and jurisdiction of the entity (including any portion of the compensation paid to the officer or employee attributable to the time spent in providing such services) shall be treated as expenditures made from the entity's budget, without regard to whether the officer or employee is assigned to the entity or otherwise treated as an officer or employee of the entity.

(b) Modification of Reduction in Force Procedures.—The District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Code, sec. 1–601.1 et seq.), is further amended in section 2408(a) by deleting "1999" and inserting, "2000"; in subsection (b), by deleting "1999" and inserting "2000"; in subsection (2), by deleting "1999" and inserting, "2000"; and in subsection (k), by deleting "1999" and inserting, "2000".

SEC. 141. Notwithstanding any other provision of law, not later than 120 days after the date that a District of Columbia Public Schools [DCPS] student is referred for evaluation or assessment—

(1) the District of Columbia Board of Education, or its successor, and DCPS shall assess or evaluate a student who may have a disability and who may require special education services; and

(2) if a student is classified as having a disability, as defined in section 101(a)(1) of the Individuals with Disabilities Education Act (84 Stat. 175; 20 U.S.C. 1401(a)(1)) or in section 7(8) of the Rehabilitation Act of 1973 (87 Stat. 259; 29 U.S.C. 706(8)), the Board and DCPS shall place that student in an appropriate program of special education services.

SEC. 142. (a) Compliance With Buy American Act.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a–10c).

(b) Sense of the Congress; Requirement Regarding Notice.—

(1) Purchase of american-made equipment and products.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products to the greatest extent practicable.

(2) Notice to recipients of assistance.—In providing financial assistance using funds made available in this Act, the head of each agency of the Federal or District of Columbia government shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) Prohibition of Contracts With Persons Falsely Labeling Products as Made in America.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 143. None of the funds contained in this Act may be used for purposes of the annual independent audit of the District of Columbia government (including the District of Columbia Financial Responsibility and Management Assistance Authority) for fiscal year 2000 unless—

(1) the audit is conducted by the Inspector General of the District of Columbia pursuant to section 208(a)(4) of the District of Columbia Procurement Practices Act of 1985 (D.C. Code, sec. 1–1182.8(a)(4)); and

(2) the audit includes a comparison of audited actual year-end results with the revenues submitted in the budget document for such year and the appropriations enacted into law for such year.

SEC. 144. Nothing in this Act shall be construed to authorize any office, agency or entity to expand funds for programs or functions for which a reorganization plan is required but has not been approved by the District of Columbia Financial Responsibility and Management Assistance Authority. Appropriations made by this Act for such programs or functions are conditioned only on the approval by the Authority of the required reorganization plans.

SEC. 145. Notwithstanding any other provision of law, rule, or regulation, the evaluation process and instruments for evaluating District of Columbia Public School employees shall be a non-negotiable item for collective bargaining purposes.

SEC. 146. None of the funds contained in this Act may be used by the District of Columbia Corporation Counsel or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

SEC. 147. None of the funds contained in this Act may be used to transfer or confine inmates classified above the medium security level, as defined by the Federal Bureau of Prisons classification instrument, to the Northeast Ohio Correctional Center located in Youngstown, Ohio.

SEC. 148. (a) Section 202(i) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104–8), as added by Section 155 of the District of Columbia Appropriations Act, 1999, is amended to read as follows:

"(j) Reserve.—

"(1) In general.—Beginning with fiscal year 2000, the plan or budget submitted pursuant to this Act shall contain $150,000,000 for a reserve to be established by the Mayor, Council of the District of Columbia, Chief Financial Officer for the District of Columbia, and the District of Columbia Financial Responsibility and Management Assistance Authority.

"(2) Conditions on use.—The reserve funds—

"(A) shall only be expended according to criteria established by the Chief Financial Officer and approved by the Major, Council of the District of Columbia, and District of Columbia Financial Responsibility and Management Assistance Authority, but, in no case may any of the reserve funds be expended until any other surplus funds have been used;

"(B) shall not be used to fund the agencies of the District of Columbia government under court ordered receivership; and

"(C) shall not be used to fund shortfalls in the projected reductions budgeted in the budget proposed by the District of Columbia government for general supply schedule savings and management reform savings.

"(3) Report requirement.—The Authority shall notify the Appropriations Committees of both the Senate and House of Representatives in writing 30 days in advance of any expenditure of the reserve funds.".

(b) Section 202 of such act (Public Law 104–8), as amended by subsection (a), is amended by adding at the end the following:

"(k) POSITIVE FUND BALANCE.—

"(1) IN GENERAL.—The District of Columbia shall maintain at the end of a fiscal year an annual positive fund balance in the general fund of not less than 4 percent of the projected general fund expenditures for the following fiscal year.

"(2) EXCESS FUNDS.—Of funds remaining in excess of the amounts required by paragraph (1)—

"(A) not more than 50 percent may be used for authorized non-recurring expenses; and

"(B) not less than 50 percent shall be used to reduce the debt of the District of Columbia.".

SEC. 149. (a) No later than November 1, 1999, or within 30 calendar days after the date of the enactment of this Act, whichever occurs later, the Chief Financial Officer of the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the District of Columbia Financial Responsibility and Management Assistance Authority a revised appropriated funds operating budget for all agencies of the District of Columbia government for such fiscal year that is in the total amount of the approved appropriation and that realigns budgeted data for personal services and other-than-personal-services, respectively, with anticipated actual expenditures.

(b) The revised budget required by subsection (a) of this section shall be submitted in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (Public Law 93–198; D.C. Code, sec. 47–301).

SEC. 150. None of the funds contained in this Act may be used for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

SEC. 151. (a) RESTRICTIONS.—None of the funds contained in this Act may be used to make rental payments under a lease for the use of real property by the District of Columbia government (including any independent agency of the District) unless—

(1) the lease and an abstract of the lease have been field with the central office of the Deputy Mayor for Economic Development; and

(2)(A) the District of Columbia government occupies the property during the period of time covered by the rental payment; or

(B) within 60 days of the enactment of this Act the Mayor certifies to Congress and the landlord that occupancy is impracticable and submits with the certification a plan to terminate or renegotiate the lease or rental agreement; or

(C) within 60 days of the enactment of this Act the Council certifies to Congress and the landlord that occupancy is impracticable and submits with the certification a plan to terminate or renegotiate the lease or rental agreement.

(b) UNOCCUPIED PROPERTY.—After 120 days from the date of the enactment of this Act, none of the funds contained in this Act may be used to make rental payment for property described in subsections (a)(2)(B) or (a)(2)(C) of this section.

(c) SEMI-ANNUAL REPORTS BY MAYOR.—Not later than 20 days after the end of each 6-month period that begins on October 1, 1999, the Mayor of the District of Columbia shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate listing the leases for the use of real property by the District of Columbia government that were in effect during the 6-month period, and including for each such lease the location of the property, the name of any person with any ownership interest in the property, the rate of payment, the period of time covered by the lease, and the conditions under which the lease may be terminated.

SEC. 152. None of the funds contained in this Act or the District of Columbia Appropriations Act, 1999, may be used to enter into a lease on or after the date of the enactment of this Act (or to make rental payments under such a lease) for the use of real property by the District of Columbia government (including any independent agency of the District) or to purchase real property for the use of the District of Columbia government (including any independent agency of the District) or to manage real property for the use of the District of Columbia (including any independent agency of the District) unless—

(1) the Mayor and Council certify to the Committees on Appropriations of the House of Representatives and the Senate that existing real property available to the District (whether leased or owned by the District government) is not suitable for the purposes intended;

(2) notwithstanding any other provisions of law, there is made available for sale or lease all property of the District of Columbia which the Mayor and Council from time to time determine is surplus to the needs of the District of Columbia;

(3) the Mayor and Council implement a program for the periodic survey of all District property to determine if it is surplus to the needs of the District; and

(4) the Mayor and Council within 60 days of the date of the enactment of this Act has filed a report with the appropriations and authorizing committees of the House and Senate providing a comprehensive plan for the management of District of Columbia real property assets and is proceeding with the implementation of the plan.

SEC. 153. Section 603(e)(2)(B) of the Student Loan Marketing Association Reorganization Act of 1996 (Public Law 104–208; 110 Stat. 3009–293) is amended—

(1) by inserting "and public charter" after "public"; and

(2) by adding at the end the following: "Of such amounts and proceeds, $5,000,000 shall be set aside for use as a credit enhancement fund for public charter schools in the District of Columbia, with the administration of the fund (including the making of loans) to be carried out by the Mayor through a committee consisting of 3 individuals appointed by the Mayor of the District of Columbia and 2 individuals appointed by the Public Charter School Board established under section 2214 of the District of Columbia School Reform Act of 1995.".

SEC. 154. The Mayor, District of Columbia Financial Responsibility and Management Assistance Authority, and the Superintendent of Schools shall implement a process to dispose of excess public school real property within 90 days of the enactment of this Act.

SEC. 155. Section 2003 of the District of Columbia School Reform Act of 1995 (Public Law 104–134; D.C. Code, sec. 31–2851) is amended by striking "during the period" and "and ending 5 years after such date.".

SEC. 156. Section 2206(c) of the District of Columbia School Reform Act of 1995 (Public Law 104–134; D.C. Code, sec. 31–2853.16(c)) is amended by adding at the end the following: ", except that a performance in admission may be given to an applicant who is a sibling of a student already attending or selected for admission to the public charter school in which the applicant is seeking enrollment."

SEC. 157. (a) TRANSFER OF FUNDS.—There is hereby transferred from the District of Columbia Financial Responsibility and Management Assistance Authority (hereafter referred to as the "Authority") to the District of Columbia the sum of $18,000,000: for severance payments to individuals separated from employment during fiscal year 2000 (under such terms and conditions as the Mayor considers appropriate), expanded contracting authority of the Mayor, and the implementation of a system of managed competition among public and private providers of goods and services by and on behalf of the District of Columbia: *Provided*, That such funds shall be used only in accordance with a plan agreed to by the Council and the Mayor and approved by the Committee on Appropriations of the House of Representatives and the Senate: *Provided further*, That the Authority and the Major shall coordinate the spending of funds for this program so that continuous progress is made. The Authority shall release said funds, on a quarterly basis, to reimburse such expenses, so long as the Authority certifies that the expenses reduce re-occurring future costs at an annual ratio of at least 2 to 1 relative to the funds provided, and that the program is in accordance with the best practices of municipal government.

(b) SOURCE OF FUNDS.—The amount transferred under subsection (a) shall be derived from interest earned on accounts held by the Authority on behalf of the District of Columbia.

SEC. 158. (a) IN GENERAL.—The District of Columbia Financial Responsibility and Management Assistance Authority (hereafter referred to as the "Authority"), working with the Commonwealth of Virginia and the Director of the National Park Service, shall carry out a project to complete all design requirements and all requirements for compliance with the National Environmental Policy Act for the construction of expanded lane capacity for the Fourteenth Street Bridge.

(b) SOURCE OF FUNDS; TRANSFER.—For purposes of carrying out the project under subsection (a), there is hereby transferred to the Authority from the District of Columbia dedicated highway fund established pursuant to section 3(a) of the District of Columbia Emergency Highway Relief Act (Public Law 104–21; D.C. Code, sec. 7–134.2(a)) an amount not to exceed $5,000,000.

SEC. 159. (a) IN GENERAL.—The Major of the District of Columbia shall carry out through the Army Corps of Engineers, an Anacostia River environmental cleanup program.

(b) SOURCE OF FUNDS.—There are hereby transferred to the Mayor from the escrow account held by the District of Columbia Financial Responsibility and Management Assistance Authority pursuant to section 134 of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277; 112 Stat. 2681–552), for infrastructure needs of the District of Columbia, $5,000,000.

SEC. 160. (a) PROHIBITING PAYMENT OF ADMINISTRATIVE COSTS FROM FUND.—Section 16(e) of the Victims of Violent Crime Compensation Act of 1996 (D.C. Code, sec. 3–435(e)) is amended—

(1) by striking "and administrative costs necessary to carry out this chapter"; and

(2) by striking the period at the end and inserting the following: ", and no monies in the Fund may be used for any other purpose.".

(b) Maintenance of Fund in Treasury of the United States.—

(1) In general.—Section 16(a) of such Act (D.C. Code, sec. 3-435(a)) is amended by striking the second sentence and inserting the following: "The Fund shall be maintained as a separate fund in the Treasury of the United States. All amounts deposited to the credit of the Fund are appropriated without fiscal year limitation to make payments as authorized under subsection(e).".

(2) Conforming amendment.—Section 16 of such Act (D.C. Code, sec. 3-435) is amended by striking subsection (d).

(c) Deposit of Other Fees and Receipts into Fund.—Section 16(c) of such Act (D.C. Code, sec. 3-435(c)) is amended by inserting after "1997," the second place it appears the following: "any other fines, fees, penalties, or assessments that the Court determines necessary to carry out the purposes of the fund,".

(d) Annual Transfer of Unobligated Balances to Miscellaneous Receipts of Treasury.—Section 16 of such Act (D.C. Code, sec. 3-435), as amended by subsection (b)(2), is amended by inserting after subsection (c) the following new subsection:

"(d) Any unobligated balance existing in the Fund in excess of $250,000 as of the end of each fiscal year (beginning with fiscal year 2000) shall be transferred to miscellaneous receipts of the Treasury of the United States not later than 30 days after the end of the fiscal year.".

(e) Ratification of Payments and Deposits.—Any payments made from or deposits made to the Crime Victims Compensation Fund on or after April 9, 1997 are hereby ratified, to the extent such payments and deposits are authorized under the Victims of Violent Crime Compensation Act of 1996 (D.C. Code, sec. 3-421 et seq.), as amended by this section.

Sec. 161. Certification.—None of the funds contained in this Act may be used after the expiration of the 60-day period that begins on the date of the enactment of this Act to pay the salary of any chief financial officer of any office of the District of Columbia government (including any independent agency of the District) who has not filed a certification with the Mayor and the Chief Financial Officer of the District of Columbia that the officer understands the duties and restrictions applicable to the officer and their agency as a result of this Act.

Sec. 162. The proposed budget of the government of the District of Columbia for fiscal year 2001 that is submitted by the District to Congress shall specify potential adjustments that might become necessary in the event that the management savings achieved by the District during the year do not meet the level of management savings projected by the District under the proposed budget.

Sec. 163. In submitting any document showing the budget for an office of the District of Columbia government (including an independent agency of the District) that contains a category of activities labeled as "other", "miscellaneous", or a similar general, nondescriptive term, the document shall include a description of the types of activities covered in the category and a detailed breakdown of the amount allocated for each such activity.

Sec. 164. (a) Authorizing Corps of Engineers To Perform Repairs and Improvements.—In using the funds made available under this Act for carrying out improvements to the Southwest Waterfront in the District of Columbia (including upgrading marina dock pilings and paving and restoring walkways in the marina and fish market areas) for the portions of Federal property in the Southwest quadrant of the District of Columbia within Lots 847 and 848, a portion of Lot 846, and the unassessed Federal real property adjacent to Lot 848 in Square 473, any entity of the District of Columbia government (including the District of Columbia Financial Responsibility and Management Assistance Authority or its designee) may place orders for engineering and construction and related services with the Chief of Engineers of the United States Army Corps of Engineers. The Chief of Engineers may accept such orders on a reimbursable basis and may provide any part of such services by contract. In providing such services, the Chief of Engineers shall follow the Federal Acquisition Regulations and the implementing Department of Defense regulations.

(b) Timing for Availability of Funds Under 1999 Act.—

(1) In general.—The District of Columbia Appropriations Act, 1999 (Public Law 105-277; 112 Stat. 2681-124) is amended in the item relating to "FEDERAL FUNDS—Federal Payment for Waterfront Improvements"—

(A) by striking "existing lessees" the first place it appears and inserting "existing lessees of the Marina"; and

(B) by striking "the existing lessees" the second place it appears and inserting "such lessees".

(2) Effective date.—This subsection shall take effect as if included in the District of Columbia Appropriations Act, 1999.

(c) Additional Funding for Improvements Carried Out Through Corps of Engineers.—

(1) In general.—There is hereby transferred from the District of Columbia Financial Responsibility and Management Assistance Authority to the Mayor the sum of $3,000,000 for carrying out the improvements described in subsection (a) through the Chief of Engineers of the United States Army Corps of Engineers.

(2) Source of funds.—The funds transferred under paragraph (1) shall be derived from the escrow account held by the District of Columbia Financial Responsibility and Management Assistance Authority pursuant to section 134 of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277; 112 Stat. 2681-552), for infrastructure needs of the District of Columbia.

(d) Quarterly Reports on Project.—The Mayor shall submit reports to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate on the status of the improvements described in subsection (a) for each calendar quarter occurring until the improvements are completed.

Sec. 165. It is the sense of the Congress that the District of Columbia should not impose or take into consideration any height, square footage, set-back, or other construction or zoning requirements in authorizing the issuance of industrial revenue bonds for a project of the American National Red Cross at 2025 E Street Northwest, Washington, D.C., in as much as this project is subject to approval of the National Capital Planning Commission and the Commission of Fine Arts pursuant to section 11 of the joint resolution entitled "Joint Resolution to grant authority for the erection of a permanent building for the American National Red Cross, District of Columbia Chapter, Washington, District of Columbia", approved July 1, 1947 (Public Law 100-637; 36 U.S.C. 300108 note).

Sec. 166. (a) Permitting Court Services and Offender Supervision Agency To Carry Out Sex Offender Registration.—Section 11233(c) of the National Capital Revitalization and Self-Government Improvement Act of 1997 (D.C. Code, sec. 24-1233(c)) is amended by adding at the end the following new paragraph:

"(5) Sex offender registration.—The Agency shall carry out sex offender registration functions in the District of Columbia, and shall have the authority to exercise all powers and functions relating to sex offender registration that are granted to the Agency under District of Columbia law.".

(b) Authority During Transition to Full Operation of Agency.—

(1) Authority of pretrial services, parole, adult probation and offender supervision trustee.—Notwithstanding section 11232(b)(1) of the National Capital Revitalization and Self-Government Improvement Act of 1997 (D.C. Code, sec. 24-1232(b)(1)), the Pretrial Services, Parole, Adult Probation and Offender Supervision Trustee appointed under section 11232(a) of such Act (hereafter referred to as the "Trustee") shall, in accordance with section 11232 of such Act, exercise the powers and functions of the Court Services and Offender Supervision Agency for the District of Columbia (hereafter referred to as the "Agency") relating to sex offender registration (as granted to the Agency under any District of Columbia law) only upon the Trustee's certification that the Trustee is able to assume such powers and functions.

(2) Authority of metropolitan police department.—During the period that begins on the date of the enactment of the Sex Offender Registration Emergency Act of 1999 and ends on the date the Trustee makes the certification described in paragraph (1), the Metropolitan Police Department of the District of Columbia shall have the authority to carry out any powers and functions relating to sex offender registration that are granted to the Agency or to the Trustee under any District of Columbia law.

Sec. 167. (a) None of the funds contained in this Act may be used to enact or carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 802) or any tetrahydrocannabinols derivative.

(b) The Legalization of Marijuana for Medical Treatment Initiative of 1998, also known as Initiative 59, approved by the electors of the District of Columbia on November 3, 1998, shall not take effect.

Sec. 168. (a) In General.—There is hereby transferred from the District of Columbia Financial Responsibility and Management Assistance Authority (hereinafter referred to as the "Authority") to the District of Columbia the sum of $5,000,000 for the Mayor, in consultation with the Council of the District of Columbia, to provide offsets against local taxes for a commercial revitalization program, such program to be available in enterprise zones and low and moderate income areas in the District of Columbia: *Provided*, That in carrying out such a program, the Mayor shall use Federal commercial revitalization proposals introduced in Congress as a guideline.

(b) Source of Funds.—The amount transferred under subsection (a) shall be derived from interest earned on accounts held by the Authority on behalf of the District of Columbia.

(c) Report.—Not later than 180 days after the date of enactment of this Act, the Mayor shall report to the Committees on Appropriations of the Senate and House of Representatives on the progress made in carrying out the commercial revitalization program.

SEC. 169. Section 456 of the District of Columbia Home Rule Act (Section 47–231 et seq. of the D.C. Code, as added by the Federal Payment Reauthorization Act of 1994 (Public Law 103–373)) is amended—

(1) in subsection (a)(1), by striking "District of Columbia Financial Responsibility and Management Assistance Authority" and inserting "Mayor"; and

(2) in subsection (b)(1), by striking "Authority" and inserting "Mayor".

SEC. 170. (a) FINDINGS.—The Congress finds the following:

(1) The District of Columbia has recently witnessed a spate of senseless killings of innocent citizens caught in the crossfire of shootings. A Justice Department crime victimization survey found that while the city saw a decline in the homicide rate between 1996 and 1997, the rate was the highest among a dozen cities and more than double the second highest city.

(2) The District of Columbia has not made adequate funding available to fight drug abuse in recent years, and the city has not deployed its resources as effectively as possible. In fiscal year 1998, $20,900,000 was spent on publicly funded drug treatment in the District compared to $29,000,000 in fiscal year 1993. The District's Addiction and Prevention and Recovery Agency currently has only 2,200 treatment slots, a 50 percent drop from 1994, with more than 1,100 people on waiting lists.

(3) The District of Columbia has seen a rash of inmate escapes from halfway houses. According to Department of Corrections records, between October 21, 1998 and January 19, 1999, 376 of the 1,125 inmates assigned to halfway houses walked away. Nearly 280 of the 376 escapees were awaiting trial including 2 charged with murder.

(4) The District of Columbia public schools system faces serious challenges in correcting chronic problems, particularly long-standing deficiencies in providing special education services to the 1 in 10 District students needing program benefits, including backlogged assessments, and repeated failure to meet a compliance agreement on special education reached with the Department of Education.

(5) Deficiencies in the delivery of basic public services from cleaning streets to waiting time at Department of Motor Vehicles to a rat population estimated earlier this year to exceed the human population have generated considerable public frustration.

(6) Last year, the District of Columbia forfeited millions of dollars in Federal grants after Federal auditors determined that several agencies exceeded grant restrictions and in other instances, failed to spend funds before the grants expired.

(7) Findings of a 1999 report by the Annie E. Casey Foundation that measured the well-being of children reflected that, with 1 exception, the District ranked worst in the United States in every category from infant mortality to the rate of teenage births to statistics chronicling child poverty.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that in considering the District of Columbia's fiscal year 2001 budget, the Congress will take into consideration progress or lack of progress in addressing the following issues:

(1) Crime, including the homicide rate, implementation of community policing, the number of police officers on local beats, and the closing down of open-air drug markets.

(2) Access to drug abuse treatment, including the number of treatment slots, the number of people served, the number of people on waiting lists, and the effectiveness of treatment programs.

(3) Management of parolees and pretrial violent offenders, including the number of halfway house escapes and steps taken to improve monitoring and supervision of halfway house residents to reduce the number of escapes.

(4) Education, including access to special education services and student achievement.

(5) Improvement in basic city services, including rat control and abatement.

(6) Application for and management of Federal grants.

Indicators of child well-being.

SEC. 171. The Mayor, prior to using Federal Medicaid payments to Disproportionate Share Hospitals to serve a small number of childless adults, should consider the recommendations of the Health Care Development Commission that has been appointed by the Council of the District of Columbia to review this program, and consult and report to Congress on the use of these funds.

SEC. 172. GAO STUDY OF DISTRICT OF COLUMBIA CRIMINAL JUSTICE SYSTEM. Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a study of the law enforcement, court, prison, probation, parole, and other components of the criminal justice system of the District of Columbia, in order to identify the components most in need of additional resources, including financial, personnel, and management resources; and

(2) submit to Congress a report on the results of the study under paragraph (1).

SEC. 173. Nothing in this Act bars the District of Columbia Corporation Counsel from reviewing or commenting on briefs in private lawsuits, or from consulting with officials of the District government regarding such lawsuits.

SEC. 174. WIRELESS COMMUNICATIONS. (a) IN GENERAL.—Not later than 7 days after the date of enactment of this Act, the Secretary of the Interior, acting through the Director of the National Park Service, shall—

(1) implement the notice of decision approved by the National Capital Regional Director, dated April 7, 1999, including the provisions of the notice of decision concerning the issuance of right-of-way permits at market rates; and

(2) expend such sums as are necessary to carry out paragraph (1).

(b) ANTENNA APPLICATIONS.—

(1) IN GENERAL.—Not later than 120 days after the receipt of an application, a Federal agency that receives an application submitted after the enactment of this Act to locate a wireless communications antenna on Federal property in the District of Columbia or surrounding area over which the Federal agency exercises control shall take final action on the application, including action on the issuance of right-of-way permits at market rates.

(2) EXISTING LAW.—Nothing in this subsection shall be construed to affect the applicability of existing laws regarding:

(A) judicial review under chapter 7 of title 5, United States Code [the Administrative Procedure Act], and the Communications Act of 1934,

(B) the National Environmental Policy Act, the National Historic Preservation Act and other applicable federal statutes, and

(C) the authority of a State or local government or instrumentality thereof, including the District of Columbia, in the placement, construction, and modification of personal wireless service facilities.

This title may be cited as the "District of Columbia Appropriations Act, 2000".

TITLE II—TAX REDUCTION

SEC. 201. COMMENDING REDUCTION OF TAXES BY DISTRICT OF COLUMBIA.

Congress commends the District of Columbia for its action to reduce taxes, and ratifies D.C. Act 13–110 (commonly known as the Service Improvement and Fiscal Year 2000 Budget Support Act of 1999).

SEC. 202. RULE OF CONSTRUCTION.

Nothing in this title may be construed to limit the ability of the Council of the District of Columbia to amend or repeal any provision of law described in this title.

NOTICES OF HEARINGS

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that the hearing originally scheduled for Tuesday, October 19, 1999 at 2:30 p.m. before the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources has been rescheduled for Thursday, October 21, 1999 at 2:00 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

For further information, please contact Jim O'Toole or Cassie Sheldon of the committee staff at (202) 224–6969.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will meet during the session of the Senate on Wednesday, October 20, 1999 at 9:30 a.m. to mark up pending legislation to be followed by a hearing on Indian Reservation Roads and the Transportation Equity Act in the 21st Century (TEA-21).

The hearing will be held in room 485, Russell Senate Offfice Building.

Please direct any inquiries to committee staff at 202/224–2251.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. MCCONNELL. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, October 20, 1999, at 9:30 a.m. in Room SR–301 Russell Senate Office Building, to receive testimony on the operations of the Architect of the Capitol.

For further information concerning this meeting, please contact May Suit Jones at the Rules Committee on 4-6352.

SUBCOMMITTEE ON WATER AND POWER

Mr. SMITH of Oregon. Mr. President, I would like to announce for the information of the Senate and the public that S. 1723, "A bill to establish a program to authorize the Secretary of the Interior to plan, design, and construct facilities to mitigate impacts associated with irrigation system water diversions by local governmental entities in the Pacific Ocean drainage of the States of Oregon, Washington, Montana, and Idaho," has been added to the agenda of the hearing that is scheduled for Wednesday, October 20, 1999 at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Water and Power, Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, DC, 20510-6150.

For further information, please call Kristin Phillips, Staff Assistant, or Colleen Deegan, Counsel, at (202) 224-8115.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Friday, October 15, 1999, at 10 a.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, RESTRUCTURING AND THE DISTRICT OF COLUMBIA

Mr. LOTT. Mr. President, I ask unanimous consent that the Governmental Affairs Committee Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia be permitted to meet on Friday, October 15, 1999 at 9:00 am. for a hearing on Quality Management at the Federal Level.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO GIRL SCOUT GOLD AWARD RECIPIENTS

• Ms. SNOWE. Mr. President, today I would like to salute five outstanding young women who have been honored with the Girl Scout Gold Awards by the Abnaki Girl Scout Council in Brewer, ME. The are Jodie Comer, Kaitlin Coffin, Jessie Mellott, Sara Agouab, and Michelle McLaughlin. These young women will receive their award at a ceremony this Sunday, October 17.

The Girl Scout Gold Award is the highest achievement award in U.S. Girl Scouting and it symbolizes outstanding accomplishments in the areas of leadership, community service, career planning, and personal development.

In having this honor bestowed upon them, Jodie, Kaitlin, Jessie, Sara, and Michelle have shown that they are dedicated and committed to these qualities, and, just as important, that they enjoy what they are doing. For their parents, family and friends, this is a proud moment—and, as a Mainer, I share this feeling.

To reach this goal a Girl Scout must earn four interest project patches, the Career Exploration Pin, the Senior Girl Scout Leadership Award, and the Senior Girl Scout Challenge, as well as design and implement a Girl Scout Gold Award project. A plan for fulfilling these requirements is created by the Senior Girl Scout and is carried out through close cooperation between the girl and an adult Girl Scout volunteer. All of the girls throughout the United States who have earned this award have fulfilled a personal goal which will benefit them in the years to come.

For their project, Jodie Comer, Michelle McLaughlin, and Sara Agouab researched, designed, and produced a booklet on auto care and maintenance for women. In addition, they put on an auto care workshop for cadette and senior Girl Scouts. Kaitlin Coffin and Jessie Mellott produced a video to help recruit and retain younger girls in Girl Scouting.

I have always been, and will continue to be, supportive of the Girl Scouts and recognize the important values that it instills in young people, such as service, honesty and leadership. By helping to form the character of young women, the Girl Scouts makes a lasting contribution on the lives of people throughout Maine and the United States.

I know that my Senate colleagues join me in offering my congratulations to these young women for what they have accomplished. This prestigious award is a testament to their convictions and individual commitment to serve those in their community for the betterment of society.•

TEENAGE TRAGEDY

• Mr. LEVIN. Mr. President, the city of Detroit is grieving over the loss of Cody High School sophomore Darryl Towns, who was fatally shot just days before his sixteenth birthday. Darryl was murdered in his own backyard over a minor dispute that eventually turned into a major tragedy. What started off as a fist fight between life long friends ended up in murder: three fatal shots with a semiautomatic pistol.

Now, Darryl's community is left in shock as they grieve over the "foolish" and "senseless" death of their friend, known among many as a "respectful," "responsible" young man. Friends and parents are forced to ask the troubling question: If a person like Darryl, who stayed out of trouble, isn't safe from gun violence, who among our teens is safe? Unfortunately, there is no one who can answer that question or predict the future. Yet, common sense tells us that the widespread proliferation of guns will only result in additional tragedies like Darryl's.

I urge my colleagues to take up a meaningful debate on gun safety and end the easy access to weapons that results in the destruction of so many young lives. I submit for the RECORD a letter printed in the Detroit Free Press, written to Darryl's mother, Annette Towns, expressing sympathy over such a difficult loss.

The letter follows.

[From the Detroit Free Press, Sept. 15, 1999]

MOTHERS: TEACH SONS ABOUT LOVE, GUNS

(By Kim Kingston)

Darryl Towns, 15, died senselessly and tragically on Sept. 9 ("Slaying questioned: One teen in custody is a childhood friend," Sept. 11). Many of us knew of him only as "the baby." Most of us knew him through the stories from a mother's heart—of trials and tribulations, and the joys and challenges of trying to raise a son up right.

Some of us knew only his voice, as it changed over the years from that of a soft-spoken boy to that of a man, calling his mom every evening at work, just to check in. His mama was always saying with a glitter of pride in her eye: "He's such a good and responsible boy." Fifteen years of love and dedication were ripped away in an instant by a senseless act, so very irreversible.

For every mother of every son, teach your sons the magnitude of a mother's love, and how guns lead to the destruction of so many lives—but none so insurmountable as that of a mother's anguish at the loss of her son.

Guns have no place in untrained hands—your hand or my hands—let alone in the emotionally charged squabbles of teenaged boys. The only ones powerful enough to stop it are the young men themselves—young men like Darryl, who stood apart from some of his peers. He didn't carry a gun. He tried to do what was right.

If his death could change the heart of just one boy, then he would not have died in vain.

To Annette, his Mother: We, your friends at work, want to thank you for sharing a part of your dear son with us through your eyes.

To Darryl, forever "Mama's Baby": We dedicate you to a better, safer place in the loving arms of your Creator.•

U.S. JUNIOR CHAMBER OF COMMERCE

• Mr. ENZI. Mr. President, each week, each of us meets with dozens, even hundreds, of constituents from our home States. For some States, thousands of constituents will travel to Washington to advocate positions on issues of concern. Being a Senator representing a sparsely populated States means meeting with everyone of those constituents who visits the Capitol. It is always good to see the folks from home.

Two weeks ago was old home week for me. It was a special time for me to reminisce about my service in the Jaycees. The Jaycees—now called the United States Junior Chamber of Commerce—State presidents held a meeting in the Nations' Capitol to talk about their organization's priorities. Debra Jennings, State president of the Wyoming Junior Chamber of Commerce, and Larry Wostenberg, the sole candidate for next years's State president of the Wyoming Junior Chamber of Commerce, were in town and I was fortunate to meet with them.

I'm a former Wyoming State Jaycee president. I served in 1973–74. That year and the activities that led to that year played a big role in forming my leadership skills. I took leadership classes, then I taught leadership classes.

As president, I emphasized that the Jaycees was not a service organization. The Jaycees were and are a leadership organization. The purpose has been and is to teach young people leadership skills. Members participate in the complete service projects to learn leadership skills.

My first project was a Christmas shopping tour. We raised money in order to take kids recommended by welfare shopping to buy presents for the other members of their families. We picked them up at their home. We took them shopping, took them to a restaurant where they wrapped the packages and had a little celebration, and then delivered them home. We also spent the year gathering toys, repairing them, and purchasing additional toys that were given to the kids we took on the shopping tour. Through activities such as the shopping tour, I developed leadership skills that helped me move up in the ranks within the Wyoming Jaycees—first as a committee chairman, then the local president, and State chaplain.

At one point in my experience, we noticed that many young businessmen were devoting so much time to the Jaycees that it was breaking up their families. I was part of a project for having one night a week devoted to families and family discussion. The name of that program, which became a national program, was "Family Life." I spent a year traveling to chapters and State meetings extolling the virtues of strong families. It is my understanding that 25 years later the program is still intact and still being conducted.

Another favorite program of that time was one called "Do Something." It could just as easily have been labeled "Do Anything." Chapters across the Nation were encouraged to survey their community, figure out what needed to be done and do it. They were encouraged not to do formal surveys. They were encouraged to have each Jaycee ask his neighbors and the people in his community what they thought the community needed, then to do it. The emphasis was on talking to each other, then taking action, and it worked. Never underestimate the ability of young people to achieve. Remember they haven't had enough experience to know yet what can't be done. As a result they find that anything can be done and they do it. Most of them haven't been taught yet that only government can get things done. So, they learn first hand that only individuals working together get things done.

Jaycees gave me my start in politics in a strange way. I was a businessman operating a retail shoe store who was too busy to worry about politics. I had never anticipated going into politics. At the State Jaycee convention as I was finishing my year as State president, Senator Alan Simpson was our guest speaker. At that time he was a State Representative and majority floor leader. I gave my speech on Jaycee leadership training. He gave his customarily humorous speech. After the dinner he took me by the elbow, led me off to the side and said, "On this leadership thing, it's time you put your money where your mouth is. You need to get into politics. You ought to run for mayor of Gillette." Gillette, the community where I was from, was just beginning a boom. I was only 29. Not a good age to run for office in Wyoming. In addition, I had only lived in Gillette for 5 years. Nowhere near being a Gillette native. I wanted to see more city planning. Not an exciting or good issue to run on in the West. But the young people moving to Gillette in droves saw the need for an organizing force with new ideas, and I was elected. You could call that a "Do Something" project. I took a quick informal survey of what needed to be done followed by enlisting the help of everyone.

The United States Jaycees puts out an officer and directors guide. It's a manual for chapter management and leadership training. I've had a copy of that Officer and Directors Guide and a copy of the "Do Something" manual on my desk since 1975. I've found that you can run a city with them, that you can solve State problems with them, and that you can organize a United States Senate office and do legislation based on them.

Last week the U.S. Junior Chamber of Commerce—Jaycees—were in town learning leadership. They were learning about projects that will teach leadership and they were learning about laws that will affect their future and the future of this country. They have programs for getting young people into business. They have a national business network to help them when they are in business. They have a gun safety education program available to all youth. They have a program for teaching investing. And they get into some social issues, called "Touch one child and you touch the world" that helps provide care for infants affected by HIV/AIDS. They have a program called, "Wake up. Live Big. Be Smoke Free." It's the Jaycees against youth smoking.

The Jaycees are about people to people dialogue and communication. Neighbor to neighbor. Delivering a message by those who are trusted. Yes, these young people will make a difference. They have a message for us on Social Security. They've been holding townhall meetings across the country and have been surveying the Nation. They've been searching for solutions to our Social Security dilemma. Mr. President, I ask to have printed in the RECORD at the conclusion of my remarks, a resolution that started them on this quest on March 16, 1996. It was revised and reauthorized September 23 of this year.

I also have an opinion editorial by the National Committee to Preserve Social Security and Medicare written by Mike Marshall who is the past president of the United States Junior Chamber of Commerce, entitled, "Jaycees want Social Security Saved." I also ask that that document be printed in the RECORD at the conclusion of my remarks.

My fellow Senators, we've heard from the people on retirement. We've heard from the people almost ready to retire. We've heard from the baby boomers. Now we are hearing from the people at the beginning end of the spectrum of working for Social Security. These people will be paying into the system for 30 to 45 years and they want to be sure they get something back too.

Perhaps the serious condition of the Social Security system as an investment program can best be understood through an example. Let's suppose that only 2 percent of the present 15 percent is contributed from every paycheck to Social Security. If invested in the private markets, this 2 percent would produce the same result at retirement as the entire 15 percent gives them now. That's not much of a future for the current Social Security program. It would cause a revolution as these young people move into decision-making situations. If we listen to them now, if we work with them now, if we make changes in the system now, Social Security as we know it can be saved and extended for the benefit of our Nation's young people for years to come. If we wait very long, we will see pain. Please resolve with me now to join the United States Junior Chamber of Commerce in their quest to ensure the future economic solvency of the Social Security system for present generations and those to come.

I thank my colleagues.

The documents follow:

CALL FOR LEGISLATION TO ENSURE THE FUTURE ECONOMIC SOLVENCY OF THE SOCIAL SECURITY SYSTEM

(Revised and Reauthorized September 23, 1999)

Whereas, the membership of The United States Junior Chamber of Commerce as well as most Americans are concerned about the economic future of Social Security System.

Whereas, payroll deductions will have to be dramatically increased or benefits significantly decreased unless Social Security is reformed; and

Whereas, we need to meet our Social Security promises to existing and future retirees; and

Whereas, the number of retirees will almost double by the year 2030; or

Whereas, The United States Junior Chamber of Commerce has conducted surveys at seventy-five Social Security Town Hall Meetings in forty different states; and

Whereas, The United States Junior Chamber of Commerce has testified before congress to address these concerns; and

Whereas, as a result of The United States Junior Chamber of Commerce's Social Security Town Hall Report, an overwhelming majority approved the establishment of individual retirement accounts; and

Whereas, The U.S. Congress has introduced legislation for the establishment and maintenance of individual retirement accounts; and

Whereas, The United States Junior Chamber of Commerce has invested considerable time and resources in the solvency of the Social Security System; and

Whereas, The United States Junior Chamber of Commerce sees the need to get the average young American involved in the interest of their government; and

Whereas, The United States Junior Chamber of Commerce should actively promote getting out the vote to secure these aims: Now, therefore, be it

Resolved, That the United States Junior Chamber of Commerce Executive Board of Directors:

recognizes that Social Security is in need of immediate revision;

recognizes that the future of Social Security is a vital concern for young people and future generations in the United States;

recognizes the need for capitalization of the social security system;

recognizes the need for personal retirement accounts;

recognizes that a percentage of budget surpluses should go towards the solvency of Social Security;

recognizes a need for a national "Get Out the Vote" campaign;

gives authority to the USJCC staff to pursue a course to reform Social Security in local Junior Chamber communities and at the national level and organize a "Get Out the Vote" campaign.

JAYCEES WANT SOCIAL SECURITY SAVED

(By Mike Marshall)

Within the last year, Republicans and Democrats have expressed the necessity to take legislative action to strengthen Social Security. President Clinton, during his 1998 State of the Union address, announced plans for a series of public forums to be held across the country. He plans to hold a conference on Social Security in Washington, D.C., this December and then ask Congress to pass reforms in 1999. Senator Bob Kerrey, Nebraska Democrat, is urging President Clinton and congressional Republicans to begin "eating our national spinach" and reform government entitlements. Politicians are listening to their constituents and are coming to the conclusion that Americans want Social Security to be saved.

Members of The United States Junior Chamber of Commerce (Jaycees) completed a series of Social Security town hall meetings across America in 1997. They made some remarkable findings. Americans attending these town hall meetings indicated they want the Social Security system in this country reformed. With more than 1,400 town hall participants surveyed, 79 percent believe that the Social Security program will need radical or major changes to survive.

The Jaycee surveys also indicate that 76 percent of the town hall participants believe that they should be allowed to place their Social Security contributions into a personal retirement account. This coincides with a survey recently released by the Democratic Leadership Council which indicated that 75 percent of registered voters—regardless of political party—said they strongly or somewhat support letting workers take a third of the Social Security payroll taxes they now pay and invest them into private retirement accounts.

The Junior Chamber of Commerce believes any changes to Social Security should be judged on whether the current hallmarks are maintained and remain dependable, universal, and available to the disabled as well as all elderly. In addition, we recognize the need for capitalization of the Social Security system. Americans need to have ownership in the system and politicians must have reduced access to the money they are taxing for our retirement savings. Some type of Personal Savings Retirement Accounts combined with the current system appear to be the best solution.

Some organizations would have you believe that Social Security can be saved with just a few adjustments. For 60 years, with little notice or fanfare, the government has been making adjustments to the system. If it was as simple as a slight adjustment, we would not have elected officials risking their political lives by addressing the need for dramatic, system-saving changes.

Now is the time honest debate and real reform. We are asking Congress and the President to leave a legacy of leadership behind them for this country. They must act to save the Social Security system for the elderly, the disabled, and current and future retirees. All Americans must take an active role on this issue, listen to all sides of the debate, and then call their elected officials and urge them to take action.

The United States Junior Chamber of Commerce is a volunteer, non-partisan, community service organization comprised of more than 100,000 men and women ages 21 to 39. 1–800–JAYCEES.●

SUPPORT OUR TEACHING HOSPITALS

● Mr. BIDEN. Mr. President, I rise today to express my strong support for this country's teaching hospitals.

These institutions provide the critical experiences of internship and residency by which raw medical school graduates, who have learned the science of medicine, are converted into seasoned physicians who have learned the art and practice of medicine. We are all going to face illness at one time or another in our lives, and we want to make sure that there will be well-educated, conscientious, and compassionate physicians to care for us during those periods. The critical role of the teaching hospitals in molding the doctors of the future cannot be overestimated.

These teaching hospitals also serve as key participants in the medical research advances from which we all benefit enormously. We tend to forget that medicine is a relatively young science. Antibiotics, which we all take for granted, have been in use for only about 50 years. Heart bypass surgery and kidney transplants, procedures so commonplace that we hardly give them a second thought, were virtually unheard of 40 years ago. These and other medical advances have led to a tremendous increase in life expectancy in this country over the past 100 years. Yet all of these innovations would have been virtually impossible without the ongoing participation of teaching hospitals in programs of medical research and development.

Finally, these teaching hospitals provide a tremendous service to our communities. For many of the most vulnerable among us, the teaching hospitals represent their major, and often only, source of medical care. The homeless, the indigent, the elderly, the new arrivals to our country: for many in these groups, there would be no medical care at all if not for the care provided by the teaching hospitals, such as Christiana Care in my home state of Delaware.

So we should all agree that teaching hospitals are an absolutely essential resource for our society; we don't want to go back to 19th century medicine, we want to move ahead to 21st century medicine.

But there is a problem: the teaching hospitals' financial underpinning has become very precarious, and a number of the most reknowned teaching hospitals in this country are now losing money each year. We have come somewhat late to the unsurprising realization that the time and resources which the teaching hospitals devote to the education of future physicians, the research we need for better and healthier lives, and the care of the indigent and working poor, costs a lot of money.

These costs are going up every year for our teaching hospitals: new technology costs money, dedicated employees must be paid a living wage, and so forth. But the income of teaching hospitals is not coming close to matching these cost increases. Health insurance companies are reducing their payments to health care providers, including teaching hospitals. Teaching hospitals, with their obligatory high costs, are not able to compete financially for contracts to take care of HMO patients. A significant percentage of teaching hospital costs has been paid in the past by Medicare, but as Medicare finds itself facing future insolvency, its payment to teaching hospitals for training interns and residents has also declined. We in Congress contributed to the decline in teaching hospitals' income with several provisions in the Balanced Budget Act of 1997, particularly the reductions in payments for indirect medical education and disproportionate share hospitals.

Everybody who gets health care in this country benefits from the work of teaching hospitals, but in the face of the financial straits that have overwhelmed our health care system, nobody wants to pay for them.

Mr. President, it is absolutely essential that this country's teaching hospitals remain vital and viable. Medicare may no longer be in a position to continue paying a disproportionately large share of teaching hospital expenses. In the long run, we must carefully reevaluate the funding mechanism for teaching hospitals to ensure their stability; if we all benefit from them, then perhaps we should all pay part of their costs.

These long-term changes are important, but we in the Senate must also be concerned about the here and now. Teaching hospitals that are currently losing money may not be able to wait for the "long run"; they need help in the next few months. Senator DASCHLE has just introduced the Medicare Beneficiary Access to Care Act, which contains provisions that would benefit the teaching hospitals and their patients, and I understand that the Senate Finance Committee is currently working on proposals to address some unintended consequences of the Balanced Budget Act of 1997, including those that have impacted on teaching hospitals.

But time is of the essence, and the key word is urgency. Next year may be too late. The Senate is working furiously to pass the necessary appropriations bills in the few legislative days we have remaining this session, but I implore my colleagues not to move to adjournment until we take action to make sure that the teaching hospitals will still be around next session. The teaching hospitals spend 24 hours a day, 365 days a year, working to make sure we live long and healthy lives, and it's time for us to return the favor. If we don't have enough time this session to complete the necessary major surgery on the payment system for teaching hospitals, the least we can do is set aside the few hours or days it would take to administer a little life-saving financial CPR.•

IN RECOGNITION OF "NATIONAL SUNDAY SCHOOL TEACHER APPRECIATION DAY"

• Mr. GRAMS. Mr. President, October 17, 1999 is "National Sunday School Teacher Appreciation Day" and I want to take this opportunity to honor the 15 million American men and women who serve as Sunday school teachers. They are surely one of our nation's most valuable resources.

Since 1993, "National Sunday School Teacher Appreciation Day" has helped foster an increased awareness of the vital role Sunday school plays in the life of the local church and community. By marking this day, churches have an opportunity to nominate the cream of the crop of their Sunday school teachers for national recognition. An integral part of this campaign is the search for the "Henrietta Mears Sunday School Teacher of the Year." This award was established in honor of Dr. Henrietta Mears, a famous Christian educator who influenced the lives of such Christian leaders as Dr. Billy Graham, and many more.

Through their work, Sunday school teachers offer a wealth of information and guidance to America's youth. In the wake of incidents at Columbine High School and, more recently, at the Wedgewood Baptist Church in Texas, the importance of these volunteers, who help shepherd their communities through difficult times, only increases in value. Through community-based programs—and especially those deeply rooted in faith, such as Sunday School—our nation and my state of Minnesota can help bring out the best in our children as they go through the ever-more challenging task of growing up in our society.

Sunday school teachers have had an enormous influence on countless Minnesotans, including myself. I personally recall my Sunday school teachers as men and women of great character who I respected and admired, and who helped shape my moral fiber. As I look back on my own experience, and those of my friends and relatives, it is with considerable appreciation I make this statement today. The service given by the men and women who every week give up their Sunday mornings to help educate and mold our children is certainly service given from the heart.

In conclusion, Mr. President, I personally thank all Sunday school teachers in my state of Minnesota and across the country for the tremendous work they do for not only our youth, but for all families and our society as a whole.•

COMMENDATION FOR THE IRISH EISENHOWER EXCHANGE FELLOWS

• Mr. SANTORUM. Mr. President, today I would like to call to your attention a very special anniversary which is taking place in my home state. Ten years ago, a group of emerging leaders from Northern Ireland and the Republic of Ireland, hosted by the Eisenhower Exchange Fellowships, met in Philadelphia, Pennsylvania to launch an exciting experiment in international cooperation.

The Eisenhower Exchange Fellowships is a private, non-profit, non-partisan organization created in 1953 by a group of prominent American citizens to honor then-President Dwight D. Eisenhower for his contribution to humanity as a soldier, statesman and world leader. Eisenhower Exchange Fellowships seeks to foster international understanding and productivity through the exchange of information, ideas and perspectives among emerging leaders throughout the world. The Eisenhower network numbers 1300 Fellows from 100 countries. Currently two Eisenhower Fellows are heads of government; over 90 Fellows have served at the cabinet level or above. More than 220 have become CEOs.

The Eisenhower Exchange Fellowships brought this group of fourteen Irish Fellows, consisting of seven Fellows from the North and seven from the South, to the United States for a two-month program. They came from all types of professional backgrounds, working in business, government, religion and law. They came from many perspectives and diverse political and personal beliefs. Through the auspices of the Eisenhower Exchange Fellowships, they met on common ground in Philadelphia in 1989, and they've been meeting and working together ever since.

They decided to commemorate the tenth anniversary of their Single Area program by returning to Philadelphia. There they will gather to look back on the last ten years and look forward to the next millennium. These Irish Eisenhower Fellows are to be commended for the contributions they have made to their region and to greater international understanding in the past decade—and they think of Philadelphia as their second home.

In the spirit of Dwight D. Eisenhower, in whose honor the organization was founded, the Irish Fellows work together in a pragmatic way to ensure understanding, respect, and reconciliation. Building bridges across cultural and political divides, they have played and continue to play important roles in the peace negotiations. They have made important contributions to economic growth, to the social welfare of their communities, and to more effective and efficient public administration. They have worked effectively towards a more dynamic economy, seeing the importance for their region to play a role in an evolving Europe and in the world.

By continuing to find outstanding new Eisenhower Fellows from a number of professional fields, they help to promote awareness and the exchange of ideas between Irish emerging leaders and their American counterparts. By sponsoring USA Eisenhower Fellows and bringing them to Ireland, they expand the horizons of emerging young U.S. leaders. In both these activities, they strengthen the bonds between our countries.

In the spirit of fellowship and unflagging curiosity about the world, they come together every nine months to confer on topical issues, to plan for future Eisenhower Fellowships, and to renew and strengthen their friendships, which cross national borders and historical differences. They serve, in effect, as a model alumni organization, which constantly renews its parent body through its energy and innovation.

I would like to commend their reunion weekend in Philadelphia, October 14–17, and wish them the best of luck in their continuing mission to establish friendships and improve understanding on a personal, local, national, and international level.●

PENNSYLVANIA BATTLEFIELDS PROTECTION ACT OF 1999

On October 14, 1999, the Senate amended and passed H.R. 659, as follows:

Resolved, That the bill from the House of Representatives (H.R. 659) entitled "An Act to authorize appropriations for the protection of Paoli and Brandywine Battlefields in Pennsylvania, to direct the National Park Service to conduct a special resource study of Paoli and Brandywine Battlefields, to authorize the Valley Forge Museum of the American Revolution at Valley Forge National Historical Park, and for other purposes.", do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pennsylvania Battlefields Protection Act of 1999".

TITLE I—PAOLI AND BRANDYWINE BATTLEFIELDS

SEC. 101. PAOLI BATTLEFIELD PROTECTION.

(a) PAOLI BATTLEFIELD.—The Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to provide funds to the borough of Malvern, Pennsylvania, for the acquisition of the area known as the "Paoli Battlefield", located in the borough of Malvern, Pennsylvania, as generally depicted on the map entitled "Paoli Battlefield" numbered 80,000 and dated April 1999 (referred to in this title as the "Paoli Battlefield"). The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(b) COOPERATIVE AGREEMENT AND TECHNICAL ASSISTANCE.—The Secretary shall enter into a cooperative agreement with the borough of Malvern, Pennsylvania, for the management by the borough of the Paoli Battlefield. The Secretary may provide technical assistance to the borough of Malvern to assure the preservation and interpretation of the Paoli Battlefield's resources.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $1,250,000 to carry out this section. Such funds shall be expended in the ratio of one dollar of Federal funds for each dollar of funds contributed by non-Federal sources. Any funds provided by the Secretary shall be subject to an agreement that provides for the protection of the Paoli Battlefield's resources.

SEC. 102. BRANDYWINE BATTLEFIELD PROTECTION.

(a) BRANDYWINE BATTLEFIELD.—

(1) IN GENERAL.—The Secretary is authorized to provide funds to the Commonwealth of Pennsylvania, a political subdivision of the Commonwealth, or the Brandywine Conservancy, for the acquisition, protection, and preservation of land in an area generally known as the Meetinghouse Road Corridor, located in Chester County, Pennsylvania, as depicted on a map entitled "Brandywine Battlefield—Meetinghouse Road Corridor", numbered 80,000 and dated April 1999 (referred to in this title as the "Brandywine Battlefield"). The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(2) WILLING SELLERS OR DONORS.—Lands and interests in land may be acquired pursuant to this section only with the consent of the owner thereof:

(b) COOPERATIVE AGREEMENT AND TECHNICAL ASSISTANCE.—The Secretary shall enter into a cooperative agreement with the same entity that is provided funds under subsection (a) for the management by the entity of the Brandywine Battlefield. The Secretary may also provide technical assistance to the entity to assure the preservation and interpretation of the Brandywine Battlefield's resources.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $3,000,000 to carry out this section. Such funds shall be expended in the ratio of one dollar of Federal funds for each dollar of funds contributed by non-Federal sources. Any funds provided by the Secretary shall be subject to an agreement that provides for the protection of the battlefield's resources.

TITLE II—VALLEY FORGE NATIONAL HISTORICAL PARK

SEC. 201. PURPOSE.

The purpose of this title is to authorize the Secretary of the Interior to enter into an agreement with the Valley Forge Historical Society (hereinafter referred to as the "Society"), to construct and operate a museum within the boundary of Valley Forge National Historical Park in cooperation with the Secretary.

SEC. 202. VALLEY FORGE MUSEUM OF THE AMERICAN REVOLUTION AUTHORIZATION.

(a) AGREEMENT AUTHORIZED.—The Secretary of the Interior, in administering the Valley Forge National Historical Park, is authorized to enter into an agreement under appropriate terms and conditions with the Society to facilitate the planning, construction, and operation of the Valley Forge Museum of the American Revolution on Federal land within the boundary of Valley Forge National Historical Park.

(b) CONTENTS AND IMPLEMENTATION OF AGREEMENT.—An agreement entered into under subsection (a) shall—

(1) authorize the Society to develop and operate the museum pursuant to plans developed by the Secretary and to provide at the museum appropriate and necessary programs and services to visitors to Valley Forge National Historical Park related to the story of Valley Forge and the American Revolution;

(2) only be carried out in a manner consistent with the General Management Plan and other plans for the preservation and interpretation of the resources and values of Valley Forge National Historical Park;

(3) authorize the Secretary to undertake at the museum activities related to the management of Valley Forge National Historical Park, including, but not limited to, provision of appropriate visitor information and interpretive facilities and programs related to Valley Forge National Historical Park;

(4) authorize the Society, acting as a private nonprofit organization, to engage in activities appropriate for operation of the museum that may include, but are not limited to, charging appropriate fees, conducting events, and selling merchandise, tickets, and food to visitors to the museum;

(5) provide that the Society's revenues from the museum's facilities and services shall be used to offset the expenses of the museum's operation; and

(6) authorize the Society to occupy the museum so constructed for the term specified in the Agreement and subject to the following terms and conditions:

(A) The conveyance by the Society to the United States of all right, title, and interest in the museum to be constructed at Valley Forge National Historical Park.

(B) The Society's right to occupy and use the museum shall be for the exhibition, preservation, and interpretation of artifacts associated with the Valley Forge story and the American Revolution, to enhance the visitor experience of Valley Forge National Historical Park, and to conduct appropriately related activities of the society consistent with its mission and with the purposes for which the Valley Forge National Historical Park was established. Such right shall not be transferred or conveyed without the express consent of the Secretary.

(C) Any other terms and conditions the Secretary determines to be necessary.

SEC. 203. PRESERVATION AND PROTECTION.

Nothing in this title authorizes the Secretary or the Society to take any actions in derogation of the preservation and protection of the values and resources of Valley Forge National Historical Park. An agreement entered into under section 202 shall be construed and implemented in light of the high public value and integrity of the Valley Forge National Historical Park and the National Park System.

Amend the title so as to read: "An Act to authorize appropriations for the protection of Paoli and Brandywine Battlefields in Pennsylvania, to authorize the Valley Forge Museum of the American Revolution at Valley Forge National Historical Park, and for other purposes.".

HAWAII VOLCANOES NATIONAL PARK ADJUSTMENT ACT OF 1999

On October 14, 1999, the Senate amended and passed S. 938, as follows:

S. 938

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hawaii Volcanoes National Park Adjustment Act of 1999".

SEC. 2. ELIMINATION OF RESTRICTIONS ON LAND ACQUISITION.

The first section of the Act entitled "An Act to add certain lands on the island of Hawaii to the Hawaii National Park, and for other purposes", approved June 20, 1938 (16 U.S.C. 391b), is amended by striking "park: *Provided*," and all that follows and inserting "park. Land (including the land depicted on the map entitled 'NPS–PAC 1997HW') may be acquired by the Secretary through donation, exchange, or purchase with donated or appropriated funds.".

SEC. 3. CORRECTIONS IN DESIGNATIONS OF HAWAIIAN NATIONAL PARKS.

(a) HAWAII VOLCANOES NATIONAL PARK.—

(1) IN GENERAL.—Public Law 87–278 (75 Stat. 577) is amended by striking "Hawaii Volcanoes National Park" each place it appears and inserting "Hawaii Volcanoes National Park".

(2) REFERENCES.—Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to "Hawaii Volcanoes National Park" shall be considered a reference to "Hawaii Volcanoes National Park".

(b) HALEAKALĀ NATIONAL PARK.—

(1) IN GENERAL.—Public Law 86–744 (74 Stat. 881) is amended by striking "Haleakala National Park" and inserting "Haleakalā National Park".

(2) REFERENCES.—Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United

States to "Haleakala National Park" shall be considered a reference to "Haleakalā National Park".

(c) KALOKO-HONOKŌHAU.—

(1) IN GENERAL.—Section 505 of the National Parks and Recreation Act of 1978 (16 U.S.C. 396d) is amended—

(A) in the section heading, by striking "KALOKO-HONOKOHAU" and inserting "KALOKO-HONOKŌHAU"; and

(B) by striking "Kaloko-Honokohau" each place it appears and inserting "Kaloko-Honokōhau".

(2) REFERENCES.—Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to "Kaloko-Honokohau National Historical Park" shall be considered a reference to "Kaloko-Honokōhau National Historical Park".

(d) PU3I·ÙHONUA O HŌNAUNAU NATIONAL HISTORICAL PARK.—

(1) IN GENERAL.—The Act of July 21, 1955 (chapter 385; 69 Stat. 376), as amended by section 305 of the National Parks and Recreation Act of 1978 (92 Stat. 3477), is amended by striking "Puuhonua o Honaunau National Historical Park" each place it appears and inserting "Pu31·ùhonua o Hōnaunau National Historical Park".

(2) REFERENCES.—Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to "Puuhonua o Honaunau National Historical Park shall be considered a reference to "Pu31·ùhonua o Hōnaunau National Historical Park".

(e) PU3I·ÚKOHOLĀ HEIAU NATIONAL HISTORIC SITE.—

(1) IN GENERAL.—Public Law 92-388 (86 Stat. 562) is amended by striking "Puukohola Heiau National Historic Site" each place it appears and inserting "Pu31·ùkoholā Heiau National Historic Site".

(2) REFERENCES.—Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to "Puukohola Heiau National Historic Site" shall be considered a reference to "Pu31·ùkoholā Heiau National Historic Site".

SEC. 4. CONFORMING AMENDMENTS.

(a) Section 401(8) of the National Parks and Recreation Act of 1978 (Public Law 95-625; 92 Stat. 3489) is amended by striking "Hawaii Volcanoes" each place it appears and inserting "Hawaii Volcanoes".

(b) The first section of Public Law 94-567 (90 Stat. 2692) is amended in subsection (e) by striking "Haleakala" each place it appears and inserting "Haleakalā".

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: Nos. 267, 268, and 269.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, any statement relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed, as follows:

THE JUDICIARY

Ellen Segal Huvelle, of the District of Columbia, to be United States District Judge for the District of Columbia.

Anna J. Brown, of Oregon, to be United States District Judge for the District of Oregon.

Charles A. Pannell, Jr., of Georgia, to be United States District Judge for the Northern District of Georgia vice Frank M. Hull, elevated.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDER TO VITIATE PASSAGE—S. 1344

Mr. SESSIONS. Mr. President, I ask unanimous consent that Senate passage of S. 1344 be vitiated and, further, the bill be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, OCTOBER 18, 1999

Mr. SESSIONS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 12 noon on Monday, October 18. I further ask consent that on Monday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period for morning business until the hour of 1 p.m., with the first 30 minutes under the control of the minority leader, or his designee, and the last 30 minutes under the control of the majority leader, or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SESSIONS. Mr. President, for the information of all Senators, the Senate will convene at 12 noon on Monday and immediately begin a period for morning business until 1 p.m. Following morning business, the Senate will resume consideration of the campaign finance reform bill with a Reid second-degree amendment being the pending amendment. The majority leader has announced that the first vote on Monday will occur at 5:30 p.m. It is hoped that the vote or votes on Monday evening will be in relation to amendments to the pending legislation. Further, cloture motions on the two campaign finance reform amendments were filed today by the minority leader. Therefore, pursuant to rule XXII, those cloture votes will occur 1 hour after the Senate convenes on Tuesday.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2000

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now turn to Calendar No. 327, H.R. 3064, the DC appropriations bill, the substitute amendment No. 2302, now at the desk, be agreed to, the bill be advanced to third reading and passed, as amended, and the motion to reconsider be laid upon the table without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2302) was agreed to.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

The bill (H.R. 3064), as amended, was read the third time and passed.

ORDER FOR ADJOURNMENT

Mr. SESSIONS. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order following the remarks of Senator DASCHLE, the Democratic leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT OF CONFEREES—H.R. 3064

Mr. DASCHLE. Mr. President, I ask unanimous consent that with respect to H.R. 3064, the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER (Mr. BROWNBACK) appointed Mrs. HUTCHISON, Mr. STEVENS, Mr. KYL, Mr. DURBIN, and Mr. INOUYE conferees on the part of the Senate.

CTBT REJECTION: A SERIOUS MISTAKE THAT MUST BE UNDONE

Mr. DASCHLE. Mr. President, in the 2 days since this Senate rejected the Comprehensive Test Ban Treaty, I've heard some of our colleagues insist they are proud of that vote. Frankly, I cannot understand how anyone could say that.

I was deeply saddened and troubled when I opened my newspaper yesterday morning. The top headline in the Washington Post read: "Senate Rejects Test Ban Treaty." The headline just below that read: "For US, Fallout will be Fading Influence."

How can anyone take pride in actions that increase the threat of nuclear weapons? How can anyone be proud of diminishing America's leadership in the world? How can anyone be proud that they have made the world a more dangerous place for ourselves and our children?

For the life of me, I cannot understand that.

We knew before we voted that, if we rejected the CTBT, we would almost certainly damage our national security and our standing in the world. We knew both of those things. Our senior military leaders warned us. Outside experts tried to warn us. Our allies tried to warn us. In fact, three world leaders—representing our three oldest and strongest allies—took the unprecedented step of writing an open letter to us.

In that letter, published this week in the New York times, Jacques Chirac, Tony Blair and Gerhard Schroder implored us: "As we look to the next century, our greatest concern is proliferation of weapons of mass destruction . . . Failure to ratify the CTBT, will be a failure in our struggle against proliferation . . . For the security of the world we will leave to our children, we urge the United States Senate to ratify the treaty."

Unfortunately, a majority of Senators chose to ignore these warnings. they chose to ignore the serious implications that rejecting the CTBT would have on U.S. security and international standing, and on the safety of the entire world. If there was any doubt, before the vote, that rejecting the CTBT would be a serious mistake, there can be no doubt now. Look at the headlines.

World dismayed by U.S. Treaty Vote—Associated Press

International community dismayed by U.S. Rejection of CTBT—Agence France Presse

Germany Says U.S. Nuke Reaction a Serious Setback—Reuters

A Reckless Rejection—the Washington Post

A Damaging Arms Control Defeat—the New York Times

Defeat of Test Ban Treaty a Blow to U.S. Prestige—Reuters

Nations Assail Senate Vote on Test Ban Treaty—Washington Post

Asia Dismayed by US Treaty Vote—AP

Arms-Control World Upended—the Christian Science Monitor

Dismay and Anger Abroad at US Action—The Guardian of London

Russia Press Digest: America Has Latent Desire to Explode Nuclear Bombs

Listen to the reactions of world leaders:

From a senior Chinese official: "It leaves us with the impression that America has a double standard, you tell the rest of the world not to do something and then you go ahead and do it."

From a spokesman for the Russian Foreign Ministry: "This decision is a serious blow to the entire system of agreements in the field of nuclear disarmament and non-proliferation. There is a definite trend visible in recent times in US actions and it causes deep alarm."

Some of our colleagues are quick to seize on China and Russia's displeasure. They point to that as proof they did the right thing in rejecting the treaty. Even if you accept the premise—and I do not—that what is bad for China and Russia is, by definition, good for the United States, this goes far beyond these two countries.

Condemnation of the Senate's action has been virtually universal. It's worldwide. It's from out friends to our foes, and every nation in between. From the first world to the third world. Listen to what other world leaders have said:

In France, President Chirac said the Senate vote would inflict "serious damage" to the cause of nuclear disarmament, particularly dismayed that the views of America's allies were ignored.

In Germany, Defense Minister Rudolf Scharping called the vote an "absolute wrong" decision. Foreign Minister Fischer said his country and other European nations were "deeply disappointed" and feared it would seriously harm the cause of nuclear disarmament. "It is a wrong signal that we deeply regret."

Lord Robertson, NATO's new Secretary General and former British Defense Secretary, called it "a very worrying vote."

A spokesman for the European Union called for the immediate ratification of the treaty by all signatories and said "we have already stated our belief that the treaty is clearly in the interests of all states as an essential barrier to nuclear proliferation."

In Japan, Foreign Minister Kono said the negative impact was "immeasurable" on the cause of disarmament and non proliferation. "The adverse effects are inestimable and it is of extreme concern. We has been hoping for US leadership in preventing the spread of nuclear weapons, so the restful is very regrettable."

In the Phillipines, Foreign Secretary Siazon said the vote dealt "an enormous blow to all our efforts to make the world a safer place to live in."

From the Mayor of Hiroshima: The United States is "going against international efforts to reduce nuclear arms, as a nuclear power the United States should lead the way to end the proliferation of weapons."

Mr. President, what makes our failure to pass the CTBT doubly tragic is that there was nothing forcing the Senate to act on this treaty at this time. This vote could have, and should have, been postponed until the Senate had conducted proper hearings on the treaty. In fact, 62 members signed a letter to the Majority Leader pleading with him to delay the vote. Among the signers were the Chairman and Ranking Member of the Armed Services Committee. Chairman and Ranking Member of the Appropriations Committee, and Ranking Member on the Foreign Relations Committee. Republicans and Democrats signed that letter.

Under the rules of the Senate, it was fully within the power of the Majority Leader to reschedule this vote for a more appropriate time. The fact that we did not do so is a mistake of historic proportion.

What we have done is nothing to be proud of. What we have done is deeply troubling. What we have done is dangerous. What we have done has—for now—made the world less safe.

It has, for now, damaged the relationship between the US and some of our most important allies. It has, for now, diminished our standing and our moral authority in the world.

It was a serious mistake. We need to un-do it.

Immediately after the vote, a spokesman for the British government said "we hope that what happened in Washington is not the end of the road." I want our friends in England the rest of the world to know that the United States Senate has not uttered its last word on the CTBT.

The overwhelming majority of the American people support this treaty. Our senior military leaders support this treaty. My colleagues and I on this side of the aisle will do everything we can to secure the votes needed to pass this treaty in the United States Senate.

In the meantime, we will insist that the United States continues to refrain from conducting nuclear tests. The United States must not, and will not, give up its position as a leader in the international effort to rid the world of the threat of nuclear weapons.

I yield the floor.

ADJOURNMENT UNTIL MONDAY, OCTOBER 18, 1999

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until Monday, October 18, 1999, at 12 noon.

Thereupon, the Senate, at 2:38 p.m., adjourned until Monday, October 18, 1999, at 12 noon.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 15, 1999:

THE JUDICIARY

ELLEN SEGAL HUVELLE, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA.

ANNA J. BROWN, OF OREGON, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF OREGON.

CHARLES A. PANNELL, JR., OF GEORGIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF GEORGIA.

SENATE—*Monday, October 18, 1999*

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Dear Father, You created us with a family likeness, with a potential of emulating Your character. This week we celebrate "Character Counts Week." Thank You for the world leadership of this Senate in establishing this week in October to emphasize the six pillars of character so needed today: Trustworthiness, respect, responsibility, fairness, caring, and citizenship. Today we affirm how crucial are the character traits of trustworthiness, respect, and responsibility. We have learned from You what it means to be trustworthy. You are faithful, consistent, totally reliable, and absolutely true to Your promises.

God, we long to be people who are known for our integrity; that wonderful consistency between what we believe and what we do; that congruity of what we say and how we follow through. We also desire to be people who communicate respect and take responsibility for the natural world, for our Nation, and for the sacredness of the people around us. Each of us views Your particularized affirmation of our uniqueness. Help us to communicate that same respect for others. May this Senate be a shining example to America as men and women who are unreservedly trustworthy, respectful, and responsible in their leadership. Through them and all of us, strengthen the moral fiber of our Nation. In Your trustworthy name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable PAT ROBERTS, a Senator from the State of Kansas, led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The Senator from Kansas is recognized.

SCHEDULE

Mr. ROBERTS. Mr. President, today the Senate will be in a period of morning business until 1 p.m. Following morning business, the Senate will resume consideration of S. 1593, the campaign finance reform bill. As a reminder to Members, two cloture motions were filed on the second pending amendment on Friday. Therefore, pursuant to rule XXII, those votes will occur on Tuesday, 1 hour after the Senate convenes, unless a consent agreement is reached to set those votes for a time certain. The majority leader has announced that the first vote today will occur at 5:30 p.m. It is hoped that the 5:30 vote, or votes, will be in relation to the amendments to the pending legislation. However, if votes regarding the campaign finance reform bill are not possible, the Senate will vote on any legislative or executive items available for action.

I thank my colleagues for their attention.

Mr. President, I note the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period of morning business until the hour of 1 p.m. with the first 30 minutes under the control of the minority leader. After that time has expired, the last 30 minutes will be under the control of the majority leader or his designee.

The distinguished Senator from Wyoming is recognized.

Mr. THOMAS. Thank you very much.

COMPLETING THE WORK OF THE SENATE

Mr. THOMAS. Mr. President, I wanted to come to the floor this morning and talk a little bit about where we are in the Senate, at least in my view, and where we are going. We are, of course, nearing the end of this session. Nobody knows precisely or exactly when we will be out of here, but it won't be long. We have to take a strong look, in my view, at what we have to do, and the things that are necessary to do. There are, of course, certain things that are required.

At this time of year, Congress maybe hasn't finished its annual ritual, but the fact is we have done a great deal. I am pleased with that. But we must, of course, finish the appropriations. The continuing resolution expires this week, but hopefully we will have the appropriations to the President. We will see what happens from there.

In addition to that, of course, I am very hopeful that at least one other issue will be undertaken, and that is to do something about the balanced budget amendment and the Medicare restrictions that are in place.

You might recall that Congress asked for some reduction in the cost of Medicare over a period of time to ensure a firming up in the fact that these dollars are being used as they should be. Unfortunately, the administration has reduced that spending almost twice what was anticipated and, therefore, I think it will be necessary for us to go back and do some things for all of Medicare and particularly, I might say, for rural areas and small hospitals in areas such as in Wyoming.

I think we have allowed ourselves to become a little bit off track. We have gotten involved in lengthy discussions of issues that are probably not particularly timely nor, indeed, perhaps even particularly appropriate, issues that did not need to be or were not ready to be discussed and debated this year and could well have been put off until another year. But, nevertheless, they have been discussed, and we are, in fact, still involved in some of those—the nuclear test ban treaty of course, being one of them. Now we are on campaign finance.

There have been extended debates brought about by the insistence of Members on the floor. We have also had a number of filibusters and threatened filibusters from the other side of the aisle in order to control what was occurring on the floor.

I haven't been here as long as have many Members of the Senate, but I can tell you I don't think that in the time I have been here I have seen such a contentious and combative situation. It is the most controversial session I believe—perhaps the most uncooperative—in terms of coming to terms with the things we need to do.

Our friends on the other side of the aisle, the Democrats, of course, have brought issues to the floor, and we have had a number of filibusters and threatened filibusters. I guess the most interesting was the latest nuclear test ban treaty debate in which there was an insistence that we come on the floor with it, and then there was a cry of foul when it came up. That was a somewhat interesting and difficult issue.

We have had Members forcing issues to the floor that have had little or no support, but yet under the rules of the Senate they are entitled to be discussed and discussed for a length of time. In fact, we have had the feeling we are becoming too oriented toward accomplishing things. But, again, that is one point of view.

It seems to me we find the President now in the most political posture that I recall a President being in, criticizing the Senate for doing the things that we have a constitutional responsibility to do—treaties. We have the advise and consent responsibility on all treaties. That is in the Constitution. The same is true regarding nominees. That is our responsibility. I believe we have the right to do the things that we believe are right without being criticized.

At every opportunity, the President is calling everything a political vote. I find that paradoxical. There were allegations of racial voting on nominees for the Judiciary. I for one—and I know many others—did not even know the race of the person being voted upon.

The White House, trying to use many of these votes to breathe some life into a lame-duck President, makes it very difficult. We still have a responsibility. We have things to do. We have things to complete. We find ourselves in a confrontation, with the President threatening to disapprove appropriations. He has that right, as well. However, we ought to come together. We ought to talk about it. We ought to decide what we are going to do. We know we will fund the Government. We know we will go forward. I don't think anyone genuinely wants to shut down the Government. However, we are faced with that possibility. It worked out so well politically for the President a couple of years ago; he shut down the Government and we got the blame. I hope we don't use that technique again.

It is a fairly simple thing. It is very difficult, but we have a commitment to have a certain amount of spending—about $592 billion worth of spending—outside the mandatory appropriations. We have to make agreements to stay within that commitment. We are dedicated to the idea of not spending more than that because we have to go into Social Security. As difficult as it may be, that is the goal. That is the bottom line. We simply have to make the adjustments that are necessary to do that. I think that is reasonable and certainly not impossible.

Aside from that, it seems to me we have had a good year. We started this year as the majority party saying we were committed to ensuring a sound Social Security retirement system. We said we were here to help improve educational opportunities for our children, to expand economic opportunities for all Americans, to provide a strengthening of our national security to protect our freedoms. Those were the four things we set about to do. I believe the leadership and the Members have called for that.

Despite all the talk and concern about education in the appropriations, the Republican proposal has $537 million more than the President requested. We have passed a bill that increases flexibility and opportunity for the States, the local school boards, and the parents to make the necessary decisions in their school districts. The school districts in Basin, WY, have different needs than in Philadelphia, PA. To the extent the Federal Government has a role—which represents, by the way, about 7 percent of total educational spending; not a huge amount—that money should be able to be spent the way the people wish to spend it. They, after all, are responsible for the education of their children.

In our tax bill, which the President vetoed, there were several educational propositions, educational savings accounts, and student loan programs available, as well. Of course, the President vetoed those bills. We have done a great deal in education. I think it is something of which we should be proud.

Everyone talks about Social Security. It is one of our most important issues. Everyone who has worked for a wage or worked in their own business has paid into Social Security. Our commitment is to have Social Security available not only for those who are now beneficiaries but, indeed, for those young people who have just begun to work. There has been a great deal of discussion. The President talked about saving Social Security, but, frankly, has put nothing forward.

We have done a couple of things. One is to have a Social Security lockbox to ensure we will not spend the Social Security money, and that will be a test of this budget. The other is to propose that we have the kind of Social Security program so at least a portion of those funds can be put into an individual account that belongs to the person who has been putting in the money. It can be invested directly in equities in the private sector to increase the return. I am pleased with that.

We have increased military spending by about $17 billion. It has gone down over the last several years despite the fact that the world is not safe.

Tax relief: We spent a great deal of time working on opportunities for all Americans to save some of the money they pay to taxes through marriage penalties, through estate tax reduction, capital gains reduction, and general reductions in rates. The President vetoed that because he wants to spend more money.

In health care, we have a Patients' Bill of Rights that I think is excellent. We also have committed ourselves to do something on the balanced budget.

These are the things on which we have made a great deal of progress. In addition, we recently had the test ban on nuclear testing. In a press conference last week, the President tried to deflect criticism about the lack of leadership he provided and the fact that not even a majority of this Senate supported it on a final vote by blaming it all on partisan politics, accusing the Republicans of making the world a more dangerous place.

Acting against the national interest? Nonsense. Let me give some canards. Neither the United States nor the Senate have changed their views on nuclear testing. I am chairman of the Subcommittee on Asia and Japan. We are not going to start testing; we have not changed our position. We have no plan to test. Our policies in that regard are exactly the same as they were before the vote. All we were saying in the vote was, this is not the treaty at this time, with these shortcomings.

The President tried to blame the Republicans for being in a partisan mode. The President should look at his own party. Democrats demanded we have a vote on this treaty or they would filibuster all action on the Senate floor. On September 18, the Senator from North Dakota said:

> I intend to plant myself on the floor like a potted plant and object. I intend to object to other routine business of the Senate until the majority leader brings this treaty to the floor for debate and vote. I don't run this place, but those who do should know this is going to be a rough place to run if you do not decide to bring this issue to a vote.

We brought it to a vote and apparently they got exactly what they demanded—a debate and vote. Before the President blames the Republicans, he ought to take a look at the CONGRESSIONAL RECORD. The vote was not a vote against national security. In an attempt to frighten people, the President accused those who opposed it of threatening the national security, that no thinking person could possibly oppose it.

Let me list for the Senate some of the people whom the President dismissed: Henry Kissinger, six former Secretaries of Defense, four former CIA Chiefs, former Federal weapons lab Directors, two former Chiefs of Staff, the President's own head of Strategic Command at the time the treaty was negotiated, three former National Security Advisers. It goes on and on.

This idea of isolationism is ridiculous. The idea of maintaining the U.S. military strength is not. That, in the view of many, gives the best opportunity for security.

Now we are involved, of course, in this question of campaign finance. It is a legitimate issue, a good issue. We have been into it before. We passed bills in the 1970s. We passed bills in the 1980s. It has not changed an awful lot. Some people suggest it has been blown completely out of hand. I suggest it is probably not true. The expenditures in the average congressional district have gone up about 3.6 percent a year since 1986. That is hardly runaway. It amounts to about $1 per voter in most congressional districts.

But I believe—and, for myself, I think there is some consensus in the Senate—it is an important issue. I have said, and I continue to say, I support some changes. I would like to see more disclosure. It seems to me that is the most important thing. If there is going to be money—and, indeed, there has to be money—if people are to understand the issues and have a chance to speak out, to have the freedom of speech, to have the opportunity to participate, it has to be open. But I think there should be disclosure. There should be disclosure right up until the end of the election, and we can do that. We should enforce the laws already on the books, as is the case with many other matters of enforcement. I think we have to protect the constitutional rights of individuals to participate.

I would support some limit on soft money. I do not know how, constitutionally, that would be accepted by the Supreme Court. Nevertheless, I would set some limit and support that. But I would not support doing away with it. I would not support eliminating it. I would not support the bill as it is proposed now.

We can contribute to the integrity of the process and help return more confidence to it. I have thought about this a lot. People who support Members, or people who are running, do so because of what they believe. They do not change their beliefs because they received some support. As you look around for whom you are going to support in the election, you support the person whose beliefs are similar to yours. I support things in my State—I suppose some people call them special interests—because they are important to my State. Those are the industries at which most people in my State work. Those are the kinds of industries that we need to have a vibrant economy. Of course I support those, not because of some contribution.

In summary, I wish we were in a little different situation in our relationship on both sides of this aisle and in our relationship with the White House, so we could really look at some issues, come out with what seems best to us as a group, and move forward.

On the other hand, I am very pleased with many of the things we have done. I can tell you, most people in my State, when we talk about doing all these things, have a limit in their minds as to what the Congress ought to be doing, what is the role of the Federal Government. It is not up to the Congress to solve every problem. On the contrary, we are better off to push more and more of that government closer to the people, where they can make the decisions, not the one-size-fits-all kind of thing some people here would like to have.

We are ready to move on and finish up. I look forward to it. I hope we can conclude our work and do the best things for the country.

I yield the floor.

The PRESIDING OFFICER (Mr. SESSIONS). The distinguished Senator from Iowa is recognized.

EXTENSION OF MORNING BUSINESS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that we continue morning business until the hour of 1:05. I think it ends at 1 o'clock.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Iowa is recognized.

PARENTS' INFLUENCE IN YOUTHFUL DRUG USE

Mr. GRASSLEY. Mr. President, I greet my colleagues with the often bad news of drug use by young people, and particularly with reference to the very important role of parents in preventing youth drug use. As I do occasionally, in my capacity as chairman of the International Narcotics Control Caucus of the Senate, I come to the floor to report on national surveys that go on in this area, surveys that have been going on for a couple of decades, so we are able to compare the incidence of increasing drug experimentation by young people as well as following trends we had in the last decade in declines in drug use by young people.

I seek the floor today to visit with my colleagues on this very same subject, as I have many times in the past since I have been chairman of this group of our colleagues who spend a great deal of time on drug problems generally and, of course, a lot of time on the issue of drug use by young people.

So, again, as happens at the beginning of every school year, there are these national surveys that are made public. Within the last month or so, several of these have been made public. That is what I want to discuss with my colleagues. There have been three national surveys released that tell the story of drug use in the United States, particularly among teenagers.

On September 8 of this year, the National Center on Addiction and Substance Abuse—that is called CASA, for short. Let me say it again: It is a National Center on Addiction and Substance Abuse. That organization released its annual back-to-school survey on the attitudes of teens and parents regarding substance abuse. The survey stressed how essential it is for parents to get involved in their children's lives. The survey indicates that kids actually do listen to their parents. In fact, 42 percent of the teenagers who have never used marijuana credit their parents with that decision. Unfortunately, too many parents—45 percent—believe that teenagers' use of drugs is inevitable. In addition, 25 percent of the parents said they have little influence over their teen's substance abuse.

I suggest to that 25 percent that they ought to consider that 42 percent of the young people in America have already responded to this survey, saying they do not use marijuana because their parents have influenced them not to. And for the 25 percent of the parents who do not think they can have any influence over their teen's substance abuse, they would probably have considerable and beneficial influence.

CASA stresses how important parental involvement is. A child with a positive relationship with both parents is less likely to get involved with drugs. The survey also suggests that family-oriented activities such as eating dinners together and attending religious services together can reduce the risk of substance abuse.

The second week in September also marked the release of the annual Parents Resource Institute for Drug Education survey. That acronym is PRIDE, P-R-I-D-E. PRIDE's survey on teenage drug use. The survey also indicated the importance of parents' influence in shaping the attitude of teens regarding the harmful effects of drugs, just like the CASA survey.

Unfortunately, this past year the overall attitude among youth towards the harmful effects of drugs remains mostly unchanged. In fact, some attitudes worsened. Sadly, about 27 percent used an illegal drug at least once in the last year, and about 16 percent used drugs monthly or more often. Moreover, the number of students who regarded cocaine and heroin as harmful has decreased from the previous year. We know that, as perception of risk of use goes down, actual use of cocaine and heroin goes up. The monthly use of cocaine by high school students rose from 3.1 percent to 3.2 percent, hallucinogens went up from 3.9 percent to 4.2 percent, and liquor—and we don't often think enough of a legal product, liquor, being used illegally by young people as being a problem—but it went up from 26.9 percent to 28.1 percent. Worse yet, beer tends to be a gateway for uses of these other drugs that eventually leads, by some young people, to worse drugs. Unfortunately, in this PRIDE survey, the number of students who said drugs cause no harm increased over the previous year.

So that message out there that is strong and hard and definitive and constant that drug use is bad, does work but not if it isn't consistently heard and reinforced.

The PRIDE survey reiterates that parents have the power to change these attitudes. Those young people who say their parents talk with them a lot about drugs show a 37 percent lower drug use than those students who say their parents never talk to them about drugs. Despite this statistic, less than 31 percent of the students say their parents talk with them often or a lot about the problems of drugs.

So we have one-third of the parents shirking their responsibility; and in shirking their responsibility, they are losing an opportunity to make a difference in whether or not their young people will experiment with drugs. Because we have that other survey that shows 42 percent of the young people in America do not use drugs because they have been influenced by their parents not to use drugs.

The last survey I want to refer to is a National Household Survey on drug abuse. It was released 2 months ago. It gives a very clear picture that we still have much work ahead of us when it comes to educating our kids about drugs.

The survey stated that almost 10 percent of our young people, ages 12 to 17, reported current use of illicit drugs. An estimated 8 percent of youths in the same age category reported current use of marijuana fairly regularly.

Unfortunately, this was not a significant change from last year. According to the survey, young people reported great risk of using cigarettes, marijuana, cocaine, and alcohol; and that percentage was unchanged from the previous year.

The disturbing fact is 56 percent of the kids, ages 12 to 17, reported that marijuana was very easy to get. And 14 percent of these young people reported being approached by someone selling drugs within 30 days of their interview for the survey.

Although these statistics seem daunting, we have made some progress in keeping drugs out of children's hands. The National Household Survey—the last one I referred to—stated that the number of youths using inhalants has decreased significantly from 2 percent in 1997 to 1 percent last year.

The PRIDE survey reported that monthly use of any illegal and illicit drugs fell from 17 percent last year to 16 percent this year. Even more important is the fact that 60 percent of the students say they do not expect to use drugs in the future. And this is a 9-percent increase from the 51 percent last year.

There may be some hope shown in those statistics, then, that finally a message about "just don't do it," "drugs are bad," may be making some progress.

But we all know the war on drugs is tough and it is not one that will be won easily, but it is not one from which we in public life or within our families can walk away. Although these numbers and statistics remain exceedingly high, our efforts can make a difference and are not futile. I believe creating a drug-free environment for our youth is an accessible goal that we must work to reach.

Surveys such as these play an important role in measuring our progress and determining the work that lies ahead of us. It is clear that the public is aware of the problem and expects Congress and the administration to do their part in finding ways to make counterdrug programs work.

In a national poll on national drug policy, produced last month by the Mellman Group, the public supports effective drug control programs. As you can see from chart No. 1—if you would look at chart No. 1—the public particularly supports strong interdiction programs and consistent interdiction efforts. The survey shows 92 percent of the people questioned view illegal drugs as a serious problem in this country.

I will now refer to chart No. 2. The majority of individuals think drug use in this country is increasing. Few see it declining, in other words. So it seems obvious to me—and I hope to all of you—that the American people are aware of the problem and are eager for a more assertive national drug policy from Congress and from the administration.

When Americans are more concerned about the availability of drugs than they are about crime, we clearly need to take action. We cannot afford to let drugs devastate our country any further; we cannot afford to let drugs devastate any more young people. We have to be proactive in our efforts if we want to change these disturbing numbers that have come out in the CASA survey, the National Household Survey, and the PRIDE survey.

We do not need a miracle for our young people. We need a strong family life and positive role models to guide our youth in the right direction.

Education of the dangers of drugs starts at home. But it needs to be carried over into all of society. Parents need help in sustaining a clear and consistent "no use" message.

In closing, I refer to an effort I am making in my State called Face It Together, an organization that tries to bring together all elements of our society.

There are two elements of our society—at least in my State—that I do not think have done enough to be supportive of families because the front line in the war against drugs is the home. We cannot, in the home, push it off on the school, off onto law enforcement, off onto substance abuse professions. That front line is the home.

But two institutions of society, in my State, I think, can do a better job. Maybe it is true of the other 49 States as well. Although it is more encompassing than just involving industry and business on the one hand, and the churches on the other hand in supporting families, that is where I want to concentrate my effort. Because most businesses and industries in my State have substance abuse programs, as a matter of necessity, for the health and well-being of their workers and to maintain the productivity of their workforce, we want those businesses that have a drug education and drug awareness program in the workplace to get their workers—men and women alike—to carry that message home and use it in the families, in the home, to support the effort which ought to be in that family already, of telling their children of the dangers of drugs.

The other place where I do not think we have used enough of our resources is in the churches of our State, for messages from the pulpit, and to use the institution of the church to disseminate educational information to, again, be supportive of the family—mom and dad—to keep that message strong back home. This is something we all need to work on.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

The Senator from Colorado.

Mr. ALLARD. Mr. President, may I inquire as to how our time is being controlled? Do we have time limits?

The PRESIDING OFFICER. We are to return to the pending business, with no time limitations.

Mr. ALLARD. I thank the Chair.

BIPARTISAN CAMPAIGN REFORM ACT OF 1999—Resumed

The PRESIDING OFFICER. Under the previous order, the Senate will now return to consideration of S. 1593, which the clerk will report.

The legislative assistant read as follows:

A bill (S. 1593) to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform.

Pending:

Daschle amendment No. 2298, in the nature of a substitute.

Reid amendment No. 2299 (to amendment No. 2298), of a perfecting nature.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, before making my comments on the campaign finance reform measure before us, I thank the Senator from Kentucky for his splendid work on this issue. This has been an issue on which he has spent a good deal of time. An issue this complicated is very demanding. As so frequently is the custom of the Senator from Kentucky, he has put his heart and soul into this issue. Many of us appreciate his dedicated effort in trying to deal with this issue in a very responsive manner. It is characteristic of the Senator from Kentucky to do this kind of work for the Senate. We all appreciate and respect him for it.

The Denver Rocky Mountain News ran an editorial on September 21st in response to the passage of the Shays/Meehan bill, expressing the paper's belief that soft money campaign contributions are a form of political expression and, as such, are protected by the First Amendment.

I don't bring this up now as a part of the Senate debate on campaign finance reform just because The News is a local paper. I am bringing this editorial up now because it is from a local paper with an exceedingly sound view.

In the editorial they use an example of an average citizen who might decide to distribute leaflets against a city pot hole problem. If this hypothetical citizen is stopped from doing so by a city council, it would be a clear-cut violation of freedom of speech.

The editorial then goes on, correctly, to explain that the difference between this simple form of election activity control and the kinds contained in the two main campaign finance measures considered on the Hill this year—Shays/Meehan and McCain/Feingold—is merely a difference of degrees, not type.

Donors who want to give to the Republican National Committee or the Democrat National Committee are expressing their political views.

I ask unanimous consent that the Rocky Mountain News editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Denver Rocky Mountain News, Tues., Sept. 21, 1999]

FREE SPEECH VS. 'REFORM'

Suppose that you were upset about potholes in a neighborhood street. Imagine that you started cranking out leaflets to win the support of fellow residents and maybe even to get them to consider the issue in the next city council election. And now suppose that the city government told you to cut it out on the ground that the amount of money you were spending on those leaflets was corrupting politicians. You just might suspect someone was messing with your freedom of speech, right?

Your assessment would be correct. And it would be equally correct to believe that a campaign finance bill passed recently in the House of Representatives would abridge the First Amendment guarantees of untethered political expression. The bill is aimed principally at money that's given to political parties for reasons other than directly influencing a candidate's election or defeat at the polls. The legislation would ban those kinds of unregulated contributions, and the cheers have been deafening.

But why is it that applauding throngs are so eager to quell free speech? Can't they see that it's as much an abuse of power to stop a rich donor from piling money at the door of the Republicans or the Democrats as it would be to limit the distribution of leaflets by a neighborhood activist? The Senate sponsors of a similar bill reportedly plan to drop one particularly obnoxious provision of the House legislation—regulating the content of issue advertisements that comment on candidates—but the proposed law remains an anti-democratic restriction of political discussion.

This so-called reform may be stopped this year by filibuster. It ought to be stopped because members of Congress recognize that the best cure the current system's many ills is more complete disclosure of contributors and even more freedom for direct campaign contributions, not less liberty for all of us.

Mr. ALLARD. As the Supreme Court has ruled, political spending equals political expression. Attempting to stop this political expression, however distasteful some might find soft money, is an attempt to stifle activities protected by the Constitution. And so it is our duty as legislators to find a better—a constitutional—way.

"Don't let perfect be the enemy of good" is an expression we hear often on this matter. It's a slogan urging baby steps: small moves toward a distant goal.

The thought is that a soft money ban is one part of a move towards an ideal campaign finance system, and is part of an incremental process of improvement.

But alone, it is not good. It's not even merely average. Banning soft money will only give us different and arguably worse evils.

Let's take a look at just a few of them:

First, in some of my colleagues' minds it is a step towards taxpayer financed elections. This would be an absolute monstrosity with the bureaucracy calling the shots on campaigns. Our democratic process is voluntary and fiercely competitive.

Mandating completely taxpayer financed campaigns would force citizens to support candidates they disagree with, it would place bureaucrats in the position of legitimizing political candidates, and it unjustly allows candidates influence beyond their natural appeal to voters.

Let me explain also that I feel that a soft money ban is biased.

It might just be coincidental that the Republican caucus is leading the opposition to this bill instead of the Democrat caucus, but it might also have something to do with the fact that a ban on party soft money will ultimately benefit Democrat candidates over Republican ones.

If political parties are curbed, the Democrats already have a cohesive constituency ready and able to step up and assume party functions. Organized labor is just that—coordinated people ready to work. They are also ready to spend.

Senators SNOWE and JEFFORDS were kind enough to provide us all with a copy of the October 12th Washington Post article covering the announcement by the AFL–CIO that they were going to spend $46 million on the upcoming elections.

I don't begrudge the Democrat National Committee this labor and funding base, but it is unbalanced and blatantly partisan to attempt to shield this type of spending while attacking its counterbalancing force, the areas where the RNC instead has the advantage.

The natural constituencies of each party tend to balance each other out, but they do so in different ways.

If you will excuse this minor diatribe, I want to digress here for a moment and lament what seems so obvious to everyone and that is organized labor is not a Republican constituency.

I support the American worker. My party supports the American worker. We are the party of the individual worker, not a worker controlled by government.

In a more perfect world—of course, meaning a world that runs more according to my beliefs—the Republican agenda would be passed and would aid American workers tremendously.

The tax refund bill pushed by the Republican majority would have passed and returned money to taxpayers, also known as American workers.

The legislation I offered last year to pay down the debt would have benefitted all American workers in myriad ways.

The Social Security lock box would have passed and guaranteed this benefit for American workers.

I am therefore a little perturbed that the leaders of organized labor are so adamant against goals which I feel will greatly benefit the workers of America.

The nature or our political differences has resulted in the current situation where there is no other single entity willing to be so dedicated to a single party.

The Republican Party counters this absence by seeking contributions from diverse sources. Once these individuals give to the candidates they support, because they have not been coerced into giving and are without the option of labor unions to further spread their general message, they give to the Republican National Committee. To try and "un-level" the whole playing field by denying one side an outlet for political expression and clout, even if the objection is based an abhorrence of fund raising, is flagrant factionalism.

It is also, as I have said, unconstitutional.

The Supreme Court, in the case we are hearing about a lot this week, Buckley v. Valeo, said just that.

The Supreme Court struck down spending levels, because, and I quote, "So long as persons and groups eschew expenditures that in express term advocate the election or defeat of clearly identified candidate, they are free to spend as much as they want to promote the candidate and his views."

They allowed campaign donation limits, not because they did not interfere with First Amendment rights, but because the interference they impose can be grudgingly tolerated in light of the overriding interest in ensuring clean and fair elections.

To further limit soft money donations, or to attempt a different way to cut campaign spending, both of which a ban on party soft money would do, there must first be shown the corresponding overwhelming corruption it brings.

I feel compelled to respond to earlier discussion on this floor by pointing out that the mere lack of authorization for appropriations, while certainly unfortunate and unsound practice, is not by itself proof positive of corruption. We have not authorized the State Department in years. It is hardly pork barrel spending to fund the Drug Enforcement Agency, another unauthorized agency.

Just because large amounts of money flow around elections does not mean that the elections automatically become corrupt.

The Supreme Court has said that large gifts directly to a candidate could be corrupting. That is why the hard money limits are in place. I agree with these.

If a candidate were to receive a huge—say, in the millions—donation from one donor and could run an entire campaign from it, it would be awfully hard to tell it apart from what is commonly called "being bought."

But one donor making even a huge donation to a political party is not buying the party philosophy, they are supporting it. And we cannot tell people how and what to support politically.

Many of the proponents of other campaign finance bills try to reduce the influence of "special interests" by suppressing their donations and thus their speech.

First, I am not even sure suppressing special interests is an admirable goal, since "special interests" are citizens expressing a particular viewpoint, such as the Sierra Club, Chambers of Commerce, Common Cause and countless others.

That's the point of politics: advocating your goal during the march towards a collective good. There needs to be more interests in politics, not less!

I believe the absolute best way to ensure there are no undue special interest influence is to suppress and reduce the size of government.

If the government rids itself of special interest funding and corporate subsidies, then there would be less of a perception of any attempts to buy influence through donations.

A simplified tax code, state regulation flexibility, local education control—these are less government approaches to problems that would also lower the desperate need for access.

Meddlesome outside influences—another horror of campaigning—are a function of the hard money limits, not soft money availability.

Candidates lose control of their message when they lose the right to accept money people want to spend and will end up spending on their behalf.

The simple fact that large sums of money are spent on elections does not mean those elections are corrupt.

In my campaign for Senate, I was outspent by three-quarters of a million dollars. That money obviously did not buy the election. That money did not corrupt the election.

Supporters say that the election system is drowning in soft money.

They say that soft money has consumed the entire political process.

Let me say this. Or, rather, allow me to share what the Supreme Court has to say:

> The First Amendment denies government the power to determine that spending to promote one's political views is wasteful, excessive, or unwise. In the free society ordained by our Constitution it is not the government but the people—individually as citizens and candidates and collectively as associations and political committees—who must retain control over the quantity and range of debate on public issues in a political campaign.

The Supreme Court has been very clear in its rulings concerning campaign finance and the First Amendment.

Since the post-Watergate changes to the campaign finance system began, twenty-four Congressional actions have been declared unconstitutional, with nine rejections based on the First Amendment.

Out of those nine, four dealt directly with campaign finance reform laws. In each case, the Supreme Court has ruled that political spending—even if obviously excessive—is equal to political speech.

Even today, the Supreme Court is addressing a case regarding Missouri contribution limits, showing their continued dedication to protecting the freedom of speech expressed through political support.

Besides the constitutional question, there is the simple matter of plain reality. People with money and political views will not give up their desires to express themselves.

Like water flowing downhill, politically active Americans who find themselves blocked will just find different outlets to reach their goal.

Hard money was regulated, so soft money was invented. If soft money is banned, something else will take its place.

The problem is that the regulations and laws that go further and further towards cutting money also go further and further towards unconstitutionality.

Some in Congress have stated that freedom of speech and the desire for healthy campaigns in a healthy democracy are in direct conflict, and that we can't have both.

The only effective dam, they say, would be to change the First Amendment so as to allow the abridging of political speech.

I don't support that belief. Fortunately for those of us who believe in the First Amendment rights of all American citizens, the founding fathers and the Supreme Court do not either.

They believe, and I believe, that we can have free political speech and fair campaigns.

Also, supporters of some of the campaign finance reform bills believe that if we stop the growth of campaign spending and force give-aways of public and private resources then we will be improving the campaign finance system.

The Supreme Court again disagrees and is again very clear in its intent on campaign spending. The Buckley decision says,

> . . . the mere growth in the cost of federal election campaigns in and of itself provides no basis for governmental restrictions on the quantity of campaign spending. . . .

Campaigns are about ideas and expressing those ideas, no matter how great or small the means.

The "distribution of the humblest handbill" to the most "expensive modes of communication" are both indispensable instruments of effective political speech. We should not force one sector to freely distribute our political ideas just because it is more expensive than all the other sectors.

So no matter how objectionable the cost of campaigns, the Supreme Court has stated that this is not reason enough to restrict the speech of candidates or any other groups involved in political speech.

Despite my objections to this current legislation, I think I can agree with this bill's cosponsors that improvements can be made to today's system. I have some ideas on that. To that end I have introduced S. 1671, the Campaign Finance Integrity Act of 1999.

My bill would: Require candidates to raise at least 50 percent of their contributions from individuals in the state or district in which they are running; equalize contributions from individuals and political action committees (PACs) by raising the individual limit from $1,000 to $2,500 and reducing the PAC limit from $5,000 to $2,500; index individual and PAC contribution limits for inflation; reduce the influence of a candidate's personal wealth by allowing political party committees to match dollar for dollar the personal contribution of a candidate above $5,000; require corporations and labor organizations to seek separate, voluntary authorization of the use of any dues, initiative fees or payment as a condition of employment for political activity, and requires annual full disclosure of those activities to members and shareholders; prohibit depositing an individual contribution by a campaign unless the individual's profession and employer are reported; encourage the Federal Election Commission to allow filing of reports by computers and other emerging technologies and to make that information accessible to the public on the Internet less than 24 hours of receipt; ban the use of taxpayer financed mass mailings; enhance cuts on the use of federal property for fund raising, restrict use of White House and Air Force One for fund raising, and require non-office holders who use government vehicles for campaigns to reimburse for that usage.

This is common sense campaign finance reform. It drives the candidate back into his district or state to raise money from individual contributions.

It has some of the most open, full and timely disclosure requirements of any other campaign finance bill in either the Senate or the House of Representatives. I strongly believe that sunshine is the best disinfectant.

The right of political parties, groups and individuals to say what they want in a political campaign is preserved but the right of the public to know how much they are spending and what they are saying is also recognized. I have great faith that the public can make its own decisions about campaign discourse if it is given full and timely information.

Objecting to the popular quest of the moment is very difficult for any politician, but turning your back on the First Amendment is more difficult for me.

I want campaign finance reform but not at the expense of the First Amendment. My legislation does this.

As we deal with this issue, I will continue to listen and continue to fine-tune my belief on this matter. But I will not stray from a firm belief in the first amendment, a firm belief in fair campaign laws, and a firm belief that whatever we do here in this body must justly serve the democratic process.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I shall take just a moment before the Senator from Colorado leaves the floor to thank him. This is his third year in the Senate. As he knows and as has been discussed, we seem to have this debate every year. He has participated every single year in the debate in an extraordinarily insightful way. His speech made a whole lot of sense. I listened to every word.

I thank him for the important contribution he has made to this debate, not only this year but in the other years since he has been in the Senate. I thank the Senator from Colorado.

Mr. ALLARD. I thank my friend from Kentucky.

Mr. MCCONNELL. Mr. President, I note that the Senator from Idaho is on the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I come to the floor this afternoon to engage in what has become an annual debate on campaign finance reform. But I am also here to honor Senator MITCH MCCONNELL, who has chosen to be a leader on this issue for all the right reasons and, most importantly, the right principled reasons. To defend our Constitution and to defend free speech in this country is an admirable cause. I thank him for engaging in it.

Along with that kind of leadership comes the risk of errors. I see that this weekend the New York Times, in its rather typical fashion, has decided to engage in this debate by simply calling names, suggesting that the Senate is a "bordello" and that MITCH MCCONNELL is its "madam." Shame on you, New York Times. I thought you were better than that. But then again, why should we think you are better than that on this issue, because you have chosen to take what you call high ground, which is in fact exclusive ground, that only you as journalists would have to speak out for America when no one else would have that opportunity.

That is what this debate is all about. It is why I come to the floor, not only to support MITCH MCCONNELL but to support these important principles that somehow the New York Times just flat stumbles over on its way to its version of the truth.

There is another analogy I might use. It is similar to suggesting that this form of regulation is like a new architectural design for the Navy that gave us the *Titanic*. I suspect it is not new at all. In fact, it is not reform at all. And we have been up this creek one too many times.

We are here today and we are engaged in a most serious way to debate what I think is an important issue. The Senate has held more than 100 votes on campaign finance reform during the past dozen years. Although the definition of "reform" has fluctuated widely over that period of time, the essence of this legislation remains the same—to restrict and stifle political speech.

The bill now before us would also federalize or nationalize vast parts of America's politics. For the average citizen listening in today, let me repeat that phrase. Do you want your Government to federalize or nationalize political free speech in this country, to shape it and control it, and to tell candidates and their supporters how to speak? Someday they might even suggest what to speak. That is really the importance of why we come to this floor today to debate this most important topic.

Under the new plan offered by Senators MCCAIN and FEINGOLD, there would be once again an across-the-board ban on soft money for any Federal election activity.

You have already heard the sponsors and the supporters of this bill talk on and on about how soft money is bad, about how President Clinton rented out the Lincoln Bedroom in exchange for huge soft money donations, or how foreign nationals paid tens of thousand of dollars during the President's 1996 election campaign. They say all soft money is bad. Or should we say that Bill Clinton misused it and so, therefore, it is bad? I believe that is the kind of connection they are using.

Sorry, Senator MCCAIN; sorry, Senator FEINGOLD. Don't put me in the same category with Bill Clinton. Put me in another category. Put me in a category that recognizes the importance of free speech and that recognizes there are appropriate ways of handling it.

As I have said in the past, and I say again, a total ban on soft money will have a significant negative effect on the lives of thousands of citizens who believe it is their American right to become engaged in the political process. In the end, you will hear no disagreement on this point from the sponsors or the supporters of the legislation.

Let me take a few moments to explain how this proposal of a ban on soft money will affect thousands of citizens involved in America's politics.

Here in Washington, the national party organizations receive money from donors. The donations can be from individuals, lobbying groups that represent their members, businesses, or unions. The political organizations receiving these donations include the Republican National Committee, the Democratic National Committee, the Republican Senatorial Committee, the Democrat Senatorial Committee, the Republican National Congressional Committee, and the Democratic National Congressional Committee.

All of these political organizations receive donations from contributors. What happens next is—and it is very important that we follow this because this is supposed to be the negative side of politics; this is supposed to be the side that corrupts. And yet, so far, it is clearly outside the Halls of the Senate. The money flows to these national political organizations.

What happens next? These political organizations distribute some of that money to their respective political parties in counties and localities all over the country. As you can imagine, there are thousands of State, county, and local political offices that receive this financial aid.

Then, under certain conditions already defined by State and Federal law, the local parties use this money for activities such as purchasing campaign buttons, bumper stickers, posters, and yard signs to express an opinion, to express an idea. The money is also used by voter registration activities on behalf of the partys' Presidential and Vice Presidential nominees. The money is also used for multicandidate brochures and even sample ballots.

Can you imagine corruption yet emerging out of this that somehow would affect the vote or influence the vote of an individual Senator on this floor? I know Halloween is close. I know Senators MCCAIN and FEINGOLD are searching for ghosts. And maybe in this scenario there is a ghost. But, fellow Senators, it is only a ghost because here is what happens next.

Let me give you an example. Say it is an election day. You go down to your local polling site, whether it is at a school, a local church, a National Guard armory, or your American Legion hall. Sometimes there is a person there who will hand you what is called a sample ballot listing all of the candidates in your party running for office. It is a way of identifying people running for your office or running for office in your party. As most voters, you are more than likely to choose candidates of your party. However, under the McCain-Feingold proposal, it would be against the law to use soft money to pay for a sample ballot with the name of any candidate who is running for Congress on the same sample ballot with State and local candidates combined. Corruption? As I said earlier, it is close to Halloween.

Under the McCain-Feingold legislation, it would be against the law to use soft money to pay for campaign buttons, posters, yard signs, or brochures that include the name or picture of a candidate for Federal office on the same item that has the name or picture of a State or local candidate. That is called Federal control. That causes the creation of a bureaucracy to examine every election process right down to the local county central committee. Imagine the size of the new building here in Washington. Imagine the Federal agents out on the ground. Imagine it; that is what ultimately we reduce ourselves to when we begin to micromanage, as is proposed in this legislation, the kind of political process that most Americans believe and have reason to believe is a fair and honest process.

Under McCain-Feingold, it would be against the law to use soft money to conduct a local voter registration drive 120 days before the election. These get-out-the-vote drives have proven to be effective tools for increasing interest among people in the political process. Frankly, that is what we are all about, getting people interested in participating in their government. Not enough do now. With McCain-Feingold, in the end we would probably even cause that to be restricted.

In fact, in 1979 Congress supported revisions in the law pertaining to get-out-the-vote drives because they were concerned about important party-building activities and they promoted citizen participation in the election process. As we have heard on the Senate floor, the sponsors and supporters of this bill think this, and what I have just discussed, is corruption.

Let's look at the reality of what this legislation creates. I will talk about a man I know by the name of Jack Hardy, the chairman of the Republican Party in Custer County, ID. Custer County is about as big as Delaware, New Hampshire, and New Jersey together with only about 4,000 citizens living in that huge geographic area. Jack Hardy, chairman of the Republican Party in that county, works at a full time job as a carpenter. He also enjoys spending time with his family. Jack relies on financial aid from the State and national party organizations to run his Custer County Republican Party.

There are thousands of Jack Hardys all over the country. Most are volunteers. They put in long hours supporting their party and their candidates hoping to make a difference because they believe as Americans they ought to be involved in the party process to get people elected who believe in and represent the ideals that the Jack Hardys of America hold. Jack Hardy is a hard-working man who wants to make a difference.

McCain-Feingold is saying we will make it tougher, Jack. Here is how we will make it tougher. We are not going to allow you to use the kind of resources that come from the State and the Federal parties. You have to get out and hustle: forget your job. You have to get hard money from donations, local business money, and individuals to fund any activities.

Jack already does some of this. He already solicits among individuals and businesses in his community. But never is there enough on an election day or before an election day to do the right kind of work. Jack Hardy relies on his State and Federal party to help him.

People such as Jack Hardy will be forced to take more of their time off from what is a nonpaid voluntary job to help participate in American political activities. In other words, fundraising hard money will become a bigger concern for the State and local officials than ever before, and whoever raises the most money can fund more political activities. It is that simple.

Essentially, what we have done is make money the most compelling factor in campaigns instead of part of what is necessary to run a good campaign organization.

Frankly, this is silly stuff. Exactly what kind of campaign finance reform is this? What are we trying to accomplish? We just added more laws to a system that is already heavily burdened with rules and regulations, many of which can't even get enforced because the Federal Election Commission doesn't function too well. Again, it is a federal bureaucracy that has probably outserved its usefulness.

We have just added more laws to a system that is already not working. We forced thousands of State and local party officials to raise more money from their constituents, to confuse the process that we think works pretty well now.

If the point of McCain-Feingold is to reform the campaign finance system, then I think the last thing we want to do is ban soft money.

I support the amendment offered by Senator MCCAIN to require State and local officials to file immediate electronic disclosure of contributions. That is key to anything we do. Let the voters know firsthand about the money source coming into their politics. Voters are not dumb. They are talented, bright Americans who make their own judgments. And they should be based on the knowledge handed them, without having to create a monstrously large Federal bureaucracy.

I am bothered by what has been left out of McCain-Feingold. For example, there is no protection in this bill against union workers. This issue has already been debated thoroughly on the floor. I noticed just this past week the AFL–CIO has endorsed AL GORE in his candidacy for the Presidency. Of course, this will bring in millions of dollars of reported and millions of dollars of unreported money. Why? In large part, we have exempted labor unions from certain levels of campaign requirements and we do not exempt other citizens of our country. Most importantly, we have said labor bosses can take the dues of their members and use them for political purposes that maybe even those union members don't want.

The American political process ought to be a free process. We want it to be open. We want and must always have full disclosure. If union dues go to fund AL GORE's campaign, there will be a lot of union people in Idaho who will be very angry because they openly tell me they cannot support this candidate. Why? Because he put them out of work. His policy on public lands and public land resources and this administration's reaction has cost thousands of union men and women to be out of work in my State. If their dues go without their ability to say no, they have a right to be angry. Yet the provision I am talking about is not in McCain-Feingold. I am talking about a term we call "paycheck protection." This is a very important part of any kind of campaign finance reform any Member wants to see.

During the 1996 elections, union leaders tacked on an extra surcharge on dues to their members in order to raise

$49.2 million to defeat Republican candidates around the country. There is no reason not to say it; that was their intent. They were open about it. The union bosses have announced they plan to spend much more in the 2000 election. Yet nothing in this law says they can't do that. We shouldn't say, "You can't do it." We should say there are rules about how to collect the money. The right of the citizen is to say yes or no to how his or her money is used for political purposes.

There are others waiting to speak. This will be an issue we will debate into the week. It is an important issue, but it is one I think the American citizens understand quite well.

When mom and dad come home at night and they sit at the dinner table and one spouse says to another, "How was your day?" my guess is they do not say, "And, oh, what about those campaign finance laws that Senator FEINGOLD is debating in the U.S. Senate? Those are really important to us." I doubt they say that. In fact, I doubt even few moms and dads have ever said that. I think what they will talk about, though, is the shooting that happened down the street too close to their school; or the economy that cost a brother or a sister their job; or the taxes they paid that denied them the ability to spend more on their children or put away more for their children's education. Yes, and they probably even, in a rather disgusted way, talk about some of the examples of moral decline in this country. My guess is that is what goes on around the dinner tables of America, not, "Oh, and by the way, Senator FEINGOLD has a great campaign finance bill."

What are important issues, as we debate the issues in the closing days of this Senate, are issues about public education and safety and crime and all of that. We will engage in that with our President in the coming days as we finalize some of these key appropriations bills.

Again, I think what is important to, the American people are issues like crime, the economy, taxes, health care, education, social security, and the moral decline of the country.

What people really care about is whether their children will get safely back and forth from school—and whether they'll get a good education in the public schools.

They care about keeping their jobs and trying to make ends meet while they watch more and more of their hard earned money slip away to Washington to satisfy this President's lust for spending.

They care about their future—whether they can save enough money to retire some day. And if they retire, will there be any money left in the Social Security system, or will it all be spent on more government programs.

These are the real concerns of Americans today, and I hope the Senate will soon be able to turn its attention to these important issues.

Let me conclude by saying we are not wasting our time debating campaign finance reform. Defending the right of free speech and the right of citizens to participate in this most critical of American institutions is our job. To defend and protect that right is the reasonable goal. So I appreciate joining with my colleagues on the floor to oppose McCain-Feingold and hope Senators will join with us in protecting that freedom of expression of America's citizens.

I yield the floor.

Several Senators addressed the Chair.

Mr. BENNETT. Before the Senator from Idaho yields the floor, will he yield to a question?

Mr. CRAIG. I will be happy to yield.

Mr. BENNETT. I was very interested in a comment about the money being raised by the AFL–CIO. I would like to get the exact figure. Did the Senator say $49 million?

Mr. CRAIG. That was in the last cycle.

Mr. BENNETT. In the last cycle.

Mr. CRAIG. Specific to those elections.

Mr. BENNETT. Let me ask a question, which I will be asking my friends on the other side as well. But since my colleague has raised it, I think he could be an expert on this issue.

Since we are being told repeatedly throughout this debate that the huge amounts of soft money are corrupting and controlling the votes, let me ask the Senator from Idaho, who is a member of the Republican leadership: If the AFL–CIO were to simply give that $49 million to the Republicans and thus corrupt and influence our votes, would that not be a better investment on their part than to have it wasted on people who are already with them?

Mr. CRAIG. That is a unique thought. I guess I had not thought of it that way. I do not necessarily suggest the $49.2 million is a corrupting factor.

Mr. BENNETT. I do not believe it is corrupting either, but we are being told repeatedly that it is.

Mr. CRAIG. What is corrupting about that is when a labor boss says he is going to take the dues of his member without asking him or her whether he can use those dues for a political purpose.

Mr. BENNETT. I agree with that.

Mr. CRAIG. Thomas Jefferson had something to say about that. He said it was wrong, and an individual's money never should be used for those purposes. That is the corrupting factor, when money you thought you controlled for the purpose of expressing your political opinion would get misused. I think in this instance it does.

Mr. BENNETT. I agree with the Senator from Idaho completely about that. But I want to go back to the argument that has been made again and again by my friend from Wisconsin and the Senator from Arizona, that the tremendous amount of money that is being put into the system influences how people vote. If I were sitting on a $49 million pot of money, advising the AFL–CIO, saying what you want is to get more of your legislation through the Congress, I would say to them: If in fact the $49 million does change the way people vote, why not give the $49 million to the people who are not voting for us? Why not give the $49 million to the Republicans and turn them all into rabid supporters of the AFL–CIO?

Mr. CRAIG. In other words, following the logic that money talks and money influences.

Mr. BENNETT. If we accept that logic, it is perfectly clear it ought to come on this side of the aisle rather than the other.

Let me ask the Senator from Idaho, if he was to suddenly receive in his campaign—through, let us say, the State party of Idaho, because it cannot be given to him directly, there is no way the soft money can corrupt you because you cannot receive it—but, if the AFL–CIO were suddenly to give to the Republican Party of Idaho $1 million in cash, would you change your position on any of the labor issues you have discussed, paycheck protection, for example?

Mr. CRAIG. How can you change your position on things that are fundamentally right in America, such as the right of an individual to control his money or her money for political purposes? Absolutely not.

Mr. BENNETT. I accept the integrity of the Senator from Idaho. Let me ask him, as a member of leadership——

Mr. CRAIG. Remember the New York Times says I am a member of a bordello.

Mr. BENNETT. That is why I am raising the question, because in a bordello you can change what happens by where the money goes, without any question.

Mr. CRAIG. I wouldn't know.

Mr. BENNETT. I have never been in one, but I am at least told that is the way it works.

Let me ask the Senator from Idaho, as a member of the leadership, you know other Members of the Republican Party. Do you know of any Member, on this side of the aisle, who would change his or her position on labor issues if the AFL–CIO were to suddenly put $1 million worth of soft money into his or her State party?

Mr. CRAIG. I not only do not know of anyone, I know if you accused anyone of changing their opinion because of that, you would have a fight on your hands. I do not mean just a verbal fight. I say to anyone who would suggest to any of us that money influences, from the standpoint it is going to change our philosophy, change our attitude or corrupt us, as some Senators have suggested on this floor that it does—out West we call them fighting words. Because you are questioning a person's integrity. You are basically saying they are for sale.

Shame on those Senators who come to the floor to make that kind of suggestion. Maybe they know something we do not.

Mr. McCONNELL. Will the Senator from Idaho yield for a similar question?

Mr. CRAIG. I am happy to yield.

Mr. McCONNELL. Most of the Republican Members of the Senate have been vigorous supporters of tort reform, changes in the legal system of this country. I ask my friend from Idaho, if the American Trial Lawyers Association gave $1 million to the Republican National Committee, would that turn the Republicans in the Senate into vigorous opponents of legal reform?

Mr. CRAIG. It not only would not, you are speaking of a fantasy idea that I doubt will ever come to pass. But I thank you for asking that question.

Mr. McCONNELL. My final question of the Senator from Idaho: Let's assume the National Right to Life Committee contributed $100,000 to the Democratic Senatorial Campaign Committee. Does the Senator from Idaho—of course we are not in the best position to answer this, I don't guess, since it is not our party, but it is still interesting to speculate. Let's assume the National Right to Life Committee gave a $100,000 soft money contribution to the Democratic Senatorial Campaign Committee. I ask my friend from Idaho, does he anticipate at that point the Democrats in the Senate would become pro-life?

Mr. CRAIG. No. I do not believe that a majority of them would. I think their basis for what they call a pro-choice position is one firmly grounded on their philosophy. I don't criticize—I don't agree, but I don't criticize—their right to hold that. But what National Right to Life is saying is that they want to have the right to give the Democrat Party money if they choose to. What they are saying is, we want to have a right to organize individual citizens to come together to pool their money for the purpose of giving it. What McCain-Feingold says is: No, you can't do that.

National Right to Life is saying, in this instance: Give us choice, the right to choose where we want to play in the political process. Don't deny us what is our right as American citizens or an American group to participate in the political process.

Mr. McCONNELL. I thank my friend from Idaho, not only for responding to our questions but also for another outstanding contribution to this most important debate.

We appreciate his insightful comments. I thank the Senator very much.

Mr. CRAIG. I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Nevada.

Mr. REID. Mr. President, I am sorry my friend from Utah last left the floor. The fact is, the political balance of power is already heavily tilted toward corporations, by any study that you find. The fact is, in the last election cycle corporate interests spent about $700 million in political contributions. That is 11 times more than what unions spent. And they did not get the permission of their stockholders. While unions contributed less than 4 percent of the $1.6 billion raised by candidates and parties in 1996, corporations contributed over 40 percent.

So the disparity between corporate and union spending is not static; it is growing. In the next election cycle, instead of 11 to 1, it will probably be 14 to 1. What is so disconcerting about this is for this so-called soft money, it is even wider.

While both corporations and unions have increased their unrestricted so-called soft money contributions, since 1992 corporate spending has grown twice as fast. In 1996, as an example, corporations spent more than $176 million—19 times more than what the unions spent.

There is all this talk about the unions that represent the working men and women of this country spending 4 percent of what is spent in political campaigns. I think it is too bad that working men and women in this country do not have more of a representation. It is getting worse. That is why this legislation is before this body.

I think it is important at this time to recognize the work done by Senator FEINGOLD in making this an issue before the people of America. I applaud and congratulate Senator FEINGOLD for his position based upon what he believes is principle.

He not only talks the game; he lives the game, as indicated in his most recent election. While all over America people were spending huge amounts of soft money, and it was being spent in Wisconsin against Senator FEINGOLD, he refused to take any money even though it was available to him.

So I take this opportunity to say, first of all, let's bring in to proper perspective the disparity between corporate spending and union spending and also to congratulate my friend from the State of Wisconsin.

Mr. SESSIONS. Mr. President, will the Senator yield?

Mr. REID. I am happy to yield for a question.

Mr. SESSIONS. The Senator mentioned $179 million of corporate expenditures. Are those for State and local races also?

Mr. REID. Yes. The fact is, that is a lesser figure. What I did say in the beginning is that in the 1996 election cycle—the one that we have numbers on—corporate interests spent more; in fact, it is almost $700 million in political contributions, which is 11 times more than what unions spent.

Mr. SESSIONS. I do not know about that. But I know Mr. SWEENEY has indicated he had $170-some-odd million, that they would spend $46 million, I believe, on just the 34 Federal congressional races, all of which is very unregulated and underreported, inaccurately reported, of course. But I want to get those numbers straight, whether you are talking about throughout the Nation, including county commission races, State senate races, and all the races.

The numbers are hard to compare. I think the Senator would probably agree with that.

Mr. REID. I say to my friend from Alabama, if we took into consideration State and local races, the corporate skew would be even further out of whack because unions do get involved in local campaigns. But it is usually through the grassroots level and very rarely is it money; where the corporations very rarely are involved in the grassroots activities and are always involved in the money.

So if we added all that, the number may even be more than 11 times more than what the unions spent.

Mr. SESSIONS. Will the Senator yield for one more question?

Mr. REID. I am happy to yield for a question.

Mr. SESSIONS. The numbers I have are that labor spent $370 million per election cycle on campaigns. I am not sure where all the numbers come out, but that is quite a lot.

Would the Senator agree with that? Or does he disagree with those numbers?

Mr. REID. I do not know from where the Senator is getting his numbers. In the previous question the Senator asked, there was $40 million. And now it is how much?

Mr. SESSIONS. Mr. SWEENEY said they were going to spend $46 million in 34 targeted U.S. congressional races.

Mr. REID. Where does this other number come from?

Mr. SESSIONS. The $370 million includes Federal election campaigns.

Mr. REID. Over what period of time?

Mr. SESSIONS. The last election cycle.

Mr. REID. I say to my friend the numbers that he has, I don't know from where they came. I do state that in America we have far too much money being spent, soft money and other kinds of money. The point I was trying to make in my statement in response to my friend from Utah is the fact that corporate spending, by any number you pick, is far out of whack with union spending, whether it is 19 times more or 11 times more. We all acknowledge it is a growing disparity.

The fact is, what is being attempted by my friend from the State of Wisconsin is to stop the flow of all this soft money.

The fact is, there is a lot of talk about union money coming from working men and women in this country. Remember, corporate money is also money that represents shareholders. Certainly, they get no say in how that money is spent.

So I suggest that before we start picking on organized labor, remember, is there anything wrong with the nurses of America, who are included in these numbers—the AFL–CIO, teachers, carpenters, cement finishers—being represented? The answer is, they should be able to be involved in campaigns just as much as somebody who represents tobacco interests and the very large health care industry in America. So they, too, need a voice.

I am glad that voice is being represented by this side of the aisle.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, the Senator from Massachusetts has been waiting a long time.

I will yield to him in 1 minute. But I want to make a quick point with regard to speech comments by the Senator from Colorado.

He and I had a good discussion the other day about this issue. I enjoyed it. But he said that a soft money ban would be unfair to the Republican Party. And this very much reflects the comments of the Senator from Kentucky, who has made similar comments, that a soft money ban would somehow unfairly limit the ability of the Republican Party, as opposed to the Democratic Party.

I find this very odd, since the comments this weekend of the chairman designate of the Democratic National Committee, the mayor of Philadelphia, Ed Rendell, who is the chair of the DNC, who said in a column, or was quoted in a column by David Broder:

> "If the Republicans pass McCain-Feingold, we would be shut down," Rendell said.

So both parties apparently think it is the end of the line for them if we ban soft money—but only for one of them. I ask, how is it possible, since this whole soft money thing only happened 3 or 4 years ago in terms of the vast amounts of money? We certainly had political parties before this—pretty good political parties. How can both parties be right? How can the Senator from Colorado be right and Mr. Rendell be right?

The fact is, both parties have become addicted to soft money, and they do not want to give it up. There is no reality to the notion that the parties will be crippled or any particular party would be severely harmed by the soft money ban.

Mr. President, I wanted to make that point. At this point, since we are roughly trying to go back and forth, I hope the Senator from Massachusetts could proceed.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I notice other colleagues wanting to address the Senate. I would hope and ask consent—I see my colleague on the floor.

Mr. WELLSTONE. Will the Senator yield for a moment? Will the Senator yield?

Mr. KENNEDY. Without losing my right to the floor.

Mr. WELLSTONE. Without losing his right to the floor.

In terms of order, I gather we are still rotating. I ask unanimous consent that on our side I be able to follow Senator KENNEDY. Senator LEVIN may come, in which case I can talk with him about how to proceed. I ask unanimous consent that on our side I be allowed to follow Senator KENNEDY.

Mr. McCONNELL. Reserving the right to object, I know the occupant of the chair was here to speak earlier. Is the Senator from Ohio going to be in the chair until 3?

The PRESIDING OFFICER. Yes.

Mr. McCONNELL. I have no problem with the Senator's consent agreement, then, if I may ask unanimous consent that the Senator from Ohio be recognized at 3 to make some remarks. I think that would help accommodate him. Nobody is trying to quiet anyone. I just want to give the Senator from Ohio a chance to get in the debate at 3. Does anybody have a problem with that?

Mr. REID. I have no problem. We will begin rotating at this time. The Senator from Kentucky knows we have already had several speeches from Republicans. We will start now rotating.

Mr. McCONNELL. I have no objection.

Mr. REID. So after Senator KENNEDY speaks, Senator VOINOVICH may speak. If necessary, you may cover the floor for him.

Mr. McCONNELL. We will work that out.

Mr. KENNEDY. Reserving the right to object, I only planned to speak for 15 or 20 minutes. I think what the Senator from Kentucky has proposed will certainly be agreeable, if that is all right.

Mr. McCONNELL. The Senator from Ohio will be recognized after the Senator from Minnesota. We will make sure somebody gets in the Chair and gives him an opportunity to make his remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I will put in the RECORD the excellent summaries of total contributions according to the Center for Responsive Politics. That is a nonpartisan watchdog group. We can talk about numbers here and numbers there. However, I think it is important for the RECORD that we have summaries from the nonpartisan groups that have assessed the contributions by unions and corporations—hard money/soft money. As the Senator from Nevada, the Senator from Wisconsin, and others have pointed out, the ratio is about 11 to 1. You can slice it any way you want but the fact remains—it is basically the difference between the contributions, according to nonpartisan groups. Others have other ways of adding and subtracting figures; all well and good.

I ask unanimous consent to print in the RECORD the summary provided by the Center for Responsive Politics because I think it is helpful to have the findings of those who have no ax to grind.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

[AFL–CIO Fact Sheet]

CORPORATE VS. UNION SPENDING ON POLITICS—THERE'S TOO MUCH MONEY IN POLITICS—BUT IT'S NOT UNION MONEY

The political balance of power is already tilted heavily in favor of corporations. In the 1996 election cycle, corporate interests spent more than $677 million on political contributions—11 times more than unions spent. So while unions contributed less than 4 percent of the $1.6 billion raised by candidates and parties in 1996, corporations contributed more than 40 percent.

The disparity between corporate and union spending is growing. Since 1992 (when the ratio was 9-to-1), corporate political contributions have increased by $229.8 million, while union contributions rose by only $12.1 million.

In "soft money" contributions, the gap is even wider. While both corporations and unions have increased their unrestricted, so-called "soft money" contributions since 1992, corporate spending grew twice as fast. In 1996, corporations spent more than $176 million—19 times more than unions did.

Corporate special interests are pushing initiatives that would skew the balance even further. By backing special restrictions on unions while imposing no such limits on themselves, big corporations are trying to remove working families and their unions from the political playing field.

Corporations, right-wing foundations and anti-union lobbying groups are raising hundreds of millions of dollars to "de-fund" unions. At a recent meeting of the Republican Governors Association, proponents of the initiatives noted that the de-funding ploy has two strategic benefits: If it works, unions will lose funding. Even if it doesn't, unions will be forced to spend millions of dollars in the fight.

Year	Corporations	Unions	Ratio
Total contributions:			
1996	$677,442,423	$60,352,761	11 to 1
1994	492,956,181	48,319,054	10 to 1
1992	447,594,985	48,152,256	9 to 1
Soft money contributions:			
1996	176,108,186	9,505,745	19 to 1
1994	64,753,971	4,293,459	15 to 1
1992	66,342,241	4,251,334	16 to 1
Hard money contributions:			
1996	501,334,237	50,847,016	10 to 1

Year	Corporations	Unions	Ratio
1994	428,202,210	44,025,595	10 to 1
1992	381,252,744	44,067,720	9 to 1

Source: Center for Responsive Politics.

Mr. SESSIONS. Will the Senator yield?

Mr. KENNEDY. Yes, briefly, without losing my right to the floor.

Mr. SESSIONS. On the number that the Senator said the unions spent, what was that number?

Mr. KENNEDY. According to the Center for Responsive Politics, in 1996, $60 million; 1994, $48 million; 1992, $48 million. On the corporations, $677 million in 1996; $492 million in 1994; and $447 million in 1992. That is total contributions. It works out to a ratio of 11 to 1 in 1996, 10 to 1 in 1994, and 9 to 1 in 1992.

Mr. SESSIONS. Mr. President, I note the Washington Post article I was just looking at indicated there was a $46 million commitment by Mr. Sweeney in this election cycle for just 34 House of Representatives races, so those numbers don't sound accurate to me.

Mr. KENNEDY. In 1996, the unions spent $50 million; the corporations, $501 million. So we are talking 1997, 1998, 1999. That figure may still be consistent with the 10 to 1 or 11 to 1 figure. I don't find that there would be any inconsistency if that were the figure being spent.

I was interested to hear our good friend from Idaho, Senator CRAIG, talking about people worrying at the dinner table about these issues. He mentioned people are much more concerned about what is happening down the street or near the school with regard to a shooting incident. I say that is right. And it is very interesting that I was not able to get a report, as a member of the conference committee on the juvenile violence act, that deals with the availability and the accessibility of guns to children in our society and of the criminal element. That has been locked up now for some 6 weeks. I don't think anyone on this floor is prepared to say the National Rifle Association doesn't have something to do with that.

He talked about taxes—people are concerned about taxes. People are concerned about tax loopholes as well. How do the tax loopholes get into the Internal Revenue budget? We have $4 trillion of what are called tax expenditures in the IRS at the present time. That is the fastest growing expenditure we have in the Federal budget, the expansion of tax expenditures, tax loopholes. We don't have any debate on it. Many of us have said, let's do for tax expenditures what we do for direct expenditures—when we are cutting back on education and health care; let what is good for the goose be good for the gander. Do you think you can get those issues raised here on the floor of the Senate? Of course not. We all understand why.

It is kind of interesting that those who have been the strongest spokespersons against this proposal also raise incidents in terms of what is on people's minds. It comes back, in many instances, to what the Senator from Arizona and the Senator from Wisconsin have talked about.

This country has waited long enough for campaign finance reform. The current system is shameful, benefiting only the big corporations and lobbyists who have seemingly bottomless barrels of money to spend, while the voice of average citizens goes unheard in the special interest din.

I commend Senator McCAIN and Senator FEINGOLD for their consistent leadership on this issue. Their commitment to reform gives us an opportunity to join the House of Representatives and cleanse our campaign financing system of special interest abuses. The House took effective action earlier this year, transcending partisan differences to adopt long overdue reforms. The large margin by which the Shays-Meehan bill passed, 252 to 177, demonstrates that the public feels strongly about the need for reform. The Senate should act now to support the McCain-Feingold proposal and give the country clean elections in the years to come.

Effective reform must include a ban on soft money. The McCain-Feingold bill does just that. Soft money contributions are increasing at alarming rates, while hard money contributions are barely rising. In the 1992 Presidential election cycle, both parties raised a total of $86 million in soft money. Compare this to the $224 million total raised in the 1998 election cycle—a 150-percent increase of soft money contributions in only 6 years. A more recent survey shows figures from January to June 1999, soft money contributions totaled $46.2 million—and $30.1 million of that total was given by corporations and business interests. In the 1996 elections, the consumer credit industry alone gave $5.5 million in soft money. True reform means closing this flagrant loophole that allows so many special interests to bypass legal limits on giving money directly to candidates. Until we close it the special interests will continue to strengthen their hold on the political process.

The House reforms also ended other serious abuses in campaign financing. It ends the sham of the so-called issue ads loophole, which permits special interests to spend big money on campaign advertising obviously designed to support a candidate, as long as the ads do not specifically call for the candidate's election. The House bill treats these ads as the campaign ads they really are, and rightly subjects them to regulation under the campaign finance laws.

The Senate should learn from the House, and join in ending these abuses that make a mockery of our election laws. Instead, the Senate Republican leadership is bent on preserving the status quo. They oppose campaign finance reform because they do not want to lose the support they currently receive from their special interest friends.

Our Republican friends say they want to help working families—but their support of the Paycheck Protection Act demonstrates their antilabor bias, because that measure is designed to silence the voice of the American workers and labor unions in the political process. It is revenge, not reform—revenge for the extraordinary efforts by the labor movement in the 1996 and 1998 election campaigns. It imposes a gag rule on American workers, and it should be defeated.

The act's supporters claim they are concerned about union members' right to choose whether and how to participate in the political process. But we know better. The Paycheck Protection Act should really be called the Paycheck Destruction Act. It is part of a coordinated national antilabor campaign to lock American workers and their unions out of politics.

And who is behind this campaign? It is not the workers, unhappy with the use of their union dues for political purposes. It is businesses and their allies, anxious to reduce the role of labor. It is organizations like Americans for Tax Reform, which supports Social Security privatization, vouchers for private schools, and huge tax cuts for the wealthiest Americans. It is think tanks such as the American Legislative Exchange Council and the National Center for Policy Analysis, which support so-called right-to-work laws, the TEAM act, the flat tax, private school vouchers, medical savings accounts, and other antiworker legislation. And it is right-wing Republicans in Congress and in the states.

We know that unions and their members are among the most effective voices in the political process. They support raising the minimum wage, protecting Social Security, Medicare and Medicaid, improving education, and ensuring safety and health on the job.

Silencing these voices of working families will make it easier for those with antiworker agenda to prevail. Sponsors of this legislation support prevatizing Social Security. They favor private school vouchers instead of a healthy public school system. They would undermine occupational safety and health laws, end the 40-hour work week and permit sham, company-dominated unions. They oppose the Family and Medical Leave Act. They want to restrict Medicare eligibility and deny millions of workers an increase in the minimum wage. They are not trying to help working Americans. To the contrary—they are trying to silence the workers' participation in the political process so they can implement an agenda that workers strongly oppose.

Campaign abuses abandon other issues as well. The tobacco industry has made extensive PAC and soft money contributions, and the Senate Republican leadership has rejected much needed antitobacco legislation. The Campaign for Tobacco-Free Kids reports that in the last 10 years, Senators who voted consistently against tobacco reform legislation took far more money from the industry—four times more—than those who supported the bill.

The dabate on the Patients' Bill of Rights is another vivid example of the obstructionist influence of industries and special interests. Since 1997, the health insurance industry has been making huge political contributions to Republicans. Blue Cross/Blue Shield and its state affiliates made $1 million in contributions in the 1997-1998 cycle, with four out of every five dollars going to Republicans. Managed care PACs—including the American Association of Health Plans, the Health Insurance Association of America, and Blue Cross/Blue Shield—gave $77,250 to leadership political action committees. According to the Center on Responsive Politics, all but $1,500 went to the Republican majority.

These contributions bought the industry at least 2 years worth of stall and delay tactics in Congress. And, when the Senate finally passed legislation this year, it was not what patients needed, but an industry bill that places HMO profits ahead of patients' health.

Contributions from the credit card and banking industries have had a similar effect on the bankruptcy reform debate. Master Card, Visa, and others doubled, tripled, or even quadrupled their spending to encourage passage of the bill they wanted. Visa increased its 1998 lobbying to $3.6 million from $900,000 in 1997. Master Card wasn't far behind—their lobbying expenses rose from $430,000 in 1997 to $1.8 million in 1998. In the 1997-1998 election cycle, commercial banks and financial service companies gave $20.8 million in large individual contributions, PAC money and soft money to candidates—and two-thirds of that total went to Republicans. The result? Legislation that House Committee Chairman HENRY HYDE described as "pages and pages and pages of advantages [for] the creditor community * * *"

Honest campaign finance reform does not include phony proposals that seek to eliminate political expression by average families. It does include eliminating the flagrant abuses that enable big corporations and special interests to tilt the election process in their favor.

Real reform means giving elections back to the people and creating a level playing field on which all voters are equal, regardless of their income. Broad campaign finance reform is within the Senate's reach. We should follow the example set for us by the House. The greatest gift the Senate can give to the American people is clean elections.

Over the course of debate, we have learned what the other side is against. We rarely learn what they are for. Senator McCAIN and Senator FEINGOLD have laid out something I think we should be for. In the next few days, hopefully, the American people will speak through their representatives and support those efforts.

One of the provisions we heard a good deal about, again from my friend from Idaho, was the whole question about workers and whether they have control over their dues. Of course, what exists in the McCain-Feingold provision is an incorporation of the Beck decision, which permits workers to check off, at the time they pay their dues, that they are not interested in the political process.

Today, evidently, they want something that is going to be harsher on working men and women. Those forces that are pressing to restrict the voice of working men and women are actually the major interest groups that are strongly opposed to the agenda of working families, whether it has been an increase in the minimum wage, whether it has been HMO reforms, whether it has been education and increasing the education budget. These groups are opposed to workers participating because, in many instances, the workers have been the ones to try to advance these interests on our national agenda.

I think it is important. I don't know how many of us are getting the communications from workers on these particular issues. Yet we have seen what has happened over this past year, whether it has been on the HMO reform—the change in expenditures by the insurance companies at the time when this body was debating whether doctors are going to be the ones who are going to make the decisions on health care for the particular patients, rather than the accountants and insurance industry. Nobody could deny when we were debating those issues that the contributions and expenditures by the insurance companies skyrocketed dramatically, escalated significantly. This is the kind of thing that we are talking about in terms of the impact that campaign finance reform can have.

The PRESIDING OFFICER. The Senator from Kentucky.

UNANIMOUS CONSENT REQUEST

Mr. McCONNELL. Mr. President, I have a couple of unanimous consent requests, cleared on both sides.

As in executive session, I ask that, at 5:45 today, the Senate proceed to executive session to consider Calendar No. 270, the nomination of Florence-Marie Cooper to be United States District Judge for the Central District of California.

I further ask unanimous consent that the Senate then immediately proceed to a vote on the confirmation of the nomination and, following that vote, the President be immediately notified of the Senate's action and the Senate then return to legislative session.

Mr. McCAIN. I object.

The PRESIDING OFFICER. Objection is heard.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Kentucky yield the floor?

Mr. McCONNELL. Mr. President, I believe we have a consent agreement under which Senator WELLSTONE was to be recognized next. Am I correct?

The PRESIDING OFFICER. That is what I understand.

Mr. WELLSTONE. Mr. President, as I said earlier, when Senator LEVIN came to the floor I would be pleased to yield the floor to him. Senator McCAIN is here. I ask unanimous consent that Senator LEVIN be allowed to speak, that we then go in order—I understand Senator McCAIN wants to speak, and I also know that the Chair, Senator VOINOVICH, seeks recognition—and I be allowed to speak after Senator VOINOVICH.

Mr. McCAIN. Mr. President, I ask unanimous consent that I be allowed to speak after Senator LEVIN.

Mr. WELLSTONE. Then Senator VOINOVICH, and I would follow Senator VOINOVICH.

Mr. McCONNELL. Reserving the right to object, the Senator from Arizona was not here at the time, but Senator VOINOVICH was waiting patiently a little bit earlier. Would he have any objection to Senator VOINOVICH following Senator LEVIN?

Mr. REID. Mr. President, Senator LEVIN, then a Republican, and then a Democrat.

Mr. McCONNELL. On this issue.

Mr. McCAIN. Maybe I can sort it out. Mr. President, I ask unanimous consent that Senator LEVIN, then Senator VOINOVICH, then Senator WELLSTONE, and then Senator McCAIN be recognized.

Mr. BENNETT. Mr. President, may I add to the request that Senator BENNETT be recognized after Senator McCAIN.

Mr. McCAIN. I object to that because we are going back and forth from one side to the other.

Mr. McCONNELL. The two sides are not parties. The two sides are the issue, and by adding Senator BENNETT and Senator VOINOVICH we get some balance on the issue back and forth, which is what we had been trying to do earlier.

Mr. REID. I think that is appropriate.

Mr. McCAIN. I agree.

Mr. BENNETT. I renew my unanimous consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Could I hear the unanimous consent, just to be sure. Parliamentary inquiry.

The PRESIDING OFFICER. Senator LEVIN, Senator VOINOVICH, Senator WELLSTONE, Senator MCCAIN, followed by Senator BENNETT.

The Senator from Michigan is recognized.

Mr. LEVIN. I thank the Chair and all my colleagues. I particularly thank Senator WELLSTONE for allowing me to go at this time.

Mr. President, our Federal election laws are broken, and the issue before the Senate is whether we want to fix them.

In the 1970s, we passed laws to limit the role of money in Federal elections. Our intent was to protect our democratic form of government from the corrosive influence of unlimited political contributions.

We wanted to ensure that our Federal elected officials were, neither in reality nor in perception, beholden to special interests who were able to contribute large sums of money to candidates and their campaigns.

Our election laws were designed to protect the public's confidence in our democratically elected officials. And for many years our election laws worked fairly well. The limits they set were clear, and those laws are on the books today.

Individuals aren't supposed to give more than $1,000 to a candidate per election, or $5,000 to a political action committee, or more than $20,000 a year to a national party committee, or $25,000 total in any one year. Corporations and unions are prohibited from contributing to any campaign. That is the law on the books today. This is the election law: $1,000 per individual to a candidate in an election; $5,000 to a PAC. It is right in these laws—$5,000 PAC contribution to a candidate.

We are supposed to be limiting contributions to candidates. Yet, over the last few years, we have heard story after story about contributions of hundreds of thousands of dollars from individuals, corporations, and unions, and even about contributions from foreign sources. Then the question is, How is it possible, when the law says $1,000 to a candidate per election, that people can give $100,000, which effectively helped that candidate in that election? How is it possible?

This pretty good law of ours has holes in it, and both parties have taken advantage of them. There are no longer any effective limits on contributions. That is the bottom line. That is why we hear about a $1 million contribution to the RNC from a corporation, or a half-million-dollar contribution from one couple to the DNC.

The Supreme Court in Buckley surely did not have this in mind. They understood the limits to mean that individuals can't contribute more than the overall $25,000 limit for a calendar year. Look at what they said when they upheld that provision in the law. The Buckley Court described the $25,000 limit as a modest restraint which "serves to prevent evasion of the $1,000 contribution limitation by a person who might otherwise contribute massive amounts of money to a particular candidate through the use of unearmarked contributions to political committees likely to contribute to that candidate or a huge contribution to the candidate's political party." Yet that is exactly what is happening today under the soft money loophole.

So the Supreme Court foresaw that people would try to evade the $1,000 limit unless the Congress put in a $25,000 limit. They said that is one of the reasons the $25,000 limit per year is appropriate.

Yet, under the soft money loophole, precisely what is happening today is that the $1,000 limit has been obliterated, for all intents and purposes. Our task is to make the law whole again and, in making it whole, to make it effective. If we don't, we risk losing the faith the American people have that we represent their interests and that each citizen's voice counts fairly.

The principal culprit in this erosion of our laws is the soft money loophole. Soft money has blown the lid off the contribution limits of our campaign finance system. Soft money is the 800,000-pound gorilla sitting right in the middle of this debate.

Look at the most recent data with respect to soft money contributions. In the 1996 Presidential election year, Republicans raised $140 million in soft money contributions; Democrats raised $120 million. In 1998, even without a Presidential election, Republicans raised $131 million in soft money contributions and Democrats raised $91 million. The 1997-1998 combined soft money total was 115 percent more than the 1993-1994 total. We are told that the soft money contributions in the first half of 1999, have increased 55 percent over the same period in 1997, and they are 75 percent higher this year than they were in the first half of 1995.

The increases are stunning when we look at specific examples. One corporation contributed $270,000 in soft money contributions in the first 6 months of 1997; it contributed $750,000 in the first 6 months of 1999. One union contributed $195,000 in soft money contributions in the first 6 months of 1997; it has contributed $525,000 in the first 6 months of 1999.

Those are the increases we are experiencing. They are out of control. The limits are effectively gone. There are effectively no more limits on contributions that get into campaigns and support candidates.

That is not what the Supreme Court said in Buckley. The Supreme Court said in Buckley it is perfectly appropriate for Congress to limit contributions to candidates and to effectuate that by limiting the total contribution to $25,000 a year that could be made overall as a way of implementing, assuring, that the $1,000 contribution would be upheld and not evaded. Yet with the soft money loophole, we have wiped out the $25,000 contribution limitation. For all intents and purposes, there are no more limits on contributions that effectively assist candidates in campaigns.

One case was discussed in the 1997 hearings. Roger Tamraz was a large contributor to both parties who became the bipartisan symbol for what is wrong with the current system. Roger Tamraz served as a Republican Eagle during the 1980s during the Republican Administrations and as a Democratic trustee in the 1990s during Democratic Administrations. Tamraz's political contributions were not guided by his views on public policy or his desire to support people who shared those views. He was unabashed in admitting his political contributions were made for the purpose of getting access to people in power. Tamraz showed in stark terms the all too common product of the current campaign finance system—using unlimited soft money contributions to buy access. Despite the condemnation by the press of Tamraz's activities, when asked at the hearing to reflect on his $300,000 contribution to obtain access, Tamraz said: I think next time I'll give $600,000.

How do the parties entice wealthy contributors to make large soft money contributions? What they often do is offer access to decision makers in return for tens or hundreds of thousands of dollars in a single contribution. The parties advertise access. It is blatant. Both parties sell access for large contributions, and they do it openly. The larger the contribution, the more personal the access to the decision maker.

We all know about large contributors to the Democratic National Committee being invited to radio addresses given by the President, or to sleep in the Lincoln Bedroom, or to attend one of dozens of coffees with the President at the White House.

Look at this invitation to be a DNC trustee. I believe this is from 1996. For $50,000, or if you raise $100,000, the contributor gets two events with the President, two events with the Vice President, "invitations to join party leadership as they travel abroad to examine current and developing political and economic issues in other countries," and monthly policy briefings with "key administration officials and Members of Congress."

It is an open sale of access for large contributions. Does anyone want to defend that at a town meeting in our home States? Does anyone want to hold up this invitation from the Democratic National Committee in a town meeting and ask people whether or not they like this system? If any Members who oppose this bill banning soft money think their position is credible with the public, I challenge those Members to go back to a town meeting and hold up this invitation from the Democratic National Committee or from the Republican National Committee and ask our constituents if they think it is right for $50,000 or for $100,000 a year, if they raise it, to get two meetings with the President in Washington, two meetings with the Vice President in Washington, and have annual meetings with policy makers and elected officials in Washington.

Take a look at the Republican National Committee's 1997 Annual Gala. For $250,000, one gets breakfast with the Majority Leader and the Speaker of the House and a luncheon with the Republican Senate or House Committee Chairman of your choice. By the way, they get that for $100,000; some of the other perks they don't get. All the way down to, I think $45,000, they get lunch with the Republican Chairman of their choice.

How many Members of this body want to take home these invitations, and in a town meeting with a cross section of constituents, hold up that invitation and say, "is this the way we want to fund campaigns?" I don't think many Members want to do that.

Mr. BENNETT. Will the Senator yield?

Mr. LEVIN. I am happy to yield to the Senator.

Mr. BENNETT. I ask the Senator if he is saying that this is the only source of access and that only those who give have access?

Mr. LEVIN. No, I don't think that is true.

Mr. BENNETT. When I was on the committee with the Senator, we were debating this issue. I said the best way to get access to me is to be registered to vote in the State of Utah. Then I asked the Senator from Michigan, is that the same thing for himself—that he pays more attention to constituents from Michigan than he does to contributors who come from outside the State.

Mr. LEVIN. I hope so, but that doesn't answer my point.

My point is whether or not we believe for 100,000 bucks we ought to sell access to the President of the United States. That is my question. It is not whether one gets access in other ways. It is whether or not constituents ought to be able to buy, for $100,000, access to the President or have a lunch with the Committee Chairman of their choice.

My question is, How many Members opposing the ban on soft money want to take that invitation to a town meeting and justify it? That is my question. There is an answer to it. The answer will come in whether or not any of my colleagues take these invitations to town meetings and say: Yes, nothing wrong with saying for $100,000 you can have lunch with the Republican Committee Chairman of your choice.

Try to sell that to the public back home. I don't think we can. I cannot in Michigan; I won't speak for any other State.

That is not what we intended when we put limits on campaign contributions and that is not what the Supreme Court intended in Buckley when they upheld the contributions because they specifically said in Buckley that the $25,000 annual limit on all contributions was intended to avoid evasion of the $1,000 contribution to an individual campaign to make sure they cannot, in effect, give it to a candidate or his or her campaign through a political party.

The answer to my question will come in whether or not any of the opponents to the ban on soft money on these large contributions take these invitations home. And I mean both parties. We have a lot of other invitations, too. We will give Members an invitation of their choice and see whether or not they are comfortable going home to their constituents in a town meeting and saying: I'll defend this $100,000 to buy a meeting with the President, or the Vice President, or a Committee Chairman of choice.

I don't think Members will. We will find out. I want to hear from any of the opponents of the soft money ban as to whether or not they do take that kind of an invitation home—selling access for large contributions—and defend it at a town meeting. I am interested as to whether or not your constituents say there is nothing wrong with that; that is free speech.

That is not what the Supreme Court said in Buckley. They upheld contribution limits as being consistent with the First Amendment. Our institutions in this democracy depend upon the public having confidence in our institutions. When access is sold for a large contribution and someone is told they can have lunch with a Committee Chairman of their choice for $40,000 or a meeting with the President at the White House for $100,000, I think the public is so totally turned off by that kind of flow of money for access that I believe very few will take me up on my challenge to take this invitation back to a town meeting.

One invitation in 1997 to a National Republican Senatorial Campaign Committee event promised that contributors would be offered "plenty of opportunities to share [their] personal ideas and vision with" some of the top Republican leaders and senators. Failure to attend, the invitation said, means that "you could lose a unique chance to be included in current legislative policy debates—debates that will affect your family and your business for many years to come."

The letter from the Chairman of the National Republican Senatorial Committee invites the recipient to be a life member of the Republican Senatorial Inner Circle: "$10,000 will bring you face-to-face with dozens of our Republican Senators, including many of the Senate's most powerful Committee Chairmen." It goes on and on. That's access. That's what we're opening offering for sale for large contributions and that's what contributors are often buying. There are dozens of examples.

I ask unanimous consent that some of these invitations that are similar to the ones I have read be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

1997 RNC Annual Gala, May 13, 1997, Washington Hilton, Washington, DC

GALA LEADERSHIP COMMITTEE

Co-Chairman—$250,000 Fundraising Goal—Sell or purchase Team 100 memberships, Republican Eagles memberships or Dinner Tables.

Dais Seating at the Gala.

Breakfast and Photo Opportunity with Senator Majority Leader Trent Lott and Speaker of the House Newt Gingrich on May 13, 1997.

Luncheon with Republican Senate and House Leadership and the Republican Senate and House Committee Chairmen of your choice.

Private Reception with Republican Governors prior to the Gala.

Vice-Chairman—$100,000 Fundraising Goal—Sell or purchase Team 100 memberships, Republican Eagles memberships or Dinner Tables.

Preferential Seating at the Gala Dinner with the VIP of your choice.

Breakfast and Photo Opportunity with Senator Majority Leader Trent Lott and Speaker of the House Newt Gingrich on May 13, 1997.

Luncheon with Republican Senate and House Leadership and the Republican Senate and House Committee Chairmen of your choice.

Private Reception with Republican Governors prior to the Gala.

Deputy Chairman—$45,000 Fundraising Goal—Sell or purchase three (3) Dinner Tables or three (3) Republican Eagles memberships.

Preferential Seating at the Gala Dinner with the VIP of your choice.

Luncheon with Republican Senate and House Leadership and the Republican Senate and House Committee Chairmen of your choice.

Private Reception with Republican Governors prior to the Gala.

Dinner Committee—$15,000 Fundraising Goal—Sell or purchase one (1) Dinner Table.

Preferential Seating at the Gala Dinner with the VIP of your choice.

VIP Reception at the Gala with the Republican members of the Senate and House Leadership.

(*Benefits pending final confirmation of the Members of Congress schedules.)

Democratic National Committee

DNC TRUSTEE EVENTS AND MEMBERSHIP REQUIREMENTS

Events

Two Annual Trustee Events with the President in Washington, DC.

> Two Annual Trustee Events with the Vice President in Washington, DC.
>
> Annual Economic Trade Missions—Beginning in 1994, DNC Trustees will be invited to join Party leadership as they travel abroad to examine current and developing political and economic in other countries.
>
> Two Annual Retreats/Issue Conferences—One will be held in Washington and another at an executive conference center. Both will offer Trustees the opportunity to interact with leaders from Washington as well as participate in exclusive issue briefings.
>
> Invitations to Home Town Briefings—Chairman Wilhelm and other senior Administration officials have plans to visit all 50 states. Whenever possible, impromptu briefings with local Trustees will be placed on the schedule. You will get the latest word from Washington on issues affecting the communities where you live and work.
>
> Monthly Policy Briefings—Briefings are held monthly in Washington with key administration officials and members of Congress. Briefings cover such topics as health care reform, welfare reform, and economic policy.
>
> VIP Status—DNC Trustees will get VIP status at the 1996 DNC Convention with tickets to restricted events, private parties as well as pre- and post-convention celebrations.
>
> DNC Staff Contact—Trustees will have a DNC staff member specifically assigned to them, ready to assist and respond to requests for information.
>
> The "Morning" Briefing—DNC Trustees will receive daily legislative and executive fax alerts, word on upcoming and current political activities and member survey opportunities.
>
> Multi-Program privileges-participation in BLF and NFC events.
>
> Annual Membership Requirements
>
> A general Trustee membership requires a contribution of $50,000 a year or $100,000 raised.

Mr. LEVIN. One solicitation offered, for a contribution of $10,000, the choice of "attending one of 60 small dinner parties, limited in attendance to 20 to 25 people, at the home of a Senator, Cabinet Officer, or senior White House Staff member."

One offer for the Republican Senatorial Trust said, "Trust members can expect a close working relationship with all Republican Senators, top Administration officials and other national leaders. Personal relationships are fostered at informal meetings throughout the year in Washington, D.C. and abroad."

Another solicitation went so far as to say that, "Attendance at all events is limited." Listen to this one, "Benefits are based on receipts"; "Benefits are based on receipts." You can't pledge money—cash must be in hand for that meeting with the chairman of your choice. That's how blatant these offers to purchase access have become.

It is largely because of soft money. The amounts we see on these solicitations, selling access, are not the $1,000 and $2,000 contributions. They are large—$25,000 and $50,000 and $100,000 in soft money contributions. The soft money loophole has increased and intensified the sale of access.

Do these large money contributions create an appearance of personal access and improper influence by big contributors? This is what the Supreme Court said in Buckley v. Valeo. I think they answered that question. The Supreme Court said there is an appearance of corruption that is created from the size of the contribution alone. They didn't even get to the question of the sale of access. They just said that unlimited contributions inherently create an appearance of impropriety. It is inherent in unlimited contributions. That is the Supreme Court answering, I believe, for the American people. The Court in Buckley upheld contribution limits as a reasonable and constitutional approach to deterring, not actual corruption, but the appearance of corruption. This is what the Court said:

> It is unnecessary to look beyond the Act's primary purpose—to limit the actuality and appearance of corruption resulting from large individual financial contributions—in order to find a constitutionally sufficient justification for the $1,000 contribution limitation. Under a system of private financing of elections, a candidate lacking immense personal or family wealth must depend on financial contributions from others to provide the resources necessary to conduct a successful campaign. To the extent that large contributions are given to secure political quid pro quos from current and potential office holders, the integrity of our position of representative democracy is undermined.

And then the Supreme Court said this, "Of almost equal concern"—the Supreme Court is saying:

> Of almost equal concern to actual quid pro quos is the impact of the appearance of corruption stemming from public awareness of the opportunities for abuse inherent in a regime of large individual financial contributions. . . . Congress could legitimately conclude that the avoidance of the appearance of improper influence is also critical . . . if confidence in the system of representative government is not to be eroded to a disastrous extent.

I want to repeat a few of those words:

> The impact of the appearance of corruption stemming from public awareness of the opportunities for abuse inherent in a regime of large individual financial contributions. . . .

And that, I believe, is what the American people are most deeply concerned about. We, according to the Court, can correct it.

The Court went on to say:

> . . . And while disclosure requirements serve many salutary purposes, Congress was surely entitled to conclude that disclosure was only a partial measure, and that contribution ceilings were a necessary legislative concomitant to deal with the reality or appearance of corruption inherent in a system permitting unlimited financial contributions, even when the identities of the contributors and the amounts of their contributions are fully disclosed.

The Buckley Court repeatedly endorses the concept that the issue of contributions without limits, alone, is enough to create the appearance of corruption and to justify the imposition of limits. Selling access in exchange for contributions would only take the Court's concerns and justifications for limits a step further.

The Buckley Court also said:

> Not only is it difficult to isolate suspect contributions but, more importantly, Congress was justified in concluding that the interest in safeguarding against the appearance of impropriety requires that the opportunity for abuse inherent in the process of raising large monetary contributions be eliminated.

Add to the equation the actual sale of access for a large contribution and you have an even greater "opportunity for abuse" and the appearance of corruption.

Mr. BENNETT. Will the Senator yield for a question?

Mr. LEVIN. I will be happy to yield.

Mr. BENNETT. I will confess, this whole question of the appearance of corruption bothers me a very great deal. I do not know that the drafters of the first amendment talked about the appearance of free speech or the appearance of a vigorous political debate. So I ask the Senator this question.

Hypothetically, if the Senator from Michigan were to meet with the head of the United Auto Workers on a Monday, in advance of casting a vote on the union's position on the following Tuesday, and vote in favor of the union's position within 24 hours of that meeting, and then on the following Wednesday, within another 24 hours, the union made a very large soft money contribution to the Democratic National Committee—in the opinion of the Senator from Michigan, A, would that be the appearance of corruption; and, B, would that be something he would seek to ban in the name of appearance of corruption?

Mr. LEVIN. Does the question assume that I solicited the UAW for that contribution? That was not clear in the question of the Senator.

Mr. BENNETT. Let us assume the Senator from Michigan did not solicit; that the solicitation came from the Senator from New Jersey in his position—changing it, therefore, from the Democratic National Committee to the Democratic Senatorial Campaign Committee, the solicitation came from the Senator from New Jersey in his posture as chairman of the Democratic Senatorial Campaign Committee.

Mr. LEVIN. The fact I had a meeting with anybody within a day or a week or an hour and voted as that person would have urged me to vote is not the appearance of corruption, in my judgment.

Mr. BENNETT. Nor in mine. But the fact is, there is a chain of events.

Mr. LEVIN. I believe in the view of the American people, and it is a reasonable view which has been sustained by the Supreme Court: Inherent in unlimited campaign contributions, inherent, is an appearance of impropriety which undermines public confidence in our institutions. I believe the same thing. More important, the American people believe the same thing. The timing of it is not the issue. The issue is that the solicitation of unlimited amounts, huge amounts of contributions, and frequently or very often in exchange for access, is inherently inappropriate in a democracy and creates public disrespect and a lack of public support for our democratic institutions.

That is, No. 1, my own belief very deeply. I believe the American people believe that very deeply. Most important, though, in addition to what the American people believe, the Supreme Court has directly said that inherent in unlimited contributions is an appearance of impropriety. The Supreme Court has specifically said that in Buckley. When you put on top of that these kind of sales of access for $50,000 and $100,000 to the President or Committee Chairmen around here, you have, it seems to me, made it triply clear what the Supreme Court did not even need to see or find. They did not even look at the access issue. That was not even in Buckley. But it sure adds fuel to the fire, and that fire is a fire which can burn the institutions of this Government.

That is my judgment. Maybe a majority of us do not feel that way. But, again, I challenge my good friend from Utah. I challenge him, take home one of these invitations and try a town meeting; $100,000 for a meeting with the President, $50,000 for a meeting with the Committee Chairman of your choice. Give it a try at a town meeting. See what they think about it.

I think I know what you will find. Maybe not; I don't represent Utah. I think you will find they would tell my good friend from Utah that this is wrong. This is wrong. Unlimited huge contributions, buying access—which is frequently the case—is wrong. I happen to agree with them.

(Ms. COLLINS assumed the chair.)

Mr. McCAIN. Will the Senator yield for a question?

Mr. LEVIN. I will yield for a question.

Mr. McCAIN. Was he aware on Friday Senator KERREY of Nebraska came to the floor and said:

> I had the experience of going inside the beast in 1996, 1997, and 1998, when I was chairman of the Democratic Senatorial Campaign Committee. I don't want to raise a sore subject for the Senator from Maine. It changed my attitude in two big ways. One, the apparent corruption that exists. People believe there is corruption. If they believe it, it happens. We all understand that. If the perception is it is A, it is A, even though it may not be. And the people believe the system is corrupt.

The Senator is aware of the statement of the Senator from Nebraska yesterday, which I think is a very precise and informed opinion?

Mr. LEVIN. I thank my good friend from Arizona.

Madam President, what these soft money contributions allow the parties to do is many things, but more and more, pay for ads, TV ads, which are claimed to be about issues but in reality are ads to help candidates.

I want to look at two ads: A Republican ad and a Democratic ad. They both have the same problem.

First, Bob Dole's ad. In this TV commercial, Mr. Dole said: "We have a moral obligation to give our children in America the opportunity and values of the Nation that we grew up in." Then it talks a lot about Bob Dole and his very strong personal qualities. Then it ended by Bob Dole saying, "It all comes down to values. What do you believe in? What do you sacrifice? And what do you stand for?"

That ad was paid for with soft money contributed by the Republican National Committee. It is viewed as permissible under current law because that ad does not explicitly ask the viewer to vote for or support Bob Dole. It spends its whole time talking positively about his character.

If it added four words at the end, which said, "Vote for Bob Dole," it would be treated as a candidate ad, not an issue ad, and would be subject to hard money limits. Any reasonable person looking at that ad at that particular time in the Presidential season would say: It's not an ad about welfare or wasteful spending; it is an ad about why should we elect that particular nominee.

Democrats avail themselves of the same loophole.

In the 1996 Presidential campaign, the Democratic National Committee ran ads on welfare and crime and the budget which were basically designed to support President Clinton's reelection.

At our hearings on campaign finance reform, Harold Ickes was asked about these DNC ads and to the extent to which people looking at the ads would walk away with the message to vote for President Clinton. And here is what Harold Ickes said. And my good friend from Utah, I think, is nodding because I think he remembers this.

Harold Ickes was asked: Do you think people looking at these ads would walk away from these ads with the message that they should vote for President Clinton? His answer: "I would certainly hope so. If not, we ought to fire the ad agencies."

Those kinds of ads are paid for with soft money—so-called—unregulated, unlimited money. They are not supposed to be candidate ads.

So we should not delude ourselves either about what the American people believe this system is all about, and how it is run, and how it sells access for huge contributions. They are not deluded, and we should not be deluded about their feelings about this system. And we should not be deluded about how this money is spent. We should not kid ourselves.

People are arguing that unless we can get the entire original bill which was introduced by Senators McCain and Feingold, we should simply not accept half a loaf, which is what the revised version does. And my answer to that simply is this: I would prefer the original McCain-Feingold bill because I think it is important that we not kid ourselves about issue ads, how they are funded, and what their purpose and intent is. But the sponsors of the bill have indicated—and they are very honest, smart people, with tremendous integrity—that we do not have a chance of getting the original McCain-Feingold approach passed, that our best chance of passing a bill with campaign finance reform in it is to try to ban soft money, to close that loophole, to stop parties and candidates from either soliciting, themselves or through their employees, or through their agents, money which is not regulated by law. And I accept that.

I think if that is the best we can get, if that is going to be the most we can accomplish, that would be a significant accomplishment. It is not my preference, but it would be a significant accomplishment.

I would only say this: To a nation that is hungry for reform, a half a loaf is better than no loaf. I hope that, at a minimum, we will be able to achieve that success this year.

The only way we will do it, I believe, is that when people —if they do—filibuster against this approach, against the ban on soft money, that those of us who support this reform not withdraw from the field.

The civil rights days proved that the only way to get these very difficult reforms achieved is by telling the filibusterers: You have a right to filibuster. That is your right, and we'll protect it. But we don't have to withdraw because you are filibustering. With voting rights, it took four cloture votes and about 6 weeks before cloture was able to be invoked and voting rights passed.

I would hope we would act with the same kind of determination as they did in those days and the same kind of passion as the opponents have against this reform.

Finally, I want to close with a tribute to Senators McCAIN and FEINGOLD. I know of no two people in this body who have taken an issue as they have and tried as long and as hard as they have to bring this to the fore, to bring this to national attention. They are entitled to the thanks of the Nation for what they are doing.

I want to end my remarks with a personal thank you to our two good colleagues for the fight that they are waging on this reform. It cannot happen without them, without their integrity, without their determination. And they have shown it in the past. I am personally very much in their debt. Much more important, the Nation will always be in their debt for the fight they have waged and are waging and will wage for campaign finance reform.

Mr. REID. Will the Senator yield for a question?

Mr. LEVIN. I would be happy to yield.

Mr. REID. Will the Senator be willing to include me in the statement just made regarding Senators FEINGOLD and MCCAIN?

Mr. LEVIN. Include you in which way? Someone joining me in congratulating and thanking them, or including you as one of the reformers? I am happy to do either one.

Mr. REID. Including me in underlining and underscoring your support for these two men who have done so much to focus attention on this very badly needed reform.

Mr. LEVIN. I do.

Mr. REID. I just completed a campaign where, in the small State of Nevada, with less than 2 million people, we don't know how much was spent, probably about $23 million on the two candidates.

So I certainly, as I had tried to do earlier, direct my attention to the good work they have done. But you said it in a way that I think was graphic. And I want to join your support, if you will allow me.

Mr. LEVIN. I thank my good friend from Nevada, and I think everybody who is supporting this cause thanks him for his support of this effort, as well.

So, Mr. President, this kind of candidate advertising, which should clearly be subject to contribution limits, escapes those limits through the soft money loophole. And it's that soft money loophole that the two amendments before us would close.

Now some of my colleagues argue that if we only close the soft money loophole to political parties, the money we cut off to the parties will be redirected to special interest groups. Well if the Daschle amendment could pass, I would prefer it and I've supported similar proposals for years, because it not only stops the soft money loophole to parties, it stops the use of sham or phony issue ads by third party organizations. But I also say if all we can do is stop soft money to the parties and that money then goes to outside groups, so be it. Candidates and public officials running for reelection won't be raising it, the parties won't be raising it, and the contributors won't be buying access to us with it. This bill would preclude a candidate or office holder from soliciting soft money for private organizations running issue ads. Under this legislation, I couldn't go and solicit money for an outside group to use for issue ads in some campaign. This bill would bar that. Will contributors of these large sums want to buy access to the Sierra Club or the National Rifle Association? Perhaps. If so, let them do it. Will they be able to buy access to us through these unlimited contributions to third parties? No. If that were to occur, then it would be in direct violation of the law. Under this soft money ban, public officials and candidates will be out of the soft money fundraising loop, and that's the important step we'll be taking with this legislation.

To a nation hungry for reform, a half of loaf is better than no loaf.

Mr. President, we've been here before—trying to pass campaign finance reform, trying to stop the explosion of soft money. The question is—will it be different this time? 70% of the American people want campaign finance reform. 70% of the American people want us to clean up our act. We're the only ones who can do it.

The soft money loophole exists because we in Congress allow it.

It is time to stop pointing fingers at others and take responsibility for our share of the blame. Congress alone writes the laws. Congress alone can shut down the loopholes and reinvigorate the federal election laws.

Mr. President, the Reid amendment closes the biggest loophole in our campaign financing system and it restores that system to what Congress intended in the 1970's—that there should be reasonable limits to what a person can contribute to a candidate, a PAC or a party and that unions and corporations should not be allowed to contribute to either parties or candidates. It's that simple. We had that system in the 1970's; it operated pretty well for many years; soft money has torn apart that system, and the Reid amendment puts it back together.

The public is appalled at these huge contributions which buy access to candidates and office holders and fund television ads which are for all intents and purposes about candidates. As the Supreme Court said in Buckley, the appearance of corruption is "inherent in a system permitting unlimited financial contributions." And permitting the appearance of corruption undermines the very foundation of our democracy—the trust of the people in the system. We have the right to protect our democratic institutions from being undermined by the open sale of access for large contributions which people believe reasonably translates into influence. And the greater the purchase price, the greater the perception that access yields influence.

Mr. President, we can't afford to give Mr. Tamaraz a next time. We've got to stop this practice of selling access now. And the amendment before us is the way to do it. It is time to enact campaign finance reform. That is our legislative responsibility. Otherwise we will be haunted by the words of Roger Tamraz that in the next election he will give $600,000.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Ohio, Mr. VOINOVICH, is recognized.

Mr. VOINOVICH. Madam President, this legislation before us today has presented me a dilemma, and that dilemma is that I have been publicly in favor of banning soft money. At the same time, I understand, in my State particularly, our labor unions would not be impacted by this legislation, and for all intents and purposes, they are the Democratic Party in terms of things a party would do traditionally.

I also recognize the fact that we need to raise money for our own campaigns and we need to also support our parties so they can do the job a party should be doing in our respective States and nationally. I recall during my campaign for the Senate, I raised my money the hard way, hard dollars. But I kept worrying, toward the end of the campaign, whether or not soft money would appear from somewhere and whether or not I would be able to counteract that soft money coming into our State. In my particular case, it didn't. I suspect maybe it didn't because they thought I was going to win.

The fact is, I thought about this last weekend. I had intended to come here today and present an amendment that I think would improve the McCain-Feingold piece of legislation. Unfortunately, I understand no amendments are going to be accepted. I was going to ask that the Daschle amendment be laid aside, but I understand such requests have been objected to.

I ask unanimous consent that the amendment I was going to send to the desk be printed in the RECORD and I be given a few minutes to explain what the amendment would have accomplished.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

At the end of the bill, add the following:

SEC. . MODIFICATION OF CONTRIBUTION LIMITS.

(a) CONTRIBUTION LIMIT FOR CANDIDATES AND POLITICAL PARTIES.—Section 315(a)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(1)) is amended—

(1) in subparagraph (A), by striking "$1,000" and inserting "$3,000"; and

(2) in subparagraph (B), by striking "$20,000" and inserting "$25,000".

(b) AGGREGATE INDIVIDUAL LIMIT.—Section 315(a)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(3)), as amended by section 3(b), is amended by striking the first sentence and inserting the following: "An individual shall not make contributions described in subparagraphs (A) and (C) of paragraph (1) in an aggregate amount in excess of $25,000 during any calendar year.".

(c) INDEX OF CERTAIN AMOUNTS.—Section 315(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(c)) is amended—

(1) in paragraph (1), by striking "subsection (b) and subsection (d)" and inserting "paragraphs (1) and (3) of subsection (a) and subsections (b) and (d)"; and

(2) in paragraph (2)(B), by striking "means the calendar year 1974." and inserting "means—

"(A) in the case of subsections (b) and (d), calendar year 1974; and

"(B) in the case of subsection (a), calendar year 1999.".

SEC. ___. WORKERS' POLITICAL RIGHTS.

Section 316 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b) is amended by adding the following:

"(c)(1) Except with the separate, prior, written, voluntary authorization of a stockholder, employee, member, or nonmember, it shall be unlawful—

"(A) for any national bank or corporation described in this section to collect from or assess such stockholder or employee any dues, initiation fee, or other payment as a condition of employment if any part of such dues, fee, or payment will be used for political activities in which the national bank or corporation, as the case may be, is engaged; and

"(B) for any labor organization described in this section to collect from or assess such member or nonmember any dues, initiation fee, or other payment if any part of such dues, fee, or payment will be used for political activities.

"(2) An authorization described in paragraph (1) shall remain in effect until revoked and may be revoked at any time.

"(3) For purposes of this subsection, the term 'political activities' includes communications or other activities which involve carrying on propaganda, attempting to influence legislation, or participating or intervening in any political campaign or political party.".

Mr. VOINOVICH. My amendment would have leveled the playing field by empowering average Americans over special interests in their ability to participate in the electoral process. I believe the bill before us doesn't do that. I think it further tilts the balance toward a handful of powerful individuals, individuals who have the ability to determine how to spend the dues of some 16 million hard-working men and women. I am quite surprised we haven't heard more about that.

The good thing about this bill is that it will end the enormous corporate donations to political parties, donations that reach into six figures. I was glad the Senator from Michigan made a point of the fact that soft money from corporations does not go only to the Republican Party but goes to the Republican Party and the Democratic Party. Editorially, I suggest the invitations to join the Democratic National Committee or the Republican Committee, in terms of belonging to the club, regardless of what happens to McCain-Feingold, ought to be something to which all of us stand up and object.

I recall, being Governor of Ohio, I never had a fundraiser in the Governor's residence. I tried not to use my office to take money out of the pockets of people who were encouraged to contribute either to my campaign, someone else's campaign, or to the Republican Party. I hope after this is over, all of us will indicate to our parties that the days of the clubs and the rest of it should be over so that people such as Senator LEVIN can't get up and show the ways people are being asked to contribute. I think that is horrible. It sends a bad message to the American people. It certainly adds to the cynicism and is one of the reasons we have fewer people show up on election day.

Unfortunately, a soft money ban without other reforms has the potential to severely impact the ability of our parties to continue their worthwhile activities, including grassroots mobilization and party building. Banning party soft money is an objective I support. However, I am concerned about the devastating impact it could have on the ability of our national parties to cover operating expenses and grassroots activities.

Current contribution limits must be updated. Under current law, an individual can give up to $25,000 per year total in campaign contributions, with a sublimit of $20,000 of that amount to the parties. If we ban soft money contributions to the parties without adjusting total contribution limits, the parties will have to compete with their own candidates for a limited supply of money.

My amendment would fix the problem. It would eliminate soft money and would create two separate aggregate limits for yearly hard dollar contributions—I am talking about hard dollar individual contributions—a $25,000 limit to candidates and a $25,000 limit to parties. These limits would be indexed to inflation, so once they went into effect, they would go up each year.

In addition to creating new aggregate limits, my amendment would adjust individual campaign contribution limits. As my colleagues know, our current campaign contribution limits are not indexed to inflation; they have remained the same since the law was enacted 25 years ago. Under current law, an individual cannot give more than $1,000 to the general election campaign of a particular Federal candidate in a given year. If this limit had been indexed to inflation, it would be approximately $3,000 today.

Adjusting the individual contribution limits is important for three reasons. That is what my amendment would have done. It would have increased it from $1,000 to $3,000, and then it would have indexed it up each year.

First of all, it would reduce the amount of time candidates spend raising money. The people in this country should know about the hours and hours candidates running for national office and local office spend dialing for dollars. I have already started to raise money for my next campaign for the Senate because I know if I don't spread it out over a long period of time, I will be unable, during my last 2 years in this body, to do the job the people of the State of Ohio have asked me to do. We need to increase that campaign contribution limit.

Second, it would level the playing field for candidates competing against wealthy opponents who are bankrolling their own campaigns. With all due respect to many Members of this body, if we keep going the way we are, people such as GEORGE VOINOVICH will not be able to be in the Senate because we are seeing more and more campaigns bankrolled by individuals who can win primaries and, once the primary is over, they can put their own money into the campaign. Money does have an impact on the results of an election.

Third, it also would relieve the pressure for groups to seek out loopholes to circumvent the campaign finance laws. In fact, many experts believe the reason we have the increase in sham issue ads in the past few years is the tightening of the amount individuals can give in hard dollars. My amendment would address these concerns by increasing the individual campaign contribution limit from $1,000 to $3,000 per election and then adjust it, as I say, each year.

Lastly, one of the greatest areas of abuse in the current campaign finance system is the involuntary use of membership dues by union leaders for political purposes. In addition to making soft money contributions to parties and engaging in issue advocacy, labor leaders also spend millions of unauthorized dollars each election cycle in order to explicitly advocate for labor's preferred candidates among its rank and file, a rank and file which is over 16 million. That doesn't include the millions more that are in their families.

These express advocacy activities include phone banks, get-out-the-vote drives, newsletters, and scorecards. In my State, the Democratic Party does not do it; it is the labor unions that do it. No one, not even union members, is exactly sure how much union leaders spend for these campaign activities because this money is unregulated and thus soft. It is all soft money.

Under McCain-Feingold, party soft money would be prohibited, just as it should be. However, MCCAIN-FEINGOLD would allow this key form of union money to remain entirely unchecked. I just can't understand why those who are promoting McCain-Feingold haven't been willing to take on this particular issue that seems to be put over on the side as not being something that is very important. It is really important to many of us around this country, particularly individuals such as myself who have been the victim of that soft money effort.

Union leaders would be allowed to continue spending millions of dollars of membership dues to support the candidates of their choice and to influence elections, thereby tilting the playing field in favor of union-backed candidates.

We have heard this over and over again today. According to AFL–CIO president John Sweeney, some $46 million in union funds is going to be used to influence this coming election. In the 1996 cycle alone, $30 million was spent. This $46 million is a 53-percent increase in spending from just a few years ago. Think of it, a 53-percent increase in the use of union dues for political purposes.

McCain-Feingold would not regulate any of that incredible amount of money—$46 million. That is just for the Federal candidates. It doesn't talk about the money that is going to be used at the State and local level.

I believe an effective and constitutional way to address this issue is by requiring union leaders to get written authorization from each of their members before they use any portion of their dues for political activities.

I heard earlier about the codification of the Beck decision. While the Beck codification contained in McCain-Feingold bill is a step in the right direction, it would only protect a very small group of people: dues-paying, nonmembers in non-right-to-work States. However, no one should be compelled to give campaign contributions without explicit approval.

I do not come from a right-to-work State. I have people in my State who, in order to get a job, must join the union. Many of those individuals complain to me that they have no control over how their union dollars are being spent. I think those individuals, those hard-working men and women, ought to have the opportunity to say whether or not they want their union dues to be used for political purposes. I can't help but believe that, if they did that, it would not be the great problem some think it would be. But it would cause the unions to go out and really get their people involved and let them make their own decision as to whether or not they want their dues to be used for political purposes.

My amendment would give them the right to know where their hard-earned dollars are being spent. Unfortunately, I have been denied the opportunity to offer that amendment.

The proponents of this bill have utilized parliamentary tactics designed to tie up the Senate without any meaningful discussion of some of these alternatives. That is their right. However, if we don't have a full discussion of this bill—with the ability to amend and make the bill stronger—the proponents of this legislation should not expect Senators to support its passage.

We can debate this bill, amend this bill, and pass this bill in the hope we can get some real change in our current campaign finance system. Unfortunately, it appears that some of my colleagues—and we see this a lot in this body—are interested in scoring political points. This is a problem, and I respect those who have tried to do something about it. But, from my perspective, if we don't allow working men and women who belong to labor unions, the opportunity to decide how their union dollars should be spent, this bill is flawed to the extent that I would vote against it.

I thank the Chair.

Mr. MACK. Madam President, as Congress considers various plans to overhaul the current campaign finance system, I think everyone can agree on one fact: the status quo is indefensible. The system needs to change in order to restore the American people's faith in their government.

The imbalances which exist in our election laws today were created by the Federal Election Campaign Act in the name of equality. They resulted in unfair advantages which are institutionalized in the name of fairness, protecting some forms of political speech while criminalizing others. Enacting more laws along the same lines will only lead us further down the path of destruction. Freedom matters. Freedom works. Free speech works. Free participation works. The current system does not. If we want real reform, we will scrap this bill, repeal current law, and start over.

Campaign finance reformers think the solution is new regulations and methods that I believe work only to preclude participation in politics. They believe that new laws, more restrictions, and additional bureaucracy are the answer. This position is based upon the assumption that current laws are working and they just need a few modifications to make them better. I strongly disagree. Freedom of expression is an end in itself and can not be subordinated to any other goals of society. Information is the backbone to freedom, ignorance is the backbone to oppression.

Reformers tolerate these inequalities because they believe they will result in lower-cost elections, less influence in the process by special interests, and will make the electoral system more accessible to challengers. Even if these goals could be achieved in this way, the trampling of the First Amendment in the process is unacceptable.

The fact is, current laws do not work. Let's admit that. We wouldn't be debating this issue if they did. They were passed in haste, as a knee-jerk reaction to the Watergate era, and while they were enacted with good intentions, their result has been a disaster. We should recognize that a mistake was made when the Federal Election Campaign Act was enacted, and no modifications to this law will improve the system.

Campaign finance laws restricting free speech should be repealed, and the absolute freedom to engage in the political process should be promoted and defended. The American people should know that their participation is encouraged, respected, and welcome. If that participation includes fully disclosed contributions to candidates and parties, so be it. Disclosure is the key factor here. Let's give the American people some credit. They are smart enough to judge for themselves where conflicts of interest lie. They do not need the bureaucracy of the Federal Elections Commission to police their speech and thwart their involvement. The only job of the FEC should be the posting and reporting of all contributions in a timely manner so that the American people can judge for themselves. Current law is an insult to the intelligence of the American people.

Soft money is perceived as a loophole in current law. Banning soft money is only one more step toward the elimination of free speech in elections. The First Amendment right to freedom of speech is not a loophole. It is a fundamental freedom that protects, among other things, political speech. Again, let Americans decide whether and to what extent they want to participate.

We should be protecting freedom of speech over everything else. We should not enact legislation to preclude the public from voicing their opinions on the work we do here. We may not like what is said about us, but we can all agree that people have a right to speak their mind, especially their political mind.

This bill also recognizes that current law does not protect working Americans' ability to decide which causes they will support. While this bill codifies the Beck decision which enables non-union workers to request a refund for the portion of their union fees used for political causes. If it does not address the concerns of union members who are forced to participate in political causes without their consent.

No American should be faced with the direct or indirect threat of losing their job because of their political beliefs. No one should be forced to participate in advocating for a cause or causes they find repugnant. The rights of individuals to be free certainly extends to their political beliefs and the way in which they choose to participate or not to participate. No forced participation under any guise should be tolerated or encouraged. Let individuals make choices for themselves. That is the most fundamental freedom in a democracy.

A vibrant democracy depends on the ability of all voices to be heard, and how loudly one may wish to speak should be limited only by that individual, not by government. If an individual can and is willing to expend over $1,000 in support of a candidate, they should be able to do so. If they wish to express their support with their time or in any other fashion, then this, too, should be applauded and encouraged. And if individuals wish to ignore the political process altogether, then this, too, is a right to be defended. To tinker with this fundamental right gives power to some at the expense of others.

Finally, I would submit, that we need to re-examine our attitude toward money in the electoral process, and I would propose that spending money to communicate one's message is not the root of all evil in politics. Candidates for public office have the important task of getting their message out to the voters. In statewide races across the country, candidates must spend substantial amounts of money for print and electronic media, since it is the best current method of reaching the maximum audience.

Take a moment and think about the power of the media today—television, newspapers and radio frame the debates of important issues. A candidate must be able to raise enough money to get his or her message out to the public.

When I was campaigning for my Senate seat back in 1988, I faced enormous opposition from the newspapers. Newspapers have vast resources to openly campaign for a candidate. Had I not had the freedom and ability to counter their message, I would not be a Senator today.

True reform will not strip candidates, parties, or individuals of their ability to counter the messages in the media. True reform should recognize the imbalance current law has created, and would seek to level the playing field between candidates and the media. Remember, the First Amendment protects freedom of the press, but it also protects the freedom of individuals to speak loud and clear.

Madam President, I believe in the First Amendment. Protecting that right must be our primary goal.

Mr. WARNER. Madam President, it is unfortunate that the procedural structure that has been erected stands in the way of moving forward on significant and thoughtful reform to our campaign finance laws. I would like to have the opportunity to debate and vote on some of those reforms, particularly the measure offered by Senator HAGEL, but we are precluded from doing so. Today, I want to speak about campaign finance reform legislation I introduced earlier this year and about an amendment I am prepared to offer.

This past May I introduced the Constitution and Effective Reform of Campaigns Act of CERCA, which I first introduced during the 105th Congress. This legislation is the product of 2 years of hearings during my chairmanship of the Rules Committee, discussions with numerous experts, party officials, and candidates, and nearly two decades of participating in campaigns and campaign finances debates in the Senate.

I view my legislation as an opportunity for bipartisan support. It is a good faith effort to strike middle ground between those who believe public financing of campaigns is the solution, and those who believe the solution is to remove current regulations. If offers a package of proposals which realistically can be achieved with bipartisan support and meet the desire of the majority of Americans who believe that our present system can be reformed. In my judgment, we will not succeed with any measure of campaign reform in this complicated field without a bipartisan consensus.

In drafting this legislation, I began with four premises. First, all provisions had to be consistent with the first amendment: Congress would be acting in bad faith to adopt provisions which have a likelihood of being struck down by the Federal courts.

Second, I oppose public financing and mandating "free" or reduced-cost media time which in my mind is neither free nor a good policy idea. Why should seekers of Federal office get free time, while candidates for State office or local office—from governors to local sheriffs—do not receive comparable free benefits? Such an inquity and imbalance will breed friction between Federal and State office seekers.

Third, I believe we should try to increase the role of citizens and the political parties.

Fourth, any framwork of campaign reform legislation must respect and protect the constitutional right of individuals, groups, and organization to participate in advocacy concerning political issues.

The McCain-Feingold bill has been debated thoroughly in the Senate, and any objective observer of the Senate would agree that we are genuinely deadlocked. This body needs to move beyond the debate of McCain-Fiengold. I hope that all Members will review my bill as an objective and pragmatic approach to current problems with our campaign system. I commend other Members for coming forward, as I have, with proposals which objectively represent pragmatic approaches to what can be achieved.

Several of the issues addressed in my legislation have been raised by other Members in the context of this debate. Amendments have been proposed on foreign soft money, increasing the hard dollar contribution limits, and disclosure of last-minute expenditures, among others.

My focus today is how can we expand participation in the political process—both by voters and by potential candidates. I hope that any reform carries with it the opportunity for more small contributors to participate in the political process. And, I hope that reform will bring more candidates into the arena.

To this end, I want to focus on two reforms contained in my original legislation. First, we need to ensure that the average voter can, and will, contribute to the candidate of their choice. The influence of voters on campaigns has been diminished by the activities of political action committees and interest groups. Therefore, I propose a $100 tax credit for contributions made by citizens, with incomes under specified levels, to Senate and House candidates in their states. This credit should spark an influx of small dollar contributions to balance the greater ability of citizens with higher incomes to participate. In addition, the increased individual contribution limit, as proposed by others, should balance the activities of political action committees.

Second, we need to remove barriers to challengers. Compared to incumbents, challengers face greater difficulties raising funds and communicating with voters, particularly at the outset of a campaign. My solution is to allow candidates to receive "seed money" contributions of up to $10,000 from individuals and political action committees.

This provision should help get candidacies off the ground. The total amount of these "seed money" contributions could not exceed $100,000 for House candidates or $300,000 for Senate candidates. To meet the constitutional test, this provision would apply to both challengers and incumbents alike, but in the case of an incumbent with money carried over from a prior cycle, those funds would count against the seed money limit. In addition, Senate incumbents would be barred from using the franking privilege to send out mass mailings during the election year, rather than the 60-day ban in current law.

But elective office should not be for sale. Campaigns should be competitive. Candidates with personal wealth have a distinct advantage through their constitutional right to spend their own funds. Therefore, if a candidate spends more than $25,000 of his or her own money, the individual contribution limits would be raised to $10,000 so that candidates could raise money to counter that personal spending. Again, to meet constitutional review, this provision would apply to all candidates.

Mr. President, if we can do these two things—enhance citizen involvement, and level the playing field for condidates—we will have made significant progress. Again, I hope the Senate will have the opportunity to address these issues. I was prepared to offer my amendment and I hope I will have the opportunity to do so.

These are the problems which I believe can be solved in a bipartisan fashion. I look forward to working with my colleagues to enact meaningful campaign reform, by looking at creative solutions to address the real problems with our present campaign system.

I ask unanimous consent that the text of the bill summary and the text of my amendment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. —

At the end of the bill, add the following:

SEC. . ENCOURAGING SMALL CONTRIBUTIONS TO LOCAL CONGRESSIONAL CANDIDATES.

(a) GENERAL RULE.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25A the following:

"SEC. 25B. IN-STATE CONTRIBUTIONS TO CONGRESSIONAL CANDIDATES.

"(a) GENERAL RULE.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the aggregate amount of contributions made during the taxable year by the individual to any local congressional candidate.

"(b) LIMITATIONS.—

"(1) MAXIMUM CREDIT.—The credit allowed by subsection (a) for any taxable year shall not exceed $100 ($200 in the case of a joint return).

"(2) ADJUSTED GROSS INCOME.—No credit shall be allowed under subsection (a) for a taxable year if the taxpayer's modified adjusted gross income (as defined in section 25A(d)(3)) exceeds $60,000 ($120,000 in the case of a joint return).

"(3) VERIFICATION.—The credit allowed by subsection (a) shall be allowed with respect to any contribution only if the contribution is verified in such manner as the Secretary shall prescribe by regulation.

"(c) DEFINITION.—For purposes of this section—

"(1) CANDIDATE.—The term 'candidate' has the meaning given the term in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431).

"(2) CONTRIBUTION.—The term 'contribution' has the meaning given the term in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431).

"(3) LOCAL CONGRESSIONAL CANDIDATE.—The term 'local congressional candidate' means a candidate in a primary, general, runoff, or special election seeking nomination for election to, or election to, the Senate or the House of Representatives for the State in which the principal residence of the taxpayer is located.

"(4) PRINCIPAL RESIDENCE.—The term 'principal residence' has the same meaning as when used in section 121.".

(b) CONFORMING AMENDMENTS.—

(1) Section 642 of the Internal Revenue Code of 1986 (relating to special rules for credits and deductions of estates or trusts) is amended by adding at the end the following:

"(j) CREDIT FOR CERTAIN CONTRIBUTIONS NOT ALLOWED.—An estate or trust shall not be allowed the credit against tax provided by section 25B.".

(2) The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 25A the following new item:

"Sec. 25B. In-State contributions to congressional candidates.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1999.

SEC. . SEED MONEY TO ENCOURAGE NEW CANDIDATES AND COMPETITIVE CAMPAIGNS.

(a) IN GENERAL.—Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended—

(1) in subsection (a)(1), by striking "No person" and inserting "Except as provided in subsection (i), no person";

(2) in subsection (a)(2), by striking "No multicandidate" and inserting "Except as provided in subsection (i), no multicandidate"; and

(3) by adding at the end the following:

"(i) MODIFICATION OF LIMITS.—

"(1) SEED MONEY.—

"(A) IN GENERAL.—In the case of a candidate for nomination for election to, or election to, the Senate or House of Representatives, the limits under paragraphs (1)(A) and (2)(A) of subsection (a) for any calendar year shall be an amount equal to 4 times such limit, determined without regard to this section, until such time as the aggregate amount of contributions accepted by a candidate during an election cycle exceeds the applicable limit for a candidate.

"(B) CANDIDATE'S APPLICABLE LIMIT.—The applicable limit under subparagraph (A) with respect to a candidate shall be—

"(i) an amount equal to—

"(I) in the case of a candidate for the Senate, $300,000; and

"(II) in the case of a candidate for the House of Representatives, $100,000,

reduced (but not below zero) by

"(ii) the aggregate amount determined under subsection (j)(1) that the candidate and the candidate's authorized committees have available to transfer from a previous election cycle to the current election cycle.

"(C) TIME TO ACCEPT CONTRIBUTIONS UNDER MODIFIED LIMIT.—A candidate and the candidate's authorized committees shall not accept a contribution under the modified limits of this subsection until the candidate has received notification of the aggregate amount under subsection (j)(2).".

(b) DETERMINATION OF CONTRIBUTIONS TRANSFERRED FROM PREVIOUS ELECTION CYCLE.—Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) (as amended by subsection (a)) is amended by adding at the end the following:

"(j) DETERMINATION OF CONTRIBUTIONS TRANSFERRED FROM PREVIOUS ELECTION CYCLES.—

"(1) DETERMINATION.—For purposes of subsection (i)—

"(A) in the case of an individual elected to the Senate or the House of Representatives, after the receipt of the individual's post-general election report under section 304(a)(2)(A)(ii) for the election cycle in which the individual was elected, the Commission shall determine the aggregate amount of contributions that is available to be transferred from 1 or more previous election cycles to the current election cycle of the candidate (regardless of whether the amount has been so transferred); and

"(B) in the case of any other individual, the aggregate amount of contributions available shall be zero.

"(2) NOTIFICATION.—The Commission shall notify each candidate of the amount determined under paragraph (1) with respect to the candidate.

"(3) ADJUSTMENT.—On receipt of notification under paragraph (2), the limits under paragraphs (1)(B) and (2)(B) of subsection (i) shall be adjusted accordingly with respect to the candidate.".

SEC. . MODIFICATION OF CONTRIBUTION LIMITS IN RESPONSE TO EXPENDITURES FROM PERSONAL FUNDS.

(a) MODIFICATION OF CONTRIBUTION LIMITS IN RESPONSE TO EXPENDITURES FROM PERSONAL FUNDS.—Section 315(i) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) (as added by section) is amended by adding at the end the following:

"(2) INCREASE IN LIMIT TO ALLOW RESPONSE TO EXPENDITURES FROM PERSONAL FUNDS.—

"(A) IN GENERAL.—The applicable limit under paragraph (1) for a particular election shall be increased by the personal funds amount.

"(B) PERSONAL FUNDS AMOUNT.—The personal funds amount is an amount equal to the excess (if any) of—

"(i) the greatest aggregate amount of expenditures from personal funds (as defined in section 304(a)(6)(B)) in excess of $25,000 that an opposing candidate in the same election makes; over

"(ii) the aggregate amount of expenditures from personal funds made by the candidate in the election.".

(b) NOTIFICATION OF EXPENDITURES FROM PERSONAL FUNDS.—Section 304(a)(6) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(6)) is amended—

(1) by redesignating subparagraph (B) as subparagraph (D); and

(2) by inserting after subparagraph (A) the following:

"(B) NOTIFICATION OF EXPENDITURE FROM PERSONAL FUNDS.—

"(i) DEFINITION OF EXPENDITURE FROM PERSONAL FUNDS.—In this subparagraph, the term 'expenditure from personal funds' means—

"(I) an expenditure made by a candidate using personal funds; and

"(II) a contribution made by a candidate using personal funds to the candidate's authorized committee.

"(ii) INITIAL NOTIFICATION.—Not later than 24 hours after a candidate seeking nomination for election to, or election to, the Senate or the House of Representatives makes or obligates to make an aggregate amount of expenditures from personal funds in excess of $25,000 in connection with any election, the candidate shall file a notification stating the amount of the expenditure with—

"(I) the Commission; and

"(II) each candidate in the same election.

"(iii) ADDITIONAL NOTIFICATION.—After a candidate files an initial notification under clause (ii), the candidate shall file an additional notification each time expenditures from personal funds are made or obligated to be made in an aggregate amount of $5,000 with—

"(I) the Commission; and

"(II) each candidate in the same election.

"(iv) CONTENTS.—A notification under clause (ii) or (iii) shall include—

"(I) the name of the candidate and the office sought by the candidate;

"(II) the date and amount of each expenditure; and

"(III) the total amount of expenditures from personal funds that the candidate has made, or obligated to make, with respect to an election as of the date of the expenditure that is the subject of the notification.".

(c) DEFINITIONS.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by adding at the end the following:

"(20) ELECTION CYCLE.—The term 'election cycle' means the period beginning on the day after the date of the most recent general election for the specific office or seat that a candidate is seeking and ending on the date of the next general election for that office or seat.

"(21) PERSONAL FUNDS.—The term 'personal funds' means an amount that is derived from—

"(A) any asset that, under applicable State law, at the time the individual became a candidate, the candidate had legal right of access to or control over, and with respect to which the candidate had—

“(i) legal and rightful title; or

“(ii) an equitable interest;

“(B) income received during the current election cycle of the candidate, including—

“(i) a salary and other earned income from bona fide employment;

“(ii) dividends and proceeds from the sale of the candidate's stocks or other investments;

“(iii) bequests to the candidate;

“(iv) income from trusts established before the beginning of the election cycle;

“(v) income from trusts established by bequest after the beginning of the election cycle of which the candidate is the beneficiary;

“(vi) gifts of a personal nature that had been customarily received by the candidate prior to beginning of the election cycle; and

“(vii) proceeds from lotteries and similar legal games of chance; and

“(C) a portion of assets that are jointly owned by the candidate and the candidate's spouse equal to the candidate's share of the asset under the instrument of conveyance or ownership but if no specific share is indicated by an instrument of conveyance or ownership, the value of ½ of the property.”.

SEC. ___. LIMIT ON SENATE USE OF THE FRANKING PRIVILEGE.

Section 3210(a)(6) of title 39, United States Code, is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking “Congress may not” and inserting “the House of Representatives may not”; and

(B) in clause (i), by striking “60 days (or, in the case of a Member of the House, fewer than 90 days)” and inserting “90 days”; and

(2) by striking subparagraph (C) and inserting the following:

“(C)(i) A Member of the Senate shall not mail any mass mailing as franked mail during a year in which there will be an election for the seat held by the Member during the period between January 1 of that year and the date of the general election for that office, unless the Member has made a public announcement that the Member will not be a candidate for reelection to that office in that year.

“(ii) A Member of the Senate shall not mail any mass mailing as franked mail if the mass mailing is postmarked fewer than 60 days before the date of any primary election or general election (whether regular, special, or runoff) for any national, State, or local office in which the Member is a candidate for election.”.

S. 1107—CONSTITUTIONAL AND EFFECTIVE REFORM OF CAMPAIGNS ACT OF 1999

TITLE I—ENHANCEMENT OF CITIZEN INVOLVEMENT

Section 101: Prohibits those ineligible to vote (non-citizens, minors, felons) from making contributions (“hard money”) or donations (“soft money”). Also bans foreign aliens making independent expenditures and codifies FEC regulations on foreign control of domestic donations.

Section 102: Updates maximum individual contribution limit to $2000 per election (primary and general) and indexes both individual and PAC limits in the future.

Section 103: Provides a tax credit up to $100 for contributions to in-state candidates for Senate and House for incomes up to $60,000 ($200 for joint filers up to $120,000).

TITLE II—LEVELING THE PLAYING FIELD FOR CANDIDATES

Section 201: Seed money provision: Senate candidates may collect $300,000 and House candidates $100,000 (minus any funds carried over from a prior cycle) in contributions up to $10,000 from individuals and PAC's.

Section 202: “Anti-millionaires” provision: when one candidate spends over $25,000 of personal funds, a candidate may accept contributions up to $10,000 from individuals and PAC's up to the amount of personal spending minus a candidate's funds carried over from a prior cycle and own use of personal funds.

Section 203: Bans use of Senate frank for mass mailings from January 1 to election day for incumbents seeking reelection.

TITLE III—VOLUNTARINESS OF POLITICAL CONTRIBUTIONS

Section 301: Union dues provision: Labor organizations must obtain prior, written authorization for portion of dues or fees not to be used for representation: Establishes civil action for aggrieved employee. Requires employers to post notice of rights. Amends reporting statute to require better disclosure of expenses unrelated to representation.

Section 302: Corporations must disclose soft money donations in annual reports.

TITLE IV—ELIMINATION OF CAMPAIGN EXCESSES

Section 410: Adds soft money donations to present ban on fundraising on federal property and to other criminal statutes.

Section 402: Hard money contributions or soft money donations over $500 which a political committee intends to return because of illegality must be transferred to the FEC and may be given to the Treasury as part of a civil or criminal action.

Section 403: “Soft” and “hard” money provisions. Soft money cap: no national party, congressional committee or senatorial committee shall accept donations from any source exceeding $100,000 per year. Hard money increases: limit raised from $25,000 to $50,000 per individual per year with no sublimit to party committees.

Section 404: FEC regulations banning conversion of campaign funds to personal use.

TITLE V—ENHANCED DISCLOSURE

Section 501: Additional reporting requirements for candidates: weekly reports for last month of general election, 24-hour disclosure of large contributions extended to 90 days before election, and end of “best efforts” waiver for failure to obtain occupation of contributors over $200.

Section 502: FEC shall make reports filed available on the Internet.

Section 503: 24-hour disclosure of independent expenditures over $1,000 in last 20 days before election, and of those over $10,000 made anytime.

Section 504: Registered lobbyists shall include their own contributions and soft money donations and those of their employers and the employers' coordinated PAC's on lobbyist disclosure forms.

TITLE VI—FEDERAL ELECTION COMMISSION REFORM

Section 601: FEC shall develop and provide, at no cost, software to file reports, and shall issue regulations mandating electronic filing and allowing for filing by fax.

Section 602: Limits commissioners to one term of eight years.

Section 603: Increases penalties for knowing and willful violations to greater of $15,000 or 300 percent of the contribution or expenditure.

Section 604: Requires that FEC create a schedule of penalties for minor reporting violations.

Section 605: Establishes availability of oral arguments at FEC when requested and two commissioners agree. Also requires that FEC create index of Commission actions.

Section 606: Changes reporting cycle for committees to election cycle rather than calendar year.

Section 607: Classifies FEC general counsel and executive director as presidential appointments requiring Senate confirmation.

TITLE VII—IMPROVEMENTS TO NATIONAL VOTER REGISTRATION ACT

Section 701: Repeals requirement that states allow registration by mail.

Section 702: Requires that registrants for federal elections provide social security number and proof of citizenship.

Section 703: Provides states the option of removing registrants from eligible list of federal voters who have not voted in two federal elections and did not respond to postcard.

Section 704: Allows states to require photo ID at the polls.

Section 705: Repeals requirement that states allow people to change their registration at the polls and still vote.

Mrs. MURRAY. Madam President, I rise today in support of meaningful campaign finance reform. It is high time that this Congress act to improve our political process and to restore faith in our democracy. In fact, it is past time.

When I was elected by the people of my State in 1992, one of the key things they asked me to do was to help fix our campaign finance system. I have been part of the reform effort since I walked through these doors.

Well, here it is, 7 years later. And it's the same old story. Campaigns still cost too much money. And too often, the power of ideas is pushed aside by the power of money. That is not the way our system should work. We need to do all we can to show the American people that their voices count—and to provide that their voices will be heard over the roar of special interest money.

Overall, I do think we have made some positive changes in the way the Capitol operates since my election. I do think we have addressed some of the issues families care about. But our campaign finance system still undermines our best efforts—draining public interest in our political process and sapping the energy from American voters in ways that will affect our democracy for years to come.

The opponents say the public doesn't care about campaign finance reform. But, in fact, the role of money in our elections and the rise of special interest influence have a profound—and very negative—effect on public perception of politics. Many people believe that Members of Congress are controlled by special interests and wealthy donors—and are no longer listening to their concerns. It keeps them from voting and from participating in the decisions that affect their lives.

We are here to represent the people of our States. As a representative of working Americans, I have felt from the beginning that it is my duty to ensure their voices and concerns are heard loudly and clearly in the political process. If my constituents believe they aren't being heard and that is partially due to the influence of special interests, then I must do something about it. This legislation is an opportunity to act.

I think this legislation could go further, for example, in the way it treats types of advocacy. Express advocacy is designed to get the public to vote for or against a specific candidate. For that reason, express advocacy is regulated. There is another type of advocacy that is not regulated. It's called "issue advocacy." Issue advocacy campaigns were intended to allow groups and individuals to communicate their support or opposition to particular policy issues. Unfortunately, these activities have become organized campaigns run by partisan groups to influence the election or defeat of a particular candidate. At a minimum, the public has a right to know who is funding these so-called "independent expenditures" by requiring the producers of these campaigns to disclose their contributors. A earlier version of this bill would have made issue advocacy subject to similar restrictions as express advocacy. That is one of the improvements I would like to see as we go through the amendment process.

But there are other amendments that would weaken the bill's provisions and could kill this legislation. One is the so-called Paycheck Protection Act. It is a poison pill to kill true campaign finance reform. This provision would defund unions by setting up barriers to their obtaining union dues to spend on political activities. However, the Republican Paycheck Protection Act misses the target. Despite the rhetoric, no worker is ever forced to join a union or pay for political and legislative activities with which he or she does not agree. Never. But the vast majority of unions—and their supporters—believe their voices are critical to a strong healthy economy and to strong, healthy families. And I agree with them.

I am not optimistic about this process. We have some very determined foes who oppose any attempt at reform. While we have 100 percent of the Democratic caucus and a handful of brave Republicans, it appears we do not have 60 votes to stop a filibuster against reform. This makes me unhappy, but not willing to give up.

I will continue to participate in the coalition of those Senators pushing for reform. I will keep my commitment to bring public faith back into our political system and to return political power to our citizens. And I will anxiously await the day when 60 of my Senate colleagues agree with the American people that now is the time for campaign finance reform.

Mr. HATCH. Madam President, last Thursday, I listened aghast to the exchanges among Senators McCAIN, BENNETT, FEINGOLD, McCONNELL, and GORTON concerning the implication that an appropriation was provided to a project in my home in exchange for campaign money.

While my junior colleague from Utah made the case commendably, I do feel compelled to respond for myself since I have actively sought and promoted these appropriations for my State.

The Senator from Arizona seems to have confused representation with corruption.

Since when does standing up for one's State, its local governments, or its people constitute corruption?

I was under the impression that this is what we were sent here to do.

The Senator from Arizona is way out of line when he suggests that my colleague, Senator BENNETT, has done even one thing even remotely improper in advocating for our State and for the help necessary to host the 2002 Winter Olympic Games. He should include me in that accusation as well.

My definition of "pork" is an appropriation that is unjustified (i.e., unneeded), not meritorious (i.e., the proposal is poorly conceived or too expensive), or it is solely to benefit the entity receiving the appropriation. The project that the Senator has labeled as "pork" is none of those things.

First, Salt Lake City was America's choice to host the Olympic games. These are America's games. There are certain things we are going to need help with and that can appropriately be done by the federal government.

The so-called pork barrel project he has cited was for Ogden, UT, for water, sewer, and storm water improvements. The Senator from Arizona has intimated on his website that this project received appropriated funds because members of the Senate—and I presume he means me and Senator BENNETT—have been improperly influenced by soft money.

I wonder if my colleague has actually thought about that. Does he really believe that Ogden, UT, is so tremendously wealthy that it can make campaign contributions or that its citizens would even countenance such a thing to achieve this project grant? Does the Senator from Arizona hear how ridiculous this sounds?

I have thought, while listening to the Senator's remarks, that we have been debating that old question about the tree falling in the forest. If a dollar flows into a campaign chest, but no one takes any action in relation to it, does that make it corrupt? Is acceptance of any campaign contribution de facto corrupt? That certainly seems to be what Senator McCAIN is saying.

I was stunned by the personal nature of the Senator's remarks last week, particularly as regards my colleague Senator BENNETT, and most particularly since Senator McCAIN could not seem to cite any specific evidence that this line item for sewer improvements was included as a payoff for a soft money—or hard money for that matter—contribution.

No, the best he could do is to say that the appropriation was not authorized.

I am the chairman of the Judiciary Committee—it is an authorizing committee. And, I can't tell you the number of times I have debated jurisdiction with the Senator from Arizona. I am well aware of how strongly he feels about the authorization process. I agree with him on that.

But give me a break. The Judiciary Committee is not going to authorize every individual grant to a law enforcement agency. I can't believe the Senator wants to authorize $2 million for water, sewer, and storm water improvements in Ogden, UT.

And, I suspect that, if he were to be a spectator at the Olympic downhill in 2002, and he needed to use the restroom, he would appreciate those sewer improvements.

Moreover, the authorization process is not the good housekeeping stamp of approval. If campaign contributions can taint the appropriations process, they can also taint the authorization process. The logic of the Senator from Arizona is false on this point.

I will second the remarks made by Senator McCONNELL with respect to the tenor of this debate. One would have hoped that we could debate our respective ideas about campaign finance reform without getting into accusing one another of soft money-for-pork deals.

But, I hope my colleagues will listen carefully when the Senator from Arizona and the Senator from Wisconsin attempt to smooth things over by saying, "we're not accusing you; it's the system."

If these colleagues are not accusing us, then why do we need this bill? If members have not engaged in abuses—then this bill has no basis.

When I was a youngster I remember being terribly irritated when the teacher made the whole class stay after school because a couple of my classmates misbehaved. I remember too that sometimes the punishment was that the rules governing library privileges or playground activity became stricter because certain classmates broke the old ones.

Today, our Government reacts much the same way when there have been abuses of freedome—we want to legislate a means of prevention. We want to tighten up the rules.

Because the people are justifiably outraged at abuses, particularly at breaches of their trust, we feel compelled to respond.

We think if we rail loudly in sympathy with their outrage and introduce bills to address the cause of it, the people will think we are above it and have nothing to do with the dirty business. But, me thinks some doth protest too much. (So there will be no misunderstanding, I refer here to the Clinton administration which has yet to sanction the appointment of an independent counsel to investigate the alleged campaign finance violations involving contributions to the Democratic National Committee.)

At the end of the day, the people will not be fooled. While there is no doubt in my mind that those who favor the McCain-Feingold legislation do so with the purest of motives, and I respect their views, I believe that what the people really want is not new law, but honest politicians. And, that, I say to my colleagues, cannot be legislated.

Moreover, to the extent that there have been abuses of campaign integrity, let alone existing law, the problem is not the lack of regulation, but the violation of it. Our efforts might be better spent in toughening both public and private oversight, enforcement, and penalties on the offenders.

But, we are instead debating legislation that would impose significant new regulations on the way we undertake the most fundamental of all American freedoms—elections for public office.

What on earth are we doing? Why are we even contemplating such sweeping changes—changes that would inevitably dampen free speech in our country? Changes that would damage the "checks and balances" that are inherent in our two-party system?

Well, in light of recent abuses of freedom in campaign fundraising and in light of what we politicians perceive to be mounting dissatisfaction among the electorate, we are debating a proposal for a new law.

That'll fix it. We will all put out our press releases. We will congratulate each other on our so-called "reform" legislation. And, if it's a "reform" bill, it must be good, right?

With all due respect to my colleagues Senators McCain and Feingold, who have been working on this legislation for a long time and who I know are sincerely dedicated to improving our campaign process, I must say that, if we pass their bill, we will deliver broad-based reforms which we perceive to be popular at the moment. But, we will also be fundamentally changing the relationship between those running for public office and those who elect them for the long term. We will be imposing significantly more regulation governing who can give what to whom as well as how support can be given and how it can be received.

Let me comment briefly on this relationship. We all understand it—or we should.

When we throw our hats in the ring for public office, we do so because we believe we have ideas and a point of view that would benefit our home state constituents and our country. And, I think it is safe to say that we don't do it for the money—and we have pretty well "deperked" this place as well.

But, our success depends on the support of others. Our candidacies all began in someone's office or living room. There may have been 3, 5, 10, 15 people in the room. The first order of business was to get our views and ideas before the people with the hope that our platform would appeal to enough people that they would join our bandwagon.

How do you grow a campaign? First, people have to know who you are. So, you print some posters and campaign buttons. I might add that when I first ran in 1976, having never held public office before and running against a 3-term incumbent senator, I needed a lot of signs.

Then, since you can't really get much substantive information on a yard sign or button, you need some brochures. You need to put out some press releases. You need to buy some TV and radio advertising.

Assuming you get some positive response from the people to your views, you will need to hire some staff to organize volunteer efforts and precincts. Later on, you will need to have some phone banks and a get-out-the-vote program.

All of this requires money—that people who believe in your candidacy donate to your campaign. This is not money that is taxed and apportioned by some governmental entity. It is money voluntarily given because, in giving it, people are expressing their preferences for those who will represent them. It could be one dollar or a thousand dollars, but the act of contributing to a candidate for public office is an exercise of political freedom.

Now, the McCain-Feingold bill, for all of its good intentions, fails this crucial test: it imposes new restrictions on how people can participate financially in campaigns.

Previous incarnations of the McCain-Feingold bill would have outlawed all soft money contributions and issue advocacy by special interest groups.

The argument goes that sophisticated organizations are manipulating candidates and elections by donating large amounts of money. And, the argument goes further that this manipulation is poisoning the political process for all citizens.

So-called coffees at the White House, nights in the Lincoln Bedroom, receptions at Buddhist temples, fundraising from taxpayer-maintained territory, specious connections to foreign governments—that is what has affected people's faith in the electoral process. It isn't the direct mail letter, the cocktail reception, or the $10 per person summer weinie roast. People are pretty savvy. They know we have to raise the money to run, and they know it's not cheap.

But, this year, Senators McCain and Feingold have apparently accepted that their proposed ban was blatantly unconstitutional. They have opted for a half-ban—a ban on soft money contributions from political parties, but not on non-party organizations.

Let's be clear about one thing: political parties are already regulated by law and regulation. These contributions and expenditures are already controlled. The Republican or Democratic National Committees cannot so much as buy a legal pad with 100 percent soft money.

This ban on party soft money merely elevates the importance of special interest soft money, which Senators McCain and Feingold have declared to be society's biggest evil. The League of Women Voters, which previously supported the McCain-Feingold bill, has now asked Senators to oppose it because it not only fails to correct the problem of soft money influence as they see it, but exacerbates it.

Additionally, this half-ban on soft money from political parties and its concomitant increase in the importance of special interest groups, serves to weaken our political parties.

I recognize that many Americans are frustrated with both parties—and, I admit, often for good reason. But, the fact is that a strong two-party system is what keeps American government working. Nations with multiparty systems often have extreme difficulty finding consensus and are plagued with frequent reversals in ministerial leadership, national policy, and unstable markets given political uncertainty.

The American two-party system is a healthy competition of ideas and viewpoints. And, national parties should not be curtailed in their efforts to build their state and local infrastructures and to support their slates of candidates.

A ban on the ability of national parties to send money to state and local parties and to candidates is like telling a major league baseball team that it cannot support its farm teams or give a bonus to its promising players.

Last, but certainly not least, the revised McCain-Feingold bill remains constitutionally specious.

Despite the sponsors recognition that the ban on all soft money violated free speech rights under the Supreme Court's decision ion Buckley v. Valeo, the half-ban still skates on very thin ice.

The Court stated:

> The First Amendment denies government the power to determine that spending to promote one's political views is wasteful, excessive, or unwise. In the free society ordained by our Constitution, it is not the government but the people—individually as citizens and collectively as associations and political committees—who must retain control over the quantity and range of debate on public issues in a political campaign.

But, the bottomline for today is that, quite simply, political parties are entitled to promote their views. The McCain-Feingold bill would compromise that right.

Medicare, Social Security, tax cuts, balanced budgets, and health care have all been the subject of issue advertising. And, neither Republicans nor Democrats should be "gagged" by the provisions of this bill. Since a political party exists to promote a particular viewpoint or philosophy of government, the McCain-Feingold proposal quite simply infringes on its right to do so.

But, unlike my school teacher's withholding recess, the McCain-Feingold proposal is not a simple trade-off of privileges for accountability. It asks Americans to exchange a fundamental freedom, which is coveted throughout the world, for the vague promise of curtailing the influence of special interests in elections.

But, here again, the McCain-Feingold proposal misses the mark. Who are the special interests? I submit that the "special interests are us."

One man's greedy special interest is another man's organization standing up for truth and the American way. It is impossible for this Congress—or any Congress—to make this distinction.

The prohibition on party soft money suggested by the McCain-Feingold bill does not even allow the people to exercise their own judgments about the propriety of an expenditure or even about the candidates or the issue. It simply outlaws soft money activity out of hand.

Some have said to me, "But this is a bipartisan bill. It is a good compromise." My response must be that just because a measure is bipartisan and called "reform" does not make it good.

Moreover, I remind my colleagues that the original plaintiffs in this suit included James Buckley, the conservative Senator from New York and Eugene McCarthy, liberal former Senator from Minnesota.

The diverse coalition of groups who have led the opposition to previous versions of McCain-Feingold include the National Right to Life Committee and the American Civil Liberties Union.

In my view, Mr. President, this is not campaign finance reform. No legislation, certainly nothing called "reform," should leave the people with less freedom.

Let's look at this issue.

Many pundits and many colleagues here in Congress perceive that the American people think that our government has become too fraught with special interest influence, bought with special interest campaign contributions. We have all heard voters voice their frustrations about government. Given some of the games we play up here that affect necessary legislation—such as the bankruptcy bill to name just one example—this attitude is not surprising or unwarranted.

It may be a mistake to interpret these frustrations as widespread cynicism about the influence of special interests rather than about the government's inability to enact tax relief, inertia on long-term Social Security and Medicare reforms, and the tug-of-war on budget and appropriations.

Nevertheless, it goes without saying that maintaining the integrity of our election system and citizens' confidence in it has to be among our highest priorities. The question is: what is the right reform?

The best way to reform our campaign finance system is to open it up to the light of day and to allow citizens to make the judgments about how much influence is too much.

For example, some people may believe that a single dollar from a tobacco PAC, an environmental lobby, or the AFL-CIO is too much. For others, such contributions may not be as much of a concern.

Under a system of more prompt, user-friendly disclosure, people can compare the source of contributions with votes cast by the candidate. They can decide for themselves which donations are rewards for faithfulness to a principle and representation of constituents and which contributions might be a quid pro quo for special favors.

I had planned to offer a substitute amendment to S. 1593. I called my proposal the "Citizens' Right to Know Act." It would require all candidates and political committees to disclose every contribution they receive and every expenditure they make over $200 within 14 days on a publicly accessible website. This means people will not have to wade through FEC bureaucracy to get this information, and the information will be continuously updated.

Further, my proposal would encourage—not require—non-party organizations to disclose expenditures in a constitutionally acceptable manner the funds that they devote to political activity. Organizations that chose to file voluntary reports with the FEC would make individual donors to their PACs eligible for a tax deduction of up to $100.

This provision is designed to encourage voluntary disclosure of expenditures of organizational soft money. Those organizations that did so would be shedding light on campaign finance not because they have to, but because it furthers the cause of an informed democracy.

An article in the Investor's Business Daily quoted John Ferejohn of Stanford University as writing that "nothing strikes the student of public opinion and democracy more forcefully than the paucity of information most people possess about politics."

The article goes on to suggest that "many reforms, far from helping, would cut the flow of political information to an already ill-informed public."

Citing a study by Stephen Ansolabehere of MIT and Shanto Iyengar of UCLA, which demonstrates that political advertising "enlightens voters," the IBD concludes that "well-informed voters are the key to a well-functioning democracy." [Investor's Business Daily; 9/20/99]

Morton Kondracke editorializes in the July 30, 1999, Washington Times, "Full disclosure would be valuable on its merits—letting voters know exactly who is paying for what in election campaigns. Right now, campaign money is going increasingly underground."

This is precisely the issue my amendment addresses. My amendment, rather than prohibit the American people from having certain information produced by political parties, it would open up information about campaign finance. Knowledge is power. My proposal is predicated on giving the people more power.

Additionally, my legislation will raise the limits on individual participation in elections. Special interest PACs sprung up as a response to the limitations on individual participation in elections. The contribution limit for individuals is $1000 and it has not been adjusted since it was enacted in 1974.

Why are these limits problematic? The answer is that if a candidate can raise $5000 in one phone call to a PAC, why make 5 phone calls hoping to raise the same amount from individuals? My legislation proposes to make individuals at least as important as PACs.

My bill also raises the 25-year-old limits on donations to parties and PACs. It raises the current limits on what both individuals and PACs can give to political parties.

As the League of Women Voters has correctly pointed out, the activities of political parties are already regulated, whereas the political activities of other organizations are not. If we are concerned about the influence of "soft" money—that is, money in campaigns that is not regulated and not disclosed—and cannot be regulated or subject to disclosure under our Constitution—then we ought to encourage—not punish—greater political participation through our party structures.

We need to put individuals back as equal players in the campaign finance arena. Special interests—both PACs and soft money—have become important in large part because current law limits are not only a quarter century old, but are also higher for special interests than individuals.

The McCain-Feingold approach represents a constitutionally specious barrier to free speech. It would, by law, prohibit political parties from using soft money to communicate with voters.

My amendment, in contrast, does not prohibit anything. It does not restrict the flow of information to citizens—it does not restrict freedom. On the contrary, my amendment recognizes that citizens are the ultimate arbiters in elections. They should have access to as much information as possible about the candidates and the positions they represent.

Thus far, the information that is available to voters about campaign finance has been difficult to obtain and untimely. My amendment, by empowering votes with this information, will put the role of special interests where it rightfully belongs—in the eye of the beholder, not the federal government.

I regret very much that Senator DASCHLE has elected to use this parliamentary tactic—filling the amendment tree and objecting to consideration of other amendments—to foreclose all other amendments. He has put the Senate in a take-it-or-leave-it situation.

Some of us had ideas for amendments to the McCain-Feingold bill—or, such as the "Citizens' Right to Know Act," a proposal for a complete substitute. The opportunity for amendments, however, has been scuttled.

The proponents evidently believe they have done such a marvelous job that they refused to consider any other amendment when Senator MCCONNELL asked consent to do so last Friday.

The proponents of McCain-Feingold will no doubt hit the airwaves and say that the opponents do not support reform. They will say that we voted to keep the status quo, that we support the so-called insidious corruption of soft money.

These would be false statements. Many of us do support reform—we simply want it to be fair and respectful of constitutional protections.

There is no righteousness whatsoever in voting for a reform bill that limits freedom.

I would have liked to offer my proposal. I would have liked the Senate to consider the merits of its approach.

But, inasmuch as I will not be able to do that, and other senators who may have supported my alternative will not be able to vote for it, we are left with the Reid amendment, which does not even contain the amendments offered by the Senator from Kentucky to beef up internal procedures for accountability.

We are left with an unamended, constitutionally flawed piece of legislation that has the effect of further bureaucratizing our electoral processes and gagging our two most prominent political organizations, thus shielding the people from information as if they are incapable of making evaluations on their own.

If this is "reform," it is not reform worthy of support.

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota is recognized.

Mr. MCCONNELL. Will my friend yield for a moment for me to make a comment to the Senator from Ohio?

Mr. WELLSTONE. Yes.

Mr. MCCONNELL. I thank my friend from Ohio. I listened carefully to his remarks. He accurately pointed out that labor unions are the only organizations in America that can raise political funds and spend them on whatever they choose to without the consent of the donor, which is an aberration. Everybody else in the political system has to raise money from voluntary donations. They have to ask for it. I thank my friend for pointing out that there really can't be any campaign finance reform that is meaningful without addressing this extraordinary abuse. I appreciate very much his comments on this debate.

Mr. VOINOVICH. I thank the Senator from Kentucky. While I am in this body, I am going to continue to try to work with other people to see if we can't come up with something to ban soft money and deal with some of the problems I discussed, which would have been in my amendment.

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota, Mr. WELLSTONE, is recognized.

AMENDMENT NO. 2306 TO AMENDMENT NO. 2298

(Purpose: To allow a State to enact voluntary public financing legislation regarding the election of Federal candidates in such State)

Mr. WELLSTONE. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 2306 to amendment No. 2298.

Mr. WELLSTONE. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the language proposed to be stricken, add the following:

SEC. . STATE PROVIDED VOLUNTARY PUBLIC FINANCING.

Section 403 of the Federal Election Campaign Act of 1971 (2 U.S.C. 453) is amended by adding at the end the following: "The preceding sentence shall not be interpreted to prohibit a State from enacting a voluntary public financing system which applies to a candidate for election to Federal office, other than the office of President or Vice-President, from such State who agrees to limit acceptance of contributions, use of personal funds, and the making of expenditures in connection with the election in exchange for full or partial public financing from a State fund with respect to the election, except that such system shall not allow any person to take any action in violation of the provisions of this Act.".

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Minnesota yield for an inquiry?

Mr. WELLSTONE. I don't yield the floor, but I will yield for an inquiry.

Mr. MCCONNELL. My inquiry is this: Is the Senator from Kentucky correct that this amendment is offered to what we call around here the other side of the tree?

The PRESIDING OFFICER. The Senator is correct.

Mr. MCCONNELL. Is the Senator from Kentucky also correct that if cloture were invoked on either of the cloture motions tomorrow, this amendment would be wiped out?

The PRESIDING OFFICER. The Chair informs the Senator that the amendment would not fall if it is germane.

Mr. MCCONNELL. Germane, postcloture?

The PRESIDING OFFICER. The Senator is correct.

Mr. MCCONNELL. I thank the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Madam President, first of all, let me say to my colleagues that I wanted to bring this amendment to the floor because I thought we should get on with business and have up-or-down votes on amendments that deal with this, I think, critically important question.

Let me start out with some context. This is an editorial from the New York Times, which actually was written Tuesday, October 20, 1998. The title is "A Grass-Roots Message On Reform."

This deals with some of the victories that have taken place around the country; namely, two initiatives; one was in Massachusetts and one in Arizona. Of course, the Presiding Officer knows this all started with Maine, and then there was Vermont. I am talking about the clean money/clean election option. This is an editorial that talks about the momentum at the State level.

What has happened is, a good many States in our country have partial public financing. In Maine, Vermont, Massachusetts, and also Arizona, citizens of those States have decided that if people running for office will agree, it is on a voluntary basis, they are going for a clean money/clean election option. If a State desires a States rights option, they should be able to apply it to House and Senate races. I point this out to the Chair because I think it is all positive about her.

I notice in this paragraph, it says that it is no surprise that two of the seven Senate Republicans who challenged their leadership on this issue came from Maine, where similar public financing legislation was passed in 1996. It has been important to see what is happening at the State level.

I ask unanimous consent this editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, Oct. 20, 1998]

A GRASS-ROOTS MESSAGE ON REFORM

In the weeks since campaign finance reform was killed in Washington, it has been fashionable to say that the issue never had much popular support. But that cynical view is belied by the momentum behind two important initiatives this fall, in Massachusetts and Arizona, where voters are being asked to create publicly financed campaign systems that would free politicians of their dependence on money from special interests. Approval of these measures would provide a model for how to clean up local political races and send a strong signal to Washington to enact reform legislation next year.

Both initiatives call for extensive public money to pay for political campaigns, to be awarded after the candidates have raised modest sums on their own. Many state and local governments, including New York City, have provisions for public financing. The post-Watergate laws governing national elections also provide for public subsidies. But in these cases, the money kicks in only when the candidates themselves have raised large sums. As the last round of scandals shows, candidates have also circumvented the law by accepting public money and then using unregulated "soft money" contributions for their campaigns.

Even though it will cost them money, the voters in both states are responding positively. In Massachusetts, the money would come in part from taxpayers checking off a box on their income-tax returns, and in part from legislative appropriations. In Arizona, the money would be raised by increasing the fee for lobbyists, a voluntary tax checkoff and a surcharge on criminal and civil fines.

Another encouraging sign is that these reforms are occurring in one of the most conservative states in the country as well as in one of the most liberal. It is perhaps no accident that the main sponsors of campaign reform in Washington include Senator John McCain of Arizona and Representative Martin Meehan of Massachusetts. Nor is it surprising that two of the seven Senate Republicans who challenged their leadership on the issue this year came from Maine, where similar public financing legislation was enacted in 1996.

Success in Arizona, Massachusetts and other states with more limited campaign reform measures on their ballots could build momentum, for change in Washington next year. Many incumbent lawmakers have long argued that the public will not tolerate public financing, by which they usually mean that they do not want to give their challengers an equal chance. They need only be reminded that voters can speak even more loudly than campaign donations.

Mr. WELLSTONE. There was a piece also that David Broder wrote, on July 18, 1999, in the Washington Post, "Federal Lag, State Reform." David Broder, a highly respected journalist, talks about the energy at the State level. He talks about the work of public campaigns and victories in Maine and Vermont and Massachusetts and Arizona. He also talks about some of the activity around the country, the energy of grassroots people, people in our States, at the State level, who say, don't tell us we don't care about good government; don't tell us we don't care about clean elections. They are passing these initiatives.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 18, 1999]

FEDERAL LAG, STATE REFORM

(By David S. Broder)

While Congress continues to procrastinate on changing the campaign finance laws—the House will not take up the issue until September; the Senate, who knows when?—things are changing in the states.

More and more of them are moving beyond the regulatory approach embodied in most of the proposals in Washington and are deciding that public financing of elections is the best way to reduce the influence of interest groups and wealthy individuals—while satisfying the maze of legalities laid down by the courts.

The latest and in some ways most surprising development comes in Wisconsin, where Gov. Tommy Thompson, the dean of the 50 governors and a staunch Republican, is making headway with a proposal for partial public funding of state campaigns.

An appropriation of $750,000, urged by Thompson as part of a reform plan devised by a bipartisan commission, has been approved by the Senate-House finance committee and is awaiting final action by the legislature. The full plan has not yet passed and faces strong opposition, but Wisconsin could become the second state in recent years, following Vermont, to move to public financing by action of elected officials.

Since 1996, three others—Maine, Massachusetts and Arizona—have done the same thing by voter initiatives, bringing the total of states with full or partial public financing systems to 24, according to Ellen Miller, the head of Public Campaign, a Washington, DC-based group supporting these efforts. Missouri and Oregon may have such initiatives in 2000, she says.

What is interesting about this phenomenon is that public financing is considered beyond reach in the Washington debate on campaign reform. Twenty-five years ago, Congress approved partial public financing of presidential campaigns by a checkoff on individual income tax returns—with matching funds available to candidates accepting spending limits in the primaries and a full subsidy available for the general election.

But in recent years, it has been accepted wisdom on Capitol Hill that voters rebel at the idea of more of their tax dollars being used to pay for those TV spots everyone despises. And yet, when measures to subsidize campaigns from public sources are put to a vote of the people in states as diverse as Arizona and Massachusetts, they pass—despite the reluctance of many local political leaders to endorse them.

In Massachusetts, both Republican Gov. Paul Celluci and leaders of the Democratic legislature looked askance at the 1998 initiative, but it passed by a 2 to 1 margin. Even with that big win, there was doubt whether the legislature would appropriate the money to begin funding the first publicly financed elections, scheduled for 2002.

Celluci put no request in his budget, but, the legislature—a bit squeamish about defying a public mandate—did so, with the House voting for $10 million and the Senate for $13 million. The House could not resist adding a joker—a requirement that another initiative be passed in 2000 reaffirming that voters really want tax money used for campaigns—but it's not certain whether that will be in the final version of the budget.

For now, backers of the measure told me, they are confident that a series of annual appropriations plus voluntary checkoffs will produce the $40 million kitty needed to fund 85 percent of the expenses of Massachusetts candidates who accept spending limits in 2002.

In Arizona, where the initiative barely passed by a 51 percent to 49 percent margin over the opposition of Republican Gov. Jane Hull and others, opponents have filed two lawsuits challenging the measure. The state Supreme Court threw out the first one; the second is pending in a lower court. Meantime, the financing machinery has begun to function. Lobbyists are being asked to pay higher registration fees, and a surcharge is being added to civil and criminal penalties assessed in Arizona courts. Next year, people filing their state income taxes will be told that, for the first time, they can claim a tax credit of up to $500 for political contributions—and, barring mishaps, public financing will begin in 2002.

The Wisconsin move is particularly interesting because Thompson, like most other Republicans, was initially opposed to taxpayer-financed campaigns. He endorsed the package of other reforms recommended by the bipartisan commission he had named. But when that measure was stymied by partisan battling in the legislature, Thompson endorsed the direct subsidy as a way of breaking the deadlock. In a phone call from Alaska, where he was vacationing, he told me that he hopes Wisconsin, which pioneered welfare reform under his leadership, "can be a model for the country" on campaign reform as well.

It will take more courage than Washington usually displays for that wish to be fulfilled.

Mr. WELLSTONE. Finally, Madam President, I wish to read from a letter that asks Senators to support this amendment which would allow States to enact voluntary public financing legislation, commonly referred to as clean money/clean election initiatives regarding the election of Federal candidates in the States.

Historically, the states have been "laboratories of reform." (a term coined by Supreme Court Justice Louis Brandeis) where innovative public policies have been created and tested. We believe, therefore, that the U.S. Senate, which has been a champion of states' innovative efforts in a number of policy efforts in recent years, should also support the right of individual states to determine the campaign finance system for their candidates for federal elections.

This letter goes on to talk about the great victories in Arizona, Maine, Massachusetts, and Vermont, and also goes on to cite a recent poll undertaken by the Mellman Group in Iowa—you know everybody is focused on Iowa with the Presidential races—pointing out that voters, 72 percent of Democrats and 63 percent of Republicans, support a system of voluntary full public financing and spending limits for campaigns. Not only did the support cut across party lines, but also there was support among ideologies within the political party.

I ask unanimous consent this letter, which is signed by about 50 different organizations that are working on reform at the State level, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FIFTY PLUS CITIZEN GROUPS IN SUPPORT OF WELLSTONE "STATES RIGHTS" AMENDMENT TO S. 1593, THE "BIPARTISAN CAMPAIGN REFORM ACT OF 1999"

October 14, 1999.

DEAR SENATOR. As the Senate prepares to debate S. 1593, the "Bipartisan Campaign Reform Act of 1999," we the undersigned urge you to support Senator Paul Wellstone's amendment to allow states to enact voluntary public financing legislation regarding the election of Federal candidates in such states.

Historically, the states have been "laboratories of reform" (a term coined by Supreme Court Justice Louis Brandeis) where innovative public policies have been created and tested. We believe, therefore, that the U.S. Senate, which has been a champion of states' innovative efforts in a number of other policy areas in recent years, should also support the right of individual states to determine the campaign finance system for their candidates for federal elections.

The states are already moving in this direction with regard to their own state elections. Twelve states currently offer partial public financing to candidates for state offices. In addition, four states have gone even further and have recently passed full public financing systems for their state elections—Arizona, Maine, Massachusetts and Vermont. Three of the four states will have such a system in place for the 2000 election cycle.

Finally, the American people, according to survey after survey, say that the current campaign finance system is out of control and they want it overhauled. A recent poll undertaken by The Mellman Group in Iowa revealed that voters (72 percent of Democrats, 63 percent of Republicans) support a system of voluntary full public financing and spending limits for campaigns. Not only did support for such a voluntary system cut across party lines, but it also maintained strong support from all ideologies within the parties.

Again, we urge you to support Senator Wellstone's amendment to S. 1593 and allow the states to have the right to decide for themselves whether a voluntary public financing program makes sense for the election campaigns of their own Members of Congress.

Sincerely,

Arizona Clean Elections Institute
Citizen Action of New York
Coalition to Stop Gun Violence
Colorado Progressive Coalition
Connecticut Citizen Action Group
Democracy South
Dollars and Democracy Project/Ohio
Episcopal Church
Equality State Policy Center/Wyoming
Florida Consumer Action Network
Florida League of Conservation Voters
Friends Committee on National Legislation
Georgia Rural-Urban Summit
Illinois Citizen Action
Indiana Alliance for Democracy
Iowa Citizen Action Network
League of United Latin American Citizens
Lutheran Office of Governmental Affairs—Evangelical Lutheran Church in America
Maine Citizen Leadership Fund
Mass Voters for Clean Elections
Michigan Citizen Action
Minnesota Alliance for Progressive Action
Missouri Alliance for Campaign Reform
Missouri Voters for Fair Elections
National Voting Rights Institute
NETWORK: A National Catholic Social Justice Lobby
New Hampshire Citizens Alliance
New Jersey Citizen Action
North Carolina Alliance for Democracy
North Dakota Progressive Coalition
Northeast Action
Ocean State Action
Ohio Valley Environmental Coalition
Oregon Political Accountability Network
Pennsylvania Consumer Action Network
Public Campaign
South Carolina Progressive Network
Southeast Forest Project
Texans for Public Justice
Texas Public Citizen
Union of American Hebrew Congregations
Unitarian Universalist Association of Congregations
United Vision for Idaho
United We Stand—Arizona
U.S. PIRG
Utah Progressive Network
Vermont PIRG
West Virginia Peoples' Election Reform Coalition
West Virginia Citizen Action
Western States Center
Wisconsin Citizen Action
Working Group on Electoral Democracy

Mr. WELLSTONE. Madam President, before I get started in arguing my brief to this amendment, I appreciated the comments of my colleague from Ohio. I appreciate the sincerity in which he made his case, but there are a couple of points on which I am in disagreement. I don't know if this amendment will come up. I certainly hope it doesn't. We have been focusing on soft money. I join Senator LEVIN in thanking Senators MCCAIN and FEINGOLD for continuing to be a strong voice for reform. I understand the pragmatism of their initiative. I think if we could ban soft money it would be a significant step for our country—a good step forward, not a great leap sideways. I thank them.

But I also want to point out for Senators, Democrats and Republican, that there is also the hard money issue. People who are listening—soft money/hard money—I think are wondering what all of this is about.

When I hear other Senators say we ought to raise the limit from $1,000 to $3,000, actuality it would be $2,000 to $6,000 counting primary and general elections. I want to point out a couple of figures.

This year, a spectacularly small portion—in the Presidential race—of U.S. citizens have contributed more than $200. So far this year, only 4 out of 10,000 Americans have made a contribution higher than $200 to the Presidential race. That is .037 percent. As of June 30, 1999, only .022 percent of all Americans have given $1,000 or more to a Presidential candidate. In the 1998 election, .06 percent of all Americans gave $1,000. That was roughly 1 in 5,000 citizens.

If you say money is speech, then I guess we know who the people are who are going to do all of the talking. I cannot believe that Senators—Republicans, Democrats—whoever they are, believe this will give ordinary people more confidence and more faith in the political process.

Again, what we have right now, when you are talking about contributions of over $1,000 this year, is .022 percent. Even over $200, it is only .037 percent. People do not have this kind of money. People can't afford to make these kinds of contributions.

Now what we are going to do is raise this from $1,000 to $3,000—actually $2,000 to $6,000, counting primary and general elections—and we are going to call this a reform.

I want to say to everybody that in my not so humble opinion, about 90 percent of the people in the country will not view this as reform. They will view this as a huge step backward, and they will view this as an effort to enable the wealthiest and high-income citizens to have even more influence and more say over the political process than they have right now.

This amendment is a States rights amendment to this underlying bill. I hope it will have broad bipartisan support. This amendment allows States to set up voluntary systems of full or partial public financing for Federal congressional candidates that involve voluntary spending limits on both personal and outside contributions as long as those systems otherwise are not in conflict with the Federal Election Campaign Act. Again, it is entirely up to the candidates. It is only if they agree to it. Clearly, we set a floor, which is the Federal Election Campaign Act.

Again, the letter I read to you was on the mark. States have been the laboratories for reform. This States rights amendment would allow these laboratories to do this work but in a safe way because we make it clear that the Federal law remains the floor. No State can violate existing Federal law. No State can be in violation of existing Federal law. But if a State wants to do better—if Kentucky or Minnesota or Nebraska or Arizona—Arizona has already done better, and Minnesota tried—they want to apply some system of partial or full public financing to Federal offices, and they say: we are sick and tired of waiting for you all to pass this kind of legislation; we have the sneaking suspicion that those interest groups that have the power have too much say in the Senate and you are not going to pass it; let us have a go at it, then we ought to let States do so.

The Federal law is the floor. But it is a very low floor. We had this debate the other day. I don't want to go over again in great detail the definition of corruption. Let me simply say one more time that I, for one, I say to my colleague whom I have a lot of affection for, the Senator from Utah, that I am not going to make any arguments about a one-to-one correlation between fundraising and "corruption." I am not going to make any of those arguments, but I will say that to me corruption is more serious than wrongdoing of individual officeholders. It is systemic. That is what we have. It is simply a case of those people who make these big contributions, the big soft money contributions and the big hard money contributions—they are the investors. They are the heavy hitters. They are the players. They are the ones who are well connected. They are the ones who have too much influence. And most citizens believe there is a connection between big special interest money and outcomes in American politics.

I am very sad to say that most citizens who believe that are right. People know that who has the money determines who wins and who has the money determines all too often what even gets put on the table in the first place. That is why people are turning away from the political process. That is why people are disillusioned. That is why people are disengaged. That is why people feel, I will say it again, if you pay, you play; if you do not pay, you don't play. That is what is going on.

Recent polls: 92 percent of all Americans believe special interest contributions buy votes of Members of the Congress—92 percent. Again, I say to colleagues, I am not agreeing with that kind of thing, but it is one of the reasons we should want to change this system. It really doesn't matter in the last analysis. If you get more money from oil companies, or labor unions, or environmentalists, or citizen groups, or financial institutions, the fact is people can always have that concern. Why don't we try to break that?

Eighty-eight percent of people believe those who make large contributions get special favors from politicians. Sixty-seven percent believe their own representatives in Congress would listen to views of outsiders who made major political contributions before they would listen to their own constituents' views. And then, finally, nearly half of all registered voters believe lobbyists and special interests control the Government.

I know the sponsors of the new McCain-Feingold bill have stripped the bill down in the hope that we are going to have the votes to achieve cloture and that we can move this long-stalled debate forward. I am in agreement. However, given the inability of Congress to agree on a lot of the incremental changes, which is important, let alone comprehensive reform—this is a stripped down bill. The authors will admit that. But they are saying, let's try to move something forward. Let's take a step forward that will lead to improvement. I agree. But what I am saying about this amendment is that it is also an ideal time to let States take the lead. We should not allow States to undermine Federal election law. They won't do that. But the law should also not be an artificial ceiling that prevents States from setting up systems of public financing such as Maine has done, such as Vermont has done, such as Arizona has done, and such as Massachusetts has done that would allow them to address this obscene money chase, that allows them to address voter apathy; that allows them to address the kind of corruption that I have talked about—both actual or corruption that is perceived.

Mr. BENNETT. Will the Senator yield?

Mr. WELLSTONE. I am happy to yield to the Senator.

Mr. BENNETT. Madam President, I am interested and pleased to hear the Senator say he does not agree with those polled who say money buys votes and that the individual Members of the Senate are not corrupt.

My question to the Senator, since he is a teacher by profession is, if that perception in the public is not true, why shouldn't this teacher spend his time trying to educate the public as to what is true rather than to fall in with the sentiment expressed in the poll which is inaccurate?

Mr. WELLSTONE. Madam President, I actually have not finished laying out the amendment.

To my colleague from Utah, I was saying the huge percentage of people who believe this to be the case troubles me. I certainly do not believe that in a majority of cases of Senators whom I know, to the extent I know them—and I think I do—that that is the case, the "money" vote way. I don't think that is the link.

That is my sense, not in an individual way.

I have also argued, and the Senator has heard me say this many different times, I do think we have a more serious kind of corruption, and it is the imbalance of power. It is systemic.

Therefore, from my point of view, my colleague from Utah could be referring to one of two things: Either the statement I gave on the floor the other day in which I said we have to change this system in order to give citizens faith in this political process—and they have every reason to believe that; unfortunately, it is dominated by the few—or the Senator could be referring to this amendment. I hope not because all this amendment says is, whether one agrees or not with the perception, if people in Utah or people in Minnesota decide they want to put into effect comprehensive reform and cover our Federal elections, House and Senate races, as they are doing in the State elections, they should have the right.

Mr. BENNETT. If I may, I was responding to the statement made by the Senator from Minnesota on the floor today when he talked about the poll.

Mr. WELLSTONE. I am yielding for a question. Go ahead. I want to be clear I have the floor.

Mr. BENNETT. Absolutely, and I appreciate the courtesy of the Senator, and I shall not interrupt again.

I have had the experience, the polls in Utah show a very large percentage of people holding the same opinion as the Senator from Minnesota has subscribed. Because I am convinced that McCain-Feingold is, (a) unconstitutional, and (b) unworkable, I have——

Mr. McCAIN. I ask for the regular order.

The PRESIDING OFFICER. The Senator from Minnesota has the floor and may yield for a question.

Mr. WELLSTONE. I am pleased, for my colleague from Utah, to yield for a question.

Mr. BENNETT. I thank the Senator for his courtesy.

I have had the experience of explaining my position and once explaining, being endorsed.

My question to the Senator is, again, if he disagrees with the position stated in the poll, even though it is held by 92 percent of the respondents to that poll, inasmuch as he is a skilled, trained, and professional teacher, would he not spend his time well using his skills as a teacher educating these people in his State, as I have tried to do with the people in my State, rather than simply going along with them and saying if that is your position, I will follow it legislatively even though I disagree with it? Would that not be a better use of the Senator's obvious teaching skills?

Mr. WELLSTONE. Madam President, the first part of the question I appreciate.

The second part of the question I might have a slightly different interpretation. To the first part of the question I want the Senator from Utah to know—for that matter, the Senator from Kentucky—that I believe in public service, and I am honored to be here.

I reject the across-the-board denigration of public service and people in public service when and if anyone does that. I haven't seen that done on the floor of the Senate. However, I hear people talking that way and I go out of my way to say to people that there are many Senators whom I have met, including those who have a very different viewpoint, who I think have a highly developed sense of public service, who believe in what they are saying, and believe in what they are doing.

If the Senator were to ask me whether or not I tried as a Senator or teacher to speak to this notion that there is all this corruption and wheeling and dealing and everything is cynical and everything is corrupted, absolutely I do because I don't think that is true.

On the second point, I think my time is well spent supporting the McCain-Feingold effort, and for that matter, supporting even more comprehensive reform. I do believe the money chase and the mix of money and politics—especially big money politics—has undercut what I hold most dear, which is this very noble and grand, wonderful, over-200-year experiment in self-rule that we have had in this country.

I think this is a debate about representative democracy. I believe we have to change the way we finance campaigns if we are to have a healthy, functioning, representative democracy.

I thank my colleague for his question.

Madam President, if the American people, according to survey after survey, are going to say this system of financing is out of control and they want an overhaul, then we owe it to them to get out of the way and let the States go ahead and move forward and do what we as a Congress have been unable to do. Just because the Senate can't move on comprehensive reform doesn't mean we should tie the hands of States. My colleagues can agree or disagree with what States will do, but give them the option.

Let me give the legal context. My own State of Minnesota attempted to set up a system of public financing, a system for Federal candidates, 9 years ago in 1990 when the State legislature passed the law offering partial public financing to candidates, the congress of Minnesota. Unfortunately, the Federal Court of Appeals for the Eighth Circuit struck down Minnesota's law in 1993 in Weber v. Heaney. The court ruled because the Federal Election Campaign Act did not specifically allow States to create this kind of voluntary public financing program, then FECA prohibited it.

The amendment I am introducing corrects that by adding one simple sentence to FECA which specifically allows States to set up voluntary public financing programs for the election of their own members to the House or the Senate as long as no program violates any provision of the current Federal Election Campaign Act.

The court said, given what we are dealing with, given existing law, we cannot go forward. If we change the law, it could very well be a different court decision. In other words, if a State wants to create a public financing fund and give its congressional candidates the option; it is a voluntary option of financing their campaigns wholly or partially with public money rather than the private contributions, then that State would be able to do so, again, provided there are no violations in the FECA provisions.

I want to emphasize this amendment makes these programs strictly voluntary, as the system of public financing for the Presidential campaign is voluntary. Some States are already moving in this direction with regard to State and local elections. There is a lot of energy for this. Twelve States already offer partial public financing to candidates for State offices. In fact, one of the most advanced is in the State of Kentucky. In addition, four States have gone even further and recently passed full or nearly full public financing systems for their State elections—Maine, Vermont, Massachusetts, and Senator McCAIN's State, the State of Arizona.

Local and State elected officials, along with citizen activists in nearly 40 States around the country, have launched the Elected Leadership Project 2000. And this is an all-out effort for comprehensive reform.

I say to colleagues, if the people in our States want to strengthen American democracy, if they have the gumption and they have the citizen politics to go forward with real reform that would get so much of the big money out of politics—that would really create a level playing field, that would reinforce people's faith in the elections, that would mean people could say these elections belong to us, this political process belongs to us—and that is why there has been so much support for the clean money/clean elections initiative—then my amendment says to Senators: Let them do it. You might not agree. But if your State wants to do what Maine has done and Maine says we want to apply this to Congress as well, then Maine should be able to do it; Minnesota should be able to do it; Kentucky should be able to do it, Utah should be able to do it.

This legislation goes to the root cause of a system which is founded on private special interest money, and it cures the disease.

I hear colleagues talking about the need to tighten up campaign finance laws. The problem is not what is illegal; the problem is what is legal. The real problem is that most of what is wrong with this current sick system is perfectly legal. It is perfectly legal, those huge amounts of money, hundreds of thousands of dollars in soft money contributions that Senator FEINGOLD and Senator McCAIN are trying to prohibit and which prohibition too many Senators are trying to block—huge amounts of personal, individual contributions that really, basically, very-high-income and wealthy people are able to contribute but the vast majority of people are not—all of which determine who gets to run, who gets elected; all of which determine the people who have the most access.

We have moved so far away from the principle that each person should count as one, and no more than one, it is absolutely frightening. We do not have elections any longer; we have auctions.

Why don't we get the big interested money out? We had this debate about corruption. Again, maybe it is only the appearance of corruption. But my friend Phil Stern, who is no longer alive, once wrote a book, "The Best Congress Money Can Buy." He made the following argument in the book. I just thought of it. Bill Moyers, in a speech he gave called "The Soul Of Democracy," made the same argument.

Imagine what it would be like—maybe some people had a chance to watch the ball games last night—imagine what it would be like if umpires or referees received huge contributions from the players of the different teams before the baseball game or before the football game. Would you have any confidence that they would be rendering impartial decisions? You might be worried that they would not be. In a way, we have something similar to that here. We make all these different decisions about health care and health insurance reform, about telecommunications legislation, banking legislation, where we are going to make budget cuts, labor legislation—across-the-board. At the same time we receive all these contributions, we are the referees; we are the umpires; we are going to make the decisions. It looks terrible. It looks awful. It looks awful to people in the country.

What I am saying is that if, in fact, we want to give people an opportunity to have more confidence in their political process, then I think we ought to go forward and we ought to agree to this amendment.

I have two final points. I have been waiting for a long time. I will be done, but I want to make two final points.

First of all, I have heard it said that people do not care.

I do not think that is true at all. I think people have reached the conclusion that when it comes to their concerns, they are of little matter in the Congress. I think people have reached the conclusion that the influence of private wealth and power is strongly felt; that it shapes the acts and policies of government; that money crawls the halls of the Capitol and the halls of the White House.

No one in politics today can deny the shaping influence of money on public acts. Few people who contribute vast sums of money to political campaigns do it just out of profound ideological beliefs. They do it in part because they do have some hope for gain. It is an understandable ambition for those individual figures, but one to which public figures should not yield their larger commitment to all Americans. That is what this debate is about, whether or not we as public figures maintain a larger commitment to all the people in our country, not just the people who have the financial wherewithal to make these contributions. That is what this debate is about.

In my view, until we take the big money out of politics, our historic drive for more opportunities for citizens, for more justice, for a better life for all the people, for improving the standard of living for all the people in our country, for really investing in children's lives, for making our country a better America, that drive will continue to be diverted and frustrated and ultimately denied.

This issue is the core issue, and this amendment I have introduced simply says to my colleagues we ought to, if we are not going to go forward with comprehensive reform but at the State level our States want to have clean money/clean elections, and they want to apply it on a voluntary basis to races to the House of Representatives and the Senate, then they ought to be able to do so.

I do not see why we would not have strong bipartisan support for this amendment because, frankly, I think, along with the efforts of Senator FEINGOLD and Senator McCAIN—Senator McCAIN and Senator FEINGOLD—the energy for the reform is going to come at the grassroots level; it is going to come at the State level. That is what this public campaign has been about all across this country. That is what the victory in Arizona was about. That is what the victories in Massachusetts, Vermont, and Maine were all about. That is what people in my State tried to do 9 years ago. Let's just pass a law that would enable States to move forward.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Arizona, Mr. McCAIN, is recognized.

Mr. McCAIN. Madam President, I move to table amendment No. 2299 and ask consent the vote occur at 5:45.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Kentucky reserves the right to object.

Is the Senator objecting?

Mr. REID. I could not hear. The Senator moved to table the Reid amendment; at what time would the vote occur?

Mr. McCAIN. It was agreeable to the leadership. I was told they wanted a vote at 5:45, but I would be willing to set the time for that vote at any time. I am told by staff, 5:45 is the time for the vote.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. May I inquire which amendment we are talking about.

Mr. McCAIN. I will be glad to explain to the Senator from Kentucky. It is basically the soft money amendment.

The PRESIDING OFFICER. The Reid amendment, No. 2299.

Mr. McCONNELL. And the request is——

Mr. McCAIN. Table.

Mr. McCONNELL. Table the Reid amendment.

Mr. McCAIN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. There was a unanimous request pending to have the vote occur at 5:45. Is there objection?

Mr. McCONNELL. To have the tabling vote on the Reid amendment occur at 5:45?

The PRESIDING OFFICER. That is the request.

Mr. McCONNELL. That is the request of the Senator from Arizona?

The PRESIDING OFFICER. That is the request. Is there objection?

Mr. McCONNELL. Reserving the right to object.

Mr. McCAIN. Madam President, in the interest of time, I would be glad to move to table the Reid amendment, which does not require unanimous consent, and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona has the floor.

Mr. REID. If the Senator from——

The PRESIDING OFFICER. The motion is not debatable.

Mr. McCAIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. McCAIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. I ask unanimous consent that the tabling motion occur at 5:45.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. McCAIN. Madam President, I want my colleagues to know this is a defining vote of this debate. This is a defining vote because it all has to do with soft money. This is the fundamental proposition that the Senator from Wisconsin and I are propounding.

There has been parliamentary maneuvering. There has been substitutes. There has been a filling up of the tree. There have been a lot of things that have been going on which have sort of not surprised me but disappointed me.

Friday, on the other side, for reasons that are still not clear to me, the Senator from Nevada, and others, chose not to allow the amending process to go forward. On this side, we have had some delays, which I would argue were not particularly helpful to the process.

So this tabling motion of the Reid amendment is basically a defining vote on whether or not we want to ban soft money. I intend to vote not to table the Reid amendment. I would hope that my colleagues would vote not to table the Reid amendment. Then we will have the Senate on record as to whether we are for or against soft money in American political campaigns.

On Friday, Senator KERREY of Nebraska—it is funny; we were talking about this today at the Vietnam Veterans Memorial luncheon today that Senator HAGEL and I attended, that there is kind of an interesting relationship that exists between those of us who had the privilege of serving in that conflict.

One of the traits I find true with Senator HAGEL, Senator CLELAND, Senator ROBB, and Senators KERREY and KERRY, is that there is a certain degree of honesty and straightforwardness which I find extremely attractive.

Senator KERREY, on Friday, who is also the former chairman of the Senatorial Campaign Committee, said:

> There will be all kinds of amendments offered to change the bill, some of which I support strongly. It seems to me our only chance of getting this legislation passed is to stick as closely as possible to the bill we currently have in front of us.

He went on to say, in an exchange with the Senator from Wisconsin:

> I wonder if the Senator from Wisconsin will tell me if what I am saying is true. I like Shays-Meehan. I like the bill. The junior Senator from Nebraska, Mr. HAGEL, has an amendment I like as well.

He goes on to talk about:

> . . . It makes it much more likely we will fail to break a filibuster and, as a consequence of that failure, fail to enact legislation, and as a consequence of that, we will never go to conference and never change the law.

Then Senator KERREY of Nebraska went on to say:

> . . . The Senator is very kind to say I have always been a supporter. Actually, I have not always been a supporter . . . Speaking of campaign finance reform.

He says:

> When I came to the Senate in 1989, this was not a very important issue. Indeed, at one point, I joined the Senator from Kentucky, Mr. McCONNELL, to defeat campaign finance reform.
>
> Then I had the experience of going inside the beast in 1996, 1997, and 1998 when I was Chairman of the Democratic Senatorial Campaign Committee—I do not want to raise a sore subject for the Senator from Maine. It changed my attitude in two big ways: One, the apparent corruption that exists. People believe there is corruption. If they believe it, it happens. We all understand that. If the perception is it is A, it is A, even though we know it may not be, and the people believe the system is corrupt.
>
> Equally important to me, I discovered in 1996, 1997, and 1998 that there are men and women who would love to serve. They say: I can't be competitive; I can't possibly raise the money necessary to go on television; Oh, and by the way, my reputation could get damaged as a consequence of what could be said on television against me.

He went on to say:

> I am persuaded this law needs to be changed for the good of the Republic, for the

> good of democracy. I hope Members, such as myself, who are enthusiastic about changing that law will take the advice of the Senator from Wisconsin and the Senator from Arizona to heart because we may have to vote against things we prefer in order to make certain we get something that not only we want but the Nation desperately needs.

Madam President, it is impossible for me to elaborate on that kind of comment from my esteemed colleague and American hero, BOB KERREY of Nebraska.

Mr. FEINGOLD. Will the Senator from Arizona yield for a question?

Mr. McCAIN. I would be glad to yield for a question.

Mr. FEINGOLD. Let me clarify what the Senator from Arizona is attempting in moving to table the Reid amendment.

I would ask the Senator from Arizona, when we take this vote on tabling, will you regard this vote on the Reid amendment as a true test of the question we have been asking our colleagues, and that question is, Are you for or against soft money?

Would the Senator from Arizona regard that vote as a procedural vote or a vote up or down on the question of whether you are for or against soft money?

Mr. McCAIN. I would like to respond to my friend.

I am hearing that the distinguished majority leader may try to remove the bill from the consideration on the floor of the Senate tomorrow. We know that it is cluttered with various amendments, some of them very important. The Senator from Minnesota spoke very eloquently in favor of his amendment, which I am sure has some merit.

But the crux and heart of this matter is soft money. We all know that. I worry if we do not get this vote, that we could possibly reach a situation where the Senate is gridlocked; and eventually, over time, obviously, we would not even have recorded votes on this important and crucial issue.

Mr. FEINGOLD. Can the Senator recall any other occasion in which the Senate has voted up or down on the question of whether to ban party soft money?

Mr. McCAIN. It is my understanding the Senate has never voted up or down on that specific issue, at least since 1907, when, thanks be to one of the greatest Republicans and greatest Presidents in history, Theodore Roosevelt, who alleged there was corruption at that time—and I will include many of his remarks in the RECORD—because of the influence of major corporations and robber barons and special interests on the American political process, I believe the Senate did vote to ban soft money. And I believe that statute is still on the books.

Mr. FEINGOLD. Again, I ask a further question. I appreciate that answer because I think the problem we have had is we have not had a chance to get to the question of whether you are for or against unlimited contributions. For year after year, it appears that—and I ask the Senator from Arizona to confirm—we keep trying to get to this vote, but we never seem to be able to get right at it; the bill is pulled or a tabling motion is made on the overall bill or something, a cloture motion is filed. It is amazing, after 5 years, we have never gotten to this. But apparently we are about to.

Let me ask one other question, if I could, because the Senator from Oregon consulted me on this. Senator WYDEN, who does not limit himself to supporting our efforts, has been, in my mind, one of the strongest advocates of campaign finance reform in this body. He has been creative and has a number of interesting ideas of his own that I like very much. He asked me—and I certainly think you will answer the same way I did—whether or not, after this motion is disposed of one way or another, Senators will still have the chance to amend the bill.

Mr. McCAIN. Of course. Of course. I hope that would move the process forward, once we are on record. And perhaps that might increase our chances of reaching 60 votes, I would say to my friend.

Mr. FEINGOLD. I thank the Senator for bringing us to the point where finally we can have an up-or-down vote on soft money.

Mr. REID. Will the Senator yield for a question?

Mr. McCAIN. I would be glad to.

Mr. REID. I offered an amendment on Friday to establish a procedure whereby there would be a vote to determine whether or not we would invoke cloture on the so-called soft money ban. Is the Senator aware of that? The Senator from Arizona has indicated and I may be paraphrasing the words; that there were games being played and Senators were not being allowed to offer amendments.

I say to my friend from Arizona, the Senator from Minnesota offered an amendment today. Amendments could have been offered Friday. Will the Senator acknowledge that having the two amendments, one being "McCain-Feingold lite" and the original version of the McCain-Feingold bill, that we should be able in this body to vote on both those matters?

Mr. McCAIN. I say to my friend, first of all, I never argued that games were being played. I would not make that allegation. I believe the Senator from Kentucky and I had a colloquy on Friday where it was clear that the situation was such that even if an amendment were considered on Friday and adopted, it would have fallen with a vote on the underlying legislation that was pending, which I think correctly, in the view of the Senator from Kentucky, made further amendments and debate meaningless. I see the Senator from Kentucky is on the floor. I think that was his comment. If he disagrees, I will be glad to yield for a question from him in that respect. On Friday, I was disappointed, and I think the Senator from Kentucky was, that we didn't move forward with genuine amendments that would have stood or fallen on their own merit.

I am glad to yield to the Senator from Kentucky for a question on that.

Mr. REID. If I could just ask one more question, maybe the Senator could respond to both of them. I say to my friend from Arizona, I have stated publicly and privately, both outside these Chambers and inside these Chambers, about the work that is being done by the Senator from Arizona and the Senator from Wisconsin, and indeed it has been a tremendous effort bringing this very important issue before this body. You have been undying in your efforts to bring this forward. You would acknowledge, would you not, that there are others in this body, other than the Senator from Wisconsin and the Senator from Arizona, who believe strongly that there should be some campaign finance reform? Would you acknowledge that?

Mr. McCAIN. Absolutely.

Mr. REID. And would you also acknowledge that your method in obtaining campaign finance reform may not be the best way to go?

Mr. McCAIN. Absolutely.

Mr. REID. I guess the point I want to make is that I am not sure I can put my many efforts on behalf of campaign finance reform next to that of the Senator from Arizona. He has done so much to move this issue forward. But I would say to my friend from Arizona—and I would like the Senator to either acknowledge whether or not this Senator believes strongly that there should be campaign finance reform. Even though my qualifications for asserting the need for campaign finance reform would not meet those of the Senator from Arizona, I think I am in the top 10 of members of this body who have been a strong advocate for reform. For example, I have given speeches on the Senate floor, since I came here with the Senator from Arizona in 1986, about the need for campaign finance reform. Would the Senator acknowledge that?

Mr. McCAIN. I not only acknowledge it, but it is worthy of mention; the Senator from Nevada and I have been close and dear friends for nearly 20 years. One thing I have tried to do during the course of this debate is keep it from in any way personalizing or showing any disrespect to any individual, no matter where they stand on this issue.

I thank the Senator from Nevada.

Did the Senator from Kentucky want to make a comment?

Mr. McCONNELL. I say to the Senator from Arizona, he is correct. My understanding Friday was and remains that the right side of the tree, which is what we normally amend around here, was filled by the two amendments and the two cloture votes. That effectively made additional amendments somewhat an exercise in futility. What I recommended to our side—and it has been happening today—is that they discuss their amendments—I know Senator HAGEL is here to discuss his—and indicate that they would like to have had a vote, a meaningful vote, which would have been on the right side of the tree.

So the Senator from Arizona does correctly state my opinion of Friday, which remains my opinion today.

Mr. McCAIN. I thank the Senator from Kentucky.

I agree with the Senator from Nevada; there are many ways to approach the issue of campaign finance reform. I agree with him; there are many laudable aspects of campaign finance reform that deserve serious consideration.

One that doesn't seem to surface as much as it should is free television time for candidates. The broadcasters receive $70 billion worth of free digital spectrum. It seems to me there should be some obligation along with one of the great rip-offs in the history of the United States of America.

But we really are down to soft money, I say to the Senator from Nevada. We are really down to that. We can build on that. There is no reform that could have any meaning unless it meant, at its fundamental heart, the banning of soft money. We have been through a number of debates about what independent campaigns do.

By the way, before I leave the issue, I heard the Senator from Ohio say that banning of soft money does not in any way affect labor unions. Yesterday or the day before, there was a notice in the paper that the labor unions plan on spending $45 million in soft money in the upcoming campaign. I am afraid the Senator from Ohio is misinformed because this banning of soft money does enormous damage to the ability of labor unions to engage in the kind of practices we are trying to eliminate, just as much as it does the other side.

I want to make perfectly clear, the reason that I and the Senator from Wisconsin are seeking to table or asking for a vote on a tabling motion is so we can have the Senate on record on the issue of soft money. If the Senate, in its wisdom, decides that we should table the Reid amendment and that we should, therefore, not ban soft money, then obviously this entire exercise is largely futile. I think there are about three Members on the other side who may not be voting who would vote for us, and I would take that into account in this vote because, really, this vote is about the intentions and the will of the Senate.

The soft money reports from Common Cause: Soft money, CWA-COPE, $2,593,000; American Federation of State and County Municipal Employees, $2,334,000—these are obviously all Democrats—Service Employees Union, $1.5 million. I hope the Senator from Ohio will take a look at the enormous amount of money that is coming in from labor unions that he somehow believes would not be affected by a ban on soft money.

Also, recently information came out that the Democratic Party is raising now as much soft money as the Republican Party, a very interesting turn of events.

We have, at most, 48 hours left on this legislation. We have not made a lot of progress. It is time we did. I believe having the Senate on record on soft money is a very defining vote. I talked extensively with Senator FEINGOLD about this before we decided to make this move. I hope my colleagues will vote not to table the Reid amendment, which bans soft money. I hope my colleagues will vote not to table the McCain tabling motion of the Reid amendment.

I believe Senator BENNETT is next under the unanimous consent agreement. I believe both Senators HAGEL and WYDEN have been waiting. I don't know what the disposition of that is.

Senator REID?

The PRESIDING OFFICER. Under the previous order, Senator BENNETT is to be recognized at the conclusion of Senator McCAIN's speech.

Mr. REID addressed the Chair.

Mr. McCAIN. I think Senator HAGEL was here first. Is that OK?

Mr. REID. If the Senator from Utah will yield.

Mr. McCAIN. I haven't yielded the floor.

Mr. REID. Madam President, what we should do, in keeping with what we have done earlier in the day—Senator BENNETT is opposed to the legislation; he is going to speak next. Senator WYDEN, who is in favor of the legislation, should speak next after the Senator from Utah, and then we should go to Senator HAGEL.

Mr. FEINGOLD. I ask that I may follow after Senator HAGEL.

Mr. REID. For the information of Members, Senator BENNETT—how long is he going to speak?

Mr. BENNETT. I was planning to——

Mr. REID. He has been here for 2 days.

Mr. BENNETT. I was planning to discuss the amendment that I was unable to offer. I want to spend 15 minutes or so on that. Then I want to make a general statement about the bill. I will try not to get overly enthusiastic about my arguments, but I might get carried away for another 20 minutes or so about that, so between 30 or 40 minutes. I will do my best to restrain myself.

Mr. McCAIN. Madam President, I still have the floor.

The PRESIDING OFFICER. The Senator from Arizona has the floor.

Mr. REID. I am sorry. If I may——

Mr. McCAIN. I think I have consumed 7 or 8 minutes. I hope the Senator from Utah will recognize that both the Senator from Nebraska and the Senator from Oregon have been here for a long time. I hope he would give them the opportunity to speak before the 5:45 vote.

The PRESIDING OFFICER. Is the Senator from Arizona making a unanimous consent request that after the Senator from Utah has finished his remarks, the Senator from Oregon would be recognized, followed by the Senator from Nebraska, followed by the Senator from Wisconsin?

Mr. REID. Reserving the right to object.

The PRESIDING OFFICER. Is the Senator making such a request?

Mr. McCAIN. I am glad to make that request.

Mr. REID. Reserving the right to object, the Senator from Oregon wishes to speak for 15 minutes. This is so other Members will have an idea about what is going on. The Senator from Nebraska wishes how much time?

Mr. HAGEL. Twenty minutes.

Mr. REID. I do not object.

Mr. McCAIN. I amend the unanimous consent agreement. The Senator from Utah would like how many minutes?

Mr. BENNETT. I will be happy to do 20 minutes on the bill itself and delay my 20 minutes on the amendment.

Mr. McCAIN. I thank the Senator from Utah for his courtesy. I ask unanimous consent that the Senator from Utah be recognized for 20 minutes, the Senator from Oregon for 15 minutes, the Senator from Nebraska for 20 minutes, and then the Senator from Wisconsin for 20 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, I only ask if there is enough time to get us to 5:45.

Mr. McCAIN. Roughly.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Madam President, I appreciate the opportunity. I have been following this debate and, indeed, have been involved in it with great interest ever since it began.

While I appreciate and, indeed, salute the sincerity with which the Senator from Arizona and the Senator from Wisconsin pursue their efforts to achieve what they sincerely believe will be good for our country, I must begin by stating that I am absolutely convinced that what they are pursuing would be bad for our country, would be bad for our political system, would be bad for campaigns in general, and would raise, rather than lower, the sense of frustration and disgust with the political system overall.

That has been the history of campaign finance reform. It has gone on in this town for decades. Every time, the reformers end up making things worse. I say that with all respect for the sincerity with which they pursue their goal. But, in my opinion, the goal they are pursuing is not available to them through the route they are following.

I wish to begin by quoting a column that appeared last week in the Washington Post written by Robert Samuelson. Robert Samuelson is not known as one of the more partisan of the political commentators. He is basically considered an objective commentator, spending more of his time on economics than other issues. But what he has to say about this issue captures what I believe about it so well that I am going to quote him at some length.

He says:

> Few subjects inspire more intellectual conformity than "campaign finance reform." All "right-thinking" people "know" that election spending is "out of control," that the present system of campaign finance is corrupt and that only reactionaries block "reform."

I think that captures exactly what we have been hearing on the floor—that all "right-thinking" people "know" that election spending is out of control and the present system is corrupt and only reactionaries block "reform".

Then he goes on:

> Who cares if these common beliefs are either wrong or wildly exaggerated—or that most "reforms" would do more damage to democracy than any harm they might cure? The case against "reform" is almost impossible to make, because people's minds are closed.

That beginning of Mr. Samuelson's column, as I say, perfectly captures how I feel about this issue. Here is the history—again, in previous debates, I have gone through the history at some length. Mr. Samuelson summarized well:

> The history of "campaign finance reform" is that every limit inspires new evasions. One possibility is that interest groups will finance more independent campaigns . . . to elect or defeat targeted candidates. "Reformers" view such "issue ads" . . . as shams. And so, the next step would be to curb such advertising, even if curbs flout the First Amendment.

Mr. Samuelson then goes on with this very insightful quote from one of the reform groups that summarizes how this debate has crystallized:

> "Any effort to reform issue advocacy spending in connection with federal elections must strike a regulatory balance between protecting political speech and protecting the integrity of our electoral process," says one reform group.

Well, as Mr. Samuelson says:

> The First Amendment says that "Congress shall make no law . . . abridging the freedom of speech." There's no mention [in the First Amendment] of "regulatory balance." And if elections and "issue ads" aren't about political speech, what are they about? "Right thinking" people minimize the conflict between "campaign finance reform" and free speech, because it is inconvenient.

Then Mr. Samuelson summarizes, and I think, again, this is the ultimate summary of the debate:

> As long as we have the First Amendment, the effort to regulate elections—under the guise of "campaign finance reform"—is futile, self-defeating, and undesirable. The hysteria about money's corrupting power worsens the very problem that reformers claim to deplore: public cynicism. But right-thinking people are oblivious to evidence or logic. They are at ease with their own respectable conformity.

I could not have done it better, so I didn't try. That is why I quoted it at that length. Let's go to the debate for a minute. By the way, I ask that I be informed when I have 5 minutes left.

The PRESIDING OFFICER. The Senator will be informed.

Mr. BENNETT. I thank the Chair. The Senator from New Jersey, Mr. TORRICELLI, took the floor a day or two ago to give us a glimpse of the real world that we are facing if certain portions of this bill go forward. He was arguing that we should not pass the substitute, commonly known as Shays-Meehan, because he said it will limit the speech of political parties and leave us to the mercies of special interest groups. I wrote down some of the things he said.

He said, "The debate will be fought by surrogates over our heads in a far larger context." I agree with that absolutely. If political parties are limited in the amount of soft money advocacy in which they can be involved but special interest groups are not, special interest groups will simply ignore the political party by the ads themselves.

Mr. TORRICELLI laid out for us in great detail some of the stratagems that would be followed, thus validating the comments Robert Samuelson made about political money finding another way around, finding a new way to come into the arena. That is the real world we will face, and the junior Senator from New Jersey was exactly right in outlining how it will work. Yet we seem to go plowing ahead on the assumption that somehow the real world will be different if we just show how honest and anxious we are to appear not to be corrupt.

Let me give you some real-world examples. We have heard that from other Members of the Senate. People have talked about their own elections. I want to talk about several real-world examples from elections in which I have participated.

Let's go back to the 1998 election when I got reelected. My opponent complained about this very issue. He complained often and he complained as loudly as he could that somehow there is something broken about the system because, he said: I can't raise enough money to compete with Senator BENNETT. What is the matter with a system where ordinary people can't compete?

We pointed out to him in one of the debates that on the ticket with him was a sixth-grade schoolteacher running for Congress who raised more money than her incumbent opponent. What is the difference? The candidate for the Senate can't raise enough money, he says, to compete with me, whereas another Democrat in the same State, a sixth-grade schoolteacher, can raise enough money to compete against a sitting Congressman.

My opponent, by the way, according to his financial disclosure, is a millionaire. The sixth-grade schoolteacher clearly is not. The sixth-grade schoolteacher clearly depends upon her paycheck very heavily. The difference was not because of my personality or his personality. The difference was that the people who are involved in providing money for political races make a very cold calculation as to what your chances are.

When I first ran for the Senate, and I came to this town, and I did the circuit of all of these terrible places we have been hearing about on this floor asking them for money, they did not ask me what I believed. They didn't ask me, what will our access be if we give you money? They didn't say to me, gee, we want to know your positions before we decide. They wanted to know if I had a chance of winning because, they said: We don't back losing horses. And they were convinced I was a losing horse, and they didn't give me any. I went out of this town empty-handed.

I was outspent 3 to 1, with my opponent in a primary in the State of Utah spending $6.2 million. That sets a record on a per vote cast that I don't think has ever been broken. I was able to put my message across with a third of that amount, and I beat him, at which point people started to say: All right, now we will talk to you, because now that you have won the Republican nomination, it looks as if you may have an opportunity.

The problem my opponent had had nothing to do with his positions, had nothing to do with his own bank account, had nothing to do with his own personality. It was simply that he was perceived as a loser and the people who were giving money decided they didn't want to back a loser.

But here comes a sixth-grade schoolteacher with no money in the bank and no political experience of any kind, and they thought she might be a winner, so she got all the money she needed. She didn't win. One of the reasons she didn't win is very appropriate to this debate. She signed the term limit pledge; her opponent did not.

So Americans for Term Limits—or whatever they are called—came into that congressional district with a whole series of issue ads attacking her opponent, attacking him for his failure to sign the term limit ad. This is a special interest group with soft money. We have no idea where it came from. We have no idea in what amounts it was raised. We have no idea who signed on because they are not under the FEC. But they exercised their constitutional right. They came into the Second Congressional District in the State of Utah, and they flooded the airwaves with some of the nastiest, most vicious political ads I have ever seen attacking the incumbent Congressman.

What happened? Early polls showed that the sixth-grade schoolteacher was going to beat the incumbent Congressman. She had more money than he did. She had momentum. Then these ads started to run, and the reaction on the part of the voters in the second district—I heard it everywhere I went campaigning—was: We hate those ads. How can Lily Eskelson be so vicious as to run those ads?

She then went on the air, and she said: I am not running them. I don't have anything to do with them. This is a special interest group. All I did was sign the term limit pledge, and Congressman COOK didn't.

Congressman COOK went on the air and said: I am the victim of a smear campaign. And in the minds of many voters, it was Lily Eskelson who was doing the smearing. She had absolutely no control over the ads. If she had, she would have pulled them. But she didn't. It was the special interest group that was exercising its constitutional right, and there was nothing she could do about it.

Congressman COOK appropriately protested: How can you attack me for violating term limits when I am running for my first reelection? He had only been in Congress one term. They were attacking him for being part of the system and not signing the term limit pledge that would have given him three terms. He said: Don't come after me until I have served at least the three terms you think are appropriate.

I think the special interest ads in the second district had a significant impact on the outcome of that election.

I point this out. Here is a sixth-grade schoolteacher with no money who is able to outspend and outfundraise her opponent because those who put up the money thought she has a chance to win. That is the criterion, nothing else. She lost the race because a special interest group came in and flooded the district with their ads, thinking they were helping her but were in fact hurting her.

If we say that political parties cannot defend themselves against these special interest ads, we will do exactly the thing about which the Senator from New Jersey talked. We will create a situation where the candidates become unimportant, and the special interest, in the words of the Senator from New Jersey, "fight over our heads in a far larger context."

The PRESIDING OFFICER. The Senator has 5 minutes remaining.

Mr. BENNETT. I thank the Chair.

This is the real world. The real world is a world in which attempts to get around the first amendment and attempts to find ways to regulate political speech backfire against the reformers, and they do not work.

One last description out of the real world. We have heard a lot on this floor this afternoon about access. All right, maybe we are not corrupt. We had that debate earlier last week whether or not we are all corrupt. So now we are being told, well, no, we are not corrupt. At least we have made that clear—not to Maureen Dowd, but to a lot of other people we are at least not corrupt. But we are somehow tainted by virtue of the fact that we can't control this access, and access becomes the issue rather than corruption.

As I said once before, the easiest way to get access to me is to be a voter registered in the State of Utah. I will take your call, and I will have you come into my office. But my opponent in this last election raised this issue of access in this context. As it so happens, he has been lobbying me for the entire time I have been in the Senate about a program of which he is in favor. He successfully lobbied me. I agree with him on their program. It is microcredit. I have done everything I can as a member of the Appropriations Committee to increase the appropriations for microcredit. And, frankly, I have been successful. All I did during the campaign was ask him this one question: Every time you came to see me to try to lobby on behalf of microcredit, did anyone in my office ever ask you if you had made a political contribution to Senator BENNETT?

He immediately said: No, no one ever asked me that question.

I said: Then why do you stand here and claim that access is for sale when you, now my opponent in this race, have had full access to my office for the entire 6 years I've been here?

It boils down to those who are corrupt will be corrupt regardless of the system; those who are not corrupt will not be corrupt regardless of the system.

For those who say we are now far worse than we ever were, I offer two last comments. No. 1, when I moved into the Dirksen Building, I noticed there was a safe in every Senator's office. My father was here when the Dirksen Building was built. Let me state why there is a safe in every office—for the Senators to put the cash they receive in their offices from people who come to see them. That doesn't mean they are corrupt. My father was not corrupt. But I watched him receive an envelope full of cash in his office in the Dirksen Building, and I watched him open the safe and put it in there. It happened, by the way, to have come from one of the senior Senators on the Democratic side of the aisle who said, "I don't want any other Republican to be the ranking member of my committee; I want you to win, Wallace, and I raised this money for you."

It was $5,000, which in those days was in excess of 5 percent of the total cost of a campaign. Dad put it in his safe in the Dirksen Building. When my office was renovated recently in the Dirksen Building, what did I do? I took the safe out because I have never used it, and I don't think any other Senators ever use it. We don't get offered cash in our offices anymore.

Second, David McCullough wrote the biography of whom many considered the most incorruptible President we have ever had, Harry Truman. In his biography of Harry Truman, David McCullough reports that the highest paid individual on Harry Truman's staff was Bess Truman, who lived in Missouri and never came to Washington or entered the Senator's office. Why was she his highest paid staff member? Because Senators routinely did that in order to be able to live on their salaries.

According to Mr. McCullough, Harry Truman was terrified the people of Missouri would find out he was paying Bess the highest permissible salary so he and Bess could handle the financial challenges of serving in the Senate. Was Harry Truman corrupt? No. Even in a corrupt system, and I am sure there are Senators who were, he was not a corrupt man. There may have been an appearance but the appearance did not mean the reality.

They changed the system. We are now paid a living wage. We don't do that anymore. We don't put our relatives on the payroll and have them not show up. But let Members not sit here and say the system is far worse now than it ever used to be. Politics in America is as clean as it has ever been and far cleaner than it used to be. Let's not do what Robert Samuelson warns against: In the name of campaign finance reform make things worse again.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Oregon, Mr. WYDEN, is recognized.

Mr. WYDEN. I thank our colleague from Nebraska for his thoughtfulness. He has been waiting a long time, as well.

I am a supporter of the McCain-Feingold bill, this iteration, as with all others. It is an important step in the right direction. However, I believe the biggest problem is that campaigning in America has become a never-ending money chase. There is an election the first Tuesday in November. People sleep in on Wednesday and all the fundraising starts all over again on Thursday. It is truly a permanent campaign.

If I had my way, if I could write my version of what the Senate ought to do on campaign finance, we would look at some sort of approach along the lines of what is used in several countries in Europe. They confine their elections to several months over a period of a couple of years. Money can be raised. It has to be disclosed. It is spent. They have their election, and, heaven forbid, after a few months of campaigning, they go back to tackling the issues that all Members get an election certificate for—to improve health care, education, to try to stuff the nuclear genie back into the bottle, to create an opportunity for people who work hard and play by the rules.

We are, obviously, not going to get that kind of reform, although I have been amazed in the last few days when I have colleagues on both sides of the aisle say they like that and wish there was a bipartisan Senate task force to look at something similar. That really would be reform. We could spend most of our time doing a job for which we were elected.

For now, we are limited to steps that can be taken immediately that are effective. I have come to the floor this afternoon to talk about a step that Senator JEFF BINGAMAN and I have developed. It is an important step in the view of Senator BINGAMAN and myself. It limits negative campaigning.

My view from personal experience is negative ads are similar to a virus. They infect everyone with whom they come in contact. In the special election to replace Bob Packwood in the Senate, unfortunately I didn't say no to some of those media consultants who told me to win, I had to just rip in to our colleague, my friend, Senator GORDON SMITH, with negative ads. I should have known immediately that all those negative ads run contrary to everything I got involved with when I began the Gray Panthers in Oregon to try to practice good government, but I didn't step in when I should have on the negative ads, and I regret it to this day.

With a month to go before that special election, I did tell my consultants I could not stand any longer the stench of the negative ads, and I told them to take them off the air. Moreover, I apologized to the people of Oregon. I said I made an error in judgment and it would not happen again. I ran my 1998 campaign, I am proud to be able to say, without mentioning my opponent at all.

I believe candidates ought to stand by their ads. They ought to be directly responsible for their ads. What Senator BINGAMAN and I will propose later this week is an approach we call "stand by your ad." Specifically, the Bingaman-Wyden proposal says a candidate who mentions his or her opponent in a campaign ad must do so in person in order to get the lowest unit rate for advertising. Under current Federal communications law, broadcasters are required to sell commercial air time to candidates for Federal office at the lowest available price, known as the lowest unit broadcast rate. That means for 45 days prior to a primary or primary runoff, for 60 days prior to a general election. In effect, everybody else in town—the car dealership, the restaurant, the tire manufacturer—has to subsidize politics. Their ad costs are greater because broadcasters have to give these cheaper rates during the election cycle.

I think it is time to hold candidates personally responsible for their ads. I am amazed to find that all across the political spectrum I am joined in support of this idea. For example, in the House of Representatives, my Oregon colleague, GREG WALDEN, is a broadcaster by profession. He doesn't think this is bureaucratic or hard to comply with. He introduced in the House, as I did in the Senate, the "stand by your ad" approach that says candidates who mention their opponent have to do it in person to get the lowest unit rate. No first amendment violation here.

I recently received from the Library of Congress a legal opinion stating it would be constitutional to put in place the Bingaman-Wyden amendment, and I ask unanimous consent that legal opinion be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL RESEARCH SERVICE,
LIBRARY OF CONGRESS,
Washington, DC, October 18, 1999.

Memorandum To : Honorable Ron Wyden. Attention: Jeff Gagne, Legislative Assistant.

From: L. Paige Whitaker, Legislative Attorney, American Law Division.

Subject: Constitutionality of Conditioning Receipt of Lowest Unit Rate for Federal Candidate Broadcast Communications on Compliance With Attribution Requirements.

This memorandum is furnished in response to your request for an analysis of the constitutionality of a proposed amendment to S. 1593 (106th Cong.), "McCain/Feingold II," which would amend 47 U.S.C. §315(b) to restrict the availability of the lowest unit rate for campaign advertising, in which a federal candidate directly references an opponent, to only those radio and television broadcasts where the candidate personally makes the reference. That is, in the case of a television broadcast directly referencing an opponent, the candidate would be required to make a personal appearance and, in the case of a radio broadcast directly referencing an opponent, the candidate would be required to make a personal audio statement identifying the candidate, in order to qualify for the lowest unit rate. Such personal appearance and personal audio statements are often referred to as broadcast attribution requirements.

In the landmark decision, *Buckley* v. *Valeo*, the Supreme Court made it clear that the right to associate is a "basic constitutional freedom"[1] and that any action that may have the effect of curtailing that freedom to associate would be subject to the strictest judicial scrutiny.[2] The Court further asserted that while the right of political association is not absolute,[3] it can only be limited by substantial governmental interests such as the prevention of corruption or the appearance thereof.[4]

Employing this analysis, the Court in *Buckley* upheld the disclosure requirements of the Federal Election Campaign Act (FECA), noting that the "ability of the citizenry to make informed choices among candidates for office is essential."[5] Also of relevance, the *Buckley* Court upheld the FECA presidential public financing provisions, which condition a candidate's receipt of public funding on the candidate voluntarily agreeing to limit spending.[6] The Court found that the provisions did not infringe on free speech, but rather constituted a proper means of promoting the general welfare by actually encouraging public discussion and participation in the electoral process.[7]

In view of the Supreme Court's holdings in *Buckley* v. *Valeo*, it appears that the proposed amendment, to condition federal candidate receipt of the lowest unit rate for broadcast communications on candidates' voluntarily agreeing to comply with certain attribution requirements, would be upheld as constitutional. Similar to the FECA disclosure requirements and presidential public financial provisions, the proposal could be found to provide important candidate information to the voting citizenry. Moreover similar to the presidential public financing provisions, due to its voluntary nature,[8] the proposed amendment could be found not to infringe on free speech, but rather to promote the general welfare by increasing public discussion.

In addition, it appears that, requiring a radio or television broadcaster to condition providing federal candidates with the lowest unit rate for broadcast communications on candidates' voluntarily agreeing to comply with certain attribution requirements would also pass constitutional muster under Supreme Court precedent upholding reasonable access and equal time requirements.[9] For example, in C.B.S. v. Federal Communications Commission, The Supreme Court considered a federal statute allowing the FCC to revoke a broadcast license if the broadcaster willfully or repeatedly failed to grant a federal office candidate reasonable access to airtime or denied a federal office candidate the ability to purchase reasonable amounts of airtime. Although the Court did not rule that there is a general right of candidate access to the broadcast media, the majority held that the reasonable access statute constitutionally provided, on an individual basis, legally qualified federal office candidates with special access rights.[10] Moreover, as the Supreme Court found in Red Lion Broadcasting Co. v. F.C.C., "it does not violate the First Amendment to treat licensees given the privilege of using scarce radio frequencies as proxies for the entire community, obligated to give suitable time and attention to matters of great public concern."[11]

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[1] 424 U.S. 1, 25 (1976) (quoting Kusper v. Pontikes, 414 U.S. 51, 57 (1973)).

[2] *Id.* at 25 (quoting NAACP v. Alabama, 357 U.S. 449, 460–61 (1958)).

[3] *Id.* (citing CSC v. Letter Carriers, 413 U.S. 548, 567 (1973)).

[4] *Id.* at 27–28.

[5] *Id.* at 14–15.

[6] *Id.* at 57, fln. 65 (noting that "[j]ust as a candidate may voluntarily limit the size of the contributions he chooses to accept, he may decide to forgo private fundraising and accept public funding.")

[7] *Id.* at 97–104 (finding also that conditioning receipt of public funding on complying with spending limits was a less onerous restriction than those in the ballot access cases with respect to minor and new parties.)

[8] That is, a candidate could legally not choose to comply with the broadcast attribution requirements and still purchase broadcast time at a price higher than the lowest unit rate.

[9] 47 U.S.C. §312(a)(7).

It is arguable that the subject proposal is a less onerous burden on broadcast licensees than the equal time and reasonable access provisions. As the Supreme Court has upheld the constitutionality of the equal time and reasonable access requirements, it is likely that the proposed requirement, that broadcast licensees condition providing federal office candidates with the lowest unit rate for broadcast communications on candidate compliance with certain attribution restrictions, would likewise be upheld.

L. PAIGE WHITAKER,
Legislative Attorney.

Mr. WYDEN. We have a proposal the law division of the Library of Congress believes is constitutional which has been introduced by broadcaster GREGG WALDEN, a conservative Republican serving in the other body. It is a chance to take a practical step to deal with these negative ads. I believe it is possible to have a real debate about public issues without taking an approach that coarsens the public dialog and alienates so many people from the political process.

I am very proud that Senator SMITH and I put out a bipartisan agenda for the people of our State. We said, on important things for our State, that politics is going to stop at the State's borders. We said we do not want a part of the negative politics practiced in that special election to replace Bob Packwood. Frankly, Senator GORDON SMITH summed it up pretty well when we talked about those negative ads after he was elected to the Senate and people were talking about our working together. He asked me how I felt when he ran his ads; how my kids looked at those ads?

I said: Well, GORDON, they were pretty upset by those ads.

He said: What did you tell your daughter?

I said: GORDON, I said when you ran those ads, me looking like I hadn't shaved for a couple of weeks, like a convict who had just gotten out of prison, I told my daughter Lilly, "GORDON SMITH doesn't mean those things. He's just kidding, Lilly. He doesn't mean those negative ads."

GORDON, to his credit, said on television to the people of Oregon: I want to tell Lilly Wyden she's right. I didn't really mean those things I was saying about her dad.

Madam President, colleagues, we all know that this system is out of kilter. We all know that. Clearly we are going to have to take some bold steps in a bipartisan way to put it back on track. But I ask my colleagues to look seriously at the proposal that Senator BINGAMAN and I will bring to the floor later this week. It is a practical step that we could take against the virus of negative ads, negative ads that produce this spiraling effect where each side runs one that is more negative than the previous one, and the public is alienated.

Our proposal, based on the analysis done by the law division of the Congressional Research Service, is constitutional. Frankly, it is a lot less intrusive than a variety of requirements imposed on broadcasters right now. Broadcast licensees have to comply with equal time and reasonable access provisions. The Supreme Court has upheld them. The proposal we made that broadcast licensees providing the lowest unit rate available to candidates actually make the candidates offer their statements in person is one I am absolutely convinced the Supreme Court will uphold. They upheld the equal time and reasonable access provision. They will uphold this one as well.

It is time to change the current communications law and require, when candidates reference their opponent in a radio or television ad, that they have to appear in order to qualify for the lowest unit rate. If they do not want the lowest unit rate, they can go about the business of having various anonymous groups and sources continue to attack their opponent. But I do not think there ought to be a constitutional right to a broadcasters subsidy—that is what we have today—and, fortunately, the Library of Congress agrees with me. I think candidates ought to stand by their ads. Candidates for public office in the future ought to have greater direct responsibility for their ads.

The amendment Senator BINGAMAN and I have prepared would do just that. It is a complement to the proposal offered by Republican Congressman GREGG WALDEN in the other body. I hope my colleagues will look favorably on it. As one who comes to the floor today to talk about this negative ad question with personal experience, I will tell you I believe this issue, this question of the corrosive, ugly pettiness that has dominated so much of television advertising, ought to be at the top of the list of the reforms we pursue in this body. It ought to be at the top of our priority list, to look at ways to root out of American politics the negative nature of so much of this debate.

We can have profound differences of opinion. We can have sharp and profound differences of opinion without letting politics fall into the gutter of the negative, petty, ugly kind of politicking, as we have seen so many good people—good people—get caught up in across this country.

My colleague, Senator BINGAMAN, will have more to say about our joint proposal when he comes to the floor. I ask, again, when we get to this issue later in the debate, our colleagues look favorably on a proposal that I think will make a real difference in American politics and will begin to drain the swamp that has contaminated so much of our public dialog.

Madam President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Nebraska, Mr. HAGEL, is now recognized.

Mr. HAGEL. Madam President, I rise in support of campaign finance reform. I first commend my colleagues, Senators MCCAIN and FEINGOLD, for their tireless efforts in keeping campaign finance reform alive and forcing the Senate to deal with its responsibilities.

The debate about campaign finance reform is one we need to have. All of us who have the high privilege to hold office have a responsibility to bring open and accountable government to the American people. This begins with an open and accountable campaign financing system. The American people must have confidence in such a system. Confidence in our political system is the essence of representative government. Our challenge has been to reform the excesses of the system while preserving the first amendment rights of all Americans to express themselves and engage in the political process.

In recent years, this challenge has caused Congress to shrink from serious attempts at campaign finance reform. We are better than that. America deserves more than a vacuous sleepwalk through this debate.

The Supreme Court has said Government can regulate how campaign finances are regulated as long as, No. 1, regulations are kept to a reasonable minimum, and, No. 2, they are designed to prevent corruption or the appearance of corruption. The appearance of corruption is a significant part of this debate.

My colleagues are not a bunch of campaign finance bandits or thugs, but in a democracy where citizens freely choose their leaders, perception does matter because perception is directly connected to confidence. Voters lose faith in the integrity of the political system when they lose confidence in the system. As they become demoralized and detached, citizens lower their expectations and standards for public officeholders. That produces a problem that goes beyond any remedy we can offer here on the floor of the Senate.

No amount of legislation can prevent scoundrels from exploiting campaign finance laws or any laws. We need to rise above partisan, ideological, personal rivalries and find common ground on campaign finance reform, elevate the debate, and enact relevant reforms.

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[10] 453 U.S. 367 (1981). See also, Farmers Educational and Cooperative Union v. WDAY, 360 U.S. 525 (1959) (upholding F.C.C. equal time requirements.)

[11] 395 U.S. 367, 394 (1969).

For me, disclosure is the core of campaign finance reform. The overriding purpose of the campaign finance reforms enacted in the 1970s was to increase transparency and accountability in the political system. Disclosure rules for all who participate in the political process need to be a part of whatever reform package we produce. The public needs to see who is writing the checks, and for how much. The voter needs to be aware of the flow of campaign dollars. We should not fear an educated and informed body politic. All elected officials have an obligation to be part of that educational process.

In recent years, interest groups have come crashing into races in the home stretch, pouring huge amounts of money into radio and TV ads. All of us know stories of outside groups launching a late blitz of ads, moving poll numbers in the final weeks or days of a campaign, and then disappearing without the public knowing who they were and how much they spent for or against the candidate.

It is time to end this type of political stealth raid on campaigns. If individuals and organizations are going to participate in the electoral process—and they should; we encourage all individuals and organizations to participate—then the extent of their participation should be revealed to the public. As long as the voter can see where the money is coming from, and where it is going, our system will retain its integrity. I trust the American people to elevate this debate and evaluate the flow of money in campaigns.

In addition to the disclosure, we need to look at soft money contributions to national party committees. I appreciate the legitimate free speech and constitutional concerns in this area. Our purpose here is not to anticipate or resolve every hypothetical constitutional challenge. Our job here is to make policy. If complications or honest differences of interpretation and opinion result, that is why we have a judicial system.

What I do know is this. The unaccountable status quo on soft money needs to be changed. Most constitutional experts say an outright ban on soft money probably is unconstitutional. Every court decision rendered so far on this issue has come down against an outright ban on soft money. But this unaccountable, unlimited flood of soft money cascading over America's politics should be checked. We have constitutional limits on individual contributions—so-called hard money. Why then should it be so outrageous to examine limits on soft money? What are we afraid of?

We need to find a middle ground between the extremes of banning soft money and leaving it unlimited, a middle ground where compromise is possible. We should also raise limits on donations of hard money by individuals and political action committees. This can be done by indexing individual contributions to inflation.

Raising the limits would have beneficial effects. Individual contributors would have an impact comparable to what Congress intended when reforms were first enacted in the 1970s. There would be more focus on individual participation in campaign financing. More campaign money would be under the direct control of candidates, making them more accountable for the spending and the conduct of their campaigns. Remember, this is hard money, accountable money.

These are the general principles behind the amendment I wanted to talk about today. But before getting to the specifics of this amendment, I have to say a word about the current process. We need campaign finance reform, but we are not going to get it through the predicament in which we find ourselves today—limited opportunities for debate, no opportunities for additional amendments, and no votes on those amendments.

My colleagues, Senators ABRAHAM, DEWINE, GORTON, and THOMAS, and I had planned to offer amendments to McCain-Feingold today. Now we are left only with the opportunity to talk about the amendments we would have offered if we had been given a chance to do so.

The amendments my colleagues and I intended to offer contained several significant changes in current campaign finance law. I will focus on the ones my colleagues and I believe are most important. Our amendment, first, would limit to $60,000 a year the total amount of soft money the national party committees combined could receive from an individual, PAC, corporation, or union.

A donor could give all $60,000 to one committee or spread the $60,000 over several committees. But the aggregate soft money donation could not exceed $60,000 per year. The limit would be indexed for inflation in future years. All union and corporate donations still would be treated as soft money to be used only for party-building activities. Union and corporate donations would not be treated as hard money for use in express advocacy or transfers to Federal candidates.

This is not a ban on financial support of parties. It is a return to the original intent of the campaign finance reforms of the 1970s, which worked until they were exploited and abused by, I might add, both parties. Nor is this a ban on political speech. There would remain many options. Donors who wanted to give more money for political speech could contribute to third party organizations.

I appreciate the legitimate free speech and constitutional concerns many of my colleagues and I have about these kinds of caps. This amendment offers a compromise that addresses the constitutional concerns while moving forward with reform legislation.

If the cap were challenged in court within 30 days after taking effect, the cap would be suspended until the conclusion of the court challenge. It is time now to adjust and index hard money contributions to inflation. For an individual, contribution limits would increase, for example, from $1,000 to $3,000 per candidate per election—and so it would go, for PACs and all committees. In future years, all limits would be indexed for inflation.

I have heard the argument that raising the hard money limits would give the wealthy too much influence and access. If we cap soft money and do not adjust the hard money limits, we will chase more money into the black hole of third party ads, where the public cannot view the flow of money. I want to bring more of that money into the sunlight, into the daylight, where the American people have access to who is giving money and how much. They can decide for themselves if a candidate has been "bought" by anyone.

Financial disclosure is the core of any campaign finance reform. This amendment would take the rules on broadcast ads that apply now to candidates and extend them to all political broadcast ads.

Under current Federal regulations, when a candidate places a political ad with a broadcaster, the broadcaster is required to keep a file on the ad that is open to any member of the public who wants to see it. In that file is a record of the following: The time the spots are scheduled to air, the overall amount of time purchased, and the rates at which the ads were purchased. This information must be recorded immediately and made available for public inspection.

Under current Federal regulations, when an interest group places a political ad with a broadcaster, it does not have to meet the same requirements. The public cannot find out: Who bought the ad, when the ad will run, how much time was purchased, and how much was paid for the ad. It is closed from public view.

This amendment would require that interest group ads relating to any Federal candidate or issue also must go into the broadcaster's public file. For those types of ads, the broadcaster would be required to record the same information it does for ads by candidates and parties, including the amount spent on the ad.

As with candidates and party ads, the information on these political ads would be recorded immediately and made available for public inspection. There would be no added burden on the broadcaster. The broadcaster would simply use the same form already used for candidate and party ads.

Full disclosure should apply to a political ad by an interest group just as it does for a political committee or candidate because the objectives, after all, of all the ads are the same.

Let me make clear one thing this amendment does not do. It does not require unions, corporations, or any organization to identify individual donors or provide membership lists. This amendment preserves a reasonable balance between the public's right to know which groups are attempting to influence an election and the privacy rights of individual donors to an interest group.

In conclusion, we have before us a unique opportunity to accomplish something relevant, reasonable, and meaningful. We have an opportunity to restore some of the confidence the American people have lost in their political system.

All of us in this noble profession of politics have a responsibility to set high standards in American politics. Improving our system that selects American leaders—who formulate and implement Government policy that frames the governance of our Nation—is a worthy challenge. We can elevate the process and make it better—more open and more accountable—which leads to a more informed public through a more relevant public debate, leading to a more accountable Government. Let us not squander this opportunity or debase our responsibility.

Before I yield the floor, Madam President, I ask unanimous consent that the Senator from Michigan be allowed to follow me.

Mr. McCONNELL. Will the Senator from Nebraska allow me to make a couple quick comments?

Mr. FEINGOLD. Reserving the right to object.

The PRESIDING OFFICER (Mrs. HUTCHISON). The Senator from Wisconsin.

Mr. FEINGOLD. I understand I am to speak for 20 minutes following the speech of the Senator from Nebraska. Or does he have additional time?

The PRESIDING OFFICER. The Senator from Nebraska has 7 minutes remaining. Was the Senator from Kentucky going to ask a question of the Senator from Nebraska or was he asking him to yield the floor?

Mr. McCONNELL. Does the Senator from Nebraska agree with me that since he has 7 minutes left, it would not interfere unduly with the Senator from Wisconsin, who has spoken a number of times over the last few days, to allow his cosponsor, Senator ABRAHAM, to have the remainder of his time? Would the Senator from Nebraska agree with the Senator from Kentucky that would be a good way to proceed?

Mr. HAGEL. I agree with the Senator from Kentucky and yield my remaining 7 minutes to the Senator from Michigan.

Mr. FEINGOLD. With that understanding, I have no objection. I want to be sure that we are not adding additional time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Michigan is recognized for the remaining 7 minutes.

Mr. McCONNELL. Will the Senator from Michigan give me a moment to make an observation?

Mr. ABRAHAM. I will withhold.

Mr. FEINGOLD. I assume this is off the time of the Senator from Nebraska.

The PRESIDING OFFICER. That is correct.

Mr. McCONNELL. I want to commend the Senator from Nebraska. Some day we are going to pass real campaign finance reform. I think the proposal that my friend from Nebraska has outlined is very close to what someday, I hope, the Congress will pass. I commend him for an outstanding amendment.

Mr. ABRAHAM. May I inquire, in terms of the queue, what additional unanimous consent agreements have been entered into with respect to time?

The PRESIDING OFFICER. Following the approximately 5 minutes 15 seconds remaining for the Senator from Michigan, Mr. FEINGOLD will be recognized for 20 minutes.

Mr. ABRAHAM. May I ask, before the 5:45 vote that is slated, are there any other unanimous consent agreements that have set aside time?

The PRESIDING OFFICER. There are none.

Mr. ABRAHAM. I ask the Senator from Wisconsin if he would be willing to enter into a unanimous consent agreement which would allow me to speak for up to 10 minutes and then have his 20 minutes following because we would still be within the timeframe for the vote.

Mr. McCONNELL. Reserving the right to object, I am only interested in having about a minute right before the vote. Does the Senator from Wisconsin have any problem with that?

Mr. FEINGOLD. I have no objection to either request.

Mr. ABRAHAM. Then I ask unanimous consent that I have up to 10 minutes, followed by 20 minutes for the Senator from Wisconsin, followed by 1 minute for the Senator from Kentucky.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from Michigan.

Mr. ABRAHAM. I thank my colleagues for their consideration.

I rise today in support of what I believe is a real, substantive solution to the vexing question of campaign finance reform. To my mind that question is this: how do we revive voter confidence in the electoral process without violating the fundamental guidelines laid down in our Constitution? The answer, I believe, lies in public exposure and voter knowledge. The more voters know about the sources of a particular candidate's campaign funding, the better able they will be to determine whether that funding has or will interfere with the candidate's ability to represent them.

The solution I support is in the nature of a substitute amendment. I have cosponsored this amendment along with Senators HAGEL, DEWINE, GORTON, and THOMAS.

It was my hope that my colleagues and I would be able to introduce this substitute on the floor and call for a vote. However, procedural barriers have been created which have undermined meaningful debate on this issue. In the end, these procedural barriers have prevented my colleagues and I from submitting our substitute for a vote. However, because I believe campaign finance reform is a critical issue which will be with us for some time to come, I feel compelled to say a few words about the contents of the substitute.

I believe that provisions in the substitute correct key, perceived problems in our campaign financing system. The first section of the substitute would increase disclosure. It would ensure that the public, and the candidates' constituents in particular, are made immediately and continuously aware the sources of candidates' financing. It also would ensure public notification of any candidate financing by an outside organization or interest seeking to influence the election.

How would the substitute accomplish these ends? By requiring additional monthly and quarterly disclosure reports for federal candidates and for national political parties. The substitute would also require national party committees to disclose their receipts and disbursements from non-federal accounts—as they are currently required to do so for their federal accounts. A variety of other disclosure components is also included in the legislation.

The second section of the substitute imposes reasonable restrictions on soft money. I am very concerned about the constitutional implications of a complete ban on soft money. Thus, our substitute would place a $60,000 cap on soft money, pending an expedited review by the Supreme Court. I believe this approach deals responsibly with the issue of soft money, without ignoring potentially serious conflicts with the first amendment.

Also included within the substitute is a provision that would raise individual and PAC contribution limits to adjust for inflation. The present limits have been in place since 1974, when the first law regarding campaign finance was passed by the Congress. It is clearly justifiable that these limits be raised to reflect the present economic realities while maintaining the disclosure provisions so that the public can continue to be informed about the sources of financing.

In addition, I would have liked to have been given the opportunity to submit an additional amendment to campaign finance legislation. I would have introduce an amendment limiting non-constituent contributions to 50 percent of the total raised by the candidate. This amendment would accomplish a multitude of goals. It would instill a guideline for the candidates, instill confidence in the voters, and would help dispel the all too common notion that candidates are improperly influenced by campaign contributions. In my view it is not difficult for a politician to arrange financing in a way that avoids the appearance as well as the reality of corruption.

In the context of my amendment, all federal candidates would have to follow the same rules, dictating that they receive no more than 50 percent of overall contributions from PACs and out of state donors. Political committees that do not have their national headquarters within the candidate's state would be considered "out of state" contributions for these purposes. Any individual who is not a legal resident of the candidate's state and contributes $200 or more to a candidate would also be considered an "out of state" donor.

Why do I suggest such an approach? Because I don't think we are addressing the serious perception problems that exist with respect to campaign reform when we stand on the floor and focus all of the amendments on who gives money to the national parties.

The fact is the party is not the individual who is on the floor of the Senate casting votes. It is the 100 Members of the Senate. I believe what is relevant is who supports us. Can we claim to represent constituents if more than 50 percent of the money we receive from our campaigns come from people we don't represent? I argue the answer to that is no.

I think much more than contributions to the national parties undermines our constituents' confidence that when we are on the floor we are acting in the best interests of our constituents and our States. In my judgment, this type of amendment—one that, unfortunately, will not be voted on—is an important and integral part of any legitimate campaign reform proposal. I am certain Federal candidates would find that they can run successful campaigns with this 50-percent imposed limit. More importantly, these limits would increase politicians' accountability to their own constituents and decrease the appearance of out-of-State special interest influence.

I ask unanimous consent the text of my proposed amendment be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

At the end of the bill, add the following:

SEC. 6. LIMITATION ON OUT-OF-STATE CONTRIBUTIONS.

(a) IN GENERAL.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), as amended by section 2, is amended by adding at the end the following:

"SEC. 324. LIMIT ON OUT-OF-STATE CONTRIBUTIONS.

"(a) IN GENERAL.—A candidate for nomination to, or election to, the Senate or House of Representatives or the candidate's authorized committees shall not accept an aggregate amount of funds during an election cycle from individuals that are not legal residents of and political committees (other than a national political committee of a political party or a Senatorial or Congressional Campaign Committee of a national political party) that do not have their national headquarters within the candidate's State in excess of an amount equal to 50 percent of the total amount of contributions accepted by the candidate and the candidate's authorized committees during the election cycle.

"(b) EXCEPTION.—For purposes of the limit under subsection (a), a contribution in an aggregate amount of less than $200 in an election cycle from an individual who is not a legal resident of the candidate's State shall not be taken into account.

"(c) TIME TO MEET REQUIREMENT.—A candidate shall meet the requirement of subsection (a) on the date for filing the post-general election report under section 304(a)(2)(A)(ii).

"(d) NATIONAL HEADQUARTERS.—In the case of a political committee which is a separate segregated fund under section 316(b)(2)(C), the term 'national headquarters' means the national headquarters of the entity which establishes and maintains such fund.".

(b) DEFINITION OF ELECTION CYCLE.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by adding at the end the following:

"(20) ELECTION CYCLE.—The term 'election cycle' means the period beginning on the day after the date of the most recent general election for the specific office or seat that a candidate is seeking and ending on the date of the next general election for that office or seat.".

Mr. ABRAHAM. I believe the substitute, which I cosponsored with Senators HAGEL and THOMAS and GORTON and DEWINE, along with my proposed amendment, is the better way to reform campaign financing. I think it strikes a reasonable balance between addressing the issues of corruption with the constitutional concerns. I only wish these amendments had been allowed to reach the floor. I can assure my colleagues that I will continue to support real constructive campaign finance reform.

As I say, it is unfortunate that the structure of our procedures won't allow us to offer these variations. I think it is obvious to all Americans that right now we have an impasse.

The reason we have an impasse is because we have essentially only one alternative that is being treated as the only option available with respect to campaign finance reform. Clearly, the way to break a legislative logjam is to consider other alternatives. That is what the Senator from Nebraska and I are trying to do. Perhaps it won't happen in the context of this year's debate, but I hope in future debates we will go beyond the simple all-or-nothing approach that we have had in recent debates and give the rest of us a chance to have our amendments considered and voted on. I think that is the only way we are going to get to a conclusion that does, in fact, change the process, and for the better.

Mr. McCONNELL. Will the Senator yield for a comment?

Mr. ABRAHAM. Yes. If there is time remaining, I am happy to yield.

The PRESIDING OFFICER. The Senator has 2 minutes.

Mr. McCONNELL. I commend the Senator from Michigan, one of the Members of this body who truly understands this issue. I think the amendment he and the Senator from Nebraska have offered is a very important step in the direction that I ultimately think we will take—if we ever get serious about doing this on a bipartisan basis, rather than in a way that advantages one side and disadvantages another.

So I wanted to commend the Senator from Michigan for his outstanding work.

Mr. ABRAHAM. I thank the Senator from Kentucky. I haven't used all of my time, so I am happy to yield back the remainder of my time and I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Madam President, in a few minutes, the Senate, for the first time—let me reiterate that—for the first time, the Senate will go on record on the central issue in this debate: Should the Senate ban soft money?

It is a simple question that has a simple answer. And soon, finally, we will see where each Senator stands.

The fact that our current campaign finance system has created an appearance of corruption justifies Congress acting to ban soft money. In fact, if we don't act, we create the appearance that we don't care about corruption. Creating a legislative record of the appearance of corruption is critical because the Supreme Court has held that not just actual corruption but an appearance of corruption is adequate reason for the restrictions on the speech represented by campaign contribution limits.

Madam President, this is the central misunderstanding or flaw in the opposition's position. They have premised everything in this debate on the idea that you have to show individual Senators who are guilty of corruption. Well, of course, that isn't the standard at all. That isn't the law. Let me quote from the Supreme Court's opinion in Buckley v. Valeo because this is a crucial concept that opponents of reform often seek to ignore. The Court said:

> Of almost equal concern as the danger of actual quid pro quo arrangements is the impact of the appearance of corruption stemming from public awareness of the opportunities for abuse inherent in a regime of large individual financial contributions.

Madam President, I really don't think there is any doubt that our current system presents the appearance of corruption. And it isn't just soft money. We see it every day in the newspapers, and we hear it on television talk shows. It is portrayed as common knowledge, conventional wisdom, on radio talk shows that the votes of politicians are bought and paid for by special interests. When the Senator from Kentucky stands up and says that "people contribute to our campaigns because they agree with what we are doing," I am sure he is sincere, but the public thinks there is something more than general feelings of support or like-mindedness at work when somebody hands over hundreds of thousands of dollars.

Let me give some examples of news stories in just the last three weeks that drive this point home. All of them make it perfectly clear to me, and I think to almost any American, that political donations are generally a way of attempting to buy influence and access. All of them add to the record that there is an appearance of corruption out there that justifies the Congress taking action to ban soft money.

Madam President, if this applies to hard money contributions, it surely must apply far more easily and obviously to soft money contributions.

Exhibit A is a story from the National Journal of October 2, 1999. I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the National Journal, Oct. 2, 1999]

BANKING ON PAXON'S GOP CREDENTIALS

(By Peter H. Stone)

It sure didn't take long for former Rep. Bill Paxon, R-N.Y., to shake up Akin, Gump, Strauss, Hauer & Feld, the home of Democratic superstars Robert S. Strauss and Vernon E. Jordan. At Paxon's behest, the blockbuster law and lobbying firm has joined the Republican National Committee's elite Team 100, whose members give $175,000 to the party every four years.

Since he joined Akin, Gump in January, after sifting through a score of job offers, Paxon, the former chairman of the National Republican Congressional Committee, has worked diligently to boost the firm's standing in GOP circles. Moreover, Paxon's arrival at Akin, Gump reflects the determination of K Street firms loaded with Democratic ties to adjust to the GOP's control of Congress.

It was no secret that Akin, Gump needed a GOP star. After the 1996 presidential elections, the firm courted Bob Dole, the GOP nominee and a former Senate Majority Leader. But instead he joined another heavily Democratic firm, Verner, Liipfert, Bernhard, McPherson and Hand. Two years later, Akin, Gump recruited Paxon aggressively and nabbed him as a "senior advisor" for an annual salary of about $750,000. Paxon gets an office next to Strauss, to boot.

Paxon, who was instrumental in the GOP's 1994 takeover of the Congress, enhances Akin, Gump's credibility among Republicans. After all, he has raised big bucks for House GOP leaders, the party committees, and the leading presidential contender George W. Bush, the Texas Governor. He has already attracted roughly a dozen new clients to the firm, including Americans for Affordable Electricity—a coalition of energy producers, led by Enron Corp., and large users, such as the chemical industry—which backs quick utility deregulation. Paxon also earns his keep by advising several longstanding Akin, Gump clients on lobbying strategy.

Paxon conceded that Akin, Gump had a lot of fence-mending to do with the GOP. "The firm had a reputation as a Democratic firm, unfairly so," he said. Despite the presence of such GOP stalwarts as Donald C. Alexander, Smith W. Davis, and Barney J. Skladany, the firm's superstars are former Democratic National Committee Chairman Strauss and President Clinton's golfing buddy Jordan. Joel Jankowsky, who heads the firm's lobbying team, is also a Democrat. "We have needed to ratchet up our Republican profile to another level," Paxon added.

Paxon, 45 and a nonlawyer, is certainly trying. Since coming on board, Paxon has helped host 20 fund-raisers for House Speaker J. Dennis Hastert of Illinois, House Majority Whip Tom DeLay of Texas, Senator Majority Whip Don Nickles of Oklahoma, and others in the GOP. What's more, Paxon and his colleagues raised more than $250,000 for an NRCC dinner earlier this year and another $150,000 for a GOP Senate-House dinner. In late August, Paxon helped Hastert during the Speaker's successful fund-raising trip to Las Vegas.

Not surprisingly, NRCC Chairman Tom Davis of Virginia is a huge Paxon fan. "Bill is still a very integral part of the culture over here," said Davis, who talks to Paxon a couple of times a week. "He's been helpful in building bridges to groups. I consider him a right arm up here."

Paxon is also one of a small number of K Streeters who meet regularly with Hastert to discuss party strategy and to swap information. He does the same with Chief Deputy Majority Whip Roy Blunt, R–Mo., who holds weekly meetings with lobbyists. During a recent session, Paxon maintained that the GOP should not worry too much about its record on Capitol Hill this year, because the party's generic poll numbers remain high as a result of the public's "fatigue" with the Clinton Administration and other factors.

Nationally, Paxon has proved to be a key fund-raiser and strategist for Gov. Bush. Paxon has raised more than $100,000 for Bush, with a major slice of the money coming from New York state. On Oct. 4, Paxon will cohost events in Buffalo and Rochester that are expected to pull in close to $500,000 for the Bush campaign. Campaign sources say that Paxon is likely to be named a member of Bush's national finance committee when the panel is expanded later this year.

Paxon has helped to secure congressional endorsements for Bush, whom he has visited three times in Austin. Paxon was instrumental in lining up Blunt as the point man for the Bush campaign in the House. In addition, he has advised the campaign on tapping various House members for fund-raising and other help.

Paxon's fund-raising skills, plus the experience he gained during five terms in Congress, have seemingly proved magnets for new business. Although he is barred by ethics rules from lobbying on Capitol Hill until next year, Paxon said he offers clients a cornucopia of other services. "I help clients understand what kind of lobbying, grass-roots, and PAC (political action committee) programs they need to be effective in Washington."

As for clients, Paxon is doing well. Americans for Affordable Electricity, for example, is paying the firm approximately $500,000 a year for Paxon's services, according to coalition sources. Paxon is the group's national chairman. What does Paxon do to merit such fees? For the AAE, Paxon has offered advice about how to approach members and what arguments sell well on Capitol Hill. He has also helped organize fund-raisers that the coalition has held for key members of the House Commerce Energy and Power Subcommittee, including its chairman, Joe Barton, R-Texas. Paxon is a former member of the panel.

In late September, Paxon and Marc D. Yacker, a member of the coalition's steering committee and a lobbyist for the Electricity Consumers Resource Council, attended a luncheon with aides to roughly a dozen Governors to discuss utility deregulation. Paxon has helped at the coalition's press conferences and been a guest on several radio talk shows. Paxon's name is also featured in the coalition's advertising campaign.

Several coalition leaders give Paxon high marks. "The very fact that his name is on all the ads and that he's associated with the issue and the cause is a major boost to the coalition's legislative efforts," Yacker said.

But another coalition source complained that Paxon has failed to raise enough money to enable the coalition to compete with the utility industry's lobbying and advertising efforts.

Paxon, a Buffalo native, has corralled new clients in areas ranging from financial services to construction. Not surprisingly, some of that business comes from the Empire State. For instance, Paxon brought in the New York State Health Facilities Association, which is seeking additional Medicare reimbursement money. Moreover, Paxon is permitted to lobby lawmakers outside Washington, and he has already done some work in Albany, N.Y., for PG&E Generating Co., a unit of Pacific Gas & Electric Co.

Paxon also devotes a fair chunk of his time to helping the firm's longtime clients, such as AT&T Corp. In late September, Paxon participated in a morning press briefing hosted by the Competitive Broadband Coalition—of which AT&T is a key member—to introduce a multimillion-dollar television ad drive that will run in about 23 states and inside the Beltway. The coalition's ad message is aimed at countering lobbying by some Baby Bells, which want to revise the 1996 Telecommunications Act to allow them to provide high-speed data services in the long-distance market. Paxon will also advise the coalition on legislative strategy.

The lobbying battle has a personal dimension for Paxon. His wife, former Rep. Susan Molinari, R–N.Y., represents iAdvance, a coalition that includes several Baby Bells. "Every now and then, we square off," quips Paxon. "It's not exactly (James) Carville and (Mary) Matalin."

According to Paxon, his move from Capitol Hill has proved to be relatively smooth. "In the leadership, we spent a lot of time strategizing on legislative issues, working on the public angles, and trying to keep an eye on the big picture," he added. "It's the same downtown."

Of course, Paxon's transformation from congressional leader to thriving lobbyist, a success greased by plenty of campaign cash, has provoked some indignation from longtime critics of the money game. "Bill Paxon may have changed jobs, but he doesn't appear to have changed his role as a big-time player in the Washington influence-money game," said Fred Wertheimer, the president of Democracy 21, a group that advocates campaign finance reform.

But at Akin, Gump, legendary lobbyist bob Strauss is bursting with pride about the success of the firm's Republican hire. "He fit in from day one," crows Strauss. "He's a franchise player. He'll continue to make contributions, not just to the business of the firm, but the character and the culture of the firm."

Akin, Gump is banking on that.

Mr. FEINGOLD. Madam President, this article reports that former Representative Bill Paxon, who retired last year, has signed with the law firm of Akin, Gump, Strauss, Hauer and Feld. Akin Gump is one of the powerhouse lobbying firms in Washington. Its partners include big name Democrats Robert Strauss and Vernon Jordan. Paxon is not a lawyer, so his title is "senior advisor." What that means is that he will be a lobbyist and "rainmaker" for the firm.

Apparently, Akin Gump, a firm known for its Democratic Party ties, hired Mr. Paxon to "mend fences" with the Republican Party. And how does Mr. Paxon do that? According to this article, the main thing he does is raise money for Republican Members of Congress and the Republican Party. The National Journal reports that Paxon has helped host 20 fundraisers for the Speaker of the House, the House majority whip, the assistant majority leader in the Senate, and other Republican office holders. He has also raised more than $250,000 for an NRCC dinner, and another $150,000 for a Republican House-Senate dinner this year. He has raised over $100,000 for Presidential candidate George W. Bush.

Let me quote from the article:

> Not surprisingly, NRCC chairman, Tom Davis of Virginia, is a huge Paxon fan. "Bill is still a very integral part of the culture over here," said Davis, who talks to Paxon a couple of times a week. "He's been helpful in building bridges to groups. I consider him a right arm up here."

The article reports that Mr. Paxon participates in a weekly meeting that lobbyists hold with Majority Whip DELAY and meets regularly with Speaker HASTERT.

The article continues:

> Paxon's fundraising skills, plus the experience he gained during five terms in Congress, have seemingly proved magnets for new business. Although he is barred by ethics rules from lobbying on Capitol Hill until next year, Paxon said he offers clients a cornucopia of other services.

Madam President, let's leave aside the revolving door problems in Mr. Paxon participating in weekly meetings that Mr. DELAY holds with lobbyists. Can there be any question that that is an appearance problem? Here we have a former Member of Congress whose stock in trade is raising big money for congressional leaders and candidates. Do we really blame the public for thinking he is getting special treatment for his clients?

Mr. DAVIS calls him an integral part of the culture over here. Just what kind of culture is this? Certainly not the kind of culture I would be proud to tell my children and grandchildren about. Certainly not a culture that we should nourish and preserve for the future of our democracy.

He is a right arm for the congressional leadership? The public might be excused for asking: Just who is the right arm for whom in this relationship?

Exhibit B. On October 5, the day before the House considered the Patients' Bill of Rights, according to press reports, officials for Cigna, Blue Cross-Blue Shield, and Aetna held a $1,000 per plate breakfast fundraiser for the Speaker of the House. Press reports the next day said that 15 or 17 health insurance industry lobbyists attended the event. Atlanta Constitution columnist Tom Baxter wrote the following:

> The condition of the political ground could be judged by the keen attention of all the television networks to a breakfast fund-raiser this week at which insurance lobbyists arrived with checks for Hastert and others. Not that such scenes aren't common these days, but the timing made this a photo-op for campaign finance reform.

Indeed. I remember seeing reports on the national TV news about this event. And I thought to myself: "what can the average American watching on TV think about this scene?" "How can anyone not think this is wrong?" Actual corruption? We will never know. The appearance of corruption? Without a doubt. The headline of this AP news story tells it all: "Insurers Give Speaker Thousands on Eve of Vote."

I ask unanimous consent, Mr. President, that this article from the Bergen County Record on this fundraiser be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Bergen County (NJ) Record, Oct. 6, 1999]

INSURERS GIVE SPEAKER THOUSANDS ON EVE OF VOTE

(By David Espo)

One day before a closely watched vote on health care, House Speaker Dennis Hastert attended a fund-raising breakfast Tuesday with industry representatives who gave $1,000 apiece to his political war chest.

"I'd like to ask them about sitting down with America's families instead," President Clinton chided from the White House as he sought to build support for legislation granting patients the right to sue their health insurance companies.

Hastert, who opposes the bill, defended his previously scheduled meeting and sought to turn the tables on the White House. "Mr. President, I hope you will say no to helping trial lawyers, and say yes to helping the 44 million Americans who want health-care coverage," the Illinois Republican said in a written statement.

The exchange underscored the deep philosophical and political gulf between the two parties on health care at a time when government statistics show the number of uninsured continues to increase.

The White House, most Democrats, and some Republicans are supporting legislation to strengthen patients hands in dealing with their managed care companies. Among prerogatives would be the ability to sue for damages when prescribed care was denied.

Republicans counter that such provisions will merely raise the cost of insurance and prompt some employers who now offer insurance to their workers to drop it.

Facing a likely setback on that measure, the GOP leadership is proposing a companion bill that provides numerous tax breaks to make health insurance more affordable.

Their "access" bill also includes a provision opposed by many Democrats to expand a current small program allowing medical savings accounts. Another would give small businesses the option to buy health insurance under federal rather than state regulation. That would exempt them from state mandates that bigger self-insured companies avoid.

"It's not the severe poor who don't have health care," Hastert told reporters. "There are government programs that reach out. It's working people today, who are working for small business or who run their own shop or they go from job to job, who need the ability to get health care."

Hastert pledged a "fair and open debate of the health-care issue" today when the legislation reaches the House floor.

The debate will come against a backdrop of a fresh government report that estimates 44.3 million Americans, one in six, had no health insurance coverage in 1998.

The Census Bureau survey found the number without coverage grew by nearly a million, but overall population growth kept the rate about steady, 16.3 percent in 1998, compared with 16.1 percent in 1997. In 1996, 15.6 percent lacked coverage.

Public opinion polls show the issue is high on the public's list of priorities, and GOP leaders have struggled for months in a narrowly divided House to keep control of it.

Hastert held the fund-raising breakfast for his political action committee a few blocks from the Capitol.

Aides said it was scheduled several weeks ago. There was no word on whether there was consideration of rescheduling the event given the close proximity to the House's debate.

"I've listened to everybody in the health-care business for a long time," the Speaker told reporters in the Capitol.

"The die is cast already on what the health legislation is going to be. So there's no influence there whatsoever."

An invitation to the event was issued in the name of officials of Cigna, Blue Cross-Blue Shield, and Aetna.

Mr. FEINGOLD. Madam President, an article that appeared in the Capitol Hill newspaper The Hill on September 29. Here's another great headline: "Why 30 top Democratic lobbyists attended GOP chairman's bash."

This article reports however, that 30 top Democratic lobbyists attended a fundraising dinner for a Republican committee chairman at the home of Democratic super-lobbyist Tommy Boggs.

I bring this article to the attention of the Senate not to cast aspersions on any Senator. My interest in this article is in the views of lobbyists on fundraising, and the appearance it creates for the public that reads about it.

Let me quote from the article: "Indeed, it would be tantamount to political suicide for Democratic lobbyists—or Republican lobbyists for that matter—who specialize in the [the issues] that are the focus of [the chairman's] committee and the lifeblood of their corporate clients, if they desert him in his hour of need."

Here are a few quotes in this article from lobbyists who were questioned on the irony of Democratic lobbyists making contributions to a powerful Republican chairman of a Senate committee. One said: "In situations like this, I tend to be a strong fan of incumbency." Another said, "Most lobbyists know which side their bread is buttered on." And this is what a staffer on the House side had to say: "Any time you have a chairman of [a committee] running for reelection, and you're lobbying . . . issues before the committee, you risk having your issue blown out of the water if you don't contribute to his campaign. The game in this town is to support the incumbent.

Mr. President, I don't suggest that these lobbyists bearing gifts have swayed or will sway a chairman on substantive issues, but they sure are trying. And I have avoided using the Senator's name because I don't think he has been swayed. But we all have to admit that these kind of comments create a perception, an appearance, that campaign contributions are given because of the effect they will have on policy.

Madam President, let me anticipate a question by the Senator from Kentucky. Most of the fundraising in these articles is hard money fundraising, isn't it? It is all legal under our system. Thousand-dollar checks to candidates are permitted under the Federal election laws, aren't they? The answer, of course, is yes. But what strikes me is the obvious appearance of corruption that is present when a lobbyist specializes in throwing fundraisers for candidates or when members of Congress solicit even these relatively small donations from people with an interest in legislation, especially on the eve of a crucial vote.

Madam President, can there be any doubt that an outrageous appearance of corruption arises when the same Members of Congress are involved in raising hundreds of thousands of dollars of soft money in a single phone call for the political parties? As Justice Souter said just a few weeks ago at the oral argument in the Missouri case—"Most people assume, and I do certainly, that someone making an extraordinarily large contribution gets something extraordinary in return."

That brings me to another exhibit in our legislative record of the appearance of corruption—a story that appeared yesterday in the Washington Post about the effort that the Democratic party—my party—is making to raise soft money in order to retake the Congress. According to the article, the Democrat Congressional Campaign Committee increased its soft money fundraising from $5.1 million in 1994 to $16.6 million in the '98 cycle. It is now going after the really big givers with an innovation called Team 2000. The Post story describes Team 2000 as "[A] new club for $100,000 and over donors who would be feted by the party at exclusive events, including a weekend of clambakes and sightseeing."

The article describes the wooing of Steven Wynn, owner of Mirage Resorts in Las Vegas, who gave a $250,000 contribution to the DCCC in May of this year. The article indicates that Wynn is angry about the impeachment of the President and with the Republican failure to stop the antigaming crusade of a Member of the House.

Incidentally, this information is not included in this particular article, but I have learned that the Mirage Resorts gave an identical $250,000 amount to the National Republican Senatorial Campaign Committee in July of this year.

So I guess Mr. Wynn got over his anger and realized that he had better play both sides of the fence, as many big soft money donors do.

Madam President, I ask unanimous consent this Washington Post story be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 17, 1999]

DEMOCRATS' FAST TRACK IS 'SOFT MONEY'

(By Susan B. Glasser)

The House Democrats' courtship of Steve Wynn—owner of Mirage Resorts, grandiose prophet of the new Las Vegas, and major Republican donor—began four years ago with a cold call from David Jones, Minority Leader Richard A. Gephardt's top fund-raiser.

Wynn took the call, and soon Jones was flying out to breakfast at his golf course mansion along with Rep. Charles B. Rangel. The gravelly voiced New Yorker became the Democratic point man, reciprocating Wynn's hospitality with a tour of his Harlem district.

By last February, when Jones and Rangel met with Wynn in his Las Vegas office, they didn't even have to make their pitch. Wynn had told friends he was angry at "mean-spirited" House Republicans for impeaching President Clinton. Besides, he complained, they had neglected him, and hadn't stopped Rep. Frank R. Wolf's (R–Va.) anti-gaming crusade. He was ready, Wynn said, to help the Democrats regain control of the House.

How much, Wynn asked, do you need me to help raise out of Nevada for the 2000 election? Jones knew that during the entire 1998 election, the House Democrats' campaign arm had only collected about $110,000 from Vegas, so his answer was an audacious one: $1 million to $1.5 million. Done, Wynn replied.

The first installment—a $250,000 corporate check from Mirage Resorts—was Wynn's downpayment on a bet that Democrats will take back the House next year. It also suggests one reason why they might succeed. With the Democratic Congressional Campaign Committee as their vehicle, they are raising record amounts of money for next year's races, trading on their new electoral competitiveness to raise funds earlier and in larger amounts than ever before.

"Soft money"—the term of art for the unlimited contributions that corporations, unions and wealthy individuals can give for so-called "party building"—has fueled an explosive growth in fund-raising for both parties since the 1996 elections, when campaign operatives figured out a way to legally spend it on TV ads that focused on individual candidates.

But this year it is the House Democrats who have been most aggressive in increasing the amount of soft money they raise, even as they lead the campaign in Congress to eliminate it. Driven by Gephardt and Rep. Patrick J. Kennedy (D–R.I.), the chairman handpicked by Gephardt, the DCCC is out to reverse its traditional status "at the bottom of the fund-raising food chain," as former Rep. Vic Fazio (D–Calif.) put it.

In just the first six months of this year, the DCCC raised $17 million total—$9 million of that in soft money. That marks a stunning 373 percent increase in soft money compared with the first six months of 1997—the highest rate of growth for any party committee. The fund-raising escalation foreshadows an election season next year when both parties will pour a million dollars or more into more than 30 House races whose outcome will determine control of Congress.

Some of the money is from businesses like Wynn's Mirage Resorts; some is from well-heeled individuals giving $100,000 each, such as Slimfast founder S. Daniel Abraham, National Enquirer heiress Lois Pope and Florida Marlins owner John W. Henry. As of June 30, Democrats had attracted 21 six-figure soft-money givers compared with 14 for Republicans, according to data compiled by the Campaign Study Group. Those checks came from groups or individuals who had never before made such a financial commitment so early.

Since individual members can't raise soft money for their own campaigns, the DCCC and the National Republican Congressional Committee do it for them. This embrace of soft money—legally meant to go only for "nonfederal" purposes—is particularly ironic since the two campaign committees exist for the sole purpose of electing federal candidates.

In recent years, the soft money powerhouse on Capitol Hill has been the NRCC. Since the beginning of 1997, a new Common Cause study found, the House Republican committee has raised more of it than any other congressional committee: a total of $37.8 million. So far this year, the NRCC has outraised the DCCC overall $27 million to $17 million. And in House Majority Whip Tom DeLay (R–Tex.), the subject of a story Monday, the Republicans have the single most effective fund-raiser in Congress.

But slightly less than a year before the congressional elections, the House Democrats have significantly cut into the GOP's fund-raising advantage.

The DCCC is running essentially even with the NRCC in soft money raised this year, and Democrats are ahead for the first time ever in cash on hand: $10.7 million to the NRCC's $10.1 million.

"Republicans have experienced growth," said David Plouffe, the Gephardt strategist who is now executive director of the DCCC. "We've experienced much greater growth." By design, the Democratic growth strategy has focused on soft money, seeking contributions from a new club—"Team 2000"—for

$100,000 givers, and on what several sources said was an organized effort to get labor unions to "frontload" their contributions by giving as much as possible early in the election cycle.

Republicans have hardly ignored big givers. After the Democrats upped the ante, NRCC Chairman Tom Davis (Va.) imitated them with his own $100,000 program—the "Business Leadership Trust," a name reflective of the GOP's financial base. The GOP is also starting a new national finance committee to recognize corporate CEOs and top lobbyists. And when it comes to big checks, the NRCC lays claim to the biggest single donation of the year: $300,000 from Chiquita banana king Carl Lindner.

"Soft money follows power," said Davis, recognizing that the Republicans' takeover of Congress in 1994 has immeasurably boosted their fund-raising capacity. But he argued that Democrats have benefited most, leveraging the power of the presidency for their financial gain.

ERODING THE GOP EDGE

For decades, Democrats have gone into campaigns knowing they would be outspent. Taking over the DCCC in 1981, when Republicans had a fund-raising lead of 13 to one, Rep. Tony Coelho (D–Cal.) cut into that edge by convincing businesses they should invest in what was then the congressional majority. Coelho, now Vice President Gore's campaign chairman, also professionalized the DCCC, insisting for example that a campaign hire pollsters before it could receive a dime from the committee.

But the game then was hard money—strictly limited contributions of no more than $20,000 a year to party committees. At the time, before a succession of court rulings and Federal Election Commission cases, soft money was an add-on, used to finance building projects and television studios but never contemplated as a thinly veiled way around the contribution limits to specific races. And so the dollar amounts were low, amazingly so compared with the current checks.

"In retrospect, we were pikers," said one former Coelho adviser. "We thought we were pushing the envelope when we were asking people for $5,000."

And yet Coelho was a transformative figure, his close ties to S&L power brokers and aggressive style memorialized in a book, "Honest Graft," by journalist Brooks Jackson that showed members how the DCCC and the NRCC could become fund-raising powerhouses and use that money to wield more influence over campaigns. New York Republican Bill Paxon, who took over an NRCC deeply mired in debt in 1993, said flatly, "Coelho was my model" as he reinvented the committee in time for House Republicans to win the majority for the first time in 40 years.

In 1994, the last election before soft money's rise, the NRCC raised $7.4 million in soft money, compared to $5.1 million by the DCCC.

When Texas Rep. Martin Frost became chairman of the DCCC in 1995, he knew the Democrats were going to have to raise money differently. In the minority after four decades of power, they no longer had the legislative club that Coelho had taught them to wield with the K Street lobbyists who controlled business giving.

"Once we went into the minority, we had to reach beyond the PAC community in Washington," said Frost, who led the DCCC in the 1996 and 1998 elections and is now the Democratic Caucus chairman. "We really had to work the rest of the country aggressively."

Clinton and his advisers supplied the blueprint, using the Democratic National Committee to fund an unprecedented $35 million ad campaign to boost his reelection and paying for the ads with mix of hard and soft money. On Capitol Hill, members quickly grasped the implications: soft money could now be used to launch candidate-specific TV ads that were legal as long as they avoided the magic words "vote for" or "vote against."

Frost was planning to raise more soft money—but only to fund more traditional activities, like election-day turnout and overhead expenses. To start, he had to confront a party committee without much of a national donor base. "We weren't really thinking about soft money," said Matt Angle, Frost's top aide. "We were thinking about new money.

When they arrived at the DCCC, Angle said, they found that only 100 or so individuals had ever given more than $1,000 to the DCCC. Democratic House members, still stunned by their party's defeat, were reluctant to hit up their own big donors for the committee. And most donors had never heard of the DCCC, assuming it was an affiliate of the DNC.

"We had one guy who was a $100,000 giver," Frost said, New Jersey businessman Grover Connell, a rice broker who figured in the Koreagate scandal of the late 1970s and as long ago as the Coelho days was already giving $50,000 a year to the DCCC." "He was the only one we ever had," Frost said. "I said, 'Well, if Grover will give that much, we should start asking other people for larger figures.' "

Meanwhile, the predicted switch in business giving was coming to pass—Republicans, led by Speaker Newt Gingrich (R–Ga.) and DeLay, made an aggressive push to shut down Democratic money on K Street. By the 1998 election, about 65 percent of business funds were going to the House GOP.

Overall, the DCCC raised $16.6 million in soft money to the NRCC's $27.8 million for last year's election—225 percent more for the Democrats and 274 percent more for the Republicans since 1994.

Gephardt was already a top fund-raiser, a master of "the big ask," and yet, said Frost, "we didn't have 100 percent of his attention."

But last fall's election, when Democrats shocked even themselves by whittling the House GOP's majority to just six seats, galvanized Gephardt, a believer in the power of political soft money since his 1988 presidential campaign sputtered to a finish on Super Tuesday, several million dollars in debt.

GEPHARDT AIMS FOR SPEAKER

Two days after last year's election, Gephardt convened his top advisers and started planning for the 2000 campaign. His goal, it was clear, was to become speaker—not to run for president. While he didn't announce that decision until February, Gephardt quickly began planning his DCCC strategy, deciding to transfer virtually all his political operation to the committee.

As chairman, Kennedy would be Gephardt's "director of sales and marketing," in the words of banking lobbyist Tom Quinn, a longtime Kennedy family backer. Unabashed about trading on his family name, Kennedy was seen by Gephardt's team as a financial asset. "Patrick being chairman means an additional $10 million to $20 million for the DCCC," argued a leading party fund-raiser.

Jones, Gephardt's top money man, was put on contract at the DCCC. So was Richard J. Sullivan, the young lawyer who had served as the DNC's finance director in the 1996 election and was the lead-off witness in hearings held by Sen. Fred D. Thompson (R–Tenn.) about the influx of foreign money to the DNC in 1996.

The idea was to personalize the committee, selling donors on the future speaker. Kennedy said he often tells would-be contributors: " 'This is the Dick Gephardt for Speaker committee.' They get that. It personalizes it."

Gephardt himself calls big donors, not just to ask but also to thank. "He's the kind of guy who understands that in order to get dessert, you have to eat your vegetables," said Erik Smith, a Gephardt aide who is now the DCCC's communications director.

Determined to take advantage of the political momentum generated by the November election gains—and to play off the outrage felt by Democratic donors about the GOP House's impeachmnent of Clinton—the DCCC decided to focus its efforts on soft money and to push earlier than ever for major checks.

But Kennedy himself proposed the most audacious innovation, according to his aides. Until then, the biggest dollar program at the DCCC had been the Speaker's Club, price of entry: $15,000 in hard money. Kennedy created "Team 2000," a new club for $100,000 and over donors who would be feted by the party at exclusive events, including a weekend of clambakes and sightseeing at the Kennedy family compound in Hyannisport last month.

Big donations began to roll in: $250,000 from the Communications Workers of America, whose political director considers herself Kennedy's "fairy godmother" in the labor movement; $210,000 from AFSCME; $102,000 from AT&T; $100,000 from Texas trial lawyer Walter Umphrey's firm, Price Club founder Sol Price and others.

The Democrats are eagerly keeping score: according to the sheet handed out at each week's Democratic Caucus meeting, Gephardt has already collected $6.8 million for the DCCC and House candidates this year, followed by Kennedy at $6.2 million, aspiring Ways and Means Chairman Rangel at $1.9 million and Frost at $670,000.

Contributors who have dramatically increased their help to the House Democrats this year cite everything from personal loyalty to Gephardt to disaffection with the Republicans to a sense that the Democrats may lose the White House and therefore need to go all-out to retake control of at least one branch of government.

Richard Medley, a Wall Street analyst and former congressional aide, mentioned all three. "I've been a friend of Gephardt's for probably ten years," said Medley, who hosted a July dinner in New York with former treasury secretary Robert E. Rubin that raised $300,000. But he also referred to pessimism about Vice President Gore's chances to win next November: With GOP front-runner "George W. Bush doing so well, it's important to take out an insurance policy hoping to have at least one branch controlled by Democrats."

Personal service from Gephardt and Kennedy also helps land donors. That certainly was the case with the $100,000 check from David Alameel, a wealthy Dallas dental clinic owner. Alameel was already on the radar of Frost and his team, but they had no idea he would become a six-figure contributor.

Frost duly set up the meeting with Kennedy and, in the end, he said, "Patrick was the one who convinced him." The $100,000 check came in on June 21.

Indeed, Kennedy has produced a number of eye-popping checks from unexpected sources, like the $100,000 from Lois Pope, the Palm Beach heiress to the National Enquirer fortune. The wooing of Pope included Kennedy flying to Florida to present her with an award for her charity work.

"One of the great joys of my job is meeting people who inspire me," Kennedy gushed as he presented her with a "distinguished service award" from Citibank Private Bank of Florida. "I feel the energy that they feel for this country. Those of you who know Lois know that energy comes through." That was on April 7. On May 28, the DCCC received Pope's $100,000 check.

An even larger amount came as the result of his friendship with John J. McConnell Jr., a trial lawyers for Ness Motley Loadholt Richardson & Poole, a South Carolina-based firm that has earned millions of dollars from representing states in the tobacco settlement. Operating out of the firm's Rhode Island office, McConnell worked hard to introduce Kennedy to colleagues, flying him on the corporate jet so he could spend time with senior partner Ronald L. Motley and hosting a dinner on Capitol Hill for Kennedy, Gephardt and other trial lawyers with deep pockets.

On June 30, the courtship paid off—with a check for $250,000. "No question about it," McConnell said, "that was a personal contribution to Patrick."

SPENDING IN NEW WAYS

That check—and all the others—will go into a new pot of soft money that the DCCC will be able to spend next year in ways not envisioned by the 1974 election law, which restricts the parties to direct and coordinated gifts to their House candidates of only about $100,000 each. The idea behind the law was "to take fund-raising out of the hands of the party committees and give control of it to candidates themselves," as GOP pollster Brian Tringali put it.

Instead, with soft money issue ads and sophisticated voter identification programs, the parties are planning to spend upwards of $500,000 or $1 million each in next year's key districts. That gives the parties more say over how campaigns are run, what they are saying and who they are saying it to.

"Practically speaking," said a top Democratic fund-raiser, "you can take a race that is a $1 million House race and turn it into a $3.5 million race with soft money. In a day and age when parties themselves are not as strong, individual party committees are stronger than ever."

For Kennedy and his staff, the new emphasis on soft money is simple political pragmatism. "You can really draw a direct correlation between the amount of money in a campaign committee and the impact it has in terms of getting members elected," he argued.

To win, Kennedy said, "we need to raise an even greater amount of money. In practical terms, that means we need to raise it in bigger chunks."

Mr. FEINGOLD. Madam President, how can we close our eyes to the appearance of corruption that this enormous fundraising effort provides? How can we close our eyes to the appearance of corruption that the double givers list that I have shown on this floor a number of times represents? Mirage Resorts is now on the list. Companies give hundreds of thousands of dollars to both political parties—hundreds of thousands of dollars to both political parties. What game are they playing here?

The Senator from Kentucky said on the floor last week, "Well, they have a right to be duplicitous." Actually, Madam President, they are not being duplicitous. We all know they are giving to both sides. They are just playing by the rules as we have set them up. They are not doing anything that is dishonest. They are simply trying to cover their bases. Surely, the Senator from Kentucky doesn't think when AT&T gives a big contribution to the National Republican Senatorial Campaign Committee that it won't give money to the Senator from New Jersey's Democratic Senatorial Campaign Committee as well.

We all know why they do it, too—because in the candid words of a lobbyist, "They know which side their bread is buttered on." Both sides—the bread is buttered on both sides. They play both sides of the fence so they can get their calls returned and their positions heard. That, my friends, is on its face an appearance of corruption. And if we are so caught up in this fundraising game that we can't see it, the disenchantment the public feels in its elected officials is well warranted.

Last week, the Senator from Kentucky suggested that press reports about the connection between campaign donations and legislative actions arise from the desire of newspapers to sell more copies or talking heads to get air time. But the newspapers didn't create the appearance problem. We did.

I am reminded of what the great Senator, Robert La Follette, from my home State of Wisconsin, said in response to those who argued that the press of his day—the early 1900s—was somehow spreading hysteria about the power of the railroads over Congress. La Follette said:

> It does not lie in the power of any or all of the magazines of the country or of the press, great as it is, to destroy, without justification, the confidence of the people in the American Congress. . . . It rests solely with the United States Senate to fix and maintain its own reputation for fidelity to public trust. It will be judged by the record. It can not repose in security upon its exalted position and the glorious heritage of its traditions. It is worse than folly to feel, or to profess to feel, indifferent with respect to public judgment. If public confidence is wanting in Congress, it is not of hasty growth, it is not the product of "jaundiced journalism." It is the result of years of disappointment and defeat.

Years of disappointment and defeat—that is what the American people have had as the soft money system has grown and Congress has done nothing about it. The system of soft money looks corrupt. Indeed, it is corrupt. And it makes us, as its beneficiaries, look corrupt.

There is no other way to put it. There is an appearance of corruption. There is an appearance of cravenness. There is an appearance of a smug confidence that the American people will not laugh out loud in disgust at the assertion that there is no corruption near. There is an appearance of something terribly, terribly wrong that we refuse to fix.

If that offends people in this Chamber, so be it. We had better get rid of this system so they won't be offended anymore because I am not going to stop talking about it until we do.

Madam President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 6 minutes 19 seconds.

Mr. FEINGOLD. Madam President, the Senator from North Carolina asked if I will yield.

Mr. EDWARDS. Will the Senator yield for a question?

Mr. FEINGOLD. I yield.

Mr. EDWARDS. I know the Senator has spent a great deal of time moving across his home State of Wisconsin. How many counties are in Wisconsin?

Mr. FEINGOLD. Seventy-two counties.

Mr. EDWARDS. Seventy-two counties, and the Senator has been in every one.

Mr. FEINGOLD. I go to listening sessions in every one every year.

Mr. EDWARDS. I wonder what the Senator would think what someone in rural Wisconsin, a farmer in rural Wisconsin, would believe in terms of their influence, vis-a-vis someone who gave $100,000 in soft money to, in our case as fellow Democrats to the Democratic Party, or to the DNCC, whether that rural farmer in Wisconsin would believe that they have the same voice in the Senate that a $100,000 soft money contributor has.

Mr. FEINGOLD. I thank the Senator from North Carolina for his question.

The example of the farmer is a wonderful example, because of what has happened in Wisconsin in the last 18 years. We have lost something like 18,000 dairy farmers, so farmers in my State are in no position to be giving even $10 or $25 contributions.

When they hear, as the Senator is suggesting, that a person can give even $1,000, the possibility of doing that is pretty much off the charts. When they hear that somebody can actually for the first time in this century give $100,000, it is absolutely disappointing. And it must make them even more despondent. They have enough problems already.

But to think they can't have their vote count for what it used to count—we always had in Wisconsin the notion that the farm vote kind of shifted the balance, it is the swing vote traditionally in Wisconsin. But in this kind of system where soft money ads can make a farce out of an election, they feel—I know from firsthand conversations—quite left out of the process and quite dispirited.

Mr. EDWARDS. How does the Senator think that farmer would feel in his gut about whether this representative democracy is working the way it ought to work in a situation where he or she has at best one vote, and that position vis-a-vis another individual who has given $100,000, when he is working on his farm on a day-to-day basis? Does the Senator think that farmer believes he has the same equal voice that he is supposed to have in his representative democracy as somebody who wrote a $100,000 check.

Mr. FEINGOLD. I don't think there is any possibility that he feels his voice is as strong as it used to be. A typical farmer in Wisconsin with a certain amount of cows and a certain amount of acreage and a family, those are things that he had. He knew he had those things, and he had his vote counting the same as everybody else's. That is where the whole progressive movement in Wisconsin and the efforts of Robert La Follette came from—a lot of these farmers who were able to put their votes together to elect people who would really represent them.

Mr. EDWARDS. If I could ask a followup question, there has been a lot of debate on the floor and a lot of private conversations about whether there is any usefulness associated with simply banning soft money.

Let me ask the question again, using the example of this dairy farmer from Wisconsin. Does the Senator think it is important for the Senate to send a message to that farmer in rural Wisconsin that we are trying to do something real and meaningful to clean up campaign finance in this country?

Mr. FEINGOLD. We absolutely have to. I don't know how we convinced ourselves in the end of the 20th century of something that was the opposite conclusion at the end of the 19th century, early 20th century; and that is that unlimited contributions corrupt the process and make the individual farmer or individual homemaker or any other person almost a nonfactor in the political process.

We have to send this message and we have to do even better. We have to actually pass a ban on soft money as a first signal to that farmer that we will do the rest of the job and actually return the notion of one person-one vote to that farmer.

Mr. EDWARDS. Will the Senator agree that even if we are not able in this Congress in this session to pass across-the-board comprehensive reform that it is critically important that we send a message to Americans all over this country that this Senate and this Congress is willing to take a strong and courageous step to do something real and meaningful in terms of cleaning up campaign finance and that one of those steps would be the banning of soft money?

Mr. FEINGOLD. There is nothing more important than passing a ban on soft money in this Congress. In a few minutes we will have the first vote, I say to the Senator from North Carolina, the first vote ever on the question of whether we are going to allow party soft money or not. This is not one of these votes that you have every once in a while, a bed check vote on a Monday night. This is the real thing.

I thank the Senator from North Carolina for distilling it down to the perspective of one farmer in Rice Lake, WI, who might be watching and saying: Are these guys going to clean this place up or not?

Mr. EDWARDS. Let me ask the Senator one last question. I agree. One last question: In the Senator's mind, is this a party issue? Is this a Democratic or Republican issue?

Mr. FEINGOLD. Clearly not. In fact, the only thing that can defeat us on this is partisanship. That is why I worked for 5 years, not only with Senator McCain but I have gotten to know a number of my colleagues on the other side of the aisle—people such as Senator Thompson of Tennessee and Senator Collins of Maine. These are Republicans who I have grown to know and enjoy working with who together have worked to try to do something to ban soft money. So this is an example of how this institution can work well in terms of our cooperation and bipartisanship.

Let's make sure that partisanship doesn't defeat our efforts.

Mr. EDWARDS. I thank the Senator from Wisconsin and Senator McCain for their courageous leadership on this critical issue.

Mr. FEINGOLD. I certainly thank the Senator from North Carolina who in the few months he has been here has become a strong voice in the campaign finance reform debate.

I yield the floor.

Mr. McCONNELL. Madam President, parliamentary inquiry. Is the Senator from Kentucky correct that the Wellstone amendment and any other amendments that might be offered this evening would fall because they were not filed by 1 p.m., if we ultimately get cloture?

The PRESIDING OFFICER. The cloture occurs tomorrow. Amendments not filed by 1 p.m. today would be out of order if they are first-degree amendments

If cloture is invoked tomorrow, amendments not filed by 1 o'clock today would not be in order.

Mr. McCONNELL. Since Friday, the open and fair process which was sought and agreed to has been derailed by parliamentary maneuvering.

Let me say to all of my colleagues, particularly those on my side of the aisle who share the view of the majority leadership and myself on this issue, this motion to table is a meaningless vote and should reflect that fact. Consequently, I urge all of my colleagues to vote against tabling on behalf of the majority leader, Senator Bennett, and myself.

I yield the floor.

Mr. REID. With the remaining minute, I say to my friend from Wisconsin who is still on the floor, I appreciate very much the Senator's attempt to make this a bipartisan issue. The fact is, Democrats have voted time, after time, after time to invoke cloture on campaign finance reform, and we have been thwarted by the majority; is that not true?

Mr. FEINGOLD. I say to the Senator from Nevada, we have not been thwarted by the majority, only thwarted by that portion of the majority which is actually a minority seeking to filibuster this issue and defy the will of the majority of the people, which, of course, involves more Democrats than Republicans.

Mr. REID. By a considerable number, is that not true?

Mr. FEINGOLD. That is true.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. FEINGOLD. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the Reid amendment numbered 2299 to the Daschle amendment numbered 2298. The yeas and nays have been ordered. The clerk will call the roll.

The legislative assistant called the roll.

Mr. NICKLES. I announce that the Senator from Delaware (Mr. Roth), and the Senator from Oregon (Mr. Smith) are necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. Biden), the Senator from New Mexico (Mr. Bingaman), the Senator from Wisconsin (Mr. Kohl), and the Senator from New Jersey (Mr. Lautenberg) are necessarily absent on official business. I also announce that the Senator from Connecticut (Mr. Dodd) is absent because of family illness.

The result was announced—yeas 1, nays 92, as follows:

[Rollcall Vote No. 329 Leg.]

YEAS—1

Hollings

NAYS—92

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms

Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—7

Biden
Bingaman
Dodd
Kohl
Lautenberg
Roth
Smith (OR)

The motion was rejected.

Mr. LOTT. Mr. President, I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

Mr. MCCAIN. I object.

The PRESIDING OFFICER (Mr. FITZGERALD). Objection is heard.

Mr. LOTT. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. MCCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued with the call of the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that Ben Lawsky, a Judiciary Committee detailee in Senator SCHUMER's office, be granted floor privileges for the remainder of the 106th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNETT). Without objection, it is so ordered.

FINDING "COMMON GROUND" TO PROTECT OUR UNDERGROUND INFRASTRUCTURE

Mr. LOTT. Mr. President, in January of this year I reported on an important public-private partnership to protect our nation's underground infrastructure—electric power and fiber optic cables, telephone lines, water and sewer mains and pipelines. This partnership is based on S. 1115, the Comprehensive One-Call Notification Act, which I introduced in 1997 with the Minority Leader, Senator DASCHLE. The bill passed the Senate unanimously and became law as part of the Transportation Equity Act for the 21st Century, TEA 21.

Among other things, the bill called on the Secretary of Transportation to convene a comprehensive study of best practices in underground damage prevention. This study was completed and released by Secretary Rodney Slater on June 30, 1999. The study has been a model for conducting a cooperative effort between the public and private sectors. All those with an interest in underground damage prevention—the excavation community, one-call notification center representatives, locating contractors, railroads and underground facility operators worked together to produce the 250-page "Common Ground" report. This report is a veritable gold mine of practical real-world advice for all those involved in protecting our underground infrastructure in government and in the private sector.

The study is so valuable because of the 160 people with hands-on experience in underground damage prevention who worked together to write it. Nine teams covered the key aspects of underground infrastructure protection: one-call center practices, excavation, mapping, locating and marketing, compliance, planning and design, reporting and evaluation, public education, and emerging technologies. The full study is available at the DOT's Office of Pipeline Safety web page http://ops.dot.gov.

Steps are underway to keep this valuable and cooperative spirit alive and make the Common Ground process a continuing one, but this time with private leadership. This year's Senate Appropriations Committee Report on Transportation Appropriations (S. Rept. 106-55) including the following:

> The Committee believes that the group effort, dubbed "Common Ground", has the potential to serve as a basis for a self-sustaining entity that can advance underground damage prevention by identifying and encouraging best practices, providing badly needed public education, and collecting and disseminating information on damage to underground facilities. The Committee directs OPS to use existing resources to support the formation and initial operation of a non-profit organization that will further the work of "Common Ground" and implement other innovative approaches to advance underground damage prevention.

On October 28, the Office of Pipeline Safety will respond to this direction by convening a public meeting of the Common Ground participants and an even wider group of interests to lay the foundation for the non-profit organization described in this Report language. This non-profit damage prevention organization could be the key to a far more robust and effective national effort to protect our underground infrastructure that would be led and funded by the private sector.

To Secretary Slater's credit, the Department understands the importance of letting the private participants take the lead. The Department of Transportation will provide the initial resources for startup, but will then step back, so the private participants can be responsible for defining the path forward for underground damage prevention. In order to succeed, the new non-profit organization cannot be federally run or federally controlled. To succeed it cannot be run or controlled by any one of the interests in underground damage prevention. It must be a cooperative, power sharing enterprise in which excavation community, one-call notification center representatives, locating contractors, railroads, underground facility operators and other important interests join together to make decisions democratically.

The potential for such an organization to get things done is simply enormous, because it can include all the important affected interests from the beginning. The private effort and resources devoted to underground damage prevention today are very significant, but fragmented. This non-profit damage prevention organization is the missing piece that can pull these efforts together in a constructive way to create a powerful national impact on the largest preventable threat to our underground infrastructure. I urge all those in attendance at the October 28 meeting to keep this big picture vision firmly in mind. This is a tremendous opportunity that should not be missed.

Mr. President, I congratulate Secretary of Transportation Rodney Slater for seizing the opportunity offered by the Common Ground initiative. It seems to me that Secretary Slater, Research and Special Programs Administrator Kelley Coyner and Office of Pipeline Safety head Richard Felder all have this exactly right. This effort will be most effective if it is privately led and privately funded. This is an instance, all too rare, where the Federal Government is seeking to return power to the private sector. I urge all the Common Ground private participants—the excavation community, one-call notification center representatives, locating contractors, railroads, insurance providers, equipment manufacturers and underground facility operators to take up the leadership responsibility the Secretary is offering.

I will continue to monitor developments in underground damage prevention and the efforts to set up the non-profit privately led organization envisioned in the Senate Appropriations Committee Report. I look forward to working with all involved to further improve protection of our vital underground infrastructure.

PATIENTS' BILL OF RIGHTS

Mr. KENNEDY. Mr. President, as we reach the end of this session of Congress, it's essential that we act on the Patients' Bill of Rights before we adjourn. In passing the Norwood-Dingell bill two weeks ago, a solid, bipartisan majority of the House of Representatives voted for strong protections for patients against abuses by HMOs. Despite an extraordinary lobbying and disinformation campaign by the health insurance industry, the House approved the bill by a majority of 275–151. Sixty-eight Republicans as well as almost every Democrat in the House stood up for patients and stood firm against industry pressure.

Last Friday, the Senate appointed its conferees. Speaker HASTERT has said that the House will appoint its conferees this week. Prompt action on strong reforms is clearly within our grasp. But a series of recent statements and actions provide ominous signs that the insurance industry and its friends in the Republican leadership are at it again. Their emerging strategy seems once again to be to delay and deny the relief that American families need and that the House overwhelmingly approved.

The House vote was a major milestone toward enacting needed reform. It came after the Senate passed legislation with only sham protections by a narrow, partisan majority.

It came after years of delay and denial by the Republican leadership in both Houses of Congress, working hand-in-hand with the health insurance companies and HMOs to block reform.

Patients and doctors won a clear victory in the House. But now, the insurance industry and their allies in the House and the Senate Republican leadership are once again mobilizing to deny patients and doctors the protections they deserve. The ink is barely dry on the dramatic House vote, and opponents of reform are already talking about a new strategy of delay and denial—a strategy once again to put HMO profits first and patient protections last.

The first part of this emerging strategy is to delay the work of the House-Senate conference committee as long as possible. A precondition for appointing conferees and beginning the conference is formal transmission of the House-passed bill to the Senate. That process normally takes a day or two at most.

In fact, of 252 bills passed by the House in this Congress, the overwhelmingly majority were delivered to the Senate the day they were passed or the day after they were passed. Except for a few bills passed just before the beginning of a long recess, every bill passed by the House had been received by the Senate by the sixth day after passage. Yet, on the seventh day after the passage of the Norwood-Dingell bill, the legislation was still being held in the House of Representatives.

Only after the release of a CRS study documenting the extraordinary delay in transmission of the legislation was the bill forwarded to the Senate and Senate conferees appointed.

According to the Los Angeles Times, Senator LOTT's response to passage of the House bill was that "House-Senate conferences on other legislation have a higher priority and that resolving differences on this bill would take some time.'" According to the Baltimore Sun, Senator LOTT also indicated that Congress might not have time to work out the differences and approve a final bill before it adjourns for the year. According to the New York Times, aides to Senator NICKLES said that "the conference committee will probably not begin serious work until early next year." And just this past Friday, CongressDaily reported that "a Senate GOP aide said . . . Republicans do not plan to start the conference before the end of this year's session, despite the appointment of conferees."

Some Republicans are already beginning to lay the groundwork for a failed conference. Comparing the Senate and House bills, Congressman BILL THOMAS said, "You don't see many cross-breeds between Chihuahuas and Great Danes walking around."

And, of course, the fingerprints of Republican-industry collaboration are there to see for anyone who cares to look. As Bruce Josten of the U.S. Chamber of Commerce put it, "To see nothing come out of the conference is my hope. The best outcome is no outcome."

Even if the strategy of delay and denial fails, the Republican leadership once again has an alternative to try to weaken the House bill as much as possible.

As the Baltimore Sun reported, "House Majority Whip TOM DELAY suggested that the Republican-dominated House conference would not fight vigorously for the House-approved measure in the Conference Committee." Mr. DELAY said, "Remember who controls the conference: the Speaker of the House."

A conference that produces legislation that looks like the Senate Republican bill would break faith with the American people, make a mockery of the overwhelming vote in the House of Representatives, and cause unnecessary suffering for millions of patients.

That is why more than 300 groups representing patients, doctors, nurses, and other caregivers, and families support the Norwood-Dingell bill, but only the insurance industry supports the Senate proposal.

For every patient right in the Senate Republican bill, there is an industry loophole. If the truth in labeling law applied to legislation, every page of the bill would flunk the test, because every promise of patient protection comes with loopholes to protect HMOs and health insurers. The promise to patients is always broken.

At its most basic level, the decision before Congress is whether critical medical decisions will be made by doctors and patients, or HMO accountants.

It is time to protect families against abuses by a faceless insurance bureaucracy that can rob average citizens of their savings and their peace of mind, and often their health and their very lives.

For the millions of Americans who rely on health insurance to protect them and their loved ones when serious illness strikes, the Norwood-Dingell bill is a matter of life and death, and deserves to be passed by Congress.

Every day we delay in passing these reforms means that more patients will suffer and die. Congress has an obligation to act and to act now.

The abuses that take place every day should have no place in American medicine. Every doctor knows it. Every nurse knows it. Every patient knows it. The American people know it—and it is time the Republican leadership heeded their views.

The first test of the sincerity of the Republican leadership will come this week when the House conferees are appointed. Will a majority of the House conferees come from those who supported the Norwood-Dingell bill, not just on final passage, but on the critical vote to replace it with the leadership-backed alternative?

The second test will come in the conference itself. The danger is that the process will go into slow motion so that nothing happens until Congress adjourns for this session. There is ample time for genuine bipartisan negotiations to produce a strong, bipartisan bill that Congress can pass and the President can sign before the session ends.

The issues are well-known. There is no need for the conference to be time-consuming—no need unless the objective is to pass a watered down bill, or nothing at all. The Norwood-Dingell bill received overwhelming bipartisan support in the House of Representatives. The Senate conferees should do the right thing and simply accept that bill.

The choice is clear. Prompt action to protect patients and their families—or more delay and denial. Those who profit from the status quo have delayed action long enough. It is time for Congress to provide every family the protection they deserve.

Mr. President, Friday, we had the appointment of the conferees to represent the Senate with the House of Representatives on the HMO bill, the Patients' Bill of Rights legislation.

We want to let the Senate know we are prepared to meet today, tomorrow, the next day, and every single day to try to get a resolution of that issue because we know that every single day we do not act and have strong legislation, like the House of Representatives, American families are endangered and Americans are being hurt. That is wrong. We have the chance to act. On our side of the aisle, we are prepared to take action. We are prepared to meet. We believe this is one of the most important efforts we will have in this Congress.

We will continue to challenge our colleagues on the other side to move ahead and have a conference. We have debated these issues. We have had a long time to debate them. We have had extensive debates in committee and for over a week on the floor of the Senate.

Let's get about protecting the American citizens on that Patients' Bill of Rights—letting doctors make decisions rather than accountants. Every day, as I mentioned, that we fail to do so, we fail to protect American families. We want to go about America's business and families' business on health care. We are prepared to meet in conference now and every day in the future.

I thank the Chair.

ON THE 1999–2000 AMERICA'S CUP

Mr. CHAFEE. Mr. President, today I call to the attention of my colleagues the battle for the America's Cup, which begins this week in the Hauraki Gulf off Aukland, New Zealand. Five American and six international challengers are competing for the right to face Team New Zealand in races beginning next February.

This competition, which promises to be a long, hard-fought affair, gives me an opportunity to share with my fellow Senators some thoughts on Rhode Island's celebrated history in yachting. It began in London in 1851, when the America's Cup was designed and crafted as a trophy for a race around the Isle of Wight. The cup was named after the yacht *America* which first won the trophy by beating the British yachts at Cowes. Yacht racing had only recently begun in North America at the time; John Cox Stevens had founded the New York Yacht Club in 1844 and in 1851 was still its first Commodore.

But yacht racing was not so new in Britain, where forms of yachting had been a sport for about 250 years. In the mid-1850's, Britannia ruled the waves in all respects, and it would never have occurred to them that an American outfit could challenge their yachting dominance.

In 1857, John Stevens decided that the cup would be better in the hands of the New York Yacht Club for safekeeping and for organizing challenges. The cup, which graced the halls of the New York Yacht Club, became known as the America's Cup and this has continued for 145 years. Until 1983, the New York Yacht Club successfully defended the cup in races off Newport, Rhode Island, a venue which deservedly has come to be considered one of the sailing capitals of the world.

During these years, a great many Rhode Islanders stood out and earned outstanding reputations in this sport. Most notably, Nathanael Greene Herreshoff, "The Wizard of Bristol," joined his visually impaired brother in the manufacture of boats and went on to design six successful America's Cup defenders—*Vigilant* (in 1893), *Defender* (1895), *Columbia* (1899 and 1901), *Reliance* (1903) and *Resolute* (1920). In addition, the celebrated sailmaker and designer Ted Hood had more to do with the development of the America's Cup from the 1950's to the 1970's than any other person. Hood also won the Cup, helming *Courageous* in 1974.

Today, Hood's shipyard and many others in Rhode Island continue this proud tradition in the sailing world and have made the state's boatbuilding industry second to none. The east shore of Narragansett Bay has 13 boatyards representing some of yachting's most famous labels. In the words of one expert, "people across the world think of quality boats when they think of Rhode Island." Combined with tourism from recreational boating, the state's marine industry generates about $1.2 billion annually and employees about 6,000 workers. Rhode Island yards built boats for three America's Cup syndicates in 1995 and two more this year.

One of the American challengers is of particular interest to me and to my constituents in Rhode Island. Young America, a two-boat syndicate put forward by the New York Yacht Club, is one of the strongest challengers in these races. The club has stated its intent to bring America's Cup back to Newport, Rhode Island if—or should I say "when"—it dethrones Team New Zealand next March. Many, many Rhode Islanders eagerly look forward to the return of this great tradition to Newport, where it had such an outstanding record of success for one hundred and thirty-two years.

Young America's president, John Marshall, has been long involved with world-class sailing. Marshall won a bronze medal at the 1972 Olympics, and has been involved with eight America's Cups since 1974. Marshall is a former president of and serves on the Board of Directors for North Sails, the largest sailmaker in the United States.

Young America is skippered by Ed Baid, who played a key role in winning the 1995 America's Cup as coach, trial horse skipper and sparring partner for Team New Zealand. Baird was the 1995 World Champion of Match Race Sailing and placed second at the Worlds in 1997, 1996 and 1993. He is the only American to ever reach No. 1 in the World. The 1995 Rolex U.S. Yachtsman of the Year, Baird is a multiple world champion.

Let me also pay tribute to the several Rhode Islanders that have been named to the Young America team. They include Newport sailors Ed Adams, Tom Burnham, Jamie Gale, Jerry Kirby, Tony Rey and Joan Touchette. The shore support and technical team includes Stewart Wiley of Portsmouth; Ken Bordin, Steve Connett, Matthew Gurl and Bernie Roeder of Newport; Wolfgang Chamberlain of Bristol; and Michael Spiller of Jamestown.

Young America's two boats were built by Bristol, Rhode Island's Eric Goetz shipyard, recognized as one of the world's foremost manufacturers of racing sailboats. I had the pleasure of visiting and touring the Goetz shipyard last April, and was greatly impressed with what I saw.

Goetz has built seven America's Cup contenders for the last two series of America's Cup races—including boats commissioned by competing U.S. racing teams. This year's boats, which cost about $3 million each, are the product of a first-rate team of technicians and employ the most modern design and technology. Included is a keel developed by one of Rhode Island's most storied companies, Browne & Sharpe Manufacturing. The competitors in New Zealand are no doubt fixated on the technological advancements being introduced by Young America.

Three sets of round robin races begin this week and end on December 14. The challenger semifinals and finals take place next January 2 through February 4 to determine which syndicate will face the defending New Zealanders. The Finals of this grueling competition do not end until March 4.

So I hope all Senators can take a moment today to recognize the commencement of one of the world's most prestigious sporting traditions, the America's Cup. I wish good luck to all eleven competitors, but particularly to the Young America syndicate. For many of my state's enthusiasts, it has been a long sixteen years waiting for this moment.

HATE CRIMES

Mr. KENNEDY. Mr. President, violent acts of bigotry based on race, religion, ethnic background, sexual orientation, gender, and disability continue to plague the nation. These vicious crimes are a national disgrace and an attack on everything this country stands for, and it is essential for Congress to act against them.

Earlier this year, the Senate added important provisions to combat hate crimes to the Commerce-Justice-State Appropriations Act. This afternoon, Senate-House conferees will meet to vote on a conference report that does not contain the hate crimes provision. Behind closed doors, the conferees have tentatively decided to drop the provision, and I urge them to reconsider. It is essential for Congress to take a stand against bigotry, and do all we can to end these modern-day lynchings that continue to occur in communities across the country.

Many of us are aware of the most highly-publicized incidents, especially the brutal murders of James Byrd in Jasper, Texas, and Matthew Shepard in Laramie, Wyoming. But these two killings are just the tip of the iceberg. Many other gruesome acts of hatred have occurred this year:

January 14, 1999, El Dorado, California—Thomas Gary, 38, died after being run over by a truck and shot with a shotgun. The assailant claimed that Mr. Gary had made a pass at him.

January 17, 1999, Texas City, Texas—Two black gay men, Laaron Morris and Kevin Tryals, were shot to death and one of the men was left inside a burning car.

February 7, 1999, Miami, Florida—Three young women stalked, beat and stabbed a gay man while yelling antigay epithets.

February 19, 1999, Sylacauga, Alabama—Billy Jack Gaither, a gay man, was abducted, beaten to death with an ax handle, and set on fire on burning tires in a remote area.

February 24, 1999, Ft. Lauderdale, Fla.—A black woman, Jody-Gaye Bailey, died after being shot in the head by a self-proclaimed skinhead. Minutes before the shooting the perpetrator reportedly boasted of wanting to go out and kill a black person. Bailey and her boyfriend, who is Caucasian, were stopped at a red light when the killer fired at Bailey seven times. The boyfriend was uninjured.

February 1999, Yosemite National Park, California—An individual charged with the murder of four women—one of whom was a 16-year old girl—in Yosemite National Park told police investigators that he had fantasized about killing women for three decades.

March 1, 1999, Richmond, Virginia—A gay, homeless man was killed and his severed head was left atop a footbridge in James River Park near a popular meeting place for gay men.

May 1999, Kenosha, Wisconsin—A 27-year-old man intentionally swerved his car onto a sidewalk to run over two African-American teens. After hitting the two cyclists, he left the scene and kept driving until stopped by police. Eight years earlier the same man rammed his car twice into a stopped van carrying five African-American men and drove away.

June 2, 1999, West Palm Beach, Florida—Two teenagers admitted that they beat a gay man, Steven Goedereis, to death on April 27, 1998 because he called one of them "beautiful."

June/July 1, 1999, Northern California—Three synagogues in the Sacramento area were destroyed by arson. Two brothers, who have links to an organized hate group, are suspects in the arson as well as the shotgun murders of two gay men in Redding, Calif., Winfield Scott Mowder and Gary Matson.

July 4th weekend, 1999, Illinois/Indiana—An indiviudal associated with a racist and anti-Semitic organization, Benjamin Smith, killed an African-American man, Ricky Byrdsong, and wounded six orthodox Jews in Chicago before killing a Korean student, Won-Joon Yoon, in Bloomington, Ind.

July 24, 1999, San Diego, California—Hundreds of people were tear-gassed when a military style tear-gas canister was released near the Family Matters group at the San Diego gay pride parade. The 70-person group included small children and babies in strollers.

August 10, 1999, Los Angeles, California—A former security guard for a white supremacist organization, Buford O. Furrow, wounded five individuals, including young children, at a Los Angeles Jewish community center, and later killed a Filipino-American postal worker, Joseph Illeto.

Clearly, the federal government should be doing more to halt these vicious crimes that shock the conscience of the nation.

Dropping the bipartisan Senate provisions from the DJS conference report is a serious mistake. For too long, the federal government has been forced to fight hate crimes with one hand tied behind its back. Congress must speak with a united voice against hate-based violence. All Americans deserve to know that the full force of federal law will be available to punish these atrocities.

Congress has a responsibility to act this year. The continuing silence of Congress on this festering issue is deafening, and it is unacceptable. We must stop acting as if somehow this fundamental issue is just a state and local problem. It isn't. It's a national problem, and it's an outrage that Congress has been missing in action for so long. I urge the conferees to reconsider their action, and include a strong provision on hate crimes in the conference report.

Mr. President, I make these remarks because the timeliness of them is so important. I see my friend and colleague from Oregon, who shares these concerns. Again, we wanted to address this issue, which will be before the conference committee on the State-Justice appropriations this afternoon. We will be faced with this issue in a conference report in these next 2, 3 days. It is regarding the inclusion or exclusion of the hate crimes legislation.

We passed hate crimes legislation as part of the State-Justice-Commerce appropriations. It is in conference at a time when this country has been faced with a series of acts that have been violent on the basis of bigotry—based on race, religion, ethnic background, sexual orientation, gender, and disability. These challenges continue to plague the Nation. These vicious crimes are a national disgrace and an attack on everything for which this country stands. It is essential for Congress to act against them.

Just in the very recent times, we have seen the brutal murders of James Byrd in Jasper, TX, and Matthew Shepherd in Wyoming. These two killings are the tip of the iceberg. Many other gruesome acts of hatred have occurred this year.

On January 14, Thomas Gary died after being run over by a truck and shot with a shotgun. The assailant claimed that Mr. Gary had made a pass at him.

On January 17, 1999, Texas City, TX, two black gay men, Laaron Morris and Kevin Tryals, were shot to death, and one of the men was left inside a burning car.

On February 7, 1999, three young women, stalked, beat, and stabbed a gay man while yelling antigay epithets.

On February 24, in Fort Lauderdale, a black woman, Jody-Gaye Bailey, died after being shot in the head by a self-proclaimed skinhead. Minutes before the shooting, the perpetrator reportedly boasted of wanting to go out and kill a black person.

In February 1999, Yosemite National Park, California, an individual charged with the murder of four women—one of whom was a 16-year-old girl—in Yosemite National Park, told police investigators that he had fantasized about killing women for three decades.

The list goes on and on, and that is happening in communities all across the country. This legislation has been taken into consideration. A number of the points have been raised by Members over the last 3, 4 years. The statistics are very clear. This kind of problem is escalating, not decreasing. All we are asking is, in the very selected cases that would qualify under this legislation, that we not deny the Federal Government from participating with the State and local prosecutors in order to be able to solve these problems. These crimes are not just crimes against individuals, they are rooted in bigotry and hatred so deep that they have an important and dramatic and horrific affect upon a community.

We will see the opportunity, hopefully, for that Commerce Committee conference this afternoon to vote on these issues. We should at least have a vote on these matters and, hopefully, the Commerce Committee will not disappoint America's march toward justice.

Mr. WYDEN. Will the Senator yield for a question?

Mr. KENNEDY. Yes, I am happy to.

Mr. WYDEN. Mr. President, I think the distinguished Senator has made a very eloquent statement on this matter of hate crimes. As we have seen so often on these issues of justice for gay folks, and when we are talking about issues relating to race, the issue always is brought out that in some way we are advocating "special rights," or "preferences," or something of this nature. I think what the Senator from Massachusetts is asking for—and perhaps he can speak to this—is simply to make it clear the U.S. Congress is going to draw a line in the sand against violence borne out of bigotry and prejudice.

We are not talking about special rights. We are not talking about preferences for one group because of their sexual orientation or race; we are talking about Americans' right to be free from violence borne out of prejudice and hatred. Is that what the Senator from Massachusetts is talking about?

Mr. KENNEDY. The Senator has stated it well and accurately. These kinds of crimes, as I mentioned very briefly, rip at the heart and soul of all Americans. No one could read about these extraordinary acts of violence directed toward specified groups, such as those that took place in Yosemite, where that individual had in his mind one purpose and one purpose only, and that was to kill women. That was it. It wasn't against someone with whom he had a difference. That is the kind of vicious intent we have seen. We have seen that regarding race, religion, and sexual orientation.

All we are saying is, in the prosecution of those crimes, we are not going to fight it with one hand behind our backs. We are not going to deny it in the very selective numbers that will be in—I think you are looking at each group, and there are something like maybe 20, 30 cases a year—probably even less—in the testimony of those who represent the Justice Department in any of these areas. But they are so vicious and so horrific that we are going to say we are not going to permit that to take place in this country.

We have the opportunity to make a positive commitment in that area in our conference before we leave this year, and we don't want to lose that opportunity. The Senator from Oregon has been a leader on this issue, and our friend and colleague from New York, Senator SCHUMER, and Senator SPECTER have been strong leaders. This has been a bipartisan effort for a long period of time. We don't want to deny the chance of having success.

Mr. WYDEN. Will the Senator yield for one last point?

Mr. KENNEDY. Yes, I am happy to.

Mr. WYDEN. Mr. President, I think what the Senator from Massachusetts said is very important for our colleagues to focus on as we go to this conference, which I think will be starting in a few minutes.

My understanding is that the bipartisan proposal of the Senator from Massachusetts and Senator SPECTER does not, in any way, preempt State and local authority in this area. My understanding is that it is only if and when State and local authorities don't act against these morally repugnant crimes that the Senator from Massachusetts has described—that only then would the Federal Government come in. I will say, from my standpoint, what the Senator from Massachusetts is talking about certainly meets my definition of what ought to constitute compassionate conservatism.

I am very pleased that my colleague from Oregon, Senator SMITH, has joined with Senator SPECTER and others on the other side of the aisle. I so appreciate the leadership of the Senator from Massachusetts. I want him to know that I plan to stand shoulder to shoulder with him until we get this law passed. This is unacceptable. It is grotesque that this Congress would not take up this issue, and we cannot allow this issue to be ducked any further.

I thank my friend for yielding.

Mr. LEAHY. Mr. President, one of the most significant amendments that the Senate adopted as part of the Commerce-Justice-State appropriations bill is the Hate Crimes Prevention Act. This legislation amends the federal hate crimes statute to make it easier for federal law enforcement officials to investigate and prosecute cases of racial and religious violence. It also focuses the attention and resources of the Federal Government on the problem of hate crimes committed against people because of their sexual orientation, gender, or disability. I commend Senator KENNEDY for his leadership on this bill, and I am proud to have been an original cosponsor.

It is time to pass this important legislation. It has been over a year since the fatal beating of Matthew Shepard in Laramie, Wyoming, and the dragging death of James Byrd in Jaspar, Texas—brutal attacks that stunned the Nation.

Since those incidents, we have seen other acts of violence motivated by hate and bigotry, including the horrific incident two months ago in Los Angeles, when a gunman burst into a Jewish community center and opened fire on a room full of young children. When the gunman surrendered, he said that his rampage had been motivated by his hatred of Jews. The month before, a murderous string of drive-by shootings in Illinois and Indiana left two people dead and nine wounded. Again, the motivation was racial and religious hate.

These are sensational crimes, the ones that focus public attention. But there also is a toll we are paying each year in other hate crimes that find less notoriety, but with no less suffering for the victims and their families.

All Americans have the right to live, travel and gather where they choose. In the past we have responded as a nation to deter and to punish violent denials of civil rights. We have enacted federal laws to protect the civil rights of all of our citizens for more than 100 years. The Hate Crimes Prevention Act continues that great and honorable tradition.

When the Senate passed the Commerce-State-Justice appropriations bill last month, there seemed to be general agreement about the need to strengthen our national hate crimes laws. Both the Hate Crimes Prevention Act and a more limited hate crimes bill sponsored by Senator HATCH were included in the managers' amendment by unanimous consent. These bills complement and do not conflict with each other, and Senator KENNEDY and I have been working hard to address Senator HATCH's concerns about our legislation.

I had hoped that a consensus provision would be worked out in time for us to report as part of this appropriations bill, and I am disappointed that we have been unable to meet this deadline.

Five months ago, Matthew Shepard's mother testified before the Senate Judiciary Committee and called upon Congress to pass the Hate Crimes Prevention Act without delay. Let me echo her eloquent words:

> Today, we have it within our power to send a very different message than the one received by the people who killed my son. It is time to stop living in denial and to address a real problem that is destroying families like mine, James Byrd Jr.'s, Billy Jack Gaither's and many others across America. . . . We need to decide what kind of nation we want to be. One that treats all people with dignity and respect, or one that allows some people and their family members to be marginalized.

There are still a few weeks left in this session; we should pass the Hate Crimes Prevention Act this year.

FAIR TRADE LAW ENFORCEMENT ACT OF 1999

Mr. ROCKEFELLER. Mr. President, I join my colleagues, Senators DURBIN, HATCH, SANTORUM, BYRD and HOLLINGS in introducing the Fair Trade Law Enforcement Act of 1999. Unfortunately, because of the long and important debate on campaign finance reform last Friday, I was unable to make a statement with the rest of my colleagues when the bill was introduced. However, I stand today to praise this legislation which will take significant steps to update and enhance critical U.S. trade laws. It has been far too long, well over a decade in fact, since the last general reform of our trade laws, and current circumstances—including global recessions, economic turmoil and our surging trade deficit—necessitate the prompt action of Congress.

The trade laws in question, particularly the safeguard, countervailing duty and anti-dumping laws, are vital to the manufacturing sector of our economy. They are often the first and last line of defense for U.S. industries injured by unfairly or illegally traded imports. Companies, workers, families and communities rely heavily on these laws to prevent the ill-effects of unfair trading by our trading partners. Unfortunately, recent events like the steel import crisis have demonstrated how painfully inadequate our current trade laws are in responding to rapid import surges. The flooding of U.S. markets with unfairly or illegally traded goods causes severe and often irreparable harm to our workers and domestic injury, and it is high time we revisit our trade laws in an effort to make our laws more responsive to the changing landscape of the global economy and international trade.

The reforms we are proposing today fall into three categories. The first are improvements to our safeguard laws. Current U.S. safeguard standards are often more strict than the corresponding standards in the WTO Safeguards Agreement. This means U.S. manufacturers are playing at a disadvantage to their foreign trading partners. Whereas a foreign trading partner must prove only that an import surge, like the steel import crisis we have seen since July of 1997, is a cause of injury, domestic producers are hindered by U.S. trade laws which require our domestic industry to prove that the imports are a substantial cause of injury. This inequity hampers the ability of our domestic industry to receive relief from unfairly traded imports, and creates an unequal playing field on which our foreign trading partners have an advantage. It also contributes to making the U.S. the dumping ground for illegal and unfairly traded imports. Our trading partners know the U.S. standard is high, and they exploit that fact. This bill simply brings U.S. safeguard laws with respect to causation standards and injury factors into line with WTO laws, and puts our domestic industries on equal footing with the rest of the world.

Second, this legislation amends our anti-dumping and countervailing duty laws. It establishes a presumption of threat and of critical circumstances when imports surge and prices fall to an extraordinary degree. A critical circumstances determination, which is provided for under WTO standards, allows the ITC and the Department of Commerce to apply relief to imports entering before the preliminary determination in a trade case when investigating authorities find a history of injurious dumping or such a dramatic surge in imports that, absent retroactive relief, the effect of an anti-dumping measure would be severely undermined. One of the proposals in this legislation simply provides for the Department of Commerce and the ITC to apply these rebuttable presumptions when drastic import surges are coupled with sharp domestic price declines. Again, these presumptions are rebuttable, meaning all of our trading partners have the right to appeal the determination of threat or critical circumstances. All this provision suggests is that we give our domestic industry the benefit of the doubt regarding the injury they are suffering when huge spikes in imports are accompanied by a rapid decline in domestic prices. We saw first hand last year how effective the presumption of threat and critical circumstances can be. When the Commerce Department determined critical circumstances existed on numerous steel trade cases, the decline in imports for the following months was immediately visible. The specter of a retroactive tariff or duty is a powerful deterrent to continuing unfair and illegal trading practices.

This bill makes still other improvements in our anti-dumping and countervailing duty laws. Our legislation will make it tougher for our trading partners to circumvent an anti-dumping or countervailing duty order. No longer will foreign nations be able to skirt around our laws by making slight alterations to the products they are exporting to the U.S. We clarify that these AD/CVD orders include products that have been changed in only minor respects. The captive production clarification is an important provision to ensure fairnness as well.

Also, the Fair Trade Law Enforcement Act of 1999 prevents AD/CVD cases from being terminated by suspension agreements against the wishes of the injured U.S. industry. As we saw during the steel crisis, the Administration reached suspension agreements on trade cases that the domestic industry was confident of winning. Those cases would have provided significant relief for the injured U.S. steel industry by imposing tariffs and or duties which would have "priced out" many of our guilty trading partners from the U.S. steel market. Instead, foreign nations which were facing the prospect of having zero or very restricted access to the U.S. market were guaranteed a significant share of our market as a result of negotiated suspension agreements. The reforms in this bill will require the consent of a majority of the injured industry, both companies and workers, in order for the suspension agreement to be finalized. This particular piece of the bill has already been reported out of the Finance Committee, and it is critical to ensuring that any domestic industry injured by unfair or illegal imports is afforded proportional relief.

Finally, this bill also creates a steel import monitoring program designed to act as an early notification system when imports begin flooding the U.S. market. When the steel import surge began in July of 1997 it was many months, even close to a year, before anyone in the Administration would even admit that the spike in imports was occurring and that it was potentially harmful to the domestic industry. During that time businesses went bankrupt and thousands of employees were laid off. The amendment we propose in this bill will make it much easier to track imports and will provide much quicker notification of potentially harmful import surges. Quite simply, the sooner we learn of unfair import surges, the sooner the Administration, Congress and the industry itself can take the necessary steps to provide the industry, companies and workers with the relief they deserve.

This bill being introduced today provides much need adjustments to our trade laws. Too many of the provisions currently designed to provide relief to our domestic manufacturing sector have been antiquated by recent changes in the global economy and the structure of international trade. It is time we reaffirm our commitment to our manufacturing base by updating and enhancing the very laws designed to protect U.S. manufacturers from unfair and illegal imports from abroad.

I should note to my colleagues that I remain an ardent supporter of open and fair trade. Exports have become an engine of growth for the U.S. economy. The numbers speak for themselves. Last year, Americans exported over $688 billion worth of goods and services. In saying this, I proudly can point to my own state's experience, and how it proves in a powerful way that we must pursue the opportunities of the global economy. In the past decade, West Virginia has gone about, deliberately and energetically, changing its perception of the outside world in a way that has had tremendous economic payoff. In just the past five years, our exports have increased by 40%. We have large and small companies alike exporting to China, Korea, Taiwan, and Japan. These companies exported over $2.2 billion worth of goods just last year. In percentage of products made which are exported abroad, West Virginia ranks 4th among all 50 states. Perhaps the most stunning number to me is that every billion dollars in exports supports about 17,000 U.S. jobs—that means that more than 35,000 jobs in West Virginia are directly linked to exporting.

I know that trade is critical to my state's continued economic development. West Virginia's case proves that even small economies can use expanded trade opportunities as a mechanism for further growth and prosperity. However, our increasingly globalized and ever expanding economy requires our finding new ways to adapt to change. Americans thrive in that environment and will therefore excel in this New Economy. But transitions are almost always hard. I think how a country deals with the dislocations of change says a lot about its priorities and about its ultimate success as we move into a new world and a new century.

I fully recognize that much in this bill will provoke debate. I welcome it. The Finance Committee can and must begin to consider how best to update our trade laws. I am confident that as trade becomes unquestionably one of the most powerful economic determiners in our economy, we will do so.

My efforts to deal with the real world consequences for West Virginia steel families, communities and manufacturers when they were hit with an unprecedented deluge of steel imports in late 1997 and 1998 resulted in my proposal of a steel quota bill that was considered on the Senate floor and rejected largely on the grounds that we weren't playing by the world's rules. I'm here to let my colleagues know that as the world changes, we must change with it—we must support the expanded opportunities for trade by guarding against the acquiescence to circumstances where our workers end up hurt with no recourse but to promote isolationism.

THE FY 2000 HUD/VA APPROPRIATIONS ACT

Mr. KENNEDY. Mr. President, I express my strong support for the VA/HUD Appropriations Act for FY 2000, which passed the Senate last Friday. I commend Chairman BOND and Ranking Member MIKULSKI for their skilled work on resolving the important issues involved in this legislation. We could not have achieved such an excellent measure without their leadership and commitment.

I am pleased that the legislation includes significant new funding allocations for some of HUD's most critical programs. We have promised America's citizens to stand up for their priorities, and this legislation is an important part of keeping that promise.

The bill includes an additional 60,000 Section 8 vouchers. These vouchers are critical for struggling families across the country, many of whom pay more than half their income in rent.

The bill also restores $70 million for Round II Empowerment Zones. This restoration honors our promise to the communities who have worked hard to build partnerships to revitalize their communities, based upon the promise that they would have HUD resources to leverage the funds they have raised in private-sector investments. The City of Boston and many other communities will benefit from this effort, and I am pleased that we support their initiative with these well-deserved resources.

I am also pleased that the Community Builders program is supported in the Act. The program provides a single point of contact with HUD for clients and customers, and streamlines access to HUD resources. With these improvements, HUD will be serving citizens more ably and expeditiously, and the preservation of this important program is an essential part of the legislation.

These initiatives offer hope to many distressed communities and low income families who are still left behind in this period of extraordinary economic growth. We must never forget our commitment to safe and affordable housing for our neediest citizens. I commend my colleagues for their skillful work which has led to this major legislation.

CORRECTION OF THE RECORD

Mr. MOYNIHAN. Mr. President, today I rise to correct the RECORD by noting that Senator BARBARA BOXER was erroneously listed as having signed the letter Senator WARNER and I wrote on October 12, 1999, regarding the Senate's need to postpone voting on the Comprehensive Test Ban Treaty. Her name should therefore be excised from this letter.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, October 15, 1999, the Federal debt stood at $5,664,657,029,541.87 (Five trillion, six hundred sixty-four billion, six hundred fifty-seven million, twenty-nine thousand, five hundred forty-one dollars and eighty-seven cents).

One year ago, October 15, 1998, the Federal debt stood at $5,537,594,000,000 (Five trillion, five hundred thirty-seven billion, five hundred ninety-four million).

Fifteen years ago, October 15, 1984, the Federal debt stood at $1,590,669,000,000 (One trillion, five hundred ninety billion, six hundred sixty-nine million).

Twenty-five years ago, October 15, 1974, the Federal debt stood at $478,586,000,000 (Four hundred seventy-eight billion, five hundred eighty-six million) which reflects a debt increase of more than $5 trillion—$5,186,071,029,541.87 (Five trillion, one hundred eighty-six billion, seventy-one million, twenty-nine thousand, five hundred forty-one dollars and eighty-seven cents) during the past 25 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF THE UNITED STATES NUCLEAR REGULATORY COMMISSION FOR FISCAL YEAR 1998—MESSAGE FROM THE PRESIDENT—PM 65

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Environment and Public Works.

To the Congress of the United States:

As required by section 307(c) of the Energy Reorganization Act of 1974 (42 U.S.C. 5877(c)), I transmit herewith the Annual Report of the United States Nuclear Regulatory Commission, which covers activities that occurred in fiscal year 1998.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 18, 1999.*

MESSAGE FROM THE HOUSE

ENROLLED BILLS SIGNED

At 5:05 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 3036. An act to restore motor carrier safety enforcement authority to the Department of Transportation.

H.R. 2684. An act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000, and for other purposes.

H.R. 356. An act to provide for the conveyance of certain property from the United States to Stanislaus County, California.

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

MEASURE PLACED ON THE CALENDAR

Pursuant to the order of August 4, 1977, the following bill was discharged from the Committee on the Budget, and placed on the calendar:

S. 1214. A bill to ensure the liberties of the people by promoting federalism, to protect the reserved powers of the States, to impose accountability for Federal preemption of State and local laws, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–5663. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Chesapeake Bay, Hampton, VA (CGD05–99–090)" (RIN2115–AA97) (1999–0065), received October 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5664. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Mile 94.0 to Mile 96.0, Lower Mississippi River, Above Head of Passes (COTP New Orleans, LA 99–026)" (RIN2115–AA97) (1999–0066), received October 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5665. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Passaic River, NJ (CGD01–99–171)" (RIN2115–AE47) (1999–0047), received October 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5666. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Inner Harbor Navigation Canal, LA (CGD08–99–0111" (RIN2115–E47) (1999–0048), received October 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5667. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Gulf Intracoastal Waterway, Algiers Alternate Route, LA (CGD08–99–057)" (2115–AE47) (1999–0046), received October 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5668. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Suwannee River, FL (CGD07–98–054)" (2115–AE47) (1999–0045), received October 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5669. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Rules of Practice, Procedure, and Evidence for Administrative Proceedings of the Coast Guard (USCG–1998–3472)" (2115–AF59) (1999–0003), received October 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5670. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "User Fees for Marine Licensing, Certificates of Registry, and Merchant Mariner Documents (USCG–1997–0002)" (2115–AF49) (1999–0002), received October 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5671. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure of the Central Regulatory Area of the Gulf of Alaska for Pacific Cod by the Inshore Component", received October 13, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5672. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock by Vessels Catching Pollock for Processing by the Inshore Component in the Bering Sea Subarea" received October 13, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5673. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Vessels Catching Pollock for Processing by the Inshore Component in the Bering Sea Subarea" received October 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5674. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands" received October 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5675. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure of the Central Regulatory Area of the Gulf of Alaska for Pacific Cod by the Inshore Component", received October 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5676. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure of the Eastern Regulatory Area of the Gulf of Alaska to Retention of Shortraker and Rougheye Rockfish", received October 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5677. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; End of the Primary Season and Resumption of Trip Limits for the Shore-based Whiting Sector", received October 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5678. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Summer Flounder Fishery; Notification of Waiver of Annual Federal Summer Flounder Recreational Measures", received October 5, 1999; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CHAFEE, from the Committee on Environment and Public Works, without amendment:

S. 1119. A bill to amend the Act of August 9, 1950, to continue funding of the Coastal Wetlands Planning, Protection and Restoration Act (Rept. No. 106–193).

By Mr. CHAFEE, from the Committee on Environment and Public Works, without amendment:

S. 1744. An original bill to amend the Endangered Species Act of 1973 to provide that certain species conservation reports shall continue to be submitted (Rept. No. 106–194).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 1275. A bill to authorize to Secretary of the Interior to produce and sell products and to sell publications relating to the Hoover Dam, and to deposit revenues generated from the sales into the Colorado River Dam fund (Rept. No. 106–195).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. CRAPO (for himself and Mr. CRAIG):

S. 1742. A bill to amend title XVIII of the Social Security Act to permit certain skilled nursing facilities to participate in the 3-year transition period under the prospective payment system for skilled nursing facility services; to the Committee on Finance.

By Mr. CLELAND:

S. 1743. A bill to amend the Transportation Equity Act for the 21st Century to authorize the State of Georgia to participate in the State infrastructure bank pilot program; to the Committee on Environment and Public Works.

By Mr. CHAFEE:

S. 1744. An original bill to amend the Endangered Species Act of 1973 to provide that certain species conservation reports shall continue to be submitted; from the Committee on Environment and Public Works; placed on the calendar.

By Mr. REED:

S. 1745. A bill to establish and expand child opportunity zone family centers in elementary schools and secondary schools, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MOYNIHAN:

S. 1746. A bill to authorize negotiation of a free trade agreement with the Republic of Turkey, to provide authority for the implementation of the agreement, and for other purposes; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CLELAND:

S. 1743. A bill to amend the Transportation Equity Act for the 21st Century to authorize the State of Georgia to participate in the State infrastructure bank pilot program; to the Committee on Environment and Public Works.

STATE INFRASTRUCTURE BANK PILOT PROGRAM LEGISLATION

Mr. CLELAND. Mr. President, I rise today to introduce legislation which would allow my home state of Georgia to participate in the State Infrastructure Bank (SIB) program. Prior to the enactment of the Transportation Equity Act for the 21st Century (TEA–21) all 50 states were eligible for SIB revolving funds, which are capitalized with federal and state contributions and used to provide loans and other forms of non-grant assistance to transportation projects. TEA–21, however, limited an enhanced SIB program to four states (California, Florida, Missouri, Rhode Island). My bill would add Georgia as a fifth state for participation in the SIB program.

Georgia and Metro Atlanta, I believe, can be a national model on how to meet clean air standards and manage suburban sprawl without compromising economic growth. Governor Roy Barnes and the Georgia General Assembly deserve a great deal of credit for grabbing the bull by the horns when they enacted historic legislation creating the Georgia Regional Transportation Authority (GRTA). GRTA will work with other state agencies and organizations to solve the traffic, pollution, and sprawl problems that plague Metro Atlanta.

In order to carry out its legislative charge in conjunction with the Georgia Department of Transportation (GDOT), the Metropolitan Atlanta Rapid Transit Authority (MARTA), the Atlanta Regional Commission (ARC), and other transportation agencies, GRTA will need sufficient financial resources to become a regional authority with teeth. To assist in procurement of these resources, the legislation I am introducing today would extend the State Infrastructure Bank program to include Georgia. I believe that this program can be a vital component in funding such important projects as the multi-state high speed rail corridor.

The SIB program authorizes loans to a public or private entity to cover the partial or complete cost of an approved project, and it allows for innovative planning and development of funding streams for repayment, which does not begin until five years after the completion of the project. Additionally, TEA–21 allows for the creation of a multistate infrastructure bank system among the pilot states. In so doing, states would be encouraged to share not only funds but also ideas for combating pollution and traffic problems and encouraging alternative forms of transportation. Georgia would be a perfect addition to this mix.

Georgia can be a model for the nation—an example for other states that are facing similar problems of balancing growth and livability. Georgia's participation in the SIB program would provide more options to fund the solutions that will allow the proper balance to be struck. GRTA, GDOT and the other transportation entities in Georgia have expressed to me their enthusiasm over the possibilities that are presented by Georgia's participation in the SIB program. I hope that my Senate colleagues will join with me in support of this legislation which will allow Georgia to participate in the SIB program and in doing so it will illustrate to the country the full potential of this program.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1743

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. STATE INFRASTRUCTURE BANK PILOT PROGRAM.

Section 1511(b)(1)(A) of the Transportation Equity Act for the 21st Century (23 U.S.C. 181 note; 112 Stat. 251) is amended by inserting "Georgia," after "Florida".

By Mr. REED:

S. 1745. A bill to establish and expand child opportunity zone family centers in elementary schools and secondary schools, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

CHILD OPPORTUNITY ZONE FAMILY CENTERS ACT

Mr. REED. Mr. President, I rise today to introduce legislation to encourage communities to foster school-based or school-linked family centers. These centers would provide a comprehensive array of information, support, services, and activities to improve the education, health, mental health, safety, and economic well-being of children and their families.

As we strive to ensure the academic and future success of our students, we must recognize that the increasingly complex needs of children cannot be met by the education system alone.

Some facts to illustrate this point:

Today, 11.3 million children—more than 90 percent of them in working families—have no health insurance.

7.5 million children under the age of 18 require mental health services, while the National Institute of Mental Health estimates that fewer than one in five receive the help they need.

It is estimated that nearly five million school-age children spend time without adult supervision during a typical week. Meanwhile, FBI data show that the peak hours for violent juvenile crime occur during the after-school hours of 3:00 p.m. to 8:00 p.m.

Also according to the FBI, juveniles accounted for 17 percent of all violent crime arrests in 1997, and juveniles are victims in nearly 25 percent of all crimes.

To address these and other serious issues facing our children and families, a few states and localities have established centers and developed programs designed to provide families with access and linkages to needed social services in a location that is easily accessed by families—their children's school. All too often, the programs and services currently available to assist children and families, like health and mental health care, nutritional programs, child care, housing, and job training, exist in a fragmented fashion, making it difficult for many families to find a point of entry. The aim of my legislation is to bring these vital services under one familiar roof so children and families have easy access to needed services.

Research indicates that school-linked family center programs are a cost-effective way to provide supports to children and families. According to a report by the Northeast and Islands Regional Educational Laboratory, school-linked services can also "help to increase student achievement, save money and reduce overlapping services, reach those children and families most in need, make schools more welcoming to families, increase community support for the school, and help at-risk families develop the capacity to manage their own lives successfully."

My legislation, the Child Opportunity Zone Family Centers Act, builds on a successful model in my home state of Rhode Island, the Rhode Island Child Opportunity Zone (COZ) Family Center initiative.

The Child Opportunity Zone Family Centers Act would provide grants on a competitive basis to partnerships consisting of a high poverty school; school district; other public agency, such as a department of health or social services; and non-profit community organizations, including a family health center that provides mental health services. Partnerships would be required to complete a needs assessment, and then use this information to provide children and families with linkages to existing community prevention and intervention services in the core areas of education, health, and family support. In addition, partnerships would provide violence prevention education to children and families and training to enable families to help their children meet challenging standards and succeed in school.

The guiding principle of Rhode Island's COZ Family Centers is to help children and families get the assistance they need. This principle is reflected in my legislation, which contains accountability provisions to ensure that partnerships focus on improvements in student achievement, school readiness, family participation in schools, access to health care, mental health care, child care, and family support services and work to reduce violence-related problems, truancy, suspension, and dropout rates in order to continue to receive funding.

As we prepare to work on the reauthorization of the Elementary and Secondary Education Act, I believe that it is critical that we do all we can to provide a seamless, integrated system of support for children and families. By giving families an opportunity to get the support they need, we can truly help children succeed in school and life. I urge my colleagues to cosponsor this important legislation and work for its inclusion in the upcoming reauthorization of the Elementary and Secondary Education Act.

Mr. President, I ask unanimous consent that the text of this legislation be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1745

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CHILD OPPORTUNITY ZONE FAMILY CENTERS.

Title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8001 et seq.) is amended by adding at the end the following:

"PART I—CHILD OPPORTUNITY ZONE FAMILY CENTERS

"SEC. 10995A. SHORT TITLE.

"This part may be cited as the 'Child Opportunity Zone Family Center Act of 1999'.

"SEC. 10995B. PURPOSE.

"The purpose of this part is to encourage eligible partnerships to establish or expand child opportunity zone family centers in elementary schools and secondary schools in order to provide comprehensive support services for children and their families, and to improve the children's educational, health, mental health, and social outcomes.

"SEC. 10995C. DEFINITIONS.

"In this title:

"(1) Child opportunity zone family center.—The term 'child opportunity zone family center' means a school-based or school-linked community service center that provides and links children and their families with comprehensive information, support, services, and activities to improve the education, health, mental health, safety, and economic well-being of the children and their families.

"(2) Eligible partnership.—The term 'eligible partnership' means a partnership—

"(A) that contains—

"(i) at least 1 elementary school or secondary school that—

"(I) receives assistance under title I and for which a measure of poverty determination is made under section 1113(a)(5) with respect to a minimum of 40 percent of the children in the school; and

"(II) demonstrates parent involvement and parent support for the partnership's activities;

"(ii) a local educational agency;

"(iii) a public agency, other than a local educational agency, including a local or State department of health and social services; and

"(iv) a nonprofit community-based organization, including a community mental health services organization or a family health center that provides mental health services; and

"(B) that may contain—

"(i) an institution of higher education; and

"(ii) other public or private nonprofit entities.

"SEC. 10995D. GRANTS AUTHORIZED.

"(a) In General.—The Secretary may award, on a competitive basis, grants to eligible partnerships to pay for the Federal share of the cost of establishing and expanding child opportunity zone family centers.

"(b) Duration.—The Secretary shall award grants under this section for periods of 5 years.

"SEC. 10995E. REQUIRED ACTIVITIES.

"Each eligible partnership receiving a grant under this part shall use the grant funds—

"(1) in accordance with the needs assessment described in section 10995F(b)(1), to provide or link children and their families with information, support, activities, or services in core areas consisting of—

"(A) education, such as child care and education programs for children below the age of compulsory school attendance, before- and after-school care, and school age enrichment and education support programs;

"(B) health, such as primary care (including prenatal care, well child care, and mental health care), preventative health and safety programs, outreach and referral, screening and health promotion, and enrollment in health insurance programs; and

"(C) family support, such as adult education and literacy programs, welfare-to-work-programs, job training, parenting skills programs, assistance that supports healthy child development, and access to basic needs, including food and housing;

"(2) to provide intensive, high-quality, research-based instructional programs that—

"(A) provide violence prevention education for families and developmentally appropriate instructional services to children (including children below the age of compulsory school attendance), such as education and services on nonviolent conflict resolution, pro social skills and behaviors, and other skills necessary for effectively relating to others without violence; and

"(B) provide effective strategies for nurturing and supporting the emotional, social, and cognitive growth of children; and

"(3) to provide training, information, and support to families to enable the families to participate effectively in their children's education, and to help their children meet challenging standards, including assisting families to—

"(A) understand the accountability systems, including content standards, performance standards, and local assessments, in place for the State involved, the participating local educational agency, and the participating elementary school or secondary school;

"(B) understand their children's educational needs, their children's educational performance in comparison to State and local standards, and the steps the school is taking to address the children's needs and to help the children meet the standards; and

"(C) communicate effectively with personnel responsible for providing educational services to the families' children, and to participate in the development, amendment, review, and implementation of school-parent compacts, parent involvement policies, and school plans.

"SEC. 10995F. APPLICATIONS.

"(a) In General.—Each eligible partnership desiring a grant under this part shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(b) Contents.—Each application submitted pursuant to subsection (a) shall—

"(1) include a needs assessment, including a description of how the partnership will ensure that the activities to be assisted under this part will be tailored to meet the specific needs of the children and families to be served;

"(2) describe arrangements that have been formalized between the participating elementary school or secondary school, and other partnership members;

"(3) describe how the partnership will effectively coordinate and utilize Federal, State, and local educational agency sources of funding, including funding provided under part I of title X and under the Safe Schools/Healthy Students Initiative (jointly funded by the Departments of Education, Justice, and Health and Human Services), that provide assistance to families and their children in the areas of job training, housing, justice, health, mental health, child care, and social and human services;

"(4) describe the partnership's plan to—

"(A) develop and carry out the activities assisted under this part with extensive participation of parents, administrators, teachers, pupil services personnel, social and human service agencies, and community organizations and leaders; and

"(B) connect and integrate the activities assisted under this part with the education reform efforts of the participating elementary school or secondary school, and the participating local educational agency;

"(5) describe the partnership's strategy for providing information and assistance in a language and form that families can understand, including how the partnership will ensure that families of students with limited English proficiency, or families of students with disabilities, are effectively involved, informed, and assisted;

"(6) describe how the partnership will collect and analyze data, and will utilize specific performance measures and indicators to—

"(A) determine the impact of activities assisted under this part as described in section 10995I(a); and

"(B) improve the activities assisted under this part; and

"(7) describe how the partnership will protect the privacy of families and their children participating in the activities assisted under this part.

"SEC. 10995G. FEDERAL SHARE.

"The Federal share of the cost of establishing and expanding child opportunity zone family centers—

"(1) for the first year for which an eligible partnership receives assistance under this part shall not exceed 90 percent;

"(2) for the second such year, shall not exceed 80 percent;

"(3) for the third such year, shall not exceed 70 percent;

"(4) for the fourth such year, shall not exceed 60 percent; and

"(5) for the fifth such year, shall not exceed 50 percent.

"SEC. 10995H. CONTINUATION OF FUNDING.

"Each eligible partnership that receives a grant under this part shall, after the third year for which the partnership receives funds through the grant, be eligible to continue to receive the funds if the Secretary determines that the partnership has made significant progress in meeting the performance measures used for the partnership's local evaluation under section 10995I(a)(4).

"SEC. 10995I. EVALUATIONS AND REPORTS.

"(a) Local Evaluations.—Each partnership receiving funds under this part shall conduct annual evaluations and submit to the Secretary reports containing the results of the evaluations. The reports shall include—

"(1) information on the partnership's activities that are assisted under this part;

"(2) information on the number of families and children served by the partnership's activities that are assisted under this part;

"(3) information on the partnership's effectiveness in reaching and meeting the needs of families and children served under this part, including underserved families, families of students with limited English proficiency, and families of students with disabilities; and

"(4) the results of a partnership's performance assessment of the partnership, including performance measures demonstrating—

"(A) improvements in student achievement, school readiness, family participation in schools, and access to health care, mental health care, child care, and family support services, resulting from activities assisted under this part; and

"(B) reductions in violence-related problems and risk taking behavior among youth, and reductions in truancy, suspension, and dropout rates, resulting from activities assisted under this part.

"(b) NATIONAL EVALUATIONS.—

"(1) IN GENERAL.—The Secretary shall reserve not more than 3 percent of the amount appropriated under this part to carry out a national evaluation of the activities assisted under this part. Such evaluation shall be completed not later than 3 years after the date of enactment of the Child Opportunity Zone Family Center Act of 1999, and every year thereafter.

"(2) SCOPE OF EVALUATION.—In conducting the national evaluation, the Secretary shall evaluate the effectiveness and impact of the activities, and identify model activities, assisted under this part.

"(3) ANNUAL REPORTS.—The Secretary shall submit an annual report to Congress, regarding each national evaluation conducted under paragraph (1), that contains the information described in the national evaluation.

"(c) MODEL ACTIVITIES.—The Secretary shall broadly disseminate information on model activities developed under this part.

"SEC. 10995J. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part $50,000,000 for fiscal year 2000, and such sums as may be necessary for each of the fiscal years 2001 through 2004.".

By Mr. MOYNIHAN:

S. 1746. A bill to authorize negotiation of a free trade agreement with the Republic of Turkey, to provide authority for the implementation of the agreement, and for other purposes; to the Committee on Finance.

THE U.S.-TURKEY FREE TRADE AGREEMENT ACT OF 1999

Mr. MOYNIHAN. Mr. President, I rise today to introduce the U.S.-Turkey Free Trade Agreement Act of 1999. This bill provides traditional trade negotiating authority—we once called it "fast track authority"—for a free trade agreement (FTA) with the Republic of Turkey. It would authorize the President to negotiate and conclude a free trade agreement with one of America's most important allies and bring that agreement and any necessary implementing legislation back to the Congress for an up-or-down vote, within a time certain.

I would begin by noting that Turkey has played a singular role at the crossroads of East and West since 1923, when the legendary Mustafa Kemal "Ataturk" built a western-oriented, secular state out of the ashes of the collapsed 600-year old Ottoman Empire. Its constitution establishes a democratic, parliamentary form of government with an independent judiciary. Indeed, it is the only Muslim country with a secular democracy.

Turkish-American friendship is longstanding: it was first consecrated in the Treaty of Commerce and Navigation between the United States and the Ottoman Empire in 1830. The 1929 Treaty of Commerce and Navigation cemented our commercial ties with the new republic, while the July 12, 1947 agreement on aid to Turkey, implementing the Truman Doctrine, inaugurated the very close relationship that continues today. Our friendship has since been reinforced by more than 60 agreements, treaties and memoranda of understanding.

It is time to take that relationship a step farther, and begin negotiations toward a free trade agreement with Turkey. Not only do our strategic and political interests dictate closer economic integration, but our commercial interests do so as well.

Straddling Europe and Asia, Turkey has played a central role in safeguarding the United States' security interests in the region since it first entered World War II on the side of the allies at the end of the war. Turkey was a charter member of the United Nations and joined the North Atlantic Treaty Organization (NATO) in 1952. It currently has the largest military force in the Middle East, and the second largest military force in NATO.

Its geography, history, and relative economic success put Turkey in a position of potential influence in Central Asia, which is, of course, populated mainly by Turkic peoples. To the west, Turkey plays an important role in Europe, both because of its NATO membership and the situation on Cyprus. We applaud the recent improvements in Turkey's relations with Greece, and hope for more. This past summer the two countries held bilateral talks on a range of issues, talks which continued in early September. The tragedy of the recent earthquakes further reinforced this burgeoning relationship as Greece and then Turkey promptly dispatched emergency rescue crews and supplies to assist the other in dealing with these disasters.

And to the south, Turkey is, without question, one of our two most important allies in the Middle East. The other is its neighbor, Israel, with whom the United States negotiated a free trade agreement that went into effect in 1985. Less well known is the fact that Turkey and Israel negotiated a free trade agreement in 1996, which was ratified in 1997 and is in force today. A U.S.-Turkey FTA would simply complete the triangle.

Writing in the September 28, 1999 edition of The Washington Post, Dr. Isaiah Frank, the very distinguished William L. Clayton Professor of International Economics at Johns Hopkins University's School of Advanced International Studies, argued persuasively on political grounds for a free trade agreement with Turkey.

> The EU's equivocation [over Turkey's proposed membership in the European Union] has bred Turkish disaffection from Europe and plays into the political hands of the Islamists who as recently as 1996 were at the helm of the government. Clearly, the enormous U.S. stake in a secular, Western-oriented Turkey warrants action by the United States to offset the EU's arm's length treatment and to strengthen and solidify the country's Western political and economic integration.

But Dr. Frank was correct to point out as well that a free trade agreement with Turkey would also be in the United States' economic interest. Turkey is an industrial country, underpinned by strong free market principles and a vibrant private sector. It was in 1961 a founding member of the Organization for Economic Cooperation and Development, the exclusive club—there are today only 29 OECD member countries—that serves as the principal economic forum for the industrialized world.

In the 1980's, Turkey took major steps to liberalize its economy. Progress continues to be made: earlier this year, Turkey's parliament passed a significant banking reform bill, landmark social security reform and constitutional amendments removing obstacles to foreign investment and promoting the privatization of state-owned enterprises. Turkey's increasingly open economy has produced rewards: during most of the 1990's, it has been one of the fastest growing of the OECD countries and, for the past eight years, it has had the fourth highest annual growth rate, after Ireland, Korea and Luxembourg, recording a 4.4% average annual rate of growth in GNP between 1990 and 1998.

Turkey has opened itself to the global economy in significant ways. It became a Contracting Party to the General Agreement on Tariffs in Trade in 1951 and joined the World Trade Organization as a charter member in 1995. Turkey signed a free trade agreement with the European Free Trade Association in 1991 and established a customs union with the European Union in 1996. As Dr. Frank noted, it has sought full membership in the EU, thus far without success. There has been, of late, some limited progress in that regard: on October 13, 1999, the European Commission suggested that Turkey be made a candidate for possible EU membership, but proposed that negotiations be deferred for some unspecified time.

The matter is to be discussed at the EU summit this December. In 1992, Turkey joined ten other countries (Albania, Armenia, Azerbaijan, Bulgaria, Georgia, Greece, Moldova, Romania, Russia and Ukraine) to form the Black Sea Economic Cooperation group, which aims at promoting multilateral cooperation and trade in that region.

Our own economic ties with Turkey have strengthened over the years as well. In 1986, we concluded a bilateral investment treaty and in 1998 a bilateral tax treaty. And on September 29, 1999, President Clinton and Prime Minister Bulent Ecevit signed a Trade and Investment Framework Agreement, which establishes a bilateral Council on Trade and Investment that will serve as a forum for regular discussions on commercial matters. Helpful steps all, but, I would argue, not bold enough. I agree with Dr. Frank that a free trade agreement with Turkey ought to be our goal.

Yes, our trade with Turkey is still on a small scale. In 1998, U.S. merchandise exports to Turkey reached $3.5 billion, making Turkey our 34th largest export market. Our imports from Turkey were even smaller—$2.5 billion, or less than 0.3 percent of total imports—making Turkey our 39th largest source of imports.

Certainly Turkey compares favorably with Chile, the only country with whom the United States has begun free trade agreement negotiations since the North American Free Trade Agreement entered into force. In 1998, U.S. merchandise exports to Chile totaled $3.9 billion, only slightly higher than our $3.5 billion in exports to Turkey that year, while our imports from Chile in 1998 were the same as our imports from Turkey—$2.5 billion. And both countries fall within the World Bank's grouping of "upper middle income" countries based on per capita GNP: in 1998's Turkey's stood at $3,160, compared with $4,810 for Chile.

Turkey's market potential is certainly greater than Chile's: Turkey's population is four times the size of Chile's population (62 million vs. 15 million) and Turkey's total imports in 1998—about $42 billion—were double Chile's total imports that year—$19 billion.

To be sure, more than 50 percent of Turkey's trade—both exports and imports—is conducted with the European Union, but the United States is Turkey's second largest single-country trading partner, after Germany. And in 1993, the Department of Commerce designated Turkey one of 10 "Big Emerging Markets"—a focal point for U.S. export and investment promotion efforts—because of its "outstanding growth prospects" and growing market of 62 million consumers.

I am convinced that there are strong economic arguments for a free trade agreement with Turkey. Our negotiators will have to take care, of course, that the benefits of the FTA are restricted to the United States and Turkey. But this is a matter that will be addressed when the negotiators write the rules of origin that will apply to the FTA.

The legislation that I am introducing today would set us on the course of negotiating and implementing an FTA with Turkey, much as we negotiated an FTA over a decade ago with Turkey's neighbor, and our dear friend, Israel. And much as Turkey and Israel have seen it in their mutual interest to negotiate a free trade agreement.

Dr. Frank made the case persuasively and succinctly in his op-ed piece in The Washington Post:

> In light of Turkey's strategic role as a U.S. ally in a rough neighborhood, a U.S.-Turkey free-trade agreement would help consolidate Turkey's Western orientation and contribute to stability in a highly volatile region of the world.

I am hopeful that this bill will start us down that path.

I ask unanimous consent that the text of my bill and Dr. Frank's op-ed article be inserted into the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1746

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States-Turkey Free Trade Agreement Act of 1999".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The Republic of Turkey (in this Act referred to as "Turkey") has played an important strategic, political, and economic role in Europe, Asia, and the Middle East since its founding in 1923 by Mustafa Kemal "Ataturk" following the collapse of the 600-year Ottoman Empire.

(2) The friendship shared between the United States and Turkey dates to the late 18th century and was consecrated by the Treaty of Commerce and Navigation between the United States and the Ottoman Empire in 1830.

(3) The United States reaffirmed its relationship with Turkey by entering into the Treaty of Commerce and Navigation of 1929.

(4) The United States and Turkey have subsequently entered into over 60 treaties, memoranda of understanding, and other agreements on a broad range of issues, including a bilateral investment treaty (1986), a bilateral tax treaty (1998), and a trade and investment framework agreement (1999), as evidence of their strong friendship.

(5) Turkey is located in the strategic corridor between Europe and Asia, bordering the Black Sea and the Mediterranean Sea.

(6) Turkey has been a strategic partner of the United States since it joined the allies at the end of World War II.

(7) The strategic alliance between Turkey and the United States was cemented by—

(A) the agreement of July 12, 1947 implementing the Truman doctrine;

(B) Turkey's membership in the North Atlantic Treaty Organization (NATO) in 1952; and

(C) the United States-Turkey Agreement for Cooperation on Defense and Economy of 1980.

(8) Turkey is also an important industrialized economy and was a founding member of the Organization for Economic Cooperation and Development (OECD) and the United Nations.

(9) Turkey has made significant progress since the 1980's in liberalizing its economy and integrating with the global economy.

(10) Turkey has joined other nations in advocating an open trading system through its membership in the General Agreement on Tariffs and Trade and the World Trade Organization.

(11) Despite the deep friendship between the United States and Turkey, their trading relationship remains small.

(12) In 1998, United States merchandise exports to Turkey reached $3,500,000,000.

(13) In 1998, United States imports from Turkey totaled $2,500,000,000 or less than 0.3 percent of United States total imports.

(14) A free trade agreement between the United States and Turkey would greatly benefit both the United States and Turkey by expanding their commercial ties.

SEC. 3. NEGOTIATING OBJECTIVES FOR A UNITED STATES-TURKEY FREE TRADE AGREEMENT.

The overall trade negotiating objectives of the United States with respect to a United States-Turkey Free Trade Agreement are to obtain—

(1) more open, equitable, and reciprocal market access between the United States and Turkey; and

(2) the reduction or elimination of barriers and other trade-distorting policies and practices that inhibit trade between the United States and Turkey.

SEC. 4. NEGOTIATION OF A UNITED STATES-TURKEY FREE TRADE AGREEMENT.

(a) IN GENERAL.—Subject to sections 5 and 6, the President is authorized to enter into an agreement described in subsection (c). The provisions of section 151(c) of the Trade Act of 1974 (19 U.S.C. 2191(c)) shall apply with respect to a bill to implement such agreement if such agreement is entered into on or before December 31, 2005.

(b) TARIFF PROCLAMATION AUTHORITY.—

(1) IN GENERAL.—The President is authorized to proclaim—

(A) such modification or continuation of any existing duty,

(B) such continuance of existing duty-free or excise treatment, or

(C) such additional duties

as the President determines to be required or appropriate to carry out the trade agreement described in subsection (c).

(2) LIMITATIONS.—No proclamation may be made under paragraph (1) that—

(A) reduces any rate of duty (other than a rate of duty that does not exceed 5 percent ad valorem on the date of enactment of this Act) to a rate which is less than 50 percent of the rate of such duty that applies on such date of enactment;

(B) provides for a reduction of duty on an article to take effect on a date that is more than 10 years after the first reduction that is proclaimed to carry out a trade agreement with respect to such article; or

(C) increases any rate of duty above the rate that applied on the date of enactment of this Act.

(3) AGGREGATE REDUCTION; EXEMPTION FROM STAGING.—

(A) AGGREGATE REDUCTION.—Except as provided in subparagraph (B), the aggregate reduction in the rate of duty on any article which is in effect on any day pursuant to a trade agreement entered into under paragraph (1) shall not exceed the aggregate reduction which would have been in effect on such day if—

(i) a reduction of 3 percent ad valorem or a reduction of one-tenth of the total reduction, whichever is greater, had taken effect on the effective date of the first reduction proclaimed under paragraph (1) to carry out such agreement with respect to such article; and

(ii) a reduction equal to the amount applicable under clause (i) had taken effect at 1-year intervals after the effective date of such first reduction.

(B) EXEMPTION FROM STAGING.—No staging under subparagraph (A) is required with respect to a rate reduction that is proclaimed under paragraph (1) for an article of a kind that is not produced in the United States. The United States International Trade Commission shall advise the President of the identity of articles that may be exempted from staging under this subparagraph.

(4) ROUNDING.—If the President determines that such action will simplify the computation of reductions under paragraph (3), the President may round an annual reduction by the lesser of—

(A) the difference between the reduction without regard to this paragraph and the next lower whole number; or

(B) one-half of 1 percent ad valorem.

(5) OTHER LIMITATIONS.—A rate of duty reduction or increase that may not be proclaimed by reason of paragraph (2) may take effect only if a provision authorizing such reduction or increase is included within an implementing bill provided for under section 6(c) and that bill is enacted into law.

(c) AGREEMENT DESCRIBED.—An agreement described in this subsection means a bilateral agreement between the United States and Turkey that provides for the reduction and ultimate elimination of tariffs and nontariff barriers to trade and the eventual establishment of a free trade agreement between the United States and Turkey.

SEC. 5. CONSULTATIONS WITH CONGRESS ON NEGOTIATIONS OF A UNITED STATES-TURKEY FREE TRADE AGREEMENT.

Before entering into any trade agreement under section 4 (including immediately before initialing an agreement), the President shall consult closely and on a timely basis on the nature of the agreement and the extent to which it will achieve the purposes of this Act with—

(1) the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate;

(2) the congressional advisers for trade policy and negotiations appointed under section 161 of the Trade Act of 1974 (19 U.S.C. 2211); and

(3) each other committee of the House of Representatives and the Senate, and each joint committee of Congress, which has jurisdiction over legislation involving subject matters that would be affected by the trade agreement.

SEC. 6. IMPLEMENTATION OF UNITED STATES-TURKEY FREE TRADE AGREEMENT.

(a) NOTIFICATION AND SUBMISSION.—Any agreement entered into under section 4 shall enter into force with respect to the United States if (and only if)—

(1) the President, at least 60 calendar days before the day on which the President enters into the trade agreement, notifies the House of Representatives and the Senate of the President's intention to enter into the agreement, and promptly thereafter publishes notice of such intention in the Federal Register;

(2) within 60 calendar days after entering into the agreement, the President submits to Congress a description of those changes to existing laws that the President considers would be required in order to bring the United States into compliance with the agreement;

(3) after entering into the agreement, the President submits a copy of the final legal text of the agreement, together with—

(A) a draft of an implementing bill described in subsection (c);

(B) a statement of any administrative action proposed to implement the trade agreement; and

(C) the supporting information described in subsection (b); and

(4) the implementing bill is enacted into law.

(b) SUPPORTING INFORMATION.—The supporting information required under subsection (a)(3)(C) consists of—

(1) an explanation as to how the implementing bill and proposed administrative action will change or affect existing law; and

(2) a statement—

(A) asserting that the agreement makes progress in achieving the objectives of this Act; and

(B) setting forth the reasons of the President regarding—

(i) how and to what extent the agreement makes progress in achieving the objectives referred to in subparagraph (A);

(ii) whether and how the agreement changes provisions of an agreement previously negotiated;

(iii) how the agreement serves the interests of United States commerce; and

(iv) any proposed administrative action.

(c) BILLS QUALIFYING FOR TRADE AGREEMENT APPROVAL PROCEDURES.—The provisions of section 151 of the Trade Act of 1974 apply to an implementing bill submitted pursuant to subsection (b) that contains only—

(1) provisions that approve a trade agreement entered into under section 4 that achieves the negotiating objectives set forth in section 3 and the statement of administrative action (if any) proposed to implement such trade agreement;

(2) provisions that are—

(A) necessary to implement such agreement; or

(B) otherwise related to the implementation, enforcement, and adjustment to the effects of such trade agreement; and

(3) provisions necessary for purposes of complying with section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 in implementing the applicable trade agreement.

SEC. 7. CONSIDERATION OF IMPLEMENTING BILL.

(a) CONGRESSIONAL CONSIDERATION OF IMPLEMENTING BILL.—When the President submits to Congress a bill to implement the trade agreement as described in section 6(c), the bill shall be introduced and considered pursuant to the provisions of section 151 of the Trade Act of 1974 (19 U.S.C. 2191).

(b) CONFORMING AMENDMENTS.—Section 151 of the Trade Act of 1974 (19 U.S.C. 2191) is amended—

(1) in subsection (b)(1), by inserting "section 6 of the United States-Turkey Free Trade Agreement Act of 1999" after "the Omnibus Trade and Competitiveness Act of 1988,"; and

(2) in subsection (c)(1), by inserting "or under section 6 of the United States-Turkey Free Trade Agreement Act of 1999," after "the Uruguay Round Agreements Act,".

[From the Washington Post, Sept. 28, 1999]

A PLACE FOR TURKEY

(By Isaiah Frank)

As Turkish Prime Minister Bulent Ecevit visits President Clinton today, an important and highly sensitive subject belongs on the agenda.

As a staunch ally of the United States, Turkey is unique. It is the only member of NATO that has sought entry into the European Union (EU) without success. The three most recent NATO members—Poland, Hungary and the Czech Republic—are already engaged in accession negotiations with the EU, but turkey, whose NATO membership dates back to 1952, has been kept at arm's length. Is there anything the United States can do to counter the deep disappointment and alienation felt in Turkey at being excluded from full acceptance into an ever more economically integrated European community?

During the Cold War, Turkey was regarded by the United States and its Western allies as the main bulwark against the southern expansion of Soviet power. Among NATO countries, its military establishment has ranked second in size to that of the United States. Since the end of the Cold War, Turkey has continued its close security cooperation with the United States. It played a key role in the U.S.-led Gulf War, its soldiers joined U.S. troops in international peacekeeping operations in Bosnia, and its provided valuable logistical support to the recent U.S. air operation in Serbia. As the only firmly established secular democracy among Muslim states, Turkey is vital to U.S. interest in sensitive regions, including the Balkans, the Caucasus, the Middle East and Central Asia.

In order to consolidate its secular and pro-Western orientation as well as tighten its economic links to Europe, Turkey has sought full membership in the EU virtually from the organization's inception. The EU, however, has decided that Turkey does not yet meet the required criteria. Instead, the EU signed a customs union agreement with turkey, which went into effect on Jan. 1, 1996. While Turkish officials initially considered the customs union a step toward full membership, it soon became clear that the European Union regarded it as a substitute for full membership.

Despite continuing official EU reaffirmations of Turkey's eligibility for full membership, the reality of de facto rejection has increasingly sunk in. Not only is turkey omitted from the list of countries (Poland, Hungary, the Czech Republic, Slovenia, Estonia and Cyprus) with which accession negotiations have already begun, it is also left out of a project second wave of expansion that will include five additional countries: Bulgaria, Romania, Lithuania, Latvia and Slovakia.

Why is Turkey being excluded? A variety of reasons have been given, including the Kurdish problem and related issues of human rights, Turkey's macroeconomic situation, and the opposition of Greece because of the Cyprus situation. But there is some indication of a softening of the Greek position, provided Turkey does not place roadblocks in the way of Cyprus's current efforts to join the EU. As for the Kurdish problem, Turkey is making progress in working out a peaceful solution. And the EU acknowledges that the country is headed in the right direction in reforming its economy.

If EU standards for resolving these problems are ultimately met, will Turkey then be admitted? Many Turkish leaders believe this unlikely because of officially unspoken EU apprehensions. Turkey's population of 64 million is second in size only to Germany's among present and prospective members of the EU. In some European circles, this sends up several red flags. If admitted, would Turkey exert undue weight in EU decision-making? With EU membership entailing the free movement of workers, what effects would the admission of a populous and relatively low-income country have on European labor markets? And finally, would the EU be willing to integrate fully with a country that is almost entirely Muslim? None of these considerations is discussed openly, but they are clearly in the background of the debate.

The EU's equivocation has bred Turkish disaffection from Europe and plays into the political hands of the Islamists who as recently as 1996 were at the helm of the government. Clearly, the enormous U.S. stake in a secular, Western-oriented Turkey warrants action by the United States to offset the EU's arm's length treatment and to strengthen and solidify the country's Western political and economic integration.

One such step would be for the United States to offer to negotiate a free-trade agreement with Turkey. Indeed, there is precedent for such a bilateral agreement, one motivated more by political considerations than economic advantages, and that is the 1985 U.S. free-trade agreement with Israel.

But the economic rationale for such an agreement with Turkey should not be dismissed. For Turkey the advantages are obvious; the United States ranks second as a market for its exports and third as a source of its imports. For the United States, Turkey is one of the world's 10 big "emerging markets," and this country is Turkey's largest foreign investor.

A U.S.-Turkey free-trade agreement would not be a substitute for Turkish membership in the EU, a goal that Turkey should continue to pursue as it gets its political and economic house in order. But it would help compensate for a growing belief in Turkey that the country has little prospect of entry into the EU mainly because of European prejudice against a Muslim country. In light of Turkey's strategic role as a U.S. ally in a rough neighborhood, a U.S.-Turkey free-trade agreement would help consolidate Turkey's Western orientation and contribute to stability in a highly volatile region of the world.

ADDITIONAL COSPONSORS

S. 16

At the request of Mr. DASCHLE, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 16, a bill to reform the Federal election campaign laws applicable to Congress.

S. 88

At the request of Mr. BUNNING, the names of the Senator from South Dakota (Mr. JOHNSON), and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 88, a bill to amend title XIX of the Social Security Act to exempt disabled individuals from being required to enroll with a managed care entity under the medicaid program.

S. 541

At the request of Ms. COLLINS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 541, a bill to amend title XVIII of the Social Security Act to make certain changes related to payments for graduate medical education under the medicare program.

S. 751

At the request of Mr. LEAHY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 751, a bill to combat nursing home fraud and abuse, increase protections for victims of telemarketing fraud, enhance safeguards for pension plans and health care benefit programs, and enhance penalties for crimes against seniors, and for other purposes.

S. 866

At the request of Mr. CONRAD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 866, a bill to direct the Secretary of Health and Human Services to revise existing regulations concerning the conditions of participation for hospitals and ambulatory surgical centers under the medicare program relating to certified registered nurse anesthetists' services to make the regulations consistent with State supervision requirements.

S. 882

At the request of Mr. MURKOWSKI, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 882, a bill to strengthen provisions in the Energy Policy Act of 1992 and the Federal Nonnuclear Energy Research and Development Act of 1974 with respect to potential Climate Change.

S. 922

At the request of Mr. ABRAHAM, the names of the Senator from Iowa (Mr. HARKIN), the Senator from Indiana (Mr. BAYH), and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 922, a bill to prohibit the use of the "Made in the USA" label on products of the Commonwealth of the Northern Mariana Islands and to deny such products duty-free and quota-free treatment.

S. 934

At the request of Mr. ROBB, his name was added as a cosponsor of S. 934, a bill to enhance rights and protections for victims of crime.

S. 1017

At the request of Mr. MACK, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 1017, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on the low-income housing credit.

S. 1144

At the request of Mr. VOINOVICH, the names of the Senator from Nevada (Mr. REID), the Senator from Oregon (Mr. WYDEN) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 1144, a bill to provide increased flexibility in use of highway funding, and for other purposes.

S. 1178

At the request of Mr. DASCHLE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1178, a bill to direct the Secretary of the Interior to convey certain parcels of land acquired for the Blunt Reservoir and Pierre Canal features of the Oahe Irrigation Project, South Dakota, to the Commission of Schools and Public Lands of the State of South Dakota for the purpose of mitigating lost wildlife habitat, on the condition that the current preferential leaseholders shall have an option to purchase the parcels from the Commission, and for other purposes.

S. 1242

At the request of Mr. AKAKA, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1242, a bill to amend the Immigration and Nationality Act to make permanent the visa waiver program for certain visitors to the United States.

S. 1322

At the request of Mr. DASCHLE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1322, a bill to prohibit health insurance and employment discrimination against individuals and their family members on the basis of predictive genetic information or genetic services.

S. 1452

At the request of Mr. SHELBY, the names of the Senator from Kentucky (Mr. BUNNING) and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. 1452, a bill to modernize the requirements under the National Manufactured Housing Construction and Safety Standards of 1974 and to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes.

S. 1495

At the request of Mr. DEWINE, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 1495, a bill to establish, wherever feasible, guidelines, recommendations, and regulations that promote the regulatory acceptance of new and revised toxicological tests that protect human and animal health and the environment while reducing, refining, or replacing animal tests and ensuring human safety and product effectiveness.

S. 1500

At the request of Mr. HATCH, the names of the Senator from South Carolina (Mr. THURMOND) and the Senator from Missouri (Mr. ASHCROFT) were added as cosponsors of S. 1500, a bill to amend title XVIII of the Social Security Act to provide for an additional payment for services provided to certain high-cost individuals under the prospective payment system for skilled nursing facility services, and for other purposes.

S. 1547

At the request of Mr. BURNS, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 1547, a bill to amend the Communications Act of 1934 to require the Federal Communications Commission to preserve low-power television stations that provide community broadcasting, and for other purposes.

S. 1561

At the request of Mr. ABRAHAM, the names of the Senator from Ohio (Mr. DEWINE), the Senator from Florida (Mr. GRAHAM), the Senator from California (Mrs. FEINSTEIN), and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 1561, a bill to amend the Controlled Substances Act to add gamma hydroxybutyric acid and ketamine to the schedules of control substances, to provide for a national awareness campaign, and for other purposes.

S. 1592

At the request of Mr. DURBIN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1592, a bill to amend the Nicaraguan Adjustment and Central American Relief Act to provide to certain nationals of El Salvador, Guatemala, Honduras, and Haiti an opportunity to apply for adjustment of status under that Act, and for other purposes.

S. 1611

At the request of Mr. MCCAIN, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 1611, a bill to amend the Internet Tax Freedom Act to broaden its scope and make the moratorium permanent, and for other purposes.

S. 1622

At the request of Mrs. LINCOLN, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 1622, a bill to provide economic, planning, and coordination assistance needed for the development of the lower Mississippi River region.

S. 1623

At the request of Mr. SPECTER, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1623, a bill to select a National Health Museum site.

S. 1649

At the request of Mr. ABRAHAM, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of S. 1649, a bill to provide incentives for States to establish and administer periodic teacher testing and merit pay programs for elementary school and secondary school teachers.

S. 1680

At the request of Mr. ASHCROFT, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 1680, a bill to provide for the improvement of the processing of claims for veterans compensation and pensions, and for other purposes.

S. 1683

At the request of Mr. MURKOWSKI, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1683, a bill to make technical changes to the Alaska National Interest Lands Conservation Act, and for other purposes.

S. 1702

At the request of Mr. MURKOWSKI, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1702, a bill to amend the Alaska Native Claims Settlement Act to allow shareholder common stock to be transferred to adopted Alaska Native children and their descendants, and for other purposes.

S. 1732

At the request of Mr. BREAUX, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1732, a bill to amend the Internal Revenue Code of 1986 to prohibit certain allocations of S corporation stock held by an employee stock ownership plan.

S. 1738

At the request of Mr. JOHNSON, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1738, a bill to amend the Packers and Stockyards Act, 1921, to make it unlawful for a packer to own, feed, or control livestock intended for slaughter.

SENATE RESOLUTION 108

At the request of Mr. BREAUX, the names of the Senator from Alabama (Mr. SHELBY), the Senator from Nevada (Mr. BRYAN), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Virginia (Mr. WARNER) were added as cosponsors of Senate Resolution 108, a resolution designating the month of March each year as "National Colorectal Cancer Awareness Month."

SENATE RESOLUTION 199

At the request of Mr. REED, the names of the Senator from Georgia (Mr. CLELAND), the Senator from Michigan (Mr. ABRAHAM), the Senator from Nevada (Mr. BRYAN), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Pennsylvania (Mr. SPECTER), and the Senator from Louisiana (Mr. BREAUX) were added as cosponsors of Senate Resolution 199, a resolution designating the week of October 24, 1999, through October 30, 1999, and the week of October 22, 2000, through October 28, 2000, as "National Childhood Lead Poisoning Prevention Week."

AMENDMENTS SUBMITTED

BIPARTISAN CAMPAIGN REFORM ACT OF 1999

BINGAMAN (AND WYDEN) AMENDMENT NO. 2303

(Ordered to lie on the table.)

Mr. BINGAMAN (for himself and Mr. WYDEN) submitted an amendment to be proposed by them to the bill (S. 1593) to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform; as follows:

At the end of the bill, add the following:

SEC. 6. LIMITATION ON AVAILABILITY OF LOWEST UNIT CHARGE FOR FEDERAL CANDIDATES ATTACKING OPPOSITION.

(a) IN GENERAL.—Section 315(b) of the Communications Act of 1934 (47 U.S.C. 315(b)) is amended—

(1) by striking "(b) The charges" and inserting "(b)(1) The charges";

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(3) by adding at the end the following new paragraph:

"(2)(A) In the case of a candidate for Federal office, such candidate shall not be entitled to receive the rate under paragraph (1)(A) for the use of any broadcasting station unless the candidate certifies that the candidate (and any authorized committee of the candidate) shall not make any direct reference to another candidate for the same office, in any broadcast using the rights and conditions of access under this Act, unless such reference meets the requirements of subparagraph (C).

"(B) If a candidate for Federal office (or any authorized committee of such candidate) makes a reference described in subparagraph (A) in any broadcast that does not meet the requirements of subparagraph (C), such candidate shall not be entitled to receive the rate under paragraph (1)(A) for such broadcast or any other broadcast during any portion of the 45-day and 60-day periods described in paragraph (1)(A), that occur on or after the date of such broadcast, for election to such office.

"(C) A candidate meets the requirements of this subparagraph with respect to any reference to another candidate if—

"(i) in the case of a television broadcast, the reference (and any statement relating to the other candidate) is made by the candidate in a personal appearance on the screen, and

"(ii) in the case of a radio broadcast, the reference (and any statement relating to the other candidate) is made by the candidate in a personal audio statement during which the candidate and the office for which the candidate is running are identified by such candidate.

"(D) For purposes of this paragraph, the terms 'authorized committee' and 'Federal office' have the meanings given such terms by section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431).".

(b) CONFORMING AMENDMENT.—Section 315(b)(1)(A) of the Communications Act of 1934 (47 U.S.C. 315(b)(1)(A)), as redesignated by subsection (a)(2), is amended by inserting "subject to paragraph (2)," before "during the forty-five days".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to broadcasts made after the date of enactment of this Act.

HUTCHINSON AMENDMENT NO. 2304

(Ordered to lie on the table.)

Mr. HUTCHINSON submitted an amendment intended to be proposed by him to the bill, S. 1593, supra; as follows:

At the end of the bill, add the following:

SEC. ___. DISCLOSURE BY LABOR ORGANIZATIONS.

(a) IN GENERAL.—Section 201(b) of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 431(b)) is amended—

(1) in paragraph (5), by striking "and" at the end; and

(2) by adding at the end the following:

"(7) an itemization of amounts spent by the labor organization for—

"(A) contract negotiation and administration;

"(B) organizing activities;

"(C) strike activities;

"(D) political activities;

"(E) lobbying and promotional activities; and

"(F) market recovery and job targeting programs; and

"(8) all transactions involving a single source or payee for each of the activities described in paragraph (7) in which the aggregate cost exceeds $10,000.".

(b) COMPUTER NETWORK ACCESS.—Section 201(c) of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 431(c)) is amended by inserting "including availability of such reports through a public Internet site or other publicly accessible computer network," after "its members".

(c) REPORTING BY SECRETARY.—Section 205(a) of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 435(a)) is amended by inserting "shall make the reports and documents filed under section 201(b) available through a public Internet site or another publicly accessible computer network. The Secretary" after "and the Secretary".

SNOWE AMENDMENT NO. 2305

(Ordered to lie on the table.)

Ms. SNOWE submitted an amendment intended to be proposed by her to the bill, S. 1593, supra; as follows:

Strike sections 201, 202, and 203 of the matter proposed to be inserted and insert the following:

Subtitle A—Electioneering Communications

SEC. 200. DISCLOSURE OF ELECTIONEERING COMMUNICATIONS.

Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended by adding at the end the following new subsection:

"(d) ADDITIONAL STATEMENTS ON ELECTIONEERING COMMUNICATIONS.—

"(1) STATEMENT REQUIRED.—Every person who makes a disbursement for electioneering communications in an aggregate amount in excess of $10,000 during any calendar year shall, within 24 hours of each disclosure date, file with the Commission a statement containing the information described in paragraph (2).

"(2) CONTENTS OF STATEMENT.—Each statement required to be filed under this subsection shall be made under penalty of perjury and shall contain the following information:

"(A) The identification of the person making the disbursement, of any entity sharing or exercising direction or control over the activities of such person, and of the custodian of the books and accounts of the person making the disbursement.

"(B) The State of incorporation and the principal place of business of the person making the disbursement.

"(C) The amount of each disbursement during the period covered by the statement and the identification of the person to whom the disbursement was made.

"(D) The elections to which the electioneering communications pertain and the names (if known) of the candidates identified or to be identified.

"(E) If the disbursements were paid out of a segregated account to which only individuals could contribute, the names and addresses of all contributors who contributed an aggregate amount of $500 or more to that account during the period beginning on the first day of the preceding calendar year and ending on the disclosure date.

"(F) If the disbursements were paid out of funds not described in subparagraph (E), the names and addresses of all contributors who contributed an aggregate amount of $500 or more to the organization or any related entity during the period beginning on the first day of the preceding calendar year and ending on the disclosure date.

"(G) Whether or not any electioneering communication is made in coordination, cooperation, consultation, or concert with, or at the request or suggestion of, any candidate or any authorized committee, any political party or committee, or any agent of the candidate, political party, or committee and if so, the identification of any candidate, party, committee, or agent involved.

"(3) ELECTIONEERING COMMUNICATION.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'electioneering communication' means any broadcast from a television or radio broadcast station which—

"(i) refers to a clearly identified candidate for Federal office;

"(ii) is made (or scheduled to be made) within—

"(I) 60 days before a general, special, or runoff election for such Federal office, or

"(II) 30 days before a primary or preference election, or a convention or caucus of a political party that has authority to nominate a candidate, for such Federal office, and

"(iii) is broadcast from a television or radio broadcast station whose audience includes the electorate for such election, convention, or caucus.

"(B) EXCEPTIONS.—Such term shall not include—

"(i) communications appearing in a news story, commentary, or editorial distributed through the facilities of any broadcasting station, unless such facilities are owned or controlled by any political party, political committee, or candidate, or

"(ii) communications which constitute expenditures or independent expenditures under this Act.

"(4) DISCLOSURE DATE.—For purposes of this subsection, the term 'disclosure date' means—

"(A) the first date during any calendar year by which a person has made disbursements for electioneering communications aggregating in excess of $10,000, and

"(B) any other date during such calendar year by which a person has made disbursements for electioneering communications aggregating in excess of $10,000 since the most recent disclosure date for such calendar year.

"(5) CONTRACTS TO DISBURSE.—For purposes of this subsection, a person shall be treated as having made a disbursement if the person has contracted to make the disbursement.

"(6) COORDINATION WITH OTHER REQUIREMENTS.—Any requirement to report under this subsection shall be in addition to any other reporting requirement under this Act."

SEC. 200A. COORDINATED COMMUNICATIONS AS CONTRIBUTIONS.

Section 315(a)(7)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(7)(B)) is amended by inserting after clause (ii) the following new clause:

"(iii) if—

"(I) any person makes, or contracts to make, any payment for any electioneering communication (within the meaning of section 304(d)(3)), and

"(II) such payment is coordinated with a candidate for Federal office or an authorized committee of such candidate, a Federal, State, or local political party or committee thereof, or an agent or official of any such candidate, party, or committee,

such payment or contracting shall be treated as a contribution to such candidate and as an expenditure by such candidate; and".

SEC. 200B. PROHIBITION OF CORPORATE AND LABOR DISBURSEMENTS FOR ELECTIONEERING COMMUNICATIONS.

(a) IN GENERAL.—Section 316(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b(b)(2)) is amended by inserting "or for any applicable electioneering communication" before ", but shall not include".

(b) APPLICABLE ELECTIONEERING COMMUNICATION.—Section 316 of such Act is amended by adding at the end the following new subsection:

"(c) RULES RELATING TO ELECTIONEERING COMMUNICATIONS.—

"(1) APPLICABLE ELECTIONEERING COMMUNICATION.—For purposes of this section, the term 'applicable electioneering communication' means an electioneering communication (within the meaning of section 304(d)(3)) which is made by—

"(A) any entity to which subsection (a) applies other than a section 501(c)(4) organization, or

"(B) a section 501(c)(4) organization from amounts derived from the conduct of a trade or business or from an entity described in subparagraph (A).

"(2) SPECIAL OPERATING RULES.—For purposes of paragraph (1), the following rules shall apply:

"(A) An electioneering communication shall be treated as made by an entity described in paragraph (1)(A) if—

"(i) the entity described in paragraph (1)(A) directly or indirectly disburses any amount for any of the costs of the communication; or

"(ii) any amount is disbursed for the communication by a corporation or organization or a State or local political party or committee thereof that receives anything of value from the entity described in paragraph (1)(A), except that this clause shall not apply to any communication the costs of which are defrayed entirely out of a segregated account to which only individuals can contribute.

"(B) A section 501(c)(4) organization that derives amounts from business activities or from any entity described in paragraph (1)(A) shall be considered to have paid for any communication out of such amounts unless such organization paid for the communication out of a segregated account to which only individuals can contribute.

"(3) DEFINITIONS AND RULES.—For purposes of this subsection—

"(A) the term 'section 501(c)(4) organization' means—

"(i) an organization described in section 501(c)(4) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code; or

"(ii) an organization which has submitted an application to the Internal Revenue Service for determination of its status as an organization described in clause (i); and

"(B) a person shall be treated as having made a disbursement if the person has contracted to make the disbursement.

"(4) COORDINATION WITH INTERNAL REVENUE CODE.—Nothing in this subsection shall be construed to authorize an organization exempt from taxation under section 501(a) of the Internal Revenue Code of 1986 from carrying out any activity which is prohibited under such Code."

Subtitle B—Independent and Coordinated Expenditures

SEC. 201. DEFINITION OF INDEPENDENT EXPENDITURE

Section 301 of the Federal Election Campaign Act (2 U.S.C. 431) is amended by striking paragraph (17) and inserting the following:

"(17) INDEPENDENT EXPENDITURE.—The term "independent expenditure' means an expenditure by a person—

(A) for a communication that is express advocacy; and

(B) that is not coordinated activity or is not provided in coordination with a candidate or a candidate's agent or a person who is coordinating with a candidate or a candidate's agent.".

WELLSTONE AMENDMENT NO. 2306

Mr. WELLSTONE proposed an amendment to the bill, S. 593, supra; as follows:

At the end of the language proposed to be stricken, add the following:

SEC. . STATE PROVIDED VOLUNTARY PUBLIC FINANCING.

Section 403 of the Federal Election Campaign Act of 1971 (2 U.S.C. 453) is amended by adding at the end the following: "The preceding sentence shall not be interpreted to prohibit a State from enacting a voluntary public financing system which applies to a candidate for election to Federal office, other than the office of President or Vice-President, from such State who agrees to limit acceptance of contributions, use of personal funds, and the making of expenditures in connection with the election in exchange for full or partial public financing from a State fund with respect to the election, except that such system shall not allow any person to take any action in violation of the provisions of this Act.".

HAGEL (AND OTHERS) AMENDMENT NO. 2307

(Ordered to lie on the table.)

Mr. HAGEL (for himself, Mr. ABRAHAM, Mr. DEWINE, Mr. GORTON, and Mr. THOMAS) submitted an amendment intended to be proposed by them to the bill, S. 1593, supra; as follows:

Strike all after the enacting clause and insert the following:

TITLE I—DISCLOSURE

SEC. 101. ADDITIONAL MONTHLY AND QUARTERLY DISCLOSURE REPORTS.

(a) PRINCIPAL CAMPAIGN COMMITTEES.—

(1) MONTHLY REPORTS.—Section 304(a)(2)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(2)(A)) is amended by striking clause (iii) and inserting the following:

"(iii) additional monthly reports, which shall be filed not later than the 20th day after the last day of the month and shall be complete as of the last day of the month, except that monthly reports shall not be required under this clause in November and December and a year end report shall be filed not later than January 31 of the following calendar year.".

(2) QUARTERLY REPORTS.—Section 304(a)(2)(B) of such Act is amended by striking "the following reports" and all that follows through the period and inserting "the treasurer shall file quarterly reports, which shall be filed not later than the 15th day after the last day of each calendar quarter, and which shall be complete as of the last day of each calendar quarter, except that the report for the quarter ending December 31 shall be filed not later than January 31 of the following calendar year.".

(b) NATIONAL COMMITTEE OF A POLITICAL PARTY.—Section 304(a)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(4)) is amended by adding at the end the following flush sentence: "Notwithstanding the preceding sentence, a national committee of a political party shall file the reports required under subparagraph (B).".

(c) CONFORMING AMENDMENTS.—

(1) SECTION 304.—Section 304(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)) is amended—

(A) in paragraph (3)(A)(ii), by striking "quarterly reports" and inserting "monthly reports"; and

(B) in paragraph (8), by striking "quarterly report under paragraph (2)(A)(iii) or paragraph (4)(A)(i)" and inserting "monthly report under paragraph (2)(A)(iii) or paragraph (4)(A)".

(2) SECTION 309.—Section 309(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(b)) by striking "calendar quarter" and inserting "month".

SEC. 102. REPORTING BY NATIONAL POLITICAL PARTY COMMITTEES.

Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended by adding at the end the following:

"(d) POLITICAL COMMITTEES.—

"(1) NATIONAL AND CONGRESSIONAL POLITICAL COMMITTEES.—The national committee of a political party, any national congressional campaign committee of a political party, and any subordinate committee of either, shall report all receipts and disbursements during the reporting period.

"(2) ITEMIZATION.—If a political committee has receipts or disbursements to which this subsection applies from any person aggregating in excess of $200 for any calendar year, the political committee shall separately itemize its reporting for such person in the same manner as required in paragraphs (3)(A), (5), and (6) of subsection (b).

"(3) REPORTING PERIODS.—Reports required to be filed under this subsection shall be filed for the same time periods required for political committees under subsection (a).".

SEC. 103. INCREASED ELECTRONIC DISCLOSURE.

Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434), as amended by section 102, is amended by adding at the end the following:

"(e) INTERNET AVAILABILITY.—The Commission shall make the information contained in the reports submitted under this section available on the Internet and publicly available at the offices of the Commission as soon as practicable (but in no case later than 24 hours) after the information is received by the Commission.".

SEC. 104. PUBLIC ACCESS TO BROADCASTING RECORDS.

Section 315 of the Communications Act of 1934 (47 U.S.C. 315) is amended by redesignating subsections (c) and (d) as subsections (d) and (e), respectively, and inserting after subsection (b) the following:

"(c) POLITICAL RECORD.—

"(1) IN GENERAL.—A licensee shall maintain, and make available for public inspection, a complete record of a request to purchase broadcast time that—

"(A) is made by or on behalf of a legally qualified candidate for public office; or

"(B) communicates a message relating to any political matter of national importance, including—

"(i) a legally qualified candidate;

"(ii) any election to Federal office; or

"(iii) a national legislative issue of public importance.

"(2) CONTENTS OF RECORD.—A record maintained under paragraph (1) shall contain information regarding—

"(A) whether the request to purchase broadcast time is accepted or rejected by the licensee;

"(B) the rate charged for the broadcast time;

"(D) the date and time that the communication is aired;

"(E) the class of time that is purchased;

"(F) the name of the candidate to which the communication refers and the office to which the candidate is seeking election, the election to which the communication refers, or the issue to which the communication refers (as applicable);

"(G) in the case of a request made by, or on behalf of, a candidate, the name of the candidate, the authorized committee of the candidate, and the treasurer of such committee; and

"(H) in the case of any other request, the name of the person purchasing the time, the name, address, and phone number of a contact person for such person, and a list of the chief executive officers or members of the executive committee or of the board of directors of such person.

"(3) TIME TO MAINTAIN FILE.—The information required under this subsection shall be placed in a political file as soon as possible and shall be retained by the licensee for a period of not less than 2 years.".

TITLE II—SOFT MONEY OF NATIONAL POLITICAL PARTIES AND CONTRIBUTION LIMITS

SEC. 201. LIMIT ON SOFT MONEY OF NATIONAL POLITICAL PARTY COMMITTEES.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following:

"SEC. 324. LIMIT ON SOFT MONEY OF NATIONAL POLITICAL PARTY COMMITTEES.

"(a) LIMITATION.—A national committee of a political party, a congressional campaign committee of a national party, or an entity directly or indirectly established, financed, maintained, or controlled by such committee shall not accept a donation, gift, or transfer of funds of any kind (not including transfers from other committees of the political party or contributions), during a calendar year, from a person (including a person directly or indirectly established, financed, maintained, or controlled by such person) in an aggregate amount in excess of $60,000.

"(b) INDEXING.—In the case of any calendar year after 1999—

"(1) the $60,000 amount under subsection (a) shall be increased based on the increase in the price index determined under section 315(c), except that the base period shall be calendar year 1999; and

"(2) the amount so increased shall be the amount in effect for the calendar year.".

SEC. 202. JUDICIAL REVIEW.

(a) Expedited Review.—Any Member of Congress, candidate, national committee of a political party, or any person adversely affected by section 324 of the Federal Election Campaign Act of 1971, as added by section 201, may bring an action, in the United States District Court for the District of Columbia, for declaratory judgment and injunctive relief on the ground that such section 324 violates the Constitution.

(b) Appeal to Supreme Court.—Notwithstanding any other provision of law, any order of the United States District Court for the District of Columbia granting or denying an injunction regarding, or finally disposing of, an action brought under subsection (a) shall be reviewable by appeal directly to the Supreme Court of the United States. Any such appeal shall be taken by a notice of appeal filed within 10 calendar days after such order is entered; and the jurisdictional statement shall be filed within 30 calendar days after such order is entered.

(c) Expedited Consideration.—It shall be the duty of the District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter brought under subsection (a).

(d) Enforceability.—The enforcement of any provision of section 324 of the Federal Election Campaign Act of 1971, as added by section 201, shall be stayed, and such section 324 shall not be effective, for the period—

(1) beginning on the date of the filing of an action under subsection (a), and

(2) ending on the date of the final disposition of such action on its merits by the Supreme Court of the United States.

(e) Applicability.—This section shall apply only with respect to any action filed under subsection (a) not later than 30 days after the effective date of this Act.

SEC. 203. INCREASE IN CONTRIBUTION LIMITS.

(a) Increase in Individual and Political Committee Contribution Limits.—Section 315(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking "$1,000" and inserting "$3,000";

(B) in subparagraph (B), by striking "$20,000" and inserting "$60,000"; and

(C) in subparagraph (C), by striking "$5,000" and inserting "$15,000"; and

(2) in paragraph (3)—

(A) by striking "$25,000" and inserting "$75,000"; and

(B) by striking the second sentence.

(b) Increase in Multicandidate Limits.—Section 315(a)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(2)) is amended—

(1) in subparagraph (A), by striking "$5,000" and inserting "$7,500";

(2) in subparagraph (B), by striking "$15,000" and inserting "$30,000"; and

(3) in subparagraph (C), by striking "$5,000" and inserting "$7.500".

(c) Indexing.—Section 315(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(c)) is amended—

(1) in paragraph (1)—

(A) by striking the second and third sentences;

(B) by inserting "(A)" before "At the beginning"; and

(C) by adding at the end the following:

"(B) Except as provided in subparagraph (C), in any calendar year after 2000—

"(i) a limitation established by subsection (a), (b), or (d) shall be increased by the percent difference determined under subparagraph (A); and

"(ii) each amount so increased shall remain in effect for the calendar year.

"(C) In the case of limitations under paragraphs (1)(A) and (2)(A) of subsection (a), each amount increased under subparagraph (B) shall remain in effect for the 2-year period beginning on the first day following the date of the last general election in the year preceding the year in which the amount is increased and ending on the date of the next general election."; and

(2) in paragraph (2)(B), by striking "means the calendar year 1974" and inserting "means—

"(i) for purposes of subsections (b) and (d), calendar year 1974; and

"(ii) for purposes of subsection (a), calendar year 2000".

(d) Effective Date.—The amendments made by this section shall apply to calendar years beginning after December 31, 1999.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. PROHIBITION OF SOLICITATION OF POLITICAL PARTY SOFT MONEY IN FEDERAL BUILDINGS.

(a) In General.—Section 607 of title 18, United States Code, is amended—

(1) in subsection (a), by striking "within the meaning of section 301(8) of the Federal Election Campaign Act of 1971"; and

(2) by adding at the end the following:

"(c) Definition of Contribution.—In this section, the term 'contribution' means a gift, subscription, loan, advance, or deposit of money or anything of value made by any person in connection with—

"(1) any election or elections for Federal office;

"(2) any political committee (as defined in section 301 of the Federal Election Campaign Act of 1971); or

"(3) any State, district, or local committee of a political party.".

(b) Amendment of Title 18 To Include Prohibition of Donations.—Section 602(a)(4) of title 18, United States Code, is amended by striking "within the meaning of section 301(8)" and inserting "(as defined in section 607(c))".

SEC. 302. UPDATE OF PENALTY AMOUNTS.

Section 309 of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g) is amended by adding at the end the following:

"(e) Adjustment of Dollar Amounts for Inflation.—In the case of any calendar year after 1999—

"(1) each dollar amount under this section shall be increased based on the increase in the price index determined under section 315(c); and

"(2) each amount so increased shall be the amount in effect for the calendar year.

The preceding sentence shall not apply to any amount under subsection (d) other than the $25,000 amount under paragraph (1)(A) of such subsection.".

NOTICE OF HEARING

SUBCOMMITTEE ON WATER AND POWER

Mr. SMITH of Oregon. Mr. President, I would like to announce that on Thursday, October 28th, the Subcommittee on Water and Power of the Committee on Energy and Natural Resources will hold an oversight hearing on the Federal hydroelectric licensing process. The hearing will be held at 2:30 p.m. in room 366 of the Dirksen Senate Office Building in Washington, D.C.

For further information, please call Kristin Phillips or Howard Useem, at (202) 224–7875.

AUTHORITY FOR COMMITTEE TO MEET

SPECIAL COMMITTEE ON THE YEAR 2000 TECHNOLOGY PROBLEM

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Special Committee on the Year 2000 Technology Problem be permitted to meet on October 18, 1999, at 9:30 a.m. for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

CENTENNIAL OF CATHOLIC CHARITIES OF THE BROOKLYN-QUEENS DIOCESE

• Mr. MOYNIHAN. Mr. President, This year marks the centennial of Catholic Charities of the Brooklyn-Queens Diocese, the largest Roman Catholic human services agency in the nation. Perhaps on earth. The New York Times had the happy thought to mark the occasion with a profile of Bishop Joseph M. Sullivan, the vicar of the diocese, who heads Catholic Charities. The warmth and wisdom of this great churchman comes through so clearly, so forcefully. As Yeats once wrote of such a man, "he was blessed and had the power to bless." I have treasured his friendship, and share his fears as to the fate of New York's poor when they begin to fall off the five-year cliff created by the so-called Welfare Reform Act of 1996. We would do well to contemplate the fact that the only major social legislation of the 1990s was the abolition of Aid to Families of Dependent Children, a provision of the great Social Security Act of 1935. We could care for children in the midst of the Great Depression of the 1930s, but somehow not in the midst of the great prosperity of the 1990s. I spoke at length about the gamble we were taking when the legislation was before us. I hope I was wrong. But if Joe Sullivan is worried I think we all should be. I know we all should be.

I ask that the story from The Times be included in the Record.

The story follows.

[From the New York Times, Oct. 13, 1999]

Now Pitching for the Rome Team, It's Bishop Sullivan

(By Randy Kennedy)

"The year was 1948 and a guy says to me, 'Hey listen, you think you're such a good pitcher, they're having a tryout for the Phillies. So go.'"

And so Joe Sullivan of Bay Ridge, Brooklyn, went. "And the guy asked me to throw the ball. And I could throw pretty hard. And I could throw a fairly decent curve."

One thing leads to another "and they wanted to sign me."

If this were the made-for-television version of the life of Bishop Joseph M. Sullivan, this is where the big turning point would come: he chooses God over baseball. He gives up a brilliant pitching career to go to bat for the souls of men.

But as it turns out, Bishop Sullivan never really liked the baseball life that much anyway. "It was essentially a boring life," he remembers of his one summer canvassing the South in a beaten-up bus and throwing for the Americus Phillies in Georgia. "You played all night ball in the minor leagues, and you'd kind of lounge around most of the rest of the time."

He had always loved the church, however. He was a standout in the choir. He missed being an altar boy only because he was much too proud to stoop to asking Sister Blanche, the nun who made the recommendations. ("Quite bluntly, I felt I wasn't going to kiss . . . you know . . . you know?) But even as a young boy and through high school, he almost never missed a daily Mass at St. Ephrem's. "I mean," he said, "I bought Catholicism as a young kid. I really believed."

So the real turning point in his life, one not of his making, came much later, after he had spent four years at seminary and three years as the pastor of his first parish, Our Lady of Lourdes in Queens Village. The bishop needed social workers.

"I got a call on a Tuesday night to see him Wednesday morning. And I was registered for graduate school in social work by Thursday morning. I didn't know what a social worker was."

He adds: "When I went to school and they asked me, 'Why did you choose social work?' I said, 'Because the bishop appointed me.' The social work people's reaction to that was that I was hostile. I said, 'Well, it's the truth. I don't know whether it's hostile or not.'

"So then they asked me if I wanted to be a social worker. And the answer was, 'No!'"

He pauses for a little dramatic effect. "Best thing that ever happened to me."

Yesterday, Bishop Sullivan, an imposing, tough-talking, immensely friendly man, was sitting in a makeshift television studio in Bishop Ford High School in Brooklyn. He was preparing for a live cable show in which he would talk about the centennial, this month, of Catholic Charities of the Brooklyn-Queens Diocese, now the largest Roman Catholic human-services agency in the country, covering America's most populous diocese.

Despite not knowing what a social worker was back then, Bishop Sullivan has devoted 38 years of his life to the job, serving in welfare offices and hospitals, rising to direct the charities and now serving as vicar for human services, overseeing the charities' vast operations with their director, Frank DeStafano. (Mr. Stefano couldn't resist a dig at the boss yesterday as a reporter sat down: "Not the baseball thing again. He was only on the team for three days! Myself, I was always dedicated to the poor. No time for any kind of fund like that.")

Bishop Sullivan's message to the cable audience yesterday was that he could hope for nothing better during the next 100 years of Catholic charity work than for one message to be hammered home: "To be a practicing Catholic means to be involved in the lives of others."

But as he relaxed after the show he had another, angrier message not about personal but about public responsibility: welfare reform. He complained that too few people are talking about its effects now, which he says have hurt the poor in Brooklyn and Queens as much as anything he has seen in three decades of tumultuous change in the boroughs.

"I agree," he said, "that it had to be reformed, and I agree that there had to be a change in the culture that work must be more important than relief. But I radically disagree with the way it was done."

Four years ago, he and another bishop managed to wangle an hour and 15 minutes in the Oval Office with President Clinton, to try to talk him out of signing the welfare reform legislation. Mr. Clinton said he understood them. Then he signed the measure anyway.

"But I will tell you," he said, his face coloring, "that I think most of what is being said about the success of these programs is hype including here in this city. To me it's a sham. You look at the food lines at Catholic Charities. You look at the food lines at parishes. You look at the people trying to pay their rents."

He added: "They haven't heard the last of this. We're only into the third year, and the reality is that there will always be dependent people who can't work."

As he socked on a snap-brim hat to run out and give a speech about health care, he was asked whether it ever disheartens him—approaching his 70th year, his 44th as a priest, and nearly as long as a social worker—that there are still so many people suffering.

"It might not make any sense but it doesn't," he said. "I really think this job as heaven on . . . way to heaven. It doesn't come in the end. It begins here."●

THE "LEOPOLDVILLE" DISASTER

● Mr. DORGAN. Mr. President, in a few days a small group of veterans will gather at Fort Benning, Georgia to commemorate one of the least known tragedies of World War II.

On Christmas Eve 1944, the Belgian troopship *Leopoldville* was transporting 2,235 American soldiers from the 262nd and 264th Regiments of the 66th Infantry Division across the English Channel. They were destined as reinforcements for units fighting the Battle of the Bulge. Many soldiers on board were singing Christmas carols as they watched the lights along the coast of liberated France.

The ship was designed to carry fewer than half the number on board, and the Belgian crew did not speak English. Reportedly, many of the American soldiers were not issued life jackets. Just five miles from its destination of Cherbourg, France, the *Leopoldville* was struck by torpedos from the German submarine U–486. Two and a half hours later, the ship capsized and sank. According to many survivors, the crew abandoned ship in the lifeboats and left the American soldiers to fend for themselves. Unable to free the ship's life rafts, many of the troops jumped to their deaths in the frigid heavy seas. The British destroyed HMS *Brilliant* saved some 500 troops. However, because it was Christmas Eve, no one else seemed to be around to help. By the next day, Christmas morning, 763 American soldiers were dead, including three sets of brothers. The dead represented 47 of the then 48 states.

Mr. President, seven of the victims were from my home state of North Dakota. Among them was my uncle, Pfc. Allan J. Dorgan. His body was never recovered, and neither were the bodies of 492 other soldiers who died in the incident. It was weeks before my family and the families of other victims heard the fateful knock on the door and were given the telegram that said their sons, brothers, uncles, or fathers were "missing in action in the European Area." It took months more before a second telegram informed them their loved ones had been "killed in action in the European Area."

Due to wartime censorship, the disaster was not reported to the news media. Survivors were told by the British and American governments to keep quiet about what happened. American authorities did not even acknowledge the sinking of the *Leopoldville* until two weeks after it went down. Later, after the war, the tragedy was considered an embarrassment and all reports were filed away as secret by the Allied governments. Some say that the American and British governments conspired to cover-up the incompetence involved in the incident. For whatever reason, details of the disaster were withheld from the public for over fifty years. Some of the victims' families never learned the truth about how their loved ones perished that night.

For over fifty years, the young soldiers on the *Leopoldville* were denied their due, and never accorded the honors and respect they deserved. Finally, a few years ago, thanks to the efforts of *Leopoldville* survivor Vincent Codianni, former New York City police investigator Alan Andrade who wrote a book about the incident, and the Veterans Memorial Committee of Waterbury, Connecticut, the U.S. Army agreed to provide a site for a monument to the tragedy.

The Leopoldville Disaster Monument was dedicated on November 7, 1997 at Fort Benning, the "Home of the Infantry." On the monument, the names and hometowns of those members of the 66th Infantry Division who lost their lives on the *Leopoldville* and the names of those who survived the tragedy, but were later killed in action, are etched in stone. This was the first official recognition shown to any of the victims or their families. It was long overdue.

It is almost 55 years since the sinking of the *Leopoldville*. When the survivors and their families gather again this week in Georgia, they will honor their comrades who have passed away since their first reunion two years ago. I hope all my colleagues will join me in expressing our appreciation for their courage and for the ultimate sacrifice they made for freedom.•

HONORING 150 YEARS OF CONGREGATION B'NAI ISRAEL

• Mrs. BOXER. Mr. President, today I wish to recognize Congregation B'nai Israel in Sacramento, California, and to celebrate its 150th year of vitality and service to the Sacramento community.

Congregation B'nai Israel was founded in 1849 by Moses Hyman and Albert Priest. At the time, Gold rush-era optimism was everywhere in northern California, attracting opportunity seekers from as far as eastern Europe, the home to millions of Jews desperate to escape violent pogroms and rampant anti-Semitism. With his profound ability to organize people and his unrelenting desire to help the destitute, Moses Hyman began his congregation in his home, and soon became known as a pioneer of California Judaism and father of Temple B'nai Israel.

Moses Hyman, a major community philanthropist, also founded the Hebrew Benevolent Society, which assisted the sick and poor, especially during the Sacramento flood of 1850. Following that devastating disaster, Hyman purchased burial land and a nearby house of worship from a Methodist Episcopal church. Moses Hyman and Albert Priest named their new congregation B'nai Israel, which translated into English, means "Children of Israel." The rebuilt temple officially opened on September 2, 1852 as the first member-owned synagogue west of the Mississippi.

Congregation B'nai Israel has suffered through many hardships. After only a decade in existence, its synagogue was destroyed by fire, and only a year later, winter floods severely damaged cemetery grounds. The congregation was tested repeatedly. They mourned but then regrouped and rebuilt, emerging stronger than before.

By the mid-1900s, the congregation outgrew its existing facilities and launched a major effort to build a new synagogue. Thanks to the generosity of congregants, its capital campaign was a huge success. In addition to a new synagogue, the congregation added an education wing, later named after Buddy Kandel, in the early 1960s.

Congregation B'nai Israel continued to grow. The year 1986 marked additional milestones for what had become a community institution. In that year, the congregation began construction of the Harry M. Tonkin Memorial Chapel and the Sosnick Library. The much-needed addition not only led to a change in place of worship, but also an ideological change for the B'nai Israel. Tikkun Olam, the Jewish belief in repairing the world through good deeds and social action became a new found interest of the congregation, pushing further their desire to help others in the Sacramento area.

Members of Congregation B'nai Israel had suffered through tremendous hardship in their history, but nothing could prepare them for the events of June 18, 1999, when a fire bomber motivated by anti-Semitic hatred destroyed their library and severely damaged the sanctuary and administration building. In an inspiring gesture of solidarity, the entire Sacramento community joined with the congregation and collectively vowed not to let violence tear Sacramento apart.

In a historic event less than three days after the bombing, more than 4,000 Sacramento residents joined congregation leaders at a unity rally to protest religious and ethnic violence. Former president of the Interfaith Service Bureau, Rabbi Bloom, called for the creation of a museum of tolerance to battle against the tide of hatred.

Mr. President, despite all kinds of adversity, Congregation B'nai Israel has survived for 150 years and has grown into a vital and beloved community institution. I send my congratulations and personal thanks for all it has done to help a diverse community find common ground in the Sacramento area.•

TRIBUTE TO CALEB SHIELDS

• Mr. BAUCUS. Mr. President, I rise today to pay tribute to Caleb Shields, retired Chairman and current Councilman of the Assiniboine and Sioux Tribes of the Fort Peck Reservation in Montana. Caleb is retiring from his elected position with the Tribe, after twenty-four years of elected service. For those of you who don't know Caleb, I am sorry that you did not have an opportunity to meet this remarkable man during his many visits to discuss the myriad of issues facing Native American people. He has a strength of character and honor about him that you could not help but recognize and admire instantly when you met him.

Caleb's tenure of twenty-four years on the Board is truly a testament to his leadership and his character. As we all know, very few politicians can have a career that spans twenty-four years and even fewer can do it with the grace and dedication that Caleb has. It has been an honor to work with Caleb on the many issues that we have worked on together. His commitment and dedication to improve the lives of not only the Native Americans on the Fort Peck Indian Reservation, but the lives of Native Americans throughout the Nation, are an inspiration to me. He has worked tirelessly to improve the level of funding for Indian health care programs and Native American education programs. He has stood in the Halls of Congress, often in the face of severe opposition, defending the governmental and sovereign rights of tribes. He has stood up to the federal government when the federal government has failed in its obligation to the tribes of this country. Significantly, he did all of this without ever making an enemy and without ever treating any person with disrespect. We can all stand to learn something from this man who while he had many battles, he never made any enemies.

I will miss my friend's visits to Washington, but I will mostly miss his advice on the Native American issues. Native American Country is losing a great leader, but I am sure that the basketball teams in Poplar are regaining a loyal fan. I understand that Caleb hopes to write a book about the history of the Assiniboine and Sioux Tribes from treaty time to modern time. I wish him well in his endeavor and look forward to reading his book.•

At the request of the Senator from Connecticut, Mr. LIEBERMAN, the following statement was ordered to be printed in the RECORD, as follows:

CENTRAL CONNECTICUT STATE UNIVERSITY'S 150TH BIRTHDAY CELEBRATION

• Mr. DODD. Mr. President, it gives me great pleasure to rise today to commemorate the 150th anniversary of the founding the Central Connecticut State University. To stand the test of time, as Central has, an educational institution must respond to the educational needs of its students. At each turn over its notable 150-year history, Central has effectively positioned itself to address the new challenges of the day. While a great deal has changed at Central—and for that matter in the world—over the years, the school's primary concern and motivating goal—educating students—has remained unaltered.

Central Connecticut State University is Connecticut's oldest publicly-supported institution of higher learning and enjoys a rich and colorful legacy. Founded by order of the Connecticut State Legislature on June 22, 1849, the institution, first known as the Normal School, was a two-year teacher training facility. On May 15, 1850, Henry Barnard, the school's first "principal," as he was then called, and a handful of faculty and staff members welcomed the first class of 30 students.

The Normal School was the object of contentious political debate in Hartford and intermittent appropriation cuts during its early years. In fact, the school was closed from 1867 to 1869 due to lack of funding. Yet the school and its supporters persevered. Each passing year brought bigger classes to the Normal School and with them, greater support from the members of the citizenry who understood the vital importance of higher education to their future and the future of the state. As was common at many of the era's institutions of higher learning, the Normal School's student body was overwhelmingly unbalanced in its male to female ratio. Interestingly, however, at the Normal School women, not men, made up the majority of the student body through the late 19th Century. In fact, due to the social norms of the time, which held the teaching of elementary and grade-school children as women's work, men disappeared from the student body at the Normal School for over thirty years—a change that would forever influence the character of the institution. The loss of male students did not stop the expansion of Normal School. Growing beyond the confines of its original building at the corner of Chestnut and Main in New Britain, in 1922 the school moved to the spacious campus it now occupies in the Belvedere section of New Britain.

The institution began to blossom academically in 1933 when it started to offer four-year baccalaureate degrees, changing its name to the Teachers College of Connecticut. The expansion of academic offerings drew men back to the college during the 1930s. Following World War II, the Teachers College of Connecticut, like many academic institutions, experienced remarkable growth and expansion. That growth led the State Legislature to grant the college the right to confer liberal arts degrees and to rename the institution the Central Connecticut State College in 1959. As the needs of its students have continued to change and expand in more recent times, so too has Central. In 1983, Central began offering graduate degrees and evolved into its present form—Central Connecticut State University.

With an enrollment of nearly 12,000 graduate and undergraduate students, Central is the largest of the four Universities within the Connecticut State System. With 80 programs of study, 38 departments and 5 individual schools dedicated to disciplines across the spectrum of learning, Central Connecticut State University has emerged as one of the premier regional universities in New England.

Always on the forefront of educational trends, Central recognized the lack of emphasis placed on the historical role of women and drew upon the significant role played by women in its own development to become one of the first schools in the Nation to build, in 1977, a Women's Center. The Center, which has become a highly respected credit to the university, offers a number of services for and about women and has become a model for universities around the country. In 1990, Central became the first school in Connecticut to offer an accredited Computer Science degree, helping to prepare Connecticut students for the Information Age. Its Robert C. Vance Distinguished Lecturer Program has drawn United States Presidents and renowned leaders from around the globe to speak in New Britain. It is clear, that through these special programs, as well as others, Central Connecticut State University provides its students with a valuable educational opportunity and has established itself as one of the Nation's finest regional universities.

So I say again, Mr. President, that I am proud to stand on the floor of the United States Senate to recognize the enduring dedication of Central Connecticut State University to its students, to its state, and to excellence in education. Today, under the adept guidance of President Richard L. Judd and with the effort of so many talented and committed faculty and staff, the university continues to grow and prosper. I believe that Central's unceasing pursuit of excellence will ensure it remains a vital academic institution for many years to come.●

ON THE LIFE OF EDWARD C. BANFIELD

● Mr. MOYNIHAN. Mr. President, Edward C. Banfield has died. This had to come. He was 83. Yet little were those who loved him prepared. Or ready, you might say.

He held, of course, Henry Lee Shattuck Chair in Government at Harvard and, as Richard Bernstein notes in his fine obituary in The Times, was most active in the Joint Center for Urban Studies of M.I.T. and Harvard in the 1960s and 1970s. For part of that time I was chairman of the Joint Center and so came to know him at the peak of his long, comparably brilliant and yet understated career. In 1970, he published The Unheavenly City, which stands to this day as the most salient and, well, heart-wrenching exposition of the intractable nature of so many urban problems. He had been there before. As early as 1955 he wrote, with Martin Meyerson, Politics, Planning and the Public Interest which argued that the near religious zeal for high-rise public housing then current in Chicago, and across the land, would be a disaster. One notes it has taken Chicago the better part of thirty-five years to realize this, and start dynamiting the projects, as they came to be known. Just so was the seminal, The Moral Basis of a Backward Society, a study of a small village in Southern Italy, which he wrote with Laura Fasano-Banfield, his radiantly intelligent wife and companion of sixty-odd years.

Now of course, none of this work was welcome, especially in academe. Not least because it made too much sense to be rejected. James Q. Wilson, once his student, now his heir, got this just right in a memorial that appeared in last week's Weekly Standard entitled "The Man Who Knew Too Much, Edward C. Banfield, 1916–1999." He was onto The Mob, inside The Agency, privy to The Plan. And yet they never got him. He was, as he would say, a "swamp Yankee," a tough breed.

He was also a great teacher, something Robert J. Samuelson writes about so wonderfully well in The Washington Post. Above all he taught his students to pursue the truth, "no matter how inconvenient, unpopular, unfashionable or discomforting." The greatest gift a great teacher can give.

He could be indulgent if the case seemed hopeless. I went to see him at the time I was thinking of running for the Senate. What would he advise? "Well," he said, "you could do that. Who knows, you might make a good Senator." Those words are with me to this moment.

I ask that the obituary from The Times, the article from The Weekly Standard, and the column from The Washington Post be included in the RECORD.

The articles follow.

[From the New York Times, Oct. 8, 1999]

E.C. BANFIELD, 83, MAVERICK ON URBAN POLICY ISSUES, DIES

(By Richard Bernstein)

Edward C. Banfield, a professor emeritus of government at Harvard University whose work on urban policy and the causes of poverty gave him a reputation as a brilliant maverick, died Sept. 30 at his summer home in Vermont. He was 83 and lived in Cambridge, Mass.

Mr. Banfield, born on a farm in Bloomfield, Conn., held Harvard's Henry Lee Shattuck Chair in Government for many years. He was one of the intellectual leaders of the Harvard-Massachusetts Institute of Technology Joint Center for Urban Studies in the 1960's and 70's, when the problems of cities were prominent on the national political agenda.

His books and articles had a sharp contrarian edge. He was a critic of almost every mainstream liberal idea in domestic policy, especially the use of Federal aid to help relieve urban poverty. Mr. Banfield argued that at best Government programs would fail because they aimed at the wrong problems; at worst they would make the problems worse. He fostered generations of graduate students, some of whom became leading figures in American intellectual life. They included James Q. Wilson, who succeeded him in his chair at Harvard, and Christopher DeMuth, president of the American Enterprise Institute in Washington.

Mr. Banfield received his B.A. in English for the University of Connecticut in 1938 and went to work for the United States Forest Service. After jobs with the New Hampshire Farm Bureau and the United States Farm Security Administration in Washington and California, he went to the University of Chicago to work on his doctorate in political science. Chicago at that time, under the influence of figures like Milton Friedman and Leo Strauss, was a bastion of Laissez-faire politics, a cause that Mr. Banfield later promoted in his own work.

He served briefly on the faculty in Chicago, moving to Harvard in 1959. He taught at the University of Pennsylvania before returning to Harvard at the end of his career.

In 1955 Mr. Banfield and Mr. Meyerson collaborated on "Politics, Planning and the Public Interest," which examined Chicago's public housing projects. That book was one of several in which Mr. Banfield found Government programs to be foiled by a law of unintended consequences. In the Chicago case he predicted that creating tall institutional buildings full of small apartments would have the unintended effect of racially isolating the urban poor. A major theme of Mr. Banfield's work on poverty, which was often angrily criticized in liberal circles, is that culture plays a more important role than factors like discrimination or lack of education in impeding a person's economic progress.

Among his most influential books was "The Moral Basis of a Backward Society," a study of a small village in southern Italy, researched in collaboration with his wife, the former Laura Fasano. Mr. Banfield's thesis, summed up in a term he coined, "amoral familism," was that the narrow focus on family relations prevented people from cooperating with those outside the family or village.

He is survived by his wife; a daughter, Laura Banfield Hoguet, a lawyer; a son, Elliott A. Banfield, an illustrator, and four grandchildren.

Mr. Banfield's emphasis on culture as the basic element in poverty drew accusations that he was promoting a "blame the victim" attitude. In his 1970 book "The Unheavenly City," and in various papers that he published in the late 60's, he recognized the existence and harm of racism but propounded the view that economic class and not race was the essential ingredient in poverty.

In that book Mr. Banfield constructed a sociological portrait of what he called "the lower-class individual" as someone who was very different from the middle-class professionals who sought ways to solve his problems. "The lower-class individual lives moment to moment," he wrote. "Impulse governs his behavior either because he cannot discipline himself to sacrifice a present for a future satisfaction or because he has no sense of the future. He is therefore radically improvident."

Mr. Banfield's role as an adviser to President Richard M. Nixon and chairman of his Model Cities Task force gave his published views an extra measure of controversy. During the Reagan Administration he served on a task force seeking ways to increase public support for the arts. But his subsequent book, "the Democratic Muse: Visual Arts and the Public Interest," argued that Federal support of the arts was neither justified by the Constitution nor useful in practice.

"Affording enjoyment to people is not a proper function of organizations serving the common good," he wrote in that book.

[From the Weekly Standard, Oct. 18, 1999]

The Man Who Knew Too Much—Edward C. Banfield, 1916–1999

(By James Q. Wilson)

In the increasingly dull, narrow, methodologically obscure world of the social sciences, it is hard to find a mind that speaks not only to its students but to its nation. Most scholars can't write, many can't think. Ed Banfield could write and think.

When he died a few days ago, his life gave new meaning to the old saw about being a prophet without honor in your own country. Almost everything he wrote was criticized at the time it appeared for being wrongheaded. In 1955 he and Martin Meyerson published an account of how Chicago built public housing projects in which they explained how mischievous these projects were likely to be: tall, institutional buildings filled with tiny apartments built in areas that guaranteed racial segregation. All this was to be done on the basis of the federal Housing Act of 1949, which said little about what goals housing was to achieve or why other ways of financing it—housing vouchers, for example—should not be available. This was heresy to the authors of the law and to most right-thinking planners.

Within two decades, high-rise public housing was widely viewed as a huge mistake and efforts were made to create vouchers so that poor families could afford to rent housing in the existing market. Local authorities in St. Louis had dynamited a big housing project there after describing it as a hopeless failure. It is not likely that Ed and Martin's book received much credit for having pointed the way.

In 1958, Ed, with the assistance of his wife, Laura, explained why a backward area in southern Italy was poor. The reason was not government neglect or poor education but culture. In this area of Italy, the Banfields said in The Moral Basis of a Backward Society, people would not cooperate outside the boundaries of their immediate families. These "amoral familists" were the product of a high death rate, a defective system for owning land, and the absence of any extended families. By contrast, in a town of about the same size located in an equally forbidding part of southern Utah, the residents published a local newspaper and had a remarkable variety of associates, each busily involved in improving the life of the community. In southern Italy, people would not cooperate; in southern Utah, they scarcely did anything else.

Foreign aid programs ignored this finding and went about persuading other nations to accept large grants to build new projects. Few of these projects created sustained economic growth. Where growth did occur, as in Singapore, Hong Kong, and South Korea, there was little foreign aid and what existed made little difference.

Today, David S. Landes, in his magisterial book that explains why some nations become wealthy while others remain poor, offers a one-word explanation: culture. He is right, but the Banfield book written forty years earlier is not mentioned.

In 1970, Ed published his best-known and most controversial work, The Unheavenly City. In it he argued that the "urban crisis" was misunderstood. Many aspects of the so-called crisis, such as congestion or the business flight to the suburbs, are not really problems at all; some that are modest problems, such as transportation, could be managed rather well by putting high peak-hour tolls on key roads and staggering working hours; and many of the greatest problems, such as crime, poverty, and racial injustice, are things that we shall find it exceptionally difficult to manage.

Consider racial injustice. Racism is quite real, though much diminished in recent years, and it has a powerful effect. But the central problem for black Americans is not racism but poverty. And poverty is in part the result of where blacks live and what opportunities confront them. When they live in areas with many unskilled workers and few jobs for unskilled people, they will suffer. When they grow up in families that do not own small businesses, they will find it harder to move into jobs available to them or to meet people who can tell them about jobs elsewhere. That whites treat blacks differently than they treat other whites is obviously true, but "much of what appears . . . as race prejudice is really class prejudice."

In 1987 William Julius Wilson, a black scholar, published his widely acclaimed book, The Truly Disadvantaged. In it he says that, while racism remains a powerful force, it cannot explain the plight of inner-city blacks. The problem is poverty—social class—and that poverty flows from the material conditions of black neighborhoods. Banfield's book is mentioned in Wilson's bibliography, but his argument is mentioned only in passing.

Both Wilson and Banfield explain the core urban problems as ones that flow from social class. To Wilson, an "underclass" has emerged, made up of people who lack skills, experience long-term unemployment, engage in street crime, and are part of families with prolonged welfare dependency. Banfield would have agreed. But to Wilson, the underclass suffers from a shortage of jobs and available fathers, while for Banfield it suffers from a defective culture.

Wilson argued that changing the economic condition of underclass blacks would change their underclass culture; Banfield argued that unless the underclass culture was first changed (and he doubted much could be done in that regard), the economic condition of poor blacks would not improve. The central urban problem of modern America is to discover which theory is correct.

Banfield had some ideas to help address the culture (though he thought no government would adopt them): Keep the unemployment rate low, repeal minimum-wage laws, lower the school-leaving age, provide a negative income tax (that is, a cash benefit) to the "competent poor," supply intensive birth-control guidance to the "incompetent poor," and pay problem families to send their children to decent day-care programs.

The Unheavenly City sold well but was bitterly attacked by academics and book reviewers; Wilson's book was widely praised by the same critics. But on the central facts, both books say the same thing, and on the unknown facts—What will work?—neither book can (of necessity) offer much evidence.

Ed Banfield's work would probably have benefited from a quality he was incapable of supplying. If it had been written in the dreary style of modern sociology or, worse, if he had produced articles filled with game-theoretic models and endless regression equations, he might have been taken more seriously. But Ed was a journalist before he was a scholar, and his commitment to clear, forceful writing was unshakable.

He was more than a clear writer with a Ph.D.; everything he wrote was embedded in a powerful theoretical overview of the subject. "Theory," to him, meant clarifying how people can think about a difficulty, and the theories he produced—on social planning, political influence, economic backwardness, and urban problems—are short masterpieces of incisive prose.

His remarkable mind was deeply rooted in Western philosophy as well as social science. To read his books is to be carried along by extraordinary prose in which you learn about David Hume and John Stuart Mill as well as about pressing human issues. To him, the central human problem was cooperation: How can society induce people to work together in informal groups—Edmund Burke's "little platoon"—to manage their common problems? No one has ever thought through this issue more lucidly, and hence no one I can think of has done more to illuminate the human condition of the modern world.

A few months ago, a group of Ed's former students and colleagues met for two days to discuss his work. Our fondness for this amusing and gregarious man was manifest, as were our memories of the tortures through which he put us as he taught us to think and write. Rereading his work as a whole reminded us that we had been privileged to know one of the best minds we had ever encountered, a person whose rigorous intellect and extraordinary knowledge created a standard to which all of us aspired but which none of us attained.

[From the Washington Post, Oct. 14, 1999]

THE GIFT OF A GREAT TEACHER

(By Robert J. Samuelson)

If you are lucky in life, you will have at least one great teacher. More than three decades ago, I had Ed Banfield, a political scientist who taught mainly at the University of Chicago and Harvard University. Ed's recent death at 83 saddened me (which was expected) and left me with a real sense of loss (which wasn't). Although we had stayed in touch, we were never intimate friends or intellectual soul-mates. The gap between us in intellectual candlepower was too great. But he had loomed large in my life, and I have been puzzling why his death has so affected me.

I think the answer—and the reason for writing about something so personal—goes to the heart of what it means to be a great teacher. By teacher, I am not referring primarily to classroom instructors, because learning in life occurs mainly outside of schools. I first encountered Ed in a lecture hall, but his greatness did not lie in giving good lectures (which he did). It lay instead in somehow transmitting life-changing lessons. If I had not known him, I would be a different person. He helped me become who I am and, more important, who I want to be.

When you lose someone like that, there is a hole. It is a smaller hole than losing a parent, a child or close friend. But it is still a hole, because great teachers are so rare. I have, for example, worked for some very talented editors. A few have earned my lasting gratitude for improving my reporting or writing. But none has been a great teacher; none has changed my life.

What gave Ed this power was, first, his ideas. He made me see new things or old things in new ways. The political scientist James Q. Wilson—first Ed's student, then his collaborator—has called Banfield "the most profound student of American politics in this century." Although arguable, this is surely plausible.

Americans take democracy, freedom and political stability for granted. Ed was more wary. These great things do not exist in isolation. They must somehow fuse into a political system that fulfills certain essential social functions: to protect the nation; to provide some continuity in government and policy; to maintain order and modulate society's most passionate conflicts. The trouble, Ed believed, is that democracies have self-destructive tendencies and that, in modern America, these had intensified.

On the whole, he regretted the disappearance after World War II of a political system based on big-city machines (whose supporters were rewarded with patronage jobs and contracts) and on party "bosses" (who dictated political candidates from city council to Congress and, often, the White House). It was not that he favored patronage, corruption or bosses for their own sake. But in cities, they created popular support for government and gave it the power to accomplish things. And they emphasized material gain over ideological fervor.

Postwar suburbanization and party "reforms"—weakening bosses and machines—destroyed this system. Its replacement, Ed feared, was inferior. "Whereas the old system had promised personal rewards," he wrote, "the new one promises social reform." Politicians would now merchandise themselves by selling false solutions to exaggerated problems. "The politician, like the TV news commentator, must always have something to say even when nothing urgently needs to be said," he wrote in 1970. By some years, this anticipated the term "talking head." People would lose respect for government because many "solutions" would fail. Here, too, he anticipated. Later, polls showed dropping pubic confidence in national leaders. Ed was not surprised.

He taught that you had to understand the world as it is, not as you wished it to be. This was sound advice for an aspiring reporter. And Ed practiced it. In 1954 and 1955, he and his wife, Laura (they would ultimately be married 61 years), spent time in a poor Italian village to explain its poverty. The resulting book—"The Moral Basis of a Backward Society"—remains a classic. Families in the village, it argued, so distrusted each other that they could not cooperate to promote common prosperity. The larger point (still missed by many economists) is that local culture, not just "markets," determines economic growth.

What brought Ed fleeting prominence—notoriety, really—was "The Unheavenly City." Published in 1970. Prosperity, government programs and less racial discrimination might lift some from poverty, he said. But the worst problems of poverty and the cities would remain. They resulted from a "lower class" whose members were so impulsive and "present oriented" that they attached "no value to work, sacrifice, self-improvement, or service to family, friends or community." They dropped out of school, had illegitimate children and were unemployed. Government couldn't easily alter their behavior.

For this message, Ed was reviled as a reactionary. He repeatedly said that most black Americans didn't belong to the "lower class" and that it contained many whites. Still, many dismissed him as a racist. Over time his theories gained some respectability from the weight of experience. Poverty defied government assaults; his "lower class" was relabeled "the underclass." But when he wrote, Ed was assailing prevailing opinion. He knew he would be harshly, even viciously, attacked. He wrote anyway and endured the consequences.

This was the deeper and more important lesson. Perhaps all great teachers—whether parents, bosses, professors or whoever—ultimately convey some moral code. Ed surely did. What he was saying in the 1960s was not what everyone else was saying. I felt uneasy with the reigning orthodoxy. But I didn't know why. Ed helped me understand my doubts and made me feel that it was important to give them expression. The truth had to be pursued, no matter how inconvenient, unpopular, unfashionable or discomforting. Ed did not teach that; he lived it. This was his code, and it was—for anyone willing to receive it—an immeasurable gift.●

NOTICE

REGISTRATION OF MASS MAILINGS

The filing date for 1999 third quarter mass mailings is October 25, 1999. If your office did no mass mailings during this period, please submit a form that states "none."

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510-7116.

The Public Records office will be open from 8:00 a.m. to 6:00 p.m. on the filing date to accept these filings. For further information, please contact the Public Records office at (202) 224-0322.

ORDERS FOR TUESDAY, OCTOBER 19, 1999

Mr. GORTON. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 1:15 p.m. on Tuesday, October 19. I further ask consent that on Tuesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then immediately recess until 2:15 p.m. for the weekly party conferences to meet. I further ask consent that the mandatory quorums required under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. GORTON. For the information of all Senators, the Senate will convene tomorrow at 1:15 p.m., and at 2:15 p.m. two cloture votes will occur with respect to amendments to the campaign finance bill. Following the vote or votes, the Senate may resume consideration of the campaign finance bill. However, debate on this legislation is coming to a close, and Senators should anticipate the consideration of the partial-birth abortion bill, the continuing resolution, and available appropriations conference reports during the remainder of this week's session of the Senate.

ORDER FOR ADJOURNMENT

Mr. GORTON. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

Mr. FEINGOLD. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. I ask the Senator from Washington why the Senate is not convening until 1:15?

Mr. GORTON. The Senate is not convening until 1:15 at the direction of the majority leader.

Mr. FEINGOLD. Mr. President, I am wondering why. It would be a good idea to take up this bill that we have before us and work on it, take up amendments in the morning, instead of losing a half a day. Is there some substantive reason why we are not working on a Tuesday morning, after we started the voting process already on Monday night?

The PRESIDING OFFICER. Is there objection to the request?

Mr. FEINGOLD. Reserving the right to object, Mr. President. I find it hard to understand, as we have just had a vote, which was supposed to be an up-or-down vote on the question of whether or not we are going to ban soft money. The opponents of reform obviously did not want to face that vote.

Quite a number of them had come out to the floor this afternoon to say they were against banning soft money. So they had a chance to vote not to ban soft money. Why didn't they do that? They threw the vote. They all came out here and unanimously voted not to table the McCain-Feingold bill, which simply bans soft money. Now they do not want to have us meet tomorrow morning.

We are not going to do our job tomorrow morning. We are not even going to debate, not going to take up amendments. We are just going to take the morning off.

Mr. GORTON. Regular order.

Mr. FEINGOLD. We see here the unbelievable desire to avoid the issue.

Mr. GORTON. Regular order.

The PRESIDING OFFICER. The regular order has been called for. The Senator must either object or permit the unanimous consent to go forward.

Mr. FEINGOLD. Mr. President, I will not object, having had the chance to express my dismay at this schedule, which is nothing but a way to avoid the issue.

Mr. GORTON. Regular order.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL TUESDAY, OCTOBER 19, 1999

Thereupon, the Senate, at 7:05 p.m., adjourned until Tuesday, October 19, 1999, at 1:15 p.m.

NOMINATIONS

Executive nominations received by the Senate October 18, 1999:

NATIONAL SECURITY EDUCATION BOARD

HERSCHELLE S. CHALLENOR, OF GEORGIA, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF FOUR YEARS. (REAPPOINTMENT)

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. WILLIAM F. SMITH III, 2744.

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be lieutenant commander

GEORGE R. ARNOLD, 3783
BUFORD D. BARKER, 8031
HAROLD T. BRADY, 2535
DARIN J. BROWN, 7416
ANTHONY C. CARULLO, 3004
CHRIS J. CLEMMENSEN, 6512
BRUCE W. GRISSOM, 9402
RICHARD S. HAGER, 1284
MARTIN H. HARDY, 7010
GREGORY R. KERCHER, 3629
ROBERT C. MILLER, 4593
JON RODGERS, 3615
RICHARD E. SEIF, 2642
STEVEN F. SMITH, 9946
TODD S. WEEKS, 8519

HOUSE OF REPRESENTATIVES—*Monday, October 18, 1999*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. BALLENGER).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 18, 1999.

I hereby appoint the Honorable CASS BALLENGER to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. McDevitt, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 659. An act to authorize appropriations for the protection of Paoli and Brandywine Battlefields in Pennsylvania, to direct the National Park Service to conduct a special resource study of Paoli and Brandywine Battlefields, to authorize the Valley Forge Museum of the American Revolution at Valley Forge National Historical Park, and for other purposes.

H.R. 2990. An act to amend the Internal Revenue Code of 1986 to allow individuals greater access to health insurance through a health care tax deduction, a long-term care deduction, and other health-related tax incentives, to amend the Employee Retirement Income Security Act of 1974 to provide access to and choice in health care through association health plans, to amend the Public Health Service Act to create new pooling opportunities for small employers to obtain greater access to health coverage through HealthMarts; to amend title I of the Employee Retirement Income Security Act of 1974, title XXVII of the Public Health Service Act, and the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage; and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2990) "An Act to amend the Internal Revenue Code of 1986 to allow individuals greater access to health insurance through a health care tax deduction, a long-term care deduction, and other health-related tax incentives, to amend the Employee Retirement Income Security Act of 1974 to provide access to and choice in health care through association health plans, to amend the Public Health Service Act to create new pooling opportunities for small employers to obtain greater access to health coverage through HealthMarts; to amend title I of the Employee Retirement Income Security Act of 1974, title XXVII of the Public Health Service Act, and the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage; and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JEFFORDS, Mr. GREGG, Mr. FRIST, Mr. HUTCHINSON, Mr. NICKLES, Mr. GRAMM, Mr. ENZI, Mr. KENNEDY, Mr. DODD, Mr. HARKIN, Ms. MIKULSKI, and Mr. ROCKEFELLER, to be the conferees on the part of the Senate.

The message also announced that the Senate has passed bills of the following titles in which concurrence of the House is requested:

S. 548. An act to establish the Fallen Timbers Battlefield and Fort Miamis National Historical Site in the State of Ohio.

S. 762. An act to direct the Secretary of the Interior to conduct a special resource study to determine the national significance of the Miami Circle site in the State of Florida as well as the suitability and feasibility of its inclusion in the National Park System as part of Biscayne National Park, and for other purposes.

S. 938. An act to eliminate restrictions on the acquisition of certain land contiguous to Hawaii Volcanoes National Park, and for other purposes.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to 5 minutes.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

PAIN RELIEF PROMOTION ACT OF 1999

Mr. BLUMENAUER. Mr. Speaker, this week H.R. 2260, the so-called Pain Relief Promotion Act will be brought to the floor of this chamber. The bill's supporters say passage will result in more humane treatment of terminally-ill patients. Tragically, they are mistaken.

This bill's passage will do two things. It will overturn Oregon's death with dignity law, and it will undermine the rights of States to establish medical standards. It also puts law enforcement agencies in the position of second-guessing one of the most difficult medical decisions faced by doctors: how to best alleviate the pain terminally-ill patients suffer, whether or not that treatment involves life-ending decision-making.

Congress is frequently put in a position of judging whether to intervene in the States' decisions. Some judgments are relatively easy to make. For example, we now have reached the point where most people are comfortable with the Federal Government protecting against racial discrimination. Such was not always the case. Many decisions, however, are very much in a gray area, which some choose, unfortunately, to use for political reasons. One such gray area, the issues that affect the end-of-life decisions, is not only difficult but personal.

In my State of Oregon we have struggled, debated, and agonized with this issue throughout the last decades. The end-of-life issue is a very complex one. With the advent of new medical technologies, it is becoming even more challenging. There are a wide range of moral and medical issues associated with end-of-life decisions, but none that require Federal interference. Yet Congress is being asked to pass legislation that would undermine a law passed and subsequently upheld not once but twice by a vote of the citizens of Oregon.

Now, our death with dignity legislation is still a work in progress, but the preliminary evidence suggests that this option may actually reduce the incidence of suicide. Rather than having a flood of people to our State to take advantage of the provisions of the law, it appears that individuals having the knowledge that they, their families, and their doctor can control this situation, gives them a sense of peace and contentment that enables many to move forward, enduring the pain and the difficulty without resorting to taking their own life. It may actually reduce the incidence of suicide.

As Americans struggle with these issues, mostly hidden from public view, it is important that we not have the personal tragedy, that agony, that frustration made more difficult by laws that ignore the range of legitimate medical choices.

There are some very serious technical problems with this legislation. It would interfere with the practice of

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□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

medicine, of pharmacy, of pain management in ways that can have a profound effect on the rights that many in America take for granted. This is why a large number of medical professionals have come forward in opposition to this legislation.

This bill asks law enforcement agencies, not doctors, law enforcement agencies, to make, on a case-by-case basis, judgment as to whether a doctor intended a terminally-ill patient's death while trying to alleviate pain. Asking nonmedical personnel to determine a doctor's intent and subsequent causal connection is neither appropriate nor is it even practical. The threat of these investigations can have a chilling effect open the treatment of pain.

Now, at the same time, some medical boards can and have imposed sanctions on doctors, including in Oregon, for not treating pain aggressively enough. So here we have put physicians in an impossible situation: On one hand nonmedical activities second-guessing them and being sanctioned; on the other hand for not being aggressive enough.

Today, doctors help deal with end-of-life decisions everywhere in America; and, in some cases, I guaranty that every day in America there are the equivalent of physician-assisted suicides. In every State but Oregon people look the other way. Oregon stands out because we have at least attempted to provide a framework. If this misguided legislation were to be passed, ironically, Oregon, the only State with guidelines where we are trying to deal with it, would be subjected to extraordinary scrutiny. Elsewhere, people would continue to look the other way.

I strongly urge the defeat of this ironically termed Pain Relief Promotion Act before it undermines not only the will of the people of Oregon, but also before it damages the sanctity of the doctor-patient decision-making process and erodes quality end-of-life medical treatment.

REPUBLICANS HAVE ACCOMPLISHED A LOT BUT STILL NEED PRESIDENT'S HELP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, last week President Clinton in his press conference attacked the Republican Senators for their courageous stance against a poorly designed nuclear test ban treaty, a test ban treaty that was unverifiable. A lot of the nations had not signed it yet, and a lot of rogue nations never intend to comply with it. But, more importantly, during that press conference he posed a question, "What will happen if the Republicans stay in office?" I am here on the floor this morning, and I feel compelled to answer his question.

Mr. Speaker, let me remind the President of some of the past accomplishments of the Republican Party here in Congress, which unlike the ill-advised test ban treaty are actually good for America. If we can be judged by our past, a lot of good things for America will occur in the future if we stay in power. Let me just take a few moments to talk about what we have accomplished.

One of the first orders of business when we took over here in Congress was to declare that Congress would comply with all the laws and statutes which all Americans also have to comply with. We reduced the bloated size of committee staff here in Congress by one-third and added to that a ban on gifts from special interests here in Congress.

We reformed the bloated inefficient welfare system, which held captive many Americans who only wanted a better life for themselves and their families. We provided welfare-to-work incentives for both individuals and businesses. And the Republican-led Congress has succeeded in dropping the welfare rolls to the lowest level in history.

The majority here passed health insurance portability, guaranteeing working Americans that if they switched jobs or if they lost their job they could continue with their current health coverage.

We reformed the Food and Drug Administration, giving people quicker access to life-saving drugs and medical devices and provided for better food quality.

The Republican controlled Congress got tough on criminals by enhancing penalties for sexual crimes against children, and established a Nationwide tracking system for sexual predators. We also enhanced punishment for drug-induced rape.

Education was enhanced by giving local districts more say in how the money that they had was spent on teaching their children.

We also provided tax relief and allowed for health insurance deductions for small businesses.

We developed medical savings accounts so Americans can better decide how to provide for their health care. We also protected elderly patients from being evicted from nursing homes.

The Republican majority strengthened our national defense by increasing pay and retirement benefits, long overdue for our military; enhancing health care for veterans; and providing for a military which this administration has grossly underfunded and, I believe, forsaken.

Let us not forget the budget. The Republicans passed the Balanced Budget Act and bound our appropriations bills to spending caps. Now, this is the first time in 30 years that this was done. The Congressional Budget Office last week released its monthly budget review and the Federal Government's on-budget accounts, which excludes Social Security, are running a $1 billion surplus for the year. Again, Mr. Speaker this, is the first time in 30 years. The majority party in Congress are to be commended.

Now, this is probably not new to the average American family, who also has to balance their budget and make their payments without going into deficits every year.

It is interesting that when President Clinton pushed the largest tax increase in history and passed that on to the American public, incidently he got it passed here very narrowly, that same year he could not balance the budget when the Democrats were in control in Congress. The Republican majority passed a lockbox measure, which declared $1.8 trillion of the Social Security surplus untouchable. But what is amazing is that the President refused to join with us in this budget process to protect this lockbox. He is proposing brand new spending at the same time we are trying to balance the budget and protect Social Security.

Now, the Democrats, when they were in control, when they were in control, spent $837 billion of the Social Security money for new spending programs. Now they claim they want to save it. I remind my colleagues we have to remember when the Democrats were in control they spent all the Social Security surplus. In fact, the last year they controlled Congress they spent over $130 billion from the Social Security Trust Fund.

We are trying to do a great deal around here. We need the help of the President. We have stood for much needed legislation on welfare reform, better health care, better education, tougher criminal penalties, tax relief, a stronger defense, a balanced budget, and, lastly, Social Security protection for our seniors. So I believe, contrary to what the President said in the press conference, the Republicans have done an excellent job for Americans in trying to save this republic and bring accountability. I need to remind the President that great things will occur for the American people if Republicans stay in office.

And in the future, I think we can look for great things for all America, but I remind the President that we need his help too.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 43 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. BIGGERT) at 2 p.m.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Of all the virtues that we desire, we pray, O gracious God, for a grateful heart for the gifts of life and the opportunities of each day. For a nation where we can live in liberty and freedom, for colleagues and friends who encourage us, for mothers and fathers, sisters and brothers who love us and forgive us, for the blessings of faith and the gifts of hope, we offer this prayer of gratitude and thanksgiving. In Your name, O God, we humbly pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. DOOLITTLE. Madam Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DOOLITTLE. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Ohio (Mr. TRAFICANT) come forward and lead the House in the Pledge of Allegiance.

Mr. TRAFICANT led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, October 15, 1999.

Hon. DENNIS HASTERT,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted to Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on October 15, 1999 at 11:10 a.m.

That the Senate agreed to conference report H.R. 2684; that the Senate passed without amendment H.R. 3036.

With best wishes, I am
Sincerely,
JEFF TRANDAHL,
Clerk of the House.

ORVILLE MAJORS DESERVES DEATH

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Madam Speaker, Orville Majors was convicted for killing patients in an Indiana hospital. Majors is now also accused of killing another 130 patients in hospitals. And after all this, Majors got life in prison.

Think about it. Majors will get three square meals a day, television, free health care, activity in exercise rooms. Beam me up, Madam Speaker. Orville Majors should not be given life; Orville Majors should be given death. It is no wonder America continues to have 17,000 murders a year. The truth is, America tolerates murderers like Orville Majors.

I yield back the unheard screams of 136 American victims.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that she will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any rollcall votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules, but not before 6 p.m. today.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3081

Ms. HOOLEY of Oregon. Madam Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 3081.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

PATRIOT ACT

Mr. DOOLITTLE. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 659) to authorize appropriations for the protection of Paoli and Brandywine Battlefields in Pennsylvania, to direct the National Park Service to conduct a special resource study of Paoli and Brandywine Battlefields, to authorize the Valley Forge Museum of the American Revolution at Valley Forge National Historical Park, and for other purposes.

The Clerk read as follows:

Senate amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pennsylvania Battlefields Protection Act of 1999".

TITLE I—PAOLI AND BRANDYWINE BATTLEFIELDS

SEC. 101. PAOLI BATTLEFIELD PROTECTION.

(a) PAOLI BATTLEFIELD.—The Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to provide funds to the borough of Malvern, Pennsylvania, for the acquisition of the area known as the "Paoli Battlefield", located in the borough of Malvern, Pennsylvania, as generally depicted on the map entitled "Paoli Battlefield" numbered 80,000 and dated April 1999 (referred to in this title as the "Paoli Battlefield"). The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(b) COOPERATIVE AGREEMENT AND TECHNICAL ASSISTANCE.—The Secretary shall enter into a cooperative agreement with the borough of Malvern, Pennsylvania, for the management by the borough of the Paoli Battlefield. The Secretary may provide technical assistance to the borough of Malvern to assure the preservation and interpretation of the Paoli Battlefield's resources.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $1,250,000 to carry out this section. Such funds shall be expended in the ratio of one dollar of Federal funds for each dollar of funds contributed by non-Federal sources. Any funds provided by the Secretary shall be subject to an agreement that provides for the protection of the Paoli Battlefield's resources.

SEC. 102. BRANDYWINE BATTLEFIELD PROTECTION.

(a) BRANDYWINE BATTLEFIELD.—

(1) IN GENERAL.—The Secretary is authorized to provide funds to the Commonwealth of Pennsylvania, a political subdivision of the Commonwealth, or the Brandywine Conservancy, for the acquisition, protection, and preservation of land in an area generally known as the Meetinghouse Road Corridor, located in Chester County, Pennsylvania, as depicted on a map entitled "Brandywine Battlefield—Meetinghouse Road Corridor", numbered 80,000 and dated April 1999 (referred to in this title as the "Brandywine Battlefield"). The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(2) WILLING SELLERS OR DONORS.—Lands and interests in land may be acquired pursuant to this section only with the consent of the owner thereof.

(b) COOPERATIVE AGREEMENT AND TECHNICAL ASSISTANCE.—The Secretary shall enter into a cooperative agreement with the same entity that is provided funds under subsection (a) for the management by the entity of the Brandywine Battlefield. The Secretary may also provide technical assistance to the entity to assure the preservation and interpretation of the Brandywine Battlefield's resources.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated

$3,000,000 to carry out this section. Such funds shall be expended in the ratio of one dollar of Federal funds for each dollar of funds contributed by non-Federal sources. Any funds provided by the Secretary shall be subject to an agreement that provides for the protection of the battlefield's resources.

TITLE II—VALLEY FORGE NATIONAL HISTORICAL PARK

SEC. 201. PURPOSE.

The purpose of this title is to authorize the Secretary of the Interior to enter into an agreement with the Valley Forge Historical Society (hereinafter referred to as the "Society"), to construct and operate a museum within the boundary of Valley Forge National Historical Park in cooperation with the Secretary.

SEC. 202. VALLEY FORGE MUSEUM OF THE AMERICAN REVOLUTION AUTHORIZATION.

(a) AGREEMENT AUTHORIZED.—The Secretary of the Interior, in administering the Valley Forge National Historical Park, is authorized to enter into an agreement under appropriate terms and conditions with the Society to facilitate the planning, construction, and operation of the Valley Forge Museum of the American Revolution on Federal land within the boundary of Valley Forge National Historical Park.

(b) CONTENTS AND IMPLEMENTATION OF AGREEMENT.—An agreement entered into under subsection (a) shall—

(1) authorize the Society to develop and operate the museum pursuant to plans developed by the Secretary and to provide at the museum appropriate and necessary programs and services to visitors to Valley Forge National Historical Park related to the story of Valley Forge and the American Revolution;

(2) only be carried out in a manner consistent with the General Management Plan and other plans for the preservation and interpretation of the resources and values of Valley Forge National Historical Park;

(3) authorize the Secretary to undertake at the museum activities related to the management of Valley Forge National Historical Park, including, but not limited to, provision of appropriate visitor information and interpretive facilities and programs related .to Valley Forge National Historical Park;

(4) authorize the Society, acting as a private nonprofit organization, to engage in activities appropriate for operation of the museum that may include, but are not limited to, charging appropriate fees, conducting events, and selling merchandise, tickets, and food to visitors to the museum;

(5) provide that the Society's revenues from the museum's facilities and services shall be used to offset the expenses of the museum's operation; and

(6) authorize the Society to occupy the museum so constructed for the term specified in the Agreement and subject to the following terms and conditions:

(A) The conveyance by the Society to the United States of all right, title, and interest in the museum to be constructed at Valley Forge National Historical Park.

(B) The Society's right to occupy and use the museum shall be for the exhibition, preservation, and interpretation of artifacts associated with the Valley Forge story and the American Revolution, to enhance the visitor experience of Valley Forge National Historical Park, and to conduct appropriately related activities of the society consistent with its mission and with the purposes for which the Valley Forge National Historical Park was established. Such right shall not be transferred or conveyed without the express consent of the Secretary.

(C) Any other terms and conditions the Secretary determines to be necessary.

SEC. 203. PRESERVATION AND PROTECTION.

Nothing in this title authorizes the Secretary or the Society to take any actions in derogation of the preservation and protection of the values and resources of Valley Forge National Historical Park. An agreement entered into under section 202 shall be construed and implemented in light of the high public value and integrity of the Valley Forge National Historical Park and the National Park System.

1Amend the title so as to read: "An Act to authorize appropriations for the protection of Paoli and Brandywine Battlefields in Pennsylvania, to authorize the Valley Forge Museum of the American Revolution at Valley Forge National Historical Park, and for other purposes."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. DOOLITTLE) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. DOOLITTLE).

Mr. DOOLITTLE. Madam Speaker, I yield myself such time as I may consume.

I rise in strong support of H.R. 659, introduced by the gentleman from Pennsylvania (Mr. WELDON). H.R. 659 is a very important bill. It is necessary to protect two significant battlefields of the Revolutionary War and begin the process of developing a much needed new visitors' center at Valley Forge National Historical Park. The gentleman from Pennsylvania (Mr. WELDON) deserves credit for developing this bill, which protects some of our most treasured Revolutionary War sites.

Madam Speaker, H.R. 659 authorizes appropriations for the protection of the Paoli and Brandywine Battlefields in Pennsylvania. Appropriations for these battlefields must be matched dollar for dollar by non-Federal sources.

This bill also authorizes the Secretary of the Interior to enter into an agreement with the Valley Forge Historical Society to construct and operate a museum within the boundaries of the Valley Forge National Historical Park. After the museum has been built, all rights, title and interests would be conveyed to the Federal Government; however, the society would continue to operate the facility.

Madam Speaker, this bill was passed earlier by the House and sent to the Senate where they amended the bill to eliminate a provision that directed the National Park Service to conduct a special resource study of both the Paoli and Brandywine Battlefields. We have agreement on this item now, on this amendment; and we now have a bill with full bipartisan support.

Madam Speaker, I reserve the balance of my time.

Mr. KILDEE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 659 is a comprehensive measure which provides assistance for the preservation of two Revolutionary War battlefields in Pennsylvania. In addition, the bill authorizes a public-private partnership agreement for the construction of a museum on Federal land within the Valley Forge National Historic Park.

The legislation originally passed the House on June 22, 1999. The Senate considered the measure on October 14 and returned a bill with several minor changes.

Title I of H.R. 659 authorizes the Secretary of the Interior to provide up to $1.25 million to assist in the protection and preservation of the area known as the Paoli Battlefield. It also authorizes up to $3 million to assist in the protection and preservation of the area known as the Meeting House Corridor, part of the Brandywine Battlefield.

In both instances the funds provided are for land acquisition only, and all funds provided by the Secretary are to be matched dollar for dollar by non-Federal sources. The Secretary is also authorized to provide technical assistance and to enter into cooperative agreements to provide for ownership and management of the battlefields by the non-Federal partners.

Madam Speaker, Title II of H.R. 659 deals with the Valley Forge National Historic Park, which is so ably represented by the gentleman from Pennsylvania (Mr. HOEFFEL). The bill authorizes the Secretary to enter into an agreement under appropriate terms and conditions with the Valley Forge Historical Society, construct the Valley Forge Museum of the American Revolution on park property. The gentleman from Pennsylvania (Mr. HOEFFEL) has been a strong supporter of this provision and for that he is to be commended.

The Senate amendments to H.R. 659 changed the title of the legislation and deleted the provisions for a special resource study of the Paoli and Brandywine Battlefields. These changes do not alter the primary purpose of the legislation. As such, we have no objections to H.R. 659, as amended.

Madam Speaker, I reserve the balance of my time.

Mr. DOOLITTLE. Madam Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. WELDON), the author of the legislation.

Mr. WELDON of Pennsylvania. Madam Speaker, I rise in support of this final act to support this legislation, and I thank the gentleman from Pennsylvania (Mr. DOOLITTLE), my good friend; and I thank the gentleman from Michigan (Mr. KILDEE) for his support. I also thank the chairman of the full committee and subcommittee, and the ranking members.

Madam Speaker, 222 years ago last month the cry, "Remember Paoli," sounded through the ranks of the patriots who at that time were fighting in the Philadelphia campaign to protect the beginnings of this Nation. It was an unbelievable battle that occurred at

Paoli that resulted in that cry. I remember Paoli because 53 young Americans had been butchered by the British. They were butchered by the British with their bayonets because the British did not want to fire their guns to send the signal that they were on the attack. Fifty-three brave young Americans ended up lying on the ground at Paoli where they are at this day buried because they were fighting for the independence of this great Nation.

Madam Speaker, 222 years later, we remember Paoli. We remember Paoli by this legislation, setting aside the 40 acres of that great battle; that battle where America lost, where young Americans were massacred. But the rallying cry became the call for the patriots at Valley Forge, and before that at Brandywine to go on to defeat the British and to allow this Nation to achieve its independence. This, in fact, was one of the most historic campaigns in the Revolutionary War; and today we take action, the final action before this bill goes to the President for his signature to preserve the 40-acre site which is about to be developed.

In fact, it is interesting, Madam Speaker. The deadline for development of this site was the end of October, so we are just a few short weeks away from being able to say that we have saved this site from having been developed. Secretary Babbitt was up at the site not long ago. He lent his personal support, and support from Democrats and Republicans in both this body and the other body have allowed us to move this legislation forward.

The gentleman from Pennsylvania (Mr. PITTS), who has been a tireless champion of the Brandywine site which is in his district and the Paoli site which abuts his district and in my district, and the Valley Forge site which is in my district but abuts the district of the gentleman from Pennsylvania (Mr. HOEFFEL), who is not with us today, all were instrumental in moving this forward. Senator SANTORUM did a remarkable effort in the Senate, and we thank everyone who played a major role in getting us here today.

I thank all of my colleagues. At this time I would ask to insert in the CONGRESSIONAL RECORD a letter from a fourth grader signifying the over 4,000 letters and correspondence and phone calls we received from young children asking us to save this site, and I further include the chronology of our battle to save the Paoli and Brandywine Battlefields.

FEBRUARY 5, 1999.

DEAR CONGRESSMAN WELDON: I wrote this letter because we need to save Paoli Battlefield. We can't develop Paoli Battlefield because we would love to share the battlefield with generations. We can't stop honoring the fallen soldiers. If we do will lose another battle.

Thank you for helping us save Paoli Battlefield. We know how important Paoli Battlefield is, and it is very nice of you to be a part of remembering Paoli.

Sincerely,

EMILY MURRAY.

CONGRESSMAN CURT WELDON'S CHRONOLOGY OF BATTLE TO PRESERVE PAOLI AND BRANDYWINE BATTLEFIELDS

April 95: Malvern Preparatory School challenges the local community to raise the $2.5 million necessary to save the 40-acre Paoli Battlefield site.

October 95: A non-profit organization headed by Pat McGuigan, borough manager of Malvern, is formed—The Paoli Battlefield Preservation Fund.

September 96: Fundraising begins.

October 97: Chester County pledges $250,000 in matching funds to save the battlefield.

March 98: The Paoli Battlefield Preservation Fund approaches Congressman Curt Weldon to ask for his help.

April 28, 1998: Congressman Weldon introduces H.R. 3746 which would authorize $2,500,000 and add the Paoli Battlefield site to the Valley Forge National Historical Park.

July 3, 1998: NBC's Today Show Features Paoli Battlefield.

July 31, 1998: Congressman Weldon seeks help from Senator Arlen Specter. Senator Specter introduces companion legislation, S. 2401, in the Senate.

August 6, 1998: The House National Parks and Public Lands Subcommittee passes H.R. 3746.

September 15, 1998: Weldon's language is included in H.R. 4570, the House Omnibus Parks and Public Lands bill.

September 23, 1998: During consideration of S. 2401 by the Senate Energy and Natural Resources Committee, S. 2401 is stripped and language is added to authorize only a study of the battlefield.

October 5, 1998: The Clinton/Gore Administration issues a veto threat for H.R. 4570, citing the addition of the Paoli Battlefield to the Valley Forge National Historical Park as a provision of H.R. 4570 which would "cause grave harm to the Nation's resources."

October 7, 1998: H.R. 4570 fails in the House by a vote of 123–302 due to environmental objections.

October 9, 1998: Despite the disastrous Committee amendment, Senator Specter is able to pass the original legislation to save the Paoli Battlefield on the Senate floor. Due to political gamesmanship and controversy, legislation is not brought up in the House.

October 21, 1998: Legislative business of the 105th Congress concludes.

January 6, 1999: The 106th Congress Convenes.

February 8, 1999: Congressman Weldon visits the Exton Elementary School to applaud the school's efforts to raise "Pennies for Paoli". During this visit, the Congressman announces his intention to reintroduce legislation to save the Paoli Battlefield. This legislation is known as the PATRIOT Act—Preserve America's Treasures of the Revolution for Independence for Our Tomorrow. The PATRIOT Act also includes provisions to save portions of the Brandywine Battlefield, and to authorize a new museum of the American Revolution at Valley Forge National Historical Park.

February 9, 1999: Congressman Weldon introduces H.R. 659, the PATRIOT Act.

March 10, 1999: Senator Arlen Specter introduces companion legislation in the Senate, S. 581.

March 11, 1999: Hearings are held by the House National Parks and Public Lands Subcommittee on the PATRIOT Act. Fifty Chester County Grade School students travel to Washington, DC to express their support for saving the lands. Congressmen Weldon, Pitts, and Hoeffel, along with Senator Specter, participate in the hearings. General George Washington (a.k.a. Jim Gallagher of Newtown Square, PA) also testifies about the need to save this sacred land.

March 18, 1999: The PATRIOT Act clears the House Subcommittee.

April 22, 1999: Hearings are held by the Senate Subcommittee.

April 28, 1999: The PATRIOT Act clears the House Resources Committee.

May 1999: The PATRIOT Act is ready for consideration on the House Floor, but Representative George Miller, engaged in another act of political gamesmanship, refuses to allow any public lands legislation sponsored by a Republican to reach the House floor.

May 26, 1999: Governor Ridge and the State of Pennsylvania pledge $500,000 from the Department of Community and Economic Development.

June 8, 1999: Congressman Weldon approaches House Leadership to request their assistance in scheduling a vote for the PATRIOT Act. House Majority Leader Dick Armey, Rules Committee Chairman David Dreier and House Resources Committee Chairman Don Young, and House National Parks and Public Lands Subcommittee Chairman Jim Hansen all agree to help.

June 16, 1999: The PATRIOT Act is cleared by the House Rules Committee to be considered on the House Floor.

June 22, 1999: The PATRIOT Act passes the House of Representatives by a vote of 418–4.

June 29, 1999: Congressman Weldon announces that funding for Paoli Battlefield is included in the House Interior Appropriations bill.

July 1999: Senator Craig Thomas (R–WY), Chairman of the Senate Subcommittee on Parks and Public Lands, holds up the progress of the Senate Legislation.

July 14, 1999: The House Interior Appropriations Bill, containing $1.25 million in matching funds for the Battlefield purchase, passes the House of Representatives.

July 29, 1999: Congressmen Weldon and Pitts meet with Senator Thomas and learn that he was misinformed about the intent of the PATRIOT Act. They clear up the misunderstandings, and Senator Thomas agrees to move the bill to the floor.

August 1999: Senator Frank Murkowski (R–AK), Chairman of the Senate Energy and Natural Resources Committee, places a hold on all public lands bills in order to force an agreement on a controversial Alaskan lands bill.

August 27, 1999: Secretary Bruce Babbitt visits Paoli Battlefield and pledges the support of the Administration to save the endangered land.

September 1999: Representatives Weldon, Pitts and Hoeffel, and Senators Santorum and Specter work aggressively to convince Senator Murkowski of the time sensitivity and importance of passing the PATRIOT Act. Senator Murkowski finally relents and puts together a package of four lands bills which will be moved in the Senate. Senator Jeff Bingaman, ranking Member of Murkowski's Committee, wants more proposals offered by Senate Democrats included in the package and refuses the package offered by Senator Murkowski.

October 1999: Senator Santorum continues to work aggressively to convince Senator Bingaman of the need to move the PATRIOT

Act. Senator Bingaman finally agrees to the package, but Senate Minority Leadership will not agree to the package proposed by Senator Murkowski. Even support from Interior Secretary Bruce Babbitt does not convince them.

October 14, 1999: Senator Santorum finally achieves a breakthrough. The legislation is agreed to on the Senate floor by Unanimous Consent, but with a slight amendment. The legislation is returned to the House for final consideration.

October 31, 1999: The final deadline for the Paoli Battlefield Preservation Fund set by Malvern Preparatory School looms.

Madam Speaker, as the distinguished chairman outlined, this bill sets aside matching funds for Paoli which have almost entirely been raised. It sets aside similar funds for Brandywine. We are in the midst of raising that money now with the help of the Brandywine Conservancy, and it allows the Park Service to develop a new plan and a contract to develop a new visitors' center at Valley Forge National Park.

There are many people I would like to thank, Madam Speaker, too many to mention by name. I will include a listing of those individuals at this point in the RECORD.

THANK YOUS!

Senator Rick Santorum and Staff: Jill Hershey, Mike Hershey, and Zack Moore.

Senator Frank Murkowski, Senator Jeff Bingaman, Senator Craig Thomas, and Jim O'Toole, staffer on Thomas' subcommittee.

Specter staff: Pam Muha (no longer with Specter, but was the driving force over there), and Kevin Mathis.

Chairman Don Young, Chairman Jim Hansen, and Resources Staff: Tod Hull (he is the one with the dark hair who gave you the book), Allen Freemyer (he is the staff director of the subcommittee), and Rick Healy (Democrat).

Chairman Ralph Regula and Appropriations Committee: Debbie Weatherly, Congressman John Peterson, and Troy Tidwell of his staff, and Congressman George Nethercutt and Glenda Becker of his staff.

Representative Joe Pitts and Representative Joe Hoeffel, Ken Miller with Joe Pitts, and Don Grace with Joe Hoeffel.

State of Pennsylvania: State Representative Bob Flick, State Senator Bob Thompson, and Governor Tom Ridge.

Witnesses at our Hearing: Jim Gallagher of Newtown Square, General George Washington, Dr. Ed Barrs, Historian Emeritus at the Department of Interior, and Students of Exton Elementary, Sugartown Elementary.

Paoli Battlefield Preservation Fund: Pat McGuigan, Mike Steinberger (replaced Pat when he retired), Sandra Kelly (works for Malvern Borough), Henry Briggs, Tip O'Neill (the one with the famous name that we couldn't remember last time), and Tom Maguire (historian at Malvern Prep).

Valley Forge Historical Society: Jean-Pierre Bouvel and Ann Brown.

National Park Service: Secretary Bruce Babbitt, Arthur Stewart, Jim Pepper, and Don Barry.

Chester County Commissioners: Colin Hanna, Karen Martynick, and Andrew Dinniman.

School Children: Sugartown Elementary School and the "Footsteps for Paoli", Exton Elementary School and the "Pennies for Paoli", and all of the students from all over the county who wrote letters.

Members from the First Time Round on the Floor: David Dreier, Doc Hastings, and Ralph Hall who helped us obtain a rule, Majority Leader Dick Armey, Jim Traficant for reminding us to Buy American!, Joe Hoeffel, and Joe Pitts.

Madam Speaker, I would also like to thank the appropriators, especially the gentleman from Ohio (Mr. REGULA) and his staff, and particularly Debbie Weatherley and the gentleman from Pennsylvania (Mr. PETERSON) and the gentleman from Washington (Mr. NETHERCUTT), who helped us secure the appropriation so that when this bill is being passed today the appropriation is also in the appropriation measure soon to come to the House floor.

So today we complete the final chapter of the battle to remember the cry of saving Paoli, and today I join with my colleagues in supporting the passage of this measure, and I thank everyone who made this day possible.

□ 1415

The gentleman from Utah (Mr. HANSEN) was an invaluable supporter. His staff Todd Hall, who is here with us today, I thank him for all of his efforts; Senator SPECTER and Senator MURKOWSKI on the Senate side. The gentleman from Pennsylvania (Mr. PITTS); the State of Pennsylvania, Governor Ridge who put $500,000 up from State funds; the county commissioners of Chester County; the Paoli Battlefield Preservation Fund, its leaders, Pat McGuigan and Mike Steinberger; the Valley Forge Historical Society, Jean-Pierre Bouvel and Ann Brown; the National Park Service headed up by Secretary Bruce Babbitt; the school children of Sugartown Elementary School and all the children who sent letters and raised over 40,000 pennies to save the Paoli site; and finally those other Members who have been supportive of this effort.

Finally, I would be remiss, Madam Speaker, if I did not mention the last time we had this bill on the floor and it passed the House overwhelmingly, when I was thanking everyone who was involved, in a lapse of memory, which from time to time Members of Congress have, at least this Member does, I gave my key staffer who worked this issue the wrong last name.

So as a final goodwill gesture, I want to thank Aaron for all the work that was done to get the Paoli bill through. The Patriot Act passed, and this time I got Aaron's name right.

Mr. KILDEE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I would like to commend my good friend, the gentleman from Pennsylvania (Mr. WELDON) for his very, very hard work and tenacious work on this bill. I know this is a happy day for him.

Mr. DOOLITTLE. Madam Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Madam Speaker, I rise today in strong support of H.R. 659, the Patriot Act. I also want to thank my colleague and friend, the gentleman from Pennsylvania (Mr. WELDON), for introducing this legislation and taking the lead in protecting these treasures, the Paoli and Brandywine battlefields. He has done a magnificent job of shepherding, of birddogging the bill through the legislative process and it was because of his able leadership that we are here today. This bill first came to the floor in June, and it passed overwhelmingly. Today the bill is before us again for the House to adopt a Senate amendment which I also hope the House will support overwhelmingly.

The passage of the Patriot Act is essential for the preservation of two revolutionary war battlefields, Brandywine and Paoli. If we do not preserve these battlefields this year, we will lose both to the rapid development that is taking place in the region. Preserving America's historic treasures is essential if we as a Nation are to remember our past and our rich cultural heritage. It is particularly important to remember the sacrifices that our forefathers made to secure our independence from Great Britain and to build a new country that is today the world leader in freedom and democracy. Brandywine and Paoli battlefields are among the few Revolutionary War battlefields that remain unprotected.

I have visited the Brandywine battlefield in my district, on numerous occasion, and with each visit I am more concerned that America may lose this important piece of our heritage to sprawling housing developments. The Patriot Act will help preserve a portion of the Brandywine battlefield where the most intense conflict and loss of life took place. The battle of the Brandywine was the largest battle of the Revolutionary War in terms of number of participants. Approximately 26,000 British and American troops gathered there. All of the generals were at that battle. It was also a major conflict in the British campaign of 1777, that conquered Philadelphia. While the British eventually took Philadelphia, the battle of the Brandywine was significant in delaying the British campaign and allowing the Congress to abandon the city and to move to Lancaster, also in my district, and then to York, to escape before the British takeover.

History connects people and nurtures identity and community, and I think it is our responsibility to ensure that historical landmarks such as the Brandywine and Paoli battlefields are preserved for future generations. Preserving these battlefields will ensure that our children and our grandchildren will be able to enjoy and experience how these battles unfolded.

In closing, I want to extend my thanks to the local communities in Chester County, near the Paoli and the

Brandywine battlefields, for their unrelenting quest to save these monuments. This has been a grassroots effort, and it is now time for us to help them reach that goal. So I urge support the Patriot Act and concur in the Senate amendments.

Mr. DOOLITTLE. Madam Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. GEKAS).

Mr. GEKAS. Madam Speaker, I thank the gentleman from California (Mr. DOOLITTLE) for yielding me this time.

Madam Speaker, it is appropriate that this debate is being conducted at a time in 1999 when 200 years prior, in 1799, George Washington was living out his life at Mount Vernon in the last 80 days of that magnificent life. What we do here today is not only go forward with a project that brings pride and will bring additional historic value to Pennsylvania itself and to our Nation as a whole, but also to recall that George Washington was omnipresent at all of these events. He was at Valley Forge, making sure that our stalwarts remained stalwart during that winter. He was at Brandywine defending Pennsylvania and Philadelphia and the Nation, the new Nation yet to be born. He was then destined to become the victor of the Revolutionary War, of course, as Commander-in-Chief. He was the presiding officer of the Constitutional Convention of 1787 in Philadelphia, and then became the first President of the United States and for 8 years set the tone and the tradition and the standard for the presidency of the United States.

We here today, in doing something so valuable to our heritage, are in a separate way expressing our gratitude again to George Washington. He died on December 14, 1799. So we are coming to the memorization of that as well, but in the meantime his life was one that is inextricably interwoven with the life of every American, and that extra dividend is being paid to us today when the Congress is making certain that one piece of the Washington legacy, that of Brandywine and Valley Forge and Paoli, that that not only remains in the CONGRESSIONAL RECORD but in the annals of history and in the minds and hearts of our people as he was first in the hearts of the American people.

Mr. HOEFFEL. Madam Speaker, I would like to start by thanking the gentleman from Pennsylvania, Mr. WELDON for his extraordinary effort to bring this matter forward. The day this bill is signed into law will be a great day in celebrating American revolutionary history, and this is due to the gentleman from Pennsylvania and his efforts here on the floor.

I would also like to thank and congratulate Jean-Pierre Bouvel of the Valley Forge Historical Society for his leadership in marshalling local support for this public-private partnership. Also thanks to Paul Decker, the Executive Director of the Valley Forge Convention and Visitor Bureau and a number of Montgomery County officials who have given their strong support for this public-private partnership at Valley Forge.

I also want to thank the gentleman from Pennsylvania, Mr. PITTS, for his cooperation and efforts on this legislation as well.

The events that occurred on both the Brandywine Battlefield and the Paoli Battlefield were key to the American revolutionary fight for freedom. The American forces lost at Brandywine, although they did buy additional time to protect the city of Philadelphia a little while longer from the British invasion. At Paoli, Americans were massacred at night and it truly was another disastrous defeat for America. Those two military operations forged the beginning of the winning spirit. We are all familiar with the history of the Valley Forge encampment. As far as I am concerned, that is where the American Revolution was truly won. No shots were fired. But the American army that arrived there tired, hungry, ill-clothed, ill-trained and ill-equipped, survived and trained. Six months later, with the tremendous leadership of George Washington, in June of 1778 an effective fighting force went on to win our independence.

So we are saving and preserving the two battlefields that led to the encampment at Valley Forge. We are offering an opportunity to provide a far more impressive visitor experience at Valley Forge. We are providing a greatly improved opportunity for historical artifacts to be presented through a Valley Forge Museum of the American Revolution. We will offer better education about the valor, determination, courage and resolve that Americans showed at both those battle sites and the 6 months where they survived a bitter winter at Valley Forge and emerged as an effective fighting army. We will preserve those battlefields so that future generations can appreciate the sacrifices that were made there.

I urge all my colleagues to support this legislation.

Mr. KILDEE. Madam Speaker, I yield back the balance of my time.

Mr. DOOLITTLE. Madam Speaker, I urge an aye vote, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from California (Mr. DOOLITTLE) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 659.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

CHIPPEWA CREE TRIBE OF THE ROCKY BOY'S RESERVATION INDIAN RESERVED WATER RIGHTS SETTLEMENT AND WATER SUPPLY ENHANCEMENT ACT OF 1999

Mr. DOOLITTLE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 795) to provide for the settlement of the water rights claims of the Chippewa Cree Tribe of the Rocky Boy's Reservation, and for other purposes, as amended.

The Clerk read as follows:

H.R. 795

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Chippewa Cree Tribe of The Rocky Boy's Reservation Indian Reserved Water Rights Settlement and Water Supply Enhancement Act of 1999".

SEC. 2. FINDINGS.

Congress finds that—

(1) in fulfillment of its trust responsibility to Indian tribes and to promote tribal sovereignty and economic self-sufficiency, it is the policy of the United States to settle the water rights claims of the tribes without lengthy and costly litigation;

(2) the Rocky Boy's Reservation was established as a homeland for the Chippewa Cree Tribe;

(3) adequate water for the Chippewa Cree Tribe of the Rocky Boy's Reservation is important to a permanent, sustainable, and sovereign homeland for the Tribe and its members;

(4) the sovereignty of the Chippewa Cree Tribe and the economy of the Reservation depend on the development of the water resources of the Reservation;

(5) the planning, design, and construction of the facilities needed to utilize water supplies effectively are necessary to the development of a viable Reservation economy and to implementation of the Chippewa Cree-Montana Water Rights Compact;

(6) the Rocky Boy's Reservation is located in a water-short area of Montana and it is appropriate that the Act provide funding for the development of additional water supplies, including domestic water, to meet the needs of the Chippewa Cree Tribe;

(7) proceedings to determine the full extent of the water rights of the Chippewa Cree Tribe are currently pending before the Montana Water Court as a part of the case "In the Matter of the Adjudication of All Rights to the Use of Water, Both Surface and Underground, within the State of Montana";

(8) recognizing that final resolution of the general stream adjudication will take many years and entail great expense to all parties, prolong uncertainty as to the availability of water supplies, and seriously impair the long-term economic planning and development of all parties, the Chippewa Cree Tribe and the State of Montana entered into the Compact on April 14, 1997; and

(9) the allocation of water resources from the Tiber Reservoir to the Chippewa Cree Tribe under this Act is uniquely suited to the geographic, social, and economic characteristics of the area and situation involved.

SEC. 3. PURPOSES.

The purposes of this Act are as follows:

(1) To achieve a fair, equitable, and final settlement of all claims to water rights in the State of Montana for—

(A) the Chippewa Cree Tribe; and

(B) the United States for the benefit of the Chippewa Cree Tribe.

(2) To approve, ratify, and confirm, as modified in this Act, the Chippewa Cree-Montana Water Rights Compact entered into by the Chippewa Cree Tribe of the Rocky Boy's Reservation and the State of Montana on April 14, 1997, and to provide funding and other authorization necessary for the implementation of the Compact.

(3) To authorize the Secretary of the Interior to execute and implement the Compact referred to in paragraph (2) and to take such other actions as are necessary to implement the Compact in a manner consistent with this Act.

(4) To authorize Federal feasibility studies designed to identify and analyze potential mechanisms to enhance, through conservation or otherwise, water supplies in north central Montana, including mechanisms to import domestic water supplies for the future growth of the Rocky Boy's Indian Reservation.

(5) To authorize certain projects on the Rocky Boy's Indian Reservation, Montana, in order to implement the Compact.

(6) To authorize certain modifications to the purposes and operation of the Bureau of Reclamation's Tiber Dam and Lake Elwell on the Marias River in Montana in order to provide the Tribe with an allocation of water from Tiber Reservoir.

(7) To authorize the appropriation of funds necessary for the implementation of the Compact.

SEC. 4. DEFINITIONS.

In this Act:

(1) ACT.—The term "Act" means the "Chippewa Cree Tribe of The Rocky Boy's Reservation Indian Reserved Water Rights Settlement and Water Supply Enhancement Act of 1999".

(2) COMPACT.—The term "Compact" means the water rights compact between the Chippewa Cree Tribe of the Rocky Boy's Reservation and the State of Montana contained in section 85-20-601 of the Montana Code Annotated (1997).

(3) FINAL.—The term "final" with reference to approval of the decree in section 101(b) means completion of any direct appeal to the Montana Supreme Court of a final decree by the Water Court pursuant to section 85-2-235 of the Montana Code Annotated (1997), or to the Federal Court of Appeals, including the expiration of the time in which a petition for certiorari may be filed in the United States Supreme Court, denial of such a petition, or the issuance of the Supreme Court's mandate, whichever occurs last.

(4) FUND.—The term "Fund" means the Chippewa Cree Indian Reserved Water Rights Settlement Fund established under section 104.

(5) INDIAN TRIBE.—The term "Indian tribe" has the meaning given that term in section 101(2) of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a(2)).

(6) MR&I FEASIBILITY STUDY.—The term "MR&I feasibility study" means a municipal, rural, and industrial, domestic, and incidental drought relief feasibility study described in section 202.

(7) MISSOURI RIVER SYSTEM.—The term "Missouri River System" means the mainstem of the Missouri River and its tributaries, including the Marias River.

(8) RECLAMATION LAW.—The term "Reclamation Law" has the meaning given the term "reclamation law" in section 4 of the Act of December 5, 1924 (43 Stat. 701, chapter 4; 43 U.S.C. 371).

(9) ROCKY BOY'S RESERVATION; RESERVATION.—The term "Rocky Boy's Reservation" or "Reservation" means the Rocky Boy's Reservation of the Chippewa Cree Tribe in Montana.

(10) SECRETARY.—The term "Secretary" means the Secretary of the Interior, or his or her duly authorized representative.

(11) TOWE PONDS.—The term "Towe Ponds" means the reservoir or reservoirs referred to as "Stoneman Reservoir" in the Compact.

(12) TRIBAL COMPACT ADMINISTRATION.—The term "Tribal Compact Administration" means the activities assumed by the Tribe for implementation of the Compact as set forth in Article IV of the Compact.

(13) TRIBAL WATER CODE.—The term "tribal water code" means a water code adopted by the Tribe, as provided in the Compact.

(14) TRIBAL WATER RIGHT.—

(A) IN GENERAL.—The term "Tribal Water Right" means the water right set forth in section 85-20-601 of the Montana Code Annotated (1997) and includes the water allocation set forth in title II of this Act.

(B) RULE OF CONSTRUCTION.—The definition of the term "Tribal Water Right" under this paragraph and the treatment of that right under this Act shall not be construed or interpreted as a precedent for the litigation of reserved water rights or the interpretation or administration of future compacts between the United States and the State of Montana or any other State.

(15) TRIBE.—The term "Tribe" means the Chippewa Cree Tribe of the Rocky Boy's Reservation and all officers, agents, and departments thereof.

(16) WATER DEVELOPMENT.—The term "water development" includes all activities that involve the use of water or modification of water courses or water bodies in any way.

SEC. 5. MISCELLANEOUS PROVISIONS.

(a) NONEXERCISE OF TRIBE'S RIGHTS.—Pursuant to Tribal Resolution No. 40-98, and in exchange for benefits under this Act, the Tribe shall not exercise the rights set forth in Article VII.A.3 of the Compact, except that in the event that the approval, ratification, and confirmation of the Compact by the United States becomes null and void under section 101(b), the Tribe shall have the right to exercise the rights set forth in Article VII.A.3 of the Compact.

(b) WAIVER OF SOVEREIGN IMMUNITY.—Except to the extent provided in subsections (a), (b), and (c) of section 208 of the Department of Justice Appropriation Act, 1953 (43 U.S.C. 666), nothing in this Act may be construed to waive the sovereign immunity of the United States.

(c) TRIBAL RELEASE OF CLAIMS AGAINST THE UNITED STATES.—

(1) IN GENERAL.—Pursuant to Tribal Resolution No. 40-98, and in exchange for benefits under this Act, the Tribe shall, on the date of enactment of this Act, execute a waiver and release of the claims described in paragraph (2) against the United States, the validity of which are not recognized by the United States, except that—

(A) the waiver and release of claims shall not become effective until the appropriation of the funds authorized in section 105, the water allocation in section 201, and the appropriation of funds for the MR&I feasibility study authorized in section 204 have been completed and the decree has become final in accordance with the requirements of section 101(b); and

(B) in the event that the approval, ratification, and confirmation of the Compact by the United States becomes null and void under section 101(b), the waiver and release of claims shall become null and void.

(2) CLAIMS DESCRIBED.—The claims referred to in paragraph (1) are as follows:

(A) Any and all claims to water rights (including water rights in surface water, ground water, and effluent), claims for injuries to water rights, claims for loss or deprivation of use of water rights, and claims for failure to acquire or develop water rights for lands of the Tribe from time immemorial to the date of ratification of the Compact by Congress.

(B) Any and all claims arising out of the negotiation of the Compact and the settlement authorized by this Act.

(3) SETOFFS.—In the event the waiver and release do not become effective as set forth in paragraph (1)—

(A) the United States shall be entitled to setoff against any claim for damages asserted by the Tribe against the United States, any funds transferred to the Tribe pursuant to section 104, and any interest accrued thereon up to the date of setoff; and

(B) the United States shall retain any other claims or defenses not waived in this Act or in the Compact as modified by this Act.

(d) OTHER TRIBES NOT ADVERSELY AFFECTED.—Nothing in this Act is intended to quantify or otherwise adversely affect the land and water rights, or claims or entitlements to land or water of an Indian tribe other than the Chippewa Cree Tribe.

(e) ENVIRONMENTAL COMPLIANCE.—In implementing the Compact, the Secretary shall comply with all aspects of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and all other applicable environmental Acts and regulations.

(f) EXECUTION OF COMPACT.—The execution of the Compact by the Secretary as provided for in this Act shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). The Secretary is directed to carry out all necessary environmental compliance required by Federal law in implementing the Compact.

(g) CONGRESSIONAL INTENT.—Nothing in this Act is intended to prohibit the Tribe from seeking additional authorization or appropriation of funds for tribal programs or purposes.

(h) ACT NOT PRECEDENTIAL.—Nothing in this Act shall be construed or interpreted as a precedent for the litigation of reserved water rights or the interpretation or administration of future water settlement Acts.

TITLE I—CHIPPEWA CREE TRIBE OF THE ROCKY BOY'S RESERVATION INDIAN RESERVED WATER RIGHTS SETTLEMENT

SEC. 101. RATIFICATION OF COMPACT AND ENTRY OF DECREE.

(a) WATER RIGHTS COMPACT APPROVED.—Except as modified by this Act, and to the extent the Compact does not conflict with this Act—

(1) the Compact, entered into by the Chippewa Cree Tribe of the Rocky Boy's Reservation and the State of Montana on April 14, 1997, is hereby approved, ratified, and confirmed; and

(2) the Secretary shall—

(A) execute and implement the Compact together with any amendments agreed to by the parties or necessary to bring the Compact into conformity with this Act; and

(B) take such other actions as are necessary to implement the Compact.

(b) APPROVAL OF DECREE.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the United States, the Tribe, or the State of Montana shall petition the Montana Water Court, individually or jointly, to enter and approve the decree agreed to by the United States, the Tribe, and the State of Montana attached as Appendix 1 to the Compact, or any amended version thereof agreed to by the United States, the Tribe, and the State of Montana.

(2) RESORT TO THE FEDERAL DISTRICT COURT.—Under the circumstances set forth in Article VII.B.4 of the Compact, 1 or more parties may file an appropriate motion (as provided in that article) in the United States district court of appropriate jurisdiction.

(3) EFFECT OF FAILURE OF APPROVAL TO BECOME FINAL.—In the event the approval by the appropriate court, including any direct appeal, does not become final within 3 years after the filing of the decree, or the decree is approved but is subsequently set aside by the appropriate court—

(A) the approval, ratification, and confirmation of the Compact by the United States shall be null and void; and

(B) except as provided in sections 105(e)(1), 5(a), and 5(c)(3), this Act shall be of no further force and effect.

SEC. 102. USE AND TRANSFER OF THE TRIBAL WATER RIGHT.

(a) ADMINISTRATION AND ENFORCEMENT.—As provided in the Compact, until the adoption and approval of a tribal water code by the Tribe, the

Secretary shall administer and enforce the Tribal Water Right.

(b) TRIBAL MEMBER ENTITLEMENT.—

(1) IN GENERAL.—Any entitlement to Federal Indian reserved water of any tribal member shall be satisfied solely from the water secured to the Tribe by the Compact and shall be governed by the terms and conditions of the Compact.

(2) ADMINISTRATION.—An entitlement described in paragraph (1) shall be administered by the Tribe pursuant to a tribal water code developed and adopted pursuant to Article IV.A.2 of the Compact, or by the Secretary pending the adoption and approval of the tribal water code.

(c) TEMPORARY TRANSFER OF TRIBAL WATER RIGHT.—Notwithstanding any other provision of statutory or common law, the Tribe may, with the approval of the Secretary and subject to the limitations and conditions set forth in the Compact, including limitation on transfer of any portion of the Tribal Water Right to within the Missouri River Basin, enter into a service contract, lease, exchange, or other agreement providing for the temporary delivery, use, or transfer of the water rights confirmed to the Tribe in the Compact, except that no service contract, lease, exchange, or other agreement entered into under this subsection may permanently alienate any portion of the Tribal Water Right.

SEC. 103. ON-RESERVATION WATER RESOURCES DEVELOPMENT.

(a) WATER DEVELOPMENT PROJECTS.—The Secretary, through the Bureau of Reclamation, is authorized and directed to plan, design, and construct, or to provide, pursuant to subsection (b), for the planning, design, and construction of the following water development projects on the Rocky Boy's Reservation:

(1) Bonneau Dam and Reservoir Enlargement.

(2) East Fork of Beaver Creek Dam Repair and Enlargement.

(3) Brown's Dam Enlargement.

(4) Towe Ponds' Enlargement.

(5) Such other water development projects as the Tribe shall from time to time consider appropriate.

(b) IMPLEMENTATION AGREEMENT.—The Secretary, at the request of the Tribe, shall enter into an agreement, or, if appropriate, renegotiate an existing agreement, with the Tribe to implement the provisions of this Act through the Tribe's annual funding agreement entered into under the self-governance program under title IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458aa et seq.) by which the Tribe shall plan, design, and construct any or all of the projects authorized by this section.

(c) BUREAU OF RECLAMATION PROJECT ADMINISTRATION.—

(1) IN GENERAL.—Congress finds that the Secretary, through the Bureau of Reclamation, has entered into an agreement with the Tribe, pursuant to title IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458aa et seq.)—

(A) defining and limiting the role of the Bureau of Reclamation in its administration of the projects authorized in subsection (a);

(B) establishing the standards upon which the projects will be constructed; and

(C) for other purposes necessary to implement this section.

(2) AGREEMENT.—The agreement referred to in paragraph (1) shall become effective when the Tribe exercises its right under subsection (b).

SEC. 104. CHIPPEWA CREE INDIAN RESERVED WATER RIGHTS SETTLEMENT TRUST FUND.

(a) ESTABLISHMENT OF TRUST FUND.—

(1) IN GENERAL.—

(A) ESTABLISHMENT.—There is hereby established in the Treasury of the United States a trust fund for the Chippewa Cree Tribe of the Rocky Boy's Reservation to be known as the "Chippewa Cree Indian Reserved Water Rights Settlement Trust Fund".

(B) AVAILABILITY OF AMOUNTS IN FUND.—

(i) IN GENERAL.—Amounts in the Fund shall be available to the Secretary for management and investment on behalf of the Tribe and distribution to the Tribe in accordance with this Act.

(ii) AVAILABILITY.—Funds made available from the Fund under this section shall be available without fiscal year limitation.

(2) MANAGEMENT OF FUND.—The Secretary shall deposit and manage the principal and interest in the Fund in a manner consistent with subsection (b) and other applicable provisions of this Act.

(3) CONTENTS OF FUND.—The Fund shall consist of the amounts authorized to be appropriated to the Fund under section 105(a) and such other amounts as may be transferred or credited to the Fund.

(4) WITHDRAWAL.—The Tribe, with the approval of the Secretary, may withdraw the Fund and deposit it in a mutually agreed upon private financial institution. That withdrawal shall be made pursuant to the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(5) ACCOUNTS.—The Secretary of the Interior shall establish the following accounts in the Fund and shall allocate appropriations to the various accounts as required in this Act:

(A) The Tribal Compact Administration Account.

(B) The Economic Development Account.

(C) The Future Water Supply Facilities Account.

(b) FUND MANAGEMENT.—

(1) IN GENERAL.—

(A) AMOUNTS IN FUND.—The Fund shall consist of such amounts as are appropriated to the Fund and allocated to the accounts of the Fund by the Secretary as provided in this Act and in accordance with the authorizations for appropriations in paragraphs (1), (2), and (3) of section 105(a), together with all interest that accrues in the Fund.

(B) MANAGEMENT BY SECRETARY.—The Secretary shall manage the Fund, make investments from the Fund, and make available funds from the Fund for distribution to the Tribe in a manner consistent with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(2) TRIBAL MANAGEMENT.—

(A) IN GENERAL.—If the Tribe exercises its right pursuant to subsection (a)(4) to withdraw the Fund and deposit it in a private financial institution, except as provided in the withdrawal plan, neither the Secretary nor the Secretary of the Treasury shall retain any oversight over or liability for the accounting, disbursement, or investment of the funds.

(B) WITHDRAWAL PLAN.—The withdrawal plan shall provide for—

(i) the creation of accounts and allocation to accounts in a fund established under the plan in a manner consistent with subsection (a); and

(ii) the appropriate terms and conditions, if any, on expenditures from the Fund (in addition to the requirements of the plans set forth in paragraphs (2) and (3) of subsection (c)).

(c) USE OF FUND.—The Tribe shall use the Fund to fulfill the purposes of this Act, subject to the following restrictions on expenditures:

(1) Except for $400,000 necessary for capital expenditures in connection with Tribal Compact Administration, only interest accrued on the Tribal Compact Administration Account referred to in subsection (a)(5)(A) shall be available to satisfy the Tribe's obligations for Tribal Compact Administration under the provisions of the Compact.

(2) Both principal and accrued interest on the Economic Development Account referred to in subsection (a)(5)(B) shall be available to the Tribe for expenditure pursuant to an economic development plan approved by the Secretary.

(3) Both principal and accrued interest on the Future Water Supply Facilities Account referred to in subsection (a)(5)(C) shall be available to the Tribe for expenditure pursuant to a water supply plan approved by the Secretary.

(d) INVESTMENT OF FUND.—

(1) IN GENERAL.—

(A) APPLICABLE LAWS.—The Secretary shall invest amounts in the Fund in accordance with—

(i) the Act of April 1, 1880 (21 Stat. 70, chapter 41; 25 U.S.C. 161);

(ii) the first section of the Act entitled "An Act to authorize the payment of interest of certain funds held in trust by the United States for Indian tribes", approved February 12, 1929 (25 U.S.C. 161a); and

(iii) the first section of the Act entitled "An Act to authorize the deposit and investment of Indian funds", approved June 24, 1938 (25 U.S.C. 162a).

(B) CREDITING OF AMOUNTS TO THE FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations of the United States held in the Fund shall be credited to and form part of the Fund. The Secretary of the Treasury shall credit to each of the accounts contained in the Fund a proportionate amount of that interest and proceeds.

(2) CERTAIN WITHDRAWN FUNDS.—

(A) IN GENERAL.—Amounts withdrawn from the Fund and deposited in a private financial institution pursuant to a withdrawal plan approved by the Secretary under the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.) shall be invested by an appropriate official under that plan.

(B) DEPOSIT OF INTEREST AND PROCEEDS.—The interest on, and the proceeds from the sale or redemption of, any obligations held under this paragraph shall be deposited in the private financial institution referred to in subparagraph (A) in the fund established pursuant to the withdrawal plan referred to in that subparagraph. The appropriate official shall credit to each of the accounts contained in that fund a proportionate amount of that interest and proceeds.

(e) AGREEMENT REGARDING FUND EXPENDITURES.—If the Tribe does not exercise its right under subsection (a)(4) to withdraw the funds in the Fund and transfer those funds to a private financial institution, the Secretary shall enter into an agreement with the Tribe providing for appropriate terms and conditions, if any, on expenditures from the Fund in addition to the plans set forth in paragraphs (2) and (3) of subsection (c).

(f) PER CAPITA DISTRIBUTIONS PROHIBITED.—No part of the Fund shall be distributed on a per capita basis to members of the Tribe.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

(a) CHIPPEWA CREE FUND.—There is authorized to be appropriated for the Fund, $21,000,000 to be allocated by the Secretary as follows:

(1) TRIBAL COMPACT ADMINISTRATION ACCOUNT.—For Tribal Compact Administration assumed by the Tribe under the Compact and this Act, $3,000,000 is authorized to be appropriated for fiscal year 2000.

(2) ECONOMIC DEVELOPMENT ACCOUNT.—For tribal economic development, $3,000,000 is authorized to be appropriated for fiscal year 2000.

(3) FUTURE WATER SUPPLY FACILITIES ACCOUNT.—For the total Federal contribution to the planning, design, construction, operation, maintenance, and rehabilitation of a future water supply system for the Reservation, there are authorized to be appropriated—

(A) $2,000,000 for fiscal year 2000;

(B) $8,000,000 for fiscal year 2001; and

(C) $5,000,000 for fiscal year 2002.

(b) ON-RESERVATION WATER DEVELOPMENT.—

(1) IN GENERAL.—There are authorized to be appropriated to the Department of the Interior, for the Bureau of Reclamation, for the construction of the on-Reservation water development projects authorized by section 103—

(A) $13,000,000 for fiscal year 2000, for the planning, design, and construction of the Bonneau Dam Enlargement, for the development of additional capacity in Bonneau Reservoir for storage of water secured to the Tribe under the Compact;

(B) $8,000,000 for fiscal year 2001, for the planning, design, and construction of the East Fork Dam and Reservoir enlargement, of the Brown's Dam and Reservoir enlargement, and of the Towe Ponds enlargement of which—

(i) $4,000,000 shall be used for the East Fork Dam and Reservoir enlargement;

(ii) $2,000,000 shall be used for the Brown's Dam and Reservoir enlargement; and

(iii) $2,000,000 shall be used for the Towe Ponds enlargement; and

(C) $3,000,000 for fiscal year 2002, for the planning, design, and construction of such other water resource developments as the Tribe, with the approval of the Secretary, from time to time may consider appropriate or for the completion of the 4 projects enumerated in subparagraphs (A) and (B) of paragraph (1).

(2) UNEXPENDED BALANCES.—Any unexpended balance in the funds authorized to be appropriated under subparagraph (A) or (B) of paragraph (1), after substantial completion of all of the projects enumerated in paragraphs (1) through (4) of section 103(a)—

(A) shall be available to the Tribe first for completion of the enumerated projects; and

(B) then for other water resource development projects on the Reservation.

(c) ADMINISTRATION COSTS.—There is authorized to be appropriated to the Department of the Interior, for the Bureau of Reclamation, $1,000,000 for fiscal year 2000, for the costs of administration of the Bureau of Reclamation under this Act, except that—

(1) if those costs exceed $1,000,000, the Bureau of Reclamation may use funds authorized for appropriation under subsection (b) for costs; and

(2) the Bureau of Reclamation shall exercise its best efforts to minimize those costs to avoid expenditures for the costs of administration under this Act that exceed a total of $1,000,000.

(d) AVAILABILITY OF FUNDS.—

(1) IN GENERAL.—The amounts authorized to be appropriated to the Fund and allocated to its accounts pursuant to subsection (a) shall be deposited into the Fund and allocated immediately on appropriation.

(2) INVESTMENTS.—Investments may be made from the Fund pursuant to section 104(d).

(3) AVAILABILITY OF CERTAIN MONEYS.—The amounts authorized to be appropriated in subsection (a)(1) shall be available for use immediately upon appropriation in accordance with subsection 104(c)(1).

(4) LIMITATION.—Those moneys allocated by the Secretary to accounts in the Fund or in a fund established under section 104(a)(4) shall draw interest consistent with section 104(d), but the moneys authorized to be appropriated under subsection (b) and paragraphs (2) and (3) of subsection (a) shall not be available for expenditure until the requirements of section 101(b) have been met so that the decree has become final and the Tribe has executed the waiver and release required under section 5(c).

(e) RETURN OF FUNDS TO THE TREASURY—

(1) IN GENERAL.—In the event that the approval, ratification, and confirmation of the Compact by the United States becomes null and void under section 101(b), all unexpended funds appropriated under the authority of this Act together with all interest earned on such funds, notwithstanding whether the funds are held by the Tribe, a private institution, or the Secretary, shall revert to the general fund of the Treasury 12 months after the expiration of the deadline established in section 101(b).

(2) INCLUSION IN AGREEMENTS AND PLAN.—The requirements in paragraph (1) shall be included in all annual funding agreements entered into under the self-governance program under title IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458aa et seq.), withdrawal plans, withdrawal agreements, or any other agreements for withdrawal or transfer of the funds to the Tribe or a private financial institution under this Act.

(f) WITHOUT FISCAL YEAR LIMITATION.—All money appropriated pursuant to authorizations under this title shall be available without fiscal year limitation.

SEC. 106. STATE CONTRIBUTIONS TO SETTLEMENT.

Consistent with Articles VI.C.2 and C.3 of the Compact, the State contribution to settlement shall be as follows:

(1) The contribution of $150,000 appropriated by Montana House Bill 6 of the 55th Legislative Session (1997) shall be used for the following purposes:

(A) Water quality discharge monitoring wells and monitoring program.

(B) A diversion structure on Big Sandy Creek.

(C) A conveyance structure on Box Elder Creek.

(D) The purchase of contract water from Lower Beaver Creek Reservoir.

(2) Subject to the availability of funds, the State shall provide services valued at $400,000 for administration required by the Compact and for water quality sampling required by the Compact.

TITLE II—TIBER RESERVOIR ALLOCATION AND FEASIBILITY STUDIES AUTHORIZATION

SEC. 201. TIBER RESERVOIR.

(a) ALLOCATION OF WATER TO THE TRIBE.—

(1) IN GENERAL.—The Secretary shall permanently allocate to the Tribe, without cost to the Tribe, 10,000 acre-feet per year of stored water from the water right of the Bureau of Reclamation in Lake Elwell, Lower Marias Unit, Upper Missouri Division, Pick-Sloan Missouri Basin Program, Montana, measured at the outlet works of the dam or at the diversion point from the reservoir. The allocation shall become effective when the decree referred to in section 101(b) has become final in accordance with that section. The allocation shall be part of the Tribal Water Right and subject to the terms of this Act.

(2) AGREEMENT.—The Secretary shall enter into an agreement with the Tribe setting forth the terms of the allocation and providing for the Tribe's use or temporary transfer of water stored in Lake Elwell, subject to the terms and conditions of the Compact and this Act.

(3) PRIOR RESERVED WATER RIGHTS.—The allocation provided in this section shall be subject to the prior reserved water rights, if any, of any Indian tribe, or person claiming water through any Indian tribe.

(b) USE AND TEMPORARY TRANSFER OF ALLOCATION.—

(1) IN GENERAL.—Subject to the limitations and conditions set forth in the Compact and this Act, the Tribe shall have the right to devote the water allocated by this section to any use, including agricultural, municipal, commercial, industrial, mining, or recreational uses, within or outside the Rocky Boy's Reservation.

(2) CONTRACTS AND AGREEMENTS.—Notwithstanding any other provision of statutory or common law, the Tribe may, with the approval of the Secretary and subject to the limitations and conditions set forth in the Compact, enter into a service contract, lease, exchange, or other agreement providing for the temporary delivery, use, or transfer of the water allocated by this section, except that no such service contract, lease, exchange, or other agreement may permanently alienate any portion of the tribal allocation.

(c) REMAINING STORAGE.—The United States shall retain the right to use for any authorized purpose, any and all storage remaining in Lake Elwell after the allocation made to the Tribe in subsection 201(a).

(d) WATER TRANSPORT OBLIGATION; DEVELOPMENT AND DELIVERY COSTS.—The United States shall have no responsibility or obligation to provide any facility for the transport of the water allocated by this section to the Rocky Boy's Reservation or to any other location. Except for the contribution set forth in subsection 105(a)(3), the cost of developing and delivering the water allocated by this title or any other supplemental water to the Rocky Boy's Reservation shall not be borne by the United States.

(e) SECTION NOT PRECEDENTIAL.—The provisions of this section regarding the allocation of water resources from the Tiber Reservoir to the Tribe shall not be construed as precedent in the litigation or settlement of any other Indian water right claims.

SEC. 202. MUNICIPAL, RURAL, AND INDUSTRIAL FEASIBILITY STUDY.

(a) AUTHORIZATION.—

(1) IN GENERAL.—

(A) STUDY.—The Secretary, through the Bureau of Reclamation, shall perform an MR&I feasibility study of water and related resources in north central Montana to evaluate alternatives for a municipal, rural, and industrial supply for the Rocky Boy's Reservation.

(B) USE OF FUNDS MADE AVAILABLE FOR FISCAL YEAR 1999.—The authority under subparagraph (A) shall be deemed to apply to MR&I feasibility study activities for which funds were made available by appropriations for fiscal year 1999.

(2) CONTENTS OF STUDY.—The MR&I feasibility study shall include the feasibility of releasing the Tribe's Tiber allocation as provided in section 201 into the Missouri River System for later diversion to a treatment and delivery system for the Rocky Boy's Reservation.

(3) UTILIZATION OF EXISTING STUDIES.—The MR&I feasibility study shall include utilization of existing Federal and non-Federal studies and shall be planned and conducted in consultation with other Federal agencies, the State of Montana, and the Chippewa Cree Tribe.

(b) ACCEPTANCE OR PARTICIPATION IN IDENTIFIED OFF-RESERVATION SYSTEM.—The United States, the Chippewa Cree Tribe of the Rocky Boy's Reservation, and the State of Montana shall not be obligated to accept or participate in any potential off-Reservation water supply system identified in the MR&I feasibility study authorized in subsection (a).

SEC. 203. REGIONAL FEASIBILITY STUDY.

(a) IN GENERAL.—

(1) STUDY.—The Secretary, through the Bureau of Reclamation, shall conduct, pursuant to Reclamation Law, a regional feasibility study (referred to in this subsection as the "regional feasibility study") to evaluate water and related resources in north central Montana in order to determine the limitations of those resources and how those resources can best be managed and developed to serve the needs of the citizens of Montana.

(2) USE OF FUNDS MADE AVAILABLE FOR FISCAL YEAR 1999.—The authority under paragraph (1) shall be deemed to apply to regional feasibility study activities for which funds were made available by appropriations for fiscal year 1999.

(b) CONTENTS OF STUDY.—The regional feasibility study shall—

(1) evaluate existing and potential water supplies, uses, and management;

(2) identify major water-related issues, including environmental, water supply, and economic issues;

(3) evaluate opportunities to resolve the issues referred to in paragraph (2); and

(4) evaluate options for implementation of resolutions to the issues.

(c) REQUIREMENTS.—Because of the regional and international impact of the regional feasibility study, the study may not be segmented. The regional study shall—

(1) utilize, to the maximum extent possible, existing information; and

(2) be planned and conducted in consultation with all affected interests, including interests in Canada.

SEC. 204. AUTHORIZATION OF APPROPRIATIONS FOR FEASIBILITY STUDIES.

(a) FISCAL YEAR 1999 APPROPRIATIONS.—Of the amounts made available by appropriations for fiscal year 1999 for the Bureau of Reclamation, $1,000,000 shall be used for the purpose of commencing the MR&I feasibility study under section 202 and the regional study under section 203, of which—

(1) $500,000 shall be used for the MR&I study under section 202; and

(2) $500,000 shall be used for the regional study under section 203.

(b) FEASIBILITY STUDIES.—There is authorized to be appropriated to the Department of the Interior, for the Bureau of Reclamation, for the purpose of conducting the MR&I feasibility study under section 202 and the regional study under section 203, $3,000,000 for fiscal year 2000, of which—

(1) $500,000 shall be used for the MR&I feasibility study under section 202; and

(2) $2,500,000 shall be used for the regional study under section 203.

(c) WITHOUT FISCAL YEAR LIMITATION.—All money appropriated pursuant to authorizations under this title shall be available without fiscal year limitation.

(d) AVAILABILITY OF CERTAIN MONEYS.—The amounts made available for use under subsection (a) shall be deemed to have been available for use as of the date on which those funds were appropriated. The amounts authorized to be appropriated in subsection (b) shall be available for use immediately upon appropriation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. DOOLITTLE) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. DOOLITTLE).

Mr. DOOLITTLE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the Rocky Boy's water rights settlement process has been important for a number of reasons. The gentleman from Montana (Mr. HILL), the State of Montana, and the tribe have spent a good deal of time working through the issues in a constructive fashion, taking steps to minimize the impact on other affected water users. Furthermore, there has been minimal emphasis on some of the outmoded bases for calculating Federal Reserve Indian water right claims. This process has allowed the parties to look to newer, more flexible negotiations that find solutions which provide tribes with real opportunities without making demands that may destroy the economic livelihood of existing water users.

Additionally, this process has brought new solutions and introduced private sector expertise into the tribe's efforts to utilize these water supplies once the settlement is authorized. By approaching these Indian water right settlements in more creative ways, Congress and the Federal Government can narrow the divergent expectations of the parties as they enter negotiations and attempt to correct problems that have existed for decades. It is important for Congress to modernize the process and bases for settling these claims. It is taking far too long to arrive at a settlement. Often tribes receive water and money under circumstances that do not ultimately help them realize the benefits of the broader economy. It is the intention that this settlement will help the tribe reach their goal of self-determination. I urge my colleagues to support the legislation

Madam Speaker, I reserve the balance of my time.

Mr. KILDEE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of this legislation. I commend my good friend, the gentleman from Montana (Mr. HILL), for his hard, hard work on this legislation. It balances all the interests so very carefully, and I commend him for bringing it to this point.

This legislation provides for a comprehensive settlement of the water rights claims of the Chippewa Cree Tribe of the Rocky Boy's Reservation in Montana. Under the terms of this legislation, Congress would approve and authorize participation in a water rights compact entered into by the tribe and the State of Montana. The compact recognizes the tribe's rights to approximately 10,000 acre feet of water on the reservation, and provides for specific water development projects and funding to benefit the tribe.

The future water rights of the tribe are also provided for in this bill. The Chippewa Cree Tribe, the State of Montana, and representatives from the Department of Interior have worked very, very hard for many years to secure agreement on this water rights settlement.

Again, the work of the gentleman from Montana (Mr. HILL) has brought this to a culmination. H.R. 795 provides an opportunity to ratify the first Indian water settlement since the early 1990s, and I urge my colleagues to support enactment of this important legislation.

Madam Speaker, I reserve the balance of my time.

Mr. DOOLITTLE. Madam Speaker, I yield 3 minutes to the gentleman from Montana (Mr. HILL), the distinguished author of the legislation.

Mr. HILL of Montana. Madam Speaker, as the sponsor of this bill, I rise in strong support of H.R. 795, the Chippewa Cree Tribe Water Rights Settlement Act, which is a companion to a bill in the Senate, 438. I especially want to thank the subcommittee chairman, the gentleman from California (Mr. DOOLITTLE) and his staff Bob Faber and Josh Johnson for their tireless efforts to work with all the parties involved that has allowed us to move this important piece of legislation.

This bill is the culmination of many years of technical and legal work and many years of negotiations involving the Chippewa Cree Tribe, the State of Montana and representatives of the United States Departments of Interior and Justice. The bill will ratify a settlement that quantifies the water rights of the tribe and provides for the development in a manner that would be consistent with their neighbors, the needs of the local communities and farmers and ranchers. It provides Federal funds for construction of water supply facilities and for tribal economic development and defines the Federal Government's role in implementing that settlement. This settlement bill has the full support of the tribe, the State of Montana, the Department of Justice, the Department of Interior and the water users who farm and ranch on streams shared with the reservation.

This bill will effectuate a settlement that is a textbook example of how State, tribal and Federal governments can work together to resolve that difference in a way that meets the concerns of all. It is also a settlement that reflects the effectiveness of tribal and nontribal water users in working together in goodwill and in good faith with respect to each other's needs and concerns.

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It is not an overstatement to say that the Chippewa Cree Tribe of the Rocky Boy's Reservation Indian Reserved Water Rights Settlement and Water Supply Enhancement Act is a historic agreement. This is truly a great occasion for all those who have worked so hard to get us to this point.

In closing, again, I want to thank the gentleman from California (Chairman DOLITTLE), the gentleman from Alaska (Chairman YOUNG), and the House leadership for scheduling the bill today. I also want to thank the gentleman from Michigan (Mr. KILDEE) for his cosponsorship and helping to move this bill forward and urge its adoption.

Mr. KILDEE. Madam Speaker, I yield back the balance of my time.

Mr. DOOLITTLE. Madam Speaker, I urge an "aye" vote; I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from

California (Mr. DOOLITTLE) that the House suspend the rules and pass the bill, H.R. 795, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CHATTAHOOCHEE RIVER NATIONAL RECREATION AREA AMENDMENTS

Mr. DOOLITTLE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2140) to improve protection and management of the Chattahoochee River National Recreation Area in the State of Georgia, as amended.

The Clerk read as follows:

H.R. 2140

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Chattahoochee River National Recreation Area in the State of Georgia is a nationally significant resource;

(2) the Chattahoochee River National Recreation Area has been adversely affected by land use changes occurring inside and outside the recreation area;

(3) the population of the metropolitan Atlanta area continues to expand northward, leaving dwindling opportunities to protect the scenic, recreational, natural, and historical values of the 2,000-foot-wide corridor adjacent to each bank of the Chattahoochee River and its impoundments in the 48-mile segment known as the "area of national concern";

(4) the State of Georgia has enacted the Metropolitan River Protection Act to ensure protection of the corridor located within 2,000 feet of each bank of the Chattahoochee River, or the corridor located within the 100-year floodplain, whichever is larger;

(5) the corridor located within the 100-year floodplain includes the area of national concern;

(6) since establishment of the Chattahoochee River National Recreation Area, visitor use of the recreation area has shifted dramatically from waterborne to water-related and land-based activities;

(7) the State of Georgia and political subdivisions of the State along the Chattahoochee River have indicated willingness to join in a cooperative effort with the United States to link existing units of the recreation area through a series of linear corridors to be established within the area of national concern and elsewhere on the river; and

(8) if Congress appropriates funds in support of the cooperative effort described in paragraph (7), funding from the State, political subdivisions of the State, private foundations, corporate entities, private individuals, and other sources will be available to fund more than half the estimated cost of the cooperative effort.

(b) PURPOSES.—The purposes of this Act are—

(1) to increase the level of protection of the open spaces within the area of national concern along the Chattahoochee River and to enhance visitor enjoyment of the open spaces by adding land-based linear corridors to link existing units of the recreation area;

(2) to ensure that the Chattahoochee River National Recreation Area is managed to standardize acquisition, planning, design, construction, and operation of the linear corridors; and

(3) to authorize the appropriation of Federal funds to cover a portion of the costs of the Federal, State, local, and private cooperative effort to add additional areas to the recreation area so as to establish a series of linear corridors linking existing units of the recreation area and to protect other open spaces of the Chattahoochee River corridor.

SEC. 2. AMENDMENTS TO CHATTAHOOCHEE RIVER NATIONAL RECREATION AREA ACT.

(a) BOUNDARIES.—Section 101 of the Act entitled "An Act to authorize the establishment of the Chattahoochee River National Recreation Area in the State of Georgia, and for other purposes", approved August 15, 1978 (16 U.S.C. 460ii), is amended—

(1) in the third sentence, by inserting after "numbered CHAT–20,003, and dated September 1984," the following: "and on the maps entitled 'Chattahoochee River National Recreation Area Interim Boundary Map #1', 'Chattahoochee River National Recreation Area Interim Boundary Map #2', and 'Chattahoochee River National Recreation Area Interim Boundary Map #3', and dated August 6, 1998,";

(2) by striking the fourth sentence and inserting the following: "No sooner than 180 days after the date of enactment of this sentence, the Secretary of the Interior (hereinafter referred to as the 'Secretary') may modify the boundaries of the recreation area to include other land within the Chattahoochee River corridor by submitting a revised map or other boundary description to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives. The revised map or other boundary description shall be prepared by the Secretary after consultation with affected landowners, the State of Georgia, and affected political subdivisions of the State. The revised boundaries shall take effect 180 days after the date of submission unless, within the 180-day period, Congress enacts a joint resolution disapproving the revised boundaries."; and

(3) in the next-to-last sentence, by striking "may not exceed approximately 6,800 acres." and inserting "may not exceed 10,000 acres.".

(b) ACQUISITION OF PROPERTY.—Section 102 of the Act entitled "An Act to authorize the establishment of the Chattahoochee River National Recreation Area in the State of Georgia, and for other purposes", approved August 15, 1978 (16 U.S.C. 460ii–1), is amended—

(1) in subsection (a), by inserting "from willing sellers" after "purchase"; and

(2) by striking subsection (f).

(c) COOPERATIVE AGREEMENTS.—Section 103 of the Act entitled "An Act to authorize the establishment of the Chattahoochee River National Recreation Area in the State of Georgia, and for other purposes", approved August 15, 1978 (16 U.S.C. 460ii–2), is amended by striking subsection (b) and inserting the following:

"(b) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the State of Georgia, political subdivisions of the State, and other entities to ensure standardized acquisition, planning, design, construction, and operation of the recreation area.".

(d) FUNDING.—Section 105 of the Act entitled "An Act to authorize the establishment of the Chattahoochee River National Recreation Area in the State of Georgia, and for other purposes", approved August 15, 1978 (16 U.S.C. 460ii–4), is amended—

(1) by striking "SEC. 105. (a)" and inserting the following:

"SEC. 105. FUNDING SOURCES AND GENERAL MANAGEMENT PLAN.

"(a) FUNDING.—

"(1) LIMITATION ON USE OF APPROPRIATED FUNDS.—";

(2) in subsection (a)—

(A) by striking "$79,400,000" and inserting '$115,000,000";

(B) by striking "this Act" and inserting "this title"; and

(C) by adding at the end the following:

"(2) DONATIONS.—The Secretary may accept a donation of funds or land or an interest in land to carry out this title.

"(3) RELATION TO OTHER FUNDING SOURCES.—Funds made available under paragraph (1) are in addition to funding and the donation of land and interests in land by the State of Georgia, local government authorities, private foundations, corporate entities, and individuals for purposes of this title."; and

(3) in subsection (c)—

(A) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively, and indenting appropriately;

(B) by striking "(c) Within" and inserting the following:

"(c) GENERAL MANAGEMENT PLAN.—

"(1) INITIAL PLAN.—Within";

(C) in paragraph (1) (as designated by subparagraph (B)), by striking "transmit to" and all that follows through "Representatives" and inserting "transmit to the Committee on Resources of the House of Representatives"; and

(D) by adding at the end the following:

"(2) REVISED PLAN.—

"(A) IN GENERAL.—Within 3 years after the date funds are made available, the Secretary shall submit to the committees specified in paragraph (1) a revised general management plan to provide for the protection, enhancement, enjoyment, development, and use of the recreation area.

"(B) PUBLIC PARTICIPATION.—In preparing the revised plan, the Secretary shall encourage the participation of the State of Georgia and affected political subdivisions of the State, private landowners, interested citizens, public officials, groups, agencies, educational institutions, and other entities.".

(e) TECHNICAL CORRECTIONS.—Title I of the Act entitled "An Act to authorize the establishment of the Chattahoochee River National Recreation Area in the State of Georgia, and for other purposes", approved August 15, 1978 (16 U.S.C. 460ii et seq.), is amended—

(1) in sections 102(d) and 103(a), by striking "of this Act" and inserting "of this title";

(2) in section 104(b)—

(A) by striking "of this Act" and inserting "of this title";

(B) by striking "under this Act" and inserting "under this title";

(C) by striking "by this Act" and inserting "by this title"; and

(D) by striking "in this Act" and inserting "in this title";

(3) in section 104(d)(2), by striking "under this Act" and inserting "under this title";

(4) in section 105(c)(1)(A), as redesignated by subsection (d)(3), by striking "of this Act" and inserting "of this title";

(5) in section 106(a), by striking "in this Act" and inserting "in this title"; and

(6) in section 106(d), by striking "under this Act" and inserting "under this title".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. DOOLITTLE) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. DOOLITTLE).

Mr. DOOLITTLE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 2140, introduced by the gentleman from Georgia (Mr. DEAL). The gentleman from Georgia (Mr. DEAL) is to be commended for crafting a bill which amends the Chattahoochee River National Recreation Area Act by modifying the boundaries of the area and to provide for the lands, waters, and scenic resources, and to provide protection for these within the recreation area.

Visitor enjoyment and protection of the river would be enhanced by adding land-based links between current units of the national recreation area. This bill also assures the recreation area is managed by forming cooperative agreements with State, local, and other entities.

The Chattahoochee River National Recreation Area attracts thousands of visitors year-round. The recreation area has seen a substantial increase in use, becoming one of the most visited national recreation areas in the country.

H.R. 2140 will also enhance the protection for the scenic and recreational values of the Chattahoochee River corridor from developmental pressures.

I urge all my colleagues to support this legislation.

Madam Speaker, I reserve the balance of my time.

Mr. KILDEE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 2140 modifies the boundaries of the Chattahoochee River National Recreation Area with the intention of providing for the inclusion of land within 2,000 feet of each bank of the Chattahoochee River on a 48-mile segment in metropolitan Atlanta, Georgia.

At the hearing on H.R. 2140 on July 20, 1999, the National Park Service testified in support of the legislation as introduced, with one technical change. As amended by the Committee on Resources, one substantive change and a number of technical and conforming changes have been made to the bill. The one substantive change is the new requirement that land could only be acquired on a willing-seller basis.

As the National Park Service noted in its testimony, there are cases of potentially severe and irreparable damage to resources that can only be prevented through the use of eminent domain. Given that rapid development and urbanization of the area, threats to these resources are a real danger.

The National Park Service also noted that, although eminent domain authority at Chattahoochee currently exists, it has never been used, and the National Park Service hopes it never will be. By tying the National Park Service's hands on acquisitions, we could open up the area to developers and speculators who can name their price with no recourse.

However, Madam Speaker, overall, H.R. 2140 is a good bill, and I would hate to see the bill hung up on this point. I understand that the Senate companion legislation has language on this point that the administration supports. Hopefully, this can be resolved so action on the measure can be completed and a bill sent to the President that has the support of all parties.

Mr. ISAKSON. Madam Speaker, I rise today in support of this bill, H.R. 2140. This legislation would modify the boundaries of the Chattahoochee River National Recreation Area to protect and preserve the endangered Chattahoochee River and provide additional recreation opportunities for the citizens of Georgia and our nation. The river and its corridor lands are a vital source of water for the City of Atlanta, and more broadly for all of north Georgia. The area hosts diverse wildlife, significant natural communities and irreplaceable historic resources in the midst of one of America's most vibrant urban areas. It also affords a recreational haven for the millions of visitors each year to the dozen or so non-contiguous parkland areas that together compromise the Chattahoochee Recreation Area.

Congress established the Chattahoochee River National Recreation Area in 1978 to preserve and protect the natural, scenic, recreational, historic, and other values of a 48-mile segment of one of our nation's great urban rivers. Six years later, in 1984, as development around and within the recreation area increased, Congress acted to facilitate State and local government efforts to protect the area by declaring the 2,000-foot-wide corridor adjacent to each bank of the Chattahoochee as an area of national concern. Now, due to the rapid pace of commercial and residential development in the Chattahoochee River corridor, I believe it is absolutely essential that we pass this legislation in order to provide additional protection for this important resource. I have sought to continue former Speaker Gingrich's efforts to preserve the Chattahoochee River by funding the Chattahoochee Greenways Project, which will keep land on the banks of the river from further development and help clean up the waterway.

This legislation is essential because over the years there has been a shift from largely water-based to land-based use of the park by visitors to the area, thereby contributing to a need for a larger land base for recreation. H.R. 2140 would expand the recreation area and protecting most of the remaining open spaces along the river corridor. The goal of the legislation is to create as much of an uninterrupted stretch of land as possible along the river banks in order to meet increased demand for recreational opportunities by communities along the river.

This legislation also promotes private-public partnerships since Congress appropriated $25 million for land acquisition along the Chattahoochee last year and this will be matched by private funds. Remarkable cooperative efforts are currently underway to protect key lands in the corridor of Georgia's Chattahoochee River from Buford Dam to the Florida border. Thanks to the tireless efforts and leadership of the Trust for Public Land, the State of Georgia, private foundations, corporate entities, private individuals, and others have already given or pledged tens of millions of dollars to secure properties of public significance within the current authorized boundaries of the Chattahoochee River National Recreation Area and to preserve the river for future generations of Georgians to enjoy.

I would like to thank Representative NATHAN DEAL for introducing this important legislation and his efforts to protect one of Georgia's most indispensable natural resources. I am grateful for past efforts of Governor Zell Miller, Lt. Governor Pierre Howard, and for the efforts of other members of the Georgia delegation and Congress at large in support of this important legislation. I believe Congress must act fast to enact this legislation in order to protect the Chattahoochee River from any further development and environmental damage.

Mr. DEAL of Georgia. Madam Speaker, for the consideration on the floor today of an issue important to the State of Georgia and myself. H.R. 2140 is legislation I introduced earlier this year to improve the protection and management of the Chattahoochee River National Recreation Area.

The Chattahoochee River National Recreation Area was established August 15, 1978, and boundary adjustments were made in October 1984. The recreation area is along a 48-mile stretch of the Chattahoochee River within four counties, north and northeast of Atlanta, Georgia. The area immediately adjacent to the park is being heavily developed, and Forsyth County (which I represent) is the fastest growing county in the United States. The park currently contains about 9,238 acres of which approximately 4,500 are Federally owned. Presently, the park includes thirteen separate land units. Popular recreational activities in the park include fishing, hiking, picnicking, canoeing, rafting, tubing, and boating. It also contains a number of natural habitats, 19th century historic sites and ruins, as well as Native American archaeological sites. Annual visitation is about 3.5 million visitors.

My legislation would modify the boundaries of the Chattahoochee River National Recreation Area and authorize the creation of a greenway buffer between the river and private development to prevent further pollution, provide flood and erosion control, and maintain water quality for safe drinking water and for the fish and wildlife dependent on the river system. In addition, this legislation promotes private-public partnerships by authorizing $25 million in federal funds for land acquisition for the recreation area. The $25 million will be matched by private funds. The State of Georgia, private foundations, corporate entities, private individual, and others have already given or pledged tens of millions of dollars to protect and preserve the Chattahoochee River for future generations of Georgians to enjoy. At the same time, it includes an "any willing seller" provision to protect private property rights of landowners.

Last year, in anticipation of passage of this legislation, Congress made available $25 million for land acquisition in the Chattahoochee River National Recreation Area. That funding is serving to leverage state, local government, and private funding to further augment land purchases in the recreation area. However, legislative authority expanding the boundaries is needed before the additional land can be purchased. We can help preserve one of Georgia's most vital natural resources by enacting H.R. 2140.

Similar legislation was introduced in the House and Senate during the 105th Congress. As most of you know, the House passed the legislation in October 1998, however the Senate did not act on the measure.

During this Congress, Senator COVERDELL introduced the companion bill to H.R. 2140 (S. 109), and the bill was reported on June 7, 1999 by the Committee on Energy and Natural Resources. I believe it is crucial for the House to act quickly on this legislation in order to protect the Chattahoochee River from further development and environmental damage.

Again, thank you Madam Speaker, and thank you to the Resources Committee members and staff for all the help they provided with H.R. 2140. I would also like to thank Representative ISAKSON for his assistance in protecting one of Georgia's most vital, natural resources.

Mr. KILDEE. Madam Speaker, I yield back the balance of my time.

Mr. DOOLITTLE. Madam Speaker, I urge an "aye" vote, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DOOLITTLE) that the House suspend the rules and pass the bill, H.R. 2140, as amended.

The question was taken.

Mr. DOOLITTLE. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

NORTH AMERICAN WETLANDS CONSERVATION COUNCIL EXPANSION ACT OF 1999

Mr. DOOLITTLE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2821) to amend the North American Wetlands Conservation Act to provide for appointment of 2 additional members of the North American Wetlands Conservation Council, as amended.

The Clerk read as follows:

H.R. 2821

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "North American Wetlands Conservation Council Expansion Act of 1999".

SEC. 2. ADDITIONAL MEMBERS OF THE NORTH AMERICAN WETLANDS CONSERVATION COUNCIL.

(a) ADDITIONAL MEMBERS.—Section 4(a)(1) of the North American Wetlands Conservation Act (16 U.S.C. 4403(a)(1) is amended by striking "nine" and inserting "eleven".

(b) APPOINTMENT OF ADDITIONAL MEMBERS.—Section 4(a)(1)(D) of the North American Wetlands Conservation Act (16 U.S.C. 4403(a)(1)(D)) is amended by striking "three" and inserting "five".

(c) INITIAL TERMS.—Of the members of the North American Wetlands Conservation Council first appointed under the amendments made by subsections (a) and (b)—

(1) one shall be appointed to an initial term of 1 year; and

(2) one shall be appointed to an initial term of 2 years,

as specified by the Secretary of the Interior at the time of appointment.

(d) RELATIONSHIP TO EXISTING APPOINTMENT REQUIREMENTS.—Except as provided in subsection (e), this section shall not affect section 304 of the Wetlands and Wildlife Enhancement Act of 1998 (112 Stat. 2958; 16 U.S.C. 4403 note).

(e) CONFORMING AMENDMENT.—Section 304 of the Wetlands and Wildlife Enhancement Act of 1998 (112 Stat. 2958; 16 U.S.C. 4403 note) is amended by striking "shall consist of" and inserting "shall include".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. DOOLITTLE) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. DOOLITTLE).

Mr. DOOLITTLE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am pleased to present to the House H.R. 2821, introduced by the gentleman from Michigan (Mr. DINGELL) and the gentleman from Pennsylvania (Mr. WELDON).

The fundamental goal of this legislation is to diversify and expand the effectiveness of the North American Wetlands Council by increasing from three to five the number of nongovernmental representatives that may serve on that body.

Under current law, there are nine members, including the Director of the U.S. Fish and Wildlife Service, who serve on the Wetlands Council. Their job is to review and recommend worthwhile conservation projects to the Migratory Bird Conservation Commission.

To date, the commission has approved 714 projects to protect, restore, and enhance critical wetland habitat in Canada, Mexico, and the United States. This represents a financial commitment of $310.8 million that has been matched by more than 900 nongovernmental partners, for a total investment of $798.5 million. These funds have been used to conserve over 33 million acres of wetlands which directly benefit millions of migratory birds.

By expanding the membership of the Wetlands Council, two additional conservation groups would be given a seat at the table, and they would bring with them their commitment to accelerate the growth of this extremely successful program.

H.R. 2821 is a noncontroversial and bipartisan bill that has been authored by the two House Members who serve with distinction on the Migratory Bird Conservation Commission.

I urge an "aye" vote on this legislation.

Madam Speaker, I reserve the balance of my time.

Mr. KILDEE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the council established under the North American Wetlands Conservation Act has made tremendous positive impact in helping to restore and conserve wetlands across the North American continent. Projects supported by the council help to preserve wetlands and provide crucial forage and resting habitats for migratory birds, not only in our Nation, but also in Canada and Mexico.

H.R. 2821 would simply add two additional nongovernmental seats to the North American Wetlands Conservation Council, thereby increasing the size of the council from 9 to 11 members in total. There would be no increase in the current number of two permanent seats in the council, which are reserved for the director of the U.S. Fish and Wildlife Service and the executive secretary of the National Fish and Wildlife Foundation.

It is my understanding from the gentleman from Michigan (Mr. DINGELL) that this increase in nongovernmental seats is considered an appropriate step in order to provide new opportunities for public participation on the council by a broader number of charitable and nongovernmental organizations. Furthermore, it is my understanding that the administration does not oppose this increase in seats.

As such, the bill appears to be straightforward and noncontroversial. Since the only intention of this bill is to increase the number of opportunities for nonprofit participation in the council, I strongly support this legislation.

By all measures, the North American Wetlands Conservation Council has proven itself to be a very effective and strong advocate for wetlands conservation and restoration. I believe most, if not all, Members of this House can agree that the modest increase in nonprofit seats proposed by this legislation would be a positive enhancement to this extremely successful council. I urge all members to vote "aye" on this bill.

Madam Speaker, I reserve the balance of my time.

Mr. DOOLITTLE. Madam Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. WELDON), one of the principal sponsors of the legislation.

Mr. WELDON of Pennsylvania. Madam Speaker, I thank the gentleman from California (Mr. DOOLITTLE) for yielding me this time, and let me thank the gentleman from Michigan (Mr. KILDEE) for his help in getting this bill to the floor today.

I rise to pay a very appropriate thanks to the distinguished gentleman from Michigan (Mr. DINGELL), author of this legislation.

I have had the pleasure for the past several sessions of the Congress representing the Republican side of the aisle on the Migratory Bird Conservation Commission, where the gentleman from Michigan (Mr. DINGELL) has had a tremendous career in providing leadership to this body for preserving flyaway space for the migratory birds in North America.

Madam Speaker, there is no other program that I can think of that enjoys such bipartisan support in voluntarily protecting land for birds and for wildlife and habitat.

We in this body tend to get in disagreements from time to time over the issue of takings and over the issue of forcing property owners to make their land available for the public. Well, this program is the exact opposite.

The father of the gentleman from Michigan (Mr. DINGELL), if I am not mistaken, was the initiator of this entire program decades ago. This program, started by the father of the gentleman from Michigan (Mr. DINGELL), and supported by the late Silvey Oconte, who were both tireless advocates for conservation issues in America, has provided the ability of our Government to protect over 34 million acres of land, 34 million acres of land, without taking anyone's property without their consent, but by simply entering into agreements where we bring conservation groups together so they can use the leverage to provide other funds, matched in such cases by State and local governments, to protect this land for migratory birds.

We now have a massive network of open space that would not have been protected were it not for this legislation, were it not for this program. What the bill of the gentleman from Michigan (Mr. DINGELL) does, which I am very proud to be a cosponsor of, is it allows for the expansion of this council, to make sure that those conservation groups who are most heavily involved maintain their seats on this oversight board that recommends projects to us.

I will be remiss if I did not mention, Madam Speaker, Ducks Unlimited. Ducks Unlimited has put millions of dollars into programs that have allowed us to voluntarily protect land as provided for by the legislation of the North Americans Wetlands Conservation Act and by the role that the gentleman from Michigan (Mr. DINGELL) and I play on the Migratory Bird Conservation Commission.

Groups like Ducks Unlimited need to be a part of this process. This legislation allows for the expansion of the council for two more seats so that Ducks Unlimited, hopefully, will be able to maintain that seat in the future.

Once again, I rise in strong support of this. I urge all my Republican colleagues and, really, all of our colleagues to join in enthusiastically voting for the legislation of the gentleman from Michigan (Mr. DINGELL), which is right. It is important for our country. I think it also speaks to his leadership following in his father's footsteps on conservation issues for America.

Mr. KILDEE. Madam Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. DINGELL), the dean of the U.S. House of Representatives. I might add the youngest dean in this century.

Mr. DINGELL. Madam Speaker, I first thank the gentleman from Michigan (Mr. KILDEE) for his friendship and for what he has done to move this legislation forward.

I also want to compliment and commend the gentleman from Alaska (Mr. YOUNG), the chairman of the Committee on Resources; the gentleman from California (Mr. GEORGE MILLER), the ranking member; the gentleman from American Samoa (Mr. FALEOMAVAEGA); the gentleman from New Jersey (Mr. SAXTON), chairman of the Subcommittee on Fisheries Conservation, Wildlife and Oceans; and of course the gentleman from Michigan (Mr. KILDEE).

I want to say what a pleasure it is for me to work with the gentleman from Pennsylvania (Mr. WELDON), who serves on the Migratory Bird Commission.

This is a relatively small piece of legislation. Its purpose is very simple, and that is to see to it that we have enough participation by private conservation organizations which work so hard to see to it that this particular program works.

NAWCA is an extremely valuable program which has set aside, with the full consent of the landowners, millions of acres of land in the United States, in Canada, and in Mexico.

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And it has done so with the good will of all involved; conservationists, government agencies, Federal, State and local, private individuals, and landowners are for what this has done. It has been a tremendous assist to the conservation movement in this country and is saving lands for very important purposes.

I want to say again what a pleasure it has been to work with my good friend the gentleman from Pennsylvania (Mr. WELDON), who has consistently been a great voice for conservation and who has worked wonderfully well with me and with the other members of the Migratory Bird Commission, which is one of the most successful land procurement agencies in the whole history of American government. The fact that so few know about it tends to prove that we work so well that there is really no cause for complaint in the acquisition of the millions of acres of land.

The function of the legislation before us is not to cost the Federal Government money. It will not. Rather, it will allow the Secretary of the Interior to use two additional slots to appoint organizations that will help make sound wetland conservation decisions and will draw in new organizations and organizational strength and achieve additional commitments towards further cooperative investments in reclaiming wetlands and wildlife habitat. This is, in that very small but very important particular, a very important but valuable piece of legislation, and I would commend the committee for its labors in bringing it forth.

I want to thank my good friend, the gentleman from Pennsylvania (Mr. WELDON), who has given me all too much credit in this matter and who is my full partner in the business of the Migratory Bird Commission representing the House and also to observe that the commission is served very well by two of our good friends and colleagues in the Senate who have participated actively in the efforts to achieve this particular end.

So this is a good bill, and I urge my colleagues to support it. I think we will be pleased with what we have done when we look back on the successes that this has brought us.

Madam Speaker, today we have before us a relatively small bill to make a significant conservation program even more successful. H.R. 2821, the North American Wetlands Conservation Council Expansion Act, would make a modest improvement to a conservation law that has successfully saved wetlands throughout the United States, Canada, and Mexico during the past decade.

I want to thank Chairman DON YOUNG and Ranking Member GEORGE MILLER of the House Resources Committee for allowing this legislation to come before the House so swiftly. Together with the assistance of Fisheries Subcommittee Chairman JIM SAXTON and Ranking Member ENI FALEOMAVAEGA, their support for this legislation means a lot, and I hope it sends a strong message to the other body for favorable consideration.

NAWCA [naw-ka] was signed into law in 1989 in response to the finding that more than half of the original wetlands in the United States have been lost during the past two centuries. Congress recognized that protection of migratory birds and their habitats required long-term planning and coordination so that our treaty obligations to conserve these precious species would be met.

The purpose of NAWCA is to encourage partnerships among public and non-public interests to protect, enhance, restore and manage wetlands for migratory birds and other fish and wildlife in North America. NAWCA has been a tremendous success, funding 629 projects between 1991 and 1999, helping to restore, enhance or help approximately 34 million acres across our continent. Most impressive has been the ratio of partner-to-government contributions, which has been about $2.50 for every public dollar invested.

Madam Speaker, I believe that the most effective means to diversify and expand the effectiveness of the Council is to provide the Secretary with new authority to appoint two additional Council members under Sec. 4(a)(1)(D) of the North American Wetlands

Conservation Act. These appointments would give the Service the ability to include additional charitable and non-profit organizations from among the many which actively participate in the development of NAWCA projects.

A little more than one year ago I first learned of the Fish and Wildlife Service's desire to promote change in the NAWCA program when the agency announced its intent not to reappoint two non-governmental organizations that played key roles in making NAWCA a cornerstone of American conservation success. I was greatly concerned that any replacement of Council members under NAWCA should not serve as a disincentive to continued active participation in meeting the Act's goals.

CBO has indicated that increasing the size of the NAWCA Council will not cost the federal government any money. Rather, it is my intention to allow the Secretary of Interior to use these two additional slots to appoint organizations that will make sound wetland conservation decisions and promote additional commitments toward cooperative investment in reclaiming these habitats.

I want to conclude by praising the hard work of the North American Wetlands Conservation Council, the staffs of its member organizations, and those staff of the U.S. Fish and Wildlife Service who have devoted themselves to the fulfillment of NAWCA's goals. Congress reauthorized NAWCA last year because its success during the first decade was clearly evident, and because the need for wetlands conservation is even clearer today than it was a decade ago. I hope that H.R. 2821 will provide a non-controversial, easy-to-approve mechanism to accelerate the growth of this magnificent program.

Mr. DOOLITTLE. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. KILDEE. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from California (Mr. DOOLITTLE) that the House suspend the rules and pass the bill, H.R. 2821, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DOOLITTLE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 659, H.R. 795, H.R. 2140, and H.R. 2821, the four bills just debated.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

AMENDING THE IMMIGRATION AND NATIONALITY ACT REGARDING ADOPTED ALIENS

Mr. SMITH of Texas. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2886) to amend the Immigration and Nationality Act to provide that an adopted alien who is less than 18 years of age may be considered a child under such Act if adopted with or after a sibling who is a child under such Act.

The Clerk read as follows:

H.R. 2886

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROVIDING THAT AN ADOPTED ALIEN WHO IS LESS THAN 18 YEARS OF AGE MAY BE CONSIDERED A CHILD UNDER THE IMMIGRATION AND NATIONALITY ACT IF ADOPTED WITH OR AFTER A SIBLING WHO IS A CHILD UNDER SUCH ACT.

(a) IN GENERAL.—Section 101(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)) is amended—

(1) in subparagraph (E)—

(A) by inserting "(i)" after "(E)"; and

(B) by adding at the end the following:

"(ii) subject to the same proviso as in clause (i), a child who (I) is a natural sibling of a child described in clause (i) or subparagraph (F)(i); (II) was adopted by the adoptive parent or parents of the sibling described in such clause or subparagraph; and (III) is otherwise described in clause (i), except that the child was adopted while under the age of eighteen years; or"; and

(2) in subparagraph (F)—

(A) by inserting "(i) after "(F)";

(B) by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(ii) subject to the same provisos as in clause (i), a child who (I) is a natural sibling of a child described in clause (i) or subparagraph (E)(i); (II) has been adopted abroad, or is coming to the United States for adoption, by the adoptive parent (or prospective adoptive parent) or parents of the sibling described in such clause or subparagraph; and (III) is otherwise described in clause (i), except that the child is under the age of eighteen at the time a petition is filed in his or her behalf to accord a classification as an immediate relative under section 201(b).".

(b) CONFORMING AMENDMENTS RELATING TO NATURALIZATION.—

(1) DEFINITION OF CHILD.—Section 101(c)(1) of the Immigration and Nationality Act (8 U.S.C. 1101(c)) is amended by striking "sixteen years," and inserting "sixteen years (except to the extent that the child is described in subparagraph (E)(ii) or (F)(ii) of subsection (b)(1)),".

(2) CERTIFICATE OF CITIZENSHIP.—Section 322(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1433(a)(4)) is amended—

(A) by striking "16 years" and inserting "16 years (except to the extent that the child is described in clause (ii) of subparagraph (E) or (F) of section 101(b)(1))"; and

(B) by striking "subparagraph (E) or (F) of section 101(b)(1)," and inserting "either of such subparagraphs,".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 2886, a bill introduced by the gentleman from California (Mr. HORN), amends the Immigration and Nationality Act and provides that an older child who is 16 or 17 years old may be adopted with or after the adoption of a younger sibling who is a child under such act.

Currently, the Immigration and Nationality Act permits a foreign-born child who has been adopted by a United States citizen parent to be classified as an immediate relative child for purposes of immigration to the United States. To qualify, the child must be under the age of 16 at the time an immigrant visa petition is filed on the child's behalf.

Since most parents prefer to adopt infants or very young children, older children constitute a relatively small portion of the adoptive children admitted as immigrants. However, in cases involving siblings, adoptive parents often wish to adopt the older child or children in order to keep the family group intact. If the oldest child happens to be 16 or 17, there is no way under current law for that child to immigrate to the United States.

A typical case would likely involve a group of siblings, one 16 or 17 years old who had been orphaned. A United States citizen family is willing to adopt all of the siblings in order to keep them together but, under current law, the oldest child cannot immigrate to the United States. The result would be either separation of the older child from the sibling group or, in cases where foreign adoption authorities will not prevent the separation of siblings, the U.S. citizen loses the opportunity to adopt any of the children.

The bill authored by the gentleman from California (Mr. HORN) would allow minor orphaned siblings to stay together when being adopted by U.S. citizens. The bill would allow a 16- or 17-year-old child to qualify as an immediate relative child if the U.S. citizen parents have also adopted a sibling of that child who is under the age of 16.

This bill thus would achieve the goal of maintaining family unity in a relatively small number of cases involving the adoption of siblings one of whom is age 16 or 17 at the time the adoptive parents file immigrant visa petitions on the children's behalf, and I urge the House to adopt H.R. 2886.

Madam Speaker, I reserve the balance of my time.

Mr. KILDEE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I wish to commend the gentleman from California (Mr. HORN) for his hard work in sponsoring this bill and the gentleman from Texas (Mr. SMITH) and the gentlewoman from

Texas (Ms. JACKSON-LEE) for shepherding this bill through committee and now bringing this to the floor for consideration.

The Immigration and Nationality Act provides immigration and naturalization benefits for the alien children of United States citizens. The word child, however, is a term of art with various definitions. In order to be considered a child in the basis of an adoption, an alien must be an unmarried person under 21 years of age who is adopted while under the age of 16 years. This bill would expand the definition of an adopted child to include an adoptive person between the ages of 16 and 18, provided that the child who is between 16 and 18 is a natural sibling of a child adopted while under the age of 16.

This bill would achieve a worthwhile purpose. If a United States citizen adopts a 15-year-old child, they should also be able to obtain immigration benefits for the child's 17-year-old sibling if they adopt the sibling too. Since most parents prefer to adopt infants, or very young children, older children constitute a relatively small portion of the adopted children admitted as immigrants.

According to the Immigration and Naturalization Service, out of a total of 11,316 immigrant orphans admitted in fiscal year 1996, only 351 were age 10 or older. However, in cases involving siblings, adoptive parents frequently wish to adopt the older child or children in order to keep a family group intact. If the oldest sibling happens to be 16 or 17, there is no way under current law that the child can immigrate to the U.S. This bill would change that.

H.R. 2886 will further the goal of maintaining family unity in the relatively small number of cases involving the adoption of siblings, one of whom is 16 or 17 at the time the adoptive parents file visa petitions on the children's behalf.

Madam Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Madam Speaker, I yield myself such time as I may consume to thank the gentleman from Michigan for his supportive comments.

GENERAL LEAVE

Mr. SMITH of Texas. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. HORN. Madam Speaker, I am delighted that my colleagues have unanimously supported this legislation 404 to O.

Foreign adoption provides many U.S. citizens with the opportunity not only to experience the joys of parenthood but also to provide their children with a better life in the United States.

As the author of H.R. 2886, a bipartisan bill, we have provided for an expansion of these opportunities. The intent of the bill is to allow immigrant orphan siblings to stay together when they are being adopted by U.S. citizens.

Under current law, a U.S. citizen may bring an immigrant child they have adopted to the United States if the child is under the age of 16. This legislation would allow U.S. citizens to adopt immigrant children ages 16–17 if the adoption would keep a group of siblings together.

Family unity is a frequently cited goal of our immigration policy, and this proposal would promote that goal. The typical case this proposal would help is a group of siblings who were orphaned in their home country—or their parents became unable to care for them. If the children are adopted by U.S. citizens and the oldest sibling is 16 or 17, the oldest sibling cannot come to the United States with his or her brothers and sisters under current law. It does not make sense for siblings to be separated because of an arbitrary age limit.

Moreover, some foreign adoption authorities do not allow the separation of siblings. In such a case, if a U.S. citizen wanted to adopt a group of siblings and one of them is 16 or older, the citizen would lose the opportunity to adopt any of them under current law.

This bill is unlikely to cause a significant increase in immigration levels overall. During fiscal year 1996, a total of 351 immigrant orphans older than age 9 were adopted by U.S. citizens, out of 11,316 immigrant orphans adopted by U.S. citizens overall that year. Although the number of families helped by this bill may be relatively small, the chance to keep a group of brothers and sisters together would mean a great deal to these families.

I thank the House leadership for scheduling H.R. 2886 on the suspension calendar today. I also appreciate the support and assistance of Judiciary Committee Chairman HENRY HYDE, Ranking Member JOHN CONYERS, Immigration and Claims Subcommittee Chairman LAMAR SMITH, and Subcommittee Ranking Member SHEILA JACKSON-LEE.

We have all done the right thing—immigrant families and America will gain.

Mr. POMEROY. Madam Speaker, I rise in strong support of H.R. 2886, legislation introduced by my colleague, Representative HORN (R–CA). This legislation would promote adoption and improve the lives of hundreds of children by allowing immigrant orphan siblings to stay together when being adopted by U.S. citizens.

Under current law, a U.S. citizen may bring an immigrant child they have adopted to the United States only if the child is under the age of 16. If a group of siblings are orphaned in their home country, for example, and those children are adopted by U.S. citizens, any siblings aged 16 or older cannot come to the United States with their brothers and sisters under current law. Mr. Chairman, orphaned siblings should not be separated because of an arbitrary age limit. Representative HORN's legislation would allow U.S. citizens to adopt immigrant children ages 16–17 if the adoption would keep a group of siblings together. This legislation would go a long way towards ensuring that orphaned siblings join permanent families.

Madam Speaker, this legislation would produce an important change in our nation's immigration policy, but its most significant impact is deeply personal. My own mother was orphaned at a young age, and was separated from her siblings as a result. Through her experience, and later through my own experience as the adoptive father of two beautiful Korean children, I have come to appreciate family unity as precious to parents and children alike. Although the number of families helped by this bill may be relatively small, keeping even one group of siblings together will have an immeasurable impact on those children's lives. As a cosponsor of H.R. 2886 and an adoptive parent, I urge my colleagues to support this legislation.

Mr. KILDEE. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of Texas. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 2886.

The question was taken.

Mr. SMITH of Texas. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CLARIFICATION OF APPLICATION OF LIMITATION ON STATE INCOME TAXATION OF PENSION INCOME

Mr. GEKAS. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 462) to clarify that governmental pension plans of the possessions of the United States shall be treated in the same manner as the State pension plans for purposes of the limitation on the State income taxation of pension income.

The Clerk read as follows:

H.R. 462

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CLARIFICATION OF APPLICATION OF LIMITATION ON STATE INCOME TAXATION OF PENSION INCOME.

(a) IN GENERAL.—Subparagraph (G) of section 114(b)(1) of title 4, United States Code, is amended by inserting before the semicolon "or any plan which would be a governmental plan (as so defined) if possessions of the United States were treated as States for purposes of such section 414(d)".

(b) CORRECTION OF CLERICAL ERROR.—Section 114 of such title 4 is amended by redesignating subsection (e) as subsection (c).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts received after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Pennsylvania (Mr. GEKAS) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GEKAS).

GENERAL LEAVE

Mr. GEKAS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 462, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GEKAS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I recall that in the 104th Congress, I suppose 2½ years ago, we introduced and had passed both in the House and the Senate, and signed into law, a measure which would guaranty that an individual who earns a pension, for instance in the State of California, and then moves for the remainder of one's life to another State, the bill that we introduced and passed would prevent California from reaching out and taxing the proceeds of that pension of a person no longer living in California.

We learned, to our dismay, that there were hundreds and thousands of people who, after their retirement and moving to another State, found that they were being pursued by a taxing authority of the State in which they earned the pension. Well, we cured that situation and passed, on a bipartisan basis, a measure originally introduced by our colleague, Mrs. Vucanovich, as I recall; and everyone seemed happy about it because we solved a very difficult problem.

But as we did that, it was brought to our attention that our commonwealths, like Puerto Rico and the other territories of the United States, were not accorded the same privileges as we embedded in this particular piece of legislation. What we do here today is simply bring that up to date to cover Puerto Rico and the other territories, so that someone retiring in Puerto Rico, who goes to another State, or vice versa, will not have that odious tentacle of taxation from the working State to the retirement State follow that individual.

In this endeavor to bring this matter to a close and close that little loophole, we were importuned by the gentleman from Florida (Mr. MCCOLLUM) and the gentleman from Florida (Mr. MICA), as well as the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ), the resident commissioner of Puerto Rico, and that completed the cycle. The bill that is in front of us now extends that special tax benefit, shall we say, to everyone who has ever worked in the United States or its territories.

Madam Speaker, I reserve the balance of my time.

Mr. KILDEE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this legislation was introduced by the gentleman from Pennsylvania (Mr. GEKAS), the gentleman from Florida (Mr. MCCOLLUM), the gentleman from Florida (Mr. MICA), and the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) on February 2, 1999. It would make a technical correction to the legislation enacted in the 104th Congress which exempted from income tax certain retirement income paid to a nonresident of the State in which the retirement income was earned.

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The proposed legislation merely clarifies that governmental plans, that is public employee retirement plans, includes plans provided by governments of possessions of the United States.

The original bill only applied to States and, thus, excluded retirees from governmental entities of U.S. possessions. It would address the situation now faced by retirees from Puerto Rico who now reside in the United States who are unable to take advantage of the benefits of this law on par with the other retirees.

This bill has strong bipartisan support, it is technical in nature, and would grant equal treatment to retirees similarly situated.

I urge its adoption.

Madam Speaker, I yield back the balance of my time.

Mr. GEKAS. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Pennsylvania (Mr. GEKAS) that the House suspend the rules and pass the bill, H.R. 462.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PERMITTING USE OF ROTUNDA OF THE CAPITOL FOR PRESENTATION OF CONGRESSIONAL GOLD MEDAL TO PRESIDENT AND MRS. GERALD R. FORD

Mr. THOMAS. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 196) permitting the use of the rotunda of the Capitol for the presentation of the Congressional Gold Medal to President and Mrs. Gerald R. Ford.

The Clerk read as follows:

H. CON. RES. 196

Resolved by the House of Representatives (the Senate concurring), That the rotunda of the Capitol is authorized to be used on October 27, 1999, for the presentation of the Congressional Gold Medal to President and Mrs. Gerald R. Ford. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. THOMAS) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am moving this resolution for the gentleman from Michigan (Mr. EHLERS) who represents the area of Grand Rapids, which was the area that Gerald R. Ford represented as a Member of the House of Representatives and as its minority leader.

I think it is entirely appropriate that the Presidential Congressional Gold Medal be awarded to President and Mrs. Ford.

Congressman Ford wound up President Ford in one of the most unique series of events in the history of the United States. Congressman Ford was appointed Vice President of the United States according to the 25th Amendment, and then Vice President Ford became President Ford upon the resignation of President Nixon.

I will soon conclude my time and the gentleman from Michigan (Mr. KILDEE) will have an opportunity to talk about this particular representative from Michigan.

I have known President Ford for some time. I knew him briefly before he became President, and I have known him for some time after he became President. He is one of those individuals of which we have many on the floor of the House who are professionals. That is, they go about the business of representing their constituents in a professional fashion.

That is one of the reasons Jerry Ford rose to be minority leader and why when there was a need to fill the vice presidential slot in a time of national trouble that they turned to Jerry Ford and that, in one of the saddest periods I believe that, notwithstanding his being appointed to the two highest offices in the land, he conducted himself and his presidency in exemplar fashion, and that he should have been rewarded, in the humble opinion of this gentleman from California, the presidency through the electoral process.

That was not to be. But the people of the United States owe President Ford a great debt of gratitude on the way in which he conducted himself as an appointed Vice President and as an appointed President.

It is entirely appropriate that, in the rotunda on October 27, President Ford and Mrs. Ford will receive the Congressional Gold Medal.

Madam Speaker, I reserve the balance of my time.

Mr. KILDEE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, President Gerald and Mrs. Betty Ford are two of the finest people I have ever known. They came, as I do, from Michigan, great citizens of Michigan.

I happen to have had the great pleasure of serving with the brother of President Gerald Ford, Tom Ford, in the Michigan Legislature; and, in that fashion, I met Gerald Ford many, many times when he was minority leader here in the House where he conducted himself very, very well, was chosen, in a wise decision, to become the Vice President of the United States, and then succeeded to the presidency of the United States.

He and his wife brought to the White House exactly what America needed at that time. They brought decency and a concern and helped heal this Nation. This Nation and I personally are grateful to President Gerald and Mrs. Betty Ford for what they have done for this country. They certainly deserve this medal and certainly deserve this ceremony in the rotunda.

Madam Speaker, I rise in support of House Concurrent Resolution 196, to reserve the Rotunda of the Capitol for a ceremony to present a Congressional Gold Medal to our distinguished former President, Gerald R. Ford, and our former First Lady, Betty Ford, for their "dedicated public service and outstanding humanitarian contributions to the people of the United States."

I was among the more than 300 cosponsors of legislation, enacted on October 21, 1998, to authorize this honor.

Since the American Revolution, Congress has commissioned Gold Medals as its highest expression of national appreciation for distinguished achievements and contributions. Each medal is individually struck to honor a particular individual or individuals, institution, or notable event.

President Ford is the first former President to be so honored during his lifetime, and this is also the first time that a President and First Lady have been honored jointly.

Congress has awarded Gold Medals to several distinguished men during their military careers who would later go on to become Presidents of the United States:

George Washington, by the Continental Congress before the Revolutionary War began in 1776; Andrew Jackson in 1815; William Henry Harrison, in 1818; Zachary Taylor, three times, in 1846, 1847, and 1848; and Ulysses S. Grant, in 1863.

President Harry S. Truman was honored posthumously in 1984.

Mrs. Ford will be the second First Lady to be so honored; the first was Lady Bird Johnson in 1984.

Gerald Ford is, of course, best known for his service as the 38th President of the United States who attempted to move the Nation past the scars left by the Watergate scandal.

He was the first person in history to have been appointed Vice President of the United States to fill a vacancy, pursuant to the 25th amendment to the Constitution.

He was confirmed in that office by vote of this House and of the Senate.

He was also the first person to have assumed the Presidency, in 1974, without having been elected to national office. As such, Gerald Ford served the Nation for two years and five months as President under very trying political circumstances.

But Gerald Ford is best known to this chamber as a "Man of the House", who served from 1949 to 1973 as a Representative from Michigan and from 1965 to 1973 as minority leader of the House.

While Representative Ford could be tough and partisan, he represented a tradition of bipartisanship and friendship across the aisle which served the House and the Nation well for many years. His accession to the Presidency was welcomed with joy by Members of Congress from both parties.

In his retirement, the former President has often spoken out against the divisiveness and harsh partisanship which have enveloped our political institutions in the decades after he left office, and which have so damaged the national interest.

Betty Ford, a model of an outspoken and courageous First Lady in the White House, is perhaps best known since her retirement for showing Americans who suffer from personal despair that recovery is possible.

She established the Betty Ford Center, to help those seeking to reestablish productive lives after suffering from drug dependency.

She has been active in many philanthropic causes.

Madam Speaker, the Fords were perhaps the first modern "First Family" to jointly lead both active public and private lives once out of office, and they established a pattern for other Presidents and spouses to follow in the future.

They set a worthy example of service to America, and I am pleased to support our action today in approving this ceremony to recognize their achievements.

Ms. STABENOW. Madam Speaker, I rise today in support of H. Con. Res. 196, which will allow us to use the Rotunda to present a fitting tribute to President and Mrs. Gerald Ford—the Congressional Golf Medal. I would like to thank Mr. EHLERS, who now represents the Grand Rapids area, for his work on this measure.

We are all aware of President Ford's political accomplishments: a 25 year career in the House of Representatives, serving as vice-president and then president. Throughout his career he represented Michigan and this country with dignity and was a great example to those that have followed in his footsteps in this House. He will forever be associated with the University of Michigan, and he always carried this pedigree proudly. President Ford ascended to the highest office in the land during one of the most turbulent periods in our political history, and it is the grace that he and his wife Betty comported themselves that is perhaps their greatest legacy. President Ford restored a sense of stability to the office that was absolutely essential for both domestic and foreign relations. Among her many accomplishments, Mrs. Ford's dedication to helping others fight the terrible effects of breast cancer and substance abuse is well-known, and is illustrative of the caring decency this family came to represent.

Madam Speaker, Gerald Ford answered the call when his country needed it most. His example of professionalism in the worst of circumstances helped the United States through one of its worst constitutional crises. I look forward to seeing this wonderful couple receive this well-deserved award, and I join my colleagues and the citizens of this country in thanking them for their devoted service.

Mr. KILDEE. Madam Speaker, I yield back the balance of my time.

Mr. THOMAS. Madam Speaker, I have no other requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. THOMAS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 196.

The question was taken.

Mr. THOMAS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. THOMAS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H. Con. Res. 196.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the House by Mr. Sherman Williams, one of his secretaries.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 3 o'clock and 8 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1700

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. GIBBONS) at 5 p.m.

MOTION TO INSTRUCT CONFEREES ON H.R. 2670, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

Mr. COBURN. Mr. Speaker, I offer a motion to instruct.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. COBURN moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2670 be instructed to agree, to the extent within the scope of the conference, to provisions that—

(1) reduce nonessential spending in programs within the Departments of Commerce, Justice, and State, the Judiciary, and other related agencies;

(2) reduce spending on international organizations, in particular, in order to honor the commitment of the Congress to protect Social Security; and

(3) do not increase overall spending to a level that exceeds the higher of the House bill or the Senate amendment.

The SPEAKER pro tempore. The gentleman from Oklahoma (Mr. COBURN) will be recognized for 30 minutes and the gentleman from New York (Mr. SERRANO) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Speaker, I yield myself such time as I may consume.

This motion to instruct is parliamentary procedure only to reemphasize the importance of the process that we presently find ourselves.

Today, unfortunately, President Clinton vetoed the Foreign Operations bill and with that veto he made the statement that we did not have enough money in the funding for the things that he wanted in terms of foreign operations. As we have struggled this year to limit the spending in this Congress so that we do not touch Social Security money, part of the way we have done that is to flat-line the amount of money that is spent on the Foreign Operations bill. In fact, it is the only bill that we sent to the President that is somewhat less than the spending from the year before. That bill, as I recall, was $200 million less than what we actually spent last year.

As we think about the options, spending money and the $1.7 trillion budget that we have, I think it is important to look at what the President said in his own statement of administration policy which was issued August 4, 1999, in terms of his desires for the Commerce, Justice, State appropriations bill which this motion to instruct is directed at. On the second page of that, he talks about international affairs programs which ties back into what he vetoed today in terms of the Foreign Operations bill. It is his message that the "committee underfunds activities to support the ongoing conduct of effective diplomacy and does not fully fund payments to international organizations necessary to ensure U.S. leadership in international affairs."

This weekend I happened to share my weekend on call that I do every 4 weeks in my medical practice in Oklahoma. Starting Friday night about 11:30 and finishing up about 4:30 this morning, 10 young Oklahomans came into this world. The debate we are going to be having with the President, whether we want to or not and whether we talk about it now or whether we talk about it in the future, is going to be focused on these 10 young lives. The fact is that the Congress and the President all too often make decisions in the short term and in the short run. What we find in the Commerce, Justice, State bill is many international organizations. I thought I would just kind of look at what the bill as coming out of the House funded in terms of international organizations and affairs programs that the President objected to. I just want to spend a minute talking about those.

There is $1,949,000 for funding the following programs: The International Copper Study Group, the International Cotton Advisory Committee, the International Lead and Zinc Study Group, the International Rubber Organization, the International Office of the Wine and Vine, the International Rubber Study Group, the International Seed Testing Association, the International Tropical Timber Organization, and the International Grains Council. The amount provided includes funding for travel and for arrears.

As we looked into some of these, I think it is very important that the American public knows what these organizations do and, remember, this money very likely, if the President has his way, will come from the future benefits of these 10 babies that I delivered this weekend. Their future is going to be compromised, because we are going to borrow money from their future to actually pay for this $1,949,000.

Let me give my colleagues a little outline of what the International Office of the Wine and Vine does. First of all, remember that the wine industry in America exports $537 million worth of wine each year and it is growing each year. In 1999 we sent $64,000 to this international organization. I want Members to know what we got for our money so we did a little research. It turns out that the International Office for the Wine and Vine wrote the rules for the chardonnay of the world competition. That is a healthy, very important thing for our taxpayers and these 10 new babies from Oklahoma to be saddled with in the future. A qualitative confrontation of the world's best chardonnay. That is where the American taxpayer's dollars are going. But that is not all. The International Office of the Wine and Vine also wrote a press release touting a Danish study that confirmed that the consumption of wine has health benefits. Well, our own Surgeon General said that 15 years ago. We know that. And actually that was all we could find that they actually did for 1999 for $64,000.

Now, let us talk about the rubber. The administration has proposed funding not one but two rubber organizations dedicated to supporting the rubber supply industry; not the rubber manufacturing industry but the rubber supply industry. We spent $300,000 on the International Rubber Organization last year, $111,000 on the International Rubber Study Group. The first organization we spent $300,000. What is their job? To keep the price of rubber high. To keep the price of raw rubber high. We are a total importer of rubber. Raw rubber, we produce no raw rubber in the United States, so we spent $300,000 asking that organization to help keep the price of our imports high.

The third organization, the International Copper Study Group established in 1992, we spent $77,000. What did we get for our money, you ask? According to the web site, you can order a number of products from the International Copper Study Group. We spent $77,000, but you cannot get any of that information unless you pay them big-time bucks. $350 for a report, a directory of the copper mines in this country is $350, and if you want to use their database, another $550. The American taxpayer has already paid for it. These dollar figures do not sound like much, but when we put it in perspective, it does.

I want to pull up a couple of charts for a minute and let the Members of the House see just in these international organizations, 475 American families, their tax rate if the average family is earning $55,000, they are paying $4,100 in Federal income taxes, that is what they are paying to fund this. Looking at it a different way, the average senior in this country earns $9,396, receives that in terms of Social Security payments. If we look at the amount of seniors, that is the equivalent of shipping 207 seniors' receipts overseas, for programs that the President wants us to spend more money on in terms of international organizations.

Mr. President, we are not going to spend a penny of Social Security. This motion to instruct is to reaffirm what the House has already done and to say that we are going to stand by the appropriated amounts and not go any higher than the House level. The Senate version actually is somewhat lower. We would expect you to be a better steward of our international moneys. All we have to do is look at what has happened in Russia. We do not need more money for foreign aid because the money that we are sending in foreign aid, whether it be through the International Monetary Fund, whether it is through the World Bank, we are not a good steward of it. All we have to do is trace the $3 to $4 billion that has been absconded from the money that we sent to Russia.

Mr. Speaker, I reserve the balance of my time.

Mr. SERRANO. Mr. Speaker, I yield myself such time as I may consume.

It is interesting to note that in anticipation of this debate, the House and Senate conferees took a break to be able to come here and speak about this issue. So from the onset, it should be noted that the work of the conferees is not being done at this moment because we have to be here to be dealing with what, in all due respect to the gentleman, I consider a waste of time.

The fact of life is that there is a process, a process where the House passes a bill and the Senate passes a bill and under our system we sit down to work it out. The gentleman does what he considers a good job at singling out some items that, if we look at any budget, could be for some people questionable items. But this is the Commerce, Justice, State, Federal Judiciary, Census Bureau, INS, FCC, FTC, NOAA, this is a bill that encompasses so much, that to single out some items that he may think are not proper and then try to in fact instruct the conferees to go out and destroy the bill is totally improper. It is for that reason, Mr. Speaker, that I rise in strong opposition to the motion to instruct conferees on the Commerce, Justice, State, Judiciary appropriations bill.

This is, as I said, a waste of time. Conferees are unable to meet because we have to be on the floor. On the motion, I would be interested in knowing what programs of, say, the Justice Department the gentleman from Oklahoma considers nonessential. For that matter, how would the gentleman from Oklahoma define "nonessential"? I expect his definition would not agree with mine or with that of the administration. Does nonessential mean unauthorized? Much of the Justice Department is unauthorized. Does nonessential mean mostly salaries and expenses of Federal employees? The FBI is mostly salaries and expenses.

The second item in the motion suggests that the gentleman from Oklahoma thinks U.S. engagement with the world is of little importance. I wonder that after the Senate's failure to ratify the comprehensive test ban treaty last week, the gentleman also wishes to put the House on record as also favoring withdrawal from world leadership and refusal to meet our membership obligations to the various international organizations.

On the third point, it has been clear from the beginning that the allocations within which the House and Senate wrote their bills were too low and, therefore, unacceptable to many Democrats and certainly to the President. If Republicans are truly interested in getting the appropriations bills passed, they will have to compromise with the Senate and the White House. That is a fact. Doing as the gentleman suggests moves us in the opposite direction.

I would remind the gentleman that while he has strong views on spending restraint, which I respect, and while this motion may actually pass because it is not binding so it is basically free, the votes are not there to pass bills that look the way he wants them to look.

I urge my colleagues not to support this motion and to have a fuller understanding of what this whole process is about. I would urge the gentleman to take a closer look at the various departments and agencies and the significance of this whole bill rather than to single out something which he feels is not proper and therefore should destroy a whole bill and a whole process.

Mr. Speaker, I reserve the balance of my time.

Mr. COBURN. Mr. Speaker, I yield myself such time as I may consume.

I find it very interesting that we did not specifically hear a denial of the claims that I made just in this one program. I was trying to be very, very general and not going into details on a lot of programs because that in fact is the priority of the appropriations process. I also was one that happened to vote to send this bill to conference.

But I would also note that the gentleman from New York did not agree that we should reduce nonessential spending, he did not agree that we should reduce spending on international organizations that are wasteful, that do not have a purpose for our children and our future, and he did not say that he was opposed to increasing the spending. Where does he think the money is going to come from? The money is going to come from these 10 children I delivered this weekend. They are going to pay for it.

The fact is if we want to talk about authorizations, the reason the appropriations process is so hard is because the Congress does not do its job in terms of sending authorizations to the appropriators. And, in fact, if we followed the strict rules of the House and did not give a rule on every appropriation bill that would not make it a point of order to strike those bills which are appropriated that are unauthorized, we would in fact have a budget that is much easier to handle, we would be doing our jobs in terms of the authorization committees, and we would not be forced to play the line to where we have to walk up to the edge of stealing Social Security money.

□ 1715

Mr. Speaker, I reserve the balance of my time.

Mr. SERRANO. Mr. Speaker, I yield such time as he may consume to the gentleman from Kentucky (Mr. ROGERS), chairman of the subcommittee.

Mr. ROGERS. Mr. Speaker, I thank the gentleman for yielding this time to me, and, Mr. Speaker, I am in opposition to this motion. As the gentleman from New York (Mr. SERRANO) has just said, we had to interrupt a meeting of the conferees that Members of the Senate and the House who are downstairs in Room H-140 of this building in the Capitol; we had to interrupt the deliberations almost as we were concluding in order to rush up here to discuss this motion to instruct the conferees.

Mr. Speaker, we are already working to do as the gentleman in his motion hopes. We are working within the overall framework set by the leadership to meet all of the relevant goalposts including saving Social Security. We are working to reduce spending for nonessential programs. And if the gentleman would like to attend the conference, I will invite him as my guest to sit at the table and to observe the nonessential spending that we have already cut from this bill, particularly several hundred million dollars worth of items that were in the Senate bill that no longer exists because the House conferees insisted that that nonessential spending be cut.

We are working to preserve funding for critical law enforcement programs. The Senate bill was a billion dollars below the House for the Department of Justice; that is the FBI, that is the DEA, that is the INS; that is most of the law enforcement of the Federal Government in this country is in this bill. We have managed to get that money back in place in this conference.

Mr. Speaker, we are working to get a bill that is acceptable to both the House and the Senate, and that is a job in and of itself because the bodies passed radically different bills. And we are trying to mesh them into something that both bodies can now agree on those changes. We are working to give our best shot to produce a bill that has a shot at least of being signed into law by the President. So my colleagues have to take into account in this divided government the desires of the administration; there is no way around that.

We are working to do all that I have talked about and to spend as few dollars as possible, but the fundamental point is that we are working within the framework laid down by our leadership that will meet the targets for spending and protecting Social Security, as the gentleman wants.

Mr. Speaker, I simply ask of the body:

Let us do our job. Let us bring our work to a conclusion, I hope tonight, and then we will lay it on the floor here, hopefully tomorrow, and let our colleagues judge the bill and vote up or down on the product that we produce.

So the process is working. We are going to see the product tonight or tomorrow, and then our colleagues can make their judgment. But beforehand to try to prejudge what the conferees are doing in the middle of our work is a little bit like saying to Picasso while he is half finished with a painting, "Let's throw it out, it's not worth looking at." I do not want to be compared to Picasso, but let us finish our work, and then my colleagues can judge it according to their desires at that time.

So, Mr. Speaker, I urge a no vote on the motion to instruct conferees so that we can go back to work and finish this bill tonight.

Mr. SERRANO. Mr. Speaker, I yield myself such time as I may consume.

I would just be very brief; I have no speakers. I just wanted to tell the gentleman from Kentucky, if he wants to compare me to Picasso, I do not have a problem with that.

But to suggest that when we try to deal with the expenditures of government, and I might say just to be clear that the chairman and I are going through a process right now where we do not agree on how we are spending some dollars; that is the nature of our system. But that does not mean that I would try to impede his ability to do his job by having a motion like this one or that he would try to do the same with me. To suggest that somehow we are going to raid the Social Security system, I think we did that when we tried to tell the American people that the only thing they should get is a tax break and that nothing else mattered. That is the real danger. I do not think paying for the FBI, I do not think paying for the Immigration Department is necessarily creating that kind of a problem; and I have no further speakers.

Mr. Speaker, I reserve the balance of my time.

Mr. COBURN. Mr. Speaker, I am going to be the closing speaker, so would the gentleman like to yield back the balance of his time?

Mr. SERRANO. Mr. Speaker, I yield back the balance of my time.

Mr. COBURN. Mr. Speaker, I yield myself such time as I may consume.

The first point I want to address is the motion to instruct is an approved parliamentary procedure, and I hope the gentleman from New York would grant me the right to use the procedures within the House that are available to me to try to do a motion to instruct. We have the rules of the House, and this otherwise would not have been approved and would have been stricken down.

The next thing I would say is the American people need to know where we are on this. Last year we spent $34.9 billion on CJS, this appropriation bill, and what passed the House was 35.7 billion. The House passed that. What we are saying with this motion to instruct is: Do not go any higher.

Now we understand my colleagues have been given the ability within the conference to go to $37.2 billion; we understand that. What we are saying is: If we are ever going to control the spending, if we are ever going to truly balance the budget, let alone not touch Social Security, because what the American people do not know is just because Social Security is not being spent this year, that does not mean the Inland Waterway Trust money is not being spent and the retirement program for all Federal workers that are unfunded is not being spent that we are going to have to come back and get sometime. All these things are still not accounted for, and even though we do not spend one penny of Social Security, the national debt is still going to rise something like $40 billion this year.

So we can claim that we are not going to touch Social Security, but is that good enough for our children?

Mr. Speaker, I want my colleagues to see this one graph because it tells greatly what our problem is. If we do not become frugal with our taxpayers' money and with our children's money, look what happens in the year 2014. That is when the amount of money coming in for Social Security and the amount going out starts exceeding. So we would not have the ability to spend Social Security money in 2014 because the amount going to seniors would be less than what is coming in, and if we look on out to about the year 2030, what we see is a trillion dollars a year in general tax revenues. A trillion dollars above and beyond what is paid in Social Security is going to have to be available to take care of our seniors, and we have not begun to address the problems associated with Medicare.

So what we are trying to do is to slow the increase in the Commerce Justice State appropriation to about a 2 percent increase instead of a 6.6 percent, which is about to come out of conference.

Is it not interesting in our country when the Senate passes a bill at $33.7 billion, and the House passes a bill at $35.7 billion, and when they get together the tendency is, we are going to spend $2.5 billion more, and that is exactly what is getting ready to come out of that conference.

So again, I would ask the Members to think about the new children born across this country in the last 72 hours and what are we leaving them. We can do better, we have to do better, and this motion to instruct says do not spend one penny we do not have to, do not send money overseas for the International Wine and Vine or the International Rubber Council because it does not benefit Americans. It is a token we throw down in the international market that brings us no benefit.

I am not an isolationist, and I believe that America has to lead the world, but if we are bankrupt, how can we lead the world? And this is too important of an issue. We should not walk away from it. We should walk up to the line, and we should make sure that we secure the future for our children.

Mr. UDALL of Colorado. Mr. Speaker, the gentleman from Oklahoma, in offering this motion to instruct conferees, talked about some of the international programs that will be covered by the conference report.

However, reading the Coburn motion, I note that it also would instruct conferees to "reduce nonessential spending in programs within the departments of Commerce" as well as other Departments. Unfortunately, it does not indicate what programs might be meant.

In considering the motion, I must wonder whether it is aimed at making even further cuts in funding for NOAA's research programs, such as those carried out in its own labs or through cooperation with the University of Colorado and other universities. Because it's impossible to say whether NOAA is outside the scope of the motion, I cannot support the motion.

Similarly, I have to wonder whether the motion is intended to instruct the conferees to make further cuts in funding for the National Institute of Standards and Technology. Is funding for NIST something that the gentleman from Oklahoma thinks is not essential? Again, it's impossible to tell, so once again I cannot support the motion.

And what about the Justice Department and the Judiciary? What funding for law enforcement and the courts does my colleague think is not essential? I think that having that kind of information would make it easier to decide about this motion to instruct the conferees—and, yet again, without that kind of information, I cannot support this motion to instruct the conferees.

So, Mr. Speaker, I will vote against this motion to instruct conferees.

Mr. COBURN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GIBBONS). The question is on the motion to instruct offered by the gentleman from Oklahoma (Mr. COBURN).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. COBURN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed until after the recorded votes on three suspension motions postponed earlier today.

The point of no quorum is considered withdrawn.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3064. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2000, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 3064) "An Act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2000, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mrs. HUTCHISON, Mr. STEVENS, Mr. KYL, Mr. DURBIN, and Mr. INOUYE, to be the conferees on the part of the Senate.

ANNUAL REPORT OF THE UNITED STATES NUCLEAR REGULATORY COMMISSION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Commerce:

To the Congress of the United States:

As required by section 307(c) of the Energy Reorganization Act of 1974 (42 U.S.C. 5877(c)), I transmit herewith the Annual Report of the United States Nuclear Regulatory Commission, which covers activities that occurred in fiscal year 1998.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 18, 1999.*

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2000—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106-145)

The SPEAKER pro tempore laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I am returning herewith without my approval H.R. 2606, the "Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000."

The central lesson we have learned in this century is that we cannot protect American interests at home without active engagement abroad. Common sense tells us, and hard experience has confirmed, that we must lead in the world, working with other nations to defuse crises, repel dangers, promote more open economic and political systems, and strengthen the rule of law. These have been the guiding principles of American foreign policy for generations. They have served the American people well, and greatly helped to advance the cause of peace and freedom around the world.

This bill rejects all of those principles. It puts at risk America's 50-year tradition of leadership for a safer, more prosperous and democratic world. It is an abandonment of hope in our Nation's capacity to shape that kind of world. It implies that we are too small and insecure to meet our share of international responsibilities, too shortsighted to see that doing so is in our national interest. It is another sign of a new isolationism that would have America bury its head in the sand at the height of our power and prosperity.

In the short term, H.R. 2606 fails to address critical national security needs. It suggests we can afford to underfund our efforts to keep deadly weapons from falling into dangerous hands and walk away without peril from our essential work toward peace in places of conflict. Just as seriously, it fails to address America's long-term interests. It reduces assistance to nations struggling to build democratic societies and open markets and backs away from our commitment to help people trapped in poverty to stand on their feet. This, too, threatens our security because future threats will come from regions and nations where instability and misery prevail and future opportunities will come from nations on the road to freedom and growth.

By denying America a decent investment in diplomacy, this bill suggests we should meet threats to our security with our military might alone. That is a dangerous proposition. For if we underfund our diplomacy, we will end up overusing our military. Problems we might have been able to resolve peacefully will turn into crises we can only resolve at a cost of life and treasure. Shortchanging our arsenal of peace is as risky as shortchanging our arsenal of war.

The overall funding provided by H.R. 2606 is inadequate. It is about half the amount available in real terms to President Reagan in 1985, and it is 14 percent below the level that I requested. I proposed to fund this higher level within the budget limits and without spending any of the Social Security surplus. The specific shortfalls in the current bill are numerous and unacceptable.

For example, it is shocking that the Congress has failed to fulfill our obligations to Israel and its neighbors as they take risks and make difficult decisions to advance the Middle East peace process. My Administration, like all its predecessors, has fought hard to promote peace in the Middle East. This bill would provide neither the $800 million requested this year as a supplemental appropriation nor the $500 million requested in FY 2000 funding to support the Wye River Agreement. Just when Prime Minister Barak has helped give the peace process a jump start, this sends the worst possible message to Israel, Jordan, and the Palestinians about America's commitment to the peace process. We should instead seize this opportunity to support them.

Additional resources are required to respond to the costs of building peace in Kosovo and the rest of the Balkans, and I intend to work with the Congress to provide needed assistance. Other life-saving peace efforts, such as those in Sierra Leone and East Timor, are imperiled by the bill's inadequate funding of the voluntary peacekeeping account.

My Administration has sought to protect Americans from the threat posed by the potential danger of weapons proliferation from Russia and the countries of the former Soviet Union. But the Congress has failed to finance the Expanded Threat Reduction Initiative (ETRI), which is designed to prevent weapons of mass destruction and weapons technologies from falling into the wrong hands and weapons scientists from offering their talents to countries, or even terrorists, seeking these weapons. The bill also curtails ETRI programs that help Russia and other New Independent States strengthen export controls to avoid illicit trafficking in sensitive materials through their borders and airports. The ETRI will also help facilitate withdrawal of Russian forces and equipment from countries such as Georgia and Moldova; it will create peaceful research opportunities for thousands of former Soviet weapons scientists. We also cannot afford to underfund programs that support democracy and small scale enterprises in Russia and other New Independent States because these are the very kinds of initiatives needed to complete their transformation away from communism and authoritarianism.

A generation from now, no one is going to say we did too much to help the nations of the former Soviet Union safeguard their nuclear technology and expertise. If the funding cuts in this bill were to become law, future generations would certainly say we did too little and that we imperiled our future in the process.

My Administration has also sought to promote economic progress and political change in developing countries, because America benefits when these countries become our partners in security and trade. At the Cologne Summit, we led a historic effort to enable the world's poorest and most heavily indebted countries to finance health, education, and opportunity programs. The Congress fails to fund the U.S. contribution. The bill also severely underfunds Multilateral Development Banks, providing the lowest level of financing since 1987, with cuts of 37 percent from our request. This will virtually double U.S. arrears to these banks and seriously undermine our capacity to promote economic reform and growth in Latin America, Asia, and especially Africa. These markets are critical to American jobs and opportunities.

Across the board, my Administration requested the funding necessary to assure American leadership on matters vital to the interests and values of our citizens. In area after area, from fighting terrorism and international crime to promoting nuclear stability on the Korean peninsula, from helping refugees and disaster victims to meetings its own goal of a 10,000-member Peace Corps, the Congress has failed to fund adequately these requests.

Several policy matters addressed in the bill are also problematic. One provision would hamper the Export-Import Bank's ability to be responsive to American exporters by requiring that the Congress be notified of dozens of additional kinds of transactions before the Bank can offer financing. Another provision would allow the Export-Import Bank to operate without a quorum until March 2000. I have nominated two individuals to the Bank's Board, and they should be confirmed.

A third provision could be read to prevent the United States from engaging in diplomatic efforts to promote a cost-effective, global solution to climate change. A fourth provision places restrictions on assistance to Indonesia that could harm our ability to influence the objectives we share with the Congress: ensuring that Indonesia honors the referendum in East Timor and that security is restored there, while encouraging democracy and economic reform in Indonesia. Finally, this bill contains several sections that, if treated as mandatory, would encroach on the President's sole constitutional authority to conduct diplomatic negotiations.

In sum, this appropriations bill undermines important American interests and ignores the lessons that have been at the core of our bipartisan foreign policy for the last half century. Like the Senate's recent vote to defeat the Comprehensive Test Ban Treaty, this bill reflects an inexcusable and potentially dangerous complacency about the opportunities and risks America faces in the world today. I therefore am returning this bill without my approval.

I look forward to working with the Congress to craft an appropriations bill that I can support, one that maintains our commitment to protecting the Social Security surplus, properly addressing our shared goal of an America that is strong at home and strong abroad, respected not only for our leadership, but for the vision and commitment that real leadership entails. The American people deserve a foreign policy worthy of our great country, and I will fight to ensure that they continue to have one.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 18, 1999.*

□ 1730

The SPEAKER pro tempore (Mr. GIBBONS). The objections of the President will be spread at large upon the Journal and, without objection, the message and the bill will be printed as a House document.

There was no objection.

MOTION OFFERED BY MR. CALLAHAN

Mr. CALLAHAN. Mr. Speaker, I move that the message, together with the accompanying bill, be referred to the Committee on Appropriations.

The SPEAKER pro tempore. The gentleman from Alabama (Mr. CALLAHAN) is recognized for 1 hour.

Mr. CALLAHAN. Mr. Speaker, I yield the customary one-half hour to the gentlewoman from California (Ms. PELOSI) for the purposes of debate only.

GENERAL LEAVE

Mr. CALLAHAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the veto message of the President to the bill, H.R. 2606, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. CALLAHAN. Mr. Speaker, I yield myself such time as I may consume.

As my colleagues just heard, the President today vetoed the, I think, very responsible piece of legislation that the House and Senate and conferees worked on for some 6 or 7 months. The bill, I think, was a responsible bill that funded foreign aid at the $12.7 billion level, but did not do so at the expense of any Social Security monies. Basically, Mr. Speaker, it was a freeze at last year's funding levels, and I am amazed that the President now says he cannot live on what we gave him last year and that he wants a 30 or 40 percent increase.

I understand in reading his veto message that he wants about $4 billion more, but what the President does not say, even though he mentions Social Security in his veto message, is where are we going to get the money. So if we do not want to take it out of Social Security, which I am not going to agree to on any bill that I handle, we have other options.

We can increase taxes, which I am not going to have anything to do with either, Mr. Speaker. I am not going to burden the American taxpayers with additional money to help satisfy this insatiable appetite to give away our money that the President has. And, we are not going to take it out of Defense, Mr. Speaker. I know that some have suggested that that might be a way we could do it, but already our Defense budget is suffering, and we cannot afford to reduce our military moneys, because if we are going to comply with every request that the Department of State and the President makes with requests for foreign assistance in every Nation in the world, such as we witnessed in Kosovo, such as we witnessed in many other areas of the world, such as we are now facing in Indonesia, I think it would be a serious mistake to curtail the ability of the national defense, our military, by taking the money away from them.

So what the President does not tell us in his message is he is not suggesting what we do, other than to increase taxes, which we are not going to do. So maybe we are at an impasse.

But let me tell my colleagues something about the bill that the President just vetoed. One of the most popular provisions that I have ever seen since I have been in Congress with respect to the foreign assistance is the child survival account. We increased the child survival account over $70 million this year over the President's request; and yet, he says no, that we ought to maybe take some of the money out of child survival.

Mr. Speaker, let me tell my colleagues that the American people, while they do not have an appetite to give away their money that they are sending to us to foreign countries to be squandered away, such as reports that have come back about Russia have said have been done, but they do in fact support our efforts to provide food, to provide medical assistance, to provide educational opportunities for those children who live in nations which cannot afford to provide them with this.

So, they encourage this. Dozens of letters, hundreds of letters, thousands of communications have come to my office supporting the child survival account, supporting this type of foreign assistance. The American people support this. So what the President is suggesting is that we cut back maybe on child survival, and we are not going to do that. So he has left me no alternatives.

The President, in his original message, for example, suggested that we cut Israel by $30 million. We said no, we are not going to do that, that Israel has been an ally of the United States, that we want peace in the Middle East. There was some question about the Wye monies. The President went out to the Wye Plantation, when those efforts were beginning to fall to pieces, and it looked like that the Palestinians and the Israelis were going to walk out of there without some agreement, and it is my understanding that he volunteered to just give them $2 billion. Look, we will help you. We will give you $2 billion.

So he goes out there, and then he comes back and he says, this is an obligation of the United States of America. I do not consider that an obligation. When the President goes to one of these meetings and raises his glass of wine and toasts these leaders and tells them, I will give you $2 billion out of the Social Security Trust Fund, we are not going to stand for that. But that is exactly what he said.

In speaking with Mr. Netanyahu right after that meeting, Mr.

Netanyahu told me he did not ask for the money, that the money was volunteered. Well, maybe that is good foreign policy, but I do not think that it is.

One thing I think is good foreign policy is for the Congress not to get too involved in dictating to the administration what they are going to do and where they spend the money. For 5 years, Mr. Speaker, I have worked, argued with Members of this body about earmarking monies, about policy in the bill, trying to give this administration the flexibility and the latitude that they need to have an effective foreign policy. So I have tried my darnedest to give the President all of the room that he needs to maneuver, to adjust, to reprogram, to do whatever with the $12.7 billion, for example, that we recommended be appropriated this year.

Now, all of a sudden, the President says, I do not care whether or not you are helping me with policy; I do not care whether or not you have taken out all of those obnoxious earmarks; I do not care that you have not hamstringed the administration and Mrs. Albright into trying to go to a foreign country and do the will of 435 Members of Congress. We get no appreciation for that.

The President said there has been a lack of communication. I read in the newspapers this morning where one of his complaints about the whole appropriations process is that there is no communication. But I called the President. I called him, Mr. Speaker, two weeks ago; and I said, Mr. President, this is the same amount of money we gave you last year, and just like every other area of government, you are going to have to live with what we gave you last year. We are not going to increase it. And I talked to the President and I told him about the policy omissions that were not in there which would hamstring his administration; and I promise my colleagues, Mr. Speaker, I think I had the President convinced that this was a good bill and that he might sign it.

But, he said, let me talk to my principals, which I assume that he meant Sandy Berger, who is one of his aides, and Madeleine Albright, who is Secretary of State. And I said, well, I will tell you what, Mr. President. That is all right with me. But before you talk with them about this issue that I have just explained to you, let me come over there and tell them what I have just told you. And he says, that is a good idea, Sonny. Let me call you back.

Well, the President never called back. Sandy Berger called me out of a restaurant about 9:30 at night the next night and said, the President asked me to call you and tell you that he reluctantly says he is going to have to veto your bill. You see, they did not want me in the same room with Sandy Berger and Madeleine Albright. They did not want me in the room with the President putting forth the same arguments that I am telling you about today. Instead, they wanted to tell the President well, this might have a political advantage. Do not worry about this; we will get more money. All we have to do is back old CALLAHAN down.

□ 1745

Well maybe that is good strategy, but the President cannot say to anybody that I have refused to communicate with him and work with him when I did every single thing that Jack Lew, one of his other assistants, wrote me and told me to do with respect to policy.

The only issue he has is that this is not enough money. Well, I am sorry, Mr. President. Tell me where to get it, but do not come up with this same old nonsense about you are going to raise taxes to do it; you are going to raise fees to do it; you are going to take it out of the national defense or you are going to take it out of Social Security, because I am not going to have any part of that. So we are at a stalemate.

Now here we are having to start all over because we do not have the votes to override the President's veto. It has turned into a partisan issue. Whereas most every Democrat, when the bill initially passed the House, voted for it, now they say that the policy provisions are insufficient; they want $2 billion, $4 billion more money. Mr. Speaker, I do not know where we are going to get it.

I have thought about some strategy of my own, I mentioned when the bill was passed and we sent it to the President for his signature that every time somebody walks in the White House with a turban on his head that the President gets a glass of wine, gives it to the king or whoever he is talking to, then they stand there in the Oval Office or wherever they stand in the White House and they clink those glasses together and lo and behold the President says, "Let me give you a little bit of money."

So the president or king or whoever he is, walks out and he goes back to his country and he says, "The President promised me some money," and then the President calls up here and says, "Sonny, this is an obligation of the United States of America. I made this commitment to this king, to this president." And that is not right. That is not an obligation of the United States of America.

In fact, I think I am going to call the President, and I am going to go down to the White House one day this week. But before I go, I am going to buy me one of those turbans. And I am going to walk in the Oval Office with that turban on my head. And I am going to suggest to the President that we each get a glass of wine, and I am going to tell him that I am representing the senior citizens of this country, that I am representing the taxpayers of this country, and that I am representing the people who are concerned about Social Security, and let us have a toast. Let us toast that we are not going to take this $4 billion off the backs of the senior citizens or off of our national defense and we are not going to raise taxes.

Then the President can come over here and say, "Well, we have an obligation. I made a toast, and therefore you Congress people are obligated not to raid Social Security, not to increase taxes, not to take money out of Social Security."

So maybe I will try that strategy of going to the White House with a turban on my head and suggesting to the President that we, indeed, ought to keep this $12.7 billion where it is.

Mr. KINGSTON. Mr. Speaker, will the gentleman yield?

Mr. CALLAHAN. I yield to the gentleman from Georgia.

Mr. KINGSTON. Mr. Speaker, the distinguished chairman very diplomatically said he does not know where the President is planning to come up with this money, but it is true, it is reality, we do not have to kid ourselves, he is talking about transferring money out of the Social Security trust fund.

It is going to be real hard for me to go home and tell my grandmother that, "You know what, today you are going to have a little bit less money in your trust fund because the President wants to send it to foreigners." I can envision the conversation.

"Oh, you mean Americans who live in foreign countries who paid into Social Security?"

"No, ma'am."

"What do you mean going overseas with my Social Security money?"

"Well, the President wants to send it to India and Pakistan and Russia and North Korea, and all of these kinds of places, grandmother. What do you think about that?" And she is going to be horrified.

The reality is, we need not kid ourselves, what the President of the United States said today to America's seniors, we want to get the money out of the Social Security trust fund and send it overseas to foreign governments and many governments who are not always friendly to the United States, and that is a direct affront to American taxpayers.

Mr. CALLAHAN. It is an affront to me, too.

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. DELAY), the majority whip.

Mr. DELAY. Mr. Speaker, I think we are starting to see what is going to be going on in the heat that will be turned up in this cool fall in Washington, D.C. The President is vetoing bills because they do not spend enough. There is simply no other explanation for his action. He wants more money. Some had said he wanted $2 billion, he wanted $4 billion more.

According to the White House, the President is vetoing this bill because he thinks there is not enough spending in it. According to the White House, $12.6 billion is not enough money; but if this is not enough, I only have one simple question: Where does the President think more money will come from?

Day after day, the President walks up to the television cameras and says that tough choices need to be made, but then all he suggests is skyrocketing spending increases. That is not a tough choice. That is the easy way out.

Times have changed here in Washington. Even the President claimed not so long ago that the era of big government was over. If this is true, the tough budget decisions that need to be made must be to restrain spending, not increase it. Money does not just fall from the trees. It is not the President's money.

There are only two ways to maintain a balanced budget, three ways actually, and pay for the President's big government spending increases. He can either raise taxes, and I can say unequivocally this House is not going to raise taxes for more government spending. The President can raid Social Security surpluses. We are not going to do that. Even the President says he does not want to do that. There is only one other way he could get more spending increases, and that is to find cuts in other parts of the budget.

Frankly, if the leadership goes down to the White House tomorrow I think the message is going to be, "Mr. President, we are not spending one dime of the Social Security surplus. Mr. President, we are not going to raise taxes for more government spending. Mr. President, if you want more spending, then tell us how to pay for it. Where are you going to cut it from? Where are you going to move money around? How are you going to pay for it?"

All he said in his veto message was there is just not enough spending. He wants more spending.

Now, the President vetoed this bill and he said that he wants a whopping 30 percent increase in foreign aid. Make no mistake about it, every dime of this increase, without offsets and cuts in other spending come directly out of the Social Security surplus.

I think this is so shortsighted. Raiding tomorrow's generations to cover the excesses of today robs America of its future. The Republican budget plan is committed to balancing the budget without raiding Social Security or raising taxes to do it, and we can say it over and over until we turn blue in the face. The President says we are already into the Social Security surplus. That is another Clintonism, Mr. Speaker. We are not into the Social Security surplus.

They get a CBO letter that uses false assumptions that we are not doing, and they wave the letter around saying we are spending the Social Security surplus. We are not there. This House is not going to raise taxes.

Mr. Speaker, the budget will not balance itself. We in Congress are working very hard and making the responsible decisions for the future of America. All they are doing at the White House is throwing mud and hopes it sticks.

Ms. PELOSI. Mr. Speaker, I yield myself 8½ minutes.

Mr. Speaker, I just borrowed the Constitution from the parliamentarian. I did not really need it because I am sure everyone in this room has memorized the preamble to it. "We, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our prosperity, do ordain and establish this Constitution for the United States of America."

All of those goals stated in the preamble to the Constitution about insuring the safety of our country and the security of it and its future for our children are undermined by this foreign operations bill, and I salute President Clinton for his veto.

Although the Clerk has already read the veto message in its entirety, I want to call some specifics to the attention of my colleagues.

Mr. Speaker, this foreign operations bill undermines the goals of our preamble to the constitution. President Clinton said it so well in his veto statement when he said, "The central lesson we have learned in this century is that we cannot protect American interests at home without active engagement abroad. Common sense tells us, and hard experience has confirmed, that we must lead in the world, working with other nations to defuse crises, repel danger, promote more open economic and political systems, and strengthen the rule of law. These have been the guiding principles of American foreign policy for generations. They have served the American people well, and greatly helped to advance the cause of peace and freedom around the world.

"This bill rejects all of those principles.

"It implies that we are too small and too insecure to meet our share of international responsibilities, too shortsighted to see that doing so is in our national interest. It is another sign of a new isolationism that would have America bury its head in the sand at the height of our power and our prosperity."

The President goes on to say that, "By denying America a decent investment in diplomacy, this bill suggests we should meet threats to our security with our military might alone. That is a dangerous proposition," and an expensive one, I might add.

"The overall funding provided in this bill is inadequate. It is about half the amount available in real terms to President Reagan," which this Congress supported; half the amount available in real terms to President Reagan.

There are many concerns that I will just briefly address about it, that the President mentions. He mentions that, "This bill would provide neither the $800 million requested this year as a supplemental appropriation," for the Wye River agreement, "nor the $500 million requested in FY 2000 funding to support the Wye River agreement.

"Just when Prime Minister Barak has helped give the peace process a jump start, this sends the worst possible message to Israel, Jordan, and the Palestinians about America's commitment to the peace process."

In addition, the bill is short in funding for economic support to the multilateral development banks, providing the lowest level of financing since 1987, with cuts of 37 percent from the President's request. This would virtually double the arrears. We are trying to have debt forgiveness. We are trying to go into the next century, the next millennium, giving these countries a chance, working with them, cooperating with them.

This is not about a handout. This is about a hand-up, and it is something that our country says that we profess. It will cost us less in the end if we can obtain markets for our products and promote peace and Democratic institutions in these countries. Ridding them of their debt will help do that. This bill also seriously undermines our capacity to promote economic reform and growth in Latin America, Asia, and especially Africa. If for no other reason, if we have no pragmatic sense or practical sense about what this means to us as a country, we do know that these markets, when developed; are critical to American jobs and opportunities. That is so much for what the President had said.

I would like to now talk about what Mr. HASTERT said.

☐ 1800

The Speaker, in criticizing the President's veto, made these comments. He called this a responsible foreign aid package that funded our Nation's foreign aid programs at last year's level. Wrong. Wrong. Wrong. No matter how many times our colleagues on this floor in the majority say that this bill is funded at last year's level, it is not.

Our spending last year, when we combine the bill with our supplemental, and the supplemental does not include Kosovo and the Hurricane Mitch supplemental, we are below last year's funding significantly. But then the gentleman from Illinois (Mr. HASTERT) goes on to say that we want to take Social Security money and give this money to foreign nations, and he does it in a very offhand way. He says the Republicans will play no part in this scheme. The Congress will not use Social Security as a pot of gold to fund foreign aid.

This is such an act of desperation. I feel so sorry for this pathetic initiative that is being taken by my colleagues. They have all the big guns rolled out: The Speaker's statement. The whip spoke before I even had a chance to put our statement on the RECORD, and that was fine. I see the distinguished Majority Leader here, and of course the distinguished gentleman from Alabama (Mr. CALLAHAN), chairman of the Subcommittee on Foreign Operations, Export Financing and Related Programs, coming all out full force to make this statement.

This is an act of desperation by a majority party that does not have a case to take to the American people. The economy domestically is doing great. Unemployment is down. The stock market is up. Inflation is practically negligible, and they have to go find an issue and, how convenient, one with the neoisolationism of their caucus giving them impetus to do this.

This is a very sad day because, frankly, the arguments that my colleagues make about this argue to eliminate all the funding in the bill completely. Why have any foreign aid if this is such a bad idea as we review it?

Mr. Speaker, others will, and I do not have time right now to go into the illusion that my colleagues are trying to present about their not spending Social Security and other aspects of these spending bills. I know the gentleman from Wisconsin (Mr. OBEY) will go into that and, if I have time, I will later.

But I want to reiterate that this bill is $12.7 billion. Last year, the bill and the supplemental that went with it were $1.1 billion higher. Let us not play a shell game. Let us be honest with the American people about what we are spending, and let us not have a $1.1 billion cut from last year, again not including the Kosovo supplemental or the supplemental on Hurricane Mitch. Let us not have a $1.1 billion cut, which we call a freeze.

In conclusion, I want to call the attention of my colleagues to this chart. This is the total budget of the United States, $1.739 trillion. The foreign aid, as a percentage of the total budget of the United States, is less than 1 percent. In fact, it is .68 percent. With the President's request, it will be brought up to about 8 percent. It is less than 1 percent.

Within that 1 percent is the Export-Import Bank, which finances our exports overseas, creating jobs in the U.S., OPIC, Trade Development Administration, all of those initiatives that promote U.S. trade which have nothing to do with bilateral and multilateral assistance to any other country except the United States. It is all in our national interest. It is less than 1 percent.

Mr. CALLAHAN. Mr. Speaker, I yield as much time as he shall consume to the gentleman from Texas (Mr. ARMEY), the majority leader of the House.

Mr. ARMEY. Mr. Speaker, I thank the gentleman from Alabama for yielding me this time.

Mr. Speaker, let me begin my comments by thanking the gentleman from Alabama (Mr. CALLAHAN) for his hard work on this legislative effort. First thing I would observe is the American people are a generous people. We are a kind people. We are a people that have always been willing to sacrifice of our own treasury, of our own resources, indeed of our own lives and our own peace to help the rest of the world obtain peace, safety, and security, and above all freedom. That has not changed.

The gentlewoman from California (Ms. PELOSI) points out that our foreign aid budget has decreased as a percentage of the overall American Federal Government's budget over the years, and that is true.

Why has it decreased as a percentage of the overall budget? Not because we Americans have reduced our willingness or, in fact, our contribution to the rest of the world. Indeed, it still is exemplary by comparison with any other nation in the world. But because the burdens and the responsibilities that our Government carries within our own country for our own people has grown.

It has grown in Medicare. It has grown in Social Security. It has grown in Medicaid. It has grown in education. It has grown in defense. It has grown in the environmental concerns we express for this country, and any number of different ways our Government's budget keeps growing. With all of that growth, we maintain a commitment to the rest of the world that is still exemplary by comparison with any other nation in the world.

So in that regard, again, I would like to compliment the gentleman from Alabama (Mr. CALLAHAN) for his dedication and his commitment.

Now, yesterday, put all this within the context of where we are today, we had both good news and bad news from the White House. I have to tell my colleagues I was pleased, I was enthusiastic, I was excited when I watched TV yesterday and saw the President's chief of staff, John Podesta, say, "The President of the United States today shares the commitment that the Republicans in Congress have been fighting for to complete this budget without touching a dime's worth of Social Security for any other purpose."

This is a historic change in the manner in which we use the taxpayers' money. For 30 years, the Federal Government has taken Americans' Social Security taxes and spent them on other purposes. Last year, for the first time ever, in all those 30 years, that did not happen. Last year, no dime of Social Security was used for some purpose other than Social Security.

We are trying to write a budget for next year that stays the same. This will not happen. It is time to stop the raid. So as we do that, we have to look at every manner in which the Federal Government might spend one's money and say, how can we pare back? Where can we make reductions? How can we engage in trade-offs, accept and set priorities and keep us within this one fundamental limit that we will not complete the budget for fiscal year 2000 with any money that spends Social Security taxes on any purpose other than Social Security?

That I take as a point of honor, a point of duty, a point of duty to two great generations, my parents and my children; my parents who are living off Social Security benefits today and my children who are paying the taxes so that that money is available for that purpose.

Now, the President has said we share with the House and the Senate this commitment. That was good news. We have waited a long time, Mr. President, for you to make this commitment to preserve Social Security. We were all startled. We were all disappointed when, in your own budget, you propose that 40 percent of the Social Security revenues be spent for something else. But now you have said, "I agree with the Congress." I was heartened when I heard that.

I am delighted to go to the White House tomorrow at the President's invitation to discuss with the President of the United States how will we do this, complete this budget without spending a dime's worth of Social Security for any purpose other than Social Security. I am excited for this opportunity.

That was the good news. Now comes the bad news.

Within hours of this revelation from the White House, the President vetoes the foreign aid bill because he wants $4 billion more for foreign aid. We are left to ask, Mr. President, where will you get the money? We cannot take it from Social Security. You have expressed your commitment to not do so. Do you want to take it from education? You think that is a high priority, too. Should we take it from defense? We have got soldiers and sailors, men and women in our uniforms today, ill-equipped ill-prepared, ill-trained, and, frankly, ill-humored. Morale is a deterioration of readiness that this Nation can ill-afford.

Where would you take the money, the 4 billion additional dollars, Mr. President? We will work with you on the commitment. We will not take it from Social Security, nor will we deny any other domestic American priority that is equal or greater than foreign aid. That is our commitment. We look forward to working with you.

Mr. CALLAHAN. Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore (Mr. GIBBONS). The gentleman from Alabama (Mr. CALLAHAN) has 7½ minutes remaining. The gentlewoman from California (Ms. PELOSI) has 21½ minutes remaining.

Ms. PELOSI. Mr. Speaker, I am pleased to yield 11 minutes to the gentleman from Wisconsin (Mr. OBEY), the distinguished ranking member of the full Committee on Appropriations, a gentleman who served 10 years as the chair of the Subcommittee on Foreign Operations, Export Financing and Related Programs.

Mr. OBEY. Mr. Speaker, what a phony debate that I have heard here today. We hear our friends on the majority side of the aisle saying that somehow because the President wants us to meet some of our additional obligations overseas and because our President wants to have a well-rounded defense of our national interest overseas, that somehow he is spending more than our friends on the majority side want, and, therefore, is guilty of all kinds of fiscal sins.

I would point out it was not the President who added $16 billion to Pentagon spending for items that the Pentagon did not even ask for and then declared $6 billion of them emergencies so that they could pretend that that money was not being spent under the budget rules. It was not the White House that did that. It was our friends in the majority party.

Overall, they spent almost $16 billion more than the President asked for in the supplemental in the regular Pentagon appropriation bill. It was not the President who added $1.3 billion for a whole new ship the Navy did not want. It was our friends on the majority side because it was going to be built in the district of the Majority Leader in the other body, in Pascagoula, Mississippi. The President did not ask to spend that money, that pork.

The argument that we are hearing from the majority side comes from a party that has demonstrated time and time again its refusal to support our national interest in a well-rounded fashion around the world.

We hear this same argument from people who do not want us to pay our bills at the United Nations, even though we risk losing our vote because of that. We hear it from the same people who are refusing to provide the funding to meet the promises that we had already made in the Middle East with respect to the Wye agreement.

I saw one Republican leader stand in the White House and tell the President standing 6 feet away from him that the President had absolutely no right to engage in military action against Serbia because it was a sovereign country. Then after the President reached a successful conclusion of that conflict, I saw that same Republican leader go to the press and denounce the President because he had agreed to a solution that allowed Mr. Milosevic to stay in power. What hypocrisy. How do my colleagues expect we remove Mr. Milosevic, through emaculate conception? It takes military action.

This is the same party that last week, in what I believe to be the most irresponsible action by this Congress in 25 years, it is the same party that ripped up the test ban treaty. Now, to understand why that treaty is important, we have to understand why it is linked to the nonproliferation treaty.

The United States, under Republican and Democratic Presidents alike, has tried to convince the nonnuclear powers of this world not to achieve nuclear weapons status because it destabilizes the world. So we have tried to set a good example for them. We have said to them, Okay, if you do not develop your nuclear weapons, we will not test ours. Yet, last week, we saw the United States Senate majority party blow away any chance we have to exercise moral leadership on the issue of nuclear test ban treaties.

□ 1815

They say, oh, we do not know for sure that we will be 100 percent effective in detecting other people's tests. Well, we were going to be a whole lot more effective than we are right now, because that treaty would have allowed us to place sensors all around the world to detect all but the smallest nuclear explosions. But, no, they had to try to administer another political defeat to the President by defeating the nuclear test ban treaty.

So this is a party which has walked away from its responsibilities time and time again in the international arena, and now they try to pretend that they are doing it all in the name of fiscal responsibility and because they want to save Social Security.

Are they kidding? Give me a break. The Republican Party is now the great savior of Social Security? The same party that tried to kill that program in the crib before it was ever created? The same party that has tried to turn Social Security over to the insurance industry for 30 years? They want to privatize it to death. The same party that wanted to take billions of dollars out of Medicare in order to pay for a big capital gains tax cut for their buddies? This is the party that we are now supposed to rely upon to save Social Security?

All I can say, if that is a record that demonstrates their support of Social Security, God save Social Security.

So what are they doing? What all of this is is a giant scam. Our friends in the majority party for the last year have tried to push a tax package through this House which would give 70 percent of the benefits to people who make over 100,000 bucks a year, and they took it home and they tried to sell it over the August break. And what did they find? They found that their constituents did not buy it. And what they found is that they had dropped 12 points to 16 points in the public opinion polls with seniors. So now what we have going on on this floor is operation crawl-back. And what it is, it is an effort to crawl back to another political position in order to try to win a few points back from senior citizens. It ain't gonna work, fellas. It ain't gonna work.

What is really going on here, the party that claims it is for fiscal responsibility has produced a budget this year which has more than $40 billion in gimmicks in order to pretend that they are staying within the budget ceilings and in order to pretend that they are not spending a dime in Social Security when, in fact, their own actions have already spent more than $23 billion of the Social Security surplus for other purposes this year.

Now, I just have to say, when they have over $40 billion in budget gimmicks, when they have already spent over $23 billion in Social Security, when they have engaged in a gimmick called advanced appropriations, which means they will move the money from this year into next year to hide the fact that they are actually spending it and committing it this year, when those advanced appropriations go from $4 billion to $27 billion, and then they come here and object because the President wants us to pay our U.N. bills, because the President wants us to meet our obligations to the Wye Accords to promote peace in the Middle East, pardon me if I do not take that with a straight face. Pardon me if I think there is just a little bit missing here.

When we put all the baloney aside on Social Security, what are the facts? The facts are that every year from 1983 until 1997 this Congress spent every dime that we generated in Social Security surpluses for other purposes and put IOUs in the treasury in order to recognize that fact. In 1997, we spent 100 percent of the Social Security surplus, as the Congress had for years, on other items. But starting last year, starting 2 years ago, I should say, that has been turned around. Two years ago, for the first time, we spent less than one-third of the Social Security surplus on other purposes, and we paid down debt by $60 billion. This last year that just came to a close, we paid down debt by over $100 billion.

When all of the baloney is over, whether the Republican Party wins the argument or whether the Democratic Party wins the argument, in the end this coming year we will pay down debt by another $100 billion. Only the people running this House could turn that kind of a major policy victory into a crisis.

It seems to me if we want to be honest with the people of the United States, we will tell them that this action in paying down debt over the last 2½ years has done more to strengthen Social Security than anything that we did for Social Security since the Greenspan Commission saved it with congressional votes. That is the honest truth.

But, no, instead, we are going to see this partisan slugfest on Social Security. Well, I have to tell my colleagues that it is not going to fool anybody. It certainly is not going to fool people in the House. They may fool themselves, that would be nothing new, but I would urge my colleagues, in the end, to remember we have an obligation to meet our domestic responsibilities and our international responsibilities in a balanced manner. It would be nice, for once, if we could see that coming out of the Republican leadership in this House.

I do not see it today, but I am going to go home tonight and pray again, and maybe some day we will.

Mr. CALLAHAN. Mr. Speaker, how much time now remains?

The SPEAKER pro tempore (Mr. GIBBONS). The gentleman from Alabama (Mr. CALLAHAN) has 7½ minutes remaining, and the gentlewoman from California (Ms. PELOSI) has 10½ minutes remaining.

Ms. PELOSI. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Florida (Mr. HASTINGS), a member of the Committee on International Relations.

Mr. HASTINGS of Florida. Mr. Speaker, I thank the gentlewoman, my good friend, for yielding me this time.

Mr. Speaker, this poses, for me, a very puzzling situation. I have so much respect for the gentleman from Alabama (Mr. CALLAHAN) and the gentlewoman from California (Ms. PELOSI), and I know that they have worked actively on behalf of all of us in the House of Representatives and this Nation in trying to provide for a stable, prosperous, and democratic world through foreign operations. But I put to my good friend, the gentleman from Alabama (Mr. CALLAHAN), that when he cites the fact that the amount of money that is offered this year is the same as last year, events that have happened over the course of the year causes us to have to take a different view.

While the gentleman and I may disagree and have ideological perspectives that are different, the fact of the matter is that the Wye Accords are important to all of us. And we did, whether the gentleman agrees that the President had that responsibility or not, we agreed to $800 million that we would provide; and we have not in this year's budget.

Now, I do not know how that plays out. I cannot argue with appropriators and those of my colleagues that know the inner workings of the budget better than do I with reference to who is at fault about what having to do with Social Security. But I know cuts when I see them: $212 million cut from economic recovery and democratization in Africa, Latin America and Asia in this budget; $44 million cut from disaster assistance; $53 million cut from refugee assistance; $35 million cut from the Peace Corps; $17 million cut from the NAD Bank Community Adjustment; $178 million cut from IDA lending to the poorest countries; $87 million from debt relief; $107 million cut from global environment facilities; $53 million from the Inter-American Bank; $80 million, 10 percent, for promotion of U.S. exports, which helps American, American, businesspersons.

What we need to know is that foreign aid is not a giveaway; foreign aid shows the way. And we cannot proceed along these lines in this great country and be looked to for the direction, as we are by countries all over the world, if we intend to provide a stable, prosperous and democratic world.

Mr. CALLAHAN. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. YOUNG), chairman of the full Committee on Appropriations, to explain the real story of who is utilizing Social Security monies.

Mr. YOUNG of Florida. Mr. Speaker, the question of Social Security is one that is important to all of us, especially those of us who have many people in their districts receiving Social Security checks.

I would just like to show this graph that is based on figures developed by the Congressional Budget Office. This graph shows that the money that was taken from Social Security under the Democrats in the Congress rose dramatically. The Republicans took over at this line, and we can see what happened. The number went way down, and for fiscal year 2000 it is going to be zero.

It is our determination, and that is one reason this bill does not spend as much money on foreign aid as the President wants, we are determined not to take any money out of the Social Security Trust Fund, and we are determined that any spending requests that go over the budget surplus will be offset. It is a pretty simple plan.

But by doing this, we are going to maintain the balanced budget that we fought for years to get and finally achieved. We are going to preserve that balanced budget, and we are going to stop paying billions and billions and billions of dollars as interest payment on the national debt when we could use that money in more places than that.

Ms. PELOSI. Mr. Speaker, I yield 2½ minutes to the gentlewoman from New York (Mrs. LOWEY), a member of the Subcommittee on Foreign Operations, Export Financing and Related Programs of the Committee on Appropriations.

Mrs. LOWEY. Mr. Speaker, I rise in support of this motion because we now have a chance to reconsider this year's foreign aid bill which was plagued by low funding levels from the start and never really recovered. Now we are faced again with a very important choice. We can insist upon a dangerously underfunded foreign aid bill, jeopardizing not only the United States' leadership around the world but also our national security; or we can work to rectify some of the most egregious funding cuts to our initiatives abroad, maintaining the United States of America's international stature, and acting in the best interests of our own national security.

We really have no choice, in my judgment. This bill, as it stands now, will severely erode our ability to pursue our interests abroad. And our stinginess now will be an expensive mistake. Saving now but paying double and triple later is no way to protect the global interests of the American people. It is just plain irresponsible.

While the majority engages in political brinkmanship, we are already feeling the effects of turning our back on what has historically been a cornerstone of United States foreign policy. Funding for implementation of the Wye River agreement is essential. And each day we drag our feet, we jeopardize Israel's security; we endanger the very security of Middle East peace; and we destroy our own credibility as a mediator in the Middle East peace process. Wye assistance has become a pawn in the majority's budget game, a dangerous game with very high stakes indeed.

And Wye is not the only problem with this bill. The International Development Association, the Peace Corps, debt relief, international organizations and programs are all underfunded. The bill remains $2 billion below the President's request and $1 billion below last year's level.

This is not the first and it is not the only example of a reckless decision on the part of the majority that shows utter disregard for maintaining the United States' global stature. Last week, the Senate majority brazenly defeated the comprehensive test ban treaty. The United States is currently the U.N.'s biggest deadbeat, owing over $1 billion in arrears.

Thanks to the President's decision to veto the foreign aid bill we sent him, we can now, working together, begin to restore the United States' diminished global leadership. I urge my colleagues to do the right thing. Stop the games, stop the gimmickry now, and let us go back to work and return with a bill that preserves our national security.

□ 1830

Mr. CALLAHAN. Mr. Speaker, I yield 1 minute to the gentleman from South Dakota (Mr. THUNE).

Mr. THUNE. Mr. Speaker, I thank the chairman for yielding me the time.

Mr. Speaker, in this century we have had the New Deal, starting with F.D.R. We have had the fair deal. We have had the square deal. But this could be called the "misdeal" because it is a raw deal for America's seniors. Congress ought to say "no deal" to the President.

Mr. Speaker, this weekend I had the opportunity to visit with a farmer in Kimball, South Dakota. He has been a farmer for 37 years, and he is hoping some day to be able to cash rent his farm ground out, which is not worth a whole lot right now, and that, coupled with his Social Security payment, retire.

What the President has said is that we are going to take from this farmer's account the Social Security Trust Fund to pay for more foreign aid because $12.6 billion in foreign aid is not enough, $12.6 billion in foreign aid is not enough. The American people ought to be outraged.

Mr. Speaker, on behalf of South Dakota seniors, I say "no deal" to the President's bad policy in this respect.

Ms. PELOSI. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from New Jersey (Mr. PAYNE), a ranking member of the Committee on International Relations.

Mr. PAYNE. Mr. Speaker, I appreciate the kind words of the gentlewoman.

Mr. Speaker, let me say that I rise in opposition to H.R. 2606, the conference report on foreign operations appropriations. This moves us in the wrong direction. Unfortunately, the conference report moves us into a dangerously low budget.

We have the conference agreement, which provides $12.6 billion. It is nearly $2 billion below the President's request and $1 billion less than last year's bill.

The low level of funding is untenable. It will be impossible for the U.S. to maintain its leadership role in the world's community with an inadequate foreign affairs budget. Nearly every major account in the conference report is underfunded. And one specific initiative, the Africa accounts, are nonexistent.

The omission is particularly troubling, as it signals a lack of support for the recent strides made by countries in Africa. The development fund for Africa is being cut 40 percent from last year.

$175 million is cut from essential loans for the poorest countries. $155 million is cut from global environmental protection programs. $87 million is denied for debt relief initiatives for the poorest countries in the world. $50 million is cut from African development loans. $200 million is cut from economic development and democratic building in Asia, Africa, and Latin America. $35 million is denied for the Peace Corps, where we just agreed to move our numbers up to 10,000 volunteers. Many Members from both sides of the aisle said it was great. So what do we do? We approve 10,000 and cut 35 million.

The gentleman talked about $12 billion, how outraged people from South Dakota were. I think I am in a time capsule where we are back 200 years ago. I never heard such an egregious, outrageous statement.

Here we are going to give $782 billion back to the wealthiest people in this country, and we are talking about cutting $2 billion back from the poorest people in the world and that people in this country are outraged.

I think we live in a society that some people are really very, very narrow visioned; and I believe that we must regain our position in the world. I think that the President is absolutely right. I stand a hundred percent behind his veto.

Mr. CALLAHAN. Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank my colleague, the gentleman from Alabama (Mr. CALLAHAN), for yielding me the time. And I thank my colleague, the gentleman from New Jersey (Mr. PAYNE). Because instead of categorizing this with a unique historical perspective that is revisionist, to say the least, let us engage in some recent history.

Mr. Speaker, the President of the United States came here about 10 months ago, and in his message to a joint session of Congress, in his State of the Union address, he said it was up to us to save Social Security first. But with his veto today, the President is telling all Americans, Mr. Speaker, that they should surrender a portion of their Social Security Trust Fund to go not for their retirement but to a scheme of bigger spending not on Americans but on other folks around the world.

Mr. ISTOOK. Mr. Speaker, will the gentleman yield?

Mr. HAYWORTH. I yield to the gentleman from Oklahoma.

Mr. ISTOOK. Mr. Speaker, I just got on the House floor. Is it correct that the President vetoed this bill because it takes Americans' hard-earned money and he wants to give billions away to other countries more?

Mr. HAYWORTH. Mr. Speaker, reclaiming my time, that is exactly the case. The President is taking the hard-earned money of Americans and wanting to spend more and more and more and jeopardize the Social Security Trust Fund.

Mr. CALLAHAN. Mr. Speaker, I yield 30 seconds to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Speaker, President Clinton has vetoed a foreign aid bill because it does not send enough American tax dollars overseas. Outrageous.

In order to satisfy the President's insatiable appetite for foreign aid, Congress would have to raid the Social Security Trust Fund. That would be unconscionable.

Mr. Speaker, let us protect Social Security for those who receive benefits now and those who pay the taxes and those who want to receive benefits in the future. Let us stop the foreign aid raid.

Mr. CALLAHAN. Mr. Speaker, I yield 30 seconds to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Speaker, thank goodness the gentleman from Alabama (Chairman CALLAHAN) has said no to the President's taking money from our farmers in North Carolina who have lost their homes, small businesses.

The President has said, no, our farmers do not matter. He does not mind, and they do not matter. That is what he said. But the committee of the gentleman has said, our farmers and our seniors matter. I thank the gentleman very much for saying yes to our people.

Ms. PELOSI. Mr. Speaker, I am pleased to yield 15 seconds to the distinguished gentleman from Wisconsin (Mr. OBEY), the ranking member of the full committee.

Mr. OBEY. Mr. Speaker, despite the last two comments, the facts are they have already spent $23 billion of the Social Security surplus in bills that they have already passed in the House this year. That is the fact even if they do not want to admit it.

The SPEAKER pro tempore (Mr. GIBBONS). The Chair will announce that the gentleman from Alabama (Mr. CALLAHAN) has 3½ minutes remaining and the gentlewoman from California (Ms. PELOSI) has 3¾ minutes remaining.

Mr. CALLAHAN. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, well, this year trick or treat for UNICEF will have a new meaning because the President just said no to a $9 million increase in UNICEF funding. So the children of America are going to have to work a little bit harder.

It is important because the President also said no to a $60 million increase in child survival programs. He also, to keep the streets just as dangerous as he could, said no to a $24 million increase in the international drug programs.

We keep hearing about our obligations overseas and our promises to the Middle East. I was in Israel. I spoke to Mr. Barak in a small group at a Congressional delegation in Israel and Jerusalem and also here in the Capitol. I also went to Jordan and spoke to King Abdallah. There was no discussion of you-all made this promise the Wye River is in the bag, we are spending the money. I did not hear that from the two top leaders of these countries.

But I do see that, in this bill, the President said no to our increasing aid to Israel $30 million where he had cut it.

We keep talking about what this money is going to do. It is going to go to good causes overseas, but any increase will come straight out of Social Security. We should reject this veto.

Ms. PELOSI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, since my speaker has not returned to the floor, I will use his time and my time in closing. It affords me the luxury of commending my distinguished chairman for the work that we did together to bring this bill to the floor originally. I encourage my colleagues to support the bill but only with the idea that when we came back from conference, it could only be supported if there was a higher allocation to this foreign operations bill.

So it is not with a criticism of the process with which the distinguished chairman moved the bill through. We worked together on that. What it is a criticism of is the lack of funding in the bill for us to live up to our leadership role in the world.

The distinguished majority leader said that the percentage of funding for foreign aid is going down because other spending is going up, he said in reference to my remarks. I did not say that. I said that, in real dollars, our foreign aid spending is being reduced since Reagan's years by, what, one-quarter to one-half in real dollars, not in percentages.

This debate about Social Security that our colleagues have drummed up really does a disservice to the whole debate on the budget and the appropriations process. This debate that our colleagues have drummed up, this illusion that they have tried to convey on the floor today is an insult to the intelligence of the Social Security recipients, to the Social Security donors, and their families.

Yes, President Clinton said he was going to save Social Security first, and we all subscribed to that. That is not the only thing we do. Now, if the gentleman thinks that is the only thing we do, maybe we should have a zero foreign operations budget. Maybe we should spend no money on any trade assistance for the Ex-Im Bank for us to promote U.S. products abroad or the Trade Development Administration for the same purpose or OPIC, which enables our products to find markets abroad. Maybe we should do none of that.

Maybe we should abandon everything we do with the religious community to reach out to poor children throughout the world and to help them stave off disease and starvation.

What is in this bill, as I said earlier, is 6.3 percent of a percentage, less than 1 percent, of the Federal budget. With President Clinton's funds, it would be .8 percent. So it would be still less than 1 percent of the Federal budget, a small percentage and a small price to pay for what the President enumerated in his veto message about promoting democracies and free economies throughout the world, about promoting markets for our products, about honoring our commitments internationally, about living up to our leadership role in the world.

This century that we are coming to an end as we do fiscal year 2000 appropriations bills is a terrible century in many respects. Nazism, communism, authoritarianism were rampant throughout this century and they are coming to an end now.

One of the brightest stars of this century was the founding of the State of Israel. How sad it is that this body, representing the American people who have fully supported that brave, courageous state all these 51 years of its existence, that we, coming to the end of this century, will not take yes for an answer in the peace process by funding the Wye River agreement.

Leaders in that region gave their lives, their health, and all of their future for this peace agreement; and we in this body are rejecting all of that sacrifice.

I urge my colleagues to support the President's veto when the time comes.

Mr. CALLAHAN. Mr. Speaker, in closing, I yield myself the balance of the time.

Mr. Speaker, let me compliment the gentlewoman from California (Ms. PELOSI) and echo what she said. We have worked in a nonpartisan fashion trying to give the President the flexibility, trying to give the President the sufficient amount of money to have effective foreign policy.

The President, in my opinion, has just thrown this agreement out the door when he vetoed this bill. I am going to send him a bill now that will instruct him on what foreign policy problems can be if indeed he is so obnoxious in vetoing a bill such as this.

So let me tell the President, this next bill he is going to get, number one, is not going to be any more and, number 2, is going to give him a reason to veto it. Because we are going to go back to the old days when the Democrats were indeed telling Ronald Reagan and George Bush what they were going to do during their foreign policy.

□ 1845

So if the President wants to declare war, this is war. It is war that he is going to suffer, not me. The people of Alabama could care less if I pass a foreign aid bill or not. So I am not going to suffer. But millions of children are going to suffer because they do not have the child survival money that we put into the bill.

Let me just give Members one example of what the President said, and I wish everybody in America could get a copy of this message from the President of the United States and understand what he is saying. One thing he says in here is I need $900 million to forgive debt for poorer nations. That comes from his trip to Africa where he took 1,700 people with him and spent $47 million of the American taxpayers' money and goes over there and once again clinks his glass and then comes back and says, This is an entitlement. We want to forgive this debt that these foreign leaders have incurred during these corrupt regimes in Africa.

Mr. Speaker, if people could see this message, if they could understand exactly what the President is saying, they would be up here marching on this Capitol saying, "SONNY, don't give in to that guy. He has this insatiable appetite to spend our money to give it to these foreign countries just because they walk in his front door."

I might forewarn the President that Halloween is just around the corner and a lot of these people knocking on the White House gate for trick-or-treat might have on turbans, and I might tell them when they go knock on the door, "Wear a turban and carry a bag and let me tell you, that President will fill it up. He'll give you an IOU from the Congress."

But we are not going to give in to the President on this issue. We might be here till Christmas, we might be here till Easter, but we are not going to give in.

The SPEAKER pro tempore (Mr. GIBBONS). The question is on the motion offered by the gentleman from Alabama (Mr. CALLAHAN).

The motion was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

Approval of the Journal, de novo;

H.R. 2140, by the yeas and nays;

H.R. 2886, by the yeas and nays; and

House Concurrent Resolution 196, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the pending business is the question of agreeing to the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ISTOOK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 357, nays 49, answered "present" 1, not voting 26, as follows:

[Roll No. 505]

YEAS—357

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (OH)
Bryant
Burr
Burton
Callahan
Calvert
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Coble
Combest
Condit
Conyers
Cook
Cox
Coyne
Cramer
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson, E. B.
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Meeks (NY)
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Ose
Owens
Oxley
Packard
Paul
Pease
Pelosi
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Traficant
Turner
Udall (CO)
Upton
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—49

Baird
Borski
Brown (FL)
Clay
Clyburn
Coburn
Costello
Crane
DeFazio
Dickey
English
Evans
Filner
Gibbons
Green (TX)
Gutierrez
Gutknecht
Hastings (FL)
Hill (MT)
Hilleary
Hilliard
Hutchinson
Kucinich
LoBiondo
Markey
McDermott
McNulty
Meek (FL)
Moran (KS)
Oberstar
Olver
Pascrell
Pastor
Payne
Peterson (MN)
Pickett
Ramstad
Sabo
Schaffer
Stupak
Sweeney
Taylor (MS)
Thompson (CA)
Thompson (MS)
Udall (NM)
Velazquez
Vento
Visclosky
Weller

ANSWERED "PRESENT"—1

Tancredo

NOT VOTING—26

Brady (PA)
Buyer
Camp
Carson
Collins
Cooksey
Farr
Fattah
Frelinghuysen
Jefferson
Johnson (CT)
Johnson, Sam
Jones (OH)
Klink
Knollenberg
Lewis (GA)
Martinez
McIntosh
Menendez
Neal
Pallone
Pryce (OH)
Rush
Sanford
Scarborough
Towns

□ 1910

So the journal was approved.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GIBBONS). Pursuant to the provisions of clause 8, rule XX, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

CHATTAHOOCHEE RIVER NATIONAL RECREATION AREA AMENDMENTS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 2140, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. KILDEE) that the House suspend the rules and pass the bill, H.R. 2140, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 394, nays 9, not voting 30, as follows:

[Roll No. 506]

YEAS—394

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Callahan
Calvert
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Combest
Condit
Conyers
Cook
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)

Hayes
Hayworth
Hefley
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson, E. B.
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pascrell
Pastor
Pease
Pelosi
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tierney
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—9

Herger
Holden
Hostettler
Paul
Peterson (MN)
Pombo
Schaffer
Sensenbrenner
Tiahrt

NOT VOTING—30

Blunt
Brady (PA)
Buyer
Camp
Carson
Castle
Chenoweth-Hage
Collins
Cooksey
Farr
Fattah
Frelinghuysen
Jefferson
Johnson (CT)
Johnson, Sam
Jones (OH)
Klink
Knollenberg
Lewis (GA)
Martinez
McIntosh
Menendez
Neal
Pallone
Payne
Pryce (OH)
Rush
Sanford
Scarborough
Towns

□ 1918

So (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AMENDING THE IMMIGRATION AND NATIONALITY ACT REGARDING ADOPTED ALIENS

The SPEAKER pro tempore (Mr. GUTKNECHT). The pending business is the question of suspending the rules and passing the bill, H.R. 2886.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 2886, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 404, nays 0, not voting 29, as follows:

[Roll No. 507]

YEAS—404

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Callahan
Calvert
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Combest
Condit
Cook
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson, E.B.
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pascrell
Pastor
Paul
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—29

Brady (PA)
Buyer
Camp
Carson
Collins
Conyers
Cooksey
Cubin
Farr
Fattah
Frelinghuysen
Jefferson
Johnson (CT)
Johnson, Sam
Jones (OH)
Klink
Knollenberg
Lewis (GA)
Martinez
McIntosh
Menendez
Neal
Pallone

Payne
Pryce (OH)
Rush
Sanford
Scarborough
Towns

□ 1927

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMITTING USE OF ROTUNDA OF CAPITOL FOR PRESENTATION OF CONGRESSIONAL GOLD MEDAL TO PRESIDENT AND MRS. GERALD R. FORD

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 196.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. KILDEE) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 196, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 402, nays 0, not voting 31, as follows:

[Roll No. 508]

YEAS—402

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Callahan
Calvert
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Combest
Condit
Conyers
Cook
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson, E.B.
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pascrell
Pastor
Paul
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—31

Brady (PA)
Buyer
Camp
Carson
Collins
Cooksey
Dicks
Farr
Fattah
Frelinghuysen
Gutierrez
Jefferson
Johnson (CT)
Johnson, Sam
Jones (OH)
Klink
Knollenberg
Leach
Lewis (GA)
Martinez
McIntosh
Menendez
Neal
Pallone
Payne
Pryce (OH)
Rush
Sanford
Scarborough
Serrano
Towns

□ 1935

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. LEWIS of Georgia. Mr. Speaker, due to my absence, I was unable to attend the House of Representatives on several votes. If I had been present, I would have voted "aye" on final passage of H.R. 2140; "aye" on final passage on H.R. 2886; "aye" on final passage on H. Con. Res. 196; "nay" on the motion to instruct conferees on the Commerce/Justice State Appropriations Bill; and "aye" on approving the Journal.

ANNOUNCEMENT BY SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GUTKNECHT). Under clause 8 of rule XX, the Chair redesignates the time for the resumption of the proceedings on the motion to instruct offered by the gentleman from Oklahoma (Mr. COBURN) until Tuesday, October 19.

ANNOUNCEMENT BY CHAIRMAN OF COMMITTEE ON RULES REGARDING AMENDMENT PROCESS FOR CONSIDERATION OF H.R. 2260, PAIN RELIEF PROMOTION ACT OF 1999

Mr. DREIER. Mr. Speaker, today a "dear colleague" letter was sent to all Members informing them that the Committee on Rules is planning to meet later this week to grant a rule which may limit the amendment process for floor consideration of H.R. 2260, the Pain Relief Promotion Act of 1999. Any Member wishing to offer an amendment should submit 55 copies and a brief explanation of the amendment to the Committee on Rules up in H-312 of the Capitol by 4:00 p.m., Wednesday, October 20. Amendments should be drafted to the bill as ordered reported by the Committee on Commerce on October 13. Copies of the bill may be obtained from the committee. Members should use the Office of Legislative Counsel to ensure that their amendments to both bills are properly drafted and should check with the Office of the Parliamentarian to be certain their amendments comply with the Rules of the House.

I would like to inform members of the Committee on Rules that we are going to be meeting in 10 minutes upstairs for the consideration of two measures.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 2670, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATION ACT, 2000

Mr. UPTON. Mr. Speaker, pursuant to clause 7(c) of rule XXII, I hereby announce my intention to offer a motion to instruct conferees on H.R. 2670 tomorrow.

The form of the motion is as follows:

Mr. UPTON moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2670 be instructed to agree to the provisions contained in section 102 of the Senate amendment (relating to repeal of automated entry-exit control system).

PERSONAL EXPLANATION

Mr. GREEN of Texas. Mr. Speaker, on Thursday, October 14, I missed five votes because I was in Texas on official House business. Had I been present, I would have voted yes on rollcall 500; yes on 501; no on 502; no on 503; and no on 504.

APPOINTMENT AS MEMBERS TO COMMISSION ON ONLINE CHILD PROTECTION

The SPEAKER pro tempore. Without objection, and pursuant to section 1405(b) of the Child Online Protection Act (47 U.S.C. 231), the Chair announces the Speaker's appointment of the following members on the part of the House to the Commission on Online Child Protection:

Mr. John Bastian, Illinois, engaged in the business of providing Internet filtering or blocking services or software;

Mr. William L. Schrader, Virginia, engaged in the business of providing Internet access services;

Mr. Stephen Blakam, Washington, D.C., engaged in the business of providing labeling or ratings services;

Mr. J. Robert Flores, Virginia, an academic expert in the field of technology;

Mr. William Parker, Virginia, engaged in the business of making content available over the Internet.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE AFFORDABLE PRESCRIPTION DRUGS ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, many of us in this institution have been highly critical of the American pharmaceutical industry. Maybe, maybe we have been a bit too harsh. From a market perspective, drug companies are doing everything they should be doing. We cannot blame drug companies for maximizing their profits. That is their job. Nor can we blame the Federal Government for taking steps to protect seniors and the uninsured and to address the ramifications of what drug companies are doing to the disadvantaged. That is our job.

To address this issue, I have introduced H.R. 2927 to bring down prices without taking away the industry's incentive to act like an industry. My bill promotes good, old-fashioned American competition. The Affordable Prescription Drug Act does not use price controls, does not use regulations to bring down prescription drug prices. What my bill does is reduce drug industry power and increase consumer power by subjecting the drug industry to the same competitive forces that other industries bear. It is a means of moderating prices that are too high without inadvertently setting prices that are too low.

Drawing from intellectual property laws already in place for the U.S. for other products in which access is an issue, pollution control devices come to mind, the legislation would establish product licenses for essential prescription drugs. If, based on criteria published by the Department of Commerce, a drug price is so outrageously high that it bears no semblance to pricing norms for other industries, the Federal Government could require drug manufacturers to license their patent to generic drug companies. The generic drug companies could then sell competing products before the brand name patent expires, paying the patent holder royalties for that right.

The patent holder would still be amply rewarded for being the first on the market, and Americans would benefit from competitively driven prices.

Alternatively, a drug company could voluntarily lower its prices, which would preclude the Federal Government from being involved, from finding cause for product licensing. Either way, prescription drug prices come down.

The bill requires drug companies to provide audited, detailed information on drug company expenses. Given that these companies are repeatedly asking us to accept a status quo that is bankrupting seniors and fueling health care inflation, they have kept us guessing about their true costs for far too long. We can continue to buy into drug industry threats that research and development will dry up unless we continue to shelter them from competition. The argument, however, Mr. Speaker, falls apart when we actually look at how R&D is funded today.

Long story short, it is mostly funded by American taxpayers. Fifty percent of research and development for new drugs in this country is done by the Federal Government, by local governments and by foundations. The other 50 percent that the drug company spends, the Federal Government, Congress, has bestowed tax breaks on those companies for those dollars they do spend. The drug companies turn around and thank U.S. consumers by charging us two times, three times, four times what consumers in other countries pay.

We pay for half the research. We give tax breaks on the dollars they do spend. They turn around and charge American consumers twice or three times what consumers of prescription drugs pay in every other country in the world.

Mr. Speaker, we can do nothing or we can dare to challenge the drug industry on behalf of seniors and every health care consumer in this country. We should take a serious look at the Allen bill, the Berry-Sanders bill, the Brown bill. There is no excuse for inaction.

☐ 1945

I urge my colleagues to support lowering the cost of prescription medicine. Let us act responsibly before it is too late.

KAZAKHSTAN MAKING PROGRESS IN DEMOCRACY, FREE MARKETS AND HUMAN RIGHTS

The SPEAKER pro tempore (Mr. GUTKNECHT). Under a previous order of the House, the gentleman from Washington (Mr. METCALF) is recognized for 5 minutes.

Mr. METCALF. Mr. Speaker, I return this week from monitoring an election in Kazakhstan. The election to the lower house of Kazakhstan's parliament, the Majilis, has been described by the Organization for Security and Cooperation in Europe as a "tentative step in the country's transition to democracy."

While the election was not perfect, the Kasakhs acknowledged this, it was an important step toward true representative self-government.

I have heard many negative comments towards the Kasakh government recently. Certainly the attempted transfer of MIG 21s to North Korea was a major security concern for the United States. However, the Kasakh government dealt with this matter swiftly, fired those responsible, and put in place mechanisms to prevent this from occurring again.

More importantly, we are not hearing the positive steps occurring in Kazakhstan. The Kasakh government is privatizing state assets, encouraging small business, and taking seriously the business of doling, of building real democratic institutions. Do not forget, voluntarily, Kazakhstan unilaterally disarmed its nuclear arsenal.

The United States needs to recognize that this secular nation, bordered by Russia on the north, China to the east, and several nations to the south and west that may export Islamic fundamentalism, really wants an economic and strategic relationship with us.

They understand that we want to see evolving liberal democratic institutions, free markets, and a real respect for human rights. We need to understand that Kazakhstan has only 7 years under its belt as an independent nation, and that they are taking important steps in these matters.

Let us look at Kazakhstan as an evolving partner, and let us reward their important steps in the fields of democracy, free markets, human rights with a stronger diplomatic and economic relationship. I invite my colleagues to visit this beautiful country and see for themselves the progress that is being made.

MEDICARE PAYMENTS AND THE STATE OF FLORIDA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. BROWN) is recognized for 5 minutes.

Ms. BROWN of Florida. Mr. Speaker, today we kicked off Voices Against Violence, a congressional teen conference with a goal of involving young people in a nationwide debate on ways for legislators and others to prevent youth violence, both nationally and in local schools and communities. More than 400 students from across the country will participate in the teen conference. I want to thank the gentleman from Missouri (Mr. GEPHARDT) for his leadership in making this conference possible.

Now, Mr. Speaker, I want to discuss an issue that is very important to the citizens of my State of Florida. The cuts in the Medicare and Medicaid payments to the health providers in my State are causing a crisis.

With Florida's large senior population, no other single payer impacts health care providers in the State more than Medicare. With almost 3 million Medicare beneficiaries, Florida has the second largest Medicare population in the United States. Almost one in every five Floridians qualify for Medicare, the highest percent of any State in the country. Unfortunately for those hard-working people, the cuts in Medicare funding in the Balanced Budget Act are preventing them from getting the care that they need and deserve.

Florida's home health agencies, skilled nursing facilities, medical equipment providers, Teaching and Disproportionate Share Hospitals are in a state of crisis. Especially in the rural areas, these organizations are being forced to bear an extreme financial burdens, causing them to stretch their budgets dangerously thin and forcing them to provide substandard care to their patients.

Every single day in my office I receive calls and letters from patients and their providers who tell me horror stories of people being sent home early from the hospital, having therapy cut off before they are properly healed, and being denied care altogether. This is not right.

I hear from my colleagues that we have a huge surplus that we need to give back to the people. This Congress can start giving it back to the people by providing adequate funding for the health care for our seniors who have already paid for it and so desperately need it.

I am glad to hear that my colleagues on the Committee on Ways and Means are moving forward on this issue, and I am looking forward to working with them to restore these dangerous cuts. Let us do the right thing and restore these massive cuts in Medicare reimbursement.

CONGRESSIONAL GOLD MEDAL TO BE AWARDED TO PRESIDENT AND MRS. FORD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. EHLERS) is recognized for 5 minutes.

Mr. EHLERS. Mr. Speaker, just a short time ago, we passed a resolution allowing the use of the rotunda for a ceremony to grant a Congressional Gold Medal to President and Mrs. Ford. I would like to give some background information on that award. I was very pleased to sponsor the bill that would grant them this medal because they have served this country so well for so many years.

What is unique about this medal, this particular medal, and what is different than any previous medal in history, is that it will be awarded to both President and Mrs. Ford. I believe it very important to recognize the part that both of them played in the history of our country.

Mrs. Ford contributed a great deal to the health of the women of this Nation by discussing very frankly and openly the fact that she had breast cancer. Now, that may seem rather mundane today, but at the time she developed breast cancer, she was the First Lady in the White House. Breast cancer was not discussed in polite society. It was whispered about. As a result, many women did not know what caused breast cancer. They did not know about self-examination. They did not know what treatments were available.

Mrs. Ford announced that she had this terrible disease. She described the symptoms to this Nation. She worked with the media to publicize the nature of breast cancer. She was very effective in alerting the women of this Nation to the need for breast examination and treatment.

In addition to that, later on in life, due to a number of pain medications that she was taking and the use of alcohol, Mrs. Ford recognized the need for treatment for alcoholism and drug dependency and started the Betty Ford Clinic. This has been a life-saving institution for many, many people. She still takes a personal interest in it, still visits with new patients as they come in, and has been very effective in helping many people recover from substance abuse or alcohol abuse.

President Ford, of course, is well known as the President who healed our Nation after the resignation from office of President Nixon. However, since we have almost a generation elapsed since President Ford held office, I find many people simply are not aware of what was happening at that time and the incredible turmoil that this Nation felt at the time that President Nixon was undergoing examination by the Congress, facing impeachment, and eventually resigning from office.

When President Ford took that office, he, in a very calm and deliberate manner, proceeded to heal this Nation. He restored order. He restored financial stability. He reduced interest rates. He improved the economy and showed that our government could survive a crisis like that and function well. For this, he deserves our thanks and our commendation.

Because of this and because of the actions of both President and Mrs. Ford, I thought it very deserving that they receive the Congressional Gold Medal. This will be presented to them next week in the rotunda of the Capitol. I urge all Members to attend, and I urge also the citizens of this country to join me in applauding both Jerry and Betty Ford, President and Mrs. Ford, for their selfless service to this country for all the good that they have done for all of us.

VOICES AGAINST VIOLENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texs. Mr. Speaker, I too rise today with great pleasure to stand and welcome the many young people who have come to Washington, D.C. to participate in Voices Against Violence, a congressional teen conference sponsored by the office of the Democratic leader and the Democratic Caucus.

However, these young people come from all over the country, and many of them come from so many different walks of life and, might I say, from different political parties. This is a bipartisan summit. Young people have come from across the country to talk about the issues of youth violence and how it impacts their lives.

I am pleased to have four students here from my district in Houston, and I met them at the airport this afternoon as they arrived in Washington, D.C. As they communicated with me their desires, each of them said they came to listen, but they also came to provide solutions.

They want to see more opportunities for parents and schoolteachers and counselors to listen to students. They want to find ways to help students who are concerned or have problems and pressures not to explode like what happened in Columbine, but to have resources where they can talk. These young people mean business, and they have come to work.

Young people live in a different world than what existed about 20 years ago. In this new era, young people have all the advantages of a new technologically advanced society as well as a new landscape of social interaction. Theirs is a future full of promise, and we are poised on a dawning of a new century that will bring even more.

However, in light of these changing times, we also have a society that seems to be more detached, more chaotic, more violent. We have seen a significant increase in violence against young people and violence committed by young people. These young people want the violence to stop.

There are many competing theories as to the causes of youth violence, from the increase in violence in popular culture to the lack of prayer in schools. Others will even say that the increase of youth crimes is the symptom of a larger breakdown of our society. But I believe these young people will be instructive as they come to Washington.

I welcome Jessica Abad from Booker T. Washington High School, Eric Del Toro from Barbara Jordan High School, Andrea Marie Garrity from Reagan High School, and Ashley Robinson from Jesse H. Jones High School, along with Dr. Alma Allen, the chaperone, a member of the Texas Board of Education and school administrator from the HISD.

As I close, Mr. Speaker, let me congratulate the gentleman from Missouri (Mr. GEPHARDT), the Democratic leader, and the gentleman from Texas (Mr. FROST), the caucus leader, for helping to sponsor this conference.

I said, Mr. Speaker, that we started out with a sense of hope for these young people coming here. I am disappointed, however, as I speak about another issue, that as the Commerce, State, Justice appropriation bill comes to the floor of the House, the conferees have decided or rejected the idea of adding to it the Hate Crimes Prevention Act of 1999. What a travesty inasmuch as the Senate bill did have this legislation.

In the light of the tragedies that have occurred in Illinois, in light of the tragedies that occurred in my own State of Texas with James Byrd being dismembered by hateful acts, those who promoted racist provocations and acts, along with the activities of the killing of Matthew Shepard, but many, many others, these are just examples of hateful acts in America.

For those who would say that other crimes are equal to hateful acts, that any murder is hateful, they are absolutely wrong. I wish they would understand what the hate stands for. It stands for the intimidation of large groups of people.

When James Byrd was killed and dismembered, it was not intended just to say something to James Byrd. It was intended to tell African Americans that they do not stand equal in this country, that they can be dismembered in this brutal manner. When Matthew Shepard was killed, it was intended to show gays and lesbians that they are not equal in this Nation.

Hate crimes intimidate groups. When is this Congress going to understand that, in order to make a national statement about who we are as Americans as we go into the 21st century, we need a national position as we did with the Voter Rights Act in 1965 and the Civil Rights Act of 1964, that we stand against hate crimes?

It is a travesty and a shame that this appropriations bill would not have the inclusion of the Hate Crimes Prevention Act of 1999 similar to what the other body did. We are going to fight it, and we are going to prevail because good people in America will prevail over evil.

Mr. Speaker, it is with great pleasure that I stand tonight to welcome the many young people who have come to Washington, DC, to participate in "Voices Against Violence," a congressional teen conference sponsored by the Office of the Democrat Leader and the Democratic Caucus.

Young people have come from across the country to talk about the issue of youth violence and its effect on their lives. I am pleased to have four students here from my district in Houston.

Young people live in a different world than what existed just 20 years ago. In this new era, young people have all the advantages of a new technologically advanced society as well as a new landscape of social interaction. Theirs is a future full of promise and we are poised on thedawning of a new century that will bring even more.

However, in light of these changing times, we also have a society that seems to be more detached, more chaotic and more violent. We have seen a significant increase in violence against young people and violence committed by young people.

There are many competing theories as to the causes of youth violence, from the increase in violence in popular culture to the lack of prayer in public schools. Others would even say that the increase of youth crime is a symptom of a larger breakdown in the moral fabric of society.

By now, we know that the problem of youth violence cannot be traced to a single cause or source. At the same time, we here in Congress have formed various working groups and task forces to address this issue, because we are all searching for some answers and solutions to youth violence.

It is now appropriate that we have now turned our attention to our children, and to take the time to hear from them. Not all of our young people are caught up in the cycle of violence. We know that 95% of all young people are good kids who want to do the right thing. Too often, we focus on the bad elements and overlook these children.

This conference gives us an opportunity to make up for our neglect of this 95%. The purpose of this conference is to go beyond pointing fingers at the various causes of youth violence, and to discuss tangible solutions. The solutions that will be offered these next 2 days will come from our children.

It is refreshing to hear the perspective of young people on solutions to youth violence. Last month, during the Congressional Black Caucus Annual Legislative Conference, some young people participated in the Juvenile Justice forum I sponsored and shared some unique insights into the problem of youth violence.

I was enlightened by the views of these young people, especially the views of the young men who were very articulate and insightful about their experiences. One young man spoke eloquently of what he thought were the negative perceptions he faced as a young Black man.

This is the type of dialogue I hope the young people will engage in as they discuss solutions to youth violence. The close to 400 participants will get to discuss these issues with the President and other policy makers to help us understand their perspective on this problem.

I hope that these teens will come away from this conference with a new understanding of each other that they can take back to their communities.

I am pleased to have four students from my district in Houston here to participate in the conference—Jessica Abad from Booker T. Washington High School; Eric Del Toro from Barbara Jordan High School; Andrea Marie Garrity from Reagan High School; and Ashley Robinson from Jesse H. Jones High School.

I would like to thank the Houston community for assisting us in bringing these students to Washington. I would also like to thank Dr. Alma Allen, a member of the Texas State Board of Education and School Administrator from the Houston Independent School District who has accompanied the students as a chaperone.

I strongly urge my colleagues to participate in this conference to listen to the concerns of our young people. As I stated earlier, we have had many hearings, conferences, working groups and debates on this issue in which we relied on the expertise of trained adults to tell us about the problem. Now it is time to listen to our young people for their view.

I would like to thank the Democratic Leader DICK GEPHARDT and Caucus Leader MARTIN FROST for sponsoring this conference. Although the conference is being sponsored by the Democrat Party, we have bipartisan support in the form of Republican offices that have sent students. I thank everyone who has worked so hard since this summer to put this event together.

Finall, I thank the young people who came from all across the country to participate. I urge you to raise your voices against violence loud and clear—especially now because we are listening.

LANGUAGE AND COMMUNICATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. NETHERCUTT) is recognized for 5 minutes.

Mr. NETHERCUTT. Mr. Speaker, like no other creatures on Earth, human beings have the unique ability to communicate through language. We can communicate feelings of love or hope or anxiety or suspense or excitement, all conveying feelings of emotions, feelings of concern. We do that through language. We use the English language and all the other languages of the world which are spoken through human beings who try to convey those feeling accordingly.

We have over the years respected great writers like Shakespeare and people in politics like Lincoln and Kennedy and the poetry of Robert Frost, and the magic word of Byron and Keats and Shelley as poets. George Will in today's world is a master of the word, of speaking effectively and carefully and with great meaning.

□ 2000

The reason I mention this today, Mr. Speaker, is that over the years I think we have seen a reduction in the respect for the English language and what words mean, how grammar is expressed or not expressed, whether it is proper or not. And just last Thursday we saw, on CBS television, a new low in expression for millions of people to see and observe and listen to on national television.

There was a show called Chicago Hope, and there was a headline in USA Today following that show entitled Chicago Hope Breaks the Barrier. Well, this is the barrier that Chicago Hope broke. It was the barrier of obscenity and foul language that I think we have not seen in any time in our history on television, on network television.

The actor involved, Mark Harmon, plays a doctor, apparently, and he was before a medical review board to explain why a promising teenage baseball pitcher had to have his arm amputated, the story says, when an infection set in and, following a series of operations, was unable to play, apparently. So this doctor on television, a revered profession in our society, by the way, said "blank happens." The USA article says, "Blank happens," Harmon said, using an epithet for excrement. Neither a CBS spokesman nor Henry Bromwell, executive producer of the series, could remember a time when censors had allowed the word to be used. "It's nothing I haven't tried a couple of times before, except this time I won, Bromwell said."

Apparently the word was expected to be used for artistic truthfulness. Well, Mr. Speaker, I think the American public has, I hope, had a bit of enough about artistic expression on national television with a captive audience that breaks new barriers, not new high barriers but new low barriers. What a distinction for CBS television. How proud they must be that this barrier has now been reduced even lower. The standards for conduct, for language, for propriety, for dignity, for expression has now reached a new low for CBS and this so-called entertainment show.

Now, it is one thing to pay money and go to the movies and watch trash, which there is plenty of in today's society. If individuals want to do that, people have the right in a free society to do that. But on national television, before a national audience, to somehow be proud of the breaking of this new low barrier, I fear, says volumes about television today and the entertainment industry.

Are there no bounds in the entertainment industry on television? I suspect there may not be, as these new lows keep being reached by people who are somehow proud of this low-class artistic expression as defined by some producer who feels that he is somehow trying to make his mark. He has made his mark all right. He has made a low mark.

I would urge Americans who are disgusted with this kind of language and the lowness of it and the failure of the language to be expressive in a dignified and acceptable societal way to write CBS News and give them all that they can express about their disapproval for this kind of activity.

FOREIGN OPERATIONS APPROPRIATIONS VETO

The SPEAKER pro tempore (Mr. GUTKNECHT). Under a previous order of the House, the gentleman from California (Mr. CUNNINGHAM) is recognized for 5 minutes.

Mr. CUNNINGHAM. Mr. Speaker, there was not time allowed in the debate on foreign aid, and I wanted to make some comments, and so I will do so now.

First of all, the ranking minority member on the subcommittee, the gentlewoman from California (Ms. PELOSI), made a statement that more money was available to Ronald Reagan for foreign aid. Well, that is because the Democrats controlled spending. There was always more money available, without any regard to a balanced budget. Ronald Reagan decreased taxes, he did not increase taxes like the President plans to do, $74 billion worth. And he only had control of the Senate for one term. The Democrats controlled Congress, where spending is originated and voted for.

After Ronald Reagan, the Democrats continued spending with no regard for a balanced budget. All additional revenue that the tax decrease brought in, they spent. And that was not enough, they raided the Social Security Trust Fund and used it as a slush fund to pay for such things as welfare, that was wasted in many cases. There are many families that need welfare, but not the 40 percent that was eliminated, and now the President lauds, after he vetoed our bill twice.

They are trying to do the same thing now that they did when they had control of the House, spend more than the balanced budget. To do so, they have to take it out of Social Security or the President has to identify where he would take the money from. He will not do that, because in each of his budgets he has said, I will make cuts in the fifth year, when he would not even be here. And then he refuses to tell where those cuts would come, except for defense, because he knows it would make people mad at him.

The gentleman from Wisconsin (Mr. OBEY) said that the Democrats did more for Social Security. I think that is a joke. In 1993, they increased the taxes on Social Security. For 30 years they stole the money out of the Social Security Trust Fund. There is zero money in that fund, but they will say, oh, there are notes in there and they are guaranteed. But they are not backed up with gold; they are only backed up by the U.S. Government. And the only way to make those Social Security notes valuable is to put the money in there. When there is a surplus, the money can be put back in there. The Republicans have said we are going to put a lockbox on it and make it a trust fund not a slush fund, but yet the President wants to take the money out.

Remember, in 1993, he not only increased the taxes on Social Security, he increased the taxes on the middle income. I think using the term middle class is a terrible term to use. There are no middle-class citizens in this country. They may be low income, they may be middle income or high income, but yet the Democrat leadership continues to use class warfare, and I think it is wrong.

We are not going to take the dollars from Americans, but yet the gentlewoman from California (Ms. PELOSI) said that the billions of dollars is just a little bit, a good investment. Well, that little bit we already funded Africa at the same level, but they want more. They want more money not for American citizens but for foreigners, out of the Social Security Trust Fund, and I think that is wrong. The President vetoed it. They also want back the majority, but I think it is going to backfire.

The President wants more spending for Africa, but yet the President, in his trip this spring to Africa, took 1,700 staffers and press, 1,700, at a cost of $47 million. Africa would have loved the $47 million extra and let the President stay home.

The gentlewoman from California (Ms. PELOSI) quoted the Constitution of the United States. Well, the gentleman from Texas (Mr. PAUL) is our libertarian. I do not agree with everything he says, but he, if anybody, is a constitutionalist on spending. He votes against almost everything. But the Democrats vote against the Constitution every single day, in my opinion.

Remember when the President said he wanted 100 percent for Social Security in his address before Congress and the American people? Well, 3 weeks later he came back and said, no, 62 percent, and then 15 percent for Medicare. And what he does not tell us, and why we do not trust this President, is because he takes $100 billion out of Social Security and Medicare. He increases taxes $74 billion, and he spends it for brand new social spending. Not even the old social spending, new social spending. And we said no, Mr. President, we are going to put that money in a lockbox, not spend it, we are going to accrue those savings to protect Social Security and Medicare forever.

But yet now the President wants to take the money out. And we are saying absolutely not. We are going to send this bill back to the President. We are not going to spend money unless the President identifies where he wants those cuts to come from or unless he spends Social Security money.

I want my colleagues to look up WWW.DSAUSA.ORG. Democrat Socialists of America. They list the progressive caucus. There are 58 Democrats listed under the Democrat Socialists of America.

CONCERNS ABOUT IMMIGRATION AND POPULATION GROWTH IN THE UNITED STATES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes as the designee of the majority leader.

Mr. TANCREDO. Mr. Speaker, I rise tonight to discuss an issue of great concern to me, I think of a number of people in the United States of America, but an issue that seldom makes its way to the point of being a topic of debate here in the Congress of the United States, and that is because, quite frankly, there are many, many people who are concerned, actually afraid, to bring this topic forward. I am talking specifically about the issue of immigration into the United States. And I mean massive immigration, immigration both legal and illegal.

I want to talk tonight about some of the effects of this particular phenomenon, because I believe they are detrimental; and I believe that we should confront them, even though it is sort of, politically anyway, very scary to do so.

Each year, close to 900,000 legal immigrants enter the United States from foreign countries; and these numbers have inflated our population to over 272 million. Mr. Speaker, the other day the world's population, we are told, reached 6 billion. Several cartoons have appeared in the papers in my State of Colorado depicting this phenomenon and saying that we are reaching a point where the resources of the country, of the Nation, of the world cannot support this kind of population growth.

Well, I do not know what is the critical mass in terms of population growth that the world can sustain, but I know in the United States we are reaching the point where growth is impacting upon us quite dramatically. Certainly it is in my State of Colorado. We are facing now at least two bond issues on our ballot in November dealing specifically with the issue of growth, both in terms of highway construction and how to deal with the massive increase in the numbers of people that have come to Colorado, and light rail construction totaling several billion dollars anyway, and then, of course, there are all the school bond issues we are going to face. This is just in Colorado. It is happening all over the country because of growth.

But where is this growth coming from? Is it from the population of the United States, the natural born population of this country? Are we experiencing just this kind of pressure because people in the United States are having children in such numbers that they are placing these burdens on our infrastructure? No, Mr. Speaker, it is not because of that kind of population growth. It is because of immigration policies.

We, tonight, are looking at immigration numbers that I just mentioned, of somewhere close to a million legal, and that is just legal immigrants. That does not count what we call refugee status, people coming in. It certainly does not count illegal immigrants. Every year there is a net increase. I mean we have a lot of people coming into the country illegally, everybody knows that. Some of them leave, go back to their native country, but many stay. So there is a net increase every year of at least this amount of legal immigrants. And it is difficult to count, of course, but we know that the pressures are there.

One State in which this pressure is evidenced day in and day out, besides the State of Colorado, of course, is the State of Texas. And there are a number of border States across the United States that are heavily influenced by this and that things are changing dramatically in those States, not just in terms of infrastructure costs, but there are a number of changes that are impacting those States that I think deserve to be discussed.

□ 2015

With me tonight to do that is a colleague of mine, I should say a mentor specifically on this issue. Because the gentleman from Texas (Mr. SMITH) has been laboring in this vineyard for many, many, many years, far more than I; and I do look to him and his leadership in this area. I am pleased that he is joining me tonight to discuss this issue.

Mr. Speaker, I yield to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Speaker, I thank my friend and colleague, the gentleman from Colorado (Mr. TANCREDO), for yielding me time; and I appreciate his giving me the opportunity tonight to be able to make some comments of my own on such an important subject.

But first I want to thank him for his giving the attention to such a complex, sensitive and yet important subject that it deserves and also thank the gentleman from Colorado (Mr. TANCREDO) for his expertise and for his knowledge of immigration, which I think provides a great contribution to those of us here in the House who certainly can benefit from his personal knowledge, firsthand knowledge, of immigration as it impacts his State of Colorado.

Mr. Speaker, I would like to call the attention of my colleagues to the destructive effect of our current immigration policy. It is having a destructive impact on recent immigrants and black and Hispanic citizens and also how a more enlightened immigration policy would benefit American minorities and, in fact, the overall American economy.

Each year, close to 900,000 legal immigrants enter the United States. Of these, about 300,000 have less than a high school education and their competition for scarce jobs does have a destructive impact on the opportunity of American workers with no more than a high school diploma who are disproportionately and unfortunately recent immigrants and black and Hispanic citizens.

Mr. Speaker, among reports of a growing, prospering economy are other more troubling reports on a growing gap between the well-to-do and the working poor. The national unemployment rate is about 4 percent; where, for those with less than a high school education, it is more than twice as high, over 8 percent.

In many cities where there are high recent immigrant populations, the unemployment rates are in double digits for those with less education. Where is opportunity for these individuals and their families?

Numerous polls indicate that black and Hispanic Americans know this only too well. This is no surprise, given that they are hurt disproportionately by our immigration policy today. We cannot pretend that the adverse impact of mass immigration on minorities does not exist. We can and should find solutions to protect the jobs and wages of recent immigrants and black and Hispanic citizens.

How often do we read about the long-term unemployed or the working poor or single mothers with no mention of the serious impact of immigration on their employment wages and working conditions? How often do we hear comments about the growing gap between the well-to-do and the working poor that do not mention that almost half the relative decline in wages of those who do not finish high school is caused, in fact, by competition from immigration?

Think of a single mother barely surviving in a minimum wage job who sees her annual wages depressed by $2,000 because she must compete with more and more unskilled immigrants. She very well might be a recent immigrant herself seeking a better life for herself and her children, or she might be able to trace her roots in this country back generations and is simply seeking the American dream that has been denied her ancestors.

Think what she can do for herself and her children with that lost money. Buy a used car so she does not have to take a bus to work. Put a down payment on a modest home. Or even fix the furnace before winter comes. Worse, think what would happen if she actually loses her job because of the never-ending competition from new arrivals.

It is certainly not the immigrants themselves who are to blame and who understandably want to come to America. It is our immigration policy that is to blame. But who knows how many people have been hurt by the unintended consequences of our outdated immigration policy.

A series of recent studies have all documented the effects of immigration policy on low-skilled American workers and recent immigrants. The National Research Council of the National Academy of Sciences concludes that immigration was responsible for about 44 percent of the total decline in relative wages of high school dropouts between 1980 and 1994.

The Rand Corporation reports that in California the widening gap between the number of jobs available for noncollege-educated workers and the increasing number of new noncollege-educated immigrants signals growing competition for jobs and, hence, a further decline in the relative earnings at the low end of the labor market.

The U.S. Commission on Immigration Reform, chaired by Congresswoman Barbara Jordan, finds that "immigration of unskilled immigrants comes at a cost to unskilled U.S. workers."

The Hudson Institute states that "U.S. immigration policy serves primarily to increase the number of U.S. residents who lack even a high school degree. America must stop recruiting workers for jobs that do not exist or exist only at the lowest wages."

The Brookings Institute published a paper concluding that "immigration has had a marked adverse impact on the economic status of the least skilled U.S. workers."

The Center for Immigration Studies calculates that immigration may reduce the wages of the average native in a low-skilled occupation by over $1,900 a year.

CIS also found that the poverty rate for persons living in immigrant households of 1997 was 22 percent, almost double the 12 percent rate for persons in native households.

It concluded that reducing the flow of less skilled immigrants who enter each year would have the desirable effect of reducing job competition between more established immigrants and new arrivals for low-wage jobs. Reducing the supply of this kind of labor would create upward pressure on wages and benefits for the working poor, including immigrants already in the country. Over time, this should reduce poverty among immigrants who work.

These studies reinforce what common sense already tells us.

In addition, Mr. Speaker, add three other facts together. First, immigrants will account for half of the increase in the workforce in the 1990s.

Second, the skilled level of immigrants relative to Americans has been declining for years. Thirty-five percent of immigrant workers who have arrived since 1990 do not have a high school education, compared to only 9 percent of native-born workers. Some 300,000 illegal immigrants without high school educations arrived last year and will total 3 million this decade.

Third, close to 90 percent of all future jobs in America will require more than a high school education.

The mismatch is clear. Nearly half of all immigrants today are not prepared for the jobs of the future. Current immigration policy has many Americans and recent immigrants competing with hundreds of thousands of newcomers without high school degrees for a fixed number of low-skilled jobs. This is a recipe for disaster for millions of blue-collar workers and their families.

No one should complain about the plight of the working poor or the persistence of minority unemployment or the levels of income inequality in America without acknowledging the unintended consequences of our present immigration policy.

Of course, immigration is neither all good nor all bad. Immigrants benefit America in many ways. But we should design our immigration policies so that it enhances rather than diminishes opportunity for American workers. We should protect the jobs of working Americans, and we can make a better life for all Americans wherever they were born.

Just as American minorities would benefit from a reduced number of low-skilled immigrants, the American economy and American firms trying to prosper in this era of global competition would benefit enormously from an increased flow of more educated immigrants. American industry is pleading for more skilled and educated workers.

The chairman of the National Association of Manufacturers recently stated that "the shortage of skilled employees is not a distant threat anymore. The skills gap is now catching up to us and could threaten the amazing growth and productivity gains of the past decade. Finding an adequate supply of qualified employees is the number one issue for American industry today."

NAM found that 88 percent of manufacturers are experiencing a shortage of qualified workers, 60 percent find that current workers lack basic math skills and that 55 percent find serious deficiencies in workers' basic writing and comprehension skills. These problems can be solved with more educated workers. And because immigration accounts for such a high percentage of workforce growth, almost one-half, an emphasis on more educated immigrants would be an important part of the solution. The result would be a more productive American economy and more productive American businesses. As the productivity of the American economy increases, so will the prosperity of all Americans.

American citizens and legal residents will benefit in another way from more educated immigrants. To borrow a line from a new book by George Borjas, "Skilled immigrants earn more, pay higher taxes, and require fewer social services than less skilled immigrants."

The National Academy of Sciences states that over his or her lifetime, each immigrant with less than a high school education will cost American taxpayers $89,000. That is, the Government benefits consumed by each immigrant will exceed taxes they paid by $89,000.

To citizens concerned about how we are to rebuild our schools and protect and preserve Social Security in the next century, these numbers should set off alarms. More than 300,000 immigrant workers with less than a high school education entering our country this year will require $27 billion more in government services and benefits than they will contribute in taxes. That is $27 billion, for example, that will not be available to rebuild our schools and protect and preserve Social Security and Medicare.

Next year another 300,000-plus immigrants will enter the country with less than a high school education. Over their lifetimes, they will claim another $27 billion that could provide education and training to recent immigrants and black and Hispanic citizens who have less than a high school education and who are disadvantaged in our economy.

Common sense tells us that we should align our immigration policy with the needs of America. The economy is crying out for more educated workers, and one of the easiest and most cost-free ways of providing these workers is through immigration reform. Doing so would mean more economic opportunity for all Americans.

Mr. Speaker, now I am happy to yield back to the gentleman from Colorado (Mr. TANCREDO) and thank him again for sharing his time tonight with me and thank him again for his attention to such an important subject and for his expertise on the subject, as well.

Mr. TANCREDO. Mr. Speaker, I thank the gentleman from Texas (Mr. SMITH) for his comments, and I sincerely appreciate his contribution to this discussion which I consider to be quite definitive. As I say, he has had quite some time here even in the Congress of the United States to become involved with it, and I only hope that the rest of our colleagues will pay heed to his admonitions and to his clarion call for a change in immigration policies in the United States, and I want to thank him very sincerely for his support on this particular issue.

Mr. Speaker, every time we talk about the issue of immigration, it always results in someone coming up and saying something like, this is a Nation of immigrants. We are all immigrants.

And it is absolutely true that, unless our heritage is native American, and even then I guess you could say that they immigrated here, of course, across the Bering Strait, we are in fact a Nation of immigrants. This is undeniable. There was a time when immigration patterns across the world were such that the United States was the recipient of many hundreds of thousands of people, going into the millions, over a period of time.

Of course, I am speaking specifically of the turn of the century, especially where the United States was the place to which people came; it was a harbinger of hope. And it still is to many millions of people throughout the world.

I totally understand it. If I were an immigrant, if I were someone not in the United States, if I were someone born in other lands, especially into poverty, I would be doing exactly the same thing that we see millions and millions of them doing; and that is trying to come here. But my responsibility is different as a Congressman in this body. It is to address the issues that I believe are of concern and of a negative impact in terms of the general population of the country. And I believe immigration at this level, what I would certainly refer to as massive immigration, is not positive anymore.

Let me talk for a moment about the differences that exist between what we see today as immigration patterns and the situation in the United States as opposed to what it was around the turn of the century, of the last century.

The fact is that, of course, my grandparents came here about the same time as did millions of other people. And at that time this country was a place that relied upon brawn far more than anything else. We needed immigrant labor, low-skilled immigrant labor. It contributed to the capital development in this country, and it contributed to the well being of everyone.

□ 2030

The economy grew, the economic well-being of the families that emigrated grew, people prospered, and it was, generally speaking, a positive thing for the Nation. But we are in a brand new environment, a brand new environment that is not as hospitable to low-skilled labor as it was at the turn of the century. Today's needs are different. This Nation's needs are different. What we now see is that a massive immigration of low-skilled people have a detrimental effect on a number of things in the United States, including, of course, people who are at the lowest level of the economic scale. This is, I think, something that should concern us all and it is something I believe that my colleague from Texas addressed very clearly and very articulately, that the people in the United States that we find in most need of help are those people who are detrimentally affected by massive immigration. By the way, never before in our Nation's history, never, even at the beginning of the century, have we ever experienced the numbers of immigrants as we are presently that are a result of, quote, legal immigration alone, let alone illegal immigration. The numbers are far greater today than they ever were before. At present, just over 60 percent of the population growth in the United States is due to immigration. By 2050, it will be 90 percent, with a domestic population approaching 400 million people. Even if we allowed for a zero net increase in immigration, the population would increase by almost 75 million people by 2050 because of our recent track record. That is if we stopped immigration totally, today.

From 1997 to 1998, just 1 year in Colorado, almost 10,000 immigrants moved in and 3,000 people settled in Denver alone. These are legal immigrants. Far more came in illegally. Everybody knows it. Employers know it. School districts know it. The people who try to get to work and are confronted with massive traffic jams know it. I do not mean to say that all the people on the roads in Colorado and everywhere else, States not necessarily border States, are people who just came here from other countries, emigrated legally or illegally. But what I will tell you is that massive immigration causes a dislocation of populations, a movement of populations, and there are literally thousands, maybe hundreds of thousands of people even in my State, even in Colorado, who have moved there recently as a result of population pressures in the States from which they came, California, Florida, Texas and others, those population pressures brought on by immigration. So even though it may not be specifically immigrants in Colorado that caused the massive sort of problems we have with growth, they are exacerbated by our immigration policies nationally which do affect population trends in States all over the Nation.

With this major influx of people comes an influx of problems for United States citizens. Immigrants, both legal and illegal, are affecting all aspects of life within our society. From influencing our domestic job market causing lower wages for American citizens and even other recent immigrants, to the environment where a surging population means greater stress on our natural habitat, placing a true burden on our welfare system, we are feeling the strains of massive immigration in our economy.

In 1997, the National Research Council calculated the net fiscal cost of public services to immigrants, and I want to stress here, Mr. Speaker, the net fiscal cost, because when we get into this debate about what immigrants produce, what they contribute to the society as to what they take from the government services, there is always a debate about this, because we say, after all they come here, they get jobs, they pay taxes, that is true. But when they calculate the net fiscal cost of public services to immigrants, that is, after those taxes are paid and when we include education, welfare, Medicaid, housing assistance and Social Security beyond what immigrants pay in taxes, it was between 15 to $20 billion a year.

Now we are being asked to shoulder the burden placed on the economy of our current massive levels of immigration. In California, for example, each household must pay $1,178 a year in added taxes to cover the services which immigrants receive each year. Then there is the issue of poverty. We address that almost daily in the Congress of the United States. In every committee this issue comes up over and over again. We are now wrestling with all of the appropriations bills and we are constantly dealing with the issue of the poverty rate in the United States and we are fighting it. We are attempting to do what the government can do to reduce poverty levels in the United States. But it is the fact that a great percentage of this, of the group that we identify as being in poverty in the United States, far over a majority, as a matter of fact, are recent immigrants to the United States, again both legal and illegal.

Why is that? For one reason, over 300 of the legal immigrants who enter the country have less than a high school education as was pointed out by the gentleman from Texas (Mr. SMITH). Likewise, the unemployment rate for people with less than a high school education is twice as high than for those with more schooling. I will tell you, also, there is another difference. I mentioned earlier there is a significant difference between what is happening in America today and what happened in America at the turn of the century with regard to immigration. When you came to the United States in 1900 as an immigrant, you had very few options in terms of what you were going to do for the rest of your life. You could work, or you could starve. There were no other options available to you. And in order to work, in order especially to progress in an upward way in order to go up the scale in America, to get a better job, to do better for your family, you had to do something else. You also had to learn English. It was an absolute necessity. It was not brought about because of any law. Well, it was a law, it was a law of economics. That is to say, if you wanted to do better in the United States, you had to learn English and you had to get a job.

Well, things are different in the United States today because of the welfare system we have in the United States, which is, by the way, bad for native-born Americans just as it is bad for immigrants, because of our insistence on issues like bilingual education and a type of bilingual education that allows children to actually try to go to school and be educated in a language other than English, and for a variety of other reasons we find ourselves looking at this immigration issue much differently than we did in 1900. It has an impact, a much more negative impact than it ever did before. One-third of the yearly immigration population is competing for jobs with a sector of society that is already plagued with high levels of unemployment.

Let us look at what is happening in our schools. Currently, there are 8 million school aged children with immigrant mothers. The influx of immigration is having dire effects on the ability to educate our children. In Los Angeles, for example, nearly two-thirds of the children in Los Angeles County schools are Hispanic and 43 percent of school children in California have parents who are immigrants. What does this mean? Well, it means, of course, larger classes. More children receive less attention. It means that precious resources for books, classroom space are being strained to the breaking point, trailers having to make do where classrooms once stood. It means a diversion of funds into remedial programs and away from the programs of hard science, math and history. It leads to racial separation between and among schools. There are significant problems we face because just the cost of bilingual education in this country is dramatic. Certainly in my own State we have noticed that the costs of supporting a bilingual education plan in several of our districts have caused school districts to come forward and request more funds time after time after time. This is not even talking about the value, the relative value of bilingual education which I would certainly like to critique, because I do not believe it is of great educational benefit.

It is not just the numbers, Mr. Speaker. That, we could deal with. The fact is that yes, we will have to build more schools; yes, we will have to hire more teachers; yes, there will be pressures for greater and greater resources to address the issue of more people. But then it is what happens even afterwards, in the development of, as I say, these bilingual programs and multicultural programs that have a tendency, unfortunately, I must say this, have a tendency to balkanize America. That is the other difference between the kind of immigration patterns we saw in the early 1900s and immigration patterns today. Instead of pressures within the United States to amalgamate the people who were coming here and bring them into the melting pot, instead of having a great desire on the part of most if not all of the immigrants in the early 1900s to become part of the American experience in every single way, we are seeing something else happening with recent immigrants to the United States, in that their desire is, of course, to achieve an economic level of existence that is comparable to what we would call the typical American experience, but something happens in terms of the willingness on the part of a lot of people to accept the greater American dream. We see a tendency to balkanize America, to break ourselves up into separate little enclaves, separated by language and culture.

This has a number of detrimental effects, of course. I hope that we will have the courage to address them as we get into the greater issues of immigration policies in America. But I think they are significant and I think most people in America know to what I am referring. I am referring to this phenomenon that changes the way we think about ourselves as Americans, as opposed to one Nation, one set of ideas, one historical perspective, to a Nation totally divided into a number of different camps with different ideas about American history.

I think we should cut back, and I think we should cut back dramatically on the number of immigrants which we are allowing into the country and we should do that through the implementation of legislation such as the moratorium bill of the gentleman from Arizona (Mr. STUMP). We would better serve these immigrants by enabling them to have a better chance of achieving employment. Likewise, with less numbers of total immigrants these new arrivals to the United States would have an easier time of assimilating into their new society and the future American citizen. I agree with my colleague from Texas who indicated that perhaps a different group of immigrants ought to be identified as appropriate for immigration into the United States, and that being better educated.

There is one last issue I want to address, and, that is, the issue of immigrants and crime. Criminal aliens, that is, noncitizens who commit crimes, accounted for over 25 percent of the Federal prison population in 1993. I want to say that again, Mr. Speaker, because I do not think many people realize this. But criminal aliens, noncitizens who commit crimes, accounted for over 25 percent of the Federal prison population in 1993. They also represent the fastest growing segment. This does not count naturalized immigrants who commit crimes. About 450,000 noncitizens have been convicted of crimes and are either in American jails, on probation or on parole. In May 1990, foreign-born criminals comprised 18 percent of the inmates passing through the LA County jail inmate reception center. Some 11 percent had offenses sufficiently serious to qualify them as deportable aliens. A year later, in May 1991, a follow-up study showed only half of those deportable aliens had been returned to their country of origin.

□ 2045

Over 40 percent had already been rearrested in the United States for new offenses.

This is a result of a massive immigration problem and an immigrant policy, an immigration policy of this administration that chooses to ignore some of the most significant problems, the most significant crimes committed by people even before they come into this country. We do not go through their backgrounds, as we used to, and we end up with this kind of a problem in the United States.

I know in Colorado that a significant portion of the Colorado inmate population is made up by immigrants, both legal and illegal. The costs, again, of this kind of thing have to be added to the costs of education, costs of welfare, other costs of social services. So it is a significant issue.

The last, Mr. Speaker, and I mentioned that was the last thing; there is one more thing, Immigrants To The Public Charge. According to law, legal permanent residents are liable to be deported on a public charge if they use public benefits during their first 5 years in the United States, and although actually millions of people do this, only 41 people were deported on these grounds from 1961 to 1982.

Another issue is children under the birthright citizenship provision who are born in the United States and are automatically American citizens entitled to cash payments under the Federal Aid For Families With Dependent Children program. Parents who often are illegal aliens are able to collect these checks, gain a foothold in the United States until their child turns 18, at which point they can be sponsored and made legal immigrants. The IRS makes no effort to prevent illegal aliens from receiving earned income tax refunds, which are sometimes payable even if no income tax is due and can exceed $2000. If a false Social Security number is used, an IRS agent will then assign a temporary number.

Well, these are some of the more egregious examples of the problems that we experience as a result of massive immigration into this country, Mr. Speaker; and I do hope that my colleagues will pay attention to them and will try to address them both by reducing the number of legal immigrants and by enforcing that with stricter policies on the border with using, if necessary, with using the Armed Forces of the United States to protect our borders which, as a matter of fact, is a perfect reason for having an Army, and that is to protect your borders, and in this case we need that protection against a flood of immigration of illegal immigrants that are seriously jeopardizing the situation in America today.

REPORT ON RESOLUTION AGREEING TO CONFERENCE REQUESTED BY SENATE ON H.R. 3064, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2000

Mr. LINDER (during special order of Mr. TANCREDO), from the Committee on Rules, submitted a privileged report (Rept. No. 106–395) on the resolution (H. Res. 333) agreeing to the conference requested by the Senate on the amendment of the Senate to the bill (H.R. 3064) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2000, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.J. RES. 71, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2000

Mr. LINDER (during special order of Mr. TANCREDO), from the Committee on Rules, submitted a privileged report (Rept. No. 106–396) on the resolution (H. Res. 334) providing for consideration of the joint resolution (H.J. Res. 71) making further continuing appropriations for the fiscal year 2000, and for other purposes, which was referred to the House Calendar and ordered to be printed.

A NEW VISION FOR RUSSIA

The SPEAKER pro tempore (Mr. GUTKNECHT). Under the Speaker's announced policy of January 6, 1999, the gentleman from Pennsylvania (Mr. WELDON) is recognized for 60 minutes as the designee of the majority leader.

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise this evening to discuss Russia, the current problems that we are seeing unfold in Russia, discuss consistent with the hearings that are being held in the Committee on International Affairs and the Committee on Banking and Financial Services and other committees of this Congress, the Committee on Government Reform, what impact, if any, the U.S. has had in the current economic and political turmoil inside of Russia and the former Soviet States.

Let me say at the outset, Mr. Speaker, this is an issue that I have discussed many times on this floor in the past, and I do not just come here tonight to criticize this administration, although some of my comments will appear to do just that. I come to offer some suggestions for perhaps a new way of dealing with Russia. In fact, what I come to offer tonight, Mr. Speaker, is a new vision for Russia, a new way that this country can relate to the people in Russia who have been dominated by a centrally-controlled Communist regime for 70 years and for the last 6 years or 7 years actually by a government that was totally focused on Boris Yeltsin and the people around him.

Mr. Speaker, I want the same thing for the Russian people that the President wants, and that is a stable, free democracy, a free market system allowing the people of Russia to enjoy the benefits that we in the West and we in America enjoy. I want them to be trading partners of ours; I want them to reap the benefits of free markets; and I want them to become a partner with us in helping to ensure world stability. From my position as chairman of the National Security Research Committee, my job is to oversee $38 billion a year of defense spending for new weapon systems and new technologies, and money of those technologies and much of that investment is focused on threats, either perceived or real, coming from Russia and the former states. So it is my interest, as a subcommittee chairman, to try to find ways to work with Russia so that perhaps we can create a more stable relationship, not have to spend so much of the taxpayers' money on building exotic new weapon systems that are designed to kill people.

Let me say at the outset, Mr. Speaker, I think we made a fundamental mistake in 1991. The Russia that people were so excited to throw off communism, they were so happy to finally be able to have the opportunity to enjoy the kind of democracy and free market capitalism that they saw us enjoying in the West. And in those first few months we were so excited with the leadership provided by Boris Yeltsin. And all of us were solidly behind him at the time, that I think we forgot one very important and basic notion, that Russia's success as a democracy was not dependent upon one man. It was not going to depend upon Boris Yeltsin, but rather we should have focused on upon helping Russia establish the institutions of a democracy that would last beyond one person.

If we look at America, we can see that quite evident in our history. Yes, we have had great leaders from George Washington, to Abraham Lincoln, FDR, Ronald Reagan, all good people. But America's success is not based on individual people and the work that they do. It is based on the institutions that allow our government to have a system of checks and balances. It is based on a Constitution. It is based upon the institutions mandated in that Constitution that allow people to assume positions, but that the institution can never be circumvented by those individual people.

In our rush to help Boris Yeltsin, Mr. Speaker, I am convinced that our focus was wrongheaded. We were so preoccupied with reinforcing Boris Yeltsin, the man, that we forgot that Russia could not and would not succeed and become more stable unless we focused on institutions and strengthening those institutions.

In fact, Mr. Speaker, it is no surprise to me that for 7 years, as Boris Yeltsin called the parliament in Russia, the lower house, the State Duma, and the upper house, the Federation Council, repeatedly called them a bunch of misfits and rogues and crooks and thugs, and while there may be one or two in that Duma or perhaps more that would fit those categories, what we did as a country was reinforce Yeltsin's notion of what the Russian Parliament was, that it was not an institution to be taken seriously. And, therefore, the President, largely through his policies of reinforcing Boris Yeltsin, sent a message to the Russian people and to the elected leaders of the state Duma that America's policy was based on a strong Yeltsin and that we were not, in fact, concerned with helping to strengthen the institution of the state Duma and the Federation Council and those institutions that would allow Russia's Constitution and the Russian government to stabilize itself. And now we are paying the price for that, Mr. Speaker.

Yeltsin's popularity in the most recent poll in Russia is 2 percent. In fact, one poll had him being disliked by the entire electorate, which is something I cannot believe, that everyone in Russia that would be polled would say that Yeltsin was not good for Russia as a nation and that, in fact, he should be replaced.

But the most recent poll that I see, provided by one of our think tanks here in Washington, showed Yeltsin's acceptance rate in Russia at 2 percent. Now that leaves us as a country that has been Russia's closest partner in this new experiment in democracy as a country that has totally reinforced Yeltsin at the expense of the support for other institutions inside of Russia. And therefore, with Yeltsin's popularity plummeting at 2 percent, it is no surprise that the Russian people, and the Russian Duma and the Federation Council see America as an equal partner to the problems that Boris Yeltsin has brought to Russia, the problems of the threat of billions of dollars of IMF money, the problem of the misappropriation of dollars that were supposed to go to help stabilize Russia's economy and help create a middle class, the problems of a Russia that has not had control of its technology and has allowed proliferation to occur on an ongoing basis.

So now, Mr. Speaker, we find ourselves in a very difficult position, that the Russia that is, in fact, no longer supportive of Boris Yeltsin in fact no longer has trust for America's interests. We do not have to just look at the words that support this, Mr. Speaker. Just a few short months ago there were thousands of Russian young people, old people, standing outside of our embassy in Moscow, throwing rocks and bricks at the American embassy, something we had never seen, even under communism. We did not see massive demonstrations against our country; but recently, in the last several years, that is exactly what we have seen.

In fact, Mr. Speaker, I think one of the Russian Duma members perhaps summed it up best when he was visiting Washington in May of this year. I stood next to him at a press conference, and he was talking about the Russian perception of our involvement in Kosovo, and this is what he said. He said:

"You know America, for 70 years the Soviet Communist Party spent tens of billions of dollars to convince the Russian people that America was an evil Nation and that American people were evil, and they failed. But," he said, "You know, in just a few short months and a few short years your administration has done what the Soviet Communist Party could not do. It has convinced the Russian people that America's intentions are not honorable, that in fact you have supported Yeltsin every step of the way, even when he's been out of line, even when he has overseen the misuse of dollars, even when friends, the oligarchs who started and who run many of the Russian banks have, in fact, siphoned money away from the Russian people, put it into Swiss bank accounts and U.S. real estate investments, leaving the Russian government and the Russian people to pay those loans back even though that money was misappropriated."

Is it any wonder, Mr. Speaker, that our policies in regard to Russia have not been successful?

Now there are committees of this body and the other body holding hearings that started in September and will continue through the end of October and November about Russia. Some would characterize these hearings as: Who Lost Russia? Mr. Speaker, I am one that is convinced that Russia is not yet lost, but I do think it is certainly appropriate for the American people and its leaders to look at what happened and what went wrong. In my humble opinion, Mr. Speaker, there is no doubt that this administration has to bear a significant part of the responsibility for Russia's economic and political turmoil today.

But we cannot just stop by pointing fingers at this administration because the logical response is: Well, what would you have done differently? It is easy to criticize, but what different approach would you take? And also the criticism would be such that the administration would say, well, hindsight is always 20-20. It is easy to say what we could have done, but where were you while these last 7 years unfolded?

Well, Mr. Speaker, that is why I rise tonight, because over the past 7 years I have not been silent. In fact, Mr. Speaker, 6 years ago, working with the Russian members in the state Duma, I started a caucus to deal with Russians on energy because I knew that helping them develop their energy resources was the quickest way to bring in hard currency to help stabilize Russia's economy, and so working with those Duma deputies from energy-rich regions, we got our energy companies together: Occidental, Mobil, Marathon, the key companies that wanted to do business in Russia to see if we could not encourage joint ventures and, in the process, encourage the Duma to pass production sharing laws, which they did twice, to allow American companies to invest in Russian energy.

And it was 5 years ago that we began a process of engaging the Duma on Russia's environmental problems to make sure that we were helping Russia deal with its nuclear waste issues and the problems of clean air and clean water and maintaining an environment for the Russian people to live and to work in, and it was the day that the current speaker of the Russian Duma was elected to that post that I was in Moscow almost 6 years ago with a letter from then Speaker Gingrich inviting the Speaker of the Russian Duma to engage the Congress in a formal way, an institutional relationship with the Congress so that we could begin the process of helping strengthen and helping to empower the parliament in Russia so that it could play its rightful role in making sure that Russia's democracy succeeded.

For the past 6 years, Mr. Speaker, working with my colleague on the other side, the gentleman from Maryland (Mr. HOYER) we have led delegation after delegation to Moscow and St. Petersburg, and we have hosted delegation after delegation to Washington.

□ 2100

We have discussed issues that confront us, and we have discussed opportunities to join together. But we have worked together in an effort to strengthen the Duma to make it a more powerful force in the governing of Russia.

Mr. Speaker, it was 5 years ago that I brought over then General Alexander Lebed, who is today the governor of Krasnoyarsk. I brought him over to testify 5 years ago of what he thought was happening in the Yeltsin government 5 years ago, and he said before this Congress and my committee that the current administration was corrupt. And following General Lebed's testimony, I brought over the leading Russian environmental activist Alexei Yablakov, Dr. Yablakov himself a member of the Academy of Sciences, and at two hearings on the public record he said that the leadership in Russia was corrupt, that it was siphoning off money that should have been going to the Russian people, and he begged America to come in and help establish proper oversight.

Mr. Speaker, that was not last year, it was not last month. Those hearings were 3, 4, 5, and 6 years ago. Mr. Speaker, we in the Congress have been telling this administration repeatedly that its policies were going in the wrong direction, that reinforcing Boris Yeltsin as a person as opposed to reinforcing institutions of the presidency, of the parliament and of the Constitution in Russia would eventually cause us major problems.

Mr. Speaker, it was 3 years ago that I brought in Stanislav Lunev, the highest ranking defector from the Soviet

Russian Intelligence Service, to talk about some of the continuing problems that Russia was going through and how we needed to be aggressive in dealing with Russia, to ask candid questions.

So over the past 5, 6, 7 years, Mr. Speaker, this Congress has repeatedly questioned the policies of this administration relative to our embracing Boris Yeltsin, embracing him under any circumstance, fearful of embarrassing him. And that has been our policy for the last 7 or 8 years, Mr. Speaker. Actually starting with the last year of President Bush and then beginning with the leadership of President Clinton, we have seen a consistent policy of reinforcing one man instead of the institutions that Russia needs to strengthen itself so that it may survive for a long period of time much like America has survived.

So with those thoughts in mind, Mr. Speaker, a year ago I traveled to Moscow because I knew at that time that the Russian Duma was opposed to any more IMF funding going into their country. Now, imagine that, Mr. Speaker. Here, the elected Russian leaders equivalent to our Congress who were about to receive another $4 billion in outside aid from the International Monetary Fund, and here they were standing up, all seven major factions saying to the world, we do not want anymore IMF funding. We do not want any more dollars coming into our country.

Now, at the same time, the U.S. Congress has been saying the same thing. In fact, for 8 months President Clinton could not get the support in the Congress to support additional IMF funds to replenish the ones that had been committed. Why would the Russian Duma members oppose more IMF funding for their own homeland? The reason is very simple, Mr. Speaker.

Because for the previous 5 and 6 years, Duma Members had seen billions and billions of dollars go into Russia that were designed and supposedly earmarked to help Russian people, and time and time again, they saw those dollars simply flow through the system, through the oligarchs running the banking system in Moscow, many of whom were Yeltsin's friends and back out the other side.

Where were the dollars going? To U.S. bank accounts, to U.S. real estate investments, to Swiss bank accounts, to the Russian people in some cases who were former leaders of the Communist party and the KGB who had offshore accounts. In fact, there are reports being investigated today that Boris Yeltsin himself and his family had secret bank accounts where they have stashed significant amounts of money for his retirement days.

So it was no surprise, Mr. Speaker, that the Russian leaders said, we do not want any more, we do not want any more of your money. With those thoughts in mind, and realizing that if we did not get additional IMF dollars into Russia, their economy would collapse, I traveled to Moscow and I took with me eight points. Because I was convinced that if I could convince the Duma to accept a new direction in dealing with Russia, that perhaps we could bring some discipline and some new direction for the way that Russia was moving.

To my surprise, the Duma deputies that I met with and worked with representing various factions agreed to all eight points. Mr. Speaker, last week I submitted those eight points in the form of legislation. I want to review those eight points tonight because I think they represent a new direction for the U.S. in terms of dealing with Russia.

The Joint Statement of Principles Governing Western and Foreign Assistance to Russia is simple, but I think it is profound. In fact, I have introduced it and it is out now, H.R. 3027, for those Members who would like to become cosponsors. The eight principles lay out a new direction in terms of our relationship with Russia, both monetarily and in terms of dealing with them on issues of transparency.

The first is a simple one, Mr. Speaker, and that is to establish a joint Russian-U.S. legislative oversight commission to monitor all Western resources going into Russia. Today, there is no such effort. Today, we have no capability to monitor inside of Russia where the dollars are going, the dollars from the International Monetary Fund, the dollars from the World Bank, and the dollars from the U.S. taxpayer.

I might add, Mr. Speaker, we put approximately $1 billion a year of U.S. taxpayer money into Russia, much of it through the Cooperative Debt Reduction Program, other money through our military-to-military efforts, environmental cooperation, and cooperation with Russia in helping them stabilize their economy. So we, in fact, directly and indirectly put billions of dollars into Russia every year. There is today no ability for the U.S. Congress and the Russian Duma to monitor where those dollars end up.

Now, the administration would have us believe that they can watch over where the money is going, but I would say this, Mr. Speaker. Not being able to trust the Russian regime of Boris Yeltsin, which I think is a uniform given right now, I think everyone understands and it has certainly been pronounced in the press, as just several weeks ago we saw the first indictments handed down in the New York Bank case where there is expected defrauding of up to $4 billion to $5 billion of IMF money for the Bank of New York that was assisting some of Yeltsin's friends in Moscow.

We need to have the capability inside of Russia, one that understands the Russian process, but is backed up by the integrity of the U.S. The only way to accomplish that is to get the Russian Parliament, the Duma, and the Federation Council to join with the Congress in establishing a bilateral commission, separate from our two governments, separate from Bill Clinton and separate from Boris Yeltsin, whose only purpose would be to monitor where the monies are going; not to determine where they go, because we do not want congressional interference in saying that money should go to this agency versus that. That is up to the two administrations, whether it would be Clinton or Yeltsin or their successors.

Mr. Speaker, there needs to be a process where our two elected parliaments, representing both political parties in America and representing all of the political factions in Russia, can monitor where the dollars are ending up in Russia. The Russians love that recommendation, because the Duma today has no input in terms of monitoring where the money has gone and where it is going today and where it will go in the future.

The second principle was to focus Western resources on programs like housing that will help to develop a Russian middle class. Now, Mr. Speaker, over the past 7 or 8 years, we have pumped billions of dollars into Russia. Do we see a housing industry developing? Absolutely not. To date, Russia does not even have an established mortgage program. Three years ago, the gentleman from North Carolina (Mr. TAYLOR) and I traveled to Moscow. The gentleman from North Carolina (Mr. TAYLOR), as we know, is a very successful banker from North Carolina, and he envisioned a plan where, initially controlled by a U.S. commission, we would help Russia establish a Western-style mortgage program, with tight discipline, a program that would bypass Russian banks because of their corruptness, that would establish standards based on the U.S. mortgage system with tight controls to which Russian entities could apply. We outlined this in a piece of legislation.

The Russian Duma was so excited, they produced this document, Mr. Speaker. It says, Housing for Our People. That was over 3 years ago, Mr. Speaker. We came back and we told the administration, the Duma, including the Communists in the Duma, we are ready to embrace a Western-style mortgage program initially controlled by the U.S., so that we can maintain the integrity of it when it is first started, and once it becomes successfully operational, then after a period of years, turn it over to the Russians to operate like our Freddie Mac and Fannie Mae. Mr. Speaker, the Russians even gave it a name. They called it Natasha Mae like our Fannie Mae.

They were excited about this idea, because for the first time, it would create a mortgage program at low interest rates and we envisioned below 10 percent interest rates for terms of 30 years to help develop a housing market to create jobs and housing for Russia's people.

In fact, Mr. Speaker, it was over 2 years ago that I came back from Moscow on one of our trips, after having negotiated the first phase of this, and I went to the administration very quietly. I went to Ambassador Morningstar with the gentleman from North Carolina (Mr. TAYLOR), who at that time was in charge of the Russia desk at the State Department. And I went to him because Russia was very paranoid at that time about our expanding NATO.

Russians were being told by the ultranationalists in Russia that this was America's way of threatening Russia and using NATO to take over Russia. They were scaring the Russian people. And if my colleagues understand the history of Russia as I do, where Russia has been invaded from the west and the north and the south repeatedly in its history, my colleagues will understand why Russians might be paranoid and might believe the outlandish rhetoric from some of the ultranationalists in Russia trying to benefit politically from scaring the Russian people, basically putting in false ideas about America's real intentions.

But the gentleman from North Carolina and I went to Ambassador Morningstar; and we said, Ambassador, you have a chance here, and we want to give you a chance to have President Clinton do something extremely positive to show the Russian people that NATO's expansion is not about backing Russia into a corner. Take this housing mortgage initiative. We as Republicans will help you get some small seed funding from the Congress. Take that seed money as we have done with Israeli housing and go to our NATO allies, all of them, and ask them to put a per capita amount equal to what we put up and create a NATO housing mortgage fund.

Imagine, Mr. Speaker, if we had taken the initiative 2 years ago, over 2 years ago with a very small amount of money going to our NATO allies and said put up a per capita amount and we will create a NATO housing mortgage fund to show the Russian people that we want them to enjoy the benefits of democracy, we want them to enjoy the benefits of free markets, and a benefit from the kinds of systems we have in the West because as we all know, when housing starts up in America, our economy is strong, because housing starts create jobs.

The administration had no interest in our idea. In fact, Mr. Speaker, for the past several years, the administration's only support for mortgages in Moscow has been to the established banks that we all know in many cases are corrupt, where they are charging interest rates of 15 to 30 percent for terms of 5 to 10 years, which we all know no Russian family could afford to be able to purchase a home. A missed opportunity.

So our second initiative says to those lending institutions putting money into Russia that you must focus the resources on programs like housing that will help to develop a Russian middle class, because the long-term success of Russia is going to require a strong middle class, much like America and much like Europe and much like Japan have. Today, Russia has no middle class.

Mr. Speaker, this is an area where all of us should come together. Imagine, Mr. Speaker, if we would have taken the $20 billion of IMF money that has been dumped into Russia, which who knows what it has been used for. I cannot point to one thing in Russia today that has been built with the $20 billion of IMF money we put in. But imagine, Mr. Speaker, if we had built $20 billion of homes for Russia's citizens. Even if they went bankrupt or belly up, would they be any worse off than they are today?

☐ 2115

They have nothing to show for the billions of dollars of U.S. and World Bank and IMF money that has gone into their country. If we had put the money into mortgages, we would have $20 billion worth of new housing, and all the jobs that would have gone along with that to show for our investment.

The third priority, Mr. Speaker, in our joint statement is to make western resources available to reform-minded regional governments. Our policy for the past 7 and 8 years has been to reinforce Yeltsin in Moscow. Think of our policy: Clinton/Yeltsin, Major/Chernomyrdin. Everything has gone through those figures. In many cases, Mr. Speaker, anyone who travels to Russia knows that Moscow is Moscow and the rest of the Russian people consider the rest of Russia to be almost a second nation.

What has been our policy? It has been to reinforce Yeltsin and his cronies in Moscow, and not reinforce those reform-minded regions that are making outstanding progress in privatizing their land; in collecting more taxes; in making responsible actions to control corruption; in putting into place a legal system with a fair court system. We have done nothing of substance over the past 7 years to help direct our assets and our resources toward those regions to allow them to continue their reforms. If anything, they have looked at America and said, well, you in the West and you in America only want to reinforce Yeltsin, and he is corrupt. You are ignoring us out here in the regions where we are doing good things, where the governors in fact are making the reforms that we wanted to have happen in Moscow.

Mr. Speaker, the fourth principle was to deny any corrupt institutions, especially those in Moscow, any future resources. If a bank, if a lending institution or a business, is found to be corrupt, then what we say is we go after those companies, those individuals, try to bring them to justice, try to recapture any money that is left, sell off any assets we can seize, and never give them any more money again. Again, the Russians were ecstatic. The first four principles, all of them they loved.

Number five, and this one came from George Soros, who has probably been the single biggest private entrepreneurial in Moscow for the past 20, 25 years, I traveled up to New York to meet with him before I went to Moscow a year ago and I said, "Mr. Soros, what would you do after this economic collapse of August a year ago, what would you do to help the Russian economic situation?"

He said, "Congressman, there is only one thing that I could think of that needs to be done." He said, "The International Monetary Fund is out of sync. It does not understand emerging economies like Russia's. What I think you need to do in the Congress is to call for the IMF to empanel an international blue ribbon commission to make recommendations back to the IMF, to reform itself, to make it more responsive to emerging economies like the Russian economy."

So the fifth recommendation is just that, to have the International Monetary Fund establish a blue ribbon task force to make recommendations as to how it can reform itself.

Mr. Speaker, the sixth is probably the most substantive point of all the principles that we laid out, and this is absolutely amazing because this principle was a principle that the IMF has been demanding of Russia for the past 4 years and could not get. This principle is the principle Bill Clinton has been calling for for the past 4 years and could not get, and that was to put the horse in front of the cart, make the reforms precede and not follow the resources; to have the Russian Government understand reforms must come first and then the dollars will flow.

Now, the IMF said that was necessary, and the Duma said no way are we passing your tough reforms.

Mr. Speaker, if I was in the Duma I would say the same thing. Why should I pass tough reforms simply because the IMF board and Bill Clinton want us to pass them, or Boris Yeltsin, so we can get more IMF money when for the first 7 years that IMF money was coming in you ignored us, you pretended we were not here? In fact, you called us thugs and rogues and thieves and yet now you want us to do what you call the responsible thing?

I do not blame the Duma one bit. I would not come in and bail out a bunch of corrupt thieves that have siphoned off billions of dollars. When the members of the Duma, when the factions in the Duma see that we are willing to put some other principles down on the table, all of a sudden it is a different story because with these principles they see that we want the money to flow in a different direction. We want to recognize the regions. We want to help reward those regions that are doing good things. We want to have legislative oversight of where the money is going. When those things are done and the Duma understands, it must make the tough decisions. It must reform the budget process. It must collect taxes. It must make people pay for their electric and their housing, something that never happened in a Communist regime, and it must begin to privatize the land in Russia.

The seventh principle, Mr. Speaker, was to create a joint U.S.-Russian business-to-business relationship program, where we would identify as many CEOs in America as possible, at the small- and medium-sized corporate level, and we would link them up directly with the corresponding Russian CEO of a small- to medium-sized enterprise so that we could identify for every enterprise and business in Russia an American CEO that would become a mentor so they could work together one-on-one, discuss profits, motivating employees, meeting bottom lines, marketing techniques, the kinds of things that Russian entrepreneurs have to learn to compete in today's market worldwide; establishing a one-on-one program where American business leaders can interact with Russian business leaders one-on-one.

There are some efforts underway along that line but they are primarily at the upper, larger corporate level as opposed to small- and medium-sized manufacture and business establishment.

The last principle, Mr. Speaker, was to say that within 3 years we would bring 15,000 young Russian students to America. These students would be both graduate and undergraduate students. They would be enrolled in American schools that are offering degrees in business, finance, accounting, and economics. The principles would allow them to get their degree and go back to Russia and create the next generation of free market leaders.

Now there was a stipulation in this principle, Mr. Speaker. None of these students could stay in America and live. When they completed their degrees, they would have to go back to Russia to their communities, to their towns and cities and regions, and live to help Russia create a new generation of free market leaders.

Mr. Speaker, I think this is the kind of approach that will allow us to help Russia help itself; not just pumping in billion after billion, uncontrolled as it has been done for the past 8 years.

Mr. Speaker, the bill that outlined these principles was dropped in the House last week. As I said, it is H.R. 3027. I was proud when I dropped the bill into the hopper that I had 25 Democrat cosponsors and 25 Republican cosponsors. Mr. Speaker, 50 Members of Congress made a statement last week and now we are up above 50 Members of Congress. I have had a couple more Democrats and more Republicans come on as cosponsors and come up to me and want to get more information, but when we dropped the bill last week, 25 Democrats and 25 Republicans said our policy needs to change. We need to deal with Russia in a new way.

Yes, we need to work with Russia. Yes, we need to help Russia stabilize itself, but not the way we have done it in the past.

I would encourage my colleagues, Mr. Speaker, to sign on as cosponsors of H.R. 3027, so that we can set a new course and a new direction in terms of our relationship with Russia and the Russian people, because the Duma, Mr. Speaker, in Russia feels the same way that we do. In fact, we will be taking a delegation probably to Russia sometime before the end of the year. As we all know, Russia is having their Duma elections in December. All of us are watching and hoping that those people who win in Russia will be people who want to continue a strong relationship with the West.

Mr. Speaker, my policy of engaging Russia is one that allows me to consider myself to be a friend of the Russian people and the Russian Duma, but they know very well, Mr. Speaker, in the 19 times that I have been to Russia that I also can be their toughest critic because I am also convinced that part of our problem with Russia is that we have been so enamored again with President Yeltsin as the leader that we have been unwilling to ask the tough questions.

Mr. Speaker, Ronald Reagan had it right. Back when he was in office during the midst of the Cold War and the Soviet Union was maintaining its huge empire of Eastern Bloc regions, Ronald Reagan stood up and gave a famous speech where he called the then Soviet Union an evil empire. People were aghast that the President of the United States would say that.

Mr. Speaker, the 95 percent of the Russian people who were not members of the Communist party and benefiting from that system agree with him. So 95 percent of the people in Russia who were not communists understood Ronald Reagan when he said it was an evil empire because by not being members of the party they were not benefiting from the spoils. They saw that what Ronald Reagan said was true, and that is why today he still is very much revered in Russia.

Russian people are very bright people. They respect honesty. They respect candor, and they respect consistency. In my opinion, Mr. Speaker, in the last 7 years we have given them none of that. We have pretended things are not what they are. We have so been enamored with Boris Yeltsin that any time something happened involving the theft of IMF money, economic turmoil, we pretended it did not happen. When we had intelligence reports that came before us that showed that there was evidence that Chernomyrdin had people supporting him that were corrupt, what did Vice President Gore do? He wrote the word "bull" across the report and sent it back to the intelligence community because he did not want to hear it because it was saying something he did not want to be true even though it was true.

Mr. Speaker, for 7 years when it came to Russia abusing its money going in, we turned our head the other way because we did not want to embarrass Boris Yeltsin, but it is not just with the money, Mr. Speaker.

Back in 1997, as I have mentioned on this floor in the past, one of our career Navy intelligence officers, Lieutenant Jack Daley was flying a reconnaissance mission in Seattle, with a Canadian pilot in a helicopter monitoring a Russian trawling ship that we knew was spying on our submarine fleet in Seattle, in Pugent Sound. Lieutenant Daley had a sensation in his eye while he was taking photographs of this trawler that they knew was a spy ship because we had boarded the ship in the past and we saw sonar buoys on the ship which are only used to spy on submarines, and we also knew that ship was a spy ship, by the way called the Kapitan Man, because there was no cargo being brought into port and no cargo being taken out of port. It was spying on our submarines.

Lieutenant Daley had this sensation in his eye while flying on this helicopter mission and so the Canadian pilot, in this joint exercise, they landed their helicopter, they reported to the base infirmary and the doctor there said, "You are suffering damage caused by a laser. Lieutenant Daley gave them the film from the camera and, sure enough, as they were taking photographs of this Russian trawler they were lasered from the ship.

Mr. Speaker, that is damage by a foreign nation to one of our own, our flesh and blood, an American hero, one of our soldiers in uniform.

What did we do? Well, the record speaks for itself, Mr. Speaker, but I can say in cables that have now been declassified, the Department of Defense cabled back to the State Department and got our current ambassador involved, Ambassador Collins, and the current Russian leader in the State Department, Strobe Talbott, and Bob Bell from the Security Council and each of them was consulted about what to do because this American pilot had been lasered by a Russian ship.

Initially, they wanted no American to board that ship. They did not want an international incident created. The Department of Defense said, no, that is one of our people; we are going to go on that ship so the cable that came back said, only search the public areas of the ship.

Now, Mr. Speaker, can you really believe that? That we are now going to board a Russian ship that we know is a spy vessel and we are going to look for a laser generator or a laser gun but the boarders that are going to go on the ship are being told only inspect the public portions of the ship?

□ 2130

Do we really think the Russians are that stupid to leave the laser generator out in the open? So obviously we boarded the ship, and we saw nothing.

Lieutenant Daley was taken down to San Antonio for further medical evaluation, and, in fact, it was determined that he had serious laser damage done to his eyes.

The outrage here, Mr. Speaker, is Jack Daley did nothing but do his job as a 16-year career Navy officer doing naval intelligence. He made the mistake of asking for his country to defend him when a foreign ship and its crew lasered him in the eye.

What did our administration do? We did not want to offend Boris Yeltsin. We did not want to make an incident here. So the State Department cabled back and tried to quash this thing.

Jack Daley was passed over for promotion right after that incident and a second time this past July. Even though his career had been an outstanding career with all positive evaluations, twice since that incident, he was bypassed for promotion.

This is what Jack Daley's commanding officer said to him, Mr. Speaker, in Jack Daley's own words. He said, "Jack, you do not know the pressure I am under to get rid of your case. Jack, you do not know the pressure I am under to get rid of your case." A career Navy intelligence officer being told by his superior that they have to get rid of the case because we do not want to embarrass Boris Yeltsin.

Do we really think the Russians respect us? They are not stupid, Mr. Speaker. How about arms control violations? I did a floor speech last June a year ago where I documented, based on a work done by the Congressional Research Service, not by me, and my colleagues know they serve both sides of the aisle, they are nonpartisan, they documented 17 cases, 17 cases since 1991 of arms control violations by Russian entities where technology was sent to Iran, Iraq, Syria, Libya, North Korea, China, and India. We imposed sanctions that are required by arms control treaties zero times, zero times.

Mr. Speaker, I was in Moscow January 1996. The previous December, the Washington Post carried a front page story above the fold, front page, headline: "Russians caught transferring guidance systems to Iraq".

So I am in Moscow in January. I said to Ambassador Pickering who is now the third ranking leader in the State Department, "Mr. Ambassador, what did the Russians say when you asked them about this transfer of these guidance systems, because you know that is a violation of the missile technology control regime." He said, "Congressman WELDON, I have not asked them yet." I said, "Well, why have you not asked them?" He said, "That has got to come from Washington."

So, Mr. Speaker, I came back, and I wrote a three-page letter to President Clinton at the end of January 1996. I said, "What is the story, Mr. President? You saw the Washington Post headlines. If this occurred, it is a violation of an arms control treaty, and that requires us to act." The President wrote me back in March or April that year; I still have the response.

He said, "Dear Congressman WELDON, you are right. If this violation took place, it is serious. If it took place, it would be a violation of the missile technology control regime. But, Congressman WELDON, we have no evidence."

Mr. Speaker, I was not aware at the time, but I am now, in fact I carry a set of these around with me most of the time, the Russians transferred three different times over 100 sets of these devices to Iraq. These devices are used to make Iraq's missiles more accurate.

Mr. Speaker, 17 times Russian entities violated arms control treaties, and we did nothing. Do we really think the Russians are going to respect us? Do we really think when we abandon Jack Daley that they are going to respect us? Do we really think when we ignore billions and billions of fraud with our IMF money that they are going to respect us? I would not respect us, Mr. Speaker. That is the failure of this administration.

Now, why would this be the case? Well as I said at the outset, Mr. Speaker, our policy has been wrong-headed. We have been so preoccupied with Boris Yeltsin's success that nothing else mattered. That is a pretty hefty statement that I would make. How can I back that up?

Mr. Speaker, I would encourage my colleagues, if they have not yet read the book by Bill Gertz, who is probably the toughest foreign policy and defense investigative writer in this city for the Washington Times, get a copy of this book Betrayal or simply turn to the back of the appendix section, because in the back of this, Mr. Speaker, there are two things that the American people and our colleagues need to see.

First of all, on page 219 of this book, a document that was classified top secret, I do not know how Gertz got it because it was top secret, now the American people can read it, my colleagues will get the full chronology of the State Department cables of the Jack Daley case. So my colleagues can see for themselves that what I am saying about Jack Daley and the involvement of our State Department in trying to keep this thing quiet is right there in the State Department's own words, now declassified in a book that we can buy off the shelf at a bookstore.

Further back in this appendix, Mr. Speaker, on page 275, is a two-page document called "confidential". I do not know how Bill Gertz got this either, Mr. Speaker. But this confidential document is interesting. It is a cable summarizing a personal meeting between Bill Clinton and Boris Yeltsin. Guess what year it was written, Mr. Speaker? 1996, Mr. Speaker, which is the same year that Boris Yeltsin is running for reelection as the President of Russia.

Let me just read one of the paragraphs, Mr. Speaker, of this now publicized cable between our President and the Russian president. "The President", our President Clinton, "indicated that there was not much time, but he wanted to say a few things about the Russian elections. First of all, he wanted to make sure that everything the United States did would have a positive impact, and nothing should have a negative impact. He was encouraged that the Secretary of State was heading to Moscow to meet with Mr. Primakov, and he wanted the April summit to be a positive event. The United States will work to Russia to ensure this so that it would reinforce everything that Yeltsin had done in this regard."

It goes on to say that the President wanted to make sure that America would not let anything surface that will allow Yeltsin's election to go the wrong way.

Do we wonder why we have a problem, Mr. Speaker? We were so enamored with Boris Yeltsin that institutions did not matter. Yeltsin was our support, not Russian democracy, not Russian capitalism. Do we wonder why today, with Yeltsin's popularity at 2 percent, that the Russian people and their parliament have no respect for us?

Mr. Speaker, in dealing with Russia, we must work in a proactive way, because Russia still has tens of thousands of warheads on tens of thousands of missiles that are aimed at America's cities. We do not need a destabilized Russia anymore that sells off this technology to rogue states and rogue terrorist groups.

But it does not mean, Mr. Speaker, that we ignore the reality of what Russian individuals and entities are doing.

I am not saying that everybody in Russia is corrupt. But when things are going wrong in Russia, we must challenge them. When Russia is not being honest with us, we must challenge Russia. We must let them know that we want transparency, just as Ronald Reagan did. When they do not give us transparency, they must know there is a price to pay.

So along with working in a new direction with Russia, I want to underscore and reinforce to our colleagues that we must also challenge Russia and what is happening there and whether or not there are forces within Russia that are looking to create instability in our relationship with that Nation.

Now, I am convinced that there are many positive leaders in Russia, many of whom are my good friends. I hope that they win their reelections come December of this year.

But I want to tell my colleagues, Mr. Speaker, there are some things that trouble me greatly about Russia that we just do not know enough about and that this administration is not asking Yeltsin to explain because they do not want to embarrass him.

Some examples. Ken Alibek, Mr. Speaker, was for years the head of the Russian's biological weapons program. Under the Soviet Union, Ken Alibek lived in Russia. His job was to monitor and to oversee the entire biological weapons program for the Soviet Union.

I have met with Ken Alibek five or six times. This is his book called Biohazard. He is convinced that Russia's biological weapons program continues today.

Mr. Speaker, we need leadership that is willing to challenge Russia on these issues. When someone like Ken Alibek comes forward, yes, we must work to help stabilize Russia, but we must tell the Russians that we want to know whether or not what he is saying is true. We are not doing that today, Mr. Speaker. We are not asking the tough questions.

Or how about Stanislav Lunev? Mr. Speaker, I had Stanislav Lunev, as I mentioned earlier, testify before my committee 3 years ago, as the highest ranking GRU defector ever from the Soviet Union. We had to put him behind a screen, and he had to wear a mask over his head because there is a price on his head from certain aspects of the Russian leadership because of what he has told.

Part of what he said in my hearing 3 years ago was that his job when he worked for the intelligence for Russia, the Soviet Union, and his cover was that he was a correspondent for, I think it was, Tass here at the Soviet Embassy, that one of Lunev's jobs was to look for sites where the Soviet Union could preposition military hardware and equipment on American soil. Now, Mr. Speaker, it is a pretty provocative statement.

What Lunev said several years ago was that the Soviet Union through its intelligence service deliberately, in a very provocative way, put military equipment and hardware on American soil in predetermined locations. In fact, he told us that that was part of his assignment. In fact, Mr. Speaker, later on this week, I will join Mr. Lunev in looking at one of those sites right outside of Washington where he looked, as a career intelligence officer for the Soviet Union, and scoped out for a drop by the Soviet military and intelligence services.

But not much has come about since Lunev made his comments until 1 month ago. One month ago, Mr. Speaker, this book came out. It is called the Mitrokhin Archive. It seems as though, for 30 years, the chief archivist of the KGB in Moscow did not like the KGB and what it was doing. Very quietly, for 30 years, this Russian gentleman, day by day, wrote down and copied every memo that he was putting in the KGB archives in Moscow. He snuck them out of work every day inside of his clothing, took them to his home and buried them under the floorboards of his house.

In 1992, after the Soviet Union collapsed, he emigrated through the Baltic States. His first trip was to a U.S. embassy, and we turned him down when he told us that he had secret documents from the KGB. He then went to the Brits. The Brits took him in, gave he and his family complete asylum where he lives in Britain today under an assumed name.

The British intelligence then had Mitrokhin link up with Christopher Andrew, who is a Cambridge scholar and an outstanding expert, probably the number one expert in the world on the Soviet KGB. For 6 years, Mr. Speaker, Christopher Andrew translated the Mitrokhin archives and files. This book is the first edition of documenting those files.

On October 26, Mr. Speaker, Christopher Andrew and Gordievsky, another high-ranking KGB defector will travel to Washington, and they will testify before my committee. The American people then can see for themselves and hear the kinds of things that were done during the Soviet era that we need to make sure are not happening today in Russia and that we need to have the will and the tenacity to question the Russian leadership about, not worrying about embarrassing Boris Yeltsin, but whether or not the KGB leadership still continues to do the kinds of things that were done under the Soviet era.

□ 2145

Why is this so critical? Because in the document by Christopher Andrew in the Mitrokhin files, as a follow-up to what Lunev said, they actually give the locations in countries around the world where the Soviet Union prepositioned military equipment. And guess what, Mr. Speaker? There are sites in the U.S. that are identified in the KGB files where the Soviet Union prepositioned military equipment and buried it and booby-trapped each site.

Now, in the book are photographs in the center where one such site was identified in Switzerland. There are the photographs of that site. The Swiss authorities realized it was booby-trapped, which it was. When they dug down, they found exactly where the KGB files had stated was military hardware that the Mitrokhin files said would be there.

The question, Mr. Speaker, is: Where are these devices on American soil? What towns and cities and park lands currently have in place military equipment and hardware prepositioned by the KGB?

This administration, Mr. Speaker, that has known about these files for 6 years should have been asking those questions of Russia's leadership. We are going to ask those questions now, Mr. Speaker, and we are going to find out if, once again, we have been afraid to ask the tough questions because we do not want to embarrass Boris Yeltsin.

Mr. Speaker, there is just one overriding thought here in this whole relationship. We want Russia to succeed. We want the Russian people to have a free democracy. We want Russia to have the institutions that we have in America. But you cannot get there when we deny reality, when we pretend things are something they are not. Because the only thing that occurs then is the other side loses respect for you. I am convinced that is the problem with Russia today. They have lost respect for America.

The Congress, with H.R. 3027, and our new vision for Russia, is outlining a new direction based on three simple premises: Strength, consistency, and candor. Help create the institutions of a true democracy, a strong middle class, a strong parliament, and a strong constitution that will survive individual personalities. If we want Russia to succeed, we must follow these steps, Mr. Speaker. This is the only way that America and Russia can work together and thrive in the 21st century.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MARTINEZ (at the request of Mr. GEPHARDT) for today and October 19 on account of official business.

Ms. CARSON (at the request of Mr. GEPHARDT) for today on account of official business.

Mr. LEWIS of Georgia (at the request of Mr. GEPHARDT) for today and October 19 on account of personal reasons.

Mrs. JOHNSON of Connecticut (at the request of Mr. ARMEY) for today and

October 19 until 4:00 p.m. on account of a death in the family.

Mr. CAMP (at the request of Mr. ARMEY) for today on account of attending the birth of his daughter.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. BROWN of Florida, for 5 minutes, today.

Mrs. MEEK of Florida, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. NETHERCUTT) to revise and extend their remarks and include extraneous material:)

Mr. SALMON, for 5 minutes, October 19.

Mr. METCALF, for 5 minutes, today.

Mr. EHLERS, for 5 minutes, today.

Mr. NETHERCUTT, for 5 minutes, today.

Mr. CUNNINGHAM, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 548. An act to establish the Fallen Timbers Battlefield and Fort Miamis National Historical Site in the State of Ohio; to the Committee on Resources.

S. 762. An act to direct the Secretary of the Interior to conduct a special resource study to determine the national significance of the Miami Circle site in the State of Florida as well as the suitability and feasibility of its inclusion in the National Park System as part of Biscayne National Park, and for other purposes; to the Committee on Resources.

S. 938. An act to eliminate restrictions on the acquisition of certain land contiguous to Hawaii Volcanoes National Park, and for other purposes; to the Committee on Resources.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 356. An act to provide for the conveyance of certain property from the United States to Stanislaus County, California.

H.R. 2684. An act making appropriations for the Departments of Veteran Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000, and for other purposes.

H.R. 3036. An act to restore motor carrier safety enforcement authority to the Department of Transportation.

BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, a bill of the House of the following title:

On October 14, 1999:

H.R. 2561. Making appropriations for the Department of Defense for the fiscal year ending September 30, 2000, and for other purposes.

ADJOURNMENT

Mr. WELDON of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 47 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, October 19, 1999, at 9 a.m., for morning hour debates.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports and amended reports concerning the foreign currencies and U.S. dollars utilized for official foreign travel during the second quarter of 1999 by Committees of the House of Representatives, as well as a consolidated report of foreign currencies and U.S. dollars utilized for speaker-authorized official travel during the first, second, and third quarters of 1999, pursuant to Public Law 95–384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1, AND JUNE 30, 1999

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Visit to France, Lithuania, Czech Republic and Morocco; March 27–April 6, 1999:											
Hon. Herbert H. Bateman	3/27	3/29	France		502.00						502.00
	3/29	3/31	Lithuania		468.00						468.00
	3/31	4/3	Czech Republic		846.00						846.00
	3/4	4/6	Morocco		661.00						661.00
Visit to Vietnam, March 28–April 3, 1999:											
Hon. Lane Evans	3/28	3/30	Vietnam		200.00						200.00
Commercial airfare							6,402.38				6,402.38
Hon. Loretta Sanchez	3/29	4/3	Vietnam		1,378.00				18.48		1,396.48
Commercial airfare							3,335.59				3,335.59
Mieke Y. Eoyang	3/28	4/3	Vietnam		1,656.00						1,656.00
Commercial airfare							7,451.80		337.01		7,788.81
Visit to Malta, Italy, Egypt, Belgium, Germany, Macedonia and United Kingdom: April 4–12, 1999:											
Hon. Floyd D. Spence	4/4	4/6	Malta		464.00						464.00
	4/6	4/6	Italy		0.00						0.00
	4/6	4/8	Egypt		452.00						452.00
	4/8	4/8	Belgium		0.00						0.00
	4/8	4/9	Germany		206.00						206.00
	4/9	4/10	Macedonia		0.00						0.00
	4/10	4/12	United Kingdom		730.00						730.00
Hon. Saxby Chambliss	4/4	4/6	Malta		464.00						464.00
	4/6	4/6	Italy		0.00						0.00
	4/6	4/8	Egypt		452.00						452.00
	4/8	4/8	Belgium		0.00						0.00
	4/8	4/9	Germany		206.00						206.00
	4/9	4/10	Macedonia		0.00						0.00
	4/10	4/12	United Kingdom		730.00						730.00
Hon. Lindsey Graham	4/4	4/6	Malta		464.00						464.00
	4/6	4/6	Italy		0.00						0.00
	4/6	4/8	Egypt		452.00						452.00
	4/8	4/8	Belgium		0.00						0.00
	4/8	4/9	Germany		206.00						206.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1, AND JUNE 30, 1999—Continued

Name of member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	4/9	4/10	Macedonia		0.00						0.00
	4/10	4/12	United Kingdom		730.00						730.00
Andrew K. Ellis	4/4	4/6	Malta		464.00						464.00
	4/6	4/6	Italy		0.00						0.00
	4/6	4/8	Egypt		452.00						452.00
	4/8	4/8	Belgium		0.00						0.00
	4/8	4/9	Germany		206.00						206.00
	4/9	4/10	Macedonia		0.00						0.00
	4/10	4/12	United Kingdom		730.00						730.00
Maureen P. Cragin	4/4	4/6	Malta		464.00						464.00
	4/6	4/6	Italy		0.00						0.00
	4/6	4/8	Egypt		452.00						452.00
	4/8	4/8	Belgium		0.00						0.00
	4/8	4/9	Germany		206.00						206.00
	4/9	4/10	Macedonia		0.00						0.00
	4/10	4/12	United Kingdom		730.00						730.00
Visit to Austria, April 30-May 2, 1999:											
Hon. Curt Weldon	4/30	5/2	Austria		458.00						458.00
Hon. Neil Abercrombie	4/30	5/2	Austria		458.00						458.00
Hon. Jim Saxton	4/30	5/2	Austria		458.00						458.00
Hon. Roscoe G. Bartlett	4/30	5/2	Austria		458.00						458.00
Hon. Jim Gibbons	4/30	5/2	Austria		458.00						458.00
Hon. Joseph R. Pitts	4/30	5/2	Austria		458.00						458.00
Hon. Don Sherwood	4/30	5/2	Austria		458.00						458.00
David J. Trachtenberg	4/30	5/2	Austria		458.00						458.00
Visit to France, June 11-14, 1999:											
Andrew K. Ellis	6/11	6/14	France		1,154.65						1,154.65
Committee total					19,789.65		17,189.77		355.49		37,334.91

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

FLOYD D. SPENCE, Chairman, July 30, 1999.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 3, AND AUG. 13, 1999

Name of member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Amy Jensen	4/3	4/5	Korea		576.00						
	4/5	4/8	Australia		354.00						
	4/8	4/11	New Zealand		259.00						
Ron Lasch	4/3	4/5	Korea		576.00						
	4/5	4/8	Australia		354.00						
	4/8	4/11	New Zealand		259.00						
Lisa Boepple	8/7	8/13	Armenia, Azerbaijan		800.00						
Committee total					3,178.00						3,178.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAN BURTON, Chairman, Sept. 22, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1, AND JUNE 30, 1999

Name of member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Charles T. Canady	4/7	4/9	Italy		538.00						538.00
	4/9	4/10	Belgium		232.00						232.00
	4/10	4/11	England		315.00						315.00
Commercial transportation							4,897.50				4,897.50
Hon. William D. Delahunt	6/11	6/14	Haiti		455.50		(3)				455.50
Committee total					1,540.50		4,897.50				6,438.00

[1] Per diem constitutes lodging and meals.
[2] If foreigin currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

HENRY J. HYDE, Chairman, Aug. 6, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1, AND JUNE 30, 1999

Name of member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Chris Barton, Staff	3/28	4/9	Asia		2,572.00						2,572.00
Commercial Airfare							5,651.30				5,651.30
John Mills, Staff	4/5	4/10	Middle East		1,665.00						1,665.00
Commercial Airfare							5,167.78				5,167.78
Tom Newcomb, Staff	4/5	4/10	Middle East		1,665.00						1,665.00
Commercial Airfare							5,167.78				5,167.78
Catherine Eberwein, Staff	4/6	4/9	Asia		877.00						877.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1, AND JUNE 30, 1999—Continued

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
							(3)				0.00
Tom Newcomb, Staff	5/27	6/1	Europe		1,352.00						1,352.00
Commercial Airfare							4,746.53				4,746.53
Hon. Gary Condit	6/12	6/15	Europe		1,419.30						1,419.30
							(3)				0.00
Committee totals					9,550.30		20,733.39		0.00		30,283.69

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

PORTER J. GOSS, Chairman, July 30, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HOUSE DELEGATION TO ITALY, INDIA, AND THE CZECH REPUBLIC, EXPENDED BETWEEN MAR. 29, AND APR. 5, 1999

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Richard A. Gephardt	3/29	3/30	Italy		276.00						276.00
	3/30	4/3	India		1,203.00						1,203.00
	4/3	4/5	Czech Republic		590.00						590.00
Robert Borski	3/29	3/30	Italy		276.00						276.00
	3/30	4/3	India		1,203.00						1,203.00
	4/3	4/5	Czech Republic		590.00						590.00
Nancy Pelosi	3/29	3/30	Italy		276.00						276.00
	3/30	4/3	India		1,203.00						1,203.00
	4/3	4/5	Czech Republic		590.00						590.00
Jim McDermott	3/29	3/30	Italy		276.00						276.00
	3/30	4/3	India		1,203.00						1,203.00
	4/3	4/5	Czech Republic		590.00						590.00
Rosa De Lauro	3/29	3/30	Italy		276.00						276.00
	3/30	4/3	India		1,203.00						1,203.00
	4/3	4/5	Czech Republic		590.00						590.00
Dan Miller	3/29	3/30	Italy		276.00						276.00
	3/30	4/3	India		1,203.00						1,203.00
	4/3	4/5	Czech Republic		590.00						590.00
Mark Foley	3/29	3/30	Italy		276.00						276.00
	3/30	4/3	India		1,203.00						1,203.00
	4/3	4/5	Czech Republic		590.00						590.00
Bill Delahunt	3/29	3/30	Italy		276.00						276.00
	3/30	4/3	India		1,203.00						1,203.00
	4/3	4/5	Czech Republic		590.00						590.00
Silvestre Reyes	3/29	3/30	Italy		276.00						276.00
	3/30	4/3	India		1,203.00						1,203.00
	4/3	4/5	Czech Republic		590.00						590.00
Mike Thompson	3/39	3/30	Italy		276.00						276.00
	3/30	4/3	India		1,203.00						1,203.00
	4/3	4/5	Czech Republic		590.00						590.00
Steve Elmerdorf	3/29	3/30	Italy		276.00						276.00
	3/30	4/3	India		1,203.00						1,203.00
	4/3	4/5	Czech Republic		590.00						590.00
Brett O'Brien	3/29	3/30	Italy		276.00						276.00
	3/30	4/3	India		1,203.00						1,203.00
	4/30	4/5	Czech Republic		590.00						590.00
Kris Keller	3/29	3/30	Italy		276.00						276.00
	3/30	4/3	India		1,203.00						1,203.00
	4/3	4/5	Czech Republic		590.00						590.00
Paul Berkowitz	3/29	3/30	Italy		276.00						276.00
	3/30	4/3	India		1,203.00						1,203.00
	4/3	4/4	Czech Republic		295.00						295.00
Admiral John Eisold	3/29	3/30	Italy		276.00						276.00
	3/30	4/3	India		1,203.00						1,203.00
	4/3	4/5	Czech Republic		590.00						590.00
Committee total			Czech Republic		30,740.00						30,740.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RICHARD A. GEPHARDT, Aug. 5, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HOUSE DELEGATION TO SCOTLAND AND GERMANY, EXPENDED BETWEEN SEPT. 1, AND SEPT. 7, 1999

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Speaker Hastert	9/1	9/4	Scotland	185	294.00						294.00
Nancy Johnson	9/1	9/4	Scotland	185	294.00						294.00
Porter Goss	9/1	9/4	Scotland	185	294.00						294.00
Rick Lazio	9/1	9/4	Scotland	185	294.00						294.00
Rob Portman	9/1	9/4	Scotland	185	294.00						294.00
Jim DeMint	9/1	9/4	Scotland	185	294.00						294.00
Scott Palmer	9/1	9/4	Scotland	185	294.00						294.00
Bill Inglee	9/1	9/4	Scotland	185	294.00						294.00
Ted VanderMeid	9/1	9/4	Scotland	185	294.00						294.00
Chirsty Surprenant	9/1	9/4	Scotland	185	294.00						294.00
Pete Jeffries	9/1	9/4	Scotland	185	294.00						294.00
Chris Scheve	9/1	9/4	Scotland	185	294.00						294.00
Brian Gunderson	9/1	9/4	Scotland	185	294.00						294.00
Dan Turton	9/1	9/4	Scotland	185	294.00						294.00
Bill Livingood	9/1	9/4	Scotland	185	294.00						294.00
Dwight Comedy	9/1	9/4	Scotland	185	294.00						294.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HOUSE DELEGATION TO SCOTLAND AND GERMANY, EXPENDED BETWEEN SEPT. 1, AND SEPT. 7, 1999—Continued

Name of member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Dr. John Eisold	9/1	9/4	Scotland	185	294.00						294.00
Dwight Comedy	9/4	9/7	Germany	463.75	253.00		156.47				409.47
Dr. John Eisold	9/4	9/7	Germany	463.75	253.00		156.47				409.47
Speaker Hastert	9/4	9/7	Germany	463.75	253.00		156.47				409.47
Nancy Johnson	9/4	9/7	Germany	463.75	253.00		156.47				409.47
Porter Goss	9/4	9/7	Germany	463.75	253.00		156.47				409.47
Rick Lazio	9/4	9/7	Germany	463.75	253.00		156.47				409.47
Rob Portman	9/4	9/7	Germany	463.75	253.00		156.47				409.47
Jim DeMint	9/4	9/7	Germany	463.75	253.00		156.47				409.47
Scott Palmer	9/4	9/7	Germany	463.75	253.00		156.47				409.47
Bill Inglee	9/4	9/7	Germany	463.75	253.00		156.47				409.47
Ted VanderMeid	9/4	9/7	Germany	463.75	253.00		156.47				409.47
Christy Surprenant	9/4	9/7	Germany	463.75	253.00		156.47				409.47
Pete Jeffries	9/4	9/7	Germany	463.75	253.00		156.47				409.47
Chris Scheve	9/4	9/7	Germany	463.75	253.00		156.47				409.47
Brian Gunderson	9/4	9/7	Germany	463.75	253.00		156.47				409.47
Dan Turton	9/4	9/7	Germany	463.75	253.00		156.47				409.47
Bill Livingood	9/4	9/7	Germany	463.75	253.00		156.47				409.47
Committee total											

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

J. DENNIS HASTERT, Sept. 30, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TRAVEL TO TAIWAN, THAILAND, AUSTRALIA, AND NEW ZEALAND, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 8, AND AUG. 20, 1999

Name of member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Chaplain James D. Ford	8/8	8/10	Taiwan		530.00						530.00
	8/10	8/12	Thailand		498.00						498.00
	8/13	8/17	Australia		1,078.67						1,078.67
	8/17	8/20	New Zealand		713.19						713.19
Committee total					2,819.86						2,819.86

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMES D. FORD, Sept. 22, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TRAVEL TO SPAIN AND ITALY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 9, AND AUG. 14, 1999

Name of member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Theodore J. Van Der Meid[3]	8/9	8/11	Spain		847.00						847.00
	8/11	8/14			990.00						990.00
Commercial airfare							5,101.69				5,101.69
Committee total											6,938.69

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Purpose: Review digitization and electronic distribution activities or various National and Institutional Libraries and archives; and to discuss with Spanish and Italian officials possibilities of sharing such technologies and activities with the U.S. Library of Congress.

THEODORE J. VAN DER MEID, Oct. 8, 1999.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4794. A letter from the Administrator, Food and Nutrition Service, Department of Agriculture, transmitting the Department's final rule—School Nutrition Service: Nondiscretionary Technical Amendments (RIN: 0584–AC01) received October 12, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4795. A communication from the President of the United States, transmitting the request and availability of appropriations to enable the Department of Health and Human Services' Low Income Home Energy Assistance Program to support the needs of New Jersey in the wake of Hurricane Floyd; (H. Doc. No. 106–144); to the Committee on Appropriations and ordered to be printed.

4796. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Congressional Medal of Honor [DFARS Case 98–D304] received October 12, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4797. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Brand Name or Equal Purchase Descriptions [DFARS Case 99–D023] received October 12, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4798. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plan: Alaska [AK21–1709; FRL–6450–8] received October 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4799. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Final Flood Elevation Determinations—received October 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4800. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determination [Docket No. FEMA–7296] received October 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4801. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Final Flood Elevation Determinations—received October 13, 1999, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Banking and Financial Services.

4802. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits—received October 12, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4803. A letter from the Deputy Executive Secretary to the Department, Department of Health and Human Services, transmitting the Department's final rule—Human Drugs and Biologics; Determination That Informed Consent is NOT Feasible or Is Contrary to the Best Interests of Recipients; Revocation of 1990 Interim Final Rule; Establishment of New Interim Final Rule [Docket No. 90N-0302] (RIN: 0910–A89) received October 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4804. A letter from the Director, Office of Congressional Affairs, Office of the Secretary, Nuclear Regulatory Commission, transmitting the Commission's final rule—Final Standard Review Plan—received October 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4805. A letter from the District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting a report entitled "Audit of Public Service Commission Agency Fund for Fiscal Year 1998," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

4806. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Additions to the Procurement List—received October 12, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4807. A letter from the District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting a report entitled "Audit of Advisory Neighborhood Commission 3E for the period October 1, 1995 through September 30, 1998"; to the Committee on Government Reform.

4808. A letter from the General Counsel, Office of Management and Budget, transmitting the Office's final rule—Prompt Payment (RIN: 0348–AB47) received October 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4809. A letter from the Director, Retirement and Insurance Service, Office of Insurance Programs, Office of Personnel Management, transmitting the Office's final rule—Federal Employee's Group Life Insurance Program: Court Orders (RIN: 3206–AI49) received October 12, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4810. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Offshore Component in the Central Regulatory Area of the Gulf of Alaska [Docket No. 990304062–9062–01; I.D. 100599B] received October 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4811. A letter from the Chief, Regulations Branch, Customs Service, Department of the Treasury, transmitting the Department's final rule—Interest On Underpayments And Overpayments of Customs Duties, Taxes, Fees And Interest [T.D. 99–74] (RIN: 1515–AB76) received October 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4812. A letter from the Chief, Regulations Branch, Customs Service, Department of the Treasury, transmitting the Department's final rule—Flights To And From Cuba [T.D. 99–71] (RIN: 1515–AC51) received October 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4813. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Administrative, Procedural, and Miscellaneous [Rev. Proc. 99–38] received October 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4814. A letter from the Health Affairs, Assistant Secretary of Defense, transmitting a report regarding the appropriate health care for Gulf War veterans who suffer from a Gulf War illness.; jointly to the Committees on Veterans' Affairs and Armed Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Filed on October 15, 1999]

Mr. COBLE: Committee on the Judiciary. H.R. 1714. A bill to facilitate the use of electronic records and signatures in interstate or foreign commerce; with an amendment (Rept. 106–341, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. GOODLING: Committee on Education and the Workforce. H.R. 2300. A bill to allow a State to combine certain funds to improve the academic achievement of all its students; with an amendment (Rept. 106–386). Referred to the Committee of the Whole House on the State of the Union.

[Filed on October 18, 1999]

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1753. A bill to promote the research, identification, assessment, exploration, and development of methane hydrate resources, and for other purposes; with an amendment (Rept. 106–377 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLILEY: Committee on Commerce. H.R. 2260. A bill to amend the Controlled Substances Act to promote pain management and palliative care without permitting assisted suicide and euthanasia, and for other purposes; with amendments (Rept. 106–378 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. BURTON: Committee on Government Reform. H.R. 915. A bill to authorize a cost of living adjustment in the pay of administrative law judges; with an amendment (Rept. 106–387). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2821. A bill to amend the North American Wetlands Conservation Act to provide for appointment of 2 additional members of the North American Wetlands Conservation Council (Rept. 106–388). Referred to the Committee on the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1528. A bill to reauthorize and amend the National Geologic Mapping Act of 1992 (Rept. 106–389). Referred to the Committee on the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2496. A bill to reauthorize the Junior Duck Stamp Conservation and Design Program Act of 1994; with an amendment (Rept. 106–390). Referred to the Committee on the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. S. 382. An act to establish the Minuteman Missile National Historic Site in the State of South Dakota, and for other purposes (Rept. 106–391). Referred to the Committee on the Whole House on the State of the Union.

Mr. COMBEST: Committee on Agriculture. H.R. 2389. A bill to restore stability and predictability to the annual payments made to States and counties containing National Forest System lands and public domain lands managed by the Bureau of Land Management for use by the countries for the benefit of public schools, roads, and other purposes; with an amendment (Rept. 106–392 Pt. 1). Ordered to be printed.

Mr. ARCHER: Committee on Ways and Means. H.R. 3070. A bill to amend the Social Security Act to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide beneficiaries with disabilities meaningful opportunities to work, to extend health care coverage for such beneficiaries, and to make additional miscellaneous amendments relating to Social Security; with an amendment (Rept. 106–393 Pt. 1). Ordered to be printed.

Mr. GOODLING: Committee on Education and the Workforce. H.R. 2. A bill to send more dollars to the classroom and for certain other purposes; with an amendment (Rept. 106–394 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. LINDER: Committee on Rules. House Resolution 333. Resolution agreeing to the conference requested by the Senate on the amendment of the Senate to the bill (H.R. 3064) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2000, and for other purposes (Rept. 106–395). Referred to the House Calendar.

Mr. DREIER: Committee on Rules. House Resolution 334. Resolution providing for consideration of the joint resolution (H.J. Res. 71) making further continuing appropriations for the fiscal year 2000, and for other purposes (Rept. 106–396). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X, the Committee on Ways and Means discharged. H.R. 2 referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X, the following action was taken by the Speaker:

H.R. 2. Referral to the Committee on Ways and Means extended for a period ending not later than October 18, 1999.

H.R. 2389. Referral to the Committee on Resources extended for a period ending not later than October 29, 1999.

H.R. 3070. Referral to the Committee on Commerce extended for a period ending not later than October 19, 1999.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. CHENOWETH-HAGE (for herself, Mr. WALDEN of Oregon, Mr. METCALF, Mr. DOOLITTLE, Mr. HERGER, Mr. RADANOVICH, Mr. POMBO, and Mr. HASTINGS of Washington):

H.R. 3089. A bill to provide for a comprehensive scientific review of the current conservation status of the northern spotted owl as a result of implementation of the President's Northwest Forest Plan, which is a national strategy for the recovery of the species on public forest lands; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska:

H.R. 3090. A bill to amend the Alaska Native Claims Settlement Act to restore certain lands to the Elim Native Corporation, and for other purposes; to the Committee on Resources.

By Mr. LATOURETTE:

H.R. 3091. A bill to provide for the protection of train employees; to the Committee on Transportation and Infrastructure.

By Mr. ENGEL (for himself and Mr. TOWNS):

H.R. 3092. A bill to amend part C of title XVIII of the Social Security Act to change the rate of increase in Medicare+Choice capitation rates for 2000 and subsequent years; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANKS of New Jersey:

H.R. 3093. A bill to amend the Solid Waste Disposal Act to prevent the release of hazardous waste due to flooding, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GORDON:

H.R. 3094. A bill to authorize the Secretary of Veterans Affairs to convey to the city of Murfreesboro, Tennessee, certain real property located at the Department of Veterans Affairs medical center in Murfreesboro, Tennessee; to the Committee on Veterans' Affairs.

By Mr. PALLONE (for himself and Mr. SAXTON):

H.R. 3095. A bill to remove the waiver authority for the prohibition on military assistance to Pakistan; to the Committee on International Relations.

By Mr. SANFORD:

H.R. 3096. A bill to amend the Internal Revenue Code of 1986 to correct the treatment of tax-exempt financing of professional sports facilities; to the Committee on Ways and Means.

By Mr. SANFORD:

H.R. 3097. A bill to prevent governmental entities from using tax-exempt financing to engage in unfair competition against private enterprise; to the Committee on Ways and Means.

By Mr. TRAFICANT:

H.R. 3098. A bill to authorize grants for certain water and waste disposal facility projects in rural areas; to the Committee on Agriculture.

By Mr. YOUNG of Florida:

H.J. Res. 71. A joint resolution making further continuing appropriations for the fiscal year 2000, and for other purposes; to the Committee on Appropriations.

MEMORIALS

Under clause 3 of rule XII,

277. The SPEAKER presented a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 98 memorializing the United States Congress to take appropriate action to provide that reimbursement of operational expenses of school bus drivers who own their own school buses and are contract employees of a school system will not be taxed as income; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. HORN.

H.R. 82: Mr. BRYANT.

H.R. 274: Mr. VITTER, Mr. MEEKS of New York, Mr. JEFFERSON, and Mr. NADLER.

H.R. 325: Mr. KANJORSKI.

H.R. 329: Mr. PORTER.

H.R. 371: Mr. JONES of North Carolina.

H.R. 420: Mr. MCINTOSH.

H.R. 460: Mr. FROST.

H.R. 566: Mrs. KELLY and Mr. LAMPSON.

H.R. 601: Mr. GEJDENSON.

H.R. 632: Mr. REYNOLDS.

H.R. 664: Mr. FORBES.

H.R. 675: Mr. UDALL of New Mexico.

H.R. 728: Mr. GOODLATTE.

H.R. 740: Mr. OBEY.

H.R. 762: Mr. RODRIGUEZ, Mr. GARY MILLER of California, Mr. KLINK, Mrs. TAUSCHER, Mrs. EMERSON, Mr. MOAKLEY, Mr. CROWLEY, Mrs. NAPOLITANO, Mr. BARTLETT of Maryland, Mr. DREIER, Mr. DICKS, Mr. PHELPS, Ms. SANCHEZ, Mr. MCINTYRE, Mr. SHERMAN, Mr. ORTIZ, Mr. YOUNG of Alaska, Mr. ABERCROMBIE, Mr. SWEENEY, Mrs. CHENOWETH-HAGE, Mr. BARCIA, and Ms. BERKLEY.

H.R. 792: Mr. EHRLICH, Mr. BILIRAKIS, and Mr. LEWIS of Kentucky.

H.R. 798: Mr. CUMMINGS.

H.R. 828: Mr. BLILEY and Ms. CARSON.

H.R. 837: Mr. HOEFFEL.

H.R. 860: Mr. UDALL of New Mexico.

H.R. 881: Mr. VITTER.

H.R. 890: Mr. WATT of North Carolina.

H.R. 919: Mr. SABO, Mr. HALL of Ohio, Mr. SMITH of New Jersey, and Mr. CONYERS.

H.R. 925: Mr. BLUMENAUER, Mrs. LOWEY, and Mr. GILCHREST.

H.R. 997: Mr. VITTER, Mr. MEEKS of New York, Mr. JEFFERSON, and Mr. NADLER.

H.R. 1006: Mrs. BIGGERT.

H.R. 1163: Mr. CONYERS, Mr. ABERCROMBIE, and Mr. CROWLEY.

H.R. 1180: Mr. GALLEGLY and Mr. UDALL of New Mexico.

H.R. 1271: Mr. CUMMINGS and Mr. SABO.

H.R. 1303: Mr. ANDREWS.

H.R. 1304: Mr. UPTON, Mrs. CUBIN, Mr. MENENDEZ, and Mr. PHELPS.

H.R. 1367: Mr. HORN.

H.R. 1478: Mr. CONYERS, Mr. ABERCROMBIE, Mr. CROWLEY, and Mr. WEINER.

H.R. 1482: Mr. SABO.

H.R. 1525: Mr. LATOURETTE.

H.R. 1579: Mr. LAMPSON, Ms. BROWN of Florida, and Mr. KUYKENDALL.

H.R. 1592: Ms. MCCARTHY of Missouri and Mr. SESSIONS.

H.R. 1625: Mr. SERRANO, Ms. HOOLEY of Oregon, Ms. STABENOW, Ms. SANCHEZ, Mr. TANCREDO, Ms. DEGETTE, Mr. BILBRAY, Mr. TOWNS, and Mr. RUSH.

H.R. 1650: Mr. BENTSEN, Mr. WU, Mr. FORBES, Mr. WELDON of Pennsylvania, Mr. RYAN of Wisconsin, Mr. DUNCAN, and Mr. CUMMINGS.

H.R. 1775: Mr. GILMAN, Mr. FRANKS of New Jersey, Mr. CUMMINGS, Mr. WEXLER, Mr. CANADY of Florida, Mr. SMITH of New Jersey, and Mr. MICA.

H.R. 1821: Mr. THOMPSON of Mississippi.

H.R. 1824: Mr. EHRLICH.

H.R. 1869: Mr. LIPINSKI, Mr. SMITH of Washington, and Ms. DUNN.

H.R. 1876: Mr. FROST, Mr. CALVERT, Mr. RODRIGUEZ, Mr. SMITH of Texas, Mr. DUNCAN, Mr. BONILLA, Ms. GRANGER, and Mr. COBURN.

H.R. 1977: Mr. HOLDEN.

H.R. 1994: Ms. DEGETTE.

H.R. 1998: Mr. LINDER.

H.R. 2001: Mr. MCINNIS.

H.R. 2002: Mr. MARTINEZ.

H.R. 2053: Mr. LAMPSON.

H.R. 2166: Mr. BASS, Mr. DIXON, Mr. WEINER, and Mr. GILCHREST.

H.R. 2260: Mr. WELLER and Mr. FRANKS of New Jersey.

H.R. 2289: Mr. CALVERT.

H.R. 2418: Mr. LINDER, Ms. RIVERS, and Mr. JENKINS.

H.R. 2451: Mr. DOOLITTLE and Mr. DEAL of Georgia.

H.R. 2470: Mr. BRYANT.

H.R. 2512: Mr. GORDON, Mr. LIPINSKI, Mr. CROWLEY, Mr. ABERCROMBIE, and Mr. REYES.

H.R. 2539: Mr. GARY MILLER of California.

H.R. 2573: Mr. MATSUI, Mr. SKELTON, and Mr. BERMAN.

H.R. 2590: Mr. MCGOVERN, Ms. SLAUGHTER, and Mr. COSTELLO.

H.R. 2640: Mr. BENTSEN, Mr. BLUNT, and Mr. RAMSTAD.

H.R. 2678: Mr. STRICKLAND.

H.R. 2720: Mr. TIERNEY, Mr. CAPUANO, Mr. MEEHAN, and Mr. KLECZKA.

H.R. 2731: Mr. WEINER.

H.R. 2748: Mrs. CLAYTON and Mr. JONES of North Carolina.

H.R. 2813: Mrs. LOWEY, Mrs. JONES of Ohio, and Mr. THOMPSON of Mississippi.

H.R. 2827: Mr. LAHOOD, Mr. EVANS, and Mr. WELLER.

H.R. 2828: Mr. WEYGAND, Mr. FROST, Mr. BROWN of Ohio, Mr. KLINK, Mr. MCHUGH, Mr. GEORGE MILLER of California, Mr. BONIOR, Ms. DELAURO, Mr. TURNER, Ms. LOFGREN, Mrs. MCCARTHY of New York, and Mr. DINGELL.

H.R. 2864: Mr. OLVER, Mr. DEFAZIO, Mr. KENNEDY of Rhode Island, Ms. MCKINNEY, Mr. ENGEL, Mr. COSTELLO, Mr. NADLER, Mr. LANTOS, Mr. BARCIA, Mr. OBERSTAR, and Mr. PAYNE.

H.R. 2865: Ms. LEE and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2870: Mr. MEEHAN, Mr. BORSKI, Mr. WYNN, Mr. KING, and Mr. SANDERS.

H.R. 2882: Mr. BARCIA.

H.R. 2899: Ms. JACKSON-LEE of Texas.

H.R. 2900: Mr. KILPATRICK, Mr. GEORGE MILLER of California, Mr. GUTIERREZ, Mr. NADLER, Mr. WEINER, Mr. GEJDENSON, and Ms. ESHOO.

H.R. 2915: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. OWENS, Mr. BONIOR, and Mr. BROWN of Ohio.

H.R. 2936: Mr. LEVIN, Mr. TIERNEY, Mrs. CAPPS, and Mr. PAUL.

H.R. 2939: Mr. CLAY and Ms. LEE.

H.R. 2947: Mr. KUCINICH and Mr. SALMON.

H.R. 2966: Mr. TAYLOR of Mississippi, Mr. BLUNT, Mr. BRYANT, Mr. FROST, Mr. GEJDENSON, Mr. HANSEN, Mr. KILDEE, Mr. KUCINICH, Mr. MALONEY of Connecticut, Mr. MARTINEZ, Mr. PHELPS, Mr. SANDERS, and Mr. STUPAK.

H.R. 2980: Mr. STARK.

H.R. 3011: Mr. PICKERING.

H.R. 3044: Mr. BONIOR.

H.R. 3057: Ms. JACKSON-LEE of Texas.

H.R. 3070: Mr. CRANE and Mr. ISAKSON.

H.R. 3072: Mr. MASCARA and Mr. DOYLE.

H.R. 3075: Mr. HAYES, Mr. COOKSEY, Mr. POMBO, Mr. GILCHREST, and Mr. SKEEN.

H.R. 3082: Mr. CAMP.

H.R. 3087: Mr. REYNOLDS and Mrs. MALONEY of New York.

H.J. Res. 46: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GONZALEZ, Mr. MALONEY of Connecticut, Mr. SERRANO, Mr. FOSSELLA, Mr. UDALL of New Mexico, Mr. STEARNS, Mr. REYES, Mr. ROTHMAN, Mr. SKELTON, Mr. WALSH, and Mr. TAYLOR of Mississippi.

H. Con. Res. 51: Mr. ABERCROMBIE, Mr. EVANS, Mr. GEJDENSON, and Mr. LARSON.

H. Con. Res. 111: Mr. RUSH.

H. Con. Res. 134: Mr. BERMAN.

H. Con. Res. 188: Mrs. LOWEY, Mr. TIERNEY, Mr. MARTINEZ, Mr. MENENDEZ, Mr. PACKARD, Mr. ACKERMAN, Mr. DOYLE, Mr. DELAHUNT, Mr. PASCRELL, Mr. GEKAS, Mr. WAXMAN, Mr. LANTOS, and Mr. DINGELL.

H. Con. Res. 190: Mr. ARMEY.

H. Con. Res. 197: Mr. ARMEY, Mr. BARTON of Texas, Mr. BASS, Mr. BLUNT, Mr. BURTON of Indiana, Mr. COBURN, Mr. CUNNINGHAM, Mr. DICKEY, Mr. DUNCAN, Mr. ENGLISH, Mr. FOLEY, Mr. FRELINGHUYSEN, Mr. GUTKNECHT, Mr. HILLEARY, Mr. HOEKSTRA, Mr. ISAKSON, Mr. ISTOOK, Mr. JENKINS, Mr. KASICH, Mrs. KELLY, Mr. LEACH, Mr. MORAN of Kansas, Mr. NEY, Mrs. NORTHUP, Mr. OSE, Mr. PACKARD, Mr. PICKERING, Mrs. ROUKEMA, Mr. ROYCE, Mr. SHIMKUS, Mr. SMITH of Michigan, Mr. SWEENEY, Mr. WELDON of Pennsylvania, and Mr. WHITFIELD.

H. Res. 169: Mr. GUTIERREZ, Mr. MCGOVERN, and Mr. HINCHEY.

H. Res. 325: Mr. KLECZKA, Mr. SHOWS, and Mr. RAHALL.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3081: Ms. HOOLEY of Oregon.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2

OFFERED BY: MR. ARMEY

AMENDMENT NO. 1: Before section 111 of the bill, insert the following (and redesignate any subsequent sections accordingly):

SEC. 111. PUPIL SAFETY AND FAMILY SCHOOL CHOICE.

Subpart 1 of part A of title I is amended by inserting after section 1115A of the Act the following:

"SEC. 1115B. PUPIL SAFETY AND FAMILY SCHOOL CHOICE.

"(a) IN GENERAL.—If a student is eligible to be served under section 1115(b), or attends a school eligible for a schoolwide program under section 1114, and becomes a victim of a violent criminal offense while in or on the grounds of a public elementary school or secondary school that the student attends and that receives assistance under this part, then the local educational agency may use funds provided under this part to pay the supplementary costs for such student to attend another school. The agency may use the funds to pay for the supplementary costs of such student to attend any other public or private elementary school or secondary school, including a sectarian school, in the same State as the school where the criminal offense occurred, that is selected by the student's parent. The State educational agency shall determine what actions constitute a violent criminal offense for purposes of this section.

"(b) SUPPLEMENTARY COSTS.—The supplementary costs referred to in subsection (a) shall not exceed—

"(1) in the case of a student for whom funds under this section are used to enable the student to attend a public elementary school or secondary school served by a local educational agency that also serves the school where the violent criminal offense occurred, the costs of supplementary educational services and activities described in section 1114(b) or 1115(c) that are provided to the student;

"(2) in the case of a student for whom funds under this section are used to enable the student to attend a public elementary school or secondary school served by a local educational agency that does not serve the school where the violent criminal offense occurred but is located in the same State—

"(A) the costs of supplementary educational services and activities described in section 1114(b) or 1115(c) that are provided to the student; and

"(B) the reasonable costs of transportation for the student to attend the school selected by the student's parent; and

"(3) in the case of a student for whom funds under this section are used to enable the student to attend a private elementary school or secondary school, including a sectarian school, the costs of tuition, required fees, and the reasonable costs of such transportation.

"(c) CONSTRUCTION.—Nothing in this Act or any other Federal law shall be construed to prevent a parent assisted under this section from selecting the public or private elementary school or secondary school that a child of the parent will attend within the State.

"(d) CONSIDERATION OF ASSISTANCE.—Assistance used under this section to pay the costs for a student to attend a private school shall not be considered to be Federal aid to the school, and the Federal Government shall have no authority to influence or regulate the operations of a private school as a result of assistance received under this section.

"(e) CONTINUING ELIGIBILITY.—A student assisted under this section shall remain eligible to continue receiving assistance under this section for 5 academic years without regard to whether the student is eligible for assistance under section 1114 or 1115(b).

"(f) STATE LAW.—All actions undertaken under this section shall be undertaken in accordance with State law and may be undertaken only to the extent such actions are permitted under State law.

"(g) TUITION CHARGES.—Assistance under this section may not be used to pay tuition or required fees at a private elementary school or secondary school in an amount that is greater than the tuition and required fees paid by students not assisted under this section at such school.

"(h) SPECIAL RULE.—Any school receiving assistance provided under this section shall comply with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and not discriminate on the basis of race, color, or national origin.

"(i) ASSISTANCE; TAXES AND OTHER FEDERAL PROGRAMS.—

"(1) ASSISTANCE TO FAMILIES, NOT SCHOOLS.—Assistance provided under this section shall be considered to be aid to families, not schools. Use of such assistance at a school shall not be construed to be Federal financial aid or assistance to that school.

"(2) TAXES AND DETERMINATIONS OF ELIGIBILITY FOR OTHER FEDERAL PROGRAMS.—Assistance provided under this section to a student shall not be considered to be income of the student or the parent of such student for Federal, State, or local tax purposes or for determining eligibility for any other Federal program.

"(j) PART B OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—Nothing in this section shall be construed to affect the requirements of part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

"(k) SECTARIAN INSTITUTIONS.—Nothing in this section shall be construed to supersede or modify any provision of a State constitution that prohibits the expenditure of public funds in or by sectarian institutions.

"(l) MAXIMUM AMOUNT.—Notwithstanding any other provision of this section, the amount of assistance provided under this part for a student shall not exceed the per pupil expenditure for elementary or secondary education, as appropriate, by the local educational agency that serves the school where the criminal offense occurred for the fiscal year preceding the fiscal year for which the determination is made.".

After part G of the Elementary and Secondary Education Act of 1965, as proposed to be added by section 171 of the bill, insert the following:

PART F—ACADEMIC EMERGENCIES

SEC. 181. ACADEMIC EMERGENCIES.

(a) ACADEMIC EMERGENCIES.—Title I of the Act is amended by adding at the end the following:

"PART H—ACADEMIC EMERGENCIES

"SEC. 1801. SHORT TITLE.

"This part may be cited as the "Academic Emergency Act".

"SEC. 1802. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—The Secretary is authorized to provide funds to States that have 1 or more schools designated under section 1803 as academic emergency schools to provide parents whose children attend such schools with education alternatives.

"(b) GRANTS TO STATES.—Grants awarded to a State under this part shall be awarded for a period of not more than 5 years.

"SEC. 1803. ACADEMIC EMERGENCY DESIGNATION.

"(a) DESIGNATION.—The Governor of each State may designate 1 or more schools in the State that meet the eligibility requirements set forth in subsection (b) or are identified for school improvement under section 1116(b) as academic emergency schools.

"(b) ELIGIBILITY.—To be designated as an academic emergency school, the school shall be a public elementary school—

"(1) with a consistent record of poor performance by failing to meet minimum academic standards as determined by the State; and

"(2) in which more than 50 percent of the children attending are eligible for free or reduced price lunches under the National School Lunch Act (42 U.S.C. 1751 et seq.).

"(c) List to Secretary.—To receive a grant under this part, the Governor shall submit a list of academic emergency schools to the State educational agency and the Secretary.

"SEC. 1804. APPLICATION AND STATE SELECTION.

"(a) Application.—Each State in which the Governor has designated 1 or more schools as academic emergency schools shall submit an application to the Secretary that includes the following:

"(1) Assurances.—Assurances that the State shall—

"(A) use the funds provided under this part to supplement, not supplant, State and local funds that would otherwise be available for the purposes of this part;

"(B) provide written notification to the parents of every student eligible to receive academic emergency relief funds under this part, informing the parents of the voluntary nature of the program established under this part, and the availability of qualified schools within their geographic area;

"(C) provide parents and the education community with easily accessible information regarding available education alternatives; and

"(D) not reserve more than 4 percent of the amount made available under this part to pay administrative expenses.

"(2) Information.—Information regarding each academic emergency school, for the school year in which the application is submitted, regarding the number of children attending such school, including the number of children who are eligible for free or reduced-price lunch under the National School Lunch Act (42 U.S.C. 1751 et seq.) and the level of student performance.

"(b) State Awards.—

"(1) State selection.—From the amount appropriated pursuant to the authority of section 1814 in any fiscal year, the Secretary shall award grants to States in accordance with this section.

"(2) Priority.—To the extent practicable, the Secretary shall ensure that each State that completes an application in accordance with subsection (a) shall receive a grant of sufficient size to provide education alternatives to not less than 1 academic emergency school.

"(3) Award criteria.—In determining the amount of a grant award to a State under this part, the Secretary shall take into consideration the number of schools designated as academic emergencies in the State and the number of eligible students in such schools.

"(4) State plan.—Each State that applies for funds under this part shall establish a plan—

"(A) to ensure that the greatest number of eligible students who attend academic emergency schools have an opportunity to receive an academic emergency relief funds; and

"(B) to develop a simple procedure to allow parents of participating eligible students to redeem academic emergency relief funds.

"SEC. 1805. SELECTION OF ACADEMIC EMERGENCY SCHOOLS AND AWARDS TO PARENTS.

"(a) Selection.—The State shall select academic emergency schools based on —

"(1) the number of eligible students attending an academic emergency school;

"(2) the availability of qualified schools near the academic emergency school; and

"(3) the academic performance of students in the academic emergency school.

"(b) Insufficient Funds.—If the amount of funds made available to a State under this part is insufficient to provide every eligible student in a selected academic emergency school with academic emergency relief funds, the State shall devise a random selection process to provide eligible students in such school whose family income does not exceed 185 percent of the poverty line the opportunity to participate in education alternatives established pursuant to this part.

"(c) Payments.—

"(1) In general.—From the funds made available to a State under this part and not reserved under section 1804(a)(1)(D), a State shall pay not more than $3,500 in academic emergency relief funds to the parents of each participating eligible student.

"(2) Period of awards.—The academic emergency relief funds awarded to parents of participating eligible students shall be awarded for each school year during the grant period which shall terminate—

"(A) when a participating eligible student is no longer a student in the State; or

"(B) at the end of 5 years,

whichever occurs first.

"(3) Duration.—A State shall continue to receive funds under this part for distribution to parents of participating eligible students throughout the 5-year grant period.

"SEC. 1806. QUALIFIED SCHOOLS.

"(a) Qualifications.—A State that submits an application to the Secretary under section 1804 shall publish the qualifications necessary for a school to participate as a qualified school under this part. At a minimum, each such school shall—

"(1) provide assurances to the State that it will comply with section 1810;

"(2) certify to the State that the amount charged to a parent using academic relief funds for tuition and fees does not exceed the amount for such tuition and fees charged to a parent not using such relief funds whose child attends the qualified school (excluding scholarship students attending such school); and

"(3) report to the State, not later than July 30 of each year in a manner prescribed by the State, information regarding student performance.

"(b) Confidentiality.—No personal identifiers may be used in such report described in subsection (a)(3), except that the State may request such personal identifiers solely for the purpose of verifying student performance.

"SEC. 1807. ACADEMIC EMERGENCY RELIEF FUNDS.

"(a) Use of Academic Emergency Relief Funds.—A parent who receives academic emergency relief funds from a State under this part may use such funds to pay the costs of tuition and mandatory fees for a program of instruction at a qualified school.

"(b) Not School Aid.—Academic emergency relief funds under this part shall be considered assistance to the student and shall not be considered assistance to a qualified school.

"SEC. 1808. EVALUATION.

"(a) Annual Evaluation.—

"(1) Contract.—The Comptroller General of the United States shall enter into a contract, with an evaluating agency that has demonstrated experience in conducting evaluations, for the conduct of an ongoing rigorous evaluation of the education alternative program established under this part.

"(2) Annual evaluation requirement.—The contract described in paragraph (1) shall require the evaluating agency entering into such contract to annually evaluate the education alternative program established under this part in accordance with the evaluation criteria described in subsection (b).

"(3) Transmission.—The contract described in paragraph (1) shall require the evaluating agency entering into such contract to transmit to the Comptroller General of the United States the findings of each annual evaluation under paragraph (2).

"(b) Evaluation Criteria.—The Comptroller General of the United States, in consultation with the Secretary, shall establish minimum criteria for evaluating the education alternative program established under this part. Such criteria shall provide for—

"(1) a description of the effects of the programs on the level of student participation and parental satisfaction with the education alternatives provided pursuant to this part compared to the educational achievement of students who choose to remain at academic emergency schools selected for participation under this part; and

"(2) a description of the effects of the programs on the educational performance of eligible students who receive academic emergency relief funds compared to the educational performance of students who choose to remain at academic emergency schools selected for participation under this part.

"SEC. 1809. REPORTS BY COMPTROLLER GENERAL.

"(a) Interim Reports.—Three years after the date of enactment of the Student Results Act of 1999, the Comptroller General of the United States shall submit an interim report to Congress on the findings of the annual evaluations under section 1808(a)(2) for the education alternative program established under this part. The report shall contain a copy of the annual evaluation under section 1808(a)(2) of education alternative program established under this part.

"(b) Final Report.—The Comptroller General shall submit a final report to Congress, not later than 7 years after the date of the enactment of the Student Results Act of 1999, that summarizes the findings of the annual evaluations under section 1808(a)(2).

"SEC. 1810. CIVIL RIGHTS.

"(a) In General.—A qualified school under this part shall not discriminate on the basis of race, color, national origin, or sex in carrying out the provisions of this part.

"(b) Applicability and Construction With Respect to Discrimination on the Basis of Sex.—

"(1) Applicability.—With respect to discrimination on the basis of sex, subsection (a) shall not apply to a qualified school that is controlled by a religious organization if the application of subsection (a) is inconsistent with the religious tenets of the qualified school.

"(2) Single-sex schools, classes, or activities.—With respect to discrimination on the basis of sex, nothing in subsection (a) shall be construed to prevent a parent from choosing, or a qualified school from offering, a single-sex school, class, or activity.

"SEC. 1811. RULES OF CONSTRUCTION.

"(a) In General.—Nothing in this part shall be construed to prevent a qualified school that is operated by, supervised by, controlled by, or connected to a religious organization from employing, admitting, or giving preference to persons of the same religion to the extent determined by such school to promote the religious purpose for which the qualified school is established or maintained.

"(b) Sectarian Purposes.—Nothing in this part shall be construed to prohibit the use of funds made available under this part for sectarian educational purposes, or to require a qualified school to remove religious art, icons, scripture, or other symbols.

"SEC. 1812. CHILDREN WITH DISABILITIES.

"Nothing in this part shall affect the rights of students, or the obligations of public schools of a State, under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

"SEC. 1813. DEFINITIONS.

"As used in this part:

"(1) The terms "local educational agency" and "State educational agency" have the same meanings given such terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

"(2) The term "eligible student" means a student enrolled, in a grade between kindergarten and 4th, in an academic emergency school during the school year in which the Governor designates the school as an academic emergency school, except that the parents of a child enrolled in kindergarten at the time of the Governor's designation shall not be eligible to receive academic emergency relief funds until the child is in first grade.

"(3) The term "Governor" means the chief executive officer of the State.

"(4) The term "parent" includes a legal guardian or other person standing in loco parentis.

"(5) The term "poverty line" means the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

"(6) The term "qualified school" means a public, private, or independent elementary school that meets the requirements of section 1806 and any other qualifications established by the State to accept academic emergency relief funds from the parents of participating eligible students.

"(7) The term "Secretary" means the Secretary of Education.

"(8) The term "State" means each of the 50 States and the District of Columbia.

"SEC. 1814. AUTHORIZATIONS OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part $100,000,000 for fiscal year 2000 and such sums as may be necessary for each of the fiscal years 2001 through 2004, except that the amount authorized to be appropriated may not exceed $100,000,000 for any fiscal year.".

(b) REPEALS.—The following programs are repealed:

(1) NATIVE HAWAIIANS.—Part B of title IX of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7901 et seq.).

(2) FUND FOR THE IMPROVEMENT OF EDUCATION.—Part A of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8001 et seq.).

(3) 21ST CENTURY COMMUNITY LEARNING CENTERS.—Part I of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8241 et seq.).

H.R. 2

OFFERED BY: MR. ARMEY

AMENDMENT NO. 2: Before section 111 of the bill, insert the following (and redesignate any subsequent sections accordingly):

SEC. 111. PUPIL SAFETY AND FAMILY SCHOOL CHOICE.

Subpart 1 of part A of title I is amended by inserting after section 1115A of the Act the following:

"SEC. 1115B. PUPIL SAFETY AND FAMILY SCHOOL CHOICE.

"(a) IN GENERAL.—If a student is eligible to be served under section 1115(b), or attends a school eligible for a schoolwide program under section 1114, and becomes a victim of a violent criminal offense while in or on the grounds of a public elementary school or secondary school that the student attends and that receives assistance under this part, then the local educational agency may use funds provided under this part to pay the supplementary costs for such student to attend another school. The agency may use the funds to pay for the supplementary costs of such student to attend any other public or private elementary school or secondary school, including a sectarian school, in the same State as the school where the criminal offense occurred, that is selected by the student's parent. The State educational agency shall determine what actions constitute a violent criminal offense for purposes of this section.

"(b) SUPPLEMENTARY COSTS.—The supplementary costs referred to in subsection (a) shall not exceed—

"(1) in the case of a student for whom funds under this section are used to enable the student to attend a public elementary school or secondary school served by a local educational agency that also serves the school where the violent criminal offense occurred, the costs of supplementary educational services and activities described in section 1114(b) or 1115(c) that are provided to the student;

"(2) in the case of a student for whom funds under this section are used to enable the student to attend a public elementary school or secondary school served by a local educational agency that does not serve the school where the violent criminal offense occurred but is located in the same State—

"(A) the costs of supplementary educational services and activities described in section 1114(b) or 1115(c) that are provided to the student; and

"(B) the reasonable costs of transportation for the student to attend the school selected by the student's parent; and

"(3) in the case of a student for whom funds under this section are used to enable the student to attend a private elementary school or secondary school, including a sectarian school, the costs of tuition, required fees, and the reasonable costs of such transportation.

"(c) CONSTRUCTION.—Nothing in this Act or any other Federal law shall be construed to prevent a parent assisted under this section from selecting the public or private elementary school or secondary school that a child of the parent will attend within the State.

"(d) CONSIDERATION OF ASSISTANCE.—Assistance used under this section to pay the costs for a student to attend a private school shall not be considered to be Federal aid to the school, and the Federal Government shall have no authority to influence or regulate the operations of a private school as a result of assistance received under this section.

"(e) CONTINUING ELIGIBILITY.—A student assisted under this section shall remain eligible to continue receiving assistance under this section for 5 academic years without regard to whether the student is eligible for assistance under section 1114 or 1115(b).

"(f) STATE LAW.—All actions undertaken under this section shall be undertaken in accordance with State law and may be undertaken only to the extent such actions are permitted under State law.

"(g) TUITION CHARGES.—Assistance under this section may not be used to pay tuition or required fees at a private elementary school or secondary school in an amount that is greater than the tuition and required fees paid by students not assisted under this section at such school.

"(h) SPECIAL RULE.—Any school receiving assistance provided under this section shall comply with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and not discriminate on the basis of race, color, or national origin.

"(i) ASSISTANCE TO FAMILIES.—Assistance provided under this section shall be considered to be aid to families, not schools. Use of such assistance at a school shall not be construed to be Federal financial aid or assistance to that school.

"(j) PART B OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—Nothing in this section shall be construed to affect the requirements of part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

"(k) SECTARIAN INSTITUTIONS.—Nothing in this section shall be construed to supersede or modify any provision of a State constitution that prohibits the expenditure of public funds in or by sectarian institutions.

"(l) MAXIMUM AMOUNT.—Notwithstanding any other provision of this section, the amount of assistance provided under this part for a student shall not exceed the per pupil expenditure for elementary or secondary education, as appropriate, by the local educational agency that serves the school where the criminal offense occurred for the fiscal year preceding the fiscal year for which the determination is made.".

After part G of the Elementary and Secondary Education Act of 1965, as proposed to be added by section 171 of the bill, insert the following:

PART F—ACADEMIC EMERGENCIES

SEC. 181. ACADEMIC EMERGENCIES.

(a) ACADEMIC EMERGENCIES.—Title I of the Act is amended by adding at the end the following:

"PART H—ACADEMIC EMERGENCIES

"SEC. 1801. SHORT TITLE.

"This part may be cited as the "Academic Emergency Act".

"SEC. 1802. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—The Secretary is authorized to provide funds to States that have 1 or more schools designated under section 1803 as academic emergency schools to provide parents whose children attend such schools with education alternatives.

"(b) GRANTS TO STATES.—Grants awarded to a State under this part shall be awarded for a period of not more than 5 years.

"SEC. 1803. ACADEMIC EMERGENCY DESIGNATION.

"(a) DESIGNATION.—The Governor of each State may designate 1 or more schools in the State that meet the eligibility requirements set forth in subsection (b) or are identified for school improvement under section 1116(b) as academic emergency schools.

"(b) ELIGIBILITY.—To be designated as an academic emergency school, the school shall be a public elementary school—

"(1) with a consistent record of poor performance by failing to meet minimum academic standards as determined by the State; and

"(2) in which more than 50 percent of the children attending are eligible for free or reduced price lunches under the National School Lunch Act (42 U.S.C. 1751 et seq.).

"(c) LIST TO SECRETARY.—To receive a grant under this part, the Governor shall submit a list of academic emergency schools to the State educational agency and the Secretary.

"SEC. 1804. APPLICATION AND STATE SELECTION.

"(a) APPLICATION.—Each State in which the Governor has designated 1 or more schools as academic emergency schools shall submit an application to the Secretary that includes the following:

"(1) ASSURANCES.—Assurances that the State shall—

"(A) use the funds provided under this part to supplement, not supplant, State and local funds that would otherwise be available for the purposes of this part;

"(B) provide written notification to the parents of every student eligible to receive academic emergency relief funds under this part, informing the parents of the voluntary nature of the program established under this part, and the availability of qualified schools within their geographic area;

"(C) provide parents and the education community with easily accessible information regarding available education alternatives; and

"(D) not reserve more than 4 percent of the amount made available under this part to pay administrative expenses.

"(2) INFORMATION.—Information regarding each academic emergency school, for the school year in which the application is submitted, regarding the number of children attending such school, including the number of children who are eligible for free or reduced-price lunch under the National School Lunch Act (42 U.S.C. 1751 et seq.) and the level of student performance.

"(b) STATE AWARDS.—

"(1) STATE SELECTION.—From the amount appropriated pursuant to the authority of section 1814 in any fiscal year, the Secretary shall award grants to States in accordance with this section.

"(2) PRIORITY.—To the extent practicable, the Secretary shall ensure that each State that completes an application in accordance with subsection (a) shall receive a grant of sufficient size to provide education alternatives to not less than 1 academic emergency school.

"(3) AWARD CRITERIA.—In determining the amount of a grant award to a State under this part, the Secretary shall take into consideration the number of schools designated as academic emergencies in the State and the number of eligible students in such schools.

"(4) STATE PLAN.—Each State that applies for funds under this part shall establish a plan—

"(A) to ensure that the greatest number of eligible students who attend academic emergency schools have an opportunity to receive an academic emergency relief funds; and

"(B) to develop a simple procedure to allow parents of participating eligible students to redeem academic emergency relief funds.

"SEC. 1805. SELECTION OF ACADEMIC EMERGENCY SCHOOLS AND AWARDS TO PARENTS.

"(a) SELECTION.—The State shall select academic emergency schools based on —

"(1) the number of eligible students attending an academic emergency school;

"(2) the availability of qualified schools near the academic emergency school; and

"(3) the academic performance of students in the academic emergency school.

"(b) INSUFFICIENT FUNDS.—If the amount of funds made available to a State under this part is insufficient to provide every eligible student in a selected academic emergency school with academic emergency relief funds, the State shall devise a random selection process to provide eligible students in such school whose family income does not exceed 185 percent of the poverty line the opportunity to participate in education alternatives established pursuant to this part.

"(c) PAYMENTS.—

"(1) IN GENERAL.—From the funds made available to a State under this part and not reserved under section 1804(a)(1)(D), a State shall pay not more than $3,500 in academic emergency relief funds to the parents of each participating eligible student.

"(2) PERIOD OF AWARDS.—The academic emergency relief funds awarded to parents of participating eligible students shall be awarded for each school year during the grant period which shall terminate—

"(A) when a participating eligible student is no longer a student in the State; or

"(B) at the end of 5 years,

whichever occurs first.

"(3) DURATION.—A State shall continue to receive funds under this part for distribution to parents of participating eligible students throughout the 5-year grant period.

"SEC. 1806. QUALIFIED SCHOOLS.

"(a) QUALIFICATIONS.—A State that submits an application to the Secretary under section 1804 shall publish the qualifications necessary for a school to participate as a qualified school under this part. At a minimum, each such school shall—

"(1) provide assurances to the State that it will comply with section 1810;

"(2) certify to the State that the amount charged to a parent using academic relief funds for tuition and fees does not exceed the amount for such tuition and fees charged to a parent not using such relief funds whose child attends the qualified school (excluding scholarship students attending such school); and

"(3) report to the State, not later than July 30 of each year in a manner prescribed by the State, information regarding student performance.

"(b) CONFIDENTIALITY.—No personal identifiers may be used in such report described in subsection (a)(3), except that the State may request such personal identifiers solely for the purpose of verifying student performance.

"SEC. 1807. ACADEMIC EMERGENCY RELIEF FUNDS.

"(a) USE OF ACADEMIC EMERGENCY RELIEF FUNDS.—A parent who receives academic emergency relief funds from a State under this part may use such funds to pay the costs of tuition and mandatory fees for a program of instruction at a qualified school.

"(b) NOT SCHOOL AID.—Academic emergency relief funds under this part shall be considered assistance to the student and shall not be considered assistance to a qualified school.

"SEC. 1808. EVALUATION.

"(a) ANNUAL EVALUATION.—

"(1) CONTRACT.—The Comptroller General of the United States shall enter into a contract, with an evaluating agency that has demonstrated experience in conducting evaluations, for the conduct of an ongoing rigorous evaluation of the education alternative program established under this part.

"(2) ANNUAL EVALUATION REQUIREMENT.—The contract described in paragraph (1) shall require the evaluating agency entering into such contract to annually evaluate the education alternative program established under this part in accordance with the evaluation criteria described in subsection (b).

"(3) TRANSMISSION.—The contract described in paragraph (1) shall require the evaluating agency entering into such contract to transmit to the Comptroller General of the United States the findings of each annual evaluation under paragraph (2).

"(b) EVALUATION CRITERIA.—The Comptroller General of the United States, in consultation with the Secretary, shall establish minimum criteria for evaluating the education alternative program established under this part. Such criteria shall provide for—

"(1) a description of the effects of the programs on the level of student participation and parental satisfaction with the education alternatives provided pursuant to this part compared to the educational achievement of students who choose to remain at academic emergency schools selected for participation under this part; and

"(2) a description of the effects of the programs on the educational performance of eligible students who receive academic emergency relief funds compared to the educational performance of students who choose to remain at academic emergency schools selected for participation under this part.

"SEC. 1809. REPORTS BY COMPTROLLER GENERAL.

"(a) INTERIM REPORTS.—Three years after the date of enactment of the Student Results Act of 1999, the Comptroller General of the United States shall submit an interim report to Congress on the findings of the annual evaluations under section 1808(a)(2) for the education alternative program established under this part. The report shall contain a copy of the annual evaluation under section 1808(a)(2) of education alternative program established under this part.

"(b) FINAL REPORT.—The Comptroller General shall submit a final report to Congress, not later than 7 years after the date of the enactment of the Student Results Act of 1999, that summarizes the findings of the annual evaluations under section 1808(a)(2).

"SEC. 1810. CIVIL RIGHTS.

"(a) IN GENERAL.—A qualified school under this part shall not discriminate on the basis of race, color, national origin, or sex in carrying out the provisions of this part.

"(b) APPLICABILITY AND CONSTRUCTION WITH RESPECT TO DISCRIMINATION ON THE BASIS OF SEX.—

"(1) APPLICABILITY.—With respect to discrimination on the basis of sex, subsection (a) shall not apply to a qualified school that is controlled by a religious organization if the application of subsection (a) is inconsistent with the religious tenets of the qualified school.

"(2) SINGLE-SEX SCHOOLS, CLASSES, OR ACTIVITIES.—With respect to discrimination on the basis of sex, nothing in subsection (a) shall be construed to prevent a parent from choosing, or a qualified school from offering, a single-sex school, class, or activity.

"SEC. 1811. RULES OF CONSTRUCTION.

"(a) IN GENERAL.—Nothing in this part shall be construed to prevent a qualified school that is operated by, supervised by, controlled by, or connected to a religious organization from employing, admitting, or giving preference to persons of the same religion to the extent determined by such school to promote the religious purpose for which the qualified school is established or maintained.

"(b) SECTARIAN PURPOSES.—Nothing in this part shall be construed to prohibit the use of funds made available under this part for sectarian educational purposes, or to require a qualified school to remove religious art, icons, scripture, or other symbols.

"SEC. 1812. CHILDREN WITH DISABILITIES.

"Nothing in this part shall affect the rights of students, or the obligations of public schools of a State, under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

"SEC. 1813. DEFINITIONS.

"As used in this part:

"(1) The terms "local educational agency" and "State educational agency" have the same meanings given such terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

"(2) The term "eligible student" means a student enrolled, in a grade between kindergarten and 4th, in an academic emergency school during the school year in which the Governor designates the school as an academic emergency school, except that the parents of a child enrolled in kindergarten at the time of the Governor's designation shall not be eligible to receive academic emergency relief funds until the child is in first grade.

"(3) The term "Governor" means the chief executive officer of the State.

"(4) The term "parent" includes a legal guardian or other person standing in loco parentis.

"(5) The term "poverty line" means the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

"(6) The term "qualified school" means a public, private, or independent elementary school that meets the requirements of section 1806 and any other qualifications established by the State to accept academic emergency relief funds from the parents of participating eligible students.

"(7) The term "Secretary" means the Secretary of Education.

"(8) The term "State" means each of the 50 States and the District of Columbia.

"SEC. 1814. AUTHORIZATIONS OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part $100,000,000 for fiscal year 2000 and such sums as may be necessary for each of the fiscal years 2001 through 2004, except that the amount authorized to be appropriated may not exceed $100,000,000 for any fiscal year.".

(b) Repeals.—The following programs are repealed:

(1) Native hawaiians.—Part B of title IX of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7901 et seq.).

(2) Fund for the improvement of education.—Part A of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8001 et seq.).

(3) 21st century community learning centers.—Part I of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8241 et seq.).

H.R. 2

Offered By: Mr. Maloney of Connecticut

Amendment No. 3: Add at the end of the bill the following new title:

TITLE IX—ACADEMIC ACHIEVEMENT ENHANCEMENT

SEC. 901. ACADEMIC ACHIEVEMENT ENHANCEMENT.

Title X of the Act is amended by adding at the end the following:

"PART L—ACADEMIC ACHIEVEMENT ENHANCEMENT

"SEC. 10994. SHORT TITLE.

"This part may be cited as the 'Academic Achievement Enhancement Act'.

"SEC. 10995. PROGRAM AUTHORIZED.

"(a) In General.—

"(1) Bonus awards.—The Secretary of Education is authorized to provide bonus awards described in subsection (b) to each eligible local educational agency that has adopted or adopts a policy to end social promotion.

"(2) Eligibility.—To be eligible to receive bonus funds under this section, a local educational agency shall submit an application to the Secretary that provides assurances that the agency has adopted a policy to end social promotion. Such policy shall include the following criteria:

"(A) Standards that clearly define and specify the content that a student must master in order to be promoted to the next grade level.

"(B) A system in place that clearly measures or assesses a student's progress in meeting standards.

"(C) A promotion policy that is based on demonstrated achievement in meeting the standards.

"(D) A system in place that monitors student achievement and can identify, in a timely fashion, a student who is struggling to meet the standards.

"(E) An effective intervention program and support services for a student who is identified as being at risk of failing.

"(b) Bonus Amounts.—

"(1) In general.—Subject to paragraph (2) and except as provided in paragraph (3), a local educational agency that meets the requirements of subsection (a) shall receive a bonus award in an amount that equals 5 percent of the amount the agency received under section 1124 for the preceding fiscal year.

"(2) Ratable reduction.—

"(A) Reduction of funds.—If the sums made available under this part for any fiscal year are insufficient to pay the full amounts that all local educational agencies are eligible to receive under paragraph (1) or paragraph (3) for such year, the Secretary shall ratably reduce the allotment to such agencies for such year.

"(B) Increase in funds.—If additional funds become available for making payments under paragraph (1) for such fiscal year, allotments that were reduced under subparagraph (A) shall be increased on the same basis as such allotments were reduced.

"(3) Minimum award.—Notwithstanding the provisions of paragraph (1), each local educational agency that meets the requirements of subsection (a) shall receive an amount that is not less than $25,000.

"SEC. 10996. USES OF BONUS FUNDS.

"A local educational agency that receives a bonus award under this part shall use such award to supplement the intervention and support programs for students identified as being at risk for failing which may include—

"(1) double-dose instruction;

"(2) weekend classes;

"(3) summer school classes;

"(4) extended day programs; and

"(5) tutoring.

"SEC. 10997. REPORTS.

"Each local educational agency that receives a bonus award under this part shall submit to the Secretary a report that describes the effectiveness of programs established or enhanced as a result of a bonus award received under this part.

"SEC. 10998. DEFINITIONS.

"For purposes of this part, the term 'double-dose instruction' means a class in a core subject that meets more frequently than the regularly scheduled class for such subject.".

H.R. 2

Offered By: Mrs. Mink of Hawaii

Amendment No. 4: In section 1114(c)(1)(B)(ii)(III) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 108 of the bill, insert ", including girls and women" after "underserved populations".

In section 1114(c)(1)(B)(iii)(I) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 108 of the bill, insert ", which may include incorporation of gender-equitable methods and practices" after "schoolwide program".

In section 1119A(b)(1) of the Elementary and Secondary Education Act of 1965, as proposed to amended by section 116 of the bill—

(1) at the end of subparagraph (I), strike "and";

(2) at the end of subparagraph (J), strike the period and insert "; and"; and

(3) after subparagraph (J), insert the following:

"(K) include strategies for identifying and eliminating gender and racial bias in instructional materials, methods, and practices.".

After subparagraph (E) of section 1119A(b)(2) of the Elementary and Secondary Education Act of 1965, as proposed to amended by section 116 of the bill, insert the following (and redesignate any subsequent subparagraphs accordingly):

"(F) instruction in the ways that teachers, principals, and guidance counselors can work with parents and students from groups, such as females and minorities which are under represented in careers in mathematics, science, engineering, and technology, to encourage and maintain the interest of such students in these careers;".

In section 1119A(b)(2) of the Elementary and Secondary Education Act of 1965, as proposed to amended by section 116 of the bill—

(1) at the end of subparagraph (H) (as redesignated), strike "and";

(2) at the end of subparagraph (I) (as redesignated), strike the period and insert "; and"; and

(3) after subparagraph (I), insert the following:

"(J) instruction in gender-equitable methods, techniques, and practices.".

Strike the matter proposed to be inserted in section 1401(a)(3) of the Elementary and Secondary Education Act of 1965, (as proposed by section 142 of the bill).

After the matter proposed to be inserted in section 1401(a)(6) of the Elementary and Secondary Education Act of 1965, (as proposed by section 142 of the bill), add the following:

"(7) Pregnant and parenting teenagers are a high at-risk group for dropping out of school and should be targeted by dropout prevention programs.".

In section 1423(6) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 149 of the bill—

(1) after "social" insert ", health";

(2) after "facilities" insert ", students at risk of dropping out of school,"; and

(3) before the semicolon, insert ", including prenatal health care and nutrition services related to the health of the parent and child, parenting and child development classes, child care, targeted re-entry and outreach programs, referrals to community resources, and scheduling flexibility".

In section 1424(2) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 150 of the bill, before the semicolon, insert the following: ", including pregnant and parenting teenagers".

In section 1424(3) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 150 of the bill—

(1) after "social" insert ", health,"; and

(2) after "services" insert ", including day care,".

Strike section 152 of the bill and the amendment proposed to be made to section

1426(1) of the Elementary and Secondary Education Act of 1965.

At the end of title V of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 201 of the bill, insert the following:

“PART C—WOMEN'S EDUCATIONAL EQUITY

“SEC. 5301. SHORT TITLE; FINDINGS.

“(a) Short Title.—This part may be cited as the ‘Women's Educational Equity Act of 1994’.

“(b) Findings.—The Congress finds that—

“(1) since the enactment of title IX of the Education Amendments of 1972, women and girls have made strides in educational achievement and in their ability to avail themselves of educational opportunities;

“(2) because of funding provided under the Women's Educational Equity Act, more curricula, training, and other educational materials concerning educational equity for women and girls are available for national dissemination;

“(3) teaching and learning practices in the United States are frequently inequitable as such practices relate to women and girls, for example—

“(A) sexual harassment, particularly that experienced by girls, undermines the ability of schools to provide a safe and equitable learning or workplace environment;

“(B) classroom textbooks and other educational materials do not sufficiently reflect the experiences, achievements, or concerns of women and, in most cases, are not written by women or persons of color;

“(C) girls do not take as many mathematics and science courses as boys, girls lose confidence in their mathematics and science ability as girls move through adolescence, and there are few women role models in the sciences; and

“(D) the low number of girls taking higher level computer science courses leading to technical careers, and the low degree of participation of women in the development of education technology, will perpetuate a cycle of disadvantage for girls in elementary schools and secondary schools as technology is increasingly integrated into the classroom; and”.

“(E) pregnant and parenting teenagers are at high risk for dropping out of school and existing dropout prevention programs do not adequately address the needs of such teenagers;

“(4) efforts to improve the quality of public education also must include efforts to ensure equal access to quality education programs for all women and girls;

“(5) Federal support should address not only research and development of innovative model curricula and teaching and learning strategies to promote gender equity, but should also assist schools and local communities implement gender equitable practices;

“(6) Federal assistance for gender equity must be tied to systemic reform, involve collaborative efforts to implement effective gender practices at the local level, and encourage parental participation; and

“(7) excellence in education, high educational achievements and standards, and the full participation of women and girls in American society, cannot be achieved without educational equity for women and girls.

“SEC. 5302. STATEMENT OF PURPOSES.

“It is the purpose of this part—

“(1) to promote gender equity in education in the United States;

“(2) to provide financial assistance to enable educational agencies and institutions to meet the requirements of title IX of the Educational Amendments of 1972; and

“(3) to promote equity in education for women and girls who suffer from multiple forms of discrimination based on sex, race, ethnic origin, limited-English proficiency, disability, or age.

“SEC. 5303. PROGRAMS AUTHORIZED.

“(a) In General.—The Secretary is authorized—

“(1) to promote, coordinate, and evaluate gender equity policies, programs, activities and initiatives in all Federal education programs and offices;

“(2) to develop, maintain, and disseminate materials, resources, analyses, and research relating to education equity for women and girls;

“(3) to provide information and technical assistance to assure the effective implementation of gender equity programs;

“(4) to coordinate gender equity programs and activities with other Federal agencies with jurisdiction over education and related programs;

“(5) to assist the Assistant Secretary of the Office of Educational Research and Improvement in identifying research priorities related to education equity for women and girls; and

“(6) to perform any other activities consistent with achieving the purposes of this part.

“(b) Grants Authorized.—

“(1) In general.—The Secretary is authorized to make grants to, and enter into contracts and cooperative agreements with, public agencies, private nonprofit agencies, organizations, institutions, student groups, community groups, and individuals, for a period not to exceed four years, to—

(A) provide grants to develop model equity programs;

“(B) provide funds for the implementation of equity programs in schools throughout the Nation; and

“(C) provide grants to local educational agencies in communities with an historic tie to a major leader in the women's sufferage movement to educate its students about the significance of the community's significant former resident.

“(2) Support and technical assistance.—To achieve the purposes of this part, the Secretary is authorized to provide support and technical assistance—

“(A) to implement effective gender-equity policies and programs at all educational levels, including—

“(i) assisting educational agencies and institutions to implement policies and practices to comply with title IX of the Education Amendments of 1972;

“(ii) training for teachers, counselors, administrators, and other school personnel, especially preschool and elementary school personnel, in gender equitable teaching and learning practices;

“(iii) leadership training for women and girls to develop professional and marketable skills to compete in the global marketplace, improve self-esteem, and benefit from exposure to positive role models;

“(iv) school-to-work transition programs, guidance and counseling activities, and other programs to increase opportunities for women and girls to enter a technologically demanding workplace and, in particular, to enter highly skilled, high paying careers in which women and girls have been underrepresented;

“(v) enhancing educational and career opportunities for those women and girls who suffer multiple forms of discrimination, based on sex and on race, ethnic origin, limited-English proficiency, disability, socioeconomic status, or age;

“(vi) assisting pregnant students and students rearing children to remain in or to return to secondary school, graduate, and prepare their preschool children to start school;

“(vii) evaluating exemplary model programs to assess the ability of such programs to advance educational equity for women and girls;

“(viii) introduction into the classroom of textbooks, curricula, and other materials designed to achieve equity for women and girls;

“(ix) programs and policies to address sexual harassment and violence against women and girls and to ensure that educational institutions are free from threats to the safety of students and personnel;

“(x) nondiscriminatory tests of aptitude and achievement and of alternative assessments that eliminate biased assessment instruments from use;

“(xi) programs to increase educational opportunities, including higher education, vocational training, and other educational programs for low-income women, including underemployed and unemployed women, and women receiving assistance under a State program funded under part A of title IV of the Social Security Act;

“(xii) programs to improve representation of women in educational administration at all levels; and

“(xiii) planning, development and initial implementation of—

“(I) comprehensive institution- or district-wide evaluation to assess the presence or absence of gender equity in educational settings;

“(II) comprehensive plans for implementation of equity programs in State and local educational agencies and institutions of higher education; including community colleges; and

“(III) innovative approaches to school-community partnerships for educational equity;

“(B) for research and development, which shall be coordinated with each of the research institutes of the Office of Educational Research and Improvement to avoid duplication of research efforts, designed to advance gender equity nationwide and to help make policies and practices in educational agencies and institutions, and local communities, gender equitable, including—

“(i) research and development of innovative strategies and model training programs for teachers and other education personnel;

“(ii) the development of high quality and challenging assessment instruments that are nondiscriminatory;

“(iii) the development and evaluation of model curricula, textbooks, software, and other educational materials to ensure the absence of gender stereotyping and bias;

“(iv) the development of instruments and procedures that employ new and innovative strategies to assess whether diverse educational settings are gender equitable;

“(v) the development of instruments and strategies for evaluation, dissemination, and replication of promising or exemplary programs designed to assist local educational agencies in integrating gender equity in their educational policies and practices;

“(vi) updating high quality educational materials previously developed through awards made under this part;

“(vii) the development of policies and programs to address and prevent sexual harassment and violence to ensure that educational institutions are free from threats to safety of students and personnel;

“(viii) the development and improvement of programs and activities to increase opportunity for women, including continuing educational activities, vocational education, and programs for low-income women, including underemployed and unemployed women, and women receiving assistance under the State program funded under part A of title IV of the Social Security Act; and

“(ix) the development of guidance and counseling activities, including career education programs, designed to ensure gender equity.

“SEC. 5204. APPLICATIONS.

“An application under this part shall—

“(1) set forth policies and procedures that will ensure a comprehensive evaluation of the activities assisted under this part, including an evaluation of the practices, policies, and materials used by the applicant and an evaluation or estimate of the continued significance of the work of the project following completion of the award period;

“(2) where appropriate, demonstrate how funds received under this part will be used to promote the attainment of one or more of the National Education Goals;

“(3) demonstrate how the applicant will address perceptions of gender roles based on cultural differences or stereotypes;

“(4) where appropriate, describe how funds under this part will be used in a manner that is consistent with programs under the School-to-Work Opportunities Act of 1994;

“(5) for applications for assistance under section 5303(b)(1), demonstrate how the applicant will foster partnerships and, where applicable, share resources with State educational agencies, local educational agencies, institutions of higher education, community-based organizations (including organizations serving women), parent, teacher, and student groups, businesses or other recipients of Federal educational funding which may include State literacy resource centers;

“(6) for applications for assistance under section 5303(b)(1), demonstrate how parental involvement in the project will be encouraged; and

“(7) for applications for assistance under section 5303(b)(1), describe plans for continuation of the activities assisted under this part with local support following completion of the grant period and termination of Federal support under this part.

“SEC. 5305. CRITERIA AND PRIORITIES.

“(a) Criteria and Priorities.—

“(1) In general.—The Secretary shall establish separate criteria and priorities for awards under paragraphs (1) and (2) of section 5303(b) to ensure that funds under this part are used for programs that most effectively will achieve the purposes of this part.

“(2) Criteria.—The criteria described in subsection (a) may include the extent to which the activities assisted under this part—

“(A) address the needs of women and girls of color and women and girls with disabilities;

“(B) meet locally defined and documented educational equity needs and priorities, including compliance with title IX of the Education Amendments of 1972;

“(C) are a significant component of a comprehensive plan for educational equity and compliance with title IX of the Education Amendments of 1972 in the particular school district, institution of higher education, vocational-technical institution, or other educational agency or institution; and

“(D) implement an institutional change strategy with long-term impact that will continue as a central activity of the applicant after the grant under this part has terminated.

“(b) Priorities.—In approving applications under this part, the Secretary may give special consideration to applications—

“(1) submitted by applicants that have not received assistance under this part or under part C of title IX of this Act (as such part was in effect on October 1, 1988);

“(2) for projects that will contribute significantly to directly improving teaching and learning practices in the local community; and

“(3) for projects that will—

“(A) provide for a comprehensive approach to enhancing gender equity in educational institutions and agencies;

“(B) draw on a variety of resources, including the resources of local educational agencies, community-based organizations, institutions of higher education, and private organizations;

“(C) implement a strategy with long-term impact that will continue as a central activity of the applicant after the grant under this part has terminated;

“(D) address issues of national significance that can be duplicated; and

“(E) address the educational needs of women and girls who suffer multiple or compound discrimination based on sex and on race, ethnic origin, disability, or age.

“(c) Special Rule.—To the extent feasible, the Secretary shall ensure that grants awarded under this part for each fiscal year address—

“(1) all levels of education, including preschool, elementary and secondary education, higher education, vocational education, and adult education;

“(2) all regions of the United States; and

“(3) urban, rural, and suburban educational institutions.

“(d) Coordination.—Research activities supported under this part—

“(1) shall be carried out in consultation with the Office of Educational Research and Improvement to ensure that such activities are coordinated with and enhance the research and development activities supported by the Office; and

“(2) may include collaborative research activities which are jointly funded and carried out with the Office of Educational Research and Improvement.

“(e) Limitation.—Nothing in this part shall be construed as prohibiting men and boys from participating in any programs or activities assisted with funds under this part.

“SEC. 5306. REPORT.

“The Secretary, not later than January 1, 2004, shall submit to the President and Congress a report on the status of educational equity for girls and women in the Nation.

“SEC. 5307. ADMINISTRATION.

“(a) Evaluation; Dissemination; Report.—The Secretary—

“(1) shall evaluate, in accordance with section 14701, materials and programs developed under this part;

“(2) shall disseminate materials and programs developed under this part; and

“(3) shall report to Congress regarding such evaluation, materials, and programs not later than January 1, 2003.

“(b) Program Operations.—The Secretary shall ensure that the activities assisted under this part are administered within the Department by a person who has recognized professional qualifications and experience in the field of gender equity education.

“SEC. 5308. AUTHORIZATION OF APPROPRIATIONS.

“For the purpose of carrying out this part, there are authorized to be appropriated $5,000,000 for fiscal year 2000 and such sums as may be necessary for each of the 4 succeeding fiscal years, of which not less than ⅔ of the amount appropriated under this section for each fiscal year shall be available to carry out the activities described in section 5303(b)(1).”.

EXTENSIONS OF REMARKS

THE BOOKKEEPER BOOK DEACIDIFICATION PROCESS

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 18, 1999

Mr. TAYLOR of North Carolina. Mr. Speaker, the Appropriations Subcommittee on the Legislative Branch of both the House of Representatives and the Senate have actively supported for over two decades the Library of Congress' efforts to develop new paper preservation technologies aimed at ending the "brittle book" problem. Our joint objective has been to prevent and slow down the disintegration of "the written word" in the nation's libraries and archives due to the acids in modern books and manuscripts. The attached article from the Pittsburgh Business Times & Journal, dated April 2, 1999, describes the new "Bookkeeper" technology that chemically neutralizes these damaging acids in paper. Bookkeeper, with research, development and demonstration assistance from the Library of Congress, has perfected both a "mass" process for library books as well as consumer products that can be used for smaller collections.

Mass deacidification makes it possible to preserve library books and manuscripts in their original format for hundreds of years, rather than allowing these precious materials to become brittle and unusable. It is a pleasure to recognize the efforts of the Library of Congress and Preservation Technologies Inc., the Pittsburgh-area company that owns the Bookkeeper process. They have worked collaboratively and energetically to save already nearly a quarter of a million Library of Congress books so they will be available for Congress and America's citizens to use for many more generations. It should be noted that this American process is now being used by scores of other institutions in the U.S. and Europe and that several governments and companies are still actively working on related processes to save endangered, at-risk cultural materials.

James Burd, president of Preservation Technologies, said the product solves a perplexing problem facing scrapbook enthusiasts. "They tell you not to put anything acidic in a memory book" he said. "They don't tell you what to do if you have something on acid paper, but you want to keep it."

The need to use acid-free paper is a message that can't be avoided at a craft or scrapbook store. Making scrapbooks is a $3 billion annual business, part of the $20 billion craft industry, according to Mr. Burd.

Archival Mist is, in essence, an antacid for paper. A powder, magnesium oxide, that resembles crushed Tums, is suspended, not dissolved, in an expensive inert liquid. The liquid evaporates within a minute, even if a page is drenched. It is said to be safe for use on virtually anything. The Library of Congress tested it on thousands of papers, inks, glues and book covers.

But the high cost of the liquid, which is also used as a coolant poured over super computing chips, pushes the suggested retail price for Archival Mist to $40 for the 5.3 ounce bottle.

Mr. Burd knows that's not the optimum selling point for a retail product no larger than a can of deodorant.

"Everybody said $20 is the magic price point," Mr. Burd said. "But there are dollars in the bottle. The chemistry is very expensive."

A bottle of Archival Mist can treat about 40 standard sheets of paper. Since most items put in a scrapbook are much smaller, such as a newspaper wedding announcement, Mr. Burd said deacidification costs about 20 to 25 cents per item.

Ms. Higgins is convinced serious scrapbookers will spend the money.

"The thing about the $40 price is that one bottle contains enough to treat 300 typical clippings," she said. "Really, if we can convince people that this is one of the best investments you can make in scrapbooking, it's not too much."

It certainly isn't much compared with what the government spent trying to solve the problem. Charged with keeping books forever and faced with decaying acidic collections, the Library of Congress launched an all-out attack on acid in the 1980's.

After the government spent 15 years and more than $30 million developing a gas-based antacid to treat a chamber full of books, the chemical company it had working on the project gave up. Though most of the technique's kinks were worked out, it brought challenges and risks that Bookkeeper does not. Once, a chemical reaction caused a major fire at a laboratory working with the gaseous mixture.

Several other companies developed options based on dissolving an antacid in a liquid. But they required using more volatile liquids and they damaged some books.

Richard Spatz had led the development of the first generation of Bookkeeper as a Koppers Industries, Inc. executive, receiving a patent in 1985. After his 1988 retirement, he bought the patent for Bookkeeper, which at the time used freon, and tried to sell the idea to the Library of Congress. But library officials didn't become interested until they had exhausted their own research's possibilities.

[From the Pittsburgh Business Times & Journal, Apr. 2, 1999]

WHAT'S A MEMORY WORTH?

(By Ethan Lott)

Archival Mist can preserve scrapbook pages, but will the price reduce its mass market appeal?

The quick explanation of Archival Mist is that it preserves memories.

The how it works, why it's important and why someone should shell out $40 for a 5.3-ounce bottle requires an explanation that starts in the mid-1980s and covers Chemistry 101 and millions of dollars in government research.

This complexity is one reason why marketing Archival Mist presents a challenge.

So Preservation Technologies, the company launching Archival Mist as its first retail product, is turning to a market that understands the basic need to use acid-free paperscrapbook hobbyists and craft store regulars.

Archival Mist was unveiled in February at the Hobby Industry Associations trade show in Dallas. Shipments to about 100 stores began two weeks ago. Last week, the company finalized its order with the nation's largest craft chain, Michaels Stores Inc., and started shipping to its 516 stores this week.

Patrons of craft stores are more likely to already know that acidic paper becomes brittle as it ages. That's why some old books have pages that fall apart. Likewise, newspaper clippings, report cards and birth announcements may not stand the test of time in that old scrapbook in the attic.

Archival Mist makes any paper it touches non-acidic. It is the retail version of the Bookkeeper solution Preservation Technologies uses to save aging library books.

The company is in the midst of its second major contract with the Library of Congress, for which it is treating hundreds of thousands of aging books. After a dip in its pool of special liquid, acid in the book is neutralized. Within hours, the book is dry and ready to be shipped back to Washington.

Archival Mist allows consumers to do the same thing, page by page, with a hand-held spray bottle. Get it?

Becky Higgins, creative editor of Creating Keepsakes Scrapbook Magazine, sure does. She's been trying out Archival Mist and gives it a glowing endorsement.

"I use it a lot," Ms. Higgins said. "Scrapbooking has become a fun hobby. A lot of scrapbookers put together these gorgeous pages, but they won't last for generations because they include products that aren't acid free."

Finally, the library took a look at Bookkeeper. After testing the product for 18 months, the library gave Preservation Technologies a $1 million test contract in 1995. The company treated 90,000 books under that contract, then in 1997 received a four-year, $3 million contract to treat up to 300,000 books.

Ken Harris, preservation projects director at the Library of Congress, said the company's technology was the right solution at the right time.

"Aside from the fact that it works and works well, it doesn't have all these negative side effects," Mr. Harris said. "The whole library community gives testimony to the Bookkeeper process by awarding contracts."

Mr. Burd said the second contract with the Library of Congress is what finally gave the company credibility in the eyes of the library community. Though the Library of Congress is still the company's biggest customer, about 30 major research libraries, plus archive collection holders worldwide, have contracts with Preservation Technologies.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Getting into the spray market was not an entirely new idea for the company. It already sells Bookkeeper as a spray to professionals who want to test it on their own or treat items too large or brittle to ship to Cranberry Township.

Though he wouldn't give overall company revenue figures, Mr. Burd said Bookkeeper spray currently represents about 10 percent of the company's business.

He said the total spray business could account for 25 percent of revenue as Archival Mist sales grow.

Until more stores carry Archival Mist, the company will ship orders from Cranberry or direct consumers to the nearest retail store carrying the product. Information can be found at the company's Web site—www.ptlp.com.

TRIBUTE TO EDWARD BELA "API" UJVAGI

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 18, 1999

Ms. KAPTUR. Mr. Speaker, I rise today to recognize the lifetime of contributions that Edward Béla Újvagi made to his family, community and to our world before his passing on Monday, October 4, 1999. A resident of the city for over forty years, Mr. Újvagi was an erudite gentleman of the first order. Popular and well loved, he embodied the ideals of a virtuous and loving generation. He will be missed by all who knew him. On behalf of Ohio's lawmakers and citizens, I wish to pay tribute to this outstanding individual.

Born in Budapest, Hungary, on March 11, 1916 Mr. Újvagi was an avid outdoorsman, taking part in activities such as ski jumping, glider flying, boxing and more. He became a precision machinist and master tool and die maker, founding a small company that specialized in producing precision analytical balances. His company, however, was eventually nationalized by the communist regime. When the people of Hungary revolted against this government in 1956, Mr. Újvagi, at the age of 40, fled to the United States with his wife and four children. A fifth would be born in America. They spent six months in an Austrian refugee camp along the way. Despite arriving in our country with little more than the clothes on their backs, the family refused to give up. Mr. Újvagi founded the Toledo Scientific Instrument Co. in his own basement with only a milling machine and lathe. A very capable man, he was able to use his skills to develop and expand this business into E & C Manufacturing Co. Inc., which has operated for more than four decades. In America, he was able to piece together again the precious shards of a dream deferred.

Edward Újvagi was truly representative of the ethnically diverse, blue-collar individuals who make up the city of Toledo. Having endured internment in a Russian labor camp following World War II, he was someone who understood freedom: he knew what it meant to have it taken away. He was not just a man who discovered a new life in another country; he was a man who embraced newfound opportunities and possibilities. He took an active role in his community, belonging to the Toledo Chamber of Commerce, St. Stephen's Catholic Church, the Hungarian Club of Toledo, Hungarian Communion of Friends and many more groups. Though fiercely proud of his heritage, he also worked hard to become an American citizen, accomplishing that in April 1965. Mr. Újvagi was also a great believer in education and urged all of his children to expand their own horizons and pursue their own dreams.

Christopher Morely once wrote, "There is only one success—to be able to spend your life in your own way." Based on this, I honestly believe that Edward Újvagi was successful in life. He lived his life to the fullest and will be remembered as a man of love, faith, integrity and accomplishment. On behalf of the people of the Ninth District, I would like to extend my deepest sympathies to Mr. Újvagi's family, his wife Magda, daughters Magdalene, and Bernadette Újvagi; sons Charles Edward J. and Toledo City Council President Peter Újvagi; brother Istvan Újvagi; and 17 grandchildren. May our thoughts and prayers strengthen them in this time of reflection and profound loss and may a lifetime of memories of this rare individual sustain them today and always.

TRIBUTE TO THE B'NAI ISRAEL CONGREGATION OF SACRAMENTO

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 18, 1999

Mr. MATSUI. Mr. Speaker, I rise in tribute to the B'nai Israel Congregation of Sacramento. This year, the congregation will be celebrating its 150th year anniversary. As the members gather together to celebrate, I ask all my colleagues to join with me in saluting this commendable achievement.

B'nai Israel's humble beginning can be traced back to the "Gold Rush" days of 1849, when shop owners and crafts people gathered to celebrate the High Holy Days in Old Sacramento. Among these people was Moses Hyman, who invited fellow Jews into his Front Street home. Later, Hyman became known as both a pioneer of California Judaism and the father of Temple B'nai Israel.

A fire swept through Sacramento just two months after Hyman helped dedicate the congregation's first synagogue in 1852. The fire destroyed the chapel as well as 85 percent of the city. However, Congregation B'nai Israel persevered. In 1858, the congregation purchased another place of worship from the Methodist Episcopalian group, which had been built on the same property as the congregation's first chapel. Unfortunately, nature continued to conspire against B'nai Israel. After another fire and floods that destroyed the synagogue, the congregation established its third permanent home in a former concert hall for the First Presbyterian Church in Sacramento.

Here, B'nai Israel continued to grow and thrive for decades until the split of Orthodox and Reformed Jews in the early twentieth century. This split, however, only served to strengthen the congregation. Touting itself as a congregation of "Reformed Israelites," Congregation B'nai Israel had grown in size to over 107 families. Their new home, on Fifteenth Street in Sacramento, served as B'nai Israel's religious home for over 30 years.

In an effort to expand the congregation, President Dalton Feinstein successfully promoted the idea of relocating to the present temple site at 3600 Riverside Boulevard. To make this dream a reality, a major fund-raising campaign was successfully launched. The new temple was finally dedicated in 1954, thanks to the dedication of volunteers who raised money and found others to donate materials. An education wing, named after Buddy Kandel, was added in the early 1960's.

Throughout the years, the congregation has been involved in several community services and causes. Such involvement includes demonstrations against pogroms after World War I, organizing institutes for Christian clergy members to improve Judeo-Christian understanding, and conducting services at Folsom State Prison.

Rabbi Lester Frazi, who took over the pulpit in January 1974 and remained over 20 years, continued the B'nai Israel tradition of service to the greater Sacramento area. In addition to serving as president of the Interfaith Service Bureau, his areas of focus included helping pregnant teenagers, feeding the hungry, and supporting the gay and lesbian community.

In 1995, Rabbi Brad Bloom was installed as Rabbi Frazi's replacement. Under this leadership, the congregation has been involved in several areas, including Shabbat food deliveries to people with AIDS, Mitzvah Day, children's book collections, High Holy Day food donations to the Sacramento Food Basket, and more.

On June 18, 1999, arson fires were set at B'nai Israel, Kenesset Israel Torah Center, and Beth Shalom. Despite this horrifying act, the congregation has remained strong. In addition, support from the community during this time of trial has been overwhelming. On June 21 at the Sacramento Community Center, over 4,000 people joined in a Unity Rally in a show of solidarity. At the rally, patrons were greeted with signs bearing the sentiment, "We are strong. We are proud. We are together." Despite its many tragedies in its existence, B'nai Israel has grown stronger and stronger.

Mr. Speaker, as the members of the B'nai Israel Congregation gather to celebrate their 150th anniversary, I am honored to pay tribute to one of Sacramento's most exceptional organizations. Concerning their trials, the perseverance and dedication of this congregation are particularly incredible. I ask all of my colleagues to join with me in wishing B'nai Israel continued success in all its future endeavors.

CPA WEBTRUST

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 18, 1999

Mr. NEY. Mr. Speaker, I rise today to highlight an excellent private sector initiative that is making cyberspace a safer place for consumers to shop: CPA WebTrust.

The Internet is transforming the way consumers across this country are buying products and services. Today, 55 percent of the population uses the Internet in the United States, and that number is expected to increase substantially by the end of 1999. Last year, 35 million households purchased something on the Internet. In addition, more than one quarter of all U.S. retailers has an e-commerce Web site, and the U.S. Department of Commerce predicts that online sales could surpass $300 billion by the end of 2002.

The Internet is a retailer's dream, taking advantage of lower overhead and transaction costs and leveraging its easy access and convenience for millions of consumers. However, online shopping raises concerns for consumers. Is it safe to buy online? Will businesses deliver on their sales promises? Are buyers protected from fraud and privacy infringements?

Overall customer satisfaction among online shoppers is generally good. However, common complaints received about online merchants include: misleading advertising; goods or services not delivered as agreed; guarantees not honored or honored with unsatisfactory service; and credit or billing problems. Complaints about online retailers are similar to the complaints generated by traditional "bricks-and-mortar" businesses.

Retailers wishing to increase sales through the Internet can build consumer trust and confidence in their Web sites by using meaningful third-party assurance seal programs. One such program is CPA WebTrust, which was developed jointly by the American Institute of Chartered Accountants (CICA).

WebTrust is the only comprehensive seal of assurance program for e-commerce sites around the world. CPA's in the United States have been providing assurance services to the public for over 65 years, and WebTrust is a logical extension of their expertise onto the Internet. Uniquely qualified to offer assurance services, CPA's are trusted and respected professionals with the credibility necessary to build confidence among online buyers.

A WebTrust-licensed CPA examines online businesses at least every 90 days to make sure the site is in compliance with the rigorous WebTrust Principles and Criteria. The CPA assures that the online business is abiding by its stated privacy policies, adheres to its stated business practices, processes secure transactions, and provides resolution for customers with complaints about product or service quality. WebTrust assures customers that the Web site has met the most comprehensive e-commerce standards that protect online buyers.

By giving credibility to both small and large e-commerce sites, WebTrust helps them to access a worldwide customer base and bring global electronic commerce to its full potential. It also helps them to deliver on their sales promises and build a loyal, online customer base. WebTrust helps online businesses turn shoppers into buyers by reducing the risks of online shopping, including the potential for fraud.

Global in its focus, WebTrust is currently offered in the United States, Canada, Puerto Rico, England, Scotland, Ireland, Wales, and Australia. Discussions are underway with several other accountancy institutes in Europe and the Asia-Pacific Rim. WebTrust complies with EU data protection policies and Privacy Bill C–54 in Canada. For more information about CPA WebTrust, you can visit http://www.cpawebtrust.org

Mr. Speaker, today over 100 million Americans will surf the Internet, some wishing to make a purchase. Consumers need and deserve to be protected and private-sector programs like CPA WebTrust need to be encouraged to ensure the prosperity and vitality of America's 21st century digital economy.

HONORING JOHN WILLIAMS AS HE ANNOUNCES HIS RETIREMENT AS PRESIDENT OF THE GREATER CINCINNATI CHAMBER OF COMMERCE

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 18, 1999

Mr. PORTMAN. Mr. Speaker, I rise today to honor John Williams, a valued friend and constituent who has served as president of the Greater Cincinnati Chamber of Commerce since November 1, 1984, and has just announced he will step down in February, 2001. John manages the Chamber's active 7,000 member organization, a talented 80 person staff and extensive network of volunteers. Under John's guidance, the nation's fourth largest chamber has twice received the chamber of the Year Award from its peer organizations.

John has been actively involved in every significant civic issue affecting our area. He has been a leader focused on finding solutions to problems, including the campaign to retain Cincinnati's professional sports teams and build two new stadiums; the development of the Blue Chip Campaign for Economic Development and the Partnership for Greater Cincinnati; the growth of the Greater Cincinnati/Northern Kentucky International Airport, the increased importance of small business; and the Chamber's concentration on becoming more inclusive and regionally focused.

A native Cincinnatian, John grew up in Dayton and graduated from the Kent School in Connecticut, Princeton University, and the University of Cincinnati College of Law. He served in the U.S. Marine Corps for three years, including a tour in Vietnam as a rifle company commander, where he was injured twice. He was decorated with the Bronze Star with combat V for valor, and two Purple Hearts. In 1971, he joined the prestigious Cincinnati law firm of Taft, Stettinuis and Hollister, and was admitted to partnership in 1977. John practiced corporate and securities law until he left his leadership position to join the Chamber in 1984.

John insists that leading the Greater Cincinnati Chamber of Commerce is the greatest job in the world. That may be true, but only because he has made it so by his activism and success. He also serves our community as a board member of Downtown Cincinnati, Inc.; the Greater Cincinnati Center for Economic Education; the Kenton County Airport Board; the Greater Cincinnati Convention and Visitors Bureau; and the Queen City Club. John is married to Francie Woodward Williams.

All of us in the Greater Cincinnati area congratulate John on his service. We appreciate his outstanding leadership and friendship, and we wish him well in his final months of service and the new challenges to come.

IN HONOR OF THE AMERICAN ASSOCIATION OF PHYSICIANS OF INDIAN ORIGIN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 18, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to honor the members of the American Association of Physicians of Indian Origin. The members of the Central Ohio chapter will be holding their annual meeting of the Ohio AAPI on the weekend of October 23, 1999.

The American Association of Physicians of Indian Origin represents 32,000 physicians of Indian origin practicing all over the United States. The AAPI is concerned with the treatment of International Medical Graduates as they embark on their journey of medical education and practices here in the United States. They also concentrate their efforts on the health status of the Indian American community in the United States.

There are more than 2,000 medical doctors from India who have settled in Ohio. These men and women have moved across the world from their home towns in order to provide the best medical care to the citizens of the state of Ohio. They are bringing their heritage to our great state to add to the cultural diversity. They have dedicated their lives to selfless acts of giving and deserve the utmost respect.

I urge my fellow colleagues to please join me in recognizing these men and women of the American Association of Physicians of Indian Origin for their dedication to medical care in the state of Ohio.

CONFERENCE REPORT ON H.R. 2684, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2000

SPEECH OF

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Ms. PELOSI. Mr. Speaker, I rise to support the VA–HUD conference report. I commend the conferees for the improvements they made to the House passed bill. However, I continue to be concerned that these improvements do not adequately fund America's housing needs.

The conferees provided 60,000 new Section 8 vouchers; increased the funding for operating subsidies for public housing to $3.1 billion, increased the funding for Housing for

Persons with AIDS (HOPWA) to $232 million, and increased the funding by $45 million for programs to prevent homelessness and assist homeless individuals. While these increases will prove useful, we all recognize that the need for Section 8, public housing, HOPWA, and homelessness are significantly greater. For example, the Administration's budget requested 100,000 Section vouchers, and this bill falls far short. In many cities, the waiting lists for Section 8 and public housing apartments are many years long and in some cases closed. Individuals living with AIDS need supportive housing services and despite this bill's increased funding, it falls short of President Clinton's request.

I was disappointed that the Republican House leadership initially had cut housing assistance to low-income Americans. It does not make sense to cut funding to assist homeless persons, the working poor, and persons with AIDS. We should not cut community development programs that revitalize impoverished neighborhoods and produce new affordable housing. I remain disappointed, but support this revised legislation.

It is significant that the conference decided to fund $20 million for the Clinton-Gore America's Private Investment Companies Initiative (APIC). I hope my colleagues will take the next step and pass legislation as soon as possible to authorize this needed initiative. APIC will leverage this $20 million and stimulate investments of approximately $550 million in private issued, government guaranteed loans and an additional $275 million in private equity capital.

The Community Builders program has provided HUD and America's communities with capable public servants responsive to local needs. These community builders have successfully staffed many locally driven projects and helped streamline HUD services. Their work should be commended.

Despite the accomplishments of this bill, millions of Americans still pay more than half their income for rent and too many Americans remain homeless. This improved bill is a step in the proper direction and will address some of these problems. Nonetheless, more steps are needed. I commend Secretary Cuomo for his leadership on these important housing issues. I hope future budgets will provide more funding to help low-income Americans obtain affordable housing.

TRIBUTE TO THE LATE CHARLES BLOOMFIELD

HONORABLE SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 18, 1999

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to ask that we pause for a moment in honor of one of the finest people that I have ever had the pleasure of knowing. Charles Bloomfield was a dedicated family man, a hard working rancher and a model American. He gave selflessly to provide for his family and to help his community.

Charles joined the United States Army during World War II and after he returned from fearless duty, he married Dorothy Parkes in 1946. Together they had two children, Anne and Edward.

In 1949 Charles and his wife bought a beautiful ranch in Meeker, Colorado where Charles truly enjoyed working the land and raising cattle. He was a man of tradition, old fashioned in his ranching methods, which he maintained until just one week before his death.

Charles Bloomfield, aside from working long days on his ranch, gave greatly of his time to many community organizations. In 1946 he was named Water Commissioner, a position that he held for ten years. In the mid-1960's he was County Commissioner and he served as the Republican Committee chairman for many years. Charles was also very involved in his church, the American Legion and Rio Blanco Lodge #80, AF&AM where he was Past Master and lodge secretary for more than 30 years.

It is with this, Mr. Speaker, that I pay tribute to the life of Charles Bloomfield. I wish that everyone could have had the pleasure of knowing and learning from this man what I did. He was a great American and friend.

CELEBRATING THE ROLE OF WOMEN-OWNED BUSINESSES

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 18, 1999

Mr. FILNER. Mr. Speaker, I rise today to call my colleague's attention to the role of women-owned businesses in our economy, particularly in my home State of California. It is with great pride that I recognize California as No. 1—both in the number of women entrepreneurs and as the fastest growing state for women minority entrepreneurs.

Representing these women in the Business Women's Network (BWN), a giant network of 2,300 women's associations representing 32 million women. I have joined in the BWN's newly formed congressional committee, spearheaded by Chris Warnke and Robin Read, to support businesswomen throughout the United States, and I want to recognize the BWN for its outstanding record in uniting businesswomen.

The entire nation will be watching the International Summit of the Business Women's Network on October 18 and 19, 1999, where women from over 90 countries and from 48 states will come together in celebration of the more than 9 million women entrepreneurs today, of which 1.1 million are minorities.

The female labor force is making great strides. The Bureau of Labor Statistics has projected that 72 million women will be working by the year 2005, representing 63 percent of women 16 and older. As the decade draws to an end and a new millennium approaches, I want to recognize women entrepreneurs as the fastest growing segment in our economy.

Congratulations to the Business Women's Network on the occasion of their International Summit.

TRIBUTE TO THE NEW HAITIAN TIMES NEWSPAPER

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 18, 1999

Mr. MEEK of Florida. Mr. Speaker, I rise today to pay tribute to Yves Colon and Garry Pierre-Pierre, two budding young Haitian-American journalists who will launch, later this week, a new weekly newspaper, The Haitian Times. These two veterans of big city newspapers, Mr. Colon, a Miami Herald editor and reporter on leave from the paper, and Mr. Pierre-Pierre, a former New York Times reporter, have both taken a leap of faith to launch this new venture which is set to hit newsstands in Miami-Dade County, New York City and Port-au-Prince on October 20, 1999.

I commend Mr. Colon and Mr. Pierre-Pierre on their new venture. It's certainly an idea who's time has come. May The Haitian Times be around for many years to come.

I enter into the RECORD the attached news article from the Miami Herald announcing the launch of the Haitian Times.

JOURNALISTS LAUNCH VOICE FOR U.S. HAITIANS

(By Curtis Morgan)

Their numbers are substantial and growing—some 300,000 in South Florida and twice that in New York City. Yet Haitian-Americans remain an often overlooked ethnic group, registering only faintly on mainstream media radar.

Two journalists, both Haitian-born veterans of big city American newsrooms, hope to change that with a small but ambitious weekly newspaper, The Haitian Times, scheduled to hit stands in Miami-Dade County, New York City and Port-au-Prince on Oct. 20.

While there are already two well-established stateside papers covering Haiti, this one is designed with significant differences, said Yves Colon, a Herald reporter and editor taking leave to serve as editor. For one, its voice will be in English not French or Creole.

The target audience, said publisher Garry Pierre-Pierre, a former New York Times and Sun-Sentinel reporter, are people not unlike himself and Colon: Of Haitian heritage, educated or raised in the States, fluent in all things American.

"It is the quintessential Haitian-American, a person who really wants to be Haitian but is also very much part of the other world," Pierre said. Thus, the message in the masthead, "Bridging The Gap."

While potential readers are reserving judgment until they see the product, some believe the paper, if it succeeds, could be a social milestone.

"I think this is going to fill a vacuum," said Jan Mapou, director of Sosyete Koukouy, a Miami-Dade organization that mounts cultural and arts shows. The two major existing papers stateside—Haiti En Marche, published in Miami, and New York-based Haiti Observateur—are both mostly French, with limited English and Creole. Mapou writes Haiti En Marche's lone Creole page, a column about cultural events.

"Having a newspaper for the Haitian community in English, that will cover the whole community," he said. "We have so many kids that are disconnected with what's going on in Haiti and the community."

Ossmann Desir, the lone Haitian-American on the North Miami council, a city with a large Haitian population, echoed Mapou. "We have a Haitian-American community that is increasing every day, and they're becoming more and more aware of English."

Author Bernard Diederich, who published the English language Haiti Sun on the island from 1950 to 1963, also was enthusiastic. While he said major papers like The New York Times and The Herald do solid coverage, the country has many critical and stubbon issues that go unexamined or are reported with clear political bias by the Haitian press.

"There is a crying need for this, a real balanced newspaper that has no agenda," he said.

Mike McQueen, chairman of Florida International University's journalism and broadcasting department, said the paper could become "a pretty important voice" and provide a sense of validation for a community.

"Even though Haitians have been in Miami-Dade County for about 20 years, they're still sort of forgotten exiles," McQueen said. "They're black, but they're not African-American, they're Caribbean refugees but they're not Cuban or Dominican, and a lot of them aren't refugees."

McQueen had a mixed reaction to the Enligh-only decision, saying it could shut out recent arrivals. But Pierre-Pierre and Colon, who both immigrated as children, called the choice key to the paper's philosophy and identity.

In Haiti, language is loaded. The Upperclass minority favors French. Creole is the language of the vast poor majority, most of whom can't read it. Most Haitian immigrants succeed by speaking English.

"For us," Colon said, "English is the great equalizer."

With Hispanics, language isn't divisive but unifying, he said. Spanish-speakers also have the benefit of larger populations in cities like Miami, which often allows new immigrants to thrive, even without mastering the new language.

Scope and approach are the things Colon hopes will really separate the paper—an approximately 40-page tabloid with an internet site also under development (www.haitiantimes.com)—from its counterparts. The staple of both French papers is politics, dry "insider baseball," he said.

While the paper already has a bureau in Port-au-Prince, Colon intends to emphasize issues and personalities stateside, eventually expanding from the New York-Haiti-Miami triangle into other cities.

"I'm interested in holding up the mirror to the Haitian community, our successes and our failures to say, 'This is who we are,'" Colon said.

Colon, who has covered Haiti for The Herald and The Associated Press, said he will strive for objectivity. At the same time, he hopes to stir passions, a task he admits is difficult, given the collective cultural experience.

"The perfect word for it is that Haitians are inured. Haitians have seen so much—poverty, corruption, the brutality of their own brothers and sisters—but there is very little reaction to it."

The bigger challenge will be luring buyers and advertisers.

John Morton, a media analyst and president of Morton Research in Maryland, said that to last, the paper will have to leap hurdles. For one, while some ethnic newspapers—particularly Spanish-language papers in major cities—have succeeded, many others are only "marginally profitable."

"Starting up a new publication is always fraught with a lot of heavy lifting and usually loses a lot of money initially," he said. "That's often the problem that keeps these things from succeeding—they're undercapitalized."

Because the readership is spread across the map, it also may be more difficult to attract advertisers, he said. The critical key may be expanding from Haitian businesses to mainstream advertisers.

Because the readership is spread across the map, it also may be more difficult to attract advertisers, he said. The critical key may be expanding from Haitian businesses to mainstream advertisers.

Both Colon and Pierre-Pierre agree the venture is a risk but one they say is worth it. Investors are committed, Pierre-Pierre said, reaction stateside has been strong and there's also a large audience in Haiti, a country of eight million.

The paper plans a first run of 40,000 and will "probably level off to around 25,000 and work its way up," he said. "This is an idea whose time has come."

TRIBUTE TO V.F.W. JOHN MARTIN STEEL POST 6049

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 18, 1999

Mr. WELLER. Mr. Speaker, I rise today to honor the Veterans of Foreign Wars John Martin Steel Post 6049 of Morris, Illinois as it celebrates the 100th year anniversary of the VFW and the 75th year anniversary of the Ladies' Auxiliary.

On May 8, 1942, Private John Martin Steel was killed in the South Pacific. Private Steel served aboard the aircraft carrier Lexington with an anti-aircraft battalion when it was sunk. Private Steel was the first local man to be killed in the Second World War. Almost a year to the day later, the USS Steel, a destroyer escort, was launched on May 4, 1943.

The charter of this VFW Post was obtained in 1947. Among the Charter Members: William G. Stratton, former Governor of Illinois; James R. Washburn, former Mayor of Morris and Illinois State Representative; August Black, a prominent attorney; William Sackett, newspaper owner; and Clark Davis, former Coroner. Not only were these men Charter Members, as you can see, they were also pillars of the community who provided great leadership.

Today, along with honoring the men, we also acknowledge the important role of the Ladies' Auxiliary. The assistance of this organization has been critical to the members of the VFW for the past 75 years. These ladies serve as the mortar in the foundation of the VFW. Post 6049 is fortunate to have the resources of a Ladies' Auxiliary.

The naming of this VFW Post after Private John Martin Steel honors his service and his ultimate sacrifice for our country. Not only does the naming of this post honor Private Steel, it also reminds us of all of the veterans who fought for our freedom overseas. It reminds us of the brave individuals who shipped off to far away lands and put their lives on the line to insure the American way of life. It reminds us, Mr. Speaker, that freedom is not free. And it reminds us that these courageous Americans should all be remembered and should all be honored.

Mr. Speaker, I believe it is fitting and appropriate to honor the service of the men of the Veterans of Foreign Wars John Martin Steel Post 6049 in Morris, Illinois and the Ladies' Auxiliary. They have shown leadership for their country and community for the last 52 years. Without them, the community would have no backbone; but because of their service we are strong, courageous and proud of a free America.

LOUISIANA-PACIFIC AND NATURE CONSERVANCY OF TEXAS ANNOUNCE JOINT MANAGEMENT AGREEMENT TO CONSERVE ECOLOGICALLY VALUABLE WILDLIFE HABITAT

HON. JIM TURNER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 18, 1999

Mr. TURNER. Mr. Speaker, I rise today to announce that this month, Louisiana-Pacific Corporation, a major U.S. building products company, put into motion a program designed to identify and proactively manage ecologically significant habitat located on the company's lands. More than 4,300 acres encompassing 12 sites in Texas and Louisiana will be reviewed for their ecological value and conservation potential as part of Louisiana-Pacific's Living Legacy Lands program. Joining in this effort is the Nature Conservancy of Texas which will assist in the identification and management of designated sites.

Louisiana-Pacific and The Nature Conservancy of Texas signed a Memorandum of Understanding (MOU) on October 5, 1999, to establish a framework for conservation and management actions of Louisiana-Pacific lands within the Piney Woods Ecological Region of East Texas and West Louisiana. The first conservation site designated under the MOU is located in Tyler County, Texas which is located in the 2nd Congressional District of Texas. This 1,300 acre site includes an area of woodpecker nests within one of the largest great stands of traditional longleaf pine forest in the Southern United States. Additional conservation acres will be identified and designated through the mutual agreement of Louisiana-Pacific and The Nature Conservancy.

Mr. Speaker, I rise today to ask that you and the Congress join me in congratulating Louisiana-Pacific and The Nature Conservancy of Texas for their partnership and desire to conserve lands for generations of Americans.

DEMOCRACY SUFFERS ANOTHER BLOW IN KAZAKHSTAN—PARLIAMENTARY ELECTION IS SERIOUSLY FLAWED

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 18, 1999

Mr. LANTOS. Mr. Speaker, in Kazakhstan just over a week ago, on October 10, the first round of elections were held for the Mazhilis—the lower house of the Parliament. There was little suspense or excitement about the results. In fact, there was little suspense or uncertainty even before the elections were held. These elections simply confirmed the nondemocratic nature of the Kazakh government, and they raise extremely serious questions about the future of United States relations with this country.

The elections were far from democratic in substance, although there were some cosmetic efforts to make the elections appear to be free. Furthermore, the modest efforts to make the elections appear democratic were not voluntarily adopted by the government of Kazakhstan. They were taken reluctantly and only under international pressure including a Congressional Human Caucus briefing on the electoral process which was held a few months ago. The election fell far short of the standard of free and fair elections.

Mr. Speaker, in a blatant affront to democracy, the President of Kazakhstan, Nursultan Nazarbayev, presented to the out-going parliament his choice for the new Prime Minister of Kazakhstan last Tuesday—the second day after the election and the day before the results of the first round of elections were announced. Standard procedure in any democratic country would be for the newly elected parliament to approve a new Prime Minister. This affront to democratic procedure is truly mind-boggling!

Mr. Speaker, not only was the Prime Minister approved by the lame-duck parliament, the elections themselves were seriously flawed. The Organization on Security and Cooperation in Europe (OSCE) sent an official international observer group which monitored the elections. Their report on the parliamentary contest highlighted the gravity of the problems. According to the observer group, "the OSCE said there was widespread official interference in the run-up to the campaign against opposition candidates and the independent media" (Agence France Presse report from Kazakhstan, October 11, 1999).

International observers reported "widespread abuses in the runup to Sunday's parliamentary and local elections in the Central Asian republic of Kazakhstan." These reports also quoted the OSCE that "the government interfered, opposition parties faced discrimination from local authorities, and individual candidates were intimidated." At one polling place in Almaty, Kazakhstan's largest city, election observers uncovered duplicate tally sheets with falsified results. The majority of the electoral commissions, which are charged with monitoring and assuring the fairness of the election process, were dominated by supporters of the pro-presidential party (Deutsche Presse-Agentur, the independent German news agency, and the independent Russian news agency, ITAR–TASS both on October 11, 1999).

The official statement of the OSCE stated that several steps "seriously undermined" these polls. Executive officials' "illegal interference" and "bias of local electoral commissions against opposition representatives and candidates" placed parties in unequal conditions, the statement said. Opposition parties were "intimidated and obstructed."

The most blatant example of this outrageously flawed election is the concerted action of the government against former Kazakh Prime Minister Akezan Kazhegeldin, who established the Republican People's Party and attempted to contest the parliamentary elections. Mr. Kazhegeldin has faced government-created obstacles to every attempt he has made to participate in Kazakhstan's political life since he left office as Prime Minister in 1997 after serving three years in that post. He was disqualified from participating in the last presidential race on a technicality. Shortly after he declared his intention to run for the presidency in 1998, the government announced that he was under investigation for tax evasion. The allegations were that he owned property abroad that he had not declared on his tax forms. But as soon as a court ruled that Kazhegeldin could not run for president due to the minor offense of attending a nonsanctioned meeting, the investigation into his foreign holdings stopped.

Mr. Speaker, the campaign against Mr. Kazhegeldin started up again this past spring, at the same time that he announced his new political party, the Republican People's Party, would participate in the parliamentary elections. Mr. Kazhegeldin left Kazakhstan to acquaint leaders in other countries, notably the United States, about his party's existence. During this trip, he appeared at a briefing of the Congressional Human Rights Caucus here in Washington. Once he left the country, however, it became obvious the prosecutor general's office was moving to arrest him on tax evasion charges, and he said he would not return home unless he received a guarantee that he would not be arrested. He stayed away from Kazakhstan until last month.

The government's very public effort to brand Kazhegeldin as a tax cheat left his Republican People's Party at a serious disadvantage in contesting the election. Furthermore, party candidates complained that their campaign efforts were hampered by government forces. On September 9, just a month before the date of the election, the Central Elections Commission announced that Kazhegeldin was ineligible to run in the elections because of the tax evasion charges, and the following day, the Republican People's Party announced it was withdrawing from the election race.

Mr. Kazhegeldin, who was in Moscow for medical treatment, said the party should not boycott the elections. But he was detained that same day by Russian police because the Kazakh government had put out a warrant for his arrest. Russian authorities under great international pressure, including efforts by our own Secretary of State Madeleine Albright subsequently permitted Mr. Kazhegeldin to return to London. Meanwhile, back in Kazakhstan, the Central Elections Commission declared that it was too late for the party to withdraw from the elections, and the party's candidates were left on the ballots. The publicity surrounding Mr. Kazhegeldin's arrest in Moscow and the call for a boycott of the election insured that the Republican People's Party and its leader had minimal success at the polls last week.

Mr. Speaker, at my request on July 15 of this year, our distinguished colleague Congresswoman JAN SCHAKOWSKY of Illinois, chaired a briefing of the Congressional Human Rights Caucus on the political situation in Kazakhstan at which Mr. Kazhegeldin testified. His testimony about the threats facing advocates of democracy and human rights proved prophetic, and foreshadowed his arrest in Moscow at the request of the Kazakhstan government on trumped up charges and the appalling results of the recent election.

Mr. Speaker, I was extremely disappointed by the response of the Government of Kazakhstan to the hearings conducted by the Human Rights Caucus in July and by its subsequent actions leading up to the failed parliamentary elections. To my great dismay, the Government of President Nazarbayev has responded to neither the criticism leveled against his government by the Human Rights Caucus, nor to concerns voiced earlier this year by the Office for Democratic Institutions and Human Rights (ODIHR) of the Organization for Security and Cooperation in Europe (OSCE).

Mr. Speaker, the Congressional Human Rights Caucus is gravely concerned about the violations of human rights and political liberties in Kazakhstan, most clearly and convincingly demonstrated in the undemocratic elections that were held just two weeks ago. The fact that the Government of President Nazarbayev continues to ignore the concerns raised by the Human Rights Caucus, international organizations concerned with democratization and human rights, and a number of governments, including the United States, is a serious matter.

The concerns with democratization in Kazakhstan are extremely serious in their own right, Mr. Speaker, but there are also security concerns involving this country. We recently learned about the sale of about 30 MiG 21 fighter jets by Kazakhstan to North Korea, a prime sponsor of international terrorism. This irresponsible and reckless sale of advanced military equipment to North Korea calls into question the Kazakh government's commitment to building good relations with the West and its interest in international security and stability.

It is my strong view, Mr. Speaker, that United States assistance to Kazakhstan and assistance of international financial institutions should be conditioned upon fundamental improvement in political liberties and fundamental freedoms in Kazakhstan. Further, Mr. Speaker, it is my view that any visit by Mr. Nazarbayev to Washington should be postponed until such an improvement takes place.

THE TRAGIC DEATH OF MATTHEW SHEPARD

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 18, 1999

Ms. PELOSI. Mr. Speaker, with great sadness I rise to recall that 1 year ago, Matthew Shepard, a gay college student, was murdered. We should all deplore his tragic death. He was a lovely young man and was courageously willing to be open about who he was. He suffered because of who he was. This is simply wrong. It is a tragedy when a young man has the courage to be open about who he is, and his life is taken for it.

Unfortunately, Mathew is not alone. His tragic death and violence toward others point out the need for hate crimes legislation. According to the National Coalition of Anti-Violence programs, in 1998, 33 Americans were murdered because they were gay or lesbian. In the United States last year, there were at least 2,552 reports of anti-gay or lesbian incidents. The number of serious assaults in which victims sustained major injuries grew by 12 percent. How many more deaths, how many assaults on the personal integrity of people, need to happen before this Congress will see the need for hate crimes legislation?

The statistics and Matthew's individual personal story demonstrate that these incidents are not isolated. Harassment of gays, lesbians, and bisexuals is not isolated to one geographic area nor to any one factor. As our country knows all to well, hate crimes take many forms and affect many different kinds of victims. We all remember the 1996 horrible murder of James Byrd, Jr., an African-American man in Texas. We all remember earlier this year, when a gunman opened fire at a Jewish Community Center and then singled out an Asian-American and shot him. These harsh stories are troubling and unfortunately, recent shootings are a constant reminder of the hate that still exists in our society.

The Hate Crimes Prevention Act would provide law enforcement officials with needed tools, and would serve as a lasting tribute to the lives of Matthew Sheppard, James Byrd, Jr., and the others who have been victimimized by hate crimes. The Hate Crimes Prevention Act would not end all violence against people because they are gay, or African-American, or Jewish, or come from another country. Nonetheless, this legislation would allow the Federal Government to investigate and punish crimes motivated by hate.

The murder of Matthew Shepard is the manifestation of the enduring bigotry that still prevails in our society. Our Nation should take action and pass this responsible legislation which would enable Federal law enforcement officials to fight these crimes and punish the perpetrators.

IN HONOR OF RONALD J. TOBER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 18, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to honor Ronald Tober for his many years of service to the Greater Cleveland Regional Transit Authority. He plans to celebrate with friends and family at a farewell dinner on October 22, 1999.

Robert Tober has had a very successful career in the public transit industry. Mr. Tober has served as the General Manager and Secretary-Treasurer for the Greater Cleveland Regional Transit Authority since May, 1988. Prior to this appointment, Mr. Tober served as Director of Transit for the Municipality of Metropolitan Seattle for six years. For two years he was Deputy Transportation Coordinator for Metropolitan Dade County in Miami. He also served as Assistant Director of Operations and Chief Operations Planning Officer for the Massachusetts Bay Transportation Authority in Boston.

Robert Tober is recognized nationally as one of the top transit managers in the country, having served over twenty-eight years in the public transit industry. Mr. Tober has carried his dedication to transportation into leadership positions for several transit organizations. While serving as President of the Ohio Public Transit Association, he helped develop better transportation for the citizens of the state of Ohio. He also has been noted for promoting and hiring women and minorities in the industry.

Mr. Tober has been a great asset to the state of Ohio and city of Cleveland. His innovating ideas and leadership have guided the development of the public transit industry. His wife, Terry and four children are so proud of him.

I urge my fellow colleagues to please join me in congratulating Mr. Tober on his many accomplishments and commemorate him for his dedication to the public transit industry.

HONORING CINCINNATI'S 1999 TALL STACKS CELEBRATION

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 18, 1999

Mr. PORTMAN. Mr. Speaker, I rise today to honor Cincinnati's 1999 Tall Stacks celebration and the special national recognition it is receiving from the Library of Congress. This year, the Library of Congress is celebrating its bicentennial with an exciting new Local Legacies Project, which will document America's heritage by preserving unique cultural events and activities across the country.

From the earliest days of recorded history in Southwest Ohio, our traditions and culture have been shaped by the Ohio River. That's why I was delighted to nominate the recent Tall Stacks celebration as our region's contribution to this project.

The Tall Stacks event, which took place last week in Cincinnati, was a great celebration of our region's riverboat heritage. Nineteen riverboats from across the nation—including several classic steam-powered vessels—came to Greater Cincinnati to recreate a bygone era. And many thousands of visitors came to our region to take a step back in time and to share in this celebration.

Through its inclusion in the Local Legacies project, Tall Stacks will receive additional national recognition for its role in commemorating an important chapter in our regional and national history. And, through the National Digital Library Program, people from across the country and throughout the world will be able to share the excitement of Tall Stacks through the Library of Congress website (http://www.loc.gov).

We have a rich and distinguished history in Southwest Ohio. From our region's active involvement with the Underground Railroad to the Suspension Bridge, Fountain Square and our many well-preserved historic areas, we have a tremendous heritage of which we can all be proud. The riverboat era is an important part of that heritage, as Tall Stacks reminds us now and into the future.

TRIBUTE TO AMBASSADOR E. WILLIAM CROTTY

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 18, 1999

Mrs. MEEK of Florida. Mr. Speaker, it is with great honor that I rise to pay tribute to one of our Nation's exceptional diplomats, E. William Crotty, Ambassador to Barbados, Antigua and Barbuda, Dominica, Grenada, St. Kitts-Nevis, St. Lucia, and St. Vincent and the Grenadines. This able facilitator of American diplomacy passed on Sunday, October 10, 1999. He is survived by his loving wife, Valerie Kushner, and several outstanding children.

Ambassador Crotty was nominated by President William Clinton on April 28, 1998. Prior to this appointment, Ambassador Crotty was an attorney in Daytona Beach, FL. Ambassador Crotty served as a senior managing partner of one of the top law firms in the United States, where he was recognized as a leading lawyer in his area of practice, which included corporate and business transactions, banking and finance law, and taxation and real estate law.

Ambassador Crotty served appointments to at least 11 different commissions, including the Commission for the Preservation of America's Heritage Abroad by President Clinton in 1996 and the Judicial Foundation Board by Senate Majority Leader George Mitchell in 1989. He was quite active in the Democratic Party, serving on the National Finance Board of the Clinton-Gore Campaign, as a Democratic National Party Trustee, and as the Chairman of the Executive Committee of the Democratic National Committee Board of Directors from 1984 to 1988.

Ambassador Crotty was quite active in civil affairs, serving as chairman or member of the board of directors for numerous charitable and educational organizations, including the United Way of Volusia County, the Embry-Riddle

Aeronautical University in Daytona Beach, the Father Lopez High School Board, and the Volusia County Easter Seals. His indefatigable civic service earned him the title of Outstanding Citizen of the Year and Young Man of the Year from the Daytona Beach Chamber of Commerce.

Born in Claremont, NH, Ambassador Crotty exemplified leadership at an early age. He was an exceptional high school student at Bellows Falls High School in Vermont where he was a three-time state champion in tennis and graduated salutatorian of his high school class. Ambassador Crotty graduated from Dartmouth College, where he again excelled in athletics, making captain of his tennis team while also playing varsity squash and basketball. Ambassador Crotty received his law degree from the University of Michigan and obtained a master of law in taxation from New York University Law School.

The people of the United States, as well as the people of Barbados, Antigua and Barbuda, Dominica, Grenada, St. Kitts-Nevis, St. Lucia, and St. Vincent and the Grenadines will miss my friend—a great American and personal representative of the President of the United States.

PRIVATE ENTERPRISE PROTECTION ACT OF 1999

HON. MARSHALL "MARK" SANFORD

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 18, 1999

Mr. SANFORD. Mr. Speaker, should tax-exempt bonds, subsidized by our constituents—be used by local authorities to enter into direct competition with private enterprise, outside the traditional functions of government? I don't believe so, and I would imagine most Americans would agree.

But that, Mr. Speaker, is the question addressed by the legislation I am introducing today, the Private Enterprise Protection Act of 1999. This legislation will help protect taxpayers from having the U.S. Treasury subsidize local government efforts to engage in unfair competition with private businesses.

As my colleagues are aware, tax-exempt bonds enable State and local governments to borrow at below market interest rates in order to finance public projects. This is generally a good program allowing State and local governments to reduce borrowing costs and enabling them to build public facilities for fewer tax dollars.

However, while the program has all good intentions, I would imagine that a vast majority of the American people would agree that tax-exempt bonds should be limited to use for projects which directly benefit the public good, but not to help the government engage in competition with private enterprise.

I was pleased to see my colleague from Texas, Mr. HALL, introduce H.R. 2756 this summer. His bill also aims to fix the problem I raise. In fact, the bill I introduce today is very similar to the Hall bill, but it incorporates several changes to reflect comments received on H.R. 2756.

It is important to keep in mind that while tax-exempt bonds are generally used for worthwhile purposes, the program does entail a sizable commitment on the part of the American taxpayer. According to the Wall Street Journal in 1997, tax-exempt interest income was reported on about 4.9 million individual returns, and total tax-exempt interest amounted to $48.5 billion.

Because there is a sizable commitment here, Congress and the Treasury have developed complex and carefully crafted rules to assure that these bonds are used for bona fide pubic purposes and not for private use of the Federal subsidy in tax-exempt bonds. These rules are intended to protect the taxpayers' interest and preserve a level playing field for concerned businesses.

A couple of instances have come to my attention in the last few months which suggest that there may be some misunderstanding of the very complex rules governing tax-exempt bonds and the intent behind these rules which have led local authorities to consider use these bonds to enter into direct competition with the private sector. The instances to which I refer include one in Las Vegas, where a local authority reportedly wishes to build a large addition to its convention center, and another in San Diego, where a local authority is reportedly looking at building a large hotel.

In cases like these, the taxpayer-subsidized facility can offer customers prices well below those that could be offered by a private facility financed at higher market rates. This strikes me as blatantly unfair, particularly in those cases where a taxpayer-subsidized facility is not a new enterprise, but instead siphons off business from already existing private business. Closing this loophole is the principal goal of my bill.

Obviously, my concern is with situations where the government is acting as a business and attracting customers. This legislation will have no effect on bonds used to build, maintain, or repair schools, hospitals, roads, or other facilities performing functions which private enterprise cannot or will not perform.

Mr. Speaker, it is bad enough that the government can impose unnecessary and costly regulatory burdens on the private sector. But, when that same government uses tax-exempt bonds to engage in competition with business, it raises a question of basic fairness.

It also blurs the lines of the role of government. Is it a wise use of taxpayer dollars to subsidize local government competition with business? I would again argue that my constituents would not support this notion or many other taxpayers.

Mr. Speaker, these are serious, national policy issues which need to be addressed on a bipartisan basis so that we can protect both private enterprises from subsidized government competition and the taxpayer interests.

It should be made clear at this point that the idea that federal tax subsidies and tax exemptions should not be used to create such an unfair competitive advantage is already in the current tax code. To prevent unfair competition, for nearly 50 years, there have been laws that have taxed businesses conducted by charities if the activity of that business is the type normally conducted by private taxable enterprises.

Keeping in line with this precedence, the legislation I introduce today closely tracks H.R. 2756 by denying tax-exempt financing for certain facilities that compete directly with existing private sector facilities in the same community. Specifically, it accomplishes this by deeming as nonexempt any "private activities bond" within the meaning of Section 141 of the Internal Revenue Code, any bond issuance, a significant amount of which is used to finance the construction, expansion, or substantial reconstruction of a facility which would be rented to businesses which could otherwise be served by an existing competing private facility.

As a clarification, Mr. Speaker, let me say again that the bill does not affect bonds issued for traditional functions of government: roads, bridges, schools, etc. To make this perfectly clear, it specifically exempts from its provisions educational institutions, hospitals, or similar facilities which provide educational services or medical care to members of the general public.

With one minor exception, the bill will not apply to "qualified bonds" that Congress has previously exempted from restrictions on "private activity" bonds. This includes bonds used for so-called "exempt facilities" under Section 142 of the Code, which includes such projects as airports, water treatment plants, dockets and wharves, local power plants, etc. An exception is made for certain lodging facilities located in markets which could be served by private owned facilities, and these would generally be covered by my bill.

Furthermore, the bill include language to assure that projects, where physical construction has both already commenced in a material fashion (other than site testing, site preparation or similar activities) and is substantially underway, are not impacted. In fairness to those who may be planning transactions which fit within the parameters of this legislation, and to assure those local authorities, in an attempt to "beat the clock," do not rush through bond offerings before this bill is enacted, the bill include a clear effective date for all provisions with the exception of those addressing lodging facilities, which carry a date of enactment effective date.

Mr. Speaker, the legislation will protect businesses from having the Federal Government grant local government facilities an unfair advantage over them in the marketplace. Further, it will protect all taxpayers from having their tax dollars used to subsidize local government efforts to enter into, or expand its presence in, non-traditional business functions already being performed by private enterprise.

RECOGNIZING PARTICIPANTS OF "VOICES AGAINST VIOLENCE: A CONGRESSIONAL TEEN CONFERENCE"

HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 18, 1999

Mr. DOYLE. Mr. Speaker, I rise today to recognize three wonderful teenagers from my Congressional District. Miss Ashley Cole, a junior at Woodland Hills High School; Mr. Aniruddha Chatterjee, a senior at Fox Chapel High School and Mr. Jonathan Hobaugh, a senior at Elizabeth Forward High School will be representing Pennsylvania's 18th Congressional District in "Voices Against Violence: A Congressional Teen Conference" which began here in Washington this morning.

This conference, which has brought together some 350 students from across the country, will enable young people from all walks of life to discuss their experiences and ideas for the causes and prevention of youth violence. The young people involved in the conference will participate in workshops covering a variety of issues including: violence in the media, hate crime prevention strategies and peer mediation training.

Ashley, Aniruddha and Jonathan will participate in drafting a House Resolution, which will be presented for immediate consideration, stating the actions this Congress can take to help prevent youth violence.

Prevention of violence by and against our Nation's youth is a top priority. I am honored to have three such fine young people work with us helping to find the solutions to this problem.

PERSONAL EXPLANATION

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, October 18, 1999

Mr. ABERCROMBIE. Mr. Speaker, I would like the RECORD to show that I would have liked to have been a cosponsor of H.R. 354, the Collections of Information Anti-Piracy Act, if the list of cosponsors was not closed. I strongly support the passage of H.R. 354.

TRIBUTE TO ORANGE COUNTY WORKS

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 18, 1999

Mr. COX. Mr. Speaker, I rise today to commend Orange County Works, an outstanding program in Orange County, CA that provides vital assistance to foster care children. For over 9 years, Orange County Works job readiness workshops have given foster children the opportunity to learn from successful, high-profile business leaders, ensuring youths leaving the foster care system at age 18 will design career paths for themselves to self-sufficiency and success. Orange County Works will provide job readiness training to 400 youths in 1999 alone.

Recently, Orange County Works was honored by being named as a partner in the BridgeGate 20 Initiative. This Initiative, sponsored by BridgeGate LLC, the executive recruitment firm, recognizes leaders in the Southern California information technology business community who have demonstrated a commitment to building employee knowledge in order to improve company performance. The BridgeGate 20 Initiative will assist Orange County Works to create employment opportunities for still more foster care children.

Orange County Works President and Founder, Don Mac Allister, once a foster child himself, was motivated to create a program that makes a real difference in helping foster children stay off the streets. He demands success from each foster child that is part of his program. Don Mac Allister's passion and determination to improve the foster care system in Orange County inspires community leaders to get involved.

Orange County Works is a true star in the Orange County community service world. It has impacted a wide range of people and its continued growth will ensure that in the future it will make dramatic changes in the lives of children now leaving the county's foster care system. I'm proud of the accomplishments of Orange County Works, and look forward to its continued success as more people discover the wonderful results from this fine program.

HONORING THE NEW HAVEN HEBREW FREE BURIAL & BENEVOLENT ASSOCIATION ON ITS 100TH ANNIVERSARY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, October 18, 1999

Mr. DELAURO. Mr. Speaker, it is an honor for me to rise today to recognize the New Haven Free Burial & Benevolent Association which is celebrating its one hundredth anniversary this Sunday, October 17, 1999. For the past century, this organization has been a source of support and comfort for the Jewish community, especially in times of distress.

The New Haven Hebrew Free Burial & Benevolent Association was founded and continues its mission based on an old Jewish custom—tzedakah—that which is right. For centuries, Jews have held a commitment to protect and provide for their communities. The New Haven Hebrew Free Burial & Benevolent Association, once two separate entities, joined forces to provide interest-free loans and burial services for members of the Jewish community in financial need.

Generations of Jewish community members in New Haven have benefitted from the Association's economic and social support. The organization works to further the concept of Gemilut Chessed, aiding worthy persons in becoming self-supporting, self-respecting members of the community, through the provision of interest-free loans. Members are able to receive small loans, without question, which are repaid on a weekly payment schedule. This safety net enables recipients to get back on their feet, and alleviates some of the pressure caused by an unexpected financial crisis. It truly demonstrates the community's commitment to supporting its own in times of need.

Throughout time, the Jewish community has shown honor to the dead by preparing the body for burial and performing tahara, the ritual washing. This is one of the greatest mitzot—good deeds—in the Torah. According to Jewish Law and Custom, the complete washing and dressing of the body is necessary in order for the soul to rest. Because the natural decomposition of the body is of the utmost important in Jewish Law, the body must be placed in the ground in a strictly Judaic cemetery. The New Haven Hebrew Free Burial & Benevolent Association provides funerals and burial plots for those who could not otherwise afford the cost of a Judaic burial. In addition, the organization owns and operates a cemetery. The members and Board of Directors devote their efforts to its maintenance. It is their goal that no person should be denied a Jewish burial because of financial need.

For one hundred years this local organization has met weekly and worked diligently to raise money to provide their community these interest free loans and burial services. Today, it is indeed my honor to recognize the tremendous contributions of the New Haven Hebrew Free Burial & Benevolent Association to the Jewish community—preserving and protecting the dignity and character of Judaic custom. I would like to express my sincere thanks and heart-felt congratulations to all the members on this momentous occasion.

TRIBUTE TO CHINESE AMERICANS WHO SERVED IN WORLD WAR II

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, October 18, 1999

Mr. WU. Mr. Speaker, I rise today to pay tribute to brave Chinese Americans who honorably served in the U.S. Armed Forces during World War II. As many of these men and women gather here in Washington, DC on October 26, 1999, I would like to express my sincere gratitude and admiration for their years of service to the United States.

Like all other Americans, Chinese Americans answered their nation's call during the Second World War and bravely served to preserve the American way of life and to advance democratic ideals around the world. Of the six million Americans who were drafted or enlisted to serve in the Second World War, over 20,000 Chinese Americans served in the Army, Navy, Air Force, the Marines, and the Coast Guard. These brave men and women served with honor in the European, Pacific, and the China-Burma-India Theatres of Operation.

While most of these men and women are descendants of earlier Chinese immigrants, some were also first generation immigrants. These servicemen and women brought valuable skills and served the United States in a number of different capacities, as fighter pilots, intelligence operatives, infantrymen, nurses, and others.

Once again, I commend all those brave Chinese Americans who served our Nation with pride, honor, and distinction. America will be forever grateful for their services to the Nation.

THE LEGACY OF PRESIDENT LYNDON B. JOHNSON AND THE GREAT SOCIETY

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 18, 1999

Mr. GREEN of Texas. Mr. Speaker, as we move even closer to the end of this century, I rise to pay tribute to President Lyndon B. Johnson. Earlier this year, I included in the CONGRESSIONAL RECORD, an article printed in the Houston Chronicle by Marianne Means which details why President Johnson will be considered as one of our nation's greatest Presidents.

Today, I would like to include an article from the October 1999 issue of the Washington Monthly by Joseph A. Califano, Jr. At the end of this important article, Mr. Califano states: ". . . it is time to recognize—as historians are beginning to do—the reality of the remarkable and enduring achievements of the Great Society programs. Without such programs as Head Start, higher education loans and scholarships, Medicare, Medicaid, clean air and water, civil rights, life would be nastier, more brutish, and shorter for millions of Americans."

Mr. Speaker, I would like to conclude my remarks by including this important article in its entirety:

WHAT WAS REALLY GREAT ABOUT THE GREAT SOCIETY: THE TRUTH BEHIND THE CONSERVATIVE MYTHS

(By Joseph Califano)

If there is a prize for the political scam of the 20th century, it should go to the conservatives from propagating as conventional wisdom that the Great Society programs of the 1960's were a misguided and failed social experiment that wasted taxpayers' money.

Nothing could be further from the truth. In fact, from 1963 when Lyndon Johnson took office until 1970 as the impact of his Great Society programs were felt, the portion of Americans living below the poverty line dropped from 22.2 percent to 12.6 percent, the most dramatic decline over such a brief period in this century. Since then, the poverty rate has hovered at about the 13 percent level and sits at 13.3 percent today, still a disgraceful level in the context of the greatest economic boom in our history. But if the Great Society had not achieved that dramatic reduction in poverty, and the nation had not maintained it, 24 million more Americans would today be living below the poverty level.

This reduction in poverty did not just happen. It was the result of a focused, tenacious effort to revolutionize the role of the federal government with a series of interventions that enriched the lives of millions of Americans. In those tumultuous Great Society years, the President submitted, and Congress enacted, more than 100 major proposals in each of the 89th and 90th Congresses. In that era of do-it-now optimism, government was neither a bad man to be tarred and feathered nor a bag man to collect campaign contributions, but an instrument to help the most vulnerable in our society.

What has the verdict been? Did the programs we put into place in the 1960s vindicate our belief in the responsibility and capacity of the national government to achieve such ambitious goals—or do they stand as proof of the government's inability to effect dramatic change that helps our people?

A FAIR START

The Great Society saw government as providing a hand up, not a handout. The cornerstone was a thriving economy (which the 1964 tax cut sparked); in such circumstances, most Americans would be able to enjoy the material blessings of society. Others would need the kind of help most of us got from our parents—health care, education and training, and housing, as well as a nondiscriminatory shot at employment—to share in our nation's wealth.

Education and health were central to opening up the promise of American life to all. With the 1965 Elementary and Secondary Education Act, the Great Society for the first time committed the federal government to helping local school districts. Its higher education legislation, with scholarships, grants, and work-study programs, opened college to any American with the necessary brains and ambition, however thin daddy's wallet or empty mommy's purse. Bilingual education, which today serves one million individuals, was designed to teach Hispanic youngsters subjects like math and history in their own language for a couple of years while they learned English, so they would not fall behind. Special education legislation has helped millions of children with learning disabilities.

Since 1965 the federal government has provided more than a quarter of a trillion dollars in 86 million college loans to 29 million students, and more than $14 billion in work-study awards to 6 million students. Today nearly 60 percent of full-time undergraduate students receive federal financial aid under Great Society programs and their progeny.

These programs assure a steady supply of educated individuals who provide the human resources for our economic prosperity. When these programs were enacted, only 41 percent of Americans had completed high school; only 8 percent held college degrees. This past year, more than 81 percent had finished high school and 24 percent had completed college. By establishing the federal government's responsibility to finance this educational surge—and the concept that access to higher education should be determined by ability and ambition, not dollars and cents—we have amassed the trained talent to be the world's leading industrial, technological communications and military power today.

Head Start, which has served more than 16 million preschoolers in just about every city and county in the nation and today serves 800,000 children a year, is as American as motherhood and apple pie. Like so many successes, this preschool program has a thousand parents. But how many people remember the battles over Head Start? Conservatives opposed such early childhood education as an attempt by government to interfere with parental control of their children. In the '60s those were code words to conjure up images of Soviet Russia wrenching children from their homes to convert them to atheistic communism. But Lyndon Johnson knew that the rich had kindergartens and nursery schools; and he asked, why not the same benefits for the poor?

The impact of the Great Society's health programs has been stunning. In 1963, most elderly Americans had no health insurance. Few retirement plans provided any coverage. The poor had little access to medical treatment until they were in critical condition. Only wealthier Americans could get the finest care, and only by traveling to a few big cities like Boston or New York.

Is revolution too strong a word? Since 1965, 79 million Americans have signed up for Medicare. In 1966, 19 million were enrolled; in 1998, 39 million. Since 1966, Medicaid has served more than 200 million needy Americans. In 1967, it served 10 million poor citizens; in 1997, 39 million. The 1968 Heart, Cancer and Stroke legislation has provided funds to create centers of medical excellence in just abut every major city—from Seattle to Houston, Miami to Cleveland, New Orleans to St. Louis. To staff these centers, the 1965 Health Professions Educational Assistance Act provided resources to double the number of doctors graduating from medical schools, from 8,000 to 16,000. That Act also increased the pool of specialists and researchers, nurses, and paramedics. Community health centers, also part of the Great Society health care agenda, today serve almost eight million Americans annually. The Great Society's commitment to fund basic medical research lifted the National Institutes of Health to unprecedented financial heights, seeding a harvest of medical miracles.

Closely related to these health programs were efforts to reduce malnutrition and hunger. Today, the Great Society's food stamp program helps feed more than 20 million men, women, and children in more than 8 million households. Since it was launched in 1967, the school breakfast program has provided a daily breakfast to nearly 100 million schoolchildren.

Taken together, these programs have played a pivotal role in recasting America's demographic profile. In 1964, life expectancy was 66.6 years for men and 73.1 years for women (69.7 years overall). In a single generation, by 1997, life expectancy jumped 10 percent: for men, to 73.6 years; for women, to 79.2 years (76.5 years overall). The jump was highest among the less advantaged, suggesting that better nutrition and access to health care have played an even larger role than medical miracles. Infant mortality stood at 26 deaths for each 1,000 live births when LBJ took office; today it stands at only 7.3 deaths per 1,000 live births, a reduction of almost 75 percent.

These enormous investments in training medical and scientific experts and funding the National Institutes of Health have played a key part in establishing our nation as the world's leader in basic research, pharmaceutical invention, and the creation of surgical procedures and medical machinery to diagnose our diseases, breathe for us, clean our blood, and transplant our organs.

Those of us who worked with Lyndon Johnson would hardly characterize him as a patron of the arts. Yet think about what cultural life in America would be like without the National Endowments for the Arts and Humanities, which were designed to "create conditions under which the arts can flourish," and make fine theater and music available throughout the nation, not just at Broadway playhouses and the Metropolitan Opera in New York. The Endowment for the Arts has spawned art councils in all 50 states and more than 420 playhouses, 120 opera companies, 400 dance companies and 230 professional orchestras. Johnson also oversaw the creation of the Kennedy Center for the Performing Arts, whose programs entertain three million people each year and are televised to millions more, and the Hirshhorn Museum and Sculpture Garden, which attracts more than 700,000 visitors annually.

Another creature of the Great Society is the Corporation for Public Broadcasting, which today supports 350 public television and 699 public radio stations. These stations have given the nation countless hours of fine arts, superb in-depth news coverage, and educational programs such as Sesame Street that teach as they entertain generations of children. Now many conservatives say there is no need for public radio and television, since there are so many cable channels and radio stations. But as often as we surf with our TV remotes and twist our radio dials, we are not likely to find the kind of quality broadcasting that marks public television and public radio stations.

The Great Society's main contribution to the environment was not just passage of laws, but the establishment of a principle that to this day guides the environmental movement. The old principle was simply to conserve resources that had not been touched. Lyndon Johnson was the first president to put forth a larger idea.

"The air we breathe, our water, our soil and wildlife, are being blighted by poisons and chemicals which are the by-products of technology and industry. The society that receives the rewards of technology, must, as a cooperating whole, take responsibility for [their] control. To deal with these new problems will require a new conservation. We must not only protect the countryside and save it from destruction, we must restore what has been destroyed and salvage the beauty and charm of our cities. Our conservation must be not just the classic conservation of protection and development, but a creative conservation of restoration and innovation."

Those new environmental commandments inspired a legion of Great Society laws: the Clear Air, Water Quality and Clean Water Restoration Acts and Amendments, the 1965 Solid Waste Disposal Act, the 1965 Motor Vehicle Air Pollution Control Act, and the 1968 Aircraft Noise Abatement Act. They also provided the rationale for later laws creating the Environmental Protection Agency and the Superfund that exacts financial payments from past polluters.

Of the 35 national parks established during the Great Society years, 32 are within easy driving distance of large cities. The 1968 Wild and Scenic Rivers Act today protects 155 river segments in 37 states. The 1968 National Trail System Act has established more than 800 recreational scenic, and historic trails covering 40,000 miles.

EQUAL ACCESS

Above all else, Lyndon Johnson saw the Great Society as an instrument to create racial justice and eliminate poverty. Much of the legislation already cited was aimed at those objectives. But we directly targeted these areas with laser intensity. When LBJ took office, this country had segregated stores, theaters and public accommodations; separate toilets and water fountains for blacks; and restaurants, hotels, and housing restricted to whites only. Job discrimination was rampant. With the 1964 Civil Rights Act, the Great Society tore down all the "whites only" signs. The 1968 Fair Housing Act opened up housing to all Americans regardless of race.

But the measure of the Great Society, particularly in this field, cannot be taken alone in statutes enacted. In one of the most moving speeches of the century, Johnson's 1965 Howard University commencement address, "To Fulfill These Rights," he said:

"But freedom is not enough. You do not take a person who, for years, has been hobbled by chains and liberate him, bring him to the starting line of a race and then say, 'You are free to compete with all the others,' and still justly believe that you have been completely fair. This is the next and the more profound stage of the battle for civil rights." Thus was born the concept of affirmative action, Johnson's conviction that it is essential as a matter of social justice to provide the tutoring, the extra help, even the preference if necessary, to those who had suffered generations of discrimination, in order to give them a fair chance to share in the American dream. Perhaps even more controversial today than when then set forth, affirmative action has provided opportunity to millions of blacks and has been a critical element in creating a substantial black middle class and an affluent black society in a single generation.

That speech provided another insight the nation ignored. In cataloguing the long suffering of blacks, Johnson included this passage: "Perhaps most important—its influence radiating to every part of life—is the breakdown of the Negro family structure. It flows from centuries of oppression and persecution of the Negro man. And when the family collapses it is the children that are usually damaged. When it happens on a massive scale the community itself is crippled. So, unless we work to strengthen the family, to create conditions under which most parents will stay together, all the rest—schools, and playgrounds, and public assistance, and private concern—will never be enough to cut completely the circle of despair and deprivation."

Conservatives charge the Great Society with responsibility for the disastrous aspects of the welfare program for mothers and children. But that program was enacted in the 1930s and conservatives (and liberals) in Congress rejected Great Society efforts to revamp it. LBJ called the welfare system in America "outmoded and in need of a major change" and pressed Congress to stop conditioning welfare benefits on the man leaving the house and to create a work incentive program, incentives for earning, day care for children, child and maternal health, and family planning services. In the generation it has taken the nation to heed that warning, millions of children's lives have been savaged.

In the entire treasury of Great Society measures, the jewel Lyndon Johnson believed would have the greatest value was the Voting Rights Act of 1965. That law opened the way for black Americans to strengthen their voice at every level of government. In 1964 there were 79 black elected officials in the South and 300 in the entire nation. By 1998, there were some 9,000 elected black officials across the nation, including 6,000 in the South. In 1965 there were five black members of the House; today there are 39.

Great Society contributions to racial equality were not only civic and political. In 1960, black life expectancy was 63.6 years, not even long enough to benefit from the Social Security taxes that black citizens paid during their working lives. By 1997, black life expectancy was 71.2 years, thanks almost entirely to Medicaid, community health centers, job training, food stamps, and other Great Society programs. In 1960, the infant mortality rate for blacks was 44.3 for each 1,000 live births; in 1997, that rate had plummeted by two-thirds, to 14.7. In 1960, only 20 percent of blacks completed high school and only 3 percent finished college; in 1997, 75 percent completed high school and more than 13 percent earned college degrees.

In waging the war on poverty, congressional opposition was too strong to pass an income maintenance law. So LBJ took advantage of the biggest automatic cash machine around: Social Security. He proposed, and Congress enacted, whopping increases in the minimum benefits that lifted some two million Americans 65 and older above the poverty line. In 1996, thanks to those increased minimum benefits, Social Security lifted 12 million senior citizens above the poverty line.

The combination of that Social Security increase, Medicare and the coverage of nursing home care under Medicaid (which today funds care for 68 percent of nursing home residents) has had a defining impact on American families. Millions of middle-aged Americans, freed from the burden of providing and medical and nursing home care for their elderly parents, suddenly were able to buy homes and (often with assistance from Great Society higher education programs) send their children to college.

No Great Society undertaking has been subjected to more withering conservative attacks than the Office of Economic Opportunity. Yet the War on Poverty was founded on the most conservative principle: Put the power in the local community, not in Washington; give people at the grassroots the ability to stand tall on their own two feet.

Conservative claims that the OEO poverty programs were nothing but a waste of money are preposterous—as preposterous as Ronald Reagan's quip that "LBJ declared war on poverty and poverty won". Eleven of the 12 programs that OEO launched in the mid-60's are alive, well and funded at an annual rate exceeding $10 billion; apparently legislators believe they're still working. Head Start, Job Corps, Community Health Centers, Foster Grandparents, Upward Bound (now part of the Trio Program in the Department of Education), Green Thumb (now Senior Community Service Employment), Indian Opportunities (now in the Labor Department) and Migrant Opportunities (now Seasonal Worker Training and Migrant Education) were all designed to do what they have been doing: empowering individuals to stand on their own two feet.

Community Action, VISTA Volunteers, and Legal Services continue to put power in the hands of individuals down at the grassroots level. The grassroots that these programs fertilize just don't produce the manicured laws that conservatives prefer. Only the Neighborhood Youth Corps has been abandoned—in 1974, after enrolling more than five million individuals. Despite the political rhetoric, every president, Ronald Reagan included, has urged Congress to fund these OEO programs or has approved substantial appropriations for them.

A BETTER DEAL

The Great Society confronted two monumental shifts in America: The urbanization of the population and the nationalization of commercial power. For urban America, it created the Department of Housing and Urban Development. It drove through Congress the Urban Mass Transit Act, which has given San Franciscans BART, Washingtonians Metro, Atlantans MARTA, and cities across America thousands of buses and modernized transit systems. The 1968 Housing Act has provided homes for more than 7 million families. The Great Society also created Ginnie Mae, which has added more than $1 billion to the supply of affordable mortgage funds, and privatized Fannie Mae, which has helped more than 30 million families purchase homes.

The '60s also saw a nationalization of commercial power that had the potential to disadvantage the individual American consumer. Superstores and super-corporations were rapidly shoving aside the corner grocer, local banker, and independent drug store. Automobiles were complex and dangerous, manufactured by giant corporations with deep pockets to protect themselves. Banks had the most sophisticated accountants and lawyers to draft their loan agreements. Sellers of everyday products—soaps, produce, meats, appliances, clothing, cereals, and canned and frozen foods—packaged their products with the help of the shrewdest marketers and designers. The individual was outflanked at every position.

Sensing that mismatch, the Great Society produced a bevy of laws to level the playing field for consumers: auto and highway safety for the motorist; truth in packaging for the consumer; truth in lending for the homebuyer, small businessman and individual borrower; wholesome meat and wholesome poultry laws to enhance food safety. It created the Product Safety Commission to assure that toys and other products would be safe for users and the Flammable Fabrics Act to reduce the incendiary characteristics of clothing and blankets. To keep kids out of the medicine bottle we proposed the Child Safety Act.

The revolution in transportation led to the creation of the National Transportation Safety Board, renowned for its work in improving air safety, and the Department of Transportation.

In numbers of Americans helped, the Great Society exceeds in domestic impact even the New Deal of LBJ's idol, Franklin Roosevelt. but far more profound and enduring are the fundamental tenets of public responsibility it espoused, which influence and shape the nation's public policy and political dialogue to this day.

Until the New Deal, the federal government had been regarded as a regulatory power, protecting the public health and safety with the Food and Drug Administration and enforcing antitrust and commercial fraud laws to rein in concentrations of economic power. With the creation of the Securities and Exchange Commission and the other alphabet agencies, FDR took the government into deeper regulatory waters. He also put the feds into the business of cash payments: welfare benefits, railroad retirement, and Social Security.

Johnson converted the federal government into a far more energetic, proactive force for social justice—striking down discriminatory practices and offering a hand up with education, health care, and job training. These functions had formerly been the preserve of private charities and the states. Before the Johnson administration, for example, the federal government was not training a single worker. He vested the federal government with the responsibility to soften the sharp elbows of capitalism and give it a beating, human heart; to redistribute opportunity as well as wealth.

For the public safety, Johnson took on the National Rifle Association and drove through Congress the laws that closed the loophole of mail order guns, prohibited sales to minors, and ended the import of Saturday night specials. He tried unsuccessfully to convince Congress to pass a law requiring the licensing of every gun owner and the registration of every gun.

Spotting the "for sale" signs of political corruption going up in the nation's capital, Johnson proposed public financing of presidential campaigns, full disclosure of contributions and expenses by all federal candidates, limits on contributions, and eliminating lobbying loopholes. He convinced Congress to provide for public financing of Presidential campaigns through the incometax checkoff. But they ignored his 1967 warning: "More and more, men and women of limited means may refrain from running for public office. Private wealth increasingly becomes an artificial and unrealistic arbiter of qualifications, and the source of public leadership is thus severely narrowed. The necessity of acquiring substantial funds to finance campaigns diverts a candidate's attention form his public obligations and detracts from his energetic exposition of the issues."

FEAR OF THE L-WORD

Lyndon Johnson didn't talk the talk of legacy. He walked the walk. He lived the life. He didn't have much of a profile, but he did have the courage of his convictions, and the achievements of his Great Society were monumental.

Why then do Democratic politicians who battle to preserve Great Society programs ignore those achievements? For the same reason Bill Clinton came to the LBJ library on Johnson's birthday during the 1992 campaign and never spoke the name of Lyndon Johnson or recognized Ladybird Johnson, who was sitting on the stage from which he spoke.

The answer lies in their fear of being called "liberal" and in their opposition to the Vietnam War. In contemporary America politicians are paralyzed by fear of the label that comes with the heritage of Lyndon Johnson's Great Society. Democrats rest their hops of a return to Congressional power on promises to preserve and expand Great Society programs like Medicare and aid to education, but they tremble at the thought of linking those programs to the liberal Lyndon. The irony is that they seek to distance themselves from the president who once said that the difference between liberals and cannibals is that cannibals eat only their enemies.

Democratic officeholders also assign Johnson the role of stealth president because of the Vietnam War. Most contemporary observers put the war down as a monumental blunder. Only a handful—most of them Republicans—defend Vietnam as part of a half-century bipartisan commitment to contain communism with American blood and money. Seen in that context, Vietnam was a tragic losing battle in a long, winning war—a war that began with Truman's ordeal in Korea, the Marshall Plan, and the 1948 Berlin airlift, and ended with the collapse of communism at the end of the Reagan Administration.

Whatever anyone thinks about Vietnam and however much politicians shrink from the liberal label, it is time to recognize—as historians are beginning to do—the reality of the remarkable and enduring achievements of the Great Society programs. Without such programs as Head Start, higher-education loans and scholarships, Medicare, Medicaid, clear air and water, and civil rights, life would be nastier, more brutish, and shorter for millions of Americans.

TRIBUTE TO DR. BRADY JOSEPH JONES, SR.

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 18, 1999

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to note with great sadness the passing of Dr. Brady Joseph Jones Senior, one of the great community leaders of Dallas, Texas.

Dr. B.J. Jones was born in Longview, Texas on August 30, 1915. He graduated from Prairie View College in 1939, and he later earned his doctorate from Meharry Medical College in the area of Dentistry in 1953.

Out of dedication to delivering services to the low-income families, he chose to keep his practice in the heart of South Dallas. He cared for patients in this area with compassion and success. He was a pioneer dentist and a giant in our community.

During his career, he was a charter member of a group of Black Professional who introduced the idea of investment and saving throughout the Black Professional community. He advocated education, self-sufficiency, and responsibility.

Dr. Jones was a loving parent. He was the proud father of a dentist, a psychiatrist, and an educator, who is an art enthusiast with most of her studies being done at the J. Paul Getty Museum in Los Angeles, California.

Mr. Speaker, Dr. B.J. Jones inspired his children, his peers, the Black community and all who knew him.

With his passing, I have lost a dear friend, many members of our community have lost a mentor, and the citizens of Dallas have lost a great leader. He was truly an inspiration, and he will be missed. God bless him and his family. We commend him to you, dear Lord, in your eternal care.

HONORING DOUGLAS WAGNER MORAN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 18, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to celebrate the birth of Douglas Wagner Moran. Douglas, the first child of Mary and Michael Moran of San Francisco, California, arrived on Friday, October 15th, 1999, at 7:45 a.m., weighing in at a healthy 7 pounds three ounces and an impressive 21½ inches. Mr. Speaker I request my colleagues in joining me in offering our heartiest congratulations to the Moran family and share their happiness in being new parents.

RECOGNITION OF THE 80TH ANNIVERSARY OF THE SECOND BAPTIST CHURCH

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 18, 1999

Mr. BONIOR. Mr. Speaker, today I rise to recognize the 80th anniversary of the Second Baptist Church located in Romeo, Michigan. In late 1918 and early 1919, a group of devoted Christians began holding prayer meetings in their homes. In 1920, Katherine Board, Jennie (Green) Barton, George Green, Arthur Board, Katie Watkins, Virgil Watkins and Susan Armstrong met to discuss the idea of starting a church of their own. Many people at that time were attending the local Methodist Church and decided to approach the village officials to request a location to hold their own services.

The church was first housed in the Town Bank Practice Hall, a small room above the Romeo Fire Department and Jail on Rawles Street. After a year of increased attendance and the choir becoming well recognized throughout the region, the members decided that they wanted a building of their own. The cornerstone was laid in 1932 and dedicated Second Baptist Church under Reverend Cannon. The structure stood for over 35 years as the center of the church community until the new structure was started in 1968.

Through the hard work of the church's members, and the leadership of its many devoted Pastors, the members have built a beacon of light in the Romeo community. The Second Baptist Church brings together every aspect of the village. Blacks and whites from various economic backgrounds come together to worship in the community of faith centered around The Second Baptist Church.

For the last eighty years, the Second Baptist Church has remained steadfast in its loyalty to the community and to its faith in God. Please join me in asking for God's blessing for another eighty years of service, support, and community for the members of this wonderful church.

TRENDS AND ACHIEVEMENTS OF COMMUNITY-BASED DEVELOPMENT ORGANIZATIONS FROM 1994 TO 1998

HON. MELVIN L. WATT

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 18, 1999

Mr. WATT of North Carolina. Mr. Speaker, I submit the document titled, "Trends and Achievements of Community-based Development Organizations from 1994 to 1998." For printing in the CONGRESSIONAL RECORD.

COMMUNITY-BASED DEVELOPMENT—COMING OF AGE

THE 1999 NCCED CENSUS REPORT ON THE TRENDS AND ACHIEVEMENTS OF COMMUNITY-BASED DEVELOPMENT ORGANIZATIONS

Executive Summary

Over the past ten years, the National Congress for Community Economic Development has conducted a series of four national census surveys to record the trends and achievements of community-based development organizations. This report, Coming of Age—The Achievements of Community-based Development Organizations, contains NCCED's most recent census findings from 1994 to 1998.

Commonly known as CDCs (community development corporations), these non-profit organizations share several common characteristics: they focus on win-win outcomes benefiting business and community; they are multi-disciplined; they are based on economic practices; and they are indigenous. They derive their leadership and governance from residents and other stakeholders in the communities they serve and can therefore uniquely assess local needs and tap into local resources.

The census of CDCs commissioned by NCCED—the national trade association for the community-based development industry. The NCCED census report has become the definitive source of data on the characteristics and achievements of these organizations, which are found throughout urban and rural America.

Community-based development is not well-known—and is less understood. It is a movement borne of the poverty programs and policies of the sixties. Today, after three decades, it is an industry of considerable strength that is quietly transforming lives and communities across America. It is uniquely American force in the best traditions of the social and economic institutions observed by Alexis deTocqueville in early 19th century communities.

The achievements of CDCs are a story of remarkable success in the face of considerable uncertainty and challenge. The 1999 NCCED Census Report indicates that the industry of CDCs has grown by 64% to an estimated 3,600 organizations in the last four years alone. The productivity of the industry over its 30 years history is reflected in the following figures:

71 million square feet of commercial and industrial space developed;

$1.9 million in loans outstanding (at the end of 1997) to 59,000 small and micro-businesses;

247,000 private sector jobs created; and

550,000 units of affordable rental and ownership housing built or renovated, nearly 40% of which has been completed in the last four years.

These figures account for the most measurable outputs of the community development industry. They represents, however, only a part of the picture. The rest of the picture is found in the expanding role of CDCs in the delivery of services in such areas as pre- and post-employment training and support, entrepreneurship, and transportation services. Important to this story of productivity is the fact that most of it has occurred during the 1990s. Community-based development is an industry of considerable strength that is quietly transforming lives and communities across America.

The coming of age of the CDC as an economic force is in response to community needs, profound changes in public policy, and an awakening in the corporate sector to the economic opportunities that CDC communities represent. These communities—both urban and rural—are more and more recognized as a labor source to fill a growing job market. They also represent an underserved market for the sale of goods and services. The forces that brought about the growth of community development represent challenges and opportunities for CDC communities. In many distressed communities, CDCs are at the center of initiatives that are the difference between being economically marginalized or being economically viable.

The convergence of public policy shifts and the forces of an economy in a period of unprecedented growth has created a set of conditions in which community-based development organizations are uniquely positioned to be agents of economic change and instruments of public policy. As the 1999 NCCED Census Report illustrates, CDCs are ideally positioned to bring together the economic interests and assets of communities, companies and city halls for the benefit of all.

The findings of the 1999 NCCED Census Report have significance for decision-makers in both the private and public sectors, and they demonstrate the credibility of NCCED as a value-added advisor to business. CDCs have established a track record as effective instruments in multiple areas:

Commercial and industrial real estate development. CDCs have produced an estimated 71,400,000 square feet of commercial and industrial facilities. In the latest four-year census period, CDCs provided nearly $600 million in financing for commercial and industrial development. This record establishes CDCs as capable development partners of shopping centers, manufacturing facilities, distribution centers, business incubators, office centers, and community facilities.

Small and Micro-business lending. CDCs have emerged as "surrogate" commercial lenders for banks in underserved markets. CDCs and community development financial institutions (CDFIs) are often the only source of credit for micro-entrepreneurs and start-up businesses. CDCs and CDFIs enhance their lending services with technical assistance and support to their business borrowers, which has been central to their success as loan services and portfolio managers. Nationally, at the end of 1997, the estimated amount of CDC loans outstanding was $1.9 billion of 59,000 businesses.

Business partners. CDCs are the key to facilitating business relationships, locating equity capital and real estate opportunities, and providing the technical assistance to forge partnerships between community and corporate interests.

Affordable housing production. CDC housing production is on the rise. Thirty percent of the assisted housing in the nation has been produced by CDCs. A total of 245,000 units of affordable housing were produced during the latest four-year census period.

Increasing home ownership. Of CDC housing production, 26 percent in urban areas and 53 percent in rural areas is for ownership by low and moderate income home buyers. Many CDCs have become home buyer counselors, and mortgage loan packagers and originators in partnership with banks and mortgage companies. This capacity is a valuable resource for achieving increased home ownership as a national and a local policy strategy for family asset building and neighborhood stabilization.

Workforce development. For the first time, the NCCED census indicates that CDCs are increasingly engaged in providing employment support and training to community residents. A growing number of CDCs are direct providers of job readiness training and job skill training, and such employment support services as child care and transportation to work. CDCs are natural partners in the welfare reform effort.

Neighborhood revitalization. CDCs have been working to revitalize distressed neighborhoods, often while municipal investment priorities have been focused on the downtowns of major cities. As municipal investment priorities shift attention to neighborhoods, CDCs are ready and able to act as brokers and partners with city halls and the business community.

Community building. The broad vision of CDCs is evident in the census results. Their community building activities are significantly on the rise and include child care, education programs, training, counseling, transportation, and health care services.

These findings reflect the extraordinary growth of the community-based development industry over the past decade. As the 1999 NCCED Census Report illustrates, CDCs have truly come of age in the 1990s. Tangible impact of their successes are visible in low-income urban and rural communities across the country. CDCs, with their comprehensive scope and indigenous origins, are uniquely positioned as the driving force in American renewal by bringing about win-win outcomes, benefiting both business and the community.

NCCED as the trade association for the community-based economic development industry is the voice for the policy interests of economically distressed rural and urban communities. Through its membership network, programs, and national public and private sector partnerships. NCCED is recognized as a leading information and technical assistance resource for community-based development organizations as they expand their capacity to undertake the diversity of strategies for the development of healthy communities.

REMEMBERING RABBI JOSEPH WEINBERG

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 18, 1999

Mrs. CAPPS. Mr. Speaker, this weekend, the nation lost one of its foremost religious and spiritual leaders, Rabbi Joseph P. Weinberg. Rabbi Weinberg served for over thirty years at Washington Hebrew Congregation. Throughout his exceptional career, Rabbi Weinberg distinguished himself not only for his Jewish scholarship and the pastoral care he devoted to his congregation, but as a champion in the fights for civil rights, racial understanding, and religious tolerance.

Rabbi Weinberg was a gracious, warm and compassionate man. He possessed both a softspoken demeanor and a fiery determination to correct the injustices of our society. Above all else, he was devoted to his family. I wish to extend my most sincere condolences to his wife Marcia, his children Rachel, Johathan, Josh, their spouses, and his grandchildren.

Mr. Speaker, I submit for our colleagues an article about Rabbi Weinberg that was published in the Washington Post. This article reports on Rabbi Weinberg's final Rosh Hashanah sermon, delivered last month with the help of his children. Using Tolstoy's famous journal entry, "Still Alive," Rabbi Weinberg said:

"Dear congregants, children and grandchildren,

It is Rosh Hashanah . . . and we are still here.

Still alive—to stand for causes that are just.
Still alive—to stand in solidarity with others.
Still alive—to bear witness to the majesty of the human soul.
Still alive! Still alive!"

Indeed, Mr. Speaker, Rabbi Joseph P. Weinberg is still alive. He may no longer be physically among us, but his spirit and legacy live on.

[From the Washington Post, Oct. 17, 1999]

RABBI JOSEPH P. WEINBERG DIES AT 62

(By Caryle Murphy)

Joseph P. Weinberg, 62, senior rabbi at Washington Hebrew Congregation, who had been active in interracial and civil rights efforts since the 1960s, died at his Potomac home Friday night after battling brain cancer for more than a year.

Rabbi Weinberg, who was known for his concern for social issues, had served for 31 years at Washington Hebrew, the city's oldest Jewish congregation and the largest Reform congregation in the Washington area. For many of its thousands of members as well as many others in the community at large, he was the human symbol of the congregation.

His death came a little more than a month after the rabbi delivered an emotional farewell sermon on Rosh Hashanah, the Jewish New Year and one of the holiest days in the Jewish calendar.

With the help of his three children, who each read portions of the sermon, Weinberg told a packed sanctuary he had just learned that he must "battle anew with my pesky invader" but wanted "to have Rosh Hashanah as usual."

He said the holiday was a reminder of "God's great gift to us . . . the precious gift of time," which is "ours to fill wisely, joyfully, completely." The ailing rabbi told his congregants to rejoice that "we are still here. Still alive, to stand for causes that are just . . . to bear witness to the majesty of the human soul. Still alive!"

The Sept. 11 sermon was the first time many in the congregation realized "what was really happening as far as his health was concerned," recalled Kenneth Marks, president of the Northwest Washington congregation. "The mood was quite emotional.

"Joe Weinberg and the congregation were one and the same, basically," Marks added. "What can you say when you lose someone who meant so much? This is the most compassionate man you ever met in your life. He always wanted to do good, and he always had time for you."

Weinberg's brain cancer was diagnosed in March 1998, and he underwent surgery twice, his wife, Marcia Weinberg, said yesterday. On Friday evening, the family had gathered for the traditional Shabbat prayers, and Weinberg, his wife recalled, "left us while the candles were still burning."

Since his arrival in Washington in 1968—a time when the city was wracked by racial riots and anti-war protests—Weinberg played a leading role in efforts to improve racial relations and fight poverty. He helped organize Ya'chad, a Jewish organization promoting affordable city housing, and Carrie Simon House, a transitional home for unmarried mothers in Northwest Washington, which is supported by Washington Hebrew.

Weinberg also was a moving force behind his congregation's annual service held jointly with local African American churches to honor the legacy of the Rev. Martin Luther King Jr. on the Jewish Sabbath right before King's national holiday.

Marcia Weinberg, 61, said her husband had been deeply affected by his experiences when he marched with King in the historic civil rights march in Selma, AL, in 1965. Then a young rabbi, Weinberg was arrested twice.

"It was an important moment for him as a human being and as a rabbi," she said. "Joseph was very motivated by social action."

Weinberg was born in Chicago in 1937. His mother, Helen Joy Weinberg, was an artist, and his father, Alfred, a businessman. In 1938, as the Nazi menace was threatening European Jewry, Alfred Weinberg returned to his native Germany to bring his parents and several other family members to the United States.

After graduating from Northwestern University in 1958, Joseph Weinberg immediately entered seminary at Hebrew Union College-Jewish Institute of Religion in Cincinnati. After his ordination in 1963, he served as assistant rabbi at a San Francisco congregation before coming to Washington.

Weinberg, who also was a fervent supporter of Israel and campaigned for years to help Soviet Jews emigrate, became senior rabbi at Washington Hebrew in 1986. He was only the fifth rabbi to hold that position since the Reform congregation was founded in 1952.

The original congregants held services in their homes until they purchased a building site in the 800 block of Eighth Street NW. in Chinatown. There, they built their first synagogue, which they sold 58 years later. Today, the former temple, which still has the Star of David in its stained-glass windows, is home to Greater New Hope Baptist Church.

Washington Hebrew, with a membership of more than 3,000 families, is now located on Macomb Street NW. Funeral services for Weinberg will be held at the congregation tomorrow at 1 p.m.

In addition to his wife, Weinberg is survived by a sister, Judith Adler, 66 of Seattle; a daughter, Rachel Weinberg of Arlington; two sons, Jonathan Weinberg of Potomac and Josh Weinberg of Bethesda; and four grandchildren.

INTRODUCTION OF A BILL TO AMEND THE ALASKA NATIVE CLAIMS SETTLEMENT ACT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 18, 1999

Mr. YOUNG of Alaska. Mr. Speaker, today I am introducing legislation that would address several matters of concern to Alaska Natives through amendments to the Alaska Native Claims Settlement Act (ANCSA) of 1971.

As my colleagues know, ANCSA was enacted in 1971, stimulated by the need to address Native land claims as well as the desire to clear the way for the construction of the Trans-Alaska Pipeline and thereby provide our country with access to the petroleum resources of Alaska's North Slope. As the years pass, issues arise which require amending that act. The Resources Committee as a matter of course routinely considers such amendments and brings them before the House.

The bill has three provisions. One of the provisions would restore 50,000 acres back to the village of Elim. The Norton Bay Reservation (later referred to as Norton Bay Native Reserve) was formally established in 1917 by an Executive Order and comprised approximately 350,000 acres of land for use of the U.S. Bureau of Education and the Natives of Indigenous Alaskan race. It is located approximately 110 miles southeast of Nome, Alaska along the shoreline of Norton Bay Reservation. Some of the burial grounds were mass graves of Natives who succumbed to epidemics of disease brought into the Eskimo culture by non-Natives. Today, Elim is home to about 300 Alaska Natives and a small number of non-Natives who live and work in the village.

In 1919, Congress enacted a law requiring that any future Indian Reservations be established only by an act of Congress. In 1927, Congress passed an act which prohibited boundary adjustments to Executive Order Reservations other than an act of Congress.

In 1929, President Herbert Hoover, by an Executive Order, reduced the size of the Elim reservation by 50,000 acres. The land was deleted from the Reservation for the benefits of others and was not offered to be restored to the original Reservation when lands comprising the Reservation were made available to the Native inhabitants of Elim under section 19(b) of the Alaska Native Claims Settlement Act of 1971. The failure to replace these lands has been and continues to be a source of deep concern to the indigenous people of Elim and until this matter is dealt with equitably, it will continue to be a source of great frustration and sense of loss among the shareholders of Elim Native Corporation and their descendants.

This bill will give the Elim Native Corporation 2 years in which to select no more than 60,000 acres depicted on the map dated August 1, 1999, and entitled Land Withdrawal Elim Native Corporation Land Restoration. It also authorizes the Elim Native Corporation to select and receive title to 50,000 acres of lands within the boundary of the lands described on the map. The Secretary is further authorized and directed to receive and adjudicate a selection application by the Elim Native Corporation, and to convey the surface and subsurface estate in the selected lands to the Elim Native Corporation subject to rules, conditions and limitations outlined in this bill.

I am attaching copies of two letters (with my statement) from two individuals who support the restoration of 50,000 acres to the people of Elim. The first letter is from Mr. Donald C. Mitchell, Attorney at Law. Mr. Mitchell, over the course of 20 years, has worked on amendments to the Alaska Native Claims Settlement Act (ANCSA) and has written a book regarding the history of the ANCSA. The second letter is from Mr. Rick Steiner, Director of The Coastal Coalition, a highly respected conservation group in Alaska. Their letters simply state a brief outline of support for the restoration of 50,000 acres to the people of Elim.

Another provision of this bill would allow shareholder stock to be transferred to adopted Alaska Native children and to their descendants.

Another provision would amend the definition of a "settlement trust" under ANCSA.

This bill is the result of the work of the Alaska Federation of Natives, Elim Native Corporation and myself to restore 50,000 acres back to the Native peoples of Elim. The legislative language changes within the bill were revised with the technical assistance of the Department of the Interior.

DONALD C. MITCHELL,
ATTORNEY AT LAW,
Anchorage, AK, October 8, 1999.

Re: Section 7 of H.R. 3013 (Elim Native Corporation Amendment).

Hon. DON YOUNG,
Chairman, Committee on Resources, Longworth Building, House of Representatives, Washington, DC.

Hon. GEORGE MILLER,
Ranking Member, Committee on Resources, Longworth Building, House of Representatives, Washington, DC.

DEAR REPRESENTATIVES YOUNG and MILLER: On October 5, 1999 Mr. Young introduced, and the Committee on Resources was referred, H.R. 3013, the Alaska Native Claims Technical Amendments of 1999.

In 1971 when it settled Alaska Native land claims by enacting the Alaska Native Claims Settlement Act (ANCSA) the 92d Congress determined that social and economic justice required that Alaska Natives who resided in a village located within the boundaries of a reservation that had been established for their benefit should be afforded an opportunity to select, and to be conveyed legal title to, all public land located within the reservation's boundaries.

The Inupiat residents of the village of Elim took advantage of that opportunity, and the Secretary of the Interior conveyed the Elim Native Corporation legal title to the public land located within the boundaries of the former Norton Bay Reservation, as those boundaries existed in 1971.

ANCSA was a milestone in the history of Congress's relations with Native Americans. But because it was by no means perfect, since 1971 subsequent Congresses have amended ANCSA on numerous occasions to provide Alaska Natives additional land selection opportunities when necessary to ensure that the Act achieves its objectives.

The most important of those objectives is to afford Alaska Natives social and economic justice regarding their ownership of public land they historically used and occupied.

As you know, from 1977 to 1994 I served as counsel to the Alaska Federation of Natives (AFN), which Alaska Natives organized in 1967 to lead the fight for a fair and just land claims settlement. In that capacity I over the years participated in developing a number of amendments to ANCSA that Congress enacted to ensure that the objective of affording Alaska Natives social and economic justice is achieved.

One of the most grievous cases of social and economic injustice of which I became aware during my tenure as AFN's counsel was the caprice with which representatives of the federal executive in 1929 diminished the land rights of the Inupiat residents of the village of Elim by adjusting the boundary of the Norton Bay Reservation without their knowledge or consent.

The facts regarding that situation are well-known and uncontroverted. During my tenure at AFN I and others on several occasions attempted to bring the Elim situation to Congress's attention, but we were no successful. As a consequence, I am delighted to find that section 7 of H.R. 3013 attempts to remedy the injustice that was inflicted on the Inupiat residents of Elim in 1929 when the boundary of the Norton Reservation was unfairly, and in my view unlawfully, modified. For that reason, I would respectfully, but strongly, urge you and other members of the Committee on Resources to favorably report section 7 of H.R. 3013 to the U.S. House of Representatives, either as part of H.R. 3013, or as a stand-alone bill.

Sincerely,

DON MITCHELL.

THE COASTAL COALITION,
Anchorage, AK, October 8, 1999.

Re: Elim Native Corporation Land Restoration proposal

Hon. DON YOUNG, Chairman,
Hon. GEORGE MILLER,
House of Representatives, Committee on Resources, Washington, DC.

DEAR GENTLEMEN, I just wanted to offer a few words in support of the proposal before your committee to return to the Elim Corporation 50,000 acres of land that had been deleted in 1929 by Executive Order.

It is my understanding from the history of this issue that the deletion by Executive Order from the Norton Bay Reservation was the result of a concerted effort by non-Natives to gain access to the area for commercial purposes such as fur farming, prospecting and mining. The deletion from the Reservation seemed to be yet another profound injustice perpetrated on Alaska Natives. Apparently, Elim people weren't even consulted regarding this deletion.

In my many years living in and working in northwest Alaska, I visited Elim several times, and they were always some of the kindest, most accommodating people I had the opportunity to work with. They certainly seem to care a great deal about their land and cultural heritage.

Before your committee is a remarkable opportunity to right this wrong, and I urge you to act upon this opportunity. The return of 50,000 acres of land to the Elim shareholders seems justified not just on moral and ethical grounds, but also on the grounds of conservation and protection of valuable fish and wildlife habitat. Particularly important is the habitat along the Tubuktoolik River and its watershed.

I would hope that a protective conservation easement or other protective covenant could be included with the transfer in order to secure sustainable protection of the area well into the future. This would not only protect the lands from potentially damaging commercial activities, but would also allow Elim to develop a truly sustainable economy in the region. As the lands are held at present, there are no such protections and the area could easily fall victim to short-term activities against the desires and sentiments of the Elim people.

Returning this land to the Elim people with protective covenants is a win-win scenario, as it provides ethical redress of some rather outrageous federal activity earlier this century, conservation of the region, and opportunity for the Elim people to rebuild a sustainable economy on their land.

Thanks for your attention to this very important issue.

Sincerely,

RICK STEINER,
Director, The Coastal Coalition.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, October 19, 1999 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 20

9 a.m.
Judiciary
To hold hearings on the Justice Department's role and the FALN.
SD-226

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine the use of performance enhancing drugs in Olympic competition.
SD-106

Indian Affairs
To hold oversight hearings on the implementation of the Transportation Equity Act in the 21st Century, focusing on Indian reservation roads; to be followed by a business meeting on pending calendar business.
SR-485

Rules and Administration
To hold oversight hearings on the operations of the Architect of the Capitol.
SR-301

Armed Services
Emerging Threats and Capabilities Subcommittee
To hold hearings on the efforts of the military services in implementing joint experimentation.
SR-222

Energy and Natural Resources
Business meeting to consider pending calendar business.
SD-366

10 a.m.
Finance
Business meeting to mark up on the proposed Tax Extenders and the Balanced Budget Adjustments Act.
SD-215

11:30 a.m.
Conferees
Meeting of conferees continued on H.R. 1000, to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration.
Room to be announced

2 p.m.
Foreign Relations
To hold hearings on extradition Treaty between the Government of the United States of America and the Government of the Republic of Korea (hereinafter referred to as "the Treaty"), signed at Washington on June 9, 1998 (Treaty Doc. 106-02).
SD-419

2:30 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 1167, to amend the Pacific Northwest Electric Power Planning and Conservation Act to provide for expanding the scope of the Independent Scientific Review Panel; S. 1694, to direct the Secretary of the Interior to conduct a study on the reclamation and reuse of water and wastewater in the State of Hawaii; S. 1612, to direct the Secretary of the Interior to convey certain irrigation project property to certain irrigation and reclamation districts in the State of Nebraska; S. 1474, providing conveyance of the Palmetto Bend project to the State of Texas; S. 1697, to authorize the Secretary of the Interior to refund certain collections received pursuant to the Reclamation Reform Act of 1982; S. 1178, to direct the Secretary of the Interior to convey certain parcels of land acquired for the Blunt Reservoir and Pierre Canal features of the Oahe Irrigation Project, South Dakota, to the Commission of Schools and Public Lands of the State of South Dakota for the purpose of mitigating lost wildlife habitat, on the condition that the current preferential leaseholders shall have an option to purchase the parcels from the Commission; and S. 1723, to establish a program to authorize the Secretary of the Interior to plan, design, and construct facilities to mitigate impacts associated with irrigation system water diversions by local governmental entities in the Pacific Ocean drainage of the States of Oregon, Washington, Montana, and Idaho.
SD-366

OCTOBER 21

9:30 a.m.
Armed Services
To resume hearings on the lessons learned from the military operations conducted as part of Operation Allied Force, and associated relief operations, with respect to Kosovo; to be followed by a closed hearing (SR-222).
SD-106

10 a.m.
Health, Education, Labor, and Pensions
To hold hearings on the implementation of the Food and Drug Administration Modernization Act (P.L. 105-115).
SD-430

Governmental Affairs
To hold hearings on the nomination of John F. Walsh, of Connecticut, to be a Governor of the United States Postal Service; and the nomination of LeGree Sylvia Daniels, of Pennsylvania, to be a Governor of the United States Postal Service.
SD-628

Judiciary
Business meeting to consider pending calendar business.
SD-226

10:30 a.m.
Foreign Relations
To hold hearings on convention (No. 182) Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor, adopted by the International Labor Conference at its 87th Session in Geneva on June 17, 1999 (Treaty Doc. 106-05).
SD-419

2 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on S. 1365, to amend the National Preservation Act of 1966 to extend the authorization for the Historic Preservation Fund and the Advisory Council on Historic Preservation; S. 1434, to amend the National Historic Preservation Act to reauthorize that Act; and H.R. 834, to extend the authorization for the National Historic Preservation Fund.
SD-366

Judiciary
Immigration Subcommittee
To hold hearings to examine America's workforce needs in the 21st century.
SD-226

2:30 p.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to examine issues dealing with the national technical information services.
SR-253

OCTOBER 25

1 p.m.
Small Business
To hold hearings to examine the incidents of high-tech fraud on small businesses.
SD-562

OCTOBER 26

9:30 a.m.
Energy and Natural Resources
To hold hearings on the interpretation and implementation plans of subsistence management regulations for public lands in Alaska.
SD-366

2:30 p.m.
Armed Services
Readiness and Management Support Subcommittee
To hold hearings on the Real Property Management Program and the maintenance of the historic homes and senior offices' quarters.
SR-222

OCTOBER 27

9:30 a.m.
Indian Affairs
To hold hearings on proposed legislation authorizing funds for elementary and secondary education assistance, focusing on Indian educational programs; to be followed by a business meeting on pending calendar business.
SR-285

Armed Services
To hold hearings on the nomination of The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601: Gen. Joseph W. Ralston, 9172, To be General; the nomination of The following named officer for appointment as Vice Chairman of the Joint Chiefs of Staff and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 154: Gen. Richard B. Myers, 7092, To be General; the nomination of The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601: Gen. Thomas A. Schwartz, 0711, To be General; and the nomination of The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601: Gen. Ralph E. Eberhart, 7375, To be General.
SH-216

3 p.m.
Foreign Relations
To hold hearings on numerous tax treaties and protocol.
SD-419

NOVEMBER 4

9:30 a.m.

Indian Affairs

To hold joint hearings with the House Committee on Resources on S. 1586, to reduce the fractionated ownership of Indian Lands; and S. 1315, to permit the leasing of oil and gas rights on certain lands held in trust for the Navajo Nation or allotted to a member of the Navajo Nation, in any case in which there is consent from a specified percentage interest in the parcel of land under consideration for lease.

Room to be announced

CANCELLATIONS

OCTOBER 21

9:30 a.m.

Energy and Natural Resources

To hold oversight hearings on issues related to land withdrawals and potential National Monument designations using the Antiquities Act, or Federal Land Policy and Management Act.

SD–366

OCTOBER 26

9:30 a.m.

Energy and Natural Resources

To hold hearings on S. 882, to strengthen provisions in the Energy Policy Act of 1992 and the Federal Nonnuclear Energy Research and Development Act of 1974 with respect to potential Climate Change.

SD–366

POSTPONEMENTS

OCTOBER 21

9:30 a.m.

Commerce, Science, and Transportation

Aviation Subcommittee

To hold hearings on issues dealing with air traffic control delays.

SR–253

SENATE—*Tuesday, October 19, 1999*

The Senate met at 1:15 p.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Dr. Tom Phillips, Plains and Peaks Presbytery, Greeley, CO. I understand he is a guest of Senator ENZI.

We are very pleased to have you with us.

PRAYER

The guest Chaplain, Dr. Tom Phillips, offered the following prayer:

Almighty God, we are grateful that Your sovereignty is demonstrated in service. As the Senators do their work here, may Your deep love for them find reality in their speech and action. As You offered Yourself freely as a way of bringing hope, overcoming discouragement, and offering a challenge to be our best, so may they share themselves with each other.

We freely admit the fear we feel when we imagine giving ourselves to each other. It seems overwhelming when we recall that You told us it is possible to so love even our enemies. O Lord, what a revolution that would be—a revolution of new life for all.

Take from our minds all fragments of fear that would lead us to withdraw into self-absorption. Give us the gift of freedom to fight without reserve for the community of humankind, the enjoyment of the world as Your gift to everyone and the special role this United States Senate has in bringing this gift to the whole world.

So, on this day, may these Senators know that the people of this Nation not only lay heavy responsibilities upon them but also hold them up in prayer. May the gracious power of Your love be served in what is done in this hall today. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MIKE ENZI, a Senator from the State of Wyoming, led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Wyoming.

Mr. ENZI. I thank the Chair.

DR. TOM PHILLIPS

Mr. ENZI. Mr. President, I wish to take a couple moments to welcome my former pastor from Gillette, WY, to the Senate Chamber. I thank him and his wife Carolyn for making the journey to Washington to visit with us and some people with whom we have become acquainted through books we have read.

Dr. Phillips came to Gillette in 1983, and he has a doctorate but prefers to be called "pastor." It made a significant impression on our community. He also taught us the difference between going to church and worshiping. That has been a lasting legacy and pulled people together, unified them. But, more importantly, he provided an individual ministry to me and to the other people in the congregation. He has been an instructor and a conscience. He has stretched the imaginations and minds of the people in our congregation but most especially my mind. Diana and I have had the blessings of this wonderful couple as they have been in Gillette; they have inspired us from their position and also were friends to us as just normal people, which can sometimes be very difficult for ministers.

Unfortunately, Gillette has lost his services; he is now in northern Colorado where he is a minister to ministers. He is with the Presbytery. He goes around and shares with people who sometimes have difficulty sharing with the members of their congregation. He provides a special service there. Throughout all that time, he has been sharing books which in turn have challenged me, stretched me, and helped me to do the job here.

So I thank both of them for their contribution to my and Diana's life, the life of our family, and also to our education through the years.

I thank "Pastor" Phillips.

I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, at 1:20 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate was called to order by the Vice President.

BIPARTISAN CAMPAIGN REFORM ACT OF 1999—Resumed

The VICE PRESIDENT. The clerk will report the pending business.

The legislative clerk read as follows:

> A bill (S. 1593) to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform.

Pending:

> Daschle amendment No. 2298, in the nature of a substitute.
>
> Reid amendment No. 2299 (to amendment No. 2298), of a perfecting nature.
>
> Wellstone amendment No. 2306 (to the text of the language proposed to be stricken by amendment No. 2298), to allow a State to enact voluntary public financing legislation regarding the election of Federal candidates in such State.

CLOTURE MOTION

The VICE PRESIDENT. Under the previous order, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

> We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close the debate on the Daschle amendment No. 2298, to S. 1593.
>
> Tom Daschle, Chuck Robb, Mary L. Landrieu, Joseph Lieberman, Jack Reed, Max Baucus, Barbara Boxer, Richard H. Bryan, Jeff Bingaman, Tim Johnson, Harry Reid, Robert G. Torricelli, Blanche L. Lincoln, Dianne Feinstein, Jay D. Rockefeller, Richard J. Durbin, Daniel K. Akaka, Ron Wyden, Byron L. Dorgan, and Tom Harkin.

The VICE PRESIDENT. Under the previous order, the mandatory quorum call under the rule has been waived.

The question is, Is it the sense of the Senate that debate on the Daschle amendment No. 2298 to S. 1593, a bill to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative assistant called the roll.

The PRESIDING OFFICER (Mr. INHOFE). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 52, nays 48, as follows:

[Rollcall Vote No. 330 Leg.]

YEAS—52

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Chafee
Cleland
Collins
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCain
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Snowe
Specter
Thompson
Torricelli
Wellstone
Wyden

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

NAYS—48

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Cochran
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kyl
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Stevens
Thomas
Thurmond
Voinovich
Warner

The PRESIDING OFFICER. On this voter the yeas are 52, the nays are 48. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The Senator from South Dakota.

Mr. DASCHLE. Mr. President, I ask unanimous consent I be allowed to speak out of order for no more than 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATOR LEAHY'S 10,000TH VOTE

Mr. DASCHLE. Mr. President, I wish to call attention to the fact that with this vote Senator PATRICK LEAHY has reached a historic achievement in having cast his 10,000th rollcall vote.

(Applause, Senators rising.)

I join my colleagues in congratulating Senator LEAHY on his historic achievement.

In the history of our Nation, only 1,851 Americans have ever served in the U.S. Senate, and have achieved this level. And only 21 have cast 10,000 rollcall votes.

It is perhaps no coincidence that—at the very moment Senator LEAHY was casting his 10,000th vote in this chamber—baseball's home run king, Hank Aaron, was being honored on the other side of the Capitol.

PATRICK LEAHY and Henry Aaron are both "heavy hitters"—in their own fields. They are both men whose names will be recorded forever in the history books.

The greatest compliment one Senator can pay another is to call him or her "a Senator's Senator." It is not a term that is used loosely. It is a term that must be earned. To be a "Senators' Senator," you have to love the Senate. You have to love its history and traditions. Most of all, you have to love what it represents; you have to love democracy. You have to love it enough to be willing to fight for it, to sacrifice for it, and sometimes, to bend for it. PATRICK LEAHY is such a man.

I am proud to serve with him in this Senate. And I am even more proud to count him as a friend.

I first came to this Senate in 1987. Those were hard times in rural America. The farm economy was in a deep recession. In South Dakota and across the country, people were being forced to sell farms that had been in their families for generations. That same year, PATRICK LEAHY became chairman of the Senate Agriculture Committee. And I became its newest member. It was on the Agriculture Committee that I first came to know Senator LEAHY. It was there that I first saw the qualities and characteristics which I now recognize as the hallmarks of his extraordinary career.

PATRICK LEAHY cares deeply about people, and about protecting America's natural resources. Under his leadership, issues that had historically been considered "second tier" issues—such as nutrition and the environemnt—were elevated in importance. He helped bridge differences between farmers and environmentalists.

PATRICK LEAHY is a consensus builder. That is another thing I learned from watching him. Nearly every major piece of legislation reported out of the Agriculture Committee during his years as chairman was reported out with strong bipartisan support. He worked closely, first under Senator Dole, and then later under Senator LUGAR, to build that support. PATRICK LEAHY is committed to making government work better.

In his first term as chairman, Senator LEAHY managed two of the ten measures cited by Time magazine as landmark legacies of the 100th Congress. The first was the Hunger Prevention Act; the second was the Agriculture Credit Act, the most comprehensive reform of the farm credit system in 50 years. That bill not only saved the farm credit system from bankruptcy; it saved millions of family farmers from disaster.

I learned a lot from watching PATRICK LEAHY about how to be a leader, about how to reach across the aisle and build a bipartisan consensus. He grew up in Montpelier, Vermont's capital, left to go to Georgetown Law School, and returned home to practice law. He began his political career in 1966 when he was elected the Chittenden County State's attorney. Eight years later, at the age of 34, he was selected by the National District Attorneys Association as one of the three outstanding prosecutors in the United States. That same year, he was elected to the Senate.

He remains the youngest Senator, and the only Democratic Senator, ever sent to this body by the people of the Green Mountain State.

In 1998, he was reelected with 72 percent of the vote, one of the largest margins of victory in any Senate race last year.

It is not simply the number of votes which he has cast which makes him the kind of Senator he is and the man whom we congratulate today; it is also the nature of those votes, the serious reflection that accompanied them, and sometimes the courage it took to cast them.

Over the years, Senator LEAHY has frequently spoken out against proposals he knew were popular but believed were unconstitutional. For the last 3 years, as ranking member of the Judiciary Committee, he has been an outspoken and articulate advocate for the right of Federal judicial nominees to have a fair vote, and the responsibility of this Senate to grant them that right.

On the Appropriations Committee's subcommitee, Senator LEAHY has been a leader in the global effort to ban antipersonnel mines. In 1992, he wrote the first law by any government banning the export of these weapons and played a key role in pushing for an international treaty banning their use. Now 122 nations have signed that treaty.

He has also used his leadership position to fight the global spread of infectious diseases, and to prohibit American aid to police forces that have records of human rights violations.

PATRICK LEAHY is a quiet, thoughtful man with great intellectual curiosity and a great sense of humor. He is also one of the most forward-looking people I know. He was one of the first Senators to go online and establish a home page on the World Wide Web. He frequently holds town meetings with Vermonters on the Internet.

This year, he was awarded the John Peter and Anna Catherine Zenger Award "for outstanding contributions in support of press freedom and the people's right to know," only the second time since 1954 that it has gone to a government leader.

In the 25 years he has served here, PATRICK LEAHY has lost a little bit of the hair he came with, but he has gained an extraordinary amount of wisdom and skill. He has shared those gifts with America, and we are better and stronger because of it.

Besides his 10,000 rollcall votes, there is at least one other accomplishment for which Senator LEAHY will go down in the history books. We all know PATRICK LEAHY is one of the world's biggest "Dead Heads." He is one of the biggest fans of the legendary band, the Grateful Dead. Several years ago, he invited Jerry Garcia and several other members of the band to have lunch in the Senate dining room. People were already doing double and triple takes—and then Senator THURMOND walked in.

Ever the bridge builder, Senator LEAHY rushed over to Senator THURMOND and said, "Please join us. There is someone I want you to meet."

If Patrick LEAHY can help bridge that divide between Jerry Garcia and STROM THURMOND, there is hope for all of us. There is no telling what else he can do in the Senate in the remaining time that he will be here. I hope it is for years and years and thousands of votes to come.

I yield the floor.

Mr. LOTT. Mr. President, I hate to see the minority leader's comments end. They were getting better and better as he got toward the end.

I also extend the congratulations of myself, all the Members of the Senate on this side, and on the Democratic side. It is certainly an enviable record: 10,000 votes, 25 years. We all know quite well Senator LEAHY's efforts on behalf of the environment, agriculture, judiciary, foreign policy. His efforts are legendary. He has done a great job.

Mr. President, today is a special day. In the history of our country, less than 1,300 Americans have served in the U.S. Senate. Being a Senator is a singular honor bestowed on a very few. Today, our friend from Vermont, PAT LEAHY has joined a unique club within this unique body. He has cast his 10,000th vote.

Think about what that means. When PAT LEAHY came to the Senate, as the youngest man ever sent to the Senate by the people of the United States, Gerald Ford was in the White House. Since then, Presidents and majority leaders have come and gone, the Iron Curtain has come crashing down, and PAT LEAHY has kept on casting votes.

PAT already had remarkable career before he came to the Senate. After leaving Georgetown Law School, he served for 8 years as a state's prosecutor in Vermont where he gained a national reputation as a crime fighter. In 1974, he was named as one of the three outstanding prosecuting attorneys in the United States.

Upon entering the Senate PAT became a leader on agriculture, foreign affairs, and the judiciary. His Leahy-Lugar bill in 1994 revolutionized the way the Department of Agriculture does its business and millions of farmers are better off for his efforts.

So I echo the sentiments of my friend, the minority leader. We send PAT and his wife Marcelle our very best wishes and our hopes for continued success in the days ahead.

Mr. JEFFORDS. Mr. President, it is a real pleasure and a privilege for me to be here to honor my colleague. We came into the Congress together. That moment is most memorable to me. I was at a reception and missed the first vote in the House. I thank the Senator for never burdening me with that. I am privileged to be his colleague.

For four decades, PAT has served Vermont. At the time he was a Chittenden County prosecutor, I was attorney general. We worked very closely together to make sure that Vermont was protected.

In his position, he has gained national and international recognition on many issues. He has led the fight to rid the world of landmines and continues to aid victims of these weapons through the Leahy War Victims Fund. He has helped bring the computer age to the Senate, helped educate all Members on the value of the Internet, and continues to champion environmental issues.

He always remembers his roots. I am sure I speak for him when I say that his proudest accomplishments are those that make Vermont a better place. He has worked tirelessly to ensure that Vermont receives full consideration before the Senate. He has protected Vermont dairy farmers, maintained funds for programs to preserve the waters of Lake Champlain, and helped fulfill George Aiken's legacy by adding lands to the Green Mountain National Forest.

PATRICK LEAHY is a man of his word. He is a trusted friend who has the courage of his convictions, and plays to win for the right cause. Many times he has been on the winning side for the benefit of Vermont and the Nation. I have worked on his side on many occasions and have always marveled at his sense of the democratic process, at his commitment to constituents, and his dedication to friends and his family.

I am proud to call PAT LEAHY a friend of mine, and I have valued and have enjoyed our interaction in the Halls of the Senate, from the good-natured competition of our annual intrastate softball game to marching in Vermont's miniparades.

With this vote, PAT LEAHY becomes only the 21st Member, as has been pointed out, out of 1,851 men and women who have served, to respond yea or nay 10,000 times.

It is wonderful to be with you, PAT. Congratulations.

Mr. SCHUMER. Mr. President, I rise today to add my voice to those who are so eloquently paying tribute to my friend and colleague from Vermont, Senator LEAHY. 10,000 of anything is a lot. But 10,000 votes is a mind-boggling milestone. I figured out that at our current pace, if God willing I am reelected, by the time I reach 10,000 votes we'll be debating Y3K legislation. But seriously, 10,000 votes is an indication, not of longevity, but of thoughtfulness, patience, hard work, effectiveness, and of representing ably and nobly your Vermont constituents.

Many of my colleagues have worked side-by-side with PAT LEAHY for a number of years, as he worked tirelessly and successfully to protect and advance Vermont's interests, as he led the crusade to ban the production and use of land mines, and as he wrote and rewrote laws in order to foster the growth of the Internet. When you hear them speak about PAT LEAHY, they speak about a man of exceptional character, astute vision, and abundant compassion. I've been here for only 9 months but working with PAT LEAHY has been a truly rewarding experience for me. He has been a leader, a teacher, and a friend. He is very patient and very open to ideas. And we have PAT to thank for producing a balanced juvenile justice bill—a bill that, thanks to his efforts and those of Senator HATCH, secured the support of three-quarters of this Senate. Who could have foreseen the Senate's reporting juvenile justice legislation on such a bipartisan basis? Who could have foreseen the Senate's ultimately closing the gun show loophole after kicking off the debate by voting down our modest proposal? Only those who correctly estimated PAT LEAHY's skill and perseverance.

But outside the committee, we've worked together on local economic development issues. We share a large border and many of my northern New York constituents share a great deal with PAT's rural Vermont constituents. What a relief for me that I can turn to PAT at any time on dairy and agriculture issues. I hope it is an indication that I've been a good student now that PAT has started calling me "Farmer CHUCK." Well, if I'm "Farmer CHUCK," then all I can say is that, in large part, I learned my new craft from the best of them—PAT LEAHY.

So, congratulations on reaching this ironman milestone. There aren't too many Senators who can make the kind of mark that Senator LEAHY has made and still be considered a friend to every person in the Senate. I know you have been a friend to me, and for that I am proud to share this great moment with you.

Mr. FEINGOLD. Mr. President, I rise today to join my colleagues in congratulating my dear friend and colleague from Vermont, Senator LEAHY, on his 10,000th vote cast as a member of this body.

What a great milestone Senator LEAHY has reached. What a great testament to the commitment of my dear colleague to his duty as a representative of the people of the state of Vermont. Senator LEAHY now joins an exclusive group of only a handful of Senators who have cast at least 10,000 votes. At a time when many Americans are skeptical of Congress and the political process, it is re-assuring to know that my colleagues, like Senator LEAHY, take their responsibility to their constituents seriously. Even with modern transportation, it is a challenge not to miss this important responsibility of casting votes.

Senator LEAHY has been an exemplary Senator. And it's not just the act of voting that matters. I also commend Senator LEAHY for his hard work, dedication, insight and adept ability to work in a bipartisan manner—skills that he has brought to this floor, as well as to his role as ranking member of the Judiciary Committee. His leadership has been invaluable to the work of the Committee, as well as the work of moving bills on the Senate floor. As a member of the Judiciary Committee, I have been proud to work with him on innumerable pieces of legislation affecting everything from civil rights to immigration to crime.

Mr. President, I once again congratulate my dear colleague, Senator LEAHY, and wish him well in continuing his outstanding work for the American people.

Mr. LIEBERMAN. Mr. President, I rise today to recognize a milestone vote by the distinguished senior Senator from Vermont. Today Senator PATRICK LEAHY becomes the 21st member in the Senate's history to pass the 10,000 vote mark. I have had the opportunity to work alongside the Senator for the last 11 years and it gives me great pleasure to take a few minutes to discuss his many accomplishments.

Senator LEAHY began working for the people of Vermont back in 1966, when he was elected Chittenden County state's attorney. He quickly gained a national reputation when he revamped the office and led a national task force that was probing the 1973–74 energy crisis. In 1974, he was elected to the Senate and he remains the only Democratic Senator in the state's history. This is important because to have the state of Vermont re-elect Senator LEAHY four times means that he is doing work here that appeals to a wide cross section of people.

During his years as Chairman of the Senate Committee on Agriculture, Nutrition, and Forestry, Senator LEAHY demonstrated his ability to report bills to the full Senate with strong bipartisan support. In partnership with Senator LUGAR he authored two farm bills that not only protected important nutrition initiatives like the WIC program, but also included landmark environmental features that have helped to preserve farmland. He has also been able to streamline the U.S. Department of Agriculture, in the process saving more than $2 billion.

The issue that the Senator may be best known for is his fight for a worldwide ban on land mines. Since 1989 he has labored to raise awareness among the public and build political support within the administration. He pushed for an international treaty that would ban anti-personnel mines and got a commitment from the U.S. administration to sign the treaty when alternatives to the mines are available. And the Leahy War Victims Fund provides up to $12 million a year in medical supplies to aid land mine victims.

Senator LEAHY is also a cofounder of the Congressional Internet Caucus. Now in his fifth term, Senator LEAHY remains on the cutting edge of technology as he was one of the first Senators to establish a home page on the web. He also conducts electronic town meetings with residents on-line, and has sought to update copyright law to reflect the changes that have occurred with the advent of the information age.

Equally important as these legislative achievements is the sense of tradition that Senator LEAHY carries with him as he fulfills the daily tasks of a U.S. Senator. He has consistently been a voice for rural America, and, while he always votes with the people of Vermont in mind, in a more traditional way PATRICK LEAHY has not been afraid to take an unpopular stance if he believes that the national interest is at stake. He is a Statesman who appeals to a sense of bipartisanship on issues dealing with our national security and foreign policy. These are customs that are essential to the success of this institution, and the Senator is often looked to for leadership for these reasons.

I congratulate Senator LEAHY for this momentous achievement. He is a fine example of what a United States Senator should be.

Mr. EDWARDS. Mr. President, I rise today to join my colleagues in honoring Senator LEAHY on casting his 10,000th vote in the United States Senate. Given that I have just cast my 328th vote, I am humbled and impressed by the senior Senator from Vermont's accomplishment. This feat is a true measure of Senator LEAHY's dedication to the people of the United States and his commitment to the state of Vermont.

Senator LEAHY made a lasting impression on me early in my tenure as he oversaw the Democratic Senators who attended the impeachment depositions. In very difficult circumstances, Senator LEAHY set a tone of fairness and collegiality. His example during the depositions is one that I will always value as I continue my public service.

I am truly grateful for and humbled by the service that Senator LEAHY has given to this nation, and I also thank him for his enduring leadership, selflessness and influence in the U.S. Senate. I look forward to his next 10,000 votes.

Mr. HATCH. Mr. President, after 25 years of service to the country, the State of Vermont, and this body, Senator LEAHY has just cast his 10,000th vote. I should note that this milestone vote was cast in relation to substantively dubious campaign finance reform legislation. I can't say that I blame him for supporting the legislation given the fact that his Republican opponents in his last race spent no money and actually endorsed him.

All kidding aside, this is an occasion to reflect on Senator LEAHY's impressive career. In 1974 Senator LEAHY joined this body as the youngest Senator ever elected to represent the state of Vermont. He was the first Democrat elected to the Senate from Vermont in more than a century. If political commentators thought that voting in PAT LEAHY was a one-time event, they were wrong. Senator LEAHY is currently serving his fifth 6 year term. I have had the privilege of working closely with Senator LEAHY for all of my years on the Senate Judiciary Committee, where I serve as chairman and he is my partner, the ranking member of that committee.

I have appreciated and benefited from his experience and expertise in may areas. When Senator LEAHY came to the Senate he was already an expert in the area of law enforcement having been named one of the three outstanding prosecutors in United States in 1974. We on the Judiciary Committee have looked to Senator LEAHY on these issues. On high-technology issues, as you all know, Senator LEAHY prides himself in his leadership and knowledge of the issues. His interest and expertise in these areas have helped move the Judiciary Committee forward in tackling these important issues.

We who know PAT LEAHY know that he has remained young at heart, as evidenced by his continued devotion to the Grateful Dead. But his devotion to the arts and his devotion to work in this body do not compare to Senator LEAHY's devotion to his wife, his children, and recent grandson.

So, in conclusion, I want to pay tribute to Senator LEAHY and his wonderful family on this remarkable day which symbolizes years of hard work and dedication for which this institution and this country are grateful. While Members of the senate differ from time to time, we can all appreciate and admire the accomplishment of casting 10,000 votes, so when I leave the floor today, I'll tell Senator LEAHY, "PAT you were, 'Built to Last' and while you may be getting up there in years, it's 'just a touch of gray. Kind of suits you anyway. That was all I have to say. It's all right.' "

Mr. LUGAR. Mr. President, I rise to recognize one of my colleagues, Senator PAT LEAHY, who has cast his 10,000th vote. I congratulate him on his tenure in the Senate.

Senator LEAHY and I have worked together in the past on many agricultural issues and legislation as members of the Senate Committee on Agriculture, Nutrition, and Forestry. Most notably we worked closely together on two farm bills, both in 1990 when Senator LEAHY served as chairman of the committee and in 1996 when I served as chairman. Senator LEAHY joined with me in reviewing the organization of the U.S. Department of Agriculture and developing legislation to streamline its operations. We both share an interest in conservation issues and have worked together to provide opportunities for farmers to preserve and protect their natural resources.

We have both recognized the importance of a bipartisan approach on major legislation originating in the committee. I value the partnership that we formed to move important agricultural legislation through the committee and through the Senate.

My colleague, Senator PAT LEAHY, deserves commendation for his service and tenure in the Senate. I am proud to serve with him and look forward to working together in the future on issues of mutual interest.

Mr. DASCHLE. I ask unanimous consent that we recognize the Senator from Vermont for a couple of minutes to respond.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I think Mark Twain once referred to how nice it is to hear your eulogy while you are still alive. I do appreciate hearing from my friends, my distinguished colleague from South Dakota, the closest friend I have ever had, the distinguished Democratic leader, and the kind words he had to say; my good friend from Mississippi, the distinguished majority leader; and, of course, my colleague who I have known for longer than anybody in this body, the distinguished Senator from Vermont, JIM JEFFORDS.

These comments mean a great deal. That Vice President GORE, presided at the time of the vote meant a lot to me. I will note that the Vice President said earlier today: Boy, that guy LEAHY must be awfully old.

I point out the Vice President and I have the same birthday, March 31—about 8 years apart.

I have served here with so many. I see my dear friend and aisle mate, the distinguished senior Senator from West Virginia, who has cast the most votes in history—over 15,000 votes, and my good friend, the President pro tempore, the distinguished senior Senator from South Carolina, STROM THURMOND, who has the second most votes ever cast in this body.

I think of the people with whom I have served during the 25 years I have served, people such as Scoop Jackson and Mike Mansfield, Jacob Javits, John Stennis, Hubert Humphrey, and Bob Dole. The two closest friends I had in my class were a Republican and a Democrat: Paul Laxalt and John Glenn; and so many others who I served with including two colleagues from Vermont, Bob Stafford and JIM JEFFORDS.

How fortunate I am to serve with the men and women of this body; every one of whom is a close friend—those such as the distinguished Senator from Utah with whom I work on the Judiciary Committee; those with whom I work on the Appropriations Committee, the chairman of our subcommittee, the distinguished Senator from Kentucky, and the distinguished senior Senator from Alaska, the chairman of the committee—he and Senator BYRD have taught me so much as I have served on that committee—those with whom I serve on Agriculture, my good friend, the chairman of the Agriculture Committee, DICK LUGAR, and others. There are so many of you.

When I came here the country was very much at risk and the Senate was in good bipartisan shape. Today the country is doing very well, and we sometimes break down too much along partisan lines. I think this is unfortunate. Those of us who have served here a long time know it does not have to be that way. We know the country is better when we work together. I think of traveling with my friend from Mississippi, the distinguished senior Senator from Mississippi, THAD COCHRAN, when we went to our home States. We find, even though we are of different philosophies, there are so many things in common, so we can work together.

I hope we can do more and more of that. If I may say to all my friends, nothing I can ever do in life will give me greater pleasure or humble me more than serving in this body. There are only 100 of us who might be here at any given time to represent a great nation of a quarter of a billion people. Think of the responsibility that is for all of us. These are the finest men and women, in both parties, I have ever known.

When Marcelle and I came to this city, we didn't knew how long we were going to be here. I was the junior-most Member of this body, the junior-most Member—No. 99 in then a 99-Member Senate, because of a tie vote in New Hampshire. I sat way over in that corner.

I looked at Senators, people such as TED KENNEDY or Frank Church or Barry Goldwater, who would walk in here—people I knew from Time magazine covers or from the news—and suddenly realized, I am here. I remember that day in January when I stood up to cast my first vote and then quickly sat down. I also remember what Senator Mansfield, our leader, told me: Always keep your word, he said, and don't worry if you think you cast a vote wrong; the issue will come back. It does. I have found that is true after 10,000 votes.

So I think now I have been here long enough that this week I will finally do something I have been putting off for 25 years. I will carve my name in my desk.

I yield the floor.

(Applause, Senators rising.)

BIPARTISAN CAMPAIGN REFORM ACT OF 1999—Continued

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the Reid amendment No. 2299.

Tom Daschle, Chuck Robb, Barbara Boxer, Joseph I. Lieberman, Jack Reed, Richard Bryan, Jeff Bingaman, Tim Johnson, Harry Reid, Blanche L. Lincoln, Dianne Feinstein, John D. Rockefeller IV, Richard J. Durbin, Daniel K. Akaka, Ron Wyden, Byron L. Dorgan, Tom Harkin, and Barbara A. Mikulski.

The PRESIDING OFFICER. Under the previous order, the mandatory call of the roll under the rules has been waived.

The question is, Is it the sense of the Senate that debate on the Reid amendment No. 2299 to S. 1593, a bill to amend the Federal Election Campaign Act of 1971, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The yeas and nays resulted—yeas 53, nays 47, as follows:

[Rollcall Vote No. 331 Leg.]

YEAS—53

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Brownback
Bryan
Byrd
Cleland
Collins
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Hutchinson
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCain
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Roth
Sarbanes
Schumer
Snowe
Thompson
Torricelli
Wellstone
Wyden

NAYS—47

Abraham
Allard
Ashcroft
Bennett
Bond
Bunning
Burns
Campbell
Chafee
Cochran
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchison
Inhofe
Kyl
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Specter
Stevens
Thomas
Thurmond
Voinovich
Warner

The PRESIDING OFFICER (Mr. CRAPO). On this vote, the yeas are 53, the nays are 47. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. LOTT. Mr. President, I move to reconsider the vote.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2000

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of H.J. Res. 71, the continuing resolution. I further ask unanimous consent that the resolution be read a third time and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (H.J. Res. 71) was read the third time and passed.

ORDER OF PROCEDURE

Mr. LOTT. I ask unanimous consent that after we get an agreement on the time, Senator HATCH be allowed 5 minutes to speak on behalf of his ranking member of the Judiciary Committee.

Mr. McCAIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, all I was asking was that he have an opportunity to speak very briefly about the 10,000 votes his colleague on the Judiciary Committee has achieved.

The PRESIDING OFFICER. Is there objection?

Mr. McCAIN. Reserving the right to object, if I am allowed to speak on the results of this vote before then, then I will agree to a unanimous-consent request.

PARTIAL-BIRTH ABORTION BAN ACT OF 1999—MOTION TO PROCEED

Mr. LOTT. Mr. President, let me go ahead then. This will be a little disjointed, but I think I can accommodate all Senators.

I now move to proceed to Calendar No. 300, S. 1692, the partial-birth abortion bill, and a vote occurring immediately following 80 minutes of debate, with 30 minutes under the control of Senator LEVIN, and 10 minutes each for the following Senators: FEINGOLD, BOXER, McCAIN, SCHUMER, and SANTORUM, all occurring without any intervening action or debate. I also ask unanimous consent that Senator HATCH have 5 minutes after the vote to speak on behalf of his colleague, Senator LEAHY.

I further ask consent that it be in order for me to ask for the yeas and nays.

Mr. DASCHLE. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. There are two parts to the majority leader's request. The first is that he move to proceed to Calendar No. 300, S. 1692, which is the partial-birth abortion bill. The second is the unanimous-consent agreement involving the request by a number of Senators to be heard. I have no objection to Senators being heard. I question why we need to move to proceed to Calendar No. 300, when we simply could do so by a unanimous-consent request, thereby not taking off the table and off of consideration the campaign finance reform bill. I will, therefore, ask unanimous consent that we simply allow the partial-birth abortion bill to be taken up, thereby precluding the need to vote on the motion to proceed and thereby protecting the current position of the campaign finance reform bill.

I personally would love to have the full debate that we were promised on campaign finance reform. The amendments are pending. There ought to be a vote on the Reid amendment. I would like to have a vote on my amendment. Even though we did not get cloture, we ought to have that debate.

There are other Senators who have yet to be heard on this issue. We have not had the 5 days committed. We have not had the opportunity to vote on these issues.

I ask unanimous consent that we simply take up partial-birth abortion so we can return to this issue once that issue has been resolved.

Mr. LOTT. Mr. President, I object to that.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. By doing this, the campaign finance issue is put back on the calendar. We can have the debate that is needed on the motion to proceed to the partial-birth abortion bill, and Senators can be heard to express their concerns about the campaign finance issue, as well as the time Senator HATCH asked for after the vote. So I ask unanimous consent that it be in order for me to ask for the yeas and nays.

Mr. WELLSTONE. Object.

Mr. KERRY. Object.

Mr. GRAHAM. Object.

Mr. McCAIN. Reserving the right to object.

Mr. KERRY. I object.

The PRESIDING OFFICER. Objection is heard to the request. The leader has the floor.

Mr. LOTT. Mr. President, is the motion to proceed pending?

The PRESIDING OFFICER. The majority leader's motion is pending.

Mr. LOTT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. McCAIN. Mr. President, is the motion debatable?

The PRESIDING OFFICER. The motion to proceed is debatable.

Mr. McCAIN. Mr. President——

The PRESIDING OFFICER. The majority leader has the floor.

Mr. LOTT. Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. DASCHLE. Mr. President, I am very troubled by the majority leader's decision. There is no reason why we have to move to proceed to the partial-birth abortion bill. It is a bill that I will probably end up supporting. So this decision about whether or not we support or oppose partial-birth abortion, we will have a good debate about that and amendments will be offered. This is a question of whether or not we are going to keep our word, whether or not we are going to have the opportunity to finish the debate on campaign finance reform, whether or not we are going to have the opportunity to offer amendments. That is what this is about.

So nobody ought to be misled. Do we finish our business? Do we follow through with commitments? Do we have a good debate or not? The majority leader said no. No, we won't have a debate on campaign finance reform. No, we won't keep the commitments made with regard to how long this bill will be debated. That is wrong. A number of us—unanimously on this side and some on that side—want to make sure the RECORD clearly indicates our anger, our disappointment, and our determination to come back to this issue.

Mrs. BOXER. Will the Senator yield?

Mr. DASCHLE. I am happy to yield.

Mrs. BOXER. I say to my Democratic leader, does he not believe this is part of a pattern of taking issues that are important and rejecting them out of hand and not giving a chance for these issues to be fully heard? Does he believe this is part of it?

Mr. DASCHLE. The Senator from California raises a good point. The attitude appears to be: I am going to take my ball and go home anytime it doesn't go my way. I will just take my ball and go home. Well, I think that is wrong. We ought not to go home. This is too important an issue. We ought to be here, have the debate and the votes, and get this job done right. The American people expect better than this. They are not getting it with this decision; they are not getting it with the motion to proceed; they are not getting it with our denial to have a good vote and debate about some of these pending amendments.

Mr. LEVIN. Will the Senator yield for a question?

Mr. DASCHLE. Yes.

Mr. LEVIN. I want to clarify what the Democratic leader has done. He has offered unanimous consent to go to partial-birth abortion because if we go to it that way, after it is disposed of and resolved, we would automatically then come back to campaign finance reform and resolve that issue; is that correct?

Mr. DASCHLE. The Senator from Michigan is exactly right. If we would proceed to the partial-birth abortion bill by unanimous consent, the pending issue would continue to be campaign finance reform. By moving to proceed to the partial-birth abortion bill, we then relegate the campaign finance reform bill back to the calendar. That is what we want to avoid. That is unnecessary.

I think the American people are trying to sort this out and figure why we are doing this. The reason we are doing this is not because they want to take up partial-birth abortion alone; it is because they don't want to continue the debate on campaign finance reform. That is what this action actually telegraphs to the American people.

Mr. LEVIN. If I may further ask the Democratic leader, even though many of us oppose the bill relative to partial-birth abortion, we have nonetheless agreed that we would go to it by unanimous consent because, after it was then disposed of, however it was disposed of, we could then come back to this critical issue of campaign finance reform; is that correct?

Mr. DASCHLE. The Senator from Michigan is exactly right. We are not passing judgment on the issue of partial-birth abortion; there will be people on either side of it. But what we are united about, regardless of how one feels on partial-birth abortion—at least on this side of the aisle—is that every single Democrat believes we ought to stay on this bill. Every single Democrat wants to assure that we don't violate the understanding that the Senate had about how long we would be on this legislation, and whether or not we would be able to proceed with amendments and have a good debate. So you are absolutely right. There is no question, by going to unanimous consent, we preclude the need to move off of this bill and put the bill back on the calendar. We don't want that to happen.

Mr. LEVIN. My final question is this: Is that not the reason why this upcoming vote—when it comes—on the motion to proceed then becomes the defining vote as to whether or not we want to take up campaign finance reform? Because if we move to proceed to partial-birth abortion, if that motion is adopted, then campaign finance reform goes back on the calendar. So this upcoming vote—whenever it occurs—on the question of moving to proceed to partial-birth abortion then becomes the defining vote ahead of us on the question of campaign finance reform.

Mr. DASCHLE. The Senator from Michigan is exactly right. The vote on the motion to proceed will be a vote to take away our opportunity to continue to debate campaign finance reform. If you vote for the motion to proceed, you are voting against campaign reform; you are voting against maintaining our rights to stay on that bill and resolve it this afternoon, tomorrow, or the next day.

Mr. LEVIN. Or after partial-birth abortion.

Mr. DASCHLE. Right. This is more than procedure; this vote is whether or not you want to stay on campaign finance reform and finish it. This is whether or not you are for campaign finance reform. That is what this vote is all about.

I yield the floor.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, first of all, I may be in some disagreement with the distinguished Democratic leader about an upcoming motion to proceed because some feel very strongly about the issue of partial-birth abortion and whether that vote might be interpreted as a vote in favor or against it.

Let me assure the distinguished Democratic leader—and I will elaborate on this in a second—we have not been treated fairly in this process by either side. So, therefore, Senator FEINGOLD and I feel no obligation except our obligation to campaign finance reform, and that is to do whatever is necessary, at whatever time, to make sure this issue is voted on, as were the terms of the original unanimous consent agreement that was agreed to by the majority leader.

I think it is fair to say that neither I nor the Senator from Wisconsin began this debate with the expectation that we were close to achieving 60 votes for campaign finance reform, although we have to be encouraged by the fact that three new Republican votes were cast in favor of campaign finance reform in this last vote. We did, however, believe that we had a chance to build a supermajority in support of some reform. We hoped that by dropping those provisions from the bill that drew the loudest opposition last year, and by allowing Senators to improve the legislation through an open amendment process, we might begin to approach consensus.

It appears we were mistaken. The opponents of comprehensive reform oppose even the most elemental reform. Those opponents abide on both sides of the aisle—if not in equal numbers, then in sufficient numbers—to render any attempt to clean up the system a very difficult challenge, indeed.

I suspect the opponents were concerned that were we ever allowed a truly clean vote on a soft money ban, we might come close to 60 votes. I believe that explains the extraordinary efforts from both Democrats and Republicans to prevent that clean vote from occurring.

I say to my friends on the other side of the aisle that I have argued with my Republican colleagues in the last two Congresses that reform supporters deserve a decent chance, through an open amendment process, to break a filibuster. I can hardly complain to them now that the other side has apparently decided it could not risk such a process, fearing that we might achieve what Democrats have long argued we should have—reform.

The Senator from New Jersey, Senator TORRICELLI, claims that the right wing of my party forced me to change our legislation. That will be news to them. I have noticed no reduction in the intensity of their opposition to a soft money ban now that it no longer is accompanied by restrictions on issue advocacy. All I have noticed is that the Senator from New Jersey has now become as passionately opposed to reform as are the critics of reform in my party.

Although I cannot criticize Republican Senators for reneging on a commitment to an open amendment process, I must observe that we were promised 5 full days of debate. That promise has not been honored. Moreover, the leadership decided to deny us even the opportunity to appeal to our colleagues before this vote, a rare and unusual occasion around here.

We were not allowed to continue our debate between the vote last night and the votes we have just taken. Whether this was done to treat us unfairly or to respond to the tactics of the minority matters little to me. In the end, we are denied a fair chance to pass our reforms, as we have been denied in the past. And although I am not all that surprised by the tactics employed by both sides, I am, of course, a little discouraged.

However, Mr. President, neither Senator FEINGOLD nor I are so discouraged that we intend to abandon our efforts to test Senate support for a ban on single source contributions that total in the hundreds of thousands, even million of dollars. We will persevere. And we believe we are no longer bound by any commitment to refrain from revisiting this issue in the remainder of this session of Congress. I know there is not a lot of time left before adjournment, but if the opportunity exists to force an up or down vote on taking the hundred-thousand-dollar check out of politics, we will do so, Mr. President.

Some Senators may wonder why would we persist in these efforts when it is clear that the enemies of reform are numerous, resourceful, and bipartisan. Are we just tilting at windmills? I don't believe so Mr. President. I believe that some day, the American people are going to become so incensed by the amount of money that is now washing around our political system that they will hold Senators accountable for their votes on this issue. Then, I suspect, we will achieve some consensus on reform. Until then, it is our intention to do all we can to make sure the public has a clear record of support or opposition to reform upon which to judge us. Yesterday's cynical vote for a ban on soft money indicates to me just how fearful of a straight, up or down vote the opponents are.

Mr. President, I want to respond again to the criticism that my stated belief that our campaign finance system is corrupting is untrue and demeaning to Senators. Let me read a few lines from the 1996 Republican Party platform.

> Congress had been an institution steeped in corruption and contemptuous of reform.

> Scandals in government are not limited to possible criminal violations. The public trust is violated when taxpayers' money is treated as a slush fund for special interest groups who oppose urgently needed reforms.
>
> It is time to restore honor and integrity to government.

I repeat again. I am quoting from the Republican Party platform of 1996.

Mr. President, I'm not saying anything more than what is, after all, the official position of the Republican Party. Or is it my Republican colleagues' view that only Democratic-controlled congresses are "Steeped in corruption and contemptuous of reform"?

As I said last week, Mr. President, something doesn't have to be illegal to be corrupting. Webster's defines corruption as an "impairment of our integrity." I am not accusing any Member of violating Federal bribery Statutes. But we are all tainted by a system that the public believes—rightly—results in greater representation to monied interests than to average citizens. No, Mr. President, there is no law to prevent the exploitation of a soft money loophole to get around Federal campaign contribution limits. There is no law, but there ought to be. That's why we're here.

Does anyone really believe that our current system has not impaired Congress' integrity or the President's for that matter? When special interests give huge amounts of cash to us, and then receive tax breaks and appropriations at twice or five times or ten times the value of their soft money donations. What is it these interests expect for their generosity? Good government? No, they expect a financial return to their stockholders, and they get it, often at the expense of average Americans. Would they keep giving us millions of dollars if they weren't getting that return? Of course not.

Cannot we all agree to this very simple, very obvious truth: that campaign contributions from a single source that run to the hundreds of thousands or millions of dollars are not healthy to a democracy? Is that not evident to every single one of us? A child could see it, Mr. President.

The Senator from Kentucky said the other day that there is no evidence, no polling data, no indication at all that the people's estrangement from Congress would be repaired by campaign finance reform. He is correct, there is no such evidence.

But I have a hunch, Mr. President, that should the public see that we no longer lavish attention on major donors, should they see that their concerns are afforded just as much attention as the concerns of special interests, should they see some evidence that their elected representatives place a higher value on the national interest than we do on our own re-elections, should they no longer see tax bills, appropriations bills, deregulation bills that are front-loaded with breaks for the people who write hundred-thousand-dollar checks to us while tax relief or urgent assistance or real competition, or anything that could immediately benefit the average American is delayed until later years, if ever, should they see that, Mr. President, I have a hunch, just a hunch, that the people we serve might begin to think a little better of us.

Mr. President, no matter what parliamentary tactics are used to prevent reform, no matter how fierce the opposition, no matter how personal, no matter how cynical this debate remains, the Senator from Wisconsin and I will persevere. We will not give up. We will not give up in the Senate. And we will take our case to the people, and eventually, eventually, we will prevail.

I ask my colleagues, why must we appear to be forced into doing the right thing? Why can't we take the initiative, and show the people that it matters to us what they think of us?

Mr. President, despite our protestations to the contrary, the American people believe we are corrupted by these huge donations. And their contempt for us—even were it not deserved—is itself a stain upon our honor. Don't allow this corrupt—and I use that term advisedly—this corrupt system to endure one day longer than it must. We have it in our power to end it. We must take the chance. Our reputations and the reputations of the institution in which we are privileged to serve depend on it.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, we have just completed the 20th cloture vote on this subject since 1987. Since my party took over the majority in the Senate, the 52–48 vote was the highest watermark actually during that period, and going all the way back over the 20 years I have been involved in this issue.

So I thank the 48 Senators—regretfully, all of them were Republican—who resisted the temptation to support a measure that would have quieted the voices of American citizens and destroyed the effectiveness of our national political parties.

Then, on the second vote, which was narrowed to only affect the two great political parties, there were 47 votes against that proposal, which is more than we had gotten on a much broader measure back in the first Congress after my party took over the Senate.

So I think it is safe to say there is no momentum whatsoever for this kind of measure which seeks to put the Government in charge of what people may say, when they may say it, and attempts to take the two great American political parties out of the process.

I thank the Senator from Arizona for retracting his statements on his web site which were highly offensive to the Senator from Utah and the Senator from Washington State. We took a look at the web site. Those have been deleted and we thank the Senator from Arizona for doing that.

Turning to the sequence of events over the last week, we began the debate on Wednesday, October 13. Admittedly, it was later in the day than the majority leader had intended. That was the day of the vote on the Comprehensive Test Ban Treaty, but those who were on the floor were ready to go and suggested we begin Wednesday night at 7:30 p.m. and get started on the bill. There seemed to be not a whole lot of desire on either side to begin at that time of the night.

On Thursday, Republicans offered Senator McCAIN and Democrats an overall agreement providing for a vote on the Daschle-Shays-Meehan amendment, and providing that all other amendments must be offered by 5:30 on Monday. Consequently, this agreement would have outlined an orderly fashion for debate and final disposition of the campaign finance reform bill. That agreement was objected to by Senator McCAIN and our Democratic colleagues.

On Friday, Republicans offered Senator McCAIN and the Democrats an agreement that would provide for a time limit for debate on the Daschle-Shays-Meehan amendment and a vote in relation to that amendment. That agreement was also objected to by our Democratic colleagues.

Also on Friday, several efforts were made on behalf of the Republicans to proceed with amendments to the pending campaign finance reform bill. The minority leader and the assistant minority leader then offered first and second-degree amendments, thereby filling up the amendment tree. The first-degree amendment offered was the Shays-Meehan bill and the second degree was the McCain-Feingold bill. Cloture was then filed on each amendment in the order stated. Those cloture votes, of course, have just occurred.

Again, on Friday, numerous unanimous consent agreements were offered, largely by this Senator, in an effort to lay aside the pending Democratic amendments in order to proceed with the amending process. Those consent agreements were objected to by the Democrats and thus the Senate was put in a holding pattern awaiting today's cloture votes.

Yesterday, the Senate debated throughout the day the pending two amendments, and the Senator from Arizona made a motion to table the Reid second-degree amendment and the motion to table vote occurred at 5:45 yesterday and was defeated by a vote of 92–1.

The consent was offered to debate between 9:30 and 12:30 on Tuesday—today—calling for the cloture votes at 2 p.m. on Tuesday. That was objected to. Therefore, the Senate had no alternative than to convene at 1:15 today and use the cloture rule to have the cloture votes occur at 2:15.

For the benefit of those who may not have followed this debate quite as closely as the Senator from Kentucky, I wanted to lay out the sequence of events since last Wednesday when we went to the bill and the numerous efforts were made to have an open amending process so we could have a chance to improve a bill that obviously is fatally flawed.

As is the case in all measures of any controversy in the Senate, I think it is important to remember every controversial measure has to achieve a 60-vote threshold. That is not unusual. That is the norm. It should not be surprising that this highly controversial measure, which many people on my side believe is not bipartisan and not properly crafted, would be subjected to the same 60 votes as other controversial measures.

The majority leader and the Republicans lived up to their end of the agreement. We are disappointed the Democrats refuse to abide by it. I am equally disappointed to hear the Senator from Arizona and the Senator from Wisconsin have announced they now refuse to honor that agreement.

Mr. KERRY. Will the Senator yield?

Mr. McCONNELL. No. I am about to yield the floor and you can say whatever is desired.

I yield the floor.

Mr. REID. Mr. President, I have enjoyed working with the Senator from Kentucky on this issue. He is certainly an expert at what is going on in the Senate. But I do say respectfully, he has over the years decided that the best defense is a good offense. Certainly, that is what he has done. One of the biggest targets he has talked about during the last few days is the Democrats having stopped the Republicans from offering amendments to this bill. It is simply not true, as indicated by the fact the Senator from Minnesota offered an amendment yesterday. There was still room to offer three or four amendments.

It was chosen as a matter of tactics not to offer amendments and then talk about the fact they were not able to offer amendments. In fact, the majority could have offered all the amendments they wanted. They say, if cloture was invoked, the amendments would fail, well, that is the way it always works around here.

We simply wanted a vote on the two issues before this body: The House passed Shays-Meehan bill; and the so-called "McCain-Feingold lite"—that is, to ban soft money.

That is what the debate has been about, an effort to avoid an up-or-down vote on those two very important issues that the American public deserve to have heard.

There was no holding pattern; the holding pattern was generated by the majority themselves, as indicated by the actions taken by the majority.

This is just the culmination of a number of things that we have around here. When the going gets tough, we go off the issue. The going was just getting tough on this issue. My friend from Kentucky can spin things; he is very good at that. Of course, everyone knows the Senator from Wisconsin and Senator McCAIN have picked up eight Republicans we never had before. When the first votes took place on this issue, Senator BYRD was majority leader, we tried to invoke cloture seven times. The Democrats voted to invoke cloture on campaign finance reform, but we didn't have the support of Republicans, generally speaking—certainly not eight. We now have that.

I say to my friend from Kentucky, he can spin it however he sees proper, but the numbers don't lie. We are picking up Republican Senators every time we have a vote on this issue. We have eight now. That is a victory for campaign finance reform.

This debate should go forward, not be stopped now. As our Democratic leader further announced earlier today, there are issues we need to be talking about. We should be talking about the Patients' Bill of Rights—a real Patients' Bill of Rights, not the "Patient Bill of Wrongs" passed out of this body. We should pass a Patients' Bill of Rights as the House of Representatives did.

Minimum wage. Minimum wage is not for teenagers flipping hamburgers at McDonald's. People earn their living with minimum wage. Mr. President, 65 percent of the people drawing minimum wage are women; for 40 percent of those women, that is the only money they get for their families. Minimum wage is an issue we should be out speaking on today, now.

Juvenile justice: We have been waiting for 5 months for that conference to be completed. It is not close to being done.

Medicare: We talked about Medicare. We go home and we know the problems with Medicare. We did some things with the balanced budget amendment that we need to correct. We should be working on that right now.

Any time we have something important that is a little difficult, we walk away from it, just as we walked away from one of the most important treaty's to come before the Senate, the Nuclear Test-Ban Treaty. We had 24 Republicans that signed a letter saying they thought the treaty should not be acted on at this time, however, when the vote came, they all walked away. The fact of the matter is if they didn't like it in its present form, shouldn't we have had a debate on the Senate floor and maybe make some changes to it—just not vote it down. We were prevented from doing that.

So I believe we should go forward on this most important issue. This is the fourth time during this debate I have had the duty of managing, on the minority side, this bill, this most important campaign finance reform. This is the fourth time I have said this, and if I have the opportunity I will say it four more times.

The State of Nevada has less than 2 million people. In the campaign between HARRY REID and John Ensign almost a year ago, we don't know how much money was spent, but we know between the State party and Reid and Ensign campaigns we spent over $20 million. That does not count the independent expenditures. We do not know how much they were. John Ensign and I estimate it was probably about $3 million in ads run for and against us. If you use no other example in America than the Reid-Ensign race of last year, that is a reason to take a real, strong, close look at campaign finance reform.

Maybe after the two measures see the light of day and amendments are offered and we have a full debate, maybe they would be voted down. But should not we at least have that opportunity? I think after what happened in Nevada, if in no other place in America, we deserve a full airing of campaign finance reform. How in the world can you justify spending, in the State of Nevada, the money that was spent in that race? John Ensign and HARRY REID have said to each other, and said publicly: We never had a chance to campaign against each other for ourselves. We were buried by all this outside soft money.

Campaign finance reform, Patients' Bill of Rights, minimum wage, juvenile justice, Medicare—there are a lot of other things we should be debating. But right now—today, this week—in the Senate, we should be spending more time on campaign finance reform.

I say, as I have said on a number of occasions, I greatly appreciate the efforts of my friend from Wisconsin. Here is a person who put his career on the line for a matter of principle. He was the original sponsor of McCain-Feingold. In the election that occurred last year, he almost lost the election because he was buried by soft money. As a matter of principle, RUSS FEINGOLD refused to allow anyone to use soft money in the State of Wisconsin for his benefit. He offended people by saying: I know you are trying to help me, but I will not allow you to bring soft money in the State of Wisconsin as a matter of principle. He is still here. I have great admiration for him. I think what he has done for the people of the State of Wisconsin and this country is commendable.

If for no other reason, I believe he deserves a full debate in this. Of course he is joined with the Senator from Arizona.

We need to go forward on this issue. Personally, as has been indicated, I have supported the next measure the majority leader wants to bring up. But if I have an opportunity to vote on whether or not we are going to proceed to partial-birth abortion, I will vote no, even though I am a supporter of that legislation.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I thank the assistant minority leader for his very kind remarks and his very strong remarks on the need to stay on this bill. I also thank the leader, Senator DASCHLE, for his strong remarks in support of reform in the presence of so many Democratic colleagues on the floor at that time right after the vote was taken. Of course my gratitude goes to the Senator from Arizona for continuing to fight.

We are making progress. The story has not yet been told on this floor of what just happened on this vote. Certainly I do not share the interesting account of the Senator from Kentucky, who seems elated that three Republicans who have stuck with him all the way did not vote with him this time. That is what just happened. That is what nobody is pointing out.

Day after day after day in this effort I am asked: What other Republicans are you going to get to support you, RUSS? I am never sure because, obviously, each Senator makes his or her own decision. They often do not make their decisions until the last minute because these issues are often tough calls. But we finally had a vote where we found out we have a lot more support than some people thought. This is why games have been played in the last couple of days. This is why we had the Senator from Kentucky voting not to table a soft money ban last night. I don't think he has changed his mind. But he urged every one of his Republican colleagues last night to, in effect, vote to ban soft money after they just stood out here for 2 or 3 days and argued against a ban.

Why? Why would they do that? Why did we not meet this morning? Why didn't the Senate do anything this morning? Here we are, near the end of one of the most difficult floor periods in a Congress, with appropriations bills and many other matters before us, with the leadership telling us over and over again we need to get all this work done, but we did not meet this morning. I will tell you why. Because the Senator from Kentucky knows his support is slipping. He may have even known we would pick up the support—and I say this to members of the press and others who always ask me this: Who is going to support you? This time we had Senators from Delaware and Arkansas and Kansas vote with us, including Senators who have never voted with us before.

I recognize there are still some tough issues to resolve for some of the Senators who voted with us. But this is an exciting development. Last year the big deal was we had not gotten a majority. Then we got a majority. The natural question is, How do you get to 60 votes? My answer is, one at a time. But today we took three steps in that direction. I think that tells you what is going on. They want to move off this bill because we are moving in the right direction. We are not there yet but, boy, we are getting closer.

What will bring us to the end of this process, a fair end of this process? First of all, the understanding we had is that we would have 5 real days of debate and amendment. You cannot count starting at 7:30 at night on a Wednesday when •Senators had left the Capitol as a day. So we are entitled, under this understanding, to come back in here the rest of today and tomorrow and debate this issue. We had three full days on this bill—Thursday, Friday, and Monday. On two of those days we had no real votes. Then today, the fourth day, we didn't come in until 1:15 pm. That is not the five days of debate that we were promised.

I know there are other Senators on the Republican side who want to join us, who want to add to the 55. But they want something every Senator has a right to want. They want a chance to offer amendments. They have some ideas they would like to add to this soft money ban that I think could be acceptable, and they could finally help us break down this absurd roadblock to banning this form of corruption that is affecting the Senate.

Make no mistake, three new Senators have voted with us. They do not represent an ideological group from the left or the right. They are just different Senators who, I believe, have finally had it with this soft money system. This is why the Senator from Arizona and I used the strategy of simplifying this bill, of saying let's at least have an up-or-down vote on soft money. That is what we just had. I find what these Senators did very encouraging. I thank them because it takes guts. It is tough to stand up to your leadership on this. They did it. I am grateful for this vote. It is very significant.

So we should not leave the issue now. This is the time to let those Senators, and other Senators who have indicated an interest in banning soft money, come to the floor, offer their amendments, and see if we can fashion a compromise that could cause the Senate to be proud and to join the House in trying to actually do something about this problem.

I thank all the Senators who will assist us in preventing this matter from coming off the floor. It belongs on the floor. It is the most important issue before this country, and we need to continue to work on it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. I ask unanimous consent my comments not count under the two-speech rule.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Mr. President, first of all, I thank Senator MCCAIN and Senator FEINGOLD for their efforts, though I must say I take exception to the comment of Senator MCCAIN which he made earlier. He is my very close friend. I have worked with him very closely on a lot of issues. But when he suggests there is a bipartisan opposition to reform, I think he is not paying tribute to the fact that no Democrat voted against cloture. No Democrat voted against proceeding to the full measure of germane amendments that would precede the bill. So even though the Senator from New Jersey, Mr. TORRICELLI, may feel very strongly about not just dealing with soft money, he was prepared to accept the verdict of the Senate in a normal process of amendment. This is not bipartisan in opposition. There is only one group of people who voted against proceeding to campaign finance reform, only one group, and I regret it is entirely on the other side of the aisle, the Republicans, because, obviously, we are not trying to make this partisan.

We were very grateful for those courageous Republicans who decided the time has come to vote for campaign finance reform. Obviously, we want them. We desperately need more Republicans who are willing to embrace campaign finance reform.

But the fact remains that on the critical votes of whether or not the Senate was prepared to eliminate the extraneous amendments, have cloture, and proceed to the process of debating this bill, not one Democrat said no to that. It was only Republicans who have stopped the Senate in its tracks.

Where do we find ourselves? What did the Senator from Kentucky say? He recited a few days of histrionics, a few days of sort of maneuvering. We had a whole morning, this morning, as the Senator from Wisconsin was saying, where we could have debated this. Why didn't we debate this morning? The Senate did not even convene until 1 hour prior to having the votes, and that was because under the consent order previously entered into, with the two cloture votes, those votes were going to take place 1 hour after the Senate convened.

So what could be more convenient? Convene the Senate as late as possible so that you have no time to debate and then proceed to have two votes. Why? Because you cannot turn up the heat on the issue; because the television cameras will not be on; because the galleries are not open; because the American people will not be sharing in a real debate about the impact—the corrosive impact—of money on the American political system.

And our 47 and 48 colleagues on the other side of the aisle who stand there and close down the process ought to take a sampling of the people who are in the galleries. I know we are not allowed to do that, but I bet if you asked every single one of them, as they leave this Chamber, "Do you think there is too much money in American politics? Do you think the money gains access to the system? Do you think the money distorts the process? Do you think the money somehow does favor for certain issues over the general interests?" Every single one of those people, or at least 85, 90 percent would tell you, yes, there is too much money in American politics, and it separates the average citizen from the people they elected to represent them. Overwhelmingly, Americans believe that. And, overwhelmingly, Americans understand there is a connection between what happens in Washington and what does not happen in Washington and all of the contributions.

This is the fight that some of us came to have: The fight over whether or not we are going to have a fair political system.

I understand a lot of our friends on the other side of the aisle do not want to change the system. Politics has a certain amount of self-interest in it; and the self-interest of getting reelected is a powerful one. A lot of our colleagues over on the other side of the aisle have a lot more money available to them than Democrats.

I was outspent in every election I ran in until the last election when a Republican agreed with me to do something different. We had a fair playing field. He was a sitting Governor. I was a sitting Senator. So you know what we did. We both banned soft money—no soft money in our campaigns; we banned independent expenditures—no independent expenditures; and we actually reached an agreement that we would both limit ourselves to how much money we would spend in our race.

Then we did something else different. We had nine 1-hour televised debates so the people in our State could share in a good, healthy exchange about the issues that matter to them.

So you can do it differently. You can do it differently. But if a lot of incumbents sit here and say: Boy, I like that money; it's so much easier for me to go down to the Hyatt Hotel or the Hilton Hotel or the Sheraton and have an event; and there are a whole lot of people who can afford the flight, the air ticket to Washington, and then can, after the air ticket, afford to bring a big check to me, come and meet me for a little while, and I can collect a whole lot of money—that way, I can fund a campaign—that is pretty easy. Most challengers in this country cannot do that.

The end effect of that is literally to strip away the vibrancy of our own democracy because what happens is the money is very well represented. But the points of view that do not have the money are not as well represented. And no one here can deny that. No one here can deny that.

We have heard a lot of talk in the last few days about corruption. We have heard about the way money corrupts politics, about how it corrupts the system. I express my admiration to the chairman of the Commerce Committee, my friend who is on the floor of the Senate. I think he has a lot of guts. He has a lot of courage to come to the floor of the Senate and tell a lot of people the truth. And a lot of people do not like to hear it.

So it got very personal last Friday—very personal—as we got led off into a tangential debate where one Senator was challenging Senator McCain, was challenging him to name names, lay out for us a list of those in the Senate who have been corrupted.

I say to my colleague who was asking that question: Where does that line of questioning take us? Where does that line of questioning take us? No Member of the Senate that I know of runs around impugning the character or the integrity of another colleague. That is not what the Senator from Arizona was doing.

What the Senator from Arizona was doing was having the courage to point out that we are all prisoners—something he knows something about. But in this case, we are also the jail keepers because we have the key. We have the ability to release every single one of us from this prison—where we have to go out and raise these extraordinary amounts of money, where we allow ourselves to be proselytized by groups of people who spend $100 million a month in this city, either to get us to do something or to stop us from doing something. Think about it.

Then go out and ask how many of the average Americans are contributing to that $100 million. Ask the folks working two or three jobs, ask the folks who pay their taxes and struggle to send their kids to a good school, and who know their kids need technology and child care and health care and a whole lot of other things if they feel well represented by that $100 million.

How many of them are lined up outside the Commerce Committee or the Banking Committee or the Ag Committee, or any other committee, when we have a markup around here?

How many of them can afford to send a young messenger to wait in line, from the early hours of the morning, so they are assured of having a seat where the action is taking place?

I think we ought to get away from the side arguments and the side diversions and understand what the Senator from Arizona, the Senator from Wisconsin, the Senator from Minnesota, and a whole lot of other Senators, a majority of the Senate, think about that, a majority.

This is not some wild-eyed, crazy fringe, tiny group of Senators who are somehow trying to stop the Senate from doing business. This is a majority of the Senate who believes the time has come to have campaign finance reform. Oh, sure, we all know the rules say it takes 60 votes. That is a supermajority. We all understand that. But on the great fights of the Senate, people were willing to stay and fight. It took 6 weeks, I think, of filibuster for the Civil Rights Act to pass. We can go back in history through a lot of other great debates of the Senate. It took a long time, with serious work, serious meetings, serious efforts to try to reach agreement.

Let me give Senators a critical fact concerning the perception among the American people today. I don't think anybody can disagree with this. Some people want to avoid it, but I don't think an honest, intellectual assessment would allow them to disagree with it. Every poll shows it; every conversation anybody might have, even with the top corporate chieftains of this country. I have talked to some of the top CEOs of some of the biggest Fortune 500 companies in the country about how they feel about fundraising—from a Democrat or from a Republican. Those are the people who are increasingly turning off the current system. They are scared. They don't voluntarily get out of it.

There are a few who have. The committee of businessmen that has come together with a new plan has had the courage to say: We are not going to give to Republicans, and we are not going to give to Democrats, either. I have heard so many of these CEOs say: I know it is bad; I know it is corrupting. I don't like it; I don't want to be part of it. But if I unilaterally stop doing it, my competitor will be at the table, and I won't be at the table.

That is what happens. So they don't do it. The fact is, the majority of Americans believe the amount of money spent on campaigns gains a special access to the political system for those who are most capable of contributing, whatever side they are on, whatever side of the issue.

Let's assume, for the sake of argument, no Senator is affected by the money that is given. Take the word "corruption" off the table, as it applies to any specific act of any legislator. Ask yourself, by fairer judgment, if the group that wants to achieve goal A can go out and raise tens of millions of dollars and have the ability to then load that money into campaigns for people who will vote for what goal A is, and the people in goal B are all pretty poor or don't have access to money or aren't organized and don't have the ability to contribute the same way, but their goal may be equally worthy or, in fact, more worthy, is there a fairness in the system? Is there a form of corruption of the political process, not of the people but of the political process, that denies the kind of fair playing field I think is at the heart of the kind of democracy this country wants to provide its citizenry and for which it really stands?

I think the perception of that unweighted playing field, the perception of that unfairness ought to concern every Member of the Senate.

We can sit back and point to our own personal integrity. We can say we don't make decisions on public policy based on campaign contributions. The truth is, we are extraordinarily exposed to the general awareness and perception and belief and cynicism that is now attached to the system which says that the money speaks and that it makes a huge difference.

I think such a significant portion of Americans are affected by this that, in point of fact, the standard set up by the Supreme Court with respect to the perception of corruption is met.

When the Senator from Kentucky—I will talk about this a little later—talks about the first amendment, there is a sufficient test under first amendment standards that would allow the Court to make a decision in favor of some restraints. They have already done that. They did it in 1972, in 1974. We certainly have the right to do it now.

I ask my colleagues, every year 20,000 Americans are poisoned with the E. coli bacteria when they eat contaminated food. They have found tuberculosis in beef, and two-thirds of chickens contain the potentially deadly campylocbacter bacteria. That is not a finding of politicians. That is what scientists tell us. But in spite of the rapid spread of food-borne illnesses, we haven't responded. We haven't done anything. Walk into a room of 50 ordinary Americans and tell them we haven't done anything to promote public health needs on this issue, that every single bill that has come before us on food-borne illnesses has been killed, and then tell them the food industry has made $41 million in campaign contributions to congressional candidates over the last 10 years. Almost every person who hears that will say: I bet you there is some kind of connection there.

Seventeen thousand people were killed by drunk drivers last year. Mothers Against Drunk Driving, the National Safety Council, and hundreds of other organizations formed a coalition to pass stricter standards on drunk driving, in order to keep drunk drivers off the road and get tougher on them when we catch them. Almost everyone agrees this would save lives. But the regulations didn't pass. Surprise.

Ask the average person on the street if they think our inaction on something as obvious as that has any connection to the over $100,000 spent by Alcohol Wholesalers, by the National Restaurant Association, Wine and Spirits Wholesalers, other alcoholic beverage organizations, that gave to both sides, Democrats and Republicans alike. Ask them if they think there is a connection.

Last year, we tried to do something to respond to the fact that every day 3,000 kids become smokers. We know, because the doctors and scientists tell us, that half of those children will wind up dying early and costing us enormous sums of money in our medical care system until they ultimately die from their addiction. Ask the average American if they believe all our legislative efforts on tobacco fell apart, or at least in any part was it connected to the fact that Philip Morris and all the other big tobacco companies spent millions of dollars over every year for several years in contributions to both parties to hundreds of candidates for the House and the Senate. Was that a spending in the general public interest? Was that a spending in the interest of the Nation?

Certainly—and I agree with my colleague from Kentucky—if it wasn't spent to elect a candidate, if it was spent to sell the virtue of tobacco or of something that had nothing to do with an election, certainly that fits under the first amendment. I understand that. That is a separate issue that can be dealt with separately.

I think we have to be even more frank than that in sort of acknowledging the kind of connection people perceive. The truth is, I think all of us know, to varying degrees, we are trapped in a reality where big money gets its calls returned. Big money gets its meetings. Big money gets the face time it asks for and looks for. We can see it in all of the fundraisers that take place in this city and in other parts of the country. Every single one of us is sensitive to that reality. I understand that.

There are very few Senators who don't work hard to try to undo that, the notion of the walls of the prison, if you will. I don't think Senators like it particularly. Some are content to live with it, even though they may not like it. The reality is, nonetheless, it changes the way the institution operates.

We only have to listen to someone such as Senator BYRD, the former leader, who has seen it on every side and has seen it change over the years that he has been in the Senate. He will tell us how the Senate has changed in the way it operates because of the amount of money in our system today.

I say to my colleagues, rather than put current Members on the spot, listen to what some of our colleagues who have retired from Congress, who are liberated from having to raise the money, who are out of the system, have said about the current game in which they were once trapped.

Representative Jim Bacchus, a Democrat from Florida:

> I have, on many occasions, sat down and listened to people solely because I knew they have contributed to my campaign.

There is an honest statement by a former Representative. I don't expect all my colleagues to stand up and say that, but that is what he said.

When asked whether Members of Congress are compromising the institution of Congress when they solicit contributions from the special interests they regulate, former House minority leader Bob Michel, a Republican from Illinois, said simply:

> There is no question. I don't know how you even change that. It is a sad way of life here.

That is a former leader in the House of Representatives, and a Republican.

I don't have the quote, but I remember my friend, Paul Laxalt, one of the closest friends of Ronald Reagan, who, when he left the Senate, said unequivocally:

> The amount of money being raised in the U.S. Congress was corrupting the process, and it was having a profound impact on the quality of the U.S. Congress.

Listen to what former Representative Peter Kostmayer said:

> You get invited to a dinner somewhere, and someone gives you money, and then you get a call a month later and he wants to see you. Are you going to say no? You are just not going to say no.

Why do the special interests give money? I think everybody would agree that former Senator and majority leader George Mitchell was a man of enormous integrity. He led the Senate. He has been leading the peace talks in Northern Ireland, a person of huge integrity, a former U.S. district judge, a former Senate leader. George Mitchell summed it up saying:

> I think it gives them the opportunity to gain access and present their views in a way that might otherwise not be the case.

That is fundamentally the flaw. The Senator from Kentucky and others can take umbrage at the notion of the use of the word "corruption," but you don't have to be specifically corrupt in some way that breaks the law to be sharing in a general corruption, an "impairment of the integrity," as Webster defines it, of the institution, and the integrity of this institution is impaired by the current system.

I mentioned a moment ago some of the best minds in the business community—CEOs and others—who have shared with me, and I know with other colleagues, that they find the current system nauseating, sickening. They are tired of being "shaken down". That is their term, not ours. I know there are letters that have been sent by Members of the Congress to those groups that don't give. People have been threatened not to give to the other party. People have been threatened. These stories have all appeared in the Washington Post, New York Times, Los Angeles Times, Boston Globe—stories all across the country. People believe if they don't play the game on the fundraising circuit, they will lose out in the subcommittees, the committees, and on the floor.

We saw, this summer, that some prominent business executives joined a coalition for campaign finance reform, called the Committee for Economic Development. They promptly received a letter from the Senator from Kentucky, chairman of the National Republican Senatorial Campaign Committee telling them in no uncertain terms:

> If you disagree with the radical campaign finance agenda of the CED, I would think that public withdrawal from this organization would be a reasonable response.

So what is the message there? The business leaders told me what they thought the message was. They said: We find it ironic that you are—

This is what they sent to Senator McCONNELL. This is their response to the people who are trying to keep us from voting for campaign finance reform. The business leaders wrote:

> We find it ironic that you are such a fervent defender of First Amendment freedoms, but seem intent to stifle our efforts to express publicly our concerns about a campaign finance system that many of us believe is out of control.

I don't raise these issues to suggest in any way that any individual Member of this body is corrupt. I am not saying that, nor is the Senator from Arizona. But the system is leading us all down a road that diminishes the trust of the American people in this institution and that diminishes our connection to the American people and therefore their faith in the system of Government and in the capacity of this Government to do what our Founding Fathers wanted it to do.

This is less and less a real democracy, and more and more a "dollarocracy," a democracy mostly decided and impacted by the amounts of money that can be raised and spent, and not by the quality of the ideas that are put forward and debated in the great manner of Lincoln and Douglas and others who took ideas to the American people.

Are we scared of ideas? Do we have to pitch every idea in a 30-second advertisement, or a 60-second advertisement, and flood the airwaves with seductive, distorted, completely contrived messages, rather than laying out to the American people a series of facts and relying on them to choose?

I have been here now for 15 years, and every year I have been here we have tried to achieve campaign finance reform. In fact, I was the author, together with Senator Boren, Senator Mitchell, and others, of an original effort that had a component of public financing. We actually passed that on the floor of the Senate when the Democrats were in the majority. President Bush vetoed it. Subsequently, we got as many as maybe 46—I think it was—votes for a bill that might have had some component of public financing.

But, each year, as the Republican majority has grown, the number of people willing to embrace a broader set of reforms has also diminished, leaving us now with a stripped-down version of McCain-Feingold—stripped-down to the point that many people on our side of the aisle fear that it may have the unintended consequences of the 1974 reforms; that if you do one component of reform, but you don't have a fair playing field, you simply unleash torrents of money into other sectors that may wind up having a negative impact on the ability of people to be elected.

I think we have to act. I say to my colleague from Kentucky, the notion that the members of the media are going to sit there—those who have covered the Senate for years—and believe that 4 days of truncated, half-hearted debate somehow represents a legitimate effort on campaign finance reform is beyond anything credible. I don't think a member of the media could believe that when we sit here and say, well, we went to this last Thursday, and on Friday half of the Senate left to go home, and on Monday half of them hadn't come back, and on Tuesday morning there was absolutely no debate at all, and then we had two votes, and pretend somehow that the Senate has done anything serious about campaign finance reform. What a farce. What a joke.

My colleagues on the other side of the aisle need to understand that this is an issue that isn't going to go away. We must begin to be serious about having a fair playing field—and I do mean a fair playing field, not trying to jockey it for Democrats or for Republicans but deciding as a matter of common sense how we can approach an election.

We are supposed to be the premier democracy on the face of this planet. We are supposed to be setting the example for people in other parts of the world. And more and more people look at our system, and say: That is what it is all about? They spend $20 million in States such as Nevada chewing each other apart trying to prove what an evil American the other guy or woman is. How extraordinary.

I think everybody on our side of the aisle was prepared to go into long and serious meetings. We are prepared to caucus. We are prepared to have efforts to try to decide how we can come up with a fair playing field. We ought to have a real debate because we need to understand that the costs of campaigning are eliminating the capacity for fully representative government for most Americans. Some people do not believe that. I know my colleagues on the other side of the aisle argue with fervor that the first amendment is represented by money, and the more money you can raise, the fairer it is. You can go out and campaign.

In 1996, House and Senate candidates spent more than $756 million. That is a 76-percent increase since 1990. And it is a sixfold, 600-percent increase since 1976.

The average cost of a race in 1976 was $600,000 for a winning Senate race. The average cost went to $3.3 million.

Many of us in 1996 were forced to spend more than that. My race in 1996 was the most expensive race of that year in the country—a paltry sum compared to the Senator from California. I think she and her colleague had to raise upwards of $20 million, and I think perhaps $30 million was spent against Senator FEINSTEIN. I am not sure of Senator BOXER—but somewhere in that vicinity. My race in Massachusetts was cheap compared to that. We had only $12.5 million, maybe $13 million for 6 million people.

In constant dollars, we have seen an increase of over 100 percent in the money spent for Senator races from 1980 to 1994.

I know Senators don't do this. Not every Senator is raising money every single week. But many are because of the vast sums they have to raise. But on average, each Senator has to raise $12,000 a week for 6 years to pay for his or her reelection campaign. That is just the tip of the iceberg now because we have had this incredible explosion in soft money.

Soft money represents everybody taking advantage of the loopholes. It wasn't the intention of campaign finance reform or Congress to allow soft money. I must admit some Democrats managed to develop that loophole rather more effectively at the outset than some Republicans. It doesn't make it right.

In 1988, Democrats and Republicans raised a combined $45 million in soft money; in 1992, that number doubled to $90 million; and in 1995 to 1996, that number tripled to $262 million.

Do you know where it comes from? It comes from U.S. Senators who are passing legislation making telephone calls, or having meetings with high-powered corporate types, or very rich people who write checks for $50,000, $100,000, $200,000, and $300,000. Indeed, I believe the last year, in 1996, there were nine people in America who wrote checks for $500,000.

That is where it comes from. And don't let anybody kid you. It goes into campaigns. It wasn't meant to originally. But now it goes almost directly into campaigns.

So you, frankly, have corporations and a lot of big money directed into the campaign process which was never the intention of the U.S. Congress back in 1974 when they passed campaign finance reform.

Do you know why ordinary citizens believe they are being shut out? Do you know why the average American doesn't believe the system is on the up and up? Do you know why the average American thinks big money gets influence over their money? I will tell you why. Because fewer than one-third of 1 percent of eligible voters donated more than $250 in the electoral cycle of 1996.

I want to repeat that. Why do people think the system is out of whack? Because fewer than one-third of 1 percent of all the eligible voters in America gave more than $250 in the electoral cycle.

Think what would happen in this country if we invited people, as we used to do in the Tax Code, to take a tax deduction for a $50 or $100 donation. And those tax deductions, when people were encouraged to take them, in fact, added up to about $500 million a cycle, which would have paid for almost all the races back then. You could do it with small donations, if they wanted to—if they wanted to. But they like to go out and get the bigger dollars. One-third of 1 percent of Americans contribute over $250.

Ask most Americans what they think they are capable of giving to campaigns or are able to contribute, and you will get a sense of the great divorce in this country, a huge gulf, a Grand Canyon of campaign finance gap that is separating the average American from the political process.

Then we have another problem in the system—the issue ads. These are those ubiquitous TV and radio ads bought by all kinds of special interests to persuade the American people to vote for or against a candidate. Usually, these ads are negative. They are usually inaccurate. But they are one of the driving forces of the American political process today. They violate the spirit of campaign finance laws in the country. Of course, they do.

Listen to what the executive director of the National Rifle Association Institute for Legislative Action said. He said:

> It is foolish to believe there is a difference between issue advocacy and advocacy of a political candidate. What separates issue advocacy and political advocacy is a line in the sand drawn on a windy day.

Mr. President, the American people want us to fix this system.

An NBC-Wall Street Journal poll shows that 70 percent of the public believes campaign finance reform is needed.

So what the Republican Party is doing today is saying, well, we don't care what 70 percent of the American people are willing to do. They are unwilling to pass campaign finance reform that is fair, unwilling even to deal with it in a serious way.

Last spring, a New York Times poll found that an astonishing 91 percent of the public favor a fundamental transformation of the system.

I believe we ought to be able to deliver on that kind of reform.

Some of our colleagues believe that reforming the current finance system in a comprehensive manner would violate the Constitution. The constitutionality of a ban on soft money could raise questions. I think the issue of a total ban on soft money, depending on how it is structured, could conceivably be worked out in a thoughtful and artful way. But the point is it is fundamentally a sham issue as it is being presented by the other side. And the first amendment is being used as a shield to prevent the proper scrutiny of this issue and to prevent us from changing it.

The truth is there are ways that you can reform the system within the confines of the first amendment.

On the critical soft money issues, leading constitutional scholars and former ACLU leaders agree that banning soft money contributions will not violate the Constitution if properly constructed. And we forget that the Supreme Court in Buckley versus Valeo held that limits on individual campaign contributions do not violate the first amendment. It simply cannot be said the first amendment provides an absolute prohibition of any and all restrictions on speech.

When State interests are more important than unfettered free speech, that speech is appropriately allowed to be narrowly limited.

Speech is already limited. We know in cases of false advertising and obscenity. And I think it is clear that under the limits of Buckley we can deal with the risk of corruption or the appearance of corruption and the warranted limits on individual campaign contributions.

The ban proposed in McCain-Feingold simply requires all contributions to national political parties be subject to the existing Federal restrictions on contributions to those parties that are used to influence Federal elections, and it would bar State and local parties from raising soft money for activities that might affect a Federal election. Groups remain completely free to spend as much money as they want on speech.

This is a red herring, a straw man. It is well used, I might add, by the Senator from Kentucky, but it is wrong. I am convinced the courts would ultimately hold it so, were we to do our work properly.

We've also heard that if we ban soft money, we will unconstitutionally infringe upon the rights of special interest groups to engage in free speech. I would respectfully suggest that there is some real confusion here. The ban proposed in McCain-Feingold would simply require that all contributions to national political parties be subject to existing federal restrictions on contributions those parties use to influence federal elections, and it would bar state and local parties from using soft money for activities that might affect a federal election. Groups would remain free to spend as much as they wanted on speech—they simply could not funnel that money through the political parties.

Another favorite argument offered by those opposed to reform is that we already have bribery laws to prevent corruption and the appearance of corruption. This argument ignores the fact that the Supreme Court in Buckley explicitly considered and rejected the same claim. The Court said that it was up to Congress to decide whether bribery and disclosure laws were enough to address the federal problem with real and perceived corruption. A majority of the Members of the House and Senate do not believe the bribery laws are sufficient to limit corruption or the appearance of corruption.

Opponents of campaign finance reform are vehement that any effort to control or limit sham issue ads would violate the first amendment. They argue that as long as you don't use the words "vote for" or "vote against", you can say just about anything you want in an advertisement. But that is simply not what the Supreme Court said in Buckley. It said that one way to identify campaign speech that can be regulated is by looking at whether it uses words of express advocacy. But the Court never said that Congress was precluded from adopting another test so long as it was clear, precise and narrow. It is exactly that kind of test that is included in Shays-Meehan and that I hope can be put back into the reform bill we are debating here today.

I believe reasonable people can come together and work through these first amendment questions. Certainly that ought to be a challenge the United States Senate is capable of meeting. And I believe that if we can do that we can move on to a question no longer of whether to reform the campaign system, but how.

I believe that the amendment offered by our minority leader would help us embrace reform. Though not a cure, embracing the Shays-Meehan model passed in the House treats the most serious symptoms that threaten the health of our whole democratic system.

Let me say again, this amendment is by no means sweeping reform. It does not limit spending by candidates. It does not replace private campaign contributions with clean money. But, it does address two of the most serious problems with our current, broken campaign finance system. It bans soft money and it clamps down on phony issue ads. We must attack both of these problems simultaneously if our campaign finance system has any hope for recovery.

And I would remind the Senate that even those of us who agree that there is a serious problem have different ideas on how to fix it, or what aspect in particular most desperately needs a cure.

I have long been an advocate of one particular kind of reform. I joined Senator WELLSTONE once again this year in offering a clean money bill that would take special interest money out of the political system. But I am a realist. The Senate is not yet ready to embrace something as broad as clean money, in spite of its merits. that is not going to happen yet, but I continue to hope and believe that it will someday.

In the meantime, we must focus on finding a remedy for the worst of the problems from which our campaign finance system suffers. I believe Shays-Meehan can do that.

And, Mr. president, I believe we can move this debate forward and pass this legislation if we can avoid the hot-button issues on both sides, the poison pill amendments we've encountered again and again which have stopped us in our tracks.

One amendment which particularly worries me is the so-called paycheck protection amendment. Some of my colleagues on the other side are advocating that unions obtain written authorization from all union members before using any portion of union dues for political activity. The amendment would not require corporations to obtain the same written authorization from shareholders before using corporate treasury funds used for political activity. Proponents of this amendment complain that union dues are used to run issue advocacy campaigns that are really thinly disguised electioneering. However, rather than closing the issue advocacy loophole, which would comprehensively solve the problem, my colleagues on the other side would inhibit unions only while leaving corporations as well as conservative advocacy groups untouched.

If paycheck protection were passed, it would limit almost all political activities by unions, not just use advocacy. It would gut the funds the unions use for internal communications activities, particularly get out the vote activities. Rather than adopting this inherently unfair amendment, which would target only unions, a better solution is to close the issue advocacy and soft money loopholes. I hope my colleagues on both sides of the aisle will join me in opposing a paycheck protection amendment if one comes up.

Mr. President, I hope we can avoid those poison pills, I hope we can actually pass something this week, and that we can support the campaign finance reform bill that was passed in the House, so that we have the tools to remedy both sham issue ads and soft money.

There is an awful lot riding on this debate. Because we have been down this road before, many think the result is a foregoing conclusion. In a front page article last Tuesday, the Washington Post stated,

". . . opponents of reform will rest easy in the knowledge that nothing will be accomplished." I hope the Post is wrong. I believe we can make the system better. We are not going to take all of the steps that would be necessary for a cure, but we can take care of the parts of the system that are hurting all of us the most. And that is a course of action on which all our citizens—and this Senate—ought to be able to agree.

I urge the Senate not to turn away from a real process where we sit together, work through the objections, have honest debate and discussion, and allow the Senate to work its will on the floor of the Senate rather than walking away again from one of the most urgent needs as expressed by our fellow citizens in this country.

I yield the floor.

Mrs. BOXER. Mr. President, I thank the Senator from Massachusetts. He is eloquent on this subject.

I am grateful we have been able to extend the debate on campaign finance reform at least a little bit because of this motion that has been made. On the other hand, it was our understanding we were going to be on campaign finance reform for 5 days. Sadly, we didn't have the expectation met that we would be 5 days on this particular matter.

I know the Senator from Michigan is here. I ask unanimous consent upon completing my remarks the Senator from Michigan be recognized.

The PRESIDING OFFICER. The Presiding Officer in his capacity as the Senator from Washington objects.

Mrs. BOXER. Mr. President, it is hard for me to understand why my friend objects, but that is his right to do so.

I wanted the Senator from Michigan to be heard because he is feeling very strongly this particular vote we are going to have is as important as the other two votes we took on the procedural matter of cloture. If Senators believe we should have campaign finance reform, they should vote against the motion to proceed to an abortion issue that truly should not be coming before this Senate. I will have more to say on why I believe that to be the case. The Senator from Michigan, Mr. LEVIN, I am sure, will get the time on his own accord at the appropriate moment.

As Members know, the Democratic side of the aisle was not going to object to going to the abortion issue—although many do not believe it is the right time to do so—we would not object to that and we would have been willing to go to that. It would have meant as soon as the debate was finished on that abortion issue, we would have gone back to campaign finance reform. Because of the parliamentary maneuver of the majority leader, Senator LOTT, we will not be able to go back automatically to campaign finance reform if we vote to proceed to the abortion question.

I make a case for voting against that. I think the best case to make is the issue we have been trying to debate for the last few days, the issue of campaign finance reform.

I stood on this floor last week and admitted, with all eyes upon me, I was a user of the campaign finance system, I was good at it, I was better at it than my opponents. I know how to use the system. I have been in Congress since 1983. I learned very well by making mistakes early in my career that Members need the resources in order to answer the charges that are thrown against them.

I say the system is broken for three reasons. One, the average person doesn't believe in this system. They have tuned out. They don't vote because they believe, rightly or wrongly, that it is the people with the money who are the people with the access who essentially control this agenda. They feel very left out of the system.

Second, there is an appearance of corruption. Everyone who partakes in this system plays the game that to many Americans appears to be corrupt. We all play it well. The system has the potential to corrupt, and the system, at a minimum, has the appearance of corruption.

Third, this system takes too much of our time away from our work, away from our jobs.

I see the Senator from New York. I am proud of the kind of campaign he ran. I know it was as hard for him as it was for me to raise the kind of money we raised. We are good at it. We know how to do it. It is not necessarily to our benefit to change the system, but we know how bad it is.

My friend from Minnesota, Senator WELLSTONE, and I were talking about dialing for dollars, when we are up and we are hoping no one is on the other end, hoping it is an answering machine so we can leave our message because it is so demeaning to have to call total strangers we have never heard of —had 100,000 donors to my campaign; I didn't know the majority of those donors—to have to ask them for money. This is not why a Senator is elected.

The system is broken and needs to be fixed. People are not voting because they don't believe in the system.

What does the majority leader do after a couple of days of debate? He wants to take campaign finance reform out of here. He wants to take it off the Senate floor. I think I see a pattern emerging in the Senate Chamber which I don't think is particularly good for the American people.

Campaign finance reform, wheel it out the door tomorrow.

The test ban treaty, we had a majority vote for that. Wheel it off the floor.

Minimum wage, block it from ever coming. Lock the doors. We don't want to hear about minimum wage, even though we are in an economic recovery and the bottom economic class is not benefiting from it. The least we can do is raise the minimum wage a few cents an hour. We can't even get that through the door.

He doesn't want sensible gun control. We passed it over his objection. The majority party doesn't want it here. It was wheeled out the door, into a conference committee, never to be heard from again. How many more of our children have to die before we bring that back and vote in those sensible gun control measures?

The majority doesn't want real health reform. We passed a sham bill. The House passed a good one. How about going to conference, strengthening health reform so people can see the doctor they need to see, when they need to, that they can get the tests they need when they need the tests and they can live a good quality of life. No, that is shut out, wheeled out of here, never to be heard from again.

School construction, nowhere in the majority's bills; 100,000 cops on the beat, nowhere in the majority's bills; school construction to begin to fix up the school classrooms, nowhere here, out the door.

This is becoming a killer Congress—kill everything the people want, including campaign finance reform.

I ask unanimous consent to have two editorials printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the San Diego Union Tribune, Oct. 19, 1999]

CAMPAIGN FINANCE REFORM—TIME FOR A VOTE ON ENDING SPECIAL INTERESTS' REIGN

Unpopular because of his relentless crusade to block campaign finance reform, Sen. Mitch McConnell, R-Ky., is resorting to stoning the messenger.

Rising on the Senate floor recently, McConnell indignantly challenged Sen. John McCain, R-Ariz., co-sponsor of the campaign finance reform bill, to specify which senators have been corrupted by special-interest contributions. McConnell's theatrics were seconded by Sen. Robert Bennett, R-Utah, objecting to McCain's suggestion that lawmakers could be bought or rented.

Coolly refusing to take the bait by naming names, McCain recalled last year when Senate Republicans were assured by their leadership that they needn't fear electoral repercussions from voting against an anti-tobacco bill, because the industry's political action committees would generously support their re-election campaigns.

McCain could have recounted many other examples where big contributors have wielded inordinate influence over the Senate. The open secret on Capitol Hill is that, the bigger the contributions, the greater the access.

Former Sen. Don Riegle, D-Mich., conceded as much when he was accused, along with four other senators, including McCain, of receiving $1.4 million to run interference for Charles Keating while he ran a California savings-and-loan institution into the ground. Although McCain was a bit player in this sleazy process, he was scarred by it nonetheless. That may help explain why he's so committed to sanitizing the system.

The bill that he authored with Sen. Russ Feingold, D-Wis., would ban soft money, which is unlimited contributions that political parties collect and spend to promote their candidates. The reform measure may not completely cleanse the system. But it would put a crimp in the current process, which amounts to little more than legalized bribery.

For all his fulminations about protecting the sanctity of free speech, McConnell knows that special-interest money rules. In fact, he's altogether comfortable with a system under which the National Rifle Association shoots down gun-control bills, the oil lobby secures lower royalty payments, and the telecommunications industry benefits from legislation that lawmakers passed largely on faith.

These and other well-heeled interests make out very well because they have invested plenty in lawmakers who repay their favors. That is precisely what McCain means when he says Congress has been corrupted by special-interest money. And that's why Republican and Democratic lawmakers alike support his bill to help clean up this mess.

The question is whether McConnell and Senate Majority Leader Trent Lott, R-Miss., will permit a floor vote on the reform measure. Or will they resort once more to procedural gambits and strangle it?

[From the Bakersfield Californian, Oct. 19, 1999]

CAMPAIGN REFORM VITAL

Senators should be allowed to vote up or down on a proposal to overhaul a federal campaign finance law. Then, if the bill by Sens. John McCain, R-Ariz., and Russ Feingold, D-Wis., does pass, the courts can sort out a potential constitutional issue.

Instead, opponents of a proposed ban on so-called soft money are vowing a filibuster—a non-stop talk-a-thon that prevents debate on an issue. It is a parliamentary "don't-let-'em-get-a-word-in-edgewise" maneuver. The filibuster can be broken only if opponents muster a two-thirds vote in favor of open and free debate—more than the majority vote needed to pass the subject legislation itself. Soft money is a contribution made in federal elections to political parties for activities that are not supposed to support a specific candidate. The idea was to stimulate public awareness of elections and issues with such tasks as voter registration drives and get-out-the-vote efforts.

However, critics of the practice wisely note that experience shows a huge influx of money from well-heeled interests—corporations, unions, special interest groups. The effect is to overwhelm potential access to the campaign process by individuals.

Worse, with some clever use of the funds, they can be directed to help build awareness among voters of issues being emphasized by specific candidates. The real-world effect of the practice is to void the very theory of soft-money; emphasize issues and process, not specific candidates.

In doing so, it creates an end-run around other rules which set dollar limits on contributions that can be made directly to candidates. Those limits are designed specifically to level the access playing field by making all sources of influence roughly equal.

It is worth noting that the House of Representatives—which does not allow filibusters and whose members have the grind of seeking election every 2 years—were shamed into passing a version of the bill. But senators, who have the comparative luxury of six-year terms, are balking at even allowing a vote on the issue.

Opponents of the McCain-Feingold soft-money limits piously say the law would inhibit the ability to buy advertising, and hence limit politicians' freedom of speech. This from a minority of senators who are muzzling free speech on the bill???

The issue of whether campaign finance laws are unconstitutional needs serious consideration. It is getting it where it should: in the Supreme Court.

Let the Congress propose, the courts dispose. Vote on and pass McCain-Feingold.

Mrs. BOXER. Mr. President, I find these articles interesting because they are editorials from two Republican newspapers in my State, the San Diego Union Tribune and the Bakersfield Californian. Normally I would not be reading their editorials into the RECORD because I usually do not agree with them, but I agree with them on this. Because I do not want to mention the name of any Senator, I will leave it out. The article from the San Diego Union Tribune says:

> For all the fulminations about protecting the sanctity of free speech [this particular Senator] knows that special-interest money rules. In fact, he's altogether comfortable with a system under which the National Rifle Association shoots down gun-control bills, the oil lobby secures lower royalty payments, and the telecommunications industry benefits from legislation that lawmakers passed largely on faith.

This is pretty extraordinary for the San Diego Union Tribune. Of course Senator FEINGOLD has been on this floor daily, reading us this list of contributions and showing how it lines up with the legislation that is taken up on this floor. I assure you, the people who need an increase in the minimum wage are not making contributions to any of us, OK? I assure you they are not. They cannot. They can barely put food on the table. No wonder they cannot even get their bill heard.

Then the Bakersfield Californian says:

> Opponents of the McCain-Feingold soft-money limit piously say the law would limit the ability to buy advertising, and hence limit politicians' freedom of speech.

And they say:

> This from a minority of senators who are muzzling free speech on the bill?

That is interesting, by taking off the floor this bill for which a majority voted, they are muzzling us. That is why this vote tomorrow is so important.

I want to make a couple of points about the bill waiting in the wings to come back on this floor for the third time. It is called the partial-birth abortion bill. There is no such thing as a partial-birth abortion. Ask any doctor. This is a made-up term. It is either a birth or it is an abortion. But it is fiery language. It makes people think that a woman is waking up at the end of her pregnancy and saying: I have changed my mind. Nothing could be further from the truth.

What this bill is about is banning a procedure doctors say they need to save the life and health of the mother. The Senators want to come in here and play doctor and say what procedure can and cannot be used on my daughter and on everybody's daughter in the country. They are going to do it again, even though they do not have the votes to pass it over the President's veto, and even though across this country that ban has been ruled unconstitutional in 20 different states.

So we are going to throw out campaign finance reform to go to a bill that does not even belong here. This subject belongs at the medical schools and in the hospitals and clinics across the country. They are the folks who have to decide how to deal with a medical emergency in the late term of a pregnancy.

There is not one Senator in this Senate who favors abortion in the late term—not one. We have all voted for various bills to say no. What we do say is this: If it is an emergency to save the life of the woman, to spare her health, to keep her fertility so she can have other children, then it is up to a physician to decide.

We are going back to that bill. I will be debating it along with my colleagues. There will be various alternatives. But let's be clear, let's not pull any punches here; it is all about politics. They think it is an issue that gets them some votes out there.

I hope people will listen to the debate because I don't think people elected us to come here and be doctors. They go to the hospital to see a doctor, not a Senator, and they come to the Senate to hear Senators, not doctors. It is ridiculous. If 100 physicians walked in with their coats on and tried to evict us from our chairs, they would be arrested. But we come and we pass legislation telling doctors they are going to go to jail if they do something to save a woman's life or her health. Something is wrong. This does not belong here.

But we are going to go to this bill for the third time. The President will veto it for the third time. We will uphold his veto for the third time. We will talk about it for the third time, and we will protect the life and the health of the women in this country for the third time.

In the meantime, we are throwing off the Senate floor issues that can get through this Senate and can get a signature from this President: the minimum wage, 100,000 teachers, school construction, campaign finance reform. We can do it. We have a majority who believe in it. We can clean up the system.

I wish to say a special word about the Senator from Michigan. He has shown tremendous leadership on this issue over the years. He has seen this as a moment where we can stand our ground and keep this bill on the floor of the Senate. I look forward to his remarks as well as to those of the Senator from New York. I am proud to have voted for every campaign finance reform measure that ever came down when I was in the House. Even when I was on the board of supervisors in Marin County many years ago this subject came up. So it has been many, many years. Maybe now, with this vote tomorrow, maybe now we can get 51 people to say: Keep campaign finance on the floor.

My very last point: I ask unanimous consent to have printed in the RECORD one more letter.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OCTOBER 18, 1999.

Hon. TRENT LOTT,
U.S. Senate,
Washington, DC.

DEAR SENATOR LOTT: Saturday, October 23, will mark the one-year anniversary of the assassination of Dr. Barnett Slepian, who was murdered in his home in Amherst, New York. As you are undoubtedly aware, there have been five sniper attacks on U.S. and Canadian physicians who perform abortions since 1994. Each of these attacks has occurred on or close to Canada's Remembrance Day, November 11. All of the victims in these attacks were shot in their homes by a hidden sniper who used a long-range rifle. Dr. Slepian was killed. Three other physicians were seriously wounded in these attacks.

Federal law enforcement officials are urging all women's health care providers, regardless of their geographic location, to be on a high state of alert and to take appropriate protective precautions during the next several weeks. Security directives have been issued to all physicians who perform abortions for clinics or in their private practices, and to all individuals who have been prominent on the abortion issue.

Senator Lott, on behalf of our physician members, and in the interest of the public safety of the citizens of the US and Canada, we urge you to reconsider the scheduling of a floor debate on S–1692 at this time. As you are aware, each time this legislation has been considered, extremely explicit, emotional, and impassioned debate has been aroused. We have grave fears that the movement of this bill during this particularly dangerous period has the potential to inflame anti-abortion violence that might result in tragic consequences.

We sincerely hope that you will take the threats of this October-November period as seriously as we do, and that you will use your considerable influence to ensure that the Senate does not inadvertently play into the hands of extremists who might well be inspired to violence during this time. We urge you to halt the movement of S. 1692. Please work with us to ensure that the senseless acts of violence against US citizens are not repeated in 1999.

VICKI SAPORTA,
Executive Director, National Abortion Federation.
EILEEN MCGRATH, JD, CAE,
Executive Director, American Medical Women's Association.
WAYNE SHIELDS,
President and CEO, Association of Reproductive Health Professionals.
GLORIA FELDT,
President, Planned Parenthood Federation of America.
PATRICIA ANDERSON,
Executive Director, Medical Students for Choice.
JODI MAGEE,
Executive Director, Physicians for Reproductive Choice and Health.

Mrs. BOXER. Mr. President, this is a letter signed by the National Abortion Federation, Planned Parenthood Federation, American Medical Women's Association, Medical Students for Choice, and the Executive Director of Physicians for Reproductive Choice and Wayne Shields, President and CEO, Association of Reproductive Health Professionals.

This is a serious letter. This letter points out this is the very worst time to go to this abortion bill. This letter points out that "Saturday * * * will mark the one-year anniversary of the assassination of Dr. Barnett Slepian, who was murdered at his home * * *" while he stood in his living room; "* * * five sniper attacks on U.S. and Canadian physicians * * * since 1994."

I have to say this group is very concerned; this is not the time to bring up this bill. What is the rush to bring up this bill this week? Unfortunately—they sent this letter to Senator LOTT—from what I understand, they did not get an answer. They are saying:

> Senator LOTT, on behalf of our physician members, and in the interests of the public safety of the citizens of the U.S. and Canada we urge you to reconsider the scheduling of a floor debate on S. 1692.

That is the bill we are going to go to.

> As you are aware, each time this legislation has been considered, extremely explicit emotional and impassioned debate has been aroused.

They write, and I think this is very serious, I say to my friends:

> We have grave fears that the movement of this bill during this particularly dangerous period has the potential to inflame anti-abortion violence that might result in tragic consequences.

This is a simple request. Wait a week or two before bringing this bill to the floor. So I think it would be good if we didn't go to this bill right now. I am very willing to debate it any time, any day of the year, for hours. I will stand on my feet. I will talk about the women who had this procedure who might have lost their lives or their health had they not had it. It is not a problem for me. We are going to be able to sustain a veto with this President. But at least we should put it off for a week if we are being asked to do that.

For so many reasons, I hope we will not proceed to this abortion bill. If we do, we will be on the floor, we will talk about it, but I hope we will not go to it. I hope we will continue our work on campaign finance reform.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I thank the Senator from California for her inspiring words, as well as the Senator from Michigan for his leadership on this issue. I will not speak for a long time, but I felt compelled to rise because we really are at a crucial time in a debate on campaign finance reform.

We have debated this bill for a few days. Most of it has been on Friday and Monday, when most of the Members have not been here. The debate is just beginning to reach its fulsome place. We need to continue this debate.

Campaign finance reform has been an issue that has been debated for over a decade. Scant progress was made. We made more progress on the floor today, when 55 Senators voted for the McCain-Feingold bill, than we have made in a long time. And those who wish to nip that progress in the bud are not for campaign finance reform.

If anyone ever needed a distinction—there is a lot of rhetoric going on and a lot of little cloudmaking machines to hide what is going on—look at the vote. If you were for campaign finance reform, you voted for that proposal; and if you were against, you voted against it—even modest campaign finance reform.

Many of us bit our tongue when we voted for it because it is a small step, a very small step—the simple abolition of soft money. It is not even what the House did. I would expect, on a lofty issue such as this, the Senate to lead but instead the Senate trails far behind even the House of Representatives and certainly the American people.

And now, when we want to continue the debate, there is a move to shut off that debate. I would certainly ask my 10 colleagues on the other side of the aisle who voted for this modest proposal not to shut off debate, if you are serious about campaign finance reform. We have not even begun the amendatory process.

I have an amendment, along with the Senator from Illinois, that is very simple: When issue committees put ads on television, they should have to disclose where the money comes from—no prohibition, no limitation, simply disclosure. Isn't it unbelievable we would support a campaign finance bill and not have disclosure of where people are spending that money? The public certainly has a right to know about that.

My good friend from Kentucky has been arguing the first amendment for a very long time. I don't know why we don't see the same passion on other first amendment issues as we see on this one, but so be it.

But the amendment the Senator from Illinois and I will be proposing is a first amendment type of amendment: disclosure, sunlight, sunshine. If a big corporation, any other big interest—it could be an environmental group or a labor group or some group that I generally support—puts money out there, large amounts of money, to make their viewpoint known, the public ought to know, particularly in these days when advertising can be so deceptive. We have groups called citizens for fair this and fair that, when they are really interest group shields. Come clean.

Allow that amendment to be debated. I think if the amendment were debated, it would pass. It has had some bipartisan support. Even the Senator from Nebraska has indicated a likelihood of support. But if we cut off debate, simply after the two cloture motions, we will have no chance to debate that amendment and other amendments. I think this amendment would strike a balance that would satisfy most people.

So we sit in this Chamber. Today we began at 1:15. It is not that we are out of time; it is simply that those on the other side of the aisle do not want to debate this issue. They want to put a dagger in the heart of campaign finance reform and by not debating don't even want to leave fingerprints. With the cloture votes today, I say to my colleagues on that side of the aisle, your fingerprints are all over that dagger that killed campaign finance reform.

There is not even a pretense, so at the very least let us debate it. Let us spend some hours reminiscent of the great days of the Republic and the Senate debating this issue, which is a very serious issue about how we govern our country. Let the debate be full. Let there be dialog. Let there be amendments.

I worry about the future of this Republic. We have a great structure. The Founding Fathers were truly geniuses. The more I am around, the more I respect their genius. We have a great economic system, which the world emulates, that promotes entrepreneurialism, that allows anybody, no matter how poor they start out, to rise to the top. But we have a poison eating at us, and that is the mistrust that the public has of the Government. That mistrust is more caused by the way we finance campaigns than any other single issue. It creates the partisanship people decry.

When I went home to New York, I got lots of that this weekend because of the Comprehensive Test Ban Treaty. It promotes the feeling that an individual citizen cannot have any influence on the Government. It promotes a view that it is not one-person/one-vote, but one-dollar/one-vote. Those views we do not even have to comment on their veracity. I think there is a lot of truth to them. But it certainly creates a mistrust, a distance between Government and the people.

In an era where things move quickly, in an era of global competition, in an era where we all have to work together as one, this is poison. We have a chance to take a modest step. It is not everything I would want—not even close—but it is a modest step. We made real progress today. We got more votes than we thought we would. Two Senators on the other side of the aisle who had not voted for campaign finance reform before have voted for it now. Maybe if we debate this for another few days, we will not win any more votes, but maybe we will. Maybe someone will offer an amendment that strikes some kind of unity, some kind of feeling of bringing us together.

The issue is too important to brush aside. The issue cries out for full debate. To move off now, just as things begin to get going, is wrong and tragic, if that does not overstate it, because I think the issue is so important for the Republic.

So I make a plea to the Senator from Kentucky and the Senator from Mississippi: Don't cut off debate. Don't use your legislative prerogative and might to shut this debate down. Let it continue. Let the debate continue. Let amendments, such as mine, be offered. Let amendments, such as others have proposed, be offered. Let the chips fall where they may. But to shut off debate in this untimely manner is a travesty of this body and for the American people.

Mr. President, I yield back my time.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Washington.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Democratic whip.

Mr. REID. Mr. President, what I would like to do now—not to bring any final disposition to this matter—there have been people coming on and off the floor. The Senator from Washington is here. If he would be recognized next, then Senator LEVIN after that, and then Senator REED after that.

Mr. REED. Could I——

Mr. REID. Senator REED before Senator LEVIN.

Mr. WELLSTONE. Senator WELLSTONE before everyone.

Mr. REID. Senator LEVIN, and then Senator WELLSTONE: And then following Senator WELLSTONE, on our side, Senator BOB GRAHAM from Florida. If any Republicans come in the interim who want to speak, we will stick them in so there is a balance.

Mr. GORTON. Mr. President, I will object to the request at least in the form in which it was presented. It seems to me there ought to be a right for anyone on this side of the aisle to speak first, after the conclusion of any speech on that side of the aisle. If the request is only for the order of speaking of Members of that side of the aisle, with the clear understanding that if a Member on this side of the aisle wishes to succeed one of them, that he or she may do so, then I will not object.

Mr. REID. I say to the Senator from Washington, that was part of the consent. I already said that. If somebody wants to come in from the Republican side, they would step right in following the Democrat.

Mr. GORTON. With that understanding, I will not object.

Mr. REID. I say to the Chair, the reason for this is we have people who have been waiting for hours, not knowing when they are supposed to come. I appreciate the consent of the Senator from Washington.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Washington is recognized.

Mr. GORTON. Mr. President, for all of the hours that have been spent on the debate on the particular bill that has been before the Senate, this year's form of McCain-Feingold, I believe it was summarized best, with the most striking degree of contrast to the paradox imaginable, last Friday by the distinguished Senator from Wisconsin, Mr. FEINGOLD. He came to the floor of the Senate and specifically singled out the Microsoft Corporation, based, of course, in the State I represent, in an attempt to make a direct link between campaign contributions and/or contributions to political parties and the appearance of political corruption. In order not to misstate in any respect, I will quote briefly from the remarks of the Senator from Wisconsin:

> Apparently Microsoft and their allies are not seeking to directly affect the litigation that is being conducted with regard to Microsoft by the Justice Department at this time; what they are trying to do, according to this article [an article in the newspapers on that day] is cut the overall funding for the Justice Department's Antitrust Division. In this context, if somehow things don't look right, there is the ever present possibility that there would be an appearance of corruption.

The Senator from Wisconsin then went on to relate how he recently read that Microsoft Chairman Bill Gates is the world's wealthiest individual. This led the Senator from Wisconsin to say:

> I have no idea what Microsoft's or Bill Gates' actual contributions are, and I am not suggesting that they are making those contributions to influence funding of the Justice Department. But for us to create a scenario where Mr. Gates could give unlimited amounts of money rather than the old $2,000 of hard money, or a Microsoft PAC could give more than $10,000, to just have it be unlimited I believe almost inherently . . . creates an appearance of corruption that is bad for Microsoft, bad for the Justice Department, and bad for the country.

It is 2 weeks ago that the General Accounting Office issued a report indicating the Department of Justice had spent, so far, $13 million in a lawsuit that it has brought against the Microsoft Corporation. Included in that $13 million is a considerable amount of money for public relations efforts on behalf of that lawsuit.

I think much of the speculation fueled by those public relations experts is that the Department of Justice, if it has the opportunity, may well ask the court literally to break up what has been the most successful single corporation, the single corporation most responsible for the dramatic change in the way our economy is run of any corporation in the United States. So we have an administration and a Government spending $13 million to prosecute a case against this corporation, speculating that it may ask for the breakup of the corporation. But for the CEO of that corporation to spend more than $2,000 in political contributions or for its political action committee to spend more than $10,000, that is an appearance of corruption which must be controlled by the Federal Government.

The bill the Senator from Wisconsin was promoting at the time he made this speech would say that corporation and that individual could not give $1, either to the Republican or the Democratic Party or to any of their subsidiary organizations, designed to be used for the education of voters or indirectly for the election of an administration more favorable to entrepreneurship in the United States. And this is denominated campaign election reform designed to deal with an appearance of corruption. Absolutely amazing—the Microsoft Corporation, not accused of doing anything wrong at all but simply because a Member of this body or the Department of Justice itself says there might be an appearance of corruption, should be deprived of any effective means of defending itself in a political court of public opinion. The Government can spend $13 million or twice or three times $13 million engaged in the prosecution; the company cannot attempt to influence either the amount of money the taxpayers give to that Department of Justice or, more profoundly, the nature of the next administration that may or may not follow the same antitrust philosophy itself.

Now, I guess I can lay it out. I am the Senator from the State in which Microsoft is located. Close to 15,000 of my constituents are employed by that company. They have transformed not only my State and my constituency in a magnificently positive fashion but the entire United States of America and have had a tremendously positive impact not only on America's image in the world but on its economic success in the world.

You bet I defend them. You bet I hope in my next political campaign I will have its support. I already do, to a certain extent. That is totally public and above board. I would be totally remiss in my duties if I didn't do so. But to say, in a world with a Government that may be trying to destroy the company, that it is appropriate for this body to tell it that it effectively cannot participate in the political system or, for that matter, its employees can't effectively participate in preventing the Government from destroying their livelihoods in the corporation that they bring up is bizarre. Apparently, those who want to change the laws and ban political parties from raising so-called soft money say they do it to remove the appearance of corruption. But they will define what the appearance of corruption consists of so once anything that they dislike is described by them as an appearance of political corruption, all limitations are off. They can do whatever they want. They can restrict first amendment rights guaranteed by the Constitution of the United States in whatever way they would like to restrict them. The first amendment may permit, to an almost unlimited extent, pornography, but it doesn't guarantee the right of an individual or a group of individuals operating through a corporation to defend their livelihoods and their existence.

At the outset of this debate, the proponents were asked to come up with any incidents of actual corruption. In fact, they go out of their way to say there aren't any, or there aren't any that they know of, or there aren't any that they are willing to report. But they say: In our mind's eye, the present system creates an appearance of corruption; therefore, we can say to Microsoft, we can say to General Motors, we can say, for that matter—in theory, as they work through political parties—to liberal individuals or interest groups that you cannot contribute one dollar to the political party of your choice, to the political party you deem is most likely to allow you to conduct your business and your affairs in a profitable and constructive manner.

No attack on the first amendment rights of free speech could be more open or blatant than that. It says, simply, once we use those magic words "appearance of corruption"—and we will define that phrase and we will define every activity that can be described by that phrase in our minds—we can then tell you that you are out of business; you can no longer participate, except with very modest contributions directly to candidates of very willing to debate it any time, any day of the year, for hours. I will stand on my feet. I will talk about the women who had this procedure who might have lost their lives or their health had they not had it. It is not a problem for me. We are going to be able to sustain a veto with this President. But at least we should put it off for a week if we are being asked to do that.

For so many reasons, I hope we will not proceed to this abortion bill. If we do, we will be on the floor, we will talk about it, but I hope we will not go to it. I hope we will continue our work on campaign finance reform.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I thank the Senator from California for her inspiring words, as well as the Senator from Michigan for his leadership on this issue. I will not speak for a long time, but I felt compelled to rise because we really are at a crucial time in a debate on campaign finance reform.

We have debated this bill for a few days. Most of it has been on Friday and Monday, when most of the Members have not been here. The debate is just beginning to reach its fulsome place. We need to continue this debate.

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And now, when we want to continue the debate, there is a move to shut off that debate. I would certainly ask my 10 colleagues on the other side of the aisle who voted for this modest proposal not to shut off debate, if you are serious about campaign finance reform. We have not even begun the amendatory process.

I have an amendment, along with the Senator from Illinois, that is very simple: When issue committees put ads on television, they should have to disclose where the money comes from—no prohibition, no limitation, simply disclosure. Isn't it unbelievable we would support a campaign finance bill and not have disclosure of where people are spending that money? The public certainly has a right to know about that.

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There is not even a pretense, so at the very least let us debate it. Let us spend some hours reminiscent of the great days of the Republic and the Senate debating this issue, which is a very serious issue about how we govern our country. Let the debate be full. Let there be dialog. Let there be amendments.

I worry about the future of this Republic. We have a great structure. The Founding Fathers were truly geniuses. The more I am around, the more I respect their genius. We have a great economic system, which the world emulates, that promotes entrepreneurialism, that allows anybody, no matter how poor they start out, to rise to the top. But we have a poison eating at us, and that is the mistrust that the public has of the Government. That mistrust is more caused by the way we finance campaigns than any other single issue. It creates the partisanship people decry.

When I went home to New York, I got lots of that this weekend because of the Comprehensive Test Ban Treaty. It promotes the feeling that an individual citizen cannot have any influence on the Government. It promotes a view that it is not one-person/one-vote, but one-dollar/one-vote. Those views we do not even have to comment on their veracity. I think there is a lot of truth to them. But it certainly creates a mistrust, a distance between Government and the people.

In an era where things move quickly, in an era of global competition, in an era where we all have to work together as one, this is poison. We have a chance to take a modest step. It is not everything I would want—not even close—but it is a modest step. We made real progress today. We got more votes than we thought we would. Two Senators on the other side of the aisle who had not voted for campaign finance reform before have voted for it now. Maybe if we debate this for another few days, we will not win any more votes, but maybe we will. Maybe someone will offer an amendment that strikes some kind of unity, some kind of feeling of bringing us together.

The issue is too important to brush aside. The issue cries out for full debate. To move off now, just as things begin to get going, is wrong and tragic, if that does not overstate it, because I think the issue is so important for the Republic.

So I make a plea to the Senator from Kentucky and the Senator from Mississippi: Don't cut off debate. Don't use your legislative prerogative and might to shut this debate down. Let it continue. Let the debate continue. Let amendments, such as mine, be offered. Let amendments, such as others have proposed, be offered. Let the chips fall where they may. But to shut off debate in this untimely manner is a travesty of this body and for the American people.

Mr. President, I yield back my time.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Washington.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Democratic whip.

Mr. REID. Mr. President, what I would like to do now—not to bring any final disposition to this matter—there have been people coming on and off the floor. The Senator from Washington is here. If he would be recognized next, then Senator LEVIN after that, and then Senator REED after that.

Mr. REED. Could I——

Mr. REID. Senator REED before Senator LEVIN.

Mr. WELLSTONE. Senator WELLSTONE before everyone.

Mr. REID. Senator LEVIN, and then Senator WELLSTONE. And then following Senator WELLSTONE, on our side, Senator BOB GRAHAM from Florida. If any Republicans come in the interim who want to speak, we will stick them in so there is a balance.

Mr. GORTON. Mr. President, I will object to the request at least in the form in which it was presented. It seems to me there ought to be a right for anyone on this side of the aisle to speak first, after the conclusion of any speech on that side of the aisle. If the request is only for the order of speaking of Members of that side of the aisle, with the clear understanding that if a Member on this side of the aisle wishes to succeed one of them, that he or she may do so, then I will not object.

Mr. REID. I say to the Senator from Washington, that was part of the consent. I already said that. If somebody wants to come in from the Republican side, they would step right in following the Democrat.

Mr. GORTON. With that understanding, I will not object.

Mr. REID. I say to the Chair, the reason for this is we have people who have been waiting for hours, not knowing when they are supposed to come. I appreciate the consent of the Senator from Washington.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Washington is recognized.

Mr. GORTON. Mr. President, for all of the hours that have been spent on the debate on the particular bill that has been before the Senate, this year's form of McCain-Feingold, I believe it was summarized best, with the most striking degree of contrast to the paradox imaginable, last Friday by the distinguished Senator from Wisconsin, Mr. FEINGOLD. He came to the floor of the Senate and specifically singled out the Microsoft Corporation, based, of course, in the State I represent, in an attempt to make a direct link between campaign contributions and/or contributions to political parties and the appearance of political corruption. In order not to misstate in any respect, I will quote briefly from the remarks of the Senator from Wisconsin:

> Apparently Microsoft and their allies are not seeking to directly affect the litigation that is being conducted with regard to Microsoft by the Justice Department at this time; what they are trying to do, according to this article [an article in the newspapers on that day] is cut the overall funding for the Justice Department's Antitrust Division. In this context, if somehow things don't look right, there is the ever present possibility that there would be an appearance of corruption.

The Senator from Wisconsin then went on to relate how he recently read that Microsoft Chairman Bill Gates is the world's wealthiest individual. This led the Senator from Wisconsin to say:

> I have no idea what Microsoft's or Bill Gates' actual contributions are, and I am not suggesting that they are making those contributions to influence funding of the Justice Department. But for us to create a scenario where Mr. Gates could give unlimited amounts of money rather than the old $2,000 of hard money, or a Microsoft PAC could give more than $10,000, to just have it be unlimited I believe almost inherently . . . creates an appearance of corruption that is bad for Microsoft, bad for the Justice Department, and bad for the country.

It is 2 weeks ago that the General Accounting Office issued a report indicating the Department of Justice had spent, so far, $13 million in a lawsuit that it has brought against the Microsoft Corporation. Included in that $13 million is a considerable amount of money for public relations efforts on behalf of that lawsuit.

I think much of the speculation fueled by those public relations experts is that the Department of Justice, if it has the opportunity, may well ask the court literally to break up what has been the most successful single corporation, the single corporation most responsible for the dramatic change in the way our economy is run of any corporation in the United States. So we have an administration and a Government spending $13 million to prosecute a case against this corporation, speculating that it may ask for the breakup of the corporation. But for the CEO of that corporation to spend more than $2,000 in political contributions or for its political action committee to spend more than $10,000, that is an appearance of corruption which must be controlled by the Federal Government.

The bill the Senator from Wisconsin was promoting at the time he made this speech would say that corporation and that individual could not give $1, either to the Republican or the Democratic Party or to any of their subsidiary organizations, designed to be used for the education of voters or indirectly for the election of an administration more favorable to entrepreneurship in the United States. And this is denominated campaign election reform designed to deal with an appearance of corruption. Absolutely amazing—the Microsoft Corporation, not accused of doing anything wrong at all but simply because a Member of this body or the Department of Justice itself says there might be an appearance of corruption, should be deprived of any effective means of defending itself in a political court of public opinion. The Government can spend $13 million or twice or three times $13 million engaged in the prosecution; the company cannot attempt to influence either the amount of money the taxpayers give to that Department of Justice or, more profoundly, the nature of the next administration that may or may not follow the same antitrust philosophy itself.

Now, I guess I can lay it out. I am the Senator from the State in which Microsoft is located. Close to 15,000 of my constituents are employed by that company. They have transformed not only my State and my constituency in a magnificently positive fashion but the entire United States of America and have had a tremendously positive impact not only on America's image in the world but on its economic success in the world.

You bet I defend them. You bet I hope in my next political campaign I will have its support. I already do, to a certain extent. That is totally public and above board. I would be totally remiss in my duties if I didn't do so. But to say, in a world with a Government that may be trying to destroy the company, that it is appropriate for this body to tell it that it effectively cannot participate in the political system or, for that matter, its employees can't effectively participate in preventing the Government from destroying their livelihoods in the corporation that they bring up is bizarre. Apparently, those who want to change the laws and ban political parties from raising so-called soft money say they do it to remove the appearance of corruption. But they will define what the appearance of corruption consists of so once anything that they dislike is described by them as an appearance of political corruption, all limitations are off. They can do whatever they want. They can restrict first amendment rights guaranteed by the Constitution of the United States in whatever way they would like to restrict them. The first amendment may permit, to an almost unlimited extent, pornography, but it doesn't guarantee the right of an individual or a group of individuals operating through a corporation to defend their livelihoods and their existence.

At the outset of this debate, the proponents were asked to come up with any incidents of actual corruption. In fact, they go out of their way to say there aren't any, or there aren't any that they know of, or there aren't any that they are willing to report. But they say: In our mind's eye, the present system creates an appearance of corruption; therefore, we can say to Microsoft, we can say to General Motors, we can say, for that matter—in theory, as they work through political parties—to liberal individuals or interest groups that you cannot contribute one dollar to the political party of your choice, to the political party you deem is most likely to allow you to conduct your business and your affairs in a profitable and constructive manner.

No attack on the first amendment rights of free speech could be more open or blatant than that. It says, simply, once we use those magic words "appearance of corruption"—and we will define that phrase and we will define every activity that can be described by that phrase in our minds—we can then tell you that you are out of business; you can no longer participate, except with very modest contributions directly to candidates of hard money. And this philosophy isn't limited to the rather bizarre nature of the bill before us, which says that of the 5,000 to 7,000 registered organizations that say they want to participate in the political system through the use of soft money and so-called issue advertising, it prevents only six of them from doing so—three Republican formal organizations and three Democratic formal organizations.

This bizarre bill says it is perfectly all right to contribute this money to any of the other several thousand such organizations, but it is only the historic political parties in the United States, around which we have organized for almost our entire history, the activities and support of which somehow or another create an appearance of corruption.

Now, of course, the original McCain-Feingold bill did go beyond that and did say that no matter how seriously your most passionate interests as an individual or a group are attacked by the Government, or by a rival political organization during the last 60 days before an election, you could never mention the name of the candidate for office. Well, I think, for all practical purposes, we all know that proposition is simply blatantly unconstitutional. It flies in the face of the first amendment to the Constitution of the United States.

But, this afternoon, at least for the more than 1 hour that I listened to speeches on this subject, the actual bill that is before us was almost not mentioned at all. All of the criticisms were aimed at the money chase through which candidates go, the demeaning nature of having to ask people directly for money to fund candidates' activities. But neither in McCain-Feingold 1 nor McCain-Feingold 2 is that subject dealt with at all. Not a word, not a line has anything to do with contributions to individual candidates.

"McCain-Feingold lite" has to do only with contributions to political parties for purposes other than the direct advocacy, election, or defeat of a particular candidate. How that is supposed to corrupt the process is, for all practical purposes, unstated. There is not the slightest allegation that Members somehow do things that they would not otherwise do because someone has given their political party an amount of money that can't be used directly for their own election.

"McCain-Feingold heavy" is hardly a selfless effort on the part of any Member of this body because what "McCain-Feingold heavy" says is that your name, Mr. President, my name, and the names of all other Members can't even be mentioned in one of these ads for 60 days before an election. Boy, that is certainly comfort for the political class—take everyone out of the business for the last 2 months before an election of communicating their own ideas about candidates independently of a candidate himself or herself.

Now, we are also told that we didn't get enough time to debate this matter and that the debate wasn't broad enough. I was here when we came very close to a unanimous consent agreement for a week's worth of debate on this issue. The whole thrust of that set of negotiations was that we could start with whatever the Senators from Wisconsin and Arizona wished, but there would be lots of amendments—amendments from the Democratic side of the aisle, amendments from the Republican side of the aisle, and several votes on a wide range of ideas.

But what actually happened was, on the second day—I must say, over the objections of the Senator from Arizona, who sits right in front of me—the minority leader and the minority whip set up a situation under which nobody else's amendments except theirs could be brought up, until theirs were completely dealt with.

My friend and colleague, the junior Senator from Nebraska, Mr. HAGEL, came down here with a proposal in which I joined that said, OK, let's have a little bit more balance; let's increase the amounts of hard money contributions that we like—almost, though not quite, back to the level they were in 1974, in real dollars. And then at the same time, we will impose soft money limitations of the same amounts in which we have hard money limitations. There are even a few Members on the other side of the aisle who thought that was an idea worthy of discussion. But we weren't allowed to discuss it. We weren't allowed to put that one up. They used their perfect parliamentary right to squeeze it down to their own proposals. And now they complain because their own proposals could not get a sufficient number of votes to bring them to any kind of final decision.

Now, in an ideal world, I don't think we should limit either of these kinds of contributions. I think we should make them all public and make them public promptly. But if we are going to do so, I can't see the slightest rationale in the world for saying that the limitation in certain forms of speech to six organizations across the United States of America is zero, while limitations on everyone else with that kind of money do not exist at all, and limitations on direct contributions of candidates are so low as a result of 25 years of inflation that anyone who truly wants to participate has to do it in a different division.

One of the primary reasons more money goes every year into so-called soft money contributions is the fact that hard money contributions directed to candidates are increasingly limited simply by the passage of time and by inflation. But then, of course, there would be other forms of soft money that aren't even remotely covered by even the broad version of McCain-Feingold. That is the political advocacy of every major media in the United States—of newspaper, radio station, and television station. What is the value of those contributions on editorial pages across the country? Does the average citizen who is brought up having an interest in government have the same influence over the political process as the editorial director of the New York Times? Of course not. Does that individual have the same influence as the head of Common Cause or the National Rifle Association or the AFL-CIO? Of course not. Both latter organizations are at least membership organizations which sometimes to a certain extent reflect the views of their members.

The newspaper editorial writer reflects only the views of the newspaper owner or the newspaper publisher or the decisionmaker within that newspaper. Of course, those newspapers want to limit other people's voices. From their perspective, the first amendment is the total protection, from their view, and it is. But to exactly the extent they can limit the voices of others, their voices will be heard more loudly. And little is heard about the fact their voice is louder than that of the average citizen. But the first amendment does not say everyone has an equal voice in the public marketplace. It does say everyone has an equal vote in an election. But with respect to the marketplace and political ideas, it simply says Congress shall pass no law abridging the freedom of speech. And every member of the Supreme Court of the United States of America in 1974, when the last case came before it, said that freedom of speech to be effective does allow and require the use of money to make it carry further than any of our individual voices do on a windy day out of doors—every single one of them.

So the idea that somehow or other all voices have to be heard equally is not only not found in the Constitution, it is not found in any free society. To allow the Government to try to determine what voice each person sends is exactly a power James Madison and the draftsmen of the first amendment said they would not allow the Government to do.

Let me return to the point at which I started, which does at least have a virtue of dealing with the bill that is before us and not the lamentations of many of the Members on this floor that have nothing to do with the bill that is before us.

They are saying, in effect, in one instance named by the Senator from Wisconsin, that a company now being prosecuted by the Federal Government may not participate effectively in the political world out of which that prosecution grew, may not participate effectively in supporting candidates or a political party that will have a profoundly different view on antitrust laws. The Government can spend an unlimited amount of money. Editorials writers can write an unlimited number of editorials. But the very subject of that prosecution, the very subject of those editorials, cannot participate effectively in the political process that brought about the prosecution in the first place.

The very statement of that kind of limitation is an argument—in my view an overwhelming argument—against this proposal at the present time. The marketplace of ideas is disorderly. The marketplace of ideas is open. The marketplace of ideas is often dominated by those who have the most ideas, the greatest stake in whether or not they carry. No citizen is limited in his or her participation. But each citizen can spend as much of his or her time and effort and money as he or she deems necessary at least to see to it those ideas are heard effectively by the people of the United States in a free country.

I deeply hope Microsoft and the employees who work for it in my State and elsewhere will have decided by this time next year that they need a new administration with a very different direction of the United States in order to keep providing for this country the kind of leadership they have provided. I am not sure I have persuaded them of that yet, but if I do, and if others do, they should not be artificially limited with the statement that freedom of speech is for someone else but, for all practical purposes, not for you when your very existence is threatened.

That is what this is all about. And I don't think views on the floor of the Senate—or at least the votes—are going to be changed by another week's worth of debate.

I am unhappy only with an alternative idea, somewhat more reasonable and somewhat more balanced, that the very tactics of the people who are now protesting the end of this debate prevent this presentation.

We will try at least to put it in play for the next time around. But for now, it seems to me appropriate to move on to another subject.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REID. Will the Senator withhold for a second?

Mr. REED. I withhold.

Mr. GORTON. Mr. President, will the Senator from Nevada yield to me for a procedural request?

Mr. REID. Yes.

ORDER OF PROCEDURE

Mr. GORTON. Mr. President, I ask unanimous consent that a vote occur on adoption of the pending motion to proceed at 9:50 a.m. on Wednesday, October 20, with the 20 minutes prior to vote equally divided between the majority leader and the minority leader.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GORTON. Mr. President, under those circumstances, for the majority leader, I can now say that in light of this agreement, there will be no further votes today. The next vote will occur at 9:50 a.m. tomorrow.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, thank you. First, let me thank the Senator from Michigan for graciously allowing me to precede him. I also understand he may have a parliamentary inquiry.

Mr. LEVIN. I thank my good friend from Rhode Island. I wonder if I could propound a parliamentary inquiry without the Senator from Rhode Island losing his right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. There has been a lot of confusion about whether or not the bill was amendable prior to the cloture vote, and whether it would have been amendable after the cloture vote had cloture been invoked.

Parliamentary inquiry: I ask whether the tree was filled basically prior to the first cloture vote.

The PRESIDING OFFICER. Prior to the cloture vote, an amendment to the Wellstone amendment was in order. If cloture had been invoked, the Wellstone amendment would fall, and an amendment to the bill then would have been in order.

Mr. LEVIN. If cloture had been invoked after the disposition of all pending germane amendments, would the bill have been open to amendment?

The PRESIDING OFFICER. Once an amendment had been agreed to upon which cloture had been invoked, then further amendments would have been appropriate.

Mr. LEVIN. If the amendment had not been agreed to but had been defeated, would the bill have been open to amendment?

The PRESIDING OFFICER. It would still be in order.

Mr. LEVIN. I thank the Chair.

Mr. REED. Mr. President, I rise with regret. Again, we are on the verge of abandoning substantive votes on campaign finance reform. This is an issue of vital importance to the American people. It is of vital importance to the majority of Members of this body.

We are here today because of the efforts of many, but particularly the efforts of Senator MCCAIN and Senator FEINGOLD, who have advanced this issue relentlessly over the course of the last several years. I regretfully and unfortunately fear we will step away once again from this debate, step away once again from consideration of this important topic. This is detrimental not only to this body, but also to the American people, who desperately want to see changes to our campaign finance system. I am disappointed because we have come very close collectively in this Congress to a principled reform of our campaign finance system.

The other body has passed legislation which is comprehensive. They have passed legislation which is now embodied in an amendment filed by Senator DASCHLE and Senator TORRICELLI. I believe this legislation goes a long way towards addressing many of the problems that confront our campaign finance system. It is not perfect. It is not absolutely complete. But it is a powerful corrective to the current problems we find in our campaign finance system.

The amendment which Senator DASCHLE and Senator TORRICELLI have advanced, known popularly as the Shays-Meehan amendment for the sponsors in the other body, does several important things. First and foremost, it bans soft money. Unlike the McCain-Feingold legislation, it bans all soft money—not just soft money directed at political parties.

Although we speak in these terms constantly, soft money, hard money, et cetera, I want to point out that soft money is unregulated contributions from corporations and individuals, typically very wealthy individuals, that are increasingly commonplace in elections throughout this country.

The Daschle legislation bans all such soft money contributions with respect to Federal elections. I believe that is the best way to proceed. Even though the McCain-Feingold bill is noteworthy and important, I fear simply banning money from political parties will drive these contributions to other formats, other forms, other forums.

Campaign dollars, like water, find their own level. When one channel is blocked, another channel will be pursued. Unless we have a comprehensive approach, unless we ban all soft money, rather than eliminating this problem we will merely redirect and reposition these soft dollars into other forms.

The second important point with respect to the Torricelli and Daschle legislation, is that it recognizes a relatively new phenomena in campaigns, sham issue ads, which are really campaign ads which are unregulated. They are dressed up to talk about an issue, but they are really about attacking candidates. Unless we have some disclosure, some regulation, these ads will become more prevalent and more pernicious in our campaign system.

The third point that the Daschle-Torricelli bill addresses is improving disclosure by the Federal Elections Commission and enforcement by the Federal Election Commission. It is not sufficient to have laws and rules on the books; they must be enforced. We all understand and believe that the more knowledge the American public has about campaign contributions and their sources and uses, the more comfortable they will feel with the political system.

Finally, this legislation which Senator DASCHLE and Senator TORRICELLI introduced establishes a commission to study further reform. All of these points are necessary. They don't completely solve all the issues that confront our campaign finance system, but they go a long way towards advancing the cause of fundamental campaign finance reform.

Personally, I believe one of the problems we face is the escalation of spending on elections throughout this country and that we should address this issue of unlimited spending. None of the legislation currently before the Senate goes that far, but I believe we have to review and visit that issue when we again commence our debate on campaign finance reform.

This issue of campaign finance reform is not an academic, hypothetical, theoretical concern. It comes directly from the concerns of the American people. It is manifested by their increasing cynicism about the political system. It is manifested by their increasing indifference to the forms of government, to elections, to voting. This cynicism and indifference weakens our civic connections, weakens the foundation of our government—which is at heart the belief by our people in its fairness, efficiency and its service to them. All of this can be traced in part to the growing cynicism towards the campaign finance system.

These public phenomena have been measured by various surveys. In August, the Counsel for Excellence in Government released a survey conducted by Peter Hart and Robert Teeter, a Democratic pollster and a Republican pollster. They found less than 40 percent of the American people believe in the immortal words of President Abraham Lincoln: Our government is by and for the people.

Rather, they believe it is a captive of special interests, and the lure the special interests use are campaign finance dollars.

In the past, people have been disillusioned with big government and unaccountable bureaucrats. Today, they are cynical and disillusioned about the flood of cash flowing through the campaign finance system.

Another survey in January of this year, the Center on Policy Attitudes, found continuing record high public dissatisfaction with government. This finding supports the notion that people believe that government, and particularly elections, are not about ideas and policies, but about money. Money is talking and the American public's voice is being drowned out.

We must counter this—but we don't counter this type of public perception by walking away and abandoning campaign finance reform; rather, we counter it properly, correctly, and appropriately by debating and voting on substantive campaign finance reform.

I have made it clear my preference is for legislation along the lines of Senator DASCHLE's and Senator TORRICELLI's amendment, essentially accepting the work of the other body in the Shays-Meehan legislation, moving it forward, letting the President sign it, and letting the American people know that we are listening to them; we hear them, and we want to respond positively to their concerns and their growing uneasiness with our campaign finance system.

We are all trapped in a system that no one seems to like. The public does not like it and candidates are increasingly uneasy and concerned about the need to raise huge amounts of money, the constant effort needed to do that, and the perception of their efforts with respect to their obligations as public servants. Donors are increasingly troubled by the system. Indeed, many prominent business men and women throughout the country have banded together to support comprehensive campaign finance reform. It seems we are engaged in a race to the bottom—a race to see not what idea will prevail but how much money one can raise; to not just express a message but to drown out all other messages.

Another disturbing aspect of this process, campaigns now are being wrenched away from the candidate. One of the more disconcerting aspects of recent campaigns, a candidate can be out there making his or her case and suddenly be informed there is a TV ad from some unknown group from someplace in America arguing against them, advocating their defeat. All of this suggests we have to do something about our campaign system.

As I mentioned, the other body has stepped forward. They have given us legislation. We are very close, if we embrace this legislation, to passage of fundamental campaign finance reform. I hope we will take this step, but it appears increasingly clear we are abandoning our obligation to the American people. We are stepping away from votes on the substance of campaign finance reform, be it the McCain-Feingold legislation or the Daschle-Torricelli legislation. I believe that is a mistake. I believe the American people want us to act responsibly; they want us to act promptly; they want us to do what they sent us here to do, which is their business. And their business in the campaign finance area is putting in place reasonable restraints on spending.

A lot has been said about the marketplace of ideas, and that any fetters on campaign contributions would somehow affect the marketplace of ideas. There very well might be a marketplace for ideas in today's campaigns, but it is a market with very high barriers to entry, barriers that require extensive fundraising to overcome. It certainly is not perfect competition because the American people believe their voices cannot compete with the voices of large corporations or wealthy individuals who can, through direct contributions to candidates and indirect contributions of soft money, get their messages across on television or in the advertising media. What many people fear is that elections have become less about candidates and ideas and more about auctions. They find that instinctively repelling.

We have a chance to act. We should act. Regretfully, today we are forsaking that obligation. We are turning away from campaign finance reform. We are abandoning an obligation we should meet. I regret that. I hope we can proceed with this debate and move to votes on these measures, but I fear that will not be the case.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, tomorrow we will be casting the critical vote which will decide whether or not those of us who are in the majority will insist that this body continue on the debate on campaign finance reform. This will be the vote that counts. This will determine whether the majority will back off because our bill is being filibustered. This is a real test vote tomorrow in the battle to close the soft money loophole.

We knew it was not going to be easy. We knew this was going to be filibustered. But it is not the first time that major legislation involving key democratic principles has been filibustered on the floor of this Senate. Those of us who favor closing the soft money loophole, reducing the influence of huge contributions in political campaigns, it seems to me, now have to be just as committed, just as determined, just as passionate in our beliefs as the opponents are in their beliefs.

The opponents have every right to filibuster our bill. The rules allow filibusters. We ought to change those rules, but until we do, most, if not all, of us participate, from time to time, in cloture votes, making the other side get to 60 before we proceed. But just as the minority has a right to filibuster a bill, those of us who are in the majority have the right to say we are not going to back off just because a bill is being filibustered. We are not going to give up our effort. Rather, we are going to say to the opponents of this bill who are in the minority and who are filibustering our bill: That is your right and you have a right to exercise it. Proceed with the filibuster. We are not going to withdraw our legislation.

During the civil rights days there were instances where there had to be multiple cloture votes. There was a bill relative to fair housing in 1968 which had four cloture votes over a period of 7 or 8 weeks before there were enough votes to end the debate. The people who passionately believed in civil rights proceeded with their cause. They did not give up because they did not get enough votes to close off debate and to end the filibuster the first time. They did not give up the second time. They did not give up the third time; 7 or 8 weeks later, on their fourth cloture vote, finally they were able to achieve success.

I was reading these debates from the civil rights days, 1968, last night. I read some of the speeches of a whole bunch of great Senators on both sides of the issue: Senators Mansfield, Hart, Ervin, and other Senators, Javits. They were debating civil rights. It was a controversial bill. It involved whether or not citizens would have a right to housing free from discrimination based on race.

What struck me was the determination of the supporters of civil rights, the unwillingness to give in, give up, because they could not get enough votes the first time around to stop the filibuster. Senator Hart, after they lost the first cloture vote said:

> Those of us who support the bill that has been pending now for, I think, 6 weeks, on the occasion of the vote last week . . . indicated our intention to submit a modification today or prior to the vote today. The modification would lessen somewhat the reach of the coverage and make some procedural changes.
>
> I want to report that over the weekend a new and most encouraging factor has developed. It is a new force and gives a new dimension and promise for those of us who believe with a very deep conviction that this country needs to be assured that what a majority of the Senate has plainly indicated it desires to achieve can be achieved, an effective . . . open housing order.

Today, a majority of the Senate, in the words of Senator Hart, "plainly indicated" that it desires to achieve campaign finance reform. On one vote, there were 52 Senators; on another vote, there were 53 Senators. Today a clear majority of this Senate plainly indicated that it wants to achieve campaign finance reform.

Then it occurred, the third time they tried to attain an end to the filibuster. By this time, Senator Dirksen, who was the Republican leader, who had been a supporter of civil rights prior to this bill in the earlier days of the 1960s—Senator Dirksen, in 1968, after voting against ending debate the first and second time, decided that, with certain changes in the legislation, he was going to vote to terminate a filibuster in which he had participated. He said:

> The matter of equality of opportunity in civil rights is an idea whose time has come. And all the fulminations, whether substantial or superficial, will not stay the march of that idea.

The time has come for us to end the unlimited amount of money which flows into campaigns. This is an idea whose time has come. A majority of us have so voted. A majority of us feel strongly about it, and the public, much more important than either of those comments, feels very strongly about it. They are sickened by the amount of negative advertising they are bombarded with. They are sickened when they read about $50,000 and $100,000 and $1 million going into political parties in order, mainly, to fund these negative TV ads.

They are sickened when they read about a Democratic Party invitation or a Republican Party invitation that sells access to our key leaders for big contributions. They are disgusted when they see an invitation that reads: For $50,000 a year, you get two annual events with the President, two annual events with the Vice President, and you get to join party leadership as they travel abroad to examine current developing political and economic issues in other countries. They are disgusted when they see for $250,000 you get breakfast with the majority leader and the Speaker and you get a luncheon with the Senate Republican committee chairman of your choice. So for $250,000 you get a luncheon with the committee chairman of your choice. What do we expect the American public to think when they hear and read about that? And that is directly connected to the soft money loophole.

The scourge of soft money, of unlimited contributions, inherently breeds distrust for our democratic institutions. It is something that is inherent in the unlimited amount of the contribution.

Now, many of us believe very strongly that is true. But far more important than that is what the Supreme Court has said about this issue. In the Buckley case itself, a case which we all look to, and I will quote from, the Supreme Court said the following about the "appearance of corruption inherent in a system permitting unlimited financial contributions. . . ." Those are the words of the Court, and now I am going to read the entire quote:

> And while disclosure requirements serve the many salutary purposes discussed elsewhere in this opinion, Congress was surely entitled to conclude that disclosure was only a partial measure and that contribution ceilings were a necessary legislative concomitant to deal with the reality or appearance of corruption inherent in a system permitting unlimited financial contributions, even when the identities of the contributors and the amounts of their contributions are fully disclosed.

The Buckley Court went on to say the following:

> Not only is it difficult to isolate suspect contributions but, more importantly, Congress was justified in concluding that the interest in safeguarding against the appearance of impropriety requires that the opportunity for abuse inherent in the process of raising large monetary contributions be eliminated.

Then the Court wrote about the contributions which are given either for a quid pro quo or for the appearance of a quid pro quo. This is what they wrote:

> To the extent that large contributions are given to secure political quid pro quos from current and potential office holders, the integrity of our system of representative democracy is undermined. . . . Of almost equal concern is . . .

That is, equal now to the quid pro quo—

> the impact of the appearance of corruption stemming from public awareness of the opportunities for abuse inherent in a regime of large individual financial contributions. . . . Congress could legitimately conclude that the avoidance of the appearance of improper influence "is also critical . . . if confidence in the system of representative government is not to be eroded to a disastrous extent."

The Supreme Court wrote that before the soft money loophole became fully exploited, before invitations, such as the kind I read from, went out telling people if they contribute $250,000 or $100,000, they will get meetings with the majority leader or they will get meetings with the President or they will get meetings with the committee chairman of their choice. This kind of sale of access, which we see in such a disgraceful display, I believe, on the part of both parties, was not even in existence at the time the Buckley Court wrote that opinion.

Both parties are engaged in this. This is not pointing the finger at either party. Both parties engaged in soliciting these huge—unlimited just about—amounts of money in exchange for access. And that is soft money. That is unregulated money. That is money above and beyond what is permitted to be directly contributed to a candidate.

In fact, the Supreme Court was very explicit about another provision of the law which provides that $25,000 is the limit which can be given in all contributions during a year. The Supreme Court said this about the $25,000. They describe the $25,000 limit as a modest restraint which serves, in the words of the Court, "to prevent evasion of the $1,000 contribution limitation by a person who might otherwise contribute massive amounts of money to a particular candidate through the use of unearmarked contributions to political committees likely to contribute to that candidate or huge contributions to a candidate's political party."

So we have a $25,000 per year limit in the law. That is the most you can give to a candidate or to a party, and the purpose, the Court said, was legitimate to prevent evasion of the $1,000 contribution limit to any particular candidate. And yet we have parties soliciting $250,000 and $50,000 and $100,000. That is the state of decay of our campaign financing.

So what we will decide in our vote tomorrow morning is whether or not the majority of this body—which has voted today to support the elimination of the soft money loophole—the majority of this body, which has voted today for campaign finance reform, will be willing to simply withdraw because the filibusterers have, so far, succeeded in stopping us from getting to 60 votes. That is what we will decide tomorrow.

This great Senate is a battleground where wills are tested, where people who believe strongly in one side of an issue will test their commitment against people who believe strongly in the other side of an issue. Everybody in this body has rights. The majority has rights. The minority has rights. The minority has a right to filibuster, a right which I will defend until we change those rules.

But the majority surely has the right not to give up in the face of a filibuster. The majority has a right—indeed, I believe an obligation on a matter of this principle—not to simply say: Well, we didn't succeed the first time or the second time, so we're just going to throw in the towel.

If we feel keenly about this issue—as the majority, I believe and hope, does—then tomorrow, when that vote comes, we should vote not to move to other business. It has nothing to do with what the other business is.

The issue tomorrow morning isn't whether or not we favor or oppose late-term abortions. That is not the issue. That was clear when the Democratic leader offered a unanimous consent request to move to the late-term abortions bill, to move to the late-term abortions bill by unanimous consent, which would have allowed us to then return, immediately after the disposition of that issue, to the campaign finance reform. But the Republican leader, our majority leader, objected to that unanimous consent proposal and as a result made a motion. And if this motion succeeds, then campaign finance reform goes back to the calendar and is put on the shelf. The vote tomorrow is the acid test vote as to whether or not we in the majority, who favor the closing of the soft money loophole, who believe that loophole is the principal culprit in the erosion of our campaign finance laws, those of us who believe that soft money has blown the lid off the contribution limits of our campaign finance system, those of us who believe the appearance of impropriety, which is created when people are solicited for huge sums of money to political parties and those parties, of course, turn around and spend it relative to campaigns and candidates, which is their business, those of us who believe keenly that this system is broken and we have to close this loophole—tomorrow will be the acid test for us. Tomorrow we will be put to the test.

It is not an easy test for all of us. Tomorrow we will be asked whether or not we are willing to move to other business, to put back on the calendar, to put on the shelf, this fight for campaign finance reform.

It is my hope the vote tomorrow will be at least as strong as the vote we had today, that 52 or 53 of us will say: No, we want to stay on this bill or come back to this bill automatically; we want to address an issue which has created such a terrible feeling in the stomachs and the hearts of our people. That is the feeling that is created when this huge amount of money washes into these political campaigns and when it is used to buy the kind of access which is purchased from both political parties.

This will be the acid test vote. This is the key vote. I hope we can live up to the responsibility we have to fight as hard for something we believe in as the opponents oppose with all their hearts. I hope we can do what was done in the days of the civil rights bills, where one failure to stop a filibuster did not deter the supporters of civil rights, where two failures to stop a filibuster did not deter the supporters of civil rights, where three failures did not stop the supporters of civil rights. They proceeded. They amended. They modified. They worked the issue because civil rights day had come. And just as the day for campaign finance reform has now come, I hope we can live up to our responsibility tomorrow and vote not to move to other business but, rather, to stay on this issue, to put the public focus on this issue, to say to those who would filibuster, that is your right, but we are not going to withdraw simply because you in the minority are filibustering this important cause.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I thank the Senator from Michigan for his comments. As I was listening to him talking about the history of the civil rights movement, it occurred to me that the civil rights movement was all about giving people of color, all Americans, the right to participate fully in the political life of our Nation. In many ways, I consider this issue to be every bit as important as that issue.

The civil rights movement was a movement that changed our country for the better, not just for people of color but for all of us. I think today many Americans believe they have been locked out and they can't fully participate in the political life of our Nation. I think the ethical issue of our time is the way in which big money has essentially hijacked politics, has corrupted politics in a systemic sense. Therefore, I think Senator LEVIN is absolutely right.

I will not speak very long. I have had a chance to speak many times during this debate. I believe, as a Senator, I should come here today and say this vote tomorrow morning is all about whether or not Senators who say they want this reform will maintain the commitment to it. It is quite one thing for those who are opposed to reform to filibuster this bill, but it is quite another thing for the rest of us to say: Well, you filibustered the bill; now we move on to other legislation.

If Senators want to continue to block this, then they will have to continue to block it. If, in fact, those of us who believe the most important single thing we can do right now is to at least get some of this big money out of politics in the case of soft money, the least accountable part of the giving and the taking, then I think we have to be willing to fight for it.

I hope the majority who voted for this legislation, who voted for what I think would be a historically significant reform, a step forward for our country in getting some of the big money out and bringing citizens back in, will be the same majority voting tomorrow. I think the vote tomorrow is really the critical vote. Either we essentially say to those who have filibustered and those who have blocked our efforts, we will go away; it is over, or we will say, no, you don't move on to other legislation; we are going to continue to speak out and continue to debate and continue to work hard until we pass reform.

It is late in the day. The vote is tomorrow morning. But I am hoping that, through the media, citizens will understand what this vote is about tomorrow. I really believe people in the country want to see us make this change.

I have an amendment. I have a self-interest reason. I have an amendment I have introduced. I am not going to get a vote on this amendment if everybody goes away. Given how difficult it is to pass reform, given all the ways in which those vested interests who give the money, those who are the well connected, those who are the heavy hitters, those who are the well heeled seem to have too much influence here, and given the fact that those who have the power don't want the change, I think that is, in part, what we are up against.

The vast majority of the people in the country want the change. If we don't get this vote tomorrow and it is all over, I am absolutely convinced the energy is going to have to come from the grassroots level.

I have an amendment—and I will come back with it over and over again—that basically says, if we are not willing to pass the reform legislation here, then let the people in our States decide. We are a grassroots political culture. Sometimes it is the local level, sometimes it is the State level, which is willing to light a candle and show the way.

If Massachusetts and Vermont and Maine and Arizona have passed clean money/clean election legislation, which basically gets all of the interested private money out and says to candidates, if you run for office, and it is voluntary, but if you will agree to spending limits, you can draw from the funding in this clean money/clean election fund so it will be a clean election; it will be clean money: it won't be interested money; it will be disinterested money, the elections will belong to the people in the States and the Government will belong to the people in the States and this is what we really ought to do.

If they want to do that, then my amendment says they ought to be able to apply it to Federal office as well. They ought to be able to say that is the way we want to elect Senators or Representatives from Minnesota or Kansas or Michigan or whatever State we are talking about.

If tomorrow we don't get the vote, which essentially says we refuse to back down, we don't have 60 votes yet, you people will have to continue to filibuster this and we are going to keep having amendments, we are going to keep having votes, and we are going to keep having debate.

The majority leader said we had 5 days of debate. We haven't had 5 days of debate. I am still puzzled why we didn't come into session until 1 today. I am not saying that in the spirit of whining. I am saying that in the spirit of some indignation and anger. We should have been in here this morning. We should have been debating the vote we were taking this afternoon on the McCain-Feingold bill. Senators should have had the opportunity to come and talk about why they were for it or why they were against it. It is not as if this is a small issue.

It is not as if this is a small issue. When we talk about how we finance our elections, when we talk about who gets to run for office, who wins office, what kind of issues we look at, and whether or not people believe in the political process, we are talking about whether or not we have a representative democracy. That is what we are talking about.

I argue that not only have we moved far away from the principle that each person should count as one and no more than one, but we are also getting to the point where we have Government of, by, and for a few people; Government of, by, and for those who can make the big contributions; Government of, by, and for just a tiny slice of the population. That is hardly a healthy, functioning, representative democracy. That is really what this debate is all about.

The problem is, we haven't had much of a debate. It is 6:20, and I am out here, and this is the end of the day, I gather. Tomorrow morning, we will have the vote. This debate has just begun. It should not be over.

Really, what I hope is that tomorrow we will vote against moving on to other legislation and there will be a lot of Senators out here. I will have this amendment that says let the people at the grassroots level determine this, and if people in our States want to get the big money out, and they want to have clean elections, and they want to have clean money, and they want to do it this way, then let them apply it to Senate and House races because, I am telling you, I think that is actually the way it is going to go. We won't get a chance to have an up-or-down vote on that amendment or many others that Senators have. We won't have people out here spelling out why they are for McCain-Feingold, or for other changes, what ways they want to improve it, what do they think we should do. We haven't had that full debate.

This issue deserves that debate. This is supposed to be the world's greatest deliberative body. But we haven't done the deliberation. What we have had is an effort to block this, and I think those who block this legislation are just hoping it will go away. The way it goes away is if those of us who have been for the reform just literally fold our tents and go away. Some of us around here are making the appeal that that should not happen.

I want to make one final point. And I am speaking as one Senator from Minnesota. I think for me, ever since I came here in 1990, this has been the issue. There are many issues I care about, but this is such a core issue. I find it hard to believe that all of us will not focus on economic justice, on making sure we have equal opportunity for every child, and on making sure we have environmental protection on this land, making sure we do something about the conditions in the inner city, making sure people in rural America have a chance, making sure family farmers get a decent price, making sure there is a good education for every child, making sure we speak to the bread-and-butter economic issues that affect the vast majority of families, making sure we have the courage to take on the big insurance companies, big oil companies, pharmaceutical companies, and telecommunication companies.

I think the way in which we finance campaigns and the influence of big money diverts our efforts, frustrates our efforts, and determines that we won't be able to make this change. This is the core issue. This is all about—as Bill Moyers, a wonderful journalist, has said—the "soul of democracy." That is what this debate is about.

If this debate is all about the soul of democracy, if whether or not we are going to pass some reform is all about the soul of democracy, if this is all about whether or not we are going to continue to have a real functioning representative democracy, that we are still going to have self-government, then I think we don't do this in 4 days; we don't go away.

Tomorrow morning, there is a critical vote. I am really hoping the majority who voted for the McCain-Feingold bill—a very modest effort, a stripped-down piece of legislation, with bare minimum reform, that is at least a step in the positive direction—those Senators who voted for that I hope will be the same Senators who will say: No, we are not going to let you take this off the agenda, this issue stays on the agenda of the Senate, and we want full-scale debate and an opportunity to introduce amendments, and we want everybody out here spelling out for the people in our States why we are for reform or why we think this current system is unacceptable.

The other point I will make is that, for those of you who are working around the country with public campaigns, for all of the locally elected leaders who have said, we are committed in our States to passing clean money/clean election legislation, I say go to it. What happened out here on the floor of the Senate serves notice that the way this change is going to take place is from the grassroots level.

What I want to do as a Senator is to support those efforts everywhere in the country. I want to meet with people doing the organizing. I want to continue to bring the amendment to the floor of the Senate which says, if States want to go in that direction and apply the clean money/clean election initiatives to Federal races, they should be able to do so because I am convinced that you won't be stopped. It could be that the monied interests are going to be able to stop the forum here, but I don't think they are going to be able to stop it in Minnesota or in States all around our country.

We are going to have to do it at the grassroots level. We are going to have to bring more pressure from the grassroots level and have more of this legislation passed by the States. It will bubble up, and eventually—I certainly hope before I finish up my career in public service—we will finally pass sweeping legislation which not only will get a lot of the big money out of politics and a lot of people back into politics but will do something that is even more important, and that will be to renew democracy.

I look for the day when people in our country are engaged in public affairs, when we have a really good citizen politics. I look for the day when young people can't wait to run for public office and serve in public office. I just hope for the day, and dream for the day, when people have a really good feeling about public life, a really good feeling about politics, a really good feeling about political parties, a really good feeling about the debate on the issues. I long for that day. I hope for that day. I dream for that day.

One way or the another, I am hoping and dreaming that during my career in the Senate we will be able to pass this legislation. I hoped it would be now. Whether or not it will be now depends upon whether or not we will have a majority of Senators who will say tomorrow: We are not moving off this legislation, we are not going to let those who oppose reform take this question off the table; this will be the business of the Senate tomorrow, the next day, and the next day, and maybe the next day after that, until we pass reform.

I yield the floor.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GRAHAM. Mr. President, last night, surprisingly, our session adjourned early. This morning, even more surprisingly, we had no session at all. I am sad to say I am suspicious enough to think that the reason for the early adjournment yesterday and the absence of a session this morning was in order to reduce the opportunity for those such as myself who believe the issue we are debating is extremely fundamental, albeit also extremely sensitive to some, and therefore deserves a full discussion. By the shortening of the session yesterday and this morning's termination of the session, we lost several hours that would have otherwise been used to discuss this issue with our colleagues and with the American people. But there were some benefits of the fact that we were not in session last evening and we were not in session this morning. And that is that some of us—I hope many of us—had an opportunity to see a repeat of a lecture that was given in 1995 by the eminent American historian, David McCullough. The lecture was given at the LBJ school at the University of Texas in Austin, TX. It was on a general topic of "Character Above All"—"Character Above All." The topic of David McCullough's lecture was Harry Truman, a man who served in this Chamber with great distinction, presided over this Chamber briefly as Vice President of the United States, and then for the better part of 8 years served as President of the United States.

In his lecture, Mr. McCullough outlined a number of the characteristics of Harry Truman that made him such a distinguished figure. Mr. McCullough said that he was a better American than he was a President; that he was the embodiment of the essential value of his country—a man who had been raised in rural circumstances in Missouri, was not particularly well educated but, in fact, by his own efforts became classically educated, and then rose to the highest position in the land at a time of extreme national urgency during those critical years immediately after World War II.

Mr. McCullough said one of the characteristics of Harry Truman that made him such an effective American, an effective President, and revered citizen of this land was the fact that he had a set of core values. He knew who he was; he knew what he stood for; he did not have to wake up in the morning and put his finger in the air to find out which direction the wind was blowing.

I suggest that this debate today is essentially about character—individual character, yes, but more importantly the character of our Nation, the character of our democracy at the end of the 20th century. This debate is also about fundamental values. In what do we believe? What do we consider to be worthy of asking our fellow citizens and ourselves to sacrifice for?

Mr. McCullough talked about the fact that some Presidents who do not rise to the highest ranks of history's estimation were Presidents who were reluctant to ask the American people to do great things; that the Presidents who have challenged us to our fullest potential as a people have been those Presidents whom we mark as being our most revered.

I believe those comments about character, about values, about who we are as Americans, are significant in this debate this evening because we are talking about an issue that goes to the heart of our society, to the heart of the relationship between our society of America and the formal institution of government, which is the embodiment of our society.

I regret to say that today the abuses, the pernicious effects of money in our political system, represent a cancer, a cancer that is eating away at the heart of our values, the heart of our compact as Americans, the heart of our democracy. There are symptoms of this cancer. They include the increased feeling of disaffection between citizens and their government, a feeling that government is not a part of the "we" of which we all belong, but it is the "they" who are in confrontation with our own personal desire; and the low level of participation—not only the low level of participation in the act of voting, but also the low level of participation in people's willingness to serve in civic activities.

There was a long essay recently by a Harvard professor called "Bowling Alone," about the fact that some of the institutions such as civic clubs and even sports organizations that have previously been a source of our national coherence have been increasingly shredded—low participation in people's willingness to accept positions of appointed responsibility, whether it is to the local PTA or to a governmental position, low participation of people in basic citizens' responsibilities such as jury duty, the very difficulty of our voluntary military to get an adequate number of persons to fill the ranks of our Army, Navy, and Air Force.

I was struck over the weekend, which, frankly, was spent in part watching some football games, at how many ads were run by our services to try to entice people to join the military. Those ads are themselves an indication of the difficulty of securing the kind of citizen participation associated with our democracy—the difficulty of attracting people to run for public office. Unfortunately, many people today are running away from public office.

I have had some considerable personal experience trying to encourage people who I thought had talent and integrity and would bring the experience of their lives to enhance public decisionmaking. How difficult it is to get those people to be willing to expose themselves to the kind of requirements of which the necessity to raise enormous amounts of money in a way that many people believe is degrading and requires them to pander makes seeking public office unattractive and in the final analysis is an option which is rejected.

Another example of the symptoms of this disease of cancer eating away at the heart of our democracy is the fact that now leading business executives are declaring that they are going to opt out of this current fundraising system, that they no longer want to pick up the phone, as one of those executives said while interviewed on television, 1,000 times for people soliciting funds, and not just soliciting what might be considered a reasonable contribution but soliciting for thousands of dollars of contributions over and over and over. And so they have opted out of the system.

Our efforts today are a part of a larger effort to try to restore those values of community, those values of common sharing of the excitement, the responsibilities, and the obligations of a democratic society.

I hope that our efforts this week will be the beginning of true reform—reform that puts our political system back in the hands of the people.

The current version of Senator MCCAIN's and Senator FEINGOLD's legislation focuses on soft money. That is the money which comes into a political party that is not subject to the normal regulations and is unlimited in amount; with only minor manipulation soft money now can be used for almost any political purpose. Other than soft money which we typically refer to as hard money, the money that is regulated, the money that is limited in amount, the money that is subject to full reporting, there is virtually no difference in what today's soft money can be used for and what hard money can be used for.

We will have other amendments to consider in other areas of needed reform in our campaign finance system. All of these are important and worthy of debate. I hope we will keep our focus on what I suggest is the single most important issue we face: How can we eliminate from our system the amount that is coming from the enormous faucet of soft money? How can we begin to restore the American public's trust and confidence in their government? The public should be confident their elected representatives are voting on the basis of honestly held convictions, not on the basis of who has contributed tens or even hundreds of thousands of dollars to a political party, which money then is used to advance that particular public official's political candidacy.

While we cannot legislate the trust of the American people, we can plant the seeds of confidence by enacting real campaign finance reform. We must change the path we are on to regain the public's trust. It is critical the American people have trust in their public institutions to assure the proper functioning of a democracy.

In 1774, Edmund Burke was a member of the British Parliament. He had cast a vote which was contrary to the will of his constituency in the community of Bristol. They berated him for not having voted the way they—those who had elected him to the Parliament—would have preferred. Edmund Burke accepted the responsibility as a representative of the people to also become an educator of the people. He said to the electors of Bristol on November 3 of 1774, your representative owes you not his industry only but his judgment; and he betrays instead of serving you if he sacrifices it to your opinion.

The people of Bristol may have temporarily been disappointed that Edmund Burke did not do what they felt at the moment was their desire, but they were satisfied with the fact he was giving them more than just a weather vane of their opinion; rather, he was giving them the benefit of his informed judgment.

Today, unfortunately, many citizens believe their representatives follow neither their judgment nor popular opinion. Instead, they believe it is only the donors of huge amounts of soft money who hold the ear and the vote of their elected representatives.

We are not the first branch of government to recognize the connection between our actions and our appearances and the public's confidence and willingness to respect and legitimize our actions. For many years, the Judiciary has imposed upon itself strict rules governing the conduct of judges and lawyers. These rules do not exist because it is assumed judges will engage in unethical behavior; rather, it is to make certain they avoid even the appearance of impropriety. This self-regulation helps to maintain the public's confidence in the integrity of our judicial system. I suggest we in Congress have a similar obligation to maintain the public's confidence in the integrity of the legislative system.

Make no mistake, by any measure, the public's faith and confidence in the political process is eroding. Voter turnout is low, youth participation is low, institutional confidence is down. It is our obligation, as it is the obligation of the judicial branch, to take those steps that will restore the necessary public confidence.

It is no coincidence participation and trust in our governmental institutions are at a low point at the same time the pursuit of campaign money by parties and politicians is at an all-time high. The crass chase for soft money by candidates of both parties is demeaning to the contributor; it is demeaning to the political recipient. I hope we can convince Members of both parties to put an end to it. The ever-increasing focus on fundraising has fundamentally and negatively changed the nature and the purpose of a congressional campaign. Our attention has been diverted from activities which are most beneficial to voters while we chase money. This need to amass a huge campaign war chest has led to the privatization of our traditionally public campaign process.

Political campaigns should belong to the people, not to the few who can participate in the financing of those campaigns. Over the past two decades, we have watched as campaigns have been transformed. What used to be an effort to meet and to listen to voters has now become an exercise in raising money for carefully crafted, frequently negative television commercials. Candidates now move from the television studio to record sound bites to the telephone to solicit campaign contributions to pay to air those sound bites. This transformation has narrowed the range of issues debated to those few who can be broadcast in a 30-second commercial.

What is lost? Lost is the interaction with voters. Lost are real debates about important substantive issues. Most important, what could be lost is our rich political heritage of a genuine dialog between candidates and voters. What had been a publicly owned campaign system has become a privately managed and staged event. The essential purpose of a political campaign is being subverted. Campaigns should provide the opportunity for two-way growth. Campaigns should prepare the candidate to represent and govern. Meeting the public, managing a campaign, a candidate learns important lessons crucial to government. A candidate learns important insights about the people he or she hopes to represent.

I have suggested to newspaper editorial boards when they interview persons who are seeking their endorsement for a campaign that there are a set of questions that ought to be asked of all candidates. One of those questions is, What have you learned since you announced your intention to seek public office? What have you learned since that date that will make you a better person should you be elected to office? Has the candidate, in fact, used the campaign as a learning, growing process?

Similarly, a political campaign and its interaction is important to the public. The observation of a candidate allows the voter to exercise a thoughtful judgment about who should be entrusted with the responsibility to govern. The shift from hard money to soft money has obliterated much of this relationship, the relationship of the candidate learning from the citizens, and the citizens' ability to assess the qualities of that candidate for public service.

The shift from hard money to soft money brings many adverse effects which will move our campaigns away from this two-way growth. Soft money has no standards. It is unlimited, unregulated, unreported. It turns candidates away from seeking contributions from traditional fundraising sources. The public loses accountability.

In relying on soft money, the candidate loses control of his or her campaign. There are not very many things that happen in a political campaign which are real. Most of the things that occur in a campaign are contrived or manipulated. One of the things that is real is how well a candidate runs their campaign. That requires acts of judgment as to the people with whom you will associate yourself in the campaign, how well you allocate resources to pursue your campaign, the kinds of priorities and issues upon which you base your campaign. Those are all indicators of how the person, if elected to office, is likely to carry out his or her public responsibilities in exactly the same area. But the heavy reliance on soft money and the ability of the candidate to turn his campaign essentially over to those who will present him or her in the most favorable television light causes the candidate to lose that control of the campaign and the public to lose the ability to use that campaign as an indicator of the individual's potential for public service.

It is not just the candidate who loses control. The public also loses control. It loses the opportunity to see the candidate exercise his or her personal judgment and thereby loses an important opportunity to evaluate the candidate as a potential public servant.

Finally, it is clear the distinction between the uses of hard and soft money have become pure sophistry. Experience has shown us that parties can advocate for a particular candidate with soft money every bit as effectively as they can with hard money.

Just a few hours ago, I saw a television commercial that was a commercial which was paid for by one of the campaign committees of the Congress. The commercial was an attack against a candidate alleging that candidate had broken the trust of the people by spending Social Security surpluses for other than intended Social Security purposes. The ad did not say: Vote against candidate and current Member of Congress X. But, rather, it ran that individual's name in the ad and said: Call him and tell him to stop raiding Social Security.

That is the kind of ad that is being bought and paid for and disseminated over the airways with this gush of soft money. It is an ad which is intended not to enlighten the public but to distort and manipulate the public. It is the type of negative ad which has contributed so substantially to the loss of public confidence in the political system.

The McCain-Feingold bill will not correct all the problems in our current system, but it will give us a good start towards that solution. Banning soft money, in my opinion, is the first step. Opponents of campaign reform argue that more money is good for democracy because it increases political speech. They also argue that even modest attempts at reform violate the first amendment's protection of free speech.

Now, presumably these opponents, who would argue any attempts at reform violate our protection of freedom of speech, do not favor any limits on campaign donations—no limits by non-U.S. persons, businesses, or even governments. We have had a lot of investigations, a lot of bemoaning the fact that non-U.S. persons, businesses, and possibly even non-U.S. governments have made contributions to American political campaigns and potentially were doing it in order to secure favor for their particular interest within the United States. The fact is, that is a very serious and, in my opinion, extremely noxious policy that allows non-U.S. persons, businesses, and even governments to involve themselves in U.S. political campaigns. But it is not illegal under the current law. The basis of the fact it is not illegal is this enormous loophole called soft money.

Citizens of another country, business interests of another country, governments, foreign governments, can all contribute to American political campaigns through the gaping loophole of soft money. Yet the opponents of this legislation that is before us tonight would argue that to close even those loopholes would constitute an undue infringement on freedom of speech. How absurd.

The arguments against reform confuse the quantity of speech with the quality of speech. We have a great deal of evidence that pouring more soft money into our campaigns has actually harmed our electoral process. Party soft money expenditures for the 1996 Presidential and congressional elections totaled $262 million. Let me repeat that. Soft money to American political parties in the 1996 Presidential and congressional elections totaled $262 million. That figure was three times the $86 million which was spent through soft money in the 1992 Presidential and congressional elections.

Despite this threefold increase in soft money between 1992 and 1996, were there evidences that it had a positive effect on American participation in government? Are there evidences, as is suggested by the concept that more money is better for the political process, that these expenditures were used to energize the spirit of democracy? Oh, no. Presidential election turnout in 1996 was the lowest in 72 years.

When you consider what a tripling of soft money that occurred between 1992 and 1996 did to voter turnout, you can shudder to think what will happen in next year's Presidential election when soft money expenditures are expected to double again, to over $500 million. Voters seem to recognize that, while money may buy an increase in the volume of speech, it does so at the price of the quality, the thoughtfulness of speech. And the volume finally drowns out the quality, and the voter turns off and retreats from participation.

Removing unlimited, uncontrolled soft money from the process would not infringe on anyone's right to free speech. Contributions to candidates and parties would still be not only permitted but encouraged. They would simply have to be made according to the rules, rules already in place, rules that have been sanctioned by our judiciary as being consistent with first amendment freedom of speech privileges.

For years we have regulated hard money and union and corporate contributions. Indeed, some of these regulations have existed since the time of Theodore Roosevelt. These regulations are consistent with the first amendment. So is the proposed ban on soft money. I believe the actual quality of political speech will be enhanced with a prohibition on soft money. It provides ample avenues for contributing to political candidates, for candidates communicating with and learning from voters, and for raising the credibility of the tattered system by which we elect public officials. We can have all of those benefits by using the system we thought we had, and that is the system that provides for controlled, limited, fully reported campaign contributions.

Reform will encourage more voters to participate because they will have renewed hope that their individual voices are being heard, that their individual voices will make a difference.

Our colleagues in the House of Representatives have acted. Many States have acted. The public is now rightfully waiting for us in this Chamber which has been described as the greatest deliberative body on Earth. Our people are waiting for us to act to put our campaign system back in order. The system is broken. We have the power, we have the obligation, to fix it. The McCain-Feingold bill is a significant step in that direction. I am proud to support it. I encourage my colleagues to do likewise.

Tomorrow will be the testing hour. We are asked to vote on what appears to be a procedural matter, to proceed to another piece of legislation, legislation that has considerable support, legislation that this Senate has considered on a number of occasions in recent years, legislation which this Senate will undoubtedly consider during this session of Congress.

Make no mistake about it, the effect of voting tomorrow morning to proceed to another piece of legislation is a vote to strike a stake in the heart of even the beginning of campaign finance reform in America because if we adopt this motion to leave this legislation and turn to another subject matter, I sadly suggest we will never return again to campaign finance reform. We will have done a disservice to the American people.

I hope that we will rise to the standard of character above all, that we will demonstrate we are worthy of our previous colleagues in this Senate, such as Senator and later President Harry S. Truman, that we know who we are, we know what our responsibilities are to the American people, and we are prepared to discharge those responsibilities. I thank the Chair.

Mr. CHAFEE. Mr. President, today the Senate took two very important votes with regard to the question of how to reform the manner in which elections for federal office are financed. These votes provided the Senate two very different paths in which to accomplish this goal.

As my colleagues are aware, a majority of Senators in this body clearly believe that the current system is in need of reform. Progress has been made in previous years in two important areas: in the substance of the issue and in gaining greater Congressional support for reform.

Nevertheless, I believe that the paramount goals of any true effort of reform must be to reduce the perception that special interest money exerts undue influence on elected officials, and to address the blatant electioneering disguised as issue advocacy. These two components must be a part of any proposal forming the basis of Senate debate. The original McCain-Feingold legislation (S. 26) offered this base, and that is why I supported and cosponsored the bill.

In the past two years, the Senate has voted five different times to invoke cloture on the McCain-Feingold campaign finance reform proposal. I supported each of these motions because of my belief that the Senate needed to begin the process of debating the merits of the bill. I also voted for cloture on the paycheck protection proposal because I believed that it was an opportunity for the Senate to level the playing field on the pending debate.

Now, what is the playing field about which I speak? I believe that the Senate should keep its eye on the overall objective of limiting the explosion of unregulated spending which has diminished the role of the candidate and heightened the role of not only the political parties, but of outside groups who have a direct impact on federal elections without any accountability to the public.

Let me now take a moment to explain my reasons for supporting cloture on the Daschle amendment to S. 1593 and for opposing cloture on the Reid amendment to the Daschle amendment.

I voted for cloture on the Daschle substitute amendment to the scaled-down McCain-Feingold campaign finance reform bill because it would have provided the Senate with a better starting point than we have had in previous years. While it was not a perfect version of a campaign finance reform bill, it offered the Senate the opportunity to debate and to amend a comprehensive and level bill, similar to the version recently approved by the House of Representatives.

On the other hand, I voted against cloture on the Reid amendment because I believe this approach would restrict the political parties without acknowledging the skyrocketing impact of outside groups on the political process. The Reid amendment, which was almost identical to the scaled-down version of the McCain-Feingold bill (S. 1593), in my view, did not go far enough to address this important issue. I am troubled by the prospect that nonparty activities would remain unregulated while the parties would be restrained. This could make a flawed system even more unbalanced.

I admire the work Senators McCAIN and FEINGOLD have done in raising awareness of the problems of our campaign finance system. I fully intend to continue working with them, as well as the other supporters of campaign finance reform, to develop a comprehensive approach in this matter. The Senate had the opportunity to make this important change in the current fundraising system by invoking cloture on the Daschle amendment. I will continue to support campaign finance reform measures that follow this approach.

In addition, I intend not to support the Majority Leader's motion to proceed to S. 1692, the Partial Birth Abortion Ban bill at this time. My vote for cloture on the Daschle amendment was based on the belief that debate on this issue should move forward and the reform process should begin. The Daschle amendment provides the Senate with this opportunity for a meaningful debate on the bill.

Mr. DEWINE. Mr. President, I rise today to discuss an issue that is very important to our political system. I believe that our current campaign finance system needs serious reform. But, I cannot support the current version of the McCain-Feingold campaign finance reform bill. I believe the bill's total ban on so-called "soft money" is unconstitutional. It is a clear violation of the free speech clause of the First Amendment.

Soft money is used by political parties to advocate specific policies or issues, as well as other party-building activities, such as voter registration and get-out-the-vote efforts. The Supreme Court considers these issue advocacy activities to be free speech and has made it perfectly clear through previous rulings that any total prohibition of funds for issue advocacy would be a violation of the First Amendment.

That's why I have been working with several of my colleagues, including Senators HAGEL, ABRAHAM, GORTON, and THOMAS, to come up with a campaign finance reform proposal that makes much-needed changes in the system, while still preserving the free speech rights guaranteed under the First Amendment. I believe that by correcting the problems, we can achieve a fair and open system of campaign finance laws, which is a big step toward restoring the people's faith in our democratic government.

Our proposal would achieve a number of important goals.

First, it would improve our disclosure laws and increase accountability of political candidates and political parties. Our proposal would provide for more disclosure of contributions given to candidates and parties, institute immediate electronic disclosure by the Federal Election Commission (FEC), and require disclosure of the names of those who purchase political advertisements on radio and television.

Second, our proposal would impose overall limits on what individuals can provide to both candidates and parties. As I noted earlier, right now, a person can contribute any amount of "soft" money he or she wishes to a political party. Under our proposal, a person could give a maximum of $60,000 to national political parties. The proposal also would allow that same person to make individual contributions to candidates of up to $3,000—up from the current $1000 limit. This would bring the total amount that an individual could give to parties, candidates, and other political committees to $75,000. The limitation on contributions to political parties would not take effect until after the Supreme Court has a chance to review any constitutional challenges to these limits.

The goal here is to limit one person's or organization's ability to distort the political process through massive cash contributions to parties. In addition, we would like to see more of that limited contribution go toward the candidates, themselves, rather than the parties, because candidates currently face tougher disclosure requirements than the parties. In short, our plan would put a lid on overall contributions and increase accountability of these funds.

I know a number of my colleagues and I were looking forward to discussing our proposal and others and how it would bring reform to our political process. We should view today's vote as a demonstration for the need for our proposal—one that will not run counter to the First Amendment, and one that will ensure greater accountability and credibility of our political process.

Mr. KOHL. Mr. President, I rise to register my support for meaningful campaign finance reform. I will be voting today for cloture on the Daschle amendment which is the broader version of campaign finance reform passed by the House, including provisions to limit issue advocacy advertising during campaigns. Should we have a vote on the Reid amendment, I will also be voting for cloture on a ban on so-called soft money contributions to political parties. Although I was unavoidably absent from the Senate during yesterday's vote, I would have voted against the motion to table the Reid amendment banning soft money contributions.

Banning of soft money is the least we can do. This unlimited flow of money into party coffers creates the greatest opportunity for special interests to seek favor with politicians. The reality that businesses or organizations can be tapped for such vast sums has dramatically changed the atmosphere surrounding the work of our legislative and executive branches of government. Even responsible voices in business have said that they want out from this unseemly competition. The Committee for Economic Development, a group of 200 senior executives and college presidents, has put forward its own campaign finance proposal, mirroring many of the ideas we have discussed over the last few days, stating, "As business leaders, we are troubled by the mounting pressure for businesses to contribute to the campaigns their competitors support, as well as the dangers that real or perceived political corruption pose for business and the economy."

Whether the presence of unlimited political contributions is corrupting or whether it just creates the appearance of corruption, the damage is done. Americans are disaffected with politics and political campaigns and have voted against the current system with their feet: U.S. voter turnout in elections is in serious decline. According to the Committee for the Study of the American Electorate, over the last 30 years we have witnessed a 26 percent decline in voter participation. Fifty-four percent of voting age adults reported voting in the last Presidential election in 1996, the lowest level since the Census Bureau began collecting these statistics in 1964. And these statistics may not even tell the whole story, with some citizens unwilling to admit they did not vote. The official statistics maintained by the Clerk of the House measured voter turnout in 1996 at 49.8 percent. For non-Presidential election years, the numbers are even more discouraging. During the 1998 elections, we witnessed the lowest voter turnout since 1942.

Our representative democracy is harmed by eroding participation. As elected officials we have a responsibility to try to address the sources of voter disaffection. According to the Census Bureau, 17 percent of non-voting registered individuals reported they did not vote because of apathy. That number was up from 11 percent in 1980. In response, we should be working to help reconnect the voters with their elected officials and to invest them in the political debates of the day. Campaign finance reform, in one form or another, is an important part of that process. However, there is more we can be doing to bring citizens back to the polls and to engage them in the issues facing our country. We must be clearly responsive to our constituents and not the special interests who often seem to have a stranglehold on the political process. Unfortunately, there are far too many bills which have the fingerprints of special interests all over them. We must take back the process from the special interests and craft bills beholden to no one but our constituents.

We should also be working to eliminate barriers to voting. Nearly 5 million registered voters said they did not make it to the polls in 1996 because they couldn't get time off from work or school to vote. In response, we need to explore ways to make it easier for Americans to cast their ballots, and we need to do so in a way that does not encourage voter fraud. One such approach which merits further consideration is longer voting hours at the polls.

In the past I have introduced legislation to study the possibility of extending voting hours across the weekend. If polls were open on Saturday and Sunday, people would have more than enough time to vote. Since the mid-19th century we have held election day on the first Tuesday in November, ironically because it was the most convenient day for voters. Tuesdays were traditionally "court day" and landowning voters were often coming to town that day anyway. We need to consider the national rhythms of today and determine what framework for voting makes the most sense for the American people.

While weekend voting may pose some challenges, others have recommended that we require the states to keep the polling stations open from early in the morning until late in the evening on election day. This more limited proposal would be less costly and more manageable for states and would also provide more opportunities for people to vote.

We should consider proposals to create a national voter leave, perhaps just two hours on election day to enable workers to make it to the polls. I am also intrigued by proposals to allow the disabled to vote by telephone, and we should be investigating how we can make use of the internet to make registration and voting easier.

The internet is already ushering in a new era in elections, bringing new meaning to the issue of transparency in the financing of political campaigns. Until now, disclosure has been one of the cornerstones of campaign finance reform. The disinfectant of sunshine has always been heralded as a means of keeping politics clean. However, in this era of instant posting of campaign contributions, we are seeing an interesting side effect. The very tool to limit the role of special interests in politics is also highlighting that role and adding to the disaffection of voters. While it is important for us to continue to shine a spotlight on campaign contributions, we must recognize that disclosure is not enough. Ultimately, meaningful campaign finance reform and other efforts to increase voter motivation are the keys to bringing citizens back into the polling booth. Elections are essential to maintaining a robust democracy. Looking at the fragile democracies around the world reminds us that the right to elect our own leaders is a precious right—most valuable if it is exercised.

Mr. President, whether we pass campaign finance reform today or at some point in the future, I want to acknowledge the hard work of my colleague from Wisconsin, Senator RUSS FEINGOLD in moving this issue forward. Senator FEINGOLD and Senator MCCAIN have persisted in raising campaign finance reform in the face of opposition from a minority determined to block reform. I will continue to support their efforts and look forward to the day when all Americans recognize that they have a stake in our society and are motivated to exercise their civic duty to vote.

Mrs. FEINSTEIN. Mr. President, I rise to express my extreme disappointment in the Senate's failure to invoke cloture on the campaign finance reform legislation. This is the third consecutive year we have held this debate and I am disturbed that each attempt to move this bill has failed.

Our campaigns are awash in money. Over the weekend, both the Washington Post and the New York Times ran stories detailing the rise of soft money contributions and the impact it is having on our electoral process.

We do not need newspapers to tell us what we already know. We have run the campaigns, we have raised the money, and we have felt the sting of negative attack ads.

I am now entering my fourth statewide campaign in California. In the 1990's, I have raised more than $40 million. In the 1990 race for Governor, I had to raise about $23 million. In the first race for the Senate, $8 million; in the second race, $14 million. This process has got to stop.

I want to speak for a few minutes about my last campaign. All of us in the Senate have all faced tough campaigns, but I think this election was a little different because of the record amounts of money that were spent.

In 1994, my opponent spent nearly $30 million in his effort to defeat me. It wasn't simply the amount of money spent that made this race unpleasant, however. It was how the Money was spent.

This race was not a discussion of issues. Instead, money was spent on negative ads that misrepresented votes I had taken and mislead voters about my positions. This campaign was primarily about bringing a candidate down, not promoting a view or even another candidate.

I wish I could say that this was a unique circumstance in which a wealthy individual used unlimited resources to mount this type of campaign. Unfortunately, it has become all too common. Instead of wealthy candidates using their own money, political parties and outside organizations are raising millions of dollars in soft money contributions. They are bankrolling attack ads designed solely to defeat candidates.

Studies have clearly shown that as election day gets closer, ads become more candidates oriented and more negative. Instead of promoting a position or an issue, these ads attempt to influence an election by painting a distorted view of a candidate.

The impact that this type of campaigning is having on the electorate as whole is of much greater consequence than the effect on any single race. Voter disenchantment with the political process is at an unprecedented level. Negative campaigning may be designed to drive candidates from office, but it is actually driving voters away from the polls.

Over the past several days, much has been said about the rise in soft money spending and its influence over our elections. The numbers are clear and unquestionably disturbing. Soft money spending doubled between 1992 and 1996 and it is projected to double again this cycle.

I believe the most distressing effect of soft money, however, has been the impact on the voters. Since the early 1990s, when soft money began to explode, voter turnout has significantly declined. Between the presidential election years of 1992 and 1996, the percentage of eligible voters participating in elections fell 6 points from 55 to 49 percent.

Voting participation in midterm elections fell from 38.78 percent in 1994 to 36.4 percent in 1998. There may be a number of reasons for this decline, but I believe it is largely due to a growing distaste for the political process. The political dialogue has become dominated by personal attacks and unsubstantiated charges and voters have chosen to not participate.

I voted in favor of the Shays-Meehan legislation that the minority leader offered as an amendment. I believe it represents the most comprehensive reform of the current system. This bill has already passed the House by a decisive, bipartisan margin and the Senate should have followed suit.

I also supported the streamlined version of the McCain-Feingold bill. As we know, this bill contains only the ban on soft money and permits union members to prevent the use of their dues for political activities.

I supported this bill, but I did so with some misgivings. One of the key provisions that was dropped from the original legislation dealt with issue advocacy. This is a loophole in the current campaign finance system that allow unions, corporations, and wealthy individuals to influence elections without being subject to disclosure or expenditure restrictions.

I am very concerned that banning soft money without addressing issue advocacy will simply redirect the flow of undisclosed money in campaigns. Instead of giving soft money to political parties, individuals, and organizations that want to influence elections will create their own "independent" attack ads.

One study now estimates that between $275 million and $340 million will be spent on so-called issue advertisements during the last election cycle. This amount of spending becomes a third campaign where candidates can't respond because they don't know from where the attack is coming.

Despite the lack of issue advocacy, I voted in support of the soft money ban. While this may not entirely solve the problems in our campaign finance system, at least it would move the debate forward. Banning soft money is an important and necessary step in a larger effort to reform the system.

Unfortunately, the Senate did not invoke cloture on either amendment and it now appears the bill will be removed from the floor and the debate ended for the year.

This is the worst possible outcome. As a result of our actions today, the influence of soft money will continue to grow, attack ads will saturate the airwaves during each election, and voters will continue to lose interest in the process.

I urge my colleagues on the other side of the aisle not to take down this bill. Let us go forward with the amendment process and give us an opportunity to pass this legislation. We owe it to the American public.

Mr. GRAMS. Mr. President, I rise today to express my concerns about the proposed McCain-Feingold bill.

I have always maintained several guiding principles when considering proposals to change the way our campaigns are financed, the most important of which is the first amendment right of Americans to participate in the political process. I have heard from many constituents who agree that Congress should focus its attention on preserving the first amendment, which has been the basis for active citizen participation in our political process.

Recently, a constituent from Woodbury, Minnesota, wrote, "The First Amendment to the Constitution must not be legislated into obscurity. Money is only one of the many voices people use to express their views. You must not remove the voice of the people in an attempt to remove avarice and greed from the political process."

By guaranteeing to citizens the right to speak freely and openly, the first amendment ensures, among other things, average Americans can participate in our political process through publicly disclosed contributions to the campaigns of their choice. The first amendment also allows Americans to freely draft letters to the editor, join political parties, and participate in rallies and get-out-the-vote drives. I am proud of Minnesota's long history of active citizen participation in many of these activities during each election year.

Mr. President, before this debate concludes, the Senate will have considered many broad, sweeping proposals to amend the McCain-Feingold bill in an attempt to impose new restrictions upon our fundamental rights. However, rather than pass new campaign finance laws, we should encourage and protect citizen involvement in our political process through greater enforcement of our existing election laws, fair and frequent disclosure of candidate campaign contributions, and a long-overdue increase in Federal contribution limits. I remain concerned about any proposal that infringes upon the fundamental right of citizens, candidates, groups, and political parties to have their voices heard in the democratic process.

In my view, efforts to pass burdensome and restrictive campaign finance proposals overlook the fundamental reason why the American people have begun to lose faith in their government. The public's mistrust of their elected officials has not grown from a lack of laws, but from the activities of those who break our existing laws. Minnesotans have contacted me to express their outrage over blatant violations of our existing Federal election laws, and more specifically, illegal and improper campaign activity that occurred during the 1996 elections.

During the course of this debate, we should not forget that election laws enacted 25 years ago to curb corruption in the political process have been circumvented and repeatedly violated. This was made very clear to the American people throughout the extensive hearings conducted by the Senate Governmental Affairs Committee during the last Congress, despite the fact that more than 45 witnesses either fled the country or refused to cooperate with the committee investigation.

Importantly, the investigation conducted by the Senate Governmental Affairs Committee has contributed to the investigative and prosecutorial efforts of the Justice Department's Campaign Task Force. Above all else, the findings issued by the Senate Governmental Affairs Committee have proven that the current law works if we simply enforce the laws on the books.

For these reasons, I am pleased to be a cosponsor of the amendment offered by Senators THOMPSON and LIEBERMAN that would improve the enforcement of our existing election laws. Among its provisions, this proposal would authorize federal prosecutions of federal election laws if the offender commits the existing offense "knowingly and willingly" and the offense involved more than $25,000. As my colleagues know, current law only allows violations of election laws to be prosecuted as misdemeanors.

Mr. President, the Thompson-Lieberman amendment also extends the statute of limitations for criminal violations of the Federal Election Campaign Act from 3 years to 5 years—consistent with the statute of limitations for most other federal crimes. It would direct the United States Sentencing Commission to promulgate a sentencing guideline specifically directed at campaign finance violations and consider issuing longer sentences for those whose convictions involve foreign money or large illegal contributions.

Most importantly, this amendment would make it clear that all foreign money is illegal by prohibiting soft money donations to candidates or political parties by foreign nationals. I know that all Americans were outraged by the improper role of foreign money contributions during the 1996 presidential campaign. I commend Senators

THOMPSON and LIEBERMAN for this meaningful proposal to improve our current enforcement structure and ensure that violations of federal election laws do not occur during the 2000 campaign.

In addition to more timely enforcement of our existing election laws, I believe reasonable disclosure requirements provide the electorate with more information, deter corruption or the appearance of corruption through increased exposure of contributions, and help to determine violations of election laws. However, we should ensure that disclosure requirements do not infringe upon the individual rights and privacy of donors or discourage citizen involvement in the democratic process. In fact, it was a former Minnesotan, Chief Justice Warren Burger, who emphasized the need for carefully drafted disclosure provisions as part of his opinion in the case of Buckley versus Valeo.

In Buckley, Chief Justice Burger wrote,

> Disclosure is, in principle, the salutary and constitutional remedy for most of the ills Congress was seeking to alleviate. * * * Disclosure is, however, subject to First Amendment limitations which are to be defined by looking at the various public interests. No legislative public interest has been shown in forcing the disclosure of modest contributions that are the prime support of new, unpopular, or unfashionable political causes.

Mr. President, I commend Senators MCCAIN and FEINGOLD for their decision to modify their proposal and reduce the level by which this legislation would infringe upon the first amendment rights of Americans. Unfortunately, the revised McCain-Feingold bill continues to place new restrictions upon national political parties through a proposed ban on party soft money.

I do not believe that any limit or ban on party soft money would survive strict scrutiny by the Supreme Court. We should not pursue a suspect expansion of government control of national parties, but rather recognize that political parties enjoy the same rights as individuals to participate in the democratic process. This is a view consistent with the Supreme Court decision in Colorado Republican Federal Campaign Committee versus FEC, in which the Court found that Congress may not limit independent expenditures by political parties.

In striking down limits on the ability of political party independent expenditures, the Supreme Court wisely questioned any attempt to demonstrate a compelling reason for government regulation upon the ability of political parties to support state and local party participation in the political process when it declared:

"We also recognize that FECA permits unregulated 'soft money' contributions to a party for certain activities, such as electing candidates for state office * * * or for voter registration and 'get out the vote' drives. * * * But the opportunity for corruption posed by these greater opportunities for contributions, is, at best, attenuated."

Mr. President, I believe we should strengthen, rather than diminish, the role of political parties. In my view, some of my colleagues favor a ban on party soft money because parties promote "issue advocacy" communications. These advocates fail to recognize that a political party's ability to engage in these communications is fully protected by the first amendment. In debating the merits of a proposed ban on party soft money, we should heed the Supreme Court's wisdom in Buckley when it held that communications which do not expressly advocate the election or defeat of a candidate using such words as "vote for" or "defeat" cannot be regulated.

Mr. President, I firmly believe there would be less reliance upon party soft money if Congress would increase the current contribution limits and encourage individuals and donors to become involved in entities that are already subject to regulations and disclosure, such as political action committees and national parties. In many ways, the prevalence of soft money in recent campaigns is a consequence of contribution limits established in 1974 and upheld in Buckley.

I am very encouraged that the Supreme Court for the first time since 1976 recently heard arguments regarding the constitutionality of contribution limits. I believe both contributions and expenditures are entitled to protection as core political speech and have concerns with the Supreme Court's decision in Buckley, which upheld limits on contributions while striking down limits on expenditures. In my view, to leave these limits in place without any adjustment would be unfair and continue to threaten the individual rights of donors and individuals. As Chief Justice Burger wrote in Buckley, "Contributions and expenditures are the same side of the First Amendment coin."

Mr. President, I am committed to protecting the rights of all Americans to participate in the political process. However, we should not use violations of existing law to restrict political speech and participation in the political process. Those who choose to offer their ideas and talents in a manner that will help to strengthen our nation for future generations must not be discouraged from doing so.

Mr. LIEBERMAN. Mr. President, in her most recent book, "The Corruption of American Politics," the very skilled and veteran Washington reporter Elizabeth Drew writes that "indisputably, the greatest change in Washington over the past 25 years—in its culture, in the way it does business and the ever-burgeoning amount of business transactions that go on here—has been in the preoccupation with money. It has transformed politics and its has subverted values . . ."

This evaluation once was nursed by a few public interest groups and then a group of congressional reformers. Now, it constitutes conventional wisdom. It is written in the books. It is fact. The political preoccupation with money has "transformed us and subverted values." According to a Quinnipiac College poll published October 14, 68 percent of those surveyed believe large campaign contributions influence the policies supported by elected officials and a June survey by the National Academy of Public Administration reported the number one thing politicians could do to regain public trust is to curb large campaign contributions. Despite these assessments from the people we serve, Congress remains incapable of changing how U.S. federal campaigns are financed.

With the 2000 election cycle well underway, it is clear the worst habits of the past two decades have become the springboard from which new excesses will be launched. Candidates are awash in more money than ever before and party fund-raising records are being shattered again and again. At least two presidential primary candidates—George W. Bush and Steve Forbes—have decided to forego public matching funds in order to avoid the related limits on their campaign spending, while candidates and third party groups are seeking ever more inventive ways to raise undisclosed and unlimited funds to communicate with voters and influence elections.

As a member of the Senate Governmental Affairs Committee, I had hoped the system had reached its nadir in the 1996 federal election campaign, which the committee investigated for most of 1997. I was too optimistic. Because of Congress' failure to enact campaign finance reform, the system continues to fester and elections seem to be auctioned off to the highest bidders.

After it's over, the complete story of the 200 presidential race will be told. Until then, the investigation conducted by the Governmental Affairs Committee provides the best portrait there is of how corrupt our elections have become and how obviously current practices violate the clear intent of Congress in passing campaign finance laws. Our investigation revealed that in 1996, the major parties sabotaged some of the most fundamental values underpinning our American experiment in self-rule. They gave millions of Americans good reason to doubt whether they had a true and equal voice in their own government.

What emerged from that investigation was the picture of a campaign finance system gone haywire—a story replete with abuses ranging from institutionalized failures to two-bit hustlers—a story that should have made any elected federal official ashamed and disgusted by the taint that has diminished our representative democracy, that is to say, every citizen's right to an equal voice in his or her government. The investigation forces us to ask whether we are no longer a nation where one person's vote speaks louder than another person's money. Or have we reached a place where one person's money can drown out another person's vote?

For those who may have forgotten the unseemly details, let me remind you of what our year-long investigation uncovered, because it's important to remember these things. We learned about a brazen man named Roger Tamraz, who contributed $300,000 in soft money to the Democratic Party for access to the White House in order to try to override the NSC's rejection of his plan for a Caspian Sea oil pipeline. Ultimately, he never gained the White House support he was looking for but he did get to talk to the President of the United States. Any lessons to be learned from his experience, we asked? Yes, he responded. Next time he would contribute $600,000. After this remarkable comment, Tamraz admitted he had never even bothered to register to vote because, in his words, his checkbook was worth "a bit more than a vote."

We also learned about Johnny Chung, a California entrepreneur, who visited the White House 49 times, had lots of pictures taken with the President, and once gave the First Lady's chief of staff a $50,000 check right there in the East Wing. He had a particularly jarring assessment of our government. "I see the White House is like a subway," he told the committee. "You have to put in coins to open the gates."

For those of you who may think these are just marginal opportunists who slipped through the cracks of our system, let me remind you of the revolving cast of top-dollar contributors who slept in the Lincoln bedroom and of the chairman of the Republican Party who sought a $2.1 million loan for a Republican think tank from a Hong Kong industrialist, which was intentionally defaulted on 2 years later. The chairman said he had no idea this was a foreign contribution, even though the industrialist had renounced his U.S. citizenship and the chairman obtained the loan while cruising Hong Kong Harbor on the industrialist's luxury yacht.

These are colorful stories and among the most outrageous incidents uncovered by the committee. But the far more prevalent collection of big soft money donations came not from the carnival hawkers but from mainstream corporate and union interests and individuals. In total, the parties raised $262 million in soft money during the 1996 campaigns—12 times the amount they raised in 1984. And that's chicken feed compared to the amount of soft money being raised for the 2000 campaign. Based on the first 6 months of this year, both parties have doubled their take over the same period in 1995.

To my friends who say these contributions are an expression of free and protected speech, I respectfully disagree. Free speech is abut the inalienable right to express our views without government interference. It is about the vision the Framers of our Constitution enshrined—a vision that ensures that we will never compromise our American birthright to offer opinions, even when those opinions are unpopular or repugnant. But that is not at issue here, Mr. President. Absolutely nothing in this campaign finance bill will diminish or threaten any American's right to express his or her views about candidates running for office or about any other issue in American life.

What we would be threatening, is something entirely different, and that is the ever increasing and disproportionate power that those with money have over our political system. Let's not fool ourselves—because the American public isn't fooled. Much of the campaign money raised comes from people seeking to maintain their access to, and perhaps sway over, particular parties or candidates. That explains why so many big givers are so generous with both parties at the same time.

Everyone of us in this chamber knows intimately the cost of running for office. It requires us to spend so much more time raising money than we ever did in the past, so much more time that we find we have less time to do the things that led us to run for office in the first place. Barely a day seems to go by in this town in which there is not an event or a meeting with elected officials attended only by those who can afford sums of money that are beyond the capacity of the overwhelming majority of Americans to give. That, Mr. President, is threatening the principle that I—and all of us, I dare say—hold just as dearly as the principle of free speech. It is the genius of our Republic, the principle that promises one man, one vote, that every person—rich or poor, man or woman, white or black, Christian or Jew, Muslim or Hindu—has an equal right and an equal ability to influence the workings of their government.

I have always said the most serious transgressions of the 1996 presidential campaign were legal. Wealthy donors contributing hundreds of thousands of dollars in soft money blatantly skirted legal limits on individual contributions. Unions and corporations donate millions to both Republican and Democratic parties, despite decades-old prohibitions on union and corporate involvement in federal campaigns. And tax-exempt groups paid for millions of dollars worth of television ads that clearly endorsed or attacked particular candidates even though the groups were barred by law from engaging in such extensive partisan electoral activity. Each of these acts compromised the integrity of our elections and our government. Each of these acts violated the spirit of our laws.

To achieve significant reform of the Federal Election Campaign Act, the unrelenting pressure to raise vast sums of money simply must be reduced. A ban on soft money contributions is the necessary beginning to that process and the current McCain-Feingold proposal is the vehicle through which this goal can best be accomplished now. I believe the record created by the Governmental Affairs Committee's hearing in 1997 helped that bill obtain the votes of a majority of the Senate in the 105th Congress, but an anti-reform minority filibustered the bill and prevented it from passing. The House has twice approved the companion Shays-Meehan proposal. A majority of Congress supports this bill. A large majority of the American public supports this bill. One day, if not today, it will become law. By placing a limit on the amount of money raised for campaigns, we can restore a sense of integrity—and of sanity—to our campaign financing system and to our democracy.

If I could waive a magic wand, I would have Congress enact far broader reforms than what is in the bill before us today. I would make sure that advertisements for candidates could no longer masquerade as so-called issue ads, thereby evading the disclosure requirements of our campaign laws; I would make sure that no organization could claim the benefit of tax-exemption and then work to influence the election or defeat of particular candidates or parties. I would make sure that candidates for the Presidency who receive public funds live up to the original intent of the law, that they remain above the fund-raising fray and abstain from raising any more money once they have accepted public funds. I would like to see more exacting criminal law provisions become part of the campaign finance law. Indeed, I hope to offer and support amendments aimed at some of these problems as our debate on this bill continues.

The truth is that we can never fully write into law what every citizen has a right to expect from his or her representatives—that those who seek to write the rules for the nation will respect them, rather than search high and low for ways to evade their requirements and eviscerate their intent; and that those who have sworn to abide by the Constitution will honor the trust and responsibilities the Constitution places in their hands.

We can, however, reduce the feverish and incessant chase for money, the chase that has pushed candidates and their parties to duck, dodge and ultimately debase the laws we have now.

The pressure to raise ever expanding sums of cash will continue to drive good people to do bad things, almost regardless of what the law calls for, if we do not recast the system to permanently defuse the fund-raising arms race and stem the corrosive influence of big money. That is the challenge ahead of us.

Mr. MCCONNELL. Mr. President, the first amendment does not permit regulation of contributions or expenditures for issue advocacy. The Supreme Court has allowed regulation of contributions and expenditures that are (1) coordinated with a candidate—and thus a contribution—as well as (2) those that can be used to expressly advocate the election or defeat of a candidate, including independent expenditures by corporations and unions—but not independent expenditures of political parties. The Supreme Court has never allowed regulation of contributions and expenditures for issue advocacy and other activities that are (1) not coordinated with a candidate and (2) do not include express advocacy of the election or defeat of a candidate.

Buckley and its progeny prohibit regulation of issue ads and contributions and expenditures used to engage in issue advocacy. As originally drafted, the Federal Election Campaign Act FECA would have required disclosure of all contributions over $10 received by any organization which publicly referred to any candidate or any candidate's voting record, positions, or official acts of candidates who were federal officeholders.

The D.C. Court of Appeals struck down this "issue advocacy" provision in *Buckley* v. *Valeo*, 519 F.2d 821, 869–78 (D.C. Cir. 1975). The invalidation of the issue advocacy disclosure provision was the only part of the D.C. Circuit's decision that was not appealed to the Supreme Court. Back then supporters of regulation at least accepted the constitutional impossibility of regulating issue advocacy.

In *Buckley* v. *Valeo*, 424 U.S. 1, 43 (1976), the Supreme Court expanded upon the D.C. Circuit's view that issue advocacy could not be regulated and limited the scope of FECA's contribution limits and other regulations to cover only money used for "communications that include explicit words of advocacy of election or defeat of a candidate." This includes money contributed to a candidate, his committee and the hard money account of his party.

The court stated that "funds used to propagate * * * views on issues without expressly calling for a candidate's election or defeat are * * * not covered by FECA."

And such funds cannot be covered by any bill Congress adopts because the Supreme Court said in *Buckley* that its narrow construction of the Federal Election Campaign Act (FECA), limiting its scope to money that can be used for "express advocacy," was necessary to avoid "constitutional deficiencies."

In sum, the *Buckley* Court looked at Congress' effort to cover "all spending" intended to "influence" elections and said we cannot regulate beyond the realm of express advocacy. *Buckley* held that:

> So long as persons and groups eschew expenditures that in express term advocate the election or defeat of a clearly identified candidate, they are free to spend as much as they want to promote the candidate and his views.

As one former FEC chairman, Trevor Potter, has written, *Buckley*.

> Clearly meant that much political speech Congress had intended to be regulated and disclosed without instead be beyond the reach of campaign finance laws.

The outer bounds of constitutionally permissible regulation of political activity. The farthest the Supreme Court has ever gone in permitting constraints on political speech was its decision in *Austin* v. *Michigan Chamber of Commerce*, 494 U.S. 652 (1990).

In this case the Court upheld prohibitions on independent expenditures—non-coordinated ads that expressly advocate the election or defeat of a candidate—paid for directly from corporate treasuries.

There is no basis for construing this case as justifying restrictions or prohibitions on contributions or expenditures that are not express advocacy.

In fact, any argument that *Austin* provides a basis for contribution or expenditure limits on funds that do not go to a candidate and are not otherwise used for express advocacy is foreclosed by the Supreme Court's decision in *First National Bank of Boston* v. *Bellotti*, 435 U.S. 765 (1978).

In *Bellotti* the Court ruled that a Massachusetts statute prohibiting "corporations from making contributions or expenditures for the purpose of . . . influencing or affecting the vote on any question submitted to the voters" was unconstitutional because it infringed the first amendment right of the corporations to engage in issue advocacy and, more importantly, the wider first amendment right "of public access to discussion, debate, and the dissemination of information and ideas."

The case made clear the distinction between portions of the challenged law "prohibiting or limiting corporate contributions to political candidates or committees, or other means of influencing candidate elections" (which were not challenged) and provisions "prohibiting contributions and expenditures for the purpose of influencing . . . issue advocacy.

The Court explained that the concern that justified former "was the problem of corruption of elected representatives through creation of political debts" and that the latter (issue ads) "presents no comparable problem" since it involved contributions and expenditures that would be used for issue advocacy rather than communications that expressly advocate the election or defeat of a candidate.

Bellotti conclusively rejected prohibitions on contributions and expenditures for issue advocacy, while expressly leaving open the possibility that the government "might well be able to demonstrate the existence of a danger of real or apparent corruption in independent expenditures by corporations to influence candidate elections."

And *Austin* merely confirmed that the state government could regulate or even prohibit independent expenditures by corporations, which are used to expressly advocate the election or defeat of a candidate. But *Austin* has nothing to do with contributions and expenditures for communications discussing issues.

The reformers are fond of the Supreme Court's statements in *Austin* concerning the corrupting influence of aggregated wealth. But this dicta does not support regulation of party soft money. And arguments predicated on it do not withstand scrutiny.

This clear from the fact that after *Austin* the Supreme Court stated in the 1996 Colorado Republican Committee case that "where there is no risk of "corruption" of a candidate, the government may not limit even contributions."

Moreoever, the Court has explained that the prohibitions on corporations and unions making contributions or independent expenditures that expressly advocate the election or defeat of a candidate are permissible to the extent that they "prohibit the use of union or corporate funds for active electioneering on behalf of a candidate in a federal election" the Court does not consider contributions and expenditures used for issue advocacy and purposes other than expressly advocating the election or defeat of a federal candidate to involve such risks because it has held that the government cannot prohibit "corporations any more than individuals from making contributions or expenditures advocating views," that is a quote from Citizens Against Rent Control, 454 U.S. 290, 297–98 (1981).

Moreover, the Court has explained that "Groups [such as political parties] . . . formed to disseminate political ideas, not to amass capital" do not raise the specter of distortion of the political process necessitating regulations on the use of the treasury funds of unions and for profit corporations because the resources of groups such as political parties and other issue groups "are not a function of [their] success in the economic marketplace but popularity in the political marketplace."

Restrictions on issue advocacy, including contributions for it are always invalidated by the Supreme Court. Consistent with this narrow definition of the legislative power to intrude into this most protected area of free speech, the Supreme Court has declared unconstitutional the most rudimentary state and local restrictions on individuals, political committees and corporations when it involved regulation of issue advocacy and the funds that pay for it, as opposed to contributions or expenditures for express advocacy.

See *McIntyre* v. *Ohio Elections Comm'n*, 514 U.S. 334, 356 (1995), invalidating requirement that issue-oriented pamphlets identify the author;

Citizens Against Rent Control v. *City of Berkeley*, 454 U.S. 290, 197 (1981), invalidating city ordinance limiting contributions to committees formed to engage in issue advocacy.

First National Bank v. *Belotti*, 435 U.S. 765 (1978), invalidating law banning corporate contributions and expenditures for issue advocacy.

PROGRESS ON EAST TIMOR

Mr. KENNEDY. Mr President, the Indonesian Parliament acted wisely today in ratifying the overwhelming vote of the East Timorese people for independence and recognizing the right of self-determination for these people.

The militias that have terrorized the East Timorese people since the historic August 30 referendum must end their campaign of violence. From their bases in West Timor, the militias have continued to act with impunity against East Timorese refugees in camps in West Timor. Through intimidation tactics, they have undermined the efforts of international humanitarian agencies to provide assistance and to facilitate repatriation.

Many of us have been alarmed by persistent reports that the Indonesian military has continued to aid and abet the militias. On October 11, the commander of the international peace keeping force in East Timor demanded a formal explanation from the Indonesian government as to whether any Indonesian soldiers or police officers were involved in a militia attack against the international peacekeepers on October 10. Officials from the peacekeeping force said that uniformed soldiers and police officers had escorted the militias and did nothing as militia members opened fire on the peacekeepers. I urge the Indonesian military and security forces to sever all links with the militias.

I welcome the establishment by the United Nations Human Rights Commission of a commission of inquiry to investigate the atrocities that occurred in East Timor following President Habibie's decision to hold the referendum on East Timor's status. The Indonesian government, which has announced its own investigation of the atrocities, must end its collaboration with the militias if its investigation is to be credible.

In the coming weeks, the United States should do all it can to see that the transition to independence is accomplished peacefully and that those responsible for atrocities are brought to justice.

HATE CRIMES PREVENTION ACT IN THE COMMERCE JUSTICE STATE APPROPRIATIONS BILL

Mr. HARKIN. Mr. President, I want to express to the conferees of Commerce Justice State Appropriations the importance of keeping the Hate Crimes Prevention Act in the spending bill.

I am a cosponsor of this legislation that expands the federal criminal civil rights statute on hate crime by removing unnecessary obstacles to federal prosecution and by providing authority for federal involvement in crimes directed at individuals because of their race, color, religion, national origin, gender, sexual orientation or disability.

In particular, prejudice against people with disabilities takes many forms. Such bias often results in discriminatory actions in employment, housing, and public accommodations. Laws like the Fair Housing Amendments Act, the Americans with Disabilities Act, and the Rehabilitation Act are designed to protect people with disabilities from such prejudice

But disability bias also manifests itself in the form of violence—and it is imperative that the federal government send a message that these expressions of hatred are not acceptable in our society.

For example, a man with mental disabilities from New Jersey was kidnaped by a group of nine men and women and was tortured for three hours, then dumped somewhere with a pillowcase over his head. While captive, he was taped to a chair, his head was shaved, his clothing was cut to shreds, and he was punched, whipped with a string of beads, beaten with a toilet brush, and, possibly, sexually assaulted. Prosecutors believe the attack was motivated by disability bias.

In the state of Maine, a married couple both living openly with AIDS, struggling to raise their children. Their youngest daughter was also infected with HIV. The family had broken their silence to participate in HIV/AIDS education programs that would inform their community about the tragic reality of HIV infection in their family. As a result of the publicity, the windows of their home were shot out and the husband was forcibly removed from his car at a traffic light and severely beaten.

Twenty-one states and the District of Columbia have included people with disabilities as a protected class under their hate crimes statutes. However, state protection is neither uniform nor comprehensive. The federal government must send the message that hate crimes committed on the basis of disability are as intolerable as those committed because of a person's race, national origin, or religion. And, federal resources and comprehensive coverage would give this message meaning and substance. Thus, it is critical that people with disabilities share in the protection of the federal hate crimes statute.

Senator KENNEDY's Hate Crimes bill has the endorsement of the Administration and over 80 leading civil rights and law enforcement organizations. It is a constructive and sensible response to a serious problem that continues to plague our nation—violence motivated by prejudice. It deserves full support, and I am hopeful that it is included in the final version that the President signs.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

PORT MCKENZIE PROJECT

Mr. STEVENS. Mr. President, I would like to ask the chairman of the Subcommittee on Transportation to clarify a provision in the fiscal year 2000 transportation appropriations conference report. The conference report refers to the "Anchorage Ship Creek intermodal facility." The Ship Creek area of Anchorage is undergoing an important redevelopment that will include intermodal access across Knik Arm to the Matanuska-Susitna Valley. This grant will help improve the Port McKenzie facility, a multi-use facility which will support transit between Anchorage and the Mat-Su area. The Matanuska-Sustina Borough is the sponsor of this project and the logical applicant for this funding. Do I understand correctly that is the intent of the committee?

Mr. SHELBY. The chairman of the full committee is correct. That is the intent of the conference committee.

REPORT ON THE CONTINUATION OF EMERGENCY WITH RESPECT TO SIGNIFICANT NARCOTICS TRAFFICKERS CENTERED IN COLOMBIA—MESSAGE FROM THE PRESIDENT—PM 66

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the

President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the emergency declared with respect to significant narcotics traffickers centered in Colombia is to continue in effect for 1 year beyond October 21, 1999.

The circumstances that led to the declaration on October 21, 1995, of a national emergency have not been resolved. The actions of significant narcotics traffickers centered in Colombia continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States and to cause unparalleled violence, corruption, and harm in the United States and abroad. For these reasons, I have determined that it is necessary to maintain in force the broad authorities necessary to maintain economic pressure on significant narcotics traffickers centered in Colombia by blocking their property subject to the jurisdiction of the United States and by depriving them of access to the United States market and financial system.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 19, 1999.*

MESSAGES FROM THE HOUSE

At 1:19 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed to the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 71. Joint resolution making further continuing appropriations for the fiscal year 2000, and for other purposes.

H.R. 462. An act to clarify that governmental pension plans of the possessions of the United States shall be treated in the same manner as State pension plans for purposes of the limitation on the State income taxation of pension income.

H.R. 795. An act to provide for the settlement of the water rights claims of the Chippewa Cree Tribe of the Rocky Boy's Reservation, and for other purposes.

H.R. 2140. An act to improve protection and management of the Chattahoochee River National Recreation Area in the State of Georgia.

H.R. 2821. An act to amend the North American Wetlands Conservation Act to provide for appointment of 2 additional members of the North American Wetlands Conservation Council.

H.R. 2886. An act to amend the Immigration and Nationality Act to provide that an adopted alien who is less than 18 years of age may be considered a child under such Act if adopted with or after a sibling who is a child under such Act.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 196. Concurrent resolution permitting the use of the rotunda of the Capitol for the presentation of the Congressional Gold Medal to President and Mrs. Gerald R. Ford.

The message further announced that the House has agreed to the amendments of the Senate to the bill, H.R. 659, to authorize appropriations for the protection of Paoli and Brandywine Battlefields in Pennsylvania, to direct the National Park Service to conduct a special resource study of Paoli and Brandywine Battlefields, to authorize the Valley Forge Museum of the American Revolution at Valley Forge National Historic Park, and for other purposes.

ENROLLED JOINT RESOLUTION SIGNED

A message from the House of Representatives announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 71. Joint resolution making further continuing appropriations for the fiscal year 2000, and for other purposes.

The enrolled joint resolution was signed subsequently by the President pro tempore (Mr. THURMOND).

At 6:21 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1180. An act to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes.

The message also announced that the Clerk of the House is directed to return to the Senate the bill (S. 331) to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes, in compliance with a request of the Senate for the return thereof.

ENROLLED BILL SIGNED

The message further announced that the Speaker has signed the following enrolled bill:

H.R. 659. An act to authorize appropriations for the protection of Paoli and Brandywine Battlefields in Pennsylvania, to direct the National Park Service to conduct a special resource study of Paoli and Brandywine Battlefields, to authorize the Valley Forge Museum of the American Revolution at Valley Forge National Historical Park, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 462. An act to clarify that governmental pension plans of the possessions of the United States shall be treated in the same manner as State pension plans for purposes of the limitation on the State income taxation of pension income; to the Committee on Finance.

H.R. 795. An act to provide for the settlement of the water rights claims of the Chippewa Cree Tribe of the Rocky Boy's Reservation, and for other purposes; to the Committee on Indian Affairs.

H.R. 2821. An act to amend the North American Wetlands Conservation Act to provide for appointment of 2 additional members of the North American Wetlands Conservation Council; to the Committee on Environment and Public Works.

H.R. 2886. An act to amend the Immigration and Nationality Act to provide that an adopted alien who is less than 18 years of age may be considered a child under such Act if adopted with or after a sibling who is a child under such Act; to the Committee on the Judiciary.

The following concurrent resolution was read and referred as indicated:

H. Con. Res. 196. Concurrent resolution permitting the use of the rotunda of the Capitol for the presentation of the Congressional Gold Medal to President and Mrs. Gerald R. Ford; to the Committee on Rules and Administration.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-5679. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747 Series Airplanes; Docket No. 99-NM-277 (10-4/10-7)" (RIN2120-AA64) (1999-0382), received October 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5680. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 727 Series Airplanes; Docket No. 98-NM-378 (10-4/10-7)" (RIN2120-AA64) (1999-0383), received October 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5681. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330-301, and Model A340-211, -212, -311, and -312 Series Airplanes; Docket No. 99-NM-119 (10-1/10-4)" (RIN2120-AA64) (1999-0377), received October 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5682. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. Model EMB-145 Series Airplanes; Request for Comments; Docket No. 99-NM-198 (10-1/10-4)" (RIN2120-AA64) (1999-0376), received October 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5683. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Short Brothers SD3–30, SD3–60, SD3–SHERPA, and SD3–60 SHERPA Series Airplanes; Docket No. 99–NM–29 (1–1/10–4)” (RIN2120–AA64) (1999–0375), received October 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5684. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Fokker Model F.28 Mark 0070 and Mark 0100 Series Airplanes; Docket No. 98–NM–346 (–28/10–4)” (RIN2120–AA64) (1999–0373), received October 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5685. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Allied Signal, Inc. TFE731 Series Turbofan Engines; Docket No. 97–ANE–51 (9–29/10–4)” (RIN2120–AA64) (1999–0374), received October 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5686. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Eurocopter France Model SA–360C, SA–365C, and C1, and C2 Helicopters; Request for Comments; Docket No. 99–SW–15 (10–4/10–7)” (RIN2120–AA64) (1999–0380), received October 7; 1999; to the Committee on Commerce, Science, and Transportation.

EC–5687. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Eurocopter France Model EC120B Helicopters; Request for Comments; Docket No. 99–SW–53 (10–4/10–7)” (RIN2120–AA64) (1999–0381), received October 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5688. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; MD Helicopters, Inc. Model 369D, 369E, 369FF, 500N and 600N Helicopters; Docket No. 98–SW–80 (9–30/10–4)” (RIN2120–AA64) (1999–0378), received October 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5689. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Burkhart Grob Luft-Und Raumfahrt GmbH and CO KG Models G103 TWIN II and G103A TWIN II ACRO Sailplanes; Request for Comments; Docket No. 99–CE–68 (9–29/10–4)” (RIN2120–AA64) (1999–0379), received October 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5690. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Class D Airspace; Bullhead City, AZ; Direct Final Rule; Confirmation of Effective Date; Docket No. 99–AWP–8 (9–20/10–4)” (RIN2120–AA66) (1999–0320), received October 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5691. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Amendment to Class E Airspace; Moundsville, WV: Docket No. 99–AEA–11 (9–29/10–4)” (RIN2120–AA66) (1999–0319), received October 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5692. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Amendment to Class E Airspace; Kansas City, MO; Correction; Docket No. 99–ACE–34 (10–4/10–7)” (RIN2120–AA66) (1999–0334), received October 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5693. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Revision of Class E Airspace; Georgetown, TX; Direct Final Rule; Request for Comments; Docket No. 99–ASW–18 (10–5/10–7)” (RIN2120–AA66) (1999–0326), received October 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5694. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Revision of Class E Airspace; Mineral Wells, TX; Direct Final Rule; Request for Comments; Docket No. 99–ASW–20 (10–5/10–7)” (RIN2120–AA66) (1999–0325), received October 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5695. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Revision of Class E Airspace; Falfarrias, TX; Direct Final Rule; Request for Comments; Docket No. 99–ASW–21 (10–5/10–7)” (RIN2120–AA660 (1999–0323), received October 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5696. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Revision of Class E Airspace; Alice, TX; Direct Final Rule; Request for Comments; Docket No. 99–ASW–23 (10–5/10–7)” (RIN2120–AA66) (1999–0324), received October 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5697. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Revision of Class E Airspace; Corpus Christi, TX; Direct Final Rule; Request for Comments; Docket No. 99–ASW–22 (10–5/10–7)” (RIN2120–AA66) (1999–0322), received October 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5698. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Revision of Class E Airspace; Raton, NM; Direct Final Rule; Request for Comments; Docket No. 99–ASW–11 (9–23/9–30)” (RIN2120–AA66) (1999–0317), received October 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5699. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Revision of Class E Airspace; Perry, OK; Direct Final Rule; Confirmation of Effective Date; Docket No. 99–ASW–15 (9–29/10–4)” (2120–AA66) (1999–0321), received October 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5700. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Modification of Class E Airspace; Cable Union, WI; Docket No. 99–AGL–41 (10–5/10–7)” (RIN2120–AA66) (1999–0332), received October 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5701. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Modification of Class E Airspace; Hayward, WI; Docket No. 99–AGL–40 (10–5/10–7)” (RIN2120–AA66) (1999–0331), received October 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5702. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Modification of Class E Airspace; Belleville, IL; Docket No. 99–AGL–39 (10–5/10–7)” (RIN2120–AA66) (1999–0333), received October 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5703. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Establishment of Class E Airspace; St. Michael, AK; Docket No. 99–AAL–10 (10–5/10–7)” (RIN2120–AA66) (1999–0330), received October 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5704. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Establishment of Class E Airspace; Kalskag, AK; Docket No. 99–AAL–14 (10–6/10–7)” (RIN2120–AA66) (1999–0327), received October 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5705. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Establishment of Class E Airspace; Mountain Village, AK; Docket No. 99–AAL–9 (10–5/10–7)” (RIN2120–AA66) (1999–0329), received October 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5706. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled

"Establishment of Class E Airspace; Aniak, AK and St. Mary's, AK; Docket No. 99-AAL-7 (10-5/10-7)" (RIN2120-AA66) (1999-0328), received October 7, 1999; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JEFFORDS, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 976. A bill to amend title V of the Public Health Service Act to focus the authority of the Substance Abuse and Mental Health Services Administration on community-based services children and adolescents, to enhance flexibility and accountability, to establish programs for youth treatment, and to respond to crises, especially those related to children and violence (Rept. No. 106-196).

EXECUTIVE REPORTS OF A COMMITTEE

The following executive reports of a committee were submitted:

By Mr. CHAFEE, for the Committee on Environment and Public Works:

Gerald V. Poje, of Virginia, to be a member of the Chemical Safety and Hazard Investigation Board for a term of five years. (Reappointment)

Skila Harris, of Kentucky, to be a member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2008.

Glenn L. McCullough, Jr., of Mississippi, to be a member of the Board of Directors of the Tennessee Valley Authority for the remainder of the term expiring May 18, 2005.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BENNETT (for himself, Mr. BURNS, and Mr. MCCONNELL):

S. 1747. A bill to amend the Federal Election Campaign Act of 1971 to exclude certain Internet communications from the definition of expenditure; to the Committee on Rules and Administration.

By Mr. HATCH (for himself, Mr. LEAHY, Mr. GRASSLEY, Mr. KOHL, Mr. TORRICELLI, and Mr. SCHUMER):

S. 1748. A bill to amend chapter 87 of title 28, United States Code, to authorize a judge to whom a case is transferred to retain jurisdiction over certain multidistrict litigation cases for trial; to the Committee on the Judiciary.

By Mr. CRAPO:

S. 1749. A bill to require the Commissioner of Food and Drugs to issue revised regulations relating to dietary supplement labeling, to amend the Federal Trade Commission Act to provide that certain types of advertisements for dietary supplements are proper, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEWINE (for himself, Mr. LEAHY, and Mr. KOHL):

S. 1750. A bill to reduce the incidence of child abuse and neglect, and for other purposes; to the Committee on the Judiciary.

By Mr. HATCH:

S. 1751. A bill to amend the Federal Election Campaign Act of 1971 to modify reporting requirements and increase contribution limits, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GRASSLEY (for himself, Mr. KOHL, Mr. TORRICELLI, and Mr. LUGAR):

S. Res. 205. A resolution designating the week of each November in which the holiday of Thanksgiving is observed as "National Family Week"; to the Committee on the Judiciary.

By Mr. SESSIONS (for himself, Mr. LOTT, Mr. HELMS, Mr. INHOFE, Mr. ALLARD, Mr. KYL, Mr. THURMOND, and Mr. HUTCHINSON):

S. Con. Res. 61. A concurrent resolution expressing the sense of the Congress regarding a continued United States security presence in Panama and a review of the contract bidding process for the Balboa and Cristobal port facilities on each end of the Panama Canal; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BENNETT (for himself, Mr. BURNS, and Mr. MCCONNELL):

S. 1747. A bill to amend the Federal Election Campaign Act of 1971 to exclude certain Internet communications from the definition of expenditure; to the Committee on Rules and Administration.

INTERNET FREEDOM PROTECTION ACT

Mr. BENNETT. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1747

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1 SHORT TITLE.

This Act may be cited as the "Internet Freedom Protection Act".

SEC. 2. EXCLUSION OF CERTAIN INTERNET COMMUNICATIONS FROM DEFINITION OF EXPENDITURE.

Section 301(9)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)(B)) is amended—

(1) in clause (ix), by striking "and" at the end;

(2) in clause (x), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(xi) any communication or dissemination of material through the Internet (including electronic mail, chat rooms, and message boards) by any individual, if such material—

"(I) is not a paid advertisement;

"(II) does not solicit funds for, or on behalf of, a candidate or political committee;

"(III) is disseminated for the purpose of communicating or disseminating the opinion of such individual (including an endorsement) regarding a political issue or candidate; and

"(IV) is not communicated or disseminated by any individual that receives payment or any other form of compensation for such communication or dissemination.".

By Mr. HATCH (for himself, Mr. LEAHY, Mr. GRASSLEY, Mr. KOHL, Mr. TORRICELLI, and Mr. SCHUMER):

S. 1748. A bill to amend chapter 87 of title 28, United States Code, to authorize a judge to whom a case is transferred to retain jurisdiction over certain multidistrict litigation cases for trial; to the Committee on the Judiciary.

MULTIDISTRICT JURISDICTION ACT OF 1999

Mr. HATCH. Mr. President, I am introducing today a bill entitled the "Multidistrict Jurisdiction Act of 1999." This bill would restore a 30-year-old practice under which a single court, to which several actions with common issues of fact were transferred for pretrial proceedings, could retain the multidistrict actions for trial.

This bill is necessary to correct a statutory deficiency pointed out by the Supreme Court in *Lexecon* v. *Milbert Weiss Bershad Hynes & Lerach*, 523 U.S. 26 (1997). It is an important bill for judicial efficiency and for encouraging settlements of multidistrict cases. And I am pleased that the Judicial Conference and the Multidistrict Litigation Panel support this bill. Moreover, I am pleased that this is a bipartisan bill with Senators LEAHY, GRASSLEY, TORRICELLI, KOHL, and SCHUMER as cosponsors.

Section 1407(a) of title 28, United States Code, authorizes the Multidistrict Litigation Panel to transfer civil actions with common questions of fact "to any district for coordinated or consolidated pretrial proceedings." It also requires the Panel, on or before the conclusion of such pretrial proceedings, to remand any such actions to the district courts in which they were filed. However, for the 30 years prior to the Lexecon decision, federal courts followed the practice of allowing the single transferee court, upon the conclusion of pretrial proceedings, to transfer all of the actions to itself under the general venue provisions contained in 28 U.S.C. §1404. This had the practical advantage of allowing the single transferee court to retain for trial the multiple actions for which it had conducted pretrial proceedings. This greatly enhanced judicial efficiency and encouraged settlements.

In Lexecon, however, the Supreme Court held that the literal terms of 28 U.S.C. §1407 did not allow the single transferee court to retain the multidistrict actions after concluding pretrial proceedings. Instead, the Court held, the plain terms of §1407 required the Panel to remand the actions back to the multiple federal district courts in which the actions originated. The Court noted that to keep the practice of allowing the single transferee court to retain the actions after conducting the pretrial proceedings, Congress would have to change the statute.

The bill would amend 28 U.S.C. §1407 to restore the traditional practice of allowing the single transferee court to retain the multiple actions for trial after conducting pretrial proceedings. The bill also includes a provision under which the single transferee court would transfer the multiple actions back to the federal district courts from which they came for a determination of compensatory damages if the interests of justice and the convenience of the parties so require.

Mr. President, this bill is very similar to the first portion of a H.R. 2112 that passed the House of Representatives under the effective leadership of Congressman SENSENBRENNER. H.R. 2112 includes both the "Lexecon fix" and a provision to streamline catastrophe litigation. I believe that both provisions would make good law. However, the Lexecon matter constitutes an emergency for the Multidistrict Litigation Panel, which has a large number of these cases poised for remand if the retention practice is not restored. The catastrophe legislation would constitute an important improvement, but is not an emergency matter. Given this situation, I propose that we pass only the "Lexecon fix" during this session by unanimous consent and work to pass the catastrophe legislation during the second session.

Senators LEAHY, GRASSLEY, TORRICELLI, KOHL, SCHUMER, and I look forward to passing the Multidistrict Jurisdiction Act of 1999 very quickly. The Judiciary awaits our prompt action.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1748

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Multidistrict Jurisdiction Act of 1999".

SEC. 2. MULTIDISTRICT LITIGATION.

Section 1407 of title 28, United States Code, is amended—

(1) in the third sentence of subsection (a), by inserting "or ordered transferred to the transferee or other district under subsection (i)" after "terminated"; and

(2) by adding at the end the following new subsection:

"(i)(1) Subject to paragraph (2), any action transferred under this section by the panel may be transferred, for trial purposes, by the judge or judges of the transferee district to whom the action was assigned to the transferee or other district in the interest of justice and for the convenience of the parties and witnesses.

"(2) Any action transferred for trial purposes under paragraph (1) shall be remanded by the panel for the determination of compensatory damages to the district court from which it was transferred, unless the court to which the action has been transferred for trial purposes also finds, for the convenience of the parties and witnesses and in the interests of justice, that the action should be retained for the determination of compensatory damages.".

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall apply to any civil action pending on or brought on or after the date of the enactment of this Act.

Mr. LEAHY. Mr. President, I am pleased to join the distinguished Chairman of the Senate Judiciary Committee, Senator GRASSLEY, Senator TORRICELLI, Senator KOHL, and Senator SCHUMER in introducing the Multi-District Jurisdiction Act of 1999. Our bipartisan legislation is needed by Federal judges across the country to restore their power to promote the fair and efficient administration of justice in multi-district litigation.

Current law authorizes the Judicial Panel on Multi-District Litigation to transfer related cases, pending in multiple Federal judicial districts, to a single district for coordinated or consolidated pretrial proceedings. This makes good sense because transfers by the Judicial Panel on Multi-District Litigation are based on centralizing those cases to serve the convenience of the parties and witnesses and to promote efficient judicial management.

For nearly 30 years, many transferee judges, following circuit and district court case law, retained these multi-district cases for trial because the transferee judge and the parties were already familiar with each other and the facts of the case through the pretrial proceedings. The Supreme Court in *Lexecon Inc.* v. *Milberg Weiss Bershad Hynes & Lerach*, 523 U.S. 26 (1998), however, found that this well-established practice was not authorized by the general venue provisions in the United States Code. Following the Lexecon ruling, the Judicial Panel on Multi-District Litigation must now remand each transferred case to its original district at the conclusion of the pretrial proceedings, unless the case is already settled or otherwise terminated. This new process is costly, inefficient and time consuming.

The Multi-District Jurisdiction Act of 1999 seeks to restore the power of transferee judges to resolve multi-district cases as expeditiously and fairly as possible. Our bipartisan bill amends section 1407 of title 28 of the United States Code to allow a transferee judge to retain cases for trial or transfer those cases to another judicial district for trial in the interests of justice and for the convenience of parties and witnesses. The legislation provides transferee judges the flexibility they need to administer justice quickly and efficiently. Indeed, our legislation is supported by the Administrative Office of the U.S. Courts, the Judicial Conference of the United States and the Department of Justice.

In addition, we have included a section in our bill to ensure fairness during the determination of compensatory damages by adding the presumption that the case will be remanded to the transferor court for this phase of the trial. Specifically, this provision provides that to the extent a case is tried outside of the transferor forum, it would be solely for the purpose of a consolidated trial on liability, and if appropriate, punitive damages, and that the case must be remanded to the transferor court for the purposes of trial on compensatory damages, unless the court to which the action has been transferred for trial purposes also finds, for the convenience of the parties and witnesses and in the interests of justice, that the action should be retained for the determination of compensatory damages. This section is identical to a bipartisan amendment proposed by Representative BERMAN and accepted by the House Judiciary Committee during its consideration of similar legislation earlier this year.

Multi-district litigation generally involves some of the most complex fact-specific cases, which affect the lives of citizens across the nation. For example, multi-district litigation entails such national legal matters as asbestos, silicone gel breast implants, diet drugs like fen-phen, hemophiliac blood products, Norplant contraceptives and all major airplane crashes. In fact, as of February 1999, approximately 140 transferee judges were supervising about 160 groups of multi-district cases, with each group composed of hundreds, or even thousands, of cases in various stages of trial development.

But the efficient case management of these multi-district cases is a risk after the Lexecon ruling. Judge John F. Nangle, Chairman of the Judicial Panel on Multi-District Litigation, recently testified before Congress that: "Since Lexecon, significant problems have arisen that have hindered the sensible conduct of multi-district litigation. Transferee judges throughout the United States have voiced their concern to me about the urgent need to enact this legislation."

Mr. President, Congress should listen to the concerned voices of our Federal Judiciary and swiftly approve the Multi-District Jurisdiction Act of 1999 to improve judicial efficiency in our Federal courts.

Mr. GRASSLEY. Mr. President, I am pleased to join my colleagues in introducing the Multidistrict Jurisdiction Act of 1999. This legislation would make a technical fix to section 1407 of Title 28, the multidistrict litigation statute, in response to the recent Supreme Court decision in Lexecon v. Milberg Weiss.

Section 1407(a) of Title 28 authorizes the Judicial Panel on Multi-District Litigation to transfer civil actions with common issues of fact to any district for coordinated or consolidated pretrial proceedings, but requires the Panel to remand any such action to the original district at or before the conclusion of such pretrial proceedings. Until the Lexecon decision, the federal courts followed the practice of allowing a transferee court to invoke the venue transfer provision and transfer a case to itself for trial purposes. However, the U.S. Supreme Court reversed this practice, holding that the literal terms of section 1407 do not give a district court conducting pretrial proceedings the authority to assign a transferred case to itself for trial.

This legislation would amend section 1407 of Title 28 to permit a judge with a transferred case to retain jurisdiction over multidistrict litigation cases for trial. This change was approved by the Judicial Conference and is supported by the Judicial Panel on Multi-District Litigation. The legislation also includes a provision under which a transferee court would transfer actions back to the federal district courts from which they came for a determination of compensatory damages if the interests of justice and the convenience of the parties so require.

The Multidistrict Jurisdiction Act of 1999 will promote the efficient administration of justice by allowing the federal courts to continue an effective practice they have been using for almost thirty years. It makes sense to allow the transferee judge who has conducted the pretrial proceedings and is familiar with the facts and parties of the transferred case to retain that case for trial. This significantly benefits the parties to a case, and reduces wasteful use of judicial and litigants' resources. I am glad to support this legislation, and I urge my colleagues to support it as well.

Mr. KOHL. Mr. President, I am pleased to join Senators HATCH, LEAHY, GRASSLEY, TORRICELLI, and SCHUMER in introducing the Multidistrict Jurisdiction Act of 1999. Our bipartisan measure will help give back to Federal judges the authority they need to handle multiple, overlapping cases as efficiently and effectively as possible.

This legislation essentially overturns the Supreme Court's decision in *Lexecon Inc.* v. *Milberg Weiss Bershad Hynes & Lerach*, 523 U.S. 26 (1998). In that case, the Supreme Court rejected 30 years of practice during which trial courts overseeing related cases for consolidated pretrial proceedings had been permitted to retain jurisdiction of those cases for trial. That long-standing routine made plain common sense, because oversight by one court (instead of dozens of courts) is often the best use of resources, regardless of whether the parties are still in discovery or already at trial. Indeed, a consolidated trial may not only be more convenient for the parties and the witnesses, but it also promotes justice by keeping the case before a judge who is already familiar with the underlying facts.

Let me just point out that I do not mean to criticize the Supreme Court's decision as a matter of law. It may well be that the original Multidistrict Litigation statute was too narrowly drafted; and ultimately it is the responsibility of Congress to write—or, in this case, rewrite—the law to make sure it says what Congress intends.

While this measure is an important step forward, we must recognize that it is just that—a step. There is much more we can do to promote efficiency and fairness in litigation for both victims and defendants. In fact, the proposal to overturn Lexecon was first raised publicly at a hearing on class action reform in the House early last year, as just one of several proposals that would help ensure the fair administration of justice. Ironically, while this measure appears to be on the fast track, we continue to delay consideration of the other more pressing class action measures that were the focus of that hearing. And, while consolidation could be particularly valuable in the class action context, without class action reforms this bill actually won't affect most class actions. The reason is simple: while this bill only applies to cases filed in Federal court, most class actions—even ones that are nationwide in scope and shape nationwide policies—end up in State court.

Indeed, increased consolidation would help eliminate one of the most significant class action abuses—that is, the dangerous "race to settlement" among competing cases. Currently, overlapping class actions involving the same parties and the same claims put rival class lawyers in competition to get the first—and only—settlement available. The result is all too common: one lawyer lines his pockets with huge fees by taking a quickie settlement, while the class gets the short end of the stick. For example, in one instance involving overlapping Federal and State actions, the class lawyers who brought the State case negotiated a small settlement precluding all other suits, and even agreed to settle federal claims that were not at issue in State court. Meanwhile, the Federal court was outraged, finding that the Federal claims could have been worth more than $1 billion, while accusing the State class lawyers of "hostile representation" that "surpassed inadequacy and sank to the level of subversion" and of having "more in line with the interests of [defendants] than those of their clients."

This danger was recently underscored by the Judicial Conference's Advisory Committee on Civil Rules Report on Mass Tort Litigation, which found that "[T]he risk is considerable that speedy justice may be converted into speedy injustice . . . if two or more courts enter a race to be first to achieve a disposition binding on all courts." The report added that, "This risk is aggravated by the 'reverse auction' scenario . . . , in which a defendant may play would-be class representatives off against each other, bidding down the terms of settlement to the lowest level that can win approval by the most complaisant available court." This race to settlement, or "reverse auction," shortchanges legitimate victims, while allowing blameworthy defendants to get off easy.

Mr. President, we can prevent abuses like this—and encourage efficiency—simply by permitting more overlapping nationwide class actions to be brought into Federal court, the only place where the consolidation procedure is available. Once the cases are consolidated, lead counsel will be appointed, making it impossible to shop around low-priced settlements and to pit competing class lawyers against each other. However, as long as these class actions can be kept in various State courts, this bill won't succeed in bringing consolidation to the complex cases that need it most.

That's one of the principal reasons why Senator GRASSLEY and I introduced the Class Action Fairness Act of 1999 (S. 353) earlier this year. Our proposal, which among other provisions allows more nationwide class actions to be removed to Federal court, would—in conjunction with the bill we are introducing today—help eliminate the race to settlement in most class actions, save court resources and promote efficiency by placing related class actions before one court. A similar measure has already passed the House, and we look forward to moving this measure ahead in the Senate.

Mr. President, I am proud to join my colleagues today in offering our proposal to return to Federal courts the authority they need to consider multiple, overlapping cases in a fair, expeditious and just manner. This is a necessary step in the direction of real reform, and I hope it will build momentum for more comprehensive reform, like the Grassley/Kohl Class Action Fairness Act.

By Mr. CRAPO:

S. 1749. A bill to require the Commissioner of Food and Drugs to issue revised regulations relating to dietary supplement labeling, to amend the

Federal Trade Commission Act to provide that certain types of advertisements for dietary supplements are proper, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

DIETARY SUPPLEMENT FAIRNESS IN LABELING AND ADVERTISING ACT

• Mr. CRAPO. Mr. President. I rise today to introduce the Dietary Supplement Fairness in Labeling and Advertising Act. The purpose of the legislation is to reaffirm Congress' intent in enacting the Dietary Supplement Health Education Act (DSHEA). In enacting DSHEA, Congress intended to insure that all Americans had access to factual information about vitamins and other dietary supplements so that they can make informed decisions about their health and well-being.

In recent years, the prevalence of scientific data demonstrating the benefits of proper nutrition, education, and appropriate use of dietary supplements to promote long-term health has increased tremendously. Additionally, preventative practices, including the safe consumption of dietary supplements, has been shown to significantly reduce the health-care expenditures in this country. That is why I continue to support research efforts that focus on preventative care. The role government funding can have in achieving scientific and medical gains in crucial. Past successes have frequently led to rapid technological advancements in medicine, biotechnology, and other important areas that shape our lives.

Over 100 million people use dietary supplements daily throughout the United States. This bill that I am introducing would allow access by the public to solid scientific research about the safe and proper use of dietary supplements. It prevents the Food and Drug Administration (FDA) from promulgating rules that change the intent of congressional regulations regarding structure and function claims and would amend the Federal Trade Commission Act to provide that certain types of advertisements for dietary supplements are proper.

DSHEA required the FDA to promulgate reasonable guidelines to regulate the content of dietary supplements labels. The goal of this requirement is to insure that the labels give consumers information necessary for them to decide whether they want to take a particular supplement, without making claims regarding medical or disease benefits (which are reserved for FDA-approved drugs).

The Federal Trade Commission (FTC) currently enforces a standard for advertising that conflicts with the intent of DSHEA. The FTC does not always allow the same information in advertising of dietary supplements that is allowed in labeling of the same products. For instance, the FTC has made it difficult to advertise the benefits of calcium, vitamin C, and other common and heavily studied supplements.

The information that the FDA allows as part of the labeling of a dietary supplement should also be allowed in advertising that same supplement, yet the FTC is seeking to regulate the advertising of dietary supplements by denying to consumers some of the very information that DSHEA required the FDA to let them use. This forces manufacturers to work under two sets of contradictory regulations and undermines the intent of Congress.

Additionally, this bill would instruct the FDA to withdraw the notice of proposed rulemaking published in the Federal Register of April 29, 1998, which attempts to regulate the types of statements made concerning the effects of dietary supplements on the structure or function of the body. The FDA is asserting responsibilities beyond congressional intent. Specifically, it is seeking to change the definition of "disease" by deeming improper any claim that refers to the "prevention or treatment of abnormal functions." In these cases, the product would be subject to regulation as a drug, rather than a dietary supplement. Furthermore, it was never Congress' intent to disallow the use of citations from credible scientific publications in providing accurate information in labeling of dietary supplements. Numerous, common sense examples can be made to demonstrate the irresponsible nature of this rule. Aging and pregnancy would now be considered diseases under the policy.

In passing this legislation, my hope is to continue to open up communication and provide access to fair and adequate reviews of all claims. This bill prescribes a method by which the Commission must act prior to filing a complaint that initiates any administrative or judicial proceeding alleging noncompliance by an advertiser. Simply, the FTC would be required to provide a full and fair opportunity for advertisers to consult with the Commission's scientific experts. Decisions about the use of dietary supplements should not be made by bureaucrats. Instead, meetings with scientific experts would provide for an open exchange of ideas and information, and ensure that decisions are based on concrete, substantial scientific evidence. This is good government practice, and during a time where our society has become far too litigious, I support strengthening the review process, prior to filing any claims or complaints.

I urge my colleagues to cosponsor the Dietary Supplement Fairness in Labeling and Advertising Act. It would insure that all Americans have access to factual information about vitamins and other dietary supplements so they can make informed decisions about their health and well-being, while continuing to provide adequate safeguards to protect the public good.•

By Mr. DEWINE (for himself, Mr. LEAHY, and Mr. KOHL):

S. 1750. A bill to reduce the incidence of child abuse and neglect, and for other purposes; to the Committee on the Judiciary.

CHILD ABUSE PREVENTION AND ENFORCEMENT ACT

• Mr. DEWINE. Mr. President, I rise today to introduce the Child Abuse Prevention and Enforcement Act (CAPE). This legislation would provide a much-needed increase in funding for the investigation of child abuse crimes, as well as prevention programs designed to prevent child abuse. This bill is similar to the legislation introduced by my Ohio colleague in the House of Representatives, DEBORAH PRYCE, which recently passed overwhelmingly in the House.

As a former Greene County, Ohio, prosecutor, and—more importantly—as a parent, nothing disturbs me more than reports of child abuse and neglect. As a prosecutor, I saw— first-hand—too many examples of child victimization and abuse. These days, it seems like you can't turn on the local news without hearing about another unforgivable act of violence against a child. Some of these stories have become infamous. Yet, sadly, most stories of child abuse are quickly forgotten. Such stories have become so common, it seems that our collective conscience is seldom even affected any more.

The sheer numbers of abusive acts committed against our children are astounding. In my State of Ohio, one incident of child abuse or neglect is reported to authorities every three minutes! What's worse is that these reports of abuse are on the rise. In a study of child abuse, the Federal government found that the number of abused and neglected children in this country nearly doubled between 1986 and 1993. As a result, child protective service agencies across the country are facing more than a million cases of abused and neglected children each year.

The Federal government can take meaningful steps—starting now—to help fight child abuse. The Child Abuse Prevention and Enforcement Act would be one meaningful step. Through the use of advanced technology, this legislation would enhance the ability of law enforcement systems to exchange timely and accurate criminal history information with agencies involved in child welfare, child abuse, and adoption services.

Every day, State and local child welfare services attempt to ensure that children are cared for properly and living with loving families. It is their job to prevent at-risk children from being left under the same roof with domestic or child abusers. Often, when child welfare agencies conduct child safety assessments, criminal histories and civil protection order information are not always readily available. These agencies may not be getting the full story.

The result, in some cases, is that an abused or neglected child is removed from one harmful environment only to be placed in another. To improve access to critical law enforcement information, the bill I am introducing today would amend the Crime Identification and Technology Act (CITA), which I sponsored last year, to allow State and local governments to use CITA grant dollars to enable the criminal justice system to provide criminal history information to child protection and welfare agencies.

Our bill also would allow the use of funds from the $550 million Byrne grant program for activities aimed at cracking down on and preventing child abuse and neglect. Since 1986, Byrne grant dollars have been used successfully to provide financial assistance to State and local governments to coordinate government efforts to fight crime and drug abuse. With our bill, State and local agencies could use Byrne grant dollars to train child welfare investigators and child protection workers. The funding also could help build and develop child advocacy centers and hospitals for the abused. These are just a few of many possible uses.

Mr. President, our bill would go even one step further to direct resources to fight against child abuse. It would double the amount of funds available to States and localities to assist the victims of crimes against children. Currently, $10 million of the Federal Crime Victims $383 million fund are earmarked for child abuse and domestic assistance programs. This fund is financed not by taxpayer dollars, but through criminal fines, penalties and forfeitures. While the fund has grown since its beginning in 1984, the amount reserved for assistance to victims of abuse has remained stagnant. Our bill would earmark $20 million to help public and nonprofit agencies provide necessary services like rescue shelters, 24-hour abuse hotlines, and counseling to victims of child abuse.

Mr. President, this is one piece of legislation that can and should pass the Senate quickly. As I noted earlier, a similar bill was overwhelmingly approved by the House by a vote of 425–2. More than 50 child protection organizations have endorsed this legislation, including the National Child Abuse Coalition; the National Center for Missing and Exploited Children; Fight Crime: Invest in Kids; the Family Research Council and the Christian Coalition; the American Professional Society of the Abuse of Children; and Prevent Child Abuse America.

I urge my colleagues here in the Senate to demonstrate their commitment to America's abused and neglected children by supporting this legislation. Let's show some compassion and support our States and local communities in the fight against child abuse.●

● Mr. LEAHY. Mr. President, I am pleased to join the senior Senator from Ohio in introducing the Child Abuse Prevention and Enforcement Act. Our bipartisan legislation builds on the successful passage into law of the Crime Identification Technology Act of 1998, which Senator DEWINE and I sponsored in the last Congress. Our bill also complements S. 249, the Missing, Exploited and Runaway Children Protection Act, which Senator HATCH and I worked together to steer to final passage just last month.

Unfortunately, the number of abused or neglected children in this country nearly doubled between 1986 and 1993. Each day there are 9,000 reports of child abuse in America and more than three million cases annually of abused or neglected children. In my home state of Vermont, 2,309 children were reported to child protective services for child abuse or neglect investigations in 1997, the last year data is available. After investigation, 1,041 of these reports found substantiated cases of child maltreatment in Vermont.

Each child behind these statistics is an American tragedy.

But we can help. The Child Abuse Prevention and Enforcement Act provides these abused or neglected children with the Federal assistance that they deserve. And our legislation can make a real difference in the lives of our nation's children without any additional cost to taxpayers.

Our bipartisan legislation will make a difference by giving State and local officials the flexibility to use existing Department of Justice grant programs to prevent child abuse and neglect, investigate child abuse and neglect crimes and protect children who have suffered from abuse and neglect. The bill does this by making three changes to current law.

First, the Child Abuse Prevention and Enforcement Act amends the Crime Identification Technology Act of 1998 to make grant dollars available specifically to enhance the capability of criminal history information to agencies and workers for child welfare, child abuse and adoption purposes. Congress has authorized $250 million annually for grants under the Crime Identification Technology Act.

Second, the Child Abuse Prevention and Enforcement Act amends the Byrne Grant Program to permit funds to be used for enforcing child abuse and neglect laws, including laws protecting against child sexual abuse, and promoting programs designed to prevent child abuse and neglect. Congress has traditionally funded the Byrne Grant Program at about $500 million a year.

Third, the Child Abuse Prevention and Enforcement Act doubles the available funds, from $10 million to $20 million, for grants to each State for child abuse treatment and prevention from the Crime Victims Fund. This fund is financed through the collection of criminal fines, penalties and other assessments against persons convicted of crimes against the United States. In the 1998 fiscal year, the Crime Victims Fund held $363 million. To ensure that other crime victim programs support by the Fund are not reduced, the expansion of the child abuse treatment and prevention earmark applies only when the Fund exceeds $363 million in a fiscal year. This year, the Crime Victims Fund is expected to collect more than $1 billion due in part to large anti-trust penalties.

Despite the tireless efforts of concerned Vermonters, including the many dedicated workers and volunteers at Prevent Child Abuse in Vermont and the Vermont Department of Social and Rehabilitative Services, Vermont is below the national average for its ability to provide services to abused or neglected children. In 1997, 411 children found to be abused or neglected received no services, about 40 percent of investigated cases. Nationally, about 25 percent of all abused or neglected children received no services. Our legislation provides more resources to help Vermonters and other Americans provide services to all abused or neglected children.

I thank the many advocates who support our bill and the companion legislation introduced by Representatives PRYCE and STEPHANIE TUBBS JONES, H.R. 764, which passed the House of Representatives by a vote of 425–2 on October 5, 1999. These advocates include the diverse National Child Abuse Coalition: ACTION for Child Protection; Alliance for Children and Families; American Academy of Pediatrics; American Bar Association; American Dental Association; American Professional Society on the Abuse of Children; American Prosecutors Research Institute; American Psychological Association; Association of Junior Leagues International; Boy Scouts of America; Child Welfare League of America; Childhelp USA; Children's Defense Fund; General Federation of Women's Club; National Alliance of Children's Trust and Prevention Funds; National Association of Child Advocates; National Association of Counsel for Children; National Association of Social Workers; National Children's Alliance; National Committee to Prevent Child Abuse; National Council of Jewish Women; National Court Appointed Special Advocates Association; National Education Association; National Exchange Club Foundation for Prevention of Child Abuse; National Network for Youth; National PTA; Parents Anonymous; and Parents United. In addition, the National Center for Missing and Exploited Children and Prevent Child Abuse America have endorsed our bill and its House counterpart.

Mr. President, I urge my colleagues to support the Child Abuse Prevention and Enforcement Act for the sake of our nation's children.●

By Mr. HATCH:

S. 1751. A bill to amend the Federal Election Campaign Act of 1971 to modify reporting requirements and increase contribution limits, and for other purposes; to the Committee on Finance.

CITIZENS' RIGHT TO KNOW ACT OF 1999

Mr. HATCH. Mr. President, last week, the minority put the Senate in a take-it-or-leave, it position with respect to campaign finance reform. Using a parliamentary tactic that foreclosed other amendments from being offered, and then objecting to requests to take up other proposals, the proponents of S. 1593, the McCain-Feingold campaign finance reform bill, got what they wanted—a vote on an unamended, and therefore unimproved, version of their bill.

Mr. President, there are many of us who agree that we should make changes in our campaign finance laws; but, we disagree that we should compromise the First Amendment to do it.

Today, I am introducing the "Citizens' Right to Know Act," a bill that represents my thinking on campaign finance reform.

Many pundits and many colleagues here in Congress perceive that the American people think that our government has become too fraught with special interest influence, bought with special interest campaign contributions. We have all heard voters voice their frustrations about government. Given some of the games we play up here that affect necessary legislation—such as the bankruptcy bill to name just one example—this attitude is not surprising or unwarranted.

Yet, it may be a mistake to interpret these frustrations as widespread cynicism about the influence of special interests rather than about the government's inability to enact tax relief, inertia on long-term Social Security and Medicare reforms, and the tug-of-war on budget and appropriations.

Nevertheless, it goes without saying that maintaining the integrity of our election system and citizens' confidence in it has to be among our highest priorities. The question is: what is the right reform?

There are a number of flaws in the McCain-Feingold bill. The principal one is that the McCain-Feingold attempts, unconstitutionally, I believe, to gag political parties. What Senators MCCAIN and FEINGOLD forgot is that political parties are organizational instruments for promoting a political philosophy and ideas. To ban the ability of parties to get their messages out to the people is an infringement on free speech.

The proposal I am introducing today has two main goals: (1) to open up our campaign finances to the light of day, thus allowing citizens to make their own judgments about how much influence is too much; and (2) to expand opportunities for individuals to participate financially in elections, thus decreasing the reliance on special interest money in campaigns.

The legislation I am introducing today, the "Citizens' Right to Know Act," would require all candidates and political committees to disclose every contribution they receive and every expenditure they make over $200 within 14 days on a publicly accessible website. This means people will not have to wade through FEC bureaucracy to get this information, and the information will be continuously updated.

People should be able to compare the source of contributions with votes cast by the candidate. They can decide for themselves which donations are rewards for faithfulness to a principle of representation of constituents and which contributions might be a quid pro quo for special favors.

Further, my proposal would encourage—not require—non-party organizations to disclose expenditures in a constitutionally acceptable manner the funds that they devote to political activity. Organizations that chose to file voluntary reports with the FEC would make individual donors to their PACs eligible for a tax deduction of up to $100.

This provision is designed to encourage voluntary disclosure of expenditures of organizational soft money. Those organizations that did so would be shedding light on campaign finance not because they have to, but because it furthers the cause of an informed democracy.

An article in the Investor's Business Daily quoted John Ferejohn of Stanford University as writing that "nothing strikes the student of public opinion and democracy more forcefully than the paucity of information most people possess about politics."

The article goes on to suggest that "But many reforms, far from helping, would cut the flow of political information to an already ill-informed public." Citing a study by Stephen Ansolabehere of MIT and Shanto Iyengar of UCLA, which demonstrates that political advertising "enlightens voters," the IBD concludes that "well-informed voters are the key to a well-functioning democracy." [Investor's Business Daily; 9/20/99]

Morton Kondracke editorializes in the July 30, 1999, Washington Times, "Full disclosure would be valuable on its merits—letting voters know exactly who is paying for what in election campaigns. Right now, campaign money is going increasingly underground."

This is precisely the issue my amendment addresses. My amendment, rather than prohibit the American people from having certain information produced by political parties, it would open up information about campaign finance. Knowledge is power. My proposal is predicted on giving the people more power.

Additionally, my legislation will raise the limits on individual participation in elections. Special interest PACs sprung up as a response to the limitations on individual participation in elections. The contribution limit for individuals is $1000 and it has not been adjusted since it was enacted in 1974.

Why are these limits problematic? The answer is that if a candidate can raise $5000 in one phone call to a PAC, why make 5 phone calls hoping to raise the same amount from individuals? My legislation proposes to make individuals at least as important as PACs.

My bill also raises the 25-year-old limits on donations to parties and PACs. It raises the current limits on what both individuals and PACs can give to political parties. As the League of Women Voters has correctly pointed out, the activities of political parties are already regulated, whereas the political activities of other organizations are not. If we are concerned about the influence of "soft" money—that is, money in campaigns that is not regulated and not disclosed—and cannot be regulated or subject to disclosure under our Constitution—then we ought to encourage—not punish—greater political participation through our party structures.

We need to put individuals back as equal players in the campaign finance arena. Special interests—both PACs and soft money—have become important in large part because current law limits are not only a quarter century old, but are also higher for special interests than individuals.

Some people have argued that raising the limits on donations to political candidates and parties exacerbates the problem. Their concern is that there is too much money in politics, not that there is too little.

I will respond by saying that, first, all individual donations would have to be disclosed. The philosophy of the "Citizens' Right to Know Act" is that people have a right to make their own determinations about whether a contribution is tainted or not.

Second, the higher contribution limits for hard money donations make individual citizens more important relative to special interests in campaign finance. If one goal of campaign finance reform is to reduce the influence of special interests, then raising the limits on individual contributions is a way to do it.

Third, most of the increases in the bill are merely an adjustment for 25 years of inflation. While the contribution limits have remained unchanged, the costs of running a campaign have increased. The higher levels reflect reality.

Most importantly, while money is an essential ingredient in a campaign, and is necessary to get one's message to the voters, the real influence in campaigns is the public. Even if wealthy

John Smith gives thousands of dollars to a party or candidate, the fact is that he only gets one vote on election day. Candidates and parties have to persuade people to their way of thinking. All the money in the world cannot compensate for a dearth of principles or unpopular ideas.

The McCain-Feingold approach represents a constitutionally specious barrier on free speech. It would, by law, prohibit political parties from using soft money to communicate with voters. Prohibitions are restrictions on freedom.

My bill, in contrast, does not prohibit anything. It does not restrict the flow of information to citizens. On the contrary, my proposal recognizes that citizens are the ultimate arbiters in elections. They should have access to as much information as possible about the candidates and the positions they represent.

Thus far, the information that is available to voters about campaign finance has been difficult to obtain and untimely. My bill, by empowering voters with this information, will put the role of special interests where it rightfully belongs—in the eye of the beholder, not the federal government.

ADDITIONAL COSPONSORS

S. 58

At the request of Ms. COLLINS, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 58, a bill to amend the Communications Act of 1934 to improve protections against telephone service "slamming" and provide protections against telephone billing "cramming", to provide the Federal Trade Commission jurisdiction over unfair and deceptive trade practices of telecommunications carriers, and for other purposes.

S. 484

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 484, a bill to provide for the granting of refugee status in the United States to nationals of certain foreign countries in which American Vietnam War POW/MIAs or American Korean War POW/MIAs may be present, if those nationals assist in the return to the United States of those POW/MIAs alive.

At the request of Mr. CAMPBELL, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 484, supra.

S. 655

At the request of Mr. LOTT, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 655, a bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles.

S. 1109

At the request of Mr. MCCONNELL, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1109, a bill to conserve global bear populations by prohibiting the importation, exportation, and interstate trade of bear viscera and items, products, or substances containing, or labeled or advertised as containing, bear viscera, and for other purposes.

S. 1139

At the request of Mr. REID, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1139, a bill to amend title 49, United States Code, relating to civil penalties for unruly passengers of air carriers and to provide for the protection of employees providing air safety information, and for other purposes.

S. 1155

At the request of Mr. ROBERTS, the names of the Senator from New Hampshire (Mr. GREGG) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 1155, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes.

S. 1187

At the request of Mr. DORGAN, the names of the Senator from California (Mrs. BOXER), the Senator from California (Mrs. FEINSTEIN), the Senator from New Jersey (Mr. TORRICELLI), the Senator from Virginia (Mr. ROBB), the Senator from Maryland (Ms. MIKULSKI), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. 1187, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Lewis and Clark Expedition, and for other purposes.

S. 1196

At the request of Mr. COVERDELL, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1196, a bill to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes.

S. 1263

At the request of Mr. JEFFORDS, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1263, a bill to amend the Balanced Budget Act of 1997 to limit the reductions in medicare payments under the prospective payment system for hospital outpatient department services.

S. 1269

At the request of Mr. MCCONNELL, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of S. 1269, a bill to provide that the Federal Government and States shall be subject to the same procedures and substantive laws that would apply to persons on whose behalf certain civil actions may be brought, and for other purposes.

S. 1277

At the request of Mr. GRASSLEY, the names of the Senator from Washington (Mrs. MURRAY) the Senator from Georgia (Mr. CLELAND), and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 1277, a bill to amend title XIX of the Social Security Act to establish a new prospective payment system for Federally-qualified health centers and rural health clinics.

At the request of Mr. BAUCUS, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1277, supra.

S. 1419

At the request of Mr. MCCAIN, the names of the Senator from Florida (Mr. GRAHAM), the Senator from South Dakota (Mr. DASCHLE), and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 1419, a bill to amend title 36, United States Code, to designate May as "National Military Appreciation Month."

S. 1500

At the request of Mr. HATCH, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1500, a bill to amend title XVIII of the Social Security Act to provide for an additional payment for services provided to certain high-cost individuals under the prospective payment system for skilled nursing facility services, and for other purposes.

S. 1580

At the request of Mr. ROBERTS, the names of the Senator from Florida (Mr. GRAHAM) and the Senator from Florida (Mr. MACK) were added as cosponsors of S. 1580, a bill to amend the Federal Crop Insurance Act to assist agricultural producers in managing risk, and for other purposes.

S. 1619

At the request of Mr. DEWINE, the names of the Senator from Missouri (Mr. BOND) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 1619, a bill to amend the Trade Act of 1974 to provide for periodic revision of retaliation lists or other remedial action implemented under section 306 of such Act.

S. 1652

At the request of Mr. CHAFEE, the names of the Senator from Mississippi (Mr. LOTT), the Senator from South Dakota (Mr. DASCHLE), the Senator from Nebraska (Mr. HAGEL), the Senator from Louisiana (Mr. BREAUX), the Senator from Colorado (Mr. ALLARD), the Senator from Massachusetts (Mr. KERRY), the Senator from Minnesota (Mr. GRAMS), the Senator from Nevada (Mr. BRYAN), and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 1652, a bill to designate the Old Executive Office Building located at 17th Street and Pennsylvania Avenue, NW, in Washington, District of Columbia, as the Dwight D. Eisenhower Executive Office Building.

At the request of Mr. INOUYE, his name was added as a cosponsor of S. 1652, supra.

S. 1673

At the request of Mr. DEWINE, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1673, a bill to amend titles 10 and 18, United States Code, to protect unborn victims of violence.

S. 1674

At the request of Mr. BINGAMAN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1674, a bill to promote small schools and smaller learning communities.

S. 1704

At the request of Mr. BINGAMAN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1704, a bill to provide for college affordability and high standards.

S. 1723

At the request of Mr. WYDEN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1723, a bill to establish a program to authorize the Secretary of the Interior to plan, design, and construct facilities to mitigate impacts associated with irrigation system water diversions by local governmental entities in the Pacific Ocean drainage of the States of Oregon, Washington, Montana, and Idaho.

S. 1727

At the request of Mr. BINGAMAN, his name was added as a cosponsor of S. 1727, a bill to authorize for the expansion annex of the historic Palace of the Governors, a public history museum located, and relating to the history of Hispanic and Native American culture, in the Southwest and for other purposes.

S. 1732

At the request of Mr. BREAUX, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1732, a bill to amend the Internal Revenue Code of 1986 to prohibit certain allocations of S corporation stock held by an employee stock ownership plan.

S. 1738

At the request of Mr. JOHNSON, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. 1738, a bill to amend the Packers and Stockyards Act, 1921, to make it unlawful for a packer to own, feed, or control livestock intended for slaughter.

SENATE RESOLUTION 118

At the request of Mr. REID, the names of the Senator from North Dakota (Mr. CONRAD), the Senator from Iowa (Mr. GRASSLEY), and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of Senate Resolution 118, a resolution designating December 12, 1999, as "National Children's Memorial Day."

SENATE RESOLUTION 199

At the request of Mr. REED, the names of the Senator from Indiana (Mr. BAYH) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of Senate Resolution 199, a resolution designating the week 24, 1999, through October 30, 1999, and the week of October 22, 2000, through October 28, 2000, as "National Childhood Lead Poisoning Prevention Week."

SENATE RESOLUTION 204

At the request of Mr. HATCH, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of Senate Resolution 204, a resolution designating the week beginning November 21, 1999, and the week beginning on November 19, 2000, as "National Family Week," and for other purposes.

SENATE CONCURRENT RESOLUTION 61—EXPRESSING THE SENSE OF THE CONGRESS REGARDING A CONTINUED UNITED STATES SECURITY PRESENCE IN PANAMA AND A REVIEW OF THE CONTRACT BIDDING PROCESS FOR THE BALBOA AND CRISTOBAL PORT FACILITIES ON EACH END OF THE PANAMA CANAL

Mr. SESSIONS (for himself, Mr. LOTT, Mr. HELMS, Mr. INHOFE, Mr. ALLARD, Mr. KYL, Mr. THURMOND, and Mr. HUTCHINSON): submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 61

Whereas the 50-mile-long Panama Canal, connecting the Atlantic and Pacific Oceans, is a key strategic choke point in the Western Hemisphere, is vital to United States and international economies, and remains a strategic passage for naval vessels;

Whereas the 1977 Carter-Torrijos Treaty transfers ownership of the Panama Canal to the government of Panama and requires all United States military forces to leave by December 31, 1999;

Whereas under the companion Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal the United States retains the right, and has a responsiblity, to protect and defend the Canal beyond the year 2000;

Whereas narcotics-funded terrorist forces in Colombia have spread their bases and logistical operations into southern Panama;

Whereas Panama does not have an army, navy, or air force, and the country's national police units lack adequate training, manpower, and equipment to deter heavily-armed hostile narcotics terrorist forces or to adequately defend the Canal against sabotage or terrorism from internal or external threats;

Whereas the Russian Mafia, Chinese Triad criminal organizations, Cuban government entities, and certain groups from the Middle East, all of whom have been hostile to the United States, are active in Panama, conducting weapons smuggling, money laundering, and massive counterfeiting and piracy of United States products and intellectual property;

Whereas systematic smuggling of illegal aliens from the People's Republic of China has been conducted with the involvement of high-level Panamanian officials;

Whereas the communist People's Republic of China is making major political, economic, and intelligence inroads in Panama, posing a long-term threat to American security interests;

Whereas the Hong Kong-based Hutchison Whampoa company, which has close ties to the People's Republic of China and has served as a conduit for funding and acquiring technology for the Chinese People's Liberation Army, has been granted a 25- to 50-year lease to control the only port facility on the Pacific end of the Panama Canal and another port facility on the Atlantic end; and

Whereas Hutchison Whampoa was awarded control of the Canal ports, despite better offers made by consortia that included United States companies, through a contract bidding process that was widely regarded as secretive, corrupt, and unfair: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is a sense of the Congress that—

(1) the United States Government should request that the new government of Panama, under the leadership of President Mireya Moscoso, investigate charges of corruption related to the granting of the Panama Canal port leases by the previous Balladares administration;

(2) based on any finding of corruption related to the granting of those leases, the United States Government should request that the new government of Panama nullify the lease agreements for the Balboa and the Cristobal port facilities on each end of the Panama Canal and initiate a new bidding process that is both transparent and fair; and

(3) the United States Government should negotiate security arrangements with the government of Panama that will protect the Canal and ensure the territorial integrity of the Republic of Panama.

SENATE RESOLUTION 205—DESIGNATING THE WEEK OF EACH NOVEMBER IN WHICH THE HOLIDAY OF THANKSGIVING IS OBSERVED AS "NATIONAL FAMILY WEEK"

Mr. GRASSLEY (for himself, Mr. KOHL, Mr. TORRICELLI, and Mr. LUGAR) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 205

Whereas the family is the basic strength of any free and orderly society;

Whereas it is appropriate to honor the family unit as essential to the continued well-being of the United States; and

Whereas it is fitting that official recognition be given to the importance of family loyalties and ties: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of each November in which the holiday of Thanksgiving is observed as "National Family Week"; and

(2) requests that the President issue each year a proclamation—

(A) designating the week of each November in which the holiday of Thanksgiving is observed as "National Family Week"; and

(B) calling on the people of the United States to observe "National Family Week" with appropriate ceremonies and activities.

• Mr. GRASSLEY. Mr. President, I come before you today to submit a resolution which would designate the week of each November in which the holiday of Thanksgiving is observed as "National Family Week." Each Congress since 1976 has passed legislation which established Family Week on a bi-annual basis, and I have been a frequent cosponsor of it. In fact, last Congress, I was the sponsor of the legislation, and am pleased to be able to further contribute to this longstanding tradition of recognizing the importance of family.

This Congress, however, I would like to pay special tribute to the hard work of the man who founded the idea of Family Week, Mr. Sam Wiley. Ever since 1971, Mr. Wiley worked hard to see that Family Week was recognized on every Thanksgiving in every state, and by every president. Unfortunately, however, Mr. Wiley passed away in December after a long battle with cancer. Remarkably, even during this fight with the painful and deadly disease, Mr. Wiley was more concerned with making sure Family Week continue, as it was his constant vigilance that kept the idea and spirit of Family Week alive year after year.

A friend, Mr. Noel Duerden, has said that Mr. Wiley's greatest desire was to make sure that after he died Family Week would still live on. As a tribute to Mr. Wiley, my legislation will guarantee that Family Week continues by making it permanent. The resolution I am submitting today will ensure that every year the President will issue a proclamation dedicating the week of the Thanksgiving holiday as Family Week.

As we all know, the family is the most basic element of our society, and the tie that binds us to one another. It is the strength of any free and orderly society and it is appropriate to honor this unit as being essential to the well-being of the United States.

Since Family Week will be observed during the weeks on which Thanksgiving falls, we will be paying homage to what we as a nation already know—the strength of the family provides the support through which we as individuals and a nation thrive. Therefore it is particularly suitable to pause during this special week in recognition of the celebrations and activities of the family which bring us closer together.

I hope my colleagues will join me in this effort and ask that an article from the Indianapolis Star about Mr. Wiley and Family Week be placed in the RECORD.

The article follows:

FOUNDER WANTS TO MAKE SURE FAMILY WEEK CONTINUES

(By John Strauss)

He founded National Family Week, but on a day when so many families were together for the holiday, Sam Wiley found it hard to say much.

"I've seen better days," he said Friday from a bed at St. Vincent Hospice.

Wiley, 72, is in the terminal stages of pancreatic and liver cancer, but he is less concerned about his personal situation than making sure the National Family Week movement continues.

Ever since he started it in 1971, the week has been recognized each Thanksgiving by every president and in every state through proclamations, seminars and other activities designed to recognize the importance of strong families.

Wiley's movement has a Web page, www.familyweek.org. The former Whiteland High School administrator, teacher and basketball coach, who retired in 1988, has worked tirelessly to promote the week as a way to strengthen the regard and support for families.

Along the way, he made 25 trips to Washington. His room at the hospice has photos on the wall of Wiley with presidents Ronald Reagan and George Bush, and with former Vice President Dan Quayle as the proclamations for National Family Week were signed over the years.

Wiley never married, but he came to believe in the importance of families through his work with students, said Rush Isenhour, a childhood friend from their days in Boone County.

Isenhour was at Wiley's bedside on Friday, as her friend, who is heavily medicated for pain, drifted in and out of consciousness. Wiley's friends said he does not have long to live.

"He was a schoolteacher and he had so many children from underprivileged families," Isenhour said. "He heard them talking about their family life, and that got him to thinking about it, and it got him started."

Noel Duerden, a friend who helped Wiley over the years, said he and others are trying to find other groups to carry on the organizational work. One of the biggest tasks is writing and calling governors across the country to get them to issue proclamations which are only good for a year.

"Everybody's interested in National Family Week, but nobody's taking the lead except Sam at this point," Duerden said.

"His greatest desire before he dies is to make sure this continues," he said. "Not just the proclamations, which are a heavy amount of work, but to promote it with the organizations and get right down to families."

Duerden said he has been talking with the National Urban League, the American Legion, Girl Scouts and other groups to find support for continuing the annual observance.

Judy Lifferth is coordinator of National Family Week activities in Columbus, where "Families of the Year" are recognized for sticking together and supporting each other in the face of difficulties.

This year's program also included training in Active Parenting, a six-session video and discussion course that focuses on communication and other parenting skills.

"We live a fast-lane life, and National Family Week gives people a chance in the middle of their busy lives and realize how important their families are," Lifferth said.

The Columbus mother of five has worked on National Family Week activities for 10 years but didn't realize until recently that the founder lived just up I–65 from her.

"I wish there was a way I could meet him," she said.

"I would like to tell him thank you from the bottom of my heart."•

AMENDMENTS SUBMITTED

BIPARTISAN CAMPAIGN REFORM ACT OF 1999

CLELAND AMENDMENTS NOS. 2308–2316

(Ordered to lie on the table)

Mr. CLELAND submitted nine amendments intended to be proposed by him to the bill (S. 1593) to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform; as follows:

AMENDMENT NO. 2308

At the end of the bill, add the following:

SEC. . REQUIRED CONTRIBUTOR CERTIFICATION.

Section 301(13) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(13)) is amended—

(1) in subparagraph (A)—

(A) by striking "and" the first place it appears; and

(B) by inserting ", and an affirmation that the individual is an individual who is not prohibited by sections 319 and 320 from making the contribution" after "employer"; and

(2) in subparagraph (B) by inserting "and an affirmation that the person is a person that is not prohibited by sections 319 and 320 from making a contribution" after "such person".

AMENDMENT NO. 2309

At the end of the bill, add the following:

SEC. . RESTRUCTURING OF THE FEDERAL ELECTION COMMISSION.

(a) IN GENERAL.—So much of section 306(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437c(a)) as precedes paragraph (2) is amended to read as follows:

"(a) COMPOSITION OF COMMISSION.—

"(1) IN GENERAL.—

"(A) ESTABLISHMENT.—There is established a commission to be known as the Federal Election Commission.

"(B) APPOINTMENT OF MEMBERS.—The Commission shall be composed of 7 members appointed by the President, by and with the advice and consent of the Senate, of which 1 member shall be appointed by the President from nominees recommended under subparagraph (C).

"(C) NOMINATIONS.—

"(i) IN GENERAL.—The Supreme Court shall recommend 10 nominees from which the President shall appoint a member of the Commission.

"(ii) QUALIFICATIONS.—The nominees recommended under clause (i) shall be individuals who have not, during the time period beginning on the date that is 5 years prior to the date of the nomination and ending on the date of the nomination—

"(I) held elective office as a member of the Democratic or Republican political party;

"(II) received any wages from the Democratic or Republican political party; or

"(III) provided substantial volunteer services or made any substantial contribution to the Democratic or Republican political party or to a public officeholder or candidate for public office who is associated with the Democratic or Republican political party.

"(D) LIMIT ON PARTY AFFILIATION.—Of the 6 members not appointed pursuant to subparagraph (C), no more than 3 members may be affiliated with the same political party.".

(b) CHAIR OF COMMISSION.—Section 306(a)(5) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437c(a)(5)) is amended by striking paragraph (5) and inserting the following:

"(5) CHAIR; VICE CHAIR.—

"(A) IN GENERAL.—A member appointed under paragraph (1)(C) shall serve as chair of the Commission and the Commission shall elect a vice chair from among the Commission's members.

"(B) AFFILIATION.—The chair and the vice chair shall not be affiliated with the same political party.

"(C) VACANCY.—The vice chair shall act as chair in the absence or disability of the chair or in the event of a vacancy of the chair.".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The term of the seventh member of the Federal Election Commission appointed under section 306(a)(1)(C) of the Federal Election Campaign Act of 1971, as added by subsection (a) of this section, shall begin on May 1, 2000.

(2) CURRENT MEMBERS.—Any member of the Federal Election Commission serving a term on the date of enactment of this Act (or any successor of such term) shall continue to serve until the expiration of the term.

AMENDMENT NO. 2310

At the end of the bill, add the following:

SEC. . FILING FEES.

(a) SCHEDULE.—The Federal Election Commission shall establish by regulation a schedule of filing fees that apply to persons required to file a report under the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.).

(b) REQUIREMENTS.—A filing fee schedule established under subsection (a) shall—

(1) be printed in the Federal Register not less than 30 days before a fiscal year begins;

(2) contain sufficient fees to meet the estimated operating costs of the Federal Election Commission for the next fiscal year; and

(3) provide a waiver of fees for persons required to file a report with the Federal Election Commission if such fee would be a substantial hardship to such person.

(c) APPROPRIATIONS.—Any fees collected pursuant to this section are hereby appropriated for use by the Federal Election Commission in carrying out its duties under the Federal Election Campaign Act of 1971 and shall remain available without fiscal year limitation.

(d) EFFECTIVE DATE.—This section shall apply to fiscal years beginning after the date that is 2 years after the date of enactment of this Act.

AMENDMENT NO. 2311

At the end of the bill, add the following:

SEC. . INDEPENDENT LITIGATION AUTHORITY.

Section 306(f) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437c(f)) is amended by striking paragraph (4) and inserting the following:

"(4) INDEPENDENT LITIGATING AUTHORITY.—

"(A) IN GENERAL.—Notwithstanding paragraph (2) or any other provision of law, the Commission is authorized to appear on the Commission's behalf in any action related to the exercise of the Commission's statutory duties or powers in any court as either a party or as amicus curiae, either—

"(i) by attorneys employed in its office, or

"(ii) by counsel whom the Commission may appoint, on a temporary basis as may be necessary for such purpose, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, and whose compensation shall be paid out of any funds otherwise available to pay the compensation of employees of the Commission.

"(B) SUPREME COURT.—The authority granted under subparagraph (A) includes the power to appeal from, and petition the Supreme Court for certiorari to review, judgments or decrees entered with respect to actions in which the Commission appears under the authority provided in this section.".

AMENDMENT NO. 2312

At the end of the bill, add the following:

SEC. . LIMIT ON TIME TO ACCEPT CONTRIBUTIONS.

(a) TIME TO ACCEPT CONTRIBUTIONS.—Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by adding at the end the following:

"(i) TIME TO ACCEPT CONTRIBUTIONS.—

"(1) IN GENERAL.—A candidate for nomination to, or election to, the Senate or House of Representatives shall not accept a contribution from any person during an election cycle in connection with the candidate's campaign except during a contribution period.

"(2) CONTRIBUTION PERIOD.—In this subsection, the term 'contribution period' means, with respect to a candidate, the period of time that—

"(A) begins on the date that is the earlier of—

"(i) January 1 of the year in which an election for the seat that the candidate is seeking occurs; or

"(ii) 90 days before the date on which the candidate will qualify under State law to be placed on the ballot for the primary election for the seat that the candidate is seeking; and

"(B) ends on the date that is 5 days after the date of the general election for the seat that the candidate is seeking.

"(3) EXCEPTIONS.—

"(A) DEBTS INCURRED DURING ELECTION CYCLE.—A candidate may accept a contribution after the end of a contribution period to make an expenditure in connection with a debt or obligation incurred in connection with the election during the election cycle.

"(B) ACCEPTANCE OF CONTRIBUTIONS IN RESPONSE TO OPPONENT'S CARRYOVER FUNDS.—

"(i) IN GENERAL.—A candidate may accept an aggregate amount of contributions before the contribution period begins in an amount equal to 125 percent of the amount of carryover funds of an opponent in the same election.

"(ii) CARRYOVER FUNDS OF OPPONENT.—In clause (i), the term 'carryover funds of an opponent' means the aggregate amount of contributions that an opposing candidate and the candidate's authorized committees transfers from a previous election cycle to the current election cycle.".

(b) DEFINITION OF ELECTION CYCLE.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by adding at the end the following:

"(20) ELECTION CYCLE.—The term 'election cycle' means the period beginning on the day after the date of the most recent general election for the specific office or seat that a candidate is seeking and ending on the date of the next general election for that office or seat.".

AMENDMENT NO. 2313

At the end of the bill, add the following:

SEC. . MANDATORY ELECTRONIC FILING.

Section 304(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)) is amended by striking paragraph (11) and inserting the following:

"(11) ELECTRONIC FILING.—

"(A) IN GENERAL.—The Commission shall promulgate a regulation under which a person required to file a designation, statement, or report under this Act, in addition to the current filing requirements—

"(i) is required to maintain and file each designation, statement, or report in electronic form accessible by computer if the person has, or expects to have, aggregate contributions or aggregate expenditures in excess of a threshold amount determined by the Commission; and

"(ii) may maintain and file a designation, statement, or report in electronic form accessible by computer if not required to do so under the regulation promulgated under clause (i).

"(B) VERIFICATION OF FILINGS.—

"(i) REGULATION.—The Commission shall promulgate a regulation to provide a method for verifying a designation, statement, report, or notification required to be filed under this paragraph (other than requiring a signature on the document being filed).

"(ii) TREATMENT OF VERIFICATION.—A document verified by the method promulgated under clause (i) shall be treated for all purposes in the same manner as a document verified by a signature.".

AMENDMENT NO. 2314

At the end of the bill, add the following:

SEC. . CIVIL ACTION.

Section 309 of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g) is amended by adding at the end the following:

"(e) CIVIL ACTION.—

"(1) AUTHORITY TO BRING CIVIL ACTION.—If the Commission does not act to investigate or dismiss a complaint within 120 days after the complaint is filed, the person who filed the complaint may commence a civil action against the Commission in United States district court for injunctive relief.

"(2) ATTORNEY'S FEES.—The court may award the costs of the litigation (including reasonable attorney's fees) to a plaintiff who substantially prevails in the civil action.".

AMENDMENT NO. 2315

At the end of the bill, add the following:

SEC. . AUDITS.

(a) RANDOM AUDITS.—Section 311(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(b)) is amended—

(1) by inserting "(1)" before "The Commission"; and

(2) by adding at the end the following:

"(2) RANDOM AUDITS.—

"(A) IN GENERAL.—Notwithstanding paragraph (1), the Commission may conduct random audits and investigations to ensure voluntary compliance with this Act.

"(B) LIMITATION.—The Commission shall not conduct an audit or investigation of a candidate's authorized committee under paragraph (1) until the candidate is no longer a candidate for the office sought by the candidate in an election cycle.

"(C) APPLICABILITY.—This paragraph does not apply to an authorized committee of a candidate for President or Vice President subject to audit under section 9007 or 9038 of the Internal Revenue Code of 1986.".

(b) EXTENSION OF PERIOD DURING WHICH CAMPAIGN AUDITS MAY BE BEGUN.—Section 311(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(b)) is amended by striking "6 months" and inserting "12 months".

Amendment No. 2316

At the end of the bill, add the following:

SEC. ___. REPORTING REQUIREMENTS.

(a) Filing Date for Reports.—Section 304(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)) is amended—

(1) in paragraph (2)(A)(i), by striking "(or posted by registered or certified mail no later than the 15th day before)";

(2) in paragraph (4)(A)(ii), by striking "(or posted by registered or certified mail no later than the 15th day before)"; and

(3) by striking paragraph (5) and inserting "(5) [Repealed.]".

(b) Campaign-Cycle Reporting.—

(1) In general.—Section 304(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)) is amended—

(A) in paragraph (2), by inserting "(or, in the case of an authorized committee, the reporting period and the election cycle)" after "calendar year";

(B) in paragraph (3)—

(i) in subparagraph (A), by inserting "(or, in the case of an authorized committee, within the election cycle)" after "calendar year";

(ii) in subparagraph (F), by inserting "(or, in the case of an authorized committee, within the election cycle)" after "calendar year"; and

(iii) in subparagraph (G), by inserting "(or, in the case of an authorized committee, within the election cycle)" after "calendar year";

(C) in paragraph (4), by inserting "(or, in the case of an authorized committee, the reporting period and the election cycle)" after "calendar year";

(D) in paragraph (5)(A), by inserting "(or, in the case of an authorized committee, within the election cycle)" after "calendar year"; and

(E) in paragraph (6)(A), by striking "calendar year" and inserting "election cycle".

(2) Definition of election cycle.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by adding at the end the following:

"(20) Election cycle.—The term 'election cycle' means the period beginning on the day after the date of the most recent general election for the specific office or seat that a candidate is seeking and ending on the date of the next general election for that office or seat.".

(c) Monthly Reporting by Multicandidate Political Committees.—Section 304(a)(4)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(4)(B)) is amended by adding at the end the following: "In the case of a multicandidate political committee that has received contributions aggregating $100,000 or more or made expenditures aggregating $100,000 or more, by January 1 of the calendar year, or anticipates receiving contributions aggregating $100,000 or more or making expenditures aggregating $100,000 or more during such year, the committee shall file monthly reports under this subparagraph.".

(d) Filing of Report of Independent Expenditures.—The second sentence of section 304(c)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(c)(2)) is amended by inserting "and filed" after "shall be reported".

(e) Reporting of Certain Expenditures.—Section 304(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)) is amended by adding at the end the following:

"(12)(A)(i) A political committee, other than an authorized committee of a candidate, that has received contributions aggregating $100,000 or more or made expenditures aggregating $100,000 or more during the calendar year or anticipates receiving contributions aggregating $100,000 or more or making expenditures aggregating $100,000 or more during such year, shall notify the Commission in writing of any contribution in an aggregate amount equal to $1,000 or more received by the committee after the 20th day, but more than 48 hours, before any election.

"(ii) Notification shall be made within 48 hours after the receipt of such contribution and shall include the name of the political committee, the identification of the contributor, and the date of receipt of the contribution.

"(B) The notification required under this paragraph shall be in addition to all other reporting requirements under this Act.".

DISTRICT OF COLUMBIA COLLEGE ACCESS ACT

THOMPSON (AND OTHERS) AMENDMENT NO. 2317

Mr. SPECTER (for Mr. Thompson (for himself, Mr. Voinovich, Mrs. Hutchison, Mr. Durbin, and Mr. Warner)) proposed an amendment to the bill (H.R. 974) to establish a program to afford high school graduates from the District of Columbia the benefits of in-State tuition at State colleges and universities outside the District of Columbia, and for other purposes; as follows:

On page 13, between lines 16 and 17, insert the following:

(3) Further adjustments.—Notwithstanding paragraphs (1) and (2), the Mayor may prioritize the making or amount of tuition and fee payments under this subsection based on the income and need of eligible students.

On page 15, line 22, strike "1999" and insert "1998".

On page 23, between lines 10 and 11, insert the following:

(3) Further adjustments.—Notwithstanding paragraphs (1) and (2), the Mayor may prioritize the making or amount of tuition and fee payments under this subsection based on the income and need of eligible students.

On page 23, line 14, strike "(A)" and insert "(A)(i)".

On page 23, line 19, strike "(i)" and insert "(I)".

On page 23, line 20, strike "(ii)" and insert "(II)".

On page 24, line 1, strike "(iii)" and insert "(III)".

On page 24, line 5, strike "(B)" and insert "(ii)".

On page 24, line 9, strike "(C)" and insert "(iii)".

On page 24, line 15, strike the period and insert "; or".

On page 24, between lines 15 and 16, insert the following:

(B) is a private historically Black college or university (for purposes of this subparagraph such term shall have the meaning given the term "part B institution" in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)) the main campus of which is located in the State of Maryland or the Commonwealth of Virginia.

DESIGNATING NATIONAL CHILDHOOD LEAD POISONING PREVENTION WEEK

REED AMENDMENT NO. 2318

Mr. SPECTER (for Mr. Reed) proposed an amendment to the resolution (S. Res. 199) designating the week of October 24, 1999, through October 30, 1999, and the week of October 22, 2000, through October 28, 2000, as "National Childhood Lead Poisoning Prevention Week"; as follows:

On page 2 line 8, strike "day" and insert "week".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 9:30 a.m. on Tuesday, October 19, 1999, in open session, to receive testimony on future naval operations at the Atlantic Fleet Weapons Training Facility.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, October 19, for purposes of conducting a joint committee hearing with the Committee on Governmental Affairs, which is scheduled to begin at 2:00 p.m. The purpose of this oversight hearing is to receive testimony on the Department of Energy's implementation of provisions of the Department of Defense Authorization Act which create the National Nuclear Security Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a business meeting Tuesday, October 19, immediately following the first vote, S-216, The Capitol, to consider the nominations of (1) Skila Harris, nominated by the President to be a Member of the Tennessee Valley Authority; (2) Glenn L. McCullough, Jr., nominated by the President to be a Member of the Tennessee Valley Authority; and (3) Gerald V. Poje, nominated by the President to be a Member of the Chemical Safety and Hazard Investigation Board.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the senate on Tuesday, October 19, 1999 at 2:30 PM to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be permitted to meet on Tuesday, October 19, at 10:30 a.m. for a hearing regarding H.R. 391 and S. 1378, the Small Business Paperwork Reduction Act Amendments of 1999.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. McCONNELL. Mr. President, the Committee on the Judiciary requests unanimous consent to conduct a markup on Tuesday, October 19, 1999 beginning at 10:00 a.m. in Dirksen Room 226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON THE YEAR 2000 TECHNOLOGY PROBLEM

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Special Committee on the Year 2000 Technology Problem be permitted to meet on October 19, 1999 at 10:00 a.m. for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FISHERIES, WILDLIFE, AND DRINKING WATER

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Subcommittee on Fisheries, Wildlife, and Drinking Water be granted permission to conduct a hearing Tuesday, October 19, 10:00 a.m., Hearing Room (SD–406), to examine the benefits and policy concerns related to Habitat Conservation Plans.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, October 19, for purposes of conducting a Subcommittee on Forests and Public Land Management hearing which is scheduled to begin at 10:00 a.m. The purpose of this hearing is to receive testimony on S. 1608, a bill to provide annual payments to the States and counties from National Forest System land management by the Forest Service, and the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands managed predominately by the Bureau of Land Management, for use by the counties in which the lands are situated for the benefit of the public schools, roads, emergency and other public purposes; to encourage and provide a new mechanism for cooperation between counties and the Forest Service and the Bureau of Land Management to make necessary investments in federal lands, and reaffirm the positive connection between Federal Lands counties and Federal Lands; and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON LONG-TERM GROWTH AND DEBT REDUCTION

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Finance, Subcommittee on Long-Term Growth and Debt Reduction be permitted to meet on Tuesday, October 19, 1999 at 9:30 a.m. to hear testimony on Federal Income Tax Issues Relating to Restructuring of the Electric Power Industry.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE DISTRICT OF COLUMBIA COLLEGE ACCESS ACT

• Mr. WARNER. Mr. President, I am pleased to join in supporting this legislation and, also, as a cosponsor of the amendment offered by Chairman THOMPSON and Senator VOINOVICH.

This important legislation will provide high school students from the District of Columbia significant financial relief to assist them in attending a public or private university in Virginia or Maryland.

I am grateful to Chairman THOMPSON, Ranking Member LIEBERMAN and particularly Subcommittee Chairman VOINOVICH for taking on this effort and moving swiftly to bring this bill before the full Senate.

I have had a particular interest in expanding the educational opportunities available to District students by ensuring that they are eligible to receive the reduced tuition rate or grants to attend any of the exceptional Historically Black Colleges and Universities in Virginia or Maryland. Many students from the District of Columbia currently attend an Historically Black College or University in Virginia or Maryland and there is a great tradition among these schools and District students.

In Virginia, we are privileged to have five exceptional Historically Black Colleges and Universities—Hampton University, Virginia State University, Virginia Union University, Norfolk State University and St. Paul's College. I am pleased that the amendment offered today with this legislation incorporates a provision I requested to make each of these institutions eligible under this legislation. With the passage of this amendment to the bill, students from the District of Columbia will now be able to receive either in-state tuition rates or grants to attend any public institution or Historically Black College or University in Virginia.

Mr. President, I applaud the efforts of my colleagues, Senator VOINOVICH and Chairman THOMPSON, and appreciate their attention to the matters involving Historically Black Colleges.•

CHESHIRE LIONS CLUB

• Mr. LIEBERMAN. Mr. President, I rise today to honor the Cheshire Lions Club of Cheshire, CT which is celebrating its 50th anniversary of service to the community.

With the support of area residents, the Cheshire Lions Club has reached out to assist many members of the community. The Lions Club has developed a national reputation for advancing such worthwhile local causes as the D.A.R.E. Program for schools, academic scholarships for local students, and area food banks, and the Cheshire club has been an important part of that legacy. Over the years, members of the Cheshire Lions Club have actively involved themselves in countless civic activities and made a real difference in Connecticut. Their hard work has reached far beyond the Town of Cheshire and the Lions Club stands tall as an example of the principles upon which our nation was built.

As the Cheshire Lions Club has grown, its numerous good works have touched many lives and demonstrated the true value of community spirit. I ask that my colleagues join me in thanking the club and all its members for their service, dedication, and contributions to our state.•

THE 25TH ANNIVERSARY OF "WOMEN HELPING BATTERED WOMEN"

• Mr. JEFFORDS. Mr. President, it gives me great pleasure to stand before the Senate today and speak of an organization that has, for the past 25 years, been committed to ending violence toward women and children. The organization is called Women Helping Battered Women (WHBW) and their goal is simple: create a living environment for women and children that is free from fear of battering—sexual, physical, emotional or financial. On the occasion of their 25th anniversary, WHBW, through their direct service, their advocacy and their educational and outreach programs stands as an example for us all and, unfortunately, are as crucial today as they were 25 years ago.

We must not shy away from the impacts of domestic violence. In the United States, a woman is battered by a partner every seven seconds and thirty percent of Americans know a woman who has been physically abused by their husband or boyfriend in the last year. In my home state of Vermont, I shudder when I hear that domestic violence touches over 16,000 Vermonters each year. In Chittenden County alone, an overwhelming 59% of all reported crimes since January 1998 have been domestic-related disturbances. We often perceive Vermont as one of the safest states in the nation, however, the incidence of domestic violence in Vermont continues to rise.

As a result of WHBW's work, over 3,500 Vermonters' lives were positively touched during difficult and dangerous times in their lives. I'd like to highlight their PARADIGM project, a joint educational partnership with the Woman's Rape Crisis Center. The PARADIGM project serves to educate students, churches and professional and community groups, in the hope of breaking the cycle of violence in the home and in our communities.

Mr. President, you may see me and others wearing a purple ribbon, to symbolize our commitment to ending violence against women and children in our state, and across the nation. Yet it is the day to day work of Women Helping Battered Women—it is their strength and advocacy—that continues to make a difference and helps Congress focus on this issue. Congress made a commitment to the women behind the statistics when we passed the bipartisan Violence Against Women Act (VAWA). I will continue to work to fulfill this pledge to millions of women and families who have suffered, by fully funding this important Act which supports shelters, counseling, training, and law enforcement. In fact, my work helped to double the fiscal year 1997 allocations for community level demonstration projects and to increase the domestic violence hotline funds. Congress also included funding targeted exclusively to combat domestic violence in rural areas—especially important in my home state of Vermont. We must continue the work we began with the passage of VAWA and pass a reauthorization of these vital programs. I am proud to be a cosponsor of S. 51, the Violence Against Women Act II. I pledge to work with my colleagues to get this needed legislation passed in the near future.

I applaud WHBW's leadership and the creative initiatives they have undertaken to build and maintain a multicultural organization which empowers staff, volunteers, and the women and families they serve. I commend Woman Helping Battered Women for their crucial work in breaking the silence for victims, supporting women and children in meeting their most basic needs in times of great difficulty, educating our communities, and working to heighten public awareness of this growing epidemic.

Mr. President, thank you for the opportunity to provide my colleagues with a shining example of a group of dedicated individuals actively engaged in the war against domestic violence. I join other Vermonters in offering my heartfelt congratulations and gratitude to Women Helping Battered Women for their many years of good work.●

COMMEMORATING THE AGREEMENT FOR THE ESTABLISHMENT OF SISTER RELATIONS BETWEEN THE STATE OF MONTANA, UNITED STATES OF AMERICA AND GUANGXI ZHUANG AUTONOMOUS REGION, PEOPLE'S REPUBLIC OF CHINA

● Mr. BAUCUS. Mr. President, I rise today to commemorate the establishment of the sister-state relationship between my home state of Montana and Guangxi Zhuang Autonomous Region of the People's Republic of China.

The establishment of this sisterhood marks a successful conclusion to many years of building mutual cooperation, trust and friendship, as well as a bright beginning of a continued strong relationship between our countries.

I would like to commend Governor Marc Racicot of the State of Montana for his continued efforts to bring new opportunities to the state through education, business relations and cultural exchanges. I would also like to thank the People's Republic of China and Governor Li Zhaozhuo for linking Guangxi Province to Montana. The richness of culture, citizens, history, and boundless environmental beauty make our state and your province a perfect match.

Montana and Guangxi have worked a long time in building this relationship. In fact, a high level delegation from Guangxi Province joined the first Mansfield Pacific Retreat on "Trade and Agriculture," held in Bigfork, Montana, in May 1996.

The idea of establishing friendly exchange relationships between American states and cities and Chinese provinces and cities goes back to the late 1970s when China, as a country, began to "open up to the outside." These sister relationships have proved to be very helpful in establishing cultural and grassroots relations. A good example is the product relationship between the city of Seattle and Chongqing in Sichuan Province.

The establishment of Montana's sister ties with Guangxi Province in South China fits within this tradition of promoting people to people communication. Such a relationship is especially relevant to Montana because of the life, work, and legacy of Mike Mansfield. He is Montana's "favorite son" who has also made a name known for himself in China. His promotion of sister relationships with Asia began during his tenure as American Ambassador to Japan. He proposed and helped to establish Montana's sister relationship with Kumamoto Prefecture. He also established the University of Montana's sister relations with Toyo University in Tokyo and Kumamoto University in Kumamoto City.

Although Senator Mansfield is better known for his promotion of mutual understanding with Japan, his impact on American Chinese relations is also significant. His interest in East Asia began when he served in the U.S. Marines soon after World War I and visited the American Garrison then in the city of Tianjin.

Senator Mansfield continued his work in the Far East as a Congressman from Montana. He visited China at the request of President Roosevelt to report back with advice on American policy following the defeat of Japan in the Pacific War. He is also credited with opening relations with China in the early 1970s and he was the first American Senator to visit China, soon after President Nixon's historic visit in 1972. The current ties between Montana and Guangxi are a fitting expression of the value of people to people communication between America and China. They are also a fitting tribute to the legacy of Senator Mansfield.

Finally, I was pleased to have the opportunity to visit Guangxi's beautiful city of Guilin last summer during President Clinton's visit to China. I was impressed by the great efforts the Guangxi's citizens have taken to ensure that their children and generations to come will continue to enjoy the natural wonders and beauty of their province. We in Montana also take such pride in our state's natural treasures—our mountains, our lakes and our wildlife.

I am very proud of the establishment of Montana and Guangxi's sisterhood. This is just the beginning. As we enter the new Millennium, let us strive to build and strengthen our sisterhood relationship as a model for cooperation and understanding.●

TRIBUTE TO ATTORNEY AT LAW JIMMY E. ALEXANDER

● Mr. SHELBY. Mr. President, I rise today to pay tribute to Jimmy E. Alexander, a prominent and respected lawyer from Athens, Limestone County, in northern Alabama. Mr. Alexander passed away last month after a long and distinguished career in law practice. His deep passion for his work took him on a journey from the smallest courtrooms in Alabama, to the great and hallowed halls of the U.S. Supreme Court. His dedication and heartfelt concern for the "little guy" was an inspiration. Jimmy will be missed by the many people whose lives he touched and affected.

Jimmy was born in Bear Creek, in Marion County, in 1939. After graduation from Russellville High School in 1957, Jimmy went on to continue his education at the University of Alabama, receiving his undergraduate degree in 1960, and his law degree in 1963. Jimmy's innate industriousness and work ethic were tailor-made for his chosen profession. Jimmy quickly developed a reputation as an outstanding criminal defense attorney and successful domestic relations lawyer. Joining the firm of Malone, Malone and Steel directly out of law school, he soon was made partner and ultimately became senior partner of the firm Alexander, Corder, Plunk, Baker, Shelly, and Shipman P.C., in Athens, AL. Jimmy was the city attorney for Athens and Ardmore for 17 years. He served on the city Board of Education for 5 years and was the Alabama Bar Association Commissioner for the 39th judicial circuit for 4 years.

It was through these professional forums that Jimmy was able to thrive in his work and gain a statewide reputation as a standout trial attorney. In private practice for 36 years, Jimmy has counseled businesses, commercial clients, and recently, had taken a strong interest in championing the cause of the "little guy." Particularly for the last 15 years, he focused on representing the poor, under represented, physically injured, and financially cheated, many of whom had no where else to turn than Jimmy Alexander. Jimmy developed a particular fondness for taking on big business, insurance companies, and large industry. He represented many high profile cases, and in 1989, won the largest monetary judgment at the time in Limestone County and in another case, setting a precedent for the largest monetary judgement in the entire State of Alabama. His gifted ability even took him before the U.S. Supreme Court, where he argued a case against an insurance company.

Jimmy Alexander will be remembered as a dedicated attorney, who brought human compassion to his work. Many of his colleagues have expressed their respect and admiration for his approach to both his work and his life, and I join them in their prayers for him and his family. My thoughts and wishes extend to his wife Rose, and two children, Tonya and Eric, during this difficult time. Mr. President, I yield the floor.•

CENTRAL CONNECTICUT STATE UNIVERSITY

• Mr. LIEBERMAN. Mr. President, I rise today to pay tribute to Central Connecticut State University as it celebrates its 150th anniversary. Under the dynamic leadership of President Richard Judd, this fine institution has continued to achieve the vision of academic excellence upon which it was founded.

Originally the New Britain Normal School, CCSU was established by the State General Assembly in 1849 and stands as the oldest public institution of higher education in Connecticut. Whether under the name Normal School, Teachers College of Connecticut, or Central Connecticut State University, its students have never received less than a first-rate education. CCSU has cultivated a rich academic environment in which both graduates and undergraduates have the opportunity to better understand themselves as well as the world around them.

Academically, athletically, and culturally, CCSU and its more than 11,000 students have much to celebrate throughout this special year. What makes CCSU so unique is that it has never isolated itself from the surrounding community. Instead, the university embraces its position within the larger civic arena and, in doing so, offers its students the valuable opportunity to make a real difference in the city of New Britain and beyond. CCSU students, faculty, and facilities have played a significant role in the city's development and will continue to weave themselves into the city's social fabric for many years to come.

Mr. President, I ask that my colleagues join me in celebrating the sesquicentennial anniversary of Central Connecticut State University, one of the Nation's great academic institutions.•

ON THE DEDICATION OF THE LAKE CHAMPLAIN/SAINT ALBANS HISTORICAL DIORAMA

• Mr. JEFFORDS. Mr. President, I rise today to recognize the completion of the Lake Champlain/Saint Albans Historical Diorama.

This interactive educational exhibit at the Saint Albans Historical Museum is ambitious in its geographic and historic scope. It spans the entire Champlain Valley, from Fort Ticonderoga to the Richelieu River and also spans time, from pre-history to the present.

The people of Saint Albans have a tremendous understanding and respect for their history, as seen by the fact that this exhibit was funded entirely through local contributions and completed in just over a year, with most of the work done by residents of Saint Albans and neighboring towns. It is a beautiful addition to one of Vermont's finest historical museums.

The Champlain Valley is the birthplace of the United States and Canada. For two hundred years the Champlain Valley was the stage for conflicts between the French and the English, and then for the most critical campaign of the Revolutionary War. In times of peace, the Champlain Valley has been an important corridor of commerce. Important sites from this history are displayed and interpreted in the Diorama, including wonderful scale models of the region's lighthouses.

The Diorama also depicts the local history of Saint Albans, displaying her historic structures, rail yards and neighborhoods in great detail. These events and places are brought to life in three dimensions, engaging and educating the viewer as is possible with no other medium.

Mr. President, it is with great pleasure that I recognize the Saint Albans Historical Society and all of the others who have helped to create the diorama. This is a significant contribution to the heritage of Vermont.•

HONORING ST. PAUL BAPTIST CHURCH

• Mr. TORRICELLI. Mr. President, I rise today in recognition of the St. Paul Baptist Church on the occasion of its centennial celebration. Over the past year, the church has been celebrating its more than one hundred years of service. I am honored to have the opportunity to join with them in their celebration of this tremendous milestone. For over one hundred years, the St. Paul Baptist Church has provided the African-American community with a strong sense of unity as the only black Baptist church in Atlantic Highlands, New Jersey.

The church has experienced tremendous growth since it was founded by the Reverend M.R. Rosco in 1899. Today, it can boast not only of being a house of faith and worship, but also of its daily contributions to the community of Atlantic Highlands through its Educational Center and the Vassie L. Peek, Sr. Educational Annex.

I would also like to acknowledge the contributions of St. Paul's pastor, the Reverend Doctor Henry P. Davis, Jr., to New Jersey's Baptist community. Over the years, Reverend Davis has been a shining example of devotion to his church. In addition to his commitment to his parish, the Reverend has served as Treasurer of the General Baptist State Convention of New Jersey, Moderator of the Seacoast Missionary Baptists Association of New Jersey, an Executive Board member of the New Jersey Council of Churches, and Secretary of the Moderator's Auxiliary of the National Baptist Convention, USA.

Once again, I would like to extend my congratulations and warmest wishes to Reverend Davis and his congregation on the occasion of the centennial celebration of St. Paul Baptist Church. The church's contributions to the residents of Atlantic Highlands is unmatched. I can only hope that the next one hundred years will be as rewarding as the first.•

TRIBUTE TO WILLIE AND VERONICA ARTIS

• Mr. ABRAHAM. Mr. President, I rise today to pay tribute to Willie and Veronica Artis of Flint, Michigan. On

October 19, 1999, they will be honored by Mott Community College for their many contributions to the greater Flint community.

In 1979, Willie Artis co-founded Genesee Packaging, Inc., a maker of corrugated packaging with a focus on the automotive industry. Mr. Artis and Mr. Buel Jones began this company by utilizing the opportunities that were available to them through General Motors' minority business development programs. Using their extensive background in automotive contract packaging and corrugated manufacturing, Mr. Artis and Mr. Jones were able to penetrate the existing automotive market and build a relationship with a General Motors buyer.

Upon co-founder Buel Jones' retirement, Willie Artis took control of the day-to-day operations of the company and implemented a restructuring of the organization. Presently, Genesee Packaging employs a total of 230 people in three different plants and has just completed thirty-three consecutive months of profitability.

Willie Artis has over twenty-eight years of experience in sales, corrugated manufacturing and automotive contract packaging. He obtained his education at Wilson College in Chicago, Illinois, and continued his education through executive seminars for business owners at Dartmouth College. He is currently President and Chief Executive Officer of Genesee Packaging, Inc. in Flint, Michigan.

Willie Artis' wife, Veronica Artis, is also an instrumental force at Genesee Packaging, Inc. Veronica obtained her higher education at the University of Wisconsin, Dartmouth College, Wharton School of Business, and Harvard University. Before joining Genesee Packaging, Inc, Veronica held various positions at Wisconsin Bell and Ameritech. Veronica joined Genesee Packaging, Inc. in 1989 as the Vice President of Administration and she is a member of the Executive Staff.

The event at Mott Community College on October 19, 1999, is a salute to Mr. and Mrs. Artis' success, their commitment to the greater Flint community, and their contributions as fine corporate citizens. A scholarship will be established in their names that will be held at the Foundation for Mott Community College.

I join Mott Community College and the entire Flint community in this celebration of two distinguished citizens, Willie and Veronica Artis.•

REMARKS BY PRESIDENT MERI OF ESTONIA

• Mr. BIDEN. Mr. President, on October 13, the Broadcasting Board of Governors—which supervises all U.S. Government-sponsored international broadcasting—held a ceremony celebrating its new status as an independent agency.

Among the speakers was the President of Estonia, Lennart Meri, who delivered a very thoughtful and eloquent speech on the importance of international broadcasting to the mission of promoting democracy and freedom around the world.

I commend it to all of my colleagues. I ask to have printed in the RECORD, the text of President Meri's speech.

The speech follows:

THE UNFINISHED TASKS OF INTERNATIONAL BROADCASTING

(By Lennart Meri, President of the Republic of Estonia, Washington, D.C., 13 October 1999)

No one talking in this city about the importance of the media could fail to recall Thomas Jefferson's observation that if he were forced to choose between a free press and a free parliament, he would always choose the former because with a free press and a free parliament, he would end with a free parliament, but with a free parliament, he could not be sure if he would end with a free press.

I certainly won't become the exception to that practice. But if these words of your third president and the author of the American Declaration of Independence continue to resonate around the world, one of his other observations about the press may be more relevant for our thinking about the current and future tasks of international broadcasting. Responding in June 1807 to a Virginia resident who was thinking about starting a newspaper, Jefferson argued that "to be most useful," a newspaper should contain "true facts and sound principles only."

Unfortunately, he told his correspondent, "I fear such a paper would find few subscribers" because "it is a melancholy truth that a suppression of the press could not more completely deprive the nation of its benefits than is done by its abandoned prostitution to falsehood." And one of the greatest advocates of the power of the media to support democracy concluded sadly, "nothing can now be believed which is seen in a newspaper. Truth itself becomes suspicious by being put into that polluted vehicle."

Jefferson's optimistic comment about the role of a free press came as he was helping to make the revolution that transformed the world; his more critical ones came after his own, often less than happy years as president of the United States. Given my own experiences over the past half century, I can fully understand his shift in perspective and can thus testify that were Thomas Jefferson to be with us today, he would be among the most committed advocates of international broadcasting precisely because of his experiences in the earlier years of the American republic.

For most of my adult life, I lived in an occupied country, one where the communist regime suppressed virtually all possibilities for free expression in public forums. As a result, we turned to international broadcasting like Radio Free Europe, Radio Liberty, the Voice of America, and the BBC to try to find out what was going on.

Let me go back in memory for a moment. Estonia was already under Soviet occupation when the "Battle of Britain"—solitary England's solitary battle against the totalitarian world—began. This is how I saw it, at the age of twelve, before our family was deported to Siberia. Nazi Germany bombastically boasted of its victories, London spoke of losses. And yet each broadcast from London, day after day, ended with the English newscaster's dry announcement: "Das waren die Nachrichten am 5. Juni, am hundert sechs und fünfzigsten Tage des Jahres, wo Hitler versprach, den Krieg zu gewinnen."—"These were the news of June 15, 156th day of the year when Hitler promised to win the war". There was no irony in these words. Rather, there was the pedantic knowledge of a pharmacist—how many drops of truth morning, day and night were necessary to keep the ability of doubt alive. The end of World War II found me in exile, buried deep into the heart of Russia, a couple of hundred kilometers from the nearest railway station. You had your Victory Day celebrations, and so had I. I bought a crystal of selenium to build a radio receiver. During the time of war, all radio equipment had been confiscated in Russia. Now, suddenly, I was holding in my hands a thumb's length of a glass tube containing a crystal and a short wire—my pass to freedom. The third receiver, built already in Estonia, finally worked, and I have been with you ever since. I doubt whether it is in my powers to give you a convincing picture of our spiritual confinement. Imagine being blind, unable to see colours, to perceive light or shadows; being surrounded by the void space without a single point of reference, without gravity that would feel like motherly love in this spiritual vacuum. And then, for a quarter of an hour, or half an hour, or even—a royal luxury—for a whole hour—the void would suddenly be filled with colours, fragrances, voices, the warmth of the sun and the fresh hope of spring. How many of you remember the Moscow Conference of 1946, to which so many Estonians for some unknown reason looked forward with hope? I remember Mr. Peter Peterson from the BBC covering the conference, I remember, the intonation of Winston Churchill, when he said of the winners of this very "Battle of Britain": "That was their finest hour". I remember the lectures of astronomer Fred Hoyle, to which I listened taking notes from week to week. Under Soviet rule, his discovery was banned as "idealistic".

Some years ago, when I received Javier Solana, the Secretary-General of NATO, in Tallinn, I compared the inevitability of the expansion of the island of democracy and NATO security structures with Fred Hoyle's expanding universe, and noticed when I was still speaking that Mr. Salona was deeply and personally moved by my speech. "You could not have known," he said afterwards, "that Fred Hoyle was during my university studies my research subject." This is how the radiation from an antenna materialises into attitudes, actions, and landscapes. Allow me two more comments. It is my duty to thank from this chair your predecessors for the decision to start broadcasts in Estonian on Radio Liberty, and even more for the decision to transfer the broadcasts in Estonian to the responsibility area of Radio Free Europe—in full concord with the non-recognition policy of the United States. I do not know how this decision was taken. During the Korean War, I heard from the Russian broadcasts, that the next day, the first Estonian broadcast would be on the air at 1800 hours. I was still a student and lived in Tartu, in a dormitory, which housed more than 500 students. I mentioned the forthcoming Estonian broadcast to one single friend. Stalin's terror was rampant in Estonia. For the time when the broadcast begun, my room was full of people, and more were coming. I will never forget that day, those solemn thirty minutes, and least of all the atmosphere in my room. Those people were the friends of my friend's friends. I knew a few, most were strangers to me. Every listener stood apart, in different directions, motionless, no glance met another, no word was spoken, we parted in silence. Such gatherings were punished with twenty-five years of hard labour. Not a single one of these twenty or thirty people got into trouble, which bespeaks of a high morale.

And my last point. I have myself worked at the radio, and know and knew the most distressing doubt—or ignorance, to be more accurate—whether your message did find your listeners. The broadcaster's work is like a dialogue with the stars: he can hear his own voice, but never gets any answer. The listener's temptation to respond is overwhelming. In spring 1976 Radio Free Europe informed that the Estonian polar explorer. August Massik had died in Canada. I picked up the phone and dictated a message for the writers' newspaper, and it appeared two days later, on June 18. In the circumstances of totalitarian seclusion, this was quite an accomplishment, which, I hoped, would morally support Radio Free Europe's Estonian staff. I must confess, I also wrote to your countryman Alistair Cooke the following lines, and I am quoting: "Your word has always penetrated the Iron Curtain. Every week you have been a member of our family. I don't remember if you have ever spoken about Estonia, but you have always spoken as a European about the democratic world, which is the same". I was deeply moved to get Alistair Cooke's reply, which I would very much like to read to this audience: "It will be plain to you", Alistair Cooke wrote, "why I particularly cherish letters from people who listened, sometimes at their peril, from behind the Iron Curtain. Of all such, your letter is at once the most touching and the most gratifying. I am deeply grateful to you and wish you all good things as you approach what (to me) is early middle age! Most sincerely, etc. Alistar Cooke". That was the role you have played, and I doubt whether you yourself are aware of how much an antenna can outweight the world's biggest army.

Frequently, these sources provided the only reliable news we could get about what was going on not only in the outside world but also in our own country. These broadcasts were our universities: They provided us with the materials we needed to understand our world and ultimately to build a movement capable of reclaiming our rightful place in world.

Indeed, one of the key moments in the recovery of the independence of my country is directly tied to international broadcasting. On January 13, 1991, Russian leader Brois Yeltsin flew to Tallinn in the aftermath of the Soviet killings in Lithuania. While there, he not only signed agreements acknowledging the right of the Baltic states to seek independence from the Soviet Union but he issued a statement calling on Russian officers and men not to obey illegal Soviet orders to fire on freely elected governments or unarmed civilians.

Through a series of FM and telephone connections from Tallinn via Helsinki to Stockholm to Munich, Yeltin's words reached REF/RL's Estonian Service and then were broadcast throughout the Soviet Union on all of that station's language services. I am convinced that that broadcasting by itself prevented Moscow from taking even more radical steps against our national movement and thus set the stage for the recovery of our independence as well as for the dissolution of the Evil Empire as a whole.

Just one indication of how important that action was to us is the fact that the head of RFL/FL's Estonian Service at that time, Toomas Hendrik Ilves, is now Estonian foreign minister.

I can't stress too highly what these broadcasts meant to me and to my fellow Estonians in another sense as well. During the long years of occupation, these broadcasts in our own languages demonstrated that the world, and that there was no basis for pessimism about our future. And these broadcasts, especially those which were about our country, reminded not only us but the Soviet Authorities that they would never be able to prevent us from regaining our freedom.

When we finally did so in 1991, I like many other Estonians and, I suspect, like many of you, looked to the future with enormous self-confidence. and also like many of you, I was sure that the chief contribution of international broadcasting to my country lay in the past. Indeed, it was in that spirit that I nominated Radio Free Europe/Radio Liberty for the Novel Peace Prize, an honor I still believe it should ultimately receive.

Surely, we thought, with communism overthrown and with our own independence reaffirmed, we could quickly establish our own free press, one that would provide our citizens with the information they would need not only to recover from the past but to allow us to re-enter Europe and the West.

But the experience of the past eight years has shown that such optimism was misplaced. First of all, the privatisation of the media did not make it free. Because of economic difficulties, privatisation both reduced the number of media outlets, thus paradoxically stifling freedom, and encouraged those remaining to seek readers and listeners by appealing to the lowest common denominator among our citizens. Instead of elevating the understanding of their audiences, all too many of our media outlets played to the worst in them, filling their pages or their broadcasts with sex, violence, and charges of corruption.

That is why I have complained so often that the path from a controlled press to a free press all too often lies through the worst kind of yellow press.

There is a second reason why our optimism about our own domestic media was misplaced; the experiences and values of the editors and journalists who now work in the domestic media. Not surprisingly, almost all of them are products of the Soviet system. Their understanding of what the media is for and what they do is thus very different from that of journalists who have grown up in a free media environment. They see media outlets as a form of propaganda, something the new owners frequently even encourage, and they see individual news stories as a chance to push their own agendas rather than to report accurately on what is going on.

And there is yet a third reason why we expected too much too soon in this area after the collapse of communism. A free press needs a free audience be it readers or listeners, and such an audience is not something that has been created overnight in any country.

It did not happen overnight even in the United States which never faced the same kind of tyranny that we did. Indeed, Jefferson complained about this as well when he said that for the citizens of his day, "defamation is becoming a necessity of life; in so much that a dish of tea in the morning or evening cannot be digested without this stimulant."

But the impact of the Soviet system in my country was far deeper and more insidious than that and far deeper and more insidious than many people either in Estonia or in the West want to acknowledge. It involved more than the mass executions and deportations, more than the destruction of much of the landscape, and more than 50 years of the stifling of our lives. It involved in the very first and most important sense the deformation of our minds and souls, a deformation that means that even today many of us cannot confront reality except through the filters provided by that past. Estonian is not an easy language to learn, but any of you who can listen to Estonian broadcasts or who read Estonian newspapers or journals will immediately feel what you are listening to or reading is something very different from the media you are used to in this long-established democracy. And if you listen or read while you visit my country—and I invite all of you to do so—you will be shocked by the difference between what you hear and see in the media and what you hear and see all around you.

Jefferson again understood this problem when he wrote: "The real extent of this misinformation is known only to those who are in situations to confront facts within their knowledge with the lies of the day." And he added that "I really look with commiseration over the great body of my fellow citizens, who, reading newspapers, live and die in the belief, that they have known something of what has been passing in the world in their time."

I share that feeling almost every time I pick up an Estonian paper or listen to a broadcast by a domestic Estonian outlet.

Now, lest you accuse me of being overly pessimistic, let me hasten to add that there are notable exceptions among owners, among journalists and especially among readers and listeners. There are owners of media outlets in my country who do believe in the principles of a genuinely free press. There are journalists who understand that news is not the same as propaganda and that checking facts is important. And there are many readers and listeners who know what genuine news is and increasingly expect to get that and not the poor substitute they are often given.

One of the reasons that I have some optimism about the future of the free media is that our very oldest citizens remember the media from before the Soviet occupation and our very youngest are growing up without the constraints of the communist system. These two groups have been responsible for most of the positive changes in our country since 1991 not only in the media but in all fields of endeavor. Indeed, I think it is symbolic that I am a representative of those who remember Estonia before the Soviets came and our prime minister Mart Laar, perhaps the youngest national leader in the world, came of age as they were leaving.

Another reason I am somewhat more optimistic than you may think is that international broadcasting has already done some important work. Those of us who listened to what the Soviets called the "foreign voices" not only heard the news but learned what news is—and importantly what it isn't. Many of our best journalists have been regular listeners to RFE/RL, to VOA, to the BBC and to all the others for their entire lives. That gave them the courage to think differently and a model for their profession. Without it, we would have been much further behind.

But there is a final reason for my optimism: the continuing impact of international broadcasting to my country and to its neighbors. Estonians and many other people around the world fudge their own media on the basis of what international broadcasting tells them. That operates as an important constraint on the tendency of domestic media operations to go off the rails, but it also means that these audiences are learning what news is and thus will demand it from their domestic outlets. And when they do, then there will be genuinely free press and the possibility of genuinely free society.

Consequently, I am now convinced that the greatest challenges for international broadcasting lie ahead and not in the past, for overcoming the problems Jefferson identified two centuries ago is not going to be easy or quick. Estonia as many of you know has done remarkably well compared to many of the other post-communist countries, but our problems are still so great in the media areas as elsewhere that we will continue to need your help and your broadcasts long into the future.

On behalf of the Estonian people, I want to thank you in the United States for all you have done in the past and are doing now through your broadcasts to my country and to other countries around the world. I believe that international broadcasting is and will remain one of the most important means for the spread of democracy and freedom. And consequently, I am very proud to greet you today on the occasion of the formation of the Broadcasting Board of Governors as an independent agency—even though I want all of you who are celebrating that fact to know that your greatest challenges lie ahead and that those of us who are your chief beneficiaries will never let you forget it.

Thank you.●

A THANK YOU TO WILLIAM ANDREW WHISENHUNT

● Mr. HUTCHINSON. Mr. President, one of the highest compliments a person can receive is to be called a "servant," someone who gives of himself for others. A man I've known for many years, a man of outstanding reputation, a man who has given a large part of his life in service to his neighbors, a man respected by his peers, is about to make a major change in his life. The people of the Fair State of Arkansas would be remiss if we did not acknowledge that change.

Andrew Whisenhunt of Bradley, in Lafayette County in southwest Arkansas, was born in the town of Hallsville, TX. However, his family moved to the Natural State while Andrew was still a baby. So, technically he is not a native. However, Andrew is an Arkansas through and through.

He has long been in the public eye. Yet, soon, Andrew will step down from the presidency of Arkansas Farm Bureau Federation after 13 years. A modern-day tiller of the soil, he has been a farmer for as long as he can remember—and his father before him. With loving support form his wife, Polly, and with help from his five children—Warren, Terri, Tim, Julie, and Bryan—Andrew has built the farm where he's lived almost all his life into what has been called a model of modern agriculture. And testimony to that has been the Whisenhunts' selection as "Arkansas Farm Family of the Year" in 1970, and Andrew's choice as "Progressive Farmer Magazine's Man of the Year in Arkansas Agriculture" in 1984.

His love for his chosen profession has carried him far beyond the fence rows of his 2,000-acre cotton, rice, soybean, and wheat-and-feed grain operation. The journey began when he joined Lafayette County Farm Bureau in 1955. By the time Andrew was elected to the Board of Directors of Arkansas Farm Bureau in 1968, he had served in almost every office in his county organization, including president. In his early years on the Farm Bureau State board, he worked on several key board panels, including the Executive and Building committees. (The latter's work resulted in construction of Farm Bureau Center in Little Rock in 1978.)

His fellow board members thought enough of his personal industry and leadership abilities that they elected him their secretary-treasurer in 1976, an office he filled for 10 years. During that time, Andrew also was active outside the Farm Bureau arena as, among other things, a charter member of Arkansas Soybean Promotion Board, and as a former president of both the American Soybean Development Foundation and the Arkansas Association of Soil Conservation Districts. Then he was elected president of Arkansas Farm Bureau in 1986.

During his tenure, the organization has enjoyed unprecedented growth in membership, influence and prestige. When Andrew accepted the mantle of top leadership, Farm Bureau represented some 121,000 farm and rural families in the State. Today, that figure stands at almost 215,000—and Arkansas has become the 8th largest Farm Bureau of the 50 States and Puerto Rico.

As Arkansas Farm Bureau has grown, Andrew's leadership has done likewise. As an influential member of American Farm Bureau Federation's Executive Committee, he has traveled far and wide as an advocate not just for Arkansas farmers, but to advance American interests in international trade and relations. He was a member of the Farm Bureau delegation that visited Russia after the Iron Curtain shredded, to experience that nation's agriculture firsthand and to offer help to farmers there. Andrew also was a key player in delegations to China, Japan, and the Far East, and to South America. He was among U.S. farm leaders who traveled to Cuba recently to see how trade with that nation might be re-established. He even led a group of Arkansas farm leaders first to pre-NAFTA Mexico; then to deliver rice the Farm Bureau had donated to a Central American village devastated by Hurricane Mitch.

Andrew's influence and tireless work ethic embrace the nonfarm sector as well. His service to his local community includes county and city school boards, his local hospital board, the Bradley Chamber of Commerce and his church. He also is a board member of Florida College in Tampa.

When Andrew steps down as president of Arkansas Farm Bureau Federation in December, the members of that great organization will miss him greatly. But he has never been one to sit still, and chances are, that won't change. As the new century unfolds, Farm Bureau's loss undoubtedly will be a gain somewhere else for all Arkansans.●

REGIONAL MARCHEGIANA SOCIETY

● Mr. LIEBERMAN. Mr. President, I rise today to pay tribute to the Societa Regionale Marchegiana of New Haven, CT, as they celebrate their 90th anniversary of service to the Greater New Haven community. Founded in 1909 on the principles of brotherhood and community involvement, the Marchegiana Society has enjoyed 90 years of success as one of the State's largest fraternal organizations.

A number of important events have marked the history of the Regional Marchegiana Society, including the construction of the Marchegian Center and the merging with its sister group, the Ladies Marchegiana Society. In times of war and in times of peace, this proud organization has always served as a model of patriotism, dedication, and community spirit. Over the years, its members have actively involved themselves in countless civic activities and made a real difference to the city of New Haven. In our society, which draws its strength from its diversity, the Marchegiana Society stands tall as an example of the principles upon which our nation was built.

Mr. President, I ask that you join me in honoring the fine men and women of the Regional Marchegiana Society. They have met and exceeded the expectations of their 36 founders and will undoubtedly continue their unblemished record of service far into the future.●

TRIBUTE TO THE WASHBURN FAMILY FOR ITS PUBLIC SERVICE AND OTHER OUTSTANDING ACCOMPLISHMENTS

● Ms. COLLINS. Mr. President, I rise today to pay tribute to an extraordinary Maine family, distinguished both by its record of public service and the accomplishments it has achieved in many other walks of life. The Washburn family included three sisters and seven brothers who helped guide this country through the Civil War and prepare our Nation for the 20th century. I am proud, as all Mainers are, that the Washburns hailed from Livermore, Maine, where the Norlands Living History Center still honors their memory and provides people of all ages with a chance to experience rural life in the late 1800's.

Israel and Martha Washburn raised 10 children in Livermore, Maine, during the early years of the 19th century. Included among the children were seven brothers who made substantial contributions to our Nation. The Washburns hold the distinction of being the only family in the history of our Nation to have three brothers serve in Congress simultaneously. In the 1850's Cadwallader Washburn representing Wisconsin, Elihu Washburn representing Illinois, and Israel Washburn, Jr., representing Maine were all Members of Congress in the tumultuous era leading up to the Civil War. Years later, William Washburn followed his brothers to Congress, representing Minnesota for three terms. William concluded his time in Washington with a term in the United States Senate.

The Washburns served the public outside of Washington as well. Cadwallader Washburn was elected Governor of Minnesota in 1872. His brother, Israel, was Governor of Maine from 1861 to 1863 and is ranked as one of the great "war governors" of the Civil War era for his skill and dedication in raising and equipping volunteer regiments for the Union cause. Israel was also an early member of the Republican Party and is given credit by some for naming the party.

The Washburns also served their country abroad. Charles Washburn served as a Minister to Paraguay in the 1860's. During the War of the Triple Alliance, he was forced to flee the country when the dictator of Paraguay, General Francisco Solano Lopez, accused Washburn and other embassy staffers of conspiring with Paraguay's enemies.

Elihu Washburne, who added the English "e" to his last name, was also a diplomat. After 16 years in the House of Representatives, where he was known as the "watchdog of the Treasury" for his unyielding oversight of the "peoples money," he was appointed to a 2-week term as President Grant's Secretary of State. Following the courtesy appointment, he was selected as our Nation's Ambassador to France. Elihu rose to diplomatic greatness during the Franco-Prussian War of 1870–1871, which resulted in the fall of Napoleon III and the French Empire. Throughout the Siege of Paris and the upheaval of the Commune, he alone among foreign ambassadors remained at his post and gave refuge to hundreds of foreign citizens trapped in the city. His memoirs, "Recollections of a Minister to France, 1869–1877," provide an important historical accounting of the end of France's Empire and his service is a model of exemplary diplomatic performance during a crisis.

The Washburn brothers also served our Nation in the military. Samual Washburn spent his life on the sea and served in the U.S. Navy during the Civil War as the captain of the gunboat *Galena*. Cadwallader recruited and commanded the Second Wisconsin Volunteer Cavalry, which served with distinction in the Civil War's southwestern theater. He rose to the rank of major-general, serving with Grant at Vicksburg and later as military commander of the Memphis District of the Army of the Tennessee.

As remarkable as they were, the achievements of the Washburn Brothers were not limited to military and governmental pursuits. Four of the brothers, Israel, Elihu, William, and Cadwallader, were lawyers. Charles was a writer and journalist who invented a typewriting machine that was sold to the Remington Company. Algernon Sydney Washburn was a successful banker in Hallowell, Maine. "Sid," as he was known, provided loans to his brothers that financed many of their ventures. Cadwallader was also a successful businessman and founded a large milling operation in Minneapolis that produced Gold Medal flour, which can still be found on the shelves of America's grocery stores. Today, his company is known as General Mills. William also engaged in milling, and his company later merged with the Pillsbury Corporation.

Though the adventures of the seven brothers Washburn took them all over the globe, the Norlands in Livermore, Maine, was always their home. In 1973, their descendants donated the property, which included the family mansion, surrounding historic buildings, and hundreds of acres of land, to the non-profit Washburn-Norlands Foundation. Today, the property that was once home to this remarkable family is a living history center. Each year, approximately 25,000 visitors have the opportunity to sample life in the 1800's through Norland's hands-on educational programs. Moreover, the museum and property honors the many accomplishments of a family that is nearly without peer in the history of public service to this great nation. The Norlands Living History Center is significant for both the history it preserves and the innovative education it provides, and I commend those associated with the center for the important work that they do.

Mr. President, the legacy of the Washburn family is yet another example of why Maine and its people are so special. I am grateful for having had this opportunity to share with you the story of this remarkable family and to acknowledge the important work being done by the dedicated staff and friends of the Norlands Living History Center to protect and share this important piece of our heritage.●

REVISED ORGANIC ACT OF THE VIRGIN ISLANDS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Energy Committee be discharged from further consideration of H.R. 2841 and the Senate now proceed to its immediate consideration.

The PRESIDING OFFICER (Mr. ALLARD). Without objection, it is so ordered. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2841) to amend the Revised Organic Act of the Virgin Islands to provide for greater autonomy consistent with other United States jurisdictions, and for other purposes.

The Senate proceeded to consider the bill.

Mr. SPECTER. Mr. President, I further ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2841) was read the third time and passed.

DISTRICT OF COLUMBIA COLLEGE ACCESS ACT

Mr. SPECTER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 275, H.R. 974.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (H.R. 974) to establish a program to afford high school graduates from the District of Columbia the benefits of in-State tuition at State colleges and universities outside the District of Columbia, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Governmental Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "District of Columbia College Access Act of 1999".

SEC. 2. PURPOSE.

It is the purpose of this Act to establish a program that enables college-bound residents of the District of Columbia to have greater choices among institutions of higher education.

SEC. 3. PUBLIC SCHOOL PROGRAM.

(a) GRANTS.—

(1) IN GENERAL.—From amounts appropriated under subsection (i) the Mayor shall award grants to eligible institutions that enroll eligible students to pay the difference between the tuition and fees charged for in-State students and the tuition and fees charged for out-of-State students on behalf of each eligible student enrolled in the eligible institution.

(2) MAXIMUM STUDENT AMOUNTS.—An eligible student shall have paid on the student's behalf under this section—

(A) not more than $10,000 for any 1 award year (as defined in section 481 of the Higher Education Act of 1965 (20 U.S.C. 1088)); and

(B) a total of not more than $50,000.

(3) PRORATION.—The Mayor shall prorate payments under this section for students who attend an eligible institution on less than a full-time basis.

(b) REDUCTION FOR INSUFFICIENT APPROPRIATIONS.—

(1) IN GENERAL.—If the funds appropriated pursuant to subsection (i) for any fiscal year are insufficient to award a grant in the amount determined under subsection (a) on behalf of each eligible student enrolled in an eligible institution, then the Mayor shall—

(A) first, ratably reduce the amount of the tuition and fee payment made on behalf of each eligible student who has not received funds under this section for a preceding year; and

(B) after making reductions under subparagraph (A), ratably reduce the amount of the tuition and fee payments made on behalf of all other eligible students.

(2) ADJUSTMENTS.—The Mayor may adjust the amount of tuition and fee payments made under paragraph (1) based on—

(A) the financial need of the eligible students to avoid undue hardship to the eligible students; or

(B) undue administrative burdens on the Mayor.

(c) DEFINITIONS.—In this section:

(1) ELIGIBLE INSTITUTION.—The term "eligible institution" means an institution that—

(A) is a public institution of higher education located—

(i) in the State of Maryland or the Commonwealth of Virginia; or

(ii) outside the State of Maryland or the Commonwealth of Virginia, but only if the Mayor—

(I) determines that a significant number of eligible students are experiencing difficulty in gaining admission to any public institution of higher education located in the State of Maryland or the Commonwealth of Virginia because of any preference afforded in-State residents by the institution;

(II) consults with the Committee on Government Reform of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Secretary regarding expanding the program under this section to include such institutions located outside of the State of Maryland or the Commonwealth of Virginia; and

(III) takes into consideration the projected cost of the expansion and the potential effect of the expansion on the amount of individual tuition and fee payments made under this section in succeeding years;

(B) is eligible to participate in the student financial assistance programs under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.); and

(C) enters into an agreement with the Mayor containing such conditions as the Mayor may specify, including a requirement that the institution use the funds made available under this section to supplement and not supplant assistance that otherwise would be provided to eligible students from the District of Columbia.

(2) ELIGIBLE STUDENT.—The term "eligible student" means an individual who—

(A) was domiciled in the District of Columbia for not less than the 12 consecutive months preceding the commencement of the freshman year at an institution of higher education;

(B) graduated from a secondary school or received the recognized equivalent of a secondary school diploma on or after January 1, 1999;

(C) begins the individual's undergraduate course of study within the 3 calendar years (excluding any period of service on active duty in the Armed Forces, or service under the Peace Corps Act (22 U.S.C. 2501 et seq.) or subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12571 et seq.)) of graduation from a secondary school, or obtaining the recognized equivalent of a secondary school diploma;

(D) is enrolled or accepted for enrollment, on at least a half-time basis, in a degree, certificate, or other program (including a program of study abroad approved for credit by the institution at which such student is enrolled) leading to a recognized educational credential at an eligible institution;

(E) if enrolled in an eligible institution, is maintaining satisfactory progress in the course of study the student is pursuing in accordance with section 484(c) of the Higher Education Act of 1965 (20 U.S.C. 1091(c)); and

(F) has not completed the individual's first undergraduate baccalaureate course of study.

(3) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(4) MAYOR.—The term "Mayor" means the Mayor of the District of Columbia.

(5) SECONDARY SCHOOL.—The term "secondary school" has the meaning given that term under section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(6) SECRETARY.—The term "Secretary" means the Secretary of Education.

(d) CONSTRUCTION.—Nothing in this Act shall be construed to require an institution of higher education to alter the institution's admissions policies or standards in any manner to enable an eligible student to enroll in the institution.

(e) APPLICATIONS.—Each student desiring a tuition payment under this section shall submit an application to the eligible institution at such time, in such manner, and accompanied by such information as the eligible institution may require.

(f) ADMINISTRATION OF PROGRAM.—

(1) IN GENERAL.—The Mayor shall carry out the program under this section in consultation with the Secretary. The Mayor may enter into a grant, contract, or cooperative agreement with another public or private entity to administer the program under this section if the Mayor determines that doing so is a more efficient way of carrying out the program.

(2) POLICIES AND PROCEDURES.—The Mayor, in consultation with institutions of higher education eligible for participation in the program authorized under this section, shall develop policies and procedures for the administration of the program.

(3) MEMORANDUM OF AGREEMENT.—The Mayor and the Secretary shall enter into a Memorandum of Agreement that describes—

(A) the manner in which the Mayor shall consult with the Secretary with respect to administering the program under this section; and

(B) any technical or other assistance to be provided to the Mayor by the Secretary for purposes of administering the program under this section (which may include access to the information in the common financial reporting form developed under section 483 of the Higher Education Act of 1965 (20 U.S.C. 1090)).

(g) MAYOR'S REPORT.—The Mayor shall report to Congress annually regarding—

(1) the number of eligible students attending each eligible institution and the amount of the grant awards paid to those institutions on behalf of the eligible students;

(2) the extent, if any, to which a ratable reduction was made in the amount of tuition and fee payments made on behalf of eligible students; and

(3) the progress in obtaining recognized academic credentials of the cohort of eligible students for each year.

(h) GAO REPORT.—Beginning on the date of enactment of this Act, the Comptroller General of the United States shall monitor the effect of the program assisted under this section on educational opportunities for eligible students. The Comptroller General shall analyze whether eligible students had difficulty gaining admission to eligible institutions because of any preference afforded in-State residents by eligible institutions, and shall expeditiously report any findings regarding such difficulty to Congress and the Mayor. In addition the Comptroller General shall—

(1) analyze the extent to which there are an insufficient number of eligible institutions to which District of Columbia students can gain admission, including admission aided by assistance provided under this Act, due to—

(A) caps on the number of out-of-State students the institution will enroll;

(B) significant barriers imposed by academic entrance requirements (such as grade point average and standardized scholastic admissions tests); and

(C) absence of admission programs benefiting minority students;

(2) assess the impact of the program assisted under this Act on enrollment at the University of the District of Columbia; and

(3) report the findings of the analysis described in paragraph (1) and the assessment described in paragraph (2) to Congress and the Mayor.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the District of Columbia to carry out this section $12,000,000 for fiscal year 2000 and such sums as may be necessary for each of the 5 succeeding fiscal years. Such funds shall remain available until expended.

(j) EFFECTIVE DATE.—This section shall take effect with respect to payments for periods of instruction that begin on or after January 1, 2000.

SEC. 4. ASSISTANCE TO THE UNIVERSITY OF THE DISTRICT OF COLUMBIA.

(a) IN GENERAL.—Subject to subsection (c), the Secretary may provide financial assistance to the University of the District of Columbia for the fiscal year to enable the university to carry out activities authorized under part B of title III of the Higher Education Act of 1965 (20 U.S.C. 1060 et seq.).

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the District of Columbia to carry out this section $1,500,000 for fiscal year 2000 and such sums as may be necessary for each of the 5 succeeding fiscal years.

(c) SPECIAL RULE.—For any fiscal year, the University of the District of Columbia may receive financial assistance pursuant to this section, or pursuant to part B of title III of the Higher Education Act of 1965, but not pursuant to both this section and such part B.

SEC. 5. PRIVATE SCHOOL PROGRAM.

(a) GRANTS.—

(1) IN GENERAL.—From amounts appropriated under subsection (f) the Mayor shall award grants to eligible institutions that enroll eligible students to pay the cost of tuition and fees at the eligible institutions on behalf of each eligible student enrolled in an eligible institution. The Mayor may prescribe such regulations as may be necessary to carry out this section.

(2) MAXIMUM STUDENT AMOUNTS.—An eligible student shall have paid on the student's behalf under this section—

(A) not more than $2,500 for any 1 award year (as defined in section 481 of the Higher Education Act of 1965 (20 U.S.C. 1088)); and

(B) a total of not more than $12,500.

(3) PRORATION.—The Mayor shall prorate payments under this section for students who attend an eligible institution on less than a full-time basis.

(b) REDUCTION FOR INSUFFICIENT APPROPRIATIONS.—

(1) IN GENERAL.—If the funds appropriated pursuant to subsection (f) for any fiscal year are insufficient to award a grant in the amount determined under subsection (a) on behalf of each eligible student enrolled in an eligible institution, then the Mayor shall—

(A) first, ratably reduce the amount of the tuition and fee payment made on behalf of each eligible student who has not received funds under this section for a preceding year; and

(B) after making reductions under subparagraph (A), ratably reduce the amount of the tuition and fee payments made on behalf of all other eligible students.

(2) ADJUSTMENTS.—The Mayor may adjust the amount of tuition and fee payments made under paragraph (1) based on—

(A) the financial need of the eligible students to avoid undue hardship to the eligible students; or

(B) undue administrative burdens on the Mayor.

(c) DEFINITIONS.—In this section:

(1) ELIGIBLE INSTITUTION.—The term "eligible institution" means an institution that—

(A) is a private, nonprofit, associate or baccalaureate degree-granting, institution of higher education, as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), the main campus of which is located—

(i) in the District of Columbia;

(ii) in the city of Alexandria, Falls Church, or Fairfax, or the county of Arlington or Fairfax, in the Commonwealth of Virginia, or a political subdivision of the Commonwealth of Virginia located within any such county; or

(iii) in the county of Montgomery or Prince George's in the State of Maryland, or a political subdivision of the State of Maryland located within any such county;

(B) is eligible to participate in the student financial assistance programs under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.); and

(C) enters into an agreement with the Mayor containing such conditions as the Mayor may specify, including a requirement that the institution use the funds made available under this section to supplement and not supplant assistance that otherwise would be provided to eligible students from the District of Columbia.

(2) ELIGIBLE STUDENT.—The term "eligible student" means an individual who meets the requirements of subparagraphs (A) through (F) of section 3(c)(2).

(3) MAYOR.—The term "Mayor" means the Mayor of the District of Columbia.

(4) SECRETARY.—The term "Secretary" means the Secretary of Education.

(d) APPLICATION.—Each eligible student desiring a tuition and fee payment under this section shall submit an application to the eligible institution at such time, in such manner, and accompanied by such information as the eligible institution may require.

(e) ADMINISTRATION OF PROGRAM.—

(1) IN GENERAL.—The Mayor shall carry out the program under this section in consultation with the Secretary. The Mayor may enter into a grant, contract, or cooperative agreement with another public or private entity to administer the program under this section if the Mayor determines that doing so is a more efficient way of carrying out the program.

(2) POLICIES AND PROCEDURES.—The Mayor, in consultation with institutions of higher education eligible for participation in the program authorized under this section, shall develop policies and procedures for the administration of the program.

(3) MEMORANDUM OF AGREEMENT.—The Mayor and the Secretary shall enter into a Memorandum of Agreement that describes—

(A) the manner in which the Mayor shall consult with the Secretary with respect to administering the program under this section; and

(B) any technical or other assistance to be provided to the Mayor by the Secretary for purposes of administering the program under this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the District of Columbia to carry out this section $5,000,000 for fiscal year 2000 and such sums as may be necessary for each of the 5 succeeding fiscal years. Such funds shall remain available until expended.

(g) EFFECTIVE DATE.—This section shall take effect with respect to payments for periods of instruction that begin on or after January 1, 2000.

SEC. 6. GENERAL REQUIREMENTS.

(a) PERSONNEL.—The Secretary of Education shall arrange for the assignment of an individual, pursuant to subchapter VI of chapter 33 of title 5, United States Code, to serve as an adviser to the Mayor of the District of Columbia with respect to the programs assisted under this Act.

(b) ADMINISTRATIVE EXPENSES.—The Mayor of the District of Columbia may use not more than 7 percent of the funds made available for a program under section 3 or 5 for a fiscal year to pay the administrative expenses of a program under section 3 or 5 for the fiscal year.

(c) INSPECTOR GENERAL REVIEW.—Each of the programs assisted under this Act shall be subject to audit and other review by the Inspector General of the Department of Education in the same manner as programs are audited and reviewed under the Inspector General Act of 1978 (5 U.S.C. App.).

(d) GIFTS.—The Mayor of the District of Columbia may accept, use, and dispose of donations of services or property for purposes of carrying out this Act.

(e) FUNDING RULE.—Notwithstanding sections 3 and 5, the Mayor may use funds made available—

(1) under section 3 to award grants under section 5 if the amount of funds made available under section 3 exceeds the amount of funds awarded under section 3 during a time period determined by the Mayor; and

(2) under section 5 to award grants under section 3 if the amount of funds made available under section 5 exceeds the amount of funds awarded under section 5 during a time period determined by the Mayor.

(f) MAXIMUM STUDENT AMOUNT ADJUSTMENTS.—The Mayor shall establish rules to adjust the maximum student amounts described in sections 3(a)(2)(B) and 5(a)(2)(B) for eligible students described in section 3(c)(2) or 5(c)(2) who transfer between the eligible institutions described in section 3(c)(1) or 5(c)(1).

AMENDMENT NO. 2317

(Purpose: To permit the Mayor to prioritize the making or amount of tuition and fee payments based on the income and need of eligible students, to include historically Black colleges and universities in the definition of schools eligible to participate in the program, and for other purposes)

Mr. SPECTER. There is a managers' amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for Mr. THOMPSON, for himself, Mr. VOINOVICH, Mrs. HUTCHISON, Mr. DURBIN, and Mr. WARNER, proposes an amendment numbered 2317.

The amendment is as follows:

On page 13, between lines 16 and 17, insert the following:

(3) FURTHER ADJUSTMENTS.—Notwithstanding paragraphs (1) and (2), the Mayor may prioritize the making or amount of tuition and fee payments under this subsection based on the income and need of eligible students.

On page 15, line 22, strike "1999" and insert "1998".

On page 23, between lines 10 and 11, insert the following:

(3) FURTHER ADJUSTMENTS.—Notwithstanding paragraphs (1) and (2), the Mayor may prioritize the making or amount of tuition and fee payments under this subsection based on the income and need of eligible students.

On page 23, line 14, strike "(A)" and insert "(A)(i)".

On page 23, line 19, strike "(i)" and insert "(I)".

On page 23, line 20, strike "(ii)" and insert "(II)".

On page 24, line 1, strike "(iii)" and insert "(III)".

On page 24, line 5, strike "(B)" and insert "(ii)".

On page 24, line 9, strike "(C)" and insert "(iii)".

On page 24, line 15, strike the period and insert "; or".

On page 24, between lines 15 and 16, insert the following:

(B) is a private historically Black college or university (for purposes of this subparagraph such term shall have the meaning given the term "part B institution" in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)) the main campus of which is located in the State of Maryland or the Commonwealth of Virginia.

Mr. SPECTER. Mr. President, I ask unanimous consent that the amendment be agreed to, the committee substitute be agreed to, as amended, the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment No. (2317) was agreed to.

The committee amendment, as amended, was agreed to.

The bill (H.R. 974), as amended, was read the third time and passed.

DWIGHT D. EISENHOWER EXECUTIVE OFFICE BUILDING

Mr. SPECTER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 293, S. 1652.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 1652) to designate the Old Executive Office Building located at 17th Street and Pennsylvania Avenue, NW, in Washington, District of Columbia, as the Dwight D. Eisenhower Executive Office Building.

There being no objection, the Senate proceeded to consider the bill.

Mr. CHAFEE. Mr. President, I am pleased that today the Senate is considering S. 1652, legislation I have introduced with Senator BAUCUS and others that would name the Old Executive Office Building, OEOB, after Dwight D.

Eisenhower. This bipartisan bill would honor both an architectural landmark and a great American leader.

The OEOB, located at the corner of 17th Street and Pennsylvania Avenue, is a familiar sight to my colleagues. Yet its history and architectural importance may not be as well-known. Its existence grew out of the dire need for executive office space near the White House during the 19th century. After the British burned the first pair of office buildings in 1814, the State, War, and Navy Departments had to make do in cramped quarters for several years. Finally, in the late 1860s, the Grant administration proposed a new building to house those agencies, and Congress appointed a commission to select a site and an architect.

The architect selected by the Commission was Alfred Mullett, the Architect of the Treasury. To the surprise of some, his winning design was not Greek Revival (like the Treasury Building), but instead French Second Empire—a style that was perhaps more flamboyant and exuberant than Washington had seen until that point, but that reflected the optimism of the post-Civil War period. Ground was broken in 1871, and seventeen years later the building was completed. Today, the building is listed on the National Register of Historic Places, and ranks first among historic buildings in the inventory of the General Services Administration's Public Buildings Service.

As planned, the building first was occupied by the State, War, and Navy Departments. For years, these Departments carried out their work there. Indeed, the building has housed 16 Secretaries of the Navy, 21 Secretaries of War, and 24 Secretaries of State. But many other prominent national leaders have carried out their work there as well: Both Presidents Roosevelt (Theodore and Franklin), as well as Presidents Taft, Eisenhower, Johnson, Ford, and Bush, had offices in the OEOB before becoming President. And Vice Presidents since Lyndon Johnson have maintained offices there.

Some little-known historic trivia about the building: Apparently the building once had wooden swinging doors at its doorways, but it is said they were removed after an eager staffer cannoning through the doors ran into Winston Churchill, knocking the famed cigar from his mouth. And it is said that after a slip on the stairs, Secretary of War Taft had installed the extra brass stair railings. By the way, once Taft became President, his family cow, Pauline, grazed on what is the OEOB's South Lawn.

Eventually, however, the building's original tenants left, with the State Department the last to vacate in 1947. Once State moved out, and the President's staff began moving in, the OEOB lost its moniker as the "State, War & Navy Building," and instead was known simply as the Executive Office Building. When a new office building was built across the street, the OEOB became the "Old" Executive Office Building, and that undistinguished name has remained to this day.

Among those who worked in the building was a young Dwight Eisenhower. My colleagues certainly are well aware of the career of our 34th President. Born in Denison, TX, and raised in Abilene, KS, Dwight Eisenhower spent a life in public service to this country. A graduate of West Point, he had the privilege of being assigned to some of our best-known military figures: Generals Pershing, MacArthur, and Marshall. Later, at the height of his military career, he was appointed Supreme Commander of the Allied Forces during WWII. He commanded the Normandy invasion, which led to the end of WWII. In peacetime, he served as president of Columbia University, and also as the head of the NATO forces in Europe. In 1952, America again called him to national service, and "Ike" became our 34th President. For all that he did to secure democracy and peace in this century, Dwight Eisenhower stands as one of this country's great leaders.

What my colleagues may not have known is that Dwight Eisenhower had a special personal connection to the Old Executive Office Building. As chief military aide to General MacArthur (then Army Chief of Staff), a young Dwight Eisenhower worked in the OEOB from 1933–35. Later on, when he himself became Army Chief of Staff, Eisenhower again was based in the OEOB. And on January 19, 1955, the first televised presidential press conference was held by President Eisenhower on the fourth floor of the OEOB. Indeed, Susan Eisenhower tells us that her grandfather often spoke fondly of the building and his years in it.

It is not surprising, therefore, that Eisenhower played a key role in the building's preservation. In the late 1950s, his Advisory Committee on Presidential Office Space recommended that the building be torn down and replaced with an expensive modern office building. White House historian and scholar William Seale reports that the architect in charge tried to persuade President Eisenhower, who recently had suffered a heart attack, that a new building would not have as many stairs to climb. "Nonsense," said the President, "My doctors require that I climb so many steps a day for the good of my heart!" The tide turned at that point, and the building was saved.

Designating the Old Executive Office Building as the Dwight D. Eisenhower Office Building would be a fitting honor to a great American leader in war and in peace, and a fitting recognition of a grand American building. For that reason, this naming is supported by Stephen Ambrose, the well-known Eisenhower biographer; William Seale, the author of the White House Historical Association's history of the White House; Senator Bob Dole, World War II veteran and distinguished public servant; and the Eisenhower family. It is no wonder that S. 1652 has garnered strong and bipartisan support.

Let me extend my appreciation to the Senate leadership for setting aside this day to consider S. 1652. I look forward to its passage by the Senate today, and its ultimate enactment by Congress this year. I thank the Chair.

I ask unanimous consent that letters from Stephen Ambrose, William Seale, and Bob Dole, and an editorial by Jim O'Connell, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMBROSE TUBBS, INC.
Helena, MT, September 7, 1999.

Senator JOHN CHAFEE,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR CHAFEE: I am eager to join Bob Dole, John Eisenhower, Susan Eisenhower and the many others who are supporting naming the Old Executive Office Building after General and President Eisenhower.

Almost a decade ago I was on a committee to do something to recognize Eisenhower's 100th birthday. Andrew Goodpaster was the chairman. At our first meeting I said we need a statue of him or a building in Washington named for him. I was about laughed out of the room. I was told there was no way the Democrats were going to honor Eisenhower in our nation's capital. I protested—if a statue, put him in uniform, I said: if a building, call it General Eisenhower. Plus which, I said, every general from the Civil War has a square in the nation's capital named for him, usually with a statue. Why not Ike? You can see how far I got.

Renaming the Old Executive Office Building for him would be appropriate as well as much deserved. He served in the building in the early 1930's as an aide to General Douglas MacArthur, then Chief of Staff, U.S. Army. In the late 1950's, as President, Eisenhower saved the building from demolition.

Eisenhower was the leader in war and in peace of the men and women who saved our country and democracy. Surely something can be done in Washington to pay at least a bit of our eternal respect and gratitude to this great man.

Sincerely,

STEPHEN E. AMBROSE.

ALEXANDRIA, VA,
January 13, 1998.

Mr. JAMES J. O'CONNELL,
Vice President, Ceridian Corp.,
Washington, DC.

DEAR MR. O'CONNELL: Thank you for your letter of December 18 about the OEOB. I am interested that you propose that it be named for President Eisenhower. Long ago, Congressman Howard W. Smith told me about a meeting he had with a committee charged with the "problem" of that building. An architectural firm was determined to demolish it, and had at least a thousand reasons why the old building needed a new replacement (doubtless in steel and aluminum). The committee was not really happy about it, but listened. Then they had a meeting President Eisenhower attended, fresh from heart-attack recovery. The architect made a very great point about the terrible stairs in the building and how hard they were on heart patients. Eisenhower suddenly interrupted and said something like, "Nonsense. My doctors require that I climb so many steps a day for the good of my heart." Somehow, the tide turned at that point and the old building was saved. Judge Smith concluded with, "It was a perfectly good building. Well built. No need to destroy it."

You have a good idea and a perfectly valid one. When in the company of that great structure, and all its complex architectural detailing, I like to think of all the lives that have passed through it, all the great men and even unknown great men and women that make up its story.

Do you think you will have competition from General Grant? The building is usually considered the best example of the "General Grant" style of American architecture. I prefer Eisenhower, because it would appear that he was the one who saved it, even before the era of preservation really began.

I appreciate your kind remarks. Certainly I have been lucky to have the White House as a vehicle for my history studies.

Every best wish,

Sincerely,

WILLIAM SEALE.

WASHINGTON, DC,
August 23, 1999.

Hon. JOHN H. CHAFFEE.

It was good to talk to you last week and I'm delighted you support naming the Old Executive Office Building after President Eisenhower. It's something that will touch the heart of every World War II veteran, indeed of every American who remembers Dwight D. Eisenhower as one of America's greatest 20th century leaders in peace and war.

Our 34th president is virtually unrecognized in the Nation's Capital. Eisenhower biographer Stephen Ambrose agrees fully that no fitting tribute to Eisenhower exists in Washington, DC. Dr. Ambrose supports naming the OEOB after Ike and would be pleased to write a letter voicing this support.

The OEOB, called the "State, War & Navy Building" from 1888 until 1947, is Washington's most distinguished office building. Eight future Presidents served in the building before becoming President—Theodore and Franklin Roosevelt, as Assistant Secretaries of the Navy; William Howard Taft, as Secretary of War; Herbert Hoover, as chief of the post-WWI allied relief operations; and Vice Presidents Lyndon Johnson, Gerald Ford and George Bush. Twenty-four secretaries of state served in it.

General Eisenhower himself served in the building from 1929–1935, as senior aide to General Douglas MacArthur and as Army Chief of Operations. Furthermore, noted architect and foremost White House historian William Seale tells us that former Congressman Howard W. Smith credited Eisenhower with saving the building from demolition in the late 1950s. Seale is the author of "The White House: The History of An American Idea."

The present name of this 19th century masterpiece is largely an historical accident. After State vacated in 1947, the building became known simply as the "Executive Office Building." When a new executive office building opened on 17th Street in 1965, the Executive Office Building became the "Old" Executive Office Building.

Naming the OEOB for Dwight Eisenhower would give us the opportunity to honor the former State, War and Navy Building with a proper name. At the same time, it would pay a unique tribute to Dwight D. Eisenhower, whose contributions to our nation are symbolized by this building that served him well during both his military and presidential careers. I spoke last week with Susan Eisenhower about this proposal, which was brought to her for the family's consideration. Susan, her father John, and other family members are supportive. They were deeply touched that the idea has been suggested and that the Nation might honor President Eisenhower in this way.

Because OEOB is an "office" on the GSA Public Buildings Survey, I understand that the Committee on Environment and Public Works would have jurisdiction over legislation to name OEOB after Eisenhower. For many reasons, therefore, you are the best person to champion this legislation in the Senate. I predict many co-sponsors from both sides of the aisle

This year we mark the 30th year since Eisenhower's death. More and more World War II vets are retiring from Congress. We need to act quickly to introduce a bill, report it out of Committee and encourage timely action in the House. I hope you will be able to introduce legislation shortly after the Senate reconvenes in September. I will do everything I can personally to help you round up co-sponsors. And we will get letters of endorsement from individuals and organizations to support your leadership.

I would be delighted to put your staff in touch with a few people who have done the preliminary research on the OEOB. Maybe this would be helpful as your staff works to draft appropriate bill language. We can also provide assistance in drafting a floor statement and a "Dear Colleague" letter and lining up cosponsors when you have a draft bill that can be circulated among your Senate colleagues.

I look forward to hearing from you soon and providing any help you need with this important legislation to recognize the leader of The Greatest Generation. This would be particularly appropriate as the American century draws to a close and we enter the new millennium.

Sincerely,

BOB DOLE.

[From the Washington Post, Aug. 10, 1997]

A BUILDING BY ANY OTHER NAME THAN THE OEOB

(By Jim O'Connell)

Now that Congress and the White House have reached agreement on balanced budget legislation, they can turn their attention toward addressing another overdue issue: a new name for the Old Executive Office Building (OEOB). Washington's most remarkable office building, perhaps the finest example of French Second Empire architecture in America, has a name remarkable only for its blandness—and that came to it by default.

The 19th century Victorian masterpiece was begun in 1871 and completed in 1888. Originally, it was called the State, War and navy Building after its first occupants. Twenty-four secretaries of state served there, and the former State, War and Navy libraries recall that illustrious past. Today, the OEOB houses the offices of the vice president.

In 1947, after the last secretary of state vacated the premises, White House offices moved in, and the building came to be known as the Executive Office Building (EOB). That nondescript label reflected the new executive branch tenants—the National Security Council and the Budget Bureau (now the Office of Management and Budget). Never mind that the town had plenty of other executive office buildings.

But in 1965 EOBers faced a dilemma: A new executive office building was about to open just north of the EOB. If the 1965 structure was "new," then the 1888 vintage building must be old. With Washington's fascination with acronyms, the building soon became known as the OEOB. What would architect Alfred B. Mullet have said to that?

This 19th century treasure merits better—much better. Given its role and its location beside the White House, it should have a name that honors one of our presidents. Five possibilities came to mind:

The Roosevelt Executive Office Building. On the plus side, both Roosevelts worked in the building as assistant Navy secretaries. On the minus: Both are memorialized already, Franklin recently in West Potomac Park and Teddy in the woods at Roosevelt Island.

The Grant Executive Office Building. Ulysses S. Grant was president when the groundbreaking for the building occurred in 1871. Also, Second Empire architecture reached its zenith during his presidency—indeed it was sometimes called the "General Grant Style." While the Union general is memorialized at the west front of the Capitol, Washington had no monument to Grant the president.

The Cleveland Executive Office Building. Grover Cleveland was president at the 1888 completion of the building. After four years of living next to the construction project, our 22nd president took a one-term hiatus—coming back to be our 24th president.

The Truman Executive Office Building. President Truman occupied the White House in 1947, when the State Department moved out. At that point, the building's name had to be changed, and the bland EOB name came into use. It seems only fitting that consideration be given to naming the building after "Harry," even if he did call the building "the greatest monstrosity in America."

The Eisenhower Executive Office Building. Long before becoming commander of allied forces in Europe in World War II, Dwight D. Eisenhower worked in the building as Army chief of operations and military aide to Chief of Staff Douglas MacArthur. The five-star general's distinguished Army career echoes the building's military past—two bronze Spanish cannons captured in 1898 are still in place at the Pennsylvania Avenue entrance. And Eisenhower no doubt played a role in helping the building survive a 1957 recommendation of the Advisory Committee on Presidential Office Space that EOB be replaced with a modern office complex. The Kennedy Center's Eisenhower Theater is faint praise indeed for this American hero.

After a half-century, it's time to honor the old State, War and Navy Building with a new name and in so doing pay lasting tribute to a former president.

Myself—I like Ike!

Mr. STEVENS. Mr. President, I thank the authors of this legislation for working to bring this bill to the floor. I had the privilege of working under President Eisenhower as Assistant to the Secretary of the Interior and Solicitor of the Interior Department. I am proud to have served under President Dwight D. Eisenhower.

In 1947 President Eisenhower said of our democracy:

> The American system rests upon the rights and dignity of the individual. The success of

> that system depends upon the assumption by each one of personal, individual responsibility for the safety and welfare of the whole. No government official, no soldier, be he brass hat or Pfc., no other person can assume your responsibilities—else democracy will cease to exist.

This sentiment is still true today. It speaks to the timelessness of President Eisenhower's thoughts and efforts and it offers us a glimpse of how he approached his duties and his life in general.

Ike was a good soldier who got most of his insight into government from his experience at West Point. His focus was on duty, honor and country. To him, the role he was given by the American people is outlined in the Constitution and he followed the language of the Constitution to the best of his ability. Also known as an "internationalist", he believed in friendship and peace. Ike ran for President because of concern that too many people were afraid of other countries and believed that if we were to have peace in the world then we need friendships with other countries.

Eisenhower as our leader made many decisions that we live by today. Unlike many who currently seek and obtain political offices, he was concerned with making the right decisions and not with what his legacy would be. Today's leaders should and do build on the leadership of the past—leadership that he provided and taught us to emulate.

The period of Ike's Presidency was an interesting and important period in the history of our country—particularly for my State and the State of my good friend from Hawaii, Senator INOUYE. President Eisenhower originally opposed statehood for Alaska in his first term. In 1950 you needed a passport or birth certificate to return to the "south 48" from Alaska. Today we remember the phrase "Taxation without representation". It was true back then, especially for those of us who fought and returned from WWII. It was demeaning and unfair. As everyone knows, we won the statehood fight and it turned out to be good for the people of Alaska and the country as a whole.

In working for Alaska statehood under President Eisenhower I found the ability to work freely, but with his full support. Bill Ewald, a good friend of mine, is quoted in the book "Eisenhower the President":

> . . . in the end . . . the greatest glory must go to Eisenhower. He chose his lieutenants, gave them the freedom to think and to innovate, backed them to the hilt despite his qualms, and thus produced an outcome that, in retrospect, remains a triumph of his administration.

Only 40 years later Alaska provides 25 percent of all U.S. oil production, and 50 percent of fish consumed in the United States is caught off Alaska's shores.

Eisenhower believed that a modern network of roads is "As necessary to defense as it is to our national economy and personal safety". Under his leadership, the Federal Aid-Highway Act of 1956 authorized 41,000 miles of highways (later adjusted to 42,500) by 1975. By 1980, 40,000 miles were completed. Today there are more than 42,700 miles in the system. Citizens of no nation on Earth can equal the mobility that is available to the majority of Americans via our National Highway System. A study in 1994 found that the fatality rate for interstate highways is 60 percent lower than the rest of the transportation system and the injury rate is 70 percent lower. The U.S. Army cited the Interstate Highway System as being critical to the success of the Desert Shield-Desert Storm Operation because it allowed for the rapid deployment of troops and equipment to U.S. ports for deployment overseas.

In the area of defense, Ike's efforts could not be eclipsed. His leadership in pushing for adequate funding of our defense system led to the successes we enjoy today. With the strongest military power on Earth, and with new and effective weapon systems in our arsenal, we should look to the past and give Ike credit for his vision on our national defense.

In his 1961 farewell address, President Eisenhower said:

> America is today the strongest, the most influential and most productive nation in the world . . . America's leadership and prestige depend, not merely upon our unmatched material progress, riches and military strength, but on how we use our power in the interests of world peace and human betterment.

It was President Eisenhower's hope as we all pursue our careers, regardless of the path we take, that we would remember his words and would do our best to be a "foot soldier" in his battle to "wage peace." I still consider myself one of Eisenhower's "foot soldiers".

Naming the Old Executive Office Building after President Eisenhower is a fitting tribute to the man who save the world and I am proud to cosponsor this legislation.

Mr. HAGEL. Mr. President, I join the chorus of voices calling for the Old Executive Office Building to be renamed in honor of Dwight D. Eisenhower.

President Eisenhower had a direct connection to the building. He worked there as an aide to Gen. Douglas MacArthur, and as Army Chief of Operations. As President, he saved the building from demolition.

But of course the reasons for commemorating President Eisenhower in this way are far more profound than his historical connection to the building.

At the close of this century, America is the world's lone superpower—due in large part to the leadership of President Eisenhower from 1953–60, the years when the course to our current position of supremacy was being charted.

A world power structure going back several centuries was shattered by World War II. America had made a grave mistake after World War I by retreating into isolationism. Fortunately, after the Second World War, the United States recognized its responsibility to assume leadership of the free world in the global confrontation with communism. The man most responsible for solidifying America's postwar position was Dwight D. Eisenhower.

Eisenhower, former supreme allied commander in World War II and then supreme commander of the new North Atlantic Treaty Organization, understood perhaps better than any man of his time how the world was interconnected—and how America's destiny was intertwined with the destinies of its friends and enemies throughout the world. He was not afraid to lead in foreign policy.

Nor was he afraid to lead in domestic policy, especially in race relations. We think of the 1960s as the decade of civil rights, but it was President Eisenhower who ordered the complete desegregation of the Armed Forces. It was President Eisenhower who sent Federal troops to Little Rock, Arkansas, to guarantee compliance with a court order for school desegregation.

Naming the Old Executive Office Building for Dwight D. Eisenhower is a fitting way to honor the many ways he contributed to the building of the greatest nation the world has ever seen.

Mr. ROBERTS. Mr. President, I rise in strong support of the Environment and Public Works Committee legislation to name the Old Executive Office Building after one of Kansas' sons, former President Dwight David Eisenhower.

Although Congress is portrayed in the press as mired in gridlock over budget caps and campaign finance reform, the Senate does rise above the daily political battles and pass commonsense bipartisan legislation that the American public is often unaware of because it lacks the sizzle for front page headlines or evening news sound bites.

The Senate passage of S. 1652 formally recognizes former President Eisenhower's dedication and faithfulness to the United States. This Kansan rose from his commission as a second lieutenant of Infantry at West Point to Supreme Commander of the Allied Expeditionary Forces, where he directed one of the most ambitious invasions in military history.

At the end of his military career, Eisenhower embarked on his successful candidacy for President of the United States. Eisenhower's biographer, Stephen Ambrose, wrote in his introduction to "Eisenhower The President" that "Dwight Eisenhower is one of only two Republicans (the other was Grant) to serve two full terms as President. Along with the two Roosevelts, he is the only twentieth-century President who, when he left office, still enjoyed wide and deep popularity. And he is the only President in this century who managed to preside over eight years of peace and prosperity."

America liked Ike.

We in Kansas are always honored when we can share our admiration for Dwight David Eisenhower with the rest of the Nation including the Dwight David Eisenhower National Highway System and the Eisenhower Presidential Center in Abilene, Kansas.

My own family has strong ties to Ike and the Eisenhower years. My father, Wes, played a key role in Eisenhower's presidential nomination and his election. He served as Republican national chairman for Ike.

Naming the Old Executive Office Building after former President Eisenhower is fitting because this building is almost as historic as the White House. Former Presidents Theodore and Franklin D. Roosevelt, Taft, Johnson, Ford, and Bush, and Eisenhower himself, all had offices in this building before becoming President. This ornate building is one of the most impressive buildings in Washington and some believe its style epitomizes the optimism and exuberance of the post-Civil War period when it was constructed. Throughout his government career, Ike also conveyed these feelings to his troops and the American people therefore this recognition is well-deserved.

I am glad that my Senate colleagues agreed to expedite the passage of this bill and hope the other body takes quick action. It builds on last week's celebration in Kansas of former President Eisenhower where the State of Kansas made his birthday Dwight D. Eisenhower Day in Kansas. More importantly, our state leaders provided schools with curricula on Eisenhower to teach and remind children of this great leader.

For my colleagues reading and information, I ask unanimous consent that an editorial from the Topeka Capital Journal be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Dwight D. Eisenhower Finally Gets His Day

It is not hyperbole at all to say this: Dwight D. Eisenhower stands as one of the 20th century's towering figures—and among what may have been history's most heroic generation, he was a giant.

This Kansas-reared man's memory is still celebrated today in the hamlets of Europe he helped free from Nazi oppression and occupation as supreme Allied commander in World War II.

Meanwhile, in a wax museum dedicated to all the U.S. presidents in Gettysburg, Pa., Eisenhower's likeness has been lifted out of its chronological place and given its own spotlight for visitors to appreciate. His life, his career, his achievements, his impact on the world were that significant.

Yet, the state that claims him, and which he claimed as a youth and at his death in 1969, has done precious little to observe his honored place in history.

Until now.

This week, Abilene, site of the Eisenhower Library and Museum, feted the 34th president in a three-day celebration ending today with a conclusion of a Veterans of Foreign Wars vigil at 8 a.m., wreath layings at 10:30 and 11 a.m., a children's bicycle parade at 1:30 and the unveiling at 2 p.m. of a statute of a boyish Eisenhower at the downtown mini-park.

Thursday, on his birthday and officially Dwight D. Eisenhower Day in Kansas, schoolchildren released balloons, heard music and speeches (including one by Ike's granddaughter, Anne Eisenhower) and celebrated with a birthday party and concert that night.

Just as important, curricula on Eisenhower was sent to schools statewide.

It's hard to believe we've gone this long before proclaiming a day for Eisenhower—the state's most famous and celebrated figure.

"He really is a world-renowned figure," said state Sen. Ben Vidricksen, R-Salina, who sponsored the legislation leading to this long-overdue observance.

Though born in Denison, Texas, Eisenhower spent his formative years in Abilene, Kan., where they regard him as a local boy who grew to become a hero.

"He was a wonderful role model," said Kim Barbieri, education specialist with the Eisenhower Foundation.

"Even his critics never questioned his honesty and sincerity," said one author. "As a general, he commanded the greatest army in history. As a president, he dedicated himself to fighting for peace."

Indeed, though a product of the military, Eisenhower once warned the American people to guard against "the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex."

Though his was one of the poorer families in Abilene, it was predicted in the Abilene High School year-book in 1909 that Eisenhower would go on to be president—Dwight's brother, Edgar Eisenhower, that is. Dwight was supposed to go on to be a history professor at Yale.

The prediction was off slightly, of course. And because of that, the world is a better place—and millions of people are free today.

Mr. BROWNBACK. Mr. President, I rise today to add my support to S. 1652, a bill to designate the Old Executive Office Building located at 17th and Pennsylvania, here in the District of Columbia, and the Dwight D. Eisenhower Executive Office Building.

I remind my colleagues of the many accomplishments and selfless contributions of our 34th President. His strong character and remarkable achievements have made him a role model for many young people worldwide. As a native of Kansas myself, it is an honor to commemorate this fellow Kansan by associating his name with a remarkable architectural landmark like the Old Executive Office Building.

Born 25 years after the end of the civil war, Dwight David Eisenhower was the third son of David and Ida Eisenhower. He spent his formative years sharing a crowded house with five brothers in Abilene, Kansas. He sought and received an appointment to West Point. In 1927 he entered Army War College here in Washington, DC. His early Army career saw rapid advancement through the ranks. Within 11 years, he was chief military aide to Gen. Douglass MacArthur and by the age of 43 served as Army Chief of Operations. While holding these positions, Eisenhower occupied several offices in the Old Executive Office Building and spent many hours walking the white marble tile corridors.

On June 6, 1944, he was Supreme Commander of the D-Day Normandy invasion. Through his actions and duties, his name became synonymous with heroism. Just 6 months later, he was promoted to U.S. Army's highest ranking, General of the Army.

After the war, Eisenhower's popularity with the American people soared. In 1948, he was offered the nomination for President from both political parties but declined the honor. Instead, he became the president of Columbia University in New York City. Fear of communist built-up and disappointment with the mismanagement of the Korean war, convinced Eisenhower that he had a duty to run, and in 1952 he received the Republican nomination for President.

Eisenhower's two terms as President of the United States saw many progressive and important accomplishments. After inauguration, he signed a truce that brought an armed peace along the border of South Korea and effectively ended the war. In 1956, he sponsored the first civil rights bill since Reconstruction. Eisenhower signed legislation creating the National Aeronautics and Space Administration and witnessed Alaska and Hawaii become States. His public works programs included the Saint Lawrence Seaway in 1954 and the Interstate Highway System in 1956, the largest construction project in history. Perhaps Eisenhower's greatest feat during his presidency was making and keeping the peace with communist countries. Eisenhower seldom boasted, but he once summed up one of the proudest accomplishments of his presidency in these words: "The United States never lost a soldier or a foot of ground in my administration. We kept the peace. People asked how it happened—by God, it didn't just happen, I'll tell you that."

Dwight D. Eisenhower attributed his success and good fortune to ". . . a lifetime of continuous association with men and women . . . who . . . gave others inspiration and guidance." His parents, church, and community were first among them. The small town environment of Abilene, Kansas taught him ambition without arrogance and self-dependence with a concern for others. President Eisenhower never forgot where his strength or that of the Nation came from. In June of 1954, an amendment was made to add the words "one Nation under God" to the Pledge of Allegiance. Eisenhower remarked, "In this way we are reaffirming the transcendence of religious faith in America's heritage of future; in this way we shall constantly strengthen those spiritual weapons which forever will be our country's most powerful resource in peace and war."

So, in renaming this most historic structure, we celebrate not only the accomplishments of President Eisenhower, but the strong, loving family and nurturing community of his youth which helped propel him to greatness. These are the values with which we attempt to equip our children and prepare great leaders for our future.

Many of the young people of our country have little or no idea who this great American was or what his leadership in both war and peace meant to the nation and the world. It is my hope that when Americans visit the Dwight D. Eisenhower Executive office Building, a curiosity about his heritage is evoked in children and adults alike, and people are inspired by his example.

I encourage all Senators to support this bipartisan legislation and honor our former President and wartime leader Dwight D. Eisenhower.

Mr. SPECTER. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1652) was read the third time and passed, as follows:

S. 1652

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF DWIGHT D. EISENHOWER EXECUTIVE OFFICE BUILDING.

The Old Executive Office Building located at 17th Street and Pennsylvania Avenue, NW, in Washington, District of Columbia, shall be known and designated as the "Dwight D. Eisenhower Executive Office Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in section 1 shall be deemed to be a reference to the Dwight D. Eisenhower Executive Office Building.

CYSTIC FIBROSIS AWARENESS WEEK

Mr. SPECTER. Mr. President, I ask unanimous consent that S. Res. 190 be discharged from the Judiciary Committee and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 190) designating the week of October 10, 1999, through October 16, 1999, as "National Cystic Fibrosis Awareness Week."

There being no objection, the Senate proceeded to consider the resolution.

Mr. CAMPBELL. Mr. President, today I urge my colleagues to support passage of the pending resolution, Senate Resolution 190, designating October 10, 1999, through October 16, 1999, as "National Cystic Fibrosis Awareness Week." I introduced this legislation in September and am pleased that it garnered such strong bipartisan support from my Senate colleagues. I am hopeful that greater awareness of cystic fibrosis, CF will lead to a cure.

Incredibly, CF is the number one genetic killer in the United States. Approximately 30,000 Americans suffer from the life-threatening disease. Today, the average life expectancy for someone with CF is 31 years. We must do what we can to change that.

I urge my colleagues to support final passage of this resolution so that we can move one step closer to eradicating this disease.

Mr. SPECTER. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to S. Res. 190 be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 190) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 190

Whereas Cystic Fibrosis is the most common fatal genetic disease in the United States, for which there is no known cure;

Whereas Cystic Fibrosis, characterized by digestive disorders and chronic lung infections, has been linked to fatal lung disease;

Whereas a total of more than 10,000,000 Americans are unknowing carriers of Cystic Fibrosis;

Whereas 1 out of every 3,900 babies in the United States are born with Cystic Fibrosis;

Whereas approximately 30,000 people in the United States, many of whom are children, suffer from Cystic Fibrosis;

Whereas the average life-expectancy of an individual with Cystic Fibrosis is age 31;

Whereas prompt, aggressive treatment of the symptoms of Cystic Fibrosis can extend the lives of those who suffer with this disease;

Whereas recent advances in Cystic Fibrosis research have produced promising leads in relation to gene, protein, and drug therapies; and

Whereas education can help inform the public of Cystic Fibrosis symptoms, which will assist in early diagnoses, and increase knowledge and understanding of this disease: Now, therefore, be it

Resolved, that the Senate—

(1) designates the week of October 10, 1999, through October 16, 1999, as National Cystic Fibrosis Awareness Week;

(2) commits to increasing the quality of life for individuals with Cystic Fibrosis by promoting public knowledge and understanding in a manner that will result in earlier diagnoses, more fund raising efforts for research, and increased levels of support for Cystic Fibrosis sufferers and their families; and

(3) requests the President to issue a proclamation calling on the people of the United States to observe the week with appropriate ceremonies and activities.

NATIONAL CHILDHOOD LEAD POISONING PREVENTION WEEK

Mr. SPECTER. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 199 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 199) designating the week of October 24, 1999, through October 30, 1999, and the week of October 22, 2000, through October 28, 2000 as "National Childhood Lead Poisoning Prevention Week."

There being no objection, the Senate proceeded to consider the resolution.

AMENDMENT NO. 2318

Mr. SPECTER. Mr. President, I understand Senator REED has an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for Mr. REED, proposes an amendment numbered 2318.

The amendment is as follows:

On page 2 line 8, strike "day" and insert "weeks".

Mr. SPECTER. Mr. President, I ask unanimous consent that the amendment be agreed to, the resolution, as amended, be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table, with no intervening action, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2318) was agreed to.

The resolution (S. Res. 199), as amended, was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 199

Whereas lead poisoning is a leading environmental health hazard to children in the United States;

Whereas according to the United States Center for Disease Control and Prevention, 890,000 preschool children in the United States have harmful levels of lead in their blood;

Whereas lead poisoning may cause serious, long-term harm to children, including reduced intelligence and attention span, behavior problems, learning disabilities, and impaired growth;

Whereas children from low-income families are 8 times more likely to be poisoned by lead than those from high income families;

Whereas children may become poisoned by lead in water, soil, or consumable products;

Whereas most children are poisoned in their homes through exposure to lead particles when lead-based paint deteriorates or is disturbed during home renovation and repainting; and

Whereas lead poisoning crosses all barriers of race, income, and geography: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of October 24, 1999, through October 30, 1999, and the week of October 22, 2000, through October 28, 2000, as "National Childhood Lead Poisoning Prevention Week"; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe such day with appropriate programs and activities.

ORDERS FOR TOMORROW

Mr. SPECTER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Wednesday, October 20. I further ask consent that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume debate on the motion to proceed to S. 1692, the partial-birth abortion bill as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SPECTER. Mr. President, for the information of all Senators, the Senate will resume consideration of the motion to proceed to the partial-birth abortion bill tomorrow morning. By previous order, a vote on the motion will occur after 20 minutes of debate. Therefore, Senators can expect the first vote at 9:50 a.m. If the motion is adopted, it is anticipated the Senate will continue debate on the bill throughout the day. It is the hope of the majority leader an agreement can be reached with regard to amendments so that the bill can be completed prior to the close of business on Thursday. The Senate may also consider any appropriations conference reports available for action.

ORDER FOR ADJOURNMENT

Mr. SPECTER. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order, following the remarks of Senator EDWARDS and my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

CAMPAIGN FINANCE REFORM

Mr. SPECTER. Mr. President, I voted in favor of cloture on the amendment denominated the Daschle amendment, which was the Shays-Meehan bill, because I believe comprehensive campaign finance reform is highly desirable. The bill, as embodied in the Daschle amendment, would eliminate soft money for all issue advertising. I believe that is sound.

I voted to oppose cloture to the Reid amendment, which would curtail soft money for issue advertising for only six committees: The Republican National Committee, the Democratic National Committee, the Republican Senatorial Campaign Committee, the Democratic Senatorial Campaign Committee, the Republican House Campaign Committee, and the Democratic House Campaign Committee.

It is my view that if soft money is to be prohibited on issue advertising, then soft money should be prohibited across the board. To approve the lesser provisions of the Reid amendment, which would affect only six political campaign committees, would be unfair, because other organizations could use soft money for issue advertising.

That is the distinction on my vote on the Daschle amendment where I voted for cloture contrasted with the Reid amendment where I opposed cloture.

Furthermore, I believe the comprehensive reform embodied in the Shays-Meehan bill is what ought to be adopted. The bill has another very important provision; and that is the provision relating to the changing of the definition of "express advocacy" and "issue advocacy." At the present time, issue advocacy would incorporate an advertisement, which could detail the ways one candidate is bad, and his opponent is good. But as long as the ad did not say, "Vote for the opponent; vote against the candidate," it is considered issue advertising. That is totally unrealistic. Shays-Meehan would make an important change on that provision.

I would add one caveat as to constitutionality. All of this is subject to some very stringent tests under the Buckley decision. I believe before we are going to get comprehensive campaign reform, we need to overrule the decision of the Supreme Court of the United States in Buckley v. Valeo.

Senator HOLLINGS and I have proposed constitutional amendments now for more than a decade. I would not consider amending the language of the first amendment, but I disagree when a Supreme Court decision, made by a divided Court—says that money is equivalent to speech for the individual person but not for contributors. I ran in 1976 in a contested primary against my good friend, the late Senator John Heinz. In the middle of that campaign, the Supreme Court of the United States decided that an individual can spend millions, where my opponent spent a considerable amount of money—but as my brother he was limited to a $1,000 contribution. His speech as an individual contributor, was limited in the context, where my brother could have financed a campaign. Ultimately, we are going to have to change the Buckley decision.

To repeat, I would not change the language of the first amendment. But, I think other legal judgments, perhaps mine included, would be as good as the Supreme Court Justices who decided Buckley v. Valeo.

But I do believe that if there is to be a curtailment of soft money, it ought to be done as Shays-Meehan did it in the Daschle amendment; not with the Reid amendment, which would limit only six political committees and leave others in a position to finance soft money campaigns, which would be an uneven playing field and unfair.

Mr. EDWARDS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. EDWARDS. Mr. President, our political process is diseased. The virus causing that disease is money. The worst virus of all is what is known as soft money. The people of America, including folks I grew up with in a small town in North Carolina, no longer believe their vote matters. As a result, they do not go to the polls; they do not participate. They have completely disengaged with their Government and the political process.

We have to do something in the Senate to bring those people back, to make the people all over this country believe again that this is their Government. We have to make people believe again that their Government up in Washington is not some foreign thing that has nothing to do with them and nothing to do with their lives, but, in fact, they have ownership of this Government; this is their Government. It doesn't belong to the Senators who participate in this body; it belongs to the people, every single one of them. We must make them believe again that when they go to the polls and vote, their vote counts every bit as much as anybody else's vote and that their voice in the process is as loud and clear as anybody else's.

The reality is, people have disengaged for a two major reasons. One is the influx of big money. I don't think it is an accident that during the widening of the soft money loophole and the boom of big soft money contributions over the last several years that allows people to write checks for $100,000, $200,000, $500,000, completely unregulated, unmonitored—that during this same period of time voter turnout has steadily declined.

The simple reason for that is, average Americans, average North Carolinians, believe their voice is being drowned out by big money. These people, who have good sense, their gut tells them that when somebody else writes a check for $100,000—first of all, most of them can't afford to write a check for $25 for a political candidate, much less $100,000—that there is no way in their life experience they are going to be listened to, that they are going to have the access to their Senator or to their Congressman that the person who writes these big money checks has. It is just that simple. They are not on a first-name basis with their Senator, they are not on a first-name basis with their Congressman, but these people who write $100,000 checks are.

We have to do something about that. That problem—that cynicism, the distrust, the belief that Government up in Washington has nothing to do with them—is what keeps them from going to the poll.

Unfortunately, this problem of the influence of big money is compounded when they turn on their television sets in October before an election, and what do they see on television? They see hateful negative personal attacks, many of which are funded with big money, soft money, unregulated money contributions. These negative political ads are the second major reason people are not engaged in the political process. It is the reason that they don't vote and that they are cynical about government and cynical about politics. It is also the reason they don't encourage their kids to get involved in government. It is the reason they themselves don't participate, because they believe in their hearts that the process has been corrupted. The result of that corruption is, they want nothing to do with it. They don't want their family to have anything to do with it. They don't want their kids to have anything to do with it.

It used to be that public service was a very noble calling, before this extraordinary influx of big money and these spiteful advertisements we have seen over the last few years. We have to do everything in our power to return power in this Government where it started and where it belongs, which is with average Americans going to the polls.

One of my constituents wrote to me. I think he said it very well. I am quoting Jason McNutt. He said:

> Our democracy is threatened by the amounts that wealthy special interests are spending on politics. Ordinary citizens like myself have very little influence. . . The American democracy has been corrupted by big money.

He is exactly right. Mr. McNutt is expressing a feeling that, at a gut level, people all over this country have. And that feeling of disenchantment is what we have to address.

I heard an extended debate last week between Senator McCAIN, who has shown great and courageous leadership on this issue, and another Senator. Basically the interchange was, point out to us what Senators have been corrupted. A large part of the debate had to do with questions and answers about which Senators had been corrupted.

I have been in the Senate for about 9 months.

The men and women I serve with here are far from corrupt. They are hard-working people who do what they think is right and, even when we disagree, I have enormous respect for my colleagues in this body. That respect has done nothing but grow during the time I have been here.

The problem with the debate, though, is it is not about what Senators are corrupt. That focus is wrong. That is about us. This debate is not about us. This debate is about the folks who have quit voting. It is about parents who don't want their kids involved in politics, who don't want their kids involved in Government. They have this feeling in their stomach that there is something wrong. They could not articulate to you with great specificity what is wrong, but they know something is wrong. There is no place I would put greater confidence than in the gut understanding of the American people. It is the reason they are not voting anymore and not participating.

The single biggest loophole that we have today is soft money. I strongly support comprehensive, across-the-board campaign finance reform, to return power to regular people. But the reality is that what we have a chance of passing in this Congress is a ban on soft money. That doesn't solve the problem, there is no question about that; we will continue to have other problems in other areas. But if we keep putting this off, not addressing the issue and voting it down on a procedural basis, even though a majority of the Senators voted in favor of campaign finance reform, we have not sent the right signal to the American people. We have a responsibility—I believe I have a personal responsibility to the people that I represent all over North Carolina—to say that we are going to do what we can do. We are going to send you a powerful signal that we are starting the process of solving this huge problem.

The simplest way to send that signal is to ban soft money—to ban it tomorrow. Let's put a stop to this unregulated flow of huge sums of money that are coming into our political system. This ban alone won't solve the problems facing our political system. Nobody believes it will. But it will send a powerful message across this country that we care, that the people in this Senate care about how average Americans feel about the process. Because if we don't ban soft money, we send the signal that we don't care, that all we care about is ourselves, our own elections, and we don't care about the people out there across this country who are no longer going to the polls. We have to do something about that. They need to hear a loud and powerful message from us.

We can address the other issues as we go forward. But, first, we have to make it clear to the people of America that we are willing to do something and that we are focused on them, their concerns, and their worries and not just ourselves and our elections. That is what we need to do, Mr. President.

The bottom line is, we ultimately have to return power in this Government to where it started, which is with regular people going to the polls. We have to return democracy to its roots, because that is how this country began. Over the course of the last 200 years—particularly over the course of the last 10 years—that has changed. Folks back home know in their hearts and souls, without seeing it, that these powerful people who write big checks, the big special interests, are having an enormous influence over what happens up here. It bothers them. You know, it ought to bother them, because they are right. We have to say something back to these people who are worried, who aren't voting anymore and don't want their kids involved in Government and politics. I, myself, in my last campaign, made a decision not to accept contributions from PACs and Washington lobbyists, which is nothing but a small step along this road. But we as a body have to send a message, and that message should be loud, clear, and unequivocal. The message is that we are returning power in your democracy to you.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 7:25 p.m., adjourned until Wednesday, October 20, 1999, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate October 19, 1999:

DEPARTMENT OF JUSTICE

DONNA A. BUCELLA, OF FLORIDA, TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF FLORIDA FOR THE TERM OF FOUR YEARS VICE CHARLES R. WILSON, RESIGNED.

HOUSE OF REPRESENTATIVES—*Tuesday, October 19, 1999*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. TANCREDO).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 19, 1999.

I hereby appoint the Honorable THOMAS G. TANCREDO to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 25 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to 5 minutes, but in no event shall debate extend beyond 9:50 a.m.

The Chair recognizes the gentleman from Ohio (Mr. KUCINICH) for 4 minutes.

MAINTAIN UNITED STATES TRADE (MUST) LAW RESOLUTION

Mr. KUCINICH. Mr. Speaker, recently the Commerce Department announced a record trade deficit of $25.2 billion for the month of July. That means that foreign-made goods are displacing American-made goods. When foreign goods replace American-made goods, Americans are put out of work, pressure increases to lower wages, and the tax base for schools and cities shrinks.

When those foreign-made goods are illegally subsidized or sold in the United States below price, the trade deficit worsens and it is even harder for American producers to compete. The U.S. has laws to protect American producers and workers from the illegal dumping of foreign-made goods into the U.S., but we are here because there is a real danger that the administration would give away those laws in trade negotiations at the World Trade Organization.

How do we know that? Let me share something that recently came across my desk. I have here a list of American laws that the European Union wants the administration to trade away. Here on page 9 of this summary on the report on the United States barriers to trade and investment by the European Commission, the EU, the European Union, has identified America's antidumping laws.

Mr. Speaker, when the EU identifies our antidumping laws as a problem, they are advocating on behalf of European-based multinational corporations. They want to make it easier for those companies to sell their products in the United States. Who will lose out if those European companies are allowed to export to the U.S. without regard to America's antidumping laws? American producers and American workers.

House Resolution 298 says that giving up our trade law system is a bad deal for American producers and workers. Do not trade away our trade laws. This is particularly important for people I represent in the Greater Cleveland area who work in the steel industry. Because American steel is the best-made steel in the world made with the best equipment, with the best workers. And yet for all the investment in steel, for all the efforts by the workers there, for all the commitments made by organized labor by the unions who represent those workers, American steel is in trouble. American steel manufacturers are losing money because we are having and have had steel dumped in our markets, and that is not fair.

So, Mr. Speaker, it is time to maintain U.S. trade laws. It is time to take a stand against dumping and it is time to make sure that U.S. laws that are made to protect American producers and workers from the illegal dumping of foreign-made goods into the U.S. are not just protected but are held inviolate. So I appreciate the opportunity to participate in this discussion this morning with the gentleman from Ohio (Mr. NEY), the gentleman from New York (Mr. LAZIO), the gentleman from Ohio (Mr. TRAFICANT), and the gentleman from Pennsylvania (Mr. DOYLE) and all the other colleagues who are here who have constituencies that are similar to mine and who want to make sure that we protect American jobs from the antidumping.

H. RES. 298, THE MAINTAIN U.S. TRADE LAWS RESOLUTION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Ohio (Mr. NEY) is recognized during morning hour debates for 5 minutes.

Mr. NEY. Mr. Speaker, I want to thank my colleagues on a bipartisan basis for being here today. This is an important morning hour to talk about an issue that is absolutely critical to every working man and woman in this country.

Mr. Speaker, I wanted to speak today about House Resolution 298, which is called the Maintain U.S. Trade Laws Resolution sponsored by the gentleman from Indiana (Mr. VISCLOSKY). The gentleman, along with a lot of our colleagues on both sides of the aisle, have remained strong on these trade issues to make sure that we continue to have jobs for all of our working Americans.

Now, the big highlight of the year, I think, was the fact that a previous bill offered by the gentleman from Indiana came to this floor and had 289 votes and unfortunately it did not get past the procedures of the Senate, but it showed the whole Nation, working men and women, that in fact we can stand together. And the Stand Up for Steel campaign which was supported by the unions and also by the companies and by many Members of the House showed that we, even though it did not pass the Senate, that we can keep this issue focused and we can win for our workers.

Mr. Speaker, it put a lot of pressure and helped to stop some of the hemorrhaging of the loss of our jobs. But House Resolution 298 goes even beyond that. It is not just an issue for steel. It is an issue for many, many products and it is an important issue for our country.

Effective antidumping and countervailing duty laws are the cornerstone of an open market policy. Those who want to maintain free trade had better realize that any amount of trade we have should be fair trade and that maintaining trade depends on maintaining fair trade. Antidumping rules are designed to ensure that exporters based in countries with closed markets do not abuse other countries' open market policies. American industries which have benefited from these laws include basic industrial goods, chemicals and pharmaceuticals, advanced technology products, consumer goods such as tomatoes, oranges, fresh-cut flowers, cosmetics.

The present countervailing duty rules are and have come about as a result of the WTO Uruguay Round 1964 to 1994 negotiations and they applied to all the members. The WTO agreement on countervailing duty measures defines the term "subsidy." The definition contains three basic elements: A

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

financial contribution by a government, or any other public payment which confers a benefit. All three of these elements must be satisfied in order for a subsidy to exist.

The scope of the negotiations at the Seattle Round discussions of the WTO was specified during the Uruguay Round, however some countries, and this is the danger, are seeking to circumvent the agreed list of negotiating topics and reopen the debate over the WTO's antidumping and antisubsidy rules.

These rules have scarcely been tested since their enactment and certainly have not proven defective. Accordingly, avoiding another series of divisive fights over these rules is the best way to promote progress on the other issues facing the WTO.

Therefore, Mr. Speaker, it is essential that negotiations on these antidumping and antisubsidy matters not be reopened at the Seattle Round of discussions of the WTO.

Mr. Speaker, House Resolution 298 simply says we have a system, let it work. To reopen these rules at the Seattle Round is not only dangerous to the United States, but most importantly, it is dangerous to the working men and women of the United States who are trying to feed their families and support their communities and educate their children and take care of their loved ones.

It is basic to the nature of our country to be able to have a job. So we are not asking for anything special. We are simply asking for fair treatment. That is why it is essential that we speak out today and I congratulate again and thank my colleagues who have put in so much time on this issue and thank all of those across the United States, Mr. Speaker, that in fact have written letters and made phone calls and supported measures to simply give the American workers a fair chance.

FREE BUT FAIR TRADE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Ohio (Mr. TRAFICANT) is recognized during morning hour debates for 4 minutes.

Mr. TRAFICANT. Mr. Speaker, the author of H. Res. 298, the gentleman from Indiana (Mr. VISCLOSKY) has worked tirelessly here, along with the gentleman from Ohio (Mr. REGULA) and many others to try and do something about this dumping and subsidy of foreign products that, in fact, have damaged American workers, American goods, and in my opinion our future economy. Even though right now it makes it look like our prices are low and our economy is helped and buoyed by this action.

The gentleman from Indiana will be here, he being the greatest Notre Dame fan in the Congress and being totally elated by the fighting Irish's comeback victory over Southern Cal. So being an old Pitt guy, I am not going to be all that ecstatic about it, but the gentleman from Indiana is still out there cheering on the Irish.

Mr. Speaker, the very first steel mill that closed in America, we called it Black Monday back then, was in Youngstown, Ohio. 11,000 steelworkers got a notice one morning that their plant was closing and their job was gone. Congress has done a bunch of things since then to give plant closing notices, but frankly I do not even understand why we have to be doing something like this with the administration that in my opinion should know better. I think every administration should know a little better.

We are getting ripped off big time. People keep hearing about dumping. I do not know if the American people know what dumping means. It is not all that sophisticated. It is not rocket science here. Dumping is when a product costs $20 to make but they sell it in America for $15, $5 below what it costs them to make the product themselves. What does that do? There are those purists that say that is great. They are subsidizing the American economy. They are doing us a favor at $5 a product.

But, Mr. Speaker, the bottom line is the American producers now cannot meet the competition. Little by little the American competition dwindles and before long there is a vacuum. No American company produces the product and that product that looked so juicy at $15 is now coming in here at $35.

The final result of this is we cannot have dumping, we cannot have subsidies, if in fact they are going to play by a different set of rules. That is what frosts my pumpkin here.

I think with the dumping of illegal steel Congress did not do what they had to do. Congress should have passed a ban. Send it to the President and let these presidents that fire up all these union workers every election veto the bill and show what they are standing for.

Mr. Speaker, we should not be managing illegal trade; we should be banning illegal trade.

So I particularly feel our program is all wet. I think we have allowed these administrations to use an awful lot of rhetoric and politicking around election time and maintain a program that is anti-American, so help me God. But I want to credit the efforts at least we are trying to take. What we are doing is recommending that the administration does not allow any more of this chicanery on illegal trade. Wow. I hope that works. But in any regard, I think it is better than what we are doing.

Mr. Speaker, I think there is a lot more that has to be done. And I think it is time to pass some legislation that says look, play by the same rules we play by because there is one trick word I believe and one magic word that deals with this trade business. It is called reciprocity. I think it is time to treat our trading partners the way they deal with us. We should ideally deal with free trade, but first we should deal with fair trade.

Mr. VISCLOSKY. Mr. Speaker, I rise today to speak in favor of House Resolution 298, the Maintain United States Trade Law Resolution. There have been a number of pieces of legislation introduced this Congress aimed at strengthening our trade laws. While some of these bills have been very technical in nature, we have before us today a resolution that is so simple and straightforward that there can be no hidden agenda. It sends forth one basic, yet vital, message from the Congress to the Administration, and that message is this—do not allow the current antidumping and countervailing duty laws to be weakened.

Just over a month from now, the WTO will convene at the Seattle Ministerial to launch a new round of trade talks. An agenda has been set for these negotiations that does not include the antidumping and countervailing duty rules, yet there are a number of countries seeking to expand the agenda in order to debate them. The existing rules were concluded only with great difficulty during the Uruguay Round, and have hardly been tested. In no way have the existing rules been proven to be defective. Therefore, it would be clearly a rash decision to reopen them at this point in time.

Fortunately the Administration seems to have recognized the importance of maintaining these trade laws and has stated on a number of occasions that they will not allow them to be reopened at this next round of talks. Apparently, some Members in this House feel this is enough assurance, but I speak today on behalf of the almost 200 cosponsors of this resolution who know the Congress must vocalize their support for the Administration's stated approach. We must show our trading partners that we wholeheartedly support and endorse our negotiators and their position at the Seattle Ministerial.

On a number of occasions, I have heard people state their concern that there is a growing protectionist tide in the U.S. and around the world. There are even those out there who believe this resolution will help fuel this tide, but nothing could be farther from the truth. Free trade must be synonymous with fair trade, and our antidumping and countervailing duty laws target only illegal imports, not those that are fairly traded. If you really want to see a growing protectionist tide in this country, go down the road of weakening our fair trade laws and just watch what happens. Weakening these laws will lead to a flood of illegal imports like we have never seen, and the result will be scores of American companies out of business and innumerable American workers without jobs. We will then see an unprecedented discontent with foreign manufacturers and, in no time, a movement toward closing our doors to foreign imports, fair and unfair alike. If you're looking for a recipe for protectionism, weakening our existing trade laws is the quick and easy way to get there.

Nothing good can come out of reopening the antidumping and countervailing duty rules, yet there is a very real possibility that it could happen. There is a Constitutional responsibility for Congress to join with the Administration in a unified approach and let it be known that we will not sit idly by and watch our fair trade laws be bargained away. Supporting this resolution is a way for us to say that we believe American farmers and manufacturers deserve to be on an equal footing with their counterparts around the world.

I mentioned earlier that these trade laws are the backbone of America's open-market policy. Well, it is now time for this Congress and the Administration to show that they have a backbone when it comes to negotiating the future for all Americans. I urge my colleagues to stand with me today in support of the Maintain United States Trade Law Resolution.

WTO MINISTERIAL MEETING IN SEATTLE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Ohio (Mr. REGULA) is recognized during morning hour debates for 5 minutes.

Mr. REGULA. Mr. Speaker, I rise today to express concerns about the upcoming World Trade Organization ministerial meeting which will be hosted by the United States in Seattle, Washington, from November 30 until December 3.

The purpose of this meeting is to prepare an agenda for a new round of multilateral trade negotiations aimed at expanding and liberalizing world trade in the wake of the Uruguay Round of negotiations which ended in 1994.

As Chairman of the Congressional Steel Caucus, I recently convened two days of briefings by U.S. steel industry executives and the President of the Steelworkers of America. In addition to discussing the continued threat of low-priced imports, the industry and steelworker representatives also provided the caucus with advice on what should and should not be included in the agenda which is being drafted in Seattle.

There is general support for this new round of negotiations because liberalized trade has a great potential benefit for the U.S. economy as long as that liberalized trade is fair, and I emphasize the word "fair," is rules-based and is market economy based. The caucus heard that any future negotiations under the auspices of the World Trade Organization must in no way weaken U.S. trade laws, particularly our antidumping and countervailing duty laws. These laws provide essential remedies against unfair foreign imports.

Mr. Speaker, I am pleased that we have been repeatedly assured by Ambassador Barshefsky, Secretary Daley and other administration officials that antidumping and countervailing duty statutes will not be reopened in Seattle or in any new round of negotiations to follow. But we have also heard repeatedly from several of our trading partners that they will seek to reopen discussions on these laws.

My particular concern arises from an addendum to the WTO General Council Chairman Mchumo's draft Ministerial Declaration for the Seattle meeting which he drafted "on his own responsibility." The proposals in this addendum would seriously weaken the U.S. antidumping and countervailing duty laws as they stand today. Although this addendum is not official, it indicates that there will be substantial pressure on the U.S. delegation to include discussions of changes to the antidumping and countervailing duty laws in the new round of negotiations.

The proposed changes would allow the dumping of goods into the United States and would allow goods to be subsidized by foreign governments. These changes in turn would jeopardize United States jobs. I will mention just a few of the 24 changes that have been proposed in the Mchumo addendum.

One, once an antidumping investigation under U.S. law is concluded, no new petition involving the same product could be initiated for at least a year. This means dumping of that product could resume and continue for a year before any remedy could be pursued.

Two, if a penalty duty lower than the calculated margin of dumping were thought to be sufficient to reduce the injury, then that lower duty would be mandatory, even if dumping continues.

Three, countervailing duties would be imposed not in the full amount but only in the amount by which the subsidy exceeds the applicable de minimis level.

Four, developing countries would suddenly be exempted altogether from the present prohibition on export subsidies and import substitution subsidies.

Mr. Speaker, these proposed changes sound technical, but they would have a dramatic impact on U.S. jobs in the manufacturing sector and in other important sensitive sectors. These changes would mean job losses for many Americans and, therefore, these changes must be resisted.

I support the Visclosky-Ney resolution stating that the antidumping and antisubsidies code of the WTO should not be reopened in Seattle. I will be part of a delegation travelling to Seattle in November as part of the Speaker's advisory group on the WTO ministerial. A strong vote in the House and participation by Members in the delegation to Seattle will be essential in backing up, and I say that supporting, the administration's position that the U.S. antidumping and countervailing duty laws should not be weakened in any way during the upcoming multilateral trade negotiations.

MUST LAW RESOLUTION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Pennsylvania (Mr. DOYLE) is recognized during morning hour debates for 5 minutes.

Mr. DOYLE. Mr. Speaker, I am rising here this morning to speak about this very important bill known as the Maintain United States Trade (MUST) Law. First, allow me to thank my colleagues and friends, the gentleman from Indiana (Mr. VISCLOSKY) and the gentleman from Ohio (Mr. NEY) for their work on this issue and for organizing this morning hour today.

I am just one of nearly 200 cosponsors of the MUST law resolution that has drawn its support from both sides of the aisle. There is a reason for that, of course. Quite simply, this issue does not fall along partisan lines. It is no surprise that there are many Democrats and many Republicans that together have recognized the necessity of maintaining our antidumping laws and countervailing duty laws.

It is no surprise because these laws are a concern for all of us, affect all of us, and protect a wide range of products that come from all corners of our great country.

According to the U.S. International Trade Association, as of March 1 of this year, over 290 products from 59 different countries were under antidumping and countervailing duty orders. Throughout our ongoing steel crisis, antidumping and countervailing duty laws have represented one of the only means of relief for American steelworkers and the American steel industry.

My constituents in Pennsylvania and other American producers throughout the country recognize that these laws are important protections affecting countless products throughout the United States. It is imperative that the administration uphold these important trade laws at the upcoming WTO Seattle Round. It is this conference that will launch a new round of trade negotiations. It is said that these talks will focus on reshaping WTO rules regarding agriculture, services and intellectual property. However, the concern of those of us here this morning is that other issues may surface on the agenda.

Mr. Speaker, it is becoming clear that a number of foreign countries are seeking to expand the agenda allowing for debate on WTO's antidumping and countervailing duty laws. This effort must be stopped. This is why the MUST law is so important, because its passage will allow the administration to attend the Seattle negotiations with a unified statement from the Congress declaring that the United States must not agree to reopen negotiations on any of these antidumping and countervailing duty laws.

The MUST law resolution will call upon the President to not participate in any international negotiation in which antidumping rules are a part of the negotiation agenda. Further, it will insist that he refrain from submitting for congressional approval any agreements that require changes to the current antidumping and countervailing duty laws and enforcement policies of the United States, and that our government must vigorously enforce these laws in all pending and future cases. This is the type of direction that we must insist upon.

Mr. Speaker, I represent a district from western Pennsylvania. It is the heart of steel country. In fact, I was born and raised there, so believe me I know that area pretty well. Because of that, I have been very involved in attempting to mitigate our ongoing steel crisis, and I am sure some people might see me speaking here this morning and think that this is just another steel issue again. Nothing could be further from the truth though. This is not just about steel. Instead, as I stated earlier in my remarks, it is about all American industry production and workers.

It could be agricultural products ranging from raspberries to rice to chilled Atlantic salmon, or industrial products like dry-cleaning machinery, brake rotors, or roofing nails, manufacturing materials such as silicon metal or uranium, or even electronic products like color television receivers or cellular telephones. All of these products and hundreds more are protected by the antidumping and countervailing duty laws.

This is why we need everyone to join with us and insist that our administration hold firm on this issue when those talks kick off in Seattle.

We have an obligation to protect our American workers and producers from unfair foreign trade practices. It is an old line but it still rings true: We can have free trade, but only if it is fair trade. For these reasons, Mr. Speaker, I add my voice to urging the House leadership to bring the MUST law resolution to the floor as soon as possible.

H. RES. 298: A VALUABLE TOOL TO PROTECT AMERICAN WORKERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Alabama (Mr. ADERHOLT) is recognized during morning hour debates for 2 minutes.

Mr. ADERHOLT. Mr. Speaker, I and over 200 of my colleagues are cosponsors of House Resolution 298. The Seattle discussions on international trade will begin on November 30. Unfortunately, some nations wish to circumvent the agreed upon list of topics and reopen the very contentious issue of World Trade Organization rules against dumping and against subsidies.

In the U.S. we already make our workers compete against foreign workers whose governments do not enforce the same standards on wages, on environmental protection, safety laws, and legal protections. Furthermore, we have flung open the doors of the American market. Let us not kid ourselves. Foreign governments will respect the U.S. worker only to the extent that the U.S. Government forces them to.

In these trade talks there is nothing left to give away except competitive, productive American jobs and that is unacceptable. Some in this body would define free trade by actions that amount to unilateral economic disarmament. Yet I would point out that every Member of Congress whose State benefits from a manufacturing plant built by a foreign company and employing U.S: workers owes a debt to President Ronald Reagan who knew how to get tough on trade when necessary.

If a foreign trade negotiator in Seattle proposes weakening U.S. laws, our administration officials need to say we will discuss nothing until they put that proposal back in their folder.

The passage of this resolution will be a valuable tool for the administration to protect American workers at these talks. I urge the House leadership to put H. Res. 298 on the schedule as soon as possible.

IN SUPPORT OF H. RES. 298, THE "MUST" LAW

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Pennsylvania (Mr. MASCARA) is recognized during morning hour debates for 4 minutes.

Mr. MASCARA. Mr. Speaker, in November, representatives from across the global arrive in Seattle to negotiate changes in the international trade agreements of the World Trade Organization, the WTO.

Trade has worked well for our country. We sell 30 percent of our agricultural products to foreign trading partners. In fact in Pennsylvania, my home State, $16 billion of farm products are exported annually.

Our country relies on its ability to trade. And while I generally support free trade, I also insist upon fair trade. If other countries can produce products cheaper than we can without abusing its workers and without breaking international trade laws, so be it. They have every right to access our markets. But a successful global economy depends upon a level playing field. Everyone must play by the same rules: Rules against illegal subsidies, rules against illegal dumping, and rules against discrimination.

Unfortunately, there have been a number of recent trade violations that our country has had to respond to. They include illegal steel dumping, bans on U.S. beef and bananas and other products. Our airlines and aviation manufacturers have been discriminated against and the Congress continues to deal with these inequities and justifiably so. Fortunately, we can respond to these violations because we have strong American antidumping and antisubsidy laws. These laws conform to the WTO laws and provide our only means to fight this illegal trade. They are our trading Bill of Rights. Without them we would be defenseless.

Yet, the WTO agenda in Seattle includes an item that might strip away these very rights. That is, denying our ability to deal with these illegal trade activities.

Mr. Speaker for this reason, the House must bring House Resolution 298 to the floor. We must let the world know that we will not stand for foreign interference with our trade laws. Our country is the bedrock of global trade. We should not permit our trading partners to strip away our rights to free trade. We must insist that the WTO provide language that protects us against unfair trade and illegal dumping.

Mr. Speaker, I support the Visclosky-Ney resolution, House Resolution 298.

THE COUP IN PAKISTAN AND THE IMPORTANCE OF MAINTAINING THE PRESSLER AMENDMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from New Jersey (Mr. PALLONE) is recognized during morning hour debates for 3 minutes.

Mr. PALLONE. Mr. Speaker, yesterday I introduced legislation to prevent the administration from waiving the Pressler amendment, a provision of law which prohibits U.S. military assistance to Pakistan. I would like to take this opportunity to urge my colleagues to join me in this initiative. While I have offered this legislation as a free-standing bill, I am also looking into other legislative vehicles that my proposal could be attached to.

Mr. Speaker, the fiscal year 2000 Defense Appropriations Conference Report approved by the House last week contains provisions giving the President broad waiver authority over several sanctions against India and Pakistan, including the Pressler amendment. There are indications that the President will veto this bill, although for unrelated reasons.

The intent of my legislation is essentially to return to the status quo on the Pressler amendment. It is my hope that last week's military coup in Pakistan, which certainly is very regrettable, may help to refocus congressional attention to the danger of the giving military aid to Pakistan and result in renewed congressional support for retaining the Pressler amendment.

Mr. Speaker, I have long supported lifting the economic sanctions against

India and Pakistan, which is also accomplished in the Defense Appropriations Conference Report.

I also want to thank the conferees for another positive provision: a Sense of the Congress Resolution that the broad application of export controls to nearly 300 Indian and Pakistani entities listed on the so-called "Entities List" adopted by the Bureau of Export Administration (BXA) should be applied only to those entities that make "direct and material contributions" to weapons of mass destruction and missile programs and only to those items that so contribute.

But I am concerned that other provisions in the conference report could result in renewal of U.S. arms transfers to Pakistan, a government that has engaged in an ongoing pattern of hostile and destabilizing actions. Indeed, keeping the Pressler amendment on the books is the best way to accomplish the goal behind the entities list: Namely for the United States not to contribute to Pakistan's drive to develop or acquire weapons of mass destruction.

Mr. Speaker, it does not make sense to apply sanctions against commercial entities that have barely a passing relationship with weapons programs while waiving the Pressler amendment and thereby allowing for direct transfer of military technology.

It has been widely reported, Mr. Speaker, last week that the Pakistani Army Chief of Staff led a military coup against the civilian government. Ironically, we have seen several recent efforts from Pakistan to win concessions from the U.S. as a means of propping up Prime Minister Sharif's government and forestalling a military coup. These include the ill-advised attempts to have a special mediator appointed for the Kashmir conflict as well as efforts to reopen the supply of U.S. military equipment to Pakistan. But in light of the latest Pakistani coup, the futility of the strategy is apparent.

The Pressler amendment, named for the former Senator from South Dakota, was invoked by President Bush in response to Pakistan's weapons development program. It was good law when it was first adopted and it is still good law today. Earlier this year we were reminded about why the Pressler amendment was needed because of the way Pakistan instigated the hostilities in the Kargil region of Kashmir. In fact, it was the same generals who masterminded last week's coup who pressed for the disastrous military campaign in Kashmir, and we are continually confronted with evidence of Pakistani involvement in nuclear weapons and missile proliferation in other hostile or unstable regions. Last week's coup only further reminds us of the danger of renewing U.S. military ties with Pakistan.

Mr. Speaker, I want also to register my concern over recent published reports attributing to State Department officials the suggestion that a resumption of arms supplies to Pakistan would be considered as an incentive for the return to civilian rule. On this point I want to reiterate that the purpose of the legislation I have introduced is to make sure that this administration and future administrations do not provide arms to Pakistan.

Mr. Speaker, last Friday The New York Times columnist, A.M. Rosenthal, who once covered South Asia, wrote a column called "The Himalayan Error." He focused on something I have often criticized, namely the pronounced tilt toward Pakistan in U.S. foreign policy. This tilt has resulted in neither democracy for Pakistan nor stability for the region.

On Sunday, another New York Times op-ed writer, Steven R. Weisman, wrote an article entitled, "Pakistan's Dangerous Addiction to Its Military." And quoting from that piece, "[A] major reason Pakistan has such a stunted political tradition compared with India is that the Army has run the country for nearly half of its short history."

Mr. Speaker, the U.S. obviously cannot bring about democracy in Pakistan or change the Pakistanis' international behavior overnight, but we can avoid the policies that encourage Pakistan's military leaders to seize power, to foment instability in South Asia, to threaten their neighbors and to collaborate with other unstable regimes in the development and transfer of weapons of mass destruction. Clearly, reopening the American arms pipeline to Pakistan would be a disastrous mistake.

Mr. Speaker, I include those two New York Times articles for the RECORD.

[From the New York Times, Oct. 15, 1999]

The Himalayan Error

(By A.M. Rosenthal)

Ever since their independence, the U.S. has made decisions about India and Pakistan fully aware that it was dealing with countries that would have increasing political and military significance, for international good or evil.

Now that both have nuclear arms capability and Pakistan has been taken over again by the hard-wing military, the American Government and people stare at them as if they were creatures that had suddenly popped out of nowhere—and as if their crises had no connection at all to those 50 years of American involvement in the India-Pakistan subcontinent.

The destiny of the two countries—war or peace, democracy or despotism—lies with their billion-plus people, their needs and passions.

But American decision-making about them has been of Himalayan importance—because from the beginning it was almost entirely based on a great error. America chose Pakistan as more important to its interests than India.

Both countries have a powerful sliver of their population who are plain villains—politicians who deliberately splinter their society instead of knitting it, men of immense wealth who zealously evade taxes and the public good, religious bottom-feeders who spread violence between Hindu and Muslim in India and Muslim and Muslim in Pakistan.

But living for about four years as a New York Times correspondent based in India and traveling often in Pakistan, I knew that the American error was widening and catastrophic.

Although there were important mavericks, American officialdom clearly tilted toward Pakistan, knighted it a military ally and looked with contempt or condescension on India. Pakistan—a country whose leadership provided a virtually unbroken record of economic, social and military failure and increasing influence of Islamicists.

Many U.S. officials preferred to deal with the Pakistanis over the Indians not despite Pakistan's tendency to militarism but because of it. Man, the military fellows can get things done for you.

Washington saw the country as some kind of barrier-post against China, which it never was, and against Soviet invasion of Afghanistan. The Pakistanis did their part there. But when the Taliban fanatics seized Afghanistan, Pakistan's military helped them pass arms for terrorists to the Mideast.

Pakistan's weakness as an American ally, though Washington never seemed to mind, was its leaders refusal to create continuity of democratic governments long enough to convince Pakistanis that the military would not take over again tomorrow.

Across the border, India, for all its slowness of economic growth and its caste system, showed what the U.S. is supposed to want—consistent faithfulness to elected democracy. Where Pakistan failed to maintain political democracy in a one-religion nation, India has kept it in a Hindu-majority country that has four other large religions and a garden of small ones.

Danger sign: The newly re-elected Hindu-led coalition will have to clamp down harder against any religious persecution of Muslims and Christians. India's real friends will never lessen pressure against that. And the new government is not likely to stay in office long if it does not fulfill its anti-persecution promises to several parties in the coalition.

No, the U.S. did not itself create a militaristic Pakistan. But by showing for years that it did not care much, it encouraged Pakistan officers prowling for power, lessened the public's confidence in democratic government when Pakistan happened to have one and slighted the Indians' constancy to democratic elections.

In 1961, in the U.S. Embassy in Seoul, I heard the ranking U.S. diplomat urge Washington not to recognize the military gang that had just taken over South Korea after ousting the country's first elected government in its history.

But the Kennedy Administration did recognize the military government. That throttled South Koreans with military regimes for almost another two decades.

The Clinton Administration is doing what America should: demand the departure of the generals. Maybe America still has enough influence to be of use to democracy some place or other in Asia. It's the least it can do for its colossal error on the subcontinent—do for Indians, but mostly for Pakistanis.

[From the New York Times, Oct. 16, 1999]

Pakistan's Dangerous Addiction to Its Military

(By Steven R. Weisman)

It is always tempting to see Pakistan as an artificial country carved painfully out of the remnants of the British empire, a place of such virulent sectarian hatreds and corrupt leadership that only the military can hope to govern it successfully. That view has returned now that Pakistan has suffered its fourth military coup in 52 turbulent years as a nation. Even some Pakistanis who believe in democracy but were opposed to Prime Minister Nawaz Sharif welcomed military intervention to change regimes.

But if a country is unruly, having generals rule is no solution. Pakistan's last military regime, which lasted from 1977 to 1988, was a useful ally, particularly in opposing the Russians in neighboring Afghanistan. But by crushing dissent, tolerating corruption and having no accountability for 11 years, the military lost credibility among Pakistanis and was eventually overwhelmed by the nation's problems.

Last spring, Pakistan's generals got the disastrous idea of sending forces into Indian territory to occupy the mountains of the disputed state of Kashmir. Indian guns and planes were driving the intruders out, and under American pressure Mr. Sharif wisely agreed to arrange for a facesaving withdrawal. Now the generals, unhappy with Mr. Sharif's retreat, have seized power, suspended the Constitution and imposed martial law, despite the absence of any threats of turmoil in the streets.

Imagine what might have happened in Kashmir had Mr. Sharif's withdrawal agreement not prevailed. The military might well have retaliated by bombing India's artillery positions, a step that probably would have forced Prime Minister Atal Behari Vajpayee to listen to his generals and invade Pakistan. These escalations could very easily have spiraled into a nuclear exchange.

As a nation, Pakistan always had a shaky foundation. Its name, which means "land of the pure," is drawn from some of its constituent ethnic groups. The Bengalis of East Pakistan broke off in 1971 to become Bankladesh, and the other groups have been squabbling since. Islam is not the unifying ideology that Pakistan's founders hoped it could be.

One problem is that the original building blocks of Pakistani socieity—the clergy, the military and the wealthy feudal lords who owned most of the land—have fractured. Today the military is split into secular and Islamic camps. The landlords' power has flowed to a newly wealthy business class represented by Mr. Sharif. The clergy is split into factions, some of which are allied with Saudi Arabia, Iran, the terrorist Osama bin Laden, the Taliban in Afghanistan and others. Corruption, poverty, guns and drugs have turned these elements into an explosive mix.

To revive the idea of religion as the glue holding the country together, Pakistani leaders have promised many times to enforce Islamic law. But they have never been able to implement these promises because most Pakistanis are not doctrinaire in their approach to religion. Alternatively, the nation's leaders have seized on the jihad to "liberate" fellow Muslims in Kashmir, India's only Muslim-dominated state.

"The Pakistani army generals are trying to convince themselves that defeat in Kashmir was snatched from the jaws of victory by Sharif and his stupid diplomats," said Michael Krepon, president of the Henry L. Stimson Center. "This theory recurs in Pakistani history, and it is very dangerous."

In his address to the nation, Gen. Pervez Musharraf, the army chief of staff who "dismissed" Mr. Sharif, spoke of the military as "the last remaining viable institution" of Pakistan. But by imposing martial law, he has embarked on a well-trod Pakistani path toward ruining that reputation. Without question, Mr. Sharif blundered in cracking down on dissent, trying to dismiss General Musharraf and relying on cronies and family members for advice. Some Indians like the writer M.J. Akbar, editor of The Asian Age, say that it might be easier to make a deal with Pakistan's generals now that they are overtly in charge, rather than manipulating things behind the scenes. But a major reason Pakistan has such a stunned political tradition, compared with Indian, is that the army has run the country for nearly half its short history. The question remains: If Pakistanis are not capable of governing themselves, why would Pakistanis wearing uniforms be any different?

FASTER INTERNET SERVICE THROUGH GREATER CHOICE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Massachusetts (Mr. MEEHAN) is recognized during morning hour debates for 1 minute.

Mr. MEEHAN. Mr. Speaker, Internet use and access is booming and competition among Internet service providers is finally beginning to offer consumers real choices. These developments make on-line communication easier, cheaper, and more reliable.

Unfortunately, consumers have not yet fully realized the benefits of increased competition as was predicted with the passage of the Telecommunications Act. One way to give consumers these benefits is to let our local telephone companies enter into Internet competition.

Permitting the Baby Bells to compete in Internet service will spur investment in technology by giving companies the incentive to upgrade their networks.

Consumers will benefit by receiving faster Internet service through a greater choice of providers.

Mr. Speaker, I urge the House to consider legislation to give Internet consumers more access to the Internet.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 10 a.m. today.

Accordingly (at 9 o'clock and 37 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order at 10 a.m.

PRAYER

Rabbi Raphael Gold, Savannah, Georgia, offered the following prayer:

Our Heavenly Father, we pray that Thou mayest endow this august body, the duly elected representatives of the people of these United States, with the power of wisdom which comes from Thee.

In these perilous times, we pray, O Lord, that Thy qualities of mercy endure now and forever in the hearts of this Congress. Infuse them with Thy spirit of compassion, understanding, and Thy spirit of holiness, that they may fulfill their charge. May they speedily address the problems of poverty, hunger and homelessness which afflict such a large segment of this Nation and the world.

May this great land of ours, blessed by God with the resources, both spiritual and material, realize its potential with which it has been created. May all the differences which deflect from the realization of our goals be set aside, so that peace and prosperity, truth and justice, freedom and equality be the heritage and legacy of all peoples, both here and abroad.

May the Members of the Congress, and all Americans, rise to the fulfillment of the motto engraved on our coinage, e pluribus unum, that we are one people, created in the image of God, responsible for each other's well-being, so that we might truly dedicate our lives to the words which appear above us, "In God We Trust," and may he always be the guiding light of this Congress. And let us all say, Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. TRAFICANT. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. TRAFICANT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Pursuant to clause 8, rule XX, further proceedings on this vote will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Ohio (Mr. CHABOT) come forward and lead the House in the Pledge of Allegiance.

Mr. CHABOT led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the individual bill on the Private Calendar.

BELINDA McGREGOR

The Clerk called the Senate bill (S. 452) for the relief of Belinda McGregor.

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The SPEAKER. This concludes the call of the Private Calendar.

A TRIBUTE TO CINCINNATI POLICE OFFICER STEVEN WONG

(Mr. CHABOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHABOT. Mr. Speaker, my hometown, Cincinnati, is saying goodbye to one of its most respected public servants, and I am saying goodbye to a good friend. After a lengthy battle with cancer, Cincinnati Police Sergeant Steve Wong has passed away at the young age of 45. He will be sorely missed by his family, his wife, Christy, and his sons Jared and Bret, and his parents, Tom and Anna, and by his colleagues and his friends.

Steve Wong was one of those individuals who earned the respect of everyone who knew him. Upon Steve's death, Cincinnati Police Lieutenant Colonel Richard Biehl said, "I do not think I have ever known anyone who was so universally liked in the police division." So much so by his colleagues that the Cincinnati Police Department raised funds to help pay his medical bills and donated their sick leave in order to help Steve and his family through their long ordeal. That says something about the quality of the Cincinnati Police Department as well.

Mr. Speaker, Cincinnati will miss Steve Wong. His commitments to his community were unparalleled. Even while battling cancer himself, Steve volunteered to assist other cancer patients and their families during their time of need. He was truly a great American. We all extend our condolences to his family. Steve is gone, but he will never be forgotten.

VOICES AGAINST VIOLENCE SUMMIT

(Ms. SANCHEZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SANCHEZ. Mr. Speaker, I rise today to honor my constituent and the Orange County delegate to the Voices Against Violence Summit this week. As my colleagues know, our Democratic leader, the gentleman from Missouri (Mr. GEPHARDT), is sponsoring a youth summit to combat teen violence, and I am proud to be participating in this event.

Michelle Aceves is in Washington as a result. She is a recent graduate of Century High School of Santa Ana, and now she attends Orange Coast College, where she is studying psychology and broadcast journalism. She plans to complete her studies at the University of California at Santa Barbara.

In addition to her academic commitment, Ms. Aceves works part-time and volunteers at McFadden Middle School in my district. Hundreds of teenagers like Michelle from across the country are here this week to share their ideas on youth violence. Michelle and her fellow delegates have proven what many of us have long known, that our teenagers believe that helping our children and young adults stay safe is a top priority and that they want to help solve this crisis.

This conference will lay the foundation for local projects to prevent violence in our schools. Our teens can contribute to the congressional debate on youth violence, and they can help to find solutions. But we must listen.

IN MEMORY OF PAUL STUART

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, last Wednesday the University of Nevada's athletic department and the Wolfpack supporters suffered an enormous loss when their sports information director, Paul Stuart, passed away.

Stuart was an avid sports enthusiast and became the Wolfpack's biggest fan when he took the job in 1981. His career at the University of Nevada, Reno, was decorated with numerous awards and citations for simply being one of the best. Whether it was designing the next media guide or providing radio and television commentary, Paul Stuart succeeded in providing a shining light on the Pack's athletic achievements.

Stuart, a 1975 graduate from the University of New Mexico, went on to become the information service director at New Mexico Highlands University. Soon after, he left for Nevada and became one of the hardest working individuals in the Wolfpack athletic department, sometimes working well late into the night.

And though Paul Stuart was perhaps the largest promoter and fan of the Nevada athletic teams and individuals, he was an even larger fan of his family.

Mr. Speaker, as both a Nevadan and a Wolfpack alumnus, my thoughts and prayers go out to Paul's wife Annie and his four children, Calvin, Lindsay, Kara, and Kelsey. He will be sorely missed.

RUSSIAN POLITICAL LEADERS ARE STEALING AMERICAN FOREIGN AID

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, $7.5 billion Russian dollars turned up in a bank in New York. Now, what is going on here? Russia is so poor they cannot buy toilet paper. When asked about it, fumbling, bumbling, stumbling Boris said, "I'm no criminal. It's not my money."

Who is kidding whom? Two and a half million of those dollars were traced back to Boris's son-in-law. Beam me up, Mr. Speaker. Russian politicians are stealing American foreign aid. Boris does not need American cash; Boris needs Alcoholics Anonymous.

I yield back all the bleeding hearts in Washington and all around America that keep pumping money into Russia.

ENACT H.R. 2420, INTERNET FREEDOM AND BROADBAND DEPLOYMENT ACT OF 1999, AND ELIMINATE THE WORLD.WIDE.WAIT

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, broadband Internet access promises to revolutionize the way Americans live, play, and learn. However, only 2 percent of Americans have access to broadband communications.

Today, consumers must settle for slow Internet access. Most of us have experienced the worldwide wait of too many consumers trying to get on and surf the Net at the same time through slow dial-up connections overloading the system.

Is there anything Congress can do to clear the traffic jam? Yes. Congress can pass H.R. 2420, the Internet Freedom and Broadband Deployment Act of 1999. That will encourage companies to build out the Internet backbone and allow the benefits of broadband to flow freely to all consumers rather than the current trickle down to a lucky few.

H.R. 2420 will remove the regulatory barriers erected by the FCC that are hindering the deployment of broadband services by the Bell companies. These companies should be encouraged, instead of discouraged, to invest in broadband services.

This legislation already enjoys broad bipartisan support. I urge all of my colleagues to cosponsor H.R. 2420 today.

FY 2000 FUNDING FOR THE GEAR-UP PROGRAM

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, I rise today to tell two stories, one of success, and one of failure.

In August, the Education Department awarded a grant to a local coalition dedicated to helping students in Lorain, Ohio, go to college. The grant is part of the Gaining Early Awareness and Readiness for Undergraduate Programs, or GEAR-UP.

Lorain County has a large number of low-income students and the lowest incidence of postsecondary education in northeast Ohio. The GEAR-UP program provides training and materials to volunteer mentors from local industry and universities. These positive role models will meet with students early, before they internalize negative messages. The program intends to motivate students to ask for, and answer to, increased academic demand.

But here is where we risk failure. Funding for GEAR-UP is eliminated in the current Labor-HHS appropriations bill. Why? Because GEAR-UP supports public-private partnerships to support local students? Because it creates dollar-for-dollar matches between local partnerships and States? Because it provides college scholarships to reinforce the message that hard work begets opportunity?

Mr. Speaker, let us make sure our failure does not deter students from future successes before they have a chance to begin. Let us fund the GEAR-UP program.

CONGRESS SHOULD REPEAL THE MARRIAGE TAX PENALTY

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, I would like to read a portion of this 21-page report, entitled "The State of Our Union, the Social Health of Marriage in America," by David Popenoe and Barbara Dafoe Whitehead.

It says, and I quote:

> Key social indicators suggest a substantial weakening of the institution of marriage in America. Americans have become less likely to marry. When they do marry, their marriages are less happy, and married couples face a high likelihood of divorce.

The report goes on to say many other things. It has many findings. It concludes that marriage is a fundamental social institution; that it is central to the nurture and raising of children. It is the social glue that reliably attaches fathers to children. It contributes to the physical, emotional and economic health of men, women, and children and, thus, to the Nation as a whole.

Mr. Speaker, Congress should promote policies that value, endorse, and encourage marriage, not punish it. We should repeal the marriage penalty tax.

DEMOCRATS CANNOT BREAK ADDICTION TO SPENDING

(Mr. HILL of Montana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILL of Montana. Mr. Speaker, it absolutely astounds me. It astounds me to hear Democrats come to this floor and suggest that a 1 percent across-the-board spending cut would threaten government. I believe, without a shadow of a doubt, that our government still wastes 1 percent or more of its budget.

What those Democrats are actually saying is that they cannot find a way to break their addiction to spending money. Mr. Speaker, for 40 years, when the Democrats ran this House, they were so addicted to spending that they raided every trust fund in government. They raided the Highway Trust Fund, they raided the Aviation Trust Fund, they raided the Medicare Trust Fund, they raided the Social Security Trust Fund.

Mr. Speaker, they cannot break this addiction to spend, even though it threatens the well-being of our country, even though it threatens the retirement of over 30 million seniors. They lack the willpower to do what is necessary to maintain the discipline we have brought to this House.

We Republicans have the discipline, the willpower, and the commitment to do what is right, and that is to stop the raid on Social Security and to do it now.

□ 1015

STATE FLEXIBILITY FOR MINIMUM WAGE

(Mr. DEMINT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEMINT. Mr. Speaker, we have an exciting opportunity to give our States greater control over the minimum wage so they can continue to help those struggling to make ends meet. In 1996, we gave the States the responsibility to move people off of welfare and into productive jobs. Today, States need the freedom to tailor the best wage rates to fit the needs of their communities.

Mr. Speaker, State flexibility gives security to those who need it and opportunity to those who want it. It allows each State to choose the minimum wage increase that is in the best interests of its workers and those struggling to find jobs. More importantly, State flexibility recognizes that our governors and State representatives are no less compassionate or committed to improving the lives of our most disadvantaged citizens.

I ask my colleagues to send dollars, decisions and freedom home. Let us support State flexibility for the minimum wage.

PRESCRIPTION FOR DISASTER FROM IMF

(Ms. MCKINNEY asked and was given permission to address the House for 1 minute.)

Ms. MCKINNEY. Mr. Speaker, the IMF fiddles while the world's poorest countries burn, in poverty, disease, ignorance and debt. The International Monetary Fund uses its control over global finances to impose economic and social policies on poor countries. The result: poor people in poor countries have virtually no health care, no education, and crippled economies.

The IMF is not a doctor with a cure, it is a quack selling poison potions. The United Nations just released a report saying that over 800 million people go to bed hungry every night, and the world's three richest people, Bill Gates, Warren Buffet and Paul Allen, have more than the GNP of all poor countries on the planet combined.

The time to act is now. We must stop the IMF from imposing austerity and poverty on countries too poor and hungry to fight back.

SOCIAL SECURITY LOCKBOX HELD HOSTAGE

(Mr. HERGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERGER. Mr. Speaker, today is day 145 of the Social Security lockbox held hostage by the Senate Democrats and President Clinton. One hundred forty-five days ago, House Republicans and Democrats joined together to pass my legislation, H.R. 1259, the Social Security and Medicare Safe Deposit Box Act of 1999, by an overwhelming 416–12 vote. The House of Representatives has made a commitment to not spend one penny of the Social Security trust fund on unrelated programs.

Senate Republicans have attempted to bring this bill to the Senate floor seven times and on seven occasions the measure was blocked from even being considered by a straight party line vote. Mr. Speaker, American seniors deserve more from Senate Democrats and President Clinton. They deserve a lockbox for their Social Security.

TRIBUTE TO JUDGE KENNETH W. STARR

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, I rise today to pay tribute to Judge Kenneth W. Starr and thank him for more than 5 years of service of investigating and prosecuting crime and corruption at the highest levels of this Nation's government. What started out as an investigation of a land deal soon led down the road to lies and deceits. For the 5 years of his life Judge Starr devoted in his search for truth and justice, he encountered nothing short of roadblocks, spin control. lies, and ultimately perjury. His opponents decried his actions as a wild fishing excursion bent on criticizing the President. However, he obtained 14 convictions on guilty pleas.

At the end, his work ultimately led to the impeachment of a sitting U.S. President for only the second time in this Nation's history. His tireless and relentless efforts brought in the Supreme Court, forcing them to answer constitutional questions never before considered but important to the ultimate protection of our constitution. He may look like Clark Kent but behind that mild-mannered persona is a modern day man of steel, fighting for truth, justice and the American way.

HOPES FOR SUBWAY SERIES STILL ALIVE

(Mr. MEEKS of New York asked and was given permission to address the House for 1 minute.)

Mr. MEEKS of New York. Mr. Speaker, I rise this morning to give my deepest condolences to my good friends and colleagues from the State of Massachusetts. Last night, the New York Yankees did in the Boston Red Sox. We apologize for not doing it in four, but we did it in five to get you out of your misery.

And to my good friends in Atlanta, we know that you do not want to return to New York, so the Mets will make sure of that, for you gotta believe, the Mets in seven. The World Series, my dear friends, will be in New York, either in Queens or the Bronx. See you all next weekend.

STOP THE RAID ON SOCIAL SECURITY

(Mr. WATTS of Oklahoma asked and was given permission to address the House for 1 minute.)

Mr. WATTS of Oklahoma. Mr. Speaker, the White House spin this morning has spun out of control again. A Washington newspaper reported today that the Congressional Budget Office says GOP spending measures have already dipped into the Social Security surplus.

Mr. Speaker, I hold in my hand actual proof that that is not true. In a letter to the Speaker dated September 30, the director of the CBO reported that currently proposed spending measures will not use any of the projected Social Security surplus in fiscal year 2000. Let me say that again, will not use a projected Social Security surplus.

Republicans in Congress have painstakingly worked to craft spending measures that do not spend the Social Security surplus, thereby stopping the 40-year raid on the Social Security trust fund.

Mr. Speaker, let us be honest with the American people even if our newspapers cannot be. Current GOP spending measures do not dip into the Social Security surplus and we are committed to not dipping into the Social Security surplus. Social Security is the people's retirement fund, not the President's personal slush fund. Stop the raid on Social Security.

URGING PRESIDENT TO SIGN DEFENSE SPENDING BILL

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. Speaker, after vetoing the foreign aid bill because the President thought it was too little spending, the President now is threatening to veto the defense spending bill because he believes it is too much spending.

Mr. Speaker, this is the same bill that will correct the Clinton-Gore neglect of our military that has stretched our forces thin in the past 8 years. Since the end of the Gulf War, our military has shrunk by 40 percent. At the height of the Reagan administration, the Navy had 586 ships. Today, it has 324. Since 1987, active duty personnel have been cut by more than 800,000 people.

Mr. Speaker, the defense spending bill we sent the President will fix these problems and it will do more. Our bill would give our troops a long overdue pay raise. It will also give our troops modern weapons and a better standard of living.

I urge the President not to play politics with our military pay raise. I urge the President not to play politics with the quality of life of our troops. The American people overwhelmingly support our defense spending bill. In fact, this bill got more than 370 votes in the House of Representatives.

Mr. Speaker, our service men and women deserve more than politics. They deserve President Clinton's signature on our defense spending bill.

THE JOURNAL

The SPEAKER pro tempore (Mr. LaTourette). Pursuant to clause 8 of rule XX, the pending business is the question of agreeing to the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BROWN of Ohio. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 337, nays 56, answered "present" 1, not voting 39, as follows:

[Roll No. 509]

YEAS—337

Abercrombie
Ackerman
Allen
Andrews
Archer
Armey
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Bryant
Burr
Callahan
Calvert
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Collins
Combest
Condit
Conyers
Cook
Cooksey
Coyne
Cramer
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Eshoo
Etheridge
Everett
Ewing
Farr
Fletcher
Foley
Forbes
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jenkins
John
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
Metcalf

Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Nussle
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pascrell
Paul
Payne
Pease
Pelosi
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Price (NC)
Quinn
Radanovich
Rahall
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Upton
Velazquez
Vitter
Walden
Walsh
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Weygand
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—56

Aderholt
Baird
Bilbray
Borski
Brady (PA)
Brown (OH)
Clyburn
Coburn
Costello
Crane
Crowley
DeFazio
Dickey
English
Evans
Filner
Ford
Gillmor
Green (TX)
Gutierrez
Gutknecht
Hefley
Hilleary
Hilliard
Jackson-Lee (TX)
Klink
Kucinich
Lipinski
LoBiondo
McDermott
McNulty
Miller, George
Moran (KS)
Pallone
Pastor
Peterson (MN)
Phelps
Pickett
Pomeroy
Ramstad
Sabo
Sanford
Schaffer
Stupak
Sweeney
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Udall (CO)
Udall (NM)
Vento
Visclosky
Wamp
Waters
Weller

ANSWERED "PRESENT"—1

Tancredo

NOT VOTING—39

Bonior
Burton
Buyer
Camp
Clay
Clayton
Clement
Cox
Cubin
Cummings
DeLauro
DeLay
Dixon
Engel
Fattah
Frost
Gephardt
Jefferson
Johnson (CT)
Johnson, Sam
Lampson
Lewis (GA)
Martinez
McIntosh
Menendez
Norwood
Oberstar
Porter
Pryce (OH)
Rangel
Ros-Lehtinen
Rush
Scarborough
Sessions
Slaughter
Strickland
Whitfield
Wise
Young (AK)

□ 1048

So the Journal was approved.

The result of the vote was announced as above recorded.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2000

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 334 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 334

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 71) making further continuing appropriations for the fiscal year 2000, and for other purposes. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from California (Mr. DREIER) is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, I very much appreciate the overly large and enthusiastic crowd here to enjoy this debate.

Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my very dear friend, the gentleman from south Boston and extend condolences to him with the outcome of last night's game, and pending that I yield myself such time as I may consume. Mr. Speaker, all time yielded will be for the purposes of debate only.

Mr. Speaker, this rule provides for the consideration of H.J. Res. 71, making further continuing appropriations for the fiscal year 2000 and for other purposes, under a closed rule, waiving all points of order. The rule provides that the joint resolution shall be considered as read. It provides for one hour of debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations, and it provides for one motion to recommit.

As my colleagues know, Mr. Speaker, the previous continuing resolution expires at the end of the day on Thursday, the day after tomorrow, and a further continuing resolution is necessary to keep the government operating while Congress completes the few remaining appropriations bills that have yet to be sent to the President or have been vetoed. H.J. Res. 71 simply extends the October 21 deadline to October 29.

Mr. Speaker, contrary to what some may contend and I suspect what we may hear in the next hour, we are, from an historical perspective, ahead of schedule. Let me say that again. We are ahead of schedule on our appropriations work. Congress, under both Democratic and Republican majorities, regularly utilize continuing resolutions as a method of keeping the government functioning while negotiations continue. In fact, only three times, let me say that again, Mr. Speaker, only three times in the last two decades, the last 20 years, has Congress passed all 13 appropriations bills by the fiscal deadline. And, with the constraints that we are dealing with now, the Balanced Budget Agreement of 1997, I think that it is very, very appropriate that we are exactly where we are.

Despite the best efforts of the President and some of the minority, we are committed to passing all of the appropriations bills without borrowing one dime of the Social Security Trust Fund, again an unprecedented issue, and this very short-term continuing resolution is necessary so that we can, in fact, achieve that very important objective.

The continuing resolution was thoroughly vetted by the joint leaderships of the House and the Senate, the Committees on Appropriations, and the White House. Therefore, Mr. Speaker, I am going to urge my colleagues to support it, and I urge them to try and keep the rhetoric at as low a level as possible.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

I thank my colleague and my very dear friend, the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules, for yielding me the customary half-hour, and I yield myself such time as I may consume.

I am very happy to hear the chairman say that we are ahead of schedule, but evidently the Republicans must have added 3 months to the calendar, because I do not know how we can be ahead of schedule on the schedule we are on.

Mr. Speaker, this rule provides for the consideration of the second continuing resolution to come before the House this year. This will enable the Federal Government to remain open until October 29, despite my Republican colleagues' inability to finish the 13 appropriation bills by the day they were due.

Mr. Speaker, I understand that appropriations bills take an enormous amount of time and an enormous amount of work, but the October 1 deadline has been in effect for years and it should not come as any surprise that these bills were supposed to have been completed and sent to the President before that day. In fact, every single fiscal year since my Republican colleagues took control of the Congress, we have had to pass continuing resolutions to keep the Federal Government open. Otherwise, the Federal Government would shut down like it did in 1995; and Mr. Speaker, the American people are not going to stand for that again.

So far, we have passed five appropriations bills that have been signed into law: Legislative branch, Transportation and Military Construction, Treasury-Postal, Energy and Water. Two await action at the White House: Agriculture and Defense. The Senate is working to pass VA–HUD. Two have already been vetoed and must be rewritten: District of Columbia and Foreign Operations. Two have yet to pass the House: Interior and Commerce-Justice. And, Mr. Speaker, one has not even been reported out of subcommittee, and that is Labor-HHS.

But, there is reason to be optimistic. Today, President Clinton has invited our Republican colleagues to join with the Democratic leaders at the White House to try to resolve some of these outstanding appropriation issues. I commend President Clinton for reaching out to my Republican colleagues, and this will be the first time they have met with the President on appropriations; and despite this late date, Mr. Speaker, I wish all of them well in their negotiations.

Although I am sorry my Republican colleagues have not finished their work, I will support this second continuing resolution because the American people deserve a government that is open for business 24 hours a day. I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield 3 minutes to the gentleman from Indian Rocks Beach, Florida (Mr. YOUNG), the distinguished chairman of the Committee on Appropriations, who has worked long and hard; he and his committee have worked long and hard.

Mr. YOUNG of Florida. Mr. Speaker, I really had not planned to speak on the rule because I thought we might handle the rule quickly and then get to the continuing resolution, but when my dear friend from Massachusetts mentioned the fact that he disagreed with the gentleman from California (Mr. DREIER) that the Republicans had kept the appropriations schedule on track, he said they changed the calendar by about 3 months. It was not us that did that.

I remember when the gentleman from Massachusetts (Mr. MOAKLEY) and I were both here in 1974 when the Democrats did that. The fiscal year used to begin on July 1. They could not get the job done, despite the fact they had massive majorities in the House. So they just changed the date of the fiscal year from the first of July to the first of October.

Now, Mr. Speaker, I would like to also say to my friend, the gentleman from Massachusetts (Mr. MOAKLEY) and any others who are concerned about the pace, the House Committee on Appropriations had reported out 12 of the 13 appropriations bills before the end of July, plus the two supplementals. The only bill that we did not report out was the Labor-HHS bill. And of all of the bills we reported out, we passed them all before the August recess in the House, all but the VA–HUD bill. And the VA–HUD bill was held up out of respect for a member on the Democrat side who requested that we postpone consideration of that bill, and we were more than happy to do it. So the House has pretty much done its job on appropriations ahead of schedule.

So I just took this time to remind my very dear friend from Massachusetts that the House appropriators have done a pretty good job in keeping the train on the track and keeping it running on time. There have been some other situations that have slowed us down somewhat, but we are overcoming those too. And we are prepared, before this week is over, to have all of the conference reports on the President's desk.

Mr. MOAKLEY. Mr. Speaker, I am very happy to hear the chairman say we are ahead of schedule. If we are, what are we doing here?

Mr. Speaker, I yield 12 minutes to the gentleman from Wisconsin (Mr. OBEY), a gentleman who has a very, very good memory, and who is the ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, the first thing we ought to do is dismiss the piece of fiction that we just heard from my good friend from Florida (Mr. YOUNG). He just told this House that because the Congress could not pass a budget on time back in the 1970s, that it simply added 3 months to the fiscal year. That is absolutely, totally not true.

☐ 1100

It is interesting to me how people sometimes continue believing in fictions that they themselves have invented if they repeat those fictions often enough, and I think this is one such case.

The fact is that what happened in the mid-seventies is that the Congress redrew the entire budget process and when they did that they put into motion a change that would be effective 2 years later, which would simply change the fiscal years which used to run from July to July. They simply changed it to run from October to October because Congress was not getting its budget done in July and August. That is what they did.

There was no invention of an additional 3 months, and the gentleman, if he does not understand that, certainly should.

Now, why are we here in this charade? We are here because our work is not done. This is not the first time; that is absolutely true. If we are behind, it is not the fault of the gentleman from Florida (Mr. YOUNG). It is not the fault of the Committee on Appropriations.

We are here, in my view, and I am trying to be as unbiased about this as possible, we are here basically for four reasons. First of all, because a budget deal was signed by the President and the congressional leadership 3 years ago which was a public lie. That budget promised that the Congress was going to make across-the-board cuts averaging 13 percent over 5 years' time in real terms. I said at the time that was a public lie, that the Congress would never do that to education or health care or defense, and I think events have demonstrated my criticism to be correct.

The second reason we are here is because, as Senator STEVENS noted in the conference yesterday, the Congress got behind by 3 months because it was busy trying to impeach the President and drive him from office. So that slowed us down by 3 months. Then we were slowed down another 6 months because our majority friends in the Republican Party tried to pass a tax bill that gave 70 percent of the benefits to the wealthiest 5 percent of people in this country, those folks who make over $100,000 a year, and that huge tax got in the way of our being able to do anything to strengthen Social Security or Medicare or to add to our support for education and health care.

It also meant that they had no time to fix Social Security and no time to fix Medicare, something the President asked us to do in his State of the Union message. Then the problem was compounded by the fact that the Republican majority added $14 billion above the amount the Pentagon asked for, first for the supplemental that went through here a few months ago and then in the regular defense bill.

Having spent such a huge amount of money on Republican priorities, there was not then enough room in the budget to meet the President's priorities for land legacy, for smaller class size, for the social services block grant, and for cops on the beat and other programs that the President thinks are important.

Yet, to pretend that there was enough room in the budget to do all of the things that have been promised, our Republican friends invented some $40 billion worth of gimmicks in their budget to pretend that they are not blowing money like crazy. They invented the 13-month concept. What they are saying is they are going to write checks for $27 billion, but they are going to tell people: "Do not spend the money until after October 1 so that it will show up on the books for the next year rather than this year." That is simply a $27 billion gimmick, which makes the budget look a lot better than it is.

Second, they then told the Congressional Budget Office, which is supposed to be our neutral scorekeeper, they have told them: "Boys and girls, just ignore what you really think these programs are going to really cost and simply tell us in your official bookkeeping that they are going to cost $14 billion less than you think they are going to cost us. So that hides another $14 billion.

Then what they have done is they have produced what they call "emergency" spending, because under our ridiculous budget rules if we call a program an emergency spending item then that spending does not count under the budget ceilings that we have imposed upon ourselves. In the past, we had gimmicks like that to the tune of about $3 billion a year, and they were primarily for programmatic reasons because there were some programs like the low-income heating assistance where we needed to know a year in advance how much money we were going to spend, so we appropriated a year in advance.

But they have converted that advance appropriation device into a device simply to again hide massive amounts of spending, and this small chart I have here demonstrates that while we used to have about $3 billion a year in that hidden advanced spending, in this year's budget that they are recommending we have $27 billion. That sets a new record for irresponsible accounting, as far as I am concerned.

Then what they say, after they have done all of that and adopted all of those gimmicks to pretend that the budget gap is much smaller than it really is, then they say: "Now we are going to jump across it with only a 1 percent cut and we are going to make everything sweet." That is like saying you can jump across the Grand Canyon because you define it as only 10 feet wide, but when they jump it is going to be a long fall, and I hope that is understood.

Now, what they are doing to cover their tracks is they are inventing this phony argument about Social Security. So the Republican Party that tried to kill Social Security in the cradle when it was first passed by President Roosevelt, the Republican Party that has tried to turn Medicare and Social Security over to the insurance companies by privatizing Social Security, the party that has for years tried to pass tax cuts which got in the way of our strengthening Social Security or Medicare—it in fact took money out of Medicare in order to pay for those tax cuts—that party is now claiming at this late date that it is somehow going to be a strong defender of Social Security.

I would like to say I think nothing is more appalling in this debate than the decline in the quality of debate as represented by the Social Security issue. The term "spending Social Security" could not be more misleading, and I would like to make a series of points that I do not think many people really dispute in order to show exactly how hollow this whole discussion really is.

First of all, no one is proposing spending any of the revenues collected for Social Security on anything other than Social Security beneficiaries, and they know it. If they assert otherwise, they are not telling the truth.

Second, the reserves in the Social Security Trust Fund are large and growing rapidly. At the end of last month, they exceeded $850 billion. They are rapidly approaching a trillion dollars. They will be over a trillion dollars before Christmas of 2000. One hundred percent of those reserves are in U.S. securities, and my colleagues know it. Neither party is offering a proposal that would change where we invest our Social Security reserves at any time over the next decade. All Social Security reserves will continue to be invested in U.S. treasuries, and my colleagues know that.

This Government ran huge deficits in the '80s and '90s in the non-Social Security side of the budget, and they were so large that the entire budget, including Social Security surpluses, was in deficit. Overall public debt exploded during that period. The best measure of that is that public debt as a percentage of our total national income jumped from 26 percent to more than 50 percent between 1980 and the mid-1990s.

That forced us as a country to make huge, heavy annual interest payments that weakened our ability to eventually meet our obligations for a strong defense, for investments in science and education, and to see to it that we would be in good shape fiscally to pay back Social Security when the babyboomers retired.

I want to point something else out. Every budget submitted by Republican Presidents Ronald Reagan and George Bush, during the 12 years they held the White House, resulted in deficits in the non-Social Security side of the budget that exceeded the surplus in Social Security trust funds by a wide margin.

In 2 years, the Congress appropriated more money than Reagan and Bush requested, but in most years they appropriated less; and overall during those 12 years the Congress appropriated much less than they requested. That means that the on-budget deficits exceeded the surpluses in the Social Security Trust Fund for every one of those years. It means that those deficits can be directly attributed to the budget that they submitted and, again, my colleagues know that as well as I do.

In contrast, the budget submitted by this President has caused a dramatic reduction in the size of the on-budget deficits. In fiscal 1998 the on-budget deficit dropped to less than $30 billion. Since the Social Security Trust Fund collected $99 billion more than it paid out in that year, the overall unified government budget ran a $69 billion surplus!

Social Security surpluses exceeded on-budget deficits by more than two-thirds in that year. That was the first time that Social Security surpluses were larger than the on-budget deficits since the reform of Social Security in 1980.

In fiscal 1999, the story got even better, and it is going to be even better next year. The fact is that when we end the baloney between both parties, what we are going to find out is that we will have over a 3-year period paid down the public debt by over $250 billion, and despite all of the baloney and rhetoric to the contrary, that is the single best thing that will have happened to Social Security since Alan Greenspan and Claude Pepper saved it in the '80s by redrafting several provisions of the program.

So go ahead and cover the tracks if my colleagues want, or try as hard as they can. The fact is that the numbers indicate that good things, not bad things, are happening to Social Security. It has taken a long time for us to turn the corner on deficits; and what we ought to be doing is explaining to the American people in an honest way how we have gotten here and how we can make the situation even better rather than pretending that a crisis exists when, in fact, there is not one.

Mr. DREIER. Mr. Speaker, I yield 6 minutes to the gentleman from Westerville, Ohio (Mr. KASICH), the chairman of the Committee on the Budget, to explain this to the American people in an honest way.

Mr. KASICH. Mr. Speaker, I frankly am not particularly interested today, although I do enjoy a good Doris Kearns historical piece on Presidents in the 1940s, I am not all that interested in for today's purposes in what happened in the 1940s or what happened in the 1970s or, frankly, what even happened in the 1980s, although I think it is pretty clear at least in the 1980s Ronald Reagan came to power and reduced marginal rates. Imagine this, some people in America were paying 70 percent of what they earned, the marginal rate of 70 percent of what they earned, to the Government.

He also brought a package to the floor in 1981 that not only reduced the taxes on the American people, reduced those marginal rates that were choking us, and we might remember we had that famous malaise speech by Jimmy Carter who said that the answer to America's problems were that we ought to get out of our cars and start riding bicycles, and we ought to turn our thermostats down and buy more sweaters and that we were in a period of malaise, and Reagan came in and said, no, I think if we cut taxes and cut spending, we, in fact, could get things moving again.

He did spend more money on defense. Thank God, he spent more money on defense, because just this last week I read an interview by Vaclav Havel in one of the current magazines, Vaclav Havel talking about freedom and liberty, and thank God we used a strong American defense to set people free, millions and millions of people who at one point it was only a dream that they could actually think freely, yet alone have the right to vote.

Nevertheless, I am not even concerned today about the 1980s. I am concerned about where we are today. In 1993, we began the fight to try to balance the budget. In 1997, I along with Senator DOMENICI and some folks from the White House, Erskine Bowles, John Hilley, who I give great credit to, put together a program that called for a balanced budget by 2002. I do not think we can take credit for all of the good economic news that we have today by a long shot, but I think it is clear that we contributed to the good economic news, contributed to lower interest rates in America, which has moved us far ahead of the curve to the point today where we have a unique opportunity to use the good news of budget surpluses in a way that can leverage everybody's futures, particularly those who are baby-boomers and baby-boomers' children.

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What is the debate about today? I stayed pretty much out of this debate because it is he said, she said, more Washington talk, more reasons for people to pay attention to the movie actors that want to hold public office because they are so sick and tired of listening to us squawking and campaigning back and forth.

But I think the time has come, in light of the fact that the President is going to meet with congressional leadership today, to talk about what the debate is all about. It is really, frankly, pretty simple.

The question is, at the end of this fiscal year when we look back, will the Republicans have done something that has not been done before in my lifetime; and that is, not to take money out of the Social Security surplus. We are committed not to do that. We are committed to say that we will preserve all of the money being collected from Social Security.

Now, some people argue that that is really good for our senior citizens. Well, it is, rhetorically speaking. But our senior citizens are going to get their money. The beauty of the surplus in Social Security is it, number one, not only allows us to pay down some of the national debt, which we are doing aggressively, but it also gives us the opportunity to be in a position of where we can take these surpluses and use it to transform Social Security for three generations.

If we take the Social Security surplus and spend it on additional programs, we are putting the baby boomers and their children in a deep hole. In order to save Social Security and to transform it for three generations, we are going to need a lot of dollars.

Frankly, I have got a program that would save Social Security, but it would involve being able to take advantage of the huge surplus we have today for purposes of being able to set Americans free to control more of the Social Security taxes they pay.

Now, what does the President want to do? Well, the President, first of all, wants to raise some taxes. I have got to tell my colleagues the revenues in America are going to go up by 50 percent over the next 10 years. We do not need tax increases. Frankly, we need tax cuts, because conservatives believe we ought to run America from the bottom up, that the more money one has in one's pocket, the more power one has.

Let me just suggest for a second that we should not be raising taxes. I, hopefully, will come to the floor in a special order and talk about that. The issue is whether we will allow the President or people who like to spend in this town to take money out of the Social Security surplus. We are committed as a party to not doing it.

The proof will be in the pudding. If our appropriation bills move us into Social Security, we are going to cut them all across the board to keep us out of Social Security.

Why do we want to do this? We want to do this because, number one, we want to pay down debt. Number two, we want to save Social Security for three generations. Thirdly, we want to change our spending habits. We want to clean up the waste and the duplication and the institutional paralysis that has set into this city.

So as we go through this debate, my colleagues should keep their eye on the ball. The eye on the ball will mean this: Did the Republicans keep their word to keep us out of Social Security? Will the President constantly push us to try to raid that Social Security fund. We ought not to raid it. It is not right for seniors today, and it is particularly not right for the baby boomers and their children tomorrow. We need to ensure a healthier and more stable economy for the United States.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentleman from Massachusetts for yielding me this time.

Mr. Speaker, I listened with interest to the presentation of the gentleman from Ohio (Mr. KASICH), the chairman of the Committee on Budget. I tend to agree with him, as the gentleman from Wisconsin (Mr. OBEY) said earlier, that the who struck John and back and forth is really not of much interest to the American public.

But the budgets that people submit are of interest because they presumably do suggest policy. The chairman of the Committee on Budget historically has offered budgets, also when it was Democrats in charge and so that budget would not have been adopted, which suggested spending either all in the sense that we exceeded the Social Security surplus or most of the Social Security surplus in his own budgets submitted to the committee and/or the House.

It is not, I think, very useful as the gentleman from Wisconsin (Mr. OBEY) pointed out, to pretend that, to date, we have not passed bills which, if ultimately enacted, would not spend Social Security revenues. They would in the sense that we would exceed the off Social Security surpluses in our total spending proposals.

What we are here today to do is pass a continuing resolution. We are here today to pass a continuing resolution which will give us one more week to try to complete our job. I want to say to my friends on the other side of the aisle who now talk about going down to the White House, I am pleased they are doing that.

But their leader about whom we have read so much recently said that, in effect, they were going to pass appropriation bills, hold the Labor, Health bill, and negotiate with the President with him on his knees.

I do not think the American public are interested in that kind of political discourse. I think they expect honest discussions between the White House and the Congress. I think they expect and deserve an honest treatment of this budget process, not threats, not pretense, not emergency funding which, as was pointed out by the gentleman from Wisconsin, is now in the neighborhood of $20 billion plus.

As my friend, the chairman of the committee, who in my opinion is supporting this policy, but is not the author of this policy, knows full well, it will have deep and drastic and adverse consequences next year.

So in the name of responsibility, we are creating a major problem in the next year. Everybody on the Committee on Appropriations knows that. Everybody who knows anything about the budget knows that to be the case.

The fact of the matter is Social Security is in better shape now because of, frankly, the 1990 budget agreement, the 1993 budget agreement, and, yes, the 1997 agreement.

But let me say something about the 1997 agreement that has become the Holy Grail. The premise was we would still be in deficit today of the 1997 agreement. We were wrong. Happily, we were wrong. We have done much better than we thought we were going to do. We are in surplus, not in deficit.

So the premise underlying the 1997 agreement is not presently applicable.

That does not mean, therefore, that we ought to prolifically spend. We ought not to.

But in fact, the President of the United States in February came to this House and said we are going to be paying down a substantial portion of our surplus on the national debt, the first time it has been done.

Ronald Reagan and George Bush asked us to spend more money than we spent in those 12 years. The gentleman from Wisconsin (Mr. OBEY) said that. I reiterate it. No one on the floor denies it because it is the fact.

So that in terms of all this fiscal discipline that we hear about from our friends on the Republican side of the aisle, that may be, but their Presidents, Mr. Reagan and Mr. Bush, whom I supported in many of their policies, in particular their build up of defense, which I thought was appropriate, signed every nickel that was spent. We never overwrote a veto to spend more money. Never. Never.

The gentlemen on the Republican side say, well, the President will not let us do this, so the President is doing this, that, and the other because he vetoes it. Yes, that it is true. The President has a lot of power. Ronald Reagan signed every nickel that was spent and put us $4 trillion in additional debt. Were we responsible? Yes, we were. But, clearly, it could not have been done without Reagan's and Bush's signatures.

In 1990, we adopted a program. In 1993, without any Republican help, we adopted another program. As a direct and proximate result, we have a surplus. Let us deal with it responsibly.

I am going to vote for this CR to give us another 8 days. But let us go down and discuss with the President positively and productively, not in a way that tries to bring the President or the Congress to its knees. The American public does not want us there. They do not deserve to have us there.

Mr. DREIER. Mr. Speaker, may I inquire of the Chair how much time is remaining on each side.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from California (Mr. DREIER) has 19½ minutes remaining. The gentleman from Massachusetts (Mr. MOAKLEY) has 10½ minutes remaining.

Mr. DREIER. Mr. Speaker, I am very happy to yield 1 minute to the very distinguished and hardworking gentleman from Scottsdale, Arizona (Mr. HAYWORTH), a member of the Committee on Ways and Means.

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules, for yielding me this time.

Mr. Speaker. I listened with great interest to the gentleman from Maryland (Mr. HOYER). I am so glad he abstained from the who struck John argument of historical revision. Mr. Speaker, the question before us today is, not who is going to drive whom to their knees. The question before us today is this: Are we going to continue to cut the American people off at their knees in terms of asking for more and more of their money, in terms of going back to these old habits of spending, saying that the 1997 agreement was predicated on the notion that surpluses would not be as plentiful so now all bets are off?

I listened with interest to the gentleman from Wisconsin (Mr. OBEY) whom I have a great deal of respect, and while he bemoaned the quality of congressional debate, I must tell him and my colleagues, Mr. Speaker, that the question I hear from my constituents has to do with the sanctity and safety of Social Security.

We have made history. As the Congressional Budget Office pointed out, for the first time since 1960, this Congress was able to generate a surplus and not use a dime of the Social Security surplus. Let us continue that. Support the rule. Support the continuing resolution. Let us work together.

Mr. MOAKLEY. Mr. Speaker, I yield 4½ minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, I sincerely believe that we could yield all of the time available to Democrats this morning to our Republican colleagues, and they could talk all day long and not convince the American people that this is anything other than the most do little, do nothing Congress since Harry Truman's day. In the words of one distinguished congressional historian, this Congress has a "rendezvous with obscurity."

This Congress has wasted its time. It has wasted the time and the hopes of the American people. It has not done its work. There are many examples that can be cited of that, but let me give my colleagues just two.

There is one piece of legislation that this body must consider every year, and that piece of legislation provides the Federal funds to assure that our children have an opportunity to participate in the Head Start program. It provides the funding for the United States Department of Education.

True, until recent months, the Republican majority in this House had as a top objective to abolish the Department of Education and the Federal commitment to education. But now, hopefully, they support it. I suppose that they support the educational technology funding in that bill, the funding for student financial assistance to give our young people who are willing to work to get a college education the opportunity to get that education. All of the funding for special education is continued in this measure.

It is this same bill that provides the Meals on Wheels program and other assistance to our seniors, that funds the National Institutes of Health, which conducts vital research that we are hearing from so many people across the country that they want to see upgraded with reference to cancer, with Parkinson's disease, with diabetes, with neurological disorders.

It is this same bill that funds the Children's Health Insurance Initiative that is so important to reach the millions of our youngest citizens who do not have any health insurance. Of course, this bill also provides the funding for the Centers for Disease Control and Prevention.

This piece of legislation is a very interesting piece of legislation because it is not really caught up in the conflict between the President and the Republican leadership. The President does not schedule bills in this House. The President does not have a vote in this House. We find ourselves today with the fiscal year having ended, having another 3 weeks, and this Republican leadership, which is so boastful and so proud of their successes this morning, has not brought the bill that does all these things to the floor.

It has never even given the House of Representatives an opportunity to consider and debate the bill that deals with all of these vital national issues. It has no one, absolutely no one but itself to blame for having failed to provide us an opportunity to consider this bill.

Let me add that, though they are here asking for yet another week to address this issue, they still have not even scheduled consideration of this important bill. That is not the fault of the President of the United States. It is certainly not the fault of the Democratic minority that stands here ready to consider this issue. It is quite clearly the sole responsibility of the Republican leadership that chose, on education, on health care, to never even bring to the floor of the House this piece of legislation.

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They had a whole year to do it. They had an additional 3 weeks to do it. And here we are near Halloween, and we have yet to have either trick or treat. We have no bill even scheduled to address that issue.

Let me give example number two. Some of us feel that a key to the economic success of this country has been technology, and that the research and development tax credit is helping provide opportunity for America to have more research, more emphasis on technology in this country and thereby more good jobs.

I was across the hall here a few weeks ago in the Ways and Means Committee considering the extension of that research and development credit. Of course, we Democrats had already offered to the House a fully-paid, not robbing grandmother's and grandfather's Social Security, but a fully-paid research and development tax credit on a permanent basis. And yet here we find ourselves months after that credit expired and the Republicans, once again, have failed to present it to the House. They have failed to present that research and development tax credit to the House.

The only gap in the availability of this important credit in its history was during this Republican leadership, back in 1996. Yet we find ourselves today with even a Republican lobbyist saying in today's paper that they think that credit is "in serious jeopardy." Once again, like the funding for education and health, Republicans do not even have the measure to extend the research and development tax credit on the schedule of this House.

If this continuing resolution is only going to continue the same kind of inaction that the Republicans have given us for the last 3 weeks and for the last few years, we are going to find ourselves right back here in another week debating the same thing.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume to tell my friend, as he and my Democratic colleagues know very well, the R&D tax credit was in the bill the President vetoed, and the President requested $34.7 billion for education, the Labor-HHS bill has $35 billion for education.

Mr. Speaker, I yield 3 minutes to the gentleman from Savannah, Georgia (Mr. KINGSTON), the leader of the theme team.

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for yielding me this time.

I am also confused by the comments of the previous speaker. The bill to which he is referring to that funds Head Start and so many valuable education programs is included in this continuing resolution, which we will be voting on today. And I certainly hope, in the name of the children and those programs, he plans to vote in the affirmative.

I am further confused when he talks about no achievements by this Congress. We passed the lockbox, and because of the lockbox, which says we will not spend Social Security funds for anything but Social Security. For the first time in history this Congress, or at least first time in recent history, this Congress, and this chart shows it, has not spent any Social Security funds on anything but Social Security.

Now, in contrast, the President of the United States said in January let us make Social Security the number one priority and has yet to introduce a bill. So I would ask my Democrat friends where their bill is. I know there is a lot of lockstep going on over there with the White House, but where is their bill? If they are concerned about Social Security, where is their bill?

The Educational Flexibility Act, giving teachers in the classrooms more control and bureaucrats in Washington less control, we passed that. That probably was offensive to many of these Democrats. Missile defense system, protecting the United States of America, passed by this House. Probably nothing big to Democrats. A 4.8 percent pay raise for our military people, trying to close the 13 percent pay gap, which has done nothing but grow under the current anti-military administration. No problem, because these folks do not like that kind of thing.

What I also do not understand is why the Democrats want to give the executive branch so much more power over the legislative branch. I can see maybe for partisan reasons why they have to go with the President sometimes, but they go with the President every time. They need to stand up. They represent districts, not the White House. I think they should go back to their districts, and if people say do whatever the President says, then they should keep acting the way they are. But I suspect that the folks in my Democrat friends' districts, just like mine, do not send me to Washington to be a one-party water carrier. They want us to do what is best for them and what is best for the United States. But here my friends go really abdicating their power as legislators and giving it willingly to the executive branch in the name of party politics.

We made a budget agreement in 1997. Now, an agreement, by definition, has to have two parties. And we all popped corks, drank champagne, hugged each other, Democrat and Republican, brotherly love and all that over at the White House, and said we have a budget agreement. And I will say this, the gentleman from Wisconsin did not vote for that agreement, neither did I, but the majority of Democrats, the majority of Republicans did, and the White House signed off on it. Why is it now only up to the Republicans to carry on this agreement? Why can the Democrats not live up to what they said they were going to do in 1997? Why are we having this dialogue? Why are we having this fight?

Let us get over Ronald Reagan and George Bush. Guilty as charged. The deficit went up. And as the gentleman from Maryland (Mr. HOYER) said, it is the responsibility of the Democrat Congress. But let us do what we can today for 1999 and the year 2000. Let us balance the budget and not do it out of Social Security.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Louisville, Kentucky (Mrs. NORTHUP), a very, very distinguished colleague and a hard working member of the Committee on Appropriations.

Mrs. NORTHUP. Mr. Speaker, I appreciate the opportunity to join in this debate. I had not really intended to do it until I looked at the monitor in my office and heard the claim that we all know that every single penny of Social Security that has been spent is backed up by a treasury bond. I had to come over and say that that would matter. That would be important if there was an asset to back up those IOUs that we have put into Social Security.

The truth is, there are no assets to back up the Social Security IOUs of $1 billion that we are going to get to in the year 2000. The fact is that we have no intention of ever selling off one of our schools, selling off one of our locks and dams, selling off any of the assets to cash in those bonds. The fact is that there are no assets to back them up.

This would be just like me, the mother of six children, taking my children's college tuition and putting in an IOU in their college fund and going out and buying new clothes and saying that I am leaving them with an IOU. For what? I cannot sell off my clothes to pay off their tuition someday. And that is what we have done in Social Security. We have put in an IOU and we have spent it on programs, one program after another, all of which, when the money disappears, there is no way of recapturing it. There is no asset we can hold on to and that we can hand back to our kids in the year 2010 when we start needing to spend more than we are taking in.

Instead, we are going to have to look at my six children and all of the rest of our children and tell them that we need them to pay more taxes this year and more the next year and more. And we are going to expect them not only to pay all that Social Security money back, we are going to expect them to keep all the new programs that we have started going too, not just the programs we have now, but any one of the new 40, 60, 80 programs that this administration and our Democratic colleagues have asked us to fund.

So we are asking our kids to do two things: fill up the Social Security bank that we have raided and keep all these programs that we started going with tax dollars they do not have.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Kentucky (Mrs. NORTHUP) to make at least one more salient, important point.

Mrs. NORTHUP. Mr. Speaker, I am sorry, I thought we were running out of time here; but I would like an opportunity to also talk as a member of the Committee on Appropriations and what it is like to be on appropriations this year and move bills through.

From the very first day of this year when we started talking about 302(b) allocations, that is the amount that we are allowed to spend, we had our Democratic colleagues saying, Oh, come on, you know we're going to spend more than this. Oh, come on, you know we can't stay within these caps. Oh, you know we're going to spend more. It was like constant taunting every single day. Yet we quietly passed the bills as best we could.

But one of the previous speakers is correct, we have a very narrow margin, and it means that we are constantly building a consensus on this side of the aisle. And every day it was no help. It was sort of like someone might treat an alcoholic that is reformed by saying, Come on, have a drink. Have a drink. You know you're going to have a drink sooner or later. Why have this pain for 6 months and then finally give in; let us go on and lift these budget caps now. But we have worked as hard as we can and as straightforward as we can.

I want to say the other thing that I heard every step of the way, which is could we please have one more day before we bring things to the floor. One member of Appropriations after another has walked up here and suggested that we should be more family friendly and that we should finish at 6 o'clock so that everybody can go home. We have had one Member after another saying why are we staying over till Friday when we could do this next week when we come back; people complaining because we are here on Mondays in these debates and trying to pass these bills.

So every day, every day for 6 months, it has been let us put it off until next week; could we have more time for amendments. And to now come in and criticize that we have not finished all these bills already, when we have to depend on 218 votes out of our very slim majority, is very difficult. So I want to congratulate our chairman of the Committee on Appropriations, who, with a very calm demeanor and a confidence that if good people of good will put their heads together, they can find a good solution, hung in there and got us this close to the finish.

Mr. DREIER. Mr. Speaker, I yield 3 minutes to the gentleman from Langley, Washington (Mr. METCALF).

Mr. METCALF. Mr. Speaker, our Nation is currently involved in a rather new debate over protection of the Social Security surpluses, a debate that Republicans initiated at the beginning of this Congress.

Secondly, for the past 30 years, Congress and the President have been using surpluses from the Social Security Trust Fund to mask the deficit in the overall Federal budget. All but 4 of these years the Democrats controlled the Congress.

Third, it is the Republicans who have proposed and passed overwhelmingly in the House the Social Security lockbox, which Democrats in the Senate are filibustering.

Fourth, Democrats are using fancy accounting in their own accusations. They add up everything that the House and Senate have passed this year rather than everything that has been enacted this year.

My Democrat friends know that not a penny can be spent until it is enacted, and that requires approval of both Houses of Congress and the President. As is usual in the budget process, there are many demands on the limited amount of Federal dollars which the legislative process sifts through, setting priorities and spending no more than is allowable under the law.

At the end of the day, the Congress will pass all appropriations bills without dipping into the Social Security surplus.

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Mr. MOAKLEY. Mr. Speaker, will you kindly inform both myself and my chairman how much time is remaining.

The SPEAKER pro tempore (Mr. LaTOURETTE). The gentleman from Massachusetts (Mr. MOAKLEY) has 6 minutes remaining, and the gentleman from California (Mr. DREIER) has 10 minutes remaining.

Mr. MOAKLEY. Mr. Speaker, I yield 7 minutes to the gentleman from Wisconsin (Mr. OBEY) the ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I thank the chairman for yielding me the time.

Mr. Speaker, I would like to just make three points in closing.

First of all, we continue to hear the fiction that our good friends on the majority side of the aisle have not yet "invaded" the Social Security Trust Fund.

The Congressional Budget Office, as my colleagues know, is the agency that is charged with the responsibility to keep them honest and to keep us honest, on both sides of the aisle. They are supposed to estimate what our actions have cost. If we take a look at their web site and if we print it out, this information will appear on page 13. If we take a look at their web site entitled "Congressional Budget Office's Current Status of Discretionary Appropriations," we will see about two-thirds the way down the page under the title Addendum that, without the gimmicks of directed scoring, which hide at least $12 billion, that we have current status of spending totaling $606.6 billion for appropriation bills. That does not include any of the increases that the conference has put into the Labor, Health, Education bill.

That compares to the $592 billion, which is the amount that the Congress can spend without touching the Social Security surplus. That means, in plain English and in plain mathematics, that counting what they have done with the earned income tax credit, they have in their terms "invaded" the Social Security surplus to the tune of $14 billion. And if they eliminate the earned income tax credit action, which their side says it intends to do, then they have invaded it to the tune of $23 billion.

Now, that is a fact; and all the hops, skips, and jumps that they perform cannot hide that fact.

Second, I would simply respond to the previous speaker, who said that the reason that the House is in such a mess on our budget issues is because they only have a few votes above 218 so they have such a narrow margin that it is understandable that they have had to struggle.

I would point out that there are 435 votes to be had in this House, not 218. The gentleman from Florida (Chairman YOUNG) correctly recognized that. And that is why on the supplemental which he first brought to the committee and on the first four appropriations bills which he first brought to the committee, we had bipartisan agreements on those bills and those bills were not just going to receive 218 votes, they were going to receive at least 300 votes because a lot of us were going to vote for them.

But then what happened is the process got hijacked. It got hijacked by their majority whip, who decided that they were not being confrontational enough. And it got hijacked by the confrontational element in their caucus personified by, among others, the gentleman from Oklahoma. And when all was said and done, they took five bills in a row which started out to be partisan and turned them into partisan vehicles which we can no longer support because they unilaterally made changes in those bills, and they disregarded the President's priorities in the process.

In my view, when this is all said and done, there is only one way this is going to be worked out. That is that, in the end, they are going to have to sit down with us and with the White House, they are going to have to give respectful attention to the President's priorities, and we are going to have to give respectful attention to their priorities. That is the only way in the end that adults settle their differences.

So what I would suggest we do is pass this continuing resolution, quit the prattle and get on with the process of actually working out those differences.

Mr. MOAKLEY. Mr. Speaker, I yield back the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I rise, obviously, in strong support of this rule; and I am here to say that we, in fact, are meeting our constitutional obligations.

In my opening statement, I talked about the fact that we are ahead of schedule. We are ahead of schedule because, if we look at the number of years that we have had to go well into Christmas before we had settled the appropriations bills, there are numerous times when we have had to do that.

We are looking today at a one-week extension going to the 29th of October. The chairman of the Committee on Appropriations (Mr. YOUNG) has worked long and hard, and we are trying to have a bipartisan consensus here. We vetted this continuing resolution with our friends in the other body, with the White House. So we are simply proceeding with what is the proper constitutional role for dealing with our important work of completing these 13 bills.

So I urge my colleagues to support it. We have a chance to make history here by making sure that we do not go into the Social Security Trust Fund. We are working very hard to ensure that that does not happen, that we do not go into the Social Security Trust Fund.

I hope my colleagues will first support this rule and then support the continuing resolution so that we can get this work down.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. YOUNG of Florida. Mr. Speaker, pursuant to House Resolution 334, I call up the joint resolution (H.J. Res. 71) making further continuing appropriations for the fiscal year 2000, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 71 is as follows:

H.J. RES. 71

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 106(c) of Public Law 106–62 is amended by striking "October 21, 1999" and inserting in lieu thereof "October 29, 1999". Notwithstanding section 106 of Public Law 106–62, funds shall be available and obligations for mandatory payments due on or about November 1, 1999, may continue to be made.

The SPEAKER pro tempore. Pursuant to House Resolution 334, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and that I may include tabular and extraneous material on H.J. Res. 71.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume in support of H.J. Res. 71.

Mr. Speaker, this is a clean continuing resolution that would extend the present CR until October 29. In addition, it includes a provision so that affected Government agencies would have the authority to develop, prepare, and make the November monthly payments for mandatory programs such as Social Security and veterans' pensions.

This is necessary because this CR extension will expire near the end of the month and financial managers will not be able to begin their payment process without the assurance that the funds will be available to make the payments.

That is the CR, pure and simple, Mr. Speaker. We need the additional time. We have several vetoes from the President that we are dealing with. The balance of the appropriations bills that have not been on the President's desk will be there very shortly.

Mr. Speaker, since we have made all of our political speeches during the consideration of the rule, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 4 minutes to the distinguished gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise in favor of this continuing resolution in order to keep the Government open. But I am also here to remark on the sorry state of affairs that this Congress finds itself in.

We have a Republican majority unable to get its work done resorting to accounting gimmicks to cover their tracks and to hide the fact that they have already dipped into Social Security. And they would like to cover that up.

The facts would seem undeniable. The Republicans' own Congressional Budget Office has already confirmed that the majority has spent up to $13 billion of the Social Security Trust Fund this year. A more recent estimation puts the raid on Social Security at $24 billion. But Republicans deny these facts and instead have embarked on a cynical strategy to pretend that their goal is to protect Social Security.

It will not work because the American people are smart and they can spot a political ploy a mile away. They know that asking the Republican majority to safeguard Social Security is like asking the fox to watch the hen house.

Yesterday it was the majority leader who led Republicans in that mantra to protect Social Security, the very same majority leader who in 1984 called Social Security "a bad retirement" and a "rotten trick" on the American people, the same majority leader who once said "I think we are going to have to bite the bullet on Social Security and phase it out over a period of time."

Well, one might say that that was 15 years ago and maybe he has changed his mind on Social Security. Give the guy a break.

Okay, let us fast forward to 1994 when the majority leader said this about Social Security: "I would never have created Social Security."

Privatizing Social Security has been a long-held goal of the majority leader and other Republican leaders. Now they want the American people to believe that this budget impasse is because they want to save Social Security.

This budget impasse has nothing to do with Social Security. This budget impasse has to do with the Republican majority's true goal, to pass a massive tax cut that goes directly and primarily to the wealthiest Americans. That is why we cannot meet our obligations to our children, our parents, our teachers, our veterans, because Republicans have other plans for that money, a tax cut to bring comfort to the comfortable.

After all, there are people out there who need to remodel their yachts. There are corporate CEOs who just cannot eke by on their $10 million a year in salaries. That is who the Republican tax cut and budget would help. And to use senior citizens and Social Security as a smoke screen is shameful.

A few months ago, a bipartisan majority in this House voted to lock up the Social Security Trust Fund. Now this Republican majority has picked the lock on the lockbox.

Mr. YOUNG of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, what is important is not what happened yesterday, it is what should happen today and tomorrow. But before I get to that, I just want to address one comment made by my good friend, the gentleman from Florida (Mr. YOUNG), in comparing who has done what in achieving previous completion on budget action.

The gentleman from Florida (Mr. YOUNG) has pointed with great pride to what happened in fiscal year 1997 as proof that in those days the Republican majority finished all of its bills on time. That is, in fact, the reverse of what happened.

What happened in 1997 is that they had a huge train wreck early and the damage was so bad that they simply gave up trying to legislate normally.

If we read the Congressional Quarterly account of what happened that year, I assume people think that is a neutral account, we will see in the 1996 almanac on page 10–21 that Congressional Quarterly indicates that "When Republicans returned from their August break after Labor Day, it was far from clear how or whether they could get their spending bills enacted by the start of the fiscal year.

□ 1200

"At that point only one fiscal 1997 spending bill, for agriculture, had become law. GOP troubles extended beyond deep disagreements with Clinton. For one thing, Republicans had difficulty among themselves settling on a game plan."

It goes on to discuss what happened, and what happened was very simply this: Five appropriation bills never went to conference. Those five bills wound up being wrapped into one overall omnibus appropriation, the base bill of which was the defense bill. What happened is the Republican majority, in the words of CQ, was so anxious to get home for reelection that they simply wrapped it all up in a one big huge package and went home.

To call that a model of orderly process is indeed turning reality on its head. I just wanted to bring that to the attention of the House.

We have a problem here. I think that problem is rooted in two factors. Number one, we have had the Republican majority fashion most of their appropriation bills in such a way that it would allow them to pretend this year that they had room for a giant tax cut, and they went home in August and found out that the public understood that that in fact was not the case, the public had other priorities, such as education, fixing Social Security and fixing Medicare. Yet what has happened is because this House spent so much time trying to pass that tax bill, we have appropriation bills that still have not become law.

Secondly, we are operating under a budget agreement in 1997 that in my view was the largest public fib in the history of this Congress, going back to 1981 when we had another very large public fib on budgeting. The problem is that 1997 deal promised that this Congress was going to make reductions in spending that it in fact has never been willing to make under the Republican Party or the Democratic Party. And as a result what has happened is that today we are struggling under a massive fiction. That massive fiction is that we have spent about $40 billion less than we have actually spent in the appropriation bills. And so now, in a desperate effort to cover up that fact, the House leadership is trying to divert attention to a phony Social Security debate that does not in fact exist in the real world.

In my view we have two choices: We can continue to pass continuing resolutions once a week that are monuments to our own impotence, or we can simply get down to business and decide we are going to toss aside the phoniness and the fiction and get to the reality. The reality is not have we met each other's accounting standards. The reality is not how much political damage can we do to each other. The reality that we ought to be concerned about is what are we doing in an honest fashion to attack the education problems facing this country, to attack the health care needs facing this country, to attack the science research problems facing this country, to defend the country's national interest through both the defense budget, which is the military side of our foreign policy influence, and what we are doing to advance our national interest diplomatically through the other parts of our foreign policy effort.

The sooner we come to honest agreements about that, the sooner we can all quit this sterile debate and get on with the business of being legislators rather than politicians. That is what I would respectfully hope that we do.

Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

During the consideration of the rule, the House heard a lot of political rhetoric, some of which was fairly accurate, some of which had no accuracy whatsoever. But I am not here today to fight a political battle. That is for the campaign trail. I am here today to do the people's business. They want their business done. That is what we are doing. We are moving appropriations bills through this process. It is not easy. This is the smallest majority that any majority party has had in the House for nearly 50 years. So of course it has not been easy, especially when the President is of a different party than the majority in the House.

But this is not the place to fight out those battles. Today we extend the continuing resolution until the 29th of October, so that the government can continue to function and that the people who work for the government can continue to get paid, and the obligations that our government has continue to be met. We can do our campaigning at another time, at another place. We were not sent to do our campaigning in this chamber. We were sent to do the people's business.

And so I would ask for support of this continuing resolution so that we can have those meetings with the President, so that we can have those conference reports sent to the President's desk, so that we can get the President's vetoes and that we can deal with the vetoes and try to reach an accommodation with the President, because he plays a constitutional role in this issue, although somewhat belatedly. I recall having asked him back in April if he would be willing to get engaged in this budget process and received no answer to this day. But, anyway, I would hope that the House will approve the CR so that we can get on with the balance of the people's business.

Mr. YOUNG of Florida. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LATOURETTE). All time for debate has expired.

The joint resolution is considered as having been read for amendment.

Pursuant to House Resolution 334, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 421, nays 2, not voting 11, as follows:

[Roll No. 510]

YEAS—421

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Callahan
Calvert
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee

Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

DeFazio
Paul

NOT VOTING—11

Buyer
Camp
Green (TX)
Jefferson
Johnson (CT)
LaFalce
Lewis (GA)
Martinez
Ros-Lehtinen
Rush
Scarborough

☐ 1242

So the joint resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any rollcall vote on H.R. 3885, providing discretionary spending offsets for fiscal year 2000, will be taken after debate has been concluded on that motion.

Rollcall votes on any other motions will be postponed until after debate has been concluded on those motions.

CONGRATULATING HENRY "HANK" AARON ON 25TH ANNIVERSARY OF BREAKING MAJOR LEAGUE BASEBALL HOME RUN RECORD AND RECOGNIZING HIM AS ONE OF THE GREATEST BASEBALL PLAYERS OF ALL TIME

Mr. OSE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 279) congratulating Henry "Hank" Aaron on the 25th anniversary of breaking the Major League Baseball career home run record established by Babe Ruth and recognizing him as one of the greatest baseball players of all time, as amended.

The Clerk read as follows:

H. RES. 279

Whereas Henry "Hank" Aaron hit a historic home run in 1974 to become the all-time Major League Baseball home run leader;

Whereas Henry "Hank" Aaron over the course of his career created a lasting legacy in the game of baseball and continues to contribute to society through his Chasing the Dream Foundation;

Whereas Henry "Hank" Aaron hit more than 40 home runs in 8 different seasons;

Whereas Henry "Hank" Aaron appeared in 24 All-Star games;

Whereas Henry "Hank" Aaron was elected to the National Baseball Hall of Fame in his first year of eligibility, receiving one of the highest vote totals (406 votes) in the history of National Baseball Hall of Fame voting;

Whereas Henry "Hank" Aaron was inducted into the National Baseball Hall of Fame on August 1, 1982;

Whereas Henry "Hank" Aaron finished his career in 1976 with 755 home runs, a lifetime batting average of .305, and 2,297 runs batted in;

Whereas Henry "Hank" Aaron taught us to follow our dreams;

Whereas Henry "Hank" Aaron continues to serve the community through his various commitments to charities and as Senior Vice President and Assistant to the President of the Atlanta Braves;

Whereas Henry "Hank" Aaron became one of the first African-Americans in Major League Baseball upper management, as Atlanta's vice president of player development; and

Whereas Henry "Hank" Aaron is one of the greatest baseball players: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates Henry "Hank" Aaron on his great achievements in baseball and recognizes Henry "Hank" Aaron as one of the greatest professional baseball players of all time; and

(2) commends Henry "Hank" Aaron for his commitment to young people, earning him a permanent place in both sports history and American society.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. OSE) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. OSE).

GENERAL LEAVE

Mr. OSE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 279.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. OSE. Mr. Speaker, I ask unanimous consent that the gentleman from Georgia (Mr. CHAMBLISS) control the time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

☐ 1245

Mr. CHAMBLISS. Mr. Speaker, we are indeed privileged to be here today to honor and recognize a true American hero, and as we start this debate I yield 2 minutes to the gentleman from Georgia (Mr. ISAKSON).

Mr. ISAKSON. Mr. Speaker, I am honored today to join my Georgia colleagues but really join all of this Congress in paying tribute to Henry Aaron. Hank Aaron is no mystery to anybody in this room. He broke Babe Ruth's record and 25 years ago today hit his 715th home run. He was a distinguished player in the Southern League, throughout the South, then to Milwaukee and finally to Atlanta.

He is known for his home runs, but there is so much more. Hank Aaron was a leader who played with determination, whether the team was good or the team was bad. In this day, in this era of high-paid athletes and prima donnas and egos, Hank Aaron always had the level temperament. He was a man of distinction, and probably his greatest distinction was the year in which he caught and surpassed the Babe, because he dealt with threats, he dealt with discrimination, he dealt with those that would undermine his effort; but he diligently and quietly and professionally, day in and day out, pursued and finally caught the Babe.

Hank Aaron broke a lot of records in baseball. He may have broken a few hearts of teams that lost to him, but to all of us in Atlanta and in Georgia and around America we are proud that

Hank Aaron came our way. He is a distinguished American. He is a distinguished Georgian, and all of us in Georgia today are pleased to honor the man we know as "Hammering Hank."

Mr. CUMMINGS. Mr. Speaker, it is with great honor that I yield 5 minutes to the distinguished gentleman from Georgia (Mr. BISHOP) to make his presentation.

Mr. BISHOP. Mr. Speaker, I thank the gentleman for Maryland (Mr. CUMMINGS) for yielding this time.

Mr. Speaker, Shakespeare wrote, "Heights by great men reached and kept were not obtained by sudden flight but they while their companions slept were toiling onward through the night."

It was no sudden flight for Henry Aaron, from an area called Down the Bay in Mobile, Alabama, to an area called Toulminville, out near Carver Park and Edward Street, where he began his baseball career playing for a Toulminville Little League team; and as he demonstrated his prowess with a bat and with a glove, he achieved great heights over great pain, but there was much gain.

It is my pleasure, Mr. Speaker, to join my colleagues today in celebrating the 25th anniversary of Hank Aaron's 715th home run, the blast that set the all-time career record. That was a great day not only for Hank Aaron and the Atlanta Braves but for the millions of fans in Georgia and throughout the country. It was just one of many shining moments in a lifetime of truly extraordinary accomplishments.

In addition to hitting more home runs than anyone else, Hank Aaron had more runs batted in, more total bases, amassed a career batting average over 300, won three Golden Glove Awards as one of baseball's finest fielders, and earned a place in the Hall of Fame long before he retired from the game.

Hank Aaron, as I said, was born and grew up in Mobile, Alabama, as I did. Needless to say, he was a hero to me and all of the kids in our neighborhood there in Toulminville.

In recent years, now that we are both well-entrenched citizens of Georgia, I have learned from a fairly close vantage point about how much he has contributed to the State and the country, through his Chasing the Dream Foundation, and all his charitable and community activities.

Over the years, I have come to appreciate all the more the characteristics that he has always exemplified; his unwavering commitment and dedication not only to the game of baseball but to the well-being of his fellow citizens as well, his grace and his humility under fire, his kindness and service of others, of outstanding leadership that he provides through example.

Mickey Mantle once said that Hank Aaron was the most underrated superstar in baseball. Certainly, he was highly respected by everyone, but he was such a total player that sometimes people did not fully appreciate what he meant to his team. That is the kind of baseball player he was, and that is the kind of human being he has been as an executive officer with the Atlanta Braves, as a citizen of Georgia, as a leader in his community and his State and his Nation.

Thank you, Hank, for the inspiration that you have given to me and to millions of Americans. Yes, "heights by great men reached and kept were not attained by sudden flight but they while their companions slept were toiling onward through the night." Thank you, Hank. Keep on toiling.

Mr. CUMMINGS. Mr. Speaker, it is with great honor that I yield 3 minutes to the gentleman from Wisconsin (Mr. BARRETT), another one of our colleagues from the Fifth District.

Mr. BARRETT of Wisconsin. Mr. Speaker, it is a real honor and pleasure for me to rise today to pay tribute to one of my heroes, Hank Aaron. I think anybody who is a baseball fan in this country knows what a tremendous person Hank Aaron is and everything he did for the game.

For me, it is even more than that. It is a little difficult for me to talk here about Hank Aaron while the Braves are still alive in the playoffs because I am very careful to separate my emotions about the Braves from my emotions about Hank Aaron. The reason for that is I used to love the Braves. In fact, as an 11-year-old boy I went to 31 Braves games. Of course, they were the Milwaukee Braves then, and they were, for me, the team of my life. They broke my heart and they broke the hearts of thousands of other Wisconsin kids only to make thousands of Georgia kids happy several years later; but if one is an 11- or 12-year-old kid and their baseball team pulls up roots and heads out of town, that is a pretty devastating event in their life at that time.

I continue to root for Hank Aaron as much as I continue to root against the Braves, and I continue to root for Hank Aaron because he really was, I think for all of us, the ultimate hero. The grace, the way he handled pressure, the way he moved so gracefully through right field made all of us just joyful watching him.

As a young kid playing baseball, he also gave a lot of credibility to those of us who were not good enough fielders to play anywhere but right field. He made right field respectable, and as a right fielder I appreciate what he did for those of us who did not have the speed to play center field.

I am here today because Hank Aaron did so much for this game and so much for this country. I think he has done so much for the kids in this country, because he has given them someone to look up to. Kids need heroes. Kids need good role models. Hank Aaron is a hero, and he is a good role model.

Thank you, Hank, for everything you have done.

Mr. KLECZKA. Mr. Speaker, will the gentleman yield?

Mr. BARRETT of Wisconsin. I yield to the gentleman from Milwaukee, Wisconsin.

Mr. KLECZKA. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. BARRETT) for yielding.

Mr. Speaker, I am somewhat older than my colleague, the gentleman from Wisconsin (Mr. BARRETT), although I attended those games at County State, and I sat in the bleachers. We could recite the entire team from Vel Crandel to Joe Adcock, Billy Bruton, and naturally Hank Aaron. I was disturbed like the gentleman was when the team sort of left one evening and ended up in another State, but nevertheless the background and the things that Hank Aaron stood for are still alive in all the hearts of those who watched those games from not only Milwaukee but Wisconsin.

In my office here in Rayburn I have a ball that is signed by Hank Aaron that he gave to me a couple of years ago at one of our bratwurst days or hot dog days or whatever it was. So, Hank, thanks for all the memories.

Mr. CHAMBLISS. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. BOEHNER), who has a very interesting experience to relate about Mr. Aaron.

Mr. BOEHNER. Mr. Speaker, I thank the gentleman from Georgia (Mr. CHAMBLISS) for yielding me this time.

Mr. Speaker, on April 4, 1974, Hank Aaron made history at River Front Stadium in Cincinnati by hitting home run number 714 off Reds pitcher Jack Billingham to tie Babe Ruth's all-time home run record.

It was opening day and it was Hank Aaron's first swing of the 1974 season. The Cincinnati Enquirer described it, and I quote, "as a towering shot over the left-field wall."

Well, I can confirm that because I was sitting out in left field on April 4, 1974, at the Reds' traditional opener for all of major league baseball, and it was the only time I had ever cheered when somebody hit a home run against the Reds. Millions of Americans have felt the same way watching Mark McGwire and Sammy Sosa, and it did not matter which team Hank Aaron played for to be cheered for. He was doing something bigger than baseball itself.

Hank Aaron's achievement reminded Americans that nothing is impossible. It taught us that any individual can do anything if he is willing to make the sacrifices to make it happen.

Mr. Speaker, in a few years they are going to tear down River Front Stadium and build a new ball park on the Ohio River, but Henry Aaron's achievement will stand forever, and I urge my colleagues to support the resolution.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as I sat here listening, I could not help but think about how wonderful it is that we from both sides of the aisle stand here today to recognize a great American, and I say that very clearly, a great American.

Hank Aaron has certainly touched the lives of so many, and just listening to the statements that were just made from my friend, the gentleman from Ohio (Mr. BOEHNER) and my friends from Georgia and from Wisconsin, those are only three States. I am sure that Hank Aaron touched the lives of many, many boys and girls, women and men, throughout all 50 States, touched them in some way or another, all being in a very positive way.

The wonderful thing about this resolution is that it acknowledges Hank Aaron for all the things he has done and all of the things he continues to do. Even on his 25th anniversary of breaking the major league baseball career home run record established by Babe Ruth, quiet and unassuming Hank Aaron holds more major league batting records than any other player in history, including most home runs and most runs batted in.

In 1970, Mr. Aaron became the first player to compile both 3,000 career hits and more than 500 home runs. In 1972, Mr. Aaron's salary increased from a lofty $125,000 per season to a hefty $200,000 per season, at the time, unbelievably, making him the highest paid baseball player in baseball history.

He accomplished all of this despite the enormous amount of hate mail received prior to breaking Babe Ruth's record.

If anyone has had an opportunity to listen to Mr. Aaron talk about the pain that he felt during the time that he was trying to break the record, if one could hear him talk about the threats that were made on his life and the threats made on his family's life, one would have to add another very important word to describe him. He is indeed a courageous man, for he went out and he did what he had to do anyway; and while he was doing it, it may have caused him pain, but it surely brought him glory and it surely put an imprint, a positive spirit, in the DNA of every cell of every baseball fan throughout the country.

Today, Mr. Aaron divides his time among many jobs. For Turner Broadcasting, he serves as corporate vice president of community relations and is a member of the Turner Broadcasting board of directors. He serves as senior vice president and assistant to the president of the Atlanta Braves. Mr. Aaron also spends a great deal of time working with young baseball hopefuls from underprivileged Atlanta communities. He often talks about the situation the way it was when he came up, the fact that many opportunities to play baseball were not there; and he has made a tremendous commitment never to forget from whence he has come. He has made a commitment, and he has synchronized his conduct with his conscience by lifting others up as he has gone up the ladder of life.

The Hank Aaron Rookie League, coordinated with the Atlanta Housing Authority, has gotten many youngsters off the street and on to the playing fields.

He has also worked extensively with Big Brothers and Big Sisters organizations throughout our country. Despite all that he has done, Hank Aaron does not classify himself as a role model because of his athletic abilities.

□ 1300

He is quoted as saying,

> Role models are something you have to be careful about. Dr. Martin Luther King, Jr. is a role model. Abraham Lincoln is a role model. A teacher can be a role model. My mother is a role model to my seven brothers and sisters. I played baseball. I just happened to have a gift that I was blessed with. But Hank Aaron the baseball player is not necessarily a role model.

Hank Aaron considers Abraham Lincoln a role model. Little does he know that the House Committee on Government Reform considered this resolution at the same time H.R. 1451 honoring Abraham Lincoln was being considered. Both bills passed out of the committee on a voice vote. The bill honoring Abraham Lincoln passed the House just 2 weeks ago.

Hank is right. He is not a role model because he was a great baseball player. He is a role model because, in addition to being a great baseball player, he has integrity and courage. He has fought to break color barriers and still, to this day, continues to give back to his community.

As did Abraham Lincoln, Hank Aaron has contributed to the colorful and diverse fabric of this Nation, and he did so when the tide was against him.

So to you, Mr. Aaron, we say, thank you for all that you are and thank you for all that you are not.

I urge all of my colleagues to support H. Res. 279 honoring Hank Aaron, a true legend.

Mr. CHAMBLISS. Mr. Speaker, it is my pleasure to yield 3 minutes to the gentleman from New York (Mr. BOEHLERT) who happens to represent Cooperstown, the home of the Hall of Fame.

Mr. BOEHLERT. Mr. Speaker, I thank the gentleman from Georgia for yielding me this time.

Mr. Speaker, I thank Hank for making today necessary. He is one of America's truly great heroes. It is my privilege to represent baseball's mecca, Cooperstown, New York. So in a way, I am a surrogate congressman for Mr. Aaron.

Let me read to my colleagues from the plaque from the baseball shrine, the Hall of Fame, when Mr. Aaron was inducted in 1982. It reads, "Henry 'Hank' L. Aaron, Milwaukee National League, Atlanta National League, Milwaukee American League, 1954–1976.

"Hit 755 home runs in 25-year career to become majors' all-time homer king. Had 20 or more for 20 consecutive years, at least 30 in 15 seasons and 40 or better eight times. Also set records for games played (3,298), at-bats (12,364), long hits (1,477), total bases (6,856), runs batted in (2,297). Paced National League in batting twice and homers, runs batted in and slugging percentage four times each. Won most valuable player award in National League in 1957."

Those of us who are baseball fans are statistics freaks. We go for RBIs and batting averages. That is how we judge the man. This man excelled. But he has excelled off the field as well.

Let me read to my colleagues from Hank Aaron's own words: "I know that most people, when they think of me, think of home runs; or if they really know about the game, think of 755. But what I would like them to remember about me is not the home runs or the hits or the runs batted in, but that I was concerned about the well-being of other people. You have to reach out, and you have to speak out."

Mr. Aaron goes on to say, "I have tried to be a home run hitter off the field, too. I may not have hit the huge home runs that Jackie Robinson hit or that Martin Luther King and Jesse Jackson hit. But at least I am hitting line drives. And maybe some of them will clear the fences."

Mr. Aaron, you have hit grand slam after grand slam. You are a hero on the field. You are an inspiration off the field. It is my honor to stand in this well of the people's House and pay tribute to you.

Mr. CHAMBLISS. Mr. Speaker, I yield 2¼ minutes to the gentleman from Ohio (Mr. KASICH), the distinguished chairman of the House Committee on Budget and a great baseball fan.

Mr. KASICH. Mr. Speaker, my colleagues ought to know that the gentleman from Georgia (Mr. CHAMBLISS) is asking for unanimous consent that Mr. Aaron be added to the lineup tonight in this critical game in Atlanta. Without objection, I think, Mr. Speaker, it ought to be in order.

I wanted to just take a second to pay tribute to Hank Aaron. I do not know all of the statistics. I know that he broke Babe Ruth's record. I remember the night that he hit his home run in Cincinnati and then when he turned around and broke the record in Atlanta; obviously, one of the greatest men to have ever played baseball.

But the reason why I wanted to just say a few words about Mr. Aaron today is because I think our country is in dire need of heroes of the real thing, the real McCoy. Today we have some great heroes that I think that Henry Aaron would give a nod of agreement to: Mark McGwire; Sammy Sosa; Lance Armstrong, who overcame cancer to win that great victory in the bicycle race; Roger Staubach for what he has done and to take his career on the field; Tom Landry, also interestingly enough from the same team, athletes that our young people can look up to today.

I am always disappointed when I read in the newspapers or in the sports magazines about the athletes who sometimes forget that it was only through the grace of God that they were given the talents that they were really permitted to develop. I think, as Mr. Aaron would tell us, no athlete can be great without hard work. But no athlete can be great without the grace and the gifts that God gave them.

I think what Mr. Aaron represents in a way is a permanent hero, a permanent representative, a permanent model of the way that the modern athlete ought to conduct himself or herself, remembering at all times that the kids are watching, that the kids learn to admire and emulate integrity, playing by the rules, being able to play hard, but without vindictiveness, being able to be a good loser, and, most important, being able to be a good winner, and, in all times, remembering that one's career is only one injury away from being over, and it is only by the blessings that one has that one becomes a great performer.

I would just like to say to Mr. Aaron, thank you for what you represent. I hope that you will pass this on as often as you can to the young athletes today who can be the kind of heroes to the kids that grew up in your era, like me, that these young people can be to our young children today.

Mr. CUMMINGS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Tennessee (Mr. CLEMENT).

Mr. CLEMENT. Mr. Speaker, the gentlemen from New York (Mr. BOEHLERT) and myself and others just got back from Cooperstown, New York. The first time I had ever been there. I had the opportunity to look and review the Hall of Fame.

I saw the pictures and all the honors that Hank Aaron had received by being inducted into the Hall of Fame. I was there in Atlanta, Georgia, just happened to fly from Nashville, Tennessee to Atlanta. That particular day, I was chairman of the Tennessee Public Service Commission in our great State, and I flew down there just hoping that that would be the day that Hank Aaron would break the record of Babe Ruth.

I loved Babe Ruth. I will remember that great man always, knowing that another great man broke his record by the name of Hank Aaron who has made us proud in so many ways. I am proud of baseball; I am proud of its tradition. I am proud of what it means to America and to the world.

Mr. CHAMBLISS. Mr. Speaker, I am very pleased to yield 1 minute to the gentleman from Ohio (Mr. OXLEY), who is the coach of the Republican baseball team.

Mr. OXLEY. Mr. Speaker, I thank the gentleman from Georgia for yielding me this time.

Mr. Speaker, I rise also in honor of a great American, Hank Aaron. I had the opportunity to see Hank Aaron in 1958 in Milwaukee County stadium when I was visiting there with my parents. I had a chance to see him play a number of times after that. But I remember so well that experience.

I remember I was a big sports fan, still am, reading the sports magazines, Sports Illustrated and others, how Hank Aaron came up from Mobile, Alabama. He started out as a cross-handed softball player. I always wondered how anybody could hit cross-handed at all. Come to find out that, with his talent and drive and ability, he was able to set so many records, including the home run record because of that dedication and hard work and true talent.

He has been one that has made us all proud to be Americans in what he has been able to accomplish on the baseball field and off.

My hat is off, as the Republican manager, the successful manager, by the way, of a 17 to 1 victory this summer.

Mr. CUMMINGS. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Speaker, I thank the gentleman from Maryland for giving me this time to honor this amazing American hero, Hank Aaron. I wish we had more Hank Aarons, Mr. Speaker, a man who remained humble, despite all the honors he achieved, a man who set a record, not only on the baseball field, but in the lives of the young men and young women of this country.

We all admire Hank Aaron. It is an honor that he is here today to bring a freshness to this House, to bring honesty to this House, to bring a dedication to this House. We are so very glad to have him here and honor him for what he really is, and that is a true American hero who remained humble, and he still is. He has still given to the world the best he has, and the best is coming back to him.

Mr. CHAMBLISS. Mr. Speaker, it is my privilege to yield 3 minutes to the distinguished gentleman from Mobile, Alabama (Mr. CALLAHAN), the home of Hank Aaron.

Mr. CALLAHAN. Mr. Speaker, I thank the gentleman from Georgia very much for yielding me this time.

Mr. Speaker, let me tell my colleagues I am proud to stand here in this well today just as I stood in the well of the House of Representatives in the State of Alabama during the glorious years of Hank Aaron's career and in the State Senate also, Hank, when, if you may recall, we presented you with a resolution I passed through the Senate which gave to you the exclusive use of number 715 on Alabama State license tags, which is the number of home runs that you hit in order to achieve the first world record. I do not know if you are using that license tag or not, but it is still available.

But representing Mobile, Alabama and seeing your career blossom and seeing you rise to the pinnacle that you have, watching your brilliant career knowing all along that I know Hank Aaron, he is from my hometown, and now to stand in the well of the United States Congress and to tell you today, how proud I am to represent you and how proud the people of Mobile, Alabama are of you.

We recently built a first-class stadium for the Mobile Bay Bears in Mobile, Alabama. It is a class act. The stadium is one of the finest in America. The Mobile Bay Bears are doing great. But the people of Mobile honored, once again, Hank Aaron by naming it the Hank Aaron field.

So, Hank, I look forward to visiting you later on this afternoon. We look forward to visiting you and Mrs. Aaron. I will tell your friends and family back in Mobile hello.

I understand you are going to be living in Georgia. I hope that when you fully retire that you will remember your roots, and that you will come back to Mobile, Alabama. I hope that you are there so I can recognize you when I see you driving down the street. I hope you will display that tag number 715 that the State Senate gave you exclusive authorization to use for the rest of your life.

So welcome to Washington. I join my colleagues in giving you the highest of praises for your brilliant career, but most of all for this extreme character that you represent in America here today.

□ 1315

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CALVERT). The Chair would remind the Members that remarks in the debate must be addressed to the Chair and should not mention the honored guests in the gallery.

Mr. CUMMINGS. Mr. Speaker, may I inquire as to how much time each side has.

The SPEAKER pro tempore. The gentleman from Maryland (Mr. CUMMINGS) has 5 minutes remaining, and the gentleman from Georgia (Mr. CHAMBLISS) has 8½ minutes remaining.

Mr. CUMMINGS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I grew up in Wisconsin as a Chicago Cub fan. That does not have much to do with baseball these days, I know, but I have to say that when the Braves moved from Boston to Milwaukee, I had the privilege of seeing Hank Aaron play in Milwaukee County Stadium many, many times.

I think what we are doing here today is doing two things: first of all, yes, we are paying tribute to him for what he achieved in baseball. But even more than that, I think we are here simply to pay tribute to him for the way he played the game. He did not demonstrate just power, he demonstrated integrity, he demonstrated determination, he demonstrated at all times the qualities that we most admire in all Americans. And I think because he has been a role model not just professionally but personally, he has been a grace to the game and a grace to the country to whom his career has done great honor.

Mr. CHAMBLISS. Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma (Mr. WATTS), the chairman of the Republican Conference.

Mr. WATTS of Oklahoma. Mr. Speaker, we have talked this afternoon about Hank Aaron's sports contribution. But let me read you what a couple of folks have said about him:

"He was a caring guy and self-effacing. He wanted things to be fair in an unfair world." "He taught us to follow our dreams." And, "He taught a kid from Eufaula, Oklahoma to follow his dreams."

The reason I like sports is because it is about effort and reward, it is about discipline and results, it is about going the extra mile and getting more out of it because you do. It is about knowing the rules and following them and hitting more home runs because you do.

He knew some unfairness in his life, but he pursued his dreams anyway. He paid the price, he practiced and he didn't take no for an answer. Sports is about leveling the playing field in a real way. Henry Aaron proves that.

Hammerin' Hank, thank you. Congratulations on this milestone in sports history. Thank you for wanting things to be fair in an unfair world. Thank you for teaching our kids that dreams can still come true in a sometimes unfair world.

Mr. CUMMINGS. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, it is with a great deal of pleasure that I get up to acknowledge the man who broke the heart of a Chicago Cub fan over and over and over again. But, more importantly, was his stature and the way he carried himself in this country.

I think he would really be happy today if, instead of all these speeches, the United States Senate had not turned down an African American judge that they brought out and humiliated on the floor of the Senate. That would mean we had moved somewhere.

Mr. Robinson, Mr. Aaron showed us what it ought to be, but we still have a long way to go. We need people like Henry Aaron to show this country that we have to respect all the people in this society, even if they beat the Chicago Cubs over and over and over again.

Mr. CUMMINGS. Mr. Speaker, how much time do we have?

The SPEAKER pro tempore. The gentleman from Maryland (Mr. CUMMINGS) has 3 minutes remaining, and the gentleman from Georgia (Mr. CHAMBLISS) has 7½ minutes remaining.

Mr. CUMMINGS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, it certainly is an honor to stand here today and to have Hank Aaron in the audience. I cannot begin to express the thrill it is, I am sure for all of us.

When I think of my own life as a little boy in south Baltimore, where we did not have grass fields, but we played on little play lots where vacant houses had been torn down; and where we did not have bats because we could not afford them, but we used broomsticks; and we could not afford baseballs, so we found any kind of ball that we could get our hands on; the fact is that we were following a dream. We were following a dream because of people like Hank Aaron.

When we looked at him, we saw us. We had someone that we could look up to and be proud of. And so that although we were sliding onto bases that were made out of a piece of cardboard, oftentimes cutting ourselves because we did not have the grass fields; and although many times we found ourselves frustrated because when we hit a home run, the field was so small we usually broke somebody's window, the fact remains that we were still pursuing a dream.

As I listened to my colleague, the gentleman from Washington (Mr. MCDERMOTT), talk, I could not help but think about an interview that was recently had with Mr. Aaron. I felt so proud of him because I realized that he would have traded in all of these compliments that are being made here today if he could see more African Americans and more minorities in every level of baseball. And he talked about that, and I am so glad he has done that.

But I also say that Mr. Aaron made it clear that after the baseball playing days are over, and after the curtain goes down, and after the baseball players are unseen, unnoticed, unappreciated and unapplauded, he wants to make sure that they have opportunity. For I am sure it is clear to him that an individual can have all the genetic ability that anyone could want, and all the will that an individual could possibly want, but if that individual does not have the opportunity, they are not going anywhere fast.

So we thank him for all that he has done. We thank him for lifting up little boys and giving them something to dream about. We thank him for giving Americans something to cheer about. But we also thank him for showing America what a true American is all about. And we say to him, God bless.

Mr. Speaker, I yield back the balance of my time.

Mr. CHAMBLISS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I rise today to honor and recognize a man of great athletic ability, a man who has a great passion for life, a man who had a great vision for where he wanted to go, a man of great compassion, and a man who had unbelievable leadership skills.

Hank Aaron was born the third child of a rivet bucker of a shipbuilding company in Mobile, Alabama. While in high school, Hank Aaron began playing with the Mobile Bay Bears, a semi-pro team. One day in Mobile he was playing against the Indianapolis Clowns, which was on a barnstorming tour throughout the South playing other semi-pro teams, when the manager of the Indianapolis Clowns said, I have to have that guy come play for me, and he signed Hank Aaron to come play for the Indianapolis Clowns.

A couple of years later, he was scouted by the Milwaukee Braves, and at that point in time, at age 18, he was signed by the Milwaukee Braves and was sent to the Northern League in Wisconsin. At that time, when he went to Wisconsin, one of the first times he had ever been away from Mobile, Alabama, Hank Aaron began chasing his dream. In 1952, he was rookie of the year in the Wisconsin league.

The next year he moved to Jacksonville in the Sally League. He became the most valuable player in the Sally League in 1953. In 1954, he went to the big leagues, but they did not give him a chance to make it in spring training. It was only because of an injury to Bobby Thompson, who the Braves had acquired from the Giants during the off season, that Hank Aaron got a chance to play. But once he took over in left field, and he ultimately moved to right field, the rest became history.

On April the 23rd, 1954, Hank Aaron hit his first major league home run. Twenty years later, on April 4, 1974, Hank Aaron hit home run number 714, as was witnessed by our friend, the gentleman from Ohio (Mr. BOEHNER). Four days later, on April 8, 1974, at 9:07 p.m., Hank Aaron hit home run number 715 at Atlanta Fulton County Stadium.

And those of my colleagues who have an opportunity to go to Turner Field today, which sits right across the street from where Atlanta Fulton County Stadium used to sit, ought to take a minute to go over and take a look at what is now a parking lot. There my colleagues will see a brass plate in the shape of a home plate. That is where home plate sat in Atlanta Fulton County Stadium. In the outfield, where home field number 715 used to be marked, there is the original section of the fence still existing today with the number 715 painted on it. That is where Hank Aaron hit number 715.

The next year, after he hit number 715, Hank Aaron was traded back to Milwaukee, which was his original home playing area. He spent two seasons there playing for then the Milwaukee Brewers, and wound up, as we have already heard, hitting 755 home runs.

He retired after the 1976 season, but here are some of the records which Hank Aaron still holds: obviously, most home runs ever hit in a career; 2,297 runs batted in; 6,856 total bases touched during his career; and 1,477 extra base hits during his career.

Hank Aaron obtained these records because he was a model of consistency. In his 24-year career, he played in 22 All Star games. He hit between 24 and 45 home runs for 19 straight seasons. For 11 years, he had 100-plus runs batted in. For 15 years, he scored 100-plus runs. He won two batting titles and four Gold Gloves.

After he retired, Hank Aaron came back to Atlanta and has been employed with the Braves organization since. Today, he is a senior vice president with the Atlanta Braves organization.

Several years ago, Hank and his lovely wife, Billy, started the Chasing the Dream Foundation. Today, Hank Aaron recognizes that there are any number of young people out there who do not have the opportunity that he had and Hank Aaron and his wife, Billy, established this foundation to provide an opportunity for kids between the ages of 9 and 12 to have the opportunity to improve themselves. They do not have to be athletes. They can be people who need rides to dance classes or people who need music lessons paid for. But if they exhibit an ability, if they exhibit good scholastic habits, they are available to apply for a scholarship from the Chasing the Dream Foundation, chasing the dream, just like Hank Aaron did many, many years ago in Mobile, Alabama.

Today, this great American, Henry Louis Aaron, is still chasing his dream, his dream to make America a better place to live, and he is doing his part. Hank, we all salute you, my friend. God bless you, and thank you for everything that you do for America.

Mr. LEWIS of Georgia. Mr. Speaker, it is fitting today, a day on which our Atlanta Braves play for the right to join the New York Yankees in the World Series, that the United States Congress takes the time to pause and honor the contributions of a great Brave, Mr. Henry Aaron.

Number 44 for the Atlanta Braves is the all-time leader in home runs, a record that stands among the greatest in sports. And while records are made to be broken, the spirit of inspiration that Mr. Aaron's example offers to all Americans will stand for all time. I am pleased to join my Georgia colleague, Congressman SAXBY CHAMBLISS, in a truly bipartisan effort to ensure that the tremendous achievements of Henry Aaron, the baseball player and the man, are recorded by the U.S. Congress.

We cannot forget the difficult times, the troubled waters, and the lonely bridges that Henry Aaron and his family had to contend with. When a young Henry Aaron dared to dream of being a professional baseball player, he could not have imagined the naked, raw, and uncaring face of discrimination that he would later confront virtually every day. But despite the hurdles that both baseball and life placed in his way, henry Aaron refused to allow his dreams to die. He fought on not only to merely play professional baseball but to surpass the records of Ruth on his way to becoming one of the greatest players of all times. Today I honor Henry Aaron, not only for the thrill of watching a great player swing his way into the record books but for the pride of watching a great man march his way into the history books.

I rise, indeed I ask all of us to rise today in honoring the now and forever Number 44 of the Atlanta Braves, Mr. Henry Aaron.

Mr. DAVIS of Virginia. Mr. Speaker, public officials are used to scrutiny and, to varying degrees, accustomed to the sometimes harsh glare of the spotlight. But none of us have had to endure what Henry Aaron had to endure as he approached number 715. The pressure, I can only assume, must have been suffocating. Everywhere he went, cameras focused on him. Every step he took was followed by an army of reporters with the same probing questions. Hank Aaron was living in a fish bowl.

And it wasn't a very warm bowl at that. A vocal minority of hate-filled folks out there actually took umbrage at Aaron's success and tried, unsuccessfully, to undercut his courage. The manner in which Hank Aaron assumed the post of career home run leader speaks as much about the man as the feat itself.

I am a baseball fan, and therefore I am a Hank Aaron fan. I remember the evening of April 8 with startling clarity: the first inning walk, the fourth inning shot off the first Al Downing pitch he swung at that night, the pandemonium that followed. It is a moment forever etched on my mind, and, indeed, on the American cultural landscape.

Baseball fans love statistics, and when it comes to plain numbers there was none more impressive than the Hammer. 755 career home runs. 2,297 RBIs, including 11 seasons with more than 100. 6,856 total bases. 24 All-Star game appearances, two batting titles and four gold gloves. These are numbers that speak for themselves.

But Hank Aaron gave us so much more, as a ballplayer and as a man. In this age of skyrocketing salaries and off-the-field soap operas, Hank Aaron provides all of us with a benchmark of professionalism and a shining example for our children of what success is all about.

Later on in the evening of April 8, 1974, Aaron told reporters the record-breaking homer wouldn't have meant as much if the Braves hadn't won the game. What humility. Thanks, Hank: your feat meant so much more to the American people because of the way you accomplished it.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind the Members not to introduce occupants of the gallery.

The question is on the motion offered by the gentleman from Georgia (Mr. CHAMBLISS) that the House suspend the rules and agree to the resolution, House Resolution 279, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

☐ 2130

DISCRETIONARY SPENDING OFFSETS ACT FOR FISCAL YEAR 2000

Mr. LEWIS of Kentucky. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3085) to provide discretionary spending offsets for fiscal year 2000, as amended.

The Clerk read as follows:

H.R. 3085

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Discretionary Spending Offsets Act for Fiscal Year 2000".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—OFFSETS FOR DISCRETIONARY SPENDING

Subtitle A—Agriculture

PART I—FOOD SAFETY INSPECTION AND ENFORCEMENT FEES

Sec. 111. Fees for inspection of poultry and poultry products and related activities.
Sec. 112. Fees for inspection of livestock, meat, and meat products and related activities.
Sec. 113. Fees for inspection of egg products and related activities.
Sec. 114. Conforming amendments.

PART II—ASSESSMENTS UNDER TOBACCO PROGRAM

Sec. 121. Extension and increase in tobacco assessment.

PART III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE COST-SHARE FEES

Sec. 131. Biotechnology testing permit user fees regarding plant pests.
Sec. 132. Biotechnology testing permit user fees regarding plants.
Sec. 133. Fees for license and registration services under Animal Welfare Act.

PART IV—GRAIN INSPECTION, PACKERS, AND STOCKYARD ADMINISTRATION LICENSING FEE

Sec. 141. Grain standardization fees.
Sec. 142. Packers and stockyard licensing fee.

PART V—FOREST SERVICE FEES

Sec. 151. Timber sales preparation user fee.
Sec. 152. Fees for commercial filming.
Sec. 153. Timber and special forest products.
Sec. 154. Forest service visitor facilities improvement demonstration program.
Sec. 155. Fair market value for recreation concessions.

Subtitle B—Commerce

PART I—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION NAVIGATION SERVICES FEES

Sec. 211. Navigation services fees.

PART II—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION FISHERIES MANAGEMENT FEES

Sec. 221. Fisheries management fees.

PART III—ANALOG TELEVISION SERVICE SIGNAL LEASE FEE

Sec. 231. Analog television service signal lease fee.

Subtitle C—Education and Labor

PART I—NATIONAL DIRECTORY OF NEW HIRES

Sec. 311. Matching against NDNH with respect to defaulted loans and overpayments of grants under the Higher Education Act of 1965.

PART II—RECALL OF FEDERAL RESERVES HELD BY GUARANTY AGENCIES

Sec. 321. Recall of reserves in fiscal years 2000 through 2004.

PART III—EMPLOYER TAX CREDIT USER FEES

Sec. 331. Work opportunity credit and welfare-to-work credit user fees.

Subtitle D—Natural Resource, Energy, and Environment

PART I—NUCLEAR REGULATORY COMMISSION USER FEES AND ANNUAL CHARGES

Sec. 411. Nuclear Regulatory Commission user fees and annual charges.

PART II—FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT FEES

Sec. 421. Federal Insecticide, Fungicide, and Rodenticide Act fees.
Sec. 422. Conforming amendment.

PART III—TOXIC SUBSTANCES CONTROL ACT FEES

Sec. 431. Toxic Substances Control Act fees.

Subtitle E—Revenue

PART I—REINSTATE SUPERFUND TAXES

Sec. 511. Extension of Hazardous Substance Superfund taxes.

PART II—TOBACCO EXCISE TAXES

Sec. 521. Increase in excise taxes on tobacco products.
Sec. 522. Modification of deposit requirement.

PART III—CUSTOMS ACCESS FEE

Sec. 531. Customs access fee.

PART IV—CUSTOMS AIR AND SEA PASSENGER PROCESSING FEE AMENDMENTS

Sec. 541. Customs passenger and cargo fee.

PART V—HARBOR SERVICES USER FEE

Sec. 551. Harbor services fee.
Sec. 552. Harbor services fund.
Sec. 553. Conforming amendments.
Sec. 554. Definitions.
Sec. 555. Effective date.

Subtitle F—Human Services

PART I—TEMPORARY ASSISTANCE FOR NEEDY FAMILIES AMENDMENTS

Sec. 611. FY 2000 State TANF supplemental grant limited to amount of grant for FY 1999.

PART II—TEMPORARY ASSISTANCE FOR NEEDY FAMILIES CONTINGENCY FUND

Sec. 621. Deposits into fund.
Sec. 622. State eligibility for grants; elimination of extra month of eligibility.
Sec. 623. Annual reconciliation.
Sec. 624. Effective date.

Subtitle G—Health Care

PART I—MEDICARE SAVERS

Sec. 711. References in part.
Sec. 712. Reduction of clinical diagnostic laboratory test cap from 74 percent to 72 percent.
Sec. 713. Establishment of national limit on payments for prosthetics and orthotics.
Sec. 714. Reduction in payment for bad debts.
Sec. 715. PPS hospital payment update for fiscal year 2000.
Sec. 716. No markup for covered drugs; elimination of overpayments for epogen.
Sec. 717. Partial hospitalization services.
Sec. 718. Information requirements.
Sec. 719. Centers of excellence.
Sec. 719A. Effect of enactment.

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Sec. 721. Short title.
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Sec. 726. Fees to support costs of food and color additive petitions.
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Sec. 728. Amendments relating to food additive petition review process.
Sec. 728A. Amendments relating to color additive petition review process.

SUBPART C—FOOD CONTACT SUBSTANCE NOTIFICATION FEES

Sec. 729. Short title.
Sec. 729A. Fees relating to food contact substance notifications.
Sec. 729B. Amendment relating to food contact substance notification process.

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PART I—FOOD SAFETY INSPECTION AND ENFORCEMENT FEES

SEC. 111. FEES FOR INSPECTION OF POULTRY AND POULTRY PRODUCTS AND RELATED ACTIVITIES.

(a) USER FEES AUTHORIZED.—Section 25 of the Poultry Products Inspection Act (21 U.S.C. 468) is amended to read as follows:

"SEC. 25. FEES FOR INSPECTION OF POULTRY AND POULTRY PRODUCTS AND RELATED ACTIVITIES.

"(a) IMPOSITION AND COLLECTION OF FEES.—Except as provided in subsection (e), the Secretary shall charge and collect fees in a fair and equitable manner to cover all costs (including the costs of providing inspection services to establishments and of conducting enforcement actions) incurred by the Secretary and the inspection service to administer this Act.

"(b) COLLECTION OF FEES.—Fees imposed under subsection (a), as well as late payment penalties and interest with respect to the fees, shall be collected by the Secretary and deposited in a special fund in the Treasury of the United States.

"(c) AVAILABILITY AND USE OF FUNDS.—Amounts in the special fund established under subsection (b) are available to the Secretary for obligation only to the extent and in the amount provided in advance in appropriation Acts. Amounts so appropriated shall remain available to the Secretary until expended to pay for the costs of activities for which a fee is imposed under subsection (a).

"(d) SECURITY.—The Secretary may require a person that is assessed a fee under subsection (a) to provide security to ensure that the Secretary receives the fees imposed under such subsection from the person.

"(e) FEE EXCEPTION FOR CERTAIN ACTIVITIES.—Subsection (a) shall not apply to the costs associated with cooperating with State agencies and other Federal agencies in accordance with section 5 and the costs of the Safe Meat and Poultry Inspection Panel incurred under section 30.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 26 of the Poultry Products Inspection Act (21 U.S.C. 469) is amended to read as follows:

"SEC. 26. AUTHORIZATION OF APPROPRIATIONS.

"There are hereby authorized to be appropriated such sums as may be necessary to carry out sections 5 and 30.".

(c) ANNUAL REPORT.—Section 27 of the Poultry Products Inspection Act (21 U.S.C. 470) is amended to read as follows:

"SEC. 27. ANNUAL REPORT.

"The Secretary shall annually report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate with respect to the following:

"(1) The slaughter of poultry subject to this Act.

"(2) The preparation, storage, handling, and distribution of poultry parts and poultry products.

"(3) The inspection of establishments operated in connection with the activities specified in paragraphs (1) and (2).

"(4) Fee setting activities authorized under section 25.

"(5) The operations under and the effectiveness of this Act.".

SEC. 112. FEES FOR INSPECTION OF LIVESTOCK, MEAT, AND MEAT PRODUCTS AND RELATED ACTIVITIES.

(a) User Fees Authorized.—Section 411 of the Federal Meat Inspection Act (21 U.S.C. 680) is amended to read as follows:

"SEC. 411. FEES FOR INSPECTION OF LIVESTOCK, MEAT, AND MEAT PRODUCTS AND RELATED ACTIVITIES.

"(a) Imposition and Collection of Fees.—Except as provided in subsection (e), the Secretary shall charge and collect fees in a fair and equitable manner to cover all costs (including the costs of providing inspection services to establishments and of conducting enforcement actions) incurred by the Secretary to administer this Act and section 17 of the Wholesome Meat Act (21 U.S.C. 691).

"(b) Collection of Fees.—Fees imposed under subsection (a), as well as late payment penalties and interest with respect to the fees, shall be collected by the Secretary and deposited in a special fund in the Treasury of the United States.

"(c) Availability and Use of Funds.—Amounts in the special fund established under subsection (b) are available to the Secretary for obligation only to the extent and in the amount provided in advance in appropriation Acts. Amounts so appropriated shall remain available to the Secretary until expended to pay for the costs of activities for which a fee is imposed under subsection (a).

"(d) Security.—The Secretary may require a person that is assessed a fee under subsection (a) to provide security to ensure that the Secretary receives the fees imposed under such subsection from the person.

"(e) Fee Exception for Certain Activities.—Subsection (a) shall not apply to the costs associated with cooperating with State agencies and other Federal agencies in accordance with section 301 and the costs of the Safe Meat and Poultry Inspection Panel established under section 410.".

(b) Authorization of Appropriations.—The Federal Meat Inspection Act (21 U.S.C. 601 et seq.) is amended—

(1) in section 410 (21 U.S.C. 679a), by striking subsection (i); and

(2) by inserting after section 411 (21 U.S.C. 680) the following new section:

"SEC. 412. AUTHORIZATION OF APPROPRIATIONS.

"There are hereby authorized to be appropriated such sums as may be necessary to carry out sections 301 and 410.".

(c) Annual Report.—Section 17 of the Wholesome Meat Act (21 U.S.C. 691) is amended to read as follows:

"SEC. 17. ANNUAL REPORT.

"The Secretary of Agriculture shall annually report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate with respect to the following:

"(1) The slaughter of animals subject to the Federal Meat Inspection Act (21 U.S.C. 601 et seq.).

"(2) The preparation, storage, handling, and distribution of carcasses, parts thereof, and meat and meat food products of such animals.

"(3) The inspection of establishments operated in connection with the activities specified in paragraphs (1) and (2).

"(4) Fee setting activities authorized under section 411 of the Federal Meat Inspection Act.

"(5) The operations under and the effectiveness of the Federal Meat Inspection Act.".

SEC. 113. FEES FOR INSPECTION OF EGG PRODUCTS AND RELATED ACTIVITIES.

(a) User Fees Authorized.—Section 24 of the Egg Products Inspection Act (21 U.S.C. 1053) is amended to read as follows:

"SEC. 24. FEES FOR INSPECTION OF EGG PRODUCTS AND RELATED ACTIVITIES.

"(a) Imposition and Collection of Fees.—Except as provided in subsection (e), the Secretary shall charge and collect fees in a fair and equitable manner to cover all costs (including the costs of providing inspection services to establishments and of conducting enforcement actions) incurred by the Secretary to administer this Act

"(b) Collection of Fees.—Fees imposed under subsection (a), as well as late payment penalties and interest with respect to the fees, shall be collected by the Secretary and deposited in a special fund in the Treasury of the United States.

"(c) Availability and Use of Funds.—Amounts in the special fund established under subsection (b) are available to the Secretary for obligation only to the extent and in the amount provided in advance in appropriation Acts. Amounts so appropriated shall remain available to the Secretary until expended to pay for the costs of activities for which a fee is imposed under subsection (a).

"(d) Security.—The Secretary may require a person that is assessed a fee under subsection (a) to provide security to ensure that the Secretary receives the fees imposed under such subsection from the person.

"(e) Fee Exception for Certain Activities.—Subsection (a) shall not apply to the costs associated with the shell egg surveillance program and the costs of cooperating with appropriate State agencies and other governmental agencies in accordance with section 9.".

(b) Authorization of Appropriations.—Section 27 of the Egg Products Inspection Act (21 U.S.C. 1055), to read as follows:

"SEC. 27. AUTHORIZATION OF APPROPRIATIONS.

"Except for the costs of activities supported by fees collected pursuant to section 24, there are authorized to be appropriated such sums as may be necessary to carry out this Act.".

(c) Annual Report.—Section 26 of the Egg Products Inspection Act (21 U.S.C. 1054) is amended—

(1) in paragraph (1), by striking "; and" and inserting a semicolon;

(2) in paragraph (2), by striking the period and inserting "; and"; and

(3) by inserting at the end the following new paragraph:

"(3) the fee setting activities authorized under section 24.".

SEC. 114. CONFORMING AMENDMENTS.

(a) Payment for Overtime Work.—The Act of July 24, 1919 (7 U.S.C. 394), is amended by striking ", and to accept from such establishments," and all that follows through "for such overtime work".

(b) Payments of Cost of Meat Inspection.—The Act of June 5, 1948 (21 U.S.C. 695), is repealed.

PART II—ASSESSMENTS UNDER TOBACCO PROGRAM

SEC. 121. EXTENSION AND INCREASE IN TOBACCO ASSESSMENT.

Section 106 of the Agricultural Act of 1949 (7 U.S.C. 1445) is amended by adding at the end the following new subsection:

"(h) Tobacco Marketing Assessment for 1999 and Subsequent Crops.—

"(1) Assessment required.—For each crop of tobacco beginning with the 1999 crop for which price support is made available under this Act, each producer and purchaser of the tobacco, and each importer of the same kind of tobacco, shall remit to the Commodity Credit Corporation a nonrefundable marketing assessment.

"(2) Determination of assessment rate.—Subject to paragraph (3), the Secretary shall announce the amount per pound due by crop for each kind of tobacco subject to the assessment. The assessment, to the maximum extent practicable, shall be established so that the total assessment per pound on each kind of tobacco shall be a standard percentage of the respective national average support level for such kind of tobacco.

"(3) Required collections.—The assessment required by this subsection shall be in such amount to produce, to the maximum extent practicable, a total annual collection estimated to be $60,000,000 in fiscal year 2000.

"(4) Allocation of assessment.—

"(A) Domestic producers.—In the case of domestically produced tobacco, the producer of the tobacco shall pay for each pound of tobacco the lesser of—

"(i) 25 percent of the per pound assessment amount as determined in paragraph (2); or

"(ii) 0.5 percent of the national support price for the tobacco.

"(B) Purchasers of domestically produced tobacco.—Purchasers of domestically produced tobacco shall pay the portion of the total assessment on a pound of tobacco which represents the difference between

"(i) the total per pound assessment as provided in paragraph (2); and

"(ii) the amount of such assessment to be paid by the domestic producer as provided in subparagraph (A).

"(C) Imported tobacco.—In the case of imported tobacco, the importer shall pay the full amount of the assessment on a pound of tobacco as provided in paragraph (2).

"(5) Collection of assessments.—Assessments imposed under this subsection, as well as late payment penalties and interest with respect to the assessments, shall be collected by the Secretary and deposited in a special fund in the Treasury of the United States.

"(6) Availability and use of funds.—Amounts in the special fund established under paragraph (5) are available to the Secretary for obligation only to the extent and in the amount provided in advance in appropriation Acts. Amounts so appropriated shall remain available to the Secretary until expended to reimburse the Department of Agriculture for costs incurred for administration and other activities in support of tobacco.

"(7) Relation to previous assessment authority.—Paragraphs (2) and (3) of subsection (g) shall apply to this subsection.".

PART III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE COST-SHARE FEES

SEC. 131. BIOTECHNOLOGY TESTING PERMIT USER FEES REGARDING PLANT PESTS.

The Federal Plant Pest Act (7 U.S.C. 150aa et seq.) is amended by adding at the end the following new section:

"SEC. 112. FEES FOR BIOTECHNOLOGY-RELATED SERVICES.

"(a) Fees Required.—The Secretary shall prescribe and collect to cover the costs of carrying out the provisions of this title that relate to the following:

"(1) The issuance of any biotechnology permit.

"(2) The acknowledgment of any biotechnology notification.

"(3) The review of any biotechnology petition.

"(4) The provision of any other biotechnology service, including the review of organisms and products created through biotechnology.

"(b) Exemptions.—The Secretary may exempt certain persons from paying fees prescribed under this section, including persons conducting research and development activities that receive State or Federal funds and have no commercial intent.

"(c) Liability.—Any person for whom an activity is performed pursuant to this title for which a charge is authorized shall be liable for payment of fees as prescribed by the Secretary.

"(d) Security.—The Secretary may require a person that is assessed a fee under subsection (a) to provide security to ensure that the Secretary receives the fees imposed under such subsection from the person.

"(e) Suspension of Service.—The Secretary may suspend performance of services to persons who have failed to pay fees, late payment fees, late payment penalties, or accrued interest incurred under this section.

"(f) Collection of Fees.—Fees imposed under subsection (a), as well as late payment penalties and interest with respect to the fees, shall be collected by the Secretary and deposited in a special fund in the Treasury of the United States.

"(g) Availability and Use of Funds.—Amounts in the special fund established under subsection (f) are available to the Secretary for obligation only to the extent and in the amount provided in advance in appropriation Acts. Amounts so appropriated shall remain available to the Secretary until expended to pay for the costs of activities for which a fee is imposed under subsection (a).

"(h) Definition of Person.—In this section, the term 'person' means an individual, corporation, partnership, trust, association, or any other public or private entity, except that the term does not include Federal entities, or any officer, employee, or agent of a Federal entity.".

SEC. 132. BIOTECHNOLOGY TESTING PERMIT USER FEES REGARDING PLANTS.

The Act of August 20, 1912 (commonly known as the Plant Quarantine Act) is amended by inserting after section 11 the following new section:

"SEC. 12. FEES FOR BIOTECHNOLOGY-RELATED SERVICES.

"(a) Fees Required.—The Secretary shall prescribe and collect to cover the costs of carrying out the provisions of this title that relate to the following:

"(1) The issuance of any biotechnology permit.

"(2) The acknowledgment of any biotechnology notification.

"(3) The review of any biotechnology petition.

"(4) The provision of any other biotechnology service, including the review of organisms and products created through biotechnology.

"(b) Exemptions.—The Secretary may exempt certain persons from paying fees prescribed under this section, including persons conducting research and development activities that receive State or Federal funds and have no commercial intent.

"(c) Liability.—Any person for whom an activity is performed pursuant to this title for which a charge is authorized shall be liable for payment of fees as prescribed by the Secretary.

"(d) Security.—The Secretary may require a person that is assessed a fee under subsection (a) to provide security to ensure that the Secretary receives the fees imposed under such subsection from the person.

"(e) Suspension of Service.—The Secretary may suspend performance of services to persons who have failed to pay fees, late payment fees, late payment penalties, or accrued interest incurred under this section.

"(f) Collection of Fees.—Fees imposed under subsection (a), as well as late payment penalties and interest with respect to the fees, shall be collected by the Secretary and deposited in a special fund in the Treasury of the United States.

"(g) Availability and Use of Funds.—Amounts in the special fund established under subsection (f) are available to the Secretary for obligation only to the extent and in the amount provided in advance in appropriation Acts. Amounts so appropriated shall remain available to the Secretary until expended to pay for the costs of activities for which a fee is imposed under subsection (a).

"(h) Definition of Person.—In this section, the term 'person' means an individual, corporation, partnership, trust, association, or any other public or private entity, except that the term does not include Federal entities, or any officer, employee, or agent of a Federal entity.".

SEC. 133. FEES FOR LICENSE AND REGISTRATION SERVICES UNDER ANIMAL WELFARE ACT.

Section 23 of the Animal Welfare Act (7 U.S.C. 2153) is amended to read as follows:

"SEC. 23. FUNDS FOR ADMINISTRATION OF ACT.

"(a) Imposition and Collection of Fees.—Except as provided in subsection (b), the Secretary shall prescribe, adjust, and collect fees to cover the costs incurred by the Secretary for activities related to the following:

"(1) The review and maintenance of licenses and registrations issued under this Act.

"(2) The review of applications for a license or registration under this Act.

"(b) Exceptions.—The Secretary shall exempt Federal entities from any fee prescribed under subsection (a).

"(c) Security.—The Secretary may require a person that is assessed a fee under this section to provide security to ensure that the Secretary receives fees authorized under this section from such person.

"(d) Collection of Fees.—Fees imposed under subsection (a), as well as late payment penalties and interest with respect to the fees, shall be collected by the Secretary and deposited in a special fund in the Treasury of the United States.

"(e) Availability and Use of Funds.—Amounts in the special fund established under subsection (d) are available to the Secretary for obligation only to the extent and in the amount provided in advance in appropriation Acts. Amounts so appropriated shall remain available to the Secretary until expended to pay for the costs of activities for which a fee is imposed under subsection (a).

"(f) Authorization of Appropriations.—Except for the costs of activities supported by fees prescribed under subsection (a), there are authorized to be appropriated such sums as may be necessary to carry out this Act.".

PART IV—GRAIN INSPECTION, PACKERS, AND STOCKYARD ADMINISTRATION LICENSING FEE

SEC. 141. GRAIN STANDARDIZATION FEES.

(a) Fees for Standardization Activities.—Section 16(i) of the United States Grain Standards Act (7 U.S.C. 87e(i)) is amended—

(1) in paragraph (2)—

(A) by striking "standardization" and inserting "compliance activities, methods development,"; and

(B) by adding at the end the following new sentence: "Under such regulations as the Secretary may prescribe, fees for standardization activities shall, to the extent practicable, be collected from persons who benefit from such activities, including first purchasers, processors, and grain warehouseman."; and

(2) by adding at the end the following new paragraph:

"(4) In paragraph (2):

"(A) The term 'first purchaser' means any person buying or otherwise acquiring from a producer grain that was produced by that producer.

"(B) The term 'producer' means any person engaged in the growing of grain in the United States who has an ownership interest and a risk of loss regarding the grain.".

(b) Conforming Amendments.—The United States Grain Standards Act (7 U.S.C. 71 et seq.) is amended—

(1) in section 7D (7 U.S.C. 79d), by striking "standardization" and inserting "methods development"; and

(2) in section 19 (7 U.S.C. 87h), by striking "standardization" and inserting "methods development".

SEC. 142. PACKERS AND STOCKYARD LICENSING FEE.

(a) In General.—The Packers and Stockyards Act, 1921, is amended—

(1) by redesignating sections 414 and 415 (7 U.S.C. 228c and 229) as sections 416 and 417, respectively; and

(2) by inserting after section 413 (7 U.S.C. 228b–4) the following new sections:

"SEC. 414. LICENSES AND FEES.

"(a) License Requirement.—No person shall at any time be engaged in the business of a packer, live poultry dealer, stockyard owner, market agency, or dealer without a valid and effective license issued in accordance with this section and section 415.

"(b) Application for a License.—Any person desiring a license required by subsection (a) shall submit an application to the Secretary, consistent with such rules as the Secretary may prescribe.

"(c) License Fees.—

"(1) Establishment.—The Secretary shall establish a fee for the issuance of licenses required by subsection (a). Upon the filing of the application for the license, and annually thereafter so long as the license is in effect, the applicant shall pay the license fee.

"(2) Rate.—The amount of the fee shall be established at a rate sufficient so that the total amount collected in a fiscal year covers all costs incurred by the Department of Agriculture to administer this Act.

"(3) Security.—The Secretary may require a person that is assessed a fee under this subsection to provide security to ensure that the Secretary receives the fees required from the person.

"(d) Collection of Fees.—Fees imposed under subsection (c), as well as late payment penalties and interest with respect to the fees, shall be collected by the Secretary and deposited in a special fund in the Treasury of the United States.

"(e) Availability and Use of Funds.—Amounts in the special fund established under subsection (d) are available to the Secretary for obligation only to the extent and in the amount provided in advance in appropriation Acts. Amounts so appropriated shall remain available to the Secretary until expended to carry out this Act.

"(f) Violations.—

"(1) Penalties.—Any person who violates any provision of this section shall be liable for a penalty of not more than $1,000 for each such offense and not more than $250 for each day it continues, which shall accrue to the United States and may be recovered in a civil suit brought by the United States.

"(2) Settlement.—The Secretary may permit a person to settle such person's liability in the matter by the payment of fees due for the period covered by such violation and an additional sum as a late payment penalty, not in excess of $250, to be fixed by the Secretary, upon a showing satisfactory to the Secretary, that such violation was not willful but was due to inadvertence.

"SEC. 415. TERMS OF LICENSE.

"(a) Rights of Licensee.—Whenever an applicant has paid the prescribed fee under section 414, the Secretary, except as provided elsewhere in this Act, shall issue to such applicant a license, which shall entitle the licensee to do business unless and until the license is terminated or suspended by the Secretary in accordance with the provisions of this Act.

"(b) Automatic Termination of License.—

"(1) Failure to pay renewal fee.—Except as provided in subparagraph (B), a license issued under subsection (a) shall automatically terminate on the anniversary date of the issuance of the license if the annual fee is unpaid by the anniversary date.

"(2) Exception.—A licensee may obtain a renewal of the license at any time within 30 days after the anniversary date of the license by paying an additional late payment fee as determined by the Secretary.

"(3) Notification.—Notice of the necessity of paying the annual fee shall be mailed to the licensee at least 30 days before the anniversary date of the license.

"(c) Denial of Application for a License.—The Secretary shall refuse to issue a license to an applicant if the Secretary finds that the applicant is a person who—

"(1) has a license currently under suspension;

"(2) fails to meet the requirements for licensing as set forth in the Act and regulations prescribed by the Secretary; or

"(3) is found, after opportunity for hearing, to be unfit to engage in the activity for which application has been made because the applicant has engaged in any practice of the character prohibited by this Act.".

(b) Conforming Amendments.—

(1) Packers and stockyards act.—Section 303 of the Packers and Stockyards Act, 1921 (7 U.S.C. 203), is amended by striking "he has registered with the Secretary," and all that follows through the end of the section and inserting "the person has a valid license as provided in sections 414 and 415.".

(2) Department of agriculture appropriation act, 1944.—The eleventh paragraph under the heading "MARKETING SERVICE" in the Department of Agriculture Appropriation Act, 1944 (7 U.S.C. 204), is amended—

(A) by striking "registrant" the first time it appears and inserting "market agency or dealer"; and

(B) striking "such registrant" and inserting "the license of such market agency or dealer".

PART V—FOREST SERVICE FEES

SEC. 151. TIMBER SALES PREPARATION USER FEE.

Section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a) is amended by adding at the end the following new subsection:

"(j) Timber Sale Preparation User Fee.—

"(1) Fee required.—The Secretary of Agriculture shall implement a pilot program to charge and collect fees, at the time of the timber contract award, to cover the direct costs to the Department of Agriculture of timber sale preparation and harvest administration, including timber design, layout, and marking.

"(2) Certain costs and sales excluded.—Paragraph (1) shall not apply to timber sale preparation and harvest administration costs related to the following:

"(A) An environmental analysis under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(B) Stewardship activities, including activities under section 347 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (as contained in section 101(e) of division A of Public Law 105–277; 16 U.S.C. 2104 note).

"(C) Timber sales when the Secretary determines that the fee would adversely affect the marketability of the timber sale, or the ability of a small business concern (as defined in the Small Business Act (15 U.S.C. 631 et seq.)) to bid competitively on the timber sale.

"(3) Collection of fees.—Fees imposed under this section (c) shall be collected by the Secretary and deposited in a special fund in the Treasury of the United States.

"(4) Availability and Use of Funds.—Amounts in the special fund established under paragraph (3) are available to the Secretary for obligation only to the extent and in the amount provided in advance in appropriation Acts. Amounts so appropriated shall remain available to the Secretary until expended to pay for the activities referred to in paragraph (1).

"(5) Term.—The authority to collect fees under this subsection shall terminate on September 30, 2007.".

SEC. 152. FEES FOR COMMERCIAL FILMING.

(a) Definition of Commercial Filming.—In this section, the term "commercial filming" means the making of any motion picture, television production, soundtrack, still photography, or similar project for commercial purposes.

(b) Collection and Use of Funds.—

(1) In general.—Rental fees paid to the Secretary of Agriculture for special use authorizations issued under the eleventh paragraph under the heading "SURVEYING THE PUBLIC LANDS" in the Act of June 4, 1897 (16 U.S.C. 551), and issued under part 251, subpart B of title 36, Code of Federal Regulations, for commercial filming on National Forest System lands shall be deposited into a special account in the Treasury of the United States.

(2) Authority to use funds.—Funds deposited in the Treasury in accordance with paragraph (1) shall be available for expenditure by the Secretary of Agriculture, without further appropriation and until expended, for the administration and management of special uses on National Forest System lands.

SEC. 153. TIMBER AND SPECIAL FOREST PRODUCTS.

Section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a) is amended by inserting after subsection (j), as added by section 151, the following new subsection:

"(k) Fair Market Value for Special Forest Products.—

"(1) Definition of special forest product.—In this subsection, the term 'special forest product' means any vegetation or other life form, such as mushrooms and fungi, that grows on National Forest System lands, as provided in regulations issued under this subsection by the Secretary of Agriculture.

"(2) Fees required.—The Secretary of Agriculture shall charge and collect fees in an amount determined to be appropriate by the Secretary in regulations based on not less than the fair market value for special forest products harvested or collected on National Forest System lands and the costs, as appropriate, to the Department of Agriculture associated with granting, modifying, or monitoring the authorization for harvest or collection of these products. The Secretary shall establish appraisal methods and bidding procedures to ensure that the amounts collected for special forest products are not less than fair market value.

"(3) Waiver.—The Secretary may waive the application of paragraph (2) pursuant to such regulations as the Secretary may prescribe, such as waivers for harvest and collection for personal use, for religious purposes, pursuant to treaty rights, or for other specified uses.

"(4) Collection of fees.—Fees collected under this subsection shall be deposited into a special account in the Treasury of the United States.

"(5) Authority to use funds.—Funds deposited in the special account in the Treasury in accordance with paragraph (4) in excess of the amount collected for special forest products during fiscal year 1999 shall be available for expenditure by the Secretary of Agriculture on and after October 1, 1999, without further appropriation and until expended, to pay for the costs of conducting inventories of special forest products, granting, modifying, or monitoring the authorization for harvest or collection of the special forest products, including the costs of any environmental or other analysis, monitoring and assessing the impacts of harvest levels and methods, and for restoration activities, including any necessary revegetation.

"(6) Treatment of fees.—Amounts collected under this subsection shall not be taken into account for the purposes of the following laws:

"(A) The sixth paragraph under the heading 'FOREST SERVICE' in the Act of May 23, 1908 (16 U.S.C. 500) and section 13 of the Act of March 1, 1911 (commonly known as the Weeks Act; 16 U.S.C. 500).

"(B) The fourteenth paragraph under the heading 'FOREST SERVICE' in the Act of March 4, 1913 (16 U.S.C. 501).

"(C) Section 33 of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1012).

"(D) The Act of August 8, 1937, and the Act of May 24, 1939 (43 U.S.C. 1181a et seq.).

"(E) Section 6 of the Act of June 14, 1926 (commonly known as the Recreation and Public Purposes Act; 43 U.S.C. 869–4).

"(F) Chapter 69 of title 31, United States Code.

"(G) Section 401 of the Act of June 15, 1935 (16 U.S.C. 715s).

"(H) Section 4 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6a).

"(I) Any other provision of law relating to revenue allocation.

"(7) Security.—The Secretary may require a person that is assessed a fee under this subsection to provide security to ensure that the Secretary receives fees authorized under this subsection from such person.".

SEC. 154. FOREST SERVICE VISITOR FACILITIES IMPROVEMENT DEMONSTRATION PROGRAM.

The Act of April 24, 1950 (commonly known as the Granger-Thye Act) is amended by inserting after section 7 (16 U.S.C. 580d) the following new section:

"SEC. 7A. FOREST SERVICE VISITOR FACILITIES IMPROVEMENT DEMONSTRATION PROGRAM.

"(a) Definition of Concessionaire.—In this section, the term 'concessionaire' means an individual, corporation, partnership, public agency, or nonprofit group.

"(b) Demonstration Program Required.—The Secretary of Agriculture (in this section referred to as the 'Secretary') shall implement a public/private venture demonstration program to evaluate the feasibility of utilizing non-Federal funds to construct, rehabilitate, maintain, and operate federally owned visitor facilities (including resorts, campgrounds, and marinas) on National Forest System lands and to conduct the requisite environmental analysis associated with those activities. The demonstration program shall include not more than 15 projects.

"(c) Authorized Projects.—In accordance with the applicable land and resource management plans, the Secretary shall authorize concessionaires to construct, maintain, and operate new federally owned visitor facilities and rehabilitate, maintain, and operate existing federally owned visitor facilities on National Forest System lands. Title to the authorized improvements attributable to the concessionaire's capital investment shall be vested in the United States. The Secretary shall provide for competition in the selection of any concessionaire under this section to ensure the highest quality visitor services consistent with the best financial return to the Government. Standard business practices will be used to determine minimum fees that reflect fair market value.

"(d) Term of Authorization and Depreciation.—

"(1) Term.—The term of each authorized project under the demonstration program shall be based on the Secretary's estimate of the time needed to allow the concessionaire to depreciate its capital investment, except that in no event shall the term of authorization exceed 35 years. Any term exceeding 20 years shall require Regional Forester approval.

"(2) Purchase of value.—Any authorization issued under this section shall provide for the purchase by the Secretary or a succeeding concessionaire of any value in the authorized improvements attributable to the original concessionaire's capital investment that is not fully depreciated—

"(A) upon termination of the authorization; or

"(B) upon revocation of the authorization for reasons in the public interest.

"(3) Exception.—The Secretary shall not be obligated to purchase any value in an authorized improvement if the authorization is revoked for any reason other than the public interest.

"(4) Determination of value.—The value of an authorized improvement shall be the amount reported to the Internal Revenue Service that reflects the depreciation of the concessionaire's investment in the authorized improvement. This amount shall reflect all cumulative depreciation taken by the concessionaire during the term of the authorization.

"(e) Disposal of Existing Facilities.—Notwithstanding any other provision of law, the Secretary is authorized to sell at fair market value existing federally owned visitor facilities on National Forest System lands to a concessionaire authorized under this section, if the Secretary determines sale of the facilities is in the best interest of the Federal Government and if the concessionaire agrees that any construction, renovation, or improvement of such facilities will be consistent with applicable land and resource management plans and Federal and State laws. The fair market value of the Federal improvements shall be determined by an appraisal conducted by an independent third party approved by the agency and paid for by the concessionaire.

"(f) Concession Fees and Facility Sales Proceeds.—

"(1) Amount.—The Secretary shall charge and collect concession fees established by bid as a percentage of the concessionaire's gross revenue from authorized activities associated with the bid.

"(2) Collection and use of funds.—Funds collected in accordance with this subsection shall be deposited as follows—

"(A) not less than 60 percent of the amounts collected, as determined by the Secretary, into a special account in the Treasury of the United States which shall be available for expenditure by the Secretary on the unit of the National Forest System in which the fees were collected; and

"(B) the balance of the amounts collected, not distributed in accordance with subparagraph (A), into a special account in the Treasury of the United States which shall be available for expenditure by the Secretary on an agencywide basis.

"(3) Authority to use funds.—Funds deposited pursuant to paragraph (2) shall be available without further appropriation and until expended for the purpose of increased concession opportunities, enhanced visitor services, including infrastructure at nonfee recreation facilities, facilities maintenance, project and program monitoring, environmental analysis, and environmental restoration.

"(g) Bonding.—Five years before the termination of an authorization issued under this section, the Secretary shall require bonding from the concessionaire to ensure that federally owned facilities are in satisfactory condition for future use by the Federal Government or a successor concessionaire.

"(h) Report to Congress.—Within four years after the date of the enactment of this section, the Secretary shall submit a report to Congress evaluating the demonstration program and providing recommendations for permanent authority to undertake a public/private venture program.

"(i) Expiration of Authority.—All activities under this section shall expire not later than the end of fiscal year 2031, except that the authority to issue new authorizations under this section shall expire at the end of fiscal year 2001.

"(j) Relation to Other Laws.—

"(1) Treatment of amounts collected.—Amounts collected under this section shall not be taken into account for the purposes of the following laws:

"(A) The sixth paragraph under the heading 'FOREST SERVICE' in the Act of May 23, 1908 (16 U.S.C. 500) and section 13 of the Act of March 1, 1911 (commonly known as the Weeks Act; 16 U.S.C. 500).

"(B) The fourteenth paragraph under the heading 'FOREST SERVICE' in the Act of March 4, 1913 (16 U.S.C. 501).

"(C) Section 33 of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1012).

"(D) The Act of August 8, 1937, and the Act of May 24, 1939 (43 U.S.C. 1181a et seq.).

"(E) Section 6 of the Act of June 14, 1926 (commonly known as the Recreation and Public Purposes Act; 43 U.S.C. 869-4).

"(F) Chapter 69 of title 31, United States Code.

"(G) Section 401 of the Act of June 15, 1935 (16 U.S.C. 715s).

"(H) Section 4 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-6a).

"(I) Any other provision of law relating to revenue allocation.

"(2) Exemption.—Activities under this section shall qualify for exemption from the Service Contract Act of 1965 (41 U.S.C. 351-358) under the authority of section 4.133(b) of title 29, Code of Federal Regulations.".

SEC. 155. FAIR MARKET VALUE FOR RECREATION CONCESSIONS.

(a) Definition of Recreation Concession.—In this section, the term "recreation concession" means the privilege of operating a business, other than a ski area, for the provision of recreation services, facilities, or activities on National Forest System lands and waters.

(b) Fee Required.—The Secretary of Agriculture shall charge and collect fees for recreation concessions based on the fair market value of the privileges authorized.

(c) Waiver.—The Secretary of Agriculture may waive the application of subsection (b) pursuant to such regulations as the Secretary may prescribe.

(d) Collection and Use of Funds.—

(1) In general.—Fees collected under this section shall be deposited into a special account in the Treasury of the United States.

(2) Authority to use funds.—Funds deposited in the Treasury in accordance with paragraph (1) in excess of the amount collected for recreation concessions during fiscal year 1999 shall be available for expenditure by the Secretary of Agriculture, without further appropriation and until expended, for the purpose of increased concession opportunities, enhanced visitor services, including infrastructure at nonfee recreation facilities, facilities maintenance, project and program monitoring, interpretive programs, environmental analysis, environmental restoration, and permit administration.

Subtitle B—Commerce

PART I—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION NAVIGATION SERVICES FEES

SEC. 211. NAVIGATION SERVICES FEES.

(a) In General.—Beginning in fiscal year 2000 and each year thereafter, the Secretary of Commerce shall establish and adjust by regulation user fees for any navigation services provided to commercial marine operators.

(b) Publication of Schedule.—The fees established under subsection (a) shall be implemented by publication of an initial fee schedule as an interim final rule in the Federal Register not later than 150 days after the date of enactment of this section. No fee shall be collected until 30 days after the date of such publication.

(c) Subject to Appropriations Acts.—Fees authorized under this section shall be available for obligation only to the extent and the amount provided in advance in appropriations Acts.

(d) Authorization of Appropriations.—Not to exceed $14,000,000 of offsetting collections from such user fees that are collected in a fiscal year are authorized to be appropriated, to remain available until expended, for necessary expenses associated with navigation services provided to commercial marine operators. Any fees collected in excess of such amount during any fiscal year are authorized to be appropriated for the same purposes in the next succeeding fiscal year.

PART II—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION FISHERIES MANAGEMENT FEES

SEC. 221. FISHERIES MANAGEMENT FEES.

(a) In General.—Beginning in fiscal year 2000 and each fiscal year thereafter, the Secretary of Commerce shall establish and adjust by regulation user fees associated with the United States fishing industry.

(b) Consultation; Publication of Schedule.—The fees established under subsection (a) shall be established after consultation with the Congress and representatives of the fishing industry. The fees shall be implemented by publication of an initial fee schedule as an interim final rule in the Federal Register not later than 150 days after the date of enactment of this section. No fees shall be collected until 30 days after the date of such publication.

(c) Subject to Appropriations Acts.—Fees authorized under this section shall be available for obligation only to the extent and the amount provided in advance in appropriations Acts.

(d) Authorization of Appropriations.—Not to exceed $20,000,000 of offsetting collections from such user fees that are collected in a fiscal year are authorized to be appropriated, to remain available until expended, for management and enforcement costs associated with domestic fisheries. Any fees collected in excess of such amount during any fiscal year are authorized to be appropriated for the same purposes in the next succeeding fiscal year.

PART III—ANALOG TELEVISION SERVICE SIGNAL LEASE FEE

SEC. 231. ANALOG TELEVISION SERVICE SIGNAL LEASE FEE.

The Communications Act of 1934 is amended by inserting after section 9 (47 U.S.C. 159) the following new section:

"SEC. 9A. FEES FOR ANALOG TELEVISION LICENSES.

"(a) In General.—Beginning in fiscal year 2000 and thereafter, the Commission may assess and collect lease fees for each fiscal year for the use of a license for analog television service by commercial television broadcasters based on rates established by the Commission. The fees shall be used for upgrading Federal, State, and local public safety wireless communications equipment and facilities. For fiscal year 2000, the aggregate amount of such fees shall be not less than $200,000,000.

"(b) Timing.—Payment of all fees for a fiscal year is due to the Commission no later than September 30 of such fiscal year.

"(c) Rates.—The Commission shall develop rates that reasonably can be expected to result in collection of the aggregate fee amount provided for fiscal year 2000 pursuant to subsection (d) and shall establish and apportion the fee for commercial broadcasters based upon the population covered by a broadcaster's signal, as determined by the Grade B contour as defined in section 76.683(a) of the Commission's regulations (47 CFR 73.683(a)). The rates so established and apportioned for fiscal year 2000 shall remain in effect for subsequent fiscal years until all licenses for analog television service have been returned.

"(d) Collection and Deposit.—Fees authorized by this section shall be available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Any fees collected shall be deposited as offsetting receipts in a separate account in the Treasury, and are authorized to be appropriated to remain available until expended.

"(e) Return of analog television license.—A licensee that returns its license for analog television service to the Commission pursuant to section 309 before the first day of the fiscal year for which the fee is due shall not be required to pay the fee for such fiscal year. Fees on licenses for analog television service returned or surrendered after the first day of the fiscal year for which the fee is due shall be prorated.

"(f) Adjustment.—The Commission may waive, reduce, or defer payment of a fee in any specific instance for good cause shown, where such action would promote the public interest.

"(7) Penalty for late payment.—The Commission shall prescribe by regulation an additional charge which shall be assessed as a penalty for late payment of fees. Such penalty shall be 25 percent of the amount of the fee which was not paid in a timely manner.".

Subtitle C—Education and Labor

PART I—NATIONAL DIRECTORY OF NEW HIRES

SEC. 311. MATCHING AGAINST NDNH WITH RESPECT TO DEFAULTED LOANS AND OVERPAYMENTS OF GRANTS UNDER THE HIGHER EDUCATION ACT OF 1965.

(a) Amendment to Higher Education Act of 1965.—Part G of title IV of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) is amended by inserting after section 488A (20 U.S.C. 1095a) the following new section:

"SEC. 488B. DATA MATCHING WITH RESPECT TO DEFAULTED LOANS AND OVERPAYMENTS OF GRANTS UNDER THIS TITLE.

"(a) Authority To Match Debtor Information With National Directory of New Hires.—The Secretary shall furnish to the Secretary of Health and Human Services, on a quarterly basis or at such less frequent intervals as may be determined by the Secretary, information in the custody of the Secretary for comparison with information in the National Directory of New Hires established under section 453(i) of the Social Security Act, in order to obtain the information in such directory with respect to individuals who—

"(1) are borrowers of loans made under this title that are in default; or

"(2) owe an obligation to refund an overpayment of a grant awarded under this title.

"(b) Requirement To Seek Minimum Information Necessary.—The Secretary shall seek information from the National Directory of New Hires pursuant to this section only to the extent essential to improving collection of the debt described in subsection (a).

"(c) Use of Information Obtained in Data Matches.—The Secretary may use information resulting from a data match pursuant to this section only—

"(1) for the purpose of collection of the debt described in subsection (a) owed by an individual whose annualized wage level (determined by taking into consideration information from the National Directory of New Hires) exceeds $16,000; and

"(2) after removal of personal identifiers, to conduct analyses of student loan defaults.

"(d) Disclosure of Information Obtained in Data Matches.—

"(1) Disclosures permitted.—The Secretary may disclose information resulting from a data match pursuant to this section only to—

"(A) a guaranty agency holding a loan made under part B on which the individual is obligated;

"(B) a contractor or agent of the guaranty agency described in subparagraph (A);

"(C) a contractor or agent of the Secretary; and

"(D) the Attorney General.

"(2) Purpose of disclosure.—The Secretary may make a disclosure under paragraph (1) only for the purpose of collection of the debts owed on defaulted student loans, or overpayments of grants, made under this title.

"(3) Restriction of redisclosure.—An entity to which information is disclosed under paragraph (1) may use or disclose such information only as needed for the purpose of collecting on defaulted student loans, or overpayments of grants, made under this title.

"(4) Penalties for misuse.—The use or disclosure of such information by an officer or employee of the United States, a guaranty agency, or a contractor or agent in violation of this section shall be subject to the civil remedies and criminal penalties set forth in section 552a(i) of title 5, United States Code.

"(e) Payment of Costs of Data Matches.—

"(1) Reimbursement of HHS costs.—The Secretary shall reimburse the Secretary of Health and Human Services, in accordance with section 453(k)(3) of the Social Security Act, for the additional costs incurred by the Secretary of Health and Human Services in furnishing the information requested under this section.

"(2) Fees charged to guaranty agencies.—The Secretary may impose fees on guaranty agencies for information disclosed in accordance with subsection (d), based on the reasonable costs to the Secretary of obtaining such information through data matches under this section. Amounts derived from such fees shall be available for payment to the Secretary of Health and Human Services pursuant to paragraph (1). Fees authorized under this paragraph shall be available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Such fees are authorized to be appropriated to remain available until expended.".

(b) Amendments to Social Security Act.—

(1) Matching and disclosure authority.—Section 453(j) of the Social Security Act (42 U.S.C. 653(j)) is amended by adding at the end the following new paragraph:

"(6) Information comparisons and disclosure for enforcement of obligations on higher education act loans and grants.—

"(A) In general.—The Secretary, in cooperation with the Secretary of Education, shall compare information in the National Directory of New Hires with information in the custody of the Secretary of Education, and disclose information in that Directory to the Secretary of Education, in accordance with section 488B of the Higher Education Act of 1965, for the purposes specified in such section.

"(B) Condition on disclosure.—The Secretary shall make disclosures in accordance with subparagraph (A) only to the extent that the Secretary determines that such disclosures do not interfere with the effective operation of the program under this part. Support collection under section 466(b) shall be given priority over collection of any defaulted student loan or grant overpayment against the same income.".

(2) Penalty for misuse of information.—Section 402(a) of the Child Support Performance and Incentive Act of 1998 (112 Stat. 669) is amended in the matter added by paragraph (2) by inserting "or any other person" after "officer or employee of the United States".

(c) Effective Date.—The amendments made by this section shall take effect on October 1, 1999.

PART II—RECALL OF FEDERAL RESERVES HELD BY GUARANTY AGENCIES

SEC. 321. RECALL OF RESERVES IN FISCAL YEARS 2000 THROUGH 2004.

(a) Secretary Required To Recall Reserves.—Section 422 of the Higher Education

Act of 1965 (20 U.S.C. 1072) is amended by adding at the end thereof the following new subsection:

"(j) Recall of Reserves in Fiscal Years 2000 Through 2004.—

"(1) Recall required.—

"(A) Amounts required.—Notwithstanding any other provision of law, the Secretary shall, except as otherwise provided in this subsection and in addition to the recalls required under subsections (h) and (i), recall from the Federal Student Loan Reserve Funds held by guaranty agencies under section 422A not less than—

"(i) $788,000,000 in fiscal year 2000;

"(ii) $234,000,000 in fiscal year 2001;

"(iii) $262,000,000 in fiscal year 2002;

"(iv) $159,000,000 in fiscal year 2003; and

"(v) $65,000,000 in fiscal year 2004.

"(B) Deposit.—Funds returned to the Secretary under this subsection shall be deposited in the Treasury.

"(2) Apportionments of recalls.—

"(A) In general.—Except as provided in subparagraph (B), for each of the fiscal years 2000 through 2004, the Secretary shall require each guaranty agency to return reserve funds under subparagraph (A) based on its proportionate share, as determined by the Secretary, of all reserve funds held by guaranty agencies in the Federal Student Loan Reserve Funds as of September 30 of the fiscal year preceding each such fiscal year.

"(B) Limitations on recalls.—(i) If a guaranty agency has not returned to the Secretary its share of reserve funds for a fiscal year in which reserves are to be recalled under paragraph (1)(A) by September 1 of that fiscal year and the total amount recalled for that fiscal year is less than the amount the Secretary is required to recall under that paragraph in that fiscal year, the Secretary shall require the return of the amount of the shortage from other Federal Student Loan Reserve Funds held by any or all guaranty agencies under section 422A under procedures established by the Secretary.

"(ii) The Secretary shall first attempt to obtain the amount of such shortage from each guaranty agency that failed to return the agency's required share to the Secretary in accordance with this subsection.

"(3) Administrative authority.—

"(A) In general.—The Secretary may take such reasonable measures, and require such information, as may be necessary to ensure that guaranty agencies comply with the requirements of this subsection.

"(B) Withholding of other funds.—If the Secretary determines that a guaranty agency has failed to transfer to the Secretary any portion of the agency's required share under this subsection, the agency may not receive any other funds under this part until the Secretary determines that the agency has so transferred the agency's required share.

"(C) Waiver.—The Secretary may waive the requirements of subparagraph (B) if the Secretary determines that there are extenuating circumstances beyond the control of the guaranty agency that justify such waiver.

"(4) Definition.—For purposes of this subsection, the term 'reserve funds' has the meaning given in subsection (h)(8)(B).".

(b) Conforming Amendments.—Section 422A(f) of the Higher Education Act of 1965 (20 U.S.C. 1072a(f)) is amended—

(1) in the fourth sentence of paragraph (1), by striking "subsections (h) and (i)" and inserting "subsections (h), (i), and (j)";

(2) in the first sentence of paragraph (3)—

(A) by striking "the fourth year" and inserting "the sixth year"; and

(B) by striking "not later than 5 years" and inserting "not later than 7 years";

(3) by striking paragraphs (6) and (8); and

(4) by redesignating paragraph (7) as paragraph (6).

(c) Additional Savings.—

(1) Payments for default claims.—Section 428(c) of the Higher Education Act of 1965 (20 U.S.C. 1078(c)) is amended—

(A) in the heading thereof, by striking "Reimbursing Losses.—" and inserting "Paying Lender Default Claims.—";

(B) in paragraph (1)(A)—

(i) in the first sentence thereof, by striking "reimburse" and inserting "pay";

(ii) by striking "reimbursement" each place it appears and inserting "payment"; and

(iii) in the fifth sentence thereof, by striking "within 45 days" through the end of such sentence and inserting "at such time as may be specified by the Secretary.";

(C) in paragraph (1)(B)—

(i) in clause (i)—

(I) by striking "reimbursement payments" and inserting "payments"; and

(II) by striking "paid as reimbursement" and inserting "paid"; and

(ii) in clause (ii)—

(I) by striking "reimbursement payments" and inserting "payments"; and

(II) by striking "paid as reimbursement" and inserting "paid";

(D) in paragraph (1)(D), by striking "Reimbursements of losses made by the Secretary" and inserting "Payments made by the Secretary under this subsection";

(E) in paragraph (1)(G), by striking "reimbursement";

(F) in paragraph (2)(G), by striking "reimbursement" each place it appears and inserting "payment";

(G) in paragraph (9)—

(i) in the heading thereof, by striking "RESERVE LEVEL.—" and inserting "ADMINISTRATIVE AND FINANCIAL CONDITION.—";

(ii) by striking subparagraph (A);

(iii) in subparagraph (C)—

(I) by striking clause (i);

(II) in clause (ii), by striking "reimbursement payments" and inserting "default claim payments under paragraph (1)"; and

(III) by redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively; and

(iv) by redesignating subparagraphs (B) through (K) as subparagraphs (A) through (J), respectively; and

(H) by adding at the end thereof the following new paragraph:

"(10) Notwithstanding any provision of the Fair Debt Collection Practices Act, a nonprofit guaranty agency shall not be subject to the requirements of that Act to the extent that it is carrying out due diligence activities required by the Secretary.".

(2) Conforming amendments.—

(A) Section 428C(a)(2) (20 U.S.C. 1078–3(a)(2)) is amended by striking "reimbursements" and inserting "payments".

(B) Section 428F(a) (20 U.S.C. 1078–6(a)) is amended—

(i) in paragraph (1)(B)(ii)(I), by striking "reimburse" and inserting "pay"; and

(ii) in paragraph (2), by striking "reimbursement" and inserting "payment".

(C) Section 428I(e) (20 U.S.C. 1078–9(e)) is amended by striking "reimbursements" and inserting "payments".

(D) Section 432(c)(1)(A)(ii) (20 U.S.C. 1082(c)(1)(A)(ii) is amended by striking "defaults reimbursed" and inserting "default claims paid".

(E) Section 438(b)(2)(B) (20 U.S.C. 1087–1(b)(2)(B)) is amended—

(i) in clause (i), by striking "reimbursements" and inserting "claim payments"; and

(ii) in clause (iv), by striking "reimbursements" and inserting "claim payments".

(F) Section 488A(a) (20 U.S.C. 1095a(a)) is amended, in the matter preceding paragraph (1) by striking "reimbursement" and inserting "payment".

(c) Flexible Agreements.—Section 428A(a)(3) of the Higher Education Act of 1965 (20 U.S.C. 1072a(a)(3)) is amended to read as follows:

"(3) Eligibility.—Beginning in fiscal year 1999, the Secretary may enter into a voluntary, flexible agreement with any guaranty agency that had one or more agreements with the Secretary under subsections (b) and (c) of section 428 as of the day before the date of enactment of the Higher Education Amendments of 1998.".

PART III—EMPLOYER TAX CREDIT USER FEES

SEC. 331. WORK OPPORTUNITY CREDIT AND WELFARE-TO-WORK CREDIT USER FEES.

(a) Establishment.—Subject to subsection (e), the Secretary of Labor is authorized to impose a fee on employers submitting applications for certification of individuals as members of target groups under section 51(d)(12) of the Internal Revenue Code of 1986 (26 U.S.C. 51(d)(12)) and categories of long-term family assistance recipients under section 51A(d)(1) of such Code (26 U.S.C. 51A(d)(1)), relating to the Work Opportunity Credit and the Welfare-to-Work Credit, respectively. The fees imposed under this section shall not be paid, directly or indirectly, by the individual who is the subject of the certification.

(b) Amount of Fee.—The amount of the fee imposed under this section shall be determined by the Secretary of Labor based on the Secretary's estimate of the amounts needed to fully fund the costs of administering the requirements relating to the certification of individuals under sections 51 and 51A of the Internal Revenue Code of 1986 (26 U.S.C. 51 and 51A). The Secretary of Labor shall establish a fee for employers with fewer than 100 employees at an amount that is less than the fee established for employers with 100 or more employees.

(c) Collection and Deposit.—The fees imposed under this section shall be collected by the Secretary of Labor through the designated local agency specified in section 51(d)(11) of the Internal Revenue Code of 1986 (26 U.S.C. 51(d)(11)) and deposited as offsetting receipts in the State Unemployment Insurance and Employment Service Operations account of the Treasury of the United States.

(d) Use of Funds.—The funds deposited pursuant to subsection (c) shall be available to the Secretary of Labor to pay the costs of administering the requirements relating to the certification of individuals under sections 51 and 51A of the Internal Revenue Code of 1986 (26 U.S.C. 51 and 51A). The Secretary of Labor shall allocate the funds among the States based on the relative workload of the States in processing the certifications.

(e) Appropriations Action Required.—The fees authorized under this section shall be available for obligation only to the extent and in the amount provided in advance in appropriations acts. The fees are authorized to be appropriated to remain available until expended.

Subtitle D—Natural Resource, Energy, and Environment

PART I—NUCLEAR REGULATORY COMMISSION USER FEES AND ANNUAL CHARGES

SEC. 411. NUCLEAR REGULATORY COMMISSION USER FEES AND ANNUAL CHARGES.

Section 6101(a)(3) of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 2214(a)(3)) is amended by striking "September 30, 1998" and inserting "September 30, 2004".

PART II—FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT FEES

SEC. 421. FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT FEES.

Section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a) is amended by adding at the end thereof the following new subsection:

"(i) FEES.—

"(1) Subject to paragraph (4), the Administrator is authorized to assess fees from applicants for registrations and amendments to registrations under this section and experimental use permits under section 5 effective October 1, 1999.

"(2) Such fees shall be reasonably calculated to cover costs associated with the review of such applications, and shall be paid at the time of application, unless otherwise specified by the Administrator. If any fee is not paid by the time prescribed, the Administrator may, by order and without a hearing, deny the application. The Administrator may reduce or waive any fee that would otherwise be assessed—

"(A) in connection with an application for an active ingredient that is contained only in pesticides for which registration is sought solely for agricultural or nonagricultural minor uses; or

"(B) in such other instances as the Administrator determines to be in the public interest.

"(3) Fees collected under this subsection shall be deposited in a special fund for environmental services in the United States Treasury.

"(4) Fees authorized under this subsection shall be available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Such fees are authorized to be appropriated to remain available until expended, to carry out the Agency's activities under sections 3 and 5 for which the fees were collected.".

SEC. 422. CONFORMING AMENDMENT.

Section 4(i) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136b(i)) is amended—

(1) by striking paragraph (6); and

(2) by renumbering paragraph (7) as paragraph (6).

PART III—TOXIC SUBSTANCES CONTROL ACT FEES

SEC. 431. TOXIC SUBSTANCES CONTROL ACT FEES.

Section 26(b) of the Toxic Substances Control Act (15 U.S.C. 2625(b)) is amended as follows:

(1) Paragraph (1) is amended to read as follows:

"(b) FEES.—The Administrator is authorized, by rule, to collect a reasonable fee from any person required to submit data under section 4 or 5 to defray the cost of administering this Act. In setting a fee under this paragraph the Administrator shall take into account the ability to pay of the person required to submit the data and the cost to the Administrator of reviewing such data. Such rules may provide for sharing such a fee in any case in which the expenses of testing are shared under section 4 or 5.".

(2) By adding at the end thereof the following 2 paragraphs:

"(3) Fees collected under this subsection shall be deposited in a special fund for environmental services in the United States Treasury.

"(4) Fees authorized under this subsection shall be available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Such fees are authorized to be appropriated to remain available until expended, to carry out the Agency's activities under sections 4 and 5 for which the fees were collected.".

Subtitle E—Revenue

PART I—REINSTATE SUPERFUND TAXES

SEC. 511. EXTENSION OF HAZARDOUS SUBSTANCE SUPERFUND TAXES.

(a) EXTENSION OF TAXES.—

(1) ENVIRONMENTAL TAX.—Section 59A(e) of the Internal Revenue Code of 1986 is amended to read as follows:

"(e) APPLICATION OF TAX.—The tax imposed by this section shall apply to—

"(1) taxable years beginning after December 31, 1986, and before January 1, 1996, and

"(2) taxable years beginning after December 31, 1998, and before January 1, 2010."

(2) EXCISE TAXES.—Section 4611(e) of such Code is amended to read as follows:

"(e) APPLICATION OF HAZARDOUS SUBSTANCE SUPERFUND FINANCING RATE.—The Hazardous Substance Superfund financing rate under this section shall apply—

"(1) after December 31, 1986, and before January 1, 1996, and

"(2) after the date of the enactment of this paragraph and before October 1, 2009."

(b) EFFECTIVE DATES.—

(1) INCOME TAX.—The amendment made by subsection (a)(1) shall apply to taxable years beginning after December 31, 1998.

(2) EXCISE TAX.—The amendment made by subsection (a)(2) shall take effect on the date of the enactment of this Act.

PART II—TOBACCO EXCISE TAXES

SEC. 521. INCREASE IN EXCISE TAXES ON TOBACCO PRODUCTS.

(a) IN GENERAL.—Section 5701 of the Internal Revenue Code of 1986 (relating to rate of tax on tobacco products), as amended by the Balanced Budget Act of 1997, is amended to read as follows:

"SEC. 5701. RATE OF TAX.

"(a) CIGARS.—On cigars, manufactured in or imported into the United States, there shall be imposed the following taxes:

"(1) SMALL CIGARS.—On cigars, weighing not more than 3 pounds per thousand, $4.406 per thousand.

"(2) LARGE CIGARS.—On cigars weighing more than 3 pounds per thousand, a tax equal to 49.99 percent of the price for which sold but not more than $98.75 per thousand.

Cigars not exempt from tax under this chapter which are removed but not intended for sale shall be taxed at the same rate as similar cigars removed for sale.

"(b) CIGARETTES.—On cigarettes, manufactured in or imported into the United States, there shall be imposed the following taxes:

"(1) SMALL CIGARETTES.—On cigarettes, weighing not more than 3 pounds per thousand, $47.00 per thousand.

"(2) LARGE CIGARETTES.—On cigarettes, weighing more than 3 pounds per thousand, $98.70 per thousand.

Cigarettes described in paragraph (2), if more than 6½ inches in length, shall be taxable at the rate under paragraph (1) by treating each 2¾ inches (or fraction thereof) of the length of each as 1 cigarette.

"(c) CIGARETTE PAPERS.—On cigarette papers, manufactured in or imported into the United States, there shall be imposed a tax of 2.9 cents for each 50 papers or fractional part thereof; except that cigarette papers which measure more than 6½ inches in length shall be taxable at the rate prescribed by treating each 2¾ inches (or fraction thereof) of the length of each as 1 cigarette paper.

"(d) CIGARETTE TUBES.—On cigarette tubes, manufactured in or imported into the United States, there shall be imposed a tax of 5.9 cents for each 50 tubes or fractional part thereof; except that cigarette tubes which measure more than 6½ inches in length shall be taxable at the rate prescribed by treating each 2¾ inches (or fraction thereof) of the length of each as 1 cigarette tube.

"(e) SMOKELESS TOBACCO.—

"(1) SNUFF.—On snuff, manufactured in or imported into the United States, there shall be imposed a tax of $1.41 per pound (and a proportionate tax at the like rate on all fractional parts of a pound).

"(2) CHEWING TOBACCO.—On chewing tobacco, manufactured in or imported into the United States, there shall be imposed a tax of 47 cents (and a proportionate tax at the like rate on all fractional parts of a pound).

"(f) PIPE TOBACCO.—On pipe tobacco, manufactured in or imported into the United States, there shall be imposed a tax of $2.64 per pound (and a proportionate tax at the like rate on all fractional parts of a pound).

"(g) ROLL-YOUR-OWN TOBACCO.—On roll-your-own tobacco, manufactured in or imported into the United States, there shall be imposed a tax $2.64 per pound (and a proportionate tax at the like rate on all fractional parts of a pound).

"(h) IMPORTED TOBACCO PRODUCTS AND CIGARETTE PAPERS AND TUBES.—The taxes imposed by this section on tobacco products and cigarette papers and tubes imported into the United States shall be in addition to any import duties imposed on such articles, unless such import duties are imposed in lieu of internal revenue tax.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1999.

(c) FLOOR STOCKS TAXES.—

(1) IMPOSITION OF TAX.—On tobacco products and cigarette papers and tubes manufactured in or imported into the United States which are removed before October 1, 1999, and held on such date for sale by any person, there is hereby imposed a tax in an amount equal to the excess of—

(A) the tax which would be imposed under section 5701 of the Internal Revenue Code of 1986 on the article if the article had been removed on such date, over

(B) the prior tax (if any) imposed under section 5701 of such Code on such article.

(2) AUTHORITY TO EXEMPT CIGARETTES HELD IN VENDING MACHINES.—To the extent provided in regulations prescribed by the Secretary, no tax shall be imposed by paragraph (1) on cigarettes held for retail sale on October, 1, 1999, by any person in any vending machine. If the Secretary provides such a benefit with respect to any person, the Secretary may reduce the $500 amount in paragraph (3) with respect to such person.

(3) CREDIT AGAINST TAX.—Each person shall be allowed as a credit against the taxes imposed by paragraph (1) an amount equal to $500. Such credit shall not exceed the amount of taxes imposed by paragraph (1) for which such person is liable.

(4) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(A) LIABILITY FOR TAX.—A person holding cigarettes on October, 1, 1999, to which any tax imposed by paragraph (1) applies shall be liable for such tax.

(B) METHOD OF PAYMENT.—The tax imposed by paragraph (1) shall be paid in such manner as the Secretary shall prescribe by regulations.

(C) TIME FOR PAYMENT.—The tax imposed by paragraph (1) shall be paid on or before April 1, 2000.

(5) ARTICLES IN FOREIGN TRADE ZONES.—Notwithstanding the Act of June 18, 1934 (48 Stat. 998, 19 U.S.C. 81a) and any other provision of law, any article which is located in a foreign trade zone on October 1, 1999, shall be subject to the tax imposed by paragraph (1) if—

(A) internal revenue taxes have been determined, or customs duties liquidated, with respect to such article before such date pursuant to a request made under the 1st proviso of section 3(a) of such Act, or

(B) such article is held on such date under the supervision of a customs officer pursuant to the 2d proviso of such section 3(a).

(6) DEFINITIONS.—For purposes of this subsection—

(A) IN GENERAL.—Terms used in this subsection which are also used in section 5702 of the Internal Revenue Code of 1986 shall have the respective meanings such terms have in such section, as amended by this Act.

(B) SECRETARY.—The term "Secretary" means the Secretary of the Treasury or the Secretary's delegate.

(7) CONTROLLED GROUPS.—Rules similar to the rules of section 5061(e)(3) of such Code shall apply for purposes of this subsection.

(8) OTHER LAWS APPLICABLE.—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 5701 of such Code shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply to the floor stocks taxes imposed by paragraph (1), to the same extent as if such taxes were imposed by such section 5701. The Secretary may treat any person who bore the ultimate burden of the tax imposed by paragraph (1) as the person to whom a credit or refund under such provisions may be allowed or made.

SEC. 522. MODIFICATION OF DEPOSIT REQUIREMENT.

(a) IN GENERAL.—Paragraph (1) of section 6302(f) of the Internal Revenue Code of 1986 is amended by adding at the end the following new sentence: "This paragraph shall not apply to 1999 with respect to taxes imposed by chapters 51 and 52."

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

PART III—CUSTOMS ACCESS FEE

SEC. 531. CUSTOMS ACCESS FEE.

(a) CUSTOMS ACCESS FEE.—Section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c) is amended as follows:

(1) Subsection (a) is amended by adding at the end the following new paragraph:

"(11)(A) For the use of any automated system of the Customs Service for processing commercial operations, the Secretary of the Treasury shall assess a fee based on the volume of usage of the system.

"(B) The Secretary shall publish in the Federal Register a notice establishing the fee under this paragraph to ensure collection in each fiscal year of the amount appropriated for that fiscal year for the cost of modernizing automated commercial operations of the Customs Service and of deploying the International Trade Data System.".

(2) Subsection (b) is amended by adding at the end the following new paragraph:

"(12) No fee may be charged to a Federal agency under subsection (a)(11).".

(3) Subsection (d) is amended by adding at the end the following new paragraph:

"(5) The Customs Service shall issue bills on a monthly basis for the fee charged under subsection (a)(11).".

(4) Subsection (f)(1) is amended by adding at the end the following:

"The fees authorized under subsection (a)(11) shall be available for obligation only to the extent and in the amount provided in advance in appropriations Acts for the costs of modernizing the automated commercial operations of the Customs Service and of deploying the International Trade Data System. The fees authorized under subsection (a)(11) shall be adjusted accordingly and are authorized to remain available until expended.".

(b) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 1999.

PART IV—CUSTOMS AIR AND SEA PASSENGER PROCESSING FEE AMENDMENTS

SEC. 541. CUSTOMS PASSENGER AND CARGO FEE.

Section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C.58c) is amended as follows:

(1) Subsection (a)(5) is amended to read as follows:

"(5)(A) For the arrival of each passenger aboard a commercial vessel from a place referred to in subsection (b)(1)(A)(i), $1.75.

"(B) Subject to subsection (f)(5), for the arrival of each passenger aboard a commercial vessel or commercial aircraft from a place outside the United States, $6.40, except that—

"(i) the exemptions under clauses (i) and (iv) of subsection (b)(1)(A) shall not apply; and

"(ii) the exemption under clause (iii) of subsection (b)(1)(A) shall not apply, except to the arrival of a ferry which began operating on or before January 1, 1999.".

(2) Subsection (b)(1) is amended—

(A) in subparagraph (A), in the matter preceding clause (i), by striking "(a)(5)(B)" and inserting "(a)(5)"; and

(B) by striking subparagraph (C).

(3) Subsection (f) is amended—

(A) in paragraph (3)—

(i) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (C), (D), and (E), respectively;

(ii) by inserting after subparagraph (A) the following:

"(B) Notwithstanding subparagraph (A) and subject to paragraph (5), the Secretary of the Treasury is authorized to reimburse directly from the fees collected under paragraph (5)(B) of subsection (a), the Customs 'Salaries and Expenses' appropriation for the costs incurred by the Secretary for inspectional services, to the following extent:

"(i) Each fee ($6.40) collected pursuant to paragraph (5)(B) of subsection (a) for services in connection with the arrival of each passenger exempt, before the enactment of the Discretionary Spending Offsets Act for Fiscal Year 2000, from paying a fee under clause (i), (iii), or (iv) of subsection (b)(1)(A), except for the arrival of any passenger on a ferry which began operating on or before January 1, 1999.

"(ii) $1.40 of each fee collected pursuant to paragraph (5)(B) of subsection (a) for services in connection with the arrival of all other passengers."; and

(iii) by striking the last sentence of subparagraph (A); and

(B) by amending paragraph (5) to read as follows:

"(5) Of the fees charged under paragraph (5)(B) of subsection (a), the amount specified under paragraph (3)(B) of this subsection for reimbursement shall be available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Such fees shall apply to documents or tickets issued on or after the 30th day following the enactment of the applicable appropriations Act. Such fees are authorized to remain available until expended.".

PART V—HARBOR SERVICES USER FEE

SEC. 551. HARBOR SERVICES FEE.

(a) IN GENERAL.—The Secretary of the Army, acting through the Chief of Engineers, shall impose a fee on the owners or operators of commercial vessels for services provided for the use of ports.

(b) AMOUNT OF FEE.—

(1) INDIVIDUAL FEES.—The amount of the fee imposed under subsection (a) shall be based on vessel category and vessel capacity unit in accordance with the following:

(A) Bulkers, $0.12 per vessel capacity unit.

(B) Tankers, $0.28 per vessel capacity unit.

(C) General cargo vessels, $2.74 per vessel capacity unit.

(D) Cruise vessels, $0.12 per vessel capacity unit.

(2) TOTAL FEES.—The aggregate amount of fees imposed under subsection (a) in any fiscal year shall be sufficient to pay the projected total expenditures of the Department of the Army, subject to appropriations, for harbor development, operation, and maintenance for a fiscal year. If amounts appropriated in any fiscal year are less than the amount collected in fees for the prior fiscal year, then the rate of the fee for each vessel category shall be reduced in the year of the appropriation so as to result in collections not exceeding the total amount appropriated from the Harbor Services Fund for that fiscal year.

(c) IMPOSITION OF FEES.—Fees imposed under subsection (a) shall be imposed on a voyage basis for commercial vessels and shall be payable by the operator of a commercial vessel upon the first port use by a vessel entering a United States port from a foreign port or at the originating port for domestic voyages.

(d) AVAILABILITY OF FEES.—Fees imposed under subsection (a) in any fiscal year shall be available for obligation in the following fiscal year only to the extent and in the amount provided in advance in the appropriations Act for such fiscal year. Such fees are authorized to be appropriated to remain available until expended.

(e) EXEMPTIONS.—No fee shall be imposed under subsection (a) for port use—

(1) by the United States or any agency or instrumentality of the United States;

(2) in connection with intraport movements;

(3) in connection with transporting commercial cargo from the United States mainland to Alaska, Hawaii, or any possession of the United States;

(4) in connection with transporting commercial cargo from Alaska, Hawaii, or any possession of the United States to the United States mainland, Alaska, Hawaii, or such possession for ultimate use or consumption in the United States mainland, Alaska, Hawaii, or such a possession;

(5) in connection with transporting commercial cargo within Alaska, Hawaii, or a possession of the United States; or

(6) in connection with transporting passengers on vessels, documented under the laws of the United States, operating solely within the States of Alaska or Hawaii and adjacent international waters.

(f) REGULATIONS OF THE SECRETARY OF THE TREASURY.—The Secretary of the Treasury shall be responsible for prescribing regulations—

(1) providing for the manner and method of payment and collection of the fees imposed under this section;

(2) providing for the posting of bonds to secure payment of such fees; and

(3) exempting any transaction or class of transactions from such fees where the collection of such fees is not administratively practical.

(g) REGULATIONS OF THE SECRETARY OF THE ARMY.—The Secretary of the Army shall be responsible for prescribing regulations—

(1) providing for the remittance or mitigation of penalties and the settlement or compromise of claims with respect to fees imposed under this section;

(2) providing for a period review of amounts collected under this section to ensure that the fees charged fairly approximate the cost of services provided to commercial vessels for port use;

(3) providing for the prospective adjustment of the rate of the fees imposed under this section for any one or more of the bulker, tanker, or cruise vessel categories by up to $0.05, or, in the case of the general cargo vessel category, by up to $0.25, as necessary to fairly approximate the cost of services provided to commercial vessels in each vessel category; and

(4) such other regulations as may be necessary to carry out the purposes of this part.

SEC. 552. HARBOR SERVICES FUND.

(a) ESTABLISHMENT.—There is hereby established in the Treasury of the United States a Harbor Services Fund (hereinafter in this section referred to as "the Fund") into which shall be deposited as offsetting receipts all fees collected under section 551 and to which shall be transferred balances in the Harbor Maintenance Trust Fund established under section 9505 of the Internal Revenue Code of 1986 (26 U.S.C. 9505).

(b) PURPOSES.—

(1) IN GENERAL.— Subject to subsection (c), amounts in the Fund may be made available for each fiscal year to pay—

(A) 100 percent of the eligible harbor development costs;

(B) 100 percent of the eligible operations and maintenance costs assigned to commercial navigation of all ports within the United States; and

(C) 100 percent of the eligible costs of maintaining the Federal dredging capability for the Nation.

(2) ADDITIONAL PURPOSES.—In addition to the purposes set forth in paragraph (1) of this subsection, an amount of up to $100,000,000 per fiscal year is authorized to be appropriated from the Fund for dredging of berthing areas and construction and maintenance of bulkheads associated with a federally authorized project and for all or a portion of the non-Federal share of project costs of an eligible non-Federal interest participating in the construction, operating, or maintenance of a federally authorized project.

(c) EXPENDITURES FROM HARBOR SERVICES FUND.—

(1) IN GENERAL.— Except as provided in paragraph (2), amounts in the Fund shall be available, as provided in advance in appropriation Acts, to carry out subsection (b) and for the payment of expenses incurred in administering the fee imposed by section 551. Such amounts are authorized to be appropriated to remain available until expended.

(2) ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION.—From the balances transferred to the Harbor Services Fund pursuant to subsection (a), such sums as may be necessary are hereby reserved to implement legislation to be enacted to establish the Saint Lawrence Seaway Development Corporation as a Performance Based Organization.

SEC. 553. CONFORMING AMENDMENTS.

(a) WATER RESOURCES DEVELOPMENT ACT OF 1986.—Upon enactment of an appropriation Act for fiscal year 2000 authorizing the collection of fees pursuant to section 551(d), section 210 of the Water Resources Development Act of 1986 (33 U.S.C. 2238) shall no longer have effect.

(b) INTERNAL REVENUE CODE OF 1986.—Upon enactment of an appropriation Act for fiscal year 2000 authorizing the collection of fees pursuant to section 551(d), sections 4461 and 4462 of the Internal Revenue Code of 1986 (26 U.S.C. 4461, 4462) shall no longer have effect.

SEC. 554. DEFINITIONS.

In this part:

(1) The term "bulker" means a waterborne vessel designed to transport dry bulk cargo, including self-propelled vessels and nonself-propelled vessels.

(2) The term "commercial cargo" means any cargo transported on a commercial vessel, except that the term does not include bunker fuel, ship's stores, sea stores, or equipment necessary to the operation of a vessel, or fish or other aquatic animal life caught and not previously landed on shore, and for purposes of paragraphs (3), (4), and (5) of section 551(d), such term shall not include crude oil with respect to Alaska.

(3) The term "commercial vessel" means any vessel in excess of 3,000 gross registered tons used in transporting cargo or passengers by water for compensation or hire, or in transporting cargo by water in the business of the owner, lessee, or operator of the vessel, exceppt that such term shall not include any ferry engaged primarily in the ferrying of passengers (including their vehicles) between points within the United States, or between the United States and contiguous countries.

(4) The term "eligible harbor development costs" means the Federal share of the costs associated with construction of the general navigation features at a harbor or inland harbor within the United States.

(5) The term "eligible non-Federal interest" means a non-Federal interest for a federally authorized navigation project at a port where the average amount of the harbor service fee collected over 3 consecutive fiscal years exceeds the average Federal expenditures from the Harbor Services Fund at that port during the same consecutive fiscal years by $10,000,000.

(6) The term "ferry" means any vessel which arrives in United States on a regular schedule during its operating season at intervals of at least once each business day.

(7) The term "general cargo vessel" means a waterborne vessel designed to transport general cargo.

(12) The term "cruise vessel" means a waterborne vessel designed to transport fare paying, berthed passengers.

(8) The term "port" means any channel or harbor (or component thereof) in the United States which is not an inland waterway and which is open to public navigation, except that such term shall not include any channel or harbor with respect to which no Federal funds have been used since 1989 for construction, operation, or maintenance, or which was deauthorized by Federal law before 1997 or to any channel or harbor where commercial vessels cannot loan or unload cargo or passengers.

(9) The term "port use" means the use of a channel by a commercial vessel for entering and exiting a port for commercial purposes.

(10) The term "tanker" means a waterborne vessel designed to transport liquid bulk cargo, including self-propelled vessels and nonself-propelled vessels.

(11) The term "United States mainland" means the contiguous 48 States.

(12) The term 'vessel capacity unit" means the unit measure of vessel capacity represented by net tonnage, or, in the case of containerships or cruise vessels, gross tonnage.

SEC. 555. EFFECTIVE DATE.

The fees imposed under section 551(a) shall take effect on October 1, 1999.

Subtitle F—Human Services

PART I—TEMPORARY ASSISTANCE FOR NEEDY FAMILIES AMENDMENTS

SEC. 611. FY 2000 STATE TANF SUPPLEMENTAL GRANT LIMITED TO AMOUNT OF GRANT FOR FY 1999.

(a) IN GENERAL.—Section 403(a)(3) of the Social Security Act (42 U.S.C. 603(a)(3)) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking "and" at the end;

(B) in clause (ii)—

(i) by striking "each of fiscal years 1999, 2000, 2001" and inserting "fiscal year 1999"; and

(ii) by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

"(iii) for fiscal year 2000, a grant in an amount equal to the amount of the grant to the State under clause (ii) for fiscal year 1999; and

"(iv) for fiscal year 2001, a grant in the amount that would be determined pursuant to clause (ii) if the grant for fiscal year 2000 had been determined pursuant to former clause (ii) (as in effect during fiscal year 1999)."; and

(2) in subparagraph (B), by striking "subparagraph (A)(ii)" and inserting "clause (ii), (iii), or (iv) of subparagraph (A)".

PART II—TEMPORARY ASSISTANCE FOR NEEDY FAMILIES CONTINGENCY FUND

SEC. 621. DEPOSITS INTO FUND.

Section 403(b)(2) of the Social Security Act (42 U.S.C. 603(b)(2)) is amended by striking "in a total amount not to exceed $2,000,000,000".

SEC. 622. STATE ELIGIBILITY FOR GRANTS; ELIMINATION OF EXTRA MONTH OF ELIGIBILITY.

Section 403(b)94) of the Social Security Act (42 U.S.C. 603(b)(4) is amended by striking "in the 2-month period that begins with any month for which" and inserting "in which".

SEC. 623. ANNUAL RECONCILIATION.

(a) REVISION OF REMITTANCE ADJUSTMENT FORMULA FACTOR BASED ON NUMBER OF MONTHS STATE WAS A NEEDY STATE.—Section 403(b)(6)(A)(ii)(III) of the Social Security Act (42 U.S.C. 603(b)(6)(A)(ii)(III)) is amended by striking "1/12 times the number of months" and inserting "if the State was a needy State for less than 6 months in the fiscal year, 1/6 times the number of months".

(b) REPEAL OF ADJUSTMENT OF STATE REMITTANCES FOR FISCAL YEARS 2000 AND 2001

Enacted in Adoption and Safe Families Act of 1997.—Section 403(b)(6)(C)(ii) of such Act (42 U.S.C. 603(b)(6)(C)(ii)) is amended—

(1) in subclause (I), by adding "and" at the end;

(2) in subclause (II), by striking the semicolon and inserting a period; and

(3) by striking subclauses (III) and (IV).

(c) State With Substantial Unobligated Grants Required to Return All Contingency Fund Grants.—Section 403(b)(6) of such Act (42 U.S.C. 603(b)(6)) is amended—

(1) in subparagraph (A), in the matter preceding clause (i), by inserting "the amount specified in subparagraph (D), if applicable, and otherwise" after "is not a needy State"; and

(2) by adding at the end the following:

"(D) Full repayment required if state has substantial funds unobligated.—A State shall remit to the Secretary, as provided in subparagraph (A), the entire payment made under this subsection for a fiscal year if the State fails to obligate, on or before the last day of the fiscal year—

"(i) 90 percent of all grants under subsection (a)(1) to which the State is entitled for the fiscal year; and

"(ii) all grants received under subsection (a) for prior fiscal years.".

SEC. 624. EFFECTIVE DATE.

The amendments made by this part shall be effective with respect to fiscal year 2000 and succeeding fiscal years.

Subtitle G—Health Care

PART I—MEDICARE SAVERS

SEC. 711. REFERENCES IN PART.

Except as otherwise provided in this part, references to a section or other provision of law are references to the Social Security Act, and amendments made by this part to a section or other provision of law are amendments to such section or other provision of that Act.

SEC. 712. REDUCTION OF CLINICAL DIAGNOSTIC LABORATORY TEST CAP FROM 74 PERCENT TO 72 PERCENT.

Section 1833(h)(4)(B) (42 U.S.C. 13951(h)(4)(B)) is amended—

(1) by striking "and" at the end of clause (vii);

(2) in clause (viii)—

(A) by inserting "and before January 1, 2000," after "December 31, 1997,"; and

(B) by striking the period and inserting ", and"; and

(3) by adding at the end the following new clause:

"(ix) after December 31, 1999, is equal to 72 percent of such median.".

SEC. 713. ESTABLISHMENT OF NATIONAL LIMIT ON PAYMENTS FOR PROSTHETICS AND ORTHOTICS.

Section 1834(h) (42 U.S.C. 1395m(h)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B)(ii), by inserting "or (3), as applicable," after "paragraph (2)"; and

(B) in subparagraph (E)—

(i) in the heading, by inserting before the period "for items furnished before 2000"; and

(ii) by striking "Payment for" and inserting "For items furnished before 2000, payment for";

(2) in paragraph (2)—

(A) in the heading, by inserting before the period "for items furnished before 2000";

(B) in the matter preceding subparagraph (A), by striking "For purposes of" and inserting "For items furnished before 2000, for purposes of";

(C) in subparagraph (B)(ii), by striking "for each subsequent year" and inserting "for each of 1993 through 1999";

(D) in subparagraph (C)—

(i) in the heading, by inserting before the period "for items furnished before 2000";

(ii) in the matter preceding clause (i), by striking "For purposes of" and inserting "For items furnished before 2000, for purposes of"; and

(iii) in clause (iv), by striking "1994 or a subsequent year" and inserting "each of 1994 through 1999"; and

(E) in subparagraph (D)(ii), by striking "in a subsequent year" and inserting "in each of 1993 through 1999";

(3) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively;

(4) by inserting after paragraph (2) the following new paragraph:

"(3) Purchase price recognized for 2000 and subsequent years.—For 2000 and each subsequent year, for purposes of paragraph (1), the amount recognized under this paragraph as the purchase price for prosthetic devices, orthotics, and prosthetics is the national limited payment amount for purchase of the item for that year determined in accordance with subparagraphs (B) and (C) of section 1834(a)(2)."; and

(5) in paragraph (5)(A), as so redesignated—

(A) by adding "and" at the end of clause (iv);

(B) by amending clause (v) to read as follows:

"(v) for 1998 and 1999, 1 percent."; and

(C) by striking clause (vi).

SEC. 714. REDUCTION IN PAYMENT FOR BAD DEBTS.

(a) Reduction in Payment for Hospital Bad Debts.—Section 1861(v)(1)(T)(iii) (42 U.S.C. 1395x(v)(1)(T)(iii)) is amended by striking "45 percent" and inserting "55 percent".

(b) Extension of Bad Debt Payment Limitation to Other Relevant Facilities and Providers of Services.—Section 1861(v)(1)(T) (42 U.S.C. 1395x(v)(1)(T)), as amended by subsection (a), is further amended—

(1) by redesignating clauses (i) through (iii) as subclauses (I) through (III), respectively;

(2) by inserting "(i)" after "(T)"; and

(3) by adding at the end the following new clause:

"(ii) In determining such reasonable or allowable costs for all facilities or other providers of services entitled to claim bad debt reimbursement, the amount of bad debts treated as allowable costs which are attributable to the deductibles and coinsurance amounts under this title shall be reduced for cost reporting periods beginning on or after October 1, 1999, by 55 percent of such amount otherwise allowable.".

(c) Repeal of Moratorium on Bad Debt Policy.—Section 4008(c) of the Omnibus Budget Reconciliation Act of 1987 (42 U.S.C. 1395f note) is repealed.

SEC. 715. PPS HOSPITAL PAYMENT UPDATE FOR FISCAL YEAR 2000.

Section 1886(b)(3)(B)(i)(XV) (42 U.S.C. 1395ww(b)(3)(B)(i)(XV)) is amended by striking "the market basket percentage increase minus 1.8 percentage points for hospitals in all areas" and inserting "0 percent".

SEC. 716. NO MARKUP FOR COVERED DRUGS; ELIMINATION OF OVERPAYMENTS FOR EPOGEN.

(a) No Markup for Covered Drugs.—Section 1842(o)(1) (42 U.S.C. 1395u(o)(1)) is amended by striking "is equal to 95 percent of the average wholesale price." and inserting "is equal to—

"(A) for 1998 and 1999, 95 percent of the average wholesale price, and

"(B) for 2000 and each subsequent year, 83 percent of the average wholesale price.".

(b) Elimination of Overpayments for Epogen.—Section 1881(b)(11)(B)(ii) (42 U.S.C. 1395rr(b)(11)(B)(ii)) is amended—

(1) in subclause (I)—

(A) by striking "provided during 1994" and inserting "provided before 2000"; and

(B) by striking "and" at the end;

(2) by redesignating subclause (II) as subclause (III); and

(3) by inserting after subclause (I) the following new subclause:

"(II) for erythropoietin provided during 2000, in an amount equal to $9 per thousand units (rounded to the nearest 100 units), and".

SEC. 717. PARTIAL HOSPITALIZATION SERVICES.

(a) Services Not to Be Furnished in Residential Settings.—Section 1861(ff)(3)(A) (42 U.S.C. 1395x(ff)(3)(A)) is amended by inserting "other than in an individual's home or in an inpatient or residential setting" before the period.

(b) Additional Requirements for Community Mental Health Centers.—Section 1861(ff)(3)(B) (42 U.S.C. 1395x(ff)(3)(B)) is amended by striking "entity—" and all that follows and inserting the following: "entity that—

"(i) provides the services specified in section 1913(c)(1) of the Public Health Service Act;

"(ii) meets applicable certification or licensing requirements for community mental health centers in the State in which it is located; and

"(iii) meets such additional standards or requirements as the Secretary may specify in the interest of the health and safety of individuals furnished services, or for the effective or efficient furnishing of services.".

(c) Effective Date.—The amendments made by subsections (a) and (b) apply to services furnished after the date that is 60 days after the date of enactment of this part.

SEC. 718. INFORMATION REQUIREMENTS.

(a) Information From Group Health Plans.—Section 1862(b) (42 U.S.C. 1395y(b)) is amended by adding at the end the following new paragraph:

"(7) Information from group health plans.—

"(A) Provision of information by group health plans.—The administrator of a group health plan subject to the requirements of paragraph (1) shall provide to the Secretary any or all of the information elements listed in subparagraph (C), and in such manner and at such times (but not more frequently than four times per year), as the Secretary may specify, with respect to each individual covered under the plan and entitled to benefits under this title.

"(B) Provision of information by deployers wind employee organizations.—An employer (or employee organization) that maintains or participates in a group health plan subject to the requirements of paragraph (1) shall provide to the administrator of the plan any or all of the information elements listed in subparagraph (C), and in such manner and at such times (but not more frequently than four times per year), as the Secretary may specify, with respect to each individual covered under the plan and entitled to benefits under this title.

"(C) Information elements to be provided.—The information elements to be provided under subparagraph (A) or (B) are the following:

"(i) Elements concerning the individual.—

"(I) The individual's name.

"(II) The individual's date of birth.

"(III) The individual's sex.

"(IV) The individual's social security number.

"(V) The number assigned by the Secretary to the individual for claims under this title.

"(VI) The family relationship of the individual to the person who has or had current or former employment status with the employer.

"(ii) ELEMENTS CONCERNING THE FAMILY MEMBER WITH CURRENT OR FORMER EMPLOYMENT STATUS.—

"(I) The name of the person in the individual's family who has current or former employment status with the employer.

"(II) That person's social security number.

"(III) The number or other identifier assigned by the plan to that person.

"(IV) The periods of coverage for that person under the plan.

"(V) The employment status of that person (current or former) during those periods of coverage.

"(VI) The classes of that person's family members covered under the plan.

"(iii) PLAN ELEMENTS.—

"(I) The nature of the items and services covered under the plan.

"(II) The name and address to which claims under the plan are to be sent.

"(III) The name, address, and tax identification number of the plan sponsor.

"(iv) ELEMENTS CONCERNING THE EMPLOYER.—

"(I) The employer's name.

"(II) The employer's address.

"(III) The employer identification number of the employer.

"(IV) The employer tax identification number of the employer (if different from the number under subclause (III)).

"(D) USE OF IDENTIFIERS.—The administrator of a group health plan shall utilize an identifier for the plan (that the Secretary may furnish) in providing information under subparagraph (A) and in other transactions, as may be specified by the Secretary, related to the provisions of this subsection.

"(E) PENALTY FOR NONCOMPLIANCE.—Any entity that knowingly and willfully fails to comply with a requirement imposed by the previous subparagraphs shall be subject to a civil money penalty not to exceed $1,000 for each incident of such failure. The provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil money penalty under the previous sentence in the same manner as those provisions apply to a penalty or proceeding under section 1128A(a).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) is effective 180 days after the date of enactment of this part.

SEC. 719. CENTERS OF EXCELLENCE.

(a) IN GENERAL.—Title XVIII (42 U.S.C. 1395 et seq.) is amended by inserting after section 1888 the following new section:

"CENTERS OF EXCELLENCE

"SEC. 1889. (a) IN GENERAL.—The Secretary shall use a competitive process to contract with specific hospitals or other entities for furnishing services related to surgical procedures, and for furnished services (unrelated to surgical procedures) to hospital inpatients that the Secretary determines to be appropriate. Such services may include any services covered under this title that the Secretary determines to be appropriate, including post-hospital services.

"(b) QUALITY STANDARDS.—Only entities that meet quality standards established by the Secretary shall be eligible to contract under this section. Entities shall implement a quality improvement plan approved by the Secretary.

"(c) PAYMENT.—Payment under this section shall be made on the basis of negotiated all-inclusive rates. The amount of payment made by the Secretary to an entity under this title for services covered under a contract shall be less than the aggregate amount of the payments that the Secretary would have otherwise made for the services.

"(d) CONTRACT PERIOD.—A contract period shall be 3 years (subject to renewal), as long as the entity continues to meet quality and other contractual standards.

"(e) INCENTIVES FOR USE OF CENTERS.—The Secretary may permit entities under a contract under this section to furnish additional services or waive beneficiary cost-sharing, subject to the approval of the Secretary.

"(f) LIMIT ON NUMBER OF CENTERS.—The Secretary shall limit the number of centers in a geographic area to the number needed to meet projected demand for contracted services.".

(b) EFFECTIVE DATES.—

(1) The amendment made by subsection (a) applies to services furnished on or after October 1, 2000.

(2) Not later than October 1, 2000, the Secretary shall enter into contracts under the amendment made by subsection (a) for coronary artery bypass surgery and other heart procedures, knee replacement surgery, and hip replacement surgery, in geographic areas nationwide such that at least 20 percent of the projected number of those procedures can be provided.

SEC. 719A. EFFECT OF ENACTMENT.

Not more than $1,100,000,000 of the savings for fiscal year 2000 resulting from the enactment of this part may be treated as negative discretionary budget authority and outlays for such fiscal year.

PART II—FOOD AND DRUG ADMINISTRATION USER FEES

SEC. 720. REFERENCES IN PART.

Except as otherwise provided in this part, references to a section or other provision of law are references to the Federal Food, Drug, and Cosmetic Act, and amendments made by this part to a section or other provision of law are amendments to such section or other provision of that Act.

Subpart A—Medical Device Fees

SEC. 721. SHORT TITLE.

This subpart may be cited as the "Medical Device Fee Act of 1999".

SEC. 722. FEES RELATING TO DEVICES.

Chapter VII (21 U.S.C. 371 et seq.) is amended—

(1) by redesignating sections 741, 742, 746, 751, 752, and 756, respectively; and

(2) by adding at the end of subchapter C the following new part:

"PART 3—FEES RELATING TO DEVICES

"SEC. 741. DEFINITIONS.

"For the purposes of this part, the terms listed in this section have the following meanings:

"(1) DEVICE APPLICATIONS.—The term 'device application' means—

"(A) an application for approval of a device submitted under section 515(c) or section 351 of the Public Health Service Act;

"(B) a supplement to an application described in subparagraph (A); or

"(C) a product development protocol described in section 515(f).

"(2) SUPPLEMENT.—The term 'supplement' means a request to the Secretary to approve a change in a device for which a notice of completion has become effective under section 515(f) or for which an application has been approved under section 515(d) or under section 351 of the Public Health Service Act.

"(3) ESTABLISHMENT.—The term 'establishment' means an establishment engaged in the manufacture, preparation, propagation, compounding, or processing of a device or devices, with respect to which the person owning or operating such establishment is subject to the annual registration requirement under section 510. For purposes of the fees under this part, a place of business that is owned or operated by a single person, and which is at 1 general physical location consisting of 1 or more buildings all of which are within 5 miles of each other, shall be considered a single establishment.

"(4) PERIODIC PMA REPORT.—The term 'periodic PMA report' means any of such periodic reports as the Secretary may be regulation require of the holder of an approved premarket application or product development protocol pursuant to section 515.

"(5) PROCESS FOR THE REVIEW OF DEVICE APPLICATIONS.—The term 'process for the review of device applications' means the following activities of the Secretary with respect to the review of device applications and related activities:

"(A) The activities necessary for the review of device applications and related activities.

"(B) The issuance of action letters which allow marketing of devices or which set forth in detail the specific deficiencies in such applications and, where appropriate, the actions necessary to place such applications in approvable form.

"(C) The inspection of device establishments and other facilities undertaken as part of the Secretary's review of pending device applications.

"(D) Any activity necessary for the review of applications—

"(i) for licensure of devices subject to section 351 of the Public Health Service Act; and

"(ii) for the release of lots of such devices.

"(E) Review of device applications for an investigational new drug exemption under section 505(i) or for an investigational device exemption under section 520(g) and activities conducted in anticipation of the submission of an application under section 505(i) or 520(g).

"(F) The development of guidance, policy documents, or regulations to improve the process for the review of device applications.

"(G) The development of test methods or standards in connection with the review of device applications and related activities.

"(H) The provision of technical assistance to device manufacturers in connection with the submission of a device application.

"(I) Any activity undertaken under section 513 or 515(i) in connection with the initial classification or reclassification of a device or under section 515(b) in connection with any requirement for approval of a device.

"(J) Monitoring of research on devices.

"(K) Any activity undertaken under section 519(a) or 519(b).

"(L) Evaluation of postmarket studies required as a condition of an approval of a device application under section 515(d) or section 351 of the Public Health Service Act.

"(M) Evaluation of postmarket surveillance required under section 522.

"(6) COSTS OF RESOURCES ALLOCATED FOR THE PROCESS FOR THE REVIEW OF DEVICE APPLICATIONS.—The term 'costs of resources allocated for the process for the review of device applications' means the expenses incurred in connection with the process for the review of device applications and related activities for—

“(A) officers and employees of the Food and Drug Administration, employees under contract with the Food and Drug Administration, advisory committees, and costs related to such officers, employees, and committees;

“(B) management of information, and the acquisition, maintenance, and repair of computer resources;

“(C) leasing, maintenance, renovation, and repair of facilities and acquisition, maintenance, and repair of fixtures, furniture, scientific equipment, and other necessary materials, services, and supplies; and

“(D) collecting fees under section 742 and accounting for resources allocated for the review of device applications, including activities related to the review of applications for fee exceptions, waivers, and reductions.

“(7) ADJUSTMENT FACTOR.—The term ‘adjustment factor’ has the meaning given that term in section 735(8), except that references therein—

“(A) to ‘1997’ shall be read to mean ‘1999’; and

“(B) to ‘the 105th Congress’ shall be read to mean ‘the 106th Congress’.

“SEC. 742. AUTHORITY TO ASSESS AND USE DEVICE FEES.

“(a) TYPES OF FEES.—Beginning in fiscal year 2000, the Secretary shall assess and collect fees in accordance with this section as follows:

“(1) DEVICE APPLICATION FEE.—

“(A) IN GENERAL.—Subject to the remaining provisions of this section, except as provided in subparagraph (B), each person that submits a device application on or after October 1, 1999, shall be subject to the fee prescribed by subsection (b). Before April 30, 2000, the Secretary shall establish guidelines for the combination of multiple device applications in those situations where it is appropriate to combine the applications and assess a single fee. A single fee shall be assessed upon an application which is such a combination.

“(B) EXCEPTIONS.—

“(i) FURTHER MANUFACTURING USE.—No fee shall be required for the submission of a device application under section 351 of the Public Health Service Act for a product licensed for further manufacturing use only.

“(ii) PREVIOUSLY FILED APPLICATION OR SUPPLEMENT.—If a device application was—

“(I) submitted by a person that paid the fee for such application;

“(II) accepted for filing; and

“(III) not approved or was withdrawn,

the submission of a device application for the identical device by the same person (or the person's licensee, assignee, or successor) shall not be subject to a fee under subparagraph (A).

“(iii) SPECIAL LABELING IMPROVEMENTS.—No fee shall be required for the submission of a device application for a change in approved labeling that enhances the safety of the device or the safety in the use of the device.

“(2) ESTABLISHMENT REGISTRATION FEE.—Each person that is subject to the annual registration requirement under section 510 with respect to 1 or more establishments shall be assessed an annual fee established in subsection (b) for each such establishment.

“(3) PERIODIC PMA REPORT FEE.—Each person that is required to make a periodic PMA report on or after October 1, 1999, shall be assessed and annual fee established in subsection (b) for each device with respect to which such report is required.

“(b) FEE AMOUNTS.—Except as otherwise provided in this section, the fees required under subsection (a) shall be determined and assessed as follows:

“(1) FOR FISCAL YEAR 2000.—

“(A) APPLICATION AND SUPPLEMENT FEES.—The application fee under subsection (a)(1) shall be—

“(i) $40,000 for a device application described in subparagraph (A) or (C) of section 741(1); and

“(ii) $4,590 for a device application described in subparagraph (B) of section 741(1).

“(B) ESTABLISHMENT REGISTRATION FEE.—The annual establishment registration fee under subsection (a)(2) shall be $200.

“(C) PERIODIC PMA REPORT FEE.—The periodic PMA report fee under subsection (a)(3) shall be $1,000.

“(2) INFLATION ADJUSTMENT FOR SUBSEQUENT YEARS.—The fees established in subsection (b) shall be adjusted by the Secretary by notice, published in the Federal Register, for fiscal year 2001 and each succeeding fiscal year to reflect an inflation adjustment determined as described in section 736(c)(1), except that the reference therein to ‘fiscal year 1997’ shall be considered to mean ‘fiscal year 2000’.

“(c) SPECIAL CIRCUMSTANCES FOR FEE WAIVER OR REDUCTION; SMALL BUSINESS EXCEPTION.—

“(1) WAIVERS.—The Secretary shall grant a waiver from or a reduction of a fee for a person under this subsection if the person has submitted an application under section 515(c) or 515(f), or under section 351 of the Public Heath Service Act and if the Secretary finds—

“(A) that such application is a device application for a device which has a humanitarian device exemption under section 520(m); or

“(B)(i) such waiver or reduction is necessary to protect the public health; or

“(ii) the assessment of the fee would present a significant barrier to innovation because of limited resources available to such person or other circumstances.

“(2) SMALL BUSINESS EXCEPTION.—

“(A) APPLICATIONS AND SUBMISSIONS.—The Secretary may waive the fee for any person employing fewer than 20 employees, including employees of affiliates (as defined in section 735(9)), that does not have, and whose affiliates do not have, an approved application submitted under section 515(c) or under section 351 of the Public Health Service Act or a cleared premarket notification under section 510(k).

“(B) CERTIFICATION.—The Secretary shall require any person who seeks a waiver in accordance with subparagraph (A) to certify such person's qualification under such subparagraph. The Secretary shall periodically publish in the Federal Register a list of persons making such certification.

“(d) PAYMENT DEADLINE; EFFECT OF FAILURE TO PAY FEES.—

“(1) DEVICE APPLICATION FEE.—A device application fee required under this section shall be due at the time the application is submitted to the Secretary. A device application or supplement submitted by a person subject to fees under this section shall be considered incomplete and shall not be accepted for review by the Secretary until all such fees owed by such person have been paid.

“(2) ESTABLISHMENT REGISTRATION FEE.—An establishment registration fee required under this section shall be due not later than December 31 of each year. A device establishment for which a fee due under this section has not been paid by such date shall not be considered a registered establishment for purposes of section 510.

“(3) PERIODIC PMA REPORT FEE.—A periodic PMA report fee shall be due not later than the due date of the periodic PMA report, as set forth in the notice approving the PMA application (or, in the case of a PMA for which reports are required to be submitted more often than annually, on the due date of the first such report in such fiscal year). A periodic PMA report with respect to which such annual fee has not been paid by such due date shall not be considered to have been filed as required in the notice of approval of the PMA.

“(4) ADDITIONAL SANCTIONS.—In addition to the sanctions described above, the Secretary may—

“(A) discontinue review of any device application submitted by a person if such person has not paid all fees owed under this section; and

“(B) assess a penalty of 25 percent of the fee due, in the case of any fee overdue by more than 3 months.

“(e) REFUND OF FEES.—

“(1) IF DEVICE APPLICATION REFUSED.—The Secretary shall refund 75 percent of the fee paid under subsection (d)(1) for any device application which the Secretary refuses to accept for review.

“(2) IF DEVICE APPLICATION WITHDRAWN.—If a device application is withdrawn after the Secretary has accepted it for review, the Secretary may refund all or a portion of the fee if no substantial work was performed on the application after acceptance for review. The determination whether to refund all or any portion of the fee shall be in the Secretary's sole discretion and shall not be reviewable.

“(f) GENERAL CONDITIONS APPLICABLE TO FEE ASSESSMENT AUTHORITY.—

“(1) LIMITATION.—Fees may not be assessed under this section for a fiscal year beginning after fiscal year 2000 unless appropriations for such fiscal year for salaries and expenses of the Food and Drug Administration (excluding amounts appropriated for fees under this subchapter), and for that portion of such appropriation designated for the Center for Devices and Radiological Health, equal or exceed such appropriations for fiscal year 1999 multiplied by the adjustment factor.

“(2) DELAYED ASSESSMENT.—If the Secretary does not assess fees under this section during any portion of a fiscal year because of paragraph (1) and if at a later date in such fiscal year the Secretary may assess such fees, the Secretary may assess and collect such fees, without modification in the rate, at any time in such fiscal year notwithstanding the provisions of subsection (d) relating to the date fees are to be paid.

“(g) CREDITING AND AVAILABILITY OF FEES.—

“(1) IN GENERAL.—Fees authorized under this section shall be available for obligation only to the extent and in the amounts provided in advance in appropriations Acts. Such fees are authorized to be appropriated to remain available until expended solely for the review of device applications. Such fees shall be credited to the appropriation account for salaries and expenses of the Food and Drug Administration. Any amount of fees collected for a fiscal year under this subsection that exceeds the amount of fees made available in appropriations Acts for such fiscal year may be credited to the appropriation account for salaries and expenses of the Food and Drug Administration. Excess fees may be retained but are not available for obligation until appropriated. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation to such appropriation account for salaries and expenses with such fiscal year limitation.

“(2) LIMITATION.—The fees authorized by this section shall only be available to defray increases in the costs of the resources allocated for the process for the review of device applications (including increases in such costs for an additional number of full-time equivalent employees in the Department of Health and Human Services to be engaged in such process) over such costs for fiscal year 1999 multiplied by the adjustment factor.

“(h) AUTHORIZATION OF APPROPRIATIONS.—

“(1) DEVICE APPLICATION FEES.—There are authorized to be appropriated for device application fees under this section—

“(A) $3,645,000 for fiscal year 2000;

“(B) $3,745,000 for fiscal year 2001;

“(C) $3,845,000 for fiscal year 2002;

“(D) $3,945,000 for fiscal year 2003; and

“(E) $4,000,000 for fiscal year 2004.

“(2) ESTABLISHMENT REGISTRATION FEES.—There are authorized to be appropriated for establishment registration fees under this section—

“(A) $2,880,000 for fiscal year 2000;

“(B) $2,955,000 for fiscal year 2001;

“(C) $3,030,000 for fiscal year 2002;

“(D) $3,100,000 for fiscal year 2003; and

“(E) $3,200,000 for fiscal year 2004.

“(3) PERIODIC PMA REPORT FEES.—There are authorized to be appropriated for periodic PMA report fees under this section—

“(A) $475,000 for fiscal year 2000;

“(B) $500,000 for fiscal year 2001;

“(C) $525,000 for fiscal year 2002;

“(D) $550,000 for fiscal year 2003; and

“(E) $570,000 for fiscal year 2004.

“(i) COLLECTION OF UNPAID FEES.—In any case where the Secretary does not receive payment of a fee assessed under this section within 30 days after it is due, such fee shall be treated as a claim of the United States Government subject to subchapter II of chapter 37 of title 31, United States Code.

“(j) ANNUAL REPORT.—Beginning with fiscal year 2000, not later than 120 days after the end of each fiscal year during which fees are collected under this part the Secretary shall prepare and submit to the Committee on Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report concerning—

“(1) the reduction in the backlog for the review of device applications and the reduction in the amount of time to complete review of such applications after submission;

“(2) the implementation of the authority for such fees during such fiscal year; and

“(3) the use, by the Food and Drug Administration, of the fees collected during such fiscal year.”.

SEC. 723. SUNSET.

The amendments made by this subpart shall not be in effect after September 30, 2005.

Subpart B—Fees To Support Costs of Review of Food and Color Additive Petitions

SEC. 725. SHORT TITLE.

This subpart may be cited as the “Food and Color Additive Petition Fee Act of 1999”.

SEC. 726. FEES TO SUPPORT COSTS OF FOOD AND COLOR ADDITIVE PETITIONS.

Chapter VII (21 U.S.C. 371 et seq.) is further amended by adding at the end of subchapter C the following new part:

“PART 4—FEES RELATING TO FOOD AND COLOR ADDITIVE PETITIONS

“SEC. 750. AUTHORITY TO ASSESS AND USE FEES.

“(a) DEFINITIONS.—For purposes of this part, the terms listed in this subsection have the following meanings:

“(1) FOOD ADDITIVE PETITION.—The term ‘food additive petition’ means a petition submitted pursuant to section 409(b).

“(2) COLOR ADDITIVE PETITION.—The term ‘color additive petition’ means a petition submitted pursuant to section 721(d).

“(3) PETITION REVIEW ACTIVITIES.—The term ‘petition review activities’ means the following activities of the Secretary with respect to the review of food additive and color additive petitions:

“(A) The activities necessary for the review of food additive and color additive petitions and related activities.

“(B) The issuance of regulations which allow marketing of an additive or written correspondence or other documentation which sets forth the deficiencies in such an additive petition and, where appropriate, the actions necessary to resolve such deficiencies.

“(C) The evaluation of the regulatory status and issuance of correspondence or other written documentation concerning the substances described in paragraphs (1) through (4) of section 908(a).

“(D) The inspection of testing facilities undertaken as part of the Secretary's review of a pending additive petition.

“(E) The development of guidance and policy documents regarding the review of additive petitions.

“(F) The development of test methods and standards in connection with the review of additive petitions and related activities.

“(G) The provision of technical assistance to prospective petitioners in connection with the submission of an additive petition.

“(H) Monitoring of studies and data pertaining to the safety of substances described in paragraphs (1) through (4) of section 908(a).

“(I) The activities necessary for registration under section 908.

“(4) COSTS OF RESOURCES ALLOCATED FOR PETITION REVIEW ACTIVITIES.—The term ‘costs of resources allocated for petition review activities’ means the expenses incurred in connection with the process for the review of food and color additive petitions and related activities for—

“(A) officers and employees of the Food and Drug Administration, employees under contract with the Food and Drug Administration, advisory committees, and costs related to such officers, employees, and committees;

“(B) management of information, and the acquisition, maintenance, and repair of computer resources;

“(C) leasing, maintenance, renovation, and repair of facilities and acquisition, maintenance, and repair of fixtures, furniture, scientific equipment, and other necessary materials, services, and supplies; and

“(D) collecting fees under this section and accounting for resources allocated for petition review activities, including activities related to the review of applications for fee exceptions, waivers, and reductions.

“(5) TIER I, TIER II, TIER III PETITIONS; REGULATORY MODIFICATION.—

“(A) The term ‘tier I petition’ means a petition for approval of an additional use or uses of an additive for which a use is already approved, except as otherwise provided in subparagraph (B).

“(B) The term ‘tier II petition’ means—

“(i) a petition for first-time approval of any use of an additive (other than a petition described in subparagraph (C)); or

“(ii) a petition for approval of an additional use or uses of an already approved additive, where the proposed additional use would—

“(I) result in a significant increase in dietary exposure to such substance; or

“(II) raise novel safety issues.

“(C) The term ‘tier III petition’ means a petition for first-time approval of any use of an additive that would—

“(i) result in a significant dietary exposure to such substance; or

“(ii) raise novel safety issues.

“(D) REGULATORY MODIFICATION.—The Secretary may by regulation revise the definitions in subparagraphs (A) through (C).

“(6) ADJUSTMENT FACTOR.—The term ‘adjustment factor’ has the meaning given that term in section 735(8), except that references therein—

“(A) to ‘1997’ shall be read to mean ‘1999’; and

“(B) to ‘the 105th Congress’ shall be read to mean ‘the 106th Congress’.

“(b) ASSESSMENT OF FEES.—Subject to the remaining provisions of this section, except to the extent otherwise provided in subsection (d), each person that, on or after October 1, 1999—

“(1) submits a food or color additive petition; or

“(2) is required to register under section 908 (other than a person that manufactures, processes, or packages a substance that is subject to certification under section 721(c)(1)), shall be subject to fees under this part.

“(c) FEE AMOUNTS.—

“(1) FOR INITIAL FISCAL YEARS.—

“(A) FOR FOOD OR COLOR ADDITIVE PETITION.—The fee under this part for a food or color additive petition shall be—

“(i) FOR FISCAL YEAR 2000.—

“(I) $15,000 for a tier I petition;

“(II) $60,000 for a tier II petition; and

“(III) $260,000 for a tier III petition.

“(ii) FOR FISCAL YEAR 2001.—

“(I) $20,000 for a tier I petition;

“(II) $88,500 for a tier II petition; and

“(III) $275,000 for a tier III petition.

“(iii) FOR FISCAL YEAR 2002.—

“(I) $27,000 for a tier I petition;

“(II) $120,000 for a tier II petition; and

“(III) $290,000 for a tier III petition.

“(iv) FOR FISCAL YEAR 2003.—

“(I) $37,000 for a tier I petition;

“(II) $155,000 for a tier II petition; and

“(III) $345,000 for a tier III petition.

“(v) FOR FISCAL YEAR 2004.—

“(I) $43,000 for a tier I petition;

“(II) $175,000 for a tier II petition; and

“(III) $400,000 for a tier III petition.

“(B) FOR REGISTRATION OF FOOD ADDITIVE AND COLOR ADDITIVE PRODUCERS.—The fee under this part for registration under section 908 shall be—

“(i) $4,500 for fiscal year 2000;

“(ii) $7,380 for fiscal year 2001;

“(iii) $9,927 for fiscal year 2002;

“(iv) $12,390 for fiscal year 2003; and

“(v) $14,853 for fiscal year 2004,

for each place of business listed in the registration of such person under section 908.

“(2) INFLATION ADJUSTMENT.—The fees established in paragraph (1) shall be adjusted by the Secretary by notice, published in the Federal Register, for fiscal year 2001 and each succeeding fiscal year to reflect an inflation adjustment determined as described in section 736(c)(1), except that the reference therein to ‘fiscal year 1997’ shall be considered to mean ‘fiscal year 2000’.

"(d) Waivers and Exceptions for Petition Fees: Extraordinary Circumstances; Small Business.—

"(1) Extraordinary circumstances.—The Secretary may waive or reduce food or color additive petition fees based on extraordinary circumstances as determined by the Secretary, including the circumstance of a food additive petition for a proposed use of a substance that is intended to reduce significantly human pathogens or their toxins in or on food, where the petitioner demonstrates that assessment of a fee would present a significant barrier to innovation because the petitioner has limited resources available.

"(2) Small businesses.—

"(A) In general.—Any business that—

"(i) has fewer that 20 employees, including employees of affiliates; and

"(ii) has not previously submitted a petition under section 409 or under section 721,

shall pay ½ the amount of the petition fee under this part for the first submission under such section 409 or section 721.

"(B) Affiliate.—For purposes of this paragraph, the term 'affiliate' has the meaning given that term in section 735(9).

"(e) Payment Deadline; Effect of Failure To Pay Fees.—

"(1) Food and color additive petition fees.—Fees assessed under this section with respect to a petition shall be due and payable at the time the petition is submitted to the Secretary. A food or color additive petition submitted by a person subject to a fee under this section shall be considered incomplete and shall not be accepted by the Secretary until all fees owed by such person have been paid.

"(2) Food ingredient and color additive producer registration fees.—Fees assessed under this section for a fiscal year with respect to a person required to register under section 908 shall be due and payable not later than the registration deadline specified in such section for such fiscal year. A person that has not paid a fee due under this section by such date shall not be considered registered for purposes of section 908.

"(f) Refund of Additive Petition Fees.—

"(1) If petition refused.—The Secretary shall refund 75 percent of the fee paid under subsection (e)(1) for any food or color additive petition which the Secretary declines to file.

"(2) If petition withdrawn.—If a food or color additive petition is withdrawn after the Secretary has filed it, the Secretary may refund a portion of the fee up to 75 percent if no substantial work was performed on the petition after filing. The determination whether to refund any portion of the fee shall be in the Secretary's sole discretion, and shall not be reviewable.

"(g) General Conditions Applicable to Fee Assessment Authority.—

"(1) Limitation.—Fees may not be assessed under this section for a fiscal year beginning after fiscal year 2000 unless appropriations for such fiscal year for salaries and expenses of the Food and Drug Administration (excluding amounts appropriated for fees under this subchapter), and for that portion of such appropriation designated for the Center for Food Safety and Applied Nutrition, equal or exceed such appropriations for fiscal year 1999 multiplied by the adjustment factor.

"(2) Delayed assessment.—If the Secretary does not assess fees under this part during any portion of a fiscal year due to paragraph (1) and if at a later date in such fiscal year the Secretary may assess such fees, the Secretary may assess and collect such fees, without modification in the rate, any time in such fiscal year notwithstanding the provisions of subsection (e) relating to the date fees are to be paid.

"(h) Crediting and Availability of Fees.—

"(1) In general.—Fees authorized under this section shall be available for obligation only to the extent and in the amounts provided in advance in appropriations Acts. Such fees are authorized to be appropriated to remain available until expended solely for the petition review activities set forth in subsection (a)(4). Such fees shall be credited to the appropriation account for salaries and expenses of the Food and Drug Administration. Any amount of fees collected for a fiscal year under this subsection that exceeds the amount of fees made available in appropriations Acts for such fiscal year may be credited to the appropriation account for salaries and expenses of the Food and Drug Administration. Excess fees may be retained but are not available for obligation until appropriated. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation to such appropriation account for salaries and expenses with such fiscal year limitation.

"(2) Limitation.—The fees authorized by this section shall only be available to defray increases in the costs of the resources allocated for petition review activities (including increases in such costs for an additional number of full-time equivalent employees in the Department of Health and Human Services to be engaged in such process) over such costs for fiscal year 1999, multiplied by the adjustment factor.

"(i) Authorization of Appropriations.—There are authorized to be appropriated for fees under this section—

"(1) for food and color additive petitions—

"(A) $1,300,000 for fiscal year 2000;

"(B) $1,675,000 for fiscal year 2001;

"(C) $2,250,000 for fiscal year 2002;

"(D) $2,875,000 for fiscal year 2003; and

"(E) $3,500,000 for fiscal year 2004 and each succeeding fiscal year; and

"(2) for food ingredient and color additive producers—

"(A) $2,700,000 for fiscal year 2000;

"(B) $4,428,000 for fiscal year 2001;

"(C) $5,956,000 for fiscal year 2002;

"(D) $7,434,000 for fiscal year 2003; and

"(E) $8,912,000 for fiscal year 2004 and each succeeding fiscal year,

adjusted to reflect the percentage adjustment of fees authorized under subsection (c).

"(j) Collection of Unpaid Fees.—In any case where the Secretary does not receive payment of a fee assessed under this section within 30 days after it is due, such fee shall be treated as a claim of the United States Government subject to subchapter II of chapter 37 of title 31, United States Code.

"(k) Performance Goals.—Upon enactment of this section, the Secretary shall send to the Congress a letter which shall declare goals and timetables for review by the Food and Drug Administration of food additive and color additive petitions.

"(l) Annual Report.—Beginning with fiscal year 2000, not later than 120 days after the end of each fiscal year during which fees are collected under this part, the Secretary shall submit to the Committee on Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report concerning—

"(1) the progress of the Food and Drug Administration in achieving the goals declared pursuant to subsection (k);

"(2) the implementation of the authority for such fees during such fiscal year; and

"(3) the use by the Food and Drug Administration of the fees collected during such fiscal year.".

SEC. 727. REGISTRATION OF FOOD INGREDIENT AND COLOR ADDITIVE PRODUCERS.

(a) Registration Requirement for Producers.—Chapter IX (21 U.S.C. 391 et seq.) is amended by adding at the end the following new section:

"SEC. 907. REGISTRATION OF FOOD INGREDIENT AND COLOR ADDITIVE PRODUCERS.

"(a) Registration Requirement.—On or before October 1, 1999 (or, if later, the date 3 months after the date of enactment of this section), and on or before October 1 of each succeeding year, a person in any State engaged in the manufacture, processing, or packaging of any of the following substances shall register with the Secretary the person's name and all places of business of such person engaged in such manufacture, processing, or packaging:

"(1) A substance that is subject to regulation under section 409 of this Act except a substance that is distributed in interstate commerce on the basis of section 409(a)(3)(B).

"(2) A substance that is distributed in interstate commerce on the basis that it is generally recognized as safe within the meaning of section 201(s) of this Act, including any substance listed as generally recognized as safe in the Code of Federal Regulations, and any substance asserted to be generally recognized as safe where the Food and Drug Administration has been notified of such assertion as part of a notification program of the Food and Drug Administration.

"(3) A substance that is distributed in interstate commerce on the basis of section 201(s)(4).

"(4) A substance that is subject to regulation under section 721.

"(b) Delineation of Single Place of Business.—For purposes of this section and part 4 of subchapter C of chapter VII, a place of business that is owned or operated by a single person, and which is at 1 general physical location consisting of 1 or more buildings all of which are within 5 miles of each other, shall be considered a single place of business.".

(b) Articles Produced by an Unregistered Person.—Section 403 (21 U.S.C. 343) is amended by adding at the end the following new subsection:

"(t) If it was manufactured, processed, or packaged in any State by a person not duly registered under section 908.".

SEC. 728. AMENDMENTS RELATING TO FOOD ADDITIVE PETITION REVIEW PROCESS.

(a) Action on Petition.—Section 409(c) (21 U.S.C. 348(c)) is amended—

(1) in paragraph (1)(A)—

(A) by striking "(A) by order establish" and inserting "(A) establish"; and

(B) by striking "petitioner of such order" and inserting "petitioner of such regulation";

(2) in paragraph (1)(B)—

(A) by striking "(B) by order deny" and inserting "(B) deny"; and

(B) by striking "such order" and inserting "such denial";

(3) in paragraph (2)—

(A) by striking "The order required" and inserting "The Secretary shall take the action required"; and

(B) by striking "shall be issued"; and

(4) in paragraph (3) by striking "No such regulation shall issue if" and inserting "No regulation shall issue under paragraph (1) if".

(b) Regulation Issued on Secretary's Initiative.—Section 409(d) (21 U.S.C. 348(d)) is amended in the second sentence by striking "by order".

(c) Publication and Effective Date of Orders.—Section 409 (21 U.S.C. 348) is amended in subsection (e) to read as follows:

"(e) Any regulation issued under subsection (c) or (d) shall be published and shall be effective upon publication.".

(d) Judicial Review.—Section 409(f) (21 U.S.C. 348(f)) is amended read as follows:

"(f)(1) Any person adversely affected by an action by the Secretary under subsection (c) or (d), including any amendment or repeal of a regulation issued under this section, may obtain judicial review of such action by filing in the United States Court of Appeals for the circuit in which such person resides or has his principal place of business, or in the United States Court of Appeals for the District of Columbia, within 60 days of such action, a petition requesting that the regulation be set aside in whole or in part.

"(2) The court, on such judicial review, shall not sustain the Secretary's action if such action was not based upon a fair evaluation of the entire record before the Secretary.".

(e) Finality of Court Order.—Section 409(g) (21 U.S.C. 348(g)) is amended by striking paragraphs (1) through (4) and by striking the paragraph designation "(5)".

(f) Access to Outside Experts During Review Process.—Section 409 (21 U.S.C. 348) is amended by adding at the end the following new subsection:

"(k) Access to Outside Experts During Review Process.—Notwithstanding the Federal Advisory Committee Act (5 U.S.C. App.), the Secretary may consult with, or seek advice from, a person who is not a full-time officer or employee of the Federal Government, either as an individual or as part of a group of such individuals, for the purpose of obtaining expert scientific review of data or other information submitted to the Secretary under this section, if the Secretary determines that the expertise provided by such individual or group of individuals would contribute to the quality of the scientific review of such submission or to the timeliness of such review and such expertise is not otherwise available within the Food and Drug Administration. The reviews, opinions, and conclusions of individuals obtained under the authority of this subsection shall be reduced to written form and place in the relevant administrative file.".

SEC. 728A. AMENDMENTS RELATING TO COLOR ADDITIVE PETITION REVIEW PROCESS.

(a) Determination of Safety of Color Additives.—Section 721(b)(5) (21 U.S.C. 379e(b)(5)) is amended by striking subparagraphs (C) and (D).

(b) Procedure for Issuance, Amendment, or Repeal of Regulations.—Subsection (d) of section 721 (21 U.S.C. 379e(d)) is amended to read as follows:

"Procedure for Issuance, Amendment, or Repeal of Regulations

"(d)(1) The issuance, amendment, or repeal of regulations under subsection (b) may be commenced by a proposal made (A) by the Secretary on the Secretary's own initiative, or (B) by petition of any interested person, showing reasonable grounds therefor, submitted to the Secretary. Where an action is commenced by the submission of a petition, the Secretary shall, within 30 days of its filing by the Secretary, publish notice of such petition, describing in general terms the action proposed by the petition. The Secretary shall act upon such petition within the time period set out in section 409(c)(2) by establishing a regulation under subsection (b) or by denying such petition. The Secretary shall notify the petitioner of the action taken on the petition and the reasons for such action.

"(2) Any regulation issued under this subsection shall be published and shall be effective upon publication.

"(3)(A) Any person adversely affected by an action by the Secretary under this subsection, including any amendment or repeal of a regulation issued under this section, may obtain judicial review of such action by filing in the United States Court of Appeals for the circuit in which such person resides or has his or her principal place of business, or in the United States Court of Appeals for the District of Columbia, within 60 days of such action, a petition requesting that the regulation be set aside in whole or in part.

"(B) The court, on such judicial review, shall not sustain the Secretary's action if such action was not based upon a fair evaluation of the entire record before the Secretary.

"(4) The judgment of the court affirming or setting aside, in whole or in part, any order under paragraph (3) shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28 of the United States Code. The commencement of proceedings under this section shall not, unless specifically ordered by the court to the contrary, operate as a stay of an order.".

(c) Fees.—Section 721(e) (21 U.S.C. 379e(e)) is amended by striking "admitting to listing and".

(d) Access to Outside Experts During Review Process.—Section 721 (21 U.S.C. 379e) is amended by adding at the end the following new subsection:

"Access to Outside Experts During Review Process

"(g) Notwithstanding the Federal Advisory Committee Act (5 U.S.C. App.), the Secretary may consult with, or seek advice from, a person who is not a full-time officer or employee of the Federal Government, either as an individual or as part of a group of such individuals, for the purpose of obtaining expert scientific review of data or other information submitted to the Secretary under this section, if the Secretary determines that the expertise provided by such individual or group of individuals would contribute to the quality of the scientific review of such submission or to the timeliness of such review and such expertise is not otherwise available within the Food and Drug Administration. The reviews, opinions, and conclusions of individuals obtained under the authority of this subsection shall be reduced to written form and placed in the relevant administrative file.".

Subpart C—Food Contact Substance Notification Fees

SEC. 729. SHORT TITLE.

This subpart may be cited as the "Food Contact Substance Notification Fee Act of 1999".

SEC. 729A. FEES RELATING TO FOOD CONTACT SUBSTANCE NOTIFICATIONS.

Chapter VII (21 U.S.C. 371 et seq.) is further amended by adding at the end of subchapter C the following new part:

"PART 5—FEES RELATING TO NOTIFICATIONS FOR FOOD CONTACT SUBSTANCES

"SEC. 754. AUTHORITY TO ASSESS AND USE FEES.

"(a) Definitions.—For purposes of this part, the terms used in this subsection have the following meanings:

"(1) Food contact substance.—The term 'food contact substance' has the meaning given that term in section 409(h)(6).

"(2) Notification.—The term 'notification' means a notification submitted pursuant to section 409(h).

"(3) Notification review activities.—The term 'notification review activities' means the following activities of the Secretary with respect to the review of notifications:

"(A) The activities necessary for the review of notifications and related activities.

"(B) The issuance of written correspondence or other documents which set forth the deficiencies in such notifications and, where appropriate, the actions necessary to resolve such deficiencies.

"(C) The development of guidance and policy documents regarding the process for the review of notifications.

"(D) The development of test methods and standards in connection with the review of notifications and related activities.

"(E) The provision of technical assistance to prospective notifiers in connection with the submission of a food contact substance notification.

"(F) Monitoring of studies and data pertaining to the safety of substances described in paragraphs (1) through (4) of section 908.

"(4) Costs of resources allocated for notification review activities.—The term 'costs of resources allocated for notification review activities' means the expenses incurred in connection with the process for the review of notifications and related activities for—

"(A) officers and employees of the Food and Drug Administration, employees under contract with the Food and Drug Administration, advisory committees, and costs related to such officers, employees, and committees;

"(B) management of information, and the acquisition, maintenance, and repair of computer resources;

"(C) leasing, maintenance, renovation, and repair of facilities and acquisition, maintenance, and repair of fixtures, furniture, scientific equipment, and other necessary materials, services, and supplies; and

"(D) collecting fees under this section and accounting for resources allocated for the review of notifications and related activities.

"(5) Tier I, tier II, tier III notifications; regulatory modification.—

"(A) Tier I notification.—The term 'tier I notification' means a notification for—

"(i) a use that results in an incremental increase in dietary exposure to the food contract substance equal to or less than 0.5 parts per billion; or

"(ii) a new use of a substance that does not require review of additional safety data.

"(B) Tier II notification.—The term 'tier II notification' means a notification for a use or uses—

"(i) that results in an incremental increase in estimated dietary exposure to the food contact substances of less than or equal to 50 parts per billion, but greater than 0.5 parts per billion in the diet; or

"(ii) that does not require review of more than 1 animal toxicity study with a duration of 90 days or more.

"(C) Tier III notification.—The term 'tier III notification' means a notification—

"(i) not described in subparagraph (A) or (B); or

"(ii) for a food contact substance that is a new food contact material.

"(D) Regulatory modification.—The Secretary may by regulation revise the definitions in subparagraphs (A) through (C).

"(6) ADJUSTMENT FACTOR.—The term 'adjustment factor' has the meaning given that term in section 735(8), except that references therein—

"(A) to '1997' shall be read to mean '1999'; and

"(B) to 'the 105th Congress' shall be read to mean 'the 106th Congress'.

"(b) ASSESSMENT OF FEES.—Subject to the remaining provisions of this section, each person that submits a notification under section 409(h) on or after October 1, 1999, shall be subject to fees established in accordance with this part.

"(c) FEE AMOUNTS.—

"(1) FOR FISCAL YEAR 2000.—The fee under this part for a notification submitted in fiscal year 2000 shall be—

"(A) $5,000 for each tier I notification;

"(B) $20,000 for each tier II notification; and

"(C) $40,000 for each tier III notification.

"(2) INFLATION ADJUSTMENT FOR SUBSEQUENT YEARS.—The fees established in paragraph (1) shall be adjusted by the Secretary by notice, published in the Federal Register, for fiscal year 2001 and each succeeding fiscal year to reflect an inflation adjustment determined as described in section 736(c)(1), except that the reference therein to 'fiscal year 1997' shall be considered to mean 'fiscal year 2000'.

"(d) PAYMENT DEADLINE; EFFECT OF FAILURE TO PAY FEES.—Fees assessed under this section shall be due and payable at the time the notification is submitted to the Secretary. A notification submitted by a person subject to fees assessed under this section shall be considered incomplete, shall not be accepted by the Secretary, and shall not be considered effective under section 409(a)(3)(B) until 120 days after all fees owed by such persons have been paid.

"(e) GENERAL CONDITIONS APPLICABLE TO FEE ASSESSMENT AUTHORITY.—

"(1) LIMITATION.—Fees may not be assessed under this section for a fiscal year beginning after fiscal year 2000 unless appropriations for such fiscal year for salaries and expenses of the Food and Drug Administration (excluding amounts appropriated for fees under this subchapter), and for that portion of such appropriation designated for the Center for Food Safety and Applied Nutrition, equal or exceed such appropriations for fiscal year 1999 multiplied by the adjustment factor.

"(2) DELAYED ASSESSMENT.—If the Secretary does not assess fees under this part during any portion of a fiscal year because of paragraph (1) and if at a later date in such fiscal year the Secretary may assess such fees, the Secretary may assess and collect such fees, without modification in the rate, for activities related to the regulatory purpose for which they were collected any time in such fiscal year notwithstanding the provisions of subsection (d) relating to the date fees are to be paid.

"(f) CREDITING AND AVAILABILITY OF FEES.—Fees authorized under this section shall be available for obligation only to the extent and in the amounts provided in advance in appropriations Acts. Such fees are authorized to be appropriated to remain available until expended solely to support the notification review activities set forth in subsection (a)(3). Such fees shall be credited to the appropriation account for salaries and expenses of the Food and Drug Administration. Any amount of fees collected for a fiscal year under this subsection that exceeds the amount of fees made available in appropriations Acts for such fiscal year may be credited to the appropriation account for salaries and expenses of the Food and Drug Administration. Excess fees may be retained but are not available for obligation until appropriated. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation to such appropriation account for salaries and expenses with such fiscal year limitation.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fees under this section $6,000,000 for fiscal year 2000 and each succeeding fiscal year, as adjusted to reflect the percentage adjustment of fees authorized under subsection (b).

"(h) COLLECTION OF UNPAID FEES.—In any case where the Secretary does not receive payment of a fee assessed under this section within 30 days after it is due, such fee shall be treated as a claim of the United States Government subject to subchapter II of chapter 37 of title 31, United States Code.".

SEC. 729B. AMENDMENT RELATING TO FOOD CONTACT SUBSTANCE NOTIFICATION PROCESS.

Section 409(h)(5)(A)(iv) (21 U.S.C. 348(h)(5)(A)(iv)) is amended to read as follows:

"(iv) For fiscal year 2000 and subsequent fiscal years, the applicable amount under this clause is the amount specified in section 754(g).".

PART III—HEALTH CARE FINANCING ADMINISTRATION USER FEES

SEC. 731. REFERENCES IN PART.

Except as otherwise provided in this part, references to a section or other provision of law are references to the Social Security Act, and amendments made by this part to a section or other provision of law are amendments to such section or other provision of that Act.

SEC. 732. INCREASE IN MEDICARE+CHOICE FEE FOR ENROLLMENT-RELATED COSTS.

Section 1857(e)(2)(D)(ii) (42 U.S.C. 1395w-27(e)(2)(D)(ii)) is amended—

(1) by adding "and" at the end of subclause (I);

(2) in subclause (II)—

(A) by inserting "and each subsequent fiscal year" after "in fiscal year 1999"; and

(B) by striking "; and" and inserting a period; and

(3) by striking subclause (III).

SEC. 733. COLLECTION OF FEES FROM MEDICARE+CHOICE ORGANIZATIONS FOR CONTRACT INITIATION AND RENEWAL.

Section 1857 (42 U.S.C. 1395w–27) is amended by adding at the end the following new subsection:

"(i) FEES FOR CONTRACT ISSUANCE AND RENEWAL AND ONGOING MONITORING.—

"(1) AUTHORITY TO IMPOSE FEES.—The Secretary shall impose—

"(A) fees for initial Medicare+Choice contracts under this part; and

"(B) annual fees for renewal of such contracts and monitoring of the ongoing operations of Medicare+Choice organizations.

"(2) ASSESSMENT OF FEES.—

"(A) TYPES OF FEES.—

"(i) INITIATION FEES.—Fee amounts assessed against a member of a class of organizations pursuant to paragraph (1)(A) shall not exceed the Secretary's reasonable estimate of the average cost of initiating a Medicare+Choice contract for an organization in such class.

"(ii) RENEWAL AND MONITORING FEES.—Fee amounts assessed pursuant to paragraph (1)(B) against members of a class of organizations shall not exceed the amount which the Secretary reasonably estimates will generate total revenues sufficient to cover total annual costs for renewing contracts and performing ongoing monitoring with respect to such class.

"(B) REDUCTION OR WAIVER OF FEES.—The Secretary may reduce or waive the fees under this subsection in exceptional circumstances which the Secretary determines to be in the public interest.

"(3) COLLECTION AND CREDITING OF FEES.—

"(A) INITIAL FEES.—Fees assessed against an organization pursuant to paragraph (1)(A) shall be payable upon submission of the application to participate in the program under this title as a Medicare+Choice organization (and shall apply whether or not the Secretary approves such application) and shall be credited to the Health Care Financing Administration Program Management Account.

"(B) RENEWAL AND MONITORING FEES.—Fees assessed against an organization pursuant to paragraph (1)(B) shall be payable annually and may be deducted from amounts otherwise payable from a Trust Fund under this title to such organization. Such fees shall be credited to the Health Care Financing Administration Program Management Account.

"(C) OFFSET.—Any amount of fees collected in a fiscal year under this subsection that exceeds the amount of such fees available for expenditure in such fiscal year, as specified in appropriation Acts, shall be credited to the Health Care Financing Administration Program Management Account, and shall be available for obligation in subsequent fiscal years to the extent provided in subsequent appropriation Acts.

"(4) AVAILABILITY OF FEES.—Fees authorized under this subsection shall be available for obligation only to the extent and in the amount provided in advance in appropriation Acts. Such fees are authorized to be appropriated to remain available until expended for the costs of the activities for which they were assessed.".

SEC. 734. FEES FOR SURVEY AND CERTIFICATION.

(a) IN GENERAL.—Section 1864(e) (42 U.S.C. 1395aa(e)) is amended to read as follows:

"(e) FEES FOR CONDUCTING CERTIFICATION SURVEYS.—

"(1) AUTHORITY TO IMPOSE FEES.—Except as provided in paragraph (6), the Secretary shall impose, or require States as a condition of agreements under this section to impose—

"(A) fees for surveys for the purpose of making initial determinations as to whether entities meet requirements under this title; and

"(B) annual fees to cover the costs of periodic surveys to determine whether entities participating in the program under this title continue to meet such requirements.

"(2) ASSESSMENT OF FEES.—

"(A) TYPES OF FEES.—

"(i) FEES FOR INITIAL SURVEYS.—Fee amounts assessed pursuant to paragraph (1)(A) against an entity in a class in a State shall not exceed the estimated average cost of an initial survey and determination for an entity in such class and State.

"(ii) FEES FOR RECERTIFICATION SURVEYS.—

"(I) IN GENERAL.—Fee amounts assessed pursuant to paragraph (1)(B) against entities in a class in a State shall not exceed the amount which the Secretary reasonably estimates will generate total revenues sufficient to cover the applicable percentage specified in subclause (II) of total annual costs for such surveys and determinations with respect to such class and State.

"(II) APPLICABLE PERCENTAGES.—For purposes of subclause (I), the applicable percentage is—

“(aa) 33 percent for fiscal year 2000;

“(bb) 66 percent for fiscal year 2001; and

“(cc) 100 percent for fiscal year 2002 and each succeeding fiscal year.

“(B) Reduction or waiver of fees.—The Secretary may reduce or waive the fees under this subsection in exceptional circumstances which the Secretary determines to be in the public interest.

“(3) Collection and crediting of fees.—

“(A) Fees for initial surveys.—

“(i) Collection of fees.—Fees assessed against an entity in a State pursuant to paragraph (1)(A) shall be payable at the time of the initial survey to the Secretary (or, in the case of surveys performed by a State agency, to such agency).

“(ii) Remittance of fee amount to secretary where state collects fees.—In the event a State agency collects a fee pursuant to clause (i), such agency shall remit to the Secretary an amount equal to the Secretary's share of the cost of the activities described in paragraph (1)(A).

“(iii) Crediting of fees.—Fees paid to the Secretary pursuant to clause (i) or remitted to the Secretary pursuant to clause (ii) shall be credited to the Health Care Financing Administration Program Management Account.

“(B) Fees for recertification surveys.—

“(i) Collection of fees.—Fees assessed against an entity pursuant to paragraph (1)(B) shall be payable annually and may be deducted from amounts otherwise payable from a Trust Fund under this title to such entity.

“(ii) Reimbursement of state agency costs.—Of amounts collected pursuant to clause (i), an amount equal to the State's share of the cost of activities described in paragraph (1)(B) shall be transferred to the appropriate State agency.

“(iii) Reimbursement of secretary's costs.—The balance of the amount collected pursuant to clause (i) that is not paid to a State agency pursuant to clause (ii) shall be credited to the Health Care Financing Administration Program Management Account.

“(C) Offset.—Any amount of fees collected in a fiscal year under this subsection that exceeds the amount of such fees available for expenditure in such fiscal year, as specified in appropriation Acts, shall be credited to the Health Care Financing Administration Program Management Account, and shall be available for obligation in subsequent fiscal years to the extent provided in subsequent appropriation Acts.

“(4) Availability of fees.—Fees authorized under this subsection shall be available for obligation only to the extent and in the amount provided in advance in appropriation Acts. Such fees are authorized to be appropriated to remain available until expended for the costs of the activities for which they were assessed.

“(5) Treatment of fees for purposes of cost reports.—An entity may not include a fee assessed pursuant to this subsection as an allowable item on a cost report under this title or title XIX.

“(6) Certain entities not subject to fee.—The Secretary shall not impose fees under this subsection against entities subject to the requirements of the Clinical Laboratory Improvement Amendments of 1988 (Public Law 100-578, 42 U.S.C. 263a).”.

(b) Simpler and More Flexible Legislative Authority.—

(1) In general.—The first two sentences of section 1864(a) (42 U.S.C. 1395aa(a)) are amended to read as follows: “The Secretary may make an agreement with a State under which the services of a State agency (or local agencies) will be utilized by the Secretary in determining whether entities that furnish items or services for which payment may be made under this title meet requirements under this title. To the extent that the Secretary finds it appropriate, an entity that a State (or local) agency finds to have met requirements under this title may be treated by the Secretary as having met those requirements.”.

(2) Posting of findings.—The fifth sentence of such section is amended to read as follows: “Within 90 days after the completion of a survey of an entity under the first sentence of this subsection, the Secretary shall make public in readily available form and place, and require (in the case of skilled nursing facilities) the posting in a place readily accessible to patients (and patients' representatives), the pertinent findings of the survey as to the compliance of the entity with statutory requirements under this title and with the major additional conditions that the Secretary finds necessary in the interest of health and safety of individuals who are furnished items or services by the entity.”.

(3) Clerical amendment.—The heading of section 1864 (42 U.S.C. 1395aa) is amended by striking “WITH CONDITIONS OF PARTICIPATION” and inserting “AND OTHER ENTITIES WITH REQUIREMENTS UNDER THIS TITLE”.

SEC. 735. FEES FOR REGISTRATION OF INDIVIDUALS AND ENTITIES PROVIDING HEALTH CARE ITEMS OR SERVICES UNDER MEDICARE.

(a) In General.—Section 1866 (42 U.S.C. 1395cc) is amended by adding at the end the following new subsection:

“(j) Registration Procedures and Fees.—

“(1) Registration.—The Secretary shall establish a procedure for initial registration and periodic renewal of registration of individuals and entities that furnish items or services for which payment may be made under this title and that are not otherwise subject to provisions of this title providing for such procedures.

“(2) Fees.—

“(A) Authority to impose fees.—The Secretary shall impose—

“(i) fees for initial agreements with providers of services and initial registrations of other entities and individuals that furnish items or services for which payment may be made under this title, and

“(ii) annual fees to cover the costs of renewals of agreements and registrations of such individuals and entities.

“(B) Assessment of fees.—

“(i) Types of fees.—

“(I) Initial fees.—Fee amounts assessed pursuant to subparagraph (A)(i) against a member of a class of individuals or entities shall not exceed the Secretary's reasonable estimate of the average cost of initiating an agreement or performing an initial registration for an individual or entity in such class.

“(II) Renewal fees.—Fee amounts assessed pursuant to subparagraph (A)(ii) against members of a class of individuals or entities shall not exceed the amount which the Secretary reasonably estimates will generate total revenues sufficient to cover total annual costs of performing such renewals with respect to such class.

“(ii) Reduction or waiver of fees.—The Secretary may reduce or waive the fees under this paragraph in exceptional circumstances which the Secretary determines to be in the public interest.

“(C) Collection and crediting of fees.—

“(i) Initial fees.—Fees assessed pursuant to subparagraph (A)(i) against an individual or entity shall be payable upon application for billing privileges under the program under this title (and shall apply whether or not the Secretary approves such application) and shall be credited to the Health Care Financing Administration Program Management Account.

“(ii) Renewal fees.—Fees assessed pursuant to subparagraph (A)(ii) against an individual or entity shall be payable annually and may be deducted from amounts otherwise payable from a Trust Fund under this title to such individual or entity. Such fees shall be credited to the Health Care Financing Administration Program Management Account.

“(iii) Offset.—Any amount of fees collected in a fiscal year under this paragraph that exceeds the amount of such fees available for expenditure in such fiscal year, as specified in appropriation Acts, shall be credited to the Health Care Financing Administration Program Management Account, and shall be available for obligation in subsequent fiscal years to the extent provided in subsequent appropriation Acts.

“(D) Availability of fees.—Fees authorized under this paragraph shall be available for obligation only to the extent and in the amount provided in advance in appropriation Acts. Such fees are authorized to be appropriated to remain available until expended for necessary expenses related to initiating and renewing such agreements and registrations, including costs of establishing and maintaining procedures and records systems; processing applications; background investigations; renewal of billing privileges; and reverification of eligibility.

“(E) Treatment of fees for purposes of cost reports.—An entity may not include a fee assessed pursuant to this paragraph as an allowable item on a cost report under this title or title XIX.”; and

(b) Clerical Amendment.—The heading of section 1866 (42 U.S.C. 1395cc) is amended by inserting “AND REGISTRATION OF OTHER PERSONS FURNISHING SERVICES” after “PROVIDERS OF SERVICES”.

SEC. 736. FEES FOR PROCESSING CLAIMS.

(a) In General.—Title XVIII (42 U.S.C. 1395 et seq.) is amended by adding at the end the following new section:

“FEES FOR PROCESSING CLAIMS

“Sec. 1897. (a) Authority To Impose Fees.—

“(1) In general.—Subject to subsection (b), each claim described in paragraph (2) submitted by an individual or entity furnishing items or services for which payment may be made under this title is subject to a processing fee of $1.

“(2) Claims subject to fee.—A claim under part A or B of this title is subject to the fee specified in paragraph (1) if it—

“(A) duplicates, in whole or in part, another claim submitted by the same individual or entity;

“(B) is a claim that cannot be processed and must, in accordance with the Secretary's instructions, be returned by the fiscal intermediary or carrier to the individual or entity for completion; or

“(C) is not submitted electronically by an individual or entity or the authorized billing agent of such individual or entity.

“(b) Collection, Crediting, and Availability of Fees.—

“(1) Deduction from trust fund.—The Secretary shall deduct any fees assessed pursuant to subsection (a) against an individual or entity from amounts otherwise payable from a Trust Fund under this title to such individual or entity, and shall transfer the amount so deducted from such Trust Fund to the Health Care Financing Administration Program Management Account.

“(2) Offset.—Any amount of fees collected in a fiscal year under this section that exceeds the amount of such fees available for expenditure in such fiscal year, as specified in appropriation Acts, shall be credited to the Health Care Financing Administration Program Management Account, and shall be available for obligation in subsequent fiscal years to the extent provided in subsequent appropriation Acts.

“(3) Availability.—Fees authorized under this subsection shall be available for obligation only to the extent and in the amount provided in advance in appropriation Acts. Such fees are authorized to be appropriated to remain available until expended for the costs of the activities for which they were assessed.

“(c) Waiver of Certain Fees.—The Secretary may waive fees for claims described in subsection (a)(2)(C) in cases of such compelling circumstances as the Secretary may determine.

“(d) Treatment of Fees for Purposes of Cost Reports.—An entity may not include a fee assessed pursuant to this section as an allowable item on a cost report under this title or title XIX.”.

(b) Conforming Amendment.—Section 1842(c)(4) (42 U.S.C. 1395u(c)(4)) is amended by striking “Neither a carrier” and inserting “Except as provided in section 1897, neither a carrier”.

(c) Effective Date.—The amendments made by this section are effective 180 days after the date of enactment of this part.

SEC. 737. REPEAL OF PROVISION RELATED TO SELECTION OF REGIONAL LABORATORY CARRIERS.

Section 4554(a) of the Balanced Budget Act of 1997 (42 U.S.C. 1395u note) is repealed.

SEC. 738. AUTHORITY TO ISSUE INTERIM FINAL REGULATIONS.

The Secretary may issue any regulations needed to implement amendments made by this subtitle as interim final regulations.

Subtitle H—Transportation

PART I—FEDERAL AVIATION ADMINISTRATION COST-BASED USER FEES

SEC. 811. FEDERAL AVIATION ADMINISTRATION COST-BASED USER FEES.

(a) Chapter 453 of title 49, United States Code, is amended by adding at the end the following:

“§45305. Transitional fees for users of air traffic control services

“(a) Authority to Establish Fees.—

“(1) In general.—The Administrator of the Federal Aviation Administration shall establish a schedule of new fees, and a collection process for such fees, to be paid by operators described in paragraph (4) for air traffic control services provided by the the Administration.

“(2) Duration of effect.—Fees established under this section shall be effective until the Administrator adopts a permanent schedule of fees for air traffic control services.

“(3) Amount of fees.—Fees authorized under this section shall reflect, based on cost accounting principles, the full cost of providing air traffic control services, including costs associated with research, engineering, development, operation, maintenance, and depreciation of air traffic control facilities and infrastructure.

“(4) Persons subject to fees.—The following operators shall be subject to fees established under this section:

“(A) Persons holding certificates under part 119 of title 14, Code of Federal Regulations.

“(B) Persons holding certificates to operate an aircraft for compensation or hire under part 125 of title 14, Code of Federal Regulations.

“(C) Foreign air carriers directly providing air transportation.

“(b) Issuance of Regulations.—

“(1) Interim final rule.—

“(A) Publication.—Not later than September 30, 1999, the Administrator shall publish in the Federal Register an interim final rule establishing an initial schedule of fees authorized under this section and describing the collection process for such fees.

“(B) Consultation.—Before publishing a rule under subparagraph (A), the Administrator shall consult with interested operators who may be subject to the rule.

“(2) Final rule.—After the Administrator receives public comment on the interim final rule, the Administrator shall issue a final rule as early as is practicable.

“(c) Deposit of Fees.—Fees collected under this section shall be deposited in the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502).

“(d) Reduction of Taxes for Fiscal Year 2000.—If, prior to October 1, 1999, the sum of estimated receipts from fees established under this section for fiscal year 2000 and estimated receipts from excise taxes to be credited to the Airport and Airway Trust Fund for fiscal year 2000 is projected to exceed the budgetary requirements for the Federal Aviation Administration for fiscal year 2001 as shown in the Budget of the United States Government for Fiscal Year 2000, aviation excise taxes that would otherwise be applicable shall be reduced in the same manner as provided in section 45306.

“(e) Availability of Fees.—Fees authorized under this section shall be available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Such fees are authorized to be appropriated to remain available until expended.

“SEC. 45306. ADJUSTMENT OF CERTAIN AVIATION EXCISE TAXES.

“(a) In General.—On the date on which the Budget of the United States Government is transmitted to Congress in 2000, and on that date on each year thereafter, if the sum of revenue from fees projected to be collected under section 45305 and subchapter II of this title in the upcoming fiscal year and amounts equivalent to excise taxes projected to be credited to the Airport and Airway Trust Fund in that fiscal year does not equal the budgetary requirements for the Federal Aviation Administration for the succeeding year, as shown in the Budget of the United States Government for the upcoming fiscal year, aviation excise taxes that would otherwise be imposed in the upcoming fiscal year shall be adjusted as follows:

“(1) Passenger ticket tax.—The rate of tax imposed under section 4261(a) of the Internal Revenue Code of 1986 (26 U.S.C. 4261(a)) is adjusted pursuant to the calculation made for each fiscal year under subsection (b) of this section.

“(2) International arrivals and departures.—The rate of tax imposed under section 4261(c) of the Internal Revenue Code of 1986 (26 U.S.C. 4261(c)) is adjusted pursuant to the calculation made for each fiscal year under subsection (b) of this section.

“(3) Air cargo.—The rate of tax imposed under section 4271 of the Internal Revenue Code of 1986 (26 U.S.C. 4271) is adjusted pursuant to the calculation made for each fiscal year under subsection (b) of this section.

“(4) Domestic passenger flight segments.—The rate of tax imposed under section 4261(b) of the Internal Revenue Code of 1986 (26 U.S.C. 4261(b)) is adjusted pursuant to the calculation made for each fiscal year under subsection (b) of this section.

“(5) Passenger ticket tax for rural airports.—The rate of tax imposed under section 4261(e)(1) of the Internal Revenue Code of 1986 (26 U.S.C. 4261(e)(1)) is adjusted pursuant to the calculation made for each fiscal year under subsection (b) of this section.

“(6) Frequent flyer tax.—The rate of tax imposed under section 4261(e)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 4261(e)(3)) is adjusted pursuant to the calculation made for each fiscal year under subsection (b) of this section.

“(7) Commercial aviation fuel tax.—The rate of tax not exempted under section 4092(b)(2) of the Internal Revenue Code of 1986 (26 U.S.C. 4092(b)(2)) is adjusted pursuant to the calculation made for each fiscal year under subsection (b) of this section.

“(b) Adjustments by the Secretary of the Treasury.—On the date on which the Budget of the United States Government is transmitted to Congress in 2000, and on that date in each year thereafter, the Secretary of the Treasury, in consultation with the Secretary of Transportation, shall calculate a percent figure for the upcoming fiscal year as follows:

“(1) Estimate of budgetary requirements.—The Secretary of the Treasury shall estimate the budgetary requirements for the Federal Aviation Administration for the upcoming fiscal year based on the budget of the United States Government.

“(2) Estimate of fees.—The Secretary of the Treasury shall estimate the amount of user fees imposed under section 45305 to be collected for the upcoming fiscal year.

“(3) Estimate of tax revenues.—The Secretary of the Treasury shall estimate the receipts in the upcoming fiscal year from taxes that, but for this section, would be imposed under sections 4261(a) (relating to the passenger tickets), 4261(c) (relating to international arrivals and departures), 4271 (relating to transportation of property), 4261(b) (domestic passenger flight segments), 4261(e)(1) (relating to passenger tickets for rural airports), and 4261(e)(3) (relating to frequent flyer programs) of the Internal Revenue Code of 1986.

“(4) Calculation of actual resources.—On the date on which the Budget of the United States Government is transmitted to Congress in 2002, and on that date in each year thereafter, the Secretary of Treasury shall calculate the amount that actual budget resources, in the fiscal year that is one year earlier than the current year, and user fee and tax receipts credited to the Airport and Airway Trust Fund, in the fiscal year that is two years earlier than the current year, varied from the amounts projected in the calculation previously made for the fiscal year that is two years earlier than the current year under this subsection or section 45305(d). The resulting positive or negative amount is added to the estimated amount calculated under paragraph (3).

“(5) Calculation of adjustments.—The Secretary of the Treasury shall subtract the amount calculated under paragraph (2) from the amount calculated under paragraph (1) and divide that result by the amount calculated under paragraph (3), after any adjustment under paragraph (4). If the result is less than 1, subtract the resulting percentage from 100 percent. The percent that taxes are to be reduced for the upcoming fiscal year under subsection (a) is the result of this calculation. If the result is greater than 1, subtract 1 from the result. The percent that taxes are to be increased for the upcoming fiscal year under subsection (a) is the result of this calculation.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 453 is amended by inserting at the end the following:

"45305. Transitional fee for users of air traffic control services.
"45306. Adjustment of certain aviation excise taxes.".

PART II—COAST GUARD VESSEL NAVIGATION ASSISTANCE FEE

SEC. 821. COAST GUARD VESSEL NAVIGATIONAL ASSISTANCE FEE.

(a) IN GENERAL.—Section 2110 of title 46, United States Code, is amended—

(1) by amending subsection (b) to read as follows:

"(b)(1) Commencing in fiscal year 2000, the Secretary may establish, adjust, assess, and collect annual fees or charges to recover a portion of the costs of navigation services provided to commercial vessels by the Coast Guard. The fees or charges shall be collected from the owner or operator of each commercial vessel that is operated on the navigable waters of the United States.

"(2) Fees authorized under this subsection shall be available for obligation only to the extent and in the amount provided in advance in appropriation Acts.

"(3) From amounts collected pursuant to paragraph (1), there are authorized to be appropriated to the Secretary of the department in which the Coast Guard is operating, to remain available until expended and ascribed to the Coast Guard, such sums as may be necessary for fiscal year 2000 and for each fiscal year thereafter.

"(4)(A) Fees authorized under this subsection may vary or be allocated to reflect the costs of navigation services provided to different classifications of commercial vessels or vessel owners or operators, taking into account factors such as the type of navigation services made available; type, size, and capacity of the vessel; type and amount of cargo carried; type of port or region; economic efficiency; fair distribution of common costs; and other factors the Secretary considers appropriate. The total of fees or charges imposed shall not exceed the total costs of navigation services used or usable by all vessel classifications combined, including the costs of administering, collecting, and enforcing the fees.

"(B) Fees authorized under this subsection—

"(i) may be waived or reduced by the Secretary, if in the public interest; and

"(ii) shall be subject to the limitations prescribed in paragraphs (3) through (5) of subsection (a) of this section.

"(5) Notwithstanding sections 553(b) and 553(c) of title 5, the Secretary shall prescribe by interim final rule an initial schedule of fees and the procedures for payment and collection, which shall be effective without the necessity for consideration of comments received. However, public comment on the interim final rule shall be sought and considered before a final rule is promulgated.

"(6) In this subsection—

"(A) 'commercial vessel' means a vessel used in transporting goods or individuals by water for compensation or hire or in the business of the owner, lessee, or operator of the vessel, but does not include a public vessel, a vessel deemed to be a public vessel under section 827 of title 14, a recreational vessel, a ferry, or a fishing vessel; and

"(B) 'navigation services' means activities and facilities used to make available or provide placement and maintenance of buoys and other short-range aids to navigation, vessel traffic services, radio and satellite navigation systems, waterways regulation, or other services that facilitate navigation of commercial vessels, as determined by the Secretary.";

(2) in subsection (e) by inserting after "violation" the following: ", except that in the case of a fee or charge established under subsection (b) of this section, the civil penalty shall be not less than twice the amount of the fee or charge due under subsection (b)";

(3) in subsection (h) by inserting after "section" the following: "(except those collected pursuant to subsection (b)(1) of this section)"; and

(4) in subsection (k) by inserting after the first sentence the following: "This subsection does not apply to a regulation that would promulgate a user fee specifically authorized by law after November 13, 1998.".

(b) EFFECTIVE DATE OF FEES.—No fee shall be collected under the amendments made by subsection (a) until 30 days after the effective date of interim final regulations promulgated pursuant to those amendments.

PART III—HAZARDOUS MATERIALS TRANSPORTATION SAFETY FEES

SEC. 831. HAZARDOUS MATERIALS TRANSPORTATION SAFETY FEES.

Section 5108 of title 49, United States Code, is amended—

(1) by striking subsection (b)(1)(C) and inserting the following:

"(C) each State in which the person carries out any of the activities.";

(2) by striking subsection (c) and inserting the following:

"(c) FILING SCHEDULE.—Each person required to file a registration statement under subsection (a) of this section shall file that statement in accordance with regulations issued by the Secretary.";

(3) in subsection (g)(1), by striking "may" and inserting "shall";

(4) in subsection (g)(2)(A), by striking "$250 but not more than $5,000" and inserting "$500";

(5) in subsection (g)(2)(A), by striking "subparagraph (B)" and inserting "subparagraph (E)";

(6) in subsection (g)(2)(A)(viii), by striking "sections 5108(g)(2), 5115, and 5116" and inserting "chapter 51 (except sections 5109, 5112, and 5119)";

(7) by striking subsections (g)(2)(B) and (g)(2)(C) and inserting the following:

"(B) At the beginning of each fiscal year, the Secretary shall publish a fee schedule for the fee established under this paragraph. The fee schedule shall be designed to collect the following amounts:

"(i) Amounts authorized for that fiscal year, from amounts in the account established under section 5116(i), to carry out sections 5116(a), 5116(i), and 5116(j).

"(ii) Amounts appropriated to the Research and Special Programs Administration (RSPA) for that fiscal year from amounts collected under subsection (g)(2)(B)(ii).

"(iii) Amounts appropriated to RSPA for that fiscal year, from amounts in the account established under section 5116(i), to carry out sections 5107(e) and 5115.

"(iv) Amounts authorized for that fiscal year, from amounts in the account established under section 5116(i), for publication and distribution of the North American Emergency Response Guidebook.

"(C) The Secretary shall transfer to the Secretary of the Treasury all funds received by the Secretary under this paragraph, except the amounts appropriated to RSPA from amounts collected under subsection (g)(2)(B)(ii), for deposit in the account the Secretary of the Treasury established under section 5116(i).

"(D) Fees authorized under subsection (g)(2)(B)(ii) shall be available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Such fees are authorized to remain available until expended.

"(E) The Secretary shall adjust the amount collected under subsection (g)(2)(B) to reflect any unexpended balance in the account established under section 5116(i). However, the Secretary is not required to refund any fee collected under this paragraph."; and

(8) in subsection (i)(2)(B), by striking "State," and inserting "State, an Indian tribe,".

PART IV—COMMERCIAL ACCIDENT INVESTIGATION FEES

SEC. 841. COMMERCIAL ACCIDENT INVESTIGATION USER FEES.

(a) IN GENERAL.—Chapter 11 of title 49, United States Code, is amended by adding at the end the following:

"§ 1120. Commercial accident investigation fees

"(a) IN GENERAL.—

"(1) AUTHORITY.—A fee for service to offset, on an annual basis and to the extent provided in this subsection, the costs of investigation of commercial transportation accidents and incidents, may be collected by the United States Government as specified in this section.

"(2) USE AND AVAILABLITY.—Except as provided under paragraph (4), fees authorized under this section shall be available for obligation, to remain available until expended, only to the extent and in the amount provided in advance in appropriations Acts for the investigation by the National Transportation Safety Board of accidents involving air, ocean and inland waterways, and rail carriers.

"(3) DEPOSIT.—Each fee collected under this section shall be deposited as an offsetting collection to the account that is the source of funds used to pay the costs of accident investigations.

"(4) EXCESS AMOUNTS.—Notwithstanding paragraphs (2) and (3), amounts collected under this section that exceed $10,000,000 in any fiscal year shall be transferred to the emergency fund established under section 1118(b), and shall be available until expended for unforeseen costs attributable to investigations by the National Transportation Safety Board of extraordinary accidents involving air, ocean and inland waterways, and rail carriers.

"(b) AIRCRAFT ACCIDENT INVESTIGATION FEE.—To the extent that a fee for service is newly imposed on the operation of a commercial aircraft in United States airspace (or on a flight segment to or from the United States) by the Administrator of the Federal Aviation Administration after September 30, 1999, the amount of the fee shall, in fiscal year 2000 and each succeeding fiscal year in which the fee is imposed, be automatically increased under the authority of this section by a pro rata amount that allocates over the total fees imposed on an aircraft for the fiscal year, the amount that is equivalent to the revenue hours of service of the aircraft in United States airspace (or on a flight segment to or from the United States) during the fiscal year, multiplied by $00.60.

"(c) RAILROAD ACCIDENT INVESTIGATION FEE.—To the extent that a fee for service is newly imposed on the operation of a rail carrier, as defined in section 10102 of this title, by the Secretary of Transportation after September 30, 1999, the amount of the fee shall, in fiscal year 2000 and each succeeding fiscal year in which the fee is imposed, be automatically increased under the authority of this section by a pro rata amount that allocates over the total fees imposed on the rail carrier for the fiscal year, the amount that is equivalent to the number of train miles of the rail carrier for the fiscal year, multiplied by $00.00313.

"(d) Commercial Vessel Accident Investigation Fee.—To the extent that a fee for service is newly imposed by statute on the use of port facilities at harbors within the United States by commercial vessels after September 30, 1999, the amount of the fee shall, in fiscal year 2000 and each succeeding fiscal year in which the fee is imposed, be automatically increased under the authority of this section by a pro rata amount that allocates over the total fees imposed on the commercial vessel for the fiscal year, the amount this is equivalent to the number of vessel movements of the vessel during the fiscal year, multiplied by $00.09.".

(b) Conforming Amendment.—The analysis for subchapter II of chapter 11 of title 49, United States Code, is amended by inserting at the end the following:

"1120. Commercial accident investigation user fees.".

PART V—SURFACE TRANSPORTATION BOARD USER FEES

SEC. 851. SURFACE TRANSPORTATION BOARD USER FEES.

Section 705 of title 49, United States Code, is amended—

(1) by inserting "(a) Authorizations.—" before "There" at the beginning of the section;

(2) by striking "and" at the end of paragraph (2);

(3) by striking the period at the end of paragraph (3) and inserting "; and"; and

(4) by adding after paragraph (3) the following:

"(4) $17,000,000 for fiscal year 2000, which shall be derived from fees collected in the fiscal year by the Board.

"(b) User Fees and Charges.—

"(1) In general.—Beginning in fiscal year 2000, the Board is authorized to assess and collect fees and annual charges in each fiscal year in amounts equal to all of the costs incurred by the Board in that fiscal year.

"(2) Amount.—The amount of fees and charges imposed by the Board under this subsection shall be computed using methods that the Board determines, by rule, to be fair and equitable.

"(3) Use and availability.—Fees authorized under this section shall be available for obligation, to remain available until expended, only to the extent and in the amount provided in advance in appropriation Acts.".

PART VI—RAIL SAFETY USER FEES

SEC. 861. RAIL SAFETY INSPECTION USER FEES.

Section 20115 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "chapter" in the first sentence and inserting "part"; and

(B) by amending paragraph (1) to read as follows:

"(1) shall cover the costs incurred by the Federal Railroad Administration in carrying out this part and chapter 51 of this title;";

(2) by amending subsection (c) to read as follows:

"(c) Collection, Deposit, and Use.—(1) The Secretary is authorized to impose and collect fees under this section for each fiscal year (beginning with fiscal year 2000) before the end of the fiscal year to cover the costs of carrying out this part and Federal Railroad Administration activities in connection with chapter 51 of this title.

"(2) Fees authorized under this section shall be available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Such fees are authorized to be appropriated to remain available until expended."; and

(3) by striking subsections (d) and (e).

TITLE II—BUDGET PROVISIONS

SEC. 2001. REDUCTION OF PREEXISTING BALANCES ON PAYGO SCORECARD.

Upon the enactment of this Act, the Director of the Office of Management and Budget shall—

(1) reduce any balances of direct spending and receipts legislation for fiscal year 2000 under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 to zero; and

(2) treat the amount of any balances so reduced as negative discretionary budget authority and outlays for fiscal year 2000 under section 251 of such Act.

The SPEAKER pro tempore (Mr. CALVERT). Pursuant to the rule, the gentleman from Kentucky (Mr. LEWIS) and the gentleman from New York (Mr. RANGEL) each will control 20 minutes.

PARLIAMENTARY INQUIRY

Mr. RANGEL. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. RANGEL. Mr. Speaker, is this a tax bill?

The SPEAKER pro tempore. The Chair cannot construe the bill. The bill will be reported, and the Clerk will report the title of the bill.

The Chair recognizes the gentleman from Kentucky (Mr. LEWIS).

GENERAL LEAVE

Mr. LEWIS of Kentucky. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 3085.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. LEWIS of Kentucky. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it was not too many years ago in the State of the Union message that the President said that the era of big government is over. But since that time, the President has not lived up to those remarks.

The President currently would like to see a tax increase. The President would like to spend more money than what is available. And the President has only two or three choices.

Yesterday, the President vetoed a foreign aid bill because it did not spend enough money. He wanted an extra 2 or 3 billion dollars to spend. Mr. Speaker, the money that the President wants to spend should not be taken and spent on the backs of the people less able to spend that money.

This resolution today I stand in opposition to, because the American people are spending too much of their money in tax dollars now. The average family spends 40 percent of their income in local, State, and Federal taxes. The average family spends more money in taxes than they do in food and clothing and other necessary needs.

Mr. Speaker, I oppose this resolution; and I ask that the Congress reject any more taxes and any more spending by the President of the United States.

Mr. Speaker, I yield the balance of my time to the gentleman from Nebraska (Mr. TERRY) and ask unanimous consent that he be permitted to yield further blocks of time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I had asked earlier whether this was a tax bill. Having been privileged to serve on the tax writing committee for over 20 years, I was under the impression that revenue bills went to the Committee on Ways and Means. And if we are changing these rules and the revenue bills now come out of the Committee on Rules, there are some Democrats who have revenue bills and they just want to know which committee to go to in order to see how they can get them reported to the floor.

Now, it is my understanding that this afternoon the Republican leadership will be meeting with the President of the United States for the purpose of seeing whether or not they can negotiate some solution to the budget problems that the leadership, for lack of a better word, have found themselves with on the other side of the aisle.

I cannot possibly see how they think that bringing up a bill for the sole purpose of embarrassing the President can help them in this effort.

As I understand this bill, which comes out of the Committee on Rules, they would want to raise $100 billion over a 5-year period and say that these are the President's revenue raises.

Well, it seemed to me that if the President did have tobacco taxes and the President did have user taxes and that these were pulled out of a budget that these revenue raises must have been attached to something. In other words, the President must have said that these monies should be used to pay for prescription drugs. The President must have said that this money should be used to improve the quality of our educational system.

But no one puts together a budget and talks about raising revenue unless it is for a purpose that has not been legislated. But this is very unusual because a Member of this body has decided that he wants to raise $20 billion a year and then come to the floor and ask the House to vote against this bill.

Now, I know and have come to understand why we would want to have 13 months in a year. I have come to understand why we would want to have across-the-board cuts. I have come to understand anything that they want us to understand because they are in the leadership.

But I do hope that before this debate is over that they might be able to explain to those American people who are not legislators why, in God's name, they would attempt to say that they want to raise taxes by $20 billion a year, why would they want to attribute to the President of the United States while their leadership is supposed to meet with them, and why is it that they do not want to do anything good in this bill, such as improving the quality of education or paying for prescription drugs.

So, Mr. Speaker, I can see why this did not come through the tax writing committee because they do not intend to raise taxes, they just intend to talk about taxes. But no matter what they do, they are going to be remembered for a $792 billion tax bill. If they want to be remembered about taxes, they do not need these little gimmicks, just stick by their guns and say, surplus or not, we still support a tax cut for $792 billion.

If they do this, they do not have to go to the suspension calendar, they do not have to go to suspended rules, but they will be remembered for what they want and not just $20 billion.

Mr. Speaker, I reserve the balance of my time.

Mr. TERRY. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, the recent drumbeat of criticism coming from the White House has been hard to miss. Simply put, the President does not like the fact that Congress will not go along with his tax increases to pay for new government spending.

It is disappointing that all this noise has drowned out the attention to all of these new taxes and fees the President himself has proposed, more than $19 billion for this next fiscal year and about $240 billion over the next 10 years.

I introduced this bill so Members would have the formal opportunity to express their views on the President's new taxes and fees and so instruct our leadership.

Now, in fact, the taxes and fees included in this bill are only the offsets to the President's new discretionary spending. I should also note that he has proposed other taxes on nonprofit organizations, life insurance, bond insurers, and other businesses.

Well, it is time to put up or shut up. Let me tell my colleagues some of the things that are in this bill. At a time when our hospitals and seniors are being squeezed, the President wants to charge a $1 filing fee for claims submitted to HCFA and cut services to seniors by another $1.3 billion. The President also wants to impose $504 million in new livestock, poultry, and egg inspection fees. Airline carriers and passengers would pay an additional $1.3 billion in new user fees. I can go on and on.

It is sad enough that the President vetoed the bill that would have given back taxpayers a small part of the amount that they are overcharged to run this Federal Government. The veto, along with all of these new taxes and fees, shows the mantra of the administration is more, more taxes, more user fees, more government.

Over the next 10 years, it is a trillion-dollar swing, $792 billion in tax cuts added on with $238 billion in new taxes.

I, for one, plan to signal the appropriators that they should reject the President's new taxes and fees. If they find the President's proposals as ludicrous as I do, I urge them to vote "no" on this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield the balance of the time to the gentleman from Washington (Mr. MCDERMOTT) the senior member of the tax writing committee of the Committee on Ways and Means and also a member of the Committee on the Budget, and I ask unanimous consent that he be allowed to yield blocks of time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MCDERMOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do not hold the freshmen Members who are sponsors of this legislation responsible for this. This is clearly the brilliant thinking of the leadership of the side that thought, if we turn down the Comprehensive Test Ban Treaty, everybody will think we are for America; and now they think if they can embarrass the President that somehow, when they go up to negotiate an hour or two from now, because they slapped him in the face, he will be a lot more amenable to a discussion.

Now, there is an old saying where I come from that "you get a lot more with honey than do you with vinegar." And from people who have turned down Medicare reform, October 14 in The Washington Post it says, "House leadership shelves attempt to do Medicare reform," for people who are doing that and then to come out here and put a bill on the floor that says to the Democrats, why do they not vote for a hundred billion dollars and give it to us to spend, I do not know who is that dumb to come up with that idea, but they ought to get them out of the leadership. Because we are not going to vote for any taxes if we do not know what it is going to be spent for.

As the gentleman from New York (Mr. RANGEL) says, when the President brought the package out here, he said, here is what I think we should spend it on and here is where we get it from. But I thank them for the opportunity to vote "no" on taxes. We do not often get that chance. So I thank them for their help today.

Mr. Speaker, I reserve the balance of my time.

Mr. TERRY. Mr. Speaker, I yield 3 minutes to my friend, the gentleman from South Carolina (Mr. DEMINT) the cosponsor of this bill.

Mr. DEMINT. Mr. Speaker, I will remind the other side that they have had a chance to vote for tax cuts and they voted against them already this year.

Mr. Speaker, as a first-year congressman, I have been amazed at how many times I had have seen the President and Vice President say one thing in front of cameras and then step away from the cameras and do the exact opposite.

When the President talked about his budget this year, he said that his first priority was to protect Social Security and Medicare. But when he sent his budget to Congress, we saw that he was spending Social Security funds on other programs and even cutting Medicare. He even proposed new taxes and fees on the American people.

Democrats and Congress joined him in talking about this great plan. So Republicans called their bluff. We put the Clinton-Gore budget on the House floor for a vote. This time the cameras saw the truth.

Only two Members of the House would vote for the President's budget. Republicans have balanced the budget and begun to pay down the public debt without spending one dime of Social Security and Medicare money this year, and we are going to secure the future for every American by doing the same thing next year and every year after that that Americans allow us to lead this Congress.

But the President, Vice President, and Democrats are at it again. They want more spending, including $4 billion more for foreign aid. Instead of reducing Washington waste, the President and Vice President have proposed $240 billion in new taxes and fees over the next 10 years to pay for more government programs.

It is time we keep the promises to our own citizens and stop taking more of their hard-earned money for more Government waste. The President is in front of the cameras again defending his spending plans, and his friends in the House are there with him.

□ 1345

We are calling their bluff again. We are putting the President's proposed tax increases on the floor for a vote today so the cameras can see the truth. I will vote "no," because these taxes and fees hurt farmers, they hurt students, they hurt needy families, and they hurt all Americans.

I urge all of my colleagues to vote "no" on this resolution that shows what the President is really trying to do.

Mr. MCDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. SPRATT) who is the ranking member on the Committee on the Budget.

Mr. SPRATT. I thank the gentleman for yielding me this time.

Mr. Speaker, this bill is nothing but a distraction from Congress's real work. We are 19 days from the new fiscal year and only five out of 13 appropriations bills have been signed into law. Eight remain to be enacted. But instead of doing its work, the House is wasting its time taking up this pointless bill which has no possibility of passage.

What we have before us are revenue offsets that the President proposed last February in his budget. They come to the floor under suspension, we cannot amend them, and the House is being made to vote on these offsets in total isolation from the President's proposals, his initiatives. The President offered these offsets, among other things, to defray the cost of hiring more teachers, 100,000 more teachers to reduce class size and putting more cops on the street. We do not get to vote for that, we only vote for the revenues and have no idea where they might be applied.

When you ask yourself why this bill under these procedures is being brought up, you can only conclude this is a red herring. It is offered to draw attention from the fact that CBO has said that when you back all the gimmicks out of the bill before us, the majority has already spent more than the discretionary spending caps allow and in fact is $23.8 billion into the Social Security surplus. To get around this problem, they have proposed some offsets of their own. For example, they proposed a $3 billion hit on the TANF fund, but the Republican governors protested and it was quickly dropped.

Then they proposed to pass the DeLay amendment, $9 billion. It took a hit on working families with children, stretched out their earned income tax payments, and it met with instant rebuke from none other than the Republicans' own likely presidential nominee, Mr. Bush. Governor Bush said, "You're trying to balance the budget on the backs of poor people."

Now they are talking about across-the-board cuts. But to raise $23.8 billion in across-the-board cuts, they would have to cut across the board 6.6 percent.

Unless we want to spend the rest of this month in pointless bills like this, we need to put aside our differences and work together to bridge this gulf. The President has invited the congressional leadership to the White House today to discuss ways to break this deadlock. The meeting will take place tonight and it is a welcome first step. But this is no way to begin the process of getting together on something that has to be done.

Mr. TERRY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DELAY), the majority whip.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman bringing this resolution to show the truth to the American people, the real truth in real terms, not the numbers that we just heard that are not real numbers. They are concocted numbers by the Democrats because they have nothing to offer except higher taxes and more spending and they want to spend the Social Security surplus.

The President himself at the first of this year said that he wanted to spend 40 percent of the Social Security surplus. In the last few days he has come off of that. That is good. We welcome the President coming our way. But he will not come off of his new taxes. He has schemes to raise new taxes that we just heard. They either call them offsets or tough choices.

Not surprisingly, the President wants to increase spending. So the administration has concocted a laundry list of new taxes and user fees of all kinds to cover some of it. Tough choices, they say.

This taxing and spending has to stop. The American people want it stopped. Tough decisions need to be made to restrain spending, not increase it. The demagogues on the left, Mr. Speaker, always like to claim that Republican legislation hurts the poor, but overtaxation is one of the main factors that prevents the working poor from moving up. We must not add to the burden already on the backs of working Americans.

We have surpluses. Can we not restrain ourselves to just spend the surpluses? But that is not good enough. They want more spending, above the surpluses, and they want to raise taxes to pay for it. Surpluses mean overtaxation. That means the American people are paying more than we need to run the government.

Mr. Speaker, Americans need tax cuts, not tax hikes. I urge all of my colleagues to vote against these outrageous tax increases on the American people.

Mr. MCDERMOTT. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. GEPHARDT), the leader of the Democratic side.

Mr. GEPHARDT. Mr. Speaker, this is not a serious attempt to resolve the budget which we should be doing. It is frankly a stunt. It is another gimmick. It is another way to not address the serious issues that are before us.

The Republicans say that the Republican budget does not spend Social Security. The Congressional Budget Office already says that at least $14 billion we are into Social Security under the Republican-passed appropriation bills. If we take out the unfair earned income credit proposal, it is over $20 billion that we have already gone into Social Security funds under the Republican-passed appropriation bills.

The President did have tax increases in his budget, offsets, whatever we want to call them. They were within an integrated budget. That budget did not pass the House. We are operating under a budget passed by the Republicans. The Republicans say that they pledged never to raise taxes, they pledged never to spend Social Security money. It has already been done in the bills that have been passed. I am even told there are ads running in districts saying that the Democrats somehow did this.

It is time to stop the stunts. It is time to stop the gimmicks. It is time to stop trying to say that we are doing something or not doing something that we are doing. We all know the budget issues. There are answers to these problems that we can reach on a bipartisan basis. There is going to be a meeting this afternoon in the White House. Maybe the beginning of that discussion can go on.

What we owe the American people is honesty, what we owe the American people is a budget that saves Social Security, that puts money into Medicare which is needed, which takes care of education, which takes care of the 100,000 police that we so desperately need in every community. These are the issues that we should be addressing.

If we were serious about addressing the budget, a proposal like this one on the floor today would have gone through committee, would have been related to an entire budget and would have been a part of a new budget that we would be bringing to the floor today because the budget we passed cannot be implemented in the way we thought it was going to be implemented.

So let us stop the stunts. Let us stop the gimmicks. Vote against this proposal. Let us get down to work. Let us go to the White House today and sit down and see if we can work this out and make sense of it. Working in a bipartisan way and in an honest way with the American people, we ought to be able to get this done.

Mr. TERRY. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. MCKEON), chairman of the Subcommittee on Postsecondary Education, Training and Life-Long Learning.

Mr. MCKEON. Mr. Speaker, last fall the President signed the Higher Education Amendments of 1998 into law after overwhelming bipartisan votes in both the House and the Senate. Three months later in their budget submission, the administration was back proposing deep cuts in the student loan program designed to jeopardize the lender-based Federal family education loan program.

Lenders, in cooperation with guaranty agencies, have served students, families and institutions for 30 years. They currently provide $25 billion annually for new student loans. This represents 70 percent of all student loans made each year. The administration's proposal to recall all the remaining reserve funds held by guaranty agencies does nothing more than severely hamper the ability of these agencies to provide quality services to students and their families as well as institutions of higher education and lenders participating in the program. At the same time, it gives the Department of Education more money to spend on promoting the direct student loan program and other initiatives of the President that are not supported by a majority of the Congress.

The Balanced Budget Act of 1997 and the Higher Education Amendments of 1998 included the recall of more than one-half the reserve funds held by the guaranty agencies. The remaining reserve funds may only be used for the payment of insurance claims filed by lenders in the event a student fails to pay his or her student loan.

I believe that allowing guaranty agencies to retain some reserve funds is a prudent course of action. Lenders are not going to invest the $25 billion annually if they have concerns about being paid in a timely fashion when a student fails to pay on a loan.

The Higher Education Amendments of 1998 included several provisions designed to promote cost effectiveness in the administration of the student loan program by lenders and guaranty agencies. In order to see results, we must give the newly restructured financing plan included in the amendments time to work. Any changes in costs or revenues as proposed by the President may cause the failure of many of these entities and then we will have a true crisis in the availability of student loans for students across the country.

I urge my colleagues to reject this offset by the administration and vote down this legislation.

Mr. McDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, I rise in opposition to this misguided attempt to represent the President's budget. Rather than distorting the President's budget proposal, we should be working together to find a bipartisan solution to the budget problems.

The debate over the appropriate level of discretionary spending ties into the Republican leadership's repeated promises not to threaten Social Security. But these promises fly in the face of the Congressional Budget Office analysis which shows that the Republicans have already spent tens of billions of dollars of Social Security money. They have used every accounting gimmick ever devised, and come up with a few new ones, including the infamous 13th month and designating the constitutionally-required census as an emergency. At the same time, they have criticized the President and those of us on this side of the aisle who strongly support adequate funding for education, environmental protection, housing, the Middle East peace process, and other priorities of the American people.

Yet the amount of funding under discussion on the appropriation bills is dwarfed by the great Social Security raid of 1999. That legislation, which the Republican leadership put forward under the title the Taxpayer Refund and Relief Act, simply backed the truck up to the Treasury and emptied it. That plan to cut taxes by $792 billion over 10 years represented a severe threat to the future solvency of Social Security. Fortunately, the President vetoed the tax bill. That veto occurred a month ago, on September 23. We have had the veto message 26 days. While the majority has found time to schedule this meaningless bill this afternoon, somehow it has not found time to schedule the vote on the President's veto. The tax bill, the crown jewel of the majority's legislative agenda for the year, remains bottled up in the Committee on Ways and Means collecting dust.

After we complete this debate, I will offer a privileged motion to discharge the Committee on Ways and Means from further consideration of the tax bill. I would hope that my Republican colleagues will take this opportunity to demonstrate their newfound commitment to preserve Social Security by voting to sustain the President's veto.

Mr. TERRY. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. POMBO), the chairman of the Subcommittee on Livestock and Horticulture of the Committee on Agriculture.

Mr. POMBO. I thank the gentleman for yielding me this time.

Mr. Speaker, this debate is not about diversion or delay. This debate is about tough choices. We saw the President's spin machine out all weekend long talking about tough choices, but they did not want to tell people what those tough choices were. Those tough choices include a massive tax increase. One of those tax increases is a tax increase on the meat producers across this country. The bulk of that $500 million tax increase is going to come out of the hide of our producers all across this country.

Now, for Members that represent farm States that have substantial livestock production in their States, they have got to know that this is going to be a tax directly on those producers. At a time when we have historic lows in prices, when we have an extremely difficult time for our livestock producers to make it, to break even on their product, we are talking about increasing their taxes.

That is one of the tough choices that the President keeps talking about. That is one of the things that he wants to lump on all of us. I think that everybody ought to have a chance to vote on that tough choice.

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Mr. McDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Speaker, there are a couple of strong hints that should make people suspicious as the majority brings this bill to the floor—hints that this bill is nothing more than a cynical effort to embarrass the President.

First, we are being asked to consider the offsets from the President's budget but with no mention, no consideration, of the funding priorities for which the President proposed the offsets in the first place. Priorities like extending the solvency of Social Security and Medicare, providing the resources to hire new police officers and new teachers, and funding to allow States and localities to preserve land for conservation or recreation.

The second hint that this bill is a farce and an attempt to distract us from the real issues is apparent when we consider what our Republican friends are not saying, in fact what they are studiously avoiding mentioning, namely, the spending offsets that they have themselves proposed.

First, remember, they proposed taking away $3 billion dollars in TANF funds, funds dedicated to moving people off of welfare and on to work, but the Republican governors objected, so they backed off from that.

Then they engineered the passage in the Appropriations Committee of an amendment to delay the payments of earned income tax credit benefits to the working poor. This was nothing less than a tax increase on the working poor, people who work hard every day and struggle to make ends meet. Governor George W. Bush objected to that, you will recall, so they now have pulled that proposal back.

And now our Republican friends are talking about across-the-board spending cuts to appropriations bills. They need to find $23 billion in savings. That would require 6.6 percent across the board cuts in all programs, for example $18.2 billion in defense and $1.4 billion in veterans health care, and even more if we exempt those categories, so that cuts in Head Start, health research, education, environmental protection, and other critical programs would be even deeper.

Instead of today's cynical effort to embarrass the President, the majority should be working with the minority to produce conference reports on the remaining appropriations bills which can gain bipartisan support and be signed into law by the President. We did it with the VA–HUD appropriations bill; there is no reason why we cannot do it with these remaining appropriations bills.

We need to stop the political grandstanding, and we need to deal honestly and in good faith with the fiscal situation that our country faces.

Mr. TERRY. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. TOOMEY).

Mr. TOOMEY. Mr. Speaker, I thank my colleague from Nebraska for yielding this time to me.

Mr. Speaker, when one considers the overall context of the Federal budget in our national economy, it is really just incredible that the President wants to raise taxes.

First of all, Federal spending is higher than it has ever been. Thus, government is bigger than it has ever been. Federal taxes are higher than they have ever been in peace time, consuming almost 21 percent of our Nation's entire economic output, and even after we set aside all of the Social Security funds for Social Security and for retiring the debt, we still have unprecedented surpluses projected as far as the eye can see.

Now when taxpayers are paying more than it takes to fund the biggest Federal Government in history, when paying more than it takes to retire $2 trillion in debt; in fact, paying a trillion dollars more over the next 10 years than it takes to do all of that, Mr. Speaker, it is obvious to me that taxes are too high. For the President to propose adding to this record high tax burden is frankly outrageous.

We need to lower taxes and restore to working Americans the freedom to decide how they want to spend their own money, not raise their taxes.

Mr. McDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, the American public is crying out to the majority: stop the posturing. They want production when it comes to the budget, not more politics; and the Republican majority here simply has not produced.

As my colleagues know, there is something unreal about all this. We are 3 weeks into a new fiscal year, and they are still stuck in the mud on appropriations bills.

This particular legislation is a smoke screen. It is an effort to hide, first of all, their ineptitude; secondly, the fact that they, the Republican majority, has already, already incurred into Social Security funds is also a smoke screen to attempt to hide their inability to act on key issues, education, Social Security reform, Medicare.

The public can see through this smoke screen, and they can spend ten millions of dollars on television, and it will not work. There are three words that I think apply to them in this bill: stop the posturing.

Mr. TERRY. Mr. Speaker, I yield 1 minute to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Speaker, I thank the gentleman for yielding this time to me; and, Mr. Speaker, I also rise in opposition to H.R. 3085, and I disagree somewhat with the tenor of what we have heard here today. The way I look at it, there are two ways to really balance the budget. One is we can take all our spending and try to get it down inside of the revenues which we have for that year.

The other way, and that is what Republicans are trying to do, the other way is that we can spend all the money that we have in revenues and then add more money to it. To do that we have to have a tax increase, and that is what the President has chosen to do by a sum of $19 billion.

But I have not heard those words escape from his lips since he came in here and made that announcement about what he was doing, nor does the press ever mention that either, that basically the President cannot balance this budget unless he increases the taxes by the $19 billion.

In my judgment this is not a gimmick. It just puts it in perspective. If the minority party does not want to embarrass the President, it is simple. They can support what the President's proposal is. If they do not, then in that case they have abandoned what the President's basic budget proposals are.

I am glad there is a summit. I think it is incumbent upon the President to call that summit. He has finally done that, and I hope they can go down there and work out the problems, but hopefully without a tax increase.

We should defeat this legislation.

Mr. TERRY. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. HERGER).

Mr. HERGER. Mr. Speaker, earlier this week President Clinton vetoed the foreign aid appropriations bill because he wanted to spend $4 billion more overseas. The President did not say, however, where that money is to come from.

Mr. Speaker, make no mistake about it. Any increase in foreign aid will come directly from the Social Security Trust Fund.

146 days ago House Republicans and Democrats joined together to pass my legislation, H.R. 1259, the Social Security and Medicare Safe Deposit Box of 1999, by an overwhelming 416 to 12 vote. The House of Representatives has made a commitment to not spend one penny of the Social Security Trust Fund on unrelated programs.

Mr. Speaker, Republicans and Democrats must again join together and prevent President Clinton from spending Social Security funds on additional foreign aid.

Mr. McDERMOTT. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, 19 days after the beginning of the new fiscal year, I have just one question for my Republican colleagues: Where is the Republican secret budget plan? I cannot find it anywhere. I cannot find it in the seats on the floor of the House. I visited committee rooms; I cannot find the secret budget plan of the Republicans there. I have asked some of the pages. They do not seem to know where it is. I have asked my Democratic colleagues. They have not seen the Republican budget plan, the secret plan they have to balance the budget without using Social Security taxes. Maybe I should ask the FBI. I wonder if the CIA knows where the secret Republican budget plan is 19 days after the beginning of the new fiscal year. As my colleagues know, that could be a problem. It might be 25 years if the CIA has it as a classified document. Perhaps we should go up into the classified room at the top of the capitol and find the Republicans' secret plan now in mid-October.

Mr. Speaker, I would be glad to yield the rest of my time to the author if he can show me a copy of the Republicans' secret plan to balance the budget. Even if they have a nonsecret plan, I would be glad to yield the rest of my time. But if he does not have a copy of the plan, I imagine he has not seen it because nobody else has found it anywhere.

At least let me make this point. While I will vote against this resolution, I imagine the President does not even support it and the author will not support it. At least the President was honest enough to present to the American people a plan to pay for his budget. The same cannot be said of the Republicans who are running television ads that suggest they have a plan that they will not even present on the floor of this House.

Where is the secret plan?

Mr. TERRY. Mr. Speaker, we did vote on a budget.

Mr. Speaker, I yield 1 minute to the gentleman from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. Mr. Speaker, it is often hard to find good economic news for my constituents in Kansas. Many of them are farm families involved in farming and ranching, and with the historic low commodity prices that we are suffering through, there is not always good news.

But one of the areas of the Kansas economy that has had good news, that does provide Kansas families with jobs, is the aviation, the small general aviation industry; and it is an important segment not only of the Kansas economy but of the American economy, and part of the President's proposal to raise taxes by $240 billion is to significantly increase taxes on general aviation.

Mr. Speaker, I urge our colleagues not to adopt that proposal. It has been around a long time. It is risky; unintended consequences can occur; and our economy in Kansas and around the country can be detrimentally affected. Terrible impact upon safety, eliminating incentives for the FAA to be efficient and operate more smoothly, and significant administrative costs to administer this new tax scheme of $240 billion.

Mr. Speaker, I urge rejection. Protect the industry that is providing jobs in my State.

Mr. TERRY. Mr. Speaker, I yield 1 minute to the gentleman from Iowa (Mr. LATHAM).

Mr. LATHAM. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, there have been some people saying on the floor here that this is a cynical effort to embarrass the President. Well, if the President's own proposal is an embarrassment to him, so be it.

I will tell my colleagues one thing that is absolutely cynical as a representative from a farm State in Iowa where we have a tremendous amount of livestock producers is the fact that the President has three additional taxes that he is putting on farmers at a time when they are in desperate needs, and he is sitting down here with an appropriations bill on his desk and will not sign it to help the farmers.

First of all, he has got a $9 million new fee for livestock producers, then he has got a $19 million new fee to be paid by grain farmers who are experiencing the lowest prices in history, and then, to top it off, the icing on the cake is a $504 million tax increase on pork producers and cattlemen and poultry producers, to come right out of their hides at a time of record low prices. It is cynical of the President to try and put our farmers out of business with these new taxes.

Mr. TERRY. Mr. Speaker, I yield 1 minute to the gentlewoman from Washington (Ms. DUNN).

Ms. DUNN. Mr. Speaker, I rise to oppose this irresponsible and unnecessary package of tax increases on the American public. In an era of budget surpluses and fiscal restraint, the President's proposal to raise taxes in order to increase spending is just wrong for America. In addition to raising taxes on lower income people throughout the country, this proposed set of initiatives that we are debating today institutes a new tax on ships calling on United States ports. For the first time the President would place the entire financial burden for harbor maintenance on commercial vessel operators. In Washington State this new tax would devastate the ports of Tacoma and Seattle, would cause vessels to go to Canada or Mexico to unload their goods. In our State nearly one out of three jobs is linked directly to international trade. But implementing the President's new harbor maintenance tax would cripple our trade economy by making our ports uncompetitive when compared to nearby foreign ports.

Mr. Speaker, the American people are already overtaxed. I urge my colleagues to reject these Clinton tax increases.

Mr. TERRY. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Speaker, here we go again, another tax-and-spend proposal from the President, 19.2 billion in additional Federal spending of course paid for by working Americans. It is primarily, of course, in the tobacco tax, 24 cents and 94 cents, roughly a 300 percent increase to get another $8 billion, and also, of course, new regulation for poultry and egg producers. And I would say to the President that increasing taxes either for poultry or egg producers or tobacco farmers, the main point is that the President, in a $2 trillion budget, surely he could find existing agencies to reduce spending.

□ 1415

You do not have to go after people who are trying to earn their living to pay taxes. What about the Federal bureaucracy up here like the Department of Energy. You are telling me you cannot find any way to reduce the Department of Energy or the Department of Commerce. These are large agencies that have existed for many, many moons here, and I think if we look at the figures of those agencies, there surely is some waste, fraud and abuse, and some overregulation there.

So, Mr. President, I think we have to say to you, do not increase Federal spending by taxes.

Mr. TERRY. Mr. Speaker, I yield 30 seconds to the gentleman from Ohio (Mr. PORTMAN).

Mr. PORTMAN. Mr. Speaker, I thank my friend from Nebraska for yielding me this time.

I just want to say briefly, a previous speaker on the Democrat side that it is time for both to be honest. He said the President at least was honest about it, and I do appreciate that honesty. The President has said that we ought to raise taxes and fees on the American people over a 10-year period. This proposal would be $142 billion, based on the Office of Management and Budget, of new taxes and user fees.

What is more interesting, though, is if at the same time over those 10 years, if we look at the President's fiscal year 2000 budget, he dips into the Social Security Trust Fund to the tune of $334 billion, even with those tax increases. That is being honest. We have an honest disagreement.

The SPEAKER pro tempore (Mr. CALVERT). The gentleman from Washington (Mr. MCDERMOTT) has 2 minutes remaining; the gentleman from Nebraska (Mr. TERRY) has 1 minute remaining. The gentleman from Nebraska has the right to close.

Mr. MCDERMOTT. Mr. Speaker, I would inquire of the gentleman as to how many speakers remain.

Mr. TERRY. Mr. Speaker, the gentleman from Illinois (Mr. WELLER) will use the remaining time.

Mr. MCDERMOTT. Mr. Speaker, I yield myself the remaining time.

Mr. Speaker, I think there is an old principle in public relations that if one is going to tell a lie, keep telling it. Just keep saying it, keep saying it, never admit. And certainly this business that we have not used any Social Security money is simply that.

Now, unless we do not believe CBO. I mean the majority hired the director of CBO, and in a letter on the 14th said that they have spent $14 billion of Social Security money.

Now, I do not know how one can get up here and talk about this wonderful lockbox we put out here. We told our colleagues it had no bottom in it, that they were going to let the money fall through and into the budget and that is exactly what they did. But they still continue to stand up here every, every speaker has said, and we have done all of this without touching the Social Security money. That is absolutely nonsense.

The fact is that this is a cynical way of obscuring what the problem is. The President was honest when he stood up there. He put a budget up here, he paid for it, and the principle around here used to be that the President proposes and the Congress disposes.

Now, the President came up and made a proposal, but my Republican colleagues cannot get themselves together to dispose. My colleagues cannot get themselves together to put a whole package together that makes sense. So, they go around here grabbing light bulbs: They see one is out up there, they grab that, they run and put it over there; they create a thirteenth month; you do all kinds of gimmicks.

I was in the State legislature for 15 years, and I have seen all of these gimmicks. None of them are new. They have all been used in State houses all over this country. My colleagues are using gimmicks to balance this budget, they say, and they use the money from Social Security besides. And then, when they are 3 weeks late, they run out here with this nonsense.

Mr. TERRY. Mr. Speaker, I yield the balance of our time for closing to the gentleman from Illinois (Mr. WELLER).

Mr. WELLER. Mr. Speaker, just in response to my friend from Washington State here, October 1, the Congressional Budget Office stated that the Republican budget that is now moving through this process, the Republican balanced budget does not touch one dime of Social Security, the first time in 30 years.

Mr. Speaker, is it true? Is it true that Bill Clinton once again wants to raise taxes? Is it true that Bill Clinton wants to raise taxes on Americans by $238 billion? I looked back earlier this year when the President proposed this budget, he not only proposed $238 billion in tax increases, but he proposed taking 62 percent of the Social Security Trust Fund for Social Security and then almost 40 percent, or 38 percent, of the Social Security Trust Fund to spend on other things. Now, the folks back home say they want the raid on Social Security to stop.

The Republicans, as we worked through the balanced budget process, have made it very clear. We oppose Bill Clinton's taxes increases; we oppose Bill Clinton's proposal to raid the Social Security Trust Fund.

I plan to vote "no" on Bill Clinton's $238 billion tax hike.

This House has an opportunity today. If you support the President's tax hikes, vote "aye," if you oppose them, vote "no." Let us take a stand.

Mr. PACKARD. Mr. Speaker, I would like to encourage my colleagues to vote against H.R. 3085, the President's tax increase and user fee proposals which includes $19.2 billion in discretionary spending offsets. This bill provides for many of the new and increased user fees that were outlined in the President's fiscal year 2000 budget.

H.R. 3085 would not only increase the tax on cigarettes, it would also establish additional Medicare premiums for early retirees and displaced workers. Any claim that these taxes are necessary to fund the government next year without touching Social Security is false. There is a non-Social Security surplus of $14 billion. Washington should be returning money to taxpayers, not increasing the tax burden on working families already struggling to make ends meet.

At a time when Americans have overpaid their taxes and Congress has worked hard to provide tax relief, there is no reason to raise taxes on any American. Mr. Speaker, it is unacceptable for the President to ask Congress to initiate targeted taxes and user fees on certain American taxpayers merely to continue to bloat Federal spending. We have a budget surplus; there is simply no reason to raise taxes. We must continue to oppose all taxes that hurt our Nation's families and continue to work to reduce the tax burden for every American.

Mr. WELDON of Florida. Mr Speaker, I rise in opposition to this bill for many reasons. This bill represents the tax increases proposed by the President in his 2000 budget. We are currently engaged in a debate with the White House over whether or not the President's billions of dollars in new Federal programs will go forward.

We have several choices in Washington. The first option is to say yes to the President's spending plan and renew the raid on the Social Security surplus to fund them. This is a nonstarter. The Republican-controlled Congress has made it clear that we will not allow Social Security to be raided.

The second option is to increase taxes and fees so that more money can be taken out of the pockets of working Americans to pay for the President's programs. This too is a nonstarter. The Republican Congress has made it clear that we believe that the Federal Government already takes enough money out of the pockets of the American people and we are committed to lowering taxes, not raising them.

The third option is to exercise fiscal discipline and set spending priorities, recognizing the reality that "we can't have it all." The President doesn't see this as doable. He just cannot say no to more spending.

Mr. Speaker, today's decision is about whether or not we are going to permit the Clinton-Gore administration to raise taxes and user fees to pay for larger government. By voting this bill down, we will be sending a strong message to the President that we will not raise taxes.

There are several taxes that would be particularly harmful to my constituents that I would like to address.

With respect to Medicare, the President has proposed a host of new fees on those who provide medical services to our senior citizens. This is on top of significant curbs on reimbursements to providers that have already been implemented over the past few years. I am very concerned over new user fees the administration has proposed on Medicare+Choice plans.

Just last year more than 300,000 seniors nationwide were forced to give up their Medicare+Choice plan because the reimbursement rates were so low that providers could not afford to serve seniors.

Just last week a major Medicare+Choice plan in my congressional district was forced to raise membership fees because of lower reimbursements from Medicare. Last year every Medicare+Choice plan in Polk County in my congressional district folded because they could no longer afford to offer care to seniors because the reimbursement rates were so low. Now the administration has proposed to impose higher user fees on these plans.

This is no way to expand access and choice for seniors and will only result in fewer seniors having access to Medicare+Choice plans.

In addition the President proposes costly user fees that will be passed on to average Americans that travel on our Nation's skyways.

The 15th district of Florida has witnessed dynamic, almost explosive amounts of growth in the aviation industry. This success has not been easy. It has taken years of hard work and could easily have the rug pulled out from underneath it by new user fees (i.e., taxes) that will cause the price of flying to increase.

This issue is of such a major concern that my constituents have taken the time and energy to fly up to visit me to share their serious concerns about user fees. I have heard from scores of my constituents who work for Rockwell Collins expressing their concerns about how these user fees could harm the ability of private pilots to own and fly their own planes which would have a devastating impact on their employment and industry as a whole.

Mr. STARK. Mr. Speaker, this bill is nothing more than a cheap shot attempt to embarrass the President by getting Congress to vote against provisions included in his budget.

If that were all it was, that would be bad enough. But, the effect of the legislation is far worse.

This bill puts Congress on record voting against user fees as a source for funding Medicare's administrative costs.

At the very same time, the Republican's Labor-HHS bill guts Medicare's administrative budget by cutting more than 18 percent—or $400 million—out of it.

Medicare needs to have its administrative budget funded in order to carry out vital tasks that impact people's lives. The Republican's Labor-HHS bill would cut in half the budget needed to inspect nursing homes and hospitals. That means that people will die—literally die—in poor quality nursing homes and hospitals across the country.

So, the message delivered by this bill today is that we will not support user fees. The next message from Labor-HHS will be that Congress will not fund Medicare's administrative budget through any other means.

And the result will be that people will die due to poor quality care, that Medicare will not be able to continue to improve its ability to root out fraud and abuse (which returns 9 dollars to every dollar spent) and that Medicare improvements will not be implemented because there will not be the work force to do the job.

This vote is another political game by people uninterested in good government. It does not deserve to be on the floor of the House of Representatives today or any other day.

There is much we need to be doing to improve Medicare—this takes us the absolutely wrong direction. I urge my colleagues to join me in opposition to this senseless, spiteful legislation.

REAUTHORIZATION OF THE SUPERFUND TAXES (SEC. 511)

Mr. BOEHLERT. Mr. Speaker, I strongly oppose the reinstatement of the Superfund excise taxes and corporate environmental income tax in H.R. 3085.

The express purpose of this reinstatement of the Superfund taxes is to raise almost $13 billion of new revenues to offset billions of dollars in increases in other Federal spending.

The President's proposal has nothing to do with raising revenue to run the Superfund Program. He is proposing a 10-year authorization of the taxes, with no adjustment to reflect the fact that the Superfund Program is winding down, and has reduced funding needs.

This is exactly opposite to the position taken by the Transportation and Infrastructure Committee in H.R. 1300, the Recycle America's Land Act. In H.R. 1300, our committee stated that the Superfund taxes should be commensurate with the revenue needs for the program, may be reauthorized at a lower rate, and may decline over time.

At this time, we estimate that tax revenue needs to fund H.R. 1300 are about $6 billion over 8 years, once you take into account other revenues into the Superfund Trust Fund. The

President wants to use Superfund as an excuse to raise over twice that amount.

The Transportation and Infrastructure Committee has gone on record in opposition to building up huge surpluses in the Superfund Trust Fund to be used to offset other Federal spending. The Transportation and Infrastructure Committee has gone on record in opposition to what the President is trying to accomplish by proposing a 10-year extension of the Superfund taxes that fails to take into account the declining needs of the Superfund Program.

In addition, by proposing to use the Superfund taxes as a revenue offset, the President is ensuring that Congress cannot use part of those taxes directly to support Superfund liability relief.

H.R. 1300 provides Superfund liability relief for small businesses, recyclers, and people who sent ordinary garbage to a site. But the bill does so in a responsible fashion. It pays for the liability relief through direct spending offset by Superfund taxes.

By completely divorcing the Superfund taxes from the Superfund Program, the President's proposal kills any chance to provide relief to the small businesses, recyclers, and municipalities that have been caught up in the Superfund liability nightmare.

For all of these reasons, I strongly urge you to oppose any reinstatement of the Superfund taxes outside of the context of Superfund legislation. I urge you to oppose H.R. 3085.

HARBOR SERVICES USER FEE (PART V OF SUBTITLE E)

The administration's proposal to replace part of the existing harbor maintenance fee with a new "harbor services fee" has been universally rejected as unfair and unsound by maritime interests. These concerns have merit.

The proposal simply replaces one questionable fee structure with another.

Its potential impacts on existing and future port development are unknown and potentially disastrous to America's trade deficit.

Furthermore, the administration proposes to expand coverage of the existing fee to cover the Federal cost of construction of port improvements, in addition to their maintenance as with the current fee. This proposal is shortsighted and fails to recognize our ports as a comprehensive, national system on which the U.S. national security and economic interests depend.

We recognize that we must address the serious problem of having the "export" component of the existing fee structure struck down as being unconstitutional. However, the President's proposal simply substitutes one set of problems for another.

The transportation and Infrastructure Committee intends to address this matter as expeditiously as possible; meanwhile, we should not embrace this ill-advised, potentially dangerous proposal.

The maritime transportation industry already pays over 100 different fees and assessments. If there is to be a replacement for the harbor maintenance fee, it must be thoroughly reviewed for its potential impacts, not simply thrown together as some convenient revenue-raiser.

FEDERAL AVIATION ADMINISTRATION COST-BASED USER FEES (SEC. 811)

The President's budget proposed to increase aviation user fees by $7.1 billion from FY 2000–2004.

In FY 2000 alone, this would equate to a $1.5 billion tax increase on aviation system users.

This tax increase would be on top of the significant aviation tax increase enacted just 2 years ago in the Taxpayer Relief Act of 1997.

Under the 1997 tax act, aviation users will already pay about $9.2 billion in aviation excise taxes in FY 2000 through a wide variety of taxes, including: A 7.5-percent tax on airline tickets; a $2.25 flight segment fee; a $12 international arrival and departure fee; a 6.25-percent cargo waybill tax; a noncommercial fuel tax of 19.3–21.8 cents per gallon; and a commercial fuel tax of 4.3 cents per gallon.

In addition to these taxes paid into the Airport and Airway Trust Fund, the aviation industry and its users also pay corporate and individual taxes into the general fund, which traditionally has financed the general government services that FAA provides related to aviation safety and security.

The President's proposal to increase aviation fees by $7.1 billion was made without regard to the fact that there is already a $12 billion balance of funds paid by aviation users sitting in the Airport and Airway Trust Fund. Under the President's proposal, the trust fund balance would grow to $21 billion by the end of 2004, an increase of 75 percent in just 5 years.

The increased aviation fees proposed by the President were obviously not intended to fund increased aviation spending. They were proposed instead to offset other discretionary spending on nonaviation programs.

Not only does the President's proposal charge aviation system users more and use the increased aviation fees to offset nonaviation spending, it also makes aviation users cover the entire cost of the system—even the costs that are actually imposed by military and other government aircraft that use the system but do not pay taxes.

By zeroing out the general fund share of the Federal Aviation Administration's budget, the President's proposal makes aviation travelers foot the bill for aviation activities that benefit society as a whole.

The President's aviation user fee proposal is highly unfair to aviation users, and it should be rejected.

COAST GUARD VESSEL NAVIGATIONAL ASSISTANCE FEE (SEC. 821)

The President's proposal to charge "user fees" to vessel operators for navigational assistance is simply another "revenue raiser", or tax, and not a true user fee.

Furthermore, section 207 of the Coast Guard Authorization Act of 1998, signed into law by the President last November, prohibits any new maritime user fee through September 30, 2001.

Despite the statutory prohibition against his proposal, the President assumed collection of $41 million in fiscal year 2000 from maritime user fees.

RAIL SAFETY INSPECTION USER FEES (SEC. 861)

Administration proposal for full offset of Federal Railroad Administration costs ($87 million in FY 2000) is a rewarmed version of a law Congress specifically refused to extend in 1995 because of its unfairness and serious economic damage to smaller railroads.

Extensive hearing record before the Transportation and Infrastructure Committee showed that some small railroads were paying up to 17 percent of net income in user fees to support the Federal Railroad Administration; the administration's proposal to reinstate and expand these fees in very unfriendly to small business.

Other forms of transport do not pay the full cost of safety enforcement activities through user fees; these fees would not cover just enforcement, but even activities such as R&D.

SURFACE TRANSPORTATION BOARD USER FEES (SEC. 851)

This proposal would require full offset of STB's $17 million budget through "user fees." But who are the "users"? The administration proposal does not even attempt to identify who would pay the fees: the railroads, the truckers, any shipper who does file a complaint, any shipper who might file a complaint? there is also no standard for setting the fees, other than being "fair and equitable." In all probability, this proposal would be found unconstitutional for excessive delegation and/or vagueness.

STB already offsets several million dollars of its costs through existing title 31 fees, such as for filing proceedings at the Agency. These have been increased substantially in recent years, resulting in numerous complaints from shippers about the excessive costs and deterrent effect on utilizing remedies at the STB. The administration proposal would necessarily increase the overall fee burden to over 5 times its present level.

The SPEAKER pro tempore. All time has expired.

The question is on the motion offered by the gentleman from Kentucky (Mr. LEWIS) that the House suspend the rules and pass the bill, H.R. 3085, as amended.

The question was taken.

Mr. TERRY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 0, nays 419, answered "present" 5, not voting 9, as follows:

[Roll No. 511]

NAYS—419

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Callahan
Calvert
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal

DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

ANSWERED “PRESENT”—5

Berman
Blumenauer
Capuano
Frank (MA)
Meehan

NOT VOTING—9

Buyer
Camp
Jefferson
Johnson (CT)
Lewis (GA)
Martinez
Ros-Lehtinen
Rush
Scarborough

□ 1442

Mrs. CHENOWETH-HAGE, and Messrs. DICKEY, HOBSON, SMITH of Michigan, BRYANT, SHERMAN, WATKINS, SPENCE, OLVER, DOGGETT, GILMAN, CONYERS, KNOLLENBERG and MEEKS of New York changed their vote from “yea” to “nay.”

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

FINANCIAL FREEDOM ACT OF 1999

Mr. CARDIN. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore (Mr. CALVERT). The Clerk will report the motion.

The Clerk read as follows:

> Mr. CARDIN moves to discharge the Committee on Ways and Means from further consideration of H.R. 2488, the Taxpayer Refund and Relief Act of 1999.

The SPEAKER pro tempore. The motion is privileged for consideration at this time.

□ 1445

MOTION TO TABLE OFFERED BY MR. TERRY

Mr. TERRY. Mr. Speaker, I offer a motion to lay on the table this motion to discharge.

The SPEAKER pro tempore (Mr. CALVERT). The Clerk will report the motion.

The Clerk read as follows:

> Mr. TERRY moves that the House lay on the table the motion to discharge.

PARLIAMENTARY INQUIRY

Mr. CARDIN. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Maryland will state his parliamentary inquiry.

Mr. CARDIN. Mr. Speaker, am I correct that, if this motion to table does not carry, the House would then debate for 1 hour my motion; and that if it carried, the House would then have an opportunity to vote either to sustain or override the President's veto on the Taxpayer Refund Relief Act of 1999?

The SPEAKER pro tempore. The adoption of the motion to table would constitute a final adverse disposition today of the motion to discharge without debate.

Mr. CARDIN. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The question is on the motion to table offered by the gentleman from Nebraska (Mr. TERRY).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CARDIN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 215, noes 203, not voting 15, as follows:

[Roll No. 512]

AYES—215

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Callahan
Calvert
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas

Thornberry
Thune
Tiahrt
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—203

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—15

Buyer
Camp
Gutierrez
Jefferson
Johnson (CT)
Kennedy
LaTourette
Lewis (GA)
Martinez
McDermott
Porter
Radanovich
Ros-Lehtinen
Rush
Scarborough

□ 1503

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. KENNEDY of Rhode Island. Mr. Speaker, on rollcall No. 512, a motion to table the Cardin of Maryland motion to discharge the Committee on Ways and Means of the veto referral of H.R. 2488—the tax-payer relief Act—had I been present, I would have voted "no."

BANKING AND HOUSING AGENCY ACCOUNTABILITY PRESERVATION ACT

Mrs. KELLY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3046) to preserve limited Federal agency reporting requirements on banking and housing matters to facilitate congressional oversight and public, accountability, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3046

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Banking and Housing Agency Accountability Preservation Act".

SEC. 2. PRESERVATION OF CERTAIN REPORTING REQUIREMENTS.

Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) shall not apply to any report required to be submitted under any of the following provisions of law:

(1) Section 3 of the Employment Act of 1946 (15 U.S.C. 1022).

(2) Section 309 of the Defense Production Act of 1950 (50 U.S.C. App. 2099).

(3) Section 603 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3213).

(4) Section 7(o)(1) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(o)(1)).

(5) Section 540(c) of the National Housing Act (12 U.S.C. 1735f–18(c)).

(6) Paragraphs (2) and (6) of section 808(e) of the Civil Rights Act of 1968 (42 U.S.C. 3608(e)).

(7) Section 1061 of the Housing and Community Development Act of 1992 (42 U.S.C. 4856).

(8) Section 24(l) of the United States Housing Act of 1937 (42 U.S.C. 1437v(l)).

(9) Section 203(v) of the National Housing Act (12 U.S.C. 1709(v)), as added by section 504 of the Housing and Community Development Act of 1992 (Public Law 102–550; 106 Stat. 3780).

(10) Section 232(j) of the National Housing Act (12 U.S.C. 1715w(j).

(11) Section 802 of the Housing Act of 1954 (12 U.S.C. 1701o) and section 8 of the Department of Housing and Urban Development Act (42 U.S.C. 3536).

(12) Section 1320 of the National Flood Insurance Act of 1968 (42 U.S.C. 4027).

(13) Section 113(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5313(a)).

(14) Section 626 of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5425).

(15) Section 4(e)(2) of the Department of Housing and Urban Development Act (42 U.S.C. 3533(e)(2).

(16) Section 205(g) of the National Housing Act (12 U.S.C. 1711(g)).

(17) Section 2546 of the Comprehensive Thrift and Bank Fraud Prosecution and Taxpayer Recovery Act of 1990 (28 U.S.C. 522 nt.).

(18) Section 701(c)(1) of the International Financial Institutions Act (22 U.S.C. 262d(c)(1)).

(19) Paragraphs (1) and (2) of sections 5302(c) of title 31, United States Code.

(20) Section 18(f)(7) of the Federal Trade Commission Act. (15 U.S.C. 57a(f)(7)).

(21) Section 333 of the Revised Statutes of the United States (12 U.S.C. 14).

(22) Section 3(g) of the Home Owners' Loan Act (12 U.S.C. 1462a(g)).

(23) Section 537(h)(2) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988 (22 U.S.C. 2621(h)(2)).

(24) Section 304 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App. 304).

(25) Sections 2(b)(1)(A), 8(a), 8(c), 10(g)(1), and 11(c) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(A), 635g(a), 635g(c), 635i–3(g), and 635i–5(c)).

(26) Section 17 of the Federal Deposit Insurance Act, other than subsection (h) (12 U.S.C. 1827).

(27) Section 13 of the Federal Financing Bank Act of 1933 (12 U.S.C. 2292).

(28) Section 202(b)(8) of the National Housing Act (12 U.S.C. 1708(b)(8)).

(29) Section 10(j)(12) of the Federal Home Loan Bank Act (12 U.S.C. 1430(j)(12)).

(30) Section 2B(d) of the Federal Home Loan Bank Act (12 U.S.C. 1422b(d)).

(31) Section 1002(b) of Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1811 nt.).

(32) Section 8 of the Fair Credit and Charge Card Disclosure Act of 1988 (15 U.S.C. 1637 nt.).

(33) Section 136(b)(4)(B) of the Truth in Lending Act (15 U.S.C. 1646(b)(4)(B)).

(34) Section 707 of the Equal Credit Opportunity Act (15 U.S.C. 1691f).

(35) Section 114 of the Truth in Lending Act (15 U.S.C. 1613).

(36) The 7th undesignated paragraph of section 10 of the Federal Reserve Act (12 U.S.C. 247).

(37) The 10th undesignated paragraph of section 10 of the Federal Reserve Act (12 U.S.C. 247a).

(38) Section 2A of the Federal Reserve Act (12 U.S.C. 225a).

(39) Section 815 of the Fair Debt Collection Practices Act (15 U.S.C. 1692m).

(40) Section 102(d) of the Federal Credit Union Act (12 U.S.C. 1752a(d)).

(41) Section 21B(i) of the Federal Home Loan Bank Act (12 U.S.C. 1441b(i)).

(42) Section 607(a) of the Housing and Community Development Amendments of 1978 (42 U.S.C. 8106(a)).

SEC. 3. ELIMINATION OF CERTAIN REPORTING REQUIREMENTS.

(a) EXPORT-IMPORT BANK.—

(1) Section 2(b)(1)(D) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(D)) is amended—

(A) by striking "(i)"; and

(B) by striking clause (ii).

(2) Section 2(b)(8) of such Act (12 U.S.C. 635(b)(8)) is amended by striking the last sentence.

(3) Section 6(b) of such Act (12 U.S.C. 635e(b)) is amended by striking paragraph (2) and redesignating paragraph (3) as paragraph (2).

(4) Section 8 of such Act (12 U.S.C. 635g) is amended by striking subsections (b) and (d) and redesignating subsections (c) and (e) as subsections (b) and (c), respectively.

(b) FEDERAL DEPOSIT INSURANCE CORPORATION.—Section 17 of the Federal Deposit Insurance Act (12 U.S.C. 1827) is amended by striking subsection (h).

The SPEAKER pro tempore (Mr. BURR of North Carolina). Pursuant to the rule, the gentlewoman from New York (Mrs. KELLY) and the gentleman from Pennsylvania (Mr. KANJORSKI) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York (Mrs. Kelly).

Mrs. KELLY. Mr. Speaker, I yield myself such time as I may consume.

Mrs. KELLY. Mr. Speaker, I rise in support of H.R. 3046, the Banking and Housing Agency Accountability Preservation Act. I want to thank my distinguished colleagues on the other side of the aisle, the ranking minority member of the Committee on Banking and Financial Services, the gentleman from New York (Mr. LAFALCE), for his cosponsorship of this bill and for his cooperation in bringing the bill to the floor.

I also want to recognize the cosponsorship of the distinguished Chairman of the House Committee on Banking and Financial Services, the gentleman from Iowa (Mr. LEACH), the Chairman of the Subcommittee on Financial Institutions and Consumer Credit, the gentlewoman from New Jersey (Mrs. ROUKEMA), and the ranking minority member of the subcommittee, the gentleman from Minnesota (Mr. VENTO).

In a nutshell, this bipartisan bill sees to exempt from the impending December 21, 1999, sunset date a number of reports which have been identified as useful to the Committee on Banking and Financial Services or to the general public. Perhaps the most well-known of these is the semiannual Humphrey-Hawkins reports of the Federal Reserve Board to the House Committee on Banking and Financial Services and the Senate Committee on Banking, Housing, and Urban Affairs.

While the combination of Chairman Greenspan's prudential stewardship of monetary policy and the Congress' more disciplined fiscal policy has produced the longest peace-time growth in modern times, no committee has a greater ongoing oversight obligation than the Committee on Banking and Financial Services with its jurisdiction over the Fed's conduct of monetary policy.

Simply put, it would be unthinkable not to hold the Fed precisely and regularly accountable for its conduct of monetary policy. Whether or not we succeed in getting this legislation to the President in time to continue the legislative mandate for regular congressional review of the Fed's conduct of monetary policy, it is the committee's intent to require the Chairman of the Board of Governors to report regularly on the state of the economy and the Federal Reserve's policy to sustain economic growth and promote the full-est credible employment of the American work force.

The upcoming sunset of the Humphrey-Hawkins report and various other banking and housing reports dates back to the Federal Reports Elimination and Sunset Act of 1995, Public Law 104–66, which ordered hundreds of annual, semi-annual, or other regular periodic Federal reports in a 1993 Clerk's Report, House document 103–7, to terminate in 4 years. The 1993 Clerk's Report cited thousands of Federal reports issued by the GAO, the President, Federal departments and agencies, advisory boards and commissions, and the judicial branch.

In principle, I concur with the spirit of the sunset law in eliminating outdated or wasteful reporting requirements. However, in hindsight, it appears that the law used a meat axe approach where a scalpel might have been more appropriate.

As a result of concerns about the sunset of the Humphrey-Hawkins reports which were brought to the attention of the committee earlier this year, the gentleman from Iowa (Mr. LEACH) instructed staff to review the 1993 Clerk's Report to assess the potential impact of the sunset law on policy matters under the Committee on Banking and Financial Services' jurisdiction. An early count identified approximately 270 reports that had some connection to the work of the Committee on Banking and Financial Services, ranging from reports by the Department of the Treasury and the Department of Housing and Urban Development, to certain reports by the President and various agencies, such as the Board of Governors of the Federal Reserve, the Federal Deposit Insurance Corporation, and the Export-Import Bank.

On closer examination, numerous reports did not appear to be affected by the sunset provision because they did not fall into the regular and periodic definition of the sunset law. Other reports among the 270 were the one-time reports only, or report requirements which had already expired, or been amended or repealed. Some reports were required from agencies that have since gone out of business.

In order to ascertain the need for the remaining active reports, the committee sent letters in April to several key departments and agencies, inviting their input. Most returned helpful comments. As might be expected, the committee's efforts confirmed that a large number of reports should sunset as scheduled, but also identified a group of reports that probably should be exempted from the sunset.

That latter group is found in section 2 of the bill. It includes, in addition to the Federal Reserve's semiannual Humphrey-Hawkins reports on monetary policy, such reports as the Fed's reports on the policy actions of the Federal Open Market Committee, HUD's agenda of all rules and regulations, as well as an annual report on early defaults on FHA-insured mortgages, Treasury's reports on the Economic Stabilization Fund, and annual reports from the Export-Import Bank as well as various banking agencies.

Section 2 also includes a number of important consumer reports such as the Fed's survey of bank fees, and reports from the banking agencies describing actions each has taken to prevent unfair or deceptive acts or practices by banks to address consumer complaints.

In addition to Treasury, HUD, the Federal Reserve, and Ex-IM Bank, some of the other agencies covered by section 2 include the FDIC, the Office of the Comptroller of the Currency, the Office of Thrift Supervision, the National Credit Union Administration, and the Federal Housing Finance Board.

Finally, I might add that section 3 of the bill also includes, after consultations with the FDIC and Ex-IM Bank, provisions which will repeal a handful of additional reporting requirements not on the sunset list.

Mr. Speaker, this is a good bill.

Mr. Speaker, I reserve the balance of my time.

Mr. KANJORSKI. Mr. Speaker, I yield myself such time as I may consume.

Under the Federal Reports Elimination and Sunset Act of 1995, a host of periodic reports to Congress from agencies and departments throughout the government are slated to sunset on December 21, 1999, unless they are specifically reauthorized. This bill accomplishes that reauthorization for agencies and departments within the jurisdiction of the Committee on Banking and Financial Services.

The 1995 Sunset Act was not as broad as was originally believed when it was actually applied to specific reports. After an entire list of reports to Congress had been winnowed down by exceptions to the Act itself, by the fact many reports were not truly periodic, and by the fact that many periodic reports expired by their own terms, a limited list fell within the sunset provisions. This bill renews those which remain pertinent to today's conditions.

For a few examples, it reinstates reports having to do with discriminatory housing practices, assisted living, bank fees and services, credit card profitability, credit card prices, the Equal Credit Opportunity Act, the Truth in Lending Act, and the Neighborhood Reinvestment Act. Forty-two reports in all are reauthorized.

Perhaps most important among these are the President's Economic Report, the annual report of the Council of Economic Advisers, and the semiannual Humphrey-Hawkins Report of the Federal Reserve. As to the latter, and in anticipation of press inquiries, I would note that the Federal Reserve has assured Congress that regardless of whether H.R. 3046 becomes law prior to December 21, 1999, the Federal Reserve will treat the present requirements of the Humphrey-Hawkins Act as law in the future. I hope this fact forestalls any speculation that Congress will be unable to do adequate oversight of the Federal Reserve should the December deadline be unobtainable.

Additionally, it would be my expectation that departments and agencies would submit those other reports listed in H.R. 3046 for this calendar year as if this bill were Public Law, since these documents are vital to oversight functions of the Committee on Banking and Financial Services.

Mr. Speaker, the example of the need for this law reflects what sometimes unintended consequences occur in the name of reform and hastily drawn activity as the 1995 act was.

I want to commend my colleagues on the other side, and particularly the gentleman from Iowa (Mr. LEACH), for recognizing that the oversight of the Congress, and particularly the Committee on Banking and Financial Services, is so essential, and that these reports are part of good government, to have the information and knowledge contained therein, if the Congress is to appropriately act.

I am pleased that we are doing this today in a bipartisan way with this legislation and that it was drafted and moved in that spirit.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. KELLY. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New Jersey (Mrs. ROUKEMA) and a cosponsor of this bill.

Mrs. ROUKEMA. Mr. Speaker, I thank my colleague, the gentlewoman from New York (Mrs. KELLY), and the gentleman from Pennsylvania (Mr. KANJORSKI) on the committee. They have really properly outlined the issue that is before us here today. And needless to say, I am rising in strong support of everything that they have stated, but would like to give my own perspective in addition on this subject.

As has been pointed out adequately by the two previous speakers, the clock is ticking here. And unless we act by December 31, valuable reports, like the Humphrey-Hawkins testimony, delivered by the Fed board chairman, will be badly impacted. It will be eliminated, and others, as have been outlined.

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But I think it is very important and to be commended that we be able to bring this bill before us today. But let me make this point. It is not an abstraction as far as our constituents and the customers at banks are concerned or the customers in housing projects are concerned. This is really a vehicle for continuing to protect those constituents in their dealings with these Federal legislative issues as well as with their bank down the street or their housing department.

I would like to make an observation here with respect to how we came to this situation, and it has been properly outlined and explained by the gentlewoman from New York (Mrs. KELLY) about the Sunset Act of 1995 and how it terminated or modified the statutory requirements of over 200 mandatory reports.

Now, I want to make the point that I supported that legislation at the time and I did think it was a common-sense piece of legislation. And by the way, I would still support a modification as it applies to other unnecessary duplicative reports. There is no question but that there are a lot of unnecessary reports that should be terminated. But in this particular bill, we have selected those that have clearly proven to be of essential value not only in terms of banking and housing but also in terms of how we deal with our economy through the Federal Reserve Board.

So we have used this time effectively to assess the need for certain reports, and we have here today before us the 50 reports that should be included in the areas of banking and housing.

Let me just conclude by making this observation. The recurring flow of timely and accurate information from the executive branch to the Congress is essential in terms of our oversight responsibilities as Members here and as a legislative body. And may I point out, this is a constitutional responsibility and it is part of the check-and-balance system of our Constitution, checks and balances between the legislative and executive branches of our Government.

So I think that the Federal Reports Elimination Sunset Act served a purpose. We reviewed it. And in these cases they proved absolutely essential to our serving our constituents well.

Mr. Speaker, I rise in strong support of H.R. 3046—the Banking and Housing Agency Accountability Preservation Act. The bill we are considering today, would allow the continued flow of information from the Executive Branch to the Congress on important issues relating to banking and housing.

Mr. Speaker. The clock is ticking. Unless we act by December 31, 1999, valuable reports like the semi-annual Humphrey-Hawkins testimony delivered by the Federal Reserve Board chairman on the state of the nation's economy and the Federal Reserve's annual survey on bank fees and services will be eliminated. The semi-annual Humphrey-Hawkins testimony given by the Federal Reserve Chairman is crucial information for the Congress in evaluating budget, tax and issues relating to our economy.

Reports on issues like bank fees and services are information that Congress must have if we are to accurately evaluate whether our current laws are adequate for protecting consumers. Other reports are important for Congress in determining if our current laws include the appropriate safeguards for protecting our deposit insurance system protecting bank customers.

The bill also continues a number of reports by the departments of Housing and Urban Development, Treasury, the Export-Import Bank, and the Federal Housing Finance Board. These reports are critical to Congressional oversight and government accountability.

In 1995, Congress passed the Federal Reports Elimination and Sunset Act of 1995. This legislation terminated or modified the statutory requirement for over 200 mandatory reports to Congress, and sunsetted most other mandatory reports after four years. The intent of the Federal Reports Elimination and Sunset Act was to end the needless expense of hundreds of millions of taxpayer dollars each year on many Federal reports that are of minor value to the Congress and to our constituents—the American people. I supported that common-sense legislation then and still support the elimination of unnecessary and duplicative reports now.

However, there are many reports required by Congress that as these have been reviewed we have proven are vitally important—including the 50 reports that this legislation will continue in the area of Banking and Housing. The recurring flow of timely and accurate information from the executive branch to the Congress is essential to our oversight responsibilities as Members, and as a legislative body and our constitutional responsibility—i.e. this is part of the check & balance system of our democracy.

Support H.R. 3046.

I yield back the balance of my time.

Mrs. KELLY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I believe this bill strikes a balance between ending waste in Government on the one hand and preserving congressional oversight and public accountability on the other. I urge my colleagues to lend it their full support.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Mrs. KELLY) that the House suspend the rules and pass the bill, H.R. 3046, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. KELLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 3046, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

WOMEN'S BUSINESS CENTERS SUSTAINABILITY ACT OF 1999

Mrs. KELLY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1497) to amend the Small Business Act with respect to the women's business center program, as amended.

The Clerk read as follows:

H.R. 1497

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Women's Business Centers Sustainability Act of 1999".

SEC. 2. PRIVATE NONPROFIT ORGANIZATIONS.

Section 29 of the Small Business Act (15 U.S.C. 656) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(B) by inserting after paragraph (1) the following:

"(2) the term 'private nonprofit organization' means an entity described in section 501(c) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of such Code;"; and

(2) in subsection (b), by inserting "nonprofit" after "private".

SEC. 3. INCREASED MANAGEMENT OVERSIGHT AND REVIEW OF WOMEN'S BUSINESS CENTERS.

Section 29 of the Small Business Act (15 U.S.C. 656) is amended—

(1) by striking subsection (h) and inserting the following:

"(h) PROGRAM EXAMINATION.—

"(1) IN GENERAL.—The Administration shall—

"(A) develop and implement procedures to annually examine the programs and finances of each women's business center established pursuant to this section, pursuant to which each such center shall provide to the Administration—

"(i) an itemized cost breakdown of actual expenditures for costs incurred during the preceding year; and

"(ii) documentation regarding the amount of matching assistance from non-Federal sources obtained and expended by the center during the preceding year in order to meet the requirements of subsection (c) and, with respect to any in-kind contributions described in subsection (c)(2) that were used to satisfy the requirements of subsection (c), verification of the existence and valuation of those contributions; and

"(B) analyze the results of each such examination and, based on that analysis, make a determination regarding the viability of the programs and finances of each women's business center.

"(2) EXTENSION OF CONTRACTS.—In determining whether to extend or renew a contract with a women's business center, the Administration—

"(A) shall consider the results of the most recent examination of the center under paragraph (1); and

"(B) may withhold such extension or renewal, if the Administration determines that—

"(i) the center has failed to provide any information required to be provided under clause (i) or (ii) of paragraph (1)(A), or the information provided by the center is inadequate; or

"(ii) the center has failed to provide any information required to be provided by the center for purposes of the report of the Administration under subsection (j), or the information provided by the center is inadequate."; and

(2) by striking subsection (j) and inserting the following:

"(j) MANAGEMENT REPORT.—

"(1) IN GENERAL.—The Administration shall prepare and submit to the Committees on Small Business of the House of Representatives and the Senate a report on the effectiveness of all projects conducted under this section.

"(2) CONTENTS.—Each report submitted under paragraph (1) shall include information concerning, with respect to each women's business center established pursuant to this section—

"(A) the number of individuals receiving assistance;

"(B) the number of startup business concerns formed;

"(C) the gross receipts of assisted concerns;

"(D) the employment increases or decreases of assisted concerns;

"(E) to the maximum extent practicable, increases or decreases in profits of assisted concerns;

"(F) documentation detailing the most recent analysis undertaken under subsection (h)(1)(B) and the determinations made by the Administration with respect to that analysis; and

"(G) demographic data regarding the staff of the center.".

SEC. 4. WOMEN'S BUSINESS CENTER SUSTAINABILITY PILOT PROGRAM.

(a) IN GENERAL.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended by adding at the end the following:

"(l) SUSTAINABILITY PILOT PROGRAM.—

"(1) IN GENERAL.—There is established a 4-year pilot program under which the Administration is authorized to make grants (referred to in this section as 'sustainability grants') on a competitive basis for an additional 5-year project under this section to any private nonprofit organization (or a division thereof)—

"(A) that has received financial assistance under this section pursuant to a grant, contract, or cooperative agreement; and

"(B) that—

"(i) is in the final year of a 5-year project; or

"(ii) to the extent that amounts are available for such purpose under subsection (k)(4)(B), has completed a project financed under this section (or any predecessor to this section) and continues to provide assistance to women entrepreneurs.

"(2) CONDITIONS FOR PARTICIPATION.—In order to receive a sustainability grant, an organization described in paragraph (1) shall submit to the Administration an application, which shall include—

"(A) a certification that the applicant—

"(i) is a private nonprofit organization;

"(ii) employs a full-time executive director or program manager to manage the women's business center for which a grant is sought; and

"(iii) as a condition of receiving a sustainability grant, agrees—

"(I) to an annual examination by the Administration of the center's programs and finances; and

"(II) to the maximum extent practicable, to remedy any problems identified pursuant to that examination;

"(B) information demonstrating that the applicant has the ability and resources to meet the needs of the market to be served by the women's business center site for which a sustainability grant is sought, including the ability to raise financial resources;

"(C) information relating to assistance provided by the women's business center site for which a sustainability grant is sought in the area in which the site is located, including—

"(i) the number of individuals assisted;

"(ii) the number of hours of counseling, training, and workshops provided; and

"(iii) the number of startup business concerns formed;

"(D) information demonstrating the effective experience of the applicant in—

"(i) conducting financial, management, and marketing assistance programs, as described in paragraphs (1), (2), and (3) of subsection (b), designed to impart or upgrade the business skills of women business owners or potential owners;

"(ii) providing training and services to a representative number of women who are both socially and economically disadvantaged;

"(iii) using resource partners of the Administration and other entities, such as universities;

"(iv) complying with the cooperative agreement of the applicant; and

"(v) prudently managing finances and staffing, including the manner in which the performance of the applicant compared to the business plan of the applicant and the manner in which grants made under subsection (b) were used by the applicant; and

"(E) a 5-year plan that demonstrates the ability of the women's business center site for which a sustainability grant is sought—

"(i) to serve women business owners or potential owners in the future by improving fundraising and training activities; and

"(ii) to provide training and services to a representative number of women who are both socially and economically disadvantaged.

"(3) REVIEW OF APPLICATIONS.—

"(A) IN GENERAL.—The Administration shall—

"(i) review each application submitted under paragraph (2) based on the information provided under subparagraphs (D) and (E) of that paragraph, and the criteria set forth in subsection (f); and

"(ii) approve or disapprove applications for sustainability grants simultaneously with applications for grants under subsection (b).

"(B) DATA COLLECTION.—Consistent with the annual report to Congress under subsection (j), each women's business center site that receives a sustainability grant shall, to the maximum extent practicable, collect the information relating to—

"(i) the number of individuals assisted;

"(ii) the number of hours of counseling and training provided and workshops conducted;

"(iii) the number of startup business concerns formed;

"(iv) any available gross receipts of assisted concerns; and

"(v) the number of jobs created, maintained, or lost at assisted concerns.

"(C) RECORD RETENTION.—The Administration shall maintain a copy of each application submitted under this subsection for not less than 10 years.

"(4) NON-FEDERAL CONTRIBUTION.—

"(A) IN GENERAL.—Notwithstanding any other provision of this section, as a condition of receiving a sustainability grant, an organization described in paragraph (1) shall agree to obtain, after its application has been approved under paragraph (3) and notice of award has been issued, cash and in-kind contributions from non-Federal sources for each year of additional program participation in an amount equal to 1 non-Federal dollar for each Federal dollar.

"(B) IN-KIND CONTRIBUTIONS.—Not more than 50 percent of the non-Federal assistance obtained for purposes of subparagraph (A) may be in the form of in-kind contributions that exist only as budget line items, including such contributions of office equipment and office space.

"(5) TIMING OF REQUESTS FOR PROPOSALS.—In carrying out this subsection, the Administration shall issue requests for proposals for women's business centers applying for the pilot program under this subsection simultaneously with requests for proposals for grants under subsection (b).".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 29(k) of the Small Business Act (15 U.S.C. 656(k)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—There is authorized to be appropriated, to remain available until the expiration of the pilot program under subsection (l)—

"(A) $12,000,000 for fiscal year 2000;

"(B) $12,800,000 for fiscal year 2001;

"(C) $13,700,000 for fiscal year 2002; and

"(D) $14,500,000 for fiscal year 2003.";

(2) in paragraph (2)—

(A) by striking "Amounts made" and inserting the following:

"(A) IN GENERAL.—Except as provided in subparagraph (B), amounts made"; and

(B) by adding at the end the following:

"(B) EXCEPTION.—Of the total amount made available under this subsection for a fiscal year, the following amounts shall be available for costs incurred in connection with the selection of applicants for assistance under this subsection and with monitoring and oversight of the program authorized under this subsection:

"(i) For fiscal year 2000, 2 percent of such total amount.

"(ii) For fiscal year 2001, 1.9 percent of such total amount.

"(iii) For fiscal year 2002, 1.9 percent of such total amount.

"(iv) For fiscal year 2003, 1.6 percent of such total amount."; and

(3) by adding at the end the following:

"(4) RESERVATION OF FUNDS FOR SUSTAINABILITY PILOT PROGRAM.—

"(A) IN GENERAL.—Of the total amount made available under this subsection for a fiscal year, the following amounts shall be reserved for sustainability grants under subsection (l):

"(i) For fiscal year 2000, 17 percent of such total amount.

"(ii) For fiscal year 2001, 18.8 percent of such total amount.

"(iii) For fiscal year 2002, 30.2 percent of such total amount.

"(iv) For fiscal year 2003, 30.2 percent of such total amount.

"(B) USE OF UNAWARDED RESERVE FUNDS.—

"(i) SUSTAINABILITY GRANTS TO OTHER CENTERS.—Of amounts reserved under subparagraph (A), the Administration shall use any funds that remain available after making grants in accordance with subsection (l) to make grants under such subsection to women's business center sites that have completed a project financed under this section (or any predecessor to this section) and that continue to provide assistance to women entrepreneurs.

"(ii) ADDITIONAL GRANTS.—The Administration shall use any funds described in clause (i) that remain available after making grants under such clause to make grants to additional women's business center sites, or to increase the grants to existing women's business center sites, under subsection (b).".

(c) GUIDELINES.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall issue guidelines to implement the amendments made by this section.

SEC. 5. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on October 1, 1999.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Mrs. KELLY) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentlewoman from New Mexico (Mrs. KELLY).

Mrs. KELLY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today the House considers H.R. 1497, the Women's Business Center Sustainability Act of 1999.

As a member of the Committee on Small Business, I know how important this bill is to Members on both sides of the aisle.

The committee held a hearing in February and thoroughly examined this program before drafting this legislation. The Committee on Small Business passed H.R. 1497 unanimously. Before I take a moment to explain the bill, I would like to thank the gentleman from Missouri (Chairman TALENT) for offering the amendment in the nature of a substitute that the committee marked up.

I would also like to thank the gentlewoman from New York (Ms. VELÁZQUEZ), the ranking member of the Committee on Small Business, for her help in moving this legislation forward.

Finally, I would like to thank the gentleman from New Mexico (Mr. UDALL), the author of H.R. 1497.

This Congress, the Committee on Small Business sought more information about the Women's Business Center Program as we considered reauthorization. It soon became clear that while the program was expanding around the country to States without centers, existing sites were experiencing obstacles to their own growth. H.R. 1497 addresses this concern.

This legislation balances the immediate needs of re-competition for centers in their fifth year of funding and the desire for new centers each year. The bill also allows for graduated centers to receive funding once the SBA selects the centers in their fifth year of funding to re-competition.

Since our hearing to examine this program in February, I have come to understand the urgent need for re-competition. But we must take a practical, well-balanced approach. That is what this pilot program is designed to do.

Next, I would like to take the opportunity to briefly explain the bill.

First, the legislation increases oversight and review of women's business centers. SBA is directed to do an annual programmatic and financial examination of each center and then to analyze the results to determine whether the center is programmatically and financially viable.

Second, H.R. 1497 requires the SBA to issue the request for proposals for new centers and centers competing for sustainability grants at the same time in order to better manage the selection and award process. This provision is intended to ensure that new centers and sustained centers get equal consideration during the application review process and that funds are appropriately awarded. With regard to sustainability grants, the SBA shall make awards in two rounds, giving preference to graduating centers.

Third, based on the conditions described in the bill, the committee intends for the selection panel to judge on merit how well a center provided service to its market under its first award and how it plans to service its market in the next 5 years. The committee wishes for the Small Business Administration to use the conditions for participation in the legislation as guidelines for establishing strict criteria for re-competition.

The bill goes a step further by requiring the SBA as part of the final selection process to do a site visit of each center competing for a sustainability grant. The committee feels strongly that site visits are an important tool to help panel judges distinguish between the centers and to improve the oversight program. Recognizing that site visits are expensive, this bill makes available the equivalent of $275,000 per year proportionate to appropriations to be used for site visits and other uses.

Fourth, H.R. 1497 incrementally raises over 4 years the annual authorization levels from $12 million in fiscal year 2000 to $14.5 million in fiscal year 2003. The committee increased the authorization levels to ensure that there are adequate monies to fund 45 existing centers, an average of eight re-competing centers, and an average of 10 new centers per year. The bill reserves a percentage of money each fiscal year for sustainability grants.

As an original cosponsor of H.R. 1497, I believe that this pilot program is the best approach to ensure that our invested Federal funds do not go to waste. As a former small business owner and co-chair of the Congressional Women's Caucus, I know how important this legislation is to our women-owned businesses. H.R. 1497 has been a top legislative priority of our Women in Business team, and I know our Members have been awaiting action on this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me first of all begin by thanking the gentlewoman from New York (Mrs. KELLY) for her original cosponsorship and her leadership on this bill and also thank the gentlewoman from New York (Ms. VELÁZQUEZ), the ranking member, for her very active support of this legislation that is critical for the further promotion of women's businesses throughout our country.

The Women's Business Centers Sustainabililty Act of 1999 is an essential enhancement of the Women's Business Center Program, which will strengthen and improve this important service. As all of us are aware, the contribution of women-owned businesses to our economy has grown exponentially over the past few decade.

Today the eight million women-owned firms in this country contribute more than $2.3 trillion annually to the U.S. economy and offer jobs to one out of every five U.S. workers.

Moreover, women-owned businesses are now starting at twice the rate of other businesses in the United States; and by the year 2000, it is expected that nearly one out of every two businesses will be owned by a woman.

In my home State of New Mexico, women-owned firms now account for 41 percent of all businesses, provide employment for over 35 percent of the State's workforce, and generates 21 percent of all sales. This success is even more remarkable in that it places New Mexico as the third most successful of all States in its number of women-owned business incorporations. This noble statistic identifies women-owned firms as necessary and as a necessary and essential part of New Mexico's efforts to improve the lives of all of its residents.

I would like to briefly tell my colleagues about Agnes Cordova of Taos, New Mexico. She has combined her cultural heritage with business acumen to create "Sube," a multimedia, bilingual educational program designed to teach Spanish to preschool and early elementary children.

The set of flashcards, board games, videotapes with original music, and computer software have all been well-received in the local area, and plans are being hatched for broader marketing efforts.

Each component is offered separately so parents can afford the educational supplies that can supplement formal language education.

Agnes is now planning to develop materials for older kids, as well. By matching her heritage with business opportunity, Agnes is creating economic opportunity for herself and helping to preserve the unique culture of northern New Mexico.

One of the efforts responsible for the success of women-owned businesses in New Mexico and elsewhere throughout the country is the Small Business Administration's Women's Business Center program.

Currently there are 59 centers in 36 States, the District of Columbia, and Puerto Rico. These centers provide technical assistance, business information, and counseling and other specialized assistance to socially and economically disadvantaged women entrepreneurs.

The services provided by women's business centers include assistance in gaining access to capital, procuring government contracts, and helping women to work their way off public assistance.

In New Mexico alone, the six women's business centers run by the Women's Economic Self-sufficiency Team, WESST Corp., have already facilitated the start up and growth of over 600 small businesses, provided technical assistance to over 3,500 client firms, and conducted business-training activities for over 6,000 individual women entrepreneurs.

Most importantly, 81 percent of the clientele of these women's business centers have been low-income individuals and 47 percent have been women of color.

Nevertheless, in spite of their demonstrated contributions to the national economy and to individual women nationwide, recent surveys and testimonials have highlighted that many women's business centers have been forced to cut back on services or prematurely close their doors when they lose the support of the Small Business Administration's Office of Women's Business Ownership.

Today, 25 percent of the women's business centers initially funded by the SBA are closed.

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Of this 25 percent, many are only partly operational. In fact, while several of the WESST Corp sites in New Mexico that have already lost SBA funding have been unable to continue providing programs, others have suffered considerably in their missions due to this critical loss of support.

This is why I introduced the Women's Business Centers Sustainability Act of 1999. This legislation will allow recompetition for Federal funding by women's business centers which have completed a funding term and will raise the authorization of appropriations for fiscal year 2000 and fiscal year 2001 women business center funding to ensure adequate funding for qualifying existing and new centers over the next 4 years. This funding will allow the SBA to continue to promote the establishment of even more women's business centers in communities throughout the Nation as well as to ensure adequate, continuing support for already established, effective centers.

The women's business center program has helped countless women start and expand their own businesses. It is vital that we continue to support this valuable program. I invite and encourage all of my colleagues to join me in supporting this legislation and I look forward to its bipartisan approval today.

Once again, Mr. Speaker, I thank the gentleman from Missouri (Mr. TALENT) and the gentlewoman from New York (Mrs. KELLY) for their support and for the support of the gentlewoman from New York (Ms. VELÁZQUEZ). None of this effort could have been completed without their leadership and support.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from New York (Ms. VELÁZQUEZ). She is our ranking member and she has provided great bipartisan leadership in this committee.

Ms. VELÁZQUEZ. Mr. Speaker, I thank the gentleman from New Mexico (Mr. UDALL) for yielding me this time and I commend him for his work in authoring this important piece of legislation. I also want to thank the gentlewoman from New York (Mrs. KELLY) and the gentleman from Missouri (Mr. TALENT) for their continued commitment to women business owners.

Mr. Speaker, I rise in strong support of H.R. 1497, the Women's Business Centers Sustainability Act of 1999. This bipartisan effort will ensure that women's business centers keep their doors open. It will establish better oversight mechanisms and will ensure that the program continues to grow, with new centers in previously underserved areas. Our committee has a track record of supporting the work of these centers, and this bill is a continuation of our commitment.

Women entrepreneurs are an increasingly important part of the United States economy. Women own more than 8 million businesses and account for nearly one-third of all small businesses. Women-owned businesses provide jobs to more than 25 million people. These are not just empty statistics but rather a clear indication that women's participation in our economy creates jobs and improve the lives of millions of Americans.

Impressive as these figures may be, women continue to encounter obstacles when trying to start, maintain or expand businesses. Here is where the women's business centers come into play, to help women steer clear of these obstacles and fulfill their dream of financial independence.

Fulfilling our commitment to women entrepreneurs, the committee recently held hearings that found that some centers, entering their fifth and final year, were not in a sufficiently strong financial position to phase out the Federal match. We also found that in order to improve the outreach of these services, the program needs to continue growing into underserved areas.

Recognizing the importance of women in today's economy as well as the important services these centers provide, our committee worked in a bipartisan fashion to resolve all of these issues.

Framed within budgetary constraints, the challenge facing our committee was to find the proper balance between the need to continue growing the program and permitting those in their last year of funding to recompete. H.R. 1497 strikes that balance by setting aside a portion of the total funding for new centers and another for recompeting centers. This is an important change that will allow centers with good track records to continue to provide their services while ensuring that the program will continue to expand into new and previously underserved areas.

Mr. Speaker, we recognize the importance of women businesses in today's economy and we recognize the important work these centers do, not only in improving women's lives but in improving their communities as well.

I urge my colleagues to join me in supporting women entrepreneurs across the United States by voting "yes" on H.R. 1497.

Mr. UDALL of New Mexico. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Mrs. NAPOLITANO).

Mrs. NAPOLITANO. Mr. Speaker, I thank the gentleman from New Mexico (Mr. UDALL) for yielding me this time. It is really wonderful to have this measure here before us. The gentlewoman from New York (Mrs. KELLY) and the gentleman from New Mexico (Mr. UDALL) have done an excellent job in bringing this forth to this floor.

Mr. Speaker, California is one of the biggest markets for products, especially in international trade. We recognize that women are the fastest growing segment not only in California but throughout the United States of the new business. These new businesses are so vitally important to the United States economy which is now currently providing more jobs than Fortune 500 companies, if one can envision that. Women-owned businesses now provide more jobs than the Fortune 500 companies. These nearly 8 million women-owned businesses provide jobs for 18.5 million people and generate $3.1 trillion, with a T, we have heard it before, I want to reiterate it, in revenue for this country.

Women-owned businesses are the fastest growing segment of business. From 1987 to 1997, the number of people employed by women-owned businesses grew by 262 percent. They have been booming and will continue to boom with some help from us. These are just some of the reasons why we cannot and we must not neglect women-owned businesses. With the welfare-to-work programs currently under way and the ever-growing labor pool, the jobs that these small businesses will provide are sorely needed to address the shortfall in jobs in the United States. Unless we pay attention to the needs of small business owners, we risk losing or at least hampering an important job creator.

These women-owned businesses need help in identifying loan institutions. I am not sure how many of us really understand that with the merger of large banks, small business, especially women-owned business, find it harder and harder to get loans from banks and loan institutions. This will be one area of assistance to provide for sorely needed identification of these institutions, help the business women develop business plans and follow through to make sure and ensure their success.

That is why I support H.R. 1497, the Women's Business Centers Sustainability Act. This provides for 10 new women's business centers that can help diverse and up-and-coming community entrepreneurs. We need them and we need to help them be able to grow and foster that job growth in our communities. In the very communities we talk about, these women entrepreneurs need just a little help in obtaining more information and making the contacts necessary to become successful business owners.

This bill is a step in the right direction. I certainly look forward to moving more in the future to help women-owned small business. These 10 new centers are certainly going to provide a boon for our economy. I look forward to working with the committee and my colleagues.

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

Let me first of all say that the action of the Committee on Small Business in this bipartisan passage of this bill I think is very important. I want to once again thank the gentleman from Missouri (Mr. TALENT), the gentlewoman from New York (Ms. VELÁZQUEZ) and also the gentlewoman from New York (Mrs. KELLY). The Committee on Small Business, its hallmark has really been bipartisanship. We have been very productive in the 9 months we have been working on issues. I daresay we have one of the most outstanding records of any committee in this House.

I would also like to thank all of the staff members for their very hard work on this bill and what they have done to help shape it and bring it to this point and particularly recognize Michael Day.

Mr. Speaker, let me begin my remarks today by thanking the Chairman and the Ranking Member for their active support of this legislation that is critical to the further promotion of women's businesses throughout our country.

The Women's Business Centers Sustainability Act of 1999 is an essential enhancement of the Women's Business Center Program, which will strengthen and improve this important service.

Over the past few decades the contribution of women-owned businesses to our economy has grown exponentially. Today, the 8 million women-owned firms in this country contribute more than $2.3 trillion annually to the U.S. economy and offer jobs to one out of every five U.S. workers. Moreover, women-owned businesses are now starting at twice the rate of all other businesses in the United States, and, by the year 2000, it is expected that nearly one out of every two businesses will be owned by a woman. In my home state of New Mexico, in particular, women-owned firms account for 41% of all businesses, provide employment for over 35% of the state's workforce, and generate 21% of all sales. This success is even more remarkable in that it ranks New Mexico third of all the states in women-owned business incorporations—a statistic that identifies women-owned firms as an important part of New Mexico's efforts to improve the lives of all its residents.

One of the efforts responsible for the success of women-owned businesses is the Small Business Administration's Women's Business Center program. Currently, there are 59 centers in 36 states, the District of Columbia and Puerto Rico. These centers provide technical assistance, business information and counseling, and other specialized assistance to socially and economically disadvantaged women entrepreneurs. The services provided by women's business centers include assistance in gaining access to capital, procuring government contracts, and helping women to work their way off public assistance. In New Mexico alone, the six women's business centers run by the Women's Economic Self-Sufficiency Team (WESST Corp.), facilitated the start-up and growth of over 600 small businesses, provided technical assistance to over 3,500 client firms, and conducted business-training activities for over 6,000 individuals. Most importantly, 81% of the clientele of these women's business centers have been low-income individuals and 47% have been women of color.

The impact of women's business centers in New Mexico is illustrated through a number of success stories that were told by Agnes Noonan, Executive Director of the WESST Corp., during a recent hearing on women's business centers:

> Heidi Montoya's desire to run her own firm grew out of the frustrations of working for years as a draftsperson for a company which offered few benefits and no retirement opportunities. In 1989, Heidi took the leap, opening Builders Hardware of New Mexico, which sells commercial grade doors and frames and finish hardware. Heidi and WESST Corp. joined forces when Heidi attended an orientation meeting, and WESST Corp. granted Heidi a loan for a computer that enabled her to create a presence on the Internet and market more effectively to government agencies. Since 1993, Builders Hardware's gross sales have increased by 129%. A single mother, Heidi maintains a second office at home for after-school hours.
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> Two years ago, Diane Barrett was receiving food stamps, sleeping on a friend's floor and struggling to provide for her son. But she also had a background as a chef. In 1996, Diane approached WESST Corp.'s regional office in Las Cruces, which helped her create a business plan and receive a $5,000 loan to open a bakery and café. Since then, Diane has expanded the seating area, added a dinner menu, and is currently employing 19 people. In 1998, Diane's Bakery and Café was selected as the Mainstreet Business of the Year in Silver City, New Mexico. Recently interviewed by the Travel Section of the New York Times, Diane is a great example of how hard work and commitment to a business pays off.
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> Norma Gomez, a native of Mexico, came to the United States in the 1980's. On welfare, with three children and limited proficiency with English, Norma had difficulty being taken seriously when the opportunity arose to open her own business. With her small savings, she opened her shop in a strip mall in Farmington, only to find the overhead exceeded her income. She came to WESST Corp. for help with planning, marketing and financing assistance. With technical assistance from WESST Corp., Norma relocated, adopted an inventory tracking system, and developed a long-term business plan. WESST Corp. also convinced suppliers to provide Norma with accounts and better terms. The result of these efforts was a 300% increase in profits in the first year.
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> Agnes Cordova, of Taos, New Mexico, has combined her cultural heritage with business acumen to create "Sube!"—a multimedia, bilingual educational program designed to teach Spanish to preschool and early elementary children. The set of flash cards,

board game, videotapes with original music, and computer software have all been well received in the local area and plans are being hatched for broader marketing efforts. Each component is offered separately so that parents can afford the educational supplies that can supplement formal language education. Agnes is now planning to develop materials for older kids as well. By matching her heritage with business opportunity, Agnes is creating economic opportunity for herself and helping to preserve the unique culture of northern New Mexico.

Nevertheless, in spite of their demonstrated contributions to the national economy and to individual women—recent surveys and testimonials have highlighted that many women's business centers have been forced to cut back on services or prematurely close their doors when they lose the support of the Small Business Administration's Office of Women's Business Ownership. Today, twenty-five percent of the women's business centers initially funded by the SBA are closed—and of this twenty-five percent, many are only partly operational. In fact, while several of the WESST Corp. sites in New Mexico have already lost SBA funding and have been able to continue providing programs, others have suffered considerably in their work due to the loss of support.

To address this problem, the Women's Business Centers Sustainability Act of 1999 will allow re-competition for Federal funding by Women's Business Centers which have completed a funding term, and will raise the authorization of appropriations for FY 2000 and FY 2001 Women Business Center funding from $11 million to $12 million per year.

The Women's Business Center program has helped countless women start and expand their own businesses. It is vital that we continue to support this valuable program. I invite and encourage my fellow colleagues to join me in supporting this program.

Mr. Speaker, I yield back the balance of my time.

Mrs. KELLY. Mr. Speaker, I yield myself such time as I may consume.

In conclusion, I want to state that H.R. 1497 has broad bipartisan support. As the gentleman from New Mexico (Mr. UDALL) pointed out, this is a very bipartisan committee. We work well, and I believe that that bipartisanship works very well for sound public policy.

As I stated earlier, this legislation passed the Committee on Small Business unanimously. Again, I would like to thank the gentleman from Missouri (Mr. TALENT) for his efforts on this legislation. I would also like to thank the gentlewoman from New York (Ms. VELÁZQUEZ) and the entire Committee on Small Business for their work on this important legislation.

Finally, I would like to commend the exceptional staff work that was performed on this legislation. Meredith Matty of the committee's majority staff and Michael Day of the committee's minority staff worked tirelessly on this issue and were instrumental in developing the legislation before us today as was Mr. Harry Katrichis.

I urge all of my colleagues to support H.R. 1497.

Mrs. MINK of Hawaii. Mr. Speaker, I rise to express my strong support for passage of H.R. 1497, the Women's Business Centers Sustainability Act. H.R. 1497 raises the authorization of appropriations for Women's Business Centers for fiscal year 2000 to $12 million up from the current authorization level of $11 million. Moreover, the bill increases the authorization rates to $13 million in fiscal year 2001, $14 million in fiscal year 2002, and $15 million in fiscal year 2003.

The Small Business Administration's Women's Business Centers program supports 80 centers in 47 states, the District of Columbia, Puerto Rico, and the Virgin Islands. These centers provide technical assistance, business information and counseling, and other specialized assistance to socially and economically disadvantaged women entrepreneurs.

H.R. 1497 will have a dramatic impact on the growth of women's business centers as 60 percent of the funds will be reserved for new centers, enabling women in more communities and states to receive the economic and social benefits of the program.

Hawaii's Women's Financial Resource Center (WFRC), based in Honolulu, was first funded in 1999. WFRC works with women from diverse ethnic and cultural backgrounds, including Native Hawaiian, Samoan, Fijian, Korean, Japanese, Filipino, and Chinese. Under WFRC's program, each client receives an individual assessment, which includes training in writing business plans, a marketing study group, and a monthly networking and information meeting. WFRC provides special topic workshops, such as "Designing Brochures and Flyers," "Taxes for the Small Business Owner," "Taking the 'Starving' Out of Artist," and "Starting a Home-Based Business." The center has also entered into a partnership with the Chamber of Commerce of Hawaii to provide distance/correspondence training. Within the next five years, WFRC plans to have subcenters on at least two other islands.

Women's businesses are starting at twice the rate of all other businesses. We must do all we can to ensure that disadvantaged women are given the information and assistance they need to become full participants in our economy.

Ms. SCHAKOWSKY. Mr. Speaker, I commend my colleagues on the Small Business Committee for their work on H.R. 1497, the Women's Business Center Sustainability Act of 1999. This legislation, before the House today will improve the Small Business Administration's Women's Business Center Program.

The women's business center program has helped start and improve woman-owned businesses in my district and across the country. During my service on the Small Business Committee I heard two suggestions from women's business center directors: Make funds available to start women's business centers in every state, and allow women's business centers to re-compete for federal matching funds after their fifth year of existence.

Today, with passage of H.R. 1497, we will authorize this program through the year 2001 and make women's business centers eligible for another five years of federal matching funds. Legislation from earlier this session increased fiscal year 2000 funding for the women's business center program by $3 million and ensured full funding in the fifth year of operation for women's business centers.

Women-owned businesses contribute greatly to the American economy and represent the fastest growing type of American business. With passage of today's legislation and legislation from the Small Business Committee passed earlier this session, we have acknowledged the importance of woman-owned businesses and have made clear our commitment to their success. Support for the women's business center program translates into successful woman-owned businesses. I commend my colleagues for bringing this bill to the floor, I urge all members to vote in support, and I salute the Woman Business owners and women's business centers across the country.

Ms. SANCHEZ. Mr. Speaker, in my state and across the country, women are playing an ever growing role in the business world. I am pleased that the number of women and minority owned businesses in the state of California continues to grow.

With Business Women's Network (BWN) having its Global Summit in Washington D.C., now is the perfect time to recognize the growing power that women have in the business world. There are delegates from over 47 states and 97 countries participating in the summit which is celebrating diversity in the business world. The major theme of the summit is the use of cutting-edge technology to create More Business for More Women Across More Borders.

Knowing the importance of women in the business world and realizing the growing influence of BWN, I join my colleagues in asking that October 19 be recognized as Global Business Women Day.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H.R. 1497, the Women's Business Centers Sustainability Act. This bill reauthorizes the Women's Business Center Program through fiscal year 2003.

I support this bill because the Women's Business Centers are instrumental in assisting women with developing and expanding their own businesses. The centers provide comprehensive training, counseling and information to help women succeed in business.

Specifically, this bill authorizes $12 million for fiscal year 2000; $13 million for fiscal 2001; $14 million for fiscal year 2002; and $15 million for 2003. For existing WBC projects, 40 percent would be designated and the remaining funds would support new programs. New centers would receive up to $150,000 per year in federal funds.

This bill also creates a 4-year pilot program that makes competitive grants for an additional five years to non-profit women's business center organizations.

The Women's Business Center is a part of the Small Business Administration and provides long-term career training and counseling to potential and current women business owners. They operate in 36 states, including the District of Columbia and Puerto Rico.

Women are starting new businesses at twice the rate of men and own almost 40 percent or 8 million of all small businesses in the United States. Women of color own nearly one in eight of the 8 million women-owned businesses or 1,067,000 businesses.

Women start businesses for a variety of reasons. With the recent spate of corporate downsizing in large companies and the various changes in the marketplace, small businesses are becoming a vital part of the economic stability of the country.

Women often start businesses because they want flexibility in raising their children, they want to escape gender discrimination on the job, they hit the glass ceiling, and many desire to fulfill a dream of becoming an entrepreneur. We should continue to encourage this current trend of women-owned businesses by supporting the Women's Business Center Sustainability Act.

The Women's Business Centers offer women the tools necessary to launch businesses by providing resources and assistance with the development of a new business. This includes developing a business plan, conducting market research, developing a marketing strategy, and identifying financial services. The centers also offer practical advice and support for new business owners.

Access to this information is essential to success in small business. The Women's Business Centers provide a valuable service to aspiring entrepreneurs. I urge my colleagues to support this bill.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I rise in support of H.R. 1497, the Women's Business Center Sustainability Act.

Women in America are starting firms at twice the rate of all businesses and currently, women-owned businesses offer jobs to one out of every five workers. As of 1999 there are approximately 9.1 million women-owned businesses in the U.S. which make up 38 percent of all firms in the country. Over 23 million employees worked for women-owned businesses, an increase of 262 percent over the 1987–1997 period.

Mr. Speaker, by the year 2000, it is expected that a woman will own one in every two businesses. Based on these statistics, it is clear that women are changing the face of American business and women-owned businesses need our support to continue their contributions to maintain a strong American economy.

H.R. 1497 will help women's businesses to continue to grow. This bill will create a pilot program to allow active centers to recompete, lower the grant level for these recompeting centers to $125,000 and provide a criteria for the recompetition based on their track record. This bill will set aside a portion of the annual funding for a pilot program to allow active centers that are providing good services to recompete. If there is funding left from that recompetition portion we will allow centers that are no longer in the program to recompete as well. This bill will also increase the authorized level of the program from $11 million to $14.5 million.

Through proper allocation of the available funds, this framework will allow the program to continue to expand into economically and socially disadvantaged areas and allow minority women-owned businesses the opportunity to compete on an equal playing field. However, it is imperative that the selection and placement of women business centers is objective and equitable. Economically and socially disadvantaged areas must also be strongly considered for women business centers to allow all people and areas to benefit from this bill.

I urge my colleagues to support H.R. 1497 because women business centers provide training and counseling in topics such as finance, marketing, procurement and the Internet economy for women who want to start, maintain or expand their business. Currently, there are 37 women business centers currently funded and 22 graduated active sites operating in 36 states, the District of Columbia and Puerto Rico. All centers provide individual business counseling and access to SBA's programs and services. A number of the centers are also intermediaries for the SBA microloan and loan prequalification program. This wide variety of services are essential to the success of women-owned businesses and this support will ultimately have a positive impact on our economy overall.

• Since the creation of this program in 1988 by a Democratic Congress, the Committee on Small Business has been actively finding ways to help this program improve and expand on their services and training. Originally the program was designed to help start-up centers by providing them with federal matching funds throughout a three year period until they could become self sufficient. This 3-year cycle was adjusted in 1997 to 5 years. An average of 10 new grants are awarded each year through a highly competitive process.

Centers received federal matching grants on a scale. The first year they received two federal dollars for every private dollar they raised, the second and third year they received the match on a 1 to 1 ratio and on their final years for every two private dollars they raised the federal government would match it with one dollar. The committee has been steadfast in addressing issues affecting women's business centers and H.R. 1497 will help in this regard.

I urge your support H.R. 1497, which continue to strengthen the American economy and raise the opportunities for success and economic prosperity for all Americans.

Mr. FORD. Mr. Speaker, thanks to my good friend TOM UDALL for his hard work in bringing H.R. 1497—the Women's Business Center Sustainability Act—to the floor this afternoon.

Mr. Speaker, H.R. 1497 will help provide resources to women entrepreneurs in an effort to help level the playing field and provide opportunities to some of the most innovative and forward thinking businesspeople in our nation.

Today, women have finally begun to crack the once impenetrable "glass ceiling". In July, Carly Fiorina became CEO of Hewlett-Packard, the first female CEO of one of America's 20 largest corporations and women such as Meg Whitman, CEO of eBAY, and Joy Covey, CFO of Amazon.com, are revolutionizing how we live and work.

In my home state of Tennessee, we are fortunate to have Cynthia Trudell as president of Saturn Motors.

These individuals should serve as role models to aspiring businesswomen in the same way that Mia Hamm and Serena Williams have become role models in the world of sport. H.R. 1497 will help do just that.

It will allow more women entrepreneurs to use the resources of the Small Business Administration and it will enable their firms to receive assistance for a longer period of time, especially during the crucial first years of operation.

It also extends the authorization of the current women's business center's program, a program that has been tremendously successful in encouraging women entrepreneurs.

Mr. Speaker women-owned businesses are a huge force for job creation and economic growth across the country and, in particularly, my hometown of Memphis, Tennessee.

According to recent surveys, women-owned businesses are growing at twice the rate of all business growth and are primary components of our high-wage high-tech driven economy. They now account for over 8 million businesses, a total of 36 percent of all U.S. firms.

In Memphis, women-owned businesses represent millions of dollars in sales and revenue and in Tennessee, the growth of women-owned firms increased 90 percent between 1988 and 1998. Nationally women businesses increased close to 80 percent over the same period.

Women-owned businesses, however, will continue to face significant challenges in the 21st century, particularly in the area of access to capital we must do all we can to expand opportunity for businesswomen. H.R. 1497 is a solid step in that direction.

Let me once again thank TOM UDALL and all of my colleagues for their hard work. I am proud to stand with them in support of H.R. 1497.

Mrs. KELLY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BURR of North Carolina). The question is on the motion offered by the gentlewoman from New York (Mrs. KELLY) that the House suspend the rules and pass the bill, H.R. 1497, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. KELLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1497.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

TICKET TO WORK AND WORK INCENTIVES IMPROVEMENT ACT OF 1999

Mr. ARCHER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1180) to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1180

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Ticket to Work and Work Incentives Improvement Act of 1999".

(b) Table of Contents.—The table of contents is as follows:

Sec. 1. Short title; table of contents.

TITLE I—TICKET TO WORK AND SELF-SUFFICIENCY AND RELATED PROVISIONS

Subtitle A—Ticket to Work and Self-Sufficiency

Sec. 101. Establishment of the Ticket to Work and Self-Sufficiency Program.

Subtitle B—Elimination of Work Disincentives

Sec. 111. Work activity standard as a basis for review of an individual's disabled status.
Sec. 112. Expedited reinstatement of disability benefits.

Subtitle C—Work Incentives Planning, Assistance, and Outreach

Sec. 121. Work incentives outreach program.
Sec. 122. State grants for work incentives assistance to disabled beneficiaries.

TITLE II—EXPANDED AVAILABILITY OF HEALTH CARE SERVICES

Sec. 201. Expanding State options under the medicaid program for workers with disabilities.
Sec. 202. Extending medicare coverage for OASDI disability benefit recipients.
Sec. 203. Grants to develop and establish State infrastructures to support working individuals with disabilities.
Sec. 204. Demonstration of coverage under the medicaid program of workers with potentially severe disabilities.
Sec. 205. Election by disabled beneficiaries to suspend medigap insurance when covered under a group health plan.

TITLE III—DEMONSTRATION PROJECTS AND STUDIES

Sec. 301. Extension of disability insurance program demonstration project authority.
Sec. 302. Demonstration projects providing for reductions in disability insurance benefits based on earnings.
Sec. 303. Studies and reports.

TITLE IV—MISCELLANEOUS AND TECHNICAL AMENDMENTS

Sec. 401. Technical amendments relating to drug addicts and alcoholics.
Sec. 402. Treatment of prisoners.
Sec. 403. Revocation by members of the clergy of exemption from social security coverage.
Sec. 404. Additional technical amendment relating to cooperative research or demonstration projects under titles II and XVI.
Sec. 405. Authorization for State to permit annual wage reports.
Sec. 406. Assessment on attorneys who receive their fees via the Social Security Administration.
Sec. 407. Prevention of fraud and abuse associated with certain payments under the medicaid program.Extension of authority of State medicaid fraud control units.
Sec. 408. Extension of authority of State medicaid fraud control units.
Sec. 409. Special allowance adjustment for student loans.

TITLE I—TICKET TO WORK AND SELF-SUFFICIENCY AND RELATED PROVISIONS

Subtitle A—Ticket to Work and Self-Sufficiency

SEC. 101. ESTABLISHMENT OF THE TICKET TO WORK AND SELF-SUFFICIENCY PROGRAM.

(a) In General.—Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by adding after section 1147 (as added by section 8 of the Noncitizen Benefit Clarification and Other Technical Amendments Act of 1998 (Public Law 105–306; 112 Stat. 2928)) the following:

"THE TICKET TO WORK AND SELF-SUFFICIENCY PROGRAM

"Sec. 1148. (a) In General.—The Commissioner of Social Security shall establish a Ticket to Work and Self-Sufficiency Program, under which a disabled beneficiary may use a ticket to work and self-sufficiency issued by the Commissioner in accordance with this section to obtain employment services, vocational rehabilitation services, or other support services from an employment network which is of the beneficiary's choice and which is willing to provide such services to such beneficiary.

"(b) Ticket System.—

"(1) Distribution of tickets.—The Commissioner of Social Security may issue a ticket to work and self-sufficiency to disabled beneficiaries for participation in the Program.

"(2) Assignment of tickets.—A disabled beneficiary holding a ticket to work and self-sufficiency may assign the ticket to any employment network of the beneficiary's choice which is serving under the Program and is willing to accept the assignment.

"(3) Ticket terms.—A ticket issued under paragraph (1) shall consist of a document which evidences the Commissioner's agreement to pay (as provided in paragraph (4)) an employment network, which is serving under the Program and to which such ticket is assigned by the beneficiary, for such employment services, vocational rehabilitation services, and other support services as the employment network may provide to the beneficiary.

"(4) Payments to employment networks.—The Commissioner shall pay an employment network under the Program in accordance with the outcome payment system under subsection (h)(2) or under the outcome-milestone payment system under subsection (h)(3) (whichever is elected pursuant to subsection (h)(1)). An employment network may not request or receive compensation for such services from the beneficiary.

"(c) State Participation.—

"(1) In general.—Each State agency administering or supervising the administration of the State plan approved under title I of the Rehabilitation Act of 1973 may elect to participate in the Program as an employment network with respect to a disabled beneficiary. If the State agency does elect to participate in the Program, the State agency also shall elect to be paid under the outcome payment system or the outcome-milestone payment system in accordance with subsection (h)(1). With respect to a disabled beneficiary that the State agency does not elect to have participate in the Program, the State agency shall be paid for services provided to that beneficiary under the system for payment applicable under section 222(d) and subsections (d) and (e) of section 1615. The Commissioner shall provide for periodic opportunities for exercising such elections.

"(2) Effect of participation by State agency.—

"(A) State agencies participating.—In any case in which a State agency described in paragraph (1) elects under that paragraph to participate in the Program, the employment services, vocational rehabilitation services, and other support services which, upon assignment of tickets to work and self-sufficiency, are provided to disabled beneficiaries by the State agency acting as an employment network shall be governed by plans for vocational rehabilitation services approved under title I of the Rehabilitation Act of 1973.

"(B) State agencies administering maternal and child health services programs.—Subparagraph (A) shall not apply with respect to any State agency administering a program under title V of this Act.

"(3) Agreements between State agencies and employment networks.—State agencies and employment networks shall enter into agreements regarding the conditions under which services will be provided when an individual is referred by an employment network to a State agency for services. The Commissioner of Social Security shall establish by regulations the timeframe within which such agreements must be entered into and the mechanisms for dispute resolution between State agencies and employment networks with respect to such agreements.

"(d) Responsibilities of the Commissioner of Social Security.—

"(1) Selection and qualifications of program managers.—The Commissioner of Social Security shall enter into agreements with 1 or more organizations in the private or public sector for service as a program manager to assist the Commissioner in administering the Program. Any such program manager shall be selected by means of a competitive bidding process, from among organizations in the private or public sector with available expertise and experience in the field of vocational rehabilitation or employment services.

"(2) Tenure, renewal, and early termination.—Each agreement entered into under paragraph (1) shall provide for early termination upon failure to meet performance standards which shall be specified in the agreement and which shall be weighted to take into account any performance in prior terms. Such performance standards shall include—

"(A) measures for ease of access by beneficiaries to services; and

"(B) measures for determining the extent to which failures in obtaining services for beneficiaries fall within acceptable parameters, as determined by the Commissioner.

"(3) Preclusion from direct participation in delivery of services in own service area.—Agreements under paragraph (1) shall preclude—

"(A) direct participation by a program manager in the delivery of employment services, vocational rehabilitation services, or other support services to beneficiaries in the service area covered by the program manager's agreement; and

‘‘(B) the holding by a program manager of a financial interest in an employment network or service provider which provides services in a geographic area covered under the program manager's agreement.

‘‘(4) SELECTION OF EMPLOYMENT NETWORKS.—

‘‘(A) IN GENERAL.—The Commissioner shall select and enter into agreements with employment networks for service under the Program. Such employment networks shall be in addition to State agencies serving as employment networks pursuant to elections under subsection (c).

‘‘(B) ALTERNATE PARTICIPANTS.—In any State where the Program is being implemented, the Commissioner shall enter into an agreement with any alternate participant that is operating under the authority of section 222(d)(2) in the State as of the date of enactment of this section and chooses to serve as an employment network under the Program.

‘‘(5) TERMINATION OF AGREEMENTS WITH EMPLOYMENT NETWORKS.—The Commissioner shall terminate agreements with employment networks for inadequate performance, as determined by the Commissioner.

‘‘(6) QUALITY ASSURANCE.—The Commissioner shall provide for such periodic reviews as are necessary to provide for effective quality assurance in the provision of services by employment networks. The Commissioner shall solicit and consider the views of consumers and the program manager under which the employment networks serve and shall consult with providers of services to develop performance measurements. The Commissioner shall ensure that the results of the periodic reviews are made available to beneficiaries who are prospective service recipients as they select employment networks. The Commissioner shall ensure that the periodic surveys of beneficiaries receiving services under the Program are designed to measure customer service satisfaction.

‘‘(7) DISPUTE RESOLUTION.—The Commissioner shall provide for a mechanism for resolving disputes between beneficiaries and employment networks, between program managers and employment networks, and between program managers and providers of services. The Commissioner shall afford a party to such a dispute a reasonable opportunity for a full and fair review of the matter in dispute.

‘‘(e) PROGRAM MANAGERS.—

‘‘(1) IN GENERAL.—A program manager shall conduct tasks appropriate to assist the Commissioner in carrying out the Commissioner's duties in administering the Program.

‘‘(2) RECRUITMENT OF EMPLOYMENT NETWORKS.—A program manager shall recruit, and recommend for selection by the Commissioner, employment networks for service under the Program. The program manager shall carry out such recruitment and provide such recommendations, and shall monitor all employment networks serving in the Program in the geographic area covered under the program manager's agreement, to the extent necessary and appropriate to ensure that adequate choices of services are made available to beneficiaries. Employment networks may serve under the Program only pursuant to an agreement entered into with the Commissioner under the Program incorporating the applicable provisions of this section and regulations thereunder, and the program manager shall provide and maintain assurances to the Commissioner that payment by the Commissioner to employment networks pursuant to this section is warranted based on compliance by such employment networks with the terms of such agreement and this section. The program manager shall not impose numerical limits on the number of employment networks to be recommended pursuant to this paragraph.

‘‘(3) FACILITATION OF ACCESS BY BENEFICIARIES TO EMPLOYMENT NETWORKS.—A program manager shall facilitate access by beneficiaries to employment networks. The program manager shall ensure that each beneficiary is allowed changes in employment networks without being deemed to have rejected services under the Program. When such a change occurs, the program manager shall reassign the ticket based on the choice of the beneficiary. Upon the request of the employment network, the program manager shall make a determination of the allocation of the outcome or milestone-outcome payments based on the services provided by each employment network. The program manager shall establish and maintain lists of employment networks available to beneficiaries and shall make such lists generally available to the public. The program manager shall ensure that all information provided to disabled beneficiaries pursuant to this paragraph is provided in accessible formats.

‘‘(4) ENSURING AVAILABILITY OF ADEQUATE SERVICES.—The program manager shall ensure that employment services, vocational rehabilitation services, and other support services are provided to beneficiaries throughout the geographic area covered under the program manager's agreement, including rural areas.

‘‘(5) REASONABLE ACCESS TO SERVICES.—The program manager shall take such measures as are necessary to ensure that sufficient employment networks are available and that each beneficiary receiving services under the Program has reasonable access to employment services, vocational rehabilitation services, and other support services. Services provided under the Program may include case management, work incentives planning, supported employment, career planning, career plan development, vocational assessment, job training, placement, follow-up services, and such other services as may be specified by the Commissioner under the Program. The program manager shall ensure that such services are available in each service area.

‘‘(f) EMPLOYMENT NETWORKS.—

‘‘(1) QUALIFICATIONS FOR EMPLOYMENT NETWORKS.—

‘‘(A) IN GENERAL.—Each employment network serving under the Program shall consist of an agency or instrumentality of a State (or a political subdivision thereof) or a private entity, that assumes responsibility for the coordination and delivery of services under the Program to individuals assigning to the employment network tickets to work and self-sufficiency issued under subsection (b).

‘‘(B) ONE-STOP DELIVERY SYSTEMS.—An employment network serving under the Program may consist of a one-stop delivery system established under subtitle B of title I of the Workforce Investment Act of 1998.

‘‘(C) COMPLIANCE WITH SELECTION CRITERIA.—No employment network may serve under the Program unless it meets and maintains compliance with both general selection criteria (such as professional and educational qualifications, where applicable) and specific selection criteria (such as substantial expertise and experience in providing relevant employment services and supports).

‘‘(D) SINGLE OR ASSOCIATED PROVIDERS ALLOWED.—An employment network shall consist of either a single provider of such services or of an association of such providers organized so as to combine their resources into a single entity. An employment network may meet the requirements of subsection (e)(4) by providing services directly, or by entering into agreements with other individuals or entities providing appropriate employment services, vocational rehabilitation services, or other support services.

‘‘(2) REQUIREMENTS RELATING TO PROVISION OF SERVICES.—Each employment network serving under the Program shall be required under the terms of its agreement with the Commissioner to—

‘‘(A) serve prescribed service areas; and

‘‘(B) take such measures as are necessary to ensure that employment services, vocational rehabilitation services, and other support services provided under the Program by, or under agreements entered into with, the employment network are provided under appropriate individual work plans meeting the requirements of subsection (g).

‘‘(3) ANNUAL FINANCIAL REPORTING.—Each employment network shall meet financial reporting requirements as prescribed by the Commissioner.

‘‘(4) PERIODIC OUTCOMES REPORTING.—Each employment network shall prepare periodic reports, on at least an annual basis, itemizing for the covered period specific outcomes achieved with respect to specific services provided by the employment network. Such reports shall conform to a national model prescribed under this section. Each employment network shall provide a copy of the latest report issued by the employment network pursuant to this paragraph to each beneficiary upon enrollment under the Program for services to be received through such employment network. Upon issuance of each report to each beneficiary, a copy of the report shall be maintained in the files of the employment network. The program manager shall ensure that copies of all such reports issued under this paragraph are made available to the public under reasonable terms.

‘‘(g) INDIVIDUAL WORK PLANS.—

‘‘(1) REQUIREMENTS.—Each employment network shall—

‘‘(A) take such measures as are necessary to ensure that employment services, vocational rehabilitation services, and other support services provided under the Program by, or under agreements entered into with, the employment network are provided under appropriate individual work plans that meet the requirements of subparagraph (C);

‘‘(B) develop and implement each such individual work plan, in partnership with each beneficiary receiving such services, in a manner that affords such beneficiary the opportunity to exercise informed choice in selecting an employment goal and specific services needed to achieve that employment goal;

‘‘(C) ensure that each individual work plan includes at least—

‘‘(i) a statement of the vocational goal developed with the beneficiary, including, as appropriate, goals for earnings and job advancement;

‘‘(ii) a statement of the services and supports that have been deemed necessary for the beneficiary to accomplish that goal;

‘‘(iii) a statement of any terms and conditions related to the provision of such services and supports; and “(iv) a statement of understanding regarding the beneficiary's rights under the Program (such as the right to retrieve the ticket to work and self-sufficiency if the beneficiary is dissatisfied with the services being provided by the employment network) and remedies available to the individual, including information on the availability of advocacy services and assistance in resolving disputes through the State grant program authorized under section 1150;

“(D) provide a beneficiary the opportunity to amend the individual work plan if a change in circumstances necessitates a change in the plan; and

“(E) make each beneficiary's individual work plan available to the beneficiary in, as appropriate, an accessible format chosen by the beneficiary.

“(2) EFFECTIVE UPON WRITTEN APPROVAL.—A beneficiary's individual work plan shall take effect upon written approval by the beneficiary or a representative of the beneficiary and a representative of the employment network that, in providing such written approval, acknowledges assignment of the beneficiary's ticket to work and self-sufficiency.

“(h) EMPLOYMENT NETWORK PAYMENT SYSTEMS.—

“(1) ELECTION OF PAYMENT SYSTEM BY EMPLOYMENT NETWORKS.—

“(A) IN GENERAL.—The Program shall provide for payment authorized by the Commissioner to employment networks under either an outcome payment system or an outcome-milestone payment system. Each employment network shall elect which payment system will be utilized by the employment network, and, for such period of time as such election remains in effect, the payment system so elected shall be utilized exclusively in connection with such employment network (except as provided in subparagraph (B)).

“(B) NO CHANGE IN METHOD OF PAYMENT FOR BENEFICIARIES WITH TICKETS ALREADY ASSIGNED TO THE EMPLOYMENT NETWORKS.—Any election of a payment system by an employment network that would result in a change in the method of payment to the employment network for services provided to a beneficiary who is receiving services from the employment network at the time of the election shall not be effective with respect to payment for services provided to that beneficiary and the method of payment previously selected shall continue to apply with respect to such services.

“(2) OUTCOME PAYMENT SYSTEM.—

“(A) IN GENERAL.—The outcome payment system shall consist of a payment structure governing employment networks electing such system under paragraph (1)(A) which meets the requirements of this paragraph.

“(B) PAYMENTS MADE DURING OUTCOME PAYMENT PERIOD.—The outcome payment system shall provide for a schedule of payments to an employment network, in connection with each individual who is a beneficiary, for each month, during the individual's outcome payment period, for which benefits (described in paragraphs (3) and (4) of subsection (k)) are not payable to such individual because of work or earnings.

“(C) COMPUTATION OF PAYMENTS TO EMPLOYMENT NETWORK.—The payment schedule of the outcome payment system shall be designed so that—

“(i) the payment for each month during the outcome payment period for which benefits (described in paragraphs (3) and (4) of subsection (k)) are not payable is equal to a fixed percentage of the payment calculation base for the calendar year in which such month occurs; and

“(ii) such fixed percentage is set at a percentage which does not exceed 40 percent.

“(3) OUTCOME-MILESTONE PAYMENT SYSTEM.—

“(A) IN GENERAL.—The outcome-milestone payment system shall consist of a payment structure governing employment networks electing such system under paragraph (1)(A) which meets the requirements of this paragraph.

“(B) EARLY PAYMENTS UPON ATTAINMENT OF MILESTONES IN ADVANCE OF OUTCOME PAYMENT PERIODS.—The outcome-milestone payment system shall provide for 1 or more milestones, with respect to beneficiaries receiving services from an employment network under the Program, that are directed toward the goal of permanent employment. Such milestones shall form a part of a payment structure that provides, in addition to payments made during outcome payment periods, payments made prior to outcome payment periods in amounts based on the attainment of such milestones.

“(C) LIMITATION ON TOTAL PAYMENTS TO EMPLOYMENT NETWORK.—The payment schedule of the outcome milestone payment system shall be designed so that the total of the payments to the employment network with respect to each beneficiary is less than, on a net present value basis (using an interest rate determined by the Commissioner that appropriately reflects the cost of funds faced by providers), the total amount to which payments to the employment network with respect to the beneficiary would be limited if the employment network were paid under the outcome payment system.

“(4) DEFINITIONS.—In this subsection:

“(A) PAYMENT CALCULATION BASE.—The term ‘payment calculation base’ means, for any calendar year—

“(i) in connection with a title II disability beneficiary, the average disability insurance benefit payable under section 223 for all beneficiaries for months during the preceding calendar year; and

“(ii) in connection with a title XVI disability beneficiary (who is not concurrently a title II disability beneficiary), the average payment of supplemental security income benefits based on disability payable under title XVI (excluding State supplementation) for months during the preceding calendar year to all beneficiaries who have attained 18 years of age but have not attained 65 years of age.

“(B) OUTCOME PAYMENT PERIOD.—The term ‘outcome payment period’ means, in connection with any individual who had assigned a ticket to work and self-sufficiency to an employment network under the Program, a period—

“(i) beginning with the first month, ending after the date on which such ticket was assigned to the employment network, for which benefits (described in paragraphs (3) and (4) of subsection (k)) are not payable to such individual by reason of engagement in substantial gainful activity or by reason of earnings from work activity; and

“(ii) ending with the 60th month (consecutive or otherwise), ending after such date, for which such benefits are not payable to such individual by reason of engagement in substantial gainful activity or by reason of earnings from work activity.

“(5) PERIODIC REVIEW AND ALTERATIONS OF PRESCRIBED SCHEDULES.—

“(A) PERCENTAGES AND PERIODS.—The Commissioner shall periodically review the percentage specified in paragraph (2)(C), the total payments permissible under paragraph (3)(C), and the period of time specified in paragraph (4)(B) to determine whether such percentages, such permissible payments, and such period provide an adequate incentive for employment networks to assist beneficiaries to enter the workforce, while providing for appropriate economies. The Commissioner may alter such percentage, such total permissible payments, or such period of time to the extent that the Commissioner determines, on the basis of the Commissioner's review under this paragraph, that such an alteration would better provide the incentive and economies described in the preceding sentence.

“(B) NUMBER AND AMOUNT OF MILESTONE PAYMENTS.—The Commissioner shall periodically review the number and amounts of milestone payments established by the Commissioner pursuant to this section to determine whether they provide an adequate incentive for employment networks to assist beneficiaries to enter the workforce, taking into account information provided to the Commissioner by program managers, the Ticket to Work and Work Incentives Advisory Panel established by section 101(f) of the Ticket to Work and Work Incentives Improvement Act of 1999, and other reliable sources. The Commissioner may from time to time alter the number and amounts of milestone payments initially established by the Commissioner pursuant to this section to the extent that the Commissioner determines that such an alteration would allow an adequate incentive for employment networks to assist beneficiaries to enter the workforce. Such alteration shall be based on information provided to the Commissioner by program managers, the Ticket to Work and Work Incentives Advisory Panel established by section 101(f) of the Ticket to Work and Work Incentives Improvement Act of 1999, or other reliable sources.

“(C) REPORT ON THE ADEQUACY OF INCENTIVES.—The Commissioner shall submit to Congress not later than 36 months after the date of the enactment of the Ticket to Work and Work Incentives Improvement Act of 1999 a report with recommendations for a method or methods to adjust payment rates under subparagraphs (A) and (B), that would ensure adequate incentives for the provision of services by employment networks of—

“(i) individuals with a need for ongoing support and services;

“(ii) individuals with a need for high-cost accommodations;

“(iii) individuals who earn a subminimum wage; and

“(iv) individuals who work and receive partial cash benefits.

The Commissioner shall consult with the Ticket to Work and Work Incentives Advisory Panel established under section 101(f) of the Ticket to Work and Work Incentives Improvement Act of 1999 during the development and evaluation of the study. The Commissioner shall implement the necessary adjusted payment rates prior to full implementation of the Ticket to Work and Self-Sufficiency Program.

“(i) SUSPENSION OF DISABILITY REVIEWS.—During any period for which an individual is using, as defined by the Commissioner, a ticket to work and self-sufficiency issued under this section, the Commissioner (and any applicable State agency) may not initiate a continuing disability review or other review under section 221 of whether the individual is or is not under a disability or a review under title XVI similar to any such review under section 221.

"(j) Authorizations.—

"(1) Payments to employment networks.—

"(A) Title II disability beneficiaries.—There are authorized to be transferred from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund each fiscal year such sums as may be necessary to make payments to employment networks under this section. Money paid from the Trust Funds under this section with respect to title II disability beneficiaries who are entitled to benefits under section 223 or who are entitled to benefits under section 202(d) on the basis of the wages and self-employment income of such beneficiaries, shall be charged to the Federal Disability Insurance Trust Fund, and all other money paid from the Trust Funds under this section shall be charged to the Federal Old-Age and Survivors Insurance Trust Fund.

"(B) Title XVI disability beneficiaries.—Amounts authorized to be appropriated to the Social Security Administration under section 1601 (as in effect pursuant to the amendments made by section 301 of the Social Security Amendments of 1972) shall include amounts necessary to carry out the provisions of this section with respect to title XVI disability beneficiaries.

"(2) Administrative expenses.—The costs of administering this section (other than payments to employment networks) shall be paid from amounts made available for the administration of title II and amounts made available for the administration of title XVI, and shall be allocated among such amounts as appropriate.

"(k) Definitions.—In this section:

"(1) Commissioner.—The term 'Commissioner' means the Commissioner of Social Security.

"(2) Disabled beneficiary.—The term 'disabled beneficiary' means a title II disability beneficiary or a title XVI disability beneficiary.

"(3) Title II disability beneficiary.—The term 'title II disability beneficiary' means an individual entitled to disability insurance benefits under section 223 or to monthly insurance benefits under section 202 based on such individual's disability (as defined in section 223(d)). An individual is a title II disability beneficiary for each month for which such individual is entitled to such benefits.

"(4) Title XVI disability beneficiary.—The term 'title XVI disability beneficiary' means an individual eligible for supplemental security income benefits under title XVI on the basis of blindness (within the meaning of section 1614(a)(2)) or disability (within the meaning of section 1614(a)(3)). An individual is a title XVI disability beneficiary for each month for which such individual is eligible for such benefits.

"(5) Supplemental security income benefit.—The term 'supplemental security income benefit under title XVI' means a cash benefit under section 1611 or 1619(a), and does not include a State supplementary payment, administered federally or otherwise.

"(l) Regulations.—Not later than 1 year after the date of the enactment of the Ticket to Work and Work Incentives Improvement Act of 1999, the Commissioner shall prescribe such regulations as are necessary to carry out the provisions of this section.".

(b) Conforming Amendments.—

(1) Amendments to title II.—

(A) Section 221(i) of the Social Security Act (42 U.S.C. 421(i)) is amended by adding at the end the following:

"(5) For suspension of reviews under this subsection in the case of an individual using a ticket to work and self-sufficiency, see section 1148(i).".

(B) Section 222(a) of such Act (42 U.S.C. 422(a)) is repealed.

(C) Section 222(b) of such Act (42 U.S.C. 422(b)) is repealed.

(D) Section 225(b)(1) of such Act (42 U.S.C. 425(b)(1)) is amended by striking "a program of vocational rehabilitation services" and inserting "a program consisting of the Ticket to Work and Self-Sufficiency Program under section 1148 or another program of vocational rehabilitation services, employment services, or other support services".

(2) Amendments to title XVI.—

(A) Section 1615(a) of such Act (42 U.S.C. 1382d(a)) is amended to read as follows:

"Sec. 1615. (a) In the case of any blind or disabled individual who—

"(1) has not attained age 16; and

"(2) with respect to whom benefits are paid under this title,

the Commissioner of Social Security shall make provision for referral of such individual to the appropriate State agency administering the State program under title V.".

(B) Section 1615(c) of such Act (42 U.S.C. 1382d(c)) is repealed.

(C) Section 1631(a)(6)(A) of such Act (42 U.S.C. 1383(a)(6)(A)) is amended by striking "a program of vocational rehabilitation services" and inserting "a program consisting of the Ticket to Work and Self-Sufficiency Program under section 1148 or another program of vocational rehabilitation services, employment services, or other support services".

(D) Section 1633(c) of such Act (42 U.S.C. 1383b(c)) is amended—

(i) by inserting "(1)" after "(c)"; and

(ii) by adding at the end the following:

"(2) For suspension of continuing disability reviews and other reviews under this title similar to reviews under section 221 in the case of an individual using a ticket to work and self-sufficiency, see section 1148(i).".

(c) Effective Date.—Subject to subsection (d), the amendments made by subsections (a) and (b) shall take effect with the first month following 1 year after the date of the enactment of this Act.

(d) Graduated Implementation of Program.—

(1) In general.—Not later than 1 year after the date of the enactment of this Act, the Commissioner of Social Security shall commence implementation of the amendments made by this section (other than paragraphs (1)(C) and (2)(B) of subsection (b)) in graduated phases at phase-in sites selected by the Commissioner. Such phase-in sites shall be selected so as to ensure, prior to full implementation of the Ticket to Work and Self-Sufficiency Program, the development and refinement of referral processes, payment systems, computer linkages, management information systems, and administrative processes necessary to provide for full implementation of such amendments. Subsection (c) shall apply with respect to paragraphs (1)(C) and (2)(B) of subsection (b) without regard to this subsection.

(2) Requirements.—Implementation of the Program at each phase-in site shall be carried out on a wide enough scale to permit a thorough evaluation of the alternative methods under consideration, so as to ensure that the most efficacious methods are determined and in place for full implementation of the Program on a timely basis.

(3) Full implementation.—The Commissioner shall ensure that ability to provide tickets and services to individuals under the Program exists in every State as soon as practicable on or after the effective date specified in subsection (c) but not later than 3 years after such date.

(4) Ongoing evaluation of program.—

(A) In general.—The Commissioner shall design and conduct a series of evaluations to assess the cost-effectiveness of activities carried out under this section and the amendments made thereby, as well as the effects of this section and the amendments made thereby on work outcomes for beneficiaries receiving tickets to work and self-sufficiency under the Program.

(B) Consultation.—The Commissioner shall design and carry out the series of evaluations after receiving relevant advice from experts in the fields of disability, vocational rehabilitation, and program evaluation and individuals using tickets to work and self-sufficiency under the Program and consulting with the Ticket to Work and Work Incentives Advisory Panel established under section 101(f), the Comptroller General of the United States, other agencies of the Federal Government, and private organizations with appropriate expertise.

(C) Methodology.—

(i) Implementation.—The Commissioner, in consultation with the Ticket to Work and Work Incentives Advisory Panel established under section 101(f), shall ensure that plans for evaluations and data collection methods under the Program are appropriately designed to obtain detailed employment information.

(ii) Specific matters to be addressed.—Each such evaluation shall address (but is not limited to)—

(I) the annual cost (including net cost) of the Program and the annual cost (including net cost) that would have been incurred in the absence of the Program;

(II) the determinants of return to work, including the characteristics of beneficiaries in receipt of tickets under the Program;

(III) the types of employment services, vocational rehabilitation services, and other support services furnished to beneficiaries in receipt of tickets under the Program who return to work and to those who do not return to work;

(IV) the duration of employment services, vocational rehabilitation services, and other support services furnished to beneficiaries in receipt of tickets under the Program who return to work and the duration of such services furnished to those who do not return to work and the cost to employment networks of furnishing such services;

(V) the employment outcomes, including wages, occupations, benefits, and hours worked, of beneficiaries who return to work after receiving tickets under the Program and those who return to work without receiving such tickets;

(VI) the characteristics of individuals in possession of tickets under the Program who are not accepted for services and, to the extent reasonably determinable, the reasons for which such beneficiaries were not accepted for services;

(VII) the characteristics of providers whose services are provided within an employment network under the Program;

(VIII) the extent (if any) to which employment networks display a greater willingness to provide services to beneficiaries with a range of disabilities;

(IX) the characteristics (including employment outcomes) of those beneficiaries who receive services under the outcome payment system and of those beneficiaries who receive services under the outcome-milestone payment system;

(X) measures of satisfaction among beneficiaries in receipt of tickets under the Program; and

(XI) reasons for (including comments solicited from beneficiaries regarding) their choice not to use their tickets or their inability to return to work despite the use of their tickets.

(D) PERIODIC EVALUATION REPORTS.—Following the close of the third and fifth fiscal years ending after the effective date under subsection (c), and prior to the close of the seventh fiscal year ending after such date, the Commissioner shall transmit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report containing the Commissioner's evaluation of the progress of activities conducted under the provisions of this section and the amendments made thereby. Each such report shall set forth the Commissioner's evaluation of the extent to which the Program has been successful and the Commissioner's conclusions on whether or how the Program should be modified. Each such report shall include such data, findings, materials, and recommendations as the Commissioner may consider appropriate.

(5) EXTENT OF STATE'S RIGHT OF FIRST REFUSAL IN ADVANCE OF FULL IMPLEMENTATION OF AMENDMENTS IN SUCH STATE.—

(A) IN GENERAL.—In the case of any State in which the amendments made by subsection (a) have not been fully implemented pursuant to this subsection, the Commissioner shall determine by regulation the extent to which—

(i) the requirement under section 222(a) for prompt referrals to a State agency; and

(ii) the authority of the Commissioner under section 222(d)(2) of the Social Security Act to provide vocational rehabilitation services in such State by agreement or contract with other public or private agencies, organizations, institutions, or individuals,

shall apply in such State.

(B) EXISTING AGREEMENTS.—Nothing in subparagraph (A) or the amendments made by subsection (a) shall be construed to limit, impede, or otherwise affect any agreement entered into pursuant to section 222(d)(2) of the Social Security Act before the date of the enactment of this Act with respect to services provided pursuant to such agreement to beneficiaries receiving services under such agreement as of such date, except with respect to services (if any) to be provided after 3 years after the effective date provided in subsection (c).

(e) SPECIFIC REGULATIONS REQUIRED.—

(1) IN GENERAL.—The Commissioner of Social Security shall prescribe such regulations as are necessary to implement the amendments made by this section.

(2) SPECIFIC MATTERS TO BE INCLUDED IN REGULATIONS.—The matters which shall be addressed in such regulations shall include—

(A) the form and manner in which tickets to work and self-sufficiency may be distributed to beneficiaries pursuant to section 1148(b)(1) of the Social Security Act;

(B) the format and wording of such tickets, which shall incorporate by reference any contractual terms governing service by employment networks under the Program;

(C) the form and manner in which State agencies may elect participation in the Ticket to Work and Self-Sufficiency Program pursuant to section 1148(c)(1) of such Act and provision for periodic opportunities for exercising such elections;

(D) the status of State agencies under section 1148(c)(1) of such Act at the time that State agencies exercise elections under that section;

(E) the terms of agreements to be entered into with program managers pursuant to section 1148(d) of such Act, including—

(i) the terms by which program managers are precluded from direct participation in the delivery of services pursuant to section 1148(d)(3) of such Act;

(ii) standards which must be met by quality assurance measures referred to in paragraph (6) of section 1148(d) of such Act and methods of recruitment of employment networks utilized pursuant to paragraph (2) of section 1148(e) of such Act; and

(iii) the format under which dispute resolution will operate under section 1148(d)(7) of such Act;

(F) the terms of agreements to be entered into with employment networks pursuant to section 1148(d)(4) of such Act, including—

(i) the manner in which service areas are specified pursuant to section 1148(f)(2)(A) of such Act;

(ii) the general selection criteria and the specific selection criteria which are applicable to employment networks under section 1148(f)(1)(C) of such Act in selecting service providers;

(iii) specific requirements relating to annual financial reporting by employment networks pursuant to section 1148(f)(3) of such Act; and

(iv) the national model to which periodic outcomes reporting by employment networks must conform under section 1148(f)(4) of such Act;

(G) standards which must be met by individual work plans pursuant to section 1148(g) of such Act;

(H) standards which must be met by payment systems required under section 1148(h) of such Act, including—

(i) the form and manner in which elections by employment networks of payment systems are to be exercised pursuant to section 1148(h)(1)(A) of such Act;

(ii) the terms which must be met by an outcome payment system under section 1148(h)(2) of such Act;

(iii) the terms which must be met by an outcome-milestone payment system under section 1148(h)(3) of such Act;

(iv) any revision of the percentage specified in paragraph (2)(C) of section 1148(h) of such Act or the period of time specified in paragraph (4)(B) of such section 1148(h) of such Act; and

(v) annual oversight procedures for such systems; and

(I) procedures for effective oversight of the Program by the Commissioner of Social Security, including periodic reviews and reporting requirements.

(f) THE TICKET TO WORK AND WORK INCENTIVES ADVISORY PANEL.—

(1) ESTABLISHMENT.—There is established within the Social Security Administration a panel to be known as the "Ticket to Work and Work Incentives Advisory Panel" (in this subsection referred to as the "Panel").

(2) DUTIES OF PANEL.—It shall be the duty of the Panel to—

(A) advise the President, the Congress, and the Commissioner of Social Security on issues related to work incentives programs, planning, and assistance for individuals with disabilities, including work incentive provisions under titles II, XI, XVI, XVIII, and XIX of the Social Security Act (42 U.S.C. 401 et seq., 1301 et seq., 1381 et seq., 1395 et seq., 1396 et seq.); and

(B) with respect to the Ticket to Work and Self-Sufficiency Program established under section 1148 of such Act—

(i) advise the Commissioner of Social Security with respect to establishing phase-in sites for such Program and fully implementing the Program thereafter, the refinement of access of disabled beneficiaries to employment networks, payment systems, and management information systems, and advise the Commissioner whether such measures are being taken to the extent necessary to ensure the success of the Program;

(ii) advise the Commissioner regarding the most effective designs for research and demonstration projects associated with the Program or conducted pursuant to section 302 of this Act;

(iii) advise the Commissioner on the development of performance measurements relating to quality assurance under section 1148(d)(6) of the Social Security Act; and

(iv) furnish progress reports on the Program to the Commissioner and each House of Congress.

(3) MEMBERSHIP.—

(A) NUMBER AND APPOINTMENT.—The Panel shall be composed of 12 members as follows:

(i) 4 members appointed by the President, not more than 2 of whom may be of the same political party;

(ii) 2 members appointed by the Speaker of the House of Representatives, in consultation with the Chairman of the Committee on Ways and Means of the House of Representatives;

(iii) 2 members appointed by the minority leader of the House of Representatives, in consultation with the ranking member of the Committee on Ways and Means of the House of Representatives;

(iv) 2 members appointed by the majority leader of the Senate, in consultation with the Chairman of the Committee on Finance of the Senate; and

(v) 2 members appointed by the minority leader of the Senate, in consultation with the ranking member of the Committee on Finance of the Senate.

(B) REPRESENTATION.—Of the members appointed under subparagraph (A), at least 8 shall have experience or expert knowledge as a recipient, provider, employer, or employee in the fields of, or related to, employment services, vocational rehabilitation services, and other support services, of whom—

(i) at least 2 shall represent the interests of recipients of employment services, vocational rehabilitation services, and other support services;

(ii) at least 2 shall represent the interests of providers of employment services, vocational rehabilitation services, and other support services;

(iii) at least 2 shall represent the interests of private employers; and

(iv) at least 2 shall represent the interests of employees.

At least ½ of the members described in each clause of subparagraph (A) shall be individuals with disabilities, or representatives of individuals with disabilities, with consideration to current or former title II disability beneficiaries or title XVI disability beneficiaries (as such terms are defined in section 1148(k) of the Social Security Act (as added by subsection (a)).

(C) TERMS.—

(i) IN GENERAL.—Each member shall be appointed for a term of 4 years (or, if less, for the remaining life of the Panel), except as provided in clauses (ii) and (iii). The initial members shall be appointed not later than 90 days after the date of the enactment of this Act.

(ii) TERMS OF INITIAL APPOINTEES.—As designated by the President at the time of appointment, of the members first appointed—

(I) ½ of the members appointed under subparagraph (A) shall be appointed for a term of 2 years; and

(II) the remaining members appointed under subparagraph (A) shall be appointed for a term of 4 years.

(iii) VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office. A vacancy in the Panel shall be filled in the manner in which the original appointment was made.

(D) BASIC PAY.—Members shall each be paid at a rate, and in a manner, that is consistent with guidelines established under section 7 of the Federal Advisory Committee Act (5 U.S.C. App.).

(E) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(F) QUORUM.—8 members of the Panel shall constitute a quorum but a lesser number may hold hearings.

(G) CHAIRPERSON.—The Chairperson of the Panel shall be designated by the President. The term of office of the Chairperson shall be 4 years.

(H) MEETINGS.—The Panel shall meet at least quarterly and at other times at the call of the Chairperson or a majority of its members.

(4) DIRECTOR AND STAFF OF PANEL; EXPERTS AND CONSULTANTS.—

(A) DIRECTOR.—The Panel shall have a Director who shall be appointed by the Panel, and paid at a rate, and in a manner, that is consistent with guidelines established under section 7 of the Federal Advisory Committee Act (5 U.S.C. App.).

(B) STAFF.—Subject to rules prescribed by the Commissioner of Social Security, the Director may appoint and fix the pay of additional personnel as the Director considers appropriate.

(C) EXPERTS AND CONSULTANTS.—Subject to rules prescribed by the Commissioner of Social Security, the Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(D) STAFF OF FEDERAL AGENCIES.—Upon request of the Panel, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Panel to assist it in carrying out its duties under this Act.

(5) POWERS OF PANEL.—

(A) HEARINGS AND SESSIONS.—The Panel may, for the purpose of carrying out its duties under this subsection, hold such hearings, sit and act at such times and places, and take such testimony and evidence as the Panel considers appropriate.

(B) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Panel may, if authorized by the Panel, take any action which the Panel is authorized to take by this section.

(C) MAILS.—The Panel may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(6) REPORTS.—

(A) INTERIM REPORTS.—The Panel shall submit to the President and the Congress interim reports at least annually.

(B) FINAL REPORT.—The Panel shall transmit a final report to the President and the Congress not later than eight years after the date of the enactment of this Act. The final report shall contain a detailed statement of the findings and conclusions of the Panel, together with its recommendations for legislation and administrative actions which the Panel considers appropriate.

(7) TERMINATION.—The Panel shall terminate 30 days after the date of the submission of its final report under paragraph (6)(B).

(8) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, and the general fund of the Treasury, as appropriate, such sums as are necessary to carry out this subsection.

Subtitle B—Elimination of Work Disincentives

SEC. 111. WORK ACTIVITY STANDARD AS A BASIS FOR REVIEW OF AN INDIVIDUAL'S DISABLED STATUS.

(a) IN GENERAL.—Section 221 of the Social Security Act (42 U.S.C. 421) is amended by adding at the end the following:

"(m)(1) In any case where an individual entitled to disability insurance benefits under section 223 or to monthly insurance benefits under section 202 based on such individual's disability (as defined in section 223(d)) has received such benefits for at least 24 months—

"(A) no continuing disability review conducted by the Commissioner may be scheduled for the individual solely as a result of the individual's work activity;

"(B) no work activity engaged in by the individual may be used as evidence that the individual is no longer disabled; and

"(C) no cessation of work activity by the individual may give rise to a presumption that the individual is unable to engage in work.

"(2) An individual to which paragraph (1) applies shall continue to be subject to—

"(A) continuing disability reviews on a regularly scheduled basis that is not triggered by work; and

"(B) termination of benefits under this title in the event that the individual has earnings that exceed the level of earnings established by the Commissioner to represent substantial gainful activity.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2003.

SEC. 112. EXPEDITED REINSTATEMENT OF DISABILITY BENEFITS.

(a) OASDI BENEFITS.—Section 223 of the Social Security Act (42 U.S.C. 423) is amended—

(1) by redesignating subsection (i) as subsection (j); and

(2) by inserting after subsection (h) the following:

"Reinstatement of Entitlement

"(i)(1)(A) Entitlement to benefits described in subparagraph (B)(i)(I) shall be reinstated in any case where the Commissioner determines that an individual described in subparagraph (B) has filed a request for reinstatement meeting the requirements of paragraph (2)(A) during the period prescribed in subparagraph (C). Reinstatement of such entitlement shall be in accordance with the terms of this subsection.

"(B) An individual is described in this subparagraph if—

"(i) prior to the month in which the individual files a request for reinstatement—

"(I) the individual was entitled to benefits under this section or section 202 on the basis of disability pursuant to an application filed therefor; and

"(II) such entitlement terminated due to the performance of substantial gainful activity;

"(ii) the individual is under a disability and the physical or mental impairment that is the basis for the finding of disability is the same as (or related to) the physical or mental impairment that was the basis for the finding of disability that gave rise to the entitlement described in clause (i); and

"(iii) the individual's disability renders the individual unable to perform substantial gainful activity.

"(C)(i) Except as provided in clause (ii), the period prescribed in this subparagraph with respect to an individual is 60 consecutive months beginning with the month following the most recent month for which the individual was entitled to a benefit described in subparagraph (B)(i)(I) prior to the entitlement termination described in subparagraph (B)(i)(II).

"(ii) In the case of an individual who fails to file a reinstatement request within the period prescribed in clause (i), the Commissioner may extend the period if the Commissioner determines that the individual had good cause for the failure to so file.

"(2)(A)(i) A request for reinstatement shall be filed in such form, and containing such information, as the Commissioner may prescribe.

"(ii) A request for reinstatement shall include express declarations by the individual that the individual meets the requirements specified in clauses (ii) and (iii) of paragraph (1)(B).

"(B) A request for reinstatement filed in accordance with subparagraph (A) may constitute an application for benefits in the case of any individual who the Commissioner determines is not entitled to reinstated benefits under this subsection.

"(3) In determining whether an individual meets the requirements of paragraph (1)(B)(ii), the provisions of subsection (f) shall apply.

"(4)(A)(i) Subject to clause (ii), entitlement to benefits reinstated under this subsection shall commence with the benefit payable for the month in which a request for reinstatement is filed.

"(ii) An individual whose entitlement to a benefit for any month would have been reinstated under this subsection had the individual filed a request for reinstatement before the end of such month shall be entitled to such benefit for such month if such request for reinstatement is filed before the end of the twelfth month immediately succeeding such month.

"(B)(i) Subject to clauses (ii) and (iii), the amount of the benefit payable for any month pursuant to the reinstatement of entitlement under this subsection shall be determined in accordance with the provisions of this title.

"(ii) For purposes of computing the primary insurance amount of an individual whose entitlement to benefits under this section is reinstated under this subsection, the date of onset of the individual's disability shall be the date of onset used in determining the individual's most recent period of disability arising in connection with such benefits payable on the basis of an application.

"(iii) Benefits under this section or section 202 payable for any month pursuant to a request for reinstatement filed in accordance with paragraph (2) shall be reduced by the amount of any provisional benefit paid to such individual for such month under paragraph (7).

"(C) No benefit shall be payable pursuant to an entitlement reinstated under this subsection to an individual for any month in which the individual engages in substantial gainful activity.

"(D) The entitlement of any individual that is reinstated under this subsection shall end with the benefits payable for the month preceding whichever of the following months is the earliest:

"(i) The month in which the individual dies.

"(ii) The month in which the individual attains retirement age.

"(iii) The third month following the month in which the individual's disability ceases.

"(5) Whenever an individual's entitlement to benefits under this section is reinstated under this subsection, entitlement to benefits payable on the basis of such individual's wages and self-employment income may be reinstated with respect to any person previously entitled to such benefits on the basis of an application if the Commissioner determines that such person satisfies all the requirements for entitlement to such benefits except requirements related to the filing of an application. The provisions of paragraph (4) shall apply to the reinstated entitlement of any such person to the same extent that they apply to the reinstated entitlement of such individual.

"(6) An individual to whom benefits are payable under this section or section 202 pursuant to a reinstatement of entitlement under this subsection for 24 months (whether or not consecutive) shall, with respect to benefits so payable after such twenty-fourth month, be deemed for purposes of paragraph (1)(B)(i)(I) and the determination, if appropriate, of the termination month in accordance with subsection (a)(1) of this section, or subsection (d)(1), (e)(1), or (f)(1) of section 202, to be entitled to such benefits on the basis of an application filed therefor.

"(7)(A) An individual described in paragraph (1)(B) who files a request for reinstatement in accordance with the provisions of paragraph (2)(A) shall be entitled to provisional benefits payable in accordance with this paragraph, unless the Commissioner determines that the individual does not meet the requirements of paragraph (1)(B)(i) or that the individual's declaration under paragraph (2)(A)(ii) is false. Any such determination by the Commissioner shall be final and not subject to review under subsection (b) or (g) of section 205.

"(B) The amount of a provisional benefit for a month shall equal the amount of the last monthly benefit payable to the individual under this title on the basis of an application increased by an amount equal to the amount, if any, by which such last monthly benefit would have been increased as a result of the operation of section 215(i).

"(C)(i) Provisional benefits shall begin with the month in which a request for reinstatement is filed in accordance with paragraph (2)(A).

"(ii) Provisional benefits shall end with the earliest of—

"(I) the month in which the Commissioner makes a determination regarding the individual's entitlement to reinstated benefits;

"(II) the fifth month following the month described in clause (i);

"(III) the month in which the individual performs substantial gainful activity; or

"(IV) the month in which the Commissioner determines that the individual does not meet the requirements of paragraph (1)(B)(i) or that the individual's declaration made in accordance with paragraph (2)(A)(ii) is false.

"(D) In any case in which the Commissioner determines that an individual is not entitled to reinstated benefits, any provisional benefits paid to the individual under this paragraph shall not be subject to recovery as an overpayment unless the Commissioner determines that the individual knew or should have known that the individual did not meet the requirements of paragraph (1)(B).".

(b) SSI BENEFITS.—

(1) IN GENERAL.—Section 1631 of the Social Security Act (42 U.S.C. 1383) is amended by adding at the end the following:

"Reinstatement of Eligibility on the Basis of Blindness or Disability

"(p)(1)(A) Eligibility for benefits under this title shall be reinstated in any case where the Commissioner determines that an individual described in subparagraph (B) has filed a request for reinstatement meeting the requirements of paragraph (2)(A) during the period prescribed in subparagraph (C). Reinstatement of eligibility shall be in accordance with the terms of this subsection.

"(B) An individual is described in this subparagraph if—

"(i) prior to the month in which the individual files a request for reinstatement—

"(I) the individual was eligible for benefits under this title on the basis of blindness or disability pursuant to an application filed therefor; and

"(II) the individual thereafter was ineligible for such benefits due to earned income (or earned and unearned income) for a period of 12 or more consecutive months;

"(ii) the individual is blind or disabled and the physical or mental impairment that is the basis for the finding of blindness or disability is the same as (or related to) the physical or mental impairment that was the basis for the finding of blindness or disability that gave rise to the eligibility described in clause (i);

"(iii) the individual's blindness or disability renders the individual unable to perform substantial gainful activity; and

"(iv) the individual satisfies the nonmedical requirements for eligibility for benefits under this title.

"(C)(i) Except as provided in clause (ii), the period prescribed in this subparagraph with respect to an individual is 60 consecutive months beginning with the month following the most recent month for which the individual was eligible for a benefit under this title (including section 1619) prior to the period of ineligibility described in subparagraph (B)(i)(II).

"(ii) In the case of an individual who fails to file a reinstatement request within the period prescribed in clause (i), the Commissioner may extend the period if the Commissioner determines that the individual had good cause for the failure to so file.

"(2)(A)(i) A request for reinstatement shall be filed in such form, and containing such information, as the Commissioner may prescribe.

"(ii) A request for reinstatement shall include express declarations by the individual that the individual meets the requirements specified in clauses (ii) through (iv) of paragraph (1)(B).

"(B) A request for reinstatement filed in accordance with subparagraph (A) may constitute an application for benefits in the case of any individual who the Commissioner determines is not eligible for reinstated benefits under this subsection.

"(3) In determining whether an individual meets the requirements of paragraph (1)(B)(ii), the provisions of section 1614(a)(4) shall apply.

"(4)(A) Eligibility for benefits reinstated under this subsection shall commence with the benefit payable for the month following the month in which a request for reinstatement is filed.

"(B)(i) Subject to clause (ii), the amount of the benefit payable for any month pursuant to the reinstatement of eligibility under this subsection shall be determined in accordance with the provisions of this title.

"(ii) The benefit under this title payable for any month pursuant to a request for reinstatement filed in accordance with paragraph (2) shall be reduced by the amount of any provisional benefit paid to such individual for such month under paragraph (7).

"(C) Except as otherwise provided in this subsection, eligibility for benefits under this title reinstated pursuant to a request filed under paragraph (2) shall be subject to the same terms and conditions as eligibility established pursuant to an application filed therefor.

"(5) Whenever an individual's eligibility for benefits under this title is reinstated under this subsection, eligibility for such benefits shall be reinstated with respect to the individual's spouse if such spouse was previously an eligible spouse of the individual under this title and the Commissioner determines that such spouse satisfies all the requirements for eligibility for such benefits except requirements related to the filing of an application. The provisions of paragraph (4) shall apply to the reinstated eligibility of the spouse to the same extent that they apply to the reinstated eligibility of such individual.

"(6) An individual to whom benefits are payable under this title pursuant to a reinstatement of eligibility under this subsection for twenty-four months (whether or not consecutive) shall, with respect to benefits so payable after such twenty-fourth month, be deemed for purposes of paragraph (1)(B)(i)(I) to be eligible for such benefits on the basis of an application filed therefor.

"(7)(A) An individual described in paragraph (1)(B) who files a request for reinstatement in accordance with the provisions of paragraph (2)(A) shall be eligible for provisional benefits payable in accordance with this paragraph, unless the Commissioner determines that the individual does not meet the requirements of paragraph (1)(B)(i) or that the individual's declaration under paragraph (2)(A)(ii) is false. Any such determination by the Commissioner shall be final and not subject to review under paragraph (1) or (3) of subsection (c).

"(B)(i) Except as otherwise provided in clause (ii), the amount of a provisional benefit for a month shall equal the amount of the monthly benefit that would be payable to an eligible individual under this title with the same kind and amount of income.

"(ii) If the individual has a spouse who was previously an eligible spouse of the individual under this title and the Commissioner determines that such spouse satisfies all the requirements of section 1614(b) except requirements related to the filing of an application, the amount of a provisional benefit for a month shall equal the amount of the monthly benefit that would be payable to an eligible individual and eligible spouse under this title with the same kind and amount of income.

"(C)(i) Provisional benefits shall begin with the month following the month in which a request for reinstatement is filed in accordance with paragraph (2)(A).

“(ii) Provisional benefits shall end with the earliest of—

“(I) the month in which the Commissioner makes a determination regarding the individual's eligibility for reinstated benefits;

“(II) the fifth month following the month for which provisional benefits are first payable under clause (i); or

“(III) the month in which the Commissioner determines that the individual does not meet the requirements of paragraph (1)(B)(i) or that the individual's declaration made in accordance with paragraph (2)(A)(ii) is false.

“(D) In any case in which the Commissioner determines that an individual is not eligible for reinstated benefits, any provisional benefits paid to the individual under this paragraph shall not be subject to recovery as an overpayment unless the Commissioner determines that the individual knew or should have known that the individual did not meet the requirements of paragraph (1)(B).

“(8) For purposes of this subsection other than paragraph (7), the term ‘benefits under this title’ includes State supplementary payments made pursuant to an agreement under section 1616(a) of this Act or section 212(b) of Public Law 93–66.”.

(2) CONFORMING AMENDMENTS.—

(A) Section 1631(j)(1) of such Act (42 U.S.C. 1383(j)(1)) is amended by striking the period and inserting “, or has filed a request for reinstatement of eligibility under subsection (p)(2) and been determined to be eligible for reinstatement.”.

(B) Section 1631(j)(2)(A)(i)(I) of such Act (42 U.S.C. 1383(j)(2)(A)(i)(I)) is amended by inserting “(other than pursuant to a request for reinstatement under subsection (p))” after “eligible”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the first day of the thirteenth month beginning after the date of enactment of this Act.

(2) LIMITATION.—No benefit shall be payable under title II or XVI on the basis of a request for reinstatement filed under section 223(i) or 1631(p) of the Social Security Act before the effective date described in paragraph (1).

Subtitle C—Work Incentives Planning, Assistance, and Outreach

SEC. 121. WORK INCENTIVES OUTREACH PROGRAM.

Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.), as amended by section 101, is amended by adding after section 1148 the following:

“WORK INCENTIVES OUTREACH PROGRAM

“SEC. 1149. (a) ESTABLISHMENT.—

“(1) IN GENERAL.—The Commissioner, in consultation with the Ticket to Work and Work Incentives Advisory Panel established under section 101(f) of the Ticket to Work and Work Incentives Improvement Act of 1999, shall establish a community-based work incentives planning and assistance program for the purpose of disseminating accurate information to disabled beneficiaries on work incentives programs and issues related to such programs.

“(2) GRANTS, COOPERATIVE AGREEMENTS, CONTRACTS, AND OUTREACH.—Under the program established under this section, the Commissioner shall—

“(A) establish a competitive program of grants, cooperative agreements, or contracts to provide benefits planning and assistance, including information on the availability of protection and advocacy services, to disabled beneficiaries, including individuals participating in the Ticket to Work and Self-Sufficiency Program established under section 1148, the program established under section 1619, and other programs that are designed to encourage disabled beneficiaries to work;

“(B) conduct directly, or through grants, cooperative agreements, or contracts, ongoing outreach efforts to disabled beneficiaries (and to the families of such beneficiaries) who are potentially eligible to participate in Federal or State work incentive programs that are designed to assist disabled beneficiaries to work, including—

“(i) preparing and disseminating information explaining such programs; and

“(ii) working in cooperation with other Federal, State, and private agencies and nonprofit organizations that serve disabled beneficiaries, and with agencies and organizations that focus on vocational rehabilitation and work-related training and counseling;

“(C) establish a corps of trained, accessible, and responsive work incentives specialists within the Social Security Administration who will specialize in disability work incentives under titles II and XVI for the purpose of disseminating accurate information with respect to inquiries and issues relating to work incentives to—

“(i) disabled beneficiaries;

“(ii) benefit applicants under titles II and XVI; and

“(iii) individuals or entities awarded grants under subparagraphs (A) or (B); and

“(D) provide—

“(i) training for work incentives specialists and individuals providing planning assistance described in subparagraph (C); and

“(ii) technical assistance to organizations and entities that are designed to encourage disabled beneficiaries to return to work.

“(3) COORDINATION WITH OTHER PROGRAMS.—The responsibilities of the Commissioner established under this section shall be coordinated with other public and private programs that provide information and assistance regarding rehabilitation services and independent living supports and benefits planning for disabled beneficiaries including the program under section 1619, the plans for achieving self-support program (PASS), and any other Federal or State work incentives programs that are designed to assist disabled beneficiaries, including educational agencies that provide information and assistance regarding rehabilitation, school-to-work programs, transition services (as defined in, and provided in accordance with, the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.)), a one-stop delivery system established under subtitle B of title I of the Workforce Investment Act of 1998, and other services.

“(b) CONDITIONS.—

“(1) SELECTION OF ENTITIES.—

“(A) APPLICATION.—An entity shall submit an application for a grant, cooperative agreement, or contract to provide benefits planning and assistance to the Commissioner at such time, in such manner, and containing such information as the Commissioner may determine is necessary to meet the requirements of this section.

“(B) STATEWIDENESS.—The Commissioner shall ensure that the planning, assistance, and information described in paragraph (2) shall be available on a statewide basis.

“(C) ELIGIBILITY OF STATES AND PRIVATE ORGANIZATIONS.—

“(i) IN GENERAL.—The Commissioner may award a grant, cooperative agreement, or contract under this section to a State or a private agency or organization (other than Social Security Administration Field Offices and the State agency administering the State medicaid program under title XIX, including any agency or entity described in clause (ii), that the Commissioner determines is qualified to provide the planning, assistance, and information described in paragraph (2)).

“(ii) AGENCIES AND ENTITIES DESCRIBED.—The agencies and entities described in this clause are the following:

“(I) Any public or private agency or organization (including Centers for Independent Living established under title VII of the Rehabilitation Act of 1973, protection and advocacy organizations, client assistance programs established in accordance with section 112 of the Rehabilitation Act of 1973, and State Developmental Disabilities Councils established in accordance with section 124 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6024)) that the Commissioner determines satisfies the requirements of this section.

“(II) The State agency administering the State program funded under part A of title IV.

“(D) EXCLUSION FOR CONFLICT OF INTEREST.—The Commissioner may not award a grant, cooperative agreement, or contract under this section to any entity that the Commissioner determines would have a conflict of interest if the entity were to receive a grant, cooperative agreement, or contract under this section.

“(2) SERVICES PROVIDED.—A recipient of a grant, cooperative agreement, or contract to provide benefits planning and assistance shall select individuals who will act as planners and provide information, guidance, and planning to disabled beneficiaries on the—

“(A) availability and interrelation of any Federal or State work incentives programs designed to assist disabled beneficiaries that the individual may be eligible to participate in;

“(B) adequacy of any health benefits coverage that may be offered by an employer of the individual and the extent to which other health benefits coverage may be available to the individual; and

“(C) availability of protection and advocacy services for disabled beneficiaries and how to access such services.

“(3) AMOUNT OF GRANTS, COOPERATIVE AGREEMENTS, OR CONTRACTS.—

“(A) BASED ON POPULATION OF DISABLED BENEFICIARIES.—Subject to subparagraph (B), the Commissioner shall award a grant, cooperative agreement, or contract under this section to an entity based on the percentage of the population of the State where the entity is located who are disabled beneficiaries.

“(B) LIMITATIONS.—

“(i) PER GRANT.—No entity shall receive a grant, cooperative agreement, or contract under this section for a fiscal year that is less than $50,000 or more than $300,000.

“(ii) TOTAL AMOUNT FOR ALL GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS.—The total amount of all grants, cooperative agreements, and contracts awarded under this section for a fiscal year may not exceed $23,000,000.

“(4) ALLOCATION OF COSTS.—The costs of carrying out this section shall be paid from amounts made available for the administration of title II and amounts made available for the administration of title XVI, and shall be allocated among those amounts as appropriate.

“(c) DEFINITIONS.—In this section:

"(1) COMMISSIONER.—The term 'Commissioner' means the Commissioner of Social Security.

"(2) DISABLED BENEFICIARY.—The term 'disabled beneficiary' has the meaning given that term in section 1148(k)(2).

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $23,000,000 for each of the fiscal years 2000 through 2004.".

SEC. 122. STATE GRANTS FOR WORK INCENTIVES ASSISTANCE TO DISABLED BENEFICIARIES.

Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.), as amended by section 121, is amended by adding after section 1149 the following:

"STATE GRANTS FOR WORK INCENTIVES ASSISTANCE TO DISABLED BENEFICIARIES

"SEC. 1150. (a) IN GENERAL.—Subject to subsection (c), the Commissioner may make payments in each State to the protection and advocacy system established pursuant to part C of title I of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.) for the purpose of providing services to disabled beneficiaries.

"(b) SERVICES PROVIDED.—Services provided to disabled beneficiaries pursuant to a payment made under this section may include—

"(1) information and advice about obtaining vocational rehabilitation and employment services; and

"(2) advocacy or other services that a disabled beneficiary may need to secure or regain gainful employment.

"(c) APPLICATION.—In order to receive payments under this section, a protection and advocacy system shall submit an application to the Commissioner, at such time, in such form and manner, and accompanied by such information and assurances as the Commissioner may require.

"(d) AMOUNT OF PAYMENTS.—

"(1) IN GENERAL.—Subject to the amount appropriated for a fiscal year for making payments under this section, a protection and advocacy system shall not be paid an amount that is less than—

"(A) in the case of a protection and advocacy system located in a State (including the District of Columbia and Puerto Rico) other than Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, the greater of—

"(i) $100,000; or

"(ii) ⅓ of 1 percent of the amount available for payments under this section; and

"(B) in the case of a protection and advocacy system located in Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, $50,000.

"(2) INFLATION ADJUSTMENT.—For each fiscal year in which the total amount appropriated to carry out this section exceeds the total amount appropriated to carry out this section in the preceding fiscal year, the Commissioner shall increase each minimum payment under subparagraphs (A) and (B) of paragraph (1) by a percentage equal to the percentage increase in the total amount so appropriated to carry out this section.

"(e) ANNUAL REPORT.—Each protection and advocacy system that receives a payment under this section shall submit an annual report to the Commissioner and the Ticket to Work and Work Incentives Advisory Panel established under section 101(f) of the Ticket to Work and Work Incentives Improvement Act of 1999 on the services provided to individuals by the system.

"(f) FUNDING.—

"(1) ALLOCATION OF PAYMENTS.—Payments under this section shall be made from amounts made available for the administration of title II and amounts made available for the administration of title XVI, and shall be allocated among those amounts as appropriate.

"(2) CARRYOVER.—Any amounts allotted for payment to a protection and advocacy system under this section for a fiscal year shall remain available for payment to or on behalf of the protection and advocacy system until the end of the succeeding fiscal year.

"(g) DEFINITIONS.—In this section:

"(1) COMMISSIONER.—The term 'Commissioner' means the Commissioner of Social Security.

"(2) DISABLED BENEFICIARY.—The term 'disabled beneficiary' has the meaning given that term in section 1148(k)(2).

"(3) PROTECTION AND ADVOCACY SYSTEM.—The term 'protection and advocacy system' means a protection and advocacy system established pursuant to part C of title I of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.).

"(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $7,000,000 for each of the fiscal years 2000 through 2004.".

TITLE II—EXPANDED AVAILABILITY OF HEALTH CARE SERVICES

SEC. 201. EXPANDING STATE OPTIONS UNDER THE MEDICAID PROGRAM FOR WORKERS WITH DISABILITIES.

(a) IN GENERAL.—

(1) STATE OPTION TO PROVIDE OPPORTUNITY FOR EMPLOYED INDIVIDUALS WITH A MEDICALLY IMPROVED DISABILITY TO BUY INTO MEDICAID.—

(A) ELIGIBILITY.—Section 1902(a)(10)(A)(ii) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)) is amended—

(i) in subclause (XIII), by striking "or" at the end;

(ii) in subclause (XIV), by adding "or" at the end; and

(iii) by adding at the end the following:

"(XV) who are employed individuals with a medically improved disability described in section 1905(v)(1) and whose assets, resources, and earned or unearned income (or both) do not exceed such limitations (if any) as the State may establish, but only if the State provides medical assistance to individuals described in subclause (XIII);".

(B) DEFINITION OF EMPLOYED INDIVIDUALS WITH A MEDICALLY IMPROVED DISABILITY.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended by adding at the end the following:

"(v)(1) The term 'employed individual with a medically improved disability' means an individual who—

"(A) is at least 16, but less than 65, years of age;

"(B) is employed (as defined in paragraph (2));

"(C) ceases to be eligible for medical assistance under section 1902(a)(10)(A)(ii)(XIII) because the individual, by reason of medical improvement, is determined at the time of a regularly scheduled continuing disability review to no longer be eligible for benefits under section 223(d) or 1614(a)(3); and

"(D) continues to have a severe medically determinable impairment, as determined under regulations of the Secretary.

"(2) For purposes of paragraph (1), an individual is considered to be 'employed' if the individual—

"(A) is earning at least the applicable minimum wage requirement under section 6 of the Fair Labor Standards Act (29 U.S.C. 206) and working at least 40 hours per month; or

"(B) is engaged in a work effort that meets substantial and reasonable threshold criteria for hours of work, wages, or other measures, as defined by the State and approved by the Secretary.".

(C) CONFORMING AMENDMENT.—Section 1905(a) of such Act (42 U.S.C. 1396d(a)) is amended in the matter preceding paragraph (1)—

(i) in clause (x), by striking "or" at the end;

(ii) in clause (xi), by adding "or" at the end; and

(iii) by inserting after clause (xi), the following:

"(xii) employed individuals with a medically improved disability (as defined in subsection (v)),".

(2) STATE AUTHORITY TO IMPOSE INCOME-RELATED PREMIUMS AND COST-SHARING.—Section 1916 of such Act (42 U.S.C. 1396o) is amended—

(A) in subsection (a), by striking "The State plan" and inserting "Subject to subsection (g), the State plan"; and

(B) by adding at the end the following:

"(g) With respect to individuals provided medical assistance only under subclause (XV) of section 1902(a)(10)(A)(ii), a State may (in a uniform manner for individuals described in either such subclause)—

"(1) require such individuals to pay premiums or other cost-sharing charges set on a sliding scale based on income that the State may determine; and

"(2) require payment of 100 percent of such premiums in the case of such an individual who has income that exceeds 250 percent of the income official poverty line (referred to in subsection (c)(1)) applicable to a family of the size involved.".

(3) PROHIBITION AGAINST SUPPLANTATION OF STATE FUNDS AND STATE FAILURE TO MAINTAIN EFFORT.—Section 1903(i) of such Act (42 U.S.C. 1396b(i)) is amended—

(A) by striking the period at the end of paragraph (19) and inserting "; or"; and

(B) by inserting after such paragraph the following:

"(20) with respect to amounts expended for medical assistance provided to an individual described in subclause (XV) of section 1902(a)(10)(A)(ii) for a fiscal year unless the State demonstrates to the satisfaction of the Secretary that the level of State funds expended for such fiscal year for programs to enable working individuals with disabilities to work (other than for such medical assistance) is not less than the level expended for such programs during the most recent State fiscal year ending before the date of enactment of this paragraph.".

(b) CONFORMING AMENDMENTS.—

(1) Section 1903(f)(4) of the Social Security Act (42 U.S.C. 1396b(f)(4)) is amended in the matter preceding subparagraph (A) by inserting "1902(a)(10)(A)(ii)(XV)," after "1902(a)(10)(A)(ii)(X),".

(2) Section 1903(f)(4) of such Act, as amended by paragraph (1), is amended by inserting "1902(a)(10)(A)(ii)(XIII)," before "1902(a)(10)(A)(ii)(XV)".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section apply to medical assistance for items and services furnished on or after October 1, 1999.

(2) RETROACTIVITY OF CONFORMING AMENDMENT.—The amendment made by subsection (b)(2) takes effect as if included in the enactment of the Balanced Budget Act of 1997.

SEC. 202. EXTENDING MEDICARE COVERAGE FOR OASDI DISABILITY BENEFIT RECIPIENTS.

(a) In General.—The next to last sentence of section 226(b) of the Social Security Act (42 U.S.C. 426) is amended by striking "24" and inserting "96".

(b) Effective Date.—The amendment made by subsection (a) shall be effective on and after October 1, 2000.

(c) GAO Report.—Not later than 5 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to the Congress that—

(1) examines the effectiveness and cost of the amendment made by subsection (a);

(2) examines the necessity and effectiveness of providing continuation of medicare coverage under section 226(b) of the Social Security Act to individuals whose annual income exceeds the contribution and benefit base (as determined under section 230 of such Act);

(3) examines the viability of providing the continuation of medicare coverage under such section 226(b) based on a sliding scale premium for individuals whose annual income exceeds such contribution and benefit base;

(4) examines the viability of providing the continuation of medicare coverage under such section 226(b) based on a premium buy-in by the beneficiary's employer in lieu of coverage under private health insurance;

(5) examines the interrelation between the use of the continuation of medicare coverage under such section 226(b) and the use of private health insurance coverage by individuals during the extended period; and

(6) recommends such legislative or administrative changes relating to the continuation of medicare coverage for recipients of social security disability benefits as the Comptroller General determines are appropriate.

SEC. 203. GRANTS TO DEVELOP AND ESTABLISH STATE INFRASTRUCTURES TO SUPPORT WORKING INDIVIDUALS WITH DISABILITIES.

(a) Establishment.—

(1) In general.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall award grants described in subsection (b) to States to support the design, establishment, and operation of State infrastructures that provide items and services to support working individuals with disabilities.

(2) Application.—In order to be eligible for an award of a grant under this section, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary shall require.

(3) Definition of state.—In this section, the term "State" means each of the 50 States, the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(b) Grants for Infrastructure and Outreach.—

(1) In general.—Out of the funds appropriated under subsection (e), the Secretary shall award grants to States to—

(A) support the establishment, implementation, and operation of the State infrastructures described in subsection (a); and

(B) conduct outreach campaigns regarding the existence of such infrastructures.

(2) Eligibility for grants.—

(A) In general.—No State may receive a grant under this subsection unless the State—

(i) has an approved amendment to the State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) that provides medical assistance under such plan to individuals described in section 1902(a)(10)(A)(ii)(XIII) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)(XIII)); and

(ii) demonstrates to the satisfaction of the Secretary that the State makes personal assistance services available under the State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) to the extent necessary to enable individuals described in clause (i) to remain employed (as determined under section 1905(v)(2) of the Social Security Act (42 U.S.C. 1396d(v)(2))).

(B) Definition of personal assistance services.—In this paragraph, the term "personal assistance services" means a range of services, provided by 1 or more persons, designed to assist an individual with a disability to perform daily activities on and off the job that the individual would typically perform if the individual did not have a disability. Such services shall be designed to increase the individual's control in life and ability to perform everyday activities on or off the job.

(3) Determination of awards.—

(A) In general.—Subject to subparagraph (B), the Secretary shall determine a formula for awarding grants to States under this section that provides special consideration to States that provide medical assistance under title XIX of the Social Security Act to individuals described in section 1902(a)(10)(A)(ii)(XV) of that Act (42 U.S.C. 1396a(a)(10)(A)(ii)(XV)).

(B) Award limits.—

(i) Minimum awards.—

(I) In general.—Subject to subclause (II), no State with an approved application under this section shall receive a grant for a fiscal year that is less than $500,000.

(II) Pro rata reductions.—If the funds appropriated under subsection (e) for a fiscal year are not sufficient to pay each State with an application approved under this section the minimum amount described in subclause (I), the Secretary shall pay each such State an amount equal to the pro rata share of the amount made available.

(ii) Maximum awards.—No State with an application that has been approved under this section shall receive a grant for a fiscal year that exceeds 15 percent of the total expenditures by the State (including the reimbursed Federal share of such expenditures) for medical assistance for individuals eligible under subclause (XIII) or (XV) of section 1902(a)(10)(A)(ii) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)), as estimated by the State and approved by the Secretary.

(c) Availability of Funds.—

(1) Funds awarded to states.—Funds awarded to a State under a grant made under this section for a fiscal year shall remain available until expended.

(2) Funds not awarded to states.—Funds not awarded to States in the fiscal year for which they are appropriated shall remain available in succeeding fiscal years for awarding by the Secretary.

(d) Annual Report.—A State that is awarded a grant under this section shall submit an annual report to the Secretary on the use of funds provided under the grant. Each report shall include the percentage increase in the number of title II disability beneficiaries, as defined in section 1148(k)(3) of the Social Security Act (as amended by section 101(a)) in the State, and title XVI disability beneficiaries, as defined in section 1148(k)(4) of the Social Security Act (as so amended) in the State who return to work.

(e) Appropriation.—

(1) In general.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to make grants under this section—

(A) for fiscal year 2000, $20,000,000;

(B) for fiscal year 2001, $25,000,000;

(C) for fiscal year 2002, $30,000,000;

(D) for fiscal year 2003, $35,000,000;

(E) for fiscal year 2004, $40,000,000; and

(F) for each of fiscal years 2005 through 2010, the amount appropriated for the preceding fiscal year increased by the percentage increase (if any) in the Consumer Price Index for All Urban Consumers (United States city average) for the preceding fiscal year.

(2) Budget authority.—This subsection constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide for the payment of the amounts appropriated under paragraph (1).

(f) Recommendation.—Not later than October 1, 2009, the Secretary, in consultation with the Work Incentives Advisory Panel established under section 201(f), shall submit a recommendation to the Committee on Commerce of the House of Representatives and the Committee on Finance of the Senate regarding whether the grant program established under this section should be continued after fiscal year 2010.

SEC. 204. DEMONSTRATION OF COVERAGE UNDER THE MEDICAID PROGRAM OF WORKERS WITH POTENTIALLY SEVERE DISABILITIES.

(a) State Application.—A State may apply to the Secretary of Health and Human Services (in this section referred to as the "Secretary") for approval of a demonstration project (in this section referred to as a "demonstration project") under which up to a specified maximum number of individuals who are workers with a potentially severe disability (as defined in subsection (b)(1)) are provided medical assistance equal to that provided under section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) to individuals described in section 1902(a)(10)(A)(ii)(XIII) of that Act (42 U.S.C. 1396a(a)(10)(A)(ii)(XIII)).

(b) Worker With a Potentially Severe Disability Defined.—For purposes of this section—

(1) In general.—The term "worker with a potentially severe disability" means, with respect to a demonstration project, an individual who—

(A) is at least 16, but less than 65, years of age;

(B) has a specific physical or mental impairment that, as defined by the State under the demonstration project, is reasonably expected, but for the receipt of items and services described in section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)), to become blind or disabled (as defined under section 1614(a) of the Social Security Act (42 U.S.C. 1382c(a))); and

(C) is employed (as defined in paragraph (2)).

(2) Definition of employed.—An individual is considered to be "employed" if the individual—

(A) is earning at least the applicable minimum wage requirement under section 6 of the Fair Labor Standards Act (29 U.S.C. 206) and working at least 40 hours per month; or

(B) is engaged in a work effort that meets substantial and reasonable threshold criteria for hours of work, wages, or other measures, as defined under the demonstration project and approved by the Secretary.

(c) Approval of Demonstration Projects.—

(1) IN GENERAL.—Subject to paragraph (3), the Secretary shall approve applications under subsection (a) that meet the requirements of paragraph (2) and such additional terms and conditions as the Secretary may require. The Secretary may waive the requirement of section 1902(a)(1) of the Social Security Act (42 U.S.C. 1396a(a)(1)) to allow for sub-State demonstrations.

(2) TERMS AND CONDITIONS OF DEMONSTRATION PROJECTS.—The Secretary may not approve a demonstration project under this section unless the State provides assurances satisfactory to the Secretary that the following conditions are or will be met:

(A) ELECTION OF OPTIONAL CATEGORY.—The State has elected to provide coverage under its plan under title XIX of the Social Security Act of individuals described in section 1902(a)(10)(A)(ii)(XIII) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)(XIII)).

(B) MAINTENANCE OF STATE EFFORT.—Federal funds paid to a State pursuant to this section must be used to supplement, but not supplant, the level of State funds expended for workers with potentially severe disabilities under programs in effect for such individuals at the time the demonstration project is approved under this section.

(C) INDEPENDENT EVALUATION.—The State provides for an independent evaluation of the project.

(3) LIMITATIONS ON FEDERAL FUNDING.—

(A) APPROPRIATION.—

(i) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to carry out this section for the 5-fiscal-year period beginning with fiscal year 2000, $56,000,000.

(ii) BUDGET AUTHORITY.—Clause (i) constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide for the payment of the amounts appropriated under clause (i).

(B) LIMITATION ON PAYMENTS.—In no case may—

(i) the aggregate amount of payments made by the Secretary to States under this section exceed $56,000,000; or

(ii) payments be provided by the Secretary for a fiscal year after fiscal year 2005.

(C) FUNDS ALLOCATED TO STATES.—The Secretary shall allocate funds to States based on their applications and the availability of funds. Funds allocated to a State under a grant made under this section for a fiscal year shall remain available until expended.

(D) FUNDS NOT ALLOCATED TO STATES.—Funds not allocated to States in the fiscal year for which they are appropriated shall remain available in succeeding fiscal years for allocation by the Secretary using the allocation formula established under this section.

(E) PAYMENTS TO STATES.—The Secretary shall pay to each State with a demonstration project approved under this section, from its allocation under subparagraph (C), an amount for each quarter equal to the Federal medical assistance percentage (as defined in section 1905(b) of the Social Security Act (42 U.S.C. 1395d(b)) of expenditures in the quarter for medical assistance provided to workers with a potentially severe disability.

(d) RECOMMENDATION.—Not later than October 1, 2002, the Secretary shall submit a recommendation to the Committee on Commerce of the House of Representatives and the Committee on Finance of the Senate regarding whether the demonstration project established under this section should be continued after fiscal year 2003.

(e) STATE DEFINED.—In this section, the term "State" has the meaning given such term for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

SEC. 205. ELECTION BY DISABLED BENEFICIARIES TO SUSPEND MEDIGAP INSURANCE WHEN COVERED UNDER A GROUP HEALTH PLAN.

(a) IN GENERAL.—Section 1882(q) of the Social Security Act (42 U.S.C. 1395ss(q)) is amended—

(1) in paragraph (5)(C), by inserting "or paragraph (6)" after "this paragraph"; and

(2) by adding at the end the following new paragraph:

"(6) Each medicare supplemental policy shall provide that benefits and premiums under the policy shall be suspended at the request of the policyholder if the policyholder is entitled to benefits under section 226(b) and is covered under a group health plan (as defined in section 1862(b)(1)(A)(v)). If such suspension occurs and if the policyholder or certificate holder loses coverage under the group health plan, such policy shall be automatically reinstituted (effective as of the date of such loss of coverage) under terms described in subsection (n)(6)(A)(ii) as of the loss of such coverage if the policyholder provides notice of loss of such coverage within 90 days after the date of such loss.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply with respect to requests made after the date of the enactment of this Act.

TITLE III—DEMONSTRATION PROJECTS AND STUDIES

SEC. 301. EXTENSION OF DISABILITY INSURANCE PROGRAM DEMONSTRATION PROJECT AUTHORITY.

(a) EXTENSION OF AUTHORITY.—Title II of the Social Security Act (42 U.S.C. 401 et seq.) is amended by adding at the end the following:

"DEMONSTRATION PROJECT AUTHORITY

"SEC. 234. (a) AUTHORITY.—

"(1) IN GENERAL.—The Commissioner of Social Security (in this section referred to as the 'Commissioner') shall develop and carry out experiments and demonstration projects designed to determine the relative advantages and disadvantages of—

"(A) various alternative methods of treating the work activity of individuals entitled to disability insurance benefits under section 223 or to monthly insurance benefits under section 202 based on such individual's disability (as defined in section 223(d)), including such methods as a reduction in benefits based on earnings, designed to encourage the return to work of such individuals;

"(B) altering other limitations and conditions applicable to such individuals (including lengthening the trial work period (as defined in section 222(c)), altering the 24-month waiting period for hospital insurance benefits under section 226, altering the manner in which the program under this title is administered, earlier referral of such individuals for rehabilitation, and greater use of employers and others to develop, perform, and otherwise stimulate new forms of rehabilitation); and

"(C) implementing sliding scale benefit offsets using variations in—

"(i) the amount of the offset as a proportion of earned income;

"(ii) the duration of the offset period; and

"(iii) the method of determining the amount of income earned by such individuals,

to the end that savings will accrue to the Trust Funds, or to otherwise promote the objectives or facilitate the administration of this title.

"(2) AUTHORITY FOR EXPANSION OF SCOPE.—The Commissioner may expand the scope of any such experiment or demonstration project to include any group of applicants for benefits under the program established under this title with impairments that reasonably may be presumed to be disabling for purposes of such demonstration project, and may limit any such demonstration project to any such group of applicants, subject to the terms of such demonstration project which shall define the extent of any such presumption.

"(b) REQUIREMENTS.—The experiments and demonstration projects developed under subsection (a) shall be of sufficient scope and shall be carried out on a wide enough scale to permit a thorough evaluation of the alternative methods under consideration while giving assurance that the results derived from the experiments and projects will obtain generally in the operation of the disability insurance program under this title without committing such program to the adoption of any particular system either locally or nationally.

"(c) AUTHORITY TO WAIVE COMPLIANCE WITH BENEFITS REQUIREMENTS.—In the case of any experiment or demonstration project conducted under subsection (a), the Commissioner may waive compliance with the benefit requirements of this title and the requirements of section 1148 as they relate to the program established under this title, and the Secretary may (upon the request of the Commissioner) waive compliance with the benefits requirements of title XVIII, insofar as is necessary for a thorough evaluation of the alternative methods under consideration. No such experiment or project shall be actually placed in operation unless at least 90 days prior thereto a written report, prepared for purposes of notification and information only and containing a full and complete description thereof, has been transmitted by the Commissioner to the Committee on Ways and Means of the House of Representatives and to the Committee on Finance of the Senate. Periodic reports on the progress of such experiments and demonstration projects shall be submitted by the Commissioner to such committees. When appropriate, such reports shall include detailed recommendations for changes in administration or law, or both, to carry out the objectives stated in subsection (a).

"(d) REPORTS.—

"(1) INTERIM REPORTS.—On or before June 9 of each year, the Commissioner shall submit to the Committee on Ways and Means of the House of Representatives and to the Committee on Finance of the Senate an annual interim report on the progress of the experiments and demonstration projects carried out under this subsection together with any related data and materials that the Commissioner may consider appropriate.

"(2) TERMINATION AND FINAL REPORT.—The authority under the preceding provisions of this section (including any waiver granted pursuant to subsection (c)) shall terminate 5 years after the date of the enactment of this Act. Not later than 90 days after the termination of any experiment or demonstration project carried out under this section, the Commissioner shall submit to the Committee on Ways and Means of the House of Representatives and to the Committee on Finance of the Senate a final report with respect to that experiment or demonstration project.".

(b) CONFORMING AMENDMENTS; TRANSFER OF PRIOR AUTHORITY.—

(1) CONFORMING AMENDMENTS.—

(A) Repeal of prior authority.—Paragraphs (1) through (4) of subsection (a) and subsection (c) of section 505 of the Social Security Disability Amendments of 1980 (42 U.S.C. 1310 note) are repealed.

(B) Conforming amendment regarding funding.—Section 201(k) of the Social Security Act (42 U.S.C. 401(k)) is amended by striking "section 505(a) of the Social Security Disability Amendments of 1980" and inserting "section 234".

(2) Transfer of prior authority.—With respect to any experiment or demonstration project being conducted under section 505(a) of the Social Security Disability Amendments of 1980 (42 U.S.C. 1310 note) as of the date of enactment of this Act, the authority to conduct such experiment or demonstration project (including the terms and conditions applicable to the experiment or demonstration project) shall be treated as if that authority (and such terms and conditions) had been established under section 234 of the Social Security Act, as added by subsection (a).

SEC. 302. DEMONSTRATION PROJECTS PROVIDING FOR REDUCTIONS IN DISABILITY INSURANCE BENEFITS BASED ON EARNINGS.

(a) Authority.—The Commissioner of Social Security shall conduct demonstration projects for the purpose of evaluating, through the collection of data, a program for title II disability beneficiaries (as defined in section 1148(k)(3) of the Social Security Act) under which benefits payable under section 223 of such Act, or under section 202 of such Act based on the beneficiary's disability, are reduced by $1 for each $2 of the beneficiary's earnings that is above a level to be determined by the Commissioner. Such projects shall be conducted at a number of localities which the Commissioner shall determine is sufficient to adequately evaluate the appropriateness of national implementation of such a program. Such projects shall identify reductions in Federal expenditures that may result from the permanent implementation of such a program.

(b) Scope and Scale and Matters To Be Determined.—

(1) In general.—The demonstration projects developed under subsection (a) shall be of sufficient duration, shall be of sufficient scope, and shall be carried out on a wide enough scale to permit a thorough evaluation of the project to determine—

(A) the effects, if any, of induced entry into the project and reduced exit from the project;

(B) the extent, if any, to which the project being tested is affected by whether it is in operation in a locality within an area under the administration of the Ticket to Work and Self-Sufficiency Program established under section 1148 of the Social Security Act; and

(C) the savings that accrue to the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, and other Federal programs under the project being tested.

The Commissioner shall take into account advice provided by the Ticket to Work and Work Incentives Advisory Panel pursuant to section 101(f)(2)(B)(ii) of this Act.

(2) Additional matters.—The Commissioner shall also determine with respect to each project—

(A) the annual cost (including net cost) of the project and the annual cost (including net cost) that would have been incurred in the absence of the project;

(B) the determinants of return to work, including the characteristics of the beneficiaries who participate in the project; and

(C) the employment outcomes, including wages, occupations, benefits, and hours worked, of beneficiaries who return to work as a result of participation in the project.

The Commissioner may include within the matters evaluated under the project the merits of trial work periods and periods of extended eligibility.

(c) Waivers.—The Commissioner may waive compliance with the benefit provisions of title II of the Social Security Act, and the Secretary of Health and Human Services may waive compliance with the benefit requirements of title XVIII of such Act, insofar as is necessary for a thorough evaluation of the alternative methods under consideration. No such project shall be actually placed in operation unless at least 90 days prior thereto a written report, prepared for purposes of notification and information only and containing a full and complete description thereof, has been transmitted by the Commissioner to the Committee on Ways and Means of the House of Representatives and to the Committee on Finance of the Senate. Periodic reports on the progress of such projects shall be submitted by the Commissioner to such committees. When appropriate, such reports shall include detailed recommendations for changes in administration or law, or both, to carry out the objectives stated in subsection (a).

(d) Interim Reports.—Not later than 2 years after the date of enactment of this Act, and annually thereafter, the Commissioner of Social Security shall submit to Congress an interim report on the progress of the demonstration projects carried out under this subsection together with any related data and materials that the Commissioner of Social Security may consider appropriate.

(e) Final Report.—The Commissioner of Social Security shall submit to Congress a final report with respect to all demonstration projects carried out under this section not later than 1 year after their completion.

(f) Expenditures.—Expenditures made for demonstration projects under this section shall be made from the Federal Disability Insurance Trust Fund and the Federal Old-Age and Survivors Insurance Trust Fund, as determined appropriate by the Commissioner of Social Security, and from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as determined appropriate by the Secretary of Health and Human Services, to the extent provided in advance in appropriation Acts.

SEC. 303. STUDIES AND REPORTS.

(a) Study by General Accounting Office of Existing Disability-Related Employment Incentives.—

(1) Study.—As soon as practicable after the date of enactment of this Act, the Comptroller General of the United States shall undertake a study to assess existing tax credits and other disability-related employment incentives under the Americans with Disabilities Act of 1990 and other Federal laws. In such study, the Comptroller General shall specifically address the extent to which such credits and other incentives would encourage employers to hire and retain individuals with disabilities.

(2) Report.—Not later than 3 years after the date of enactment of this Act, the Comptroller General shall transmit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a written report presenting the results of the Comptroller General's study conducted pursuant to this subsection, together with such recommendations for legislative or administrative changes as the Comptroller General determines are appropriate.

(b) Study by General Accounting Office of Existing Coordination of the DI and SSI Programs as They Relate to Individuals Entering or Leaving Concurrent Entitlement.—

(1) Study.—As soon as practicable after the date of enactment of this Act, the Comptroller General of the United States shall undertake a study to evaluate the coordination under current law of the disability insurance program under title II of the Social Security Act and the supplemental security income program under title XVI of such Act, as such programs relate to individuals entering or leaving concurrent entitlement under such programs. In such study, the Comptroller General shall specifically address the effectiveness of work incentives under such programs with respect to such individuals and the effectiveness of coverage of such individuals under titles XVIII and XIX of such Act.

(2) Report.—Not later than 3 years after the date of enactment of this Act, the Comptroller General shall transmit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a written report presenting the results of the Comptroller General's study conducted pursuant to this subsection, together with such recommendations for legislative or administrative changes as the Comptroller General determines are appropriate.

(c) Study by General Accounting Office of the Impact of the Substantial Gainful Activity Limit on Return to Work.—

(1) Study.—As soon as practicable after the date of enactment of this Act, the Comptroller General of the United States shall undertake a study of the substantial gainful activity level applicable as of that date to recipients of benefits under section 223 of the Social Security Act (42 U.S.C. 423) and under section 202 of such Act (42 U.S.C. 402) on the basis of a recipient having a disability, and the effect of such level as a disincentive for those recipients to return to work. In the study, the Comptroller General also shall address the merits of increasing the substantial gainful activity level applicable to such recipients of benefits and the rationale for not yearly indexing that level to inflation.

(2) Report.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall transmit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a written report presenting the results of the Comptroller General's study conducted pursuant to this subsection, together with such recommendations for legislative or administrative changes as the Comptroller General determines are appropriate.

(d) Report on Disregards Under the DI and SSI Programs.—Not later than 90 days after the date of enactment of this Act, the Commissioner of Social Security shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report that—

(1) identifies all income, assets, and resource disregards (imposed under statutory or regulatory authority) that are applicable to individuals receiving benefits under title II or XVI of the Social Security Act (42 U.S.C. 401 et seq., 1381 et seq.);

(2) with respect to each such disregard—

(A) specifies the most recent statutory or regulatory modification of the disregard; and

(B) recommends whether further statutory or regulatory modification of the disregard would be appropriate; and

(3) with respect to the disregard described in section 1612(b)(7) of such Act (42 U.S.C. 1382a(b)(7)) (relating to grants, scholarships, or fellowships received for use in paying the cost of tuition and fees at any educational (including technical or vocational education) institution)—

(A) identifies the number of individuals receiving benefits under title XVI of such Act (42 U.S.C. 1381 et seq.) who have attained age 22 and have not had any portion of any grant, scholarship, or fellowship received for use in paying the cost of tuition and fees at any educational (including technical or vocational education) institution excluded from their income in accordance with that section;

(B) recommends whether the age at which such grants, scholarships, or fellowships are excluded from income for purposes of determining eligibility under title XVI of such Act should be increased to age 25; and

(C) recommends whether such disregard should be expanded to include any such grant, scholarship, or fellowship received for use in paying the cost of room and board at any such institution.

(e) Study by the General Accounting Office of Social Security Administration's Disability Insurance Program Demonstration Authority.—

(1) Study.—As soon as practicable after the date of the enactment of this Act, the Comptroller General of the United States shall undertake a study to assess the results of the Social Security Administration's efforts to conduct disability demonstrations authorized under prior law as well as under section 301 of this Act.

(2) Report.—Not later than 5 years after the date of the enactment of this Act, the Comptroller General shall transmit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a written report presenting the results of the Comptroller General's study conducted pursuant to this section, together with a recommendation as to whether the demonstration authority authorized under section 301 of this Act should be made permanent.

TITLE IV—MISCELLANEOUS AND TECHNICAL AMENDMENTS

SEC. 401. TECHNICAL AMENDMENTS RELATING TO DRUG ADDICTS AND ALCOHOLICS.

(a) Clarification Relating to the Effective Date of the Denial of Social Security Disability Benefits to Drug Addicts and Alcoholics.—Section 105(a)(5) of the Contract with America Advancement Act of 1996 (42 U.S.C. 405 note) is amended—

(1) in subparagraph (A), by striking "by the Commissioner of Social Security" and "by the Commissioner"; and

(2) by adding at the end the following:

"(D) For purposes of this paragraph, an individual's claim, with respect to benefits under title II based on disability, which has been denied in whole before the date of the enactment of this Act, may not be considered to be finally adjudicated before such date if, on or after such date—

"(i) there is pending a request for either administrative or judicial review with respect to such claim; or

"(ii) there is pending, with respect to such claim, a readjudication by the Commissioner of Social Security pursuant to relief in a class action or implementation by the Commissioner of a court remand order.

"(E) Notwithstanding the provisions of this paragraph, with respect to any individual for whom the Commissioner of Social Security does not perform the entitlement redetermination before the date prescribed in subparagraph (C), the Commissioner shall perform such entitlement redetermination in lieu of a continuing disability review whenever the Commissioner determines that the individual's entitlement is subject to redetermination based on the preceding provisions of this paragraph, and the provisions of section 223(f) shall not apply to such redetermination.".

(b) Correction to Effective Date of Provisions Concerning Representative Payees and Treatment Referrals of Social Security Beneficiaries Who Are Drug Addicts and Alcoholics.—Section 105(a)(5)(B) of the Contract with America Advancement Act of 1996 (42 U.S.C. 405 note) is amended to read as follows:

"(B) The amendments made by paragraphs (2) and (3) shall take effect on July 1, 1996, with respect to any individual—

"(i) whose claim for benefits is finally adjudicated on or after the date of the enactment of this Act; or

"(ii) whose entitlement to benefits is based upon an entitlement redetermination made pursuant to subparagraph (C).".

(c) Effective Dates.—The amendments made by this section shall take effect as if included in the enactment of section 105 of the Contract with America Advancement Act of 1996 (Public Law 104–121; 110 Stat. 852 et seq.).

SEC. 402. TREATMENT OF PRISONERS.

(a) Implementation of Prohibition Against Payment of Title II Benefits to Prisoners.—

(1) In general.—Section 202(x)(3) of the Social Security Act (42 U.S.C. 402(x)(3)) is amended—

(A) by inserting "(A)" after "(3)"; and

(B) by adding at the end the following:

"(B)(i) The Commissioner shall enter into an agreement under this subparagraph with any interested State or local institution comprising a jail, prison, penal institution, or correctional facility, or comprising any other institution a purpose of which is to confine individuals as described in paragraph (1)(A)(ii). Under such agreement—

"(I) the institution shall provide to the Commissioner, on a monthly basis and in a manner specified by the Commissioner, the names, Social Security account numbers, dates of birth, confinement commencement dates, and, to the extent available to the institution, such other identifying information concerning the individuals confined in the institution as the Commissioner may require for the purpose of carrying out paragraph (1) and other provisions of this title; and

"(II) the Commissioner shall pay to the institution, with respect to information described in subclause (I) concerning each individual who is confined therein as described in paragraph (1)(A), who receives a benefit under this title for the month preceding the first month of such confinement, and whose benefit under this title is determined by the Commissioner to be not payable by reason of confinement based on the information provided by the institution, $400 (subject to reduction under clause (ii)) if the institution furnishes the information to the Commissioner within 30 days after the date such individual's confinement in such institution begins, or $200 (subject to reduction under clause (ii)) if the institution furnishes the information after 30 days after such date but within 90 days after such date.

"(ii) The dollar amounts specified in clause (i)(II) shall be reduced by 50 percent if the Commissioner is also required to make a payment to the institution with respect to the same individual under an agreement entered into under section 1611(e)(1)(I).

"(iii) There are authorized to be transferred from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, as appropriate, such sums as may be necessary to enable the Commissioner to make payments to institutions required by clause (i)(II).

"(iv) The Commissioner shall maintain, and shall provide on a reimbursable basis, information obtained pursuant to agreements entered into under this paragraph to any agency administering a Federal or federally-assisted cash, food, or medical assistance program for eligibility and other administrative purposes under such program.".

(2) Conforming amendments to the Privacy Act.—Section 552a(a)(8)(B) of title 5, United States Code, is amended—

(A) in clause (vi), by striking "or" at the end;

(B) in clause (vii), by adding "or" at the end; and

(C) by adding at the end the following:

"(viii) matches performed pursuant to section 202(x)(3) or 1611(e)(1) of the Social Security Act (42 U.S.C. 402(x)(3), 1382(e)(1));".

(3) Conforming amendments to title XVI.—

(A) Section 1611(e)(1)(I)(i)(I) of the Social Security Act (42 U.S.C. 1382(e)(1)(I)(i)(I)) is amended by striking "; and" and inserting "and the other provisions of this title; and".

(B) Section 1611(e)(1)(I)(ii)(II) of such Act (42 U.S.C. 1382(e)(1)(I)(ii)(II)) is amended by striking "is authorized to provide, on a reimbursable basis," and inserting "shall maintain, and shall provide on a reimbursable basis,".

(4) Effective date.—The amendments made by this subsection shall apply to individuals whose period of confinement in an institution commences on or after the first day of the fourth month beginning after the month in which this Act is enacted.

(b) Elimination or Title II Requirement That Confinement Stem From Crime Punishable by Imprisonment for More Than 1 Year.—

(1) In general.—Section 202(x)(1)(A) of the Social Security Act (42 U.S.C. 402(x)(1)(A)) is amended—

(A) in the matter preceding clause (i), by striking "during which" and inserting "ending with or during or beginning with or during a period of more than 30 days throughout all of which";

(B) in clause (i), by striking "an offense punishable by imprisonment for more than 1 year (regardless of the actual sentence imposed)" and inserting "a criminal offense"; and

(C) in clause (ii)(I), by striking "an offense punishable by imprisonment for more than 1 year" and inserting "a criminal offense".

(2) Effective date.—The amendments made by this subsection shall apply to individuals whose period of confinement in an institution commences on or after the first day of the fourth month beginning after the month in which this Act is enacted.

(c) Conforming Title XVI Amendments.—

(1) 50 percent reduction in title XVI payment in case involving comparable title II payment.—Section 1611(e)(1)(I) of the Social Security Act (42 U.S.C. 1382(e)(1)(I)) is amended—

(A) in clause (i)(II), by inserting "(subject to reduction under clause (ii))" after "$400" and after "$200";

(B) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv) respectively; and

(C) by inserting after clause (i) the following:

"(ii) The dollar amounts specified in clause (i)(II) shall be reduced by 50 percent if the Commissioner is also required to make a payment to the institution with respect to the same individual under an agreement entered into under section 202(x)(3)(B).".

(2) Expansion of categories of institutions eligible to enter into agreements with the Commissioner.—Section 1611(e)(1)(I)(i) of such Act (42 U.S.C. 1382(e)(1)(I)(i)) is amended in the matter preceding subclause (I) by striking "institution" and all that follows through "section 202(x)(1)(A)," and inserting "institution comprising a jail, prison, penal institution, or correctional facility, or with any other interested State or local institution a purpose of which is to confine individuals as described in section 202(x)(1)(A)(ii),".

(3) Elimination of overly broad exemption.—Section 1611(e)(1)(I)(iii) of such Act (as redesignated by paragraph (1)(B)) is amended further—

(A) by striking "(I) The provisions" and all that follows through "(II)"; and

(B) by striking "eligibility purposes" and inserting "eligibility and other administrative purposes under such program".

(4) Effective date.—The amendments made by this subsection shall take effect as if included in the enactment of section 203(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2186). The reference to section 202(x)(1)(A)(ii) in section 1611(e)(1)(I)(i) of the Social Security Act as amended by paragraph (2) shall be deemed a reference to such section 202(x)(1)(A)(ii) of such Act as amended by subsection (b)(1)(C).

(d) Continued Denial of Benefits to Sex Offenders Remaining Confined to Public Institutions Upon Completion of Prison Term.—

(1) In general.—Section 202(x)(1)(A) of the Social Security Act (42 U.S.C. 402(x)(1)(A)) is amended—

(A) in clause (i), by striking "or" at the end;

(B) in clause (ii)(IV), by striking the period and inserting ", or"; and

(C) by adding at the end the following new clause:

"(iii) immediately upon completion of confinement as described in clause (i) pursuant to conviction of a criminal offense an element of which is sexual activity, is confined by court order in an institution at public expense pursuant to a finding that the individual is a sexually dangerous person or a sexual predator or a similar finding.".

(2) Conforming amendment.—Section 202(x)(1)(B)(ii) of such Act (42 U.S.C. 402(x)(1)(B)(ii)) is amended by striking "clause (ii)" and inserting "clauses (ii) and (iii)".

(3) Effective date.—The amendments made by this subsection shall apply with respect to benefits for months ending after the date of the enactment of this Act.

SEC. 403. REVOCATION BY MEMBERS OF THE CLERGY OF EXEMPTION FROM SOCIAL SECURITY COVERAGE.

(a) In General.—Notwithstanding section 1402(e)(4) of the Internal Revenue Code of 1986, any exemption which has been received under section 1402(e)(1) of such Code by a duly ordained, commissioned, or licensed minister of a church, a member of a religious order, or a Christian Science practitioner, and which is effective for the taxable year in which this Act is enacted, may be revoked by filing an application therefor (in such form and manner, and with such official, as may be prescribed by the Commissioner of Internal Revenue), if such application is filed no later than the due date of the Federal income tax return (including any extension thereof) for the applicant's second taxable year beginning after December 31, 1999. Any such revocation shall be effective (for purposes of chapter 2 of the Internal Revenue Code of 1986 and title II of the Social Security Act), as specified in the application, either with respect to the applicant's first taxable year beginning after December 31, 1999, or with respect to the applicant's second taxable year beginning after such date, and for all succeeding taxable years; and the applicant for any such revocation may not thereafter again file application for an exemption under such section 1402(e)(1). If the application is filed after the due date of the applicant's Federal income tax return for a taxable year and is effective with respect to that taxable year, it shall include or be accompanied by payment in full of an amount equal to the total of the taxes that would have been imposed by section 1401 of the Internal Revenue Code of 1986 with respect to all of the applicant's income derived in that taxable year which would have constituted net earnings from self-employment for purposes of chapter 2 of such Code (notwithstanding paragraphs (4) and (5) of section 1402(c)) except for the exemption under section 1402(e)(1) of such Code.

(b) Effective Date.—Subsection (a) shall apply with respect to service performed (to the extent specified in such subsection) in taxable years beginning after December 31, 1999, and with respect to monthly insurance benefits payable under title II on the basis of the wages and self-employment income of any individual for months in or after the calendar year in which such individual's application for revocation (as described in such subsection) is effective (and lump-sum death payments payable under such title on the basis of such wages and self-employment income in the case of deaths occurring in or after such calendar year).

SEC. 404. ADDITIONAL TECHNICAL AMENDMENT RELATING TO COOPERATIVE RESEARCH OR DEMONSTRATION PROJECTS UNDER TITLES II AND XVI.

(a) In General.—Section 1110(a)(3) of the Social Security Act (42 U.S.C. 1310(a)(3)) is amended by striking "title XVI" and inserting "title II or XVI".

(b) Effective Date.—The amendment made by subsection (a) shall take effect as if included in the enactment of the Social Security Independence and Program Improvements Act of 1994 (Public Law 103–296; 108 Stat. 1464).

SEC. 405. AUTHORIZATION FOR STATE TO PERMIT ANNUAL WAGE REPORTS.

(a) In General.—Section 1137(a)(3) of the Social Security Act (42 U.S.C. 1320b–7(a)(3)) is amended by inserting before the semicolon the following: ", and except that in the case of wage reports with respect to domestic service employment, a State may permit employers (as so defined) that make returns with respect to such employment on a calendar year basis pursuant to section 3510 of the Internal Revenue Code of 1986 to make such reports on an annual basis".

(b) Technical Amendments.—Section 1137(a)(3) of the Social Security Act (42 U.S.C. 1320b–7(a)(3)) is amended—

(1) by striking "(as defined in section 453A(a)(2)(B)(iii))"; and

(2) by inserting "(as defined in section 453A(a)(2)(B))" after "employers".

(c) Effective Date.—The amendments made by this section shall apply to wage reports required to be submitted on and after the date of enactment of this Act.

SEC. 406. ASSESSMENT ON ATTORNEYS WHO RECEIVE THEIR FEES VIA THE SOCIAL SECURITY ADMINISTRATION.

(a) In General.—Section 206 of the Social Security Act (42 U.S.C. 606) is amended by adding at the end the following:

"(d) Assessment on Attorneys.—

"(1) In general.—Whenever a fee for services is required to be certified for payment to an attorney from a claimant's past-due benefits pursuant to subsection (a)(4)(A) or (b)(1)(A), the Commissioner shall impose on the attorney an assessment calculated in accordance with paragraph (2).

"(2) Amount.—

"(A) The amount of an assessment under paragraph (1) shall be equal to the product obtained by multiplying the amount of the representative's fee that would be required to be so certified by subsection (a)(4)(A) or (b)(1)(A) before the application of this subsection, by the percentage specified in subparagraph (B).

"(B) The percentage specified in this subparagraph is—

"(i) for calendar years before 2001, 6.3 percent, and

"(ii) for calendar years after 2000, 6.3 percent or such different percentage rate as the Commissioner determines is necessary in order to achieve full recovery of the costs of certifying fees to attorneys from the past-due benefits of claimants.

"(3) Collection.—The Commissioner may collect the assessment imposed on an attorney under paragraph (1) by offset from the amount of the fee otherwise required by subsection (a)(4)(A) or (b)(1)(A) to be certified for payment to the attorney from a claimant's past-due benefits.

"(4) Prohibition on claimant reimbursement.—An attorney subject to an assessment under paragraph (1) may not, directly or indirectly, request or otherwise obtain reimbursement for such assessment from the claimant whose claim gave rise to the assessment.

"(5) Disposition of assessments.—Assessments on attorneys collected under this subsection shall be credited to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, as appropriate.

"(6) Authorization of appropriations.—The assessments authorized under this section shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Amounts so appropriated are authorized to remain available until expended, for administrative expenses in carrying out title II of the Social Security Act and related laws.

(b) Conforming Amendments.—

(1) Section 206(a)(4)(A) of such Act (42 U.S.C. 606(a)(4)(A)) is amended by inserting "and subsection (d)" after "subparagraph (B)".

(2) Section 206(b)(1)(A) of such Act (42 U.S.C. 606(b)(1)(A)) is amended by inserting ", but subject to subsection (d) of this section" after "section 205(i)".

(c) Effective Date.—The amendments made by this section shall apply in the case of any attorney with respect to whom a fee for services is required to be certified for payment from a claimant's past-due benefits pursuant to subsection (a)(4)(A) or (b)(4)(A) of section 206 of the Social Security Act after—

(1) December 31, 1999, or

(2) the last day of the first month beginning after the month in which this Act is enacted.

SEC. 407. PREVENTION OF FRAUD AND ABUSE ASSOCIATED WITH CERTAIN PAYMENTS UNDER THE MEDICAID PROGRAM.

(a) REQUIREMENTS FOR PAYMENTS.—Section 1903(i) of the Social Security Act (42 U.S.C. 1396b(i)) (as amended by section 201(a)(3)(B)) is amended further—

(1) in paragraph (20), by striking the period at the end and inserting "; or"; and

(2) by inserting immediately after paragraph (20) the following:

"(21) with respect to any amount expended for an item or service provided under the plan, or for any administrative expense incurred to carry out the plan, which is provided or incurred by, or on behalf of, a State or local educational agency or school district, unless payment for the item, service, or administrative expense is made in accordance with a methodology approved in advance by the Secretary under which—

"(A) in the case of payment for—

"(i) a group of individual items, services, and administrative expenses, the methodology—

"(I) provides for an itemization to the Secretary that assures accountability of the cost of the grouped items, services, and administrative expenses and includes payment rates and the methodologies underlying the establishment of such rates;

"(II) has an actuarially sound basis for determining the payment rates and the methodologies; and

"(III) reconciles payments for the grouped items, services, and administrative expenses with items and services provided and administrative expenses incurred under this title; or

"(ii) an individual item, service, or administrative expense, the amount of payment for the item, service, or administrative expense does not exceed the amount that would be paid for the item, service, or administrative expense if the item, service, or administrative expense were incurred by an entity other than a State or local educational agency or school district, unless the State can demonstrate to the satisfaction of the Secretary a higher amount for such item, service, or administrative expense; and

"(B) in the case of a transportation service for an individual under age 21 who is eligible for medical assistance under this title (whether or not the child has an individualized education program established pursuant to part B of the Individuals with Disabilities Education Act)—

"(i) a medical need for transportation is noted in such an individualized education program (if any) for the individual, including such an individual residing in a geographic area within which school bus transportation is otherwise not provided;

"(ii) in the case of a child with special medical needs, the vehicle used to furnish such transportation service is specially equipped or staffed to accommodate individuals with special medical needs; and

"(iii) payment for such service only—

"(I) is made with respect to costs directly attributable to the costs associated with transporting such individuals whose medical needs require transport in such a vehicle; and

"(II) reflects the proportion of transportation costs equal to the proportion of the school day spent by such individuals in activities relating to the receipt of covered services under this title or such other proportion based on an allocation method that the Secretary finds reasonable in light of the benefit to the program under this title and consistent with the cost principles contained in OMB Circular A–87; or

"(22) with respect to any amount expended for an item or service under the plan or for any administrative expense to carry out the plan provided by or on behalf of a State or local agency (including a State or local educational agency or school district) that enters into a contract or other arrangement with a person or entity for, or in connection with, the collection or submission of claims for such expenditures, unless, notwithstanding section 1902(a)(32), the agency—

"(A) uses a competitive bidding process or otherwise to contract with such person or entity at a reasonable rate commensurate with the services performed by the person or entity; and

"(B) requires that any fees (including any administrative fees) to be paid to the person or entity for the collection or submission of such claims are identified as a non-contingent, specified dollar amount in the contract."; and

(3) in the third sentence, by striking "(17), and (18)" and inserting "(17), (18), (19), and (21)".

(b) PROVISION OF ITEMS AND SERVICES THROUGH MEDICAID MANAGED CARE ORGANIZATIONS.—

(1) CONTRACTUAL REQUIREMENT.—Section 1903(m)(2)(A) of the Social Security Act (42 U.S.C. 1396b(m)(2)(A)) is amended by redesignating clause (xi) (as added by section 4701(c)(3) of the Balanced Budget Act of 1997) as clause (xiii), by striking "and" at the end of clause (xi), and by inserting after clause (xi) the following:

"(xii) such contract provides that with respect to payment for, and coverage of, such services, the contract requires coordination between the State or local educational agency or school district and the medicaid managed care organization to prevent duplication of services and duplication of payments under this title for such services."

(2) PROHIBITION ON DUPLICATIVE PAYMENTS.—

(A) IN GENERAL.—Section 1903(i) of the Social Security Act (42 U.S.C 1396b(i)), as amended by subsection (a), is amended—

(i) in paragraph (22), by striking the period and inserting "; or"; and

(ii) by adding at the end the following:

"(23) with respect to any amount expended under the plan for an item, service, or administrative expense for which payment is or may be made directly to a person or entity (including a State or local educational agency or school district) under the State plan if payment for such item, service, or administrative expense was included in the determination of a prepaid capitation or other risk-based rate of payment to an entity under a contract pursuant to section 1903(m).".

(B) CONFORMING AMENDMENT.—The third sentence of section 1903(i) of such Act (42 U.S.C. 1396b(i)), as amended by subsection (a)(3), is amended by striking "and (21)" and inserting "(21), and (23)".

(c) ALLOWABLE SHARE OF FFP WITH RESPECT TO PAYMENT FOR SERVICES FURNISHED IN SCHOOL SETTING.—Section 1903(w)(6) of the Social Security Act (42 U.S.C. 1396b(w)(6)) is amended—

(1) in subparagraph (A), by inserting "subject to subparagraph (C)," after "subsection,"; and

(2) by adding at the end the following:

"(C) In the case of any Federal financial participation amount determined under subsection (a) with respect to any expenditure for an item or service under the plan, or for any administrative expense to carry out the plan, that is furnished by a State or local educational agency or school district, the State shall provide that there is paid to the agency or district a percent of such amount that is not less than the percentage of such expenditure or expense that is paid by such agency or district.".

(d) UNIFORM METHODOLOGY FOR SCHOOL-BASED ADMINISTRATIVE CLAIMS.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Health Care Financing Administration, in consultation with State medicaid and State educational agencies and local school systems, shall develop and implement a uniform methodology for claims for payment of administrative expenses furnished under title XIX of the Social Security Act by State or local educational agencies or school districts. Such methodology shall be based on standards related to time studies and population estimates and a national standard for determining payment for such administrative expenses.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section (other than by subsection (b)) shall apply to items and services provided on and after the date of enactment of this Act, without regard to whether implementing regulations are in effect.

(2) MANAGED CARE AMENDMENTS.—The amendments made by subsection (b) shall apply to contracts entered into or renewed on or after the date of the enactment of this Act.

(3) REGULATIONS.—The Secretary of Health and Human Services shall promulgate such final regulations as are necessary to carry out the amendments made by this section not later than 1 year after the date of the enactment of this Act.

SEC. 408. EXTENSION OF AUTHORITY OF STATE MEDICAID FRAUD CONTROL UNITS.

(a) EXTENSION OF AUTHORITY TO INVESTIGATE AND PROSECUTE FRAUD IN OTHER FEDERAL HEALTH CARE PROGRAMS.—Section 1903(q)(3) of the Social Security Act (42 U.S.C. 1396b(q)(3)) is amended—

(1) by inserting "(A)" after "in connection with"; and

(2) by striking "title." and inserting "title; and (B) upon the approval of the Inspector General of the relevant Federal agency, any aspect of the provision of health care services and activities of providers of such services under any Federal health care program (as defined in section 1128B(f)(1)), if the suspected fraud or violation of law in such case or investigation is primarily related to the State plan under this title.".

(b) RECOUPMENT OF FUNDS.—Section 1903(q)(5) of such Act (42 U.S.C. 1396b(q)(5)) is amended—

(1) by inserting "or under any Federal health care program (as so defined)" after "plan"; and

(2) by adding at the end the following: "All funds collected in accordance with this paragraph shall be credited exclusively to, and available for expenditure under, the Federal health care program (including the State plan under this title) that was subject to the activity that was the basis for the collection.".

(c) EXTENSION OF AUTHORITY TO INVESTIGATE AND PROSECUTE RESIDENT ABUSE IN NON-MEDICAID BOARD AND CARE FACILITIES.—

Section 1903(q)(4) of such Act (42 U.S.C. 1396b(q)(4)) is amended to read as follows:

"(4)(A) The entity has—

"(i) procedures for reviewing complaints of abuse or neglect of patients in health care facilities which receive payments under the State plan under this title;

"(ii) at the option of the entity, procedures for reviewing complaints of abuse or neglect of patients residing in board and care facilities; and

"(iii) procedures for acting upon such complaints under the criminal laws of the State or for referring such complaints to other State agencies for action.

"(B) For purposes of this paragraph, the term 'board and care facility' means a residential setting which receives payment (regardless of whether such payment is made under the State plan under this title) from or on behalf of two or more unrelated adults who reside in such facility, and for whom one or both of the following is provided:

"(i) Nursing care services provided by, or under the supervision of, a registered nurse, licensed practical nurse, or licensed nursing assistant.

"(ii) A substantial amount of personal care services that assist residents with the activities of daily living, including personal hygiene, dressing, bathing, eating, toileting, ambulation, transfer, positioning, self-medication, body care, travel to medical services, essential shopping, meal preparation, laundry, and housework.".

(d) EFFECTIVE DATE.—The amendments made by this section take effect on the date of enactment of this Act.

SEC. 409. SPECIAL ALLOWANCE ADJUSTMENT FOR STUDENT LOANS.

(a) AMENDMENT.—Section 438(b)(2) of the Higher Education Act of 1965 (20 U.S.C. 1087–1(b)(2)) is amended—

(1) in subparagraph (A), by striking "(G), and (H)" and inserting "(G), (H), and (I)";

(2) in subparagraph (B)(iv), by striking "(G), or (H)" and inserting "(G), (H), or (I)";

(3) in subparagraph (C)(ii), by striking "(G) and (H)" and inserting "(G), (H), and (I)";

(4) in the heading of subparagraph (H), by striking "JULY 1, 2003" and inserting "JANUARY 1, 2000";

(5) in subparagraph (H), by striking "July 1, 2003," each place it appears and inserting "January 1, 2000,"; and

(6) by inserting after subparagraph (H) the following new subparagraph:

"(I) LOANS DISBURSED ON OR AFTER JANUARY 1, 2000, AND BEFORE JULY 1, 2003.—

"(i) IN GENERAL.—Notwithstanding subparagraphs (G) and (H), but subject to paragraph (4) and clauses (ii), (iii), and (iv) of this subparagraph, and except as provided in subparagraph (B), the special allowance paid pursuant to this subsection on loans for which the first disbursement is made on or after January 1, 2000, and before July 1, 2003, shall be computed—

"(I) by determining the average of the bond equivalent rates of the quotes of the 3-month commercial paper (financial) rates in effect for each of the days in such quarter as reported by the Federal Reserve in Publication H–15 (or its successor) for such 3-month period;

"(II) by subtracting the applicable interest rates on such loans from such average bond equivalent rate;

"(III) by adding 2.34 percent to the resultant percent; and

"(IV) by dividing the resultant percent by 4.

"(ii) IN SCHOOL AND GRACE PERIOD.—In the case of any loan for which the first disbursement is made on or after January 1, 2000, and before July 1, 2003, and for which the applicable rate of interest is described in section 427A(k)(2), clause (i)(III) of this subparagraph shall be applied by substituting '1.74 percent' for '2.34 percent'.

"(iii) PLUS LOANS.—In the case of any loan for which the first disbursement is made on or after January 1, 2000, and before July 1, 2003, and for which the applicable rate of interest is described in section 427A(k)(3), clause (i)(III) of this subparagraph shall be applied by substituting '2.64 percent' for '2.34 percent', subject to clause (v) of this subparagraph.

"(iv) CONSOLIDATION LOANS.—In the case of any consolidation loan for which the application is received by an eligible lender on or after January 1, 2000, and before July 1, 2003, and for which the applicable interest rate is determined under section 427A(k)(4), clause (i)(III) of this subparagraph shall be applied by substituting '2.64 percent' for '2.34 percent', subject to clause (vi) of this subparagraph.

"(v) LIMITATION ON SPECIAL ALLOWANCES FOR PLUS LOANS.—In the case of PLUS loans made under section 428B and first disbursed on or after January 1, 2000, and before July 1, 2003, for which the interest rate is determined under section 427A(k)(3), a special allowance shall not be paid for such loan during any 12-month period beginning on July 1 and ending on June 30 unless, on the June 1 preceding such July 1—

"(I) the bond equivalent rate of 91-day Treasury bills auctioned at the final auction held prior to such June 1 (as determined by the Secretary for purposes of such section); plus

"(II) 3.1 percent,

exceeds 9.0 percent.

"(vi) LIMITATION ON SPECIAL ALLOWANCES FOR CONSOLIDATION LOANS.—In the case of consolidation loans made under section 428C and for which the application is received on or after January 1, 2000, and before July 1, 2003, for which the interest rate is determined under section 427A(k)(4), a special allowance shall not be paid for such loan during any 3-month period ending March 31, June 30, September 30, or December 31 unless—

"(I) the average of the bond equivalent rates of the quotes of the 3-month commercial paper (financial) rates in effect for each of the days in such quarter as reported by the Federal Reserve in Publication H–15 (or its successor) for such 3-month period; plus

"(II) 2.64 percent,

exceeds the rate determined under section 427A(k)(4).".

(b) EFFECTIVE DATE.—Subparagraph (I) of section 438(b)(2) of the Higher Education Act of 1965 (20 U.S.C. 1087–1(b)(2)) as added by subsection (a) of this section shall apply with respect to any payment pursuant to such section with respect to any 3-month period beginning on or after January 1, 2000, for loans for which the first disbursement is made after such date.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. ARCHER) and the gentleman from New York (Mr. RANGEL) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. ARCHER).

GENERAL LEAVE

Mr. ARCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1180.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ARCHER. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, the Social Security disability program provides essential income to those who are unable to work due to severe illness or injury. Last year, benefits were paid to over 6 million workers, their wives and their children. Since arriving on Capitol Hill some 27 years ago, I have worked to find ways to make this complex and often unfriendly program work better.

Most of those receiving disability benefits, due to the severity of their impairments, cannot attempt to work. Today, however, because of the Americans with Disabilities Act, along with advancements in assistive technology, medical treatment and rehabilitation, doors are opening for opportunities never thought possible to individuals with disabilities. Now one can telecommute to work, there are voice-activated computers, and as technology provides new ways to clear hurdles presented by a disability, government must also keep pace by providing opportunity and not just dependency.

Yet, current law still tends to chain individuals with disabilities to the system through complex so-called "work incentives." In essence, individuals who work lose cash benefits along with access to essential medical coverage. This bill assists beneficiaries to pass through those doors of opportunity and return to self-sufficiency. I cannot think of anything more important than providing support to allow individuals the freedom to reach their utmost potential and that is what this bill is all about.

□ 1545

During the last Congress, former Social Security Chairman JIM BUNNING and ranking member Barbara Kennelly initiated similar bipartisan legislation. This bill passed the Committee on Ways and Means by 33 to 1. The bill last year passed the House of Representatives by 410 to 1. Unfortunately, in the last Congress it was never considered by the other body. I compliment the gentleman from Missouri (Mr. HULSHOF) for taking up the cause in the 106th Congress and introducing this bill. It is an outstanding piece of legislation, and I strongly recommend it to my colleagues.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me congratulate the gentleman from Texas for this bipartisan effort to make certain that those people who are disabled can make that transition into the labor market.

This is a bill that was cosponsored by all of the Democrats on the Committee on Ways and Means. It was a bill that has been worked out by Republicans and Democrats not working in a partisan way, but trying to make life easier without losing benefits for those people that suffer disabilities. This, I think, really shows what can happen when people put partisanship behind them and try to work together.

This was not a case where the majority was asking for the President to send them a plan, no. It was as legislators they got together and drafted the plan. As we have been able to work out differences on this bill, why can we not do this with Medicare? Why can we not do it with prescription drugs? Why can we not do it with Social Security?

Oh, I know we will hear screams that the President really ought to send us something to guide us. Mr. Speaker, my colleagues did not ask the President for any guidance when they decided to enact the $792 billion tax cut, and we did not ask for a whole lot of guidance to come up with this decent piece of legislation.

So, Mr. Speaker, I say congratulations to Democrats and Republicans for doing the right thing, and I hope this might be just one giant step forward in moving toward resolving the Social Security problem that we have.

Mr. Speaker, I yield the balance of my time to the gentleman from California (Mr. MATSUI), and I ask unanimous consent that he be allowed to control that time.

The SPEAKER pro tempore (Mr. BURR of North Carolina). Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. Without objection, the gentleman from Missouri (Mr. HULSHOF) will control the remaining time for the gentleman from Texas (Mr. ARCHER).

There was no objection.

Mr. HULSHOF. Mr. Speaker, I yield 2½ minutes to the gentleman from Florida (Mr. SHAW), the Chairman of the Subcommittee on Social Security who has been championing this issue through our subcommittee.

Mr. SHAW. Mr. Speaker, I thank the gentleman for yielding this time to me and congratulate the gentleman for his good work in seeing that this was reintroduced and brought to the House floor, an extremely important piece of legislation.

Mr. Speaker, today I welcome the chance to speak in support of this excellent bill. Simply put, this bill is about work. Its aim is to help individuals with disability achieve their goals of working and supporting themselves and their family.

Through Subcommittee on Social Security hearings over the past 4 years, we have been told over and over again that people with disabilities do want to work. That has always been the case. What has changed is the fact that advances in medicine, technology, and the field of rehabilitation have given many individuals with disabilities a real chance to work. The next step is to redesign our programs to encourage, rather than discourage, their efforts.

With H.R. 1180 we are helping disabled individuals take advantage of these advances in science and medicine both by allowing them to obtain needed rehabilitation and support services and by removing barriers that have prevented them from becoming self-sufficient. Topping the list of barriers is fear of losing health coverage, the cash benefits.

Another disincentive is that beneficiaries currently have limited choices in selecting rehabilitation services and the providers of these services. To address these concerns we would allow the Social Security Administration to begin offering new tickets that disabled Social Security supplemental security income beneficiaries could use to purchase services to help them enter the work force. Disabled individuals in every State will be able to meet with service providers of their choice to develop a personalized employment plan. The Government will pay for services needed to help them work, rewarding the results by paying the service provider part of the benefit savings when disabled individuals leave the rolls.

I would just like to take this one-half minute to ask really the other side and the White House to really bring the spirit of cooperation together. We have reached out to the Democrat side on many occasions in order to try to bring the spirit of the ticket of work to Social Security.

Social Security should not be a partisan issue. There are Democrats and Republicans, millions across this country, who are dependent upon and will be dependent upon the Social Security Administration to keep them out of poverty, and it is time that this Congress and the White House stops the politicking and the wall of silence that we are receiving from the other side end and that we work together to do great things like we are doing today.

Mr. MATSUI. Mr. Speaker, I yield myself 3 minutes.

I do not know if I will take the entire 3 minutes, in which case I will reserve my time; but let me just say that this bill passed in the last Congress with over 400 votes. Only one Member voted against it, and obviously it has strong bipartisan support at this time. It is a kind of bill that all of us obviously realize is extremely important for the disabled. Basically what it will do that is so important to the disabled is continue Medicare benefits once the disabled person is in the work force.

The real issue here is that we give, instead of 4 years, we give them a total of 10 years; and in my opinion this will go a long ways in keeping people that have disabilities in the work force.

In addition to this, one of the major components of it is that it sets up a program that allows the disabled to go into private or public type agencies for support services such as job training, job searches and things of that nature.

I want to commend both the majority and the minority staff for their leadership in making this work out. We did have some problems obviously before the committee markup and after the committee markup and during the committee markup. On the other hand, I think the results that we have today on the floor of the House are excellent.

I want to also commend both the Committee on Commerce and the Committee on Ways and Means for working together and ironing out our differences.

Hopefully, this bill will get to conference soon so that we can get it to the President, and there is no politics in this issue. I think people had a good-faith belief in their differences, but we were able to resolve them and come to some conclusion.

Mr. Speaker, I reserve the balance of my time.

Mr. HULSHOF. Mr. Speaker, I ask unanimous consent that each side will have an additional 5 minutes for a total of 10 minutes to be added to the entirety of the debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. HULSHOF. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota (Mr. RAMSTAD), cochair of the Disability Caucus.

Mr. RAMSTAD. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, this day has been a long time coming. I first heard about this problem in 1981 when I was attending a meeting as a young State senator at the Courage Center in Golden Valley, Minnesota. Jeff Bangsberg, a person with quadriplegia, told me how it was not economically sensible for him to work because he would lose his health benefits, and then Tom Haben told me the same thing, and one after another people with disabilities at that meeting in 1981 when I was a young State senator explained why it did not make sense for them from an economic standpoint to work, and that is why I am so grateful for this day when we are getting near to passing this important legislation because eliminating work disincentives for people with disabilities is not just humane public policy, it is sound fiscal policy.

It is not only the right thing to do, but it is clearly the cost-effective thing to do. People with disabilities have to make decisions on financial reality, and they should not be penalized for going to work, they should have incentives to go to work, and I appreciate the bipartisan cooperation on this important legislation.

Mr. Speaker, I want to thank the people back in Minnesota who have advised me on this bill, people with disabilities who will be outlined for the RECORD, and I have said many times before passing this bill, passing this bill today is one of the most important things we could do as a Congress and as a people.

Mr. Speaker, this day has been a long time coming. Since my election to this body in 1990, and as a Minnesota State Senator ten years prior, I have worked hard to help people with disabilities live up to their full potential. That's why, in 1993, Representative PETE STARK and I introduced legislation to achieve the same goal we seek today. Glad we're finally here, PETE.

Nine years ago, President Bush signed the ADA into law and reminded us that "many of our fellow citizens with disabilities are unemployed. They want to work and they can work . . . this is a tremendous pool of people who will bring to jobs diversity, loyalty, low turnover rate, and only one request: the chance to prove themselves."

Mr. Speaker, despite the remarkably low unemployment rate in this country today, many of those with disabilities are still asking for this chance to prove themselves in the workplace.

Despite all the good that the ADA has done to date, there is still room for improvement. The ADA did not remove all the barriers within current federal programs that prohibit people with disabilities from working. It's time to eliminate work disincentives for people with disabilities!

Eliminating work disincentives for people with disabilities is not just humane public policy, it is sound fiscal policy. It's not only the right thing to do; it's the cost-effective thing to do!

Discouraging people with disabilities from working, earning a regular paycheck, paying taxes and moving off public assistance actually results in reduced federal revenues.

Like everyone else, people with disabilities have to make decisions based on financial reality. Should they consider returning to work or even making it through vocational rehabilitation, the risk of losing vital federal health benefits often becomes too threatening to future financial stability. As a result, they are compelled not to work. Given the sorry state of present law, that's generally a reasonable and rational decision.

Transforming these federal programs to spring-boards into the workforce for people with disabilities is the goal of legislation that I have cosponsored this important legislation before us today.

I want to publicly thank the people who have worked so tirelessly on this legislation, especially Kim Hildred and Beverly Crawford of the Ways and Means Committee.

But most importantly, I want to thank my friends with disabilities back in Minnesota who have counseled me on these issues for two decades.

Mary O'Hara Anderson, Mary Jean Babock, Jeff and Anita Bangsberg, Bill Blom, Gary Boetcherk, Wendy Brower, Mary Helen Gunkler, Tom Haben, Mark Hughes, Carol and Jonathan Hughes, Mary Kay Kennedy, Mary Jo Nichols, Joyce Scanlan, Rand Stenhjem, Colleen Wieck, Leah Welch—this day is for you!

As I have said many times, preventing people from working runs counter to the American spirit, one that thrives on individual achievements and the larger contributions to society that result. We must stay true to our Nation's spirit and pass H.R. 1180 today!

Mr. MATSUI. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, I thank my friend from California (Mr. MATSUI) for yielding this time to me.

Mr. Speaker, if we can help disabled individuals reenter and stay in the work force, we should do that. It clearly makes sense from a fiscal perspective, and it exemplifies our values as a Nation. I plan to vote for H.R. 1180 for one reason and one reason only. The programs it establishes are in the best interests of disabled individuals and the Nation.

However, it is important for us to recognize that this bill is not the same as the one 279 Members of this body cosponsored. It started out stronger, but that was before Members less dedicated to the policy and more dedicated to the politics of this bill got hold of it. Republican members of the Committee on Ways and Means got a hold of the original bill.

As a result, we are being asked to consider without amendment a weak alternative to a strong bill. For political reasons rather than policy reasons we are only partially funding H.R. 1180. The Ways and Means majority ignored committee jurisdiction to include Medicaid offsets in H.R. 1180, then refused to cooperate on a noncontroversial offset for which the Committee on Commerce has primary jurisdiction.

Apparently some Committee on Ways and Means members' feathers were ruffled that the Committee on Commerce would even suggest the Medicare part B offset. Somehow they felt justified in claiming the Committee on Commerce had overstepped our jurisdiction. In fact, of the two committees, the Committee on Commerce is the one that did not attempt to overstep its jurisdiction.

Republican Ways and Means leadership claims the administration refused to lift a finger to help find offsets for this bill. I was there. I can assure my colleagues that this assertion is patently false. As a matter of fact, the administration helped us identify the very offset that the Committee on Ways and Means refused to accept. Basically, the Committee on Ways and Means majority leadership broke the rules to fund the pieces of the bill they liked and co-opted the rules in attempt to kill the sections of the bill they did not like, and none of their actions reflects what is best for the disabled community or for American taxpayers.

The original Work Incentive Act that passed out of the Committee on Commerce has well over a majority of Members of this body sponsoring it. H.R. 1180 funds Medicare and Medicaid options for disabled individuals who want to return to work. It funds a demonstration program, the goal of which is to prevent disabled individuals from being forced to leave a job because of a degenerative illness. Ignoring for a moment what our values as a Nation say about supporting the effort to contribute to society, let us talk dollars and cents. The work incentives bill enables disabled individuals to work instead of being dependent on cash assistance.

□ 1600

The effect of the bill is to reduce the cost of cash assistance programs. Knowing they will have health insurance should they return to work, disabled people would not need to remain dependent on cash assistance. We should be considering full funding for H.R. 1180, which means we should be considering the Commerce bill.

Finally, Mr. Speaker, I want to address the issue of offsets. The majority cited the fact that offsets have not been agreed upon as a justification for weakening this bill. I have to say that concerns raised by the majority are more than a little ironic given their arbitrary application of pay-as-you-go rules. The $792 billion tax cut bill had no offsets nor did the $48 billion tax cut for buying health insurance. Both bills are touted as helping one population, but in reality, help another.

The tax bill ostensibly would provide the bulk of the tax cut to those Americans who make up the majority of the population and happen to need the money; that is, to low- and middle-income families. Simply not so. The access bill ostensibly would expand access to those most likely to be uninsured and least able to afford coverage. Again, not so. These bills generally skip over those in need of help and help those with influence.

In contrast, the Work Incentives Act which we know would actually help the intended beneficiaries, people with disabilities, apparently has been slashed by the Committee on Ways and Means for the lack of considerably fewer dollars in offsets. Apparently, there is one set of rules for bills that aid Americans with money and power and another set of rules for those bills that help the less fortunate.

Mr. Speaker, I am going to vote for this bill. I expect and hope a majority of our colleagues will vote for this bill, but I hope those who underfunded this version of H.R. 1180 will reconsider and work with us in conference to achieve the strongest bill possible.

Mr. HULSHOF. Mr. Speaker, I yield myself 30 seconds.

I am disappointed, Mr. Speaker, that the gentleman from Ohio who just spoke would take such a negative tone.

This really was an effort to reach bipartisan consensus. In fact, I would point out to the gentleman that in the last Congress, by a vote of 410-to-1, we passed a Ticket to Work piece of legislation and made vast improvements to that bill, and that is the bill that is in front of the House today. I would regrettably urge the gentleman to support the bill.

Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, I rise today in support of H.R. 1180 in memory of a fine San Diegan who died last May, who died too soon, whose life work lives on.

Holly Caudill of San Diego, California was a vigorous and tireless advocate for persons with disabilities. She was a young lawyer, a native of the State of Washington, an assistant U.S. Attorney, and she was a quadriplegic. She died last year.

I would like to quote from San Diego Union Columnist Peter Rowe who was a preeminent teller of Holly's life and her advocacy. "There are thousands of people, there may be tens of thousands of people, just like her," said Cyndi Jones, Director of the Accessible Society Action Project, ASAP, a San Diego-based organization that lobbies on behalf of the disabled.

"If you are disabled and Washington, via Social Security or Medicare, pays some of your health bills, you cannot work. Without a job, there is a good chance you will end up on welfare."

Holly fought until the very last second not to be on welfare, to fight because she wanted to work, she wanted to be an active member of this society, but our government stopped it.

I laud the authors of this bill.

Mr. Speaker, I met Ms. Caudill some years ago in a meeting where she gave me the benefit of her experience. Notwithstanding the fact that she was eager and qualified to work, the existing system of medical benefits, disability coverage, and other government programs made productive work almost impossible.

A job with greater pay meant a severe reduction in benefits payments, providing a powerful disincentive against paid work for her and for other Americans with severe disabilities.

Her knowledge of the system, and her determination to succeed, together with support from others that she inspired, helped Ms. Caudill to continue to work and be a tax-paying citizen. When it cam to this basic principle—that people who work for pay should not have the government arrayed against them—Holly Caudill was second to none as a vigorous, determined, effective and inspirational advocate.

I recall most vividly that in the 105th Congress, at her request, I helped her to meet with House Speaker Newt Gingrich. He was the sponsor of H.R. 2020, the Medicaid Community Attendant Services Act, which would have made a greater amount of attendant services benefits payable under the Medicaid program. She had a long and wide-ranging discussion with the Speaker and his staff—about her life, about the Speaker's bill, and, most importantly, about how important it was to stop government programs from being such a barrier to work and dignity for persons with disabilities.

The Speaker himself remarked to me on several occasions about Ms. Caudill's vigor and determination, and what an inspiration she was.

With her advice, I was privileged to add my name as a cosponsor to H.R. 2020, which had 76 cosponsors at the close of the 105th Congress.

And in this Congress, I am honored to be one of 249 cosponsors of a similar measure introduced by the gentleman from New York, Mr. LAZIO, which is H.R. 1180, the Work Incentives Improvement Act.

The fact that this legislation is before us today is testimony to the power of Holly Caudill's message: that, in America, the system ought to work for people with disabilities, not against them, so that we all have a fighting chance to achieve the American Dream.

Mr. Speaker, Holly Caudill had the ability. She had the desire. She found the whole system aligned against her iron will to work. Yet she did work. She helped to make our system of justice work as an Assistant U.S. Attorney, while she so vigorously advocated for justice and dignity in work for persons with disabilities.

Before she reached her goal, of an America where people with disabilities could work and enjoy the fruits of their labors, our Heavenly Father brought her home. There are no wheelchairs there, Mr. Speaker.

Let the permanent Record of the Congress of the United States today note that Ms. Holly Caudill, Assistant U.S. Attorney in San Diego, California, was an inspiration to me and to many others, and a friend of America. May God rest her soul, and give peace to her family, friends, co-workers, and to so many others that she touched.

Today, by adopting this bill, we help to remember well her life's purpose.

Mr. MATSUI. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from the State of Maryland (Mr. CARDIN), the ranking member of the Committee on Ways and Means and the Subcommittee on Human Resources.

Mr. CARDIN. Mr. Speaker, I want to thank the gentleman for yielding me this time and thank him for the work that he has done on this very important legislation. I want to compliment the leadership of both the Committee on Ways and Means and the Committee on Commerce on both sides of the aisle.

I think the gentleman from Ohio (Mr. BROWN) has pointed out that we have not completed our work yet, but this is a good bill. This is a bill that we need to move forward, and I do hope that it will be even strengthened as it moves through the Senate, the other body, and through conference.

Mr. Speaker, we are talking about 4.7 million Americans who are currently on SSDI, Social Security Disability, and 4.3 that are on SSI. Of this number, only about 10,000 move off the rolls every year to work. That is not acceptable for this Nation.

Let me just talk economics for a moment, if I might. For every 1 percent of the disabled that we can move off of SSDI and SSI into work, we save during their beneficiary's lifetime $3 billion in benefits. So it is in our financial interests to work to get people who are on disability to work.

The problem is that the current system puts too many barriers in the way for people to leave the disability rolls to work. People want to work, but our system prevents them from working. What the Ticket to Work legislation does is provide more providers, a choice of providers, to help people with disabilities to become gainfully employed. It offers incentive payments so that the provider has incentives to work with the beneficiary to get the individual a job, to get the individual employed.

It removes the disincentives. Perhaps the greatest disincentive is health benefits. Currently, only 35 percent of the people who leave disability to get gainful employment find health insurance, and yet if one is disabled, it is virtually impossible for one to leave the disability rolls where one has guaranteed health benefits unless one has health insurance.

So what this legislation does is provide a way that we can continue health benefits for people who work off of the disability rolls. That makes sense for the individual, it makes sense for us.

We also make it easier for an individual to be able to get back on cash assistance if the work experience does not work. We want people to take the risk to go to work. If it does not work, we should be able to come back and help that individual. We have taken care of that particular problem.

Mr. Speaker, we brag, both parties, about how low the unemployment rates are in this Nation. We are very proud of what we have been able to do with our economy, and yet, for the disabled population, the unemployment rate is 75 percent. That is unacceptable. We need to do something about it. The Ticket to Work legislation is aimed at reducing that unemployment number to help people become employed. This is a good step forward; I hope that we can improve it as it goes through the process, but I would urge all of my colleagues to support the legislation.

Mr. HULSHOF. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH. Mr. Speaker, it seems axiomatic that every American should have the right to aspire to the American dream. In America, every citizen should have the opportunity to participate in our economy to the extent of their talent or abilities in order to claim their stake in the American dream. Unfortunately, many individuals with disabilities have had the

American dream recede beyond their reach, not because of physical limitations, but because of roadblocks created within our system of social services. These artificial barriers unfairly and arbitrarily reduce work force participation and economic opportunity for many of these Americans who want to work.

Mr. Speaker, the time has come to empower these Americans to participate fully in the cornucopia of our national economy.

I rise in strong support of this legislation, a bill that would empower citizens with disabilities by improving their access to the job market, extending their health care coverage when they participate in the work force, and by selectively liberalizing the Social Security earnings limit. These changes are long overdue and need to be regarded as an initial modest step in the direction of giving those among us with disabilities greater control over their own destiny and ultimately freedom.

Mr. MATSUI. Mr. Speaker, may I inquire as to how much time each side has remaining?

The SPEAKER pro tempore (Mr. BURR of North Carolina). The gentleman from California (Mr. MATSUI) has 14 minutes remaining; the gentleman from Missouri (Mr. HULSHOF) has 17 minutes remaining.

Mr. MATSUI. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, no group is more deserving of our support than persons with severe disabilities who want to work and be contributing members of society but who need help, particularly medical help, to be able to work. And, no public policy makes more sense than providing that support at a stage that will prevent a potentially severe disability from getting worse.

Both of these things are what this bill is about. That is why I recommend that members vote for it and move this process forward into conference with the Senate.

Of course, I regret that the House does not have the opportunity today to pass H.R. 1180 as it was reported out by the Committee on Commerce with unanimous bipartisan support.

That legislation, which had some 247 bipartisan cosponsors in the House, provided, in my view, the most complete and necessary assurance of coverage for severely disabled individuals who need medical help to work, and provided assured support for State efforts to also help potentially severely disabled individuals from deteriorating to the point of complete disability before they can get help. It provided assurance of permanent Medicare coverage, and it provided incentives to States to extend Medicaid services and establish the infrastructure to help assure help to these individuals.

This legislation falls short in several ways. It does, though, give us the opportunity to join in a conference with the Senate. It is good enough to take the steps to move this process forward, and I hope and expect that we will bring back to this House from the conference with the Senate a stronger bill, much closer in its provisions to H.R. 1180 as it was introduced. Clearly, there is much work still to be done.

I commend those who have worked so hard in support of this legislation. Groups representing the disability community have worked tirelessly to bring legislation to fruition..The President, who urged action in his State of the Union message, the members on both sides of the aisle in the Senate, Senators ROTH and MOYNIHAN, JEFFORDS and KENNEDY, in particular. In the House, the gentleman from New York (Mr. LAZIO), who introduced the original bill; the gentleman from California (Mr. MATSUI), who has been working in this area for a great deal of time and has produced a good bill out of the Committee on Ways and Means; and so many of our colleagues in the House all deserve credit that this legislation is moving today.

I urge support for the bill, but even more, I urge that we all work to better meet the promise we have made to those Americans facing or dealing with severe disabilities who want to work. They deserve the best bill we can give them. I hope when we send this legislation on to the President, it will be just that.

Mr. HULSHOF. Mr. Speaker, if the gentleman from California will indulge me, we have a handful of 1-minute speakers, and at this time I yield 1 minute to the gentleman from Arizona (Mr. HAYWORTH), my good friend.

Mr. HAYWORTH. Mr. Speaker, I thank my colleague from Missouri for his hard work on the Committee on Ways and Means. I rise in strong support of this legislation.

Mr. Speaker, I find it unfortunate that in the midst of this triumph for all of the American people, and especially the disabled, there are those on this floor who would come to deal with jurisdictional issues and inside baseball issues that at this point seem, quite frankly, rather petty.

I have heard from many of my constituents. A dear lady in Apache Junction, Arizona at our town hall meeting who came to point out to me that she wants to work, but that there have been disincentives that eventually barred her from the opportunity to work. This legislation deals with that problem. It allows her to get back to work.

Mr. Speaker, 75 percent of working-age adults with disabilities are out of work. That is the unemployment rate. That is what we are dealing with here, Mr. Speaker, not jurisdictional issues, but a chance to give those people an opportunity to work, for the limits they have confronted are not physical, they are financial.

I rise in strong support of the legislation and I am pleased to urge its passage.

Mr. HULSHOF. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. FOLEY), another champion on the Committee on Ways and Means.

Mr. FOLEY. Mr. Speaker, I commend this legislation. I am pleased to join my colleagues in supporting the Work Incentive Improvement Act on the House floor here today.

It has been almost 10 years since the Americans with Disabilities Act was signed into law. This law was intended to remove barriers that prevent disabled individuals from enjoying a full life. It is ironic that many of the doors that were supposed to be opened by the ADA are still firmly closed because people who choose to work risk losing the health care benefits they desperately need. It is like giving someone a driver's license and telling them they are capable of driving a car, but charging them $50,000 a year for insurance. They would not be able to drive unless they were rich.

For too long, many individuals with disabilities have not had the freedom that the rest of us have to pursue their goals and dreams.

□ 1615

They live in fear of losing the health care that is essential to their functioning independently. They have lived with the frustration of trying to enter a job market that is becoming increasingly technical and competitive. They cannot earn enough to buy a home on their own or to build up a savings account.

I hope that this Ticket to Work Act will ease some of this fear and frustration and restore a sense of freedom.

We all know the barriers in discrimination still exist with the disabled as with other groups in society; but if we could pass this bill, it will have another significant step toward removing these barriers. A disability should not be a hindrance to achieving the American dream.

Mr. HULSHOF. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. HERGER), another member of the Committee on Ways and Means.

Mr. HERGER. Mr. Speaker, I rise today in strong support of the Ticket to Work and the Work Incentive Improvement Act. I am particularly pleased that this legislation includes a provision that I offered, the Criminal Welfare Prevention Act Part Two, which will save taxpayers millions of dollars by bolstering efforts to deny fraudulent Social Security benefits to prisoners.

My original Criminal Welfare Prevention Act has enabled the Social Security Administration to establish a system for cutting off these fraudulent government benefits. This new provision included in the legislation before us today will improve this system; thus, saving taxpayers an estimated $123 million over the next 5 years.

I want to thank the gentleman from Texas (Chairman ARCHER), the gentleman from Florida (Chairman SHAW) and the gentleman from Missouri (Mr. HULSHOF) for their continued support. I look forward to seeing this worthy legislation enacted into law.

Mr. HULSHOF. Mr. Speaker, I yield 1 minute to the gentleman from Kansas (Mr. MORAN), my good friend and classmate.

Mr. MORAN of Kansas. Mr. Speaker, in this chorus of accolades, and I wholeheartedly support the original intent of this bill, in fact I am a cosponsor of H.R. 1180, improving the current system to provide real choices for people with disabilities is essential; but unfortunately, this bill we are considering today is not H.R. 1180. This bill includes troubling language from the substitute bill which will cost Kansans and other State school districts millions of dollars.

Section 408 of this bill would impact medicaid funding for school districts and their education of disabled children. 408 precludes or significantly restricts the use of bundled rates. The bundling system allows schools to minimize paperwork for billing, rather than individual services provided to each child.

Kansas is one of seven States that has a HCFA-approved bundling system. This administrative change will impose burdens, economic costs upon our schools to the tune of $17 million.

Mr. Speaker, small schools are struggling today to survive and in the time and cost it takes to package this reimbursement opportunity we will not be able to afford the reimbursement.

Mr. Speaker, I ask that the conferees take a look at this provision.

Mr. MATSUI. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, as an original cosponsor of this measure back in March, I was particularly pleased when it received the unanimous approval of the United States Senate. However, I dissented from this particular version of the bill when it was before the Committee on Ways and Means because some last minute changes in the bill changed its form and substantially weakened it.

I am pleased that today a number of further amendments have restored much of the harm that was done prior to the Committee on Ways and Means meeting. My concern has been that without the guarantee of health insurance this will not be for individuals with disabilities a ticket to work. It will be a ticket to nowhere.

It is essential that these provisions be fully funded and guaranteed to individuals with disabilities so that we have more than a title to the bill; we have something that is meaningful for the many Americans who have disabilities and want to work in the labor force.

A second concern was the effect on individuals who are HIV positive, who have Parkinson's Disease, multiple sclerosis, or some other type of disease which allows them to work now and who do not want to have to leave their job in order to get insurance benefits. It is my understanding that these last-minute amendments that have been made today address those concerns, and so I applaud them.

I think to the extent that we are returning to the bill that a total of 247 Members of the House cosponsored we are moving in the right direction. Certainly, I agree that this bill must be fully paid for, as with any other measure, and that we not dip into Social Security funds. However, I can say that in the Committee on Ways and Means, there was no visible effort to pay for the abandoned provisions, and the one pay-for that was included in this bill is a new tax that is simply going to make it more difficult for people with disabilities to secure the representation they need in combatting a Social Security Administration which is often not sympathetic to their concerns.

It is still flawed, but in order to move the process along my vote today is for a flawed bill, with the hope that the Senate will hang as tough as it did in the last session and give us truly meaningful legislation.

Mr. HULSHOF. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I want to thank the gentleman from Missouri (Mr. HULSHOF) for yielding to me, and for his work on the bill; the ranking member, the gentleman (Mr. MATSUI); the gentleman from New York (Mr. LAZIO), who has been so involved with H.R. 1180. This is a great bill.

Mr. Speaker, today's demographics show that there are about 54 million Americans living with a disability, almost 20 percent of our constituents. They are our largest minority. Further studies show that individuals with disabilities are the most underemployed, among the poorest also of our citizens.

H.R. 1180, the Work Incentives Improvement Act, will assist Americans with disabilities to become gainfully employed and self-reliant.

I am pleased to rise in strong support of this critically needed legislation.

The bill takes an essential step toward reforming Federal disability programs and removing the barriers to work. By passing this legislation, it is going to help people with disabilities to go to work and become productive members of our society and to become taxpayers instead of tax users.

People with disabilities should not have to choose between working and maintaining access to necessary health benefits. Current law puts people with disabilities in a Catch-22 situation. The risk of losing health care benefits under the Medicare and Medicaid program is a terrible disincentive for millions of beneficiaries of both SSI and SSDI. This bill would remove these fears and risks by allowing disabled individuals to keep their Medicaid benefits such as personal assistance and prescription drugs while they take their job.

We are going into the Information Age. We are having trouble keeping up with employment, the demand for technology personnel. If we are going to stay on top, we have to make sure that we utilize all of our talent. This is a good bill.

Mr. Speaker, today's demographics show that there are about 54 million Americans living with a disability, almost 20% of our constituents. They are our largest minority. Further studies show that individuals with disabilities are the most underemployed, and among the poorest of our citizens. H.R. 1180, the Work Incentives Improvement Act, will assist Americans with disabilities to become gainfully employed and self-reliant, and I am pleased to rise in strong support of this critically important legislation.

H.R. 1180 takes an essential step toward reforming federal disability programs and removing the barriers to work. Passing this legislation will help people with disabilities to go to work and become productive members of society, to become taxpayers instead of tax users.

People with disabilities should not have to choose between working and maintaining access to necessary health benefits. Current law puts people with disabilities in a Catch-22 situation. The risk of losing health care benefits under the Medicare and Medicaid program is a terrible disincentive for millions of beneficiaries of both the SSI and SSDI programs. H.R. 1180 would remove those fears and risks by allowing disabled individuals to keep their Medicaid benefits, such as personal assistance and prescription drugs, when they take a job.

This is an ideal time for us to remove barriers and help disabled Americans return to work. Our economy is one of the most dynamic and diverse in history, and the unemployment rate is low. We have achieved a level of technological advancement unequaled around the world.

However, while we are leading the world into the Information Age, we are having trouble keeping up with the demand for new technology personnel. If we are to stay on top, we must promote legislation, such as H.R. 1180, that will ensure economic vitality and enhanced opportunities for *all* Americans. If we are to stay on top, we must make sure that we are utilizing 100% of our talent.

We must give people with disabilities a chance to unleash their creativity, to become productive members of society, and to fulfill their dreams. Disabled individuals are part of the American family. They are here to participate and teach us as well as to learn with us. We must give them the opportunity to be accepted by everyone in their community, and to live and work in regular environments. We can do this by passing the Work Incentives Improvement Act.

I urge a "yes" vote on H.R. 1180.

Mr. MATSUI. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, I first want to thank my colleague, the gentleman from California (Mr. MATSUI), for yielding and for his strong commitment to justice for all.

Some of us here in this House have members of our families who are disabled, and so I just want to thank all of the cosponsors and all of the supporters of H.R. 1180 for that, on a very personal level.

We know that the current system is extremely frustrating for disabled people eligible for medicaid. This bill will help disabled workers by extending the period of medicaid coverage as needed. It also creates options for States by removing senseless limitations for workers with disabilities.

Now, many of these individuals who can work want desperately to contribute to society and to become self-sufficient. However, the current system of cumbersome Federal regulations and conflicting rules discourage and block many qualified, competent, and energetic individuals with disabilities from the world of work.

They can provide our Nation with tremendous resources, experience, and knowledge by directly investing their abilities in the workforce. We are currently denying our Nation the talent of these individuals and limiting their ability to exhibit their untapped resources. So let us stop limiting the rights of so many competent people. Let us pass 1180 on a bipartisan vote and send the right signal so that so many eager and valuable Americans may be included.

Mr. HULSHOF. Mr. Speaker, I yield 1 minute to the gentleman from New Hampshire (Mr. BASS).

Mr. BASS. Mr. Speaker, I rise in strong support of the legislation before us today. I believe that Government certainly has a legitimate role to provide assistance for those who are truly in need, but the fact is when Government traps people in poverty, out of work year after year, that is not a program that works.

What this piece of legislation will do, in a common sense fashion, is allow disabled Americans to go back into the workforce without losing their health care. It will help them in a time of high technology. It will help them be empowered to get back into the workforce.

True compassion in government empowers people, Mr. Speaker. It does not hold them down.

With the unemployment rate amongst disabled individuals in excess of 75 percent, it is time we passed a piece of legislation in an environment where unemployment is at historic lows. It will bring these people into the workforce and do it in such a fashion so they will be able to maintain their health care. So I strongly support this piece of legislation and urge that the Congress adopt it.

Mr. MATSUI. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Mr. Speaker, I rise in strong support of the Work Incentives Improvement Act, this important legislation that removes the disincentives that people with disabilities face when entering or reentering the workforce. I also rise in strong tribute to my friend Charlie.

I want to say a little bit about my friend Charlie. I met him one day on the campaign trail as I was running for Congress. I walked into my headquarters, and there he was working incredibly hard early in the morning. I left for a variety of appointments and came back in the afternoon and Charlie was still there working very diligently. I left for further appointments and I came back, and into the evening hours Charlie was still working.

At the end of this long day, I walked up to Charlie, and I said, "Thank you so much for all you are doing to help me."

Charlie corrected me very quickly. He said, "I am not doing this to help you. I am doing this to help myself."

Charlie has a very significant disability. He also has a simple dream. His dream is to finish up school and to get a job, but he can't afford to risk losing the benefits for health care and other things that make a difference in his life.

Charlie and the many that he symbolizes have so much talent and energy to give our economy and our country. This legislation is also going to help Wisconsin's newly developed Pathways to Independence program. Pathways has already demonstrated that people with disabilities can work with the right support and assistance and encouragement.

It is time to pass this legislation and, I might add, provide the appropriate funding to remove the barriers that keep people with disabilities from becoming fully contributing members to our communities.

Mr. HULSHOF. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. WELLER), another member of the Committee on Ways and Means, and my seat mate.

Mr. WELLER. Mr. Speaker, let me first begin by commending my seat mate, the gentleman from Missouri (Mr. HULSHOF), for his leadership on shepherding this important legislation, which is in response to a question that I have heard often back home. I remember when representatives of the Will County Center for Independent Living came into my office shortly after I was elected and they said, We understand that under current laws and under current rules that it is really difficult, if you are disabled, to work; that there are limitations that make it hard for us to participate in the workforce, and they asked for help.

I am pleased that this Congress, this House, is moving forward with this ticket to work legislation, legislation designed to give those with disabilities the full opportunity to participate in today's workforce.

Unfortunately, our current system makes it difficult, in fact, to the point of difficulty where many of those who are disabled are discouraged and, in fact, almost afraid to seek work. They are most concerned that they will lose their benefits they currently have and wondering if they have further health conditions, what it means for them.

This legislation addresses that, giving those with disabilities a full ticket, punching their ticket so they have the opportunity to work. It deserves bipartisan support. I commend the gentleman from Missouri (Mr. HULSHOF) for his leadership and I urge a bipartisan yes vote.

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Mr. MATSUI. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, I rise today to express some concerns regarding consideration of H.R. 1180, the Work Incentives Improvement Act. As a cosponsor of the original legislation, I am pleased that the House is taking this up. But I do have some concerns.

The gentleman from Arizona Mr. HAYWORTH) earlier said that it was petty to be concerned about the fact that we did not follow the regular order in this bill. But while we are concerned and supportive of the underlying scope of this bill, some of us are also concerned about what the impact of the offsets of this bill will do on school districts.

In my State of Texas and in my home district, I have the La Porte School District, which is the lead school for a consortium of 200 small and rural Texas school districts. They do not think it is petty at all that this bill might squeeze them on their reimbursement under the Medicaid administrative claiming program.

In fact, Members, particularly Members from the other side might be coming over and saying this is some sort of an unfunded mandate that we are putting on the local school districts. So I do not think it is petty at all.

We have 4½ million children in this country who have no health insurance but are eligible for Medicaid, and we are asking the school districts to help us in screening these children to get them into the Medicaid Program. My home State of Texas leads the Nation in uninsured children. In this bill, we are going to make that problem worse. So I do not think that is petty at all.

The underlying bill is good, but there are some real problems. I know the staff has been working overnight to try to work this out, but the staff are the only ones who know what is in this bill.

It is not like we are in a big rush. We have not finished our budget. We are going to be here next week and the week after. I think following the regular order and making sure we do not stick it to the school districts back in our home districts in our home States maybe was not such a bad idea because all of us, or certainly the vast majority of us, including this Member, agree with what the intent of the bill is. But the process is not very good, and I do not think the majority really wants to stick it to the school districts either.

So, hopefully, in the conference, the staff can get together and work this out, and we can get a bill that everyone can approve of.

Mr. Speaker, I rise today to express my concerns regarding consideration of H.R. 1180, the Work Incentives Improvement Act. As a consponsor of the original legislation, I am pleased that the House of Representatives will be voting upon this legislation on an expedited basis. However, I am concerned that this legislation will be considered under the suspension calendar and is not subject to amendments. And I am concerned about the offsets included in this bill.

Last Thursday, during consideration by the House Ways and Means Committee of this bill, the House Republican Leadership added several provisions to help pay for the Medicaid benefits included in this bill. Unfortunately, these offsets could be detrimental to local school districts which are helping to screen children for Medicaid eligibility. According to the U.S. Census Bureau there are 4.4 million children who are eligible for, but not enrolled in, Medicaid. I believe it is wrong to include provisions included in this measure that threaten the Medicaid Administrative Claiming (MAC) expenses paid to local schools and increase the number of uninsured children. In my district, for example, the La Porte School District is the lead school district for a consortium of 200 small and rural Texas school districts participating in this program. These offset provisions would require the Health Care Financing Administration (HCFA) to issue new regulations related to this program that would make it more difficult to administer and may lower reimbursements to schools. I am pleased that these regulations would require consultation with public schools, but I am concerned about their impact on smaller school districts.

This "one-size-fits-all" regulation would restrict payments for contracts related to this program. This offset section includes a provision requiring a competitive bidding process for such contracts as well as a restriction on contingency fees. As a result, many of the 200 school districts in the Texas consortia would likely drop this program. Since there is only one private company currently providing such services, I am concerned that competitive bidding may not be possible in the short term. Also, the restriction on contingency fees could reduce incentives for private companies to develop the software necessary for these outreach screenings. As a result, only the largest school districts would continue to participate in these programs. It would not be economically feasible for our nation's smallest school districts to develop and maintain software for their individual system. The consortia provide a mechanism whereby these smaller, but less urban school districts can help with Medicaid screenings. Although fraud and abuse in Medicaid must not be tolerated, this provision is not the right answer. In Texas, schools receive a total of $14 per child who is deemed eligible for Medicaid.

I am also concerned that these provisions were added to this bill without consultation with the House Commerce Committee, which has exclusive jurisdiction over Medicaid programs.

Regardless of my concerns, I will support final passage of this bill because it would ensure that disabled persons can keep their health insurance when they return to work. I will work with conferees on this legislation to make appropriate changes to protect local school districts. Under current law, disabled persons who are eligible for social security disability benefits are precluded from earning significant income without losing their Medicare or Medicaid health insurance. This bill would permit disabled persons to work while maintaining their health insurance coverage. For many disabled persons, this health insurance is critically important since they can neither afford nor purchase health insurance in the open market. This bill would provide SSDI beneficiaries with Medicare coverage for 10 years, instead of the current 4-year term. This legislation also provides vocational rehabilitative services to disabled persons to ensure that they can receive the training they need to become more self-sufficient. I support all of these provisions.

I urge my colleagues to support this legislation with the caveat that these offset provisions should be revised in order to protect local school districts.

Mr. HULSHOF. Mr. Speaker, I am happy to yield 1 minute to the gentlewoman from New Mexico (Mrs. WILSON), another classmate of mine.

Mrs. WILSON. Mr. Speaker, about a year ago, Zig and Charlene Piscotti came to visit me in Albuquerque. Their daughter is disabled, and she works at Kirkland Air Force Base, and she works as an hourly employee. But they told me they had to be careful to make sure that their daughter could not get more hours than she could afford because she could potentially lose her eligibility for Social Security.

They knew that they were not going to be around forever. Their daughter is in independent living. She is doing very well. But the last thing they wanted was their daughter to lose Social Security benefits because they knew, if she lost those benefits and then had a reduction in her hours, it would be very hard and time consuming for her to get back on those benefits.

This bill is for Michelle. It allows her easy-on provisions so she can go back to work as much as she wants to at Kirkland Air Force Base and do as well as she possibly can in the work force without that fear of not being able to get back on Social Security if her hours are cut back. I commend the gentleman for bringing forward his bill.

The SPEAKER pro tempore (Mr. BURR of North Carolina). The Chair would inform Members that the gentleman from California (Mr. MATSUI) has 4 minutes remaining, and the gentleman from Missouri (Mr. HULSHOF) has 8½ minutes remaining.

Mr. HULSHOF. Mr. Speaker, I am happy to yield 1 minute to the gentlewoman from Connecticut (Mrs. JOHNSON), another tireless advocate for this bill, and a trusted Committee on Ways and Means member.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise in strong support of this legislation and commend my House colleagues on funding it. It was frustrating to have the Senate vote 98 to 2 for it. But without any money and without the means, where is the promise?

I want to just say that work may be the one thing that matters most in our lives. It is the means by which we achieve our dreams. It is the means by which we come to know ourselves. Stretching ourselves, challenging ourselves at work, develops our minds, develops our skills.

We have passed in this Congress legislation to prevent discrimination against people with disabilities in the workplace. We have passed legislation to provide training and education for people with disabilities so they can participate in the workplace. Today we knock down what is probably the last and one of the biggest barriers to that freedom to work, the barrier of health insurance.

With this bill, they will not have to fear losing their health insurance. If they want to work more hours, if they want to develop themselves further, they will know that, with a relapse, they will be able to come back to the program.

This is for the people at Prime Time and throughout my district, the disabled who want to work and see us as standing in their way. We are getting out of the way with this bill.

Mr. HULSHOF. Mr. Speaker, I am happy to yield 1 minute to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, I appreciate the gentleman from Missouri yielding me this time. I just want to say that I think I came in part because I wanted to debate something where we could be bipartisan, something where we could talk about the real needs of our communities.

I have people with disabilities who want to work. Yet, if they work, they make less and have less benefits than if they stay home. So I just applaud my colleagues for bringing this legislation forward. It makes tremendous sense. I say to the gentleman from New York (Mr. LAZIO) in particular and the gentlewoman from Connecticut (Mrs. JOHNSON) who just spoke.

The bottom line is, under our current system, the government pays for health benefits for people with disabilities who do not work, but is unwilling to pay for those same benefits when people with disabilities get a job. We are going to change that, and it is about time.

Mr. MATSUI. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding the time, and I also thank him for his efforts over the past several years to try to move us to the point where we now have legislation that we can move to the President for signature.

As I said, I rise in support of H.R. 1180, the Work Incentives Improvement Act, more because we are finally going to be able to remove a barrier that laws have imposed on people who have had the desire for quite some time to do simply what most of us take for granted; that is, to work. But simply because of the disability, many of these individuals have not been able to go forward with those desires to work. Simply because public policy has not caught up to their desire, they have found that they are either discouraged from taking a job or they are discouraged from keeping a job.

We must remove those barriers and make it possible for those who many of us would sometimes look at them and say, well, there is no way that they can work. We should applaud their efforts. Many of these folks, and I know all of us knows someone who has some form of disability, are out there in the work force doing tremendous work out there. We applaud those efforts.

But to think that, because laws that Congress passed some time ago made it very difficult for these individuals to continue to work full time or for a full year oftentimes decided it was better not to even start. So this is a good step forward.

I would also underscore the admonition by the gentleman from Texas (Mr. BENTSEN) regarding the pay fors. We have to make sure that, in the process of doing good, we do not do harm to some other program where we must seek money to pay for this program.

But, certainly, at the end of the day, I would hope that we realize that someone who has shown the desire to work and has shown the ability to work is given that opportunity.

All we have to do is make sure that someone who says I want that opportunity has that chance to, not only work, but also keep Medicaid if that is essential for the person to continue to just exist, to live, not just let alone work.

We could talk about a lot of examples, but I can mention one real quickly, and that is my father. He has got a bum knee. He has had an operation on his knee. His tendons have been shot in both hands for several years where he has had to have them split open, the tendons split so that he could have movement in his fingers. Of course, he has had cataract surgery for his eyes. Yet he still works at the age of 70; day in, day out. He does not stop. I suspect there are millions of Americans who would do the same. Let us pass this bill.

Mr. HULSHOF. May I inquire, Mr. Speaker, of the time remaining.

The SPEAKER pro tempore. The gentleman from Missouri (Mr. HULSHOF) has 6½ minutes remaining. The gentleman from California (Mr. MATSUI) has 2 minutes remaining.

Mr. HULSHOF. Mr. Speaker, I yield myself 1½ minutes.

Mr. Speaker, 50 years ago, the only President of the United States from the show-me State, Harry S. Truman, set a goal for our Nation to give every American with a disability the chance to play a full part in strengthening our Nation and sharing in the greatest satisfaction of American life, that being independence and the right to self-supporting and self-reliance.

But yet, even as we continue to enjoy low unemployment, as the gentleman from Maryland mentioned at the very beginning of this debate, three out of four individuals with disabilities remain unemployed. The vast majority want to go back to work. How often do we have a segment of the population that comes to Washington to say we want to be taxpayers?

Yet, as many Members have taken to the floor to talk about constituents, a constituent of mine, Rich Blakely from Columbia, Missouri, the former executive director of the Services for Independent Living, came to our committee at his own expense to talk about the barriers that are in place.

For instance, going to vocational rehabilitation, the question is, "Can you go back to work?" The answer to that one government agency is, "Yes, I can." Yet, in order to qualify for SSDI or SSI benefits, when that agency asks, "Can you work?," the answer has to be "no." So there is inconsistency even among these agencies as we try to help these individuals regain their independence.

Now, I think this bill is a major step forward, especially considering the ticket to work bill that we had on the floor last year. We made some strong concessions.

It happens that October is National Disability Employment Awareness Month, and I can think of no better way to celebrate that event than to pass this ticket to work bill. I urge its adoption.

Mr. MATSUI. Mr. Speaker, I yield 1 minute to the very distinguished gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentleman from California for yielding me this time.

The gentleman from Missouri (Mr. HULSHOF) mentioned Harry Truman's remarks about the disabled community. I had the privilege of cosponsoring the Americans with Disabilities Act that President Bush signed in July of 1990. That bill said that we were going to give opportunity to 43 million Americans who were disabled.

What this bill does, as the gentleman from Missouri (Mr. HULSHOF) has pointed out and as the gentleman from California (Mr. MATSUI) has pointed out so well, is to facilitate the entry into the workplace for those who, but for this bill, may not be able to risk it or afford it.

The good news is that the bill for a portion of time made optional the payment of some of these expenses. I want to thank the committee and those who worked on this bill to reinstall the mandatory nature under Medicaid of the payments that have been provided for. That is essential not to discriminate against those who might be disabled and who do, as the gentleman has said, want to enter the workplace, want to be taxpayers, and want to enjoy the full opportunities that America has to offer.

Mr. MATSUI. Mr. Speaker, I yield myself such time as I may consume to close now.

Mr. Speaker, I am just going to close by saying that everybody has really acted in good faith on this legislation. It has been a very, very difficult piece of legislation. It has had a number of committees involved in it. Obviously, feelings were very high, and there were a number of components to this legislation. But I think it is well taken on both sides of the aisle, both Republicans and Democrats have problems with some of the offsets.

When we get into conference, it is my hope that we will have time to vent some of these issues, find out what the implications of them are, which I am sure everybody will want to do, and then come up with a very good piece of legislation.

We should try to finish this before we leave, otherwise, undoubtedly, if we go into the year 2000, it could get stale, and advocacy groups will, maybe, lose some kind of involvement in it. So we need to finish this quickly. But we really need to know the implications of these offsets, because they have come up at the last minute.

I urge strong support of this legislation. Everybody works hard in good faith, and we need to do this for the disabled of America.

Mr. HULSHOF. Mr. Speaker, I yield the balance of our time to the gentleman from New York (Mr. LAZIO).

Mr. LAZIO. Mr. Speaker, I do not think in my four terms in the House that I have ever felt better or stronger about a piece of legislation than I do about this one.

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Nearly 7 months to the day I introduced H.R. 1180, and 5 days after that we had the first hearing on it. It was introduced with bipartisan spirit. And I want to thank the gentleman from California (Mr. MATSUI), the gentleman from California (Mr. WAXMAN), the gentleman from Virginia (Mr. BLILEY), and the gentleman from Texas (Mr. ARCHER) for their continued and sustained support throughout all the difficulties in bringing this bill forward.

In my mind's eye, Mr. Speaker, this is the most dramatic breakthrough for Americans with disabilities since the Americans with Disabilities Act. It is a major stride forward, and I think it is one of the most important pieces of legislation that this House will consider not just this year but this entire session. Why? Because it opens up opportunities. Because it empowers Americans with disabilities. Because it says to people who would otherwise stay home that they can have the courage to go to work because we are going to extend their health care benefits and give them the peace of mind to know that when they go to work and become a taxpayer they will not leave their family or themselves destitute. That is a false choice, Mr. Speaker, and we reject it today.

I am proud of the 247 cosponsors on both sides of the aisle who have stepped up and cosponsored H.R. 1180. I am proud of their work. I am proud of their patience. I am proud of their perseverance. This bill is supported by over 100 health care organizations and disabilities groups. I could name many, but I want to name at least a few: The United Cerebral Palsy Association, the National Alliance for the Mentally Ill, and the National Association of Development Disability Councils. It is also supported by major business groups, including the U.S. Chamber of Commerce, which speaks to the fact that our economy needs Americans with disabilities in the work force.

Over the last 3 decades, Mr. Speaker, America has made tremendous progress when it comes to empowering people. We have helped them with housing. We have tried to empower them through the Tax Code. We have tried to empower that for people with disabilities, and now we move forward. We have provided disabled Americans with social services that dramatically improve the quality of their lives. We have passed legislation to make it illegal to discriminate against them. We have made sure our businesses and public spaces are accessible to everybody. But disabled Americans still face barriers to their full integration in society. Today we tear those barriers down.

Mr. Speaker, most disabled Americans are heavily reliant on Federal health care and social services, assistance that makes it possible for them to lead independent, productive lives. But we have conditioned that assistance on them not working. People with disabilities must get poor and stay poor if they are going to retain their health care benefits, and that is just plain wrong. It is a perverse system and we need to change it today.

That is why we introduced this Work Incentives Improvement Act. This bill will help provide hope and opportunity for millions of Americans who have disabilities. It will improve Federal job training by giving disabled people new freedom to choose from various public and private sector employment services. It will help people continue their health care benefits.

Mr. Speaker, a 1998 Harris Poll surveyed disabled Americans, and in that poll 72 percent of disabled Americans said they want to go to work. How many who are disabled are actually able to go to work and get off public assistance? One-half of 1 percent. We can do better and we will do better.

In the meantime, in this age of technological explosion, all the recent innovations in the field of assistive technology have made it far easier for disabled people to hold on to good jobs. There are hands-free mouses, word prediction programs, on-screen keyboards, and increasingly sophisticated voice recognition software. This is all aimed at helping people achieve a higher quality of life.

But in the end, this bill is simply about empowering people to change their lives. This bill is for people like Tom Deeley, a developmentally challenged young man who holds a part-time job performing custodial services in Virginia. He testified before our Committee on Commerce. He is limited to working only 2 days a week because working more would jeopardize his health care benefits. He is a star in our community. He is a hard worker. He is eager to work full time. And his employer would love to have him work full time.

As a matter of fact, Tom has been named employee of the year in his firm. He has been awarded a $200 bonus. And guess what our system says to Tom Deeley, who is developmentally disabled and loves to work? It says that he has to give that $200 bonus back, that he cannot accept it. What kind of a perverse system holds that as a rule?

We are going to change that today and bring that curtain down. We are going to let Tom Deeley and others like him accept their bonuses for their hard work. We are going to rip down bureaucratic walls.

Mr. Speaker, we have come a long way. It is time to remove the barriers to integration for disabled Americans into society. Millions of Americans, Mr. Speaker, are waiting for us to give them a chance to pursue the American Dream. Today, let us tell them that their wait is over. Let us pass the Work Incentives Improvement Act with a unanimous vote.

Ms. SCHAKOWSKY. Mr. Speaker, I am a cosponsor and strong supporter of H.R. 1180, the Work Incentives Improvement Act of 1999. Access to health care is important to all of us. To persons with disabilities, it is critical. Unfortunately, current policies penalize those persons with disabilities who are able to work but, by doing so, lose access to Medicare and Medical coverage.

The loss of health care is the major reason why persons with disabilities are locked out of the workplace. According to the report issued last fall by the President's Task Force on the Employment of Persons with Disabilities, "(a)ccess to health care is accepted as the primary barrier to keeping people with disabilities outside the world of work." While 72 percent of persons with disabilities want to work and could be productive members of the community, the loss of health care coverage keeps them from doing so. H.R. 1180, as originally introduced, corrects this situation. It would allow persons with disabilities to return to work and retain access to a broad array of services.

The bill before us today, however, is significantly different from H.R. 1180 as introduced. While I will support this version, I strongly urge the conferees to improve the Work Incentives Improvement in order to bring it closer to the provisions of the original bill. I am concerned that, despite last minute negotiations, the bill does not provide full funding to ensure that services will be available to Medicaid beneficiaries who return to work. Because this bill has been rushed to the floor with little chance for review and no chance for amendments, it has been difficult to analyze fully the impacts of those funding sources that have been identified. There are numerous ways to fully fund the Work Incentives Improvement Act without taking funding from other essential programs. I hope that the original provisions of H.R. 1180 will be restored in conference, and that we find funding sources that do not jeopardize critical health care programs such as school-based health care.

I am also concerned that just as we are working to help persons with disabilities move into the workforce, the new 6.3 percent attorney tax will harm other persons with disabilities receive their Social Security benefits. Legal representation is critical in Social Security disability cases—it often makes the difference between whether a person receives or does not receive disability benefits. Taxing the attorneys who help persons with disabilities receive the benefits to which they are entitled may mean that those persons never receive their benefits. I believe that this is an unwise and dangerous provision, and I hope that the conferees will eliminate it from the final bill.

We can act now to give persons with disabilities the opportunity to be productive members of their community. We can provide sufficient funding so that those who move into the workforce receive comprehensive, quality health care. And we can find this major initiative in a manner that is fair. I urge my colleagues to work for improvements in H.R. 1180 so that its full promise will be realized.

Ms. ESHOO. Mr. Speaker, I'm proud to count myself among the cosponsors of H.R. 1180 as it will truly improve the lives of people with disabilities by helping them to achieve self-sufficiency through employment. People with disabilities want to work yet our current system discourages them from doing so by taking away their health care coverage. This bill will undo this practice and provide job opportunities for the estimated 72 percent of Americans with disabilities who want to work yet remain unemployed.

Under existing law, when a person with a disability takes a job, they lose health care coverage through the Medicare or Medicaid programs. Yet private sector health coverage is often unavailable or unaffordable for people with disabilities specifically because of their disability. H.R. 1180 would allow states to extend Medicaid health care coverage to working people with disabilities who would otherwise be eligible but for their income.

We should not be forcing Americans with disabilities to choose between work and losing their health benefits or forgoing work in order to maintain them. Now, more than ever, thanks to innovations in medicine and technology, people with disabilities can and should be able to work. People with disabilities deserve to be able to contribute their talents and skills to society and to have broad options for obtaining the care and services they need to be productive workers.

H.R. 1180 provides these services—services like Medicaid coverage and Tickets to Work. The bill also provides grants to states to develop infrastructures for working people with disabilities and for outreach efforts aimed at getting more people with disabilities to work.

We took the first step toward significantly improving the lives of people with disabilities when we enacted the Americans with Disabilities Act (ADA) in 1990. Thanks to that law, people with disabilities can no longer be discriminated against in hiring. With passage of H.R. 1180, we will take the next important step to ensuring that the thousands of Americans with disabilities who are offered jobs this year will be able to take them.

Mr. SWEENEY. Mr. Speaker, I thank the gentleman for the opportunity to address this important issue for people with disabilities.

I rise in strong support of the Work Incentives Improvement Act.

This legislation gives Americans with disabilities the freedom to achieve self-sufficiency through employment.

As Labor commissioner in New York State I worked to ensure that individuals with disabilities were given ample opportunity to return to work thus freeing themselves from the despair of dependency.

In doing this they are able to experience the dignity of self sufficiency.

Currently, people with disabilities are actually given incentives to stay unemployed because they often can not obtain adequate health care if they receive outside income.

In 1998, the National Organization on Disability found that 72 percent of unemployed Americans with disabilities want to go to work. However, only 1 in 500 people receiving Social Security Disability Insurance ever returns to work.

Mr. John T. Svingala from Hudson, New York is one of the 72 percent of unemployed Americans with disabilities who, in his words, "can't wait to become a tax payer instead of a recipient."

Mr. Svingala is a 42-year-old diabetic, kidney transplant recipient.

Mr. Svingala is an educated man who was a dedicated physical education teacher in Hudson and Catskill, New York until he was not longer able to work because of his illness.

Unfortunately, if Ms. Svingala were to return to work, he would lose all of his unearned income and half his wages in order to access personal assistance coverage under Medicaid.

To remedy such circumstances, H.R. 1180 provides states with incentive grants to set up their own affordable Medicaid buy-in programs when Mr. Svingala and thousands like him go to work.

Individuals with disabilities represent a major untapped resource in the workplace of the 21st century.

Now is the time to remove barriers and enable people like Mr. Svingala to work. Congress has an obligation to help people with disabilities achieve their American Dream.

I strongly urge my colleague to vote in favor of the Work Incentives Improvement Act.

Mr. DOOLITTLE. Mr. Speaker, the bill currently before the House, H.R. 1180, the Work Incentives Improvements Act of 1999, allows the disabled to retain healthcare coverage that they would lose if they went back to work. Under current law, after a nine-month trial work period, a disabled worker who receives Social Security disability benefits but earns more than $700 per month will lose his or her Medicare health coverage. In addition, workers who receive Supplemental Security Income (SSI) disability benefits will lose their Medicaid coverage once their earnings reach the basis SSI benefit level. As a result, current law tends to trap individuals with disabilities to the system. In essence, individuals who try to work lose cash benefits, along with access to medical coverage they so desperately need.

H.R. 1180 would revamp present law so that individuals receiving Social Security Disability and Supplemental Security Income could return to work without losing Medicare or Medicaid insurance. It would also create a system of vouchers that could be used to purchase job training and rehabilitation services from government or private sources.

I support providing legislative relief and feel that it would help remove some of the most significant barriers to the employment of people with disabilities. However, I am voting against this bill because of a provision that would require the Social Security Administration to impose fees upon attorneys who represent disability claimants during the appeals process.

At present, when an attorney successfully represents a disability claimant and that claimant is entitled to past-due benefits, SSA withholds a portion of those past-due benefits in order to pay the attorney for the services he or she provided. The Work Incentives Improvement Act seeks to impose an "assessment" of 6.3 percent on all such payments to attorneys. I believe that this "assessment" is unnecessary in the context of this bill, and would likely deter some attorneys from representing disability claimants. The reliance on a user fee assessed on attorneys' fees in Social Security case to fund the important work incentives bill is poor policy. It would hurt many of the very people that work incentives legislation is designed to help.

I strongly hope that these differences can be resolved when the House and Senate come together to work on a final version of this bill. We need to enact legislation that fulfills the promise of the Work Incentives Improvement Act and does not harm those people with disabilities whom the bill is designed to assist.

Mr. RODRIGUEZ. Mr. Speaker, I rise in support of HR 1180, the Work Incentives Improvement Act of 1999. More than 100 organizations dedicated to helping people with disabilities support this bill and I welcome the concept behind allowing those who face obstacles help themselves.

However, I have grave concerns with the funding mechanism for this bill. The 6.3 percent user fee on SSI claimant representatives represents a blow to those who need able counsel in filing and guiding their SSI claim. The extensive time, preparation and expense in filing a claim for SSI disability creates barriers for many, and we are taking a step in the wrong direction by imposing a fee on those who provide this assistance.

As this bill progresses, I look forward to working with my colleagues in eliminating this user fee which would have a disproportionate impact on those who need representation in order to pursue their claim.

Mr. STARK. Mr. Speaker, this bill is a vitally important for disabled people in our country. It will finally make changes to the disability system that will assist beneficiaries' desires to return to or enter the workforce. This should have been done years ago—and we should be doing more now. That being said, there is no question that this bill is a tremendous improvement from the status quo.

The most significant component of this legislation is that it will provide disabled people with the ability to maintain their Medicare coverage for ten years after returning to work.

Under current law, a disabled beneficiary who returns to work loses Medicare coverage after 4 years. That reality keeps people from even thinking about entering the workforce because losing disability status is not an easy thing to reverse. Maintaining health insurance is a priority for anyone, but for someone who is disabled, health insurance coverage is a lifeline they cannot afford to mess around with.

Stretching that Medicare eligibility time period to 10 years is a giant step forward. Of course, the real solution is making Medicare coverage permanent for a disabled person regardless of work status. I wish we were voting on that full provision today and I will certainly continue working toward that goal.

It is also worth noting that the process for this bill reaching the House floor has been horrendous. The Republicans have continued to play political games with this legislation every step of the way.

Until just before this debate began, we weren't even sure if this bill would contain important Medicaid components that were in both the Senate-passed version of the legislation and the House Commerce Committee bill. Those two provisions directly appropriate funds for grants to states to establish support services for working individuals with disabilities and funds for demonstration projects to the states to extend Medicaid coverage to a wider group of workers with potentially severe disabilities.

Those two Medicaid improvements are very important—they expand the number of people helped by this legislation and they are both strongly supported by the disability community.

I am pleased that the bill before us today does now include those key provisions, but it has been a struggle to make sure that was the case.

The Senate passed their version of this legislation unanimously more than 4 months ago. I don't understand why it's taken 4 months for the House to act, but I am glad this day is finally here. Let's pass this bill, get to conference, and enact this law which will finally correct a serious problem in our disability system by empowering disabled people to enter the workforce without fear of losing their health coverage.

Mr. DINGELL. Mr. Speaker, I am pleased that the Work Incentives Improvement Act has finally made it to the floor. This bill had its origins in the 105th Congress and has been accumulating an impressive array of support ever since. H.R. 1180, the Work Incentives Act as introduced by my colleagues Mr. LAZIO and Mr. WAXMAN, has 247 cosponsors. The Senate passed a similar bill by a vote of 99 to 0. Finally, the people whom his bill would benefit—the disability groups—have shown us how important this legislation is by campaigning tirelessly for its passage.

During the past months, the House has seen many controversial pieces of legislation. However, no one disputes the value of the Work Incentives Improvement Act. This bill helps people with disabilities who want to get off cash assistance and start working. The bill allows people to keep their Medicaid or Medicare health benefits when they return to work, so that they can stay healthy enough to keep working. It provides grants to states to help set up the kinds of personal services that working people with disabilities require. The bill creates a demonstration project that would give Medicaid coverage to working people with serious medical conditions—such as multiple sclerosis or Parkinson's disease—before their diseases become so disabling that they have to apply for cash assistance. This bill makes sense.

The only argument against the Work Incentives Act as it was originally introduced was its cost. The Commerce Committee has acted in a fiscally prudent manner by providing offsets for the provisions in its jurisdiction. However, these offsets are about 100 million dollars shy of fully funding the Work Incentives Improvement Act as reported by the Commerce Committee. Consequently, the bill before us today omits the Committee's improved Medicaid buy-in option and leaves the demonstration program partially funded.

But I do note that, just a few weeks ago, the House passed a measure to provide tax deductions for individuals to purchase health coverage. This bill would cost about $43 billion, provided benefits mainly to the healthy and wealthy, and none of it was funded. This double standard for the disabled prevented us from passing the entire bill here today. I hope we can do better in conference.

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to offer my strong support for H.R. 1180, and particularly the provisions within the bill that will help financially modernize the private student loan industry. Not only will we assure the future of the private student loan industry and protect student's interest rates, we will also be providing at least a $20 million offset to help pay for other provisions in this very important bill.

The Federal Family Education Loan Program (FFELP), the largest source of federal student loans to college students and parents, has undergone a revolution in recent years. FFELP service providers are employing a range of new technologies, such as the Internet, to vastly improve the delivery of student loans. Intense competition among FFELP providers has generated efficiencies that have driven down cost to both education loan borrowers and to U.S. taxpayers. Regrettably, the gains in efficiency and cost-reduction are being hampered by an archaic federal financing system that does not promote the most modern, efficient practices for student loan providers.

Private student loan lenders and student loan secondary markets tap global capital markets to raise the $25 billion needed annually to support new student loans. The job of raising this private capital is more difficult, because federal law ties student loan interest rates to the 91-day Treasury bill, which does not necessarily reflect supply and demand issues in private capital markets. The student loam program, and the students, families and colleges that rely on it, will benefit from a more reliable supply of funding if Congress adopts a true market-based index for determining lender yields on student loans.

Importantly, the fundamental improvement to the private sector student loan program can be achieved with a savings to the U.S. taxpayer, Mr. Speaker, that bears repeating. We can vastly improve the ability of private student loan providers to more efficiently and cheaply deliver their products to student and family borrowers, while saving the America people more than $20 million over the next four years alone. In addition, this proposal would not change the index or formula used for determining interest rates paid by student loan borrowers.

Ironically, Mr. Speaker, the necessity of this provision was not highlighted until our economy began booming and the Federal Government began operating with a non-Social Security surplus. The Treasury bill is not a market-based index. By definition, only the U.S. government borrows at the T-bill rate. Other than the federal government and Government-Sponsored Enterprises (GSEs), virtually no organizations issue market securities that are tied to the T-bill.

Unfortunately, private student loan lenders are statutorily required to raise the capital they need from private capital markets at the T-bill rate. The capital raised privately to fund student loans is typically pegged to market indices that do not necessarily move in tandem with the T-bill rate. This means that lenders and student loan secondary markets have to account for the risk that the T-bill rate and these market rates will be different. To do so, lenders partly protect themselves against this risk through hedging agreements, whereby others bear the risk. These hedging agreements inject uncertainly and add to the lenders' cost of funds.

When the difference between T-bill rates and market-based rates widen, lenders incur significant additional cost to finance student loans. This scenario was realized in the last half of 1998 when the wide spreads between T-bill rates and market-based rates effectively "dried up" the market for student loan asset-backed securities, which represent a major source of student loan funding. In essence, the Treasury Department stopped issuing T-bills and the supply disappeared.

Mr. Speaker, it is situations like these, that if allowed to continue, could drive private lenders out of the student loan business. That is why I am very grateful that this bill could include the provisions that will shift the index for determining lender yields on Federal Education Loans from the 91-day T-bill rate to the 90-day Commercial Paper rate. This is an important amendment. It will protect private student loans lenders, increase efficiency and reduce the cost of delivering the funds, save the taxpayer a minimum of $20 million, while guaranteeing the interest rate student and family borrowers pay does not increase.

The SPEAKER pro tempore (Mr. BURR of North Carolina). The question is on the motion offered by the gentleman from Texas (Mr. ARCHER) that the House suspend the rules and pass the bill, H.R. 1180, as amended.

The question was taken.

Mr. HULSHOF. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

AMENDING TITLE 18, UNITED STATES CODE, TO PUNISH THE DEPICTION OF ANIMAL CRUELTY

Mr. McCOLLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1887), a bill to amend title 18, United States Code, to punish the depiction of animal cruelty, as amended.

The Clerk read as follows:

H.R. 1887

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PUNISHMENT FOR DEPICTION OF ANIMAL CRUELTY.

(a) IN GENERAL.—Chapter 3 of title 18, United States Code, is amended by adding at the end the following:

"§48. Depiction of animal cruelty

"(a) CREATION, SALE, OR POSSESSION.—Whoever knowingly creates, sells, or possesses a depiction of animal cruelty with the intention of placing that depiction in interstate or foreign commerce for commercial gain, shall be fined under this title or imprisoned not more than 5 years, or both.

"(b) EXCEPTION.—Subsection (a) does not apply to any depiction that has serious religious, political, scientific, educational, journalistic, historical, or artistic value.

"(c) DEFINITIONS.—In this section—

"(1) the term 'depiction of animal cruelty' means any visual or auditory depiction, including any photograph, motion-picture film, video recording, electronic image, or sound recording of conduct in which a living animal is intentionally maimed, mutilated, tortured, wounded, or killed, if such conduct is illegal under Federal law or the law of the State in which the creation, sale, or possession takes place, regardless of whether the maiming, mutilation, torture, wounding, or killing took place in the State; and

"(2) the term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other commonwealth, territory, or possession of the United States.".

(b) CLERICAL AMENDMENT.—The table of sections for such chapter is amended by adding at the end the following:

"48. Depiction of animal cruelty.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MCCOLLUM) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. MCCOLLUM).

GENERAL LEAVE

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the bill under consideration.

Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MCCOLLUM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1887, introduced by the gentleman from California (Mr. GALLEGLY), would make it a crime to place in interstate commerce any visual depiction of animals being tortured.

At a hearing on this bill in the Subcommittee on Crime of the Committee on the Judiciary, a California State prosecutor and police officer each described how they came to learn about the growing industry that deals in the depiction of animals being tortured. In most instances, videotapes are offered for sale that show women wearing high heeled shoes slowly and sadistically crushing small animals, such as hamsters, and in some cases even cats, dogs, and monkeys. The witnesses explained that these types of videos, together with other visual and audio depictions of similar behavior, appeal to persons with very specific sexual fetishes who find these depictions sexually arousing.

They also testified that because the faces of the women inflicting the torture in the videos are often not depicted and there often is no way to ascertain when or where the depiction was made, State authorities have been prevented from using State cruelty-to-animals statutes to prosecute those who make and distribute these depictions.

During the Subcommittee on Crime hearing, one of the witnesses played a short clip from one of these videos. In it a small animal was slowly tortured to death. And let me say to my colleagues that most of those in attendance had a hard time looking at it, and I do not believe in my entire time in Congress I have ever seen anything quite like this that is as repulsive as the videotape that I had to watch a portion of. And I doubt anyone else who had to watch it would say anything definitely. The clip we watched was just the beginning of the tape, which also is kind of a sad feature. The witnesses testified it was even more gruesome as the tape wore on.

H.R. 1887 will stop the interstate sale of these videos, and perhaps stop some of the international sales of these videos. Because we have learned in that hearing is that, unfortunately, entire industries have sprung up appealing to these unusual sexual fetishes throughout the world, and the Internet is the way and the means through which these are procured. Of course, most of them are originating in the United States.

The bill of the gentleman from California (Mr. GALLEGLY), H.R. 1887, would prohibit the creation, sale, or possession of a depiction of animal cruelty with the intention of placing that depiction in interstate or foreign commerce. Depiction of animal cruelty is defined in the bill to mean any visual or auditory depiction, including any photograph, motion picture film, video recording, electronic image, or sound record in which a living animal is intentionally maimed, mutilated, tortured, wounded, or killed.

The bill as amended by the subcommittee provides for an exception to the bill's prohibition if the material in question has serious religious, political, scientific, educational, journalistic, historic, or artistic value. These exceptions would ensure that an entertainment program on Spain depicting bull fighting or a news documentary on elephant poachers, to state two examples, would not violate the new statute. Also, the bill further requires that the conduct depicted be illegal under Federal law or the law of the State in which the creation, sale, or possession takes place. Thus, the sale of depictions of legal activities, such as hunting and fishing, would not be illegal under this bill.

The bill does not criminalize the mere possession of such depictions, only possession with the intent to transmit the depictions in interstate commerce for commercial gain is prohibited. The Government would bear the burden of proving that intent.

I believe this bill is a necessary complement to State animal cruelty laws. Congress alone has the power to regulate interstate commerce, and this bill does just that. It regulates the commerce in these depictions. It does not create a new Federal crime to punish the harm to the animals itself, rather it leaves that to State law, where it properly lies. What it does do is restrict the conduct that heretofore has gone on unchecked by State law, the sale across State lines of these horrible depictions for commercial gain.

And I can assure anyone who is listening to my comments today that there is nothing redeeming, socially or otherwise, about any of the depictions I witnessed in our hearing the other day. The little animal was literally pinned down on the floor as this woman took a high-heeled stiletto shoe, talking vulgar language to it, slowly crushing each of its limbs, listening to its sound on the audio, and working her way to the final death of that animal before, we are told, the part we did not see, the animal was literally crushed into the ground over a period of 10 or 12 minutes.

The bill was favorably reported by the Subcommittee on Crime by a vote of 8 to 2. The full Committee on the Judiciary favorably reported the bill to the House by a vote of 22 to 4. I believe it is a good bill, narrowly tailored to address the harm, and one that does not federalize State criminal laws but, instead, addresses only that conduct which State law does not reach, namely the interstate sale of the depictions of animals being tortured.

I thank the gentleman from California (Mr. GALLEGLY) for bringing the matter to the attention of the committee and for his leadership on the bill. I certainly encourage my colleagues to support the bill. Based on what we witnessed during the Subcommittee on Crime hearing, this clearly is a bill that is needed.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1887 would make it a violation of Federal law to knowingly create, sell, or possess with intent to sell a depiction of animal cruelty. At the subcommittee markup, we added a provision which exempted possession and distribution of such materials for scientific, political, historical, educational, artistic religious, or journalistic purposes. Although this narrows the application of the bill considerably, I am not convinced that the bill meets the provisions of the First Amendment to the United States Constitution which prohibits reinstructions on speech, including speech that most find disgusting or unpopular.

Mr. Speaker, in U.S. v. Eichman, a 1990 case, the Supreme Court said, and I quote, "If there is a bedrock principle underlying the First Amendment, it is that the government may not prohibit expression of an idea simply because society finds the idea itself offensive or disagreeable."

Mr. Speaker, it is without question that the conduct at issue today is offensive and disagreeable, and it is also clear that we can constitutionally prohibit cruelty to animals. However, it is clear that we cannot prohibit the communications regarding such acts, including the film communications done for purely commercial gains.

□ 1700

Mr. Speaker, all States already have some form of animal protection laws which would likely prohibit the crushing of animals in a manner depicted in the so-called crush video films. And prohibiting the crushing of animals in the manner suggested in the bill raises no constitutional issues. But the communication through film is speech, which is protected by the First Amendment of the United States Constitution. Films of animals being crushed are communications about the acts depicted, not doing the acts.

In fact, the content in these films is no different than the content of a closed-circuit film of actual robberies or other crimes which are used on the Cops on the Beat TV shows in order to compete for rates and advertising revenues that they bring in. In those videos, human beings are intentionally killed or pistol whipped by criminals, and those videos would not be affected by this bill.

The Supreme Court has consistently refused to carve out new exceptions to the First Amendment. Although one cannot endanger the public by yelling "fire" in a crowded theater and one cannot traffic in child pornography, speech has been restricted in precious few examples.

Obscene speech is one type of speech which has been restricted. First, to be obscene, it has to appeal to prurient or sexually unhealthy and degrading interest. Second, it has to violate contemporary community standards which are judged on a State-by-State, indeed community-by-community basis, not a national basis. And third, when taken as a whole, it must be entirely lacking in redeeming literary, artistic, political, or scientific merit.

While H.R. 1887 would apply to some obscene material, many videos covered by the bill are clearly not obscene.

We have other Supreme Court cases, Mr. Speaker, which indicate that speech can also be restricted when there is a compelling State interest to do so. However, such restrictions must meet the strict scrutiny test, which requires that it is necessary to serve a compelling governmental interest and is narrowly tailored to achieve that end.

Although it is clear that the governmental interests in protecting human rights may be sufficiently compelling to justify restrictions on rights otherwise protected by the Constitution, the question posed by this bill is whether protecting animals' rights counterbalances citizens' fundamental constitutional rights.

It would seem from the case in 1993, City of Hialeah, that the answer to that question is no. In that case, the City of Hialeah enacted various ordinances to prevent cruelty to animals by prohibiting animal sacrifices which were part of the Santerian religion.

One of the asserted bases for the ordinance was protection of animals. Although the district court found a compelling governmental interest in protecting animals, the Supreme Court invalidated those ordinances as an infringement on the First Amendment's free exercise of religion clause.

Although the Supreme Court recognized the governmental interest in protecting animals from cruelty, that interest did not justify violating the rights of citizens to freely exercise their religion. Therefore, on balance, animal rights do not supersede fundamental human constitutional rights.

So while the Government can and does protect animals from acts of cruelty, making of the films of such acts are unlikely to constitute compelling State interest sufficient to justify rights which are otherwise protected by the Constitution.

Now, one argument to justify this as a compelling State interest is the suggestion of the correlation between serial killers and the indication that they often begin by torturing animals. Yet the suggestion is that the serial killers actually torture the animals themselves, not just watch videos. And certainly there is no indication that a store clerk selling videos is a danger to society. Therefore, it does not appear that there is a compelling State interest to violate the freedom of speech constitutional right. But even if there were a compelling State interest, it fails the strict scrutiny test because it is not narrowly tailored.

Although the bill is tailored to avoid some of the more obvious First Amendment issues, it leaves so much of what it is purportedly aimed at is, in fact, uncovered that it falls into the problem encountered by the Hialeah case. There the ordinances prohibited the practices of the Santerians in a way of protecting public health but it did not prohibit practices generally or pursue less offensive ways to accomplish the goals such as requiring the same sanitation activities throughout the city.

Here the bill prohibits the commercial use of videos in a way to prohibit the cruelty to animals but does not prohibit personal creation or use of the videos. The bill also exempts serious political, scientific, educational, historical, religious, artistical or journalistic uses of such films, as legitimate purposes for disseminating them. It is also apparent the bill does not prohibit maiming, mutilating, wounding, or killing animals in connection with food preparation or for clothing preparation such as bashing heads of baby seals and skinning them sometimes alive and those kinds of videos for hunting and fishing or for pest control.

On the other hand, the bill makes illegal depictions of activities that are not illegal when or where made and if those activities are illegal in the State where the depictions are possessed. For example, bullfighting may be illegal in Virginia, so possessing for sale of a film in Virginia depicting a bullfight in Spain would violate the act.

Thus, as in the Hialeah case, the bill purports to prevent animal cruelty by stopping the creation and distribution of films but only when it is used for commercial purposes. A more narrowly tailored way to get at such cruelty would be to prosecute those who are actually engaged in the activities considered cruel.

So although I commend the author of the bill, the gentleman from California (Mr. McCOLLUM) on his efforts to write a bill which addresses the problems consistent with free speech, I am not convinced that the bill meets the strict scrutiny test for limiting speech because it has not established a compelling State interest, nor is it narrowly tailored to meet that need. I, therefore, must urge my colleagues to vote against the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. McCOLLUM. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. SMITH), a member of the committee.

Mr. SMITH of Texas. Mr. Speaker, I thank the chairman of the Subcommittee on Crime for yielding me the time.

Mr. Speaker, I am pleased to support H.R. 1887, which was introduced by my friend the gentleman from California (Mr. GALLEGLY).

This bill, which passed overwhelmingly in the Committee on the Judiciary with overwhelming votes on both sides of the aisle, will put a stop to the production and sale of videos that feature the crushing and often the killing of small, innocent animals.

First, let us be clear as to what this legislation will not do. It will in no way prohibit hunting, fishing, or wildlife videos. It will only prevent the interstate trafficking of videos that feature people crushing small animals to death with their feet.

Furthermore, this bill does not expand the legal definition of what is cruelty to animals. It would only outlaw the selling of videos that depict the torture of animals in violation of existing stated laws.

Mr. Speaker, some of society's most brutal killers first began their violent ways by killing and maiming small animals. By putting an end to these disgusting and cruel videos, we could discourage the behavior of these individuals before it escalates to more serious crimes directed not towards animals but towards people.

Mr. Speaker, I urge the passage of this common-sense legislation. I thank the gentleman from California (Mr. GALLEGLY) for introducing this bill.

Mr. SCOTT. Mr. Speaker, I yield 5 minutes to the gentleman from Georgia (Mr. BARR), a member of the Committee on the Judiciary.

Mr. BARR of Georgia. Mr. Speaker, I appreciate the gentleman from Virginia (Mr. SCOTT), my distinguished colleague on the Committee on the Judiciary, for yielding me the time on this important matter, important matter only because what we are trying to do here today, at least those of us who oppose this legislation, is bring some common sense back to this body, some common sense that tells us that where we have improper activity or abhorrent or disgusting activity, use whatever legitimate and accurate characterization of this activity one would like, that is already illegal under either Federal and/or State law, common sense tells us to ask the question why are we taking up the time of this distinguished body, with all of the extremely important matters before us on the Committee on the Judiciary, before every other committee in this body, why are we doing this?

Are we no longer cognizant of principles of federalism that brought many of us here, principles of federalism that say, only if a particular activity falls within the legitimate ambit of principles well-established of federalism as a clear Federal responsibility and, further, unless that activity is not already covered adequately by State law that results in prosecutions or can result in prosecutions, we should not be saddling our Federal officials, those who investigate and prosecute these crimes and who come before Congress year after year, and say we do not have enough resources to do the job they have already given us, why in heaven's name are we saying do not worry about that, do not do their job in some other area, do not prosecute or investigate cases of drug dealing, do not investigate or prosecute cases of trafficking in firearms, do not investigate or prosecute cases involving corruption, terrorism, mail fraud, arson, assault, whatever it is, we want you to go after animal cruelty videos.

Mr. Speaker, every one of the 50 States of this Union already has on the books laws that address precisely the activity that we are seeking to now make a violation of Federal criminal law here today. The very language of this proposed legislation is based on the underlying activity being against State law.

I have asked the Library of Congress and they have provided me a report from the CRS outlining the fact that every single one of our 50 States already criminalizes cruelty to animals.

Now, yes, it may very well be as Loretta Switt and others from Hollywood who are so offended by this, and they ought to be, it may very well be that prosecutors in California have a difficult job prosecuting these cases. If that is, in fact, the case, and I am not making a judgment on it, but if it is, then the remedy, Mr. Speaker, is not to come running to the Congress and say, oh, give us a Federal statute to make our job easier. The proper response, at least for those of us who I thought supported principles of federalism, would be, if they in California believe that their State laws are insufficient to enable them to properly investigate, prosecute, and put behind bars those who conduct this disgusting activity, then they have a remedy, change their State laws, give their prosecutors more tools that they might need to do this. And the same would apply for every one of the 50 States.

I would urge my colleagues on the other side and I asked them this during the debate in the Committee on the Judiciary to identify for me which among all of the provisions of the U.S. Criminal Code, this massive volume here, Mr. Speaker, they do not think are being handled sufficiently.

Because if we pass this legislation telling the FBI that it now will have, in addition to all this other responsibility, the responsibility for investigating videos of cruelty to animals by women in high heels, then we are telling them we want them to take away their time from prosecuting these other provisions of the criminal law in order to go after women in high heels crushing animals or bugs or whatever it is.

I am not making a judgment on whether or not that is improper behavior. Clearly it is. It is disgusting. It is abhorrent. But it is already illegal under State law.

I would much prefer, Mr. Speaker, to tell our Department of Justice, and we have great difficulty getting them to properly prosecute existing laws with regard to violence against children involving firearms, for example, to say, oh, in addition to that, they are not doing a good job of that, but here are some more things they have to do. Go after these videos.

I would urge my colleagues to just step back for a moment and recognize that, yes, this behavior is disgusting. A lot of behavior is disgusting. That does not mean, nor should it mean, that we need to federalize this crime where there are already, Mr. Speaker, the laws of the 50 States that make this illegal, there are the laws of the 50 States against pornography, obscenity, and the Federal law.

There is no need for this legislation. Defeat it and bring common-sense principles of federalism back to this body.

Mr. SCOTT. Mr. Speaker, could the Chair advise us as to the time remaining.

The SPEAKER pro tempore. The gentleman from Virginia (Mr. SCOTT) has 6½ minutes remaining. The gentleman from Florida (Mr. MCCOLLUM) has 13½ minutes remaining.

Mr. McCOLLUM. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. GALLEGLY), the author of the bill.

Mr. GALLEGLY. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, first of all, I cannot let a couple of the statements of my distinguished colleague the gentleman from Georgia (Mr. BARR) stand.

Number one, the gentleman knows better. This has nothing to do with bugs and insects and cockroaches, things like that. This has to do with living animals like kittens, monkeys, hamsters, and so on and so forth.

Furthermore, it is the prosecutors from around this country, Federal prosecutors as well as State prosecutors, that have made an appeal to us for this. And further, it is not a requirement of them to prosecute the cases. This statute only gives them more tools at their option to prosecute if they deem necessary rather than taking away from, as the gentleman says, maybe more important cases.

□ 1715

So I think that that argument is very invalid.

Mr. Speaker, I do appreciate the opportunity to address the House today on H.R. 1887, a bill to prohibit the sale of depictions of animal cruelty.

What do Ted Bundy and Ted Kaczynski have in common? They tortured or killed animals before killing people. Many studies have found that people who commit violent acts on animals will later commit violent acts on people.

District Attorney Michael Bradbury of Ventura County in my home district of California came to me because he cannot prosecute people who are involved in promoting and profiting from violent acts to animals. The people are making and selling crush videos. These videos feature kittens, hamsters, birds, sometimes even monkeys and they are taped to the floor while women slowly torture and crush them to death. These videos, over 2,000 titles, sell for as much as $300 apiece.

Federal and State prosecutors from around the country have contacted me to express the difficulty they have in prosecuting people for crush videos because the only evidence of the crime is on videotape. It is difficult to prove that the tape was filmed within the statute of limitations and it is difficult to identify the person in the video. Further, the producer and distributor of the video, the person making the big bucks, is not violating any current State or Federal laws.

H.R. 1887 was drafted very narrowly to protect the freedom of speech guaranteed under the first amendment. The House Committee on the Judiciary passed the bill with bipartisan support by a vote of 22–4.

I want to thank the gentleman from Florida (Mr. McCOLLUM), the chairman of the subcommittee; his staff, the gentleman from Illinois (Mr. HYDE), the gentleman from Michigan (Mr. CONYERS) and all the cosponsors of the bill. I want to thank my district attorney Michael Bradbury for bringing this to my attention, his deputy attorney Tom Connors and my staff along with the Doris Day Animal League for helping me in my efforts to put an end to this crush video business.

I ask my colleagues to join in supporting H.R. 1887.

I appreciate the opportunity to rise and speak in favor of H.R. 1887, a bill to prohibit the sale of depictions of animal cruelty.

What do Ted Bundy, David Berkowitz (the "Son of Sam" murderer), and Ted Kaczynski have in common? They all tortured or killed animals before they started killing people. The FBI recently stated that children who torture animals should be considered "potentially violent" and this may be a factor in profiling a child as the next school shooter. Many studies have found that people who commit violent acts on animals will later commit violent acts on people. Planned, acts of animal cruelty is a problem that should be taken seriously.

District Attorney Michael Bradbury of Ventura County, California, came to me because he cannot prosecute people who are involved in promoting and profiting from violent acts to animals. The people are making and selling "crush videos." These videos feature kittens, hamsters, birds, and even moneys that are taped to the floor while women, sometimes barefooted, and sometimes in spiked heels, slowly torture and crush the animal to death. The videos sell for up to $300 and more than two thousand titles are available for sale nationwide. People who buy the videos purchase them to satisfy their sexual foot fetish.

Federal and state prosecutors from around the country have contacted me to express the difficulty they have in prosecuting people for crush videos because the only evidence of the crime is the videotape. It is difficult to prove that the tape was filmed within the statute of limitations, and it is difficult to identify the person in the video. Further, the producer and distributor of the video, the person making the big bucks, is not violating any federal or state laws. The state law on the books and the lack of a relevant federal law leave the prosecutors empty handed. The current law is insufficient to prosecute crush videos.

H.R. 1887 targets the profits made from promoting illegal cruel acts toward animals. The bill was drafted very narrowly to protect the freedom of speech guaranteed by the First Amendment. In order to be prosecuted for this proposed law, one must first violate a state or federal animal cruelty law in creating a depiction of a live animal. Then the person must sell the video or intend to sell the video across state lines. The First Amendment would not protect videos that are made for profit and that are filming someone violating an existing law. The state has an interest in enforcing its existing laws. Right now, the laws are not only being violated, but people are making huge profits from promoting the violations.

Some of the leading constitutional lawyers in the nation helped me draft the bill. In addition, following a hearing in the Crime Subcommittee, this legislation was amended to further ensure that it does not infringe upon the First Amendment. The bill specifically excludes any depiction that has serious political, scientific, educational, historical, artistic, religious, or journalistic value. As amended, the bill does not prohibit groups such as the Humane Society of the United States from creating an educational documentary on animal cruelty.

The value of crush videos is de minimis. Crush videos would not fall within the specific exceptions to the bill.

The sick crush video business must end. The cruelty to animals must stop. The House Committee on the Judiciary agreed that crush videos should not be sold and passed the bill with bipartisan support. by a vote of 22–4. Please support H.R. 1887.

I want to thank the Chairman of the Crime Subcommittee, Congressman BILL MCCOLLUM and his staff, Chairman HENRY HYDE and Ranking Member JOHN CONYERS, and all of the cosponsors of the bill. I also want to thank District Attorney Michael Bradbury and his Deputy District Attorney, Tom Connors, and the Doris Day Animal League for helping me in my efforts to put an end to the crush video business.

Mr. SCOTT. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. PAUL).

Mr. PAUL. I thank the gentleman from Virginia for yielding me the time.

Mr. Speaker, I rise in opposition to this bill. If ever there were a bill unnecessary, this is one. It is an example of us here in the Congress looking for dragons to slay. This is absolutely unnecessary. There is no real purpose in passing this legislation. As has been said, all 50 States have laws against violence and cruelty to animals. That should be adequate. But the way this bill is written really opens up a Pandora's box. It is a can of worms.

Take, for instance, it says, "whoever knowingly possesses a depiction of animal cruelty with the intention of placing that depiction in interstate commerce." That, you can get 5 years for. How do you prove intention? This is subjective, purely subjective. This is not narrowly written, this is very broadly written. This is a first amendment concern to many, but it is also so unnecessary.

Chief Justice Rehnquist, along with Ed Meese, has stated recently, there is just no need for more Federal laws. We do not need more Federal laws. We cannot even enforce the ones that we have. And besides, this is strictly a State matter.

Now, if they want to use the interstate commerce clause, they should be reminded, up until this century at least, the interstate commerce clause was used in its original intent to open up trade between the States. It was never the excuse to regulate everything between the States. That is a 20th century distortion of the interstate commerce clause. So that is not even a real good excuse for this.

Now, cruelty to animals, nobody is going to come and defend cruelty to animals. But quite frankly there will be times it will be difficult to define. The motivation for most cruelty to animals is because people are sick. This is a mental illness. We are dealing with mental illness here and we are going to write a Federal law against it. So if somebody, and it was even mentioned by the proponents of this bill, that people like Ted Bundy delight in this. Yes. These people are psychopaths. They are nuts. It is an illness. We cannot pass a law to deal with mental illness. I strongly object to this approach. We should be thinking not only about the process but of the unintended consequences of passing legislation like this.

I have seen some pretty violent ads on television of killing cockroaches. I know that is not their intention. I went fishing one time and it was rather ghastly. I am not a very good fisherman nor a hunter. I cannot see the killing of animals. But to see the hook pulled up on a kingfish and have the fish thrown on the deck and the fish suffocate, we make movies of this. This is on television. They say this will not be affected. How do we know? There are hunting films on television. Animals are shot. Maybe people are delighting in looking at the cruelty or the killing of animals on television even though they are sporting or fishing shows.

Yes, I agree that is not what is intended, but so often our legislation gets carried away and is misinterpreted. I would ask my colleagues not to pass this legislation. This legislation does not have any redeeming value whatsoever. It is well-intended in the sense that people object to cruelty to animals but quite frankly I have not had one single request from my 595,000 constituents in my district for this bill, and I would like to see how many others who would honestly get up here and say, oh, I have had dozens or hundreds or thousands of people.

The only people that I have heard that have requested this piece of legislation are law enforcement officials, not the judges who have to deal with this, not the people in the country, not the State legislative bodies, not the governors, but people who may want to have a lot more activity to do things they are not doing well enough anyway. Federal law enforcement is lagging. So to put another law on the books which is not well written, and it is subjective in that we have to decide whether or not the person who possesses this material is intending to sell it to somebody.

This bill really is something that we need to just reject, vote down. We do not need it. The States will take care of this. We do not need to be bashful and say that if we do not vote for this bill for some reason that we endorse the idea of animal cruelty. That is not the case. Nobody endorses this. I just think that the qualifications in here to exempt certain people like journalistic and historical and artistic, these categories, quite frankly, who will be the judge? It will be very difficult to do.

Mr. McCOLLUM. Mr. Speaker, I yield 3 minutes to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Speaker, let me say this to the gentleman from Texas. I do not want to have to wait till my district attorney calls me. Recently in Arkansas, Andrew Golden, a little 11-year-old boy, shot 10 of his classmates. He had a history of animal cruelty. Luke Woodham in Mississippi, a little boy who opened fire on his fellow students, he had a history of animal cruelty. The sponsor of this bill mentioned Ted Bundy, and I commend the gentleman from California (Mr. GALLEGLY). He mentioned the Unabomber. Let us add to that list. How about "Son of Sam" David Berkowitz and Jeffrey Dahmer? What do all these people have in common? They have a history of abusing animals, of animal cruelty.

What does that matter to what we are discussing here today? Psychologists tell us that when we view these activities, they desensitize our young people to a behavior which appears to be a gateway to violent acts of indiscriminate, cold-blooded murder. Now, we might not have much of a compelling state interest in bugs and beetles and hamsters but we do in our children, and we do not want any activity which desensitizes our children, which might be a gateway to more violent acts.

Yes, these people are mentally ill but people are not always mentally ill. There are things that cause them to be mentally ill, and it is clear to some of us that these videos can push people, they can desensitize people. Why are we so upset? Not because it is disgusting as disgusting as it is, but because it is dangerous. What are we trying to protect? We are trying to protect the first amendment, but we are also trying to protect our children. The Supreme Court has already ruled on several occasions that animal cruelty is not protected, and this statute is necessary to stop the interstate sale of videos which show this animal cruelty and which get in the hands of our children.

Why do we need such a law? Somebody said we have got all the laws on the books. Let me address that last argument. In these videos, all we see is the feet and the hands of these people crushing these small animals. Our law enforcement officers cannot identify these people. In every State it is against the law for them to do it, but we cannot identify these people. But we can identify who is selling them. They are selling them for $100 and $50 and $30 and there are over 2,000 of them.

It is time to close this loophole and protect our children. This is about children, not about beetles.

Mr. McCOLLUM. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, I do not need 2 minutes. I would like to concur with what we just heard. The gentleman from Alabama said it right on target. It is not about animals, it is about people. It is not about freedom of speech, it is not about federalism, it is about people. It is certainly not about needing to do it because we do need to. It is about a sick society we are trying to make better. This is an obvious way to do it. We cannot prosecute these people without this law. It will continue. It will grow. It will just fester and fester and fester. It is just gross and it is sick and we need to put an end to it.

Mr. McCOLLUM. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise as a cosponsor of H.R. 1887 which my friend the gentleman from California (Mr. GALLEGLY) introduced in order to prevent and punish those who create videos which depict violent acts of animal cruelty in violation of State laws.

My experience in working on domestic violence issues alerted me to the connection between animal abuse and violent behavior. Often, women in domestic violence shelters report that their abusers victimize the family pet in order to control their behavior or the children's behavior. Abusers often threaten to harm or inflict pain to the animal to demonstrate control within the home. Not surprisingly, children raised in such homes often learned that cruelty to animals is acceptable behavior, certainly when they are watching such videos. In turn, this behavior becomes the first step in repeating a legacy of violence and the conditioning of referring to violence in demonstration of power or frustration. Raising awareness about the link between animal cruelty and domestic violence, child abuse and other forms of violent behavior I think is an important step in trying to prevent such violence. This bill would address one source of animal cruelty by punishing those who create, sell or possess depictions of animal cruelty with the intention of earning commercial gain from that depiction.

The legislation reflects a growing awareness, a growing concern, that violence perpetrated on animals is unacceptable and often escalates to violence against humans. FBI Special agent Allan Brantly stated last year that, quote, "animal violence does not occur in a vacuum. It is highly predictive in identifying children being abused and cases of spousal abuse." He continues to say, "In many cases we have seen examples whereby enjoyment from killing animals is a rehearsal for targeting humans." I would say the same of viewing this.

In a survey of domestic violence shelters in every State, 85 percent of the women reported situations where their abuser abused or threatened abuse on the family pet. Increasingly, the intentional harming or killing of pets by adults or children is recognized as an indicator of violence in the home. It is essential that our society recognizes this link and punishes acts of animal cruelty. I urge support of H.R. 1887. I hope its passage will increase awareness of the serious nature of animal cruelty.

□ 1730

Mr. McCOLLUM. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), a member of the committee.

Ms. JACKSON-LEE of Texas. Mr. Speaker, some things are just plain wrong. I am gratified that most of this Congress did not have the unpleasant experience of viewing what those of us on the Subcommittee on Crime had the opportunity to view. This was the physical and actual crushing, as they are called, crush videos, of kittens and hamsters and birds taped to the floor while women with either bare feet or high heels are crushing these animals for either the sexual pleasure of those who are viewing these videos or something else.

There is something to the value of the Federal Government making a moral statement that this is abhorrent and intolerable behavior.

I think it is important to delineate why we are passing such legislation on the Federal level. First of all, it deals with interstate commerce. Secondarily, it deals with the creation, the selling or possessing of such. We realize that mental illness comes into play, but the idea that there is profiteering because these videos are being sold and potentially our children are having access to seeing them on the Internet makes it, for me, something that should not be protected by the First Amendment.

I am gratified by the amendment offered by the gentleman from Florida (Mr. McCOLLUM), and I thank the gentleman from California (Mr. GALLEGLY) for his leadership on this bill that takes away the potential of interfering with religion or journalistic issues.

Mr. Speaker, this is an abhorrent act. This is someone engaging in producing such videos to attract an audience and to sell it. Our law enforcement has said we can do nothing with State cruelty laws, because we cannot see the stomping person, but we can find the person who produced it.

I would hope that America would stand for something better than that, that we would stand against this kind of reckless and random violence so that our children will understand the moral values of the sanctity of life. This is unnecessary, this is profiteering, and it is unnecessary to have these kinds of acts.

Mr. Speaker, I would simply add that we outlaw it and outlaw it now.

Mr. Speaker, I wish to rise to support H.R. 1887, a bill to amend Title 18, United States Code, to punish the depiction of animal cruelty. Recently, we heard compelling testimony about the heinous practice of crush videos. After hearing these insightful witnesses, I am more certain than ever that legislative action is needed.

A depraved video market has emerged which features women crushing small animals to death with their feet. Generally, these "Crush Videos" depict kittens, hamsters, and birds taped to the floor while women, sometimes, barefooted, sometimes in spiked heels, step on the animals until they die. The videos sell for $30 to $100 and more than 3,000 titles are available for sale nationwide.

The acts of animal cruelty featured in the video are illegal under many State laws. However, it is difficult to prosecute these acts under State animal cruelty laws because it is difficult to identify the individual in the video. This is primarily because only the women's leg is shown in the video. Further, it is difficult to determine when the act depicted in the video occurred for purposes of proving it was done within the statute of limitation.

H.R. 1887 was introduced by Representative ELTON GALLEGLY (R–CA) to address this problem. The bill would make it violation of Federal law to knowingly create, sell, or possess a depiction of animal cruelty with the intent of placing that depiction in interstate or foreign commerce for commercial gain. The term "depiction of animal cruelty" is defined to mean a depiction in which a living animal is intentionally maimed, mutilated, tortured, a wounded or killed, if such conduct is illegal under Federal or State law. The bill further provides for a fine and/or imprisonment of not more than 5 years.

I believe that H.R. 1887 is a good measure and would go a long way in eradicating this blight on civilized society. Having said that, I am concerned that H.R. 1887 may violate the first amendment right to free speech. Representative McCOLLUM offered an amendment in the nature of a substitute during Judiciary Committee markup that provided for an exception to its provisions where otherwise prohibited depictions are for serious political, religious, artistic, scientific, newsworthy or educational purposes. The purpose of the amendment was to ensure that, for example, an entertainment program on bullfighting in Spain would not violate the new statute where it is possesses or distributed in a State where bullfighting is prohibited.

I am of the opinion that the McCollum amendment addresses the first amendment concerns. Specifically, the legislative language in H.R. 1887 in its amended form is distinguishable from the statutes struck down in cases such as *Church of the Lukumi Babalu Aye* v. *City of Hialeah*, 508 U.S. 520 (1993), striking down a city ordinance that prohibited ritual animal sacrifice but that allowed other forms of animal slaughter, and *Simon & Schuster* v. *Crime Victims Bd.*, 502 U.S. 105 (1991), striking down New York's "Son of Sam" prohibition against criminals profiting from the sale of stories about their crimes.

The court in Simon & Schuster stated that "[a] statute is presumptively inconsistent with the First Amendment if it imposes a financial burden on speakers because of the content of their speech." The case goes on to state that "The Son of Sam laws establishes a financial disincentive to create or publish works with a particular content." In order to justify such differential treatment, "the State must show that its regulation is necessary to serve a compelling state interest and is narrowly drawn to achieve that end."

H.R. 1887 addresses the compelling State interest of preventing the crime of animal cruelty. Additionally, H.R. 1887 narrowly tailored to the knowing depiction of specifically outlined illegal conduct, and that conduct already determined by state statute to be animal abuse, with the intent to place that depiction in interstate commerce. I believe that the legislation is therefore sufficiently narrowly drawn to only prevent depictions of criminal conduct.

Accordingly, I urge my colleagues to support this measure to stop this barbaric activity.

Mr. McCOLLUM. Mr. Speaker, I would inquire of the Chair how much time each side has remaining.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Florida (Mr. MCCOLLUM) has 2½ minutes remaining; the gentleman from Virginia (Mr. SCOTT) has 1½ minutes remaining.

Mr. McCOLLUM. Mr. Speaker, I have no other speakers but myself to close.

Mr. SCOTT. Mr. Speaker, I yield the remainder of our time to the gentleman from South Carolina (Mr. SANFORD).

The SPEAKER pro tempore. The gentleman from South Carolina (Mr. SANFORD) is recognized for 1½ minutes.

Mr. SANFORD. Mr. Speaker, I do not know if this would mean somehow that the Kentucky Derby would become a Federal crime as the jockey whips the horse; I do not know if one of the biggest times in the low country of South Carolina would now suddenly become a Federal crime as one literally throws live crabs into hot boiling water to steam crabs. However, what I do know is that the Federal Government cannot keep up with what is already on its plate, and the Justice Department is already very busy trying to prosecute what is before it. The idea of adding another Federal crime to again, as the gentleman from Texas (Mr. PAUL) has suggested earlier, this is something that I am not hearing from my constituents back home and it does not make sense to me.

There has been a lot of talk about the children, how are we going to protect the children. I can assure my colleagues, my kids will not be checking out from Blockbuster Video crush videos, and the responsibility, if we are serious about this as Republicans on who is going to control which videos my kids or your kids are watching, I think comes back to the home.

Mr. McCOLLUM. Mr. Speaker, I yield 40 seconds to the gentleman from California (Mr. GALLEGLY), the author.

Mr. GALLEGLY. Mr. Speaker; I thank the gentleman for yielding, and with all due respect to my good friend from South Carolina (Mr. SANFORD), and he is my good friend, when he said he does not know whether it would be in effect for a jockey whipping a horse at the Kentucky Derby or crustaceans or the like, I can assure him that if he had read the bill a little more carefully, he would find that that absolutely is not a part of this legislation.

As it relates to adding another statute, it does not add another statute as it relates to the issue of animal cruelty. It only gives the prosecutors one more tool to prosecute existing law.

Mr. McCOLLUM. Mr. Speaker, I yield myself the remainder of the time.

If I might in closing, the gentleman from California (Mr. GALLEGLY), the author, is quite right. I just want to amplify this point. This bill in no way affects insects or bugs or crabs. First of all, we have to have animal cruelty under State law before this applies.

Secondly, there is no Federalization of State law involved here. No animal cruelty law is brought into the Federal scheme of things, only the interstate sale we are dealing with of these horrible products. This is the same type of thing we have when we deal with the drug issue about the intent to sell and the sales that occur across State lines. Of course those could be just relegated to the States to enforce these laws, but now we have the Internet, we have interstate sales, we have the invidious, horrible things that happen to children when they see these depictions, just as when they are involved in the receiving end of the drugs.

So I think this is a very important statute and not federalizing anything else we are proposing.

Last but not least, this is clearly constitutional, because the bottom line of it is there is no redeeming value whatsoever. It does not rise to that level at all to be protected as free speech when we are talking about torturing an animal under the purposes here with all the exemptions we have for journalistic and religious and other reasons.

So I encourage in the strongest of terms the adoption of this bill today. We need to protect our kids. This is about children and it is about cruelty, and it is about teaching the lessons of morality, but it is most importantly about giving law enforcement the tools to make this really effective in the world of the Internet we live in today and the interstate commerce where people are making videos today, taking hamsters and kittens and literally torturing them to death for 10 or 15 or 20 minutes, slowly, to get the voice over it for sexual fetishes to sell around the world.

I urge the adoption of this bill.

Mr. LANTOS. Mr. Speaker, I rise today in strong support of H.R. 1887—legislation that will put a stop to the outrageous production and sale of so-called "crush videos." These disturbing videos show women crushing small animals to death with their feet. Kittens, hamsters, guinea pigs, birds, small dogs and other animals are taped to the floor while a woman, sometimes barefooted and sometimes in spiked heels, step on the animal until it dies. These vicious videos sell for as much as $100 and, as incredible as it seems, there are over three thousand titles now for sale.

Mr. Speaker, numerous studies have demonstrated that the individuals who commit violent acts against animals are also the same individuals who commit violent acts against humans. In the last Congress I introduced legislation which dealt with that problem. The Congressional Friends of Animals, of which I am the Democratic Co-Chair, held a briefing last year to explore the link between animal abuse and domestic violence. Based on the information we received at that briefing, I introduced a resolution which recognized this link and called on Federal and local law enforcement officials to treat animal cruelty seriously "because such cruelty is a crime in its own right in all 50 states, and because it is a reliable indicator of the potential for domestic and other forms of violence against humans." My resolution urged Federal agencies to focus greater research in order to understand the link between animal cruelty and violent crime.

It is no surprise that individuals who brutalize animals are very often guilty of committing similar crimes against people. Violence against animals in many cases precedes and frequently coexists with spouse abuse, elder abuse, as well as murder and assault. A 1997 survey found that over 85 percent of women in shelters, who suffered violence in the home, also reported violence directed against pets or other animals. The American Psychiatric Association considers animal abuse as one of the diagnostic criteria of a conduct disorder. Brutality against animals is not normal behavior, and we must make that clear, as this legislation does, that this is a crime and it will be punished.

Mr. Speaker, H.R. 1887 is a narrowly drafted bill tailored to prohibit the creation, sale or possession with the intent to sell or distribute the depiction of animal cruelty in interstate commerce for commercial gain. It does not preempt state laws on animal cruelty, but rather strengthens the reach of state laws in the state where the cruelty occurred. The bill provides our nation's law enforcement officials with the tool they need in order to prosecute the vicious and vile individuals who produce these "crush videos."

Mr. Speaker, this is an important step to stop this abhorrent practice. I strongly urge my colleagues to support this legislation.

Mr. FARR of California. Mr. Speaker, I rise in support of Mr. GALLEGLY's bill H.R. 1887. I would like to congratulate the Crime Subcommittee for producing this excellent legislation and I look forward to working with them on my own bill to end the cruel treatment of elephants in circuses.

H.R. 1887 will put a stop to the production and sale of "crush videos" which feature women crushing small animals to death with their feet. Kittens, hamsters, and birds are taped to the floor while the women, sometimes barefooted, and sometimes in spiked heels, step on the animal until it dies. The videos sell for $30–$100 and more than three thousand titles are available for sale nationwide.

The acts of animal cruelty featured in animal "crush videos" are illegal under state law. However, it is difficult to prosecute these acts under state animal cruelty laws. First, a District Attorney must identify the individual in the video. This is a difficult task given the fact that most of the time, only the actress' legs are shown. Second it is difficult to prove that the act featured in the video occurred within the statute of limitations. Third, local animal cruelty laws do not prohibit the production, sale, or possession of the video. There are no applicable federal laws.

H.R. 1887 is narrowly tailored to prohibit the creation, sale or possession with the intent to sell a depiction of animal cruelty in interstate commerce for commercial gain. The bill does not preempt state laws on animal cruelty. Rather, it incorporates the animal cruelty law of the state where the offense occurs.

The bill would provide prosecutors with the tool they need to prosecute people for making "crush videos." By targeting the profits made from this disgusting video, we will put a stop to its production.

Mr. Speaker, there is no place for this kind of cruelty in the entertainment industry. I am pleased to support Mr. GALLEGLY's bill, H.R. 1887, and encourage my colleagues to do the same.

The SPEAKER pro tempore. All time has expired.

The question is on the motion offered by the gentleman from Florida (Mr. MCCOLLUM) that the House suspend the rules and pass the bill, H.R. 1887, as amended.

The question was taken.

Mr. BARR of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has concluded on all motions to suspend the rules.

Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained. Votes will be taken in the following order:

H.R. 1180 by the yeas and nays, and

H.R. 1887 by the yeas and nays.

The Chair will reduce to 5 minutes the time for the second electronic vote.

TICKET TO WORK AND WORK INCENTIVES IMPORVEMENT ACT OF 1999

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1180, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. ARCHER) that the House suspend the rules and pass the bill, H.R. 1180, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 412, nays 9, not voting 12, as follows:

[Roll No. 513]

YEAS—412

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Callahan
Calvert
Campbell
Canady
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra

Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez

Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaffer
Schakowsky
Scott

Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—9

Cannon
Coburn
Cook
Doolittle
Hansen
Johnson, Sam
McIntosh
Moran (KS)
Paul

NOT VOTING—12

Armey
Buyer
Camp
Fowler
Gephardt
Jefferson
Lewis (GA)
Martinez
Ros-Lehtinen
Rush
Scarborough
Wise

□ 1759

Mr. COOK and Mr. HANSEN changed their vote from "yea" to "nay."

Mr. SERRANO changed his vote from "nay" to yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

DIRECTING SECRETARY OF SENATE TO REQUEST RETURN OF CERTAIN PAPERS

The SPEAKER pro tempore (Mr. LaHood). The Chair lays before the House a privileged message from the Senate.

The Clerk read as follows:

S. Res. 127

Resolved, That the Secretary of the Senate is directed to request the House of Representatives to return the official papers on S. 331.

The SPEAKER pro tempore. Without objection, the request of the Senate is agreed to.

There was no objection.

The SPEAKER pro tempore. The Clerk will return the bill to the Senate.

AMENDING TITLE 18, UNITED STATES CODE, TO PUNISH THE DEPICTION OF ANIMAL CRUELTY

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1887, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. McCollum) that the House suspend the rules and pass the bill, H.R. 1887, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 372, nays 42, not voting 19, as follows:

[Roll No. 514]

YEAS—372

Ackerman
Aderholt
Allen
Andrews
Archer
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley

Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)

Brown (OH)
Bryant
Callahan
Calvert
Campbell
Canady
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clement
Clyburn
Coble
Combest
Condit
Conyers
Cook

Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hutchinson

Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Oberstar
Obey
Olver
Ortiz
Ose
Owens

Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Sweeney
Talent
Tancredo
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)

Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—42

Abercrombie
Barr
Bateman
Burr
Burton
Cannon
Chenoweth-Hage
Clayton
Coburn
Collins
Cooksey
DeGette
Doolittle
Dreier
Graham
Hill (MT)
Hoekstra
Hostettler
Hunter
Johnson, Sam
Kingston
Linder
Manzullo
Meek (FL)
Norwood
Nussle
Paul
Ryun (KS)
Sanford
Schaffer
Scott
Sessions
Shadegg
Sununu
Tauzin
Taylor (NC)
Thornberry
Tiahrt
Waters
Watt (NC)
Watts (OK)
Wicker

NOT VOTING—19

Armey
Borski
Buyer
Camp
Duncan
Fowler
Gephardt
Jefferson
Jenkins
John
Lewis (GA)
Martinez
Murtha
Ros-Lehtinen
Rush
Scarborough
Stupak
Watkins
Wise

□ 1808

Mr. LARSON changed his vote from "nay" to "yea".

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. JOHN. Mr. Speaker, on rollcall No. 514, I was inadvertently detained and missed the vote. Had I been present, I would have voted "yea."

Mr. DUNCAN. Mr. Speaker, on rollcall No. 514, I inadvertently missed the vote. Had I been present, I would have voted "yea."

Mr. JENKINS. Mr.. Speaker, on rollcall No. 514, I was unavoidably detained. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Ms. ROS-LEHTINEN. Mr. Speaker, I was in my district today. However, I wish to be recorded as a "yea" vote on rollcalls 509, 510, 512, 513 and 514 and a "nay" vote on rollcall 511.

CONTINUATION OF EMERGENCY WITH RESPECT TO SIGNIFICANT NARCOTICS TRAFFICKERS CENTERED IN COLOMBIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106–146)

The SPEAKER pro tempore (Mr. LAHOOD) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the emergency declared with respect to significant narcotics traffickers centered in Colombia is to continue in effect for 1 year beyond October 21, 1999.

The circumstances that led to the declaration on October 21, 1995, of a national emergency have not been resolved. The actions of significant narcotics traffickers centered in Colombia continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States and to cause unparalleled violence, corruption, and harm in the United States and abroad. For these reasons, I have determined that it is necessary to maintain in force the broad authorities necessary to maintain economic pressure on significant narcotics traffickers centered in Colombia by blocking their property subject to the jurisdiction of the United States and by depriving them of access to the United States market and financial system.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 19, 1999.*

PERMISSION FOR COMMITTEE ON EDUCATION AND THE WORKFORCE TO FILE SUPPLEMENTAL REPORT ON H.R. 2, DOLLARS TO THE CLASSROOM ACT

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that the Committee on Education and the Workforce be permitted to file a supplemental report on the bill, H.R. 2.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

AGREEING TO CONFERENCE REQUESTED BY SENATE ON H.R. 3064, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2000

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 333 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 333

Resolved, That the House disagrees to the Senate amendment to the bill (H.R. 3064) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2000, and for other purposes, and agrees to the conference requested by the Senate thereon.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 333 provides that the House disagrees to the Senate amendment to the bill, H.R. 3064, the District of Columbia Appropriations Act, 2000, and agrees to a conference with the Senate on the bill.

Mr. Speaker, this resolution is intended to move the appropriations process forward. H.R. 3064 was not reported by the Committee on Appropriations, therefore no motion to go to conference could be authorized by the committee. Usually these motions are approved by unanimous consent; however, as their latest attempt to obstruct our ability to pass responsible appropriations measures and save the Social Security surplus, the minority refused to grant such a request yesterday.

Normally, motions to go to conference require an hour of debate on the floor. By calling up this resolution, we have ensured that the motion will receive a full and fair debate and the same vote that could be requested under regular order. The resolution also does not preclude the right of Members to be recognized for another hour of debate on a motion to instruct conferees.

Mr. Speaker, to date, the President has vetoed or threatened to veto 4 of the 13 appropriations bills representing $133 billion in Federal spending. The reason of him vetoing the bills is that they do not spend enough. Of course, on the same day, the President regularly gives himself credit for the surplus and challenges Congress to preserve the Social Security Trust Fund that he himself is trying to spend.

□ 1815

Rather than issue the daily veto threats to our fiscally responsible appropriations bills, we believe the President should help Congress preserve Social Security and maintain our balanced budget. I hope that this conference will be the first step toward a cooperative budget process that will result in a balanced budget and a secure future for America's seniors. I urge my colleagues to pass this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am not going to oppose this rule, since it merely enables the House to send the District of Columbia appropriations bill to conference. We are well into the fiscal year, and it is time to get on with funding the District. However, I do want to express my concern that there might be a plan to attach the Labor-HHS appropriations to the D.C. bill in conference.

I want to state unequivocally that the Democratic Members of this House will oppose such a move. The District has been held hostage on other issues; and now, just as we are getting to the point where there might be a bill the President can sign, the Republican majority may be increasing the ransom demand. That is unacceptable, Mr. Speaker, as well as grossly unfair to the residents of this city.

In fact, Mr. Speaker, I am distressed to read in the papers that the chairman of the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations has said that the conference on his bill is all but finished. I have to ask how can the conference be all but finished when the House has never even considered the bill? I appreciate the fact that the subcommittee chairman is attempting to move his bill, but might I suggest that regular order might be preferable, albeit far more difficult, than this back-room wheeling and dealing now taking place.

It is time to get on with a real appropriations process, Mr. Speaker, and to stop playing games. I support moving the District appropriations bill to conference, but I will not support any attempt to hold it hostage with an appropriations bill the Republican majority will not even try to pass on its own in this body.

Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I do not want to take any of the Members' time, but I thank the gentleman for yielding me this time.

Mr. Speaker, I do not think this conference is going to take long. We have had a very good meeting, and we are reaching agreement; and basically they are suggestions that we discussed the last time we visited this issue on the floor of the House.

I do hope that that bizarre idea of adding the Labor, Health and Human Services appropriations bill to the D.C. appropriations bill is a stillborn idea. Obviously, that would seriously complicate things. But as long as that does not occur, I think we can dispatch the D.C. appropriations bill in very quick order and bring it back to the floor and find the kind of agreement, in fact, hopefully unanimous consensus, that it is a bill that we can all live with and that the White House can sign.

Mr. COSTELLO. Mr. Speaker, I rise today in opposition to the District of Columbia Appropriations Bill for fiscal year 2000. This legislation funds the operations of the federal share for the D.C. government and its 600,000 residents, including city government, its social service agencies and fire and police departments.

Unfortunately, the conference reports passed by the Congress the last several weeks have been flawed. While they do include several provisions I support—prohibiting the use of marijuana for medicinal purposes, and the implementation of a needle exchange program for illegal drug addicts—they did not contain the level of oversight I believe is necessary for the Congress to safeguard the taxpayers money. While I disagreed with the Administration's veto for different reasons, in particular its support of the needle exchange and marijuana programs, I believe it gives us a new opportunity to include more accountability for the District's programs.

The District oversees billions of dollars in housing, education, health care and law enforcement programs administered to its residents. While improvements have been made in past years, in particular with a new police chief and law enforcement operations, problems continue to plague its housing and educational facilities. The District's new mayor, Anthony Williams, has begun to take steps to put the right people in place to make the changes necessary to provide full accountability for the federal funds administered by its government, and changes are needed. However, until those changes are in place and reform has begun, it is incumbent on this Congress to continue in its oversight role.

We know the difficulties that have plagued the District government for years—mismanaged housing programs that have resulted in dilapidated structures for its public housing residents, and schools that have not opened on time because of faulty roof construction, leaving thousands of public school students without a place to go during the day. We must continue to provide support and oversight to see that these long-term problems affecting the District's residents are resolved.

I urge my colleagues to reject any report that does not have sufficient oversight so that we can work with the City Government to achieve the goals of the new Mayor while providing the nation's taxpayers with some assurance their funds are being used to give a new direction to their nation's capital city.

Mr. FROST. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LINDER. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. LAHOOD). The Chair will appoint conferees on H.R. 3064 later.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 71. A joint resolution making further continuing appropriations for the fiscal year 2000, and for other purposes.

MOTION TO INSTRUCT CONFEREES ON H.R. 2670, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

Mr. UPTON. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. UPTON moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2670 be instructed to agree to the provisions contained in section 102 of the Senate amendment (relating to repeal of automated entry-exit control system).

The SPEAKER pro tempore. The gentleman from Michigan (Mr. UPTON) will be recognized for 30 minutes, and the gentleman from New York (Mr. LAFALCE) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Michigan (Mr. UPTON).

Mr. SMITH of Texas. Mr. Speaker, I would like to inquire whether the gentleman from New York (Mr. LAFALCE) is opposed to the motion.

The SPEAKER pro tempore. Is the gentleman from New York (Mr. LAFALCE) opposed to the motion?

Mr. LAFALCE. I am strongly in support of the motion, Mr. Speaker.

Mr. SMITH of Texas. Mr. Speaker, in that case, pursuant to clause 7(b) under rule XXII, I rise to claim a third of the time since I am in opposition to the motion.

The SPEAKER pro tempore. The Chair will divide the time 20 minutes for the gentleman from Texas (Mr. SMITH), 20 minutes for the gentleman from Michigan (Mr. UPTON), and 20 minutes for the gentleman from New York (Mr. LAFALCE).

The Chair recognizes the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. BONILLA).

Mr. BONILLA. Mr. Speaker, I rise in support of the motion. There is no one in this body who represents more territory along a border of the United States bordering another country than I do. I have almost 800 miles of the Texas-Mexico border in my congressional district. It is a wonderful area.

The section that we are discussing today, known as section 110, was put into law sometime ago by the gentleman from Texas (Mr. SMITH), my dear friend, with very good intentions. However, as he knows, and other Members of this body know, there are many communities along the Mexican border and the Canadian border that are terrified that the implementation of this program will cause greater congestion at the border than we even see today.

If any of my colleagues were to visit any of the communities along the

Texas-Mexico border, Laredo, Texas, for example, Eagle Pass, Del Rio, El Paso, they will see long lines of traffic and pedestrians clogging the border at points of entry. In some cases, in the heat of summer, traffic is backed up several hours. It is extremely difficult to move traffic, to move commerce back and forth in the spirit of free trade that we have, today for example, with Mexico and Canada.

The chambers of commerce and the people, the good entrepreneurs, the small business people, those that are trying to move goods and products and services, and shoppers going back and forth across the border have enough to deal with now and would greatly be concerned about a new system that would be implemented.

I know that the process that is being discussed and proposed into law right now is designed to facilitate traffic. I realize that is the intention. But in all practicality, those of us who live along the border and know the border communities understand that unless this process is refined tremendously, we are greatly concerned that it would impede traffic even more than we are seeing now at these ports of entry. That is why I strongly support this motion by the gentleman from Michigan, who is greatly concerned as well about traffic along the Canadian border.

Again, this is something that even communities that are not right on the border, communities that are in existence a few miles inland from the northern border with Canada and from the Mexican border on the southwest are greatly concerned that this will have a ripple effect with communities that would feel the brunt of the additional traffic jams and the problems with pedestrians crossing at these checkpoints.

So I commend the gentleman from Michigan for offering this motion. I know that this is probably going to be a motion that will perhaps not see the light of day in this session, because the conference report, my understanding is, is already closed. However, I think it is commendable this issue remain out front, because it is very important to all of us on the northern border and the southern border who believe so strongly that free trade must continue to flow across without any kind of additional barriers that may be implemented with section 110.

Mr. LAFALCE. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. ORTIZ).

Mr. ORTIZ. Mr. Speaker, I rise today to support the Upton motion to instruct our conferees on the matter of removing section 110 of the Immigration and Reform Act of 1996.

Those of us Texans who border Mexico would like to continue to be the front door for commerce, not the back door, and I think that this is a great motion. I understand that my good friend, the gentleman from Texas (Mr. SMITH), has good intentions; but while this might not be the appropriate vehicle to do it, I think that it is the right thing to do.

Congress' intentions in this bill was commendable, but it was added at the last minute to the immigration bill to address the problem of people overstaying visas. Overstaying visas. Thank God that these people are going back. What will happen if we implement this section? People are going to be afraid to go back because they are afraid that they are going to be incarcerated or picked up.

I would like to echo what has been said by my good friend, the gentleman from Texas (Mr. BONILLA). The people who do business along the border have seen long lines of traffic. I think that this is going to be an insult to our borders, to the citizens on the borders of Canada and Mexico. It is essential that the final appropriations conference report include a repeal of section 110 to avoid the problem that has been described by my good friend, the gentleman from Texas (Mr. BONILLA), and has been brought to my attention by the people that we talk to.

Mr. Speaker, the INS say there is no way that they can implement this system between now and the year 2000. And American businesses do not want to face the prospect of a never-ending string of extensions and cannot afford the uncertainty of not knowing what burdens will be imposed on them and when.

I would like to commend the leadership of my good friend, the gentleman from Michigan (Mr. UPTON), for bringing this up. I know that already the real-life implications of section 110 are being felt in border communities at this moment, already struggling to direct resources to the current infrastructure and enforcement personnel. We have billions of dollars in commerce crossing our borders each day, so I would like to request my colleagues to vote for the Upton resolution.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my friend and colleague and classmate, the gentleman from Michigan (Mr. UPTON), is offering a motion to instruct conferees to, quote, "agree to the provision in the Senate bill repealing section 110 of the Immigration Reform Act of 1996."

This motion, however, defies logic. Why? The conference is over. There is nothing left on which to instruct the conferees. The Senate conferees have already receded to the House bill, which contained no provision on section 110. Why should the House recede to the Senate when the Senate wants to recede to the House?

Some claim, and we have heard that in the last few minutes, that section 110 will shut down our borders and that we must act now. That claim is simply not true. Let me give my fellow Members some of the facts.

Congress overwhelmingly passed the Immigration Reform Act of 1996 because we recognized that our immigration laws needed to be strengthened. Section 110 required the Attorney General to establish an automated entry-exit control system for aliens at points of entry to the United States.

Last year, through an agreement negotiated by the leadership, the Omnibus Appropriations Act extended the deadline for implementation for the land and seaports to March 30, 2001. The extension also included the requirement that the system not, repeat, that the system not significantly disrupt trade, tourism, or other legitimate cross-border traffic at land border points of entry.

□ 1830

So section 110 will not shut down the borders.

I would direct the Members to the actual language of the bill itself that I just read. The INS is already conducting technology tests. The INS' preliminary results "indicate that radio frequency technology works fast enough to collect entry-exit records in a land border environment. Many critics of the entry-exit control said it could not be done, no technology was feasible. The tests indicate it can be done."

In fact, the use of technology promises to expedite legitimate traffic at land points, which is exactly what we all want to do, expedite that trade in traffic. The deadline for implementation is 18 months.

Let us give the INS more time to work on implementation. Repeal is clearly not the answer. Let me tell my colleagues why we need section 110 for the good of the country.

Two million of the five million illegal aliens in the United States entered legally on tourist and business visas and never left. They know we have no departure system so they simply enter and then disappear. Seventy percent of the illegal drugs smuggled into the United States came across our southwestern border.

Our northern border is also at risk. The Canadian Security Intelligence Service reported earlier this year "Most of the world's terrorist groups have established themselves in Canada, attempting to gain access to the United States of America." Mr. Speaker, that is the Canadian Security Intelligence Service itself that just said that.

Seven border counties in Washington State have been classified "high-intensity drug trafficking" areas, the same designation given to Los Angeles, the southwest border, and New York City by Federal law enforcers. The Federal drug czar's report on the Northwest high-intensity traffic areas states, "The Pacific Northwest increasingly appeals to drug traffickers as an entry point for illicit drugs. Having a highly developed commercial and transportation infrastructure, the area is favored by large-scale drug smugglers from the Far East."

An automated entry-exit system will decrease these threats to our national security because the entry-exit system will allow the INS to compare entrants against databases of law enforcement agencies and the Department of State.

As a result, with an automated entry-exit system, the deterrent value of our current system will be significantly enhanced when criminals and terrorists learn they must face the prospect of inspections.

Our interest in facilitating legitimate traffic can be balanced with our national security needs to protect our country against visa overstayers, drug smugglers, and terrorists. The motion should be opposed.

Mr. Speaker, let me also say that this debate tonight is not about trade or traffic. All of us who are involved in this debate, all of us who support section 110 want to increase trade and traffic with our neighbor to the north. That is why this debate is not about trade and traffic. This debate is about trying to reduce illegal immigration, stop terrorism, and try to discourage drug smugglers from entering the United States.

Mr. ROGERS. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Texas. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Speaker, I join the gentleman in opposing this motion.

Mr. Speaker, I understand the concerns of the gentleman from Michigan (Mr. UPTON) that filed the motion and the others who are in favor of this motion to instruct.

Let me say this: The conference with the Senate is concluded and the bill will be filed in a matter of minutes, certainly maybe an hour or so or less. So the conference is concluded and we will have the conference report on the floor, I hope, tomorrow.

Nevertheless, this is an issue that we have all struggled with. It is a tough one. But the motivation behind section 110, of course, as the gentleman from Texas has said, is to try to close the biggest loophole that we have in illegal immigration. Upwards of 40 percent, I am told, of all illegal entries that the country has start out to be legal. They come in on a visa and then simply overstay.

Forty percent of the illegal immigrants in the country came to the country in that fashion, and we have no way of checking to see who is here on an overstay. This section 110 was an attempt to be able to check off of the list those who are simply here overstayed on a visa, of course, legally entering with that passport.

As the gentleman has said, the implementation of the system is required by the law to "not significantly disrupt trade, tourism, or legitimate cross-border traffic at land border points of entry."

That has to be addressed by the INS as they implement the law. We want to work with our colleagues to be sure that we do not disrupt the normal legitimate traffic across the borders. It is very important to us and, of course, very important to our neighbors, and there is technologically, I think, ways that that can be done.

INS is now examining those ways. Perhaps it is electronic reading of a vehicle as it comes across the border. Perhaps it is a fast lane, as we have now in Southern California, that allows traffic to bypass the regular stop and be read by a machine as they motor past the checkpoint at a rapid rate of speed.

We think there are ways this can be done, all the while achieving the goal that we have set; and that is to try to close this enormous loophole in the illegal immigration into the country by using the visa system and simply overstaying the time on the card.

I think it can be done. We want to work with our colleagues to make that happen. But we hope that the motion to instruct conferees will be defeated so that we can proceed to try to close the loophole as we recognize the legitimate crossings that take place every hour and every day by people who commute either for tourism or business into and out of this country.

So I would hope that we could defeat the motion. I will be happy to say to the gentleman from Michigan (Mr. UPTON) and others who are in favor of the motion that we will be happy to work with them on ways to get both of our goals achieved.

Mr. UPTON. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I would like to thank the chairman of the Commerce, State, Justice Committee on Appropriations and my friend and colleague the gentleman from Texas (Mr. SMITH) as well for their willingness to try to work with us.

I just want to say that the unintended consequences of section 110 is it will shut down the border. We have heard from virtually every business group that does trade, particularly in my home State of Michigan, with Canada, my friends in other States along that border, as well.

I know that the President met with the Prime Minister of Canada just last week. This was the number one issue that they raised. We have heard from the U.S. Chamber. We have heard from the National Association of Manufacturers. We have heard from American truckers. We have heard from the American Association of Export and Importers. We have heard from the travel industry.

We have heard from the National Governors Conference. And I just want to say in the letter that we received from many of the governors, they cite this: "Although we support its objective to curb the illegal entry of aliens into our country, implementation of an entry-exit control mechanism as described by 110 will not only not solve the problem but it is also not feasible. Besides causing major delays in our land borders and disrupting legitimate cross-border traffic, such a control mechanism will also unnecessarily cause a significant disruption in economic development, international trade, and commerce tourism, and it requires sizable infrastructure investment. The global marketplace, driven by on-time delivery, will also be negatively impacted. Section 110 has the right intention but indeed it is the wrong approach."

We have heard from a number of our border-crossing communities. They tell us it will take days, 2 or 3 days, for trucks to pass through these borders. Yes, it would be nice if we could think that there is going to be an automobile and we are going have the right card on it and go through the smart lane and register when it comes and goes. But who is to tell who is inside that vehicle, whether there are three people going across the border and what were their names, whether there were four people when they came back?

It is a system that will cost billions of dollars; and if it is ever designed and fully implemented, it still will not work. We need a new approach.

What we are suggesting here is that we repeal, for the time being, section 110. We will look at a feasible study. We will look at some alternative legislation down the road to replace it if and when it is ever ready. But this thing will shut down the border the way that it is now, and that is why in a vote in the Senate I think it was unanimous to get this thing repealed.

Mr. UPTON. Mr. Speaker, I yield 2 minutes to my colleague, the gentleman from New York (Mr. HOUGHTON).

Mr. HOUGHTON. Mr. Speaker, I do not really know where to start here because we are at cross purposes. Logic does not make any difference. We are coming from emotional standpoints.

I guess I have to come from the standpoint of being a businessman who operated on both sides of the Canadian border. I know what this means. I know what the people who I used to work with say it will mean, it is one of these obstructionist laws which does not make any sense at all.

I think what the gentleman from Michigan (Mr. UPTON) is doing is absolutely right. Now, if they are down in Texas or they are in another part of the country or have a different set of intellectual or philosophic approaches, that is one thing. But from a practical standpoint, they are making it very difficult. It seems to me that if they are in a business or even if they are in the area of international relations, what they try to do is to make friends.

This is not making friends. The Canadians hate it. They scratch their heads and wonder what we are trying to do. They are great friends, the best friends we have in the world. Whenever we are in trouble, we call upon them. It does not make long-term either international or diplomatic or tourism or business or any other sense.

I agree with the gentleman from Michigan (Mr. UPTON) in terms of offering a motion to instruct conferees on the Commerce, Justice, State bill. I support him and I support the motivation behind the things that he is trying to do. I would hope the rest of us would do the same.

Mr. LAFALCE. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Speaker, I thank the gentleman from New York (Mr. LAFALCE) for yielding me the time.

Mr. Speaker, I rise in opposition to the motion to instruct. I came to this issue about 2½ or 3 years ago when I became the ranking member of the Immigration and Claims Subcommittee of the Judiciary Committee and found that most of the decisions that we are making on an immigration basis for this country are being made on very, very subjective criteria.

If we are going to have a policy of checking people who come in and go out of the country and monitoring that, it seems to me that we have got to have an objective way of doing that, and we cannot say to the folks on the Mexican border we are going to have one system and say to the folks on the Canadian border that we are going to have a completely different system.

So if we are going to have a system, it has got to apply all around the borders to all of the entry and exit points. And it seemed it me that that was the only way we were going to get this kind of subjective, I am going to single them out because they look a different way and stop their car because they look a different color, and have a consistent set of principles that apply to all of our border entry and exit places.

So I kind of got on this agenda trying to come up with a set of consistent criteria that applied everywhere.

□ 1845

While I am not wedded to the entry-exit control system that is in place, whatever system we put in place, if it is going to be effective, cannot be selectively applied using one standard at the Mexican border and another standard at the Canadian border.

It is exactly what the gentleman from New York (Mr. HOUGHTON) indicated that I think is troubling about this. He would like to have, and some people would like to have, and I should not attribute motives to him because I know his motives are always good, but there are people who would like to have a completely different set of rules applicable to the Canadian border than are in application at the Mexican border. You simply cannot do that and have a rational system of immigration in this country.

Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Speaker, I regretfully have to stand in opposition to this direction to the conferees. Let me just compliment the gentleman from North Carolina, because I think there is this issue of we need to start finding reasons to continue the issue of addressing illegal immigration and drug smuggling. The trouble is we can always find problems with implementing any program.

I live and grew up within a mile of the largest port of entry in the world, the Tijuana-San Diego port of entry. Technology has been a major asset at not only controlling the immigration in the drug issue but actually encouraging the legal crossings. We have electronic systems there to where businesspeople and individuals who cross the border extensively can electronically tag in when they are coming and when they are going. There is a special lane set up for that. The fact is this technology should be applied universally, not just in San Diego, not just in Mexico but also at every entry.

I ask that we continue with control of our borders, not retreat from them. Let us not retreat from our responsibilities at the border.

Mr. UPTON. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. I thank the gentleman for yielding me this time.

Mr. Speaker, the role of government is to attempt to solve problems, but the intent of the government should be to solve the problems with reasonable solutions. The point here is not just whether or not we should do this. The point is coming up with a solution that works.

The section 110 that is being implemented simply will not work in Michigan. Now, I have no idea whether it would work well in San Diego or other border crossing points. But the immensity of the problem in Michigan is hard to describe unless you have been there and watched. In a major metropolitan area, we have the Ambassador Bridge with 12 million vehicles crossing per day, the Detroit-Windsor Tunnel, 9 million vehicles, and up in Port Huron, the Blue Water Bridge with 5.5 million vehicles crossing.

Now, when we talk about the amount of trade crossing that border, it exceeds $1 billion worth of goods and services crossing the border every day, counting between the U.S. and Canada. We have more trade crossing over the Ambassador Bridge in Detroit, trade between Canada and the U.S., we have more crossing there than we have with the entire nation of Japan. That gives you some idea of the immensity of the problem and why we need a special solution.

If we are trying to reach a solution for this problem, we have to have a different type of solution to fit that situation in that congested metropolitan area dealing with that much traffic and that much trade flowing over one single artery. And so the plea is that we do adopt this motion. It is absolutely essential. Because if the purpose of section 110 is to try to solve the problem, it fails. If the attempt is to create a roadblock to trade with Canada, it succeeds. We do not want that kind of success. We want a solution to the problem and something that works. Please vote for this motion to instruct.

Mr. LAFALCE. Mr. Speaker, I yield myself such time as I may consume.

First of all, the distinguished gentleman from Texas (Mr. SMITH) has indicated that this provision in the law was passed overwhelmingly in 1996. I would concede the fact that the immigration changes of 1996 were passed overwhelmingly, although I opposed the bill, but I also would argue that there were only a handful of individuals in the entire United States Congress, or the world, who were aware of section 110 in particular. It was not until months or a year later that an awareness of section 110 developed. The author may have been aware, but nobody else was voting for that 1996 law because of that specific provision.

Now, with respect to section 110, notice what it calls for, the documentation—the documentation—of all aliens entering and departing the United States. Now, we have never had such a requirement. They say, "Oh, well, there is technology being developed." Technology is being developed that can read license plates and so you might be able to document vehicles entering and departing the United States through technology, but to my knowledge no technology has been developed or is on the radar screen that is going to read the name, address, phone number, et cetera of every individual within a vehicle entering or leaving the United States. That is why every single person of any expertise who has testified on this issue said it would create 2- to 3-day delays at the borders rather than 2 to 3-minute delays at the border as might now be experienced. In effect what it would do is shut down the borders. In effect what it would do, section 110, if implemented, is create a great wall. We have heard of the Berlin Wall, we have heard of the Great Wall of China. We would now have the Great Canadian Wall and the Great Mexican Wall.

With respect to the arguments of the gentleman from North Carolina (Mr. WATT), I should point out to him, it is too bad that he was not here to listen to the eloquent arguments in opposition to section 110 and in favor of the gentleman from Michigan's resolution offered by the gentleman from Texas (Mr. BONILLA) and the gentleman from Texas (Mr. ORTIZ) because this would affect Mexico at least as much as it would affect Canada, and we want to deal with the problems on both our borders.

Now, what is the problem that they intend to get at? Well, it is a shifting problem that they attempt to get at. On the one hand, it is overstays, and then maybe it is drug smuggling and then maybe it is terrorism. The fact of the matter is that this is not going to get at any of those problems. This is going to divert the resources that we have, and 99 percent of those resources will have to be spent on nonproblems when they should be spent on the real problems.

There is another problem, too: planning for the future. Every year along the border, millions and millions of dollars are being invested in infrastructure. This is true in Buffalo, New York; it is true in Niagara Falls, New York; it is true in Seattle, you name it. It is true across the entire southern border, also. How do you plan when you have this Damoclean sword over your head called section 110 that says you must document all aliens entering and departing the United States? What infrastructure do you build on your side of the border to deal with individuals departing the United States when you have no physical infrastructure right now to deal with individuals departing the United States and you certainly do not have any human resources now or prospectively in the future to deal with them?

It is unfortunate that we have to take this issue up on a motion to instruct conferees in an appropriations bill because it would be much preferable if this House of Representatives could work its will as the United States Senate has done on five separate occasions. On five separate occasions when the issue came before the United States Senate, they have voted, I believe unanimously in each and every instance, to repeal section 110, but we have not been afforded the opportunity to vote on a clear-cut repeal of section 110, and so we must resort to whatever device we possibly can. Is this the best device? Of course not. But then give us the right to vote on a clean bill repealing section 110. Let us take it up on the suspension calendar if need be. But make it be a clear, simple issue, repeal of section 110 or not. It would pass overwhelmingly. It would pass overwhelmingly. That is why it is not being allowed on the floor.

I urge everyone, should we be able to vote on this resolution, to vote for it, to vote with the unanimous vote of the Senate, with the administration, with the perspective of the Canadians, with the perspective of the Mexicans, with the perspective of virtually every single association that has addressed the issue and with the interest of those who truly do want to spend their time, energy, resources and money in an effective fight against overstays, in an effective fight against drug smuggling and in an effective fight against terrorism.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, let me assure my colleagues that their fears are unfounded and simply not justified. I would turn their attention again to the specific language in the bill, that it would not be implemented and I will repeat that for emphasis once again, it will not be implemented if it would impede trade or traffic. So all these scare stories of hours of wait, all the fearmongering is really on the wrong subject because the bill would never be implemented because of the language in the bill saying it would not be if there were any diminution of trade or traffic. The experts, Mr. Speaker, tell us that such a system is workable and the experts I quoted a while ago have confirmed that.

Mr. Speaker, finally I want to point out that such a system would benefit both countries because citizens of both Canada and the United States have well-grounded fears of terrorism, illegal immigration and drug smugglers. In fact, just this week there was a poll taken in Canada that for the first time ever showed that immigration concerns, particularly in regard to illegal immigration, was now the number two priority of Canadian citizens. In that case, I think that they join American citizens in being concerned about a legitimate problem. This section 110 will in fact enable us to stop terrorists, reduce illegal immigration and reduce drug smugglers.

Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. DEAL).

Mr. DEAL of Georgia. Mr. Speaker, I thank the gentleman for yielding me this time. I rise in opposition to the motion to instruct and simply would compliment the conferees for hopefully keeping in section 110.

We are all aware of the illegal immigration problem on our southern border, but we are also becoming increasingly aware of the problem on our northern border. We have read the stories of the boatloads of Chinese who are landing there with the hopes of crossing the Canadian border into the United States.

For those who simply say it is an illegal immigration problem, the 2 million or more of the 5 million illegally in this country are estimated to be overstays of visas that were lawfully granted to them. So overstay is a problem because they recognize that once they get here, the INS has no effective way of being sure that they leave.

To those who say that they do not like section 110, I would simply say provide us with a better alternative. The answer is not simply to abolish what is now in the law, waiting for its implementation, and that has been extended by the way, but to simply say, "Okay, if you don't like our solution to it, give us a better one." Do not just simply throw up your hands and say we cannot do anything about it. The American public wants us to solve the problem.

Mr. LAFALCE. Mr. Speaker, I yield the balance of my time to the gentleman from Michigan (Mr. UPTON) and ask unanimous consent that he be permitted to control that time.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. UPTON. Mr. Speaker, I yield myself 30 seconds. I just want to thank the gentleman from New York (Mr. LAFALCE). He has been a leader in this effort, helping to line up cosponsors in our effort to repeal this on our bill, more than 114, I believe, at this point. We certainly have appreciated his work on that side of the aisle and with our friends on this issue. We thank him for that time.

Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. METCALF).

Mr. METCALF. Mr. Speaker, I thank the gentleman from Michigan for yielding me this time.

Mr. Speaker, when Congress passed section 110 in 1996, I do not believe most Members knew exactly what the effect would be. Perhaps it was necessary on the southern border. But if we allow this provision to take effect on the northern border, the delays at border crossings could be disastrous. The Immigration and Naturalization Service simply lacks the technology to carry out the requirements of section 110 without causing unmanageable congestion at the border due to the border checks.

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Already plans are being made to develop and destroy huge and large portions of the historic Peace Arch Park in my district in order to make way for the infrastructure necessary for the implementation of section 110. Congress needs to repeal this provision as soon as possible.

Now, I understand the need to control immigration. In fact, I believe that protection of our borders ought to be one of our Government's highest priorities. But section 110, as it stands, is not the answer. It will create needless delays and provide no law enforcement in return.

Mr. Speaker, I urge the passage of this motion.

Mr. UPTON. Mr. Speaker, I yield 2½ minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I rise in strong opposition to this proposal.

First of all, I was a cosponsor of the Illegal Immigration Reform Act of 1996, and what we are hearing tonight is a proposal to gut that very important piece of legislation. This should be called the "open border legislation." This is what this vote is all about. This vote, all the horror stories that we have heard tonight about what is going to happen if section 110 is implemented are all conjecture. This is all conjecture. It is one thing to come to the floor of the House and say, vote a certain way based on a horror story of something that's happening, some piece of legislation that's gone astray. It is another thing to come to the floor and conjecture that there is going to be some sort of problem.

Let me tell my colleagues what is going to happen if we do eliminate section 110. What is going to happen is millions of people are going to be coming into our country illegally who would not otherwise be able to come into this country. Colleagues, tell me what the horror story is. That is not conjecture. That is, if we take a look at what is going on at the border, what we can predict from what is happening to immigration in this country.

I do not know what is happening in my colleagues' States, but in California we have still have a massive flow of illegal immigration that is undermining our education system, taking our health care system apart, our criminal justice system is going down; all of these things because we have a flood of illegal immigrants coming into this country.

There is nothing wrong with strengthening our borders and trying to find a technological way of doing it so that we do not disrupt traffic, and that is what 110 says. It simply says let us develop technology so we can control the flow of illegals into our borders, but at the same time try to find a technological answer so it does not disrupt the flow of honest traffic between the countries.

What is wrong with that? I will tell my colleagues what is wrong with that. We got a bunch of people in this country for one reason or another who want to have illegals come into this country, perhaps as a profit for the low wages they can pay these people.

Let us not vote for a provision that will open our borders to every kind of illegal immigrant, whether it is from Canada or Mexico. Yes, if there are more delays at the Mexican border, all right, let us try to make it efficient at both borders, but for Pete's sake let us not open it up so that those many, many illegal aliens from China that are landing in Canada can just surge down into the United States, and that is what will result if we take 110 out. We are not going to have any hope, we are not going to have any chance of getting control of our borders because we are saying do not even try to find a technological answer to this problem.

This is an open border vote, and I would say vote against it. We want to control illegal immigration, not encourage it.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Speaker, I thank the gentleman for yielding this time to me.

I, too, rise in opposition to this measure, and I suggest, to use an oft-quoted phrase and to paraphrase that anyway that it does seem that the supporters of this proposal doth protest too much. They bring to our attention what they believe to be the calamitous events that would occur if we actually simply began to check people when they come into this country and when they leave this country; and they suggest enormous calamities would occur as a result of that. Our economy would essentially shut down, businesses would end, there would be lines at the borders for thousands of miles.

I mean it goes on and on and on. But I really do not think that is their real problem.

I have to tell my colleagues that surely there are people who are concerned about the impact of it, but I also believe frankly what the gentleman from California (Mr. ROHRABACHER) suggested here a minute ago, and that was that there are other reasons that people are concerned about this, and that is that it would have the effect of limiting illegal immigration into the United States. That is the real issue here we are dealing with. It is not just how much problem there would be infrastructurally at the borders, Mr. Speaker. It is whether or not we are going to be able to control our own borders.

Is that not the responsibility of every country on the planet? Do we not, should we not be able to determine who comes into this country and for how long? And if the answer to that is yes, in my colleagues' hearts if it is yes, then is it not appropriate to do so in the manner in which it is described in 110? It is the least intrusive manner. It is the best we can possibly do to make sure that there is an objective way of analyzing who comes and who leaves, and it is just the opposite of the gentleman's concerns about being subjective.

This applies a technological fix to this problem. It is not just leaving it up to someone at the border to determine what they think this person looks like and whether they should be checked. This actually provides the objective determination.

So, Mr. Speaker, if my colleagues really are concerned about that, if that is truly in their hearts what they are trying to do is to make sure we provide objective analysis to people coming and going, then they must support this proposal and oppose the motion to instruct.

Mr. UPTON. Mr. Speaker, I yield myself 1 minute.

I would just like to respond to the gentleman from Colorado that in Michigan we have more traffic that crosses the Ambassador Bridge than goes to Japan in terms of exports, and in fact at the Ambassador Bridge some 24,000 vehicles cross that bridge every day, over a thousand vehicles an hour, and giving an optimistic estimate of about 2 minutes per border crossing if this system became implemented. It has been estimated that this would result in 17 hours of delay for every hour's worth of traffic. We cannot stand that, and the Midwest cannot stand that, and that is one of the reasons why we are pursuing this motion to instruct the conferees to try and repeal section 110 and allow a vote to do so.

Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Speaker, let me just sort of make an outreach to my colleagues along the Canadian border. I know their concern. I have business people that are concerned about the possible impacts of 110, and that is something we should work together to make sure does not cause a calamity, does not block commerce; but to retreat at this time from a commitment that we have made to the American people that this is an issue that needs to be addressed, that this country should know who is in the country and who has left the country and who has entered this country, that is not too much to ask for.

Now I know the gentleman from Michigan is worried about this adverse impact of immigration control along the border, and I ask all of us to work together in addressing the issue that right now people get jobs, get social benefits, and can vote in the United States without ever having to prove that they are legally in the country or a U.S. citizen, and in fact there is no way for a local official to be able to check on that.

Mr. Speaker, I ask for all of my colleagues along the Canadian border who are so upset about the possibility of border control to join with us at having some internal enforcement. But I am saying that our port of entry has problems. We have 45 minutes to an hour wait sometimes when it is outrageously during a weekend; but the fact is that technology is the answer in many of these situations and before, and I ask my colleagues the next time they drive to Dulles to look off to their right and see people driving through.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

I would like to conclude by reading reports that point to some of the immigration problems we have on our northern border and also point to why we need an immigration system that includes an entry-exit system.

USA Today reported on July 20 in a front page story about the northern border several recent arrests have brought home the possibility that terrorists are establishing themselves in Canada because of that government's easy-going attitude toward asylum, then slipping into the U.S.A. There has been an upswing in alien smuggling and drug crimes. Also the INS has testified that as southwest border enforcement continues to stiffen and the price charged for smuggling escalates, many choose the alternative of illegally entering the United States from Canada. Entry controls will make alien and drug smuggling along our northern border much more difficult.

On May 21, 1999, the Detroit News reported the growing problem of illegal immigrants flying to Toronto and then crossing the border into Michigan. A 1998 report from the National Drug Intelligence Center, quote, "warned that marijuana exports from Canada to the U.S. were becoming a significant problem and the drug smugglers in the U.S. are exchanging British Columbian marijuana pound for pound for cocaine. U.S. officials believe that the vast majority of drug smugglers make their way into the United States without detection." "If we are getting 1 to 2 percent at the border, we are being lucky, said Tom Kelly, who worked as a resident in charge of the U.S. Drug Enforcement Agency in Blaine, Washington.

And on June 8, 1998, the United Press International reported that a joint investigation between U.S. and Canadian law enforcement officials culminated in the seizure of $3.7 million worth of drugs. And finally on August 14, the Toronto Globe and Mail reported that the United States is considering placing Canada on the illicit drug black list because, quote, "Canada has assumed a major role in the global trade and illicit drugs, and substantial amounts of marijuana and heroin are being smuggled into the United States via Canada."

Mr. Speaker, I also could go on for a long time on examples of over-stayers and terrorists, but let me very briefly say that two of the aliens convicted in the World Trade Center bombing overstayed their non-immigrant visas. Those convicted in the CIA employee killing have done the same thing. Several terrorists entered the United States without inspection coming across the Canadian border, for example, the individual who was later arrested in New York City for planning to bomb the city subway system and so forth.

In fact, the Justice Department's Office of Inspector General concluded that his easy entry into Canada and his ability to remain in Canada despite at least two criminal convictions and repeated attempts to enter the United States illegally highlight the difficulty in controlling illegal immigration into the United States.

So, Mr. Speaker, I think we have agreement on two subjects tonight. One is that we want to stop illegal immigration, reduce drug smuggling, and stop terrorists. The other is that we do not want to do anything to impede trade or traffic with our neighbor to the north, Canada, and that is exactly why last year under suspension I inserted language in the bill to make sure that we would not impede trade or traffic.

So all this fear, all these straw men, all these red herrings, everything else about that we are going to delay entry into the United States from Canada is simply no factual basis simply because we have language to protect against that. Again, the debate is not about trade. We all agree that we need trade with Canada. The debate is about how best to reduce illegal immigration, drug smuggling and terrorists; and we have expert testimony saying that we have just the proper system to do that.

Finally, I want to make the point that when we talk about illegal immigration, we are never going to be able to get a handle on almost half the problem of illegal immigration, visa over-stayers, unless we have an entry-exit system. We are never going to have a workable visa waiver system unless we have such an entry-exit system, and we are never going to be able to have a guest worker program unless we have an entry-exit system.

So let us not be fearful. Let us look for ways to implement a system that is not going to impede trade or traffic and that will benefit both countries.

Mr. Speaker, I yield back the balance of my time.

GENERAL LEAVE

Mr. UPTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this motion.

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. UPTON. Mr. Speaker, I yield myself as much time as I may consume.

I would also like to ask my friend for sure, the gentleman from Texas (Mr. SMITH), that I would love to add his name as a cosponsor of our bill because in fact what it does is that it replaces section 110 with a feasibility study, and when and if a feasibility study could be proven that would work, we will be glad to take a look at it, but until then this section 110 will shut down traffic, particularly in the border that I know best, the Canadian-U.S. border. And as I have been a member of the U.S.-Canadian Interparliamentary Group the last number of years, the gentleman from New York (Mr. HOUGHTON), my colleague who spoke in favor of my motion earlier tonight, the gentleman from New York (Mr. LAFALCE), a number of other Members, this is the number one issue. We know, our two countries know, that we cannot exist as we do today with the trade opportunities that both countries are having and have this section 110 come into place.

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Therefore, it needs to be refined in a major way, and that is why we are suggesting it be repealed.

I would also thank my Senator, SPENCER ABRAHAM, the leader of this effort in the Senate. He has done a terrific job in making sure that that is passed, as my colleague from New York indicated, five times, I believe, by unanimous vote. My governor, John Engler, has led the effort of the National Governors Association in drafting this strong letter in support of what we are trying to do tonight and has certainly helped the U.S. Chamber of Commerce and the National Association of Manufacturers and lots of groups around the country that are very interested in this.

At the end of the day here, we are going to be denied a vote on a procedural effort and that is sad, because I do believe that we could win on this issue had we been allowed to have a vote of the full House on this issue that would certainly be bipartisan. Though they have been able to have the vote in the Senate, we have not been able to have the vote in the House. Unless by some chance, as I look to my friend from Kentucky, they do not file today or tomorrow; we would love to have this vote. We have alerted the leadership that this cannot stand, that this has to be resolved, that we need a vote to repeal this. Again, I think our side can win.

I would ask my colleagues to join me in instructing the conferees before they report this bill out to join with us in repealing section 110 and receding to the Senate.

Mr. RODRIGUEZ. Mr. Speaker, I rise in support of the Motion to Instruct Conferees which seeks to include the Senate language of the Commerce Justice, State and Judiciary Appropriations Act of 1999 that would end exit controls at land borders and seaports. This provision of controls, known as Section 110 of the Illegal Immigration Reform and Immigration Act of 1996, would likely place an undue burden on trade at our nations' borders. For South Texas, which has emerged as the premier gateway to trade not only to Mexico, but also to the Americas, this extra step of gathering data and inspecting records could hamper needed growth and economic development without providing a commensurate level of security or law enforcement value.

The stated goals of Section 110 are to increase immigration enforcement and security through better record keeping. While advocating what appears to be a worthy system, policy makers failed to provide us the resources we would need to implement this new law. To implement this law properly would require an immigration data base for comparing records; technology for rapid implementation of the law; and new facilities for inspection of out bound traffic. None of these currently exist. The result: without these new resources, we are left with unprecedented gridlock at Texas border crossings, disrupting trade, commerce, tourism, and other legitimate cross-border traffic.

Although Section 110 was supposed to be put in place on September 30, 1998, the Immigration and Naturalization Services (INS) put off implementing the new system for land and sea ports because it recognized it did not have the resources to do it. They have now set a new target date for March 2001, but I doubt they will be able to start by then either. The task is too enormous.

We need to step back and examine our priorities. First, we must check people and goods seeking to enter the United States. We do not have adequate resources now to check who comes in, let alone who goes out. Let's address this priority before creating new, unworkable requirements. Second, we need to work toward a seamless border that fosters international trade. We need to provide the US Customs Service with more and better high tech equipment and increase the number of Customs agents.

I recently testified before the Ways & Means Trade Subcommittee, urging them to give Customs the resources it needs to address these priorities. To help solve the Section 110 problem, I joined on a bill that would give the INS two more years before starting the outbound checks at airports, eliminate the requirement for land and sea ports, and require the Attorney General to study what it would really cost to implement this new system.

Beyond the rhetoric, Section 110 would cost us too much at a time when other high priority needs are unmet. Let's solve one problem before creating another. We need to get back on track before we become our own trade and economic growth enemy.

Mr. BONIOR. Mr. Speaker, when Congress passed the immigration reform bill in 1996, no one in this body thought they were voting for a bill that would tie up our borders with Mexico and Canada.

But that's exactly what happened.

Section 110 of the bill was interpreted as requiring Canadian and Mexican citizens to obtain entry and exit documents when traveling to the United States—even though the authors of the bill acknowledged that was not its purpose.

For communities at the border, Section 110 of the immigration bill is a disaster waiting to happen: clogged bridges, tunnels and roads, impacting commerce and tourism.

I know that at the Blue Water Bridge at Port Huron in Michigan, delays can already lead to hours waiting in line at our border with Canada. But improvements are being made to relieve the congestion.

All the efforts that have been made to improve our borders will be for naught if the visa requirement is implemented.

We don't need an onerous, unnecessary requirement that will further congest our borders.

That's why we should repeal Section 110.

The Senate version of the Commerce Justice State bill does just that. It should be included in the conference report.

Tourism, trade, and border communities will be devastated if Section 110 is not repealed. This is our chance to make it right.

We can patrol our border effectively if we give the INS and Customs Service the resources they need to do their jobs well. But Section 110 will not help.

Let's use the opportunity we have today to correct this major flaw. Support the Motion to Instruct.

Mr. QUINN. Mr. Speaker, I thank the gentleman from Michigan, Mr. UPTON, for yielding me the time, and I rise in strong support of this motion to instruct conferees. Section 110 of the 1996 Immigration Reform Act mandated the implementation of an entry-exit control system at our land borders. While this sounds like a good idea in theory, I believe that this provision was inserted with little or no examination of the possible consequences. This year the Senate included common sense language that would repeal section 110 in its version of the fiscal year 2000 Commerce, Justice State Appropriations bill. This motion would instruct the House conferees to accept the Senate language.

I am very concerned that section 110, if implemented, would cause massive delays and gridlock at the US-Canadian border, causing massive disruptions of tourism, commerce and traffic in Western New York and throughout the United States. Some studies have shown that implementation of section 110 would cause such massive delays that border crossings would be reduced by 50 percent or more. Border delays of an hour could be increased to upwards of 17 hours. Ladies and gentleman, I submit to you this would have a devastating impact on the US economy, as Canada is our largest trading partner.

While I am sensitive to the concerns of the proponents of section 110, who believe that this provision is necessary to stem the tide of illegal immigrants and illegal drugs into the United States, I do not believe that section 100 would be a solution to either of these problems.

Section 110 would have serious adverse impact on the United States economy and specifically, the economy of the Western New York and Northern border regions. I urge my colleagues to support this motion which is vital to the well-being of my congressional district.

Mr. UPTON. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the motion to instruct.

The previous question was ordered.

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). The question is on the motion to instruct offered by the gentleman from Michigan (Mr. UPTON).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SMITH of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed to a time later designated by the Speaker.

CONFERENCE REPORT ON H.R. 2670, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

Mr. ROGERS submitted the following conference report and statement on the bill (H.R. 2670) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2000, and for other purposes:

CONFERENCE REPORT (H. REPT. 106-398)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2670) "making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2000, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2000, and for other purposes, namely:

TITLE I—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $79,328,000, of which not to exceed $3,317,000 is for the Facilities Program 2000, to remain available until expended: Provided, That not to exceed 43 permanent positions and 44 full-time equivalent workyears and $8,136,000 shall be expended for the Department Leadership Program exclusive of augmentation that occurred in these offices in fiscal year 1999: Provided further, That not to exceed 41 permanent positions and 48 full-time equivalent workyears and $4,811,000 shall be expended for the Offices of Legislative Affairs and Public Affairs: Provided further, That the latter two aforementioned offices may utilize non-reimbursable details of career employees within the caps described in the aforementioned proviso: Provided further, That the Attorney General is authorized to transfer, under such terms and conditions as the Attorney General shall specify, forfeited real or personal property of limited or marginal value, as such value is determined by guidelines established by the Attorney General, to a State or local government agency, or its designated contractor or transferee, for use to support drug abuse treatment, *drug and crime prevention and education, housing, job skills, and other community-based public health and safety programs: Provided further, That any transfer under the preceding proviso shall not create or confer any private right of action in any person against the United States, and shall be treated as a reprogramming under section 605 of this Act.*

JOINT AUTOMATED BOOKING SYSTEM

For expenses necessary for the nationwide deployment of a Joint Automated Booking System, $1,800,000, to remain available until expended.

NARROWBAND COMMUNICATIONS

For the costs of conversion to narrowband communications as mandated by section 104 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 903(d)(1)), $10,625,000, to remain available until expended.

COUNTERTERRORISM FUND

For necessary expenses, as determined by the Attorney General, $10,000,000, to remain available until expended, to reimburse any Department of Justice organization for (1) the costs incurred in reestablishing the operational capability of an office or facility which has been damaged or destroyed as a result of any domestic or international terrorist incident; and (2) the costs of providing support to counter, investigate or prosecute domestic or international terrorism, including payment of rewards in connection with these activities: Provided, That any Federal agency may be reimbursed for the costs of detaining in foreign countries individuals accused of acts of terrorism that violate the laws of the United States: Provided further, That funds provided under this paragraph shall be available only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

TELECOMMUNICATIONS CARRIER COMPLIANCE FUND

For payments authorized by section 109 of the Communications Assistance for Law Enforcement Act (47 U.S.C. 1008), $15,000,000, to remain available until expended.

ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration related activities, $98,136,000.

In addition, $50,363,000, for such purposes, to remain available until expended, to be derived from the Violent Crime Reduction Trust Fund.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $40,275,000; including not to exceed $10,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and for the acquisition, lease, maintenance, and operation of motor vehicles, without regard to the general purchase price limitation for the current fiscal year: Provided, That not less than $40,000 shall be transferred to and administered by the Department of Justice Wireless Management Office for the costs of conversion to narrowband communications and for the operations and maintenance of legacy Land Mobile Radio systems.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized by law, $7,380,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia, $346,381,000; of which not to exceed $10,000,000 for litigation support contracts shall remain available until expended: Provided, That of the funds available in this appropriation, not to exceed $36,666,000 shall remain available until expended for office automation systems for the legal divisions covered by this appropriation, and for the United States Attorneys, the Antitrust Division, and offices funded through "Salaries and Expenses", General Administration: Provided further, That of the total amount appropriated, not to exceed $1,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses.

In addition, $147,929,000, to be derived from the Violent Crime Reduction Trust Fund, to remain available until expended for such purposes.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, as amended, not to exceed $4,028,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, $81,850,000: Provided, That, notwithstanding section 3302(b) of title 31, United States Code, not to exceed $81,850,000 of offsetting collections derived from fees collected in fiscal year 2000 for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated from the General Fund shall be reduced as such offsetting collections are received during fiscal year 2000, so as to result in a final fiscal year 2000 appropriation from the General Fund estimated at not more than $0.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including intergovernmental and cooperative agreements, $1,161,957,000; of which not to exceed $2,500,000 shall be available until September 30, 2001, for (1) training personnel in debt collection, (2) locating debtors and their property, (3) paying the net costs of selling property, and (4) tracking debts owed to the United States Government: Provided, That of the total amount appropriated, not to exceed $8,000 shall be available for official reception and representation expenses: Provided further, That not to exceed $10,000,000 of those funds available for automated litigation support contracts shall remain available until expended: Provided further, That not to exceed $2,500,000 for the operation of the National Advocacy Center shall remain available until expended: Provided further, That not to exceed $1,000,000 shall remain available until expended for the expansion of existing Violent Crime Task Forces in United States Attorneys Offices into demonstration projects, including inter-governmental, inter-local, cooperative, and task-force agreements, however denominated, and contracts with State and local prosecutorial and law enforcement agencies engaged in the investigation and prosecution of violent crimes: Provided further, That, in addition to reimbursable full-time equivalent workyears available to the Offices of the United States Attorneys, not to exceed 9,120 positions and 9,398 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the United States Attorneys.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized by 28 U.S.C. 589a(a), $112,775,000, to remain available until expended and to be derived from the United States Trustee System Fund: Provided, That, notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: Provided further, That, notwithstanding any other provision of law, $112,775,000 of offsetting collections derived from fees collected pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and remain available until expended: Provided further, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 2000, so as to result in a final fiscal year 2000 appropriation from the Fund estimated at $0: Provided further, That 28 U.S.C. 589a is amended by striking "and" in subsection (b)(7); by striking the period in subsection (b)(8) and inserting in lieu thereof "; and"; and by adding a new paragraph as follows: "(9) interest earned on Fund investment.".

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109, $1,175,000.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For necessary expenses of the United States Marshals Service; including the acquisition, lease, maintenance, and operation of vehicles, and the purchase of passenger motor vehicles for police-type use, without regard to the general purchase price limitation for the current fiscal year, $333,745,000, as authorized by 28 U.S.C. 561(i); of which not to exceed $6,000 shall be available for official reception and representation expenses; of which not to exceed $4,000,000 for development, implementation, maintenance and support, and training for an automated prisoner information system shall remain available until expended; and of which not less than $2,762,000 shall be for the costs of conversion to narrowband communications and for the operations and maintenance of legacy Land Mobile Radio systems: Provided, That such amount shall be transferred to and administered by the Department of Justice Wireless Management Office.

In addition, $209,620,000, for such purposes, to remain available until expended, to be derived from the Violent Crime Reduction Trust Fund.

CONSTRUCTION

For planning, constructing, renovating, equipping, and maintaining United States Marshals Service prisoner-holding space in United States courthouses and federal buildings, including the renovation and expansion of prisoner movement areas, elevators, and sallyports, $6,000,000, to remain available until expended.

JUSTICE PRISONER AND ALIEN TRANSPORTATION SYSTEM FUND, UNITED STATES MARSHALS SERVICE

Beginning in fiscal year 2000 and thereafter, payment shall be made from the Justice Prisoner and Alien Transportation System Fund for necessary expenses related to the scheduling and transportation of United States prisoners and illegal and criminal aliens in the custody of the United States Marshals Service, as authorized in 18 U.S.C. 4013, including, without limitation, salaries and expenses, operations, and the acquisition, lease, and maintenance of aircraft and support facilities: Provided, That the Fund shall be reimbursed or credited with advance payments from amounts available to the Department of Justice, other Federal agencies, and *other sources at rates that will recover the expenses of Fund operations, including, without limitation, accrual of annual leave and depreciation of plant and equipment of the Fund: Provided further, That proceeds from the disposal of Fund aircraft shall be credited to the Fund: Provided further, That amounts in the Fund shall be available without fiscal year limitation, and may be used for operating equipment lease agreements that do not exceed 5 years.*

FEDERAL PRISONER DETENTION

For expenses, related to United States prisoners in the custody of the United States Marshals Service as authorized in 18 U.S.C. 4013, but not including expenses otherwise provided for in appropriations available to the Attorney General, $525,000,000, as authorized by 28 U.S.C. 561(i), to remain available until expended.

FEES AND EXPENSES OF WITNESSES

For expenses, mileage, compensation, and per diems of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, and for per diems in lieu of subsistence, as authorized by law, including advances, $95,000,000, to remain available until expended; of which not to exceed $6,000,000 may be made available for planning, construction, renovations, maintenance, remodeling, and repair of buildings, and the purchase of equipment incident thereto, for protected witness safesites; and of which not to exceed $1,000,000 may be made available for the purchase and maintenance of armored vehicles for transportation of protected witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, established by title X of the Civil Rights Act of 1964, $7,199,000 and, in addition, up to $1,000,000 of funds made available to the Department of Justice in this Act may be transferred by the Attorney General to this account: Provided, That notwithstanding any other provision of law, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict prevention and resolution activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(A)(ii), (B), (F), and (G), as amended, $23,000,000, to be derived from the Department of Justice Assets Forfeiture Fund.

RADIATION EXPOSURE COMPENSATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses in accordance with the Radiation Exposure Compensation Act, $2,000,000.

PAYMENT TO RADIATION EXPOSURE COMPENSATION TRUST FUND

For payments to the Radiation Exposure Compensation Trust Fund, $3,200,000.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the detection, investigation, and prosecution of individuals involved in organized crime drug trafficking not otherwise provided for, to include intergovernmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, $316,792,000, of which $50,000,000 shall remain available until expended: Provided, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation: Provided further, That any unobligated balances remaining available at the end of the fiscal year shall revert to the Attorney General for reallocation among participating organizations in succeeding fiscal years, subject to the reprogramming procedures described in section 605 of this Act.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of not to exceed 1,236 passenger motor vehicles, of which 1,142 will be for replacement only, without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance, and operation of aircraft; and not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General, $2,337,015,000; of which not to exceed $50,000,000 for automated data processing and telecommunications and technical investigative equipment and not to exceed $1,000,000 for undercover operations shall remain available until September 30, 2001; of which not less than $292,473,000 shall be for counterterrorism investigations, foreign counterintelligence, and other activities related to our national security; of which not to exceed $10,000,000 is authorized to be made available for making advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to violent crime, terrorism, organized crime, and drug investigations; and of which not less than $50,000,000 shall be for the costs of conversion to narrowband communications, and for the operations and maintenance of legacy Land Mobile Radio systems: Provided, That such amount shall be transferred to and administered by the Department of Justice Wireless Management Office: Provided further, That not to exceed $45,000 shall be available for official reception and representation expenses: Provided further, That no funds in this Act may be used to provide ballistics imaging equipment to any State or local authority which has obtained similar equipment through a Federal grant or subsidy unless the State or local authority agrees to return that equipment or to repay that grant or subsidy to the Federal Government.

In addition, $752,853,000 for such purposes, to remain available until expended, to be derived from the Violent Crime Reduction Trust Fund, as authorized by the Violent Crime Control and Law Enforcement Act of 1994, as amended, and the Antiterrorism and Effective Death Penalty Act of 1996.

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design of projects, $1,287,000, to remain available until expended.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs; purchase of not to exceed 1,358 passenger motor vehicles, of which 1,079 will be for replacement only, for police-type use without regard to the general purchase price limitation for the current fiscal year; and acquisition, lease, maintenance, and operation of aircraft, $933,000,000, of which not to exceed $1,800,000 for research shall remain available until expended, and of which not to exceed $4,000,000 for purchase of evidence and payments for information, not to exceed $10,000,000 for contracting for automated data processing and telecommunications equipment, and not to exceed $2,000,000 for laboratory equipment, $4,000,000 for technical equipment, and $2,000,000 for aircraft replacement retrofit and parts, shall remain available until September 30, 2001; of which not to exceed $50,000 shall be available for official reception and representation expenses; and of which not less than $20,733,000 shall be for the costs of conversion to narrowband communications and for the operations and maintenance of legacy Land Mobile Radio systems: Provided, That such amount shall be transferred to and administered by the Department of Justice Wireless Management Office.

In addition, $343,250,000, for such purposes, to remain available until expended, to be derived from the Violent Crime Reduction Trust Fund.

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design of projects, $5,500,000, to remain available until expended.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, as follows:

ENFORCEMENT AND BORDER AFFAIRS

For salaries and expenses for the Border Patrol program, the detention and deportation program, the intelligence program, the investigations program, and the inspections program, including not to exceed $50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; purchase for police-type use (not to exceed 3,075 passenger motor vehicles, of which 2,266 are for replacement only), without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; research related to immigration enforcement; for protecting and maintaining the integrity of the borders of the United States including, without limitation, equipping, maintaining, and making improvements to the infrastructure; and for the care and housing of Federal detainees held in the joint Immigration and Naturalization Service and United States Marshals Service's Buffalo Detention Facility, $1,107,429,000; of which not to exceed $10,000,000 shall be available for costs associated with the training program for basic officer training, and $5,000,000 is for payments or advances arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to immigration; of which not to exceed $5,000,000 is to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled illegal *aliens; and of which not less than $18,510,000 shall be for the costs of conversion to narrowband communications and for the operations and maintenance of legacy Land Mobile Radio systems: Provided, That such amount shall be transferred to and administered by the Department of Justice Wireless Management Office: Provided further, That none of the funds available to the Immigration and Naturalization Service shall be available to pay any employee overtime pay in an amount in excess of $30,000 during the calendar year beginning January 1, 2000: Provided further, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: Provided further, That none of the funds provided in this or any other Act shall be used for the continued operation of the San Clemente and Temecula checkpoints unless the checkpoints are open and traffic is being checked on a continuous 24-hour basis.*

CITIZENSHIP AND BENEFITS, IMMIGRATION SUPPORT AND PROGRAM DIRECTION

For all programs of the Immigration and Naturalization Service not included under the heading "Enforcement and Border Affairs", $535,011,000, of which not to exceed $400,000 for research shall remain available until expended: Provided, That not to exceed $5,000 shall be available for official reception and representation expenses: Provided further, That the Attorney General may transfer any funds appropriated under this heading and the heading "Enforcement and Border Affairs" between said appropriations notwithstanding any percentage transfer limitations imposed under this appropriation Act and may direct such fees as are collected by the Immigration and Naturalization Service to the activities funded under this heading and the heading "Enforcement and Border Affairs" for performance of the functions for which the fees legally may be expended: Provided further, That not to exceed 40 permanent positions and 40 full-time equivalent workyears and $4,150,000 shall be expended for the Offices of Legislative Affairs and Public Affairs: Provided further, That the latter two aforementioned offices shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or non-reimbursable basis, or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis: Provided further, That the number of positions filled through non-career appointment at the Immigration and Naturalization Service, for which funding is provided in this Act or is otherwise made available to the Immigration and Naturalization Service, shall not exceed 4 permanent positions and 4 full-time equivalent workyears: Provided further, That none of the funds available to the Immigration and Naturalization Service shall be used to pay any employee overtime pay in an amount in excess of $30,000 during the calendar year beginning January 1, 2000: Provided further, That funds may be used, without limitation, for equipping, maintaining, and making improvements to the infrastructure and the purchase of vehicles for police type use within the limits of the Enforcement and Border Affairs appropriation: Provided further, That, notwithstanding any other provision of law, during fiscal year 2000, the Attorney General is authorized and directed to impose disciplinary action, including termination of employment, pursuant to policies and procedures applicable to employees of the Federal Bureau of Investigation, for any employee of the Immigration and Naturalization Service who violates policies and procedures set forth by the Department of Justice relative to the granting of citizenship or who willfully deceives the Congress or department leadership on any matter.

VIOLENT CRIME REDUCTION PROGRAMS

In addition, $1,267,225,000, for such purposes, to remain available until expended, to be derived from the Violent Crime Reduction Trust Fund: Provided, That the Attorney General may use the transfer authority provided under the heading "Citizenship and Benefits, Immigration Support and Program Direction" to provide funds to any program of the Immigration and Naturalization Service that heretofore has been funded by the Violent Crime Reduction Trust Fund.

CONSTRUCTION

For planning, construction, renovation, equipping, and maintenance of buildings and facilities necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, not otherwise provided for, $99,664,000, to remain available until expended: Provided, That no funds shall be available for the site acquisition, design, or construction of any Border Patrol checkpoint in the Tucson sector.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 708, of which 602 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments, $3,089,110,000; of which not less than $500,000 shall be transferred to and administered by the Department of Justice Wireless Management Office for the costs of conversion to narrowband communications and for the operations and maintenance of legacy Land Mobile Radio systems: Provided, That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: Provided further, That the Director of the Federal Prison System (FPS), where necessary, may enter into contracts with a fiscal agent/fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the FPS, furnish health services to individuals committed to the custody of the FPS: Provided further, That not to exceed $6,000 shall be available for official reception and representation expenses: Provided further, That not to exceed $90,000,000 shall remain available for necessary operations until September 30, 2001: Provided further, That, of the amounts provided for Contract Confinement, not to exceed $20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980, as amended, for the care and security in the United States of Cuban and Haitian entrants: Provided further, That, notwithstanding section 4(d) of the Service Contract Act of 1965 (41 U.S.C. 353(d)), FPS may enter into contracts and other agreements with private entities for periods of not to exceed 3 years and 7 additional option years for the confinement of Federal prisoners.

In addition, $22,524,000, for such purposes, to remain available until expended, to be derived from the Violent Crime Reduction Trust Fund.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; leasing the Oklahoma City Airport Trust Facility; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, $556,791,000, to remain available until expended, of which not to exceed $14,074,000 shall be available to construct areas for inmate work programs: Provided, That labor of United States prisoners may be used for work performed under this appropriation: Provided further, That not to exceed 10 percent of the funds appropriated to "Buildings and Facilities" in this Act or any other Act may be transferred to "Salaries and Expenses", Federal Prison System, upon notification by the Attorney General to the Committees on Appropriations of the House of Representatives and the Senate in compliance with provisions set forth in section 605 of this Act.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase of (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $3,429,000 of the funds of the corporation shall be available for its administrative expenses, and for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended ("the 1968 Act"), and the Missing Children's Assistance Act, as amended, including salaries and expenses in connection therewith, and with the Victims of Crime Act of 1984, as amended, $155,611,000, to remain available until expended, as authorized by section 1001 of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by Public Law 102–534 (106 Stat. 3524).

In addition, for grants, cooperative agreements, and other assistance authorized by sections 819, 821, and 822 of the Antiterrorism and Effective Death Penalty Act of 1996, $152,000,000, to remain available until expended.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended ("the 1994 Act"), $1,764,500,000 to remain available until expended; of which $523,000,000 shall be for Local Law Enforcement Block Grants, pursuant to H.R. 728 as passed by the House of Representatives on February 14, 1995, except that for purposes of this Act, the Commonwealth of Puerto Rico shall be considered a "unit of local government" as well as a "State", for the purposes set forth in paragraphs (A), (B), (D), (F), and (I) of section 101(a)(2) of H.R. 728 and for establishing *crime prevention programs involving cooperation between community residents and law enforcement personnel in order to control, detect, or investigate crime or the prosecution of criminals: Provided, That no funds provided under this heading may be used as matching funds for any other Federal grant program: Provided further, That $50,000,000 of this amount shall be for Boys and Girls Clubs in public housing facilities and other areas in cooperation with State and local law enforcement: Provided further, That funds may also be used to defray the costs of indemnification insurance for law enforcement officers: Provided further, That $20,000,000 shall be available to carry out section 102(2) of H.R. 728; of which $420,000,000 shall be for the State Criminal Alien Assistance Program, as authorized by section 242(j) of the Immigration and Nationality Act, as amended of which $686,500,000 shall be for Violent Offender Incarceration and Truth in Sentencing Incentive Grants pursuant to subtitle A of title II of the 1994 Act, of which $165,000,000 shall be available for payments to States for incarceration of criminal aliens, of which $25,000,000 shall be available for the Cooperative Agreement Program, and of which $34,000,000 shall be reserved by the Attorney General for fiscal year 2000 under section 20109(a) of subtitle A of title II of the 1994 Act; of which $130,000,000 shall be available to carry out section 102 of the Crime Identification Technology Act of 1998 (42 U.S.C. 14601), of which $35,000,000 is for grants to upgrade criminal records, as authorized by section 106(b) of the Brady Handgun Violence Prevention Act of 1993, as amended, and section 4(b) of the National Child Protection Act of 1993, of which $15,000,000 is for the National Institute of Justice to develop school safety technologies, and of which $30,000,000 shall be for State and local DNA laboratories as authorized by section 1001(a)(22) of the 1968 Act, as well as for improvements to the State and local forensic laboratory general forensic science capabilities and to reduce their DNA convicted offender database sample backlog; and of which $5,000,000 shall be for the Tribal Courts Initiative.*

VIOLENT CRIME REDUCTION PROGRAMS, STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For assistance (including amounts for administrative costs for management and administration, which amounts shall be transferred to and merged with the "Justice Assistance" account) authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended ("the 1994 Act"); the Omnibus Crime Control and Safe Streets Act of 1968, as amended ("the 1968 Act"); and the Victims of Child Abuse Act of 1990, as amended ("the 1990 Act"), $1,194,450,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund; of which $552,000,000 shall be for grants, contracts, cooperative agreements, and other assistance authorized by part E of title I of the 1968 Act, for State and Local Narcotics Control and Justice Assistance Improvements, notwithstanding the provisions of section 511 of said Act, as authorized by section 1001 of title I of said Act, as amended by Public Law 102–534 (106 Stat. 3524), of which $52,000,000 shall be available to carry out the provisions of chapter A of subpart 2 of part E of title I of said Act, for discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs; of which $10,000,000 shall be for the Court Appointed Special Advocate Program, as authorized by section 218 of the 1990 Act; of which $2,000,000 shall be for Child Abuse Training Programs for Judicial Personnel and Practitioners, as authorized by section 224 of the 1990 Act; of which $206,750,000 shall be for Grants to Combat Violence Against Women, to States, units of local government, and Indian tribal governments, as authorized by section 1001(a)(18) of the 1968 Act, including $28,000,000 which shall be used exclusively for the purpose of strengthening civil legal assistance programs for victims of domestic violence: Provided, That, of these funds, $5,200,000 shall be provided to the National Institute of Justice for research and evaluation of violence against women, $1,196,000 shall be provided to the Office of the United States Attorney for the District of Columbia for domestic violence programs in D.C. Superior Court, $10,000,000 which shall be used exclusively for violence on college campuses, and $10,000,000 shall be available to the Office of Juvenile Justice and Delinquency Prevention for the Safe Start Program, to be administered as authorized by part C of the Juvenile Justice and Delinquency Act of 1974, as amended; of which $34,000,000 shall be for Grants to Encourage Arrest Policies to States, units of local government, and Indian tribal governments, as authorized by section 1001(a)(19) of the 1968 Act; of which $25,000,000 shall be for Rural Domestic Violence and Child Abuse Enforcement Assistance Grants, as authorized by section 40295 of the 1994 Act; of which $5,000,000 shall be for training programs to assist probation and parole officers who work with released sex offenders, as authorized by section 40152(c) of the 1994 Act, and for local demonstration projects; of which $1,000,000 shall be for grants for televised testimony, as authorized by section 1001(a)(7) of the 1968 Act; of which $63,000,000 shall be for grants for residential substance abuse treatment for State prisoners, as authorized by section 1001(a)(17) of the 1968 Act; of which $900,000 shall be for the Missing Alzheimer's Disease Patient Alert Program, as authorized by section 240001(c) of the 1994 Act; of which $1,300,000 shall be for Motor Vehicle Theft Prevention Programs, as authorized by section 220002(h) of the 1994 Act; of which $40,000,000 shall be for Drug Courts, as authorized by title V of the 1994 Act; of which $1,500,000 shall be for Law Enforcement Family Support Programs, as authorized by section 1001(a)(21) of the 1968 Act; of which $2,000,000 shall be for public awareness programs addressing marketing scams aimed at senior citizens, as authorized by section 250005(3) of the 1994 Act; and of which $250,000,000 shall be for Juvenile Accountability Incentive Block Grants, except that such funds shall be subject to the same terms and conditions as set forth in the provisions under this heading for this program in Public Law 105–119, but all references in such provisions to 1998 shall be deemed to refer instead to 2000: Provided further, That funds made available in fiscal year 2000 under subpart 1 of part E of title I of the 1968 Act may be obligated for programs to assist States in the litigation processing of death penalty Federal habeas corpus petitions and for drug testing initiatives: Provided further, That, if a unit of local government uses any of the funds made available under this title to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety service.

WEED AND SEED PROGRAM FUND

For necessary expenses, including salaries and related expenses of the Executive Office for Weed and Seed, to implement "Weed and Seed" program activities, $33,500,000, to remain available until expended, for intergovernmental agreements, including grants, cooperative agreements, and contracts, with State and local law enforcement agencies engaged in the investigation and prosecution of violent crimes and drug offenses in "Weed and Seed" designated communities, and for either reimbursements or transfers to appropriation accounts of the Department of Justice and other Federal agencies which shall be specified by the Attorney General to execute the "Weed and Seed" program strategy: Provided, That funds designated by Congress through language for other Department of Justice appropriation accounts for "Weed and Seed" program activities shall be managed and executed by the Attorney General through the Executive Office for Weed and Seed: Provided further, That the Attorney General may direct the use of other Department of Justice funds and personnel in support of "Weed and Seed" program activities only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

COMMUNITY ORIENTED POLICING SERVICES

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103–322 ("the 1994 Act") (including administrative costs), $325,000,000, to remain available until expended, including $45,000,000 which shall be derived from the Violent Crime Reduction Trust Fund; of which $289,325,000 is for Public Safety and Community Policing Grants pursuant to title I of the 1994 Act, of which $180,000,000 shall be available for school resource officers; and of which $35,675,000 shall be used for policing initiatives to combat methamphetamine production and trafficking and to enhance policing initiatives in drug "hot spots": Provided, That of the amount provided for Public Safety and Community Policing Grants, not to exceed $17,325,000 shall be expended for program management and administration: Provided further, That of the unobligated balances available in this program, $210,000,000 shall be used for innovative community policing programs, of which $100,000,000 shall be used for a law enforcement technology program, $25,000,000 shall be used for the Matching Grant Program for Law Enforcement Armor Vests pursuant to section 2501 of part Y of the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"), as amended, $30,000,000 shall be used for Police Corps education, training, and service as set forth in sections 200101–200113 of the 1994 Act, $40,000,000 shall be available to improve tribal law enforcement including equipment and training, and $15,000,000 shall be used to combat violence in schools.

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, ("the Act"), including salaries and expenses in connection therewith to be transferred to and merged with the appropriations for Justice Assistance, $269,097,000, to remain available until expended, as authorized by section 299 of part I of title II and section 506 of title V of the Act, as amended by Public Law 102–586, of which (1) notwithstanding any other provision of law, $6,847,000 shall be available for expenses authorized by part A of title II of the Act, $89,000,000 shall be available for expenses authorized by part B of title II of the Act, and $42,750,000 shall be available for expenses authorized by part C of title II of the Act: Provided, That $26,500,000 of the amounts provided for part B of title II of the Act, as amended, is for the purpose of providing additional formula grants under part B to States that provide assurances to the Administrator that the State has in effect (or will have in effect no later than one year after date of application) policies and programs, that ensure that juveniles are subject to accountability-based sanctions for every act for which they are adjudicated delinquent; (2) $12,000,000 shall be available for expenses authorized by sections 281 and 282 of part D of title II of the Act for prevention and treatment programs relating to juvenile gangs; (3) $10,000,000 shall be available for expenses authorized by section 285 of part E of title II of the

Act; (4) $13,500,000 shall be available for expenses authorized by part G of title II of the Act for juvenile mentoring programs; (5) $95,000,000 shall be available for expenses authorized by title V of the Act for incentive grants for local delinquency prevention programs; of which $12,500,000 shall be for delinquency prevention, control, and system improvement programs for tribal youth; of which $25,000,000 shall be available for grants of $360,000 to each state and $6,640,000 shall be available for discretionary grants to states, for programs and activities to enforce state laws prohibiting the sale of alcoholic beverages to minors or the purchase or consumption of alcoholic beverages by minors, prevention and reduction of consumption of alcoholic beverages by minors, and for technical assistance and training; and of which $15,000,000 shall be available for the Safe Schools Initiative: Provided further, That upon the enactment of reauthorization legislation for Juvenile Justice Programs under the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, funding provisions in this Act shall from that date be subject to the provisions of that legislation and any provisions in this Act that are inconsistent with that legislation shall no longer have effect: Provided further, That of amounts made available under the Juvenile Justice Programs of the Office of Justice Programs to carry out part B (relating to Federal Assistance for State and Local Programs), subpart II of part C (relating to Special Emphasis Prevention and Treatment Programs), part D (relating to Gang-Free Schools and Communities and Community-Based Gang Intervention), part E (relating to State Challenge Activities), and part G (relating to Mentoring) of title II of the Juvenile Justice and Delinquency Prevention Act of 1974, and to carry out the At-Risk Children's Program under title V of that Act, not more than 10 percent of each such amount may be used for research, evaluation, and statistics activities designed to benefit the programs or activities authorized under the appropriate part or title, and not more than 2 percent of each such amount may be used for training and technical assistance activities designed to benefit the programs or activities authorized under that part or title.

In addition, for grants, contracts, cooperative agreements, and other assistance, $11,000,000 to remain available until expended, for developing, testing, and demonstrating programs designed to reduce drug use among juveniles.

In addition, for grants, contracts, cooperative agreements, and other assistance authorized by the Victims of Child Abuse Act of 1990, as amended, $7,000,000, to remain available until expended, as authorized by section 214B of the Act.

PUBLIC SAFETY OFFICERS BENEFITS

To remain available until expended, for payments authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), as amended, such sums as are necessary, as authorized by section 6093 of Public Law 100–690 (102 Stat. 4339–4340).

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 101. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed $45,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses in accordance with distributions, procedures, and regulations established by the Attorney General.

SEC. 102. Authorities contained in the Department of Justice Appropriation Authorization Act, Fiscal Year 1980 (Public Law 96–132; 93 Stat. 1040 (1979)), as amended, shall remain in effect until the termination date of this Act or until the effective date of a Department of Justice Appropriation Authorization Act, whichever is earlier.

SEC. 103. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape: Provided, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

SEC. 104. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 105. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: Provided, That nothing in this section in any way diminishes the effect of section 104 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 106. Notwithstanding any other provision of law, not to exceed $10,000,000 of the funds made available in this Act may be used to establish and publicize a program under which publicly advertised, extraordinary rewards may be paid, which shall not be subject to spending limitations contained in sections 3059 and 3072 of title 18, United States Code: Provided, That any reward of $100,000 or more, up to a maximum of $2,000,000, may not be made without the personal approval of the President or the Attorney General and such approval may not be delegated.

SEC. 107. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act, including those derived from the Violent Crime Reduction Trust Fund, may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

SEC. 108. (a) Notwithstanding any other provision of law, for fiscal year 2000, the Assistant Attorney General for the Office of Justice Programs of the Department of Justice—

(1) may make grants, or enter into cooperative agreements and contracts, for the Office of Justice Programs and the component organizations of that Office; and

(2) shall have final authority over all grants, cooperative agreements and contracts made, or entered into, for the Office of Justice Programs and the component organizations of that Office, except for grants made under the provisions of sections 201, 202, 301, and 302 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended; and sections 204(b)(3), 241(e)(1), 243(a)(1), 243(a)(14) and 287A(3) of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended.

(b) Notwithstanding any other provision of law, all functions of the Director of the Bureau of Justice Assistance, other than those enumerated in the Omnibus Crime Control and Safe Streets Act, as amended, 42 U.S.C. 3742 (3) through (6), are transferred to the Assistant Attorney General for the Office of Justice Programs.

SEC. 109. Sections 115 and 127 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999 (as contained in section 101(b) of division A of Public Law 105–277) shall apply to fiscal year 2000 and thereafter.

SEC. 110. Hereafter, for payments of judgments against the United States and compromise settlements of claims in suits against the United States arising from the Financial Institutions Reform, Recovery and Enforcement Act and its implementation, such sums as may be necessary, to remain available until expended: Provided, That the foregoing authority is available solely for payment of judgments and compromise settlements: Provided further, That payment of litigation expenses is available under existing authority and will continue to be made available as set forth in the Memorandum of Understanding between the Federal Deposit Insurance Corporation and the Department of Justice, dated October 2, 1998.

SEC. 111. Section 507 of title 28, United States Code, is amended by adding a new subsection (c) as follows:

"(c) Notwithstanding the provisions of title 31, section 901, the Assistant Attorney General for Administration shall be the Chief Financial Officer of the Department of Justice.".

SEC. 112. Section 3024 of the Emergency Supplemental Appropriations Act, 1999 (Public Law 106–31) shall apply for fiscal year 2000.

SEC. 113. Effective 30 days after enactment of this Act, section 1930(a)(1) of title 28, United States Code, is amended in paragraph (1) by striking "$130" and inserting in lieu thereof "$155"; section 589a of title 28, United States Code, is amended in subsection (b)(1) by striking "23.08 percent" and inserting in lieu thereof "27.42 percent"; and section 406(b) of Public Law 101–162 (103 Stat. 1016), as amended (28 U.S.C. 1931 note), is further amended by striking "30.76 percent" and inserting in lieu thereof "33.87 percent".

SEC. 114. Section 4006 of title 18, United States Code, is amended—

(1) by striking "The Attorney General" and inserting the following: "(a) IN GENERAL.—The Attorney General"; and

(2) by adding at the end the following:

"(b) HEALTH CARE ITEMS AND SERVICES.—

"(1) IN GENERAL.—Payment for costs incurred for the provision of health care items and services for individuals in the custody of the United States Marshals Service and the Immigration and Naturalization Service shall not exceed the lesser of the amount that would be paid for the provision of similar health care items and services under—

"(A) the medicare program under title XVIII of the Social Security Act; or

"(B) the medicaid program under title XIX of such Act of the State in which the services were provided.

"(2) FULL AND FINAL PAYMENT.—Any payment for a health care item or service made pursuant to this subsection, shall be deemed to be full and final payment.".

SEC. 115. (a) None of the funds made available by this or any other Act may be used to pay premium pay under title 5, United States Code, sections 5542 to 5549, to any individual employed as an attorney, including an Assistant United States Attorney, in the U.S. Department of Justice for any work performed on or after the date of enactment of this Act.

(b) Notwithstanding any other provision of law, neither the United States nor any individual or entity acting on its behalf shall be liable for premium pay under title 5, United States Code, sections 5542 to 5549, for any work performed on or after the date of enactment of this Act by any individual employed as an attorney in the Department of Justice, including an Assistant United States Attorney.

SEC. 116. Section 113 of the Department of Justice Appropriations Act, 1999 (section 101(b) of division A of Public Law 105–277), as amended by section 3028 of the Emergency Supplemental Appropriations Act, 1999 (Public Law 106–31), is further amended by striking the first comma and inserting "for fiscal year 2000 and hereafter,".

SEC. 117. Section 203(b)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(2)(B)) is amended to read as follows:

"(B)(i) Subject to clause (ii), the Attorney General may, when the Attorney General deems it to be in the national interest, waive the requirements of subparagraph (A) that an alien's services in the sciences, arts, professions, or business be sought by an employer in the United States.

"(ii)(I) The Attorney General shall grant a national interest waiver pursuant to clause (i) on behalf of any alien physician with respect to whom a petition for preference classification has been filed under subparagraph (A) if—

"(aa) the alien physician agrees to work full time as a physician in an area or areas designated by the Secretary of Health and Human Services as having a shortage of health care professionals or at a health care facility under the jurisdiction of the Secretary of Veterans Affairs; and

"(bb) a Federal agency or a department of public health in any State has previously determined that the alien physician's work in such an area or at such facility was in the public interest.

"(II) No permanent resident visa may be issued to an alien physician described in subclause (I) by the Secretary of State under section 204(b), and the Attorney General may not adjust the status of such an alien physician from that of a nonimmigrant alien to that of a permanent resident alien under section 245, until such time as the alien has worked full time as a physician for an aggregate of five years (not including the time served in the status of an alien described in section 101(a)(15)(J)), in an area or areas designated by the Secretary of Health and Human Services as having a shortage of health care professionals or at a health care facility under the jurisdiction of the Secretary of Veterans Affairs.

"(III) Nothing in this subparagraph may be construed to prevent the filing of a petition with the Attorney General for classification under section 204(a), or the filing of an application for adjustment of status under section 245, by an alien physician described in subclause (I) prior to the date by which such alien physician has completed the service described in subclause (II).

"(IV) The requirements of this subsection do not affect waivers on behalf of alien physicians approved under section 203(b)(2)(B) before the enactment date of this subsection. In the case of a physician for whom an application for a waiver was filed under section 203(b)(2)(B) prior to November 1, 1998, the Attorney General shall grant a national interest waiver pursuant to section 203(b)(2)(B) except that the alien is required to have worked full time as a physician for an aggregate of three years (not including time served in the status of an alien described in section 101(a)(15)(J)) before a visa can be issued to the alien under section 204(b) or the status of the alien is adjusted to permanent resident under section 245.".

SEC. 118. Section 286(q)(1)(A) of the Immigration and Nationality Act of 1953 (8 U.S.C. 1356(q)(1)(A)), as amended, is further amended—

(1) by deleting clause (ii);

(2) by renumbering clause (iii) as (ii); and

(3) by striking ", until September 30, 2000," in clause (iv) and renumbering that clause as (iii).

SEC. 119. Section 1402(d) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)) is amended—

(a) by striking paragraph (5);

(b) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(c) by adding a new paragraph (3), as follows:

"(3) Of the sums remaining in the Fund in any particular fiscal year after compliance with paragraph (2), such sums as may be necessary shall be available for the United States Attorneys Offices to improve services for the benefit of crime victims in the federal criminal justice system.".

SEC. 120. Public Law 103–322, the Violent Crime Control and Law Enforcement Act of 1994, Subtitle C, Section 210304, Index to Facilitate Law Enforcement Exchange of DNA Identification Information (42 U.S.C. 14132), is amended as follows:

(1) in subsection (a)(2), by striking the word "and";

(2) in subsection (a)(3), by replacing "." with "; and" after the word "remains"; and

(3) by inserting new subsection (a)(4) as follows:

"(4) analyses of DNA samples voluntarily contributed from relatives of missing persons.".

SEC. 121. (a) Subsection (b)(1) of section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032) is amended by inserting after "such facts or circumstances" the following: "to the Cyber Tip Line at the National Center for Missing and Exploited Children, which shall forward that report".

(b) Subsection (b)(2) of that section is amended by striking "made" and inserting "forwarded".

This title may be cited as the "Department of Justice Appropriations Act, 2000".

TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

TRADE AND INFRASTRUCTURE DEVELOPMENT

RELATED AGENCIES

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, $25,635,000, of which $1,000,000 shall remain available until expended: Provided, That not to exceed $98,000 shall be available for official reception and representation expenses.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $44,495,000, to remain available until expended.

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 1517; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed $30,000 per vehicle; obtain insurance on official motor vehicles; and rent tie lines and teletype equipment, $308,503,000, to remain available until expended, of which $3,000,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding 31 U.S.C. 3302: Provided, That of the $313,503,000 provided for in direct obligations (of which $308,503,000 is appropriated from the General Fund, $3,000,000 is derived from fee collections, and $2,000,000 is derived from unobligated balances and deobligations from prior years), $62,376,000 shall be for Trade Development, $19,755,000 shall be for Market Access and Compliance, $32,473,000 shall be for the Import Administration, $186,693,000 shall be for the United States and Foreign Commercial Service, and $12,206,000 shall be for Executive Direction and Administration: Provided further, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act shall include payment for assessments for services provided as part of these activities.

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $15,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, $54,038,000, to remain available until expended, of which $1,877,000 shall be for inspections and other activities related to national security: Provided, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: Provided further, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments: Provided further, That no funds may be obligated or expended for processing licenses for the export of satellites of United States origin (including commercial satellites and satellite components) to the People's Republic of China, unless, at least 15 days in advance, the Committees on Appropriations of the House of Representatives and the Senate and other appropriate Committees of the Congress are notified of such proposed action.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, and for trade adjustment assistance, $361,879,000 to be made available until expended.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $26,500,000: Provided, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, as amended, title II of the Trade Act of 1974, as amended, and the Community Emergency Drought Relief Act of 1977.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $27,314,000.

ECONOMIC AND INFORMATION INFRASTRUCTURE

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $49,499,000, to remain available until September 30, 2001.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $140,000,000.

PERIODIC CENSUSES AND PROGRAMS

For necessary expenses to conduct the decennial census, $4,476,253,000 to remain available until expended: of which $20,240,000 is for Program Development and Management; of which $194,623,000 is for Data Content and Products; of which $3,449,952,000 is for Field Data Collection and Support Systems; of which $43,663,000 is for Address List Development; of which $477,379,000 is for Automated Data Processing and Telecommunications Support; of which $15,988,000 is for Testing and Evaluation; of which $71,416,000 is for activities related to Puerto Rico, the Virgin Islands and Pacific Areas; of which $199,492,000 is for Marketing, Communications and Partnerships activities; and of which $3,500,000 is for the Census Monitoring Board, as authorized by section 210 of Public Law 105–119: Provided, That the entire amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

In addition, for expenses to collect and publish statistics for other periodic censuses and programs provided for by law, $142,320,000, to remain available until expended.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), $10,975,000, to remain available until expended: Provided, That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, and operations, and related services and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: Provided further, That hereafter, notwithstanding any other provision of law, NTIA shall not authorize spectrum use or provide any spectrum functions pursuant to the NTIA Organization Act, 47 U.S.C. 902–903, to any Federal entity without reimbursement as required by NTIA for such spectrum management costs, and Federal entities withholding payment of such cost shall not use spectrum: Provided further, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of the NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For grants authorized by section 392 of the Communications Act of 1934, as amended, $26,500,000, to remain available until expended as authorized by section 391 of the Act, as amended: Provided, That not to exceed $1,800,000 shall be available for program administration as authorized by section 391 of the Act: Provided further, That notwithstanding the provisions of section 391 of the Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year: Provided further, That, hereafter, notwithstanding any other provision of law, the Pan-Pacific Education and Communication Experiments by Satellite (PEACESAT) Program is eligible to compete for Public Telecommunications Facilities, Planning and Construction funds.

INFORMATION INFRASTRUCTURE GRANTS

For grants authorized by section 392 of the Communications Act of 1934, as amended, $15,500,000, to remain available until expended as authorized by section 391 of the Act, as amended: Provided, That not to exceed $3,000,000 shall be available for program administration and other support activities as authorized by section 391: Provided further, That, of the funds appropriated herein, not to exceed 5 percent may be available for telecommunications research activities for projects related directly to the development of a national information infrastructure: Provided further, That, notwithstanding the requirements of section 392(a) and 392(c) of the Act, these funds may be used for the planning and construction of telecommunications networks for the provision of educational, cultural, health care, public information, public safety, or other social services: Provided further, That notwithstanding any other provision of law, no entity that receives telecommunications services at preferential rates under section 254(h) of the Act (47 U.S.C. 254(h)) or receives assistance under the regional information sharing systems grant program of the Department of Justice under part M of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 .U.S.C. 3796h) may use funds under a grant under this heading to cover any costs of the entity that would otherwise be covered by such preferential rates or such assistance, as the case may be.

PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Patent and Trademark Office provided for by law, including defense of suits instituted against the Commissioner of Patents and Trademarks, $755,000,000, to remain available until expended: Provided, That of this amount, $755,000,000 shall be derived from offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376, and shall be retained and used for necessary expenses in this appropriation: Provided further, That the sum herein appropriated from the General Fund shall be reduced as such offsetting collections are received during fiscal year 2000, so as to result in a final fiscal year 2000 appropriation from the General Fund estimated at $0: Provided further, That, during fiscal year 2000, should the total amount of offsetting fee collections be less than $755,000,000, the total amounts available to the Patent and Trademark Office shall be reduced accordingly: Provided further, That any amount received in excess of $755,000,000 in fiscal year 2000 shall remain available until expended: Provided further, That of the amount in excess of $755,000,000 referred to in the previous proviso, $229,000,000 shall not be available for obligation until October 1, 2000: Provided further, That not to exceed $116,000,000 from fees collected in fiscal year 1999 shall be made available for obligation in fiscal year 2000.

SCIENCE AND TECHNOLOGY

TECHNOLOGY ADMINISTRATION

UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF TECHNOLOGY POLICY

SALARIES AND EXPENSES

For necessary expenses for the Under Secretary for Technology/Office of Technology Policy, $7,972,000.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, $283,132,000, to remain available until expended, of which not to exceed $282,000 may be transferred to the "Working Capital Fund".

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Manufacturing Extension Partnership of the National Institute of Standards and Technology, $104,836,000, to remain available until expended.

In addition, for necessary expenses of the Advanced Technology Program of the National Institute of Standards and Technology, $142,600,000, to remain available until expended, of which not to exceed $50,700,000 shall be available for the award of new grants, and of which not to exceed $500,000 may be transferred to the "Working Capital Fund".

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c–278e, $108,414,000, to remain available until expended: Provided, That of the amounts provided under this heading, $84,916,000 shall be available for obligation and expenditure only after submission of a plan for the expenditure of these funds, in accordance with section 605 of this Act.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft; grants, *contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities as authorized by 33 U.S.C. 883i, $1,658,189,000, to remain available until expended: Provided, That fees and donations received by the National Ocean Service for the management of the national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: Provided further, That in addition, $68,000,000 shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries": Provided further, That grants to States pursuant to sections 306 and 306A of the Coastal Zone Management Act of 1972, as amended, shall not exceed $2,000,000: Provided further, That not to exceed $31,439,000 shall be expended for Executive Direction and Administration, which consists of the Offices of the Under Secretary, the Executive Secretariat, Policy and Strategic Planning, International Affairs, Legislative Affairs, Public Affairs, Sustainable Development, the Chief Scientist, and the General Counsel: Provided further, That the aforementioned offices, excluding the Office of the General Counsel, shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or nonreimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis above the level of 33 personnel: Provided further, That no general administrative charge shall be applied against any assigned activity included in this Act and, further, that any direct administrative expenses applied against assigned activities shall be limited to five percent of the funds provided for that assigned activity: Provided further, That of the amount made available under this heading for the National Marine Fisheries Services Pacific Salmon Treaty Program, $5,000,000 is appropriated for a Southern Boundary and Transboundary Rivers Restoration Fund, subject to express authorization.*

In addition, for necessary retired pay expenses under the Retired Serviceman's Family Protection and Survivor Benefits Plan, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), such sums as may be necessary.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

(INCLUDING TRANSFERS OF FUNDS)

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, $589,067,000, to remain available until expended: Provided, That unexpended balances of amounts previously made available in the "Operations, Research, and Facilities" account for activities funded under this heading may be transferred to and merged with this account, to remain available until expended for the purposes for which the funds were originally appropriated.

PACIFIC COASTAL SALMON RECOVERY

For necessary expenses associated with the restoration of Pacific salmon populations and the implementation of the 1999 Pacific Salmon Treaty Agreement between the United States and Canada, $50,000,000.

COASTAL ZONE MANAGEMENT FUND

Of amounts collected pursuant to section 308 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456a), not to exceed $4,000,000, for purposes set forth in sections 308(b)(2)(A), 308(b)(2)(B)(v), and 315(e) of such Act.

PROMOTE AND DEVELOP FISHERY PRODUCTS AND RESEARCH PERTAINING TO AMERICAN FISHERIES

FISHERIES PROMOTIONAL FUND

(RESCISSION)

All unobligated balances available in the Fisheries Promotional Fund are rescinded: Provided, That all obligated balances are transferred to the "Operations, Research, and Facilities" account.

FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95–372, not to exceed $953,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

FOREIGN FISHING OBSERVER FUND

For expenses necessary to carry out the provisions of the Atlantic Tunas Convention Act of 1975, as amended (Public Law 96–339), the Magnuson-Stevens Fishery Conservation and Management Act of 1976, as amended (Public Law 100–627), and the American Fisheries Promotion Act (Public Law 96–561), to be derived from the fees imposed under the foreign fishery observer program authorized by these Acts, not to exceed $189,000, to remain available until expended.

FISHERIES FINANCE PROGRAM ACCOUNT

For the cost of direct loans, $338,000, as authorized by the Merchant Marine Act of 1936, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That none of the funds made available under this heading may be used for direct loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of Commerce provided for by law, including not to exceed $3,000 for official entertainment, $31,500,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1–11 as amended by Public Law 100–504), $20,000,000.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 201. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 202. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefore, as authorized by law (5 U.S.C. 5901–5902).

SEC. 203. None of the funds made available by this Act may be used to support the hurricane reconnaissance aircraft and activities that are under the control of the United States Air Force or the United States Air Force Reserve.

SEC. 204. None of the funds provided in this or any previous Act, or hereinafter made available to the Department of Commerce, shall be available to reimburse the Unemployment Trust Fund or any other fund or account of the Treasury to pay for any expenses authorized by section 8501 of title 5, United States Code, for services performed by individuals appointed to temporary positions within the Bureau of the Census for purposes relating to the decennial censuses of population.

SEC. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 206. (a) Should legislation be enacted to dismantle or reorganize the Department of Commerce, or any portion thereof, the Secretary of Commerce, no later than 90 days thereafter, shall submit to the Committees on Appropriations of the House of Representatives and the Senate a plan for transferring funds provided in this Act to the appropriate successor organizations: Provided, That the plan shall include a proposal for transferring or rescinding funds appropriated herein for agencies or programs terminated under such legislation: Provided further, That such plan shall be transmitted in accordance with section 605 of this Act.

(b) The Secretary of Commerce or the appropriate head of any successor organization(s) may use any available funds to carry out legislation dismantling or reorganizing the Department of Commerce, or any portion thereof, to cover the costs of actions relating to the abolishment, reorganization, or transfer of functions and any related personnel action, including voluntary separation incentives if authorized by such legislation: Provided, That the authority to transfer funds between appropriations accounts that may be necessary to carry out this section is provided in addition to authorities included under section 205 of this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 207. Any costs incurred by a Department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title or from actions taken for the care and protection of loan collateral or grant property shall be absorbed within the total budgetary resources available to such Department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 208. The Secretary of Commerce may award contracts for hydrographic, geodetic, and photogrammetric surveying and mapping services in accordance with title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.).

SEC. 209. The Secretary of Commerce may use the Commerce franchise fund for expenses and equipment necessary for the maintenance and operation of such administrative services as the Secretary determines may be performed more advantageously as central services, pursuant to section 403 of Public Law 103–356: Provided, That any inventories, equipment, and other assets pertaining to the services to be provided by such fund, either on hand or on order, less the *related liabilities or unpaid obligations, and any appropriations made for the purpose of providing capital shall be used to capitalize such fund: Provided further, That such fund shall be paid in advance from funds available to the Department and other Federal agencies for which such centralized services are performed, at rates which will return in full all expenses of operation, including accrued leave, depreciation of fund plant and equipment, amortization of automated data processing (ADP) software and systems (either acquired or donated), and an amount necessary to maintain a reasonable operating reserve, as determined by the Secretary: Provided further, That such fund shall provide services on a competitive basis: Provided further, That an amount not to exceed 4 percent of the total annual income to such fund may be retained in the fund for fiscal year 2000 and each fiscal year thereafter, to remain available until expended, to be used for the acquisition of capital equipment, and for the improvement and implementation of Department financial management, ADP, and other support systems: Provided further, That such amounts retained in the fund for fiscal year 2000 and each fiscal year thereafter shall be available for obligation and expenditure only in accordance with section 605 of this Act: Provided further, That no later than 30 days after the end of each fiscal year, amounts in excess of this reserve limitation shall be deposited as miscellaneous receipts in the Treasury: Provided further, That such franchise fund pilot program shall terminate pursuant to section 403(f) of Public Law 103–356.*

SEC. 210. Section 302(a)(1)(A) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(a)(1)(A)) is amended—

(1) by striking "17" and inserting "18"; and

(2) by striking "11" and inserting "12".

SEC. 211. Notwithstanding any other provision of law, of the amounts made available elsewhere in this title to the "National Institute of Standards and Technology, Construction of Research Facilities", $2,000,000 is appropriated to the Institute at Saint Anselm College, $700,000 is appropriated to the New Hampshire State Library, and $9,000,000 is appropriated to fund a cooperative agreement with the Medical University of South Carolina.

This title may be cited as the "Department of Commerce and Related Agencies Appropriations Act, 2000".

TITLE III—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance, and operation of an automobile for the Chief Justice, not to exceed $10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 21 U.S.C. 1343 and 1344; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve, $35,492,000.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon the Architect by the Act approved May 7, 1934 (40 U.S.C. 13a–13b), $8,002,000, of which $5,101,000 shall remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, $16,797,000.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services as authorized by 5 U.S.C. 3109, and necessary expenses of the court, as authorized by law, $11,957,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, $2,958,138,000 (including the purchase of firearms and ammunition); of which not to exceed $13,454,000 shall remain available until expended for space alteration projects; and of which not to exceed $10,000,000 shall remain available until expended for furniture and furnishings related to new space alteration and construction projects.

In addition, for activities of the Federal Judiciary as authorized by law, $156,539,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, as authorized by section 190001(a) of Public Law 103–322, and sections 818 and 823 of Public Law 104–132.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $2,515,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

DEFENDER SERVICES

For the operation of Federal Public Defender and Community Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended; the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act (18 U.S.C. 3006A(e)); the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences; and the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d), $358,848,000, to remain available until expended as authorized by 18 U.S.C. 3006A(i).

In addition, for activities of the Federal Judiciary as authorized by law, $26,247,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, as authorized by section 19001(a) of Public Law 103–322, and sections 818 and 823 of Public Law 104–132.

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)), $60,918,000, to remain available until expended: Provided, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

COURT SECURITY

For necessary expenses, not otherwise provided for, incident to the procurement, installation, and maintenance of security equipment and protective services for the United States Courts in courtrooms and adjacent areas, including building ingress-egress control, inspection of packages, directed security patrols, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100–702), $193,028,000, of which not to exceed $10,000,000 shall remain available until expended for security systems, to be expended directly or transferred to the United States Marshals Service, which shall be responsible for administering elements of the Judicial Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, $55,000,000, of which not to exceed $8,500 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90–219, $18,000,000; of which $1,800,000 shall remain available through September 30, 2001, to provide education and training to Federal court personnel; and of which not to exceed $1,000 is authorized for official reception and representation expenses.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund, as authorized by 28 U.S.C. 377(o), $29,500,000; to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), $8,000,000; and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), $2,200,000.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, $8,500,000, of which not to exceed $1,000 is authorized for official reception and representation expenses.

GENERAL PROVISIONS—THE JUDICIARY

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except "Courts of Appeals, District Courts, and Other Judicial Services, Defender Services" and "Courts of Appeals, District Courts, and Other Judicial Services, Fees of Jurors and Commissioners", shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not *be available for obligation or expenditure except in compliance with the procedures set forth in that section.*

SEC. 303. Notwithstanding any other provision of law, the salaries and expenses appropriation for district courts, courts of appeals, and other judicial services shall be available for official reception and representation expenses of the Judicial Conference of the United States: Provided, That such available funds shall not exceed $11,000 and shall be administered by the Director of the Administrative Office of the United States Courts in the capacity as Secretary of the Judicial Conference.

SEC. 304. Pursuant to section 140 of Public Law 97–92, Justices and judges of the United States are authorized during fiscal year 2000, to receive a salary adjustment in accordance with 28 U.S.C. 461: Provided, That $9,611,000 is appropriated for salary adjustments pursuant to this section and such funds shall be transferred to and merged with appropriations in title III of this Act.

SEC. 305. Section 604(a)(5) of title 28, United States Code, is amended by adding before the semicolon at the end thereof the following: ", and, notwithstanding any other provision of law, pay on behalf of justices and judges of the United States appointed to hold office during good behavior, aged 65 or over, any increases in the cost of Federal Employees' Group Life Insurance imposed after April 24, 1999, including any expenses generated by such payments, as authorized by the Judicial Conference of the United States".

SEC. 306. The second paragraph of section 112(c) of title 28, United States Code, is amended to read "Court for the Eastern District shall be held at Brooklyn, Hauppauge, Hempstead (including the village of Uniondale), and Central Islip.".

SEC. 307. Pursuant to the requirements of section 156(d) of title 28, United States Code, Congress hereby approves the consolidation of the Office of the Bankruptcy Clerk with the Office of the District Clerk of Court in the Southern District of West Virginia.

SEC. 308. (a) IN GENERAL.—Section 3006A(d)(4)(D)(vi) of title 18, United States Code, is amended by adding after the word "require" the following: ", except that the amount of the fees shall not be considered a reason justifying any limited disclosure under section 3006A(d)(4) of title 18, United States Code".

(b) EFFECTIVE DATE.—This section shall apply to all disclosures made under section 3006A(d) of title 18, United States Code, related to any criminal trial or appeal involving a sentence of death where the underlying alleged criminal conduct took place on or after April 19, 1995.

SEC. 309. (a) The President shall appoint, by and with the advice and consent of the Senate—

(1) three additional district judges for the district of Arizona;

(2) four additional district judges for the middle district of Florida; and

(3) two additional district judges for the district of Nevada.

(b) In order that the table contained in section 133 of title 28, United States Code, will reflect the changes in the total number of permanent district judgeships authorized as a result of subsection (a) of this section—

(1) the item relating to Arizona in such table is amended to read as follows:

"Arizona .... 11";

(2) the item relating to Florida in such table is amended to read as follows:

"Florida:
Northern 4
Middle 15
Southern .... 16";

and

(3) the item relating to Nevada in such table is amended to read as follows:

"Nevada .... 6".

(c) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section, including such sums as may be necessary to provide appropriate space and facilities for the judicial positions created by this section.

This title may be cited as "The Judiciary Appropriations Act, 2000".

TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, including expenses authorized by the State Department Basic Authorities Act of 1956, as amended, the Mutual Educational and Cultural Exchange Act of 1961, as amended, and the United States Information and Educational Exchange Act of 1948, as amended, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed $700,000 of this appropriation), as authorized by section 801 of such Act; expenses authorized by section 9 of the Act of August 31, 1964, as amended; representation to certain international organizations in which the United States participates pursuant to treaties, ratified pursuant to the advice and consent of the Senate, or specific Acts of Congress; arms control, nonproliferation and disarmanent activities as authorized by the Arms Control and Disarmament Act of September 26, 1961, as amended; acquisition by exchange or purchase of passenger motor vehicles as authorized by law; and for expenses of general administration, $2,522,825,000: Provided, That, of the amount made available under this heading, not to exceed $4,000,000 may be transferred to, and merged with, funds in the "Emergencies in the Diplomatic and Consular Service" appropriations account, to be available only for emergency evacuations and terrorism rewards: Provided further, That, in fiscal year 2000, all receipts collected from individuals for assistance in the preparation and filing of an affidavit of support pursuant to section 213A of the Immigration and Nationality Act shall be deposited into this account as an offsetting collection and shall remain available until expended: Provided further, That of the amount made available under this heading, $236,291,000 shall be available only for public diplomacy international information programs: Provided further, That of the amount made available under this heading, $500,000 shall be available only for the National Law Center for Inter-American Free Trade: Provided further, That of the amount made available under this heading, $2,500,000 shall be available only for overseas continuing language education: Provided further, That of the amount made available under this heading, not to exceed $1,162,000 shall be available for transfer to the Presidential Advisory Commission on Holocaust Assets in the United States: Provided further, That any amount transferred pursuant to the previous proviso shall not result in a total amount transferred to the Commission from all Federal sources that exceeds the authorized amount: Provided further, That notwithstanding section 140(a)(5), and the second sentence of section 140(a)(3), of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, fees may be collected during fiscal years 2000 and 2001, under the authority of section 140(a)(1) of that Act: Provided further, That all fees collected under the preceding proviso shall be deposited in fiscal years 2000 and 2001 as an offsetting collection to appropriations made under this heading to recover costs as set forth under section 140(a)(2) of that Act and shall remain available until expended: Provided further, That of the amount made available under this heading, $5,000,000 is appropriated for a Northern Boundary and Transboundary Rivers Restoration Fund: Provided further, That of the amount made available under this heading, not less than $9,000,000 shall be available for the Office of Defense Trade Controls.

In addition, not to exceed $1,252,000 shall be derived from fees collected from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act, as amended; in addition, as authorized by section 5 of such Act, $490,000, to be derived from the reserve authorized by that section, to be used for the purposes set out in that section; in addition, as authorized by section 810 of the United States Information and Educational Exchange Act, not to exceed $6,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from English teaching, library, motion pictures, and publication programs, and from fees from educational advising and counseling, and exchange visitor programs; and, in addition, not to exceed $15,000, which shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities in accordance with section 46 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2718(a)).

In addition, for the costs of worldwide security upgrades, $254,000,000, to remain available until expended.

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, $80,000,000, to remain available until expended, as authorized in Public Law 103–236: Provided, That section 135(e) of Public Law 103–236 shall not apply to funds available under this heading.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App.), $27,495,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980, as amended (Public Law 96–465), as it relates to post inspections.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), and Reorganization Plan No. 2 of 1977, as amended (91 Stat. 1636), $205,000,000, to remain available until expended as authorized by section 105 of such Act of 1961 (22 U.S.C. 2455): Provided, That not to exceed $800,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching and educational advising and counseling programs as authorized by section 810 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1475e).

REPRESENTATION ALLOWANCES

For representation allowances as authorized by section 905 of the Foreign Service Act of 1980, as amended (22 U.S.C. 4085), $5,850,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services in accordance with the provisions of section 214 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4314) and 3 U.S.C. 208, $8,100,000, to remain available until September 30, 2001.

SECURITY AND MAINTENANCE OF UNITED STATES MISSIONS

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292–300), preserving, maintaining, repairing, and planning for, buildings that are owned or directly leased by the Department of State, renovating, in addition to funds otherwise available, the Main State Building, and carrying out the Diplomatic Security Construction Program as authorized by title IV of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4851), $428,561,000, to remain available until expended as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)), of which not to exceed $25,000 may be used for representation as authorized by section 905 of the Foreign Service Act of 1980, as amended (22 U.S.C. 4085): Provided, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture and furnishings and generators for other departments and agencies.

In addition, for the costs of worldwide security upgrades, $313,617,000, to remain available until expended.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service pursuant to the requirement of 31 U.S.C. 3526(e), and as authorized by section 804(3) of the United States Information and Educational Exchange Act of 1948, as amended, $5,500,000, to remain available until expended as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)), of which not to exceed $1,000,000 may be transferred to and merged with the Repatriation Loans Program Account, subject to the same terms and conditions.

REPATRIATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, $593,000, as authorized by section 4 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2671): Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974. In addition, for administrative expenses necessary to carry out the direct loan program, $607,000, which may be transferred to and merged with the Diplomatic and Consular Programs account under Administration of Foreign Affairs.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act, Public Law 96–8, $15,375,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, $128,541,000.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties, ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, $885,203,000: Provided, That any payment of arrearages under this title shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization: Provided further, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings: Provided further, That, of the funds appropriated in this paragraph, $100,000,000 may be made available only on a semi-annual basis pursuant to a certification by the Secretary of State on a semi-annual basis, that the United Nations has taken no action during the preceding 6 months to increase funding for any United Nations program without identifying an offsetting decrease during that 6-month period elsewhere in the United Nations budget and cause the United Nations to exceed either the reform budget for the biennium 1998–1999 of $2,533,000,000 or a zero nominal growth budget for the biennium 2000–2001: Provided further, That funds appropriated under this paragraph may be obligated and expended to pay the full U.S. assessment to the civil budget of the North Atlantic Treaty Organization.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, $200,000,000, of which not to exceed $20,000,000 shall remain available until September 30, 2001: Provided, That none of the funds made available under this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least 15 days in advance of voting for the new or expanded mission in the United Nations Security Council (or in an emergency, as far in advance as is practicable): (1) the Committees on Appropriations of the House of Representatives and the Senate and other appropriate committees of the Congress are notified of the estimated cost and length of the mission, the vital national interest that will be served, and the planned exit strategy; and (2) a reprogramming of funds pursuant to section 605 of this Act is submitted, and the procedures therein followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission: Provided further, That funds shall be available for peacekeeping expenses only upon a certification by the Secretary of State to the appropriate committees of the Congress that American manufacturers and suppliers are being given opportunities to provide equipment, services, and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers: Provided further, That none of the funds made available under this heading are available to pay the United States share of the cost of court monitoring that is part of any United Nations peacekeeping mission.

ARREARAGE PAYMENTS

For an additional amount for payment of arrearages to meet obligations of authorized membership in international multilateral organizations, and to pay assessed expenses of international peacekeeping activities, $244,000,000, to remain available until expended: Provided, That none of the funds appropriated or otherwise made available under this heading for payment of arrearages may be obligated or expended unless such obligation or expenditure is expressly authorized by the enactment of an Act that makes payment of arrearages contingent upon United Nations reform: Provided further, That none of the funds appropriated or otherwise made available under this heading for payment of arrearages may be obligated or expended until such time as the share of the total of all assessed contributions for any designated specialized agency of the United Nations does not exceed 22 percent for any single member of the agency, and the designated specialized agencies have achieved zero nominal growth in their biennium budgets for 2000–2001 from the 1998–1999 biennium budget levels of the respective agencies: Provided futher, That not to exceed $107,000,000, which is owed by the United Nations to the United States as a reimbursement, including any reimbursement under the Foreign Assistance Act of 1961 or the United Nations Participation Act of 1945, that was owed to the United States before the date of enactment of this Act shall be applied or used, without fiscal year limitations, to reduce any amount owed by the United States to the United Nations, except that any such reduction pursuant to the authority in this paragraph shall not be made unless expressly authorized by the enactment of an Act that makes payment of arrearages contingent upon United Nations reform.

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed $6,000 for representation; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, $19,551,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, $5,939,000, to remain available until expended, as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)).

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and for the Border Environment Cooperation Commission as authorized by Public Law 103–182, $5,733,000, of which not to exceed $9,000 shall be available for representation expenses incurred by the International Joint Commission.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, $15,549,000: Provided, That the United States' share of such expenses may be advanced to the respective commissions, pursuant to 31 U.S.C. 3324.

OTHER

PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by section 501 of Public Law 101–246, $8,250,000, to remain available until expended, as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)).

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 2000, to remain available until expended: Provided, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A–110 (Uniform Administrative Requirements) and A–

122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 2000, to remain available until expended.

EAST-WEST CENTER

To enable the Secretary of State to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960 (22 U.S.C. 2054–2057), by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, $12,500,000: Provided, That none of the funds appropriated herein shall be used to pay any salary, or enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376.

NORTH/SOUTH CENTER

To enable the Secretary of State to provide for carrying out the provisions of the North/South Center Act of 1991 (22 U.S.C. 2075), by grant to an educational institution in Florida known as the North/South Center, $1,750,000, to remain available until expended.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the Department of State to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, $31,000,000 to remain available until expended.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For expenses necessary to enable the Broadcasting Board of Governors, as authorized by the United States Information and Educational Exchange Act of 1948, as amended, the United States International Broadcasting Act of 1994, as amended, Reorganization Plan No. 2 of 1977, as amended, and the Foreign Affairs Reform and Restructuring Act of 1998, to carry out international communication activities, $388,421,000, of which not to exceed $16,000 may be used for official receptions within the United States as authorized by section 804(3) of such Act of 1948 (22 U.S.C. 1747(3)), not to exceed $35,000 may be used for representation abroad as authorized by section 302 of such Act of 1948 (22 U.S.C. 1452) and section 905 of the Foreign Service Act of 1980 (22 U.S.C. 4085), and not to exceed $39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty; and in addition, notwithstanding any other provision of law, not to exceed $2,000,000 in receipts from advertising and revenue from business ventures, not to exceed $500,000 in receipts from cooperating international organizations, and not to exceed $1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, to remain available until expended for carrying out authorized purposes.

BROADCASTING TO CUBA

For expenses necessary to enable the Broadcasting Board of Governors to carry out the Radio Broadcasting to Cuba Act, as amended, the Television Broadcasting to Cuba Act, and the International Broadcasting Act of 1994, and the Foreign Affairs Reform and Restructuring Act of 1998, including the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception, $22,095,000, to remain available until expended: Provided, That funds may be used to purchase or lease, maintain, and operate such aircraft (including aerostats) as may be required to house and operate necessary television broadcasting equipment.

BROADCASTING CAPITAL IMPROVEMENTS

For the purchase, rent, construction, and improvement of facilities for radio transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception as authorized by section 801 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1471), $11,258,000, to remain available until expended, as authorized by section 704(a) of such Act of 1948 (22 U.S.C. 1477b(a)).

GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCY

SEC. 401. Funds appropriated under this title shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of title 5, United States Code; for services as authorized by 5 U.S.C. 3109; and hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

SEC. 402. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided, That not to exceed 5 percent of any appropriation made available for the current fiscal year for the Broadcasting Board of Governors in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided further, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 403. The Secretary of State is authorized to administer summer travel and work programs without regard to preplacement requirements.

SEC. 404. Beginning in fiscal year 2000 and thereafter, section 410(a) of the Department of State and Related Agencies Appropriations Act, 1999, as included in Public Law 105–277, shall be in effect.

SEC. 405. None of the funds made available in this Act may be used by the Department of State or the Broadcasting Board of Governors to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

SEC. 406. None of the funds appropriated or otherwise made available by this Act or any other Act for fiscal year 2000 or any fiscal year thereafter should be obligated or expended for the operation of a United States consulate or diplomatic facility in Jerusalem unless such consulate or diplomatic facility is under the supervision of the United States Ambassador to Israel.

SEC. 407. None of the funds appropriated or otherwise made available by this Act or any other Act for fiscal year 2000 or any fiscal year thereafter may be obligated or expended for the publication of any official Government document which lists countries and their capital cities unless the publication identifies Jerusalem as the capital of Israel.

SEC. 408. None of the funds appropriated or otherwise made available in this Act for the United Nations may be used by the United Nations for the promulgation or enforcement of any treaty, resolution, or regulation authorizing the United Nations, or any of its specialized agencies or affiliated organizations, to tax any aspect of the Internet.

SEC. 409. Funds appropriated by this Act for the Broadcasting Board of Governors and the Department of State may be obligated and expended notwithstanding section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, section 309(g) of the International Broadcasting Act of 1994, and section 15 of the State Department Basic Authorities Act of 1956.

This title may be cited as the "Department of State and Related Agency Appropriations Act, 2000".

TITLE V—RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $96,200,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $72,073,000.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by the Merchant Marine Act, 1936, $6,000,000, to remain available until expended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $1,000,000,000.

In addition, for administrative expenses to carry out the guaranteed loan program, not to exceed $3,809,000, which shall be transferred to and merged with the appropriation for Operations and Training.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefore shall be credited to the appropriation charged with the cost thereof: Provided, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior appropriation Act.

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

For expenses for the Commission for the Preservation of America's Heritage Abroad, $490,000, as authorized by section 1303 of Public Law 99-83.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, $8,900,000: Provided, That not to exceed $50,000 may be used to employ consultants: Provided further, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: Provided further, That none of the funds appropriated in this paragraph shall be used to *reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days.*

ADVISORY COMMISSION ON ELECTRONIC COMMERCE

SALARIES AND EXPENSES

For the necessary expenses of the Advisory Commission on Electronic Commerce, as authorized by Public Law 105–277, $1,400,000.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94–304, $1,182,000, to remain available until expended as authorized by section 3 of Public Law 99–7.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, as amended (29 U.S.C. 206(d) and 621–634), the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); non-monetary awards to private citizens; and not to exceed $29,000,000 for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act of 1964, as amended, sections 6 and 14 of the Age Discrimination in Employment Act, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, $279,000,000: Provided, That the Commission is authorized to make available for official reception and representation expenses not to exceed $2,500 from available funds.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901–02; not to exceed $600,000 for land and structure; not to exceed $500,000 for improvement and care of grounds and repair to buildings; not to exceed $4,000 for official reception and representation expenses; purchase (not to exceed 16) and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109, $210,000,000, of which not to exceed $300,000 shall remain available until September 30, 2001, for research and policy studies: Provided, That $185,754,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, as amended, and shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 2000 so as to result in a final fiscal year 2000 appropriation estimated at $24,246,000: Provided further, That any offsetting collections received in excess of $185,754,000 in fiscal year 2000 shall remain available until expended, but shall not be available for obligation until October 1, 2000.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936, as amended (46 U.S.C. App. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–02, $14,150,000: Provided, That not to exceed $2,000 shall be available for official reception and representation expenses.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $2,000 for official reception and representation expenses, $104,024,000: Provided, That not to exceed $300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718, as amended: Provided further, That, notwithstanding section 3302(b) of title 31, United States Code, not to exceed $104,024,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated from the General Fund shall be reduced as such offsetting collections are received during fiscal year 2000, so as to result in a final fiscal year 2000 appropriation from the General Fund estimated at not more than $0, to remain available until expended: Provided further, That none of the funds made available to the Federal Trade Commission shall be available for obligation for expenses authorized by section 151 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (Public Law 102–242, 105 Stat. 2282–2285).

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, $300,000,000, of which $289,000,000 is for basic field programs and required independent audits; $2,100,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; and $8,900,000 is for management and administration.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105–119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 1999 and 2000, respectively.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92–522, as amended, $1,270,000.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,000 for official reception and representation expenses, $173,800,000 from fees collected in fiscal year 2000 to remain available until expended, and from fees collected in fiscal year 1998, $194,000,000, to remain available until expended; of which not to exceed $10,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions; and of which not to exceed $100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (1) such incidental expenses as meals taken in the course of such attendance; (2) any travel and transportation to or from such meetings; and (3) any other related lodging or subsistence: Provided, That fees and charges authorized by sections 6(b)(4) of the Securities Act of 1933 (15 U.S.C. 77f(b)(4)) and 31(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78ee(d)) shall be credited to this account as offsetting collections.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 105–135, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed $3,500 for official reception and representation expenses, $246,300,000: Provided, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan servicing activities: Provided further, That, notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to be available for carrying out these purposes without further appropriations: Provided further, That $84,500,000 shall be available to fund grants for performance in fiscal year 2000 or fiscal year 2001 as authorized by section 21 of the Small Business Act, as amended.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App.), $11,000,000.

BUSINESS LOANS PROGRAM ACCOUNT

For the cost of guaranteed loans, $131,800,000, as authorized by 15 U.S.C. 631 note, of which $45,000,000 shall remain available until September 30, 2001: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That during fiscal year 2000, commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958, as amended, shall not exceed the amount of financings authorized under section 20(e)(1)(B)(ii) of the Small Business Act, as amended: Provided further, That during fiscal year 2000, commitments for general business loans authorized under section 7(a) of the Small Business Act, as amended, shall not exceed $10,000,000,000 without prior notification of the Committees on Appropriations of the House of Representatives and Senate in accordance with section 605 of this Act: Provided further, That during fiscal year 2000, commitments to guarantee loans under section 303(b) of the Small Business Investment Act of 1958, as amended, shall not exceed the amount of guarantees of debentures authorized under section 20(e)(1)(C)(ii) of the Small Business Act, as amended.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $129,000,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

For the cost of direct loans authorized by section 7(b) of the Small Business Act, as amended, $119,400,000 to remain available until expended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended.

In addition, for administrative expenses to carry out the direct loan program, $136,000,000, which may be transferred to and merged with appropriations for Salaries and Expenses, of which $500,000 is for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan program and shall be transferred to and merged with appropriations for the Office of Inspector General: Provided, That any amount in excess of $20,000,000 to be transferred to and merged with appropriations for Salaries and Expenses for indirect administrative expenses shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1992 (Public Law 102–572 (106 Stat. 4515–4516)), $6,850,000, to remain available until expended: Provided, That not to exceed $2,500 shall be available for official reception and representation expenses.

TITLE VI—GENERAL PROVISIONS

SEC. 601. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 602. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 604. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 605. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2000, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions, or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2000, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

SEC. 606. None of the funds made available in this Act may be used for the construction, repair (other than emergency repair), overhaul, conversion, or modernization of vessels for the National Oceanic and Atmospheric Administration in shipyards located outside of the United States.

SEC. 607. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 608. None of the funds made available in this Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is made known to the Federal entity or official to which such funds are made available that such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

SEC. 609. None of the funds made available by this Act may be used for any United Nations undertaking when it is made known to the Federal official having authority to obligate or expend such funds: (1) that the United Nations undertaking is a peacekeeping mission; (2) that such undertaking will involve United States Armed Forces under the command or operational control of a foreign national; and (3) that the President's military advisors have not submitted to the President a recommendation that such involvement is in the national security interests of the United States and the President has not submitted to the Congress such a recommendation.

SEC. 610. (a) None of the funds appropriated or otherwise made available by this Act shall be expended for any purpose for which appropriations are prohibited by section 609 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999.

(b) The requirements in subparagraphs (A) and (B) of section 609 of that Act shall continue to apply during fiscal year 2000.

SEC. 611. Notwithstanding any other provision of law, not more than 20 percent of the amount allocated to any account from an appropriation made by this Act that is available for obligation only in the current fiscal year may be obligated during the last two months of the fiscal year unless the Committees on Appropriations of the House of Representatives and the Senate are notified prior to such obligation in accordance with section 605 of this Act: Provided, That this section shall not apply to the obligation of funds under grant programs.

SEC. 612. None of the funds made available in this Act shall be used to provide the following amenities or personal comforts in the Federal prison system—

(1) in-cell television viewing except for prisoners who are segregated from the general prison population for their own safety;

(2) the viewing of R, X, and NC–17 rated movies, through whatever medium presented;

(3) any instruction (live or through broadcasts) or training equipment for boxing, wrestling, judo, karate, or other martial art, or any bodybuilding or weightlifting equipment of any sort;

(4) possession of in-cell coffee pots, hot plates or heating elements; or

(5) the use or possession of any electric or electronic musical instrument.

SEC. 613. None of the funds made available in title II for the National Oceanic and Atmospheric Administration (NOAA) under the headings "Operations, Research, and Facilities" and "Procurement, Acquisition and Construction" may be used to implement sections 603, 604, and 605 of Public Law 102–567: Provided, That NOAA may develop a modernization plan for its fisheries research vessels that takes fully into account opportunities for contracting for fisheries surveys.

SEC. 614. Any costs incurred by a department or agency funded under this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 615. None of the funds made available in this Act to the Federal Bureau of Prisons may be used to distribute or make available any commercially published information or material to a prisoner when it is made known to the Federal official having authority to obligate or expend *such funds that such information or material is sexually explicit or features nudity.*

SEC. 616. Of the funds appropriated in this Act under the heading "Office of Justice Programs—State and Local Law Enforcement Assistance", not more than 90 percent of the amount to be awarded to an entity under the Local Law Enforcement Block Grant shall be made available to such an entity when it is made known to the Federal official having authority to obligate or expend such funds that the entity that employs a public safety officer (as such term is defined in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968) does not provide such a public safety officer who retires or is separated from service due to injury suffered as the direct and proximate result of a personal injury sustained in the line of duty while responding to an emergency situation or a hot pursuit (as such terms are defined by State law) with the same or better level of health insurance benefits at the time of retirement or separation as they received while on duty.

SEC. 617. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

SEC. 618. (a) None of the funds appropriated or otherwise made available by this Act shall be expended for any purpose for which appropriations are prohibited by section 616 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999.

(b) Subsection (a)(1) of section 616 of that Act is amended—

(1) by striking "and" after "Gonzalez"; and

(2) by inserting before the semicolon at the end of the subsection, ", Jean-Yvon Toussaint, and Jimmy Lalanne".

(c) The requirements in subsections (b) and (c) of section 616 of that Act shall continue to apply during fiscal year 2000.

SEC. 619. None of the funds appropriated pursuant to this Act or any other provision of law may be used for (1) the implementation of any tax or fee in connection with the implementation of 18 U.S.C. 922(t); (2) any system to implement 18 U.S.C. 922(t) that does not require and result in the destruction of any identifying information submitted by or on behalf of any person who has been determined not to be prohibited from owning a firearm.

SEC. 620. Notwithstanding any other provision of law, amounts deposited in the Fund established under 42 U.S.C. 10601 in fiscal year 1999 in excess of $500,000,000 shall not be available for obligation until October 1, 2000.

SEC. 621. None of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol.

SEC. 622. For an additional amount for "Small Business Administration, Salaries and Expenses", $30,000,000, of which $2,500,000 shall be available for a grant to the NTTC at Wheeling Jesuit University to continue the outreach program to assist small business development; $2,000,000 shall be available for a grant for Western Carolina University to develop a facility to assist in small business and rural economic development; $3,000,000 shall be available for a grant to the Bronx Museum of the Arts, New York, to develop a facility; $750,000 shall be available for a grant to Soundview Community in Action for a technology access and business improvement project; $2,500,000 shall be available for a grant for the City of Hazard, Kentucky for a Center for Rural Law Enforcement Technology and Training; $1,000,000 shall be available for a grant to the State University of New York to develop a facility and operate the Institute of Entrepreneurship for small business and workforce development; $1,000,000 shall be available for a grant for Pikeville College, School of Osteopathic Medicine for a telemedicine and medical education network; $1,000,000 shall be available for a grant to Operation Hope in Maywood, California for a business incubator project; $1,900,000 shall be available for a grant to the Southern Kentucky Tourism Development Association to develop a facility for regional tourism promotion; $1,000,000 shall be available for a grant to the Southern Kentucky Economic Development Corporation to support a science and technology business loan fund; $500,000 shall be available for a grant for the Moundsville Economic Development Council to work in conjunction with the Office of Law Enforcement Technology Commercialization for the establishment of the National Corrections and Law Enforcement Training and Technology Center, and for infrastructure improvements associated with this initiative; $8,550,000 shall be available for a grant to Somerset Community College to develop a facility to support workforce development and skills training; $200,000 shall be available for a grant for the Vandalia Heritage Foundation to fulfill its charter purposes; $2,000,000 shall be available for a grant for the Illinois Coalition to establish and operate a national demonstration project in the DuPage County Research Park providing one-stop access for technology startup businesses; $200,000 shall be available for a grant to Rural Enterprises, Inc., in Durant, Oklahoma to support a resource center for rural businesses; $500,000 shall be available for a grant for the City of Chicago to establish and operate a program for technology-based business growth; $500,000 shall be available for a grant for the Illinois Department of Commerce and Community Affairs to develop strategic plans for technology-based business growth; $200,000 shall be available for a grant to the Long Island Bay Shore Aquarium to develop a facility; $150,000 shall be available for a grant to Miami-Dade Community College for an Entrepreneurial Education Center; $300,000 shall be available for a grant for the Western Massachusetts Enterprise Fund for a microenterprise loan program; and $250,000 shall be available for a grant for the Johnstown Area Regional Industries Center to develop a small business incubator facility.

SEC. 623. (a) PACIFIC SALMON RESTORATION FUND.—

(1) There is hereby established a Pacific Salmon Restoration Fund (hereafter referred to as the "Fund") to be held by the Pacific Salmon Commission. The Fund shall be invested in interest bearing accounts, bonds, securities, or other investments in order to achieve the highest annual yield consistent with protecting the principal of the Fund. The Fund shall be subdivided into a Northern Boundary Fund and a Southern Boundary Fund which shall be maintained as separate accounts within the Fund, and which shall receive $5,000,000 and $5,000,000, respectively, of the amounts authorized by this section. Income from investments made pursuant to this paragraph shall be available until expended, without appropriation or fiscal year limitation, for programs and activities relating to salmon restoration and enhancement, salmon research, the conservation of salmon habitat, and implementation of the Pacific Salmon Treaty and related agreements. Amounts provided by grants under this subsection may be held in interest bearing accounts prior to the disbursement of such funds for program purposes, and any interest earned may be retained for program purposes without further appropriation. The Fund is subject to the laws governing federal appropriations and funds and to unrestricted circulars of the Office of Management and Budget. Recipients of amounts from the Fund shall keep separate accounts and such records as are reasonably necessary to disclose the use of the funds as well as facilitate effective audits.

(2) FUND MANAGEMENT.—

(A) Amounts made available from the Northern Boundary Fund pursuant to paragraph (1) shall be administered by a Northern Boundary Committee, which shall be comprised of three representatives of the Government of Canada, and three representatives of the United States. The three U.S. representatives shall be the United States Commissioner and Alternate Commissioner appointed (or designated) from a list submitted by the Governor of Alaska for appointment to the Pacific Salmon Commission and the Regional Administrator of the National Marine Fisheries Service for the Alaska Region. Only programs and activities consistent with the purposes in paragraph (1) which affect the geographic area from Cape Caution, Canada to Cape Suckling, Alaska may be approved for funding by the Northern Boundary Committee.

(B) Amounts made available from the Southern Boundary Fund pursuant to paragraph (1) shall be administered by a Southern Boundary Committee, which shall be comprised of three representatives of Canada and three representatives of the United States. The United States representatives shall be appointed by the Secretary of Commerce: one shall be selected from a list of three qualified individuals submitted by the Governors of the States of Washington and Oregon; one shall be selected from a list of three qualified individuals submitted by the Pacific Coastal tribes (as defined by the Secretary of Commerce); and one shall be the Director of the Northwest Region of the National Marine Fisheries Service. Only programs and activities consistent with the purposes in paragraph (1) which affect the geographic area south of Cape Caution, Canada may be approved for funding by the Southern Boundary Committee.

(3) If any of the agreements or revised agreements adopted under the June 30, 1999 Agreement of the United States and Canada on the Treaty Between the Government of the United States and the Government of Canada Concerning Pacific Salmon, 1985 (hereafter referred to as the "1999 Agreement") expire without being renewed, or if the United States determines that Canada has ceased to apply any such agreements, amounts made available from the Fund may only be used for projects in areas under the jurisdiction of the United States until the United States determines that such agreements or revised agreements are renewed and that the United States and Canada are applying such agreements or revised agreements.

(b) PACIFIC SALMON TREATY IMPLEMENTATION.—While the 1999 Agreement is in effect, the incidental take in Alaska of salmon listed under Public Law 93–205, as amended, shall not be regulated under such Act. Additionally, the fact that Alaska fisheries will be regulated according to the management regimes in the 1999 Agreement and not under Public Law 93–205, as amended, shall not serve as a basis to impose or enhance any restriction under such Act on any other activity.

(c) IMPROVED SALMON MANAGEMENT.—Section 3(g) of the Pacific Salmon Treaty Act of 1985, 16 U.S.C. 3632(g), is amended—

(1) in paragraph (1) by striking "The" and inserting in lieu thereof "Except as provided in paragraph (2), the";

(2) by inserting after paragraph (1) the following new paragraph:

"(2) A decision of the United States Section with respect to any salmon fishery, other than a Chinook salmon fishery, which occurs from Cape Caution, Canada to Cape Suckling, Alaska shall be taken upon the affirmative vote of the United States Commissioner appointed from the list submitted by the Governor of Alaska pursuant to subsection (a). A decision of the United States Section with respect to any salmon fishery, other than a Chinook salmon fishery, which occurs south of Cape Caution, Canada shall be taken upon the affirmative vote of both the United States Commissioner appointed from the list submitted by the Governors of Washington and Oregon pursuant to subsection (a) and the United States Commissioner appointed from the list submitted by the treaty Indian tribes of the States of Idaho, Oregon, or Washington pursuant to subsection (a)."; and

(3) by renumbering the existing paragraphs.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) For capitalizing the Pacific Salmon Restoration Fund, there is authorized to be appropriated in fiscal year 2000, $10,000,000.

(2) For salmon habitat restoration, salmon stock enhancement, salmon research, and implementation of the Pacific Salmon treaty and related agreements, there is authorized to be appropriated in fiscal year 2000, $46,000,000 to the States of California, Oregon, Washington, and Alaska. The State of Alaska may allocate a portion of any funds it receives under this subsection to eligible activities outside Alaska.

(3) For salmon habitat restoration, salmon stock enhancement, salmon research, and implementation of the Pacific Salmon Treaty and related agreements, there is authorized to be appropriated $4,000,000 in fiscal year 2000 to the Pacific Coastal tribes (as defined by the Secretary of Commerce).

Funds appropriated to the States under the authority of this section shall be subject to a 25 percent non-federal match requirement. In addition, not more than 3 percent of such funds shall be available for administrative expenses, with the exception of funds used in Washington State for the Forest and Fish Agreement.

SEC. 624. Funds made available under Public Law 105–277 for costs associated with implementation of the American Fisheries Act of 1998 (Division C, title II, of Public Law 105–277) for vessel documentation activities shall remain available until expended.

SEC. 625. Effective as of October 1, 1999, section 635 of Public Law 106–58 is amended—

(1) in subsection (b)(2), by inserting "the carrier for" after "if"; and

(2) in subsection (c), by inserting "or otherwise provide for" after "to prescribe".

SEC. 626. None of the funds made available to the Department of Justice in this Act may be used to discriminate against, denigrate, or otherwise undermine the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.

SEC. 627. None of the funds appropriated in this Act shall be available for the purpose of processing or providing immigrant or nonimmigrant visas to citizens, subjects, nationals, or residents of countries that the Attorney General has determined deny or unreasonably delay accepting the return of citizens, subjects, nationals, or residents under section 243(d) of the Immigration and Nationality Act.

SEC. 628. None of the funds made available to the Department of Justice in this Act may be used for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.

SEC. 629. Beginning 60 days from the date of enactment of this Act, none of the funds appropriated or otherwise made available by this Act may be made available for the participation by delegates of the United States to the Standing Consultative Commission unless the President certifies and so reports to the Committees on Appropriations that the United States Government is not implementing the Memorandum of Understanding Relating to the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the limitation of Anti•Ballistic Missile Systems of May 26, 1972, entered into in New York on September 26, 1997, by the United States, Russia, Kazakhstan, Belarus, and Ukraine, or until the Senate provides its advice and consent to the Memorandum of Understanding.

SEC. 630. None of the funds made available in this Act may be used for any activity in support of adding or maintaining any World Heritage Site in the United States on the List of World Heritage in Danger as maintained under the Convention Concerning the Protection of the World Cultural and Natural Heritage.

TITLE VII—RESCISSIONS

DEPARTMENT OF JUSTICE

DRUG ENFORCEMENT ADMINISTRATION

DRUG DIVERSION CONTROL FEE ACCOUNT

(RESCISSION)

Amounts otherwise available for obligation in fiscal year 2000 for the Drug Diversion Control Fee Account are reduced by $35,000,000.

IMMIGRATION AND NATURALIZATION SERVICE

IMMIGRATION EMERGENCY FUND

(RESCISSION)

Of the unobligated balances available under this heading, $1,137,000 are rescinded.

DEPARTMENT OF STATE AND RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

(RESCISSION)

Of the unobligated balances available under this heading, $15,516,000 are rescinded.

RELATED AGENCIES

SMALL BUSINESS ADMINISTRATION

BUSINESS LOANS PROGRAM ACCOUNT

(RESCISSION)

Of the unobligated balances available under this heading, $13,100,000 are rescinded.

This Act may be cited as the "Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2000".

And the Senate agree to the same.

HAROLD ROGERS,
JIM KOLBE,
CHARLES H. TAYLOR,
RALPH REGULA,
TOM LATHAM,
DAN MILLER,
ZACH WAMP,
BILL YOUNG,
JOSÉ E. SERRANO,
JULIAN C. DIXON,
ALAN MOLLOHAN,
LUCILLE ROYBAL-ALLARD,
Managers on the Part of the House.

JUDD GREGG,
TED STEVENS,
PETE DOMENICI,
MITCH MCCONNELL,
KAY BAILEY HUTCHISON,
BEN NIGHTHORSE CAMPBELL,
THAD COCHRAN,
ERNEST HOLLINGS,
DANIEL INOUYE,
BARBARA A. MIKULSKI,
PATRICK J. LEAHY,
ROBERT C. BYRD,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2670) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies for the fiscal year ending September 30, 2000, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report. The legislative intent in the House and Senate versions in H.R. 2670 is set forth in the accompanying House report (H. Rept. 106–283) and the accompanying Senate report (S. Rept. 106–76).

Senate amendment: The Senate deleted the entire House bill after the enacting clause and inserted the Senate bill. The conference agreement includes a revised bill.

TITLE I—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes $79,328,000 for General Administration as proposed in the House bill, instead of $82,485,000 as proposed in the Senate bill. The conference agreement assumes requested increases for reimbursable workyears for the Office of Information and Privacy as proposed in the House and Senate reports, and for the Justice Management Division as proposed in the House report. No additional funding has been provided for additional positions for the Office of Intelligence and Policy Review.

Within the total amount provided, the conference agreement includes $8,136,000 for the Department Leadership Program as proposed in both the House and Senate bills. In addition, the conference agreement includes a provision which retains the limitation on the Department Leadership Program to the level of augmentation that occurred in these offices in fiscal year 1999.

The conference agreement also includes a provision that provides 41 permanent positions and 48 full-time equivalent workyears and $4,811,000 for the Offices of Legislative Affairs and Public Affairs, modified to allow the use of non-reimbursable career detailees as proposed in the Senate bill. The House bill contained a similar provision, but did not allow for the use of non-reimbursable detailees.

The conference agreement includes a provision that provides the Attorney General the authority to transfer forfeited property of limited value to a State or local government or its designee for certain community-based programs, subject to reprogramming requirements, as proposed in the House bill. The Senate bill did not contain this provision.

The House report language with respect to the Department of Justice's actions to expeditiously protect the constitutional rights of all individuals is adopted by reference. In addition, the conferees concur with the direction included in the House report regarding comprehensive budget and financial reviews of Departmental components. The conferees expect the Attorney General to complete these reviews no later than January 15, 2000, and to provide a report to the Committees on Appropriations no later than February 15, 2000, on the results of these reviews and any recommendations for improvements in the budget and financial management practices of Departmental components.

JOINT AUTOMATED BOOKING SYSTEM

The conference agreement includes $1,800,000 as a separate account for the Joint Automated Booking System (JABS) program, instead of $6,000,000 as proposed in the Senate bill. The House bill did not provide a separate appropriation for JABS. A direct appropriation is provided to fund the Departmental program office established to run this program. In addition, should funding be available from Super Surplus funds under the Assets Forfeiture Fund, the Attorney General is expected to make available up to $4,800,000 for JABS development and deployment activities. The Senate report language regarding centralized funding for this program is adopted by reference.

NARROWBAND COMMUNICATIONS

The conference agreement includes $115,941,000 for narrowband communications conversion activities, instead of $125,370,000 as proposed in the House bill, and $20,000,000 as proposed in the Senate bill. Of this amount, $10,625,000 is provided as a direct appropriation, $92,545,000 is provided through transfers from Departmental components, and $12,771,000 is provided from Super Surplus balances in the Assets Forfeiture Fund, should funds be available. The Senate bill proposed a direct appropriation of $20,000,000, and the House bill provided no direct appropriation but instead made funds available through transfers from Departmental components and Super Surplus balances from the Assets Forfeiture Fund.

Within the amount provided, $10,625,000 is to support the Wireless Management Office (WMO), including systems planning and pilot tests, and $105,316,000 is for wireless replacement activities, and operations and maintenance of legacy systems. The conferees expect the Department of Justice to move forward with the Department-wide consolidated, regional, interagency strategy developed by the WMO, and have therefore centralized all funding for narrowband communications activities under the WMO. The conferees expect the WMO to submit to the Committees on Appropriations no later than February 15, 2000, a status report on implementation of this plan. The conference agreement adopts the recommendations included in the House and Senate reports regarding the fiscal year 2001 budget submission for narrowband activities, and the House report language regarding the transfer of unobligated balances to the WMO.

The conference agreement does not include language proposed in the Senate bill allowing funds to be transferred to any Department of Justice organization upon approval by the Attorney General, subject to reprogramming procedures. The House bill contained no similar provision.

COUNTERTERRORISM FUND

The conference agreement includes $10,000,000 for the Counterterrorism Fund as proposed in the House bill, instead of $27,000,000 as proposed in the Senate bill. When combined with $22,340,581 in prior year carryover, a total of $32,340,581 will be available in the Fund in fiscal year 2000 to cover unanticipated, extraordinary expenses incurred as a result of a terrorist threat or incident. The conferees reiterate the concerns expressed in both the House and Senate reports regarding the use of the Fund, and expect that the Fund will be used only for unanticipated, extraordinary expenses which cannot reasonably be accommodated within an agency's regular budget. The Attorney General is required to notify the Committees on Appropriations in accordance with section 605 of this Act, prior to the obligation of any funds from this account.

The conference agreement adopts the direction included in the House and Senate reports regarding the National Domestic Preparedness Office. The House and Senate report language regarding funding for cyberterrorism and related activities, and the Senate report language regarding the development of a Continuity of Government comprehensive emergency plan is also adopted by reference. The Senate report language regarding the involvement of State and local governments in the annual update of the comprehensive counterterrorism and technology crime plan is adopted by reference.

The conference agreement does not include language proposed in the Senate bill allowing the Fund to be used for the costs of conducting assessments of Federal agencies and facilities. The House bill did not contain this provision.

TELECOMMUNICATIONS CARRIER COMPLIANCE FUND

The conference agreement includes $15,000,000, as proposed in both the House and Senate bills, for the Telecommunications Carrier Compliance program to reimburse equipment manufacturers and telecommunications carriers and providers of telecommunications services for implementation of the Communications Assistance for Law Enforcement Act of 1994 (CALEA).

ADMINISTRATIVE REVIEW AND APPEALS

The conference agreement includes $148,499,000 for Administrative Review and Appeals, instead of $134,563,000 as proposed in the House bill and $89,978,000 as proposed in the Senate bill, of which $50,363,000 is provided from the Violent Crime Reduction Trust Fund. Of the total amount provided, $146,899,000 is for the Executive Office for Immigration Review (EOIR) and $1,600,000 is for the Office of the Pardon Attorney.

The conferees direct the Executive Office for Immigration Review to provide the following: (1) beginning on March 1, 2000, semiannual reports on the number of immigration judges and Board of Immigration Appeals members; the number of cases pending and the number of cases completed before each body for each 6-month period; and the number of cases completed by type of completion (order of removal, termination, administratively closed, or relief granted) for those cases in each 6–month period; and (2) by April 1, 2000, a report, which should include consultation with the Immigration and Naturalization Service and the private bar, on the feasibility of electronic filing of documents, such as Notices to Appear, applications for relief, Notices of Appeal, and briefs, with the Offices of Immigration Judges and with the Board of Immigration Review.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes $40,275,000 for the Office of Inspector General, instead of $42,475,000 as proposed in the House bill, and $32,049,000 as proposed in the Senate bill.

The conference agreement does not include requested bill language which was included in the House bill, but not in the Senate bill, to use 0.2 percent of Violent Crime Reduction Trust Funds to audit grant programs within the Department. The conference agreement includes requested language relating to motor vehicles, which was in the House bill but not in the Senate bill. The conference agreement includes bill language designating a portion of funds to be used for narrowband conversion activities and transfers these funds to the Department of Justice Wireless Management Office.

The conferees are deeply concerned that Department employees accused of wrongdoing are not enjoying the swift justice that is every citizen's right. Though the Inspector General has made some progress in working down its backlog of "non-judicial cases", including special investigations, there are still far too many investigations that have stretched as long as 60 months without action or resolution. The conferees direct that all cases opened before April 1, 1999 shall be resolved not later than 60 days after the date of enactment of this Act in one of the following ways: (1) referral to the U.S. Attorneys for prosecution, (2) referral to the appropriate component for administrative punishment, (3) transmittal of a letter to the appropriate component for inclusion in the personnel jacket of the accused indicating case closure based upon a lack of evidence, or (4) transmittal of a letter to an appropriate component for inclusion in the personnel jacket of the accused indicating case closure based upon exoneration.

The conferees understand that there may be extenuating circumstances for certain extraordinary cases which may not allow for compliance with this requirement. In such instances, the Office of Inspector General shall report in an appropriate manner, so as not to jeopardize the pending investigation, to the Committees on Appropriations, the status and anticipated completion date for these cases. This report shall be submitted no later than 90 days after the date of enactment and shall be updated on a semi-annual basis.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $7,380,000 for the U.S. Parole Commission as proposed in the House bill, instead of the $7,176,000 as proposed in the Senate bill. Funding is provided in accordance with the House report.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

The conference agreement includes $494,310,000 for General Legal Activities instead of $503,620,000 as proposed in the House bill, and $485,000,000 as proposed in the Senate bill, of which $147,929,000 is provided from the Violent Crime Reduction Trust Fund (VCRTF) as proposed in the House bill.

The conference agreement includes no program increases for this account, but instead has provided base adjustments proportionately distributed among the divisions. The distribution of funding included in the conference agreement is as follows:

Office of the Solicitor General	$6,770,000
Tax Division	67,200,000
Criminal Division	104,477,000
Civil Division	147,616,000
Environment and Natural Resources	65,209,000
Office of Legal Counsel	4,698,000
Civil Rights Division	72,097,000
Interpol—USNCB	7,360,000
Legal Activities Office Automation	18,571,000

Office of Dispute Resolution	312,000
Total	494,310,000

The conference agreement allows $36,666,000 to remain available until expended for office automation costs, instead of $55,166,000 as proposed in the Senate bill, and $18,166,000 as proposed in the House bill. The conference agreement adopts the Senate position that no funds are provided for the Joint Center for Strategic and Environmental Enforcement, and by reference adopts the House report language regarding extradition tracking systems.

THE NATIONAL CHILDHOOD VACCINE INJURY ACT

The conference agreement includes a reimbursement of $4,028,000 for fiscal year 2000 from the Vaccine Injury Compensation Trust Fund to the Department of Justice, as proposed in the Senate bill, instead of $3,424,000 as proposed in the House bill.

SALARIES AND EXPENSES, ANTITRUST DIVISION

The conference agreement provides $110,000,000 for the Antitrust Division, instead of $112,318,000 as proposed in the Senate bill, and $105,167,000 as proposed in the House bill. The conference agreement assumes that of the amount provided, $81,850,000 will be derived from fees collected in fiscal year 2000, and $28,150,000 will be derived from estimated unobligated fee collections available from 1999 and prior years, resulting in a net direct appropriation of $0. It is intended that any excess fee collections shall remain available for the Antitrust Division in future years.

The conferees are aware that the Division is facing increased requirements related to electronic data storage, data processing, and automated litigation support which have impacted the ability of the Antitrust Division to maintain its current base operating level. Therefore, the conference agreement has included sufficient funding to address these requirements to enable the Division to maintain the current operating level.

The conference agreement includes language proposed in the Senate bill making technical corrections to code citations.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

The conference agreement includes $1,161,957,000 for the U.S. Attorneys as proposed in the House bill, instead of $1,089,478,000 as proposed in the Senate bill, all of which is a direct appropriation, instead of $500,000,000 from the Violent Crime Reduction Trust Fund (VCRTF) as proposed in the Senate bill.

The conference agreement provides a net increase of $60,755,000 for adjustments to base as follows: $69,944,000 is provided for annualization of the 96 positions provided in fiscal year 1999, as well as other pay and inflationary costs, offset by $9,189,000 in base decreases attributable to savings from the direction included in the Senate report regarding unstaffed offices, the provision of funding for the victims witness coordinator and advocate program from the Crime Victims Fund, and other non-recurring requirements.

The conference agreement also includes the following program increases:

Firearms Prosecutions.—The conference agreement provides $7,125,000 to continue and expand intensive firearms prosecution projects to enforce Federal laws designed to keep firearms out of the hands of criminals and to enhance existing law enforcement efforts. The conferees direct the Executive Office of US Attorneys (EOUSA) to submit a spending plan to the Committees on Appropriations no later than December 1, 1999. This spending plan shall give priority consideration to the needs of those areas referenced in the Senate-passed bill, as well as other areas with high incidences of firearms violations.

Legal Education.—The conference agreement provides a program increase of $2,300,000 to establish a distance learning facility at the National Advocacy Center (NAC) in accordance with the direction included in the Senate report. When combined with $15,015,000 included within base resources, as requested in the budget, a total of $17,315,000 is included under this account for legal education at the National Advocacy Center (NAC).

Courtroom Technology.—The conference agreement provides $1,399,000 for technology demonstration projects, with priority given to the locations referred to in the Senate report.

In addition, $1,000,000 is included from within base resources to continue a violent crime task force demonstration project to investigate and prosecute perpetrators of Internet sexual exploitation of children, to be administered under the auspices of Operation Streetsweeper, as proposed in the Senate bill.

The conference agreement does not adopt the recommendations included in the Senate report regarding term appointments, civil defensive litigation, or child support enforcement.

In addition to identical provisions that were included in both the House and Senate bills, the conference agreement includes the following provisions: (1) providing for 9,120 positions and 9,398 workyears for the U.S. Attorneys, instead of 9,044 positions and 9,360 workyears as proposed in the House bill, and 9,044 positions and 9,312 workyears as proposed in the Senate bill; (2) allowing not to exceed $2,500,000 for debt collection activities to remain available for two years as proposed in the House bill; and (3) allowing not to exceed $2,500,000 for the National Advocacy Center and $1,000,000 for violent crime task forces to remain available until expended as proposed in the Senate bill. The conference agreement does not include language proposed in the Senate bill designating funding for civil defensive litigation, allowing the transfer of up to $20,000,000 from this account to the Federal Prisoner Detention account, and designating funding for certain task force activities.

UNITED STATES TRUSTEE SYSTEM FUND

The conference agreement provides $112,775,000 in budget authority for the U.S. Trustees, of which $106,775,000 is derived from fiscal year 2000 offsetting fee collections, and $6,000,000 is derived from interest earned on Fund investments, instead of $112,775,000 in budget authority and fiscal year 2000 offsetting fee collections as proposed in the Senate bill, and $114,248,000 in budget authority, of which $108,248,000 is derived from fiscal year 2000 offsetting fee collections and $6,000,000 in interest earnings as proposed in the House bill.

The conference agreement assumes that $9,319,000 in prior year carryover will be available to the U.S. Trustees in fiscal year 2000, providing a total operating level of $122,094,000, the full amount necessary to maintain the current operating level of 1,128 positions and 1,059 workyears. The conferees remind the U.S. Trustees that amounts collected or otherwise available in excess of the total operating level assumed in the conference agreement are subject to section 605 of this Act. In addition, the conferees adopt by reference the Senate report language on the National Advocacy Center (NAC). The conferees direct the U.S. Trustees to report to the Committees on Appropriations no later than December 31, 1999, on the planned number and type of bankruptcy classes to be conducted at the NAC.

The conference agreement includes a provision as proposed in the House bill to allow interest earned on Fund investment to be used for expenses in this appropriation. The Senate bill did not contain this provision.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

The conference agreement provides $1,175,000 for the Foreign Claims Settlement Commission, as requested and as provided in both the House and Senate bills, and assumes funding in accordance with both the House and Senate bills.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

The conference agreement includes $543,365,000 for the U.S. Marshals Service Salaries and Expenses account, instead of $538,909,000 as proposed in the House bill and $547,253,000 as proposed in the Senate bill. Of this amount, the conference agreement provides that $209,620,000 will be derived from the Violent Crime Reduction Trust Fund (VCRTF) as proposed in the House bill, instead of $138,000,000 as proposed in the Senate bill.

The amount included in the conference agreement includes a $29,932,000 net increase for inflationary and other base adjustments, including $1,600,000 to continue and expand the Marshals Service's subscriptions to credit bureau and personal and commercial property on-line services. The conferees remain seriously concerned about the Marshals Service's inability to accurately project its funding requirements and effectively manage the resources provided. Therefore, the conference agreement adopts by reference the language and direction included in the House report regarding budget and financial management practices.

In addition, the conference agreement includes $20,324,000 in program increases for the following: (1) $4,003,000 (56 positions and 28 workyears) for courthouse security personnel related to activation of new courthouses opening in fiscal year 2000; (2) $2,500,000 for electronic surveillance unit equipment; and (3) $13,821,000 for courthouse security equipment, of which $9,000,000 is to be derived from the Working Capital Fund, to be provided for newly opening courthouses as follows:

USMS Courthouse Security Equipment

[In thousands of dollars]

Omaha, NE	$1,000
Hammond, IN	866
Covington, KY	161
London, KY	275
Montgomery, AL	1,130
Tucson, AZ	846
Phoenix, AZ	861
Charleston, SC	379
Albany, NY	478
Los Angeles, CA	256
Sioux City, IA	264
Agana, Guam	781
Islip, NY	1,669
St. Louis, MO	1,754
Las Vegas, NV	900
Riverside, CA	436
Corpus Christi, TX	1,000
Charleston, WV	100
Pocatello, ID	15
Albuquerque, NM	200

USMS Courthouse Security Equipment—Continued

Kansas City, MO	450
Total, USMS Security Equipment	13,821

The conferees expect the Marshals Service to give priority to those facilities scheduled to come on line in the first half of fiscal year 2000, and expect to be notified in accordance with section 605 of this Act prior to any deviation from the above distribution.

The conference agreement does not include a provision proposed in the Senate bill requiring a judge to submit a written request to the Attorney General for approval prior to the service of process by a Marshals Service employee. The conferees are aware of concerns regarding the impact that service of process duties is having on the Marshals Service. Therefore, the conferees direct the Attorney General and the Marshals Service to work with the Administrative Office of the Courts to study alternatives for service of process in certain cases in which no law enforcement presence is required, and to report back to the Committees on Appropriations no later than February 1, 2000, on the impact of such alternatives on the Marshals Service and the Federal Courts.

In addition, the conferees concur with the recommendation included in the Senate report regarding the reallocation of personnel resulting from the defederalization of District of Columbia Superior Court operations. Should defederalization occur, the Marshals Service is directed to notify the Committees of such reallocation in accordance with section 605 of this Act.

The conference agreement does not include language proposed in the Senate bill which limits the use of contract officers and limits the use of employees of the Marshals Service to serve process.

CONSTRUCTION

The conference agreement includes $6,000,000 in direct appropriations for the U.S. Marshals Service Construction account instead of $9,632,000 as proposed in the Senate bill, and $4,600,000 as proposed in the House bill. An additional $2,600,000 is to be provided for this account should funds be available from Super Surplus balances in the Assets Forfeiture Fund. The conference agreement includes the following distribution of funds:

USMS Construction

[In thousands of dollars]

Fairbanks, AK	$ 300
Prescott, AZ	125
Atlanta, GA	368
Moscow, ID	185
Rockford, IL	250
Louisville, KY	350
Detroit, MI	515
Las Cruces, NM	275
Greensboro, NC	725
Muskogee, OK	650
Pittsburgh, PA	550
Charleston, SC	725
Florence, SC	300
Spartanburg, SC	400
Columbia, TN	250
Beaumont, TX	450
Sherman, TX	850
Cheyenne, WY	500
Security Specialists/Construction Engineers	832
Total, Construction	8,600

The conferees expect to be notified in accordance with section 605 of this Act prior to any deviation from the above distribution.

JUSTICE PRISONER AND ALIEN TRANSPORTATION SYSTEM FUND

The conference report includes requested language permanently establishing a revolving fund for the operation of the Justice Prisoner and Alien Transportation System (JPATS), as provided in both the House and Senate bills. The conference agreement does not include direct funding of $9,000,000 proposed in the Senate bill to pay for Marshals Service payments to the JPATS revolving fund. The conferees expect the Marshals Service to adequately budget for its own requirements for prisoner movements within its own base budget under the Salaries and Expenses account, as is the practice for all other agencies, and have addressed the Marshals Service's needs under that account.

The conference agreement adopts the direction included in the House and Senate reports regarding full cost recovery, the direction included in the House report regarding system enhancements, and the direction included in the Senate report regarding surplus Department of Defense aircraft.

The conference agreement does not include language amending the definition of public aircraft with respect to JPATS activities, which was proposed in the Senate bill.

FEDERAL PRISONER DETENTION

The conference agreement provides $525,000,000 for Federal Prisoner Detention as proposed in the House bill, instead of $500,000,000 as proposed in the Senate bill, which is a $100,000,000 increase over the fiscal year 1999 level. This amount, combined with approximately $14,000,000 in carryover, will provide total funding of $539,000,000 in fiscal year 2000. The conferees remain extremely concerned about the inability of the Marshals Service to accurately project and manage the resources provided under this account. While the conferees appreciate the difficulty in projecting funding requirements, the wide fluctuations which have occurred in recent years are unacceptable. Given the conferees' continued concern about the ability of the Marshals Service to provide accurate cost projections, the recommendation includes the amount of funding identified as necessary to detain the current average population, adjusted for anticipated increases in jail day costs, as well as allows for additional growth in the detainee population. A general provision has also been included elsewhere in this title, as requested, addressing medical services costs, which should result in savings to the program. Should additional funding be required, the conferees would be willing to entertain a reprogramming in accordance with Section 605 of this Act. In addition, the conference agreement adopts the direction included in the Senate report requiring quarterly reports on cost savings initiatives, as well as a report on sentencing delays.

FEES AND EXPENSES OF WITNESSES

The conference agreement includes $95,000,000 for Fees and Expenses of Witnesses as proposed in the House bill, instead of $110,000,000 as proposed in the Senate bill. The conference agreement does not include a provision allowing up to $15,000,000 to be transferred from this account to the Federal Prisoner Detention account, which was proposed in the Senate bill.

COMMUNITY RELATIONS SERVICE

The conference agreement includes $7,199,000 for the Community Relations Service, as proposed in both the House and Senate bills. In addition, the conference agreement includes a provision allowing the Attorney General to transfer up to $1,000,000 of funds available to the Department of Justice to this program, as proposed in the House bill. The Attorney General is expected to report to the Committees on Appropriations of the House and Senate if this transfer authority is exercised. In addition, a provision is included allowing the Attorney General to transfer additional resources, subject to reprogramming procedures, upon a determination that emergent circumstances warrant additional funding, as proposed in the House bill. The Senate bill did not include either transfer provision.

ASSETS FORFEITURE FUND

The conference agreement provides $23,000,000 for the Assets Forfeiture Fund as proposed in Senate bill, instead of no funding as proposed in the House bill.

RADIATION EXPOSURE COMPENSATION

ADMINISTRATIVE EXPENSES

The conference agreement recommends $2,000,000 for fiscal year 2000, the full amount requested, the same amount proposed in both the House and Senate bills, and in accordance with the House and Senate bills.

PAYMENT TO RADIATION COMPENSATION EXPOSURE TRUST FUND

The conference agreement provides $3,200,000 in direct appropriations and assumes prior year carryover funding of $7,800,000 for total of $11,000,000 for the Compensation Trust Fund.

The Administration's fiscal year 2000 request was predicated on the passage of legislation that increased both the amount of payments to qualifying individuals and the number of categories of claimants. The proposed legislation has not been acted on and future passage is uncertain. The conferees are concerned that the Administration has expanded the number of claimants through the issuing of regulations when Congress has not chosen to do so through the normal legislative process. The conferees have provided adequate funding to cover the payments of the three categories of claimants currently provided for in statute. No additional funding is provided to cover the claims of individuals provided for by 29 CFR Part 79.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

The conference agreement includes a total of $316,792,000 for Interagency Crime and Drug Enforcement (ICDE) as proposed in the House bill, instead of $304,014,000 as proposed in the Senate bill. The distribution of funding provided is as follows:

Reimbursements by Agency

[In thousands of dollars]

Drug Enforcement Administration	$ 104,000
Federal Bureau of Investigation	108,544
Immigration and Naturalization Service	15,300
Marshals Service	1,900
U.S. Attorneys	83,300
Criminal Division	790
Tax Division	1,344
Administrative Office	1,614
Total	316,792

The conferees continue to believe that a dedicated, focused effort is needed for this activity. Therefore, the conference agreement adopts the approach included in both the House and Senate bills to continue funding for Department of Justice components' participation in ICDE activities as a separate appropriations account, instead of providing funding directly to individual components as proposed in the President's budget.

The conferees recognize that in order to be truly successful, all participants must remain committed to the program, and the program must be implemented as efficiently as possible. The conferees direct the Department of Justice to conduct a comprehensive review of the program and provide a report to the Committees on Appropriations no later than January 15, 2000, with any recommendations to improve the program.

The conference agreement includes language allowing up to $50,000,000 to remain available until expended as proposed in the House bill, instead of $20,000,000 as proposed in the Senate bill.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

The conference agreement includes $3,089,868,000 for the Federal Bureau of Investigation (FBI) Salaries and Expenses account as proposed in the House bill, instead of $2,973,292,000 as proposed in the Senate bill, of which $752,853,000 is provided from the Violent Crime Reduction Trust Fund (VCRTF) as recommended in the House bill, instead of $280,501,000 as recommended in the Senate bill. In addition, the conference agreement provides that not less than $292,473,000 shall be used for counterterrorism investigations, foreign counterintelligence, and other activities related to national security as proposed in the House bill, instead of $260,000,000 as proposed in the Senate bill. This statement of managers reflects the agreement of the conferees on how the funds provided in the conference report are to be spent.

The conference agreement includes a net increase of $100,836,000 for adjustments to base, as follows: increases totaling $182,935,000 for costs associated with the annualization of new positions provided in fiscal year 1999, the 2000 pay raise, increased rent, continued direct funding of the National Instant Check System, and other inflationary adjustments; offset by decreases totaling $82,099,000 for non-recurring costs associated with the completion of the Integrated Automated Fingerprint Identification System (IAFIS) and one-time equipment purchases provided for in fiscal year 1999, the transfer of the State Identification grants program to the Office of Justice Programs, the rebaselining of certain programs to match actual expenditures, and reductions for vehicle and furniture purchases. In addition, the conference agreement includes program increases totaling $7,484,000, which are described below:

National Infrastructure Protection/Computer Intrusion.—The conference agreement adopts the direction included in the Senate report requiring the conversion of 95 part-time positions for Computer Analysis Response Teams (CART) to 62 full-time positions, which will enable the FBI to increase its total effort by 20%. The conferees believe that the complexity of computer forensic examinations necessitates a cadre of personnel dedicated to this activity, which can provide the necessary investigative support to field offices, and expect the FBI to deploy these personnel in a manner which maximizes coverage and support to field offices. To ensure that these teams can effectively respond to the needs of the field, a program increase of $3,399,000 has been provided for training, equipment, supplies and technology upgrades for these teams. The conferees direct the FBI to submit a spending plan to the Committees on Appropriations prior to the release of these funds. In addition, the conferees expect the FBI to comply with the direction included in the Senate report regarding the adequacy of examiner training, and the development of a master plan regarding current and planned capabilities to combat computer crime and intrusion.

In addition, the conference agreement provides a total of $18,596,000 for the National Infrastructure Protection Center [NIPC], of which $1,250,000 is for a cybercrime partnership with the Thayer School of Engineering, as proposed in the Senate report. This amount, when combined with $2,069,436 in carryover funding, will provide a total of $20,880,032 for the NIPC in fiscal year 2000, approximately the same level of funding available in fiscal year 1999, adjusted for costs associated with certain non-recurring requirements. It has come to the conferees' attention that concerns have been expressed regarding the adequacy of staffing levels at the NIPC. The conferees are concerned that the current FBI on-board staffing level at the NIPC is only at 80% of its authorized and funded level, and other agency participation is only at 70% of the authorized level. The conferees direct the FBI to provide a report to the Committees no later than December 1, 1999, on the actions it is taking to rectify this situation.

Mitochondrial DNA.—The conference agreement includes a program increase of $2,835,000 (5 positions and 3 workyears) for the development of the use of mitochondrial DNA to assist in the identification of missing persons, as proposed in the Senate report.

Criminal Justice Services.—The conference agreement includes a total of $212,566,000 for the Criminal Justice Information Services Division (CJIS), which includes the National Instant Check System (NICS), an increase of $81,500,000 above the request. Of this amount, $70,235,000 is for NICS, including $2,500,000 to be funded from prior year carryover, and $142,331,000 is for non-NICS activities, including $11,265,000 for an operations and maintenance shortfall affecting the Integrated Automated Fingerprint Identification System (IAFIS) and the National Crime Information Center (NCIC).

The fiscal year 2000 budget for the FBI included no direct funding for the NICS, and instead proposed to finance the costs of this system through a user fee. The conference agreement includes a provision under Title VI of this Act which prohibits the FBI from charging a fee for NICS checks, and instead provides funding to the FBI for its costs in operating the NICS.

Indian Country Law Enforcement.—The conferees share the concerns expressed in the Senate report regarding sexual assaults on Indian reservations. The conferees direct the FBI to reallocate not less than 25 agents to existing DOJ offices nearest to the Indian reservations identified in the Senate report. The conferees assume these agents will serve as part of multi-agency task forces dedicated to addressing this problem. While the conferees do not intend for this to be a permanent redirection of FBI resources, the conferees expect the FBI to implement this direction in the most cost effective manner possible. Therefore, the conferees direct the FBI to submit an implementation plan to the Committees on Appropriations no later than December 1, 1999, and to provide a report on the success of its investigative efforts not later than June 1, 2000.

Information Sharing Initiative (ISI).—The conference agreement does not include program increases for ISI. Within the total amount available to the FBI, $20,000,000 is available from fiscal year 2000 base funding, and $60,000,000 is available from unobligated balances from fiscal year 1999. The Bureau is again directed not to obligate any of these funds until approval by the Committees of an ISI plan.

The conferees reiterate the concerns expressed in the House report regarding the FBI's information technology initiatives. The FBI is expected to comply with the direction included in the House report regarding the submission of an Information Technology report, and is directed to provide this report to the Committees on Appropriations no later than November 1, 1999, and an updated report as part of the fiscal year 2001 budget submission.

National Domestic Preparedness Office (NDPO).—The FBI is considered the lead agency for crisis management; the Federal Emergency Management Agency (FEMA) is considered the lead agency for consequence management; and various other Federal agencies share additional responsibilities in the event of a terrorist attack. In the past, there has been no coordinated effort to prepare State and local governments to respond to terrorist incidents. The Department of Justice has proposed the establishment of an interagency National Domestic Preparedness Office (NDPO) to coordinate Federal assistance programs for State and local first responders, provide a single point of contact among Federal programs, and create a national standard for domestic preparedness, thereby improving the responsiveness of Federal domestic preparedness programs, while reducing duplication of effort. The conferees approve the Department's request to create the NDPO and direct the Department of Justice to submit to the Committees no later than December 15, 1999, the final blueprint for this office. Within the total amount available to the FBI, up to $6,000,000 may be used to provide funding for the NDPO in fiscal year 2000, subject to the submission of a reprogramming in accordance with section 605 of this Act. Further, the conferees expect the five-year interagency counterterrorism plan, which is to be submitted to the Committees no later than March 1, 2000, to identify and incorporate the NDPO's role and function.

Other.—From within the total amount provided under this account, the FBI is directed to provide not less than $5,204,000 to maintain the Crimes Against Children initiative as recommended in the Senate report. In addition, not less than $1,500,000 and 11 positions are to be provided to continue the Housing Fraud initiative as recommended in the House report. The conferees are concerned about delay in fully implementing the Housing Fraud initiative provided for in fiscal year 1999, and expect the FBI to take all necessary actions to fully implement this initiative and report back to the Committees on Appropriations no later than December 1, 1999, on its actions.

The Senate report language regarding intelligence collection management officers, background checks for school bus drivers, the Northern New Mexico anti-drug initiative, and continued collaboration with the Southwest Surety Institute is adopted by reference. The conference agreement also adopts by reference the House report language regarding the National Integrated Ballistics Information Network (NIBIN).

In addition to identical provisions that were included in both the House and Senate bills, the conference agreement includes provisions, modified from language proposed in the House bill, authorizing the purchase of not to exceed 1,236 passenger motor vehicles, and designating $50,000,000 for narrowband communications activities to be transferred to the Department of Justice Wireless Management Office. The Senate bill did not include provisions on these matters. The conference agreement also includes language allowing up to $45,000 to be used for official reception and representation expenses as proposed in the House bill, instead of $65,000 as proposed in the Senate bill, and contains statutory citations under the Violent Crime Reduction Trust Fund proposed in the House bill, which were not included in the Senate bill.

The conference agreement does not include language proposed in the Senate bill regarding the independent program office dedicated to the automation of fingerprint identification services, nor is language included limiting the total number of positions and workyears available to the FBI in fiscal year 2000. The House bill did not include similar provisions on these matters. However, the conferees are concerned about the continued variances between the FBI's funded and actual staffing levels. Therefore, the conferees direct the FBI to provide quarterly reports to the Committees on Appropriations which delineate the funded and the actual agent and non-agent staffing level for each decision unit, with the first report to be provided no later than December 1, 1999.

CONSTRUCTION

The conference agreement includes $1,287,000 in direct appropriations for construction for the Federal Bureau of Investigation (FBI), as provided for in the House bill, instead of $10,287,000 as proposed in the Senate bill. The agreement includes the funding necessary to continue necessary improvements and maintenance at the FBI Academy.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes $1,276,250,000 for the Drug Enforcement Administration (DEA) Salaries and Expenses account as proposed in the House bill, instead of $1,217,646,000 as proposed in the Senate bill, of which $343,250,000 is provided from the Violent Crime Reduction Trust Fund (VCRTF), instead of $344,250,000 as proposed in the House bill, and $419,459,000 as proposed in the Senate bill. In addition, $80,330,000 is derived from the Diversion Control Fund for diversion control activities. This statement of managers reflects the agreement of the conferees on how the funds provided in the conference report are to be spent.

Budget and Financial Management.—The conferees share the concerns expressed in both the House and Senate reports regarding DEA's budget and financial management practices, including DEA's failure to comply with section 605 of the appropriations Acts, resulting in resources being expended in a manner inconsistent with the appropriations Acts. As a result of these concerns, a comprehensive review was conducted by the Department of Justice and DEA, and a report was provided to the Committees on Appropriations on July 8, 1999, which recommended a series of management reforms to be implemented by DEA and included a revised budget submission for fiscal year 2000. The conferees expect DEA to expeditiously implement all management reforms recommended in that report. Further, the conference agreement has used the revised budget submission as the basis for funding provided for fiscal year 2000. The following table represents funding provided under this account:

DEA SALARIES AND EXPENSES

[Dollars in thousands]

Activity	Pos.	FTE	Amount
Enforcement:			
Domestic enforcement	2,195	2,134	$377,008
Foreign cooperative investigation	730	689	200,678
Drug and chemical diversion	142	143	14,598
State and local task forces	1,678	1,675	233,073
Subtotal	4,765	4,651	825,357
Investigative Support:			
Intelligence	883	900	106,133
Laboratory services	381	378	42,833
Training	99	98	19,861
RETO	355	353	101,783
ADP	131	129	96,994
Subtotal	1,849	1,858	367,604
Management and administration	857	849	83,289
Total, DEA	7,471	7,358	1,276,250

DEA is reminded that any deviation from the above distribution is subject to the reprogramming requirements of section 605 of this Act.

The conference agreement provides a net increase of $20,312,000 for pay and other inflationary costs to maintain current operations, as follows: increases totaling $50,220,000 for costs associated with annualization of 617 new positions provided in fiscal year 1999, the 2000 pay raise, increased rent, and other inflationary increases; offset by decreases totaling $29,908,000 for costs associated with one-time and non-recurring equipment purchases and other items provided for in fiscal year 1999, and a general reduction in administrative overhead.

In addition, the conference agreement includes program increases totaling $41,925,000, as follows:

Caribbean Initiative.—The conference agreement includes a total of $5,500,000 (17 positions, including 11 agents) to augment the Caribbean Initiative funded in fiscal years 1998 and 1999, as follows:

—$1,900,000 within Domestic Enforcement for 17 positions and 9 workyears for new agents and support in Puerto Rico;

—$500,000 within Domestic Enforcement to address law enforcement retention efforts in Puerto Rico, including the development of a community liaison office and center to provide assistance to Department of Justice employees and their families;

—$3,100,000 within Research, Engineering, Test and Operations (RETO) to purchase four MWIR airborne thermal imaging systems and eight installation kits for UH-60 aircraft to support multi-agency operations in the Bahamas and North Caribbean. The conferees expect these aircraft to be configured like the US Customs Service UH-60 counter-drug aircraft to enhance interoperability.

The conferees direct DEA to provide quarterly status reports on the implementation of these initiatives. Further, the conference agreement adopts by reference the House report language regarding requirements related to the Caribbean.

Source Country/International Strategy.—Within the amount provided for Foreign Cooperative Investigations, the conference agreement includes program increases totaling $5,000,000 (19 positions, including 8 agents) to enhance staffing in Central and South America, as follows:

—$1,500,000 for 6 positions, including 2 agents, to enhance staffing in Panama (3 positions, including 2 agents), Nicaragua (1 position), and Belize (2 positions); and

—$3,500,000 for 13 positions, including 6 agents, to enhance staffing in Argentina (2 positions, including 1 agent), Brazil (3 positions, including 2 agents); Chile (2 positions, including 1 agent); Peru (2 positions); and Venezuela (4 positions).

The conferees are aware of concerns expressed regarding adequacy of non-agent personnel in source countries, resulting in agent resources being used to perform functions more efficiently performed by non-agent personnel. Therefore, the conference agreement has included additional non-agent positions to address this problem. The conferees urge the DEA to review the adequacy of non-agent personnel in source countries to ensure that adequate support is provided. DEA is expected to provide quarterly reports on investigative and non-investigative workyears and funding, by type, within source and transit countries, including the Caribbean, delineated by country and function, with the first report to be provided not later than November 15, 1999.

Domestic Enhancements.—The conference agreement includes program increases totaling $10,700,000 for domestic counter-drug activities, exclusive of the Caribbean Initiative. Included are the following program increases:

—$4,600,000 within Domestic Enforcement for 25 positions (15 agents) and 13 workyears for Regional Enforcement Teams (RETS), to provide a total of $17,400,000 for RETS in fiscal year 2000. The conferees expect the additional personnel and resources provided to be dedicated to locations in the Western United States as determined by DEA, and to focus primarily on the methamphetamine problem in that geographic region;

—$2,800,000 within State and Local Task Forces for 20 positions (12 agents) and 10 workyears for Mobile Enforcement Teams (METS), to provide a total of $53,900,000 for METS in fiscal year 2000. The conferees expect the additional personnel and resources provided to be dedicated to locations as determined by DEA, and to focus primarily on the problems of black tar heroin and methamphetamines;

—$1,500,000 within State and Local Task Forces for State and local methamphetamine training, as recommended in the Senate report;

—$1,000,000 within Domestic Enforcement for Drug Demand Reduction programs, as recommended in the House report;

—$400,000 within Domestic Enforcement for black tar heroin and methamphetamine enforcement along the Southwest border to address this problem in cooperation with other Federal law enforcement agencies, with particular emphasis on the illegal drug trafficking problem in Northern New Mexico;

—$400,000 within State and Local Task Forces for support for methamphetamine enforcement in Iowa, as directed in the Senate report.

In addition, DEA is expected to comply with the direction included in the House report regarding DEA's continued participation in the HIDTA program, and support for DEA's newly established office in Madisonville, Kentucky. DEA is also expected to comply with the direction included in the Senate report regarding Operation Pipeline.

Investigative Support Requirements.—The conference agreement includes $20,725,000 to address critical infrastructure needs, as follows:

—$7,725,000 within RETO to consolidate and enhance DEA's electronic surveillance capabilities to support multi-agency, multi-jurisdictional investigations;

—$13,000,000 within ADP to accelerate the completion of Phase II of FIREBIRD to December 2001. This amount will provide a total of $44,890,000 in fiscal year 2000 for FIREBIRD, of which $37,500,000 is to be for deployment only, and $7,400,000 is for operations and maintenance (O&M) of the system, the full amount requested in the budget. Should additional funds be required for O&M, the Committee's would be willing to entertain a reprogramming in accordance with section 605 of the Act. The conferees share the concerns expressed in the House report regarding this program, and direct DEA to provide a full program plan for completion of Phase II of FIREBIRD, including deployment and O&M costs, to the Committees on Appropriations not later than December 1, 1999, and to provide quarterly status reports thereafter on deployment and O&M, delineated by location and function.

Drug Diversion Control Fee Account.—The conference agreement provides $80,330,000 for DEA's Drug Diversion Control Program, including $3,260,000 in adjustments to base and program increases, as requested. In addition, the Senate report language regarding development of electronic reporting and records systems is adopted by reference. The conference agreement assumes that the level of balances in the Fee Account are sufficient to fully support diversion control programs in fiscal year 2000. As was the case in fiscal year 1999, no funds are provided in the DEA Salaries and Expenses appropriation for this account in fiscal year 2000.

CONSTRUCTION

The conference agreement includes $5,500,000 in direct appropriations for construction for the Drug Enforcement Administration (DEA) as proposed in the Senate bill, instead of $8,000,000 as proposed in the House bill.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

The conference agreement includes $2,909,665,000 for the salaries and expenses of the Immigration and Naturalization Service (INS), instead of $2,932,266,000 as provided in the House bill, and $2,570,164,000 as provided in the Senate bill, of which $1,267,225,000 is from the Violent Crime Reduction Trust Fund, instead of $1,311,225,000 as proposed in the House bill and $873,000,000 as proposed in the Senate bill. In addition to the amounts appropriated, the conference agreement assumes that $1,269,597,000 will be available from offsetting fee collections instead of $1,285,475,000 as proposed by the House and $1,290,162,000 as proposed by the Senate. Thus, including resources provided under construction, the conference agreement provides a total operating level of $4,260,416,000 for INS, instead of $4,289,231,000 as proposed by the House and $3,999,290,000 as proposed by the Senate. This statement of managers reflects the agreement of the conferees on how the funds provided in the conference report are to be spent.

Base adjustments.—The conference agreement provides $54,740,000 for base restoration, instead of the requested $55,830,000, and provides $7,112,000 for the annualization of the fiscal year 1999 pay raise, instead of the requested $14,961,000, the remaining amount of which has already been paid in the current fiscal year. Additionally, the conference agreement includes $30,000,000 for the annualization of the Working Capital Fund base transfer, $3,794,000 for the National Archives records project, and $1,090,000 of the base restoration for fiscal year 1999 adjustments to base which are funded in the Examinations Fee account, since sufficient funds are available. The conference agreement does not include $11,240,000 for the Interagency Crime and Drug Enforcement funds, which are provided in a separate account or $20,000,000 for the annualization of border patrol agents not hired. The conference agreement does not include the transfers to the Examinations Fee account, H–1b account, or the breached bond/detention account, as proposed by the Senate report.

INS Organization and Management.—The conference agreement includes the concerns expressed in the House report that a lack of resources is no longer an acceptable response to INS's inability to adequately address its mission responsibilities. The conference agreement includes the establishment of clearer chains of command—one for enforcement activities and one for service to noncitizens—as one step towards making the INS a more efficient, accountable, and effective agency, as proposed in both the House and Senate reports. Consistent with the concept of separating immigration enforcement from service, the conference agreement continues to provide for a separation of funds, as in fiscal year 1999 and in the House bill. The conference agreement includes the separation of funds into two accounts, as requested and as proposed in the House bill: Enforcement and Border Affairs, and Citizenship and Benefits, Immigration Support and Program Direction. INS enforcement funds are placed under the Enforcement and Border Affairs account. All immigration-related benefits and naturalization, support and program resources are placed under the Citizenship and Benefits, Immigration Support and Program Direction account. Neither account includes revenues generated in various fee accounts to fund program activities in both enforcement and functions, which are in addition to the appropriated funds and are discussed below. Funds for INS construction projects continue to fall within the INS construction account.

The conference agreement includes bill language which provides authority for the Attorney General to transfer funds from one account to another in order to ensure that funds are properly aligned. Such transfers may occur notwithstanding any transfer limitations imposed under this Act but such transfers are still subject to the reprogramming requirements under Section 605 of this Act. It is expected that any request for transfer of funds will remain within the activities under those headings.

The conference agreement includes $1,107,429,000 for Enforcement and Border Affairs, $535,011,000 for Citizenship and Benefits, Immigration Support and Program Direction, and $1,267,225,000 from the Violent Crime Reduction Trust Fund.

The Enforcement and Border Affairs account is comprised of the following amounts: $922,224,000 for existing base activities for Border Patrol, Investigations, Detention and Deportation, and Intelligence; less $11,240,000 for the Interagency Crime and Drug Enforcement funds, which are provided in a separate account, less $20,000,000 for the annualization of border patrol agents not hired and less $7,555,000 for part of the fiscal year 1999 annualized pay raise, the remaining amount of which has already been paid in the current fiscal year.

The Citizenship and Benefits, Immigration Support and Program Direction account includes $539,099,000 (plus VCRTF funds) for the existing activities of citizenship and benefits, immigration support, and management and administration; less $294,000 of the annualized fiscal year 1999 pay raise which has already been paid within the current year, and less $3,794,000 for archives and records, which are now funded within the Examinations Fee account. The requested $30,000,000 base restoration and the $1,090,000 base restoration for fiscal year 1999 adjustments to base need not be funded in the Salaries and Expenses base since sufficient funds are available within the Examinations Fee account. None of these amounts include offsetting fees, which are used to fund both enforcement and service functions.

Border Control.—The conference agreement includes $50,000,000 for 1,000 new border patrol agents and 475 FTEs, of which $1,500,000 is for border patrol recruitment devices, such as language proficiency bonuses, recruitment bonuses, and costs for improved recruitment outreach programs, including the possibility of expanding testing capabilities and other hiring steps, as described in the Senate report, and the establishment of an Office of Border Patrol Recruitment and Retention, as described in the Senate report, including the submission of recommendations on pay and benefits. Owing to INS's failure to hire 1,000 border patrol agents in fiscal year 1999, INS may provide a recruiting bonus to new agents hired after January 1, 2000. Should the INS be unable to recruit the required agents by June 1, 2000, the only other allowable purpose to which the $48,500,000 may be put is an increase in pay for non-supervisory agents who have served at a GS–9 level for more than one year. The Committees on Appropriations expect to be notified prior to the use of funds for a pay raise.

The conference report also includes $22,000,000 for additional border patrol equipment and technology, to be funded from existing base resources for information resource management, as follows: $9,350,000 for infrared night vision scopes; $6,375,000 for night vision goggles; $4,050,000 for pocket scopes; and $2,225,000 for laser aiming modules and infrared target pointers/illuminators. Additionally, the conference agreement includes $3,000,000, funded from the existing base for information resource management, for the Law Enforcement Support Center, as described in the Senate report.

The conference agreement includes the following reports on border-related activities and technologies: (1) hand-held night-vision binocular report by March 1, 2000, as in the House report; (2) night vision obligation report by December 15, 1999, as in the House report; (3) all-light, all-weather ground surveillance capability report by March 1, 2000, as in the House report; (4) border patrol hiring and spending plan for fiscal year 1999 by September 15, 1999, as in the House report; (5) report on the situation in the Tucson sector by October 1, 1999, as in the House report; (6) fiscal year 1999 border patrol aviation final report; and (7) a feasibility report on the participation of the Tucson sector in the ambulance reimbursement program by January 15, 2000. All overdue reports are still expected to be submitted to the Committees. The conferees are aware of a recently filed lawsuit against the INS and the Army Corps of Engineers challenging the major drug interdiction effort known as Operation Rio Grande and its impact on the environment. The conferees are concerned about the potential adverse effects that this suit may have on drug interdiction efforts. The conferees, therefore, direct the Department of Justice, within 30 days of enactment, to provide the House and Senate Appropriations Committees with a report on the status of this lawsuit.

IAFIS/IDENT.—The conferees direct the Assistant Attorney General for Administration to submit a plan by November 1, 1999, to integrate the INS IDENT and the FBI IAFIS systems. This plan should address Congressional concerns that the current environment does not provide other Federal, State and local law enforcement agencies with access to fingerprint identification information captured by INS Border Patrol agents, nor does it provide the Border Patrol with the full benefit of FBI criminal history records when searching criminal histories of persons apprehended at the border.

The conferees direct that the following studies be undertaken: a system design effort; a joint INS–FBI criminality study, involving a matching of IDENT recidivist records against the Criminal Master File; a study to determine the operational impact of 10-printing apprehended illegal crossers at the border; and an engineering proposal for the first phase to determine the validity of the systems development costs that have been estimated by the FBI. These studies will provide the data necessary to project accurate costs for the remainder of the development and implementation. The conferees expect that the Justice Management Division will oversee the integration effort and that all existing INS base funds for IDENT will be controlled by the Assistant Attorney General for Administration. The Assistant Attorney General for Administration shall submit to the Committees a proposed spending plan on the use of existing base funds available for IDENT for these studies and other related expenditures no later than December 15, 1999.

Deployment of border patrol resources.—The conference agreement directs the INS to continue its consultation with the Committees on Appropriations of both the House and Senate before deployment of new border patrol agents included in this conference agreement. In recognition of the increased problems in and around El Centro, California; Tucson,. Arizona; the Southeastern states; and around the Northern border, as described in both the House and Senate reports, the conferees expect that the proposed deployment plan submitted to the Committees by INS will include an appropriate distribution to address these needs.

Interior enforcement.—The conference agreement includes $5,000,000 in additional funding within existing resources to continue and to expand the local jail program pursuant to Public Law 105–141. The conferees direct the INS to staff the Anaheim City Jail portion of this program with trained INS personnel on a full-time basis, especially the portions of the day or night when the greatest number of individuals are incarcerated prior to arraignment.

The conference agreement includes the following reports: (1) by January 15, 2000, a report on possible new quick response teams (QRTs), as described in the House report; (2) by November 30, 1999, the revised interior enforcement plan, as described in the House report; and (3) by January 15, 2000, the local jail program status report, as described in the House report.

Detention.—The conference agreement provides $200,000,000 for additional detention space for detaining criminal and illegal aliens, as described in the House report, of which $174,000,000 is in direct appropriations and $26,000,000 is from recoveries from the Violent Crime Reduction Trust Fund for fiscal year 1995. This amount is $30,000,000 less than the budget request and is funded from direct appropriations instead of the requested combination of appropriated funds, reinstatement of Section 245(i), transfer of funds from the Crime Victims Fund and a reallocation of funds within the account. The conference agreement continues funding for the $80,000,000 for detention provided in fiscal year 1999 supplemental appropriations and provides an additional 1,216 new beds for a total of approximately 18,535 detention beds in fiscal year 2000, and provides 176 additional detention and deportation staff to support these beds and $4,000,000 and 10 positions to begin implementation of standards at detention facilities.

The conference agreement includes the concerns raised in the House report about the INS's ability to plan for, request in a timely fashion, and manage sufficient detention space. Accordingly, the conference agreement includes the following reports: (1) by September 1, 1999, recommendations by the Attorney General on a Department-wide strategy on detention, as described in the House report; (2) by January 15, 2000, a detailed assessment of INS's current and projected detention needs for the next 3 years,, as described in both the House and Senate reports, and including possible supplemental detention locations such as Etowah County Detention Center near Atlanta and Tallahatchie County prison in Tutwiler, a hiring plan for the additional detention and deportation personnel, and a proposal for the expansion of the number of juvenile detention beds; (3) by December 1, 1999, a report on the detention needs and costs associated with Operation Vanguard, as described in the House report; and (4) by March 1, 2000, a feasibility study and implementation plan for utilizing the Justice Prisoner and Alien Transportation System for a greater number of deportations. All overdue reports are still expected to be submitted to the Committees.

Naturalization.—The conference agreement includes full funding to continue the fiscal year 1999 Backlog Reduction Action Teams (BRAT) and accompanying resources during fiscal year 2000. The conference agreement includes the concerns raised in the House report about recently-discovered naturalization cases processed during the Citizenship USA initiative and requests a report on these cases by March 1, 2000, as described in the House report.

Institutional Removal Program.—The conferees assume that, in the implementation of the Institutional Removal Program (IRP), priority is given to violent offenders and those arrested for drug violations. The conferees direct the INS, in consultation with the Executive Office of Immigration Review, to report to the Committees on Appropriations on IRP caseload, by case type, for fiscal years 1997–1999. If the IRP caseload does not give priority to aliens imprisoned for serious violent felonies or drug trafficking, the INS is directed to explain why and to outline the steps it will take to focus IRP efforts on the most dangerous incarcerated aliens. The report shall be delivered not later than March 31, 2000.

Other.—In spite of the direction in the fiscal year 1999 supplemental appropriations Act to promptly submit all previously requested and overdue reports, the INS has failed to do so. Therefore, the conference agreement again includes the direction to INS to submit all outstanding reports to the Committees no later than November 1, 1999. The conference agreement also includes the following items: (1) Senate report language on special agent deployments aimed at forcing the INS to execute directives contained in both the fiscal year 1999 INS deployment plan and the conference report; (2) Senate direction to INS on assessment of staffing along the U.S.-Canadian border; and (3) Senate direction for INS-proposed periodic visits to the upper Shenandoah Valley.

OFFSETTING FEE COLLECTIONS

The conference agreement assumes $1,269,597,000 will be available from offsetting fee collections, instead of $1,285,475,000 as proposed by the House and $1,290,162,000 as proposed by the Senate, to support activities related to the legal admission of persons into the United States. These activities are entirely funded by fees paid by persons who are either traveling internationally or are applying for immigration benefits. The following levels are recommended:

Immigration Examinations Fees.—The conference agreement assumes $708,500,000 of spending from Immigration Examinations Fee account resources, instead of $712,800,000 as proposed by both the House and Senate. This is an increase of $19,921,000 over fiscal year 1999 and is due to an increase in the estimate of the number of applications that will be received in fiscal year 2000. The conference agreement assumes that the requested $3,794,000 for archives and records, the requested $30,000,000 for base restoration, and the requested $1,090,000 base for fiscal year 1999 adjustments to base are funded in this account, and not in the Salaries and Expenses, Citizenship and Benefits, Immigration Support and Program Direction account, since sufficient funds are available.

The conference agreement includes full funding to continue the fiscal year 1999 Backlog Reduction Action Teams (BRAT) and accompanying resources for fiscal year 2000. The agreement also continues funding for the implementation of a telephone customer service center to assist applicants for immigration benefits, for the indexing and conversion of INS microfilm images and for the records centralization initiative, and all projects which were funded in fiscal year 1999. The conferees have a strong interest in and supported in fiscal year 1999 the INS effort to modernize its records program, that is fundamental to improved services and enforcement activities. INS is therefore directed to fully fund the records centralization and redesign activities in Harrisonburg, VA and Lee Summit, MO and provide a progress report on records centralization to the Committee on Appropriations no later than January 15, 2000.

The agreement does not include the transfer to the Executive Office for Immigration Review, as proposed by the Senate report.

Inspections User Fee.—The conference agreement includes $446,151,000 of spending from offsetting collections in this account, the same amount proposed in both the House and Senate reports, and does not assume the addition of any new or increased fees on airline or cruise ship passengers. The recommendation does not include $9,918,000 for "re-evaluation of receipts" nor $888,000 for a portion of the annualization of 1999 pay raise which has already been paid in the current fiscal year. The agreement includes the data collection pilot program at J.F. Kennedy airport, as described in the House report, and the resulting report, to be submitted to the Committees no later than August 1, 2000, as well as the directive to submit certain documents by September 31, 1999, as described in the House report. The agreement does not include the transfer from the inspections user fee, as proposed in the Senate report.

Land border inspections fees.—The conference agreement includes $1,548,000 in spending from the Land Border Inspection Fund, a decrease of $1,727,000 under the current year due to lower projected receipts.

The current revenues generated in this account are from Dedicated Commuter Lanes in Blaine and Port Roberts, Washington, Detroit Tunnel and Ambassador Bridge, Michigan, and Otay Mesa, California and from Automated Permit Ports that provide prescreened local border residents' border crossing privileges by means of automated inspections. The conference agreement includes the report on the feasibility of adding a secure electronic network for travelers rapid inspection program for dedicated commuter lanes at San Luis, Arizona by March 1, 2000, as described in the House report.

Immigration Breached Bond/Detention account.—The conference agreement includes $110,423,000 in spending from the Breached Bond/Detention account, instead of $117,501,000 in the House report and $127,771,000 in the Senate report, a decrease in $66,527,000 from fiscal year 1999 due to a decrease in revenue and $6,477,000 below the request. The level of spending assumed in the conference agreement is based on estimated revenues in this account totaling $55,683,000, which includes revenue projected for fiscal year 1999 and assumes the availability of funds from penalty fees from applications under 245(i) of the Immigration and Nationality Act, which expired on January 14, 1998. The conference agreement assumes $54,740,000 of expenses for alien detention costs provided under the salaries and expenses account for base restoration. The agreement does not include the base transfer to the breached bond/detention account, as proposed by the Senate report.

Immigration Enforcement Fines.—The conference agreement includes $1,850,000 in spending from Immigration Enforcement fines, instead of $1,303,000 assumed in both the House and Senate. The increase is due to new projections of carryover from fiscal year 1999 that will be available in fiscal year 2000.

H–1B fees.—The conference agreement includes $1,125,000 in spending from the new H–1B fee account, the amount requested and the amount proposed in both the House and Senate. This new account supports the processing of applications for H–1B temporary workers. The agreement does not include the transfer to this account, as proposed by the Senate report.

Other.—The conference agreement includes bill language, similar to that included in previous appropriations Acts, which provides: (1) up to $50,000 to meet unforeseen emergencies of a confidential nature; (2) for the purchase of motor vehicles for police-type use and for uniforms, without regard to general purchase price limitations; (3) for the acquisition and operation of aircraft; (4) for research related to enforcement of which up to $400,000 is available until expended; (5) up to $10,000,000 for basic officer training; (6) up to $5,000,000 for payments to State and local law enforcement agencies engaged in cooperative activities related to immigration; (7) up to $5,000 to be used for official reception and representation expenses; (8) up to $30,000 to be paid to individual employees for overtime; (9) that funds in this Act or any other Act may not be used for the continued operation of the San Clemente and Temecula checkpoints unless the checkpoints are open and traffic is being checked on a continuous 24-hour basis; (10) a specific level of funding for the Offices of Legislative and Public Affairs with a modification, and incorporating by reference House direction including that the level is not to affect the number of employees dedicated to casework; (11) a limit on the amount of funding available for non-career positions; (12) direction and authorization to the Attorney General to impose disciplinary actions, including termination of employment, for any INS employee who violates Department policies and procedures relative to granting citizenship or who willfully deceives the Congress or Department leadership on any matter; and (13) separate headings for Enforcement and Border Affairs and Citizenship and Benefits, Immigration Support, and Program Direction. In addition, new bill language is included designating a portion of funds to be used for narrowband conversion activities and transfers these funds to the Department of Justice Wireless Management Office. The agreement does not include the Senate provisions on fee payments by cash or cashier's checks or the cap on the number of positions.

CONSTRUCTION

The conference agreement includes $99,664,000 for construction for INS, instead of $90,000,000 as proposed in the House bill and $138,964,000 as proposed in the Senate bill. The conference agreement assumes funding of $51,468,000, of which $35,968,000 is for border patrol and ports of entry new construction (seven stations or sector headquarters and two ports of entry housing) as proposed in the Senate report; $6,500,000 for the Douglas, Arizona border patrol station; and $9,000,000 for maintenance and renovations to the Charleston Border Patrol Academy. The agreement includes $2,340,000 for planning, site acquisition and design of 5 border patrol stations and Texas checkpoints, as in the House report; $6,000,000 for military engineering support to border construction, pursuant to both House and Senate reports; $500,000 for planning, site acquisition and design, pursuant to the House report; $10,308,000 for one-time build out costs; $19,250,000 for servicewide maintenance and repair; $4,000,000 for servicewide fuel storage tank upgrade and repair; and $5,798,000 for program execution. The conference agreement also includes bill language, included in fiscal year 1999 and in the House bill, prohibiting site, acquisition, design, or construction of any border patrol checkpoint in the Tucson sector.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

The conference agreement includes $3,111,634,000 for the salaries and expenses of the Federal Prison System, instead of $3,072,528,000 as proposed in the House bill and $3,163,373,000 as proposed in the Senate bill. Of this amount, the conference agreement provides $22,524,000 from the Violent Crime Reduction Trust Fund (VCRTF), as proposed in the House bill, instead of $46,599,000 as proposed in the Senate bill. The agreement assumes that, in addition to the amounts appropriated, $90,000,000 will be available for necessary operations in fiscal year 2001 from unobligated carryover balances as proposed by the House bill, instead of $50,000,000, to be made available for one fiscal year for activation of new facilities, as proposed by the Senate bill.

The conference agreement reduces the appropriation required for the Federal prison system by $46,793,000 without affecting requested program levels. Specifically, $31,808,000 in savings is achieved as a result of delays in scheduled activations and $4,985,000 is due to a reduction in the number of contract beds for the transfer of detainees from the Immigration and Naturalization Service required in fiscal year 2000.

The conference agreement includes the notation on a recent report by the General Accounting Office, as in the House report.

The conference agreement includes bill language designating a portion of funds to be used for narrowband conversion activities and tranfers these funds to the Department of Justice Wireless Management Office.

BUILDINGS AND FACILITIES

The conference agreement includes $556,791,000 for construction, modernization, maintenance and repair of prison and detention facilities housing Federal prisoners, as proposed in the House bill, instead of $549,791,000 as proposed in the Senate bill, and assumes funding in accordance with the House bill.

The conferees direct the Bureau of Prisons to submit to the Committees a study of the feasibility of constructing additional medium or high security prisons or work camps at existing Federal prison sites, including those currently being constructed, and including Yazoo City, by May 1, 2000.

FEDERAL PRISON INDUSTRIES, INCORPORATED

(LIMITATION ON ADMINISTRATIVE EXPENSES)

The conference agreement includes a limitation on administrative expenses of $3,429,000, as requested and as proposed in the Senate bill, instead of $2,490,000 as proposed in the House bill.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

The conference agreement includes $307,611,000 for Justice Assistance, instead of $217,436,000 as proposed in the House bill, and $373,092,000 as proposed in the Senate bill.

The conference agreement includes the following:

Justice Assistance Programs

(In thousands of dollars)

National Institute of Justice	$43,448
Defense/Law Enforcement Technology Transfer	(10,277)
DNA Technology R&D Program	(5,000)
Bureau of Justice Statistics	25,505
Missing Children	19,952
Regional Information Sharing System[1]	20,000
National White Collar Crime Center	9,250
Management and Administration[2]	37,456
Subtotal	155,611
Counterterrorism Programs:	
General Equipment Grants	75,000
State and Local Bomb Technician Equipment Grants	10,000
Training Grants	37,000
Counterterrorism Research and Development	30,000
Subtotal	152,000
Total, Bureau of Justice Assistance	307,611

[1] $5,000,000 included in COPS Technology, for a total of $25,000,000.

[2] $2,000,000 is included in the total Management and Administration amount for Counterterrorism programs.

This statement of managers reflects the agreement of the conferees on how funds provided for all programs under the Office of Justice Programs in this conference report are to be spent.

National Institute of Justice (NIJ).—The conference agreement provides $43,448,000 for the National Institute of Justice, instead of $42,438,000 as proposed in the House bill and $50,948,000 in the Senate bill. Additionally, $5,200,000 for NIJ research and evaluation on the causes and impact of domestic violence is provided under the Violence Against Women Grants program; $15,000,000 is provided from within technology funding in the State and Local Law Enforcement account to be available to NIJ to develop new, more effective safety technologies for safe schools; and $20,000,000 is provided to NIJ, as was provided in previous fiscal years, from the Local Law Enforcement Block Grant for assisting local units to identify, select, develop, modernize and purchase new technologies for use by law enforcement.

The conference agreement adopts the recommendation in the House and Senate reports that within the overall amount provided to NIJ, the Office of Justice Programs is expected to review proposals, provide a grant if warranted, and report to the Committees on its intentions regarding: a grant for the current year level for information technology applications for High Intensity Drug Trafficking Areas; a grant for the current year level for a pilot program with a Department of Criminal Justice Training and a College of Criminal Justice for rural law enforcement needs, as described in the House report; a grant for $300,000 to the U.S.-Mexico Border Counties Coalition for the development of a uniform accounting proposal to determine the costs to border States for the processing of criminal illegal aliens; a grant for $250,000 to study the casework increase on U.S. District Courts; $360,000 to the Center for Child and Family studies to conduct research into intra-family violence; a grant for $750,000 for the University of Connecticut Prison Health Center for prison health research; a grant for $1,000,000 for the University of Mississippi School of Psychiatry for research in addictive disorders and their connection to youth violence; and a grant for $300,000 for research into a non-toxic drug detection and identification aerosol technology, as described in the Senate report. Within available funds NIJ is directed to carry out a broad-based demonstration of computerized live scan fingerprint capture services and report to the Committees with the results.

Defense/Law Enforcement Technology Transfer.—Within the total amount provided to NIJ, the conference agreement includes $10,277,000 to assist NIJ, in conjunction with the Department of Defense, to convert nonlethal defense technology to law enforcement use. Within the amount is the continuation at the current year level of the law enforcement technology center network, which provides States with information on new equipment and technologies, as well as assists law enforcement agencies in locating high cost/low use equipment for use on a temporary or emergency basis, of which the current year level is provided for the technology commercialization initiative at the National Technology Transfer Center and other law enforcement technology centers.

DNA Technology Research and Development Program.—Within the amount provided, the conference agreement includes $5,000,000 to develop improved DNA testing capabilities, as proposed in the House and Senate reports.

Bureau of Justice Statistics (BJS).—The conference agreement provides $25,505,000 for the Bureau of Justice Statistics, instead of $22,124,000 as proposed in the House bill and $28,886,000 as proposed in the Senate bill. The recommendation includes $400,000 to support the National Victims of Crime survey and $400,000 to compile statistics on victims of crime with disabilities. The conferees direct BJS to implement a voluntary annual reporting system of all deaths occurring in law enforcement custody, and provide a report to the Committees on its progress no later than July 1, 2000, as provided in the House report.

Missing Children.—The conference agreement provides $19,952,000 for the Missing Children Program as proposed in the Senate bill, instead of the $17,168,000 as proposed in the House bill. The conference agreement provides a significant increase and further expands the Missing Children initiative included in the 1999 conference report, to combat crimes against children, particularly kidnapping and sexual exploitation. Within the amounts provided, the conference agreement assumes funding in accordance with the Senate report including:

(1) $8,798,000 for the Missing Children Program within the Office of Justice Programs, Justice Assistance, including the following: $6,000,000 for State and local law enforcement to continue specialized cyberunits and to form new units to investigate and prevent child sexual exploitation which are based on the protocols for conducting investigations involving the Internet and online service providers that have been established by the Department of Justice and the National Center for Missing and Exploited Children.

(2) $9,654,000 for the National Center for Missing and Exploited Children, of which $2,125,000 is provided to operate the Cyber Tip Line and to conduct Cyberspace training. The conferees expect the National Center for Missing and Exploited Children to continue to consult with participating law enforcement agencies to ensure the curriculum, training, and programs provided with this additional funding are consistent with the protocols for conducting investigations involving the Internet and online service providers that have been established by the Department of Justice. The conferees have included additional funding for the expansion of the Cyber Tip Line. The conference agreement includes $50,000 to duplicate the America OnLine law enforcement training tape and disseminate it to law enforcement training academies and police departments within the United States. The conference agreement also includes additional funds for case management.

(3) $1,500,000 for the Jimmy Ryce Law Enforcement Training Center for training of State and local law enforcement officials investigating missing and exploited children cases. The conference agreement includes an increase for expansion of the Center to train additional law enforcement officers. The conferees direct the Center to create courses for judges and prosecutors to improve the handling of child pornography cases. To accomplish this effort, the conference agreement directs the Center to expand its in-house legal division so that it can provide increased legal technical assistance.

Regional Information Sharing System (RISS).—The conference agreement includes $20,000,000 as proposed in both the House and Senate bills. An additional $5,000,000 is provided for fiscal year 2000 under the Community Oriented Policing Services (COPS) law enforcement technology program in accordance with the House report.

White Collar Crime Center.—The conference agreement includes $9,250,000 for the National White Collar Crime Center (NWCCC), to assist the Center in forming partnerships and working on model projects with the private sector to address economic crimes issues, as proposed in the House bill, instead of $5,350,000 as proposed in the Senate bill. The additional funding is to be used in accordance with the House report.

Counterterrorism Assistance.—The conference agreement includes a total of $152,000,000 to continue the initiative to prepare, equip, and train State and local entities to respond to incidents of chemical, biological, radiological, and other types of domestic terrorism, instead of $74,000,000 as proposed in the House bill and $204,500,000 as proposed in the Senate bill. Funding is provided as follows:

—*Equipment Grants.*—$75,000,000 is provided for general equipment grants for State and local first responders, including, but not limited to, firefighters and emergency services personnel. The conferees reiterate that these resources are to be used to meet the needs of the maximum number of communities possible, based upon a comprehensive needs assessment which takes into account the relative risk to a community, as well as the availability of other Federal, State and local resources to address this problem. The conferees understand that such needs and risk assessments are currently being conducted by each State, and State-wide plans are being developed. The conferees intend, and expect, that such plans will address the needs of local communities. The conferees expect these plans to be reviewed by the interagency National Domestic Preparedness Office (NDPO). The conferees direct that funds provided for general grants in fiscal year 2000 be expended only upon completion of, and in accordance with, such State-wide plans.

—*State and Local Bomb Technician Equipment.*—$10,000,000 is provided for equipment grants for State and local bomb technicians. This amount, when combined with $3,000,000 in prior year carryover, will provide a total of $13,000,000 for this purpose in fiscal year 2000. The conferees note that State and local bomb technicians play an integral role in any response to a terrorist threat or incident, and as such should be integrated into a State's counterterrorism plan. The conferees request that the NDPO conduct an assessment of the assistance currently provided to State and local bomb technicians under this and other programs, the relationship of this program to other State and local first responders assistance programs, and the extent to which State and local bomb technician equipment needs have been integrated into, and addressed, as part of a State's overall counterterrorism plan. The NDPO should provide a report on its assessment to the Committees on Appropriations no later than February 1, 2000.

—*Training.*—$37,000,000 is provided for training programs for State and local first responders, to be distributed as follows:

(1) $27,000,000 is for the National Domestic Preparedness Consortium, of which $13,000,000 is for the Center for Domestic Preparedness at Ft. McClellan, Alabama, including $500,000 for management and administration of the Center; and $14,000,000 is to be equally divided among the four other Consortium members;

(2) $8,000,000 is for additional training programs to address emerging training needs not provided for by the Consortium or elsewhere. In distributing these funds, the conferees expect OJP to consider the needs of firefighters and emergency services personnel, and State and local law enforcement, as well as the need for State and local antiterrorism training and equipment sustainment training. The conferees encourage OJP to consider developing and strengthening its partnerships with the Department of Defense to provide training and technical assistance, such as those services offered by U.S. Army Dugway Proving Ground and the U.S. Army Pine Bluff Arsenal; and

(3) $2,000,000 is provided for distance learning training programs at the National Terrorism Preparedness Institute at the Southeastern Public Safety Institute to train 11,000 students, particularly in medium and small communities, through advanced distributive learning technology and other mechanisms.

The conferees are aware that the Department of Justice has recently agreed to assume control of the Ft. McClellan facility from the Department of Defense in fiscal year 2000. In addition, the conferees are aware that discussions are occurring which could result in the transfer of ownership of the entire facility from the Department of Defense to the Department of Justice. Such actions will result in the Department of Justice assuming a significant additional financial burden to operate and maintain the facility which previously was not anticipated, and may impact OJP's ability to provide support for all training programs. While the conferees recognize the importance of the training provided at Ft. McClellan, a comprehensive assessment of DOJ's needs at the facility is warranted to ensure that such needs are met in the most cost-effective manner possible. The Attorney General is directed to conduct this assessment and provide a report to the Committees on Appropriations no later than February 1, 2000. Further, the Department is directed not to pursue or assume any other relationships which may result in the Department of Justice assuming facilities management responsibility or ownership of any other training facility, without prior consultation with the Committees.

The Senate report language regarding utilization of Consortium members is adopted by reference. In addition, the conferees encourage OJP to collaborate with the National Guard to make use of the National Guard Distance Learning Network to deliver training programs, thereby capitalizing on investments made by the Department of Defense to provide low cost training to first responders.

Counterterrorism Research and Development.—The conference agreement provides $30,000,000 to the National Institute of Justice for research into the social and political causes and effects of terrorism and development of technologies to counter biological, nuclear and chemical weapons of mass destruction, as well as cyberterrorism through our automated information systems. These funds shall be equally divided between the Oklahoma City Memorial Institute for the Prevention of Terrorism and the Dartmouth Institute for Security Studies, and shall be administered by NIJ to ensure collaboration and coordination among the two institutes and NIJ, as well as with the National Domestic Preparedness Office and the Office of State and Local Domestic Preparedness Support. These institutes will also serve as national points of contact for antiterrorism information sharing among Federal, State and local preparedness agencies, as well as private and public organizations dealing with these issues. The conferees agree that such a collaborative approach is essential to production of a national research and technology development agenda and expect a status report by July 30, 2000.

The conference agreement includes language providing funding for counterterrorism programs in accordance with sections 819, 821, and 822 of the Antiterrorism and Effective Death Penalty Act of 1996, as proposed in the House bill. The conference agreement does not include language, proposed in the Senate bill, prohibiting the Bureau of Justice Assistance from providing funding to States that have failed to establish a comprehensive terrorism plan. The House bill did not include a similar provision.

Management and Administration.—The conference agreement includes $37,456,000 for Management and Administration, instead of $31,456,000 as proposed in the House, and $43,456,000 as proposed in the Senate. Within the amount, $2,000,000 is provided for Counterterrorism program activities. In addition, reimbursable funding from Violent Crime Reduction Trust Fund programs, Community Oriented Policing Services, and a transfer from the Juvenile Justice account will be provided for the administration of grants under these activities. Total funding for the administration of grants assumed in the conference agreement is as follows:

	Amount	FTE
Direct appropriations	$37,456,000	338
(Counterterrorism programs)	(2,000,000)	(16)
Transfer from Juvenile Justice programs	6,647,000	87
Reimbursement from VCRTF	56,288,000	434
Reimbursement from COPS	4,700,000	39
Total	$105,091,000	898

The conferees commend OJP's restructuring report, submitted to the Committees during fiscal year 1999, and support the current comprehensive review undertaken by the authorizing committees. To further the goals of eliminating possible duplication and overlap among OJP's programs, improving responsiveness to State and local needs, and ensuring that appropriated funds are targeted in a planned, comprehensive and well-coordinated way, the conferees direct the Assistant Attorney General for OJP to submit a formal reorganization proposal no later than February 1, 2000, on the following limited items: the creation of a "one-stop" information center; the establishment of "state desks" for geographically-based grant administration; and the administration of grants by subject area.

The conference agreement includes $2,000,000 for management and administration of Department of Justice counterterrorism programs. The conferees understand that the Department of Justice has submitted a reprogramming to establish an Office of State and Local Domestic Preparedness to administer these programs. The conferees have no objection to the establishment of this office.

The conference agreement does not include additional funding proposed in the Senate bill to enable the Department of Justice to begin to assume responsibility for counterterrorism assistance programs currently funded and administered by the Department of Defense. Such action could significantly impact ongoing Department of Justice programs, and absent careful consideration and study, may result in the duplication and inefficient use of limited resources to meet the needs of State and local first responders. Therefore, the conferees direct the Department of Justice, working through the National Domestic Preparedness Office, to review this matter and provide to the Committees on Appropriations no later than December 15, 1999, a comprehensive plan for the transition and integration of Department of Defense programs into ongoing Department of Justice and other Federal agency programs in the most efficient and cost-effective manner. The conferees expect the Department not to take any further actions to assume responsibility for these programs until such a review has been completed, and the Committees on Appropriations have been consulted. Upon completion of these actions, should additional funding be required by OJP, the Committees would be willing to entertain a reprogramming in accordance with section 605 of this Act.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

The conference agreement includes a total of $2,958,950,000 for State and Local Law Enforcement Assistance, instead of $2,822,950,000 as proposed in the House bill and $1,959,550,000 as proposed in the Senate bill. Of this amount, the conference agreement provides that $1,194,450,000 shall be derived from the Violent Crime Reduction Trust Fund (VCRTF), instead of $1,193,450,000 as proposed in the House bill and $1,407,450,000 as proposed in the Senate bill.

The conference agreement provides for the following programs from direct appropriations and the VCRTF:

Direct Appropriation:	
Local Law Enforcement Block Grant	$523,000,000
Boys and Girls Clubs	(50,000,000)
Law Enforcement Technology	(20,000,000)
State Prison Grants	686,500,000
Cooperative Agreement Program	(25,000,000)
Indian Country	(34,000,000)
Alien Incarceration	(165,000,000)
State Criminal Alien Assistance Program	420,000,000
Crime Identification Technology Program	130,000,000
Safe Schools Technology	(15,000,000)
Upgrade Criminal History Records	(35,000,000)
DNA backlog/CLIP	(30,000,000)
Indian Tribal Courts Program	5,000,000
Total Direct Appropriations	1,764,500,000
Violent Crime Reduction Trust Fund:	
Byrne Discretionary Grants	52,000,000
Byrne Formula Grants	500,000,000
Drug Courts	40,000,000
Juvenile Crime Block Grant	250,000,000
Violence Against Women Act Programs	283,750,000
State Prison Drug Treatment	63,000,000
Missing Alzheimer's Patients Program	900,000
Law Enforcement Family Support Programs	1,500,000
Motor Vehicle Theft Prevention	1,300,000
Senior Citizens Against Marketing Scams	2,000,000
Total, Violent Crime Reduction Trust Fund	1,194,450,000

Local Law Enforcement Block Grant.—The conference agreement includes $523,000,000 for the Local Law Enforcement Block Grant program, as proposed in the House bill, instead of $400,000,000, as proposed in the Senate bill, in order to continue the commitment to provide local governments with the resources and flexibility to address specific crime problems in their communities with their own solutions. Within the amount provided the conference agreement includes language providing $50,000,000 of these funds to the Boys and Girls Clubs of America, with the increase to be used as described by the Senate. In addition, the conference agreement extends the set aside for law enforcement technology for which an authorization had expired, as proposed in both the House and Senate bills.

State Prison Grants.—The conference agreement includes $686,500,000 for State Prison Grants as proposed by the House, instead of $75,000,000 as proposed by the Senate. Of the amount provided, $462,500,000 is available to States to build and expand prisons, $165,000,000 is available to States for reimbursement of the cost of criminal aliens, $25,000,000 is available for the Cooperative Agreement Program, and $34,000,000 is available for construction of jails on Indian reservations, which does not include repair and maintenance costs for existing facilities. There is an awareness of the special needs of Circle of Nations, ND.

State Criminal Alien Assistance Program.—The conference agreement provides a total of $585,000,000 for the State Criminal Alien Assistance Program for payment to the States for the costs of incarceration of criminal aliens, as proposed in the House bill, instead of $100,000,000, as proposed in the Senate bill. Of the total amount, the conference agreement includes $420,000,000 under this account for the State Criminal Alien Assistance Program and $165,000,000 for this purpose under the State Prison Grants program, as proposed by the House bill, instead of $100,000,000 for this program with no funds from the State Prison Grants program, as proposed by the Senate.

Technology.—The conference agreement includes $250,000,000 in total funding for law enforcement technology, as follows: $130,000,000 for a Crime Identification Technology Program under this heading, which includes $15,000,000 for use by NIJ for researching technology to make schools safe, $35,000,000 for grants to upgrade criminal history records, $30,000,000 for grants to states to reduce their DNA backlogs and for the Crime Laboratory Improvement Program (CLIP); $20,000,000 within the Local Law Enforcement Block Grant program to NIJ for assisting local units to identify, select, develop, modernize and purchase new technologies for use by law enforcement; and $100,000,000 for grants for law enforcement technology equipment under the Community Oriented Policing Services program heading.

Crime Identification Technology Program.—The conference agreement includes $130,000,000 for crime identification technology, instead of $260,000,000 as proposed in the Senate bill, and no funds, as proposed in the House bill, which proposed funding technology only in the Community Oriented Policing Services program, to be used and distributed pursuant to the Crime Identification Technology Act of 1998, P.L. 105–251. Under that Act, eligible uses of the funds are (1) upgrading criminal history and criminal justice record systems; (2) improvement of criminal justice identification, including fingerprint-based systems; (3) promoting compatibility and integration of national, State, and local systems for criminal justice purposes, firearms eligibility determinations, identification of sexual offenders, identification of domestic violence offenders, and background checks for other authorized purposes; (4) capture of information for statistical and research purposes; (5) developing multi-jurisdictional, multi-agency communications systems; and (6) improvement of capabilities of forensic sciences, including DNA. Within the amount provided, the OJP is directed to provide grants to the following, and report to the Committees on Appropriations of the House and the Senate: $7,500,000 for a grant to Kentucky for a statewide law enforcement technology program; and $7,500,000 for a grant for the Southwest Alabama Department of Justice's initiative to integrate data from various criminal justice agencies to meet Southwest Alabama's public safety needs.

Safe Schools Technology.—Within the amounts available for technology under this account, the conference agreement includes $15,000,000 for Safe Schools technology to continue funding NIJ's development of new, more effective safety technologies such as less obtrusive weapons detection and surveillance equipment and information systems that provide communities quick access to information they need to identify potentially violent youth, as described in the Senate report.

Upgrade Criminal History Records (Brady Act).—Within the amounts available for technology under this account, the conference agreement provides $35,000,000, instead of $40,000,000 as proposed by the Senate and as an authorized use of funds from within the Crime Identification Technology Act formula grant program funded in the Community Oriented Policing Services program as proposed by the House. The House report did not designate a specific dollar amount.

DNA Backlog Grants/Crime Laboratory Improvement Program (CLIP).—Within the amounts available for technology under this account, the conference agreement includes $30,000,000 for grants to States to reduce their DNA backlogs and for the Crime Laboratory Improvement Program (CLIP), as proposed by the Senate bill. The House provided funds for these programs through the Crime Identification Technology Act formula grant program funded in the Community Oriented Policing Services program. Within the amount made available under this program, it is expected that the OJP will review proposals, provide grants if warranted, and report to the Committees on its intentions regarding: a $2,000,000 grant to the Marshall University Forensic Science Program; a $3,000,000 grant to the West Virginia University Forensic Identification Program; $1,200,000 to the South Carolina Law Enforcement Division's forensic laboratory; a $500,000 grant to the Southeast Missouri Crime Laboratory; a $661,000 grant to the Wisconsin Laboratory to upgrade DNA technology and training; $1,250,000 for Alaska's crime identification program; and $1,900,000 to the National Forensic Science Technology Center, as described in the House report.

Indian Tribal Courts.—The conference agreement includes $5,000,000, as proposed in the Senate, which was not funded in the House bill, to assist tribal governments in the development, enhancement, and continuing operation of tribal judicial systems. These grants should be competitive, based upon the extent and urgency of the need of each applicant. OJP should report back to the Committees with its proposal as to how the program may be administered. The conferees note the special needs of the Wapka Sica Historical Society of South Dakota.

VIOLENT CRIME REDUCTION TRUST FUND PROGRAMS

Edward Byrne Grants to States.—The conference agreement provides $552,000,000 for the Edward Byrne Memorial State and Local Law Enforcement Assistance Program, of which $52,000,000 is discretionary and $500,000,000 is provided for formula grants under this program.

Byrne Discretionary Grants.—The conference agreement provides $52,000,000 for discretionary grants under Chapter A of the Edward Byrne Memorial State and Local Law Enforcement Assistance Program to be administered by Bureau of Justice Assistance (BJA), instead of $52,100,000 as proposed in the Senate bill, and $47,000,000 as proposed in the House bill. Within the amount provided for discretionary grants, the Bureau of Justice Assistance is expected to review the following proposals, provide a grant if warranted, and report to the Committees on Appropriations of the House and the Senate on its intentions:

—$2,000,000 for the Alaska Native Justice Center;

—$1,000,000 for the Ben Clark Public Safety Training program for law enforcement officers;

—$100,000 for the Chattanooga Endeavors Program for ex-offenders;

—$3,000,000 for a cultural and diversity awareness training program for law enforcement officers in New York, Los Angeles, Chicago, Houston, and Atlanta, to be divided equally;

—$1,775,000 to continue the Drug Abuse Resistance Education (DARE America) program;

—$2,250,000 to continue the Washington Metropolitan Area Drug Enforcement Task Force and for expansion of the regional gang tracking system;

—$550,000 for the Kane County Child Advocacy Center for additional personnel for the prosecution of child sexual assault cases;

—$1,000,000 for a one-time grant to the Law Enforcement Innovation Center for law enforcement training;

—$500,000 for the community security program of the Local Initiative Support Corporation;

—$250,000 for the Long Island Anti-Gang Task Force;

—$1,000,000 for Los Angeles County's Roll Out Teams Program for one-time funding for independent investigations of officer-involved shootings;

—$1,000,000 for Los Angeles Police Department's Family Violence Response Teams for additional personnel to expand the existing pilot program;

—$4,500,000 for the Executive Office of the U.S. Attorneys to support the National District Attorneys Association's participation in legal education training at the National Advocacy Center;

—$3,000,000 for the National Center for Innovation at the University of Mississippi School of Law to sponsor research and produce judicial education seminars and training for court personnel in administering cases;

—$4,300,000 for the National Crime Prevention Council to continue and expand the National Citizens Crime Prevention Campaign (McGruff);

—$3,150,000 for the national motor vehicle title information system, authorized by the Anti-Car Theft Improvement Act for operating the system in the current States and to expand to additional States;

—$1,250,000 for the National Neighborhood Crime and Drug Abuse Prevention Program;

—$1,000,000 for the National Training and Information Center;

—$1,000,000 for the Nevada National Judicial College;

—$1,500,000 for the New Hampshire Operation Streetsweeper Program;

—$800,000 for the Night Light Program in San Bernadino, CA;

—$400,000 for the Western Missouri Public Safety Training Institute for public safety officers training;

—$750,000 for Operation Child Haven;

—$974,000 for the Utah State Olympic Public Safety Command to continue to develop and support a public safety master plan for the 2002 Winter Olympics;

—$1,250,000 for Project Return in New Orleans, LA;

—$1,000,000 for a Rural Crime Prevention and Prosecution program;

—$1,500,000 for the SEARCH program;

—$750,000 for the Tools for Tolerance program for a law enforcement training program; and

—$3,500,000 for the Consolidated Advanced Technologies for the Law Enforcement Program at the University of New Hampshire and the New Hampshire Department of Safety.

Within the available resources for Byrne discretionary grants, BJA is urged to review proposals, and provide grants if warranted, and report to the Committees on Appropriations of the House and Senate on its intentions regarding: the Haymarket House; Oregon Partnership; and Westcare.

The conferees are aware that, on certain limited occasions, the Office of Justice Programs has provided or made grants to pay overtime costs for State and local law enforcement personnel. The conferees expect OJP to submit, no later than January 31, 2000, a report on (1) its current policy on paying State and local overtime costs, (2) the extraordinary circumstances that might warrant a waiver of existing procedures, and (3) the process by which such a waiver could be granted.

Byrne Formula Grants.—The conference agreement provides $500,000,000 for the Byrne Formula Grant program, as proposed in Senate bill, instead of $505,000,000 as proposed in the House bill. The conference agreement includes language, as proposed in both bills, which makes drug testing programs an allowable use of grants provided to States under this program.

Drug Courts.—The conference agreement includes $40,000,000 for the drug courts as proposed both in the Senate and House bills. The conferees note that localities may also obtain funding for drug courts under the Local Law Enforcement Block Grant and Juvenile Accountability Block Grant.

Juvenile Accountability Block Grant.—The conference agreement provides $250,000,000 for a Juvenile Accountability Incentive Block Grant program to address the growing problem of juvenile crime, as proposed in the House bill and instead of the $100,000,000 proposed in the Senate bill. The conference agreement includes language that continues by reference the terms and conditions for the administration of the Block Grants contained in the fiscal year 1999 appropriations bill, instead of listing those terms and conditions.

Violence Against Women Grants.—The conference agreement includes $283,750,000 for grants to support the Violence Against Women Act, as proposed in the Senate bill, instead of $282,750,000 as proposed in the House bill. Grants provided under this account are as follows:

General Grants	$206,750,000
Civil Legal Assistance	(28,000,000)
National Institute of Justice	(5,200,000)
D.C. Superior Court Domestic Violence	(1,196,000)
OJJDP-Safe Start Program	(10,000,000)
Violence on College Campuses	(10,000,000)
Victims of Child Abuse Programs:	
Court-Appointed Special Advocates	10,000,000
Training for Judicial Personnel	2,000,000
Grants for Televised Testimony	1,000,000
Grants to Encourage Arrest Policies	34,000,000
Rural Domestic Violence	25,000,000
Training Programs	5,000,000
Total	283,750,000

Within the amount provided for General Grants, the conference agreement includes $28,000,000 exclusively for the purpose of augmenting civil legal assistance programs to address domestic violence, $5,200,000 for research and evaluation of domestic violence programs, $1,196,000 for continued support of the enhanced domestic prosecution unit within the District of Columbia, as proposed in the House report, $10,000,000 for continued support of the Safe Start program which provides direct intervention and treatment to youth who are victims, witnesses or perpetrators of violent crimes in order to attempt early treatment, and $10,000,000 to combat violent crime against women on college campuses, the latter as proposed in the Senate report.

State Prison Drug Treatment.—The conference agreement includes $63,000,000 for substance abuse treatment programs within State and local correctional facilities, as proposed in the House and Senate bills.

Safe Return Program.—The conference agreement includes $900,000 as proposed by both the House and Senate bills.

Law Enforcement Family Support.—The conference agreement includes $1,500,000 for law enforcement family support programs, as proposed in both the Senate and House bills.

Senior Citizens Against Marketing Scams.—The conference agreement includes $2,000,000 for programs to assist law enforcement in preventing and stopping marketing scams against senior citizens, as proposed by both the House and Senate bills.

Motor Vehicle Theft Prevention.—The conference agreement includes $1,300,000 for grants to combat motor vehicle theft as proposed by both the Senate and House bills.

WEED AND SEED PROGRAM

The conference agreement includes a direct appropriation of $33,500,000 for the Weed and Seed program, as proposed by the House bill, instead of $40,000,000 as proposed by the Senate bill. The conference agreement includes the expectation that $6,500,000 will be made available from the Asset Forfeiture Super Surplus Fund.

COMMUNITY ORIENTED POLICING SERVICES

The conference agreement includes $325,000,000 for the Community Oriented Policing Services (COPS) program, as proposed in the Senate bill, instead of $268,000,000 as proposed in the House bill. Of this amount, $45,000,000 is from the Violent Crime Reduction Trust Fund. This statement of managers reflects the conference agreement on how funds provided for all programs under the Community Oriented Policing Services program in this conference report are to be spent.

Police Hiring Initiatives.—Funds have been provided since fiscal year 1994 to support grants for the hiring of 100,000 police officers, a goal which the President announced had been met in May of 1999. The conference agreement includes $352,000,000 for police hiring initiatives as follows: $180,000,000 from direct appropriations for school resource officers; $92,000,000 from direct appropriations for the universal hiring program (UHP); $40,000,000 from unobligated carryover balances for hiring police officers for Indian Country; and $40,000,000 from unobligated carryover balances from the fiscal year 1999 universal hiring program to continue to be used for the universal hiring program.

Safe schools initiative (SSI).—The conference agreement supports the concern expressed in the Senate and House reports regarding the level of violence in our children's schools as evidenced by the tragic events that have occurred around the Nation. In the past year, guns and explosives have been used by children against children and teachers more than ever before, leading many to believe this violence is "out of control." To address this issue, the conference agreement includes $225,000,000 for the Safe Schools Initiative (SSI), including funds for technology development, prevention, community planning and school safety officers. Within this total, $180,000,000 is from the COPS hiring program to provide school resource officers who will work in partnership with schools and other community-based entities to develop programs to improve the safety of elementary and secondary school children and educators in and around schools; $15,000,000 is from the Juvenile Justice At-Risk Children's Program and $15,000,000 is from the COPS program ($30,000,000 total) for programs aimed at preventing violence in schools through partnerships with schools and community-based organizations; $15,000,000 is provided from the Crime Identification Technology Program to NIJ to develop technologies to improve school safety. Special note is made of the need for additional school resource officers in King County, Washington.

Indian Country.—The conference agreement includes $40,000,000 from unobligated carryover balances to improve law enforcement capabilities on Indian lands, both for hiring uniformed officers and for the purchase of equipment and training for new and existing officers, as proposed by the Senate.

Management and Administration.—The conference agreement also includes a provision that provides that not to exceed $17,325,000 shall be expended for management and administration of the program, as proposed in the Senate bill, instead of $25,500,000, as proposed in the House bill. A request for reprogramming or transfer of funds, pursuant to section 605 of this Act, would be entertained to increase this amount.

Non-Hiring Initiatives.—The conferees understand that the COPS program reached its goal of funding 100,000 officers in May of 1999. Having reached the original goals of the program, the conferees want to ensure there is adequate infrastructure for the new police officers, similar to the focus that has been provided Federal law enforcement over the past several years. The conferees believe this approach will enable police officers to work more efficiently, equipped with the protection, tools, and technology they need: to address crime in and around schools, provide law enforcement technology for local law enforcement, combat the emergence of methamphetamine in new areas and provide policing of "hot spots" of drug market activity, and provide bullet proof and stab proof vests for local law enforcement officers and correctional officers.

Specifically, the conferees direct the program to use $205,675,000, to be made available from a combination of $170,000,000 from unobligated carryover balances and the $35,675,000 from direct appropriations in this Act for COPS, to fund initiatives that will result in more effective policing. The conferees believe that these funds should be used to address these critical law enforcement requirements and direct the program to establish the following non-hiring grant programs:

1. COPS Technology Program.—The conference agreement includes the direction of $100,000,000 to be used for continued development of technologies and automated systems to assist State and local law enforcement agencies in investigating, responding to and preventing crime. In particular, there is recognition of the importance of the sharing of criminal information and intelligence between State and local law enforcement to address multi-jurisdictional crimes.

Within the amounts made available under this program, the conference agreement includes the expectation that the COPS office will award grants for the following technology proposals:

—$1,450,000 for a grant for the Access to Court Electronic Data for Criminal Justice Agencies project;

—$1,000,000 for a grant for Alameda County, CA, for a voice communications system;

—$1,000,000 for a grant to the Greater Atlanta Data Center for law enforcement training technology for a multi-jurisdictional area;

—$350,000 for a grant to Birmingham, AL, for a Mobile Emergency Communication System;

—$60,000 for a grant to the Bolivar City Sheriff's Office (MS) for public safety equipment;

—up to $7,000,000 for the acquisition or lease and installation of dashboard mounted cameras for State and local law enforcement on patrol;

—$1,000,000 for a grant to Clackamas County, OR, for police communications equipment;

—$100,000 for a grant to Charles Mix County, SD, for Emergency 911 Service;

—$1,000,000 for a grant to the City of Fairbanks, AK, for a police radio and telecommunications system;

—$90,000 for a grant to the Fairbanks, AK, police for thermal imaging goggles;

—$430,000 for a grant to Greenwood County, SC, for technology upgrades;

—$1,000,000 for a grant for Hampton Roads, VA, for regional law enforcement technology;

—$100,000 for a grant for technology upgrades for the Harrison, NY, police department;

—$1,588,000 for a grant to Henderson, NV, for mobile data computers for law enforcement;

—$3,000,000 for a grant for video-teleconferencing equipment necessary to assist State and local law enforcement in contacting the Immigration and Naturalization Service to allow them to confirm the identification of illegal and criminal aliens in their custody;

—$1,333,000 for a grant to the city of Jackson, MS, for public safety and automated system technologies;

—$1,000,000 for Jefferson County, KY, for mobile data terminals for law enforcement;

—$400,000 for a grant to the Kauai, HI, County Police Department to enhance the emergency communications systems;

—$1,700,000 for a grant for the Kentucky Justice Cabinet for equipment to implement a sexual offender registration and community notification information system;

—$1,500,000 to the Law Enforcement On-Line Program;

—$100,000 for a grant for Lexington-Fayette, KY, law enforcement communications equipment;

—$200,000 for a grant for the Logan Mobile Data System;

—$2,300,000 for a grant to Los Angeles County for equipment relating to the criminal alien demonstration project;

—$3,000,000 for a grant to the Low Country, SC, Tri-County Police initiative to establish a regional law enforcement computer network;

—$112,000 for a grant to Lowell, MA, for police communications equipment;

—$150,000 for a grant to Martin County, KY, for technology for a public safety training program;

—$400,000 for a grant to the Maui County, HI, police department to enhance the emergency communications systems;

—$100,000 for a grant to Mineral County, NV, to upgrade technology;

—$2,500,000 for a grant to the Missouri State Court Administration for the Juvenile Justice Information System to enhance communication and collaboration between juvenile courts, law enforcement, schools, and other agencies;

—$425,000 for the Montana Juvenile Justice video-teleconferencing equipment;

—$5,000,000 to the National Center for Missing and Exploited Children to create a program that would provide targeted technology to police departments for the specific purpose of child victimization prevention and response;

—$800,000 for a grant to the National Center for Victims of Crime—INFOLINK;

—$1,500,000 for a grant to expand the demonstration program enabling local law enforcement officers to field-test a portable hand-held digital fingerprint and photo device which would be compatible with NCIC 2000;

—$28,000 for a grant to Nenana, AK, for mobile video and communications equipment;

—$60,000 for a grant to the New Rochelle, NY, Harbor Police Department for technology;

—$5,000,000 for a grant for the North Carolina Criminal Justice Information (CJIS-J-NET) for the final year of funding of the comprehensive integrated criminal information system, as described in the House report;

—$500,000 for a grant to the New Jersey State police for computers and equipment for a truck safety initiative;

—$107,000 for public safety and automated system technologies for Ocean Springs, MS;

—$2,500,000 for a grant for Project Hoosier SAFE-T;

—$150,000 for a grant to Pulaski County, KY, for technology for a public safety training program;

—$390,000 for a grant to Racine County, WI, for a countywide integrated computer aided dispatch management system and mobile data computer system;

—$5,000,000 for a grant to the Regional Information Sharing System (RISS) for RISS Secure Intranet to increase the ability of law enforcement member agencies to share and retrieve criminal intelligence information on a real-time basis;

—$200,000 for a grant to Riverside, CA, for law enforcement computer upgrades;

—$1,500,000 for a grant to Rock County, WI, for a law enforcement consortium;

—$550,000 for a grant to the Santa Monica, CA, police department for an automated Mobile Field Reporting System;

—$2,000,000 for a grant to the Seattle, WA, police department for forensic imaging equipment and computer upgrades;

—$800,000 for a one-time grant to the SECURE gunshot detection demonstration project for Austin, TX;

—$2,000,000 for a grant to the South Dakota Training Center for technology upgrades;

—$7,000,000 for a grant for the South Dakota Bureau of Information and Telecommunications to enhance their emergency communication system;

—$9,000,000 for a grant for the continuation of the Southwest Border States Anti-Drug Information System, which will provide for the purchase and deployment of the technology network between all State and local law enforcement agencies in the four southwest border States;

—$5,000,000 for the Utah Communications Agency Network (UCAN) for enhancements and upgrades of security and communications infrastructure relating to the 2002 Winter Olympics;

—$350,000 for the Union County, SC, Sheriff's Office for technology upgrades;

—$1,000,000 for Ventura County, CA, for an integrated justice system;

—$200,000 to the Vermont Department of Public Safety for a mobile command center;

—$4,000,000 to the Vermont Public Safety Communications Program;

—$1,000,000 to the St. Johnsbury, Rutland, and Burlington, VT, technology programs;

—$3,000,000 to the New Hampshire State Police VHF trunked digital radio system;

—$1,200,000 to Yellowstone County, MT, for Mobile Data Systems; and

—$650,000 to Yellowstone County, MT, Driving Simulator for law enforcement training equipment.

2. COPS Methamphetamine/Drug "Hot Spots" Program.—The conferees direct that $35,675,000 from direct appropriations be used for State and local law enforcement programs to combat methamphetamine production, distribution, and use, and to reimburse the Drug Enforcement Administration for assistance to State and local law enforcement for proper removal and disposal of hazardous materials at clandestine methamphetamine labs. The monies may also be used for policing initiatives in "hot spots" of drug market activity. The House bill proposed $35,000,000 and the Senate proposed $25,000,000 for this purpose.

Within the amount included for the Methamphetamine/Drug Hot Spots Program, the conference agreement expects the COPS office to award grants for the following programs:

—$1,000,000 to the Arizona Methamphetamine program to support additional law enforcement officers and to train local and State law enforcement officers on the proper recognition, collection, removal, and destruction of methamphetamine;

—$18,200,000 to continue the California Bureau of Narcotics Enforcement's Methamphetamine Strategy to support additional law enforcement officers, intelligence gathering and forensic capabilities, training and community outreach programs;

—$50,000 to the Grass Valley, NV, Methamphetamine initiative to support additional law enforcement officers and to train local and State law enforcement officers on the proper recognition, collection, removal, and destruction of methamphetamine;

—$500,000 to the Illinois State Police to combat methamphetamine and to train officers in methamphetamine investigations;

—$1,200,000 to the Iowa Methamphetamine Law Enforcement initiative to support additional law enforcement officers and to train local and State law enforcement officers on the proper recognition, collection, removal, and destruction of methamphetamine;

—$750,000 to the Las Vegas Special Police Enforcement and Eradication Program of which $450,000 is for the Las Vegas Police Department and $300,000 is for the North Las Vegas Police Department to support additional law enforcement officers and to train local and State law enforcement officers on the proper recognition, collection, removal, and destruction of methamphetamine;

—$6,000,000 to the Midwest Methamphetamine initiative (MO) to support additional law enforcement officers and to train local and State law enforcement officers on the proper recognition, collection, removal, and destruction of methamphetamine;

—$525,000 to Nebraska's Clandestine Laboratory team to support additional law enforcement officers and to train local and State law enforcement officers on the proper recognition, collection, removal, and destruction of methamphetamine;

—$750,000 to the New Mexico methamphetamine program for additional law enforcement officers, intelligence gathering and forensic capabilities, training and community outreach programs;

—$1,000,000 to the Northern Utah Methamphetamine Program for additional law enforcement officers and to train local and State law enforcement officers on the proper recognition, collection, removal, and destruction of methamphetamine;

—$1,000,000 to the Rocky Mountain Methamphetamine Program for additional law enforcement officers and to train local and State law enforcement officers on the proper recognition, collection, removal, and destruction of methamphetamine;

—$1,000,000 to the Tennessee Methamphetamine Program for additional law enforcement officers and to train local and State law enforcement officers on the proper recognition, collection, removal, and destruction of methamphetamine;

—$1,200,000 to the Tri-State Methamphetamine Training (IA/SD/NE) program to train officers from rural areas on methamphetamine interdiction, cover operations, intelligence gathering, locating clandestine laboratories, case development, and prosecution;

—$1,000,000 to form a Western Kentucky Methamphetamine training program and to provide equipment and manpower to form inter-departmental task forces; and

—$1,000,000 for the Western Wisconsin Methamphetamine Initiative for additional law enforcement officers and to train local and State law enforcement officers on the proper recognition, collection, removal, and destruction of methamphetamine.

The conference agreement expects the OJP to review a request from the Polk County, FL, Sheriff's office to provide additional capabilities to expand the methamphetamine program and provide a grant, if warranted.

3. COPS Safe School Initiative (SSI)/School Prevention Initiatives.—The conferees direct that $15,000,000 of unobligated carryover balances be used to provide grants to policing agencies and schools to provide resources for programs aimed at preventing violence in public schools, and to support the assignment of officers to work in collaboration with schools and community-based organizations to address crime and disorder problems, gangs, and drug activities, as proposed in the House report. Within the overall amounts recommended for this program, the conference agreement includes the expectation that the COPS office will examine each of the following proposals, provide grants if warranted, and submit a report to the Committees on its intentions for each proposal:

—$250,000 for the Alaska Community in School Mentoring program;

—$500,000 for a grant to the Home Run Program to assist elementary and secondary schools with children beginning to engage in delinquent behavior;

—$300,000 for the Links to Community Demonstration Project;

—$3,000,000 for a grant to the Miami-Dade Juvenile Assessment Center for a safe school demonstration project;

—$541,000 for a grant to the Milwaukee schools' Summer Stars program;

—$2,000,000 for a grant to the National Center for Rural Law Enforcement for school violence research;

—$5,000,000 for training by the National Center for Missing and Exploited Children for law enforcement officers selected to be part of the Safe Schools Initiative;

—$1,000,000 to the School Crime Prevention and Security Technology Center;

—$500,000 for a grant to the University of Kentucky for research on school violence prevention;

—$200,000 for the evaluation of the Vermont SAFE-T program and Colchester Community Youth Project;

—$500,000 for the Youth Advocacy Program in South Carolina;

—$500,000 for the Youth Outreach program.

Within the amounts made available under this program, the conferers expect the COPS office to examine each of the following proposals, to provide grants if warranted, and to submit a report to the Committees on its intentions for each proposal: the "Free to Grow" program at Columbia University, and the Tuscaloosa Youth Violence Project.

4. COPS Bullet-proof vests initiative.—The conferees direct that $25,000,000 of unobligated carryover balances be used to provide State and local law enforcement officers with bullet-proof vests, the second year of the program, in accordance with Public Law 105–181.

5. Police Corps.—The conferees direct that $30,000,000 of unobligated carryover balances in the COPS program be used for Police Corps instead of the $25,000,000 proposed in the House bill. The Senate bill proposed $30,000,000 within the Local Law Enforcement Block Grant. The conference agreement includes funding for an annual data collection and reporting program on excessive force by law enforcement officers, pursuant to Subtitle D of Title XXI of the Violent Crime Control and Law Enforcement Act of 1994, as has been previously funded within the unobligated balances of this program. The conference agreement includes continued funding for this data collection in the same manner.

JUVENILE JUSTICE PROGRAMS

The conference agreement includes $287,097,000 for Juvenile Justice programs, instead of $286,597,000 as proposed in the House bill and $322,597,000 as proposed in the Senate bill. The conference agreement includes the understanding that changes to Juvenile Justice and Delinquency Prevention Programs are being considered in the reauthorization process of the Juvenile Justice and Delinquency Act of 1974. However, absent completion of this reauthorization process, the conference agreement provides funding consistent with the current Juvenile Justice and Delinquency Prevention Act. In addition, the conference agreement includes language that provides that funding for these programs shall be subject to the provisions of any subsequent authorization legislation that is enacted. The agreement includes a comprehensive mental health study of juveniles in the criminal justice system, as described in the House report.

Juvenile Justice and Delinquency Prevention.—Of the total amount provided, $269,097,000 is for grants and administrative expenses for Juvenile Justice and Delinquency Prevention programs including:

1. $6,847,000 for the Office of Juvenile Justice and Delinquency Prevention (OJJDP) (Part A).

2. $89,000,000 for Formula Grants for assistance to State and local programs (Part B).

3. $42,750,000 for Discretionary Grants for National Programs and Special Emphasis Programs (Part C).

Within the amount provided for Part C discretionary grants, OJJDP is directed to review the following proposals, provide grants if warranted, and submit a report to the Committees on Appropriations of the House and the Senate on its intentions regarding:

—$500,000 to continue the Achievable Dream after school program;

—$50,000 for Catholic Charities, Inc. in Louisville, KY, for an after school program;

—$1,500,000 for the Center on Crimes/Violence Against Children;

—$250,000 for the Culinary Arts for At-Risk Youth in Miami-Dade, FL;

—$5,000,000 for the Innovative Partnerships for High Risk Youth;

—$650,000 for the Juvenile Justice Tribal Collaboration and Technical assistance;

—$600,000 for the Kids With A Promise program;

—$2,000,000 to continue the L.A. Best youth program;

—$500,000 for the L.A. Dads/Family programs;

—$500,000 to continue the L.A. Bridges after school program;

—$550,000 for Lincoln Action Programs-Youth Violence Alternative Project;

—$250,000 to continue the Low Country Children's Center program;

—$350,000 for Mecklenburg County's Domestic Violence HERO program;

—$1,500,000 for the Milwaukee Safe and Sound program;

—$3,000,000 for the Mount Hope Center for a youth program;

—$310,000 for the National Association of State Fire Marshals-Juvenile Firesetters initiative;

—$3,000,000 to continue funding for the National Council of Juvenile and Family Courts which provides continuing legal education in family and juvenile law;

—$1,900,000 for continued support for law-related education;

—$300,000 for the No Workshops . . . No Jump Shots program;

—$150,000 for the Operation Quality Time program;

—$3,000,000 for Parents Anonymous, to develop partnerships with local communities to build and support strong, safe families and to help break the cycle of abuse and delinquency;

—$750,000 for the Rio Arriba County, NM, after school program;

—$1,300,000 for the Suffolk University Center for Juvenile Justice;

—$1,000,000 for the University of Missouri-Kansas City Juvenile Justice Research Center for research;

—$150,000 for the United Neighborhoods of Northern Virginia youth program;

—$1,000,000 for the University of Montana to create a juvenile after-school program;

—$200,000 for the Vermont Association of Court Diversion programs to help prevent and treat teen alcohol abuse;

—$1,000,000 for the Youth Crime Watch Initiative of Florida; and

—$5,000,000 for the Youth ChalleNGe Program.

In addition, OJJDP is directed to examine each of the following proposals, provide grants if warranted, and report to the Committees on Appropriations of both the House and Senate on its intentions for each proposal: the At Risk Youth Program in Wausau, Wisconsin; the Consortium on Children, Families, and the Law; the Hawaii Lawyers Care Na Keiki Law Center; for a juvenile justice program in Kansas City, MO; the Learning for Life program conducted by the Boy Scouts; the New Mexico Cooperative Extension Service 4–H Youth Development Program; OASIS; the Oklahoma State Transition and Reintegration Services (STARS); the Rapid Response Program, Washington/Hancock County, ME; the St. Louis City Regional Violence Prevention Initiative; and the University of South Alabama's Youth Violence Project.

4. $12,000,000 to expand the Youth Gangs (Part D) program which provides grants to public and private nonprofit organizations to prevent and reduce the participation of at-risk youth in the activities of gangs that commit crimes. Within the amount provided, OJJDP is directed to provide a grant of $50,000 for the Metro Denver Gang Coalition.

5. $10,000,000 for Discretionary Grants for State Challenge Activities (Part E) to increase the amount of a State's formula grant by up to 10 percent, if that State agrees to undertake some or all of the ten challenge activities designed to improve various aspects of a State's juvenile justice and delinquency prevention program.

6. $13,500,000 for the Juvenile Mentoring Program (Part G) to reduce juvenile delinquency, improve academic performance, and reduce the drop-out rate among at-risk youth through the use of mentors by bringing together young people in high crime areas with law enforcement officers and other responsible adults who are willing to serve as long-term mentors. In addition, OJJDP is directed to examine each of the following proposals, provide grants if warranted, and report to the Committees on Appropriations of both the House and Senate on its intentions for each proposal: a grant in an amount greater than the current year level for the Big Brothers/Big Sisters of America program; $1,000,000 for a grant to Utah State University for a pilot mentoring program that focuses on the entire family; and $1,000,000 for a grant to the Tom Osborne mentoring program.

7. $95,000,000 for Incentive Grants for Local Delinquency Prevention Programs (Title V), to units of general local government for delinquency prevention programs and other activities for at-risk youth. The Title V program provides funding on a formula basis to States, to be distributed by the States for use by local units of government and locally-based public and private agencies and organizations. Administration of these funds on a formula basis ensures fairness in the distribution process.

Safe Schools Initiative (SSI).—The conference agreement includes $15,000,000 within the Title V grants for the Safe Schools Initiative as proposed in the Senate report. In addition, OJJDP is directed to examine each of the following proposals, provide grants if warranted, and report to the Committees on Appropriations of both the House and Senate on its intentions for each proposal: $2,500,000 for a grant to the Hamilton Fish National Institute on School and Community Violence; $500,000 for a grant to the University of Louisville for research; $1,250,000 for the Teens, Crime, and the Community Program; and a grant to the "I Have a Dream" Foundation for an at-risk youth program.

Tribal Youth Program.—The conference agreement includes $12,500,000 within the Title V grants for programs to reduce, control and prevent crime, as proposed in the Senate report.

Enforcing the Underage Drinking Laws Program.—The conference agreement includes $25,000,000 within the Title V grants for programs to assist States in enforcing underage drinking laws, as proposed in the Senate report. Projects funded may include: Statewide task forces of State and local law enforcement and prosecutorial agencies to target establishments suspected of a pattern of violations of State laws governing the sale and consumption of alcohol by minors; public advertising programs to educate establishments about statutory prohibitions and sanctions; and innovative programs to prevent and combat underage drinking. In addition, OJJDP is directed to examine the following proposal, provide a grant if warranted, and report to the Committees on Appropriations of both the House and Senate on its intentions for the proposal: $1,000,000 for a grant to the Sam Houston State University and Mothers Against Drunk Driving for a National Institute for Victims Studies' project.

Drug Prevention Program.—While crime is on the decline in certain parts of America, a dangerous precursor to crime, namely teenage drug use, is on the rise and may soon reach a 20-year high. The conference agreement includes $11,000,000, instead of $12,000,000 as proposed in the House bill, and no funds proposed in the Senate report, to develop, demonstrate and test programs to increase the perception among children and youth that drug use is risky, harmful, or unattractive.

Victims of Child Abuse Act.—The conference agreement includes $7,000,000 for the programs authorized under the Victims of Child Abuse Act (VOCA), as proposed in the House bill. The agreement includes $7,000,000 to Improve Investigations and Prosecutions (Subtitle A) as follows:

—$1,000,000 to establish Regional Children's Advocacy Centers, as authorized by section 213 of VOCA;

—$4,000,000 to establish local Children's Advocacy Centers, as authorized by section 214 of VOCA;

—$1,500,000 for a continuation grant to the National Center for Prosecution of Child Abuse for specialized technical assistance and training programs to improve the prosecution of child abuse cases, as authorized by section 214a of VOCA; and

—$500,000 for a continuation grant to the National Network of Child Advocacy Centers for technical assistance and training, as authorized by section 214a of VOCA.

PUBLIC SAFETY OFFICERS BENEFITS

The conference agreement includes $32,541,000, as proposed by the House, instead of $36,041,000, as proposed by the Senate, in direct appropriations and assumes $2,261,071 in unobligated carryover balances which will fully fund anticipated payments.

In addition, the conference agreement assumes $2,339,000 in fiscal year 1999 unobligated carryover balances to pay for higher education for dependents of Federal, State and local public safety officers who are killed or permanently disabled in the line of duty.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

The conference agreement includes the following general provisions for the Department of Justice:

Section 101.—The conference agreement includes section 101, identical in both the House and Senate bills, which makes up to $45,000 of the funds appropriated to the Department of Justice available for reception and representation expenses.

Sec. 102.—The conference agreement includes section 102, as proposed in the House bill, which continues certain authorities for the Department of Justice in fiscal year 2000 that were contained in the Department of Justice Appropriation Authorization Act, fiscal year 1980. The Senate bill did not contain a provision on this matter.

Sec. 103.—The conference agreement includes section 103, identical in both the House and Senate bills, which prohibits the use of funds to perform abortions in the Federal Prison System.

Sec. 104.—The conference agreement includes section 104, identical in both the House and Senate bills, which prohibits the use of funds to require any person to perform, or facilitate the performance of, an abortion.

Sec. 105.—The conference agreement includes section 105, identical in both the House and Senate bills, which states that nothing in the previous section removes the obligation of the Director of the Bureau of Prisons to provide escort services to female inmates who seek to obtain abortions outside a Federal facility.

Sec. 106.—The conference agreement includes section 106, identical in both the House and Senate bills, which allows the Department of Justice to spend up to $10,000,000 for rewards for information regarding acts of terrorism against a United States person or property at levels not to exceed $2,000,000 per reward.

Sec. 107.—The conference agreement includes section 107, as proposed in the House bill, which continues the current 5% and 10% limitations on transfers among Department of Justice accounts, instead of limitations of 10% and 20%, respectively, as proposed in the Senate bill.

Sec. 108.—The conference agreement includes section 108, modified from language proposed in the House and Senate bills, which sets forth the grant authority of the Assistant Attorney General for the Office of Justice Programs.

Sec. 109.—The conference agreement includes section 109, as proposed in the House bill, which allows the Attorney General to waive certain Federal acquisition rules and regulations in certain instances related to counterterrorism and national security, and which prohibits the disclosure of financial records and identifying information of any corrections officer in an action brought by a prisoner. The Senate bill contained similar provisions as sections 109 and 110.

Sec. 110.—The conference agreement includes section 110, as proposed in the House bill, which continues a provision carried in the fiscal year 1999 Act regarding the payment of judgments under the Financial Institutions Reform, Recovery and Enforcement Act. The Senate bill contained a similar provision as section 111.

Sec. 111.—The conference agreement includes section 111, proposed as section 112 in the House bill, regarding the Chief Financial Officer of the Department of Justice. The Senate bill did not contain a provision on this matter.

Sec. 112.—The conference agreement includes section 112, proposed as section 114 in the House bill, which extends section 3024 of Public Law 106–31 to allow assistance and services to be provided to the families of the victims of Pan Am Flight 103. The Senate bill did not contain a provision on this matter.

Sec. 113.—The conference agreement includes section 113, proposed as section 115 in the House bill, which changes the filing fees for certain bankruptcy proceedings. The Senate bill did not contain a provision on this matter.

Sec. 114.—The conference agreement includes section 114, modified from language proposed as section 113 in the Senate bill, which prohibits the payment for certain services by the Marshals Service and the Immigration and Naturalization Service at a rate in excess of amounts charged for such services under the Medicare or Medicaid programs. The House bill addressed this matter in section 113.

Sec. 115.—The conference agreement includes section 115, modified from language proposed in the Senate bill, which prohibits funds in this Act from being used to pay premium pay to an individual employed as an attorney by the Department of Justice for any work performed in fiscal year 2000. The House bill did not include a provision on this matter.

Sec. 116.—The conference agreement includes section 116, proposed as section 117 in the Senate bill, which makes permanent a provision included in the fiscal year 1999 Act, and amended by Public Law 106–31, to clarify the term "tribal" for the purpose of making grant awards under title I of this Act. The House bill did not include a provision on this matter.

Sec. 117.—The conference agreement includes section 117, modified from language proposed as section 119 in the Senate bill, which provides a procedure to grant national interest waivers to physicians if they have served an aggregate of five years and will continue to serve in areas designated as medically underserved or at facilities under the jurisdiction of the Secretary of Veterans Affairs. This provision essentially restores the situation that existed for alien physicians prior to the Immigration and Naturalization Service decision in *New York State Department of Transportation*, and those physicians who filed prior to November 1, 1998, shall be granted a national interest waiver if they agree to serve three years in medically underserved areas or at facilities under the jurisdiction of the Secretary of Veterans Affairs. The House bill did not include a provision on this matter.

Sec. 118.—The conference agreement includes section 118, proposed as section 121 in the Senate bill, which permanently authorizes the land border inspection fee account. The House bill did not include a provision on this matter.

Sec. 119.—The conference agreement includes a new provision, section 119, to extend the authorities included in the fiscal year 1998 Act which authorized funds to be provided for the U.S. Attorneys victim witness coordinator and advocate program from the Crime Victims Fund. The conferees expect $6,838,000 will be used under this provision to continue to support the 93 victim witness coordinators and advocates who are assigned to various U.S. Attorneys offices, including victim support for the D.C. Superior Court, and $7,552,000 will be used to provide funding for the U.S. Attorneys to support the 77 victim witness workyears from pre–1998 allocations. The conferees expect that appropriate sums will be made available under this provision in succeeding fiscal years to continue this program at the current level.

Sec. 120.—The conference agreement includes a new provision, section 120, which authorizes the collection and analysis of DNA samples voluntarily contributed from the relatives of missing persons.

Sec. 121.—The conference agreement includes a new provision, section 121, which changes the entity to which electronic communication service providers report instances of child pornography.

TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

TRADE AND INFRASTRUCTURE DEVELOPMENT

RELATED AGENCIES

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

The conference agreement includes $25,635,000 for the salaries and expenses of the Office of the United States Trade Representative, instead of $25,205,000 as proposed in the House bill, and $26,067,000 as proposed in the Senate bill.

The increase over the fiscal year 1999 appropriation provides for adjustments to base operations to maintain the current level of operations, and program increases requested for Washington-based security, travel, and translation services. The conferees concur with language in the House report related to the upcoming World Trade Organization Ministerial Meeting.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $44,495,000 and $2,500,000 in carryover for the salaries and expenses of the International Trade Commission (ITC) as proposed in the House bill, instead of $45,700,000 as proposed in the Senate bill. The recommended funding will allow the ITC to operate at a level very close to the amount of the budget request, and permit the Commission to carry out planned activities.

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

The conference agreement includes $311,503,000 in new budgetary resources for the operations and administration of the International Trade Administration for fiscal year 2000, of which $3,000,000 is derived from fee collections, instead of $298,236,000 as proposed by the House bill, and $311,344,000 as proposed by the Senate bill. In addition to this amount, the conference agreement assumes $2,000,000 in prior year carryover, resulting in a total fiscal year 2000 availability of $313,503,000.

The following table reflects the distribution of funds by activity included in the conference agreement:

Trade Development	$62,376,000
Market Access and Compliance	19,755,000
Import Administration	32,473,000
U.S. & F.C.S.	186,693,000
Executive Direction and Administration	12,206,000
Fee Collections	(3,000,000)
Prior Year Carryover	(2,000,000)
Total, ITA	308,503,000

Trade Development (TD).—The conference agreement provides $62,376,000 for this activity. Of the amounts provided, $50,621,000 is for the TD base program, $9,000,000 is for the National Textile Consortium, and $3,000,000 is provided for the Textile/Clothing Technology Corporation. Further, the conference agreement includes $255,000 for the Access Mexico program and $500,000 for continuation of the international global competitiveness initiative recommended in the House report.

Market Access and Compliance (MAC).—The conference agreement includes a total of $19,755,000 for this activity. Of the amounts provided, $18,810,000 is for the base program, $500,000 is for the strike force teams initiative proposed in the budget, and $500,000 is for the trade enforcement and compliance initiative proposed in the budget.

Import Administration.—The conference agreement provides $32,473,000 for the Import Administration.

U.S. and Foreign Commercial Service (U.S. & FCS).—The conference agreement includes $186,693,000 for the programs of the U.S. & FCS, to maintain the current level of operations. The conferees concur with language in the House report concerning the Rural Export Initiative and the Global Diversity Initiative.

Executive Direction and Administration.—The conference agreement includes $12,206,000 for the administrative and policy functions of the ITA. This amount does not include funding requested for transfer to centralized services.

ITA should also follow the direction included in the House report regarding trade missions, and the direction in the Senate report relating to the Hannover World Fair. ITA is also expected to follow the direction and submit the reports referenced in both the House and Senate reports relating to foreign currency exchange rate gains, and to provide the report on trade show revenues requested in the House report.

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

The conference agreement includes $54,038,000 for the Bureau of Export Administration (BXA), instead of $49,527,000 as proposed in the House bill and $55,931,000 as proposed in the Senate bill. The conference agreement assumes $739,000 will be available from prior year carryover, resulting in total availability of $54,777,000. Of this amount, $23,878,000 is for Export Administration, including a program increase of $750,000 for Chemical Weapons Convention inspection activities; $23,534,000 is for Export Enforcement, including a program increase of $500,000 for computer export verification; $4,365,000 is for Management and Policy Coordination, including a program increase of $1,000,000 for the redesign and replacement of the Export Control Automated Support System; and $3,000,000 is for the Critical Infrastructure Assurance Office (CIAO).

The CIAO was created by Presidential Decision Directive 63 (PDD–63) as an interim agency to facilitate coordination and integration among Federal agencies as those agencies develop and implement their own critical infrastructure protection and awareness plans. The conferees are concerned that the fiscal year 2000 budget for the CIAO proposes a number of initiatives which would expand the role of the CIAO beyond its coordination and integration function, and create new programs and activities which may be duplicative of activities and responsibilities assigned to other Federal agencies. The conferees believe the amount provided, which also reflects the fact that, in fiscal year 2000, 25 staff detailed from other agencies will not be provided to the CIAO on a non-reimbursable basis, will enable the CIAO to perform its functions as provided for in PDD–63. The conferees expect the CIAO to provide a spending plan for fiscal year 2000 to the Committees on Appropriations no later than December 1, 1999.

The conference agreement does not include language included in the Senate bill, allowing funds to be used for rental of space abroad and expenses of alteration, repair, or improvement.

Economic Development Administration

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

The conference agreement includes $361,879,000 for Economic Development Administration grant programs, instead of $364,379,000 as proposed in the House bill, and $203,379,000 as proposed in the Senate bill.

Of the amounts provided, $205,850,000 is for Public Works and Economic Development, $34,629,000 is for Economic Adjustment Assistance, $77,300,000 is for Defense Conversion, $24,000,000 is for Planning, $9,100,000 is for Technical Assistance, including University Centers, $10,500,000 is for Trade Adjustment Assistance, and $500,000 is for Research. EDA is expected to allocate this funding in accordance with the direction included in the House report.

The conference agreement does not include language included in the House bill relating to attorneys' fees, since that language was included in the EDA reauthorization legislation (P.L 105–393) enacted in 1998. The conference agreement makes funding under this account available until expended, as proposed in the Senate bill.

SALARIES AND EXPENSES

The conference agreement includes $26,500,000 for salaries and expenses of the EDA, instead of $24,000,000 as proposed in the House bill, and $24,937,000 included in the Senate bill. This funding is to enable EDA to maintain its existing level of operations, which in the past has been partially funded by non-appropriated sources of funding that are not expected to be available in fiscal year 2000.

Minority Business Development Agency

MINORITY BUSINESS DEVELOPMENT

The conference agreement includes $27,314,000 for the programs of the Minority Business Development Agency (MBDA), instead of $27,000,000 included in the House bill and $27,627,000 included in the Senate bill. The conference agreement assumes that MBDA will continue its support for the Entrepreneurial Technology Apprenticeship Program at the current level, as directed in the House report.

ECONOMIC AND INFORMATION INFRASTRUCTURE

Economic and Statistical Analysis

SALARIES AND EXPENSES

The conferees have provided $49,499,000 for salaries and expenses of the activities funded under the Economic and Statistical Analysis account, instead of $48,490,000 as proposed in the House bill and $51,158,000 as proposed in the Senate bill. The conferees support the Bureau of Economic Analysis' initiative of updating and improving statistical measurements of the U.S. economy and its measurement of international transactions. The conference agreement concurs with the directive included in the House report regarding the Integrated Environmental-Economic Accounting initiative.

The travel and tourism industry makes a substantial contribution to the economy. A satellite account for travel and tourism has the potential to provide objective, thorough data to inform policy decisions. The Bureau is directed to provide a report on the advisability, utility, and relative priority of establishing a satellite account for travel and tourism by March 1, 2000.

Bureau of the Census

The conference agreement includes a total of $4,758,573,000 for the Bureau of the Census for fiscal year 2000, of which $4,476,253,000 is provided as an emergency appropriation, instead of $4,754,720,000 as proposed in the House bill, of which $4,476,253,000 was proposed as an emergency appropriation, and $3,071,698,000 as proposed in the Senate bill as a direct appropriation.

SALARIES AND EXPENSES

The conference agreement includes $140,000,000 for the Salaries and Expenses of the Bureau of the Census for fiscal year 2000, instead of $136,147,000 as proposed in the House bill, and $156,944,000 as proposed in the Senate bill.

PERIODIC CENSUSES AND PROGRAMS

The conference agreement includes $4,618,573,000, of which $4,476,253,000 is an emergency appropriation, as proposed in the House bill, instead of $2,914,754,000 in direct appropriations as proposed in the Senate bill.

Decennial Census Programs.—The conference agreement includes an emergency appropriation of $4,476,253,000 for the 2000 decennial census as proposed in the House bill, instead of $2,764,545,000 in direct appropriations as proposed in the Senate bill. The following represents the distribution of funds provided for the 2000 Census:

Program Development and Management	$20,240,000
Data Content and Products	194,623,000
Field Data Collection and Support Systems	3,449,952,000
Address List Development	43,663,000
Automated Data Process and Telecommunications Support	477,379,000
Testing and Evaluation	15,988,000
Puerto Rico, Virgin Islands and Pacific Areas	71,416,000
Marketing, Communications and Partnerships	199,492,000
Census Monitoring Board	3,500,000
Total, Decennial Census	4,476,253,000

The conference agreement does not provide funding for the Continuous Measurement program in the decennial census program as proposed in the Senate bill, but instead continues funding for this program under Other Periodic Programs as proposed in the House bill.

The conferees share the concerns expressed in the House report regarding the Bureau's ability to accurately project its funding requirements, and provide timely information regarding its needs to the Committees. The conferees expect the Bureau to follow the direction included in the House report requiring monthly reports on the obligation of funds against each framework. The conferees remind the Bureau that reallocation of resources among the frameworks listed above are subject to the requirements of section 605 of this Act.

The conferees remain concerned about the implementation of the decennial census in areas like Alaska, where most of the State is not accessible by road and many people speak languages other than English. The conferees encourage the Bureau to continue working with all interested parties in Alaska to ensure that full and complete census data is received from remote locations and the State's migratory populations.

In addition, the conferees encourage the Bureau to continue to explore the possible use of data collected in the decennial census from Puerto Rico in national summary data products and expect the Bureau to report to the Committees as directed in the House report. The conference agreement adopts by reference the House report language regarding enumeration of deaf persons in the 2000 Census.

The conference agreement includes language designating the amounts provided for each decennial framework as proposed in the House bill. Should the operational needs of the decennial census necessitate the transfer of funds between these frameworks, the Bureau may transfer such funds as necessary subject to the standard transfer and reprogramming procedures set forth in sections 205 and 605 of this Act. Language is also included designating the entire amount provided for the decennial census as an emergency requirement as proposed in the House bill. The Senate bill did not contain similar provisions. In addition, the conference agreement includes language designating funding under this account for the expenses of the Census Monitoring Board as proposed in the House bill. The Senate bill did not include a similar provision, but instead included funding for the Board as a separate appropriation under Title V.

Other Periodic Programs.—The conference agreement includes $142,320,000 for other periodic censuses and programs as proposed in the House bill, instead of $125,209,000 as proposed in the Senate bill. The following table represents the distribution of funds provided for other non-decennial periodic censuses and related programs:

Economic Censuses	$46,444,000
Census of Governments	3,735,000
Intercensal Demographic Estimates	5,260,000
Continuous Measurement	20,000,000
Demographic Survey Sample Redesign	4,478,000
Electronic Information Collection (CASIC)	6,000,000
Geographic Support	33,406,000
Data Processing Systems	22,997,000
Total	142,320,000

National Telecommunications and Information Administration

SALARIES AND EXPENSES

The conference agreement includes $10,975,000 for National Telecommunications and Information Administration (NTIA) salaries and expenses, instead of $10,940,000 as proposed in the House bill, and $11,009,000 as proposed in the Senate bill. The conference agreement assumes that NTIA will receive an additional $20,844,000 through reimbursements from other agencies for the costs of providing spectrum management, analysis and research services to those agencies.

The conferees direct the General Accounting Office to review the relationship between the Department of Commerce and the Internet Corporation for Assigned Names and Numbers (ICANN) and to issue a report no later than June, 2000. The conferees request that GAO review: (1) the legal basis for the selection of U.S. representatives to ICANN's interim board and for the expenditure of funds by the Department for the costs of U.S. representation and participation in ICANN's proceedings; (2) whether U.S. participation in ICANN proceedings is consistent with U.S. law, including the Administrative Procedures Act; (3) a legal analysis of the Department of Commerce's opinion that OMB Circular A–25 provides ICANN, as a "project partner" with the Department of Commerce, authority to impose fees on Internet users for ICANN's operating costs; and (4) whether the Department has the legal authority to transfer control of the authoritative root server to ICANN. In addition, the conferees seek GAO's evaluation and recommendations regarding placing responsibility for U.S. participation in ICANN under the National Institute of Standards and Technology rather than NTIA, and request that GAO review the adequacy of security arrangements under existing Departmental cooperative agreements.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

The conference agreement includes $26,500,000 for the Public Telecommunications Facilities, Planning and Construction (PTFP) program, instead of $18,000,000 as proposed in the House bill, and $30,000,000 as proposed in the Senate bill. NTIA is expected to use this funding for the existing equipment and facilities replacement program, and to maintain an acceptable balance between traditional grants and those stations converting to digital broadcasting.

The conference agreement contains language, similar to a provision carried in fiscal year 1999, permanently making the Pan-Pacific Education and Communications Experiments by Satellite (PEACESAT) program eligible to compete for funding under this account, as proposed in the Senate bill.

The conference agreement retains the statutory citation for the program as proposed in the House bill, instead of the citations proposed in the Senate bill.

INFORMATION INFRASTRUCTURE GRANTS

The conference agreement includes $15,500,000 for NTIA's Information Infrastructure Grant program, instead of $13,000,000 as proposed in the House bill, and $18,102,000 as proposed in the Senate bill.

The conferees concur with both the House and Senate reports, which identify overlap between funding provided under this program and funding provided under Department of Justice, Office of Justice Programs, with respect to law enforcement communication and information networks, and which recommend that this program not be used to fund projects for which other sources of funding are available. The conferees also concur with language in the House report emphasizing the importance of increased telecommunications access in areas where service is not readily available and where assistance is not available through other mechanisms.

PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

The conference agreement provides a total funding level of $871,000,000 for the Patent and Trademark Office (PTO), instead of $851,538,000 as proposed in the House bill, and $901,750,000 as proposed in the Senate bill. Of this amount, $755,000,000 is to be derived from fiscal year 2000 offsetting fee collections, and $116,000,000 is to be derived from carryover of prior year fee collections. This amount represents an increase of $86,000,000, or 11%, above the fiscal year 1999 operating level of the PTO.

The conference agreement includes language limiting the amount of carryover that may be obligated in fiscal year 2000 to $116,000,000, to conform to recently enacted authorization legislation, as proposed in the House bill.

The conference agreement also includes new language limiting the amount of fees in excess of $755,000,000 that becomes available for obligation on October 1, 2000 to $229,000,000.

The PTO is expected to follow the direction included in the House report concerning its partnership with the National Inventor's Hall of Fame and Inventure Place.

SCIENCE AND TECHNOLOGY

TECHNOLOGY ADMINISTRATION

UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF TECHNOLOGY POLICY

SALARIES AND EXPENSES

The conference agreement includes $7,972,000 for the Technology Administration, as proposed in both the House and Senate bills. No funds are made available beyond fiscal year 2000, as proposed in the House bill, instead of $600,000 made available through fiscal year 2001, as proposed in the Senate bill. The conferees concur with the direction contained in both the House and Senate reports.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

The conference agreement includes $283,132,000 for the internal (core) research account of the National Institute of Standards and Technology, instead of $280,136,000 as proposed in the House bill, and $288,128,000 as proposed in the Senate bill.

The conference agreement provides funds for the core research programs of NIST as follows:

Electronics and Electrical Engineering	$38,771,000
Manufacturing Engineering	19,560,000
Chemical Science and Technology	32,493,000
Physics	28,697,000
Material Sciences and Engineering	52,010,000
Building and Fire Research	15,331,000
Computer Science and Applied Mathematics	45,352,000
Technology Assistance	17,723,000
Baldrige Quality Awards	4,958,000
Research Support	29,237,000
Subtotal, STRS	284,132,000
Deobligations	(1,000,000)
Total, STRS	283,132,000

The increase provided in the conference agreement above fiscal year 1999 is largely to fund increases in base requirements. The conference agreement also includes sufficient funding for selected program increases for the highest priority programs in computer science and applied mathematics and in technology assistance, and $1,600,000 to continue the disaster research program on effects of windstorms on protective structures and other technologies begun in fiscal year 1998. NIST is directed to follow the guidance included in the House report regarding the placement of NIST personnel overseas.

INDUSTRIAL TECHNOLOGY SERVICES

The conference agreement includes $247,436,000 for the NIST external research account instead of $99,836,000 as proposed in the House bill, and $336,336,000 as proposed in the Senate bill.

Manufacturing Extension Partnership Program.—The conference agreement includes $104,836,000 for the Manufacturing Extension Partnership Program (MEP), instead of $99,836,000 as proposed in the House bill, and $109,836,000 as proposed in the Senate bill. The conference agreement does not contain the limitation on a Center's level of funding proposed in the House bill.

The conferees concur with the Senate direction that the Northern Great Plains Initiative e-commerce project should assist small manufacturers for marketing and business development purposes in rural areas.

Advanced Technology Program.—The conference agreement includes $142,600,000 for the Advanced Technology Program (ATP), instead of $226,500,000 as proposed in the Senate bill, and no funding as proposed in the House bill. This is $60,900,000 below the fiscal year 1999 appropriation, and $96,100,000 below the original request. At the end of fiscal year 1999, the Administration revised the overall level requested for the program downward from $251,500,000 to $215,000,000, in part because the amount awarded for new grants in fiscal year 1999 totaled $41,500,000, which was $24,500,000 below the amount available for new awards. The amount of carryover into fiscal year 2000 was also substantially higher than had been anticipated. The requested level of new awards for fiscal year 2000 was also revised downward from $73,000,000 to $54,700,000. The funding levels contained in the conference agreement were considered in response to that revised request.

The recommendation provides the following: (1) $115,100,000 for continued funding requirements for awards made in fiscal years 1996, 1997, 1998, and 1999, to be derived from $46,700,000 in fiscal year 2000 funding, $64,600,000 from excess balances available from prior years, and $3,800,000 in anticipated deobligations in fiscal year 2000; (2) $50,700,000 for new awards in fiscal year 2000; and (3) $45,200,000 for administration, internal NIST lab support and Small Business Innovation Research requirements.

The conference agreement permits up to $500,000 of funding to be transferred to the Working Capital Fund, as proposed in the Senate bill.

CONSTRUCTION OF RESEARCH FACILITIES

The conference agreement provides $108,414,000 for construction, renovation and maintenance of NIST facilities, instead of $56,714,000 as proposed in the House bill, and $117,500,000 as proposed in the Senate bill.

Of this amount, $84,916,000 is for construction of the Advanced Metrology Laboratory. This will provide the balance of funds needed to initiate construction. Total funding available for construction, including funding provided in previous years, is $203,300,000. The conference agreement includes bill language making the $84,916,000 provided for this Laboratory available upon submission of a spending plan in accordance with Section 605 of this Act.

In addition, $11,798,000 is provided for safety, capacity, maintenance and major repair of NIST facilities.

In addition, $11,700,000 is provided for grants and cooperative agreements.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

The conference agreement provides a total funding level of $2,298,736,000 for all programs of the National Oceanic and Atmospheric Administration (NOAA), instead of $1,956,838,000 as proposed by the House, and $2,556,876,000 as proposed by the Senate. Of these amounts, the conferees have included $1,658,189,000 in the Operations, Research, and Facilities (ORF) account, $589,067,000 in the Procurement, Acquisition and Construction (PAC) account, and $51,480,000 in other NOAA accounts.

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement includes $1,658,189,000 for the Operations, Research, and Facilities account of the National Oceanic and Atmospheric Administration instead of $1,475,128,000 as proposed by the House, and $1,783,118,000 as proposed by the Senate.

In addition to the new budget authority provided, the conference agreement allows a transfer of $68,000,000 from balances in the account titled "Promote and Develop Fishery Products and Research Related to American Fisheries", instead of $67,226,000 as proposed by the House, and instead of $66,426,000 as proposed by the Senate. In addition, the conference agreement reflects prior year deobligations totaling $36,000,000, unobligated balances of $2,652,000, and $4,000,000 in offsets from fee collections.

The conference agreement does not include language proposed in the House bill designating the amounts provided under this account for the six NOAA line offices. The Senate bill contained no similar provision.

The conference agreement includes language, as proposed by the House, which was adopted in the fiscal year 1999 appropriations Act, designating the amounts available for Executive Direction and Administration, and prohibiting augmentation of such offices through formal or informal personnel details, transfers, or reimbursements above the current level.

The conference agreement does not include or assume language proposed by the House, making the use of deobligated balances subject to standard reprogramming procedures. The conferees direct that any use of deobligations over and above the $36,000,000 assumed by the conference agreement will be undertaken only under the procedures set forth in section 605 of this Act.

The conference agreement does not include $34,000,000 in controversial new fisheries and navigation safety fees that were proposed in the budget request, although no details on the proposal were forthcoming. The House bill did not legislate the fees, but did assume the revenue from those fees would be available.

Budgetary and Financial Matters.—Language in the House report is adopted by reference relating to: (1) a revised budget structure, with the requested reports due by February 1, 2000; and (2) an operating plan for expenditure of funds, with the report due 60 days after the date of enactment.

Peer Review.—Language in the House report requiring peer review of all NOAA research is adopted by reference.

NOAA Commissioned Corps.—The conference agreement does not include bill language, as proposed by the House, setting a ceiling on the number of commissioned corps officers at not more than 250 by September 30, 2000. The Senate bill did not include a similar provision. With respect to the commissioned corps, as it is authorized by P.L. 105–384, the conferees understand that NOAA plans to reach a level of about 250 officers by the end of the fiscal year, up from the current level of 224, and expect to be notified if plans change significantly from that level.

The conference agreement includes language proposed by the House, providing such funds as may be necessary for NOAA commissioned corps retirement costs.

The conference agreement does not include a provision, as proposed by the Senate, permitting the Secretary to have NOAA occupy and operate research facilities at Lafayette, Louisiana.

NOAA is directed to report by March 1, 2000, on any requirement for new space for NOAA employees in the Gulf of Mexico area, including an explanation of the need for such space, and options for, and estimated costs of, obtaining the space. The report should also address the existing space that NOAA occupies in the area, and what would happen to the existing space.

The following table reflects the distribution of the funds provided in this conference agreement:

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—OPERATIONS, RESEARCH AND FACILITIES—FISCAL YEAR 2000

	FY99 enacted	FY00 request	FY00 House	FY00 Senate	FY00 conference
NATIONAL OCEAN SERVICE					
Navigation Services:					
Mapping and Charting	34,260	33,335	32,100	36,335	35,298
Address Survey Backlog	14,000	14,900	14,000	14,900	18,900
Subtotal	48,260	48,235	46,100	51,235	54,198
Geodesy	19,659	19,849	19,659	21,415	20,159
Tide and Current Data	12,000	14,883	12,390	15,273	12,390
Acquisition of Data	14,546	17,726	14,546	17,726	15,546
Total, Navigation Services	94,465	100,693	92,695	105,649	102,293
Ocean Resources Conservation and Assessment:					
Ocean Assessment Program	42,611	46,281	26,861	52,681	44,846
GLERL	....	6,085	....	6,825	....
Transfer from Damage Assessment Fund	5,683	....	....	....	....
Response and Restoration	8,774	19,884	8,774	15,884	9,329
Oceanic and Coastal Research	7,410	7,970	5,410	9,470	8,470
Subtotal—Estuarine & Coastal Assessment	64,478	80,220	41,045	84,860	62,645
Coastal Ocean Program	18,400	19,430	18,200	18,430	17,200
Total, Ocean Resources Conservation & Assessment	82,878	99,650	59,245	103,290	79,845
Ocean and Coastal Management:					
CZM Grants	53,700	55,700	53,700	60,000	54,700
CZM 310 Grants	....	28,000	....	....	....
Estuarine Research Reserve System	4,300	7,000	5,650	7,000	6,000
Nonpoint Pollution Control	4,000	6,000	4,000	1,000	2,500
Program Administration	4,500	5,500	4,500	4,500	4,500
Subtotal, Coastal Management	66,500	102,200	67,850	72,500	67,700
Marine Sanctuary Program	14,350	26,000	16,500	18,500	17,500
Total, Ocean & Coastal Management	80,850	128,200	84,350	91,000	85,200
Total, NOS	258,193	328,543	236,290	299,939	267,338
NATIONAL MARINE FISHERIES SERVICE					
Information Collection and Analysis:					
Resource Information	106,675	96,918	98,100	112,520	108,348
Antarctic Research	1,200	1,200	1,200	1,800	1,234
Chesapeake Bay Studies	1,890	1,500	1,890	1,890	1,890
Right Whale Research	350	200	350	4,100	....
MARFIN	3,000	3,000	2,500	3,000	2,750
SEAMAP	1,200	1,200	1,200	1,200	1,200
Alaskan Groundfish Surveys	900	661	661	900	900
Bering Sea Pollock Research	945	945	945	945	945
West Coast Groundfish	800	780	780	900	820
New England Stock Depletion	1,000	1,000	1,000	1,000	1,000
Hawaii Stock Management Plan	500	....	....	500	500
Yukon River Chinook Salmon	700	700	....	1,500	1,200
Atlantic Salmon Research	710	710	710	710	710
Gulf of Marine Groundfish Survey	567	567	567	567	567
Dolphin/Yellowfin Tuna Research	250	250	250	250	250
Pacific Salmon Treaty Program	7,444	5,587	5,587	12,457	12,431
Hawaiian Monk Seals	700	500	500	1,050	750
Steller Sea Lion Recovery Plan	2,520	1,440	1,400	4,000	4,000
Hawaiian Sea Turtles	275	248	248	300	285
Bluefish/Striped Bass	1,000	....	1,000	....	1,000
Halibut/Sablefish	1,200	1,200	1,200	1,200	1,200
Narraganset Bay Coop Study	....	....	....	806	....
Subtotal	133,826	118,606	120,128	151,595	141,980

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—OPERATIONS, RESEARCH AND FACILITIES—FISCAL YEAR 2000—Continued

	FY99 enacted	FY00 request	FY00 House	FY00 Senate	FY00 conference
Fishery Industry Information:					
Fish Statistics	13,000	14,257	13,000	14,257	13,000
Alaska Groundfish Monitoring	5,500	5,200	5,200	6,325	5,500
PACFIN/Catch Effort Data	4,700	3,000	4,700	3,000	3,000
AKFIN (Alaska Fishery Information Network)				3,000	2,500
RECFIN	3,900	3,100	3,100	3,900	3,700
GULF FIN Data Collection Effort	3,000		3,000	4,000	3,500
Subtotal	30,100	25,557	29,000	34,482	31,200
Information Analyses and Dissemination	20,900	21,342	20,400	21,342	20,900
Computer Hardware and Software	4,000	4,000	750	4,000	3,500
Subtotal	24,900	25,342	21,150	25,342	24,400
Acquisition of Data	25,098	25,488	25,098	25,488	25,943
Total, Information, Collection, and Analyses	213,924	194,993	195,376	236,907	223,523
Conservation and Management Operations:					
Fisheries Management Programs	29,900	32,687	29,770	44,337	39,060
Columbia River Hatcheries	13,600	11,400	11,400	15,420	12,055
Columbia River Endangered Species	288	288	288	288	288
Regional Councils	13,000	13,300	12,800	13,300	13,150
International Fisheries Commissions	400	400	400	400	400
Management of George's Bank	478	478	478	478	478
Pacific Tuna Management	2,300	1,250	1,250	3,000	2,300
Fisheries Habitat Restoration		22,700		1,000	
NE Fisheries Management	1,880	5,180	1,880	8,000	6,000
Subtotal, Fisheries Mgmt. Programs	61,846	87,683	58,266	86,223	73,731
Protected Species Management	6,200	9,406	6,200	6,200	6,200
Driftnet Act Implementation	3,378	3,278	3,278	3,650	3,439
Marine Mammal Protection Act	7,583	7,225	7,225	8,025	7,583
Endangered Species Act Recovery Plan	28,000	55,450	25,750	39,750	32,500
Dolphin Encirclement	3,300	3,300	3,300	3,300	3,300
Native Marine Mammals	750	700	200	1,150	950
Observers/Training	2,650	4,225	2,225	4,650	2,650
Subtotal	51,861	83,584	48,178	66,725	56,622
Habitat Conservation	9,000	10,858	9,000	10,858	9,200
Enforcement & Surveillance	17,775	19,121	17,775	19,121	17,950
Total, Conservation, Management & Operations	140,482	201,246	133,219	182,927	157,503
State and Industry Assistance Programs:					
Interjurisdictional Fisheries Grants	2,600	2,600	2,600	3,100	2,600
Anadromous Grants	2,100	2,100	2,100	2,100	2,100
Interstate Fish Commissions	7,750	4,000	7,750	7,750	7,750
Subtotal	12,450	8,700	12,450	12,950	12,450
Fisheries Development Program:					
Product Quality and Safety/Seafood Inspection	9,824	8,328	9,500	8,328	9,500
Hawaiian Fisheries Development	750			750	750
NE Safe Seafood Program				300	
Subtotal	10,574	8,328	9,500	9,378	10,250
Total, State and Industry Programs	23,024	17,028	21,950	22,328	22,700
Toal, NMFS	377,430	413,267	350,545	442,162	403,726
OCEANIC AND ATMOSPHERIC RESEARCH					
Climate and Air Quality Research:					
Interannual & Seasonal	14,900	16,900	12,900	18,900	16,900
Climate & Global Change Research	63,000	69,700	63,000	77,200	67,000
GLOBE	2,500	5,000		2,500	2,500
Subtotal	80,400	91,600	75,900	98,600	86,400
Long-term Climate & Quality Research	30,000	34,600	30,000	32,000	30,000
Information Technology	12,000	13,500	12,000	13,500	12,750
Subtotal	42,000	48,100	42,000	45,500	42,750
Total, Climate and Air Quality Research	122,400	139,700	117,900	144,100	129,150
Atmospheric Programs:					
Weather Research	36,100	36,600	34,600	38,100	37,350
STORM				2,000	2,000
Wind Profiler	4,350	4,350	4,350	4,350	4,350
Subtotal	40,450	40,950	38,950	44,450	43,700
Solar/Geomagnetic Research	6,000	6,100	6,000	7,100	7,000
Total, Atmospheric Programs	46,450	47,050	44,950	51,550	50,700
Ocean and Great Lakes Programs:					
Marine Research Prediction	26,801	22,300	19,501	36,190	27,325
GLERL	6,825		6,825		6,825
Sea Grant Program	57,500	51,500	58,500	60,500	59,250
National Undersea Research Program	14,550	9,000		14,550	13,800
Total, Ocean and Great Lakes Programs	105,676	82,800	84,826	111,240	107,200
Acquisition of Data	12,884	13,020	12,884	13,020	12,952
Total, OAR	287,410	282,570	260,560	319,910	300,002

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—OPERATIONS, RESEARCH AND FACILITIES—FISCAL YEAR 2000—Continued

	FY99 enacted	FY00 request	FY00 House	FY00 Senate	FY00 conference
NATIONAL WEATHER SERVICE					
Operations and Research:					
Local Warnings and Forecasts	357,034	450,411	441,693	452,271	444,487
MARDI	64,036				
Radiosonde Replacement	2,000		2,000		
Susquehanna River Basin flood system	1,250	619	1,250	1,000	1,125
Aviation forecasts	35,596	35,596	35,596	35,596	35,596
Advanced Hydrological Prediction System		2,200	1,000	2,200	1,000
WFO Maintenance				4,000	3,250
Subtotal	459,916	488,826	481,539	495,067	485,458
Central Forecast Guidance	35,574	37,081	37,081	37,081	37,081
Atmospheric and Hydrological Research	2,964	3,090	2,964	3,090	3,000
Total, Operations and Research	498,454	528,997	521,584	535,238	525,539
Systems Acquisition:					
Public Warnings and Forecast Systems:					
NEXRAD	38,346	39,325	38,346	39,325	38,836
ASOS	7,116	7,573	7,116	7,573	7,345
AWIPS/NOAA Port	12,189	38,002	32,150	38,002	32,150
Computer Facilities Upgrades	4,600				
Total, Systems Acquisition	62,251	84,900	77,612	84,900	78,331
Total, NWS	560,705	613,897	599,196	620,138	603,870
NAT'L ENVIRONMENTAL SATELLITE, DATA AND INFORMATION SERVICE					
Satellite Observing Systems:					
Ocean Remote Sensing	4,000	4,000		4,000	4,000
Environmental Observing Systems	53,300	53,236	50,800	55,736	53,300
Global Disaster Information Network		2,000		2,000	
Total, Satellite Observing Systems	57,300	59,236	50,800	61,736	57,300
Environmental Data Management Systems	33,550	31,521	35,021	34,521	38,700
Data and Information Services	16,335	12,335	12,335	12,335	12,335
Regional Climate Centers	2,700		2,500	3,000	2,750
Total, EDMS	52,635	43,856	49,856	49,856	53,785
Total, NESDIS	109,935	103,092	100,656	111,592	111,085
PROGRAM SUPPORT					
Administration and Services:					
Executive Direction and Administration	19,200	19,573	19,200	19,573	19,387
Systems Acquisition Office	700	712	700	712	712
Subtotal	19,900	20,285	19,900	20,285	20,099
Central Administrative Support	31,850	42,583	28,850	41,583	36,350
Retired Pay Commissioned Officers	7,000				
Total, Administration and Services	58,750	62,868	48,750	61,868	56,449
Aircraft Services	10,500	11,019	10,500	11,019	10,760
Rent Savings		(4,656)	(4,656)		(4,656)
Total, Program Support	69,250	69,231	54,594	72 887	62,553
FLEET PLANNING AND MAINTENANCE	11,600	9,243	7,000	13,243	13,243
Facilities:					
NOAA Facilities Maintenance	1,650	1,818	1,800	1,818	1,809
NCEP/NORMAN Space Planning	150				
Environmental Compliance	2,000	3,899	2,000	3,899	2,000
Sandy Hook Lease	2,000				
WFO Maintenance	3,000	4,000	3,000		
NMFS Facilities Management		3,800			
Columbia River Facilities	4,465	3,365	3,365		3,365
Boulder Facilities Operations		3,850		3,850	3,850
NARA Records Mgmt		262		262	
Total, Facilities	13,265	20,994	10,165	9,829	11,024
Direct Obligations	1,687,788	1,840,837	1,619,006	1,889,700	1,772,841
Offset for Fee Collections				(4,000)	(4,000)
Reimbursable Obligations	195,767	195,767	195,767	195,767	195,767
Offsetting Collections (data sales)	3,600	3,600	3,600	3,600	3,600
Offsetting Collections (fish fees/IFQ CDQ)	4,000	4,000	4,000	4,000	4,000
Subtotal, Reimbursables	203,367	203,367	203,367	199,367	199,367
Total, Obligations	1,891,155	2,044,204	1,822,373	2,089,067	1,972,208
Financing:					
Deobligations	(33,000)	(33,000)	(36,000)	(33,000)	(36,000)
Unobligated Balance transferred, net	(969)		(2,652)		(2,652)
Coastal Zone Management Fund	(4,000)		(4,000)		
Offsetting Collections (data sales)	(3,600)	(3,600)	(3,600)	(3,600)	(3,600)
Offsetting Collections (fish fees/IFQ CDQ		(4,000)	(4,000)	(4,000)	(4,000)
Anticipated Offsetting Collections (fish fees)	(4,000)	(20,000)	(20,000)		
Anticipated Offsetting Collections (navigation fees)		(14,000)	(14,000)		
Rent savings to finance Goddard				(4,656)	
Federal Funds	(134,927)	(134,927)	(134,927)	(172,000)	(134,927)
Non-federal Funds	(60,840)	(60,840)	(60,840)	(23,767)	(60,840)
Subtotal, Financing	(241,336)	(270,367)	(280,019)	(241,023)	(242,019)
Budget Authority	1,649,819	1,773,837	1,542,354	1,848,044	1,730,189
Financing from:					
Promote and Develop American Fisheries	(63,381)	(64,926)	(67,226)	(66,426)	(68,000)
Damage Assess. & Restor. Revolving Fund	(4,714)				

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—OPERATIONS, RESEARCH AND FACILITIES—FISCAL YEAR 2000—Continued

	FY99 enacted	FY00 request	FY00 House	FY00 Senate	FY00 conference
Coastal Zone Management Fund		(4,000)		(4,000)	(4,000)
Subtotal, ORF	1,581,724	1,704,911	1,475,128	1,777,618	1,658,189
By Transfer from Coastal Zone Management Fund		4,000			
Direct Appropriation, ORF	1,581,724	1,708,911	1,475,128	1,777,618	1,658,189

The following narrative provides additional information related to certain items included in the preceding table.

NATIONAL OCEAN SERVICE

The conferees have provided a total of $267,338,000 under this account for the activities of the National Ocean Service (NOS), instead of $236,290,000 as recommended by the House, and $299,939,000 as recommended by the Senate.

Mapping and Charting.—The conference agreement provides $35,298,000 for NOAA's mapping and charting programs, reflecting continued commitment to the navigation safety programs of NOS and concerns about the ability of the NOS to continue to meet its mission requirements over the long term. Of this amount, $32,718,000 is provided for the base mapping and charting program. Within the total funding provided under Mapping and Charting, the conference agreement includes $2,580,000 for the joint hydrographic center established in fiscal year 1999.

The conference agreement also includes $18,900,000 under the line item Address Survey Backlog/Contracts exclusively for contracting out with the private sector for data acquisition needs. This is $4,000,000 above the request and is intended to help keep the level of effort close to fiscal year 1999, when the program had a significant amount of carryover in addition to the fiscal year 1999 funding for the program.

Geodesy.—The conference agreement provides $20,159,000 for geodesy programs, including $19,159,000 for the base program, $500,000 for initial planning of the National Height System Demonstration, as provided in the House report, and $500,000 for the geodetic survey referenced in the Senate report.

Tide and Current Data.—The conference agreement includes $12,390,000 for this activity, including $12,000,000 for the base program and $390,000 for a one-time Year 2000 fix for Great Lakes Buoys, as provided by both the House and Senate bills.

Ocean Assessment Program.—The conference agreement includes $44,846,000 for this activity. Within the amounts provided for ocean assessment, the conference agreement includes the following: $12,685,000 for the base program; $15,100,000 for NOAA's Coastal Services Center, of which $2,500,000 is for coastal hazards research and services and development of defense technologies for environmental monitoring, and $100,000 is one-time funding for the Community Sustainability Center, as referenced in the Senate report; $5,800,000 to continue the Cooperative Institute for Coastal and Estuarine Environmental Technology; $900,000 for the South Florida Ecosystem Restoration program; $2,000,000 to support coral reef studies in the Pacific and Southeast, of which $1,000,000 is for Hawaiian coral reef monitoring, $500,000 is for reef monitoring in Florida, and $500,000 is for reef monitoring in Puerto Rico, through the Department of Natural Resouces; $3,925,000 for pfisteria and other harmful algal bloom research and monitoring, of which $500,000 is for a pilot project to preemptively address emerging problems prior to the occurrence of harmful blooms, to be carried out by the South Carolina Department of Marine Resources; $2,000,000 for the JASON project and $2,436,000 for the NOAA Beaufort/Oxford Laboratory. In addition, the conference agreement also includes an additional $5,200,000 under Ocean and Coastal Research and the Coastal Ocean Program for research on pfisteria, hypoxia and other harmful algal blooms.

The conferees direct NOS to evaluate the need and requirements for a collaborative program in Hawaii to develop and transfer innovative applications of technology, remote sensing, and information systems for such activities as mapping, characterization and coastal hazards that will improve the management and restoration of coastal habitat throughout the U.S. Pacific Basin by bringing together government, academic, and private sector partners.

Office of Response and Restoration.—The conference agreement includes $9,329,000 for this activity, including: $2,674,000 for Estuarine and Coastal Assessment, $5,155,000 for Damage Assessment, $1,000,000 in accordance with the Oil Pollution Act of 1990, and $500,000 for Coastal Resource Coordination.

Ocean and Coastal Research.—The conference agreement includes $8,470,000 for this activity, which includes the budget request and an additional $500,000 for the Marine Environmental Health Research Laboratory.

The conference agreement does not include the proposed transfer of the Great Lakes Environmental Research Laboratory (GLERL) from Oceanic and Atmospheric Research to NOS.

Coastal Ocean Program.—The conference agreement provides $17,200,000 for the Coastal Ocean Program (COP), of which $4,200,000 is provided for research related to hypoxia, pfisteria, and other harmful algal blooms. The managers of COP are directed to follow the direction included in the House report regarding Long Island Sound, as well as the direction included in the Senate report concerning research on small high-salinity estuaries and the land use-coastal ecosystem study. The conference agreement also assumes continued funding at the current level for restoration of the South Florida ecosystem.

Coastal Zone Management.—The conference agreement includes $67,700,000 for this activity, of which $54,700,000 is for grants under sections 306, 306A, and 309 of the Coastal Zone Management Act (CZMA), an increase of $1,000,000 over fiscal year 1999, and $4,500,000 for Program Administration. In addition, the conference agreement includes $2,500,000 for the Non-Point Pollution program authorized under section 6217 of the CZMA. No funding is provided under section 310, as in both the House and Senate bills, because there is no authorization of appropriations to make grants under that section. The conference agreement also includes $6,000,000 for the National Estuarine Research Reserve program, an increase of $1,700,000 above fiscal year 1999. The conferees concur with the direction in the House report relating to the assessment of administrative charges under the CZMA.

Marine Sanctuary Program.—The conference agreement includes $17,500,000 for the National Marine Sanctuary Program, an increase of $3,150,000 over fiscal year 1999. Of this amount, $500,000 is provided to support the activities of the Northwest Straits Citizens Advisory Commission as outlined in the House and Senate reports. In addition, not to exceed $500,000 may be provided in one-time support of the Marine Debris Conference referenced in the Senate report under the National Marine Fisheries Service, with the direction that other contributions from sources outside of NOAA be sought to support the conference.

NATIONAL MARINE FISHERIES SERVICE

The conference agreement includes a total of $403,726,000 for the National Marine Fisheries Service (NMFS), instead of $350,545,000, as recommended by the House and $442,162,000, as recommended by the Senate.

In addition, $4,000,000 is authorized to be collected under the Magnuson-Stevens Act to support the Community and Individual Fishery Quota Program. Of this amount, $500,000 is for the Hawaiian Community Development Program, as referenced in the Senate report.

Resource Information.—The conference agreement provides $108,348,000 for fisheries resource information. Within the funds provided for resource information, $91,048,000 is provided for the base programs, including $750,000 for west coast groundfish and $3,500,000 for Magnuson-Stevens implementation added in fiscal year 1999, of which $750,000 is for a Narragansett Bay Cooperative Study. In addition, NMFS is expected to continue to provide onsite technical assistance to the National Warmwater Aquaculture Research Center under the direction included in the Senate report. The conferees concur with the language in the Senate report regarding any shift of work now performed by the Alaska and Southwest Fisheries Science Centers.

In addition, within the total funds provided for resource information, the conference agreement includes: $1,750,000 for additional implementation of the Magnuson-Stevens Act in the North Pacific as directed in the Senate report, funding for MARMAP at the same level as in the House and Senate, under the direction in the Senate report: $1,700,000 for the Gulf of Mexico Stock Enhancement Consortium, $1,250,000 for research on Alaska near shore fisheries, to be distributed in accordance with the Senate report, $200,000 for an assessment of Atlantic herring and mackerel, $450,000 for the Chesapeake Bay oyster recovery partnership, $300,000 for research on the Charleston bump, $300,000 for research on shrimp pathogens, $150,000 for lobster sampling, $350,000 for bluefin tuna tagging, of which $250,000 is for the northeast; $500,000 for the Chesapeake Bay Multi-species Management Strategy (including blue crab), $200,000 for the Northeast Fisheries Science Center for the Cooperative Marine Education and Research Program, under the direction in the Senate report, and $300,000 for research on Southeastern sea turtles under the direction of the Senate report.

In addition, within the amounts provided for Resource Information, $8,000,000 is included to continue the aquatic resources environmental initiative, and $1,000,000 is provided to continue the activities of the Gulf and South Atlantic Fisheries Development Foundation for data collection and analyses in the red snapper and shrimp fisheries. The conferees acknowledge the work being done at the Xiphophorus Genetic Stock Center to improve the understanding of fish genetics and evolution, and urge NMFS to continue to work with the Center in fiscal year 2000. The conferees concur with language in the Senate report encouraging oyster disease research under the Saltonstall-Kennedy research grant program.

The conferees concur with the language in the House report concerning the migratory shark fishery, and reiterate the request for a report with recommendations for short and long term solutions within 45 days of enactment of this Act. The conferees direct NMFS to continue collaborative research with the Center for Shark Research and other qualified institutions, to provide the information necessary for effective management of the highly migratory shark fishery and conservation of shark fishery resources.

Under the MARFIN line, $2,500,000 is provided for base activities, and $250,000 is provided for Northeast activities. Funding is also provided for bluefish and striped bass research in accordance with the House report. Funding for right whale research and recovery activities is provided under the Endangered Species line. Under Yukon River Chinook Salmon, $700,000 is provided for base activities, and $500,000 is provided for the Yukon River Drainage Fisheries Association. Under the Pacific Salmon Treaty Program, $5,587,000 is provided for base activities, $1,844,000 is provided for the Chinook Salmon Agreement. In addition, under this line, $5,000,000, subject to express authorization, is provided as the initial capital for the Southern Boundary and Transboundary Rivers Restoration and Enhancement Fund arising out of the June 30, 1999, Agreement of the United States and Canada on the Treaty Between the United States and Canada Concerning Pacific Salmon. The conference agreement includes $4,000,000 for steller sea lion recovery, to be utilized according to the direction in the Senate report.

Fishery Industry Information.—The conference agreement provides $31,200,000 for this activity. Within the funds provided for Alaska Groundfish Monitoring, the conference agreement includes funding for the base program and NMFS rockfish research at the fiscal year 1999 level. In addition, $850,000 is provided for crab research developed jointly by NMFS and the State of Alaska, and $800,000 is provided for the State of Alaska to use in implementing Federal fishery management plans for crab, scallops and for rockfish research. In addition, the conference agreement provides $150,000 each for Gulf of Alaska Coastal Communities Coalition and NMFS Alaska region infield monitoring program. No funding is provided for the Bering Sea Fisherman's Association CDQ.

Within the funds provided for Fishery Industry Information, the conference agreement provides $3,700,000 for recreational fishery harvest monitoring, including $500,000 for the annual collection of data on marine recreational fishing, with the balance to be expended in accordance with the direction included in the Senate report. Funds are also appropriated under this activity for the Pacific Fisheries Information Network, including Hawaii, and the Alaska Fisheries Information Network as two separate lines in accordance with the direction included in the Senate report. In addition, funding is provided for the Gulf of Mexico Fisheries Information Network. The conferees agree that NMFS should coordinate the techniques used by the agency to collect data on a national basis while taking into account the unique characteristics of the regional commercial and recreational fisheries. The conferees believe this objective can best be accomplished by relying on the regional information networks administered by the interstate Marine Fisheries Commissions. In addition, the conferees expect NMFS to provide the report on the state of U.S. fishery resources referenced in the Senate report.

The conferees recommend $3,500,000 for computer hardware and software development, including $750,000 for the Pacific Marine Fisheries Commission to develop catch reporting software in connection with West Coast States, which will allow electronic reporting of fish ticket information in a manner compatible with systems utilized in various regulatory and monitoring agencies as well as private industry.

The conferees understand that NMFS was using funds to develop its own computer software rather than seeking readily available software. In addition, the software that it was developing may not be compatible with State data collection programs, which means that States may be required to make changes in their systems to accommodate the federal system. In addition, NMFS was not consulting with the affected States and regulatory agencies as required by section 401 of the Magnuson-Stevens Act.

To address this inadequacy, the managers direct NMFS to develop catch data standards which set guidelines on the content of information it requires and the format for transmitting it. That will enable States and private industry to continue to use their existing systems so long as they comply with NMFS standards and guidelines. NMFS may also use the funds provided to develop its own internal software program to manipulate the data it receives from fishermen and state regulators and produce the reports it needs to effectively manage the fisheries.

Under the Acquisition of Data line, within the total of $25,943,000, an additional $650,000 is provided for additional days at sea for the Gordon Gunter.

Fisheries Management Programs.—The conference agreement includes $39,060,000 for this activity. Within this amount, $33,330,000 is provided for base activities, including $3,500,000 for NMFS facilities at Sandy Hook and Kodiak. Within funding determined to be available, if initial funding is required, the conferees also expect funds to be provided for the Santa Cruz Fisheries Laboratory. Also, the conferees expect the Atlantic Salmon Recovery Plan and the State of Maine Recovery Plan to continue to be funded from within base resources. In addition, $230,000 is provided for the Pacific Coral Reef fisheries management plan, as described in the Senate report; $500,000 is provided for Bronx River recovery and restoration; $5,000,000 for American Fisheries Act Implementation, including $500,000 each for the North Pacific Fishery Management Council and the State of Alaska.

The conference agreement appropriates a total of $15,420,000 for NOAA support of Columbia River hatcheries programs, including $12,055,000 under the NMFS. Within the amount provided under the line item Columbia River hatcheries, NMFS is expected to support hatchery operations at a level of $11,400,000, and to use the additional funding to support salmon marking activities as described in the Senate report.

Under the Pacific Tuna Management line, $400,000 is for swordfish research as referenced in the Senate report, and the balance for JIMAR.

For New England Fisheries Management, $4,000,000 is for NMFS cooperative research, management, and enforcement, including enhanced stock assessments and discard mortality monitoring. In addition, $2,000,000 is for Northeast Consortium activities, as referenced in the Senate report. The conferees direct NMFS to collaborate with the New England Fisheries Management Council and affected stakeholders to design and prioritize cooperative research programs, and to develop a long-term, comprehensive strategy to rebuild Northeast groundfish stocks.

Protected Species Management.—Within the funds provided for protected species management, $750,000 is for continuation of a study on the impacts of California sea lions and harbor seals on salmonids and the West Coast ecosystem.

Driftnet Act Implementation.—Within the funds provided for Driftnet Act Implementation, $75,000 is for the Pacific Rim Fisheries Program, and $25,000 is for Washington and Alaska participation.

Endangered Species Recovery Plans.—A total of $32,500,000 is provided for this activity. Of these amounts, $32,000,000 is for the base program, $250,000 is to be made available for the State of Alaska for technical support to analyze proposed salmon recovery plans, and $250,000 is for the North Pacific Fishery Management Council for the purposes directed in the Senate report. The amount for the base program represents an increase of $6,250,000. Of this increase, $3,250,000 is provided for additional Pacific salmon-related activities, and $3,000,000 is provided for additional right whale activities. Together with the amount already in the base for right whales, this will result in a $4,100,000 funding level for right whale activities, which is to be expended in accordance with the Senate report. Other than salmon and right whales, the conferees expect that all activities will be kept at least at the fiscal year 1999 level, including Steller sea lion activities.

Native Marine Mammal Commissions.—The conference agreement recommends that funding be distributed as follows: (1) $400,000 for the Alaska Eskimo Whaling Commission; (2) $150,000 for the Alaska Harbor Seal Commission; (3) $225,000 for the Beluga Whale Committee; (4) $50,000 for the Bristol Bay Native Association; and (5) $125,000 for the Aleut Marine Mammal Commission.

Observers and Training.—The conference agreement distributes funding as follows: (1) $425,000 for the North Pacific Fishery Observer Training Program; (2) $1,875,000 for North Pacific marine resource observers; and (3) $350,000 for east coast observers. Before initiating funding for a West Coast observer program, the conferees request that NMFS provide a report on the options for funding such a program, and include a comparison of how current programs in the North Pacific and the East Coast are funded with the proposal for the West Coast.

Interstate Fish Commissions.—The conference agreement includes $7,750,000 for this activity, of which $750,000 is to be equally divided among the three commissions, and $7,000,000 is for implementation of the Atlantic Coastal Fisheries Cooperative Management Act.

Fisheries Development Program.—Within the amount provided for the Fisheries Development Program, funding for the administrative costs of the Fisheries Finance program has been retained under this account, as provided in the House bill, instead of transferred to the Fisheries Finance Program account, as provided in the Senate bill. Language with respect to the administration of the Hawaiian Fisheries Development program and Hawaii Stock Enhancement included in the Senate report is adopted by reference.

Other.—In addition, within the funds available for the Saltonstall-Kennedy grants program, the conferees direct that funding be provided to the Alaska Fisheries Development Foundation to be used in accordance with the direction included in the Senate report, and that funds be provided pursuant to the direction included in both the House and Senate reports to support ongoing efforts related to Vibrio vulnificus.

OCEANIC AND ATMOSPHERIC RESEARCH

The conference agreement includes a total of $300,002,000 for Oceanic and Atmospheric Research activities, instead of $260,560,000 as recommended by the House and $319,910,000 as recommended by the Senate.

Interannual and Seasonal Climate Research.—The conferees have provided $16,900,000 for interannual and seasonal climate research. Within this amount, the conference agreement provides $2,000,000 to support climate and air quality monitoring and climatological modeling activities as described in the Senate report, and $2,000,000 is provided for the Ocean Observations program, to be expended only if other countries involved in the project are also providing funding.

Climate and Global Change Research.—The conference agreement includes $67,000,000 for the Climate and Global Change research program, an increase of $4,000,000 above the amounts provided in fiscal year 1999. Of this amount, the conference agreement includes an increase of $2,000,000 for the International Research Institute for Climate Prediction to fund planned modeling initiatives in water, agriculture, and public health, and will result in improved forecasting related to major climate events. Program increases of $1,000,000 for the Variability Beyond ENSO and $1,000,000 for Climate Forming Agents are also provided.

Long-term Climate and Air Quality Research.—The conference agreement provides $30,000,000 for this activity, as proposed by the House, instead of $32,000,000 as proposed by the Senate. Funding is distributed in the same manner as in fiscal year 1999. The conferees concur with language in the House report regarding research and a report on natural sources and removal for low-atmosphere ozone.

Globe.—A total of $2,500,000 is provided for this program, as proposed by the Senate. The House bill did not include funding for this program. NOAA is expected to comply with the direction included in the Senate report regarding this program.

Atmospheric Programs.—The conference agreement provides $37,350,000 for this activity. Of this amount $1,500,000 is provided for research related to wind-profile data in accordance with the direction provided in the Senate report. In addition, $1,000,000 is provided for the U.S. Weather Research Program for hurricane-related research. This funding is intended to be used for improvements in hurricane prediction, and is not intended as initial funding for a large-scale general research program under the U.S. Weather Research Program, which is primarily funded through other Federal agencies.

STORM.—The conference agreement includes $2,000,000 as one-time funding for the Science Center for Teaching, Outreach and Research on Meteorology for the collection and analysis of weather data in the Midwest.

Solar/Geomagnetic Research.—The conference agreement includes $7,000,000 for this activity, which includes $6,000,000 for base programs, and $1,000,000 for the study of radio propagation physics and technology development associated with satellite-based telecommunications, navigation, and remote sensing, as referenced in the Senate report.

Marine Prediction Research.—The conference agreement includes $27,325,000 for marine prediction research. Within this amount, the following is provided: $8,875,000 for the base program; $1,650,000 for Arctic research, as directed in the House report; $2,400,000 for the Open Ocean Aquaculture program; $2,300,000 for tsunami mitigation; $2,100,000 for the VENTS program; $4,000,000 for continuation of the initiative on aquatic ecosystems recommended in the House report; $1,650,000 for implementation of the National Invasive Species Act, of which $850,000 is for the ballast water demonstration as directed in the Senate report; $500,000 for support for the Gulf of Maine Council; $2,000,000 for mariculture research; $1,450,000 for ocean services; $250,000 for the Pacific tropical fish program to be administered by HIEDA; and $150,000 for Lake Champlain studies. Due to recently enacted changes in the National Sea Grant Program Authorization Act, future activities related to Lake Champlain are expected to be funded through the regular Sea Grant program.

GLERL.—Within the $6,825,000 provided for the Great Lakes Environmental Research Laboratory, the conference agreement assumes continued support for the Great Lakes nearshore research and zebra mussel research programs at current levels.

Sea Grant.—The conference agreement appropriates $59,250,000 for the National Sea Grant program, of which $53,750,000 is for the base program, a $1,550,000 base increase over fiscal year 1999. The conferees expect NOAA to continue to fund the existing oyster disease research programs at their current levels and the zebra mussel research program at $3,000,000 within these amounts. The Sea Grant program and NMFS are urged to work with the West Coast Harmful Algal Bloom Workgroup to develop a research plan to address the causes of harmful algal blooms and a monitoring and prevention program.

National Undersea Research Program (NURP).—The conference agreement provides $13,800,000 for the National Undersea Research Program (NURP). The conferees expect the funds to be distributed to the east coast NURP centers according to fiscal year 1999 allocations, and to the west coast centers according to fiscal year 1998 allocations. The conferees expect level funding will be made available for the Aquarius, ALVIN and program administration. The fiscal year 2000 amount above these distributions shall be equally divided between east and west coast NURP centers.

NATIONAL WEATHER SERVICE

The conference agreement includes a total of $603,870,000 for the National Weather Service (NWS), instead of $599,196,000 as proposed by the House, and $620,138,000 as proposed by the Senate.

Local Warnings and Forecasts/Base Operations.—The amount provided includes $444,487,000 for this activity, an increase of $23,417,000 above the fiscal year 1999 level, including MARDI. All requested increases to base activities are provided, except for $1,935,000 in non-labor cost increases and $3,634,000 of the request to cover labor-cost deficiencies. The House and Senate Appropriations Committees expect that if the amount to cover labor-cost deficiencies is insufficient, NWS will submit a reprogramming. The conference agreement provides $4,500,000 for mitigation activities, an increase of $716,000 over fiscal year 1999. Increases for the Cooperative Observers Network and Aircraft Observations are not provided. Within the total amount provided for Local Warnings and Forecasts, $1,522,000 is for NOAA weather radio transmitters to be distributed in accordance with the direction included in the House and Senate reports, except that the amount for Wyoming weather transmitters is $200,000, and the amount for Illinois weather transmitters is $650,000. The conference agreement includes $513,000, as provided in the Senate report, for the creation of a fine-scale numerical weather analysis and prediction capability, as referenced in the House report. The conference agreement also includes funding, as requested, for data buoys and coastal marine automated network stations. Funding of $3,250,000 for WFO maintenance is provided under this heading.

The conferees concur with the language in the House and Senate reports relating to the Modernization Transition Committee/mitigation process to address the adequacy of NEXRAD coverage in certain areas. NOAA is expected to follow the recommendations contained in reports or applicable agreements requiring mitigation activities. The conferees also reiterate language in the fiscal year 1999 conference agreement addressing continued radar obstruction at the Jackson NEXRAD facility.

In addition, the conferees expect the NWS to continue the activities of NOAA's Cooperative Institute for Regional Prediction related to the 2002 Winter Olympic games.

NATIONAL ENVIRONMENTAL SATELLITE, DATA AND INFORMATION SERVICE

The conference agreement includes $111,085,000 for NOAA's satellite and data management programs. In addition, the conference agreement includes $457,594,000 under the NOAA PAC account for satellite systems acquisition and related activities.

Satellite Observing Systems.—The conferees have included $57,300,000 for this activity, the same amount and the same distribution as in fiscal year 1999. Funding for the wind demonstration project is to be provided in accordance with the Senate report.

Environment Data Management.—The conferees have included $53,785,000 for EDMS activities. Under EDMS base activities, the conference agreement includes $24,000,000, an increase of $650,000, to be expended as directed in the House report. No funds are included to continue weather record rescue and preservation activities or the environmental data rescue program. The conference agreement includes $500,000 for the Cooperative Observers Network modernization. In addition, $4,000,000 is included for the Coastal Ocean Data Development Center, as referenced in the Senate report. In addition, the conferees have provided $10,200,000 to initiate a new, multi-year program for climate database modernization and utilization, to include but not be limited to key entry of valuable climate records, archive services, and database development. The conferees note the Administration's recent initiatives in support of reinvestment in economically distressed communities within Appalachia and intend that work under this program must be performed by existing and experienced concerns currently located in the Appalachian counties of Laurel and Mineral, which are experiencing high unemployment and poverty. The conference agreement includes $2,750,000 for the Regional Climate Centers.

PROGRAM SUPPORT

The conference agreement provides $62,553,000 for NOAA program support, instead of $54,594,000 as provided in the House bill, and $72,887,000, as provided in the Senate bill. Included in this total is $36,350,000 for Central Administrative Support, which is comprised of $31,850,000 for base activities and $4,500,000 for the Commerce Automated Management System.

FLEET PLANNING AND MAINTENANCE

The conference agreement includes an appropriation of $13,243,000 for this activity, as recommended in the Senate bill, instead of $7,000,000 included in the House bill. This amount includes $1,000,000 for equipping the RAINIER and $3,000,000 for NOPP-related activities.

FACILITIES

The conference agreement includes $11,204,000 for facilities maintenance, lease costs, and environmental compliance, instead of $10,165,000 as recommended in the House bill, and $9,829,000 as recommended in the Senate bill. Included in this total is $3,850,000 in lease payments to the General Services Administration (GSA) for the new Boulder facility. The conferees are aware that the GSA is applying 8% return-on-investment pricing to determine the rent that NOAA pays for the facility, with the possibility that the percentage will increase significantly in future years. The conferees believe that this results in an excessive rental charge that is not justified by the facts, and that a fair and reasonable return would be 6.25% amortized over 30 years. NOAA is directed to provide to the House and Senate Committees on Appropriations at the earliest opportunity the options that exist to moderate the cost of rental payments, and to consult with the Committees on the next steps to take to assure that NOAA does not get saddled with an excessive rental payment.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement includes a total of $589,067,000 in direct appropriations for the Procurement, Acquisition and Construction account, and assumes $7,400,000 in deobligations from this account. The following distribution reflects the fiscal year 2000 funding provided for activities within this account:

Systems Acquisition:	
AWIPS	$16,000,000
ASOS	3,855,000
NEXRAD	8,280,000
Computer Facilities Upgrades	11,100,000
Polar Spacecraft and Launching	190,979,000
Geostationary Spacecraft and Launching	266,615,000
Radiosonde Replacement	7,000,000
GFDL Supercomputer	5,000,000
Subtotal, Systems Acquisition	508,829,000
Construction:	
WFO Construction	9,526,000
NERRS Construction	9,250,000
N.Y. Botanical Gardens	1,500,000
Alaska Facilities	9,750,000
NORC Rehabilitation	3,045,000
Suitland Facility	3,000,000
Subtotal, Construction	36,071,000
Fleet Replacement:	
Fishery Vessel	51,567,000
Subtotal, Fleet Replacement	51,567,000

Systems Acquisition.—The conference agreement provides $16,000,000 to initiate AWIPS Build 5.0. NWS is requested to provide quarterly reports on the status of the project, progress in meeting milestones, amount expended to date, expected overall cost, and problems encountered.

Construction.—The funds appropriated for the National Estuarine Research Reserve construction are to be distributed as follows: $2,000,000 is for overall NERRS requirements, $4,000,000 is for the Great Bay NERR, $2,500,000 is for the Kachemak Bay NERR, the latter two as recommended in the Senate report, and $750,000 is for the Jacques Cousteau NERR. The funds appropriated for Alaska facilities are to be distributed as follows: $750,000 is for the Juneau Lab, $3,500,000 is for Ship Creek, and $5,500,000 is for the SeaLife Center. The conference agreement provides $3,000,000 for preliminary design work for a new building in the Suitland Federal Center to be built by the General Services Administration. Prior to obligating these funds, the conferees expect NOAA to provide a report detailing the total estimated cost of the new building, including a breakout by fiscal year of the amounts proposed to be paid by both the GSA and NOAA, as well as a recapitulation of the options that were considered in reaching a decision on the proposed facility, and then consult with the Committees on the report.

The conferees are also interested in receiving a report on any planning for new space related to other facilities in the area by January 15, 2000.

PACIFIC COASTAL SALMON RECOVERY

In addition to $10,000,000 provided elsewhere in this bill for initial capital for implementation of the 1999 Pacific Salmon agreement, the conference agreement includes $50,000,000 for salmon habitat restoration, stock enhancement, and research. Of this amount, $18,000,000 is provided to the State of Washington, $14,000,000 is provided to the State of Alaska, $7,000,000 is provided to the State of Oregon, and $7,000,000 is provided to the State of California. In addition, $4,000,000 is provided to the Pacific Coastal tribes (as defined by the Secretary of Commerce).

The States of Alaska, Oregon, and California, and the tribes are strongly encouraged to each enter into a Memorandum of Understanding (MOU) with NMFS regarding projects funded under this section. The MOU should not require federal approval of individual projects, but should define salmon recovery strategies. All states and tribes that receive funding shall report to the Secretary of Commerce, the Senate and House Committees on Appropriations, the Senate Committee on Commerce, Science, and Transportation, and the House Committee on Resources on progress of salmon recovery efforts funded under this heading by not later than September 1, 2000.

The 1999 Pacific Salmon Treaty Agreement provides a comprehensive, coastwide conservation program for the protection of Pacific salmon, including domestic and Canadian fisheries. In particular, it provides significant harvest reductions in Alaska below previous restrictions implemented in 1985 and 1995, each of which further reduced the impact of Alaska's fisheries on listed stocks. Therefore, any recovery efforts shall not be based on or anticipate exploitation rates in Alaska not included in the 1999 Agreement, but should include other quantifiable goals and objectives, such as escapement and production, required for the recovery of listed salmon.

The conference agreement provides $18,000,000 for the State of Washington which is to be provided directly to the Washington State Salmon Recovery Board to distribute for salmon habitat projects, other salmon recovery activities, and to implement the Washington Forest and Fish Agreement authorized by the Washington State Legislature. The conferees urge, with input from the Board, local governments, local watershed organizations, tribes, and other interested parties, that clear, scientifically-based goals and objectives for salmon recovery in Washington State be established by NMFS and be rendered in the form of numerical goals and objectives for the recovery of each species of salmon listed under the Endangered Species Act in Washington State. The conferees expect such goals and objectives to specify the outcome to be achieved for the salmon resource in order to satisfy the requirements of the Endangered Species Act. The conferees anticipate that by July 1, 2000, NMFS will have established numerical goals and objectives for the recovery of salmon in the Puget Sound ESU, and will have produced a schedule for completion of numerical goals and objectives for all other parts of the State. The conferees expect that the Board will establish performance standards to inform its project funding decisions, and will give due deference to the project prioritization work being performed by local watershed organizations. Entities eligible to receive federal funds for salmon recovery projects and activities from the Board include local governments, tribes, and nonprofit organizations, such as the Puget Sound Foundation. Funds appropriated by this Act may be distributed by the Board on a project-by-project basis or advanced in the form of block grants. Not more than one percent of these federal funds shall be used for the Board's administrative expenses, and not more than one percent of the remaining federal monies distributed by the Board for habitat projects and recovery activities shall be used by the eligible entities for administrative expenses. None of the $18,000,000 shall be used for the buy back of commercial fishing licenses or vessels. Nothing in this Act shall impair the authority of the Board to expend funds appropriated to it by the Washington State Legislature. Funds provided to tribes in Washington State from the $4,000,000 appropriated for Pacific Coastal Tribes shall be used only for grants for planning (not to exceed 10 percent of any grant), physical design, and completion of restoration projects.

The funds provided for salmon and steelhead recovery efforts in the State of Oregon shall be provided to the Oregon Watershed Enhancement Board (OWEB). The OWEB shall provide funding for salmon recovery projects and activities including planning, monitoring, habitat restoration and protection, and improving State and local council capacity to implement local projects which directly support salmon recovery.

COASTAL ZONE MANAGEMENT FUND

The conference agreement includes an appropriation of $4,000,000, as provided in both the House and the Senate bills. This amount is reflected under the National Ocean Service within the Operations, Research, and Facilities account.

PROMOTE AND DEVELOP FISHERY PRODUCTS AND RESEARCH PERTAINING TO AMERICAN FISHERIES

FISHERIES PROMOTIONAL FUND

(RESCISSION)

The conference agreement includes a rescission of all unobligated balances available in the Fisheries Promotional Fund, as provided in the House bill. The Senate bill included a rescission of $1,187,000 from this Fund.

FISHERMEN'S CONTINGENCY FUND

The conference agreement includes $953,000 for the Fishermen's Contingency Fund, as provided in both the House and Senate bills.

FOREIGN FISHING OBSERVER FUND

The conference agreement includes $189,000 for the expenses related to the Foreign Fishing Observer Fund, as provided in both the House and Senate bills.

FISHERIES FINANCE PROGRAM ACCOUNT

The conference agreement provides $338,000 in subsidy amounts for the Fisheries Finance Program Account, instead of $238,000 as provided in the House bill and $2,038,000 as provided in the Senate bill. The Senate provision included $1,700,000 for administrative costs of the program, which the conference agreement provides under the Operations, Research and Facilities account, as provided in the House bill. The agreement includes $100,000 above the House level to continue entry level and small vessel Individual Fishery Quota obligation guarantees in the halibut and sablefish fisheries as recommended in the Senate report.

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes $31,500,000 for the general administration of the Commerce Department, instead of $30,000,000, as proposed in the House bill, and $34,046,000, as proposed in the Senate bill. The conferees concur with language in the House report concerning office moves and the Working Capital Fund, and with language in the Senate report concerning the Senior Executive Service "Commerce 2000" initiative.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes $20,000,000 for the Commerce Department Inspector General, instead of $22,000,000 as recommended in the House bill and $17,900,000 as recommended in Senate bill.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

The conference agreement includes the following general provisions for the Department of Commerce:

Section 201.—The conference agreement includes section 201, included in the House and Senate bills, regarding certifications of advanced payments.

Sec. 202.—The conference agreement includes section 202, identical in the House and Senate bills, allowing funds to be used for hire of passenger motor vehicles.

Sec. 203.—The conference agreement includes section 203, identical in the House and Senate bills, prohibiting reimbursement to the Air Force for hurricane reconnaissance planes.

Sec. 204.—The conference agreement includes section 204, as proposed in the House bill, prohibiting funds from being used to reimburse the Unemployment Trust Fund for temporary census workers. The Senate bill included a provision prohibiting reimbursements in relation to the 1990 decennial census.

Sec. 205.—The conference agreement includes section 205, identical in the House and Senate bills, regarding transfer authority between Commerce Department appropriation accounts.

Sec. 206.—The conference agreement includes section 206, providing for the notification of the House and Senate Committees on Appropriations of a plan for transferring funds to appropriate successor organizations within 90 days of enactment of any legislation dismantling or reorganizing the Department of Commerce, as proposed in the House bill. The Senate bill did not contain a provision on this matter.

Sec. 207.—The conference agreement includes section 207, included in both the House and Senate bills, requiring that any costs related to personnel actions incurred by a department or agency funded in title II of the accompanying Act, be absorbed within the total budgetary resources available to such department or agency.

Sec. 208.—The conference agreement includes section 208, as proposed in both the House and Senate bills, allowing the Secretary to award contracts for certain mapping and charting activities in accordance with the Federal Property and Administrative Services Act.

Sec. 209.—The conference agreement includes section 209, as proposed in both the House and Senate bills, allowing the Department of Commerce Franchise Fund to retain a portion of its earnings from services provided.

Sec. 210.—The conference agreement includes section 210, as proposed in the Senate bill, to increase the total number of members of the New England Fishery Management Council and the number appointed by the Secretary of Commerce by one member. The House bill did not contain a provision on this matter.

Sec. 211.—The conference agreement includes a new section 211, which makes funds provided under the National Institute of Standards and Technology, Construction of Research Facilities, available for a medical research facility and two information technology facilities.

TITLE III—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

The conference agreement includes $35,492,000 for the salaries and expenses of the Supreme Court, instead of $35,041,000, as provided in the House bill and $35,903,000 as provided in the Senate bill. Funding for the cost of living increase for the Justices is provided in section 304.

CARE OF THE BUILDING AND GROUNDS

The conference agreement includes $8,002,000 for the Supreme Court Care of the Building and Grounds account, instead of $6,872,000 as provided in the House bill and $9,652,000, as provided in the Senate bill. This is the amount the Architect of the Capitol currently estimates is required for fiscal year 2000, including building renovations and perimeter security. The conference agreement allows $5,101,000 to remain available until expended, instead of $3,971,000, as provided in the House bill, and $6,751,000, as provided in the Senate bill. Senate report language related to off-site facility planning and House report language related to miscellaneous improvements is adopted by reference.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

The conference agreement includes $16,797,000 for the U.S. Court of Appeals for the Federal Circuit, instead of $16,101,000 as provided in the House bill and $16,911,000 as provided in the Senate bill. This provides funding for base adjustments and for three additional assistants, assuming they are hired at mid-year. Funding for the cost of living increase for federal judges is provided in section 304.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

The conference agreement includes $11,957,000 for the U.S. Court of International Trade, as provided in the Senate bill, instead of $11,804,000, as provided in the House bill. Funding for the cost of living increase for federal judges is provided in section 304.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

The conference agreement provides $3,114,677,000 for the salaries and expenses of the federal judiciary, of which $156,539,000 is provided from the Violent Crime Reduction Trust Fund (VCRTF), instead of $3,066,677,000, including $156,539,000 from the VCRTF, as provided in the House bill, and $2,992,265,000, including $100,000,000 from the VCRTF, as provided in the Senate bill. Funding for the cost of living increase for federal judges is provided in section 304.

The conference agreement allows $13,454,000 for space alterations, to remain available until expended, as provided in the House bill, instead of $19,150,000, as provided in the Senate bill.

House report language with respect to funding for new judgeships is adopted by reference.

The conference agreement also provides $2,515,000 from the Vaccine Injury Compensation Trust Fund for expenses associated with the National Childhood Vaccine Injury Act of 1986, as provided in the Senate bill, instead of $2,138,000, as provided in the House bill.

DEFENDER SERVICES

The conference agreement includes $385,095,000 for the federal judiciary's Defender Services account, of which $26,247,000 is provided from the Violent Crime Reduction Trust Fund (VCRTF), instead of $387,795,000, including $26,247,000 from the VCRTF, as provided in the House bill, and $353,888,000 in direct funding, as provided in the Senate bill. This includes funding for an increase of $5 an hour for in-court and out-of-court time for Criminal Justice Act panel attorneys.

Language relating to the Ninth Circuit in the House report is adopted by reference.

FEES OF JURORS AND COMMISSIONERS

The conference agreement includes $60,918,000 for Fees of Jurors and Commissioners, as proposed in the Senate bill, instead of $63,400,000 as provided in the House bill. The amount provided reflects the latest estimate from the judiciary of the requirements for this account.

COURT SECURITY

The conference agreement includes $193,028,000 for the federal judiciary's Court Security account, instead of $190,029,000, as proposed in the House bill, and $196,026,000, as proposed in the Senate bill.

The recommendation provides for requested adjustments to base, the requested program increases to hire additional security officers and for perimeter security, and the balance for additional security equipment. The language in the House report related to a report on changes in security officer staffing and equipment is adopted by reference.

The conference report allows $10,000,000 in security system funding to remain available until expended, as proposed in the House bill, instead of $10,000,000 for any purpose under this heading, as proposed in the Senate bill.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

The conference agreement includes $55,000,000 for the Administrative Office of the United States Courts, instead of $54,500,000, as proposed by the House, and $56,054,000, as proposed by the Senate.

Language in the House report relating to the Optimal Utilization of Judicial Resources report and court interpreter standards is adopted by reference.

The conference agreement provides $8,500 for reception and representation expenses, instead of $7,500 as proposed in the House bill, and $10,000 as proposed in the Senate bill.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

The conference agreement includes $18,000,000 for the fiscal year 2000 salaries and expenses of the Federal Judicial Center, instead of $17,716,000 as proposed in the House bill and $18,476,000 as proposed in the Senate bill.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO THE JUDICIARY TRUST FUNDS

The conference agreement includes $39,700,000 for payment to the various judicial retirement funds as provided in both the House and Senate bills.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $8,500,000 for the U.S. Sentencing Commission, as provided in the House bill, instead of $9,743,000 as provided in the Senate bill. Additional funds are available from carryover and from the Judiciary automation fund. There continues to be substantial uncertainty as to the requirements for the Commission in fiscal year 2000, but should the situation clarify, the conferees believe there is flexibility in the Judiciary appropriation to address any resulting additional requirements.

GENERAL PROVISIONS—THE JUDICIARY

Section 301.—The conference agreement includes a provision included in both the House and Senate bills allowing appropriations to be used for services as authorized by 5 U.S.C. 3109.

Sec. 302.—The conference agreement includes a provision, as included in the House bill, providing the Judiciary with the authority to transfer funds between appropriations accounts but limiting, with certain exceptions, any increase in an account to 10 percent, instead of the Senate provision which would have limited the increase to 20 percent.

Sec. 303.—The conference agreement includes a provision allowing up to $11,000 of salaries and expenses funds provided in this title to be used for official reception and representation expenses of the Judicial Conference of the United States, instead of $10,000 as proposed in the House bill, and $12,000 as proposed in the Senate bill.

Sec. 304.—The conference agreement includes a provision, as proposed in the Senate bill, authorizing federal judges to receive a salary adjustment and appropriating $9,611,000 for the cost of the salary adjustment for all accounts under this title. The House bill did not include a similar provision.

Sec. 305.—The conference agreement includes a provision, as proposed in the Senate bill, amending title 28 of the U.S. Code to authorize the Director of the Administrative Office of the Courts to pay any increases in the cost of Federal Employees' Group Life Insurance imposed after April 24, 1999. The House bill did not include a similar provision.

Sec. 306.—The conference agreement includes a provision, included in the Senate bill, authorizing Central Islip, New York, as a place of holding court. The House bill did not include a similar provision.

Sec. 307.—The conference agreement includes a provision, included in the Senate bill, approving consolidation of Court Clerks' Offices in the Southern District of West Virginia. The House bill did not include a similar provision.

Sec. 308.—The conference agreement includes a provision, included in the Senate bill, modifying the circumstances under which attorneys' fees in Federal capital cases can be disclosed. The House bill did not include a similar provision.

Sec. 309.—The conference agreement includes a new provision authorizing nine district judgeships in Arizona, the Middle District of Florida, and Nevada.

TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

The conference agreement includes a total of $2,776,825,000 for Diplomatic and Consular Programs, instead of $2,726,825,000 as included in the House bill and $2,671,429,000 as included in the Senate bill. The conference agreement includes $2,522,825,000 for ongoing activities under this account, and an additional $254,000,000 to remain available until expended for worldwide security upgrades.

The conference agreement includes language not included in either the House or Senate bills making fees collected in fiscal year 2000 relating to affidavits of support available until expended.

The conference agreement includes language designating $236,291,000 for public diplomacy international information programs instead of $306,057,000 as proposed in the House bill. The Senate bill did not contain a similar provision. This amount represents current services funding for program activities previously carried out by USIA, and includes the program and personnel costs associated with former USIA activities. The amount specified in the House bill included $59,247,000 in ICASS costs, and $10,519,000 for other overseas support costs. The conferees have excluded these support costs from the amount separately designated for public diplomacy international information programs.

The conference agreement includes language making available $500,000 for the National Law Center for Inter-American Free Trade, as provided in the Senate bill. The House bill did not include a similar provision.

The conference agreement includes language transferring $1,162,000 to the Presidential Advisory Commission on Holocaust Assets in the United States, as proposed in the House bill. Language is also included limiting the amount transferred from all Federal sources to the authorized amount. The Senate bill did not include a similar provision.

The conference agreement includes language making $2,500,000 available for overseas continuing language education, instead of $5,000,000 as proposed in the Senate bill. The House bill did not include a similar provision.

The conference report also includes a provision to collect and deposit as an offsetting collection to this account Machine Readable Visa fees in fiscal years 2000 and 2001 to recover authorized costs. The Senate bill included a similar provision but would have made it permanent. The House bill did not include a provision on this matter. The conference agreement does not include a provision in the House bill limiting the use of Machine Readable Visa fees to $267,000,000 in fiscal year 2000. The Senate bill did not contain a similar provision.

The conference agreement includes language designating $5,000,000 for activities associated with the implementation of the Pacific salmon treaty. The conference agreement does not include language that this funding must be designated from within amounts available for the Bureau of Oceans and International Environment and Scientific Affairs, as proposed in the Senate bill. The House bill did not contain a similar provision.

The conference agreement includes $9,000,000 for the Office of Defense Trade Controls, instead of $11,000,000 as proposed in the Senate bill. The House bill did not have a similar provision. House report language directed the Department to maintain the increased fiscal year 1999 funding level for the Office. The conferees expect that increased funding for this Office will result in increased scrutiny of export license applications, enhanced end-use monitoring, and stronger compliance enforcement measures to ensure that U.S. technology is properly safeguarded when exported.

The conference agreement does not include a provision transferring $13,500,000 to the East-West Center, a provision making $6,000,000 available for overseas representation, a provision making $125,000 available for the Maui Pacific Center, or provisions placing limitations on details of State Department employees to other agencies or organizations. These provisions were proposed in the Senate bill, and the House bill did not contain similar provisions.

The conference agreement does not include funding for any program increases requested by the Department. Within the amount provided, and including any savings the Department identifies, the Department will have the ability to propose that funds be used for purposes not funded by the conference agreement, including high priority program increases such as China 2000 and a Hispanic and minority recruitment initiative, through the normal reprogramming process. The conferees agree that no funds shall be used for the requested market development pilot project. With respect to China 2000, it is expected that the Department will comply with program direction in the Senate report regarding information resource center upgrades. With respect to requested increases related to the WTO Ministerial in Seattle, the Department may propose through the normal reprogramming process that not to exceed $5,000,000 of the funding provided under this heading be used for costs associated with that conference. The Department may also use funding under this account for the participation costs of official delegates to the WTO Ministerial.

The conferees agree that the Department shall follow the program direction and reporting requirements related to worldwide security in both the House and Senate reports. The language in the House report under this heading is to be followed in expending fiscal year 2000 funds, including language on the Advisory Commission on Public Diplomacy, the implementation of Public Law 105–319, and on specific reporting requirements, including a report on compensation provided to the families of the Americans killed in the terrorist bombing of the U.S. Embassy in Nairobi. In addition, this statement of managers adopts by reference the provisions in the Senate report addressing the Arctic Council and the Bering Straits Commission.

The conference agreement does not adopt Senate report language on arms control treaty verification technology, and staffing levels in Berlin and Beijing.

The conferees agree that the Department shall report to the Committees, no later than January 15, 2000, on the Department's plan for implementing recommendations in OIG Memorandum Report 99–SP–013 regarding foreign service tour length, and on the Bureau of Consular Affairs' plan to manage issues related to the entry into the United States of foreign nationals for the 2002 Winter Olympic Games.

The conferees are concerned with what appears to be a large number of State Department employees staffing the Office of the Secretary and the Bureau of Legislative Affairs. The conferees believe the Secretary should be served by the best possible insight and advice, and it is important that potentially overlapping responsibilities among the regional and functional bureaus and the "Secretariat" do not produce a confusion of voices on key policy issues. Similarly, the conferees are concerned that unclear lines of responsibility and authority between the Bureau of Legislative Affairs and the various Congressional affairs offices in the regional and functional bureaus have resulted in confused or incomplete liaison with Congress. As a result, the conferees direct the Department to undertake staffing reassessments in these two offices. The Department should develop a plan to streamline staffing authorities and responsibilities and to rationalize the inclusion of staff and functions from USIA and ACDA, and report to the Committees on Appropriations no later than January 15, 2000.

CAPITAL INVESTMENT FUND

The conference agreement includes $80,000,000 for the Capital Investment Fund, the amount included in the House bill, instead of $50,000,000 as proposed in the Senate bill. The provisions in the House report are adopted by reference.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes $27,495,000 for the Office of Inspector General, which has jurisdiction over the Department of State and the Broadcasting Board of Governors, instead of $28,495,000 as proposed in the House bill and $26,495,000 as proposed in the Senate bill. The conferees expect that within the funds provided, the Inspector General will continue the current level of security-related audit and oversight activity. The conferees encourage the Inspector General to exercise appropriate oversight over the International Commissions and international broadcasting entities funded under this title.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

The conference agreement includes $205,000,000 for Educational and Cultural Exchange Programs of the Department of State, instead of $175,000,000 as proposed in the House bill and $216,476,000 as proposed in the Senate bill. The conference agreement also provides that not to exceed $800,000 may be credited to this appropriation from fees and other payments.

The availability of significant carryover and recovered funds in this account is noted, and the Department is directed to submit a proposed distribution of the total resources available under this account no later than December 31, 1999, through the normal reprogramming process. The conferees intend that the distribution of funds under this account shall support, to the maximum extent possible, Fulbright Scholarship Programs, Humphrey Fellowships, educational advising and counseling, Citizen Exchange Programs, Pepper Scholarships, the Regional Scholar Exchange Program, the Disability Exchange Clearinghouse, the National Youth Science Camp, and exchanges with Tibet, the South Pacific, and East Timor. Such a distribution shall also include funding at not less than the amounts designated for the following programs: $42,800,000 for the International Visitor Program; $2,656,000 for English language programs; $2,000,000 for American Overseas Research Centers; and $4,000,000 for Muskie Fellowships. To the extent that the Department allocates resources to civic education programs, these programs shall be separately identified and explained in the reprogramming submission.

The conferees agree that enabling Muskie Fellowship Program participants to undertake doctoral graduate study in the social sciences, including economics, in universities in the United States is an appropriate extension of this program. Therefore, the conferees recommend that funding be provided for not more than thirty percent of the program participants to pursue Ph.D. programs. As a condition of participation in the doctoral program, fellows shall perform one year of service in their home countries for every year their study is supported by this program. The conferees expect that not less than thirty percent of each participant's doctoral study be funded from non-Federal sources.

In addition, the conference agreement includes: $2,400,000 for Congress-Bundestag Youth Exchanges; $2,200,000 for Mansfield Fellowships; $100,000 for the Montana Technical Foreign Exchange Program; $400,000 for the Institute for Representative Government; $500,000 for the Irish Institute; $638,000 for the 2001 Special Olympic Winter Games; $500,000 for Olympic and Paralympic Games Youth Camps; and $150,000 for Interparliamentary Exchanges with Korea and China.

The statement of managers adopts by reference language in the House report on NIS exchanges, the number of Congress-Bundestag Youth Exchanges, competition for grant programs, and cooperation between the State Department and non-governmental exchange organizations, as well as language in the Senate report on the U.S./Mexico Conflict Resolution Center.

REPRESENTATION ALLOWANCES

The conference agreement includes $5,850,000 for Representation Allowances, as proposed in the Senate bill, instead of $4,350,000 as proposed in the House bill.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

The conference agreement includes $8,100,000 for Protection of Foreign Missions and Officials, as provided in both the House and Senate bills. The provisions in both the House and Senate reports are adopted by reference.

SECURITY AND MAINTENANCE OF UNITED STATES MISSIONS

The conference agreement includes $742,178,000 for this account instead of $717,178,000 as proposed in the House bill and $583,496,000 as proposed in the Senate bill.

The conference agreement includes $313,617,000 for the costs of worldwide security upgrades, including $300,000,000 for capital security projects, as proposed in the House bill. The conferees direct the Department to comply with the program direction related to security upgrades in the House report, including the submission of a spending plan within sixty days of the date of enactment of this Act. In proposing such a spending plan, the conferees direct the Department to include an assessment of the need for security upgrades related to housing, schools, and Marine quarters, as described in the Senate report.

The conference agreement includes $25,657,000 in capital program activities for the costs of pending projects in Chengdu, Shenyang and Guangzhou.

The conferees note that the budget request included planned expenditures of $92,500,000 from proceeds of sale of surplus property for opportunity purchases and capital projects. The conferees expect the Department to submit a spending plan for these funds that includes: at least $42,500,000 for opportunity purchases to replace uneconomical leases; at least $25,000,000 for capital security projects; and $5,000,000 for Taiwan design costs. Any additional use of these funds is subject to reprogramming.

The conferees are aware that high operating costs in Paris have prompted a review of the post with the intent of transferring personnel and functions to lower cost cities. The conferees direct the Department to review the operations of the Paris Financial Service Center and determine if any services could be performed in the United States at the Charleston Financial Service Center. The Department shall develop plans to transfer any such services to the United States consistent with the Department's overall financial systems improvement schedule and on a time line that is cost effective. A progress report on Financial Service Center consolidation shall be submitted to the House and Senate Appropriations Committees not later than June 1, 2000.

The conferees are aware the Department is projecting a need for diversity visa processing capacity, and expect the Department to implement plans for a facility to meet such a need in a State previously designated for the purpose of passport processing.

The Department is directed to submit, and receive approval for, a financial plan for the funding provided under this account, whether from direct appropriations or proceeds of sales, prior to the obligation or expenditure of funds for capital and rehabilitation projects. The conferees expect that the amount in the plan for the leasehold program will not exceed $138,210,000. The Department may include in the plan the costs of physical security upgrades including the costs of expanding Marine posts to new locations. The conferees agree that any such amount for expanding Marine posts to new locations shall not exceed half the total costs, in accordance with the existing cost-sharing arrangement.

The overall spending plan shall include project-level detail, and shall be provided to the Appropriations Committees not later than 30 days after the date of enactment of this Act. Any deviation from the plan after approval shall be treated as a reprogramming in the case of an addition greater than $500,000 or as a notification in the case of a deletion, a project cost overrun exceeding 25 percent, or a project schedule delay exceeding 6 months. Notification requirements also extend to the rebaselining of a given project's cost estimate, schedule, or scope of work.

The conferees agree that no additional funding shall be allocated in fiscal year 2000 for the ongoing rehabilitation of the Ambassador's residence in London.

The conferees direct the Department to submit to the Committees a plan to implement the September 1998 recommendation of the Inspector General to sell a certain property in France, referenced in the Senate report.

As in the past, immediate notification is expected if there are facilities that the Department believes pose serious security risks.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

The conference agreement includes $5,500,000 for Emergencies in the Diplomatic and Consular Service account, as provided in the House bill, instead of $7,000,000, as provided in the Senate bill. The conference agreement does not adopt the provision in the Senate report designating not more than $5,000,000 under this account for costs associated with the World Trade Organization conference in Seattle, Washington. The conferees address funding for these costs under the Diplomatic and Consular Programs account.

REPATRIATION LOANS PROGRAM ACCOUNT

The conference agreement includes a total appropriation of $1,200,000 for the Repatriation Loans Program account, as provided in both the House and Senate bills.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

The conference agreement includes $15,375,000 for the Payment to the American Institute in Taiwan account, instead of $14,750,000 as proposed in the House bill and $16,000,000 as proposed in the Senate bill. Increased funding over the fiscal year 1999 level may be used for costs of security upgrades as described in the Senate report. The conferees expect the Department to submit a spending plan to the Committees, as indicated in the House report.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

The conference agreement includes $128,541,000 for the Payment to the Foreign Service Retirement and Disability Fund account, as provided in both the House and Senate bills.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

The conference agreement includes $885,203,000 for Contributions to International Organizations to pay the costs assessed to the United States for membership in international organizations, instead of $842,937,000 as proposed in the House bill, and $943,308,000 as proposed in the Senate bill, of which $836,308,000 was for current year assessments, and $107,000,000 was for payment of arrearages to the United Nations. The conference agreement includes all arrearage payments under a separate account.

The conference agreement includes language providing that none of the funds can be used for the U.S. share of interest costs for loans incurred after October 1, 1984 through external borrowings, as provided in the House bill. The Senate bill did not contain a similar provision.

The conference agreement includes language providing that funds under this account may be used to pay the full United States assessment to the NATO civil budget, as proposed in the House bill. The Senate bill did not contain a similar provision.

The conference agreement contains a provision that $100,000,000 may be made available to the United Nations only on a semi-annual basis pursuant to a certification that the U.N. has taken no action to cause the U.N. to exceed the expected 1998–1999 budget of $2,533,000,000 or a zero nominal growth budget for the biennium 2000–2001 as provided in the House bill. The Senate bill contains no similar provision.

The conference agreement does not contain a number of provisions in the Senate bill relating to payment of arrearages. Arrearages are addressed in a separate account.

The $885,203,000 provided by the conference agreement is expected to be sufficient to fully pay assessments to international organizations. With excess fiscal year 1999 funds, including a transfer from the Contributions for International Peacekeeping account, the conferees expect the Department to prepay $47,040,000 of the fiscal year 2000 assessment for the United Nations regular budget. Consequently, although the budget requested $963,308,000 for this account, based on the prepayment of U.N. assessments and further exchange rate gains, the adjusted request is $885,842,000. The conference agreement does not include requested funding for the Inter-American Indian Institute, the Inter-parliamentary Union, and the Bureau of International Expositions.

The conference agreement provides funding under this account for assessments for all international organizations. The Senate report proposed to transfer funding for commodity-based organizations to the Commerce Department and funding for the International Telecommunications Union to the Federal Communications Commission. The conferees direct the Department to take the necessary steps to ensure that full and timely payments are made to these organizations.

Provisions in the House report relating to reports on reforms in international organizations, tax equalization adjustments, and the Pan American Health Organization are adopted by reference.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

The conference agreement provides $200,000,000 for Contributions for International Peacekeeping Activities as proposed in the House bill, instead of $387,925,000 as proposed in the Senate bill, of which $143,925,000 was for payment of current year peacekeeping assessments and $244,000,000 was for payment of peacekeeping arrearages. The conference agreement addresses arrearages under a separate account.

The conference agreement includes a provision that, of the total funding provided under this heading, not to exceed $20,000,000 shall remain available until September 30, 2001. The Senate bill made $28,093,000 available until September 30, 2001 and the House bill had no provision on the matter. The conferees intend that before any excess funding shall be carried over into fiscal year 2001 in this account, the Department shall transfer the maximum allowable amount to the Contributions to International Organizations account to prepay the fiscal year 2001 assessment for the United Nations regular budget.

The conference agreement includes a provision that prohibits obligation or expenditure of funds for new or expanded U.N. peacekeeping missions unless, at least 15 days prior to the Security Council vote, the appropriate Committees of the Congress are notified of the estimated cost and length of the mission, the vital national interest that will be served, and the planned exit strategy; and a reprogramming of funds is submitted setting forth the source of funds that will be used to pay for the cost of the new or expanded mission, as included in the House bill. The Senate bill did not contain a provision on this matter.

The conference agreement contains a provision requiring a certification that American manufacturers and suppliers are being given opportunities to provide equipment, services, and material for U.N. peacekeeping activities equal to those being given to foreign manufacturers and suppliers, as provided in the House bill. The Senate bill did not contain a provision on this matter.

In addition, the conference agreement includes a provision prohibiting funds from being used to pay the United States share of the cost of judicial monitoring that is part of any United Nations peacekeeping mission, as proposed in the House bill. Thus, if any current or future peacekeeping operation includes judicial monitoring as one of its functions, the U.S. will have to withhold its proportionate share of the cost of any court monitoring that is included in such a mission. This provision was not included in the Senate bill.

The conference agreement does not include several provisions relating to arrearages that were included in the Senate bill, as arrearages are addressed under a separate account.

The conference agreement includes funding for anticipated assessments for peacekeeping missions including those in the Golan Heights, Lebanon, Iraq/Kuwait, Bosnia-Herzegovina, Cyprus, Georgia, Tajikistan, as well as War Crimes Tribunals for Yugoslavia and Rwanda. The conference agreement does not include requested funding for missions in Western Sahara or Haiti. The conference agreement includes additional resources, which may be applied to additional assessments subject to reprogramming requirements. The conferees are aware that additional assessments are expected in fiscal year 2000 for new and expanded peacekeeping missions, including those in Kosovo, Sierra Leone and East Timor.

The statement of managers adopts by reference language in the House report making it clear that the Department is expected to live within the appropriation, to support the work of the United Nations Office of Internal Oversight Service, and to take all actions necessary to prevent conversion of loaned employees into permanent positions at the United Nations.

ARREARAGE PAYMENTS

The conference agreement includes a total of $351,000,000 for arrearage payments, as proposed in the House bill under this account, instead of $107,000,000 and $244,000,000 as proposed in the Senate bill under Contributions to International Organizations and Contributions for International Peacekeeping, respectively. The conference agreement includes

$244,000,000 for the payment of arrearages, and an additional $107,000,000 to reduce the total amount of arrearages owed to the United Nations as described in the House report.

The conference agreement makes the expenditure of the entire amount provided under this heading contingent upon enactment of an authorization that makes payment of arrearages contingent upon United Nations reform, and upon a reduction in the U.S. assessment rate for the designated specialized agencies to not more than 22 percent, and upon the achievement of zero nominal growth budgets in the designated specialized agencies for the 2000–2001 biennium, as proposed in the House bill. These conditions are included among the conditions pending as part of the authorization, and are intended to assure that real and substantial reforms are achieved at the U.N. and other international organizations prior to payment of arrearage funding, and that assessment reductions are made that will provide long-term savings to the American taxpayer.

The conferees expect the Department to provide the Committees with a report on the payment of arrearages to international organizations as specified in the House report.

INTERNATIONAL COMMISSIONS

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

SALARIES AND EXPENSES

The conference agreement includes $19,551,000 for Salaries and Expenses of the International Boundary and Water Commission (IBWC), as proposed in both the House and Senate bills.

CONSTRUCTION

The conference agreement includes $5,939,000 for the Construction account of the IBWC as proposed in the Senate bill, instead of $5,750,000 as proposed in the House bill. The conferees agree that allocation of funding for specific projects shall reflect the direction in both the House and Senate reports. The conference agreement adopts, by reference, language in the House report regarding the reallocation of funds subject to reprogramming, and a reporting requirement on a certain wastewater treatment situation.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

The conference agreement includes $5,733,000 for the U.S. share of expenses of the International Boundary Commission, the International Joint Commission, United States and Canada, and the Border Environment Cooperation Commission, as proposed in both the House and Senate bills. The conference level will provide funding for all three commissions at the fiscal year 1999 levels.

INTERNATIONAL FISHERIES COMMISSIONS

The conference agreement includes $15,549,000 for the U.S. share of the expenses of the International Fisheries Commissions and related activities, as proposed in the Senate bill, instead of $14,549,000 as proposed in the House bill.

The conference agreement does not include provisions in the Senate bill limiting the amount to be obligated and expended by the Inter-American Tropical Tuna Commission and prohibiting the importation of tuna from certain countries under certain conditions. The House bill did not contain similar provisions.

The conference agreement adopts, by reference, language in the House report regarding the application of reductions if necessary, and language in the Senate report on funding for the Great Lakes Fishery Commission (GLFC), including sea lamprey operations and research, costs of treating Lake Champlain, and priority to States providing matching funds.

OTHER

PAYMENT TO THE ASIA FOUNDATION

The conference agreement includes $8,250,000 for the Payment to the Asia Foundation account, instead of $8,000,000 as provided in the House bill, and instead of no funding as provided in the Senate bill.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND

The conference agreement includes language as provided in both the House and Senate bills, allowing all interest and earnings accruing to the Trust Fund in fiscal year 2000 to be used for necessary expenses of the Eisenhower Exchange Fellowships.

ISRAELI ARAB SCHOLARSHIP PROGRAM

The conference agreement includes language as provided in both the House and Senate bills, allowing all interest and earnings accruing to the Scholarship Fund in fiscal year 2000 to be used for necessary expenses of the Israeli Arab Scholarship Program.

EAST-WEST CENTER

The conference agreement includes $12,500,000 for operations of the East-West Center as proposed in the Senate bill, instead of no funds as proposed in the House bill. The conference agreement does not include a transfer of $13,500,000 from the Department of State, Diplomatic and Consular Programs account, as proposed in the Senate bill. The conferees adopt, by reference, the reporting requirement in the Senate report on immersion programs.

NORTH/SOUTH CENTER

The conference agreement includes $1,750,000 for operations of the North/South Center, instead of no funds as proposed in both the House and Senate bills. The conference agreement does not include an earmark of funding under the Educational and Cultural Exchange Programs account for the North/South Center, as proposed in the Senate report.

NATIONAL ENDOWMENT FOR DEMOCRACY

The conference agreement includes $31,000,000 for the National Endowment for Democracy as proposed in the House bill, instead of $30,000,000 as proposed in the Senate bill.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

The conference agreement includes $388,421,000 for International Broadcasting Operations, instead of $410,404,000 as proposed in the House bill, and instead of $362,365,000 as proposed in the Senate bill. Rather than funding broadcasting to Cuba under this account, as proposed by the House, all funding for broadcasting to Cuba is included under a separate account, as proposed by the Senate and consistent with the fiscal year 1999 appropriations Act.

The amount provided represents a freeze at fiscal year 1999 funding levels for all broadcast entities funded under this account, as provided in the House bill. The Broadcasting Board of Governors is directed to submit to the House and Senate Committees on Appropriations, no later than sixty days from the date of enactment of this Act, a financial plan including a distribution of the total resources available under this account.

The conference agreement adopts by reference language in the House report requiring a report on management responses to Inspector General recommendations on Radio Marti, and language in the Senate report requiring the submission of a master plan for overseas security.

BROADCASTING TO CUBA

The conference agreement includes $22,095,000 for Broadcasting to Cuba under a separate account, instead of $23,664,000 as proposed in the Senate bill, and instead of $22,095,000 within the total for International Broadcasting Operations, as proposed in the House bill. The conference agreement includes language, as proposed in the Senate bill, that funds may be used for aircraft to house television broadcasting equipment. The House bill did not contain a provision on this matter.

BROADCASTING CAPITAL IMPROVEMENTS

The conference agreement includes $11,258,000 for the Broadcasting Capital Improvements account, as proposed in the House bill, instead of $13,245,000 as proposed in the Senate bill under the heading "Radio Construction". The conference agreement adopts a new name for this account, as requested. This account provides funding for maintenance, improvements, replacements and repairs; satellite and terrestrial program feeds; engineering support activities; and broadcast facility leases and land rentals.

The conferees expect the Broadcasting Board of Governors (BBG) to submit a spending plan within sixty days from the date of enactment of this Act allocating funds available in this account, including carryover balances, to various activities. The conferees encourage the BBG to consider, among other priorities, allocating funding for rotatable transmitting antennas.

The conference agreement includes, by reference, language in the House report regarding ongoing digital conversion efforts.

GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCY

Section 401.—The conference agreement includes section 401, as provided in both the House and Senate bills, permitting use of funds for allowances, differentials, and transportation.

Sec. 402.—The conference agreement includes section 402, as provided in the House bill, dealing with transfer authority. The Senate bill contained a similar provision, allowing transfers of different percentages of appropriations.

Sec. 403.—The conference agreement includes section 403, as provided in both the House and Senate bills, authorizing the Secretary of State to administer summer travel and work programs without regard to preplacement requirements.

Sec. 404.—The conference agreement includes section 404, as provided in the House bill, making permanent a provision in last year's bill waiving the fee for border crossing cards from Mexico for children under 15. The Senate bill did not include a provision on this matter.

Sec. 405.—The conference agreement includes section 405, as provided in both the House and Senate bills, prohibiting the use of funds by the Department of State or the Broadcasting Board of Governors (BBG) to provide certain types of assistance to the Palestinian Broadcasting Corporation (PBC). The conference agreement does not include training that supports accurate and responsible broadcasting among the types of assistance prohibited. The conferees agree that neither the Department of State, nor the

BBG, shall provide any assistance to the PBC that could support restrictions of press freedoms or the broadcasting of inaccurate, inflammatory messages. The conferees further expect the Department and the BBG to submit a report to the Committees, before December 15, 1999, detailing any programs or activities involving the PBC in fiscal year 1999, and any plans for such programs in fiscal year 2000.

Sec. 406.—The conference agreement includes section 406, proposed in the Senate bill as section 405, prohibiting the use of funds in this or any other Act for the operation of a United States consulate or diplomatic facility in Jerusalem unless such facility is under the supervision of the United States Ambassador to Israel. The House bill did not include a provision on this matter.

Sec. 407.—The conference agreement includes section 407, proposed in the Senate bill as section 406, which requires new public documents to describe Jerusalem as Israel's capital as a prerequisite for funding under this or any other Act. This requirement follows State Department practice in such publications as the "Background Notes" for Israel. The House bill did not include a provision on this matter.

Sec. 408.—The conference agreement includes section 408, as proposed in the Senate bill, prohibiting the use of funds made available in this Act by the United Nations for activities authorizing the United Nations or any of its specialized agencies or affiliated organizations to tax any aspect of the Internet.

Sec. 409.—The conference agreement includes section 409, not included in either the House or Senate bill, waiving provisions of existing legislation that require authorizations to be in place for the State Department and the Broadcasting Board of Governors prior to the expenditure of any appropriated funds.

TITLE V—RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

MARITIME SECURITY PROGRAM

The conference agreement includes $96,200,000 for the Maritime Security Program instead of $98,700,000 as proposed in both the House and Senate bills. The conferees understand that at least $2,500,000 in carryover funding is available, in addition to the amount provided, to allow full funding for the fiscal year 2000 requirements of the program.

OPERATIONS AND TRAINING

The conference agreement includes $72,073,000 for the Maritime Administration Operations and Training account instead of $71,303,000 as proposed in the House bill and $72,664,000 as proposed in the Senate bill. Within this amount, $34,073,000 shall be for the operation and maintenance of the U.S. Merchant Marine Academy, including $2,000,000 to address maintenance backlogs.

The conference agreement includes $7,000,000 for the State Maritime Academies. Within the amount for State Maritime Academies, $1,200,000 shall be for student incentive payments, the same amount as provided in 1999. The conference agreement includes by reference the language in the Senate report regarding the Great Lakes Maritime Academy.

The conferees agree that the amounts designated for the U.S. Merchant Marine Academy and the State Maritime Academies shall not be used to cover Maritime Administration administrative costs associated with the Academies, as was proposed in the budget request. Such costs shall be covered from funding in this account for MARAD general administration. The conference agreement also includes funding under MARAD general administration under this account to conduct a needs assessment on infrastructure improvements at the U.S. Merchant Marine Academy, as described in the House report. The conference agreement includes no funds for the Ready Reserve Force for fiscal year 2000. In fiscal year 1996, funding for this account was transferred to the Department of Defnese.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

The conference agreement provides $6,000,000 in subsidy appropriations for the Maritime Guaranteed Loan Program instead of $5,400,000 as proposed in the House bill and $11,000,000 as proposed in the Senate bill. This amount will subsidize a program level of not more than $1,000,000,000 as proposed in both the House and Senate bills.

The conference agreement also includes $3,809,000 for administrative expenses associated with the Maritime Guaranteed Loan Program instead of $3,725,000 as proposed in the House bill, and $3,893,000 as proposed in the Senate bill. The amount for administrative expenses may be transferred to and merged with amounts under the MARAD Operations and Training account.

The conferees understand that MARAD expects to carry over approximately $63,600,000 in this account which may be used as additional subsidy budget authority in fiscal year 2000. The conferees direct MARAD to submit quarterly reports to the Committees on Title XI obligations, including information on total loan principal guaranteed by each separate fiscal year's subsidy appropriation.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

The conference agreement includes provisions involving Government property controlled by MARAD, the accounting for certain funds received by MARAD, and a prohibition on obligations from the MARAD construction fund. The conference agreement includes these provisions with the modification as proposed in the House bill, instead of as proposed in the Senate bill.

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

The conference agreement provides $490,000 for the Commission for the Preservation of America's Heritage Abroad, as proposed in the Senate bill, instead of $265,000 as proposed in the House bill. Within the amount provided, the conferees agree that $100,000 is provided as a one-time increase to support Commission efforts to attract private funding for a restoration project in Sarajevo, as described in the House report. The conference agreement includes, by reference, language in the Senate report regarding the completion of surveys in progress.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

The conference agreement includes $8,900,000 for the salaries and expenses of the Commission on Civil Rights as proposed in both the House and Senate bills.

The conferees direct the Commission to expedite the completion of its report on the public hearing conducted on May 26, 1999, in New York on Police Practices and Civil Rights.

The Conferees expect the Commission to keep the Committees informed on the status of management improvements, including developing the ability to plan and budget for projects and to track the progress and ongoing costs of such projects.

ADVISORY COMMISSION ON ELECTRONIC COMMERCE

SALARIES AND EXPENSES

The conference agreement includes $1,400,000 for the Advisory Commission on Electronic Commerce. The Commission was created by Public Law 105–277. The House and Senate bills did not contain funding for the Commission.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

The conference agreement includes $1,182,000 for the Commission on Security and Cooperation in Europe instead of $1,170,000 as proposed in the House bill and $1,250,000 as proposed in the Senate bill.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $279,000,000 for the salaries and expenses of the Equal Employment Opportunity Commission as proposed in both the House and Senate bills.

Within the total amount, the conference agreement includes $29,000,000 for payments to State and local Fair Employment Practices Agencies (FEPAs) for specific services to the Commission, as proposed in both the House and Senate bills. The conferees encourage the EEOC to utilize the experience the FEPAs have in mediation as the Commission implements its alternative dispute resolution programs. The Committees are willing to entertain proposals to reprogram additional funds to the FEPAs for this purpose.

The conferees expect the EEOC to submit a spending plan to the Committees before December 31, 1999, describing the allocation of funding to various Commission activities, including private sector charge backlog reduction, ADR and mediation initiatives, litigation, and automation improvements. The conferees expect the EEOC to allocate funds as necessary to achieve private sector charge backlog reduction targets, as noted in the House report.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

The conference agreement includes a total $210,000,000 for the salaries and expenses of the Federal Communications Commission (FCC) instead of $192,000,000 as proposed in the House bill and $232,805,000 as proposed in the Senate bill. Of the amounts provided, $185,754,000 is to be derived from offsetting fee collections, as proposed in both the House and Senate bills, resulting in a net direct appropriation of $24,246,000, instead of $6,246,000 included in the House bill, and $47,051,000 included in the Senate bill.

The conference agreement does not include a provision, proposed in the Senate bill, giving the FCC the authority to independently operate the FCC headquarters building. The House bill did not contain a provision on this matter.

The conferees did not retain Senate bill language regarding area code conservation. The conferees are aware that the Commission has issued a Notice of Proposed Rulemaking (NPRM) to assist the State public utility commissions in their efforts to conserve numbers in specific area codes. The Commission anticipates issuing an order by the end of the first quarter of 2000. The conferees expect the Commission to keep to this schedule and issue a final order on area code conservation measures no later than March 31, 2000.

The FCC shall report to the Senate Committee on Commerce, Science, and Transportation and Committee on Appropriations and the House Committee on Commerce and Committee on Appropriations no later than November 1, 2000, on what, if any, changes can be made to the Uniform System of Accounts to minimize regulatory burdens on telephone companies without adversely affecting universal service, phone and cable rates, competition, and the ability of the FCC to implement and develop communications policy.

Federal Maritime Commission

SALARIES AND EXPENSES

The conference agreement includes $14,150,000 for the salaries and expenses of the Federal Maritime Commission, as proposed in both the House and Senate bills.

Federal Trade Commission

SALARIES AND EXPENSES

The conference agreement includes a total operating level of $125,024,000 for the Federal Trade Commission, instead of $116,679,000 as proposed in the House bill, and $133,368,000 as proposed in the Senate bill. The conference agreement assumes that, of the amount provided, $104,024,000 will be derived from fees collected in fiscal year 2000 and $21,000,000 will be derived from estimated unobligated fee collections available from Fiscal Year 1999. These actions result in a final appropriated level of $0, as proposed in both the House and Senate bills.

The conferees intend that any excess fee collections shall remain available for the Federal Trade Commission in future years. The conference agreement includes language, not included in either the House or Senate bills, specifying that fees may be retained and used notwithstanding a specific provision of law, rather than notwithstanding any provision of law.

The conferees agree that increased resources in this account shall be used to help safeguard consumers and nurture the development of the electronic marketplace, consistent with language in the Senate report.

The conferees support the Commission on its efforts to study the marketing practices of the entertainment industry. The intent of the study is to determine whether and to what extent the industry markets violent material rated for adults to children.

The conferees understand that the FTC recently completed a report raising questions regarding the health effects of regular cigar smoking. The conferees are aware of concerns that cigar and pipe tobacco remain as the last major tobacco products without a uniform Federal health warning label. The conferees direct the FTC to report back to the Committees on Commission plans for implementing new requirements to address this issue.

Legal Services Corporation

PAYMENT TO THE LEGAL SERVICES CORPORATION

The conference agreement includes $300,000,000 for payment to the Legal Services Corporation, as proposed in the Senate bill, instead of $250,000,000, as proposed in the House bill.

The conference agreement provides $289,000,000 for grants to basic field programs and independent audits, $8,900,000 for management and administration, and $2,100,000 for the Office of the Inspector General, as proposed by the Senate. The conferees note that $28,000,000 is provided for civil legal assistance under the Violence Against Women Act program funded under title I of this bill.

The conferees expect that any unobligated balances remaining available at the end of the fiscal year may be reallocated among participating programs for technology enhancements and demonstration projects in succeeding fiscal years, subject to the reprogramming procedures in Section 605 of this Act.

The conferees have concerns about the case service reporting and associated data reports submitted annually by the Corporation's grantees and the case statistical reports submitted by the Corporation to the Congress, and the conferees direct the Corporation to make improvement of the accuracy of these submissions a top priority, per directions in the House report. The conferees also direct the Corporation to submit its 1999 annual case service reports and associated data reports to Congress no later than April 30, 2000. The Office of the Inspector General will assess the case service information provided by the grantees, and will report to the Committees no later than July 30, 2000, as to its accuracy, as described in the House report. The conference agreement also includes the two feasibility reports described in the House report, due no later than June 1, 2000. The conferees urge the Corporation to provide its annual case service reports by May 1 of each following fiscal year, as described in the House report. The conferees direct the Corporation to keep the Committees fully informed on its study of the issue of the statutory requirement that aliens be "present in the United States", as described in the House report.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

The Conference recommendation includes bill language to continue the terms and conditions included under this section in the fiscal year 1999 bill, as proposed in the House. The Senate bill contained similar language, but did not propose to continue provisions regarding public disclosure of certain information and treatment of assets and income for certain clients.

Marine Mammal Commission

SALARIES AND EXPENSES

The conference agreement includes $1,270,000 for the salaries and expenses of the Marine Mammal Commission, instead of $1,240,000 as proposed in the House bill and $1,300,000 as proposed in the Senate bill.

Securities and Exchange Commission

SALARIES AND EXPENSES

The conference agreement includes $367,900,000 for the Securities and Exchange Commission, instead of $324,000,000 as proposed in the House bill and $370,800,000 as proposed in the Senate bill. The conference agreement includes bill language appropriating separate amounts from offsetting fee collections from fiscal years 1998 and 2000; as proposed in both the House and Senate bills. The conference agreement includes $194,000,000 in fees collected in fiscal year 1998, and $173,800,000 in fees to be collected in fiscal year 2000.

The conference agreement provides for the Commission's adjustments to base and the requested program increases for additional staff and litigation support. Additional amounts are provided to improve enforcement and investor education related to Internet securities fraud as described in the Senate report.

The conferees intend that any offsetting fee collections in fiscal year 2000 in excess of $173,800,000 will remain available for the Securities and Exchange Commission in future years through the regular appropriations process.

The conferees agree that the Commission shall conduct a study on the effects on securities markets of electronic communications networks and extended trading hours, as provided in the Senate bill. This report shall be submitted to the Committees no later than March 1, 2000.

Small Business Administration

SALARIES AND EXPENSES

The conference agreement provides an appropriation of $246,300,000 for the Small Business Administration (SBA) Salaries and Expenses account as proposed in the Senate bill, instead of $245,500,000 as proposed in the House bill.

In addition to amounts made available under this heading, the conference agreement includes $129,000,000 for administrative expenses under the Business Loans Program account. This amount is transferred to and merged with amounts available under Salaries and Expenses. The conference agreement includes an additional $136,000,000 for administrative expenses under the Disaster Loans Program account, which may under certain conditions be transferred to and merged with amounts available under Salaries and Expenses. These conditions are described under the Disaster Loans Program account.

The conference agreement provides a total of $107,695,000 for SBA's regular operating expenses under this account. This amount includes $2,000,000 for necessary expenses of the HUBZone program, and $8,000,000 for initiatives to continue the improvement of SBA's management and oversight of its loan portfolio. The SBA shall submit a plan, prior to the expenditure of resources for portfolio management, in accordance with section 605 of this Act.

The conference agreement does not include new program initiatives requested by the SBA for fiscal year 2000. The conference agreement includes the following amounts for noncredit programs:

Small Business Development Centers	$84,500,000
7(j) Technical Assistance	3,600,000
Microloan Technical Assistance	23,200,000
SCORE	3,500,000
Business Information Centers	500,000
Women's Business Centers	9,000,000
Survey of Women-Owned Businesses	790,000
National Women's Business Council	600,000
EZ/EC One Stop Capital Shops	3,100,000
US Export Assistance Centers	3,100,000
Advocacy Research	615,000
Veterans Outreach	615,000
SBIR Technical Assistance	500,000
ProNet	500,000
Drug-free Workplace Grants	3,500,000
Regulatory Fairness Boards	500,000
Total	138,605,000

Small Business Development Centers (SBDC).—Of the amounts provided for SBDCs, the conference agreement includes $2,000,000 to continue the SBDC Defense transition program, and $1,000,000 to continue the

Environmental Compliance Project, as directed in the House report. In addition, the conference agreement includes language proposed in the Senate bill making funds for the SBDC program available for two years.

Microloan Technical Assistance.—The conference agreement includes $23,200,000 for the Microloan Technical Assistance program. The conferees intend that, in addition, any unobligated fiscal year 1999 funds associated with this program will be applied to the fiscal year 2000 program.

Advocacy Research.—The conference includes $1,100,000 for Advocacy Research. The conferees encourage the Office of Advocacy to pursue the study identified in the House report on the livestock and agriculture industries.

The conference agreement adopts language included in the House report directing the SBA to fully LowDoc Processing Centers, and to continue activities assisting small businesses to adapt to a paperless procurement environment, as well as activities which assist small businesses in making the transition to meet both military and ISO 9000 quality systems requirements.

OFFICE OF INSPECTOR GENERAL

The conference agreement provides $11,000,000 for the SBA Office of Inspector General, instead of $10,800,000 as proposed in the House bill and $13,250,000 recommended in the Senate bill.

An additional $500,000 has been provided under the administrative expenses of the Disaster Loans Program to be made available to the Office of Inspector General for work associated with oversight of the Disaster Loans Program.

The conferees agree that the OIG should allocate resources to the priority areas mentioned in the Senate report.

BUSINESS LOANS PROGRAM ACCOUNT

The conference agreement includes $260,800,000 under the SBA Business Loans Program Account, instead of $222,792,000 as proposed in the House bill, and $297,368,000 as proposed in the Senate bill.

No appropriation is provided for the costs of direct loans. The conferees understand that $2,500,000 in carryover is available for the Microloan Direct Loan Program, and will support an estimated 2000 program level of over $29,000,000. The conferees direct the SBA to submit the report on Microloan programs requested in the House report.

The conference agreement includes $131,800,000 for the costs of guaranteed loans, including the following programs:

7(a) General Business Loans.—The conference agreement provides $107,500,000 in subsidy appropriations for the 7(a) general business guaranteed loan program, instead of $106,400,000 as proposed in the House bill and $118,500,000 as proposed in the Senate bill. When combined with $7,000,000 in available carryover balances and recoveries, this amount will subsidize an estimated 2000 program level of $9,871,000,000, assuming a subsidy rate of 1.16%. In addition, the conference agreement includes a provision, as proposed in the House bill, requiring the SBA to notify the Committees on Appropriations in accordance with section 605 of this Act prior to providing a total program level greater than $10,000,000,000, instead of greater than $10,500,000,000 as proposed in the Senate bill. The conferees agree with the concerns expressed by the Senate that many small businesses are not adequately prepared for the problems they may face from Y2K computer problems and about the impact that the Y2K computer problem may have on the economy and, in particular, on small business owners and their employees. Consequently, the conferees agree that the Small Business Administration must give the highest priority to loans to small businesses to correct Y2K computer problems affecting their own information technology systems or other automated systems, and loans to provide relief for small businesses from economic injuries suffered as a direct result of their own Y2K computer problems or some other entity's Y2K computer problems.

Small Business Investment Companies (SBIC).—The conference agreement provides $24,300,000 for the SBIC participating securities program, instead of $21,630,000 as proposed in the House bill, and $25,868,000 as proposed in the Senate bill. This amount will result in an estimated total program level of $1,350,000,000 in fiscal year 2000. No appropriation is provided for the debentures program, as the program will operate with a zero subsidy rate in fiscal year 2000. The conference agreement includes language proposed in the House bill limiting the debentures program to the authorized program level, instead of similar language in the Senate bill.

Microloan Guaranty Programs.—The conference agreement does not include new appropriations for the Microloan Guaranty Program, as none were requested. Available carryover will provide for the subsidy costs of, at least, the requested 2000 program level of $15,998,000.

In addition, the conference agreement includes $129,000,000 for administrative expenses to carry out the direct and guaranteed loan programs as proposed in the Senate bill, and instead of $94,000,000 as proposed in the House bill, and makes such funds available to be transferred to and merged with appropriations for Salaries and Expenses

The conference agreement does not include funding requested to initiate the New Markets Venture Capital Program.

DISASTER LOAN PROGRAM ACCOUNT

The conference agreement includes a total of $255,400,000 for this account, of which $119,400,000 is for the subsidy costs for disaster loans and $136,000,000 is for administrative expenses associated with the disaster loans program. The House bill proposed $139,400,000 for loans and $116,000,000 for administrative expenses. The Senate bill provided $77,700,000 for loans and $86,000,000 for administrative expenses.

For disaster loans, the conference agreement assumes that the $119,400,000 subsidy appropriation, when combined with $75,000,000 in carryover balances and $10,000,000 in recoveries, will provide a total disaster loan program level of $920,000,000. The conference agreement takes into account that the Administration requested only $39,400,000 for disaster loan subsidies, which would have supported less than one quarter of an average annual program. The Administration is directed to realistically assess the level of need for the disaster loans program and budget accordingly.

The conference agreement includes language, as proposed in the Senate bill, allowing appropriations for administrative costs to be transferred to and merged with appropriations for Salaries and Expenses. The House bill did not include language allowing such transfers. The conference agreement includes a provision that any amount to be transferred to Salaries and Expenses from the Disaster Loans program account in excess of $20,000,000 shall be treated as a reprogramming of funds under section 605 of this Act. In addition, the conferees agree that any such reprogramming shall be accompanied by a report from the administrator on the anticipated effect of the proposed transfer on the ability of the SBA to cover the full annual requirements for direct administrative costs of disaster loan making and servicing.

Of the amounts provided for administrative expenses under this heading, $500,000 is to be transferred to and merged with the Office of Inspector General account for oversight and audit activities related to the Disaster Loans program.

ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

The conference agreement includes a provision providing SBA with the authority to transfer funds between appropriations accounts as proposed in the House bill, instead of a similar provision in the Senate bill.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

The conference agreement provides $6,850,000 for the salaries and expenses of the State Justice Institute (SJI) as proposed in the Senate bill, instead of no funding as proposed in the House bill. The conference agreement does not include the transfer of an additional $8,000,000 to this account from the courts of Appeals, District Courts and Other Judicial Services account in Title III as proposed in the Senate report.

TITLE VI—GENERAL PROVISIONS

The conference agreement includes the following general provisions:

Sec. 601.—The conference agreement includes section 601, identical in both the House and Senate bills, regarding the use of appropriations for publicity or propaganda purposes.

Sec. 602.—The conference agreement includes section 602, identical in both the House and Senate bills, regarding the availability of appropriations for obligation beyond the current fiscal year.

Sec. 603.—The conference agreement includes section 603, identical in both the House and Senate bills, regarding the use of funds for consulting services.

Sec. 604.—The conference agreement includes section 604, identical in both the House and Senate bills, providing that should any provision of the Act be held to be invalid, the remainder of the Act would not be affected.

Sec. 605.—The conference agreement includes section 605, as included in the House bill, establishing the policy by which funding available to the agencies funded under this Act may be reprogrammed for other purposes, instead of the slightly modified Senate version.

Sec. 606.—The conference agreement includes section 606, identical in both the House and Senate bills, regarding the construction, repair or modification of National Oceanic and Atmospheric Administration vessels in overseas shipyards.

Sec. 607.—The conference agreement includes section 607, identical in both the House and Senate bills, regarding the purchase of American-made products.

Sec. 608.—The conference agreement includes section 608, identical in both the House and Senate bills, which prohibits funds in the bill from being used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission similar to proposed guidelines covering harassment based on religion published by the EEOC in October, 1993.

Sec. 609.—The conference agreement includes section 609, proposed in the House bill as section 610, prohibiting the use of funds for any United Nations peacekeeping mission that involves U.S. Armed Forces under the command or operational control of a foreign national, unless the President certifies that the involvement is in the national security interest, as proposed in the House bill. The Senate bill did not contain a provision on this matter.

Sec. 610.—The conference agreement includes section 610, proposed in the Senate bill as section 609, that prohibits use of funds to expand U.S. diplomatic presence in Vietnam beyond the level in effect on July 11, 1995, unless the President makes a certification that several conditions have been met regarding Vietnam's cooperation with the United States on POW/MIA issues. The House bill included a similar provision, with minor technical differences.

Sec. 611.—The conference agreement includes section 611, modified from section 610 proposed in the Senate bill, which prohibits more than 20% of any account that is available for obligation only in the current fiscal year from being obligated during the last two months of the fiscal year unless the Committees on Appropriations are notified in accordance with standard reprogramming procedures, with an exemption to this limitation for grant programs. The House bill did not contain a provision on this matter.

Sec. 612.—The conference agreement includes section 612, identical in both the House and Senate bills, which prohibits the use of funds to provide certain amenities for Federal prisoners.

Sec. 613.—The conference agreement includes section 613, proposed as section 612 in the House bill, restricting the use of funds provided under the National Oceanic and Atmospheric Administration for fleet modernization activities. The Senate bill did not contain a provision on this matter.

Sec. 614.—The conference agreement includes section 614, proposed as section 612 in the Senate bill, which requires agencies and departments funded in this Act to absorb any necessary costs related to downsizing or consolidations within the amounts provided to the agency or department. The House bill included this provision as section 613, with minor technical differences.

Sec. 615.—The conference agreement includes section 615, as proposed in both the House and Senate bills, which prohibits funds made available to the Federal Bureau of Prisons from being used to make available any commercially published information or material that is sexually explicit or features nudity to a prisoner.

Sec. 616.—The conference agreement includes section 616, as proposed in both the House and Senate bills, which limits funding under the Local Law Enforcement Block Grant to 90 percent to an entity that does not provide public safety officers injured in the line of duty, and as a result separated or retired from their jobs, with health insurance benefits equal to the insurance they received while on duty.

Sec. 617.—The conference agreement includes a provision, proposed as section 616 in the House bill, which prohibits funds provided in this Act from being used to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal of foreign restrictions on the marketing of tobacco products, provided such restrictions are applied equally to all tobacco or tobacco products of the same type. This provision is not intended to impact routine international trade services provided to all U.S. citizens, including the processing of applications to establish foreign trade zones. The Senate bill did not contain a provision on this matter.

Sec. 618.—The conference agreement includes section 618, proposed as section 615 in the Senate bill, which extends the prohibition in last year's bill on use of funds to issue a visa to any alien involved in extrajudicial and political killings in Haiti. The provision also adds two names to the list of victims, and extends the exemption and reporting requirements from last year's provision. The House bill did not contain a provision on this matter.

Sec. 619.—The conference agreement includes section 619, proposed as section 617 in the House bill and carried in the fiscal year 1999 Act, which prohibits a user fee from being charged for background checks conducted pursuant to the Brady Handgun Control Act of 1993, and prohibits implementation of a background check system which does not require or result in destruction of certain information. The Senate bill included a similar provision as section 616, requiring immediate destruction of such information.

Sec. 620.—The conference agreement includes section 620, proposed as section 618 in the House bill, which delays obligation of any receipts deposited into the Crime Victims Fund in excess of $500,000,000 until October 1, 2000. The conferees have taken this action to protect against wide fluctuations in receipts into the Fund, and to ensure that a stable level of funding will remain available for these programs in future years.

Sec. 621.—The conference agreement includes section 621, proposed as section 620 in the House bill, which prohibits the use of funds to implement or prepare to implement the Kyoto Protocol on Climate Change prior to Senate ratification of the treaty. The Senate bill did not contain a provision on this matter.

Sec. 622.—The conference agreement includes a new section 622, which provides additional amounts for the Small Business Administration, Salaries and Expenses account for the following small business initiatives: $2,500,000 for continuation of an outreach program to assist small business development; $2,000,000 for infrastructure to develop a facility to increase small business opportunities and economic development; $3,000,000 for infrastructure to develop a facility that will serve as an incubator for small arts-related businesses; $750,000 for a skills training program for small business owners; $2,500,000 for infrastructure to develop a technology and training center; $1,000,000 to develop a facility and operate an institute for small business and workforce development; $1,000,000 to develop an education network; $1,000,000 for a technical assistance program for at-risk small businesses; $1,900,000 for infrastructure for a regional resource facility for small tourism businesses; $1,000,000 for a science and technology small business loan fund; $8,550,000 for infrastructure to develop a workforce development and skills training facility; $2,000,000 for a one-stop resource center for technology start-up businesses; $200,000 for a resource center for rural small business; $200,000 for a community development foundation; $500,000 for a training and technology center and associated infrastructure improvements; $500,000 for a program for technology-based small business growth; $500,000 for a project to develop strategic plans for technology-based small business development; $200,000 for infrastructure to develop a facility; $150,000 for a small business entrepreneurial education center; $300,000 for a microenterprise loan program; and $250,000 for a small business incubator facility.

Sec. 623.—The conference agreement includes a section, modified from the Senate bill, that authorizes the establishment and initial capitalization of the Pacific Salmon Restoration Fund, comprised of the Northern Boundary Fund and the Southern Boundary Fund. In addition, to satisfy further requirements under the 1999 Pacific Salmon Treaty Agreement negotiated by the Administration, it includes a provision stating that the 1999 agreement meets the requirements of the Endangered Species Act. In addition, it addresses structural issues concerning the Pacific Salmon Commission. It also authorizes funds in fiscal year 2000 for Pacific Coastal Salmon Recovery that are appropriated under title II of this Act, subject to requirements for a 25 percent non-federal match and a 3 percent limitation on administrative expenses, with certain exceptions.

Sec. 624.—The conference agreement includes section 624, proposed as section 627 in the Senate bill, which makes fiscal year 1999 appropriations associated with implementation of the American Fisheries Act of 1999 available until expended. The House bill did not contain a similar provision.

Sec. 625.—The conference agreement includes a new provision, numbered as section 625, which amends section 635 of Public Law 106–58 by inserting the words "the carrier for" after "if" in subsection (b)(2), and "or otherwise provide for" after "to prescribe" in subsection (c).

Sec. 626.—The conference agreement includes section 626, proposed as section 801 in the House bill, which prohibits the use of Department of Justice funds for programs which discriminate against, denigrate, or otherwise undermine the religious beliefs of students participating in such programs. The Senate bill did not contain a provision on this matter.

Sec. 627.—The conference agreement includes section 627, proposed as section 802 in the House bill, which prohibits the use of funds to process visas for citizens of countries that the Attorney General has determined deny or delay accepting the return of deported citizens. The Senate bill did not contain a provision on this matter.

Sec. 628.—The conference agreement includes section 628, proposed as section 803 in the House bill, which prohibits the use of Department of Justice funds to transport a high security prisoner to any facility other than to a facility certified by the Bureau of Prisons as appropriately secure to house such a prisoner. The Senate bill did not contain a similar provision.

Sec. 629.—The conference agreement includes section 629, modified from language proposed as section 804 in the House bill, which prohibits funds from being used for the participation of United States delegates to the Standing Consultative Commission unless the President submits a certification that the U.S. Government is not implementing a 1997 memorandum of understanding regarding the 1972 Anti-Ballistic Missile Treaty between the U.S. and the U.S.S.R., or the Senate ratifies the memorandum of understanding. The Senate bill did not include a provision on this matter.

Sec. 630.—The conference agreement includes section 630, proposed as section 805 in the House bill, which prohibits funds for any activity in support of adding or maintaining any World Heritage Site in the U.S. on the List of World Heritage in Danger. The Senate bill did not include a provision on this matter.

The conference agreement does not include a provision, proposed as section 619 in the House bill, regarding Global Change Research assessments. However, the conferees direct that funds provided in this Act not be used to publish Global Change Research assessments unless the research has been subjected to peer review and made available to the public, and the draft assessment has been published in the Federal Register for a 60 day public comment period.

The conferees direct the General Accounting Office (GAO) to report to the Committees on Appropriations concerning certain land grant claims associated with the implementation of the Treaty of Guadalupe-Hidalgo (1848). The GAO shall submit a report to the Committees on Appropriations by December 29, 2000, which includes an assessment of the following: (1) whether citizens of the United States were illegally deprived of their property rights in contravention of the Treaty; (2) the legal obligation of the United States to protect the rights of community land grants under the Treaty; (3) the actions taken by the United States to fulfill any legal obligations related to such protections in this or other treaties; (4) the remedies available under current law if such legal obligations were not met; and (5) the potential effects of these remedies on intervening legal rights and Tribal land claims.

TITLE VII—RESCISSIONS

DEPARTMENT OF JUSTICE

DRUG ENFORCEMENT ADMINISTRATION

DRUG DIVERSION CONTROL FEE ACCOUNT

(RESCISSION)

The conference agreement includes a rescission of $35,000,000 from the amounts otherwise available for obligation in fiscal year 2000 for the "Drug Diversion Fee Account", as proposed in the Senate bill. The House bill did not include a rescission from this account.

IMMIGRATION AND NATURALIZATION SERVICE

IMMIGRATION EMERGENCY FUND

(RESCISSION)

The conference agreement includes a rescission of $1,137,000, the total remaining unobligated balances available in the Fund, as proposed in the House bill. The Senate bill did not include a rescission from the Fund.

DEPARTMENT OF STATE AND RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

(RESCISSION)

The conference agreement includes a rescission of $15,516,000 from unobligated balances in this account, instead of $14,829,000 as proposed in the House bill and $18,870,000 as proposed in the Senate bill. This amount is the remaining unobligated balances of funding originally provided to support the costs of relocating the headquarters of Radio Free Europe/Radio Liberty from Munich to Prague.

RELATED AGENCIES

SMALL BUSINESS ADMINISTRATION

BUSINESS LOANS PROGRAM ACCOUNT

(RESCISSION)

The conference agreement includes a rescission of $13,100,000 from unobligated balances under this heading, instead of $12,400,000 as proposed in the House bill and no rescission as proposed in the Senate bill. This amount represents monies received by the SBA from the repurchase of preferred stock, and previously available to provide certain SBIC debenture guarantees. This funding is no longer required as the SBIC debentures program will have a zero subsidy rate in fiscal year 2000.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2000 recommended by the Committee of Conference, with comparisons to the fiscal year 1999 amount, the 2000 budget estimates, and the House and Senate bills for 2000 follow:

[In thousands of dollars]

New budget (obligational) authority, fiscal year 1999	$36,197,272
Budget estimates of new (obligational) authority, fiscal year 2000	49,562,980
House bill, fiscal year 2000	37,677,283
Senate bill, fiscal year 2000	35,384,564
Conference agreement, fiscal year 2000	39,005,685
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1999	+2,808,413
Budget estimates of new (obligational) authority, fiscal year 2000	−10,557,295
House bill, fiscal year 2000	+1,328,402
Senate bill, fiscal year 2000	+3,621,121

HAROLD ROGERS,
JIM KOLBE,
CHARLES H. TAYLOR,
RALPH REGULA,
TOM LATHAM,
DAN MILLER,
ZACH WAMP,
BILL YOUNG,
JOSÉ E. SERRANO,
JULIAN C. DIXON,
ALAN MOLLOHAN,
LUCILLE ROYBAL-ALLARD,
Managers on the Part of the House.

JUDD GREGG,
TED STEVENS,
PETE DOMENICI,
MITCH MCCONNELL,
KAY BAILEY HUTCHISON,
BEN NIGHTHORSE CAMPBELL,
THAD COCHRAN,
ERNEST HOLLINGS,
DANIEL INOUYE,
BARBARA A. MIKULSKI,
PATRICK J. LEAHY,
ROBERT C. BYRD,
Managers on the Part of the Senate.

APPOINTMENT AS MEMBERS TO COMMISSION ON ONLINE CHILD PROTECTION ACT

The SPEAKER pro tempore. Without objection, and pursuant to Section 1405(b) of the Child Online Protection Act (47 U.S.C. 231) and upon the recommendation of the minority leader, the Chair announces the Speaker's appointment of the following members on the part of the House to the Commission on Online Child Protection:

Mr. James Schmidt, California, engaged in the business of making content available over the Internet;

Mr. George Vrandenburg, Virginia, engaged in the business of providing domain name registration services;

Mr. Larry Shapiro, California, engaged in the business of providing Internet portal or search services.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Under clause 8 of rule XX, the filing of the conference report on H.R. 2670 has vitiated the following two motions to instruct conferees on that bill:

1. The motion offered by the gentleman from Oklahoma (Mr. COBURN), which was debated yesterday and on which further proceedings were postponed; and
2. The motion offered by the gentleman from Michigan (Mr. UPTON), which was debated earlier today and on which further proceedings were postponed.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

ENRIQUE "KIKI" CAMARENA RED RIBBON RALLY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GREEN) is recognized for 5 minutes.

Mr. GREEN of Texas. Mr. Speaker, on Thursday of last week, October 14, I had the opportunity to speak to 1,000 student leaders in front of the State Capitol in Austin, Texas during the second annual Enrique "Kiki" Camarena Red Ribbon Rally about drug prevention. While I would have normally been here debating and voting on the VA-HUD conference report, the Motor Carrier Safety Act, and the D.C. appropriations bill, I could not pass up this opportunity to speak at this rally.

The "Kiki" Camarena Red Ribbon Rally was sponsored by both Federal, State, and local law enforcement agencies, along with State and community drug prevention organizations, including the DEA, the FBI, the U.S. Marshals Service, Houston Crackdown, the U.S. Attorney for the Southern District of Texas, Customs, the Texas Federation of Parents, Kick Drugs Out of America, Partnership for a Drug-Free Texas, and the Texas Commission on Alcohol and Drug Abuse. I was invited by our director in Houston of the Drug Enforcement Administration.

Mr. Speaker, this is the second annual "Kiki" Camarena Red Ribbon Rally. I could not go last year because of votes, but this year I was able to attend. Again, it is hard to say no to someone who is literally putting their life on the line every day, that both Customs, DEA, and FBI agents and all of our law enforcement are, to make our country safe from this scourge of drugs that we have.

For people's benefit that they may not know, the rally was named in honor of Enrique "Kiki" Camarena, the Drug Enforcement Administration special agent who suffered a traffic death while being kidnapped in Mexico in 1985. I was proud to share the stage with Myrna Camarena, Kiki's sister. Kiki Camarena sacrificed, and the sacrifice of other law enforcement officers should never be forgotten. They have paid the ultimate price for our safety, and we should pledge to never forget.

As Members of Congress, we deal with many important issues, but I believe that none are more important than recognizing the sacrifice of law enforcement officers providing solutions, including effective treatment for drug addiction. By our involvement last Thursday, we demonstrated that in Texas we are serious about our involvement to reduce and end substance abuse.

I was proud to be there for a number of reasons. One, it was sponsored by a great many law enforcement agencies who typically are concerned with catching the people who are the users or the people who are selling, or the smugglers. Yet, this rally, with 1,000 students and the red ribbon, talking about the red ribbon day, that it was aimed not just at the effort for law enforcement, but for prevention; to be able to have schools and different agencies there to say, we need to do a better job in treatment and prevention. That is why it was a great rally, and it was good to see our law enforcement agents, again, who typically are out on the frontline protecting our country from drugs to be there and say well, we cannot do all of the job. We have to stop it with the young people that we have in our State and our country to make sure that they do not succumb and be addicted to drugs.

We owe a huge debt to the men and women who put their lives at risk to ensure our children's lives in the future are safe. I appreciate the opportunity to be present at that rally and to be one of the keynote speakers.

We have come a long way to eradicate substance abuse, but we still have a long way to go. One of the concerns I have is that on a national basis, we have seen a lessening in the use of illegal drugs by the general population, but we have seen an increase in the younger population, our youth. So what we need to do, and with those 1,000 young people there on the State Capitol steps in Austin, is to rededicate our effort not only for law enforcement, but also for prevention, and for treatment to where we can hopefully keep these young people from becoming addicted to drugs.

THE FIFTY STATES COMMEMORATIVE COIN PROGRAM ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. METCALF) is recognized for 5 minutes.

Mr. METCALF. Mr. Speaker, recently Congress passed the 50 States Commemorative Coin Program Act. Let me congratulate the work of past chairman of the Subcommittee on Domestic and International Monetary Policy, the gentleman from Delaware (Mr. CASTLE). Through his faithful work, we have seen this important legislation become law.

The 50 States Commemorative Coin Act authorizes the Mint to issue five new quarters each year for the 10-year period beginning in 1999. The coins are issued in the sequence that a particular State ratified the Constitution and were admitted to the Union. Many of us have already seen the five new State quarters minted this year with designs from Delaware, Pennsylvania, New Jersey, Georgia, and Connecticut. The Act authorizes the Secretary of the Treasury to select the design and determine the number of quarters to be issued with each of the new designs. The statute outlines standards for designs and establishes a selection process for each State that includes consultation with State officials, the Commission of Fine Arts, and the Citizens Commemorative Coin Advisory Committee.

The new coins also establish a sense of pride in honoring the 50 States and the heritage they represent. But very importantly, the Act is a tool that will help lower the debt of the United States. That is right. The U.S. coins from the penny to the dollar actually turn a profit. In fact, last year, the Mint returned a profit of over $1 billion to the taxpayer. This is often an overlooked element that can be an important tool to slow the looming public debt of this Nation.

The 50 States Commemorative Coin Program Act estimates the 10-year coin program for the quarter would produce $110 million in earnings or approximately $11 million annually, coming mostly from the coins sold as commercial products from the Mint. Frankly, the quarter program is already a huge success. In fact, the Mint has dedicated its main phone line to answer questions about the quarters and how to order them. Last year, the U.S. Mint made 1.6 billion quarters. This year the Mint plans to make 5.6 billion; due to the new design.

Clearly, this $110 million yield expected on the new quarter is a significant amount. But the real savings comes in what is called seigniorage. Seigniorage is the difference between the face value of the coin and the coin's cost of production. The costs include coin processing operations, transportation costs and related overhead.

Specifically, to manufacture a quarter costs around 5 cents to the Treasury. Thus, the government is realizing a 20 cent profit per quarter put into circulation. Therefore, the anticipated seigniorage profit to the Treasury for the new quarters is estimated between $2.6 billion and $5.1 billion. Let me repeat that again. The anticipated profit to the Treasury and ultimately to the taxpayer is $2.6 billion to $5.1 billion, depending on how many they make.

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Let us extrapolate for a moment. Next year, the Mint will start producing the new gold-colored Sacajawea $1 coin. The seignorage accrued from the dollar coin is estimated to be around 85 to 90 cents per coin. Imagine, 90 cents profit returned to the taxpayer for every dollar coin produced.

Congress talks a lot about balancing budgets, but with the national debt way over $5 trillion maybe it is time we start targeting our new profits from coins toward eliminating the cloud of debt that still hangs over us. Maybe we can actually find a silver lining and reduce the debt for our children.

VOICES AGAINST VIOLENCE CONFERENCE

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). Under a previous order of the House, the gentlewoman from Ohio (Mrs. JONES) is recognized for 5 minutes.

Mrs. JONES of Ohio. Mr. Speaker, I rise today before this great Chamber to share with my colleagues one of the greatest moments that I have experienced as a Member of Congress.

Today I participated in a discussion with the chaperons for the Voices Against Violence Conference which is being held today and tomorrow on Capitol Hill. Voices Against Violence is a national student conference whose purpose is to add the voices of America's high school students to the debate in Washington over what to do about youth violence.

LaDasha Richardson and George Whitfield of the Cleveland School of the Arts, of the Cleveland Municipal School District, are representing my district, the 11th Congressional District of Ohio.

LaDasha and George started the Students Against a Violent Environment, SAVE, a grass-roots organization comprised of students from around the city of Cleveland, that is committed to assisting and educating children and young adults on how to make our communities safe and more positive.

Today I want to applaud their efforts. I also want to recognize the chaperones who have accompanied students like LaDasha and George here today who too are committed to making the lives of our children better. Because of their commitment, I asked each chaperone what we can do as elected officials to make their vision a reality.

I asked each to complete a card giving their name, the area they represented and if they could tell Congress one thing what that one thing would be. Here to my right are some of the comments which highlight what we in Congress need to do to make the lives of our children better, in the words of these various chaperons.

Later on my colleague, the gentlewoman from California (Mrs. CAPPS), the gentleman from North Carolina (Mr. ETHERIDGE), the gentleman from South Carolina (Mr. CLYBURN), and I, will be talking about the statements that these chaperons have made.

Charlie Jackson, an assistant principal at Brooks County High School in Quitman, Georgia says, "More money is needed to provide the opportunities and experiences to help our kids overcome the issues they face."

Luis Beltre of New York City writes, "Although young people cannot vote, we must empower them and instill in them a sense of pride because they do count. We should create a National General Youth Council that will express the voice of young people today."

Mike Stauropoulus of Memphis, Tennessee, writes, "Democrats and Republicans must do a better job of making kids their priority and not their own political agendas. It is very discouraging to see the waste of time and energy being wasted in Washington as one party tries to show up the other. If you want the people to have a voice, then listen to them and make them a priority."

Robert Brutcher of Illinois writes, "I do not want to appear ungrateful but please do not give me money for extra teachers until you send me money to build another room in which they can teach. Make me accountable for educating my students but give me the tools. Help me and my colleagues make opportunities for our kids."

Anne Christensen of Minnesota writes, "Our children know what is happening. Please listen to them. Put more money into programs and early prevention."

Albert Harper of Coventry, Connecticut, writes, "So long as any child is disenfranchised from the promise of a future in America, we have talked without hope and our children fall in disrepair and violence."

Deborah A. Covarrubia of San Antonio, Texas, writes, "The most influential aspect of a young person's life is the education they receive. Parents, teachers and mentors should take more responsibility in teaching ethics. Ethics in education should be emphasized. God's law is man's law."

Kathleen Kropf of Macomb, Michigan writes, "Homeless children from working poor families continues to grow at an alarming rate in our country. These children and their families need to be acknowledged and assisted. Why in the richest country in the world do 10 percent of our citizens go to bed hungry every night? There should be no, quote, hungry or homeless children in our country today. We cannot assist them without acknowledging and addressing this problem."

Finally, Roger Barnes of La Crosse, Wisconsin, writes, "The main thing is to keep the main thing the main thing. For me, the main thing is our youth. Character does count. When it comes to character, we must put politics aside and do the right thing. Send a strong message about the moral fiber which made this country great. When we tolerate immorality at the highest levels, the message is overwhelming and becomes a disease which permeates the entire population."

Mr. Speaker, I appreciate this opportunity to speak to the issues of the chaperons.

THE LEGION OF HONOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, as the year 2000 quickly approaches, I believe that we are in a unique position to reflect upon our Nation's history and the constant commitment of our United States veterans. These are the men and women who have accepted the highest responsibility and made the greatest sacrifice to preserve freedom and liberty for their brothers and sisters. Their dedication to protect our country and preserve the principles that it was founded upon have ensured and provided for the survival and strength of this Nation.

Last year, we celebrated the 80th Anniversary of Armistice Day, a day that marked the end of World War I. The first world war became known as the "Great War." It was fought to make the world safe for democracy. The government of France decided to mark the anniversary of the signing of the Armistice by awarding the Legion of Honor, France's highest decoration, to Americans and other allied veterans who served in the "Great War" on French soil.

Mr. Speaker, whenever we have been involved in conflict, brave citizens have always answered the call to duty. The first world war was no exception. The United States sent over 4.5 million troops into battle and over 100,000 never came home. These individuals gave their lives to protect our country and the freedoms we all enjoy today.

Today we have approximately 3,200 living World War I veterans, half of whom are believed to have served in France during the war. Harvey Lewis Gray of Carteret County, North Carolina, had just turned 18 in 1917 when he joined his fellow Americans in the "Great War" in the fight against tyranny.

Corporal Gray was one of almost 2 million Americans sent across the ocean to fight alongside French soldiers. He served in the United States Army from April of 1917 to April of 1919 and served in the 26th Division in France. This year, Harvey Gray is celebrating 100 years of life. I am proud that the Third District of North Carolina, which I have the honor to represent, is home to such a courageous soldier.

On October 7 of this year, Harvey Gray received the Legion of Honor award surrounded by his family and friends. His commitment to his Nation can only be matched with his commitment to his family. I could not be more proud to represent such a fine soldier and a fine man. Harvey Gray's effort in the name of freedom is unforgettable and worthy of the recognition and tribute he has received, and more.

Mr. Speaker, my grandfather was gassed during World War I at the Battle of Argonne. While my grandfather was fortunate enough to survive, thousands of others lost loved ones. The courage of these brave soldiers and the courage of all who have served this Nation have provided for the free democratic nation we enjoy today.

Daniel Webster once said, and I quote, "And by the blessing of God, may that country itself become a vast and splendid monument, not of oppression and terror, but of wisdom or peace, and of liberty, upon which the world may gaze with admiration forever."

Mr. Speaker, it is because of the strength and courage of men and women like Harvey Gray that America is free today. Our United States veterans symbolize the greatness of this Nation. They represent the America that rose to greatness on the shoulders of ordinary citizens. While we can never thank them enough for their sacrifice, we can recognize the heroic courage of our veterans who fought for our freedom.

Harvey Gray, I thank you and your country thanks you for your courage and your service to this great Nation.

CHAPERONES AND VOICES AGAINST VIOLENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Mrs. CAPPS) is recognized for 5 minutes.

Mrs. CAPPS. Mr. Speaker, I thank my colleague, the gentlewoman from Ohio (Mrs. JONES) for organizing this special order. Earlier today, I had the honor of addressing 180 very special people, the chaperons who have accompanied students from around this country in today's historic Voices Against Violence Conference. Clearly these professionals care about kids. Many of them work in schools or community centers, dealing with our young people and with youth-related issues every day.

This week, they are serving as effective listeners, allowing students to express their views about the violence which has permeated their lives and surrounds them. I am proud that Raquel Lopez from Santa Barbara is escorting three students from the 22nd district of California. Raquel has spent her career working with youth in her community as a counselor to teen mothers, as an advocate for a local youth center and as a leadership development director for Girls, Incorporated.

Raquel does great work in our community, on the line every day, and is a wonderful presence at this conference.

Today's meeting away from the students for a few hours, chaperons were able to state their own views on why there is so much violence surrounding our students. I wanted to share some of their insightful comments on reducing youthful violence.

Maria Brenes from Oakland, California, says, "I strongly recommend that a national youth leadership initiative be implemented to provide positive alternatives as a larger violence prevention; to empower our youth."

Marcia Kaplan from New Jersey says, "We need some form of parenting education in the school system so that we can provide parents with tools that they need to deal with our kids," with their children, "today, and the issues that they face."

Lucy Santini Smith from Michigan has stated, "We must listen and determine together what programs should be funded, like after school programs and mentoring programs, demonstrate to them that Congress does listen, cares deeply and initiates real programs."

Finally, Benton Billings, a teacher from Lansing, Michigan, said, "If we really want to get at the heart of our Nation's school violence problems, the kids must be involved in the dialogue. They really know what is going on and what solutions would work best."

Mr. Billings, I could not agree with you more. In our efforts to understand and curtail violence among our youth, we sometimes forget to consult our kids. That is a mistake. It is time for us to learn from them. And just by being here, these committed individuals are allowing this to happen. I salute all of the adults who make this Voices Against Violence Conference possible. They really created the event so that the students could attend by coming along with them. As important as our work here in Washington is, we know that the real work in reducing youth violence will come from within our communities themselves.

Our chaperones are going to help make that happen. We have a responsibility here in Congress. We need to set our own priorities straight, with our children and with our young people in mind, as a number one priority, so that the appropriate resources will be available for them in our communities and through the dedicated community heroes who work with them each and every day.

VOICES AGAINST VIOLENCE ADDRESS ISSUES INVOLVING YOUTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. ETHERIDGE) is recognized for 5 minutes.

Mr. ETHERIDGE. Mr. Speaker, like my colleague who preceded me to the podium here this evening, I had the opportunity this morning to speak to 180 of the chaperons who were here with the over 400 students who are here today and tomorrow meeting on and talking about and using their voice, Voices Against Violence, so that those of us who serve in these halls might hear them.

Today and tomorrow, these youngsters from all across this country are participating in this conference and they are going to address the issues involved in youth violence.

☐ 1945

As most of my colleagues know, before I came to this body, I was privileged to serve for 8 years as State superintendent in North Carolina. I certainly have some understanding of what a difference these young people and their adult chaperones can make.

Parents involved and adults involved with children make all the difference in the world because they really are on the frontline of the common-sense solutions that we are searching here and across the country.

Our children's safety ought not to be about partisan politics. It ought not to even be about differences. It really ought to be what we can do jointly together in Congress at the State and local level, in the private sector, and in our communities to make our schools the safest place that our children attend.

We need to support early intervention and prevention. There is no question about that. We need to put resources there. We have to recognize and acknowledge and work toward parents as the first teachers. There is no question about that. But a lot of parents do not know how to be good teachers, and we need to help them. We need to do better jobs of that.

Certainly, we need to fund Head Start and Smart Start, make sure that children have the kind of care and services that they need to grow up to be productive and good citizens. It will save a lot of money later on and make a big difference when these young people get to be teenagers and adults.

We heard today about character education. It is the moral lens, in my opinion, that we look at right and wrong. In North Carolina, we call it North Carolina values, because we instituted character education a number of years ago. I will talk about that a little more in a minute.

Certainly where we need them, we need resource officers in our schools for the protection to make sure they are safe; and that means we ought to have zero tolerance for violence, and it must be enforced.

But I want to commend the young people in my district who are participating in these conferences these 2 days. Anna Tomaskovic-Devey of Garner is a student at Enloe High School in Raleigh, North Carolina. She is doing an excellent job. I had a chance to talk with her. She is participating in the conference. Sunay Shah, a Southeast Raleigh High School junior is making a contribution, and he will take this back to his community, as will George Moore, Jr. of Coats, a Triton High School senior in Dunn.

I want to thank, this evening, the chaperone, Pam Callahan. She also serves as SDA advisor to the school and has been in involved in the school life for many years.

Finally, let me just read a couple of the recommendations that these chaperones have made from across the country. Florence Wethe from Walnut Creek, California, she said, "We need to teach core values. It must be taught to our young people in schools. They need to know the difference between right and wrong. Many times, they do not have that, and right and wrong, such as respect, responsibility, decision making, diversity, sharing, and appreciating the differences that we share." I think she is absolutely right.

Here is another one from Annabelle Blackstone from St. Louis, Missouri. She says, "Invest your money in our children. Their schools, their teachers, their communities. They are angry. They are miserable because they believe adults do not really care anymore."

What Annabelle is saying is, where we put our resources is what we value. If we really value our children, we need to put our resources there.

Finally, Mr. Speaker, I will read one last card Kim Minor of Pennsylvania. "Class sizes matter in all grades. Teenagers need to know and be heard by teachers as much as first graders." Kim, you are absolutely right.

NO TAX INCREASES OR RAIDS ON SOCIAL SECURITY, JUST FISCAL RESPONSIBILITY

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). Under the Speaker's announced policy of January 6, 1999, the gentleman from Georgia (Mr. KINGSTON) is recognized for 60 minutes as the designee of the majority leader.

Mr. KINGSTON. Mr. Speaker, I wanted to start off reading a letter that I received in my office from a couple, and I am just going to say Julia and Walter L. from Minneapolis, Minnesota. They actually were not writing me, but they carboned me on it. They were writing their own Representative.

It said, "Dear Congressman, We are Social Security recipients, and we vote. Despite the assurances of politicians, we are anxious about the safety of the Social Security Trust Fund. Specifically, we would appreciate your reply to the statement by Congressman JACK KINGSTON of Georgia today on the House floor.

"Mr. KINGSTON stated that President Clinton wants to spend 30 percent more on foreign aid and to fund that increase entirely from the Social Security Trust Fund. We would like you to respond to Representative KINGSTON's statement on the House floor."

Well, I am not sure if this particular Representative did respond or not, but I would like to respond to Julia and Walter L.'s letter myself and say here is the situation that we are in with the budget, and foreign aid happens to be the first bill that the President has vetoed and required more spending of. Now, he has also vetoed the Washington, D.C. budget, but I think that is because he wanted to have some more abortion language put in there or some other social reasons. So, really, it was not that much that related to money.

But the situation that we are in really started in 1997, 1997 when the Democrats and the Republicans passed a bipartisan budget agreement. This 1997 agreement said that we are going to spend X amount of dollars each year until the budget is balanced, and then we are going to continue on that and pay down the debt.

It is one thing, Mr. Speaker, to wipe out one's deficit which is one's annual shortfall, but it is another thing to actually go out and pay down the debt.

The easiest way to envision that is to just think about one's MasterCard. Most Members have a MasterCard or a Visa. Most people do. Imagine if, each month, one were in the red on that, and one could not quite pay it off. But, finally, one month, one paid it off. Well, that does not mean that one is going on a spending spree because the bank is still saying, "Glad you paid it off this month, but what about the 3 previous months? You have got to go back and pay that amount."

Well, Congress has one heck of a credit card, and we have run up the national debt of well over $5.4 trillion. That is trillion. That is an inconceivable amount of money if my colleagues think of one of the things that Mr. Larry Burkett said in the book called The Coming Economic Earthquake, that if one stacked thousand dollar bills up one on top of each other, to get to $1 million, it would come to about 4 inches high. About that high, Mr. Speaker.

But if one stacked thousand dollar bills on top of each other, to get to $1 trillion, it is 33 miles high. That is the difference between $1 million and $1 trillion as depicted by thousand dollar bills.

So we have this $5.4 trillion debt. So we should not go on a spending spree. Regardless of what the President wants to spend it on, it is not good to go on a spending spree. Now, we know that he has done that in Bosnia. We have already spent $12 billion in Bosnia. Our troops were originally supposed to be there for, I think, a year, maybe 2 years. Now, 5 years later, we are still in Bosnia and in the Balkans and Yugoslavia and everywhere else, $12 billion and 5 years later.

Well, so now we have got this 1997 historic bipartisan budget agreement. Now the question is: Do we stick with it? To me, when one makes an agreement, one knows down home in Georgia, and I know it is this way in Minnesota, one sticks with one's agreement.

Now, unfortunately, we do not do that many agreements on a handshake anymore. We put things in writing. We call them contracts. This thing was actually in writing. Should it now be up to one party to enforce that agreement? Should the Democrats alone be responsible because they voted for it? Should they? Or should the Republicans alone be responsible because they voted it? No. Both parties should be responsible, Democrats and Republicans. Yet, sadly, it seems that the White House has forgotten all about this agreement, and they do not want to participate in it anymore.

So here we are in a budget crisis. Now we have got three choices. The President wants to spend more money in foreign aid, more money to North Korea, more money to Iran, more money to Iraq, more money to Russia, more money to the former Soviet States.

We can get money from three ways around here, or we can balance the budget in three ways. Number one, we can cut spending in one program to put it into another. Number two, we can raise taxes. Well, today on the House floor, we gave the President and his liberal allies a chance to raise taxes.

As my colleagues know, the President's tax increase proposal was for $19.2 billion, and he has said many times he wants to increase the tax on cigarettes. That was in there. There were all kinds of user fees. So on this $19 billion tax and fee increase package that the President of the United States sent to Congress, we had a vote on it. Today that vote failed 419 to zero. That is right. On a bipartisan basis, all the Democrats and all the Republicans who voted voted against the President's tax increase proposal. So that eliminates that.

So if we do not want to cut spending, we do not want to raise taxes, then the last pot of money in this town is to raid the Social Security Trust Fund. That is why we are saying that the President is willing to raid the Social Security Trust Fund to spend more money on foreign aid.

Now think about this, Mr. Speaker, grandmother, grandfather sitting around the breakfast table, reading the newspaper, sipping a little coffee, writing a letter to the grandchildren, commenting on the morning news. They happen it see, "Hey, look at this, honey. The President wants to increase foreign aid, 30 percent increase. We are spending $12.7 billion going to foreign countries, money that was raised on the backs of hard-working taxpayers in America. We are already spending $12.7 billion on foreign countries. The President wants to spend more."

So the grandmother may turn to the grandfather and say, "Honey, where would he get that money?" Well, it looks like he is going to get it out of our Social Security because his $19 billion tax increase package has failed. One can blame that on Congress, but all the Democrats voted to kill his tax increase. Well, maybe the President will cut spending elsewhere.

Well, do my colleagues know what is funny? I read here that Speaker HASTERT and the gentleman from Texas (Mr. ARMEY) met with the President today at the White House, and he said, "No, we are not going to cut spending." Well, that leaves Social Security.

We have a huge Social Security surplus right now. But we have said in the Republican side, we do not want to spend one dime of Social Security on any reason except for Social Security. This is a profound change of culture in this town.

Let me show my colleagues a chart that was prepared by the gentleman from Florida (Chairman YOUNG) of the Committee on Appropriations. I hope I am holding this still. I hope I am putting it in the eye of the camera. But this is spending from the Social Security Trust Fund. It starts out at the far end of the column, and it shows that, from 1980 to 1984, the way we did our accounting, no money for general operating purposes came out of the Social Security Trust Fund.

So here is the chart. Spending from the Social Security Trust Fund, 1980 to 1984, zero money. That is actually an accounting reference. It is not truly accurate. But do my colleagues know what? I was not in Congress in 1984, and there may have been some good things that happened. There may have been some bad things that happened in the budget that year. But I am not going to worry, for practical purposes, about the 1980 to 1984 budget.

□ 2000

But look what happened in 1984. Money started coming out of the Social

Security Trust Fund for general operating expenses. In 1985 about $10 billion. In 1986, $20 billion. Here in 1989, we are up to $50 billion coming out of the Social Security Trust Fund. And then here it dips. And I am glad it dipped, although I am not exactly sure why. And then it goes back up.

And, sadly, I want to say that this has happened under Democrat and Republican control. This part of the chart, Democrat controlled; this part is Republican controlled. But now, in a drop, a change in the culture in this town, in the year 2000 we have not spent one nickel out of the Social Security Trust Fund. This is an extremely important and extremely historical fact that we have to really pound over and over again; that this is not speculation, this is not rhetoric, this is truth.

Now, I am going to go back to the desk and I will read a paper on that.

Now, Mr. Speaker, the Congressional Budget Office, and we are all used to hearing, and we loosely throw the term around, the CBO. That is the Congressional Budget Office. It kind of sounds like a bunch of pointy-head, bean-counting accountants. And maybe they are a little bit over there. But I have a lot of respect for accountants and number crunchers. People who can look at numbers 8 hours a day have to be very smart. Well, we sent a letter down to those folks and we asked them under our budget, for the last year, have we spent any money out of the Social Security surplus? And they wrote back to the Speaker of the House, the gentleman from Illinois (Mr. HASTERT).

Now, remember, this is a nonpartisan group. These people are true to the numbers only. They cannot be manipulated one way or the other. On September 30, 1999, Dan Crippen, who is the Director of the Congressional Budget Office, he wrote the Speaker of the House back and said, "You requested that we estimate the impact on the fiscal year 2000 Social Security surplus using CBO's economic and technical assumptions based on a plan whereby net discretionary outlays for fiscal year 2000 will equal $592.1 billion. CBO estimates that this spending plan will not use any of the projected Social Security surplus in the fiscal year 2000."

So let me repeat that, because there is a little accounting jargon in here. Basically, the important part for my colleagues and I to concentrate on and be proud of is that the CBO, again the Congressional Budget Office, estimates that this spending plan will not use any of the projected Social Security surplus in fiscal year 2000.

This is so important, because we have finally likened this to the guy who has been bobbing around out in the sea and finally gets on to the beach. That does not mean he is guaranteed survival, it just means he is not going to drown any more. He is safely on the beach. So we have finally gotten to the point where we are not spending Social Security surplus funds. And, now, what will happen?

Well, now the President is putting pressure on us and wants to break the budget agreement and wants to spend Social Security. Again, I am saying that because the political will to raise taxes is not there. The vote today, 419 to 0. Every single Democrat, every single Republican said no to the President's $19.1 billion tax increase. So we are saying no to that and the President is saying no to less spending. So the conclusion of any logical person is that he wants to take the money out of Social Security. I hope that he will reconsider that position.

It is really not the President who is worried about it. I think it is the Vice President. Because a recent article in The Washington Post says that Vice President GORE's plan is to take money out of Social Security; that that is part of Vice President GORE's budget. This might be one reason why Bill Bradley is doing so well. I do not know, and I do not want to get into the politics of that, but if I were the Bradley folks right now, I would pay real close attention to that.

So let us talk about the Republican budget plan in general. We have basically a triangle, and the top of that triangle is we want to save and protect Social Security. Republicans do not want to use any of that money for any purposes except for Social Security. But if we go back into where we were 10 months ago, we know that the President of the United States 10 months ago, the Clinton-Gore people, proposed spending 40 percent of the budget surplus and $344 billion of Social Security on more government programs.

The President stood in that well right in front of the Speaker of the House and said that we should protect 60 percent of the budget surplus. Well, why 60 percent? If we were to put money in a retirement account, it should be there for our retirement.

Imagine working for X, Y, Z Wigits. Let us say we work for a shoe company, and we worked hard for that shoe company for 25 years on the factory line, and we put money into the retirement account. And then, lo and behold, the day came to retire and the boss said, well, guess what, I needed some new production equipment a couple of years ago, so I put that retirement money into that. But, hey, do not worry, it was well spent. And then later I needed a little money for a raise for another worker, for somebody else, and so I gave some of that money for that. And then, of course, the new sign on the shoe factory, we needed to get that paid for, so I took that out of the retirement fund, too.

If that happened to an American worker, he or she would sue and wind up owning that shoe factory, because that is the law of the land. But in Congress we can take grandmother's Social Security money and spend it on roads and bridges and congressional salaries and departments and bureaucrats all day long and there is no problem with it.

But we have stopped that. And that is the very big significance between the Democrat and the Republican Party, is that for the first time in history we have said no to spending the Social Security surplus on anything but Social Security. It is the first point of our budget, 100 percent of Social Security, and we put it in what we call a security lockbox. And the security lockbox just says that not only are we not going to spend it by voting not to spend it, but we are even going to create an accounting mechanism to make sure that the trust fund is safely locked away.

So we did that. We called it a lockbox, and it passed here on an overwhelming basis. It went over to the Senate and, lo and behold, the Senate, under the direction of the Clinton-Gore team, has said no to the lockbox. So now it is stuck over there. But I call on the liberals in the Senate to please, please do what they can do to get this thing done, because it is very important. Again, it had bipartisan support on the floor of the House.

Well, we took another step in our budget. We went to debt reduction. We do not talk about debt reduction around here, we talk about wiping out the deficit, the annual debt, but we do not talk about paying down the debt. Our budget pays down $2.2 trillion in debt, and that is real important for my small children. Little 8-year-old Jim Kingston would love to live in a debt-free America one day, and I am going to do everything I can to make it happen.

These are the main points of our budget, Mr. Speaker. We do not want to spend Social Security money. We want to protect and preserve it. We want to stop the raid on it. I think it is a very important proposal, and I certainly hope that the President and the Vice President will work with us. Because it is important not just for America's seniors, not just for the next election, but for the next generation.

RECESS

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 8 o'clock and 10 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2125

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SESSIONS) at 9 o'clock and 25 minutes p.m.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2670, DEPARTMENTS OF COMMERCE, JUSTICE, STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

Ms. PRYCE of Ohio, from the Committee on Rules, submitted a privileged report (Rept. No. 106–401) on the resolution (H. Res. 335) waiving points of order against the conference report to accompany the bill (H.R. 2670) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2000, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2, THE STUDENT RESULTS ACT

Ms. PRYCE of Ohio, from the Committee on Rules, submitted a privileged report (Rept. No. 106–402) on the resolution (H. Res. 336) providing for consideration of the bill (H.R. 2) to send more dollars to the classroom and for certain other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. RUSH (at the request of Mr. GEPHARDT) for today on account of family health emergency.

Mr. WISE (at the request of Mr. GEPHARDT) for today after 3:00 p.m. on account of personal business.

Mrs. FOWLER (at the request of Mr. ARMEY) for today after 3:00 p.m. on account of personal business.

Mr. CAMP (at the request of Mr. ARMEY) for today on account of the birth of his daughter.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. CAPPS) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Mrs. JONES of Ohio, for 5 minutes, today.

Mrs. CAPPS, for 5 minutes, today.

Mr. ETHERIDGE, for 5 minutes, today.

Mr. CLYBURN, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, on October 26.

Mr. DIAZ-BALART, for 5 minutes, today and October 20.

Mr. METCALF, for 5 minutes, today.

Mrs. WILSON, for 5 minutes, October 20.

Mr. JONES of North Carolina, for 5 minutes, today.

Mrs. CHENOWETH-HAGE, for 5 minutes, today and October 20.

Mrs. MORELLA, for 5 minutes, today.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 659. An act to authorize appropriations for the protection of Paoli and Brandywine Battlefields in Pennsylvania, to authorize the Valley Forge Museum of the American Revolution at Valley Forge National Historical Park, and for other purposes.

H.J. Res. 71. Joint resolution making further continuing appropriations for the fiscal year 2000, and for other purposes.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills and a joint resolution of the House of the following titles:

On October 18, 1999:

H.R. 3036. To restore motor carrier safety enforcement authority to the Department of Transportation.

H.R. 2684. Making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000, and for other purposes.

H.R. 356. To provide for the conveyance of certain property from the United States to Stanislaus County, California.

On October 19, 1999:

H.J. Res. 71. Making further continuing appropriations for the fiscal year 2000, and for other purposes.

ADJOURNMENT

Ms. PRYCE of Ohio. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 26 minutes p.m.), the House adjourned until tomorrow, Wednesday, October 20, 1999, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4815. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Milk in the New England and Other Marketing Areas; Delay of Effective Date [DA–97–12] received October 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4816. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Sweet Cherries Grown in Designated Counties in Washington; Change in Pack Requirements [Docket No. FV99–923–1 IFRC] received October 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4817. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Animal and Plant Health Inspection Service [Docket No. 97–118–2] received October 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4818. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Change in Disease Status of Belgium Because of BSE [Docket No. 97–115–2] received October 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4819. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Tebufenozide; Benzoic Acid, 3, 5-dimethyl-1-(1,1-dimethylethyl)-2-(4-ethylbenzoyl) hydrazide; Pesticide Tolerance [OPP–300928; FRL–6382–6] (RIN: 2070–AB78) received October 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4820. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Sethoxydim; Pesticide Tolerances for Emergency Exemptions [OPP–300932; FRL–6385–9] (RIN: 2070–AB78) received October 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4821. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Pyrithiobac Sodium Salt; Time-Limited Pesticide Tolerance [OPP–300935; FRL–6386–5] (RIN: 2070–AB78) received October 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4822. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agecny's final rule—Pyriproxyfen; Pesticide Tolerance [OPP–300917; FRL–6381–3] (RIN: 2070–AB78) received October 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4823. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Metolachlor; Extension of Tolerance for Emergency Exemptions [OPP–300934; FRL–6386–1] (RIN: 2070–AB78) received October 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4824. A letter from the Assistant General Counsel for Regulations, Office of Student Financial Assistance, Department of Education, transmitting the Department's final rule—The Secretary's Recognition of Accrediting Agencies (RIN: 1845–AA09) received October 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4825. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans Tennessee: Approval of Revisions to the Knox County Portion of the Tennessee SIP Regarding Use of LAER for Major Modifications and Revisions to the Tennessee SIP Regarding the Coating of Miscellaneous Metal Parts [TN–158–2–9942(a); TN–211–1–9943(a); TN–215–1–9944(a); TN–221–1–9945(a); FRL–6452–8] received October 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4826. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; Kern County Air Pollution Control District Yolo-Solano Air Quality Management District [CA71–168a; FRL–6452–3] received October 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4827. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maryland; VOCs from Paint, Resin and Adhesive Manufacturing and Adhesive Manufacturing and Adhesive Application [MD093–3040] received October 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4828. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Land Disposal Restrictions Phase IV: Final Rule Promulgating Treatment Standards for Metal Wastes and Mineral Processing Wastes; Mineral Processing Secondary Materials and Bevill Exclusion Issues; Treatment Standards for Hazardous Soils, and Exclusion of Recycled Wood Preserving Wastewaters (RIN: 2050–AE05) [FRL–6458–8] received October 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4829. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; State of Maryland; Enhanced Inspection & Maintenance Program [MD081–3043a; FRL–6449–3] received October 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4830. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Texas; Repeal of Board Seal Rule and Revisions to Particulate Matter Regulations [TX–79–1–7328a, FRL–6459–8] received October 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4831. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Acceptable Programs For Respiratory Protection—received October 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4832. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model AS332C, L, and L1 Helicopters [Docket No. 99–SW–13–AD; Amendment 39–11358; AD 99–21–13] (RIN: 2120–AA64) received October 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4833. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Madison, WI [Airspace Docket No. 99–AGL–43] received October 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4834. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Rockport, TX [Airspace Docket No. 99–ASW–12] received October 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4835. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Jefferson, IA [Airspace Docket No. 99–ACE–31] received October 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4836. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Hebron, NE [Airspace Docket No. 99–ACE–27] received October 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4837. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Smith Center, KS [Airspace Docket No. 99–ACE–32] received October 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4838. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Platinum, AK [Airspace Docket No. 99–AAL–11] received October 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4839. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Antlers, OK [Airspace Docket No. 99–ASW–17] received October 15, 1999, pursuant to 5 U.S.C. 301(a)(1)(A); to the Committee on Transportation and Infrastructure.

4840. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Noise Certification Standards for Propeller-Driven Small Airplanes [Docket No. FAA–1998–4731; Amendment No. 36] (RIN: 2120–AG65) received October 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4841. A letter from the Department of Transportation, FAA, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model DHC–8–102, –103, –106, –201, –202, –301, –311, and –315 Series Airplanes [Docket No. 98–NM–321–AD; Amendment 39–11352; AD 99–21–09] (RIN: 2120–AA64) received October 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4842. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Gifts and Inheritances [Rev. Rul. 99–44] received October 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4843. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Time For Recharacterizing 1998 IRA Contributions [Announcement 99–104] received October 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GOODLING: Committee on Education and the Workforce. Supplemental report on H.R. 2. A bill to send more dollars to the classroom and for certain other purposes (Rept. 106–394, Pt. 2).

Mr. McCOLLUM: Committee on the Judiciary. H.R. 1887. A bill to amend title 18, United States Code, to punish the depiction of animal cruelty; with an amendment (Rept. 106–397). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROGERS: Committee of Conference. Conference report on H.R. 2670. A bill making appropriations for the Department of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2000, and for other purposes (Rept. 106–398). Ordered to be printed.

Mr. BLILEY: Committee on Commerce. H.R. 754. A bill to establish a toll free number under the Federal Trade Commission to assist consumers in determining if products are American-made; with an amendment (Rept. 106–399). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLILEY: Committee on Commerce. House Resolution 278. Resolution expressing the sense of the House of Representatives regarding the importance of education, early detection and treatment, and other efforts in the fight against breast cancer (Rept. 106–400). Referred to the House Calendar.

Mr. LINDER: Committee on Rules. House Resolution 335. Resolution waiving point of order against the conference report to accompany the bill (H.R. 2670) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2000, and for other purposes (Rept. 106–401). Referred to the House Calendar.

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 336. Resolution providing for consideration of the bill (H.R. 2) to send more dollars to the classroom and for certain other purposes (Rept. 106–402). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the Committee on Commerce discharged from further consideration. H.R. 3070 referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. RANGEL (for himself, Mr. Matsui, Mr. Gephardt, Mr. Bonior, Mr. Stark, Mr. Coyne, Mr. Levin, Mr. McDermott, Mr. Kleczka, Mr. Lewis of Georgia, Mr. Neal of Massachusetts, Mr. McNulty, Mr. Doggett, Mr. Brown of Ohio, Mr. Frank of Massachusetts, Mr. Luther, Mr. Tierney, and Mr. Vento):

H.R. 3099. A bill to amend the Internal Revenue Code of 1986 to prevent the continued use of renouncing United States citizenship as a device for avoiding United States taxes; to the Committee on Ways and Means.

By Mr. FRELINGHUYSEN:

H.R. 3100. A bill to amend the Communications Act of 1934 to prohibit telemarketers from interfering with the caller identification service of any person to whom a telephone solicitation is made, and for other purposes; to the Committee on Commerce.

By Mr. BRYANT (for himself, Mr. Tanner, and Mr. Hilleary):

H.R. 3101. A bill to respond to drought conditions in various States by authorizing farmers and ranchers in drought areas to use certain conservation reserve lands for haying and grazing during the remainder of 1999; to the Committee on Agriculture.

By Mr. WELLER (for himself, Mr. Foley, Mr. Crane, Mrs. Biggert, and Mr. Shimkus):

H.R. 3102. A bill to amend the Internal Revenue Code of 1986 to eliminate foreign base company shipping income from foreign base company income; to the Committee on Ways and Means.

By Ms. DEGETTE (for herself, Mr. Waxman, Mr. Green of Texas, Mr. Luther, Mr. Frost, Mr. Wynn, Mr. Filner, Mr. Thompson of Mississippi, and Mr. Oberstar):

H.R. 3103. A bill to amend title XIX of the Social Security Act to assure preservation of safety net hospitals through maintenance of the Medicaid disproportionate share hospital program; to the Committee on Commerce.

By Ms. KAPTUR:

H.R. 3104. A bill to provide needed flexibility to the United States Department of Agriculture to help developing countries and move surplus commodities from the United States; to the Committee on Agriculture.

By Mrs. MALONEY of New York (for herself, Mr. Young of Florida, Mr. Horn, Mr. McNulty, Mr. Andrews, Ms. Berkley, Mr. Sherman, Mrs. Morella, Mr. Nadler, Mr. Waxman, Mr. Condit, Ms. Ros-Lehtinen, Mr. McGovern, Mr. Frost, Mr. Weiner, Mr. Abercrombie, and Mrs. Lowey):

H.R. 3105. A bill to authorize the Secretary of Education to make grants to educational organizations to carry out educational programs about the Holocaust; to the Committee on Education and the Workforce.

By Mrs. MALONEY of New York:

H.R. 3106. A bill to protect the civil rights of victims of gender-motivated violence and to promote public safety, health, and regulate activities affecting interstate commerce by creating employer liability for negligent conduct that results in an individual's committing a gender-motivated crime of violence against another individual on premises controlled by the employer; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MASCARA:

H.R. 3107. A bill to amend title XVIII of the Social Security Act to extend coverage of immunosuppressive drugs under the Medicare Program to cases of transplants not paid for under the program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MORAN of Kansas (for himself and Mr. Hall of Texas):

H.R. 3108. A bill to designate the Old Executive Office Building located at 17th Street and Pennsylvania Avenue, NW, in Washington, District of Columbia, as the Dwight D. Eisenhower Executive Office Building; to the Committee on Transportation and Infrastructure.

By Mrs. ROUKEMA (for herself, Mrs. Clayton, Mr. Holt, Mr. Smith of New Jersey, Mr. Saxton, Mr. Pallone, Mr. Pascrell, Mr. Rothman, Mr. Payne, Mr. Hayes, Mr. Jones of North Carolina, and Mr. LoBiondo):

H.R. 3109. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to establish a grant program for assisting small businesses and agricultural enterprises in meeting disaster-related expenses; to the Committee on Transportation and Infrastructure.

By Mr. SALMON (for himself, Mr. Kolbe, and Mr. Shadegg):

H.R. 3110. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to provide coverage for individuals participating in approved cancer clinical trials; to the Committee on Commerce, and in addition to the Committees on Ways and Means, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THORNBERRY (for himself, Mr. Sandlin, and Mr. Watts of Oklahoma):

H.J. Res. 72. A joint resolution granting the consent of the Congress to the Red River Boundary Compact; to the Committee on the Judiciary.

By Mr. BONILLA (for himself, Mr. Stenholm, Mr. Brady of Texas, Mr. Sandlin, Mr. Thornberry, Mr. Paul, Mr. Combest, Mr. Sessions, Mr. Shows, Mr. Smith of Texas, Mr. Barton of Texas, Mr. Dickey, Mr. Ortiz, Mr. Wicker, Mr. Watts of Oklahoma, Mr. Green of Texas, Mr. Hall of Texas, Mr. McIntyre, Mr. Pickering, Mr. John, Mr. Lucas of Kentucky, and Mr. Taylor of Mississippi):

H. Con. Res. 199. Concurrent resolution expressing the sense of the Congress that prayers and invocations at public school sporting events contribute to the moral foundation of our Nation and urging the Supreme Court to uphold their constitutionality; to the Committee on the Judiciary.

By Mr. GEJDENSON (for himself, Mr. Lantos, Mr. Ackerman, and Mr. Pallone):

H. Con. Res. 200. Concurrent resolution expressing the strong opposition of Congress to the military coup in Pakistan and calling for a civilian, democratically-elected government to be returned to power in Pakistan; to the Committee on International Relations.

By Ms. KAPTUR:

H. Con. Res. 201. Concurrent resolution expressing the sense of Congress with respect to the power of agricultural humanitarian assistance, in the form of a millenium good will food aid initiative, to help guide developing countries down the path to self sufficiency; to the Committee on International Relations, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 65: Mr. Bishop.

H.R. 73: Mr. Largent.

H.R. 274: Mr. Diaz-Balart.

H.R. 303: Ms. Granger, Mr. DeMint, Mr. Bonilla, Mr. Davis of Illinois, Mr. Campbell, Mr. Udall of New Mexico, Mr. Foley, Mr. Thompson of Mississippi, and Mr. Kucinich.

H.R. 306: Mrs. Jones of Ohio and Mr. Towns.

H.R. 329: Mr. Rahall and Mr. Cardin.

H.R. 382: Mr. Evans, Ms. Eshoo, Mr. Olver, Mr. Weiner, Mr. Crowley, and Mr. Lantos.

H.R. 389: Mrs. Thurman.

H.R. 407: Mr. Souder.

H.R. 443: Mr. McGovern.

H.R. 460: Mr. Ehrlich.

H.R. 531: Ms. Pelosi.

H.R. 534: Mr. Etheridge, Mr. Moore, and Mr. Wexler.

H.R. 595: Mr. Nadler.

H.R. 623: Mr. Rogan and Mr. Sweeney.

H.R. 721: Mr. Forbes and Mr. Kennedy of Rhode Island.

H.R. 729: Mr. Waxman.

H.R. 742: Mr. Udall of New Mexico.

H.R. 765: Mr. Hutchinson, Mr. Whitfield, Mr. Callahan, Mr. Pickett, Mr. Hastings of Washington, Mr. Simpson, Mr. Blunt, and Ms. Brown of Florida.

H.R. 783: Mr. Hoeffel and Mr. Walsh.

H.R. 784: Mr. Schaffer.

H.R. 827: Mrs. Lowey and Ms. Berkley.

H.R. 864: Mr. Abercrombie.

H.R. 865: Mr. Schaffer.

H.R. 961: Mr. Wynn and Mr. Hastings of Florida.

H.R. 976: Mr. Fossella and Ms. Pelosi.

H.R. 997: Mr. Diaz-Balart.

H.R. 1046: Mr. Thompson of California.

H.R. 1060: Mr. Frank of Massachusetts.

H.R. 1071: Mr. Hoyer, Mr. Lampson, and Ms. Lofgren.

H.R. 1095: Mr. Price of North Carolina, Mr. Boehlert, and Mr. Martinez.

H.R. 1107: Mr. LaTourette and Mr. Boehlert.

H.R. 1111: Mr. Hastings of Florida.

H.R. 1115: Mr. Etheridge, Mr. Watt of North Carolina, Mr. Vento, Mr. Reynolds, Mr. Hefley, Mr. Hobson, Mr. Houghton, and Mr. Tanner.

H.R. 1129: Ms. Norton.

H.R. 1174: Mr. Fletcher.

H.R. 1227: Ms. McKinney.

H.R. 1239: Mr. Levin and Mr. Jefferson.

H.R. 1267: Ms. Jackson-Lee of Texas.

H.R. 1290: Mr. Bilirakis, Mr. Linder, and Mr. Herger.

H.R. 1313: Mr. Berman.

H.R. 1329: Mr. Whitfield.

H.R. 1367: Mr. Sensenbrenner.

H.R. 1396: Mr. George Miller of California.

H.R. 1456: Mr. McIntosh.

H.R. 1457: Mr. Turner.

H.R. 1593: Mr. McINNIS.

H.R. 1598: Mr. THOMPSON of California, Mr. HOBSON, and Mr. SIMPSON.

H.R. 1622: Mr. CLEMENT.

H.R. 1675: Mr. HALL of Ohio.

H.R. 1775: Mr. LoBIONDO, Mr. DIAZ-BALART, Ms. VELÁZQUEZ, Mr. BASS, Mr. PAYNE, Mr. HINCHEY, Mr. NADLER, Mr. GANSKE, Mr. MORAN of Virginia, Mr. DeFAZIO, and Mr. TAYLOR of Mississippi.

H.R. 1816: Mr. PRICE of North Carolina.

H.R. 1838: Mr. TIAHRT, Mr. HUTCHINSON, Mr. HOEFFEL, and Mr. MEEKS of New York.

H.R. 1841: Mr. SABO and Mr. MARTINEZ.

H.R. 1926: Mr. THOMPSON of California.

H.R. 2059: Mr. STRICKLAND.

H.R. 2060: Mr. CONYERS and Mr. OWENS.

H.R. 2119: Mr. ROMERO-BARCELÓ.

H.R. 2120: Mr. LUTHER.

H.R. 2200: Mr. MARTINEZ and Mr. LUTHER.

H.R. 2241: Mr. KANJORSKI, Mr. PICKERING, and Mr. CANADY of Florida.

H.R. 2244: Mr. ROGAN and Mr. WAMP.

H.R. 2258: Mrs. MALONEY of New York, Mr. BONIOR, and Mr. NADLER.

H.R. 2269: Mr. FRANKS of New Jersey.

H.R. 2303: Mr. VISCLOSKY and Mr. BONILLA.

H.R. 2420: Mrs. MORELLA, Mr. WATKINS, Mr. PACKARD, Mr. McINTOSH, Mr. COOKSEY, Mr. CARDIN, Mr. ENGLISH, Mr. DUNCAN, and Mr. MOAKLEY.

H.R. 2498: Mr. BURTON of Indiana, Mr. PALLONE, Mr. CLEMENT, Mrs. BONO, and Mr. GREEN of Texas.

H.R. 2539: Mrs. BONO.

H.R. 2543: Ms. DUNN and Mr. COBLE.

H.R. 2544: Ms. PRYCE of Ohio and Mr. ISAKSON.

H.R. 2554: Mr. CUNNINGHAM.

H.R. 2631: Mrs. CAPPS, Ms. LOFGREN, and Mr. THOMPSON of Mississippi.

H.R. 2686: Mr. SISISKY.

H.R. 2697: Mr. LAMPSON.

H.R. 2722: Mrs. CHRISTENSEN, Mr. LEWIS of Georgia, Mr. LAMPSON, Ms. JACKSON-LEE of Texas and Ms. BALDWIN.

H.R. 2726: Mr. SHOWS, Mr. ARMEY, and Mrs. EMERSON.

H.R. 2730: Mr. ABERCROMBIE, Mr. WAXMAN, Mrs. FOWLER, Mr. McNULTY, Mr. BARRETT of Wisconsin, Mrs. JONES of Ohio, Mr. FARR of California, Mr. WATT of North Carolina, Mr. FROST, Mr. MEEKS of New York, Ms. DeLAURO, and Mrs. CLAYTON.

H.R. 2732: Mrs. McCARTHY of New York.

H.R. 2733: Mr. BATEMAN, Mr. HORN, and Mr. SOUDER.

H.R. 2750: Mrs. CLAYTON and Mr. TRAFICANT.

H.R. 2764: Mr. SNYDER and Mr. BECERRA.

H.R. 2774: Mr. WYNN.

H.R. 2790: Mr. HILLIARD.

H.R. 2807: Mr. WATT of North Carolina.

H.R. 2825: Mr. SUNUNU, Mr. STEARNS, and Mr. SCHAFFER.

H.R. 2868: Mr. BLUMENAUER, Mr. WAXMAN, Mr. VENTO, Ms. PELOSI, Mr. STRICKLAND, Mr. HOLT, Mr. KUCINICH, and Ms. McKINNEY.

H.R. 2901: Mr. RILEY.

H.R. 2909: Mr. RADANOVICH, Mr. LUTHER, and Mr. FOLEY.

H.R. 2960: Mr. SESSIONS and Mr. GIBBONS.

H.R. 2962: Ms. MILLENDER-McDONALD, Ms. WATERS, and Mr. FOLEY.

H.R. 2999: Mr. ROGAN.

H.R. 3003: Mr. LANTOS and Mr. FILNER.

H.R. 3027: Mr. ENGLISH, Mr. TURNER, and Mr. SMITH of Michigan.

H.R. 3059: Mr. McINNIS.

H.R. 3075: Mr. SUNUNU.

H.R. 3082: Mr. SAM JOHNSON of Texas and Mr. ENGLISH.

H.J. Res. 21: Mr. BARTLETT of Maryland.

H.J. Res. 53: Mr. HASTINGS of Washington and Mr. HEFLEY.

H. Con. Res. 30: Mr. DeMINT.

H. Con. Res. 62: Ms. BERKLEY, Mr. THOMPSON of California, and Mr. FILNER.

H. Con. Res. 89: Mr. DOYLE, Mr. SOUDER, and Mr. WOLF.

H. Con. Res. 119: Mr. FOSSELLA.

H. Con. Res. 175: Mr. SHAYS, Mr. WOLF, and Mr. LANTOS.

H. Con. Res. 188: Mr. CASTLE.

H. Con. Res. 189: Mr. PALLONE.

H. Res. 41: Mr. FRELINGHUYSEN, Mrs. NORTHUP, Ms. RIVERS, Mrs. ROUKEMA, Mr. SANDLIN, Mr. SKELTON, and Ms. WATERS.

H. Res. 298: Mr. LANTOS, Mr. MARTINEZ, Mrs. LOWEY, Ms. SLAUGHTER, Ms. BERKLEY, Mr. REYES, Mr. DEUTSCH, Mr. FORD, and Mr. BERMAN.

H. Res. 325: Mr. SMITH of New Jersey, Mr. BORSKI, Mr. McINTYRE, Mr. JENKINS, and Mr. DAVIS of Virginia.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2

OFFERED BY: MR. GOODLING

AMENDMENT NO. 5: In section 1112(b) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 106 of the bill—

(1) in paragraph (10), by striking the "and" after the semicolon;

(2) in paragraph (11), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(12) a description of the criteria established by the local educational agency pursuant to section 1119(b)(1).

In section 1124(c)(1) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 121 of the bill—

(1) in subparagraph (A), strike "and" after the semicolon;

(2) in subparagraph (B), strike the period and insert "; and"; and

(3) add at the end the following:

"(C) the number of children aged 5 to 17, inclusive, in the school district of such agency from families above the poverty level as determined under paragraph (4).".

In section 1124(c)(4) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 121 of the bill—

(1) insert before the first sentence the following: "For the purposes of this section, the Secretary shall determine the number of children aged 5 to 17, inclusive, from families above the poverty level on the basis of the number of such children from families receiving an annual income, in excess of the current criteria of poverty, from payments under a State program funded under part A of title IV of the Social Security Act; and in making such determinations the Secretary shall utilize the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census for a family of 4 in such form as those criteria have been updated by increases in the Consumer Price Index for all urban consumers, published by the Bureau of Labor Statistics.";

(2) in the first sentence after the sentence inserted by paragraph (1)—

(A) insert "the number of such children and" after "determine"; and

(B) insert "(using, in the case of children described in the preceding sentence, the criteria of poverty and the form of such criteria required by such sentence which were determined for the calendar year preceding such month of October)" after "fiscal year".

Amend subparagraph (C) of section 1701(b)(2) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 171 of the bill, to read as follows:

"(C) REALLOCATION.—If a State does not apply for funds under this section, the Secretary shall reallocate such funds to other States that do apply in proportion to the amount allocated to such States under subparagraph (B).".

In section 5204(a) of the Elementary and Secondary Education Act of 1965, as proposed to be added by section 201 of the bill—

(1) in paragraph (1), insert "the design and development of new strategies for overcoming transportation barriers," after "effective public school choice"; and

(2) in paragraph (2)(A), after "inter-district" insert "or intra-district"; and

(3) amend subparagraph (E) to read as follows:

"(E) public school choice programs that augment the existing transportation services necessary to meet the needs of children participating in such programs.".

In section 5204(b) of the Elementary and Secondary Education Act of 1965, as proposed to be added by section 201 of the bill—

(1) in paragraph (1), after the semicolon insert "and";

(2) strike paragraph (2); and

(3) redesignate paragraph (3) as paragraph (2).

In section 9116(c) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 401 of the bill—

(1) insert "funds for" after "(b) shall include"; and

(2) strike ", or portion thereof," and insert "exclusively serving Indian children or the funds reserved under any program to exclusively serve Indian children".

In section 15004(a)(2) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 301 of the bill, strike "state, or federal laws, rules or regulations" and insert "State, and Federal laws, rules and regulations".

In section 1121(c)(1) of the Education Amendments of 1978, as proposed to be amended by section 410 of the bill, strike "1 year" and insert "2 years".

In the heading for section 1123 of the Education Amendments of 1978, as proposed to be amended by section 410 of the bill, insert "**CODIFICATION OF**" before "**REGULATIONS**".

In section 1126(b) of the Education Amendments of 1978, as proposed to be amended by section 410 of the bill, strike "maintenance to schools" and insert "maintenance of schools".

In the heading for section 1138(b)(2) of the Education Amendments of 1978, as proposed to be amended by section 410 of the bill, strike "GENERAL" and all that follows through the semicolon.

In section 1138(b)(2) of the Education Amendments of 1978, as proposed to be amended by section 410 of the bill, strike "Regulations required" and all that follows through "Such regulations shall" and insert "Regulations issued to implement this Act shall".

In section 1138A(b)(1) of the Education Amendments of 1978, as proposed to be amended by section 410 of the bill, strike ", provided that the" and all that follow through the end of the paragraph and insert a period.

In section 1138A(b) of the Education Amendments of 1978, as proposed to be amended by section 410 of the bill, redesignate paragraph (2) as paragraph (3), and insert the following new paragraph (2) after paragraph (1):

"(2) NOTIFICATION TO CONGRESS.—If draft regulations implementing this part and the Tribally Controlled Schools Act of 1988 are not issued in final form by the deadline provided in paragraph (1), the Secretary shall notify the appropriate committees of Congress of which draft regulations were not issued in final form by the deadline and the reason such final regulations were not issued.

In section 5209(a) of Public Law 100–297, as proposed to be amended by section 420 of the bill—

(1) strike "106(f)" and insert "106(e)";

(2) strike "106(j)" and insert "106(i)"; and

(3) strike "106(k)" and insert "106(j)".

In section 722(g)(3)(C) of the Stewart B. McKinney Homeless Education Assistance Act (42 U.S.C. 11432(g)(3)(C)), as proposed to be amended by section 704 of the bill—

(1) in clause (i), strike "Except as provided in clause (iii), a" and insert "A"; and

(2) amend clause (iii) to read as follows:

"(iii) "If the child or youth needs to obtain immunizations or immunization records, the enrolling school shall immediately refer the parent or guardian of the child or youth to the liaison who shall assist in obtaining necessary immunizations or immunization records in accordance with subparagraph (E)."

In section 722(g)(3)(E)(i) of the Stewart B. McKinney Homeless Education Assistance Act (42 U.S.C. 11432(g)(3)(E)(i)), as proposed to be amended by section 704 of the bill, strike "except as provided in subparagraph (C)(iii),".

In section 1112(g) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 106(f) of the bill strike paragraph (2)(A) and insert the following:

"(2) CONSENT.—

"(A) AGENCY REQUIREMENTS.—

"(i) INFORMED CONSENT.—For a child who has been identified as limited English proficient prior to the beginning of the school year, each local educational agency that receives funds under this part shall obtain informed parental consent prior to the placement of a child in an English language instruction program for limited English proficient children funded under this part, if—

"(I) the program does not include classes which exclusively or almost exclusively use the English language in instruction; or

"(II) instruction is tailored for limited English proficient children.

"(ii) WRITTEN CONSENT NOT OBTAINED.—If written consent is not obtained, the local educational agency shall maintain a written record that includes the date and the manner in which such informed consent was obtained.

"(iii) RESPONSE NOT OBTAINED.—

"(I) IN GENERAL.—If a response cannot be obtained after a reasonable and substantial effort has been made to obtain such consent, the local educational agency shall document, in that it has given such notice and its specific efforts made to obtain such consent.

"(II) DELIVERY OF PROOF OF DOCUMENTATION.—The proof of documentation shall be mailed or delivered in writing to the parents or guardian of the child prior to placing the child in a program described under subparagraph (A), and shall include a final notice requesting parental consent for such services. After such documentation has been mailed or delivered in writing, the LEA shall provide appropriate educational services.

"(iii) SPECIAL RULE APPLICABLE DURING SCHOOL YEAR.—A local educational agency may obtain parental consent under this clause only for children who have not been identified as limited English proficient prior to the beginning of the school year. For such children the agency shall document, in writing, its specific efforts made to obtain such consent prior to placing the child in a program described in subparagraph (A). After such documentation has been made, the local educational agency shall provide appropriate educational services to such child. The proof of documentation shall be mailed or delivered in writing to the parents or guardian of the child in a timely manner and shall include information on how to have their child immediately removed from the program upon their request. This clause shall not be construed as exempting a local educational agency from complying with the requirements of this subparagraph.

At the end of the bill, add the following:

TITLE IX—EDUCATION OF LIMITED ENGLISH PROFICIENT CHILDREN AND EMERGENCY IMMIGRANT EDUCATION

SEC. 901. PROGRAMS AUTHORIZED.

Title VII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7401 et seq.) is amended to read as follows:

"TITLE VII—EDUCATION OF LIMITED ENGLISH PROFICIENT CHILDREN AND EMERGENCY IMMIGRANT EDUCATION

"PART A—ENGLISH LANGUAGE EDUCATION

"SEC. 7101. SHORT TITLE.

"This part may be cited as the 'English Language Proficiency and Academic Achievement Act'.

"SEC. 7102. FINDINGS AND PURPOSES.

"(a) FINDINGS.—The Congress finds that—

"(1) English is the common language of the United States and every citizen and other person residing in the United States should have a command of the English language in order to develop to their full potential;

"(2) limited English proficient children must overcome a number of challenges in receiving an education in order to enable such children to participate fully in American society, including—

"(A) segregated education programs;

"(B) disproportionate and improper placement in special education and other special programs due to the use of inappropriate evaluation procedures;

"(C) the limited English proficiency of their own parents, which hinders the parents' ability to fully participate in the education of their children; and

"(D) a need for additional teachers and other staff who are professionally trained and qualified to serve such children;

"(3) States and local educational agencies need assistance in developing the capacity to provide programs of instruction that offer and provide an equal educational opportunity to children who need special assistance because English is not their dominant language;

"(4) Native Americans and Native American languages (as such terms are defined in section 103 of the Native American Languages Act), including native residents of the outlying areas, have a unique status under Federal law that requires special policies within the broad purposes of this Act to serve the education needs of language minority students in the United States;

"(5) the Federal Government, as exemplified by title VI of the Civil Rights Act of 1964 and section 204(f) of the Equal Education Opportunities Act of 1974, has a special and continuing obligation to ensure that States and local educational agencies take appropriate action to provide equal educational opportunities to children of limited English proficiency; and

"(6) research, evaluation, and data collection capabilities in the field of instruction for limited English proficient children need to be strengthened so that educators and other staff teaching limited English proficient children in the classroom can better identify and promote programs, program implementation strategies, and instructional practices that result in the effective education of limited English proficient children.

"(b) PURPOSES.—The purposes of this part are—

"(1) to help ensure that children who are limited English proficient attain English proficiency, develop high levels of academic attainment in English, and meet the same challenging State content standards and challenging State student performance standards expected of all children; and

"(2) to develop high quality programs designed to assist local educational agencies in teaching limited English proficient children.

"SEC. 7103. PARENTAL NOTIFICATION AND CONSENT FOR ENGLISH LANGUAGE INSTRUCTION.

"(a) NOTIFICATION.—If a local educational agency uses funds under this part to provide English language instruction to limited English proficient children, the agency shall inform a parent or the parents of a child participating in an English language instruction program for limited English proficient children assisted under this part of—

"(1) the reasons for the identification of the child as being in need of English language instruction;

"(2) the child's level of English proficiency, how such level was assessed, and the status of the child's academic achievement;

"(3) how the English language instruction program will specifically help the child acquire English and meet age-appropriate standards for grade promotion and graduation;

"(4) what the specific exit requirements are for the program;

"(5) the expected rate of transition from the program into a classroom that is not tailored for limited English proficient children; and

"(6) the expected rate of graduation from high school for the program if funds under this part are used for children in secondary schools.

"(b) CONSENT.—

"(1) AGENCY REQUIREMENTS.—

"(A) INFORMED CONSENT.—For a child who has been identified as limited English proficient prior to the beginning of the school year, each local educational agency that receives funds under this part shall obtain informed parental consent prior to the placement of a child in an English language instruction program for limited English proficient children funded under this part, if—

"(i) the program does not include classes which exclusively or almost exclusively use the English language in instruction; or

"(ii) instruction is tailored for limited English proficient children.

"(B) WRITTEN CONSENT NOT OBTAINED.—If written consent is not obtained, the local educational agency shall maintain a written record that includes the date and the manner in which such informed consent was obtained.

"(C) RESPONSE NOT OBTAINED.—

"(i) IN GENERAL.—If a response cannot be obtained after a reasonable and substantial effort has been made to obtain such consent, the local educational agency shall document, in writing, that it has given such notice and its specific efforts made to obtain such consent.

"(ii) Delivery of Proof of Documentation.—The proof of documentation shall be mailed or delivered in writing to the parents or guardian of the child prior to placing the child in a program described under subparagraph (A), and shall include a final notice requesting parental consent for such services. After such documentation has been mailed or delivered in writing, the LEA shall provide appropriate educational services.

"(iii) Special Rule Applicable During School Year.—A local educational agency may obtain parental consent under this clause only for children who have not been identified as limited English proficient prior to the beginning of the school year. For such children the agency shall document, in writing, its specific efforts made to obtain such consent prior to placing the child in a program described in subparagraph (A). After such documentation has been made, the local educational agency shall provide appropriate educational services to such child. The proof of documentation shall be mailed or delivered in writing to the parents or guardian of the child in a timely manner and shall include information on how to have their child immediately removed from the program upon their request. This clause shall not be construed as exempting a local educational agency from complying with the requirements of this subparagraph.

"(2) Parental rights.—A parent or the parents of a child participating in an English language instruction program for limited English proficient children assisted under subpart 1 or 2 shall—

"(A) select among methods of instruction, if more than one method is offered in the program; and

"(B) have the right to have their child immediately removed from the program upon their request.

"(c) Receipt of Information.—A parent or the parents of a child identified for participation in an English language instruction program for limited English proficient children assisted under this part shall receive, in a manner and form understandable to the parent or parents, the information required by this subsection. At a minimum, the parent or parents shall receive—

"(1) timely information about English language instruction programs for limited English proficient children assisted under this part;

"(2) if a parent of a participating child so desires, notice of opportunities for regular meetings for the purpose of formulating and responding to recommendations from such parents; and

"(3) procedural information for removing a child from a program for limited English proficient children.

"(d) Basis for Admission or Exclusion.—Students shall not be admitted to or excluded from any federally assisted education program on the basis of a surname or language-minority status.

"SEC. 7104. TESTING OF LIMITED ENGLISH PROFICIENT CHILDREN.

"(a) In General.—Assessments of limited English proficient children participating in programs funded under this part, to the extent practicable, shall be in the language and form most likely to yield accurate and reliable information on what such students know and can do in content areas.

"(b) Special Rule.—Notwithstanding subsection (a), in the case of an assessment of reading or language arts of any student who has attended school in the United States (excluding Puerto Rico) for 3 or more consecutive school years, the assessment shall be in the form of a test written in English, except that, if the local educational agency determines, on a case-by-case individual basis, that assessments in another language and form would likely yield more accurate and reliable information on what such students know and can do, the local educational agency may assess such students in the appropriate language other than English for 1 additional year.

"SEC. 7105. CONDITIONS ON EFFECTIVENESS OF SUBPARTS 1 AND 2.

"(a) Subpart 1.—Subpart 1 shall be in effect only for a fiscal year for which subpart 2 is not in effect.

"(b) Subpart 2.—

"(1) In general.—Subpart 2 shall be in effect only for—

"(A) the first fiscal year for which the amount appropriated to carry out this part equals or exceeds $215,000,000; and

"(B) all succeeding fiscal years.

"(2) Continuation of awards.—Notwithstanding any other provision of this part, a State receiving a grant under subpart 2 shall provide 1 additional year of funding to eligible entities in accordance with section 7133(3).

"SEC. 7106. AUTHORIZATIONS OF APPROPRIATIONS.

"(a) Subpart 1 or 2.—Subject to section 7105, for the purpose of carrying out subpart 1 or 2, as applicable, there are authorized to be appropriated $215,000,000 for fiscal year 2000 and such sums as may be necessary for the 4 succeeding fiscal years.

"(b) Subpart 3.—For the purpose of carrying out subpart 3, there are authorized to be appropriated $60,000,000 for fiscal year 2000 and such sums as may be necessary for the 4 succeeding fiscal years.

"(c) Subpart 4.—For the purpose of carrying out subpart 4, there are authorized to be appropriated $16,000,000 for fiscal year 2000 and such sums as may be necessary for the 4 succeeding fiscal years.

"Subpart 1—Discretionary Grant Program

"SEC. 7111. FINANCIAL ASSISTANCE FOR PROGRAMS FOR LIMITED ENGLISH PROFICIENT CHILDREN.

"The purpose of this subpart is to assist local educational agencies, institutions of higher education, and community-based organizations, through the grants authorized under section 7112, to—

"(1) develop and enhance their capacity to provide high-quality instruction through English language instruction and programs which assist limited English proficient children in achieving the same high levels of academic achievement as other children; and

"(2) help such children—

"(A) develop proficiency in English; and

"(B) meet the same challenging State content standards and challenging State student performance standards expected for all children as required by section 1111(b).

"SEC. 7112. FINANCIAL ASSISTANCE FOR INSTRUCTIONAL SERVICES.

"(a) Program Authorized.—

"(1) In general.—In accordance with section 7105, before the amount appropriated to carry out this part for a fiscal year equals or exceeds $210,000,000, the Secretary is authorized to award grants to eligible entities having applications approved under section 7114 to enable such entities to carry out activities described in subsection (b).

"(2) Length of grant.—Each grant under this section shall be awarded for a period of time to be determined by the Secretary based on the type of grant for which the eligible entity applies.

"(b) Authorized Activities.—Grants awarded under this section shall be used to improve the education of limited English proficient children and their families, through the acquisition of English and the attainment of challenging State academic content standards and challenging State performance standards using scientifically-based research approaches and methodologies, by—

"(1) developing and implementing new English language and academic content instructional programs for children who are limited English proficient, including programs of early childhood education and kindergarten through 12th grade education;

"(2) carrying out highly focused, innovative, locally designed projects to expand or enhance existing English language and academic content instruction programs for limited English proficient children;

"(3) implementing, within an individual school, schoolwide programs for restructuring, reforming, and upgrading all relevant programs and operations relating to English language and academic content instruction for limited English proficient students; or

"(4) implementing, within the entire jurisdiction of a local educational agency, agency-wide programs for restructuring, reforming, and upgrading all relevant programs and operations relating to English language and academic content instruction for limited English proficient students.

"(c) Uses of Funds.—Grants under this section may be used—

"(1) to upgrade—

"(A) educational goals, curriculum guidelines and content, standards, and assessments; and

"(B) professional development activities;

"(2) to improve the instruction program for limited English proficient students by identifying, acquiring, and upgrading curricula, instructional materials, educational software, and assessment procedures; and

"(3) to provide—

"(A) tutorials and academic or vocational education for limited English proficient children;

"(B) intensified instruction; and

"(C) for such other activities, related to the purposes of this subpart, as the Secretary may approve.

"(d) Special Rule.—A grant recipient, before carrying out a program assisted under this section, shall plan, train personnel, develop curricula, and acquire or develop materials.

"(e) Eligible Entities.—For the purpose of this section, the term 'eligible entity' means—

"(1) 1 or more local educational agencies; or

"(2) 1 or more local educational agencies in collaboration with an institution of higher education, community-based organization, or local or State educational agency.

"SEC. 7113. NATIVE AMERICAN AND ALASKA NATIVE CHILDREN IN SCHOOL.

"(a) Eligible Entities.—For the purpose of carrying out programs under this subpart for individuals served by elementary, secondary, and postsecondary schools operated predominately for Native American or Alaska Native children, an Indian tribe, a tribally sanctioned educational authority, a Native Hawaiian or Native American Pacific Islander native language education organization, or an elementary or secondary school that is operated or funded by the Bureau of

Indian Affairs shall be considered to be a local educational agency as such term is used in this subpart, subject to the following qualifications:

"(1) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), that is recognized for the special programs and services provided by the United States to Indians because of their status as Indians.

"(2) TRIBALLY SANCTIONED EDUCATIONAL AUTHORITY.—The term 'tribally sanctioned educational authority' means—

"(A) any department or division of education operating within the administrative structure of the duly constituted governing body of an Indian tribe; and

"(B) any nonprofit institution or organization that is—

"(i) chartered by the governing body of an Indian tribe to operate any such school or otherwise to oversee the delivery of educational services to members of that tribe; and

"(ii) approved by the Secretary for the purpose of this section.

"(b) ELIGIBLE ENTITY APPLICATION.—Notwithstanding any other provision of this subpart, each eligible entity described in subsection (a) shall submit any application for assistance under this subpart directly to the Secretary along with timely comments on the need for the proposed program.

"SEC. 7114. APPLICATIONS.

"(a) IN GENERAL.—

"(1) SECRETARY.—To receive a grant under this subpart, an eligible entity shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require.

"(2) STATE EDUCATIONAL AGENCY.—An eligible entity, with the exception of schools funded by the Bureau of Indian Affairs, shall submit a copy of its application under this section to the State educational agency.

"(b) REQUIRED DOCUMENTATION.—Such application shall include documentation that the applicant has the qualified personnel required to develop, administer, and implement the proposed program.

"(c) CONTENTS.—

"(1) IN GENERAL.—An application for a grant under this subpart shall contain the following:

"(A) A description of the need for the proposed program, and a comprehensive description of the characteristics relevant to the children being served.

"(B) An assurance that, if the applicant includes one or more local educational agencies, each such agency is complying with section 7103(b) prior to, and throughout, each school year.

"(C) A description of the program to be implemented and how such program's design—

"(i) relates to the English language and academic needs of the children of limited English proficiency to be served;

"(ii) is coordinated with other programs under this Act and other Acts, as appropriate, in accordance with section 14306;

"(iii) involves the parents of the children of limited English proficiency to be served;

"(iv) ensures accountability in achieving high academic standards; and

"(v) promotes coordination of services for the children of limited English proficiency to be served and their families.

"(D) A description, if appropriate, of the applicant's collaborative activities with institutions of higher education, community-based organizations, local or State educational agencies, private schools, nonprofit organizations, or businesses in carrying out the proposed program.

"(E) An assurance that the applicant will not reduce the level of State and local funds that the applicant expends for programs for limited English proficient children if the applicant receives an award under this subpart.

"(F) An assurance that the applicant will employ teachers in the proposed program who are proficient in English, including written and oral communication skills, and another language, if appropriate.

"(G) A budget for grant funds.

"(H) A description, if appropriate of how the applicant annually will assess the English proficiency of all children with limited English proficiency participating in programs funded under this subpart.

"(2) ADDITIONAL INFORMATION.—Each applicant for a grant under section 7112 who intends to use the grant for a purpose described in paragraph (3) or (4) of subsection (b) of such section—

"(A) shall describe—

"(i) how services provided under this subpart are supplementary to existing services;

"(ii) how funds received under this subpart will be integrated, as appropriate, with all other Federal, State, local, and private resources that may be used to serve children of limited English proficiency;

"(iii) specific achievement and school retention goals for the children to be served by the proposed program and how progress toward achieving such goals will be measured; and

"(iv) current family literacy programs if applicable; and

"(B) shall provide assurances that the program funded will be integrated with the overall educational program.

"(d) APPROVAL OF APPLICATIONS.—An application for a grant under this subpart may be approved only if the Secretary determines that—

"(1) the program will use qualified personnel, including personnel who are proficient in English and other languages used in instruction, if appropriate.

"(2) in designing the program for which application is made, the needs of children in nonprofit private elementary and secondary schools have been taken into account through consultation with appropriate private school officials and, consistent with the number of such children enrolled in such schools in the area to be served whose educational needs are of the type and whose language and grade levels are of a similar type to those which the program is intended to address, after consultation with appropriate private school officials, provision has been made for the participation of such children on a basis comparable to that provided for public school children;

"(3) student evaluation and assessment procedures in the program are valid, reliable, and fair for limited English proficient students, and that limited English proficient students who are disabled are identified and served in accordance with the requirements of the Individuals with Disabilities Education Act;

"(4) Federal funds made available for the project or activity will be used so as to supplement the level of State and local funds that, in the absence of such Federal funds, would have been expended for special programs for limited English proficient children and in no case to supplant such State and local funds, except that nothing in this paragraph shall be construed to preclude a local educational agency from using funds under this title for activities carried out under an order of a court of the United States or of any State respecting services to be provided such children, or to carry out a plan approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 with respect to services to be provided such children; and

"(5) the assistance provided under the application will contribute toward building the capacity of the applicant to provide a program on a regular basis, similar to that proposed for assistance, which will be of sufficient size, scope, and quality to promise significant improvement in the education of students of limited English proficiency, and that the applicant will have the resources and commitment to continue the program when assistance under this subpart is reduced or no longer available.

"(e) CONSIDERATION.—In approving applications under this subpart, the Secretary shall give consideration to the degree to which the program for which assistance is sought involves the collaborative efforts of institutions of higher education, community-based organizations, the appropriate local and State educational agency, or businesses.

"SEC. 7115. INTENSIFIED INSTRUCTION.

"In carrying out this subpart, each grant recipient may intensify instruction for limited English proficient students by—

"(1) expanding the educational calendar of the school in which such student is enrolled to include programs before and after school and during the summer months;

"(2) applying technology to the course of instruction; and

"(3) providing intensified instruction through supplementary instruction or activities, including educationally enriching extracurricular activities, during times when school is not routinely in session.

"SEC. 7116. CAPACITY BUILDING.

"Each recipient of a grant under this subpart shall use the grant in ways that will build such recipient's capacity to continue to offer high-quality English language instruction and programs which assist limited English proficient children in achieving the same high levels of academic achievement as other children, once Federal assistance is reduced or eliminated.

"SEC. 7117. SUBGRANTS.

"A local educational agency that receives a grant under this subpart may, with the approval of the Secretary, make a subgrant to, or enter into a contract with, an institution of higher education, a nonprofit organization, or a consortium of such entities to carry out an approved program, including a program to serve out-of-school youth.

"SEC. 7118. SPECIAL CONSIDERATION.

"The Secretary shall give special consideration to applications under this subpart that describe a program that—

"(1) enrolls a large percentage or large number of limited English proficient students;

"(2) takes into account significant increases in limited English proficient children, including such children in areas with low concentrations of such children; and

"(3) ensures that activities assisted under this subpart address the needs of school systems of all sizes and geographic areas, including rural and urban schools.

"SEC. 7119. COORDINATION WITH OTHER PROGRAMS.

"In order to secure the most flexible and efficient use of Federal funds, any State receiving funds under this subpart shall coordinate its program with other programs under this Act and other Acts, as appropriate, in accordance with section 14306.

“SEC. 7120. NOTIFICATION.

``The State educational agency, and when applicable, the State board for postsecondary education, shall be notified within 3 working days of the date an award under this subpart is made to an eligible entity within the State.

“SEC. 7121. STATE GRANT PROGRAM.

``(a) State Grant Program.—The Secretary is authorized to make an award to a State educational agency that demonstrates, to the satisfaction of the Secretary, that such agency, through such agency's own programs and other Federal education programs, effectively provides for the education of children of limited English proficiency within the State.

``(b) Payments.—The amount paid to a State educational agency under subsection (a) shall not exceed 5 percent of the total amount awarded to local educational agencies within the State under subpart 1 for the previous fiscal year, except that in no case shall the amount paid by the Secretary to any State educational agency under this subsection for any fiscal year be less than $100,000.

``(c) Use of Funds.—

``(1) In general.—A State educational agency shall use funds awarded under this section for programs authorized by this section—

``(A) to assist local educational agencies in the State with program design, capacity building, assessment of student performance, and program evaluation; and

``(B) to collect data on the State's limited English proficient populations and the educational programs and services available to such populations.

``(2) Exception.—States that do not, as of the date of enactment of the Student Results Act of 1999, have in place a system for collecting the data described in paragraph (1)(B) for all students in such State, are not required to meet the requirement of such paragraph. In the event such State develops a system for collecting data on the educational programs and services available to all students in the State, then such State shall comply with the requirement of paragraph (1)(B).

``(3) Training.—The State educational agency may also use funds provided under this section for the training of State educational agency personnel in educational issues affecting limited English proficient children.

``(4) Special rule.—Recipients of funds under this section shall not restrict the provision of services under this section to federally funded programs.

``(d) Applications.—A State educational agency desiring to receive funds under this section shall submit an application to the Secretary in such form, at such time, and containing such information and assurances as the Secretary may require.

``(e) Supplement Not Supplant.—Funds made available under this section for any fiscal year shall be used by the State educational agency to supplement and, to the extent practical, to increase to the level of funds that would, in the absence of such funds, be made available by the State for the purposes described in this section, and in no case to supplant such funds.

``(f) Report to the Secretary.—State educational agencies receiving awards under this section shall provide for the annual submission of a summary report to the Secretary describing such State's use of such funds.

“Subpart 2—Formula Grant Program

“SEC. 7131. FORMULA GRANTS TO STATES.

``(a) In General.—In accordance with section 7105, after the amount appropriated to carry out this part for a fiscal year equals or exceeds $215,000,000, in the case of each State that in accordance with section 7133 submits to the Secretary an application for a fiscal year, the Secretary shall offer rescuing funds under subsection (b) make a grant for the year to the State for the purposes specified in subsection (b). The grant shall consist of the allotment determined for the State under section 7135.

(b) Reservation.—From the sums appropriated under subsection (a) for any fiscal year, the Secretary shall reserve not less than .5 percent to provide Federal financial assistance under this subpart to entities that are considered to be a local educational agency under section 7108(a).

``(c) Purposes of Grants.—

``(1) Required expenditures.—The Secretary may make a grant under subsection (a) only if the State involved agrees that the State will expend at least 95 percent of the amount of the funds provided under the grant for the purpose of making subgrants to eligible entities to provide assistance to limited English proficient children in accordance with section 7134.

``(2) Authorized expenditures.—Subject to paragraph (3), a State that receives a grant under subsection (a) may expend not more than 5 percent of the amount of the funds provided under the grant for one or more of the following purposes:

``(A) Professional development and activities that assist personnel in meeting State and local certification requirements for English language instruction.

``(B) Planning, administration, and interagency coordination related to the subgrants referred to in paragraph (1).

``(C) Providing technical assistance and other forms of assistance to local educational agencies that—

``(i) educate limited English proficient children; and

``(ii) are not receiving a subgrant from a State under this subpart.

``(D) Providing bonuses to subgrantees whose performance has been exceptional in terms of the speed with which children enrolled in the subgrantee's programs and activities attain English language proficiency and meet challenging State content standards and challenging State student performance standards.

``(3) Limitation on administrative costs.—In carrying out paragraph (2), a State that receives a grant under subsection (a) may expend not more than 2 percent of the amount of the funds provided under the grant for the purposes described in paragraph (2)(B).

“SEC. 7132. NATIVE AMERICAN AND ALASKA NATIVE CHILDREN IN SCHOOL.

``(a) Eligible Entities.—For the purpose of carrying out programs under this subpart for individuals served by elementary, secondary, and postsecondary schools operated predominately for Native American or Alaska Native children, the following shall be considered to be a local educational agency:

``(1) An Indian tribe.

``(2) A tribally sanctioned educational authority.

``(3) A Native Hawaiian or Native American Pacific Islander native language educational organization.

``(4) An elementary or secondary school that is operated or funded by the Bureau of Indian Affairs, or a consortium of such schools.

``(5) An elementary or secondary school operated under a contract with or grant from the Bureau of Indian Affairs, in consortium with another such school or a tribal or community organization.

``(6) An elementary or secondary school operated by the Bureau of Indian Affairs and an institution of higher education, in consortium with an elementary or secondary school operated under a contract with or grant from the Bureau of Indian Affairs or a tribal or community organization.

``(b) Submission of Applications for Assistance.—Notwithstanding any other provision of this subpart, an entity that is considered to be a local educational agency under subsection (a), and that desires to submit an application for Federal financial assistance under this subpart, shall submit the application to the Secretary. In all other respects, such an entity shall be eligible for a grant under this subpart on the same basis as any other local educational agency.

“SEC. 7133. APPLICATIONS BY STATES.

``For purposes of section 7131, an application submitted by a State for a grant under such section for a fiscal year is in accordance with this section if the application—

``(1) describes the process that the State will use in making subgrants to eligible entities under this subpart;

``(2) contains an agreement that the State annually will submit to the Secretary a summary report, describing the State's use of the funds provided under the grant;

``(3) contains an agreement that the State—

``(A) will provide one year of funding for an application for a subgrant under section 7134 from an eligible entity that describes a program that, on the day preceding the date of the enactment of the Student Results Act of 1999, was receiving funding under a grant—

``(i) awarded by the Secretary under subpart 1 or 3 of part A of the Bilingual Education Act (as such Act was in effect on such day); and

``(ii) that was not under its terms due to expire before a period of 1 year or more had elapsed; and

``(B) after such one-year extension, will give special consideration to such applications if the period of their award would not yet otherwise have expired if the Student Results Act of 1999 had not been enacted.

``(4) contains an agreement that, in carrying out this subpart, the State will address the needs of school systems of all sizes and in all geographic areas, including rural and urban schools;

``(5) contains an agreement that subgrants to eligible entities under section 7134 shall be of sufficient size and scope to allow such entities to carry out high quality education programs for limited English proficient children;

``(6) contains an agreement that the State will coordinate its programs and activities under this subpart with its other programs and activities under this Act and other Acts, as appropriate;

``(7) contains an agreement that the State—

``(A) shall monitor the progress of students enrolled in programs and activities receiving assistance under this subpart in attaining English proficiency and in attaining challenging State content standards and challenging State performance standards;

``(B) subject to subparagraph (C), shall withdraw funding from such programs and activities in cases where the majority of students are not attaining English proficiency and attaining challenging State content standards and challenging State performance standards after 3 academic years of enrollment based on the evaluation measures in section 7403(d); and

"(C) shall provide technical assistance to eligible entities that fail to satisfy the criterion in subparagraph (B) prior to the withdrawal of funding under such subparagraph;

"(8) contains an assurance that the State will require eligible entities receiving a subgrant under section 7134 annually to assess the English proficiency of all children with limited English proficiency participating in a program funded under this subpart; and

"(9) contains an agreement that States will require eligible entities receiving a grant under this subpart to use the grant in ways that will build such recipient's capacity to continue to offer high-quality English language instruction and programs which assist limited English proficient children in attaining challenging State content standards and challenging State performance standards once assistance under this subpart is no longer available.

"SEC. 7134. SUBGRANTS TO ELIGIBLE ENTITIES.

"(a) Purposes of Subgrants.—A State may make a subgrant to an eligible entity from funds received by the State under this subpart only if the entity agrees to expend the funds to improve the education of limited English proficient children and their families, through the acquisition of English and the attainment of challenging State academic content standards and challenging State performance standards, using scientifically-based research approaches and methodologies, by—

"(1) developing and implementing new English language and academic content instructional programs for children who are limited English proficient, including programs of early childhood education and kindergarten through 12th grade education;

"(2) carrying out highly focused, innovative, locally designed projects to expand or enhance existing English language and academic content instruction programs for limited English proficient children;

"(3) implementing, within an individual school, schoolwide programs for restructuring, reforming, and upgrading all relevant programs and operations relating to English language and academic content instruction for limited English proficient students; or

"(4) implementing, within the entire jurisdiction of a local educational agency, agency-wide programs for restructuring, reforming, and upgrading all relevant programs and operations relating to English language and academic content instruction for limited English proficient students.

"(b) Authorized Subgrantee Activities.—

"(1) In general.—Subject to paragraph (2), a State may make a subgrant to an eligible entity from funds received by the State under this subpart in order that the eligible entity may achieve one of the purposes described in subsection (a) by undertaking one or more of the following activities to improve the understanding, and use, of the English language, based on a child's learning skills:

"(A) Developing and implementing comprehensive preschool or elementary or secondary school English language instructional programs that are coordinated with other relevant programs and services.

"(B) Providing professional development to classroom teachers, administrators, and other school or community-based organizational personnel to improve the instruction and assessment of children who are limited English proficient children.

"(C) Improving the English language proficiency and academic performance of limited English proficient children.

"(D) Improving the instruction of limited English proficient children by providing for the acquisition or development of education technology or instructional materials, access to and participation in electronic networks for materials, providing training and communications, and incorporation of such resources in curricula and programs, such as those funded under this subpart.

"(E) Developing tutoring programs for limited English proficient children that provide early intervention and intensive instruction in order to improve academic achievement, to increase graduation rates among limited English proficient children, and to prepare students for transition as soon as possible into classrooms where instruction is not tailored for limited English proficient children.

"(F) Providing family literacy services and parent outreach and training activities to limited English proficient children and their families to improve their English language skills and assist parents in helping their children to improve their academic performance.

"(G) Other activities that are consistent with the purposes of this subpart.

"(2) Moving children out of specialized classrooms.—Any program or activity undertaken by an eligible entity using a subgrant from a State under this subpart shall be designed to assist students enrolled in the program or activity to attain English proficiency and meet challenging State content standards and challenging State performance standards as soon as possible and to move into a classroom where instruction is not tailored for limited English proficient children.

"(c) Selection of Method of Instruction.—To receive a subgrant from a State under this subpart, an eligible entity shall select one or more methods or forms of instruction to be used in the programs and activities undertaken by the entity to assist limited English proficient children to attain English proficiency and meet challenging State content standards and challenging State student performance standards. Such selection shall be consistent with sections 7406 and 7407.

"(d) Duration of Subgrants.—The duration of a subgrant made by a State under this section shall be determined by the State in its discretion.

"(e) Applications by Eligible Entities.—

"(1) In general.—To receive a subgrant from a State under this subpart, an eligible entity shall submit an application to the State at such time, in such form, and containing such information as the State may require.

"(2) Required documentation.—The application shall describe the programs and activities proposed to be developed, implemented, and administered under the subgrant and shall provide an assurance that the applicant will only employ teachers and other personnel for the proposed programs and activities who are proficient in English, including written and oral communication skills.

"(3) Requirements for approval.—A State may approve an application submitted by an eligible entity for a subgrant under this subpart only if the State determines that—

"(A) the eligible entity will use qualified personnel who have appropriate training and professional credentials in teaching English to children who are limited English proficient;

"(B) if the eligible entity includes one or more local educational agencies, each such agency is complying with section 7103(b) prior to, and throughout, each school year;

"(C) the eligible entity annually will assess the English proficiency of all children with limited English proficiency participating in programs funded under this subpart;

"(D) the eligible entity has based its proposal on sound research and theory;

"(E) the eligible entity has described in the application how students enrolled in the programs and activities proposed in the application will be fluent in English after 3 academic years of enrollment;

"(F) the eligible entity will ensure that programs will enable children to speak, read, write, and comprehend the English language and meet challenging State content and challenging State performance standards; and

"(G) the eligible entity is not in violation of any State law, including State constitutional law, regarding the education of limited English proficient children.

"(4) Quality.—In determining which applications to select for approval, a State shall consider the quality of each application and ensure that it is of sufficient size and scope to meet the purposes of this subpart.

"SEC. 7135. DETERMINATION OF AMOUNT OF ALLOTMENT.

"(a) In General.—Except as provided in subsections (b), (c), and (d), from the sum available for the purpose of making grants to States under this subpart for any fiscal year, the Secretary shall allot to each State an amount which bears the same ratio to such sum as the total number of children who are limited English proficient and who reside in the State bears to the total number of such children residing in all States (excluding the Commonwealth of Puerto Rico and the outlying areas) that, in accordance with section 7133, submit to the Secretary an application for the year.

"(b) Puerto Rico.—From the sum available for the purpose of making grants to States under this subpart for any fiscal year, the Secretary shall allot to the Commonwealth of Puerto Rico an amount equal to 1.5 percent of the sums appropriated under section 7106(a).

"(c) Outlying Areas.—

"(1) Total available for allotment.—From the sum available for the purpose of making grants to States under this subpart for any fiscal year, the Secretary shall allot to the outlying areas, in accordance with paragraph (2), a total amount equal to .5 percent of the sums appropriated under section 7120.

"(2) Determination of individual area amounts.—From the total amount determined under paragraph (1), the Secretary shall allot to each outlying area an amount which bears the same ratio to such amount as the total number of children who are limited English proficient and who reside in the outlying area bears to the total number of such children residing in all outlying areas, that, in accordance with section 7133, submit to the Secretary an application for the year.

"(d) Minimum Allotment.—

"(1) In general.—Notwithstanding subsections (a) through (c), and subject to section 7105, the Secretary shall not allot to any State, for fiscal years 2000 through 2004, an amount that is less than 100 percent of the baseline amount for the State.

"(2) Baseline amount defined.—For purposes of this subsection, the term 'baseline amount', when used with respect to a State, means the total amount received under this part for fiscal year 2000 by the State, the State educational agency, and all local educational agencies of the State.

"(3) Ratable reduction.—If the amount available for allotment under this section for any fiscal year is insufficient to permit the Secretary to comply with paragraph (1), the Secretary shall ratably reduce the allotments to all States for such year.

"(e) Use of State Data for Determinations.—For purposes of subsections (a) and (c), any determination of the number of children who are limited English proficient and reside in a State shall be made using the most recent limited English proficient school enrollment data available to, and reported to the Secretary by, the State. The State shall provide assurances to the Secretary that such data are valid and reliable.

"(f) No Reduction Permitted Based on Teaching Method.—The Secretary may not reduce a State's allotment based on the State's selection of the immersion method of instruction as its preferred method of teaching the English language to children who are limited English proficient.

"SEC. 7136. DISTRIBUTION OF GRANTS TO ELIGIBLE ENTITIES.

"Of the amount expended by a State for subgrants to eligible entities—

"(1) at least one-half shall be allocated to eligible entities that enroll a large percentage or a large number of children who are limited English proficient, as determined based on the relative enrollments of such children enrolled in the eligible entities; and

"(2) the remainder shall be allocated on a competitive basis to—

"(A) eligible entities within the State to address a need brought about through a significant increase, as compared to the previous 2 years, in the percentage or number of children who are limited English proficient in a school or local educational agency, including schools and agencies in areas with low concentrations of such children; and

"(B) other eligible entities serving limited English proficient children.

"SEC. 7137. SPECIAL RULE ON PRIVATE SCHOOL PARTICIPATION.

For purposes of this Act, this subpart shall be treated as a covered program, as defined in section 14101(10).

"Subpart 3—Professional Development

"SEC. 7141. PURPOSE.

"The purpose of this subpart is to assist in preparing educators to improve educational services for limited English proficient children by supporting professional development programs primarily aimed at improving and developing the skills of instructional staff in elementary and secondary schools and on assisting limited English proficient children to attain English proficiency and meet challenging State academic content standards and challenging State performance standards.

"SEC. 7142. PROFESSIONAL DEVELOPMENT AND FELLOWSHIPS.

"(a) Program Authorized.—

"(1) In general.—The Secretary is authorized to award grants, as appropriate, to local educational agencies, institutions of higher education, State educational agencies, public and private organizations in consortium with a local educational agency, or a consortium of such agencies or institutions, except that any such consortium shall include a local educational agency.

"(2) Grant purpose.—Grants awarded under this section shall be used for one or more of the following purposes:

"(A) To develop and provide ongoing in-service professional development, including professional development necessary to receive certification as a teacher of limited English proficient children, for teachers of limited English proficient children, school administrators and, if appropriate, pupil services personnel, and other educational personnel who are involved in, or preparing to be involved in, the provision of educational services to limited English proficient children.

"(B) To provide for the incorporation of courses and curricula on appropriate and effective instructional and assessment methodologies, strategies, and resources specific to limited English proficient students into in-service professional development programs for teachers, administrators and, if appropriate, pupil services personnel, and other educational personnel in order to prepare such individuals to provide effective services to limited English proficient students.

"(C) To upgrade the qualifications and skills of teachers to ensure that they are fully qualified (as defined by section 1610) and meet high professional standards, including certification and licensure as a teacher of limited English proficient students.

"(D) To upgrade the qualifications and skills of paraprofessionals to ensure they meet the requirements under section 1119 and meet high professional standards to assist, as appropriate, teachers who instruct limited English proficient students.

"(E) To train secondary school students as teachers of limited English proficient children and to train, as appropriate, other education personnel to serve limited English proficient students.

"(F) To award fellowships for—

"(i) study in such areas as teacher training, program administration, research and evaluation, and curriculum development, at the master's, doctoral, or post-doctoral degree level, related to instruction of children and youth of limited English proficiency; and

"(ii) the support of dissertation research related to such study.

"(G) To recruit elementary and secondary school teachers of limited English proficient children.

"(b) Duration and Limitation.—

"(1) Grant period.—Each grant under this section shall be awarded for a period of not more than 5 years.

"(2) Limitation.—Not more than 15 percent of the amount of the grant may be expended for the purposes described in subparagraphs (F) and (G) of subsection (a)(2).

"(c) Professional Development Requirements.—

"(1) Activities.—A recipient of a grant under this section may use the grant funds for the following professional development activities:

"(A) Designing and implementing of induction programs for new teachers, including mentoring and coaching by trained teachers, team teaching with experienced teachers, compensation for, and availability of, time for observation of, and consultation with, experienced teachers, and compensation for, and availability of, additional time for course preparation.

"(B) Implementing collaborative efforts among teachers to improve instruction in reading and other core academic areas for students with limited English proficiency, including programs that facilitate teacher observation and analysis of fellow teachers' classroom practice.

"(C) Supporting long-term collaboration among teachers and outside experts to improve instruction of limited English proficient students.

"(D) Coordinating project activities with other programs, such as those under the Head Start Act, and titles I and II of this Act, and titles II and V of the Higher Education Act of 1965.

"(E) Developing curricular materials and assessments for teachers that are aligned with State and local standards and the needs of the limited English proficient students to be served.

"(F) Instructing teachers and, where appropriate, other personnel working with limited English children on how—

"(i) to utilize test results to improve instruction for limited English proficient children so the children can meet the same challenging State content standards and challenging State performance standards as other students; and

"(ii) to help parents understand the results of such assessments.

"(G) Contracting with institutions of higher education to allow them to provide in-service training to teachers, and, where appropriate, other personnel working with limited English proficient children to improve the quality of professional development programs for limited English proficient students.

"(H) Such other activities as are consistent with the purpose of this section.

"(2) Additional requirements for professional development funds.—Uses of funds received under this section for professional development—

"(A) shall advance teacher understanding of effective instructional strategies based on scientifically based research for improving student achievement;

"(B) shall be of sufficient intensity and duration (not to include 1-day or short-term workshops and conferences) to have a positive and lasting impact on teachers' performance in the classroom;

"(C) shall be developed with extensive participation of teachers, principals, parents, and administrators of schools to be served under subparts 1 and 2 of part A; and

"(D) as a whole, shall be regularly evaluated for their impact on increased teacher effectiveness and improved student achievement, with the findings of such evaluations used to improve the quality of professional development.

"(d) Fellowship Requirements.—

"(1) In general.—Any person receiving a fellowship under subsection (a)(2)(F) shall agree—

"(A) to work as a teacher of limited English proficient children, or in a program or an activity funded under this part, for a period of time equivalent to the period of time during which the person receives such fellowship; or

"(B) to repay the amount received pursuant to the fellowship award.

"(2) Regulations.—The Secretary shall establish in regulations such terms and conditions for agreements under paragraph (1) as the Secretary deems reasonable and necessary and may waive the requirement of such paragraph in extraordinary circumstances.

"(3) Priority.—In awarding fellowships under this section, the Secretary shall give priority to fellowship applicants applying for study or dissertation research at institutions of higher education that have demonstrated a high level of success in placing fellowship recipients into employment in elementary and secondary schools.

“(4) INFORMATION.—The Secretary shall include information on the operation and the number of fellowships awarded under this section in the evaluation required under section 7145.

“SEC. 7143. APPLICATION.

“(a) IN GENERAL.—

“(1) SUBMISSION TO SECRETARY.—In order to receive a grant under section 7142, an agency, institution, organization, or consortium described in subsection (a)(1) of such section shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require.

“(2) CONTENTS.—Each such application shall include—

“(A) a description of the proposed professional development or graduate fellowship programs to be implemented with the grant;

“(B) a description of the scientific research on which the program or programs are based; and

“(C) an assurance that funds will be used to supplement and not supplant other professional development activities that affect the teaching and learning in elementary and secondary schools, as appropriate.

“(b) APPROVAL.—The Secretary shall only approve an application under this section if it meets the requirements of this section and is of sufficient quality to meet the purposes of this subpart.

“(c) SPECIAL RULES.—

“(1) OUTREACH AND TECHNICAL ASSISTANCE.—The Secretary shall provide for outreach and technical assistance to institutions of higher education eligible for assistance under titles III and V of the Higher Education Act of 1965 and institutions of higher education that are operated or funded by the Bureau of Indian Affairs to facilitate the participation of such institutions under this subpart.

“(2) DISTRIBUTION.—In making awards under this subpart, the Secretary shall ensure adequate representation of Hispanic-serving institutions (as defined in section 502 of the Higher Education Act of 1965) that demonstrate competence and experience in the programs and activities authorized under this subpart and are otherwise qualified.

“SEC. 7144. PROGRAM EVALUATIONS.

“Each recipient of funds under this subpart shall provide the Secretary with an evaluation of the program assisted under this subpart every 2 years. Such evaluation shall include data on—

“(1) post-program placement of persons trained in a program assisted under this subpart;

“(2) how such training relates to the employment of persons served by the program;

“(3) program completion; and

“(4) such other information as the Secretary may require.

“SEC. 7145. USE OF FUNDS FOR SECOND LANGUAGE COMPETENCE.

Not more than 10 percent of the funds received under this subpart may be used to develop any program participant's competence in a second language for use in instructional programs.

“Subpart 4—Research, Evaluation, and Dissemination

“SEC. 7151. AUTHORITY.

“The Secretary shall conduct and coordinate, through the Office of Educational Research and Improvement and in coordination with the Office of Educational Services for Limited English Proficient Children, research for the purpose of improving English language and academic content instruction for children who are limited English proficient. Activities under this section shall be limited to research to identify successful models for teaching limited English proficient children English, research to identify successful models for assisting such children to meet challenging State content and student performance standards, and distribution of research results to States for dissemination to schools with populations of students who are limited English proficient. Research conducted under this section may not focus solely on any one method of instruction.

“PART B—EMERGENCY IMMIGRANT EDUCATION PROGRAM

“SEC. 7201. FINDINGS AND PURPOSE.

“(a) FINDINGS.—The Congress finds that—

“(1) the education of our Nation's children and youth is one of the most sacred government responsibilities;

“(2) local educational agencies have struggled to fund adequately education services; and

“(3) immigration policy is solely a responsibility of the Federal Government.

“(b) PURPOSE.—The purpose of this part is to assist eligible local educational agencies that experience unexpectedly large increases in their student population due to immigration to—

“(1) provide high-quality instruction to immigrant children and youth; and

“(2) help such children and youth—

“(A) with their transition into American society; and

“(B) meet the same challenging State performance standards expected of all children and youth.

“SEC. 7202. STATE ADMINISTRATIVE COSTS.

“For any fiscal year, a State educational agency may reserve not more than 1.5 percent of the amount allocated to such agency under section 7204 to pay the costs of performing such agency's administrative functions under this part.

“SEC. 7203. WITHHOLDING.

“Whenever the Secretary, after providing reasonable notice and opportunity for a hearing to any State educational agency, finds that there is a failure to meet the requirement of any provision of this part, the Secretary shall notify that agency that further payments will not be made to the agency under this part, or in the discretion of the Secretary, that the State educational agency shall not make further payments under this part to specified local educational agencies whose actions cause or are involved in such failure until the Secretary is satisfied that there is no longer any such failure to comply. Until the Secretary is so satisfied, no further payments shall be made to the State educational agency under this part, or payments by the State educational agency under this part shall be limited to local educational agencies whose actions did not cause or were not involved in the failure, as the case may be.

“SEC. 7204. STATE ALLOCATIONS.

“(a) PAYMENTS.—The Secretary shall, in accordance with the provisions of this section, make payments to State educational agencies for each of the fiscal years 2000 through 2004 for the purpose set forth in section 7201(b).

“(b) ALLOCATIONS.—

“(1) IN GENERAL.—Except as provided in subsections (c) and (d), of the amount appropriated for each fiscal year for this part, each State participating in the program assisted under this part shall receive an allocation equal to the proportion of such State's number of immigrant children and youth who are enrolled in public elementary or secondary schools under the jurisdiction of each local educational agency described in paragraph (2) within such State, and in nonpublic elementary or secondary schools within the district served by each such local educational agency, relative to the total number of immigrant children and youth so enrolled in all the States participating in the program assisted under this part.

“(2) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—The local educational agencies referred to in paragraph (1) are those local educational agencies in which the sum of the number of immigrant children and youth who are enrolled in public elementary or secondary schools under the jurisdiction of such agencies, and in nonpublic elementary or secondary schools within the districts served by such agencies, during the fiscal year for which the payments are to be made under this part, is equal to—

“(A) at least 500; or

“(B) at least 3 percent of the total number of students enrolled in such public or nonpublic schools during such fiscal year,

whichever number is less.

“(c) DETERMINATIONS OF NUMBER OF CHILDREN AND YOUTH.—

“(1) IN GENERAL.—Determinations by the Secretary under this section for any period with respect to the number of immigrant children and youth shall be made on the basis of data or estimates provided to the Secretary by each State educational agency in accordance with criteria established by the Secretary, unless the Secretary determines, after notice and opportunity for a hearing to the affected State educational agency, that such data or estimates are clearly erroneous.

“(2) SPECIAL RULE.—No such determination with respect to the number of immigrant children and youth shall operate because of an underestimate or overestimate to deprive any State educational agency of the allocation under this section that such State would otherwise have received had such determination been made on the basis of accurate data.

“(d) REALLOCATION.—Whenever the Secretary determines that any amount of a payment made to a State under this part for a fiscal year will not be used by such State for carrying out the purpose for which the payment was made, the Secretary shall make such amount available for carrying out such purpose to one or more other States to the extent the Secretary determines that such other States will be able to use such additional amount for carrying out such purpose. Any amount made available to a State from any appropriation for a fiscal year in accordance with the preceding sentence shall, for purposes of this part, be regarded as part of such State's payment (as determined under subsection (b)) for such year, but shall remain available until the end of the succeeding fiscal year.

“(e) RESERVATION OF FUNDS.—

“(1) IN GENERAL.—Notwithstanding any other provision of this part, if the amount appropriated to carry out this part exceeds $50,000,000 for a fiscal year, a State educational agency may reserve not more than 20 percent of such agency's payment under this part for such year to award grants, on a competitive basis, to local educational agencies within the State as follows:

“(A) At least one-half of such grants shall be made available to eligible local educational agencies (as described in subsection (b)(2)) within the State with the highest numbers and percentages of immigrant children and youth.

"(B) Funds reserved under this paragraph and not made available under subparagraph (A) may be distributed to local educational agencies within the State experiencing a sudden influx of immigrant children and youth which are otherwise not eligible for assistance under this part.

"(2) Use of grant funds.—Each local educational agency receiving a grant under paragraph (1) shall use such grant funds to carry out the activities described in section 7207.

"(3) Information.—Local educational agencies with the highest number of immigrant children and youth receiving funds under paragraph (1) may make information available on serving immigrant children and youth to local educational agencies in the State with sparse numbers of such children.

"SEC. 7205. STATE APPLICATIONS.

"(a) Submission.—No State educational agency shall receive any payment under this part for any fiscal year unless such agency submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information, as the Secretary may reasonably require. Each such application shall—

"(1) provide that the educational programs, services, and activities for which payments under this part are made will be administered by or under the supervision of the agency;

"(2) provide assurances that payments under this part will be used for purposes set forth in sections 7201(b) and 7207, including a description of how local educational agencies receiving funds under this part will use such funds to meet such purposes and will coordinate with other programs assisted under this Act and other Acts as appropriate;

"(3) provide an assurance that local educational agencies receiving funds under this part will coordinate the use of such funds with programs assisted under part A or title I;

"(4) provide assurances that such payments, with the exception of payments reserved under section 7204(e), will be distributed among local educational agencies within that State on the basis of the number of immigrant children and youth counted with respect to each such local educational agency under section 7204(b)(1);

"(5) provide assurances that the State educational agency will not finally disapprove in whole or in part any application for funds received under this part without first affording the local educational agency submitting an application for such funds reasonable notice and opportunity for a hearing;

"(6) provide for making such reports as the Secretary may reasonably require to perform the Secretary's functions under this part;

"(7) provide assurances—

"(A) that to the extent consistent with the number of immigrant children and youth enrolled in the nonpublic elementary or secondary schools within the district served by a local educational agency, such agency, after consultation with appropriate officials of such schools, shall provide for the benefit of such children and youth secular, neutral, and nonideological services, materials, and equipment necessary for the education of such children and youth;

"(B) that the control of funds provided under this part to any materials, equipment, and property repaired, remodeled, or constructed with those funds shall be in a public agency for the uses and purposes provided in this part, and a public agency shall administer such funds and property; and

"(C) that the provision of services pursuant to this paragraph shall be provided by employees of a public agency or through contract by such public agency with a person, association, agency, or corporation who or which, in the provision of such services, is independent of such nonpublic elementary or secondary school and of any religious organization, and such employment or contract shall be under the control and supervision of such public agency, and the funds provided under this paragraph shall not be commingled with State or local funds;

"(8) provide that funds reserved under section 7204(e) be awarded on a competitive basis based on merit and need in accordance with such subsection; and

"(9) provide an assurance that State and local educational agencies receiving funds under this part will comply with the requirements of section 1120(b).

"(b) Application Review.—

"(1) In general.—The Secretary shall review all applications submitted pursuant to this section by State educational agencies.

"(2) Approval.—The Secretary shall approve any application submitted by a State educational agency that meets the requirements of this section.

"(3) Disapproval.—The Secretary shall disapprove any application submitted by a State educational agency which does not meet the requirements of this section, but shall not finally disapprove an application except after providing reasonable notice, technical assistance, and an opportunity for a hearing to the State.

"SEC. 7206. ADMINISTRATIVE PROVISIONS.

"(a) Notification of Amount.—The Secretary, not later than June 1 of each year, shall notify each State educational agency that has an application approved under section 7205 of the amount of such agency's allocation under section 7204 for the succeeding year.

"(b) Services to Children Enrolled in Nonpublic Schools.—If by reason of any provision of law a local educational agency is prohibited from providing educational services for children enrolled in elementary and secondary nonpublic schools, as required by section 7205(a)(7), or if the Secretary determines that a local educational agency has substantially failed or is unwilling to provide for the participation on an equitable basis of children enrolled in such schools, the Secretary may waive such requirement and shall arrange for the provision of services, subject to the requirements of this part, to such children. Such waivers shall be subject to consultation, withholding, notice, and judicial review requirements in accordance with the provisions of title I.

"SEC. 7207. USES OF FUNDS.

"(a) Use of Funds.—Funds awarded under this part shall be used to pay for enhanced instructional opportunities for immigrant children and youth, which may include—

"(1) family literacy, parent outreach, and training activities designed to assist parents to become active participants in the education of their children;

"(2) salaries of personnel, including teacher aides who have been specifically trained, or are being trained, to provide services to immigrant children and youth;

"(3) tutorials, mentoring, and academic or career counseling for immigrant children and youth;

"(4) identification and acquisition of curricular materials, educational software, and technologies to be used in the program;

"(5) basic instructional services which are directly attributable to the presence in the school district of immigrant children, including the costs of providing additional classroom supplies, overhead costs, costs of construction, acquisition or rental of space, costs of transportation, or such other costs as are directly attributable to such additional basic instructional services; and

"(6) such other activities, related to the purposes of this part, as the Secretary may authorize.

"(b) Consortia.—A local educational agency that receives a grant under this part may collaborate or form a consortium with one or more local educational agencies, institutions of higher education, and nonprofit organizations to carry out the program described in an application approved under this part.

"(c) Subgrants.—A local educational agency that receives a grant under this part may, with the approval of the Secretary, make a subgrant to, or enter into a contract with, an institution of higher education, a nonprofit organization, or a consortium of such entities to carry out a program described in an application approved under this part, including a program to serve out-of-school youth.

"(d) Construction.—Nothing in this part shall be construed to prohibit a local educational agency from serving immigrant children simultaneously with students with similar educational needs, in the same educational settings where appropriate.

"SEC. 7208. REPORTS.

"(a) Biennial Report.—Each State educational agency receiving funds under this part shall submit, once every two years, a report to the Secretary concerning the expenditure of funds by local educational agencies under this part. Each local educational agency receiving funds under this part shall submit to the State educational agency such information as may be necessary for such report.

"(b) Report to Congress.—The Secretary shall submit, once every two years, a report to the appropriate committees of the Congress concerning programs assisted under this part in accordance with section 14701.

"SEC. 7209. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this part, there are authorized to be appropriated $175,000,000 for fiscal year 2000 and such sums as may be necessary for each of the four succeeding fiscal years.

"PART C—ADMINISTRATION

"SEC. 7301. REPORTING REQUIREMENTS.

"(a) States.—Based upon the evaluations provided to a State under section 7403, each State receiving a grant under this title annually shall report to the Secretary on programs and activities undertaken by the State under this title and the effectiveness of such programs and activities in improving the education provided to children who are limited English proficient.

"(b) Secretary.—Every other year, the Secretary shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report on programs and activities undertaken by States under this title and the effectiveness of such programs and activities in improving the education provided to children who are limited English proficient.

"SEC. 7302. COORDINATION WITH RELATED PROGRAMS.

"In order to maximize Federal efforts aimed at serving the educational needs of children and youth of limited English proficiency, the Secretary shall coordinate and ensure close cooperation with other programs serving language-minority and limited English proficient students that are administered by the Department and other agencies.

"PART D—GENERAL PROVISIONS

"SEC. 7401. DEFINITIONS.

"SEC. 7402. CONSTRUCTION.

"Nothing in subpart 1 or 2 shall be construed to prohibit a local educational agency from serving limited English proficient children and youth simultaneously with students with similar educational needs, in the same educational settings where appropriate.

"SEC. 7403. EVALUATION.

"(a) IN GENERAL.—Each eligible entity that receives a subgrant from a State or a grant from the Secretary under part A shall provide the State or the Secretary, at the conclusion of every second fiscal year during which the subgrant or grant is received, with an evaluation, in a form prescribed by the State or the Secretary, of—

"(1) the programs and activities conducted by the entity with funds received under part A during the 2 immediately preceding fiscal years;

"(2) the progress made by students in learning the English language and meeting challenging State content standards and challenging State student performance standards;

"(3) the number and percentage of students in the programs and activities attaining English language proficiency by the end of each school year, as determined by a valid and reliable assessment of English proficiency; and

"(4) the progress made by students in meeting challenging State content and challenging State performance standards for each of the 2 years after such students are no longer receiving services under this part.

"(b) USE OF EVALUATION.—An evaluation provided by an eligible entity under subsection (a) shall be used by the entity and the State or the Secretary—

"(1) for improvement of programs and activities;

"(2) to determine the effectiveness of programs and activities in assisting children who are limited English proficient to attain English proficiency (as measured consistent with subsection (d)) and meet challenging State content standards and challenging State student performance standards; and

"(3) in determining whether or not to continue funding for specific programs or projects.

"(c) EVALUATION COMPONENTS.—An evaluation provided by an eligible entity under subsection (a) shall include—

"(1) an evaluation of whether students enrolling in a program or activity conducted by the entity with funds received under part A—

"(A) have attained English proficiency and are meeting challenging State content standards and challenging State student performance standards; and

"(B) have achieved a working knowledge of the English language that is sufficient to permit them to perform, in English, in a classroom that is not tailored to limited English proficient children; and

"(2) such other information as the State or the Secretary may require.

"(d) EVALUATION MEASURES.—In prescribing the form of an evaluation provided by an entity under subsection (a), a State or the Secretary shall approve evaluation measures, as applicable, for use under subsection (c) that are designed to assess—

"(1) oral language proficiency in kindergarten;

"(2) oral language proficiency, including speaking and listening skills, in first grade;

"(3) both oral language proficiency, including speaking and listening skills, and reading and writing proficiency in grades two and higher; and

"(4) attainment of challenging State performance standards.

"SEC. 7404. CONSTRUCTION.

"Nothing in part A shall be construed as requiring a State or a local educational agency to establish, continue, or eliminate a program of native language instruction.

"SEC. 7405. LIMITATION ON FEDERAL REGULATIONS.

"The Secretary shall issue regulations under this title only to the extent that such regulations are necessary to ensure compliance with the specific requirements of this title.

"SEC. 7406. LEGAL AUTHORITY UNDER STATE LAW.

"Nothing in this title shall be construed to negate or supersede the legal authority, under State law, of any State agency, State entity, or State public official over programs that are under the jurisdiction of the State agency, entity, or official.

"SEC. 7407. CIVIL RIGHTS.

"Nothing in this title shall be construed in a manner inconsistent with any Federal law guaranteeing a civil right.

"SEC. 7408. RULE OF CONSTRUCTION.

"Nothing in part A shall be construed to limit the preservation or use of Native American languages as defined in the Native American Languages Act or Alaska Native languages.

"SEC. 7409. REPORT.

"The Secretary shall prepare, and submit to the Secretary and to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, a report on—

"(1) the activities carried out under this title and the effectiveness of such activities in increasing the English proficiency of limited English proficient children and helping them to meet challenging State content standards and challenging State performance standards;

"(2) the types of instructional programs used under subpart 1 to teach limited English proficient children;

"(3) the number of programs, if any, which were terminated from the program because they were not able to reach program goals; and

"(4) other information gathered as part of the evaluation conducted under section 7403.

"SEC. 7410. PROGRAMS FOR NATIVE AMERICANS AND PUERTO RICO.

"Programs authorized under subparts 1 and 2 of this part that serve Native American children, Native Pacific Island children, and children in the Commonwealth of Puerto Rico, notwithstanding any other provision of this title may include programs of instruction, teacher training, curriculum development, evaluation, and testing designed for Native American children learning and studying Native American languages and children of limited Spanish proficiency, except that a primary outcome of programs serving such children shall be increased English proficiency among such children.".

SEC. 902. CONFORMING AMENDMENT TO DEPARTMENT OF EDUCATION ORGANIZATION ACT.

(a) IN GENERAL.—The Department of Education Organization Act is amended by striking "Office of Bilingual Education and Minority Languages Affairs" each place such term appears in the text and inserting "Office of Educational Services for Limited English Proficient Children".

(b) CLERICAL AMENDMENTS.—

(1) SECTION 209.—The section heading for section 209 of the Department of Education Organization Act is amended to read as follows:

"OFFICE OF EDUCATIONAL SERVICES FOR LIMITED ENGLISH PROFICIENT CHILDREN".

(2) SECTION 216.—The section heading for section 216 of the Department of Education Organization Act is amended to read as follows:

"SEC. 216. OFFICE OF EDUCATIONAL SERVICES FOR LIMITED ENGLISH PROFICIENT CHILDREN.".

(3) TABLE OF CONTENTS.—

(A) SECTION 209.—The table of contents of the Department of Education Organization Act is amended by amending the item relating to section 209 to read as follows:

"Sec. 209. Office of Educational Services for Limited English Proficient Children.".

(B) SECTION 216.—The table of contents of the Department of Education Organization Act is amended by amending the item relating to section 216 to read as follows:

"Sec. 216. Office of Educational Services for Limited English Proficient Children.".

H.R. 2

OFFERED BY: MR. ACKERMAN

AMENDMENT NO. 6: After section 1113(f)(2) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 107 of the bill, insert the following (and redesignate any subsequent paragraphs accordingly):

"(3) COUNTIES.—If sufficient funds are available, any local educational agency which contains 2 or more counties in their entirety shall provide to each eligible public school attendance area or eligible public school an amount of funds, per pupil from a low-income family, under this part for any fiscal year which is not less than 90 percent of the amount provided for the preceding fiscal year.

In section 1124(c)(2) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 121 of the bill, strike the third and fourth sentences.

H.R. 2

OFFERED BY: MR. ACKERMAN

AMENDMENT NO. 7: In section 1124(c)(2) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 121 of the bill, strike the following: "If a local educational agency contains two or more counties in their entirety, then each county will be treated as if such county were a separate local educational agency for purposes of calculating grants under this part. The total of grants for such counties shall be allocated to such a local educational agency, which local educational agency shall distribute to schools in each county within such agency a share of the local educational agency's total grant that is no less than the county's share of the population counts used to calculate the local educational agency's grant.".

H.R. 2

OFFERED BY: MR. ACKERMAN

AMENDMENT NO. 8: At the end of the bill, add the following:

TITLE IX—PROGRAMS FOR LIMITED ENGLISH PROFICIENT CHILDREN

SEC. 901. TREATMENT OF AMERICAN SIGN LANGUAGE FOR PURPOSES OF PROGRAMS FOR LIMITED ENGLISH PROFICIENT CHILDREN.

Section 7501(8)(A) (20 U.S.C. 7601(8)(A)) is amended—

(1) in clauses (i) and (ii), by striking "or" at the end;

(2) in clause (iii), by striking "and" at the end and inserting "or"; and

(3) by adding at the end the following:

"(iv) is a person whose native language is American Sign Language; and".

H.R. 2

Offered by: Mr. Andrews

Amendment No. 9: At the end of section 1114 of the the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 108 of the bill, add the following:

"(e) Prekindergarten Program.—

"(1) In general.—A school that is eligible for a schoolwide program under this section may use funds made available under this title to establish or enhance prekindergarten programs in accordance with paragraph (2).

"(2) Contents.—Before a school uses funds made available under this title to establish or enhance prekindergarted programs it shall consider the following:

"(A) The need to establish or expand a prekindergarten program.

"(B) Hiring individuals to work with children in the prekindergarten program who are teachers or child development specialists certified by the State.

"(C) The ratio of teacher or child development specialist to children not exceeding 10–1.

"(D) Developing a sliding fee schedule to ensure that the parents of a child who attends a prekindergarten program established under this section share in the cost of providing the prekindergarten program, with the amount of such contribution not to exceed $50 each week that a child attends such program.

"(E) That none of the funds received under this title may be used for the construction or renovation of existing or new facilities (except for minor remodeling needed to accomplish the purposes of this subsection).

"(F) Using a collaborative process with organizations and members of the community that have an interest and experience in early childhood development and education to establish prekindergarten programs.

"(G) Coordinating with and expanding, but not duplicating or supplanting, early childhood programs that exist in the community.

"(H) Providing scientifically based research on early childhood education services that focus on language, literacy, and reading development.

"(I) How the program will meet the diverse needs of children aged 0–5 in the community, including children who have special needs.

"(J) Employing methods that ensure a smooth transition for participating students from early childhood education to kindergarten and early elementary education.

"(K) The results the programs are intended to achieve, and what tools to use to measure the progress in attaining those results.

"(L) Providing, either directly or through private contributions, non-Federal matching funds equal to not less than 50 percent of the amount of the funds used under this title for the prekindergarten programs, with such contributions including in kind contributions and parental co-payments.

"(M) Developing a plan to operate the program without using funds made available under this title.

H.R. 2

Offered By: Mr. Andrews

Amendment No. 10: In section 1119A(b)(1) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 116 of the bill, insert after subparagraph (E) the following (and redesignate any subsequent subparagraphs accordingly):

"(F) include the training of principals and vice principals;".

H.R. 2

Offered By: Mr. Andrews

Amendment No. 11: Add at the end of section 1604 of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 161 of the bill, the following:

"(d) Purchasing Requirements.—None of the funds made available under this title shall be used to purchase needles that are not infusion safety devices, commonly known as safe needles.".

H.R. 2

Offered by: Mr. Andrews

Amendment No. 12: Add at the end of the bill the following new title:

TITLE IX—PREKINDERGARTEN PROGRAM

SEC. 901. SENSE OF CONGRESS.

Title XIV of the Act is amended by adding at the end the following:

"SEC. 14802. SENSE OF CONGRESS REGARDING EARLY CHILDHOOD DEVELOPMENT SERVICES.

"It is the sense of Congress that the amount of funds authorized for the Head Start Act should be appropriated to provide vital early childhood development services to children who might not otherwise receive such services.".

SEC. 902. PREKINDERGARTEN PROGRAM.

Add at the end of the Act the following:

"TITLE XVII—PREKINDERGARTEN PROGRAM

"SEC. 1701. FINDINGS.

"Congress finds the following:

"(1) Countless studies have shown what every parent already knows: High-quality preschool education programs work. They prepare children to learn when they go to school, and the programs increase the success of students throughout their lives.

"(2) Children who get a high-quality prekindergarten education are more likely to increase their overall IQ, improve their results on achievement tests, and increase their changes of graduating from high school and pursuing some form of higher education. These same children are less likely to repeat a grade level and have less need for special education instruction than those with no preschool background, thus saving local educational agencies funds that might otherwise be necessary to provide special education instruction.

"(3) Prekindergarten education makes an enormous difference in the lives of children from lower-income families. The following specific results were found for children eligible for Head Start services or child care assistance, children who belong to a single parent, 2-child families earning less than $22,000 per year, or families of 4 earning less than $31,000 per year—

"(A) 29 percent of the children who attended prekindergarten program were employed in jobs paying over $2,000 by age 27, as opposed to 7 percent of those from the same income group who did not receive prekindergarten education.

"(B) Only 57 percent of the children who attended a prekindergarten program grew up to become single mothers, as opposed to 83 percent of the same income group who did not attend a prekindergarten program.

"(C) 36 percent of the children who attended a prekindergarten program grew up to own their own homes, as opposed to only 13 percent of the same income group who did not attend such a program.

"(D) Less than 13 percent of the boys in the group who attended a prekindergarten program grew up to be arrested 5 or more times, as opposed to 49 percent of the boys from the same income group who did not attend a prekindergarten program.

"SEC. 1702. PROGRAM AUTHORIZED.

"(a) In General.—The Secretary is authorized to provide grants to local educational agencies with an approved application under section 1703 to allow such agencies to establish or expand prekindergarten early learning programs in to be operated by the local education agency.

"(b) Priority.—The Secretary shall give priority for grants under this title to local educational agencies with the highest population of children, ages 3 to 5, not enrolled in a prekindergarten program.

"SEC. 1703. APPLICATIONS.

"(a) In General.—A local education agency that desires to receive a grant under this title shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

"(b) Content.—An application referred to in subsection (a), at a minimum, shall—

"(1) demonstrate a need for the establishment or expansion of a prekindergarten program;

"(2) provide an assurance that each individual hired to work with children in the prekindergarten program is a teacher or child development specialist certified by the State;

"(3) provide an assurance that the ratio of teacher or child development specialist to children shall not exceed 10–1;

"(4) provide an assurance that the local educational agency will provide, either directly or through private contributions, non-Federal matching funds equal to not less than 50 percent of the amount of the grant award, these contributions shall include in kind contributions and parental co-payments;

"(5) provide an assurance that the local educational agency will develop a sliding fee schedule to ensure that the parents of a child who attends a prekindergarten program established under this title share in the cost of providing the prekindergarten program, but the amount of such contributions shall not exceed $50 each week that a child attends such program;

"(6) provide a description of how funds will be used to coordinate with and build on, but not duplicate or supplant, early childhood programs that exist in the community; and

"(7) provide an assurance that none of the funds received under this title may be used for the construction or renovation of existing or new facilities (except for minor remodeling needed to accomplish the purposes of this title).

"SEC. 1704. USES OF FUNDS.

"(a) In General.—A local educational agency that receives a grant award under this title may use funds received to establish or expand prekindergarten programs for three- and four-year-old children.

"(b) Prekindergarten Programs.—Each prekindergarten program that is established pursuant to this title shall—

"(1) focus on the developmental needs of participating children, including their social, cognitive, and language-development needs, and use research-based approaches that build on competencies that lead to school success, particularly in language and literacy development and in reading; and

"(2) ensure that participating children, at a minimum—

"(A) understand and use language to communicate for various purposes;

"(B) understand and use increasingly complex and varied vocabulary;

"(C) develop and demonstrate an appreciation of books;

"(D) develop phonemic, print, and numeracy awareness; and

"(E) in the case of children with limited English proficiency, progress toward acquisition of the English language.

"SEC. 1705. REPORTING.

"(a) Local Reports.—Each local educational agency that receives a grant award under this title shall submit to the Secretary annually a report that reviews the effectiveness of the prekindergarten program established with funds provided under this title.

"(b) Report to Congress.—The Secretary shall submit to Congress annually a report that evaluates the prekindergarten programs established under this title.

"SEC. 1706. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this title $210,000,000 for fiscal year 2000, $210,000,000 for fiscal year 2001, $1,000,000,000 for fiscal year 2002, $1,500,000,000 for fiscal year 2003, and $2,100,000,000 for fiscal year 2004.".

H.R. 2

Offered By: Mr. Armey

Amendment No. 13: Before section 111 of the bill, insert the following (and redesignate any subsequent sections accordingly):

SEC. 111. PUPIL SAFETY AND FAMILY SCHOOL CHOICE.

Subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) is amended by inserting after section 1115A of such Act (20 U.S.C. 6316) the following:

"SEC. 1115B. PUPIL SAFETY AND FAMILY SCHOOL CHOICE.

"(a) In General.—If a student is eligible to be served under section 1115(b), or attends a school eligible for a schoolwide program under section 1114, and—

"(1) becomes a victim of a violent criminal offense while in or on the grounds of a public elementary school or secondary school that the student attends and that receives assistance under this part, then the local educational agency shall allow such student to attend another public school or public charter school in the same State as the school where the criminal offense occurred, that is selected by the student's parent; or

"(2) the public school that the student attends and that receives assistance under this part has been designated as an unsafe public school, then the local educational agency may allow such student to attend another public school or public charter school in the same State as the school where the criminal offense occurred, that is selected by the student's parent.

"(b) State Educational Agency Determinations.—

"(1) The State educational agency shall determine, based upon State law, what actions constitute a violent criminal offense for purposes of this section.

"(2) The State educational agency shall determine which schools in the State are unsafe public schools.

"(3) The term 'unsafe public schools' means a public school that has serious crime, violence, illegal drug, and discipline problems, as indicated by conditions that may include high rates of—

(A) expulsions and suspensions of students from school;

(B) referrals of students to alternative schools for disciplinary reasons, to special programs or schools for delinquent youth, or to juvenile court;

(C) victimization of students or teachers by criminal acts, including robbery, assault and homicide;

(D) enrolled students who are under court supervision for past criminal behavior;

(E) possession, use, sale or distribution of illegal drugs;

(F) enrolled students who are attending school while under the influence of illegal drugs or alcohol;

(G) possession or use of guns or other weapons;

(H) participation in youth gangs; or

(I) crimes against property, such as theft or vandalism.

"(c) Transportation Costs.—The local educational agency that serves the public school in which the violent criminal offense occurred or that serves the designated unsafe public school may use funds hereafter provided under this part to provide transportation services or to pay the reasonable costs of transportation for the student to attend the school selected by the student's parent.

"(d) Special Rule.—Any school receiving assistance provided under this section shall comply with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and not discriminate on the basis of race, color, or national origin.

"(e) Part B of the Individuals With Disabilities Education Act.—Nothing in this section shall be construed to affect the requirements of part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

"(f) Maximum Amount.—Notwithstanding any other provision of this section, the amount of assistance provided under this part for a student shall not exceed the per pupil expenditure for elementary or secondary education, as appropriate, by the local educational agency that serves the School—

(1) where the violent criminal offense occurred for the fiscal year preceding the fiscal year in which the offense occurred; or

(2) designated as an unsafe public school by the State educational agency for the fiscal year preceding the fiscal year for which the designation is made.

"(g) Construction.—Nothing in this Act or any other Federal law shall be construed to prevent a parent assisted under this section from selecting the public or private elementary school or secondary school that a child of the parent will attend within the State.

"(h) Consideration of Assistance.—Assistance used under this section to pay the costs for a student to attend a private school shall not be considered to be Federal aid to the school, and the Federal Government shall have no authority to influence or regulate the operations of a private school as a result of assistance received under this section.

"(i) Continuing Eligibility.—A student assisted under this section shall remain eligible to continue receiving assistance under this section for 5 academic years without regard to whether the student is eligible for assistance under section 1114 or 1115(b).

"(j) State Law.—All actions undertaken under this section shall be undertaken in accordance with State law and may be undertaken only to the extent such actions are permitted under State law.

"(k) Tuition Charges.—Assistance under this section may not be used to pay tuition or required fees at a private elementary school or secondary school in an amount that is greater than the tuition and required fees paid by students not assisted under this section at such school.

"(l) Sectarian Institutions.—Nothing in this section shall be construed to supersede or modify any provision of a State constitution that prohibits the expenditure of public funds in or by sectarian institutions.

After part G of the Elementary and Secondary Education Act of 1965, as proposed to be added by section 171 of the bill, insert the following:

PART F—ACADEMIC EMERGENCIES

SEC. 181. ACADEMIC EMERGENCIES.

(a) Academic Emergencies.—Title I of the Act is amended by adding at the end the following:

"PART H—ACADEMIC EMERGENCIES

"SEC. 1801. SHORT TITLE.

"This part may be cited as the "Academic Emergency Act".

"SEC. 1802. PROGRAM AUTHORIZED.

"(a) In General.—The Secretary is authorized to provide funds to States that have 1 or more schools designated under section 1803 as academic emergency schools to provide parents whose children attend such schools with education alternatives.

"(b) Grants to States.—Grants awarded to a State under this part shall be awarded for a period of not more than 5 years.

"SEC. 1803. ACADEMIC EMERGENCY DESIGNATION.

"(a) Designation.—The Governor of each State may designate 1 or more schools in the State that meet the eligibility requirements set forth in subsection (b) or are identified for school improvement under section 1116(b) as academic emergency schools.

"(b) Eligibility.—To be designated as an academic emergency school, the school shall be a public elementary school—

"(1) with a consistent record of poor performance by failing to meet minimum academic standards as determined by the State; and

"(2) in which more than 50 percent of the children attending are eligible for free or reduced price lunches under the National School Lunch Act (42 U.S.C. 1751 et seq.).

"(c) List to Secretary.—To receive a grant under this part, the Governor shall submit a list of academic emergency schools to the State educational agency and the Secretary.

"SEC. 1804. APPLICATION AND STATE SELECTION.

"(a) Application.—Each State in which the Governor has designated 1 or more schools as academic emergency schools shall submit an application to the Secretary that includes the following:

"(1) Assurances.—Assurances that the State shall—

"(A) use the funds provided under this part to supplement, not supplant, State and local funds that would otherwise be available for the purposes of this part;

"(B) provide written notification to the parents of every student eligible to receive academic emergency relief funds under this part, informing the parents of the voluntary nature of the program established under this part, and the availability of qualified schools within their geographic area;

"(C) provide parents and the education community with easily accessible information regarding available education alternatives; and

"(D) not reserve more than 4 percent of the amount made available under this part to pay administrative expenses.

"(2) Information.—Information regarding each academic emergency school, for the school year in which the application is submitted, regarding the number of children attending such school, including the number of children who are eligible for free or reduced-price lunch under the National School Lunch Act (42 U.S.C. 1751 et seq.) and the level of student performance.

"(b) State Awards.—

"(1) State selection.—From the amount appropriated pursuant to the authority of section 1814 in any fiscal year, the Secretary shall award grants to States in accordance with this section.

"(2) Priority.—To the extent practicable, the Secretary shall ensure that each State that completes an application in accordance with subsection (a) shall receive a grant of sufficient size to provide education alternatives to not less than 1 academic emergency school.

"(3) Award criteria.—In determining the amount of a grant award to a State under this part, the Secretary shall take into consideration the number of schools designated as academic emergencies in the State and the number of eligible students in such schools.

"(4) State plan.—Each State that applies for funds under this part shall establish a plan—

"(A) to ensure that the greatest number of eligible students who attend academic emergency schools have an opportunity to receive an academic emergency relief funds; and

"(B) to develop a simple procedure to allow parents of participating eligible students to redeem academic emergency relief funds.

"SEC. 1805. SELECTION OF ACADEMIC EMERGENCY SCHOOLS AND AWARDS TO PARENTS.

"(a) Selection.—The State shall select academic emergency schools based on —

"(1) the number of eligible students attending an academic emergency school;

"(2) the availability of qualified schools near the academic emergency school; and

"(3) the academic performance of students in the academic emergency school.

"(b) Insufficient Funds.—If the amount of funds made available to a State under this part is insufficient to provide every eligible student in a selected academic emergency school with academic emergency relief funds, the State shall devise a random selection process to provide eligible students in such school whose family income does not exceed 185 percent of the poverty line the opportunity to participate in education alternatives established pursuant to this part.

"(c) Payments.—

"(1) In general.—From the funds made available to a State under this part and not reserved under section 1804(a)(1)(D), a State shall pay not more than $3,500 in academic emergency relief funds to the parents of each participating eligible student.

"(2) Period of awards.—The academic emergency relief funds awarded to parents of participating eligible students shall be awarded for each school year during the grant period which shall terminate—

"(A) when a participating eligible student is no longer a student in the State; or

"(B) at the end of 5 years,

whichever occurs first.

"(3) Duration.—A State shall continue to receive funds under this part for distribution to parents of participating eligible students throughout the 5-year grant period.

"SEC. 1806. QUALIFIED SCHOOLS.

"(a) Qualifications.—A State that submits an application to the Secretary under section 1804 shall publish the qualifications necessary for a school to participate as a qualified school under this part. At a minimum, each such school shall—

"(1) provide assurances to the State that it will comply with section 1810;

"(2) certify to the State that the amount charged to a parent using academic relief funds for tuition and fees does not exceed the amount for such tuition and fees charged to a parent not using such relief funds whose child attends the qualified school (excluding scholarship students attending such school); and

"(3) report to the State, not later than July 30 of each year in a manner prescribed by the State, information regarding student performance.

"(b) Confidentiality.—No personal identifiers may be used in such report described in subsection (a)(3), except that the State may request such personal identifiers solely for the purpose of verifying student performance.

"SEC. 1807. ACADEMIC EMERGENCY RELIEF FUNDS.

"(a) Use of Academic Emergency Relief Funds.—A parent who receives academic emergency relief funds from a State under this part may use such funds to pay the costs of tuition and mandatory fees for a program of instruction at a qualified school.

"(b) Not School Aid.—Academic emergency relief funds under this part shall be considered assistance to the student and shall not be considered assistance to a qualified school.

"SEC. 1808. EVALUATION.

"(a) Annual Evaluation.—

"(1) Contract.—The Comptroller General of the United States shall enter into a contract, subject to amounts specified in Appropriation Acts, with an evaluating agency that has demonstrated experience in conducting evaluations, for the conduct of an ongoing rigorous evaluation of the education alternative program established under this part.

"(2) Annual evaluation requirement.—The contract described in paragraph (1) shall require the evaluating agency entering into such contract to annually evaluate the education alternative program established under this part in accordance with the evaluation criteria described in subsection (b).

"(3) Transmission.—The contract described in paragraph (1) shall require the evaluating agency entering into such contract to transmit to the Comptroller General of the United States the findings of each annual evaluation under paragraph (2).

"(b) Evaluation Criteria.—The Comptroller General of the United States, in consultation with the Secretary, shall establish minimum criteria for evaluating the education alternative program established under this part. Such criteria shall provide for—

"(1) a description of the effects of the programs on the level of student participation and parental satisfaction with the education alternatives provided pursuant to this part compared to the educational achievement of students who choose to remain at academic emergency schools selected for participation under this part; and

"(2) a description of the effects of the programs on the educational performance of eligible students who receive academic emergency relief funds compared to the educational performance of students who choose to remain at academic emergency schools selected for participation under this part.

"SEC. 1809. REPORTS BY COMPTROLLER GENERAL.

"(a) Interim Reports.—Three years after the date of enactment of the Student Results Act of 1999, the Comptroller General of the United States shall submit an interim report to Congress on the findings of the annual evaluations under section 1808(a)(2) for the education alternative program established under this part. The report shall contain a copy of the annual evaluation under section 1808(a)(2) of education alternative program established under this part.

"(b) Final Report.—The Comptroller General shall submit a final report to Congress, not later than 7 years after the date of the enactment of the Student Results Act of 1999, that summarizes the findings of the annual evaluations under section 1808(a)(2).

"SEC. 1810. CIVIL RIGHTS.

"(a) In General.—A qualified school under this part shall not discriminate on the basis of race, color, national origin, or sex in carrying out the provisions of this part.

"(b) Applicability and Construction With Respect to Discrimination on the Basis of Sex.—

"(1) Applicability.—With respect to discrimination on the basis of sex, subsection (a) shall not apply to a qualified school that is controlled by a religious organization if the application of subsection (a) is inconsistent with the religious tenets of the qualified school.

"(2) Single-sex schools, classes, or activities.—With respect to discrimination on the basis of sex, nothing in subsection (a) shall be construed to prevent a parent from choosing, or a qualified school from offering, a single-sex school, class, or activity.

"SEC. 1811. RULES OF CONSTRUCTION.

"(a) In General.—Nothing in this part shall be construed to prevent a qualified school that is operated by, supervised by, controlled by, or connected to a religious organization from employing, admitting, or giving preference to persons of the same religion to the extent determined by such school to promote the religious purpose for which the qualified school is established or maintained.

"(b) Sectarian Purposes.—Nothing in this part shall be construed to prohibit the use of funds made available under this part for sectarian educational purposes, or to require a qualified school to remove religious art, icons, scripture, or other symbols.

"SEC. 1812. CHILDREN WITH DISABILITIES.

"Nothing in this part shall affect the rights of students, or the obligations of public schools of a State, under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

"SEC. 1813. DEFINITIONS.

"As used in this part:

"(1) The terms "local educational agency" and "State educational agency" have the same meanings given such terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

"(2) The term "eligible student" means a student enrolled, in a grade between kindergarten and 4th, in an academic emergency school during the school year in which the Governor designates the school as an academic emergency school, except that the parents of a child enrolled in kindergarten at the time of the Governor's designation shall not be eligible to receive academic emergency relief funds until the child is in first grade.

"(3) The term "Governor" means the chief executive officer of the State.

"(4) The term "parent" includes a legal guardian or other person standing in loco parentis.

"(5) The term "poverty line" means the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

"(6) The term "qualified school" means a public, private, or independent elementary school that meets the requirements of section 1806 and any other qualifications established by the State to accept academic emergency relief funds from the parents of participating eligible students.

"(7) The term "Secretary" means the Secretary of Education.

"(8) The term "State" means each of the 50 States and the District of Columbia.

"SEC. 1814. AUTHORIZATIONS OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part $100,000,000 for fiscal year 2000 and such sums as may be necessary for each of the fiscal years 2001 through 2004, except that the amount authorized to be appropriated may not exceed $100,000,000 for any fiscal year.".

(b) REPEALS.—The following programs are repealed:

(1) INTERNATIONAL EDUCATION EXCHANGE PROGRAM.—Section 601 of the Goals 2000: Educate America Act (20 U.S.C. 5951).

(2) FUND FOR THE IMPROVEMENT OF EDUCATION.—Part A of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8001 et seq.).

(3) 21ST CENTURY COMMUNITY LEARNING CENTERS.—Part I of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8241 et seq.).

H.R. 2

OFFERED BY: MR. BILBRAY

AMENDMENT NO. 14: After title VI of the bill, insert the following (and redesignate provisions accordingly):

TITLE VII—REIMBURSEMENT FOR COSTS FOR ILLEGAL ALIEN STUDENTS

SEC. 701. REIMBURSEMENT OF STATES FOR CERTAIN EDUCATIONAL COSTS FOR ILLEGAL ALIEN STUDENTS.

Title X (20 U.S.C. 8001 et seq.) is amended by adding at the end the following:

"PART L—REIMBURSEMENT FOR COSTS FOR ILLEGAL ALIEN STUDENTS

"SEC. 10995. REIMBURSEMENT OF STATES FOR CERTAIN EDUCATIONAL COSTS FOR ILLEGAL ALIEN STUDENTS.

"(a) GRANTS TO STATES.—From the amount appropriated pursuant to subsection (e), subject to the succeeding provisions of this section, the Secretary shall provide for payment to each eligible State (as defined in subsection (b)) for reimbursable costs (as defined in subsection (c)).

"(b) ELIGIBLE STATES.—In order for a State to be eligible for payment under this section, the State shall provide the Secretary with—

"(1) such information as the Secretary may require to compute the amount of payment to the State under this section; and

"(2) assurances that such payments shall be used only for the purpose of reimbursing local educational agencies for reimbursable costs.

"(c) REIMBURSABLE COSTS DEFINED.—For purposes of this section, the term 'reimbursable costs' means, with respect to a State, costs incurred by local educational agencies in the State in providing a free public education (as mandated by Federal law) to eligible illegal alien students (as defined in subsection (d)(1)) who have been identified to the Secretary in a form and manner specified by the Secretary.

"(d) ELIGIBLE ILLEGAL ALIEN STUDENTS.—

"(1) IN GENERAL.—For purposes of this section, the term 'eligible illegal alien student' means an alien who is not lawfully present in the United States and is enrolled in a public school of a local educational agency in a State in an elementary or secondary school level as of September 30, 1999, but only so long as such alien remains enrolled at a public school of such local educational agency within such school level.

"(2) SCHOOL LEVELS DEFINED.—For purposes of this subsection, there shall be 2 school levels:

"(A) The elementary school level, consisting of kindergarten through the 6th grade.

"(B) The secondary school level, consisting of the 7th through 12th grades.

"(e) AMOUNT OF PAYMENT.—

"(1) IN GENERAL.—The amount of payment to an eligible State for a fiscal year under this section is the amount appropriated pursuant to subsection (f) for the fiscal year multiplied by the ratio of—

"(A) the product of—

"(i) the average number determined under paragraph (2)(A) for the State and the fiscal year involved; and

"(ii) the average expenditures determined under paragraph (2)(B) for the State and fiscal year involved; to

"(B) the sum of the products under subparagraph (A) for all eligible States for the fiscal year.

"(2) DETERMINATIONS.—The Secretary shall determine for each eligible State before the beginning of each fiscal year—

"(A) the average number of eligible illegal alien students in the State for any school day during the school year ending during the fiscal year; and

"(B) the average per-pupil expenditures for public education benefits in the State for such school year, as determined based on statistics of the National Center for Education Statistics relating to expenditure per pupil in average daily attendance in public elementary and secondary schools.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year (beginning with fiscal year 2001) such sums as may be necessary to make grants under this section.

"(g) STATE DEFINED.—In this section, the term 'State' has the meaning given such term in section 101(a)(36) of the Immigration and Nationality Act.".

H.R. 2

OFFERED BY: MR. CROWLEY

AMENDMENT NO. 15: At the end of part F of title I of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 161 of the bill, insert the following:

"SEC. 1612. SENSE OF CONGRESS REGARDING RAPID STUDENT POPULATION GROWTH.

"(a) FINDINGS.—Congress finds that certain areas of the country face rapid student population growth with such growth straining school districts.

"(b) SENSE OF CONGRESS.—It is the sense of Congress that there is a need for financial support from Federal, State, and local agencies to assist school districts that face significant increases in student enrollment.

H.R. 2

OFFERED BY: MR. CROWLEY

AMENDMENT NO. 16: After section 1113(f)(2) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 107 of the bill, insert the following (and redesignate any subsequent paragraphs accordingly):

"(3) COUNTIES.—If sufficient funds are available, any local educational agency which contains 2 or more counties in their entirety shall provide to each eligible public school attendance area or eligible public school an amount of funds, per pupil from a low-income family, under this part for any fiscal year which is not less than 90 percent of the amount provided for the preceding fiscal year.

In section 1124(c)(2) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 121 of the bill, strike the third and fourth sentences.

H.R. 2

OFFERED BY: MR. CROWLEY

AMENDMENT NO. 17: In section 1124(c)(2) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 121 of the bill, strike the following: "If a local educational agency contains two or more counties in their entirety, then each county will be treated as if such county were a separate local educational agency for purposes of calculating grants under this part. The total of grants for such counties shall be allocated to such a local educational agency, which local educational agency shall distribute to schools in each county within such agency a share of the local educational agency's total grant that is no less than the county's share of the population counts used to calculate the local educational agency's grant.".

H.R. 2

OFFERED BY: MR. ENGEL

AMENDMENT NO. 18: After section 1113(f)(2) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 107 of the bill, insert the following (and redesignate any subsequent paragraphs accordingly):

"(3) COUNTIES.—If sufficient funds are available, any local educational agency which contains 2 or more counties in their entirety shall provide to each eligible public school attendance area or eligible public school an amount of funds, per pupil from a low-income family, under this part for any fiscal year which is not less than 90 percent of the amount provided for the preceding fiscal year.

In section 1124(c)(2) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 121 of the bill, strike the third and fourth sentences.

H.R. 2

OFFERED BY: MR. ENGEL

AMENDMENT NO. 19: In section 1124(c)(2) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 121 of the bill, strike the following: "If a local educational agency contains two or more counties in their entirety, then each county will be treated as if such county were a separate local educational agency for purposes of calculating grants under this part. The total of grants for such counties shall be allocated to such a local educational agency, which local educational agency shall distribute to schools in each county within such agency a share of the local educational agency's total grant that is no less than the county's share of the population counts used to calculate the local educational agency's grant.".

H.R. 2

OFFERED BY: MR. FATTAH

AMENDMENT NO. 20: At the end of part F of title I of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 161 of the bill, insert the following:

"SEC. 1612. EDUCATIONAL EQUITY.

"(a) IN GENERAL.—Notwithstanding any other provision of this title, no State shall receive funds under this title unless the State certifies annually to the Secretary that—

"(1) the per pupil expenditures in the local educational agencies of the State are substantially equal, taking into consideration the variation in cost of serving pupils with special needs and the local variation in cost of providing education services; or

"(2) the achievement levels of students on reading and mathematics assessments, graduation rates, and rates of college-bound students in the local educational agencies with the lowest per pupil expenditures are substantially equal to those of the local educational agencies with the highest per pupil expenditures.

"(b) GUIDELINES.—The Secretary, in consultation with the National Academy of Sciences, shall develop and publish guidelines to define the terms 'substantially equal' and 'per pupil expenditures'.".

H.R. 2

OFFERED BY: MR. FATTAH

AMENDMENT NO. 21: Strike subparagraph (B) of section 1111(b)(8) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 105 of the bill, and insert the following:

"(B) what specific steps the State educational agency will take to assist schools and local educational agencies that receive funds under this part to assure that all students enrolled in such schools and local educational agencies reach, at a minimum, the proficient level of performance within the time line established by paragraph (2)(A)(viii);

"(C) the actions the State will take to assure that critical education services and resources are available in local educational agencies that receive funds under this part to the extent that such services are available in local educational agencies that do not receive funds under this part;

"(D) whether services in local educational agencies that receive funds under this part are of comparable quality to the services in local educational agencies that do not receive funds under this part; and

"(D) at a minimum—

"(i) the rates at which class sections are taught by experienced and fully qualified teachers as defined in section 1610;

"(ii) curriculum, in terms of both the range of courses offered, and the opportunity to participate in rigorous courses, including advanced placement (AP) courses; and

"(iii) the quality and availability of instructional materials and instructional resources including technology;

"(E) the measures that the State educational agency will use annually to measure and publicly report progress regarding clauses (i) through (iii) of subparagraph (D).

After section 117 of the bill (proposing to amend section 1120 of the Elementary and Secondary Education Act of 1965), insert the following (and redesignate any subsequent sections accordingly):

SEC. 118. FISCAL REQUIREMENTS.

(a) REQUIREMENTS.—Section 1120A(c)(2) (20 U.S.C. 6322A(c)(2)) is amended to read as follows:

"(2) CRITERIA FOR MEETING COMPARABILITY REQUIREMENT.—";

"(A) APPROVAL.—To meet the requirement of paragraph (1), a local educational agency shall obtain the State educational agency's approval of a comprehensive plan to ensure comparability in the use of Federal, State, and local funds and educational services among its schools receiving funds under this part and its other schools with respect to:

"(i) the rates at which class sections are taught by experienced and fully qualified teachers as defined in section 1610;

"(ii) curriculum, in terms of both the range of courses offered, and the opportunity to participate in rigorous courses including advanced placement (AP) courses; and

"(iii) the quality and availability of instructional materials and instructional resources including technology.";

"(B) EXCLUSION.—A local educational agency need not include unpredictable changes in student enrollment or personnel assignments that occur after the beginning of a school year in determining comparability of services under this subsection.

"(C) REQUIREMENTS.—Notwithstanding subparagraph (A), a local educational agency may continue to meet the requirement of paragraph (1) by complying with subparagraph (A) as such subparagraph was in effect on the day preceding the date of enactment of the Student Results Act of 1999, except that each local educational agency shall be required to comply with subparagraph (A), as in effect after such date of enactment, not later than July 1, 2002."; and

(b) RECORDS.—Section 1120A(3)(B), is amended by striking "biennially" and inserting "annually".

H.R. 2

OFFERED BY: MR. GEJDENSON

AMENDMENT NO. 22: After title VI of the bill, insert the following (and redesignate provisions accordingly):

TITLE VII—VIOLENCE PREVENTION TRAINING

SEC. 701. VIOLENCE PREVENTION TRAINING.

Title X (20 U.S.C. 8001 et seq.) is amended by adding at the end the following:

"PART L—VIOLENCE PREVENTION TRAINING

"SEC. 10995. PROGRAM AUTHORIZED.

"(a) GRANT AUTHORITY.—The Secretary is authorized to award grants to institutions of higher education and qualified entities that carry out early childhood education training programs to enable selected institutions of higher education and qualified entities to provide violence prevention training as part of the early childhood education training program.

"(b) AMOUNT.—The Secretary shall award a grant under this part in an amount that is not less than $500,000 and not more than $1,000,000.

"(c) DURATION.—The Secretary shall award a grant under this part for a period of not less than 3 years and not more than 5 years.

"SEC. 10996. APPLICATION.

"(a) APPLICATION REQUIRED.—Each institution of higher education and qualified entity desiring a grant under this part shall submit to the Secretary an application at such time, in such manner, and accompanied by such information as the Secretary may require.

"(b) CONTENTS.—Each application shall—

"(1) describe the violence prevention training activities and services for which assistance is sought;

"(2) contain a comprehensive plan for the activities and services, including a description of—

"(A) the goals of the violence prevention training program;

"(B) the curriculum and training that will prepare students for careers which are described in the plan;

"(C) the recruitment, retention, and training of students;

"(D) the methods used to help students find employment in their fields;

"(E) the methods for assessing the success of the violence prevention training program; and

"(F) the sources of financial aid for qualified students;

"(3) contain an assurance that the instructors running the program are qualified and will use proven methods of violence prevention;

"(4) contain an assurance that the institution has the capacity to implement the plan; and

"(5) contain an assurance that the plan was developed in consultation with agencies and organizations that will assist the institution of higher education or qualified entity in carrying out the plan.

"SEC. 10997. SELECTION PRIORITIES.

"The Secretary shall give priority to awarding grants to institutions of higher education and qualified entities carrying out violence prevention programs that include 1 or more of the following components:

"(1) Preparation to engage in family support (such as parent education, service referral, and literacy training).

"(2) Preparation to engage in community outreach or collaboration with other services in the community.

"(3) Preparation to use conflict resolution training with children.

"(4) Preparation to work in economically disadvantaged communities.

"(5) Recruitment of economically disadvantaged students.

"(6) Carrying out programs of demonstrated effectiveness in the type of training for which assistance is sought, including programs funded under section 596 of the Higher Education Act of 1965 (as such section was in effect prior to October 7, 1998).

"SEC. 10998. DEFINITIONS.

"For purposes of this part:

"(1) AT-RISK CHILD.—The term 'at-risk child' means a child who has been affected by violence through direct exposure to child abuse, other domestic violence, or violence in the community.

"(2) EARLY CHILDHOOD EDUCATION TRAINING PROGRAM.—The term 'early childhood education training program' means a program that—

"(A)(i) trains individuals to work with young children in early child development programs or elementary schools; or

"(ii) provides professional development to individuals working in early child development programs or elementary schools;

"(B) provides training to become an early childhood education teacher, an elementary school teacher, a school counselor, or a child care provider; and

"(C) leads to a bachelor's degree or an associate's degree, a certificate for working with young children (such as a Child Development Associate's degree or an equivalent credential), or, in the case of an individual with such a degree, certificate, or credential, provides professional development.

"(3) QUALIFIED ENTITY.—The term 'qualified entity' means a public or nonprofit private organization which has—

"(A) experience in administering a program consistent with the requirements of this part; and

"(B) demonstrated the ability to coordinate, manage, and provide technical assistance to programs that receive grants under this part.

"(4) VIOLENCE PREVENTION.—The term 'violence prevention' means—

"(A) preventing violent behavior in children;

"(B) identifying and preventing violent behavior in at-risk children; or

"(C) identifying and ameliorating violent behavior in children who act out violently.

"SEC. 10999. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part $35,000,000 for each of the fiscal years 2000 through 2004.".

H.R. 2

OFFERED BY: MR. GOODLING

AMENDMENT NO. 23: In section 1112(b) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 106 of the bill—

(1) in paragraph (10), by striking the "and" after the semicolon;

(2) in paragraph (11), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(12) a description of the criteria established by the local educational agency pursuant to section 1119(b)(1).

In section 1124(c)(1) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 121 of the bill—

(1) in subparagraph (A), strike "and" after the semicolon;

(2) in subparagraph (B), strike the period and insert "; and"; and

(3) add at the end the following:

"(C) the number of children aged 5 to 17, inclusive, in the school district of such agency from families above the poverty level as determined under paragraph (4).".

In section 1124(c)(4) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 121 of the bill—

(1) insert before the first sentence the following: "For the purposes of this section, the Secretary shall determine the number of children aged 5 to 17, inclusive, from families above the poverty level on the basis of the number of such children from families receiving an annual income, in excess of the current criteria of poverty, from payments under a State program funded under part A of title IV of the Social Security Act; and in making such determinations the Secretary shall utilize the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census for a family of 4 in such form as those criteria have been updated by increases in the Consumer Price Index for all urban consumers, published by the Bureau of Labor Statistics.";

(2) in the first sentence after the sentence inserted by paragraph (1)—

(A) insert "the number of such children and" after "determine"; and

(B) insert "(using, in the case of children described in the preceding sentence, the criteria of poverty and the form of such criteria required by such sentence which were determined for the calendar year preceding such month of October)" after "fiscal year".

Amend subparagraph (C) of section 1701(b)(2) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 171 of the bill, to read as follows:

"(C) REALLOCATION.—If a State does not apply for funds under this section, the Secretary shall reallocate such funds to other States that do apply in proportion to the amount allocated to such States under subparagraph (B).".

In section 5204(a) of the Elementary and Secondary Education Act of 1965, as proposed to be added by section 201 of the bill—

(1) in paragraph (1), insert "the design and development of new strategies for overcoming transportation barriers," after "effective public school choice"; and

(2) in paragraph (2)(A), after "inter-district" insert "or intra-district"; and

(3) amend subparagraph (E) to read as follows:

"(E) public school choice programs that augment the existing transportation services necessary to meet the needs of children participating in such programs.".

In section 5204(b) of the Elementary and Secondary Education Act of 1965, as proposed to be added by section 201 of the bill—

(1) in paragraph (1), after the semicolon insert "and";

(2) strike paragraph (2); and

(3) redesignate paragraph (3) as paragraph (2).

In section 9116(c) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 401 of the bill—

(1) insert "funds for" after "(b) shall include"; and

(2) strike ", or portion thereof," and insert "exclusively serving Indian children or the funds reserved under any program to exclusively serve Indian children".

In section 15004(a)(2) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 301 of the bill, strike "state, or federal laws, rules or regulations" and insert "State, and Federal laws, rules and regulations".

In section 1121(c)(1) of the Education Amendments of 1978, as proposed to be amended by section 410 of the bill, strike "1 year" and insert "2 years".

In the heading for section 1123 of the Education Amendments of 1978, as proposed to be amended by section 410 of the bill, insert "codification of" before "regulations".

In section 1126(b) of the Education Amendments of 1978, as proposed to be amended by section 410 of the bill, strike "maintenance to schools" and insert "maintenance of schools".

In the heading for section 1138(b)(2) of the Education Amendments of 1978, as proposed to be amended by section 410 of the bill, strike "GENERAL" and all that follows through the semicolon.

In section 1138(b)(2) of the Education Amendments of 1978, as proposed to be amended by section 410 of the bill, strike "Regulations required" and all that follows through "Such regulations shall" and insert "Regulations issued to implement this Act shall".

In section 1138A(b)(1) of the Education Amendments of 1978, as proposed to be amended by section 410 of the bill, strike ", provided that the" and all that follow through the end of the paragraph and insert a period.

In section 1138A(b) of the Education Amendments of 1978, as proposed to be amended by section 410 of the bill, redesignate paragraph (2) as paragraph (3), and insert the following new paragraph (2) after paragraph (1):

"(2) NOTIFICATION TO CONGRESS.—If draft regulations implementing this part and the Tribally Controlled Schools Act of 1988 are not issued in final form by the deadline provided in paragraph (1), the Secretary shall notify the appropriate committees of Congress of which draft regulations were not issued in final form by the deadline and the reason such final regulations were not issued.

In section 5209(a) of Public Law 100–297, as proposed to be amended by section 420 of the bill—

(1) strike "106(f)" and insert "106(e)";

(2) strike "106(j)" and insert "106(i)"; and

(3) strike "106(k)" and insert "106(j)".

In section 722(g)(3)(C) of the Stewart B. McKinney Homeless Education Assistance Act (42 U.S.C. 11432(g)(3)(C)), as proposed to be amended by section 704 of the bill—

(1) in clause (i), strike "Except as provided in clause (iii), a" and insert "A"; and

(2) amend clause (iii) to read as follows:

"(iii) "If the child or youth needs to obtain immunizations or immunization records, the enrolling school shall immediately refer the parent or guardian of the child or youth to the liaison who shall assist in obtaining necessary immunizations or immunization records in accordance with subparagraph (E)."

In section 722(g)(3)(E)(i) of the Stewart B. McKinney Homeless Education Assistance Act (42 U.S.C. 11432(g)(3)(E)(i)), as proposed to be amended by section 704 of the bill, strike "except as provided in subparagraph (C)(iii),".

In section 1112(g) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 106(f) of the bill strike paragraph (2)(A) and insert the following:

"(2) CONSENT.—

"(A) AGENCY REQUIREMENTS.—

"(i) INFORMED CONSENT.—For a child who has been identified as limited English proficient prior to the beginning of the school year, each local educational agency that receives funds under this part shall obtain informed parental consent prior to the placement of a child in an English language instruction program for limited English proficient children funded under this part, if—

"(I) the program does not include classes which exclusively or almost exclusively use the English language in instruction; or

"(II) instruction is tailored for limited English proficient children.

"(ii) WRITTEN CONSENT NOT OBTAINED.—If written consent is not obtained, the local educational agency shall maintain a written record that includes the date and the manner in which such informed consent was obtained.

"(iii) RESPONSE NOT OBTAINED.—

"(I) IN GENERAL.—If a response cannot be obtained after a reasonable and substantial effort has been made to obtain such consent, the local educational agency shall document, in writing, that it has given such notice and its specific efforts made to obtain such consent.

"(II) DELIVERY OF PROOF OF DOCUMENTATION.—The proof of documentation shall be mailed or delivered in writing to the parents or guardian of the child prior to placing the child in a program described under subparagraph (A), and shall include a final notice requesting parental consent for such services. After such documentation has been mailed or delivered in writing, the LEA shall provide appropriate educational services.

(III) SPECIAL RULE APPLICABLE DURING SCHOOL YEAR.—A local educational agency may obtain parental consent under this clause only for children who have not been identified as limited English proficient prior to the beginning of the school year. For such children the agency shall document, in writing, its specific efforts made to obtain such consent prior to placing the child in a program described in subparagraph (A). After such documentation has been made, the local educational agency shall provide appropriate educational services to such child. The proof of documentation shall be mailed or delivered in writing to the parents or guardian of the child in a timely manner and shall include information on how to have their child immediately removed from the program upon their request. This clause shall not be construed as exempting a local educational agency from complying with the requirements of this subparagraph.

H.R. 2

OFFERED BY: MR. HILL OF INDIANA

AMENDMENT NO. 24: Add at the end of the bill the following new title:

TITLE IX—SMALLER SCHOOLS

SEC. 901. SMALLER SCHOOLS.

Title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8001 et seq.) is amended by adding at the end the following new part:

"PART L—SMALLER SCHOOLS

"SEC. 10995. SHORT TITLE AND FINDINGS.

"(a) SHORT TITLE.—This part may be cited as the 'Smaller Schools, Stronger Communities Act'.

"(b) FINDINGS.—Congress finds the following:

"(1) Since World War II, the conventional wisdom among educators has been that larger schools are better and accordingly the number of secondary schools in the United States has declined by 70 percent, while average school size has grown by 5 times. But over the past few years, educators have begun to question the approach that bigger schools are always better.

"(2) The National Association of Secondary School Principals (referred to in this section as the NAASP) recently recommended that the high school of the 21st Century be "much more student-centered and above all much more personalized in programs, support services and intellectual rigor." The NAASP stated that students take more interest in school when they experience a sense of belonging and that students benefit from a more intimate setting in which their presence is more readily and repeatedly acknowledged.

"(3) The NAASP also warns that the "bigness" of high schools shrouds many young people "in a cloak of anonymity" and recommends that high schools should restructure the space and time of high schools so that students are no longer "invisible and melt into their surroundings". NAASP recommends that high schools change their structure to limit their enrollments to self-operating units of not more than 600 students, either through constructing new buildings or through creating "school-within-school" units. It also suggests changing the relationship between teachers and students by reducing the number of class changes students make each day and allowing teachers to have more time with smaller numbers of students.

"(4) Scientifically based research shows that larger school size tends to stratify students into different tracks which are often based on children's educational and social backgrounds. Larger schools foster inequitable educational outcomes, where there are great differences between the educational achievement of students within the same school.

"(5) Scientifically based research shows that in smaller, more personalized, and less bureaucratic schools, inequities between student achievement are smaller and that students in smaller schools perform better in the core subjects of reading, math, history, and science and are more engaged in their courses. In addition, smaller schools have higher attendance rates and higher participation in school activities.

"(6) Scientifically based research shows that because achievement levels in smaller schools are more equitably distributed, students who come from more disadvantaged economic and educational backgrounds show the greatest achievement gains in smaller schools.

"SEC. 10996. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—The Secretary is authorized to provide flexible challenge grants to local educational agencies to implement and administer plans to create smaller schools.

"(b) CONSIDERATION; ASSURANCE; AND PRIORITY.—The Secretary, in awarding grants under this part to local educational agencies shall—

"(1) consider the number of students served and the number, location, and size of the schools which serve such students; and

"(2) assure, to the extent practicable, an equitable distribution of assistance among urban and rural areas of the United States and among urban and rural areas of a State.

"(3) give priority to local educational agencies that establish a target number for attendance at—

"(A) each high school of not more than 600 students or create self-operating academic units within a high school of not more than 600; and

"(B) each elementary school or middle school of not more than 400 students.

"(c) LIMITATION.—The Secretary may award not more than $2,000,000 to any local educational agency selected to receive a grant award under this part.

"SEC. 10997. APPLICATION.

"(a) IN GENERAL.—

"(1) IN GENERAL.—A local educational agency wishing to implement smaller school plans shall apply to the Secretary for a flexible challenge grant at such time and in such form as the Secretary may reasonably require.

"(2) APPLICATION FORM.—The Secretary shall develop a application that is simple and brief in form.

"(b) ELIGIBILITY.—To be eligible to receive a grant under this part, a local educational agency shall submit a 5-year plan that—

"(1) calculates the number of students enrolled in each school during the preceding school year divided by the number of schools in such agency; and

"(2) describes how such agency plans to reduce the size of its schools by creating 'schools within schools,' or building new schools to reduce average school sizes.

"SEC. 10998. USES OF FUNDS AND REPORTING.

"(a) USES OF FUNDS.—Funds received under this part may be used—

"(1) to hire additional staff;

"(2) for planning, feasibility studies, and architectural fees to design or remodel school facilities; and

"(3) for any other reasonable expense, but shall not include the costs directly associated with the renovation of existing facilities or the purchase or construction of new facilities.

"(b) REPORTING.—Each local educational agency that receives a grant under this part shall report annually to the Secretary regarding how such funds were spent.

"SEC. 10999. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part $100,000,000 for fiscal year 2000, $100,000,000 for fiscal year 2001, $200,000,000 for fiscal year 2002, and $300,000,000 for fiscal year 2003.".

H.R. 2

OFFERED BY: MR. HINOJOSA

(To the Amendment in the Nature of a Substitute Offered by Mr. Goodling)

AMENDMENT NO. 25: Page II-13, after line 25, insert the following:

TITLE III—BILINGUAL EDUCATION

SEC. 301. FINDINGS.

(a) The Congress finds that—

(1) since 1979, the number of limited English proficient children in America's schools has doubled and demographic trends indicate the population of limited English proficient children will continue to increase;

(2) language minority Americans speak virtually all world languages plus many that are indigenous to the United States, although Spanish is the native language for 3 out of 4 language minority Americans;

(3) multilingualism, or the ability to speak languages in addition to English, is a tremendous resource to the United States because such ability enhances American competitiveness in global markets by permitting improved communication and cross-cultural understanding between producers and suppliers, vendors and clients, and retailers and consumers;

(4) language minority students bring a rich linguistic diversity to America's classrooms which enhances the learning environment for all students—their contribution should be valued for the significant and positive impact it has on the entire school environment;

(5) for many limited English proficient students, fluency in a language other than English has been treated as a deficit rather than as a societal benefit in our Nation's schools;

(6) the Federal Government, as reflected in title VI of the Civil Rights Act of 1964 and section 204(f) of the Equal Education Opportunities Act of 1974, has a special and continuing obligation to ensure that States and local school districts take appropriate action to provide equal educational opportunities to children and youth of limited English proficiency;

(7) the Federal Government also, as exemplified by programs authorized under title VII of the Elementary and Secondary Education Act of 1965, has a special and continuing obligation to assist States and local school districts to develop the capacity to provide programs of instruction that offer limited English proficient children and youth an equal educational opportunity;

(8) limited English proficient children and youth face a number of challenges in receiving an education that will enable them to participate fully in American society, including—

(A) segregated education programs;

(B) disproportionate and improper placement in special education and other special programs, due to the use of inappropriate evaluation procedures;

(C) disproportionate attendance in high-poverty schools, as demonstrated by the fact that, in 1994, 75 percent of limited English proficient students attended schools in which at least half of all students were eligible for free or reduced-price meals;

(D) the limited English proficiency of their parents, which hinders parents' ability to participate fully in the education of their children;

(E) a shortage of teachers and other staff who are professionally trained and qualified to serve such children and youth; and

(F) lack of appropriate performance and assessment standards that distinguish between language and academic achievement so that there is equal accountability on the part of states and local education agencies for the achievement of limited English proficient students in academic content while acquiring English;

(9) research has delineated the most effective methodologies for teaching a second language, which should be adopted, including—

(A) that the most effective environment for second language teaching and learning are those that promote limited English proficient students' native language and literacy development as a foundation for English language and academic development; and

(B) that parent and community participation in bilingual education programs contributes to program effectiveness.

SEC. 302. POLICY AND PURPOSE.

(a) POLICY.—Section 7102(b) is amended to read as follows:

"(b) POLICY.—The Congress declares it to be the policy of the United States—

"(1) in order to ensure equal educational opportunity for all children and youth and to promote educational excellence, that the Federal Government should assist State and local educational agencies, institutions of higher education, and community-based organizations to build their capacity to establish, implement, and sustain programs of instruction and language development for children and youth of limited English proficiency;";

"(2) ensuring limited English proficient children also meet challenging State standards in the core content areas, including the ability to understand, speak, read and write English at the same level as native English speakers;

"(3) developing fully bilingual/biliterate skills; and

"(4) developing the English language skills of such children and youth and the native language skills of such children and youth.".

(b) PURPOSES.—Section 7102(c) is amended by inserting in the matter before paragraph (1) the following: "promoting systemic improvement and reform of, and developing accountability systems for, educational programs serving students with limited English proficiency.".

SEC. 303. AUTHORIZATION OF APPROPRIATIONS FOR PART A.

Section 7103(a) is amended to read as follows:

"(a) IN GENERAL.—For the purpose of carrying out this part, there are authorized to be appropriated $700,000,00 for fiscal year 2001 and such sums as may be necessary for each of fiscal years 2002 through 2005.".

SEC. 304. ACCOUNTABILITY.

Subpart 1 of title VII is amended by—

(1) inserting a new section 7112 to read as follows:

"SEC. 7112. ACCOUNTABILITY.

"(a) In order to ensure that limited English proficient students are receiving effective English language instruction and effective instruction that enables such students to achieve to challenging State standards—

"(1) all programs funded under this subpart shall annually assess the English proficiency of all limited English proficient students served by the program;

"(2) such students shall be included in the State assessments of academic performance, as provided for under section 1111(b)(2); and

"(3) such students shall be assessed, to the extent practicable, in the language and form most likely to yield accurate and reliable information on what those students know, and can do, in content areas other than English. For the purposes of this subsection, tests written in Spanish shall be deemed practicable when administered to Spanish-speaking students with limited English proficiency if such tests are more likely than tests written in English to yield accurate and reliable information on what those students know and can do in content areas other than English.

"(b) Notwithstanding paragraph (3), such students who have been in United States' schools (not including Puerto Rico) for 5 consecutive years or more shall be tested in reading and language arts using tests written in English, except that a State or school district, based upon the scores of a student on the tests required in paragraph (1), may determine that a student is sufficiently proficient to be tested in reading and language arts using tests written English, prior to the completion of 5 years in United States schools.;

"(c) No student shall be removed from a program of bilingual education or English as a second language based upon his or her performance on the test administered under clause (2)."; and

(2) renumbering subsequent sections appropriately.

SEC. 305. MULTILINGUAL EDUCATION.

(a) FINANCIAL ASSISTANCE FOR BILINGUAL EDUCATION.—Section 7111(2)(A) is amended by striking ", and to the extent possible," and inserting "and".

(b) PROGRAM DEVELOPMENT AND IMPLEMENTATION GRANTS.—Section 7112(b)(2)(i) is amended by striking "; and" and inserting "and will promote proficiency in English and in such students' native language; and".

(c) APPLICATIONS.—Subparagraph 7116(b)(2)(B) is amended by—

(1) striking "and" at the end of clause (i);

(2) inserting a new clause (ii) to read as follows:

"(ii) will further both English language proficiency and native language proficiency in limited English proficient students served pursuant to a grant received under this subpart; and"; and

(3) by redesignating clause (ii) as (iii).

(d) FUNDING PRIORITY.—Section 7120 is amended by—

(1) striking the "and" at the end of paragraph (2);

(2) striking the period at the end of paragraph (3) and inserting "; and

(3) adding a new paragraph (4) to read as follows—

"(4) establishes programs for dual language proficiency in English and students' native languages.".

(e) EVALUATION.—Section 7123(c)(1) is amended by striking "(and, where applicable, native language)" and inserting "and native language".

SEC. 306. PROGRAM DEVELOPMENT AND ENHANCEMENT GRANTS.

Section 7113 is amended—

(1) by amending the section heading to read as follows: "PROGRAM DEVELOPMENT AND ENHANCEMENT GRANTS";

(2) by amending subsection (a) to read as follows:

"(a) PURPOSE.—The purpose of this section is to provide grants to eligible entities to carry out effective and innovative instructional programs for limited English proficient students.";

(3) in subsection (b)—

(A) in paragraph (1)(B), by striking "two" and inserting "three"; and

(B) by amending paragraph (2) to read as follows:

"(2) AUTHORIZED ACTIVITIES.—

"(A) Grants under this section shall be used for—

"(i) developing and implementing comprehensive, preschool, elementary, or secondary education programs for children and youth with limited English proficiency, that are aligned with standards-based State and local school reform efforts and coordinated with other relevant programs and services to meet the full range of educational needs of such children and youth;

"(ii) providing high-quality professional development to classroom teachers, administrators, and other school or community-based organization personnel to improve the instruction and assessment of limited English proficient students; and

"(iii) annually assessing the English proficiency of all limited English proficient students served by the program.

"(B) Grants under this section may be used for—

"(i) implementing programs to upgrade the reading and other academic skills of limited English proficient students and to promote proficiency in English and in the students' native language;

"(ii) developing accountability systems to track the academic progress of limited English proficient and formerly limited English proficient students;

"(iii) implementing family education programs and parent outreach and training activities designed to assist parents to become active participants in the education of their children;

"(iv) improving the instructional program for limited English proficient students by identifying, acquiring, and applying effective curriculum, instructional materials, assessments, and educational technology aligned with State and local standards;

"(v) providing tutorials and academic or career counseling for children and youth who are limited English proficient; and

"(vi) such other activities, consistent with the purposes of this part, as the Secretary may approve.".

SEC. 307. COMPREHENSIVE SCHOOL GRANTS.

Section 7114 is amended—

(1) by amending subsection (a) to read as follows:

"(a) PURPOSE.—The purpose of this section is to implement school-wide education programs, in coordination with title I, for children and youth with limited English proficiency—

"(1) to assist such children and youth to learn English and achieve to challenging State content and performance standards; and

"(2) to improve, reform, and upgrade relevant programs and operations, in schools with significant concentrations of such students or that serve significant numbers of such students.";

(2) by amending subsection (b)—

(A) in paragraph (1)(B) by inserting at the end a new sentence to read as follows: "Any entity not receiving a satisfactory evaluation of a grant received under this section shall be ineligible to apply for another grant under this section for at least 3 years."; and

(B) amending paragraph (3) to read as follows:

"(3) AUTHORIZED ACTIVITIES.—

"(A) Grants under this section shall be used to improve the education of limited English proficient students and their families by—

"(i) coordinating the program with district policies and practices, as well as other relevant programs and services, and aligning the program with school reform efforts to meet the full range of educational needs of limited English proficient students;

"(ii) providing training to all, or virtually all, school personnel and participating community-based organization personnel to improve the instruction and assessment of limited English proficient students;

"(iii) developing or improving accountability systems to track the academic progress of limited English proficient and formerly limited English proficient students; and

"(iv) annually assessing the English proficiency of all limited English proficient students served by the program.

"(B) Grants under this section may also be used for—

"(i) implementing programs to upgrade the reading and other academic skills of limited English proficient students;

"(ii) developing and using educational technology, including interactive technology, to improve learning, assessments, and accountability;

"(iii) implementing and adapting research-based models for meeting the needs of limited English proficient students;

"(iv) developing and implementing programs to meet the needs of limited English proficient students with disabilities;

"(v) implementing family education programs and parent outreach and training activities designed to assist parents to become active participants in the education of their children;

"(vi) improving the instructional program for limited English proficient students by identifying, acquiring, and upgrading curriculum, instructional materials, educational software and assessment procedures;

"(vii) providing tutorials and academic or career counseling for children and youth of limited English proficiency;

"(viii) developing and implementing programs to help all students become proficient in more than 1 language; and

"(ix) carrying out such other activities, consistent with the purposes of this part, as the Secretary may approve.";

(3) by amending paragraph (4) to read as follows:

"(4) SPECIAL RULES.—A grant recipient—

"(A) before carrying out a program assisted under this section, shall plan, train personnel, develop curriculum, and acquire or develop materials, but shall not use funds under this section for planning purposes for more than 90 days; and

"(B) shall not carry out a program under this section in more than 2 schools for each grant it receives under this section.".

SEC. 308. SYSTEMWIDE IMPROVEMENT GRANTS.

Section 7115 is amended—

(1) in subsection (a), by striking "bilingual education programs or special alternative instruction programs to" and inserting "instructional programs for children and youth with limited English proficiency";

(2) by amending subsection (b)—

(A) in paragraph (1)(B) inserting at the end a new sentence to read as follows: "Any entity not receiving a satisfactory evaluation of a grant received under this section shall be ineligible to apply for another grant under this section for at least 3 years."; and

(B) by amending paragraph (4) to read as follows:

"(4) AUTHORIZED ACTIVITIES.—

"(A) Grants under this section shall be used for—

"(i) aligning programs for limited English proficient students in the district with school, district, and State reform efforts and coordinating the program with other relevant programs, such as title I, and services to meet the full range of educational needs of limited English proficient students throughout the district;

"(ii) providing high-quality professional development that is aligned with high standards to classroom teachers, administrators, and other school or community-based organization personnel to improve the instruction and assessment of limited English proficient students;

"(iii) developing and implementing a plan, coordinated with programs under title II of Higher Education Act of 1965 where applicable, to recruit teachers trained to serve limited English proficient students;

"(iv) annually assessing the English proficiency of all limited English proficient students served by the program; and

"(v) developing or improving accountability systems that are consistent with the State's accountability system to measure limited English proficient students academic progress in a valid and reliable manner;

"(vi) reviewing student grade promotion policies and graduation requirements to provide the required additional education services for limited English proficient students; and

"(vii) developing and improving family education programs and parent outreach and training activities designed to assist parents to become informed and active decision makers regarding the education of their children.

"(B) Grants under this section may also be used for—

"(i) developing and implementing programs to help all students become proficient in more than 1 language;

"(ii) developing content and performance standards for learning English as a second language, as well as for learning other languages;

"(iii) developing assessments tied to State performance standards;

"(iv) developing performance standards for students with limited English proficiency that are aligned with challenging State content standards;

"(v) redesigning programs for limited English proficient students to meet the needs of changing populations of such students;

"(vi) coordinating assessments with State accountability systems;

"(vii) implementing policies and procedures to ensure that limited English proficient students have access to all district programs, such as gifted and talented, vocational education, and special education programs; and

"(viii) integrating technology into all aspects of educating limited English proficient students, including data management systems and the delivery of instructional services to limited English proficient students.".

SEC. 309. APPLICATIONS FOR AWARDS UNDER SUBPART 1.

(a) APPLICATIONS.—Section 7116 is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking "such application" and inserting "its written comments on the application"; and

(B) by amending paragraph (2)(B) to read as follows:

"(B) For purposes of this subpart, such comments shall address—

"(i) how the grant activities will further the academic achievement and English proficiency of limited English proficient students served under a grant received under this subpart;

"(ii) how the grant activities will further both English language proficiency and native language proficiency, if applicable, in limited English proficient students served pursuant to a grant received under this subpart; and

"(iii) how the grant application is consistent with the State plan, especially with regard to State assessments, required under section 1111.";

(2) by amending subsection (f) to read as follows:

"(f) REQUIRED DOCUMENTATION.—Such application shall include documentation that—

"(1) the applicant has the qualified personnel required to develop, administer, and implement the proposed program; and

"(2) the leadership of each participating school has been involved in the development and planning of the program in the school.";

(3) in subsection (g)(1)—

(A) by amending subparagraph (A) to read as follows:

"(A) A description of the need for the proposed program, including data on the number of children and youth of limited English proficiency in the schools or school districts to be served and the characteristics of such children and youth, including—

"(i) the native languages of the students to be served;

"(ii) student proficiency in English and the native language;

"(iii) current achievement data of the limited English proficient students to be served by the program (and in comparison to their English proficient peers) in—

"(I) reading or language arts (in English and in the native language, if applicable); and

"(II) mathematics;

"(iv) information related to reclassification including applicants that—

"(I) demonstrate that they have a proven record of success in helping children and youth with limited English proficiency learn English and achieve to high academic standards; or

"(II) propose programs that provide for the development of bilingual proficiency both in English and their native language for all participating students;

"(v) the previous schooling experiences of participating students;

"(vi) the professional development needs of the instructional personnel who will provide services for limited English proficient students, including the need for certified teachers; and

"(vii) how the grant would supplement the basic services provided to limited English proficient students.";

(B) in subparagraph (B)—

(i) by amending clause (ii) to read as follows:

"(ii) is coordinated with other programs under this Act, and other Acts as appropriate, such as the Individuals with Disabilities Education Act and the Carl D. Perkins Vocational and Technical Education Act, in accordance with section 14306;";

(ii) by redesignating clauses (ii) through (v) as clauses (iii) through (vi), respectively; and

(iii) by inserting a new clause (ii) to read as follows:

"(ii) will supplement the basic services the applicant provides to limited English proficient students;"; and

(C) by amending subparagraph (E) to read as follows:

"(E) An assurance that the applicant will employ teachers in the proposed program who individually, or in combination, are proficient in—

"(i) English, including written, as well as oral, communication skills; and

"(ii) the native language of the majority of students they teach, if instruction in the program is also in the native language."

"(v) the previous schooling experiences of participating students;

"(vi) the professional development needs of the instructional personnel who will provide services for limited English proficient students, including the need for certified teachers; and

"(vii) how the grant would supplement the basic services provided to limited English proficient students."; and

(4) in subsection (i)—

(A) by amending paragraph (2) to read as follows:

"(2) Limitation.—Grants for programs under this subpart that do not use the students' native language shall not exceed 25 percent of the funds provided for any type of grant under that section, or of the total funds provided under this subpart, for any fiscal year."; and

(B) in paragraph (3), by striking "special alternative instructional programs" and inserting "programs that do not use the students' native language".

(b) Expanding Education Services.—Section 7116 is amended—

(A) by inserting (1) in the matter before "Each recipient"; and

(B) inserting a new paragraph (2) to read as follows:

"(2) In order to increase its capacity to provide educational services to limited English proficient students, each grant recipient may intensify instruction for limited English proficient students by—

"(A) expanding the educational calendar of the school in which such student is enrolled to include programs before and after school and during the summer months; and

"(B) providing intensified instruction through supplementary instructional activities, including educationally enriching extracurricular activities, during times when school is not routinely in session.".

SEC. 310. EVALUATIONS UNDER SUBPART 1.

Section 7123 is amended—

(1) in subsection (a), by striking "every 2 years" and inserting "every year";

(2) by amending subsection (c) to read as follows:

"(c) Evaluation Components.—

(1) In preparing evaluation reports, the recipient shall—

"(A) use the data provided in the application as baseline data against which to report academic achievement and gains in English proficiency for students in the program;

"(B) report on the validity and reliability of all instruments used to measure student progress; and

"(C) enable results to be disaggregated by relevant factors, such as a student's grade, gender, and language group, and whether the student has a disability.

"(2) Evaluations shall include—

"(A) data on the project's progress in achieving its objectives;

"(B) data showing the extent to which all students served by the program are achieving to the State's student performance standards, including—

"(i) data comparing limited English proficient children and youth with English proficient students with regard to grade retention and academic achievement in reading and language arts, in English and in the native language if the project develops native language proficiency, and in math;

"(ii) gains in English proficiency, including speaking, comprehension, reading, and writing, as developmentally appropriate, and such gains in native language proficiency if the project develops native language proficiency; and

"(iii) reclassification rates (including average duration in a program) for limited English proficient students by grade, and data on the academic achievement of redesignated students for 2 years after redesignation;

"(C) program implementation indicators that provide information related to program management and effectiveness, including—

"(i) data on appropriateness of curriculum in relationship to course requirements;

"(ii) appropriateness of program management;

"(iii) appropriateness of staff professional development;

"(iv) appropriateness of the language of instruction; and

"(v) appropriateness of the assessment and accountability system;

"(D) a description of how the activities funded under the grant are coordinated and integrated with the overall school program and other Federal, State, or local programs serving limited English proficient children and youth; and

"(E) such other information as the Secretary shall require."; and

(3) by adding a new subsection (d) to read as follows:

"(d) Performance Measures.—The Secretary shall establish performance indicators to determine if programs under sections 7113 and 7114 are making continuous and substantial gains, as defined in section 1111(b)(3), and may establish performance indicators to determine if programs under section 7112 are making continuous and substantial progress, toward assisting children and youth with limited English proficiency to learn English and achieve to challenging State content and performance standards.".

SEC. 311. RESEARCH.

Section 7132 is amended—

(1) in subsection (a), by—

(A) inserting the paragraph designation "(1)" before "The Secretary shall"; and

(B) inserting after paragraph (1) the following:

"(2) Such research may include—

"(A) collecting data needed for compliance with the Government Performance and Results Act;

"(B) improving data collection procedures and the infrastructure for data collection on limited English proficient students, for purposes of improving instruction and accountability;

"(C) developing research-based models for serving limited English proficient students of diverse language backgrounds and in diverse educational settings;

"(D) identifying technology-based approaches that show effectiveness in helping limited English proficient students reach challenging State standards; and

"(E) other research, demonstration, and data collection activities consistent with the purpose of this title.";

(2) in subsection (b)—

(A) in paragraph (1), by inserting "and" at the end;

(B) by striking paragraphs (2) and (3); and

(C) by redesignating paragraph (4) as paragraph (2);

(3) in subsection (c)—

(A) in paragraph (1), by—

(i) striking "(1) In general.—"; and

(ii) by striking "under subpart 1 or 2" and inserting "under subpart 1, section 7124, or subpart 3"; and

(B) striking paragraph (2); and

(4) by inserting a new subsection (e) as follows:

"(e) Data Collection.—The Secretary shall provide for the continuation of data collection on limited English proficient students as part of the data systems operated by the Department and shall publish on an annual basis a list of grantees under this title for public dissemination.".

SEC. 312. STATE GRANT PROGRAM.

Section 7134(c) is amended to read as follows:

"(c) Uses of Funds.—A State educational agency shall use funds awarded under this section to—

"(1) assist local educational agencies in the State with program design, capacity building, assessment of student performance, program evaluation, and development of data collection and accountability systems for limited English proficient students that are aligned with State reform efforts; and

"(2) collect data on limited English proficient populations in the State and the educational programs and services available to such populations.".

SEC. 313. NATIONAL CLEARINGHOUSE ON EDUCATION OF CHILDREN AND YOUTH WITH LIMITED ENGLISH PROFICIENCY.

Section 7135 is amended to read as follows:

"SEC. 7135. NATIONAL CLEARINGHOUSE ON EDUCATION OF CHILDREN AND YOUTH WITH LIMITED ENGLISH PROFICIENCY.

"The Secretary shall establish and support the operation of a National Clearinghouse on the Education of Children and Youth with Limited English Proficiency, which shall collect, analyze, synthesize, and disseminate information about programs related to the education of children and youth with limited English proficiency and coordinate its activities with Federal data and information clearinghouses and dissemination networks and systems.".

SEC. 314. INSTRUCTIONAL MATERIALS DEVELOPMENT.

Section 7136 is amended to read as follows:

"SEC. 7136. INSTRUCTIONAL MATERIALS DEVELOPMENT.

"(a) Authority.—The Secretary may award grants for the development, publication, and dissemination of high-quality instructional materials—

"(1) in Native American and Native Hawaiian languages;

"(2) in the language of Native Pacific Islanders and other natives of the outlying areas for whom instructional materials are not readily available;

"(3) in other low-incidence languages in the United States and for which instructional materials are not readily available; and

"(4) on standards and assessments, and instructional programs related to the education of children and youth with limited English proficiency, for dissemination to parents of such children and youth.

"(b) Priorities.—The Secretary shall give priority to applications that provide for—

"(1) developing instructional materials in languages indigenous to the United States or the outlying areas; and

"(2) developing and evaluating instructional materials, including technology-based application, that reflect challenging State and local content standards, in collaboration with activities assisted under subpart 1 and section 7124.".

SEC. 315. PURPOSE OF SUBPART 3.

Section 7141 is amended to read as follows:

"SEC. 7141. PURPOSE.

"The purpose of this subpart is to assist in preparing educators to improve educational services for children and youth with limited English proficiency by supporting professional development programs for such educators.".

SEC. 316. TRAINING FOR ALL TEACHERS PROGRAM.

Section 7142 is amended—

(1) by amending subsection (a) to read as follows:

"(a) PURPOSE.—The purpose of this section is to assist eligible applicants under subsection (b)(1) to develop and provide ongoing professional development to teachers and other educational personnel with a baccalaureate degree to improve their provision of services to limited English proficient students or to become certified as a bilingual or English as a second language teacher.";

(2) in subsection (b)—

(A) by amending paragraph (1) to read as follows:

"(1) AUTHORITY.—The Secretary is authorized to award grants under this section to local educational agencies or to 1 or more local educational agencies in consortium with 1 or more State educational agencies, institutions of higher education, or nonprofit organizations."; and

(B) in paragraph (2), by striking "five" and inserting "three"; and

(3) by amending subsection (c) to read as follows:

"(c) ACTIVITIES.—

"(1) Funds under this section shall be used to conduct high-quality, long-term professional development activities.

"(2) Funds under this section may be used to—

"(A) design and implement induction programs for new teachers, including mentoring and coaching by trained teachers, team teaching with experienced teachers, time for observation of, and consultation with, experienced teachers, and additional time for course preparation;

"(B) implement school-based collaborative efforts among teachers to improve instruction in reading and other core academic areas for students with limited English proficiency, including programs that facilitate teacher observation and analyses of fellow teachers' classroom practice;

"(C) support long-term collaboration among teachers and outside experts to improve instruction of limited English proficient students;

"(D) coordinate project activities with other programs such as those under the Head Start Act and titles I and II of this Act;

"(E) implement programs that support effective teacher use of education technologies to improve instruction and assessment;

"(F) establish and maintain local professional networks;

"(G) develop curricular materials and assessments for teachers that are aligned with State and local standards and the needs of the limited English proficient students to be served;

"(H) implement professional development focused on the appropriate use of multiple assessments, the appropriate use of assessment results and how to communicate such results to parents;

"(I) develop education technology to enhance professional development; and

"(J) such other activities as are consistent with the purpose of this section.".

SEC. 317. BILINGUAL EDUCATION TEACHERS AND PERSONNEL GRANTS.

Section 7143 is amended—

(1) by amending subsection (a) to read as follows:

"(a) PURPOSE.—The purpose of this section is to support preservice professional development to improve the preparation of prospective teachers who are preparing to teach children and youth of limited English proficiency.";

(2) by amending subsection (c) to read as follows:

"(c) AUTHORITY.—

"(1) The Secretary is authorized to make grants to institutions of higher education for preservice professional development in order to improve preparation for prospective teachers who are preparing to teach children and youth of limited English proficiency.

"(2) Each grant under this section shall be awarded for a period of not more than 5 years.

"(3) A recipient of a grant under this section shall coordinate its grant program activities with other programs under this Act and other Acts as appropriate."; and

(3) by adding a new subsection (d) to read as follow:

"(d) ACTIVITIES.—

"(1) Funds under this section shall be used to—

"(A) put in place a course of study that prepares teachers to serve limited English proficient students;

"(B) integrate course content relating to meeting the needs of limited English proficient students into all programs for prospective teachers;

"(C) assign tenured faculty to train teachers to serve limited English proficient students;

"(D) incorporate State content and performance standards into the institution's coursework; and

"(E) expand clinical experiences for participants.

"(2) Funds under this section may be used to—

"(A) support partnerships with local educational agencies that include placing participants in intensive internships in local educational agencies that serve large numbers of limited English proficient students;

"(B) restructure higher education course content, including improving coursework and clinical experiences for all prospective teachers regarding the needs of limited English proficient students and preparation for teacher certification tests;

"(C) assist other institutions of higher education to improve the quality of professional development programs for limited English proficient students;

"(D) expand recruitment of students who will be trained to serve limited English proficient students;

"(E) improve the skills and knowledge of faculty related to the needs of limited English proficient students;

"(F) coordinate project activities with activities under title II of the Higher Education Act of 1965; and

"(G) use technology to enhance professional development.".

SEC. 318. BILINGUAL EDUCATION CAREER LADDER PROGRAM.

Section 7144 is amended—

(1) by amending subsection (a) to read as follows:

"(a) PURPOSE.—The purpose of this section is to assist eligible consortia to develop and implement high-quality bilingual education career ladder programs.";

(2) by amending subsection (b)(1) to read as follows:

"(b) IN GENERAL.—

"(1)(A) The Secretary is authorized to award grants to consortia of 1 or more institutions of higher education and 1 or more State educational agencies or local educational agencies or community-based organizations to develop and implement bilingual education career ladder programs.

"(B) For purposes of this section, a 'bilingual education career ladder program' means a program that—

"(i) is designed to provide high-quality, prebaccalaureate coursework and teacher training to educational personnel who do not have a baccalaureate degree; and

"(ii) leads to timely receipt of a baccalaureate degree and certification or licensure of program participants as bilingual education teachers or other educational personnel who serve limited English proficient students.

"(C) Recipients of grants under this section shall—

"(i) coordinate with programs under title II of the Higher Education Act of 1965, and other relevant programs, for the recruitment and retention of bilingual students in postsecondary programs to train them to become bilingual educators; and

"(ii) make use of all existing sources of student financial aid before using grant funds to pay tuition and stipends for participating students.";

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by striking "consortium"; and

(ii) at the end by inserting "and" after the semicolon;

(B) in paragraph (2), by striking "teachers; and" and inserting "teachers."; and

(C) by striking paragraph (3); and

(4) by amending subsection (d) to read as follows:

"(d) SPECIAL CONSIDERATION.—The Secretary shall give special consideration to applications under this section that provide training in English as a second language, including developing proficiency in the instructional use of English and, as appropriate, a second language in classroom contexts.".

SEC. 319. GRADUATE FELLOWSHIPS IN BILINGUAL EDUCATION PROGRAM.

Section 7145(a) is amended—

(1) in paragraph (1), by striking "masters, doctoral, and post-doctoral" and inserting "masters and doctoral";

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

SEC. 320. APPLICATIONS FOR AWARDS UNDER SUBPART 3.

Section 7146 is amended—

(1) in subsection (a)(4), by inserting "and applicants for grants under section 7145" after "Bureau of Indian Affairs"; and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking "of such application copy" and inserting "an application under sections 7132, 7133, or 7134"; and

(ii) by inserting "the written review of" after "and transmit"; and

(B) in paragraph (2), by striking "this subpart" and inserting "sections 7132, 7133, and 7134".

SEC. 321. EVALUATIONS UNDER SUBPART 3.

Section 7149 is amended to read as follows:

"SEC. 7149. PROGRAM EVALUATIONS.

"Each recipient of funds under this subpart shall provide the Secretary with an evaluation of its program every year. Such evaluations shall include—

"(1) the number of participants served, the number of participants who have completed program requirements, and the number of participants who have taken positions in an instructional setting with limited English proficient students;

"(2) the effectiveness of the program in imparting the professional skills necessary for participants to achieve the objectives of the program; and

"(3) the teaching effectiveness of graduates or other persons who have completed the training program.".

SEC. 322. MODEL PROGRAMS FOR PARENT INVOLVEMENT.

(a) IN GENERAL.—Part A of title VII is amended by inserting after subpart 3 the following:

"Subpart 4—Model Programs for Parent Involvement

"SEC. 7161. PROGRAM AUTHORIZED.

"(a) PROGRAM AUTHORITY.—

"(1) IN GENERAL.—The Secretary shall make grants, on a competitive basis, to local educational agencies to develop and implement model programs to—

"(A) assist parents of limited English proficient students in making informed educational decisions for their children; and

"(B) assist such parents in meeting their own educational needs.

"(2) ELIGIBLE ENTITIES.—Entities eligible to apply for grants under this subpart include consortia of—

"(A) at least 1 community-based organization;

"(B) at least 1 local educational agency; and

"(C) other consortia members such as, but not limited to, institutions of higher education, local or state government entities, or other entities with expertise in working with limited English proficient adults.

"(3) DURATION.—Each grant under paragraph (1) shall be awarded for a period of 3 years.

"(b) REQUIREMENTS.—

"(1) GRANTS FOR MODEL PROGRAMS TO PROVIDE INFORMATION TO PARENTS.—In awarding grants under subparagraph (a)(1)(A), the Secretary shall support programs that—

"(A) provide parents with necessary information that is easily understandable in the language of the parent;

"(B) provide necessary parent training to assist parents in understanding the choices they have for their children's education; and

"(C) at a minimum, provide parents with the following information—

"(i) curriculum and any options available to their children regarding their program of study;

"(ii) full disclosure of the purpose of assessments, their results, and the appropriate uses of assessment scores, as described by the publishers of the test; and

"(iii) complete information about school policies and disciplinary procedures.

"(2) GRANTS TO ASSIST PARENTS OF LIMITED ENGLISH PROFICIENT STUDENTS WITH THEIR EDUCATIONAL NEEDS.—In awarding grants under subparagraph (a)(1)(B), the Secretary shall support programs that—

"(A) provide parents of limited English proficient students educational services, such as English as a second language classes, literacy programs, introduction to the education system, and civics education; and

"(B) provide information on their children's educational programs and their rights to participate in educational decisions involving their children.

"SEC. 7162. APPLICATIONS.

"Any consortia wishing to apply for a grant under this subpart shall submit an application to the Secretary at such time, in such form, and containing such information and assurances as the Secretary may require.

"SEC. 7163. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $20,000,000 for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years to carry out this subpart, of which 50 percent shall be used for grants under section 7161(a)(1)(A), and 50 percent shall be available for grants under section 7161(a)(1)(B).".

(b) CONFORMING AMENDMENTS.—Subpart 4 of title XII is redesignated as subpart 5.

SEC. 323. TRANSITION.

Subpart 5 of part A of title VII (as redesignated by section 222(b)) is amended to read as follows:

"Subpart 5—Transition

"SEC. 7171. TRANSITION.

"Notwithstanding any other provision of law, a recipient of a grant under subpart 1 of part A of this title that is in its 3rd or 4th year of that grant on the day preceding the date of the enactment of the Access to Excellence in Education for the 21st Century Act shall be eligible to receive continuation funding under the terms and conditions of the original grant.".

SEC. 324. FINDINGS OF EMERGENCY IMMIGRANT EDUCATION PROGRAM.

Section 7301(a) is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by adding at the end the following new paragraph:

"(4) an increasing number of immigrant children are entering United States' schools with interrupted or little previous schooling; and".

SEC. 325. STATE ADMINISTRATIVE COSTS.

Section 7302 is amended by inserting a comma and "or 2 percent if the State educational agency distributes funds received under this part to local educational agencies on a competitive basis," after "1.5 percent of the amount".

SEC. 326. DEFINITIONS.

Section 7501 is amended by striking paragraph (15) and inserting a new paragraph to read as follows:

"(15) RECLASSIFICATION RATE.—The term 'reclassification rate' means the annual percentage of limited English proficient students who have met the State criteria for no longer being considered limited English proficient.".

SEC. 327. REGULATIONS, PARENTAL NOTIFICATION, AND USE OF PARAPROFESSIONALS.

Section 7502 is amended—

(1) by amending the section heading to read as follows: "REGULATIONS, PARENTAL NOTIFICATION, AND USE OF PARAPROFESSIONALS";

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in the matter before subparagraph (A), by striking "youth participating in" and inserting "youth who will participate in"; and

(ii) in subparagraph (C)—

(I) in the matter before clause (i), by striking "goals of the bilingual education or special alternative instructional program" and inserting "goals of the program related to the education of children and youth with limited English proficiency"; and

(II) in clause (i), by striking "results of the bilingual educational program and of the instructional alternatives" and inserting "results of the instructional programs related to the education of children and youth with limited English proficiency"; and

(B) in paragraph (2)—

(i) by amending the paragraph heading to read "OPTION TO WITHDRAW.—"; and

(ii) by amending subparagraph (A) to read as follows:

"(A) A recipient of funds under subpart 1 of part A shall also provide a written notice to parents of children who will participate in the programs under that subpart, in a form and language understandable to the parents, that informs them that they may withdraw their child from the program at any time."; and

(3) by adding a new subsection (c) to read as follows:

"(c) USE OF PARAPROFESSIONALS.—The provisions of section 1119(c) of this Act shall apply to all new staff hired to provide academic instruction in programs supported under subpart 1 of part A of this title on or after the date of the enactment of the Access to Excellence in Education for the 21st Century Act, except that paraprofessionals possessing a high school diploma may be used for the purposes of non-instructional communication, if there are no other qualified personnel, as described in section 1119(c), who are able to provide such communication.".

SEC. 328. TERMINOLOGY.

(a) PART A.—Subparts 1 and 2 of part A of title VII are amended by striking "bilingual education or special alternative instruction programs" and "bilingual education or special alternative instructional programs" each place they appear and inserting "instructional programs".

(b) PART E.—Section 7501(6) is amended by striking "a bilingual education and special alternative instructional program" and inserting "an instructional program".

SEC. 329. REPEALS.

(a) REPEALS IN PART A.—Sections 7112, 7117, 7120, and 7121 are repealed.

(b) REPEAL OF PART B.—Part B of title VII is repealed.

SEC. 330. REDESIGNATIONS AND CONFORMING AMENDMENTS.

(a) PART REDESIGNATIONS.—Parts C, D, and E of title VII are redesignated as parts B, C, and D, respectively.

(b) SECTION REDESIGNATIONS.—Sections 7113, 7114, 7115, 7116, 7118, 7122, 7123, 7124, 7131, 7132, 7133, 7134, 7135, 7136, 7141, 7142, 7143, 7144, 7145, 7146, 7148, 7149, 7150, 7161, 7301, 7302, 7303, 7304, 7305, 7306, 7307, 7308, 7309, 7401, 7402, 7403, 7404, 7405, 7501, and 7502 are redesignated as sections 7112, 7113, 7114, 7115, 7116, 7117, 7118, 7119, 7121, 7122, 7123, 7124, 7125, 7126, 7131, 7132, 7133, 7134, 7135, 7136, 7137, 7138, 7139, 7141, 7201, 7202, 7203, 7204, 7205, 7206, 7207, 7208, 7209, 7301, 7302, 7303, 7304, 7305, 7401, and 7402, respectively.

(c) CONFORMING AMENDMENTS.—

(1) Section 7111 is amended by striking "7114, and 7115" and inserting "and 7114".

(2) Section 7112(b)(1)(A), as redesignated by subsection (b), is amended by striking "section 7116" and inserting "section 7115".

(3) Section 7113(b)(1)(A), as redesignated by subsection (b), is amended by striking "section 7116" and inserting "section 7115".

(4) Section 7114(b)(1)(A), as redesignated by subsection (b), is amended by striking "section 7116" and inserting "section 7115".

(5) Section 7115(g)(2), as redesignated by subsection (b), is amended by striking "section 7114 or 7115" and inserting "section 7113 or 7114".

(6) Section 7135(a)(3), as redesignated by subsection (b), is amended by striking "section 7149" and inserting "section 7138".

(7) Section 7202 as redesignated by subsection (b), is amended by striking "section 7304" and inserting "section 7204".

(8) Section 7204, as redesignated by subsection (b), is amended—

(A) in subsection (a), by striking "section 7301(b)" and inserting "section 7201(b)"; and

(B) in subsection (e)(2), by striking "section 7307" and inserting "section 7207".

(9) Section 7205(a), as redesignated by subsection (b), is amended—

(A) in paragraph (2), by striking "sections 7301 and 7307" and inserting "sections 7201 and 7207";

(B) in paragraph (4), by—

(i) striking "section 7304(e)" and inserting "sections 7204(e)"; and

(ii) striking "section 7304(b)(1)" and inserting "section 7204(b)(1)"; and

(C) in paragraph (8), by striking "section 7304" and inserting "section 7204".

(10) Section 7206, as redesignated by subsection (b), is amended—

(A) in subsection (a)—

(i) by striking "section 7305" and inserting "section 7205"; and

(ii) by striking "section 7305" and inserting "section 7205"; and

(B) in subsection (b), by striking "section 7305(a)(7)" and inserting "section 7205(a)(7)".

(11) Section 7305(d)(2), as redesignated by subsection (b), is amended by striking "section 7134" and inserting "section 7124".

H.R. 2

OFFERED BY: MR. HINOJOSA

AMENDMENT NO. 26: After section 134 of the bill, insert the following:

SEC. 135. NATIONAL PARENT ADVISORY COUNCIL.

Part C of title I (20 U.S.C. 6391 et seq.) is amended by—

(1) redesignating section 1309 as section 1310; and

(2) inserting after section 1308 the following:

"SEC. 1309. NATIONAL PARENT ADVISORY COUNCIL.

"(a) IN GENERAL—A National Parent Advisory Council (hereafter in this section referred to as the "Advisory Council") shall be established to advise the Secretary on the implementation of programs under this part and coordination with other programs serving migratory children and families.

"(b) MEMBERSHIP.—The Advisory Council shall include a minimum of 10 geographically representative parent members and 5 others members appointed by the Secretary, in consultation with State education agencies, State and local parent advisory councils, local operating agencies, the National Association for Migrant Education, the National Association for State Directors of Migrant Education, and other interested parties.

"(c) COMPENSATION AND EXPENSES.—

"(1) Members of the Advisory Council who are officers or full time employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States; but they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"(2) Members of the Advisory Council who are not officers or full-time employees of the United States may each receive reimbursement for travel expenses incident to attending Advisory Council meetings, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.".

H.R. 2

OFFERED BY: MR. HINOJOSA

AMENDMENT NO. 27: Strike section 134 of the bill and insert the following:

SEC. 134. ESTABLISHING THE VITAL INFORMATION CHANNEL.

Section 1308(b) (20 U.S.C. 6398(b)) is amended to read as follows:

"(b) VITAL INFORMATION CHANNEL.—

"(1) IN GENERAL.—Not later than 120 days after the date of the enactment of the Student Results Act of 1999, after consultation with the States receiving funds under this part, local operating agencies, the National Parent Advisory Council, the Office of Migrant Health, the National Association of State Boards of Education, the National Association of Secondary School Principals, the National Association for State Directors of Migrant Education, the National Association for Migrant Education, and other parties as deemed appropriate by the Secretary, the Secretary shall publish a notice in the Federal Register seeking public comment on a proposed set of vital information elements that shall include the following:

"(A) The essential educational and health information on migratory children which shall be maintained by each State in order to make such information available when needed in any other State.

"(B) The establishment of nationally accepted standards for timeliness, accuracy, and authentication of such information, including validation of full and partial credits for high school courses.

"(2) LIST OF MINIMUM DATA ELEMENTS.—Not later than 1 year after the date of the enactment of the Student Results Act of 1999, the Secretary shall publish in the Federal Register the list of minimum data elements that each State receiving funds under this part shall be required to collect and maintain.

"(3) DEVELOPMENT, IMPLEMENTATION, AND OPERATION OF CHANNEL.—After publication of the list described in paragraph (2), the Secretary shall enter into a contract for the development, implementation, and operation of a vital information channel. This channel shall be operational not later than 2 years after the date of the enactment of the Student Results Act of 1999 and shall provide electronic access to, and consolidation of, the essential data on migratory children.

"(4) RESERVATION.—For development of nationally accepted standards under paragraph (1)(B), and the vital information channel under paragraph (3), the Secretary is authorized to reserve $1,000,000 from the amount made available to carry out this part for each of fiscal years 2000 and 2001. For operation of the vital information channel, the Secretary is authorized to reserve from the amount made available to carry out this part such sums as may be necessary for fiscal years after 2001.

"(5) ADDITIONAL RESERVATION.—The Secretary may reserve the amount of $2 per migratory child from the annual grant award to any State under this part if the State uses the vital information channel to maintain its data.

"(6) ELECTRONIC DATA INTERFACE.—Each State shall be responsible for providing the electronic data interface, if necessary, to link its student data base to the vital information channel.".

H.R. 2

OFFERED BY: MR. HOEKSTRA

AMENDMENT NO. 28: In section 1611(b) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 161 of the bill, before the period, insert the following: "so that more than 95 percent of the funds allocated under this title are used to improve the academic achievement of children in the classroom".

At the end of section 1002(h) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 103 of the bill strike the quotation marks and the period at the end, and insert the following:

"(4) DOLLARS TO THE CLASSROOM.—States may uses funds reserved under paragraph (1) to reduce and facilitate paperwork reporting requirements, to improve electronic data reporting, or to improve the accounting of funds to the school level, to ensure that not more than 4 percent of the amounts made available to local educational agencies under this title are spent for administrative purposes.".

H.R. 2

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 29: At the end of part F of title I of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 161 of the bill, insert the following:

"SEC. 1612. STUDY AND REPORT BY SECRETARY ON IDENTIFICATION AND TREATMENT OF CHILDREN WITH DYSLEXIA IN KINDERGARTEN THROUGH 3D GRADE.

"(a) STUDY.—The Secretary, in consultation with the National Academy of Sciences, shall conduct a study on methods for identifying and treating children with dyslexia in kindergarten through 3d grade. In carrying out the study, the Secretary shall consider—

"(1) whether there is a biological basis for dyslexia;

"(2) whether dyslexia is caused by—

"(A) a brain-based phonological deficit that prevents an individual from breaking down written words into component sounds;

"(B) post-natal experience, including inadequate instruction; or

"(C) a combination thereof; and

"(3) the cost of implementing a program on a nationwide basis to identify and treat children with dyslexia in kindergarten through 3d grade.

"(b) REPORT.—Not later than 120 days after the date of the enactment of the Student Results Act of 1999, the Secretary shall prepare and submit to the Congress a report containing the results of the study conducted under subsection (a).

H.R. 2

OFFERED BY: MRS. MALONEY OF NEW YORK

AMENDMENT NO. 30: Add at the end of the bill the following new title:

TITLE IX—HOLOCAUST EDUCATION

SEC. 901. HOLOCAUST EDUCATION.

Title X of the Act is amended by adding at the end the following:

"PART L—HOLOCAUST EDUCATION

"SEC. 10994. SHORT TITLE.

"This part may be cited as the 'Holocaust Education Assistance Act'.

"SEC. 10995. FINDINGS AND PURPOSES.

"(a) FINDINGS.—The Congress makes the following findings:

"(1) The Holocaust was an historical event that resulted in the systemic, state-sponsored mass murders by Nazi Germany of

6,000,000 Jews, along with millions of others, in the name of racial purity.

"(2) Six States (California, Florida, Illinois, Massachusetts, New Jersey, and New York) now mandate that the Holocaust be taught in the educational curriculum, and 10 States (Connecticut, Georgia, Indiana, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and Washington) recommend teaching the Holocaust but do not provide sufficient funds to assist in the training and educating of teachers.

"(3) The Holocaust is a sensitive and difficult issue about which to teach, and to do so effectively, educators need appropriate teaching tools and training to increase their knowledge to enhance the educational experience.

"(b) PURPOSES.—The purposes of this part are the following:

"(1) To educate Americans so that they can—

"(A) explore the lessons that the Holocaust provides for all people; and

"(B) be less susceptible to the falsehood of Holocaust denial and to the destructive messages of hate that arise from Holocaust denial.

"(2) To provide resources and support for education programs that—

"(A) portray accurate historical information about the Holocaust;

"(B) sensitize communities to the circumstances that gave rise to the Holocaust;

"(C) convey the lessons that the Holocaust provides for all people; and

"(D) by developing curriculum guides and providing training, help teachers incorporate into their mainstream disciplines the study of the Holocaust and its lessons.

"SEC. 10996. AUTHORITY TO MAKE GRANTS.

"From any amounts made available to carry out this part, the Secretary may make grants under this part to educational organizations to carry out proposed or existing Holocaust education programs.

"SEC. 10997. USE OF GRANT AMOUNTS.

"(a) IN GENERAL.—An educational organization receiving grant amounts under this part shall use such grant amounts only to carry out the Holocaust education program for which the grant amounts were provided.

"(b) REQUIREMENTS.—An educational organization receiving grant amounts under this part shall comply with the following requirements:

"(1) CONTINUATION OF ELIGIBILITY.—The educational organization shall, throughout the period that the educational organization receives and uses such grant amounts, continue to be an educational organization.

"(2) SUPPLEMENTATION OF EXISTING FUNDS.—The educational organization shall ensure that such grant amounts are used to supplement, and not supplant, non-Federal funds that would otherwise be available to the educational organization to carry out the Holocaust education program for which the grant amounts were provided.

"(c) ADDITIONAL CONDITIONS.—The Secretary may require additional terms and conditions in connection with the use of grant amounts provided under this part as the Secretary considers appropriate.

"SEC. 10998. SELECTION CRITERIA.

"(a) IN GENERAL.—The Secretary shall award grant amounts under this part in accordance with competitive criteria to be established by the Secretary.

"(b) CONSULTATION WITH HOLOCAUST EDUCATORS.—In establishing the competitive criteria under subsection (a), the Secretary shall consult with a variety of individuals, to be determined by the Secretary, who are prominent educators in the field of Holocaust education.

"SEC. 10999. APPLICATION.

"The Secretary may award grant amounts under this part only to an educational organization that has submitted an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"SEC. 10999A. REVIEW AND SANCTIONS.

"(a) ANNUAL REVIEW.—The Secretary shall review at least annually each educational organization receiving grant amounts under this part to determine the extent to which the educational organization has complied with the provisions of this part.

"(b) IMPOSITION OF SANCTIONS.—The Secretary may impose sanctions on an educational organization for any failure of the educational organization to comply substantially with the provisions of this part. The Secretary shall establish the sanctions to be imposed for a failure to comply substantially with the provisions of this part.

"SEC. 10999B. ANNUAL REPORT.

"Not later than February 1 of each year, the Secretary shall submit to the Senate and House of Representatives a report describing the activities carried out under this part and containing any related information that the Secretary considers appropriate.

"SEC. 10999C. CONTRACTING WITH OTHER ENTITIES.

"Nothing in this part shall preclude an educational organization from contracting with other entities to assist the educational organization with the Holocaust education program.

"SEC. 10999D. DEFINITIONS.

"For purposes of this part, the following definitions shall apply:

"(1) EDUCATIONAL ORGANIZATION.—The term 'educational organization' means a local educational agency as defined in section 1401.

"(2) HOLOCAUST EDUCATION PROGRAM.—The term 'Holocaust education program' means a program that—

"(A) has as its specific and primary purpose to improve awareness and understanding of the Holocaust; and

"(B) to achieve such purpose, furnishes one or more of the following:

"(i) classes, seminars, or conferences.

"(ii) educational materials.

"(iii) teacher training.

"(iv) any other good or service designed to improve awareness and understanding of the Holocaust.

"(3) HOLOCAUST.—The term 'Holocaust' means the historical event that resulted in the systemic, state-sponsored mass murders by Nazi Germany of 6,000,000 Jews, along with millions of others, in the name of racial purity.

"(4) SECRETARY.—The term 'Secretary' means the Secretary of Education.

"SEC. 10999E. REGULATIONS.

"The Secretary shall issue any regulations necessary to carry out this part.

"SEC. 10999F. AUTHORIZATION OF APPROPRIATIONS.

"For grants under this part, there is authorized to be appropriated to the Secretary $2,000,000 each fiscal year for five fiscal years, beginning with the first fiscal year to commence after the date of enactment of this Act, to remain available until expended.".

H.R. 2

OFFERED BY: MR. MCINTOSH

AMENDMENT NO. 31: At the end of part F of title I of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 161 of the bill, insert the following:

"SEC. 1612. IMPORTANCE OF STRONG READING INSTRUCTION.

"(a) FINDINGS.—The Congress finds that—

"(1) the ability to read the English language with fluency and comprehension is essential if individuals are to reach their full potential;

"(2) it is a foundational and indisputable fact that written English is based on the alphabetic principle, and is, in fact, a phonetic language;

"(3) more than 50 years of cognitive science, neuroscience, and applied linguistics have confirmed that learning to read is a skill that must be taught in a direct, systematic way;

"(4) phonics instruction is the teaching of a body of knowledge consisting of 26 letters of the alphabet, the 44 English speech sounds they represent, and the 70 most common spellings for those speech sounds;

"(5) most public schools, teachers colleges, and universities do not provide direct, systematic phonics instruction;

"(6) the 1998 National Assessment for Educational Progress (NAEP) has found that 69 percent of 4th grade students are reading below the proficient level;

"(7) more than half of the students being placed in special education programs have not been taught to read;

"(8) the cost of special education, at the Federal, State, and local levels exceeds $60,000,000,000 each year;

"(9) the 1998 NAEP also found that 85 percent of minority 4th grade students, most of whom are in title I programs, are reading below the proficient level;

"(10) Congress has spent more than $120,000,000,000 over the past 30 years in title I alone with the primary purpose of improving reading skills;

"(11) the National Institute of Child Health and Human Development (NICHD) has conducted more than 35 years of extensive scientific research in reading at a cost of more than $200,000,000;

"(12) the NICHD findings on reading instruction conclude that phonemic awareness, direct, systematic instruction in sound-spelling correspondences, blending of sound spellings into words, and comprehension are essential components of any reading program based on scientific research; and

"(13) reading instruction in most schools is still based on the whole language philosophy, often to the detriment of the students.

"(b) SENSE OF CONGRESS.—It is the sense of Congress that direct systematic phonics instruction should be used in all elementary and secondary schools as a first, and essential step in teaching a student to read.

H.R. 2

OFFERED BY: MRS. NAPOLITANO

AMENDMENT NO. 32: In section 1001(a) of the Elementary and Secondary Education Act of 1965, as amended by section 102 of the bill, add at the end the following:

"(7) The requirements of a global, high-technology-oriented economy demand that more emphasis be placed on math and science fundamentals that equip students in kindergarten through grade 12 to meet these challenges and to be better prepared for post-secondary education and the demands of the 21st century job market.

"(8) Recent statistics indicate that only 3.5 percent of Hispanics hold high technology jobs compared to 7.7 percent of non-Hispanic whites. This disparity has grave consequences for Hispanics since future job growth will continue to be generated in the high-wage, high technology sector. This disparity also points to the need for enhanced educational efforts to ensure that all students, particularly minorities and the disadvantaged, are exposed to technology careers and skills.

H.R. 2

Offered By: Mrs. Napolitano

Amendment No. 33: In section 1119A(b)(2) of the Elementary and Secondary Education Act of 1965, as added by section 116 of the bill—

(1) in subparagraph (G), strike “and” at the end;

(2) in subparagraph (H), strike the period at the end and insert “; and”; and

(3) add at the end the following:

“(I) instruction that provides teachers, principals, and guidance counselors with innovative, culturally appropriate, and linguistically appropriate strategies for—

“(i) working with student populations, including minority students and disadvantaged students, who are underrepresented in careers in mathematics, science, engineering, and technology;

“(ii) fostering and maintaining student interest in such careers and in mathematics and science education; and

“(iii) developing better communication with parents in order that parents may be an integral part of the strategies described in clauses (i) and (ii).

H.R. 2

Offered By: Ms. Norton

Amendment No. 34: Add at the end of the bill the following new title:

TITLE IX—UNIVERSAL KINDERGARTEN AND PRE-KINDERGARTEN INCENTIVE ACT

SEC. 901. USE OF COMMUNITY LEARNING CENTER FUNDS FOR KINDERGARTEN OR PRE-KINDERGARTEN PROGRAMS.

Section 10905 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8245) is amended—

(1) by striking “Grants awarded” and inserting the following: “(a) In General.—Grants awarded”;

(2) by inserting after “may be used” the following: “to plan, implement, or expand kindergarten or pre-kindergarten programs described in subsection (b) or”; and

(3) by adding at the end the following new subsection:

“(b) Kindergarten and Pre-Kindergarten Programs.—A kindergarten or pre-kindergarten program described in this subsection is a program of a community learning center that provides kindergarten and/or pre-kindergarten curriculum and classes for students not yet qualified for the first grade and is taught by teachers who possess equivalent or similar qualifications to teachers of other grades in the school involved.”

Section 10904 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8244) is amended—

(1) by inserting under subsection (a) such section at the end:

“(4) an affirmative statement by the LEA or SEA that upon the expiration of a grant awarded under section 10905(b) of this part (20 U.S.C. 8245(b)), the community learning center will continue to be funded and operate such a program, unless experience demonstrates that such a program is not feasible.”

SEC. 902. OTHER FEDERAL FUNDS.

Title X, Part I of the Elementary and Secondary Education Act is amended—

(1) by inserting “**Sec. 10908 Other Federal Funds.**

(a) Nothing contained in this part may be construed to cause the diminution of other federal funds available.

(b) Funds received under Section 10905(b) may be used in conjunction with other federal funds awarded.”

H.R. 2

Offered By: Mr. Owens

Amendment No. 35: In section 103(a) of the bill, in the matter proposed to be inserted in section 1002(a) of the Elementary and Secondary Education Act of 1965, strike “8,350,000,000” and insert “11,135,000,000”.

After section 125 of the bill, insert the following:

SEC. 126. EMERGENCY FUNDS.

Part A is amended by adding at the end the following:

“SEC. 1128. EMERGENCY FUNDS.

“Notwithstanding any other provision under this part, the Secretary shall allocate not less than 25 percent of the amount of funds authorized under section 1002(a) in the same manner as funds are allocated to local educational agencies under 1125 to eliminate health and safety hazards and increase wiring capabilities in schools for security and technology purposes.”.

H.R. 2

Offered By: Mr. Owens

Amendment No. 36: In section 103(a) of the bill, in the matter proposed to be inserted in section 1002(a) of the Elementary and Secondary Education Act of 1965, strike “8,350,000,000” and insert “9,278,000,000”.

After section 125 of the bill, insert the following:

SEC. 126. EMERGENCY FUNDS.

Part A is amended by adding at the end the following:

“SEC. 1128. EMERGENCY FUNDS.

“(a) In General.—Notwithstanding any other provision under this part, the Secretary shall allocate not less than 10 percent of the amount of funds authorized under section 1002(a) in the same manner as funds are allocated to local educational agencies under 1125 for grants to local educational agencies for comprehensive staff training programs for personnel responsible for educational technology programs.

“(b) Plan.—A local educational agency that desires to receive a grant under this section shall submit to the Secretary a comprehensive plan for implementation of the programs described in subsection (a). The plan shall include provisions for initiatives to coordinate the efforts of the public and private sectors to train personnel responsible for educational technology programs.”.

H.R. 2

Offered By: Mr. Owens

Amendment No. 37: In section 103(a) of the bill, in the matter proposed to be inserted in section 1002(a) of the Elementary and Secondary Education Act of 1965, strike “8,350,000,000” and insert “9,825,500,000”.

After section 125 of the bill, insert the following:

SEC. 126. EMERGENCY FUNDS.

Part A is amended by adding at the end the following:

“SEC. 1128. EMERGENCY FUNDS.

“(a) In General.—Notwithstanding any other provision under this part, the Secretary shall allocate not less than 15 percent of the amount of funds authorized under section 1002(a) in the same manner as funds are allocated to local educational agencies under 1125 for grants to local educational agencies to provide incentive scholarships to paraprofessionals employed by the agency who are described in subsection (b).

“(b) Paraprofessionals Described.—A paraprofessional described in this subsection is a paraprofessional who—

“(1) is working in a program supported with funds under this title; and

“(2) has been accepted for enrollment by, or is enrolled in, a course of study at an institution of higher education that will lead to an associate's or bachelor's degree.”.

H.R. 2

Offered By: Mr. Payne

Amendment No. 38: Strike title VIII of the bill.

H.R. 2

Offered By: Mr. Payne

Amendment No. 39: In heading for title VI of the bill, after “**RURAL**” insert “**AND URBAN**”.

In the heading for section 601 of the bill, after “**RURAL**” insert “**AND URBAN**”.

In the heading for part J of title X of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 601 of the bill, after “**RURAL**” insert “**AND URBAN**”.

In section 10951 of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 601 of the bill, after “Rural” insert “and Urban”.

At the end of section 601 of the bill, insert the following:

“Subpart 4—Urban Education Initiative”.

“SEC. 10985A. SHORT TITLE.

“This subpart may be cited as the ‘Eliminating Educational Disparities and Promoting Learning for Urban Students Act of 1999’.

“SEC. 10985B. FINDINGS.

“The Congress finds that—

“(1) the ability of the Nation's major urban public school systems to meet the Nation's educational goals will substantially determine the country's economic competitiveness and academic standing in the world community;

“(2) the quality of public education in the Nation's major urban areas has a direct effect on the economic development of the Nation's cities;

“(3) the success of urban public schools in accelerating the achievement of its youth attending such schools will determine the ability of the Nation to close the gap between the ‘haves and the have-nots’ in society;

“(4) the cost to America's businesses to provide remedial education to high school graduates is approximately $21,000,000,000 per year;

“(5) approximately one-third of the Nation's workforce will be members of minority groups by the year 2000;

“(6) urban schools enroll a disproportionately large share of the Nation's poor and ‘at-risk’ youth;

“(7) urban schools enroll over one-third of the Nation's poor, 40 percent of the Nation's African American children, and 30 percent of the Nation's Hispanic youth;

“(8) nearly 40 percent of the Nation's limited-English-proficient children and 15 percent of the Nation's disabled youth are enrolled in urban public schools;

“(9) the National Assessment of Educational Progress shows substantial achievement gaps between urban and nonurban students, whether enrolled in schools located in high or low poverty areas;

“(10) urban school children have begun to narrow the achievement gap in reading according to the recent Reading Report Card issued by the National Assessment of Educational Progress;

“(11) the National Assessment of Educational Progress reports show substantial achievement gaps between white students and African-American and Hispanic students;

“(12) African-American and Hispanic school children have begun to narrow the achievement gap in reading according to the recent Reading Report Card issued by National Assessment of Educational Progress;

“(13) the dropout rate for urban students is more than 50 percent higher than the national dropout rate;

“(14) urban preschoolers have one-half the access to early childhood development programs as do other children;

“(15) teacher shortages and teacher turnover in urban public school systems are substantially greater than in nonurban school systems, particularly in mathematics and science;

“(16) urban public school systems have less parental involvement, and greater problems with health care, teenage pregnancy, truancy and discipline, drug abuse, and gangs than do other kinds of school systems;

“(17) urban school buildings are in more serious disrepair according to the General Accounting Office than facilities in other kinds of school systems with 75 percent of urban public school buildings over 25 years old, 33 percent of such buildings over 50 years old, which create poor and demoralizing working and learning conditions;

“(18) solving the challenges facing our Nation's urban schools will require the concerted and collaborative efforts of all levels of government and all sectors of the community;

“(19) Federal and State funding of urban public schools has not adequately reflected need; and

“(20) Federal funding that is well-targeted, flexible, and accountable will contribute significantly to addressing the comprehensive needs of inner-city public schools and school children.

“SEC. 10985C. PURPOSE.

“It is the purpose of this subpart to provide financial assistance to develop, demonstrate, and disseminate educational policies, strategies, and practices in central city schools with high concentrations of students from racial and language minority groups that will significantly improve the academic achievement of an entire school, and narrow or overcome educational disparities between groups of minority and nonminority students, and between urban and nonurban public school students.

“SEC. 10985D. URBAN SCHOOL GRANTS.

“(a) Program Authorized.—The Secretary is authorized to make grants to eligible local educational agencies serving an urban area or State educational agencies in the case where the State educational agency is the local educational agency for activities designed to assist schools with high concentrations of students from racial and language minority groups improve schoolwide academic achievement with particular attention to narrowing or overcoming disparities in achievement scores and school completion (1) between minority and nonminority group students; and (2) between urban and nonurban public school students.

“(b) Authorized Activities.—(1) Funds under this section may be used for activities designed—

“(A) to increase the academic achievement of urban public school children and narrow or overcome the achievement gap between urban and nonurban students;

“(B) to increase the academic achievement of students who are members of racial and language minority groups and narrow or overcome the achievement gap between minority and nonminority group students

“(C) to increase the graduation rates of urban public school students and reduce the dropout rates of urban students, particularly students who are members of minority groups;

“(D) to recruit and retain qualified teachers;

“(E) to facilitate effective parental and community involvement;

“(F) to provide for ongoing staff development to increase the professional capacities of the school leadership, instructional staff and other support services personnel;

“(G) to plan, develop, operate, or expand programs and activities that are designed to assist urban public schools in meeting the National Education Goals; and

“(H) to document, evaluate, and disseminate the results of such activities as required under section 10985G.

“(2) Activities conducted under paragraph (1) shall demonstrate policies, strategies, and practices that hold the promise of effectively addressing the educational disparities identified in subparagraphs (A), (B), and (C) of paragraph (1), such as—

“(A) enrollment in rigorous courses and early completion of gatekeeper courses;

“(B) delivery of instruction by experienced and effective teachers;

“(C) reduced class size;

“(D) increased emphasis on reading in the early grades;

“(E) data-driven instructional design and early identification and intervention with at-risk students;

“(F) extended learning time, including extended school day, extended school year, Saturday school, and summer school;

“(G) establishing annual achievement goals tied to rigorous content and performance standards;

“(H) school-based improvement planning and accountability, and the provision of extended professional development, and ongoing technical assistance and support; and

“(I) increased parental involvement and community involvement including mentoring programs,

“(3) Authorized activities shall be carried out in a school or schools of a feeder system with high concentrations of students from racial and language minority groups within the eligible agency.

“(c) Applications.—

“(1) In general.—An urban eligible local educational agency desiring to receive a grant under this section shall submit an application to the Secretary containing a plan describing activities under subsection (b) at such time, in such manner, and accompanied by such information as the Secretary may reasonably require to determine that the application is of sufficient size, scope, and quality to meet the purposes this subpart.

“(2) Duration.—An application submitted pursuant to paragraph (1) may be for a period of not more than five years.

“(d) Payments.—The Secretary shall make an award only to urban eligible local educational agencies that—

“(1) comply with the provisions of section 10985G; and

“(2) demonstrate to the satisfaction of the Secretary that the data submitted pursuant to section 10985G shows progress toward meeting National Education Goals and the purposes of this subpart.

“(e) Administrative Costs.—Not more than five percent of any award made under this subpart may be used for administrative costs.

“(f) Federal Funds To Supplement Not Supplant Non-Federal Funds.—An eligible local educational agency may use funds received under this subpart only to supplement and, to the extent practicable, increase the level of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of students participating in activities assisted under this subpart, and in no such case may such funds be used to supplant funds from non-Federal sources.

“SEC. 10985E. ALLOCATIONS.

“In making awards from amounts appropriated under this subpart, the Secretary shall allocate amounts directly to each urban eligible local educational agency on the basis of the relative number of children counted under section 1124(c) of this Act in such agencies as determined by the Secretary using the most recent satisfactory data.

“SEC. 10985F. COORDINATION.

“Each local educational agency receiving assistance under this subpart shall carry out activities, to the extent feasible and appropriate, in coordination with other programs funded this Act. Such agency may request directly from the Secretary under the appropriate provisions of section 14401 the waiver of requirements in such programs that would inhibit such coordination and the effective implementation of the activities required under this subpart.

“SEC. 10985G. EVALUATION AND DISSEMINATION.

“(a) In General.—Each local educational agency receiving assistance under this subpart shall select an independent evaluator to assist the agency in designing and implementing an evaluation plan that documents and analyzes the effectiveness of the demonstrated activities.

“(b) Limitation.—A local educational agency shall expend no more than two percent of funds awarded by the Secretary for activities under section 10985D(b)(1)(H).

“(c) Project Modifications.—A local educational agency shall modify, not less than every two years, activities supported under this subpart based on the results of information gathered under subsection (a), and discontinue practices that do not promise to produce significant results; and

“(d) Dissemination Activities.—Each local educational agency receiving assistance under this subpart shall design and implement appropriate dissemination activities to distribute information on effective policies, strategies and practices that have been demonstrated by the project.

“SEC. 10985H. DEFINITIONS.

“Except as otherwise provided, for the purposes of this subpart:

“(1) Central city.—The term ‘central city’ has the same meaning used by the Bureau of the Census.

“(2) Metropolitan statistical area.—The term ‘metropolitan statistical area’ has the same meaning used by the Bureau of the Census.

“(3) Poverty level.—The term ‘poverty level’ means the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census.

“(4) Urban eligible local educational agency.—The term ‘urban eligible local educational agency’ means a local educational agency that—

“(A) serves the largest central city in a State;

“(B) enrolls more than 30,000 students and serves a central city with a population of at least 200,000 in a metropolitan statistical area; or

"(C) enrolls between 25,000 and 30,000 students and serves a central city with a population of at least 140,000 in a metropolitan statistical area.

"SEC. 10985I. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $250,000,000 for fiscal year 2000, and such sums as may be necessary for each of the four succeeding fiscal years for the purpose of carrying out this subpart.".

H.R. 2

OFFERED BY: MR. PETRI

AMENDMENT NO. 40: In section 1111(b)(1)(C) of the Elementary and Secondary Education Act of 1965, as amended by section 105 of the bill, strike "mathematics and reading or language arts," and insert "mathematics, reading or language arts, and science,".

In section 1111(b)(4) of the Elementary and Secondary Education Act of 1965, as amended by section 105 of the bill, strike "mathematics and reading or language arts," and insert "mathematics, reading or language arts, and science,".

In section 1111(h)(2)(A)(i) of the Elementary and Secondary Education Act of 1965, as amended by section 105 of the bill, strike "reading or language arts and mathematics," and insert "mathematics, reading or language arts, and science,".

At the end of section 105 of the bill—

(1) strike the quotation marks and the final period; and

(2) insert the following:

"(i) SPECIAL RULE ON SCIENCE STANDARDS AND ASSESSMENTS.—Notwithstanding subsections (b) and (h), no State shall be required to meet the requirements under this title relating to science standards or assessments until the beginning of the 2005-2006 school year.".

H.R. 2

OFFERED BY: MR. PETRI

AMENDMENT NO. 41: After section 1128 of the Elementary and Secondary Education Act of 1965, as proposed to be added by section 126 of the bill, insert the following:

SEC. 127. ESTABLISHMENT OF PILOT CHILD CENTERED PROGRAMS.

Part A of title I is amended by adding at the end the following:

"Subpart 3—Pilot Child Centered Program

"SEC. 1131. DEFINITIONS.

"In this subpart:

"(1) ELIGIBLE CHILD.—The term 'eligible child' means a child who—

"(A) is an eligible child under this part; and

"(B) the State or participating local educational agency elects to serve under this subpart.

"(2) PARTICIPATING LOCAL EDUCATIONAL AGENCY.—The term 'participating local educational agency' means a local educational agency that elects under section 1132 to carry out a child centered program under this subpart.

"(3) SCHOOL.—The term 'school' means an institutional day or residential school that provides elementary or secondary education, as determined under State law, except that such term does not include any school that provides education beyond grade 12.

"(4) EDUCATION SERVICES.—The term 'education services' means services intended—

"(A) to meet the individual educational needs of eligible children; and

"(B) to enable eligible children to meet challenging State curriculum, content, and student performance standards.

"(5) TUTORIAL ASSISTANCE PROVIDERS.—The term 'tutorial assistance provider' means a public or private entity that—

"(A) has a record of effectiveness in providing tutorial assistance to school children; or

"(B) uses instructional practices based on scientific research.

"SEC. 1132. CHILD CENTERED PROGRAM FUNDING.

"(a) FUNDING.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall grant to the first 10 States that meet the requirements of paragraph (2) the authority to use funds made available under subparts 1 and 2, to carry out a child centered program under this subpart on a Statewide basis or to allow local educational agencies in such State to elect to carry out such a program on a districtwide basis.

"(2) REQUIREMENTS.—To be eligible to participate in a program under this subpart, a State shall provide to the Secretary a request to carry out a child centered program and certification of approval for such participation from the State legislature and Governor.

"(b) PARTICIPATING LOCAL EDUCATIONAL AGENCY ELECTION.—If a State does not carry out a child centered program under this subpart, but allows local educational agencies in the State to carry out child centered programs under this subpart, the Secretary shall provide the funds that a participating local educational agency is eligible to receive under subparts 1 and 2 directly to the local educational agency to enable the local educational agency to carry out the child centered program.

"SEC. 1133. CHILD CENTERED PROGRAM REQUIREMENTS.

"(a) USES.—Under a child centered program—

"(1) the State or participating local educational agency shall establish a per pupil amount based on the number of eligible children in the State or the school district served by the participating local educational agency; and

"(2) the State or participating local educational agency may vary the per pupil amount to take into account factors that may include—

"(A) variations in the cost of providing education services in different parts of the State or the school district served by the participating local educational agency;

"(B) the cost of providing services to pupils with different educational needs; or

"(C) the desirability of placing priority on selected grades; and

"(3) the State or the participating local educational agency shall make available a certificate for the per pupil amount determined under paragraphs (1) and (2) to the parent or legal guardian of each eligible child, which certificate shall be used for education services for the eligible child that are—

"(A) subject to subparagraph (B), provided by the child's school, directly or through a contract for the provision of supplemental education services with any governmental or nongovernmental agency, school, postsecondary educational institution, or other entity, including a private organization or business; or

"(B) if requested by the parent or legal guardian of an eligible child, purchased from a tutorial assistance provider, or another public or private school, selected by the parent or guardian.

"SEC. 1134. ADMINISTRATIVE PROVISIONS.

"The per pupil amount provided under this subpart for an eligible child shall not be treated as income of the eligible child or the parent of the eligible child for purposes of Federal tax laws, or for determining the eligibility for or amount of any other Federal assistance.

"SEC. 1135. LIMITATION ON CONDITIONS; PREEMPTION.

Nothing in this subpart shall be construed to preempt any provision of a State constitution or State statute that pertains to the expenditure of State funds in or by religious institutions.".

H.R. 2

OFFERED BY: MR. PETRI

AMENDMENT NO. 42: After section 1128 of the Elementary and Secondary Education Act of 1965, as proposed to be added by section 126 of the bill, insert the following:

SEC. 127. ESTABLISHMENT OF PILOT CHILD CENTERED PROGRAMS.

Part of title I is amended by adding at the end the following:

"Subpart 3—Pilot Child Centered Program

"SEC. 1131. DEFINITIONS.

"In this subpart:

"(1) ELIGIBLE CHILD.—The term 'eligible child' means a child who—

"(A) is an eligible child under this part; and

"(B) the State or participating local educational agency elects to serve under this subpart.

"(2) PARTICIPATING LOCAL EDUCATIONAL AGENCY.—The term 'participating local educational agency' means a local educational agency that elects under section 1132 to carry out a child centered program under this subpart.

"(3) SCHOOL.—The term 'school' means an institutional day or residential school that provides elementary or secondary education, as determined under State law, except that such term does not include any school that provides education beyond grade 12.

"(4) EDUCATION SERVICES.—The term 'education services' means services intended—

"(A) to meet the individual educational needs of eligible children; and

"(B) to enable eligible children to meet challenging State curriculum, content, and student performance standards.

"(5) TUTORIAL ASSISTANCE PROVIDERS.—The term 'tutorial assistance provider' means a public or private entity that—

"(A) has a record of effectiveness in providing tutorial assistance to school children; or

"(B) uses instructional practices based on scientific research.

"SEC. 1132. CHILD CENTERED PROGRAM FUNDING.

"(a) FUNDING.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall grant to the first 10 States that meet the requirements of paragraph (2) the authority to use funds made available under subparts 1 and 2, to carry out a child centered program under this subpart on a Statewide basis or to allow local educational agencies in such State to elect to carry out such a program on a districtwide basis.

"(2) REQUIREMENTS.—To be eligible to participate in a program under this subpart, a State shall provide to the Secretary a request to carry out a child centered program and certification of approval for such participation from the State legislature and Governor.

"(b) PARTICIPATING LOCAL EDUCATIONAL AGENCY ELECTION.—If a State does not carry out a child centered program under this subpart, but allows local educational agencies in the State to carry out child centered programs under this subpart, the Secretary shall provide the funds that a participating local educational agency is eligible to receive under subparts 1 and 2 directly to the local educational agency to enable the local educational agency to carry out the child centered program.

"SEC. 1133. CHILD CENTERED PROGRAM REQUIREMENTS.

"(a) Uses.—Under a child centered program—

"(1) the State or participating local educational agency shall establish a per pupil amount based on the number of eligible children in the State or the school district served by the participating local educational agency; and

"(2) the State or participating local educational agency may vary the per pupil amount to take into account factors that may include—

"(A) variations in the cost of providing education services in different parts of the State or the school district served by the participating local educational agency;

"(B) the cost of providing services to pupils with different educational needs; or

"(C) the desirability of placing priority on selected grades; and

"(3) the State or the participating local educational agency shall make available a certificate for the per pupil amount determined under paragraphs (1) and (2) to the parent or legal guardian of each eligible child, which certificate shall be used for education services for the eligible child that are—

"(A) subject to subparagraph (B), provided by the child's school, directly or through a contract for the provision of supplemental education services with any governmental or nongovernmental agency, school, postsecondary educational institution, or other entity, including a private organization or business; or

"(B) if requested by the parent or legal guardian of an eligible child, purchased from a tutorial assistance provider, or another public or private school, selected by the parent or guardian.

"SEC. 1134. LIMITATION ON CONDITIONS; PREEMPTION.

Nothing in this subpart shall be construed to preempt any provision of a State constitution or State statute that pertains to the expenditure of State funds in or by religious institutions.".

H.R. 2

Offered By: Mr. Roemer

Amendment No. 43: In section 1002(a) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 103 of the bill, strike "$8,350,000,000" and insert "$9,850,000,000".

H.R. 2

Offered By: Mr. Roemer

Amendment No. 44: In section 1119(g)(1) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 115 of the bill, strike "may use such funds" and insert "shall use not less than 5 percent of such funds and funds made available under title II".

In section 1119A(b)(1) of the Elementary and Secondary Education of 1965, as proposed to be amended by section 116 of the bill—

(1) in subparagraph (A), after "teachers," insert "paraprofessionals,"; and

(2) in subparagraph (H), after "teachers," insert "paraprofessionals,".

In section 1119A(a)(2)(B) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 116 of the bill, after "teachers," insert "paraprofessionals,".

H.R. 2

Offered By: Ms. Sanchez to the Amendment in the Nature of a Substitute Offered by Mr. Goodling

Amendment No. 45: Page I–A–6, after line 5, insert the following (and redesignate any subsequent provisions accordingly):

(f) Part E Authorization.—Section 1002(g)(2) (20 U.S.C. 6302(g)(2)) is amended to read as follows:

"(2) Sections 1502, 1502A, and 1503.—For the purposes of carrying out sections 1502, 1502A, and 1503 (Innovative Elementary School Transition Projects), there are authorized to be appropriated $100,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years, of which not less than $50,000,000 shall be available for each fiscal year to carry out section 1502A.".

Add at the end of the bill the following:

SEC. ___. LOCAL FAMILY INFORMATION CENTERS.

(a) Centers Established.—Part E of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6491 et seq.) is amended by adding at the end the following:

"SEC. 1502A. LOCAL FAMILY INFORMATION CENTERS.

"(a) Centers Authorized.—From the amount appropriated under section 1002(g)(2), the Secretary shall provide not less than $50,000,000 to make grants to, and enter into contracts and cooperative agreements with, locally based nonprofit parent organizations to enable the organizations to support Local Family Information Centers that help ensure that parents of students in schools assisted under part A have the training, information, and support the parents need to enable the parents to participate effectively in helping their children to meet challenging standards that have been established for all children.

"(b) Definition of Local Nonprofit Parent Organization.—In this section, the term 'local nonprofit parent organization' means a locally-based, private nonprofit organization (other than an institution of higher education) that—

"(1) has a demonstrated track record of working with low income individuals and parents;

"(2)(A) has a board of directors—

"(i) the majority of whom are parents of students in schools that are assisted under part A and located in the in the geographic area to be served by the center; and

(ii) that includes individuals who work in schools that are assisted under part A and located in the geographic area to be served; or

"(B) has—

"(i) as a part of the organization's mission, serving the interests of low-income families in public schools in the geographic area to be served by the center; and

"(ii)(I) a special governing committee to direct and implement the center, a majority of the members of whom are parents of students in schools assisted under part A, which committee shall include one or more individuals working in title I programs in the geographic area to be served by the center; and

"(II) entered into a memorandum of understanding between the special governing committee and the board of directors that clearly outlines the decisionmaking responsibilities and authority of the special governing committee; and

"(3) is located in a community that has schools which receive funds under part A, and is accessible to the families of students in those schools.

"(c) Required Center Activities.—Each center assisted under this section shall—

"(1) provide training, information, and support that meets the needs of parents of children in schools assisted under part A who are served through he grant, contract, or cooperative agreement, particularly underserved parents, low-income parents, parents of students with limited English proficiency, parents of students with disabilities, and parents of students in schools identified for school improvement or corrective action under section 1116;

"(2) help families of students enrolled in a school assisted under part A—

"(A) to understand and effectively carry out their responsibilities under the parent involvement provisions of this Act, including participation in parent compacts, parent involvement policies, and joint decision-making;

"(B) to learn how to effectively participate with schools to create a needs assessment or school improvement plan in accordance with part A;

"(C) to understand all of the provisions of this Act designed to improve the achievement of students in the school;

"(3) provide information in a language and form that parents understand, including taking steps to ensure that underserved parents, low-income parents, parents with limited-English proficiency, parents of students with disabilities, or parents of students in schools identified for school improvement or corrective action, are effectively informed and assisted;

"(4) assist parents to—

"(A) understand State content and student performance standards, State and local assessments, and how schools served under part A are required to help students meet the State standards;

"(B) understand the accountability system in place in the State, and support activities which are likely to improve student achievement in schools assisted under part A;

"(C) communicate effectively with personnel responsible for providing educational services to their child and for planning and implementing policies and programs under part A, in the school and the school district;

"(D) understand and analyze the meaning of data that schools, local educational agencies, and States must provide under the reporting requirements of this Act and other statutes, including State reporting requirements;

"(E) locate and understand appropriate information about the research on ways in which high poverty schools have made real progress in getting all students to meet State standards;

"(F) understand what their child's school is doing to enable students to meet the standards, including understanding the curriculum and instructional methods the school is using to help students meet the standards;

"(G) better understand their child's educational needs, where they are in comparison to State standards, and how the school is addressing the child's education needs;

"(H) participate in—

"(i) decisionmaking processes at the school, school district, and State levels;

"(ii) the development, review, and amendments of school-parent compacts, the school and school district parent involvement policies, and the school plan; and "(iii) the review of the needs assessment of the school;

"(I) understand the requirements of sections 1114, 1115, and 1116, regarding improved student achievement, and school planning and improvement;

"(J) understand the provisions of other Federal education programs that provide—

"(i) resources and opportunities for the school improvement; or

"(ii) educational resources to individual students, including programs under chapters 1 and 2 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (Gear Up and Federal TRIO programs) and other programs;

"(K) participate in other school reform activities; and

"(L) understand public school choice options available in the local community, including magnet schools, charter schools, and alternative schools;

"(5) provide appropriate training and information to students in schools assisted under part A, to enable them to participate in school compacts and in school reform activities;

"(6) provide information on local parent involvement needs and successes, where appropriate, to teachers and administrators in schools and school districts assisted under part A, and facilitate greater understanding of good parent involvement strategies;

"(7) establish cooperative partnerships with community parent resource centers assisted under sections 682 and 683, respectively, of the Individuals with Disabilities Education Act, and with parental information and resource centers assisted under section 1118(g).

"(8) be designed to meet the specific needs of families who experience significant isolation from available sources of information and support;

"(9) network with appropriate clearinghouses; and

"(10) annually report to the Secretary regarding—

"(A) the number of parents to whom the center provided information and support in the most recently concluded fiscal year;

"(B) the number of parents who participated in training sessions and the average number of parents in training sessions;

"(C) the prior year's training which was held at times and places designed to allow the attendance of the largest number of parents of students in schools assisted under part A who are most likely to have been isolated from other sources of information and training;

"(D) the effectiveness of strategies used to reach and serve parents, including underserved parents, low-income parents, parents with limited English proficiency, parents of students with disabilities, and parents of students in schools identified for school improvement or corrective action;

"(E) how the center ensured that parents had the skills necessary to participate in their children's education, as outlined in paragraph (4); and

"(F) the information provided to parents by local educational agencies in the geographic area served by the center; and

"(G) other measures, as determined appropriate by the Secretary.

"(c) Application Requirements.—Each local nonprofit parent organization desiring assistance under this section shall submit to the Secretary and application at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall—

"(1) describe how the organization will use the assistance to help families under this section;

"(2) describe what steps the organization has taken to meet with school district or school personnel in the geographic area to be served by the center in order to inform the personnel of the plan and application for the assistance; and

"(3) identify with specificity the special efforts that the organization will take—

"(A) to ensure that the needs for training and information and support for parents of students in schools assisted under part A, particularly underserved parents, low-income parents, parents with limited English proficiency, parents of students with disabilities, and parents of students in schools identified for improvement and corrective action, are effectively met; and

"(B) to work with community-based organizations.

"(d) Distribution of Funds.—

"(1) Allocation of funds.—The Secretary shall make at least two awards of assistance under this section to a local nonprofit parent organization in each State, unless the Secretary does not receive at least two applications from such organizations in each State of sufficient quality to warrant providing assistance in the State.

"(2) Selection requirement for local family information centers.—

"(A) Eligibility.—In order to be eligible to receive assistance under this part, a center shall serve a geographic area (which may include more than one school districts), having between 15,000 and 25,000 students, 50 percent of whom are eligible for free and reduced price lunch under the National School Lunch Act. The number of students to be served under the preceding sentence may increase, at the discretion of the Secretary, if the area to be served contains only 1 school district and the center has the capacity to effectively serve the entire school district.

"(B) Selection.—The Secretary shall select local nonprofit parent organizations in a State to receive assistance under this section in a manner that ensures the provision of the most effective assistance to low-income parents of students in schools assisted under part A that are located in high poverty rural and urban areas in the State, with particular emphasis on rural and urban geographic areas with high school dropout rates, high percentages of limited English proficient students, or geographic areas with schools identified for improvement or corrective action under section 1116.

"(e) Quarterly Review.—

"(1) Meetings.—The board of directors or special governing committee of each organization that receives assistance under this section shall meet at least once in each calendar quarter to review the activities for which the assistance was provided.

"(2) Continuation requirement.—For each year that an organization submits and application for assistance under this section after the first year the organization receives assistance under this section, the board of directors or special governing committee shall submit to the Secretary a written review of the activities of the center carried out by the organization during the preceding year.

"(f) Evaluation.—The Secretary shall conduct an evaluation of the centers assisted under this section, and shall report the findings of such evaluation to Congress not later than 3 years after the date of enactment of this section.".

H.R. 2

Offered by: Mr. Schaffer

Amendment No. 46: Before section 111 of the bill, insert the following (and redesignate any subsequent sections accordingly):

SEC. 111. CLASS SIZE, QUALIFIED TEACHER AND ACCESSIBLE SCHOOL FAMILY SCHOOL CHOICE.

Subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) is amended by inserting after section 1115A of such Act (20 U.S.C. 6316) the following:

"SEC. 1115C. CLASS SIZE, QUALIFIED TEACHER AND ACCESSIBLE SCHOOL FAMILY SCHOOL CHOICE.

"(a) In General.—If a student is eligible to be served under section 1115(b), or attends a school eligible for a schoolwide program under section 1114, and—

(1) attends a public elementary or secondary school and is in a class that has an average class size greater than 24 students for grades 1–3, an average class size greater than 28 students for grades 4–6, or an average class size greater than 30 students for grades 7–12; or

(2) attends a public elementary or secondary school and receives instruction under this part from a state uncertified teacher; or

(3) attends a public elementary or secondary school and receives instruction from a state or locally uncertified paraprofessional; or

(4) attends a public elementary or secondary school and such school is not readily accessible to, and usable by, physically handicapped students; then—

(b) the local educational agency shall allow such student to attend another public school or public charter school in the same State that is selected by the student's parent.

(c) State Educational Agency Determinations.—

(1) The State educational agency shall determine which schools in the State are not readily accessible to physically handicapped students, consistent with federal law.

(d) Transportation Costs.—The local educational agency that serves the public school in which the violent criminal offense occurred or that serves the designated unsafe public school may use funds provided under this part to provide transportation services or to pay the reasonable costs of transportation for the student to attend the school selected by the student's parent.

(e) Special Rule.—Any school receiving assistance provided under this section shall comply with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and not discriminate on the basis of race, color, or national origin.

(f) Part B of the Individuals With Disabilities Education Act.—Nothing in this section shall be construed to affect the requirements of part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

(g) Maximum Amount.—Notwithstanding any other provision of this section, the amount of assistance provided under this part for a student shall not exceed the per pupil expenditure for elementary or secondary education, as appropriate, by the local educational agency that serves the school—

(1) where the average class size was too large for the fiscal year preceding the fiscal year in which the class size was too large; or

(2) where the student is served by a state uncertified teacher for the fiscal year preceding the fiscal year in which the student

received instruction from the uncertified teacher; or

(3) where the student is served by a state or locally uncertified paraprofessional for the fiscal year preceding the fiscal year in which the student received instruction from the uncertified paraprofessional; or

(4) designated as not readily accessible by the State educational agency, consistent with federal law, for the fiscal year preceding the fiscal year for which the designation is made.

H.R. 2

OFFERED BY: MR. SCHAFFER

AMENDMENT NO. 47: Before section 111 of the bill, insert the following (and redesignate any subsequent sections accordingly):

SEC. ___. PUPIL SAFETY AND FAMILY SCHOOL CHOICE.

Subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) is amended by inserting after section 1115A of such Act (20 U.S.C. 6316) the following:

"SEC. 1115B. PUPIL SAFETY AND FAMILY SCHOOL CHOICE.

"(a) IN GENERAL.—If a student is eligible to be served under section 1115(b) or attends a school eligible for a schoolwide program under section 1114, and the public school that the student attends has been designated as an unsafe public school, then the local educational agency may allow such student to attend another public school or public charter school in the same State as the unsafe public school, that is selected by the student's parent.

"(b) UNSAFE PUBLIC SCHOOL.—

"(1) The State educational agency shall determine which schools in the State are unsafe public schools for purposes of this section.

"(2) The term 'unsafe public school' means a public school that has serious crime, violence, illegal drug, and discipline problems, as indicated by conditions that may include high rates of—

"(A) expulsions and suspensions of students from school;

"(B) referrals of students to alternative schools for disciplinary reasons, to special programs or schools for delinquent youth, or to juvenile court;

"(C) victimization of students or teachers by criminal acts, including robbery, assault and homicide;

"(D) enrolled students who are under court supervision for past criminal behavior;

"(E) possession, use, sale or distribution of illegal drugs;

"(F) enrolled students who are attending school while under the influence of illegal drugs or alcohol;

"(G) possession or use of guns or other weapons;

"(H) participation in youth gangs; or

"(I) crimes against property, such as theft or vandalism.

"(c) TRANSPORTATION COSTS.—The local educational agency in which the unsafe public school is located may use funds provided under this part to provide transportation services or to pay the reasonable costs of transportation for the student to attend the public school or public charter school selected by the student's parent; and

"(d) SPECIAL RULE.—Any school receiving assistance provided under this section shall comply with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and not discriminate on the basis of race, color, or national origin.

"(e) PART B OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—Nothing in this section shall be construed to affect the requirements of part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

"(f) MAXIMUM AMOUNT.—Notwithstanding any other provision of this section, the amount of assistance provided under this part for a student shall not exceed the per pupil expenditure for elementary or secondary education, as appropriate, by the local educational agency that serves the school designated as an unsafe public school by the State educational agency for the fiscal year preceding the fiscal year for which the designation is made.".

H.R. 2

OFFERED BY: MR. SCHAFFER

AMENDMENT NO. 48: Before section 111 of the bill, insert the following (and redesignate any subsequent sections accordingly):

SEC. 111. PUPIL SAFETY AND FAMILY SCHOOL CHOICE.

Subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) is amended by inserting after section 1115A of such Act (20 U.S.C. 6316) the following:

"SEC. 1115B. PUPIL SAFETY AND FAMILY SCHOOL CHOICE.

"(a) IN GENERAL.—If a student is eligible to be served under section 1115(b), or attends a school eligible for a schoolwide program under section 1114, and—

"(1) becomes a victim of a violent criminal offense while in or on the grounds of a public elementary school or secondary school that the student attends and that receives assistance under this part, then the local educational agency shall allow such student to attend another public school or public charter school in the same State as the school where the criminal offense occurred, that is selected by the student's parent; or

"(2) the public school that the student attends and that receives assistance under this part has been designated as an unsafe public school, then the local educational agency may allow such student to attend another public school or public charter school in the same State as the school where the criminal offense occurred, that is selected by the student's parent.

"(b) STATE EDUCATIONAL AGENCY DETERMINATIONS.—

"(1) The State educational agency shall determine, based upon State law, what actions constitute a violent criminal offense for purposes of this section.

"(2) The State educational agency shall determine which schools in the State are unsafe public schools.

"(3) The term 'unsafe public schools' means a public school that has serious crime, violence, illegal drug, and discipline problems, as indicated by conditions that may include high rates of—

"(A) expulsions and suspensions of students from school;

"(B) referrals of students to alternative schools for disciplinary reasons, to special programs or schools for delinquent youth, or to juvenile court;

"(C) victimization of students or teachers by criminal acts, including robbery, assault and homicide;

"(D) enrolled students who are under court supervision for past criminal behavior;

"(E) possession, use, sale or distribution of illegal drugs;

"(F) enrolled students who are attending school while under the influence of illegal drugs or alcohol;

"(G) possession or use of guns or other weapons;

"(H) participation in youth gangs; or

"(I) crimes against property, such as theft or vandalism.

"(c) TRANSPORTATION COSTS.—The local educational agency that serves the public school in which the violent criminal offense occurred or that serves the designated unsafe public school may use funds provided under this part to provide transportation services or to pay the reasonable costs of transportation for the student to attend the school selected by the student's parent.

"(d) SPECIAL RULE.—Any school receiving assistance provided under this section shall comply with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and not discriminate on the basis of race, color, or national origin.

"(e) PART B OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—Nothing in this section shall be construed to affect the requirements of part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

"(f) MAXIMUM AMOUNT.—Notwithstanding any other provision of this section, the amount of assistance provided under this part for a student shall not exceed the per pupil expenditure for elementary or secondary education, as appropriate, by the local educational agency that serves the school—

"(1) where the violent criminal offense occurred for the fiscal year preceding the fiscal year in which the offense occurred; or

"(2) designated as an unsafe public school by the State educational agency for the fiscal year preceding the fiscal year for which the designation is made.

H.R. 2

OFFERED BY: MR. SCHAFFER

AMENDMENT NO. 49: Before section 111 of the bill, insert the following (and redesignate any subsequent sections accordingly):

SEC. ___. PUPIL SAFETY AND FAMILY SCHOOL CHOICE.

Subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) is amended by inserting after section 1115A of such Act (20 U.S.C. 6316) the following:

"SEC. 1115B. PUPIL SAFETY AND FAMILY SCHOOL CHOICE.

"(a) IN GENERAL.—If a student is eligible to be served under section 1115(b), or attends a school eligible for a schoolwide program under section 1114, and becomes a victim of a violent criminal offense while in or on the grounds of a public elementary school or secondary school that the student attends and that receives assistance under this part, then the local educational agency shall allow such student to attend another public school or public charter school in the same State as the school where the criminal offense occurred, that is selected by the student's parent. The State educational agency shall determine based, upon State law, what actions constitute a violent criminal offense for purposes of this section.

"(b) TRANSPORTATION COSTS.—The local educational agency in which the violent criminal offense occurred may use funds provided under this part to provide transportation services or to pay the reasonable costs of transportation for the student to attend the school selected by the student's parent.

"(c) SPECIAL RULE.—Any school receiving assistance provided under this section shall comply with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and not discriminate on the basis of race, color, or national origin.

“(d) Part B of the Individuals With Disabilities Education Act.—Nothing in this section shall be construed to affect the requirements of part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

“(e) Maximum Amount.—Notwithstanding any other provision of this section, the amount of assistance provided under this part for a student shall not exceed the per pupil expenditure for elementary or secondary education, as appropriate, by the local educational agency that serves the school where the violent criminal offense occurred for the fiscal year preceding the fiscal year in which such offense occurred.”.

H.R. 2

Offered By: Mr. Scott

Amendment No. 50: Add at the end of part F of title I of the Act, as proposed to be amended by section 161 of the bill, the following:

“SEC. 1612. RULE OF CONSTRUCTION.

“Notwithstanding any provision of this title, a local educational agency may not use more than 10 percent of the amounts made available under sections 1124, 1124A, and 1125 for the costs of transportation of children under sections 1115A and 1116.

H.R. 2

Offered By: Mr. Tancredo

Amendment No. 51: At the end of section 106 of the bill, insert the following:

(g) Rulemaking on Office of Civil Rights Guidelines and Compliance Standards; Requirements for Compliance Agreements.—Section 1112 (20 U.S.C. 6312) is amended by adding at the end the following:

“(h) Rulemaking on Office of Civil Rights Guidelines and Compliance Standards.—

“(1) In general.—In accordance with subchapter II of chapter 5 of part I of title 5, United States Code, the Secretary—

“(A) shall publish in the Federal Register a notice of proposed rulemaking with respect to the enforcement guidelines and compliance standards of the Office of Civil Rights of the Department of Education that apply to a program or activity to provide English language instruction to limited English proficient children and youth that is undertaken using funds under this part by a State, locality, or local educational agency;

“(B) shall undertake a rulemaking pursuant to such notice; and

“(C) shall promulgate a final rule pursuant to such rulemaking on the record after opportunity for an agency hearing.

“(2) Effect of rulemaking on compliance agreements.—The Secretary may not enter into any compliance agreement after the date of the enactment of the Student Results Act of 1999 pursuant to a guideline or standard described in subsection (a)(1) with an entity described in such subsection until the Secretary has promulgated the final rule described in subsection (a)(3).

“(i) Requirements for Compliance Agreements.—Any compliance agreement entered into between a State, locality, or local educational agency and the Department of Health, Education, and Welfare or the Department of Education, that requires such State, locality, or local educational agency to develop, implement, provide, or maintain any form of bilingual education using funds under this part shall—

“(1) include a requirement that such State, locality, or local educational agency demonstrate continuous and substantial progress in teaching children and youth with limited English proficiency verbal and written English;

“(2) include a requirement that such State, locality, or local educational agency annually assess student progress in learning English; and

“(3) contain stated goals for reclassification rates for limited English proficient students and evaluate progress toward those goals annually.”.

H.R. 2

Offered By: Mr. Tancredo

Amendment No. 52: At the end of the bill, add the following:

TITLE IX—PROGRAMS FOR LIMITED ENGLISH PROFICIENT CHILDREN

SEC. 901. RULEMAKING ON OFFICE OF CIVIL RIGHTS GUIDELINES AND COMPLIANCE STANDARDS; REQUIREMENTS FOR COMPLIANCE AGREEMENTS.

Part E of title VII (20 U.S.C. 7601 et seq.) is amended by adding at the end the following:

“SEC. 7503. RULEMAKING ON OFFICE OF CIVIL RIGHTS GUIDELINES AND COMPLIANCE STANDARDS.

“(a) In General.—In accordance with subchapter II of chapter 5 of part I of title 5, United States Code, the Secretary—

“(1) shall publish in the Federal Register a notice of proposed rulemaking with respect to the enforcement guidelines and compliance standards of the Office of Civil Rights of the Department of Education that apply to a program or activity to provide English language instruction to limited English proficient children and youth that is undertaken by a State, locality, or local educational agency;

“(2) shall undertake a rulemaking pursuant to such notice; and

“(3) shall promulgate a final rule pursuant to such rulemaking on the record after opportunity for an agency hearing.

“(b) Effect of Rulemaking on Compliance Agreements.—The Secretary may not enter into any compliance agreement after the date of the enactment of the Student Results Act of 1999 pursuant to a guideline or standard described in subsection (a)(1) with an entity described in such subsection until the Secretary has promulgated the final rule described in subsection (a)(3).

“SEC. 7504. REQUIREMENTS FOR COMPLIANCE AGREEMENTS.

“Any compliance agreement entered into between a State, locality, or local educational agency and the Department of Health, Education, and Welfare or the Department of Education, that requires such State, locality, or local educational agency to develop, implement, provide, or maintain any form of bilingual education shall—

“(1) demonstrate continuous and substantial progress in teaching children and youth with limited English proficiency verbal and written English;

“(2) include, among other things, the annual assessment of student progress in learning English;

“(3) contain stated goals for reclassification rates for limited English proficient students and evaluate progress toward those goals annually;

“(4) provide written notification to parent or parents of limited English proficient students in a language understandable to them which includes these goals and assessments; and

“(5) obtain the prior written consent of a parent or parents of a limited English proficient student who is identified for participation in a bilingual education program, or a special alternative instruction program included in said agreement. The parent or parents shall select among methods of instruction, if more than 1 method is offered, and have the right to have the student removed from the program immediately upon the parent's request.”.

H.R. 2

Offered By: Mr. Tancredo

Amendment No. 53: At the end of the bill, add the following:

TITLE IX—PROGRAMS FOR LIMITED ENGLISH PROFICIENT CHILDREN

SEC. 901. RULEMAKING ON OFFICE OF CIVIL RIGHTS GUIDELINES AND COMPLIANCE STANDARDS; REQUIREMENTS FOR COMPLIANCE AGREEMENTS.

Part E of title VII (20 U.S.C. 7601 et seq.) is amended by adding at the end the following:

“SEC. 7503. RULEMAKING ON OFFICE OF CIVIL RIGHTS GUIDELINES AND COMPLIANCE STANDARDS.

“(a) In General.—In accordance with subchapter II of chapter 5 of part I of title 5, United States Code, the Secretary—

“(1) shall publish in the Federal Register a notice of proposed rulemaking with respect to the enforcement guidelines and compliance standards of the Office of Civil Rights of the Department of Education that apply to a program or activity to provide English language instruction to limited English proficient children and youth that is undertaken by a State, locality, or local educational agency;

“(2) shall undertake a rulemaking pursuant to such notice; and

“(3) shall promulgate a final rule pursuant to such rulemaking on the record after opportunity for an agency hearing.

“(b) Effect of Rulemaking on Compliance Agreements.—The Secretary may not enter into any compliance agreement after the date of the enactment of the Student Results Act of 1999 pursuant to a guideline or standard described in subsection (a)(1) with an entity described in such subsection until the Secretary has promulgated the final rule described in subsection (a)(3).

“SEC. 7504. REQUIREMENTS FOR COMPLIANCE AGREEMENTS.

“Any compliance agreement entered into after the date of the enactment of the Student Results Act of 1999 between a State, locality, or local educational agency and the Department of Education, that requires such State, locality, or local educational agency to develop, implement, provide, or maintain any form of bilingual education shall—

“(1) include a requirement that such State, locality, or local educational agency demonstrate continuous and substantial progress in teaching children and youth with limited English proficiency verbal and written English;

“(2) include a requirement that such State, locality, or local educational agency annually assess student progress in learning English;

“(3) contain stated goals for reclassification rates for limited English proficient students and evaluate progress toward those goals annually;

“(4) include a requirement that such State, locality, or local educational agency provide written notification to parent or parents of limited English proficient students in a language understandable to them which includes such goals and the results of such assessments; and

“(5) include a requirement that such State, locality, or local educational agency—

“(A) obtain the prior written consent of a parent or parents of a limited English proficient student before placing the student in a bilingual education program or a special alternative instruction program that is subject to the compliance agreement;

"(B) permit the parent or parents to select among methods of instruction, if more than one method is offered; and

"(C) afford the right to have the student removed from the program immediately upon the parent's request.".

H.R. 2

OFFERED BY: MRS. WILSON

AMENDMENT NO. 54: At the end of part F of title I of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 161 of the bill, insert the following:

"SEC. 1612. PERRY PRESCHOOL STUDY.

The Secretary shall conduct a peer-review study to evaluate the long-term results of the High/Scope Educational Research Foundation's Perry Preschool Study and all subsequent studies based on the Perry Preschool Study. The study shall examine Head Start and Even Start programs to determine their similarities to Perry. The Secretary of Education shall report the findings to Congress not later than 180 days after the date of the enactment of the Student Results Act of 1999, which report shall include a comparison of and policy recommendations regarding the successes or failures of the Perry Preschool Study, and the successes or failures of Head Start and Even Start Programs.

H.R. 2

OFFERED BY: MRS. WILSON

AMENDMENT NO. 55: Add at the end of section 1609 of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 161 of the bill, the following:

"(e) CHARTER SCHOOLS CAPITAL FINANCING.—The General Accounting Office shall conduct a study on the availability of capital funds for facilities for charter schools and whether charter schools have access to local education bonds or funds. The General Accounting Office shall submit to Congress a report on its findings not later than 90 days after the enactment of the Student Results Act of 1999. The report shall include policy recommendations on means to improve capital availability for charter schools, including the establishment of an investment corporation to provide charter schools with access to low-interest capital improvement loans, loan guarantees and changes of Federal tax law that would improve accessibility and reduce the cost of capital to charter schools.

EXTENSIONS OF REMARKS

VA PRESCRIPTION DRUG BENEFIT IN PERIL

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 19, 1999

Mr. STEARNS. Mr. Speaker, I rise to share with you my concern with a letter I recently received from the Department of Veterans Affairs. As Chair of the Subcommittee on Health of the Committee of Veterans' Affairs, I am deeply concerned by any action that threatens the well-being of those Americans who have laid their lives on the line for our country.

I know that many of my colleagues have signed on to a bill that promises to help senior citizens better afford their medicines. I refer to H.R. 664, which would extend favorable government prices for prescription drugs to retail pharmacies serving the Medicare population. Although this may sound like a win-win proposition, there would be some very big losers, namely, the nation's veterans.

The letter I received from Thomas L. Garthwaite, M.D., Acting Under Secretary for Health of the Veterans Administration reads, in part: We believe enactment of H.R. 664 would increase VA's annual pharmaceutical costs by $500 to $600 million.

This could put the health of millions of veterans at risk because the VA would have to make up for those increased expenditures either by denying veterans needed medicines or by cutting back on other health care services. Our veterans deserve better than that.

The purpose of this speech is not to pit veterans against seniors. Rather, it's to suggest that H.R. 664 is not the way to help either of these groups. It would extend price controls to more than 40 percent of the pharmaceutical marketplace. And price controls, throughout their long and dismal history, have never solved anything. Instead, they've created shortages, delays and rationing, which we simply can't afford in health care.

We owe a debt to veterans and I intend to see that the debt is paid in full. We also have an obligation to help senior citizens gain better access to the benefits of modern medicines. Seniors deserve more from their Members of Congress than the false promise of cheap drugs through price controls. In a word, they deserve coverage. We need to roll up our sleeves and get to work on legislation that would expand coverage options for seniors while protecting the well-earned health benefits of our nation's veterans.

Mr. Speaker, I insert this letter for the RECORD.

DEPARTMENT OF VETERANS AFFAIRS,
VETERANS HEALTH ADMINISTRATION,
Washington, DC, August 11, 1999.

Hon. CLIFF STEARNS,
Chairman, Subcommittee on Health, Committee on Veterans' Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This is in response to your letter on the impact on the Department of Veterans Affairs (VA) of H.R. 664, which would extend favorable government prices for pharmaceuticals to the Medicare population.

We are very concerned that this proposed legislation would have an indirect, negative impact on VA pharmaceutical budgets. Section 3(c) of the bill would force covered outpatient drug manufacturers to sell to Medicare-affiliated pharmacies at the lower of the Medicaid reported best price or the "lowest price paid for [the drug] by an agency or department of the United States". The latter benchmark would include not only low Federal Supply Schedule (FSS) and FSS Blanket Purchase Agreement (BPA) prices negotiated by VA for the Government, but also large volume committed use national contract prices obtained by VA and/or Department of Defense (DOD) in head-to-head competitive procurements. Perhaps most importantly, the "lowest price paid" benchmark would include many Federal ceiling prices (FCPs) already imposed on manufacturers by the Veterans Healthcare Act of 1992, Section 603 (Public Law 102-585; 38 U.S.C. 8126).

By way of further information, through many recent inquiries by drug manufacturers regarding this bill, we have been informally informed that manufacturers may no longer offer lower-than-FCP prices to VA and DOD in BPA and national contract negotiations. They may also invoke 30-day cancellation clauses in FSS contracts and BPAs, to the extent allowed by Public Law 102-585, which would force Government healthcare agencies to buy drugs in the open market at much higher retail prices or AWPs (average wholesale prices).

In summary, we believe enactment of H.R. 664 would increase VA's annual pharmaceutical costs by $500–600 million. We would be pleased to discuss this matter further with you. If you have additional questions, please contact me or Mr. John Ogden, Chief Consultant for Pharmacy Benefits Management, at 202.273.8429/8426.

Sincerely,
THOMAS L. GARTHWAITE, MD,
Acting Under Secretary for Health.

TRIBUTE TO DIETER SCHMIDT—A TIRELESS ADVOCATE FOR CLOSER GERMAN-AMERICAN RELATIONS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 19, 1999

Mr. LANTOS. Mr. Speaker, I rise today to pay tribute to Dieter A. Schmidt, Director of the Institute for Foreign Relations of the Hanns Seidel Foundation of Munich, Germany. Mr. Schmidt is a true friend of the United States and a longtime force for stability and cooperation in Europe.

One of Mr. Schmidt's most lasting accomplishments has been his leadership of the Franz Josef Strauss Symposium, a highly regarded international conference on foreign and security policy. The Symposium—which will be held for the twentieth time later this year in Munich—has provided a platform for senior American officials and Members of Congress to meet and discuss with their German counterparts perspectives on critical issues relating to Germany and European affairs.

For the past two decades, this outstanding forum has provided an excellent opportunity to consider and evaluate the dramatic changes that have taken place in Central Europe—the fall of the Berlin Wall, the end of the Cold War, the enlargement of NATO, and the changing nature of international institutions in the post-Cold War era. Dieter Schmidt's guidance—from helping to establish the Symposium in 1979 to chairing its meetings and working tirelessly to bring together policy makers on both sides of the Atlantic—has provided a critical forum for leaders of both of our countries to meet, to build strong personal relationships and to create greater mutual understanding and cooperation.

Throughout his career, Schmidt has time and time again worked to strengthen German-American relations. In 1957, as a young officer, he attended an exchange program at the United States Military Academy at West Point. In 1968, Schmidt returned to the United States for CBW warfare training at Fort McClellan, Alabama. After his military career, he became the international secretary of the Christian Social Union Party. In that capacity, Schmidt played a key role in the founding of the International Democratic Union (IDU), a worldwide association of Christian Democratic and conservative political parties. For many years now he has served as a member of the Committee for International Affairs of the IDU, where he was instrumental in expanding the organization to include American participation.

In 1981, in his capacity as Director of the Institute for Foreign Relations at the Hanns Seidel Foundation, Dieter Schmidt initiated a series of annual conferences to educate congressional staff about the German and European political processes. In the past eighteen years, these extremely valuable conferences have involved the participation of almost two hundred Congressional staff members, and they have provided the participants with a much broader and more meaningful understanding of Germany and of America's other key allies and partners in Europe.

Mr. Speaker, as we mark the twentieth gathering of the Franz Josef Strauss Symposium, I invite my colleagues to join me in paying tribute to the remarkable contributions of Dieter

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Schmidt to the close ties between Germany and the United States. His efforts merit our great appreciation and our respect.

RECOGNIZING MR. RAMON GONZALES AND THE "MIRACLE ON WEST 31ST STREET"

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 19, 1999

Mr. PASTOR. Mr. Speaker. I rise today to pay tribute to Mr. Ramon Gonzales, a generous man of limited means who works hard to ensure that the Spirit of Christmas touches all of South Tucson's children.

Twenty-nine years ago, Mr. Gonzales held a neighborhood Christmas party for his own children and a few of their friends. Because the party was so successful and appreciated, he gave another one the following year and every year since. Throughout the years, the celebration has radiated from Mr. Gonzales' small stucco house and onto West 31st Street. Now, on the day of the party, the street is blocked off and there are refreshments, balloons, clowns, mariachi music, piñatas, face painters, live radio broadcasts, and presents.

During the festivities, Santa Claus arrives to hand presents out to the children, sometimes in a red fire truck and other times in a helicopter. However he arrives, children, parents and volunteers alike thrill to the renewal of Christmas magic and the promise of a better tomorrow. Because of the happiness the celebration generates, Tucson's residents have come to call it the "Miracle on 31st Street." This year's event is expected to benefit approximately 4,000 local children, who undoubtedly will have a memorable Christmas because of Mr. Gonzales' kindness and compassion.

Mr. Gonzales, a former sheet metal worker now on disability, works all year to organize and develop resources for the Christmas Eve celebration. Always modest, Mr. Gonzales insists that "It's the volunteers that make the party," and he, along with 200 other volunteers, works tirelessly to ensure the success of the annual event. Many of the volunteers are Mr. Gonzales' union friends, and he has been praised by his union president, who said "I wish we all could be as selfless and as giving as Brother Gonzales." Volunteers also come from businesses, radio stations, friends, neighbors, nonprofit groups, and government agencies who enjoy generating positive feelings for the children and within the volunteer corps.

Although many of the children who come to the party are from low income families who may not have another Christmas celebration, Mr. Gonzales welcomes all children to join in the festivities. He understands that childhood dreams are nurtured through a caring community that transcends the individual's situation and emphasizes positive concepts: sharing, love, involvement, generosity, and kindness. The block party on West 31st Street in South Tucson has become a beacon for those ideals.

I commend Ramon Gonzales for his dedication and personal sacrifice that has generated so many positive emotions and wonderful memories for thousands of children. He is an outstanding model for our nation of one person truly making a difference. May his energies and commitment continue for many years to come.

PROMOTING HEALTHY HEARTS AND HEALTHY LIVES: DEAN ORNISH, M.D.

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 19, 1999

Mr. RANGEL. Mr. Speaker, I am privileged to pay tribute to Dr. Dean Ornish, a man who has dedicated his career to building healthier lives. Dr. Ornish is considered by many as the leading authority on the effects of diet and lifestyle on health and well-being. His groundbreaking research has resulted in the discovery that comprehensive changes in diet and lifestyle can reverse even severe coronary heart disease without drugs and surgery. Dr. Ornish has produced valuable research that can empower individuals and build healthier communities. He is a talented, dedicated researcher whose work must not go unappreciated or unnoticed.

Dr. Ornish is the founder, president and director of the non-profit Preventive Medicine Research Institute in Sausalito, California, where he holds the Bucksbaum Chair. He is Clinical Professor of Medicine at the University of California, San Francisco, and a founder of the Center for Integrative Medicine at the university. Dr. Ornish received an M.D. from Baylor College of Medicine, was a clinical fellow in medicine at Harvard Medical School and completed his internship and residency in internal medicine at the Massachusetts General Hospital in Boston.

Dr. Ornish is the author of five best-selling books, including New York Times bestsellers: Dr. Dean Ornish's Program for Reversing Heart Disease; Eat More, Weigh Less; and Love & Survival. His research and writings have been published in the Journal of the American Medical Association, The Lancet, Circulation, The New England Journal of Medicine, the American Journal of Cardiology, and elsewhere. A one-hour documentary of his work was broadcast on NOVA, the PBS science series, and was featured on Bill Moyers' PBS series, "Healing & The Mind." His work has been featured in virtually all major media; he was on the cover of the March 16, 1998, issue of Newsweek magazine.

Dr. Ornish has received several awards, including the 1996 Beckmann Medal from the German Society for Prevention and Rehabilitation of Cardiovascular Diseases, the U.S. Army Surgeon General Medal, and the 1994 Outstanding Young Alumnus Award from the University of Texas, Austin. He is listed in the Dictionary of International Biography, Who's Who in America, and in Men of Achievement. He was recognized as one of the most interesting people of 1995 by People magazine and by LIFE Magazine as one of the 50 most influential members of his generation.

Mr. Speaker, I have great admiration for Dr. Dean Ornish. He is truly a remarkable individual whose outstanding research and effective programs have improved the overall quality of life for many people. His proven research on behavior modification has the potential to revolutionize the way modern medicine approaches heart disease. Dr. Ornish's promotion of healthy hearts and healthy lives is an inspiration for all Americans.

HONORING WILLIE AND VERONICA ARTIS

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 19, 1999

Mr. KILDEE. Mr. Speaker, I am very honored to rise before you today to acknowledge the achievements and contributions to the Flint, Michigan community of a wonderful couple who have cultivated a successful business partnership, as well as a life partnership. On Tuesday, October 19, members of the Charles Stewart Mott Community College Foundation will gather and, in the spirit of Minority Business Month, will honor Mr. and Mrs. Willie and Veronica Artis of Genesee Packaging, Inc.

It was in 1979 that Willie Artis and Buel Jones founded Genesee Packaging. Using an opportunity granted from minority business programs sponsored by General Motors, Artis and Jones ventured into business together and reached over one million dollars in revenue within the first year. In the 1980's, once again due to the benefit of General Motors, the company expanded with Genesee Corrugated, Inc. Now, instead of creating the packaging, they were manufacturing the materials to create the packaging as well.

Following the retirement of Buel Jones, Willie Artis began overseeing daily operations of the companies. The companies, which eventually merged, served to be profitable, not only to its owners, but to the community as well. Currently, Genesee Packaging employs nearly 300 people in three plants throughout the Flint area. The company constantly serves as one the city's strongest economic resources.

As Willie Artis can claim to over 28 years of experience in the packaging field, his wife, Veronica can claim an equal amount of experience in the business administration field. After obtaining an education from such schools as the University of Wisconsin, Dartmouth, and Harvard, Veronica began a noted work history with Ameritech, holding positions including District Training Coordinator, Personnel Manger, Marketing Manager, and Purchasing Manager. Veronica joined Genesee Packaging in 1989 as Vice President of Administration, and currently sits on the company's Executive Staff.

Mr. Speaker, not only will the Mott College Foundation celebrate the contributions of Mr. and Mrs. Artis, but, to further establish the impact they make on Flint residents, the evening will also mark the creation of a scholarship in their name. I am pleased to be witness to all they have done on a corporate level, and what they have done in serving as positive role models for young people. I ask my colleagues in the 106th Congress to join me in congratulating Willie and Veronica Artis. Together they have made our community a better place.

TRIBUTE TO CENTRAL BAPTIST CHURCH

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 19, 1999

Mr. COSTELLO. Mr. Speaker, I rise today in honor of the 100th Anniversary of the Central Baptist Church in Willisville, Illinois.

As this millennium is nearing an end, I ask my colleagues to join me in honoring the history of small towns and cities which have committed themselves to their communities. Many churches and religious institutions have been the source of providing American citizens with comfort and strength during troubled times. In my congressional district, one church in particular has provided this type of example. For the past one-hundred years, community members of Willisville, Illinois and other neighboring communities have been gathering to worship and honor their religion in what is known as the first Free Baptist Church in Illinois.

The history of the church is instructive. At the request of A.J. Rendleman of Campbell Hill, Illinois, the first formal meeting to establish the Free Baptist church was convened on Sunday, July 30th 1899 at precisely 3:30 p.m. Soon after on October 24th, the first Free Baptist Church was formed. Today, this church is a reminder of the dedication and the desire to reach a higher goal. One hundred years after the first official sermon, we find ourselves honoring an institution that has withstood diversity as well as achieved a great sense of unity within the community.

While the Central Baptist Church has not witnessed significant change in the past 100 years, the building itself was rebuilt in 1917 due to a tornado that destroyed the old structure. The bell that used to hang from the church, now sits in front of the building. The name was changed from the Freewill Baptist Church to Central Baptist Church, but its ideals have remained the same. Members gather for Bible studies mid-week, an annual Baptist camp in conjunction with the Southern Illinois University, and many other youth camp activities. On Saturday, October 20th, 1999, church officials and other members of the community plan to bury a time capsule in tribute to the history of the church, as well as to promote future years of prominence.

Mr. Speaker, I am pleased to honor the Central Baptist Church and wish it continued success as it enters another century and continues to provide the citizens of Willisville with spiritual growth, unit and guidance.

THE 100TH ANNIVERSARY OF THE ITALIAN CEMETERY AND MAUSOLEUM OF COLMA, CALIFORNIA

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 19, 1999

Mr. LANTOS. Mr. Speaker, I would like to bring to the attention of my colleagues the 100th Anniversary of the Italian Cemetery and Mausoleum of Colma, California. This institution has made a significant contribution to the Italian-American community of the Bay Area, and I want to recognize the institution and pay tribute on this centennial observance.

The Italian Cemetery serves as dignified resting place for Italian-Americans. To date, some 50,000 individuals have been laid to rest in this beautiful location, and many of these are prominent Italian Americans who have played a leading role in the growth and progress of our area.

Mr. Speaker, the Italian Cemetery is not only a distinguished burial ground, but it is also a place of beauty to which the entire Bay Area looks with pride. The cemetery contains some of the most beautiful and architecturally acclaimed mausoleums that have been built throughout our entire nation.

The Italian Cemetery was first used in 1899, one year after it was established by La Societa Italiana Di Mutua Beneficenza, the oldest continuous Italian organization in the United States. After more than 75 years of service to the community, the Italian Cemetery became a nonprofit corporation, with the goal of maintaining the cemetery for future generations.

The Italian Cemetery's service to the Italian community of California is commendable and deserves our recognition and commendation. I would like to invite my colleagues to join me in congratulating the Italian Cemetery and Mausoleum on its 100th anniversary.

COMMEMORATION OF ROBERT H. GODDARD'S "ANNIVERSARY DAY"

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 19, 1999

Mr. McGOVERN. Mr. Speaker, I rise today in commemoration of Robert H. Goddard's self-proclaimed "Anniversary Day." Robert Hutchings Goddard, referred to as the "Father of Modern Rocketry," was born in Worcester, Massachusetts, in 1882, graduated from South High School in 1904, and attended Worcester Polytechnic Institute in 1908.

In 1911, Goddard received his doctorate at Clark University and subsequently became a professor of physics there. Through experimentation, Goddard discovered that liquid fuel was more efficient than solid fuel. Soon thereafter, in 1926 he successfully launched the world's first liquid fuel rocket in Auburn, Massachusetts, a feat comparable in history to that of the Wright brothers' flight at Kitty Hawk. Goddard is also credited with learning how to control rocket flight, and equipping rockets with parachutes so that they could land safely.

October 19, 1999 marks the 100th anniversary of an event that gave purpose to Goddard's life. On October 19, 1899, at the age of 17, he climbed a cherry tree in his Worcester backyard and experienced a vision of space travel that would consume him for the rest of his life. This resolve was noted in his diary each year thereafter as "Anniversary Day," in memory of the day that focused his purpose in life.

Mr. Goddard, himself, was quoted as saying "the dream of yesterday is the hope of today and the reality of tomorrow." I urge all my colleagues to join me in recognizing this ideal, and Robert H. Goddard as the "Father of Modern Rocketry."

COMMENDING THE NOAA CORPS

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 19, 1999

Mrs. MORELLA. Mr. Speaker, I rise today to recognize and honor the recent activities of the Commissioned Corps of the National Oceanic and Atmospheric Administration (NOAA Corps). Also known as "America's Seventh Service," the NOAA Corps is composed of a cadre of about 250 commissioned officers. Officers of the Corps have served our nation for decades with their unique scientific and engineering skills.

The dedicated scientists, engineers, and officers of the NOAA Corps serve with expertise and dedication throughout the nation, and in remote locations around the world. For example, NOAA Corps pilots fly hurricane research aircraft, providing critical weather prediction information. Recently, the NOAA corps flew repeated missions into the eye of Hurricane Floyd as it battered the Mid-Atlantic Coast. These officers gathered data which was critical to predicting the strength and path of the destructive hurricane. NOAA Corps aviators fly many of these missions each and every hurricane season.

Following the tragic disappearance of the aircraft piloted by John F. Kennedy, Jr., the NOAA Corps provided critical support in the search and recovery efforts. From July 17th through July 23rd, the officers and crew of the NOAA Ship RUDE worked around the clock to assist in the mission to recover the downed plane. With its side-scan sonar capability, the NOAA Corps ship was instrumental in locating the wreckage of the aircraft.

In recent months, the NOAA Corps has participated in the Sustainable Seas Expedition (SSE) project. From April through mid-September, the NOAA Ships *McArthur* and *Ferrel* served in a cooperative program with National Geographic to study NOAA's National Marine Sanctuaries in the Pacific and Atlantic Oceans, and in the Gulf of Mexico. The purpose of the SSE is to explore, document, and provide critical scientific data on America's coastal waters, and to develop a strategy for the conservation and restoration of the nation's marine resources. NOAA's ships will participate in the five-year project, using new technologies to pioneer deep exploration of the extensive marine sanctuaries.

Mr. Speaker, I urge my colleagues to join me in commending the hard-working men and women of the NOAA Corps for their superb leadership and dedicated service to the nation.

EXPATRIATE LEGISLATION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 19, 1999

Mr. RANGEL. Mr. Speaker, today Congressman Bob Matsui and I are introducing legislation to prevent tax avoidance through the device of renouncing one's allegiance to this country. I am pleased that my colleagues Messrs. Gephardt, Bonior, Stark, Coyne, Levin, McDermott, Kleczka, Lewis of Georgia, Neal, McNulty, Doggett, Tierney, Frank of Massachusetts, Brown of Ohio, Luther, and Vento are joining us as cosponsors of this legislation.

I understand that our motives for introducing this legislation will be attacked. Therefore, I want to leave no question about why we demand an effective response to the tax avoidance potential of expatriation.

Citizenship in this country confers extraordinary benefits. Our citizens are able to enjoy the full range of political and economic freedoms that our government ensures. With the benefits of citizenship comes the responsibility to contribute to the common good.

This country is fortunate in that it can depend on the voluntary compliance of its citizens to collect its taxes. In that respect, we are unique in the world. The willingness of our citizens to continue voluntarily to comply with our tax laws is threatened when very wealthy individuals can avoid their responsibility as citizens by turning their backs on this country and walking away with enormous wealth.

I reject any suggestion that our bill is a form of class warfare or motivated by class envy. It is true that our bill will affect only very wealthy individuals. Only very wealthy individuals have the resources necessary to live securely outside the borders of this country as expatriates. Closing a loophole that only the extraordinarily wealthy can utilize is not class warfare. It is a matter of fundamental fairness to the rest of our citizens.

Opponents of effective reform in this area have gone so far as to suggest that those reforms would be inconsistent with our nation's historic commitment to human rights. I strongly disagree. The individuals affected by the bill are not renouncing their American citizenship because of any fundamental disagreement with our political or economic system. These individuals simply refuse to contribute to the common good in a country where the political and economic system has benefited them enormously. Some opponents have gone so far as to compare the plight of these wealthy expatriates to the plight of the persecuted Jews attempting to flee Russia. That argument is worthy of contempt. Our bill imposes no barrier to departure. Indeed, most expatriates have physically departed from this country before they renounce their citizenship.

For reasons that continue to puzzle me, there was bitter partisan dispute in 1995 over this issue. The partisan nature of that debate obscured the fact that there was a genuine bipartisan consensus that tax avoidance by renouncing one's American citizenship should not be tolerated.

The dispute during 1995 involved an argument over the appropriate mechanism to be used to address tax-motivated expatriation. The Clinton Administration, the Senate on a bipartisan basis, and the House Democrats all supported legislation that would have imposed an immediate tax on the unrealized appreciation in the value of the expatriate's assets. The House Republicans supported a provision that imposed a tax on the U.S. source income of the expatriate for the 10-year period following expatriation. Armed with revenue estimates from the Joint Committee on Taxation that showed their version as raising more money, the House Republicans prevailed and, in 1996, enacted their version of the expatriation legislation.

A recent article in Forbes Magazine summarized the effect of the 1996 legislation as follows: "It ain't workin'." Although the law appears to be draconian on its face, there are plenty of loopholes. In the first quarter of 1999 alone, a grandson of J. Paul Getty; a son of the shipping magnate Jacob Stolt-Nielsen; and Joseph J. Bogdanovich, the son of the Star-Kist mogul, took advantage of those loopholes. The article suggests that many other expatriates deliberately have lost citizenship without formally renouncing it, believing that was a simple way to avoid the 1996 Act.

The 1996 legislation made several modifications to ineffective prior law expatriation provisions. It eliminated the requirement to show a tax-avoidance motive in most cases and eliminated one simple method of avoiding the rules, involving transfers of U.S. assets to foreign corporations. There were many other ways of avoiding those rules such as delaying gains, monetizing assets without recognition of gains, and investing indirectly through derivatives. Those techniques were left untouched.

The 1996 legislation made no serious attempt to prevent the avoidance of the estate and gift taxes, even though expatriation has been described as the ultimate technique in avoiding estate and gift taxes. Bill Gates, one of the wealthiest individuals in the world, has approximately $90 billion in assets. If he were to die or transfer those assets to his children by gift, the potential liability would be substantial. If Bill Gates were to expatriate, he could immediately make unlimited gifts in cash to his children without any gift tax liability. If he expatriated ten years before he died, his entire $90 billion stake in Microsoft could be transferred to his heirs with no income tax or estate tax ever being imposed on that accumulation of wealth.

Chairman Archer recently sent a letter to the staff of the Joint Committee on Taxation requesting a study and report on the 1996 expatriation legislation. I welcome that letter as an implicit recognition that the Congress should return to the issue of tax motivated expatriation. However, I believe the time for study has passed. In 1995, the Joint Committee on Taxation issued an unprecedented 140-page report on this issue. The Chief of Staff of the Joint Committee on Taxation testified at length on this issue in several congressional hearings. Further studies now only will be used as an excuse for delaying action on this issue. That delay will provide a window of opportunity for those considering tax motivated expatriation. It is time for the Members of Congress, not their staff, to make decisions and take action on this issue.

Following is a brief summary of my bill.

SUMMARY OF BILL

The bill would impose a tax on the unrealized appreciation in the value of an expatriate's assets. The amount of that tax would be determined as if the expatriate has sold his assets for their fair market value on the date that he expatriates. To the extent that those assets are capital assets, the preferential capital gains tax rates would apply.

The bill exempts the first $600,000 ($1.2 million for a married couple) of appreciation from the tax. It also exempts U.S. real property interests and interests in retirement plans.

The expatriate would be provided an election to defer the tax with interest until the property is sold.

The bill would eliminate the ability to avoid estate and gift taxes through expatriation by imposing a tax on the receipt by U.S. citizens of gifts or bequests from expatriates. The new tax would not apply in circumstances where the gift or bequest was otherwise subject to U.S. estate or gift taxes. In addition, the new tax would be reduced by any foreign estate or gift tax paid on the gift or bequest.

The bill would eliminate the ability to expatriate on an informal basis. It would require a formal renunciation of citizenship before an individual could avoid tax as a U.S. citizen.

Generally, the bill would apply to individuals formally renouncing their citizenship after the date of action by the Committee on Ways and Means. The provisions designed to prevent avoidance of estate and gift taxes would apply to gifts and bequests received after such date.

TRIBUTE TO LES HODGSON

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 19, 1999

Mr. ORTIZ. Mr. Speaker, I rise today to commend Les Hodgson, of Brownsville, Texas, who won an award from the National Oceanic and Atmospheric Administration (NOAA) on September 27 and will be in Washington, DC, tomorrow to receive his award.

Les Hodgson is being noted for his volunteer work to save the Kemp's Ridley sea turtles. Les was named Volunteer of the Year as a recipient of the 1999 Walter B. Jones Memorial and NOAA Excellence Awards for Coastal and Ocean Resource Management. Walter Jones was a colleague of ours here in the House, and he chaired the Merchant Marine and Fisheries Committee in the early 1990s when I was a member. I am very proud of Les for the very important environmental work he does in volunteering to help save Kemp's Ridley sea turtles.

Les is a widely-respected and hard working man. Camping with his dad when he was young instilled a healthy respect for the environment that surrounds us. As co-owner of a shrimping business, his volunteer work to save the Kemp's Ridley sea turtles is very unique. He spends his own time and money patrolling the South Texas beaches to find turtle nests during nesting seasons. Additionally, he has used his relationship with other organizations, such as the National Fisheries Institute (NFI), of which he is past president and the Texas Shrimp Association, to successfully supplement support for these conservation efforts.

In 1996, Les helped Ocean Trust, a nonprofit research and education foundation that protects ocean resources, get access to the turtle camps to produce a film on the Kemp's Ridley. In 1997, he began building a camp at Tepehaujes, the 2nd-largest nesting beach north of Rancho Nuevo. He persuaded the NFI Shrimp Council to donate $30,000; Les himself purchased building materials and donated labor from his company, and organized the volunteers.

When the camp was dedicated, Les stood in the back, crediting the people he persuaded to help make this a reality. When Ocean Trust named him The Outstanding Steward in Marine Conservation in Los Angeles, typically, Les was unable to personally accept the award since he was leading a group of turtle project officials to Mexico. Les is indeed the man for this high honor.

I ask my colleagues to join me today in recognizing the everyday excellence in our communities who labor to leave this world in a better shape than when we began. Please join me in commending Les Hodgson for his unselfish efforts to better the environment.

SALUTING PATIENT APPRECIATION DAY

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 19, 1999

Mr. KILDEE. Mr. Speaker, I rise today to join with the Genesee County Medical Society in paying tribute to patients around the country. The Genesee County Medical Society, a dedicated group of doctors in my district, recently passed a resolution designating the third Tuesday of October "Patient Appreciation Day." I applaud their desire to reciprocate the appreciation patients have for doctors and I join them in calling on other doctors to take a moment to recognize their patients.

When patients go to visit their doctors, they are generally sick and vulnerable. It is comforting for all of us who have been patients to know that the trust and respect that patients have for doctors goes both ways. As medical technology evolves, it is particularly reassuring to know that doctors appreciate the human element of care as much as we do.

On this Patient Appreciation Day, I hope you will join me and the Genesee County Medical Society in paying respect to the deep doctor-patient bond.

HONONORING THE PRIME MINISTER OF ARMENIA, VASKEN SARKISSIAN AND DZOVINAR SARKISSIAN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 19, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to honor His Excellency Vasken Sarkissian, the Prime Minister of Armenia. Mr. Sarkissian visited the United States Capitol earlier this month on the occasion of the birth of his niece, Dzovinar Sarkissian, on October 11, 1999.

I want to congratulate the proud parents of Aram Sarkissian and his wife Arine, along with grandparents, Zavena and Gretta Sarkissian.

Prime Minister Sarkissian is the former Defense Minister of Armenia.

Mr. Speaker, I want to congratulate Aram and Arine Sarkissian for the arrival of their child Dzovinar Sarkissian and I thank Prime Minister Vasken Sarkissian for making a visit to our nation's Capitol. I urge my colleagues to join me in wishing the Sarkissian family many more years of good health and success.

KNOW YOUR CALLER ACT OF 1999

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 19, 1999

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to introduce a bill to prohibit telephone marketing companies, when making solicitation calls, from using any method to block or circumvent a recipient's caller identification service. The Know Your Caller Act of 1999 will provide much needed consumer protection for telephone subscribers who also pay for caller identification services. I urge my colleagues to join me in cosponsoring this bill.

At all times of the day, but especially after work, during dinner, inevitably the telephone rings and our activities are interrupted to answer the telephone to hear an unsolicited telemarketer trying to sell you some product. You may politely explain you are not interested and ask the person to please identify on whose behalf they are soliciting so you can request to be placed on their do-not-call list and the next thing you know the person hangs up the telephone and you are unable to identify which company has invaded the sanctity of your home. To combat and filter out these "nuisance calls" and tactics people pay a monthly fee to subscribe to a caller identification service. It is a disgrace that some companies can block a subscriber's caller identification service.

I have received many letters from my constituents who have subscribed to a caller identification service and they are outraged that telephone solicitors can deliberately block their service. Let me quote one of my constituents "I have been receiving numerous telephone calls from unidentified numbers. I have caller identification service on my private telephone line, but the calling numbers are not displayed. I think it is intolerable and it constitutes a flagrant violation of my rights. I pay for a telephone line and caller identification service to avoid the hassles of telemarketing solicitations, but I do not feel I am getting my money's worth."

Mr. Speaker, in closing, this legislation would provide much needed consumer protection from telemarketing solicitors who block caller identification devices. People with a caller identification service should be able to identify telephone solicitors and have the ability to telephone them back to request to be put on their do-not call list. This bill would require telephone solicitors to display their name and a working telephone number on caller identification devices and prohibit the use of any method to block or alter such a display.

THE BAYS CASE

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 19, 1999

Mr. PAYNE. Mr. Speaker, I rise today to bring an issue to this House's attention. I would like to make public an article on the BAYS case. To the consternation of Argentine officials, the Buenos Aires Yoga School (BAYS) affair is assuming a rising profile on the sparsely populated plains of U.S.-Argentine relations. More than 50 Democratic and Republican House members have now sent letters to President Menem asking him to halt in the persecuting of the literary and social organization. The 300-strong group, which includes some illustrious intellectuals, has shrunk from a peak membership of 1,000 due to the unremitting harassment it has suffered at the hands of the authorities.

For six years, the case has been enmeshed in Argentina's stygian court system, which has been classified by several international business groups as being among the world's most corrupt. Six years ago, when the case first broke, the local press saw BAYS as an Argentine version of Jonestown, even though not a single reporter bothered to closely investigate any of the specious charges lodged against it. Argentina's journalists now see this as a potboiler performance which many have come to regret. After a first wave of tabloid journalism faded, a code of silence descended on the case until recently, when several young BAYS members, with no budget, came to Washington and proceeded to work Congress in search of the justice they were denied in their native country. President Clinton has now written two letters on the case, expressing his concern over the apparent malfunctioning of proper legal procedures. He has also asked that the U.S. embassy in Buenos Aires "encourage Argentine authorities to respond fully to congressional correspondence on this matter."

BEWITCHED AND BEWILDERED

The BAYS case was originally presided over by Judge Mariano Bergés from December 1993 until November 1995 when, after a short interregnum, it was taken over by Judge Julio Cesar Corvalán de la Colina. As a result of these excesses, Bergés was brought before the Argentine Congress' Impeachment Committee on charges of non-professional behavior involving 138 irregularities and several serious crimes regarding BAYS alone. Radical Party members on the committee supported Bergés, which startled many observers wary of the Party's corruption problems stemming from the Alfonsin-led Radical government of the 1980s. But, in spite of its delegation's stance, the entire Impeachment committee moved to indict Bergés for abuse of power and failure in his public duties. He insisted that BAYS had "cast a spell on him," and then withdrew from the case. Although no ultimate action was taken, the case eventually was handed over to Corvalán, who now presides.

DR. CORVALÁN, PSYCHIATRIST

Instead of applying responsible jurisprudence in the BAYS case, Judge Corvalán grossly compounded his predecessor's malfeasance. Engaging in flagrant misuse of his powers, Corvalán emulated the worst practices of the Stalinist era by condemning BAYS members on grounds of poor mental health, without considering due process. Corvalán, who was appointed to the bench under the Argentine military junta (and maintained his position due to Alfonsin's intervention), declared the two BAYS members "mentally incompetent," and awarded legal custody over them to their long-estranged mothers. His ruling was upheld by an Appellate Court, even though the psychological exams of the BAYS defendants were administered by a court-appointed forensic team, and showed them of sound mind. These mental health specialists also established that one defendant has been sexually abused by her family. If this wasn't Argentina—a country featuring daily scandals—it would be inconceivable that a judge, ignoring expert testimony and with no concrete evidence, would award custody of a 27-year old woman to the very person who she previously had charged with sexual depravity. After being armed with such powers, the mother promptly filed a bondage suit against BAYS in the name of her daughter. After a recent mission to Argentina by the Council on Hemisphere Affairs, the members expressed their concern in a letter to President Clinton: "The Delegation found many legal and judicial irregularities. . . ." Argentine human rights organizations have begun to denounce the anti-BAYS actions committed by judicial officials.

Nobel laureate, Adolfo Perez Esquivel found that Corvalán's ruling on BAYS "begs to be investigated," and the famed Mothers of Plaza de Mayo concluded that he had violated Article 16 of the International Treaty on Civil and Political Rights. The Grandmothers of the Plaza de Mayo maintained that Corvalán's actions "are similar to those committed against citizens during Argentina's dirty war. . . ." Corvalán's removal from the BAYS case has been requested before the Council of Magistrates, a new institution that evaluates judicial impropriety and instances of corruption. The case is now being heard by its "Accusation Commission," headed by Radical Representative Cruchaga. Thus, the case was destined to be dismissed, but due to the persistence of Council member Miguel Angel Picchetto, who argued that the charges against Corvalán must be heard, Cruchaga announced that because of the "international interest" in the case, a hearing would be held. The petition for relief filed by the BAYS defendants has been warmly supported by, among others, the distinguished physicist and human rights figure Dr. Federico Westerkamp, the Argentine League for the Rights of Man, and members of the Argentine House Human Rights Commission.

The proceedings against Corvalán are attracting wide dissemination because challenging the judge's multiple transgressions is seen as an important milestone in Argentina's laborious struggle to earn the emblems of an authentic democracy and to somehow neutralize judicial and political corruption.

HONORING THE TOWN OF GRAFTON

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 19, 1999

Mr. McGOVERN. Mr. Speaker, it is my great pleasure today to rise to honor the heroism of the people of the Town of Grafton in the wake of the Fisherville Mill fire that struck the town on the night of August 3, 1999.

The Fisherville Mill has always been a significant historic site. It was considered to be a fine example of late 19th century industrial architecture. A longtime site of textile production, Fisherville mill was one of three such mills in the area built during the first third of the nineteenth century. The mill remained vibrant through the nineteenth and into the twentieth century until the onset of the Great Depression.

However, in recent years the mill, which once employed 700 workers, became slated for EPA clean up due to chemical pollution. And even after the fire, the Central Massachusetts Economic Development Authority, which currently owns the site, plans to pursue clean-up efforts at the site.

As many as 250 firefighters and over 100 support personnel responded to the scene, including crews from Ashland, Auburn, Foxboro, Holliston, Hopedale, Hopkinton, Leicester, Marlboro, Mendon, Milford, Millbury, Millville, Northbridge, Oxford, Sherborn, Shrewsbury, Southbridge, Sutton, Upton, Uxbridge, Westboro, and Worcester as well as the State Forestry Department and a crew from Providence, RI. Together they courageously worked along side their brothers from Grafton to subdue the blaze, the likes of which Grafton has never before seen and hopefully never will again.

Mr. Speaker, we often see communities come together in the wake of great disasters. However, seldom have I seen such an outpouring of support as I have in the town of Grafton. If it had not been for the valiant efforts of fire fighters from around the Commonwealth quite possibly the entire town may have burned to the ground. It is therefore my great honor to recognize the bravery and courage of everyone in Grafton—firefighters, police, community and business leaders, as well as ordinary citizens for their response which should make all of us proud.

HONORING GAIL FREEMAN

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 19, 1999

Mr. KILDEE. Mr. Speaker, it is an honor for me to rise before you today to pay tribute to Mrs. Gail Freeman, the Illustrious Commandress of Oman Court No. 132. The Daughters of Isis, Ancient and Accepted Free Masons, based in Flint, Michigan, will honor Mrs. Freeman at their annual Commandress Ball on October 23, 1999.

Gail Freeman began her education at Jefferson Elementary School in Detroit, and after moving to Flint, attended Bryant Junior High School, and eventually graduated from Flint Northwestern High School. She attended Baker School of Business and Charles Stewart Mott Community College, where she constantly sought courses designed to enhance her position and ability in the business field.

Gail soon began a career with Michigan Bell, now known as Ameritech, one that spanned over 26 years. During this time, she has held positions such as Supervisor of Building Services, Clerk to the Public Relations Manager, and Network Services Representative. She currently holds a position as a Customer Service Representative for the Customer Care center in Ameritech's Saginaw office. She also works as a realtor for ERA Real Estate, where she has distinguished herself as a member of the company's Million Dollar Club, for her outstanding sales. She has been recognized for stellar achievement in both of her occupations.

As a member of Oman Court No. 132, Gail has a long history of leadership, leading up to her current position as Illustrious Commandress. She has served as Grand Loyal Lady Ruler of the Michigan State Grand Assembly, and has served as their treasurer for the last nine years. Outside of the group, Gail continues her role of community leader. She has served as a Girl Scout Troop Leader, president of the Merill Elementary School Parent Teacher Council, and works with local "Adopt A Child" programs. She also finds time to volunteer and work with the sick and shut-in.

Mr. Speaker, I ask you and my fellow Members of Congress to join me in honoring the Illustrious Commandress, Mrs. Gail Freeman. Her devotion to making this nation a better place to live should reinforce our strong commitment to our communities. We own a debt of gratitude to Gail, her husband James, and their two daughters.

HONORING ROBERT AND DOROTHY HAKENHOLZ ON THE OCCASION OF THEIR 60TH ANNIVERSARY

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 19, 1999

Mr. MOORE. Mr. Speaker, I rise to honor two longtime residents of Overland Park, Kansas, Robert and Dorothy Hakenholz, who have dedicated their lives to God, country and family. Robert and Dorothy recently celebrated their 60th wedding anniversary with their two daughters and their families from Iowa and Oklahoma.

Dorothy and Robert, or "Bob" as he is known to family and friends, were married on September 23rd, 1939, in Sioux City, Iowa. Bob began working for Standard Oil in 1934. The former Dorothy Lindberg worked outside the home as a telephone operator during the early years of their marriage.

In 1944, Bob left his young family to serve on the U.S.S. LST 896 during World War II where he served as Motor Machinist's Mate, Third Class. Meanwhile, Dorothy kept up with her work at the telephone company and raised her young daughter Carol with the help of her mother. After surviving, with his shipmates, two typhoons near Okinawa, Bob was discharged at the end of the war.

Happily reunited, Bob and Dorothy continued to raise Carol, and soon welcomed a second daughter, Janet, to the world. Bob's work with Standard oil eventually moved the family from Iowa to Overland Park in 1962 where he worked until his retirement in 1977. Both Bob and Dorothy proceeded to serve in retirement as community volunteers. Bob also worked as a manager of field personnel during the 1980 United States Census.

Bob and Dorothy are proud grandparents of four grown grandchildren, continue to live in Overland Park, Kansas, and remain active members of Faith Lutheran Church in Prairie Village, Kansas. Bob also remains committed to working on his golf handicap.

Mr. Speaker, please join me in congratulating Bob and Dorothy on a remarkable 60 years of marriage.

MAINTAIN UNITED STATES TRADE [MUST] LAW RESOLUTION

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 19, 1999

Mr. EVANS. Mr. Speaker, I have joined 200 of my colleagues as cosponsor of the Maintain United States Trade [MUST] Law Resolution. This bill is about more than steel. It is about the over 290 products from 59 different countries that are being dumped on open markets.

All American products, such as steel, agricultural goods and manufacturing items are currently protected under the antidumping and countervailing duties laws. However, some countries would like to open debate on these laws. Opening these rules to renegotiation could only lead to weakening them, which would in turn lead to even greater abuse of the world's open markets, particularly that of the United States.

When the World Trade Organization's Ministerial Conference meets Seattle on November 30 through December 3, a new round of trade negotiations will be held. The MUST resolution will request that the President and his trade representatives refrain from renegotiating international agreements governing antidumping and countervailing measures.

The President must not participate in any international negotiation in which antidumping or antisubsidy rules are part of the negotiating agenda. He should also not submit for congressional approval agreements that require changes to the current antidumping and countervailing duty laws and enforcement policies of the United States. Above all, he must enforce antidumping and countervailing duty laws vigorously in all pending and future cases.

The MUST resolution has wide bipartisan support from Members from 37 States from every region of the country. Already, successful antidumping cases have been filed on behalf of producers of industrial goods, chemicals, pharmaceuticals, advanced technology products, agricultural goods, and the American steel industry.

No longer can we stand idly by as more and more workers face unemployment lines and uncertain futures. Foreign governments are shielding their industries from the fallout of the Asian financial crisis—it is time we stood up for our own. We must fight for American jobs. I urge the House leadership to bring the Maintain United States Trade [MUST] Law Resolution to the floor as soon as possible.

PERSONAL EXPLANATION

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 19, 1999

Mr. KENNEDY of Rhode Island. Mr. Speaker, due to a delay in getting to the House floor, I missed House rollcall vote No. 494, on agreeing to the conference on the FY 2000 defense appropriations. Had I been present, I would have voted "yes."

COMMEMORATING THE OPENING OF SHORELINE BANK

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 19, 1999

Mr. INSLEE. Mr. Speaker, I rise today on behalf of Shoreline Bank in Shoreline, Washington. On Friday, October 15th, I was honored to attend a ribbon cutting celebration to commemorate the opening of Shoreline Bank. This bank is truly the symbol of a vibrant, thriving community because when individuals recognized the need for a new bank, they came together to form Shoreline Bank. Shoreline Bank will serve local customers and businesses to help provide economic growth within the neighborhood.

Community banks, like Shoreline Bank, are the lifeblood of our communities. Just as local grocers know the buying habits of their regular customers, community banks understand the financial needs of their community. I am proud to have this community-based financial institution in the 1st Congressional District. I am sure that they will be a beneficial addition to the city of Shoreline.

I invite my colleagues to join me in saying: Welcome to the neighborhood, Shoreline Bank.

HONORING THE 75TH ANNIVERSARY OF THE J.E. DUNN CONSTRUCTION COMPANY

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 19, 1999

Ms. McCARTHY of Missouri. Mr. Speaker, today I take great pride in recognizing the J.E. Dunn Construction Company. This year they celebrate 75 years of excellence as one of Kansas City's most established and respected builders.

In 1924, John Ernest Dunn founded the family owned business of constructing residential homes in our community. Today, the third generation of Dunns lead the company in its numerous high profile projects and generous civic contributions. For 75 years, the Dunns have etched the Kansas City skyline, and built a reputation of integrity and concern for the people in our region. This anniversary marks their outstanding dedication to building relationships and developing our community.

J.E. Dunn Construction Company is made up of construction companies in Oregon, Colorado, Minnesota, Texas, and Missouri. In our own greater metropolitan area the Dunns have been instrumental in the building of the Stowers Institute for Cancer Research, the renovation of the historic Muelbach Hotel and Union Station, and the impressive coiled design of the Reorganized Church of Latter Day Saints Temple in Independence. In addition to these projects, the Dunns employ over a thousand people in Kansas City who have worked on the International Sprint Campus, the Charles Evans Whittaker Federal Courthouse where my Fifth District Office is located, and a number of hospitals including Children's Mercy, the Lee's Summit Hospital, and Saint Luke's.

Beginning with John Ernest Dunn, the entire Dunn clan continues to practice the tradition of serving others. William H. Dunn, Sr., his sons, and scores of his extended family play important roles in the social development of our region. The Boy Scouts of America, the Kansas City Chamber or Commerce, and the Partnership for Children have benefitted from their involvement. The Dunn family participates on several boards and organizations like the United Way, the Salvation Army, the Nelson-Atkins Museum, Rockhurst University, and many other worthy causes.

In celebration of this significant mark, I am honored to recognize their efforts and legacy. Mr. Speaker, please join me in congratulating the Dunn family and the entire Dunn organization for 75 years of service to the community and fine craftsmanship left to signify the standard they have set.

NATIONAL DAY FOR TAIWAN

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 19, 1999

Mr. THOMPSON of Mississippi. Mr. Speaker, I wish to take this occasion to extend my best wishes to the leaders in Taiwan on their National Day and my sympathies to all quake victims' families on their tragic losses. May President Lee Teng-hui and other leaders guide Taiwan through this difficult period. Much of the daily activities in Taiwan has been disrupted because of the quake; the loss of human lives and economic damages are so staggering that will take Taiwan years to fully recover from this catastrophe.

Despite all the hardships facing Taiwan today, I am confident that Taiwan will quickly recover its losses and rebuild an even stronger Nation, given Taiwanese resilience and industry.

WILLIAM H. AVERY POST OFFICE

SPEECH OF

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1999

Mr. TIAHRT. Mr. Speaker, I am pleased to be an original cosponsor of H.R. 2591, legislation designating the United States Post Office located on Elm Street in Wakefield, Kansas, as the "William H. Avery Post Office." Let me commend Congressman MORAN for sponsoring this legislation which is an appropriate honor well deserved by the recipient.

Mr. Speaker, my wife Vicki and I have enjoyed our friendship with Governor Avery over the past several years, and we are both excited that this honor is being bestowed upon a great public servant and good friend who has always placed the people of the great State of Kansas first.

When I think about the tremendous reputation Governor Avery still enjoys, I think about the moniker given to a past politician: The Happy Warrior. You cannot talk to Bill without feeling his zest for life and his indomitable spirit. It is not unusual to see Governor Avery at an event in Kansas, shaking hands, kissing babies and talking about the latest Republican strategy. Sometimes a few of us in this esteemed Body get tired and frustrated. At those moments I think of Governor Avery, his quick smile, his knowing wink, his kind words, his all-encompassing heart. Always smiling, always moving, always hopeful of the future, but respectful of the past. Governor Avery is truly Kansas's Happy Warrior.

Mr. Speaker, I realize that at times the floor of the House can be partisan, and with your indulgence I am going to add to that partisan flame, just a bit. There is one memory I will always cherish, and it occurred in January 1995. I was a new Member of Congress, full of hope, a little overwhelmed, and flush anticipation of the job ahead.

I had some friends and family in my office and in came Governor Avery. He came up to me and shook my hand, and told me why he had traveled back to D.C. You see Governor Avery is also appropriately called Congressman Avery. He served in this House from 1955–1965. He related to me that when he won his election in 1954, he thought he would be entering a Republican Congress, but he soon learned that the Democrats had regained the majority. Congressman Avery was destined to serve all his tenure in the minority. He always felt a little jilted by history, and that is why he wanted to be on the floor of the U.S. House when the gavel passed. At that moment I realized how fortunate I really was to be entrusted with a job representing the Fourth Congressional District of Kansas, and I realized just how historic a shift in Congress can be.

Mr. Speaker, I hope Governor Avery is enjoying the beautiful Autumn evening back home in Wakefield, Kansas. I want to thank him for all his words of inspiration, his dedication and his enduring attitude. When the history of Kansas is written, it will be as kind to Governor Avery as he has been to anyone who has had the good fortune to know him.

Mr. Speaker, I am honored to be able to call Governor Avery my friend and to help recognize him this day for the many accomplishments he has provided the people of Kansas and this great country.

PERSONAL EXPLANATION

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 19, 1999

Mr. FRELINGHUYSEN. Mr. Speaker, yesterday I was unavoidably detained during rollcall votes 505–508. Had I been present I would have voted "yes" on rollcall vote 505, 506, 507, and 508. I would ask that the RECORD reflect these votes.

A TRIBUTE IN HONOR OF FRANK GARRISON

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 19, 1999

Mr. BARCIA. Mr. Speaker, I rise today to congratulate Mr. Frank Garrison, on the eve of his retirement as President of the Michigan State AFL–CIO. Frank is truly one of our finest public servants in Michigan, having first been elected AFL–CIO President in 1986. As all who have ever met Frank know, he is a man who has devoted his life to helping Michigan's working men and women improve their lives.

Frank was born in 1934 in a small town in Indiana. His family, like so many others, was destitute and jobless as a result of the Great Depression. And so it was with gratitude that they named Frank after one of our country's greatest presidents, Franklin Delano Roosevelt, who created the Works Progress Administration [WPA], which allowed Frank's father to work, and helped get the family back on its feet. Frank has said he has always taken great pride in his namesake. I believe that he has certainly lived his life, like his namesake, with the purpose of helping America's working families—a goal, Mr. Speaker, that I believe is one of the most honorable of all goals.

In the early 1950s, Frank came to Michigan to find a job. He found one at General Motor's Steering Gear plant in Saginaw, a city I am proud to represent today in Congress. Shortly thereafter, he joined UAW Local 699 and, in 1955, Frank married Ms. Dora Goodboo. Later, he was drafted into the Army, and served two years before returning to his job at the Saginaw Steering Gear plant in 1956.

Frank refers to the next event in his life as a true "turning point". A fellow UAW Local 699 member invited him to hear a speech by the legendary Walter Reuther. Frank says he was spellbound with Reuther's deep commitment to the labor movement, and that Reuther instilled in Frank a purpose: To help ordinary working people band together and improve their lives. From that moment on, Frank has certainly been committed to doing precisely that. He ran successfully for office in UAW Local 699, and later went on to serve as Alternate Committeeman, Committeeman, Shop Committeeman, Local Union Vice-President and Financial Secretary.

He went on to a variety of appointments and positions: UAW International Representative, Community Action Program (CAP) Coordinator for Region 1D, UAW lobbyist and Legislative Director, and Michigan CAP Director. He was appointed in 1982 as Executive Director of Michigan UAW–CAP, a position he held until his election as President of the Michigan State AFL–CIO in 1986, Frank went on to be one of the longest-serving presidents, and was re-elected in 1987, 1991, and 1995.

Frank's contributions and work on behalf of Michigan's working men and women are legendary and real. They do indeed reflect Frank's great commitment to the labor movement and his belief that it is a tool to effect great change in this country. Michigan's working families will always be grateful for Frank Garrison's work, for he selflessly gave of himself to make their lives better. For that, Mr. Speaker, I say he is truly worthy of a name shared with our former President, Franklin Delano Roosevelt.

Frank has been blessed with a supportive and caring family—his wife Dora, their three daughters, seven grandchildren and great-grandchild. He has worked hard his entire life on behalf of others, and it is my hope that during his retirement, Frank will work just as hard to enjoy these years with his family and many friends. Mr. Speaker, I now invite you and our colleagues to offer your congratulations to Frank Garrison, and your most sincere wishes for a very happy and productive retirement.

M.G. VALLEJO, FRIENDS AND ACQUAINTANCES

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 19, 1999

Ms. SANCHEZ. Mr. Speaker, I insert the following for the RECORD:

M.G. VALLEJO, FRIENDS AND ACQUAINTANCES

(By Galal Kernahan)

When the Senate and the House of Representatives approved an "Act for the Admission of California into the Union" on September 9, 1850, its "Birth Certificate" had been reviewed and found in order, whereas, the people of California have presented a constitution and asked admission into the Union, which constitution was submitted to Congress by the President of the United States.

1999 is American California's Constitutional Sesquicentennial. Forty-eight elected delegates met in Convention in Monterey and finished their work September 12, 1849. That work was approved in California-wide voting on December 13, 1849.

What follows is a glimpse of the human side of how this remarkable bilingual, multicultural state charter came into being. Chief source for the discussions and actions of the Monterey Convention one hundred and fifty years ago is an official 477-page account of what happened. Called "Browne's Debates," it was published in English and in Spanish. It was bound in Washington, D.C., in 1850, in order to be properly presented together with the California Constitution to the U.S. President and appropriate officials.

The seal of the State of California is more than a little strange. It centers on a seated lady. At her feet a Grizzly bear munches grape clusters. Considering the relative scale of things, that is one huge woman! Grizzlies average 500–600 pounds and can top out at almost twice that. It looks like a dumpy dog compared to her.

Well California is vast. And as First Assistant Secretary Caleb Lyon explained to our 48 Constitutional Forefathers, Saturday, September 29, 1849, in Monterey's Colton Hall schoolhouse: "She (the goddess Minerva . . . spring full grown from the brain of Jupiter) is introduced as a type of the political birth of the State of California . . ." In other words, we jumped straight into being a State without spending any time in Aunt Sam's womb as a Territory.

And the bear? . . . emblematic of the peculiar characteristics of the country."

Monterey-born Mariano Guadalupe Vallejo well knew those peculiar characteristics. Bears could be mean: bullying, armed, irregular "Bear Flaggers," meaner. They locked him up and mistreated him. He facetiously suggested that, if the bear had to remain in the Seal, it should "be represented as made fast by a lasso in the hands of a vaquero." The idea lost by five votes.

The convention was crawling with ambitious cub lawyers. They averaged from four months to a year or two in California. They were impressed with the symbolism—the miner with his rocker, ships on the waters, snow-clad peaks of the Sierra Nevada. "Eureka" (found it!) was a nifty motto too.

On Friday, October 12, 1849, after a traditional official thank-you to Chairman Robert Semple (like Vallejo, another 42-year-old from Sonoma), they trooped over to pay respects to California's Military Governor Brigadier General Bennett Riley. Before parting for San Joaquin, Los Angeles, San Luis Obispo, San Francisco, Sonoma, Sacramento, Santa Barbara, and San Jose, they partied away the night. Each chipped in $25 for an historic blow-out, a real two-violin-guitar fandango. A 31-gun cannon salute heralded what would be American's 31st State . . . eleven months later.

On leaving next day, Henry Hill and Miguel de Pedroena wondered if printed copies of California's "Birth Certificate" would reach their remote San Diego district before people voted. Not to worry. Ratification carried 12,872 to 811 on a rainy November 13, 1849.

The most important thing the Constitution proved is that CALIFORNIANS BUILD THEIR STATE TOGETHER. They have from the start.

That doesn't mean it was a September Song in rustic Monterey in 1849. Delegates connived, bickered, blathered, were or became friends . . . or enemies. California diversity—as it always can—made the Convention work well enough for good things to happen.

The issue of slavery was tearing the United States apart. Furies, that would explode in Civil War more than a decade later, spun across a continent like dust devils. Patience of men, who differed, dwindled. Some brought short-fused tempers to California's backwater capital.

A twenty-six-year-old, Henry Tefft, born in Washington Country, N.Y., was a Wisconsin resident before he reached California three months shy of the Convention. He managed to be elected a delegate from San Luis Obispo. Attorney James McHall Jones, 25, was born in Scott County, Kentucky, and lived in Louisiana before he began a similarly brief residency here. He came representing San Joaquin.

Jones was sure Thefft insulted him in convoluted argument about voting apportionment, but the animosity ran deeper than that. It quickly escalated towards the point-of-honor stage that would make a duel unavoidable.

Others acted automatically to head off tragedy. While they raised parliamentary questions about who, if anyone, should apologize to whom, Latino delegates muddled things further by announcing, "The question appears to be respecting certain English words, which we do not understand. We desire to be excused form voting." Tempers cooled. (An anti-dueling Constitutional provision passed later . . . delinked from the incident by a few days.)

At Monterey, the summed lives of seven Californios totaled 293 years. Add the twelve years' residency of Spain-born Miguel de Pedroena, and this aggregated to 305. The other 40 delegates had been logged 154 California years between them all. Five were foreign-born. John Sutter, 47, from Switzerland, operated the sawmill where the gold was discovered that started the rush. The remaining 35 grew up in States of the North and South. Regional hangups were reflected in their comments. Where would an extended Mason-Dixon line divide California? Or the Missouri Compromise boundary?

The Wilmot Proviso had been like a pole thrust in American wasps' nest. In 1846, before President James Polk warred with Mexico to take half its land, he bargained to buy it. Pennsylvania Representative David Wilmot tried to tie a string to money sought from Congress. He twice persuaded the Lower House to condition appropriation on the commitment that "neither slavery nor involuntary servitude shall ever exist in any part of said territory." The U.S. Senate stalled the first try by adjourning before the bill could come before it; on the second, it passed its own message without any anti-slavery language.

In the 1848 Treaty of Peace, the U.S. paid $15 million for California and what became the American Southwest. Word of the stymied Proviso had ricocheted around the country by then with States and communities lining up for or against. It echoed in distant Monterey. While Utah and New Mexico became territories, California entered the Union as a Free State in 1850. It was thanks in part to another deal by "Great Pacificator," Senator Henry Clay, the same legislator who pulled the Missouri Compromise out of a hat a quarter century earlier.

Colton Hall rhetoric was, by today's standards, gratingly racist. Though not without their defenders, African-Americans and Native Americans were trashed. There was nasty talk about Chileans, Native Hawaiians, and Australians drawn by the discovery of gold. In San Francisco, they risked being lynched.

Transplanted Northerners and Southerners at Monterey knew each others' arguments by heart. They said much but no longer heard much. Theirs were dialogues of the deaf. Californios nudged everyone a bit off balance. There was language. Debate on land tenancy took an idiotic turn for Vallejo when he misheard "freeholders" as frijoles (free-HO-les, beans). There was culture. Courtliness and gente-de-razon class consciousness seemed Southern, but their color-free views sounded downright Northern.

A Santa Barbara Californio explained, "Many citizens of California have received from nature a very dark skin. Nevertheless, there are among them men who have heretofor been allowed to vote, and, not only that, but to fill the highest public offices. It would be very unjust to deprive them of the privileges of citizens merely because nature had not made them white . . ."

When is black-and-white not black and white? With 16 months in California, Virginia-born Monterey Delegate Charles T. Botts, 40, claimed, ". . . no objection to color . . . I would be perfectly willing to use any word which would exclude the African and Indian races . . ."

A Californio gift to our Original Constitution makes a married woman's property her own. It seemed a novel, somewhat daring idea to transcontinental newcomers, but Convention Secretary Henry Wager Halleck, 32, reasoned thus: "I am not wedded either to the common law or the civil law, nor as yet, to a woman; but having some hopes that some day or other I may be wedded . . . I shall advocate this section in the Constitution. I would call upon all the bachelors in this Convention to vote for it. I do not think we can offer a greater inducement for women of fortune to come to California . . ."

The Convention interpreter must have smiled. William Hartnell landed, a young English merchant, in sleepy Monterey in 1822. He married Teresa a De La Guerra daughter. Already multilingual, his Spanish became flawless. They had 18 children.

There was contention about the new State's boundaries. Some argued California encompassed everything just taken from Mexico and stretched to Montana and Colorado. Tennessee-born William Gwin, 44, was recently of Louisiana. Not yet three months on the Pacific Coast when he arrived at the Convention representing San Francisco, he predicted: "I have no doubt the time will come when we will have twenty states this side of the Rocky Mountains. When the population comes, they will require that this state shall be divided."

Some immediately visualized one-for-the-South and one-for-the-North and . . .

Jose Antonio Carrillo (at 53 the oldest man there) came to the Convention toying with the idea California might be split at San Luis Obispo to leave the southern part a Territory. He changed his mind. Now he remembered that, when he was alcalde (mayor) of Los Angeles, he had seen Spanish maps that bounded California with the Sierra Nevada line on the east.

About a fourth of the delegates made three-fourths of the speeches. Yet you can still sense the presence and influence of the not-so-talkative ones. With few exceptions, they prevailed on big issues.

1999 marks the Sesquicentennial of California's Original 1849 Constitution, our U.S.

ticket of admission. Diversity worked. CALIFORNIANS BUILD THEIR STATE TOGETHER! Even greater diversity works today. It is our ticket to the world.

HONORING JAMES EMERSON DENNIS

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 19, 1999

Mr. BENTSEN. Mr. Speaker, I rise to recognize Rev. James Emerson Dennis for his 66 years of service in the ministry. His endurance and tremendous strength over the years is a testimony to the success of his efforts addressing the needs of his congregations and community.

Rev. Dennis was seven years old when he accepted Christ and was baptized by his father at St. Paul Baptist Church. He was a young man of 24 when he was called to the Ministry, preaching his first sermon at Mt. Zion Baptist Church in Baileysville, Texas where Rev. R.A. Sharp presided as Pastor.

Rev. Dennis was married to the late Hester Lee Williams Dennis on September 27, 1931. He is the father of four children: Ann M. White of Sea Side, California, Mayme D. Gardner of Kenner, Louisiana; James E. Dennis of Lake View Terrace, California; and the late John Williams Dennis. In February of 1934, Rev Dennis was ordained at Harlem's Chapel, B.C. where he pastored eight years. Later he was called to Bethlehem Baptist Church in Hammond, Texas, where he pastored for four years.

Rev. Dennis' most enduring stint of service—an impressive 50 years—was spent preaching at Mt. Rose Baptist Church in Brenham, Texas. From September 4, 1946 to March 31, 1997 he ministered to generations of families and neighbors who benefitted from his wisdom and faith. During that half century of service, Rev. Dennis amassed a wealth of accomplishments for his community. The present Church Edifice Mt. Rose M.B.C., Brenham, Texas was built under his administration. He also founded and organized the Brenham Cemetery Association.

While Rev. Dennis' religious and spiritual obligations have always been paramount, as a community leader, he has undertaken his civic duties with the utmost seriousness and passion, serving on several boards and organizations. His love for his fellow man and desire for social justice was evidenced by his organization of the Brenham Chapter of the NAACP. He was a Bible Lecturer and Secretary for the Lincoln District Association for 20 years, as well as Executive Vice Moderator. He was Chairman of the Congress of Christian Workers of Texas. Rev. Dennis preached in the Lincoln District Association's State Congress, State Convention, and National Baptist Convention. He served as a Member of the Faith Mission Board of Directors in Brenham, Texas and President of the Washington County Ministers Association. He was also President of the Washington County Lions Club and the Brenham Civic Club.

As an instructor, Rev. Dennis continues to share his gifts and experiences with those who seek knowledge and guidance. He teaches at Christian Bible College and A.P. Clay Theological Bible College in Kenner, Louisiana, and at the Union Theological Seminary in New Orleans. Rev. Dennis is presently a member of Christian Unity Baptist Church in New Orleans, Louisiana where Rev. Dwight Webster is Pastor.

Rev. Dennis is a true hero of his community and a faithful servant of God. His 66 years of service in the ministry is a testament to the power of faith and to a life of good deeds and public service. He has been honored with several awards, including the Man of the Year Award from the Washington County Chamber of Commerce and a Special Award for Years of Devoted Service to the Ministers Conference Prairie View A&M University in 1987 and 1992. Numerous other Certificates of Recognition include those from President Bill Clinton and Gov. George W. Bush. It is appropriate that the Citizens Committee for Retirees and Unsung Heroes will be honoring Rev. Dennis on November 17, 1999. On October 31, 1999, Houston's New Faith Church, pastored by Dr. T.R. Williams, will honor Rev. Dennis with celebrations during both morning worship services.

Mr. Speaker, throughout his 66 years in the ministry, Rev. Dennis' intelligence, enthusiasm, and integrity has served his congregations well. He brings a tireless energy, an unflagging drive, and a passionate caring to each of his endeavors, whether it's as a Pastor, a civic officer, or friend. His contributions to the ministry and his energy in addressing the needs of his congregations and surrounding community are truly commendable.

ROFEH INTERNATIONAL HONORS DR. SUMNER SLAVIN AND MR. ALLEN RODMAN

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 19, 1999

Mr. FRANK of Massachusetts. Mr. Speaker, I am pleased once again to call the attention of my colleagues to the excellent work that is performed by ROFEH International in Brookline, Massachusetts, and to join with ROFEH in recognizing two outstanding individuals, Dr. Sumner Slavin, and Mr. Allen Rodman, for the work they do in the context of ROFEH.

ROFEH is sponsored by the New England Chassidic Center, and owes its creation and its ongoing inspiration to the Grand Rabbi Levi Horowitz, widely known as the Bostoner Rebbe.

Rabbi Horowitz, in addition to his religious scholarship, is a leader in the field of medical ethics, and he is widely respected for his work in this area. And when I talk of Rabbi Horowitz's work in the medical ethics area, I speak not simply of intellectual activity, but of practical efforts, exemplified by Project ROFEH. This important activity brings people from all over the world to Boston so that they can benefit from the outstanding level of medical knowledge and skill which is available in Boston to a degree greater than almost anywhere else in the world. As we know, good medical care has two parts—the first of course being the existence of high quality care; but the second being access to that care, which is, sadly, very unevenly distributed. ROFEH International does an excellent job in extending access to people who would not have it otherwise, and I salute Rabbi Horowitz and his colleagues for this work. Indeed, I use this occasion to publicize this effort in the CONGRESSIONAL RECORD not simply because it is worthy of recognition, but because it is even more worthy of emulation, and I hope through this means to stimulate some interest in this notion because it is an activity that could be repeated elsewhere. And I know that Rabbi Horowitz and his colleagues would be glad to share with others if asked what they do and how it could be replicated.

This year, on November 7, the annual dinner of ROFEH and the New England Chassidic Center will take place, and at that time, the 1999 Man of the Year award will be presented to Allen Rodman.

Mr. Rodman is a leading member of the Bar in Malden, Massachusetts, and among his other distinctions, he has been a strong supporter of the work of the New England Chassidic Center—work which stretched through five generations of his family. The family affiliation is particularly strong through his mother, Cecile, who is a close friend of Rabbi and Rebbetzin Horowitz. In his 45 years as a member of the Bar, Mr. Rodman has undertaken notable legal efforts, including important work in asbestos litigations, and in the extremely significant class action litigation launched against the tobacco companies five years ago.

The Lillian and Harry Andler Memorial Award will be given on that day to Dr. Sumner Slavin. Dr. Slavin and his family similarly have a long association with the Rebbe, and he has been very active in the work of the New England Chassidic Center. His distinguished medical career has been marked by a number of awards, and he is now representing the Beth Israel Deaconess Medical Center on the Executive Council for the new Harvard Medical School Program in Plastic Surgery. He has been recognized for his expertise in the important and sensitive area of breast reconstruction and has been a leader as well in the efforts to combat lymphedema, a condition that causes swelling in the limbs after cancer treatment. Dr. Slavin and Mr. Rodman are leaders in their respective professional fields, and leaders as well in contributing to the great work of the New England Chassidic Center and Project ROFEH. The honor they receive from these very distinguished institutions is a high one, and reflective of their willingness to work hard for the welfare of others. I am glad to join in pointing to them, and to ROFEH International as examples of the way in which citizens can reach out to others in need.

CONGRATULATING PFIZER, INC. ON ITS 150TH ANNIVERSARY

HON. EDWARD A. PEASE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 19, 1999

Mr. PEASE. Mr. Speaker, I rise today to congratulate Pfizer, Inc. on its 150th anniversary and to applaud the company for its many innovations in the ever-important pharmaceutical industry. Pfizer's products, which treat a variety of diseases and conditions, are now available in 150 countries. The company also has thriving consumer healthcare and animal healthcare divisions. The history of Pfizer is one of adventure, risk-taking, confident decision-making, and the saving of countless lives around the globe. It's the story of a small chemical firm founded in Brooklyn, New York, which, over 150 years, has become one of the world's premier pharmaceutical enterprises. Pfizer now employs close to 50,000 people in 85 countries, including 278 employees in its Terre Haute, Indiana, animal health research facility, which lies in my home district. Through the hard work of employees at these facilities, Pfizer offers its worldwide livestock and companion animal customers one of the broadest product lines in the industry.

Cousins Charles Pfizer and Charles Erhart emigrated to the U.S. from Germany in the mid-1840s. In New York City, the young cousins combined their skills and founded a small chemical firm in 1849. Charles Pfizer & Co. improved the American chemical market by manufacturing specialty chemicals that had not been produced in the U.S. The company made many important discoveries and marketed popular and effective drug treatments in its first 75 years. Union soldiers used Pfizer drugs extensively during the Civil War.

However, Pfizer's real emergence as an industry leader was the result of a daring risk taken by Pfizer executives in the 1940s. In 1928, when Alexander Fleming discovered the germ-killing properties of penicillin, he knew that the drug could have a profound medical value. Yet, Fleming could not find a way to mass-produce the drug. In 1941, following new discoveries relating to this "wonder drug," Pfizer executives put their own stocks at stake and invested millions of dollars in order to find a way to mass produce penicillin. Eventually, they succeeded. The breakthrough came just in time to send penicillin to the frontlines of World War II.

From then on, Pfizer evolved into an international leader in the pharmaceutical industry, opening facilities around the globe and developing new and effective antibiotics to combat deadly infectious diseases.

Pfizer has spent a great amount of its resources on research and development, an approach that has rewarded the company and its customers with many successful and effective drugs. Pfizer today is renowned as one of the world's most admired corporations for the many contributions it has made to our society. I applaud Pfizer on its 150th anniversary and for its continued efforts to make this nation and the world a healthier place.

THE SPIRIT OF COMMUNITY AT JOLLY MILL PARK

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 19, 1999

Mr. BLUNT. Mr. Speaker, as members of Congress we often address the need in this chamber to improve the spirit of volunteerism or the spirit of community to meet local needs. Mr. Speaker, today I rise to call attention to a group of dedicated people in the Seventh Congressional District of Missouri who demonstrate the impact of that spirit.

For almost 150 years, Jolly Mill near Pierce City has been a fixture in Southwest Missouri. Located on the first road from Springfield to Oklahoma, the three story mill has served as a grist mill, a distillery, and a resupply point for wagon trains and stagecoaches. It survived two skirmishes in the Civil War and the burning of its surrounding settlement by bushwhackers. It continued as an enlarged flour mill though it could not attract a railroad line. However it could not survive as an operating mill forever, finally closing its doors in 1973.

But that is not the end of the story. A group of citizens decided that it was essential to save this heritage landmark for future generations. They did not turn to government for federal grants or lobby to have the site added to the state park system. Like good Ozarkers they knew they could do the job themselves. Using local donations they bought the mill and 32 surrounding acres to form the Jolly Mill Park and formed the Jolly Mill Park Foundation.

The Foundation has an ongoing commitment to protect the history and heritage of rural Missouri. Not only have they restored the mill to its condition at the turn of the century. Nevertheless, they have also moved and restored a 90-year-old iron bridge and a one room school house built over a century ago.

The park, which is on the National Register of Historic Places, is a gift from the Foundation to the community. Its visitors can make their way to the old limestone slab foundation and hand-hewn and pegged framing timbers of the old mill to relax, reflect and to better understand the lives of those who settled there and developed the area.

Mr. Speaker, today I offer my appreciation and that of all my colleagues for the spirit of volunteerism and community that characterize the unselfish dedication of the Foundation and its many members over the last 16 years to preserve this singular part of the history of Newton County and Southwest Missouri.

HONORING THE WHITE BEAR LAKE POLICE DEPARTMENT

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 19, 1999

Mr. VENTO. Mr. Speaker, I rise today to honor and congratulate the White Bear Lake Police Department in my district for their reception of the 1999 Community Policing Award. Chosen from among hundreds of nominations from around the world, The International Association of Police Chiefs unanimously selected the White Bear Lake Police Department for their innovative approach to community problem-solving.

The White Bear Lake Police Department is distinguished for several programs designed to connect citizens to the law enforcement community. Programs such as Triad, the Police Academy, the Citizen Crime Prevention Committee, and a police partnership with the city's schools educate all citizens from age 5 to 95 in police prevention issues.

Recognizing the value of police officer involvement in the community, the White Bear Lake Police Department assigned every police officer to a specific neighborhood. This led to a greater sense of familiarity and understanding between local residents and the department. Law enforcement's successful approach to community policing provides a positive example for all neighborhoods across the nation.

The hardworking men and women of the White Bear Lake Police Department are another reason why White Bear Lake is a safe and great place to live. It is with heartfelt pride and admiration that I congratulate them on winning the distinguished 1999 Community Policing Award.

I have included, for my colleagues review, an article which appeared in the White Bear Press, a local community newspaper. This article outlines the White Bear Lake Police Department's achievements and success in the international competition.

WHITE BEAR POLICE ARE "TOP COPS" IN INTERNATIONAL COMPETITION

(By James C. Pittman)

The White Bear Lake Police Department has received the 1999 Community Policing Award from the International Association of Police Chiefs.

"We are very proud of this award," said Police Chief Todd Miller. "I think it is great recognition for everyone in the department and those in the community who help us."

White Bear Lakes was selected from hundreds of law enforcement agencies worldwide for their dedication to community policing programs. Four other U.S. departments were also selected. The International Association of Police Chiefs, in association with ITT Industries Night Vision, will feature the five winning departments as part of a "Best Practices In Community Policing" presentations.

Miller, who has been chief here for the past six years, said it is the department's philosophy to involve officers in the community. Those citizen-involved programs have been successful, he said.

They include Triad, which involves senior citizens in police prevention; the Police Academy, which graduates citizens who want to have greater understanding of police techniques; and the Citizen Crime Prevention Committee. In addition, there is a police partnership with the schools. He also emphasized that every police officer is assigned to specific neighborhoods.

Miller, a "scorer" in the competition in past years, said the association looks at problem-solving skills by police and citizens within a community.

He said the association judges were especially impressed with the department's work on the speeding issue, which they said was a well-organized attempt to implement a community policing policy.

Miller said he was told that the White Bear Lake Police Department was the unanimous decision of the committee that evaluated the departments. "And it was the first time that we entered the awards competition," he said.

The award will be presented at the police chiefs' annual conference Nov. 3 in Charlotte, N.C.

"The winning departments successfully demonstrated that community policing is proactive and effective policing, requiring a new way of thinking about and approaching community problem-solving," said Gary Kempfer, Missouri director of public safety. Kempfer serves as the chairman of the International Association of Police Chiefs Community Policing Committee.

The outstanding five departments represent five categories, based on population. The White Bear Lake Police Department was selected in the population category of 20,001 to 50,000 residents.

Each demonstrated a significant change in their approach to crime, from reactive to proactive. Departments divided communities into individual zones and dedicated officers to patrolling the same neighborhoods daily.

Other police departments chosen for the award represent Clearwater and Jacksonville in Florida; New Haven, Conn.; and Beaufort, S.C.

A preliminary panel of 14 judges and a final panel of six police chiefs reviewed hundreds of nominations from the United States and six foreign countries, including Australia, Ireland and Germany. The first panel selected the top 32 nominations. The final panel reviewed the 32 nominations to select five winners and 14 finalists.

With more than 17,210 members in 112 countries, the International Association of Police Chiefs is the world's oldest and largest non-profit organization of police executives from international, federal, state and local agencies of all sizes.

TRIBUTE TO ADOLPH KULL

HON. DAVID D. PHELPS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 19, 1999

Mr. PHELPS. Mr. Speaker, I rise today to pay tribute to Adolph Kull of Mattoon, Illinois. Today, a celebration will mark Mr. Kull's retirement from the Mattoon Coca-Cola bottling plant where he has worked for 75 years. He was hired by Coca-Cola on June 1, 1924, and worked there until August 31, 1999, when he retired. Mr. Kull's long-term commitment can not only be seen in his work, but also in his 60-year marriage to Victoria Kull, which has produced three wonderful children: Mark, Linda and Anita. I am sure his entire family, along with the entire Mattoon community, could not be more proud of Adolph's dedication, hard work and loyalty.

Perhaps success in the bottling business is genetic, because Adolph was not the first Kull to persevere in bottling. His father, a German immigrant, first started in the bottling business in 1891 in Murphysboro, Illinois. He started bottling Coca-Cola in 1904, and in 1928 he acquired the Mattoon Coca-Cola Bottling Company. There, Adolph began sorting bottles and doing odd jobs throughout the plant until the year following his graduation from high school when he began his job as a delivery driver in 1933. He worked as a delivery driver for 12 years, during which time the plant and the business continued to grow, even through the Depression. Mr. Kull claims that during the Depression, "everyone could still afford a Coke." When his father passed away in 1956, Adolph became President of the company, and was President until 1982 when the company was sold. Adolph was 68 when he sold the company, an age when many people are either comfortably retired or comfortable with the idea of retirement. However, Adolph's love for the business was still strong and Adolph took a job as a line supervisor until his retirement earlier this year.

Mr. Speaker, Mr. Kull's life is an example of the long-held American ethics of hard work and loyalty. I know that he will be sorely missed by everyone at Coca-Cola, where his presence has become a 75-year tradition. However, I am also sure that Adolph will enjoy his retirement spending time with his family and restoring the antique automobiles that he loves so much. I ask all my colleagues to join me in congratulating Adolph on many years of excellence, and in wishing him the best of luck in this new phase of his life.

THE AMERICAN-UKRAINIAN YOUTH ASSOCIATION'S 50TH ANNIVERSARY

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 19, 1999

Mr. GUTIERREZ. Mr. Speaker, I rise today to pay tribute to the American-Ukrainian Youth Association's 50th Anniversary and to wish them success at the Jubilee Banquet-Dance to be held at the Palmer House on October 23, 1999 in Chicago, Illinois.

The American-Ukrainian Youth Association—Mykola Pavlushkov branch—in Chicago is the largest such organization in our city and seeks to provide activities for children and young adults in the areas of culture, sports, civics and summer camp programs in its summer camp in Baraboo, Wisconsin.

The Pavlushkov branch was formed on October 2, 1949 by young Ukrainian immigrants who arrived after World War II. In fact, many of these young immigrants arrived from German "displaced persons" camps. Upon arrival in the United States, this group wished to continue the work they did in Europe as members of the Ukrainian Youth Association ("SUM") and renewed their SUM activities in their new communities.

A central component of the SUM ideology is the concept of self-enlightenment, a concept that has been successfully incorporated into the existence of the Chicago branch. They are proud to follow the path of self-enlightenment through mass meetings of the membership as well as the promotion of the cultivation of Ukrainian culture and arts.

I want to congratulate the "50th Anniversary Committee" and Chrystya Wereszczak, President of the American Ukrainian Youth Association on the occasion of this important milestone and wish them continued success.

GLOBAL BUSINESSWOMEN'S DAY

HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 19, 1999

Ms. DUNN. Mr. Speaker, since I was first elected in 1992, I have had great pleasure in witnessing the tremendous growth of women in business. Women now are starting businesses at twice the rate of men and employing more than all of the Fortune 500 companies worldwide.

In my home State of Washington, there are 188,400 women-owned businesses, including part-time firms, employing 509,800 people and generating $61.6 billion in sales.

As Co-Chair with Congresswoman LORETTA SANCHEZ for the Congressional Circle for the Foundation for Women Legislators, I am pleased to designate Tuesday, October 19th as Global Businesswomen's Day. We are proud to make this proclamation on the historic occasion of the Business Women's Network Global Summit in Washington, DC. It is an honor to salute the 1,500 delegates who have come from 97 countries around the globe and 47 states spanning the United States. Thanks to the Business Women's Network for focusing on diversity; the theme of the summit on October 19th is One America, One World.

Recognizing the importance of businesswomen and the BWN Global Summit, we are honored to show congressional recognition of the Global Business Women's Summit. How fitting it is that it is also National Business Women's Week. This proclamation salutes these women from across the globe who are symbols of hard work, dedication, and success in the new millennium.

In partnership, the Businesswomen's Network and the National Foundation for Women Legislators have created a strategic alliance: 2000 by 2000. The goal is to connect 2,000 elected women to work in partnership with 2,000 business leaders by the year 2000. Such a partnership between women legislators and women business owners has never been established. Yet businesswomen are the engines that empower women legislators. Think of the synergy—businesswomen and women legislators working hand-in-hand toward the common goal of empowering women everywhere.

Another major thrust of the summit is using cutting-edge technology to create more business for more women across more borders. By connecting globally, women can grow their businesses in new markets regardless of the size of their company. Fostering free and fair trading practices worldwide is particularly important in my home State of Washington, where nearly one in three jobs are trade dependent.

TAIWAN'S NATIONAL DAY

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 19, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Taiwan's National Day. The

Republic of China on Taiwan marked its National Day on October 10, 1999. Taiwan is a model democracy, representing progress, both economic and political. It has successfully weathered the Asian financial crisis and achieved notable political reforms in recent years. In terms of its relationship with the Chinese mainland, President Lee Teng-Hui has said on many occasions that he seeks peace and unification with the mainland under the principals of freedom, democracy, and equitable distribution of wealth.

As I extend my best wishes to President Lee and the people in Taiwan, I also wish to express my condolences to all those families that have lost loved ones to the September 21 earthquake that hit the island, especially the central part of the island. My prayers are with those families that have been affected by the quake.

Mr. Speaker, I want to congratulate the people of Taiwan for their spirit of liberty, support for democracy and their strength to ensure hardships.

A TRIBUTE TO JAMES "BIG DADDY" CARSON

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 19, 1999

Mr. THOMPSON of Mississippi. Mr. Speaker, I stand here today to honor the "home going" of Mr. James "Big Daddy" Carson. Coach Carson passed away suddenly last week due to complications from an earlier surgery.

Coach Carson was the head football coach at Jackson State University (JSU) from 1992 through the 1998 season and has been a member of the coaching staff since 1977. Truly, Coach Carson has been a corner stone of the JSU program. After his appointment to head coach, Carson led the Tigers to a 54–25–1 career record, including two Southwestern Athletic Conference Championships (1995 and 1996). Coach Carson's teams have made three trips to the NCAA Division 1–AA playoffs.

A native of Clarksdale, Mississippi, Carson is a 1963 graduate of Jackson State. He lettered four years as an offensive guard and nose tackle for the Tigers, receiving honorable mention NAIA All America in 1962. He was inducted into the JSU Sports Hall of Fame in 1989.

While at Jackson State, Coach Carson helped to mold the careers of many past and present professional football players. Among those players, is Hall of Fame inductee, Walter Payton. Coach Carson will be truly missed.

CONFERENCE REPORT ON H.R. 2684, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2000

SPEECH OF

HON. BARON P. HILL

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. HILL of Indiana. Mr. Speaker, today, I grudgingly voted for the Conference Report for Veterans Administration and . Housing and Urban Development Appropriations, H.R. 2684, but I still think Congress could have done better by our veterans. I voted for H.R. 2684, despite the fact that it did not include the $3 billion increase in veterans health care that veterans say they need. Unfortunately, there was no way left to improve this bill.

I am still very concerned about how this year's budget will affect veterans. Earlier this year, the VFW (Veterans of Foreign Wars), DAV (Disabled American Veterans), PVA (Paralyzed Veterans of America) and AMVETS stated in their Independent Budget and in testimony before the House Veterans Affairs Committee that the VA needed a $3 billion boost in health care funding to provide adequate care. The American Legion requested a slightly smaller, but still substantial, increase in veterans health care funding, as well.

I agree with many of my colleagues who believe the original Clinton Administration request for VA health care funding was way too low. It essentially maintained the existing funding level. And although the House VA/HUD Appropriations bill did include a one-year, $1.7 billion increase in veterans health care, it fell well short of what veterans groups say is needed.

I voted against the House version on this VA/HUD Appropriations bill because defeating it would have given House members another opportunity to find the money needed to properly fund veterans' health care. Unfortunately, the Senate did not offer a higher funding level and the conference committee settled on the smaller increase.

I voted for this bill, but I know we can do better. In the future, I hope we will listen to the veterans and work together to better address our veterans' most pressing needs. They deserve it.

TRIBUTE TO TROOPER JAMES SAUNDERS

HON. GEORGE R. NETHERCUTT, JR.

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 19, 1999

Mr. NETHERCUTT. Mr. Speaker, I rise today to remember Washington State Patrol Trooper James Saunders, who was killed in the line of duty on October 7th while making a routine traffic stop in Pasco, Washington. The suspect in this case is a violent illegal alien who has a long criminal record.

Trooper Saunders leaves behind a small child and a wife expecting a second child. No words can express the sorrow they feel right now. I pray that God will become their strength as they begin the healing process.

As facts emerge in this case, the question we must ask ourselves is how can we stop tragedies like this. The suspect in the case had been deported three times by the U.S. Border Patrol in the past three years and this summer he was held in jail in Pasco awaiting a November trial on a cocaine charge. Instead of remaining in jail until trial, he was released on bond. There has been a lot of finger pointing over who is to blame for not placing the suspect on immigration detention, which is the standard procedure for violent criminal aliens, and while this should be investigated, it will not bring back Trooper Saunders. It is clear that this case shows how bureaucratic mistakes aren't just bureaucratic when crimes are committed and lives are lost. Our region is sensitive to this problem. An Omak police officer was killed in the line of duty just two years ago by a suspect who was an illegal alien.

Mr. Speaker, we must learn from this tragedy to prevent future acts of violence. I believe this case highlights three problems that need to be addressed.

First, legal immigration and border enforcement are two very separate functions of the Federal Government. Under our current system, the Border Patrol reports to the Immigration and Naturalization Service. Cooperation between INS and Border Patrol needs improvement. I support the approach offered by Chairman Harold Rogers to reorganize the INS into two different agencies within the Department of Justice: immigration services and immigration enforcement (or border patrol). This reorganization will empower both divisions to successfully fulfill their respective missions. Bureaucratic overlap and miscommunication should not be the cause of illegal aliens having easy access to our country.

Second, the Border Patrol needs more agents. Unfortunately, the Clinton Administration has not advocated for more resources and personnel for this department. There was bipartisan criticism earlier this year when President Clinton did not request funding for an increase of 1,000 Border Patrol agents for fiscal year 2000. Border communities are significantly impacted by this short-sighted decision. My home state of Washington recently had 6 agents detailed to the Arizona border because they need more agents to interdict illegal aliens and illegal drugs there. Overall, 204 Western region agents have been detailed to the Arizona border at a cost of $1.8 million per month. Arizona may need more agents, but that should not come at the expense of other regions. If we had an increase in the total number of agents, there would be no need to detail agents elsewhere. Northern Border Patrol sectors should be given an increase in Border Patrol personnel. This fact is important because the Spokane sector, which is located in my District needs, 15 agents and 2 support personnel just to get to "critical operation level." The Spokane sector has 350 miles to cover and under the current staffing level they are only able to monitor 6 percent of the border on a regular basis. The loss of 6 agents will have an impact not just in border monitoring, but in criminal detention. Overstretched staff will be less able to visit local jails to ensure criminal aliens are not released back into the streets to commit more crimes, which apparently is part of the problem involving the situation that led to the shooting death of Trooper Saunders.

Our American border with Canada and our northern airports need additional agents as well. Eastern Washington streets are facing a significant increase in methamphetamine, heroin and marijuana use. Reports indicate that as America's southern border is reinforced, foreign drug producers are increasingly using Canada as a smuggling gateway between foreign drug producers and the United States. The Border Patrol recently interdicted the largest seizure of methamphetamine precursors in the history of our region. I am concerned that detailing of agents to the southern border will result in more drugs coming across our northern border.

Finally, the shooting of Trooper Saunders is another example of how illegal immigration and the drug trade are becoming more violent and police officers are being threatened. 104 law enforcement officers have been killed in the line of duty this year, 4 in the last two weeks, and many of these deaths can be attributed to the drug trade and illegal immigration. Law enforcement officials in my district tell me that street officers are finding that drug dealers and illegal aliens are more heavily armed and willing to use violence to evade detection and apprehension. Many veteran officers are choosing to retire because the streets have become too violent. This Congress has made great strides to provide more resources for law enforcement departments, but we should do more. The Bulletproof Protection Act signed into law last year has helped provide small and rural departments with lifesaving vests for their officers. Vests should be standard equipment for every police officer, but unfortunately many departments do not have the resources to provide them. The Local Law Enforcement Block Grant has also given departments the ability to better tailor their programs according to the needs of their community rather than to an arbitrary Department of Justice grant requirement.

Mr. Speaker, we can and should do more to prevent violence against police officers. I hope the death of Trooper Saunders will be met with action and efforts to secure our borders and protect our law enforcement services.

PERSONAL EXPLANATION

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 19, 1999

Ms. CARSON. Mr. Speaker, I was unavoidably absent Thursday, October 14, 1999, and Monday, October 18, 1999, and as a result, missed rollcall votes 500 through 508. Had I been present, I would have voted "yes" on rollcall vote 500, "yes" on rollcall vote 501, "yes" on rollcall vote 502, "no" on rollcall vote 503, "no" on rollcall vote 504, "present" on rollcall vote 505, "yes" on rollcall vote 506, "yes" on rollcall vote 507, and "yes" on rollcall vote 508.

TRIBUTE TO PATRICK SULLIVAN

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 19, 1999

Mr. LEVIN. Mr. Speaker, the community of Ferndale lost a good friend and a dedicated public citizen when Patrick Sullivan passed away on October 2, 1999.

Patrick Sullivan was a life-long resident of Ferndale. Beginning in 1957, he worked his way up through the ranks in the Ferndale Police Department, first serving as patrolman, and then rising to detective, sergeant, lieutenant, captain, and ultimately achieving the rank of Chief. As Chief of Police, he was responsible for bringing intense training and professioanlism to the Department; he was called a "cop's cop." He retired from the department after 35 years of dedication and devotion to the safety and well-being of his fellow citizens.

After his retirement as Chief, Patrick Sullivan served one term as a Ferndale Councilman, and then as security director of Ferndale Schools. Regardless of the position he held, Patrick Sullivan was a larger-than-life man.

His brother, Joe, who succeeded him as Chief, said it best, "Patrick was like an M and M—hard on the outside, and soft on the inside." He has an extraordinary interest in kids—always there for them when they got into trouble, helping them find their way in his tough but caring approach. His cottage up north was open to hundreds of youth who otherwise would not have been able to have a vacation.

Mr. Speaker, I ask my colleagues to join me in sending our condolences to Patrick Sullivan's wife Glenda, his son, Kevin, his brothers and sisters and his four step grandchildren. Patrick Sullivan will indeed be missed by all of us privileged to know him and the hundreds whose lives he directly impacted with his friendship and warmth of personality.

RECOGNIZING TWO DOG NET

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 19, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Two Dog Net, a unique Internet environment designed specifically for children. It features a complete security system providing educational and entertaining children's content, secure email, games and more. Two Dog Net is the gateway to The Children's Internet, a collection of over a million pre-approved Internet pages accessed through Two Dog Net's "kid friendly" search engine.

Two Dog Net is based in Northern California. Its mission is to become the dominant Internet portal for children ages 3–14 and their families, by featuring the unique combination of security, educational programming and compelling animation and sound. The company developed its patent-pending Safe Zone Technology which provides safe browsing for children Internet users.

Two Dog Net has an award winning creative team that knows how to produce educational and entertaining content that children love. Two Dog Net uses animation and sound to captivate young users. The Company was developed by educators, who applied the Two Dog Net educational standards to all aspects of the development process. Two Dog Net will also be accessible in two languages including Spanish, Portuguese and French.

The content of Two Dog Net is both personalized and age-specific. Children can get their name on their home page, and a special greeting on their birthday. Each age group offers fun and innovative themes for kids to choose from, making it fit their individual personalities.

Mr. Speaker, I want to commend Two Dog Net for their child-safe Internet environment. I urge my colleagues to join me in wishing Two Dog Net many more years of continued success

SENATE—*Wednesday, October 20, 1999*

The Senate met at 9:32 a.m. and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

This is Character Counts Week, established by the Senate to build the character of the American people. And today we consider two of the pillars of character: fairness and caring.

Let us pray.

O dear God, in a world where so much seems not fair and in a culture that has become so careless, where people so often are unfair and uncaring to each other, we ask You to give us more love, self-sacrifice, and more likeness of You so that we may do battle with anything that denies fairness or caring of people who are cherished by You. May our fairness and caring go beyond a cautious give and take. Teach us to sacrifice our own comfort to comfort others, our own preferences to give others a sense of what is good for them. Make us fair in thought, kindly in attitude, gentle in word, generous in deed. Remind us that it is better to give than to receive, to forget ourselves than to put ourselves first, to serve rather than expect to be served.

O dear God, help us care for our Nation and its future. May the Senators' caring for every phase of our society be an example to the American people. May there be a great crusade of caring and fairness, beginning right here and spreading across this land. May children see from their parents and from these leaders that caring and fairness are not only crucial but are the crux of our civilization. Dear God, make us courageous, caring, and fair people, for You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable WAYNE ALLARD, a Senator from the State of Colorado, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

Mr. SANTORUM. I thank the Chair.

SCHEDULE

Mr. SANTORUM. Mr. President, today the Senate will immediately resume debate on the motion to proceed to the partial-birth abortion bill. There will be 20 minutes of debate with a vote to occur at approximately 9:50 a.m. It is anticipated the motion will be adopted, and therefore debate on the bill will continue throughout the day. It is the hope of the majority leader that an agreement can be reached with regard to amendments so the bill can be completed by the close of business tomorrow. The Senate may consider any conference reports available for action. I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. ALLARD). Under the previous order, leadership time is reserved.

PARTIAL-BIRTH ABORTION BAN ACT OF 1999—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will now resume debate on the motion to proceed to S. 1692, which the clerk will report by title.

The bill clerk read as follows:

> Motion to proceed to the consideration of S. 1692, a bill to amend title 18, United Sates Code, to ban partial-birth abortions.

The PRESIDING OFFICER. Under the previous order, there will be 20 minutes for debate equally divided and controlled between the majority and minority leaders.

The Senator from Pennsylvania is now recognized.

Mr. SANTORUM. I thank the Chair.

Mr. President, we will be voting on a motion to proceed to a bill that we have brought up in the Senate now for the third session of the Senate, third Congress in a row. I do not believe there is much controversy with respect to considering this bill. Obviously, this bill is going to pass, and it is going to pass by an overwhelming vote.

The concern that was voiced last night, and I think will be voiced today, is that we are moving off campaign finance reform to the partial-birth abortion bill. I am hopeful we can recognize that we had a good debate on campaign finance reform; amendments were offered; there were several days for those amendments to be offered; and it is apparent there is not enough votes to overcome cloture, to break a filibuster, if in fact that was going to be called for, and that it is time to move on to other business, whether it is partial birth or bankruptcy or appropriations bills and the like, and that a week, almost a week-long debate on the issue of campaign finance reform was, in fact, sufficient.

We know where the votes are going to come out. I don't think anyone is going to be changed by further debate and further amendments. It is time to move on to the other business at hand. I hope we can have some sort of comity here that would allow the business to continue. I think that would be good for all of us, particularly those of us who would not like to be here through the holidays for a long period of time, who would like to get back home after we finish our business to spend some time with our constituents in our States.

So, again, I think a fair debate was had, the votes are clear, and further debate will do nothing other than take up the time of the Senate and delay action on important matters that we have to get to before we adjourn for the end of the year.

So with that, I am hopeful my colleagues, frankly, on both sides of the aisle will support moving off campaign finance reform.

With that, I reserve the remainder of my time.

Mr. LEVIN. Mr. President, do I understand there are 10 minutes for this side?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEVIN. The majority leader has authorized me to allocate time to myself. I yield to myself 4 minutes.

A majority of the House and a majority in the Senate support campaign finance reform. It was clearly indicated yesterday that we have a majority in favor of campaign finance reform. A minority of the Senate is not in favor of campaign finance reform, and they have decided to try to block the will of the majority, which is their right. They can filibuster this legislation to which they are so strongly opposed, and I defend their right to oppose this legislation with all their might, although I disagree with them with all my might.

The supporters of campaign finance reform have every right to try to pass the bill. That means we have every right to not agree to withdraw campaign finance reform legislation just because we didn't get cloture on the first, second, or third vote. It took four votes to get civil rights legislation passed in the late 1960s and 7 weeks to get that legislation passed. It wouldn't have passed had the supporters of civil rights legislation, after they did not get the necessary votes to adopt cloture the first time, backed off from their cause.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

We, the supporters of campaign finance reform, are just as passionately in support of closing the soft money loophole as the opponents are passionate in their opposition. We do not need to withdraw as long as we are in the majority. We don't have to go quietly into that good night after a failed cloture vote.

This vote we are about to take on a motion to proceed to another item of business, this motion to end the Senate's consideration of campaign finance reform in the face of a filibuster by the opposition, is the vote that really counts on campaign finance reform. This is the moment of truth. A cloture vote simply decided that we did not succeed in breaking the filibuster. Today the majority will decide whether to give in to that filibuster. That is what this vote is about, whether or not a majority of this Senate which favors closing the campaign loopholes in the law that are supposed to put limits on how much a person can contribute to a campaign or candidate, gives in to a filibuster, whether those laws which have been so totally undermined by the soft money loophole, in effect, will be restored to good health. That is the decision we are going to make.

This is the vote that tests the determination of supporters of campaign finance reform against the determination of the opponents—whether the majority which went on record yesterday as favoring campaign finance reform will say we are going to give up our cause for whatever length of time because we haven't gotten 60 votes yet. We would not have had civil rights legislation if that were the position taken by the supporters of civil rights—8 long weeks on just one of the civil rights bills in the 1960s and four cloture votes, which finally, with the help of a bipartisan group, were able to take them over the finish line.

Yes, the opponents have a right to filibuster, a right to tie up the Senate. However, we in the majority on campaign finance reform do not have to back down. This is the vote that counts: Whether we in the majority agree we will move to something else or whether we will say to the filibusters they may do what they are doing under our rules and we will defend that right, but we need not and will not back down to that filibuster.

I yield the floor.

Mr. FEINGOLD. Mr. President, how much time remains on the Democratic leader's time?

The PRESIDING OFFICER. Six minutes.

Mr. FEINGOLD. Mr. President, I ask I be yielded such time as I shall consume.

I especially thank the Senator from Michigan for his great determination on this issue. I am certainly going to join him on this.

I will vote "no" on the motion to proceed in a few minutes, but it is not because I oppose moving to the late-term abortion bill at this time. Supporters of campaign finance reform are prepared to move that bill by consent, which keeps the campaign finance bill as the pending business of the Senate—that is all we are trying to do—and thereby allows the Senate to return to it once the late-term abortion bill is completed.

This vote we are going to have in a few minutes is not about whether we will debate late-term abortion. Everybody here is prepared to do that. It is about whether we will keep working on the campaign finance bill after a short hiatus to do other business.

I want to be clear: Senator McCAIN and I are ready to move forward in debating our bill. I thought we had an exciting series of votes yesterday, the upshot of which is, we have three new supporters of reform. We need to keep up the pressure for reform. We did not have adequate time on the floor to do that. The majority leader promised on the record 5 days of debate. We had 4 days, and 1 of the days was yesterday when all we did was vote on cloture.

I say to my Republican colleagues who say they want the chance to offer amendments, now that we have had those two cloture votes, we can do that. There is every opportunity now to offer amendments. There are a variety of ways to clear places on the amendment tree so the debate can proceed and we can see if we can work something out and actually pass the bill.

I appreciate the candor of the Senator from Pennsylvania, who just said, as I understand it, we had a fair debate. This is not what some of the other Republicans said. He also indicated there had been an opportunity to offer amendments. That is what the Senator said. That is the opposite of what many of the opponents of reform said. Which is it? Was there an opportunity to offer amendments or not? Maybe it is an academic debate at this point. It is a very interesting difference in the way the last few days have been characterized.

What really counts is that amendments can be offered right now. If there is any Senator out there who is saying he has not had that chance to offer amendments, they should vote to have the Senate continue on the campaign finance reform bill and come down and offer an amendment. Now is not the time to put campaign finance reform back on the calendar, which in this case means the back burner. It is time to come together and work to find a consensus.

Whatever different spin is put on this issue, the bottom line is this: The soft money system is wrong and it must be ended. Mr. President, 55 Members of this body have now voted for reform. The time has come to finish the job.

I urge my colleagues to vote "no" on this motion to proceed and help the Senate take a step toward doing that.

I suggest the absence of a quorum and ask the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANTORUM. Mr. President, again I ask my colleagues to join with me in voting to move to proceed to the Partial-Birth Abortion Ban Act. It is a bill that is important business. It is something that has overwhelming support in the Senate. I hope we can move to this issue.

If there is a need to debate campaign finance reform in the future, then that is a matter for the leaders to work out, whether we want to come back to that issue. I think we have spent enough time on this bill. It is very clear where this issue is going. At least the issues of McCain-Feingold and Shays-Meehan do not have the necessary votes to pass in this Senate. Maybe there are other kinds of campaign finance that could, and maybe we could use this time over the next several months to find some middle ground to get a compromise.

We are not there right now. It is time to move on with the business of the Senate and the American people.

I yield the remainder of my time.

Mr. BIDEN. Mr. President, I rise to comment briefly on why I will vote against the motion to proceed to S. 1692, the Partial-Birth Abortion bill. I support this legislation. I have voted for passage of this bill in the past, and I have twice voted to override the President's veto. I think we should take up this bill in the Senate, and I am quite certain we will get to it. Yesterday, in fact, we offered to move to this bill by unanimous agreement and, had that been accepted, we would be on it now.

The problem with this procedural tactic of having a recorded vote on this motion is that it ends the Senate's work on campaign finance reform, and we are not finished with that bill yet. We started debating campaign finance reform last week, and we have a chance to make some genuine improvements in American politics. We should finish what we have started.

Mr. McCAIN. Mr. President, I intend to vote against the motion to proceed to S. 1692, legislation to ban partial birth abortions.

This is an unnecessary parliamentary maneuver designed solely to displace S. 1593, the campaign finance reform bill, from the floor. A unanimous-consent agreement was offered, with no known opposition, to temporarily lay aside the campaign finance reform bill so that the Senate could consider the partial birth abortion ban legislation. Under that procedure, when the Senate finishes its work on the latter bill, we could then return to complete the debate on campaign finance reform. But if this procedural vote is successful, the McCain-Feingold bill will be returned to the Senate calendar, effectively cutting off the debate, well short of the time promised to consider this important issue.

I want to make very clear, my strong support for this bill and my unequivocal and long-standing opposition to the practice of partial birth abortion. I am pro-life and oppose abortion except in the case of rape or incest, or when the life of the mother is in danger. Partial birth abortion is a repugnant procedure and an abomination, which should be outlawed.

I am a cosponsor of this legislation, as I was in previous years. I have voted five times over the past 5 years to ban this repugnant and unnecessary procedure, including two votes to overturn the President's veto of this legislation. When the Senate votes on S. 1692, I will again vote for the ban.

As I stated yesterday, I will not give up the fight to enact meaningful reform of our campaign finance system. If the McCain-Feingold bill is pulled from the floor today, I will return to the Senate floor with amendments on campaign reform this year, next year, and as long as it takes.

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER (Mr. GRAMS). Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 52, nays 48, as follows:

[Rollcall Vote No. 332 Leg.]

YEAS—52

Abraham
Allard
Ashcroft
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cochran
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi

Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hollings
Hutchinson
Inhofe
Kyl
Landrieu
Lott
Lugar
Mack

McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—48

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Bryan
Chafee

Cleland
Collins
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards

Feingold
Feinstein
Graham
Harkin
Hutchison
Inouye
Jeffords
Johnson

Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman

Lincoln
McCain
Mikulski
Moynihan
Murray
Reed
Reid
Robb

Rockefeller
Roth
Sarbanes
Schumer
Snowe
Torricelli
Wellstone
Wyden

The motion was agreed to.

Mr. OTT. Mr. President, I move to reconsider the vote.

Mr. COVER DELL. I move to lay that motion on the table.

Mr. LEVIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the motion to reconsider. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 47, as follows:

[Rollcall Vote No. 333 Leg.]

YEAS—53

Abraham
Allard
Ashcroft
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cochran
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi

Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Kyl
Landrieu
Lott
Lugar

Mack
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—47

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Bryan
Chafee
Cleland
Collins
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards

Feingold
Feinstein
Graham
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lincoln

McCain
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Roth
Sarbanes
Schumer
Snowe
Torricelli
Wellstone
Wyden

The motion was agreed to.

PARTIAL-BIRTH ABORTION BAN ACT OF 1999

The PRESIDING OFFICER. The clerk will report the bill.

The legislative clerk read as follows:

A bill (S. 1692) to amend Title 18, United States Code, to ban partial-birth abortions.

The Senate proceeded to consider the bill.

Mr. SANTORUM. Mr. President, we now, somewhat belatedly, begin the debate on partial-birth abortion. To review the actions of this body on this issue and the actions of the Congress, this is the third time this bill or some form of this bill has been voted on to pass the Senate. We passed this bill in 1995 and in 1997. Here we are again in 1999. We had two override attempts of the President's veto in 1996 and 1998, and I am fairly sure we will probably have another attempt on a Presidential veto override next year, in the year 2000.

Each time this bill has been voted on, succeeding Congresses picked up votes. In other words, we have gotten closer to the two-thirds necessary, 67 Senators, to override an anticipated Presidential veto. I am hopeful we will continue that trend. We started in 1995 with a vote of 55 or 56 Senators supporting banning this procedure. As of the vote last year, we were up to 64 Senators in this body agreeing this procedure is not necessary. It is, in fact, unhealthy and it is a threat to the health and life of the mother, as well as being a brutal and barbaric procedure.

I am hopeful through the course of this debate we can have a fair debate about this issue. Some have tried to turn this into a broader debate about abortions and view this as just the first shot at Roe v. Wade, an attempt to put a chink in the armor, intimating there is a grand agenda to try to chip away abortion rights that were given by the Supreme Court in Roe v. Wade.

Let me assure my colleagues that is not my intention. This bill is a straightforward piece of legislation that deals with a specific procedure. In fact, I am hopeful we will be able, through an amendment process, to make it even more clear we are referring simply to the procedure known as partial-birth abortion. I will describe what that procedure is in a moment. But there is no such intent here. In fact, one of the reasons we are offering this amendment is because we believe this comports with Roe v. Wade; that this is a constitutional restriction and, in fact, it falls outside the concerns of Roe v. Wade because the baby is outside of the mother. The baby is no longer in the mother's womb.

So decisions have been made in the courts across the country. There have been several State bans that have been held unconstitutional, one that was held constitutional. So my guess is we will continue to see States deal with this issue, courts continue to be all over the map, some saying it is unconstitutional, some saying it is constitutional, until we get, finally, to the Supreme Court and they can look at it. I am confident it is constitutional.

Having said that, we just finished a debate on campaign finance reform where the very Members who stand before the body to say we cannot pass this because it is unconstitutional voted for campaign finance reform bills that are clearly unconstitutional, clearly in violation of the Supreme Court's edict on allowing unlimited soft money. But they come here and say: We think the Court is wrong and we are going to ban it anyway. This is directly on point with a Supreme Court decision.

In our case, with partial-birth abortion, where the baby is killed in the process of being born, the baby is outside the mother, under Roe v. Wade they let stand a Texas statute that was under appeal under Roe v. Wade prohibiting the killing of a child in the process of being born.

So in a sense we have a case on point in Roe v. Wade that says this kind of thing is, in fact, constitutional. Yet you will hear the arguments, I am sure, at length in the next day or two that we cannot pass this because some courts have said this is unconstitutional. I think at best that is an unclear argument. At worst, I would argue it is clearly constitutional because of the Roe v. Wade decision.

To make that argument the very day—or the day after, now—many of the Members making this argument vote for something that is clearly unconstitutional because they want to send it to the Court and have the Court take another look at it strikes me as a little disingenuous; that you would make one argument one day and do a 180 degree turn and say we cannot pass it because it is unconstitutional when the day before you pass what you know is unconstitutional and you hope the Court will change its mind.

I think now what I want to do is go through briefly what a partial-birth abortion is, how it is performed, when it is performed, who performs it, where it is performed, and why. If I could first start out with a chart that describes the procedure, you can see this is a baby. By the way, that is at least 20 weeks of gestation. During a 40-week gestational period, partial-birth abortions are performed on babies who are at least 20 weeks. So this is a late-term abortion. This is a second- and in some cases a third-trimester abortion. Let me start with how it starts.

First, the mother presents herself to the abortion clinic. The abortionist decides what procedure he or she wants to use to kill the baby. In a small percentage of second- and third-trimester abortions, a partial-birth abortion is used. It is not the most common method of abortion in late trimester. In fact, it is relatively rare. We are not sure of the numbers. The reason we are not sure of the numbers is we have to rely on the abortion industry—which, by the way, opposes this bill—to give us their numbers on how many they say they do. The Federal Government does not keep track of the method of abortion used in the second and third trimester. In fact, they don't keep track of the method of abortion period. So we do not know from any Government statistics or any independent source how many of these abortions are performed. We only can go by what the opponents of this bill tell us is the number.

They originally told us there were just a few hundred. Then a report came out in a paper in northern New Jersey, the Bergen County Record, and they just happened to have a good reporter who thought maybe he would ask his local abortion clinic how many of these abortions were performed. He took the time, as reporters I think would want to do, to find out the accuracy of the story he was reporting. He contacted an abortion clinic in northern New Jersey and the abortion clinic there said they did 1,500 a year at that clinic. Where the national organization said they did 500 nationally, there were 1,500 done at that clinic. The person at the clinic who said they did 1,500 there said they had trained a couple of other abortionists who perform them in New York, in addition to the 1,500 that were done there.

So when I say a small percentage, that is what has been reported to us, again, by the people who oppose this and who realize the more they report the harder it is for them to defend. Because, again, what you hear the President and other advocates of this procedure talk about is this is a rare case—just to protect the mother's health or life, in the case of a severely deformed baby, so it is very rarely done. What we found is that is not the case.

I think it is clear and many have admitted since within the abortion industry, that is just not true. So what we have is a case where we do not know how many are performed but we believe, according to them, it is around 5,000 or more a year. I want to stop right there and pause for a minute. I want everybody to think if we heard about the murder of 5,000 children a year through a procedure or some act of violence—if we heard about 5,000 a year, people would be marching on Congress and saying: How can you let 5, much less 5,000, babies be killed in such a horrific way? But because we put it under the rubric of abortion, it is OK.

What I want to show today, looking at this procedure, is this is not like abortion. This is like infanticide. This is a baby who is all but born and then killed. So I think we need to look at it and have this debate focus on not the issue of abortion because there are plenty, as is evidenced by the numbers, of other procedures available to perform abortions. This is a rogue procedure that is infanticide. That is why Members on both sides of the aisle who are supporters of abortion rights have joined with us because they believe this is a step too far. We have drawn the line in the wrong place. Once the baby is in the process of being born, we have to say: Wait a minute; this baby is now outside of the mother, almost outside of the mother. This is not abortion anymore.

What happens is the mother presents herself to the abortionist and the abortionist decides they would like to do an intact D&E, or a partial-birth abortion. What happens is the abortionist will give the mother pills to dilate the mother's cervix so the abortionist can then perform the abortion. Not immediately; this is a 3-day procedure. The mother comes back in 2 days. On the third day, after she has taken the pills the first day and the second day, she presents herself back to the abortionist with the cervix dilated.

I can get into all the health reasons why this is dangerous and could lead to infections and problems, and what we have seen, not just infections but it can lead to and, in fact, has led to babies being born as a result of the dilation of the cervix. The mothers go into labor and babies are born and born alive. In fact, we have cases in the last few weeks where a baby who was to have been aborted through a partial-birth abortion was born alive and is alive today. By the way, this is a perfectly healthy little girl. So when the argument is these babies wouldn't live or these babies are deformed or it is for the health of the mother, none of this is true. None of this is true.

Now we have cases—in fact, just in the last few weeks, a case where this baby is alive today. Another baby was born alive but not attended to by the abortionist, not attended to. They let the baby die.

Again, the point I am trying to make is, the line is a very important one. You can see from the case where the baby was allowed to die that once we begin to think of this little baby outside the mother as just a disposable item, then we have lost something. We have blurred the line, which I do not think we as a society want to allow to be blurred, about who is protected by our Constitution and our right to life.

Clearly, I hope we all believe that once a baby is born, that baby is entitled to life. Where we draw the line as to when that occurs is significant. That is why many people who are, again, for abortion rights say: Once the baby is outside, I am a little uncomfortable saying you can kill the baby, as well they should.

The mother presents herself, on the third day of the cervix being dilated, to the abortionist. The abortionist uses an ultrasound to examine the mother and guide the abortionist to insert forceps in through the cervix, up into the uterus.

Those of you who have been involved in the birth of children know—we have six children—babies are usually at that age in a head-down position. They move around, but as they go further in pregnancy, the baby usually has its head in the down position.

They reach up with the forceps and grab the baby by the foot or the leg. Again, this is a 20-week-plus baby. We have plenty of documentation that this has gone on at 22, 23, 24, 25, 26, and even older—but rare as it gets older, I admit that. This is a fully developed baby that would otherwise, if delivered at this week of gestation, be born alive.

They take the baby and grab the leg with the forceps. Then they turn the baby around in the uterus. Many of you are familiar with the term "breech birth." When you present yourself for delivery of a baby and you are told your baby is in a breech position, bells and whistles go off. Obstetricians get very nervous because there are a lot of difficulties with delivering a baby in a breech position. There are a lot of complications, obviously for the baby, but also for the mother. To deliberately turn a baby into a breech position, by common sense, endangers the mother. Obviously, in abortion it dramatically endangers the baby.

They take the leg, and they pull the baby feet first out of the uterus through the birth canal. All of the baby is delivered except for the head. The entire baby is outside the mother with the exception of the baby's head. Again, we get back to the question, Is this an abortion or is this infanticide?

The reason this debate is so crucial is that it is where worlds intersect. It is the line we are going to draw. There are a lot of people who are for abortion rights who say: Look, the line is, the baby is inside the mother; the mother can abort the baby, period. And they say: But yes, obviously, when the baby is outside the mother, you cannot kill the baby.

This is where the worlds intersect because we have a situation where the baby is almost outside the mother. This baby would be born alive because this procedure occurs after 20 weeks. What the abortionist does is deliver the baby, all but the head. Why? Because the head is the largest part of the body at that age, so the most difficult to deliver.

There is also some question that if the baby comes out head first and once the head is delivered, will the Constitution treat it differently, if the head comes out first as opposed to the feet coming out first? Some have argued that once the baby's head is through the cervix, that is birth, so maybe they are under constitutional rights.

Do you see how fuzzy this line is, and do you see why some on both sides of this issue believe it is important to draw the line so we do not get into this rather difficult situation?

The baby is delivered, all but the head. The abortionist then does a barbaric thing. I even think those who support this procedure would argue and would agree with me that this is barbaric. This is a living baby, a human being. It is delivered outside of the mother. Its arms, its legs, its torso are outside the mother. The doctor, because they cannot see; it is a blind procedure—the baby is face down—feels up the spine to the base of the neck, base of the skull, top of the neck, finds the point at the bottom of the base of the skull, takes a pair of scissors, and jams it into the base of the baby's skull.

I do not have to tell you, a baby at 20-plus weeks has a fully developed—I should not say fully—has a developed nervous system and feels pain, acutely some have suggested, more than you would feel pain. A medical doctor takes a pair of scissors and jabs the baby in the skull.

Nurse Brenda Shafer, who testified before the Senate and House Judiciary Committees, described the reaction of one of the babies when this occurred. The baby threw out its arms and legs. If you ever held a little baby and you gently bounced them in your arms, they stick out their arms because they are not sure, they lose their equilibrium. She said it was just like that. The little baby lost its equilibrium and then fell down.

The baby is dead now. The abortionist has killed the baby that was 3 inches from being protected by the Constitution. Three inches more and everybody in America would say—everybody but a couple of people in Princeton—that baby should no longer be able to be killed. But for those 3 inches, that little baby is allowed to be executed in the most painful, brutal, insensitive, barbaric fashion of which I think any of us have heard.

To add insult to injury—let me put it a different way. To add insult to execution, they take the suction catheter, insert it in the hole made by the scissors, and they suction out the baby's brains. And a baby's skull is soft. It has those plates that move, grow, allow the baby's head to expand. The baby's head just collapses as a result of the suction. And then this otherwise beautiful, healthy, normal baby—that would otherwise be born alive and, in a vast majority of the numbers, particularly after 22 weeks, would not only be born alive but would be viable outside the mother—is then extracted completely from the womb.

If you described what I just described as a procedure done on any human being in some foreign country as a way of torture, the American public would be aghast, they would be outraged, outraged that such barbarism could occur in a civilized country. But this barbarism occurs every single day in America. Thousands of times a year, little babies are killed in this brutal fashion. Why? I will get to that in a minute.

Who performs this? And where, by the way? Is this performed in hospitals? The answer to that is no. No hospital would do an abortion such as this. Is this in the medical literature? The answer is no. It is not taught in any medical school. It is not taught anywhere except by the developer and another person from Ohio who developed this procedure.

Is the person who developed this abortion technique a well-known obstetrician, someone who is board certified, someone who is an expert in internal fetal medicine? No. No. Not only is this person not board certified, not only is this person not an expert in internal fetal medicine, this person is not even an obstetrician.

The person who developed this procedure was a family practice doctor who, I guess, could not make it saving children so went into the abortion business and developed this procedure, not because this was a procedure that was in the best interest of anybody concerned, except the abortionist, but because this is a much simpler procedure in the sense it takes less time, so you can do more abortions during a day. It takes less time than other late-term abortions, so you can do more of them. And, of course, when you get paid for these, the more you can do, the more money you make.

Why is this procedure done? You will hear arguments today that this procedure is done to protect the life and health of the mother—that is what you will hear: life and health—and another thing which is health related: the future fertility of the mother. We will have a long debate about that. I am not going to take a lot of time in my opening statement about that, but I do want to address it briefly.

No. 1, life. There is a clear life-of-the-mother exception in this bill. If this procedure needs to be used to protect the life of the mother, it can be used. Having said that, the person who developed this procedure, the person who does, from what we know—again, we do not have good information—most of these kinds of procedures, a guy named Dr. Haskell from Ohio, has said under oath in a court of law—in a court of law, under oath—that this procedure is never used to protect the life of the mother.

Under oath, in a court of law, what would seemingly be an admission against his own interest, in one of these suits that challenges the constitutionality of this, he admitted, as, frankly, has everybody else—except a few folks on the other side of the aisle who have it in their mind that somehow this is needed to save the life of the mother—it is never used.

Do you know what we say? Fine. It is never used? We will still put it in the bill. If there is some strange occurrence that no obstetrician I have heard of has come forward with to say needs to be used to protect the life of the mother, it is covered.

Think about this intuitively. This is why the doctor arrived and why everybody who has looked at this issue has arrived at the conclusion that this is never used to protect the life of the mother.

If you had a mother who presents herself in a life-threatening situation, would you give her two pills and say come back in 3 days? You do not have to be an obstetrician to figure this one out, folks. If someone is in a life-threatening situation, you do not give them two pills and say go home and come back in 3 days, and dilate their cervix during that 3-day period.

So the argument that this is somehow used to protect the life of the mother is as bogus as a number of other lies I will go through here in a minute that have been put forward by the other side to stop this procedure from being banned.

Second, health. Again, same doctor, same case. Different question: Is this procedure ever necessary to protect the health of the mother? Again, the abortionist who helped develop the procedure, who uses it more than anybody else, testifying in court, under oath: Is this necessary to protect the health of the mother? Answer: No. No.

But you will see people come to the floor and talk about, oh, how this is absolutely necessary, how this is an important health issue for women. We have over 400 obstetricians, most of them board certified, many of them specialists in maternal-fetal medicine, who have written letters, who have signed documents, including the AMA—which is not a pro-life organization, I might add—who have signed letters saying this is bad medicine; it is never necessary to protect the health of the mother to do this procedure.

Yet people will come down to this floor and say: Well, I can't be for this because I need a health-of-the-mother exception and put up "cases" where this was done and, as a result of this, the mother was able to have more children, was able to do other things; and if this procedure were not done, then they would not have this opportunity.

I would not argue that this procedure could result in a positive outcome for the mother's health. Certainly it could. But that is not the question. The question here is, Is it necessary—the answer is, no—to protect the health of the mother or the life of the mother.

And second, is it the best method? Clearly, given what we know about this procedure and its profound implications on who we are as a society, the answer has to be emphatically—I hope from this body, which is so concerned about the consuming problem of violence in our society—I think a group of people who stand up and complain about shootings at Columbine will look at this and say: Wait a minute. If we're saying this kind of brutality is OK, if the Senate and the President of the United States say this kind of brutality of our children is OK, then how in the world can we be aghast when other violence is done to our children?

If we can stand here, with straight faces, and with passion in some cases, and argue that this kind of execution is not only legitimate but preferable, proper, constitutional, necessary, how can we be even the least surprised that young people, looking at what goes on in the world around them—obviously, they get a lot of bad messages from Hollywood and from the media, but they only need to look to the Senate and to this President to get their cue. The cue is violence is OK, as long as there is some purpose to be served. And the purpose is to make sure we don't have a chink in the armor of abortion rights. That is the purpose.

The question is, Why are they fighting this so hard? What is really the problem? Why are they fighting what is an abomination? It is uncomfortable to talk about it. I am sure for those listening it is very difficult to listen. This is not a pleasant subject. Why would you want to get up year after year and fight this issue? What is the great cause at stake that we have to draw the line in the sand?

They will argue it is the health of the mother. It is not true. That has never stopped them from arguing that. But when you have the people who perform the abortions saying under oath that it is not true, it is darn hard to come here and say this is why we want to do it, and for those of us who have to listen to it, to say: Is this really what is at stake? Is this really the issue? Or is there something else going on? Is there an agenda?

I can tell you what the agenda is on our side. The agenda is very simple. At a time when we are faced with senseless, irrational violence, with a culture that is insensitive to life and promotes death through our music, through videos, just a little beacon of hope, a little grain of sand of affirmation that life is, in fact, something to be cherished, not to be brutalized; that there are lines in our society that we can't blur, that we shouldn't cross, because when we do that, we throw in doubt, for millions of children and adults, the issue of, well, maybe this isn't so wrong. We cloud the issue, the issue of life for children that are 3 inches away from constitutional protection. Don't you think that is a good place to draw the line? Don't you think that is a reasonable place to say, OK, enough is enough?

No one is standing here arguing overturning Roe v. Wade. In fact, I will make the argument, this is legitimate under Roe v. Wade. There is nothing here that will, even if it goes to the Court, overturn Roe v. Wade. It is not our intention with this act.

This act is an attempt, and I would argue a feeble attempt—many of you listening were around 30, 40 years ago. Could you imagine walking onto the Senate floor 40 years ago, turning on the television and seeing Walter Cronkite report on the debate on the Senate floor about whether this should be legal in America? Can you imagine 40 years ago that we would even have a debate in the Senate about whether this would be allowed in America?

There isn't a person in the Senate who, 40 years ago, would have said this is OK. They would have been appalled. Well, maybe in Nazi Germany or maybe in the Soviet Union, but in America, this? No. But how far we have come. How much more civilized we have become. How culturated we have become that now 40 years hence we can have these kinds of rational debates and people can come to the floor of the Senate and say that thrusting a pair of scissors in the base of the skull of a little baby is OK. How far we have come. How humanity has grown and developed. How sophisticated we are that we can find precise legal arguments that will weave us through this web of destruction and say, but it is OK. Americans go to sleep at night knowing that thousands of children, almost born, inches from reaching toward that constitutional protection, can be executed. We are all better for it. We are better as a society for this.

They will not say that, but underneath the argument is this: This being legal is better for America. When people come and cast their votes, you will have to cast the vote saying that allowing this to occur in America is better for us. It is preferable in the United States of America that this occurs. We want this to continue. We believe this is right. We believe this is just. We believe this is humane. We believe this is in the best spirit of America, liberty, and freedom.

How twisted, how twisted we have become. How we contort ourselves to find that path through rights to allow this to be the best that we are in America. We are better than that. This country stands for higher ideals and principles than that. A majority of the Senate will agree with me. A majority of the House will agree with me, a majority of Americans. But that is not enough.

So this contorted construction of freedom will continue to be legal. Can you envision our Founding Fathers with these charts in front of them saying: This is the product of liberty? This is the product of the high ideals that we suffered through in revolutionary, civil, and major world wars to preserve? This is what it has come to? This is the personification of liberty in America today? It is no wonder we are concerned when we tuck our children into bed at night and we see what kind of world is ahead of them. How much more will we be able to twist freedom and liberty to destroy their true freedoms? I tuck five little ones in bed every night. I wonder, I wonder what is in store for them, if we continue as the Senate, the greatest deliberative body in the world, to allow this wanton destruction of the most vulnerable in our society. Where are we headed?

Mr. President, I yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, for those who have followed this debate since it opened about an hour ago, you have heard that those of us who will fight on the floor of the Senate for moms, for our daughters, for their health, for their lives, are somehow evil and bad people. You have heard in this debate, in some of the most inflammatory language, which I think is, in essence, very dangerous for this country, that those of us who stand up to fight to make sure that every child is a wanted child, that every child who comes into this world is wanted and loved, that every woman has a right to be respected—you have heard that somehow we want to bring violence to children. You have heard the word "executioners" relating to doctors who take an oath "to do no harm," who save lives, who bring babies into the world. Executioners. I am stunned by the tenor of the debate. I am troubled by the tenor of the debate.

The majority leader was sent a letter by a number of groups asking him to please not bring this issue up this week, could he wait a week. They noted that on Saturday, we will have the 1-year anniversary of the assassination of a doctor, Dr. Barnett Slepian, who was murdered in his home, through a window, by a coward who took this man from his family. The majority leader was told there have been five sniper attacks on U.S. and Canadian physicians who performed abortions since 1994. All of those victims were shot in their homes by a hidden sniper who used a long-range rifle. Dr. Slepian was killed, and three other physicians were seriously wounded in these attacks—for making sure that women had their legal rights protected and their health protected.

I think it is sad that we would have this debate, with the most inflammatory language I have ever heard on the Senate floor to date. I know the FBI and the Attorney General are going to be ever more vigilant because of this debate. I know that and I am glad about that. It is very hard for me to imagine that we could not have put this off a week. Here we are. And instead of having a debate that should be based on the merits of the discussion, it has been inflamed.

Yesterday, I said if 100 doctors walked into the Senate and sat down in our chairs to practice being Senators, they would be arrested and dragged out of here. Yet here we are in the Senate—100 of us, and not one of us an obstetrician, not one of us a gynecologist—deciding what procedures should or should not be used, and under what circumstances, in a matter that should be left to the medical profession, left to the families of this country, left to loving moms and dads. So here we are practicing medicine in the Senate and not even doing a very good job of it, I might say, if you listen to the physicians who have written to us on this matter.

I am going to place into the RECORD several letters from organizations consisting of physicians. Here is one from the Society of Physicians for Reproductive Choice and Health—the people my colleague has called "executioners."

Ladies and gentlemen of the Senate and of this country, these are the people who bring our children into the world. These are the people who save their lives when they are hurt. These are the people we run to when they have to go to an emergency room.

This is the statement:

> In what it claims as a tribute to mothers, the United States Senate today will vote on a bill criminalizing a procedure . . .
>
> . . . legislators supporting this ban are not celebrating mothers—but, in fact, are dishonoring and condemning motherhood by placing pregnant women at greater risk for infertility and death.

These are the people to whom we turn when we are sick, and they are telling us not to pass the SANTORUM bill. They bring back the days before 1973:

> Prior to abortion's legalization in 1973, the leading cause of maternal death in this nation was illegal abortion. As Congress attempts to ban abortion, procedure by procedure, more and more pregnant women will die. As physicians concerned about the health and lives of our women patients, we believe this is a shameful celebration of motherhood.

I ask unanimous consent that letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATEMENT ON SANTORUM BILL (H.R. 1122/S. 6) BANNING A PROCEDURE KNOWN MEDICALLY AS DILATATION AND EXTRACTION, MAY 20, 1997

In what it claims is a tribute to mothers, the United States Senate today will vote on a bill criminalizing a procedure known medically as dilatation and extraction. Ironically, legislators supporting this ban are not celebrating mothers—but, in fact, are dishonoring and condemning motherhood by placing pregnant women at greater risk for infertility and death.

Congressional supporters of this ban are hiding from women and their families the true consequences of this bill: it makes unavailable to physicians and their women patients a safer, less risky medical option during health- and life-threatening events that can occur during pregnancy. Women, their families and their physicians must be alarmed by Congressional plans to deny a medical option that preserves women's health and lives.

Contrary to popular belief, it already is illegal to perform a third trimester abortion on a healthy mother carrying a healthy fetus. Abortion opponents who present graphics of darling, full-developed babies being aborted are gravely misleading and misinforming the public and policymakers. Opponent admit these graphics are false, but continue to use them anyway.

Annually, 300 to 600 third trimester post-viability pregnancies are terminated legally for specific medical complications that can develop during the pregnancy's course. These conditions pose severe health and life threats to the women—including infertility and death. When maternal complications develop, these pregnancies are terminated only after attempts are made to deliver the fetus safely while preserving the health and life of the mother. Decisions to terminate pregnancy at this stage are not considered by one physician alone. In fact physicians and their patients seek second and third medical opinions.

Some severe complications that can affect pregnancy include; The development of cancer during pregnancy; severe pre-eclampsia (toxemia) accompanied by kidney or liver failure; uncontrollable health failure; long-standing insulin dependent diabetes causing declining renal kidney function; Lou Gehrig's disease and other conditions causing respiratory failure; or, severe hypertension (high blood pressure) diseases causing maternal organ failure and maternal death.

The severity of these complications may make labor or caesarean section fatal.

Approximately one percent of all legal abortions occur late in the second trimester before fetal viability. Some are performed on women facing medical complications described earlier. Other women carry fetuses with serious genetic or developmental anomalies, including abnormal fetal kidneys, heart and brains—complications not usually detected until the second trimester.

Legal late second trimester abortions also are performed on women who, lacking health insurance and access to healthcare facilities, are unaware they are pregnant or unable to terminate the pregnancy earlier. Some women with irregular menstrual cycles may be unaware of their pregnancy. For some of these women, dilatation and extraction is the safest medical option because the fetal head is disproportionately large and trapped in the dilated cervix during delivery.

Banning dilatation and extraction will force competent physicians to choose riskier medical options that increase danger to patients. For women, these options are lengthy and painful, including the placement of surgical instruments into the uterus, increasing the risk of uterine perforation and infertility. Another option uses medication to induce labor, increasing the risk of maternal death from blood clotting failure and hemorrhage.

Prior to abortion's legalization in 1973, the leading cause of maternal death in this nation was illegal abortion. As Congress attempts to ban abortion, procedure by procedure, more and more pregnant women will die. As physicians concerned about the health and lives of our women patients, we believe this is a shameful celebration of motherhood.

Physicians for Reproductive Choice and Health oppose the Santorum Bill (H.R. 1122/S.6).

Mrs. BOXER. Mr. President, we have a letter from the executive vice president of the American College of Obstetricians and Gynecologists. These are the men and women who bring life into the world. These are the men and women who deliver our babies. I find it interesting when the Senator from Pennsylvania talks about breach births—I had a breach birth; I don't think he ever did, and I know what it is. I know what the risks are. I am a mother of two beautiful children. I am a grandmother of one beautiful grandson, and I tuck him in and I read him stories and I love him. I want him to grow up in a world where families are respected, where physicians are respected, where no one stands up on the floor of the Senate and calls a physician an executioner. I don't think that is a good country. I don't think that is respect. I don't think that brings healing to this issue.

The American College of Obstetricians and Gynecologists said:

> [This bill] is vague and broad. . . . It fails to use recognized medical terminology and fails to define explicitly the prohibited medical techniques it criminalizes.

That is an important point. Bills just like this one have been ruled unconstitutional 20 times. One of those decisions was in the State of Arkansas, and I am going to share those decisions with you because I think it is important. So many of us say: local control, let the States decide.

The States have passed these laws, and not one of them yet has been proven constitutional or declared constitutional. But they have been declared unconstitutional because of what the doctors are saying—the language in this bill is so vague. And the language in all those bills is that they would, in fact, outlaw all abortion at any particular time during the pregnancy.

So when my colleague from Pennsylvania says, well, we don't want to overturn Roe v. Wade—and perhaps we will have a chance to vote on that as well—but when he says that, that is not what the courts are saying. The courts are saying his law does, in fact, make all abortions illegal and would criminalize abortion.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE AMERICAN COLLEGE OF OBSTETRICIANS AND GYNECOLOGISTS,
WOMEN'S HEALTH CARE PHYSICIANS,
Washington, DC, October 7, 1999.

Hon. THOMAS DASCHLE,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR DASCHLE: The American College of Obstetricians and Gynecologists (ACOG), an organization representing 40,000 physicians dedicated to improving women's health, continues to oppose S. 928, the "Partial Birth Abortion Ban Act of 1999." ACOG urges the Senate to reject this legislation.

ACOG believes that S. 928, as amended, continues to represent an inappropriate, ill advised and dangerous intervention into medical decision-making. The amended bill still fails to include an exception for the protection for the health of the woman.

Further, the bill violates a fundamental principle at the very heart of the doctor-patient relationship: that the doctor, in consultation with the patient, based on that patient's individual circumstances, must choose the most appropriate method of care for the patient. This bill removes decision-making about medical appropriateness from the physician and the patient.

S. 928 is vague and broad, with the potential to restrict other techniques in obstetrics and gynecology. It fails to use recognized medical terminology and fails to define explicitly the prohibited medical techniques it criminalizes. In the most recent court action, the Eighth US Circuit Court of Appeals ruled that the "partial birth" abortion laws in three states were unconstitutionally vague.

Moreover, the ban applies to all stages of pregnancy. It would have a chilling effect on medical behavior and decision-making, with the potential to outlaw techniques that are critical to the lives and health of American women. Chief Judge Richard Arnold wrote in the Eighth Circuit decision that, "Such a prohibition places an undue burden on the right of women to choose whether to have an abortion."

Sincerely,

RALPH W. HALE, MD,
Executive Vice President.

Mrs. BOXER. Mr. President, there is a letter from the American Medical Women's Association.

Are these executioners, too? They work in the medical field. They say they are gravely concerned with governmental attempts to legislate medical decisionmaking through measures that do not protect a woman's physical and mental health, including future fertility, or fail to consider other pertinent issues such as fetal abnormality. And they strongly oppose governmental efforts to interfere with physician-patient autonomy.

I ask unanimous consent that this letter printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATEMENT OF THE AMERICAN MEDICAL WOMEN'S ASSOCIATION ON ABORTION LEGISLATION IN THE 105TH CONGRESS

ALEXANDRIA, VA (MAY 20, 1997).—The American Medical Women's Association, "is committed to protecting the reproductive rights of American women and has opposed any legislative intervention for medical and or surgical care decisions," says current AMWA President Debra R. Judelson, MD. This week, AMWA reitrated its opposition to H.R. 1122 and S. 6, which seek to ban a particular medical procedure.

It is the opinion of AMWA's Executive Committee that legislative efforts to regulate abortion have been flawed. Concerns in the following areas have prevented AMWA from taking a position on recent legislative efforts focusing on abortion in the 105th Congress.

AMWA is gravely concerned with governmental attempts to legislate medical decisionmaking through measures that do not protect a woman's physical and mental health, including future fertility, or fail to consider other pertinent issues, such as fetal abnormalities. Physicians and their patients base their decisions on the best available information at the time, often in emergency situations. AMWA strongly opposes governmental efforts to interfere with physician-patient autonomy.

It is irresponsible to legislate a particular test of viability without recognition that viability cannot always be reliably determined. Length of gestation is not the sole measure of viability because fetal dating is an inexact science.

AMWA resolutely opposes the levying of civil and criminal penalties for care provided in the best interest of the patient. AMWA strongly supports the principle that medical care decisions be left to the judgment of a woman and her physician without fear of civil action or criminal prosecution.

Any forthcoming legislation will be carefully reviewed by AMWA based on the criteria outlined above, and AMWA will seek to ensure that there is no further erosion of the constitutionally protected rights guaranteed by *Roe v. Wade*. Says AMWA President Debra R. Judelson, MD, "AMWA firmly believes that physicians, not the President or Congress, should determine appropriate medical options. We cannot and will not support any measures that seek to undermine the ability of physicians to make medical decisions."

AMWA has long supported a woman's right to determine whether to continue or terminate her pregnancy without government restrictions placed on her physician's medical judgment and without spousal or parental interference.

Founded in 1915, the American Medical Women's Association represents more than 10,000 women physicians and medical students and is dedicated to furthering the professional and personal development of its members and promoting women's health.

Mrs. BOXER. Mr. President, the American Nurses Association—are they executioners or are they loving people who choose this field of work because they want to make people well because they have compassion in their hearts—what do they say about this?

They oppose the Santorum bill. They say it is inappropriate for Congress to mandate a course of action for a woman who is already faced with an intensely personal and difficult decision. They represent 2.2 million registered nurses. They ask us to defeat this.

I ask unanimous consent to have this letter printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN NURSES ASSOCIATION,
Washington, DC, May 20, 1997.

Hon. BARBARA BOXER,
United States Senate,
Washington, DC.

DEAR SENATOR BOXER: I am writing to reiterate the opposition of the American Nurses Association to H.R. 1122, the "Partial-Birth Abortion Ban Act of 1997", which is being considered by the Senate this week. This legislation would impose Federal criminal penalties and provide for civil actions against health care providers who perform certain late-term abortions.

It is the view of the American Nurses Association that this proposal would involve an inappropriate intrusion of the federal government into a therapeutic decision that should be left in the hands of a pregnant woman and her health care provider. ANA has long supported freedom of choice and equitable access of all women to basic health services, including services related to reproductive health. This legislation would impose a significant barrier to those principles. It is inappropriate for Congress to mandate a course of action for a woman who is already faced with an intensely personal and difficult decision.

> The American Nurses Association is the only full-service professional organization representing the nation's 2.2 million Registered Nurses through its 53 constituent associations. ANA advances the nursing profession by fostering high standards of nursing practice, promoting the economic and general welfare of nurses in the workplace, projecting a positive and realistic view of nursing, and by lobbying the Congress and regulatory agencies on health care issues affecting nurses and the public.
>
> The American Nurses Association appreciates your work in safeguarding women's access to reproductive health care and respectfully urges members of the Senate to vote against H.R. 1122.
>
> Sincerely,
>
> GERI MARULLO, RN,
> *Executive Director.*

Mrs. BOXER. Mr. President, if someone wants to stand up here on the Senate floor and attack a whole part of our America, and if they want to use cartoons on the floor of the Senate to depict a woman's body, that is up to them. But I ask the American people to be the judge both of the substance of what is happening here, the techniques that have been used, and the inflammatory level of the debate.

I want you to meet a real person. I want to picture a real face—not a cartoon, but a real face—on the floor of this Senate. I want to tell a little bit about her story.

This is Tiffany Benjamin:

> My husband and I waited until we established in our careers and could provide the best possible environment for a child. In 1994, we were thrilled with the news that we were expecting a baby. My first five months were joyous months of pregnancy. During a routine checkup my physician performed a standard AFT test. The results were abnormal. So my doctor ordered another test. Unfortunately, this test was also irregular. In my 20th week of pregnancy we discovered that our child had trisomy 13.

In plain English, each cell of her body carried an additional 13th chromosome. Doctors advised that her condition was lethal.

> No one could offer us hope. Sadly we determined that the most merciful decision for our child—

Our child in our family—

> would be to terminate my pregnancy. Although the years have passed, for us the depth of our loss is vivid in our mind. We are astounded that anyone could believe that this type of decision is made irresponsibly and without a great deal of soul searching and anxiousness. These choices were undoubtedly the most painful decisions of our lives. Please don't compound the pain of other families like ours by taking away our ability to make the difficult choices that only we can make in consultation with our physician. Please reject S. 1692 and protect our families from this dangerous legislation.

I ask you to look at Tiffany with her child. Does she look like an executioner to you? Does she look like someone who didn't want to have this child and suddenly woke up and said: I have changed my mind? No. This is a loving woman, a loving family member. She had to have this procedure, and this legislation would stop her from having it.

I want to tell you about another woman, Cindy, a 30-year-old mother of five living in Kansas City who said very proudly that she is a Catholic.

In June of 1998, Cindy noticed a lump on her neck and called her doctor. Within weeks, she found that she had thyroid cancer and, after surgery, began iodine radiation treatment. Contrary to medical protocol, she was not given a pregnancy test prior to the radiation treatment. Cindy's body did not respond to the radiation, and blood results indicated her body still contained the deadly disease. After returning to the hospital for another treatment, her blood was drawn for a pregnancy test, but the staff did not wait for the results; they gave her another iodine radiation pill.

Due to the radioactive iodine in her body, she was placed in an isolation room. No one could enter—not her husband, or her nurses, or her physician.

Two hours later, she received a phone call from her physician telling her they had made a terrible mistake. Her pregnancy test came back positive. She immediately started drinking water because the doctors told her all she could do in an attempt to shield her baby from the radiation was to drink a lot of water.

The next day, a second pregnancy test confirmed the first and a sonogram was ordered. That is when Cindy and her husband learned that not only was she 13 weeks pregnant but she was expecting twins, the twins they had always hoped for.

Imagine the feeling of that family. Within hours, the family learned that their babies would not survive, not grow, not develop. The radiation her babies received was equivalent to the bomb dropped on Hiroshima.

Cindy says:

> We decided that termination would be best for our family and our babies. Through our research, our insurance company told us, however, that we were on our own.

And she adds:

> You see, as a Federal employee my insurance will not pay for elective abortions.

She says because this abortion was meant to preserve her health, because of the votes in this Congress, she could not get help. She says:

> I have five little ones at home who depend on their mommy ever day. I didn't want to have an abortion but I needed one. And the abortion that I had would have clearly been banned by this bill, and I thank God that this bill didn't tie my doctor's hands.

Let me just say that again. This is a woman who is religious. This is a woman who says to us thank God that bill wasn't law, the bill that the Senator from Pennsylvania is fighting so hard to become law. She says thank God it wasn't the law. She says this is clearly an intensely private, torturous decision.

Are proponents willing to tie the hands of both parents and physicians and say to a woman: You must carry your child to term despite the fact that it has been determined the child won't live and your health will be affected?

I have to say that these women who are proud to come forward to help us in a very difficult issue deserve our thanks because here they are being called the worst names in the book, being essentially told that they don't love children, that they don't care about children, when in fact these are loving moms and, in many cases, quite religious.

This is the third time the Republican leadership has brought this bill before the Senate. Again, it is playing doctor without one obstetrician or one gynecologist among us. The obstetricians and the gynecologists say we shouldn't do this. The women who have had this procedure say we shouldn't do it.

We are going to have a lot more debate. I know my colleague from Illinois is here, and he has a very important piece of legislation to offer. But before I give up the floor this time, I want to talk about what has happened in the courts because my colleague from Pennsylvania has made a statement I think that is fairly dismissive of what has actually happened. He says some of the courts have upheld this procedure and some have not.

I will discuss what the courts have done not because I am telling my colleagues to vote against their conscience; if they want to vote for something unconstitutional, that is their right. They ought to hear the arguments made in the 20 States in which this particular procedure has been called unconstitutional.

This chart shows which States have enjoined these bans. I put "partial-birth abortion bans" in quotes because there is no such thing. This is the political terminology. Nearly every court to rule on the merits of an abortion ban since the Senate last voted on the issue has ruled this abortion ban is unconstitutional. These are the States that have so far enjoined this Santorum-like legislation from going into effect: Alaska, Arizona, Arkansas, Florida, Idaho, Illinois, Iowa, Kentucky, Louisiana, Michigan, Missouri, Montana, Nebraska, New Jersey, Ohio, Rhode Island, West Virginia, Wisconsin, and in Georgia and Alabama there has been limited enforcement.

We have a string of decisions. I will read quotes of judges from these States—and as so many of my colleagues have said, as our President has said, we ought to listen to the States. Let's hear what the State judges are saying when they have overturned these types of bans.

First, from a Federal judge in Arizona:

> The term "partial-birth abortion" is not a term found in the medical literature.

Let me repeat that. The judge writes:

> The term "partial-birth abortion" is not a term found in the medical literature. The testimony of witnesses at trial indicates that this term is ambiguous and susceptible to different interpretations.

The important point is, when my colleague from Pennsylvania says he only means it to be a handful of procedures, this particular judge, Judge Bilby in Arizona says no, the term is so vaguely worded it could apply to many other abortions, and that essentially would overturn a woman's right to choose.

In Arkansas, Judge Richard Arnold says:

> As we shall explain, "partial" delivery occurs as part of other recognized abortion procedures, methods that are concededly constitutionally protected. Under precedents laid out by the Supreme Court, which is our duty to follow, such a prohibition is overbroad and places an undue burden on the right of women to decide whether to have an abortion.

This is a judge in Arkansas saying the Santorum-type language is so broad and the procedure is so broadly explained it could, in fact, apply to any type of abortion. He ruled it unconstitutional.

In Illinois, U.S. District Court Judge Charles Kocoras, said:

> First, the statute, as written, has the potential effect of banning the most common and safest abortion procedures.

He looked at the Santorum-like bill and said it also was unconstitutional.

U.S. District Court Judge Heyburn in Kentucky says:

> By choosing words having a broader scope, the legislature moved from arguably firm constitutional ground—banning a very limited procedure use for late-term abortions—to a quagmire of constitutional infirmity.

There is a common thread among the judges—by the way, from very conservative areas of our country—who are saying the Santorum-type of ban is so broadly worded it would take away a woman's right to choose even at the early stages of pregnancy.

In Nebraska, Judge Richard Arnold says:

> The law refers to "partial-birth abortion" but this term, though widely used by lawmakers and in the popular press, has no fixed medical or legal content.
>
> It would also prohibit in many circumstances the most common method of second trimester abortions . . . under the controlling precedents laid down by court, such a prohibition places an undue burden on the right of women to choose whether to have an abortion.

For colleagues who say vote for Santorum; it doesn't take away a woman's right to choose, we have 20 court decisions that say it does. In certain States, they have stopped performing abortions because the doctor was afraid he would be arrested for performing an early-stage abortion.

In summing up, we were elected to be Senators. We have a lot of work to do. We weren't elected to be the American College of Obstetricians and Gynecologists. They have their own organization. We should vote down this unconstitutional bill. If we do not—because I know this is political—why else would it be before the Senate? This is politics at its worst. This is the third time the President will veto this bill. We all know we will have the votes to sustain that veto. Why go through this if not for politics?

This is a debate we should not be having right now. It has been, unfortunately, in my view, very divisive so far. I hope we can get back on solid ground. Let Members not call people executioners; let Members not call families unimportant; let Members not demean women, and say the other side says the health of the woman is important. Yes, the health of women, the health of men, the health of families, that should be our paramount concern. We are not physicians. Within the context of the law, Roe v. Wade, which was decided in 1973, let Members make the decision as to what is best for our women, our families, and our children.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I consider my service in the Senate representing the people of Illinois to be the highest honor I have ever been given. I continue to believe it is the very best job in American politics. As I go back to my home State and meet with people who have entrusted me with this responsibility, I literally thank them for giving me this opportunity.

However, this debate may be one of the most painful aspects of serving in the Congress, and specifically in the Senate, because it raises before the Senate an issue which most Senators would rather not look at again. In the course of 17 years, I have voted on this abortion issue countless times. Each time has been a struggle.

I am sure those who are listening to this debate might question what I just said. Don't you get used to it? Isn't it automatic? Don't you just vote the same way you did last time?

That has never been the case for me. I have tried in every instance to be honest about the specific debate that was involved. My views on this issue have changed over the years as I have listened to the debate of those with various positions.

I have come to a position now that I am at peace with personally. Though I know that I am at peace, the people I represent may see differently.

The best I can say in the course of this debate is what I am about to say and what I am about to offer in terms of an amendment which represents my best good-faith effort to deal with a painful issue. This is not like most issues we face in the Senate. I can go home after a week of working most times and people do not have a clue as to what we have even talked about or debated. I can go to family reunions and get-togethers and people do not ask me how did you vote on a certain bill involving grazing rights in the West. It never comes up.

But this issue, the issue of abortion, is one that most Americans have an opinion on because we have been confronted, since the Roe v. Wade decision, with a huge national debate, a very divisive debate as to whether the Supreme Court was correct or incorrect in giving a woman in the United States the right to choose whether to have an abortion procedure.

There are people dug in on both sides of this debate. What I am saying, I am sure, is no surprise to anyone who observes it. There are some who believe that Roe v. Wade was just plain wrong; that the Supreme Court never should have legalized abortion procedures under any circumstances. There are those on the opposite side of the spectrum who believe that Roe v. Wade did not go far enough with respect to a woman's right to choose and her privacy. I think you will find the majority of Americans in between those two groups; struggling, on one hand, I think, to keep abortion safe and legal but, on the other hand, to put restrictions on it which are common sense.

The Senator from Pennsylvania comes before us today with a bill which seeks to address one aspect. He has focused on one particular abortion procedure. It goes by a lot of different names. The common parlance is partial-birth abortion. There are some who say that is just a made-up name for politics; it has nothing to do with medical terminology. But for better or for worse, that is how this debate is characterized, the partial-birth abortion debate, which has been around so many times on this floor and in Congress.

It now has a further shorthand, PBA. I do not think that is fair to the Senator offering the amendment, the Senator from Pennsylvania, nor to the gravity of the issue. This is a serious issue. The Senator from Pennsylvania focuses on this procedure which I will tell you, as I view it, is a gruesome procedure. It is gruesome. I don't know if his description of it is accurate, but if it is close to accurate it is gruesome.

He believes this procedure should be banned at every stage of pregnancy. Let me address that from two perspectives. First, there has been a lot said on the floor already this morning as to whether or not this kind of procedure is ever medically necessary. I am not a doctor. I cannot reach that conclusion on my own. I have to turn to others for advice.

Let me tell you what I did last year, in July. I had just read an article published in the Chicago Tribune in my home State that quoted former Surgeon General Everett Koop. Because of that article and what I read and my respect for him, I sent a letter. My letter was addressed to Dr. Ralph Hale, the executive director of the American College of Obstetricians and Gynecologists here in Washington.

I am going to read the letter because I want you to understand I tried my very best to give an open-ended opportunity for this medical doctor in the specialty of obstetrics and gynecology to tell me his professional opinion. Let me read the letter:

> DEAR DR. HALE, enclosed is a commentary that appeared in yesterday's Chicago Tribune. It quotes former Surgeon General C. Everett Koop as saying that "Partial-birth abortion is never medically necessary to protect a mother's health or future fertility."
>
> I am writing to request your College's response to this statement. In the medical judgment of the experts among your members, is it true that partial-birth abortion is never medically necessary to protect a mother's health or future fertility?
>
> As I am sure you know, this is a matter of great concern to many members of Congress including myself, and I would appreciate your timely response to this important question.

I sent that letter on July 28, 1998. I received a reply on August 13, 1998, from Dr. Ralph Hale, executive vice president of the American College of Obstetricians and Gynecologists. When I finish reading it, I will ask it be printed in the RECORD. But I would like to read it in its entirety so there is no doubt I asked an open-ended question of experts in the field, and this is Dr. Hale's reply:

> DEAR SENATOR DURBIN: I am writing in response to your July 28th letter in which you asked for the College's response to Dr. Koop's statement that "Partial-birth abortion is never medically necessary to protect a mother's health or future fertility."

The letter went on to say:

> The College's position on this is contained in the statement of policy entitled Statement on Intact Dilation and Extraction. In that statement we say, "Terminating a pregnancy is performed in some circumstances to save the life or preserve the health of the mother." It continues, "A select panel convened by ACOG could identify no circumstances under which this procedure, as defined above, would be the only option to save the life or preserve the health of the woman." Our statement goes on to say, "An intact D & X however, may be the best or most appropriate procedure in a particular circumstance to save the life or preserve the health of a woman, and only the doctor, in consultation with the patient based upon the woman's particular circumstances can make this decision." For this reason, we have consistently opposed "partial-birth abortion" legislation.

It goes to say:

> Please find enclosed ACOG's statement on intact D & X. Thank you for seeking the views of the College. As always, we are pleased to work with you.
>
> Sincerely,
>
> RALPH W. HALE, MD,
> *Executive Vice President.*

Mr. SANTORUM. Will the Senator yield for a question?

Mr. DURBIN. I yield for the question.

Mr. SANTORUM. I thank the Senator very much for yielding. The reason I am going to ask the question is an article written by two Northwestern health care physicians from Northwestern University in Evanston, IL, who cited the same statement out of the select panel. They went on to say, after they quoted what you quoted in your letter:

> However, no specific examples of circumstances under which intact D&X will be the appropriate.

In fact, in subsequent communications with ACOG and others, we have asked, give us one set of medical—any set of medical circumstances where you believe that this "may be—whatever."

Never have we gotten any circumstance where that was the case. So they say it may be, but no one to date has provided any circumstance, as hypothetical as you want, where, in fact, it would be.

Just to say it may be without giving evidence of what it was, I think my question is—I think the next question to which you hopefully can get an answer, I can't—you say it may be. Give me a for instance. So far, we have not been able to get any for instance.

Mr. DURBIN. I thank the Senator from Pennsylvania. That is a reasonable question.

I would say to him, though, there is clearly, at least, a difference of opinion within the medical community as to medical necessity.

Dr. Koop, whom I respect very much and have worked with on a lot of issues, says: Never. The American College of Obstetricians and Gynecologists says it is never the only thing you can do, but it may be the most appropriate thing to do for the health of the mother. And then, of course, you go on to say give us some examples. I think that is reasonable.

I ask we continue the debate at least to find out what those examples might be. That is reasonable.

But you have to say at this moment in time there at least is a difference of opinion, based on the letters introduced by the Senator from California, among medical professionals as to whether this is ever medically necessary or the most appropriate thing.

This raises a policy question. When we get to the point where doctors differ about the use of a procedure, is it appropriate, then, for the Senate to decide that we will ban a procedure, a medical procedure? That is what the Santorum amendment does. I think the Senator from Pennsylvania would concede it.

He attempts to ban the use of this procedure. Based on this letter I received from the American College of Obstetricians and Gynecologists, to do so would say to doctors in some circumstances: You may not use the safest procedure for my wife, my daughter, my sister; Congress has banned that procedure. That is where I struggle with what the Senator from Pennsylvania is attempting to do.

I am not the doctor. I will not play one in the Senate. When I rely on doctors' opinions, they are at best divided on the question.

Let me address the second issue in relation to the Santorum legislation, and that is why we are doing this again and again. I do not question the sincerity of the Senator from Pennsylvania. I know his feelings on this subject are heartfelt, but I do question why we continue to bring this same legislation time and time again before the Senate, not because it is not important to the Senator from Pennsylvania and others, but, frankly, we have been getting readings from courts across America that this language he is proposing today is, on its face, unconstitutional.

We are spending our time in a debate over a bill which 19 States have stricken. These States have all tried to model some type of legislation based on his banning this procedure, and time after time, Federal courts have come forward and said, no, this is unconstitutional. The judges making the decisions are not so-called liberal jurists. You will find within their ranks appointees of President Reagan and President Bush, some very conservative jurists who say on its face this is not constitutional.

We took an oath as Members of the Senate to uphold that Constitution. There are times when interpretations can differ as to what that oath means. But in this case, the Santorum legislation before us has consistently been stricken by the courts, I believe, with only one exception, in the United States. Because of that, I have to ask this question, not questioning the Senator's sincerity, but why are we doing this? Why are we engaged in this debate over language which time and time again has been found unconstitutional and enjoined in my home State of Illinois and across the Nation?

This is a political exercise. It is not an attempt to pass a bill which will become a law. Forget for a moment the President's veto, if you will, and take a look at the merits of the legislation which time and time again has been found by the courts to violate the Constitution.

I would think that at this point in time, the author, whose feelings on this are heartfelt, would have changed his approach, changed his language, tried to address some of the constitutional questions, but it has not happened. We get a rerun every year. This is all about a record vote. This is all about raising this issue for public consciousness and a record vote of the Members of the Senate.

Some people want a scorecard. Some people want to use it politically. So be it. That happens around here. It is a shame that it happens on an issue of this gravity and importance because, honestly, I do believe there are things we can and should do which will address what I raised earlier. The feeling of the vast majority of Americans is that abortions should remain safe and legal and that restrictions on abortion should be in place only when necessary.

I am going to offer an amendment shortly which addresses my approach to this. As I said earlier, although I am honored to have nine cosponsors, nine other Senators who join me in this amendment—it is a bipartisan amendment—including the two Senators from the State of Maine, both Republican, I do not suggest it is the point of view of anyone other than ourselves. A vote will demonstrate whether I am right or wrong. I hope a majority sees this as a reasonable way to bring this contentious debate to a constitutional and fairminded conclusion.

If we do not, I predict we will have another vote next year on the unconstitutional Santorum legislation and perhaps in years in the future. But what will we have achieved? Contentious, painful debate with no resolution other than a political scorecard, and that for me is a troubling outcome.

I hope we can find a better way to do it because I believe there is a more sensible way. Let me tell you why I think there is.

I am going to offer an amendment which addresses not an abortion procedure but addresses a stage in pregnancy. It is a stage which is known as postviability, that moment in time where the decision is reached that the fetus can sustain survival outside the womb with or without artificial support. That is a moving target. Viability has changed because medicine has changed. Go into any neonatal intensive care unit in America and look at the size of the babies who are surviving. They are smaller than your hand, tiny little babies who are surviving.

Viability is a moving target, and it was a standard that was used in the Roe v. Wade decision. They said until that moment in time when that fetus is viable, could survive outside the womb, then there are certain legal rights in this country. But once viability is reached, those rights change, and we start acknowledging the fact that this fetus has now become a potential human being at birth. Roe v. Wade said we will define the laws of America based on viability.

The problem with the Santorum legislation, the reason why this bill and versions similar to it have been found unconstitutional time and again, is they refuse to accept this basic premise, the premise of Roe v. Wade, the premise of existing law in this country. They will not acknowledge that you should have a law banning a certain procedure only after viability. Each time it is stricken because it would, in fact, restrict the right to abortion before viability, before the fetus can survive. Court after court after court has stricken down State laws that have followed this Santorum model. Yet here we are again.

My amendment, the one which I will offer to the Santorum bill, accepts the Roe v. Wade premise that any changes which we are going to make have to be consistent with Roe v. Wade, and this is what it says: Any late-term abortion—that is, an abortion after viability—is disallowed or prohibited under law. We are talking usually 7th, 8th, 9th month of gestation. Those abortions are prohibited under law except in two specific cases: where continuing the pregnancy threatens the life of the mother or in those cases where continuing the pregnancy poses a risk of grievous physical injury to the mother. That is it. Grievous physical injury. There are those who disagree with me and say it should include emotional injury as well. I have drawn this line at physical injury.

Here is why I believe this is a reasonable standard: At this late stage in the pregnancy, the 7th, 8th, or 9th month, I believe Roe v. Wade tells us we have to look at the pregnancy in different terms. We are now postviability. We are now in a position where the fetus can survive. In those circumstances, what I have said is, the only reason legally you could terminate the pregnancy is if continuing it could literally kill the mother or continuing it could subject her to the possibility of grievous physical injury, which is defined in the amendment.

I go on. One of the objections customarily made is that if you allow a doctor to certify that a mother's life is at stake or she runs the risk of grievous physical injury if the pregnancy continues, you are playing right into the hands of the people who perform the abortions.

I have heard this argument so many times on the other side of the aisle. They argue doctors will say anything, the ones who perform these procedures, because they just want to make the money; they don't care.

I take an additional step. I require a second doctor to certify. You will have two doctors in those decisions, two doctors who come forward and say: If this pregnancy continues, this mother could die, or, if this pregnancy continues, this mother could risk grievous physical injury.

What risks do these doctors take if they are falsifying this information? Substantial fines and the suspension of their licenses to practice medicine are included in this amendment. It is very serious.

When we get to this stage in the pregnancy, I do believe the rules should be a lot stricter. That is why I am offering this as an alternative, one which I believe deals with some very fundamental questions.

S. 1692 is the bill offered by Senator SANTORUM. We have to ask ourselves several questions:

Should just one or all postviability abortion procedures be banned? Senator SANTORUM addresses one. The amendment I offer addresses all postviability abortion procedures.

No. 2: Should a mother's health be protected throughout pregnancy? Under the Santorum legislation that is before us, the mother's health is not an issue; only if her life is at stake could you engage in certain procedures. In the amendment I offer, it will protect a mother's life and a mother's health, the health in terms of the risk of grievous physical injury.

No. 3: Should a woman's constitutional right to choose before viability be preserved? There are differences of opinion on this. Perhaps the Senator from Pennsylvania has a difference of opinion. But Roe v. Wade said—and I agree—that previability, a woman, in consultation with her doctor, her husband, her family, and her conscience, has the right to make this decision. They protect that right in Roe v. Wade.

Oh, I know there are those who disagree. I respect that. I have been in lots of debates with them. That is where I come down. The reason the Santorum language has been rejected in court after court after court as unconstitutional is that, I believe, those on his side just do not accept the basic premise that, previability, this is a decision, a choice, to be made by a mother and her doctor.

As I said, I respect their position, but as long as they fly in the face of this basic principle, as long as they defy Roe v. Wade, with the language in the Santorum bill or the language in the State legislation, it will continue to fall time after time after time; we will continue to go through these political exercises; we will debate until our voices are gone. Then we will have a vote, and then we will go on to the next item of business. And, unfortunately, we will have missed an opportunity to do something that is meaningful. That is why I offer this amendment.

My amendment—I will go to the second chart—in comparison to the Santorum approach, can be spelled out with three specifics.

The Santorum approach bans only one procedure and allows others in its place. Make no mistake, if the Senator from Pennsylvania is successful someday in somehow enacting this legislation, he will not even tell you that is going to stop abortion from occurring. He deals with one procedure. My amendment bans all postviability abortions regardless of procedure.

The Santorum bill violates a woman's constitutional right to have her health protected. We preserve exceptions for life and health of the mother—narrowly defined.

The Santorum approach violates a woman's constitutional right to choose under Roe v. Wade before viability. My amendment specifically protects a woman's constitutional right to choose before viability.

Let me tell you what I am talking about when I talk about grievous injury. Grievous injury in this amendment is narrowly defined. And I quote:

> a severely debilitating disease or impairment specifically caused or exacerbated by the pregnancy; or
>
> an inability to provide necessary treatment for a life-threatening condition.

What could that be? You can all understand the first part: If continuing the pregnancy could kill the mother is clear. But what would the second one be? What if you diagnosed a mother, during the course of her pregnancy, with serious cancer? And what if you found continuing the pregnancy somehow compromised your ability to treat her for that cancer? That is what I am driving at here, to make sure it is serious and grievous, because we are literally talking about late-term, where I think the rules should be much stricter, as does the Court in Roe v. Wade.

My amendment also requires the attending physician who makes the call on these decisions to have the benefit as well—and it requires it—of an independent physician to certify, in writing, that in their medical judgment the continuation of the pregnancy would threaten the mother's life or risk grievous injury to her physical health.

I make an exception. I want to make it clear for the record. The certification requirement by the doctors can be waived in a medical emergency. But the physician would have to subsequently certify, in writing, what specific medical condition formed the basis for determining that a medical emergency existed.

This legislation will reduce the number of late-term abortions. In contrast, the so-called partial-birth abortion ban will not stop a single abortion at any stage of gestation. The partial-birth abortion ban, by prohibiting only one particular procedure, will merely induce physicians to switch to a different procedure that is not banned by Senator SANTORUM.

Other procedures, such as induction, hysterotomy, or dilation and evacuation, can all pose a greater risk to the mother's health in certain cases. My alternative amendment will stop abortions by any method after a fetus is viable, except when medical necessity indicates otherwise.

Can we or should we try to define "viability" in this? I did not. And the courts have warned us: Don't even try. That is a medical judgment and, as I mentioned earlier, is a moving target. Viability today, in other words, fetal survivability today, is different from what it will be tomorrow or next month because these procedures are changing so dramatically in terms of saving the fetus and giving it an opportunity for life.

My alternative fits clearly within the constitutional parameters set forth by the Supreme Court for government restriction of abortion. In Planned Parenthood v. Casey, the Supreme Court reiterated Roe's determination that, after viability, the State may limit or ban abortion.

In contrast, the partial birth abortion ban, by prohibiting certain types of abortions before viability, breaches the Court's standard that the Government does not have a compelling interest in restricting abortions prior to viability.

Nineteen Federal courts in 19 States have enjoined, have stopped, the enforcement of the so-called partial-birth abortion bans Senator SANTORUM brings to the floor. The States include: Alaska, Arkansas, Arizona, Florida, Georgia, Idaho, Illinois, Iowa, Kentucky, Louisiana, Michigan, Missouri, Montana, Nebraska, New Jersey, Ohio, Rhode Island, Wisconsin, and West Virginia.

The Santorum bill is clearly unconstitutional. It will be struck down by the courts and have no lasting impact.

My alternative retains the abortion option for mothers facing extraordinary medical conditions, such as breast cancer discovered during the course of pregnancy, uterine rupture, or non-Hodgkins lymphoma, for which termination of the pregnancy may be recommended by the woman's physician due to the risk of grievous injury to the woman's physical health or life.

In contrast, the partial-birth abortion ban provides no such exception to protect the mother from grievous injury to her physical health.

To this point, this debate has been fairly general. To this point, with the exception of the Senator from California, in noting a few mothers who have been through experiences which they have shared publicly, we have talked in generalities.

The Senator from Pennsylvania has brought up a chart that is not a human depiction; it is an effort to put forth some drawing that depicts this procedure.

We have talked about the Constitution. But I will tell you this. My ambivalence over this issue—I was ambivalent when I first heard of this procedure—was put to rest because I sat down with real people, with mothers and fathers, husbands and wives, who faced medical emergencies. And when each of them told me their stories, I thought to myself: How can I possibly vote for the Santorum bill which would have endangered the life of the woman I am talking to? That is why I opposed his legislation in the past and will continue to do so. For the record, I will at this point tell two or three stories that have been a matter of public record and testimony before Congress and that I think demonstrate when you get beyond the theory of this debate and to the reality of it, life gets complicated, very complicated. It is easy to step back and make a moral decision involving other people, if you are not in their shoes. Listen to some of these and you will see what I mean.

This is the story of Coreen Costello from Agoura, CA. Coreen, her husband Jim and their son Chad and daughter Carlyn live in Agoura, CA. Coreen is a full-time stay-at-home wife and mom. She describes herself as a registered Republican and very conservative. She does not believe in abortion. In fact, she never thought she would be testifying before Congress supporting an abortion procedure, which is exactly what she did, on March 21, 1996, before the House Judiciary Subcommittee on the Constitution.

In March 1995, the Costellos were joyfully expecting their third child. However, when she was 7 months pregnant, Coreen began having premature contractions and had to be rushed to the hospital. After reviewing the results of the ultrasound, Coreen's doctor informed her he did not expect the baby to live. Coreen's child, a girl she had named "Katherine Grace," was unable to absorb the amniotic fluid. As a result, the fluid was puddling into Coreen's uterus. Katherine Grace had a lethal neurological disorder and had been unable to move for almost 2 months. Her chest cavity was unable to rise and fall to stretch her lungs and prepare them for air. It was as if she had no lungs at all. Her vital organs were atrophying. Katherine Grace was going to die.

A perinatologist recommended terminating the pregnancy. All the doctors agreed. The Costellos' safest option was an intact D&E, the very procedure banned by this bill by the Senator from Pennsylvania. For Coreen and her husband, this was not an option. They chose to wait to go into labor naturally, which wouldn't be long. Due to the excess amniotic fluid, a condition called polyhdramnios, premature labor, was imminent. Despite the difficulty of knowing her baby was going to die, Coreen continued with the pregnancy. Over the course of the next few weeks, she saw many experts. If possible, the results were even grimmer than those she had earlier.

Her baby's body was rigid and wedged in a transverse position in her womb. Most babies are in a fetal position. Katherine Grace's position was exactly the opposite. It was as if she were doing a swan dive. The soles of her feet were touching the back of her head. Her body was in a U-shape. Due to swelling, her head was already larger than that of a full-term baby. Coreen, her mother, did daily exercises trying to change Katherine Grace's position so she could be delivered naturally.

Meanwhile, the amniotic fluid continued to puddle in Coreen's uterus. In the ensuing weeks, the condition had grown worse. Everyone started to fear for the mother's health. The mother could no longer sit or lie down for more than 10 minutes because the pressure on her lungs was so great. During one of her last ultrasounds, Coreen's doctor told her she could not deliver the baby via caesarean under the circumstances because the risk was too great. The doctor told Coreen there was a safer way for her to deliver. It was at this point Coreen realized this was not a choice anymore, that it was not up to her or her husband. There was no reason to risk leaving her children, Chad and Carlyn, motherless, if there was no hope of saving their new baby.

The Costellos drove to Los Angeles for a D&E. They expected a cold gray building. They found a doctor and a staff willing to help them. It was at this point Coreen realized she had done the right thing. This was the safest thing for her. The fact this option was open to Coreen is important in this story. This option would be closed to her by the Santorum bill.

After the procedure, she went on to say Katherine Grace was beautiful. She was not missing part of her brain. She had not been stabbed in the head with scissors. She looked peaceful and she did not suffer. Because of the safety of this procedure, Coreen became pregnant again with another baby, after losing Katherine Grace. Thanks to the skill and compassion of the doctors and the procedure she was forced to use under these extraordinary circumstances, Coreen was able to have a healthy baby.

If you outlaw the surgical procedure, which the Santorum bill seeks to do, women such as Coreen will be denied the safest and best medical procedure they need under these emergency circumstances and their ability to have more children and the happiness in life which children bring us will be compromised severely.

The next story is about a lady who I met several times. I like her a lot. Her name is Vikki Stella. She is from my home State of Illinois, and she came to Washington, DC, to tell her story. Vikki, her husband Archer and their two daughters, Lindsay, age 11, and Natalie, age 7, live in Naperville, the western suburbs of Illinois right outside Chicago.

In 1993, Vikki discovered she was pregnant with a much-wanted son. Because she is diabetic, she had more prenatal tests than most pregnant women—amnios, ultrasounds, the works.

After the first round of tests, her doctor brought her in and said: Your pregnancy is disgustingly normal. Then at 32 weeks, she went in for another ultrasound, and everything fell apart—32 weeks into the pregnancy. Vikki's son was diagnosed, the one she was carrying, with nine major anomalies, including a fluid-filled cranium with no brain tissue at all. Vikki's much-wanted son would never survive outside her womb. The only thing keeping him alive was his mother's body.

The Stellas found the only answer they could: a surgical abortion procedure performed by a physician in Los Angeles. Because Vikki was diabetic, the controlled gentle nature of this surgery was much safer than induced labor or a C section. Vikki's son died peacefully and painlessly from the combination of steps taken in preparation for the surgery. He was brought out intact and the family was able to hold him and say their goodbyes.

That is a sad story about a couple that dearly wanted a baby and then found late in the pregnancy this terrible news that the baby would not survive and continuing the pregnancy could threaten the life of the mother. The procedure Vikki Stella used is the procedure banned by the Santorum bill, a procedure which her doctor thought was best for her.

There is an end to this story which is much happier. The ending to the story is that in 1995, Vikki gave birth to a little boy. They finally got their son. She came up to Capitol Hill with the little fellow in a stroller and a big smile on everyone's face.

It is hard for me, when I hear the intense rhetoric of this debate, to believe we are talking about the same thing. Some people refer to this as "cruel" and "execution-like." This family didn't ask for this medical emergency. They wanted to have their little boy and be happy, as all of us. They found late in the pregnancy something terrible happened. When they went to the doctor, the doctor said, this is what you have to do, and they did it. As painful as it was, they did it. This bill says, no, this will not be a decision of the Stella family, the mother and father in a room with the doctor. This will be a decision of the Stella family in a room with the doctor and the Federal Government. If that doctor decides this procedure is the safest to save this mother's life or to give her a chance to have another baby, the Santorum law will say, no, the Government will make the decision—not a decision by a mother and father and a physician, a decision which has to be so painful and emotional.

The last story is about a lady who testified before the Senate Judiciary Committee in 1995 named Viki Wilson. She is a registered nurse, 18 years of experience, 10 in pediatrics. Her husband Bill is an emergency room physician—a nurse and a doctor.

> We have three beautiful children: Jon is 10, Katie is 8, and Abigail is in heaven with God.
>
> In the spring of 1994, I was pregnant and expecting my third child on Mother's Day. The nursery was ready and we were very excited anticipating the arrival of our baby. Bill had delivered our other two children, and he was going to deliver Abigail. Jon was going to cut the cord and Katie was going to be the first to hold her. She had already become a very important part of our family.
>
> At 36 weeks of pregnancy all of our dreams of happy expectations came crashing down around us. My doctor ordered an ultrasound that detected what all my previous prenatal testing, including a chorionic villus sampling, an alpha fetoprotein and an earlier ultrasound had failed to detect, an encephalocele. Approximately two-thirds of my daughter's brain had formed on the outside of her skull.

Viki Wilson said:

> I literally fell to my knees from the shock.

This is a woman who was a nurse. When she heard this news, she literally fell to her knees from the shock.

> I immediately knew that [my baby] would not be able to survive outside my womb. My doctor sent me to a perinatologist, a pediatric radiologist, and geneticist, all desperately trying to find a way to save [the baby girl].

Her husband is a doctor.

> My husband and I were praying that there would be some new surgical technique to fix her brain. But all the experts concurred. Abigail would not survive outside my womb. And she could not survive the birthing process, because of the size of her anomaly, her head would be crushed and she would suffocate. Because of the size of her anomaly, the doctors also feared that my uterus would rupture in the birthing process, most likely rendering me sterile. It was also discovered that what I thought were big, healthy, strong baby movements were, in fact, seizures. They were being caused by compression of the encephalocele that continued to increase as she continued to grow inside my womb.

Viki Wilson asked:

> "What about a C-section?" Sadly, my doctor told me, "Viki, we do C-sections to save babies. We can't save [Abigail]. A C-section is dangerous for you and I can't justify those risks."
>
> The biggest question for me and my husband was not "is [Abigail] going to die?" A higher power had already decided that for us. The question now was: [Am I going to die? Is the mother going to die with the child?] "How is she going to die?" We wanted to help her leave this world as painlessly and peacefully as possible, and in a way to protect my life and health and allow us to try again to have more children.

They used the procedure that would be banned by the Santorum legislation, which is before us today.

Mr. President, I give these three examples because I think it is important for all of us, despite our values and principles and the things we hold dear, to listen to people who struggle with these tragedies. I didn't think in any of those cases, the 5 or 6 women I have met who ever used this procedure to save their lives or protect their health, that I ever detected selfishness or greed. In every single case, these were mothers and fathers who wanted their babies. They had painted nurseries, and they had given them names. They were prepared for this joyful home coming that never happened.

This was not some casual decision. This was a decision that would haunt them for a lifetime. Why had they been singled out to lose that baby? Why did they have to go through the emotion and the trauma of all the decisions that came with that? I can't answer that. All I can do is sympathize with them for what they had to live through and to say to myself as a Senator, do you really want to say that you know better in terms of that mother's life and health? That is what the Santorum legislation says. It says we know better; we want to be the doctors here; we want to decide which abortion procedure you can use and which you can't use.

As I said at the outset, I am not a doctor, and I am not going to play one in the Senate. The doctors that I have relied on and the patients I have spoken to have led me to conclude that the Santorum approach is the wrong approach. I know that it will be an issue in every campaign forever. I have already faced that. I am sure I will face it again. But I am confident in my position that I can go back not only to my home State but even to my family where this is debated and explain to them why I have done what I am doing today.

This amendment I am offering is a sensible approach. It is one consistent with Roe v. Wade. It deals with late-term abortion, and it is one that is sensitive to a mother's health. It is one that attempts to protect that mother when she runs the risk of grievous physical injury.

AMENDMENT NO. 2319

(Purpose: To provide a complete substitute.)

Mr. DURBIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for himself, Ms. SNOWE, Ms. COLLINS, Mr. TORRICELLI, Ms. MIKULSKI, Mr. LIEBERMAN, Ms. LANDRIEU, Mr. BINGAMAN, Mr. AKAKA, and Mr. GRAHAM, proposes an amendment numbered 2319.

Mr. DURBIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Late Term Abortion Limitation Act of 1999".

SEC. 2. BAN ON CERTAIN ABORTIONS.

(a) In General.—Title 18, United States Code, is amended by inserting after chapter 73 the following:

"CHAPTER 74—BAN ON CERTAIN ABORTIONS

"Sec.
"1531. Prohibition of post-viability abortions.
"1532. Penalties.
"1533. Regulations.
"1534. State law.
"1535. Definitions

"§ 1531. Prohibition of Post-Viability Abortions.

"(a) In General.—It shall be unlawful for a physician to intentionally abort a viable fetus unless the physician prior to performing the abortion—

"(1) certifies in writing that, in the physician's medical judgment based on the particular facts of the case before the physician, the continuation of the pregnancy would threaten the mother's life or risk grievous injury to her physical health; and

"(2) an independent physician who will not perform nor be present at the abortion and who was not previously involved in the treatment of the mother certifies in writing that, in his or her medical judgment based on the particular facts of the case, the continuation of the pregnancy would threaten the mother's life or risk grievous injury to her physical health.

"(b) No Conspiracy.—No woman who has had an abortion after fetal viability may be prosecuted under this chapter for conspiring to violate this chapter or for an offense under section 2, 3, 4, or 1512 of title 18.

"(c) Medical Emergency Exception.—The certification requirements contained in subsection (a) shall not apply when, in the medical judgment of the physician performing the abortion based on the particular facts of the case before the physician, there exists a medical emergency. In such a case, however, after the abortion has been completed the physician who performed the abortion shall certify in writing the specific medical condition which formed the basis for determining that a medical emergency existed.

"§ 1532. Penalties.

"(a) Action by the Attorney General.—The Attorney General, the Deputy Attorney General, the Associate Attorney General, or any Assistant Attorney General or United States Attorney specifically designated by the Attorney General may commence a civil action under this chapter in any appropriate United States district court to enforce the provisions of this chapter.

"(b) First Offense.—Upon a finding by the court that the respondent in an action commenced under subsection (a) has knowingly violated a provision of this chapter, the court shall notify the appropriate State medical licensing authority in order to effect the suspension of the respondent's medical license in accordance with the regulations and procedures developed by the State under section 1533(b), or shall assess a civil penalty against the respondent in an amount not to exceed $100,000, or both.

"(c) Second Offense—Upon a finding by the court that the respondent in an action commenced under subsection (a) has knowingly violated a provision of this chapter and the respondent has been found to have knowingly violated a provision of this chapter on a prior occasion, the court shall notify the appropriate State medical licensing authority in order to effect the revocation of the respondent's medical license in accordance with the regulations and procedures developed by the State under section 1533(b), or shall assess a civil penalty against the respondent in an amount not to exceed $250,000, or both.

"(d) Hearing.—With respect to an action under subsection (a), the appropriate State medical licensing authority shall be given notification of and an opportunity to be heard at a hearing to determine the penalty to be imposed under this section.

"(e) Certification Requirements.—At the time of the commencement of an action under subsection (a), the Attorney General, the Deputy Attorney General, the Associate Attorney General, or any Assistant Attorney General or United States Attorney who has been specifically designated by the Attorney General to commence a civil action under this chapter, shall certify to the court involved that, at least 30 calendar days prior to the filing of such action, the Attorney General, the Deputy Attorney General, the Associate Attorney General, or any Assistant Attorney General or United States Attorney involved—

"(1) has provided notice of the alleged violation of this chapter, in writing, to the Governor or Chief Executive Officer and Attorney General or Chief Legal Officer of the State or political subdivision involved, as well as to the State medical licensing board or other appropriate State agency; and

"(2) believes that such an action by the United States is in the public interest and necessary to secure substantial justice.

"§ 1533. Regulations.

"(a) Federal Regulations.—

"(1) In General.—Not later than 60 days after the date of enactment of this chapter, the Secretary of Health and Human Services shall publish proposed regulations for the filing of certifications by physicians under this chapter.

"(2) Requirements.—The regulations under paragraph (1) shall require that a certification filed under this chapter contain—

"(A) a certification by the physician performing the abortion, under threat of criminal prosecution under section 1746 of title 28, that, in his or her best medical judgment, the abortion performed was medically necessary pursuant to this chapter;

"(B) a description by the physician of the medical indications supporting his or her judgment;

"(C) a certification by an independent physician pursuant to section 1531(a)(2), under threat of criminal prosecution under section 1746 of title 28, that, in his or her best medical judgment, the abortion performed was medically necessary pursuant to this chapter; and

"(D) a certification by the physician performing an abortion under a medical emergency pursuant to section 1531(c), under threat of criminal prosecution under section 1746 of title 28, that, in his or her best medical judgment, a medical emergency existed, and the specific medical condition upon which the physician based his or her decision.

"(3) Confidentiality.—The Secretary of Health and Human Services shall promulgate regulations to ensure that the identity of a mother described in section 1531(a)(1) is kept confidential, with respect to a certification filed by a physician under this chapter.

"(b) State Regulations.—A State, and the medical licensing authority of the State, shall develop regulations and procedures for the revocation or suspension of the medical license of a physician upon a finding under section 1532 that the physician has violated a provision of this chapter. A State that fails to implement such procedures shall be subject to loss of funding under title XIX of the Social Security Act.

"§ 1534. State Law.

"(a) In General.—The requirements of this chapter shall not apply with respect to post-viability abortions in a State if there is a State law in effect in that State that regulates, restricts, or prohibits such abortions to the extent permitted by the Constitution of the United States.

"(b) Definition.—In subsection (a), the term 'State law' means all laws, decisions, rules, or regulations of any State, or any other State action, having the effect of law.

"§ 1535. Definitions.

"In this chapter:

"(1) Grievous Injury.—

"(A) In general.—The term 'grievous injury' means—

"(i) a severely debilitating disease or impairment specifically caused or exacerbated by the pregnancy; or

"(ii) an inability to provide necessary treatment for a life-threatening condition.

"(B) Limitation.—The term 'grievous injury' does not include any condition that is not medically diagnosable or any condition for which termination of the pregnancy is not medically indicated.

"(2) Physician.—The term 'physician' means a doctor of medicine or osteopathy legally authorized to practice medicine and surgery by the State in which the doctor performs such activity, or any other individual legally authorized by the State to perform abortions, except that any individual who is not a physician or not otherwise legally authorized by the State to perform abortions, but who nevertheless directly performs an abortion in violation of section 1531 shall be subject to the provisions of this chapter.".

(b) Clerical Amendment.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 73 the following new item:

"74. Ban on certain abortions ...... 1531.".

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SANTORUM. Mr. President, I appreciate the remarks of the Senator, and I appreciate his good faith in offering this amendment. I am not going to discuss that amendment specifically right now, although I certainly will.

I have a couple of comments. First off, it has to be noted here that partial-birth abortions are performed—this is according to the people who perform them—well over 90 percent of the partial-birth abortions that are performed—and some have suggested much higher than 90 percent—on healthy babies and healthy mothers. Healthy babies, healthy mothers. A very small percentage are the cases that you have heard brought up here today.

The question is then posed: Well, who are we to make the decision about these tough cases? I think even the Senator from Illinois would say, if it is a healthy mother and baby and this procedure isn't necessary, I have some problems. I think a lot of Members who have voted against this bill have said, if it is that case—but there are these cases. I am happy to address those cases, but let me do it in a broader context.

The reason we inject ourselves is the same reason the Supreme Court has injected itself into the debate on second- and third-trimester abortions. It is because we are not talking about removing a tumor. It is not where we are going to say you should not remove this cancerous tumor this way or that way or that appendix that way. What we are talking about here is killing a baby—from my perspective, particularly killing a baby in such a barbaric fashion—which is almost born and is almost protected by the Constitution. So I understand the concern that we should not be practicing medicine. No one is practicing medicine here. What we are doing here is drawing a very important line about what we will allow in our society when it comes to killing a living human being. I don't think anybody is going to question that the baby is living and it is a human being. So what we are talking about here is how can you kill a living human being?

What we are saying is you should not be able to kill a living human being that is almost born, especially in a brutal fashion. The reason is because of how horrendous this is. It creates some real slippery slopes when the Senator from California gets up and says, "I want every child to be wanted." So now if you are not wanted, you are not protected by the Constitution and that is the way it works? If you are not wanted as a child, you don't get protection. What if you're not wanted as a Senator. Do you not get protection? I don't think we want to go down that road.

I am concerned, particularly as we talk about this procedure, where the baby is three inches away from protection from the Constitution, and when you get into this area and say, people have to have all the rights to do whatever they want. That is not what the Constitution says. That is not what we have said here. We have drawn a line because we think it is important for society to draw lines about what is, in fact, legal and what is not.

Mr. DURBIN. Will the Senator yield for a question?

Mr. SANTORUM. Yes.

Mr. DURBIN. I want to explore this, because I really want to understand what we are driving at here. I gave an example of a baby inside a mother's womb with its brain outside of its skull. This brain was growing in size. It was very clear that the baby was alive through the mother that continued to detect a fetal heart beat, and there is an obvious question as to whether this baby could ever survive. At the moment, they had to make a decision. They knew if they went through certain procedures, the mother could have her uterus rupture because of the size of this abnormal growth of the baby, and they decided to use the procedure that the Senator would ban.

Now, conceding everything you have said, does the Senator from Pennsylvania not acknowledge the fact that the baby's life was something that, frankly, was not going to last but a few seconds? As soon as that baby was disconnected from the mother's umbilical cord, the placenta, that baby was not going to survive at that point. The doctor had to say: This baby is not going to live and if I don't use the procedure that you are going to ban here, I can do damage to this woman where she would never have another baby. That is the kind of case. I understand the Senator says it is a living thing, but it is living because of the mother's body and it cannot live on its own.

Mr. SANTORUM. I understand that very well. I just say this. What we have been told by the overwhelming amount of medical evidence—and, again, it gets back to the discussion we had earlier about whether this procedure is the only appropriate procedure—what we have been told over and over again is that this is never medically necessary. In this circumstance, this is not the only procedure that could be used, No. 1.

Again, we have overwhelming medical evidence saying that this is, in fact, not the safest—in fact, is the most dangerous. Even the person who wrote the textbook on second- and third-trimester abortions, a guy by the name of Warren Hern, who talks about this procedure—he does more second- and third-trimester abortions than any other abortionist in the country—says, "I have serious reservations about this procedure. You really can't defend it. I would dispute any statement that says this is the safest procedure to use."

This is an abortionist from Colorado who does more third-trimester abortions than anybody in the country.

My point is not that we should say you can't have an abortion if that is what the person wants at that point. But there are other options other than an intact D&E. There are other abortion options, as the Senator explored in his statement. There is the caesarean section, depending on what the problem is. You have the Alan Guttmacher Institute which looked at statistics on abortion. They say that abortion is twice as risky to the life of the mother as is delivery in the second- and third-trimester.

Mr. DURBIN. Will the Senator yield so I understand the Senator's point of view?

I don't want to put words in his mouth. But what I hear him say is you can find some other abortion procedure in that instance other than the one you are banning. That is fine. The Senator may not personally like abortion at all. But from his point of view, he is saying just as long as you use a different kind of procedure, this bill is OK.

Mr. SANTORUM. That is correct.

Mr. DURBIN. This bill is going after one procedure.

Mr. SANTORUM. We are very clear. I don't think this is a problem under Roe v. Wade. I think we are very clear, and are, frankly, working on making it clearer in the definition dealing with the issue of vagueness because that has been raised, as the Senator mentioned, in the court cases across the country. Even though one case held it to be constitutional, we are looking into ways in which we can tighten that definition.

To make sure, what we are saying is, look, if an abortion is what the mother chooses, or a family chooses, it is legal under certain circumstances in the second- and third-trimester, in almost all circumstances. But we are saying this procedure, because of the very difficult slippery slope of having an almost born child being killed, should not be allowed.

Mr. DURBIN. Will the Senator yield for another question?

Let me say this: The American Council of Obstetricians and Gynecologists comes to a different conclusion. They say in some circumstances this is the safest.

Mr. SANTORUM. But they do not identify any.

Mr. DURBIN. Having said that, there are choices where these women use this procedure under extraordinary circumstances. In the cases the Senator was talking about, they were literally dealing with the birth of a fetus which was not going to survive which was so abnormally sized that it caused a danger and the possibility that the mother would never have another child. Why would we want to preclude any medical procedure that might save that mother's life or give her a chance to have another child, if the Senator from Pennsylvania concedes that he is not arguing against all abortion procedures?

Mr. SANTORUM. Because there are safer alternatives available according to all of the medical literature, and we have definitive statements from obstetricians, hundreds of them, as well as people from Northwestern—I will be happy to share the article with the Senator—from a fairly reputable medical school; I am sure the Senator would say one of the best medical schools. But we have overwhelming evidence that there are safer procedures to use, that this is a rogue practice. It is not used much. And, again, according to Warren Hern, he can't defend this procedure. It is something that should not be used. It is not safe.

I will show you arguments. I don't have it handy, but we will enter into the RECORD an analysis of the cases that you have made by obstetricians who will say under these circumstances there would have been a safer course, a better course than what was done by the physicians in this case. What we are saying is it is not the best medicine, period. It is not medically necessary, period. And it is a barbaric infringement on the rights of an almost born child.

I agree. This is a very narrow bill.

Mr. DURBIN. Let me ask this question, if I might. I ask this question in good faith because I think we should have this dialogue.

Step aside from the argument about whether we should have abortion at all, and go to the first two points; that this procedure is never medically necessary and is especially risky.

Before I was elected to Congress, I used to practice law as a trial lawyer in medical malpractice cases.

I ask the Senator from Pennsylvania, why would any physician subject themselves to a medical malpractice case if the two points that the Senator made are so obvious; that is, this procedure is never medically necessary, and it is more dangerous than other procedures for the mother? Why in the world would they ever take the risk of a lawsuit by using this procedure unless they believe they could justify that it is medically necessary and that in effect it was the safest procedure for the mother to use?

Mr. SANTORUM. This is not commonly practiced. It is only practiced with a few thousand abortions a year. Given the fact there are 1.4 million abortions, a few thousand abortions, it is not something that is practiced in every abortion clinic. I think a lot of abortion clinics will say this is a rogue practice. That is not to say people do not practice medicine that is somewhat strange. There are a lot of people who do things in medicine that are not considered to be medically sound judgments. That doesn't mean that they aren't done. They are, in fact, done. This is a situation where we believe that is the case. This is a rogue procedure. Someone may be sued. I don't know. Maybe someone has. I am not aware of someone being sued. But, again, the person most likely to sue would be the child that is dead. I am not too sure that in the case of the mother that is necessarily a most common thing you will see. I don't think a lot of abortionists are sued, period.

I would like to address a couple of issues that the Senator from California brought up, and then the Senator from Illinois.

First, to state very clearly what the Senator from California said, talking about the murder of abortionists and snipers firing at people, I am against murder. I think everybody who supports this legislation—and, frankly, everybody in this Chamber agrees—believes that acts of violence against anybody on the issue of abortion is counterproductive to an effort that seeks to affirm life. Certainly, taking the law into their own hands is an outrage, is offensive to me, is wrong, and should be prosecuted to the fullest extent of the law. There is no room in a movement that talks about nonviolence—and violence toward babies in utero—for condoning actions of violence of any sort, whether it is murder or attempted murder or destruction of property, et cetera. I don't stand here condoning that, and I would join with the Senator from California to condemn it and condemn it in the strongest words possible. That is no service to those who are trying to get the country's ear in defense of innocent human life.

I want to correct what the Senator from California said also about no court has found our language in this bill constitutional. That is not true. The court in Wisconsin has found this language to be constitutional. It is now being appealed to the Seventh Circuit. The law is enjoined upon appeal. But, again, we have a district court that has found this to be constitutional.

I would like to go through again, quoting from the Journal of the American Medical Association, an article printed in 1998, a year ago in August, by two obstetricians from Northwestern University, and go through again why this procedure—it keeps coming back to two issues, as the Senator from Illinois talked about.

One, the term is too vague. The definition is too vague.

I will be addressing that. Hopefully, in the next couple of days we will work on that, although I think, frankly, the definition is perfectly clear. We are willing to work and to see whether we can make it a little bit more definitive.

Second, that this may be necessary to protect the health of the mother, again, that is the discussion in which the Senator from Illinois and I were just engaged.

I want to restate again how overwhelming the evidence is of people who can definitively state without question that over 400 obstetricians around the country say it is never medically necessary.

C. Everett Koop—as the Senator from Illinois said, is never medically necessary. It is a pretty strong term to say it is never medically necessary.

What do we have on the other side? We have some anecdotes about cases where it was used, but in no case do they state that was the only option or that was the best option.

On our side we have the abortionist, Dr. Haskell from Ohio, who probably does more of these abortions than any other person. He says it is never—underline never—medically necessary to protect the life of the mother and not medically necessary to protect the health of the mother. The abortionist himself says that.

On the other side, we have the statement from the American College of Obstetricians and Gynecologists. That is the argument on the other side. This whole debate on health is centered around an organization that is very pro-abortion that says they put together a select panel that:

> . . . could identify no circumstances under which this procedure would be the only option to save the life or preserve the health of the woman.

This is an organization that opposes this bill. This is an organization they rely upon to hold on to the "health exception." That is the cover behind not voting for this bill.

There are two arguments: Health of the mother—we need that, otherwise we can't vote for this if we don't have that—and it is too vague, the definition is too vague.

The organization they rely upon says they can:

> . . . identify no circumstances under which this procedure would be the only option to save the life or preserve the health of the woman and that an intact D&X, however—

This is what they hold on to—

> . . . may be the best or most appropriate procedure in a particular circumstance to save the life or preserve the health of the woman, and only the doctor, in consultation with the patient, based upon the woman's particular circumstances, can make this decision.

That is their rationale. It "may be," and we should "leave it to the doctor and the patient." "May be." OK, fine. It may be.

We have asked this organization to provide one circumstance—just one. By the way, we have asked them now for 3 years to give one circumstance where we can have peer review by obstetricians, have them look at their circumstance where this "may be" the best option. Give a hypothetical; give an example we can actually examine.

What is the answer from that organization? Nothing.

They say it "may be." We can't say how, we can't give any evidence of it, but "it may be." Because it may be—which is not substantiated—that is the health exception they need.

It is pretty lame. If they cannot come forward and give facts, we need a health exception because it "may be," but if we cannot give circumstances where that is the case, where is the health exception?

They admit it is not the only way. The AMA has said it is not good medicine; it is a rogue procedure, and the AMA is a pro-choice organization. That is what their board votes.

Again, it is hard for me to argue against "May be's," without specifics. That is what we have. Members are hiding behind "we need a health exception because it may be." This is a debate about facts. We have hundreds and hundreds of physicians who say it may be never the best option; it will never be the best option; there are always better alternatives.

From the point of view of someone who is on the Senate floor and whose job it is to look at all the information, to be able to make a judgment, don't hide behind a health exception that doesn't exist and is not substantiated. Just because it is substantiated by anecdotes of people who used them because it happened to save them, that doesn't mean there weren't better options at the same time. Just because this worked to save the health of the mother doesn't mean there weren't better options.

Mr. President, 400 years ago we used to bleed people, and it probably helped some people, but that doesn't mean there weren't better options. We are saying, what is the best option? Why do we want the best option? This is not removing a tumor. This is killing a baby that is outside the mother. That is why we don't like this procedure.

This is not practicing medicine and telling doctors how to do their business. If this were about an ingrown toenail, we wouldn't care. This is about killing a living human being—about killing a living human being. I don't think anybody on the floor will argue with that. We are talking about killing a living human being. That is this far away from the Constitution saying "no." This far.

I will read from this article the rationale given by these physicians as to why they believe this is not the best procedure for mothers from a health perspective.

> There exist no credible studies on intact D&X—

This is a rogue procedure—

> . . . that evaluate or attest to its safety. The procedure is not recognized in medical textbooks nor is it taught in medical schools or in obstetrics and gynecology residencies. Intact D&X poses serious medical risks to the mother. Patients who undergo an intact D&X—

Intact D&X is a partial-birth abortion as defined in the bill—

> are at risk for the potential complications with any surgical midtrimester termination, including hemorrhage, infection, and uterine perforation. However, intact D&X places these patients at increased risk of two additional complications.

So a traditional late-term abortion has certain risks associated with it, according to these doctors from Northwestern University. But this procedure has two other complications in addition to the ones already inherent in a late-term abortion:

> First, the risk of uterine rupture may be increased. An integral part of the D&X procedure is an internal podalic version, during which the physician instrumentally reaches into the uterus, grasps the fetus' feet, and pulls the feet down into the cervix, thus converting the lie to a footling breach. The internal version carries risk of uterine rupture, abruption, amniotic fluid embolus, and trauma to the uterus.
>
> The second potential complication of intact D&X is the risk of iatrogenic laceration and secondary hemorrhage. Following internal version and partial breech extraction, scissors are forced into the base of the fetal skull while it is lodged in the birth canal. This blind procedure risks maternal injury from laceration of the uterus or cervix by the scissors and could result in severe bleeding and the threat of shock or even maternal death.
>
> These risks have not been adequately quantified.
>
> None of these risks are medically necessary because other procedures are available to physicians who deem it necessary to perform an abortion late in pregnancy. As ACOG policy clearly states, intact D&X is never the only procedure available. Some clinicians have considered intact D&X necessary when hydrocephalus is present.

Water on the brain.

> However, a hydrocephalic fetus could be aborted by first draining the excess fluid from the fetal skull through ultrasound-guided . . . [procedures.] Some physicians who perform abortions have been concerned that a ban on late term abortions would affect their ability to provide other abortion services. Because of the proposed changes in federal legislation, it is clear that only intact D&X would be banned.

I can and I will, throughout the course of the next couple of days, provide letter after letter signed by hundreds and hundreds of obstetricians, the best in their field, perinatologists, people who deal with maternal and fetal medicine, who say this procedure is dangerous, more dangerous to a woman. So the issue of health is a bogus one. It is a bogus issue.

Again I go back to Warren Hern, the author of "Abortion Practice," the author who does more third-trimester abortions, I am told, than anybody else in America. He says:

> I have very serious reservations about this procedure. You really can't defend it. I would dispute any statement that this is the safest procedure to use.

This is not a fan of this bill. So, again, all these comments and concerns about "we have to protect health, we have to protect health"—if we outlawed this procedure, we would be protecting health. We would be protecting the health of women where doctors who do it do it for the convenience of the abortionist.

Do you want to know why it is done? It is done for the convenience of the abortionist, because they can do more in 1 day. That is why this procedure was developed. That is what they will tell you. That is, the doctor who invented this procedure, he will tell you that is why he did it.

On the other issue—and we will get to this a little later in the debate—the issue of vagueness, the Senator from California said every court in the country that has ruled on this has ruled it is vague or ruled it is unconstitutional.

First off, that is not true. Wisconsin ruled in fact it is constitutional. But I am willing to work with those who have genuine concerns about the issue of vagueness, to get a definition that makes people perfectly comfortable that we are not talking about any other form of abortion because it is not my intent, as has been ascribed to me, that what I am trying to do is eliminate all second- and third-trimester abortions.

What is clear about this debate and the debate that has been going on now for three Congresses is that we are not trying to do that. I think we have stood on the floor and said that is not our intent. Our intent is to get rid of a dangerous procedure. Yes, it is painful to the baby. Yes, it is dangerous to the mother. But it is also dangerous to our society, to be able to kill a baby that is this close to being born. I think it is something we have to stand up and draw the line on clearly, and that is what we are asking to do.

So to me it is pretty simple. We have no evidence this jeopardizes the health of the mother—none. We have speculation, no facts. We have the vagueness concern. Again, I am willing to work on that issue. If that is a genuine concern that people have, I am willing to work on it to make sure we can make people comfortable that what we are talking about is only this procedure.

But once you get past those two concerns, I do not know what is left. I do not know why you defend this. I do not know why you defend killing a baby this far away from being born who would otherwise be born alive. I do not know how you defend it.

So I look forward to this debate over the next couple of days. I know the Senator from California feels very passionately about this, but I think the issue of where we draw the line constitutionally is very important. I am sure the Senator from California agrees with me. I think the Senator from California would say that she and I, the Senator from Illinois, the Senators from Arkansas and Kansas, we are all protected by the Constitution with the right to life.

Would you agree with that, Senator from California? Do you answer that question?

Mrs. BOXER. I support the Roe v. Wade decision.

Mr. SANTORUM. Do you agree any child who is born has the right to life, is protected by the Constitution once that child is born?

Mrs. BOXER. I agree with the Roe v. Wade decision, and what you are doing goes against it and will harm the women of this country. And I will address that when I get the floor.

Mr. SANTORUM. But I would like to ask you this question. You agree, once the child is born, separated from the mother, that that child is protected by the Constitution and cannot be killed? Do you agree with that?

Mrs. BOXER. I would make this statement. That this Constitution as it currently is—some want to amend it to say life begins at conception. I think when you bring your baby home, when your baby is born—and there is no such thing as partial-birth—the baby belongs to your family and has the rights. But I am not willing to amend the Constitution to say that a fetus is a person, which I know you would. But we will get to that later. I know my colleague is engaging me in a colloquy on his time. I appreciate it. I will answer these questions.

I think what my friend is doing, by asking me these questions, is off point. My friend wants to tell the doctors in this country what to do. My friend from Pennsylvania says they are rogue doctors. The AMA will tell you they no longer support the bill. The American Nurses don't support the bill. The obstetricians and gynecologists don't support the bill. So my friend can ask me my philosophy all day; on my own time I will talk about it.

Mr. SANTORUM. If I may reclaim my time, first of all, the AMA still believes this is bad medicine. They do not support the criminal penalties provisions in this bill, but they still believe—I think you know that to be the case—this procedure is not medically necessary, and they stand by that statement.

I ask the Senator from California, again, you believe—you said "once the baby comes home." Obviously, you don't mean they have to take the baby out of the hospital for it to be protected by the Constitution. Once the baby is separated from the mother, you would agree—completely separated from the mother—you would agree that baby is entitled to constitutional protection?

Mrs. BOXER. I will tell you why I don't want to engage in this. You had the same conversation with a colleague of mine, and I never saw such a twisting of his remarks.

Mr. SANTORUM. Let me be clear, then. Let's try to be clear.

Mrs. BOXER. I am going to be clear when I get the floor. What you are trying to do is take away the rights of women and their families and their doctors to have a procedure. And now you are trying to turn the question into, When does life begin? I will talk about that on my own time.

Mr. SANTORUM. If I may reclaim the time?

The PRESIDING OFFICER (Mr. BUNNING). The Senator from Pennsylvania has the floor.

Mr. SANTORUM. What I am trying to do is get an answer from the Senator from California as to where you would draw the line because that really is the important part of this debate.

Mrs. BOXER. I will repeat. I will repeat, the Senator has asked me a question——

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

Mrs. BOXER. I am answering the question I have been posed by the Senator, and the answer to the question is, I stand by Roe v. Wade. I stand by it. I hope we have a chance to vote on it. It is very clear, Roe v. Wade. That is what I stand by; my friend doesn't.

Mr. SANTORUM. Are you suggesting Roe v. Wade covered the issue of a baby in the process of being born?

Mrs. BOXER. I am saying what Roe v. Wade says is, in the early stages of a pregnancy, a woman has the right to choose; in the later stages, the States have the right—yes—to come in and restrict. I support those restrictions, as long as two things happen: They respect the life of the mother and the health of the mother.

Mr. SANTORUM. I understand that.

Mrs. BOXER. That is where I stand. No matter how you try to twist it, that is where I stand.

Mr. SANTORUM. I say to the Senator from California, I am not twisting anything. I am simply asking a very straightforward question. There is no hidden question here. The question is——

Mrs. BOXER. I will answer it again.

Mr. SANTORUM. Once the baby is born, is completely separated from the mother, you will support that that baby has, in fact, the right to life and cannot be killed? You accept that; right?

Mrs. BOXER. I don't believe in killing any human being. That is absolutely correct. Nor do you, I am sure.

Mr. SANTORUM. So you would accept the fact that once the baby is separated from the mother, that baby cannot be killed?

Mrs. BOXER. I support the right—and I will repeat this, again, because I saw you ask the same question to another Senator.

Mr. SANTORUM. All the Senator has to do is give me a straight answer.

Mrs. BOXER. Define "separation." You answer that question.

Mr. SANTORUM. Let's define that. Let's say the baby is completely separated; in other words, no part of the baby is inside the mother.

Mrs. BOXER. You mean the baby has been birthed and is now in the mother's arms? It is a human being? It takes a second, it takes a minute——

Mr. SANTORUM. Say it is in the obstetrician's hands.

Mrs. BOXER. I had two babies, and within seconds of them being born——

Mr. SANTORUM. We had six.

Mrs. BOXER. You didn't have any.

Mr. SANTORUM. My wife and I did. We do things together in my family.

Mrs. BOXER. Your wife gave birth. I gave birth. I can tell you, I know when the baby was born.

Mr. SANTORUM. Good. All I am asking you is, once the baby leaves the mother's birth canal and is through the vaginal orifice and is in the hands of the obstetrician, you would agree you cannot then abort the baby?

Mrs. BOXER. I would say when the baby is born, the baby is born and would then have every right of every other human being living in this country, and I don't know why this would even be a question.

Mr. SANTORUM. Because we are talking about a situation here where the baby is almost born. So I ask the question of the Senator from California, if the baby was born except for the baby's foot, if the baby's foot was inside the mother but the rest of the baby was outside, could that baby be killed?

Mrs. BOXER. The baby is born when the baby is born.

Mr. DURBIN. Will the Senator yield?

Mrs. BOXER. That is the answer to the question.

Mr. SANTORUM. I am asking for you to define for me what that is.

Mrs. BOXER. I can't believe the Senator from Pennsylvania has a question with it. I have never been troubled by this question. You give birth to a baby. The baby is there, and it is born, and that is my answer to the question.

Mr. SANTORUM. What we are talking about here with partial birth, as the Senator from California knows, is the baby is in the process of being born——

Mrs. BOXER. In the process of being born. This is why this conversation makes no sense, because to me it is obvious when a baby is born; to you it isn't obvious.

Mr. SANTORUM. Maybe you can make it obvious to me. What you are suggesting is if the baby's foot is still inside of the mother, that baby can then still be killed.

Mrs. BOXER. I am not suggesting that.

Mr. SANTORUM. I am asking.

Mrs. BOXER. I am absolutely not suggesting that. You asked me a question, in essence, when the baby is born.

Mr. SANTORUM. I am asking you again. Can you answer that?

Mrs. BOXER. I will answer the question when the baby is born. The baby is born when the baby is outside the mother's body. The baby is born.

Mr. SANTORUM. I am not going to put words in your mouth——

Mrs. BOXER. I hope not.

Mr. SANTORUM. But, again, what you are suggesting is if the baby's toe is inside the mother, you can, in fact, kill that baby.

Mrs. BOXER. Absolutely not.

Mr. SANTORUM. OK. So if the baby's toe is in, you can't kill the baby. How about if the baby's foot is in?

Mrs. BOXER. You are the one who is making these statements.

Mr. SANTORUM. We are trying to draw a line here.

Mrs. BOXER. I am not answering these questions.

Mr. SANTORUM. If the head is inside the mother, you can kill the baby.

Mrs. BOXER. My friend is losing his temper. Let me say to my friend once again—and he is laughing——

Mr. SANTORUM. I am not laughing.

Mrs. BOXER. Let me say, this woman is not laughing right now because if this bill was the law of the land, she might either be dead or infertile. So if the Senator wants to laugh about this, he can laugh all he wants.

Mr. SANTORUM. Reclaiming my time, Mr. President. All I suggest is I was not laughing about the discussions. It is a very serious discussion.

Mrs. BOXER. Well, you were.

Mr. SANTORUM. I was smiling at your characterization of my demeanor. I have not lost my temper. I think I am, frankly, very composed at this point. What I will say—and the Senator is walking away—is the Senator said, again, the baby is born when the baby is born. I said: If the foot is still inside the mother? She said: Well, no, you can't kill the baby. If the foot is inside, you can't, but if the head is the only thing inside, you can.

Here is the line. See this is where it gets a little funny.

Mrs. BOXER. Parliamentary inquiry, Mr. President. Let the RECORD show that I did not say what the Senator from Pennsylvania said that I did. Thank you.

Mr. SANTORUM. Mr. President, I hate to do this, but could we have the clerk read back what the Senator from California said with respect to that question?

I understand it will take some time for us to do that. I will be happy—

Mrs. BOXER. I say to my friend, I know what I said. I am saying your characterization of what I said is incorrect. I didn't talk about the head or the foot. That was what my colleague talked about. And I don't appreciate it being misquoted on the floor over a subject that involves the health and life of the women of this country and the children of this country and the families of this country.

Mr. SANTORUM. It also involves—and that is the point I think the Senator from California is missing—it also involves when in the process—that is why people on both sides of the abortion issue support this bill, because it also involves what is infanticide and what is not. A lot of people who agree with you on the issue of abortion say this is too close to infanticide. This is a baby who is outside the mother.

Again, I will not put words in the Senator's mouth, but what I heard—and again I am willing to have that corrected by the RECORD and the Senator can correct me right now—what I heard her say is if the foot is inside the mother, no, you cannot kill the baby, but when the head is, you can. That is a pretty slippery slope.

Mrs. BOXER. I say to my friend, what I said was I wasn't answering those questions. What the Senator was trying to do was to bait me on his terms of how he sees this issue.

We have a situation where this procedure is outlawed. It will hurt the women and the families of this country. My friend can disagree with that, but I never got into the issue of when is someone born. I said to you I am very clear on that, and I understand that completely, but it was my friend who kept on asking these questions, which to me do not make any sense because the issue here is an emergency procedure that my friend from Pennsylvania wants to make illegal, and it will hurt the women and it will hurt the families of this country.

Mr. SANTORUM. If I can reclaim my time, first off, the Senator from California said this was an emergency procedure. Name me an emergency procedure that takes 3 days. That is what the procedure takes. That is one of the things that was put forward early in the debate, now risen again, that this is somehow an emergency procedure. It is not an emergency procedure. It is a 3-day procedure.

No emergency do you present yourself in an emergency condition and get sent home with pills for 3 days to present yourself back.

Again, I want to finalize, and then the Senator from Arkansas has been waiting for quite sometime, and I want to allow him to speak. This is not a clean issue. This is not a removal of a tumor. We are talking about drawing the line between what is infanticide and what is abortion, and that is why many of us are disturbed about this. No one is trying to reach in and outlaw abortions.

The Senator from Illinois and I were very clear about the limited scope of this bill. What we are saying is, this is too close to infanticide. This is barbaric. This fuzzies the line that is dangerous for the future of this country. And what you saw, as the Senator from California was hesitant to get involved in that because she realizes how slippery this slope is, that you can say the foot does, the head doesn't, maybe the ankle—folks, we don't want to go there. It is not necessary for the health of the mother, it is not necessary for the life of the mother, and if you don't believe me, believe the person who developed it because they said so.

I think we need to have a full debate, not just on narrow issues, but on the broader issue of what this means to the rights of every one of us born and unborn, sick and well, wanted and unwanted. I think the line needs to be a bright one. I yield the floor.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I am pleased to rise in support of this legislation to ban the partial-birth abortion procedure. I commend the Senator from Pennsylvania for his passionate, eloquent, and articulate explanation in defense of this legislation.

I had the privilege of presiding during Senator SANTORUM's statement. I cannot say as well, I cannot say as passionately what the Senator from Pennsylvania said so very well in explaining the need for this legislation and why we are taking the time on the floor of the Senate to debate it and to vote on it. I am here so he might not stand alone, and he does not stand alone.

There will be better than 60 percent of the Senate voting for this legislation, and better than 80 percent of the

American people support a ban on this horrible procedure. But this is not a subject, it is not a topic, it is not an issue about which people like to talk. It is not something Senators feel comfortable coming down and talking about; it is not something I feel comfortable talking about, but I do think it is very important.

Once again, I commend my colleague for the leadership he has shown on this issue.

Mr. President, the Nation was shaken with a sense of disbelief over 5 years ago in 1994 when we discovered that a young mother in South Carolina, Susan Smith, had murdered her own children and then pretended they had been kidnapped.

In my home State of Arkansas, in recent days, a young woman in her ninth month of pregnancy was savagely attacked by three young men who had been hired by the woman's boyfriend and the father of her unborn child to force her to lose her baby. That was the reason he contracted with these thugs, to, in effect, murder that unborn child. They beat her with severe blows to her stomach and explicitly told her that their intent was to kill her child, a child the father did not want.

As we were dealing with the shock of this gruesome tragedy, we learned of a Memphis man who confessed to driving across the river last summer into the Arkansas Delta with his wife and throwing the couple's 18-month-old child down into a 15-foot levee, leaving the child to die a slow and painful death of exposure to the elements. After this horrific event, the same couple allegedly returned 3 days later and drowned their other child in a pond.

Last month, the Washington papers were filled with the news of a Maryland man who stands accused of killing his two small children and then reporting their deaths as the result of a carjacking.

Unfortunately, these kinds of incidents become all too frequent today. The list goes on and on.

The question I raise is, Are the tragedies I have recounted, and the scores of others that could be enumerated, related to the debate that we are having about partial-birth abortion?

I know there are people who will howl there is no connection. There will be people who would object strenuously to even the suggestion being made that the all-too-frequent violence toward children could be related to a society's permissive attitude toward a procedure that would allow a baby to be partially born and then killed.

But I would suggest that, in fact, there is a connection; that violence begets violence; that dehumanizing one part of mankind contributes to the dehumanizing of all vulnerable human beings—whether they are the disabled, whether they are the elderly, or whether they are the newborn.

Many Americans were shocked—I was shocked—to hear of the Princeton professor of bioethics, who was recently hired, assumed a seat on the faculty at Princeton University, one of our most distinguished universities—a professor of bioethics, ironically—who said:

> I do not think it is always wrong to kill an innocent human being. Simply killing an infant is never equivalent to killing a person.

A professor of bioethics, at a major American university, who can say that publicly and be defended.

The questions Senator SANTORUM posed a few moments ago to the Senator from California—well, Professor Singer would not have had difficulty in answering the questions that he posed. He simply says: It is not always wrong to kill an innocent human being. Killing an infant is not the equivalent of killing a person.

Is this where we are going?

This professor believes parents should be allowed, 28 days after the birth of a severely disabled child, to decide whether or not they want to kill the child or keep the child.

It was suggested earlier in the opening comments of the Senator from Pennsylvania that the debate we are having about this kind of procedure, 40 years ago, would have been unheard of in our society. No one can doubt that in this so-called age of enlightenment we have moved so far in what we view as acceptable in the area of taking the lives of those who are innocent.

I listened very closely to the objections to this legislation as I presided in the chair during the opening statements of both sides earlier today. It seemed to me that every issue that was raised in opposition to this legislation was an effort to divert attention from the horror of this procedure.

There was the issue of the timing of the vote. Whether this vote occurs this week or whether this vote would have occurred last week or next week does not change the horror of what we are talking about; it does not change the terrible nature of a procedure that kills a child that is partially born.

I think every objection that has been raised is an effort to turn our attention away, divert our attention away from that chart that Senator SANTORUM had on the floor earlier today, which was far from being a cartoon but was very similar to medical charts.

Then there was the objection that we were practicing medicine; that the Senate was seeking to practice medicine; that we should not make this decision; that it is a decision that should be made within the profession.

It was Thomas Jefferson who said—and I will say it as close to his words as I can: The first and fundamental purpose of Government is the protection of innocent human life.

There is no more fundamental goal and object of Government than the protection of its citizens, the protection of human life. We could not find a subject more relevant to what Government ought to be doing than this subject.

To say we should not be involved in it because it is a medical issue is simply an effort to divert us from what really is the issue; that is, whether human life should be protected by law or not.

It is always ironic to me that those who say Government should not be involved in this issue are the first to say Government should pay for this procedure, or at least abortions in general.

Then there was the argument that the courts may rule this unconstitutional; therefore we should not even be voting on this because the courts, and the Supreme Court eventually, might rule this legislation unconstitutional.

Isn't that ironic? Because I just listened to 4 days of debate in which the constitutionality of campaign finance reform proposals were argued on the floor of this Senate. No one said, well, we shouldn't even debate this proposal because the courts—in fact, the evidence is the courts have and will rule many portions of the so-called Shays-Meehan legislation unconstitutional as a violation of the first amendment—but it did not prevent us from having a healthy, prolonged debate about the need for campaign finance reform.

I think it is an absolute red herring to say: Well, ultimately when the Supreme Court makes a definitive ruling on this subject, they may or may not rule that it is constitutional. That, in no way, abrogates our responsibility to debate it and to pass legislation that we believe is not only constitutional but in the best interests of this country.

Then it was said: Well, we have had repeated votes on this before. We have had repeated votes on a lot of issues. The fact is, we have new Senators now. We are going to have some different votes. We voted repeatedly on campaign finance reform. It is a debate, I suspect, that will go on year after year.

Because we have voted on this legislation before is no reason that we should not, once again, raise what many believe is the fundamental moral issue facing our culture today; that is, the issue of life.

Senator SANTORUM so eloquently demonstrated the folly of where this ultimately leads. If killing an unborn child, who is partially delivered, with only his or her head still within the body of the mother, is legal, where then do we draw the line? Could we have a more basic, fundamental issue of gravity before this body than that? So time and time again we will hear, during the debate, the effort to take our attention away from where the focus should be, and that is unborn child and this horrible procedure.

Every effort will be made to bring up the timing of the vote, the issue of whether or not this is in our purview, the practicing of medicine, which, of course, is very much within our purview, this issue of human life; the fact of what the courts have ruled or may yet rule on this or similar legislation—all of these are efforts to take the Nation's eyes off what this legislation is all about, and that is eliminating a barbaric, uncivilized procedure that no right-minded person can surely defend.

It is a Federal crime to harm a spotted owl or a bald eagle or even its egg, but a helpless infant, completely dependent on its mother, is not accorded the same protections we afford the spotted owl or the bald eagle.

In this body—I say to my colleagues who say we shouldn't take the time of the Senate to debate this issue—in this body, we debated an amendment to the Interior appropriations bill that would have prohibited the use of steel leg hold traps. Perhaps that was a debate we should have had, but I believe it pales in comparison to the gravity and the seriousness of the issue we are now debating. We would protect the spotted owl, the bald eagle, or the inhuman practice of steel leg hold traps, but we have trouble protecting infants who are pulled from their mother's womb by the legs and killed.

One of the finest writers in this Nation, I believe, hails from the State of Arkansas. He is a Pulitzer Prize-winning journalist whose name is Paul Greenberg. He is one of the most brilliant and, I think, articulate defenders of human life I have ever had the opportunity to read. I want to read for the record a couple of short paragraphs from the many columns this Pulitzer Prize winner has written:

> As always, verbal engineering has preceded social engineering. The least of these must be aborted in words before it becomes permissible to abort them in deed. Those whom we want out of the way must first be dehumanized or something within might hold us back.

I wonder why there was such objection to even the term "partial-birth abortion." Clearly, it describes what this procedure is. I think the author, Mr. Greenberg, has said it right: We have to do the verbal engineering before we do the social engineering, because to use the term "partial-birth abortion" suggests the humanity of that child.

Then Greenberg wrote:

> What once would have inspired horror is now the mundane, even the scientific, the advanced, the enlightened. What once might have inspired dread is now sanctioned in the elastic name of constitutional right and individual freedom.

That is what we are hearing today. We are hearing the defense of an indefensible procedure, sanctioned in the elastic name of constitutional right and individual freedom. When a question is raised, it is simply: I support Roe v. Wade; that is our right. What an elastic right it has become, to defend under Roe v. Wade a procedure that no one, no civilized person, could suggest is either good medicine or humane practice.

I ask my colleagues to not be diverted from the issue but to think about the baby, think about the procedure, this horrible procedure, think about the pain that little baby feels, think about what kind of country we want to be.

I yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I will make a unanimous consent request. I hope it is OK with my colleague from Pennsylvania. I would like to speak for 2 minutes. I would like to ask unanimous consent that following that, Senator WELLSTONE take 10 minutes and, following that, Senator LIEBERMAN be recognized.

The PRESIDING OFFICER. Is there objection?

Mr. SANTORUM. If I may amend that to say, following that, Senator BROWNBACK would be recognized after Senator LIEBERMAN.

Mrs. BOXER. Absolutely.

The PRESIDING OFFICER. If the Senator will repeat the understanding.

Mrs. BOXER. I will repeat it, as amended by my friend from Pennsylvania. It would be BOXER for 2 minutes, WELLSTONE for 10 minutes.

How much time would Senator LIEBERMAN like to have?

Mr. LIEBERMAN. Ten minutes is fine.

Mrs. BOXER. Ten minutes for Senator LIEBERMAN, at which time we would go to Senator BROWNBACK for 10 minutes. That is my unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mrs. BOXER. I thank the Chair.

Let me say, the Senator from Arkansas said the charge of government is to protect innocent life. We all want to protect every life. But when it comes to pregnancy, we do have a law that prevails in this country, which my friend may not agree with —I have a hunch he doesn't—called Roe v. Wade. It was decided in 1973. In that decision, the Court said when it comes to abortion, in the first trimester a woman has the right to choose, without any interference by the Government; and after that time, the States can regulate and restrict, but always the life of the woman and the health of the woman must be protected. That is Roe. That is, it seems to me, a very sound decision.

What we have in the Santorum bill is an out-and-out attack on that philosophy because there is no exception for health.

My friend from Illinois, Senator DURBIN, is trying to deal with that issue. I say to him, my compliments for working on his bill.

The bottom line for this Senator: I want to make sure if my daughter or anybody else's daughter is in an emergency situation, that the doctor or doctors do not have to open up the law books and decide whether or not they can do what is necessary to save the health and life of my daughter.

When one talks about innocent life, one must look at the faces involved. Here is a face of a beautiful young woman who wanted desperately to have children. I will tell her story later. She is an innocent person. Roe protects her; the Santorum bill leaves her out in the cold.

So the Senator from Pennsylvania can engage me in debates all he wants as to when I believe life begins and when I think a baby is born. To me, it is very obvious when a baby is born. When it leaves the mother, it is born. That is pretty straightforward.

I would prefer to leave the medical emergencies to the physicians. I think they know. This isn't a Roe procedure we are talking about. This is a procedure that the American College of Gynecologists and Obstetricians supports. They say they need it in their arsenal when they work to protect a woman's life and her health. The American Nurses Association—I could go on and on.

At this time, I yield the floor and will come back to this as often as we have to until this debate concludes.

I know Senator WELLSTONE has something to offer to the debate.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I thank the Senator from California. I shall be brief. First, I ask unanimous consent that I be included as an original cosponsor of the Durbin amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I will describe the amendment one more time for those who are following this debate. I think it is important what the amendment says. It would ban all postviability abortions, except in cases where both the attending physician and an independent nontreating physician both certify in writing, in their medical judgment, the continuation of the pregnancy would threaten the mother's life or risk grievous injury to her physical health, with then a very strict and very clear definition of "grievous injury." That is what the amendment says.

It would actually reduce the number of late-term abortions. This legislation fits in with the constitutional parameters set forth by the Supreme Court for government restriction of abortion. This legislation retains the abortion option for mothers facing extraordinary medical conditions such as breast cancer or non-Hodgkin's lymphoma. At the same time, this amendment clearly limits the medical circumstances where postviability abortions are permitted. By doing that, this legislation protects fetal life in cases where the mother's health is not at high risk.

I came to the floor to speak about this amendment because I believe the Durbin amendment is, if you will, where I am kind of within me. This is what I believe. I think it makes sense to move in this direction. I think it makes sense to set up a strict standard. I think it is terribly important, when we look at postviability abortions, to have this test, to have this standard that has to be met. I am certainly not going to vote for an amendment or a piece of legislation which is so open-ended that where there clearly are the medical circumstances, the life of a mother is threatened, she can't go forward with this procedure.

Here is why I come to the floor. I don't understand why those who want to see some change would not support this compromise. If you are interested, I say to my colleagues, in trying to make a difference, if you are concerned about some of these late-term abortions, if you think there ought to be a more stringent standard, then that is what this Durbin amendment says. If you are interested in passing legislation, if you are interested in making a change, if you are interested in passing a bill that isn't going to be vetoed by the President, if you are interested in passing legislation, as opposed to one more time going through this political war and making this a big political issue, then you ought to support this amendment.

There are some people from the other side who think this amendment is a mistake. They don't want to see this amendment pass. I think this amendment is reasonable. I think it is a compromise that makes sense. I think it deserves our support.

I actually will make this not at all personal in terms of what other Senators have said. It is simply not true that there aren't many people in the Senate who are not concerned, that don't share some of the concerns that have been reflected by speeches given on the floor. Sheila and I have three children, and we also were confronted with two miscarriages—6 weeks and over 4 months. Anybody who goes through that knows what this debate is all about. I also know it is about a woman, a mother, a family having their right to choose. I am very nervous about a State coming in and telling a family they are going to make this decision. But I also understand the concerns, especially the concerns—again, I go to the language about postviability abortions. But here we have an amendment that says it will ban this except in the cases where the attending physician and an independent, nontreating physician certify that, in their medical judgment, if you don't do this, then you are going to see a threat to the mother's life or she is going to risk grievous injury to her physical health.

Isn't that reasonable? I am so tired of the sharp drawing of the line and the polarization and the accusations and the emotion and the bitterness. Why don't we pass this amendment? It is a reasonable compromise.

For those who want to overturn Roe v. Wade, that is never going to happen. That is the law of the land. But if we want to make a difference and we have this concern, I think we should support this Durbin amendment. I come to the floor of the Senate to thank him for his effort. I am comfortable with this amendment. I think it would make a difference. I think it would meet some of the agonizing concerns that I and other Senators have. I am not about to support legislation that is so open ended that it makes no allowance at all for the health of a mother. That is my position.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Connecticut is recognized for 10 minutes.

Mr. LIEBERMAN. Mr. President, I rise to support the amendment offered by my colleague from Illinois, Senator DURBIN. The underlying bill and this amendment bring us back to these morally perplexing questions. We heard it in the sincerity of the speech by the Senator from Minnesota and the sincerity of all of my colleagues speaking on either side, for either of these approaches.

This problem, more than any I have confronted in my public life, seems to me to join our personal value systems, our personal understanding about profound philosophical medical questions, such as "When does life begin?" with our role as legislators, with our role as lawmakers, with the limits of what our capacities are in making law and, ultimately, of course, also with what the reality is that the courts have stated as they have applied our Constitution, as the ultimate arbiter of our values and our rights in this country.

I support this proposal of Senator DURBIN's because, once again, I think it actually will do what I believe most everybody—I would say everybody—in this Chamber would like the law to do, and that is to reduce the number of abortions that are performed. I support it also because I think it can be upheld as constitutional, and I sincerely and respectfully doubt the underlying proposal, the so-called Partial-Birth Abortion Act, will be upheld as constitutional.

I remember I first dealt with these issues when I was a State senator in Connecticut in the 1970s, after the Roe v. Wade decision was first passed down by the Supreme Court, and the swelter of conflicting questions: What is the appropriate place for my convictions about abortion, my personal conviction that potential life begins at conception and, therefore, my personal conviction that all abortions are unacceptable? How do I relate that to my role as a lawmaker, to the limits of the law, to the right of privacy that the Supreme Court found in Roe v. Wade?

This proposal that deals with partial-birth abortion, or intact dilation and extraction, brings us back once again to all of those questions. I have received letters from constituents in support of Senator SANTORUM's proposal. I have had calls and conversations with constituents and friends—people I not only respect and trust but love—who have urged me to support Senator SANTORUM's proposal.

When you hear the description of this procedure, it is horrific; it is abominable. There is a temptation, of course, to want to respond and do what the underlying proposal asks us to do in the law by adopting this law. And then I come back to my own personal opinion, which is every abortion, no matter when performed during pregnancy—this is my personal view—is unacceptable and is, in its way, a termination of potential life.

So as I step back and reach that conclusion, I have to place the proposal Senator SANTORUM puts before us and the one Senator DURBIN puts before us now in the context, one might say, of some humility of what the appropriate role for each of us is as lawmakers, what the appropriate role for this institution is as a lawmaking body, and what does the Court tell us is appropriate under the Constitution. I cannot reach any other conclusion, personally, than that Senator SANTORUM's proposal is not constitutional, that Senator DURBIN's is, and will, in fact, reduce the number of postviability abortions and, therefore, the number of abortions that are performed in our country.

That is why I have added my name as a cosponsor to Senator DURBIN'S proposal.

The courts have created well-defined boundaries for legislative action. Under Planned Parenthood versus Casey, the Supreme Court held that "subsequent to viability, the State in promoting its interest in the potentiality of human life may, if it chooses, regulate, and even proscribe, abortion except where it is necessary, in appropriate medical judgment, for the preservation of the life or health of the mother." Partial birth legislation has been challenged 22 times in the courts resulting in 19 injunctions. The court-imposed constraints must be reflected in legislative efforts if we are going to achieve our goal of reducing late-term abortions. Enacting legislation that courts have struck down time and again is unlikely to reduce abortions.

Most recently, of course, that conclusion was reached by the Eighth Circuit Court on September 24, little less than a month ago, when the court said:

> Several states have enacted statutes seeking to ban "partial-birth abortion." The precise wording of the statutes, and how far the statutes go in their attempts to regulate previability abortions, differ from state to state. The results from constitutional challenges to the statutes, however, have been almost unvarying. In most of the cases that reached the federal courts, the courts have held the statutes unconstitutional.

So the constitutional impediment to the proposal Senator SANTORUM makes is that, notwithstanding the horrific nature of the so-called partial-birth abortion, the intact dilation and extraction method of abortion, you cannot prohibit by law, according to the Supreme Court of the United States, any particular form of terminating a pregnancy at all stages of the pregnancy. You can prohibit almost all forms of terminating a pregnancy after viability. That is what the Durbin amendment will do.

Incidentally, viability as medical science has advanced, has become an earlier and earlier time in the pregnancy.

There are exceptions.

Incidentally, the language in the Durbin proposal is not full of loopholes. It is very strict and demanding. It requires a certification by a physician that the continuation of the pregnancy would threaten the mother's life or risk grievous injury to her physical health. Those are serious requirements not meant to create a series of loopholes through which people intending to violate the law can go.

As has been said, a new provision has been added to this amendment which requires that an independent physician who will not perform nor be present at the abortion, who was not previously involved in the treatment of the mother, can affirm the first physician's opinion by a certification in writing.

A physician who knowingly violates the act may be subject to suspension of license and penalties as high as $250,000.

The limitations are specific. They are narrow. And they are, if I may say so, inflexible. In that sense, they respond in the most narrow way to the health exception required by the Supreme Court.

This is such a good proposal which Senator DURBIN has offered that I hope we may come back to it at some other time when it is not seen by the proponents of Senator SANTORUM's legislation as a negation of that legislation because this amendment in that sense never gets a fair vote or a clear vote. I think if we brought it up on its own, perhaps it could allow us the common ground on this difficult moral question toward which I think so many Members of the Chamber on both sides aspire. I hope we can find the occasion to do that.

I thank the Chair. I thank my friend from Illinois for the work he has done in preparing this amendment and bringing it before us.

I yield the floor.

Mrs. BOXER. Mr. President, I know Senator BROWNBACK is going to speak.

The PRESIDING OFFICER. Senator BROWNBACK is recognized.

Mrs. BOXER. Will the Senator yield for a unanimous-consent request so that Senator MIKULSKI could follow the Senator?

Mr. BROWNBACK. I have no objection.

Mrs. BOXER. Mr. President, I ask unanimous-consent that Senator MIKULSKI follow Senator BROWNBACK and be recognized for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Nebraska.

Mr. BROWNBACK. Thank you very much. I thank my colleague, Senator SANTORUM, for once again bringing this important issue in front of this body and to this floor.

Once again, I join Senator SANTORUM as an original cosponsor of this legislation to end partial-birth abortion in this country. Last year, the Senate failed to override the President's veto by three votes. President Clinton has twice vetoed similar measures in 1996 and 1997. We will continue, however, to raise this issue until the President signs this into law, or until this procedure is banned for forever.

I follow my colleague from Connecticut, who I rarely disagree with on matters of this nature. But this happens to be one of those which I do. I view this as an abhorrent procedure, as my colleague from Connecticut does as well. I also view it as a constitutional issue that we can raise, that we can deal with, and this body should deal with.

This goes to one of the most fundamental issues for us as a country, for us as a people, and that is when life begins and when it should be protected. These lives should be protected.

As I sat and listened to much of this discussion, I have to say I am sad as I listened to this discussion because it is so difficult, and it is such an awful thing—the birth of a child, and then it is killed by a blunt instrument.

I think some medical facts bear mentioning at this point in time.

Brain wave activity is detectable in human beings at 41 days after conception—just 41 days. A heartbeat is detectable 24 days after conception.

Consistently, State statutory or case law establishes a criteria of dead as the irreversible cessation of brain wave activity or spontaneous cardiac arrest.

In short, these are lives of individuals that are ended by this process. It is death. These are heartbeats and brain waves. They are stopped. They are denied life by this abhorrent procedure.

I would like to share some thoughts with you from a writer, a Jewish writer, Sandi Merl, when he was asked about this procedure of partial-birth abortion. He said this:

> When I think of Partial-Birth Abortion, I hear only the first two words—"partial birth." To me, this procedure is not abortion. It is pre-term delivery followed by an act of destruction leading to a painful death . . . This is infanticide, clearly and simply, and must be stopped . . . This is about leaving no fingerprints when committing a murder of convenience.

That is why I will once again vote to end partial-birth abortion when it comes to the Senate floor. It is a cruel and shameless procedure which robs us of our humanity with every operation performed. It is not true that the anesthesia kills the child before removal from the womb. Instead, it is the fact that the baby is actually alive and experiences extraordinary pain when undergoing the operation.

Nor is this brutality only reserved for the most extreme circumstances. According to the executive director of the National Coalition of Abortion Providers, the "vast majority" of partial-birth abortions are performed in the fifth and sixth months of pregnancy on healthy babies of healthy mothers.

The facts speak for themselves. Bluntly put, this involves the death of a child in a brutal fashion, and all of it legally condoned by the current President of the United States.

Our institutionalized indifference to this extraordinary suffering makes me wonder, what has happened to our collective conscience as a nation? Are we really so callous that we knowingly condone this form of death for our very weakest, which we would never force on any adult, no matter how bad the crime? Even murderers on death row are given more consideration when executed. Yet our babies are painfully killed while conscious. This extraordinary cruelty should cause us to bow our heads in shame.

In a Wall Street Journal article, Peggy Noonan rightly labeled events such as that at Columbine High School as evidence of a much deeper problem, one she identified as the "culture of death." Quoting Pope John Paul II from his recent visit to Mexico City, he urged a rejection of this increasingly influential culture of death, instead embracing the dignity and principles of life for everyone.

It is obvious, especially after the Columbine tragedy, that a culture of death is playing in our land. Lately, the volume has been turned up very loudly. The words to this song include the extremes we know now by heart: Excessively high murder rates, the repeated rampages of violence by schoolchildren against schoolchildren, the unending tawdriness of television programming and other media, to name only a few cultural malfunctions.

As Noonan went on to observe:

> No longer say, if you don't like it, change the channel. [People] now realize something they didn't realize ten years ago: There is no channel to change to.

Perhaps our increasingly violent culture has dulled our consciences and worn us down to this place where it no longer is politically expedient to protest the obscene suffering of infants. This explains why we continue to tolerate such a brutal practice as partial-birth abortion—what a dreadful name. I hope it isn't so. It is to this conscience that I appeal. I appeal to those who recognize the suffering and do not turn their heads, who take personal responsibility to correct this course of destruction, no matter the political consequences.

Please, please, open your hearts and listen. Hear that voice in there, the cries of thousands of little children, saying: Hear me, let me live.

Every once in a while, something happens which shakes us from our dullness. I want to share an event reported in the Washington Times that described an incident in April of this year in Cincinnati where a botched partial-birth abortion resulted in the birth of a little girl who lived for 3 hours. It is reported that the emergency room technician rocked and sang to her. After the inevitable death of the baby, the staff members grieved so badly that hours were spent in counseling and venting to get over the emotional trauma of the incident. One person observed that the real tragedy is that no laws were broken.

I hope we will continue to let ourselves be troubled by this event and by this practice and instead of turning a cold heart to it or saying, "I'm tied into a certain political position I can't change." I hope we will prayerfully consider and at night go and search ourselves and ask: Is this something we want to continue in America? Is this something I want to be a part of allowing to continue in America?

People of great tradition serve in this body who seek to protect and to serve the poorest of the poor and the weakest of the weak in our culture and society. They serve so admirably, and they speak glowingly about the need to protect those who are weakest. Yet, is it not this child in the womb who is the weakest of all in our society and in our culture? And that child cries right now. If we will just for a moment listen, we will hear the cry of that child. Can't we just for a moment turn from our locked in, dug in positions and say, OK, just for a moment I will listen, I will see if I can hear that small voice that is crying out to me: Just let me live. Let me have that God-given life that has been promised to me. Let me have that God-given life of which we speak so eloquently in our Declaration of Independence and our Constitution.

> We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life. . . .

Let's live. Let's stop this culture of death from going forward. Let's appeal to that inner voice that says let that life live.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise to speak against the Santorum amendment and on behalf of the Durbin amendment of which I am a cosponsor. I wish to speak on the merits of the amendment, but I will say a few words before I debate the amendment about an issue the Senator from Kansas has raised. I have had the opportunity to get to know and so respect the position of the Senator from Kansas.

The Senator spoke about the culture of death. I believe we should have a debate on the culture of death here in the Senate. I believe it should occur among Members privately, when we are having conversations in the lunchroom. I believe one of the things we should do as we end this century, which has been such a ghoulish, grim, violent century, is think about how we can affirm a life-giving culture.

I speak to my colleague from Kansas with all due respect and a desire to work with him on those issues. The Pope, the leader of my own faith, and the Catholic bishops of America have spoken about the culture of death. They say when we choose life, it is ending all forms of violence—the violence of poverty, hunger, armed conflict, weapons of war, the violence of drug trafficking, the violence of racism, and the violence of mindless damage to our environment.

In other statements from both the Pope and the bishops, they speak out on famine, starvation, the spread of drugs, domestic violence, and the denial of health care.

I say to my colleagues in the Senate, when we think about a defense against the culture of death, we need a broader view. We are need to talk not only about one amendment or one procedure—which I say is quite grim—but also to talk about what we are going to do to address these other critical issues.

We rejected a judicial nomination last week because of the nominee's position on the death penalty. I don't know how we can be against the culture of death and yet vote against a distinguished man who makes serious, prudent, judicial decisions on certain death penalty cases.

We defeated an arms control treaty, with no real serious opportunity for full debate and development of side agreements. There were legitimate "yellow flashing lights" about the agreement that deserved thorough debate. But we rushed to a vote with only hasty, last minute hearings and no opportunity for complete investigation of the treaty.

I say to my colleagues, let's look at what we are going to do to protect our own families and how we can look at promoting a culture of life. I say that with sincerity. I say it with the utmost respect for people whose position I will disagree with on this amendment. We need to reach out to each other, think these issues through, and put aside message amendments, put aside tactical advantages, put aside partisan lines.

I say to my colleague from Kansas, I know he is deeply concerned about the issues of culture in our own country. Many of those issues I do share. I reach out and say to my colleagues, let's think through what we are doing.

Having said that, I rise to support the Durbin amendment. In this debate, I say to my colleagues, the first question is: Who really should decide whether someone should have an abortion or not? I believe that decision should not be made by government. I believe when government interferes in decisionmaking, we have ghoulish, grim policies.

Look at China, with their one child/one family official practice. The government of China mandated abortions.

Look at Romania under the vile leadership of Ceausescu, who said any woman of childbearing age had to prove she was not on any form of birth control or natural method. They were mandated to have as many children as they could.

I don't want government interfering. I think government should be silent. We have a Supreme Court decision in Roe v. Wade. We should respect that decision. I think it is in the interests of our country that government now be silent on this. We should move forward. Medical practitioners should make decisions on medical matters. It should not be left up to politicians with very little scientific or theological training.

There is a substantial difference on when life begins. Science and theologians disagree on this. Some say at the moment of conception. St. Thomas Aquinas, in my own faith, said the soul comes into a male in 6 weeks, but it takes 10 weeks for the soul to enter the body of a woman. We would take issue with Thomas Aquinas on that. Our Supreme Court said that given conflicting scientific viewpoints, fetal viability should determine to what extent a state may limit access to abortion.

The Durbin amendment is consistent with the Court's framework. It would ban all post-viability abortions except when the life or health of the woman is at risk. The Durbin amendment provides clear guidelines, which are narrowly but compassionately drawn, to allow doctors to use a variety of procedures, based on medical necessity in a particular woman's situation. It must be medically necessary in the opinion of not one but two doctors. Both the doctor who recommends this as a procedure and then an independent physician must certify that this is the medically necessary and appropriate course for a particular woman facing a health crisis.

This is why I think the Durbin amendment is a superior amendment. It acknowledges the grave seriousness of the possibility of a medical crisis in a late-term pregnancy that can only be resolved with the family and the physician. To single out only one procedure means other procedures could be used, equally as grim. What we want to do is preserve the integrity of the doctor-patient relationship, and make sure there is no loophole, by requiring two physicians to independently evaluate the woman's medical needs.

So I believe the Durbin amendment is a superior way to address this most serious issue, and I intend to support the Durbin amendment. I recommend to my colleagues that they, too, give the Durbin amendment serious consideration.

Let me say again what I think this debate is about. I believe it is about the right of women facing the most tragic and rare set of complications affecting her pregnancy to make medically appropriate or necessary choices.

This is not a debate that should take place in the U.S. Senate. This is a discussion that should remain for women, their health care providers, their families and their clergy. The Senate has no standing, no competency and no business interfering in this most private and anguishing of decisions a woman and her family can possibly face.

That is why I so strongly oppose the Santorum bill. It would violate to an alarming degree the right of women and their physicians to make major medical decisions.

And that is why I rise in strong support of the Durbin amendment. I support the Durbin alternative for four reasons.

First, it respects the constitutional underpinnings of Roe v. Wade.

Second, it prohibits all post-viability abortions.

Third, it provides an exception for the life and health of a woman which is both intellectually rigorous and compassionate.

Finally, it leaves medical decisions in the hands of physicians—not politicians.

The Durbin alternative addresses this difficult issue with the intellectual rigor and seriousness of purpose it deserves. We are not being casual. We are not angling for political advantage. We are not looking for cover.

We are offering the Senate a sensible alternative—one that will stop post-viability abortions, while respecting the Constitution. We believe that it is an alternative that reflects the views of the American people.

The Durbin amendment respects the Supreme Court's ruling in the Roe v. Wade decision. When the Court decided Roe, it was faced with the task of defining "When does life begin?" Theologians and scientists differ on this. People of good will and good conscience differ on this.

So the Supreme Court used viability as its standard. Once a fetus is viable, it is presumed to have not only a body, but a mind and spirit. Therefore it has standing under the law as a person.

The Roe decision is quite clear. States can prohibit abortion after viability, so long as they permit exceptions in cases involving the woman's life or health. Let me be clear. Under Roe, states can prohibit most late term abortions. And many states have done so.

In my own state of Maryland, we have a law that does just that. It was adopted by the Maryland General Assembly and approved by the people of Maryland by referendum. It prohibits post viability abortions. As the Constitution requires, it provides an exception to protect the life or health of the woman.

Like the Maryland law, the Durbin alternative respects that key holding of Roe. It says that after the point of viability, no woman should be able to abort a viable fetus. The only exception can be when the woman faces a threat to her life or serious and debilitating risk to her health.

The bill before us—the Santorum bill—only bans one particular abortion procedure at any point in a pregnancy. By violating the Supreme Court's standard on viability, this language would in all probability be struck down by the courts.

In fact, this language has already been struck down in many states because of this very reason. The proponents of the legislation know this.

The Durbin alternative, though, bans all post viability abortions. It doesn't create loopholes by allowing other procedures to be used.

I believe there is no Senator who thinks a woman should abort a viable fetus for a frivolous, non-medical reason. It does not matter what procedure is used. It is wrong, and we know it.

The Durbin alternative bans those abortions. It is a real solution.

On the other hand, S. 1692, proposed by Senator Santorum and others, does not stop a single abortion. For those who think they support this approach, know that it is both hollow and ineffective.

S. 1692 attempts to ban one particular abortion procedure. All it does, though, is divert doctors to other procedures. Those procedures may pose greater risks to the woman's health. But let me be clear—late term abortions would still be allowed to happen. And for that reason, the Santorum approach is ineffective.

The Durbin amendment provides a tough and narrow health exception that is intellectually rigorous, but it is compassionate as well. It will ensure that women who confront a grave health crisis late in a pregnancy can receive the treatment they need.

The Amendment defines such a crisis as a "severely debilitating disease or impairment caused or exacerbated by pregnancy." And we don't leave it up to her doctor alone. We require that a second, independent physician also certify that the procedure is the most appropriate for the unique circumstances of the woman's life.

But I want to be very clear in this. The Durbin amendment does not create a loophole with its health exception. We are not loophole shopping when we insist that an exception be made in the case of serious and debilitating threats to a woman's physical health. This is what the Constitution requires and the reality of women's lives demands.

Let's face it, women do sometimes face profound medical crises during pregnancy. Some of these traumas are caused or aggravated by the pregnancy itself. I'm referring to conditions like severe hypertension or heart conditions.

I'm referring to pre-existing conditions—like diabetes or breast cancer—that require treatments which are incompatible with continuing pregnancy. Would anyone argue that these are not profound health crises?

The Durbin amendment recognizes that to deny these women access to the abortion that could save their lives and physical health would be unconscionable. When the continuation of the pregnancy is causing profound health problems, a woman's doctor must have every tool available to respond.

I readily acknowledge that the procedure described by my colleagues on the other side is a grim one. I do not deny that. But there are times when the realities of women's lives and health dictates that this medical tool be available.

I support the Durbin alternative because it is leaves medical decisions up to doctors—not legislators. It relies on medical judgement—not political judgement—about what is best for a patient.

Not only does the Santorum bill not let doctors be doctors, it criminalizes them for making the best choice for their patients. Under this bill a doctor could be sent to prison for up to two years for doing what he or she thinks is necessary to save a woman's life or health. I say that's wrong.

In fact, those who oppose the Durbin amendment say it is flawed precisely because it leaves medical judgements up to physicians.

Well, who else should decide? Would the other side prefer to have the government make medical decisions? I disagree with that. I believe we should not substitute political judgement for medical judgement.

We need to let doctors be doctors. This is my principle whether we are talking about reproductive choice or any health care matter.

Physicians have the training and expertise to make medical decisions. They are in the best position to recommend what is necessary or appropriate for their patients. Not bureaucrats. Not managed care accountants. And certainly not legislators.

The Durbin alternative provides sound public policy, not a political soundbite. It is our best chance to address the concerns many of us have about late term abortions. The President has already vetoed the Santorum bill and other similar legislation in earlier Congresses. I believe he will veto it again.

But today we have a chance to do something real. We have an opportunity to let logic and common sense win the day. We can do something which I know reflects the views of the American people.

Today we can pass the Durbin amendment. We can say that we value life and that we value our Constitution. We can make clear that a viable fetus should not be aborted. We can say that we want to save women's lives and women's health. The only way to do all this, Mr. President, is to vote for the Durbin amendment.

I urge my colleagues to support the Durbin amendment.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

AMENDMENT NO. 2320 TO THE TEXT INTENDED TO BE STRICKEN BY AMENDMENT 2319

Mrs. BOXER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 2320 to the text intended to be stricken by amendment 2319.

Mr. HARKIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following:

SEC. . SENSE OF CONGRESS.

It is the Sense of the Congress that, consistent with the rulings of the Supreme Court, a woman's life and health must always be protected in any reproductive health legislation passed by Congress.

AMENDMENT NO. 2321 TO AMENDMENT NO. 2320

(Purpose: To express the sense of the Congress in support of the Supreme Court's decision in Roe v. Wade)

Mr. HARKIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN] proposes amendment numbered 2321 to amendment No. 2320.

At the appropriate place, insert the following:

SEC. . SENSE OF CONGRESS CONCERNING ROE V. WADE.

(a) FINDINGS.—Congress finds that—

(1) reproductive rights are central to the ability of women to exercise their full rights under Federal and State law;

(2) abortion has been a legal and constitutionally protected medical procedure throughout the United States since the Supreme Court decision in *Roe v. Wade* (410 U.S. 113 (1973));

(3) the 1973 Supreme Court decision in *Roe v. Wade* established constitutionally based limits on the power of States to restrict the right of a woman to choose to terminate a pregnancy; and

(4) women should not be forced into illegal and dangerous abortions as they often were prior to the *Roe v. Wade* decision.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) *Roe v. Wade* was an appropriate decision and secures an important constitutional right; and

(2) such decision should not be overturned.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. HARKIN. I will ask it again, Mr. President.

Mr. SANTORUM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. HARKIN. Mr. President, I believe I had the floor. I had the floor.

The PRESIDING OFFICER. The Chair will note the Senator lost the floor when he asked for the yeas and nays.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I withdraw my request for the yeas and nays.

The PRESIDING OFFICER. The question is on the amendment.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, the amendment I have offered will basically express the sense of the Congress in support of the Supreme Court's decision in Roe v. Wade. With all of the amendments that keep coming up and trying to chip away at Roe v. Wade, Senator BOXER and I decided that it was important for us to see if there was support in the Congress for Roe v. Wade.

I know there are some groups around the United States that believe Roe v. Wade should be overturned. I do not believe that. I think it was an eminently wise decision. As time goes on, and as we reflect back, the decision enunciated by Justice Blackmun becomes more and more profound and more elegant in its simplicity and its straightforwardness.

However, it seems as we get wrapped up in these emotionally charged debates on partial birth abortion, we lose sight of what it is that gave women their full rights under the laws of our Nation and our States.

I was interested a couple of minutes ago in what Senator MIKULSKI pointed out; that the eminent theologian, St. Thomas Aquinas, had basically stipulated that in soul man—that is the putting of the soul in the human body—occurred 6 weeks after conception for a man but 10 weeks after conception for a woman. That was a theology that held for a long time.

I studied Saint Thomas Aquinas when I was in Catholic school. He was an eminent theologian, as I said. We look back and we say: That is ridiculous. The very division of 6 weeks for a man and 10 weeks for a woman is kind of ridiculous. Medical science has progressed. We know a lot of things they did not know at that time. What will we know 50 years from now that we do not know today?

Women, through the centuries, as we have developed more and more the concept of the rights of man—and I use man in the terms of mankind, all humans, the human race—that as we enlarge the concept of human rights—those rights we have that cannot legitimately be interfered with or trespassed upon by the power of any government—as we progressed in our thinking about those human rights, all too often women were left out of the equation.

It was not until recent times, even in our own country, that women had the right to own property. It was not until recent times that women even had the right to vote in this country, not to say what rights are still denied women in other countries around the globe.

As we progressed in our thinking of human rights, we have come a long way from Thomas Aquinas who said that for some reason a man gets a soul a lot earlier than a woman gets a soul. Yes, we've come a long way.

I believe our concept of human rights now is basically that human rights applies to all of us, regardless of gender, regardless of position at birth, regardless of nationality or station in life, race, religion, nationality; that human rights inure to the person.

One of the expansions of those human rights was for women to have the right to choose. After all, it is the female who bears children. That particular right inures to a woman. It was the particular genius of Roe v. Wade that Justice Blackmun laid out an approach to reproductive rights that basically guarantees to the woman in the first trimester a total restriction on the State's power to interfere with that decision. In the second trimester, the State may, under certain inscriptions, interfere. And in the third trimester, after the further decision of the Casey case, the States may interfere to save the life or health of the mother.

We have a situation now where women in our country are given—I should not use the word "given"—but have attained their equal rights and their full human rights under law.

That was Roe v. Wade. Since that time, many in the legislatures of our States and many in this legislature, the Congress of the United States—the House and the Senate—have sought repeatedly to overturn Roe v. Wade; if not totally to overturn it, but to chip away at it—a little bit here, a little bit there, with the final goal to overturn Roe v. Wade.

According to CRS, only 10 pieces of legislation were introduced in either the House or Senate before the Roe decision. Since 1973, more than 1,000 separate legislative proposals have been introduced. The majority of these bills have sought to restrict abortions.

Unfortunately, what is often lost in the rhetoric and in some of this legislation—is the real significance of the Roe decision.

The Roe decision recognized the right of women to make their own decisions about their reproductive health. The decision whether to bear a child is profoundly private and life altering. As the Roe Court understood, without the right to make autonomous decisions about pregnancy, a woman could not participate freely and equally in society.

I do not believe that any abortion is desirable—nobody does. As Catholic and a father, I've struggled with it myself. However, I do not believe that it is appropriate to insist that my personal views be the law of the land.

I think there are some things that Congress can do to prevent unintended pregnancy and reduce abortion by increasing funding for family planning, mandating insurance coverage for contraception and supporting contraception research.

Mr. President, I strongly urge my colleagues to support this resolution. I believe it would establish the one important principle that we can agree on—that despite the difference in our views, we will not strip away a woman's fundamental right to choose.

So I think we need to make it clear, we need to make it clear that we have no business—especially we in the Congress of the United States—have no business interfering with a woman's fundamental right to choose.

Mrs. BOXER. Would my friend yield for a question?

Mr. HARKIN. Without losing my right to the floor, I would be delighted to yield for a question.

Mrs. BOXER. I am very grateful to the Senator from Iowa for this amendment. It is interesting to me; in all the years I have been in the Senate, we have never had a straight up-or-down vote on whether this Senate agrees with the Supreme Court decision that gave women the right to choose.

Mr. HARKIN. Yes.

Mrs. BOXER. So I am very grateful to my friend for giving us a chance to talk about that because I wonder if my friend was aware that prior to the legalization of abortion, which is what Roe did in 1973, the leading cause of maternal death in this Nation was illegal abortion. Was my friend aware of that?

Mr. HARKIN. Yes, I was. I didn't know the exact figure, but I knew many women died or were permanently injured and disabled because of illegal abortions performed in this country—because they had no other option.

Mrs. BOXER. Exactly.

Mr. HARKIN. I say to my colleague from California, I want to thank her for her stalwart support and defense of Roe v. Wade through all these years. I follow in her footsteps, I can assure you. But I remember as a kid growing up in a small town in rural Iowa, that it was commonplace knowledge, if you had the money, and you were a young woman who became pregnant, you could go out of State; you could go someplace and have an abortion. But if you were poor and had nowhere else to go, you went down to sought out someone who would do an illegal abortion. Those are the women who suffered and died and were permanently disfigured.

Mrs. BOXER. I say to my friend, I remember those days. Further, even when women who did have the wherewithal, sometimes they resorted to a back-alley abortion and paid the money——

Mr. HARKIN. Sure.

Mrs. BOXER. Under the table and risked their lives and their ability to have children later and were scarred for life.

Mr. HARKIN. Sure

Mrs. BOXER. So the Roe v. Wade decision, as my friend has pointed out, in his words, was an "elegant decision." And why does he say that? Because it did balance the mother's rights with the rights of the fetus. Because it said, previability, the woman had the unfettered right to choose and in the late-term the State could regulate.

Roe v. Wade was a "Solomon-like" decision in that sense. I again want to say to my friend, I greatly appreciate him offering this second-degree amendment to my amendment. I think it is important for us to support Roe v. Wade in this Congress. I think if we do, it will be a relief to many women and families in this country who are concerned that that basic right might be taken away because there are many people running for the highest office in the land who do not support Roe, who want to see it overturned, who might well appoint Judges to the Court who would take away this right to choose, which is hanging by a thread in Court as it is. So I, most of all, thank my friend for offering this amendment.

Mr. HARKIN. I thank the Senator from California. I thank her for the question. I will elaborate on that in just a minute.

Again, I say to the Senator from California, we do need to send a strong message that the freedom to choose is no more negotiable than the freedom to speak or the freedom to worship. It is nonnegotiable.

This ruling of Roe v. Wade has touched all of us in very different ways. As the Senator from California just pointed out, it is estimated that as many as 5,000 women died yearly from illegal abortions before Roe.

In the 25 years since Roe, the variety and level of women's achievements have reached unprecedented levels. The Supreme Court recently observed:

> The ability of women to participate equally in the economic and social life of the Nation has been facilitated by their ability to control their reproductive lives.

I will also quote Justices O'Connor, Kennedy, and Souter in the Casey case:

> At the heart of liberty is the right to define one's own concept of existence, of meaning, of the universe, and of the mystery of human life. Beliefs about these matters could not define the attributes of personhood were they formed under compulsion of the State.

I think that is what this is all about—whether we will use the heavy hand of the State to enforce certain individuals' concepts of when life begins, how life begins, when can a person have an abortion, when can a person not. People are divided on this issue. Some people are uncertain about it. I quarrel with myself all the time about it because it is as multifaceted as there are individual humans on the face of the Earth.

I would not sit in judgment on any person who would choose to have an abortion, especially a woman who went through the terrifying, agonizing, soul-wrenching procedure of having a late-term abortion because her health and her life was in danger. That must be one of the most soul-wrenching experiences a person can go through.

And you want me to sit in judgment on that? The Senator from Pennsylvania wants to be able to say: Here it is. You can't deviate from that. I am sorry; that is not our role; that is not the role of the Government or the State.

That is why, again, I believe it is particularly important that we cut through the fog that surrounds this issue and get to the heart of it, which is Roe v. Wade.

I used the word "elegant." It means simplistic, simplicity. Elegant: Not convoluted, not hard to understand, not shrouded and complex, but elegant, straightforward, simple in its definition. That is Roe v. Wade.

There are now those who want to come along and change it and make it complex, indecipherable, benefiting maybe one person one way, adding to the detriment of another person another way, so that we are right back where we were before Roe v. Wade.

So I believe very strongly that we need to express ourselves on this sense-of-the-Senate resolution. That is why I will be asking for a rollcall vote at the appropriate time because it is going to be important for us to send a message on how important it is to preserve a woman's fundamental right to choose under Roe v. Wade.

Mr. DURBIN. Will the Senator yield for a question?

Mr. HARKIN. I am delighted to yield for a question.

Mr. DURBIN. I want to make sure it is clear, for those who may be following this debate, that the underlying bill is the Santorum bill, which would ban a particular procedure at any point in the stage of pregnancy.

Mr. HARKIN. Right.

Mr. DURBIN. This type of approach has been stricken, I believe, in 19 different States as unconstitutional.

I offered a substitute which related strictly to late-term abortions, those occurring after viability, after a fetus could survive, and said that we would only allow an abortion in an emergency circumstance where the life of the mother was at stake or the situation where continuing the pregnancy ran the risk of grievous physical injury to the mother. I believe, of course, the Court will, if it comes to that, ultimately decide what I have offered, being postviability, is consistent with Roe v. Wade which drew that line. Before that fetus is viable and can survive outside the womb, the woman has certain rights. When the viability occurs, then those rights change, according to Roe v. Wade.

To make sure I understand, the Senator from Iowa is offering an amendment that is not antagonistic to my amendment but, rather, wants to put the Senate on record on the most basic question about Roe v. Wade as to whether or not the Senate supports it.

My question to the Senator is this: Is the Senator saying in his amendment, in the conclusion of the amendment, Roe v. Wade was an appropriate decision and secures an important constitutional right, and such decision should not be overturned—that is the conclusion of his amendment—is he saying that if we are to keep abortion legal in this country and safe under Roe v. Wade, we vote for his amendment and those who believe abortion should be outlawed or prohibited or illegal would vote against his amendment? Is that the choice?

Mr. HARKIN. The Senator from Illinois has stated it elegantly, very simply and straightforward. That is the essence of the amendment, and the Senator is correct. Voting on the amendment, which I offered, a vote in favor of my amendment would be a vote to uphold Roe v. Wade and a woman's right to choose. A vote against it would be a vote to overturn Roe v. Wade and to take away a woman's right to choose.

The amendment I have offered would be consistent with the amendment offered by the Senator from Illinois.

Mr. DURBIN. I thank the Senator from Iowa.

A further question to the Senator from Iowa, if he will yield. The Senator is from a neighboring State. There are many parts of Iowa that look similar to my State, particularly in downstate Illinois. On this controversial issue—there are those who have heartfelt strong feelings against abortion, Roe v. Wade; those who have heartfelt strong feelings on the other side in support of a woman's right to choose and Roe v. Wade—I have found the vast majority of people I meet somewhere in between. It is my impression most people in America have concluded abortion should be safe and legal, but it should have some restrictions. I ask the Senator from Iowa, has the Senator from Iowa had that same experience in his State of Iowa?

Mr. HARKIN. I answer the Senator affirmatively. I have had that same experience, yes.

Mr. DURBIN. If I might further ask the Senator from Iowa a question, what he is saying is this vote on the Harkin amendment tries to answer the first and most basic question: Should abortion procedures in America remain safe and legal, consistent with Roe v. Wade, should we acknowledge a woman's right of privacy and her right to choose with her physician and her family and her conscience as to the future of her pregnancy within the confines of Roe v. Wade? That is the bottom line, is it not, of his amendment?

Mr. HARKIN. The Senator is absolutely correct.

Mr. DURBIN. I say to the Senator, in closing, I think this is an important vote. I think we have walked around this issue in 15 different directions in the time I have served on Capitol Hill. I commend the Senator from Iowa for offering this amendment. I think it gets to the heart of the question as to those who would basically outlaw abortion in America and those who believe Roe v. Wade should be continued.

Mr. HARKIN. I thank my colleague and friend from Illinois for enlightening this issue and for clearly drawing what this amendment is all about.

Again, a vote in favor of the amendment which I have offered states we will support Roe v. Wade, that Roe v. Wade should be the law, that a woman's right to choose should be kept under the provisions of Roe v. Wade, as further elaborated in the Casey case. A vote against my amendment would say you would be in favor of overturning Roe v. Wade and taking away a woman's fundamental right to choose.

I agree with the Senator from Illinois.

In closing my remarks, knowing others want to speak, the Roe decision recognized the right of women to make their own decisions about their reproductive health. The decision is a profoundly private, life-altering decision. As the Roe Court understood, without the right to make autonomous decisions about pregnancy, a woman could not participate freely and equally in our society.

I think there are some things we ought to be doing to prevent unintended pregnancies and reduce abortions. We could, for example, increase funding for family planning. Every time we try to do that, there are those who are opposed to increasing funding for family planning. We could mandate insurance coverage for contraception. That could help. But, no, there are those who say we shouldn't do that either. We could have more support for contraception research. There are those who say, no, we shouldn't do that either. And those who are opposed, by and large, to increasing funding for family planning and insurance coverage for contraception and contraception research are the same ones who want to overturn Roe v. Wade or take away a woman's right to have a late-term abortion in the case of grievous health or life-threatening situations.

A little bit off the subject of Roe v. Wade, but which I think is particularly important to point out, is that Saturday, October 23, 3 days from today, will mark the 1-year anniversary of the assassination of Dr. Barnett Slepian, who was murdered in his home in Amherst, NY, 1 year ago this Saturday. As most are aware, there have been five sniper attacks on U.S. and Canadian physicians who perform abortions since 1994. Each of these attacks has occurred on or close to Canada's Remembrance Day, November 11.

All of the victims in these attacks were shot in their homes by a hidden sniper who used a long-range rifle. Dr. Slepian tragically was killed. Three other physicians were seriously wounded in these attacks.

I am reading a letter sent to the majority leader, Senator LOTT, dated October 18, signed by the executive director of the National Abortion Federation, the president of Planned Parenthood Federation of America, the executive director of the American Medical Women's Association, the executive director of Medical Students for Choice, the president and CEO of the Association of Reproductive Health Professionals, and the executive director of Physicians for Reproductive Choice and Health. All of these signed the letter to Senator LOTT spelling out what I said. The letter goes on:

> Federal law enforcement officials are urging all women's health care providers, regardless of their geographic location, to be on a high state of alert and to take appropriate protective precautions during the next several weeks. Security directives have been issued to all physicians who perform abortions for clinics or in their private practices, and to all individuals who have been prominent on the abortion issue.
>
> Senator Lott, on behalf of our physician members, and in the interest of the public safety of the citizens of the US and Canada, we urge you to reconsider the scheduling of a floor debate on S–1692 at this time. As you are aware, each time this legislation has been considered, extremely explicit, emotional and impassioned debate has been aroused.
>
> We have grave fears that the movement of this bill during this particularly dangerous period has the potential to inflame anti-abortion violence that might result in tragic consequences.
>
> We sincerely hope that you will take the threats of this October-November period as seriously as we do, and that you will use your considerable influence to ensure that the Senate does not inadvertently play into the hands of extremists who might well be inspired to violence during this time. We urge you to halt the movement of S. 1692. Please work with us to ensure that the senseless acts of violence against U.S. citizens are not repeated in 1999.

I ask unanimous consent that the full text of this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OCTOBER 18, 1999.

Hon. TRENT LOTT,
United States Senate,
Washington, DC.

DEAR SENATOR LOTT: Saturday, October 23, will mark the one-year anniversary of the assassination of Dr. Barnett Slepian, who was murdered in his home in Amherst, New York. As you are undoubtedly aware, there have been five sniper attacks on U.S. and Canadian physicians who perform abortions since 1994. Each of these attacks has occurred on or close to Canada's Remembrance Day, November 11. All of the victims in these attacks were shot in their homes by a hidden sniper who used a long-range rifle. Dr. Slepian was killed. Three other physicians were seriously wounded in these attacks.

Federal law enforcement officials are urging all women's health care providers, regardless of their geographic location, to be on a high state of alert and to take appropriate protective precautions during the next several weeks. Security directives have been issued to all physicians who perform abortions for clinics or in their private practices, and to all individuals who have been prominent on the abortion issue.

Senator Lott, on behalf our physician members, and in the interest of the public safety of the citizens of the US and Canada, we urge you to reconsider the scheduling of a floor debate on S–1692 at this time. As you are aware, each time this legislation has been considered, extremely explicit, emotional, and impassioned debate has been aroused. We have grave fears that the movement of this bill during this particularly dangerous period has the potential to inflame anti-abortion violence that might result in tragic consequences.

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VICKI SAPORTA,
Executive Director, National Abortion Federation.
EILEEN MCGRATH, JD, CAE,
Executive Director, American Medical Women's Association.
WAYNE SHIELDS,
President and CEO, Association of Reproductive Health Professionals.
GLORIA FELDT,
President, Planned Parenthood Federation of America.
PATRICIA ANDERSON,
Executive Director, Medical Students for Choice.
JODI MAGEE,
Execuvite Director, Physicians for Reproductive Choice and Health.

Mr. HARKIN. Mr. President, there is one other thing I want to mention. I am going to read a letter because this person is a personal friend of mine, someone I have gotten to know over the years. I believe the Senator from California has a picture of Kim Koster. I ask a page to bring me the picture back here, if I may have that.

This photo is Kim Koster and her husband, Dr. Barrett Koster. They are both friends of mine, whom I have known for I guess about 3 or 4 years. I am going to read her letter in its entirety:

> My name is Kim Koster. My husband, Dr. Barrett Koster, and I have been married for more than seven years. We have known since before we were married that we wanted very much to have children.
>
> To our joy, in November of 1996 we discovered that we were expecting. The news was a thrill, to us and to our family and friends. We were showered with gifts and hand-me-downs, new toys, books and love. Barry's family gave us a 19th-century cradle which had rocked his family to sleep since before his grandmother Sophie was born more than 100 years ago.
>
> Our first ultrasound was scheduled a little more than four months into the pregnancy. On Thursday, February 20, we saw our baby and spent five short minutes rejoicing in the new life, and then the blow fell. The radiologist informed us that he had "significant concerns" about the size of the baby's head. His diagnosis was the fatal neural tube defect known as anencephaly, or the lack of a brain. After four months of excitement and joy, our world came crashing down around us.
>
> Once the diagnosis was made, there was no further medical treatment available for me in our hometown, and we were referred to the University of Iowa Hospitals and Clinics in Iowa City. Our first OB appointment there was set for Monday morning. My husband and I spent that long weekend, the longest of our lives, doing research on anencephaly, talking with family and friends, and hearing personal stories about the fate of anencephalic babies.
>
> In Iowa City, a genetics OB specialist examined a new ultrasound and immediately confirmed the diagnosis. An alpha-feto-protein blood test and amniotic fluid sample only drove the truth harder home. Our fetus had only a rudimentary brain. There were blood vessels, which enabled the heart to beat, and ganglion, which enabled basic motor function. There was no cerebellum and no cerebral cortext. There was no skull above the eyes.
>
> I had been preparing for pregnancy for more than a year with diet, exercise and prenatal vitamins, including the dose of folic recommended to prevent neural tube defects. Yet we still lost our child to one of the most severe and lethal birth defects known. Our baby had no brain—would never hear the Mozart and Bach I played for it every day on our great-grandmother's piano, would never look up into our eyes or snuggle close to our hearts, would never even have an awareness of its own life.
>
> On Tuesday, February 25, 1997, my husband and I chose to end my pregnancy with a common abortion procedure known as "D and E." As difficult as it was, I literally thank God that I had that option. As long as there are families who face the devastating diagnosis we received, abortions must remain a safe and legal alternative.
>
> In 1998, Barry and I discovered to our delight that I was pregnant again. Although we were overjoyed, our happiness was tempered by the knowledge that we had a 1-in-25 chance of a second anencephalic pregnancy. This time, we asked our loved ones to hold off on the baby gifts, we played no Bach, and every week was a mix of excitement and unavoidable worry. And on July 17, 1998, an ultrasound revealed the worst. We had a second anencephalic pregnancy—a second daughter lost to this lethal birth defect.
>
> Fortunately for my medical care, the so-called "partial birth abortion" bans have been vetoed by President Clinton, and my doctors were able to provide me with a safe, compassionate procedure that brought this second tragic pregnancy to an end. And thanks to those doctors and their ability to give me that care, my recovery has been rapid—enabling Barry and I to plan to try again.
>
> But if this bill becomes law, we would not be able to do so. For the chances of our having a third anencephalic pregnancy are all the way up to 1 in 4, and this bill would ban any procedures that would help us. It would force me to carry another doomed child through all nine months. That idea is far more horrifying than all the unreal anti-choice rhetoric that can be manufactured, for the reality is that this is a terrible law, a grievous interference between doctor and patient, and would only compound the tragedy and heartache faced by families like us.
>
> Please protect the health of women and families like mine, and reject S. 1692.

There is nothing one can add to that. S. 1692 would say that the Kim Kosters in families across the country that we legislators—I am not a doctor, I am not a theologian, I am not a psychiatrist or a psychologist; but the bill proposed by the Senator from Pennsylvania would say that we know more than all of them, that we stand in the judgment seat of the Mrs. Kosters: We are going to decide for you.

Attorneys? I am an attorney. Maybe some of us are teachers, I don't know. Maybe some are social workers or business people. There are a variety of different people here on the floor of the Senate. But somehow we get to tell you: Mrs. Koster, you and your husband have no right to decide. We are going to do it for you. Our decision is, no matter what—even under these terrible circumstances—you are going to have to carry that to term and bear the consequences of that. Maybe there are some in this body who want to sit in that kind of judgment seat. Count me out. Count me out. I leave these decisions to Kim and her husband, to her doctor, to her own faith, to her own religion to make those very profound, anxiety-producing, soul-wrenching decisions. That is why I have fought for this amendment—to state loudly and clearly that Roe v. Wade gave women that right and we don't want it overturned.

I yield the floor.

Mrs. BOXER. Mr. President, will my friend hold the floor for a moment so I may ask him a question?

The PRESIDING OFFICER. Does the Senator from Iowa yield the floor?

Mr. HARKIN. I yield for a question. I didn't realize. I apologize.

Mrs. BOXER. Thank you very much.

I say to my friend that I thank him for sharing the story on the floor of the Senate. He has the photo of Kim and her husband up there. He read the story into the RECORD. I think it is very appropriate that the Senator from Iowa do so because this is a couple whom he knows.

I am, in a way, happy that my friend was not on the floor when the Senator from Pennsylvania used some very tough words in talking about this procedure and calling doctors who perform it executioners.

I say to my friend, in light of the poignant story he read to us, when he thinks of the doctor who helped this couple through a traumatic, horrific experience twice, what are his feelings about the doctor who performed that particular procedure?

Mr. HARKIN. I am sorry if someone referred to them as executioners. That, I think, is totally inappropriate and inflammatory and could lead to tragic consequences in our country.

I don't know the doctors who helped Kim Koster. But from talking to her, they were sensitive. They are doctors who wanted Kim and her husband to know every facet of what was happening and wanted them to make their own decision. They are doctors who have a lot of compassion and professionalism and, under the legal framework, were able to help this couple get through a very bad time and enabled them to move on with their lives and to plan on another child.

If that had not been there—if we had taken Roe v. Wade away or if we had adopted S. 1692—I don't know what would have happened to Kim Koster and her husband or whether they would be here today planning to try again to raise a family.

I say to my colleague from California that I believe Kim Koster is an extremely brave individual. In fact, I would say to anyone who wants to talk to her about what happened to her, she is out in the reception room right now. She would be glad to tell them why it is important to not only adhere to Roe v. Wade but to defeat S. 1692 that would have taken away her reproductive rights and under very tragic circumstances.

Mrs. BOXER. Mr. President, I ask my friend a final question. Will my friend be willing to read one more time, if he can find it, the statement that was made by Justices O'Connor, Kennedy, and Souter, all Justices appointed under a Republican President, when they made their statement on Casey because I really hope colleagues will listen to this. I think if they listen to it, they will vote for my friend's amendment to reaffirm Roe v. Wade and will also be against the Santorum underlying bill.

If my friend would repeat that, I would greatly appreciate it.

Mr. HARKIN. I thank my friend from California because I believe this statement by Justices O'Connor, Kennedy, and Souter is really aimed at us. They are aiming it at legislators who somehow sit in judgment—legislators who would put themselves in the position of defining for women what their reproductive rights are. Here is the quote:

> At the heart of liberty—

At the heart of liberty—

> is the right to define one's own concept of existence, of meaning, of the universe, and of the mystery of human life. Beliefs about these matters could not define the attributes of personhood were they formed under the compulsion of the state.

That is the quote. I believe it is directed at us.

Mr. President, I don't know how long people want to talk on this. I know the day is getting late. I ask unanimous consent that we have 30 minutes equally divided before we have an up-or-down vote on this amendment.

The PRESIDING OFFICER. Is there objection?

Mr. SANTORUM. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HARKIN. Mr. President, I ask unanimous consent that we have 60 minutes equally divided before a vote.

Mr. SANTORUM. I will be happy to work out—reserving the right to object—a time arrangement once people on our side want to proceed. But at this point I have to object. We would be happy to work something out. Right now, I just can't do that.

Mr. HARKIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Thank you, Mr. President.

I am not going to debate the Harkin amendment. The Harkin amendment has nothing to do with the bill that is before us. The bill that is before us, as I have said over and over again, and I will say it again, is not about Roe v. Wade. One of the reasons we believe this bill is getting bipartisan support, as well as supporters on both sides of the abortion issue, is that it is outside the realm of Roe v. Wade.

I remind everyone that this is a baby in the process of being born. This is a baby who is almost outside of the mother except for 3 inches.

Again, I repeat that in Roe v. Wade, the original decision, which the Senator from Iowa was referring to, the Court let stand a Texas law that said you cannot kill a baby in the process of being born.

Again, we can have a vote on this. But we might as well be having a vote or another vote on the chemical weapons treaty. It is as related. This is not the subject. It is a completely different subject. If they want to have a vote on it, obviously the Senator has the right to offer an amendment. That is within the rights here in the Senate, and I certainly will stand by his right to offer that.

But to suggest somehow that the underlying bill is an assault on Roe v. Wade is again proof positive that when it comes to the real factual debate on what this procedure does, the response is: Well, let's change the subject.

I don't want to change the subject. Let's focus in on the facts. The facts are not anecdotes from people who aren't physicians about what happened to them. What happened in these cases you see and the pictures you see—I always believe, if you argue the facts, argue the facts; if you can't argue the facts, argue the law; if you can't argue the law, then appeal to the sentimentality or emotion of the situation.

That is what this is. These are horrible situations, tragic situations, of pregnancies that have gone awry late in pregnancy. I sympathize with these people more than you know, to have something such as this happen for a child that you want desperately. I know the difficult decisions they have to make. I know what doctors tell you and how they influence your decision.

But the fact of the matter is, we can't in a legislative forum dealing with such an important issue deal with emotional stories as powerful as they are unless we look at the facts underlying those stories. The facts underlying those stories are very clear.

I ask unanimous consent to have printed in the RECORD letters from the Physicians' Ad Hoc Coalition for Truth—fact—about two cases discussed by the Senator from Illinois where they talk about how this was the only option available, or this saved our life, or our future fertility, et cetera. Again, letters from this Physicians' Ad Hoc Coalition for Truth. One is from Pamela Smith, a director of medical education of the Department of Obstetrics and Gynecology at Mount Sinai Medical Center in Chicago, about the case of Vicki Stella and the case of Coreen Costello, another letter from the Physicians' Ad Hoc Coalition for Truth.

I ask unanimous consent to have those printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PHYSICIANS' AD HOC
COALITION FOR TRUTH,
Alexandria, VA, September 23, 1996.

DEAR MEMBER OF CONGRESS: My name is Dr. Pamela E. Smith. I am a founding member of PHACT (Physicians' Ad-hoc Coalition for Truth). This coalition of over three hundred medical providers nationwide (which is open to everyone, irrespective of their political stance on abortion) was specifically formed to educate the public, as well as those involved in government, in regards to disseminating medical facts as they relate to the Partial-Birth Abortion procedure.

In this regard, it has come to my attention that an individual (Ms. Vicki Stella, a diabetic) who underwent this procedure, who is not medically trained, has appeared on television and in Roll Call proclaiming that it was necessary for her to have this particular form of-abortion to enable her to bear children in the future. In response to these claims I would invite you to note the following:

1. Although Ms. Stella proclaims this procedure was the only thing that could be done to preserve her fertility,the fact of the matter is that the standard of care that is used by medical personnel to terminate a pregnancy in its later stages does not include partial-birth abortion. Cesarean section, inducing labor with pitocin or protoglandins, or (if the baby has excess fluid in the head as I believe was the case with Ms. Stella) draining the fluid from the baby's head to allow a normal delivery are all techniques taught and used by obstetrical providers throughout this country. These are techniques for which we have safety statistics in regards to their impact on the health of both the woman and the child. In contrast, there are no safety statistics on partial-birth abortion, no reference of this technique on the national library of medicine database, and no long term studies published that prove it does not negatively affect a woman's capability of successfully carrying a pregnancy to term in the future. Ms. Stella may have been told this procedure was necessary and safe, but she was sorely misinformed.

2. Diabetes is a chronic medical condition that tends to get worse over time and that predisposes individuals to infections that can be harder to treat. If Ms. Stella was advised to have an abortion most likely this was secondary to the fact that her child was diagnosed with conditions that were incompatible with life. The fact that Ms. Stella is a diabetic, coupled with the fact that diabetics are prone to infection and the partial-birth abortion procedure requires manipulating a normally contaminated vagina over a course of three days (a technique that invites infection) medically I would contend of all the abortion techniques currently available to her this was the worse one that could have been recommended for her. The others are quicker, cheaper and do not place a diabetic at such extreme risks for life-threatening infections.

3. Partial-birth abortion is, in fact, a public health hazard in regards to women's health in that one employs techniques that have been demonstrated in the scientific literature to place women at increased risks for uterine rupture, infection, hemorrhage, inability to carry pregnancies to term in the future and material death. Such risks have even been acknowledged by abortion providers such as Dr. Warren Hern.

4. Dr. C. Everett Koop, the former Surgeon General, recently stated in the AMA News that he believes that people, including the President, have been misled as to "fact and fiction" in regards to third trimester pregnancy terminations. He said, and I quote, "in no way can I twist my mind to see that the late term abortion described . . . is a medical necessity for the mother . . . I am opposed to partial-birth abortions." He later went on to describe a baby that he operated on who had some of the anomalies that babies of women who have partial-birth abortions had. His particular patient, however, went on to become the head nurse in his intensive care unit years later!

I realize that abortion continues to be an extremely divisive issue in our society. However, when considering public policy on such a matter that indeed has medical dimensions, it is of the utmost importance that decisions are based on facts as well as emotions and feelings. Banning this dangerous technique will not infringe on a woman's ability to obtain an abortion in the early stage of pregnancy or if a pregnancy truly needs to be ended to preserve the life or health of the mother. What a ban will do is insure that women will not have their lives jeopardized when they seek an abortion procedure.

Thank you for your time and consideration.

Sincerely,

PAMELA SMITH, M.D.,
Director of Medical Education, Department of Obstetrics and Gynecology, Mt. Sinai Medical Center, Chicago, IL, Member, Association of Professors of Obstetrics and Gynecology.

THE CASE OF COREEN COSTELLO—PARTIAL-BIRTH ABORTION WAS NOT A MEDICAL NECESSITY FOR THE MOST VISIBLE "PERSONAL CASE" PROPONENT OF PROCEDURE

Coreen Costello is one of five women who appeared with President Clinton when he vetoed the Partial-Birth Abortion Ban Act (4/10/96). She has probably been the most active and the most visible of those women who have chosen to share with the public the very tragic circumstances of their pregnancies which, they say, made the partial-birth abortion procedure their only medical option to protect their health and future fertility.

But based on what Ms. Costello has publicly said so far, her abortion was not, in fact, medically necessary.

In addition to appearing with the President at the veto ceremony, Ms. Costello has twice recounted her story in testimony before both the House and Senate; the New York Times published an op-ed by Ms. Costello based on this testimony; she was featured in a full page ad in the Washington Post sponsored by several abortion advocacy groups; and, most recently (7/9/96) she has recounted her story for a "Dear Colleague" letter being circulated to House members by Rep. Peter Deutsch (FL).

Unless she were to decide otherwise, Ms. Costello's full medical records remain, of course, unavailable to the public, being a matter between her and her doctors. However, Ms. Costello has voluntarily chosen to share significant parts of her very tragic story with the general public and in very highly visible venues. Based on what Ms. Costello has revealed of the medical history—of her own record and for the stated purpose of defeating the Partial-Birth Abortion Ban Act—doctors with PHACT can only conclude that Ms. Costello and others who have publicly acknowledged undergoing this procedure "are honest women who were sadly misinformed and whose decision to have a partial-birth abortion was based on a great deal of misinformation" (Dr. Joseph DeCook, Ob/Gyn, PHACT Congressional Briefing, 7/4/96). Ms. Costello's experience does not change the reality that a partial birth abortion is never medically indicated—in fact, there are available several alternative, standard medical procedures to treat women confronting unfortunate situations like Ms. Costello had to face.

The following analysis is based on Ms. Costello's public statements regarding events leading up to her abortion performed by the late Dr. James McMahon. This analysis was done by Dr. Curtis Cook, a perinatologist with the Michigan State College of Human Medicine and member of PHACT.

"Ms. Costello's child suffered from at least two conditions: 'polyhydramnios secondary to abnormal fetal swallowing,' and 'hydrocephalus'. In the first, the child could not swallow the amniotic fluid, and an excess of the fluid therefore collected in the mother's uterus. The second condition, hydrocephalus, is one that causes an excessive amount of fluid to accumulate in the fetal head. Because of the swallowing defect, the child's lungs were not properly stimulated, and an underdevelopment of the lungs would likely be the cause of death if abortion had not intervened. The child had no significant chance of survival, but also would not likely die as soon as the umbilical cord was cut.

The usual treatment for removing the large amount of fluid in the uterus is a procedure called amniocentesis. The usual treatment for draining excess fluid from the fetal head is a procedure called cephalocentesis. In both cases the excess fluid is drained by using a thin needle that can be placed inside the womb through the abdomen ("transabdominally"—the preferred route) or through the vagina ("transvaginally.") The transvaginal approach however, as performed by Dr. McMahon on Ms. Costello, puts the woman at an increased risk of infection because of the non-sterile environment of the vagina. Dr. McMahon used this approach most likely because he had no significant expertise in obstetrics and gynecology. In other words, he may not have been able to do it well transabdominally—the standard method used by ob/gyns—because that takes a degree of expertise he did not possess. After the fluid has been drained, and the head decreased in size, labor would be induced and attempts made to deliver the child vaginally.

Ms. Costello's statement that she was unable to have a vaginal delivery, or, as she

> called it, 'natural birth or an induced labor,' is contradicted by the fact that she did indeed have a vaginal delivery, conducted by Dr. McMahon. What Ms. Costello had was a breech vaginal delivery for purposes of aborting the child, however, as opposed to a vaginal delivery intended to result in a live birth. A cesarean section in this case would not be medically indicated—not because of any inherent danger—but because the baby could be safely delivered vaginally."
>
> Given these medical realities, the partial-birth abortion procedure can in no way be considered the standard, medically necessary or appropriate procedure appropriate to address the medical complications described by Ms. Costello or any of the other women who were tragically misled into believing they had no other options."

Mr. SANTORUM. They clearly state this was not medically necessary; this, in fact, was not in the best interests of the patient in this case; and this was, in fact, not good medicine.

Did it have a good result? Yes, it did in the sense the health of the women was not jeopardized. That does not mean there is a good result. It was the best practice. A lot of things are done that turn out OK that may not have been the best thing to do. I think that is what we are saying. More importantly, it is not medically necessary. In fact, it is medically more dangerous.

A group that said it "may be" necessary, the American College of Obstetricians and Gynecologists, 3 years ago said: Clearly, it is not the only option. The proponents of partial-birth abortion are saying it is medically necessary. They want to keep this option open. If they don't, it is a violation of Roe v. Wade.

They stand behind anecdotes. In some cases, including the Viki Wilson case that Senator DURBIN brought up, it is clear from her testimony she did not have a partial-birth abortion. She says in her testimony the baby was dead inside of her womb and then the baby was delivered. If the baby dies inside the womb, it is outside the definition of the bill. The definition of the bill says a living baby is born. The baby was not living.

I don't want to pick apart the very tragic stories and make a very difficult situation even more difficult for these people because I understand the pain they have gone through. Our job is to not be clouded by personal anguish and tragic circumstances. Ours is to look at the underlying facts of what happened and what can happen in the future.

Again, we have over 600 obstetricians and gynecologists, specialists in perinatology, who say this is never medically necessary. The AMA says it is never medically necessary and is bad medicine. It is not a peer review procedure. It is not in the medical textbook. It is not taught in medical schools. It is not performed in hospitals. It is only performed at abortion clinics. Again, this is a rogue procedure.

They present case after case, as if this is some wonderful creation of medical science by some genius in obstetrics. I remind Members the person who created this procedure is not an obstetrician, much less a specialist in perinatology or difficult pregnancies. It is a family practitioner who only does abortions.

Again, I stress over and over again what seems to be the compassionate argument is a smokescreen. It is a smokescreen. It is not true. There is no compassion in allowing a procedure that is dangerous to the health of the woman to be continued any more than it is compassionate to prescribe any kind of medical treatment that is inappropriate. We have an overwhelming body of evidence saying it is bad medicine; it is inappropriate.

On the other side we have two things: One, stories, stories that turned out OK. In other words, the procedure was used—not in all cases; sometimes some of the people brought up in stories actually didn't have the procedure, and even those who did may have resulted in a good outcome—but it wasn't the proper course according to the overwhelming body of evidence.

The only thing counter, as far as factual comments by physicians, is the American College of Obstetricians and Gynecologists. The pillar upon which they rest the health-of-the-mother exception, the select panel they put together says they:

> . . . could identify no circumstances under which this procedure would be the only option to save the life or preserve the health of the woman.

It is not the only option. It is not the only option.

From the Wisconsin case that upheld the Wisconsin statute, quoting the judges:

Haskell, who invented the procedure, admitted that the D&X procedure is never medically necessary to save the life or preserve the health of the woman.

We have the person who invented it saying it is not medically necessary.

ACOG goes further and talks about whether it is preferable in some cases. Here is what they say:

> An intact D&X [partial-birth abortion] however, may be the best or most appropriate procedure in a particular circumstance to save the life or preserve the health of a woman, and only the doctor, in consultation with the patient, based upon the woman's particular circumstances, can make this decision.

We have asked them to identify one of these circumstances. Give an example. They cannot say this may be the best thing for the health and life of the mother, may be preferable, and yet give no situation which can be reviewed by the medical community. That is what we have to base the judgment on. The medical community is saying it is necessary to protect the health of the mother. Yet they give no example, give no example as to when this, in fact, would be preferable.

We have a thorough smokescreen, anecdotes with many of the cases having nothing to do with partial-birth abortions; those that did, argued by hundreds of physicians as being bad practice of medicine, were an improper course of conduct. Then we have the only scientific group that says it is never medically necessary, never the only option, only that it "may be" the best thing. Yet they give no example and after repeated inquiry are still giving no examples.

Again, we come back to the health question. There is a dearth of evidence to support the position.

I am hopeful the Senator from Iowa can debate his amendment, saying somehow this is important vis-a-vis Roe v. Wade. I argue the opposite. This legislation has nothing to do with Roe v. Wade. I think when we are looking at specific amendments to deal with that issue, the constitutional issue of vagueness—again, that is not necessarily a Roe v. Wade issue, although it gets into the issue of undue burden. From my point of view, if we can tailor that definition narrowly to make sure we are talking about partial-birth abortion, it leaves open other methods of abortion to be used. It gets to the counterargument some have suggested, that all we are doing is trying to outlaw abortion, trying to restrict a woman's right.

No. All we are doing is, for gosh sakes, drawing a line about who is protected. When a baby is 3 inches from being completely born, that is too close. That is too close. We are going to get into a whole lot of issues when we start drawing lines. In fact, we have gotten into a lot of issues with respect to drawing the line. Now we are talking about assisted suicide. We talk about quality of life instead of life itself.

As the Senator from California said, we want everyone to be wanted. What if everyone isn't wanted? Is that license to get rid of them? It certainly is if you are in the womb. Now we are suggesting it certainly is if you are just outside the womb; it certainly is if you are within 3 inches of being born. If you are not wanted, too bad. If we draw the line that close, it is not a very long way to go to get where our new theologian at Princeton University, Dr. Singer, is coming from. He suggested that it is, in fact, the moral thing to do; that once the baby is born, if we don't like it, to kill it.

One might suggest this is outrageous; this could never happen in America. This is a professor at Princeton, whose works, unfortunately, have been published in the popular press and hundreds of thousands of copies of this radical—I would consider it radical but on this floor maybe it is not radical. Maybe killing a baby after it is born, if it is not a healthy baby, is not a radical thing anymore. Certainly killing a baby who is 3 inches from being born is not a radical thing anymore, so I don't know where 3 inches—maybe that does not make any difference. If you do not like what you have, then you can sort of exchange it.

But that is where we are. Someone suggests: Senator, this is outrageous. How can you make the comment that once a baby is born you can kill it?

I am not making that argument. But Dr. Singer is, and there are those who follow him. There will be judges who follow him. There will be judges who say the mother was distraught and she killed her baby, but it is sort of normal. If the baby was not perfect, it is probably better—we are probably all better off.

But what is the rationale given for partial-birth abortion, as extreme as that sounds, that Dr. Singer is proposing? What is the rationale for partial-birth abortion? Why do we need to keep it legal? Because we have pregnancies that have gone awry and these babies, they are not perfect. They might not live long. They may have cleft palate—in fact, yes, many partial-birth abortions were performed because the babies had cleft palate and mom and dad just didn't want the baby because it was not perfect.

So we have gotten to the point where the defenders of partial-birth abortion are defending it on the basis that things go bad in pregnancy and these children just do not deserve our protection because they are not normal like you and me. They should be given less rights. Because of their imperfections, they should be allowed—why would you bring a baby into this world who is going to die? Kill it first before it has a chance to die. That is the argument. It sounds rough. Let's cut to the chase. That is exactly what they are saying.

All we are suggesting is, first off, we do not stop you from doing that. This bill does not stop anyone who wants to have a late-term abortion from having it. If you want to have a late-term abortion, you can have a late-term abortion if this bill we propose passes. All we say is, don't have the baby outside the mother, don't have the baby 3 inches away from the protection of the Constitution, and then brutally execute the baby. That is just too close. That creates this nebulous area that the Dr. Singers of this world will gladly fill in. Because if we say 3 inches, then why not 3 inches later? What is the big deal? If the baby is not wanted, the baby is not wanted.

Many listening to this will say that is a ridiculous argument. There is no such slippery slope. Although, by the way, the people who oppose these often themselves provide a slippery slope argument. Certainly they do here. They say, if you restrict this right in abortion, it is a slippery slope; we are going to get rid of Roe v. Wade completely. That is why we have this amendment, to get at the Roe v. Wade amendment, to make sure we are not providing the slippery slope. Fine. Let's have a Roe v. Wade amendment to show we don't have a slippery slope. No problem. Let's have a vote.

But allowing a baby who is almost born to be killed, that is not a slippery slope? The Senator from California—we were talking about what if the foot or the leg were the part not born, would it be OK to kill the baby? I have the transcript, by the way. I asked that question. I will read it:

> What you are suggesting—

This is me talking.

> What you are suggesting is if the baby's toe is inside the mother you can, in fact, kill that baby.
>
> Mrs. Boxer. Absolutely not.

So she said if the toe or foot is inside the baby, you can't kill the baby. But if the head is, you can. No slippery slope there, is there? No problems with a bright line there, is there?

We are headed down a very dangerous path if we start differentiating between what body part is outside the mother and what is inside the mother, as to whether an abortion is legal or not. The reason we have trouble differentiating is because this is not about abortion. This is about killing a baby. It is in the process of being born that under Roe v. Wade was protected. The Texas law was not stricken under Roe v. Wade that said you couldn't kill a baby in the process of being born.

Under Roe v. Wade, the seminal decision of the right of privacy, even that Court understood that once the baby is in the process of being born you should not be able to kill it. That is what we are saying. We are not restricting the right of Roe v. Wade. Roe v. Wade ruled on this by not striking that law down.

So fine, we are going to have a vote on Roe v. Wade. Fine, have a vote on Roe v. Wade. But this is not about Roe v. Wade. This is about infanticide. A lot of folks want to try to change the subject. They want to talk about these difficult cases.

Again, there is no one in this Chamber who sympathizes as much with these men and women, mothers and fathers, who dealt with a pregnancy gone awry. It is incredibly painful to have that hit your family. I hesitate to talk about it because I know how painful it is to revisit them. But they have brought their situation into the public square to prove a point. The problem is, it does not prove the point.

Again and again there is no medical reason. It is never medically necessary to do this procedure. So I hope we can get to the facts, that we can stay away from anecdotes that are inapplicable or not relevant; and we can get to, hopefully, from the other side, a factual discussion as to when this is medically necessary. Once I would like to see a peer-reviewed document where everyone examined the case and someone will say: You know what, there is a situation where this is medically necessary, where no other option is as safe or safer.

To date, that has not occurred. Let me underline that. To date, no such evidence has ever been put before the Senate.

Yet there are people who will stand here and say, "We need it, we need it to protect the health of the mother," when there is not a shred of evidence, not a shred of evidence before the Senate, these stories aside. There is not a shred of evidence that suggests these stories, or all the other instances that have been brought up, were the most safe or there were not things as safe that could be used in place of a procedure that is infanticide. What we are hoping is we can get to that discussion.

I understand the process now; we want to play some games on Roe v. Wade. But that is not the issue before us. I cannot reiterate that enough. The issue before us is should this procedure remain legal. And it should be overturned. It should not remain legal.

It does not surprise me we are seeing smokescreens. This is the Roe v. Wade smokescreen. We have the anecdote smokescreen. We can get the charts up about the previous attempts by supporters of this procedure. They have tried case after case to misinform the Senate. The advocates of this legislation, the abortion rights groups, have deliberately—and this is according to their own people now who have come clean—deliberately misled the Congress, deliberately lied, as Ron Fitzsimmons, who is a lobbyist for a great number, if not all, of the abortion clinics in America, said that he lied through his teeth and that the industry lied through their teeth.

Now after lie after lie—and I will go through all the lies—after lie after lie, they now are going to come up with new stories and say: Well, no, believe us now; OK, yes, we may have lied to you before, but believe us, health is really an issue.

There is not one shred of substantive evidence to support that claim—not one shred of substantive evidence. And yet, a group of people that has come to the Congress in opposition to this bill, they have lied in at least six cases, and, after those, we are now supposed to believe them when they have no evidence to support what they are asserting.

What are they? The National Abortion Federation called illustrations of the partial-birth abortion procedure "highly imaginative and artistically designed, but with little relationship to the truth or to medicine."

You heard the Senator from California talk about the cartoons that showed how a partial-birth abortion is done, and proponents of the procedure argued early on: These are cartoons; they are not factual; they have nothing to do with how the procedure actually works, until Dr. Haskell publicly described this procedure at the National Abortion Federation meeting on September 1992. Dr. Haskell told the AMA News the drawings depicting partial-birth abortion were accurate "from a technical point of view." Strike 1.

Argument 1: This does not occur; this thing is not factually correct; this is not how partial-birth abortions are done; you are wrong. Strike 1.

By the way, they went even farther than that. Many of them argued this did not exist. First they said this is just a cartoon, these things do not happen at all, much less the drawings, but Dr. Haskell straightened them out.

Believe it or not, people actually came to committee meetings in the Capitol and suggested the anesthesia that is given to the woman during this procedure ensures the fetus feels no pain; in other words, it passes through and assures us the fetus does not feel any pain during this procedure.

Again, this is Dr. James McMahon, who is one of the originators of this procedure:

> The fetus feels no pain through the entire series of the procedures. This is because the mother is given narcotic analgesia at a dose based upon her weight. The narcotic is passed, via the placenta, directly into the fetal bloodstream. Due to the enormous weight difference, a medical coma is induced in the fetus. There is a neurological fetal demise. There is never a live birth.

That was testimony before Congress under oath. When this happened, the American Society of Anesthesiologists went bananas. Why? Again, having gone through six births, one of the options available to women during childbirth is to receive a narcotic to help with the pain. Women were justifiably very nervous about receiving a narcotic for pain that would kill their baby. One of the pain management procedures during childbirth is, in fact, the giving of a pain killer, a narcotic.

Immediately we got response from them and this letter later on:

> In my medical judgment, it would be necessary in order to achieve neurological demise of the fetus in a partial-birth abortion to anesthetize the mother to such a degree as to place her own health in serious jeopardy.

The community of experts responded saying this is not true; you would have to give so much in the way of narcotics, you could jeopardize the life of the mother, which is certainly something I am sure no one on either side would like to do.

Lie No. 2: The baby does not feel any pain. The fact is that after 20 weeks, babies have developed nervous systems; they feel pain. In fact, some have suggested because their nervous system is, in fact, not in a full developmental state, they feel increased pain as a result of this procedure. As described by Nurse Brenda Shafer when she witnessed a partial-birth abortion, when that scissor was plunged into the base of the skull, when those scissors were rammed into the base of that skull, the baby's arms and legs shot out, similar to if you held a little baby and the baby thought it was going to fall; it would spasm out, and then the baby's arms fell limp and legs fell limp.

Again, in October of 1995, during this period of time after McMahon's testimony, "the fetus dies of an overdose of anesthesia given to the mother intravenously."

Again we have Dr. Haskell, who is another one of these abortion providers—Dr. McMahon is one and Dr. Haskell; they are the two who do the most in the country—who says: Let's talk about whether or not the fetus is dead beforehand.

Haskell says: No, it's not. No, it's really not.

That is pretty clear. Again, people fighting this bill are putting information out that is not true. Why? To try to get support for this position.

Fourth: Partial-birth abortion is a rare procedure.

We had this debate the first time. We are in a very difficult situation because we have to rely upon the information of the abortion industry. When Senator SMITH, who is here, argued this debate 4 years ago, he had to deal with a deck that was stacked against him. He did not have the information we have today.

The organizations out there were saying—there were just a couple hundred of these—it was very rare, only done on babies who were sick and mothers whose health was in jeopardy or life was in jeopardy, but this was a very rare procedure.

This is the Alan Guttmacher Institute, Planned Parenthood, National Organization of Women, Zero Population Growth, Population Action International, National Abortion Federation, and a whole list of other organizations that wrote to Congress saying:

> This surgical procedure is used only in rare cases, fewer than 500 per year. It is most often performed in the cases of wanted pregnancies gone tragically wrong, when a family learns late in the pregnancy of severe fetal anomalies or a medical condition that threatens the pregnant woman's life or health.

Lie. What is the truth? We have two sources outside of the industry. By the way, we still do not know the truth. We do not know the truth because the folks who provide us with the statistics on partial-birth abortions are the very organizations that oppose the bill. How would you like to go into a courtroom and argue with a set of facts that is given to you by your opponents? That is what we have to do here right now.

Most of what we have to deal with certainly on this issue—the numbers—we have to take from people who vehemently oppose this bill.

We have one source of independent judgment. Our crack news staff on the Hill of which—let me look up in the news gallery: Gee, nobody is up there. Our crack news staff on the Hill, whom we have challenged time and time again to get the facts, why don't you ask a few abortion clinics how many of these they do. A couple of people have. I know a reporter for the Baltimore Sun did. Do you know what the abortion clinics said in Baltimore? "None of your business; none of your business. We don't have to tell you."

Maybe some other crack staff, who really, I am sure, in their heart of hearts, want to get down to the bottom of this because I know they care deeply about this issue, will call around some of their communities and find out what the Bergen County Record did in New Jersey.

What did they find out? That at least 1,500 partial-birth abortions are performed each year, three times the national rate at one clinic in northern New Jersey.

Mr. SMITH of New Hampshire. Would the Senator yield for a question?

Mr. SANTORUM. I am happy to yield to the Senator from New Hampshire.

Mr. SMITH of New Hampshire. I ask the Senator if he is aware, during the time a few years ago when I stood on the floor and debated this issue, as well, that there were a number of people who said this was only happening a few times a year; some said as few as 15 or 20 times a year; some said, well, maybe it happened a couple hundred times a year, that it was the exception rather than the rule; it was usually when there was an anomaly?

Is the Senator also aware, we began to receive testimony from inside the abortion industry itself, which indicated—from those who had performed them—that this, indeed, was not the case, that we found that in about 80 percent of the cases, if not more, the child was perfectly healthy? So the idea that these were performed in only a few cases, when the child was in a so-called anomaly, if you will, is clearly untrue.

I would also ask the Senator from Pennsylvania, is he aware that there is numerous medical testimony, much medical testimony to the effect of how one partially delivers a child, and then restrains the child from exiting the birth canal? And how does that, in fact, help the safety, the health, or even to promote the life of the mother? Is the Senator also aware that on numerous occasions doctors have said, it doesn't?

As a matter of fact, I wondered if the Senator was aware that when President Clinton had several women down at the White House a short time ago after one of these override votes that he is so good at, he also indicated that these were people who had "needed" these for their own health. Then we found one particular case of a woman by the name of Claudia Ades, who appeared by telephone on a radio show in which she said during the course of the show: "This procedure was not performed in order to save my life. This procedure was totally elective. This is considered an elective procedure, as were the procedures of all the other women who were at the White House veto ceremony."

So I think the Senator would probably agree with me that this was orchestrated and used to promote this terrible procedure which, as the Senator has so eloquently described, is infanticide, is the killing of children.

And to think that somehow you are basically coming to the conclusion that this is OK, based on the part of the child that is outside of the birth canal. I did not hear whether the Senator pointed this out, but is the Senator aware that if you were to turn the child around, and the head would exit first, that would be illegal under the law? That child could not be killed in this way. Yet 90 percent of the child is still inside the mother's body.

So it is an outrageous procedure. I want to compliment him for his leadership and look forward to joining him a little later on in the debate.

Mr. SANTORUM. I thank the Senator from New Hampshire. The Senator from New Hampshire is someone who deserves a tremendous amount of credit for his courage in coming to the floor 4 years ago, offering this bill, fighting for this, and beginning the battle in the Senate. And he continues to be a stalwart supporter and someone who deserves a lot of credit for the movement that has occurred already.

I will finish my charts, and that is, again, getting back to where this abortion procedure is "rare." Ron Fitzsimmons on "Nightline," in 1997, said that between 3,000 and 5,000 partial-birth abortions could be performed annually. They say they didn't even know because, again, they do not get reports—at least we are told they do not get reports as to how many of these late-term abortions are done in this manner.

The Centers for Disease Control does not track the method of abortion. So we know 1,500 are done in one clinic. And the people at that clinic said they have trained others to do it in New York City. So I hesitate to guess of the thousands upon thousands of living human beings—living human beings—who are brutalized in this fashion, 3 inches away.

As the Senator from New Hampshire just said, if that baby was born head first, even though a smaller portion of the baby's body is out, I think most people in this body would say: Well, you couldn't kill the baby then.

Isn't that funny? Isn't that funny in the sense that we draw these artificial lines that don't exist? We would say, it depends on which way the baby exited the mother as to whether you could kill the baby or not. Think about that. This is the bright line. This is the bright line that we will never cross in our society as to who deserves the protection of our Constitution or not. That is the issue, folks. That is the issue.

Who in this Senate Chamber, who within the sound of my voice is safe if that is the bright line? Who is safe from a group of Senators who think they are being compassionate, who decide that maybe we are better off drawing the line somewhere else, maybe drawing the line that after the baby is born, if the baby isn't what we want. As, again, Dr. Singer, a noted professor at Princeton University, now suggests, why don't we draw the line afterwards?

There is not much difference, folks, is there? There really isn't. Let's get honest about this. What is the difference? It is just a couple of inches. We will be back someday. If we keep this procedure legal, we will be back someday. We will be back someday arguing whether that 3 inches really means anything. It is an artificial line. That will be the argument. Come on. "What is the difference because it is 3 inches if the baby is really deformed? Let it die. Kill it. Put it out of its misery. This baby is going to die anyway."

The arguments you are hearing this very day about children who are not wanted because they are not perfect, in our eyes—I know whose eyes they are very perfect in. In the eyes that matter most in this; they are perfect little children. But to those on the Senate floor who argue that because of their imperfection we have to keep this legal, so we can dispose of unwanted, imperfect children—3 inches from legal protection—folks, when the issue is 3 inches, it might as well be 1 inch or half an inch and eventually it is no inches because the 3-inch line is the Maginot Line. It will be blown through at some point when it suits the majority of Americans that they do not want to be bothered with this burden—with this burden. "It would be better off for this child," I am sure the argument will be, "that we let this baby die or we kill this baby. Why let it suffer?" That is the argument now—3 inches from protection.

Oh, how those 3 inches will shrink; mark my word. This is not a far-out debate. It is the mainstream of political debate right now that we can kill children 3 inches from birth because they are not perfect. That is the argument. That is the mainstream of thought in America right now.

On the horizon, the Dr. Singers of this world will say: Why quibble over 3 inches? I remind you, step back in your mind, those of you who were here on this Earth 40 years ago, and imagine—close your eyes and imagine—the Senate Chamber without television cameras, without the bright lights, without the microphones, and people on the Senate floor debating whether it is OK to kill a child who is almost born. It would be beyond anyone's possible comprehension that that could have occurred in Manhattan, much less Washington, DC, here in the Senate Chamber. But here we are. Where will we go from here? The Senate can take a stand on that. So far it hasn't in the numbers necessary, but we are working on it.

Lie No. 5: Partial birth abortion is used only to save the woman's life and health and when the fetus is deformed.

Again, Ron Fitzsimmons said:

> The procedure was used rarely and only on women whose lives were in danger or whose fetuses were damaged.

That was 1995. Fast forward to 2 years later. Ron Fitzsimmons admitted he lied through his teeth when he said the procedure was used rarely and only on women whose lives were in danger or whose fetuses were damaged. Yet that is the debate you continue to hear on the floor of the Senate, case after case after case after case of this.

But what did Ron Fitzsimmons say:

> What the abortion rights supporters failed to acknowledge [the people on this floor] is that the vast majority of these abortions are performed in the 20-plus week range on healthy fetuses and healthy mothers. The abortion rights folks know it, the anti-abortion folks know it, and so, probably does everyone else.

Would you please inform the rest of the Senate, Mr. Fitzsimmons, so they can begin to discuss the facts of this case, not the smoke and the mirrors of this legislation. I guarantee my colleagues, we will have clouds and clouds of smoke hovering over this Chamber over the next 2 days in an attempt to obfuscate what really is going on.

Lie No. 6: Partial-birth abortion protects a woman's health.

> I understand the desire to eliminate the use of a procedure that appears inhumane but to eliminate it without taking into consideration the rare and tragic circumstances in which its use may be necessary would be even more inhumane.

The argument that this protects a woman's health.

President Clinton, again, veto message of 1997:

> H.R. 1122 does not contain an exception to the measure's ban that will adequately protect the lives and health of a small group of women in tragic circumstances who need an abortion performed at a late stage of pregnancy to avert death or serious injury.

A, there is a provision in the bill that says life of the mother is an exception to the ban. Factually incorrect. There is a life of the mother exception. I think it is agreed on all sides that that is not necessary because it would never be used, but we have a prohibition there anyway.

Going to the truth:

> The American Medical Association endorsed the Partial-Birth Abortion Ban Act. The AMA stated that partial-birth abortion is not medically indicated.

I have talked about hundreds of physicians, over 600 obstetricians, not medically necessary.

> The partial-birth abortion procedure, as described by Martin Haskell [the nation's leading practitioner of the procedure] and defined in the Partial-Birth Abortion Ban Act, is never medically indicated and can itself pose serious risks to the health and future fertility of women.

Over 600 obstetricians signed this, over 600, pro-life, pro-choice, signed this.

Those are the facts. This attempt by those who oppose this bill to change the subject to get to Roe v. Wade doesn't obscure those facts.

I will get back to that.

MOTION TO COMMIT

Mr. SANTORUM. Mr. President, I move to commit the bill, and I send a motion to the desk.

The PRESIDING OFFICER (Mr. SESSIONS). The clerk will report.

The legislative clerk read as follows:

> The Senator from Pennsylvania [Mr. SANTORUM] moves to commit the bill to the HELP Committee with instructions to report back forthwith.

Mr. SANTORUM. I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is not.

Mr. SANTORUM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2322 TO THE INSTRUCTIONS OF THE MOTION TO COMMIT

Mr. SANTORUM. Mr. President, I send an amendment to the desk to the motion to commit with instructions.

The PRESIDING OFFICER. Until the Senator has the yeas and nays on the motion, the amendment is not in order.

Mr. SANTORUM. I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

> The Senator from Pennsylvania [Mr. SANTORUM] proposes an amendment numbered 2322.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> At the end of the instructions, insert the following:
>
> **SEC. . SENSE OF CONGRESS CONCERNING ROE V. WADE AND PARTIAL-BIRTH ABORTION BANS.**
>
> FINDINGS.—Congress finds that—
>
> (1) abortion has been a legal and constitutionally protected medical procedure throughout the United States since the Supreme Court decision in *Roe* v. *Wae* (410 U.S. 113 (1973));
>
> (2) no partial birth abortion ban shall apply to a partial-birth abortion that is necessary to save the life of a mother whose life is endangered by a physical disorder, illness, or injury.
>
> SENSE OF CONGRESS.—It is the sense of the Congress that—
>
> Partial birth abortions are horrific and gruesome procedures that should be banned.

Mr. SANTORUM. I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. SANTORUM. Mr. President, I ask unanimous consent that a vote occur on or in relation to the SANTORUM amendment No. 2322 and the DURBIN amendment No. 2319 in 10 minutes, with the time between now and then to be equally divided, and if the amendment is agreed to, it be considered as an amendment to the bill and the motion to commit be immediately withdrawn.

I further ask consent that there be 2 hours total for debate equally divided prior to a motion to table amendment No. 2321, with the minority time under the control of Senator BOXER, and the vote to occur on or in relation to the amendment no later than 11 a.m. on Thursday, and the Boxer amendment, as amended, if amended, be agreed to without any intervening action.

Mr. DURBIN. Reserving the right to object, may I inquire of the Senator from Pennsylvania on my amendment whether or not it is a straight up-or-down vote on the amendment or a motion to table.

Mr. SANTORUM. I will move to table the amendment.

Mr. DURBIN. Is that the same situation in terms of the amendment offered by the Senator from Pennsylvania and the Senator from Iowa?

Mr. SANTORUM. They could be tabled under this unanimous consent agreement.

Mrs. BOXER. If I may ask my friend to yield for a question, it appears to me that everyone is going to wind up tabling someone else's amendment. So if he can make that clear, it would be helpful.

Mr. SANTORUM. It does say "on or in relation to" the amendment, so that means on the amendment or in relation, which is a tabling motion. It is clear under the UC.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 2319

Mr. DURBIN. Mr. President, I ask unanimous consent to add two additional cosponsors to my amendment No. 2319: Senator BLANCHE LAMBERT LINCOLN and Senator CHRIS DODD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I rise in support of the amendment offered by my friend and colleague from Illinois, Senator DURBIN, and the senior Senator from Maine to ban all late-term abortions, including partial-birth abortions that are not necessary to save the mother's life or to protect her health from grievous physical harm.

Let me be clear from the outset. I am strongly opposed to all late-term abortions, including partial-birth abortions. I agree they should be banned. However, I also believe that an exception must be made for those rare cases when it is necessary to save the life of the mother or to protect her physical health from grievous harm. Fortunately, late-term abortions are extremely rare in my State where, according to the Maine Department of Human Services, just two late-term abortions have been performed in the last 16 years.

This debate should not be about one particular method of abortion but, rather, about the larger question of under what circumstances should late-term or postviability abortions be legally available. The sponsors of this amendment—and I am pleased to be a cosponsor—believe that all late-term abortions, regardless of the procedure used, should be banned except in those rare cases where the life or the physical health of the mother is at serious risk.

In my view, Congress is ill equipped to make judgments on specific medical procedures. As the American College of Obstetricians and Gynecologists, which represents over 90 percent of OB/GYNs and which opposes the legislation introduced by the Senator from Pennsylvania, has said:

> The intervention of legislative bodies into medical decisionmaking is inappropriate, ill advised, and dangerous.

Most of us have neither the training nor the experience to decide which procedure is most appropriate in a given case. These medically difficult and highly personal decisions should be left for families to make in consultation with their physicians and their clergy. The Maine Medical Association agrees with this assessment. I ask unanimous consent that an April 1999 statement from the Maine Medical Association be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. ROBERTS). Without objection, it is so ordered.

(See Exhibit 1.)

Ms. COLLINS. Mr. President, in its statement, the Maine Medical Association states that "such a ban would deny a patient and her physician the right to make medically appropriate decisions about the best course for that patient's care. . . . The intervention of legislative bodies into medical decisionmaking is inappropriate, ill advised and dangerous."

The MMA statement goes on to say:

> . . . when serious fetal anomalies are discovered or a pregnant woman develops a life or health-threatening medical condition that makes continuation of the pregnancy dangerous, abortion—

Unfortunately, I add—

> may be medically necessary. In these cases, intact dilation and evacuation procedures may provide substantial medical benefits or, in fact, may be the only option. This procedure may be safer than the alternatives . . . [may] reduce blood loss, and reduce the potential for other complications.

That is what the experts are telling us. That is what the doctors are telling us.

Our amendment goes far beyond, in many ways, what the Senator from Pennsylvania is attempting to accomplish. His legislation would only prohibit one specific medical procedure. It will not prevent a single late-term abortion. Let me emphasize that point. The partial-birth legislation before us would not prevent a single late-term abortion. A physician could simply use another, perhaps more dangerous, method to end the pregnancy.

By contrast, the Durbin-Snowe proposal would prohibit the abortion of any viable fetus by any method unless the abortion is necessary to preserve the life of the mother or to prevent grievous injury to her physical health.

We have taken great care to tightly limit the health exception in our bill to grievous injury to the mother's physical health. It would not allow late-term abortions to be performed simply because a woman is depressed or feeling stressed or has some minor physical health problem because of pregnancy.

Moreover, we have included a very important second safeguard. The initial opinion of the treating physician that the continuation of pregnancy would threaten the mother's life or risk grievous injury to her physical health must be confirmed by a second opinion from an independent physician.

This second opinion must come from an independent physician who will not be involved in the abortion procedure and who has not been involved in the treatment of the mother. This second physician must also certify—in writing—that, in his or her medical judgment, the continuation of the pregnancy would threaten the mother's life or risk grievous injury to her physical health.

What we are talking about are the severe, medically diagnosable threats to a woman's physical health that are sometimes brought on or aggravated by pregnancy.

Let me give you a few examples: Primary pulmonary hypertension, which can cause sudden death or intractable congestive heart failure; severe pregnancy-aggravated hypertension with accompanying kidney or liver failure; complications from aggravated diabetes such as amputation or blindness; or an inability to treat aggressive cancers such as leukemia, breast cancer, or non-Hodgkins lymphoma.

These are all obstetric conditions that are cited in the medical literature as possible indications for pregnancy terminations. In these extremely rare cases—where the mother has been certified by two physicians to be at risk of losing her life or suffering grievous physical harm—I believe that we should leave the very difficult decisions about what should be done to the best judgment of the women, families, and physicians involved.

The Durbin-Snowe-Collins amendment is a fair and compassionate compromise on this extremely difficult issue. It would ensure that all late-term abortions—including partial-birth abortions—are strictly limited to those rare and tragic cases where the life or the physical health of the mother is in serious jeopardy. This amendment presents an unusual opportunity for both "pro-choice" and "pro-life" advocates to work together on a reasonable approach, and I urge our colleagues to join us in supporting it.

EXHIBIT 1

> The Maine Medical Association takes no position on the moral or ethical issue of abortion. Our membership includes individuals who are "pro-choice" and "pro-life."
>
> Still, abortion currently is a legal medical procedure in the United States. Accordingly, the Maine Medical Association opposes any legislation proposed to ban any legal medical procedure whether that be abortion, "intact dilation and extraction" (partial birth abortion), or another medical procedure. Such a ban would deny a patient and her physician the right to make medical-appropriate decisions about the best course for that patient's care. The determination of the medical need for and effectiveness of a particular medical procedure must be left to the patient and her physician acting in conformity with standards of good medical care.
>
> In addition, imposing civil or criminal sanctions on physicians who perform abortions would have a chilling effect on physicians' willingness to perform legal abortions. Doing so would limit patients' access to safe abortions. The Maine Medical Association opposes such efforts to "criminialize" the practice of medicine.
>
> An abortion performed in the second or third trimester or after viability is extremely difficult for everyone involved. The Maine Medical Association does not support elective abortions in the last stage of pregnancy. However, when serious fetal anomalies are discovered or the pregnant woman develops a life or health-threatening medical condition that makes continuation of the pregnancy dangerous, abortion may be medically necessary. In these cases, intact dilation and evacuation procedures may provide substantial medical benefits or, in fact, may be the only option. This procedure may be safer than the alternatives, maintain uterine integrity, reduce blood loss, and reduce the potential for other complications. Also, this procedure permits the performance of a careful autopsy and, therefore, a more accurate diagnosis of a fetal anomaly. This would permit women who wish to have additional children to receive appropriate genetic counseling and better prenatal care and testing in future pregnancies. The intact dilation and extraction procedure may be the most medically appropriate procedure for a woman in a particular case.
>
> The intervention of legislative bodies into medical decision-making is inappropriate, ill-advised, and dangerous. The Maine Medical Association urges the Maine Legislature and the People of Maine to allow the patient and her doctor to determine the most appropriate method of care based upon accepted standards of care in the medical profession and upon the patient's individual circumstances.

The PRESIDING OFFICER. The 5 minutes on the majority side has expired. The Senator from Illinois has 5 minutes.

Mr. DURBIN. May I inquire of the Chair, pursuant to the unanimous consent request, I understood 10 minutes would be allotted for discussion on my pending amendment, and if the Presiding Officer can please clarify what is the current status of that time request.

The PRESIDING OFFICER. The 10 minutes allotted to Senators was for two amendments.

Mr. SANTORUM. I ask unanimous consent that I be given 5 minutes against the Durbin amendment and the Senator from Illinois be given 5 minutes for the Durbin amendment. It will be 5 minutes. I was not aware the Senator was using our time.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object, since we are adding some time here—and I think we should—I want to have about 2 minutes to speak before we vote on the Santorum amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DURBIN. Mr. President, one last inquiry, so I understand it. As it presently stands, there will be 12 minutes of debate before two votes: First on the Santorum amendment, then the Durbin amendment; then in that 12-minute period, 5 minutes allotted to me, 5 minutes to the Senator from Pennsylvania, and 2 minutes to the Senator from California?

The PRESIDING OFFICER. The Senator is correct.

Mr. DURBIN. I thank the Chair.

I want to say something to my colleagues who are following this debate in their offices. There are not that many on the floor, but many do watch these debates in their offices.

We are coming perilously close to reaching a consensus opinion on one of the most divisive topics that this Congress has ever faced. The Senator from Maine, Ms. COLLINS, and my colleague, Senator SNOWE, on the Republican side of the aisle, and about 10 Members on the Democratic side, finally have said:

Let us try to get down to the bottom line and see if we can come out with some commonsense answer to such a divisive issue as late-term abortions.

I respect the Senator from Pennsylvania and his heartfelt views on this. I have said it repeatedly on the floor. But I think if we are going to finally be able to say to the American people, we have followed what we think are your feelings; first, keep abortion safe and legal for women across America; but second, restrict abortions so that they are in situations which are necessary, postviability in particular, that is what the Durbin amendment strives to do. And I thank the Senator from Maine for her kind words.

Here is what it says, very basically: All late-term abortions, regardless of the type of procedure, are prohibited after the fetus is viable; that is, after the moment when it can survive outside the womb, except for two specific exceptions: One, if continuing the pregnancy threatens the life of the mother, or if continuing the pregnancy means the mother runs the risk of grievous physical injury.

We then go on to say—we are serious about this—not only the treating doctor but an independent physician has to certify, in writing, that one of those two conditions are met for any late-term abortion postviability. If the doctor misleads or states something that is not truthful in that certification, he is subject to a civil fine, and with repeated offenses the fine grows and his license to practice medicine can be suspended.

The reason I think we should take care—and I hope my colleagues will look carefully at this amendment—is that we would finally emerge from this tangled debate with something that many of us can agree on.

I am characterized as a pro-choice Senator. I am offering an amendment which some pro-choice groups do not support. I would hope that some on the pro-life side would look at this as a reasonable way to restrict late-term abortions.

If Senator SANTORUM's amendment passes, and restricts one rare procedure, it will reduce the number of abortions that are involved in that procedure, and they are very small relative to the total number. In all honesty, if my amendment passes, the bipartisan amendment, even more abortions will be restricted after viability. So for those on the pro-life side, it is a situation they should accept, too.

I urge my colleagues to seize this opportunity. It has come along so seldom in the time that I have been up here on this contentious issue. I hope they will understand that ours is an attempt to strike a good-faith compromise, consistent with Roe v. Wade, consistent with the Constitution, that protects a woman's health, as well as her life, in medical emergency circumstances.

I think if we pass this amendment that I have offered, with the help of so many of my colleagues on both sides of the aisle, we will finally say to the American people: Yes, we did come together on the issue of late-term abortion, and we think this is a reasonable way to deal with it.

I will readily concede there are differences of opinion and those on both sides of the aisle who see it differently. But I think I can go before my voters in Illinois, and my family because we talk about this, and explain to them the case histories that I presented on the Senate floor—where mothers, anxious for the birth of their babies, having painted the nursery and named the baby, found, at the last minute in the pregnancy that some terrible complication had occurred, and the doctor said: If you continue the pregnancy, you could die. And if you don't die, you might lose your chance to ever have another baby. Think about that, what the families face; and the doctors said, in that circumstance: We have to go forward with an abortion procedure.

Some of the women involved said: I've been conservative, antiabortion my whole life, and it struck me that it was going to hit me right in the face. I had to deal with it. And they did.

Frankly, any of our families faced with that would want to have every available medical option to save the life of the mother or to protect her from grievous physical injury.

I urge my colleagues to please look carefully at this amendment. We are perilously close to doing something by way of consensus that is a commonsense answer to a very contentious issue.

The PRESIDING OFFICER. The time of the distinguished Senator has expired.

Mr. DURBIN. I yield back my time.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

PRIVILEGE OF THE FLOOR

Mr. SANTORUM. Mr. President, first, I ask unanimous consent that Heather MacLean and Adam Pallotto from my staff have access to the floor during the consideration of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANTORUM. I thank the Chair.

Mr. President, the Durbin amendment purports to ban certain kinds of abortion, and I wish that were true because I think that would be constructive. But it does not.

I do not question the motives of Senator DURBIN, Senator COLLINS, and many others, who, I think, are trying to find some ground where we might be able to meet. But the problem with this amendment is the problem with all these amendments that deal with the issue of health of the mother.

The courts have defined "health" so broadly that it includes everything. This definition in the amendment talks about serious, grievous physical injury, and it requires a second opinion.

Here is the second opinion. If I put the phone number on here, and if this bill were to become law, you could call Dr. Warren Hern, who performs many second- and third-trimester abortions, and he will say this: "I will certify that any pregnancy is a threat to a woman's life and could cause grievous injury to her physical health."

See, the problem is there are lots of people in this country who would argue that pregnancy itself, following through with a pregnancy, can cause grievous physical injury. And in fact, it could.

So signing a document that says if we did not do this abortion, grievous physical injury would occur, is, by definition, something any doctor—or at least any doctor, Dr. Hern would say—could sign in good faith.

So what you have is a loophole, a loophole that would make this prohibition void. So as good as it sounds—and I do not question the intentions. Senator DASCHLE had offered this amendment in the past, and I certainly did not question his intention. I think there is an honest attempt to say, and I take the speakers at their word, that they do not want to see these kinds of abortions performed. However, when you provide a health exception, in reality the health exception becomes the operation of the bill, which is: There is no limitation.

So as much as I would like to see what the Senator from Illinois purports to have happen with his amendment, his language does not accomplish what he purports to accomplish. So voting for something that, frankly, is hollow, is not effective.

Our bill would, in fact, ban a particular procedure, period, and that is with the life of the mother exception.

If the Durbin amendment was amended to just provide for the life-of-the-mother exception, it would be a different story. But it does not do that.

So as much as I, again, commend those who have signed on to this as an attempt on their part to try to search for some sort of middle ground, I do not think they have found it yet. I am hopeful that good faith and openmindedness will continue and that they will understand where I am coming from.

This is not a limitation at all, and to put forward such as a limitation would be misleading and I think not particularly constructive to getting at the real problem.

Again, I say—and my amendment that we will be voting on, which is a sense of the Senate, alludes to this—this is a debate about a procedure. And the reason we are debating this procedure is because it is the line in our society that we have drawn about who is covered by our Constitution and who isn't.

I think everyone will agree, once the baby is born, you have constitutional protections. When the baby is inside the womb, the Court has been very clear: you don't. The point is, when the baby is in the process of being born, it is almost completely outside of the mother. How can one suggest that that baby does not have some additional protection or full protection?

We heard the Senator from California say, if the foot was in the mother, they wouldn't be entitled to protection. What is the difference between the foot being inside the mother and the head being inside the mother? Why does one give protection and the other one doesn't? We are going to get into that very kind of fuzzy line. I am not too sure that is a line we want to say is our line of demarcation as to when rights begin or not.

I think we want to be very clear: Once the baby is in the process of being born, that is where the right to abortion ends and that is where infanticide begins. I am hopeful the Senate will make that choice today.

The PRESIDING OFFICER. The time requested by the distinguished Senator has expired.

The Senator from California is recognized for 2 minutes.

Mrs. BOXER. Mr. President, I urge Senators to read the text. It was the Senator from Pennsylvania who talked about the feet. I talked about a baby and when a baby is born.

The Santorum amendment, just as his bill, is a direct overturning of Roe v. Wade, which gave women the right to choose in 1973. Before Roe, 5,000 women a year died because of illegal abortion. Now abortion is safe, and it is legal. Why don't we keep it that way? It is working. It is working for women and their families. It balances the rights of the woman with the rights of the fetus. That is why it says in Roe, in the beginning of a pregnancy, a woman has an unfettered right to choose, and later there can be restrictions. But this is where the Santorum bill steps over the line. It makes no exception for the health of the woman. Senator DURBIN reaches to that issue. I commend him for his effort.

The fact is, if you make no exception for the health of the woman, you are overturning Roe; there is no question about it. And by using the term "partial-birth abortion," which has never been in any medical directory in the history of medicine—it is a political term—it is so ill-defined that the courts have ruled it would in fact make most abortion illegal.

Listen to what some of the judges have said. In the State of Alaska: It would restrict abortion in general; in the State of Florida: This statute may endanger the health of women who might seek abortion; in Idaho: The act bans the safest and most common method of abortion used in Idaho and, therefore, imposes an undue burden on a woman. It goes on and on.

Nineteen States have said this Santorum language goes against Roe, endangers the life, the health—in particular, the health—of a woman.

I hope we will table the Santorum amendment.

The PRESIDING OFFICER. All time has expired.

Mrs. LINCOLN. Mr. President, I ask unanimous consent to speak for 2 minutes on the Durbin amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arkansas is recognized.

Mrs. LINCOLN. Mr. President, I rise today to support the Late Term Abortion Limitation Act of 1999.

I would like to thank Senator DURBIN for working with me and others who oppose later term abortions like the procedure being discussed today, which some have called partial-birth abortion.

Let me start by saying that this is a difficult issue for anyone to discuss. And it is an emotional issue. It is not easy for any of us in this Chamber to discuss terminating a pregnancy.

As a mother who has gotten infinite joy from twin 3-year-old boys and was blessed with a safe and healthy natural delivery, it is an especially sensitive topic for me.

Like many of the people that I represent in Arkansas, I do not believe the so-called partial-birth abortion should be an elective procedure.

We should put an end to all forms of abortion after viability except in cases where a late term abortion is medically necessary to save the life of the mother or when "grievous injury" could harm the mother.

Congress has attempted to eliminate what some people call partial-birth abortions in the past. And 30 states have enacted similar legislation. But most efforts to end this horrific procedure have been unsuccessful thus far because the courts have overturned them.

As I have shown during debate on HMO reform and tax reform, I am result-oriented. I believe we're here to get things done, to effect change, instead of scoring political points.

For that reason, I have chosen to support Senator DURBIN's approach to eliminating late term abortions because Senator DURBIN has taken care of the concerns raised by courts and because this legislation will actually reduce the number of late term abortions.

I should point out that, while serving in the House of Representatives, I twice voted in favor of a ban on partial-birth abortions, expressing my concern that the life and serious health of the mother be considered.

Much has happened since then. Nineteen courts have overturned laws very similar to the one I supported. Some rule that the term "partial-birth abortion" is too vague.

While I am not a lawyer, I understand the courts' point because all of the doctors I have discussed this issue with tell me that there is no such procedure as partial birth abortion.

In addition, the courts have noted that states cannot regulate or prohibit abortion prior to viability. So it is very important, if we want results from this debate, to specify that we are talking about post-viability.

Senator DURBIN has corrected these prior legislative flaws by referring to abortions after viability rather than partial-birth abortions.

In addition, the Durbin late term abortion ban would eliminate elective late term abortions by requiring not one but two doctors to certify the need for a late term abortion to save the life or serious health of the mother.

I support the Durbin amendment because if Senators really want to ensure that we stop late term abortions, then we should pass legislation that can stand the test of the courts.

The Durbin amendment could stand the test and become law. It has the best chance of producing results.

So if results are what we're looking, if stopping late term abortions—including the so-called partial-birth abortions—is our goal, then this is the right option.

If we vote for other vague measures, we will be right back here next year, and the next year, still debating this issue—without results.

Let's do the right thing and ban unnecessary late term abortions by voting for the Durbin amendment which can stand up to federal court tests.

Mrs. BOXER. Mr. President, I move to table the Santorum amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 2322. The yeas and nays have been ordered. The clerk will call the roll.

The legislative assistant called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. McCAIN) is necessarily absent.

The result was announced—yeas 36, nays 63, as follows:

[Rollcall Vote No. 334 Leg.]

YEAS—36

Akaka
Baucus
Bingaman
Boxer
Bryan
Chafee
Cleland
Collins
Dodd
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Inouye
Jeffords
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Levin
Lieberman
Lincoln
Mikulski
Murray

Reed
Robb
Rockefeller
Sarbanes
Schumer
Snowe
Torricelli
Wellstone
Wyden

NAYS—63

Abraham
Allard
Ashcroft
Bayh
Bennett
Biden
Bond
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cochran
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Domenici
Dorgan
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Johnson
Kyl
Landrieu
Leahy
Lott
Lugar
Mack
McConnell
Moynihan
Murkowski
Nickles
Reid
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—1

McCain

The motion was rejected.

The PRESIDING OFFICER. Without objection, the yeas and nays are vitiated.

The question now is on agreeing to the Santorum amendment, as modified.

The amendment (No. 2322) was agreed to, as follows:

At the appropriate place in the bill, insert the following:

SEC. . SENSE OF CONGRESS CONCERNING ROE V. WADE, AND PARTIAL BIRTH ABORTION BANS.

FINDINGS.—Congress finds that—

(1) abortion has been a legal and constitutionally protected medical procedure throughout the United States since the Supreme Court decision in *Roe* v. *Wade* (410 U.S. 113 (1973));

(2) No partial birth abortion ban shall apply to a partial-birth abortion that is necessary to save the life of a mother whose life is endangered by a physical disorder, illness, or injury.

SENSE OF CONGRESS.—It is the sense of the Congress that—partial birth abortions are horrific and gruesome procedures that should be banned.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000—CONFERENCE REPORT

Mr. LOTT. I ask consent that the Senate proceed to the conference report on the bill (H.R. 2670) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2000, and for other purposes, and ask for its immediate consideration.

The report will be stated.

The clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill, H.R. 2670, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of October 19, 1999.)

Mr. HOLLINGS. Mr. President, I am pleased to join my subcommittee chairman, Senator GREGG, in presenting to the Senate the fiscal year 2000, Commerce, Justice, State, the Judiciary, and related agencies appropriations conference report. I would like to thank Senator GREGG for his efforts in resolving many of the difficult issues that were encompassed in this bill. As a result of over four weeks of negotiations, the conference report before the Senator today—for the most past—is good and balanced.

As Senator GREGG stated, this agreement includes $39 billion and exceeds last year's appropriation by almost $3 billion. While this sounds like a tremendous increase in funding, for all intent and purpose, this increase is for the 2000 decennial census. Consequently, the funding decisions encompassed in this bill were difficult. Senator GREGG has already covered many of the major issues in this bill so I will not go into great detail. But, I would like to point out to my colleagues some of the highlights of this bill:

The Justice Department accounts for the largest portion of this bill and contains $18.5 billion for many important law enforcement agencies including the FBI, DEA, INS, and Marshals Service. This level of funding is only an increase of $287 million above last year's appropriated level. Within DOJ, the conferees agreed to recede to the Senate's position the Office of Community Oriented Policing Services (COPS) program, and funded the program at the Senate level of $325 million. In addition, $250 million in carryover is available bringing the total budget authority for this program for fiscal year 2000 to $575 million. While many of us would like to see a higher level of funding for this program, I believe that we have provided a responsible level given the austere funding constraints this year.

Mr. President, the conferees also agreed to continue the Safe Schools Initiative that Senator GREGG and I began funding last year. To further efforts in combating violence in and around our schools, we have included $225 million in funding. Included in that funding is $180 million for school resource officers and $30 million for prevention programs.

Regarding the Commerce Department, $8.7 billion is provided for the numerous missions undertaken by the various agencies of the Commerce Department, including stewardship of our nation's oceans and waterways, satellite coverage and weather forecasting, regulation of trade and telecommunications, assistance to rural areas, high risk technology research, and assistance to small manufacturers. Also within this level of funding for the Commerce Department is the $4.47 billion necessary for conducting the constitutionally mandated decennial census. I would like to thank Chairman GREGG for working to resolve the issues around census funding without lengthy and counter-productive debate.

I am pleased that the conference report reflects a level of funding for the National Oceanic and Atmospheric Administration (NOAA) that is closer to the Senate position that the House. NOAA is the premier agency for addressing catastrophic weather conditions as well as daily forecasts. This year has been one filled with natural disasters—everything from droughts, floods, tornadoes, and hurricanes. During this past month while our staff was negotiating on this bill, about 10 million people were evacuated from the coast during Hurricane Floyd. Thanks to NOAA's hurricane research, their flights into the storm their satellite coverage and weather forecasts, the loss of life, while still very tragic, was significantly less than what it otherwise would have been. Mr. President, when we went into conference 6 weeks ago, there was a $600 million difference in funding for NOAA between the House and Senate. The Senate worked diligently to restore NOAA's funding and the conference report reflects those efforts with NOAA funded at an increase of $137 million above last year's appropriated level. Given this agency's missions that include everything from weather forecasting and atmospheric research to ocean and fisheries research and ocean and coastal management, this level of funding in still insufficient, but given the fiscal constraints, it is enough to allow the agency to continue forward with its critical missions.

This conference report provides $5.9 billion for the Department of State and related agencies. This will fund security upgrades for State Department facilities, construction and maintenance of U.S. missions, payment of international organization and peacekeeping funds, and educational and cultural exchanges. This year we are providing $313.6 million in funding for much needed security upgrades at State Department facilities around the world. Incidents such as the bombings in Kenya and Tanzania have reminded us that we cannot dismiss the safety and security of our citizens abroad.

Now I would like to take a moment to thank the staff for all their hard work in bringing this agreement to the floor. Specifically I would like to thank Jim Morhard, Paddy Link, Kevin Linskey, Eric Harnischfeger, Clayton Heil, and Dana Quam of Senator GREGG's staff and Lila Helms, Emelie East, and Tim Harding of my staff. I know that they have all worked long hours during the past 4 weeks, including weekends and late evenings to reach a compromise and I appreciate their efforts. This a large bill that funds the Federal law enforcement, oceans and fisheries, our nations courts and everything in between. Reaching compromise on these myriad accounts is no small task and I thank them for their diligence.

Mr. President, I take this opportunity to give a few words of thanks to someone who has been a tremendous help to me and the Commerce, Justice, State Subcommittee over this last year. That person is Tim Harding, an extremely bright young man who was detailed to me by the Department of Justice COPS on the Beat program.

Tim worked with me and my staff since last winter. He has seen this process through—from receipt of the President's budget, to our congressional hearings, to markup, through our whirlwind day on the Senate floor, and through this month and a half of conference. At every point, Tim was willing and ready to give 100 percent. While we all know the Senate is like no other place, Tim took the time to learn what makes this process work, and he was able to easily adapt. He provided me with memos, helped me with my constituent relations, and drafted good-quality statements for my use during hearings, markup, and floor consideration of our bill. His work will be sorely missed by me and my staff, and I wish him all the best in what promises to be a bright future.

Mr. GREGG. Mr. President, I bring to the floor the conference agreement for the Commerce, Justice, State, and judiciary appropriations for fiscal year 2000.

This conference agreement includes $39 billion for these and other related agencies. This is $2.8 billion above last year's level and $7.9 billion below the President's request. Also, it is $3.6 billion above the Senate level, which includes the additional funding requested for the census.

To start out with, I want to address the department that comprises almost half of the funding in this bill, the Department of Justice. We provide it with $18.5 billion.

Within Justice, we continue counterterrorism measures. A total of $152 million is directed to the counterterrorism program to bolster current counterterrorism initiatives. The conference agreement provides $14 million to the National Domestic Preparedness Consortium for their cooperative efforts. We put emphasis this year on equipment for first responders so that they have what is needed when they arrive first-on-the-scene of any terrorist attack.

We also remain concerned about attacks on computer systems, these being a primary target to sabotage. The conferees agreed to $18.6 million for the National Infrastructure and Protection Center, through the FBI account, which serves as the central clearinghouse for threats and warnings or actual cyber-attacks on critical infrastructures. The FBI has field computer crime-intrusion squads and computer analysis and response teams to combat cyber crime and sabotage.

However, I remain concerned by the release of the FALN members by the President, and its effect on our overall counterterrorism policy. In the past few years, the Appropriations Committee has worked closely with all aspects of the law enforcement community to hammer out a united, comprehensive counterterrorism strategy. There has been marked improvement in understanding where we need to go to prevent and to be ready for terrorist incidents. The President's clemency agreement takes that understanding and drives a stake in it. The President chose to release members of a known terrorist organization, against the recommendation of the pardon attorney and the Federal Bureau of Investigations.

The FBI is one of the lead agencies on terrorism policy, and the President disregarded their opposition to the clemency agreement. The President's actions went against his own administration and congressional efforts to craft and implement a strong counterterrorism policy.

Ironically, his argument was that none of these individuals had been charged with murder. Terry Nicholas was not charged with murder, but 168 died in the Oklahoma City bombing.

Unfortunately, the President's actions have created a schism in our terrorist policy that may take years to overcome.

Moving to an area that is as horrifying as a terrorist attack, the conference agreement provides funding to address child abductions and missing children. We were able to retain the Senate's Missing Children program, which provides $19.9 million to help law enforcers find and care for missing children. We also fund the FBI's programs to prevent child sexual exploitation on the Internet. These efforts help solve investigations involving missing children by creating specialized cyber units whose purpose is to monitor and react to Internet pedophiles. The FBI works closely with the National Center for Missing and Exploited Children to find the victims of these attacks and return them to their families.

To protect children in schools, the conference agreement recommends $225 million through the Safe Schools Initiative. The availability of these funds for schools, groups, and law enforcement should encourage communities to work together to address the escalation of violence in schools throughout the Nation.

The conferees believe it is also important to encourage out-of-school prevention methods as well. One way to stop juvenile violence is to get young people involved in programs outside of school. The conference agreement includes the Senate number, $50 million, for the Boys and Girls Clubs of America. It retains the Senate language regarding the use of the Internet in the clubs. Additionally, $13.5 is provided for Juvenile Mentoring Programs (JUMP), such as Big Brothers and Big Sisters and similar community programs that bring responsible adults together with children in a mentoring capacity. I believe prevention is preferable to punishment, and these programs can redirect the energies of high risk youth into positive activities.

The conference agreement provides over $537 million for juvenile programs through the juvenile justice budget and accountability incentive grants.

In an effort to combat another problem our society faces daily, the conference agreement supports counter drug efforts by the Justice Department. We provide DEA with $53.9 million for mobile enforcement teams and $17.4 million for regional drug enforcement teams. These teams have the flexibility to go to the hot spots in small cities and towns and provide an immediate, effective response to drug trafficking. They come in at the request of State and local law enforcement and work together to stop drug trafficking.

The agreement also includes $27.1 million for the DEA and $35.6 million for State and local enforcement efforts to end methamphetamine production and distribution.

Under my tenure as chairman, this committee has been supportive of the Violence Against Women Act Programs. The conference agreement includes the Senate level of $284 million. Within this level, $207 million is available for general formula grants to the States. Within those grants, $10 million will be available for programs on college campuses and $10 million for Safe Start programs. In addition, we retained the increase for court appointed special advocates and provide $10 million.

The Senate will be glad to hear we were able to bolster some accounts in conference that had been reduced this year in the Senate bill. The local law enforcement block grant was raised to last year's level of $523 million.

The conferees provide $30 million for police corps; $25 million for grants for bullet proof vests; and $40 million for the Indian country law enforcement initiative.

The State prison grants were increased above the Senate proposed level to $686.5 million, and $420 million was designated for SCAAP.

The last issue I want to address within the Justice Department is funding for law enforcement technology grants. As we approach the new millennium and provide funding for fiscal year 2000, it is important that we ensure that law enforcement is not behind in technology. The conference agreement includes funding of $250 million for law enforcement technology grants. These grants will be available for State and local law enforcement to acquire equipment and training to address criminal activities in our communities.

Moving to Commerce, the conferees recommend a level of $25.6 million for the United States Trade Representative. The International Trade Commission is funded at $44.5 million, and the International Trade Administration is funded at a level of $313.5 million. The funding level for the Bureau of Export Administration is $54 million.

The conferees provide full funding for the Bureau of the Census at a level of $4.8 billion. The decennial census is funded at the Administration's requested level. The Administration sent a budget amendment to Congress as the Senate's Commerce, Justice, State Appropriations measure was being reported to the Senate. Therefore, the committee was unable to incorporate this amendment in the original bill. A hearing was held on the administration's budget amendment in late July, and the conference report before us today contains all of the funds requested by the administration.

The funding for the National Telecommunications and Information Administration includes $26.5 million for the public broadcasting grant program and $15.5 million for information infrastructure grants.

The agreement funds the programs of the National Institute for Standards and Technology (NIST) at a total of $639 million for fiscal year 2000. Of this amount, $283.1 million is for NIST's scientific and technical research and services programs.

NIST's external activities, the Advanced Technology Program (ATP) and Manufacturing Extension Program (MEP) are funded at the levels of $211 million, including carryover balances, and $104.8 million, respectively.

The agreement fund the National Oceanic and Atmospheric Administration programs at a level of $2.3 billion. This funding level will continue vital funding for oceanic and atmospheric research programs which have such strong support in the Senate.

The five major line offices of the agency are funded as follows: the National Ocean Service at a level of $267.3 million; the National Marine Fisheries Service at $403.7 million; the Office of Oceanic and Atmospheric Research at $300 million; the National Weather Service at $603.8 million; and, the National Environmental Satellite, Data and Information Service at a level of $111.4 million.

The agreement also provides funding for the first new fishery research vessel approved for the agency in several years.

The conference agreement contains $10 million to capitalize two funds created under the Pacific Salmon Treaty, and $50 million for a Pacific Salmon Restoration Fund requested by the administration.

A small part of our bill—$3.7 billion—is the judiciary. The conference agreement provides the judiciary with $122 million more than the Senate level. We fully fund defender services, and increase the hourly rate for court appointed public defenders. In addition, the Senate COLA provision was retained.

Now, for the last department in this bill, we provide $5.8 billion to the State Department.

The conferees recommend $254 million for worldwide security under Diplomatic and Consular Programs. We also provided $313.6 million in security-related construction under the Security and Maintenance of U.S. Missions account. These levels will address infrastructure concerns raised by the Dar Es Salaam and Nairobio bombings last year.

Cultural and Educational Exchange Programs are funded at $205 million. These programs give U.S. and foreign citizens the chance to interact on an educational level where cultural diversity can be explored.

The conference agreement includes adequate funding for the agencies related to the State Department, including the Asia Foundation and the National Endowment for Democracy.

Lastly in State, we provide $351 million to cover U.N. arrears, subject to authorization. This represents the final payment associated with the Helm-Biden agreement on UN reforms.

This bill contains a handful of related agencies that act independently of the departments within this bill, and comprise $2 billion of the total of this conference agreement.

For the Maritime Administration, the conference agreement recommends $178.1 million. Within the level, the Maritime Academy receives $34.1 million. The Maritime Security Program is funded at $98.7 million, including carryover balances.

The conference agreement funds the Federal Communications Commission at a level of $210 million. This funding level permits the agency to pay rent in its new location, but does not provide funding for some of the new technology initiatives the agency had hoped to implement in FY 2000.

As requested in the FCC budget, the Senate bill contained a provision permitting the FCC to protect our national spectrum assets. The provision in the Senate bill, Section 618, would have permitted the FCC to re-auction licenses currently entangled in bankruptcy court proceedings. This provision was dropped in conference at the insistence of the House. I regret that it was dropped.

The FCC began auctioning licenses for spectrum in late 1994, and some of the companies who were successful bidders subsequently filed for bankruptcy. The bankruptcy courts have permitted some of these companies to avoid paying their debt to the Federal Government for obtaining these licenses. Billions of dollars are being lost to the treasury because of these rulings. These companies should not be permitted to use these licenses, for which they have not paid in full, as assets in a bankruptcy proceeding. Spectrum licenses are national assets, and the proceeds from the sale of these licenses are the taxpayers' assets. I hope we will be able to revisit this provision at a later date.

The Small Businesses Administration (SBA) is one of the larger agencies in this bill. The conference agreement provides $803.5 million for their SBA. Within the amount, $84.5 million goes to the Small Business Development Centers.

We also provide the Senate level of funding for the Women's Business Centers and National Women's Business Council.

The SBA disaster loan assistance program is funded at a level of $255.4 million.

And, as a last mention on this bill, the agreement before us recommends $125 million for the Federal Trade Commission. Of particular importance is the Senate language regarding the Internet.

The conference agreement contains modified language regarding efforts to police the Internet and U.S. electronic financial markets within the Federal Trade Commission and the Securities and Exchange Commission. The conferees are aware that the explosion of Internet commerce also increases the opportunities for fraud and abuse. We want to ensure that those agencies that monitor the Internet are able to adapt to the increasing activity and match their consumer protection efforts in equal measure.

I think this agreement addresses the issue, yet believe there is still much more to do in the areas of Internet policy.

Overall, I believe this conference agreement of the House and Senate bills provides funding required to execute the needed services and programs under our purview. We have not reduced these accounts like we had to to meet the low Senate allocation. We were able to provide additional funding to these accounts that Senators and the administration thought were not given their due in the Senate bill. The ranking member and his staff participated fully in bringing this agreement to you. I want to extent my thanks for their collegian efforts. They worked with us side-by-side to construct what we believe is a respectable bill.

I urge my colleagues to pass this conference agreement as being a sound compromise.

I would like to take a moment to thank the staff for all their efforts on this conference agreement. Every year they do their best to get this particular bill completed quickly, and, every year we find ourselves jockeying for last position. I know they work hard to avoid this situation. The diverse jurisdiction of this bill tends to lead to controversy somewhere within its's realms even in the best of years. I appreciate the staff giving up weekends and countless nights to bring to Congress a passable CJS appropriations bill. Thanks to my staff, Jim Morhard, Paddy Link, Kevin Linskey, Eric Harnischfeger, Clayton Heil, Vas Alexopoulos, Dane Quam, Brian McLaughlin, and Jackie Cooney.

HATE CRIMES

Mr. KENNEDY. Mr. President, civil rights is still the unfinished business of America. It is unconscionable that Congress would signal that the Federal Government has no role in combating hate crimes in this country. Yet, that is exactly the signal the Republican leadership has sent by eliminating the Senate-passed provisions on hate crimes from the final report of the Commerce-Justice-State Appropriations Act.

Since just after the Civil War, Congress has repeatedly recognized the special Federal role in protecting civil rights and preventing discrimination. This Federal responsibility, based on the 14th amendment to the Constitution, is reflected in a large body of Federal civil rights laws, including many criminal law provisions. These laws are aimed at conduct that deprives persons of their rights because of their membership in certain disadvantaged groups. The Federal criminal law, among other prohibitions, bars depriving individuals of housing rights, destroying religious property because of religious bias, and committing violent acts because of racial hatred.

The point of these laws is not to protect only certain people from violence—we all deserve to be protected. The point is to recognize this special Federal responsibility to stop especially vicious forms of discrimination, and penalize it with the full force of Federal law.

Hate crimes legislation recognizes that violence based on deep-seated prejudice, like all forms of discrimination, inflicts an especially serious injury on society. These crimes can divide whole nations along racial, religious and other lines, as are seen too often in countries throughout the world. These crimes send a poisonous message that the majority in society feels free to oppress the minority. The strongest antidote to that unacceptable poison is for the majority to speak out strongly, and insist that these flagrant acts of violent bigotry will not be tolerated. That is why it is essential for hate crimes legislation to be endorsed by our nation and our communities at every level—Federal, State, and local.

The Hate Crimes Prevention Act of 1999, that so many of us support, is bipartisan. It is endorsed by a broad range of religious, civil rights and law enforcement organizations. It takes two needed steps. It strengthens current laws against crimes based on race, religion, or national origin. And it adds gender, sexual orientation, and disability to the protections in current law.

Earlier this year, the Senate added these important provisions to the Commerce-Justice-State Appropriations Act. But last Monday evening, the Senate-House conferees approved a conference report that does not contain the hate crimes provision. Behind closed doors, the conferees dropped the provisions. As a result, Congress is now MIA—missing in action on this basic issue of tolerance and justice and civil rights in our society.

Clearly, we must find a way to act on this important issue before the session ends. The Federal Government should be doing all it can to halt these vicious crimes that shock the conscience of the nation. State and local governments are doing their part to prevent hate crimes, and so must Congress.

Mr. LEAHY. Mr. President, one of the most significant amendments that the Senate adopted this summer as part of the Commerce-Justice-State appropriations bill was the Hate Crimes Prevention Act. This legislation strengthens current law by making it easier for federal authorities to investigate and prosecute crimes based on race, color, religion, and national origin. It also focuses the attention and resources of the federal government on the problem of hate crimes committed against people because of their sexual orientation, gender, or disability.

I commend Senator KENNEDY for his leadership on this bill, and I am proud to have been an original cosponsor. Now is the time to pass this important legislation

Recent incidents of violent crimes motivated by hate and bigotry have shocked the American conscience and made it painfully clear that we as a nation still have serious work to do in protecting all Americans from these crimes and in ensuring equal rights for all our citizens. The answer to hate and bigotry must ultimately be found in increased respect and tolerance. But strengthening our Federal hate crimes legislation is a step in the right direction.

All Americans have the right to live, travel and gather where they choose. In the past we have responded as a nation to deter and to punish violent denials of civil rights. We have enacted federal laws to protect the civil rights of all of our citizens for more than 100 years. The Hate Crimes Prevention Act continues that great and honorable tradition.

Five months ago, Judy Shepard, the mother of hate crimes victim Matthew Shepard, called upon Congress to pass the Hate Crimes Prevention Act without delay. Let me close by quoting her eloquent words:

> Today, we have it within our power to send a very different message than the one received by the people who killed my son. It is time to stop living in denial and to address a real problem that is destroying families like mine, James Byrd Jr.'s, Billy Jack Gaither's and many others across America. . . . We need to decide what kind of nation we want to be. One that treats all people with dignity and respect, or one that allows some people and their family members to be marginalized.

There are still a few weeks left in this session; we should pass the Hate Crimes Prevention Act this year.

Mrs. MURRAY. Mr. President, I feel compelled to express my concerns with the Commerce, Justice, State, and the judiciary appropriations bill for fiscal year 2000. I am disappointed by the inadequate funding for coastal salmon recovery and the Pacific Salmon Treaty. While I cannot complain about the funding for Washington State in relation to Alaska, California, and Oregon, I do believe the overall funding is woefully inadequate to address the tremendous crisis facing threatened and endangered salmon runs. Each state and their counties and cities are prepared to face the challenge of salmon recovery, but they must be given the tools to do so. The funds for Pacific coastal salmon recovery should be at the President's request level of $100 million.

In relation to the Pacific Salmon Treaty, I must again bemoan the lack of adequate funding. The treaty agreement was signed late in the appropriation process and thus it is understandable that large scale funding would be difficult. However, the funding provided under this conference report does not approach our obligations under the treaty. We need to be signaling the intention of the U.S. to meet its treaty obligations and this bill does not do this. I believe the funding for the Northern and Southern Funds called for under the treaty should be more than the $10 million provided. Furthermore, the elimination of the buy-back money for fishers is not only cruel to the families affected by the fishing reductions, but again does not send the right message to Canada.

In a related matter, the conference report contains legislative language that exempts Alaska from the provisions and requirements of the Endangered Species Act in relation to salmon. While I appreciate the State of Alaska's desire to have the Pacific Salmon Treaty protect its salmon fishery from any jeopardy findings, the provision is not in the spirit of the treaty. The states of Oregon and Washington, as well as the Pacific Northwest tribes, negotiated in good-faith to conclude the treaty. I must support Governor Kitzhaber and Governor Locke and the tribes in their opposition to this provision. This legislative provision is in effect an addendum to the treaty that the treaty negotiators did not agree to. It should be removed.

I am very disappointed the conference did not adopt the language of the Hate Crimes Prevention Act. Hate crime is real. Despite great gains in equality and civil rights over the latter part of the century, hate crimes are still being committed and offenders must be punished. Including this provision would have given us more tools to fight hate. The proposal would have expanded the definition of a hate crime and improved prosecution of those who act our their hate with violence. If someone harms another because of race, gender, color, religion, disability or sexual orientation, they would be punished.

I am very disappointed that the conference failed to include the Senate language of the Hate Crime Prevention Act. Along with many of my colleagues, I will continue to push this legislation. It is about basic human rights for those who all too often persecuted while the majority looks the other way.

I am also unhappy the Community Oriented Policing Services Program (COPS) was so underfunded. The Subcommittee mark in the Senate included no funding for COPS. Some of us on the full Appropriations Committee restored a modest amount of money to the program. The President requested $1.2 billion, but the conference funded COPS at only $325 million. That is wrong.

COPS is one of the most successful programs of this decade. The initiative to get an additional 100,000 new police officers on the streets was widely criticized by many from the other side of the aisle. They said that the federal government could never successfully assist local law enforcement. They were wrong. The program is now praised by former opponents, the states are happy with it, and it has proven to be very effective.

Another problem is that once again behind closed doors, we continue to assault reproductive health care for women. Section 625 of this conference report includes a major authorizing change that was not part of the House or Senate passed bills. We did not debate or discuss this major expansion of the conscience clause included in Public Law 106-58, FY00 Treasury Postal Appropriations.

For those members who were not in this closed door meeting, let me explain. Section 625 would allow a pharmacist to object to providing a woman with a prescribed contraceptive if he or she felt the use of this contraceptive was contrary to their own individual religious beliefs or moral convictions. Pharmacists can make a moral judgment and deny women access to emergency contraceptives or any form of contraceptive.

We already allow plans participating in the FEHBP to object on religious grounds to providing reproductive health services; we now will allow pharmacists to deny women access. A small town pharmacist could simply object to filling a prescription because she morally objects to the use of contraceptives. A woman is now subjected to the moral judgment of her pharmacists. Is she free to simply go to another pharmacy? In many rural communities there really aren't nearby other options. In addition, many plans require use of a preferred provider for pharmacy benefits. What happens if your preferred provider is morally opposed to providing contraceptives?

I do not oppose conscience clauses, but I do oppose denying women access to legally prescribed contraceptives simply based on moral objections. This is simply outrageous and once again the threat to women's health is ignored.

Let me end on a positive note. I am appreciative of the subcommittee's work to provide $5 million in State Department monies for costs related to the World Trade Organization Ministerial meeting which will be held in Seattle, WA. The President requested $2 million and I am pleased Senator GREGG and Senator HOLLINGS agreed to my request for a significant increase for WTO expenses. I had hoped for some additional language to ensure that the State Department reimbursed localities in Washington State for legitimate WTO police and fire expenses. The WTO Ministerial will be the largest trade meeting ever held in the United States, both the Federal Government and Washington State are bearing significant costs to host the world's trade negotiators. I expect and I will push the State Department to be responsive to the needs of local governments in Washington State in the expenditure of these additional monies.

Mr. JEFFORDS. Mr. President, I thank Senator GREGG for recognizing the need of three Vermont towns to upgrade, modernize and acquire technology for their police departments in this Conference Report. Allowing these police departments to improve their technology will permit them to increase the efficiency and effectiveness of the services they provide.

Reflecting the needs of the police departments, the $1 million in technology funds for these three towns should be divided on the following basis: one-half ($500,000) to the Burlington Police Department, one-third ($333,000) to the Rutland Police Department, and one-sixth ($167,000) to the St. Johnsbury Police Department. Again, I appreciate his help in addressing the technology problems these towns' police departments are facing. I look forward to working with him to get this important appropriations bill signed into law.

Mr. LOTT. I ask unanimous consent the conference report be agreed to and the motion to consider be immediately laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The conference report was agreed to.

PARTIAL-BIRTH ABORTION BAN ACT OF 1999—Continued

Mr. LOTT. The upcoming vote will be the last vote this evening. Senators who wish to debate the partial-birth abortion issue should remain this evening for statements. The next vote will be at 11 a.m. tomorrow morning relative to amendment No. 2321.

I thank my colleagues on both sides of the aisle and both sides of this issue for their cooperation.

I yield the floor.

VOTE ON AMENDMENT NO. 2319

The PRESIDING OFFICER. The question is on agreeing to the Durbin amendment No. 2319.

Mrs. BOXER. I ask for the yeas and nays.

Mr. SANTORUM. I move to table the Durbin amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 2319. The yeas and nays have been ordered. The clerk will call the roll.

The legislative assistant called the roll.

Mr. NICKLES. I annnounce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

The result was announced—yeas 61, nays 38, as follows:

[Rollcall Vote No. 335 Leg.]

YEAS—61

Abraham
Allard
Ashcroft
Bennett
Bond
Boxer
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Conrad
Coverdell
Craig
Crapo
DeWine
Domenici
Dorgan
Enzi
Feinstein
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Kyl
Lautenberg
Lott
Lugar
Mack
McConnell
Murkowski
Murray
Nickles
Reed
Roberts
Roth
Santorum
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—38

Akaka
Baucus
Bayh
Biden
Bingaman
Breaux
Bryan
Byrd
Cleland
Collins
Daschle
Dodd
Durbin
Edwards
Feingold
Graham
Harkin
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Reid
Robb
Rockefeller
Sarbanes
Snowe
Specter
Torricelli
Wellstone
Wyden

NOT VOTING—1

McCain

The motion was agreed to.

Mr. DEWINE addressed the Chair.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from Ohio.

PRIVILEGE OF THE FLOOR

Mr. DEWINE. Mr. President, I ask unanimous consent that Brittany Feiner be granted the privilege of the floor for the duration of Senate consideration of S. 1692.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEWINE. Mr. President, I rise this evening to, once again, strongly urge my colleagues to vote to ban partial-birth abortion. Three times Congress has voted to pass legislation to ban the barbaric practice of partial-birth abortion—but tragically, at every opportunity, the President of the United States has vetoed the act of Congress to ban this needless and horrific procedure.

The words of Frederick Douglass uttered more than 100 years ago I believe are very applicable to this discussion. This is what Frederick Douglass said:

> Find out just what any people will quietly submit to and you have found out the exact measure of injustice and wrong which will be imposed upon them, and these will continue till they are resisted. . . .

We must continue our struggle to ban partial-birth abortion in this country. We are debating a national question that in my ways, is not unlike the issue of slavery, in part, because opponents of this legislation are truly using artificial arguments to justify why certain people, in their opinion, have no legal status and no civil, social, or political rights. Those opposing the partial-birth abortion ban imply that the almost-born child has no right to live. Clearly, the vast majority of the American people, and a majority of Congress disagree.

Every year the tragic effect of this extreme indifference to human life becomes more and more apparent. We must ban this procedure. We must simply say that enough is enough.

In my home State of Ohio, two tragic cases of partial-birth abortions did not go "according to plan." Each reveals, in its own way, the unpleasant facts of this horrible tragedy of partial-birth abortion.

On April 6, in Dayton, OH, a woman went into the Dayton Medical Center to undergo a partial-birth abortion. This facility is operated by Dr. Martin Haskell, a pioneer of the partial-birth abortion procedure. Usually this procedure takes place behind closed doors, where it can be ignored—its morality left outside.

But, this particular procedure was different. Here is what happened.

The Dayton abortionist inserted instruments known as laminaria into the woman, to dilate her cervix, so the child could eventually be removed and killed. This procedure usually takes 3 days.

This woman went home to Cincinnati, expecting to return to Dayton for completion of the procedure in 2 or 3 days. But, her cervix dilated too quickly and so shortly after midnight, she was admitted to Bethesda North Hospital in Cincinnati.

The child was born. A medical technician pointed out that the child was alive. But apparently her chances of survival were slim. After 3 hours and 8 minutes, this baby died. The baby was named Hope.

On the death certificate is a space for "Method of Death." And it said, in the case of Baby Hope, "Method of Death: Natural." That, of course, is not true. There was nothing natural about the events that led to the death of this poor innocent child.

Baby Hope did not die of natural causes. Baby Hope was the victim of this barbaric procedure—a procedure that is opposed by the vast majority of the American people. It is a procedure that has been banned three times by an act of Congress—only to see the ban overturned by a veto by the President of the United States.

The death of Baby Hope did not take place behind the closed doors of an abortion clinic. The death of this baby took place in public—in a hospital dedicated to saving lives, not taking them. This episode reminds us of the brutal reality and tragedy of what partial-birth abortion really is, the killing of a baby—plain and simple.

And, almost to underscore the inhumanity of this procedure—4 months later, in my home State of Ohio it happened again. This time, though, something quite different occurred.

Once again, the scene is Dayton, OH. This time on August 18, a woman who was 25-weeks pregnant, went into Dr. Haskell's office for a partial-birth abortion. As usual, the abortionist performed the preparatory steps for the barbaric procedure by dilating the mother's cervix. The next day, August 19, the mother went into labor, and was rushed to Good Samaritan Hospital. This time, however, despite the massive trauma to this baby's environment, a miracle occurred. By grace, this little baby survived, and so she now is called "Baby Grace."

I am appalled by the fact that both of these heinous partial-birth abortion attempts occurred anywhere, but particularly because in my home State. When I think about the brutal death of Baby Hope and then ponder the miracle of Baby Grace, I am confronted with the question—a haunting question that we all face—Why can't we just allow these babies to live?

Opponents of the ban on this "procedure" say that this procedure is necessary to protect the health of women. We know from testimony that we heard in our Judiciary Committee that that simply is not true. The American Medical Association says that this procedure is never—never—medically necessary. In fact, many physicians have found that the procedure itself can pose immediate and significant risks to a woman's health and future fertility. Clearly, the babies did not have to be killed in the Ohio cases I just cited. No. The babies were both born alive. One survived; one did not.

Why does the baby have to be killed?

Opponents of this legislation say that this procedure is only used in emergency situations, when women's lives are in danger. Again, from the testimony that we heard in the Judiciary Committee, we know this is absolutely not true. It seems strange that a 3-day procedure would be used and the mother sent home if, in fact, we were dealing with an emergency. Nevertheless, even abortionists say that the vast majority of partial-birth abortions are elective. Dr. Haskell, the Ohio abortionist, stated as follows: "And I'll be quite frank; most of my abortions are elective in that 20-24 week range."

Why? Why? Why does the baby have to be killed?

Opponents of this bill say that this procedure is necessary when a fetus is abnormal. Now, I do not believe the condition of the fetus ever warrants killing it. But, even abortionists and some opponents of this ban agree that most partial-birth abortions involve healthy fetuses. The inventor of this procedure himself, the late Dr. James McMahon, said "I think, 'Gee, it's too bad that this child couldn't be adopted.'"

So, again, the question: Why does the baby have to be killed?

Opponents of this bill say that this partial-birth procedure is rare. But, again, that is not true either. Even the director of the National Coalition of Abortion Providers admitted that there are up to 5,000 partial-birth abortion procedures in the United States.

Why? Why does the baby have to be killed?

Opponents say that this ban violates Roe v. Wade, and so it is unconstitutional. But, anyone who has read the case knows that Roe declined to consider the constitutionality of the part of the Texas statute banning the killing of a child who was in the process of delivery. And, the Supreme Court again declined to decide this issue in Planned Parenthood v. Casey.

Again, we must ask, why does the baby have to be killed?

Opponents say this bill is unconstitutional because it doesn't have a "health exception." First, the "health exception" is defined by Doe v. Bolton so broadly as to make the ban unenforceable—effectively gutting the bill. We know that is how the courts have defined the "health exception" in abortion legislation. Both sides of this debate fully understand that.

The American Medical Association itself has stated:

> There is no health reason for this procedure. In fact, there is ample testimony to show that all of the health consequences are more severe for this procedure than any other procedure used.

Further, the AMA concluded:

> The partial delivery of a living fetus for the purpose of killing it outside the womb is ethically offensive to most Americans and physicians. (New York Times, May 26, 1997).

I ask my colleagues who wish to continue to allow this heinous procedure by upholding the President's veto, why? Why does the baby have to be killed? Why do babies, inches away from their first breath, have to die? Something is terribly wrong in this country when these babies continue to be killed.

With the advent of modern technology, we can sustain young life in ways we could not have just a few short years ago. Those of us who have had the privilege of going into neonatal intensive care units in our States have seen the miracles being worked today with precious, tiny children. Medical science can keep babies alive who are only 22 weeks, 23 weeks, children who before would simply not have survived.

While we have this great technology, while we have made such great advances, while we are saving so many innocent children, at the same time we have also perfected and created more and more savage ways of killing other children, other babies who are the same level of development.

I think we are destroying ourselves by not admitting as a society that partial-birth abortion is an evil against humanity. I believe there will be more and more horrible consequences for our Nation if we do not ban this cruel procedure. As a friend of mine reminded me, no culture can be demolished without the voluntary cooperation of at least a number of its own members. We must stop and ask, to what depths has the American conscience sunk? When it comes to abortion, is there nothing to which we will say no? Is there nothing so wrong, so cruel that we will not say, as a society, we will not tolerate this; we will not put up with this; this is going simply too far?

Partial-birth abortion is a very clear matter of right and wrong, good versus evil. It is my wish that there will come a day when my colleagues and I no longer have to come to the floor, to debate this issue. I hope we have the votes this year to not only pass the partial-birth abortion ban, but also to override the President's veto. We have to do it. It is the right thing to do, because innocent children are dying every day in America because of this horrible, barbaric procedure.

Let us ban this procedure which kills our partially born children, and let's do it for our children.

I thank the Chair, and thank my colleagues. I congratulate Senator SANTORUM for bringing this matter to the floor, and Senator SMITH, who has so long been a proponent of doing away with partial-birth abortion.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the Senator from Ohio, Senator DEWINE for his eloquent remarks that were delivered in such a way as to touch the conscience of all of us. I join him in also thanking Senator SANTORUM for his insightful, intelligent, and passionate commitment to ending this horrible procedure which, by any definition, is not good for this country.

I also appreciate the leadership of Senator BOB SMITH, who is here tonight. Senator SMITH started this debate a number of years ago. I don't know if people thought he was even telling the truth about it or not. They didn't know it was really going on. But as time has gone by, we have seen more and more that this procedure is horribly true and much more common than we knew.

This is a bipartisan effort, Republicans and Democrats. We have joined together, and I think it is important we work together to not just talk about this problem but to end it.

Some, I think, would prefer not knowing about it. They do not want to be told the gruesome details of this procedure; how a child, a baby, just 3 inches from birth, is deliberately and systematically killed. That is not something people want to talk about. They cringe and wish it would go away. I wish the procedure would go away. Unfortunately, it has not. It is so cruel, so inhumane, and so unnecessary, I believe this legislation is justified and necessary to prevent it.

A number of people during this debate have expressed concern about the life of the mother. I have heard this argument during my time on the Senate Judiciary Committee, serving with Senator DEWINE and others. We have had a number of hearings on this subject.

The bill, crafted by Senator SANTORUM, provides for this contingency. It would permit this procedure, partial-birth abortion, but only "to save the life of a mother whose life is endangered by physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from pregnancy itself."

These are the kinds of exceptions that are in this bill. Some may say, as most physicians do, that these exceptions are not necessary. It is never the kind of occurrence that would justify this procedure. But it is in this bill. It makes me wonder why those who are concerned about the health of the mother are not able to read those words and understand them. The truth is clear. This bill will not endanger the life of the mother.

The fact is, the American Medical Association has noted that this procedure is never medically necessary. It is not the kind of procedure we need to use. It is a convenient procedure that abortionists have found they like to use. I don't think it is necessary and it should be outlawed.

So there is broad bipartisan support for the bill from both pro-life and pro-choice people. I think that shows what we are debating goes beyond the traditional debate on abortion. This support exists because the partial-birth abortion procedure deeply offends our sensibilities as human beings and as a people who care for one another, who know that life is fragile and believe that people need to be treated with respect and dignity and compassion. The Declaration of Independence notes life, liberty, and the pursuit of happiness, those are ideals of American life. A child partially born has those rights ripped from them in a most vicious way.

This is a dangerous policy. It is a thin line, a thin thread that we are justifying a procedure that is so much and, I think, in fact is infanticide. It is an unjustifiable procedure we are dealing with.

There has been a tremendous amount of debate on the number of partial-birth abortions performed each year. The pro-abortion groups and others have emphatically insisted that the total number of partial-birth abortions performed was small, and they were only performed in extreme medical circumstances. Therefore, they say the Federal Government should not pass laws about it. But now we know the truth. It has come out in dramatic form. Their issue, that this procedure is rare and only for extreme circumstances, has plainly been established to be false. These claims were either manufactured or disseminated in an attempt to minimize the significance of the issue.

As reported in a 1997 front-page article in the Washington Times, Mr. Ron Fitzsimmons, executive director of the National Coalition of Abortion Providers—let me say that again, the executive director of the National Coalition of Abortion Providers, who has been traveling the country and saying these procedures were rare—admitted, that he had "lied through his teeth" about the numbers of partial-birth abortions performed. Mr. Fitzsimmons estimated "that up to 5,000 partial-birth abortions are performed annually and that they're primarily done on healthy women and healthy fetuses."

That is a fact. That is what we are dealing with today. Those who would oppose this procedure, I believe, are not as concerned—or at least are not thinking clearly—when they suggest their opposition is based on their concern for the health and safety of the mother. I say to my colleagues on both sides of the aisle, how can we answer to our children, our constituents, and others if we allow children to be destroyed through this brutal partial-birth abortion procedure? So I think if we are a nation that aspires to goodness, that aspires to be above the course and to reach minimum standards of decency, this legislation is needed.

I find it very puzzling that there is such resistance to the banning of just this one brutal procedure. I ask myself, what is it? I have heard it said that, well, the people who oppose partial-birth abortions do so for religious reasons, as if that is an illegitimate reason. Was it illegitimate for Martin Luther King to march for freedom based on his belief in the Scriptures? It is not an illegitimate reason if you have a religious motivation. But that has been a complaint about those who would question this.

I have analyzed the opposition to this partial-birth abortion bill and I can't see that it can be founded on law. I can't see that it can be founded on science; the AMA says it is not necessary. I can't see that it can be founded on ethics. Certainly, it seems to me that it is so close to infanticide—if not in fact infanticide—that it is difficult to see how it could be argued ethically. Why is it? The only thing I can see is that there is a sort of secular religious opposition to any control whatsoever on abortion—we will never agree to anything, any time, anywhere, no matter what you say. We are going to allow these procedures to go forward just as long as the abortionists wish to perform them and you, Congress, should never intervene in any aspect of it.

I don't believe that is a rational argument. It is not justified. This legislation is specific; it is directed to a procedure that all good and decent people, I believe, if they knew the facts and studied it, would know to be an unacceptable procedure. It would ban one procedure and it would not affect other abortions. I think all good Americans should be for it. I will be deeply disappointed if the President of the United States insists once again on vetoing this legislation, which has the overwhelming support of the Members of Congress and the American people. I don't see how it is possible that we continue to come back to this floor again and again over this issue. But it is going to continue because the procedure continues. Lives are being eliminated in a way that is unhealthy and not good for America. It is below the standards to which we ought to adhere. I thank Senator SMITH, who is here, and Senator SANTORUM for their leadership and dedication to this issue.

I yield the floor.

Mr. GRAMS. Mr. President, I offer my support today of S. 1692, the Partial-Birth Abortion Ban Act of 1999, introduced by my colleague, Senator SANTORUM. Congress has twice passed legislation outlawing partial-birth abortion, only to have it vetoed by the President for fallacious reasons. It is time that we close this shameful chapter in our nation's history during which we have permitted the destruction of fully-formed, viable human beings in a most gruesome and shockingly cold-hearted manner. If there is a meaningful distinction between this abortion procedure and infanticide, it escapes me.

I know that there is a certain numbing fatigue that sets in when we are forced to once again review the details of the partial-birth abortion procedure. But we must not let our aversion to the particulars of the procedure cause us to turn away from addressing the cruel injustice of it. I commend Senator SANTORUM for his persistence in pursuing this legislation. Congress must keep the pressure on President Clinton to stop opposing the bill and sign it into law.

It is time for President Clinton to abandon the false claim that somehow this bill would jeopardize the health of a mother unless a so-called health exception permitting the procedure is not added to the bill. President Clinton knows that the term "health" in the context of abortion has become so broadly defined by the Supreme Court that it would strip this bill of any force, and would render the entire bill meaningless. Former Surgeon General C. Everett Koop has denounced this false argument, asserting that "partial-birth abortion is never medically necessary to protect a mother's health or her future fertility. On the contrary, this procedure can pose a significant threat to both." The American Medical Association has also expressed support for the partial-birth abortion ban, noting that the Santorum bill "would allow a legitimate exception where the life of the mother was endangered, thereby preserving the physician's judgment to take any medically necessary steps to save the life of the mother."

The bottom line is, the alternative bill that has been offered by the minority leaders in the past, and which we will likely see again, extends no real protection at all to unborn children. Again, the so-called health exception it adopts essentially renders the bill meaningless, and offers opponents to the Santorum bill only a cosmetic, public relations cover to veil their commitment that abortion should be free of any reasonable restrictions.

To allow this partial-birth procedure to continue to be performed across our land cheapens the value of life at all stages, for the unborn, the physically handicapped, and the feeble elderly. Our government must affirm life and not let our civil society decay into a mentality that only the strong and self-sufficient should survive and the weak can be considered expendable.

President Clinton once said that he wanted abortion to be "safe, legal, and rare." He has worked very hard to keep it "legal," in the sense of being completely free of any restrictions. It is now time for Congress and the President to make the partial-birth method of abortion truly rare by passing and signing S. 1692.

Ms. SNOWE. Mr. President I rise today to oppose the so-called "Partial Birth" Abortion Ban.

In 1973 the Supreme Court held that women have a constitutional right to an abortion. That decision—Roe v. Wade—was carefully crafted to be both balanced and responsible while holding the rights of women in America paramount in reproductive decisions. This decision held that women have a constitutional right to an abortion, but after viability, states could ban abortions as long as they allowed exceptions for cases in which a woman's life or health is endangered.

The legislation before us today is in direct violation of the Court's ruling. It does not ban postviability abortions as its sponsors claim, but it does ban an abortion procedure regardless of where the woman is in her pregnancy. And this legislation, as drafted, does not provide an exception for the health of the mother as required by law, and provides a very narrow life exception. In fact, the legislation's exception only allows that the ban, and please let me quote from the bill here, "shall not apply to a partial-birth abortion that is necessary to save the life of a mother whose life is endangered by a physical disorder, illness, or injury." Not her health, but only her life.

There is no question that any abortion is an emotional, wrenching decision for a woman. No one would debate this. And when a woman must confront this decision during the later stages of a pregnancy because she knows the pregnancy presents a direct threat to her own life or health, the ramifications of such a decision multiply dramatically.

We stand on the floor of this body day after day and pontificate on laws, treaties, appropriations bills, and budget resolutions. But how often do we really, truly consider how a piece of legislation will affect someone specific

. . . a wife or a husband . . . a mother or a father? And I don't mean knowing how the budget numbers or appropriations will generally help our constituents, I mean considering the very, very personal lives of our constituents.

This last March the Lewiston Sun Journal, a paper in my home state of Maine, ran an article about a woman in Maine, one of the women that I was elected to represent, who had faced the heartbreaking decision of a late-term abortion. Before I tell my colleagues her story, I ask unanimous consent that this article be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Ms. SNOWE. Mr. President, Barbara and her husband had been ecstatic when they discovered that they were expecting a child—an unborn daughter they would name Tristan. But this anticipation and delight turned to profound sorrow when, at 20 weeks into the pregnancy Tristan was diagnosed with a rare genetic disease called Edwards' syndrome. An extra chromosome in Tristan's DNA had caused lethal abnormalities.

The Sun Journal reports that "Their daughter would have severe heart and gastrointestinal problems, they were told. In an ultrasound image, they could already see cystic tissue forming on top of Tristan's brain and partly outside of the skull tissue. The shape of her stomach and diaphragm muscle were abnormal. Her diaphragm was perforated. Her stomach was growing in her heart and lung cavity. In all likelihood Tristan wouldn't be born alive. She probably would suffocate before that because her lungs would be so underdeveloped. Barbara and her husband were told that no surgery could or would be possible." In fact, doctors predicted that Tristan would probably die before she was born. And if not, she had a 95 percent chance of dying before her first birthday.

Barbara told the Sun Journal that "It seemed to us that it would be cruel, that it would be absolute torture to put our little girl through the pregnancy. . . . With her heart and her lungs being crushed by her stomach and her diaphragm. We were worrying what it would feel like. What sensation she might be experiencing as the cystic tissue continued to grow on her brain." And as Barbara and her husband consulted other medical specialists and prayed over the fate of their daughter, Barbara remembers that "I was so afraid for my baby. I didn't want her to feel any pain in the last hours of her life. . . . It wasn't really life yet. She wasn't born."

Barbara remembers that "Loving the baby was never part of the discussion. . .. Of course you would love the baby no matter what was going on, disability or healthy. I think sometimes there's a misperception about that, that love might be conditional based on whether it's a perfect fetus or not."

This family in Maine is what the debate today is really about—when does the State have the right to tell Barbara and her husband that they cannot have the abortion they believe to be the best medical procedure? A procedure that will protect her health and her future fertility? At the very end of her story, Barbara tells the Sun Journal that women who have abortions are unfortunately "portrayed as some kind of careless monsters without any kind of moral direction. The people who know me would be aghast that that's how I'm seen by people who don't even know me."

I stand before this body today and I am saddened that there are those out there who would so judge Barbara and her husband. Because I do believe they have moral direction—and I don't believe that I or my fellow Senators should be able to tell them when a decision such as this is wrong or medically inappropriate. I don't believe that I have the medical training necessary to decide when one type of medical procedure is best used over an alternative procedure.

And let there be no doubt about it, this legislation does nothing but create an inflammatory political issue. This legislation does nothing to end postviability abortion—nothing—or to prevent unwanted pregnancies. And courts around the country have recognized this.

In fact, of the 30 states that have enacted legislation banning so-called "partial birth" abortions, there have been 21 court challenges and 19 of these challenges have been either partially or fully enjoined while their constitutionality is considered. Four U.S. Courts of Appeal have ruled on the issue—and just this September, the U.S. Court of Appeals for the Eighth Circuit affirmed three trial court injunctions on partial birth abortion bans in Arkansas, Iowa, and Nebraska.

When the Kentucky District Court overturned its State's ban on these so-called "partial birth" abortions this year, the author of the decision, the Honorable John G. Heyburn, II, said "By adopting a considerably less precise definition of a partial birth abortion, the legislature not only defined the terms of its prohibition, but also said a lot about its own collective intent. Though the Act calls itself a partial birth abortion ban, it is not. The title is misleading, both medically and historically. . . . A few [legislators] seem to disregard the constitutional arguments and push for language which they believed would make abortions more controllable."

And though proponents of this legislation claim that these bans address only one abortion procedure, courts have disagreed. Last year, the Honorable Charles P. Kocoras, a U.S. District Judge for the Northern District of Illinois, also struck down an Illinois law banning these so-called partial birth abortions. In his opinion Judge Kocoras stated that, "[The Act] has the potential effect of banning the most common and safest abortion procedures. . . . To ensure that her conduct does not fall within the statute's reach, the physician will probably stop performing [all] such procedures. . . . Because the standard in [the Act] effectively chills physicians from performing most abortion procedures, the statue is an undue burden on a woman's constitutional right to seek an abortion before viability."

And this year, the Honorable G. Thomas Porteous, writing for U.S. District Court for the Eastern District of Louisiana said that the Louisiana "Partial Birth" Abortion ban "advances neither maternal health nor potential life and clearly would create undue burdens on a woman's right to choose abortion. At most, the Act may force women seeking abortions to accept riskier or costlier abortion procedures which nevertheless result in fetal death."

Riskier or costlier? At what price? Can you ask Barbara and her husband to risk that? They desperately wanted their baby—and though they were faced with losing her they knew that they would want to try again. Four years later they have a beautiful 2½-year-old daughter. But they would not have this daughter nor even had the chance to try again had Barbara been forced to have a procedure that threatened her ability to have another child. What if the riskier or costlier procedure Judge Porteous referred to had been a total hysterectomy?

Is this what we really want? To put Barbara's health and life at risk? To put women's health and lives at risk? Shouldn't these most critical decisions be left to those with medical training, and not politicians?

I believe so. I believe that a decision such as this should only be discussed between a woman, her family, and her physician. I am absolutely and fundamentally opposed to all post-viability abortions except in the instances of preserving the life of or preventing grievous physical injury to the woman. This legislation neither provides for those exceptions nor does it prevent post-viability abortions.

I yield the floor.

EXHIBIT I

[From the Lewiston (ME) Sun Journal, Mar. 7, 1999]

ABORTION: ONE WOMAN'S STORY

(By Christopher Williams)

For weeks Barbara and her husband had consulted medical experts and researched scientific journals. They meditated and prayed.

To the visible mound protruding above her waist Barbara spoke quietly, lovingly. She sang to it. She sometimes felt the light flutter of kicks.

The day before final tests had confirmed the diagnosis, Barbara and her husband had named their unborn daughter Tristan, which means tears and sadness.

Then the time came for Barbara's decision.

It's not the kind of choice that any mother ever wants to have to make.

She would have an abortion.

"I didn't feel like I was taking my baby's life away," she says "I felt like it had already been taken away from her. And all that was left for me to have any control over was what was going to be the least painful for her."

QUALITY OF LIFE

It was the last day of summer.

Barbara made the 2½-hour trip from her Camden home to Portland. She rocked all night in a motel room, crying, unable to stop.

At 20-weeks, Tristan had been diagnosed with a rare genetic disease called Edwards' syndrome. An extra chromosome had caused "lethal" abnormalities.

Doctors said Tristan would probably die before she was born. If not, she had a 95 percent chance of dying before her first birthday. No surgical options could correct the multiple birth defects.

"It seemed to us that it would be cruel, that it would be absolute torture to put our little girl through the pregnancy," Barbara recalls. "With her heart and her lungs being crushed by her stomach and her diaphragm. We were worrying what it would feel like. What sensation she might be experiencing as the cystic tissue continued to grow on her brain."

As Barbara continued rocking in her motel room, cramps from medicine preparing her for the abortion gripped her insides.

"I was so afraid for my baby. I didn't want her to feel any pain in the last hours of her life," she says adding, "It wasn't really life yet. She wasn't born."

She also was "grateful" that she didn't live in a state that would "force me to carry her to term because I knew at that moment, in those hours, that if I had, I probably would have cracked up."

The strain would likely have landed end of the process. To have done that, feels to me, like it would have been the epitome of selfishness."

The last few days, Barbara had been jolted awake by nightmares, including "ghastly images." In one of the dreams, a python had devoured her youngest niece.

The dishes had piled up in the sink. Housework was forgotten. Tristan was the only thing they talked about.

THE ABORTION

The abortion was scheduled for Sept. 23, the first day of fall.

There was only one place in Maine where an abortion could be performed in the 20th week of a pregnancy.

Barbara would have a procedure called a dilation and extraction. Her cervix was slowly dilated. Then the fetus was extracted. The method would be less damaging to her uterus and therefore to her future fertility.

Rain poured down. By noon the sky had darkened, turning an eerie greenish yellow. Barbara imagined it was "crying as deeply as I was because that day I was losing Tristan."

She wandered around the halls of the hospital guided by her husband's hand on her elbow. She remembers staring at signs, but not understanding their meaning. Studying the words, she didn't know what she was reading.

In the waiting room, she shook uncontrollably and kept breaking into sobs, consoled by her husband.

"I couldn't stop them. I kept trying to think of anything to shut down the tears. Sitting in that waiting area. Just kept crying and waiting."

A nurse's clipboard recorded Barbara's demeanor as "appears emotional."

The abortion took 45 minutes. She asked for general anesthesia. Then she spent about an hour recovering before she was allowed to leave the hospital.

Driving back to Camden, she reclined in the seat, putting her feet on the dashboard. It was raining even harder.

"The sky was so dark. And it was only mid-afternoon, early evening. It was much darker than it should have been."

GRIEF

But that was just the beginning, Barbara says.

For the next two years, she cried every day. The first year, several times a day.

"I don't mean light crying, where you can sort of keep it back. I mean it would kind of well up from my center and it just didn't seem to stop. It seemed to be bigger than the person who's doing the crying. There was so much grief over the baby I'd hoped for," she says.

She wasn't grieving her decision to have the abortion, Barbara says, "That's a very important distinction," That decision was the "most humane choice possible for Tristan."

Instead, she was grieving for the child she didn't have.

"I had so much grief for the baby that I had fantasized about. A vibrant, healthy little girl.

For the two years following her abortion, Barbara was treated by a therapist who helped her to work through the grief.

She decided not to join the support groups for parents who suffered the loss of babies due to stillbirth, miscarriage or "other means," as if it's a "dirty phrase" to say abortion.

Yet, Barbara says she is "very careful" about revealing the details of how her pregnancy ended.

"By and large most of the people I'm close with I would describe as moral, ethical people and without exception they were all supportive about the decision we had made, which is not to say they would have done the same thing," she says.

"But they seemed to inherently understand that if you're not in the situation, how could you possibly know all the ins and outs of the circumstances and come up with the universal which is right and which is wrong, a cookie-cutter answer for someone else's baby."

FEAR

Four years later, Barbara sits on the couch in her cottage overlooking the water. Her legs are tucked under her and her 2½-year-old daughter is asleep on her breast.

Outside, in the garden, a dark gray angel cherub perched on the edge of a scallop shell keeps watch.

A week after the abortion, Barbara and her husband bought the sculpture, which doubles as a bird bath. Each summer, they plant marigolds around it and a bleeding heart behind it.

On the first day of November every year, they sprinkle marigold petals from the garden to the steps of the house. It's a Catholic tradition in Mexico performed during the day of the dead, she explains. The petals are intended to lead Tristan back to hearth and home. Barbara learned of the ceremony when she lived in New Mexico and made frequent trips over the border.

Their daughter knows about Tristan. Sometimes she wanders over to the angel, talking to the statute and stroking its smooth stone surface.

"She knows there was a baby named Tristan who wasn't born, who was in mommy's tummy," Barbara says.

Barbara asked that her last name not be used, fearing harassment or intimidation by those who disagree with her decision to seek an abortion.

She sees a growing threat to abortion access around the state. A citizens' petition aimed at "partial birth" abortions is clearly an attempt to further erode reproduction rights, she says.

Although she and her husband collected all of the information about Tristan and discussed the options for weeks, Barbara says he recognized who had to make the final choice.

"He was being very clear that ultimately it was my body that we were talking about."

But others don't.

"Today, we're portrayed as some kind of careless monsters without any kind of moral direction. The people who know me would be aghast that that's how I'm seen by people who don't even know me."

Mr. FEINGOLD. Mr. President, I want to take the opportunity to state my position on S. 1692, and to explain the reasons why I will again oppose this legislation.

I respect the deeply held views of those who oppose abortion in any circumstances. I have always believed that the decisions in this area are best handled by the individuals involved, guided by their own beliefs and unique circumstances, rather than by government mandates.

Second, like most Americans, I would prefer to live in a world where abortion is unnecessary. I support efforts to reduce the number of abortions through family planning and counseling to avoid unintended pregnancies.

I support Roe v. Wade, but I also understand that some restrictions on abortion can be constitutional when there is a compelling State interest at stake. I have previously voted to ban post-viability abortions unless the woman's life is at risk or the procedure is necessary to protect the woman from grievous injury to her physical health. That is why I will vote for the Durbin alternative to S. 1692. I conduct a Listening Session in every one of Wisconsin's 72 counties every year. In 1997 and 1998, hundreds of Wisconsin citizens came to talk to me about their serious and sincere concerns that, in some nearby states, abortions are being performed very late in pregnancy for reasons that they believe are not medically indicated. I support legislation that will actually reduce the total number of late-term abortions while providing reasonable exceptions when necessary to deal with serious medical situations. I am disappointed that the proponents of S. 1692 have steadfastly refused to accept any amendment, no matter how tightly crafted, which would include provisions to protect women's physical health. This intentionally polarizing approach is the reason people suspect that the objective of the bill is to further a political issue rather than change the law.

I am concerned that S. 1692 will not stop a single abortion late in pregnancy. The bill, by prohibiting only one particular procedure, creates an incentive for an abortion provider to switch to a different procedure that is not banned. The Durbin alternative amendment would stop abortions by any method after a fetus is viable, except when serious medical situations dictate otherwise.

I am supporting the Durbin amendment because it recognizes that, in some circumstances, women suffer from severely debilitating diseases specifically caused or exacerbated by a pregnancy or are unable to obtain necessary treatment for a life-threatening condition while carrying a pregnancy to term. The exceptions in the Durbin amendment are limited to conditions for which termination of the pregnancy is medically indicated. It retains the option of abortion for mothers facing extraordinary medical conditions, such as: breast cancer, preeclampsia, uterine rupture, or non-Hodgkin's lymphoma, for which termination of the pregnancy may be recommended by the woman's physician due to the risk of grievous injury to the mother's physical health or life. In contrast, S. 1692 provides no such exception to protect the mother from grievous injury to her physical health. At the same time, by clearly limiting the medical circumstances where post-viability abortions are permitted, this legislation prohibits these procedures in cases where the mother's health is not at such high risk.

I also feel very strongly that Congress should seek to restrict abortions only within the constitutional parameters set forth by the U.S. Supreme Court. I would have preferred that S. 1692 had been reviewed by the Judiciary Committee on which I serve, rather than having been placed straight on the Senate calendar. I believe S. 1692 raises significant constitutional questions, and with court decisions in 19 of the 21 states where state legislation similar to S. 1692 has been challenged, the Judiciary Committee should have reviewed this bill prior to its consideration on the Senate floor.

S. 1692, by prohibiting a procedure whenever it is used, breaches the Court's standard that the government does not have a compelling interest in restricting abortions prior to fetal viability. However, I am also aware that some of the recent decisions on state legislation similar to S. 1692 raises questions about whether an exception for grievous physical injury may be too narrow. To date I have supported this very narrow definition of the exception necessary to protect the physical health of the woman while balancing concerns that abortion late in pregnancy should only be used in rare circumstances. I have specifically voted for the Daschle amendment last Congress, legislation which exactly reflects this position. The Durbin amendment contains similar language.

The Durbin amendment goes farther than the Daschle amendment in ensuring that the exceptions to the ban on post-viability abortions are properly exercised. It requires a second doctor to certify the medical need for a post-viability abortion. The second doctor requirement is intended to ensure that post-viability abortions take place only when continuing the pregnancy would prevent the woman from receiving treatment for a life-threatening condition related to her physical health or would cause a severely debilitating disease or impairment to her physical health.

The Durbin alternative amendment strikes the right balance between protecting a woman's constitutional right to choose abortion and the right of the state to protect future life. It protects a woman's physical health throughout her pregnancy, while insisting that only grievous, medically diagnosable conditions could justify aborting a viable fetus. Both fetal viability and women's health would be determined by the physician's best medical judgement, as they must be, in concurrence with another physician.

I hope, as we vote today, we do so in full knowledge of the strong feelings about this issue on all sides. We should respect these differences, avoid efforts to confuse or trick each other and the public, and maintain a level of debate that reflects the importance of ascertaining the truth about this issue and finding responses that are sensitive and constitutionally sound.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from New Hampshire is recognized.

ORDER OF PROCEDURE

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that immediately following my remarks there be a period for the transaction of routine morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of New Hampshire. Mr. President, I thank my colleagues, the Senators from Ohio, Mr. DEWINE, and Alabama, Mr. SESSIONS, for their kind remarks. It has been a long, long struggle, and we are still not there yet. It is very frustrating to this Senator, who initially came to the floor in the mid-1990s, the early 1990s, in 1994 and 1995, where I found out these kinds of procedures were occurring, the so-called partial-birth abortions. I was shocked and I could not believe that in America we would be doing anything like this. This is America, I thought, we can't be killing children inches from birth. It makes no sense.

So I sought answers and talked to a number of people, including a nurse who had witnessed them. After getting all of that information together, I decided to write a bill banning partial-birth abortions. Here we are. Each time we have passed it here, it has been vetoed by the President of the United States, regretfully. I think it has been two or three times now. There will be another veto coming if we pass it again. But initially, when we started, we only had 25 to 35 votes on the floor because we were told it was only four or five times a year. Then we were told it was maybe 15 times a year. As the years progressed, we found out this is on demand and is not strictly for abnormalities at all but, rather, on demand, for any reason, if a woman chooses to have such a procedure.

So it has been a long struggle. As I listened to the debate—and I have been on the floor all day listening to my friend, RICK SANTORUM, the Senator from Pennsylvania, who has done such an outstanding job on this issue. He is very passionate. You need to be passionate on this issue. I don't know how anybody can come down on the floor of the Senate and talk about this issue and not be passionate. We are killing unborn children who are in the process of exiting the birth canal. That is what needs to be understood. I ask my fellow Americans and my colleagues, don't we have better things to do than that here in America?

I am proud to say that I, to some extent, exposed this horrible procedure, establishing that it did take place. I am proud to say that I exposed it for what it is—infanticide, or murder. That is what it is. We are killing children as they exit the birth canal, and we are putting all kinds of labels on this process. We are saying all kinds of things to cover up what is happening. I remember—how well I remember—the incredible amount of flack I got for standing on the Senate floor with a plastic medical doll. The liberal press called it a plastic fetus. There is no such thing. It was a medical doll. And with a pair of scissors, I demonstrated how this process worked because I thought the American people needed to know what was happening.

I was terrorized, if you will, by the press, bashed, called a "right-wing extremist," and "out of the mainstream." Of course, those people who commit these acts of violence against these children are not extreme in the eyes of the media, which is fascinating.

President Bill Clinton personally came to my State, as did Vice President Gore, as did Mrs. Clinton, and campaigned against my reelection in 1996 on this issue. It was ugly; it was nasty; it was brutal. But, you know, for every one of those arrows that I took, I said to myself, it is all worth it because these children can't speak for themselves. They do not have the opportunity to stand here on the Senate floor. They don't have a representative here unless we do it for them. They don't get a chance to say I would like to be born. They don't have that opportunity.

So I am proud to take every arrow they can throw, shoot, or whatever they want to do. I take it as a badge of honor. And I am glad to do it.

I got an incredible amount of flak from the media on this to the extent that they have distorted what I said. It is interesting to read "mainstream" respectable papers such as the New York Times and find that they cannot get it right. We called a number of times to correct these papers and reporters to tell them that the things they were saying I did I didn't do.

For example, they said, as I indicated earlier, that I waved a plastic fetus around on the floor of the Senate when it was a little medical doll. They did get the scissors right. They also then said I showed pictures of aborted children on the floor of the Senate, photographs, which was not true. I showed a photograph of a child who had been born prematurely and had lived. That, I did show. In fact, some of them went so far as to say that I actually showed photographs of an actual abortion, which, again, was not true. They had a heyday at my expense. I lived through it all. I am proud of it.

People said, well, you know you made a mistake, Senator, that almost cost you your election last time. You know you did all of this on the Senate floor.

I would do it again. I am going to do it again right now for whatever time it takes for me to make the point that I want to make tonight.

There are several points that I want to make.

One of them that I want to make is that this is a disgusting, dark, horrible game we are in, this abortion industry. And somebody needs to take a flashlight or, bigger than that, a searchlight and shine it into this industry so that we find out exactly what is going on in this abortion industry. It is not just partial-birth abortion. It is abortion in general.

It is a dirty business. It is a profitable business. There are people making money out there at the expense of young women, young mothers, who are in a terrible dilemma. They are making money on them.

We are going to find out, as I move through my presentation tonight, that we are going to be talking about some things in this industry that aren't too pleasant. It is not just that they are making money on the women. We will get into that a little bit further in a moment.

But I think most Americans, if they knew what was going on, would be disgusted, appalled, sickened, and angry that such a brutal act as killing a child with scissors to the back of the head, with no anesthesia, in the act of birth, would go on in this America—defenseless in America, a defenseless little unborn child. We do it at random. We do it 4,000 times a day, every day—not just partial birth but abortions in general, 4,000 of them every single day. We don't know how many partial births. It doesn't matter; it is still the killing of a child.

I ask my colleagues and those who may be watching out across America tonight: If you saw an article in your local paper tomorrow that said that all of the puppies and all of the kittens in your local SPCA that no one adopted were going to be killed tomorrow with no anesthetics, with a needle to the back of the head to suck out the brains of those animals, what would be your reaction? I guarantee you there would be people marching down in front of the SPCA, and it wouldn't happen. But that is what we are doing to our children.

I know it is not pleasant to talk about. I don't like to talk about it.

I wish I didn't have to stand on the floor of the Senate as some of the great orators and great Senators of all time have stood and debated the issues of the day. Think about it, the issues of the Civil War, the issues of federalism, and civil rights, all of the great issues of the day that have been debated right here with some of the greatest people—John C. Calhoun, Daniel Webster, at whose desk I sit—the great debates that have taken place in here. Yet because this President refuses to stop this procedure, we are down here now again for the fifth or sixth time debating this again trying to stop this horrible, horrible procedure that kills unborn children.

Why are we surprised, my fellow Americans, when we pick up the newspaper and read somewhere that a mother flushes her child down the toilet or that somebody shoots somebody in school? Why should that surprise you? What message are we giving to our children? We are telling them every day: Children, you are expendable. You are not important. Go to school today, Johnny. You be a good boy. While you are in school doing your class work, and then you come home to do your homework, we are going to abort your sister.

Kids understand. They know what is going on. They are smarter than you think they are. They know what is going on. They read about this stuff. They hear it. Some of them are listening to this debate right now. They know what is happening.

Yet as horrible as this procedure is, and as many times as so many people have been down on this floor, as my two colleagues a moment ago did, eloquently discussing this issue and talking about how horrible it is, as I have done, as Senator SANTORUM has done in great detail over the years, as many times as we talk about it, we still can't get enough votes to override the veto of the President of the United States.

It is frustrating. I tried one time to meet with the President of the United States personally on this issue. I asked him for 15 minutes of his time. I said, I will go on the record, off the record, with staff, without staff, personally, with just you and me, whatever you want. Just give me 15 minutes. I couldn't get it. He wouldn't deal with me. He wouldn't talk with me about it.

This procedure that kills a child, as you have seen it described—I will not go through the description again—is legal in all 50 States of the United States of America.

In addressing the controversy over the partial-birth abortion method, the National Abortion Federation has written to its membership and said don't apologize for this process. Do not be on the defensive for killing children this way because it is a legal procedure. It is legal to do this. So don't apologize for it. When somebody says, oh, you know, you took scissors to the back of a head and you killed a little baby coming out of the birth canal, don't apologize for that, they say. It is right in their literature because it is legal.

This is America. America, America, we sure need help. If we ever needed God to shed his grace on this great country, it is now. We are killing the posterity that the Founding Fathers talked about—our posterity, our children. We are killing them every single day—not just with partial-birth abortion but with all abortions—4,000 a day. Think of it: 4,000 abortions a day in this country; 4,000 children—children. Let's use the correct term.

Many of my opponents argue that this procedure is necessary to preserve the health of the mother. I am going to dispel that myth in great detail in a little while. I hope you are listening because it is a myth. It is not done for the health of the mother; it is done for the profit of the abortionist.

President Clinton twice vetoed this legislation with false and deceptive information and justification.

How does partially delivering a living child and then restraining it from exiting the birth canal so that only the head remains in the womb possibly enhance the health of a mother?

I have asked that question on the floor 100 times, and I can't get an answer. You have to understand now. The child is exiting the birth canal. The abortionist is holding the child—actually holding that child—in his or her hands and forcefully stopping the head from exiting the birth canal because once the head exits the birth canal, it is a birth. It is a birth.

What is he holding? Is that not a child? What is that part of the body? The feet, the legs, the torso, the shoulders, the hands, what is that? That is not supposed to be a child? If the baby turned around and exited headfirst, you couldn't do it because then it is born.

That is a pretty fine line. That is a pretty fine line. They do that in the name of the mother's health? You have got to be kidding me.

What is wrong with this country? Where are we going? We have to stand down here on the floor of this Senate and protect and fight to protect the lives of children, our children, killed in this way every day in America, every day. We can't win because the President will veto what we pass with about 63 or 64 votes. He will veto it. We need 67 votes.

President Clinton's claim that partial-birth abortions are only undertaken to protect the mother from serious injury to her health has been conclusively proven to be false. When he says that—and he will when he vetoes it—he is not telling the truth. In fact, the vast majority of partial-birth abortions are performed on perfectly healthy women with perfectly healthy babies—that is the truth—80 to 90 percent, perfectly healthy women, mothers and babies.

The Nation's leading practitioner of partial-birth abortion, Dr. Martin Haskell of Ohio, has been quoted extensively today. He said in the American Medical Association's American Medical News:

> I'll be quite frank. Most of my abortions are elective, in that 20 to 24 week range. In my particular case, probably 20 percent are for genetic reasons and the other 80 percent are purely elective.

That is the abortionist speaking. That is not me. It is not some pro-life organization. That is the abortionist.

He said 20 to 24 weeks; 24 weeks is a 6-month fetus.

I want to share with my colleagues a phone call I received in my office a few months ago from a 9-year-old girl. She said to me: Senator, I heard you were very much pro-life. I want to give a message that I would like you to share with your colleagues and with the American people as you travel around the country.

She said: I want them to know that I'm now 9 years old but my Mommy gave birth to me at 5 months; she was 5 months pregnant, and I lived and am here to tell you and tell America that babies at 5 or 6 months in the womb can survive. I'm glad my Mommy didn't pick that option.

When somebody says we are not taking the lives of unborn children, we are not taking the lives of people who have an opportunity to be productive members of our society, they are wrong.

At the White House veto ceremony Mr. Clinton hosted the last time he vetoed the partial-birth abortion ban, he presented five women at a press conference whom the President said "had to make a lifesaving, certainly health saving but still tragic decision, to have the kind of procedure that would be banned by H.R. 1833." That is, the ban of partial-birth abortions.

The President around this town and around America doesn't have the greatest reputation for telling the truth, and he didn't tell the truth there either. Despite saying those five women had health-saving partial-birth abortions, one of the women involved in the press conference later publicly admitted neither her abortion nor those of any of the other four women was actually medically necessary.

Two days after the ceremony, one of the five women, Claudia Ades, appeared by telephone on a radio show in Mobile, AL, and quotations from the interview appear in the May-June 1996 edition of the newspaper Heterodoxy. During the course of the radio show, she told Mr. Malone, the MC: This procedure was not performed in order to save my life. This procedure was not performed in order to save my life.

This procedure was elective. That is considered an elective procedure, as were the procedures of all the other women who were at the White House veto ceremony.

Here again, President Bill Clinton is using people and not telling the truth.

The health-of-the-mother exception is so broadly defined, it would include the mother's emotional health, let alone physical health.

I don't enjoy talking about this stuff on the Senate floor. I don't enjoy standing here and talking about the fact we are killing our children. Who does? If we don't, it will keep on happening. Some in politics, some even in the Republican Party, the pro-life party in America supposedly, said we shouldn't talk about this issue; it is too controversial; let's sweep it under the rug and try to be less confrontational, be more together.

I don't believe we ever would have ended slavery or segregation or any of the other great issues we resolved in American history if we hadn't talked about it, if we hadn't faced it. Suppose Lincoln had said: I'm totally opposed to slavery, but my neighbor wants to own a couple of slaves; that is OK with me; I will not make a big deal out of it.

So we can take that approach on abortion and say, I'm personally opposed to abortion but my neighbor wants to have an abortion; that is OK with me.

Somebody has to stand up for 4,000 babies a day who are being killed in this country by all abortions. I don't mind being that person, I will be very honest. If that means I lose an election somewhere, that is fine with me. I am not here to compromise my views to win elections. I am here to lead, to stand up on principle. Otherwise, I don't want to be here. Anybody who stands here and says they are afraid to discuss this issue or won't come down here and discuss this issue because they are afraid they might leave ought to resign because they are not bringing dignity to this body. They should stand up and passionately fight for what they believe.

I will review in a few moments some very dirty, disgusting little secrets about the abortion industry in this country. It doesn't apply strictly to any one type of abortion; it applies to abortions in general. It is not pleasant. It is not pretty. It is pretty graphic. But I am going to talk about it because the American people need to understand what is going on. These children don't have a voice. They can't ask for the opportunity to be born.

Imagine, since Roe v. Wade passed—and we will have a vote on that very shortly, tomorrow, this infamous Roe v. Wade decision in 1973—40 million babies have died in this country. I don't want anyone to misunderstand me lest I be accused of misusing facts. All abortions, including partial-birth abortions—40 million babies.

Have you ever stopped to think what some of those babies might have grown up to be had they had the chance? I wonder if there is a President in that group. How about a doctor? How about a cure for cancer? Maybe there is a scientist who would cure breast cancer—wouldn't that be ironic—or cure any type of cancer, or perhaps discover some big secret in the universe, maybe even a Senator. Never to have a chance to live their dream, never to have a chance to grow up, have a family, to pursue their dreams—gone, down the drain. They didn't have a chance to talk about it, didn't have a chance to even ask for mercy; they were just eliminated.

Do the math. We have about 260 million Americans. We have killed 40 million of them in the years since Roe v. Wade, and we have people on this floor bragging about Roe v. Wade, what an important decision it is and has been in American history. You bet it is important; they are right about that.

We took the lives of 40 million of our fellow citizens, 40 million people who never get a chance to pay Social Security taxes or pay any taxes or build any bridges or buy any products or contribute any money to the U.S. Treasury, if you want to put it in those terms, never, never had a chance. Mr. President, 40 million children, one-seventh of the entire U.S. population, one-seventh, and we are killing them.

You do not think we have some cultural problems in America? Unbelievable. I would like to ask all of you listening to answer this question silently to yourself: If you knew a woman who had three children born blind, two children born deaf, and one child born retarded, she was pregnant again and she had syphilis, would you recommend she have an abortion? Answer to yourselves out there. I will give you a second.

Guess who you just killed? Beethoven. That was Beethoven's mother, a pretty fair contributor, I would say, to the arts of the world, and this country. Who are we, Roe v. Wade? Who are we to do that to the Beethovens, the potential Beethovens of the world? This is a sick society, for people to stand down here and defend that, and that is what we are doing.

Mr. President, 95 percent or more of all abortions are used for birth control, 1 or 2 percent of all abortions performed are done because the life of the mother was threatened or she was raped or sexually abused by a member of her family—a small minority. That means over 38 million abortions occurred for a variety of reasons that boil down to one word—convenience. It is convenient. That is what it is, convenience. The mother was too old, maybe too young, in high school, maybe in college, had to work, didn't have a husband, didn't have a boyfriend; it wasn't in her best interests to have the baby; she had her whole life ahead of her. Pick any excuse, pick any reason. Pick the one you like, but that is the reason—convenience. It is a little inconvenient, isn't it? I have raised three children. Sure, it is inconvenient. But they are beautiful and I am sure glad I have them, and I am sure glad nobody made the decision to end their lives.

I know many of these desperate young mothers myself. I serve on the board of a home for unwed mothers. I have raised money for homes for unwed mothers. I have compassion for these mothers and for those who have gone through a horrible experience of having an abortion, or struggling in terms of whether to have the abortion or not, or whether to give the child up for adoption or to keep it.

I must say to any woman out there listening to me tonight, any mother, there are people out there who will help you. There are people out there who will help you. You do not have to have an abortion and you don't have to listen to one side of the argument. Ask. If you want help, call my office; I will put you in touch with people who will help you. It would be my honor and privilege to do that. Don't have an abortion; have your child like I did, my wife and I. You will be glad you did when you get down the road. You will be very glad you did.

You have other options available, options that will benefit you, that will benefit your child. Choose adoption or choose to keep your child. There are people out there who want to love that child. In either case, adoption or keep your baby, choose life. I beg you to do that, please. Do it for yourself; don't do it for me. Do it for yourself and for your baby. You will be glad you did. I promise you will. It will be tough for awhile but you will.

All across the fruited plains of America runs a river of abortion—blood. School shootings, we blame guns for that. After all, it could not possibly be our fault. Babies born alive left in trash cans: A young woman who goes into a restroom, gives birth to a child and throws it in the trash can can be prosecuted for murder. If she had a partial-birth abortion 5 minutes before that happened, it is all legal. Is there any difference in terms of the result, the child? It is still a child, isn't it?

Why are we here today? I just told you a few moments ago. It is to outlaw a cruel, inhuman procedure used for late-term abortions, a process so barbaric and so inhuman we would not even do it to animals. We wouldn't even think of it, I promise you. It is not being done to animals anywhere in the country.

We fell three votes short last time to override this President. I would give anything to have this President change his mind and not veto this. Do you realize how many children died since then? We don't really know. We know there are thousands who die from partial-birth abortions every year. If you multiply that by 4 or 5 years, we know it is probably in the vicinity of 15,000. I don't know what the number is. Whatever it is, it is too many. But hundreds, if not thousands, of young children are gone, just because the President of the United States refused to sign that bill; three votes short of an override. You talk about whether one vote means something or two votes mean something? You bet they do. If you are out there somewhere in America and you think I am right, you ought to take a look at who your Senators are and see how they are voting on this because those votes are going to cost lives. We are not talking about budgets. We are not talking about taxes. We are not talking about things such as that. We are not talking about anything other than lives, American lives, little babies.

Generically, without singling anybody out, let me speak to those Senators out there who might be wavering. I know some of you have been struggling with this vote for 4 years. You know in your heart it is wrong to kill unborn children this way. You know it, but you have connections to the abortion industry, the National Abortion Rights League, and others. I know they pressure you. I know I get pressured on the other side, too. I know what pressure is. We all do. But in your heart you know it is wrong. You can stop it. Three more votes or four more votes here can stop this. We can save thousands of lives down the road—thousands.

Imagine, if you could, all those children who have died from just partial-birth abortion in the last 25 years coming here today. If they had the opportunity to live, what do you think they would say? I don't think they would be with those who say, no, we ought to have this process. I don't think so. Maybe I am wrong. I have been wrong before.

Hold your grandchild in your arms, or your child, and ask yourself: How far removed is that grandchild or child from the process that you are voting to allow? A year? A month? Maybe you have a newborn. Think about it. I have.

According to the American Medical Association, the partial-birth abortion method is never medically necessary—never medically necessary. According to the Physicians' Ad Hoc Coalition for Truth, partial-birth abortion is likened to infanticide and is considered an extremely dangerous procedure.

Let me quote from these physicians:

> The prolonged manipulation of the cervix introduces a serious risk of infection and excessive bleeding. Turning the child inside the womb using forceps risks rupture or puncture of the uterus, infection, and hemorrhage from displacing the placenta. Inserting the scissors—a blind procedure—risks cutting the cervix.

That is one doctor.

Another one says:

> Beyond the immediate risks, partial-birth abortion can undermine a woman's future fertility and compromise future pregnancies.

Many pro-abortion advocates have publicly stated their opposition to the partial-birth-abortion technique. Warren Hern, the author of the Nation's most widely used textbooks on late-term abortions, said:

> You really can't defend it. I would dispute any statement that this is the safest procedure to use.

This leads me to another dirty little secret about the industry which is that abortion clinics are losing doctors who are willing to perform abortions. Do you know what happens when you lose the ability to perform abortions? You lose the ability to make money.

My colleagues on the left will assert that they are afraid they are going to get killed by a pro-life activist. That has happened seven times, and it is seven times too many, but it has happened. I have statements from the media, the abortion industry, and the doctors themselves that say the reason abortion clinics cannot find doctors is because they are considered losers in the medical field.

Those of us who have been pro-life who have been talking about this are making a difference in some of these abortions. Abortionists are losers. They are having such a tough time recruiting abortionists. They are actively lobbying right now to force medical students to perform abortions. What happened to choice? It is very interesting, isn't it?

Listen to these quotes from the abortion industry. I am making these points because I want to lead you into the next issue of what is happening in the industry and why these things are occurring and what you will see where I am leading you in terms of another ugly little secret, dirty little secret about what is happening in addition to the abortionists. Here is what Morris Wortman, abortionist, Democrat and Chronicle, 1992, said:

> Abortion has failed to escape its back-alley associations . . . [it is the] dark side of medicine . . . Even when abortion became legal, it was still considered dirty.

That was the abortionist.

Joe Thompson, retired abortionist, South Bend Tribune, December 26, 1992:

> In obstetrics and gynecology, the term abortionist is a dirty word.

Jean Hunt, former executive director, Elizabeth Blackwell Center, Philadelphia, PA, Westchester Daily Local News, November 26, 1992:

> Doctors today see abortion as a mud puddle not worth jumping into.

David Zbaraz, abortionist, Washington Post, 1980:

> [Abortion is] a nasty, dirty, yukky thing and I always come home angry.

Another:

> . . . some residents are concerned about being stigmatized for performing abortions and feel they are likely to perform abortions once in practice.

Abortionist Trent MacKay and Andrea Phillips MacKay, Family Planning Perspectives, May and June, 1995.

> Organized medicine has been sympathetic to abortion—not abortionists.

Carol Joffe, pro-abortion author, 1998.

A couple more:

> [Abortion] is a difficult field from an emotional aspect. Some of us, and all of us, I suspect, to some degree or another, have emotional isolation and separation and distance from some of our social friends, certainly from the community and from our professional colleagues.

George Tiller, abortionist, St. Louis, MO.

On the status of abortionists, Warren Hern says.

> . . . status of [abortionists] is somewhere well below the average garage mechanic . . . patients do not value what we do.

Richard Hausknecht, abortionist, January 1998:

> It's true that abortion providers are perceived as not very good doctors—that they have no alternative so they do abortions, that they cannot earn a living any other way.

Is that the kind of person you want to send a woman to because you want to protect her health?

Another one. Merle Hoffman, president, Choices Women's Medical Center, Queens, NY, 1995:

> The medical establishment has yet to welcome in abortion providers . . .

Tom Kring, director, California Planning Clinic:

> Abortion has a stigma attached to it that is increasingly scaring doctors and clinics.

I think, I say to my colleagues, one of the reasons clinics are closing is because of the doctors. You cannot get a good doctor.

Eileen Adams, former administrator for Park Medical Center in Illinois which closed after 13 years of operation:

> You cannot get a good doctor.

Then she said:

> I hate to have that in the paper so the anti-abortionists would say they've won—but they did.

That is what Eileen Adams said.

A 1993 Boston Globe article had this so say:

> Opponents of abortion in New England may have lost the battle of public opinion, but they appear to be winning the war . . . there are no longer enough doctors and hospitals in some areas to provide abortions.

With all that testimony from within the industry—dirty, yucky, not protecting the health of the mothers—why is it still going on? Because there is another dirty little secret, and it is called fetal tissue marketing. We will take a look at this chart.

I want everybody to see what happens in this dirty little secret of the abortion industry. I want my colleagues to know this is the abortion industry in general, but abortion is abortion. There are different types of abortion. Partial-birth abortion is what is on the agenda today. But fetal body parts marketing is what I am talking about.

A woman comes into an abortion clinic. It could be Planned Parenthood. She goes into the clinic, and she is talked to, advised to have an abortion. But what she may or may not know is that inside that clinic in a little room somewhere or some office that is not necessarily visible to her, is the harvester, the wholesaler, the person who is going to take her baby, cut it into pieces and sell it.

They are going to say: Oh, no, no, no, nobody is selling any babies. Listen to what I have to say, and then you tell me.

The wholesaler and the harvester is in the clinic. This poor woman, this mother, this woman who has probably gone through unimaginable trauma, is now faced with this little secret because she has to sign a waiver that allows them to do it.

You have the harvester now who is in that building. Anatomic Gift Foundation, Opening Lines—those are the names of a couple of the wholesalers.

What happens? We will get into that in a few moments.

But here is the buyer over here. If you are pro-life, you will be pleased to know, I am sure, that maybe a university in your State, Government agencies to which you are paying taxes, pharmaceutical companies, private researchers, and research organizations are buying body parts.

How does this work?

Here is step 1. The buyer orders the fetal body parts from the wholesaler/harvester. The buyer says: We need a couple of eyes, or whatever. The abortion clinic provides space for the wholesaler and harvester in the clinic where that woman goes to procure fetal body parts. The wholesaler/harvester faxes an order to the abortion clinic, faxes an order to the clinic, and says: We need this, and we need this, and we need this. The wholesaler's technician harvests the organs: Skin, limbs, whatever, from aborted babies.

Now, bear in mind how gruesome this really is. This is the abortion industry, ladies and gentlemen. Here is a woman coming into that clinic, thinking she needs an abortion. She is advised to have it. And these people are sitting around the room, the harvesters. When they are looking at that woman, there is a living child there that has not been aborted yet, and they are placing orders for body parts—placing orders for body parts—before the child is even dead.

The wholesaler's technician harvests the organs. Then the clinic "donates" fetal body parts to the wholesaler/harvester, who in turn pays the clinic a "site fee" for access to the aborted babies. Then the wholesaler/harvester "donates" the fetal body parts to the buyer. The buyer then "reimburses" the wholesaler/harvester for the cost of retrieving the fetal body parts. We are going to get into a little more detail on this.

You might say: This is a debate about partial-birth abortion. What does the sale of fetal tissue have to do with partial-birth abortion?

First, like partial-birth abortions, the selling of fetal tissue is immoral and unethical. It is illegal. And it is a reprehensible, dirty practice that is going on in the shadows of the industry. It is a practice I had never even heard of. Again, I could not believe this was going on. But it is.

Second, it is a practice that very graphically shows how this industry has gone far beyond the ethical boundaries that even most pro-choice Americans would find repugnant.

Third, like partial-birth abortion, the industry has taken the practice of selling fetal body parts, which is illegal under Federal criminal law, and created a loophole to allow them to do it.

In partial-birth abortion, they use the head loophole. In other words, what I mean by that is: Arms, feet, body, neck, heart, toes. That is not birth. That is not the baby—until the head comes into the world. Then it is a baby. Really? It is a legal mumbo jumbo, as Senator SANTORUM talked about. It is a bunch of garbage. It makes lawyers around the country very rich, and it allows these clinics to kill our children.

I am sure the legal team that came up with the head loophole is very proud of themselves, just as we have the fetal harvesting loophole. In a sense, we call it "donations" or "reimbursements" rather than selling parts. They are both loopholes to hide the facts.

Stabbing a baby in the back of the head and sucking its brains out is illegal; it is murder; it is infanticide—whether that child is sitting in a play pen or whether that child is trying to exit the birth canal to become a member of this world. But its head is conveniently, under this stupid legal definition, "stuck" in the womb. And it is not stuck; it is held there. And they call it medicine. We have people standing down here saying: This is medicine. We're doing this for the health of the mother. Really?

Let's go back to the sale of fetal body parts. I have here the United States Code. Here is what the United States Code says:

> Prohibitions Regarding Human Fetal Tissue.

That is the topic. That is the heading right here in the United States Code.

> Purchase of tissue. It shall be unlawful for any person to knowingly acquire, receive, or otherwise transfer any fetal tissue for valuable consideration if the transfer affects interstate commerce.
>
> Criminal penalties for such violations.
>
> In general, any person who violates subsection—

The one I just referenced—

> shall be fined in accordance with title 18, U.S. Code, subject to paragraph 2, or imprisoned for not more than 10 years, or both.
>
> The term "valuable consideration" does not include reasonable payments associated with the transportation, implantation, processing, preservation, quality control, or storage of human fetal tissue.

It is against the law, ladies and gentlemen, my fellow Americans, and colleagues, it is against the law to do this. And they are doing it every day to our children—every day. So 10 years in jail if you sell human fetal tissue. That was signed into law, ironically, by President William Jefferson Clinton. It took effect on June 3, 1993.

But the lawyers went to work, as only lawyers can do. They found a loophole: How can we sell this tissue, make a profit at the expense of this poor woman victim, and get it to research, and hide it all by calling it research? How do we do that without getting caught and getting our tails thrown in jail?

That was the question. So they found it in section D(3) which:

> .... allows reasonable payments associated with the transportation, implantation, processing, preservation, quality control, or storage of human fetal tissue.

That is the loophole I just read out of the book.

But because there is no documentation, no disclosure, no government oversight, this section has become a gigantic loophole to allow this industry to engage in the illegal trafficking of body parts of fetal tissue without any prosecution.

Mr. President, we need a big beam of light to shine into this industry, to get into the darkness and find out what is going on in this for-profit industry. We need some sunshine. We need it so badly. I am not looking to get into the medical records of individuals. That is not what I am about. But I believe if we are going to allow the use of fetal tissue from aborted fetuses —I mean aborted fetuses for research, which I believe we should not—if we are, we need at least a minimum of documentation to ensure this tissue is not being sold in violation of Federal criminal law.

Is partial-birth abortion used for this? I don't know. Why not find out? Let's shine the light in. Let's talk about a few things that might make you think, however, that there is a link here. Your call. You listen. You make your own determination.

Let us talk about dilation and evacuation, the so-called D&E, for a moment. This method, which is performed during months 4 to 6, 6 months, is particularly gruesome in that the doctor must tear out the baby parts with a pliers-like instrument. Literally disassembles it in the womb. It is horrible. No wonder they are angry when they get home and sick, sick before they start. Then the nurse gruesomely has to take all these body parts of this child who was torn apart in the womb and reassemble them in a pan to be sure they got it all. That is the first method.

I will just ask you to think, as we go through this, if you are in the business of selling body parts, how is that going to work with your buyer, if all the body parts are torn apart? I think you would say, well, probably it isn't going to be much good. There might be some tissue, but if you need intact organs, disassembling the organs ought to lead you to believe, reasonably, I think, they are probably not very good. If you need a liver and it is all chopped up in this procedure, it is probably not going to do you much good. So the D&E method is not real good for selling body parts. But that is one type of abortion.

The next is the saline abortion. This occurs after the first trimester. The abortionist injects a strong salt solution into the amniotic sac and, over a period of an hour, the baby is basically poisoned and burned to death in her mother's womb. That is the saline solution. So now I ask you again, if you are selling body parts, and the buyers want good body parts, good condition, that is not going to do a lot of good. That is not going to make your product very marketable. That is probably not a good method either.

The next one is a little more grotesque, if you can imagine that. This is called the dig method, or digoxin method. It is called harpooning the whale inside the industry. You see, even in the industry they can't even be respectful to the child or even the woman in some cases, the mother. They use terms such as that, "harpooning the whale." The abortionist inserts a needle containing digoxin into the abdomen of the woman. In order to make sure the doctor hits the baby and not the woman, which would be lethal for her as well, he must watch to see the needle begin moving wildly. And when it does move wildly, he knows he has harpooned the whale and can push his needle all the way through and kill the baby. This abortion procedure is probably the least desired method for the body parts people because the baby's organs are, in essence, liquefied by this horrible poison. They are basically worthless to the body parts market.

Those are three types of abortions. They have nothing to do with partial-birth abortion. I use these examples of three types of abortions to show you they basically make the sale of body parts worthless for the most part. Some tissue I am sure they can use.

So where are they getting these things? Ask yourself, what have we been talking about all day? How can we get a good specimen, a baby whose organs are intact, a good cadaver? You can do it two ways. You could have a live birth and kill it, or you could have a partial-birth abortion, kill it that way, and damage only the brain so the rest of the body is good for research.

Now, is this happening? Shine the light in. There are going to be people who say that I have made this link. I will tell you right now; I haven't. I am asking you to shine the light into this industry. Bring in the sunshine. Let's look in the clinics. Let's find out what is going on. Are they being used? We will take a look in a few moments at some of the things going on here. I ask you whether or not you think they might be getting these parts from some other source of abortion other than partial-birth abortions. I don't know. I know one thing. It is a black market. It is illegal. It is unreported, and it is unregulated. If it is the last thing I do before I leave this body, I will change that. I am going to change that.

The good news is abortion rates are down. That is good. But the problem is, because they are down and because the doctors aren't doing them, they have to make it up somewhere. The industry has to make up the money. They have to make it up. Where do they do that? By selling body parts. That is where they make it up. It is really the dark side of the industry.

This is the testimony of a woman who calls herself Kelly, a fictitious name. Kelly was working and received a service fee from the Anatomic Gift Foundation, which is the wholesaler, the harvester, of these organs.

Listen to what Kelly had to say. Kelly fears for her life. That is why Kelly is a fictitious name and why Kelly is not being identified.

"We were never employees of the abortion clinic," Kelly explains.

That is when they would sit in the clinic, in this room, and the lady comes in pregnant.

"We would have a contract with the clinic . . . ."

Listen very carefully to what I am saying. A woman comes in. I am sorry. I am confusing the stenographer. I will go through the quote first and then explain it.

> We were never employees of the abortion clinic. We would have a contract with an abortion clinic that would allow us to go in to procure fetal tissue for research. We would get a generated list each day to tell us what tissue researchers, pharmaceuticals and universities were looking for. Then we would go and look at the particular patient charts. We had to screen out anyone who had STDs or fetal anomalies. These had to be the most perfect specimens we could give these researchers for the best value that we could sell for. Probably only 10 percent of fetuses were ruled out for anomalies. The rest were healthy donors.

To capsulate, a woman is in the abortion clinic, and basically they are eyeing up the source. It is like a hunter going out and seeing, I guess in this case, a trophy doe rather than a trophy buck, and saying, there is a good specimen there. I hope that baby is fairly normal so I can sell the body parts. And they looked at the patients' charts while this child was alive in the womb. This girl might change her mind on whether to have this abortion, and nobody is helping her change her mind or asking her if she would like to change her mind. Oh, no, we have a contract here. We have a patient chart here. We have somebody looking at her, looking at the trophy and then saying: Hey, this chart looks real good, this gal has what we want; she has a normal baby there. My goodness, a perfect specimen, the most perfect specimen we could find. So give the researchers the best value we could sell for. Her words. Probably only 10 percent of fetuses were ruled out for anomalies; the rest were healthy donors. So said Kelly.

Let's look at a work order. This is a work order. Mailing address, shipping address, everything. OK. Tissue, fetal lung; one or both from the same donor, 12 to 16 weeks. Preservation: Fresh. Gestation: 12 to 16. Shipping: Wet ice. Constraints: No known abnormalities. We don't want any babies who have any problems. Obtain tissue under sterile or clean conditions.

Let me ask you a question, colleagues. In this filthy, dirty, disgusting business we are talking about, do you really think you can get a perfect lung, with no cuts and no abnormalities, by chopping up the child in the womb or putting all of this poison in the body, in the womb, in the embryonic sack? Or do you think it might be possible that the best way to get a normal lung is to bring a child through the birth canal in perfect condition, damaging only the brain, or perhaps even a live birth? Oh, you think that would not happen? Well, we will talk about that in a little while. Oh, yes, it happens.

Look here: "Normal fetal liver." A normal fetal liver is not one filled with poison. It is not a liver that has been chopped up. It is a normal fetal liver. There aren't too many ways you can get a normal fetal liver in an abortion clinic. "Dissect fetal liver and thymus and occasional lymph node from fetal cadaver within 10 minutes of the time it is extracted, and ship within 12 hours." "No abnormal donors."

There is a whole lot of money in this business, folks. With abortions down, they will charge a woman anywhere from $300 to $1,000 for an abortion and make several thousand dollars on the parts of her child. But she doesn't get any of that money, you can bet on that.

Let's look at another work order. The National Institutes of Health gets the delivery here. If you are pro-life, you will be "pleased" to know they are getting some of this stuff. "I would prefer tissues without identified anomalies; in particular, bone anomalies."

Let's look at another one. This is just the tip of the iceberg. I could give you hundreds of these work orders. I am picking a few of them.

Now, this one is particularly disturbing—as if the others weren't. Here is the donor criterion on this. We are talking about whole eyes. Now, the donor criterion is that the child be "brain dead." Think about that for a minute. Why would you put that on there? Are we to assume this child is going to be delivered to them live?

I assume if a child has been aborted and it is being sold, or provided, or donated, or whatever it is, to some research center, we ought to assume it is dead. Well, they are not assuming it. They are not assuming it at all. They are directing it: Make sure it is "brain dead." If anything else is moving, that is OK. Maybe the heart is beating, and that is OK. But make sure it is brain dead, noncadaver, and post 4 to 6 hours, any age. Again, no contagious diseases. "Remove eye with as much nerve"—they go into that. Federal Express—send it out. That is against the law.

So let's say a girl walks into a clinic and sits down to wait. I want to try to paint you a picture of what happens. A girl walks into a clinic and sits down to wait. A fax comes in, and the fax contains a list of what body parts are needed for that day. So here she comes. She still hasn't had the abortion. But they now have this list—the abortionist perhaps, but I don't know; I have not seen this. Perhaps he looks through the glass window, and maybe there is a one-way glass. He looks out into the waiting room and stares at her stomach and knows this is the very same child who is very much alive now, perhaps even moving and kicking; he knows that child will be dead in a few moments, and they already have the work order. They have already checked the charts, already know it is normal; they already know what they need. They are already planning it all.

If that is not sick, if that doesn't bother you, then, man, there is something wrong with the people in this country—big-time wrong.

After her abortion, in a matter of 10 minutes, if it is done then, that baby can be shipped on wet ice to researchers across the country, just like going into a supermarket and buying a piece of meat.

There are four illegal and immoral things happening with this issue. First, as I said before, current law prohibits receiving any consideration, valuable consideration, from the tissue of aborted children for research purposes. This is happening. So that is wrong. Violation No. 1.

Secondly, it has been reported that, in fact, live births are occurring at these clinics. Oh, that is a dirty little secret we don't want anybody to talk about. Let's not talk about that. It doesn't happen a lot, but in 100 abortions it could be as few as 5, 6, maybe 7, maybe 10 times—live births. Oh, boy, that is a real problem. What better way to get a good sample than a live birth?

It is the law of every State to make every medical effort to save the life of that child. I am going to show you proof that that isn't done. It is not happening in every case.

Thirdly, our tax dollars are being used to fund Planned Parenthood on the one end to kill the children, and NIH on the other end to do research on them. If you are pro-life, as I am, you won't like it; I don't like it. I am going to do something about it if it is humanly possible.

In 1996, Planned Parenthood received $158 million in taxpayer dollars. Who knows how much in addition is being funneled through the valuable consideration loophole from NIH research labs. The taxpayers and Congress deserve an answer. The chart shows Federal funds supporting Planned Parenthood Federation of America and its affiliates, in fiscal year 1994, $120 million; in 1995, $120 million; in 1996, $123 million. Add it all together. It is $158 million.

The fetal body parts industry is a big business, ladies and gentlemen, and it is not being honest. Mothers are not being given their consent forms sometimes. Sometimes they are. And the wholesalers are not forthright about how they ship the babies, among other things. These people are in the business of selling dead humans, so I guess maybe we should not expect too much in terms of ethics.

There are two statutes that govern fetal tissue research, and both statutes were passed as part of S. 1 in 1993, the National Institutes of Health and Revitalization Act of 1993. I was one of four Senators who voted no, as usual, because I don't believe Government should be doing any research on induced abortions, aborted fetuses. Up until 1992, we had a President, George Bush, who agreed. But Bill Clinton changed all of that. But even President Clinton, who signed the fetal tissue research Executive order as one of the first acts of his Presidency, was unwilling to accept the sale of fetal tissues.

Prior to 1993, there was a moratorium prohibiting Federal funding of fetal tissue research. That was overturned by President Clinton by Executive order on January 22, 1993. And Senator KENNEDY introduced S. 1 to codify Clinton's Executive order. Part of that was because this "statute permits the National Research Institutes to conduct support research on the transplantation of human fetal tissue for therapeutic purposes." The source of the tissue may be from an abortion where the informed consent of the donor is granted. This statute allows for Federal money to be used in fetal tissue research. And you will see that NIH is involved in this.

The second statute made it unlawful to transfer any human fetal tissue for valuable consideration. I talked about this statute. In other words, it is illegal to give monetary value to the various body parts being sold. And it is illegal to profit from the sale. The guilty receive fines and imprisonment for not more than 10 years. As long as the tissue is donated, it is OK. But large amounts of cash are changing hands.

Again, abortion clinics and the wholesalers are making a killing—that is a sick pun, a killing—literally with the abortion and with the sale of human baby parts.

Listen to what one of the leaders of fetal body parts marketing said in an interview with a pro-life publication: "Nearly 75 percent of the women who chose abortion agree to donate the fetal tissue."

Granted, this organization claims to only operate out of two abortion clinics. But if you apply their statistic nationwide, for theoretical purposes, you are talking about a lot of aborted babies being sold for cold, hard cash.

In addition, the consulting firm of Frost & Sullivan recently reported that the worldwide market for sale in tissue cultures brought in nearly $428 million in 1996, and they predict that market will continue to expand and will grow at an annual rate of 13.5 percent a year, and by 2002 will be worth nearly $1 billion. That is a whole lot of money at the expense of these unfortunate women.

In a taped conversation with the wholesaler, she says they do not buy the tissue. That is the way it works. That is really what happens.

In a taped conversation with another marketer of fetal body parts, they admit to try to get abortion clinics to alter procedures to get better tissue, which is a violation of Federal law. This person then offers discounts for being a "high volume" user, and that the buyer can save money by purchasing their cost-effective, lower-range product.

Let's look now at a chart offered by Opening Lines, and you tell me if this isn't a business transaction for profit. Bear in mind the sale of body parts is illegal. You are not supposed to receive any consideration. Well, then maybe you could tell me why—this is one of those wholesalers, Opening Lines. Maybe you could tell me why they have a price list. Has anybody ever done any marketing before?

Look. You can get a kidney for $125. You can get a spinal cord for $325. Then down at the bottom, it says prices in effect through December 31, 1999. That is a price list, ladies and gentlemen. I suppose there will be somebody who will come down here and say, "Well, Senator, that is not a price list. That is fee-for-service."

That is what it says at the top.

What is the service? You say: Well, you know it is expensive. You have to take the brain out, or you have to take the spinal cord out. OK. We take the spinal cord out. I am not a doctor. I am not going to pretend to be. I am not going to make any reference to how difficult that might be.

But let's assume to remove a spinal cord from a child is a difficult operation. They are charging $325 for the spinal cord. I would think it would be safe to assume—I am not a doctor, but if you want to send an intact cadaver, that doesn't involve any research at all. Does it? They don't have to cut anything. We will just ship that along. But it cost $600. It doesn't have anything to do with what the service is in terms of finding the spinal cord and getting it out. It has nothing to do with it at all.

I will tell you why this is $600—the cadaver. Because when they get the cadaver; they can get the spinal cord; they can get the eyes; they can get the nose; they can get the ears; they can get the liver; they can get the thyroid, whatever they want. That is why it is $600. That is why the price list is there. You can even get a discount if you buy enough.

This is a dirty business. It is bad. It stinks.

The brochure boasts that it offers researchers "the highest quality, most affordable and freshest tissue prepared to your specifications and delivered in the quantities you need when you need it."

Here is the copy of the brochure. I didn't make it up. This is their brochure, Opening Lines. This is what they said.

Think about it. "We are professionally staffed and directed," it says. "We have over 10 years of experience in harvesting tissue and preservation. Our full-time medical director is active in all phases of our operation. We are very pleased to provide you with our services. Our goal is to offer you and your staff the highest quality, most affordable, and freshest tissue prepared to your specifications."

Please tell me how you can do that if it is simply a matter of taking an aborted child and sending it off to a research laboratory somewhere.

My colleagues and American people, I don't know what is going to happen to this country. But I just want to recap for you what has happened here.

A woman comes into a clinic, an abortion clinic. She is pregnant. She is in trouble. She needs help. They already have somebody who has read her charts. They know her baby is normal. They know it has no abnormal functions. They know they need to get that baby out of there quickly. They know they can't do damage to the cadaver. They cannot do damage to the fetus. They can't poison it. They can't cut it because, to their specifications, they need perfect eyes, or they need perfect skin, or good lungs, even the gonads, the ultimate. The poor little child just has no privacy here. Limbs, brains, spinal, spleen, liver, all of it, price list, all the way down—they have it all figured out.

And they have the gall to stand out here and tell you these clinics care for the women. They care for the profit. They cannot make it because abortions are going down. They can't charge these women any more because they are too poor to pay. So they take it from their bodies, from the children. It is a filthy, disgusting, dirty business, and it needs to be exposed and eliminated.

How much more should we tolerate in this country? How much more degradation must these children absorb and endure?

Look at that list. Look at it and tell me that is fee-for-service—to your specifications, your specifications. You give us the order, and we will make sure you get perfect eyes that weren't hurt by any abortionist's knife, or they weren't poisoned by digoxin, or saline. Oh, we will make sure. We will get you a live birth, if we have to, or a partial birth, if we have to. We will get it for you because there is a lot of money in it. That is why we will get it.

This is a filthy, disgusting, dirty business.

People say: Oh, you are antiresearch. I am not antiresearch. If a woman has a miscarriage and wishes to donate that miscarried child to research, she has every right to do that. I am proresearch.

The Department of Health and Human Services under President Bush determined there was plenty of tissue available through spontaneous abortions and ectopic pregnancies to satisfy research needs—plenty. But oh, no, we have to get into this. We have to make up for the loss of revenue because, thank God, abortions are starting to go down in this country. We have to make it up. Doctors don't want to do them anymore. It is a dirty business, they say. I'm sick when I go home. We are going down a slippery slope, my fellow Americans.

I used to teach history. I used to tell my kids in those classes: If you forget everything else I said, I want you to remember you have a responsibility to pass on America to your children, hopefully in better shape than we gave her to you. If you do that, America will always be here; if you fail, we could lose it.

What message are we giving to our children when we tolerate this—an order form before the woman even has the abortion.

Henry Hyde said: I deplore any medical procedure that treats human beings as chattel, personal property, as a subject fit for harvesting. The humanity of every fetus should be respected and treated with dignity and not like some laboratory animal.

Is that dignity? Is that respect?

Let me tell a story about a girl name Christy. This is not a pleasant story. These are the abortion clinics, there to protect the mother and make her healthy again. She went in to have her safe, healthy, legal abortion. Something went wrong. On July 1, 1993, Christy—fictitious name—underwent an abortion by John Roe, abortionist. After the procedure, Roe looked up to find Christy pale with bluish lips and no pulse or respiration. Christy's heart had stopped and there were no records that her vital signs were monitored during the procedure. Additionally, Roe was not trained in anesthesia and the clinic had no anesthesia emergency equipment or staff trained to handle a complication. Paramedics were able to restore Christy's pulse and respiration, but she was left blind and in a permanent vegetative state. Today, she requires 24-hour-a-day care and is fed through a tube in her abdomen. She is not expected to recover and is being cared for by her family. Christy had a legal abortion on her 18th birthday.

They took good care of her, didn't they? I have in my hand a consent form that Christy signed. Do you know what they tell you in the industry? Ask them; don't believe me. Ask them. They say: We know the woman is in a terrible emotional condition when she comes in, so we don't always ask her to sign these forms. We wait until after the procedure.

Is that so? Well, you have to do it within 10 minutes if you want to get some of these buyers for organs because they say they need them in 10 or 15 minutes from the time they exit the birth canal; otherwise, they are no good in some cases. They have to do it quickly. So the poor girl is just coming out of the anesthetic. I know she is not coming out in 10 minutes. "Here, Christy, want to sign this? We want to send your 6-month old boy to be chopped up for medical research. Would you sign this?"

They say we don't bother the women before. OK, can a woman who is in a 24-hour-a-day coma sign a consent form? Can she? Here is the form. It is signed and she didn't sign it after the procedure. She signed it before the procedure and she signed it because they needed the body parts of her fetus and they wanted to make doggone sure they got them. They didn't want anything to get in the way of that. They didn't want anything to interrupt that little profit they had coming, so they just said we will get this signed by Christy.

Maybe they should have taken a little time to counsel her. "Would you like to have some other discussion perhaps about adoption?"

We gave her that. OK, fine.

How about the anesthesiologist. Did someone know what in the hell they were doing when they put this poor woman under?

Oh, no, we have to get this, because this is money.

Here is what Christy signed:

> I grant permission to one of these agencies and each of its authorized agents and representatives to distribute and dispense tissue from the surgery. I release all my property and financial interests therein and any product or process which may result therefrom. I read and I understand this document and I have been given the opportunity to ask questions. I am aware I may refuse to participate. I understand I will receive no compensation for consenting to this study.

As I said, if anybody thinks she signed it after the surgery, I will sell you some ocean-front property in Colorado. They say they don't bother them beforehand because they are too distraught, they are too emotional, or they don't want to bring all this up.

That is Christy.

I saw a bumper sticker once that said:

> Abortion: One dead; one wounded.

Can't sum it up any better than that. One dead and one wounded. And the people who were in charge of the health and safety of the mother in these cases are more interested in the dead than the wounded because they are going to make a big profit.

Let's talk about the dirtiest most disgusting secret of all. This is not pleasant. I had somebody from the National Right to Life tell me today, believe it or not—I won't mention names— that we don't have any evidence of any link here. Fine. I am not asking anyone to tell me whether they think this is evidence or not. I am asking everyone to make their own decisions. I am not making any links. I am giving facts. Make your own links.

There is a little complication called "live birth." Uh-oh. Live birth. It happens. When it does, what happens?

I was at an award dinner several years ago when a young woman who is known by many in the right-to-life movement by the name of Gianna Jessen, who then was about 21, so she is probably 25, 26, maybe a little older now. She had been aborted. She was a beautiful girl. She was aborted. There were 1,000 people at this event. She stood up and sang "Amazing Grace." There wasn't a dry eye in the place, including mine. When it was all over she said: I want all of you to know something. My mother made a terrible mistake because I wanted to live. If I had had my choice, if I could have said, spare me, I would have said that. I didn't, but I survived, and I am meaningful. I just sang to you. And she said: I love my mother and I forgive her.

There is a lot more power in that than these people that run these clinics that do this.

Why can't we bring this debate to that level? There is no way to know how many live births actually occur. It happens in partial-birth abortions because they are alive until they are executed as they come through the birth canal. Feet first, they are executed; headfirst, they are born. Any difference? Maybe somebody can explain it.

Many of you may have heard of a gentleman by the name of Eric Harrah. About 10 years ago he left the abortion business. One night Eric and his staff were called to the clinic— remember, he was an abortionist then—because a pregnant girl had given birth in a motel room. The baby was wrapped in a towel. She had been given medication to begin the process of dilation. So it was wrapped in a towel and they thought it was dead, so she came from the motel room carrying this little child in the towel.

Eric, the abortionist, saw the baby's arm fly up and he screamed, "My God, that baby is alive."

The doctors sent Rick and the nurse out of the room. When he came back in the baby was dead. A live birth? You might ask yourself, did they take any means to save the child? Or did they kill the child? Who knows? In either case, they let it die.

I have been in this business of doing research on this issue since 1984. I have been involved in the pro-life movement. I have read, I don't know how many thousands of pages. What I am going to read to you now is the worst I have ever come across in everything and anything that I have read. I have never seen anything to equal it. I do not understand how we can tolerate this in this country, but it shows you how sick we really are. We are sick. Oh, we are sick, collectively, believe me. This is a story from Kelly. A short paragraph, what she said. It is very difficult for me even to read it, but you need to hear it.

The doctor walked into the lab. This is in an abortion clinic. Kelly is the wholesaler for the fetal tissue. She is the person who has to take this fetus and do what has to be done to it to get it to the supplier.

> The doctor walked into the lab and set a steel pan on the table. "Got you some good specimens," he said. "Twins." The technician looked down at a pair of perfectly formed 24-week-old fetuses, moving and gasping for air. Except for a few nicks from the surgical tongs that had pulled them out, they seemed uninjured.

This is pretty difficult. I have witnessed the birth of my three children, so forgive me if I have a little trouble.

> The wholesaler, Kelly, said, "There is something wrong here. They are moving. I don't do this. That's not in my contract."
>
> She watched the doctor take a bottle of sterile water and fill the pan until the water ran up over the babies' mouths and noses. Then she left the room. "I couldn't watch those fetuses moving. That's when I decided it was wrong."

So the abortionist, twin live births, 6 months—the little girl I spoke to you about earlier who wrote to me was born prematurely at 5 months. Two little twins drowned in a pan so their body parts could be sold because they had an order for the body parts. America.

Many of you may have heard about Jill Stanek, the nurse at Chicago's Christ Hospital who has openly admitted that live births occur at her hospital. We are going to have some testimony from Jill. She will be up here on the Hill very soon so you do not have to believe me; you can listen to her. The hospital staff, when it happens, offer comfort care, which amounts to holding the child until it dies. If they are lucky, they get a little love on the way out. Perhaps it is better than being drowned in a dish.

Jill Stanek says:

> What do you call an abortion procedure in which the fetus is born alive, then is left to die without medical care? Infanticide? Murder?
>
> Most people would recoil at just the thought of such a gruesome, uncaring procedure, but it is practiced at least one Chicago suburban hospital. When I called Christ Hospital, the Medical Center at Oak Lawn, I frankly expected a denial that it uses the procedure, but instead the spokeswoman explained it is used for "a variety of second-trimester" abortions when the fetus has not yet reached viability. That's up to 23 weeks of life, when a fetus is considered not yet developed enough to survive on its own.
>
> Instead of medical care, the child is provided "comfort care," wrapped in a blanket and held when possible.

This is very interesting.

> The procedure is chosen by parents and doctors instead of another method in which the fetus is terminated within the womb by, for example, injection with a chemical that stops the heart.

She says further: One day there was a newborn who survived the abortion with no one around to hold it. It was left to die in a soiled-linen closet.

The hospital denies it. She says it happened. Interesting, the hospital says abortions are elective, but they are done only to protect the life or health of the mother or when the fetus is nonviable due to extreme prematurity or lethal abnormalities.

The nurse, Jill Stanek, said she has seen some elective abortions done on newborns whose physical or mental defects are deemed incompatible only with the "quality of life."

That is pretty heavy stuff. This is going on in America. People come down here on this floor, year after year, and defend it. That is what they are doing, defending it: A woman's right to choose. The bassinet or the hospital sterile bucket, which is it? Right—right to choose. Put the child in the bassinet or throw it in the garbage or send it off to some research lab.

Here is a headline, a transcript from the WTVN-TV in Columbus, OH, 20 April, 1999:

> Partial-Birth Abortion Baby Survives 3 Hours.
>
> A woman 5 months pregnant came to Women's Medical Center in Dayton, Ohio, to get a partial-birth abortion. During the 3 days it takes to have the procedure she began to have stomach pains and was rushed to a nearby hospital. Within minutes she was giving birth.
>
> Nurse Shelly Lowe in an emergency room at the hospital was shocked when the baby took a gasp of air. [Lowe] "I just held her and it really got to me that anybody could do that to a baby. . .I rocked her and talked to her because I felt that no one should die alone." The little girl survived 3 hours.
>
> Mark Lally, Director of Ohio Right to Life, believes this is why partial birth abortions should be banned. [Lally] "This shows what we've have been trying to make clear to people. Abortion isn't something that happens just early in pregnancy, it happens in all stages of pregnancy. It's legal in this state any time."

Like it is in any State.

Warren Hern is the author of the most widely used textbook on abortion procedures. Dr. Hern says, in this article:

> A number of practitioners attempt to ensure live fetuses after late abortions so that genetic tests can be conducted on them.

There is a link. They say there is no link? There is one.

> It is his position that practitioners do this without offering a woman the option of fetal demise before abortion in a morally unacceptable manner since they place research before the good of their patients.

(Mr. SANTORUM assumed the Chair.)

Here is an admission from the industry itself that when they want to—I am not saying all do it, I am saying some do it—when they want to, practitioners can do this. They can ensure a live birth to fall within that 10-minute window, to get that child chopped up quickly and on ice so those limbs are better for the researcher and worth more money. You don't want any abnormalities, don't want any problems.

There was an article in the Philadelphia Inquirer a few years ago called "Abortion Dreaded Complication." The patient had been admitted for an abortion, but instead of a stillborn fetus, a live 2½-pound baby boy appeared. A dismayed nurse took a squirming infant to the closet where dirty linens are stored. When the head nurse telephoned the patient's physician at home, he said: "Leave it where it is. He will die in a few minutes."

I used a term in a speech over the weekend referring to doctors such as that. I said they took a hypocritic oath. Someone corrected me and said: "Don't you mean Hippocratic oath?"

I said: "No, hypocritic; they are total hypocrites because they are not protecting the lives of unborn children. They should not even be taking the oath."

In this article, there are some very interesting headlines in this dreaded complication. Listen to what some of the people in the industry say:

> Reporting abortion livebirths is like turning yourself into the IRS for an audit. What is there to gain?

Another article says:

> How things sometimes go wrong.

Another one:

> You have to have a fetus—

Whatever; I can't pronounce the word—

> dose of saline solution. It is almost a breach of contract not to. Otherwise, what are you going to do, hand her back a baby, having done it questionable damage?

What a bunch of insensitive, uncaring individuals.

Then they say:

> If a baby has rejected an abortion and lives, then it is a person under the Constitution. . . .

I think it is a person under the Constitution before it is born, not under Roe v. Wade but under the Constitution. Roe v. Wade did not let the Constitution get in its way when it made that terrible decision.

Then another guy says:

> I find [late-term abortions] pretty heavy weather, both for myself and for my patients.
>
> I stood by and watched that baby die.

They are real caring people, aren't they? They are compassionate, caring people. I think I have made my point on that.

You will notice from these charts I have been putting up that many of the highlights suggest the baby be put on ice within 10 minutes of exiting the womb. I mentioned that earlier.

Stop and think about this. If you do any of the other types of abortions—saline, digoxin, and these other procedures, D&E—what are you going to get? You are going to get something that is going to be an abnormality. No abnormal donors. Within 10 minutes, we want it on ice.

The point I am trying to make is, there are only two ways you can get a baby, a fetus, on ice that quickly. One is a live birth; you instantly kill it. Another is partial-birth. If there is another method, I am open-minded. I would like to hear about it. Maybe somebody has it.

Let me read a letter I received today. This letter is pretty devastating. I want you to think about this 10 minutes on these charts. Within 10 minutes, we need to be able to ship it to give you no abnormal donors, to make sure the fetus is in good shape:

This is from Raymond Bandy, Jr., M.D., Dallas, TX:

> Dear Senator SMITH: As a physician and pastor in the Dallas, Texas suburb of Lewisville, I was shocked and outraged several months ago when my friend Mark Crutcher invited me to the offices of Life Dynamics to review for him from a medical perspective of several requisitions for fetal tissue and body parts.
>
> There were 2 areas particularly disturbing: No. 1, It was almost unfathomable to be reading requests for arms, legs, brains, etc., from aborted babies. Leading institutions in our country with research scientists requesting in mail-order catalog format, body parts from babies killed in abortion clinics.

Leading institutions were requesting these parts.

> No. 2, My attention was drawn to the fashion in which the requests were made. Over and over again the requests would mention that the tissue must be "fresh"—

It says ship on wet ice. Another one says fresh, remove specimen and prepare within 15 minutes.

This is the process, a doctor talking now:

> (a) The baby must in some fashion be killed in its mother's womb. (b) The baby must then be extracted from the womb. (c) It must then be delivered in some fashion to a technician who would then proceed to amputate limbs; extract eyes, brains, hearts, and then process them; (d) all within 10 minutes. I am not an abortionist, nor have I performed an abortion, but to require these procedures to be accomplished in 10 minutes, means of necessity that the baby be extracted as close to life as possible, and would lead to in many cases babies . . . being born living, in order to be able to have them on ice, or otherwise processed within this short period of time.
>
> As a community physician, I find this barbaric, cruel, evil, and intolerable to the greatest degree. This is a return to the medical practices of the [Nazis] of 1940s. . . .
>
> Can anyone with even the most remote conscience, or moral decency, tolerate this practice?

He closes with that.

Here is a doctor. He is telling us and he is reinforcing everything I have said. Fresh, wet ice, no known abnormalities; get it on the ice. How do you get a fetus that is not chopped up, that is not poisoned? There are only two places. I talked to you about both of them: Live births, partial births.

The dirty little secret is that Planned Parenthood takes Federal taxpayers' dollars. American workers, especially pro-life workers, all of us—but those especially who are pro-life, I am sure, would be opposed to it—are having money taken out of their paychecks to pay for the marketing of babies' body parts. I talked about the $158 million grant from the Federal Government for Planned Parenthood, NIH, $17.6 billion in this year's labor bill—not all for that but just in the bill.

I am not against the funding of the National Institutes of Health, but I think when research is being conducted by the Government, where taxpayer dollars are involved, there is a much higher ethical standard to meet.

In addition, universities receive Federal funding, lots of it. In fact, there are some universities that receive Federal funding specifically for fetal tissue research.

I want to point out one chart that I did not highlight before because this really drives the point home in terms of whether or not there is any particular reason to believe that in the industry they are looking for live births or partial births.

Look what it says on this memo: "Please send list of current frozen tissues." And they go down the list: Liver and blood and kidney and lung, and all this down here. And then what does it say? No digoxin donors. "No DIG." That is the term for digoxin donors.

I want you to understand this and think about this: This is an order form. They are saying here: We don't want any digoxin babies.

Well, why don't they want them? Because they cannot sell them. The parts are no good. It is in their own writing. They are incriminating themselves. They are violating the law, and they ought to be prosecuted.

Shine in the light. Bring in the sunshine. Live births are a big problem, but DIG is not good for research. Abortion clinics and harvesters are also deliberately hiding the fact that they are shipping these parts all over the United States. They even use vague language to trick and deceive shippers such as Federal Express who will not do it, to their credit. But they are not told. They are hidden. One marketer says: "We've learned through the years of doing this" how to avoid problems with shippers like Federal Express.

But they have. If you are violating the law, you do everything you can.

As I have gone through this now for I don't know how long here on the floor, you probably say to yourself: Could it get any worse? Can it be any more humiliating?

We have covered pretty well what is happening to the child. Recapping: A woman, pregnant—abortions are down, the industry is losing money, and they can only charge so much. So they find a buyer of the body parts of the fetus. There it is: "Fee For Services." As I said before, $600 for a cadaver, $125 for this, $75 for that. The lower numbers are probably so common that they are not worth much. So they sell the body parts. Then they do unimaginable things to the emotional life of this unfortunate woman who is in so much need of help and counseling.

But there is another dirty little secret, which isn't very well talked about; that is, untold numbers of women in some clinics are being sexually assaulted, harassed, physically harmed, and sometimes killed, as I said before, in these "safe" and "legal" clinics.

I will give you two examples.

> Two months later, [fictitious Dr.] Roe was performing a first-trimester abortion on 23-year-old "Lucy" when she began to hemorrhage from a perforation he had made. Still operating without a back-up supply of blood, Roe gave her a transfusion of his own blood. . .

The only problem was, it was not her blood type. He did not bother to check that out.

> Lucy then went into cardiac arrest. . . . In Texas, private ambulances are limited to transfers of stable patients and are prohibited from responding to emergency calls. Therefore, they do not respond with any sense of urgency. When the ambulance crew finally arrived and discovered the case was a life-and-death emergency, they transported Lucy immediately rather than call for a fire department ambulance. Unfortunately, Lucy was not as lucky as Claudia [another girl] and she bled to death—

She bled to death—

> on November 4, 1977.

That was a long time ago, so I will probably be criticized for bringing something up that long ago.

> On June 2, 1989, "Margaret" went to [an abortion clinic] to have an abortion performed. . . . After she was dismissed, she started experiencing pain and bleeding, and called the facility about her symptoms. They did not advise her to seek medical care. Two days later, she sought medical treatment on her own and was told that she had a perforated uterus and retained fetal tissue. A D&C was performed to complete the abortion and, due to infection, a hysterectomy was also necessary. Unfortunately, despite all efforts to save her life, Margaret died of the complications of her abortion, leaving behind her husband and one-year-old son.

Taking good care of mom, aren't they? They really are.

And more recently in 1997, in San Diego:

> An abortion doctor is being charged with murder by the district attorney of Riverside County, east of Los Angeles.
>
> Dr. Bruce Steir faces a February hearing on a murder charge stemming from the December 1996 death of Sharon Hamptlon, 27, following an abortion at A Lady's Choice Clinic in Moreno Valley, near Riverside.
>
> Miss Hamptlon died from internal bleeding as the result of a perforated uterus. The pathologist in the case found "gross negligence" and recommended that the death be considered a homicide.

You see, it is getting more serious because the better trained doctors in all types of abortions are not doing them anymore. So they want to go where the money is: Body parts. I am not going to go into the gory details and some of the sick things that have been done by some in terms of the humiliation of patients, in terms of sexual abuse, and so forth.

Tomorrow, at some point, I intend to offer an amendment that shines the light into the industry. I intend to push for a full investigation into this industry. I intend to find out whether live births are, in fact, used for the sale of body parts. I intend to find out whether in fact partial-birth abortions are used for the sale of body parts. I intend to find out whether laws are being violated in this country and, if so, who is violating them.

This amendment will provide for the light to shine into these clinics so we can get these answers. We deserve these answers. If you are pro-woman, and you are pro-child, you ought to be for my amendment. If you do not like the fact that women die horrible deaths, that children are being chopped up and sold illegally, I don't care which side of the debate you are on, if you wonder whether or not and you are not sure whether or not partial-birth abortions are used for the sale of body parts in some cases, if you want to know whether they are, then let's find out. Let's look into it. Let's see if we can get the answers. And that is what my amendment does.

This has been a long, difficult speech for me to make. But I want my colleagues to know that just about everything in America is regulated—unfortunately, in some cases. There is no reason why this industry should not be regulated. Let's find out what is going on. Let's shine the light in. Let's bring the sunshine in. And let's get answers. And let's find out about the sale of body parts. Let's find out what the source of those body parts are. Let's shine the light in on the industry.

Tomorrow, I will have an amendment on that subject. I truly hope all Americans will be supportive—pro-life, pro-abortion. If you want to see to it that women are not abused, if you want to see to it that women are treated with respect and dignity, if you want to see to it that if an abortion occurs and there is a live birth, that that child should get help, should be allowed to live, if you want all that, and you care, then you should support this amendment because all it does is shine the light in. It is a disclosure amendment. That is all it is. It requires disclosure to shippers for any package containing human fetal tissue. It also contains language to limit the payment of a site fee from the transferee entity to the abortionist to be reasonable in terms of reimbursement for the actual real estate or facilities used by such an entity.

We are going to find out whether these people are in the business of selling body parts or abortions or both. What is the percentage? How much are they making on each? Shine in the light.

I have been on the floor year after year and in the House before that, for 15 to 16 years, trying to end this horrible industry, this disgusting exploitation of children and women, to no avail. If we just had a President who would pick up his pen and say, "I don't want to see another few thousand people die in the next 5 years; I am willing to sign the ban on one type of abortion," we could get a good start. But he won't do it. We are going to lose again.

So let's win with this amendment. Let's try to get an amendment passed that will shine the light in so we can find out what goes on in the industry.

I yield the floor.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. BROWNBACK). Under the previous order, the Senate will now proceed to a period of morning business with Senators permitted to speak.

The Senator from Pennsylvania.

THOUGHTS ON DISCUSSION OF PARTIAL-BIRTH ABORTION

Mr. SANTORUM. Mr. President, I will speak briefly. The Senator from Tennessee, Mr. FRIST, is here. I know he is planning to come and talk about this issue. Under our agreement, I agreed I would yield the floor when he gets here to make a speech.

I, first, thank the Senator from New Hampshire. I did not catch all of his remarks. I caught the last 45 minutes or so. He is talking about a very difficult issue. It is an amendment we will have to vote on tomorrow. It is not a difficult issue. It is a difficult issue to talk about. I think it is a rather simple issue. I am hopeful, again, this will be an issue where we put the politics of abortion aside and understand this kind of action should at least be looked into by some sort of study to determine whether this activity occurs and how pervasive this is.

What I would like to do tonight is share some thoughts in response to a discussion today about the anecdotes of cases that were presented in defense of partial-birth abortions. We heard about cases of women who needed this procedure to save the mother's health or the mother's life. I would like to review what the medical evidence is, again, and also bring up some cases where people took a different option and show how that option, as humane as the other side, with their wonderful pictures of husbands and wives and in some cases children, as warm and fuzzy as they would make it out to be, the fact is, in every one of those cases a child was killed. A baby was killed. That is a tragedy.

In many cases the baby would not have lived long, but the baby was killed before its time. Many of the people I am going to talk about tonight understood their baby was not going to live long or might suffer from severe abnormalities, but they were willing to take their child's life for what it was, as we all do when we are confronted with it in our own lives. We find out a son or daughter is afflicted with a horrible illness. Our immediate reaction is, well, how can I put my child out of its misery? Or my child isn't going to live very much longer; how can I end it sooner?

I don't think that is the immediate reaction of mothers and fathers in America. But yet, when it comes to the baby in the womb, we have many people who believe that is the logical thing to do. I argue that it is not the logical thing. It is not the rational thing. It is not the humane thing. It is not in the best interest of the health of the mother. All those other things, in fact, in this debate don't matter.

What does matter in this debate is, is it in the best health interest of the mother? I will talk tonight about cases where people made a different choice and, I argue, from a health perspective, a better choice. When I say "health," I mean not only the physical health of the mother but also the mental health of the mother.

We will talk about some of those cases. I will talk about some of the cases that were brought up today and explain why those cases, again, were not medically necessary to protect the health of the mother. There were other options available, even if they wanted to choose abortion.

Then I will share with you some things that have happened to me as a result of this debate and provide to my colleagues that, while we may not win all the votes, at times there are things even more important than that.

I see the Senator from Tennessee, Dr. FRIST, is here. I yield the floor to him.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Mr. President, I rise to continue the debate on the Partial-Birth Abortion Ban Act of 1999. I rise to follow the Senator from Pennsylvania, who has taken a leadership position and a moral position. I am delighted to hear he will tonight concentrate on an issue that I think has been for far too long overlooked in this debate; that is, the effects of this procedure, which is a barbaric procedure, on women. Those women are our sisters, our mothers, our daughters. That health effect is something that gets lost too often in the debate, which is not the politics. It is not the rhetoric. It is not the emotion. It is the health of the woman involved.

This is the third time I have had the opportunity to come to the floor and participate in this debate on the issue of partial-birth abortion. Each time I come, as a physician, I take the time to review the recent medical literature to see what the facts are, what the clinical studies are, what is the information and the medical armamentarium, the literature that is out there. That is where the medical profession, that is where the scientists involved in medicine, that is where the surgeons publish their experience, where you talk about indications, you talk about the side effects, you talk about risk, you talk about complications. That is where you share it with your colleagues.

Each time before coming to the floor to debate this issue and discuss this issue, I talk to my colleagues at the various institutions where I have trained and have been, on the east coast, the west coast in training. I picked up the phone and talked to several of them today, colleagues who are obstetricians directly involved in the surgical aspects of this procedure.

Each time this issue comes to the floor of the Senate, I step back and look at what studies, what developments there have been since we last discussed this issue. I rise tonight to talk about this procedure as a medical procedure. It has been interesting to me because over the course of today I have heard again and again that there is no obstetrician in this body of the Senate. I am not an obstetrician. I am a surgeon, which means I am trained to perform surgical procedures.

I am trained. I spent 20 years in both training and engaged in surgery to make surgical diagnoses, to perform technical operations, to evaluate the risk of these operations, and to assess the outcome of these operations. No, I am not an obstetrician, and I don't pretend to be. I call obstetricians. I call people who are on the frontline. But I am a surgeon. I know something about surgical procedures. That is what I did before coming to the Senate. I am board certified in surgery. I am board certified in two different specialties.

When people talk about this medical procedure, I want to make it clear I am not an obstetrician. But I am board certified in general surgery. I am board certified in cardiothoracic surgery. I have spent 20 years studying and performing surgical procedures.

This is background. A lot of what I did is publish and research surgical procedures. But this is background. I have focused not, as I mentioned earlier, on the politics or the rhetoric, but on the medical use of this specific procedure, partial-birth abortion. As my colleagues know by now—but I want to restate it because I have gone back and reviewed the medical literature and have talked to colleagues at other institutions, and I have looked at developments since last year—I conclude partial-birth abortion is a brutal, barbaric procedure that has no place in the mainstream practice of medicine today.

Again, partial-birth abortion is a brutal, barbaric procedure that has absolutely no place in the mainstream practice of medicine today. Partial-birth abortion is a procedure that is rarely, if ever, needed in today's practice of medicine. Alternative methods of abortion, if abortion is necessary, are always available—even when the abortion is performed very late in pregnancy.

Now, we have had the American College of Obstetricians and Gynecologists quoted on the floor, and they will continue to be, which I think is appropriate. A number of their statements, I think, are taken out of context and put forward. Ultimately, their recommendation is, I believe, against the procedure; but for a lot of different reasons they are against passage of what is being proposed. I will come back to that. But it is interesting, when it comes back to answering the question, "Are there always alternative procedures available," their answer would be yes.

Again, I refer to a number of documents, but this is the Journal of the American Medical Association of August 26, 1996, volume 280, No. 8. In an article this quotation is made:

> An ACOG policy statement emanating from the review declared that the select panel "could identify no circumstances under which this procedure would be the only option to save the life or preserve the health of the woman."

There are always alternative procedures available. This is important because the procedure of partial-birth abortion, as we have described and laid out—a procedure in which the fetus is manipulated in the uterus, partially evacuated from the uterus, scissors inserted to puncture the skull or the cranium with evacuation of the contents of the cranium, the brain—that procedure has not been studied. We know there are certain risks, but the alternative procedures that are available in every case have been studied. You can go to a medical textbook and look up those alternative procedures, and you can go to the clinical literature and read the studies. It has been peer reviewed and presented at meetings. Debate has been carried out. There are comparisons between one surgeon's results and another's. You can identify the risks for the alternative procedures, but you cannot for the partial-birth abortion.

Now, ACOG, as has been mentioned on the floor, does take the position that the procedure "may" be superior to other procedures, as its basis for justifying opposition to this legislation. But with everything I have read, ACOG did not identify those specific circumstances under which partial-birth abortion would be the preferred procedure. And thus, as a scientist, where you want to look at outcomes, risks, and results in determining whether or not to use a certain procedure or recommend such a procedure, the data is clearly not there. It is not there. Thus, you have a procedure which, as I have said, is a brutal, barbaric procedure, with no data substantiating it or identifying the risks, compared to alternative procedures that have been defined, where we know what those risks are. Thus, this use of the word "may," I would flip around and say "may not." I would say the burden of proof is to go to the literature and present the clinical studies that show this barbaric procedure, in any case, is the best or most appropriate. The data, I can tell you, is not there.

So I think the next question to ask is: Are we talking about a procedure, partial-birth abortion, which this legislation would prohibit, which is a part of mainstream medicine? Is it part of the surgical armamentarium out there that is talked about in textbooks, in the literature, or in medical schools?

The answer is, no, it is not. It is a fringe procedure. It is out of the mainstream. This procedure is not taught. This procedure is not taught in the vast majority of medical schools in the United States of America. Yet we will hear some medical schools talk about some types of dilatation and extraction, and they will talk about it at 16 weeks, at 14 weeks, and even 18 weeks. I think we need to make very clear we are talking about a procedure that requires manipulation in the uterus, partial delivery; thus, the partial-birth aspects of this procedure, with the insertion of the scissors and the evacuation of the contents of the cranium. I can tell you, that procedure is not taught in medical schools today. When an obstetrician says, "Oh, yes, but we teach late-term abortions," some do, but they don't teach this procedure.

Surgical training. Again, I am not an obstetrician, but I did spend 7 years in surgical training learning every day. What do you learn as part of that? You learn the specific indications for a particular procedure. In your surgical training, you learn the various surgical techniques that have been described on the floor. Although it is very difficult for people to talk about and listen to on the floor of the Senate, that is part of it, that is the barbarism, the brutality of the way this procedure has evolved. In your surgical training, you look at the complications, outcomes, and risks of these accepted surgical procedures.

The indications for a partial-birth abortion, for the surgical techniques as described, the complications, the outcomes, and the risks are not taught in medical schools today. The procedure of partial-birth abortion is not routinely part of the residency programs today. Why? Because it is dangerous, because it is a fringe procedure, because it is outside of the mainstream of generally accepted medical practice. It has not been comprehensively studied or reviewed in the peer-reviewed literature. There are no clinical studies of it in the medical literature.

As I said, when this debate comes to the floor and you want to make the case, you look at the medical literature, which I have done, and then you want to say: What about the textbooks? Surely, it is in the textbooks if people are out there doing this procedure on women, which I contend is harmful to women; surely, it is written in the medical obstetric textbooks. That is what you study. That is the foundation.

So what I have done over the last couple of days is I have gone to the medical textbooks and reviewed 17 of those textbooks. I can tell you, after reviewing those 17 textbooks, only 1 of the 17 even mentioned partial-birth abortion, and that 1 of the 17 mentioned it in one little paragraph. It mentioned the fact there have been vetoes of the partial-birth abortion legislation from last Congress and the Congress before.

The textbooks that I reviewed were Williams Obstetrics, which is one of the foundations of obstetrical education today by Cunningham and Williams.

I reviewed the manual of obstetrics by Niswander and Evans.

I reviewed the Essentials of Obstetrics and Gynecology by Hacker and Moore.

I reviewed the Practice Guidelines for Obstetrics and Gynecology by Skoggin and Morgan.

I reviewed the Blueprints in Obstetrics and Gynecology by Callahan and Caughey.

I reviewed Novak's. Gynecology by Novak and others.

I reviewed Operative Gynecology by Te Linde, Rock, and Thompson.

I reviewed Mishell Comprehensive Gynecology;

And Textbook of Women's Health by Wallis.

And the list goes on.

Again, I think it is important because it demonstrates that this procedure is outside of the mainstream. It is a fringe procedure, and, therefore, any defense of this procedure, which we know has complications, which we know affects women in a harmful way, should be justified in some way in the medical literature, where it is not.

The fringe nature of this procedure is also underscored by the fact that there are no credible statistics on partial-birth abortion.

Throughout the course of today—and really has been put forward on both sides—people cited certain numbers of how many are performed. We went through this again in the last Congress. Some say that there are 500 of these procedures performed annually. The more realistic estimate I believe is that there is somewhere—again, it is truly so hard to estimate to even mention specific numbers—between 3,000 and 5,000 of these partial-birth abortions performed every year.

The numbers do not matter, I don't think, because what we are talking about is this barbaric procedure. It is harmful to women. So 1 is too many, or 5 is too many, or 10, or even 500—any is too many.

What data do we have that this procedure can be performed safely? Absolutely none. Part of the problem is the absence of accurate data with which to judge the safety of this procedure, and because of, in part, the incomplete data that is accumulated, and the way we accumulate data on abortions. Although the CDC collects abortion statistics every year, not all States provide that information to the CDC, and the ones that do lack information on as many as 40 to 50 percent of the abortions performed in that particular State.

But I think most importantly the categories that the CDC, Centers for Disease Control, uses to report the method of abortion does not split out partial-birth abortions from the other procedures. So it gets mixed in with all of the other procedures.

It is this lack of data on this procedure that I think is especially troubling because of the grave risk, as the Senator from Pennsylvania pointed out earlier, of complications the grave risk that this procedure poses to women.

In the debate, we have opponents of abortion on the one hand, proponents of a right to choose on the other, and we have the debates that come forth with the tint of emotion and rhetoric. But the thing that gets lost is what the Senator from Pennsylvania mentioned, and that is that this procedure is terrible for women. He outlined some of the ways in terms of the physical and mental health.

But I would like to drop back and look at this safety issue because in all of the arguments for rights, we need to have this issue out there.

It is critically important, I believe—I say this as a physician—that we recognize that this procedure is dangerous and hurts women.

There are "no credible studies" on partial-birth abortions "that evaluate or attest to its safety" for the mother.

I take that from the Journal of American Medical Association, August 26, 1998.

There are "no credible studies" on partial-birth abortions "that evaluate or attest to the safety" for the mother.

The risk: I can tell you as a surgeon—again, I drop back to the fact that I am a surgeon and I spent 20 years of my adult life in surgery—that patients who undergo partial-birth abortion are at risk for hemorrhage, infection, and uterine perforation.

I can say that. And I can say it and be absolutely positive about it because these are the risks that exist with any surgical midtrimester termination of pregnancy.

The partial-birth abortion procedure itself involves manipulation of the fetus inside of the uterus, turning the fetus around, extracting the fetus from the uterus, and then punching scissors into the cranium or the base of the skull; requires spreading of those scissors to make the opening large enough to evacuate the brain.

That procedure has two additional complications than what would be with midtrimester abortion, and that is uterine rupture, No. 1; and, No. 2, Iatrogenic mid-laceration. That means the cutting of the uterus with secondary hemorrhage or secondary bleeding.

Uterine rupture: What does it mean? It means exactly as it sounds—that the uterus ruptures. And that can be catastrophic to the woman.

It may be increased during a partial-birth abortion because the physician in this procedure must perform a great deal of it blindly while reaching into the uterus with a blunt instrument and pulling the feet of the fetus down into the canal. Thus, you have uterine rupture.

I should also add that this type of manipulation is also associated—we know this from the medical literature because there are very few cases where you have to manipulate the fetus. That manipulation is also associated with other complications of abruption, amniotic fluid embolus, where the fluid goes to other parts of the body and other trauma to the uterus.

All of these are serious, potentially life-threatening complications from this fringe procedure that has not been studied, is outside the main stream medicine, not in the medical textbooks, not in the peer-review literature for which we have alternative procedures available.

The second complication is Iatrogenic laceration, an accidental cutting of the uterus, occurs because, again, much of this procedure is done blindly. The surgeon has scissors that are inserted into the base of the fetal skull. It is not just the insertion of the scissors, but it takes a spreading of the scissors to establish a real puncture large enough to evacuate the brain.

Another example, an article dated August 26, 1998, another quotation. Let me open with the quotation marks.

"This blind procedure risks maternal injury from laceration of the uterus or cervix by the scissors and could result in severe bleeding and the threat of shock or even maternal death."

"Could result in severe bleeding and the threat of shock or even maternal death."

These risks, which I just outlined, have not been quantified for partial-birth abortions.

Would you want this untested procedure performed on anyone that you know? The answer, I believe, is absolutely not because there is always an alternative procedure available.

Mr. President, we are discussing a fringe procedure with very real risks to a woman's health. The lack of data on this procedure underscores my opposition to it. Just as we cannot ignore the risk to the mother, let's also look at the risk a little bit further down the line.

It leads me to a conclusion that partial-birth abortion is inhumane, and offends the very basic civil sensibilities of the American people. The procedure itself, yes. But what about the treatment of the periviable fetus? I say that because the point in the gestation period at which viability actually is realized is subject to debate. It shifts with technology and with our ability to intervene over time.

Most of these procedures are performed today in what is called the periviable period—somewhere between 20 and 24 weeks of gestation, and beyond.

The centers for pain perception in a fetus develop very early in that second trimester period. We cannot measure fetal pain directly, but we do know that infants of similar gestational age after delivery—28 weeks, 30 weeks, or 24 weeks—those babies, those fetuses that are delivered, do respond to pain. Again, we are talking about a procedure performed on an infant, a fetus, at 24, 26 weeks.

With partial-birth abortions, pain management is not provided for the fetus at that gestational age. That fetus, remember, is literally within inches of actually being delivered. Pain management is given for procedures if those 2 or 3 inches are realized and the baby is outside of the womb, at the same gestational age; if the fetus is in the womb, pain management is not given.

I say that again because we have to at least think of the fetus and think of the procedure, taking scissors and inserting them into the cranium, into the skull, and the spreading of those scissors. What is that doing? Is that humane?

Therefore, to my statement that this is a barbaric procedure, I say it is an inhumane, barbaric procedure regarding the woman—and I just went through those complications—and regarding the fetus.

Because of the "fringe" nature of this practice, because of the lack of peer review and study of this procedure, I have strong feelings about this issue. I have taken too much time walking through the medical aspects, but I think it is important to free up a lot of the intensity of the debate earlier in the day. I think it is important to have a discussion so the American people and my colleagues know at least one surgeon's view of this surgical procedure.

I close by saying that because of this lack of peer review study of this procedure, because of the fringe nature of this procedure, because of the grave risk it poses to the woman, because I believe it is inhumane treatment of that infant, that fetus, and because even as ACOG, the gynecologic society, concedes partial-birth abortion is never the only procedure that has to be used, I strongly support this legislation by the Senator from Pennsylvania to outlaw this barbaric and this inhumane practice.

I yield the floor.

The PRESIDING OFFICER (Mr. FRIST). The Senator from Pennsylvania.

Mr. SANTORUM. I know the hour is late, and I will not take a lot of time. I appreciate the indulgence of the Senator from Kansas for his marathon stay on the floor and the Chair tonight.

First, let me thank the Senator from Tennessee for his expert testimony. We hear a lot from those who oppose this procedure and the fact there is no obstetrician here. I think someone with the surgical skills and the international reputation of Dr. FRIST, combined with the obstetricians who, in fact, are Members of Congress on the other side of this Capitol who oppose this procedure, who support this bill—I think we have the medical community of the Congress clearly on our side. I think as I stated before, we have the medical community generally on our side, hundreds and hundreds of obstetricians who have come forward and talked about it.

I want to talk tonight about a few cases. I do that for a couple of reasons. I want to articulate again that there are alternatives available to a partial-birth abortion. We heard Dr. FRIST talk about other abortion techniques that are available in the medical literature, techniques available for later in pregnancy if a mother decides to have an abortion. I want to share with people, because I think it is important and this transcends the partial-birth abortion debate, but I think it is relevant to discuss that there are other ways to deal with this that are as healthy, and, I argue, even more healthy, for the mother involved.

We heard the Senator from Illinois, Mr. DURBIN, today talk about Viki Wilson, Coreen Costello, and Vikki Stella. I entered into the RECORD those three cases. All these women came to the Congress. They testified themselves. They brought their own stories forward. They are now being used by Members of Congress and have been used by Members for several years to support the claim this was the only method available to them and this saved their health and their future fertility. I will take them one by one very quickly, but I want to reemphasize that this was not the only option available to them. There were, in fact, more healthy procedures.

That does not mean if a certain procedure is performed—I am sure the doctor would affirm this—there is more than one procedure that can be used. Even if it is not the proper procedure, it may turn out OK with a good result. The point I am trying to make and I think the point the medical community is trying to make: It is not the best medicine, it is not proper, and it certainly isn't the only procedure available.

In the case of Viki Wilson, according to her own testimony, she didn't have a partial-birth abortion. She says in her testimony that the death of her daughter Abigail was induced inside the womb.

> My daughter died with dignity inside my womb, after which the baby was delivered head first.

Partial-birth abortion, as we heard Dr. FRIST describe, is when the baby is delivered in a breach position alive, that all of the baby is taken out of the mother except for the head, and then a sharp instrument is inserted in the base of the skull, the baby is killed, and the brains are suctioned out.

That is not what happened. Yet we know that from her testimony, we have known that for several years, since 1995. Yet year after year after year, as we debate this bill, people come to the floor and hold up this case and say: Here is someone who was saved from health consequences by partial-birth abortion. It didn't happen. It didn't happen.

Let's take the cases where it did happen. I have two letters, one from a Dr. Pamela Smith who is at Mount Sinai Hospital in Chicago and another from Dr. Joseph DeCook who is at Michigan State University, discussing two different cases: First the Vikki Stella case, and second Coreen Costello.

It is very comfortable for me to stand here and talk about the very personal and tragic cases. I am sure it is very painful for those involved to hear their case being brought up by someone they disagree with in a very vociferous way. But if they are going to bring their case to support a conclusion that this procedure is medically necessary, then their story, their records, have to be examined to determine whether, in fact, it does support this medical determination, which has been arrived at by some, that this is a medically necessary procedure.

In the case of Miss Stella, she has proclaimed that this is the only thing that could be done to preserve her fertility.

This is what Dr. Pamela Smith writes:

> The fact of the matter is that the standard care of that is used by medical personnel to terminate a pregnancy in its later stages does not include partial-birth abortion. Caesarean section, inducing labor with petosin or proglandins or, if the baby has excess fluid in the head, as I believe was the case with Miss Stella, draining the fluid from the

baby's head to allow a normal delivery, all are techniques taught and used by obstetrical providers throughout this country. These are techniques for which we have safe statistics in regard to their impact with regard to the health of both the woman and the child. In contrast, there are no safety statistics on partial-birth abortion.

We heard Dr. FRIST say that. This is not a peer-reviewed procedure. We do not know from any kind of peer-reviewed study as to whether this is proper.

There is no reference on this technique in the National Library of Medicine database, and no long-term studies published to prove it does not negatively affect a woman's ability to successfully carry a pregnancy to term in the future. Miss Stella may have been told this procedure was necessary and safe, but she was sorely misinformed.

We all want to believe what our doctor tells us. We all put faith in our doctor. When our doctor says this is the only thing that could have helped you, I am not surprised that that is repeated by people who had the service performed on them. But what this doctor is saying, what 600 obstetricians have said, what Dr. FRIST has said, what Dr. COBURN in the House has said, what Dr. Koop has said—Dr. C. Everett Koop—what the AMA has said, is that this is not good medicine. So she was sorely misinformed.

One of the complicating factors here that Senator DURBIN brought up was that Vikki Stella had diabetes. And Dr. Smith addresses that. She says:

Diabetes is a chronic medical condition that tends to get worse over time, and it predisposes individuals to infections that can be harder to treat. If Miss Stella was advised to have an abortion, most likely this was secondary to the fact that her child was diagnosed with conditions that were incompatible with life. The fact that Ms. Stella is a diabetic, coupled with the fact that diabetics are prone to infection and the partial-birth abortion procedure requires manipulating a normally contaminated vagina over a course of 3 days, a technique that invites infection, medically I would contend that of all the abortion techniques currently available to her, this was the worst one that could have been recommended for her. The others are quicker, cheaper, and do not place a diabetic in such extreme risk of life-threatening infections.

Again, for all of the argument that we need this procedure to protect the health of the mother, and here are cases in which it was used to protect the life and health of the mother, the fact is it was not the best thing. The evidence is it was not the best thing. So the very cases we are to rely upon to make a judgment that this was in fact a case in point as to why this procedure is necessary do not substantiate the claim. These are their best cases. You don't bring out your worst cases. This is the best evidence.

This goes back to what Dr. FRIST just mentioned, what I have mentioned earlier in the day. We are still waiting to hear what case is necessary: In what case is this the best procedure? Give us the set of facts and circumstances where this is, in fact, a preferable option, where it has been peer reviewed, where there is consensus in the field that this problem with the child and problem with the mother, that combination, requires partial-birth abortion as the preferred method.

Organizations have said this may be the best. If you say "may," then you have to come forward saying where can it be the best; tell me what circumstances. They have not. Yet, incredibly, with all of the evidence we have presented on our side of this issue, of how it is bad medicine, how it is not peer reviewed, how it is rogue medicine, how it was developed by an abortionist who was not an obstetrician, how it is only done in abortion clinics, how it is not taught in medical schools, it is not in any of the literature—all of this information is overwhelming that this is a bad procedure—the only thing they hold onto on the other side is, it may be necessary, with no instance, no hypothetical.

Pull out your worst set of facts for me, put them on paper, and tell me what it is. They will not do it. You have to wonder, don't you, if this is the evidence they want to use to claim that health is a necessary provision. It is bogus. It is bogus.

Coreen Costello—again, this is based on what she has revealed of her medical history of her own accord. Again, Dr. DeCook states that a partial-birth abortion is never medically indicated. In fact, there are several alternative standard medical procedures to treat women confronting unfortunate situations such as what Miss Costello had to face.

According to what she presented to us, the Congress, Miss Costello's child suffered from at least two conditions, polyhydramnios secondary to abnormal fetal swallowing and hydrocephalus.

In the first the child could not swallow the amniotic fluid and an excess of the fluid, therefore, collected in the mother's uterus.

The second condition, hydrocephalus, is one that causes an excessive amount of fluid to accumulate in the fetal head. Because of the swallowing defect, the child's lungs were not properly stimulated, and underdevelopment of the lungs would likely be the cause of death if abortion had not intervened. The child had no significant chance of survival, but also would not likely die as soon as the umbilical cord was cut.

The usual treatment for removing the large amount of fluid in the uterus is called amniocentesis. The usual treatment for draining excess fluid from the fetal head is a process called cephalocentesis. In both cases, the excess fluid is drained by using a thin needle that can be placed inside the womb through the abdomen, transabdominally or through the vagina. The transvaginal approach, however, as performed by Dr. McMahon on Miss Costello, puts a woman at an increased risk of infection because of the nonsterile environment of the vagina. Dr. McMahon used this approach most likely because he had no significant experience in obstetrics and gynecology.

Again, using a higher risk procedure. Why? This man was not an obstetrician; he was an abortionist.

In other words, he may not have been able to do as well transabdominally in the standard method used by OB/GYNs because that takes a degree of expertise he did not possess.

After the fluid has been drained and the head decreased in size, labor will be induced and attempts made to deliver the child vaginally. Miss Costello's statement that she was unable to have a vaginal delivery or, as she called it, natural birth or induced labor, is contradicted by the fact that she did indeed have a vaginal delivery conduct by Dr. McMahon. What Miss Costello had was a breach vaginal delivery for purposes of aborting the child, however, as opposed to a vaginal delivery intended to result in a live birth. A cesarean section in this case would not be medically indicated, not because of any inherent danger but because the baby could have been delivered safely vaginally.

We have heard testimony after testimony from hundreds of obstetricians saying there may be cases where separation has to occur between the mother and the child because of the health of the mother, because of the life of the mother. There may be a case—there are cases where the baby within the mother's womb is a threat to the mother's life and health. But what these doctors have said over and over and over again is, just because we have to separate the mother from the child does not mean you have to kill the child in the process.

In the case of partial-birth abortion—take Coreen Costello—fluid was drained. The baby could have been delivered. The baby could have been delivered and given a chance to survive. By killing the baby, you increase the risk to the mother. When you do a procedure inside of the mother that causes the destruction of the child through shattering the base of the skull, you are performing a brutal procedure, a very bloody, barbaric procedure inside of the mother that could result in laceration, and bony fragments or shards perforating that birth canal area. That is much more dangerous to the health of the mother than simply delivering the baby intact.

It seems almost incredible to me that in the overwhelming—overwhelming—status of the medical evidence presented on the floor we would have any question as to whether this is really necessary to protect the health of the mom.

My argument goes a little further because I think these doctors are saying that you may need to deliver the child prematurely, but you never need to kill the baby to protect the health and life of the mother. There is always a way to deliver the child. At least give this child the dignity of being born.

Remember, most of these abortions are done on healthy mothers and healthy babies. I think everyone looks at this debate and says: Oh, this is a debate; about sick moms and sick kids.

It is not a debate about sick mothers and sick kids. This is a debate primarily about healthy mothers who decide late in pregnancy not to have a child, and the child is healthy. The child would be born alive if it were not killed by the partial-birth abortion. The child, in many cases, would not only be born alive but would survive that birth. We in the Senate say too bad; too bad.

I am going to talk now about the small percentage of cases where there are the difficult choices because that is the real powerful argument. That is why they make it because they believe it is the most powerful argument they have to keep this procedure legal. They do not want to talk about the 90 percent of the cases because they cannot defend that. You cannot defend a 25-week abortion with a healthy mother and a healthy baby where that baby would be born alive, survive, develop, and live normally. You cannot defend that.

And guess what. Surprise, surprise, nobody does. They do not talk about those cases. That is the norm here. That is the norm. That is what goes on out there. They do not talk about that. They want to bring in the sick kids and the sick moms and say: We need this for these small percentage of cases.

Again, let's get to the argument again. In every one of those cases where there is a maternal health issue, there is overwhelming evidence this procedure is not in the best interest of the mother, but they want to bring in the sick kids.

That bothers me because it assumes that you, the American public, out there listening to what I am saying, somehow look at sick children as less important, as less worthy of life, as disposable, as a burden, as a freak, as pain and suffering, not as a beautiful, wonderful gift from God. That is why they argue these cases, and they argue these cases because there are millions of Americans who, when they hear about this child who is deformed or not going to live long, see this child as a burden, as unwanted, as imperfect.

It is a sad commentary on our country if we look at God's creations and see only what their utility is to our country, to our lives, to our world. And if their utility is not how we can quantify it in terms of what kind of job they can have, how smart they will be or how beautiful they will be, what they will add to the value of life in America, they are seen as less useful, less needed, less wanted, a burden.

The fact that the people who make this debate, oppose this bill, bring this up and talk about just these cases sends a chill down my spine, because they are appealing to the darker side of us when they do that. They are appealing to our prejudice against people who do not look like us, who do not act like us, who are not perfect like us, and yet they are the very people who will fight heroic fights. And I give credit to many who will fight the heroic fights to give rights to that disabled child after it survives. But once the child is delivered and once it is alive, then they will fight the battle to make sure it gets a proper education under IDEA.

The Senator in the Chair, Dr. FRIST, was a great leader on that and worked with some of the opponents of this bill on ensuring disabled individuals have rights. But I wonder how they can justify using these cases to appeal to this dark side of us, the cultural phenomenon in this country that demands perfection, that is poisoning our little girls with what perfect little girls must look like, that is leading to disorder after disorder as a result of the striving for perfection that has permeated our culture, what you have to look like, what you have to smell like, what you have to wear.

They feed into that by saying these poor children are not quite worthy of life. While we will fight for them once they are born, I think what they are actually saying is: But we really hope they are not born in the first place.

That is very disturbing because I am going to share with you tonight some stories about parents who made a different choice, who, when they heard about the child inside, decided they were going to look at that child the way God looks at that child, as a beautiful, wonderful creature of God, perfect in every way in His most important eyes, and accepted children for as long or as short a time as their life was to be.

I am going to share with you a story first of Andrew Goin.

Last time we debated this issue on the override of the President's veto last year—it was last fall—I had this picture up here. We talked about Andrew. And I will do so again. But I have a little addendum to this story.

First, let me tell you about Andrew. That is Andrew. Andrew's mother is Whitney Goin. She had a feeling something was wrong 5 months into her pregnancy. When she went in for her first sonogram, a large abdominal wall defect was detected. She described her condition after learning there was a problem with the pregnancy:

> My husband was unreachable so I sat alone, until my mother arrived, as the doctor described my baby as being severely deformed with a gigantic defect and most likely many other defects that he could not detect with their equipment. He went on to explain that babies with this large of a defect are often stillborn, live very shortly, or could survive with extensive surgeries and treatments, depending on the presence of additional anomalies and complications after birth. The complications and associated problems that a baby in this condition could suffer include but are not limited to: bladder exstrophy, imperforate anus, collapsed lungs, diseased liver, fatal infections, cardiovascular malformations . . . .

And so on.

A perinatologist suggested she strongly consider having a partial-birth abortion. The doctor told her it may be something that she "needs" to do—that she "needs" to do. He described the procedure as "a late-term abortion where the fetus would be almost completely delivered and then terminated."

The Goins chose to carry their baby to term. But complications related to a drop in the amniotic fluid level created some concerns. Doctors advised the Goins that the baby's chances for survival would be greater outside the womb. So on October 26, 1995, Andrew Hewitt Goin was delivered by C-section. He was born with an abdominal wall defect known as omphalocele, a condition in which the abdominal organs—stomach, liver, spleen, small and large intestines—are outside of the baby's body but still contained in a protective envelope of tissue. Andrew had his first of several major operations 2 hours after he was born.

Andrew's first months were not easy. He suffered excruciating pain. He was on a respirator for 6 weeks. He needed tubes in his nose and throat to continually suction his stomach and lungs. He needed eight blood transfusions. His mother recalled:

> The enormous pressure of the organs being replaced slowly into his body caused chronic lung disease for which he received extensive oxygen and steroid treatments as he overcame a physical addiction to the numerous pain killers he was given.

It broke his parents' hearts to see him suffering so badly.

Andrew fought hard to live. In fact, Baby Andrew did live. On March 1, 1999, Bruce and Whitney Goin welcomed their second child, Matthew, into the family.

Here is a picture of the two of them.

Contrary to the misinformation about partial-birth abortion that has been so recklessly repeated, carrying Andrew to term did not affect Whitney's ability to have future children.

This is that little boy who "needed" to be aborted, who was not "perfect" in our eyes. It is one of these "abnormalities" that we need to get rid of. What a beautiful little boy. What a gift he is to his parents. What a gift he is to all of us for his courage and inspiration. What inspiration we get as a society from those who overcome the great odds and pain and strife. How ennobled we are by it.

Are we ennobled by partial-birth abortions? Would we be ennobled in this country today if Whitney Goin did what she "needed" to do according to the doctor?

Andrew Goin touched more than one life directly.

When I had this previous picture up of Andrew last year, I was here at about this time of night. At that time, Senator DEWINE was in the Chair. I was thinking, and I called my wife about an hour before, as I did tonight, and I said: Honey, I just have to get up and talk some more. I just feel it in me. I have to say more. I know it's not going to change anybody's vote, but I have to say it. I know there is nobody on the floor other than MIKE DEWINE—at that time; and now BILL FRIST at this time—who will be listening to what I'm going to say, but I have to say it.

So here I am again. I remember finishing that night a little after 10 o'clock. And it was after 10 o'clock, because the pages always encourage me, when I speak late at night, to speak until after 10 o'clock so they don't have to go to school in the morning. So congratulations, you are 3 minutes away from it.

So it was after 10 o'clock. And I remember closing down the Senate and Mike coming up here, and I just felt this sense that this was all for nothing—as much as I care about this issue and as wrong as I believe this is for our country—that all that was said that night was falling on deaf ears.

In fact, the next day we lost the override vote. So my feeling of futility, if you will, was compounded—until a few days later when I received an e-mail from a young man who said:

> Recently my girlfriend and I were flipping through the channels, and we came across C-SPAN, and were fortunate enough to hear your speech regarding the evils of partial-birth abortion. We saw the picture of the little boy with the headphones on, who was lucky enough to have had parents who loved him and brought him into this world instead of ending his life prenatally. Both of us were moved to tears by your speech.
>
> And my girlfriend confessed to me that she had scheduled an appointment for an abortion the following week. She never told me about her pregnancy because she knew that I would object to any decision to kill our child. But after watching your emotional speech, she looked at me, as tears rolled down her cheeks, and told me that she could not go through with it.
>
> We're not ready to be parents. We still have a couple years left at college. And then we will have a large student loan to pay back. But I am grateful that my child will live. It is a true tragedy that the partial-birth abortion ban failed to override Clinton's veto. But please take some comfort in knowing that at least one life was saved because of your speech. You have saved the life of our child. May God bless you and keep you.

Fortunately for me, the writer of this e-mail stayed in touch. I received an e-mail a couple of weeks ago that reported back what had happened over the previous year. He says:

> We reevaluated our ability to raise a child at this point in time in our lives, and we finally decided to put our baby up for adoption. I know that she is being raised by a loving couple that cares deeply for her. I often wonder if we did the right thing by putting her up for adoption, but I know we did the right thing by bringing her into the world. Every now and then I think that one day she is going to grow up and be a part of the lives of many people. Then I wonder what would have happened if I had just kept on clicking through the channels and not stopped to see you speaking on C-SPAN. A terrible thing might have happened and I probably would never have known about it. I will always have in my mind the thoughts about her life that she is living and the people that she is important to. Once again, thank you so much for your speech on C-SPAN that day. It is a terrible tragedy that you were unable to override Clinton's veto, what it meant to us, of course, our daughter and her adopted parents.

There is something ennobling about that story, something that touches all of us, something that gives us hope. What I am saying is, I don't think partial-birth abortion does that to anyone. I don't think it is ennobling to kill a child 3 inches away from being born. I don't think it is inspiring. I don't think it is the better angels of our nature. I don't think it is going to go down in the annals of the Senate as one of our great compassionate civil rights votes or constitutional votes.

It doesn't lift up our spirits. It doesn't make us walk with that longer stride, with our head held high. It is sanctioning the killing of an innocent baby who is 3 inches away from constitutional protection, and it blurs the line of what is permissible in this country. If we can kill a little baby that would otherwise be born alive, 3 inches away from being born, what else are we capable of?

Unfortunately, we are answering that question every day, with the violence we see reported on television, with the insensitivity to life that we see occurring in our daily lives, with the calls for assisted suicide, with the calls for mercy killings, even with this debate, with the argument the Senator from California made earlier. She wants to make sure that every child is wanted.

Mother Teresa said it best at the National Prayer Breakfast a few years ago. "Give me your children," she said. Give me your children. If you don't want your children, give them to me; I want them.

Tens of thousands of mothers and fathers who cannot have children want those children and will love those children. There is not a shortage of wanting in America when it comes to children. The most debilitating thing to think about is that the life of a child can be snuffed out, a life that could include 90 or 100 years. A little girl born this year has a 1-in-3 chance to live to be 100. So for those little girls who are aborted through partial-birth abortion, 100 years of loving and making a contribution to our society, finding the cure to cancer, of enriching our lives is snuffed out because for a period of time, a short period of time, your mother didn't want you. How many of us in our lives today would be snuffed out or could be snuffed out because someone doesn't want you?

We have a chance to make a statement tomorrow in the Senate. We have a chance to stand as a body for these little children, these imperfect little children who the world and, unfortunately, Members of the Senate believe are somehow less worthy of being born because they may not live long or they may be in pain and it would be merciful to put them out of their misery. I am sure Andrew Goin would say, please don't show me that kind of mercy. In fact, we have lots of other children who were born who I am sure would say, please don't show me that kind of mercy.

A picture here of Tony Melendez. Tony was born with no arms, 11 toes, and severe clubfoot. That is little Tony. I am sure what he would say to you today is, please don't show me that kind of mercy because I am not perfect like you would like me to be. Tony didn't let all the prejudice that comes with having no arms, a clubfoot, 11 toes stop him from being one of the greatest inspirations we have had in our time. Tony is now a musician. Tony plays the guitar with his feet. He has performed for the Pope on three occasions, has traveled to 16 foreign countries, played the national anthem in game 5 of the 1989 World Series, on and on and on.

If you would listen to the debate today on the floor of the Senate, you would think it might be more merciful to let him die before he gets the chance to prove that he is worthy.

Donna Joy Watts. Donna Joy was here a couple of years ago. Donna Joy is an amazing story. It has been put in the CONGRESSIONAL RECORD for a long time. We had it in here several times. Lori Watts, her mom, found out that her child had hydrocephalus, an excessive amount of cerebral fluid, water on the brain. She was told her daughter would virtually have no brain, that most of her brain would be gone. So the obstetrician, when she found out on the sonogram, said Donna Joy should be aborted, that a partial-birth abortion should be performed—yes, a partial-birth abortion. Mr. Watts said, "No, we don't want to do an abortion." So they sent the Wattses to see a high-risk obstetrics group. They went to three hospitals in the Baltimore area. All three hospitals said they would abort Donna Joy, but they would not deliver her. Let me repeat that. They would perform an abortion, but they would not deliver her. So people are worried about safe access to abortion. We are getting to the point where we need safe access to birth. Finally, she found a team that would deliver her. Again, this group also advised an abortion but then agreed to deliver. She was born with severe health problems.

What the Wattses expected was that, as soon as the baby was born, a team would go into action to see what they could do to help save this little girl. They found out that they did nothing. They did nothing. They put the baby in a neonatal unit and kept it warm and they said to the Wattses, your baby is going to die. We are not going to do anything. This baby is so sick, has such a little brain, so many complications, we are not going to deal with it. Guess what. She didn't give up. She kept living. So now the doctors had this baby, now alive three days, and they don't know what to do with her. This baby keeps living and she should have been dead.

Finally, three days later, they implanted a shunt to drain off the excess fluid. Of course, the shunt should have been in as soon as possible to minimize the damage, but they waited three days. What has happened ever since then has been remarkable. Yes, there were complications. The shunts haven't worked. They have had to go back in several times to fix that. They had trouble feeding her. And so her mother came up with an ingenious way of fixing a mixture of baby food and giving it by syringe, one drop at a time, because that is all she could handle eating. She had other complications.

Meningoencephalocele is another complication, and I can go on with epilepsy, sleep disorders, digestive complications. She has had a lot of problems. But she has survived them all. She has survived them all.

Donna Joy is about to celebrate, next month, her eighth birthday. And, yes, I have met her. She has been in my office. She walks and talks and plays with my kids. She takes karate and she goes around with her mom to various places. We are fortunate to have the Watts living in Pennsylvania. She provides living testimony to hope and to the horrors of partial-birth abortion, because she should not be alive today. She should not be in this picture. If you accept the arguments on the other side, it is probably better if she wasn't there.

I don't accept those arguments. I don't accept the arguments that because a child may not have the kind of life that you want, she cannot have a life worth living, because all life is worth living.

There are several other cases here that I would like to put in the RECORD. One I want to talk about, finally, is the case of Christian Matthew McNaughton. I talk about this because this is somewhat personal because I know the McNaughtons. They are a wonderful family. Mark is a State legislator up in Pennsylvania. Christian was born in 1993. Before he was born, the McNaughtons found, when Dianne went in for a sonogram, that Christian had hydrocephalus, water on the brain. By the way, in several of the stories we heard about why we need to have partial-birth abortion, the abnormality was hydrocephalus. So these are parallel cases. The radiologist said the baby seemed to have more fluid on the brain than tissue. They cautioned that it was possible the baby had no brain at all. They were told their prospects were dim, and they were advised that they could have an abortion. It would be preferable to have an abortion. In fact, they were offered a partial-birth abortion.

Again, as the doctor explained it, the baby would be partially delivered, the surgical instrument inserted into the base of the skull, the brains would be extracted, or what there was of the brain, and the rest of the body would be delivered. Of course, they rejected that option. One of the doctors said, after they rejected the option, that shunt surgery to relieve the pressure, the fluid on the baby's brain, would not be performed if the child's quality of life prospects did not warrant it. That goes back to the Donna Joy situation.

Christian was born in June of 1993. He required special medical care. A CAT Scan revealed he suffered a stroke in utero, which caused excess fluid to build up in his brain. It showed that the lower level quadrant of his brain was missing. Within a week of his birth, he had the first shunt surgery to drain fluid, and he had a follow-up procedure in three months. He exceeded everybody's expectations. So a baby, which doctors initially believed was blind, had no capacity for learning, grew to a little boy who talked, walked, ran, sang, enjoyed playing baseball and basketball. He attended preschool. His heroes were Cal Ripken, Jr., Batman, Spiderman, and the Backstreet Boys. He loved whales and dolphins. His favorite movie was Angels in the Outfield. And he especially loved his baby sister, who was two years younger than he. Christian brought joy to all who were fortunate enough to know him.

In August, Christian began experiencing head pains. Here is little Christian in this photo, and this is his little baby sister. His shunt was malfunctioning, and it had to be replaced.

After surgery, Christian experienced cardiac arrest respiratory distress. He slipped into a coma. Fluid continued to accumulate on his brain. He fought hard to live. But he didn't. He died 2 years ago on August 8 at the age of 4.

If you think these kids don't matter, if you think this option is just all pain, ask Mark and Dianne whether they would trade the 4 years. They have those wonderful memories—difficult, sure; painful, sure. But they believed in their child. They loved him. They nurtured him. And he returned much more than they ever gave—not just to them but to all of us.

Do you want to know how they felt about their little brother?

Last year, on his anniversary, these are little ads taken out in the Harrisburg Patriot News by his sisters, his brother, his mom and dad.

His sister said:

> Christian, we love you, we miss you, we wish we could kiss you just one more time.

His brother, Mark:

> I have a poem for you.
>
> Blue jays are blue, and I love you; robins are red, and I miss you in bed; sparrows are black, I wish you were back; I am sorry for the bad things I did to you, you are the best and the only brother I ever had, please watch over us and take care of us. Love Mark.

His mom and dad:

> Our arms ache to hold you again. Our hearts are forever broken, but we thank God we had a chance to love you. We know your smile is brightening up the heavens, and that Jesus loves the little children. Please help us to carry on until the day we can all play together again.

What would be missed, as some would suggest, if we just take all of this pain away, and kill this baby before it would suffer through this horrible life?

The McNaughtons would not trade a minute. I think it is obvious they wouldn't trade a minute.

All of the stories are not happy ones. All of the sad stories do not have a bright side. Some are just tragic and tragic and tragic.

But I can tell you as a family who has gone through the loss of a child, and what we thought was a normal pregnancy didn't go the way we had hoped, accepting your child, loving your child, taking your children as they are, for as long as they are to be may be the hardest thing you can do. But it is the best that we can do—not just for the child whose life you have affirmed and accepted but in your life.

In the case of Mark, the little boy knew he was loved. He lived a couple of hours. Karen and I and our family have the knowledge that for those hours we opened up our arms to him, and during those 2 hours he knew he was loved.

What a wonderful life we could all have if that is all we had.

We have a chance tomorrow to draw a bright line. A bright line needs to be drawn for this country. If there is a time in our society and in our world when we need a bright line separating life and death, I can think of no better time.

This debate today and tomorrow is drawing that line, affirming that once a baby is in the process of being born and there is a partial-birth abortion outside of the mother, the line has been crossed. It is not a fuzzy line. If we perform that kind of brutality to a little baby who would otherwise be born alive, it is beneath us as a country.

History will look back at this debate, I am sure, and wonder how it could have ever occurred. How we could ever have done that to the most helpless among us? How did we ever cross the line?

But tomorrow those Members of the Senate will have a chance to tell a different story for history, to say that the greatest deliberative body in the world will strike a clear blow for the right to life for little children during the process of being born.

I don't think it is too much to ask. But I do ask it of my colleagues. I plead with them to find somewhere in their hearts the strength to stand up and do what is right for this country, what is right for the little children, and say no to partial-birth abortions.

Mr. President, I yield the floor.

SUBMITTING CHANGES TO THE BUDGETARY AGGREGATES AND APPROPRIATIONS COMMITTEE ALLOCATION

Mr. DOMENICI. Mr. President, section 314 of the Congressional Budget Act, as amended, requires the Chairman of the Senate Budget Committee to adjust the appropriate budgetary aggregates and the allocation for the Appropriations Committee to reflect amounts provided for emergency requirements and arrearages for international organizations, international peacekeeping, and multilateral development banks.

I hereby submit revisions to the 2000 Senate Appropriations Committee allocations, pursuant to section 302 of the Congressional Budget Act, in the following amounts:

[In millions of dollars]

	Budget authority	Outlays	Deficit
Current allocation:			
General purpose discretionary	550,441	557,580	
Violent crime reduction fund	4,500	5,554	
Highways		24,574	
Mass transit		4,117	
Mandatory	321,502	304,297	
Total	876,443	896,122	
Adjustments:			
General purpose discretionary	+7,063	+4,118	
Violent crime reduction fund			
Highways			
Mass transit			
Mandatory			
Total	+7,063	+4,118	
Revised allocation:			
General purpose discretionary	557,504	561,698	
Violent crime reduction fund	4,500	5,554	
Highways		24,574	
Mass transit		4,117	
Mandatory	321,502	304,297	
Total	883,506	900,240	
I hereby submit revisions to the 2000 budget aggregates, pursuant to section 311 of the Congressional Budget Act in the following amounts:			
Current allocation: Budget resolution	1,445,390	1,428,962	−20,880
Adjustments: Emergencies and arrearages	+7,063	+4,118	−4,118
Revised allocation: Budget resolution	1,452,453	1,433,080	−24,998

EXPLANATION OF VOTE

Mr. DODD. Mr. President, I was necessarily absent while attending to a family member's medical condition during Senate action on rollcall votes Nos. 328 and 329.

Had I been present for the votes, I would have voted as follows: On rollcall vote No. 328, adoption of the conference report on H.R. 2684, a bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000, I would have agreed to the conference report. On rollcall vote No. 329, the motion to table Senate Amendment No. 2299, a Reid perfecting amendment to the campaign finance reform bill, I would have voted not to table the amendment.

CAMPAIGN FINANCE REFORM

Mr. MOYNIHAN. Mr. President, we have now set aside—until the next time!—the McCain-Feingold legislation on campaign finance reform. I did not speak during this most recent debate. The third in three years, and for certain not the last as Senator FEINGOLD made clear last evening on the "NewsHour with Jim Lehrer." I supported the reform with only a faint sense of familiarity. Here we are, reforming the results of the last reform. A not infrequent task of Congress. But now it might be useful to offer a few related observations.

The first is to state that raising money for political campaigns has never been a great burden for this Senator, and for the simple reason that I hardly do any. One dinner a term, perhaps two. Some receptions. Lots of mail. Not surprisingly the results are not exactly spectacular. In 1994, my last campaign, and which will be my last campaign, the Federal Elections Commission records our having raised $6,100,147. This is for the State of New York, the third most populous in the nation. But it sufficed. For practical purposes, all the money went to television, with the incomparable Doug Schoen keeping an eye on the numbers lest trouble appear unexpectedly. Our campaign staff never had ten persons, which may sound small to some, but I believe was our largest ever. Even so, we have done well. In 1988, I received some 4,000,000 votes and won by more than 2,000,000 votes, the largest numerical margin of victory in any legislative election in history. I say all this simply to note that just possibly money isn't everything. But if we think it is, it might as well be. And so we must persevere.

This July, in his celebrated Wall Street Journal column, Paul Gigot referred to me as an "old pol" and an "ever loyal Democrat." I wrote to thank him, for this is pretty close to the truth. If I have spent time in universities it was usually seeking sanctuary after a failed election, my own or others. I go back before polling, and before television. (Although in 1953 I did write a 15-minute television speech for the Democratic candidate for Mayor of New York City, Robert F. Wagner, Jr. It might have been seen by 10,000 people.) But of course polling caught on, as the mathematics got better, and television has never stopped. And these, of course, are the technologies that seemingly confound us today. But this subject has been with us the longest while.

Congress first placed restrictions on political spending with the Naval Appropriations Bill of 1867 which prohibited Navy officers and Federal employees from soliciting campaign funds from navy yard workers.

Faced with allegations that corporations had bought influence with contributions to his campaign, President Theodore Roosevelt called for campaign finance reform in his 1905 and 1906 State of the Union addresses. In response, Congress passed the Tillman Act of 1907, banning corporate gifts to Federal candidates. And during World War II, the War Labor Disputes Act of 1943, known as the Smith-Connally Act, temporarily prohibited unions from making contributions in Federal elections. In 1947, the Taft-Hartley Act made this wartime measure permanent. As my colleagues well know, these bans have been made virtually irrelevant with the advent of so-called "soft money."

Requirements for the disclosure of donors originated in the so-called Publicity Act of 1910 which required the treasurer of political committees to reveal the names of all contributors of $100 or more. Congress expanded the disclosure rules with the 1925 Federal Corrupt Practices Act, requiring political committees to report total contributions and expenditures. The Court upheld this Act in Burroughs v. United States, declaring that Congress has the prerogative to "pass appropriate legislation to safeguard (a Presidential) election from the improper use of money to influence the result." We continue to debate how to exercise that prerogative today.

But may I focus on one particular aspect of campaign funding, which is relatively new? Money for television. Ease this by providing free television time—those are public airways—and as much about the problem goes away as will ever be managed in this vale of toil and sin.

Max Frankel, the long-time and venerable editor of the New York Times and a wise and seasoned observer of American politics, addressed this issue in the October 26, 1997 New York Times Magazine:

> The movement to clean up campaign financing is going nowhere for the simple reason that the reformers are aiming at the wrong target. They are laboring to limit the flow of money into politics when they should be looking to limit the candidates' need for money to pay for television time. It is the staggering price of addressing the voters that drives the unseemly money chase.

To run effectively for major office nowadays one needs to spend millions for television commercials that spread your fame, shout your slogans, denounce your opponents, and counteract television attacks. A campaign costing

$10 million for a governorship or seat in the Senate is a bargain in many states. The President, even with all the advantages of the White House at his command, appears to have spent more than $250 million on television ads promoting his reelection in 1996. $250 million!

The problem of so-called "issue advocacy" is only fueling the amount of money going into television ads and further distorting our electoral system. On February 10, 1998, Tim Russert delivered the fifth annual Marver H. Bernstein Symposium on Governmental Reform at Georgetown University. In his address, he asserted that "television ads paid for by the candidates themselves are (not) going to be the problem in future election cycles. That distinction will be earned by so-called 'issue advocacy' advertising by ideological and single issue groups." He made the point that, unlike candidates, these groups are not subject to campaign contribution limits or disclosure requirements.

In Buckley v. Valeo the Supreme court held that these ads are protected speech under the First Amendment. We are told that requiring such groups to disclose their list of contributors might be a violation of the First Amendment under NAACP v. Alabama. Mr. Russert contends that "unless the Fourth Estate is able to identify these groups and ferret out their funding, and explain their agenda, many elections could very well be taken hostage by a select band of anonymous donors and political hit men." There must be a better way.

Might I suggest that the way to reduce the influence of these "select band of anonymous donors and political hit men" and to reduce the ungodly amount of money being used in campaigns is free television time for candidates. Frankel writes:

> It would be cheaper by far if Federal and State treasuries paid directly for the television time that candidates need to define themselves to the public—provided they purchased no commercial time of their own. Democracy would be further enhanced if television stations that sold time to special interest groups in election years were required, in return for the use of the public spectrum, to give equal time to opposing views. But so long as expensive television commercials are our society's main campaign weapons, politicians will not abandon the demeaning and often corrupt quest for ever more money from ever more suspect sources.

The version of the McCain-Feingold bill we have been considering restricts so-called "soft money"—contributions that national, state, county, and local party organizations may collect and spend freely provided only that the television messages they produce with the funds are disguised to appear "uncoordinated" with any candidate's campaign. This is a good first step. But it is not enough. Even if soft money and slimy variants were prohibited, political money would reappear in liquid or vaporous form. If we want to make significant changes with regard to how we conduct campaigns, we must—to repeat Frankel—look beyond limiting the flow of money into politics and rather look to limiting the candidates' need for money to pay for television time. Frankel concludes his piece on campaign finance reform by stating that "there is no point dreaming of a law that says 'you may not' so long as the political system daily teaches the participants 'you must.' Until candidates for office in America are relieved of the costly burden of buying television time, the scandals will grow." He could not be more right.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT APPROPRIATIONS

VERMONT RURAL FIRE PROTECTION TASK FORCE

Mr. JEFFORDS. Mr. President, I first thank Senator BOND for all of his hard work on the FY 2000 Departments of Veterans Affairs and Housing and Urban Development Appropriations bill, and the attention he paid to priorities in my home State of Vermont. I would like to briefly discuss with the Senator from Missouri the $600,000 provided in the Conference Report for the Vermont Rural Fire Protection Task Force.

It is my understanding that the funds provided are for the purchase of personal safety equipment that includes, but is not limited to the following: self-contained breathing apparatus, fire resistant turn out gear (helmets, coats pants, boots, hoods, gloves, and the like), personal pagers, personal accountability system to fulfill requirements of OSHA's two in two out rule, portable radios and personal hand lights. The need for new firefighting equipment is great in Vermont, because of the new OSHA regulations. I hope that the funds provided in this bill will be matched 50 percent with non-federal funds.

Further, it is my understanding that the funds will be administered by the Vermont Rural Fire Protection Task Force supported by the George D. Aiken and the Northern Vermont Resource Conservation and Development Council.

Mr. BOND. The Senator from Vermont has accurately described the intentions of the Conference Report accompanying the FY 2000 Departments of Veterans Affairs and Housing and Urban Development Appropriations bill.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, October 19, 1999, the Federal debt stood at $5,670,293,241,725.48 (Five trillion, six hundred seventy billion, two hundred ninety-three million, two hundred forty-one thousand, seven hundred twenty-five dollars and forty-eight cents).

One year ago, October 19, 1998, the Federal debt stood at $5,541,765,000,000 (Five trillion, five hundred forty-one billion, seven hundred sixty-five million).

Five years ago, October 19, 1994, the Federal debt stood at $4,705,195,000,000 (Four trillion, seven hundred five billion, one hundred ninety-five million).

Ten years ago, October 19, 1989, the Federal debt stood at $2,876,712,000,000 (Two trillion, eight hundred seventy-six billion, seven hundred twelve million).

Fifteen years ago, October 19, 1984, the Federal debt stood at $1,592,001,000,000 (One trillion, five hundred ninety-two billion, one million) which reflects a debt increase of more than $4 trillion—$4,078,292,241,725.48 (Four trillion, seventy-eight billion, two hundred ninety-two million, two hundred forty-one thousand, seven hundred twenty-five dollars and forty-eight cents) during the past 15 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON NATIONAL EMERGENCY WITH RESPECT TO NARCOTICS TRAFFICKERS IN COLOMBIA—MESSAGE FROM THE PRESIDENT—PM 67

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to significant narcotics traffickers centered in Colombia that was declared in Executive Order 12978 of October 21, 1995.

WILLIAM J. CLINTON.

The White House, *October 20, 1999.*

MESSAGES FROM THE HOUSE

At 1:20 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1497. An act to amend the Small Business Act with respect to the women's business center program.

H.R. 1887. An act to amend title 18, United States Code, to punish the depiction of animal cruelty.

H.R. 3046. An act to preserve limited Federal agency reporting requirements on banking and housing matters to facilitate congressional oversight and public accountability, and for other purposes.

The message also announced that pursuant to section 1405(b) of the Child Online Protection Act (47 U.S.C. 231), the Speaker appoints the following members on the part of the House to the Commission on Online Child Protection:

Mr. John Bastian of Illinois, engaged in the business of providing Internet filtering or blocking services or software.

Mr. William L. Schrader of Virginia, engaged in the business of proving Internet access services.

Mr. Stephen Balkam of Washington, D.C., engaged in the business of providing labeling or rating services.

Mr. J. Robert Flores of Virginia, and academic export in the field of technology.

Mr. William Parker of Virginia, engaged in the business of making content available over the Internet.

The message also announced that pursuant to section 1405(b) of the Child Online Protection Act (47 U.S.C. 231), and upon the recommendation of the Majority Leader, the Speaker appoints the following members on the part of the House of the Commission on Online Child Protection:

Mr. James Schmidt of California, engaged in the business of making content available over the Internet.

Mr. George Vrandenburg of Virginia, engaged in the business of providing domain name registration services.

Mr. Larry Shapiro of California, engaged in the business of providing Internet portal or search services.

At 2:43 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2670) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

ENROLLED BILL SIGNED

At 8:18 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 2841. An act to amend the Revised Organic Act of the Virgin Islands to provide for greater fiscal autonomy consistent with other United States jurisdictions, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 1497. An act to amend the Small Business Act with respect to the women's business center program; to the Committee on Small Business.

H.R. 3046. An act to preserve limited Federal agency reporting requirements on banking and housing matters to facilitate congressional oversight and public accountability, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

MEASURE PLACED ON THE CALENDAR

The following bill was read twice and place on the calendar:

H.R. 2140. An act to improve protection and management of the Chattahoochee River National Recreation Area in the State of Georgia.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–5707. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report relative to certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Japan; to the Committee on Foreign Relations.

EC–5708. A communication from the Executive Director, Committee for Purchase from People who are Blind or Severely Disabled, transmitting, pursuant to law, the report of a rule relative to pricing and shipping regulations, received October 15, 1999; to the Committee on Governmental Affairs.

EC–5709. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report relative to its commercial activities inventory; to the Committee on Governmental Affairs.

EC–5710. A communication from the Executive Director, Marine Mammal Commission, transmitting, pursuant to law, a report relative to its commercial activities inventory; to the Committee on Governmental Affairs.

EC–5711. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report entitled "Agency Compliance with the Unfunded Mandates Reform Act of 1995"; to the Committee on Governmental Affairs.

EC–5712. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Extension of Time for Recharacterization of 1998 Roth IRA Contributions" (Announcement 99-104), received October 14, 1999; to the Committee on Finance.

EC–5713. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to emergency funds made available to the State of New Jersey because of recent floods; to the Committee on Health, Education, Labor, and Pensions.

EC–5714. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices; Gastroenterology and Urology Devices; Classification of the Electrogastrography System", received October 14, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–5715. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "General and Plastic Surgery Devices; Classification of the Nonreusable Gauze/Sponge for External Use, the Hydrophille Wound Dressing, the Occlusive Wound Dressing, and the Hydrogel Wound Dressing", received October 14, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–5716. A communication from the Assistant General Counsel for Regulations, Office of Student Financial Assistance, Department of Education, transmitting, pursuant to law, the report of a rule entitled "The Secretary's Recognition of Accrediting Agencies" (RIN1845–AA09), received October 14, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–5717. A communication from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Section 8 Moderate Rehabilitation Program; Executing or Terminating Leases on Moderate Rehabilitation Units when Remaining Term of the Housing Assistance Payments (HAP) Contract is for Less than One Year; Statutory Update-Interim Rule" (RIN2577–AB98) (FR–4472–I–01), received October 19, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–5718. A communication from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Introduction to FHA Programs; CFR Correction" (FR–Doc. 99–55532), received October 19, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–5719. A communication from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Introduction to FHA Programs; CFR Correction (Second Correction)" (FR–Doc. 99–55536), received October 19, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–5720. A communication from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Single Family Mortgage Insurance; Clarification of Floodplain Requirements Applicable to New Construction; Final Rule" (RIN2502–AH16) (FR–4323–F–02), received October 19, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–5721. A communication from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Section 8 Housing Assistance Payments Program; Contract Rent Annual Adjustment Factors, Fiscal Year 2000

(Notice of Revised Contract Rent Annual Adjustment Factors)" (FR–4528–N–01), received October 19, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–5722. A communication from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Fair Market Rents for the Section 8 Housing Assistance Payments Program for Fiscal Year 2000 (Notice of Final Fiscal Year (FY) 2000 Fair Markets Rents (FMRs))" (FR–4496–N–02), received October 19, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–5723. A communication from the Legislative and Regulatory Activities Division, Administrator of National Banks, Comptroller of the Currency, transmitting, pursuant to law, the report of a rule entitled "Extended Examination Cycle for U.S. Branches and Agencies of Foreign Banks" (RIN3064–AC15), received October 19, 1999; to the Committee on Banking, Housing, and Urban Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–367. A joint resolution adopted by the Legislature of the State of California relative to trucks entering California from foreign nations; to the Committee on Finance.

ASSEMBLY JOINT RESOLUTION NO. 16

Whereas, A recent study by the United States Government Accounting Office (GAO) found that Mexican commercial trucks entering the United States often fail to meet basic safety standards; and

Whereas, The GAO reported that Mexican trucks entering the United States may have serious safety violations impacting highway safety, including broken suspension systems, substandard tires, inoperable brakes, overweight loads, and improperly maintained hazardous material loads; and

Whereas, The report of the federal Office of the Inspector General titled, "Motor Carrier Safety Program for Commercial Trucks at U.S. Borders," issued on December 28, 1998, identified California as the only state that enforces the Federal Operating Authority Regulation and complimented California for having both the best inspection practices and the lowest out-of-service rate; and

Whereas, Mexico has no automated system by which California law enforcement officials can determine whether a Mexican commercial driver has a valid license or a driving or criminal record; and

Whereas, The government of Mexico has no laws limiting the maximum number of hours that drivers may safely operate a commercial vehicle and no system of worker's compensation insurance to protect drivers who are injured while at work; and

Whereas, Mexico's mandatory alcohol and drug testing program does not adequately test commercial drivers and its substance-abuse testing laboratory has not been certified by the United States Department of Transportation to meet internationally agreed-upon standards for accuracy; and

Whereas, "Operation Alliance," a federally sponsored drug-enforcement coordinating agency and the United States Customs Service drug-inspection program found that drug traffickers are becoming owners of, or are obtaining controlling interests in, transportation businesses, such as trucking companies, warehouses, and semi-trailer manufacturing companies, in order to take advantage of the increased trucking trade authorized by the North American Free Trade Agreement; and

Whereas, The Southern California Association of Governments recently passed a resolution authorizing its regional council to alert the President of the United States to the "major safety issues involved in trucking regulations under the North American Free Trade Agreement"; and

Whereas, The federal government has chosen not to implement the provisions of the North American Free Trade Agreement that call for unlimited access by Mexican trucks to the territory of the State of California; now therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature memorializes the President and the Congress of the United States to maintain the existing restrictions on trucks from Mexico and other foreign nations entering California and to continue efforts to ensure full compliance by the owners and drivers of those trucks with all highway safety, environmental, and drug-enforcement laws; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and the Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Governor.

POM–368. A resolution adopted by the House of the Legislature of the State of Michigan relative to block grant amounts to the states through the Temporary Assistance to Needy Families program; to the Committee on Finance.

HOUSE RESOLUTION NO. 48

Whereas, A key component of the welfare reforms enacted in 1996 is the Temporary Assistance to Needy Families block grant program. The levels of these block grants were guaranteed for a five-year period as a means to help in the transformation of the nation's approach to welfare and helping people help themselves; and

Whereas, A proposal has surfaced in Washington to have the states return unobligated balances from the TANF block grant funding. The proposal has raised the concerns and opposition of state policymakers around the country who do not want the success of welfare reform to be derailed or threatened by reductions in this funding. This funding, as well as the flexibility to administer federal programs, is critical to genuine, meaningful, longstanding welfare reform; and

Whereas, Discussions on altering or reducing block grant programs for needy families also include proposed changes in Medicaid options, social services block grants, child support initiatives, and efforts to secure health insurance coverages for children. The possibility of bringing new conditions for the expenditure of funds or cuts in the amounts of block grants has generated considerable concern across the country; and

Whereas, The reforms brought to the country's approach to welfare in 1996 also represented a significant step in the relationship between Washington and the states. This new partnership allowed and even encouraged the "laboratories of democracy" to find solutions that account for the unique resources and needs of each state. Michigan's success and the similar achievements across the nation should not be jeopardized by Washington reclaiming money promised to the states; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United Stats to reject any reduction in block grant amounts to the states through the Temporary Assistance to Needy Families (TANF) program or any changes in conditions or requirements that reduce the flexibility of the states, and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CAMPBELL, from the Committee on Indian Affairs, without amendment:

S. 1290. A bill to amend title 36 of the United States Code to establish the American Indian Education Foundation, and for other purposes (Rept. No. 106–197).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 624. A bill to authorize construction of the Fort Peck Reservation Rural Water System in the State of Montana, and for other purposes (Rept. No. 106–198).

EXECUTIVE REPORT OF A COMMITTEE

The following executive report of a committee was submitted:

By Mr. MURKOWSKI, for the Committee on Energy and Natural Resources:

David J. Hayes, of Virginia, to be Deputy Secretary of the Interior.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. CHAFEE (for himself, Mr. CRAPO, Mr. MOYNIHAN, and Mr. LIEBERMAN):

S. 1752. A bill to reauthorize and amend the Coastal Barrier Resources Act; to the Committee on Environment and Public Works.

By Mr. HATCH (for himself, Mr. ABRAHAM, Mr. LEAHY, and Mr. KENNEDY):

S. 1753. A bill to amend the Immigration and Nationality Act to provide that an adopted alien who is less than 18 years of age may be considered a child under such Act if adopted with or after a sibling who is a child under such Act; to the Committee on the Judiciary.

By Mr. HATCH (for himself and Mr. LEAHY):

S. 1754. A bill entitled the "Denying Safe Havens to International and War Criminals Act of 1999"; to the Committee on the Judiciary.

By Mr. BROWNBACK (for himself and Mr. DORGAN):

S. 1755. A bill to amend the Communications Act of 1934 to regulate interstate commerce in the use of mobile telephones; to the

Committee on Commerce, Science, and Transportation.

By Mr. BINGAMAN (for himself and Mrs. MURRAY):

S. 1756. A bill to enhance the ability of the National Laboratories to meet Department of Energy missions and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. COCHRAN:

S. 1757. A bill to amend title XVIII of the Social Security Act to improve access to rural health care providers; to the Committee on Finance.

By Mr. COVERDELL (for himself, Mr. DEWINE, and Mr. GRASSLEY):

S. 1758. A bill to authorize urgent support for Colombia and front line states to secure peace and the rule of law, to enhance the effectiveness of anti-drug efforts that are essential to impending the flow of deadly cocaine and heroin from Colombia to the United States, and for other purposes; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CHAFEE (for himself, Mr. CRAPO, Mr. MOYNIHAN, and Mr. LIEBERMAN):

S. 1752. A bill to reauthorize and amend the Coastal Barrier Resources Act; to the Committee on Environment and Public Works.

THE COASTAL BARRIER RESOURCES REAUTHORIZATION ACT OF 1999

• Mr. CHAFEE. Mr. President, I am here today to introduce a bill to reauthorize the Coastal Barrier Resources Act (CBRA). Most people do not realize that coastal barriers are the first line of defense protecting the mainland from major storms and hurricanes, and this extremely vulnerable area is under increasing developmental pressure. From 1960 to 1990, the population of coastal areas increased from 80 to 110 million and is projected to reach over 160 million by 2015. Continued development on and around coastal barriers place people, property and the environment at risk.

To address this problem Congress passed CBRA in 1982. This extremely important legislation prohibits the Federal government from subsidizing flood insurance, and providing other financial assistance such as beach replenishment within the Coastal Barrier Resources System. Nothing in CBRA prohibits development on coastal barriers, it just gets the Federal government out of the business of subsidizing risky development.

The law proved to be so successful that we expanded the Coastal Barrier System in 1990 with the support of the National Taxpayers Union, the American Red Cross, Coast Alliance and Tax Payers for Common Sense, to name just a few. The 1990 Act doubled the size of the System to include coastal barriers in Puerto Rico, the U.S. Virgin Islands, the Great Lakes and additional areas along the Atlantic and Gulf coasts. We also allowed the inclusion of areas that are already protected for conservation purposes such as parks and refuges. Currently the System is comprised of 3 million acres and 2,500 shoreline miles.

Development of these areas decreases their ability to absorb the force of storms and buffer the mainland. The devastating floods of Hurricane Floyd are a reminder of the susceptibility of coastal development to the power of nature. The Federal Emergency Management Agency reports that 10 major disaster declarations were issued for this hurricane, more than for any other single hurricane or natural disaster. In fact, 1999 sets a record for major disaster declarations—a total of 14 in this year alone. As the number of disaster declarations has crept up steadily since the 1980's, so has the cost to taxpayers. Congress has approved on average $3.7 billion a year in supplemental disaster aid in the 1990's, compared to less than $1 billion a year in the decade prior.

Homeowners know the risk of building in these highly threatened areas. Despite this taxpayers are continually being asked to rebuild homes and businesses in flood-prone areas. The National Wildlife Federation came out with a study that found that over forty percent of the damage payments from the National Flood Insurance Program go to people who have had at least one previous claim. A New Jersey auto repair shop made 31 damage claims in 15 years.

At a time when climatologists believe that Floyd and other major hurricanes signal the beginning of a period of turbulent hurricane activity after three decades of relative calm, safety factors of continuing to develop coastal barrier regions must also be considered. As roadway systems have not kept up with population growth, it will become increasingly difficult to evacuate coastal areas in the face of a major storm.

Beyond the economic and safety issues, another compelling reason to support the Coastal Barrier Resources Act is that it contributes to the protection of our Nation's coastal resources. Coastal barriers protect and maintain the wetlands and estuaries essential to the survival of innumerable species of fish and wildlife. Large populations of waterfowl and other migratory birds depend on the habitat protected by coastal barriers for wintering areas. Undeveloped coastal barriers also provide unique recreational opportunities, and deserve protection for present and future public enjoyment.

The legislation which I am introducing today would reauthorize the Act for eight years and make some necessary changes to improve implementation. A new provision would establish a set of criteria for determining whether a coastal barrier is developed. Codifying the criteria will make it easier for homeowners, Congress and the Fish and Wildlife Service to determine if an area qualifies as an undeveloped coastal barrier. The legislation would also require the Secretary of the Interior to complete a pilot project to determine the feasibility of creating digital versions of the coastal barrier system maps. Digital maps would improve the accuracy of the older coastal barrier maps, and make it easier for the Department of Interior and homeowners to determine where a structure is located. Eventually, we hope that the entire System can be accessed by the Internet.

I believe that Congress should make every effort to conserve barrier islands and beaches. This legislation offers an opportunity to increase protection of coastal barriers, and at the same time, saves taxpayers money. I urge my colleagues to support this legislation.•

By Mr. HATCH (for himself, Mr. ABRAHAM, Mr. LEAHY, and Mr. KENNEDY):

S. 1753. A bill to amend the Immigration and Nationality Act to provide that an adopted alien who is less than 18 years of age may be considered a child under such Act if adopted with or after a sibling who is a child under such Act; to the Committee on the Judiciary.

KEEPING IMMIGRANT SIBLINGS TOGETHER

Mr. HATCH. Mr. President, I rise today to introduce a bill corresponding to one introduced by Congressman HORN of California and passed the House of Representatives this week. The intent of this bill is to allow immigrant orphan siblings to stay together when being adopted by U.S. citizens.

Under current law, a U.S. citizen may bring an immigrant child they have adopted to the United States if the child is under the age of 16. This bill would allow U.S. citizens to adopt immigrant children ages 16–17 if the adoption would keep a group of siblings together.

Mr. President, I agree with Mr. HORN's conclusion that family unity is a frequently cited goal of our immigration policy, and this proposal would promote that goal. Under current law, if children are adopted by U.S. citizens and the oldest sibling is 16 or 17, the oldest sibling cannot come to the United States with his or her brothers and sisters under current law. It seems clear to me that siblings of these young ages ought not to be separated.

Further, foreign adoption authorities in some cases do not allow the separation of siblings. In such cases, if a U.S. citizen wanted to adopt a group of siblings and one of them is 16 or older, the citizen would lose the opportunity to adopt any of them under current law.

As Mr. HORN's analysis of the consequences of this bill confirm, this bill is unlikely to cause a significant increase in immigration levels overall. During fiscal year 1996, a total a 351 immigrant orphans older than age 9 were adopted by U.S. citizens, out of 11,316 immigrant orphans adopted by U.S. citizens overall that year.

I thank Congressman HORN for his leadership in this issue. I certainly hope that we can act of this measure before we adjourn.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1753

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROVIDING THAT AN ADOPTED ALIEN WHO IS LESS THAN 18 YEARS OF AGE MAY BE CONSIDERED A CHILD UNDER THE IMMIGRATION AND NATIONALITY ACT IF ADOPTED WITH OR AFTER A SIBLING WHO IS A CHILD UNDER SUCH ACT.

(a) IN GENERAL.—Section 101(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)) is amended—

(1) in subparagraph (E)—

(A) by inserting "(i)" after "(E)"; and

(B) by adding at the end the following:

"(ii) subject to the same proviso as in clause (i), a child who (I) is a natural sibling of a child described in clause (i) or subparagraph (F)(i); (II) was adopted by the adoptive parent or parents of the sibling described in such clause or subparagraph; and (III) is otherwise described in clause (i), except that the child was adopted while under the age of eighteen years; or"; and

(2) in subparagraph (F)—

(A) by inserting "(i) after "(F)";

(B) by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(ii) subject to the same provisos as in clause (i), a child who (I) is a natural sibling of a child described in clause (i) or subparagraph (E)(i); (II) has been adopted abroad, or is coming to the United States for adoption, by the adoptive parent (or prospective adoptive parent) or parents of the sibling described in such clause or subparagraph; and (III) is otherwise described in clause (i), except that the child is under the age of eighteen at the time a petition is filed in his or her behalf to accord a classification as an immediate relative under section 201(b).".

(b) CONFORMING AMENDMENTS RELATING TO NATURALIZATION.—

(1) DEFINITION OF CHILD.—Section 101(c)(1) of the Immigration and Nationality Act (8 U.S.C. 1101(c)) is amended by striking "sixteen years," and inserting "sixteen years (except to the extent that the child is described in subparagraph (E)(ii) or (F)(ii) of subsection (b)(1)),".

(2) CERTIFICATE OF CITIZENSHIP.—Section 322(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1433(a)(4)) is amended—

(A) by striking "16 years" and inserting "16 years (except to the extent that the child is described in clause (ii) of subparagraph (E) or (F) of section 101(b)(1))"; and

(B) by striking "subparagraph (E) or (F) of section 101(b)(1)." and inserting "either of such subparagraphs.".

By Mr. HATCH (for himself and Mr. LEAHY):

S. 1754. A bill entitled "Denying Safe Havens to International and War Criminals Act of 1999; to the Committee on the Judiciary.

DENYING SAFE HAVENS TO INTERNATIONAL AND WAR CRIMINALS ACT OF 1999

Mr. HATCH. Mr. President. I rise today to introduce, along with Senator LEAHY of Vermont, a bill titled "Denying Safe Havens to International and War Criminals Act of 1999." This is an important measure that I hope can move promptly through the Senate Judiciary Committee and through the Senate. The provisions contained in this bill are crucial in combating crime internationally. I believe that it will give law enforcement critical tools in more effectively pursuing fugitives and ware criminals.

I thank my ranking member for his work on this matter. This bill incorporates in title III, his own bill dealing with war criminals and it is an important component of this legislation.

I ask unanimous consent to include the text of the bill in the RECORD.

[Data not available at time of printing.]

Mr. LEAHY. Mr. President, I am pleased to introduce today with Senator HATCH a bill to give United States law enforcement agencies important tools to help them combat international crime. The "Denying Safe Haven to International and War Criminals Act of 1999" contains a number of provisions that I have long supported.

Unfortunately, crime and terrorism directed at Americans and American interests abroad are part of our modern reality. Furthermore, organized criminal activity does not recognize national boundaries. With improvements in technology, criminals now can move about the world with ease. They can transfer funds with the push of a button, or use computers and credit card numbers to steal from American citizens and businesses from any spot on the globe. They can strike at Americans here and abroad. They can commit crimes abroad and flee quickly to another jurisdiction or country. The playing field keeps changing, and we need to change with it.

This bill would help make needed modifications in our laws, not with sweeping changes but with thoughtful provisions carefully targeted at specific problems faced by law enforcement. We cannot stop international crime without international cooperation, and this bill gives additional tools to investigators and prosecutors to promote such cooperation, while narrowing the room for maneuver that international criminals and terrorists now enjoy.

I initially introduced title I, section 4 of this bill, regarding fugitive disentitlement, on April 30, 1998, in the "Money Laundering Enforcement and Combating Drugs in Prisons Act of 1998," S. 2011, with Senators DASCHLE, KOHL, FEINSTEIN and CLELAND. Again, on July 14, 1998, I introduced with Senator BIDEN, on behalf of the Administration, the "International Crime Control Act of 1998," S. 2303, which contains most of the provisions set forth in this bill. Virtually all of the provisions in the bill were also included in another major anti-crime bill, the "Safe Schools, Safe Streets, and Secure Borders Act of 1998," S. 2484, that I introduced on September 16, 1998, along with Senators DASCHLE, BIDEN, Moseley-Braun, KENNEDY, KERRY, LAUTENBERG, MIKULSKI, BINGAMAN, REID, MURRAY, DORGAN, and TORRICELLI. In addition, Senator HATCH and I included title II, section 1 of this bill regarding streamlined procedures for MLAT requests in our "International Crime and Anti-Terrorism Amendments of 1998", S. 2536, which passed the Senate last October 15, 1998.

We have drawn from these more comprehensive bills a set of discrete improvements that enjoy bipartisan support so that important provisions may be enacted promptly. Each of these provisions has been a law enforcement priority.

Title I sets forth important proposals for combating international crime and denying safe havens to international criminals. In particular, section 1 would provide for extradition under certain circumstances for offenses not covered in a treaty. Treaties negotiated many years ago specified the crimes for which extradition would be allowed. Developments in criminal activity, however, have outpaced the ability of countries to renegotiate treaties to include newly developing criminal activity. Under the bill, extradition would nevertheless proceed as if the crime were covered by a treaty for "serious offenses," which are defined to include crimes of violence, drug crimes, bribery of public officials, obstruction of justice, money laundering, fraud or theft involving over $100,000, counterfeiting over $100,000, a conspiracy to commit any of these crimes, and sex crimes involving children. The section sets forth detailed procedures and safeguards for proceeding with extradition under these circumstances.

Section 2 contains technical and conforming amendments.

Section 3 would give the Attorney General authority to transfer a person in custody in the United States to a foreign country to stand trial where the Attorney General, in consultation with the Secretary of State, determines that such transfer would be consistent with the international obligations of the United States. The section also allows for the transfer of a person in state custody in the United States to a foreign country to stand trial after a similar determination by the Attorney General and the consent of the State authorities. Similarly, the Attorney General is authorized to request the temporary transfer of a person in custody in a foreign country to face prosecution in a federal or state proceeding.

Section 4 is designed to stop drug kingpins, terrorists and other international fugitives from using our courts to fight to keep the proceeds of the very crimes for which they are wanted. Criminals should not be able to use our courts at the same time they are evading our laws.

Section 5 would permit the transfer of prisoners to their home country to serve their sentences, on a case-by-case basis, where such transfer is provided by treaty. Under this section, the prisoner need not consent to the transfer.

Section 6 would provide a statutory basis for holding and transferring prisoners who are sent from one foreign country to another through United States airports, preventing them from claiming asylum while they are temporarily in the United States.

Title II of the bill is designed to promote global cooperation in the fight against international crime. Specifically, section 1 would permit United States courts involved in multi-district litigation to enforce mutual legal assistance treaties and other agreements to execute foreign requests for assistance in criminal matters in all districts involved in the litigation.

Section 2 outlines procedures for the temporary transfer of incarcerated witnesses. Specifically, the bill would permit the United States, as a matter of reciprocity, to send persons in custody in the United States to a foreign country and to receive foreign prisoners to testify in judicial proceedings, with the consent of the prisoner and, where applicable, the State holding the prisoner. A transfer may not create a platform for an application for asylum or other legal proceeding in the United States. Decisions of the Attorney General respecting such transfers are to be made in conjunction with the Secretary of State.

Title III of the bill is the "Anti-Atrocity Alien Deportation Act," S. 1235, which I introduced on July 15, 1999, with Senator KOHL and is cosponsored by Senator LIEBERMAN. This bill has also been introduced in the House with bipartisan support as H.R. 2642 and H.R. 3058. This title of the bill would amend the Immigration and Nationality Act to expand the grounds for inadmissibility and deportation to cover aliens who have engaged in acts of torture abroad. "Torture" is already defined in the Federal criminal code, 18 U.S.C. § 2340, in a law passed as part of the implementing legislation for the "Convention Against Torture." Under this Convention, the United States has an affirmative duty to prosecute torturers within its boundaries regardless of their respective nationalities. 18 U.S.C. § 2340A (1994).

This legislation would also provide statutory authorization for OSI, which currently owes its existence to an Attorney General order, and would expand its jurisdiction to authorize investigations, prosecutions, and removal of any alien who participated in torture and genocide abroad—not just Nazis. The success of OSI in hunting Nazi war criminals demonstrates the effectiveness of centralized resources and expertise in these cases. OSI has worked, and it is time to update its mission. The knowledge of the people, politics and pathologies of particular regimes engaged in genocide and human rights abuses is often necessary for effective prosecutions of these cases and may best be accomplished by the concentrated efforts of a single office, rather than in piecemeal litigation around the country or in offices that have more diverse missions.

Unquestionably, the need to bring Nazi war criminals to justice remains a matter of great importance. Funds would not be diverted from the OSI's current mission. Additional resources are authorized in the bill for OSI's expanded duties.

These are important provisions that I have advocated for some time. They are helpful, solid law enforcement provisions. I thank my friend from Utah, Senator HATCH, for his help in making this bill a reality. Working together, we were able to craft a bipartisan bill that will accomplish what all of us want, to make America a safer and more secure place.

I ask that the attached sectional analysis of the bill be printed in the RECORD.

The summary follows:

DENYING SAFE HAVENS TO INTERNATIONAL AND WAR CRIMINALS ACT OF 1999—SECTION BY SECTION ANALYSIS

TITLE I—DENYING SAFE HAVENS TO INTERNATIONAL CRIMINALS

Section 1. Extradition for Offenses Not Covered by a List Treaty

This section allows the Attorney General to seek extradition of a person for specified crimes not covered by a treaty. Treaties negotiated many years ago specified the crimes for which extradition would be allowed, and developments in criminal activity have outpaced the ability of countries to renegotiate treaties to include newly developing criminal activity. Extradition would proceed as if the crime were covered by treaty, and the section sets forth detailed procedures and safeguards. Applicable crimes include crimes of violence, drug crimes, obstruction of justice, money laundering, fraud or theft involving over $100,000, counterfeiting over $100,000, conspiracy to commit any of these crimes, and sex crimes involving children.

Section 2. Technical and Conforming Amendments

This section amends related statutes to conform with Section 1.

Section 3. Temporary Transfer of Persons in Custody for Prosecution

This section allows a temporary transfer of a person from another country to the United States to stand trial where the Attorney General, in consultation with the Secretary of State determines that such transfer would be consistent with the international obligations of the United States. The section also allows for the transfer of a person in custody in the United States to a foreign country to stand trial after a similar determination by the Attorney General.

Section 4. Prohibiting Fugitives From Benefiting From Fugitive Status

This section adds a new section 2466 (Fugitive Disentitlement) to Title 28 to provide that a person cannot stay outside the United States, avoiding extradition, and at the same time participate as a party in a civil action over a related civil forfeiture claim. The Supreme Court recently decided that a previous judge-made rule to the same effect required a statutory basis. This section provides that basis.

Section 5. Transfer of Foreign Person to Serve Sentences in Country of Origin

This section permits transfer, on a case-by-case basis, of prisoners to their home country where such transfer is provided by treaty. Under this section the prisoner need not consent to the transfer.

Section 6. Transit of Fugitives for Prosecution in Foreign Countries

This section would provide a statutory basis for holding and transferring prisoners who are sent from one foreign country to another through United States airports, at the discretion of the Attorney General. The temporary presence in the United States would not be the basis for a claim for asylum.

TITLE II—PROMOTING GLOBAL COOPERATION IN THE FIGHT AGAINST INTERNATIONAL CRIME

Section 1. Streamlined Procedures for Execution of MLAT Requests

This section permits United States courts involved in multi-district litigation to enforce mutual legal assistance treaties and other agreements to execute foreign requests for assistance in criminal matters in all districts involved in the litigation or request.

Section 2. Temporary Transfer of Incarcerated Witnesses

This section permits the United States, as a matter of reciprocity, to send persons in custody in the United States to a foreign country and to receive foreign prisoners to testify in judicial proceedings, with the consent of the prisoner and, where applicable, the State holding the prisoner. A transfer may not create a platform for an application for asylum or other legal proceeding in the United States. Decisions of the Attorney General respecting such transfers are to be made in conjunction with the Secretary of State.

TITLE III—ANTI-ATROCITY ALIEN DEPORTATION

Section 1. Inadmissibility and Removability of Aliens Who Have Committed Acts of Torture Abroad

Currently, the Immigration and Nationality Act provides that (i) participants in Nazi persecutions during the time period from March 23, 1933 to May 8, 1945, and (ii) aliens who engaged in genocide, are inadmissible to the United States and deportable. *See* 8 U.S.C. §1182(a)(3)(E)(i) and §1227(a)(4)(D). The bill would amend these sections of the Immigration and Nationality Act by expanding the grounds for inadmissibility and deportation to cover aliens who have engaged in acts of torture abroad. The United Nations' "Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment" entered into force with respect to the United States on November 20, 1994. This Convention, and the implementing legislation, the Torture Victims Protection Act, 18 U.S.C. §§2340 *et seq.*, includes the definition of "torture" incorporated in the bill and imposed an affirmative duty on the United States to prosecute torturers within its jurisdiction.

Section 2. Establishment of the Office of Special Investigations

Attorney General Civiletti established OSI in 1979 within the Criminal Division of the Department of Justice, consolidating within it all "investigative and litigation activities involving individuals, who prior to and during World War II, under the supervision of or in association with the Nazi government of Germany, its allies, and other affiliated [sic] governments, are alleged to have ordered, incited, assisted, or otherwise participated in the persecution of any person because of race, religion, national origin, or political opinion." (Attorney Gen. Order No. 851-79). The OSI's mission continues to be limited by that Attorney General Order.

This section would amend the Immigration and Nationality Act, 8 U.S.C. §1103, by directing the Attorney General to establish an Office of Special Investigations within the Department of Justice with authorization to investigate, remove, denaturalize, or prosecute any alien who has participated in torture or genocide abroad. This would expand OSI's current authorized mission. Additional funds are authorized for these expanded duties to ensure that OSI fulfills its continuing obligations regarding Nazi war criminals.

By Mr. BROWNBACK (for himself and Mr. DORGAN):

S. 1755. A bill to amend the Communications Act of 1934 to regulate interstate commerce in the use of mobile telephones; to the Committee on Commerce, Science, and Transportation.

THE MOBILE TELECOMMUNICATIONS SOURCING ACT

Mr. BROWNBACK. Mr. President, I rise today to introduce, on behalf of myself and Senator DORGAN, the Mobile Telecommunications Sourcing Act of 1999. This legislation is the product of more than a year's worth of negotiations between the Governors, cities, State tax and local tax authorities, and the wireless industry.

The legislation represents an historic agreement between State and local governments and the wireless industry to bring sanity to the manner in which wireless telecommunications services are taxed.

For as long as we have had wireless telecommunications in this country, we have had a taxation system that is incredibly complex for carriers and costly for consumers. Today, there are several different methodologies that determine whether a taxing jurisdiction may tax a wireless call.

If a call originates at a cell site located in a jurisdiction, it may impose a tax. If a call originates at a switch in the jurisdiction, a tax may be imposed. And if the billing address is in the jurisdiction, a tax can be imposed.

As a result, many different taxing authorities can tax the same wireless call. The farther you travel during a call, the greater the number of taxes that can be imposed upon it.

This system is simply not sustainable as wireless calls represent an increasing portion of the total number of calls made throughout the United States. To reduce the cost of making wireless calls, Senator DORGAN and I are introducing this legislation.

The legislation would create a nationwide, uniform system for the taxation of wireless calls. The only jurisdictions that would have the authority to tax mobile calls would be the taxing authorities of the customer's place of primary use, which would essentially be the customer's home or office.

By creating this uniform system, Congress would be greatly simplifying the taxation and billing of wireless calls. The wireless industry would not have to keep track of countless tax laws for each wireless transaction. State and local taxing authorities would be relieved of burdensome audit and oversight responsibilities without losing the authority to tax wireless calls. And, most importantly, consumers would see reduced wireless rates and fewer billing headaches.

The Mobile Telecommunications Sourcing Act is a win-win-win. It's a win for industry, a win for government, and a win for consumers. I thank Senator DORGAN for working with me in crafting this bill. And, most of all, I thank government and industry for coming together and reaching agreement on this important issue.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

[Data not available at time of printing.]

• Mr. DORGAN. Mr. President, today my colleague Senator BROWNBACK and I are introducing legislation that is designed to address a highly complex issue with respect the taxation of mobile telecommunications service. Although the issue is complex, the solution has a simple goal: to create a reliable and uniform method of taxation on wireless telecommunications services that works best for consumers.

Currently, the mobility of wireless telecommunications services makes the taxation by state and local jurisdictions a complicated and expensive task for carriers and consumers because questions arise as to whether the tax is levied in the location in which the call is placed or where the user resides. Because this situation is difficult to monitor, state and local jurisdictions the prospects of non-compliance and double taxation are also of concern. For example, a person driving between Baltimore, Maryland and Philadelphia, Pennsylvania can pass through 12 separate state and local taxing jurisdictions. In the two hours it would take someone to make that 100 mile drive, several phone calls could be made under a cloud of tax ambiguity that works for no one, not the consumer, not the carrier, and not the taxing jurisdictions. This scenario presents us with challenge to the traditional method of taxation in the face of the growing popularity of mobile communications systems. It is a case that needs to be changed.

The Mobile Telecommunications Sourcing Act is, in itself, an achievement. This legislation was developed through 3 years of dedicated, good faith negotiations between the industry and state and local government organizations. Rather than allow an unworkable situation to continue unresolved and rather than ignite a polemical political debate over a special interest solution, the industry and several state and local government organizations sat down and worked out a solution that satisfies all the stake holders. I extend my congratulations and gratitude to the leaders and staff members of the organizations that participated in the development of this consensus legislation.

Under this legislation, a consumer's primary place of residence would be designated as the taxing jurisdiction for the purposes of taxing roaming and other charges that are subject to state and local taxation. This legislation does not impose any new taxes nor does it change the authority of state and local governments to tax wireless services. It does, however, provide consumers with simplified billing, reduce the chances of double taxation, preserve the authority of state and local jurisdictions to tax wireless services, and reduce the costs of tax administration for carriers and governments. In the end, the consumer will benefit through this tax clarification legislation that is badly needed.

As many of my colleagues in the Senate know, I have been involved in many battles over the years where state and local governments have attempted to preserve their taxation authority as Congress has sought to preempt that authority on behalf of some special interest. I am very pleased to be in a position today to sponsor legislation which addresses a legitimate need to clarify and simplify state and local taxation in a manner that works for consumers, industry, and state and local governments alike.

I also want to express my gratitude to my colleague Senator BROWNBACK for his work on this measure. I hope that our colleagues will take note that Senator BROWNBACK and I stand together on this consensus, bipartisan legislation and join us to advance this bill expeditiously.•

By Mr. BINGAMAN (for himself and Mrs. MURRAY):

S. 1756. A bill to enhance the ability of the National Laboratories to meet Department of Energy missions and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, today I'm pleased to be joined by Senator MURRAY in introducing the "National Laboratories Partnership Improvement Act of 1999". This bill will make it easier for our national labs to collaborate and build strong technical relationships with other technical organizations, particularly universities and companies right near the labs. That will yield two major benefits. It will improve the labs' ability to do their missions, and it will promote high tech economic growth around the labs, thus, helping the labs as it helps the labs' communities.

Many of you know that making it easier to work with our national labs is a cause I've pursued for many years. And we've made solid progress. The labs are now involved in an array of technical collaborations, usually under cooperative research and development agreements or CRADAs, that would have been impossible a decade ago. In 1989, there were no CRADAs with the Department of Energy's national labs; in 1998, the number was over 800.

So, we've come a long way. But there's still work to be done. It's still not as easy to collaborate with the national labs as it should be, nor are collaborations as common as they need to be to keep our labs on the cutting edge of science and technology. This legislation takes the next steps in that direction.

There are three fundamental ideas running through this bill. The first is that scientific and technical collaboration with the national labs is good for our economy and essential to the future of the labs. The labs will be unable to succeed in their missions unless they can easily work with other technical institutions. Why? Because that's where the bulk of cutting edge technology is today. Consider the following. Real federal spending on R&D peaked in 1987, but from 1987 to 1997, national R&D grew by 20%. The federal government was responsible for none of that growth, and now accounts for only about a quarter of national R&D spending. In the same period, industrial R&D grew by over 50% and accounted for around 95% of the growth in national R&D. As Nobel laureate Dr. Burt Richter stated during his testimony on DOE's reorganization, "All of the science needed for stockpile stewardship in not in the weapons labs." That's why I was so concerned with the ability of the labs to collaborate during the reorganization debate.

I emphasize how collaboration helps the labs because it's a point that's often missed in our discussions of tech transfer, CRADAs, and other such things. When legislation making it easier to work with the labs was passed in 1989, we were in the midst of a "competitiveness crisis" and looking for ways to use technology to improve our economic performance. After all, innovation is responsible for 50% or more of our long term economic growth. With these roots, people usually focus on how collaborating with the labs helps US industry by giving it access to a treasure trove of technology and expertise. For example, over a 100 new companies were started around DOE technology in the last four years. And, the fact that industry has been collaborating with the labs and recently paying for a greater share of those partnerships is good evidence that its getting something of value. The economic benefits from these collaborations are real and a primary reason I've pushed them for many years.

But the benefits back to the labs are real too. A recent letter from Los Alamos to me stated, "Working with industry has validated our ability to predict . . . changes in materials . . ., improved our ability to manufacture . . . replacement parts with greater precision and lower cost, and enhanced our ability to assure the safety and reliability of the stockpile without testing."

As an example, Sandia's collaboration with Goodyear Tire has helped Goodyear produce computer simulations of tires—an extremely complex problem—and helped Sandia improve its modeling and production of neutron generators, a critical component of nuclear weapons. Technical collaborations with our labs that have a clear mission focus by the lab and a clear business focus by the company are good for our economy and good for the labs' missions.

The second fundamental idea flows from the first. If collaborations with the labs are beneficial, we should keep working to make them better, faster, and more flexible—much like the collaborations we see sprouting throughout the private sector. Hence, this bill includes provisions to:

Establish a small business advocate at the labs charged with increasing small business participation in lab procurement and collaborative research;

Establish a technology partnership ombudsman at the labs to ensure that the labs are known as good faith partners in their technical relationships;

Authorize DOE to use a very flexible contracting authority called "other transactions," which was successfully pioneered by the Defense Advanced Research Projects Agency to manage some of its collaborative projects in innovative ways; and

Significantly streamline the CRADA approval process for government owned, contractor operated laboratories like Sandia, allowing the labs to handle more of the routine CRADAs themselves, and allowing more flexibility in the negotiation of intellectual property rights—all to make CRADA's more attractive to industry.

The third fundamental idea that runs through this bill is that if collaboration is important to our economy and to the success of the labs, then the local technical institutions near the lab—the universities and companies that might work with the lab—matter a great deal. We know that the environment inside an institution, how it's managed, will help determine how innovative it is. Managing innovation is more art than science, and that's why people are always visiting places like 3M.

Well, just as the internal environment affects how innovative an organization is, its external environment, the organizations near it that might collaborate with it, also help determine how innovative it is. When the technical institutions in a region form a high quality, dynamic network, they can meld into what's been called a "technology cluster" that dramatically boosts innovation and economic growth throughout the region. We see this most famously in places like Silicon Valley, or Route 128, or Austin, TX. In most of these places, there is a large research university that serves as the anchor innovator seeding the cluster.

With that phenomenon in mind, this bill seeks to harness the power of technology clusters for the benefit of the labs' missions and the labs' communities, with the labs as the anchor innovator. The bill authorizes the labs to work with their local communities to foster commercially oriented technology clusters that will help them do their job. Projects under this "Regional Technology Infrastructure Program" would be cost shared partnerships between a lab and nearby organizations with the clear potential to help the lab achieve its mission, leverage commercial technology, and commercialize lab technology. This is not about outsourcing a lab's functions, but about promoting technical capabilities near the lab that are commercially viable and useful to the lab. Thus, the lab gets highly competent collaborators nearby and the region gets high tech economic growth.

Let me give an example. Imagine a lab that does research in optics that has optics companies nearby. The lab and the companies discover they both need better training for their machinists and skilled workers. So they agree to set up and share the cost of an advanced training program for their workers at the local community college. This is good for the workers, good for the companies, good for the lab. Other types of projects this program might fund include:

Local economic surveys and strategic planning efforts;

Technology roadmaps for local industry;

Personnel exchanges among local universities, firms, and the lab;

Lab based small business incubators or research parks; and

Joint research programs between a group of local firms and the lab.

We have some real life examples of this kind of thinking in the research parks Sandia and Los Alamos are setting up to collaborate with industry and promote economic growth. And Argonne, Idaho National Engineering and Environmental Laboratory, and Sandia have programs to link their technology with venture capital, to get it into the marketplace, which can only help advance the lab's mission. This bill will encourage the labs to systematically experiment with more projects like those.

Now, some might think that the Internet will make proximity irrelevant to collaboration. But that's not the case, as simple observation of Silicon Valley shows; it's not been dissipating, it's been growing. Close collaboration will remain easier among close neighbors, because it partly depends on people who know each other and are rooted in a community—which is why one provision of this bill is a study on how to ease employee mobility between the labs and nearby technical organizations. The Internet complements and strengthens collaborations, but is not a complete substitute for having collaborators nearby. Thus, even as the Internet grows in influence, it will still make sense to harness the power of technology clusters to help our labs do their jobs and to promote high tech economic growth in their communities.

Mr. President, for many years I've pushed for and supported efforts to make it easier for our national labs to work with industry, universities, and other institutions. I've done this because I think it's good for the science and security missions of our labs, good for our economy, and good for my home state of New Mexico. I think this bill is a comprehensive package that will yield more of those benefits, and I urge my colleagues to join me in supporting it.

Mr. President, I ask unanimous consent that the text of the bill, a summary, and letters of support for this bill from the Technology Industries Association of New Mexico and the City of Albuquerque be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[The text of the bill was not available for printing.]

NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT ACT OF 1999

SUMMARY

The National Laboratories Partnership Improvement Act of 1999 will build stronger technical relationships between the Department of Energy's national laboratories and other institutions, particularly those near the labs. These relationships will help the labs achieve their missions by leveraging the scientific and technical resources of the private sector and universities and will also promote high tech economic growth around the labs.

BACKGROUND/DISCUSSION

More and more of our nation's innovation occurs outside the federal sector. Since 1987, around 95% of the real growth in our national R&D has come from the private sector, and none from the federal government. Industry now funds almost 70% of our national R&D.

Scientific and technical collaborations between our national labs and other technical institutions improve the lab's access to the huge pool of science, technology, and talent outside their gates. Technical collaboration with the national labs is both good for the companies that do it and essential for keeping the labs on the cutting edge of research.

This bill takes the next step in making it easier for our national laboratories to work with other institutions. In addition to improving the CRADA process, the bill also focuses on improving the "regional technology infrastructure" around the labs. This refers to things like the companies, universities, labor force, and non-profit organizations near a lab that are not formally part of it but that nonetheless contribute to its technical success.

Places like Silicon Valley show that when these technical institutions form a high quality, dynamic network, they can develop into a "technology cluster" that dramatically improves innovation and economic growth throughout a region. This bill will promote the development of technology clusters around the national labs both to help the labs harness the power of technology clusters to achieve their missions and to stimulate high tech economic growth around the labs.

SECTION BY SECTION DESCRIPTION

Sec. 1–3—Titles, findings, and definitions.

Sec. 4—*Regional Technology Infrastructure Program*—Authorizes the Department of Energy to promote the development of technology clusters around the national labs that will help them achieve their missions. The idea is to foster commercially oriented, dynamic networks of local institutions, broadly analogous to that in Silicon Valley, that will improve innovation and economic growth around the labs—thereby helping the labs as they help the labs' communities. Projects under this program will be competitively selected, cost shared partnerships between a lab and nearby organizations. Projects with the clear potential to help a lab achieve its mission, leverage commercial innovation, and commercialize lab technology will be selected. The program begins with $1M of funding at each of the nine, large multiprogram labs. Examples of the kinds of projects that might be funded are: local economic surveys and strategic planning efforts; technology roadmaps for local industry; personnel exchanges and specialized workforce training programs among local universities, firms, and the lab; lab based small business incubators or research parks; and joint research programs between a group of local firms and the lab.

Sec. 5—*Small Business Advocacy and Assistance*—Establishes a Small Business Advocate charged with increasing small businesses' participation in procurements and collaborative research at each of the nine, large multiprogram labs. Authorizes the labs to give small businesses advice to make them better suppliers and general technical assistance. For example, a lab could point them to venture capitalists or technical partners that would strengthen their ability to work for the lab. Or, a small business could get technical advice from a lab on how to fix a product design problem. Complements Sec. 4, but is focused directly on small businesses.

Sec. 6—*Technology Partnership Ombudsman*—Establishes an ombudsman at the nine, large multiprogram labs to quickly and inexpensively resolve complaints or disputes with the labs over technology partnerships, patents, and licensing.

Sec. 7—*Mobility of Technical Personnel*—Requires DOE to remove any disincentives to technical personnel moving among the national labs. Creates a study to recommend how to ease the movement of technical personnel between the labs and nearby industry with the long term goal of promoting startups and stronger networks of technical collaboration near the labs.

Sec. 8—*Other Transactions*—Standard government contracts, grants, or cooperative agreements can be ill-suited to collaborative projects that have a variety of actors and equities. This section gives DOE "other transactions," an exceptionally flexible contracting authority that allows a "clean sheet of paper" negotiation with non-federal organizations. Other transactions were successfully pioneered by the Defense Advance Research Projects Agency to manage many of its innovative relationships with industry; more recently they've been adopted by the military services and Department of Transportation.

Sec. 9—*Amendments to the Stevenson-Wydler Act*—The current law governing CRADAs can make them slower to negotiate and less attractive to industry than they should be. This section amends that law to make the negotiation process faster, more flexible, and more attractive to industry. More specifically, this section: shortens the time federal agencies have to review, modify, and approve CRADAs with government owned, contractor operated (GOCO) labs, making it the same as that for government owned, government operated labs; allows more negotiation over the allocation of intellectual property rights developed under a CRADA; and allows federal agencies to permit routine CRADAs to be simply handled by a GOCO lab by eliminating extra steps now required for CRADA with them.

TECHNOLOGY INDUSTRIES
ASSOCIATION OF NEW MEXICO,
Albuquerque, NM, October 13, 1999.
Hon. JEFF BINGAMAN,
U.S. Senate, Washington, DC.

DEAR SENATOR BINGAMAN: On behalf of the board of directors of the Technology Industries Association of New Mexico (TIA), I am sending this letter to express our support of legislation you are introducing, the National Laboratories Partnership Improvement Act of 1999.

Members of our organization are well aware of the benefits that already have occurred via the "technology transfer" process begun with the Stevenson-Wydler Act of 1980 and continuing since with various improvements and changes to the original measure. Although most of the member companies in TIA do not engage in direct sales to or contracting with the Federal government or military a number of these companies have benefited due to the technology transfer process.

At least one of our TIA members was created as a spin-off of Sandia National Laboratories. Some of the larger multinational companies with divisions in New Mexico have benefited via CRADA arrangements. And some of our other smaller member companies have been greatly aided through the simple but effective mechanism of the technology assistance program run by Sandia.

After reviewing draft versions of your proposed legislation, we particularly like two features:

The provision that the national laboratories can link with private companies, rather than the other way around. We think this is important, because, as much as private companies can and have been aided via access to the vast R&D capabilities of the national labs, it is also important that the government institutions learn from private companies those skills necessary to succeed in the intensely competitive international free-market economies.

The section which promotes the development of technology clusters in the local economies where national laboratories are located. This strategic approach to economic development is beginning to emerge in central New Mexico with the help of your office and others. We think the development of technology clusters provides a focus for issues and for building vertical infrastructure that often has been lacking in the previous well-meaning, but scattergun approach to economic development.

TIA thanks you for your effort and is hopeful the legislation will be enacted.

Sincerely,

JOHN P. JEKOWSKI,
President.

CITY OF ALBUQUERQUE,
Albuquerque, NM, October 13, 1999.

JEFF BINGAMAN,
U.S. Senator, Hart Building,
Washington, DC.

DEAR SENATOR BINGAMAN: On behalf of the citizens of Albuquerque, I want to state my strong support of your proposed legislation, "The National Laboratories Partnership Improvement Act of 1999." For the past 50 years the synergy among our scientific, civic, and educational communities and the Department of Energy's national laboratories has helped to build and enhance our modern city. While we welcome these working partnerships, we recognize that stronger technical relationships between the labs, private businesses, and other nearby institutions are needed to leverage additional resources, both public and private, and promote high tech economic growth at the local, regional, and national levels.

Your leadership in the past and your thorough understanding of the complex issues involving tech transfer has deeply benefited Albuquerque's economic diversification, job growth, and stability. This legislation provides an important and timely framework for the future, and we look forward to working with you and your staff in whatever way necessary to implement it. To this end, we would hope that monies generated by the legislation might come directly to the community, and not go to existing or proposed lab tech transfer programs. This will enable our business, institutional and civic leadership to develop the infrastructure required by this well-crafted, thoughtful, and far-reaching proposal.

Sincerely,

JIM BACA,
Mayor.

By Mr. COVERDELL (for himself, Mr. DEWINE, and Mr. GRASSLEY):

S. 1758. A bill to authorize urgent support for Colombia and front line states to secure peace and the rule of law, to enhance the effectiveness of anti-drug efforts that are essential to impending the flow of deadly cocaine and heroin from Colombia to the United States, and for other purposes; to the Committee on Foreign Relations.

Mr. DEWINE. Mr. President, the current situation in Colombia is a nightmare. Embroiled in a bloody, complex, three decade-long civil war, Colombia is spiraling toward collapse. Since the early 1990s, more than 35,000 Colombians have lost their lives at the hands of two well-financed, heavily-armed guerrilla insurgency groups, along with a competing band of ruthless paramilitary operatives, hell bent on crushing the group of leftist guerrillas. Sadly, many of those killed so far have been innocent civilians caught in the constant cross-fire.

The American drug habit is at the core of the Colombian crisis, with drug users and pushers in this country subsidizing the anti-democratic leftists. Americans want drugs. The drug traffickers want money. To ensure their prosperity and to maintain a profitable industry, the traffickers essentially hire the guerrillas and, increasingly, the paramilitary groups to protect their livelihoods. Violence and instability reign. Democracy is crumbling.

That's why, Mr. President, today, along with my colleague Senator COVERDELL, we are introducing the Anti-Drug Alliance with Colombia and the Andean Region Act of 1999. This comprehensive bill is designed to promote peace and stability in Colombia and the Latin American region. Our colleague, Senator GRASSLEY also joins us as a co-sponsor. We believe it is time that our government work in conjunction with the government and the people of Colombia to help lessen the growing crisis in the region.

The problems in Colombia run deep. There are no easy "overnight" solutions. If we are to assist in creating and sustaining long-term stability in Colombia, we must commit the resources to achieving that end. It is in our national interest to support Colombia in its effort to thwart further destabilization. Without a strong Colombia, narco-traffickers will flourish, an abundant and steady flow of illicit drugs will head for the United States, one of our largest export markets in the western hemisphere will continue to falter, and a democratic government will further erode.

Just a couple of weeks ago, I met with Colombian President Pastrana during his visit to Washington. We discussed how our two countries can work together—in cooperation—to eliminate drugs from our hemisphere and to begin restoring democracy and the rule of law in Colombia.

For more than three decades, the Revolutionary Armed Forces of Colombia, otherwise known as the FARC, and the National Liberation Army (ELN) have waged the longest-running guerrilla insurgency in Latin America. Both rebel groups have a combined strength of between 15,000 and 20,000 full-time guerrillas. These armed terrorists control or influence up to 60% of rural Colombia. At present, the Colombian military does not appear to have the strength and resources to counter these menacing forces.

Well over a decade ago, the biggest threat to stability from within our hemisphere was communism—Soviet and Cuban communists pushing their anti-democratic propaganda in Central America. We overcame that threat. Under the Reagan and Bush Administrations, Democracy prevailed. Today, in our hemisphere, the communists have been replaced by drug traffickers and the rebels they hire to protect their lucrative industry. These drug traffickers also are financing the roughly 5,000 armed paramilitary combatants, whose self-appointed mission is to counter the strength of the leftist guerrillas. If we hope to have any impact at all in eliminating the drugs in our cities, in our schools, and in our homes, we need to attack drug trafficking head on—here and abroad. This is how we can help both the people of Colombia and the people of our own country.

With the help of my colleagues, Senators PAUL COVERDELL, BOB GRAHAM and CHARLES GRASSLEY, last year we passed the Western Hemisphere Drug Elimination Act. This was a much-needed step toward attacking the drug problem at its core. This Act is a $2.7 billion, three-year investment to rebuild our drug fighting capability outside our borders. This law is about reclaiming the federal government's exclusive responsibility to prevent drugs from ever reaching our borders. This law is about building a hemisphere free from the violent and decaying influence of drug traffickers. This is a law about stopping drugs before they ever reach our kids in Ohio.

This bill was necessary because the Clinton Administration, since coming into office, has slashed funding levels for international counter-narcotics efforts. By turning its back for the better part of this decade on the fight against drugs abroad, this Administration has contributed inadvertently to the growing strength of drug trafficking organizations, as well as the narco-terrorists in the region.

If one principle has guided American foreign policy consistently since the dawn of our nation, it is this: The peace and stability of our own hemisphere must come first. That certainly has been the case throughout the last century. The Spanish-American War, the Cuban Missile Crisis, the democratization of Central America in the 1980s, and the North American Free Trade Agreement in the 1990s—all of these key events were approached with the same premise: A strong, free, and prosperous hemisphere means a strong, free, and prosperous United States.

Consistent with that principle, the United States must take an active role in seeking a peaceful, democratic Colombia. That is why Senator COVERDELL, who just came back from Colombia, and I have developed a comprehensive assistance plan for Colombia. The Alliance Act of 1999 would authorize $1.6 billion over three years to support: 1. Alternative crop and economic development; 2. Drug interdiction programs; 3. Human rights and rule of law programs; and 4. Military and police counter-narcotics operations. Our plan also contains provisions for counternarcotics assistance and crop alternative development programs for other Latin American countries, including Brazil, Bolivia, Peru, Panama, Venezuela, and Ecuador.

Our plan not only provides the means to eradicate and interdict illicit drugs, but it also provides the training and resources to strengthen both the civilian and military justice systems to preserve the rule of law and democracy in Colombia. A hemispheric commitment to the rule of law is essential. When I visited with Americans living in Colombia during a trip to the region last year, judicial reform was a central focus of our discussion on ways our nation can better assist Colombia. With our plan, our government would take a leadership role in promoting a strong judiciary and rule of law in Colombia by providing our own technical expertise.

Our plan promotes the sanctity of human rights and provides humanitarian assistance to the hundreds of thousands of people who have been displaced due to the violence and instability.

We not only focus on the economy of Colombia, but also on the stability of the region, as a whole. We provide support for the front-line states and call on them and the international community to assist and support the Government of Colombia. This is a cooperative effort to help Colombia begin to help itself.

Our plan would monitor the assistance to the Colombian security forces, so we can be sure that this assistance is used effectively for its intended purpose and does not fall into the hands of those who engage in gross violations of human rights and drug trafficking.

We urge the Colombian government to take a tough stance against the often over-looked paramilitaries. They are a growing part of the problem in Colombia and should not be ignored.

Our plan is comprehensive. Our plan is balanced. It demonstrates our commitment to assisting the Government of Colombia and our interest in working together to bring peace and security to the hemisphere.

Mr. President, this is not an "America Knows Best" plan. We consulted with those who are on the front-lines in Colombia—those who know best what Colombia needs right now. We have talked with the Colombian government, including President Pastrana, to inquire about Colombia's specific needs. We also have consulted with U.S. government officials, who have confirmed our belief that a plan for Colombia must be balanced if we hope to address the complex and dangerous elements of the current situation.

Frankly, Mr. President, it is my hope that the Administration will pro-actively work with Congress—and most importantly, Colombia—to turn the tide against those seeking to undermine democracy in the region. We must act now—too much is at risk to wait any longer.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1758

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Alliance with Colombia and the Andean Region (ALIANZA) Act of 1999".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Purposes.
Sec. 3. Findings.
Sec. 4. Definitions.

TITLE I—UNITED STATES POLICY AND PERSONNEL

Sec. 101. Statement of policy regarding support for democracy, peace, the rule of law, and human rights in Colombia.
Sec. 102. Requirement for a comprehensive regional strategy to support Colombia and the front line states.
Sec. 103. Availability of funds conditioned on submission of strategic plan and application of congressional notification procedures.
Sec. 104. Limitation on availability of funds.
Sec. 105. Sense of Congress on unimpeded access by Colombian law enforcement officials to all areas of the national territory of Colombia.
Sec. 106. Extradition of narcotics traffickers.
Sec. 107. Additional personnel requirements for the United States mission in Colombia.
Sec. 108. Sense of Congress on a special coordinator on Colombia.
Sec. 109. Sense of Congress on the death of three United States citizens in Colombia in March 1999.
Sec. 110. Sense of Congress on members of Colombian security forces and members of Colombian irregular forces.

TITLE II—ACTIVITIES SUPPORTED

Subtitle A—Democracy, Peace, the Rule of Law, and Human Rights in Colombia

Sec. 201. Support for democracy, peace, the rule of law, and human rights in Colombia.
Sec. 202. United States emergency humanitarian assistance fund for internally forced displaced population in Colombia.
Sec. 203. Investigation by Colombian Attorney General of drug trafficking and human rights abuses by irregular forces and security forces.
Sec. 204. Report on Colombian military justice.
Sec. 205. Denial of visas to and inadmissibility of aliens who have been involved in drug trafficking and human rights violations in Colombia.

Subtitle B—Eradication of Drug Production and Interdiction of Drug Trafficking

Sec. 211. Targeting new illicit cultivation and mobilizing the Colombian security forces against the narcotrafficking threat.
Sec. 212. Reinvigoration of efforts to interdict illicit narcotics in Colombia.
Sec. 213. Enhancement of Colombian police and navy law enforcement activities nationwide.
Sec. 214. Targeting illicit assets of irregular forces.
Sec. 215. Enhancement of regional interdiction of illicit drugs.
Sec. 216. Revised authorities for provision of additional support for counterdrug activities of Colombia and Peru.
Sec. 217. Sense of Congress on assistance to Brazil.
Sec. 218. Monitoring of assistance for Colombian security forces.
Sec. 219. Development of economic alternatives to the illicit drug trade.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to prescribe proactive measures to confront the threat to United States interests of continued instability in Colombia;

(2) to defend constitutional order, the rule of law, and human rights, which will benefit all persons;

(3) to support the democratically elected Government of the Republic of Colombia to secure a firm and lasting end to the armed conflict and lawlessness within its territory, which now costs countless lives, threatens regional security, and undermines effective anti-drug efforts;

(4) to require the President to design and implement an urgent, comprehensive, and adequately funded plan of support for Colombia and its neighbors;

(5) to authorize adequate funds to implement an urgent and comprehensive plan of economic development and anti-drug support for Colombia and the front line states;

(6) to authorize indispensable material, technical, and logistical support to enhance the effectiveness of anti-drug efforts that are essential to impeding the flow of deadly cocaine and heroin from Colombia to the United States; and

(7) to bolster the capacity of the front line states to confront the current destabilizing effects of the Colombia conflict and to resist illicit narcotics trafficking activities that may seek to elude enhanced law enforcement efforts in Colombia.

SEC. 3. FINDINGS.

Congress makes the following findings:

(1) The armed conflict and resulting lawlessness in Colombia present a clear and present danger to the security of the front line states, to law enforcement efforts intended to impede the flow of cocaine and

heroin, and, therefore, to the well-being of the people of the United States.

(2) Colombia is a democratic country fighting multiple wars, against the Colombian Revolutionary Armed Forces (FARC), the National Liberation Army (ELN), paramilitary organizations, and international narcotics trafficking kingpins.

(3) With 34 percent of world terrorist acts committed there, Colombia is the world's third most dangerous country in terms of political violence.

(4) Colombia is the world's kidnapping capital of the world with 2,609 kidnappings reported in 1998 and 513 reported in the first three months of 1999.

(5) In 1998 alone, 308,000 Colombians were internally displaced in Colombia. During the last decade, 35,000 Colombians have been killed.

(6) The FARC and the ELN are the two main guerrilla groups that have waged the longest-running anti-government insurgency in Latin America.

(7) The FARC and the ELN engage in systematic extortion through the abduction of United States citizens, have murdered United States citizens, profit from the illegal drug trade, and engage in systematic and indiscriminate crimes, including kidnapping, torture, and murder, against Colombian civilian and security forces.

(8) The FARC and the ELN have targeted United States Government personnel, private United States citizens, and United States business interests.

(9) In March 1999, the FARC murdered three kidnapped United States human rights workers near the international border between Colombia and Venezuela.

(10) The Colombian rebels are estimated to have a combined strength of 10,000 to 20,000 full-time guerrillas, and they have initiated armed action in nearly 700 of the country's 1,073 municipalities and control or influence roughly 60 percent of rural Colombia.

(11) The Government of Colombia has recovered 5,000 new AK–47s from guerrilla caches in 1 month, and the FARC has plotted to use $3,000,000 in funds earned from drug trafficking to buy 30,000 AK–47s.

(12) Although the Colombian Army has 122,000 soldiers, there are no more than 40,000 soldiers available for offensive combat operations.

(13) Colombia faces the threat of an estimated 5,000 armed persons who comprise paramilitary organizations, who engage in lawless acts and undermine the peace process.

(14) Paramilitary organizations profit from the illegal drug trade and engage in systematic and indiscriminate crimes, including extortion, kidnapping, torture, and murder, against Colombian civilians.

(15) The conflict in Colombia is creating instability along its borders with neighboring countries, Ecuador, Panama, Peru, and Venezuela, several of which have deployed forces to their border with Colombia.

(16) Coca production has increased 28 percent in Colombia since 1998, and already 75 percent of the world's cocaine and 75 percent of the heroin seized in the northeast United States is of Colombian origin.

(17) The first 900-soldier Counternarcotics Battalion has been established within the Colombian Army with training and logistical support of the United States military and the Department of State international narcotics and law enforcement program, and it will be ready for deployment in areas of new illicit coca cultivation in southern Colombia by November 1999.

(18) In response to serious human rights abuse allegations by the Colombian military, the Government of Colombia has dismissed alleged abusers and undertaken military reforms, and, while the Colombian military was implicated in 50 percent of human rights violations in 1995, by 1998, the number of incidents attributed to the military plummeted to 4–6 percent.

(19) The Government of Colombia has convicted 240 members of the military and police accused of human rights violations.

(20) In 1998, two-way trade between the United States and Colombia was more than $11,000,000,000, making the United States Colombia's number one trading partner and Colombia the fifth largest market for United States exports in the region.

(21) Colombia is experiencing a historic economic recession, with unemployment rising to approximately 20 percent in 1999 after 40 years of annual economic growth averaging 5 percent per year.

(22) The Colombian judicial system is inefficient and ineffective in bringing to justice those who violate the rule of law.

(23) The FARC continue to press for an exchange of detained rebels, which, if granted, will enable the FARC to increase its manpower in the short term by as many as 4,000 combatants.

(24) The Drug Enforcement Administration has reported that the Colombian irregular forces are involved in drug trafficking and that certain irregular forces leaders have become major drug traffickers.

SEC. 4. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—Except as provided in section 218, the term "appropriate congressional committees" means—

(A) the Committee on Appropriations and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Appropriations and the Committee on International Relations of the House of Representatives.

(2) FRONT LINE STATES.—The term "front line states" means Bolivia, Brazil, Ecuador, Panama, Peru, and Venezuela.

(3) ILLICIT DRUG TRAFFICKING.—The term "illicit drug trafficking" means illicit trafficking in narcotic drugs, psychotropic substances, and other controlled substances (as defined in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)), as such activities are described by any international narcotics control agreement to which the United States is a signatory, or by the domestic law of the country in whose territory or airspace the interdiction is occurring.

(4) IRREGULAR FORCES.—The term "irregular forces" means irregular armed groups engaged in illegal activities, including the Colombia Revolutionary Armed Forces (FARC), the National Liberation Army (ELN), and paramilitary organizations.

TITLE I—UNITED STATES POLICY AND PERSONNEL

SEC. 101. STATEMENT OF POLICY REGARDING SUPPORT FOR DEMOCRACY, PEACE, THE RULE OF LAW, AND HUMAN RIGHTS IN COLOMBIA.

It shall be the policy of the United States—

(1) to support the democratically elected Government of the Republic of Colombia in its efforts to secure a firm and lasting end to the armed conflict and lawlessness within its territory, which now costs countless lives, threatens regional security, and undermines effective anti-drug efforts;

(2) to insist that the Government of Colombia complete urgent reform measures intended to open its economy fully to foreign investment and commerce, particularly in the petroleum industry, as a path toward economic recovery and self-sufficiency;

(3) to promote the protection of human rights in Colombia by conditioning assistance to security forces on respect for all internationally recognized human rights;

(4) to support Colombian authorities in strengthening judicial systems and investigative capabilities to bring to justice any person against whom there exists credible evidence of gross violations of human rights;

(5) to expose the lawlessness and gross human rights violations committed by irregular forces in Colombia; and

(6) to mobilize international support for the democratically elected Government of the Republic of Colombia so that that government can resist making unilateral concessions that undermine the credibility of the peace process.

SEC. 102. REQUIREMENT FOR A COMPREHENSIVE REGIONAL STRATEGY TO SUPPORT COLOMBIA AND THE FRONT LINE STATES.

(a) REPORT REQUIRED.—Not later than 60 days after the date of enactment of this Act, the President shall submit to the appropriate congressional committees and the Caucus on International Narcotics Control of the Senate a report on the current United States policy and strategy regarding United States counternarcotics assistance for Colombia and the front line states.

(b) REPORT ELEMENTS.—The report required by subsection (a) shall address the following:

(1) The primary and second priorities of the United States in its relations with Colombia and the front line states that are the source of most of the illicit narcotics entering the United States.

(2) The actions required of the United States to support and promote such priorities.

(3) A schedule for implementing actions in order to meet such priorities.

(4) The role of the United States in the efforts of the Government of Colombia to deal with illegal drug production in Colombia.

(5) The role of the United States in the efforts of the Government of Colombia to deal with the insurgency in Colombia.

(6) The role of the United States in the efforts of the Government of Colombia to deal with irregular forces in Colombia.

(7) How the strategy with respect to Colombia relates to the United States strategy for the front line states.

(8) How the strategy with respect to Colombia relates to the United States strategy for fulfilling global counternarcotics goals.

(9) A strategy and schedule for providing urgent material, technical, and logistical support to Colombia and the front line states in order to defend the rule of law and to more effectively impede the cultivation, production, transit, and sale of illicit narcotics.

SEC. 103. AVAILABILITY OF FUNDS CONDITIONED ON SUBMISSION OF STRATEGIC PLAN AND APPLICATION OF CONGRESSIONAL NOTIFICATION PROCEDURES.

Funds made available to carry out this Act shall only be made available—

(1) upon submission to Congress by the President of the plan required by section 102; and

(2) in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1).

SEC. 104. LIMITATION ON AVAILABILITY OF FUNDS.

(a) Ineligibility of Units of Security Forces for Assistance.—The same restrictions contained in section 568 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999 (as contained in section 101(d) of division A of Public Law 105-277) and section 8130 of Public Law 105–262 that apply to the availability of funds under those Acts shall apply to the availability of funds under this Act.

(b) Additional Restrictions..—In addition to the application of the restrictions described in subsection (a), those restrictions shall apply with respect to the availability of funds for a unit of the security forces of Colombia if the Secretary of State reports to Congress that credible evidence exists that a member of that unit has provided material support to irregular forces in Colombia or to any criminal narcotics trafficking syndicate that operates in Colombia. The Secretary of State may detail such evidence in a classified annex to any such report, if necessary.

SEC. 105. SENSE OF CONGRESS ON UNIMPEDED ACCESS BY COLOMBIAN LAW ENFORCEMENT OFFICIALS TO ALL AREAS OF THE NATIONAL TERRITORY OF COLOMBIA.

It is the sense of Congress that the effectiveness of United States anti-drug assistance to Colombia depends on the ability of law enforcement officials of that country having unimpeded access to all areas of the national territory of Colombia for the purposes of carrying out the interdiction of illegal narcotics and the eradication of illicit crops.

SEC. 106. EXTRADITION OF NARCOTICS TRAFFICKERS.

(a) Sense of Congress.—It is the sense of Congress that the Government of Colombia and the governments of the front line states should take effective steps to prevent the creation of a safe haven for narcotics traffickers by ensuring that narcotics traffickers indicted in the United States are promptly arrested, prosecuted, and sentenced to the maximum extent of the law and, upon the request of the United States Government, extradited to the United States for trial for their egregious offenses against the security and well-being of the people of the United States.

(b) Reports.—Not later than six months after the date of the enactment of this Act, and every six months thereafter, the Secretary of State shall submit to the Committee on Foreign Relations and the Committee on the Judiciary of the Senate and the Committee on International Relations and the Committee on the Judiciary of the House of Representatives a report setting forth—

(1) a list of the persons whose extradition has been requested from Colombia or the front line states, indicating those persons who—

(A) have been surrendered to the custody of United States authorities;

(B) have been detained by authorities of Colombia or a front line state and who are being processed for extradition;

(C) have been detained by the authorities of Colombia or a front line state and who are not yet being processed for extradition; or

(D) are at large;

(2) a determination whether or not authorities of Colombia and the front line states are making good faith efforts to ensure the prompt extradition of each of the persons sought by United States authorities; and

(3) an analysis of—

(A) any legal obstacles in the laws of Colombia and of the front line states to the prompt extradition of persons sought by United States authorities; and

(B) the steps taken by authorities of the United States and the authorities of each such state to remove such obstacles.

SEC. 107. ADDITIONAL PERSONNEL REQUIREMENTS FOR THE UNITED STATES MISSION IN COLOMBIA.

(a) Report to Congress.—Not later than 60 days after the date of enactment of this Act, the President shall submit to the appropriate congressional committees a report detailing the additional personnel requirements of the United States Mission in Colombia that are necessary to implement this Act.

(b) Funding of Report Recommendations.—

(1) Authorization of appropriations.—

(A) In general.—In addition to amounts otherwise available for such purpose, there are authorized to be appropriated to the relevant departments and agencies of the United States for the period beginning October 1, 1999, and ending September 30, 2002, such sums as may be necessary to pay the salaries of such number of additional personnel as are recommended in the report required by subsection (a).

(B) Availability of funds.—Amounts appropriated pursuant to subparagraph (A) are authorized to remain available until expended.

(2) Additional personnel defined.—In paragraph (1), the term "additional personnel" means the number of personnel above the number of personnel employed in the United States Mission in Colombia as of the date of enactment of this Act.

SEC. 108. SENSE OF CONGRESS ON A SPECIAL COORDINATOR ON COLOMBIA.

It is the sense of Congress that the President should designate a special coordinator on Colombia with sufficient authority—

(1) to coordinate interagency efforts to prepare and implement a comprehensive regional strategy to support Colombia and the front line states;

(2) to advocate within the executive branch adequate funding for and urgent delivery of assistance authorized by this Act; and

(3) to coordinate diplomatic efforts to maximize international political and financial support for Colombia and the front line states.

SEC. 109. SENSE OF CONGRESS ON THE DEATH OF THREE UNITED STATES CITIZENS IN COLOMBIA IN MARCH 1999.

It is the sense of Congress that the Government of Colombia should resolve the case of the three United States citizens killed in Colombia in March 1999 and bring to justice those involved in this atrocity.

SEC. 110. SENSE OF CONGRESS ON MEMBERS OF COLOMBIAN SECURITY FORCES AND MEMBERS OF COLOMBIAN IRREGULAR FORCES.

It is the sense of Congress that—

(1) any links between members of Colombian irregular forces and members of Colombian security forces are deeply troubling and clearly counterproductive to the effort to combat drug trafficking and the prevention of human rights violations; and

(2) the involvement of Colombian irregular forces in drug trafficking and in systematic terror campaigns targeting the noncombatant civilian population is deplorable and contrary to United States interests and policy.

TITLE II—ACTIVITIES SUPPORTED

Subtitle A—Democracy, Peace, the Rule of Law, and Human Rights in Colombia

SEC. 201. SUPPORT FOR DEMOCRACY, PEACE, THE RULE OF LAW, AND HUMAN RIGHTS IN COLOMBIA.

(a) In General.—The President is authorized to support programs and activities to advance democracy, peace, the rule of law, and human rights in Colombia, including—

(1) the deployment of international observers, upon the request of the Government of Colombia, to monitor compliance with any peace initiative of the Government of Colombia;

(2) support for credible, internationally recognized independent nongovernmental human rights organizations working in Colombia;

(3) support for the Human Rights Unit of the Attorney General of Colombia;

(4) to enhance the rule of law through training of judges, prosecutors, and other judicial officials and through a witness protection program;

(5) to improve police investigative training and facilities and related civilian police activities; and

(6) to strengthen a credible military justice system, including technical support by the United States Judge Advocate General, and strengthen existing human rights monitors within the ranks of the military.

(b) Authorization of Appropriations.—

(1) In general.—In addition to amounts otherwise available for such purpose, there is authorized to be appropriated to the President $100,000,000 for the period beginning October 1, 1999, and ending September 30, 2002, to carry out subsection (a).

(2) Availability of funds.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

SEC. 202. UNITED STATES EMERGENCY HUMANITARIAN ASSISTANCE FUND FOR INTERNALLY FORCED DISPLACED POPULATION IN COLOMBIA.

(a) Sense of Congress.— It is the sense of Congress that—

(1) the United States Government should provide assistance to forcibly displaced persons in Colombia; and

(2) the Government of Colombia should support the return of the forcibly displaced to their homes only when the safety of civilians is fully assured and they return voluntarily.

(b) Report.—Not later than 60 days after the date of enactment of the Act, the Secretary of State shall submit to the appropriate congressional committees a report containing an examination of the options available to address the needs of the internally displaced population of Colombia.

(c) Authorization To Provide Assistance.—The President is authorized—

(1) to provide assistance to the internally displaced population of Colombia; and

(2) to assist in the temporary resettlement of the internally displaced Colombians.

(d) Funding.—Amounts authorized to be appropriated by section 201(b) shall be available to the President for purposes of activities under subsection (c).

SEC. 203. INVESTIGATION BY COLOMBIAN ATTORNEY GENERAL OF DRUG TRAFFICKING AND HUMAN RIGHTS ABUSES BY IRREGULAR FORCES AND SECURITY FORCES.

(a) Authority.—The President is authorized to support efforts by the Attorney General of Colombia—

(1) to investigate and prosecute members of Colombian irregular forces involved in the production or trafficking in illicit drugs;

(2) to investigate and prosecute members of Colombian security forces involved in the production or trafficking in illicit drugs;

(3) to investigate and prosecute members of Colombian irregular forces involved in gross violations of internationally recognized human rights; and

(4) to investigate and prosecute members of Colombian security forces involved in gross violations of internationally recognized human rights.

(b) Funding.—Amounts authorized to be appropriated by section 201(b) shall be available to the President for purposes of activities under subsection (a).

SEC. 204. REPORT ON COLOMBIAN MILITARY JUSTICE.

(a) Report Required.—Not later than 90 days after the date of enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report examining the efforts to strengthen and reform the military justice system of Colombia and making recommendations for directing assistance authorized by this Act for that purpose.

(b) Report Elements.—The report required by subsection (a) shall contain the following:

(1) A review of the laws, regulations, directives, policies, and practices of the military justice system of Colombia, including specific military reform measures being considered and implemented.

(2) An assessment of the extent to which the laws, regulations, directives, policies, practices, and reforms relating to the military justice system have been effective in preventing and punishing human rights violations, irregular forces, and narcotrafficking ties.

(3) Recommendations for the measures necessary to strengthen and improve the effectiveness and enhance the credibility of the military justice system of Colombia.

SEC. 205. DENIAL OF VISAS TO AND INADMISSIBILITY OF ALIENS WHO HAVE BEEN INVOLVED IN DRUG TRAFFICKING AND HUMAN RIGHTS VIOLATIONS IN COLOMBIA.

(a) Grounds for Denial of Visas and Inadmissibility.—Except as provided in subsection (b), the Secretary of State shall deny a visa to, and the Attorney General shall not admit to the United States, any alien who the Secretary of State has credible evidence is a person who—

(1) is or was an illicit trafficker in any controlled substance or has knowingly aided, abetted, conspired, or colluded with others in the illicit trafficking in any controlled substance in Colombia; or

(2) ordered, carried out, or materially assisted in gross violations of internationally recognized human rights in Colombia.

(b) Exceptions.—

(1) Grounds for exception.—Subsection (a) does not apply in any case in which—

(A) the Secretary of State finds, on a case by case basis, that—

(i) the entry into the United States of the person who would otherwise be denied a visa or not admitted under this section is necessary for medical reasons; or

(ii) the alien has cooperated fully with the investigation of human rights violations; or

(B) the Attorney General of the United States determines, on a case-by-case basis, that admission of the alien to the United States is necessary for law enforcement purposes.

(2) Congressional notification.—Whenever an alien described in subsection (a) is issued a visa pursuant to paragraph (1) or admitted to the United States pursuant to paragraph (2), the Secretary of State or the Attorney General, as appropriate, shall notify in writing the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives of such action.

(c) Reporting Requirement.—

(1) List of the United States chief of mission.—The United States chief of mission to Colombia shall transmit to the Secretary of State a list of those individuals who have been credibly alleged to have carried out drug trafficking and human rights violations described in paragraphs (1) and (2) of subsection (a).

(2) Transmittal by Secretary of State.—Not later than three months after the date of the enactment of this Act, the Secretary of State shall submit the list prepared under paragraph (1) to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(d) Definitions.—In this section:

(1) Controlled substance.—The term "controlled substance" has the meaning given the term in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

(2) Human rights.—The term "human rights violations" means gross violations of internationally recognized human rights within the meaning of sections 116 and 502B of the Foreign Assistance Act of 1961.

Subtitle B—Eradication of Drug Production and Interdiction of Drug Trafficking

SEC. 211. TARGETING NEW ILLICIT CULTIVATION AND MOBILIZING THE COLOMBIAN SECURITY FORCES AGAINST THE NARCOTRAFFICKING THREAT.

(a) Authority.—The President is authorized to support programs and activities by the Government of Colombia, including its security forces, to target eradication and law enforcement activities in areas of new cultivation of coca and opium poppy, including—

(1) material support and technical assistance to aid the training, outfitting, deployment, and operations of not less than three counterdrug battalions of the Army of Colombia;

(2) to support the acquisition of up to 15 UH-60 helicopters or comparable transport helicopters, including spare parts, maintenance services and training, or aircraft upgrade kits for the Army of Colombia;

(3) communications and intelligence training and equipment for the Army and Navy of Colombia;

(4) additional aircraft for the National Police of Colombia to enhance its eradication efforts and to support its joint operations with the military of Colombia; and

(5) not less than $10,000,000 to support the urgent development of an application of naturally occurring and ecologically sound methods of eradicating illicit crops.

(b) Authorization of Appropriations.—

(1) In general.—In addition to amounts otherwise available for such purpose, there is authorized to be appropriated $540,000,000 for the period beginning October 1, 1999, and ending September 30, 2002, to carry out subsection (a).

(c) Sense of Congress Relating to Eradication.—It is the sense of Congress that the Government of Colombia should commit itself immediately to the urgent development and application of naturally occurring and ecologically sound mathods for eradicating illicit crops.

SEC. 212. REINVIGORATION OF EFFORTS TO INTERDICT ILLICIT NARCOTICS IN COLOMBIA.

(a) Authority.—The President is authorized to support programs and activities by the Government of Colombia, including its security forces, to reinvigorate a nationwide program to interdict shipments of illicit drugs in Colombia, including—

(1) the acquisition of additional airborne and ground-based radar;

(2) the acquisition of airborne intelligence and surveillance aircraft for the Colombian Army;

(3) the acquisition of additional aerial refueling aircraft and fuel; and

(4) the construction of remote airfields.

(b) Authorization of Appropriations.—

(1) In general.—In addition to amounts otherwise available for such purpose, there is authorized to be appropriated to the President $200,000,000 for the period beginning October 1, 1999, and ending September 30, 2002, to carry out subsection (a).

(2) Availability of funds.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

SEC. 213. ENHANCEMENT OF COLOMBIAN POLICE AND NAVY LAW ENFORCEMENT ACTIVITIES NATIONWIDE.

(a) Authority.—The President is authorized to support programs and activities by the Government of Colombia, including its security forces, to support anti-drug law enforcement activities by the National Police and Navy of Colombia nationwide, including—

(1) acquisition of transport aircraft, spare engines, and other parts, additional UH-1H upgrade kits, forward-looking infrared systems, and other equipment for the National Police of Colombia;

(2) training and operation of specialized vetted units of the National Police of Colombia;

(3) construction of additional bases for the National Police of Colombia near its national territorial borders; and

(4) acquisition of 16 patrol aircraft, 4 helicopters, forward-looking infrared systems, and patrol boats to support for the nationwide riverine and coastal patrol capabilities of the Navy of Colombia.

(b) Authorization of Appropriations.—

(1) In general.—In addition to amounts otherwise available for such purpose, there is authorized to be appropriated to the President $205,000,000 for the period beginning October 1, 1999, and ending September 30, 2002, to carry out subsection (a).

(2) Availability of funds.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

SEC. 214. TARGETING ILLICIT ASSETS OF IRREGULAR FORCES.

(a) Establishment of Task Force.—Not later than three months after the date of enactment of this Act, the Secretary of the Treasury, in coordination with the Director of the Office of National Drug Control Policy, Attorney General, Secretary of State, and Director of Central Intelligence, shall establish a task force to identify assets of irregular forces that operate in Colombia for the purpose of imposing restrictions on transactions by such forces using the President's authority under the International Emergency Economic Powers Act (50 U.S.C. 1701).

(b) Report on Assets of Irregular Forces.—Not later than 12 months after the date of enactment of this Act, the Secretary of the Treasury shall submit to Congress a report on measures taken in compliance with this section and recommend measures to target the unlawfully obtained assets of irregular forces that operate in Colombia.

SEC. 215. ENHANCEMENT OF REGIONAL INTERDICTION OF ILLICIT DRUGS.

(a) AUTHORITY.—The President is authorized to support programs and activities by the United States Government, the Government of Colombia, and the governments of the front line states to enhance interdiction of illicit drugs in that region.

(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts otherwise available for such purposes, there is authorized to be appropriated to the President $410,000,000 for the period beginning October 1, 1999, and ending September 30, 2002, to carry out subsection (a), of which amount—

(1) up to $325,000,000 shall be available for material support and other costs by United States Government agencies to support regional interdiction efforts, of which—

(A) not less than $60,000,000 shall be available for the Drug Enforcement Administration;

(B) not less than $40,000,000 shall be available for regional intelligence activities; and

(C) not less than $30,000,000 for the acquisition of surveillance and reconnaissance aircraft for use by the United States Southern Command primarily for detection and monitoring in support of the interdiction of illicit drugs; and

(2) up to $85,000,000 shall be available for the governments of the front line states to increase the effectiveness of regional interdiction efforts.

(c) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subsection (b) are authorized to remain available until expended.

(d) LIMITATION ON AVAILABILITY OF FUNDS.—Funds made available to carry out this section may be made available to a front line state only after the President determines and certifies to the appropriate congressional committees that such state is cooperating fully with regional and bilateral aerial and maritime narcotics efforts or is taking extraordinary and effective measures on its own to impede suspicious aircraft or maritime vessels through its territory. A determination and certification with respect to a front line state under this subsection shall be effective for not more than 12 months.

SEC. 216. REVISED AUTHORITIES FOR PROVISION OF ADDITIONAL SUPPORT FOR COUNTER-DRUG ACTIVITIES OF COLOMBIA AND PERU.

Section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85) is amended—

(1) in the first sentence of subsection (a), by inserting before the period at the end the following: ", including but not limited to riverine counter-drug activities";

(2) in subsection (c), by adding at the end the following:

"(4) The operating costs of equipment of the government that is used for counter-drug activities."; and

(3) in subsection (e)(2), by striking "any of the fiscal years 1999 through 2002" and inserting "the fiscal year 1999 and may not exceed $75,000,000 during the fiscal years 2000 through 2002".

SEC. 217. SENSE OF CONGRESS ON ASSISTANCE TO BRAZIL.

It is the sense of Congress that the President should—

(1) review the nature of the cooperation between the United States and Brazil in counternarcotics activities;

(2) recognize the extraordinary threat that narcotics trafficking poses to the national security of Brazil and to the national security of the United States;

(3) support the efforts of the Government of Brazil to control drug trafficking in and through the Amazon River basin;

(4) share information with Brazil on narcotics interdiction in accordance with section 1012 of the National Defense Authorization Act for Fiscal Year 1995 (22 U.S.C. 2291–4) in light of the enactment of legislation by the Congress of Brazil that—

(A) authorizes appropriate personnel to damage, render inoperative, or destroy aircraft within Brazil territory that are reasonably suspected to be engaged primarily in trafficking in illicit narcotics; and

(B) contains measures to protect against the loss of innocent life during activities referred to in subparagraph (A), including an effective measure to identify and warn aircraft before the use of force; and

(5) issue a determination outlining the matters referred to in paragraphs (1) through (4) in order to prevent any interruption in the provision by the United States of critical operational, logistical, technical, administrative, and intelligence assistance to Brazil.

SEC. 218. MONITORING OF ASSISTANCE FOR COLOMBIAN SECURITY FORCES.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—In addition to amounts otherwise available for such purpose, there is authorized to be appropriated for the Department of Defense and the Department of State for each of fiscal years 2000, 2001, and 2002 an amount not to exceed the amount equal to one percent of the total security assistance for the Colombian armed forces for such fiscal year for purposes of monitoring the use of United States assistance by the Colombian armed forces, including monitoring to ensure compliance with the provisions of this Act and the provisions of section 568 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999 (as contained in Public Law 105–277; 112 Stat. 2681–195) and section 8130 of the Department of Defense Appropriations Act, 1999 (Public Law 105–262; 112 Stat. 2335).

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

(b) REPORTS.—Not later than six months after the date of the enactment of this Act, and every six months thereafter, the Secretary of Defense and the Secretary of State shall jointly submit to the appropriate congressional committees a report on the monitoring activities undertaken using funds authorized to be appropriated by subsection (a) during the six-month period ending on the date of such report.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means the following:

(1) The Committees on Appropriations, Armed Services, and Foreign Relations of the Senate.

(2) The Committees on Appropriations, Armed Services, and International Relations and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 219. DEVELOPMENT OF ECONOMIC ALTERNATIVES TO THE ILLICIT DRUG TRADE.

(a) SENSE OF CONGRESS.—It is the sense of Congress—

(1) to recognize the importance of well-constructed programs for the development of economic alternatives to the illicit drug trade in order to encourage growers to cease illicit crop cultivation; and

(2) to stress the need to link enforcement efforts with verification efforts in order to ensure that assistance under such programs does not become a form of income supplement to the growers of illicit crops.

(b) SUPPORT FOR DEVELOPMENT OF ECONOMIC ALTERNATIVES.—The President is authorized to support programs and activities by the United States Government and regional governments to enhance the development of economic alternatives to the illicit drug trade.

(c) PROHIBITION ON CERTAIN USE OF ALTERNATIVE DEVELOPMENT ASSISTANCE.—No funds available under this Act for the development of economic alternatives to the illicit drug trade may be used to reimburse persons for the eradication of illicit drug crops.

(d) LIMITATION ON USE OF FUNDS.—Funds authorized to be appropriated by subsection (e) may only be made available to Colombia or a front line state after—

(1) such state has provided to the United States agency responsible for the administration of this section a comprehensive development strategy that conditions the development of economic alternatives to the illicit drug trade on verifiable illicit crop eradication programs; and

(2) the President certifies to the appropriate congressional committees that such strategy is comprehensive and applies sufficient resources toward achieving realistic objectives to ensure the ultimate eradication of illicit crops.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—In addition to amounts otherwise available for such purpose, there is authorized to be appropriated $180,000,000 for the period beginning October 1, 1999, and ending September 30, 2002, to carry out subsection (b), including up to $50,000,000 for Colombia, up to $90,000,000 for Bolivia, and up to $40,000,000 for Peru.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

ADDITIONAL COSPONSORS

S. 185

At the request of Mr. ASHCROFT, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 185, a bill to establish a Chief Agricultural Negotiator in the Office of the United States Trade Representative.

S. 620

At the request of Mr. SARBANES, the name of the Senator from Delaware (Mr. ROTH) was added as a cosponsor of S. 620, a bill to grant a Federal charter to Korean War Veterans Association, Incorporated, and for other purposes.

S. 720

At the request of Mr. HELMS, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 720, a bill to promote the development of a government in the Federal Republic of Yugoslavia (Serbia and Montenegro) based on democratic principles and the rule of law, and that respects internationally recognized human rights, to assist the victims of Serbian oppression, to apply measures against the Federal Republic of Yugoslavia, and for other purposes.

S. 758

At the request of Mr. ASHCROFT, the names of the Senator from Texas (Mrs.

HUTCHISON) and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of S. 758, a bill to establish legal standards and procedures for the fair, prompt, inexpensive, and efficient resolution of personal injury claims arising out of asbestos exposure, and for other purposes.

S. 1130

At the request of Mr. MCCAIN, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 1130, a bill to amend title 49, United States Code, with respect to liability of motor vehicle rental or leasing companies for the negligent operation of rented or leased motor vehicles.

S. 1144

At the request of Mr. VOINOVICH, the names of the Senator from Delaware (Mr. ROTH) and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of S. 1144, a bill to provide increased flexibility in use of highway funding, and for other purposes.

S. 1242

At the request of Mr. AKAKA, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from Georgia (Mr. CLELAND) were added as cosponsors of S. 1242, a bill to amend the Immigration and Nationality Act to make permanent the visa waiver program for certain visitors to the United States.

S. 1249

At the request of Mr. TORRICELLI, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1249, a bill to deny Federal public benefits to individuals who participated in Nazi persecution.

S. 1327

At the request of Mr. CHAFEE, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 1327, a bill to amend part E of title IV of the Social Security Act to provide States with more funding and greater flexibility in carrying out programs designed to help children make the transition from foster care to self-sufficiency, and for other purposes.

S. 1447

At the request of Mr. WELLSTONE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1447, a bill to amend the Public Health Service Act, Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to provide for nondiscriminatory coverage for substance abuse treatment service under private group and individual health coverage.

S. 1452

At the request of Mr. SHELBY, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 1452, a bill to modernize the requirements under the National Manufactured Housing Construction and Safety Standards of 1974 and to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes.

S. 1464

At the request of Mr. HAGEL, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 1464, a bill to amend the Federal Food, Drug, and Cosmetic Act to establish certain requirements regarding the Food Quality Protection Act of 1996, and for other purposes.

S. 1561

At the request of Mr. ABRAHAM, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1561, a bill to amend the Controlled Substances Act to add gamma hydroxybutyric acid and ketamine to the schedules of control substances, to provide for a national awareness campaign, and for other purposes.

S. 1580

At the request of Mr. ROBERTS, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 1580, a bill to amend the Federal Crop Insurance Act to assist agricultural producers in managing risk, and for other purposes.

S. 1750

At the request of Mr. DEWINE, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 1750, a bill to reduce the incidence of child abuse and neglect, and for other purposes.

SENATE RESOLUTION 196

At the request of Mr. WARNER, the names of the Senator from Rhode Island (Mr. CHAFEE), the Senator from Idaho (Mr. CRAPO), the Senator from Massachusetts (Mr. KERRY), the Senator from Indiana (Mr. LUGAR), the Senator from Virginia (Mr. ROBB), and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of Senate Resolution 196, a resolution commending the submarine force of the United States Navy on the 100th anniversary of the force.

SENATE RESOLUTION 204

At the request of Mr. HATCH, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of Senate Resolution 204, a resolution designating the week beginning November 21, 1999, and the week beginning on November 19, 2000, as "National Family Week," and for other purposes.

AMENDMENTS SUBMITTED

PARTIAL BIRTH ABORTION BAN ACT OF 1999

DURBIN (AND OTHERS) AMENDMENT NO. 2319

Mr. DURBIN (for himself, Ms. SNOWE, Ms. COLLINS, Mr. TORRICELLI, Ms. MIKULSKI, Mr. LIEBERMAN, Ms. LANDRIEU, Mr. BINGAMAN, Mr. AKAKA, Mr. GRAHAM, Mr. WELLSTONE, Mrs. LINCOLN, and Mr. DODD) proposed an amendment to the bill (S. 1692) to amend title 18, United States Code, to ban partial birth abortions; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Late Term Abortion Limitation Act of 1999".

SEC. 2. BAN ON CERTAIN ABORTIONS.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 73 the following:

"CHAPTER 74—BAN ON CERTAIN ABORTIONS

"Sec.
"1531. Prohibition of post-viability abortions.
"1532. Penalties.
"1533. Regulations.
"1534. State law.
"1535. Definitions

"§ 1531. Prohibition of Post-Viability Abortions.

"(a) IN GENERAL.—It shall be unlawful for a physician to intentionally abort a viable fetus unless the physician prior to performing the abortion—

"(1) certifies in writing that, in the physician's medical judgment based on the particular facts of the case before the physician, the continuation of the pregnancy would threaten the mother's life or risk grievous injury to her physical health; and

"(2) an independent physician who will not perform nor be present at the abortion and who was not previously involved in the treatment of the mother certifies in writing that, in his or her medical judgment based on the particular facts of the case, the continuation of the pregnancy would threaten the mother's life or risk grievous injury to her physical health.

"(b) NO CONSPIRACY.—No woman who has had an abortion after fetal viability may be prosecuted under this chapter for conspiring to violate this chapter or for an offense under section 2, 3, 4, or 1512 of title 18.

"(c) MEDICAL EMERGENCY EXCEPTION.—The certification requirements contained in subsection (a) shall not apply when, in the medical judgment of the physician performing the abortion based on the particular facts of the case before the physician, there exists a medical emergency. In such a case, however, after the abortion has been completed the physician who performed the abortion shall certify in writing the specific medical condition which formed the basis for determining that a medical emergency existed.

"§ 1532. Penalties.

"(a) ACTION BY THE ATTORNEY GENERAL.—The Attorney General, the Deputy Attorney General, the Associate Attorney General, or any Assistant Attorney General or United States Attorney specifically designated by the Attorney General may commence a civil action under this chapter in any appropriate United States district court to enforce the provisions of this chapter.

"(b) First Offense.—Upon a finding by the court that the respondent in an action commenced under subsection (a) has knowingly violated a provision of this chapter, the court shall notify the appropriate State medical licensing authority in order to effect the suspension of the respondent's medical license in accordance with the regulations and procedures developed by the State under section 1533(b), or shall assess a civil penalty against the respondent in an amount not to exceed $100,000, or both.

"(c) Second Offense—Upon a finding by the court that the respondent in an action commenced under subsection (a) has knowingly violated a provision of this chapter and the respondent has been found to have knowingly violated a provision of this chapter on a prior occasion, the court shall notify the appropriate State medical licensing authority in order to effect the revocation of the respondent's medical license in accordance with the regulations and procedures developed by the State under section 1533(b), or shall assess a civil penalty against the respondent in an amount not to exceed $250,000, or both.

"(d) Hearing.—With respect to an action under subsection (a), the appropriate State medical licensing authority shall be given notification of and an opportunity to be heard at a hearing to determine the penalty to be imposed under this section.

"(e) Certification Requirements.—At the time of the commencement of an action under subsection (a), the Attorney General, the Deputy Attorney General, the Associate Attorney General, or any Assistant Attorney General or United States Attorney who has been specifically designated by the Attorney General to commence a civil action under this chapter, shall certify to the court involved that, at least 30 calendar days prior to the filing of such action, the Attorney General, the Deputy Attorney General, the Associate Attorney General, or any Assistant Attorney General or United States Attorney involved—

"(1) has provided notice of the alleged violation of this chapter, in writing, to the Governor or Chief Executive Officer and Attorney General or Chief Legal Officer of the State or political subdivision involved, as well as to the State medical licensing board or other appropriate State agency; and

"(2) believes that such an action by the United States is in the public interest and necessary to secure substantial justice.

"§ 1533. Regulations.

"(a) Federal Regulations.—

"(1) In general.—Not later than 60 days after the date of enactment of this chapter, the Secretary of Health and Human Services shall publish proposed regulations for the filing of certifications by physicians under this chapter.

"(2) Requirements.—The regulations under paragraph (1) shall require that a certification filed under this chapter contain—

"(A) a certification by the physician performing the abortion, under threat of criminal prosecution under section 1746 of title 28, that, in his or her best medical judgment, the abortion performed was medically necessary pursuant to this chapter;

"(B) a description by the physician of the medical indications supporting his or her judgment;

"(C) a certification by an independent physician pursuant to section 1531(a)(2), under threat of criminal prosecution under section 1746 of title 28, that, in his or her best medical judgment, the abortion performed was medically necessary pursuant to this chapter; and

"(D) a certification by the physician performing an abortion under a medical emergency pursuant to section 1531(c), under threat of criminal prosecution under section 1746 of title 28, that, in his or her best medical judgment, a medical emergency existed, and the specific medical condition upon which the physician based his or her decision.

"(3) Confidentiality.—The Secretary of Health and Human Services shall promulgate regulations to ensure that the identity of a mother described in section 1531(a)(1) is kept confidential, with respect to a certification filed by a physician under this chapter.

"(b) State Regulations.—A State, and the medical licensing authority of the State, shall develop regulations and procedures for the revocation or suspension of the medical license of a physician upon a finding under section 1532 that the physician has violated a provision of this chapter. A State that fails to implement such procedures shall be subject to loss of funding under title XIX of the Social Security Act.

"§ 1534. State Law.

"(a) In General.—The requirements of this chapter shall not apply with respect to post-viability abortions in a State if there is a State law in effect in that State that regulates, restricts, or prohibits such abortions to the extent permitted by the Constitution of the United States.

"(b) Definition.—In subsection (a), the term 'State law' means all laws, decisions, rules, or regulations of any State, or any other State action, having the effect of law.

"§ 1535. Definitions.

"In this chapter:

"(1) Grievous Injury.—

"(A) In general.—The term 'grievous injury' means—.

"(i) a severely debilitating disease or impairment specifically caused or exacerbated by the pregnancy; or

"(ii) an inability to provide necessary treatment for a life-threatening condition.

"(B) Limitation.—The term 'grievous injury' does not include any condition that is not medically diagnosable or any condition for which termination of the pregnancy is not medically indicated.

"(2) Physician.—The term 'physician' means a doctor of medicine or osteopathy legally authorized to practice medicine and surgery by the State in which the doctor performs such activity, or any other individual legally authorized by the State to perform abortions, except that any individual who is not a physician or not otherwise legally authorized by the State to perform abortions, but who nevertheless directly performs an abortion in violation of section 1531 shall be subject to the provisions of this chapter.".

(b) Clerical Amendment.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 73 the following new item:

"74. Ban on certain abortions ...... 1531.".

BOXER AMENDMENT NO. 2320

Mrs. BOXER proposed an amendment to amendment No. 2319 proposed by Mr. Durbin to the bill, S. 1692, supra; as follows:

At the end of the bill, add the following:

SEC. . SENSE OF CONGRESS.

It is the sense of the Congress that, consistent with the rulings of the Supreme Court, a woman's life and health must always be protected in any reproductive health legislation passed by Congress.

HARKIN AMENDMENT NO. 2321

Mr. HARKIN proposed an amendment to amendment No. 2320 proposed by Mrs. Boxer to the bill, S. 1692, supra; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF CONGRESS CONCERNING ROE V. WADE.

(a) Findings.—Congress finds that—

(1) reproductive rights are central to the ability of women to exercise their full rights under Federal and State law;

(2) abortion has been a legal and constitutionally protected medical procedure throughout the United States since the Supreme Court decision in *Roe* v. *Wade* (410 U.S. 113 (1973));

(3) the 1973 Supreme Court decision in *Roe* v. *Wade* established constitutionally based limits on the power of States to restrict the right of a woman to choose to terminate a pregnancy; and

(4) women should not be forced into illegal and dangerous abortions as they often were prior to the *Roe* v. *Wade* decision.

(b) Sense of Congress.—It is the sense of the Congress that—

(1) *Roe* v. *Wade* was an appropriate decision and secures an important constitutional right; and

(2) such decision should not be overturned.

SANTORUM AMENDMENT NO. 2322

Mr. SANTORUM proposed an amendment to the motion to recommit proposed by him to the bill, S. 1692, supra; as follows:

At the end of the instructions insert the following:

SEC. . SENSE OF CONGRESS CONCERNING ROE V. WADE AND PARTIAL BIRTH ABORTION BANS.

Findings.—Congress finds that—

(1) Abortion has been a legal and constitutionally protected medical procedure throughout the United States since the Supreme Court decision in *Roe* v. *Wade* (410 U.S. 113 (1973));

(2) No partial birth abortion ban shall apply to a partial-birth abortion that is necessary to save the life of a mother whose life is endangered by a physical disorder, illness, or injury.

Sense of Congress.—It is the sense of the Congress that partial birth abortions are horrific and gruesome procedures that should be banned.

NOTICE OF HEARING

COMMITTEE ON SMALL BUSINESS

Mr. BOND. Mr. President, I wish to announce that the Committee on Small Business will hold a hearing entitled "EPA Fails Small Businesses: EPA Fails to Consider Small Businesses During Recent Rulemaking." The hearing will be held on Thursday, October 28, 1999, beginning at 9:30 a.m. in room 428 Russell Senate Office Building.

For further information, please contact John Stoody or Marc Freedman at 224-5175.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, October 20, 1999, at 9:30 a.m. on effects of performance enhancing drugs on the health of athletes and athletic competition in SD–106.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, October 20, for purposes of conducting a Full Committee business meeting which is scheduled to begin at 9:30 a.m. The purpose of this business meeting is to consider pending calendar business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet on Wednesday, October 20, 1999 at 10 a.m. in Executive Session to mark up the Tax Extenders Bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, October 20, 1999 at 2 p.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, October 20, 1999 at 9:30 a.m. to mark up pending legislation to be followed by a hearing on Indian Reservation Roads and the Transportation Equity Act in the 21st Century (TEA–21).

The hearing will be held in room 485, Russell Senate Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON THE JUDICIARY

Mr. HUTCHINSON. Mr. President, The Committee on the Judiciary requests unanimous consent to conduct a hearing on Wednesday, October 20, 1999 at 9 a.m. in Dirksen Room 226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON RATES AND ADMINISTRATION

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, October 20, 1999 at 9:30 a.m. to conduct an oversight hearing on the operations of the Architect of the Capitol.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities of the Committee on Armed Services be authorized to meet at 9:30 a.m. on Wednesday, October 20, 1999, in open session, to receive testimony on the efforts of the military services in implementing joint experimentation.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND POWER

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, October 20, for purposes of conducting a Water and Power Subcommittee hearing which is scheduled to begin at 2:30 p.m. The purpose of this hearing is to receive testimony on S. 1167, a bill to amend the Pacific Northwest Power Planning and Conservation Act to provide for expanding the scope of the Independent Scientific Review Panel; S. 1694, a bill to direct the Secretary of the Interior to conduct a study of the reclamation and reuse of water and wastewater in the State of Hawaii; S. 1612, a bill to direct the Secretary of the Interior to convey certain irrigation project property to certain irrigation and reclamation districts in the State of Nebraska; S. 1474, a bill providing conveyance of the Palmetto Band project to the State of Texas; S. 1697, a bill to authorize the Secretary of the Interior to refund certain collections received pursuant to the Reclamation Reform Act of 1982; S. 1178, a bill to direct the Secretary of the Interior to convey certain parcels of land acquired for the Blunt Reservoir and Pierre Canal features of the State of South Dakota for the purpose of mitigating lost wildlife habitat, on the condition that the current preferential leaseholders shall have an option to purchase from the Commission, and for other purposes; and S. 1723, a bill to establish a program to authorize the Secretary of the Interior to plan, design, and construct facilities to mitigate impacts associated with irrigation system water diversions by local governmental entities in the Pacific Ocean drainage of the States of Oregon, Washington, Montana, and Idaho.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

NATIONAL WOMEN'S BUSINESS WEEK

● Mr. DURBIN. Mr. President, I rise today in recognition of the tremendous economic contributions made by women business owners in Illinois and to recognize the work of the Women's Business Development Center, a woman's business training and technical assistance center that has assisted over 30,000 women in realizing their dreams of business ownership.

The newest statistics from the National Foundation for Women's Business Ownership confirm that women entrepreneurs now make up more than 38 percent of all business and continue to be the most dynamic, fastest growing sector of our Nation's economy. I am proud to tell you that there are now 384,700 women-owned businesses in Illinois, employing 1.5 million workers and generating $195 billion in annual sales, a growth of 139 percent in 7 years.

Women business owners in Illinois area vibrant sector of our State economy and strong advocates for women's business ownership nationwide. Recently one of Illinois's own, Sheila G. Talton, president and CEO of Unisource Network Services, Inc., headquartered in Chicago, was appointed to serve on the National Women's Business Council. Unisource Network Services provides network interrogation consulting, including voice, data and multimedia consulting. Ms. Talton, who has 20 years of experience in the information systems and telecommunications field, formed the company in 1986 and sales are projected at $17 million this fiscal year. The company services an elite class of Fortune 500 companies, major educational and health care institutions and public agencies.

Unisource Network Services exemplifies the type of high-growth business that is attractive to investors in Illinois and around the country. In fact, Ms. Talton financed the growth of her technology company with venture capital investments. Unfortunately her story is usual; I'm told that most women entrepreneurs are having difficulties raising the capital they need to take their technology-based companies to the next level. Though women are starting high-growth business at unprecedented rates, they currently access less than 5 percent of all venture capital investments.

Mr. President, the strength of the economy of Illinois and the Nation depends upon the success of enterprises like Unisource. The opportunities to launch and grow businesses and the demand for training and capital have never been greater. In order for these new businesses to flourish, we must ensure that their access to capital and markets is unimpeded and that they have information and resources they need to compete at the speed of the Internet.•

IN RECOGNITION OF NATIONAL WOMEN'S BUSINESS WEEK

• Mrs. FEINSTEIN. Mr. President. I rise today in recognition of "National Women's Business Week" and of the vital role women business-owners play in our economy.

I would also like to recognize the appointment of Vivian L. Shimoyama to the National Women's Business Council. Ms. Shimoyama is the Founder and President of Breakthru Unlimited, a California company that designs and manufactures projects with a message: hand-made glass artwork of jewelry, executive gifts, limited editions, and custom awards. A brilliant sample of her work is her "Breaking the Ceiling" line of jewelry that has adorned the lapels of Hillary Clinton and Elizabeth Dole. Currently, she serves as the Chair of the National Association of Women Business Owners—Los Angeles. In 1999, she was honored as the Small Business Administration's "Women Business Advocate of the Year".

Ms. Shimoyama runs one of the 1.2 million women-owned businesses headquartered in California. According to a study by the National Foundation for Women Business Owners (NFWBO), these businesses employ 3.8 million workers and generate $548 billion in annual sales, a growth of 164 percent in seven years.

Without a doubt, women entrepreneurs have played a crucial part in the growth of our economy. NFWBO reports that between 1987 and 1999, the number of women-owned firms increased by 103 percent nationwide, employment increased by 320 percent, and sales increased by 436 percent. As of 1999, there are 9.1 million women-owned businesses in the U.S., which employ 27.5 million people and generate over $3.6 trillion in sales. To put the sales of these businesses into context, they are twice the size of the Federal budget, and greater than the Gross National Product of every country in the world but the United States and Japan.

An increasing number of these businesses have focused on emerging industries such as high technology. These businesses demand a greater access to capital and information resources than ever before.

Mr. President, I will do all I can to ensure that the women in my state and all over the country have access to the opportunities and resources they need to start new business ventures. However it is also imperative that we invest in the business development resources that will help women sustain and grow these new businesses. This small investment yields big returns in the form of job creation, revenues, and overall growth of the nation's economy.•

MEDICARE BENEFICIARY ACCESS TO QUALITY NURSING HOME CARE ACT OF 1999

• Mr. ABRAHAM. Mr. President, on the 13th of October, I was proud to cosponsor S. 1500, the Medicare Beneficiary Access to Quality Nursing Home Care Act of 1999. When Congress worked with the President to craft and pass the Balanced Budget Act of 1997, it included a number of desperately needed cost-saving measures to ensure that Medicare did not go bankrupt. At the time, Medicare was projected to be bankrupt by 2001 with annual costs rising at three times the rate of inflation.

However, the Health Care Financing Administration, which oversees the administration of Medicare, has far exceeded the scope of the Balanced Budget Act of 1997, and gone beyond the intent of Congress in scaling back health care provider reimbursements. Driven by a philosophy that the Federal Government knows best how to handle your health care decisions, this administration has uniformly adopted policies that limit Medicare beneficiary choice, obstruct critically needed market-based reforms, and relentlessly pursued a strategy of reducing payments to providers as the prime method to reduce outlays.

Sometimes such a "Washington-knows-best" strategy just doesn't work. The fact of the matter is, health care providers will bear costs that cannot be overlooked or undervalued simply because HCFA wishes to declare it so. This has been especially prevalent in the area of Skilled Nursing Facility care. The recently implemented Prospective Payment System (PPS) fails to account for the full range of services required by most Medicare beneficiaries provided care in these facilities.

Specifically, the PPS implemented by HCFA has a payment schedule called Resource Utilization Groups (RUGs) that are intended to account for the needs of individual beneficiaries. However, these RUGs have failed to account for the full range of needs of these beneficiaries, especially for the medically complex patient. While private market insurance is significantly better at recognizing the needs of the medically complex patient, the failure of this administration to allow for any type of market-based reform to move forward has forced us to rely upon the implementation of the PPS by HCFA, which, as I discussed before, seems to have a predisposition towards underpaying for necessary services.

The result, Mr. President, is that beneficiaries are increasingly denied access to lower-cost Skilled Nursing Facilities and are forced to continue care in higher-cost hospitals where they also may not be able to get the most appropriate level of rehabilitative care. S. 1500, introduced by Senator HATCH, attempts to address the over-reaching of HCFA directly and swiftly. First, it would provide for payment "add-ons" for the provision of additional treatment in the care of the medically complex patient. Second, it restores one percentage point of the reductions to the annual inflation adjustor mandated by BBA–97. Although the inflation adjustment reduction was directly written in the BBA–97 language, it's revision provides Congress the most direct and simplest way to counteract the excesses of HCFA.

Mr. President, I am heartened that HCFA has recognized the flaws in the current PPS system and is undertaking a review of this system. However, that review will not be completed until next year. Our Skilled Nursing Facilities need these restorations now in order to continue to provide our Medicare beneficiaries continued and uninterrupted care. That is why I fully support this legislation, am cosponsoring it, and call on my colleagues to do the same as soon as possible.•

THIRD ANNUAL CAUCUS FOR POTOMAC HERITAGE NATIONAL SCENIC TRAIL

• Mr. ROBB. Mr. President, I rise to recognize the Third Annual Caucus for the Potomac Heritage National Scenic Trail, to be held on October 22, 1999.

Designated by Congress in 1983, the Potomac Heritage Trail is unlike any other trail in the National Trails System. The corridor which follows "Our Nation's River" includes both the boyhood home and Mt. Vernon estate of our first President, George Washington, significant greenways and parks, and nearby centers of commerce which are vital to the economic vitality of Virginia and the capital region.

I congratulate the National Park Service, the Potomac Heritage Partnership, the Northern Virginia Planning District Commission and other advocates of this National Scenic Trail in persevering in their efforts to increase opportunities for enhancing commerce, conservation and cultural initiatives along the Potomac River. I wish them continued success in the years to come.•

IN RECOGNITION OF DOUGLAS C. STRAIN

• Mr. WYDEN. Mr. President, I am pleased today to recognize the 55th anniversary of Electro Scientific Industries, Incorporated, ESI, and to honor the accomplishments of Mr. Douglas C. Strain, ESI's founder and first president and chairman of ESI's board.

Established in Portland in 1944, ESI was among the first high-technology companies in Oregon. Since that time, ESI has grown into a global leader in the manufacturer of precision laser trimmers and memory repair equipment, as well as a worldwide supplier of electronic production equipment. From humble beginnings, ESI has become a $200 million company, employing more than 900 individuals in Oregon and around the world, and helping to establish Oregon as one of this country's high-tech capitals.

Accomplishments such as these are often born of tough challenges. Having overcome a devastating fire in the 1950's, ESI had to rebuild itself from the ground up, and has had to re-invent itself on a number of occasions since that time. The company has proven itself adept at adapting to the fast-pace that characterizes the high-technology sector. From test and calibration equipment, electron microscopy, and analog computing to laser trimming, memory repair and vision, handling, packaging, and drilling technologies, ESI products have always been at the leading edge of technology developments.

I especially pay tribute to a remarkable Oregonian, Electro Scientific's founder, Mr. Douglas C. Strain. On October 24, Doug will celebrate both his 80th birthday and his retirement from ESI's board of directors. Mr. Strain's vision and perseverance have brought the company successfully to the end of this century, and I believe that ESI will continue on with equal success well into the next century. I congratulate Doug on his accomplishments and wish him the very best as he undertakes new challenges in his life.●

IN PRAISE OF METS OUTFIELDER BENNY AGBAYANI

● Mr. AKAKA. Mr. President, the boys of summer rarely disappoint us, and last night's final game of the National League playoffs once again confirmed that baseball is truly America's pastime. The series captivated television audiences as the Mets and Braves went head to head in extra innings in their last two games: Sunday's game was the longest in playoff history—lasting more than five hours, and last night's game was not decided until the bottom of the 11th—just past midnight.

I want to single out Hawaii's own, Benny Agbayani, the star New York outfielder, who proudly wears number 50 for the 50th state. Benny had an illustrious playoff season and proved he is an invaluable addition to the Mets starting lineup. After playing in Triple A since 1993, the Hawaii outfielder was called up by the Mets in early May to replace the injured Bobby Bonilla. He secured his slot by batting .400 and hitting 10 home runs by mid-June. The former St. Louis School and Hawaii Pacific University all-state athlete has made Hawaii proud and has captured the nation's attention with his strength at bat, agility on the field, and grace in waiting for his place in baseball history.

My aloha to Benny, his recent bride Niela, and their families.●

CHANGE OF CONFEREE

Mr. SANTORUM. Mr. President, I ask unanimous consent that Senator DOMENICI be added as a conferee in lieu of Senator KYL to the conference to accompany the D.C. appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL MEDAL OF HONOR SITES IN CALIFORNIA, INDIANA, AND SOUTH CAROLINA

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Armed Services Committee be discharged from further consideration of H.R. 1663, and the Senate now proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1663) to designate as a national memorial the memorial being built at the Riverside National Cemetery in Riverside, California, to honor recipients of the Medal of Honor.

There being no objection, the Senate proceeded to consider the bill.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the bill be read a third time, and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1663) was passed.

ORDERS FOR THURSDAY, OCTOBER 21, 1999

Mr. SANTORUM. Mr. President, I ask unanimous consent that when the Senate completes its business today it adjourn until the hour of 9:30 a.m. I further ask consent that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume debate on S. 1692, the partial-birth abortion bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SANTORUM. For the information of all Senators, the Senate will resume consideration of the partial-birth abortion bill tomorrow morning. By a previous order, the Senate will proceed to a vote on the pending Harkin amendment after 2 hours of debate. Therefore, Senators can anticipate the first vote on Thursday at approximately 11:30 a.m. unless time is yielded back. Debate on the bill is expected to be completed during tomorrow's session of the Senate. Consequently, Senators can expect votes on amendments and final passage of the bill. The Senate may also consider any appropriations conference reports ready for action.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. SANTORUM. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 10:30 p.m., adjourned until Thursday, October 21, 1999, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate October 20, 1999:

DEPARTMENT OF COMMERCE

LINDA J. BILMES, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE W. SCOTT GOULD, RESIGNED.

LINDA J. BILMES, OF CALIFORNIA, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF COMMERCE, VICE W. SCOTT GOULD, RESIGNED.

DEPARTMENT OF STATE

JAMES B. CUNNINGHAM, OF PENNSYLVANIA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS DURING HIS TENURE OF SERVICE AS DEPUTY REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS.

DONALD STUART HAYS, OF VIRGINIA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS DURING HIS TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS FOR UN MANAGEMENT AND REFORM.

THE JUDICIARY

JAMES D. WHITTEMORE, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF FLORIDA VICE WILLIAM TERRELL HODGES, RETIRED.

RICHARD C. TALLMAN, OF WASHINGTON, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT, VICE BETTY BINNS FLETCHER, RETIRED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

GEN. JOHN P. JUMPER, 7457.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. GREGORY S. MARTIN, 6337.

HOUSE OF REPRESENTATIVES—*October 20, 1999*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. BEREUTER).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 20, 1999.

I hereby appoint the Honorable DOUG BEREUTER to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

Rabbi Robert J. Orkand, Temple Israel, Westport, Connecticut, offered the following prayer:

Let us pause in reverence before the gift of self, a gift freely given by God, the Creator. Let us pause in reverence before the mystery of the presence, the near and far reality of God. Let us pause in reverence before the gift of human purpose by which we would approach the mystery of God with deeds. Let us pause in reverence before the gift of life and the meaning of our being in this nexus of time's history. Let there be a divine reason for our presence so that the lives we touch may know a goodness and the days we live may be brighter for our compassion. And if our names be forgotten by those we serve, then at least may our works evoke an eternal amen.

And let faith be to us life and joy, let it be a voice of renewing challenge to the best we have and may be; let faith be for us a dissatisfaction with things that are; let faith bid us serve more eagerly the true and the right. Let faith be the sorrow that opens for us the way of sympathy, understanding and service to suffering humanity. Let faith be to us the wonder and lure of that which is only partly known and understood. Let it be an awe in the glories of nature's majesty and beauty and a heart that rejoices in deeds of kindness and of courage. Let our faith be for us hope and purpose and the discovery of opportunities to express our best through our daily tasks, both large and small. And let us say, Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. LEWIS of Georgia. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LEWIS of Georgia. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from California (Mrs. CAPPS) come forward and lead the House in the Pledge of Allegiance.

Mrs. CAPPS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 2841. An act to amend the Revised Organic Act of the Virgin Islands to provide for greater fiscal autonomy consistent with other United States jurisdictions, and for other purposes.

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 974. An act to establish a program to afford high school graduates from the District of Columbia the benefits of in-State tuition at State colleges and universities outside the District of Columbia, and for other purposes.

The message also announced that the Senate has passed a bill of the following title in which concurrence of the House is requested:

S. 1652. An act to designate the Old Executive Office Building located at 17th Street and Pennsylvania Avenue, NW, in Washington, District of Columbia, as the Dwight D. Eisenhower Executive Office Building.

WELCOME TO RABBI ROBERT ORKAND

(Mr. SHAYS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHAYS. Mr. Speaker, it is my great pleasure to welcome Rabbi Robert Orkand and to thank him for his special opening prayer this morning.

It is also my pleasure to be given this opportunity to share this great man and community leader with my colleagues. For a quarter of a century Rabbi Orkand has been a source of wisdom, inspiration, and pride to his family, wife Joyce and son Seth, friends, congregation, and the larger community in which he lives. From Miami, Florida; to Rockford, Illinois; to Westport, Connecticut, his commitment to education, activism, and religious pluralism have benefited the lives of so many.

Rabbi Orkand's energy and compassion are testament to his dedication and to all that he believes and cherishes. On a national level, he is currently chair of the National Commission on Jewish Education of the Reform Movement, co-chair of the Rabbinic Cabinet of the Association of Reform Zionists of America, and a member of the Executive Board of the Rabbinic Cabinet of the United Jewish Appeal. And locally he is a member of the Human Services Commission of the Town of Westport and has served as past president of the United Way, a member of the Board of Directors of the United Jewish Appeal Federation, and president of the Westport-Weston Clergy Association. Rabbi Orkand has coauthored three prayer books for children, "Gates of Wonder", "Gates of Awe", and "A Child's Haggadah."

This House salutes Rabbi Orkand for his dedication to duty and his love of God and humanity. He has left a wonderful mark on his congregation and all the communities he has touched over the years. Rabbi Orkand is a man of God and a true healer.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain fifteen 1-minutes on each side.

MOTHER NATURE IS WARNING US—WE SHOULD LISTEN

(Mr. GIBBONS asked and was given permission to address the House for 1

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, "Shake Rattle and Roll" may be the words of a famous rock and roll tune, but it is also Mother Nature pointing her finger and writing on the wall. Because less than just 1 week ago last Saturday, Mother Nature sent a 7.0 magnitude earthquake rolling through the western United States. Its epicenter was just about 100 miles east of Los Angeles, but this powerful quake made its way quickly to Las Vegas, derailing a train, and passing through and over Yucca Mountain, the proposed site to bury the Nation's most deadly toxic substance, nuclear waste.

Mr. Speaker, this quake shook Las Vegas with a 5.0- plus magnitude by the time it reached Las Vegas, and it was felt 100 miles away from the earthquake's epicenter. Mother Nature is pointing her finger at this country urging us to stop the nuclear waste lobbyists from sticking the deadliest wastes known to man into one of man's most seismically active areas of the country.

Mr. Speaker, this latest earthquake is yet another sign that Yucca Mountain is not the right place to store nuclear waste. Let us tell Mother Nature that we have heard her loud and clear. Let us stop the Yucca Mountain project. Mother knows best.

CONGRATULATIONS TO AMERICA'S TEAM, THE ATLANTA BRAVES

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, I rise this morning to congratulate the Atlanta Braves, America's team. I wish Bobby Cox and all the members of the Braves family the very best in their great nonviolent struggle against the New York Yankees.

I say this morning: Braves, go Braves. Go and win. You must win. When you win, America wins. Go Braves. Go Braves.

PROMOTE PUBLIC AWARENESS OF ALZHEIMER'S

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, have you ever put down your car keys and just 1 hour later forgotten where you left them? Have you ever forgotten the answer to the question for what you had for lunch yesterday? Well, fortunately, most everyone has experienced this very common type of forgetfulness. But imagine a person finding their car keys and forgetting what they are used for. Persons suffering with Alzheimer's Disease suffer similar memory losses. And as the disease progresses, forgetfulness can become more destructive. Alzheimer's affects approximately 4 million Americans now, and experts predict that about 8 to 10 million will suffer from Alzheimer's by the year 2020.

By stating that he was beginning the journey that would lead him into the sunset of his life, former President and Republican revolutionary Ronald Reagan announced to the world just 5 years ago that he too has been diagnosed with Alzheimer's. Ronald Reagan felt it necessary to share this disclosure with those he loved most, the American people. As valiantly as Ronald Reagan, my colleagues, I am sure, will promote greater public awareness about the disease of Alzheimer's.

WAR ON DRUGS IS A JOKE

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the governor of New Mexico says, and I quote, "America has lost the war on drugs. It is time to legalize drugs." Think about it. Cocaine and heroin, legal. Eleven- and 12-year-olds strung out.

This is a joke. While our drug czar worries about Olympic athletes, our borders are wide open, literally tons of heroin and cocaine flooding our streets, and now politicians are calling for legalization of narcotics.

Beam me up. This is not a war on drugs; this is absolute surrender. I yield back all the catchy, get-tough, rah-rah, gung-ho slogans of America's great charade on drugs.

DEMOCRATS TRY TO FRACTURE REPUBLICANS

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, yesterday and for the past week the folks on this side of the aisle, the Democrats, have said the Republicans are going to take money from the Social Security Trust Fund to balance the budget.

Now, CBO, of course, issued a letter to the Speaker of the House on October 1, 1999 saying this was not true. Yet we have the Democrats continuing to say the opposite.

Now we have in the Associated Press an interesting quotation. The Democrats admit a raid on Social Security. "Privately, some Democrats say a final budget deal that uses some of the pension program's surpluses would be a political victory for them, because it would fracture the GOP by infuriating conservatives." That was October 19, 1999.

The bottom line is that Democrats are using this whole thing of Social Security as a political gimmick. They are politicizing this whole process because they are trying to fracture Republicans. The bottom line is Republicans are not going to raid the Social Security Trust Fund.

APPROPRIATION BILLS NEED TO BE ON THE FLOOR

(Mr. GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN of Texas. Mr. Speaker, it is amazing to follow my colleague from Florida, because once again we are seeing where the Republican leadership's values are. According to the CBO, the Congressional Budget Office, they are already borrowing $13 billion more in Social Security dollars than they have available. Thirteen billion more in Social Security dollars.

But my concern this morning is that we have not even talked about the education funding. We have not even got to Labor-HHS yet. It is estimated that education could be reduced as much as $16 billion, and yet the Republicans are already borrowing more than $13 billion from Social Security before we have even gotten to education.

Education is the number one issue for most people in this country. They want more money put into it, not less. Yet what we are seeing is that we have not even gotten to one of the appropriation bills on the floor and they are still $13 billion in the hole on Social Security. That is what bothers me, and I think it bothers a lot of people in this country. I think they should get their appropriations bills all lined up so we can look at them, instead of holding education funding till the last so they can use education as an ATM machine.

PRESIDENT IS NOW ON BOARD WITH REPUBLICANS

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, we have not spent one dime of the Social Security surplus. And in Kansas, there is a saying, "Don't change horses in the middle of the stream." There is a reason for that. If one did try to change horses, he could run the unnecessary risk of falling into the river and possibly drowning.

That is exactly what the President has done. In the middle of the stream of spending bills that we have, the President has gotten off the horse he had during his State of the Union speech, where he said he would spend 40 percent of the Social Security surplus, on to the horse the Republicans have been riding when we said we will not spend one dime of the Social Security Trust Fund.

☐ 1015

Welcome, Mr. President. We will extend our hand so that you will not fall. Together we can take a big red pen like the one I am holding in my hand and cut wasteful Government programs, protecting the Social Security surplus.

Congratulations, Mr. President. Come on over.

REPUBLICANS USE SOCIAL SECURITY AS A PIGGY BANK

(Mr. DOGGETT asked and was given permission to address the House for 1 minute.)

Mr. DOGGETT. Mr. Speaker, it is so very refreshing to see the Republicans here on the floor professing an interest in protecting the Social Security surplus.

It was only a short time ago that their majority leader was condemning Social Security as a bad deal and saying he never would have created it in the first place.

What we do know this year is, after jeopardizing Social Security with a near trillion-dollar irresponsible tax break for those at the top of the economic ladder, that the Republicans' own Congressional Budget Office has verified that they have gone $13 billion already, if we stop right now and went home, $13 billion into the Social Security surplus. That is without ever having come to this House floor, 3 weeks after the Federal fiscal deadline, and presented the bill to fund education and health and a wide variety of other measures.

The Republicans, if they stay on their current course, are going to dip into Social Security another $24 billion dollars. That is without any help from anyone but themselves. Apparently, their new interest in Social Security is to use it as a piggy bank.

PRESIDENT'S TAX VETO ALLOWS "DEATH TAX" TO CONTINUE TO CLOSE SMALL BUSINESSES

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, I have here a headline from the Colorado Springs Gazette newspaper. It says, "Brookhart's Lumber Business Selling to Avoid 'Death Tax,' Company Says."

I have known this company for over 30 years. I watched their struggle over this issue. This is a company that is 52 years old, locally owned, three generations. They wanted to continue to operate this profitable small business. They wanted their boys to inherit it when they are gone. But they cannot because of the death tax.

Locally-owned company sells out to a Dallas conglomerate. We lose a locally-owned company.

Be proud, Mr. President, your veto saved the Nation from this evil tax cut that would have gotten rid of the death tax and prevented incidences like the Brookharts which are occurring all over the Nation with small farms and businesses everywhere.

In his passion for more tax dollars and for the bigger Government he so loves, he should remember that there are real-life consequences to his irresponsible actions.

Be proud, Mr. President. But I am ashamed of you and your thirst for the hard-earned tax dollars of working Americans.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BEREUTER). The Chair will remind Members to address the Chair, the Speaker, and not other persons.

PEACE WEEK

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, I rise today to celebrate Peace Week.

The award-winning Peace Week program has brought together three communities I am so proud to represent: Guadalupe, Orcutt, and Santa Maria. During the week, residents of these communities united to show their commitment to creating and building a more peaceful society.

The success of this innovative week is due in no small part to the great contributions made by Sister Janet Corcoran at the Marion Medical Center in Santa Maria.

Sister Janet started this program 3 years ago when she noticed such an increase in the number of victims of violence admitted to Marion's Emergency Room. Sister Janet saw the need for leaders throughout the community to get involved. With their leadership, Peace Week has developed into an effective series of workshops and activities to promote non-violence strategies.

It is fitting that Peace Week corresponds with our own Voices Against Violence Teen Conference here in the Capitol, which includes a young student from Santa Maria. Both are excellent examples of programs aimed at preventing violence.

Peace Week illustrates well how communities can come together and make real change. I am so proud that this is taking place in my district.

"HOUSE CLOBBERS CLINTON TAX BOOST"

(Mr. WELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELLER. Mr. Speaker, let me share with my colleagues a headline from the front page of one of the leading newspapers in the country. Today the front page headline in The Washington Times says, "House Clobbers Clinton Tax Boost."

That is right. Did my colleagues know that Bill Clinton and AL GORE wanted to raise taxes again? In fact, yesterday this House voted on the $238-billion Clinton-Gore tax increase. And even House Democrats who joined with Bill Clinton and AL GORE in 1993 giving our Nation the biggest tax hike in the history of our country voted against another round of tax increases.

The question I am asked also besides the Bill Clinton tax increases is, is it true that Bill Clinton wants to raid Social Security again? And we recall earlier in the President's budget that he submitted to Congress he called for setting aside 62 percent of Social Security for Social Security and taking the other 38 percent, almost $340 billion of Social Security, and spending it on other things. I would point out this House has rejected that, as well.

My colleagues, we can balance the budget without increasing taxes. We can balance the budget without raiding Social Security.

REPUBLICAN LEADERSHIP CLAIMS THEY ARE SAVING SOCIAL SECURITY

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, the Republican leadership is stealing eggs from the hen house while pretending to guard the door. They claim that they are saving Social Security. But their own office, their own office, the Congressional Budget Office, points out that they have already spent $13 billion worth of Social Security money.

Their leadership budget is so full of gimmicks and budget tricks that it would make an accountant cry. In an attempt to fudge the numbers, the leadership created a 13th month so that they can crunch more numbers into the fiscal year.

But the facts are very stubborn things. The Republican leadership is not saving Social Security. They have no plans to do so. The Republican majority leader himself has called Social Security a "rotten trick" and "bad retirement." He has called for Social Security to be phased out.

Earlier this year the Republican leadership tried to spend nearly $1 trillion of the surplus on tax breaks for the wealthiest people of this country instead of strengthening Social Security.

SPEAKER OF THE HOUSE DESERVES CREDIT FOR FISCAL DISCIPLINE

(Mr. HILL of Montana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILL of Montana. Mr. Speaker, a year ago the President and the Congress said that we should set aside the future Social Security surpluses 100 percent for Social Security. Then the President startled us all because he came here for the State of the Union and he said let us spend 38 percent of Social Security on 71 new spending programs. Then he submitted a budget that said, no, let us spend 42 percent of Social Security on those new spending programs.

The House rejected that budget and yesterday the House sent a strong message to the President that it was not going to support his tax increase, and last night it appears that the President finally got the message and he has agreed to a budget that will save Social Security.

It appears that we have broken the President's addiction to new taxes and higher spending. I applaud the President for joining Republicans saying we are going to balance the budget, save Social Security, and do without taxes.

But I cannot applaud the minority leader, who still remains addicted to spending and taxes, who press accounts say have instructed Democrats to obstruct the process, vote no on everything, make sure we tie up everything as much as we can.

The person who deserves credit, Mr. Speaker, is Speaker HASTERT who has led us with this fiscal discipline.

SAVE US FROM REPUBLICAN GRAB BAG OF GIMMICKS

(Mr. WYNN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYNN. Mr. Speaker, I rise to express my alarm over the Republicans' handling of the budget.

First they gave us the Robin-Hood-in-reverse strategy, take from the poor and give to the rich. That was a big tax cut for the rich where most of the money went to the wealthiest Americans and regular, average citizens got very little.

When that did not work they now come up with a grab bag of gimmicks. That is $46 billion in gimmicks to disguise the fact that they are in fact raiding the Social Security Trust Fund. They are trying to tell us now that the census is emergency funding. They are trying to tell us that routine military funding is emergency spending, a grab bag of gimmicks.

But third, they now have the fiction of saving Social Security, when the Congressional Budget Office has clearly stated they are already raiding the Social Security Trust Fund to the tune of $13 billion and at the rate they are going they will reach $24 billion.

So save us from their strategy, save us from their gimmicks, and save us from their fiction.

What we need is real cooperation on addressing America's real needs and a sound budget that does not benefit the wealthy.

TALK IS CHEAP—TIME FOR ACTION HAS ARRIVED

(Mr. OSE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OSE. Mr. Speaker, I rise today to essentially commend the leadership of this House and the administration for getting together and agreeing that Social Security needs to be saved. But the time for talk is done. The time for action has arrived.

The problem that we face is that we have yet to receive a single piece of evidence as to what the administration's plan for saving Social Security is.

We have gone from January 6, the day I arrived here, now 293 days without any evidence whatsoever from the administration as to what their plan is for saving Social Security.

Mr. Speaker, it is unfortunate but true. Facts are facts. There is no plan yet put forward by the administration to save Social Security. Talk is cheap. The time for action is now. Every day older, the further behind we get.

Mr. Speaker, I ask the President to put his plan forward.

VOICES AGAINST VIOLENCE TEEN CONFERENCE

(Mr. KIND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIND. Mr. Speaker, I would like to recognize the outstanding efforts of three of my constituents who are participating in the Voices Against Violence Teen Conference in the Capitol this week.

Susan Yang is a senior from La Crosse Central High School. Susan has been involved in efforts to curb youth violence and drug use throughout her teens and is a real role model within the Hmong community in western Wisconsin.

Lucas Meyers is a senior at Hudson Senior High School in Wisconsin. Lucas is the student body President and editor-in-chief of his school paper and is a natural leader involved in many aspects of his community and school.

Finally, Sergeant Roger Barnes of La Crosse Police Department, who is a coordinator for the D.A.R.E. and the G.R.E.A.T. programs back home. Sergeant Barnes has dedicated his law enforcement career to the betterment of youth in our community and works tirelessly to see that all our children have better options in their lives.

Mr. Speaker, I ask my colleagues to pay attention to what they and the other 350 students who have assembled here in the Capitol this week have to say at this conference so that we may work together in a bipartisan fashion to implement policy to prevent youth violence in all of our communities.

EDUCATION IN AMERICA

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, let us talk education. We can all agree on the need to spend money on our public schools. And I hope we can also agree that America's parents have not been getting their money's worth.

Student achievements continues to lag even as spending rises. A lack of discipline plagues thousands of classrooms. School accountability to parents is sorely missing. Many teachers are not getting the training they need to teach their students what they need to know.

So why do so many liberal Democrats continue to oppose real education reform? How can they say they want strong public schools while they vote for the very regulations that weaken public schools?

These advocates of the status quo are defending the indefensible. They are trapping America's most disadvantaged children in a system that has failed them. And they are putting the future of millions of American children in jeopardy. It is long past time to fix the broken system. It is past time to try new ways of doing things, but it is not too late.

PRESIDENT'S BUDGET ON THE TABLE AND BALANCED

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I have listened to some of our earlier speakers this morning and I wonder what their question is and why they do not have an answer.

Mr. Speaker, the President's budget has been on the table, and it is a balanced budget. It does protect Social Security and Medicare. It is interesting that they are on a fishing expedition on the other side of the aisle, looking for the President's budget and wondering what is the direction that this Congress should take.

Well, the one direction we should not take is the gimmickry that we see on the other side. Republicans will have the kinds of gimmicks that will result in a $13-billion, if you will, deficit resulting on-budget deficit to about $23 billion or $24 billion.

I think there is plain common sense. Adopt the President's budget. Be serious about saving Social Security and Medicare. Stop misrepresenting to the American people. And begin to fund the great needs that we have in this country.

But, most of all, tell our seniors and those who are looking for Social Security that we are committed in a bipartisan way to save Social Security and to save Medicare.

STOP THE RAID ON SOCIAL SECURITY

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, as everybody knows, last week the Congressional Budget Office reported that the Federal Government, for the first time in nearly 40 years, avoided spending any of the Social Security Trust Fund forward other Government programs.

I hear this business about $13 billion from the other side. They know that that was based on an inquiry with false presumptions, none of which ever came about.

What I would like to say is, for the first time, the Social Security surplus bottom line is in the black. This in itself is the single-most important budgetary accomplishment that Congress, and I mean all of Congress, has achieved in years.

But we should not lose sight how we got here. In 1995, when the Republican Congress took charge, we organized spending priorities. We got a lot of bipartisan support. All of this was done in an effort to protect the American taxpayers' money and strengthen vital programs like Social Security.

Yet earlier this year, the President proposed dipping into the surplus by $57 billion. Now he is threatening to veto certain bills because they do not spend enough. That is hardly an effort to protect Social Security. Stop the raid on Social Security.

□ 1030

VOICES AGAINST VIOLENCE

(Mrs. JONES of Ohio asked and was given permission to address the House for 1 minute.)

Mrs. JONES of Ohio. Mr. Speaker, over the past 2 days, students and their chaperons from all over the country have come here to be voices against violence. This poster board has postcards from chaperons across the country. I read one:

> Please talk about the importance of developing a new model of education in this country. We now need a longer school day built around a holistic health model with education as a component. Children need to know themselves, feel good about themselves and have a hope about the future. We must have a system that cultivates and nurtures youth to become productive, well-adjusted citizens.

These 2 days have been wonderful days wherein our folk can come to the Hill and they are saying to us, let us get on with funding education appropriately. They are saying, let us deal with violence, let us deal with gun control, and let us see that the children of our Nation are nurtured, well-developed, healthy and have an opportunity to become useful citizens.

PROTECT SOCIAL SECURITY: STOP THE FOREIGN AID RAID

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, we were told all along that the President would veto the foreign operations bill because he wanted to spend more money on foreign aid. And sure enough, he vetoed the bill.

Then we were told that he really did not want to spend more money on foreign aid like we had been told all along, what he really wanted was more money in the bill so he could reduce foreign aid and spend the money elsewhere. Uh-huh.

Look. Republicans in Congress have made a commitment to protect Social Security. We have stopped the 30-year raid on the Social Security trust fund. And we are not about to begin to renew that raid in order to satisfy the President's insatiable appetite for foreign aid spending.

Mr. Speaker, thanks to the Republican Congress, those who receive Social Security benefits today and those who hope to benefit from the Social Security fund tomorrow finally have reason to believe that the trust fund is protected. Let us not return to the bad old days. Let us stop the foreign aid raid.

ON THE GOP BUDGET

(Mr. CROWLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CROWLEY. Mr. Speaker, it is time for a history quiz. Who created Social Security in April 1935?

The answer, a Democratic President and a Democratic-led Congress despite fierce opposition from the Republican Party. In fact, only one Republican voted in favor of maintaining Social Security. Now we are expected to believe that the Republicans are going to save Social Security, something they never wanted in the first place?

Let us just listen to Republican Majority Leader DICK ARMEY. During his first campaign for the House in 1984, ARMEY said that Social Security was a "bad retirement" and a "rotten trick" on the American people. He continued, and I quote, "I think we're going to have to bite the bullet on Social Security and phase it out over a period of time." That was from the Fort Worth Star-Telegram in 1984.

In January 1985, ARMEY said, and I quote, "One thing that is very clear to us from the history of the Social Security system in this country is that the Federal Government is incapable of administering a compulsory retirement program in a manner that gives the public a secure and predictable future."

The GOP's own CBO estimates say that the Republican budget already dips into Social Security by more than $18 billion.

REGARDING FOREIGN OPERATIONS APPROPRIATIONS BILL

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, in Washington it is important not just to listen to the words people say. It is important to watch what they do.

This week, President Clinton vetoed the foreign ops appropriations bill because he said it did not spend enough money. The President wants Congress to give him more money even though any extra spending would have had to come from the Social Security surplus.

It is revealing that the President would veto a foreign aid bill that spends $12 billion, billions for ensuring peace in the Middle East, millions for fighting disease throughout the world, millions more for fighting the war on drugs, among other things. How much more money does the President need, Mr. Speaker?

Instead of working with Congress to fight the spread of narcotics and to preserve democracy and freedom in the world, the President applied the ink of the veto pen. The President said "no" to a reasonable bill and he says he needs more money, higher spending. What else is new?

OPPOSE THE REPUBLICAN STRAIGHT F'S BILL

(Mr. ETHERIDGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ETHERIDGE. Mr. Speaker, this morning I rise as the former superintendent of my State's schools to express my concerns about H.R. 2300, a bill which the House will consider later this week.

The Republican leadership has labeled this bill the "Straight A's" bill.

But as someone who knows a little something about education in this country, I can tell my colleagues that this bill should be called the "Straight F's" bill. The Straight F's bill fails our children, it fails our schools and it fails our taxpayers.

Mr. Speaker, I strongly support flexibility in Federal education funds. As a longtime school reformer, I strongly support innovation that will improve education for all of our children. However, this bill fails to meet these standards in several ways.

The Straight F's bill fails our schools by undermining the national commitment to education, the Straight F's bill fails our children by eliminating the targeting of funds to high poverty areas, and the Straight F's bill fails our taxpayers by doing away with accountability standards and allowing tax money to be spent on ways that will not best suit our students.

Mr. Speaker, I call on this Congress to reject H.R. 2300.

We should reverse course and support school construction, teacher training, technology upgrades, after school care, year-round schools, School Resource Officers, character education and class size reduction initiatives that will improve education for our children.

USE THE BIG RED PEN

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, 9 months ago the President of the United States came to this Chamber and delivered his State of the Union message where he proposed a budget that would only save about 60 percent of the Social Security surplus and take the other 40 percent and put it into more spending. And here is where that spending rests in this budget proposed by the President of the United States.

Now, there is good news, Mr. Speaker. Yesterday, the leadership of the House and Senate went to the White House and at long last the President now agrees with the congressional majority. He says he wants to save 100 percent of the Social Security surplus. Now, Mr. Speaker, the real work begins.

Mr. Speaker, I would invite the American people to do as one of our leaders did. Senator LOTT took a big red pen to the White House as a gift when they sat down to talk over the budget and invited the President to go through his massive spending programs and start using the red pen.

Let us cut out wasteful Washington spending, Mr. Speaker. Folks should dial the White House at 202/456–1414 and say, Mr. Speaker, "Use the big red pen." Cut Washington waste.

SOCIAL SECURITY

(Ms. MILLENDER-McDONALD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MILLENDER-McDONALD. Mr. Speaker, I think I heard last January this President saying that he did not want to do anything with Social Security, that he wanted to put it aside to make sure that it was solvent, that he was not going to use any parts of any Social Security until we have fixed it.

Now, I do remember that. It seems like my Republican colleagues are continuing to say that the President is spending Social Security. It is outrageous for the Republicans to pose as defenders of Social Security, Mr. Speaker, when we know that they have raided the Social Security funds. Remember who these people are. They are the enemies of Social Security. They want to eliminate it through privatization.

Listen to this gimmick. Listen to the rhetoric. Please, American people, remember January of this year, it was the President who said that he did not want to use Social Security funds, that he wanted to ensure Social Security solvency and Medicare reform. Do not listen to the rhetoric of the folks on the other side.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BEREUTER). Members are reminded again that they are to address their remarks to the Chair, to the Speaker.

STATE FLEXIBILITY FOR THE MINIMUM WAGE

(Mr. DeMINT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DeMINT. Mr. Speaker, Americans are most secure when they are most free. Because of welfare reform, the poorest Americans in every State have begun to realize the benefits of freedom because we have asked the States to find jobs for people on welfare. The States have responded. In fact, the number of people on welfare in my home State of South Carolina has fallen by 63 percent in just 3 years. Over 70,000 South Carolinians now have productive jobs and have been set free from government dependency.

I believe it is time to give our States more flexibility so they can build upon these successes. It is time to trust our States with the minimum wage.

Mr. Speaker, another increase in the national minimum wage will make it harder to get people off of welfare. One size does not fit all and Washington does not know what is best for every State.

I urge my colleagues to support State flexibility for the minimum wage and help secure the future for Americans now on welfare.

VOICES AGAINST VIOLENCE

(Mr. UNDERWOOD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. UNDERWOOD. Mr. Speaker, there is a wonderful event going on in Washington, D.C. these past 2 days, and this is the Voices Against Violence event which is sponsored under the leadership of Democratic Leader DICK GEPHARDT.

Under this event, a number of young people, over 350, and their chaperons, have come to Washington to discuss the issue of violence in schools and safety in schools. I am proud to announce that our own representative, which ironically came the farthest to Washington for this, Joanna Manuel, a 10th grader at Simon Sanchez High School, and her chaperon, Mrs. Jennifer Shiroma, are avidly participating in Voices Against Violence.

As a former high school administrator, I know full well that the key to education is feeling safe and secure, particularly at the secondary school level where there are so many issues that young people have to attend to, so many temptations as they go through their development and trying to find their way in life and trying to learn content at the same time.

I want to congratulate the Democratic leadership for this fine event.

SOCIAL SECURITY LOCKBOX HELD HOSTAGE

(Mr. HERGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERGER. Mr. Speaker, yesterday congressional leaders and the President agreed not to raid Social Security funds to pay for next year's government spending. I wholeheartedly congratulate them on this agreement. Social Security was created in 1935 for the purpose of protecting senior Americans, not as a pool of cash accessible to those wishing to grow big government.

Mr. Speaker, this House approved my Social Security lockbox legislation 145 days ago. Yet, on six separate occasions, the minority party in the other body has voted to stop this Social Security lockbox legislation from even coming to the floor for a vote.

Mr. President, please join me in calling for the other body to free our Social Security lockbox bill they have held hostage for 145 days.

DEMOCRATS WILL PROTECT SOCIAL SECURITY

(Mr. UDALL of New Mexico asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. UDALL of New Mexico. Mr. Speaker, today I rise to tell you that our friends on the other side of the aisle have picked the lockbox on the Social Security lockbox that they talk about so much. As Democrats, we have said that we would protect Social Security. We have done that in our votes and we have shown that consistently. That is not the case with our friends on the other side of the aisle.

Let us take the case of the $18 billion; $18 billion of gimmicks. One of them, almost a third of that is the U.S. census which has been in existence since this Nation started. That is not an emergency. They have said we have $18 billion in emergencies. These are not emergencies. They are gimmicks.

What we need to do is focus in this body on making sure we do not raid Social Security, we do not rely on gimmicks, and we be truthful with the American people.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the pending business is the question of agreeing to the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 349, nays 57, answered "present" 1, not voting 26, as follows:

[Roll No. 515]

YEAS—349

Abercrombie
Ackerman
Allen
Andrews
Archer
Armey
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
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Buyer
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Carson
Castle
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Chambliss
Chenoweth-Hage
Clayton
Clement
Coble
Collins
Combest
Condit
Conyers
Cook
Cooksey
Coyne
Cramer
Cubin
Cummings
Cunningham
Davis (FL)
Davis (VA)
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DeGette
Delahunt
DeLauro
DeLay
DeMint
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Diaz-Balart
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Edwards
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Frank (MA)
Franks (NJ)
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Green (WI)
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Hostettler
Houghton
Hulshof
Hunter
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
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Kanjorski
Kaptur
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Kilpatrick
Kind (WI)
King (NY)
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McGovern
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McIntosh
McIntyre
McKeon
McKinney
Meehan
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
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Owens
Packard
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sanchez
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Sawyer
Saxton
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
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Sherwood
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Simpson
Sisisky
Skeen
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Slaughter
Smith (MI)
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Weldon (FL)
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Wexler
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Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—57

Aderholt
Baird
Bilbray
Borski
Brady (PA)
Clay
Clyburn
Coburn
Costello
Crane
Crowley
DeFazio
Dickey
English
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Ford
Gillmor
Green (TX)
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Hefley
Hill (MT)
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Lewis (GA)
Lipinski
LoBiondo
McDermott
McNulty
Meek (FL)
Miller, George
Moore
Moran (KS)
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Pallone
Peterson (MN)
Phelps
Pickett
Ramstad
Riley
Rogan
Sabo
Schaffer
Strickland
Stupak
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Udall (NM)
Vento
Visclosky
Waters
Weller

ANSWERED "PRESENT"—1

Tancredo

NOT VOTING—26

Bateman
Burton
Camp
Cox
Danner
Davis (IL)
Dunn
Fattah
Fossella
Fowler
Gutierrez
Hoyer
Hutchinson
Jefferson
Larson
Lewis (CA)
Oxley
Rush
Salmon
Sanders
Scarborough
Taylor (NC)
Watts (OK)
Weiner
Whitfield
Young (AK)

□ 1108

So the Journal was approved.

The result of the vote was announced as above recorded.

CONFERENCE REPORT ON H.R. 2670, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 335 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 335

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2670) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2000, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore (Mr. BEREUTER). The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 335 is a typical rule providing for consideration of H.R. 2670, the conference report for the Commerce, State, Justice appropriations bill for fiscal year 2000.

The rule waives all points of order against the conference report and its consideration, and provides that the conference report shall be considered as read.

House rules provide 1 hour of general debate divided equally between the chairman and the ranking minority member of the Committee on Appropriations and one motion to recommit with or without instructions, as is the right of the minority.

I want to discuss briefly the conference report that this rule makes in order. The conference report appropriates a total of $37.8 billion for the Departments of Commerce, Justice and State, the Federal judiciary and 18 related agencies, and focuses on the enhancement of numerous crime enforcement and crime reduction initiatives.

First, I want to say that I am pleased that the bill provides $3 billion for State and local law enforcement assistance so that local officials can successfully continue their efforts to fight crimes against our citizens. This provision is $37 million more than last year, including $287 million for juvenile crime and prevention programs; $523 million for the Local Law Enforcement Block Grant program, which was terminated in the President's request; $250 million for the Juvenile Accountability and Intensive Block Grant, which was also terminated in the President's request; $686 million for Truth in Sentencing State Prison Grants, which the President also requested we terminate.

Conferees also provided $552 million for the Edward Byrne Memorial State and Local Law Enforcement Assistance Grant program, which was $92 million more than the President requested.

I am also pleased that the committee has provided $3 billion in direct funding, a $460 million increase over FY 1999, to enforce our immigration laws. The conferees have included funding for 1,000 new border patrol agents, increased detention of criminal and illegal aliens, and the continuation of naturalization backlog reduction and interior enforcement initiatives. The conference report also includes $585 million to reimburse States for the incarceration of illegal aliens.

Finally, I want to point out the good work done by the committee in providing $1.3 billion for the Drug Enforcement Administration to continue the fight against drugs in our neighborhoods. This $70 million increase over last year indicates our commitment to win the war on drugs, and I commend the committee for this increase and funding enhancements to bolster this Nation's enforcement strategy and drug intelligence capabilities.

This rule was favorably reported by the Committee on Rules yesterday. I urge my colleagues to support the rule today on the floor so we may proceed with the general debate and consideration of this important conference report.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume, and I want to thank the gentleman from Georgia (Mr. LINDER) for yielding me the time.

This rule waives all points of order against the consideration of the conference report on H.R. 2670. Though better than the original House version, the conference report falls very short. The President has not agreed to sign it. This bill slashes spending in the community-oriented policing program which helps local law enforcement agencies hire more police officers and reduce crime. It drops the Hate Crimes Prevention Act, which was included in the Senate version of the bill. This provision is aimed at reducing crimes motivated by hatred and bigotry.

Most disappointing to me is the requirement in the bill that United Nations arrearage payments are subject to an authorization. Our country must pay the back dues we owe to the United Nations. This funding is too important to hold it hostage to an authorization bill that might or might not ever pass.

□ 1115

The United Nations is running out of money at a time when demand is greater for its peace-keeping activities. We all know about the horrible tragedies in Kosovo and East Timor and Sierra Leone. In all of these cases, the U.N. played a critical role in reducing military conflict and saving lives. Failure to pay our dues will ultimately hamper the U.N.'s ability to maintain its role as a world peacekeeper. Lives are at stake.

I recently met with U.S. Ambassador to the U.N. Richard Holbrooke. He has made payment of the U.S. debt to the U.N. one of his top priorities. Mr. Speaker, our integrity is at stake. The United States owes the money to the U.N.

Our ability to influence world decisions is at stake. Unless we pay our back dues, the United States will lose our vote in the General Assembly.

Our honor is at stake. Our position as a world leader will be diminished if we turn our back on the United Nations.

This is not a question of money. The money is already in the bill. The question is whether this Nation is going to stop playing games and pay our debt.

Mr. Speaker, I reserve the balance of my time.

Mr. LINDER. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from California (Mr. DREIER), chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I rise in strong support of both the rule and the conference report, and I thank my friend, the gentleman from Atlanta, Georgia (Mr. LINDER), for yielding me the time.

I want to compliment the gentleman from Kentucky (Chairman ROGERS) for the superb job he has done in what is obviously a very difficult and challenging situation.

This bill is a very important measure as we look at a number of critical items that are out there for us to address.

First and foremost for me, as a Californian, I have got to say that the $585 million that is included in here for the State Criminal Alien Assistance Plan, known as SCAAP, is very, very high on our priority list, because if we look at the problems of illegal immigration, which have been very great, the Federal Government has a responsibility to step up to the plate and meet those obligations. They should not be thrust onto the shoulders of State and local taxpayers.

The other issue that is very key is that of international trade. Also as a Californian, I have got to say that our State is the gateway to the Pacific Rim and Latin America. Within this bill are very important items dealing with the facilitation of international trade, creating new exports for new markets for U.S. products and services.

We have just gotten the report this morning of the strengthening of economies in the Pacific Rim; and through that, they have been able to purchase more U.S. goods and services. We need to do what we can to facilitate that, and that is done in this bill.

Also, another issue that is of very great importance to me and for us nationally in looking at situations that exist around the world, back in 1985, Ronald Reagan envisioned the establishment of the National Endowment for Democracy. It was to say that simply dealing with weapons systems was not going to bring about freedom and political pluralism. We had to put into place the infrastructure, the institutions that are necessary for political pluralism to succeed. In fact, this bill does just that.

The National Endowment for Democracy has had great success all over the world. One of the countries we spend a great deal of time talking about happens to be the problems that exist in the People's Republic of China.

One of the core groups within the National Endowment for Democracy is the International Republican Institute. Last night, there was a very important freedom dinner that was held. I will say that I serve on the board of that organization, and we have participated in 50 village elections since 1994 in the People's Republic of China. We have been encouraging non-Communist candidates there. We have had success at letting people see for the first time that they can participate in those kinds of political organizations. So this is a very important measure. It deserves our support.

The rule is a very fair and standard rule for consideration of this sort of conference report, and I hope my colleagues will support both.

Mr. HALL of Ohio. Mr. Speaker, I yield 7 minutes to the gentleman from Wisconsin (Mr. OBEY), who is the former chairman of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, the two gentlemen who will handle this bill shortly are both good legislators, and I regard them both as good friends of mine. I think that they are bringing a conference bill back to the House which is a far better bill than the one that left the House. I wish I could vote for it, but I cannot. I would like to explain the five reasons that require me to vote "No."

First of all, there is not nearly enough money in this bill for the President's top anticrime priority, the Cops on the Street bill. I know that the majority will cite various marginally or unrelated programs to try to pump up artificially the impression that they have put a lot of money in this bill for cops, but the hard reality is that, out of $1.275 billion, that is, 1 billion 275 million dollars, that the President has asked for this program in new money, he is only getting $325 million. That is not enough. He is also not getting the funds he asked for for community prosecutors.

Second reason, this bill, in a sense, has walked into an accident that started out to happen to somebody else. This bill tries to fund a lot of worthwhile programs, but it does so with some pretty incredible gimmicks.

Example, we have to do a census under the Constitution every 10 years. This bill avoids counting $4 billion in spending under the budget ceiling by designating the census funding as being emergency spending. I guess we did not know that the clock was going to tick and that we were going to run into another 10-year census requirement.

There are other gimmicks. We have delayed obligations for the crime victims' fund. We have budget authority which seems to have materialized out of authority. It has really been pulled out from other bills, including Foreign Operations and Labor, Health and Social Services, I suppose, which makes it more difficult to meet those obligations.

Thirdly, this bill waives the Endangered Species Act in the case of the controversy involving Alaska salmon. I find that a quaint provision to be in this bill, and I think persons interested in that issue will be startled to find it here.

Fourth, this bill resurrects an old debate that was on the Treasury, Post Office appropriation bill. It resurrects an old provision that limits the contraceptive services available to Federal employees in order to try to mollify a Member who was unhappy with the result of the conference on the Treasury, Post Office bill. That has no business on this bill, and I think it will cause considerable controversy because it is attached.

Fifth, I would ask my colleagues one question: What do the following six countries have in common, Burundi, Somalia, Iraq, Haiti, Dominica, and the United States of America? The answer is, thanks to this bill, they will all lose their vote in the United Nations.

The other five countries have already lost their vote. The United States will lose its vote because, while it appropriates the funds that are necessary to pay our back-due bills at the United Nations, it does not give the authorization to spend those funds until other legislative decisions are made. As we well know, those decisions have been hung up for 2 years.

So we have the continued spectacle of a majority party which has an obligation to govern in conjunction with the President, instead, throwing roadblocks in his way when it comes to foreign policy. The same party that blew up the Test Ban Treaty last week, the same party whose leader in the other body, or deputy leader, who told the President, standing 6 feet away from him in the White House, that we had no business engaging in military action against Mr. Milosevic. Then after we had a successful conclusion in that operation, he then went to the press and attacked the President for agreeing to a settlement that left Mr. Milosevic in power. Now, that is the fastest U-turn I have seen in my life in this place.

The same party that held up our contributions to the International Monetary Fund at a time we desperately needed to try to stabilize the currency situation in Asia last year in order to protect our own economy. That same party is now saying that we are going to continue to withhold our funds from the United Nations because of an unrelated dispute with the President. That to me is illegitimate, and those are the reasons why this bill is going nowhere. When it leaves here, this bill will be vetoed by the President. When it is vetoed, it will be sustained.

Mr. LINDER. Mr. Speaker, I am pleased to yield such time as he might consume to the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS. Mr. Speaker, I thank the gentleman from Georgia for yielding this time. I want to take a couple of minutes only at this point in the debate. I will reserve my main argument until we get to the bill itself.

But I wanted to correct a couple of statements that the gentleman from Wisconsin (Mr. OBEY) has just made. In the COPS program, one of the sticking points, admittedly, with the administration, the House-passed bill contained $268 million. We agreed to the Senate version, which is $325 million. But on top of that, we freed up another $250 million in carryover funds that were not being spent last year into the COPS program. On top of that, we then added an additional $150 million which the administration requested in the COPS technology program. We funded that under the COPS program.

So lo and behold, all of a sudden, in the COPS program, there is not the $325 million the gentleman from Wisconsin (Mr. OBEY) just said there was. There is $725 million.

We have gone a long way toward meeting the administration's problem with this bill. We have gone more than halfway. I would hope that the administration and the gentleman from Wisconsin (Mr. OBEY) would compliment us for that and, in fact, would quit this rampage against this and all other spending bills, and realize there is an effort here to try to meet them halfway and be reasonable.

We are trying to be fair with them. When we offer them fairness, they come back with this tirade. I do not understand that kind of business.

The gentleman from New York (Mr. SERRANO) on the subcommittee, my ranking Democrat, has been perfectly capable in working with us. He has worked in a bipartisan, nonpartisan way, as have we. With reward for that, what we get from the gentleman from Wisconsin (Mr. OBEY) is a tirade. I do not work that way. We have tried to go more than halfway on the COPS program, and we have.

Now, all the appropriators can do, speaking of U.N. arrears, all we can do is provide money. The gentleman from Wisconsin (Mr. OBEY) knows that above anybody. He is ranking on the full committee. We have laid the money on the table, every single penny that it would take to pay off our arrears at the U.N. We all want to do that. We laid the money on the table. We are not the authorizing committee.

What is the Committee on International Relations of the House? It is the authorizing committee. We said, here is the money. Pass an authorization bill, and it will be paid. All we can do is offer the money. We have done that. Every single penny to pay the U.N. arrears is laying on the table. All they have to do is reach down, pick it up and pay that bill, and it is all over with.

In addition, we have provided every single penny for our current dues to the U.N. It is laying there ready to be paid when the President signs the bill.

□ 1130

All he has to do is sign this bill. We will pay the U.N. current assessment, and we will pay the arrears. The President, and the gentleman from Wisconsin (Mr. OBEY) should recommend it to him; he can sign the bill. The money is laying there. All he has to do is reach down and pick it up. No worries about the votes in the U.N., no worries about current assessments. All is at peace with the world. Just pick it up and take it and pay the bills.

So I find it strange, I find it partisanly strange, that the gentleman from Wisconsin takes the floor in a tirade against a bill that we have gone so far in being fair in addressing the concerns of the White House. And if the bill is vetoed, I assure the gentleman this bill will come back in a much different form.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. OBEY) to respond.

Mr. OBEY. Mr. Speaker, I would simply say if the gentleman from Kentucky thinks I launched a tirade against this bill, he has not seen me when I am in a tirade mode.

Let me simply say that what the gentleman has just said is incorrect. He says all we can do is provide the money. It is not the money that is holding this up. The committee has put in the money and then it has refused to waive the requirements for authorization, although it has provided waivers for many other authorization requirements in the bill. That is number one point of inconsistency.

The second point of inconsistency is simply that then, contrary to what the gentleman said, his own committee has gone beyond the authorization and interposed additional conditions of its own which must be met for the release of those funds, conditions which the gentleman well knows cannot be met, in part because Congress was so obstructive on this matter last year and prevented the United Nations from taking the actions necessary to free up the money.

Mr. LINDER. Mr. Speaker, how much time is remaining on each side?

The SPEAKER pro tempore (Mr. BEREUTER). The gentleman from Georgia (Mr. LINDER) has 20 minutes remaining, and the gentleman from Ohio (Mr. HALL) has 19 minutes remaining.

Mr. LINDER. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. HASTINGS), my colleague on the Committee on Rules.

Mr. HASTINGS of Washington. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise today to talk about one very positive element in this underlying bill, and I support the rule and the underlying bill and would like to congratulate the gentleman from Kentucky and the gentleman from New York for their efforts on this legislation.

Mr. Speaker, on the night of September 7 in Pasco, Washington, tragedy struck when a Washington State Patrol Officer, James Saunders, was shot and killed in the line of duty while making a routine traffic stop. The suspect in the shooting was an illegal alien who had a history of criminal convictions in this country. In fact, the suspect had been deported three different times by the U.S. Border Patrol and was detained once again this year on a cocaine charge. However, instead of remaining in jail under detention, he was allowed to post bail and was released. This tragic mistake cost Trooper Saunders his life.

How could this criminal be set free? The details of his release are still coming to light; but unfortunately, it appears that the border patrol officer who had detained the suspect in the past was transferred to Arizona and unable to identify the suspect and place him in immigration detention. We must ensure that these ill-conceived transfers of agents that needlessly remove knowledgeable agents from a post for extended periods of time do not continue. It is time to stop robbing Peter to pay Paul in our border enforcement strategy.

Just 1 week before the tragic death of Trooper Saunders, I joined my colleagues, the gentleman from Washington (Mr. METCALF) and the gentleman from Washington (Mr. NETHERCUTT), in a letter to INS Commissioner Doris Meissner stating our disappointment that she had reinstated these inappropriate transfers from the northern border to the southern border. As a result of these transfers, our northern border is understaffed, leading to decreased enforcement. I am deeply saddened and outraged that our concerns were proved true by the killing of Trooper Saunders.

Mr. Speaker, nothing in this legislation nor anything that this House considers can bring back Trooper Saunders or help his pregnant wife and 2-year-old daughter come to terms expressing his unnecessary death; but we can ensure that the border patrol is given adequate manpower and resources to keep illegal aliens locked up until deportation and ensure that, once deported, these illegal aliens do not reenter the United States.

The underlying legislation goes a long way towards ensuring this goal. The fiscal year 2000 conference report contains funding for 1,000 new border patrol agents and increases detention for criminal and illegal aliens. I urge the committee to ensure that this year the INS goes forward with the mandate to strengthen our border patrol by hiring those officers as soon as possible. We must do everything possible to hopefully spare another community the senseless tragedy the family of Trooper Saunders and the local citizens must now endure.

Once again I congratulate the chairman and the ranking member for an excellent piece of legislation and urge support of the rule and the underlying legislation.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes and 10 seconds to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I rise to address an issue of critical importance to our Nation, the upcoming decennial census of the population of the U.S., a constitutionally mandated activity, which will be the largest peace-time mobilization ever undertaken by our Nation.

The administration requested $4.5 billion this fiscal year in order to count everyone in our country. The conference report before us today contains all but about $11 million of that request, and I commend the gentleman from Kentucky (Mr. ROGERS) and the ranking member, the gentleman from New York (Mr. SERRANO) for their hard work with the other body in providing the necessary funds.

I also commend the chairman in that this bill contains none of the onerous, contentious language prohibiting the use of modern statistical methods which has been in previous CJS conference reports. While this report still designates the funding for the 2000 census as emergency funding, if all the funding was not there, then it truly would be an emergency. So I am glad the funding is there, whatever the designation.

However, a number of important problems remain. First and foremost is the language in the conference report regarding frameworks which would require the Census Bureau to go through a long and complex process before shifting money from one activity in the decennial census to another, for example, for spending money on census takers or additional computers.

Such congressional micromanagement is unprecedented in the decennial census. A programming request could take months. In fact, the most recent request in the Commerce Department took 7 months. But the 2000 census cannot possibly operate under that kind of framework. The census is a massive undertaking which must be completed on an extremely tight time frame. A Congress of 535 Members cannot possibly make the decisions necessary or quickly enough to cover the unpredictable events which might occur.

In conclusion, this restrictive language must be removed, and, hopefully, the President will remove this language when he vetoes this bill. I call upon my colleagues to vote against the bill for the funding for the U.N. and the cops on our streets.

Mr. LINDER. Mr. Speaker, I yield such time as he may consume to the gentleman from Kentucky (Mr. ROGERS) for the purpose of a response.

Mr. ROGERS. Mr. Speaker, I thank the gentleman for yielding me this time.

If the gentlewoman would hear me. The gentlewoman is concerned about the earmarked monies by category in the census appropriations. The gentlewoman would understand that is what we do in every agency. That is a routine practice of the Congress, when the gentlewoman was in the majority and as well here. We are an oversight committee. That is done in every single agency that we have.

I talked to the Director of the Census a few days ago about, he was concerned, and I assured him that that is an oversight matter that the Congress does in every agency that we fund, and that if he needed to reprogram monies from one account to the other, we can do it in a matter of hours, really, days at most. It just requires the signature of myself and my counterpart in the Senate.

We want to see a good count. We have not insisted on a banning sampling. All the money is there. We will reprogram the monies as necessary during the year. We do it routinely in other agencies, dozens of requests come to our desk to reprogram funds. That is not a problem, and I think the director understands that.

I would hope the gentlewoman would not vote against the conference report on that account because that is a routine practice of the Congress.

Mrs. MALONEY of New York. Mr. Speaker, will the gentleman yield?

Mr. ROGERS. I yield to the gentlewoman from New York.

Mrs. MALONEY of New York. The Director of the Census, Dr. Prewitt, is very concerned about this restrictive language. The framework language was in report language before; now it has been legislated, which is more restrictive.

Mr. ROGERS. Reclaiming my time, Mr. Speaker. As I said, I talked to the director a few days ago. I think we resolved that problem. Perhaps the gentlewoman needs to talk to him now.

Mr. HALL of Ohio. Mr. Speaker, I yield 10 seconds to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I appreciate the gentleman's attention to this matter. When the President vetoes this bill, I hope the gentleman will accept the language that will remove the framework restrictive language on the census from the report, but I appreciate the gentleman's other efforts.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. SAWYER).

Mr. SAWYER. Mr. Speaker, I thank the gentleman from Ohio (Mr. HALL) for yielding me this time, and I rise to emphasize the point my colleague from New York has just made. I do so in gratitude to the gentleman from Kentucky, whose efforts have been to make sure the census is fully funded in a way that will allow for timely execution on the very tight timetables that remain between now and its conclusion next year. I want to thank him for his concern.

Mr. Speaker, I just simply would like to add to what the gentlewoman from New York said by quoting from a letter from the Director of the Census when he says, "Congressional approval in the form of a reprogramming would be required for any movement of funds between decennial program components. This is a dramatic departure from past practices and takes place at precisely the time when Census 2000 activities peak, when the need for program flexibility is most crucial. If the need to obtain congressional approval significantly delays the transfer of funds, Census 2000 operations could be compromised."

I lived through the 1990 census. We went through a time when the economy was far more fragile than it is today. The difficulty in recruiting and retaining sufficient numbers of adequately prepared workers in differential ways across the country was an enormous problem. At that time it required actual additional enactments of authorizing legislation to permit the Bureau the flexibility in order to respond to that. If they do not have that kind of flexibility, which was initially built into the plans for this census, then I am concerned that the problem that was significant 10 years ago will be multiplied many, many times because of the vast differences in unemployment rates across the United States.

So I would only ask that the gentleman from Kentucky, as we revisit this language in coming weeks, would consider that and find alternative ways to develop more controls.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS. Mr. Speaker, if the gentleman from Ohio would stay at the microphone, I will try to respond.

The frameworks that the gentleman is talking about, where we have placed specific amounts of monies in each framework, one of those frameworks is $3.5 billion. The Congress, as the gentleman well knows, exercises oversight through the Committee on Appropriations of every agency that we fund, including the Census Bureau. And I think that is the duty to the taxpayers that we owe to oversee these agencies, particularly one with the leeway to spend $3.5 billion with no accounting to the Congress. The reason it is in bill language is because in the past, with report language, they simply ignored the Congress. We simply cannot let that happen again.

Now, I will say this to the gentleman. If the Director of the Census Bureau, during the course of the year, needs to reprogram monies from one account to the other through the reprogramming process, it only requires the signature of the chairman of the House subcommittee, myself, and my counterpart in the Senate. I assured the director and I assure the gentleman that if that reprogramming request is in order and is legitimate and needed, he will have the approval within 72 hours, maximum, of the time he requests it.

There will be no huge delays. There will be no harassment. There will be no intimidation or anything of that sort. But there will be some oversight. I think the gentleman, as a Member of this body, would want the Congress to exercise oversight over every agency that we fund of the executive branch, because that is our duty under the Constitution.

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I would hope the gentleman would recognize that that is necessary in this respect.

Mr. SAWYER. Mr. Speaker, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Ohio.

Mr. SAWYER. Mr. Speaker, I thank the gentleman for yielding. I appreciate his assurances. I have no reason to doubt his good faith. The way in which he has brought the initial funding for the census to this floor reflects that good faith.

I simply hope that, in coming weeks, we will pay close attention and that they will have the opportunity to go back and forth, as they have, with the census director so that we can make sure we get this language right.

Mr. ROGERS. Mr. Speaker, reclaiming my time, I shall stay in touch with the Census Bureau Director, and we will respond to his legitimate need.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Ohio (Mr. HALL) for yielding me the time.

Mr. Speaker, let me acknowledge the bipartisan work of the ranking member and chairman of this committee. I appreciate their attempt to work together.

I am, unfortunately, opposing this bill on several accounts. Because of the brevity of the time, let me just cite the short funding, if you will, $300 million plus, to the President's $1 billion request for "Cops on the Beat."

It is evident that in the last 24 to 48 hours, with the reports coming out on the decrease in crime, that the "Cops on the Beat" had to be a very vital aspect of that even in my own home community. In the Montrose area, the 18th Congressional District, they note that they have been able to have a neighborhood police station because of "Cops on the Beat."

What a tragedy. How long are we going to say to the world, we want to be a player but we refuse to pay our debt and our responsibility in the United Nations?

As much as we may critique the United Nations, it is a world forum for discussions that help to alleviate the various wars and breakouts that we would have if we had not had the United Nations. What a shame on us.

Additionally, the hate crimes bill, I am absolutely shocked that we could not get the hate crimes legislation added. The Senate passed it. It is the right thing to do. It is a statement on behalf of the American public that we abhor hateful acts and violent acts against individuals.

Then I would like to just lastly focus on, as a member of the authorizing committee for the INS, my concern about the distribution of funds in the separate agencies, giving $900 million to enforcement but yet $500 million only to the citizen activities.

The gentleman from Illinois (Mr. HYDE) and myself and others were in Chicago just a few weeks ago hearing the crying of so many individuals who are appalled at the long wait and long lines of getting processed the legal way. If we want to promote legal immigration, then we need to do it the legal way.

A thousand border patrol agents what the INS told us, we cannot recruit. We do not have enough individuals out there. With the thousand border patrol agents, let me say that all of us had pain in our hearts with the Resendez-Ramirez situation. I come from Texas. But the INS has indicated that it is very difficult to recruit at these salary levels.

Although I appreciate the recruitment incentives, the recruitment agency, the bonus incentives, I do question whether or not we could have considered raising the GS level of the hiring individuals and whether or not we should have done it in that way.

Mr. ROGERS. Mr. Speaker, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Speaker, the gentlewoman from Texas (Ms. JACKSON-LEE) would be happy to hear that we funded every single penny the administration requested for the services in the INS. Every penny they wanted, they got.

Ms. JACKSON-LEE of Texas. Mr. Speaker, reclaiming my time, it may be that the administration does not realize the great need out there. I appreciate the funding of what the administration has required.

Mr. ROGERS. Mr. Speaker, if the gentlewoman will continue to yield, I cannot argue with the characterization of the gentlewoman.

Ms. JACKSON-LEE of Texas. Mr. Speaker, but I am out in the field and I see the pain of the people who are waiting in line.

I would simply say that there are things that we could have done a little better, Mr. Speaker, on the INS funding. I hope we can fix the INS as everyone else can.

Mr. LINDER. Mr. Speaker, I am happy to yield 2 minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Speaker, I thank the gentleman from Georgia for yielding me the time.

Mr. Speaker, I rise in support of the rule and the conference report for the Commerce, Justice, State appropriations.

This bill is a testament to the leadership and the dedication of the subcommittee chairman, the gentleman from Kentucky (Mr. ROGERS) and of the gentleman from Florida (Chairman YOUNG) of the full Committee on Appropriations. It is a shining example of the commitment and cooperative spirit between the majority and the minority, who worked diligently to bring before us a bill which effectively addresses recent developments and ensuing concerns by providing the necessary funding for three important agencies of our U.S. Government.

This bill provides a total of $18.4 billion for the Department of Justice. It restores key programs. It funds increases to maintain current operating levels of critical law enforcement agencies and increases funding for State and local law enforcement by actually $1.4 billion over the President's request. It provides $3.5 billion more than fiscal year 1999 to the Department of Commerce and to the Census Department.

This bill before us addresses the threats also posed to our overseas facilities and to our brave men and women in diplomatic and counselor corps by including $568 million for the reconstruction and strengthening of our posts overseas.

These worldwide security improvements and replacements of vulnerable embassies started in fiscal year 1999 with emergency funding and will continue thanks to the foresight and leadership of the gentleman from Kentucky (Mr. ROGERS) and the gentleman from Florida (Mr. YOUNG) and the members of that subcommittee.

Lastly, this bill ensures that our concerns worldwide will be met. It is a just and balanced bill which merits our full support. I am proud to be voting in favor of the rule and the conference report this afternoon.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Speaker, I rise today in opposition to the rule and the underlying conference report on the Commerce, Justice, State appropriations bill.

I oppose this bill because it drastically cuts one of our most important crime prevention programs we have today, the COPS program. Since its creation in 1994, the COPS program has awarded over $6 billion in grants to law enforcement agencies nationwide. And in May of this year, the program has funded its 100,000th police officer, a year and a half ahead of schedule and $2.5 billion below the authorized funding.

These officers work with the communities to fight crime in our cities, our suburbs, and even in the vast rural district of my northern Michigan district.

The COPS program not only adds these officers to the front line to fight crime, it funds important community prosecution, crime prevention, and law enforcement technology initiatives. These programs are crucial to ensuring that our families live in a safe community.

Crime rates have been falling over the last several consecutive years, and we cannot now rest on our laurels. We need to build on the success of the COPS program. And it is successful.

Local law enforcement officials from all over the country will tell us that the COPS program is critically important to their ability to reduce crime. The COPS program works well, and that is why it is supported by every major law enforcement organization in the United States, the United States Conference of Mayors, the National League of Cities, and the National Governors' Association.

The President, who recognizes the importance of this community policing program in reducing crime, has requested $1.3 billion for the COPS program. Instead, unfortunately, the conference committee does not meet the President's request in the need of law enforcement, especially in the COPS in School program.

Mr. Speaker, this bill ignores our communities' urgent call for more police officers in the streets and in our schools to fight crime and violence.

I will vote in favor of safe communities and against the majority's attempt to roll back our successful battle against crime. Vote against the bill and the rule.

Mr. ROGERS. Mr. Speaker, will the gentleman yield?

Mr. STUPAK. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Speaker, I hope the gentleman from Michigan (Mr. STUPAK) realizes that the bill contains $725 million for programs which the President has requested in COPS. The authorized level is only $268 million. We are funding it at $500 million more than the authorization level.

In fact, the $325 million that we agreed to with the Senate was the amount that Senator BIDEN had asked for on the Senate side, and the Senate approved that, and we agreed to that.

Mr. STUPAK. Mr. Speaker, reclaiming my time, if I may, to answer the question of the gentleman. The President's request was $1.3 billion. And I agree, they did put in 725. That is about half of it.

The COPS program is more than just police officers. It is COPS in School, it is the Youth Firearms Violence Initiative, community policing to combat domestic violence, anti-gang initiative.

Those programs have not been adequately funded to meet the President's request. I thank the gentleman for his leadership on that issue. I wish we had more funding for it.

Mr. LINDER. Mr. Speaker, for the purpose of response, I yield such time as he may consume to the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS. Mr. Speaker, I thank the gentleman for yielding.

What we did on COPS, if the gentleman would like to hear this, we agreed to the amount that Senator BIDEN on the Senate side, a Democrat, asked for. Plus we added on top of that $250 million in carry-over funds which were not being spent. On top of that, we also agreed to $150 million more for the COPS program for the technology portion the Administration requested under the COPS program. For a total of $725 million.

That is twice what Senator BIDEN on the Senate side asked for, and it is almost $500 million more than the authorization by law that exists in the Congress.

Now, on top of that, we also provided $523 million for the local law enforcement block grant, which I am sure the gentleman would want his local police to be able to get at. They do not have to go through a bureaucracy at the State level or the regional level to get those dollars, and they do not have to pay a local match. It is 100 percent money that we will give to their local police.

They can use it for bulletproof vests. They can use it for police radios. They can use it for salaries if they want, firearms, bullets, whatever they want. It is not restricted like the COPS program is.

So what I am saying to the gentleman is, there is $725 million in the COPS program. There is $523 million in the local law enforcement block grant program. That brings us to $1.3 billion, which is what the administration requested.

Mr. Speaker, what is their problem? We have provided tons and tons of money for the COPS and associated programs, not to mention the Byrne Grant program for local law enforcement funded at $552 million and the State Truth-in-Sentencing Grant funded at $686 million. There is the Juvenile Justice programs funded at $28.7 million. There is the School Violence Program funded at $225 million. There is Violence Against Women Act monies funded at $28.4 million. There is $40 million for drug courts. There is $40 million for the Weed and Seed program. And I could go on.

Mr. STUPAK. Mr. Speaker, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Michigan.

Mr. STUPAK. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, those programs that the gentleman mentioned are good programs, and they have been funded in the past. Our quarrel here, our dispute is that we want them all funded to the level requested by the President, not what Senator BIDEN said, but what the President requested.

Mr. ROGERS. Mr. Speaker, reclaiming my time, do I understand the gentleman to say that we are not spending enough money out of the Social Security Trust Fund?

Mr. STUPAK. Mr. Speaker, if the gentleman will continue to yield, do not use red herring program. We are talking about the COPS program here. Let us stick to the COPS program that we are talking about. To throw in Social Security is disingenuous to their side and to the senior citizens back home.

Mr. ROGERS. Mr. Speaker, reclaiming my time, does the gentleman realize that the President's request was for zero dollars for the Local Law Enforcement Block Grant which funds your local law enforcement agencies, sheriff's offices, and police departments? The President's request was zero.

Now, yes, we did include money there, $523 million. But I think we could count that toward the COPS total, which would get us up to the total of $1.3 billion, which was the President's request.

I think the bill is absolutely fair, more than fair, even in getting monies to their local law enforcement agencies. I would argue with anybody who says we were not generous, overly generous, more than the Administration's request, in fact, for their local law enforcement agencies.

Mr. STUPAK. Mr. Speaker, if the gentleman will continue to yield, I have 15 pages of grants in COPS and equipment that have been given to the First Congressional District in Michigan. And, therefore, whether they are the First Congressional District in Michigan or Kentucky or wherever, under the totality of funding for the COPS program, they would be satisfying their local law enforcement needs.

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Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. I thank the gentleman for yielding me this time.

Mr. Speaker, I do also rise in strong opposition to the Commerce, Justice, State appropriations conference report. I too believe that the very successful Community Oriented Policing Service program, familiarly known as COPS, which has been reduced has been a program that has allowed for the reduction of crime in this country. And I believe that the President is right to say that this is one of the three main reasons why he will veto the bill.

A second major problem with this bill is the repeated denial by the majority of the United Nations debt which makes us an embarrassing deadbeat country in the international community. The list of nations that have lost their vote in the United Nations General Assembly for failure to pay dues is largely a list of small, war-torn nations such as Sierra Leone, Bosnia and Iraq. It is shameful that the United States would stiff the United Nations. I certainly hope that we do not lose our vote.

Another major flaw of this bill is that it fails to respond adequately to the investigation and prosecution of hate crimes and freezes funding for the Equal Employment Opportunity Commission. The horrendous murders of Mr. James BYRD in Jasper, Texas and Mr. Matthew Shepard in Wyoming are just two instances of crimes for which we should have zero tolerance. The gutting of this portion of this bill is a strong indication of the lack of commitment to move against hate crimes by the majority.

For all of these reasons, I ask my colleagues to vote against H.R. 2670.

Mr. HALL of Ohio. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Mr. Speaker, I rise in opposition to the Commerce, Justice, State appropriations bill and to express my dismay at the bill that fails to fully fund the COPS program, the community policing program.

Since Congress authorized the COPS program in 1994, the Justice Department has kept its promise by disbursing grants to hire 100,000 community police officers ahead of schedule and under budget. The COPS program has successfully put police officers in over 11,000 police departments and sheriffs offices. Fifty thousand officers are on the street and working in the communities to reduce crime today, and our streets are safer than ever. It is a program that works. It gives communities the ability to employ local solutions to fighting crime.

Mr. Speaker, I have talked to a lot of sheriffs and police chiefs in my district. They tell me this is the one program that has done more than any other program they have received from the Federal Government to deter crime, to work with the community, to have the community involved in helping to reduce crime.

Mr. Speaker, American communities are safer than they have ever been and COPS is one of the reasons why. Last July, 67 of my colleagues signed a letter with me asking the appropriators for full funding of this program. But most importantly, my local police support COPS, my county officials support COPS, my school districts support COPS, my neighbors support COPS, and so do I.

Mr. HALL of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from Missouri (Mr. GEPHARDT), the minority leader.

Mr. GEPHARDT. Mr. Speaker, I would urge Members to vote against this bill. It is a bill that the President will not sign. It does not address the priorities that the American people care about. And it betrays the words of the Republican leadership last night that they are interested in finding a sensible compromise to the budget mess in which we find ourselves.

There was an important statement made by the President last night, and I believe agreed to by the Republican leadership, and that is that we are not going to approach this budget on a micro basis but we are going to look at it on a macro basis. This concession by the leadership is critical to our ability ultimately to achieve a successful outcome on the budget in the days ahead. We can no longer engage in a process of dealing with the appropriations bills one at a time because there are several other important issues that this Congress wants to address this year, minimum wage, Medicare buybacks, and tax extenders. We have to deal with the remaining bills in this context if we want to reach an agreement on the budget.

The fact that we are voting on the Commerce, Justice, State bill today shows that Republicans are not keeping this agreement. The Republicans cannot see the forest for the trees. And the President has said no more signing of the trees until we see the forest.

Unless we sit down and negotiate the whole picture, we are not going to pass any of these bills. We should not even be voting on this bill if we are serious about looking at the entire picture. Clearly, the Republicans still are not serious about negotiating with the President 3 weeks into fiscal year 2000, and we should not be voting on this bill if Republicans are serious about not dipping into the Social Security surplus. The CBO says that Republicans have already spent $13 billion of the surplus and are on their way to spending $24 billion. This bill is just going to make things worse because the spending is not paid for and will come right out of the Social Security surplus.

Apart from the simple futility of even considering this bill, I am compelled to point out how this is a bad bill that shortchanges our priorities. First, the bill fails to build on the success of the last several years in putting additional police on the streets and in our neighborhoods. We have seen a 7-year consecutive decline in violent crime. Why would we want to reverse that now? The Republican plan is a retreat and it is unacceptable.

Second, it is not surprising the bill fails to live up to our obligations to the United Nations. The Republican Party used to be the party of George Bush, willing to make difficult choices to uphold our role in the world. Now, even though Pat Buchanan says he is leaving the Republican Party, Buchananism remains. This is a neo-isolationist view that is hurting our strength and our prestige abroad. They do not care about stopping nuclear proliferation to developing countries. They are willing to put politics above doing the right thing as we saw in the Senate for the test ban vote.

Finally, on hate crimes. We continue to see these horrendous crimes, but for the second year in a row Republican leaders stand in the way of taking strong action to combat this violence. It is an outrage that the hate crimes provision was left out of this bill once again. Republicans continue to listen to the far right on this issue instead of doing what is decent and right.

If we keep rolling out these bills that are dead on arrival before the vote is taken, we will not find any solution to the overall budget problem anytime soon. If we insist on rolling out phony bills filled with gimmicks and waist-deep into Social Security, we will be here at Thanksgiving and maybe even Christmas.

This is another Republican tree. Knock it down. Vote it down. Let us get back to the real negotiations to settle the budget, not phony votes which spend time and accomplish nothing and set us further back from finding the solution to this problem that the American people sent us here to find.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

I would just say simply that I will be calling for two votes, on the previous question and on the rule. It is not so much that we are against the rule, but we are against the bill itself and the conference committee for a number of reasons that have been mentioned here, because of the lack of having hate crime legislation, because of not fulfilling what we think is important in the COPS program and mainly in my opinion for not including U.N. arrears. I think for us to lose the chance, to lose our vote in the U.N. would be an absolute embarrassment and it would be a shame. We are coming very close to the edge right now. We are riding that precipice. I think it really fits this tremendous saying that Evanberg said once, "All it takes for evil to prevail is for good people to do nothing." And evil will prevail in this world because this is the kind of world that we live in. And if we do not fund the kinds of programs that are important in the U.N., we allow evil to prevail.

Mr. Speaker I urge that we vote against this conference report. We will be calling for a couple of votes, on the previous question and on the rule.

Mr. Speaker, I yield back the balance of my time.

Mr. LINDER. Mr. Speaker, I yield myself such time as I may consume.

At the risk of sounding remedial, I would like to point out to my friend from Ohio that he will have ample opportunity to vote against the bill when the bill comes up. It is not going to be any more defeated by calling for two additional votes.

I encourage my colleagues to come to the floor and vote "yes" on the previous question, "yes" on the rule and then give them the opportunity to debate the bill.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. BEREUTER). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HALL of Ohio. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 221, nays 204, not voting 8, as follows:

[Roll No. 516]

YEAS—221

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)

Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—204

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee
(TX)
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-
McDonald
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—8

Camp
Danner
Gutierrez
Jefferson
Mollohan
Rush
Scarborough
Walsh

□ 1232

Messrs. KLECZKA, HINOJOSA, GEORGE MILLER of California, and Mrs. LOWEY changed their vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. BEREUTER). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HALL of Ohio. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 221, noes 204, not voting 8, as follows:

[Roll No. 517]

AYES—221

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—204

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee
(TX)
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-
McDonald
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—8

Camp
Gutierrez
Jefferson
Mollohan
Rush
Scarborough
Walsh
Watkins

□ 1241

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. ROGERS. Mr. Speaker, pursuant to House Resolution 335, I call up the conference report to accompany the bill (H.R. 2670) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2000, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 335, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of October 19, 1999, at page H10283.)

The SPEAKER pro tempore. The gentleman from Kentucky (Mr. ROGERS) and the gentleman from New York (Mr. SERRANO) each will control 30 minutes.

Mr. OBEY. Mr. Speaker, I rise in opposition to the conference report. It is my understanding that the gentleman from New York (Mr. SERRANO) supports the conference report, and given that case, under clause 8(d) of rule XXII, I ask for one-third of the time on the report.

The SPEAKER pro tempore. Does the gentleman from New York support the conference report?

Mr. SERRANO. Yes, I do, Mr. Speaker.

The SPEAKER pro tempore. Pursuant to clause 8(d) of rule XXII, the time will be equally divided among the gentleman from Kentucky (Mr. ROGERS), the gentleman from New York (Mr. SERRANO), and the gentleman from Wisconsin (Mr. OBEY).

The Chair recognizes the gentleman from Kentucky (Mr. ROGERS).

GENERAL LEAVE

Mr. ROGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report to accompany H.R. 2670, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

□ 1245

Mr. ROGERS. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, I am very pleased to bring this conference report on the fiscal year 2000 Commerce Justice, State and Judiciary appropriations bill to the floor. We have brought to a successful conclusion the very long, arduous work of reconciling the differences between the very different House-passed and Senate-passed versions of this bill.

This conference report is a sound compromise. It makes a number of significant improvements, I think, over the House-passed version of the bill. We moved forward within the guidelines set for the bill by our leadership, consistent with their plan for meeting the budget targets and protecting Social Security.

For law enforcement, the Senate came in a billion dollars below the House. We were able to restore those funds, and those funds, of course, will keep intact at their current operating levels, the FBI, the Drug Enforcement Administration, the United States Attorneys, and the Immigration and Naturalization Service.

We provide 1,000 new border patrol agents for the INS. We maintain funding for local law enforcement agencies, local sheriffs, and local police departments—monies direct to them, not going through their State agencies but going directly from here to that local agency—the local law enforcement grants, the juvenile accountability grants, the truth-in-sentencing State prison grant program directly to the States, and the SCAAP program to reimburse States for the costs of incarcerating illegal aliens.

For the COPS program, we provided the Senate level. We went up from the House level of $268 million, which is the authorized level. We went up to $325 million, the Senate level that was a result of the amendment offered by Senator BIDEN on the other side of the Capitol.

On top of that, though, we added the unused, unobligated balances that exist in the COPS program of $250 million. We freed that money up, a quarter of a billion dollars for COPS. On top of that, we gave nearly every penny the administration requested under the COPS program for technology programs. That is added in, for a grand total of $725 million for the COPS program.

That is for COPS II, which is not authorized. COPS I runs out this year. We gave in this bill the $268 million in the House version that would have funded the authorized level. We went beyond that to a total of $725 million, even though it is not authorized, in an attempt to meet the administration's request for more funds.

In Commerce, we fully fund the census. We do not require that there be a ban on sampling. We will let the courts decide that one.

For the rest of Commerce, the Senate was $850 million above the House level, much of it in NOAA. We have come up significantly above the House level, $275 million in NOAA alone above the House, and $60 million for the Pacific Salmon Recovery program to be of great assistance to the West Coast States of Washington, Oregon, California, and Alaska.

For the Judiciary, we provide $60 million more than the House. We solve the judges' cost-of-living adjustment that is required, and we solve the life insurance problem that had been of such great concern to the Judiciary.

For the Department of State, we fully fund the request for embassy security overseas, every penny. In fact, we made the administration request more money. We have fulfilled that request.

We fully fund and pay for every penny of our current contributions to the U.N. We are paying our dues annually. We provide the money for the arrears, subject to authorization.

Overall, Mr. Speaker, it is a good bill. I would hope our colleagues would support it.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2000 (H.R. 2670)

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
TITLE I - DEPARTMENT OF JUSTICE						
General Administration						
Salaries and expenses	79,328	87,534	79,328	82,485	79,328	
Joint automated booking system				6,000	1,800	+1,800
Narrowband communications		80,000		20,000	10,625	+10,625
(By transfer)			(101,434)		(92,545)	(+92,545)
Counterterrorism fund	10,000	27,000	10,000	27,000	10,000	
1st Responder grants	135,000					-135,000
Telecommunications carrier compliance fund		7,000	7,000	7,000	7,000	+7,000
Defense function		8,000	8,000	8,000	8,000	+8,000
Administrative review and appeals:						
Direct appropriation	75,312	89,901	84,200	30,727	98,136	+22,824
Crime trust fund	59,251	59,251	50,363	59,251	50,363	-8,888
Total, Administrative review and appeals	134,563	149,152	134,563	89,978	148,499	+13,936
Office of Inspector General	34,175	45,021	42,475	32,049	40,275	+6,100
Total, General administration	393,066	403,707	281,366	272,512	305,527	-87,539
Appropriations	(333,815)	(344,456)	(231,003)	(213,261)	(255,164)	(-78,651)
Crime trust fund	(59,251)	(59,251)	(50,363)	(59,251)	(50,363)	(-8,888)
United States Parole Commission						
Salaries and expenses	7,380	8,527	7,380	7,176	7,380	
Legal Activities						
General legal activities:						
Direct appropriation	466,540	568,316	355,691	299,260	346,381	-120,159
Crime trust fund	8,160	8,555	147,929	185,740	147,929	+139,769
Total, General legal activities	474,700	576,871	503,620	485,000	494,310	+19,610
Vaccine injury compensation trust fund (permanent)	4,028	4,028	3,424	4,028	4,028	
Antitrust Division	98,267	114,373	105,167	112,318	110,000	+11,733
Offsetting fee collections - carryover	-30,000	-47,799	-47,799		-28,150	+1,850
Offsetting fee collections - current year	-68,275	-66,574	-57,368	-112,318	-81,850	-13,575
Direct appropriation	-8					+8
United States Attorneys:						
Direct appropriation	1,009,253	1,217,788	1,161,957	589,478	1,161,957	+152,704
Crime trust fund	80,698	57,000		500,000		-80,698
Total, United States Attorneys	1,089,951	1,274,788	1,161,957	1,089,478	1,161,957	+72,006
United States Trustee System Fund:						
Current year fee funding	114,248	129,329	108,248	112,775	106,775	-7,473
Fees and interest (legislative proposal)		32,000	6,000		6,000	+6,000
Total, United States trustee system fund	114,248	161,329	114,248	112,775	112,775	-1,473
Offsetting fee collections	-114,248	-129,329	-108,248	-112,775	-106,775	+7,473
Offsetting fee collections - legislative proposal		-32,000	-6,000		-6,000	-6,000
Total, US trustee offsetting fee collections	-114,248	-161,329	-114,248	-112,775	-112,775	+1,473
Foreign Claims Settlement Commission	1,227	1,175	1,175	1,175	1,175	-52
United States Marshals Service:						
Direct appropriation	476,356	543,380	329,289	409,253	333,745	-142,611
Crime trust fund	25,553	26,210	209,620	138,000	209,620	-184,067
Construction	4,600	8,832	4,600	9,632	6,000	+1,400
Justice prisoner and alien transportation system				9,000		
Total, United States Marshals Service	506,509	578,422	543,509	565,885	549,365	+42,856
Federal prisoner detention	425,000	550,232	525,000	500,000	525,000	+100,000
Fees and expenses of witnesses	95,000	110,000	95,000	110,000	95,000	
Community Relations Service	7,199	10,344	7,199	7,199	7,199	
Assets forfeiture fund	23,000	23,000		23,000	23,000	
Total, Legal activities	2,626,606	3,128,860	2,840,884	2,785,765	2,861,034	+234,428
Appropriations	(2,512,195)	(3,037,095)	(2,483,335)	(1,962,025)	(2,503,485)	(-8,710)
Crime trust fund	(114,411)	(91,765)	(357,549)	(823,740)	(357,549)	(+243,138)
Radiation Exposure Compensation						
Administrative expenses	2,000	2,000	2,000	2,000	2,000	
Payment to radiation exposure compensation trust fund		21,714		20,300	3,200	+3,200
Total, Radiation Exposure Compensation	2,000	23,714	2,000	22,300	5,200	+3,200

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2000 (H.R. 2670)— continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
Interagency Law Enforcement						
Interagency crime and drug enforcement 1/	304,014		316,792	304,014	316,792	+12,778
High intensity inter-state gang activities				20,000		
Total, Interagency Law Enforcement	304,014		316,792	324,014	316,792	+12,778
Federal Bureau of Investigation						
Salaries and expenses	2,396,239	2,742,876	2,044,542	2,432,791	2,044,542	-351,697
Counterintelligence and national security	292,473	260,000	292,473	260,000	292,473	
FBI Fingerprint identification	47,800					-47,800
Direct appropriation	2,736,512	3,002,876	2,337,015	2,692,791	2,337,015	-399,497
Crime trust fund	223,356	280,501	752,853	280,501	752,853	+529,497
Subtotal, Salaries and expenses	2,959,868	3,283,377	3,089,868	2,973,292	3,089,868	+130,000
Construction	1,287	10,287	1,287	10,287	1,287	
Total, Federal Bureau of Investigation	2,961,155	3,293,664	3,091,155	2,983,579	3,091,155	+130,000
Appropriations	(2,737,799)	(3,013,163)	(2,338,302)	(2,703,078)	(2,338,302)	(-399,497)
Crime trust fund	(223,356)	(280,501)	(752,853)	(280,501)	(752,853)	(+529,497)
Drug Enforcement Administration						
Salaries and expenses	875,523	1,055,572	1,012,330	878,517	1,013,330	+137,807
Diversion control fund	-76,710	-80,330	-80,330	-80,330	-80,330	-3,620
Direct appropriation	798,813	975,242	932,000	798,187	933,000	+134,187
Crime trust fund	405,000	405,000	344,250	419,459	343,250	-61,750
Subtotal, Salaries and expenses	1,203,813	1,380,242	1,276,250	1,217,646	1,276,250	+72,437
Construction	8,000	8,000	8,000	5,500	5,500	-2,500
Total, Drug Enforcement Administration	1,211,813	1,388,242	1,284,250	1,223,146	1,281,750	+69,937
Appropriations	(806,813)	(983,242)	(940,000)	(803,687)	(938,500)	(+131,687)
Crime trust fund	(405,000)	(405,000)	(344,250)	(419,459)	(343,250)	(-61,750)
Immigration and Naturalization Service						
Salaries and expenses	1,617,269	2,435,638	1,621,041	1,697,164	1,642,440	+25,171
Enforcement and border affairs	(1,069,754)	(1,900,627)	(1,086,030)		(1,107,429)	(+37,675)
Citizenship and benefits, immigration support and program direction	(547,515)	(535,011)	(535,011)		(535,011)	(-12,504)
Crime trust fund	842,490	500,000	1,311,225	873,000	1,267,225	+424,735
Subtotal, Direct and crime trust fund	2,459,759	2,935,638	2,932,266	2,570,164	2,909,665	+449,906
Fee accounts:						
Immigration user fee	(486,071)	(517,800)	(446,151)	(446,151)	(446,151)	(-39,920)
Land border inspection fund	(3,275)	(6,595)	(6,595)	(1,012)	(1,548)	(-1,727)
Immigration examinations fund	(635,700)	(688,579)	(712,800)	(712,800)	(708,500)	(+72,800)
Breached bond fund 2/	(176,950)	(116,900)	(117,501)	(127,771)	(110,423)	(-66,527)
Immigration enforcement fines	(4,050)	(3,800)	(1,303)	(1,303)	(1,850)	(-2,200)
H-1b Visa fees		(1,125)	(1,125)	(1,125)	(1,125)	(+1,125)
Subtotal, Fee accounts	(1,306,046)	(1,334,799)	(1,285,475)	(1,290,162)	(1,269,597)	(-36,449)
Construction	90,000	99,664	90,000	138,964	99,664	+9,664
Total, Immigration and Naturalization Service	(3,855,805)	(4,370,101)	(4,307,741)	(3,999,290)	(4,278,926)	(+423,121)
Appropriations	(1,707,269)	(2,535,302)	(1,711,041)	(1,836,128)	(1,742,104)	(+34,835)
Crime trust fund	(842,490)	(500,000)	(1,311,225)	(873,000)	(1,267,225)	(+424,735)
(Fee accounts)	(1,306,046)	(1,334,799)	(1,285,475)	(1,290,162)	(1,269,597)	(-36,449)
Federal Prison System						
Salaries and expenses	2,952,154	3,191,928	3,140,004	3,166,774	3,179,110	+226,956
Prior year carryover	-90,000	-70,000	-90,000	-50,000	-90,000	
Direct appropriation	2,862,154	3,121,928	3,050,004	3,116,774	3,089,110	+226,956
Crime trust fund	26,499	26,499	22,524	46,599	22,524	-3,975
Subtotal, Salaries and expenses	2,888,653	3,148,427	3,072,528	3,163,373	3,111,634	+222,981
Buildings and facilities	410,997	558,791	556,791	549,791	556,791	+145,794
Federal Prison Industries, Incorporated (limitation on administrative expenses)	3,000	3,429	2,490	3,429	3,429	+429
Total, Federal Prison System	3,302,650	3,710,647	3,631,809	3,716,593	3,671,854	+369,204

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2000 (H.R. 2670)— continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
Office of Justice Programs						
Justice assistance	147,151	338,648	217,436	373,092	307,611	+160,460
(By transfer)		(7,000)	(7,000)		(7,000)	(+7,000)
State and local law enforcement assistance:						
Direct appropriations:						
Byrne grants (discretionary)	47,000			52,100		-47,000
Byrne grants (formula)	505,000			500,000		-505,000
Local law enforcement block grant			523,000		523,000	+523,000
Boys and Girls clubs (earmark)			(40,000)		(50,000)	(+50,000)
State prison grants			686,500		686,500	+686,500
State criminal alien assistance program			420,000		420,000	+420,000
Indian tribal courts program					5,000	+5,000
Crime identification technology					130,000	+130,000
Safe schools initiative					(15,000)	(+15,000)
Upgrade criminal history records					(35,000)	(+35,000)
DNA identification/crime lab					(30,000)	(+30,000)
Subtotal, Direct appropriations	552,000		1,629,500	552,100	1,764,500	+1,212,500
Crime trust fund:						
Byrne grants (formula)		400,000	505,000		500,000	+500,000
Byrne grants (discretionary)		59,950	47,000		52,000	+52,000
Local law enforcement block grant	523,000			400,000		-523,000
Boys and Girls clubs (earmark)	(40,000)			(50,000)		(-40,000)
Police corps				(30,000)		
Juvenile crime block grant	250,000		250,000	100,000	250,000	
Drug testing and intervention program		100,000				
Indian tribal courts program	5,000	5,000		5,000		-5,000
Drug courts	40,000	50,000	40,000	40,000	40,000	
Crime identification technology	45,000			260,000		-45,000
Safe schools initiative				(15,000)		
Upgrade criminal history records				(40,000)		
Global criminal justice information netwrk				(12,000)		
State prison grants	720,500	75,000		75,000		-720,500
State criminal alien assistance program	420,000	500,000		100,000		-420,000
Violence Against Women grants	282,750	282,750	282,750	283,750	283,750	+1,000
State prison drug treatment	63,000	65,100	63,000	63,000	63,000	
DNA identification grants	15,000			30,000		-15,000
Certainty of punishment grants		35,000				
Indian country initiatives				45,000		
Other crime control programs	5,700	5,700	5,700	5,700	5,700	
Subtotal, Crime trust fund	2,369,950	1,578,500	1,193,450	1,407,450	1,194,450	-1,175,500
Total, State and local law enforcement	2,921,950	1,578,500	2,822,950	1,959,550	2,958,950	+37,000
Weed and seed program fund	33,500		33,500	40,000	33,500	
Crime trust fund		33,500				
Community oriented policing services:						
Direct appropriations:						
Crime analysis technology		100,000				
Hiring program			150,000	167,675	227,000	+227,000
School violence			17,500			
Crime identification technology			15,000			
Technology			15,500			
Bulletproof vest grants			25,000			
Management administration				17,325	17,325	+17,325
Methamphetamine					35,675	+35,675
Subtotal, Direct appropriations		100,000	223,000	185,000	280,000	+280,000
Crime trust fund:						
Hiring program 3/	1,400,000	600,000		140,000	45,000	-1,355,000
Police corps 3/	30,000					-30,000
Crime identification technology		250,000	45,000			
Community prosecutors		200,000				
Prevention		125,000				
Subtotal, Crime trust fund	1,430,000	1,175,000	45,000	140,000	45,000	-1,385,000
Total, Community oriented policing services	1,430,000	1,275,000	268,000	325,000	325,000	-1,105,000
Juvenile justice programs	284,597	288,597	286,597	322,597	287,097	+2,500
Safe school initiative				(38,000)		

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2000 (H.R. 2670)— continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
Public safety officers benefits program:						
Death benefits	31,809	32,541	32,541	32,541	32,541	+732
Disability benefits		3,500		3,500		
Total, Public safety officers benefits program	31,809	36,041	32,541	36,041	32,541	+732
Total, Office of Justice Programs	4,849,007	3,550,286	3,661,024	3,056,280	3,944,699	-904,308
Appropriations	(1,049,057)	(763,286)	(2,422,574)	(1,508,830)	(2,705,249)	(+1,656,192)
Crime trust fund	(3,799,950)	(2,787,000)	(1,238,450)	(1,547,450)	(1,239,450)	(-2,560,500)
General Provisions						
General Pricing level adjustments				-2,468		
Total, title I, Department of Justice	18,207,450	18,542,949	18,138,926	17,098,025	18,494,720	+287,270
Appropriations	(12,736,493)	(14,392,933)	(14,061,712)	(13,048,025)	(14,461,506)	(+1,725,013)
Crime trust fund	(5,470,957)	(4,150,016)	(4,077,214)	(4,050,000)	(4,033,214)	(-1,437,743)
(By transfer)		(7,000)	(108,434)		(99,545)	(+99,545)
TITLE II - DEPARTMENT OF COMMERCE AND RELATED AGENCIES						
TRADE AND INFRASTRUCTURE DEVELOPMENT						
Office of the United States Trade Representative						
Salaries and expenses	24,200	26,501	25,205	26,067	25,635	+1,435
Supplemental appropriations (P.L. 106-31)	1,300					-1,300
International Trade Commission						
Salaries and expenses	44,495	47,200	44,495	45,700	44,495	
Total, Related agencies	69,995	73,701	69,700	71,767	70,130	+135
DEPARTMENT OF COMMERCE						
International Trade Administration						
Operations and administration	286,264	308,431	298,236	311,344	311,503	+25,239
Offsetting fee collections	-1,600	-3,000	-3,000	-3,000	-3,000	-1,400
Direct appropriation	284,664	305,431	295,236	308,344	308,503	+23,839
Export Administration						
Operations and administration	50,454	58,578	47,650	54,054	52,161	+1,707
CWC enforcement	1,877	1,877	1,877	1,877	1,877	
Total, Export Administration	52,331	60,455	49,527	55,931	54,038	+1,707
Economic Development Administration						
Economic development assistance programs	368,379	364,379	364,379	203,379	361,879	-6,500
Salaries and expenses	24,000	28,971	24,000	24,937	26,500	+2,500
Total, Economic Development Administration	392,379	393,350	388,379	228,316	388,379	-4,000
Minority Business Development Agency						
Minority business development	27,000	27,627	27,000	27,627	27,314	+314
Total, Trade and Infrastructure Development	826,369	860,564	829,842	691,985	848,364	+21,995
ECONOMIC AND INFORMATION INFRASTRUCTURE						
Economic and Statistical Analysis						
Salaries and expenses	48,490	55,123	48,490	51,158	49,499	+1,009
Bureau of the Census						
Salaries and expenses	136,147	156,944	136,147	156,944	140,000	+3,853
Periodic censuses and programs	1,186,902	4,637,754	142,320	2,914,754	142,320	-1,044,582
Supplemental appropriations (P.L. 106-31)	44,900					-44,900
Emergency appropriations			4,476,253		4,476,253	+4,476,253
Total, Bureau of the Census	1,367,949	4,794,698	4,754,720	3,071,698	4,758,573	+3,390,624

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2000 (H.R. 2670)— continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
National Telecommunications and Information Administration						
Salaries and expenses	10,940	17,212	10,940	11,009	10,975	+35
Public telecommunications facilities, planning and construction	21,000	35,055	18,000	30,000	26,500	+5,500
Advance appropriations, FY 2001 - 2003		299,000				
Information infrastructure grants	18,000	20,102	13,000	18,102	15,500	-2,500
Total, National Telecommunications and Information Administration	49,940	371,369	41,940	59,111	52,975	+3,035
Patent and Trademark Office						
Current year fee funding	643,026	785,976	735,538	785,976	755,000	+111,974
Prior year fee funding	71,000					-71,000
(Prior year carryover)	(40,500)	(115,774)	(116,000)	(115,774)	(116,000)	(+75,500)
Rescission	-71,000					+71,000
Subtotal	(683,526)	(901,750)	(851,538)	(901,750)	(871,000)	(+187,474)
Legislative proposal fees	102,000	20,000				-102,000
Total, Patent and Trademark Office	(785,526)	(921,750)	(851,538)	(901,750)	(871,000)	(+85,474)
Offsetting fee collections	-643,026	-785,976	-785,976	-785,976	-785,976	-142,950
Offsetting fee collections - legislative proposal	-102,000	-20,000				+102,000
Total, PTO offsetting fee collections	-745,026	-805,976	-785,976	-785,976	-785,976	-40,950
Total, Economic and Information Infrastructure	1,466,379	5,221,190	4,794,712	3,181,967	4,830,071	+3,363,692
SCIENCE AND TECHNOLOGY						
Technology Administration						
Under Secretary for Technology/ Office of Technology Policy						
Salaries and expenses	9,495	8,972	7,972	7,972	7,972	-1,523
National Institute of Standards and Technology						
Scientific and technical research and services	280,136	289,622	280,136	288,128	283,132	+2,996
Industrial technology services	310,300	338,536	99,836	336,336	247,436	-62,864
Construction of research facilities	56,714	106,798	56,714	117,500	108,414	+51,700
NTIS revolving fund		2,000				
Total, National Institute of Standards and Technology	647,150	736,956	436,686	741,964	638,982	-8,168
National Oceanic and Atmospheric Administration						
Operations, research, and facilities	1,579,844	1,738,911	1,475,128	1,783,118	1,658,189	+78,345
Offsetting collections (fisheries) (proposed)		-20,000				
Offsetting collections (navigations) (proposed)		-14,000				
Supplemental appropriations (P.L. 106-31)	1,880					-1,880
Direct appropriation	1,581,724	1,704,911	1,475,128	1,783,118	1,658,189	+76,465
(By transfer from Promote and Develop Fund)	(63,381)	(64,926)	(67,226)	(66,426)	(68,000)	(+4,619)
(By transfer from Damage assessment and restoration revolving fund, permanent)	5,000					-5,000
(Damage assessment and restoration revolving fund)	-5,000					+5,000
(By transfer from Coastal zone management)		4,000				
Total, Operations, research and facilities	1,581,724	1,708,911	1,475,128	1,783,118	1,658,189	+76,465
Procurement, acquisition and construction	584,677	630,578	480,330	670,578	589,067	+4,390
Advance appropriations, FY 2001 - 2018		5,363,345				
Pacific coastal salmon recovery		160,000		100,000	50,000	+50,000
Coastal zone management fund	4,000		4,000	4,000	4,000	
Mandatory offset	-4,000	-4,000	-4,000	-4,000	-4,000	
Fishermen's contingency fund	953	953	953	953	953	
Foreign fishing observer fund	189	189	189	189	189	
Fisheries finance program account	338	10,258	238	2,038	338	
Total, National Oceanic and Atmospheric Administration	2,167,881	7,870,234	1,956,838	2,556,876	2,298,736	+130,855
Appropriations	(2,167,881)	(2,506,889)	(1,956,838)	(2,556,876)	(2,298,736)	(+130,855)
Advance appropriations		(5,363,345)				
Total, Science and Technology	2,824,526	8,616,162	2,401,496	3,306,812	2,945,690	+121,164

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2000 (H.R. 2670)— continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
General Administration						
Salaries and expenses	30,000	34,046	30,000	34,046	31,500	+1,500
Office of Inspector General	21,000	23,454	22,000	17,900	20,000	-1,000
Total, General administration	51,000	57,500	52,000	51,946	51,500	+500
National Oceanic and Atmospheric Administration						
Fisheries promotional fund (rescission)		-1,187	-1,187		-1,187	-1,187
Total, Department of Commerce	5,098,279	14,680,528	8,007,163	7,160,943	8,604,308	+3,506,029
Appropriations	(5,169,279)	(9,019,370)	(3,532,097)	(7,160,943)	(4,129,242)	(-1,040,037)
Emergency appropriations			(4,476,253)		(4,476,253)	(+4,476,253)
Rescissions	(-71,000)	(-1,187)	(-1,187)		(-1,187)	(+69,813)
Advance appropriations		(5,662,345)				
Total, title II, Department of Commerce and related agencies	5,168,274	14,754,229	8,076,863	7,232,710	8,674,438	+3,506,164
Appropriations	(5,239,274)	(9,093,071)	(3,601,797)	(7,232,710)	(4,199,372)	(-1,039,902)
Emergency appropriations			(4,476,253)		(4,476,253)	(+4,476,253)
Rescissions	(-71,000)	(-1,187)	(-1,187)		(-1,187)	(+69,813)
Advance appropriations		(5,662,345)				
(By transfer)	(63,381)	(64,926)	(67,226)	(66,426)	(68,000)	(+4,619)
TITLE III - THE JUDICIARY						
Supreme Court of the United States						
Salaries and expenses:						
Salaries of justices	1,690	1,698	1,698	1,698	1,698	+8
Other salaries and expenses	29,369	34,241	33,343	34,205	33,794	+4,425
Supplemental appropriations (P.L. 106-31)	921					-921
Total, Salaries and expenses	31,980	35,939	35,041	35,903	35,492	+3,512
Care of the building and grounds	5,400	22,658	6,872	9,652	8,002	+2,602
Total, Supreme Court of the United States	37,380	58,597	41,913	45,555	43,494	+6,114
United States Court of Appeals for the Federal Circuit						
Salaries and expenses:						
Salaries of judges	1,943	1,945	1,945	1,945	1,945	+2
Other salaries and expenses	14,158	15,691	14,156	14,966	14,852	+694
Total, Salaries and expenses	16,101	17,636	16,101	16,911	16,797	+696
United States Court of International Trade						
Salaries and expenses:						
Salaries of judges	1,506	1,525	1,525	1,525	1,525	+19
Other salaries and expenses	10,298	10,621	10,279	10,432	10,432	+134
Total, Salaries and expenses	11,804	12,146	11,804	11,957	11,957	+153
Courts of Appeals, District Courts, and Other Judicial Services						
Salaries and expenses:						
Salaries of judges and bankruptcy judges	238,329	240,375	240,375	240,375	240,375	+2,046
Other salaries and expenses	2,583,492	2,979,551	2,669,763	2,651,890	2,717,763	+134,271
Direct appropriation	2,821,821	3,219,926	2,910,138	2,892,265	2,958,138	+136,317
Crime trust fund	10,164	29,395	158,539	100,000	158,539	+148,375
Total, Salaries and expenses	2,831,985	3,249,321	3,068,677	2,992,265	3,114,677	+282,692
Vaccine Injury Compensation Trust Fund	2,515	2,581	2,138	2,581	2,515	
Defender services	360,952	374,839	361,548	353,888	358,848	-2,104
Crime trust fund	30,879	36,606	26,247		26,247	-4,632
Fees of jurors and commissioners	66,861	69,510	63,400	60,918	60,918	-5,943
Court security	174,569	206,012	190,029	196,026	193,028	+18,459
Total, Courts of Appeals, District Courts, and Other Judicial Services	3,467,761	3,938,868	3,710,039	3,605,678	3,756,233	+288,472
Administrative Office of the United States Courts						
Salaries and expenses	54,500	58,428	54,500	56,054	55,000	+500
Federal Judicial Center						
Salaries and expenses	17,716	18,907	17,716	18,476	18,000	+284

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2000 (H.R. 2670)— continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
Judicial Retirement Funds						
Payment to Judiciary Trust Funds	37,300	39,700	39,700	39,700	39,700	+2,400
United States Sentencing Commission						
Salaries and expenses	9,487	10,600	8,500	9,743	8,500	-987
General Provisions						
Judges pay raise (sec. 304)		9,000		9,611	9,611	+9,611
Total, title III, the Judiciary	3,652,049	4,163,972	3,900,273	3,813,685	3,959,292	-307,243
Appropriations	(3,611,006)	(4,097,972)	(3,717,487)	(3,713,685)	(3,776,506)	(+165,500)
Crime trust fund	(41,043)	(66,000)	(182,786)	(100,000)	(182,786)	(+141,743)
TITLE IV - DEPARTMENT OF STATE						
Administration of Foreign Affairs						
Diplomatic and consular programs 4/	1,644,300	2,838,934	2,472,825	2,671,429	2,522,825	+878,525
Worldwide security upgrade			254,000		254,000	+254,000
Total, Diplomatic and consular programs	1,644,300	2,838,934	2,726,825	2,671,429	2,776,825	+1,132,525
Salaries and expenses	355,000					-355,000
Capital investment fund	80,000	90,000	80,000	50,000	80,000	
Office of Inspector General	27,495	30,054	28,495	26,495	27,495	
Educational and cultural exchange programs		210,329	175,000	216,476	205,000	-205,000
Representation allowances	4,350	5,850	4,350	5,850	5,850	+1,500
Protection of foreign missions and officials	8,100	9,490	8,100	8,100	8,100	
Security and maintenance of United States missions	403,561	747,683	403,561	583,496	428,561	+25,000
Worldwide security upgrade			313,617		313,617	+313,617
Advance appropriations, FY 2001 - 2005		3,600,000				
Emergencies in the diplomatic and consular service	5,500	17,000	5,500	7,000	5,500	
(By transfer)	(4,000)	(4,000)	(4,000)	(4,000)	(4,000)	
Commission on Holocaust Assets in U.S. (by transfer)	(2,000)	(1,162)	(1,162)		(1,162)	(-838)
Repatriation Loans Program Account:						
Direct loans subsidy	593	593	593	593	593	
Administrative expenses	607	607	607	607	607	
(By transfer)	(1,000)	(1,000)	(1,000)	(1,000)	(1,000)	
Total, Repatriation loans program account	1,200	1,200	1,200	1,200	1,200	
Payment to the American Institute in Taiwan	14,750	15,760	14,750	16,000	15,375	+625
Payment to the Foreign Service Retirement and Disability Fund	132,500	128,541	128,541	128,541	128,541	-3,959
Total, Administration of Foreign Affairs	2,676,756	7,694,841	3,889,939	3,714,587	3,996,064	+1,319,308
Appropriations	(2,676,756)	(4,094,841)	(3,889,939)	(3,714,587)	(3,996,064)	(+1,319,308)
Advance appropriations		(3,600,000)				
International Organizations and Conferences						
Contributions to international organizations, current year assessment	922,000	963,308	842,937	943,308	885,203	-36,797
Contributions for international peacekeeping activities, current year	231,000	235,000	200,000	387,925	200,000	-31,000
Arrearage payments	475,000	446,000	351,000		351,000	-124,000
International conferences and contingencies (by transfer)	(16,223)					(-16,223)
Total, International Organizations and Conferences	1,628,000	1,644,308	1,393,937	1,331,233	1,436,203	-191,797
International Commissions						
International Boundary and Water Commission, United States and Mexico:						
Salaries and expenses	19,551	20,413	19,551	19,551	19,551	
Construction	5,939	8,435	5,750	5,939	5,939	
American sections, international commissions	5,733	6,493	5,733	5,733	5,733	
International fisheries commissions	14,549	16,702	14,549	15,549	15,549	+1,000
Total, International commissions	45,772	52,043	45,583	46,772	46,772	+1,000
Other						
Payment to the Asia Foundation	8,250	15,000	8,000		8,250	
Eisenhower Exchange Fellowship Program, trust fund		525	525	465	465	+465
Israeli Arab scholarship program		350	350	340	340	+340
East-West Center		12,500		12,500	12,500	+12,500
North/South Center		2,500			1,750	+1,750
National Endowment for Democracy		32,000	31,000	30,000	31,000	+31,000
Total, Department of State	4,358,778	9,454,067	5,369,334	5,135,897	5,533,344	+1,174,566
Appropriations	(4,358,778)	(5,854,067)	(5,369,334)	(5,135,897)	(5,533,344)	(+1,174,566)
Advance appropriations		(3,600,000)				

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2000 (H.R. 2670)— continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
RELATED AGENCIES						
Arms Control and Disarmament Agency						
Arms control and disarmament activities	41,500					-41,500
United States Information Agency						
International information programs	455,246					-455,246
Technology fund (by transfer)	(2,000)					(-2,000)
Educational and cultural exchange programs	202,500					-202,500
Eisenhower Exchange Fellowship Program, trust fund	525					-525
Israeli Arab scholarship program	350					-350
International Broadcasting Operations	362,365					-362,365
Broadcasting to Cuba (direct)	22,095					-22,095
Radio construction	13,245					-13,245
East-West Center	12,500					-12,500
North/South Center	1,750					-1,750
National Endowment for Democracy	31,000					-31,000
Total, United States Information Agency	1,101,576					-1,101,576
Broadcasting Board of Governors						
International Broadcasting Operations		431,722	410,404	362,365	388,421	+388,421
Broadcasting to Cuba				23,664	22,095	+22,095
Broadcasting capital improvements		20,868	11,258	13,245	11,258	+11,258
Total, Broadcasting Board of Governors		452,590	421,662	399,274	421,774	+421,774
Total, related agencies	1,143,076	452,590	421,662	399,274	421,774	-721,302
Total, title IV, Department of State	5,501,854	9,906,657	5,790,998	5,535,171	5,955,118	+453,264
Appropriations	(5,501,854)	(6,306,657)	(5,790,998)	(5,535,171)	(5,955,118)	(+453,264)
Advance appropriations		(3,600,000)				
(By transfer)	(25,223)	(6,162)	(6,162)	(5,000)	(6,162)	(-19,061)
TITLE V - RELATED AGENCIES						
DEPARTMENT OF TRANSPORTATION						
Maritime Administration						
Maritime Security Program	89,650	98,700	98,700	98,700	96,200	+6,550
Operations and training	69,303	72,164	71,303	72,664	72,073	+2,770
Maritime Guaranteed Loan (Title XI) Program Account:						
Guaranteed loans subsidy	6,000	6,000	5,400	11,000	6,000	
Administrative expenses	3,725	3,893	3,725	3,893	3,809	+84
Total, Maritime guaranteed loan program account	9,725	9,893	9,125	14,893	9,809	+84
Total, Maritime Administration	168,678	180,757	179,128	186,257	178,082	+9,404
Census Monitoring Board						
Salaries and expenses		4,000		4,000		
Commission for the Preservation of America's Heritage Abroad						
Salaries and expenses	265	265	265	490	490	+225
Commission on Civil Rights						
Salaries and expenses	8,900	11,000	8,900	8,900	8,900	
Commission on Electronic Commerce						
Salaries and expenses					1,400	+1,400
Commission on Security and Cooperation in Europe						
Salaries and expenses	1,170	1,250	1,170	1,250	1,182	+12
Equal Employment Opportunity Commission						
Salaries and expenses	279,000	312,000	279,000	279,000	279,000	
Federal Communications Commission						
Salaries and expenses	192,000	230,887	192,000	232,805	210,000	+18,000
Offsetting fee collections - current year	-172,523	-185,754	-185,754	-185,754	-185,754	-13,231
Direct appropriation	19,477	45,133	6,246	47,051	24,246	+4,769
Federal Maritime Commission						
Salaries and expenses	14,150	15,300	14,150	14,150	14,150	

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2000 (H.R. 2670)—continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
Federal Trade Commission						
Salaries and expenses	116,679	133,368	116,679	133,368	125,024	+8,345
Offsetting fee collections - carryover	-30,000	-39,472	-39,472	-19,309	-21,000	+9,000
Offsetting fee collections - current year	-76,500	-93,896	-77,207	-114,059	-104,024	-27,524
Direct appropriation	10,179	...	...	...	...	-10,179
Legal Services Corporation						
Payment to the Legal Services Corporation	300,000	340,000	250,000	300,000	300,000	...
Marine Mammal Commission						
Salaries and expenses	1,240	1,300	1,240	1,300	1,270	+30
Ocean Policy Commission						
Salaries and expenses	3,500	...	...	...	...	-3,500
Securities and Exchange Commission						
Salaries and expenses	23,000	...	...	...	...	-23,000
Current year fees	214,000	230,000	193,200	240,000	173,800	-40,200
1998 fees	87,000	130,800	130,800	130,800	194,000	+107,000
Direct appropriation	324,000	360,800	324,000	370,800	367,800	+43,800
Small Business Administration						
Salaries and expenses	288,300	263,000	245,500	246,300	276,300	-12,000
Office of Inspector General	10,800	11,000	10,800	13,250	11,000	+200
Business Loans Program Account:						
Direct loans subsidy	2,200	4,000	762	4,000	...	-2,200
Guaranteed loans subsidy	128,030	144,368	128,030	164,368	131,800	+3,770
Administrative expenses	94,000	131,000	94,000	129,000	129,000	+35,000
Total, Business loans program account	224,230	279,368	222,792	297,368	260,800	+36,570
Disaster Loans Program Account:						
Direct loans subsidy	76,329	39,400	139,400	77,700	119,400	+43,071
Contingent emergency appropriations	...	158,000	...	...	...	...
Administrative expenses	116,000	86,000	116,000	86,000	136,000	+20,000
Contingent emergency appropriations	...	75,000	...	...	...	...
Total, Disaster loans program account	192,329	358,400	255,400	163,700	255,400	+63,071
Surety bond guarantees revolving fund	3,300	...	...	...	...	-3,300
Total, Small Business Administration	718,959	911,768	734,492	720,618	803,500	+84,541
State Justice Institute						
Salaries and expenses 5/	6,850	15,000	...	6,850	6,850	...
Total, title V, Related agencies	1,856,368	2,198,573	1,798,591	1,940,666	1,986,870	+130,502
Appropriations	(1,856,368)	(1,965,573)	(1,798,591)	(1,940,666)	(1,986,870)	(+130,502)
Contingent emergency appropriations	...	(233,000)	...	...	...	...
TITLE VII - RESCISSIONS						
DEPARTMENT OF JUSTICE						
General Administration						
Working capital fund (rescission)	-99,000	...	...	-22,577	...	+99,000
Legal Activities						
Assets forfeiture fund (rescission)	-2,000	...	...	-5,500	...	+2,000
Federal Bureau of Investigation						
FY 1998 FBI construction (rescission)	-4,000	...	...	...	...	+4,000
No Year FBI salaries and expenses (rescission)	-6,400	...	...	...	...	+6,400
FY 1996 VCRP (rescission)	-2,000	...	...	...	...	+2,000
FY 1997 VCRP (rescission)	-300	...	...	...	...	+300
Total, Federal Bureau of Investigation	-12,700	...	...	...	...	+12,700
Drug Enforcement Administration						
Drug diversion fund (rescission)	...	...	...	-35,000	-35,000	-35,000
Immigration and Naturalization Service						
Immigration emergency fund (rescission)	-5,000	...	-1,137	...	-1,137	+3,863

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2000 (H.R. 2670)— continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
DEPARTMENT OF COMMERCE						
FY 1998 Commerce (rescission)	-2,090					+2,090
National Institute of Standards and Technology						
Industrial technology services (rescission)	-6,000					+6,000
National Oceanic and Atmospheric Administration						
Operations, research and facilities (rescission of emergency appropriations)		-3,400		-3,400		
DEPARTMENT OF STATE AND RELATED AGENCIES						
DEPARTMENT OF STATE						
Administration of Foreign Affairs						
Security and maintenance of United States Missions (rescission)				-58,436		
United States Information Agency						
Buying power maintenance (rescission)	-20,000					+20,000
Broadcasting Board of Governors						
International broadcasting operations (rescission)			-14,829	-18,780	-15,516	-15,516
RELATED AGENCY						
DEPARTMENT OF TRANSPORTATION						
Maritime Administration						
Ship construction fund (rescission)	-17,000					+17,000
Small Business Administration						
Business Loans Program Account:						
Guaranteed loans subsidy (rescission)			-12,400		-13,100	-13,100
General reduction				-92,000		
Total, title VII, Rescissions	-163,790	-3,400	-28,366	-235,693	-64,753	+99,037
Appropriations				(-92,000)		
Rescissions	(-163,790)		(-28,366)	(-140,293)	(-64,753)	(+99,037)
Rescission of emergency appropriations		(-3,400)		(-3,400)		
TITLE VIII - OTHER APPROPRIATIONS						
DEPARTMENT OF JUSTICE						
Federal Bureau of Investigation						
Salaries and expenses	21,680					-21,680
Drug Enforcement Administration						
Salaries and expenses	10,200					-10,200
Immigration and Naturalization Service						
Salaries and expenses	10,000					-10,000
Border affairs	80,000					-80,000
Department of Justice (Y2K conversion)	84,396					-84,396
Total, Department of Justice	206,276					-206,276
DEPARTMENT OF COMMERCE AND RELATED AGENCIES						
National Oceanic and Atmospheric Administration						
Operations, research, and facilities	5,000					-5,000
Department of Commerce (Y2K conversion)	57,920					-57,920
Total, Department of Commerce	62,920					-62,920
THE JUDICIARY						
Judicial information technology fund (Y2K conversion)	13,044					-13,044
DEPARTMENT OF STATE						
Administration of Foreign Affairs						
Diplomatic and consular programs	790,771					-790,771
Salaries and expenses	12,000					-12,000
Office of Inspector General	1,000					-1,000
Security and maintenance of United States missions	677,500					-677,500
Emergencies in the diplomatic and consular service	12,929					-12,929
Department of State (Y2K conversion)	64,918					-64,918
Total, Department of State	1,559,118					-1,559,118

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2000 (H.R. 2670)— continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
RELATED AGENCIES						
Small Business Administration						
Disaster Loans Program Account:						
Direct loans subsidy	71,000					-71,000
Administrative expenses	30,000					-30,000
Total, Disaster loans program account	101,000					-101,000
Small Business Administration (Y2K conversion)	4,840					-4,840
Total, Small Business Administration	105,840					-105,840
DEPARTMENT OF TRANSPORTATION						
Maritime Administration (Y2K conversion)	530					-530
Federal Communications Commission (Y2K conversion)	8,516					-8,516
Federal Trade Commission (Y2K conversion)	550					-550
Marine Mammal Commission (Y2K conversion)	38					-38
Office of the US Trade Representative (Y2K conversion)	498					-498
Securities and Exchange Commission (Y2K conversion)	8,175					-8,175
United States Information Agency (Y2K conversion)	9,562					-9,562
Total, title VIII, emergency appropriations	1,975,067					-1,975,067
Grand total:						
New budget (obligational) authority	36,197,272	49,562,980	37,677,283	35,384,584	39,005,685	+2,808,413
Appropriations	(28,944,995)	(35,856,206)	(28,970,583)	(31,378,257)	(30,379,372)	(+1,434,377)
Emergency appropriations	(1,975,067)		(4,476,253)		(4,476,253)	(+2,501,186)
Contingent emergency appropriations		(233,000)				
Advance appropriations		(9,262,345)				
Rescissions	(-234,790)	(-1,187)	(-29,553)	(-140,293)	(-65,940)	(+168,850)
Rescission of emergency appropriations		(-3,400)		(-3,400)		
Crime trust fund	(5,512,000)	(4,216,016)	(4,260,000)	(4,150,000)	(4,216,000)	(-1,296,000)
(By transfer)	(88,604)	(78,088)	(181,822)	(71,426)	(173,707)	(+85,103)

1/ The Administration's request proposes to eliminate this account and distribute the funding to GLA, US Attorneys, US Marshals, FBI, DEA and INS.

2/ The Administration's June 8, 1999 budget amendment proposes to reinstate the 245(i) adjustment of status fee, which would increase receipts in the Breached Bond Fund by $110 million.

3/ The President's request includes $30 million for the Police Corps within the hiring program.

4/ As a result of the Foreign Affairs Reform and Restructuring Act of 1998 and other changes, the amounts requested and recommended in FY 2000 include amounts appropriated separately in previous fiscal years for State Department, USIA and ACDA salaries and expenses.

5/ The President's budget proposed $5 million for State Justice Institute.

Mr. SERRANO. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, today we take up the conference report of H.R. 2670, the bill making appropriations for the Departments of Commerce, Justice and State, the Judiciary and several related agencies.

Mr. Speaker, this year I jumped from not being a member of the subcommittee at all to the ranking Democrat on the subcommittee. Learning this large and challenging bill practically from scratch has made this an interesting and educational year, but it has been made much easier by our chairman, the gentleman from Kentucky (Mr. ROGERS), who has graciously shared his considerable expertise and made necessary allowances for the new guy on the block. Working with the gentleman from Kentucky (Mr. ROGERS) has been a great personal pleasure for me, and I thank him for his support and understanding.

I must also mention our very professional and able staff, some of whom we always see on the floor during the debate and others who are back in our offices. They have worked long and hard, including just about every night and weekend since conferees were appointed, to bring this conference report to the floor.

The chairman has explained the conference report so I will just add a few words. First, while there are still problems and concerns with certain provisions, the conference report is much better than the bill that passed the House in August. I think that is an important thing to note. So I repeat it. There are still concerns with the content of this bill, but this is a much better bill than the one that passed the House in August. If what I hear on radio this morning is correct and the President and the leadership of this House will take care of this problem this weekend, then this bill, I suspect, will get much better way before the Yankees win the World Series.

Additional resources were provided to the conferees and the result is much closer to the President's request in many areas. The conference agreement provides $1.5 billion over the House-passed level and $3.6 billion over the Senate-passed level. Like the House-passed bill, the conference report provides the Census Bureau with the resources it needs to do both the 2000 census and the necessary quality checks on it. This, Mr. Speaker, is a tremendous accomplishment and probably at the center of my support for this bill.

Like the House-passed bill, the conference report includes funding for U.N. arrears, but unfortunately it continues to restrict the State Department's ability to actually pay the U.N. dues, and I am very concerned that this will cost us our vote in the General Assembly. Along with the vote, we may lose any leverage we would hope to exercise over U.N. management and budget reforms.

The conference agreement, like the Senate-passed bill, provides resources to begin implementation of the Pacific Salmon Treaty, but one troubling provision waives the Endangered Species Act for the State of Alaska. This is an issue on which I have had many visits from Members and they should know the efforts that have been made on this issue.

The House-passed cut to SBA's salaries and expenses is largely restored, although partially subject to reprogramming procedures.

If I may depart from my text, if I could get the gentleman from Kentucky (Mr. ROGERS), the chairman, to answer a question, and I am departing from my text just to ask the chairman, I understand that he might be willing to entertain reprogramming requests from SBA, something which is of great interest to me, to the agency obviously, and to our side of the aisle.

Mr. ROGERS. Mr. Speaker, will the gentleman yield?

Mr. SERRANO. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Speaker, we have worked with the gentleman to significantly increase funding for the SBA's operations in this conference report, and that is due solely to the pleas and arguments and very persuasive arguments for SBA, of the gentleman from New York (Mr. SERRANO). So we are $45 million over what we passed in the House thanks to the gentleman, plus the SBA has the ability, as he suggested, to transfer additional funds if they are needed.

So we reserve that possibility as we go along during the year. I am very happy to continue to work with the gentleman on any further concerns he may have during the course of the year.

Mr. SERRANO. Mr. Speaker, I thank the gentleman from Kentucky (Mr. ROGERS) for his response.

We still have to look, of course, at the losses associated with Hurricanes Floyd and Irene. I, unfortunately, note that there is a new hurricane, Jose. He is not on the floor today, but he would be creating problems that we will have to deal with.

Now, one area where we have improved dramatically and which I am very proud of is the Legal Services Corporation. It was initially underfunded at only $141 million, and as in past years the House amendment raised that to $250 million, and the conferees agreed to set it at the higher $300 million level, which is equal to the fiscal year 1999 level.

I would have preferred to provide more, such as the President's request, which was $340 million; but this is an improvement, a significant one, over the House-passed bill.

The conference agreement continues to underfund the COPS program and therein lies perhaps the most difficult part of this bill. This is a program that is a good program. This is a program that needs to be improved and to grow, and I think it is important that especially in the area of universal hiring that this bill be improved. Perhaps we will have that opportunity, as I said, before the Yankees win the World Series.

NOAA, the National Oceanic and Atmospheric Administration, while slated to receive more than $340 million above the House-passed level, is still $200 million below the President's request for important initiatives to protect our ocean resources and to help us better understand and predict weather and climate changes.

The State Department numbers have been increased over the House-passed level; and I think that this is, while still below some of the levels that were presented before, it is still something to note and something that we can be supportive of.

There are, unfortunately, some troubling issues that still remain and issues that could have been dealt with and were not, specifically the issue of hate crimes. We believe that on this bill we could have easily included the language that dealt with the issue of hate crimes legislation. We should not waste time trying to figure out the intricacies of where this language belongs. We should only deal with the fact that this is one of the most pressing issues in our country and that we have to address it properly.

I really think we missed our opportunity on this bill and hopefully this House will somehow deal with this.

As I have said, Mr. Speaker, there are problems with the bill but I did rise today and will continue to rise in favor of this conference report. One of the reasons, as I said before, is my relationship to the chairman, his support of many of the requests that I made and the hope that as this process keeps going along we can, in fact, take care of those items that we did not take care of. So with that in mind, Mr. Speaker, I will ask for a positive, a yes vote, on this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, as I said earlier in debate on the rule, this bill is a lot better than it was when it left the House. Frankly, that is damning with thin praise but it certainly is.

There are five basic reasons why this bill is going to be vetoed by the President of the United States. The first is that no matter what accounting schemes are cited by the committee, the fact is that the new funding, new dollars for the President's Cops on the Beat program, and its successor program are only $325 million out of the over $1 billion the President has requested.

The universal hiring program, which is the program that all communities will be eligible to try to receive funds from, is funded at a level of only $92 million as opposed to the $600 million that the President is asking for.

□ 1300

Secondly, this bill resurrects an old argument left over from another bill on the Treasury, Post Office appropriations, and it renews legislative attempts to place limitations on the kinds of contraceptive services that will be available to Federal employees in their own insurance program. That should not be in this bill.

Thirdly, this bill contains an exemption from the Endangered Species Act for the Alaska salmon controversy. That should not be in this bill.

Fourth, this bill is part of a huge charade, which is pretending that the Congress is spending billions of dollars less than it is actually spending. Under our budget rules, if we call something an emergency, it then is not counted under budget spending ceilings.

We are told that the majority party does not want to sit down in the same room with the President and his negotiators and negotiate an omnibus budget arrangement because they say, when we did it last year, that resulted in $20 billion of emergency spending being jammed into last year's omnibus appropriation bill, in fact, $21 billion, as this bar graph shows. This represents last year's problems which our Republican friends say they want to avoid.

But the fact is that, without sitting down for that kind of a meeting, the majority has already produced bills which contain $25 billion in emergency spending, thereby exempted from the budget caps.

This bill contains over $4 billion of those phony emergencies, because it claims that the census, which, by constitutional edict, we must conduct every 10 years, this bill claims that the funding for that is an emergency. The budget act says that something is an emergency if it was unforeseen. Well, I did not know many people in this place did not know that the end of the millennium was coming and we would need another census. That is simply a $4 billion device to hide spending and to pretend that we are not over the budget caps.

But most seriously of all, this bill is part of a continued onslaught on the part of the majority party in this House, on the President's ability to defend our national interest abroad diplomatically.

The Senate last week turned down the comprehensive Test Ban Treaty. Now this bill provides the money for us to contribute to the United Nations what we are obligated to contribute, but it does not give the authorization authority to actually provide that money to the United Nations. So it is a let-us-pretend appropriation.

What does that mean? It means that, because we cannot actually cut the check to the United Nations under this proposal, we will lose our vote in the United Nations. We will thus be joining Burundi, Djibouti, Dominica, Equatorial Guinea, Gambia, Haiti, Iraq, and Somalia as the countries in the United Nations who lose our votes because we did not pay our bills.

What a wonderful performance on the part of this Congress. My colleagues really ought to be thrilled by putting the United States in this disgraceful condition.

Mr. ROGERS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Iowa (Mr. LATHAM), a very hardworking member of the Subcommittee on Commerce, Justice, State, and Judiciary.

Mr. LATHAM. Mr. Speaker, I thank the gentleman from Kentucky very much for yielding me this time.

First of all, I just want to give my most sincere thanks to the gentleman from Kentucky (Mr. ROGERS), the chairman, and the gentleman from New York (Mr. SERRANO), the ranking member, for a tremendous job, and compliment, I think, the best staff in Washington on this subcommittee.

Mr. Speaker, I think it is very unfortunate that people try to politicize this bill because it is so important what this bill accomplishes as far as I am going to focus mostly on law enforcement. But when we look at the Commerce, Justice, Justice Department, the State Department, the Supreme Court, Judiciary, it is an extraordinarily important and wide-ranging bill. I would hope that we would not politicize this bill.

I want to particularly point out the funding in Iowa in my district for the Meth Training Center in Sioux City that has been such a tremendous success to fight this major problem that we have in the upper Midwest, funding in this bill for video conferencing so that local communities can contact directly with the INS to get verification of identification of people they may suspect of being illegal, funding for the tri-State drug task force for local law enforcement for all the overtime hours that they put in in this great war we have on drugs today.

I want to stand in strong support of the local law enforcement block grants, the $523 million which is included in this bill. This allows my communities, my small communities, to get the resources they so desperately need for equipment, for computers, for radios, for bulletproof vests. This is the only way for these small communities, and I come from a town of 153 people. We need this kind of help in the local law enforcement battle that we are fighting with the drug problem and with criminals throughout the country. This is essential. I compliment the committee.

Also, the truth in sentencing block grants for the State are extremely important.

Again, I want to compliment the chairman, the ranking member, and the great staff.

Mr. SERRANO. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. DIXON), a great member of the committee.

Mr. DIXON. Mr. Speaker, I thank the gentleman from New York for yielding me this time.

Mr. Speaker, I rise in support of this conference report, but I certainly have some reservations that I had when I voted "no" on the floor when the bill was originally here.

I cannot quarrel with those that say that this conference report should not be on the floor, but the fact of the matter is it is on the floor. Certainly I would like to have seen more money for COPS, but the truth is that there is a substantial amount of money for COPS. I would like to have seen the fully funded request for the Justice Department Civil Rights Division, but that was not to be in this conference.

But important, it does have significant money for juvenile justice and crime prevention for juveniles. It has $287 million. As both the chairman and the ranking member have pointed out, it has $585 million for the Criminal Alien Assistance Program, a very important program to border States.

It also contains full funding for the census. Yes, it is contained under a gimmick, but the important thing is that the money is there to have an accurate and a full count in the census.

I certainly agree that it could be a better bill, but it is here, and the issue is whether the glass is half full or half empty. We can certainly make a case on either side. As a member of the committee, I see that the chairman and the ranking member have been exceptionally fair, and I prefer to see this glass as half full.

Mr. OBEY. Mr. Speaker, I yield 3 minute to the distinguished gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, regrettably, I rise in opposition to this conference report, with great respect to the gentleman from Kentucky (Chairman ROGERS) and the gentleman from New York (Mr. SERRANO).

Unfortunately, I have to stand here again, as I have before, embarrassed and ashamed that the United States is the United Nation's number one deadbeat. If my colleagues want to help restore our good name and regain our influence in the UN, they will oppose this conference report and join me in demanding today that we pay immediate and full payment of our over $1 billion in UN arrears.

This conference report provides only $351 million to pay off our arrears, only after separate authorization, and only after onerous and impractical conditions have been met.

We have gone through this before. We voiced our concerns, and the UN has responded, maintaining a no-growth budget from 1994 to 1998, creating an Office of the Inspector General, eliminating over 1,000 positions, implementing other cost saving measures.

Withholding our arrears is irresponsible and short-sighted. We have already begun to feel the effects of our diminishing influence, and this is just the beginning.

How can we expect the United Nations to continue to take our interest into account around the world? How can we expect them to fund the projects we support and to send peacekeeping troops to areas where we want to see more stability when we do not contribute? How do we expect to help continue to reform the United Nations in a meaningful way to cut down on its bureaucracy and decrease our annual dues if we do not pay our debt?

This funding is critical to United States foreign policy. It shows the international community that a commitment made by the United States means something, and it is a cost effective way for us to leverage U.S. funding with that of the other members of the United Nations to make a difference around the world.

Our continued participation in the UN is critical to United States global leadership, which in turn is the cornerstone of our national security.

I would be remiss, Mr. Speaker, if I did not also express my outrage about a trick played on us in this bill. The majority has violated the jurisdiction of the Subcommittee on Treasury, Postal Service, and General Government appropriation by modifying the newly signed fiscal year 2000 Treasury, Postal law in the Commerce, Justice, State bill.

It goes without saying that the Commerce, Justice bill has no jurisdiction over the programs in the Treasury, Postal bill. This conference report passed the House 292 to 126, a broad bipartisan margin, and was signed by the President on September 29. Not even 3 weeks later, the Republicans undo the bipartisan agreement, one of the few bipartisan bills that this ridiculous process has produced.

I urge my colleagues to reject this conference report. Let us get serious about the budget process. Let us make the modifications to what is a good bill and reject this proposal.

Mr. ROGERS. Mr. Speaker, I yield 3 minutes to gentleman from Ohio (Mr. REGULA), one of the more valued members in our subcommittee. He is also, incidentally, the chairman of the Subcommittee on Interior of the full Committee on Appropriations.

Mr. REGULA. Mr. Speaker, I thank the chairman for yielding me this time, and I yield to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I rise in strong support of the conference report on the Departments of Commerce, Justice, State, the Judiciary, and Related Agencies. I commend the gentleman from Kentucky (Mr. ROGERS), the distinguished subcommittee chairman, and the gentleman from New York (Mr. SERRANO), the ranking minority member and the outstanding work in crafting a very important legislative product.

With regard to our UN arrearages, this measure contains full funding for the payment of our UN arrears over a 3-year period. I fully support that provision. It is our hope that this will soon be followed by an authorization measure for the so-called Helms-Biden UN arrears payments which our Committee on International Relations is working on rapidly.

I also commend the committee for providing substantial funding for the security of our embassies abroad, something that is sorely needed.

Accordingly, I urge our colleagues to support this conference report on H.R. 2670, and I urge the President to sign this measure.

Mr. REGULA. Mr. Speaker, I certainly urge my colleagues to support this bill. We cover a diverse number of functions such as Federal law enforcement, trade negotiations, diplomatic functions, and Federal courts.

A couple of things I would highlight. First of all, we have increased funding for the United States Trade Representative. I think our Trade Ambassador Mrs. Barshefsky has done an excellent job and along with the Commerce Department and Secretary Daley. They have a big challenge ahead to represent the United States interest at the WTO meeting in Seattle in about 6 weeks. It is important that we have trade opening initiatives to get more exports of American products, and they are working hard at that.

Secondly, embassy safety, there was no money requested in the original budget from the administration. It is a very important function because of the proliferation of terrorists. We recognize this fact and put substantial amounts in this bill to upgrade the safety programs at our embassies around the world.

Thirdly, the bill continues funding for the manufacturing extension program in small business development, again programs that are very important to our economy because probably 70 percent or more of the jobs in our economy are from small business development. We need to encourage and enhance the opportunities in small business.

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Fourthly, the JASON program is a very innovative program that is funded in this bill. It basically is the electronic school bus. This is a program whereby students can go, as they have, to the rain forest, they can go to the bottom of Monterey Bay, they can go to the National Park at Yellowstone, and next year I think they will go into space all by the electronic bus.

Under the JASON program, for the schools that are wired properly, they can have two-way conversations between the students and the people and the locations I have mentioned. Very innovative. It is the future in education, and I am pleased that we could do that. It is long-distance learning at its best.

I rise in support of the Fiscal Year 2000 Commerce, Justice, State Appropriations conference report. This is a good and balanced bill that was put together under tight funding restraints.

I urge my colleagues to support this bill which contains many diverse functions from federal law enforcement programs, to trade negotiation and enforcement programs, to diplomatic functions, to the funding of our federal courts.

I will highlight just three areas that are of importance to the people of Ohio.

This bill provides funding levels that are necessary to continue the important work of opening new markets for U.S. goods and of protecting our domestic industries against unfair foreign trading practices.

The United States Trade Representative's Office received a much-needed increase of over $1 million to continue the work of that our trading partners reciprocate and opening their markets in the same manner as the U.S., which remains the most open market of the world.

The important trade functions that reside in the Commerce Department to promote our exports abroad and to protect domestic industries are also provided adequate funding levels.

The bill continues funding for the Manufacturing Extension Program and the Small Business Development Centers, both programs which are critical to small businesses as they modernize and prepare to compete in the global marketplace.

Finally, the bill funds two innovative programs. The first provides an additional $2 million to the JASON Program which makes available to over 3 million students the good work that is occurring in the Commerce Department with regard to oceans and ocean research. The JASON Program is an exciting interactive education program which I call the "electronic school bus" because after a year of studying a science curriculum, students participate in an expedition via interactive telecommunications means. This program represents the future of our education system.

The bill also funds the National Inventors Hall of Fame at $3.6 million to continue the partnership with the U.S. Patent and Trade Office to highlight to the public the importance of our national patent system. This system is critical for the U.S. in maintaining its preeminent position with the world with regard to development of technology.

This is a fair bill that funds many critical federal functions and I urge your support for it.

Mr. SERRANO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to pick up on something the gentleman from California (Mr. DIXON) said in support of the conference report. He did say he was unhappy and perhaps questioned the way that the census was being funded, but he emphasized the fact that the important aspect was that the census was being fully funded. And I have to tell my colleagues that for the many people that I deal with on the House floor on a daily basis, that is a very important issue.

I personally have a great deal to look forward to in this census. I represent the most undercounted district in the Nation. My district was undercounted by a very large number of people in terms of what we thought we should have, not to mention what I consider the hidden undercount, which is people that have a difficult time just coming forward and allowing themselves to be counted. So I have the undercount, and then there is that other problem.

To me, the census is crucial. And to the city and the county that I represent, the Bronx, New York, a census count is perhaps at the center of how we look at our future and what we can do to better our condition. Of particular importance for me is the idea of being able to spend dollars on a census that will go beyond certain limits imposed in the past to reach out to people, such as advertising in languages other than English. This is very important to me, to be able to reach people and to send a message out that not only is it a constitutional mandate for us to conduct it, but perhaps it is a constitutional responsibility for them to participate in it.

So I cannot emphasize enough the importance to me of the fact that after a very difficult time in the past, we were able to reach agreement in a proper way on the census issue. So I cannot say enough as to how important that is and how important that is, in my opinion, for my community, for my State, and for the future of this country.

Mr. Speaker, I reserve the balance of my time.

Mr. ROGERS. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. MILLER), who is the chairman of the House Subcommittee on Census of the Committee on Government Reform.

Mr. MILLER of Florida. Mr. Speaker, I thank the gentleman for yielding me this time, and it is a pleasure to serve my first year on this particular subcommittee. I get to wear two hats with respect to the census, and that is as a member of the subcommittee that funds it, but also as the chairman of the authorizing committee.

This is a good bill that has lots of really great programs in it, from the JASON project, to the law enforcement and embassy security issues. But with respect to the census, there have been a couple of questions raised.

First of all, is it an emergency. I think we would all have preferred it not to have been classified as an emergency. But, unfortunately, it was not included in the original budget agreement in 1997, and this was the only way to really include it without taking it from somewhere else and to provide the full $4.5 billion, which is a very large amount, obviously. Now, this is for this one year.

Next year there will be a cost to the census, but it will not be anything near what we are spending this time around. And this Congress and previous Congresses have always fully funded the census. In fact, we have gone beyond the President's request. We have put in emergency spending bills, and the money has always been there.

The question has been raised about this issue of frameworks. And the frameworks idea is that of the $4.5 billion there are classifications. These are the exact classifications as requested by the Census Bureau. So it is their numbers. It has nothing to do with a sampling fight or anything else; it is just their numbers that are put in these classifications. The question is how to shift it back and forth.

The gentleman from Kentucky (Mr. ROGERS) has given us his assurances that he will act within 72 hours. I will do everything I can to help support and provide for that type of ability to move around the money. Most of the money is in one program, which is $3.5 billion alone. Where we got into this problem is, and we have had it in report language in the past, but the Census Bureau's management finance people have ignored that, and we have an oversight responsibility. We do have a responsibility to make sure this $4.5 billion is spent according to the law.

So I think this is very reasonable, to say we want to know how money is being shifted around. That is common sense. This is amazing. When they sent us the request for the $4.5 billion, we got 10 pages of information to document that. Ten pages. Normally we get thousands of pages of documentation to show why we need to spend that money. So I think we have gone beyond what would be good common sense because of the fact that we have that.

GAO is also raising questions, so I think it is important we stick with this. This is not an unreasonable request. It is common in other departments of the Government, and I am really pleased that the census is fully funded, and I fully support this bill.

Mr. OBEY. Mr. Speaker, may I inquire how much time is remaining on all three sides.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The gentleman from Kentucky (Mr. ROGERS) has 9 minutes remaining, the gentleman from New York (Mr. SERRANO) has 8½ minutes remaining, and the gentleman from Wisconsin (Mr. OBEY) has 12 minutes remaining.

Mr. OBEY. Mr. Speaker, I yield myself 4½ minutes.

Mr. Speaker, I find this a very strange debate. The gentleman from New York (Mr. SERRANO) and I, for instance, agree on about 90 percent of the issues before this place, and yet today we find ourselves on the opposite side of this bill, and I think we need to ask why. The reason is very simple, in my view.

The Republican majority in this House decided that they were going to spend $7 billion to $10 billion more on the Pentagon budget than the President and the Pentagon had asked for. The Republican majority has decided now, in the Labor, Health, and Education budget, to fund a program level which is $2.2 billion above the President. They did that at the same time managing not to fund his education and health and job training priorities. The VA-HUD bill wound up being several billion dollars above the President. The agriculture bill wound up being about $8 billion above the President. The military construction bill wound up being a good amount of money above the President.

So the issue today is not whether we on the Democratic side want to spend more money. The issue is simply whether we are going to agree to the labeling of different kinds and categories of spending that the majority party would like so that we can fit it all into the TV ads of the gentleman from Texas (Mr. DELAY). That is what the issue is.

Now, the Committee on Appropriations, if left to its own devices, could come up with compromises on all of these bills by next Tuesday. The gentleman from New York (Mr. SERRANO) knows that, I know that, and I think the gentleman from Kentucky (Mr. ROGERS) knows that. We have always been able to resolve appropriations differences between us. But the problem is that we are also now being asked to do something very different. We are being asked to invent a new system of accounting in order to fit into the TV ads of the gentleman from Texas (Mr. DELAY).

So I would simply say this, our Republican friends cannot seem to take back even one dime of the spending that they have already voted for. Example: NIH. I happen to be a strong supporter of NIH. But the House bill for NIH contained $1.4 billion. The Senate bill contained $1.7 billion. We are supposed to resolve those differences by coming in somewhere in the middle. The conference at this point is now at $2 billion for NIH.

I would submit if our Republican friends cannot compromise on money which they have already spent, if they cannot, for instance, agree to give back the billion dollars that the Pentagon did not want, that they put in the military budget anyway for the ship that the Senate majority leader wanted, if they cannot give back some of that money, then we are going to have to put some additional money into the remaining bills. But we will agree to pay for it, just as the administration found the offsets to pay for the increases that they wanted in the VA-HUD bill.

So the question today is not whether we are talking about the Democrats' demand to spend more money. And the question today is not whether or not Democrats are going to be spending Social Security money. The question is how much of Social Security money has the Republican majority in this Congress already committed us to spend.

And the question is how do we deal with those issues in an honest way, rather than conducting what Time magazine referred to as "A $150 billion shell game" where they said "This debate over Social Security surplus is more about politics than it is money."

To me, it comes down to a simple question of honesty. And when we get enough of it, we will get an agreement between both sides; and until we do, we will not.

Mr. ROGERS. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. KOLBE), the distinguished chairman of the Subcommittee on Treasury, Postal Service, and General Government of the Committee on Appropriations, and also a very hard working member of our subcommittee.

Mr. KOLBE. Mr. Speaker, I thank the gentleman for yielding me this time, and I do rise in strong support of this conference report. I want to commend both the chairman and the ranking member, the gentleman from New York (Mr. SERRANO), for the work that they have done. I think they bent over backwards to provide fairness and equity for the competing interests that we find in this bill.

Obviously, not everything that I would like is in here. Some things that are in here I would perhaps prefer not be in here. But it is a good bill, and I think it is a good balance. And I think it does a good job of providing funding for the diverse range of programs that we find in this bill.

Now, I am a representative of a border State, so I care a lot about border problems and funding for the Immigration and Naturalization Service. This bill provides $3 billion for direct funding of the INS. That is $460 million more than last year. Very importantly, it provides full funding so that we can add another 1,000 agents. That is a commitment that we made as part of the immigration legislation that we passed a few years ago. It is very important if we are going to get a handle on the problem of illegal immigration along our border.

We also have funding in there for increased detention of criminal and illegal aliens, and adequate funding to reduce the naturalization backlog. These are issues that those of us who live along the border deal with every single day, and that is why they are so important.

I also want to congratulate the subcommittee for making other parts of law enforcement a priority; the flexibility that this bill gives to law enforcement at the local level. It restores the Local Law Enforcement Block Grant; the Juvenile Accountability Incentive Block Grant; the Truth-in-Sentencing State Prison Grants; the Byrne Law Enforcement Grants. It fully funds the FBI and Violence Against Women Act. Overall, for local law enforcement, there is $1.4 billion more in this bill than we have had before.

Much was made on the floor about the census. That issue, too, is important to us. We have heard about the U.N. arrearages, but the money is in here to fully fund the U.N. arrearages, subject to an authorization bill.

So, Mr. Speaker, I think this bill is one that is carefully balanced, not perfect, but carefully balanced, does what it is supposed to do in terms of meeting our priorities; and I urge support for this legislation.

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Mr. ROGERS. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. HYDE), the very distinguished and very able chairman of the House Committee on the Judiciary.

Mr. HYDE. Mr. Speaker, I think we are in the middle of a very interesting discussion. We all agree that we need better law enforcement and we think the practice of community policing is a very effective way to fight crime.

Well, what we are arguing about is the subject of flexibility and the efficiency, the efficacy of the 100,000 cops promised. That has a nice ring to it. Those are nice round figures. But the fact is, with less than a year to go in the existing program, less than half of the 100,000 cops we were promised have been hired and some of them are not engaged in active police work but only in ancillary administrative tasks.

We think an appropriate way to do this is not to cut the money but to provide flexibility, some ability to go elsewhere than simply hiring cops. A community may have adequate policemen but may lack radio equipment, squad cars, other law enforcement equipment that helps them do the job.

We are simply trying to provide adequate funding to hire the cops where they are needed and when necessary but also to have flexibility for other programs that help law enforcement.

This is not a policemen's benefit bill. This is law enforcement, safe streets, safer communities. And that means some flexibility in where this money can go. That is an intelligent, useful way to handle this appropriation.

There is new spending for COPS, $325 million in new spending, which is $57 million dollars more than the amount that the Democratically controlled Congress authorized for this program when it was put into law. So there are unused monies. There is $250 million unused from prior years which is available only for the COPS program.

No, this is intelligent. This will help the big problem of law enforcement. I urge its support.

Mr. ROGERS. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. McCOLLUM) the distinguished chairman of the Subcommittee on Crime.

Mr. McCOLLUM. Mr. Speaker, I want to commend the chairman for the product he has brought out here today overall in the crime area. I think it is a good piece of legislation and it appropriates money in the right way.

The debate today, in large measure, is over flexibility, that is, over who gets to make the decisions on where to fight crime. Most of us on this side of the aisle believe that those who are on the beat, the cops on the street, the local county police, the local county commissioners, the city commissioners, are the ones that ought to be making these decisions. We have for years supported law enforcement block grant programs that sends the money back to the local communities to make those decisions on how to best fight crime.

The President, in his request, never has requested in this cycle funding for this program that has been very effective over the last few years. And so, I think that putting all of this in context it is important to see how this legislation proceeds.

There is $1.25 billion, a little over that, that was asked by the President for his COPS program. There is over $1.25 billion going to local law enforcement in this bill. It is just that about half of that is going to this program we have always thought was a great program to have, and that is a program of law enforcement block grants to let the cities and the counties and the local police decide exactly how they are going to spend this money in fighting crime, whether that is for a new jail facility, or whether that is for more cops, or whether that is for more technical equipment, or whether that is for more training, or whatever it might be. It is very important to know that that is the case.

With regard to the COPS program, the issue there is that there is actual money in here for the COPS program, $325 million in new spending in the COPS program in this bill. I think that is really significant in addition to the $250 million already there that has not been spent in the past.

And then there is a problem in the COPS program of it not being distributed in the right way. A lot of it has not gone to the localities that really need it. Many of the localities are telling us, and we are going to have an oversight hearing in our Subcommittee on Crime this next week, that they are not getting these COPS monies and they are in need of some of it.

Others are saying we can apply for this but then we do not have any funding that goes on beyond the couple of years and we cannot afford it.

So the COPS program has its problems this bill balances, and I think it is a very important approach that the chairman has drafted here.

Mr. SERRANO. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Speaker, I think this is probably a good conference report, but I really want to take issue with my colleagues on the block granting to local law enforcement.

I was in local law enforcement, local board of supervisors, when we had the revenue sharing program. I will tell my colleagues that a lot of these cities and counties just misuse these funds. They did not put them into the programs that are really trying to fight crimes.

I think it is unfortunate that the demand out there is in issues like drug courts. And this was level funded for drug courts. That is where we need these monies. Just to go out and buy more equipment, more fancy stuff to spruce up, that ought to be the object of local government. The big salary costs are where we can really help.

I think that the grants program is not the way to end crime in America. The way to do it is to pour more people, more personnel where the problem is. I wish the committee would put more into that effort and certainly more into the drug courts program.

Mr. OBEY. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The gentleman from Wisconsin (Mr. OBEY) has 7½ minutes remaining.

Mr. OBEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would simply say to my colleagues here today, if they feel good about the fact that, under this bill, the United States, the greatest Nation in the world, will lose the right to cast a vote in the United Nations, then, by all means, vote for this bill. If they feel good about denying women who work for the Federal Government access to a full range of contraceptive services, then, by all means, vote for this bill. If they feel good about providing an exemption to the Endangered Species Act for the State of Alaska, then, by all means, vote for this bill. If they feel good about slashing the President's Cops on the Beat program, then, by all means, vote for this bill.

I know that the other side will bring in all kinds of whistles and bells and try to suggest that they have funded the President's program adequately. The President does not believe that, which is why, among other reasons, he is going to veto this bill.

And most of all I would say, if they believe the fantasy of the gentleman from Texas (Mr. DELAY) about Social Security, then, by all means, vote for this bill. But keep in mind, when they do that, they will make it more difficult, not easier, for us to resolve the remaining differences between us and they will simply extend the fantasy debate which has plagued Washington for the past 3 years on budgeting.

We have seen all kinds of arguments made for all kinds of appropriation bills that have come through this House so far, most of which I have voted against. I would simply say, if they feel good about voting for a bill which will contribute to the ability of this Congress to hide almost $40 billion in spending that it is actually making through gimmicks such as so-called advance appropriations or mislabeled emergencies and the like, then, by all means, vote for the bill.

I have come quite accustomed to hearing fantasy spoken on the House floor. I guess one day more will not surprise me. We will hear a lot of fantasy expressed when I sit down; and, under the rules of the House, I will not be able to answer because the other side has the right to close.

Just because they have the right to repeat fallacious arguments one more time unanswered does not mean those arguments are true. I think a lot of Members understand that, which is why this bill is going to be vetoed by the President and that veto will be sustained.

Mr. Speaker, I yield back the balance of my time.

Mr. SERRANO. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from New York (Mr. SERRANO) has 7½ minutes remaining.

Mr. SERRANO. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, as my ranking member the gentleman from Wisconsin (Mr. OBEY) said, I find myself in a unique and somewhat, if not very much, uncomfortable situation in that I support this conference report and my ranking member, who I respect very much, does not.

I suspect when the vote is taken, it will get pretty lonely in this seat right here, as most Members of my party will probably not support this conference report. But I would like to take a few minutes to explain a couple of reasons why I do that.

First of all, I do it honestly and sincerely because I believe that the negotiations that I was involved in and my staff were involved in made this bill a much better bill than the bill that left the House. I do it with the full understanding, as I said before, that there are still problems with the bill and some are very serious.

But I also do it for another reason and a reason that very few people, if ever, mention on the House floor when it comes to discussing a bill; and that is my desire to continue to create a working atmosphere both for myself, for the subcommittee that I participate in, and perhaps for this House that goes back to a time when the bitterness was not here the way it is these days and when people could work together.

We live in a society where sometimes people from different parts of this country and from different backgrounds find it very hard to get along with each other. Perhaps if they were to be a reporter writing about the gentleman from Kentucky (Mr. ROGERS) and the gentleman from the Bronx, New York (Mr. SERRANO), previously from Puerto Rico, one could say there is a fine example of two people that would have a hard time working together.

It turns out to be just the opposite, that we have worked together to try to make a better bill is a fact. That we have accomplished some things is a fact. That we still disagree on some very serious points is a fact. That I believe that the philosophy between his party and mine are totally different and that I believe ours is correct and his is not, that is a fact. But to me the idea of establishing this relationship and working to make life for people in this country better on a daily basis is important for me enough to stand here in support of a conference report today that may not be supported by many on my side. But I do it, and I repeat it again, with the hope and thought that it is part of a larger picture.

But I know some will say, oh, what a naive ranking member to think that if we are nice to people and work with them they will respond. Well, sometimes it works. Sometimes if we respond properly, people respond to us.

Mr. ROGERS. Mr. Speaker, will the gentleman yield?

Mr. SERRANO. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, it is important to me to say this at this moment. I want to say how much I admire and respect the gentleman from New York (Mr. SERRANO) for taking the position that he is taking.

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It is not easy, I know, the position that he is taking. It takes a lot of courage. It takes a lot of determination, it takes lot of perseverance and it takes a lot of plain old guts. That is what I like about the gentleman. I also like the fact that he is so easy to work with and he is also very effective.

We have mentioned some of the things in this conference report that the gentleman has been responsible for getting included since the bill passed the House and it is substantial, matters of great import not only to him but to the country. I mention briefly the SBA increases which is due solely to the gentleman's insistence, but there are many others. And so this political odd couple that he has alluded to, the gentleman from New York, this gentleman from Kentucky, sometimes we have difficulty understanding what each other is saying, but that is beside the point. I wish we had a major league baseball team in Kentucky so that I could be on an equal footing with the gentleman. He has been a model to work with. I would only say this: If others on that side of the aisle would have the good sense and the wisdom that the gentleman has exhibited during this process, we would have much better bills across the board and we would not be at standoffs. The gentleman has been a wonderful example of being the creative minority leader. I appreciate him very much.

Mr. SERRANO. I thank the gentleman. Just to cover my tracks, let me say that if other Members on his side were as courteous as he is, we could have a better working relationship, also, as parties.

Let me just close, Mr. Speaker, by saying from everything I am reading in today's papers and hearing on radio, the leaders in this House will get together with the White House this weekend, and as I said and I will say it for the third time, before the Yankees win the World Series, this will be in place.

Mr. Speaker, I hope that they listen to the fact that we tried to give them a better bill than left this House and when they make it better, they at least turn to the gentleman from Kentucky and say, "Well, it wasn't all in vain."

Mr. Speaker, I yield back the balance of my time.

Mr. ROGERS. Mr. Speaker, I yield myself such time as I may consume.

I wanted just to say a word of thanks not only to the gentleman from New York and the members of the subcommittee who have worked so hard on this but most importantly I think our staffs. They are here in the room at this time and we would not be here without them. They do the work, they stay up all night, they read these bills by the thousands of pages, and we get up and take credit for it. It is really the staff that did the work. We say thank you to our staff. And, of course, to our distinguished chairman the gentleman from Florida (Mr. YOUNG) for his great work in helping us.

Mr. Speaker, I yield the balance of my time to the gentleman from Texas (Mr. DELAY), the distinguished whip.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The gentleman from Texas (Mr. DELAY) is recognized for 3 minutes.

Mr. DELAY. Mr. Speaker, I rise in strong support of this bill. I think fighting crime is serious business and this legislation works to make America safer. I want to commend the two gentlemen, the ranking member and the chairman, for working together in the manner that the process is supposed to work, in working together, fashioning a bill and bringing it down without any politics involved.

Among many other provisions in this bill, there are very strong commitments to local law enforcement, juvenile crime prevention, the Drug Enforcement Agency and truth-in-sentencing programs. Important priorities are funded and the entire package keeps the budget in balance and does not spend a dime of the Social Security surplus.

This is a good bill. But it does not silence the critics of common sense who want to increase spending on everything. No matter how much funding we provide in this bill, there are always screams from the left that too much is not enough. This sophistry coming from the other side of the aisle must come to an end. The Democrats go on and on with a line of reasoning and they do not stop for anything except the truth as revealed by the facts and the bills that we are actually passing. They refer to press reports as if press are the gospel, as if you read something in the press and it is true. I have found the Washington press have yet to get it right. They use assumptions on spending that we are not doing and claim that we are spending the Social Security surplus. They say that they want more spending and they are willing to pay for it by making the tough choices. Well, that is the old shell game of tax and spend. When they say tough choices, that means increased taxes and they want more spending and they will pay for it with increased taxes.

When the Democrats were in control, they spent every dime of the Social Security surplus on government programs for over 40 years. When the Democrats were in control of this place, they never passed a balanced budget. Yet we are to believe all their Washington press reports and their specious figures.

This is not a fantasy debate. A balanced budget for 2 years in a row is not a fantasy. Paying down the debt now for 3 years in a row is not a fantasy. Locking up the Social Security surplus for 2 years in a row is not a fantasy. It is very real. The problem is their arguments are all wrong despite the evidence to the contrary.

They maintain that the Republican budget plan is irresponsible. Actually the opposite is true. I think it is very responsible to balance the budget without raiding Social Security and increasing taxes. The Democrats cannot make such claims, so they attack the budget with specious arguments. The trend is clear. We pass bills and the President vetoes them because he wants more spending. But there are only three ways to maintain a balanced budget and pay for the President's big spending programs. We are not going to raid Social Security, we are not going to raise taxes, so he will have to find cuts in the budget to spend more money. That is what we are doing.

Vote "yes" on this bill.

Mr. SENSENBRENNER. Mr. Speaker, I rise today to comment on H.R. 2670, the Commerce, Justice, State, and the Judiciary Appropriations Act of 1999 conference report. This bill contains funding for the Department of Commerce's (DOC) Science and Technology programs.

In May of this year, the Committee on Science passed H.R. 1552, the Marine Research and Related Environmental Research and Development Programs Authorization Act of 1999, and H.R. 1553, the National Weather Service and Related Agencies Authorization Act of 1999. H.R. 1553 subsequently passed the House on May 19th and awaits Senate action.

In H.R. 2670, NOAA is funded at $2.3 billion. Within this amount, the National Weather Service (NWS) is funded at $604 million, which is a $43 million increase over the FY 1999 enacted level. This level is $13 million below the authorization in H.R. 1553 of $617.9 million, however, I believe it will provide adequate resources for the NWS. It is NOAA's highest duty to protect our citizens' life and property from severe weather and this amount is sufficient for NWS to finish its modernization and deploy critical weather observation systems. I also am pleased that the appropriators kept the Award Weather Interactive Processing Systems (AWIPS) cost-cap of 1996. This cap will protect taxpayers from unnecessary cost overruns.

This bill funds the Office of Oceanic and Atmospheric Research at NOAA at a level of $300.2 million which is $18 million over the President's request. This amount is also $16 million over the total authorizations in H.R. 1552 and H.R. 1553.

The National Sea Grant College Program is funded at $59.2 million. This is $7.7 million above the President's request. I am pleased that this total includes money for zebra mussel research. Sea Grant's cost-sharing approach with states provides a good bang for the research buck and is a good way to stretch scarce research dollars.

However, Mr. Speaker, I am disappointed that the conferees decided to include funding for a new Fisheries Research Vessel. The Commerce Inspector General and the Government Accounting Office have pointed out time and time again the need for outsourcing NOAA fleet operations. While NOAA is making some progress in the oceanographic and hydrographic outsourcing areas, there is little to no progress in the fisheries research area. In H.R. 1552, the Marine Research and Related Environmental Research and Development Programs Authorization Act of 1999, the Committee on Science directed NOAA to transfer resources to NSF to avoid having the taxpayer foot the bill for a new NOAA vessel. I urge NOAA to follow the recommendations of the Commerce I.G. and GAO and contract for vessel time instead of building new ships.

H.R. 2670 also funds the National Institute of Standards and Technology (NIST) at $639 million for FY 2000. This amount is $99 million below the President's request and $8 million below the FY 1999 enacted amount.

First, I want to remind my colleagues that last year we appropriated $197.5 million for the Advanced Technology Program (ATP) program. We were recently informed by the Commerce Department that the ATP program would carryover $69 million of this total. Once carryover from previous years is considered, ATP spent less than $190 million in FY 1999. This bill includes $142 million in new appropriations for ATP. With the 1999 carryover, ATP will have $211 million for FY 2000. I see no reason to increase the money available for ATP when the program could not efficiently and effectively use its FY 1999 appropriation.

The Manufacturing Extension Partnership (MEP) at NIST is funded at a level of $104.8 million or $5 million over the President's request.

Finally, Mr. Speaker, the construction account at NIST is funded at $108.4 million for FY 2000. After deducting a modest amount to maintain NIST facilities in Colorado and Maryland, I am optimistic that enough funds will remain to start construction of the Advanced Measurements Laboratory (AML). AML is necessary due to the precise measurements required for establishing standards associated with today's increasingly complex technologies. It is my hope that the additional funding that has resulted from this conference will enable NIST to begin construction of AML in FY 2000.

Mr. FARR of California. Mr. Speaker, I rise in opposition to H.R. 2670. It includes sufficiency language removing the taking of listed salmon in Alaska from the Endangered Species Act (ESA). A wholesale waiver from ESA is unacceptable for any state because it undermines the purpose of the Act and for this reason alone it will probably draw a Presidential veto.

This bill is also inadequate in its funding of our nation's ocean research, fisheries and conservation needs. The observers' program received no increase in funding; marine sanctuaries are funded $10 million below the President's request; fisheries habitat restoration was zeroed out—that's $23 million below the President's budget. Now is not the time to be neglecting the oceans or reducing our commitment to understanding their processes. Not now, when we have disasters occurring around the country and we do not understand the causes nor can we suggest solutions.

In Alaska, Stellar Sea Lions continue to decline despite decreased interference with the pollack fishery and we don't know why. The Bering Sea ecosystem has changed in some way resulting in the deaths of 10 percent of the Gray Whale population, but we don't understand what the changes in the ecosystem are that have led to this.

On Long Island Sound, lobster men and women began reporting dead lobsters last month. From 8 percent to 13 percent of the lobsters caught in traps are dead or dying, and a total of as many as a million lobsters may have died. Although die-offs have occurred in other years, this appears to be the worst in nearly a decade. Why are the lobster dying? No one knows.

Runoff from Hurricane Floyd has resulted in a 350 square mile dead zone off of Pamlico Sound, North Carolina and no one has any idea what the lasting effects will be. In the Gulf of Mexico, we have a dead zone the size of the state of New Jersey. Some say this is the result of nutrient runoff, but no one really knows. We have insufficient funds to study this disaster.

In the Northeast, the groundfish population declines while the Canadian seal herd population climbs. Is there a relationship? We don't know because there are no funds to study the factors decimating the groundfish population in New England. In my own district the Pacific Fishery Management Council is about to reduce the catch for my fishermen by 75 percent because of overfishing. However, there is a dispute between the fishermen and scientists on whether or not management decisions are based on data collected from the right fish populations. No one really knows for sure because fishery management studies are under funded.

In Florida we have 3 toxic, deadly, and unexplainable red tides. Red tides have become much more common in the last decade, but we do not know what causes them.

Mr. Speaker, we do know that the sea drives climate and weather, regulates and stabilizes the planet's temperature, generates more than 70 percent of the oxygen in the atmosphere, absorbs much of the carbon dioxide that is generated, and otherwise shapes planetary chemistry. We also know that ocean community is in crisis. Therefore, I must oppose this bill that places our oceans as such a low priority.

Equally as troubling as the shortfall in funding for our oceans, is lack of adequate funding for the COPS program. It is unconscionable that this year's federal budget contains only $325 million for the COPS program.

COPS has awarded state and local law enforcement agencies with nearly $6 billion to fund hiring and redeployment of more than 100,000 officers. I have heard repeatedly from local law enforcement officials on the Central Coast that the need for continued robust federal funding for the COPS program is critical to help them continue highly successful crime-fighting initiatives. But providing Central Coast residents with safe communities requires resources beyond local capabilities.

Several of my communities have been awarded special COPS grants including the Youth Firearms Violence Initiative and the Community Policing to Combating Domestic Violence. These programs have helped local law enforcement officials implement highly effective community policing strategies to target specific problems, neighborhoods and crimes. If all politics is local, certainly all crime is local.

Crime doesn't wear a political button identifying party affiliation. Republican conferees shouldn't be playing politics with highly effective anti-crime programs.

Furthermore, conferees shouldn't be playing politics with arrearage funds. The United States currently owes more than $1 billion in unpaid dues to the United Nations—giving our country the dubious distinction of being the single largest debtor nation to the U.N. Tying those funds to an authorization bill that hasn't been signed into law since 1994 is a sham.

The United Nations provides educational and economic assistance to people around the world, working to reduce hunger and malnutrition, improve education, and provide assistance to refugees. In short, the role of the U.N. in world affairs is critical and invaluable, and our unwillingness to contribute our fair share to the U.N. threatens the health, welfare, and security of our country and others.

I encourage my colleagues to oppose this bill and demand that conferees address these issues that affect our national security, safety and environmental health.

Mr. RODRIGUEZ. Mr. Speaker, I oppose the conference report on H.R. 2670, the Commerce, Justice, State and Judiciary Appropriations Act of 1999. The funding cuts for the Community Oriented Policing Services (COPS), fund usage restriction on the U.S. Census Bureau, and failure to include the Hate Crimes Prevention Act, make this bill unacceptable.

COPS has helped make America safe. Crime rates have dropped dramatically since the program's inception. Texas alone has received funding totaling more than $300 million, placing almost 5,000 additional law enforcement officers on our streets to protect neighborhoods, schools and businesses. My district has received more than $15 million in COPS funding, allowing local police and sheriff's departments to add 238 officers. I am a strong believer in this hallmark program which has been a substantial investment in the security of schools, cities, counties and states across the country.

After more than two years of negotiations, a Supreme Court decision, and a final budget agreement on the 2000 census, I was disappointed to hear of the undue "frameworks" restriction on census funding. Congress should not continue to micro-manage an institution that has historically remained independent in discharging its constitutional duty. I cannot support this language and believe the Census Bureau's objections to it are well-founded.

Finally, as a co-sponsor of the Hate Crimes Prevention Act, I am disappointed that the conference report does not include this language. In light of recent incidents involving hate motivated killings across America, we in Congress need to send a strong signal that federal law will add a level of protection to currently unprotected classes while posing a deterrent to those who would use physical violence to further their prejudiced passions.

I urge my colleagues to oppose this legislation and work with the Administration in fashioning acceptable levels of funding for COPS, removing restrictive language on the Census, and including language which would further punish those who commit crimes of hate.

Mr. ENGEL. Mr. Speaker, I rise in support of the Commerce, Justice, State Appropriations bill before us today. I wish to express my appreciation for the efforts of the Ranking Member, Mr. SERRANO, and Chairman ROGERS in working with members thus far. I want to stress that this is not a perfect bill. There is still much work to be done. However, I will be voting for the bill to express my optimism that those concerns will be addressed, as many others have been throughout this process. It is my hope that the final version of this bill will illustrate the bi-partisan manner that the Chairman and Ranking Member have stressed all along.

I am particularly pleased that $1.5 million is allocated for construction of a plant studies research laboratory at the New York Botanical Garden. The Garden is recognized as the premier institution in botanical research in the United States. Funding this new facility ensures that the Garden will enhance its preeminent status and continue to attract scientists and scholars from around the world. It is my sincere hope that continued research at the Garden will improve public health, generate economic growth, and secure our place as the world leader in plant research.

Mr. Speaker, as I vote in favor of the CJS Appropriations bill today, I am confident that the continued efforts of the Chairman and the Ranking Member will result in overwhelming support for this legislation.

Mr. CAPUANO. Mr. Speaker, today I rise in opposition to the FY 2000 Commerce, Justice, State, the Judiciary, and Related Agencies Appropriations Conference Report. I opposed H.R. 2670 because it lacked sufficient funding for several essential federal programs, and I once again must oppose the conference report because if fails to address the vital funding shortfalls identified in the House bill.

More than 200 years ago our founding fathers provided within the Constitution a framework for a national census to be conducted every ten years. Unfortunately, language contained in the conference report places unnecessary restrictions that will ultimately obstruct the Census Bureau's ability to conduct a complete and accurate census. While the conference report provides $4.47 billion for the Census Bureau, it contains language that restricts the Bureau's management of these funds. This language would require congressional approval in the form of a reprogramming for any movement of funds between decennial program components. Counting every man, woman, and child within the United States requires a tremendous amount of effort, support, and resources. This represents a dramatic departure from past practices and takes place at precisely the time when Census 2000 activities peak and when the need for program flexibility is most crucial to ensure a successful count.

With respect to the Immigration and Naturalization Service (INS), the conference report provides $3 billion, $26 million below the Administration's request. INS must receive adequate funding if it is to be successful in providing enhanced border patrols, reducing its enormous backlog and maintaining its current applications. The $26 million shortfall will hurt the INS in its efforts to become more effective and efficient.

Another area of insufficient funding can be found within the Advanced Technology Program (ATP) conducted by the National Institute of Standards and Technology (NIST). The ATP was established in 1988 to encourage companies to take greater risks in new and innovative basic research technologies. Successfully partnering public and private businesses working together to develop technology in all areas, over 700 organizations in 40 states including 104 joint ventures have a role in ATP projects. Last year's appropriation levels provided $197.5 million for ATP. This year the Administration requested $238.7 million, of which $137.6 million would continue to fund existing projects. However, the conference report provides only $142 million, barely enough to keep existing programs alive. The ATP is a catalyst for industries to develop and invest in high-risk technologies. Without this important program, individual companies will be less inclined to pursue these technological developments.

Additionally, international programs within the State Department are abhorrently underfunded. Only $885.2 million is provided for contributions to international organizations. Not only is this funding level $78 million below the President's request, but it is also $37 million below last year's appropriation levels. Due to the unforeseen breakout of conflicts in Kosovo, and more recently in East Timor, the United States directed large amounts of federal funds toward restoring and maintaining peace in these regions. In order to continue our efforts to preserve peace and promote human rights and democratic principles throughout the world, we must sufficiently support our men and women who are acting as peacekeepers. Much to my dismay, this report provides only $200 million for contributions to international peacekeeping efforts, nearly $35 million below the Administration's request and $31 million less than FY99.

Adding insult to injury, this report fails to adequately address U.S. payments to the United Nations (UN). Currently, the United States owes over $1 billion in back dues to the UN. In recent years, $508 million has been provided to address this issue, but these funds have not gone to the UN because the funds are connected to controversial family planning legislation. According to Article 19 of the UN Charter, if we fail to pay at least $153 million, we will automatically lose our vote in the UN General Assembly. Unfortunately, the $351 million for UN arrearage payments provided in this report is contingent upon passage of possibly contentious legislation. By holding these funds hostage, we are playing a dangerous game with a highly respected international organization, and we are losing face, force, and credibility within the international community.

I also have deep reservations regarding the funding that is contained in the conference report for programs under the jurisdiction of the Department of Justice. The conference report significantly limits the ability of law enforcement officials to enforce and maintain a safe and secure environment. I am disappointed by the drastic reduction in funding for the Community Oriented Policing Initiative (COPS), in which only $325 million of the $1.275 billion that the President requested was provided for the program. These funds were to have been used to extend the COPS Initiative and allow local police departments to hire up to an additional 50,000 police officers over the next few years. Such a significant reduction in funding threatens to undermine the efficacy of the COPS Initiative, which has been a major contributor to the dramatic drop in the crime rate since 1994 and has resulted in the hiring of an additional 100,000 police officers nationwide.

Lastly, the conference report fails to include the Hate Crimes Prevention Act, a measure of which I am a cosponsor. Though included in the Senate-passed version of the bill, this language is not contained in the conference report. The Hate Crimes legislation strengthens the current federal hate crimes statute by making it easier to prosecute crimes based on race, color, religion, and national origin. The measure also expands coverage to include hate crimes based on sexual orientation, gender and disability. By failing to include this legislation, I believe Congress is missing an opportunity to strengthen the current hate crime statute.

Mr. Speaker, I am frustrated and disappointed that many of these valuable and essential programs were not adequately funded in this conference report and urge my colleagues to oppose final passage. If this report passes, I urge the President to veto this legislation so that we may have another opportunity to correct this seriously flawed bill.

Mr. DIXON. Mr. Speaker, I rise in support of the Commerce, Justice, State and Judiciary Appropriations Conference Report for FY 2000. I continue to have reservations about this legislation some of which led me to oppose the initial bill presented to the House. I understand the strong opposition the bill may encounter, as well as the President's anticipated veto of the conference report in its current form. However, the legislation before us is greatly improved and Chairman ROGERS, under very difficult conditions, has made his best efforts to accommodate the needs of the minority on the subcommittee.

I want to thank Chairman ROGERS; our ranking member, Mr. SERRANO; and their capable staffs for their hard work in bringing this conference report to the floor. This is a bill that is problematic in the best of circumstances; the current circumstances—where spending constraints, budget gamesmanship and gimmickry, and political posturing have hampered the Appropriations Committee's ability to do its job—have made it much more contentious.

Let me highlight a few important provisions and positive additions to the legislation contained in this conference report.

I agree that the emergency designation for census funding is inappropriate. But I am relieved that we have fully funded the 2000 census and hope we can now all concentrate our efforts on obtaining the most accurate count possible.

The legislation provides $585 million in funding for State criminal alien assistance—the same level as last year and $85 million above the budget request. While we need to keep in mind that this level provides reimbursement for less than half of the costs that incarceration of criminal illegal aliens imposes on States and localities, the conference level is substantially above the $100 million approved by the Senate.

The conference report includes $287 million in funding for juvenile crime and delinquency prevention programs. These important programs help deter young people from becoming involved in criminal activity.

The conference report continues an important initiative to fight methamphetamine which is the fastest growing abused drug in our Nation. The legislation provides $36 million in grants to States for this purpose, including $18 million for the California Bureau of Narcotics Enforcement. Unfortunately, labs in my State continue to be major suppliers of this lethal drug.

The funding level for the Legal Services Corporation (LSC) has been greatly improved in conference, increasing from $250 million in the House passed bill to $300 million in the legislation before us. This will enable LSC to continue its support to local legal aid agencies which provide vital civil legal services for the poor—ensuring access to legal redress for all Americans.

Funding for the National Oceanographic and Atmospheric Administration (NOAA) has been increased to $1.66 billion from the inadequate House passed level of $1.475 billion—which was nearly $300 million below the budget request. The extreme weather this Nation has experienced from the El Nino and La Nina events of recent years to this year's hurricanes underscores the importance of NOAA's work. In California, the agency's climate observation programs and coastal and marine stewardship are essential to our environment and economy.

The Antitrust Division of the Department of Justice was underfunded in the House bill. The division's work is vital to safeguarding the interests of the American consumer and the fair operation of the market in our economy. The conference committee provides the division with $110 million, a needed increase over the $105 million passed by the House.

Some of my colleagues will raise serious, legitimate concerns about this conference report—many of which I share. I too am unsatisfied with several funding levels in this bill, as well as certain legislative provisions that were added in conference.

The conference report provides only $325 million for the Cops on the Beat Program, $950 million below the President's request. While this level is an improvement from the House bill, it is woefully inadequate. This program has enabled communities all across this Nation, including Los Angeles, to hire additional police officers which has contributed to the significant reduction in crime we now enjoy—seven consecutive years of reductions in crime, and the lowest murder rate since 1967. We should continue to build on this success by funding this program and providing more police officers, better policing technology, and hiring community prosecutors.

I also am disturbed by the funding levels in this conference report for the enforcement of our civil rights laws—particularly in light of many recent events.

This conference report reduces the funding passed by the House for the Civil Rights Division of the Justice Department to $72 million, $10 million below the President's request. At a time when many of our communities are experiencing serious crises of confidence in law enforcement agencies, we should be fully funding an agency that can help restore that confidence. Recent police shootings in my congressional district, as well as in the ranking member's district, have undermined community trust in law enforcement. By providing independent investigation into the pattern or practice of discrimination by law enforcement, the Civil Rights Division helps restore trust in communities like Los angeles.

The conference report provides no increase for the Equal Employment Opportunity Commission, which protects our civil rights in the workplace. The agency continues to reduce its backlog of cases, but needs and deserves Congressional support to enhance those efforts.

While funding levels for the programs of the Small Business Administration are increased, I continue to be concerned about the adequacy of the "salaries and expenses" account. We need to take care that the SBA's efforts to expand Small Business opportunities are not undermined by inadequate staffing levels.

Clearly, I wish that the bill before you addressed these and other unmet needs. I regret that the House and Senate could not reach out in a bipartisan fashion and embrace the hate crimes legislation contained in the Senate bill. I also regret the addition of a provision waiving the Endangered Species Act with respect to Alaskan salmon; the majority continues to use appropriations bills to thwart important environmental protections.

Notwithstanding these concerns, the conference report before you is a significant improvement over the version the House adopted in August. Based on those improvements and the importance of many of these programs to my community, my State, and the Nation, I choose to give it my support today.

Mr. CROWLEY. Mr. Speaker, I rise today to voice my objections to the FY 2000 Commerce, Justice, State Appropriations Conference Report. The Conference Report before us today is deficient in two key areas: it lacks the Hate Crimes legislation that was included by the Senate version and it withholds payment of our financial obligations to the United Nations unless the State Department Authorization bill is first signed into law.

Mr. Speaker, the Hate Crimes Prevention Act of 1999 is cosponsored by myself and 184 of my colleagues and has passed the Senate. It is disappointing that the Conferees receded to the House on this measure, when it enjoys such broad support and is so sorely needed.

Just a few weeks ago, our Country was shocked when a gunman entered a Jewish Community Center in Los Angeles shooting at innocent children. His intent "sending a message by killing Jews."

One year ago, in Laramie, Wyoming, a young man named Matthew Shepard was killed. The reason, because he was gay. Now, with the removal of the Hate Crimes provision by the Conferees on the anniversary of his brutal murder, it is a double tragedy for his family.

In Jasper, Texas, a man was murdered and dragged through the streets because he was African-American.

All of these incidents are Hate Crimes, and they do not just affect the group that was killed, they affect all Americans.

This is especially troubling to me because of the rash of anti-immigrant billboards and posters in my district, which falsely blame immigrants for societies problems. Having spent my entire life in Queens, I recognize the problems faced daily by minorities and strive to eliminate any form of discrimination still present in our society.

I believe the "Hate Crimes Prevention Act of 1999" is a constructive and measured response to a problem that continues to plague our nation—violence motivated by prejudice. This legislation is also needed because many States lack comprehensive hate crimes laws.

Now, I know some people believe that hate is not an issue when prosecuting a crime. They say our laws already punish the criminal act and that our laws are strong enough.

I answer with the most recent figures from 1997, when 8,049 hate crimes were reported in the United States. And, according to the FBI, hate crimes are under reported, so the actual figure is much higher.

And I say to my colleagues, penalties for committing a murder are increased if the murder happens during the commission of a crime. Murdering a police officer is considered first degree murder, even if there was no premeditation. Committing armed robbery carries a higher punishment than petty larceny.

There are degrees to crime. And committing a crime against someone because of their race, color, sex, sexual orientation, religion, ethnicity or other group should warrant a different penalty. These crimes are designed to send a message. We don't like your kind and here is what we are going to do about it.

So why can't we punish crimes motivated by hate differently than other crimes?

Mr. Speaker, this legislation does not punish free speech as some have contended. Nowhere does it say, you can't hold a certain political view or believe in a particular philosophy. What it does say, is that if you commit a violent act because of those beliefs, you will be punished.

Hate crimes laws are also constitutional. The U.S. Supreme Court's ruling in Wisconsin v. Mitchell unanimously upheld a Wisconsin statute which gave enhanced sentences to a defendant who intentionally selects a victim because of the person's race, religion, color, disability, sexual orientation, or nation of origin. Once again, I would like to express my disappointment and frustration at the actions of the Conferees for failing to include this provision.

Mr. Speaker, the second area of deficiency in this legislation is the provision withholding the U.S. payment of our financial obligations to the United Nations until the State Department Authorization bill is signed into law. I am both saddened and troubled by this provision because in all likelihood, this legislation will not be signed into law because of the continuing fight over linking the unrelated issue of family planning to our U.N. arrears payment.

For several years, critical funds earmarked for payment of America's debt to the U.N. have been linked to the unrelated issue of U.S. bilateral family planning programs.

These issues deserve to be considered on their own individual merits and should not be linked. Withholding money from the United Nations damages the financial viability of this essential institution. In addition, it jeopardizes our relations with even our closest allies, who are owed millions in peacekeeping reimbursements that have gone unpaid due to the financial shortfall at the U.N. created by the more than $1 billion in U.S. debt. Our credibility has been damaged. We must stand by our legal responsibility and moral obligation to pay our outstanding debts to the U.N.

The U.N. plays an important role in the world today. Efforts to reduce infant mortality, immunize children, eradicate deadly diseases, protect innocent civilians in war torn nations, and feed starving families serve to clearly demonstrate that supporting the United Nations saves lives.

I believe we should do everything we can to prevent and reduce the number of abortions. That is why I am committed to de-linking the Smith amendment policy from UN arrears. U.S. law already states that no money can be spent on abortions; this includes our overseas funding. And, neither the United Nations nor United Nations Population Fund (UNFPA, which provides voluntary family planning services to poor countries) provide abortion services of any kind, nor do they promote abortion as a method of family planning. UNFPA actually reduces the number of abortions by teaching women how to practice safe and effective birth control.

The Smith amendment policy is a prohibition on activities supported by USAID, not the United Nations. Put another way, the Smith amendment language relates to US-supported family planning activities in other countries, not the activities of the United Nations. There is no link whatsoever between the Smith amendment and the United Nations. This policy doesn't apply to the United Nations because, as I said, the UN does not promote or perform abortions. Nonetheless, some Members of the House have consistently linked it to the UN, creating the US debt to the UN of more than $1 billion.

Mr. Speaker, the issue of our UN arrears is a serious one. The United States has been quick to criticize the UN for a host of perceived failures. The slow response to the needs of refugees from Kosova, the failure to stop Slobodan Milosevic and paramilitaries in East Timor, and the list goes on. But what many fail to realize, is that for the UN to succeed in its endeavors, it takes the necessary resources.

By failing to pay our obligations, we limit the UN's ability to prevent the spread of violence. And in the end, this costs the U.S. more money. How much would we have saved if we didn't need to fight an air war in the Balkans? How much would we have saved if the UN had the resources to prevent the crisis in Bosnia? And how much money would we save if the UN had the resources to prevent future crises before they start? By not paying our obligation, we are costing the American taxpayer more in the long run.

Mr. Speaker, when we fail to pay our financial obligation to the United Nations, we are also hurting America's credibility. Many have made this statement, but what does it mean? It means that the US's ability to effectively influence international treaties and conferences is being negatively impacted. It means countries want us off the UN Budget Committee, where many of the US's criticisms about the UN are debated. And, even worse, it means the US is in danger of losing its vote in the General Assembly. There will be no vote on this, no one to sway or cajole, the UN charter is clear, members who do not meet their financial obligations for two years lose their vote. How can the US promote its agenda when we can't even vote on the outcome? Who will listen to us on such vital issues as gaining Israel admittance to the Western Europe and Other Group at the UN? Who will take our reform efforts seriously?

How would my colleagues feel if a deadbeat dad said our system of child support payments needed to be reformed? Well, that is how our allies feel about us. We are the deadbeat dad at the UN. We helped create this organization. We helped instill it with democratic principles. We ensured our place on the Security Council where the most important UN decisions are made. And we have shut off our support. This must stop.

Mr. Speaker, I do not speak for myself alone on this, I speak for a vast majority of the American people. According to our best polling data, Americans support the United Nations. In fact, 73 percent of Americans support paying our UN dues and believe UN membership is beneficial to the US. This issue is too important to ignore and hope it will go away. As we debate this issue, UN employees are being killed, UN resources are dwindling and US credibility is melting away. It must stop and I am casting my vote against this Conference, like many of my colleagues, because it fails to live up to our international commitments.

Mr. Speaker, while the failure to include Hate Crimes legislation and the provision preventing US payment of our financial obligations are two key issues for my opposition to this Conference Report, I am also concerned about two other important provisions. First, the Conference Report under funds the COPS Initiative. The President had requested $1.275 billion to extend the COPS program and effectively put 50,000 more police officers on the street. This Conference Report only includes $325 million of that request.

Second, I am concerned about the provision limiting the ability of the Census to move funds around from one activity to another when they have problems during the Census. Such a provision is unprecedented and places in danger an accurate census count of every American. A number of my colleagues and I have been working very closely with Census Bureau Director D. Kenneth Prewitt to make the 2000 Census the most accurate one in history. To include language preventing an accurate Census breaks the pact the US Government has with the American people to ensure they receive the services and representation they are Constitutionally entitled to through an accurate census.

Mr. Speaker, the President has already indicated his intention to veto this legislation. I hope that when negotiations take place on this measure these important issues will be resolved favorably.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 215, nays 213, not voting 6, as follows:

[Roll No. 518]

YEAS—215

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boucher
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Campbell
Canady
Cannon
Castle
Chambliss
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cramer
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dixon
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
Engel
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Herger
Hilleary
Hobson
Hoekstra
Horn
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCollum
McCrery
McInnis
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Salmon
Saxton
Serrano
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—213

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barr
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Chabot
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Ehlers
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Hall (OH)
Hastings (FL)
Hefley
Hill (IN)
Hill (MT)
Hilliard
Hinchey

Hinojosa
Hoeffel
Holden
Holt
Hooley
Hostettler
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
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McCarthy (MO)
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McDermott
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McIntosh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
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Moran (VA)
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Obey
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Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Quinn
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Rangel
Reyes
Rivers
Rodriguez
Roemer
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Sanchez
Sanders
Sandlin
Sanford
Sawyer
Schaffer
Schakowsky
Scott
Sensenbrenner
Shays
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—6

Camp
Cox
Gutierrez
Jefferson
Rush
Scarborough

□ 1418

Messrs. BLUMENAUER, WATT of North Carolina, and PASTOR, and Ms. WOOLSEY and Ms. MCKINNEY changed their vote from "yea" to "nay."

Mr. JONES of North Carolina and Mr. COBURN changed their vote from "nay" to "yea."

Mr. BEREUTER changed his vote from "present" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

STUDENT RESULTS ACT OF 1999

Ms. PRYCE of Ohio. Madam Speaker, by the direction of the Committee on Rules, I call up House Resolution 336 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 336

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2) to send more dollars to the classroom and for certain other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed 90 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce. After general debate the bill shall be considered for amendment under the five-minute rule for a period not to exceed six hours. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII and except pro forma amendments for the purpose of debate. Each amendment so printed may be offered only by the Member who caused it to be printed or his designee and shall be considered as read. The amendment numbered 5 shall not be subject to amendment and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mrs. EMERSON). The gentlewoman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Madam Speaker, for the purpose of debate only, I yield 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Madam Speaker, House Resolution 336 is a modified, open rule that provides for consideration of H.R. 2, the Student Results Act. The legislation authorizes Title I of the Elementary and Secondary Education Act, as well as a number of other programs, which assist some of our Nation's neediest students.

Over the years, educational programs for the disadvantaged have failed to accomplish their core mission: closing the achievement gap between wealthy and poor students. And while the Title I program has its faults, its shortcomings have not led us to abandon it. We believe that through thoughtful, common sense reforms in Title I, we can make some real progress for children and achieve the results we have been striving for for more than 30 years.

The Students Results Act improves upon the existing Title I program not only by increasing our investment in education, but also providing for greater accountability, more parental involvement, well-trained teachers and local flexibility to implement school reforms that work. I, for one, am looking forward to today's debate, because it is not about who can spend more money; we are increasing Title I funding in this bill. Instead, it is about new ideas and having the courage to admit some failures and move in a new direction.

Under the rule, the House will have 90 minutes to engage in general debate, which will be equally divided and controlled by the chairman and ranking member of the Committee on Education and the Workforce. Let me take this opportunity to congratulate the gentleman from Pennsylvania (Mr. GOODLING), the chairman of the Committee on Education and the Workforce, for his hard work and determination through a lengthy markup process to put this bipartisan legislation together. His committee reported it by a vote of 42-to-6.

It is always great to have bipartisan agreement on an issue as crucial to our Nation's future as education. The bill has earned even the administration's support. Still, some of our colleagues would like a chance to amend it. Therefore, the Committee on Rules has provided for an open amendment process.

Under this rule, any Member who wishes to improve upon H.R. 2 may offer any germane amendment, as long as it is preprinted in the CONGRESSIONAL RECORD.

In the case of the manager's amendment numbered 5 in the RECORD, the rule provides that it will not be subject to amendment or to a demand for a division of the question.

To ensure that debate on H.R. 2 is adequate, yet focused, the rule provides for a reasonable time cap of 6 hours during which amendments may be considered. Overall, the House will have almost 9 hours to debate the provisions of and changes to the Students Results Act, which should be more than ample time, given the bill's widespread support.

To further facilitate consideration of H.R. 2, the rule allows the Chair to postpone votes and reduce voting time to 5 minutes on a postponed question, as long as it is followed by a 15-minute vote. After the bill is considered for amendment, the rule provides for another chance to make changes to the bill through the customary motion to recommit, with or without instructions.

Madam Speaker, Title I is the anchor of the Elementary and Secondary Education Act and it is the largest Federal and elementary education program.

□ 1430

Since its creation in 1965, taxpayers have provided over $120 billion in funding to teach disadvantaged children.

The initial investment in title I back in 1965 was $960 million, which grew to $7.7 billion by 1999. H.R. 2 continues our commitment to disadvantaged kids by authorizing more than $8 billion for title I next year, but we are not just throwing more money at education and claiming victory. We know that more dollars will not automatically translate into smarter kids. H.R. 2 strengthens academic performance by holding all States, school districts and individual schools accountable for ensuring that their students meet high academic standards.

One incentive to produce results will come through the promise of cash rewards to title I schools that close the achievement gap between students.

The success or failure of title I schools will be documented in annual report cards that will be distributed to parents and communities; and when schools fail to show improvement parents will be given the opportunity to take their children out of failing schools and enroll them in other public or charter schools. It is simply unfair to trap children in schools where they cannot learn so we give them a bit of freedom, including money for transportation to a new school through this legislation.

The Student Results Act also recognizes that good results cannot be gotten without well-trained teachers. Good teachers are our best chance to help our children succeed. H.R. 2 ensures that all newly hired teachers funded by title I dollars are fully qualified by raising the standard for teachers' aides.

Under the bill, teaching assistants will need to have 2 or more years of college education or an associates degree. Local communities will have greater flexibility to ensure their Federal dollars are meeting the real needs of their student population. For example, local education agencies will be able to combine and commingle Federal funds to address the needs of small rural school districts or the needs of Indian children.

These are just a few of the reforms the Student Results Act will make to move our Federal education policy toward the principle of accountability, quality teaching, and local control.

There are also a number of other programs authorized in this legislation, including migrant education; neglected and delinquent youth; magnet school assistance; Native American, Hawaiian and Alaskan programs; gifted and talented students; rural education; and the Stewart B. McKinney Homeless Assistance program.

The reforms made in these programs through H.R. 2 will move us away from the Washington-knows-best model of the past to a policy that equips parents, communities, and schools with the resources, authority, and accountability to ensure that every uniquely talented child has the opportunity to succeed.

Madam Speaker, I encourage my colleagues to join in today's debate about the future of our children and our Nation by supporting this fair rule that will provide for a full debate on a key component of our Federal education policy. I urge a yes vote on both the rule and the Student Results Act.

Madam Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I yield myself such time as I may consume, and I thank my good friend, the gentlewoman from Ohio (Ms. PRYCE), for yielding me the time.

Madam Speaker, House Resolution 336 provides for the consideration of the underlying bill H.R. 2, the Student Results Act. This is a modified open rule which limits debate on amendments to the bill to 6 hours. This means the clock may run out on amendments which Members have prepared and which deserve to be heard.

Madam Speaker, it is not as though the House has considered such a plethora of landmark legislation that we do not have a little extra time to discuss and debate how best we give our children a quality education, but the rule inhibits that debate. Last night in the Committee on Rules a motion was offered for an open rule with no limitation on time, but it was rejected.

The rule also depends on a preprinting requirement which further works to limit the exchange of ideas. These are defects in this rule which should not go unnoticed. At the same time, I should point out the rule expressly includes the opportunity for a very important amendment offered by the gentlewoman from Hawaii (Mrs. MINK) and numerous other colleagues who share my very deep concern with the issue of gender equity.

Since 1974, the Women's Educational Equity Act has provided teachers, administrators, and parents with the resources, materials, and tools to combat inequitable educational practices. The act trains teachers to treat girls and boys fairly in the classroom, and allows the training of teachers to encourage girls to pursue the careers and higher-education degrees in science, engineering, and technology, careers they very well may want but are actually discouraged from pursuing.

The act also funds the Center for Women's Educational Programming, which conducts vital research on effective approaches to closing the gender gap in education, as well as developing curriculum and model programs to ensure that these effective approaches are implemented.

From its inception, this act has funded over 700 programs while requests for information and assistance continue to grow. From February to August of this year, the Resource Center received over 750 requests for technical assistance, and that is a lot of requests for a country that presumes it has reached gender equity, as my colleagues on the other side of the aisle would have us believe.

The question today is not, What needs does it meet? It is obvious that it meets the important gender equity needs of our public education system. And the question before us today is why should we reauthorize the Women's Educational Equity Act? The majority would have us believe that we should not reauthorize it. They argue that gender equity has been accomplished and gender inequity or discrimination in the classroom is a thing of the past or does not exist, but this is not the case.

According to a recent report conducted by the American Association of University Women, women are close to 50 percent of America's population. Yet they earn only 7 percent of the engineering degrees and 36 percent of the math degrees. Women are only 3 percent of CEOs at Fortune 500 companies, but in the face of such statistics the majority considers gender equity programs no longer useful. They would rather ignore these statistics and allow girls' educational needs to be neglected. They would rather we eliminate a current long-standing program that ensures fairness and equal opportunities in our classrooms that would ultimately undermine our commitment to title IX, which has been so helpful to young women in this society.

Madam Speaker, I urge my colleagues to vote in support of the Mink/Woolsey/Sanchez/Morella amendment to the Student Results Act. This amendment will reauthorize the Women's Equity Act and reaffirm our commitment to gender equity. The importance is as important today as it was in 1974. To this very day, guidance counselors are advising young women away from the careers that they would like to have, careers in science and math, and urging them to go into five fields which have generally over the years been delegated only to women.

We cannot afford to waste that brain power in the United States, Madam Speaker; and those of us who are the mothers and grandmothers of young women insist that they be given equal opportunity to achieve everything that they want to achieve. So I want to urge my colleagues, please do not slam the door to gender equity on America's girls, just as they are starting to walk through it. The gender equity provision being left out is a glaring omission in a bill which otherwise has many meritorious provisions.

Madam Speaker, I reserve the balance of my time.

Ms. PRYCE of Ohio. Madam Speaker, I am very pleased to yield such time as he may consume to the gentleman from California (Mr. DREIER), the very distinguished chairman of the Committee on Rules.

Mr. DREIER. Madam Speaker, I thank my friend, the gentlewoman from Ohio (Ms. PRYCE), for yielding me this time.

Madam Speaker, I rise in strong support of this very fair and balanced modified open rule. Improving public education, when we put together the list of priorities that we wanted to address in the 106th Congress, was number one. We went through the issues of providing tax relief to working families, rebuilding our defense capabilities, saving Social Security and Medicare; but when we began that list, we had improving public education up there because we know that if our Nation is going to remain competitive globally we have to do what we can to bring about that kind of improvement.

We moved forward earlier in this Congress by passing the Education Flexibility Act, and I am very pleased that the President agreed to sign that measure. It took a little while to get him there, but I am very pleased that he did. This legislation is similar in that it enjoys bipartisan support, and I hope it will gain the President's signature also.

The public education improvement bill is based on four very simple basic and easily understandable principles: quality, accountability, public school choice, which is very important, and flexibility.

The bill will improve educational opportunities available for children that already face the many challenges that accompany poverty in this country. It is simply not acceptable that the public education system is failing our Nation's disadvantaged children. It is clearly time to shift our focus to a results-based education system. For the sake of the children, we cannot accept anything less than the best. We need clear improvements in academic achievement at the local and the State level.

As we focus on actual results, we need to reward progress. This legislation will allow States to reward the schools that are successful at closing the achievement gap between children of different income levels. We are moving in the right direction on education; and, again, it is good that we are enjoying bipartisan support in that quest.

We are investing in quality public schools, and we are demanding real results. We are showing that Congress is committed to success, but we are giving State and local leaders the flexibility to develop the solutions. Most important, we are relying on parents, teachers, and principals to make good choices because we trust them to do what is best for our Nation's young people. This is a very, very good piece of legislation. I know that we are going to be dealing with several amendments on it; but when we finally get through with it, I hope we will have a very strong, overwhelming vote and that we will be able to again get a presidential signature on it.

Ms. SLAUGHTER. Madam Speaker, I yield 3 minutes to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Madam Speaker, I rise today in opposition to H.R. 2, the so-called Student Results Act. What this really is is an attempt to block access to educational services for certain groups of this country. As we all know, title I serves as the cornerstone of Federal support for students most at risk of low educational achievement. Included in this profile for serving at risk students are limited English proficiency youngsters.

During the last reauthorization of the Elementary and Secondary Education Act, it was decided that the limited English proficiency students were entitled to educational services under the same basis that other children receive under title I; and I repeat, they are entitled to the same basis of education under title I.

All of a sudden now we have a different provision in H.R. 2 that will essentially deny access for millions of limited English proficiency youngsters in title I educational services. The schools in my district and throughout the State of Texas and this country are committed to providing limited English proficiency youngsters with the necessary language support services to ensure that limited English proficiency students achieve high academic standards.

The language in the legislation as it stands now would prohibit schools in my district and throughout the country from providing this necessary language support services for students until the parent provides consent. Why are we picking only on this particular group? Why do we not have, for example, the disabled ask for consent? Why do we not have Anglo children have to get their parents to get an okay? We do not have that. We have decided to pick on limited English proficiency youngsters. As we move forward, in terms of students, we have to look at them as a whole. It is simply ridiculous to think that by singling out the limited English proficiency youngsters to say that it is fair, it is not.

It is discriminatory. It is discriminatory unless it is applied to every single child. If we look at the language the way it is written, it is very obvious that anyone could see that those youngsters are being picked on.

If we want to talk about parental involvement, then I am ready to support parental involvement. I am ready to require that parents need to show up in the classroom. I am ready to make sure that we have those programs to get them involved.

□ 1445

But for them to be the only ones within this particular piece of legislation, for them to be required to have to come up and sign for parental consent, it is unfair, and it is discriminatory.

I would like to urge my colleagues to think long and hard about supporting legislation that picks on children. Plus this legislation raises serious questions about the whole issue in terms of how we are denying access of these educational opportunities to these individuals.

As far as I am concerned, the parental consent provision on Title I violates the Civil Rights Act of 1964, and there is no way that we should stand for that. I ask my colleagues to seriously consider voting no.

Ms. SLAUGHTER. Madam Speaker, I yield 3 minutes to the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Madam Speaker, I never thought the time would come again when I would have to come to the floor and speak out against any changes in gender equity for our women and for our girls. Each of my colleagues has women and girls in their family, and we must continue to be sure that they receive the equity that they deserve.

So I rise in support of efforts being made today, particularly the Woolsey-Sanchez-Morella amendment, an amendment which is coming up pretty soon, to reauthorize the Women's Educational Equity Act.

Because of our far-reaching legislative efforts to ensure gender equity, America is much more equal today and more educated, and it is a more prosperous Nation. But to be sure, we cannot relax any of our efforts as long as we are leaning toward equity. To be sure, much has been accomplished, but there is still a gender gap in America's schools, and we cannot afford that to happen.

The changing Nation that we live in today, and it is constantly changing as we enter the new millennium, demands a more gender-fair education, not a less one. It is even more important now than it was years ago to be sure to prepare our women to enter the new century.

Prior to the enactment of the Women's Educational Equity Act in 1974, only 18 percent of women had completed 4 or more years of college compared to 26 percent of all men. Though America is far more equal since the enactment of the Women's Educational

Equity Act, it is not equal. Because it is not equal, we must continue our efforts.

Despite many gains women have made toward equal education attainment and our accompanying gains in the labor force, our earnings are only 80 percent of the earnings of our male counterparts. What do my colleagues think led to that? What led to that was that the educational efforts have been improved, but our salaries have not.

If America is to be her true creed and to her level best, we must continue the work we have begun to eradicate discrimination based on gender. Discrimination anywhere, Madam Speaker, whether it is based on gender, whether it is based on race, whatever it is based upon is unequal, and it is not good for our wonderful country of America.

Yes, there have been peaks and valleys in this process, but we cannot ignore the fact that inequality and discrimination still remain in the fabric of our lives even as we close out this century.

Madam Speaker, we want to be sure to support every facet of the Women's Educational Equity Act as well as the Woolsey amendment.

Ms. SLAUGHTER. Madam Speaker, I yield 3 minutes to the gentleman from Tennessee (Mr. CLEMENT).

Mr. CLEMENT. Madam Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER) who does such a wonderful job representing our interests, like the gentleman from Missouri (Mr. CLAY).

I know on this particular issue I want to brag on the Republicans, too. It appears like we do have something that we can agree on. This year has not been the most productive year I have been in Congress. But I will say to my colleagues that, if we can rally around the flag and do something for education, that is important for all of us. Because I stand before my colleagues as a former college president for 4½ years prior to being elected to the United States Congress. I am also cochair of the House Education Caucus with the gentleman from Missouri (Mr. BLUNT).

I stand in strong support of the rule and in strong support of H.R. 2 and our Nation's public schools.

I place a high priority on Title I programs and improving our schools. Quite simply, H.R. 2 is a good, sound bill that emphasizes and builds on what we know works. It expands public school choice, improves the quality of instruction in Title I classrooms, and drastically improves the accountability measures in these programs.

It continues the targeting of Title I resources to the schools with the highest poverty level and adds a new focus to include State, school district, and school report cards to help parents and States monitor student achievement. Strengthening the quality of instruction provided in the classroom is essential in achieving results for all students. In addition, all students and their teachers should be held to high standards. We cannot afford to let any of our schools or students fall through the cracks.

Madam Speaker, I have four very intelligent students visiting Washington, D.C. just this week to participate in the Voices Against Violence conference. They are shining examples of the best of what our schools can produce.

I urge my colleagues to support H.R. 2, to continue to provide these students and their peers with the programs and opportunities they need to be the leaders in their schools and communities.

I am pleased that the gentleman from Indiana (Mr. ROEMER) has been very active as well, and has offered a lot of new initiatives and new programs in order to move this country forward.

Education is the best, cheapest, and fastest way to keep and retain a strong middle class in America. Support H.R. 2.

Ms. SLAUGHTER. Madam Speaker, I yield 5 minutes to the gentleman from New York (Mr. OWENS), an expert in education.

Mr. OWENS. Madam Speaker, I rise in protest of a rule which limits the debate on the most important education bill that we will have in the next 3 or 4 years. This is a reauthorization of Title I, which is the core of the Elementary and Secondary Education Assistance Act. They have chosen to break up the Elementary and Secondary Education Assistance Act in small parts. But this is the part that is most important.

Why do we have to have a limited debate if we are not busy doing many other constructive things here? Why cannot we have an open debate and let every Member have a chance to speak who wants to speak? I think that this is an issue that probably every Member of Congress should go on record on.

The American people have made it quite clear that they think education is of utmost importance. Recent polls have just continued to reaffirm what the old polls have been showing us for years. The ABC News and Washington Post poll, which was released on September 5, 1999, said that improving education was the top issue when people were asked to list 15 issues of great importance. Improving education was listed by 79 percent as number one; handling the economy was 74 percent; managing the budget, 74 percent; handling crime, 71 percent; Social Security was 68 percent, in fifth place compared to education.

Education, in the minds of the public, both the Republicans and Democrats and Independents, clearly they see with their common-sense vision that this is the most important issue right now that we should be addressing.

They do not make an issue out of whether the Federal Government should do it or the State government or the city government. In their common-sense wisdom, they understand that all levels of government are involved already. They probably understand that local governments and State governments have the greatest responsibilities and contribute the greatest amount of money, but they want the Federal Government to be involved still.

They said also that, among the education priorities—this is the National Public Radio, Kaiser Family Foundation, Kennedy School of Government survey, which was conducted September 7, 1999—they said that among the education priorities within that category, fixing rundown schools is number one. Ninety-two percent said that we should fix rundown schools first; reducing class sizes was number two, 86 percent; placing more computers in the classroom, 81 percent.

My colleagues know that the people have spoken. Why do we only have 6 hours for the amendments and 2 hours for the general debate? Why do we not come and respond to the people? They are saying this is most important. They did not talk about any F-22s, and they did not say we should go search for billions of dollars to keep the F-22s in testing or engineering. They said education is number one. If education is number one, then why not spend all the time we need to discuss it?

There are some basic items which we now must come to grips with. People are still running around saying that the Federal Government is not responsible for education; therefore, the Federal Government should play a limited role; the Federal Government should not get into school construction; the Federal Government should not do this.

We play a limited role, and we want to increase the Federal involvement threefold, fourfold. We still would be playing a limited role. The Federal Government expenditures for education now is about 7 percent. Most of that goes to higher education. If we increased it by up to 25 percent, it is still a 25 percent Federal role, 75 percent State and local government. State and local government clearly are responsible primarily, but why not have more of the Federal role?

All taxes are local. They begin at the local level. The taxes that come to Washington come from local areas. We manufacture money in the mint here, but that money represents the wealth that has come up from the States.

So my plea on the rule is that it should be an open rule that really gives all the time necessary. Every Member was allowed to speak, I remember, when we had the debate on the Gulf

War. It was a matter of war and peace, and they felt we should all be able to express ourselves.

This is a matter of the peace for the future. The key to the peace for the future is education, starting with education in America. We are ahead of everybody else. We should stay ahead of everybody else. But we need a great pool of well-educated people. That pool is going to have to come from the poorest people.

The middle-class sons and daughters are already committed. They are going to be the doctors and lawyers and Wall Street bankers. They are not going to be information technology workers. They are not going to be the people who do the sheet metal work. I went to the sheet metal work training center, and they have more computers in the sheet metal training center than they have in the schools. They now use computers to do the sheet metal work.

Everything is driven by computers, and they need people who have a basic education. The Army and the Navy, they need recruits who have some aptitude for handling high-tech weapons. Everything needs education, and we should spend the time talking about how we, as a Congress, are going to respond to the public's call for more help with education.

Ms. PRYCE of Ohio. Madam Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Madam Speaker, I stand here today in support of this rule. I think it is a very fair rule. For those of us that want to introduce amendments, we have 7 to 8 hours to be able to improve this base bill.

One of the things I would like us to take a look at that we have sort of forgotten over the last years is that, in 1996, we had an immigration reform bill, and there was a very heated discussion on this floor about the issue of should the Federal Government, should Congress mandate that local school districts had to educate illegal aliens, not the children of illegal aliens, but illegals.

I think we came to a consensus one way or the other, some did not agree, that this was important enough to the national well-being to require that all school districts have to provide education to those who are in this country, legal or illegal.

Now, I am going to introduce an amendment that will revisit that issue because I think it is only appropriate that, in a city that we say that we want the poor, we want the needy, we want the disadvantaged to have equal access, we also need to say that those working-class communities should have equal access to their tax money, and that the Federal Government should not be requiring the education of illegals at the disadvantage of the legal residents in those school districts.

☐ 1500

So all my amendment is going to say is, just as we recognize the Federal impact on local schools when the military goes into an area and requires education of military children, we also are going to now finally recognize the Federal impact on local school districts when we basically have illegal immigrants in the school districts and are requiring them to be educated.

So what I am talking about right now, Madam Speaker, is the fact that it is time that Washington starts paying for the unfunded mandate that we clarified in 1996. And let me point out that that unfunded mandate does not impact the rich, powerful districts. It impacts disproportionately the poor working-class districts of color. This is an issue of fairness, that those who have the least are being required to pay the most for this problem, and it is time for us to address that.

So I ask my colleagues on both sides of the aisle not to walk away from this issue. We made lofty statements and made a decision that we were going to mandate this service. Now it is time that we revisit it and say let us back up our kind words with dollars and cents and let us send the reimbursement to those working-class neighborhoods across America that are being asked to bear the burden of our mandate. I think we not only have a right to start paying for this expense, Madam Speaker, we have a responsibility to start paying our fair share.

Ms. SLAUGHTER. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. PRYCE of Ohio. Madam Speaker, I yield myself the balance of my time and, in closing, I would remind my colleagues this rule provides for consideration of a bipartisan bill through an open amendment process. Any Member may offer any germane amendment as long as it is preprinted in the CONGRESSIONAL RECORD. The rule does impose a 6-hour time limit on the consideration of amendments; but, overall, the House will have almost 9 hours to debate the Student Results Act and propose changes to it. On top of the 4-day markup held by the Committee on Education and the Workforce, 9 hours of debate on the House floor is wholly adequate.

Madam Speaker, with the passage of this rule, the House will embark on a very important debate over Federal education policy. Today, we are not squabbling about money, we are talking about kids and the tremendous investment that we are making in them. Let us make sure that that investment pays off and our success is measured by the academic performance of students in schools. Where there is failure, let us expose it and be bold enough to try something new. Where there is success, let us reward it and strive to repeat it. And in all of this, let us remember that the best interests of the children must always be paramount.

Madam Speaker, I hope my colleagues will join me in supporting this fair rule so that we can move on to debate legislation that represents the single largest component of our effort to improve elementary and secondary education. I urge a "yes" vote on the rule and the Student Results Act.

Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Pursuant to House Resolution 336 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2.

☐ 1504

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2) to send more dollars to the classroom and for certain other purposes, with Mrs. EMERSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from Missouri (Mr. CLAY) each will control 45 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, today the House will consider H.R. 2, the Student Results Act, and the major focus of this bill is to reauthorize but, above all, improve title I, which is the single largest Federal grant program for helping educate disadvantaged students.

The bill includes a number of other programs targeted at disadvantaged students, including Indian education, gifted and talented, magnet schools, rural education and homeless education; and I am especially pleased that H.R. 2 also includes key changes to the migrant education program for which I have fought long and hard over the years.

This bill has broad bipartisan support. It was reported from our committee by a vote of 42 to 6, and I would like to thank the full committee ranking member, the gentleman from Missouri (Mr. CLAY); the subcommittee member, the gentleman from Michigan (Mr. KILDEE); and the gentleman from California (Mr. GEORGE MILLER), above all; and many others for their key contributions to putting this legislation together.

The Student Results Act was put together with four overarching principles in mind: quality, accountability, choice, and flexibility. And let me review briefly how each of these has been embedded throughout H.R. 2.

The notion of focusing Federal education programs and quality has been my mission since joining Congress some 25 years ago. Coming here as a superintendent and as a school board president, I knew Head Start was not working, and I knew how to fix it. I knew chapter 1 was not working, which became title I, and I knew how to fix it. But I could not do anything about it. It was so obvious. And I am so happy that, finally, when we reauthorized Head Start, not the last time but the time before, it was the first time we talked about quality. And the last time we reauthorized it, we really talked about quality; and I thank Secretary Shalala because she shut down 100 dysfunctional Head Start programs. I could not get my people to do that when they were down there. So, finally, we are talking about quality.

We have to do the same thing with title I, because it is obvious, all the studies have indicated, that we are not helping disadvantaged youngsters close the academic gap between disadvantaged and nondisadvantaged. So we have to do something to make sure that we do that.

So let me start with the issue of quality, the most important issue facing us today. One of the most distressing features of the title I program for too. long and in too many places was that it became a jobs program rather than a program to try to change the disadvantaged to become advantaged academically. So we have dealt with that issue.

And we now have, for instance, over 75,000 teacher aides. Big news. All they had to do was have a GED 2 years after they got the job. Somehow or other, unfortunately, they were teaching reading and they were teaching mathematics, many times without the supervision of a qualified teacher. And these youngsters need the most qualified teachers we can possibly find in order to help them.

So we are freezing the number of teacher aides that they can hire, and we are telling them there are a lot of things they have to do in order to make sure that they continue as teacher aides. Now, my side, some of my Members, do not like that. They say we are telling local districts what to do. Well, it is Federal tax dollars, 100 percent. The program has failed, and we simply cannot fail these youngsters any longer. We cannot have 50 percent of our children in this country in a failing mode.

The Student Results Act includes a lot of other quality issues. One is that they can use some of their new money to reward those who are doing well. The most devastating letter that I got was from one of the largest lobbying groups that deals with these disadvantaged youngsters. And in there they indicate to not reward anybody for doing well, just give them the money and they will continue doing poorly, not giving these children an opportunity for anything that every other child has an opportunity to receive. That is pretty disheartening to get that kind of thing from one of the largest lobbying groups for these particular youngsters and their parents.

Let me make a couple of very important points about accountability. The bill does not provide for more accountability to the Federal Government. Instead, what we are insisting on is more accountability to parents. We thank the gentleman from California (Mr. GEORGE MILLER) for a lot of the information and a lot of the parts that have been put in here in relationship to the accountability provision.

The Student Results Act says that children attending schools classified as low performing must be given the opportunity to attend a higher quality public school in their area. In other words, if that school is a poor performing school, and designated as such, those parents and those children should be able to escape and go to another school within that school district that is not a poor performing school. And we say that in order to get there, there will have to be some transportation money, and they can use some of this money in order to transport their youngsters to that particular point.

We also do things for those school districts that are small, rural school districts particularly. School districts with less than 1,500 students, which is more than 10 percent of the school districts in America, will be exempted from several formula requirements, giving them the flexibility to target funds in a manner which best suits their needs.

In conclusion, I would ask that we consider this bill in the context of our larger efforts at the Federal level to improve education in this country. We started with EdFlex, which passed the House with an overwhelming majority. We followed up with the Teacher Empowerment Act. Now we are considering title I. Again, I would like to emphasize that 50 percent of the youngsters in this country are not getting a quality education. And if we are going to remain a number one country, we positively cannot continue that. They must be in a position to do well in our 21st century.

So I would hope that we get bipartisan support in passing this legislation.

Madam Chairman, I reserve the balance of my time.

Mr. CLAY. Madam Chairman, I yield myself 5 minutes.

Madam Chairman, next April will mark the 35th anniversary of the Elementary and Secondary Education Act, a flagship great society program that underscored our country's national commitment to help communities improve their public schools.

We have come a long way since the deplorable, segregated, and neglected public schools of yesteryear, but not far enough. Today, too many States and too many communities lack either the political will or the financial resources to ensure that poor children get a good education. Too many poor communities lack fully qualified teachers, safe schools, and access to emerging school technology.

Recent reports show that title I is making strides in increasing student achievement. Ten of 12 urban school districts and five of six States reviewed showed increases in the percentage of students in the highest poverty schools who met district or State standards for proficiency in reading and math. These results should serve to broaden our commitment to increase investment in public schools while strengthening accountability for results.

I support this legislation because it strengthens our commitment to improve educational opportunities for students, regardless of their race, economic status. Or special needs. It targets funds to our most disadvantaged children and schools, it requires States to have rigorous standards and assessments, and it increases the title I authorization to $8.35 billion.

The bill imposes strong sanctions for schools who continue to fail after receiving substantial assistance. It also ensures that teachers and teacher aides are fully qualified. I am very pleased that we will include title VII, bilingual education, as part of the manager's amendment, and I commend the gentleman from California (Mr. MARTINEZ), the gentleman from Texas (Mr. HINOJOSA), and the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) on our committee who helped forge a compromise on this critical program.

Madam Chairman, H.R. 2 clearly prohibits the use of title I funds for private school vouchers. The proposal to allow vouchers was overwhelmingly rejected by our committee members.

The bill is not a perfect bill, however. There are some provisions that undermine programs for women's equity in education, that repeal the Women's Educational Equity Act, that eliminate the provision that trains teachers to eliminate gender bias in the classroom, and terminates dropout prevention programs for pregnant and parenting teens. The gentlewoman from Hawaii (Mrs. MINK) and the gentlewoman from California (Ms. WOOLSEY) have prepared amendments to restore these provisions, and I hope that this body will vote in favor of them.

Madam Chairman, I want to thank the subcommittee ranking member, the gentleman from Michigan (Mr. KILDEE), for his work on this bill and the committee members on our side, each of whom made important contributions to the bill. I also want to thank the chairman of the committee, the gentleman from Pennsylvania (Mr. GOODLING), and the subcommittee chairman, the gentleman from Delaware (Mr. CASTLE), for working with us in a bipartisan manner.

□ 1515

I urge support of H.R. 2.

Madam Chairman, I reserve the balance of my time.

Mr. GOODLING. Madam Chairman, I yield 6 minutes to the gentleman from Wisconsin (Mr. PETRI) a member of our committee.

Mr. GOODLING. Madam Chairman, will the gentleman yield?

Mr. PETRI. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Madam Chairman, I just wanted to indicate that we want to make sure that all the school districts know that the next time we test them, they have to test all children. We do not want any of this nonsense of pulling people out to show that they have improved. The Department is now investigating that issue, as a matter of fact.

Mr. PETRI. Madam Chairman, I rise in support of this bill. It is a great credit to our chairman, the gentleman from Pennsylvania (Mr. GOODLING); our ranking member, the gentleman from Missouri (Mr. CLAY); the subcommittee chairman, the gentleman from Delaware (Mr. CASTLE); and, of course, the gentleman from Michigan (Mr. KILDEE). It is a great tribute to all of them that the bill passed our committee with an overwhelming vote of 42–6.

The Student Results Act was put together with four principles in mind: Quality, accountability, choice, and flexibility. It contains several noteworthy provisions.

For the first time, it encourages public school choice, at least in those situations that cry out for it most. The public school choice provision is a simple concept. Children should not be forced to attend failing schools.

One of the problems in education today is that some students, especially many of those participating in Title I programs, are trapped in substandard schools without a way out. The bill allows children attending schools classified consistently as low performing to be given the opportunity to attend a higher quality public school in the area. And if there is no such school in the area, then the school district is authorized to work out a school choice program with another school or schools in a neighboring school district.

Surely, if we cannot fix our worst schools, we should give their students a way out, at least to a better school. Failure to do that is completely unfair to those children and robs our Nation of the contributions they could make if their talents were better developed.

Although Title I has traditionally tried to engage parents in the education of their children through measures such as parental compacts and formal parental involvement policies, I am pleased to note that there are new provisions in H.R. 2 that attempt to address this issue better.

A significant parental empowerment provision is the annual State academic reports on schools and the school district reports. Through these report cards and annual State reports, H.R. 2 makes available to parents information on the academic quality of Title I schools.

Among other things, such information would include test scores at the school as compared to other Title I schools in the district.

H.R. 2 would also require school districts to make available upon request information regarding the qualifications of the Title I student's classroom teachers, including such information as whether the teacher has met State qualifications and licensing criteria for the grade levels and subject areas in which he or she provides instruction.

In an effort to provide a higher caliber of teachers, H.R. 2 also places a freeze on the number of teacher aides that can be hired with Title I funds. For those aides employed with such funds, the bill increases the minimum qualifications that must be met by all teacher aides within 3 years.

Finally, the bill attempts to reward excellence by giving States the option of setting aside up to 30 percent of all new Title I funding to provide cash rewards to schools that make substantial progress in closing achievement gaps between students.

Madam Chairman, when it comes down to it, this is what we are attempting to do. Not only must we improve all our schools, it is especially vital to close the achievement gaps between them and to find ways for low-income students to have equal access to high-quality education.

This bill makes positive steps in that direction; and, therefore, I am pleased to support it.

Mr. CLAY. Madam Chairman, I yield 5 minutes to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Madam Chairman, I thank the ranking member for yielding me the time.

Madam Chairman, since last spring, our staffs have been working on the reauthorization of this bill. I am pleased that we have finally been able to put forth the reauthorization proposal that establishes a strong foundation for student achievement as we enter the 21st century. During these negotiations, I believe that we have created a balance between the priorities of both parties. Several of the bill's provisions are worthy of mention.

With regard to Title I, the amendment maintains and preserves many of the core advances that the last reauthorization of ESEA in 1994 instituted. Preserved are the requirements for State education reform, based on challenging standards and aligned assessments. Preserved are Title I's targeting of resources to high poverty school districts and schools.

Most importantly, I believe, the strong accountability requirements we have maintained and added to Title I are very critical. Among them are disaggregation of data based on at-risk populations, increased teacher quality requirements, and a focus on turning around failing schools through the investment of additional help and resources.

We can no longer tolerate low-performing schools that place the education of our children at risk. This means that States and school districts will need to provide substantive intervention to help the students of low-performing schools reach high standards.

If schools are still failing after substantive intervention and assistance, then consequences must and should exist. This bill will accomplish this feat.

I will also be supporting the Mink-Morella-Woolsey-Sanchez amendment to restore the Women's Education Equity Act, or WEEA. This act plays a critical role in providing leadership in women's issues. For too long, I have seen the inequities that exist between the genders, especially in fields that produce high economic returns: technology, mathematics, and science.

I am troubled that the base legislation does not include this important program. I urge Members on both sides of the aisle to adopt this amendment.

I also want to express my appreciation to the gentleman from Pennsylvania (Chairman GOODLING) and the gentleman from Arizona (Mr. SALMON) for working with me to modify the parental consent provisions of this legislation.

These modifications, which are included in the Goodling manager's amendment, will ensure that limited-English proficient students do not go without educational services. And while this compromise is not perfect, I intend to support it.

I want to thank the ranking gentleman from Missouri (Mr. CLAY), the gentleman from California (Mr. MILLER), the gentleman from Pennsylvania (Chairman GOODLING), and the gentleman from Delaware (Chairman CASTLE) for their hard work on this bill.

Madam Chairman, I yield back the balance of my time.

Mr. GOODLING. Madam Chairman, I yield 2 minutes to the gentleman from Nebraska (Mr. BARRETT), another important member of the committee.

Mr. BARRETT of Nebraska. Madam Chairman, I thank my chairman for yielding me the time.

Madam Chairman, I rise certainly in strong support of H.R. 2 today. This bill's renewed emphasis on accountability, local initiative, and student performance provides a very strong foundation for our Nation's schools as we move into the 21st century.

I am particularly pleased with provisions found in Title VI that address the needs of small, rural schools based on a bill I introduced this past summer, the Rural Education Initiative Act, H.R. 2725.

Over 20 percent of the students in this country attend small, rural schools; and many of these schools, of course, are found in my Nebraska district.

For the most part, these schools offer students excellent educations and many benefits, including small classes, personal attention, strong family and community involvement. However, until now, the Federal formula grant programs have not addressed some of the unique funding needs of these districts because they do not produce enough revenue to carry out the program that the grant is intended to fund.

The rural education initiative in H.R. 2 is completely optional. However, if a school district chooses to participate in exchange for strong accountability, the rural provisions will allow a small rural school district with fewer than 600 students to flex the small amounts that they receive from selected Federal formula grants into a lump sum and then receive a supplemental grant. No school district would receive less than $20,000. And to these very small districts, this can make a huge difference.

The rural education initiative has broad bipartisan support and has been endorsed by over 80 education organizations including the National Education Association and the Association of School Administrators. It does provide a common-sense approach to using Federal dollars in the way that Congress intended, that is, to ensure all students, regardless of their background, have the opportunity to receive a high-quality education.

I encourage support for the program and, of course, for the passage of H.R. 2.

Mr. CLAY. Madam Chairman, I yield 3 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Madam Chairman, I thank the ranking member for yielding me the time.

Madam Chairman, I rise in strong support of H.R. 2. It is a good bill I think we can support with bipartisan effort today. But it can be better. And it can also be made worse.

It can be better by the acceptance, I feel, of some crucial amendments that will be offered later today, one of which will be offered by the gentlewoman from California (Ms. WOOLSEY), the gentlewoman from Hawaii (Mrs. MINK), and the gentlewoman from California (Ms. SANCHEZ) on gender equity issues; one by the gentleman from Indiana (Mr. ROEMER) which will increase the authorization level of this program by $1.5 billion.

But it is also a bill that can be made worse through a variety of amendments that may also be offered, one of which is the portability amendment, which I think given the roughly per capita $600 share that a student receives under Title I funding really does not go that far if it is attached as a voucher or portability type of provision rather than a targeted one.

This week, we had over 350 students from around the country come to our Nation's Capitol to have a serious discussion about school violence. One of the common refrains that I have heard in speaking to a lot of the students which are from western Wisconsin is that we here at the Federal level and the State legislatures have an obligation to ensure that all the students in the country receive a quality education regardless of the wealth of their community, regardless of their own socioeconomic background.

And in essence, in a nutshell, that is what the Elementary and Secondary Education Act was really geared to do over the last 35 years and specifically the Title I funding.

The Federal role in K–12 public education is relatively small, roughly 6 or 7 percent of the total spending that is going on out there, but it is a very important role because of the targeted nature in the limited funds in this bill, roughly $8.3 billion. It is targeted more to the disadvantaged, lower-income students in our school system. And because of that, we are able to leverage the money to get a bigger bang out of the buck.

I am concerned with the directions that some of the amendments will go to as far as vouchers, portability that would dilute that leverage effect on the quality of education.

I certainly hope that after today's debate and the amendment process that we go through and, hopefully, at the conclusion when we receive bipartisan support that we do not take up another measure tomorrow, referred to as "Straight A's" that would effectively blow up everything that we do in essence today by just block-granting all the money back to the States, and we would lose that crucial targeted priority effect that we currently have right now in Title I funding.

But one component of the bill I want to speak on, and I want to commend the gentleman from Nebraska (Mr. BARRETT) in this regard, and that is the rural school initiative. We have got some changes in Title X funding that targets rural schools because of the unique nature that they always face and the challenges that they face, the isolated nature, the difficulty in recruiting teachers and administrators, the difficulty of them to join professional partnerships, consortiums for professional development purposes.

What the rural school initiative will do is add greater flexibility, along with some accountability provisions, to give them more leeway in targeting this money and how best they can use it to get the best results in rural school districts.

So I commend both the chairman and the ranking member for the efforts that they have put into it and the ranking members on the subcommittee that truly believe that this is a good bipartisan bill that, hopefully, at the end of the day, will receive all of our support.

Mr. GOODLING. Madam Chairman, I yield 4 minutes to the gentleman from Georgia (Mr. ISAKSON), our newest member on the committee.

Mr. ISAKSON. Madam Chairman, I thank the chairman for yielding me the time.

Madam Chairman, I would like to also address this House on a point, as a new Member, which I would like to make from the outset. I want to thank the chairman for his time and his dedication to allow all sides to have their way in committee and have their say. I want to thank the gentleman from Missouri (Mr. CLAY) for the amount of time that he put in and the amount that he afforded to all of us, and the gentleman from Delaware (Mr. CASTLE), the subcommittee chairman, and the gentleman from Michigan (Mr. KILDEE) as well.

My purpose in rising to speak on this is because I have had the unique opportunity during the past 2 years in Georgia before I came to Congress to be the recipient of Title I funds as chairman of the State Board of Education to see actually what happened with Title I funds and to see actually what the effect of Federal regulations and lack of flexibility in some cases or lack of direction in others or in some cases too much direction really did.

□ 1530

All of us have been frustrated that this program, which is targeted to the most needy in our country, never seemed to bring about the results that we had hoped for. I think the gentleman from Pennsylvania's efforts and the efforts of the committee in this bill, which I sincerely hope this House will pass in an overwhelming and bipartisan fashion, will bring about results, and I do so for four specific reasons:

Number one, for the first time these funds go to systems and accountability is required in return. For the first time we are going to measure the response of systems in terms of the effectiveness of the use of this money in Title I, our most disadvantaged students.

Number two, one of the most difficult problems in public education in dealing with Title I students is having the transportation necessary sometimes to move those students to the best possible school. Under the leadership of the gentleman from Pennsylvania, the school choice in this bill within the school district itself allows local superintendents to use Title I funds for the transportation of a Title I student out of one school to any other school regardless of the percentage of Title I students in that school. Environment oftentimes can be the main change in a child's attitude and in a child's learning ability, and the leadership of the gentleman from Pennsylvania in providing this is essential.

Third, the reduction from the 50 percent requirement to the 40 percent requirement in terms of percentage of Title I students in order to use funds for a schoolwide project is essential. I found in committee there was a little bit of a lack of understanding about what a schoolwide project is. A schoolwide project is the ability to take Title I funds, merge them with other funds, State, local and in some cases Federal, and use them in a broad-based program in the school that benefits all students. The reason this is important to Title I is as follows, and I want to use some very specific examples.

In our youngest children, in kindergarten and in first grade, basic things like eye-hand coordination and team building programs necessary in the building blocks of learning are essential to involve not only children who are disadvantaged but children who may not fall in that category, because kids learn by example. And a schoolwide program allows money to be merged, money to be enhanced and kids to be put together in that learning experience. A second example is reading. To assume that all money should be targeted in Title I outside of a schoolwide project or with an overwhelmingly high requirement means that you lose the ability to merge those disadvantaged children with more advantaged children in the process of reading. In kindergarten through third grade, the most essential thing we can do in America's schools is improve the reading ability and reading comprehension of our children. This move by widening the ability to use funds and merge them for schoolwide programs and by lowering the threshold from 50 percent to 40 percent is going to ensure that those children most in need of better education also are exposed more to programs that involve those children who are already performing.

I rise to support the chairman, the ranking member and the committee and urge this House to pass the reauthorization of ESEA.

Mr. CLAY. Madam Chairman, I yield 4 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Madam Chairman, I want to thank the gentleman for yielding me this time, and I want to thank him and the gentleman from Pennsylvania for all their work on this legislation. The gentleman from Missouri (Mr. CLAY) and the gentleman from Pennsylvania (Mr. GOODLING) put in a lot of hours as have the gentleman from Delaware (Mr. CASTLE) and the gentleman from Michigan (Mr. KILDEE) who have really carried the bulk of the work around this legislation. But I think we had an opportunity in the markup of this legislation for all members to participate, and I think it was one of our better hours in this committee. I also want to thank the gentleman from Georgia (Mr. ISAKSON) who just spoke because of his willingness to sift through many hours of hearings and also the markup and contribute, I think, a unique perspective to some of the deliberations that we were having about this legislation and the impacts of some of the things that we wanted to do on local districts.

The Federal Government has spent roughly $120 billion over the last three decades funding this program and the results have been mixed. We have closed the gap to some extent between rich and poor, majority and minority students, but the gap remains wide and it remains open. We ought to see in this legislation if in fact we can close that gap, and I think that this legislation has a chance of finishing the job.

In return for our investment over the next 5 years of $40 to $50 billion, we are asking that the States measure the performance of all students and that it set goals of closing the gap of achievement between majority and minority and the rich and poor students; we ask that children be taught by fully qualified teachers; we ask that schools and teachers be recognized and rewarded for their successes in improving student achievement; and that parents be given clear and accurate information about their child's educational progress and about the quality of their schools. And what we ask most of all in this bill is that we educate all children, each and every child, that no child is left behind. This can be done, it has been our rhetoric for 20 years, but it has not been what is happening in the classroom and it has not been what is happening on the ground.

We understand now that all children can learn. We have enough information to fully understand that children from disadvantaged backgrounds can learn as well as children from the suburbs and elsewhere. If we set standards, if we have high expectations of those students, we now know that that kind of success is possible. But we must have those expectations of success and we must have qualified teachers and we must monitor the achievement. It can be done.

Just this last week, we learned that it happened again in the State of Texas where this same kind of decision that we are making here today was made in Texas under the leadership of everybody from Ross Perot to Ann Richards to George W. Bush. We learned last week that in Houston and Fort Worth, the gap was closed between majority and minority students, that in fact the achievement was coming closer together. We have seen it in Kentucky where many schools achieving the highest scores last year in reading and writing were in high poverty schools, in the South Bronx in the KIPP Academy, once again where we ask students to achieve high standards, where we have the expectations that they can achieve and we put them together with qualified teachers and good curriculum, those children in fact throw aside mediocrity, they throw aside the failure and they achieve as our expectations are in this country for all of our children.

I believe that this legislation starts that process on a national scale. I believe that we can have qualified teachers in all classrooms, that we can have these expectations of our young children and they can meet those standards of achievement and we can have rich and poor children, majority and minority children learning at the same rate. But we will have to hold on to these standards as this bill continues to progress. I think we continue to need to provide additional funding and there will be amendments that address that, because one of the things we know about this system is it is, in fact, resource poor. But we will get to that later in the deliberations on this legislation.

I want to thank every member of the committee and especially the committee chair and the ranking member and the subcommittee chair and the ranking member. This was long hours of negotiations, some of which went on until this morning, I guess, over some of this legislation. I want to thank the staff on both sides for all of their effort.

Mr. GOODLING. Madam Chairman, I yield 3 minutes to the gentleman from Texas (Mr. PAUL), another member of our committee.

Mr. PAUL. Madam Chairman, I thank the gentleman for yielding me this time.

Madam Chairman, I rise in opposition to this legislation. I know that the goal of everyone here is to have quality education for everyone in this country. I do not like the approach. The approach has been going on for 30 years with us here in the Congress at the national level controlling and financing education. But the evidence is pretty clear there has been no success. It is really a total failure. Yet the money goes up continuously. This year it is an 8 percent increase for Title I over last year.

In 1963, the Federal Government spent less than $900,000 on education programs. This year, if we add up all the programs, it is over $60 billion. Where is the evidence? The scores keep going down. The violence keeps going up. We cannot keep drugs out of the schools. There is no evidence that our approach to education is working.

I just ask my colleagues to think about whether or not we should continue on this same course. I know the chairman of the committee has made a concerted effort in trying to get more local control over the schools, and I think this is commendable. I think there should be more local control. But I am also convinced that once the money comes from Washington, you really never can deliver the control back to the local authorities. So that we should give it serious thought on whether or not this approach is correct.

Now, I know it is not a very powerful argument, but I might just point out that if Members read carefully the doctrine of enumerated powers, we find that it does not mention that we have the authority, but I concede that we have gotten around that for more than 35 years so we are not likely to reconsider that today. But as far as the practicality goes, we should rethink it.

If we had a tremendous success with our educational system, if everybody was being taken care of, if these $60 billion were really doing the job, if we were not having the violence and the drugs in the school, maybe you could say, well, let us change the Constitution or let me reassess my position. But I think we are on weak grounds if we think we can continue to do this.

There are more mandates in this bill. Even though we like to talk about local control, there are more mandates, and this bill will authorize not only the $8 billion and an 8 percent increase this year, but over the next 5 years there will be an additional $28 billion added to the budget because of this particular piece of legislation.

I ask my colleagues, give it serious thought. This does not deserve passage.

Mr. CLAY. Madam Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Madam Chairman, I thank the gentleman for yielding me this time. I rise as a graduate of and a believer in American public schools to support this legislation. I think there is a broad consensus among the Members of this Congress that a very top priority is that we improve our public schools. Our employers are asking for it, our parents are asking for it, our students and our teachers are asking for it, and I believe this legislation takes an important step in that direction.

I commend the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from Missouri (Mr. CLAY), the gentleman from Delaware (Mr. CASTLE) and the gentleman from Michigan (Mr. KILDEE) for their excellent bipartisan cooperation in bringing this legislation to the floor. I think we should do more, and I hope that before we adjourn for the year, we find it in our agenda to enact the President's class size reduction initiative and put 100,000 qualified teachers in America's classrooms. I hope that we enact for the first time a meaningful Federal program to assist in the construction and reconstruction of our crumbling schools. But I think this legislation is an important step in the right direction.

It is important for what it does, by placing tutors and learning materials and new opportunities in the hands of the children who are least likely to have those opportunities without this law. As the gentleman from Wisconsin (Mr. KIND) said, it is important for what it does not do, because it does not take us down the false promise path of vouchers and the privatization of our public schools. I commend the leaders of our committee for reaching that delicate balance.

I would also like to thank the leaders of the committee for including in this bill two initiatives which I have sponsored and supported, one which attempts to stem the tide of school violence that we have seen in this country by the enactment of peer mediation programs that help young people work out their differences among themselves. I also thank the leadership for their inclusion of an effort that the gentleman from Indiana (Mr. SOUDER) and I have worked on to promote the education of young people in entrepreneurship, so that young people may learn ways that they may build businesses into successes to pay taxes to support our public school system.

I will be offering an amendment later today which attempts to give local educators a new tool to expand the benefits of the ESEA to preschoolers, to 3-, 4- and 5-year-olds who are not yet in kindergarten. There is no rule that says that we should wait until our children are 5 years old before they start to learn. They sure do not wait until they are 5 years old. I believe that my amendment will liberate the resources of this bill to help local school decisionmakers make prekindergarten programs a more viable success in the future.

I would urge my Republican and Democratic colleagues to step forward, show the country that we can act together for the benefit of America's education and pass this bill.

Mr. GOODLING. Madam Chairman, I yield 3 minutes to the gentleman from Texas (Mr. SAM JOHNSON).

Mr. SAM JOHNSON of Texas. Madam Chairman, education is about providing our children with the tools they need to get a good education, like flexibility, accountability and choice. After 30 years and $120 billion, Washington needs to realize it is not how much you spend but what you spend it on that counts.

For too long, we have spent money educating bureaucrats in regulation, red tape and Federal control. But now we are returning control and flexibility to the States while at the same time demanding more accountability for your tax dollars.

□ 1545

I am especially proud that many of the reforms provided in this bill are mirrored after the efforts of my home State of Texas. Under the proven leadership of Governor George Bush, Texas has become the model for school accountability and student achievement. In fact, the 1998 national assessment of education progress recently reported that eighth grade students in Texas scored higher on average than the entire Nation in writing skills.

Madam Chairman, this proves once and for all that giving the States, teachers, and parents greater control over their children's education works. That is what this Congress is doing today.

Mr. CLAY. Madam Chairman, I yield 3½ minutes to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Madam Chairman, I rise, first of all, to commend the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from Delaware (Mr. CASTLE) and my ranking members on the Democrat side, the gentleman from Missouri (Mr. CLAY) and the gentleman from Michigan (Mr. KILDEE), for crafting, I think, very significant and important bipartisan education legislation that will hopefully be signed by the President of the United States into law. That is a difficult task today in Washington.

I also want to talk about three parts of this bill. First of all who, who does this bill help; secondly, what do we do to help those children; and, thirdly, why, why might we need to do more through the amendment process?

First of all: Who?

This is the title I bill for education that is targeted at the children who are most likely to drop out of our Nation's schools and possibly get into trouble, crime-related trouble. This is legislation targeted at children that are eligible for free and reduced lunches that oftentimes get their only hot meal at school. This is targeted at children who are below the poverty line, children that are in families making less than $16,600 per year. That is who we are trying to help. I think it is the most important thing that we can do in a bipartisan way as Members of Congress.

Now what do we do in this legislation? Well, with the majority, some in the majority's help, and with the minority's help I attached an amendment in committee to broaden public school choice to give parents more choice as to where they send their children to school and hopefully not wait until the school fails and hopefully share good ideas. If Indiana has a good idea in public school choice, let us share it with Wisconsin and California.

We have report cards in this legislation to share academic and report academic progress. We have teacher certification by the year 2003. We have school-wide projects.

So, many good things, but it is not enough. What else do we need to do and why?

I will be offering an amendment to increase title I funds by 1.5 billion more dollars. I will offer that as the Roemer-Quinn-Kelly and Etheridge amendment, two Democrats and two Republicans. Why do we need to do that? Because of the strength of this bill. We put a good Republican-Democrat bill together that does require more from para-professionals, that does require more from teachers, that is not fully funded. We need $18 billion more to fully fund this bill to get to every eligible child. Let us make sure we have this bill have the opportunity to work. I ask for bipartisan support for that amendment.

To paraphrase President Kennedy, if not now, when for these poorest children; and if not for the poorest, the most disadvantaged and the most needy, who should we help in this society? Let us pass this bipartisan amendment to increase funding for the most needy, the poorest, and the most disadvantaged children.

Mr. GOODLING. Madam Chairman, I yield 3½ minutes to the distinguished gentlewoman from New Jersey (Mrs. ROUKEMA).

Mrs. ROUKEMA. Madam Chairman, I certainly rise in strong support of this bill, and as a member of the Committee on Education and the Workforce, I was really proud to see that we came together across the aisle on the committee and by a vote of 42 to 6 demonstrating that there is genuine and real evidence that on a bipartisan basis we can do what is right for the American people and for these children, children who are our future, and that is not just silly rhetoric; but we are facing a new millennium. I mean it genuinely. We are doing this for the children who are the future, and I think it is most important for me from my side of the aisle and in something that I have learned over the years, whether I was in the Parent/Teacher Association or a member of the Board of Education or someone on the committee, that we are really focusing on student achievement, because that is what this is all about, and not filling out the right forms and not supporting more red tape and regulation, but making sure that the Government's program, that our dollars are really going for quality programs, academic accountability, and local flexibility.

That is something I believe deeply in, local control and the flexibility.

I think that the most important thing is that we recognize that all States, school districts and schools should be held accountable for ensuring that students are raising their standards of academic accountability. Otherwise, why are we giving out more money into the classrooms? And the reports that will be issued to the parents and the community on student achievement and teacher qualifications, which is another component of this bill, all will be indicators of quality schools.

I think that one of the most important things in the bill to stress again in another way is that we are sending dollars to the classroom and less dollars for bureaucracy, and to state it with precision. Ninety-five percent of the funds in this bill, as prescribed, will go to the classroom and very limited amount for State or local bureaucracies and reporting requirements.

I think the thing that we must understand is that we are basing our instructional practices on the most current and proven research, and we are not using them as incentives for more trendy fads or more experimentation, but we want proven results and proven research to be funded.

Then I guess finally I must say, and I hope that this will prove to be the case in the implementation of this legislation, that parent involvement will be an essential component of this title I legislation. Parents must be notified if their children are failing or if their schools are failing, and so we are including parents.

As a former teacher and a mother, I just want to say, and I think my colleagues know this, but I want to stress it, I am not speaking out of theory here, but I am a former school teacher, a mother of three who went and graduated from public schools and also a school board member, and I know firsthand that State and local school districts will use that flexibility to build better schools and to ensure accountability and higher achievement levels, and I think that is what we owe this country as we face the new millennium.

Mr. CLAY. Madam Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Madam Chairman, I also want to add my congratulations to the chairman and to the ranking members for their good work in putting together a bill that moves us forward on the work that was begun in 1994, the idea of having a bill that gives all students the best chance to have the kind of education that we want our children to have.

This bill focuses on accountability. It allows us to determine the academic progress based on disaggregated information so that we can assure that every student, majority and minority, whether they are rich or they are poor, are getting the kind of improvement and the kind of success that we want them to have in our public educational system. The bill allows for reporting to parents so that they know that the teachers are qualified and that their children are getting the kind of attention that they want, and they get to measure the performance of their schools so they can make decisions about where they send their children.

This would allow us for the first time to define and require fully qualified teachers; and when put together with other legislation this committee has passed this year, it allows us to make sure that we give teachers the kind of support they need to be the very best. We are providing for mentoring; we are providing for good professional development, and that moves the whole system across because the most important thing, of course, is a qualified teacher in every classroom.

We need to know that this bill also authorizes, it brings from a demonstration program to a fully authorized program the comprehensive school reform that allows schools to get sufficient moneys, to look out and see what programs are research based, proven effective, for that school to implement for a curriculum with standards that can be measured that brings in the parents, brings in volunteers, and brings in the kind of work that we need in our schools and gives them the flexibility of putting together a program to lift that entire school from literacy right through to every other subject and focus where they know that school needs the most attention.

This is a bill that is worth supporting but still needs some attention, and we hope that before we wrap this up we will look at passing the bill of the gentleman from Pennsylvania (Mr. FATTAH). I am going to join the gentleman from Pennsylvania in an amendment that will make sure that all of the services the children get are comparable, that they have equal access to quality teachers, curriculum, and learning resources.

With those things done, Madam Chairman, it is a good bill, and we would urge support.

Mr. GOODLING. Madam Chairman, I yield 2½ minutes to the gentleman from Kentucky (Mr. FLETCHER), another new member on the committee.

Mr. FLETCHER. Madam Chairman, I rise to speak in support of the Student Results Act of 1999, the reauthorizations of the Elementary and Secondary Education Act, and certainly laud the gentleman from Pennsylvania (Mr. GOODLING) for all of his work along with the ranking member in this bipartisan effort.

Now the education of our children is one of our greatest responsibilities, and this bill is about children that often are born and know only poverty and failure. It is based on some very important principles, the first being accountability and rewards. For about 34 years we spent $120 billion on programs in title I to help those disadvantaged students, and yet we have not seen the kind of results that we should have seen spending taxpayers' money to that degree. But we have a bill here now that gives that money and holds the students and the teachers, the local education administration, accountable. Certainly it empowers them, but it also has the kind of accountability that we can ensure that those students show improvement like we have seen in many other States.

Flexibility is another important principle here with local control. It allows local teachers, parents, and local education administrators to really use the resources that match the local needs. A one-size-fits all does not work. The needs of my home State differ even within my own district in different counties, and I think this bill gives the kind of flexibility that is needed.

Thirdly, it gives choice. It gives disadvantaged students the choice of public schools; and with this choice, I think it renews hope to those students. As my colleagues know, some schools in some areas, we could put a banner over them and say that all who enter, abandon hope, because they have continued to operate without empowering the students, without showing the students that they can improve, without giving them what they need; and yet this bill gives those students when schools fail to have a choice to go to another school, not to be robbed of hope, but to enter a school where they can be taught and mentored.

It also empowers teachers. It also gives the students the hope of having a mentor or a teacher that is well trained, that is capable, as well as the classroom aides that have the kind of instruction and training that they need.

☐ 1600

I am very glad to stand and speak in support of this bill and the work that the gentleman from Pennsylvania (Mr. GOODLING), the chairman of the committee, has done, and I certainly laud him. I am thankful for the opportunity to work on the committee.

Again, the education of our children is one of our greatest responsibilities. I think this bill moves us in the direction of giving more local control and restoring hope to children.

Mr. CLAY. Madam Chairman, I yield 3½ minutes to the gentleman from New York (Mr. OWENS).

Mr. OWENS. Madam Chairman, I would like to join in the celebration of bipartisanship on this bill. However, I think it is too early to celebrate, and we have to look at the context in which this bill is being offered today. It is being offered in a context where we have already this year passed an Ed-Flex bill which set the stage for giving a great deal of power and decision-making authority to the governors. Tomorrow or next week, we are going to be considering something called a Straight As bill, which is going to wipe out most of what we say today about the Title I concentration on the poorest youngsters in America.

Within this context, we have to consider what we are doing today. When they move today to take the first step as sort of a guerilla, beachhead action, we are going to reduce the concentration required of poverty youngsters in a school from 50 percent to 40 percent, and this bill is just the beginning.

This bill looks like a status quo bill with just a few innovations here and there, and a little increase, but it is setting the stage for something very different. I would certainly be quite happy if we could leave it up to our leadership on the Committee on Education and the Workforce. The people there have the institutional memory, and they have the dedication to education. We could do a great job if we did not have these overriding forces of the majority of the Republicans here who are pushing still to minimize the role of the Federal Government in education. One way or another they are going to do that, and the stage is being set today for the block grant. By reducing the thresholds from 50 percent to 40 percent, that is the first stage, and then the Straight As bill will come along and it will push out the decision-making of the Federal Government to a great degree and hand it over to the States. We are moving toward a block grant rapidly. The Senate, the other body, has a bill which is probably going to lead up to that block grant and move us in a direction that we do not want to go.

I have several amendments that I will introduce later dealing with innovative programs which I think we should undertake at this time. This should not be a status quo bill. At a time when the United States is at peace and with unprecedented prosperity, we should be taking a great leap forward in education. This bill, which is going to be our reauthorization for 5 years, ought to be an omnibus-cyber-civilization education program to guarantee the brain power and leadership that we need in our present and for our expanding and future digitalized economy in a high-tech world.

This Congress should take that step now. At the heart of this kind of an initiative, we should set the important revitalization of the infrastructure of our schools. That is, we should have a major program in this bill. It is germane. It is possible that in this bill we could have a program for school construction. I will be introducing an amendment which calls for a 25 percent increase in the Title I funding for health, safety and security improvements in infrastructure.

I will also introduce an amendment for training paraprofessionals. That is the best source of teachers, and we have a shortage now and one that is going to get worse. The source for new teachers is paraprofessionals. Also, I will offer an amendment for an increase to train and develop staff for technology.

We should not be content with the status quo. We should not accept the leadership outside of the Committee on Education and the Workforce which wants us to do the least possible and to turn over the role and authority of the Federal Government to somebody else. We should push for what the American voters demand, and that is a major innovative, creative approach to the improvement of education.

Mr. GOODLING. Madam Chairman, could I inquire as to the division of time.

The Chairman pro tempore (Mrs. EMERSON). The gentleman from Pennsylvania (Mr. GOODLING) has 17½ minutes remaining, and the gentleman from Missouri (Mr. CLAY) has 19½ minutes remaining.

Mr. CLAY. Madam Chairman, I yield 3 minutes to the gentleman from Tennessee (Mr. FORD).

Mr. FORD. Madam Chairman, I thank my colleague for yielding me this time. I want to congratulate all of the members on the Committee on Education and the Workforce for all of their hard work, certainly the gentleman from Michigan (Mr. KILDEE) and the gentleman from California (Mr. MCKEON) and to all of the chairs and ranking members who worked so hard and diligently to provide us here in the Congress with something that all of us could be proud of and something that all of us could vote for.

Title I, Madam Chairman, as you know, is our Nation's educational safety net. In 1999 and 2000, the State of Tennessee's public schools will receive more than $130 million in Title I funding. These resources play a vital role in helping to keep poor schools or schools with a high percentage of poor students on a fiscal par with wealthy ones. Our responsibility is to ensure that these dollars drive better performance. This bill seeks to do that. This year, the Memphis City school system, which is in my district, received a Title I grant of approximately $27 million. This grant fully funds 114 schools which have a poverty index of at least 70 percent.

Our challenge, as we consider legislation today that would authorize nearly $10 billion in programs for the Nation's low-income students, is to reverse the quality drain in our public schools and prepare every child for the 21st century marketplace. As important as Title I is to my district and State and Nation, Madam Chairman, we must recognize that it is not perfect.

Three principles should guide our deliberations: investment, quality, and accountability. We must acknowledge Title I shortcomings and look to it for the 21st century, but we must resist the extremist impulse to gut the Federal role in support of our neediest students. We must focus our limited Federal education dollars on policies and practices that work to raise teacher achievement and improve teacher quality. Unfortunately, we will consider something very soon, a Straight As proposal that will not quite bring the bipartisanship and the cooperation and really the comity that we see pervading this debate right now, because quite frankly, many of us on this side of the aisle believe that Straight As guts many of the accountability provisions and, quite frankly, does not direct and channel the resources to those students who need it most.

With regard to the reauthorization of this ESEA, what we need to do, it means allowing school districts to establish pre-K education programs; helping to equalize per pupil expenditures across States; providing parents and communities with valuable information about the qualifications of their teachers; training teachers that use technology in Title I schools; providing violence prevention training and early childhood and education programs, and ensuring gender equity.

Madam Chairman, as we proceed with this debate, I believe it is imperative that we understand the direct connection between enhancing Title I and broader goals in our society. When I travel around my district and my State, principals describe for me the importance of providing all children with opportunities early and often. Principals and teachers recognize that if we fail to serve these children, we will see not only low achievement, but higher dropout rates. They know firsthand that this results in higher rates of incarceration and in lower overall levels of productivity.

It is important to note that here in this body and State legislative bodies around the Nation, no one objects when we talk about building new prisons. No one objects to constructing new prison cells. We have an opportunity now to expand opportunities in the classroom. I support my colleagues on the Republican aisle and my colleagues on the Democratic aisle. We are ready to support this bill and move forward.

Mr. GOODLING. Madam Chairman, I yield 3 minutes to the gentleman from Delaware (Mr. CASTLE), a member of the committee.

Mr. CASTLE. Madam Chairman, I rise in strong support of H.R. 2, the Student Results Act, a bill to authorize a number of special population programs under the Elementary and Secondary Education Act. H.R. 2 renews most importantly the Title I program, our Federal commitment to help our most disadvantaged children achieve equal education opportunity.

Since its inception in 1965, Congress has recognized the importance of the Title I program and has sought to strengthen it. Today, the purpose of Title I is to narrow gaps in academic achievement and help all students meet high academic standards. Yet, without clear performance measures and real accountability, Title I will do little to positively impact student achievement.

With the help of the gentleman from Missouri (Mr. CLAY); the gentleman from Michigan (Mr. KILDEE); and the gentleman from Pennsylvania (Mr. GOODLING), the chairman of the committee; a lot of very good steps are included in this bill; and for that we should all be thankful.

H.R. 2 maintains State content and performance standards; and, for the first time, sets a date certain for the implementation of State student performance assessments. These standards and assessments, which were first established during the 1994 reauthorization, which was another positive step for Title I, will help States and local districts and schools measure the academic progress of its students and identify those schools in need of assistance.

H.R. 2 also strengthens existing accountability provisions by requiring States, school districts, and schools to report performance data by separate subgroups of students such as those who are economically disadvantaged and limited-English proficient. By encouraging States to make decisions about academic achievement based on disaggregated data, we eliminate averages, which can mask the shortfalls of certain groups and open the door to improvement for all children. And, in addition, H.R. 2 requires States who choose to participate in the Title I program to widely distribute information on the academic performance to parents and the public through report cards or other means. This change will help parents access the information they need to become a full partner in their child's education.

The Student Results Act also ensures that the nearly 75,000 teachers' aides hired with Title I funds are qualified to provide instruction in reading, language arts, and math. Under current law, many of these aides provide direct instruction to our most disadvantaged students and with a minimum of a high school diploma or GED. We freeze the number of teachers' aides that could be hired with Title I funds; and within 3 years, we require all aides to demonstrate the knowledge and ability to assist with instruction based on a local assessment.

Finally, H.R. 2 ensures that no student will be forced to attend a failing school. Specifically, it requires schools to notify parents of their ability to transfer to another public or charter school as soon as the home school is identified as one in need of school improvement. In addition, the bill makes the existing choice program viable by allowing States, if they so choose, to use Title I funds for transportation.

With new flexibility and new authority to operate school-wide programs, the Student Results Act, when combined with Ed-Flex waivers, makes the Title I program extremely pliable. We challenge all States, school districts, and schools to determine how best to raise the academic standards of all children.

Mr. CLAY. Madam Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. PHELPS).

Mr. PHELPS. Madam Chairman, I want to first commend the chairman and the ranking member for their hard work together in a bipartisan manner to bring to us this important legislation today.

I rise in support of H.R. 2 because it continues to provide the necessary investment in education to the low-income schools that need it the most. At the same time, it ensures that schools must produce results for the assistance they receive.

As a former teacher and the husband of a teacher, I have seen firsthand the benefits investing in our kids can make and how, with quality education, even the poorest of our children can find better opportunities.

I agree that education policy should remain a local issue, and that is why I cosponsored and supported the education flexibility act. But we as a Nation have a responsibility to ensure that no child is left out of the opportunities education provides. That is why I will support this bill because it says that no one will be left behind with substandard education.

Madam Chairman, H.R. 2 focuses this limited Federal role on impoverished students and requires that schools and localities receiving Title I funds are held accountable for student performance. In addition, H.R. 2 ensures that our kids get a quality education with quality instructors. I also cosponsored the rural school initiative that targets the same children and will help us utilize the resources and allow flexibility to reach these same children.

I want to urge my colleagues to remember these children and that we do our best for them and leave no child behind. Vote for H.R. 2.

Mr. GOODLING. Madam Chairman, I yield 4½ minutes to the gentleman from Colorado (Mr. SCHAFFER), another member of the committee.

Mr. SCHAFFER. Madam Chairman, I thank the gentleman for yielding me this time.

Madam Chairman, a couple of comments that I would like to make. As a member of the Committee on Education and the Workforce, I sat through the 3½ days of comment and testimony and debate about the bill before us today, and it is with a certain amount of reluctance that I rise to oppose the bill and urge Members to vote against it.

I do so because I have come to the conclusion, one that I think is easy to reach by reading the bill, that this bill, while it proposes to offer more flexibility to States, it actually does quite the opposite. This bill is loaded with new mandates. It is heavy on prescriptions from the Federal Government. And it does so in a program that over the last 30 years has spent some $120 billion on a program that members of both parties, and in fact, some of the program's strongest advocates have described as a dismal failure.

□ 1615

I would like to read a quote that was issued today describing the bill from former Assistant U.S. Secretary of Education. It says, "The depressing bill on the House floor today suggests that when it comes to Federal education policy it matters not whether or not the Congress is Republican or Democrat. Neither seems to care about the kids. Neither is willing to preserve the status quo. Both are willing to throw good money after bad. This Title I bill is essentially more of the same, which is why the education establishment likes it, why the establishment's cheerleaders in the media have praised it and why it will not do anything good for America's neediest children, though it will continue to pump billions into the pockets of those employed by their failing schools. It perpetuates failed programs, failed reform strategies and a failed conception of the Federal role. To all intents and purposes, Lyndon Johnson is still making Federal education policy, despite 3½ decades of evidence that this approach does not work. A huge opportunity is being wasted. Needy kids are being neglected. The blob is being pacified. States and districts with broken reform strategies are being spurned and the so-called reforms in this package, while not harmful do not amount to a hill of beans. Every important idea for real change has been defeated, though some brave House members are going to try to resuscitate them," and I will end the quote there.

It goes on to talk about tomorrow's debate on Straight A's as an opportunity for real reform and that we should keep our fingers crossed.

The author of that quote, Chester Finn, again a former Assistant U.S. Secretary of Education, is right on the mark, Madam Chairman. We are for accountability. Accountability is a nice topic. It is one that we should be in favor of. This bill takes a bad program, adds $900 million in new authorization and proposes to fix this broken system with new Federal controls, new Federal definitions of quality and new Federal prescriptions for change at the local level.

I submit that it will not work, and we should not have any reasonable expectation that it will work. I do not doubt that it makes us feel good here in Washington. From that perspective, this bill certainly satisfies a certain therapeutic need that we may have because we care about these children, and we want to see the dollars get to their classrooms, and we want to see them progress and improve academically. That is a goal to which we all can agree.

The notion that we here in Washington, D.C. can establish new rules, new regulations, new mandates and expect them to take hold in all 50 States, in tens of thousands of school districts, and make some meaningful improvement is the same failed philosophy that this Congress has pursued for decades. This bill truly is more of the same, and I am afraid to say that.

One of the opportunities that we missed is in full portability. If we really believe that the fairness in education should be measured by the relationship between students, we should allow the dollars that are spent in this bill to follow the students when they try to seek the academic opportunity in the best setting, according to their parents' choice.

Mr. CLAY. Madam Chairman, I yield 2 minutes to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Madam Chairman, I am glad to follow my colleague, the gentleman from Colorado (Mr. SCHAFFER), because obviously I support the bill generally; but I had some concern about the committee mark, and I am told that it has been corrected in dealing with limited English proficient children under title I. The concern I had was a parent would actually have to give permission for their children to be in a bilingual program or even be in title I if they were limited in English proficiency.

I do not have any problem with parents being able to take their children out of a program, but to get that parent's permission before, and the wife that is a schoolteacher, oftentimes they do not have the correct address sometimes and the teachers are the ones that are going to have to follow up on making sure that parent gives that permission; and it is the children who will be in a no-man's land for a period of time. I know the manager's amendment, I think, corrected it where that child will be in that program and if the parent wants to remove them that is fine because it ought to always be the parent's decision.

In fact, that is the way the practice is today because in my own district children say they do not want their children in bilingual, and it is not that difficult to remove them from that if the parent wants it.

The bill overall is very good. In fact, even in the administration statement where it said that in supporting the bill that the House should change or should delete the provisions that would require parental consent for title I services and jeopardize student access to the full title I benefit and opportunities of the high standards and, again, I think the manager amendment has done that and I congratulate both the chairman and the ranking member and the committee for being able to do that, because I have been in every public school in my district. I have watched bilingual programs work, and they do work. Students do not stay in there for their full life. They stay in there typically 2 to 4 years, depending on the students.

Although I have to admit I was in a kindergarten class a few years ago, went to that class in September when they were first bilingual, went back in May and those children were speaking English. I read to them first in September in Spanish, and when I went back in May they were speaking English; and I read them an English book.

So it works. That is what we need to make sure that we continue that.

Mr. GOODLING. Madam Chairman, I yield 4 minutes to the gentleman from Michigan (Mr. HOEKSTRA), another member of the committee, a subcommittee chair.

Mr. HOEKSTRA. Madam Chairman, I thank the chairman, the gentleman from Pennsylvania (Mr. GOODLING), for yielding me this time; and I congratulate him on the pair of bills that he passed out of the subcommittee last week.

I think if we take a look at the bills in context as a pair they are a very positive step forward, and tomorrow I will strongly urge my colleagues to support the Straight A's bill because I really believe that this is the type of program that addresses the needs of our neediest children.

Today, however, we are talking about H.R. 2. H.R. 2 is what I believe is a tinkering around the edges of a program that needs much more radical reform. If we take a look at this program and the results that it has generated over the last 35 years, here are some of what my colleagues on the full committee have said about title I: all of the reports would indicate that we are not doing very well. Another quote, to date, 34 years later, title I, since its inception, we still see a huge gap in the achievement levels between students from poor families and students from nonpoor families.

The message is consistent that title I has not achieved the kinds of results that we want, and that is why we need more significant reform than what we find in this bill. Other quotes, I do not want new money for title I until we fix it. I am not sure there ever was a time when title I was unbroken, but it is certainly broken now.

I know what is currently the law. It is not working. We have failed those students over and over and over again. That is why we need more significant reform than what we have.

Over the last couple of years, we have had the opportunity to travel around the country and also take a look at education programs here in Washington. The project was called Education at a Crossroads. It went to many of these areas where title I is, and what the people at the local level wanted is they did not want more mandates from Washington. What they wanted is more flexibility to serve the needs of their kids. They know the names of their kids. They know the needs of the kids in their classroom, and they said please free us up from the regulations and the mandates and let us serve the needs of our kids.

What we have is, yes, we have reforms but we have a thick bill that is going to impose significantly more mandates on those schools that are going to end up focusing on red tape and meeting the process requirements rather than focusing on the needs of our kids. That is why tomorrow when we talk about Straight A's, that is what represents the type of change that we need, because what it says is, in exchange for accountability, where we measure the results of the learning for each of our kids, which is a huge new mandate on the States, but in exchange for that mandate we give the States and the local education agencies a tremendous amount of flexibility for how they meet the needs of their kids, so we measure performance and we give them flexibility. That is the kind of mirror package that we need to put together.

The Education Department has hundreds of programs and hundreds of mandates. It is why we need reform. It is why we need flexibility with accountability.

I am disappointed I have to oppose this bill, but I look forward tomorrow when we pass the Straight A's bill which will give States and local education agencies the types of flexibility they need to really improve education.

Mr. CLAY. Madam Chairman, I yield 2 minutes to the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK of Hawaii. Madam Chairman, I believe very strongly in the Federal responsibility for public education. As we come to the end of this century, it is extremely heartwarming to me to be told by all sectors of our society that education is the most important responsibility that any level of government has and must assume if we are to fulfill the responsibilities that each of us has been given: the local school boards, the local communities, the parents, the State government, and finally the Federal Government.

I was here in 1965 when Public Law 8910 passed and the first steps by the Federal Government were taken to try to encourage the Nation to do better in public education. After 25 years of debate, the one area that everybody, all of the different sectors of disagreement could come together on, was that the Federal Government at the very least had responsibility for the poor, the disadvantaged, the economically disadvantaged, educationally disadvantaged children of our country.

That is how Public Law 8910 came to pass. It has made tremendous strides. I disparage to hear that people are saying that it has made no difference. It has made tremendous difference, and there are numerous reports that document that. If that were not true, we would not be here today under a new majority leadership of this Congress again talking about the importance of Federal education programs. That is what we are here today under H.R. 2 debating.

Title I has been a success. We in each of our districts are terribly frustrated when we pick up the test results and see the same schools at the bottom of the list, and so we want to do everything we can to help them; but I am not sure that standardizing everything, holding everything into precise measurement, is going to fit in each of our circumstances. So I would hope that we look at this legislation and look at its creative dynamic for us to meet our responsibilities in the next century.

Mr. CLAY. Madam Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. FATTAH).

Mr. FATTAH. Madam Chairman, let me thank my ranking member and his counterpart in my home State, the chairman of the committee. These two gentlemen, along with the former governor, the gentleman from Delaware (Mr. CASTLE), and the gentleman from Michigan (Mr. KILDEE), have done an extraordinary job crafting the legislation that is now before the House, and I am pleased to rise in support of it.

This is a major step forward. It is a bipartisan bill. It responds to the national cry that we focus more on the next generation and their education than perhaps we ordinarily would do.

It is said that the difference between a statesman and a politician is the focus on the next generation versus the next election.

□ 1630

Well, this bill focuses on the next generation in an important way. I want to commend the chairman and the ranking member for their work on this bill and the subcommittee chairs.

I want to say that I want to have the opportunity to offer a couple of amendments that I hope that will improve the bill. I know all who offer amendments are hopeful that we will be able to improve this bill. But the work that has been done should be applauded by this House.

This is a bill that today represents a significant step forward; and, rather than take time out of the general debate to focus on my amendments, I really wanted to just rise and to ask this House to make sure that, at the conclusion, we have a bill that is at least as good that has been presented to us today, because I think this bill is worthy of this House's support.

The amendments that I am going to offer is just going to attempt to even the playing field between Title I students and non-Title I students, between disadvantaged students and those who have a little more advantage in our States.

This is supposedly one Nation under God. We should work through this bill to make sure that each child has an equal opportunity. We say that a lot, but we know that, in each of our States, different children have different sets of opportunities.

The amendments that I am going to offer are going to seek to close those gaps and to make sure that, as the gentleman from Pennsylvania (Chairman GOODLING) said in his opening remarks, that the children who most need to have a qualified teacher have a qualified teacher, and that we have the opportunity in terms of equalizing spending to encourage our States to make sure that they are providing an equal playing field as the Federal Government comes in and hopefully provides a hand up for those who may be starting out in a deficit position.

I would encourage my colleagues to support the Student Results Act, H.R. 2.

Mr. GOODLING. Madam Chairman, I yield 2 minutes to the gentleman from Tennessee (Mr. HILLEARY), a member of the committee.

Mr. HILLEARY. Madam Chairman, I am proud to be before the House today to support H.R. 2. This legislation will take a step in the right direction, without question, to improve the Title I education program for our children.

Providing more flexibility and accountability for Title I is exactly what our children need in disadvantaged areas. The improvement in Title I would be felt most in our inner cities where Title I funds repeatedly get caught in a bureaucratic maze and too few of those dollars actually reach our children.

However, I also want to commend the committee for realizing that rural schools must also be helped. Within H.R. 2, there is a section that specifically will allow the rural schools to receive the aid that they might not otherwise receive.

Often rural schools are at a disadvantage in receiving formula grants, like

Title I, and competitive grants. These communities simply do not have the tax base and the access to grant writers that some of their bigger urban counterparts do. In addition, the formulas are skewed in some cases to strike against rural areas even if they have a high poverty quotient.

H.R. 2 successfully, although not completely, addresses this problem by including a rural schools initiative that will provide additional flexibility and funds for those underserved populations.

I hope that all of my colleagues can join together and support this great piece of legislation.

Mr. CLAY. Madam Chairman, I yield 3½ minutes to the gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR. Madam chairman, I thank the gentleman from Missouri, my ranking member, for his time.

Madam Chairman, I want to say at the beginning how much I appreciate the efforts by the gentlewoman from Hawaii (Mrs. MINK) and the gentlewoman from California (Ms. WOOLSEY) and the gentlewoman from California (Ms. SANCHEZ) and my distinguished colleague on the other side of the aisle, the gentlewoman from Maryland (Mrs. MORELLA) and for their amendment; and that is the issue to which I would like to speak for just a second, Madam Chairman.

Their voices on this issue will and have made an enormous difference, not just in this Congress, but in the lives of young girls who will grow up to be women. and leaders in their communities for decades and generations to come.

This amendment that they are offering reaffirms our commitment, our Nation's commitment to offer girls equal educational opportunities from the day they start school. That is when the difference has to be made, right out of the box, right from the beginning.

This amendment will provide important training and resources for our teachers so that they are aware of their need to be equitable in how they pursue their educational instructions in the classroom.

Different expectations lead to different academic performances. So if a girl in the classroom is not expected to excel in math or in science, which leads to careers that are lucrative in terms of their financial ability and are productive and are important in terms of the overall community, if they are not expected to excel in those areas, they will not excel in those areas.

So the attitude that is brought into the classroom by the teacher is critical, and that requires training and understanding.

Over time, if this is not done, what we have is a situation which leads to inequality and then just enormous missed opportunities later on for these girls and then eventually women. With training, teachers could learn to get the most out of every student regardless of their gender.

Then, fourthly, let me just say that this amendment will help America close an alarming gender gap between boys and girls in technology: math, science, but also in technology. Experts predict that 65 percent of all the jobs in the year 2010 will require technological skills, but only a small percentage of girls take computer science classes or go on to pursue degrees in math and science. If girls are not being encouraged in these fields, they and their families are, as I said, going to suffer economically in the future.

In conclusion, Madam Chairman, let me just say that it used to be said that teachers can change lives with just the right mix of chalk and challenges. Well, in today's high-tech world, the challenges are there, but the chalk is not enough.

This amendment will put resources into our schools that will pay dividends for generations to come. It will create a sensitivity. It will create a training. It will create an aura that girls can do anything they set their minds to do. They can be challenged. They can meet that challenge. They can grow up with careers that will provide them, their families, and their communities great, not only challenge, but reward in the future.

I want to thank the gentlewoman from Hawaii (Mrs. MINK) and the gentleman from Missouri (Mr. CLAY), the gentleman from Michigan (Mr. BONIOR), the gentleman from Indiana (Mr. ROEMER), and all my colleagues who have worked on this legislation.

The CHAIRMAN. The Committee will rise informally.

The Speaker pro tempore (Mr. OSE) assumed the chair.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

STUDENT RESULTS ACT OF 1999

The Committee resumed its sitting.

Mr. CLAY. Madam Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. GOODLING. Madam Chairman, I yield myself 4½ minutes, the balance of the time.

Madam Chairman, I am extremely happy that this is not a status quo piece of legislation. We have had status quo in this program for the first 20 years of this program, and it was a disaster. In 1994, we added a little bit of accountability. We are not sure what that brought us yet. We will find that out after the studies are done by the Department as to how they messed up the scoring on the tests.

I am also pleased that this has been a bipartisan effort, as most of our education bills have. I am happy to say that, so far, we passed the Flexibility Act in a bipartisan fashion. I am happy to say that we passed the Teacher Empowerment Act in a bipartisan fashion. The bipartisan Teacher Empowerment Act takes care of the class size reduction problem. The tax bill takes care of the building problem. I am happy that all of those have been passed out of our committee and on the floor of the House.

I am happy to say that, when we get to the amendment process, we will model all the preschool programs that they talk about after a program that has worked. It is called Even Start. We will make sure that, as a matter of fact, that is the model.

I think we better be careful about increasing funds. Generally, if you failed for a period of time, they say, okay, show us what you are going to do to be successful, and then we will see whether you are successful, and then we will determine whether you should receive considerably more money.

I am sure that, by the time we implement this and it is in vogue for a couple of years, we will be able to go to the appropriators and say look how successful we have been, and they will be very happy to increase funds.

So when we get to the amendment process, we will all have different ideas of how we make this bill better. I have heard the subcommittee ranking member say that on many occasions, and I always say, "but that means we have to do it your way." So we will see how that process goes.

But to this point, we have had a wonderful time. We had a horrible 4-day markup. But everybody had an opportunity to vent their emotions and whatever else they were doing at that particular time. The end result will be that the most disadvantaged youngsters, the children who need us the most, will benefit from this program. They will not continue to be left behind. We cannot afford to leave them behind.

Mr. MANZULLO. Madam Chairman, I reluctantly rise today to express my concerns about the Student Results Act, H.R. 2.

The proponents of this bill attempt to accomplish many positive reforms to several federal education programs, such as reinforcing parental rights in the bilingual education program; offering school choice, if states want it, for students in low performing schools; and changing the poverty threshold requirement for school-wide program eligibility.

However, while I believe this legislation is well intended, I am deeply concerned by this bill's overstepping of the authority of the federal government. Just because the federal government is responsible for about 6 percent of a state's (or local district's) total education budget, it appears that some of my colleagues believe we can exercise power to impose our education policies on states and local schools districts.

For example, the Illinois Administrative Code contains a state-adopted standard for all teachers' aids. This federal legislation preempts all state requirements for teachers' aids, and, of course, if a state did not follow the federal requirements, then the state or local school agency would not be eligible to receive Title I funding. The federal government has no authority for dictating standards for teachers' aides. The next step is dictating standards for teachers.

Also, a provision has been included in H.R. 2 that would supersede and interfere with state laws for tort liability in an area where there is no interstate commerce or other justification for federal preemption. This provision would provide limited civil litigation immunity to teachers, principals, and other local school officials who engage in "reasonable actions to maintain school discipline." This is not a federal issue. It is a state issue, and every state, including Illinois, has a tort immunity act involving State employees, such as teachers. However, H.R. 2 mandates a one-size-fits-all plan on how states should handle their local claims.

I appreciate the efforts that my colleagues have made to reform the current education program that funds low-income students. I believe that a new approach is needed and applaud many of the innovative ideas that have found their way into this legislation. If I were a member of the state legislature, I would support this bill. Unfortunately, H.R. 2 goes way beyond what our Constitution envisions as the proper role for the federal government with regard to education policies.

Mr. CANNON. Madam Chairman, I rise today in support of H.R. 2, the Student Results Act of 1999. I would like to thank Chairman GOODLING for his work on this bill.

Several weeks ago, I approached the Chairman to discuss some of the education issues facing Utah, including a 20 percent cut in Title I funding due to changes in the allocation formulas implemented this past year. The Chairman has graciously addressed those issues by including language to "Hold Harmless" those states that are experiencing dramatic cuts in their Title I funding.

This provision will allow Utah, and several other small states, to continue funding levels for the education of disadvantaged students.

Today we seek to empower disadvantaged students across the country by providing them access to a better education. We desire to help them develop a foundation from which they can succeed. By providing educational opportunities we will ensure that these children will have the tools to become productive members of society.

A good education is essential to achieving success in life. Through this bill we will help to provide funding for teachers, books, and supplies to contribute to a quality education for disadvantaged students, helping them to build confidence and self esteem. We need to provide them with the tools to enter society and not only survive but thrive. In doing so we seek to guarantee the future of our nation and our way of life.

I believe that a good education is one of the greatest gifts that we can give our children. By passing this bill we will be improving the education of disadvantaged students all across the country. I urge my colleagues' support of H.R. 2, the Student Results Act of 1999.

Mr. GARY MILLER of California. Madam Chairman, I rise today in support of H.R. 2 the "Student Results Act of 1999."

H.R. 2 authorizes the Title of the Elementary and Secondary Education Act and other programs assisting disadvantaged students.

Under H.R. 2:

States, School Districts and Schools Held Accountable to Demonstrate Results to Parents.—All states, school districts and schools will be held accountable for ensuring their students meet high academic standards set by states.

H.R. 2 Closes Achievement Gaps.—States, local school districts and schools must improve the achievement of all groups of students so that no one is left behind.

H.R. 2 Rewards Excellence.—Rewards Title I schools that make substantial progress in closing achievement gaps.

H.R. 2 Empowers Parents.—Parents and the community will be provided report cards on student achievement, teacher qualifications, and other important indicators of school quality in Title I schools.

H.R. 2 Expands School Choice Opportunities.—Gives families the option to take children out of failing Title I schools and enroll in other public or charter schools.

H.R. 2 Sends More Dollars to the Classroom.—95 percent of Title I school district dollars are directed to the classroom.

H.R. 2 Protects Local Control and Flexibility.—States and Local school districts may request waivers to tailor these programs to their unique needs through Ed-Flex or from the Secretary.

H.R. 2 Focuses on What Works.—Ensures that federal education programs will fund instruction based on the most current, proven research—not the latest trends.

Once again, I urge my colleagues on both sides of the aisle to support the Student Results Act.

Mr. GOODLING. Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 2

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Student Results Act of 1999".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References.

TITLE I—STUDENT RESULTS

PART A—BASIC PROGRAM

Sec. 101. Low-achieving children meet high standards.
Sec. 102. Purposes and intent.
Sec. 103. Authorization of appropriations.
Sec. 104. Reservation and allocation.
Sec. 105. State plans.
Sec. 106. Local educational agency plans.
Sec. 107. Eligible school attendance areas.
Sec. 108. Schoolwide programs.
Sec. 109. Targeted assistance schools.
Sec. 110. School choice.
Sec. 111. Assessment and local educational agency and school improvement.
Sec. 112. State assistance for school support and improvement.
Sec. 113. Academic achievement awards program.
Sec. 114. Parental involvement changes.
Sec. 115. Qualifications for teachers and paraprofessionals.
Sec. 116. Professional development.
Sec. 117. Participation of children enrolled in private schools.
Sec. 118. Coordination requirements.
Sec. 119. Grants for the outlying areas and the Secretary of the Interior.
Sec. 120. Amounts for grants.
Sec. 121. Basic grants to local educational agencies.
Sec. 122. Concentration grants.
Sec. 123. Targeted grants.
Sec. 124. Special allocation procedures.
Sec. 125. Secular, neutral, and nonideological.

PART B—EDUCATION OF MIGRATORY CHILDREN

Sec. 131. State allocations.
Sec. 132. State applications; services.
Sec. 133. Authorized activities.
Sec. 134. Coordination of migrant education activities.

PART C—NEGLECTED OR DELINQUENT YOUTH

Sec. 141. Neglected or delinquent youth.
Sec. 142. Findings.
Sec. 143. Allocation of funds.
Sec. 144. State plan and State agency applications.
Sec. 145. Use of funds.
Sec. 146. Purpose.
Sec. 147. Transition services.
Sec. 148. Programs operated by local educational agencies.
Sec. 149. Local educational agency applications.
Sec. 150. Uses of funds.
Sec. 151. Program requirements.
Sec. 152. Accountability.
Sec. 153. Program evaluations.

PART D—GENERAL PROVISIONS

Sec. 161. General provisions.

PART E—COMPREHENSIVE SCHOOL REFORM

Sec. 171. Comprehensive school reform.

TITLE II—MAGNET SCHOOLS ASSISTANCE AND PUBLIC SCHOOL CHOICE

Sec. 201. Magnet schools assistance.
Sec. 202. Continuation of awards.

TITLE III—TEACHER LIABILITY PROTECTION

Sec. 301. Teacher liability protection.

TITLE IV—INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION

Subtitle A—Elementary and Secondary Education Act of 1965

Sec. 401. Amendments.

PART B—NATIVE HAWAIIAN EDUCATION

Sec. 402. Native Hawaiian education.

PART C—ALASKA NATIVE EDUCATION

Sec. 403. Alaska Native education.

Subtitle B—Amendments to the Education Amendments of 1978

Sec. 410. Amendments to the Educations Amendments of 1978.

Subtitle C—Tribally Controlled Schools Act of 1988

Sec. 420. Tribally controlled schools.

TITLE V—GIFTED AND TALENTED CHILDREN
Sec. 501. Amendment to esea relating to gifted and talented children.
TITLE VI—RURAL EDUCATION ASSISTANCE
Sec. 601. Rural education.
TITLE VII—MCKINNEY HOMELESS EDUCATION IMPROVEMENTS ACT OF 1999
Sec. 701. Short title.
Sec. 702. Findings.
Sec. 703. Purpose.
Sec. 704. Education for homeless children and youth.
TITLE VIII—SCHOOLWIDE PROGRAM ADJUSTMENT
Sec. 801. Schoolwide funds.

SEC. 2. REFERENCES.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a title, chapter, part, subpart, section, subsection, or other provision, the reference shall be considered to be made to a title, chapter, part, subpart, section, subsection, or other provision of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

TITLE I—STUDENT RESULTS

PART A—BASIC PROGRAM

SEC. 101. LOW-ACHIEVING CHILDREN MEET HIGH STANDARDS.

The heading for title I is amended by striking "**DISADVANTAGED**" and inserting "**LOW-ACHIEVING**".

SEC. 102. PURPOSES AND INTENT.

Section 1001 (20 U.S.C. 6301) is amended to read as follows:

"SEC. 1001. FINDINGS; STATEMENT OF PURPOSE; AND RECOGNITION OF NEED.

"(a) Findings.—Congress finds the following:

"(1) Schools that enroll high concentrations of children living in poverty face the greatest challenges but effective educational strategies based on scientifically based research can succeed in educating children to high standards.

"(2) High-poverty schools are much more likely to be identified as failing to meet State standards for satisfactory progress. As a result, these schools are generally the most in need of additional resources and technical assistance to build the capacity of these schools to address the many needs of their students.

"(3) The educational progress of children participating in programs under this title is closely associated with their being taught by a highly qualified staff, particularly in schools with the highest concentrations of poverty, where paraprofessionals, uncertified teachers, and teachers teaching out of field frequently provide instructional services.

"(4) Congress and the public would benefit from additional data in order to evaluate the efficacy of the changes made to this title in the Improving America's Schools Act of 1994.

"(5) States, local educational agencies, and schools should be given as much flexibility as possible in exchange for greater accountability for improving student achievement.

"(6) Programs funded under this part must demonstrate increased effectiveness in improving schools in order to ensure all children achieve to high standards.

"(b) Purpose and Intent.—The purpose and intent of this title are to ensure that all children have a fair and equal opportunity to obtain a high quality education.

"(c) Recognition of Need.—The Congress recognizes the following:

"(1) Educational needs are particularly great for low-achieving children in our Nation's highest-poverty schools, children with limited English proficiency, children of migrant workers, children with disabilities, Indian children, children who are neglected or delinquent and young children and their parents who are in need of family literacy services.

"(2) Despite more than 3 decades of Federal assistance, a sizable achievement gap remains between minority and nonminority students, and between disadvantaged students and their more advantaged peers.

"(3) Too many students must attend local schools that fail to provide them with a quality education, and are given no alternatives to enable them to receive a quality education.

"(4) States, local educational agencies and schools should be held accountable for improving the academic achievement of all students, and for identifying and turning around low-performing schools.

"(5) Federal education assistance is intended not only to increase pupil achievement overall, but also more specifically and importantly, to help ensure that all pupils, especially the disadvantaged, meet challenging standards for curriculum content and pupil performance. It can only be determined if schools, local educational agencies, and States, are reaching this goal if pupil achievement results are reported specifically by disadvantaged and minority status.".

SEC. 103. AUTHORIZATION OF APPROPRIATIONS.

(a) Local Educational Agency Grants.—Subsection (a) of section 1002 (20 U.S.C. 6302(a)) is amended by striking "$7,400,000,000 for fiscal year 1995" and inserting "$8,350,000,000 for fiscal year 2000".

(b) Education of Migratory Children.—Subsection (c) of section 1002 (20 U.S.C. 6302(c)) is amended by striking "$310,000,000 for fiscal year 1995" and inserting "$400,000,000 for fiscal year 2000".

(c) Prevention and Intervention Programs for Youth Who Are Neglected, Delinquent, or at Risk of Dropping Out.—Subsection (d) of section 1002 (20 U.S.C. 6302(d)) is amended by striking "$40,000,000 for fiscal year 1995" and inserting "$50,000,000 for fiscal year 2000".

(d) Capital Expenses.—Subsection (e) of section 1002 (20 U.S.C. 6302(e)) is amended to read as follows:

"(e) Capital Expenses.—For the purpose of carrying out section 1120(e), there are authorized to be appropriated $15,000,000 for fiscal year 2000, $15,000,000 for fiscal year 2001, and $5,000,000 for fiscal year 2002.".

(e) Additional Assistance.—Subsection (f) of section 1002 is amended to read as follows:

"(f) School Improvement.—Each State may reserve for the purpose of carrying out its duties under section 1116 and 1117, the greater of one half of 1 percent of the amount allocated under this part, or $200,000.".

(f) State Administration.—Section 1002 is amended by adding at the end the following:

"(h) State Administration.—

"(1) State reservation.—Each State may reserve, from the grants it receives under parts A, C, and D, of this title, an amount equal to the greater of 1 percent of the amount it received under parts A, C, and D, for fiscal year 1999, or $400,000 ($50,000 for each outlying area), to carry out administrative duties assigned under parts A, C, and D.

"(2) Authorization of appropriations.—There are authorized to be appropriated $10,000,000 for fiscal year 2000 and such sums as may be necessary for each of the 4 succeeding fiscal years for additional State administration grants. Any such additional grants shall be allocated among the States in proportion to the grants received by each State for that fiscal year under parts A, C, and D of this title.

"(3) Special rule.—The amount allocated to each State under this subsection may not exceed the amount of State funds expended by the State educational agency to administer elementary and secondary education programs in such State.".

SEC. 104. RESERVATION AND ALLOCATION.

Section 1003 (20 U.S.C. 6303) is repealed.

SEC. 105. STATE PLANS.

Section 1111 (20 U.S.C. 6311) is amended to read as follows:

"SEC. 1111. STATE PLANS.

"(a) Plans Required.—

"(1) In general.—Any State desiring to receive a grant under this part shall submit to the Secretary a plan, developed in consultation with local educational agencies, teachers, pupil services personnel, administrators (including administrators of programs described in other parts of this title), other staff, and parents, that satisfies the requirements of this section and that is coordinated with other programs under this Act, the Individuals with Disabilities Education Act, the Carl D. Perkins Vocational and Technical Education Act of 1998, and the Head Start Act.

"(2) Consolidated plan.—A State plan submitted under paragraph (1) may be submitted as part of a consolidated plan under section 14302.

"(b) Standards, Assessments, and Accountability.—

"(1) Challenging standards.—(A) Each State plan shall demonstrate that the State has adopted challenging content standards and challenging student performance standards that will be used by the State, its local educational agencies, and its schools to carry out this part, except that a State shall not be required to submit such standards to the Secretary.

"(B) The standards required by subparagraph (A) shall be the same standards that the State applies to all schools and children in the State.

"(C) The State shall have such standards for elementary and secondary school children served under this part in subjects determined by the State, but including at least mathematics and reading or language arts, which shall include the same knowledge, skills, and levels of performance expected of all children.

"(D) Standards under this paragraph shall include—

"(i) challenging content standards in academic subjects that—

"(I) specify what children are expected to know and be able to do;

"(II) contain coherent and rigorous content; and

"(III) encourage the teaching of advanced skills;

"(ii) challenging student performance standards that—

"(I) are aligned with the State's content standards;

"(II) describe two levels of high performance, proficient and advanced, that determine how well children are mastering the material in the State content standards; and

"(III) describe a third level of performance, basic, to provide complete information about the progress of the lower performing children toward achieving to the proficient and advanced levels of performance.

"(E) For the subjects in which students will be served under this part, but for which a State is not required by subparagraphs (A), (B), and (C) to develop, and has not otherwise developed such standards, the State plan shall describe a strategy for ensuring that such students are taught the same knowledge and skills and held to the same expectations as are all children.

"(2) Adequate yearly progress.—

"(A) In general.—Each State plan shall demonstrate, based on assessments described under paragraph (4), what constitutes adequate yearly progress of—

"(i) any school served under this part toward enabling all children to meet the State's challenging student performance standards;

"(ii) any local educational agency that received funds under this part toward enabling all children in schools receiving assistance under this part to meet the State's challenging student performance standards; and

"(iii) the State in enabling all children in schools receiving assistance under this part to meet the State's challenging student performance standards.

"(B) DEFINITION.—Adequate yearly progress shall be defined in a manner that—

"(i) applies the same high standards of academic performance to all students in the State;

"(ii) takes into account the progress of all students in the State and in each local educational agency and school served under section 1114 or 1115;

"(iii) uses the State challenging content and challenging student performance standards and assessments described in paragraphs (1) and (4);

"(iv) compares separately, within each State, local educational agency, and school, the performance and progress of students by gender, each major ethnic and racial group, by English proficiency status, by migrant status, by students with disabilities as compared to nondisabled students, and by economically disadvantaged students as compared to students who are not economically disadvantaged (except that such disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal individually identifiable information about an individual student);

"(v) compares the proportions of students at the 'basic', 'proficient', and 'advanced' levels of performance with the proportions of students at each of the 3 levels in the same grade in the previous school year;

"(vi) at the State's discretion, may also include other academic measures such as promotion, completion of college preparatory courses, and high school completion, except that inclusion of such other measures may not change which schools or local educational agencies would otherwise be subject to improvement or corrective action under section 1116 if the discretionary indicators were not included;

"(vii) includes annual numerical goals for improving the performance of all groups specified in clause (iv) and narrowing gaps in performance between these groups; and

"(viii) includes a timeline for ensuring that each group of students described in clause (iv) meets or exceeds the State's proficient level of performance on each State assessment used for the purposes of section 1111 and section 1116 within 10 years from the date of enactment of the Student Results Act of 1999.

"(C) ANNUAL IMPROVEMENT FOR STATES.—For a State to make adequate yearly progress under subparagraph (A)(iii), not less than 90 percent of the local educational agencies within its jurisdiction shall meet the State's criteria for adequate yearly progress.

"(D) ANNUAL IMPROVEMENT FOR LOCAL EDUCATIONAL AGENCIES.—For a local educational agency to make adequate yearly progress under subparagraph (A)(ii), not less than 90 percent of the schools within its jurisdiction must meet the State's criteria for adequate yearly progress.

"(E) ANNUAL IMPROVEMENT FOR SCHOOLS.—For a school to make adequate yearly progress under subparagraph (A)(i), not less than 90 percent of each group of students described in subparagraph (A)(iv) who are enrolled in such school are required to take the assessments consistent with section 612(a)(17)(A) of the Individuals with Disabilities Education Act and paragraph (4)(F)(iv) on which adequate yearly progress is based.

"(F) PUBLIC NOTICE AND COMMENT.—Each State shall ensure that in developing its plan for adequate yearly progress, it diligently seeks public comment from a range of institutions and individuals in the State with an interest in improved student achievement and that the State makes and will continue to make a substantial effort to ensure that information under this part is widely known and understood by the public, parents, teachers, and school administrators throughout the State. Such efforts shall include, at a minimum, publication of such information and explanatory text, broadly to the public through such means as the Internet, the media, and public agencies.

"(G) REVIEW.—The Secretary shall review the information from States on the adequate yearly progress of schools and local educational agencies required under subparagraphs (A) and (B) for the purpose of determining State and local compliance with section 1116.

"(3) STATE AUTHORITY.—If a State educational agency provides evidence, which is satisfactory to the Secretary, that neither the State educational agency nor any other State government official, agency, or entity has sufficient authority, under State law, to adopt curriculum content and student performance standards, and assessments aligned with such standards, which will be applicable to all students enrolled in the State's public schools, then the State educational agency may meet the requirements of this subsection by—

"(A) adopting standards and assessments that meet the requirements of this subsection, on a statewide basis, limiting their applicability to students served under this part; or

"(B) adopting and implementing policies that ensure that each local educational agency in the State which receives grants under this part will adopt curriculum content and student performance standards, and assessments aligned with such standards, which meet all of the criteria in this subsection and any regulations regarding such standards and assessments which the Secretary may publish, and which are applicable to all students served by each such local educational agency.

"(4) ASSESSMENTS.—Each State plan shall demonstrate that the State has implemented a set of high-quality, yearly student assessments that include, at a minimum, assessments in mathematics and reading or language arts, that will be used, starting not later than the 2000–2001 school year, as the primary means of determining the yearly performance of each local educational agency and school served under this title in enabling all children served under this part to meet the State's challenging student performance standards. Such assessments shall—

"(A) be the same assessments used to measure the performance of all children, if the State measures the performance of all children;

"(B) be aligned with the State's challenging content and student performance standards and provide coherent information about student attainment of such standards;

"(C) be used for purposes for which such assessments are valid and reliable, and be consistent with relevant, nationally recognized professional and technical standards for such assessments;

"(D) measure the proficiency of students in the academic subjects in which a State has adopted challenging content and student performance standards and be administered not less than one or more times during—

"(i) grades 3 through 5;

"(ii) grades 6 through 9; and

"(iii) grades 10 through 12;

"(E) involve multiple up-to-date measures of student performance, including measures that assess higher order thinking skills and understanding;

"(F) provide for—

"(i) the participation in such assessments of all students;

"(ii) the reasonable adaptations and accommodations for students with disabilities defined under 602(3) of the Individuals with Disabilities Education Act necessary to measure the achievement of such students relative to State content and State student performance standards;

"(iii) the inclusion of limited English proficient students who shall be assessed, to the extent practicable, in the language and form most likely to yield accurate and reliable information on what such students know and can do in content areas;

"(iv) notwithstanding clause (iii), the assessment (using tests written in English) of reading or language arts of any student who has attended school in the United States (not including Puerto Rico) for 3 or more consecutive school years, except if the local educational agency determines, on a case-by-case individual basis, that assessments in another language and form would likely yield more accurate and reliable information on what such students know and can do, the local educational agency may. assess such students in the appropriate language other than English for 1 additional year; and

"(G) include students who have attended schools in a local educational agency for a full academic year but have not attended a single school for a full academic year, except that the performance of students who have attended more than one school in the local educational agency in any academic year shall be used only in determining the progress of the local educational agency;

"(H) provide individual student reports, which include assessment scores, or other information on the attainment of student performance standards; and

"(I) enable results to be disaggregated within each State, local educational agency, and school by gender, by each major racial and ethnic group, by English proficiency status, by migrant status, by students with disabilities as compared to nondisabled students, and by economically disadvantaged students as compared to students who are not economically disadvantaged.

"(5) SPECIAL RULE.—

"(A) IN GENERAL.—Assessment measures that do not meet the requirements of paragraph (4)(C) may be included as one of the multiple measures, if a State includes in the State plan information regarding the State's efforts to validate such measures.

"(B) STUDENT PROFICIENCY IN GRADES K–2.—States may measure the proficiency of students in the academic subjects in which a State has adopted challenging content and student performance standards one or more times during grades K–2.

"(6) LANGUAGE ASSESSMENTS.—Each State plan shall identify the languages other than English that are present in the participating student population and indicate the languages for which yearly student assessments are not available and are needed. The State shall make every effort to develop such assessments and may request assistance from the Secretary if linguistically accessible assessment measures are needed. Upon request, the Secretary shall assist with the identification of appropriate assessment measures in the needed languages, but shall not mandate a specific assessment or mode of instruction.

"(7) ASSESSMENT DEVELOPMENT.—A State shall develop, and implement State assessments that are aligned to challenging State content standards that include, at a minimum, mathematics and reading or language arts by the 2000–2001 school year.

"(8) REQUIREMENT.—Each State plan shall describe—

"(A) how the State educational agency will assist each local educational agency and school affected by the State plan to develop the capacity to comply with each of the requirements of sections 1112(c)(1)(D), 1114(c), and 1115(c) that is applicable to such agency or school; and

"(B) such other factors the State considers appropriate to provide students an opportunity to achieve the knowledge and skills described in the challenging content standards adopted by the State.

"(c) OTHER PROVISIONS TO SUPPORT TEACHING AND LEARNING.—Each State plan shall contain assurances that—

"(1) the State educational agency will work with other agencies, including educational service agencies or other local consortia, and institutions to provide technical assistance to local educational agencies and schools to carry out the State educational agency's responsibilities under this part, including technical assistance in providing professional development under section 1119 and technical assistance under section 1117; and

"(2)(A) where educational service agencies exist, the State educational agency will consider providing professional development and technical assistance through such agencies; and

"(B) where educational service agencies do not exist, the State educational agency will consider providing professional development and technical assistance through other cooperative agreements such as through a consortium of local educational agencies;

"(3) the State educational agency will notify local educational agencies and the public of the content and student performance standards and assessments developed under this section, and of the authority to operate schoolwide programs, and will fulfill the State educational agency's responsibilities regarding local educational agency improvement and school improvement under section 1116, including such corrective actions as are necessary;

"(4) the State educational agency will provide the least restrictive and burdensome regulations for local educational agencies and individual schools participating in a program assisted under this part;

"(5) the State educational agency will inform the Secretary and the public of how Federal laws, if at all, hinder the ability of States to hold local educational agencies and schools accountable for student academic performance;

"(6) the State educational agency will encourage schools to consolidate funds from other Federal, State, and local sources for schoolwide reform in schoolwide programs under section 1114;

"(7) the State educational agency will modify or eliminate State fiscal and accounting barriers so that schools can easily consolidate funds from other Federal, State, and local sources for schoolwide programs under section 1114;

"(8) the State educational agency has involved the committee of practitioners established under section 1603(b) in developing the plan and monitoring its implementation; and

"(9) the State educational agency will inform local educational agencies of the local educational agency's authority to obtain waivers under title XIV and, if the State is an Ed-Flex Partnership State, waivers under the Education Flexibility Partnership Act of 1999 (30 U.S.C. 589a et seq.).

"(d) PEER REVIEW AND SECRETARIAL APPROVAL.—

"(1) SECRETARIAL DUTIES.—The Secretary shall—

"(A) establish a peer review process to assist in the review of State plans;

"(B) approve a State plan after its submission unless the Secretary determines that the plan does not meet the requirements of this section;

"(C) if the Secretary determines that the State plan does not meet the requirements of subsection (a), (b), or (c), immediately notify the State of such determination and the reasons for such determination;

"(D) not decline to approve a State's plan before—

"(i) offering the State an opportunity to revise its plan;

"(ii) providing technical assistance in order to assist the State to meet the requirements under subsections (a), (b), and (c); and

"(iii) providing a hearing;

"(E) have the authority to disapprove a State plan for not meeting the requirements of this part, but shall not have the authority to require a State, as a condition of approval of the State plan, to include in, or delete from, such plan one or more specific elements of the State's content standards or to use specific assessment instruments or items; and

"(2) STATE REVISIONS.—States shall revise their plans if necessary to satisfy the requirements of this section. Revised plans shall be submitted to the Secretary for approval not later than 1 year after the date of the enactment of the Student Results Act of 1999.

"(e) DURATION OF THE PLAN.—

"(1) IN GENERAL.—Each State plan shall—

"(A) be submitted for the first year for which this part is in effect after the date of the enactment of the Student Results Act of 1999;

"(B) remain in effect for the duration of the State's participation under this part; and

"(C) be periodically reviewed and revised by the State, as necessary, to reflect changes in the State's strategies and programs under this part.

"(2) ADDITIONAL INFORMATION.—If the State makes significant changes in its plan, such as the adoption of new State content standards and State student performance standards, new assessments, or a new definition of adequate yearly progress, the State shall submit such information to the Secretary.

"(f) LIMITATION ON CONDITIONS.—Nothing in this part shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school's specific instructional content or student performance standards and assessments, curriculum, or program of instruction, as a condition of eligibility to receive funds under this part.

"(g) PENALTIES.—

"(1) IN GENERAL.—If a State fails to meet the statutory deadlines for demonstrating that it has in place challenging content standards and student performance standards and assessments, and a system for measuring and monitoring adequate yearly progress, the State shall be ineligible to receive any administrative funds under section 1002(h) that exceed the amount received by the State for such purpose in the previous year.

"(2) ADDITIONAL FUNDS.—Based on the extent to which such content standards, performance standards, assessments, and monitoring of adequate yearly progress, are not in place, additional administrative funds shall be withheld in such amount as the Secretary determines appropriate, except that for each additional year that the State fails to comply with such requirements, the Secretary shall withhold not less than ⅕ of the amount the State receives for administrative expenses under section 1002(h).

"(3) WAIVER.—Notwithstanding title XIV of this Act and the Education Flexibility Partnership Act or any other provision of law, a waiver shall not be granted except that a State may request a 1-time, 1-year waiver to meet the requirements of this section.".

"(h) SCHOOL REPORTS.—

"(1) IN GENERAL.—

"(A) ANNUAL REPORT.—Except as provided in subparagraph (C), not later than the beginning of the 2001–2002 school year, a State that receives assistance under this Act shall prepare and disseminate an annual report on all schools that receive funds under this part. States and local educational agencies may issue report cards under this section only for local educational agencies and schools receiving funds under this part, except that if a State or local educational agency issues a report card for all students, the State or local educational agency may include the information under this section as part of such report card.

"(B) IMPLEMENTATION.—The State shall ensure the dissemination of this information at all levels. Such information shall be—

"(i) concise; and

"(ii) presented in a format and manner that parents can understand, and which, to the extent practicable, shall be in a language the parents can understand.

"(C) PUBLIC DISSEMINATION.—In the event the State does not include such information through a report card, the State shall, not later than the beginning of the 2001–2002 school year, publicly report the information described in paragraph (2) through other public means, such as posting on the Internet, distribution to the media, and distribution through public agencies, for all schools that receive funds under this part.

"(2) CONTENT OF ANNUAL STATE REPORTS.—

"(A) REQUIRED INFORMATION.—The State shall, at a minimum, include in the annual State reports information for the State on each local educational agency and school receiving funds under this part regarding—

"(i) student performance on statewide assessments for the current and preceding years in at least reading or language arts and mathematics, including—

"(I) a comparison of the proportions of students who performed at 'basic', 'proficient', and 'advanced' levels in each subject area, for each grade level at which assessments are required under this part, with proportions in each of the same 3 categories at the same grade levels in the previous school year; and

"(II) a statement of the percentage of students not tested and a listing of categories of the reasons why they were not tested;

"(ii) retention in grade, completion of advanced placement courses, and 4-year graduation rates;

"(iii) the professional qualifications of teachers in the aggregate, including the percentage of teachers teaching with emergency or provisional credentials, and the percentage of class sections not taught by fully qualified teachers; and

"(iv) the professional qualifications of paraprofessionals, the number of paraprofessionals in the aggregate and the ratio of paraprofessionals to teachers in the classroom.

"(B) STUDENT DATA.—Student data in each report shall contain disaggregated results for the following categories:

"(i) gender;

"(ii) racial and ethnic group;

"(iii) migrant status;

"(iv) students with disabilities, as compared to students who are not disabled;

"(v) economically disadvantaged students, as compared to students who are not economically disadvantaged; and

"(vi) students with limited English proficiency, as compared to students who are proficient in English.

"(C) OPTIONAL INFORMATION.—A State may include in its report any other information it determines appropriate to reflect school quality and school achievement, including information on average class size by grade level, and information on school safety, such as the incidence of school violence and drug and alcohol abuse, and the incidence of student suspensions and expulsions.

"(3) CONTENT OF LOCAL EDUCATIONAL AGENCIES REPORTS.—

"(A) MINIMUM REQUIREMENTS.—The State shall ensure that each local educational agency collects appropriate data and includes in its annual report for each school that receives funds under this part, at a minimum—

"(i) the information described in paragraphs (2)(A) and (2)(B) for each local educational agency and school—

"(I) in the case of a local educational agency—

"(aa) the number and percentage of schools identified for school improvement, including schools identified under section 1116(c) of this Act;

"(bb) information that shows how students in its schools perform on the statewide assessment compared to students in the State as a whole;

"(II) in the case of a school—

"(aa) whether it has been identified for school improvement; and

"(bb) information that shows how its students performed on the statewide assessment compared to students in the local educational agency and the State as a whole.

"(B) OTHER INFORMATION.—A local educational agency may include in its annual reports any other appropriate information whether or not such information is included in the annual State report.

"(C) PUBLIC DISSEMINATION.—In the event the local educational agency does not include such information through a report card, the local educational agency shall, not later than the beginning of the 2001-2002 school year, publicly report the information described in paragraph (3) through other public means, such as posting on the Internet, distribution to the media, and distribution through public agencies, only for schools that receive funds under this part, except that if a local educational agency issues a report card for all students, the local educational agency may include the information under this section as part of such report.

"(4) DISSEMINATION AND ACCESSIBILITY OF REPORTS.—

"(A) STATE REPORTS.—State annual reports under paragraph (2) shall be, disseminated to all schools and local educational agencies in the State, and made broadly available to the public through means such as posting on the Internet, distribution to the media, and distribution through public agencies.

"(B) LOCAL EDUCATIONAL AGENCY REPORTS.—Local educational agency reports under paragraph (3) shall be disseminated to all schools receiving funds under this part, in the school district and to all parents of students attending these schools and made broadly available to the public through means such as posting on the Internet, distribution to the media, and distribution through public agencies.

"(5) PARENTS RIGHT-TO-KNOW.—

"(A) QUALIFICATIONS.—A local educational agency that receives funds under this part shall provide, upon request, in an understandable and uniform format, to any parent of a student attending any school receiving funds under this part, information regarding the professional qualifications of the student's classroom teachers, including, at a minimum, the following:

"(i) Whether the teacher has met State qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction.

"(ii) Whether the teacher is teaching under emergency or other provisional status through which State qualification or licensing criteria have been waived.

"(iii) The baccalaureate degree major of the teacher and any other graduate certification or degree held by the teacher, and the field of discipline of the certification or degree.

"(iv) Whether the child is provided services by paraprofessionals and the qualifications of such paraprofessional.

"(B) ADDITIONAL INFORMATION.—In addition to the information which parents may request under subparagraph (A), and the information provided in subsection (c), a school which receives funds under this part shall provide to each individual parent or guardian—

"(i) information on the level of performance of the individual student for whom they are the parent or guardian in each of the State assessments as required under this part; and

"(ii) timely notice that the student for whom they are the parent or guardian has been assigned or has been taught for 2 or more consecutive weeks by a substitute teacher or by a teacher not fully qualified.

"(6) PLAN CONTENT.—A State shall include in, its plan under subsection (b) an assurance that it has in effect a policy that meets the requirements of this section.

"(i) PRIVACY.—Information collected under this section shall be collected and disseminated in a manner that protects the privacy of individuals.".

SEC. 106. LOCAL EDUCATIONAL AGENCY PLANS.

(a) SUBGRANTS.—Paragraph (1) of section 1112(a) (20 U.S.C. 6312(a)(1)) is amended by striking "the Goals 2000: Educate America Act" and all that follows and inserting the following: "the Individuals with Disabilities Education Act, the Carl D. Perkins Vocational and Technical Education Act of 1998, the Head Start Act, and other Acts, as appropriate.".

(b) PLAN PROVISIONS.—Subsection (b) of section 1112 (20 U.S.C. 6312(b)) is amended—

(1) by striking "Each" in the matter preceding paragraph (1) and inserting "In order to help low-achieving children achieve to high standards, each";

(2) in paragraph (1)—

(A) by striking "part" each place it appears and inserting "title";

(B) in subparagraph (B), by inserting "low-achieving" before "children";

(C) by striking "and" at the end of subparagraph (B);

(D) by inserting "and" at the end of subparagraph (C); and

(E) by adding at the end the following new subparagraph:

"(D) determine the literacy levels of first graders and their need for interventions, and a description of how the local educational agency will ensure that any such assessments—

"(i) are developmentally appropriate; and

"(ii) use multiple measures to provide information about the variety of skills that scientifically based research has identified as leading to early acquisition of reading skills.";

(3) in paragraph (4)—

(A) in subparagraph (A), by striking ", and school-to-work transition programs"; and

(B) in subparagraph (B), by striking "under part C or who were formerly eligible for services under part C in the two-year period preceding the date of the enactment of the Improving America's School Act of 1994, neglected or delinquent youth and youth at risk of dropping out" and inserting "under part C, neglected or delinquent youth, Indian children served under title IX,";

(4) in paragraph (7), by striking "eligible homeless children" and inserting "homeless children";

(5) by striking the period at the end of paragraph (9) and inserting "; and"; and

(6) by adding at the end the following new paragraphs:

"(10) a description of the actions the local educational agency will take to assist its low-performing schools, including schools identified under section 1116 as in need of improvement; and

"(11) a description of how the agency will promote the use of extended learning time, such as an extended school year and before and after school and summer programs.".

(c) ASSURANCES.—Subsection (c) of section 1112 (20 U.S.C. 6312(c)) is amended to read as follows:

"(c) ASSURANCES.—

"(1) IN GENERAL.—Each local educational agency plan shall provide assurances that the local educational agency will—

"(A) inform eligible schools and parents of schoolwide project authority and the ability of such schools to consolidate funds from Federal, State, and local sources;

"(B) provide technical assistance and support to schoolwide programs;

"(C) work in consultation with schools as the schools develop the schools' plans pursuant to section 1114 and assist schools as the schools implement such plans or undertake activities pursuant to section 1115 so that each school can make adequate yearly progress toward meeting the State student performance standards;

"(D) fulfill such agency's school improvement responsibilities under section 1116, including taking corrective actions under section 1116(b)(9);

"(E) provide services to eligible children attending private elementary and secondary schools in accordance with section 1120, and timely and meaningful consultation with private school officials regarding such services;

"(F) take into account the experience of model programs for the educationally disadvantaged, and the findings of relevant scientifically based research indicating that services may be most effective if focused on students in the earliest grades at schools that receive funds under this part;

"(G) in the case of a local educational agency that chooses to use funds under this part to provide early childhood development services to low-income children below the age of compulsory school attendance, ensure that such services comply with the performance standards established under section 641A(a) of the Head Start Act;

"(H) comply with the requirements of section 1119 regarding the qualifications of teachers and paraprofessionals;

"(I) inform eligible schools of the local educational agency's authority to obtain waivers on the school's behalf under title XIV of this Act, and if the State is an Ed-Flex Partnership State, waivers under the Education Flexibility Partnership Act of 1999; and

"(J) coordinate and collaborate, to the extent feasible and necessary as determined by the local educational agency, with other agencies providing services to children, youth, and families.

"(2) SPECIAL RULE.—In carrying out subparagraph (G) of paragraph (1) the Secretary—

"(A) shall consult with the Secretary of Health and Human Services on the implementation of such subparagraph and shall establish procedures (taking into consideration existing State and local laws, and local teacher contracts) to assist local educational agencies to comply with such subparagraph; and

"(B) upon publication, shall disseminate to local educational agencies the Head Start performance standards as in effect under section 641A(a) of the Head Start Act, and such agencies affected by such subparagraph shall plan for the implementation of such subparagraph (taking into consideration existing State and local laws, and local teacher contracts), including pursuing the availability of other Federal, State, and local funding sources to assist in compliance with such subparagraph.

"(3) INAPPLICABILITY.—The provisions of this subsection shall not apply to preschool programs using the Even Start model or to Even Start programs which are expanded through the use of funds under this part.".

(d) PLAN DEVELOPMENT AND DURATION.—Section 1112 is amended by striking subsection (d) and inserting the following:

"(d) PLAN DEVELOPMENT AND DURATION.—

"(1) CONSULTATION.—Each local educational agency plan shall be developed in consultation with teachers, administrators (including administrators of programs described in other parts of this title), and other appropriate school personnel, and with parents of children in schools served under this part.

"(2) DURATION.—Each such plan shall be submitted for the first year for which this part is in effect following the date of the enactment of the Student Results Act of 1999 and shall remain in effect for the duration of the agency's participation under this part.

"(3) REVIEW.—Each such local educational agency shall periodically review, and as necessary, revise its plan.".

(e) STATE APPROVAL.—Section 1112 (20 U.S.C. 6312(e)) is amended by striking subsection (e) and inserting the following:

"(e) STATE APPROVAL.—

"(1) IN GENERAL.—Each local educational agency plan shall be filed according to a schedule established by the State educational agency.

"(2) APPROVAL.—The State educational agency shall approve a local educational agency's plan only if the State educational agency determines that the local educational agency's plan—

"(A) will enable schools served under this part to substantially help children served under this part meet the standards expected of all children described in section 1111(b)(1); and

"(B) will meet the requirements of this section.".

(f) PARENTAL NOTIFICATION AND CONSENT FOR ENGLISH LANGUAGE INSTRUCTION.—Section 1112 (20 U.S.C. 6312) is amended by adding at the end the following:

"(g) PARENTAL NOTIFICATION AND CONSENT FOR ENGLISH LANGUAGE INSTRUCTION.—

"(1) NOTIFICATION.—If a local educational agency uses funds under this part to provide English language instruction to limited English proficient children, the agency shall inform a parent or the parents of a child participating in an English language instruction program for limited English proficient. children assisted under this part of—

"(A) the reasons for the identification of the child as being in need of English language instruction;

"(B) the child's level of English proficiency, how such level was assessed, and the status of the child's academic achievement: and

"(C) how the English language instruction program will specifically help the child acquire English and meet age-appropriate standards for grade promotion and graduation;

"(D) what the specific exit requirements are for the program;

"(E) the expected rate of graduation from the program into mainstream classes; and

"(F) the expected rate of graduation from high school for the program if funds under this part are used for children in secondary schools.

"(2) CONSENT.—

"(A) AGENCY REQUIREMENTS.—

"(i) Each local educational agency that receives funds under this part shall obtain informed parental consent prior to the placement of a child in an English language instruction program for limited English proficient children funded under this part which does not include classes which exclusively or almost exclusively use the English language in instruction or if instruction is not tailored for limited English proficient children.

"(ii) If written consent is not obtained, the local educational agency shall maintain a written record that includes the date and the manner in which such informed consent was obtained.

"(iii)(I) If a response cannot be obtained after written notice and a reasonable and substantial effort has been made to obtain such consent, the local educational agency shall document, in writing, that it has given such written notice and its specific efforts made to obtain such consent.

"(II) The proof of documentation shall be mailed or delivered in writing to the parents or guardian of the child at least 10 business days prior to providing any services under this part, and include a final notice requesting parental consent for such services.

"(B) PARENTAL RIGHTS.—A parent or the parents of a child participating in an English language instruction program for limited English proficient children assisted under this Act shall—

"(i) select among methods of instruction, if more than one method is offered in the program; and

"(ii) have the right to have their child immediately removed from the program upon their request.

"(3) RECEIPT OF INFORMATION.—A parent or the parents of a child identified for participation in an English language instruction program for limited English proficient children assisted under this part shall receive, in a manner and form understandable to the parent or parents, the information required by this subsection. At a minimum, the parent or parents shall receive—

"(A) timely information about English language instruction programs for limited English proficient children assisted under this Act; and

"(B) if a parent of a participating child so desires, notice of opportunities for regular meetings for the purpose of formulating and responding to recommendations from such parents.

"(4) BASIS FOR ADMISSION OR EXCLUSION.—Students shall not be admitted to or excluded from any federally assisted education program on the basis of a surname or language-minority status.".

SEC. 107. ELIGIBLE SCHOOL ATTENDANCE AREAS.

Section 1113 (20 U.S.C. 6313) is amended to read as follows:

"SEC. 1113. ELIGIBLE SCHOOL ATTENDANCE AREAS.

"(a) DETERMINATION.—

"(1) IN GENERAL.—A local educational agency shall use funds received under this part only in eligible school attendance areas.

"(2) ELIGIBLE SCHOOL ATTENDANCE AREAS.—For the purposes of this part—

"(A) the term 'school attendance area' means, in relation to a particular school, the geographical area in which the children who are normally served by that school reside; and

"(B) the term 'eligible school attendance area' means a school attendance area in which the percentage of children from low-income families is at least as high as the percentage of children from low-income families in the local educational agency as a whole.

"(3) LOCAL EDUCATIONAL AGENCY DISCRETION.—

"(A) IN GENERAL.—Notwithstanding paragraph (2), a local educational agency may—

"(i) designate as eligible any school attendance area or school in which at least 35 percent of the children are from low-income families;

"(ii) use funds received under this part in a school that is not in an eligible school attendance area, if the percentage of children from low-income families enrolled in the school is equal to or greater than the percentage of such children in a participating school attendance area of such agency;

"(iii) designate and serve a school attendance area or school that is not eligible under subsection (b), but that was eligible and that was served in the preceding fiscal year, but only for one additional fiscal year; and

"(iv) elect not to serve an eligible school attendance area or eligible school that has a higher percentage of children from low-income families if—

"(I) the school meets the comparability requirements of section 1120A(c);

"(II) the school is receiving supplemental funds from other State or local sources that are spent according to the requirements of section 1114 or 1115; and

"(III) the funds expended from such other sources equal or exceed the amount that would be provided under this part.

"(B) SPECIAL RULE.—Notwithstanding subparagraph (A)(iv), the number of children attending private elementary and secondary schools who are to receive services, and the assistance such children are to receive under this part, shall be determined without regard to whether the public school attendance area in which such children reside is assisted under subparagraph (A).

"(b) RANKING ORDER.—If funds allocated in accordance with subsection (f) are insufficient to serve all eligible school attendance areas, a local educational agency—

"(1) shall annually rank from highest to lowest according to the percentage of children from low-income families in each agency's eligible school attendance areas in the following order—

"(A) eligible school attendance areas in which the concentration of children from low-income families exceeds 75 percent; and

"(B) all remaining eligible school attendance areas in which the concentration of children from low-income families is 75 percent or lower either by grade span or for the entire local educational agency;

"(2) shall, within each category listed in paragraph (1), serve schools in rank order from highest to lowest according to the ranking assigned under paragraph (1);

"(3) notwithstanding paragraph (2), may give priority, within each such category and in rank order from highest to lowest subject to paragraph (4), to eligible school attendance areas that serve children in elementary schools; and

"(4) not serve a school described in paragraph (1)(B) before serving a school described in paragraph (1)(A).

"(c) LOW-INCOME MEASURES.—In determining the number of children ages 5 through 17 who are from low-income families, the local educational agency shall apply the measures described in paragraphs (1) and (2) of this subsection:

"(1) ALLOCATION TO PUBLIC SCHOOL ATTENDANCE AREAS.—The local educational agency shall use the same measure of poverty, which measure shall be the number of children ages 5 through 17 in poverty counted in the most recent census data approved by the Secretary, the number of children eligible for free and reduced priced lunches under the National School Lunch Act, the number of children in families receiving assistance under the State program funded under part A of title IV of the Social Security Act, or the number of children eligible to receive medical assistance under the Medicaid program, or a composite of such indicators, with respect to all school attendance areas in the local educational agency—

"(A) to identify eligible school attendance areas;

"(B) to determine the ranking of each area; and

"(C) to determine allocations under subsection (f).

"(2) ALLOCATION FOR EQUITABLE SERVICE TO PRIVATE SCHOOL STUDENTS.—

"(A) CALCULATION.—A local educational agency shall have the final authority, consistent with section 1120 to calculate the number of private school children, ages 5 through 17, who are low-income by—

"(i) using the same measure of low-income used to count public school children;

"(ii) using the results of a survey that, to the extent possible, protects the identity of families of private school students and allowing such survey results to be extrapolated if complete actual data are not available; or

"(iii) applying the low-income percentage of each participating public school attendance area, determined pursuant to this section, to the number of private school children who reside in that attendance area.

"(B) COMPLAINT PROCESS.—Any dispute regarding low-income data on private school students shall be subject to the complaint process authorized in section 14505.

"(d) EXCEPTION.—This section (other than subsections (a)(3) and (f)) shall not apply to a local educational agency with a total enrollment of less than 1,500 children.

"(e) WAIVER FOR DESEGREGATION PLANS.—The Secretary may approve a local educational agency's written request for a waiver of the requirements of subsections (a) and (f), and permit such agency to treat as eligible, and serve, any school that children attend under a desegregation plan ordered by a State or court or approved by the Secretary, or such a plan that the agency continues to implement after it has expired, if—

"(1) the number of economically disadvantaged children enrolled in the school is not less than 25 percent of the school's total enrollment; and

"(2) the Secretary determines on the basis of a written request from such agency and in accordance with such criteria as the Secretary establishes, that approval of that request would further the purposes of this part.

"(f) ALLOCATIONS.—

"(1) IN GENERAL.—A local educational agency shall allocate funds received under this part to eligible school attendance areas or eligible schools, identified under subsection (b) in rank order on the basis of the total number of children from low-income families in each area or school.

"(2) SPECIAL RULE.—(A) Except as provided in subparagraph (B), the per pupil amount of funds allocated to each school attendance area or school under paragraph (1) shall be at least 125 percent of the per pupil amount of funds a local educational agency received for that year under the poverty criteria described by the local educational agency in the plan submitted under section 1112, except that this paragraph shall not apply to a local educational agency that only serves schools in which the percentage of such children is 35 percent or greater.

"(B) A local educational agency may reduce the amount of funds allocated under subparagraph (A) for a school attendance area or school by the amount of any supplemental State and local funds expended in that school attendance area or school for programs that meet the requirements of section 1114 or 1115.

"(3) RESERVATION.—A local educational agency shall reserve such funds as are necessary under this part to provide services comparable to those provided to children in schools funded under this part to serve—

"(A) homeless children who do not attend participating schools, including providing educationally related support services to children in shelters;

"(B) children in local institutions for neglected or delinquent children; and

"(C) where appropriate, neglected and delinquent children in community day school programs.

"(4) SCHOOL IMPROVEMENT RESERVATION.—A local educational agency shall reserve such funds as are necessary under this part to meet such agency's school improvement responsibilities under section 1116, including taking corrective actions under section 1116(b)(9).

"(5) FINANCIAL INCENTIVES AND REWARDS RESERVATION.—A local educational agency may reserve such funds as are necessary under this part to provide financial incentives and rewards to teachers who serve in eligible schools under subsection (b)(1)(A) and identified for improvement under section 1116(b)(1) for the purpose of attracting and retaining qualified and effective teachers.".

SEC. 108. SCHOOLWIDE PROGRAMS.

Section 1114 (20 U.S.C. 6314) is amended to read as follows:

"SEC. 1114. SCHOOLWIDE PROGRAMS.

"(a) PURPOSE.—The purpose of a schoolwide program under this section is—

"(1) to enable a local educational agency to consolidate funds under this part with other Federal, State, and local funds, to upgrade the entire educational program in a high poverty school; and

"(2) to help ensure that all children in such a school meet challenging State standards for student performance, particularly those children who are most at-risk of not meeting those standards.

"(b) USE OF FUNDS FOR SCHOOLWIDE PROGRAMS.—

"(1) IN GENERAL.—A local educational agency may consolidate funds under this part, together with other Federal, State, and local funds, in order to upgrade the entire educational program of a school that serves an eligible school attendance area in which not less than 50 percent of the children are from low-income families, or not less than 50 percent of the children enrolled in the school are from such families.

"(2) STATE ASSURANCES.—A local educational agency may start new schoolwide programs under this section only after the State educational agency provides written information to each local educational agency in the State that demonstrates that such State educational agency has established the statewide system of support and improvement required by subsections (c)(1) and (e) of section 1117.

"(3) IDENTIFICATION OF STUDENTS NOT REQUIRED.—(A) No school participating in a schoolwide program shall be required to identify particular children under this part as eligible to participate in a schoolwide program or to provide supplemental services to such children.

"(B) A school participating in a schoolwide program shall use funds available to carry out this section only to supplement the amount of funds that would, in the absence of funds under this part, be made available from non-Federal sources for the school, including funds needed to provide services that are required by law for children with disabilities and children with limited English proficiency.

"(4) EXEMPTION FROM STATUTORY AND REGULATORY REQUIREMENTS.—(A) Except as provided in subsection (c), the Secretary may, through publication of a notice in the Federal Register, exempt schoolwide programs under this section from statutory or regulatory provisions of any other noncompetitive formula grant program administered by the Secretary (other than formula or discretionary grant programs under the Individuals with Disabilities Education Act, except as provided in section 613(a)(2)(D) of such Act), or any discretionary grant program administered by the Secretary, to support schoolwide programs if the intent and purposes of such other programs are met.

"(B) A school that chooses to use funds from such other programs shall not be relieved of the requirements relating to health, safety, civil rights, student and parental participation and involvement, services to private school children, maintenance of effort, uses of Federal funds to supplement, not supplant non-Federal funds, or the distribution of funds to State or local educational agencies that apply to the receipt of funds from such programs.

"(C)(i) A school that consolidates funds from different Federal programs under this section shall not be required to maintain separate fiscal accounting records, by program, that identify the specific activities supported by those particular funds as long as it maintains records that demonstrate that the schoolwide program, considered as a whole addresses the intent and purposes of each of the Federal programs that were consolidated to support the schoolwide program.

"(5) PROFESSIONAL DEVELOPMENT.—Each school receiving funds under this part for any fiscal year shall devote sufficient resources to effectively carry out the activities described in subsection (c)(1)(E) in accordance with section 1119A for such fiscal year, except that a school may enter into a consortium with another school to carry out such activities.

"(c) COMPONENTS OF A SCHOOLWIDE PROGRAM.—

"(1) IN GENERAL.—A schoolwide program shall include the following components:

"(A) A comprehensive needs assessment of the entire school (including taking into account the needs of migratory children as defined in section 1309(2)) that is based on information which includes the performance of children in relation to the State content standards and the State student performance standards described in section 1111(b)(1).

"(B) Schoolwide reform strategies that—

"(i) provide opportunities for all children to meet the State's proficient and advanced levels of student performance described in section 1111(b)(1)(D);

"(ii) use effective methods and instructional strategies that are based upon scientifically based research that—

"(I) strengthen the core academic program in the school;

"(II) increase the amount and quality of learning time, such as providing an extended school year and before- and after-school and summer programs and opportunities, and help provide an enriched and accelerated curriculum; and

"(III) include strategies for meeting the educational needs of historically underserved populations;

"(iii)(I) address the needs of all children in the school, but particularly the needs of low-achieving children and those at risk of not meeting the State student performance standards who are members of the target population of any program that is included in the schoolwide program;

"(II) address how the school will determine if such needs have been met; and

"(iv) are consistent with, and are designed to implement, the State and local improvement plans, if any.

"(D) Instruction by fully qualified (as defined in section 1610) teachers.

"(E) In accordance with section 1119A, high quality and ongoing professional development for teachers and paraprofessionals, and, where appropriate, pupil services personnel, parents, principals, and other staff to enable all children in the school to meet the State's student performance standards.

"(F) Strategies to increase parental involvement in accordance with section 1118, such as family literary services.

"(G) Plans for assisting preschool children in the transition from early childhood programs, such as Head Start, Even Start, or a State-run preschool program, to local elementary school programs.

"(H) Measures to include teachers in the decisions regarding the use of assessments described *in section 1111(b)(4) in order to provide information on, and to improve, the performance of individual students and the overall instructional program.*

"(I) Activities to ensure that students who experience difficulty mastering the proficient or advanced levels of performance standards required by section 1111(b) shall be provided with effective, timely additional assistance which shall include measures to ensure that students' difficulties are identified on a timely basis and to provide sufficient information on which to base effective assistance.

"(2) PLAN.—Any eligible school that desires to operate a schoolwide program shall first develop (or amend a plan for such a program that was in existence on the day before the date of enactment of the Student Results Act of 1999), a comprehensive plan for reforming the total instructional program in the school that—

"(A) incorporates the components described in paragraph (1);

"(B) describes how the school will use resources under this part and from other sources to implement those components;

"(C) includes a list of State and local educational agency programs and other Federal programs under subsection (b)(4) that will be consolidated in the schoolwide program;

"(D) describes how the school will provide individual student assessment results, including an interpretation of those results, to the parents of a child who participates in the assessments required by section 1111(b)(4) and in a format and, to the extent practicable, in a language that they can understand; and

"(E) provides for the collection of data on the achievement and assessment results of students disaggregated by gender, major ethnic or racial groups, limited English proficiency status, migrant students, by children with disabilities as compared to other students, and by economically disadvantaged students as compared to students who are not economically disadvantaged, except that such disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal individually identifiable information about an individual student.

"(3) PLAN DEVELOPMENT.—The comprehensive plan shall be—

"(A) developed during a 1-year period, unless—

"(i) the local educational agency determines that less time is needed to develop and implement the schoolwide program; or

"(ii) the school operated a schoolwide program on the day preceding the date of enactment of the Student Results Act of 1999, in which case such school may continue to operate such program, but shall develop amendments to its existing plan during the first year of assistance under such Act to reflect the provisions of this section;

"(B) developed with the involvement of the community to be served and individuals who will carry out such plan, including teachers, principals, administrators (including administrators of programs described in other parts of this title), if appropriate pupil services personnel, school staff and parents, and, if the plan relates to a secondary school, students from such school;

"(C) in effect for the duration of the school's participation under this part and reviewed and revised, as necessary, by the school;

"(D) available to the local educational agency, parents, and the public, and the information contained in such plan shall be provided in a format, and to the extent practicable, in a language that they can understand; and

"(E) if appropriate, developed in coordination with programs under the Reading Excellence Act, the Carl D. Perkins Vocational and Technical Education Act of 1998, the Head Start Act, and part B of this title.

"(d) ACCOUNTABILITY.—A schoolwide program under this section shall be subject to the school improvement provisions of section 1116.".

SEC. 109. TARGETED ASSISTANCE SCHOOLS.

(a) IN GENERAL.—Subsection (a) of section 1115 (20 U.S.C. 6315(a)) is amended by striking "section 1113(c)" and inserting "section 1113(f)".

(b) ELIGIBLE CHILDREN.—Subsection (b) of section 1115 (20 U.S.C. 6315(b)) is amended to read as follows:

"(b) ELIGIBLE CHILDREN.—

"(1) ELIGIBLE POPULATION.—(A) The eligible population for services under this section is—

"(i) children not older than age 21 who are entitled to a free public education through grade 12; and

"(ii) children who are not yet at a grade level where the local educational agency provides a free public education.

"(B) From the population described in subparagraph (A), eligible children are children identified by the school as failing, or most at risk of failing, to meet the State's challenging student performance standards on the basis of assessments under this part, and, as appropriate, on the basis of multiple, educationally related, objective criteria established by the local educational agency and supplemented by the school, except that children from preschool through grade 2 may be selected solely on the basis of such criteria as teacher judgment, interviews with parents, and developmentally appropriate measures.

"(2) CHILDREN INCLUDED.—(A)(i) Children with disabilities, migrant children, and children with limited English proficiency are eligible for services under this part on the same basis as other children.

"(ii) Funds received under this part may not be used to provide services that are otherwise required by law to be made available to such children but may be used to coordinate or supplement such services.

"(B) A child who, at any time in the 2 years preceding the year for which the determination is made, participated in a Head Start or Even Start program or in preschool services under this title, is eligible for services under this part.

"(C)(i) A child who, at any time in the 2 years preceding the year for which the determination is made, received services under part C is eligible for services under this part.

"(ii) A child in a local institution for neglected or delinquent children or attending a community day program for such children is eligible for services under this part.

"(D) A child who is homeless and attending any school in the local educational agency is eligible for services under this part.".

(c) COMPONENTS OF TARGETED ASSISTANCE SCHOOL PROGRAM.—Subsection (c) of section 1115 (20 U.S.C. 6315(c)) is amended to read as follows:

"(c) COMPONENTS OF A TARGETED ASSISTANCE SCHOOL PROGRAM.—

"(1) IN GENERAL.—To assist targeted assistance schools and local educational agencies to meet their responsibility to provide for all their students served under this title the opportunity to meet the State's challenging student performance standards in subjects as determined by the State, each targeted assistance program under this section shall—

"(A) use such program's resources under this part to help participating children meet such State's challenging student performance standards expected for all children;

"(B) ensure that planning for students served under this part is incorporated into existing school planning;

"(C) use effective methods and instructional strategies that are based upon scientifically based research that strengthens the core academic program of the school and that—

"(i) give primary consideration to providing extended learning time such as an extended school year, before- and after-school, and summer programs and opportunities;

"(ii) help provide an accelerated, high-quality curriculum, including applied learning; and

"(iii) minimize removing children from the regular classroom during regular school hours for instruction provided under this part;

"(D) coordinate with and support the regular education program, which may include services to assist preschool children in the transition from early childhood programs to elementary school programs;

"(E) provide instruction by fully qualified teacher as defined in section 1610;

"(F) in accordance with subsection (e)(3) and section 1119A, provide opportunities for professional development with resources provided under this part, and, to the extent practicable, from other sources, for teachers, principals, and administrators and other school staff, including, if appropriate, pupil services personnel, who work with participating children in programs under this section or in the regular education program; and

"(G) provide strategies to increase parental involvement in accordance with section 1118, such as family literacy services.

"(2) REQUIREMENTS.—Each school conducting a program under this section shall assist participating children selected in accordance with subsection (b) to meet the State's proficient and advanced levels of performance by—

"(A) the coordination of resources provided under this part with other resources; and

"(B) reviewing, on an ongoing basis, the progress of participating children and revising the targeted assistance program, if necessary, to provide additional assistance to enable such children to meet the State's challenging student performance standards, such as an extended school year, before- and after-school, and summer, programs and opportunities, training for teachers regarding how to identify students that require additional assistance, and training for teachers regarding how to implement student performance standards in the classroom.".

(d) INTEGRATION OF PROFESSIONAL DEVELOPMENT.—Subsection (d) of section 1115 (20 U.S.C. 6515(d) is amended to read as follows:

"(d) INTEGRATION OF PROFESSIONAL DEVELOPMENT.—To promote the integration of staff supported with funds under this part, public school personnel who are paid with funds received under this part may participate in general professional development and school planning activities.".

(e) COMPREHENSIVE SERVICES.—Paragraph (2) of section 1115(e) (20 U.S.C. 6315(e)(2)) is amended—

(1) by inserting "and" at the end of subparagraph (A);

(2) by striking subparagraph (B); and

(3) by redesignating subparagraph (C) as subparagraph (B).

SEC. 110. SCHOOL CHOICE.

Section 1115A (20 U.S.C. 6316) is amended to read as follows:

"SEC. 1115A. SCHOOL CHOICE.

"(a) CHOICE PROGRAMS.—A local educational agency may use funds under this part, in combination with State, local, and private funds, to develop and implement public school choice programs, for children eligible for assistance under this part, which permit parents to select the public school that their child will attend.

"(b) CHOICE PLAN.—A local educational agency that chooses to implement a public school choice program shall first develop a plan that includes assurances that—

"(1) all eligible students across grade levels served under this part will have equal access to the program;

"(2) the program does not include schools that follow a racially discriminatory policy;

"(3) describe how the school will use resources under this part and from other sources to implement the plan;

"(4) the plan will be developed with the involvement of parents and others in the community to be served and individuals who will carry out the plan, including administrators, teachers, principals, and other staff;

"(5) parents of eligible students in the local educational agency will be given prompt notice of the existence of the public school choice program and its availability to them, and a clear explanation of how the program will operate;

"(6) the program will include charter schools and any other public school and shall not include a school that is or has been identified as a school in school improvement or is or has been in corrective action for the past 2 consecutive years;

"(7) transportation services or the costs of transportation may be provided by the local educational agency with funds under this part; and

"(8) such local educational agency will comply with the other requirements of this part.".

SEC. 111. ASSESSMENT AND LOCAL EDUCATIONAL AGENCY AND SCHOOL IMPROVEMENT.

(a) LOCAL REVIEW.—Section 1116(a) (20 U.S.C. 6317(a)) is amended—

(1) in paragraph (2), by striking "1111(b)(2)(A)(i)" and inserting "1111(b)(2)(B)";

(2) in paragraph (3), by striking "individual school performance profiles" and inserting "school reports";

(3) in paragraph (3), by striking "and" after the semicolon;

(4) in paragraph (4), by striking the period at the end and inserting "; and"; and

(5) by adding at the end the following:

"(5) review the effectiveness of the actions and activities the schools are carrying out under this part with respect to parental involvement assisted under this Act.".

(b) SCHOOL IMPROVEMENT.—Section 1116 (20 U.S.C. 6317) is amended by striking subsection (b) and by redesignating subsections (c) and (d) as subsections (b) and (c), respectively, and amending them to read as follows:

"(b) SCHOOL IMPROVEMENT.—

"(1) IN GENERAL.—A local educational agency shall identify for school improvement any school served under this part that—

"(A) for 2 consecutive years failed to make adequate yearly progress as defined in the State's plan under section 1111(b)(2); or

"(B) was in school improvement status under this section on the day preceding the date of the enactment of the Student Results Act of 1999.

"(2) TRANSITION.—The 2-year period described in paragraph (1)(A) shall include any continuous period of time immediately preceding the date of the enactment of the Student Results Act of 1999 during which a school did not make adequate yearly progress as defined in the State's plan, as such plan was in effect on the day preceding the date of such enactment.

"(3) TARGETED ASSISTANCE SCHOOLS.—To determine if a school that is conducting a targeted assistance program under section 1115 should be identified as in need of improvement under this subsection, a local educational agency may choose to review the progress of only those students in such school who are served under this part.

"(4) OPPORTUNITY TO REVIEW AND PRESENT EVIDENCE.—

"(A) IN GENERAL.—Before identifying a school for school improvement under paragraph (1), the local educational agency shall provide the school with an opportunity to review the school-level data, including assessment data, on which the proposed identification is based.

"(B) SUPPORTING EVIDENCE.—If the school principal believes that the proposed identification is in error for statistical or other substantive reasons, the principal may provide supporting evidence to the local educational agency, which such agency shall consider before making a final determination.

"(5) NOTIFICATION TO PARENTS.—A local educational agency shall, in an easily understandable format, provide in writing to parents of each student in a school identified for school improvement—

"(A) an explanation of what the school improvement identification means and how the school compares in terms of academic performance to other schools in the local educational agency and State;

"(B) the reasons for such identification;

"(C) the data on which such identification is based;

"(D) an explanation of what the school is doing to address the problem of low achievement;

"(E) an explanation of how parents can become involved in upgrading the quality of the school;

"(F) an explanation of the right of parents, pursuant to paragraph (6), to transfer their child to another public school, including a public charter school, that is not in school improvement, and how such transfer shall operate; and

"(G) notification to parents in a format and, to the extent practicable, in a language they can understand.

"(6) PUBLIC SCHOOL CHOICE OPTION.—

"(A) SCHOOLS IDENTIFIED FOR IMPROVEMENT.—

"(i) SCHOOLS IDENTIFIED ON OR BEFORE ENACTMENT.—Not later than 18 months after the date of enactment of the Student Results Act of 1999, a local educational agency shall provide all students enrolled in a school identified (on or before such date of enactment) for school improvement with an option to transfer to any other public school within the local educational agency or any public school consistent with subparagraph (B), including a public charter school that has not been identified for school improvement, unless such option to transfer is prohibited by State law, or local law, which includes school board-approved local educational agency policy.

"(ii) SCHOOLS IDENTIFIED AFTER ENACTMENT.—Not later than 18 months after the date on which a local educational agency identifies a school for school improvement, the agency shall provide all students enrolled in such school with an option described in clause (i).

"(B) COOPERATIVE AGREEMENT.—If all public schools in the local educational agency to which a child may transfer to, are identified for school improvement, the agency shall, to the extent practicable, establish a cooperative agreement with other local educational agencies in the area for the transfer.

"(C) TRANSPORTATION.—The local educational agency in which the schools have been identified for improvement may use funds under this part to provide transportation to students whose parents choose to transfer their child or children to a different school.

"(D) CONTINUE OPTION.—Once a school is no longer identified for school improvement, the local educational agency shall continue to provide public school choice as an option to students in such school for a period of not less than 2 years.

"(7) SCHOOL PLAN.—

"(A) IN GENERAL.—Each school identified under paragraph (1) for school improvement shall, not later than 3 months after being so identified, develop or revise a school plan, in consultation with parents, school staff, the local educational agency, and other outside experts for approval by the local educational agency. Such plan shall—

"(i) incorporate scientifically-based research strategies that strengthen the core academic program in the school;

"(ii) adopt policies that have the greatest likelihood of improving the performance of participating children in meeting the State's student performance standards;

"(iii) address the professional development needs of staff, particularly teachers and principals;

"(iv) establish specific goals and objectives the school will undertake for making adequate yearly progress which include specific numerical performance goals and targets for each of the groups of students identified in the disaggregated data pursuant to section 1111(b)(2);

"(v) identify how the school will provide written notification to parents, in a format and to the extent practicable in a language such parents can understand; and

"(vi) specify the responsibilities of the local educational agency and the school under the plan.

"(B) CONDITIONAL APPROVAL.—A local educational agency may condition approval of a school plan on inclusion of 1 or more of the corrective actions specified in paragraph (9).

"(C) IMPLEMENTATION.—A school shall implement its plan or revised plan expeditiously, but not later than the beginning of the school year after which the school has been identified for improvement.

"(D) REVIEW.—The local educational agency shall promptly review the plan, work with the school as necessary, and approve the plan if it meets the requirements of this section.

"(8) TECHNICAL ASSISTANCE.—

"(A) IN GENERAL.—For each school identified for school improvement under paragraph (1), the local educational agency shall provide technical assistance as the school develops and implements its plan.

"(B) SPECIFIC TECHNICAL ASSISTANCE.—Such technical assistance—

"(i) shall include effective methods and instructional strategies that are based upon scientifically based research that strengthens the core academic program in the school and addresses the specific elements of student performance problems in the school;

"(ii) may be provided directly by the local educational agency, through mechanisms authorized under section 1117, or with the local educational agency's approval, by an institution of higher education, a private nonprofit organization, an educational service agency, a comprehensive regional assistance center under part A of title XIII, or other entities with experience in helping schools improve achievement.

"(C) TECHNICAL ASSISTANCE.—Technical assistance provided under this section by the local educational agency or an entity authorized by such agency shall be based upon scientifically based research.

"(9) CORRECTIVE ACTION.—In order to help students served under this part meet challenging State standards, each local educational agency shall implement a system of corrective action in accordance with the following:

"(A) IN GENERAL.—After providing technical assistance under paragraph (8) and subject to subparagraph (F), the local educational agency—

"(i) may take corrective action at any time with respect to a school that has been identified under paragraph (1);

"(ii) shall take corrective action with respect to any school that fails to make adequate yearly

progress, as defined by the State, after the end of the second year following its identification under paragraph (1); and

“(iii) shall continue to provide technical assistance while instituting any corrective action under clause (i) or (ii).

“(B) DEFINITION.—As used in this paragraph, the term ‘corrective action’ means action, consistent with State and local law, that—

“(i) substantially and directly responds to the consistent academic failure that caused the local educational agency to take such action and to any underlying staffing, curricular, or other problems in the school; and

“(ii) is designed to substantially increase the likelihood that students will perform at the proficient and advanced performance levels.

“(C) CERTAIN SCHOOLS.—In the case of a school described in subparagraph (A)(ii), the local educational agency shall take not less than 1 of the following corrective actions:

“(i) Withhold funds from the school.

“(ii) Decrease decisionmaking authority at the school level.

“(iii) Make alternative governance arrangements, including reopening the school as a public charter school.

“(iv) Reconstitute the school by requiring each person employed at the school to reapply for future employment at the same school or for any position in the local educational agency.

“(v) Authorize students to transfer to other higher performing public schools served by the local educational agency, including public charter schools, and provide such students transportation (or the costs of transportation) to such schools in conjunction with not less than 1 additional action described under this subparagraph.

“(vi) Institute and fully implement a new curriculum, including appropriate professional development for all relevant staff, that is based upon scientifically based research and offers substantial promise of improving educational achievement for low-performing students.

“(D) IMPLEMENTATION DELAY.—A local educational agency may delay, for a period not to exceed 1 year, implementation of corrective action only if the failure to make adequate yearly progress was justified due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the local educational agency or school.

“(E) PUBLICATION.—The local educational agency shall publish, and disseminate to the public and to parents in a format and, to the extent practicable, in a language that they can understand, any corrective action it takes under this paragraph through such means as the Internet, the media, and public agencies.

“(F) REVIEW.—(i) Before taking corrective action with respect to any school under this paragraph, a local educational agency shall provide the school an opportunity to review the school level data, including assessment data, on which the proposed determination is made.

“(ii) If the school believes that the proposed determination is in error for statistical or other substantive reasons, it may provide supporting evidence to the local educational agency, which shall consider such evidence before making a final determination.

“(10) STATE EDUCATIONAL AGENCY RESPONSIBILITIES.—If a State educational agency determines that a local educational agency failed to carry out its responsibilities under this section, it shall take such action as it finds necessary, consistent with this section, to improve the affected schools and to ensure that the local educational agency carries out its responsibilities under this section.

“(11) SPECIAL RULE.—Schools that, for at least two of the three years following identification under paragraph (1), make adequate yearly progress toward meeting the State's proficient and advanced levels of performance shall no longer be identified for school improvement.

“(c) STATE REVIEW AND LOCAL EDUCATIONAL AGENCY IMPROVEMENT.—

“(1) IN GENERAL.—A State educational agency shall—

“(A) annually review the progress of each local educational agency receiving funds under this part to determine whether schools receiving assistance under this part are making adequate yearly progress as defined in section 1111(b)(2) toward meeting the State's student performance standards; and

“(B) publicize and disseminate to local educational agencies, teachers and other staff, parents, students, and the community the results of the State review consistent with section 1111, including statistically sound disaggregated results, as required by section 1111(b)(2).

“(2) IDENTIFICATION OF LOCAL EDUCATIONAL AGENCY FOR IMPROVEMENT.—A State educational agency shall identify for improvement any local educational agency that—

“(A) for 2 consecutive years failed to make adequate yearly progress as defined in the State's plan under section 1111(b)(2); or

“(B) was in improvement status under this section as this section was in effect on the day preceding the date of enactment of the Student Results Act of 1999.

“(3) TRANSITION.—The 2-year period described in paragraph (2)(A) shall include any continuous period of time immediately preceding the date of the enactment of the Student Results Act of 1999, during which a local educational agency did not make adequate yearly progress as defined in the State's plan, as such plan was in effect on the day preceding the date of such enactment.

“(4) TARGETED ASSISTANCE SCHOOLS.—For purposes of targeted assistance schools in a local educational agency, a State educational agency may choose to review the progress of only the students in such schools who are served under this part.

“(5) OPPORTUNITY TO REVIEW AND PRESENT EVIDENCE.—

“(A) REVIEW.—Before identifying a local educational agency for improvement under paragraph (2), a State educational agency shall provide the local educational agency with an opportunity to review the local educational agency data, including assessment data, on which that proposed identification is based.

“(B) SUPPORTING EVIDENCE.—If the local educational agency believes that the proposed identification is in error for statistical or other substantive reasons, it may provide supporting evidence to the State educational agency, which such agency shall consider before making a final determination.

“(6) NOTIFICATION TO PARENTS.—The State educational agency shall promptly notify parents in a format, and to the extent practicable in a language they can understand, of each student enrolled in a school in a local educational agency identified for improvement, of the reasons for such agency's identification and how parents can participate in upgrading the quality of the local educational agency.

“(7) LOCAL EDUCATIONAL AGENCY REVISIONS.—

“(A) PLAN.—Each local educational agency identified under paragraph (2) shall, not later than 3 months after being so identified, develop or revise a local educational agency plan, in consultation with parents, school staff, and others. Such plan shall—

“(i) incorporate scientifically based research strategies that strengthen the core academic program in the local educational agency;

“(ii) identify specific goals and objectives the local educational agency will undertake to make adequate yearly progress and which—

“(I) have the greatest likelihood of improving the performance of participating children in meeting the State's student performance standards;

“(II) address the professional development needs of staff; and

“(III) include specific numerical performance goals and targets for each of the groups of students identified in the disaggregated data pursuant to section 1111(b)(2);

“(iii) identify how the local educational agency will provide written notification to parents in a format, and to the extent practicable in a language, that they can understand, pursuant to paragraph (6); and

“(iv) specify the responsibilities of the State educational agency and the local educational agency under the plan.

“(B) IMPLEMENTATION.—The local educational agency shall implement its plan or revised plan expeditiously, but not later than the beginning of the school year after which the school has been identified for improvement.

“(8) STATE EDUCATIONAL AGENCY RESPONSIBILITY.—

“(A) IN GENERAL.—For each local educational agency identified under paragraph (2), the State educational agency shall provide technical or other assistance, if requested, as authorized under section 1117, to better enable the local educational agency—

“(i) to develop and implement its revised plan as approved by the State educational agency consistent with the requirements of this section; and

“(ii) to work with schools needing improvement.

“(B) TECHNICAL ASSISTANCE.—Technical assistance provided under this section by the State educational agency or an entity authorized by such agency shall be based upon scientifically based research.

“(9) CORRECTIVE ACTION.—In order to help students served under this part meet challenging State standards, each State educational agency shall implement a system of corrective action in accordance with the following:

“(A) IN GENERAL.—After providing technical assistance under paragraph (8) and subject to subparagraph (D), the State educational agency—

“(i) may take corrective action at any time with respect to a local educational agency that has been identified under paragraph (2);

“(ii) shall take corrective action with respect to any local educational agency that fails to make adequate yearly progress, as defined by the State, after the end of the second year following its identification under paragraph (2); and

“(iii) shall continue to provide technical assistance while instituting any corrective action under clause (i) or (ii).

“(B) DEFINITION.—As used in this paragraph, the term ‘corrective action’ means action, consistent with State law, that—

“(i) substantially and directly responds to the consistent academic failure that caused the State educational agency to take such action and to any underlying staffing, curricular, or other problems in the school; and

“(ii) is designed to meet the goal of having all students served under this part perform at the proficient and advanced performance levels.

“(C) CERTAIN LOCAL EDUCATIONAL AGENCIES.—In the case of a local educational agency described in this paragraph, the State educational agency shall take not less than 1 of the following corrective actions:

“(i) Withhold funds from the local educational agency.

“(ii) Reconstitute school district personnel.

“(iii) Remove particular schools from the jurisdiction of the local educational agency and

establish alternative arrangements for public governance and supervision of such schools.

"(iv) Appoint, through the State educational agency, a receiver or trustee to administer the affairs of the local educational agency in place of the superintendent and school board.

"(v) Abolish or restructure the local educational agency.

"(vi) Authorize students to transfer from a school operated by a local educational agency to a higher performing public school operated by another local educational agency, or to a public charter school and provide such students transportation (or the costs of transportation to such schools, in conjunction with not less than 1 additional action described under this paragraph.

"(D) HEARING.—Prior to implementing any corrective action, the State educational agency shall provide due process and a hearing to the affected local educational agency, if State law provides for such process and hearing.

"(E) PUBLICATION.—The State educational agency shall publish, and disseminate to parents and the public any corrective action it takes under this paragraph through such means as the Internet, the media, and public agencies.

"(F) DELAY.—A local educational agency may delay, for a period not to exceed 1 year, implementation of corrective action if the failure to make adequate yearly progress was justified due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the local educational agency or school.

"(10) SPECIAL RULE.—A local educational agency, that, for at least two of the three years following identification under paragraph (2), makes adequate yearly progress toward meeting the State's proficient and advanced levels of performance shall no longer be identified for school improvement.".

SEC. 112. STATE ASSISTANCE FOR SCHOOL SUPPORT AND IMPROVEMENT.

Section 1117 (20 U.S.C. 6318) is amended to read as follows:

"SEC. 1117. STATE ASSISTANCE FOR SCHOOL SUPPORT AND IMPROVEMENT.

"(a) SYSTEM FOR SUPPORT.—Each State educational agency shall establish a statewide system of intensive and sustained support and improvement for local educational agencies and schools receiving funds under this part, in order to increase the opportunity for all students in those agencies and schools to meet the State's content standards and student performance standards.

"(b) PRIORITIES.—In carrying out this section, a State educational agency shall—

"(1) first, provide support and assistance to local educational agencies subject to corrective action under section 1116 and assist schools, in accordance with section 1116(b)(10), for which a local educational agency has failed to carry out its responsibilities under section 1116(b)(8) and (9);

"(2) second, provide support and assistance to other local educational agencies identified as in need of improvement under section 1116; and

"(3) third, provide support and assistance to other local educational agencies and schools participating under this part that need that support and assistance in order to achieve the purpose of this part.

"(c) APPROACHES.—In order to achieve the purpose described in subsection (a), each such system shall provide technical assistance and support through such approaches as—

"(1) school support teams, composed of individuals who are knowledgeable about scientifically based research and practice on teaching and learning, particularly about strategies for improving educational results for low-achieving children; and

"(2) the designation and use of "Distinguished Educators", chosen from schools served under this part that have been especially successful in improving academic achievement.

"(d) FUNDS.—Each State educational agency—

"(1) shall use funds reserved under section 1002(f); and

"(2) may use State administrative funds authorized under section 1002(h) for such purpose.

"(e) ALTERNATIVES.—The State may devise additional approaches to providing the assistance described in paragraphs (1) and (2) of subsection (c), such as providing assistance through institutions of higher education and educational service agencies or other local consortia, and the State may seek approval from the Secretary to use funds made available under section 1002(h) for such approaches as part of the State plan.".

SEC. 113. ACADEMIC ACHIEVEMENT AWARDS PROGRAM.

Subpart 1 of part A of title I is amended by inserting after section 1117 the following:

"SEC. 1117A. ACADEMIC ACHIEVEMENT AWARDS PROGRAM.

"(a) ESTABLISHMENT OF ACADEMIC ACHIEVEMENT AWARDS PROGRAM.—

"(1) IN GENERAL.—Each State receiving a grant under this part may establish a program for making academic achievement awards to recognize and financially reward schools served under this part that have—

"(A) significantly closed the achievement gap between the groups of students defined in section 1111(b)(2); or

"(B) exceeded their adequate yearly progress goals, consistent with section 1111(b)(2), for 2 or more consecutive years.

"(2) AWARDS TO TEACHERS.—A State program under paragraph (1) may also recognize and provide financial awards to teachers teaching in a school described in such paragraph whose students consistently make significant gains in academic achievement in the areas in which the teacher provides instruction.

"(b) FUNDING.—

"(1) RESERVATION OF FUNDS BY STATE.—For the purpose of carrying out this section, each State receiving a grant under this part may reserve, from the amount (if any) by which the funds received by the State under this part for a fiscal year exceed the amount received by the State under this part for the preceding fiscal year, not more than 30 percent of such excess amount.

"(2) USE WITHIN 3 YEARS.—Notwithstanding any other provision of law, the amount reserved under paragraph (1) by a State for each fiscal year shall remain available to the State until expended for a period not exceeding 3 years.

"(3) SPECIAL ALLOCATION RULE FOR SCHOOLS IN HIGH-POVERTY AREAS.—

"(A) IN GENERAL.—Each State receiving a grant under this part shall distribute at least 50 percent of the amount reserved under paragraph (1) for each fiscal year to schools described in subparagraph (B), or to teachers teaching in such schools.

"(B) SCHOOLS DESCRIBED.—A school described in subparagraph (A) is a school whose student population is in the highest quartile of schools statewide in terms of the percentage of children eligible for free and reduced priced lunches under the National School Lunch Act.".

SEC. 114. PARENTAL INVOLVEMENT CHANGES.

(a) LOCAL EDUCATIONAL AGENCY POLICY.—Subsection (a) of section 1118 (20 U.S.C. 6319(a)) is amended—

(1) in paragraph (1), by striking "programs, activities, and procedures" and inserting "activities and procedures".

(2) in paragraph (2) by striking subparagraphs (E) and (F) and inserting the following:

"(E) conduct, with the involvement of parents, an annual evaluation of the content and effectiveness of the parental involvement policy in improving the academic quality of the schools served under this part;

"(F) involve parents in the activities of the schools served under this part; and

"(G) promote consumer friendly environments at the local educational agency and schools served under this part.";

(3) in paragraph (3) by adding at the end the following new subparagraph:

"(C) Not less than 90 percent of the funds reserved under subparagraph (A) shall be distributed to schools served under this part.".

(b) NOTICE.—Paragraph (1) of section 1118(b) (20 U.S.C. 6319(b)(1)) is amended by inserting after the first sentence the following: "Parents shall be notified of the policy in a format, and to the extent practicable, in a language that they can understand.".

(c) PARENTAL INVOLVEMENT.—Paragraph (4) of section 1118(c) (20 U.S.C. 6319(c)(4)) is amended—

(1) in subparagraph (B), by striking "performance profiles required under section 1116(a)(3)" and inserting "school reports required under section 1111";

(2) by redesignating subparagraphs (D) and (E) as subparagraphs (F) and (G), respectively;

(3) by inserting after subparagraph (C) the following new subparagraphs:

"(D) notice of the schools' identification as a school in school improvement under section 1116(b), if applicable, and a clear explanation of what such identification means;

"(E) notice of the corrective action that has been taken against the school under section 1116(b)(9) and 1116(c)(9), if applicable, and a clear explanation of what such action means;"; and

(4) in subparagraph (G) (as so redesignated), by striking "subparagraph (D)" and inserting "subparagraph (F)".

(d) BUILDING CAPACITY FOR INVOLVEMENT.—Subsection (e) of section 1118 (20 U.S.C 6319(e)) is amended to read as follows:

"(e) BUILDING CAPACITY FOR INVOLVEMENT.—To ensure effective involvement of parents and to support a partnership among the school, parents, and the community to improve student achievement, each school and local educational agency—

"(1) shall provide assistance to participating parents in such areas as understanding the State's content standards and State student performance standards, the provisions of section 1111(b)(8), State and local assessments, the requirements of this part, and how to monitor a child's progress and work with educators to improve the performance of their children as well as information on how parents can participate in decisions relating to the education of their children;

"(2) shall provide materials and training, such as—

"(A) coordinating necessary literacy training from other sources to help parents work with their children to improve their children's achievement; and

"(B) training to help parents to work with their children to improve their children's achievement;

"(3) shall educate teachers, pupil services personnel, principals and other staff, with the assistance of parents, in the value and utility of contributions of parents, and in how to reach out to, communicate with, and work with parents as equal partners, implement and coordinate parent programs, and build ties between home and school;

"(4) shall coordinate and integrate parent involvement programs and activities with Head Start, Even Start, the Home Instruction Programs for Preschool Youngsters, the Parents as Teachers Program, and public preschool programs and other programs, to the extent feasible and appropriate;

"(5) shall conduct other activities, as appropriate and feasible, such as parent resource centers and opportunities for parents to learn how to become full partners in the education of their children;

"(6) shall ensure, to the extent possible, that information related to school and parent programs, meetings, and other activities is sent to the homes of participating children in the language used in such homes;

"(7) shall provide such other reasonable support for parental involvement activities under this section as parents may request;

"(8) shall expand the use of electronic communications among teachers, students, and parents, such as through the use of websites and e-mail communications;

"(9) may involve parents in the development of training for teachers, principals, and other educators to improve the effectiveness of such training in improving instruction and services to the children of such parents in a format, and to the extent practicable, in a language the parent can understand;

"(10) may provide necessary literacy training from funds received under this part if the local educational agency has exhausted all other reasonably available sources of funding for such activities;

"(11) may pay reasonable and necessary expenses associated with local parental involvement activities, including transportation and child care costs, to enable parents to participate in school-related meetings and training sessions;

"(12) may train and support parents to enhance the involvement of other parents;

"(13) may arrange meetings at a variety of times, such as in the mornings and evenings, in order to maximize the opportunities for parents to participate in school related activities;

"(14) may arrange for teachers or other educators, who work directly with participating children, to conduct in-home conferences with parents who are unable to attend such conferences at school;

"(15) may adopt and implement model approaches to improving parental involvement, such as Even Start;

"(16) may establish a districtwide parent advisory council to advise on all matters related to parental involvement in programs supported under this part; and

"(17) may develop appropriate roles for community-based organizations and businesses in parent involvement activities, including providing information about opportunities for organizations and businesses to work with parents and schools, and encouraging the formation of partnerships between elementary, middle, and secondary schools and local businesses that include a role for parents.".

(e) ACCESSIBILITY.—Subsection (f) of section 1118 (20 U.S.C. 6319(f)) is amended to read as follows:

"(f) ACCESSIBILITY.—In carrying out the parental involvement requirements of this part, local educational agencies and schools, to the extent practicable, shall provide full opportunities for the participation of parents with limited English proficiency or with disabilities and parents of migratory children, including providing information and school reports required under section 1111 in a format, and to the extent practicable, in a language such parents understand.".

SEC. 115. QUALIFICATIONS FOR TEACHERS AND PARAPROFESSIONALS.

Section 1119 (20 U.S.C. 6301) is amended to read as follows:

"SEC. 1119. QUALIFICATIONS FOR TEACHERS AND PARAPROFESSIONALS.

"(a) TEACHERS.—

"(1) IN GENERAL.—Each local educational agency receiving assistance under this part shall ensure that all teachers hired on or after the effective date of the Student Results Act of 1999 and teaching in a program supported with funds under this part are fully qualified.

"(2) PLAN.—Each State receiving assistance under this part shall develop and submit to the Secretary a plan to ensure that all teachers teaching within the State are fully qualified not later than December 31, 2003. Such plan shall include an assurance that the State will require each local educational agency and school receiving funds under this part publicly to report their annual progress on the agency's and the school's performance in increasing the percentage of classes in core academic areas taught by fully qualified teachers.

"(b) NEW PARAPROFESSIONALS.—

"(1) IN GENERAL.—Each local educational agency receiving assistance under this part shall ensure that all paraprofessionals hired one year or more after the effective date of the Student Results Act of 1999 and working in a program supported with funds under this part shall—

"(A) have completed at least 2 years of study at an institution of higher education;

"(B) have obtained an associate's (or higher) degree; or

"(C) have met a rigorous standard of quality that demonstrates, through a formal assessment—

"(i) knowledge of, and the ability to assist in instructing reading, writing, and math; or

"(ii) knowledge of, and the ability to assist in instructing reading readiness, writing readiness, and math readiness, as appropriate.

"(2) CLARIFICATION.—For purposes of paragraph (1)(C), the receipt of a high school diploma (or its recognized equivalent) shall be necessary but not by itself sufficient to satisfy the requirements of such paragraph.

"(c) EXISTING PARAPROFESSIONALS.—Each local educational agency receiving assistance under this part shall ensure that all paraprofessionals hired before the date that is one year after the effective date of the Student Results Act of 1999 and working in a program supported with funds under this part shall, not later than 3 years after such effective date, satisfy the requirements of subsection (b).

"(d) EXCEPTIONS FOR TRANSLATION AND PARENTAL INVOLVEMENT ACTIVITIES.—Subsections (b) and (c) shall not apply to a paraprofessional—

"(A) who is proficient in English and a language other than English and who provides services primarily to enhance the participation of children in programs under this part by acting as a translator; or

"(B) whose duties consist solely of conducting parental involvement activities consistent with section 1118.

"(e) GENERAL REQUIREMENT FOR ALL PARAPROFESSIONALS.—Each local educational agency receiving assistance under this part shall ensure that all paraprofessionals working in a program supported with funds under this part, regardless of the paraprofessional's hiring date, possess a high school diploma or its recognized equivalent.

"(f) DUTIES OF PARAPROFESSIONALS.—

"(1) IN GENERAL.—Each local educational agency receiving assistance under this part shall ensure that a paraprofessional working in a program supported with funds under this part is not assigned a duty inconsistent with this subsection.

"(2) RESPONSIBILITIES PARAPROFESSIONALS MAY BE ASSIGNED.—A paraprofessional described in paragraph (1) may only be assigned—

"(A) to provide one-on-one tutoring for eligible students, if the tutoring is scheduled at a time when a student would not otherwise receive instruction from a teacher;

"(B) to assist with classroom management, such as organizing instructional and other materials;

"(C) to provide assistance in a computer laboratory;

"(D) to conduct parental involvement activities;

"(E) to provide support in a library or media center;

"(F) to act as a translator; or

"(G) to provide instructional services to students;

"(3) ADDITIONAL LIMITATIONS.—A paraprofessional described in paragraph (1)—

"(A) may not provide any instructional service to a student unless the paraprofessional is working under the direct supervision of a fully qualified teacher; and

"(B) may not provide instructional services to students in the area of reading, writing, or math unless the paraprofessional has demonstrated, through a State or local assessment, the ability effectively to carry out reading, writing, or math instruction.

"(g) USE OF FUNDS.—

"(1) PROFESSIONAL DEVELOPMENT.—A local educational agency receiving funds under this part may use such funds to support ongoing training and professional development to assist teachers and paraprofessionals in satisfying the requirements of this section.

"(2) LIMITATION ON USE OF FUNDS FOR PARAPROFESSIONALS.—

"(A) IN GENERAL.—Beginning on and after the effective date of the Student Results Act of 1999, a local educational agency may not use funds received under this part to fund any paraprofessional hired after such date unless the hiring is to fill a vacancy created by the departure of another paraprofessional funded under this part and such new paraprofessional satisfies the requirements of subsection (b) or (c).

"(B) EXCEPTION.—Subparagraph (A) shall not apply for a fiscal year to a local educational agency that can demonstrate to the State that all teachers under the jurisdiction of the agency are fully qualified.

"(h) VERIFICATION OF COMPLIANCE.—

"(1) IN GENERAL.—In verifying compliance with this section, each local educational agency at a minimum shall require that the principal of each school operating a program under section 1114 or 1115 annually attest in writing as to whether such school is in compliance with the requirements of this section.

"(2) AVAILABILITY OF INFORMATION.—Copies of attestations under paragraph (1)—

"(A) shall be maintained at each school operating a program under section 1114 or 1115 and at the main office of the local educational agency; and

"(B) shall be available to any member of the general public upon request.".

SEC. 116. PROFESSIONAL DEVELOPMENT.

Subpart 1 of part A of title I (20 U.S.C. 6311 et seq.) is amended by inserting after section 1119 the following:

"SEC. 1119A. PROFESSIONAL DEVELOPMENT.

"(a) PURPOSE.—The purpose of this section is to assist each local educational agency receiving assistance under this part in increasing the academic achievement of eligible children (as defined in section 1115(b)(1)(B)) through improved teacher quality.

"(b) PROFESSIONAL DEVELOPMENT ACTIVITIES.—

"(1) REQUIRED ACTIVITIES.—Professional development activities under this section shall—

"(A) support professional development activities that give teachers, principals, and administrators the knowledge and skills to provide students with the opportunity to meet challenging State or local content standards and student performance standards;

"(B) support the recruiting, hiring, and training of fully qualified teachers, including teachers fully qualified through State and local alternative routes;

"(C) advance teacher understanding of effective instructional strategies based on scientifically-based research for improving student achievement, at a minimum, in reading or language arts and mathematics;

"(D) be directly related to the curriculum and content areas in which the teacher provides instruction;

"(E) be designed to enhance the ability of a teacher to understand and use the State's standards for the subject area in which the teacher provides instruction;

"(F) be tied to scientifically based research demonstrating the effectiveness of such professional development activities or programs in increasing student achievement or substantially increasing the knowledge and teaching skills of teachers;

"(G) be of sufficient intensity and duration (not to include 1-day or short-term workshops and conferences) to have a positive and lasting impact on the teacher's performance in the classroom, except that this paragraph shall not apply to an activity if such activity is one component of a long-term comprehensive professional development plan established by the teacher and the teacher's supervisor based upon an assessment of their needs, their students' needs, and the needs of the local educational agency;

"(H) be developed with extensive participation of teachers, principals, parents, and administrators of schools to be served under this part;

"(I) to the extent appropriate, provide training for teachers in the use of technology so that technology and its applications are effectively used in the classroom to improve teaching and learning in the curriculum and academic content areas in which the teachers provide instruction; and

"(J) as a whole, be regularly evaluated for their impact on increased teacher effectiveness and improved student achievement, with the findings of such evaluations used to improve the quality of professional aevelopment.

"(2) OPTIONAL ACTIVITIES.—Such professional development activities may include—

"(A) instruction in the use of data and assessments to inform and instruct classroom practice;

"(B) instruction in ways that teachers, principals, pupil services personnel, and school administrators may work more effectively with parents;

"(C) the forming of partnerships with institutions of higher education to establish school-based teacher training programs that provide prospective teachers and novice teachers with an opportunity to work under the guidance of experienced teachers and college faculty;

"(D) the creation of career ladder programs for paraprofessionals (assisting teachers under this part) to obtain the education necessary for such paraprofessionals to become licensed and certified teachers;

"(E) instruction in ways to teach special needs children;

"(F) joint professional development activities involving programs under this part, Head Start, Even Start, or State-run preschool program personnel;

"(G) instruction in experiential-based teaching methods such as service or applied learning; and

"(H) mentoring programs focusing on changing teacher behaviors and practices to help novice teachers, including teachers who are members of a minority group, develop and gain confidence in their skills, to increase the likelihood that they will continue in the teaching profession, and generally to improve the quality of their teaching.

"(c) PROGRAM PARTICIPATION.—Each local educational agency receiving assistance under this part may design professional development programs so that—

"(1) all school staff in schools participating in a schoolwide program under section 1114 can participate in professional development activities; and

"(2) all school staff in targeted assistance schools may participate in professional development activities if such participation will result in better addressing the needs of students served under this part.

"(d) PARENTAL PARTICIPATION.—Parents may participate in professional development activities under this part if the school determines that parental participation is appropriate.

"(e) CONSORTIA.—In carrying out such professional development programs, local educational agencies may provide services through consortia arrangements with other local educational agencies, educational service agencies or other local consortia, institutions of higher education, or other public or private institutions or organizations.

"(f) CONSOLIDATION OF FUNDS.—Funds provided under this part that are used for professional development purposes may be consolidated with funds provided under title II of this Act and other sources.

"(g) DEFINITION.—The term 'fully qualified' has the same meaning given such term in section 1610.

"(h) SPECIAL RULE.—No State educational agency shall require a school or a local educational agency to expend a specific amount of funds for professional development activities under this part, except that this paragraph shall not apply with respect to requirements under section 1116(c)(9).".

SEC. 117. PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.

(a) GENERAL REQUIREMENT.—Subsection (a) of section 1120 (20 U.S.C. 6321(a)) is amended to read as follows:

"(a) GENERAL REQUIREMENT.—

"(1) IN GENERAL.—To the extent consistent with the number of eligible children identified under section 1115(b) in a local educational agency who are enrolled in private elementary and secondary schools, a local educational agency shall, after timely and meaningful consultation with appropriate private school officials, provide such children, on an equitable basis, special educational services or other benefits under this part (such as dual enrollment, educational radio and television, computer equipment and materials, other technology, and mobile educational services and equipment) that address their needs, and shall ensure that teachers and families of these students participate, on an equitable basis, in services and activities developed pursuant to sections 1118 and 1119A.

"(2) SECULAR, NEUTRAL, NONIDEOLOGICAL.—Such educational services or other benefits, including materials and equipment, shall be secular, neutral, and nonideological.

"(3) EQUITY.—Educational services and other benefits for such private school children shall be equitable in comparison to services and other benefits for public school children participating under this part, and shall be provided in a timely manner.

"(4) EXPENDITURES.—Expenditures for educational services and other benefits to eligible private school children shall be equal to the proportion of funds allocated to participating school attendance areas based on the number of children from low-income families who attend private schools, which the local educational agency may determine each year or every 2 years.

"(5) PROVISION OF SERVICES.—The local educational agency shall provide services under this section directly or through contracts with public and private agencies, organizations, and institutions.".

(b) CONSULTATION.—Subsection (b) of section 1120 (20 U.S.C. 6321(b)) is amended to read as follows:

"(b) CONSULTATION.—

"(1) IN GENERAL.—To ensure timely and meaningful consultation, a local educational agency shall consult with appropriate private school officials during the design and development of such agency's programs under this part, on issues such as—

"(A) how the children's needs will be identified;

"(B) what services will be offered;

"(C) how, where, and by whom the services will be provided;

"(D) how the services will be assessed and how the results of that assessment will be used to improve those services;

"(E) the size and scope of the equitable services to be provided to the eligible private school children, and the amount of funds generated by low-income private school children in each participating attendance area;

"(F) the method or sources of data that are used under subsection (a)(4) and section 1113(c)(2) to determine the number of children from low-income families in participating school attendance areas who attend private schools; and

"(G) how and when the agency will make decisions about the delivery of services to such children, including a thorough consideration and analysis of the views of the private school officials on the provision of contract services through potential third party providers. If the local educational agency disagrees with the views of the private school officials on the provision of services, through a contract, the local educational agency shall provide in writing to such private school officials, an analysis of the reasons why the local educational agency has chosen not to use a contractor.

"(2) TIMING.—Such consultation shall include meetings of agency and private school officials and shall occur before the local educational agency makes any decision that affects the opportunities of eligible private school children to participate in programs under this part. Such meetings shall continue throughout implementation and assessment of services provided under this section.

"(3) DISCUSSION.—Such consultation shall include a discussion of service delivery mechanisms a local educational agency can use to provide equitable services to eligible private school children.

"(4) DOCUMENTATION.—Each local educational agency shall provide to the State educational agency, and maintain in its records, a written affirmation signed by officials of each participating private school that the consultation required by this section has occurred.

"(5) COMPLIANCE.—Private school officials shall have the right to appeal to the State as to whether the consultation provided for in this section was meaningful and timely, and that due consideration was given to the views of private school officials. If the private school wishes to appeal, the basis of the claim of noncompliance with this section by the local educational agencies shall be provided to the State, and the local educational agency shall forward the documentation provided in subsection (b)(3) to the State.".

(c) STANDARDS FOR BYPASS.—Subsection (d) of section 1120 (20 U.S.C. 6321(d)) is amended to read as follows:

"(d) STANDARDS FOR A BYPASS.—If a local educational agency is prohibited by law from providing for the participation on an equitable basis of eligible children enrolled in private elementary and secondary schools or if the Secretary determines that a local educational agency has substantially failed or is unwilling to provide for such participation, as required by this section, the Secretary shall—

"(1) waive the requirements of this section for such local educational agency;

"(2) arrange for the provision of services to such children through arrangements that shall be subject to the requirements of this section and sections 14505 and 14506; and

"(3) in making the determination, consider one or more factors, including the quality, size, scope, and location of the program and the opportunity of eligible children to participate.".

(d) Capital Expenses.—Effective September 30, 2002, subsection (e) of section 1120 (20 U.S.C. 6321(e)) is hereby repealed.

SEC. 118. COORDINATION REQUIREMENTS.

Section 1120B (20 U.S.C. 6323 et seq.) is amended—

(1) in subsection (a), by striking "to the extent feasible" and all that follows through the period and inserting "with local Head Start agencies, and if feasible, other early childhood development programs.";

(2) in subsection (b)—

(A) in paragraph (3) by striking "and" after the semicolon;

(B) in paragraph (4) by striking the period and inserting "; and"; and

(C) by adding at the end, the following:

"(5) linking the educational services provided in such local educational agency with the services provided in local Head Start agencies.".

SEC. 119. GRANTS FOR THE OUTLYING AREAS AND THE SECRETARY OF THE INTERIOR.

Section 1121 is amended to read as follows:

"SEC. 1121. GRANTS FOR THE OUTLYING AREAS AND THE SECRETARY OF THE INTERIOR.

"(a) Reservation of Funds.—From the amount appropriated for payments to States for any fiscal year under section 1002(a), the Secretary shall reserve a total of 1 percent to provide assistance to—

"(1) the outlying areas in the amount determined in accordance with subsection (b); and

"(2) the Secretary of the Interior in the amount necessary to make payments pursuant to subsection (d).

"(b) Assistance to Outlying Areas.—

"(1) Funds reserved.—From the amount made available for any fiscal year under subsection (a), the Secretary shall award grants to the outlying areas.

"(2) Competitive grants.—For fiscal years 2000 and 2001, the Secretary shall carry out the competition described in paragraph (3), except that the amount reserved to carry out such competition shall not exceed the amount reserved under this section for the freely associated states for fiscal year 1999.

"(3) Limitation for competitive grants.—

"(A) Competitive grants.—The Secretary shall use funds described in paragraph (2) to award grants, on a competitive basis, to the outlying areas and freely associated States to carry out the purposes of this part.

"(B) Award basis.—The Secretary shall award grants under subparagraph (A) on a competitive basis, pursuant to the recommendations of the Pacific Region Educational Laboratory in Honolulu, Hawaii.

"(C) Termination of eligibility.—Notwithstanding any other provision of law, the freely associated States shall not receive any funds under this part after September 30, 2001.

"(D) Administrative costs.—The Secretary may provide not more than five percent of the amount reserved for grants under this paragraph to pay the administrative costs of the Pacific Region Educational Laboratory under subparagraph (B).

"(4) Special rule.—The provisions of Public Law 95–134, permitting the consolidation of grants by the outlying areas, shall not apply to funds provided to the freely associated States under this section.

"(c) Definitions.—For the purposes of subsection (a) and (b)—

"(1) the term 'freely associated States' means the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau; and

"(2) the term 'outlying area' means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"(d) Allotment to the Secretary of the Interior.—

"(1) In general.—The amount allotted for payments to the Secretary of the Interior under subsection (a)(2) for any fiscal year shall be, as determined pursuant to criteria established by the Secretary, the amount necessary to meet the special educational needs of—

"(A) Indian children on reservations served by elementary and secondary schools for Indian children operated or supported by the Department of the Interior; and

"(B) out-of-State Indian children in elementary and secondary schools in local educational agencies under special contracts with the Department of the Interior.

"(2) Payments.—From the amount allotted for payments to the Secretary of the Interior under subsection (a)(2), the Secretary of the Interior shall make payments to local educational agencies, upon such terms as the Secretary determines will best carry out the purposes of this part, with respect to out-of-State Indian children described in paragraph (1). The amount of such payment may not exceed, for each such child, the greater of—

"(A) 40 percent of the average per pupil expenditure in the State in which the agency is located; or

"(B) 48 percent of such expenditure in the United States.".

SEC. 120. AMOUNTS FOR GRANTS.

Section 1122 (20 U.S.C. 6332 et seq.) is amended to read as follows:

"SEC. 1122. AMOUNTS FOR BASIC GRANTS, CONCENTRATION GRANTS, AND TARGETED GRANTS.

"(a) Allocation Formula.—Of the amount authorized to be appropriated to carry out this part for each of fiscal years 2000 through 2004 (referred to in this subsection as the current fiscal year)—

"(1) an amount equal to the amount appropriated to carry out section 1124 for fiscal year 1999 plus 42.5 percent of the amount, if any, by which the amount appropriated under section 1002(a) for the current fiscal year exceeds the amount appropriated under such section for fiscal year 1999 shall be allocated in accordance with section 1124;

"(2) an amount equal to the amount appropriated to carry out section 1124A for fiscal year 1999 plus 7.5 percent of the amount, if any, by which the amount appropriated under section 1002(a) for the current fiscal year exceeds the amount appropriated under such section for fiscal year 1999 shall be allocated in accordance with section 1124A; and

"(3) an amount equal to 50 percent of the amount, if any, by which the amount appropriated under section 1002(a) for the current fiscal year exceeds the amount appropriated under such section for fiscal year 1999 shall be allocated in accordance with section 1125.

"(b) Adjustments Where Necessitated by Appropriations.—

"(1) In general.—If the sums available under this part for any fiscal year are insufficient to pay the full amounts that all local educational agencies in States are eligible to receive under sections 1124, 1124A, and 1125 for such year, the Secretary shall ratably reduce the allocations to such local educational agencies, subject to subsections (c) and (d) of this section.

"(2) Additional funds.—If additional funds become available for making payments under sections 1124, 1124A, and 1125 for such fiscal year, allocations that were reduced under paragraph (1) shall be increased on the same basis as they were reduced.

"(c) Hold-Harmless Amounts.—

"(1) Amounts for sections 1124 and 1125.—For each fiscal year, the amount made available to each local educational agency under each of sections 1124 and 1125 shall be—

"(A) not less than 95 percent of the amount made available in the preceding fiscal year if the number of children counted for grants under section 1124 is not less than 30 percent of the total number of children aged 5 to 17 years, inclusive, in the local educational agency;

"(B) not less than 90 percent of the amount made available in the preceding fiscal year if the percentage described in subparagraph (A) is between 15 percent and 30 percent; and

"(C) not less than 85 percent of the amount made available in the preceding fiscal year if the percentage described in subparagraph (A) is below 15 percent.

"(2) Amount for section 1124A.—The amount made available to each local educational agency under section 1124A shall be not less than 85 percent of the amount made available in the preceding fiscal year.

"(3) Payments.—If sufficient funds are appropriated, the amounts described in paragraph (2) shall be paid to all local educational agencies that received grants under section 1124A for the preceding fiscal year, regardless of whether the local educational agency meets the minimum eligibility criteria for that fiscal year provided in section 1124A(a)(1)(A) except that a local educational agency that does not meet such minimum eligibility criteria for 4 consecutive years shall no longer be eligible to receive a hold harmless amount referred to in paragraph (2).

"(4) Population data.—In any fiscal year for which the Secretary calculates grants on the basis of population data for counties, the Secretary shall apply the hold harmless percentages in paragraphs (1) and (2) to counties, and if the Secretary's allocation for a county is not sufficient to meet the hold-harmless requirements of this subsection for every local educational agency within that county, the State educational agency shall reallocate funds proportionately from all other local educational agencies in the State that are receiving funds in excess of the hold harmless amounts specified in this subsection.

"(d) Ratable Reductions.—

"(1) In general.—If the sums made available under this part for any fiscal year are insufficient to pay the full amounts that all States are eligible to receive under subsection (c) for such year, the Secretary shall ratably reduce such amounts for such year.

"(2) Additional funds.—If additional funds become available for making payments under subsection (c) for such fiscal year, amounts that were reduced under paragraph (1) shall be increased on the same basis as such amounts were reduced.

"(e) Definition.—For the purpose of this section and sections 1124, 1124A, and 1125, the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.".

SEC. 121. BASIC GRANTS TO LOCAL EDUCATIONAL AGENCIES.

Section 1124 (20 U.S.C. 6333 et seq.) is amended to read as follows:

“SEC. 1124. BASIC GRANTS TO LOCAL EDUCATIONAL AGENCIES.

“(a) AMOUNT OF GRANTS.—

“(1) GRANTS FOR LOCAL EDUCATIONAL AGENCIES AND PUERTO RICO.—Except as provided in paragraph (4) and in section 1126, the grant that a local educational agency is eligible to receive under this section for a fiscal year is the amount determined by multiplying—

“(A) the number of children counted under subsection (c); and

“(B) 40 percent of the average per-pupil expenditure in the State, except that the amount determined under this subparagraph shall not be less than 32 percent or more than 48 percent, of the average per-pupil expenditure in the United States.

“(2) CALCULATION OF GRANTS.—

“(A) ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.—The Secretary shall calculate grants under this section on the basis of the number of children counted under subsection (c) for local educational agencies, unless the Secretary and the Secretary of Commerce determine that some or all of those data are unreliable or that their use would be otherwise inappropriate, in which case—

“(i) the 2 Secretaries shall publicly disclose the reasons for their determination in detail; and

“(ii) paragraph (3) shall apply.

“(B) ALLOCATIONS TO LARGE AND SMALL LOCAL EDUCATIONAL AGENCIES.—(i) For any fiscal year in which this paragraph applies, the Secretary shall calculate grants under this section for each local educational agency.

“(ii) The amount of a grant under this section for each large local educational agency shall be the amount determined under clause (i).

“(iii) For small local educational agencies, the State educational agency may either—

“(I) distribute grants under this section in amounts determined by the Secretary under clause (i); or

“(II) use an alternative method approved by the Secretary to distribute the portion of the State's total grants under this section that is based on those small agencies.

“(iv) An alternative method under clause (iii)(II) shall be based on population data that the State educational agency determines best reflect the current distribution of children in poor families among the State's small local educational agencies that meet the eligibility criteria of subsection (b).

“(v) If a small local educational agency is dissatisfied with the determination of its grant by the State educational agency under clause (iii)(II), it may appeal that determination to the Secretary, who shall respond not later than 45 days after receipt of such appeal.

“(vi) As used in this subparagraph—

“(I) the term ‘large local educational agency’ means a local educational agency serving an area with a total population of 20,000 or more; and

“(II) the term ‘small local educational agency’ means a local educational agency serving an area with a total population of less than 20,000.

“(3) ALLOCATIONS TO COUNTIES.—

“(A) CALCULATION.—For any fiscal year to which this paragraph applies, the Secretary shall calculate grants under this section on the basis of the number of children counted under section 1124(c) for counties, and State educational agencies shall suballocate county amounts to local educational agencies, in accordance with regulations issued by the Secretary.

“(B) DIRECT ALLOCATIONS.—In any State in which a large number of local educational agencies overlap county boundaries, or for which the State believes it has data that would better target funds than allocating them by county, the State educational agency may apply to the Secretary for authority to make the allocations under this part for a particular fiscal year directly to local educational agencies without regard to counties.

“(C) ASSURANCES.—If the Secretary approves the State educational agency's application under subparagraph (B), the State educational agency shall provide the Secretary an assurance that such allocations shall be made—

“(i) using precisely the same factors for determining a grant as are used under this part; or

“(ii) using data that the State educational agency submits to the Secretary for approval that more accurately target poverty.

“(D) APPEAL.—The State educational agency shall provide the Secretary an assurance that it shall establish a procedure through which a local educational agency that is dissatisfied with its determinations under subparagraph (B) may appeal directly to the Secretary for a final determination.

“(4) PUERTO RICO.—

“(A) IN GENERAL.—For each fiscal year, the grant which the Commonwealth of Puerto Rico shall be eligible to receive under this section shall be the amount determined by multiplying the number of children counted under subsection (c) for the Commonwealth of Puerto Rico by the product of—

“(i) the percentage which the average per pupil expenditure in the Commonwealth of Puerto Rico is of the lowest average per pupil expenditure of any of the 50 States; and

“(ii) 32 percent of the average per pupil expenditure in the United States.

“(B) MINIMUM PERCENTAGE.—The percentage in subparagraph (A)(i) shall not be less than—

“(i) for fiscal year 2000, 75.0 percent;

“(ii) for fiscal year 2001, 77.5 percent;

“(iii) for fiscal year 2002, 80.0 percent;

“(iv) for fiscal year 2003, 82.5 percent;

“(v) for fiscal year 2004 and succeeding fiscal years, 85.0 percent.

“(C) LIMITATION.—If the application of subparagraph (B) would result in any of the 50 States or the District of Columbia receiving less under this part than it received under this part for the preceding fiscal year, the percentage in subparagraph (A) shall be the greater of the percentage in subparagraph (A)(i) or the percentage used for the preceding fiscal year.

“(5) DEFINITION.—For purposes of this subsection, the term ‘State’ does not include Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands.

“(b) MINIMUM NUMBER OF CHILDREN TO QUALIFY.—A local educational agency is eligible for a basic grant under this section for any fiscal year only if the number of children counted under subsection (c) for that agency is both—

“(1) 10 or more; and

“(2) more than 2 percent of the total school-age population in the agency's jurisdiction.

“(c) CHILDREN TO BE COUNTED.—

“(1) CATEGORIES OF CHILDREN.—The number of children to be counted for purposes of this section is the aggregate of—

“(A) the number of children aged 5 to 17, inclusive, in the school district of the local educational agency from families below the poverty level as determined under paragraph (2); and

“(B) the number of children (determined under paragraph (4) for either the preceding year as described in that paragraph, or for the second preceding year, as the Secretary finds appropriate) aged 5 to 17, inclusive, in the school district of such agency in institutions for neglected and delinquent children (other than such institutions operated by the United States), but not counted pursuant to subpart 1 of part D for the purposes of a grant to a State agency, or being supported in foster homes with public funds.

“(2) DETERMINATION OF NUMBER OF CHILDREN.—For the purposes of this section, the Secretary shall determine the number of children aged 5 to 17, inclusive, from families below the poverty level on the basis of the most recent satisfactory data, described in paragraph (3), available from the Department of Commerce. The District of Columbia and the Commonwealth of Puerto Rico shall be treated as individual local educational agencies. If a local educational agency contains two or more counties in their entirety, then each county will be treated as if such county were a separate local educational agency for purposes of calculating grants under this part. The total of grants for such counties shall be allocated to such a local educational agency, which local educational agency shall distribute to schools in each county within such agency a share of the local educational agency's total grant that is no less than the county's share of the population counts used to calculate the local educational agency's grant.

“(3) POPULATION UPDATES.—In fiscal year 2001 and every 2 years thereafter, the Secretary shall use updated data on the number of children, aged 5 to 17, inclusive, from families below the poverty level for local educational agencies or counties, published by the Department of Commerce, unless the Secretary and the Secretary of Commerce determine that use of the updated population data would be inappropriate or unreliable. If the Secretary and the Secretary of Commerce determine that some or all of the data referred to in this paragraph are inappropriate or unreliable, they shall publicly disclose their reasons. In determining the families which are below the poverty level, the Secretary shall utilize the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census, in such form as those criteria have been updated by increases in the Consumer Price Index for all urban consumers, published by the Bureau of Labor Statistics.

“(4) OTHER CHILDREN TO BE COUNTED.—The Secretary shall determine the number of children aged 5 through 17 living in institutions for neglected or delinquent children, or being supported in foster homes with public funds, on the basis of the caseload data for the month of October of the preceding fiscal year or, to the extent that such data are not available to the Secretary before January of the calendar year in which the Secretary's determination is made, then on the basis of the most recent reliable data available to the Secretary at the time of such determination. The Secretary of Health and Human Services shall collect and transmit the information required by this subparagraph to the Secretary not later than January 1 of each year. For the purpose of this section, the Secretary shall consider all children who are in correctional institutions to be living in institutions for delinquent children.

“(5) ESTIMATE.—When requested by the Secretary, the Secretary of Commerce shall make a special updated estimate of the number of children of such ages who are from families below the poverty level (as determined under subparagraph (A) of this paragraph) in each school district, and the Secretary is authorized to pay (either in advance or by way of reimbursement) the Secretary of Commerce the cost of making this special estimate. The Secretary of Commerce shall give consideration to any request of the chief executive of a State for the collection of additional census information.

“(d) STATE MINIMUM.—Notwithstanding section 1122, the aggregate amount allotted for all local educational agencies within a State may not be less than the lesser of—

“(1) 0.25 percent of total grants under this section; or

“(2) the average of—

"(A) one-quarter of 1 percent of the total amount available for such fiscal year under this section; and

"(B) the number of children in such State counted under subsection (c) in the fiscal year multiplied by 150 percent of the national average per pupil payment made with funds available under this section for that year.".

SEC. 122. CONCENTRATION GRANTS.

Section 1124A (20 U.S.C. 6334 et seq.) is amended to read as follows:

"SEC. 1124A. CONCENTRATION GRANTS TO LOCAL EDUCATIONAL AGENCIES.

"(a) ELIGIBILITY FOR AND AMOUNT OF GRANTS.—

"(1) IN GENERAL.—(A) Except as otherwise provided in this paragraph, each local educational agency, in a State other than Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands, which is eligible for a grant under section 1124 for any fiscal year is eligible for an additional grant under this section for that fiscal year if the number of children counted under section 1124(c) in the agency exceeds either—

"(i) 6,500; or

"(ii) 15 percent of the total number of children aged 5 through 17 in the agency.

"(B) Notwithstanding section 1122, no State described in subparagraph (A) shall receive less than the lesser of—

"(i) 0.25 percent of total grants; or

"(ii) the average of—

"(I) one-quarter of 1 percent of the sums available to carry out this section for such fiscal year; and

"(II) the greater of—

"(aa) $340,000; or

"(bb) the number of children in such State counted for purposes of this section in that fiscal year multiplied by 150 percent of the national average per pupil payment made with funds available under this section for that year.

"(2) SPECIAL RULE.—For each county or local educational agency eligible to receive an additional grant under this section for any fiscal year the Secretary shall determine the product of—

"(A) the number of children counted under section 1124(c) for that fiscal year; and

"(B) the quotient resulting from the division of the amount determined for those agencies under section 1124(a)(1) for the fiscal year for which the determination is being made divided by the total number of children counted under section 1124(c) for that agency for that fiscal year.

"(3) AMOUNT.—The amount of the additional grant for which an eligible local educational agency or county is eligible under this section for any fiscal year shall be an amount which bears the same ratio to the amount available to carry out this section for that fiscal year as the product determined under paragraph (2) for such local educational agency for that fiscal year bears to the sum of such products for all local educational agencies in the United States for that fiscal year.

"(4) LOCAL ALLOCATIONS.—(A) Grant amounts under this section shall be determined in accordance with section 1124(a)(2) and (3).

"(B) For any fiscal year for which the Secretary allocates funds under this section on the basis of counties, a State may reserve not more than 2 percent of its allocation under this section to make grants to local educational agencies that meet the criteria of paragraph (1)(A)(i) or (ii) but that are in ineligible counties that do not meet these criteria.

"(b) STATES RECEIVING MINIMUM GRANTS.—In States that receive the minimum grant under subsection (a)(1)(B), the State educational agency shall allocate such funds among the local educational agencies in each State either—

"(1) in accordance with paragraphs (2) and (4) of subsection (a); or

"(2) based on their respective concentrations and numbers of children counted under section 1124(c), except that only those local educational agencies with concentrations or numbers of children counted under section 1124(c) that exceed the statewide average percentage of such children or the statewide average number of such children shall receive any funds on the basis of this paragraph.".

SEC. 123. TARGETED GRANTS.

Section 1125 (20 U.S.C 6335 et seq.) is amended to read as follows:

"SEC. 1125. TARGETED GRANTS TO LOCAL EDUCATIONAL AGENCIES.

"(a) ELIGIBILITY OF LOCAL EDUCATIONAL AGENCIES.—A local educational agency in a State is eligible to receive a targeted grant under this section for any fiscal year if the number of children in the local educational agency counted under subsection 1124(c), before application of the weighting factor described in subsection (c), is at least 10, and if the number of children counted for grants under section 1124 is at least 5 percent of the total population aged 5 to 17 years, inclusive, in the local educational agency. For each fiscal year for which the Secretary uses county population data to calculate grants, funds made available as a result of applying this subsection shall be reallocated by the State educational agency to other eligible local educational agencies in the State in proportion to the distribution of other funds under this section.

"(b) GRANTS FOR LOCAL EDUCATIONAL AGENCIES, THE DISTRICT OF COLUMBIA, AND PUERTO RICO.—

"(1) IN GENERAL.—The amount of the grant that a local educational agency in a State or that the District of Columbia is eligible to receive under this section for any fiscal year shall be the product of—

"(A) the weighted child count determined under subsection (c); and

"(B) the amount in paragraph 1124(a)(1)(B).

"(2) PUERTO RICO.—For each fiscal year, the amount of the grant for which the Commonwealth of Puerto Rico is eligible under this section shall be equal to the number of children counted under subsection (c) for Puerto Rico, multiplied by the amount determined in subparagraph 1124(a)(4).

"(c) WEIGHTED CHILD COUNT.—

"(1) WEIGHTS FOR ALLOCATIONS TO COUNTIES.—

"(A) IN GENERAL.—For each fiscal year for which the Secretary uses county population data to calculate grants, the weighted child count used to determine a county's allocation under this section is the larger of the two amounts determined under clause (i) or (ii), as follows:

"(i) BY PERCENTAGE OF CHILDREN.—This amount is determined by adding—

"(I) the number of children determined under section 1124(c) for that county constituting up to 12.20 percent, inclusive, of the county's total population aged 5 to 17, inclusive, multiplied by 1.0;

"(II) the number of such children constituting more than 12.20 percent, but not more than 17.70 percent, of such population, multiplied by 1.75;

"(III) the number of such children constituting more than 17.70 percent, but not more than 22.80 percent, of such population, multiplied by 2.5;

"(IV) the number of such children constituting more than 22.80 percent, but not more than 29.70 percent, of such population, multiplied by 3.25; and

"(V) the number of such children constituting more than 29.70 percent of such population, multiplied by 4.0.

"(ii) BY NUMBER OF CHILDREN.—This amount is determined by adding—

"(I) the number of children determined under section 1124(c) constituting up to 1,917, inclusive, of the county's total population aged 5 to 17, inclusive, multiplied by 1.0;

"(II) the number of such children between 1,918 and 5,938, inclusive, in such population, multiplied by 1.5;

"(III) the number of such children between 5,939 and 20,199, inclusive, in such population, multiplied by 2.0;

"(IV) the number of such children between 20,200 and 77,999, inclusive, in such population, multiplied by 2.5; and

"(V) the number of such children in excess of 77,999 in such population, multiplied by 3.0.

"(B) PUERTO RICO.—Notwithstanding subparagraph (A), the weighted child count for Puerto Rico under this paragraph shall not be greater than the total number of children counted under subsection 1124(c) multiplied by 1.72.

"(2) WEIGHTS FOR ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.—

"(A) IN GENERAL.—For each fiscal year for which the Secretary uses local educational agency data, the weighted child count used to determine a local educational agency's grant under this section is the larger of the two amounts determined under clauses (i) and (ii), as follows:

"(i) BY PERCENTAGE OF CHILDREN.—This amount is determined by adding—

"(I) the number of children determined under section 1124(c) for that local educational agency constituting up to 14.265 percent, inclusive, of the agency's total population aged 5 to 17, inclusive, multiplied by 1.0;

"(II) the number of such children constituting more than 14.265 percent, but not more than 21.553 percent, of such population, multiplied by 1.75;

"(III) the number of such children constituting more than 21.553 percent, but not more than 29.223 percent, of such population, multiplied by 2.5;

"(IV) the number of such children constituting more than 29.223 percent, but not more than 36.538 percent, of such population, multiplied by 3.25; and

"(V) the number of such children constituting more than 36.538 percent of such population, multiplied by 4.0.

"(ii) BY NUMBER OF CHILDREN.—This amount is determined by adding—

"(I) the number of children determined under section 1124(c) constituting up to 575, inclusive, of the agency's total population aged 5 to 17, inclusive, multiplied by 1.0;

"(II) the number of such children between 576 and 1,870, inclusive, in such population, multiplied by 1.5;

"(III) the number of such children between 1,871 and 6,910, inclusive, in such population, multiplied by 2.0;

"(IV) the number of such children between 6,911 and 42,000, inclusive, in such population, multiplied by 2.5; and

"(V) the number of such children in excess of 42,000 in such population, multiplied by 3.0.

"(B) PUERTO RICO.—Notwithstanding subparagraph (A), the weighted child count for Puerto Rico under this paragraph shall not be greater than the total number of children counted under section 1124(c) multiplied by 1.72.

"(d) CALCULATION OF GRANT AMOUNTS.—Grants under this section shall be calculated in accordance with section 1124(a)(2) and (3).

"(e) STATE MINIMUM.—Notwithstanding any other provision of this section or section 1122, from the total amount available for any fiscal year to carry out this section, each State shall be allotted at least the lesser of—

"(1) 0.25 percent of total appropriations; or

"(2) the average of—

"(A) one-quarter of 1 percent of the total amount available to carry out this section; and

"(B) 150 percent of the national average grant under this section per child described in section 1124(c), without application of a weighting factor, multiplied by the State's total number of children described in section 1124(c), without application of a weighting factor.".

SEC. 124. SPECIAL ALLOCATION PROCEDURES.

Section 1126 (20 U.S.C. 6337 et seq.) is amended to read as follows:

"SEC. 1126. SPECIAL ALLOCATION PROCEDURES.

"(a) ALLOCATIONS FOR NEGLECTED CHILDREN.—

"(1) IN GENERAL.—If a State educational agency determines that a local educational agency in the State is unable or unwilling to provide for the special educational needs of children who are living in institutions for neglected children as described in subparagraph (B) of section 1124(c)(1), the State educational agency shall, if such agency assumes responsibility for the special educational needs of such children, receive the portion of such local educational agency's allocation under sections 1124, 1124A, and 1125 that is attributable to such children.

"(2) SPECIAL RULE.—If the State educational agency does not assume such responsibility, any other State or local public agency that does assume such responsibility shall receive that portion of the local educational agency's allocation.

"(b) ALLOCATIONS AMONG LOCAL EDUCATIONAL AGENCIES.—The State educational agency may allocate the amounts of grants under sections 1124, 1124A, and 1125 among the affected local educational agencies—

"(1) if two or more local educational agencies serve, in whole or in part, the same geographical area;

"(2) if a local educational agency provides free public education for children who reside in the school district of another local educational agency; or

"(3) to reflect the merger, creation, or change of boundaries of one or more local educational agencies.

"(c) REALLOCATION.—If a State educational agency determines that the amount of a grant a local educational agency would receive under sections 1124, 1124A, and 1125 is more than such local agency will use, the State educational agency shall make the excess amount available to other local educational agencies in the State that need additional funds in accordance with criteria established by the State educational agency.".

SEC. 125. SECULAR, NEUTRAL, AND NONIDEOLOGICAL.

Part A is amended by adding at the end the following:

"SEC. 1128. SECULAR, NEUTRAL, AND NONIDEOLOGICAL.

"Any school that receives funds under this part shall ensure that educational services or other benefits provided under this part, including materials and equipment, shall be secular, neutral, and nonideological.".

PART B—EDUCATION OF MIGRATORY CHILDREN

SEC. 131. STATE ALLOCATIONS.

Section 1303 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6393) is amended—

(1) by amending subsection (a) to read as follows:

"(a) STATE ALLOCATIONS.—

"(1) FISCAL YEAR 2000.—For fiscal year 2000, each State (other than the Commonwealth of Puerto Rico) is entitled to receive under this part an amount equal to—

"(A) the sum of the estimated number of migratory children aged three through 21 who reside in the State full time and the full-time equivalent of the estimated number of migratory children aged three through 21 who reside in the State part time, as determined in accordance with subsection (e); multiplied by

"(B) 40 percent of the average per-pupil expenditure in the State, except that the amount determined under this paragraph shall not be less than 32 percent, nor more than 48 percent, of the average expenditure per pupil in the United States.

"(2) SUBSEQUENT YEARS.—

"(A) BASE AMOUNT.—

"(i) IN GENERAL.—Except as provided in subsection (b) and clause (ii), each State is entitled to receive under this part, for fiscal year 2001 and succeeding fiscal years, an amount equal to—

"(I) the amount that such State received under this part for fiscal year 2000; plus

"(II) the amount allocated to the State under subparagraph (B).

"(ii) NONPARTICIPATING STATES.—In the case of a State (other than the Commonwealth of Puerto Rico) that did not receive any funds for fiscal year 2000 under this part, the State shall receive, for fiscal year 2001 and succeeding fiscal years, an amount equal to—

"(I) the amount that such State would have received under this part for fiscal year 2000 if its application under section 1304 for the year had been approved; plus

"(II) the amount allocated to the State under subparagraph (B).

"(B) ALLOCATION OF ADDITIONAL AMOUNT.—For fiscal year 2001 and succeeding fiscal years, the amount (if any) by which the funds appropriated to carry out this part for the year exceed such funds for fiscal year 2000 shall be allocated to a State (other than the Commonwealth of Puerto Rico) so that the State receives an amount equal to—

"(i) the sum of—

"(I) the number of identified eligible migratory children, aged 3 through 21, residing in the State during the previous year; and

"(II) the number of identified eligible migratory children, aged 3 through 21, who received services under this part in summer or intersession programs provided by the State during such year; multiplied by

"(ii) 40 percent of the average per-pupil expenditure in the State, except that the amount determined under this clause may not be less than 32 percent, or more than 48 percent, of the average expenditure per-pupil in the United States.";

(2) by amending subsection (b) to read as follows:

"(b) ALLOCATION TO PUERTO RICO.—

"(1) FISCAL YEAR 2000.—For fiscal year 2000, the grant which the Commonwealth of Puerto Rico shall be eligible to receive under this section shall be the amount determined by multiplying the number of children counted under subsection (a)(1)(A) for the Commonwealth of Puerto Rico by the product of—

"(A) the percentage which the average per pupil expenditure in the Commonwealth of Puerto Rico is of the lowest average per pupil expenditure of any of the 50 States; and

"(B) 32 percent of the average per pupil expenditure in the United States.

"(2) SUBSEQUENT FISCAL YEARS.—For each fiscal year after fiscal year 2000, the grant which the Commonwealth of Puerto Rico shall be eligible to receive under this section shall be the amount determined by multiplying the number of children counted under subsection (a)(2)(B)(i)(I) and (a)(2)(B)(i)(II) for the Commonwealth of Puerto Rico during the previous fiscal year, by the product of—

"(A) the percentage which the average per pupil expenditure in the Commonwealth of Puerto Rico is of the lowest average per pupil expenditure of any of the 50 States; and

"(B) 32 percent of the average per pupil expenditure in the United States.

"(3) MINIMUM ALLOCATION.—

"(A) FISCAL YEAR 2000.—The percentage in paragraph (1)(A) shall not be less than 75.0 percent.

"(B) SUBSEQUENT FISCAL YEARS.—The percentage in paragraph (2)(A) shall not be less than—

"(i) for fiscal year 2001, 77.5 percent;

"(ii) for fiscal year 2002, 80.0 percent;

"(iii) for fiscal year 2003, 82.5 percent; and

"(iv) for fiscal year 2004 and succeeding fiscal years, 85.0 percent.

"(4) SPECIAL RULE.—If the application of paragraph (3) would result in any of the 50 States or the District of Columbia receiving less under this part than it recieved under this part for the preceding fiscal year, the percentage in paragraph (1) or (2), respectively, shall be the greater of the percentage in paragraph (1)(A) or (2)(A) the percentage used for the preceding fiscal year."; and

(3) by striking subsections (d) and (e).

SEC. 132. STATE APPLICATIONS; SERVICES.

(a) PROGRAM INFORMATION.—Section 1304(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6394(b)) is amended—

(1) in paragraph (1), by striking "addressed through" and all that follows through the semicolon at the end and inserting the following: "addressed through—

"(A) the full range of services that are available for migratory children from appropriate local, State, and Federal educational programs;

"(B) joint planning among local, State, and Federal educational programs serving migrant children, including programs under parts A and C of title VII;

"(C) the integration of services available under this part with services provided by those other programs; and

"(D) measurable program goals and outcomes;";

(2) in paragraph (5), by striking "the requirements of paragraph (1); and" and inserting "the numbers and needs of migratory children, the requirements of subsection (d), and the availability of funds from other Federal, State, and local programs;";

(3) in paragraph (6), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(7) a description of how the State will encourage programs and projects assisted under this part to offer family literacy services if the program or project serves a substantial number of migratory children who have parents who do not have a high school diploma or its recognized equivalent or who have low levels of literacy.".

(b) ASSURANCES.—Section 1304(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6394(c)) is amended—

(1) in paragraph (1), by striking "1306(b)(1);" and inserting "1306(a);";

(2) in paragraph (3)—

(A) by striking "appropriate";

(B) by striking "out, to the extent feasible," and inserting "out"; and

(C) by striking "1118;" and inserting "1118, unless extraordinary circumstances make implementation consistent with such section impractical;"; and

(3) in paragraph (7), by striking "section 1303(e)" and inserting "paragraphs (1)(A) and (2)(B)(i) of section 1303(a)".

SEC. 133. AUTHORIZED ACTIVITIES.

Section 1306 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6396) is amended to read as follows:

"SEC. 1306. AUTHORIZED ACTIVITIES.

"(a) IN GENERAL.—

"(1) FLEXIBILITY.—Each State educational agency, through its local educational agencies, shall have the flexibility to determine the activities to be provided with funds made available under this part, except that such funds shall first be used to meet the identified needs of migratory children that result from their migratory lifestyle, and to permit these children to participate effectively in school.

"(2) UNADDRESSED NEEDS.—Funds provided under this part shall be used to address the needs of migratory children that are not addressed by services available from other Federal or non-Federal programs, except that migratory children who are eligible to receive services under part A of this title may receive those services through funds provided under that part, or through funds under this part that remain after the agency addresses the needs described in paragraph (1).

"(b) CONSTRUCTION.—Nothing in this part shall be construed to prohibit a local educational agency from serving migratory children simultaneously with students with similar educational needs in the same educational settings, where appropriate.

"(c) SPECIAL RULE.—Notwithstanding section 1114, a school that receives funds under this part shall continue to address the identified needs described in subsection (a)(1).".

SEC. 134. COORDINATION OF MIGRANT EDUCATION ACTIVITIES.

(a) DURATION.—Section 1308(a)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6398(a)(2)) is amended by striking "subpart" and inserting "subsection".

(b) STUDENT RECORDS.—Section 1308(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6398(b)) is amended to read as follows:

"(b) STUDENT RECORDS.—

"(1) ASSISTANCE.—The Secretary shall assist States in developing effective methods for the transfer of student records and in determining the number of migratory children in each State. The Secretary, in consultation with the States, shall determine the minimum data elements for records to be maintained and transferred when funds under this part are used for such purpose. The Secretary may assist States to implement a system of electronic records maintenance and transfer for migrant students.

"(2) NO COST FOR CERTAIN TRANSFERS.—A State educational agency or local educational agency receiving assistance under this part shall make student records available to another local educational agency that requests the records at no cost to the requesting agency, if the request is made in order to meet the needs of a migratory child.".

(c) AVAILABILITY OF FUNDS.—Section 1308(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6398(c)) is amended by striking "$6,000,000" and inserting "$10,000,000".

(d) INCENTIVE GRANTS.—Section 1308(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6398(d)) is amended to read as follows:

"(d) INCENTIVE GRANTS.—From the amounts made available to carry out this section for any fiscal year, the Secretary may reserve not more than $3,000,000 to award grants of not more than $250,000 on a competitive basis to State educational agencies that propose a consortium arrangement with another State or other appropriate entity that the Secretary determines, pursuant to criteria that the Secretary shall establish, will improve the delivery of services to migratory children whose education is interrupted.".

PART C—NEGLECTED OR DELINQUENT YOUTH

SEC. 141. NEGLECTED OR DELINQUENT YOUTH.

The heading for part D of title I is amended to read as follows:

"PART D—PREVENTION AND INTERVENTION PROGRAMS FOR NEGLECTED OR DELINQUENT CHILDREN AND YOUTH".

SEC. 142. FINDINGS.

Section 1401(a) is amended—

(1) in paragraph (3), by striking the following "Preventing students from dropping out of local schools and addressing" and inserting "Addressing";

(2) by striking paragraphs (6) through (9) and adding the following:

"(6) Youth returning from correctional facilities need to be involved in programs that provide them with high level skills and other support to help them stay in school and complete their education.".

SEC. 143. ALLOCATION OF FUNDS.

Section 1412(b) is amended to read as follows:

"(b) SUBGRANTS TO STATE AGENCIES IN PUERTO RICO.—

"(1) IN GENERAL.—For each fiscal year, the amount of the subgrant for which a State agency in the Commonwealth of Puerto Rico shall be eligible to receive under this part shall be the amount determined by multiplying the number of children counted under subparagraph (a)(1)(A) for the Commonwealth of Puerto Rico by the product of—

"(A) the percentage which the average per pupil expenditure in the Commonwealth of Puerto Rico is of the lowest average per pupil expenditure of any of the 50 States; and

"(B) 32 percent of the average per pupil expenditure in the United States.

"(2) MINIMUM ALLOCATION.—The percentage in paragraph (1)(A) shall not be less than—

"(A) for fiscal year 2000, 75.0 percent;

"(B) for fiscal year 2001, 77.5 percent;

"(C) for fiscal year 2002, 80.0 percent;

"(D) for fiscal year 2003, 82.5 percent; and

"(E) for fiscal year 2004 and succeeding fiscal years, 85.0 percent.

"(3) SPECIAL RULE.—If the application of paragraph (2) would result in any of the 50 States or the District of Columbia receiving less under this part than it received under this part for the preceding fiscal year, the percentage in paragraph (1) shall be the greater of the percentage in paragraph (1)(A) or the percentage used for the preceding fiscal year.".

SEC. 144. STATE PLAN AND STATE AGENCY APPLICATIONS.

Section 1414 is amended to read as follows:

"SEC. 1414. STATE PLAN AND STATE AGENCY APPLICATIONS.

"(a) STATE PLAN.—

"(1) IN GENERAL.—Each State educational agency that desires to receive a grant under this part shall submit, for approval by the Secretary, a plan for meeting the educational needs of neglected and delinquent youth, for assisting in their transition from institutions to locally operated programs, and which is integrated with other programs under this Act or other Acts, as appropriate, consistent with section 14306.

"(2) CONTENTS.—Each such State plan shall—

"(A) describe the program goals, objectives, and performance measures established by the State that will be used to assess the effectiveness of the program in improving academic and vocational and technical skills of children in the program;

"(B) provide that, to the extent feasible, such children will have the same opportunities to learn as such children would have if such children were in the schools of local educational agencies in the State; and

"(C) contain assurances that the State educational agency will—

"(i) ensure that programs assisted under this part will be carried out in accordance with the State plan described in this subsection;

"(ii) carry out the evaluation requirements of section 1416;

"(iii) ensure that the State agencies receiving subgrants under this subpart comply with all applicable statutory and regulatory requirements; and

"(iv) provide such other information as the Secretary may reasonably require.

"(3) DURATION OF THE PLAN.—Each such State plan shall—

"(A) remain in effect for the duration of the State's participation under this part; and

"(B) be periodically reviewed and revised by the State, as necessary, to reflect changes in the State's strategies and programs under this part.

"(b) SECRETARIAL APPROVAL; PEER REVIEW.—

"(1) IN GENERAL.—The Secretary shall approve each State plan that meets the requirements of this part.

"(2) PEER REVIEW.—The Secretary may review any State plan with the assistance and advice of individuals with relevant expertise.

"(c) STATE AGENCY APPLICATIONS.—Any State agency that desires to receive funds to carry out a program under this part shall submit an application to the State educational agency that—

"(1) describes the procedures to be used, consistent with the State plan under section 1111, to assess the educational needs of the children to be served;

"(2) provides assurances that in making services available to youth in adult correctional facilities, priority will be given to such youth who are likely to complete incarceration within a 2-year period;

"(3) describes the program, including a budget for the first year of the program, with annual updates to be provided to the State educational agency;

"(4) describes how the program will meet the goals and objectives of the State plan under this subpart;

"(5) describes how the State agency will consult with experts and provide the necessary training for appropriate staff, to ensure that the planning and operation of institution-wide projects under section 1416 are of high quality;

"(6) describes how the agency will carry out the evaluation requirements of section 14701 and how the results of the most recent evaluation are used to plan and improve the program;

"(7) includes data showing that the agency has maintained fiscal effort required of a local educational agency, in accordance with section 14501 of this title;

"(8) describes how the programs will be coordinated with other appropriate State and Federal programs, such as programs under the Job Training Partnership Act or title I of the Workforce Investment Act of 1998, vocational and technical education programs, State and local dropout prevention programs, and special education programs;

"(9) describes how States will encourage correctional facilities receiving funds under this subpart to coordinate with local educational agencies or alternative education programs attended by incarcerated youth prior to their incarceration to ensure that student assessments and appropriate academic records are shared jointly between the correctional facility and the local educational agency or alternative education program;

"(10) describes how appropriate professional development will be provided to teachers and other staff;

"(11) designates an individual in each affected institution to be responsible for issues relating to the transition of children and youth from the institution to locally operated programs;

"(12) describes how the agency will, endeavor to coordinate with businesses for training and mentoring for participating youth;

"(13) provides assurances that the agency will assist in locating alternative programs through which students can continue their education if students are not returning to school after leaving the correctional facility;

"(14) provides assurances that the agency will work with parents to secure parents' assistance in improving the educational achievement of their children and preventing their children's further involvement in delinquent activities;

"(15) provides assurances that the agency works with special education youth in order to meet an existing individualized education program and an assurance that the agency will notify the youth's local school if such youth—

"(A) is identified as in need of special education services while the youth is in the facility; and

"(B) intends to return to the local school;

"(16) provides assurances that the agency will work with youth who dropped out of school before entering the facility to encourage the youth to reenter school once the term of the youth has been completed or provide the youth with the skills necessary to gain employment, continue the education of the youth, or achieve a secondary school diploma or the recognized equivalent if the youth does not intend to return to school;

"(17) provides assurances that teachers and other qualified staff are also trained to work with children with disabilities and other students with special needs taking into consideration the unique needs of such students;

"(18) describes any additional services provided to youth, such as career counseling, distance learning, and assistance in securing student loans and grants; and

"(19) provides assurances that the program under this subpart will be coordinated with any programs operated under the Juvenile Justice and Delinquency Prevention Act of 1974 or other comparable programs, if applicable.".

SEC. 145. USE OF FUNDS.

Section 1415(a) is amended—

(1) in paragraph (1)(B), by inserting "and vocational and technical training" after "secondary school completion"; and

(2) in paragraph (2)(B)—

(A) in clause (i), by inserting "and" after the semicolon;

(B) in clause (ii), by striking "; and" and inserting a period; and

(C) by striking clause (iii).

SEC. 146. PURPOSE.

Section 1421 is amended by striking paragraph (3) and inserting the following:

"(3) operate programs for youth returning from correctional facilities in local schools which may also serve youth at risk of dropping out of school.".

SEC. 147. TRANSITION SERVICES.

Section 1418(a) is amended by striking "10 percent" and inserting "15 percent".

SEC. 148. PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES.

Section 1422 is amended—

(1) in subsection (a), by striking "retained".

(2) by amending subsection (b) to read as follows:

"(b) SPECIAL RULE.—A local educational agency which includes a correctional facility that operates a school is not required to operate a program of support for children returning from such school to a school not operated by a correctional agency but served by such local educational agency if more than 30 percent of the youth attending the school operated by the correctional facility will reside outside the boundaries of the local educational agency after leaving such facility.".

(3) by adding at the end of section 1422 the following:

"(d) TRANSITIONAL AND ACADEMIC SERVICES.—Transitional and supportive programs operated in local educational agencies under this subpart shall be designed primarily to meet the transitional and academic needs of students returning to local educational agencies or alternative education programs from correctional facilities. Services to students at risk of dropping out of school shall not have a negative impact on meeting the transitional and academic needs of the students returning from correctional facilities.".

SEC. 149. LOCAL EDUCATIONAL AGENCY APPLICATIONS.

Section 1423 is amended by striking paragraphs (4) through (9) and inserting the following:

"(4) a description of the program operated by participating schools for children returning from correctional facilities and the types of services that such schools will provide such youth and other at-risk youth;

"(5) a description of the youth returning from correctional facilities and, as appropriate, other at-risk youth expected to be served by the program and how the school will coordinate existing educational programs to meet the unique educational needs of such youth;

"(6) as appropriate, a description of how schools will coordinate with existing social and other services to meet the needs of students returning from correctional facilities and other participating students;

"(7) as appropriate, a description of any partnerships with local businesses to develop training, curriculum-based youth entrepreneurship education and mentoring services for participating students;

"(8) as appropriate, a description of how programs will involve parents in efforts to improve the educational achievement of their children, prevent the involvement of their children in delinquent activities, and encourage their children to remain in school and complete their education;

"(9) a description of how the program under this subpart will be coordinated with other Federal, State, and local programs, such as programs under the Job Training Partnership Act or title I of the Workforce Investment Act of 1998 and vocational and technical education programs serving this at-risk population of youth.".

SEC. 150. USES OF FUNDS.

Section 1424 is amended by striking paragraphs (1) through (3) and inserting the following:

"(1) programs that serve youth returning from correctional facilities to local schools to assist in the transition of such youth to the school environment and help them remain in school in order to complete their education;

"(2) providing assistance to other youth at risk of dropping out of school;

"(3) the coordination of social and other services for participating youth if the provision of such services will improve the likelihood that such youth will complete their education;

"(4) special programs to meet the unique academic needs of participating youth, including vocational and technical education, special education, career counseling, curriculum-based youth entrepreneurship education, and assistance in securing student loans or grants for postsecondary education; and

"(5) programs providing mentoring and peer mediation.".

SEC. 151. PROGRAM REQUIREMENTS.

Section 1425 is amended—

(1) in paragraph (1), by striking "where feasible, ensure educational programs" and inserting the following: "to the extent practicable, ensure that educational programs";

(2) in paragraph (3), by striking "where feasible," and inserting the following: "to the extent practicable,";

(3) in paragraph (8), by striking "where feasible," and inserting the following: "to the extent practicable,";

(4) in paragraph (9), by inserting "and technical" after "vocational"; and

(5) by amending paragraph (11) to read as follows:

"(11) if appropriate, work with local businesses to develop training, curriculum-based youth entrepreneurship education, and mentoring programs for youth.".

SEC. 152. ACCOUNTABILITY.

Section 1426(1) is amended by striking "male students and for female students" and inserting "students".

SEC. 153. PROGRAM EVALUATIONS.

Section 1431(a) is amended by striking "sex, and if feasible," and inserting "gender,".

PART D—GENERAL PROVISIONS

SEC. 161. GENERAL PROVISIONS.

Part F of title I is amended to read as follows:

"PART F—GENERAL PROVISIONS

"SEC. 1601. FEDERAL REGULATIONS.

"(a) IN GENERAL.—The Secretary is authorized to issue such regulations as are necessary to reasonably ensure that there is compliance with this title.

"(b) NEGOTIATED RULEMAKING PROCESS.—

"(1) IN GENERAL.—Prior to publishing in the Federal Register proposed regulations to carry out this title, the Secretary shall obtain the advice and recommendations of representatives of Federal, State, and local administrators, parents, teachers, paraprofessionals, and members of local boards of education involved with the implementation and operation of programs under this title.

"(2) MEETINGS AND ELECTRONIC EXCHANGE.—Such advice and recommendation may be obtained through such mechanisms as regional meetings and electronic exchanges of information.

"(3) PROPOSED REGULATIONS.—After obtaining such advice and recommendations, and prior to publishing proposed regulations, the Secretary shall—

"(A) establish a negotiated rulemaking process on a minimum of three key issues, including—

"(i) accountability;

"(ii) implementation of assessments;

"(iii) use of paraprofessionals;

"(B) select individuals to participate in such process from among individuals or groups which provided advice and recommendations, including representation from all geographic regions of the United States; and

"(C) prepare a draft of proposed regulations that shall be provided to the individuals selected by the Secretary under subparagraph (B) not less than 15 days prior to the first meeting under such process.

"(4) PROCESS.—Such process—

"(A) shall be conducted in a timely manner to ensure that final regulations are issued by the Secretary not later than 1 year after the date of the enactment of the Student Results Act of 1999; and

"(B) shall not be subject to the Federal Advisory Committee Act but shall otherwise follow the provisions of the Negotiated Rulemaking Act of 1990 (5 U.S.C. 561 et seq.).

"(5) EMERGENCY SITUATION.—In an emergency situation in which regulations to carry out this title must be issued within a very limited time to assist State and local educational agencies with the operation of a program under this title, the Secretary may issue proposed regulations without following such process but shall, immediately thereafter and prior to issuing final regulations, conduct regional meetings to review such proposed regulations.

"(c) LIMITATION.—Regulations to carry out this part may not require local programs to follow a particular instructional model, such as *the provision of services outside the regular classroom or school program.*

"SEC. 1602. AGREEMENTS AND RECORDS.

"(a) AGREEMENTS.—All published proposed regulations shall conform to agreements that result from negotiated rulemaking described in section 1601 unless the Secretary reopens the negotiated rulemaking process or provides a written explanation to the participants involved in the process explaining why the Secretary decided to depart from and not adhere to such agreements.

"(b) RECORDS.—The Secretary shall ensure that an accurate and reliable record of agreements reached during the negotiations process is maintained.

"SEC. 1603. STATE ADMINISTRATION.

"(a) RULEMAKING.—

"(1) IN GENERAL.—Each State that receives funds under this title shall—

"(A) ensure that any State rules, regulations, and policies relating to this title conform to the purposes of this title and provide any such proposed rules, regulations, and policies to the committee of practitioners under subsection (b) for their review and comment;

"(B) minimize such rules, regulations, and policies to which their local educational agencies and schools are subject;

"(C) eliminate or modify State and local fiscal accounting requirements in order to facilitate the ability of schools to consolidate funds under schoolwide programs; and

"(D) identify any such rule, regulation, or policy as a State-imposed requirement.

"(2) SUPPORT AND FACILITATION.—State rules, regulations, and policies under this title shall support and facilitate local educational agency and school-level systemic reform designed to enable all children to meet the challenging State student performance standards.

"(b) COMMITTEE OF PRACTITIONERS.—

"(1) IN GENERAL.—Each State educational agency shall create a State committee of practitioners to advise the State in carrying out its responsibilities under this title.

"(2) MEMBERSHIP.—Each such committee shall include—

"(A) as a majority of its members, representatives from local educational agencies;

"(B) administrators, including the administrators of programs described in other parts of this title;

"(C) teachers, including vocational educators;

"(D) parents;

"(E) members of local boards of education;

"(F) representatives of private school children; and

"(G) pupil services personnel.

"(3) DUTIES.—The duties of such committee shall include a review, prior to publication, of any proposed or final State rule or regulation pursuant to this title. In an emergency situation where such rule or regulation must be issued within a very limited time to assist local educational agencies with the operation of the program under this title, the State educational agency may issue a regulation without prior consultation, but shall immediately thereafter convene the State committee of practitioners to review the emergency regulation prior to issuance in final form.

"SEC. 1604. CONSTRUCTION.

"(a) PROHIBITION OF FEDERAL MANDATES, DIRECTION, OR CONTROL.—Nothing in this title shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school's specific instructional content or pupil performance standards and assessments, curriculum, or program of instruction as a condition of eligibility to receive funds under this title.

"(b) EQUALIZED SPENDING.—Nothing in this title shall be construed to mandate equalized spending per pupil for a State, local educational agency, or school.

"(c) BUILDING STANDARDS.—Nothing in this title shall be construed to mandate national school building standards for a State, local educational agency, or school.

"SEC. 1605. APPLICABILITY TO HOME SCHOOLS.

"Nothing in this Act shall be construed to affect home schools.

"SEC. 1606. GENERAL PROVISION REGARDING NONRECIPIENT NONPUBLIC SCHOOLS.

"Nothing in this Act shall be construed to permit, allow, encourage, or authorize any Federal control over any aspect of any private, religious, or home school, whether or not a home school is treated as a private school or home school under State law. This section shall not be construed to bar private, religious, or home schools from participation in programs or services under this Act.

"SEC. 1607. LOCAL ADMINISTRATIVE COST LIMITATION.

"(a) LOCAL ADMINISTRATIVE COST LIMITATION.—Each local educational agency may use not more than 4 percent of funds received under part A for administrative expenses.

"(b) REGULATIONS.—The Secretary, after consulting with State and local officials and other experts in school finance, shall develop and issue regulations that define the term administrative cost for purposes of this title. Such definition shall be consistent with generally accepted accounting principles. The Secretary shall publish final regulations on this section not later than 1 year after the date of enactment of the Student Results Act of 1999.

"SEC. 1608. PROHIBITION ON MANDATORY NATIONAL CERTIFICATION OF TEACHERS AND PARAPROFESSIONALS.

"(a) PROHIBITION ON MANDATORY TESTING OR CERTIFICATION.—Notwithstanding any other provision of law, the Secretary is prohibited from using Federal funds to plan, develop, implement, or administer any mandatory national teacher or paraprofessional test or certification.

"(b) PROHIBITION ON WITHHOLDING FUNDS.—The Secretary is prohibited from withholding funds from any State or local educational agency if such State or local educational agency fails to adopt a specific method of teacher or paraprofessional certification.

"SEC. 1609. GAO STUDIES.

"(a) STUDY ON PARAPROFESSIONALS.—The General Accounting Office shall conduct a study of paraprofessionals under part A of title I.

"(b) STUDY ON PORTABILITY.—The General Accounting Office shall conduct a study regarding how funds made available under this title could follow a child from school to school.

"(c) STUDY ON ELECTRONIC TRANSFER OF MIGRANT STUDENT RECORDS.—The General Accounting Office shall conduct a study on the feasibility of electronically transferring and maintaining migrant student records.

"(d) EVALUATION BY GENERAL ACCOUNTING OFFICE.—Not later than October 1, 2001, the Comptroller General shall conduct a comprehensive analysis and evaluation regarding the impact on this title of individual waivers for schools, local educational agency waivers, and statewide waivers granted pursuant to the Education Flexibility Partnership Act of 1999 (20 U.S.C. 589a et seq.). The Comptroller General shall submit a report to the Committee on Education and the Workforce of the House of Representatives. In conducting such analysis and evaluation, the Comptroller General shall consider the following factors:

"(1) CONSISTENCY.—The extent to which the State's educational flexibility plan is consistent with ensuring high standards for all children and aligning the efforts of States, local educational agencies, and schools to help children served under this title to reach such standards.

"(2) STATE WAIVERS.—Evaluate the effect that waivers of State law have on addressing the needs and the performance of students in schools subject to this title.

"(3) ALLOCATION OF FUNDS.—The extent to which waivers have affected the allocation of funds to schools, including schools with the highest concentrations of poverty, and schools with the highest educational needs, that are eligible to receive funds under this title.

"SEC. 1610. DEFINITIONS.

"For purposes of this title—

"(1) The term 'Secretary' means the Secretary of Education.

"(2) FULLY QUALIFIED.—The term 'fully qualified'—

"(A) when used with respect to a public elementary or secondary school teacher (other than a teacher teaching in a public charter school), means that the teacher has obtained State certification as a teacher (including certification obtained through alternative routes to certification) or passed the State teacher licensing exam and holds a license to teach in such State; and

"(B) when used with respect to —

"(i) an elementary school teacher, means that the teacher holds a bachelor's degree and demonstrates knowledge and teaching skills in reading, writing, mathematics, science, and other areas of the elementary school curriculum; or

"(ii) a middle or secondary school teacher, means that the teacher holds a bachelor's degree and demonstrates a high level of competency in all subject areas in which he or she teaches through—

"(I) a high level of performance on a rigorous State or local academic subject areas test; or

"(II) completion of an academic major in each of the subject areas in which he or she provides instruction.

"(3) The term 'scientifically-based research'—

"(A) means the application of rigorous, systematic, and objective procedures; and

"(B) shall include research that—

"(i) employs systematic, empirical methods that draw on observation or experiment;

"(ii) involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;

"(iii) relies on measurements or observational methods that provide valid data across evaluators and observers and across multiple measurements and observations; and

"(iv) has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.

"SEC. 1611. PAPERWORK REDUCTION.

"(a) FINDINGS.—The Congress finds that—

"(1) instruction and other classroom activities provide the greatest opportunity for students, especially at-risk and disadvantaged students, to attain high standards and achieve academic success;

"(2) one of the greatest obstacles to establishing an effective, classroom-centered education system is the cost of paperwork compliance;

"(3) paperwork places a burden on teachers and administrators who must complete Federal and State forms to apply for Federal funds and absorbs time and money which otherwise would be spent on students;

"(4) the Education at a Crossroads Report released in 1998 by the Education Subcommittee on Oversight and Investigations states that requirements by the Department of Education result in more than 48.6 million hours of paperwork per year; and

"(5) paperwork distracts from the mission of schools, encumbers teachers and administrators

with nonacademic responsibilities, and competes with teaching and classroom activities which promote learning and achievement.

“(b) Sense of Congress.—It is the sense of the Congress that Federal and State educational agencies should reduce the paperwork requirements placed on schools, teachers, principals, and other administrators.”.

PART E—COMPREHENSIVE SCHOOL REFORM

SEC. 171. COMPREHENSIVE SCHOOL REFORM.

Title I is amended by adding at the end the following:

“PART G—COMPREHENSIVE SCHOOL REFORM

“SEC. 1701. COMPREHENSIVE SCHOOL REFORM.

“(a) Findings and Purpose.—

“(1) Findings.—Congress finds the following:

“(A) A number of schools across the country have shown impressive gains in student performance through the use of comprehensive models for schoolwide change that incorporate virtually all aspects of school operations.

“(B) No single comprehensive school reform model may be suitable for every school, however, schools should be encouraged to examine successful, externally developed comprehensive school reform approaches as they undertake comprehensive school reform.

“(C) Comprehensive school reform is an important means by which children are assisted in meeting challenging State student performance standards.

“(2) Purpose.—The purpose of this section is to provide financial incentives for schools to develop comprehensive school reforms, based upon scientifically-based research and effective practices that include an emphasis on basic academics and parental involvement so that all children can meet challenging State content and performance standards.

“(b) Program Authorized.—

“(1) In general.—The Secretary is authorized to provide grants to State educational agencies to provide subgrants to local educational agencies to carry out the purpose described in subsection (a)(2).

“(2) Allocation.—

“(A) Reservation.—Of the amount appropriated under this section, the Secretary may reserve—

“(i) not more than 1 percent for schools supported by the Bureau of Indian Affairs and in the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands; and

“(ii) not more than 1 percent to conduct national evaluation activities described under subsection (e).

“(B) In general.—Of the amount of funds remaining after the reservation under subparagraph (A), the Secretary shall allocate to each State for a fiscal year, an amount that bears the same ratio to the amount appropriated for that fiscal year as the amount made available under section 1124 to the State for the preceding fiscal year bears to the total amount allocated under section 1124 to all States for that year.

“(C) Reallocation.—If a State does not apply for funds under this section, the Secretary shall reallocate any such funds to other States that the Secretary considers in need of additional funds to carry out the purposes of this section.

“(c) State Awards.—

“(1) State application.—

“(A) In general.—Each State educational agency that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner and containing such other information as the Secretary may reasonably require.

“(B) Contents.—Each State application shall also describe—

“(i) the process and selection criteria by which the State educational agency, using expert review, will select local educational agencies to receive subgrants under this section.

“(ii) how the agency will ensure that only comprehensive school reforms that are based on scientifically-based research receive funds under this section;

“(iii) how the agency will disseminate materials regarding information on comprehensive school reforms that are based on scientifically-based research;

“(iv) how the agency will evaluate the implementation of such reforms and measure the extent to which the reforms resulted in increased student academic performance; and

“(v) how the agency will provide, upon request, technical assistance to the local educational agency in evaluating, developing, and implementing comprehensive school reform.

“(2) Uses of funds.—

“(A) In general.—Except as provided in subparagraph (E), a State educational agency that receives an award under this section shall use such funds to provide competitive grants to local educational agencies receiving funds under part A.

“(B) Grant requirements.—A grant to a local educational agency shall be—

“(i) of sufficient size and scope to support the initial costs for the particular comprehensive school reform plan selected or designed by each school identified in the application of the local educational agency;

“(ii) in an amount not less than $50,000 to each participating school; and

“(iii) renewable for 2 additional 1-year periods after the initial 1-year grant is made if schools are making substantial progress in the implementation of their reforms.

“(C) Priority.—The State, in awarding grants under this paragraph, shall give priority to local educational agencies that—

“(i) plan to use the funds in schools identified as being in need of improvement or corrective action under section 1116(c); and

“(ii) demonstrate a commitment to assist schools with budget allocation, professional development, and other strategies necessary to ensure the comprehensive school reforms are properly implemented and are sustained in the future.

“(D) Grant consideration.—In making subgrant awards under this part, the State educational agency shall take into account the equitable distribution of awards to different geographic regions within the State, including urban and rural areas, and to schools serving elementary and secondary students.

“(E) Administrative Costs.—A State educational agency that receives a grant award under this section may reserve not more than 5 percent of such award for administrative, evaluation, and technical assistance expenses.

“(F) Supplement.—Funds made available under this section shall be used to supplement, not supplant, any other Federal, State, or local funds that would otherwise be available to carry out this section.

“(3) Reporting.—Each State educational agency that receives an award under this section shall provide to the Secretary such information as the Secretary may require, including the names of local educational agencies and schools selected to receive subgrant awards under this section, the amount of such award, and a description of the comprehensive school reform model selected and in use.

“(d) Local Awards.—

“(1) In general.—Each local educational agency that applies for a subgrant under this section shall—

“(A) identify which schools eligible for funds under part A plan to implement a comprehensive school reform program, including the projected costs of such a program;

“(B) describe the scientifically-based comprehensive school reforms that such schools will implement;

“(C) describe how the agency will provide technical assistance and support for the effective implementation of the scientifically-based school reforms selected by such schools; and

“(D) describe how the agency will evaluate the implementation of such reforms and measure the results achieved in improving student academic performance.

“(2) Components of the program.—A local educational agency that receives a subgrant award under this section shall provide such funds to schools that implement a comprehensive school reform program that—

“(A) employs innovative strategies and proven methods for student learning, teaching, and school management that are based on scientifically-based research and effective practices and have been replicated successfully in schools with diverse characteristics;

“(B) integrates a comprehensive design for effective school functioning, including instruction, assessment, classroom management, professional development, parental involvement, and school management, that aligns the school's curriculum, technology, professional development into a comprehensive reform plan for schoolwide change designed to enable all students to meet challenging State content and challenging student performance standards and addresses needs identified through a school needs assessment;

“(C) provides high-quality and continuous teacher and staff professional development;

“(D) includes measurable goals for student performance and benchmarks for meeting such goals;

“(E) is supported by teachers, principals, administrators, and other professional staff;

“(F) provides for the meaningful involvement of parents and the local community in planning and implementing school improvement activities;

“(G) uses high quality external technical support and assistance from an entity, which may be an institution of higher education, with experience and expertise in schoolwide reform and improvement;

“(H) includes a plan for the evaluation of the implementation of school reforms and the student results achieved; and

“(I) identifies how other resources, including Federal, State, local, and private resources, available to the school will be used to coordinate services to support and sustain the school reform effort.

“(3) Special rule.—A school that receives funds to develop a comprehensive school reform program shall not be limited to using the approaches identified or developed by the Department of Education, but may develop its own comprehensive school reform programs for schoolwide change that comply with paragraph (2).

“(e) Evaluation and Report.—

“(1) In general.—The Secretary shall develop a plan for a national evaluation of the programs developed pursuant to this section.

“(2) Evaluation.—This national evaluation shall evaluate the implementation and results achieved by schools after 3 years of implementing comprehensive school reforms, and assess the effectiveness of comprehensive school reforms in schools with diverse characteristics.

“(3) Reports.—Prior to the completion of a national evaluation, the Secretary shall submit an interim report outlining first year implementation activities to the Committees on Education and the Workforce and Appropriations of the House of Representatives and the Committees on Health, Education, Labor, and Pensions and Appropriations of the Senate.

"(f) DEFINITION.—The term 'scientifically-based research'—

"(1) means the application of rigorous, systematic, and objective procedures in the development of comprehensive school reform models; and

"(2) shall include research that—

"(A) employs systematic, empirical methods that draw on observation or experiment;

"(B) involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;

"(C) relies on measurements or observational methods that provide valid data across evaluators and observers and across multiple measurements and observations; and

"(D) has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to carry out this section $175,000,000 for fiscal year 2000 and such sums as may be necessary for each of the 4 succeeding fiscal years.

TITLE II—MAGNET SCHOOLS ASSISTANCE AND PUBLIC SCHOOL CHOICE

SEC. 201. MAGNET SCHOOLS ASSISTANCE.

Title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7201 et seq.) is amended to read a follows:

"TITLE V—MAGNET SCHOOLS ASSISTANCE AND PUBLIC SCHOOL CHOICE

"PART A—MAGNET SCHOOL ASSISTANCE

"SEC. 5101. FINDINGS.

"The Congress finds that—

"(1) magnet schools are a significant part of our Nation's effort to achieve voluntary desegregation in our Nation's schools;

"(2) the use of magnet schools has increased dramatically since the date of enactment of the Magnet Schools Assistance program, with approximately 2,000,000 students nationwide now attending such schools, of which more than 65 percent of the students are nonwhite;

"(3) magnet schools offer a wide range of distinctive programs that have served as models for school improvement efforts;

"(4) in administering the Magnet Schools Assistance program, the Federal Government has learned that—

"(A) where magnet programs are implemented for only a portion of a school's student body, special efforts must be made to discourage the isolation of—

"(i) magnet school students from other students in the school; and

"(ii) students by racial characteristics;

"(B) local educational agencies can maximize their effectiveness in achieving the purposes of the Magnet Schools Assistance program if such agencies have more flexibility in the administration of such program in order to serve students attending a school who are not enrolled in the magnet school program;

"(C) local educational agencies must be creative in designing magnet schools for students at all academic levels, so that school districts do not select only the highest achieving students to attend the magnet schools;

"(D) consistent with desegregation guidelines, local educational agencies must seek to enable participation in magnet school programs by students who reside in the neighborhoods where the programs operate; and

"(E) in order to ensure that magnet schools are sustained after Federal funding ends, the Federal Government must assist school districts to improve their capacity to continue to operate magnet schools at a high level of performance; and

"(5) it is in the best interest of the Federal Government to—

"(A) continue the Federal Government's support of school districts implementing court-ordered desegregation plans and school districts voluntarily seeking to foster meaningful interaction among students of different racial and ethnic backgrounds, beginning at the earliest stage of such students' education;

"(B) ensure that all students have equitable access to quality education that will prepare such students to function well in a technologically oriented society and a highly competitive economy;

"(C) maximize the ability of local educational agencies to plan, develop, implement and continue effective and innovative magnet schools that contribute to State and local systemic reform; and

"(D) ensure that grant recipients provide adequate data which demonstrates an ability to improve student achievement.

"SEC. 5102. STATEMENT OF PURPOSE.

"The purpose of this part is to assist in the desegregation of schools served by local educational agencies by providing financial assistance to eligible local educational agencies for—

"(1) the elimination, reduction, or prevention of minority group isolation in elementary and secondary schools with substantial proportions of minority students;

"(2) the development and implementation of magnet school projects that will assist local educational agencies in achieving systemic reforms and providing all students the opportunity to meet challenging State content standards and challenging State student performance standards;

"(3) the development and design of innovative educational methods and practices that promote diversity and increase choices in public elementary and secondary schools and educational programs; and

"(4) courses of instruction within magnet schools that will substantially strengthen the knowledge of academic subjects and the grasp of tangible and marketable vocational and technical skills of students attending such schools.

"SEC. 5103. PROGRAM AUTHORIZED.

"The Secretary, in accordance with this part, is authorized to make grants to eligible local educational agencies, and consortia of such agencies where appropriate, to carry out the purpose of this part for magnet schools that are—

"(1) part of an approved desegregation plan; and

"(2) designed to bring students from different social, economic, ethnic, and racial backgrounds together.

"SEC. 5104. DEFINITION.

"For the purpose of this part, the term 'magnet school' means a public elementary or secondary school or public elementary or secondary education center that offers a special curriculum capable of attracting substantial numbers of students of different racial backgrounds.

"SEC. 5105. ELIGIBILITY.

"A local educational agency, or consortium of such agencies where appropriate, is eligible to receive assistance under this part to carry out the purposes of this part if such agency or consortium—

"(1) is implementing a plan undertaken pursuant to a final order issued by a court of the United States, or a court of any State, or any other State agency or official of competent jurisdiction, that requires the desegregation of minority-group-segregated children or faculty in the elementary and secondary schools of such agency; or

"(2) without having been required to do so, has adopted and is implementing, or will, if assistance is made available to such local educational agency or consortium of such agencies under this part, adopt and implement a plan that has been approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 for the desegregation of minority-group-segregated children or faculty in such schools.

"SEC. 5106. APPLICATIONS AND REQUIREMENTS.

"(a) APPLICATIONS.—An eligible local educational agency or consortium of such agencies desiring to receive assistance under this part shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may reasonably require.

"(b) INFORMATION AND ASSURANCES.—Each such application shall include—

"(1) a description of—

"(A) how assistance made available under this part will be used to promote desegregation, including how the proposed magnet school project will increase interaction among students of different social, economic, ethnic, and racial backgrounds;

"(B) the manner and extent to which the magnet school project will increase student achievement in the instructional area or areas offered by the school;

"(C) how an applicant will continue the magnet school project after assistance under this part is no longer available, including, if applicable, an explanation of why magnet schools established or supported by the applicant with funds under this part cannot be continued without the use of funds under this part;

"(D) how funds under this part will be used to improve student academic performance for all students attending the magnet schools; and

"(E) the criteria to be used in selecting students to attend the proposed magnet school projects; and

"(2) assurances that the applicant will—

"(A) use funds under this part for the purposes specified in section 5102;

"(B) employ fully qualified teachers (as defined in section 1119) in the courses of instruction assisted under this part;

"(C) not engage in discrimination based on race, religion, color, national origin, sex, or disability in—

"(i) the hiring, promotion, or assignment of employees of the agency or other personnel for whom the agency has any administrative responsibility;

"(ii) the assignment of students to schools, or to courses of instruction within the school, of such agency, except to carry out the approved plan; and

"(iii) designing or operating extracurricular activities for students;

"(D) carry out a high-quality education program that will encourage greater parental decisionmaking and involvement; and

"(E) give students residing in the local attendance area of the proposed magnet school projects equitable consideration for placement in those projects.

"SEC. 5107. PRIORITY.

"In approving applications under this part, the Secretary shall give priority to applicants that—

"(1) demonstrate the greatest need for assistance, based on the expense or difficulty of effectively carrying out an approved desegregation plan and the projects for which assistance is sought;

"(2) propose to carry out new magnet school projects, or significantly revise existing magnet school projects; and

"(3) propose to select students to attend magnet school projects by methods such as lottery, rather than through academic examination.

"SEC. 5108. USE OF FUNDS.

"(a) IN GENERAL.—Grant funds made available under this part may be used by an eligible local educational agency or consortium of such agencies—

“(1) for planning and promotional activities directly related to the development, expansion, continuation, or enhancement of academic programs and services offered at magnet schools;

“(2) for the acquisition of books, materials, and equipment, including computers and the maintenance and operation thereof, necessary for the conduct of programs in magnet schools;

“(3) for the payment, or subsidization of the compensation, of elementary and secondary school teachers who are fully qualified (as defined in section 1119), and instructional staff where applicable, who are necessary for the conduct of programs in magnet schools;

“(4) with respect to a magnet school program offered to less than the entire student population of a school, for instructional activities that—

“(A) are designed to make available the special curriculum that is offered by the magnet school project to students who are enrolled in the school but who are not enrolled in the magnet school program; and

“(B) further the purposes of this part; and

“(5) for activities, which may include professional development, that will build the recipient's capacity to operate magnet school programs once the grant period has ended.

“(b) SPECIAL RULE.—Grant funds under this part may be used in accordance with paragraphs (2) and (3) of subsection (a) only if the activities described in such paragraphs are directly related to improving the students' academic performance based on the State's challenging content standards and challenging student performance standards or directly related to improving the students' reading skills or knowledge of mathematics, science, history, geography, English, foreign languages, art, or music, or to improving vocational and technical skills.

“SEC. 5109. PROHIBITIONS.

“(a) TRANSPORTATION.—Grants under this part may not be used for transportation or any activity that does not augment academic improvement.

“(b) PLANNING.—A local educational agency shall not expend funds under this part after the third year that such agency receives funds under this part for such project.

“SEC. 5110. LIMITATIONS.

“(a) DURATION OF AWARDS.—A grant under this part shall be awarded for a period that shall not exceed three fiscal years.

“(b) LIMITATION ON PLANNING FUNDS.—A local educational agency may expend for planning not more than 50 percent of the funds received under this part for the first year of the project, 15 percent of such funds for the second such year, and 10 percent of such funds for the third such year.

“(c) AMOUNT.—No local educational agency or consortium awarded a grant under this part shall receive more than $4,000,000 under this part in any one fiscal year.

“(d) TIMING.—To the extent practicable, the Secretary shall award grants for any fiscal year under this part not later than July 1 of the applicable fiscal year.

“SEC. 5111. EVALUATIONS.

“(a) RESERVATION.—The Secretary may reserve not more than two percent of the funds appropriated under section 5112(a) for any fiscal year to carry out evaluations, technical assistance, and dissemination projects with respect to magnet school projects and programs assisted under this part.

“(b) CONTENTS.—Each evaluation described in subsection (a), at a minimum, shall address—

“(1) how and the extent to which magnet school programs lead to educational quality and improvement;

“(2) the extent to which magnet school programs enhance student access to quality education;

“(3) the extent to which magnet school programs lead to the elimination, reduction, or prevention of minority group isolation in elementary and secondary schools with substantial proportions of minority students; and

“(4) the extent to which magnet school programs differ from other school programs in terms of the organizational characteristics and resource allocations of such magnet school programs.

“SEC. 5112. AUTHORIZATION OF APPROPRIATIONS; RESERVATION.

“(a) AUTHORIZATION.—For the purpose of carrying out this part, there are authorized to be appropriated $120,000,000 for fiscal year 2000 and such sums as may be necessary for each of fiscal years 2001 through 2004.

“(b) AVAILABILITY OF FUNDS FOR GRANTS TO AGENCIES NOT PREVIOUSLY ASSISTED.—In any fiscal year for which the amount appropriated pursuant to subsection (a) exceeds $75,000,000, the Secretary shall give priority to using such amounts in excess of $75,000,000 to award grants to local educational agencies or consortia of such agencies that did not receive a grant under this part in the preceding fiscal year.

“PART B—PUBLIC SCHOOL CHOICE

“SEC. 5201. SHORT TITLE.

“This part may be cited as the ‘Public School Choice Act of 1999’.

“SEC. 5202. FINDINGS AND PURPOSE.

“(a) FINDINGS.—The Congress finds that—

“(1) a wide variety of educational opportunities, options, and choices in the public school system is needed to help all children achieve to high standards;

“(2) high-quality public school choice programs that are genuinely open and accessible to all students (including poor, minority, limited English proficient, and disabled students) broaden educational opportunities and promote excellence in education;

“(3) current research shows that—

“(A) students learn in different ways, benefiting from different teaching methods and instructional settings; and

“(B) family involvement in a child's education is a key factor supporting student achievement;

“(4) public school systems have begun to develop a variety of innovative programs that offer expanded choices to parents and students; and

“(5) the Federal Government should support and expand efforts to give students and parents the high-quality public school choices they seek, to help eliminate barriers to effective public school choice, and to disseminate the lessons learned from high-quality choice programs so that all public schools can benefit from these efforts.

“(b) PURPOSE.—It is the purpose of this part to identify and support innovative approaches to high-quality public school choice by providing financial assistance for the demonstration, development, implementation, and evaluation of, and dissemination of information about, public school choice projects that stimulate educational innovation for all public schools and contribute to standards-based school reform efforts.

“SEC. 5203. GRANTS.

“(a) IN GENERAL.—From funds appropriated under section 5206(a) and not reserved under section 5206(b), the Secretary is authorized to make grants to State and local educational agencies to support programs that promote innovative approaches to high-quality public school choice.

“(b) DURATION.—Grants under this part shall not exceed three years.

“SEC. 5204. USES OF FUNDS.

“(a) IN GENERAL—

“(1) PUBLIC SCHOOL CHOICE.—Funds under this part may be used to demonstrate, develop, implement, evaluate, and disseminate information on innovative approaches to promote public school choice, including the design and development of new public school choice options, the development of new strategies for overcoming barriers to effective public school choice, and the design and development of public school choice systems that promote high standards for all students and the continuous improvement of all public schools.

“(2) INNOVATIVE APPROACHES.—Such approaches at the school, local educational agency, and State levels may include—

“(A) inter-district approaches to public school choice, including approaches that increase equal access to high-quality educational programs and diversity in schools;

“(B) public elementary and secondary programs that involve partnerships with institutions of higher education and that are located on the campuses of those institutions;

“(C) programs that allow students in public secondary schools to enroll in postsecondary courses and to receive both secondary and postsecondary academic credit;

“(D) worksite satellite schools, in which State or local educational agencies form partnerships with public or private employers, to create public schools at parents' places of employment; and

“(E) approaches to school desegregation that provide students and parents choice through strategies other than magnet schools.

“(b) LIMITATIONS.—Funds under this part—

“(1) shall supplement, and not supplant, non-Federal funds expended for existing programs;

“(2) may not be used for transportation; and

“(3) may not be used to fund projects that are specifically authorized under part A of title V, or part C of title X.

“SEC. 5205. GRANT APPLICATION; PRIORITIES.

“(a) APPLICATION REQUIRED.—A State or local educational agency desiring to receive a grant under this part shall submit an application to the Secretary.

“(b) APPLICATION CONTENTS.—Each application shall include—

“(1) a description of the program for which funds are sought and the goals for such program;

“(2) a description of how the program funded under this part will be coordinated with, and will complement and enhance, programs under other related Federal and non-Federal projects;

“(3) if the program includes partners, the name of each partner and a description of the partner's responsibilities;

“(4) a description of the policies and procedures the applicant will use to ensure—

“(A) its accountability for results, including its goals and performance indicators; and

“(B) that the program is open and accessible to, and will promote high academic standards for, all students; and

“(5) such other information as the Secretary may require.

“(c) PRIORITIES.—

“(1) HIGH-POVERTY AGENCIES.—The Secretary shall give a priority to applications for projects that would serve high-poverty local educational agencies.

“(2) PARTNERSHIPS.—The Secretary may give a priority to applications demonstrating that the applicant will carry out its project in partnership with one or more public and private agencies, organizations, and institutions, including institutions of higher education and public and private employers.

“SEC. 5206. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—For the purpose of carrying out this part, there are authorized to be appropriated $20,000,000 for fiscal year 2000 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(b) Reservation for Evaluation, Technical Assistance, and Dissemination.—From the amount appropriated under subsection (a) for any fiscal year, the Secretary may reserve not more than 5 percent to carry out evaluations under subsection (c), to provide technical assistance, and to disseminate information.

"(c) Evaluations.—The Secretary may use funds reserved under subsection (b) to carry out one or more evaluations of programs assisted under this part, which shall, at a minimum, address—

"(1) how, and the extent to which, the programs supported with funds under this part promote educational equity and excellence; and

"(2) the extent to which public schools of choice supported with funds under this part are—

"(A) held accountable to the public;

"(B) effective in improving public education; and

"(C) open and accessible to all students.

"SEC. 5207. DEFINITIONS.

"For purposes of this part:

"(1) High-poverty local educational agency.—The term 'high-poverty local educational agency' means a local educational agency in which—

"(A) the percentage of children, ages 5 to 17, from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved for the most recent fiscal year for which satisfactory data are available is 20 percent or greater; or

"(B) the number of such children exceeds 10,000.

"(2) Other terms.—Other terms used in this part shall have the meaning given such terms in section 14101 (20 U.S.C. 8801).".

SEC. 202. CONTINUATION OF AWARDS.

Notwithstanding the amendment made by section 201, any local educational agency or consortium of such agencies that was awarded a grant under section 5111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7211) prior to the date of the enactment of this Act shall continue to receive funds in accordance with the terms of such award until the date on which the award period terminates under such terms.

TITLE III—TEACHER LIABILITY PROTECTION

SEC. 301. TEACHER LIABILITY PROTECTION.

The Elementary and Secondary Education Act of 1965 (20 U.S.C 6301 et seq.) is amended by adding at the end the following:

"TITLE XV—TEACHER LIABILITY PROTECTION

"SEC. 15001. SHORT TITLE.

"This title may be cited as the 'Teacher Liability Protection Act of 1999'.

"SEC. 15002. FINDINGS AND PURPOSE.

"(a) Findings.—Congress makes the following findings:

"(1) The ability of teachers, principals and other school professionals to teach, inspire and shape the intellect of our Nation's elementary and secondary school students is deterred and hindered by frivolous lawsuits and litigation.

"(2) Each year more and more teachers, principals and other school professionals face lawsuits for actions undertaken as part of their duties to provide millions of school children quality educational opportunities.

"(3) Too many teachers, principals and other school professionals face increasingly severe and random acts of violence in the classroom and in schools.

"(4) Providing teachers, principals and other school professionals a safe and secure environment is an important part of the effort to improve and expand educational opportunities.

"(5) Clarifying and limiting the liability of teachers, principals and other school professionals who undertake reasonable actions to maintain order, discipline and an appropriate educational environment is an appropriate subject of Federal legislation because—

"(A) the scope of the problems created by the legitimate fears of teachers, principals and other school professionals about frivolous, arbitrary or capricious lawsuits against teachers is of national importance; and

"(B) millions of children and their families across the Nation depend on teachers, principals and other school professionals for the intellectual development of children.

"(b) Purpose.—The purpose of this title is to provide teachers, principals and other school professionals the tools they need to undertake reasonable actions to maintain order, discipline and an appropriate educational environment.

"SEC. 15003. PREEMPTION AND ELECTION OF STATE NONAPPLICABILITY.

"(a) Preemption.—This title preempts the laws of any State to the extent that such laws are inconsistent with this title, except that this title shall not preempt any State law that provides additional protection from liability relating to teachers.

"(b) Election of State Regarding Nonapplicability.—This title shall not apply to any civil action in a State court against a teacher in which all parties are citizens of the State if such State enacts a statute in accordance with State requirements for enacting legislation—

"(1) citing the authority of this subsection;

"(2) declaring the election of such State that this title shall not apply, as of a date certain, to such civil action in the State; and

"(3) containing no other provisions.

"SEC. 15004. LIMITATION ON LIABILITY FOR TEACHERS.

"(a) Liability Protection for Teachers.—Except as provided in subsections (b) and (c), no teacher in a school shall be liable for harm caused by an act or omission of the teacher on behalf of the school if—

"(1) the teacher was acting within the scope of the teacher's employment or responsibilities related to providing educational services;

"(2) the actions of the teacher were carried out in conformity with local, state, or federal laws, rules or regulations in furtherance of efforts to control, discipline, expel, or suspend a student or maintain order or control in the classroom or school;

"(3) if appropriate or required, the teacher was properly licensed, certified, or authorized by the appropriate authorities for the activities or practice in the State in which the harm occurred, where the activities were or practice was undertaken within the scope of the teacher's responsibilities;

"(4) the harm was not caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed by the teacher; and

"(5) the harm was not caused by the teacher operating a motor vehicle, vessel, aircraft, or other vehicle for which the State requires the operator or the owner of the vehicle, craft, or vessel to—

"(A) possess an operator's license; or

"(B) maintain insurance.

"(b) Concerning Responsibility of Teachers to Schools and Governmental Entities.—Nothing in this section shall be construed to affect any civil action brought by any school or any governmental entity against any teacher of such school.

"(c) Exceptions to Teacher Liability Protection.—If the laws of a State limit teacher liability subject to one or more of the following conditions, such conditions shall not be construed as inconsistent with this section:

"(1) A State law that requires a school or governmental entity to adhere to risk management procedures, including mandatory training of teachers.

"(2) A State law that makes the school or governmental entity liable for the acts or omissions of its teachers to the same extent as an employer is liable for the acts or omissions of its employees.

"(3) A State law that makes a limitation of liability inapplicable if the civil action was brought by an officer of a State or local government pursuant to State or local law.

"(d) Limitation on Punitive Damages Based on the Actions of Teachers.—

"(1) General rule.—Punitive damages may not be awarded against a teacher in an action brought for harm based on the action of a teacher acting within the scope of the teacher's responsibilities to a school or governmental entity unless the claimant establishes by clear and convincing evidence that the harm was proximately caused by an action of such teacher which constitutes willful or criminal misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed.

"(2) Construction.—Paragraph (1) does not create a cause of action for punitive damages and does not preempt or supersede any Federal or State law to the extent that such law would further limit the award of punitive damages.

"(e) Exceptions to Limitations on Liability.—

"(1) In general.—The limitations on the liability of a teacher under this title shall not apply to any misconduct that—

"(A) constitutes a crime of violence (as that term is defined in section 16 of title 18, United States Code) or act of international terrorism (as that term is defined in section 2331 of title 18, United States Code) for which the defendant has been convicted in any court;

"(B) involves a sexual offense, as defined by applicable State law, for which the defendant has been convicted in any court;

"(C) involves misconduct for which the defendant has been found to have violated a Federal or State civil rights law; or

"(D) where the defendant was under the influence (as determined pursuant to applicable State law) of intoxicating alcohol or any drug at the time of the misconduct.

"(2) Rule of construction.—Nothing in this subsection shall be construed to effect subsection (a)(3) or (d).

"SEC. 15005. LIABILITY FOR NONECONOMIC LOSS.

"(a) General Rule.—In any civil action against a teacher, based on an action of a teacher acting within the scope of the teacher's responsibilities to a school or governmental entity, the liability of the teacher for noneconomic loss shall be determined in accordance with subsection (b).

"(b) Amount of Liability.—

"(1) In general.—Each defendant who is a teacher, shall be liable only for the amount of noneconomic loss allocated to that defendant in direct proportion to the percentage of responsibility of that defendant (determined in accordance with paragraph (2)) for the harm to the claimant with respect to which that defendant is liable. The court shall render a separate judgment against each defendant in an amount determined pursuant to the preceding sentence.

"(2) Percentage of responsibility.—For purposes of determining the amount of noneconomic loss allocated to a defendant who is a teacher under this section, the trier of fact shall determine the percentage of responsibility of that defendant for the claimant's harm.

"SEC. 15006. DEFINITIONS.

For purposes of this title:

"(1) ECONOMIC LOSS.—The term 'economic loss' means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

"(2) HARM.—The term 'harm' includes physical, nonphysical, economic, and noneconomic losses.

"(3) NONECONOMIC LOSSES.—The term 'noneconomic losses' means losses for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation and all other nonpecuniary losses of any kind or nature.

"(4) SCHOOL.—The term 'school' means a public or private kindergarten, a public or private elementary school or secondary school (as defined in section 14101, or a home school.

"(5) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

"(6) TEACHER.—The term 'teacher' means a teacher, instructor, principal, administrator, or other educational professional that works in a school, a local school board and any member of such board, and a local educational agency and any employee of such agency.

"SEC. 15007. EFFECTIVE DATE.

"(a) IN GENERAL.—This title shall take effect 90 days after the date of enactment of the Student Results Act of 1999.

"(b) APPLICATION.—This title applies to any claim for harm caused by an act or omission of a teacher if that claim is filed on or after the effective date of the Student Results Act of 1999, without regard to whether the harm that is the subject of the claim or the conduct that caused the harm occurred before such effective date.".

TITLE IV—INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION

Subtitle A—Elementary and Secondary Education Act of 1965

SEC. 401. AMENDMENTS.

Part A of title IX of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801 et seq.) is amended to read as follows:

"PART A—INDIAN EDUCATION

"SEC. 9101. FINDINGS.

"Congress finds that—

"(1) the Federal Government has a special responsibility to ensure that educational programs for all American Indian and Alaska Native children and adults—

"(A) are based on high-quality, internationally competitive content standards and student performance standards and build on Indian culture and the Indian community;

"(B) assist local educational agencies, Indian tribes, and other entities and individuals in providing Indian students the opportunity to achieve such standards; and

"(C) meet the unique educational and culturally related academic needs of American Indian and Alaska Native students;

"(2) since the date of enactment of the initial Indian Education Act in 1972, the level of involvement of Indian parents in the planning, development, and implementation of educational programs that affect such parents and their children has increased significantly, and schools should continue to foster such involvement;

"(3) although the number of Indian teachers, administrators, and university professors has increased since 1972, teacher training programs are not recruiting, training, or retraining a sufficient number of Indian individuals as educators to meet the needs of a growing Indian student population in elementary, secondary, vocational, adult, and higher education;

"(4) the dropout rate for Indian students is unacceptably high; 9 percent of Indian students who were eighth graders in 1988 had dropped out of school by 1990;

"(5) during the period from 1980 to 1990, the percentage of Indian individuals living at or below the poverty level increased from 24 percent to 31 percent, and the readiness of Indian children to learn is hampered by the high incidence of poverty, unemployment, and health problems among Indian children and their families; and

"(6) research related specifically to the education of Indian children and adults is very limited, and much of the research is of poor quality or is focused on limited local or regional issues.

"SEC. 9102. PURPOSE.

"(a) PURPOSE.—It is the purpose of this part to support the efforts of local educational agencies, Indian tribes and organizations, postsecondary institutions, and other entities to meet the unique educational and culturally related academic needs of American Indians and Alaska Natives, so that such students can achieve to the same challenging State performance standards expected of all other students.

"(b) PROGRAMS.—This part carries out the purpose described in subsection (a) by authorizing programs of direct assistance for—

"(1) meeting the unique educational and culturally related academic needs of American Indians and Alaska Natives;

"(2) the education of Indian children and adults;

"(3) the training of Indian persons as educators and counselors, and in other professions serving Indian people; and

"(4) research, evaluation, data collection, and technical assistance.

"Subpart 1—Formula Grants to Local Educational Agencies

"SEC. 9111. PURPOSE.

"It is the purpose of this subpart to support local educational agencies in their efforts to reform elementary and secondary school programs that serve Indian students in order to ensure that such programs—

"(1) are based on challenging State content standards and State student performance standards that are used for all students; and

"(2) are designed to assist Indian students in meeting those standards and assist the Nation in reaching the National Education Goals.

"SEC. 9112. GRANTS TO LOCAL EDUCATIONAL AGENCIES.

"(a) IN GENERAL.—

"(1) ENROLLMENT REQUIREMENTS.—A local educational agency shall be eligible for a grant under this subpart for any fiscal year if the number of Indian children eligible under section 9117 and who were enrolled in the schools of the agency, and to whom the agency provided free public education, during the preceding fiscal year—

"(A) was at least 10; or

"(B) constituted not less than 25 percent of the total number of individuals enrolled in the schools of such agency.

"(2) EXCLUSION.—The requirement of paragraph (1) shall not apply in Alaska, California, or Oklahoma, or with respect to any local educational agency located on, or in proximity to, a reservation.

"(b) INDIAN TRIBES.—

"(1) IN GENERAL.—If a local educational agency that is eligible for a grant under this subpart does not establish a parent committee under section 9114(c)(4) for such grant, an Indian tribe that represents not less than one-half of the eligible Indian children who are served by such local educational agency may apply for such grant.

"(2) SPECIAL RULE.—The Secretary shall treat each Indian tribe applying for a grant pursuant to paragraph (1) as if such Indian tribe were a local educational agency for purposes of this subpart, except that any such tribe is not subject to section 9114(c)(4), section 9118(c), or section 9119.

"SEC. 9113. AMOUNT OF GRANTS.

"(a) AMOUNT OF GRANT AWARDS.—

"(1) IN GENERAL.—Except as provided in subsection (b) and paragraph (2), the Secretary shall allocate to each local educational agency which has an approved application under this subpart an amount equal to the product of—

"(A) the number of Indian children who are eligible under section 9117 and served by such agency; and

"(B) the greater of—

"(i) the average per-pupil expenditure of the State in which such agency is located; or

"(ii) 80 percent of the average per-pupil expenditure in the United States.

"(2) REDUCTION.—The Secretary shall reduce the amount of each allocation determined under paragraph (1) in accordance with subsection (e).

"(b) MINIMUM GRANT.—

"(1) IN GENERAL.—Notwithstanding subsection (e), a local educational agency or an Indian tribe (as authorized under section 9112(b)) that is eligible for a grant under section 9112, and a school that is operated or supported by the Bureau of Indian Affairs that is eligible for a grant under subsection (d), that submits an application that is approved by the Secretary, shall, subject to appropriations, receive a grant under this subpart in an amount that is not less than $3,000.

"(2) CONSORTIA.—Local educational agencies may form a consortium for the purpose of obtaining grants under this subpart.

"(3) INCREASE.—The Secretary may increase the minimum grant under paragraph (1) to not more than $4,000 for all grantees if the Secretary determines such increase is necessary to ensure the quality of the programs provided.

"(c) DEFINITION.—For the purpose of this section, the term 'average per-pupil expenditure of a State' means an amount equal to—

"(1) the sum of the aggregate current expenditures of all the local educational agencies in the State, plus any direct current expenditures by the State for the operation of such agencies, without regard to the sources of funds from which such local or State expenditures were made, during the second fiscal year preceding the fiscal year for which the computation is made; divided by

"(2) the aggregate number of children who were included in average daily attendance for whom such agencies provided free public education during such preceding fiscal year.

"(d) SCHOOLS OPERATED OR SUPPORTED BY THE BUREAU OF INDIAN AFFAIRS.—(1) Subject to subsection (e), in addition to the grants awarded under subsection (a), the Secretary shall allocate to the Secretary of the Interior an amount equal to the product of—

"(A) the total number of Indian children enrolled in schools that are operated by—

"(i) the Bureau of Indian Affairs; or

"(ii) an Indian tribe, or an organization controlled or sanctioned by an Indian tribal government, for the children of that tribe under a contract with, or grant from, the Department of the Interior under the Indian Self-Determination Act or the Tribally Controlled Schools Act of 1988; and

"(B) the greater of—

“(i) the average per-pupil expenditure of the State in which the school is located; or

“(ii) 80 percent of the average per-pupil expenditure in the United States.

“(2) Any school described in paragraph (1)(A) that wishes to receive an allocation under this subpart shall submit an application in accordance with section 9114, and shall otherwise be treated as a local educational agency for the purpose of this subpart, except that such school shall not be subject to section 9114(c)(4), section 9118(c), or section 9119.

“(e) RATABLE REDUCTIONS.—If the sums appropriated for any fiscal year under section 9162(a) are insufficient to pay in full the amounts determined for local educational agencies under subsection (a)(1) and for the Secretary of the Interior under subsection (d), each of those amounts shall be ratably reduced.

“SEC. 9114. APPLICATIONS.

“(a) APPLICATION REQUIRED.—Each local educational agency that desires to receive a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

“(b) COMPREHENSIVE PROGRAM REQUIRED.—Each application submitted under subsection (a) shall include a comprehensive program for meeting the needs of Indian children served by the local educational agency, including the language and cultural needs of the children, that—

“(1) provides programs and activities to meet the culturally related academic needs of American Indian and Alaska Native students;

“(2)(A) is consistent with State and local plans under other provisions of this Act; and

“(B) includes academic content and student performance goals for such children, and benchmarks for attaining such goals, that are based on the challenging State standards under title I;

“(3) explains how Federal, State, and local programs, especially under title I, will meet the needs of such students;

“(4) demonstrates how funds made available under this subpart will be used for activities described in section 9115;

“(5) describes the professional development opportunities that will be provided, as needed, to ensure that—

“(A) teachers and other school professionals who are new to the Indian community are prepared to work with Indian children; and

“(B) all teachers who will be involved in programs assisted under this subpart have been properly trained to carry out such programs; and

“(6) describes how the local educational agency—

“(A) will periodically assess the progress of all Indian children enrolled in the schools of the local educational agency, including Indian children who do not participate in programs assisted under this subpart, in meeting the goals described in paragraph (2);

“(B) will provide the results of each assessment referred to in subparagraph (A) to—

“(i) the committee of parents described in subsection (c)(4); and

“(ii) the community served by the local educational agency; and

“(C) is responding to findings of any previous assessments that are similar to the assessments described in subparagraph (A).

“(c) ASSURANCES.—Each application submitted under subsection (a) shall include assurances that—

“(1) the local educational agency will use funds received under this subpart only to supplement the level of funds that, in the absence of the Federal funds made available under this subpart, such agency would make available for the education of Indian children, and not to supplant such funds;

“(2) the local educational agency will submit such reports to the Secretary, in such form and containing such information, as the Secretary may require to—

“(A) carry out the functions of the Secretary under this subpart; and

“(B) determine the extent to which funds provided to the local educational agency under this subpart are effective in improving the educational achievement of Indian students served by such agency;

“(3) the program for which assistance is sought—

“(A) is based on a comprehensive local assessment and prioritization of the unique educational and culturally related academic needs of the American Indian and Alaska Native students to whom the local educational agency is providing an education;

“(B) will use the best available talents and resources, including individuals from the Indian community; and

“(C) was developed by such agency in open consultation with parents of Indian children and teachers, and, if appropriate, Indian students from secondary schools, including public hearings held by such agency to provide the individuals described in this subparagraph a full opportunity to understand the program and to offer recommendations regarding the program; and

“(4) the local educational agency developed the program with the participation and written approval of a committee—

“(A) that is composed of, and selected by—

“(i) parents of Indian children in the local educational agency's schools and teachers; and

“(ii) if appropriate, Indian students attending secondary schools;

“(B) a majority of whose members are parents of Indian children;

“(C) that sets forth such policies and procedures, including policies and procedures relating to the hiring of personnel, as will ensure that the program for which assistance is sought will be operated and evaluated in consultation with, and with the involvement of, parents of the children, and representatives of the area, to be served;

“(D) with respect to an application describing a schoolwide program in accordance with section 9115(c), has—

“(i) reviewed in a timely fashion the program; and

“(ii) determined that the program will not diminish the availability of culturally related activities for American Indian and Alaskan Native students; and

“(E) has adopted reasonable bylaws for the conduct of the activities of the committee and abides by such bylaws.

“SEC. 9115. AUTHORIZED SERVICES AND ACTIVITIES.

“(a) GENERAL REQUIREMENTS.—Each local educational agency that receives a grant under this subpart shall use the grant funds, in a manner consistent with the purpose specified in section 9111, for services and activities that—

“(1) are designed to carry out the comprehensive program of the local educational agency for Indian students, and described in the application of the local educational agency submitted to the Secretary under section 9114(b);

“(2) are designed with special regard for the language and cultural needs of the Indian students; and

“(3) supplement and enrich the regular school program of such agency.

“(b) PARTICULAR ACTIVITIES.—The services and activities referred to in subsection (a) may include—

“(1) culturally related activities that support the program described in the application submitted by the local educational agency;

“(2) early childhood and family programs that emphasize school readiness;

“(3) enrichment programs that focus on problem solving and cognitive skills development and directly support the attainment of challenging State content standards and State student performance standards;

“(4) integrated educational services in combination with other programs that meet the needs of Indian children and their families;

“(5) career preparation activities to enable Indian students to participate in programs such as the programs supported by the Carl D. Perkins Vocational and Technical Education Act of 1998, including programs for tech-prep, mentoring, and apprenticeship;

“(6) activities to educate individuals concerning substance abuse and to prevent substance abuse;

“(7) the acquisition of equipment, but only if the acquisition of the equipment is essential to meet the purposes described in section 9111; and

“(8) family literacy services.

“(c) SCHOOLWIDE PROGRAMS.—Notwithstanding any other provision of law, a local educational agency may use funds made available to such agency under this subpart to support a schoolwide program under section 1114 if—

“(1) the committee composed of parents established pursuant to section 9114(c)(4) approves the use of the funds for the schoolwide program; and

“(2) the schoolwide program is consistent with the purposes described in section 9111.

“(d) LIMITATION ON ADMINISTRATIVE COSTS.—Not more than 5 percent of the funds provided to a grantee under this subpart for any fiscal year may be used for administrative purposes.

“SEC. 9116. INTEGRATION OF SERVICES AUTHORIZED.

“(a) PLAN.—An entity receiving funds under this subpart may submit a plan to the Secretary for the integration of education and related services provided to Indian students.

“(b) COORDINATION OF PROGRAMS.—Upon the receipt of an acceptable plan, the Secretary, in cooperation with each Federal agency providing grants for the provision of education and related services to the applicant, shall authorize the applicant to coordinate, in accordance with such plan, its federally funded education and related services programs, or portions thereof, serving Indian students in a manner that integrates the program services involved into a single, coordinated, comprehensive program and reduces administrative costs by consolidating administrative functions.

“(c) PROGRAMS AFFECTED.—The funds that may be consolidated in a demonstration project under any such plan referred to in subsection (b) shall include any Federal program, or portion thereof, under which the applicant is eligible for receipt of funds under a statutory or administrative formula for the purposes of providing education and related services which would be used to serve Indian students.

“(d) PLAN REQUIREMENTS.—For a plan to be acceptable pursuant to subsection (b), it shall—

“(1) identify the programs or funding sources to be consolidated;

“(2) be consistent with the purposes of this section authorizing the services to be integrated in a demonstration project;

“(3) describe a comprehensive strategy which identifies the full range of potential educational opportunities and related services to be provided to assist Indian students to achieve the goals set forth in this subpart;

“(4) describe the way in which services are to be integrated and delivered and the results expected from the plan;

“(5) identify the projected expenditures under the plan in a single budget;

"(6) identify the local, State, or tribal agency or agencies to be involved in the delivery of the services integrated under the plan;

"(7) identify any statutory provisions, regulations, policies, or procedures that the applicant believes need to be waived in order to implement its plan;

"(8) set forth measures of student achievement and performance goals designed to be met within a specified period of time; and

"(9) be approved by a parent committee formed in accordance with section 9114(c)(4), if such a committee exists.

"(e) Plan Review.—Upon receipt of the plan from an eligible entity, the Secretary shall consult with the Secretary of each Federal department providing funds to be used to implement the plan, and with the entity submitting the plan. The parties so consulting shall identify any waivers of statutory requirements or of Federal departmental regulations, policies, or procedures necessary to enable the applicant to implement its plan. Notwithstanding any other provision of law, the Secretary of the affected department or departments shall have the authority to waive any regulation, policy, or procedure promulgated by that department that has been so identified by the applicant or department, unless the Secretary of the affected department determines that such a waiver is inconsistent with the intent of this subpart or those provisions of the statute from which the program involved derives its authority which are specifically applicable to Indian students.

"(f) Plan Approval.—Within 90 days after the receipt of an applicant's plan by the Secretary, the Secretary shall inform the applicant, in writing, of the Secretary's approval or disapproval of the plan. If the plan is disapproved, the applicant shall be informed, in writing, of the reasons for the disapproval and shall be given an opportunity to amend its plan or to petition the Secretary to reconsider such disapproval.

"(g) Responsibilities of Department of Education.—Not later than 180 days after the date of enactment of the Student Results Act of 1999, the Secretary of Education, the Secretary of the Interior, and the head of any other Federal department or agency identified by the Secretary of Education, shall enter into an interdepartmental memorandum of agreement providing for the implementation of the demonstration projects authorized under this section. The lead agency head for a demonstration program under this section shall be—

"(1) the Secretary of the Interior, in the case of applicant meeting the definition of contract or grant school under title XI of the Education Amendments of 1978; or

"(2) the Secretary of Education, in the case of any other applicant.

"(h) Responsibilities of Lead Agency.—The responsibilities of the lead agency shall include—

"(1) the use of a single report format related to the plan for the individual project which shall be used by an eligible entity to report on the activities undertaken under the project;

"(2) the use of a single report format related to the projected expenditures for the individual project which shall be used by an eligible entity to report on all project expenditures;

"(3) the development of a single system of Federal oversight for the project, which shall be implemented by the lead agency; and

"(4) the provision of technical assistance to an eligible entity appropriate to the project, except that an eligible entity shall have the authority to accept or reject the plan for providing such technical assistance and the technical assistance provider.

"(i) Report Requirements.—A single report format shall be developed by the Secretary, consistent with the requirements of this section. Such report format, together with records maintained on the consolidated program at the local level, shall contain such information as will allow a determination that the eligible entity has complied with the requirements incorporated in its approved plan, including the demonstration of student achievement, and will provide assurances to each Secretary that the eligible entity has complied with all directly applicable statutory requirements and with those directly applicable regulatory requirements which have not been waived.

"(j) No Reduction in Amounts.—In no case shall the amount of Federal funds available to an eligible entity involved in any demonstration project be reduced as a result of the enactment of this section.

"(k) Interagency Fund Transfers Authorized.—The Secretary is authorized to take such action as may be necessary to provide for an interagency transfer of funds otherwise available to an eligible entity in order to further the purposes of this section.

"(l) Administration of Funds.—

"(1) In general.—Program funds shall be administered in such a manner as to allow for a determination that funds from specific a program or programs are spent on allowable activities authorized under such program, except that the eligible entity shall determine the proportion of the funds granted which shall be allocated to such program.

"(2) Separate records not required.—Nothing in this section shall be construed as requiring the eligible entity to maintain separate records tracing any services or activities conducted under its approved plan to the individual programs under which funds were authorized, nor shall the eligible entity be required to allocate expenditures among such individual programs.

"(m) Overage.—All administrative costs may be commingled and participating entities shall be entitled to the full amount of such costs (under each program or department's regulations), and no overage shall be counted for Federal audit purposes, provided that the overage is used for the purposes provided for under this section.

"(n) Fiscal Accountability.—Nothing in this part shall be construed so as to interfere with the ability of the Secretary or the lead agency to fulfill the responsibilities for the safeguarding of Federal funds pursuant to the Single Audit Act of 1984.

"(o) Report on Statutory Obstacles to Program Integration.—

"(1) Preliminary report.—Not later than 2 years after the date of the enactment of the Student Results Act of 1999, the Secretary of Education shall submit a preliminary report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives on the status of the implementation of the demonstration program authorized under this section.

"(2) Final report.—Not later than 5 years after the date of the enactment of the Student Results Act of 1999, the Secretary of Education shall submit a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives on the results of the implementation of the demonstration program authorized under this section. Such report shall identify statutory barriers to the ability of participants to integrate more effectively their education and related services to Indian students in a manner consistent with the purposes of this section.

"(p) Definitions.—For the purposes of this section, the term 'Secretary' means—

"(1) the Secretary of the Interior, in the case of applicant meeting the definition of contract or grant school under title XI of the Education Amendments of 1978; or

"(2) the Secretary of Education, in the case of any other applicant.

"SEC. 9117. STUDENT ELIGIBILITY FORMS.

"(a) In General.—The Secretary shall require that, as part of an application for a grant under this subpart, each applicant shall maintain a file, with respect to each Indian child for whom the local educational agency provides a free public education, that contains a form that sets forth information establishing the status of the child as an Indian child eligible for assistance under this subpart and that otherwise meets the requirements of subsection (b).

"(b) Forms.—

"(1) In general.—The form described in subsection (a) shall include—

"(A) either—

"(i)(I) the name of the tribe or band of Indians (as described in section 9161(3)) with respect to which the child claims membership;

"(II) the enrollment number establishing the membership of the child (if readily available); and

"(III) the name and address of the organization that maintains updated and accurate membership data for such tribe or band of Indians; or

"(ii) if the child is not a member of a tribe or band of Indians, the name, the enrollment number (if readily available), and the organization (and address thereof) responsible for maintaining updated and accurate membership rolls of the tribe of any parent or grandparent of the child from whom the child claims eligibility;

"(B) a statement of whether the tribe or band of Indians with respect to which the child, parent, or grandparent of the child claims membership is federally recognized;

"(C) the name and address of the parent or legal guardian of the child;

"(D) a signature of the parent or legal guardian of the child that verifies the accuracy of the information supplied; and

"(E) any other information that the Secretary considers necessary to provide an accurate program profile.

"(2) Minimum information.—In order for a child to be eligible to be counted for the purpose of computing the amount of a grant award made under section 9113, an eligibility form prepared pursuant to this section for a child shall include—

"(A) the name of the child;

"(B) the name of the tribe or band of Indians (as described in section 9161(3)) with respect to which the child claims eligibility; and

"(C) the dated signature of the parent or guardian of the child.

"(3) Failure.—The failure of an applicant to furnish any information described in this subsection other than the information described in paragraph (2) with respect to any child shall have no bearing on the determination of whether the child is an eligible Indian child for the purposes of determining the amount of a grant award made under section 9113.

"(c) Statutory Construction.—Nothing in this section shall be construed to affect a definition contained in section 9161.

"(d) Forms and Standards of Proof.—The forms and the standards of proof (including the standard of good faith compliance) that were in use during the 1985–1986 academic year to establish the eligibility of a child for entitlement under the Indian Elementary and Secondary School Assistance Act shall be the forms and standards of proof used—

"(1) to establish such eligibility; and

"(2) to meet the requirements of subsection (a).

"(e) DOCUMENTATION.—For purposes of determining whether a child is eligible to be counted for the purpose of computing the amount of a grant under section 9113, the membership of the child, or any parent or grandparent of the child, in a tribe or band of Indians may be established by proof other than an enrollment number, notwithstanding the availability of an enrollment number for a member of such tribe or band. Nothing in subsection (b) shall be construed to require the furnishing of an enrollment number.

"(f) MONITORING AND EVALUATION REVIEW.—

"(1) IN GENERAL.—(A) For each fiscal year, in order to provide such information as is necessary to carry out the responsibility of the Secretary to provide technical assistance under this subpart, the Secretary shall conduct a monitoring and evaluation review of a sampling of the recipients of grants under this subpart. The sampling conducted under this subparagraph shall take into account the size of the local educational agency and the geographic location of such agency.

"(B) A local educational agency may not be held liable to the United States or be subject to any penalty, by reason of the findings of an audit that relates to the date of completion, or the date of submission, of any forms used to establish, before April 28, 1988, the eligibility of a child for entitlement under the Indian Elementary and Secondary School Assistance Act.

"(2) FALSE INFORMATION.—Any local educational agency that provides false information in an application for a grant under this subpart shall—

"(A) be ineligible to apply for any other grant under this part; and

"(B) be liable to the United States for any funds that have not been expended.

"(3) EXCLUDED CHILDREN.—A student who provides false information for the form required under subsection (a) shall not be counted for the purpose of computing the amount of a grant under section 9113.

"(g) TRIBAL GRANT AND CONTRACT SCHOOLS.—Notwithstanding any other provision of this section, in awarding funds under this subpart to a tribal school that receives a grant or contract from the Bureau of Indian Affairs, the Secretary shall use only one of the following, as selected by the school:

"(1) A count of the number of students in those schools certified by the Bureau.

"(2) A count of the number of students for whom the school has eligibility forms that comply with this section.

"(h) TIMING OF CHILD COUNTS.—For purposes of determining the number of children to be counted in calculating the amount of a local educational agency's grant under this subpart (other than in the case described in subsection (g)(1)), the local educational agency shall—

"(1) establish a date on, or a period not longer than 31 consecutive days during which, the agency counts those children, so long as that date or period occurs before the deadline established by the Secretary for submitting an application under section 9114; and

"(2) determine that each such child was enrolled, and receiving a free public education, in a school of the agency on that date or during that period, as the case may be.

"SEC. 9118. PAYMENTS.

"(a) IN GENERAL.—Subject to subsections (b) and (c), the Secretary shall pay to each local educational agency that submits an application that is approved by the Secretary under this subpart the amount determined under section 9113. The Secretary shall notify the local educational agency of the amount of the payment not later than June 1 of the year for which the Secretary makes the payment.

"(b) PAYMENTS TAKEN INTO ACCOUNT BY THE STATE.—The Secretary may not make a grant under this subpart to a local educational agency for a fiscal year if, for such fiscal year, the State in which the local educational agency is located takes into consideration payments made under this subpart in determining the eligibility of the local educational agency for State aid, or the amount of the State aid, with respect to the free public education of children during such fiscal year or the preceding fiscal year.

"(c) REDUCTION OF PAYMENT FOR FAILURE TO MAINTAIN FISCAL EFFORT.—

"(1) IN GENERAL.—The Secretary may not pay a local educational agency the full amount of a grant award determined under section 9113 for any fiscal year unless the State educational agency notifies the Secretary, and the Secretary determines that, with respect to the provision of free public education by the local educational agency for the preceding fiscal year, the combined fiscal effort of the local educational agency and the State, computed on either a per student or aggregate expenditure basis, was not less than 90 percent of the amount of the combined fiscal effort, computed on the same basis, for the second preceding fiscal year.

"(2) FAILURE TO MAINTAIN EFFORT.—If, for any fiscal year, the Secretary determines that a local educational agency failed to maintain the fiscal effort of such agency at the level specified in paragraph (1), the Secretary shall—

"(A) reduce the amount of the grant that would otherwise be made to such agency under this subpart in the exact proportion of such agency's failure to maintain its fiscal effort at such level; and

"(B) not use the reduced amount of the agency's expenditures for the preceding year to determine compliance with paragraph (1) for any succeeding fiscal year, but shall use the amount of expenditures that would have been required to comply with paragraph (1).

"(3) WAIVER.—(A) The Secretary may waive the requirement of paragraph (1), for not more than 1 year at a time, if the Secretary determines that the failure to comply with such requirement is due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the agency's financial resources.

"(B) The Secretary shall not use the reduced amount of such agency's expenditures for the fiscal year preceding the fiscal year for which a waiver is granted to determine compliance with paragraph (1) for any succeeding fiscal year, but shall use the amount of expenditures that would have been required to comply with paragraph (1) in the absence of the waiver.

"(d) REALLOCATIONS.—The Secretary may reallocate, in a manner that the Secretary determines will best carry out the purpose of this subpart, any amounts that—

"(1) based on estimates made by local educational agencies or other information, the Secretary determines will not be needed by such agencies to carry out approved programs under this subpart; or

"(2) otherwise become available for reallocation under this subpart.

"SEC. 9119. STATE EDUCATIONAL AGENCY REVIEW.

"Before submitting an application to the Secretary under section 9114, a local educational agency shall submit the application to the State educational agency, which may comment on such application. If the State educational agency comments on the application, it shall comment on all applications submitted by local educational agencies in the State and shall provide those comments to the respective local educational agencies, with an opportunity to respond.

"Subpart 2—Special Programs and Projects To Improve Educational Opportunities for Indian Children

"SEC. 9121. IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN.

"(a) PURPOSE.—

"(1) IN GENERAL.—It is the purpose of this section to support projects to develop, test, and demonstrate the effectiveness of services and programs to improve educational opportunities and achievement of Indian children.

"(2) COORDINATION.—The Secretary shall take such actions as are necessary to achieve the coordination of activities assisted under this subpart with—

"(A) other programs funded under this Act; and

"(B) other Federal programs operated for the benefit of American Indian and Alaska Native children.

"(b) ELIGIBLE ENTITIES.—For the purpose of this section, the term 'eligible entity' means a State educational agency, local educational agency, Indian tribe, Indian organization, federally supported elementary and secondary school for Indian students, Indian institution, including an Indian institution of higher education, or a consortium of such institutions.

"(c) GRANTS AUTHORIZED.—

"(1) IN GENERAL.—The Secretary shall award grants to eligible entities to enable such entities to carry out activities that meet the purpose specified in subsection (a)(1), including—

"(A) innovative programs related to the educational needs of educationally disadvantaged children;

"(B) educational services that are not available to such children in sufficient quantity or quality, including remedial instruction, to raise the achievement of Indian children in one or more of the core academic subjects of English, mathematics, science, foreign languages, art, history, and geography;

"(C) bilingual and bicultural programs and projects;

"(D) special health and nutrition services, and other related activities, that address the unique health, social, and psychological problems of Indian children;

"(E) special compensatory and other programs and projects designed to assist and encourage Indian children to enter, remain in, or reenter school, and to increase the rate of secondary school graduation;

"(F) comprehensive guidance, counseling, and testing services;

"(G) early childhood and kindergarten programs, including family-based preschool programs that emphasize school readiness and parental skills, and the provision of services to Indian children with disabilities;

"(H) partnership projects between local educational agencies and institutions of higher education that allow secondary school students to enroll in courses at the postsecondary level to aid such students in the transition from secondary school to postsecondary education;

"(I) partnership projects between schools and local businesses for career preparation programs designed to provide Indian youth with the knowledge and skills such youth need to make an effective transition from school to a high-skill, high-wage career;

"(J) programs designed to encourage and assist Indian students to work toward, and gain entrance into, an institution of higher education;

"(K) family literacy services; or

"(L) other services that meet the purpose described in subsection (a)(1).

"(2) PROFESSIONAL DEVELOPMENT.—Professional development of teaching professionals and paraprofessional may be a part of any program assisted under this section.

“(d) GRANT REQUIREMENTS AND APPLICATIONS.—

“(1) GRANT REQUIREMENTS.—(A) The Secretary may make multiyear grants under this section for the planning, development, pilot operation, or demonstration of any activity described in subsection (c) for a period not to exceed 5 years.

“(B) In making multiyear grants under this section, the Secretary shall give priority to applications that present a plan for combining two or more of the activities described in subsection (c) over a period of more than 1 year.

“(C) The Secretary shall make a grant payment to an eligible entity after the initial year of the multiyear grant only if the Secretary determines that the eligible entity has made substantial progress in carrying out the activities assisted under the grant in accordance with the application submitted under paragraph (2) and any subsequent modifications to such application.

“(D)(i) In addition to awarding the multiyear grants described in subparagraph (A), the Secretary may award grants to eligible entities for the dissemination of exemplary materials or programs assisted under this section.

“(ii) The Secretary may award a dissemination grant under this subparagraph if, prior to awarding the grant, the Secretary determines that the material or program to be disseminated has been adequately reviewed and has demonstrated—

“(I) educational merit; and

“(II) the ability to be replicated.

“(2) APPLICATION.—(A) Any eligible entity that desires to receive a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

“(B) Each application submitted to the Secretary under subparagraph (A), other than an application for a dissemination grant under paragraph (1)(D), shall contain—

“(i) a description of how parents of Indian children and representatives of Indian tribes have been, and will be, involved in developing and implementing the activities for which assistance is sought;

“(ii) assurances that the applicant will participate, at the request of the Secretary, in any national evaluation of activities assisted under this section;

“(iii) information demonstrating that the proposed program is either a research-based program (which may be a research-based program that has been modified to be culturally appropriate for the students who will be served);

“(iv) a description of how the applicant will incorporate the proposed services into the ongoing school program once the grant period is over; and

“(v) such other assurances and information as the Secretary may reasonably require.

“(e) ADMINISTRATIVE COSTS.—Not more than 5 percent of the funds provided to a grantee under this subpart for any fiscal year may be used for administrative purposes.

“SEC. 9122. PROFESSIONAL DEVELOPMENT FOR TEACHERS AND EDUCATION PROFESSIONALS.

“(a) PURPOSES.—The purposes of this section are—

“(1) to increase the number of qualified Indian individuals in teaching or other education professions that serve Indian people;

“(2) to provide training to qualified Indian individuals to enable such individuals to become teachers, administrators, teacher aides, social workers, and ancillary educational personnel; and

“(3) to improve the skills of qualified Indian individuals who serve in the capacities described in paragraph (2).

“(b) ELIGIBLE ENTITIES.—For the purpose of this section, the term ‘eligible entity’ means—

“(1) an institution of higher education, including an Indian institution of higher education;

“(2) a State or local educational agency, in consortium with an institution of higher education; and

“(3) an Indian tribe or organization, in consortium with an institution of higher education.

“(c) PROGRAM AUTHORIZED.—The Secretary is authorized to award grants to eligible entities having applications approved under this section to enable such entities to carry out the activities described in subsection (d).

“(d) AUTHORIZED ACTIVITIES.—

“(1) IN GENERAL.—Grant funds under this section shall be used to provide support and training for Indian individuals in a manner consistent with the purposes of this section. Such activities may include but are not limited to, continuing programs, symposia, workshops, conferences, and direct financial support.

“(2) SPECIAL RULES.—(A) For education personnel, the training received pursuant to a grant under this section may be inservice or preservice training.

“(B) For individuals who are being trained to enter any field other than teaching, the training received pursuant to a grant under this section shall be in a program that results in a graduate degree.

“(e) APPLICATION.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner and accompanied by such information, as the Secretary may reasonably require.

“(f) SPECIAL RULE.—In making grants under this section, the Secretary—

“(1) shall consider the prior performance of the eligible entity; and

“(2) may not limit eligibility to receive a grant under this section on the basis of—

“(A) the number of previous grants the Secretary has awarded such entity; or

“(B) the length of any period during which such entity received such grants.

“(g) GRANT PERIOD.—Each grant under this section shall be awarded for a period of not more than 5 years.

“(h) SERVICE OBLIGATION.—

“(1) IN GENERAL.—The Secretary shall require, by regulation, that an individual who receives training pursuant to a grant made under this section—

“(A) perform work—

“(i) related to the training received under this section; and

“(ii) that benefits Indian people; or

“(B) repay all or a prorated part of the assistance received.

“(2) REPORTING.—The Secretary shall establish, by regulation, a reporting procedure under which a grant recipient under this section shall, not later than 12 months after the date of completion of the training, and periodically thereafter, provide information concerning the compliance of such recipient with the work requirement under paragraph (1).

“Subpart 3—National Research Activities

“SEC. 9141. NATIONAL ACTIVITIES.

“(a) AUTHORIZED ACTIVITIES.—The Secretary may use funds made available under section 9162(b) for each fiscal year to—

“(1) conduct research related to effective approaches for the education of Indian children and adults;

“(2) evaluate federally assisted education programs from which Indian children and adults may benefit;

“(3) collect and analyze data on the educational status and needs of Indians; and

“(4) carry out other activities that are consistent with the purpose of this part.

“(b) ELIGIBILITY.—The Secretary may carry out any of the activities described in subsection (a) directly or through grants to, or contracts or cooperative agreements with Indian tribes, Indian organizations, State educational agencies, local educational agencies, institutions of higher education, including Indian institutions of higher education, and other public and private agencies and institutions.

“(c) COORDINATION.—Research activities supported under this section—

“(1) shall be carried out in consultation with the Office of Educational Research and Improvement to assure that such activities are coordinated with and enhance the research and development activities supported by the Office; and

“(2) may include collaborative research activities which are jointly funded and carried out by the Office of Indian Education Programs and the Office of Educational Research and Improvement.

“Subpart 4—Federal Administration

“SEC. 9151. NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION.

“(a) MEMBERSHIP.—There is established a National Advisory Council on Indian Education (hereafter in this section referred to as the ‘Council’), which shall—

“(1) consist of 15 Indian members, who shall be appointed by the President from lists of nominees furnished, from time to time, by Indian tribes and organizations; and

“(2) represent different geographic areas of the United States.

“(b) DUTIES.—The Council shall—

“(1) advise the Secretary concerning the funding and administration (including the development of regulations and administrative policies and practices) of any program, including any program established under this part—

“(A) with respect to which the Secretary has jurisdiction; and

“(B)(i) that includes Indian children or adults as participants; or

“(ii) that may benefit Indian children or adults;

“(2) make recommendations to the Secretary for filling the position of Director of Indian Education whenever a vacancy occurs; and

“(3) submit to the Congress, not later than June 30 of each year, a report on the activities of the Council, including—

“(A) any recommendations that the Council considers appropriate for the improvement of Federal education programs that include Indian children or adults as participants, or that may benefit Indian children or adults; and

“(B) recommendations concerning the funding of any program described in subparagraph (A).

“SEC. 9152. PEER REVIEW.

“The Secretary may use a peer review process to review applications submitted to the Secretary under subpart 2 or 3.

“SEC. 9153. PREFERENCE FOR INDIAN APPLICANTS.

“In making grants under subpart 2 or 3, the Secretary shall give a preference to Indian tribes, organizations, and institutions of higher education under any program with respect to which Indian tribes, organizations, and institutions are eligible to apply for grants.

“SEC. 9154. MINIMUM GRANT CRITERIA.

“The Secretary may not approve an application for a grant under subpart 2 unless the application is for a grant that is—

“(1) of sufficient size, scope, and quality to achieve the purpose or objectives of such grant; and

“(2) based on relevant research findings.

“Subpart 5—Definitions; Authorizations of Appropriations

“SEC. 9161. DEFINITIONS.

“For the purposes of this part:

"(1) ADULT.—The term 'adult' means an individual who—

"(A) has attained the age of 16 years; or

"(B) has attained an age that is greater than the age of compulsory school attendance under an applicable State law.

"(2) FREE PUBLIC EDUCATION.—The term 'free public education' means education that is—

"(A) provided at public expense, under public supervision and direction, and without tuition charge; and

"(B) provided as elementary or secondary education in the applicable State or to preschool children.

"(3) INDIAN.—The term 'Indian' means an individual who is—

"(A) a member of an Indian tribe or band, as membership is defined by the tribe or band, including—

"(i) any tribe or band terminated since 1940; and

"(ii) any tribe or band recognized by the State in which the tribe or band resides;

"(B) a descendant, in the first or second degree, of an individual described in subparagraph (A);

"(C) considered by the Secretary of the Interior to be an Indian for any purpose;

"(D) an Eskimo, Aleut, or other Alaska Native; or

"(E) a member of an organized Indian group that received a grant under the Indian Education Act of 1988 as it was in effect the day preceding the date of enactment of the Improving America's Schools Act of 1994.

"SEC. 9162. AUTHORIZATIONS OF APPROPRIATIONS.

"(a) SUBPART 1.—For the purpose of carrying out subpart 1 of this part, there are authorized to be appropriated $62,000,000 for fiscal year 2000, and such sums as may be necessary for each of fiscal years 2001 through 2004.

"(b) SUBPARTS 2 AND 3.—For the purpose of carrying out subparts 2 and 3 of this part, there are authorized to be appropriated $4,000,000 for fiscal year 2000, and such sums as may be necessary for each of the fiscal years 2001 through 2004.".

PART B—NATIVE HAWAIIAN EDUCATION

SEC. 402. NATIVE HAWAIIAN EDUCATION.

Part B of title IX of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7901 et seq.) is repealed.

PART C—ALASKA NATIVE EDUCATION

SEC. 403. ALASKA NATIVE EDUCATION.

Part C of title IX of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7931 et seq.) is amended—

(1) by repealing sections 9304 through 9306 and inserting the following:

"SEC. 9304. PROGRAM AUTHORIZED.

"(a) GENERAL AUTHORITY.—

"(1) PROGRAM AUTHORIZED.—The Secretary is authorized to make grants to, or enter into contracts with, Alaska Native organizations, educational entities with experience in developing or operating Alaska Native programs or programs of instruction conducted in Alaska Native languages, and consortia of such organizations and entities to carry out programs that meet the purpose of this part.

"(2) PERMISSIBLE ACTIVITIES.—Programs under this part may include—

"(A) the development and implementation of plans, methods, and strategies to improve the education of Alaska Natives;

"(B) the development of curricula and educational programs that address the educational needs of Alaska Native students, including—

"(i) curriculum materials that reflect the cultural diversity or the contributions of Alaska Natives;

"(ii) instructional programs that make use of Native Alaskan languages; and

"(iii) networks that introduce successful programs, materials, and techniques to urban and rural schools;

"(C) professional development activities for educators, including—

"(i) programs to prepare teachers to address the cultural diversity and unique needs of Alaska Native students;

"(ii) in-service programs to improve the ability of teachers to meet the unique needs of Alaska Native students; and

"(iii) recruiting and preparing teachers who are Alaska Natives, reside in communities with high concentrations of Alaska Native students, or are likely to succeed as teachers in isolated, rural communities and engage in cross-cultural instruction;

"(D) the development and operation of home instruction programs for Alaska Native preschool children, the purpose of which is to ensure the active involvement of parents in their children's education from the earliest ages;

"(E) family Literacy Services;

"(F) the development and operation of student enrichment programs in science and mathematics that—

"(i) are designed to prepare Alaska Native students from rural areas, who are preparing to enter high school, to excel in science and math; and

"(ii) provide appropriate support services to the families of such students that are needed to enable such students to benefit from the program;

"(G) research and data collection activities to determine the educational status and needs of Alaska Native children and adults;

"(H) other research and evaluation activities related to programs under this part; and

"(I) other activities, consistent with the purposes of this part, to meet the educational needs of Alaska Native children and adults.

"(3) HOME INSTRUCTION PROGRAMS.—Home instruction programs for Alaska Native preschool children under paragraph (2)(D) may include—

"(A) programs for parents and their infants, from prenatal through age three;

"(B) preschool programs; and

"(C) training, education, and support for parents in such areas as reading readiness, observation, story-telling, and critical thinking.—

"(b) LIMITATION ON ADMINISTRATIVE COSTS.—Not more than 5 percent of funds provided to a grantee under this section for any fiscal year may be used for administrative purposes.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for fiscal year 2000, and such sums as may be necessary for each of the fiscal years 2001 through 2004 to carry out this part.";

(2) in section 9307—

(A) by amending subsection (b) to read as follows:

"(b) APPLICATIONS.—State and local educational agencies may apply for an award under this part only as part of a consortium involving an Alaska Native organization. This consortium may include other eligible applicants.";

(B) by amending subsection (d) to read as follows:

"(d) LOCAL EDUCATIONAL AGENCY COORDINATION.—Each applicant for an award under this part shall inform each local educational agency serving students who would participate in the project about its application."; and

(C) by striking subsection (e); and

(3) by redesignating sections 9307 and 9308 as sections 9305 and 9306, respectively.

Subtitle B—Amendments to the Education Amendments of 1978

SEC. 410. AMENDMENTS TO THE EDUCATIONS AMENDMENTS OF 1978.

Part B of title XI of the Education Amendments of 1978 (25 U.S.C. 2001 et seq.) is amended to read as follows:

"PART B—BUREAU OF INDIAN AFFAIRS PROGRAMS

"SEC. 1120. FINDING AND POLICY.

"(a) FINDING.—Congress finds and recognizes that the Federal Government has the sole responsibility for the operation and financial support of the Bureau of Indian Affairs funded school system that it has established on or near Indian reservations and Indian trust lands throughout the Nation for Indian children.

"(b) POLICY.—It is the policy of the United States to work in full cooperation with Indian tribes toward the goal of assuring that the programs of the Bureau of Indian Affairs funded school system are of the highest quality and meet the unique educational and cultural needs of Indian children.

"SEC. 1121. ACCREDITATION AND STANDARDS FOR THE BASIC EDUCATION OF INDIAN CHILDREN IN BUREAU OF INDIAN AFFAIRS SCHOOLS.

"(a) PURPOSE; DECLARATIONS OF PURPOSES.—

"(1) PURPOSE.—The purpose of the standards implemented under this section shall be to afford Indian students being served by a school funded by the Bureau of Indian Affairs the same opportunities as all other students in the United States to achieve the same challenging State performance standards expected of all students.

"(2) DECLARATIONS OF PURPOSES.—Local school boards for schools operated by the Bureau of Indian Affairs, in cooperation and consultation with their tribal governing bodies and their communities, are encouraged to adopt declarations of purposes of education for their communities taking into account the implications of such purposes on education in their communities and for their schools. In adopting such declarations of purpose, the school boards shall consider the effect those declarations may have on the motivation of students and faculties. Such declarations shall represent the aspirations of the community for the kinds of people the community would like its children to become, and shall include assurances that all learners will become accomplished in things and ways important to them and respected by their parents and communities, shaping worthwhile and satisfying lives for themselves, exemplifying the best values of the community and humankind, and becoming increasingly effective in shaping the character and quality of the world all learners share. These declarations of purpose shall influence the standards for accreditation to be accepted by the schools.

"(b) STUDIES AND SURVEYS RELATING TO STANDARDS.—Not later than 1 year after the date of the enactment of the Student Results Act of 1999, the Secretary, in consultation with the Secretary of Education, consortia of education organizations, and Indian organizations and tribes, and making the fullest use possible of other existing studies, surveys, and plans, shall carry out by contract with an Indian organization, studies and surveys to establish and revise standards for the basic education of Indian children attending Bureau funded schools. Such studies and surveys shall take into account factors such as academic needs, local cultural differences, type and level of language skills, geographic isolation, and appropriate teacher-student ratios for such children, and shall be directed toward the attainment of equal educational opportunity for such children.

"(c) REVISION OF MINIMUM ACADEMIC STANDARDS.—

"(1) IN GENERAL.—Not later than 1 year after the date of the enactment of the Student Results Act of 1999, the Secretary shall—

"(A) propose revisions to the minimum academic standards published in the Federal Register on September 9, 1995 (50 Fed. Reg. 174) for the basic education of Indian children attending

Bureau funded schools in accordance with the purpose described in subsection (a) and the findings of the studies and surveys conducted under subsection (b);

"(B) publish such proposed revisions to such standards in the Federal Register for the purpose of receiving comments from the tribes, tribal school boards, Bureau funded schools, and other interested parties; and

"(C) consistent with the provisions of this section and section 1131, take such actions as are necessary to coordinate standards implemented under this section with the Comprehensive School Reform Plan developed by the Bureau and—

"(i) with the standards of the improvement plans for the States in which any school operated by the Bureau of Indian Affairs is located; or

"(ii) in the case where schools operated by the Bureau are within the boundaries of reservation land of 1 tribe but within the boundaries of more than 1 State, with the standards of the State improvement plan of 1 such State selected by the tribe.

"(2) FURTHER REVISIONS.—Not later that 6 months after the close of the comment period, the Secretary shall establish final standards, distribute such standards to all tribes and publish such final standards in the Federal Register. The Secretary shall revise such standards periodically as necessary. Prior to any revision of such final standards, the Secretary shall distribute such proposed revision to all the tribes, and publish such proposed revision in the Federal Register, for the purpose of receiving comments from the tribes and other interested parties.

"(3) APPLICABILITY OF STANDARDS.—Except as provided in subsection (e), the final standards published under paragraph (2) shall apply to all Bureau funded schools not accredited under subsection (f), and may also serve as a model for educational programs for Indian children in public schools.

"(4) CONSIDERATIONS WHEN ESTABLISHING AND REVISING STANDARDS.—In establishing and revising such standards, the Secretary shall take into account the unique needs of Indian students and support and reinforcement of the specific cultural heritage of each tribe.

"(d) ALTERNATIVE OR MODIFIED STANDARDS.—The Secretary shall provide alternative or modified standards in lieu of the standards established under subsection (c), where necessary, so that the programs of each school are in compliance with the minimum accreditation standards required for schools in the State or region where the school is located.

"(e) WAIVER OF STANDARDS; ALTERNATIVE STANDARDS.—A tribal governing body, or the local school board so designated by the tribal governing body, shall have the local authority to waive, in part or in whole, the standards established under subsection (c) and (d) if such standards are deemed by such body to be inappropriate. The tribal governing body or designated school board shall, not later than 60 days after a waiver under this subsection, submit to the Secretary a proposal for alternative standards that take into account the specific needs of the tribe's children. Such alternative standards shall be established by the Secretary unless specifically rejected by the Secretary for good cause and in writing to the affected tribes or local school board, which rejection shall be final and not subject to review.

"(f) ACCREDITATION AND IMPLEMENTATION OF STANDARDS.—

"(1) DEADLINE FOR MEETING STANDARDS.—Not later the second academic year after publication of the standards, to the extent necessary funding is provided, all Bureau funded schools shall meet the standards established under subsections (c) and (d) or shall be accredited—

"(A) by a tribal accrediting body, if the accreditation standards of the tribal accrediting body have been accepted by formal action of the tribal governing body and are equal to or exceed the accreditation standards of the State or region in which the school is located;

"(B) by a regional accreditation agency; or

"(C) by State accreditation standards for the State in which it is located.

"(2) DETERMINATION OF STANDARDS TO BE APPLIED.—The accreditation type or standards applied for each school shall be determined by the school board of the school, in consultation with the Administrator of the school, provided that in the case where the School Board and the Administrator fail to agree on the type of accreditation and standards to apply, the decision of the school board with the approval of the tribal governing body shall be final.

"(3) ASSISTANCE TO SCHOOL BOARDS.—The Secretary, through contracts and grants, shall assist school boards of contract or grant schools in implementation of the standards established under subsections (c) and (d), if the school boards request that such standards, in part or in whole, be implemented.

"(4) FISCAL CONTROL AND FUND ACCOUNTING STANDARDS.—The Bureau shall, either directly or through contract with an Indian organization, establish a consistent system of reporting standards for fiscal control and fund accounting for all contract and grant schools. Such standards shall provide data comparable to those used by Bureau operated schools.

"(g) ANNUAL PLAN FOR MEETING OF STANDARDS.—Except as provided in subsections (e) and (f), the Secretary shall begin to implement the standards established under this section immediately upon the date of their establishment. On an annual basis, the Secretary shall submit to the appropriate committees of Congress, all Bureau funded schools, and the tribal governing bodies of such schools a detailed plan to bring all Bureau schools and contract or grant schools up to the level required by the applicable standards established under this section. Such plan shall include detailed information on the status of each school's educational program in relation to the applicable standards established under this section, specific cost estimates for meeting such standards at each school and specific timelines for bringing each school up to the level required by such standards.

"(h) CLOSURE OR CONSOLIDATION OF SCHOOLS.—

"(1) IN GENERAL.—Except as specifically required by statute, no school or peripheral dormitory operated by the Bureau on or after January 1, 1992, may be closed or consolidated or have its program substantially curtailed unless done according to the requirements of this subsection.

"(2) EXCEPTIONS.—This subsection shall not apply—

"(A) in those cases where the tribal governing body, or the local school board concerned (if so designated by the tribal governing body), requests closure or consolidation; or

"(B) when a temporary closure, consolidation, or substantial curtailment is required by plant conditions which constitute an immediate hazard to health and safety.

"(3) REGULATIONS.—The Secretary shall, by regulation, promulgate standards and procedures for the closure, transfer to another authority, consolidation, or substantial curtailment of Bureau schools, in accordance with the requirements of this subsection.

"(4) NOTICE.—Whenever closure, transfer to another authority, consolidation, or substantial curtailment of a school is under active consideration or review by any division of the Bureau or the Department of the Interior, the affected tribe, tribal governing body, and designated local school board, will be notified immediately, kept fully and currently informed, and afforded an opportunity to comment with respect to such consideration or review. When a formal decision is made to close, transfer to another authority, consolidate, or substantially curtail a school, the affected tribe, tribal governing body, and designated school board shall be notified at least 6 months prior to the end of the school year preceding the proposed closure date. Copies of any such notices and information shall be transmitted promptly to the appropriate committees of Congress and published in the Federal Register.

"(5) REPORT.—The Secretary shall make a report to the appropriate committees of Congress, the affected tribe, and the designated school board describing the process of the active consideration or review referred to in paragraph (4). The report shall include a study of the impact of such action on the student population, identify those students with particular educational and social needs, and ensure that alternative services are available to such students. Such report shall include the description of the consultation conducted between the potential service provider, current service provider, parents, tribal representatives and the tribe or tribes involved, and the Director of the Office of Indian Education Programs within the Bureau regarding such students.

"(6) LIMITATION ON CERTAIN ACTIONS.—No irrevocable action may be taken in furtherance of any such proposed school closure, transfer to another authority, consolidation or substantial curtailment (including any action which would prejudice the personnel or programs of such school) prior to the end of the first full academic year after such report is made.

"(7) TRIBAL GOVERNING BODY APPROVAL REQUIRED FOR CERTAIN ACTIONS.—The Secretary may terminate, contract, transfer to any other authority, consolidate, or substantially curtail the operation or facilities of—

"(A) any Bureau funded school that is operated on or after of January 1, 1999;

"(B) any program of such a school that is operated on or after January 1, 1999; or

"(C) any school board of a school operated under a grant under the Tribally Controlled Schools Act of 1988,

only if the tribal governing body approves such action.

"(i) APPLICATION FOR CONTRACTS OR GRANTS FOR NON-BUREAU FUNDED SCHOOLS OR EXPANSION OF BUREAU FUNDED SCHOOLS.—

"(1) IN GENERAL.—(A)(i) The Secretary shall only consider the factors described in subparagraph (B) in reviewing—

"(I) applications from any tribe for the awarding of a contract or grant for a school that is not a Bureau funded school; and

"(II) applications from any tribe or school board of any Bureau funded school for—

"(aa) a school which is not a Bureau funded school; or

"(bb) the expansion of a Bureau funded school which would increase the amount of funds received by the Indian tribe or school board under section 1127.

"(ii) With respect to applications described in this subparagraph, the Secretary shall give consideration to all the factors described in subparagraph (B), but no such application shall be denied based primarily upon the geographic proximity of comparable public education.

"(B) With respect to applications described in subparagraph (A) the Secretary shall consider the following factors relating to the program and services that are the subject of the application:

"(i) The adequacy of the facilities or the potential to obtain or provide adequate facilities.

"(ii) Geographic and demographic factors in the affected areas.

"(iii) The adequacy of the applicant's program plans or, in the case of a Bureau funded school, of projected needs analysis done either by the tribe or the Bureau.

"(iv) Geographic proximity of comparable public education.

"(v) The stated needs of all affected parties, including students, families, tribal governments at both the central and local levels, and school organizations.

"(vi) Adequacy and comparability of programs already available.

"(vii) Consistency of available programs with tribal educational codes or tribal legislation on education.

"(viii) The history and success of these services for the proposed population to be served, as determined from all factors, including but not limited to standardized examination performance.

"(2) DETERMINATION ON APPLICATION.—(A) The Secretary shall make a determination of whether to approve any application described in paragraph (1)(A) not later than 180 days after such application is submitted to the Secretary.

"(B) If the Secretary fails to make the determination with respect to an application by the date described in subparagraph (A), the application shall be treated a having been approved by the Secretary.

"(3) REQUIREMENTS FOR APPLICATIONS.—(A) Notwithstanding paragraph (2)(B), an application described in paragraph (1)(A) may be approved by the Secretary only if—

"(i) the application has been approved by the tribal governing body of the students served by (or to be served by) the school or program that is the subject of the application, and

"(ii) written evidence of such approval is submitted with the application.

"(B) Each application described in paragraph (1)(A) shall provide information concerning each of the factors described in paragraph (1)(B).

"(4) DENIAL OF APPLICATIONS.—Whenever the Secretary makes a determination to deny approval of any application described in paragraph (1)(A), the Secretary shall—

"(A) state the objections in writing to the applicant not later 180 days after the application is submitted to the Secretary;

"(B) provide assistance to the applicant to overcome stated objections; and

"(C) provide the applicant a hearing, under the same rules and regulations pertaining to the Indian Self-Determination and Education Assistance Act and an opportunity to appeal the objections raised by the Secretary.

"(5) EFFECTIVE DATE OF A SUBJECT APPLICATION.—(A) Except as otherwise provided in this paragraph, the action which is the subject of any application described in paragraph (1)(A) that is approved by the Secretary shall become effective at the beginning of the academic year following the fiscal year in which the application is approved, or at an earlier date determined by the Secretary.

"(B) If an application is treated as having been approved by the Secretary under paragraph (2)(B), the action that is the subject of the application shall become effective on the date that is 18 months after the date on which the application is submitted to the Secretary, or at an earlier date determined by the Secretary.

"(6) STATUTORY CONSTRUCTION.—Nothing in this section shall be read so as to preclude the expansion of grades and related facilities at a Bureau funded school where such expansion and the maintenance of such expansion is occasioned or paid for with non-Bureau funds.

"(j) GENERAL USE OF FUNDS.—Funds received by Bureau funded schools from the Bureau of Indian Affairs and under any program from the Department of Education or any other Federal agency for the purpose of providing education or related services may be used for schoolwide projects to improve the educational program for all Indian students.

"(k) STUDY ON ADEQUACY OF FUNDS AND FORMULAS.—The Comptroller General shall conduct a study, in consultation with Indian tribes and local school boards, to determine the adequacy of funding, and formulas used by the Bureau to determine funding, for programs operated by Bureau funded schools, taking into account unique circumstances applicable to Bureau funded schools, as well as expenditures for comparable purposes in public schools nationally. Upon completion of the study, the Secretary of the Interior shall take such action as necessary to ensure distribution of the findings of the study to all affected Indian tribes, local school boards, and associations of local school boards.

"SEC. 1122. NATIONAL CRITERIA FOR HOME LIVING SITUATIONS.

"(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Education, Indian organizations and tribes, and Bureau funded schools, shall revise the national standards for home-living (dormitory) situations to include such factors as heating, lighting, cooling, adult-child ratios, needs for counselors (including special needs related to off-reservation home-living (dormitory) situations), therapeutic programs, space, and privacy. Such standards shall be implemented in Bureau operated schools, and shall serve as minimum standards for contract or grant schools. Once established, any revisions of such standards shall be developed according to the requirements established under section 1138A.

"(b) IMPLEMENTATION.—The Secretary shall implement the revised standards established under this section immediately upon their completion.

"(c) PLAN.—At the time of each annual budget submission for Bureau educational services is presented, the Secretary shall submit to the appropriate committees of Congress, the tribes, and the affected schools, and publish in the Federal Register, a detailed plan to bring all Bureau funded schools that provide home-living (dormitory) situations up to the standards established under this section. Such plan shall include a statement of the relative needs of each Bureau funded home-living (dormitory) school, projected future needs of each Bureau funded home-living (dormitory) school, detailed information on the status of each school in relation to the standards established under this section, specific cost estimates for meeting each standard for each such school, aggregate cost estimates for bringing all such schools into compliance with the criteria established under this section, and specific timelines for bringing each school into compliance with such standards.

"(d) WAIVER.—The criteria established under this section may be waived in the same manner as the standards provided under section 1121(c) may be waived.

"(e) CLOSURE FOR FAILURE TO MEET STANDARDS PROHIBITED.—No school in operation on or before January 1, 1987 (regardless of compliance or noncompliance with the criteria established under this section), may be closed, transferred to another authority, consolidated, or have its program substantially curtailed for failure to meet the criteria.

"SEC. 1123. REGULATIONS.

"(a) PART 32 OF TITLE 25 OF CODE OF FEDERAL REGULATIONS.—The provisions of part 32 of title 25 of the Code of Federal Regulations, as in effect on January 1, 1987, are incorporated into this Act and shall be treated as though such provisions are set forth in this subsection. Such provisions may be altered only by means of an Act of Congress. To the extent that such provisions of part 32 do not conform with this Act or any statutory provision of law enacted before November 1, 1978, the provisions of this Act and the provisions of such other statutory law shall govern.

"(b) REGULATION DEFINED.—For purposes of this part, the term 'regulation' means any rules, regulations, guidelines, interpretations, orders, or requirements of general applicability prescribed by any officer or employee of the executive branch.

"SEC. 1124. SCHOOL BOUNDARIES.

"(a) ESTABLISHMENT BY SECRETARY.—The Secretary shall establish, by regulation, separate geographical attendance areas for each Bureau funded school.

"(b) ESTABLISHMENT BY TRIBAL BODY.——In any case where there is more than 1 Bureau funded school located on an Indian reservation, at the direction of the tribal governing body, the relevant school boards of the Bureau funded schools on the reservation may, by mutual consent, establish the relevant attendance areas for such schools, subject to the approval of the tribal governing body. Any such boundaries so established shall be accepted by the Secretary.

"(c) BOUNDARY REVISIONS.—

"(1) IN GENERAL.—On or after July 1, 1999, no geographical attendance area shall be revised or established with respect to any Bureau funded school unless the tribal governing body or the local school board concerned (if so designated by the tribal governing body) has been afforded—

"(A) at least 6 months notice of the intention of the Bureau to revise or establish such attendance area; and

"(B) the opportunity to propose alternative boundaries.

Any tribe may petition the Secretary for revision of existing attendance area boundaries. The Secretary shall accept such proposed alternative or revised boundaries unless the Secretary finds, after consultation with the affected tribe or tribes, that such revised boundaries do not reflect the needs of the Indian students to be served or do not provide adequate stability to all of the affected programs. The Secretary shall cause such revisions to be published in the Federal Register.

"(2) TRIBAL RESOLUTION DETERMINATION.—Nothing in this section shall be interpreted as denying a tribal governing body the authority, on a continuing basis, to adopt a tribal resolution allowing parents the choice of the Bureau funded school their children may attend, regardless of the attendance boundaries established under this section.

"(d) FUNDING RESTRICTIONS.—The Secretary shall not deny funding to a Bureau funded school for any eligible Indian student attending the school solely because that student's home or domicile is outside of the geographical attendance area established for that school under this section. No funding shall be made available without tribal authorization to enable a school to provide transportation for any student to or from the school and a location outside the approved attendance area of the school.

"(e) RESERVATION AS BOUNDARY.—In any case where there is only 1 Bureau funded program located on an Indian reservation, the attendance area for the program shall be the boundaries (established by treaty, agreement, legislation, court decisions, or executive decisions and as accepted by the tribe) of the reservation served, and those students residing near the reservation shall also receive services from such program.

"(f) OFF-RESERVATION HOME-LIVING (DORMITORY) SCHOOLS.—Notwithstanding any geographical attendance areas, attendance at off-reservation home-living (dormitory) schools shall include students requiring special emphasis programs to be implemented at each off-reservation home-living (dormitory) school. Such *attendance shall be coordinated between education line officers, the family, and the referring and receiving programs.*

"SEC. 1125. FACILITIES CONSTRUCTION.

"(a) COMPLIANCE WITH HEALTH AND SAFETY STANDARDS.—The Secretary shall immediately begin to bring all schools, dormitories, and other Indian education-related facilities operated by the Bureau or under contract or grant with the Bureau into compliance with all applicable tribal, Federal, or State health and safety standards, whichever provides greater protection (except that the tribal standards to be applied shall be no greater than any otherwise applicable Federal or State standards), with section 504 of the Rehabilitation Act of 1973, and with the Americans with Disabilities Act of 1990. Nothing in this section shall require termination of the operations of any facility which does not comply with such provisions and which is in use on the date of enactment of the Student Results Act of 1999.

"(b) COMPLIANCE PLAN.—At the time that the annual budget request for Bureau educational services is presented, the Secretary shall submit to the appropriate committees of Congress a detailed plan to bring all facilities covered under subsection (a) of this section into compliance with the standards referred to in subsection (a). Such plan shall include detailed information on the status of each facility's compliance with such standards, specific cost estimates for meeting such standards at each school, and specific timelines for bringing each school into compliance with such standards.

"(c) CONSTRUCTION PRIORITIES.—

"(1) SYSTEM TO ESTABLISH PRIORITIES.—On an annual basis the Secretary shall submit to the appropriate committees of Congress and cause to be published in the Federal Register, the system used to establish priorities for replacement and construction projects for Bureau funded schools and home-living schools, including boarding schools and dormitories. At the time any budget request for education is presented, the Secretary shall publish in the Federal Register and submit with the budget request the current list of all Bureau funded school construction priorities.

"(2) LONG-TERM CONSTRUCTION AND REPLACEMENT LIST.—In addition to the plan submitted under subsection (b), the Secretary shall—

"(A) not later than 18 months after the date of enactment of the Student Results Act of 1999, establish a long-term construction and replacement list for all Bureau funded schools;

"(B) using the list prepared under subparagraph (A), propose a list for the orderly replacement of all Bureau funded education-related facilities over a period of 40 years to enable planning and scheduling of budget requests;

"(C) cause the list prepared under subsection (B) to be published in the Federal Register and allow a period of not less than 120 days for public comment;

"(D) make such revisions to the list prepared under subparagraph (B) as are appropriate based on the comments received; and

"(E) cause the final list to be published in the Federal Register.

"(3) EFFECT ON OTHER LIST.—Nothing in this section shall be construed as interfering with or changing in any way the construction priority list as it exists on the date of the enactment of the Student Results Act of 1999.

"(d) HAZARDOUS CONDITION AT BUREAU SCHOOL.—

"(1) CLOSURE OR CONSOLIDATION.—A Bureau funded school may be closed or consolidated, and the programs of a Bureau funded school may be substantially curtailed by reason of plant conditions that constitute an immediate hazard to health and safety only if a health and safety officer of the Bureau determines that such conditions exist at the Bureau funded school.

"(2) INSPECTION.—(A) After making a determination described in paragraph (1), the Bureau health and safety officer shall conduct an inspection of the condition of such plant accompanied by an appropriate tribal, county, municipal, or State health and safety officer in order to determine whether conditions at such plant constitute an immediate hazard to health and safety. Such inspection shall be completed by not later than the date that is 30 days after the date on which the action described in paragraph (1) is taken. No further negative action may be taken unless the findings are concurred in by the second, non-Bureau of Indian Affairs inspector.

"(B) If the health and safety officer conducting the inspection of a plant required under subparagraph (A) determines that conditions at the plant do not constitute an immediate hazard to health and safety, any consolidation or curtailment that was made under paragraph (1) shall immediately cease and any school closed by reason of conditions at the plant shall be reopened immediately.

"(C) If a Bureau funded school is temporarily closed or consolidated or the programs of a Bureau funded school are substantially curtailed under this subsection and the Secretary determines that the closure, consolidation, or curtailment will exceed 1 year, the Secretary shall submit to the Congress, by not later than 6 months after the date on which the closure, consolidation, or curtailment was initiated, a report which sets forth the reasons for such temporary actions, the actions the Secretary is taking to eliminate the conditions that constitute the hazard, and an estimated date by which such actions will be concluded.

"(e) FUNDING REQUIREMENT.—

"(1) DISTRIBUTION OF FUNDS.—Beginning with the fiscal year following the year of the date of the enactment of the Student Results Act of 1999, all funds appropriated for the operations and maintenance of Bureau funded schools shall be distributed by formula to the schools. No funds from this account may be retained or segregated by the Bureau to pay for administrative or other costs of any facilities branch or office, at any level of the Bureau.

"(2) REQUIREMENTS FOR CERTAIN USES.—No funds shall be withheld from the distribution to the budget of any school operated under contract or grant by the Bureau for maintenance or any other facilities or road related purpose, unless such school has consented, as a modification to the contract or in writing for grants schools, to the withholding of such funds, including the amount thereof, the purpose for which the funds will be used, and the timeline for the services to be provided. The school may, at the end of any fiscal year, cancel an agreement under this paragraph upon giving the Bureau 30 days notice of its intent to do so.

"(f) NO REDUCTION IN FEDERAL FUNDING.—Nothing in this section shall be construed to diminish any Federal funding due to the receipt by the school of funding for facilities improvement or construction from a State or any other source.

"SEC. 1126. BUREAU OF INDIAN AFFAIRS EDUCATION FUNCTIONS.

"(a) FORMULATION AND ESTABLISHMENT OF POLICY AND PROCEDURE; SUPERVISION OF PROGRAMS AND EXPENDITURES.—The Secretary shall vest in the Assistant Secretary for Indian Affairs all functions with respect to formulation and establishment of policy and procedure and supervision of programs and expenditures of Federal funds for the purpose of Indian education administered by the Bureau. The Assistant Secretary shall carry out such functions through the Director of the Office of Indian Education Programs.

"(b) DIRECTION AND SUPERVISION OF PERSONNEL OPERATIONS.—Not later than 6 months after the date of the enactment of the Student Results Act of 1999, the Director of the Office of Indian Education Programs shall direct and supervise the operations of all personnel directly and substantially involved in the provision of education services by the Bureau, including school or institution custodial or maintenance personnel, facilities management, contracting, procurement, and finance personnel. The Assistant Secretary for Indian Affairs shall coordinate the transfer of functions relating to procurement, contracts, operation, and maintenance to schools and other support functions to the Director.

"(c) EVALUATION OF PROGRAMS; SERVICES AND SUPPORT FUNCTIONS; TECHNICAL AND COORDINATING ASSISTANCE.—Education personnel who are under the direction and supervision of the Director of the Office of Indian Education Programs in accordance with the first sentence of subsection (b) shall—

"(1) monitor and evaluate Bureau education programs;

"(2) provide all services and support functions for education programs with respect to personnel matters involving staffing actions and functions; and

"(3) provide technical and coordinating assistance in areas such as procurement, contracting, budgeting, personnel, curriculum, and operation and maintenance of school facilities.

"(d) CONSTRUCTION, IMPROVEMENT, OPERATION, AND MAINTENANCE OF FACILITIES.—

"(1) PLAN FOR CONSTRUCTION.—The Assistant Secretary shall submit in the annual budget a plan—

"(A) for school facilities to be constructed under section 1125(c);

"(B) for establishing priorities among projects and for the improvement and repair of educational facilities, which together shall form the basis for the distribution of appropriated funds; and

"(C) for capital improvements to be made over the 5 succeeding years.

"(2) PROGRAM FOR OPERATION AND MAINTENANCE.—

"(A) IN GENERAL.—The Assistant Secretary shall establish a program, including the distribution of appropriated funds, for the operation and maintenance of education facilities. Such program shall include—

"(i) a method of computing the amount necessary for each educational facility;

"(ii) similar treatment of all Bureau funded schools;

"(iii) a notice of an allocation of appropriated funds from the Director of the Office of Indian Education Programs directly to the education line officers and appropriate school officials;

"(iv) a method for determining the need for, and priority of, facilities repair and maintenance projects, both major and minor. In making such determination, the Assistant Secretary shall cause to be conducted a series of meetings at the agency and area level with representatives of the Bureau funded schools in those areas and agencies to receive comment on the lists and prioritization of such projects; and

"(v) a system for the conduct of routine preventive maintenance.

"(B) The appropriate education line officers shall make arrangements for the maintenance of education facilities with the local supervisors of the Bureau maintenance personnel. The local supervisors of Bureau maintenance personnel shall take appropriate action to implement the decisions made by the appropriate education line officers, except that no funds under this chapter may be authorized for expenditure unless such appropriate education line officer is assured that the necessary maintenance has been, or will be, provided in a reasonable manner.

“(3) IMPLEMENTATION.—The requirements of this subsection shall be implemented as soon as practicable after the date of the enactment of the Student Results Act of 1999.

“(e) ACCEPTANCE OF GIFTS AND BEQUESTS.—Notwithstanding any other provision of law, the Director shall promulgate guidelines for the establishment of mechanisms for the acceptance of gifts and bequests for the use and benefit of particular schools or designated Bureau operated education programs, including, where appropriate, the establishment and administration of trust funds. When a Bureau operated program is the beneficiary of such a gift or bequest, the Director shall make provisions for monitoring its use and shall report to the appropriate committees of Congress the amount and terms of such gift or bequest, the manner in which such gift or bequest shall be used, and any results achieved by such action.

“(f) FUNCTIONS CLARIFIED.—For the purpose of this section, the term ‘functions’ includes powers and duties.

“SEC. 1127. ALLOTMENT FORMULA.

“(a) FACTORS CONSIDERED; REVISION TO REFLECT STANDARDS.—

“(1) FORMULA.—The Secretary shall establish, by regulation adopted in accordance with section 1138A, a formula for determining the minimum annual amount of funds necessary to sustain each Bureau funded school. In establishing such formula, the Secretary shall consider—

“(A) the number of eligible Indian students served and total student population of the school;

“(B) special cost factors, such as—

“(i) the isolation of the school;

“(ii) the need for special staffing, transportation, or educational programs;

“(iii) food and housing costs;

“(iv) maintenance and repair costs associated with the physical condition of the educational facilities;

“(v) special transportation and other costs of isolated and small schools;

“(vi) the costs of home-living (dormitory) arrangements, where determined necessary by a tribal governing body or designated school board;

“(vii) costs associated with greater lengths of service by education personnel;

“(viii) the costs of therapeutic programs for students requiring such programs; and

“(ix) special costs for gifted and talented students;

“(C) the cost of providing academic services which are at least equivalent to those provided by public schools in the State in which the school is located; and

“(D) such other relevant factors as the Secretary determines are appropriate.

“(2) REVISION OF FORMULA.—Upon the establishment of the standards required in sections 1121 and 1122, the Secretary shall revise the formula established under this subsection to reflect the cost of funding such standards. Not later than January 1, 2001, the Secretary shall review the formula established under this section and shall take such steps as are necessary to increase the availability of counseling and therapeutic programs for students in off-reservation home-living (dormitory) schools and other Bureau operated residential facilities. Concurrent with such action, the Secretary shall review the standards established under section 1122 to be certain that adequate provision is made for parental notification regarding, and consent for, such counseling and therapeutic programs.

“(b) PRO RATA ALLOTMENT.—Notwithstanding any other provision of law, Federal funds appropriated for the general local operation of Bureau funded schools shall be allotted pro rata in accordance with the formula established under subsection (a).

“(c) ANNUAL ADJUSTMENT; RESERVATION OF AMOUNT FOR SCHOOL BOARD ACTIVITIES.—

“(1) ANNUAL ADJUSTMENT.—For fiscal year 2001, and for each subsequent fiscal year, the Secretary shall adjust the formula established under subsection (a) to—

“(A) use a weighted unit of 1.2 for each eligible Indian student enrolled in the seventh and eighth grades of the school in considering the number of eligible Indian students served by the school;

“(B) consider a school with an enrollment of less than 50 eligible Indian students as having an average daily attendance of 50 eligible Indian students for purposes of implementing the adjustment factor for small schools;

“(C) take into account the provision of residential services on less than a 9-month basis at a school when the school board and supervisor of the school determine that a less than 9-month basis will be implemented for the school year involved;

“(D) use a weighted unit of 2.0 for each eligible Indian student that—

“(i) is gifted and talented; and

“(ii) is enrolled in the school on a full-time basis,

in considering the number of eligible Indian students served by the school; and

“(E) use a weighted unit of 0.25 for each eligible Indian student who is enrolled in a yearlong credit course in an Indian or Native language as part of the regular curriculum of a school, in considering the number of eligible Indian students served by such school.

The adjustment required under subparagraph (E) shall be used for such school after—

“(i) the certification of the Indian or Native language curriculum by the school board of such school to the Secretary, together with an estimate of the number of full-time students expected to be enrolled in the curriculum in the second school year for which the certification is made; and

(ii) the funds appropriated for allotment under this section are designated by the appropriations Act appropriating such funds as the amount necessary to implement such adjustment at such school without reducing allotments made under this section to any school by virtue of such adjustment.

“(2) RESERVATION OF AMOUNT.—

“(A) IN GENERAL.—From the funds allotted in accordance with the formula established under subsection (a) for each Bureau school, the local school board of such school may reserve an amount which does not exceed the greater of—

“(i) $8,000; or

“(ii) the lesser of—

“(I) $15,000; or

“(II) 1 percent of such allotted funds,

for school board activities for such school, including (notwithstanding any other provision of law) meeting expenses and the cost of membership in, and support of, organizations engaged in activities on behalf of Indian education.

“(B) TRAINING.—Each school board shall see that each new member of the school board receives, within 12 months of the individual's assuming a position on the school board, 40 hours of training relevant to that individual's service on the board. Such training may include legal issues pertaining to schools funded by the Bureau, legal issues pertaining to school boards, ethics, and other topics deemed appropriate by the school board.

“(d) RESERVATION OF AMOUNT FOR EMERGENCIES.—The Secretary shall reserve from the funds available for distribution for each fiscal year under this section an amount which, in the aggregate, shall equal 1 percent of the funds available for such purpose for that fiscal year. Such funds shall be used, at the discretion of the Director of the Office of Indian Education Programs, to meet emergencies and unforeseen contingencies affecting the education programs funded under this section. Funds reserved under this subsection may only be expended for education services or programs, including emergency repairs of educational facilities, at a schoolsite (as defined by section 5204(c)(2) of the Tribally Controlled Schools Act of 1988). Funds reserved under this subsection shall remain available without fiscal year limitation until expended. However, the aggregate amount available from all fiscal years may not exceed 1 percent of the current year funds. Whenever, the Secretary makes funds available under this subsection, the Secretary shall report such action to the appropriate committees of Congress within the annual budget submission.

“(e) SUPPLEMENTAL APPROPRIATIONS.—Supplemental appropriations enacted to meet increased pay costs attributable to school level personnel shall be distributed under this section.

“(f) ELIGIBLE INDIAN STUDENT DEFINED.—For the purpose of this section, the term ‘eligible Indian student’ means a student who—

“(1) is a member of or is at least ¼ degree Indian blood descendant of a member of an Indian tribe which is eligible for the special programs and services provided by the United States through the Bureau because of their status as Indians; and

“(2) resides on or near an Indian reservation or meets the criteria for attendance at a Bureau off-reservation home-living (dormitory) school.

“(g) TUITION.—

“(1) IN GENERAL.—An eligible Indian student may not be charged tuition for attendance at a Bureau school or contract or grant school. A student attending a Bureau school under paragraph (2)(C) may not be charged tuition for attendance at such a school.

“(2) ATTENDANCE OF NON-INDIAN STUDENTS AT BUREAU SCHOOLS.—The Secretary may permit the attendance at a Bureau school of a student who is not an eligible Indian student if—

“(A) the Secretary determines that the student's attendance will not adversely affect the school's program for eligible Indian students because of cost, overcrowding, or violation of standards or accreditation;

“(B) the school board consents;

“(C) the student is a dependent of a Bureau, Indian Health Service, or tribal government employee who lives on or near the school site; or

“(D) a tuition is paid for the student that is not more than that charged by the nearest public school district for out-of-district students, and shall be in addition to the school's allocation under this section.

“(3) ATTENDANCE OF NON-INDIAN STUDENTS AT CONTRACT AND GRANT SCHOOLS.—The school board of a contract or grant school may permit students who are not eligible Indian students under this subsection to attend its contract school or grant school and any tuition collected for those students shall be in addition to funding received under this section.

“(h) FUNDS AVAILABLE WITHOUT FISCAL YEAR LIMITATION.—Notwithstanding any other provision of law, at the election of the school board of a Bureau school made at any time during the fiscal year, a portion equal to not more than 15 percent of the funds allocated with respect to a school under this section for any fiscal year shall remain available to the school for expenditure without fiscal year limitation. The Assistant Secretary shall take steps as may be necessary to implement this provision.

“(i) STUDENTS AT RICHFIELD DORMITORY, RICHFIELD, UTAH.—Tuition for out-of-State Indian students in home-living (dormitory) arrangements at the Richfield dormitory in Richfield, Utah, who attend Sevier County high schools in Richfield, Utah, shall be paid from the Indian school equalization program funds

authorized in this section and section 1130 at a rate not to exceed the amounts per weighted student unit for that year for the instruction of such students. No additional administrative cost funds shall be added to the grant.

"SEC. 1128. ADMINISTRATIVE COST GRANTS.

"(a) GRANTS; EFFECT UPON APPROPRIATED AMOUNTS.—

"(1) GRANTS.—Subject to the availability of appropriated funds, the Secretary shall provide grants to each tribe or tribal organization operating a contract school or grant school in the amount determined under this section with respect to the tribe or tribal organization for the purpose of paying the administrative and indirect costs incurred in operating contract or grant schools, provided that no school operated as a stand-alone institution shall receive less than $200,000.00 per year for these purposes, in order to—

"(A) enable tribes and tribal organizations operating such schools, without reducing direct program services to the beneficiaries of the program, to provide all related administrative overhead services and operations necessary to meet the requirements of law and prudent management practice; and

"(B) carry out other necessary support functions which would otherwise be provided by the Secretary or other Federal officers or employees, from resources other than direct program funds, in support of comparable Bureau operated programs.

"(2) EFFECT UPON APPROPRIATED AMOUNTS.—Amounts appropriated to fund the grants provided under this section shall be in addition to, and shall not reduce, the amounts appropriated for the program being administered by the contract or grant school.

"(b) DETERMINATION OF GRANT AMOUNT.—

"(1) IN GENERAL.—The amount of the grant provided to each tribe or tribal organization under this section for each fiscal year shall be determined by applying the administrative cost percentage rate of the tribe or tribal organization to the aggregate of the Bureau elementary and secondary functions operated by the tribe or tribal organization for which funds are received from or through the Bureau. The administrative cost percentage rate determined under subsection (c) does not apply to other programs operated by the tribe or tribal organization.

"(2) DIRECT COST BASE FUNDS.—The Secretary shall—

"(A) reduce the amount of the grant determined under paragraph (1) to the extent that payments for administrative costs are actually received by an Indian tribe or tribal organization under any Federal education program included in the direct cost base of the tribe or tribal organization; and

"(B) take such actions as may be necessary to be reimbursed by any other department or agency of the Federal Government for the portion of grants made under this section for the costs of administering any program for Indians that is funded by appropriations made to such other department or agency.

"(c) ADMINISTRATIVE COST PERCENTAGE RATE.—

"(1) IN GENERAL.—For purposes of this section, the administrative cost percentage rate for a contract or grant school for a fiscal year is equal to the percentage determined by dividing—

"(A) the sum of—

"(i) the amount equal to—

"(I) the direct cost base of the tribe or tribal organization for the fiscal year, multiplied by

"(II) the minimum base rate; plus

"(ii) the amount equal to—

"(I) the standard direct cost base; multiplied by

"(II) the maximum base rate; by

"(B) the sum of—

"(i) the direct cost base of the tribe or tribal organization for the fiscal year; plus

"(ii) the standard direct cost base.

"(2) ROUNDING.—The administrative cost percentage rate shall be determined to the $^1/_{100}$ of a decimal point.

"(d) COMBINING FUNDS.—

"(1) IN GENERAL.—Funds received by a tribe or contract or grant school as grants under this section for tribal elementary or secondary educational programs may be combined by the tribe or contract or grant school into a single administrative cost account without the necessity of maintaining separate funding source accounting.

"(2) INDIRECT COST FUNDS.—Indirect cost funds for programs at the school which share common administrative services with tribal elementary or secondary educational programs may be included in the administrative cost account described in paragraph (1).

"(e) AVAILABILITY OF FUNDS.—Funds received as grants under this section with respect to tribal elementary or secondary education programs shall remain available to the contract or grant school without fiscal year limitation and without diminishing the amount of any grants otherwise payable to the school under this section for any fiscal year beginning after the fiscal year for which the grant is provided.

"(f) TREATMENT OF FUNDS.—Funds received as grants under this section for Bureau funded programs operated by a tribe or tribal organization under a contract or agreement shall not be taken into consideration for purposes of indirect cost underrecovery and overrecovery determinations by any Federal agency for any other funds, from whatever source derived.

"(g) TREATMENT OF ENTITY OPERATING OTHER PROGRAMS.—In applying this section and section 105 of the Indian Self-Determination and Education Assistance Act with respect to an Indian tribe or tribal organization that—

"(1) receives funds under this section for administrative costs incurred in operating a contract or grant school or a school operated under the Tribally Controlled Schools Act of 1988; and

"(2) operates 1 or more other programs under a contract or grant provided under the Indian Self-Determination and Education Assistance Act;

the Secretary shall ensure that the Indian tribe or tribal organization is provided with the full amount of the administrative costs that are associated with operating the contract or grant school, and of the indirect costs, that are associated with all of such other programs, provided that funds appropriated for implementation of this section shall be used only to supply the amount of the grant required to be provided by this section.

"(h) DEFINITIONS.—For purposes of this section:

"(1) ADMINISTRATIVE COST.—(A) The term 'administrative cost' means the costs of necessary administrative functions which—

"(i) the tribe or tribal organization incurs as a result of operating a tribal elementary or secondary educational program;

"(ii) are not customarily paid by comparable Bureau operated programs out of direct program funds; and

"(iii) are either—

"(I) normally provided for comparable Bureau programs by Federal officials using resources other than Bureau direct program funds; or

"(II) are otherwise required of tribal self-determination program operators by law or prudent management practice.

"(B) The term 'administrative cost' may include—

"(i) contract or grant (or other agreement) administration;

"(ii) executive, policy, and corporate leadership and decisionmaking;

"(iii) program planning, development, and management;

"(iv) fiscal, personnel, property, and procurement management;

"(v) related office services and record keeping; and

"(vi) costs of necessary insurance, auditing, legal, safety and security services.

"(2) BUREAU ELEMENTARY AND SECONDARY FUNCTIONS.—The term 'Bureau elementary and secondary functions' means—

"(A) all functions funded at Bureau schools by the Office;

"(B) all programs—

"(i) funds for which are appropriated to other agencies of the Federal Government; and

"(ii) which are administered for the benefit of Indians through Bureau schools; and

"(C) all operation, maintenance, and repair funds for facilities and government quarters used in the operation or support of elementary and secondary education functions for the benefit of Indians, from whatever source derived.

"(3) DIRECT COST BASE.—(A) Except as otherwise provided in subparagraph (B), the direct cost base of a tribe or tribal organization for the fiscal year is the aggregate direct cost program funding for all tribal elementary or secondary educational programs operated by the tribe or tribal organization during—

"(i) the second fiscal year preceding such fiscal year; or

"(ii) if such programs have not been operated by the tribe or tribal organization during the 2 preceding fiscal years, the first fiscal year preceding such fiscal year.

"(B) In the case of Bureau elementary or secondary education functions which have not previously been operated by a tribe or tribal organization under contract, grant, or agreement with the Bureau, the direct cost base for the initial year shall be the projected aggregate direct cost program funding for all Bureau elementary and secondary functions to be operated by the tribe or tribal organization during that fiscal year.

"(4) MAXIMUM BASE RATE.—The term 'maximum base rate' means 50 percent.

"(5) MINIMUM BASE RATE.—The term 'minimum base rate' means 11 percent.

"(6) STANDARD DIRECT COST BASE.—The term 'standard direct cost base' means $600,000.

"(7) TRIBAL ELEMENTARY OR SECONDARY EDUCATIONAL PROGRAMS.—The term 'tribal elementary or secondary educational programs' means all Bureau elementary and secondary functions, together with any other Bureau programs or portions of programs (excluding funds for social services that are appropriated to agencies other than the Bureau and are expended through the Bureau, funds for major subcontracts, construction, and other major capital expenditures, and unexpended funds carried over from prior years) which share common administrative cost functions, that are operated directly by a tribe or tribal organization under a contract, grant, or agreement with the Bureau.

"(i) STUDIES FOR DETERMINATION OF FACTORS AFFECTING COSTS; BASE RATES LIMITS; STANDARD DIRECT COST BASE; REPORT TO CONGRESS.—

"(1) STUDIES.—Not later than 120 days after the date of enactment of the Student Results Act of 1999, the Director of the Office of Indian Education Programs shall—

"(A) conduct such studies as may be needed to establish an empirical basis for determining relevant factors substantially affecting required administrative costs of tribal elementary and secondary education programs, using the formula set forth in subsection (c); and

"(B) conduct a study to determine—

"(i) a maximum base rate which ensures that the amount of the grants provided under this

section will provide adequate (but not excessive) funding of the administrative costs of the smallest tribal elementary or secondary educational programs;

"(ii) a minimum base rate which ensures that the amount of the grants provided under this section will provide adequate (but not excessive) funding of the administrative costs of the largest tribal elementary or secondary educational programs; and

"(iii) a standard direct cost base which is the aggregate direct cost funding level for which the percentage determined under subsection (c) will—

"(I) be equal to the median between the maximum base rate and the minimum base rate; and

"(II) ensure that the amount of the grants provided under this section will provide adequate (but not excessive) funding of the administrative costs of tribal elementary or secondary educational programs closest to the size of the program.

"(2) GUIDELINES.—The studies required under paragraph (1) shall—

"(A) be conducted in full consultation (in accordance with section 1131) with—

"(i) the tribes and tribal organizations that are affected by the application of the formula set forth in subsection (c); and

"(ii) all national and regional Indian organizations of which such tribes and tribal organizations are typically members;

"(B) be conducted onsite with a representative statistical sample of the tribal elementary or secondary educational programs under a contract entered into with a nationally reputable public accounting and business consulting firm;

"(C) take into account the availability of skilled labor; commodities, business and automatic data processing services, related Indian preference and Indian control of education requirements, and any other market factors found substantially to affect the administrative costs and efficiency of each such tribal elementary or secondary educational program studied in order to assure that all required administrative activities can reasonably be delivered in a cost effective manner for each such program, given an administrative cost allowance generated by the values, percentages, or other factors found in the studies to be relevant in such formula;

"(D) identify, and quantify in terms of percentages of direct program costs, any general factors arising from geographic isolation, or numbers of programs administered, independent of program size factors used to compute a base administrative cost percentage in such formula; and

"(E) identify any other incremental cost factors substantially affecting the costs of required administrative cost functions at any of the tribal elementary or secondary educational programs studied and determine whether the factors are of general applicability to other such programs, and (if so) how the factors may effectively be incorporated into such formula.

"(3) CONSULTATION WITH INSPECTOR GENERAL.—In carrying out the studies required under this subsection, the Director shall obtain the input of, and afford an opportunity to participate to, the Inspector General of the Department of the Interior.

"(4) CONSIDERATION OF DELIVERY OF ADMINISTRATIVE SERVICES.—Determinations described in paragraph (2)(C) shall be based on what is practicable at each location studied, given prudent management practice, irrespective of whether required administrative services were actually or fully delivered at these sites, or whether other services were delivered instead, during the period of the study.

"(5) REPORT.—Upon completion of the studies conducted under paragraph (1), the Director shall submit to Congress a report on the findings of the studies, together with determinations based upon such studies that would affect the definitions set forth under subsection (e) that are used in the formula set forth in subsection (c).

"(6) PROJECTION OF COSTS.—The Secretary shall include in the Bureau's justification for each appropriations request beginning in the first fiscal year after the completion of the studies conducted under paragraph (1), a projection of the overall costs associated with the formula set forth in subsection (c) for all tribal elementary or secondary education programs which the Secretary expects to be funded in the fiscal year for which the appropriations are sought.

"(7) DETERMINATION OF PROGRAM SIZE.—For purposes of this subsection, the size of tribal elementary or secondary educational programs is determined by the aggregate direct cost program funding level for all Bureau funded programs which share common administrative cost functions.

"(j) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated such sums as necessary to carry out this section.

"(2) REDUCTIONS.—If the total amount of funds necessary to provide grants to tribes and tribal organizations in the amounts determined under subsection (b) for a fiscal year exceeds the amount of funds appropriated to carry out this section for such fiscal year, the Secretary shall reduce the amount of each grant determined under subsection (b) for such fiscal year by an amount that bears the same relationship to such excess as the amount of such grants determined under subsection (b) bears to the total of all grants determined under subsection (b) section for all tribes and tribal organizations for such fiscal year.

"(k) APPLICABILITY TO SCHOOLS OPERATING UNDER TRIBALLY CONTROLLED SCHOOLS ACT OF 1988.—The provisions of this section shall also apply to those schools operating under the Tribally Controlled Schools Act of 1988.

"SEC. 1129. DIVISION OF BUDGET ANALYSIS.

"(a) ESTABLISHMENT.—Not later than 12 months after the date of the enactment of the Student Results Act of 1999, the Secretary shall establish within the Office of Indian Education Programs a Division of Budget Analysis (hereinafter referred to as the 'Division'). Such Division shall be under the direct supervision and control of the Director of the Office.

"(b) FUNCTIONS.—In consultation with the tribal governing bodies and tribal school boards, the Director of the Office, through the Division, shall conduct studies, surveys, or other activities to gather demographic information on Bureau funded schools and project the amount necessary to provide Indian students in such schools the educational program set forth in this part.

"(c) ANNUAL REPORTS.—Not later than the date that the Assistant Secretary for Indian Affairs makes the annual budget submission, for each fiscal year after the date of the enactment of the Student Results Act of 1999, the Director of the Office shall submit to the appropriate committees of Congress (including the Appropriations committees), all Bureau funded schools, and the tribal governing bodies of such schools, a report which shall contain—

"(1) projections, based upon the information gathered pursuant to subparagraph (b) and any other relevant information, of amounts necessary to provide Indian students in Bureau funded schools the educational program set forth in this part;

"(2) a description of the methods and formulas used to calculate the amounts projected pursuant to paragraph (1); and

"(3) such other information as the Director of the Office considers appropriate.

"(d) USE OF REPORTS.—The Director of the Office and the Assistant Secretary for Indian Affairs shall use the annual report required by subsection (c) when preparing their annual budget submissions.

"SEC. 1130. UNIFORM DIRECT FUNDING AND SUPPORT.

"(a) ESTABLISHMENT OF SYSTEM AND FORWARD FUNDING.—

"(1) IN GENERAL.—The Secretary shall establish, by regulation adopted in accordance with section 1138, a system for the direct funding and support of all Bureau funded schools. Such system shall allot funds in accordance with section 1127. All amounts appropriated for distribution under this section may be made available under paragraph (2).

"(2) TIMING FOR USE OF FUNDS.—(A) For the purposes of affording adequate notice of funding available pursuant to the allotments made under section 1127, amounts appropriated in an appropriations Act for any fiscal year shall become available for obligation by the affected schools on July 1 of the fiscal year in which such amounts are appropriated without further action by the Secretary, and shall remain available for obligation through the succeeding fiscal year.

"(B) The Secretary shall, on the basis of the amount appropriated in accordance with this paragraph—

"(i) publish, not later than July 1 of the fiscal year for which the funds are appropriated, allotments to each affected school made under section 1127 of 85 percent of such appropriation; and

"(ii) publish, not later than September 30 of such fiscal year, the allotments to be made under section 1127 of the remaining 15 percent of such appropriation, adjusted to reflect the actual student attendance.

"(3) LIMITATION.—(A) Notwithstanding any other provision of law or regulation, the supervisor of a Bureau funded school may expend an aggregate of not more than $50,000 of the amount allotted the school under section 1127 to acquire materials, supplies, equipment, services, operation, and maintenance for the school without competitive bidding if—

"(i) the cost for any single item purchased does not exceed $15,000;

"(ii) the school board approves the procurement;

"(iii) the supervisor certifies that the cost is fair and reasonable;

"(iv) the documents relating to the procurement executed by the supervisor or other school staff cite this paragraph as authority for the procurement; and

"(v) the transaction is documented in a journal maintained at the school clearly identifying when the transaction occurred, what was acquired and from whom, the price paid, the quantities acquired, and any other information the supervisor or school board considers relevant.

"(B) Not later than 6 months after the date of enactment of the Student Results Act of 1999, the Secretary shall cause to be sent to each supervisor of a Bureau operated program and school board chairperson, the education line officer or officers of each agency and area, and the Bureau Division in charge of procurement, at both the local and national levels, notice of this paragraph.

"(C) The Director shall be responsible for determining the application of this paragraph, including the authorization of specific individuals to carry out this paragraph, and shall be responsible for the provision of guidelines on the use of this paragraph and adequate training on such guidelines.

"(4) EFFECT OF SEQUESTRATION ORDER.—If a sequestration order issued under the Balanced

Budget and Emergency Deficit Control Act of 1985 reduces the amount of funds available for allotment under section 1127 for any fiscal year by more than 7 percent of the amount of funds available for allotment under such section during the preceding fiscal year—

“(A) to fund allotments under section 1127, the Secretary, notwithstanding any other law, may use—

“(i) funds appropriated for the operation of any Bureau school that is closed or consolidated; and

“(ii) funds appropriated for any program that has been curtailed at any Bureau school; and

“(B) the Secretary may waive the application of the provisions of section 1121(h) with respect to the closure or consolidation of a school, or the curtailment of a program at a school, during such fiscal year if the funds described in clauses (i) and (ii) of subparagraph (A) with respect to such school are used to fund allotments made under section 1127 for such fiscal year.

“(b) Local Financial Plans for Expenditure of Funds.—

“(1) Plan required.—(A) In the case of all Bureau operated schools, allotted funds shall be expended on the basis of local financial plans which ensure meeting the accreditation requirements or standards for the school established pursuant to section 1121 and which shall be prepared by the local school supervisor in active consultation with the local school board for each school. The local school board for each school shall have the authority to ratify, reject, or amend such financial plan, and expenditures thereunder, and, on its own determination or in response to the supervisor of the school, to revise such financial plan to meet needs not foreseen at the time of preparation of the financial plan.

“(B) The supervisor—

“(i) shall put into effect the decisions of the school board;

“(ii) shall provide the appropriate local union representative of the education employees with copies of proposed draft financial plans and all amendments or modifications thereto, at the same time such copies are submitted to the local school board; and

“(iii) may appeal any such action of the local school board to the appropriate education line officer of the Bureau agency by filing a written statement describing the action and the reasons the supervisor believes such action should be overturned. A copy of such statement shall be submitted to the local school board and such board shall be afforded an opportunity to respond, in writing, to such appeal. After reviewing such written appeal and response, the appropriate education line officer may, for good cause, overturn the action of the local school board. The appropriate education line officer shall transmit the determination of such appeal in the form of a written opinion to such board and to such supervisor identifying the reasons for overturning such action.

“(c) Use of Self-Determination Grants Funds.—Funds for self-determination grants under section 103(a)(2) of the Indian Self-Determination and Education Assistance Act shall not be used for providing technical assistance and training in the field of education by the Bureau unless such services are provided in accordance with a plan, agreed to by the tribe or tribes affected and the Bureau, under which control of education programs is intended to be transferred to such tribe or tribes within a specific period of time negotiated under such agreement. The Secretary may approve applications for funding tribal divisions of education and development of tribal codes of education from funds appropriated pursuant to section 104(a) of such Act.

“(d) Technical Assistance and Training.—In the exercise of its authority under this section, a local school board may request technical assistance and training from the Secretary, and the Secretary shall, to the greatest extent possible, provide such services, and make appropriate provisions in the budget of the Office for such services.

“(e) Summer Program of Academic and Support Services.—

“(1) In general.—A financial plan under subsection (b) for a school may include, at the discretion of the local administrator and the school board of such school, a provision for a summer program of academic and support services for students of the school. Any such program may include activities related to the prevention of alcohol and substance abuse. The Assistant Secretary for Indian Affairs shall provide for the utilization of any such school facility during any summer in which such utilization is requested.

“(2) Use of other funds.—Notwithstanding any other provision of law, funds authorized under the Act of April 16, 1934, and this Act may be used to augment the services provided in each summer program at the option, and under the control, of the tribe or Indian controlled school receiving such funds.

“(3) Technical assistance and program coordination.—The Assistant Secretary for Indian Affairs, acting through the Director of the Office, shall provide technical assistance and coordination for any program described in paragraph (1) and shall, to the extent possible, encourage the coordination of such programs with any other summer programs that might benefit Indian youth, regardless of the funding source or administrative entity of any such program.

“(f) Cooperative Agreements.—

“(1) In general.—From funds allotted to a Bureau school under section 1127, the Secretary shall, if specifically requested by the tribal governing body (as defined in section 1141), implement any cooperative agreement entered into between the tribe, the Bureau school board, and the local public school district which meets the requirements of paragraph (2) and involves the school. The tribe, the Bureau school board, and the local public school district shall determine the terms of the agreement. Such agreement may encompass coordination of all or any part of the following:

“(A) Academic program and curriculum, unless the Bureau school is currently accredited by a State or regional accrediting entity and would not continue to be so accredited.

“(B) Support services, including procurement and facilities maintenance.

“(C) Transportation.

“(2) Equal benefit and burden.—Each agreement entered into pursuant to the authority provided in paragraph (1) shall confer a benefit upon the Bureau school commensurate with the burden assumed, though this requirement shall not be construed so as to require equal expenditures or an exchange of similar services.

“(g) Product or Result of Student Projects.—Notwithstanding any other provision of law, where there is agreement on action between the superintendent and the school board of a Bureau funded school, the product or result of a project conducted in whole or in major part by a student may be given to that student upon the completion of such project.

“(h) Not Considered Federal Funds for Matching Requirements.—Notwithstanding any other provision of law, funds received by a Bureau funded school under this title shall not be considered Federal funds for the purposes of meeting a matching funds requirement for any Federal program.

“SEC. 1131. POLICY FOR INDIAN CONTROL OF INDIAN EDUCATION.

“(a) Facilitation of Indian Control.—It shall be the policy of the Secretary and the Bureau, in carrying out the functions of the Bureau, to facilitate tribal control of Indian affairs in all matters relating to education.

“(b) Consultation With Tribes.—

“(1) In general.—All actions under this Act shall be done with active consultation with tribes.

“(2) Requirements.—The consultation required under paragraph (1) means a process involving the open discussion and joint deliberation of all options with respect to potential issues or changes between the Bureau and all interested parties. During such discussions and joint deliberations, interested parties (including tribes and school officials) shall be given an opportunity to present issues including proposals regarding changes in current practices or programs which will be considered for future action by the Bureau. All interested parties shall be given an opportunity to participate and discuss the options presented or to present alternatives, with the views and concerns of the interested parties given effect unless the Secretary determines, from information available from or presented by the interested parties during 1 or more of the discussions and deliberations, that there is a substantial reason for another course of action. The Secretary shall submit to any Member of Congress, within 18 days of the receipt of a written request by such Member, a written explanation of any decision made by the Secretary which is not consistent with the views of the interested parties.

“SEC. 1132. INDIAN EDUCATION PERSONNEL.

“(a) In General.—Chapter 51, subchapter III of chapter 53, and chapter 63 of title 5, United States Code, relating to classification, pay and leave, respectively, and the sections of such title relating to the appointment, promotion, hours of work, and removal of civil service employees, shall not apply to educators or to education positions (as defined in subsection (p)).

“(b) Regulations.—Not later than 60 days after the date of enactment of the Student Results Act of 1999, the Secretary shall prescribe regulations to carry out this section. Such regulations shall include—

“(1) the establishment of education positions;

“(2) the establishment of qualifications for educators and education personnel;

“(3) the fixing of basic compensation for educators and education positions;

“(4) the appointment of educators;

“(5) the discharge of educators;

“(6) the entitlement of educators to compensation;

“(7) the payment of compensation to educators;

“(8) the conditions of employment of educators;

“(9) the leave system for educators;

“(10) the annual leave and sick leave for educators and

“(11) such matters as may be appropriate.

“(c) Qualifications of Educators.—

“(1) Requirements.—In prescribing regulations to govern the qualifications of educators, the Secretary shall require—

“(A)(i) that lists of qualified and interviewed applicants for education positions be maintained in each agency and area office of the Bureau from among individuals who have applied at the agency or area level for an education position or who have applied at the national level and have indicated in such application an interest in working in certain areas or agencies; and

“(ii) that a list of qualified and interviewed applicants for education positions be maintained in the Office from among individuals who have applied at the national level for an education position and who have expressed interest in working in an education position anywhere in the United States;

“(B) that a local school board shall have the authority to waive on a case-by-case basis, any

formal education or degree qualifications established by regulation pursuant to subsection (b)(2), in order for a tribal member to be hired in an education position to teach courses on tribal culture and language and that subject to subsection (e)(2), a determination by a school board that such a person be hired shall be instituted supervisor; and

"(C) that it shall not be a prerequisite to the employment of an individual in an education position at the local level that such individual's name appear on the national list maintained pursuant to subparagraph (A)(ii) or that such individual has applied at the national level for an education position.

"(2) EXCEPTION FOR CERTAIN TEMPORARY EMPLOYMENT.—The Secretary may authorize the temporary employment in an education position of an individual who has not met the certification standards established pursuant to regulations, if the Secretary determines that failure to do so would result in that position remaining vacant.

"(d) HIRING OF EDUCATORS.—

"(1) REQUIREMENTS.—In prescribing regulations to govern the appointment of educators, the Secretary shall require—

"(A)(i) that educators employed in a Bureau operated school (other than the supervisor of the school) shall be hired by the supervisor of the school. In cases where there are no qualified applicants available, such supervisor may consult the national list maintained pursuant to subsection (c)(1)(A)(ii);

"(ii) each school supervisor shall be hired by the education line officer of the agency office of the Bureau in which the school is located;

"(iii) educators employed in an agency office of the Bureau shall be hired by the superintendent for education of the agency office; and

"(iv) each education line officer and educators employed in the Office of the Director of Indian Education Programs shall be hired by the Director;

"(B) that before an individual is employed in an education position in a school by the supervisor of a school (or with respect to the position of supervisor, by the appropriate agency education line officer), the local school board for the school shall be consulted. A determination by such school board that such individual should or should not be so employed shall be instituted by the supervisor (or with respect to the position of supervisor, by the agency superintendent for education);

"(C) that before an individual may be employed in an education position at the agency level, the appropriate agency school board shall be consulted, and that a determination by such school board that such individual should or should not be employed shall be instituted by the agency superintendent for education; and

"(D) that before an individual may be employed in an education position in the Office of the Director (other than the position of Director), the national school boards representing all Bureau schools shall be consulted.

"(2) INFORMATION REGARDING APPLICATION AT NATIONAL LEVEL.—Any individual who applies at the local level for an education position shall state on such individual's application whether or not such individual has applied at the national level for an education position in the Bureau. If such individual is employed at the local level, such individual's name shall be immediately forwarded to the Secretary, who shall, as soon as practicable but in no event in more than 30 days, ascertain the accuracy of the statement made by such individual pursuant to the first sentence of this paragraph. Notwithstanding subsection (e), if the individual's statement is found to have been false, such individual, at the Secretary's discretion, may be disciplined or discharged. If the individual has applied at the national level for an education position in the Bureau, the appointment of such individual at the local level shall be conditional for a period of 90 days, during which period the Secretary may appoint a more qualified individual (as determined by the Secretary) from the list maintained at the national level pursuant to subsection (c)(1)(A)(ii) to the position to which such individual was appointed.

"(3) STATUTORY CONSTRUCTION.—Except as expressly provided, nothing in this section shall be construed as conferring upon local school boards authority over, or control of, educators at Bureau funded schools or the authority to issue management decisions.

"(e) DISCHARGE AND CONDITIONS OF EMPLOYMENT OF EDUCATORS.—

"(1) REGULATIONS.—In prescribing regulations to govern the discharge and conditions of employment of educators, the Secretary shall require—

"(A) that procedures be established for the rapid and equitable resolution of grievances of educators;

"(B) that no educator may be discharged without notice of the reasons therefore and opportunity for a hearing under procedures that comport with the requirements of due process; and

"(C) that educators employed in Bureau schools be notified 30 days prior to the end of the school year whether their employment contract will be renewed for the following year.

"(2) PROCEDURES FOR DISCHARGE.—The supervisor of a Bureau school may discharge (subject to procedures established under paragraph (1)(B)) for cause (as determined under regulations prescribed by the Secretary) any educator employed in such school. Upon giving notice of proposed discharge to an educator, the supervisor involved shall immediately notify the local school board for the school of such action. A determination by the local school board that such educator shall not be discharged shall be followed by the supervisor. The supervisor shall have the right to appeal such action to the education line officer of the appropriate agency office of the Bureau. Upon such an appeal, the agency education line officer may, for good cause and in writing to the local school board, overturn the determination of the local school board with respect to the employment of such individual.

"(3) RECOMMENDATIONS OF SCHOOL BOARDS FOR DISCHARGE.—Each local school board for a Bureau school shall have the right—

"(A) to recommend to the supervisor of such school that an educator employed in the school be discharged; and

"(B) to recommend to the education line officer of the appropriate agency office of the Bureau and to the Director of the Office, that the supervisor of the school be discharged.

"(f) APPLICABILITY OF INDIAN PREFERENCE LAWS.—

"(1) IN GENERAL.—Notwithstanding any provision of the Indian preference laws, such laws shall not apply in the case of any personnel action under this section respecting an applicant or employee not entitled to Indian preference if each tribal organization concerned grants a written waiver of the application of such laws with respect to such personnel action and states that such waiver is necessary. This paragraph shall not relieve the Bureau's responsibility to issue timely and adequate announcements and advertisements concerning any such personnel action if such action is intended to fill a vacancy (no matter how such vacancy is created).

"(2) TRIBAL ORGANIZATION DEFINED.—For purposes of this subsection, the term 'tribal organization' means—

"(A) the recognized governing body of any Indian tribe, band, nation, pueblo, or other organized community, including a Native village (as defined in section 3(c) of the Alaska Native Claims Settlement Act); or

"(B) in connection with any personnel action referred to in this subsection, any local school board as defined in section 1141 which has been delegated by such governing body the authority to grant a waiver under this subsection with respect to personnel action.

"(3) INDIAN PREFERENCE LAW DEFINED.—The term 'Indian preference laws' means section 12 of the Act of June 18, 1934 or any other provision of law granting a preference to Indians in promotions and other personnel actions. Such term shall not include section 7(b) of the Indian Self-Determination and Education Assistance Act.

"(g) COMPENSATION OR ANNUAL SALARY.—

"(1) IN GENERAL.—(A) Except as otherwise provided in this section, the Secretary shall fix the basic compensation for educators and education positions at rates in effect under the General Schedule for individuals with comparable qualifications, and holding comparable positions, to whom chapter 51 of title 5, United States Code, is applicable or on the basis of the Federal Wage System schedule in effect for the locality, and for the comparable positions, the rates of compensation in effect for the senior executive service.

"(B) The Secretary shall establish the rate of basic compensation, or annual salary rates, for the positions of teachers and counselors (including dormitory counselors and home-living counselors) at the rates of basic compensation applicable (on the date of enactment of the Student Results Act of 1999 and thereafter) to comparable positions in the overseas schools under the Defense Department Overseas Teachers Pay Act. The Secretary shall allow the local school boards authority to implement only the aspects of the Defense Department Overseas Teacher pay provisions that are considered essential for recruitment and retention. Implementation of such provisions shall not be construed to require the implementation of the Act in its entirety.

"(C)(i) Beginning with the fiscal year following the date of enactment of the Student Results Act of 1999, each school board may set the rate of compensation or annual salary rate for teachers and counselors (including academic counselors) who are new hires at the school and who have not worked at the school on the date of implementation of this provision, at rates consistent with the rates paid for individuals in the same positions, with the same tenure and training, in any other school within whose boundaries the Bureau school lies. In instances where the adoption of such rates cause a reduction in the payment of compensation from that which was in effect for the fiscal year following the date of enactment of the Student Results Act of 1999, the new rate may be applied to the compensation of employees of the school who worked at the school on of the date of enactment of that Act by applying those rates to each contract renewal such that the reduction takes effect in three equal installments. Where adoption of such rates lead to an increase in the payment of compensation from that which was in effect for the fiscal year following the date of enactment of the Student Results Act of 1999, the school board may make such rates applicable at the next contract renewal such that either—

"(I) the increase occurs in its entirety; or

"(II) the increase is applied in 3 equal installments.

"(ii) The establishment of rates of basic compensation and annual salary rates under subparagraphs (B) and (C) shall not preclude the use of regulations and procedures used by the Bureau prior to April 28, 1988, in making determinations regarding promotions and advancements through levels of pay that are based on

the merit, education, experience, or tenure of the educator.

"(D) The establishment of rates of basic compensation and annual salary rates under subparagraphs (B) and (C) shall not affect the continued employment or compensation of an educator who was employed in an education position on October 31, 1979, and who did not make an election under subsection (p) is in effect on January 1, 1990.

"(2) POST-DIFFERENTIAL RATES.—(A) The Secretary may pay a post-differential rate not to exceed 25 percent of the rate of basic compensation, on the basis of conditions of environment or work which warrant additional pay as a recruitment and retention incentive.

"(B)(i) Upon the request of the supervisor and the local school board of a Bureau school, the Secretary shall grant the supervisor of the school authorization to provide 1 or more post-differentials under subparagraph (A) unless the Secretary determines for clear and convincing reasons (and advises the board in writing of those reasons) that certain of the requested post-differentials should be disapproved or decreased because there is no disparity of compensation for the involved employees or positions in the Bureau school, as compared with the nearest public school, that is either—

"(I) at least 5 percent, or

"(II) less than 5 percent and affects the recruitment or retention of employees at the school.

"(ii) A request under clause (i) shall be deemed granted at the end of the 60th day after the request is received in the Central Office of the Bureau unless before that time the request is approved, approved with modification, or disapproved by the Secretary.

"(iii) The Secretary or the supervisor of a Bureau school may discontinue or decrease a post-differential authorized under this subparagraph at the beginning of a school year if—

"(I) the local school board requests that such differential be discontinued or decreased; or

"(II) the Secretary or the supervisor determines for clear and convincing reasons (and advises the board in writing of those reasons) that there is no disparity of compensation that would affect the recruitment or retention of employees at the school after the differential is discontinued or decreased.

"(iv) On or before February 1 of each year, the Secretary shall submit to Congress a report describing the requests and grants of authority under this subparagraph during the previous year and listing the positions contracted under those grants of authority.

"(h) LIQUIDATION OF REMAINING LEAVE UPON TERMINATION.—Upon termination of employment with the Bureau, any annual leave remaining to the credit of an individual within the purview of this section shall be liquidated in accordance with sections 5551(a) and 6306 of title 5, United States Code, except that leave earned or accrued under regulations prescribed pursuant to subsection (b)(10) of this section shall not be so liquidated.

"(i) TRANSFER OF REMAINING SICK LEAVE UPON TRANSFER, PROMOTION, OR REEMPLOYMENT.—In the case of any educator who is transferred, promoted, or reappointed, without break in service, to a position in the Federal Government under a different leave system, any remaining leave to the credit of such person earned or credited under the regulations prescribed pursuant to subsection (b)(10) shall be transferred to such person's credit in the employing agency on an adjusted basis in accordance with regulations which shall be prescribed by the Office of Personnel Management.

"(j) INELIGIBILITY FOR EMPLOYMENT OF VOLUNTARILY TERMINATED EDUCATORS.—An educator who voluntarily terminates employment with the Bureau before the expiration of the existing employment contract between such educator and the Bureau shall not be eligible to be employed in another education position in the Bureau during the remainder of the term of such contract.

"(k) DUAL COMPENSATION.—In the case of any educator employed in an education position described in subsection (l)(1)(A) who—

"(1) is employed at the close of a school year,

"(2) agrees in writing to serve in such position for the next school year, and

"(3) is employed in another position during the recess period immediately preceding such next school year, or during such recess period receives additional compensation referred to in section 5533 of title 5, United States Code, relating to dual compensation,

shall not apply to such educator by reason of any such employment during a recess period for any receipt of additional compensation.

"(l) VOLUNTARY SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Secretary may, subject to the approval of the local school board concerned, accept voluntary services on behalf of Bureau schools. Nothing in this title shall be construed to require Federal employees to work without compensation or to allow the use of volunteer services to displace or replace Federal employees. An individual providing volunteer services under this section is a Federal employee only for purposes of chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.

"(m) PRORATION OF PAY.—

"(1) ELECTION OF EMPLOYEE.—Notwithstanding any other provision of law, including laws relating to dual compensation, the Secretary, at the election of the employee, shall prorate the salary of an employee employed in an education position for the academic school year over the entire 12-month period. Each educator employed for the academic school year shall annually elect to be paid on a 12-month basis or for those months while school is in session. No educator shall suffer a loss of pay or benefits, including benefits under unemployment or other Federal or federally assisted programs, because of such election.

"(2) CHANGE OF ELECTION.—During the course of such year the employee may change election once.

"(3) LUMP SUM PAYMENT.—That portion of the employee's pay which would be paid between academic school years may be paid in a lump sum at the election of the employee.

"(4) DEFINITIONS.——For purposes of this subsection, the terms 'educator' and 'education position' have the meanings contained in paragraphs (1) and (2) of subsection (o). This subsection applies to those individuals employed under the provisions of section 1132 of this title or title 5, United States Code.

"(n) EXTRACURRICULAR ACTIVITIES.—

"(1) STIPEND.—Notwithstanding any other provision of law, the Secretary may provide, for each Bureau area, a stipend in lieu of overtime premium pay or compensatory time off. Any employee of the Bureau who performs additional activities to provide services to students or otherwise support the school's academic and social programs may elect to be compensated for all such work on the basis of the stipend. Such stipend shall be paid as a supplement to the employee's base pay.

"(2) ELECTION NOT TO RECEIVE STIPEND.—If an employee elects not to be compensated through the stipend established by this subsection, the appropriate provisions of title 5, United States Code, shall apply.

"(3) APPLICABILITY OF SUBSECTION.—This subsection applies to all Bureau employees, whether employed under section 1132 of this title or title 5, United States Code.

"(o) DEFINITIONS.—For the purpose of this section—

"(1) EDUCATION POSITION.—The term 'education position' means a position in the Bureau the duties and responsibilities of which—

"(A) are performed on a school-year basis principally in a Bureau school and involve—

"(i) classroom or other instruction or the supervision or direction of classroom or other instruction;

"(ii) any activity (other than teaching) which requires academic credits in educational theory and practice equal to the academic credits in educational theory and practice required for a bachelor's degree in education from an accredited institution of higher education;

"(iii) any activity in or related to the field of education notwithstanding that academic credits in educational theory and practice are not a formal requirement for the conduct of such activity; or

"(iv) support services at, or associated with, the site of the school; or

"(B) are performed at the agency level of the Bureau and involve the implementation of education-related programs other than the position for agency superintendent for education.

"(2) EDUCATOR.—The term 'educator' means an individual whose services are required, or who is employed, in an education position.

"(p) COVERED INDIVIDUALS; ELECTION.—This section shall apply with respect to any educator hired after November 1, 1979 (and to any educator who elected for coverage under that provision after November 1, 1979) and to the position in which such individual is employed. The enactment of this section shall not affect the continued employment of an individual employed on October 31, 1979 in an education position, or such person's right to receive the compensation attached to such position.

"SEC. 1133. COMPUTERIZED MANAGEMENT INFORMATION SYSTEM.

"(a) ESTABLISHMENT OF SYSTEM.—Not later than July 1, 2001, the Secretary shall establish within the Office, a computerized management information system, which shall provide processing and information to the Office. The information provided shall include information regarding—

"(1) student enrollment;

"(2) curriculum;

"(3) staffing;

"(4) facilities;

"(5) community demographics;

"(6) student assessment information;

"(7) information on the administrative and program costs attributable to each Bureau program, divided into discreet elements;

"(8) relevant reports;

"(9) personnel records;

"(10) finance and payroll; and

"(11) such other items as the Secretary deems appropriate.

"(b) IMPLEMENTATION OF SYSTEM.—Not later than July 1, 2002, the Secretary shall complete implementation of such a system at each field office and Bureau funded school.

"SEC. 1134. UNIFORM EDUCATION PROCEDURES AND PRACTICES.

"The Secretary shall cause the various divisions of the Bureau to formulate uniform procedures and practices with respect to such concerns of those divisions as relate to education, and shall report such practices and procedures to the Congress.

"SEC. 1135. RECRUITMENT OF INDIAN EDUCATORS.

"The Secretary shall institute a policy for the recruitment of qualified Indian educators and a detailed plan to promote employees from within the Bureau. Such plan shall include opportunities for acquiring work experience prior to actual work assignment.

"SEC. 1136. BIENNIAL REPORT; AUDITS.

"(a) Biennial Reports.—The Secretary shall submit to each appropriate committee of Congress, all Bureau funded schools, and the tribal governing bodies of such schools, a detailed biennial report on the state of education within the Bureau and any problems encountered in Indian education during the 2-year period covered by the report. Such report shall contain suggestions for the improvement of the Bureau educational system and for increasing tribal or local Indian control of such system. Such report shall also include the current status of tribally controlled community colleges. The annual budget submission for the Bureau's education programs shall include—

"(1) information on the funds provided to previously private schools under section 208 of the Indian Self-Determination and Education Assistance Act, and recommendations with respect to the future use of such funds;

"(2) the needs and costs of operations and maintenance of tribally controlled community colleges eligible for assistance under the Tribally Controlled Community College Assistance Act of 1978 and recommendations with respect to meeting such needs and costs; and

"(3) the plans required by sections 1121 (g), 1122(c), and 1125(b).

"(b) Financial and Compliance Audits.—The Inspector General of the Department of the Interior shall establish a system to ensure that financial and compliance audits are conducted of each Bureau operated school at least once in every 3 years. Audits of Bureau schools shall be based upon the extent to which such school has complied with its local financial plan under section 1130.

"SEC. 1137. RIGHTS OF INDIAN STUDENTS.

"The Secretary shall prescribe such rules and regulations as are necessary to ensure the constitutional and civil rights of Indian students attending Bureau funded schools, including such students' right to privacy under the laws of the United States, such students' right to freedom of religion and expression, and such students' right to due process in connection with disciplinary actions, suspensions, and expulsions.

"SEC. 1138. REGULATIONS. .

"(a) In General.—The Secretary is authorized to issue only such regulations as are necessary to ensure compliance with the specific provision of this Act. The Secretary shall publish proposed regulations in the Federal Register, shall provide a period of not less than 90 days for public comment thereon, and shall place in parentheses after each regulatory section the citation to any statutory provision providing authority to promulgate such regulatory provision.

"(b) Miscellaneous.—

"(1) Construction.—The provisions of this Act shall supersede any conflicting provisions of law (including any conflicting regulations) in effect on the day before the date of enactment of this Act and the Secretary is authorized to repeal any regulation inconsistent with the provisions of this Act.

"(2) General applicability of certain rules; legal authority to be stated.—Regulations required to be adopted under sections 2006 through 2018 and any revisions of the standards developed under section 2001 or 2002 shall be deemed rules of general applicability prescribed for the administrations of an applicable program for the purposes of section 437 of the Elementary and Secondary Education Amendments of 1967 and shall be promulgated, submitted for congressional review, and take effect in accordance with the provisions of such section. Such regulations shall contain, immediately following each substantive provision of such regulations, citations to the particular section or sections of statutory law or other legal authority upon which provision is based.

"SEC. 1138A. REGIONAL MEETINGS AND NEGOTIATED RULEMAKING.

"(a) Meetings.—

"(1) In general.—The Secretary shall obtain tribal involvement in the development of proposed regulations under this part and the Tribally Controlled Schools Act of 1988. The Secretary shall obtain the advice of and recommendations from representatives of Indian tribes with Bureau-funded schools on their reservations, Indian tribes whose children attend Bureau funded off-reservation boarding schools, school boards, administrators or employees of Bureau-funded schools, and parents and teachers of students enrolled in Bureau-funded schools.

"(2) Issues.—The Secretary shall provide for a comprehensive discussion and exchange of information concerning the implementation of this part and the Tribally Controlled Schools Act of 1988 through such mechanisms as regional meetings and electronic exchanges of information. The Secretary shall take into account the information received through such mechanisms in the development of proposed regulations and shall publish a summary of such information in the Federal Register together with such proposed regulations.

"(b) Draft Regulations.—

"(1) In general.—After obtaining the advice and recommendations described in subsection (a)(1) and before publishing proposed regulations in the Federal Register, the Secretary shall prepare draft regulations implementing this part and the Tribally Controlled Schools Act of 1988 and shall submit such regulations to a negotiated rulemaking process. Participants in the negotiations process shall be chosen by the Secretary from individuals nominated by the entities described in subsection (a)(1). To the maximum extent possible, the Secretary shall ensure that the tribal representative membership chosen pursuant to the preceding sentence reflects the proportionate share of students from tribes served by the Bureau-funded school system. The negotiation process shall be conducted in a timely manner in order that the final regulations may issued by the Secretary no later than 18 months after enactment of this section, provided that the authority of the Secretary to promulgate regulations under this part and the Tribally Controlled Schools Act of 1988 shall expire if final regulations are not promulgated within the time stated in this sentence. If the Secretary determines that an extension of the deadline in the preceding sentence is necessary, the Secretary may submit proposed legislation to Congress for extension of such deadline.

"(2) Expansion of negotiated rulemaking.—All regulations pertaining to this part and the Tribally Controlled Schools Act of 1988 that are promulgated after the date of enactment of this subsection shall be subject to a negotiated rulemaking (including the selection of the regulations to be negotiated), unless the Secretary determines that applying such a requirement with respect to given regulations is impracticable, unnecessary, or contrary to the public interest (within the meaning of section 553(b)(3)(B) of title 5), and publishes the basis for such determination in the Federal Register at the same time as the proposed regulations in question are first published. All published proposed regulations shall conform to agreements resulting from such negotiated rulemaking unless the Secretary reopens the negotiated rulemaking process or provides a written explanation to the participants in that process why the Secretary has decided to depart from such agreements. Such negotiated rulemaking shall be conducted in accordance with the provisions of subsection (a), and the Secretary shall ensure that a clear and reliable record of agreements reached during the negotiation process is maintained.

"(c) Applicability of Federal Advisory Committee Act.—The Federal Advisory Committee Act shall apply to activities carried out under this section.

"SEC. 1139. EARLY CHILDHOOD DEVELOPMENT PROGRAM.

"(a) In General.—The Secretary shall provide grants to tribes, tribal organizations, and consortia of tribes and tribal organizations to fund early childhood development programs that are operated by such tribes, organizations, or consortia.

"(b) Amount of Grants.—

"(1) In general.—The total amount of the grants provided under subsection (a) with respect to each tribe, tribal organization, or consortium of tribes or tribal organizations for each fiscal year shall be equal to the amount which bears the same relationship to the total amount appropriated under the authority of subsection (g) for such fiscal year (less amounts provided under subsection (f)) as—

"(A) the total number of children under 6 years of age who are members of—

"(i) such tribe;

"(ii) the tribe that authorized such tribal organization; or

"(iii) any tribe that—

"(I) is a member of such consortium; or

"(II) authorizes any tribal organization that is a member of such consortium; bears to

"(B) the total number of all children under 6 years of age who are members of any tribe that—

"(i) is eligible to receive funds under subsection (a);

"(ii) is a member of a consortium that is eligible to receive such funds; or

"(iii) authorizes a tribal organization that is eligible to receive such funds.

"(2) Limitation.—No grant may be provided under subsection (a)—

"(A) to any tribe that has less than 500 members;

"(B) to any tribal organization which is authorized—

"(i) by only 1 tribe that has less than 500 members; or

"(ii) by 1 or more tribes that have a combined total membership of less than 500 members; or

"(C) to any consortium composed of tribes, or tribal organizations authorized by tribes, that have a combined total tribal membership of less than 500 members.

"(c) Application.

"(1) In general.—A grant may be provided under subsection (a) to a tribe, tribal organization, or consortia of tribes and tribal organizations only if the tribe, organization, or consortia submits to the Secretary an application for the grant at such time and in such form as the Secretary shall prescribe.

"(2) Contents.—Applications submitted under paragraph (1) shall set forth the early childhood development program that the applicant desires to operate.

"(d) Requirement of Programs Funded.—The early childhood development programs that are funded by grants provided under subsection (a)—

"(1) shall coordinate existing programs and may provide services that meet identified needs of parents and children under 6 years of age which are not being met by existing programs, including—

"(A) prenatal care;

"(B) nutrition education;

"(C) health education and screening;

"(D) family literacy services;

"(E) educational testing; and

"(F) other educational services;

''(2) may include instruction in the language, art, and culture of the tribe; and

''(3) shall provide for periodic assessment of the program.

''(e) COORDINATION OF FAMILY LITERACY PROGRAMS.—Family literacy programs operated under this section or other similar programs operated by the Bureau shall coordinate with family literacy programs for Indian children under part B of title I of the Elementary and Secondary Education Act of 1965 in order to avoid duplication and to encourage the dissemination of information on quality family literacy programs serving Indians.

''(f) ADMINISTRATIVE COSTS.—The Secretary shall, out of funds appropriated under subsection (g), include in the grants provided under subsection (a) amounts for administrative costs incurred by the tribe, tribal organization, or consortium of tribes in establishing and maintaining the early childhood development program.

''(g) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out the provisions of this section, there are authorized to be appropriated $10,000,000 for fiscal year 2000 and such sums as may be necessary for each of the fiscal years 2001, 2002, 2003, and 2004.

"SEC. 1140. TRIBAL DEPARTMENTS OR DIVISIONS OF EDUCATION.

''(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall provide grants and technical assistance to tribes for the development and operation of tribal departments of education for the purpose of planning and coordinating all educational programs of the tribe.

''(b) GRANTS.—Grants provided under this section shall—

''(1) be based on applications from the governing body of the tribe;

''(2) reflect factors such as geographic and population diversity;

''(3) facilitate tribal control in all matters relating to the education of Indian children on Indian reservations (and on former Indian reservations in Oklahoma);

''(4) provide for the development of coordinated educational programs on Indian reservations (and on former Indian reservations in Oklahoma) (including all preschool, elementary, secondary, and higher or vocational educational programs funded by tribal, Federal, or other sources) by encouraging tribal administrative support of all Bureau funded educational programs as well as encouraging tribal cooperation and coordination with all educational programs receiving financial support from State agencies, other Federal agencies, or private entities;

''(5) provide for the development and enforcement of tribal educational codes, including tribal educational policies and tribal standards applicable to curriculum, personnel, students, facilities, and support programs; and

''(6) otherwise comply with regulations for grants under section 103(a) of the Indian Self-Determination and Educational Assistance Act that are in effect on the date that application for such grants are made.

''(c) PRIORITIES.—

''(1) IN GENERAL.—In making grants under this section, the Secretary shall give priority to any application that—

''(A) includes assurances from the majority of Bureau funded schools located within the boundaries of the reservation of the applicant that the tribal department of education to be funded under this section will provide coordinating services and technical assistance to all of such schools, including the submission to each applicable agency of a unified application for funding for all of such schools which provides that—

''(i) no administrative costs other than those attributable to the individual programs of such schools will be associated with the unified application; and

''(ii) the distribution of all funds received under the unified application will be equal to the amount of funds provided by the applicable agency to which each of such schools is entitled under law;

''(B) includes assurances from the tribal governing body that the tribal department of education funded under this section will administer all contracts or grants (except those covered by the other provisions of this title and the Tribally Controlled Community College Assistance Act of 1978) for education programs administered by the tribe and will coordinate all of the programs to the greatest extent possible;

''(C) includes assurances for the monitoring and auditing by or through the tribal department of education of all education programs for which funds are provided by contract or grant to ensure that the programs meet the requirements of law; and

''(D) provides a plan and schedule for—

''(i) the assumption over the term of the grant by the tribal department of education of all assets and functions of the Bureau agency office associated with the tribe, insofar as those responsibilities relate to education; and

''(ii) the termination by the Bureau of such operations and office at the time of such assumption;

except that when mutually agreeable between the tribal governing body and the Assistant Secretary, the period in which such assumption is to occur may be modified, reduced, or extended after the initial year of the grant.

''(2) TIME PERIOD OF GRANT.—Subject to the availability of appropriated funds, grants provided under this section shall be provided for a period of 3 years and the grant may, if performance by the grantee is satisfactory to the Secretary, be renewed for additional 3-year terms.

''(d) TERMS, CONDITIONS, OR REQUIREMENTS.—The Secretary shall not impose any terms, conditions, or requirements on the provision of grants under this section that are not specified in this section.

''(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out the provisions of this section, there are authorized to be appropriated $2,000,000 for fiscal year 2000 and such sums as may be necessary for each of the fiscal years 2001, 2002, 2003, and 2004.

"SEC. 1141. DEFINITIONS.

''For the purposes of this part, unless otherwise specified:

''(1) AGENCY SCHOOL BOARD.—The term 'agency school board' means a body, the members of which are appointed by all of the school boards of the schools located within an agency, including schools operated under contract or grant, and the number of such members shall be determined by the Secretary in consultation with the affected tribes, except that, in agencies serving a single school, the school board of such school shall fulfill these duties, and in agencies having schools or a school operated under contract or grant, one such member at least shall be from such a school.

''(2) BUREAU.—The term 'Bureau' means the Bureau of Indian Affairs of the Department of the Interior.

''(3) BUREAU FUNDED SCHOOL.—The term 'Bureau funded school' means—

''(A) a Bureau school;

''(B) a contract or grant school; or

''(C) a school for which assistance is provided under the Tribally Controlled Schools Act of 1988.

''(4) BUREAU SCHOOL.—The term 'Bureau school' means a Bureau operated elementary or secondary day or boarding school or a Bureau operated dormitory for students attending a school other than a Bureau school.

''(5) CONTRACT OR GRANT SCHOOL.—The term 'contract or grant school' means an elementary or secondary school or dormitory which receives financial assistance for its operation under a contract, grant or agreement with the Bureau under section 102, 103(a), or 208 of the Indian Self-Determination and Education Assistance Act, or under the Tribally Controlled Schools Act of 1988.

''(6) EDUCATION LINE OFFICER.—The term 'education line officer' means education personnel under the supervision of the Director, whether located in the central, area, or agency offices.

''(7) FINANCIAL PLAN.—The term 'financial plan' means a plan of services provided by each Bureau school.

''(8) INDIAN ORGANIZATION.—the term 'Indian organization' means any group, association, partnership, corporation, or other legal entity owned or controlled by a federally recognized Indian tribe or tribes, or a majority of whose members are members of federally recognized tribes.

''(9) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' means a board of education or other legally constituted local school authority having administrative control and direction of free public education in a county, township, independent, or other school district located within a State, and includes any State agency which directly operates and maintains facilities for providing free public education.

''(10) LOCAL SCHOOL BOARD.—The term 'local school board', when used with respect to a Bureau school, means a body chosen in accordance with the laws of the tribe to be served or, in the absence of such laws, elected by the parents of the Indian children attending the school, except that in schools serving a substantial number of students from different tribes, the members shall be appointed by the governing bodies of the tribes affected, and the number of such members shall be determined by the Secretary in consultation with the affected tribes.

''(11) OFFICE.—The term 'Office' means the Office of Indian Education Programs within the Bureau.

''(12) SECRETARY.—The term 'Secretary' means the Secretary of the Interior.

''(13) SUPERVISOR.—The term 'supervisor' means the individual in the position of ultimate authority at a Bureau school.

''(14) TRIBAL GOVERNING BODY.—The term 'tribal governing body' means, with respect to any school, the tribal governing body, or tribal governing bodies, that represent at least 90 percent of the students served by such school.

''(15) TRIBE.—The term 'tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.''.

Subtitle C—Tribally Controlled Schools Act of 1988

SEC. 420. TRIBALLY CONTROLLED SCHOOLS.

Sections 5202 through 5212 of Public Law 100-297 (25 U.S.C. 2501 et seq.) are amended to read as follows:

"SEC. 5202. FINDINGS.

''Congress, after careful review of the Federal Government's historical and special legal relationship with, and resulting responsibilities to, Indians, finds that—

''(1) the Indian Self-Determination and Education Assistance Act, which was a product of the legitimate aspirations and a recognition of the inherent authority of Indian nations, was and is a crucial positive step towards tribal and community control;

"(2) the Bureau of Indian Affairs' administration and domination of the contracting process under such Act has not provided the full opportunity to develop leadership skills crucial to the realization of self-government and has denied Indians an effective voice in the planning and implementation of programs for the benefit of Indians which are responsive to the true needs of Indian communities;

"(3) Indians will never surrender their desire to control their relationships both among themselves and with non-Indian governments, organizations, and persons;

"(4) true self-determination in any society of people is dependent upon an educational process which will ensure the development of qualified people to fulfill meaningful leadership roles;

"(5) the Federal administration of education for Indian children has not effected the desired level of educational achievement or created the diverse opportunities and personal satisfaction that education can and should provide;

"(6) true local control requires the least possible Federal interference; and

"(7) the time has come to enhance the concepts made manifest in the Indian Self-Determination and Education Assistance Act.

"SEC. 5203. DECLARATION OF POLICY.

"(a) RECOGNITION.—Congress recognizes the obligation of the United States to respond to the strong expression of the Indian people for self-determination by assuring maximum Indian participation in the direction of educational services so as to render such services more responsive to the needs and desires of those communities.

"(b) COMMITMENT.—Congress declares its commitment to the maintenance of the Federal Government's unique and continuing trust relationship with and responsibility to the Indian people through the establishment of a meaningful Indian self-determination policy for education which will deter further perpetuation of Federal bureaucratic domination of programs.

"(c) NATIONAL GOAL.—Congress declares that a major national goal of the United States is to provide the resources, processes, and structure which will enable tribes and local communities to effect the quantity and quality of educational services and opportunities which will permit Indian children to compete and excel in the life areas of their choice and to achieve the measure of self-determination essential to their social and economic well-being.

"(d) EDUCATIONAL NEEDS.—Congress affirms the reality of the special and unique educational needs of Indian peoples, including the need for programs to meet the linguistic and cultural aspirations of Indian tribes and communities. These may best be met through a grant process.

"(e) FEDERAL RELATIONS.—Congress declares its commitment to these policies and its support, to the full extent of its responsibility, for Federal relations with the Indian Nations.

"(f) TERMINATION.—Congress hereby repudiates and rejects House Resolution 108 of the 83d Congress and any policy of unilateral termination of Federal relations with any Indian Nation.

"SEC. 5204. GRANTS AUTHORIZED.

"(a) IN GENERAL.—

"(1) ELIGIBILITY.—The Secretary shall provide grants to Indian tribes, and tribal organizations that—

"(A) operate contract schools under title XI of the Education Amendments of 1978 and notify the Secretary of their election to operate the schools with assistance under this part rather than continuing as contract school;

"(B) operate other tribally controlled schools eligible for assistance under this part and submit applications (which are approved by their tribal governing bodies) to the Secretary for such grants; or

"(C) elect to assume operation of Bureau funded schools with the assistance under this part and submit applications (which are approved by their tribal governing bodies) to the Secretary for such grants.

"(2) DEPOSIT OF FUNDS.—Grants provided under this part shall be deposited into the general operating fund of the tribally controlled school with respect to which the grant is made.

"(3) USE OF FUNDS.—(A) Except as otherwise provided in this paragraph, grants provided under this part shall be used to defray, at the discretion of the school board of the tribally controlled school with respect to which the grant is provided, any expenditures for education related activities for which any funds that compose the grant may be used under the laws described in section 5205(a), including, but not limited to, expenditures for—

"(i) school operations, academic, educational, residential, guidance and counseling, and administrative purposes; and

"(ii) support services for the school, including transportation.

"(B) Grants provided under this part may, at the discretion of the school board of the tribally controlled school with respect to which such grant is provided, be used to defray operations and maintenance expenditures for the school if any funds for the operation and maintenance of the school are allocated to the school under the provisions of any of the laws described in section 5205(a).

"(b) LIMITATIONS.—

"(1) 1 GRANT PER TRIBE OR ORGANIZATION PER FISCAL YEAR.—Not more than 1 grant may be provided under this part with respect to any Indian tribe or tribal organization for any fiscal year.

"(2) NONSECTARIAN USE.—Funds provided under any grant made under this part may not be used in connection with religious worship or sectarian instruction.

"(3) ADMINISTRATIVE COSTS LIMITATION.—Funds provided under any grant under this part may not be expended for administrative costs (as defined in section 1128(h)(1) of the Education Amendments of 1978) in excess of the amount generated for such costs under section 1128 of such Act.

"(c) LIMITATION ON TRANSFER OF FUNDS AMONG SCHOOLSITES.—

"(1) IN GENERAL.—In the case of a grantee that operates schools at more than one schoolsite, the grantee may expend not more than the lesser of—

"(A) 10 percent of the funds allocated for such schoolsite under section 1128 of the Education Amendments of 1978; or

"(B) $400,000 of such funds, at any other schoolsite.

"(2) DEFINITION OF SCHOOLSITE.—For purposes of this subsection, the term 'schoolsite' means the physical location and the facilities of an elementary or secondary educational or residential program operated by, or under contract or grant with, the Bureau for which a discreet student count is identified under the funding formula established under section 1127 of the Education Amendments of 1978.

"(d) NO REQUIREMENT TO ACCEPT GRANTS.—Nothing in this part may be construed—

"(1) to require a tribe or tribal organization to apply for or accept; or

"(2) to allow any person to coerce any tribe or tribal organization to apply for, or accept,

a grant under this part to plan, conduct, and administer all of, or any portion of, any Bureau program. Such applications and the timing of such applications shall be strictly voluntary. Nothing in this part may be construed as allowing or requiring any grant with any entity other than the entity to which the grant is provided.

"(e) NO EFFECT ON FEDERAL RESPONSIBILITY.—Grants provided under this part shall not terminate, modify, suspend, or reduce the responsibility of the Federal Government to provide a program.

"(f) RETROCESSION.—

"(1) IN GENERAL.—Whenever a tribal governing body requests retrocession of any program for which assistance is provided under this part, such retrocession shall become effective upon a date specified by the Secretary that is not later than 120 days after the date on which the tribal governing body requests the retrocession. A later date as may be specified if mutually agreed upon by the Secretary and the tribal governing body. If such a program is retroceded, the Secretary shall provide to any Indian tribe served by such program at least the same quantity and quality of services that would have been provided under such program at the level of funding provided under this part prior to the retrocession.

"(2) STATUS AFTER RETROCESSION.—The tribe requesting retrocession shall specify whether the retrocession is to status as a Bureau operated school or as a school operated under contract under title XI of the Education Amendments of 1978.

"(3) TRANSFER OF EQUIPMENT AND MATERIALS.—Except as otherwise determined by the Secretary, the tribe or tribal organization operating the program to be retroceded must transfer to the Secretary (or to the tribe or tribal organization which will operate the program as a contract school) the existing equipment and materials which were acquired—

"(A) with assistance under this part; or

"(B) upon assumption of operation of the program under this part if the school was a Bureau funded school under title XI of the Education Amendments of 1978 before receiving assistance under this part.

"(g) PROHIBITION OF TERMINATION FOR ADMINISTRATIVE CONVENIENCE.—Grants provided under this part may not be terminated, modified, suspended, or reduced solely for the convenience of the administering agency.

"SEC. 5205. COMPOSITION OF GRANTS.

"(a) IN GENERAL.—The grant provided under this part to an Indian tribe or tribal organization for any fiscal year shall consist of—

"(1) the total amount of funds allocated for such fiscal year under sections 1127 and 1128 of the Education Amendments of 1978 with respect to the tribally controlled schools eligible for assistance under this part which are operated by such Indian tribe or tribal organization, including, but not limited to, funds provided under such sections, or under any other provision of law, for transportation costs;

"(2) to the extent requested by such Indian tribe or tribal organization, the total amount of funds provided from operations and maintenance accounts and, notwithstanding section 105 of the Indian Self-Determination Act, or any other provision of law, other facilities accounts for such schools for such fiscal year (including but not limited to those referenced under section 1126(d) of the Education Amendments of 1978 or any other law); and

"(3) the total amount of funds that are allocated to such schools for such fiscal year under—

"(A) title I of the Elementary and Secondary Education Act of 1965;

"(B) the Individuals with Disabilities Education Act; and

"(C) any other Federal education law, that are allocated to such schools for such fiscal year.

"(b) SPECIAL RULES.—

"(1) IN GENERAL.—(A) Funds allocated to a tribally controlled school by reason of paragraph (1) or (2) of subsection (a) shall be subject to the provisions of this part and shall not be subject to any additional restriction, priority, or

limitation that is imposed by the Bureau with respect to funds provided under—

"(i) title I of the Elementary and Secondary Education Act of 1965;

"(ii) the Individuals with Disabilities Education Act; or

"(iii) any Federal education law other than title XI of the Education Amendments of 1978.

"(B) Indian tribes and tribal organizations to which grants are provided under this part, and tribally controlled schools for which such grants are provided, shall not be subject to any requirements, obligations, restrictions, or limitations imposed by the Bureau that would otherwise apply solely by reason of the receipt of funds provided under any law referred to in clause (i), (ii) or (iii) of subparagraph (A).

"(2) SCHOOLS CONSIDERED CONTRACT SCHOOLS.—Tribally controlled schools for which grants are provided under this part shall be treated as contract schools for the purposes of allocation of funds under sections 1126(d), 1127, and 1128 of the Education Amendments of 1978.

"(3) SCHOOLS CONSIDERED BUREAU SCHOOLS.—Tribally controlled schools for which grants are provided under this chapter shall be treated as Bureau schools for the purposes of allocation of funds provided under—

"(A) title I of the Elementary and Secondary Education Act of 1965;

"(B) the Individuals with Disabilities Education Act; and

"(C) any other Federal education law, that are distributed through the Bureau.

"(4) ACCOUNTS; USE OF CERTAIN FUNDS.—(A) Notwithstanding section 5204(a)(2), with respect to funds from facilities improvement and repair, alteration and renovation (major or minor), health and safety, or new construction accounts included in the grant under section 5204(a), the grantee shall maintain a separate account for such funds. At the end of the period designated for the work covered by the funds received, the grantee shall submit to the Secretary a separate accounting of the work done and the funds expended to the Secretary. Funds received from these accounts may only be used for the purpose for which they were appropriated and for the work encompassed by the application or submission under which they were received.

"(B) Notwithstanding subparagraph (A), a school receiving a grant under this part for facilities improvement and repair may use such grant funds for new construction if the tribal government or other organization provides funding for the new construction equal to at least 25 percent of the total cost of such new construction.

"(C) Where the appropriations measure or the application submission does not stipulate a period for the work covered by the funds so designated, the Secretary and the grantee shall consult and determine such a period prior to the transfer of the funds. A period so determined may be extended upon mutual agreement of the Secretary and the grantee.

"(5) ENFORCEMENT OF REQUEST TO INCLUDE FUNDS.—If the Secretary fails to carry out a request made under subsection (a)(2) within 180 days of a request filed by an Indian tribe or tribal organization to include in such tribe or organization's grant the funds described in subsection (a)(2), the Secretary shall be deemed to have approved such request and the Secretary shall immediately amend the grant accordingly. Such tribe or organization may enforce its rights under subsection (a)(2) and this paragraph, including any denial or failure to act on such tribe or organization's request, pursuant to the disputes authority described in section 5209(e).

"SEC. 5206. ELIGIBILITY FOR GRANTS.

"(a) RULES.—

"(1) IN GENERAL.—A tribally controlled school is eligible for assistance under this part if the school—

"(A) on April 28, 1988, was a contract school under title XI of the Education Amendments of 1978 and the tribe or tribal organization operating the school submits to the Secretary a written notice of election to receive a grant under this part;

"(B) was a Bureau operated school under title XI of the Education Amendments of 1978 and has met the requirements of subsection (b);

"(C) is a school for which the Bureau has not provided funds, but which has met the requirements of subsection (c); or

"(D) is a school with respect to which an election has been made under paragraph (2) and which has met the requirements of subsection (b).

"(2) NEW SCHOOLS.—Any application which has been submitted under the Indian Self-Determination and Education Assistance Act by an Indian tribe for a school which is not in operation on the date of enactment of the Student Results Act of 1999 shall be reviewed under the guidelines and regulations for applications submitted under the Indian Self-Determination and Education Assistance Act that were in effect at the time the application was submitted, unless the Indian tribe or tribal organization elects to have the application reviewed under the provisions of subsection (b).

"(b) ADDITIONAL REQUIREMENTS FOR BUREAU FUNDED SCHOOLS AND CERTAIN ELECTING SCHOOLS.—

"(1) BUREAU FUNDED SCHOOLS.—A school that was a Bureau funded school under title XI of the Education Amendments of 1978 on the date of enactment of the Student Results Act of 1999, and any school with respect to which an election is made under subsection (a)(2), meets the requirements of this subsection if—

"(A) the Indian tribe or tribal organization that operates, or desires to operate, the school submits to the Secretary an application requesting that the Secretary—

"(i) transfer operation of the school to the Indian tribe or tribal organization, if the Indian tribe or tribal organization is not already operating the school; and

"(ii) make a determination as to whether the school is eligible for assistance under this part; and

"(B) the Secretary makes a determination that the school is eligible for assistance under this part.

"(2) CERTAIN ELECTING SCHOOLS.—(A) By not later than the date that is 120 days after the date on which an application is submitted to the Secretary under paragraph (1)(A), the Secretary shall determine—

"(i) in the case of a school which is not being operated by the Indian tribe or tribal organization, whether to transfer operation of the school to the Indian tribe or tribal organization; and

"(ii) whether the school is eligible for assistance under this part.

"(B) In considering applications submitted under paragraph (1)(A), the Secretary—

"(i) shall transfer operation of the school to the Indian tribe or tribal organization, if the tribe or tribal organization is not already operating the school; and

"(ii) shall determine that the school is eligible for assistance under this part, unless the Secretary finds by clear and convincing evidence that the services to be provided by the Indian tribe or tribal organization will be deleterious to the welfare of the Indians served by the school.

"(C) In considering applications submitted under paragraph (1)(A), the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in operating the school with respect to—

"(i) equipment;

"(ii) bookkeeping and accounting procedures;

"(iii) ability to adequately manage a school; or

"(iv) adequately trained personnel.

"(c) ADDITIONAL REQUIREMENTS FOR A SCHOOL WHICH IS NOT A BUREAU FUNDED SCHOOL.—

"(1) IN GENERAL.—A school which is not a Bureau funded school under title XI of the Education Amendments of 1978 meets the requirements of this subsection if—

"(A) the Indian tribe or tribal organization that operates, or desires to operate, the school submits to the Secretary an application requesting a determination by the Secretary as to whether the school is eligible for assistance under this part; and

"(B) the Secretary makes a determination that a school is eligible for assistance under this part.

"(2) DEADLINE FOR DETERMINATION BY SECRETARY.—(A) By not later than the date that is 180 days after the date on which an application is submitted to the Secretary under paragraph (1)(A), the Secretary shall determine whether the school is eligible for assistance under this part.

"(B) In making the determination under subparagraph (A), the Secretary shall give equal consideration to each of the following factors:

"(i) with respect to the applicant's proposal—

"(I) the adequacy of facilities or the potential to obtain or provide adequate facilities;

"(II) geographic and demographic factors in the affected areas;

"(III) adequacy of the applicant's program plans;

"(IV) geographic proximity of comparable public education; and

"(V) the needs as expressed by all affected parties, including but not limited to students, families, tribal governments at both the central and local levels, and school organizations; and

"(ii) with respect to all education services already available—

"(I) geographic and demographic factors in the affected areas;

"(II) adequacy and comparability of programs already available;

"(III) consistency of available programs with tribal education codes or tribal legislation on education; and

"(IV) the history and success of these services for the proposed population to be served, as determined from all factors including, if relevant, standardized examination performance.

"(C) The Secretary may not make a determination under this paragraph that is primarily based upon the geographic proximity of comparable public education.

"(D) Applications submitted under paragraph (1)(A) shall include information on the factors described in subparagraph (B)(i), but the applicant may also provide the Secretary such information relative to the factors described in subparagraph (B)(ii) as the applicant considers appropriate.

"(E) If the Secretary fails to make a determination under subparagraph (A) with respect to an application within 180 days after the date on which the Secretary received the application, the Secretary shall be treated as having made a determination that the tribally controlled school is eligible for assistance under the title and the grant shall become effective 18 months after the date on which the Secretary received the application, or on an earlier date, at the Secretary's discretion.

"(d) FILING OF APPLICATIONS AND REPORTS.—

"(1) IN GENERAL.—All applications and reports submitted to the Secretary under this part, and any amendments to such applications or reports, shall be filed with the education line officer designated by the Director of the Office of Indian Education Programs of the Bureau of Indian Affairs. The date on which such filing occurs shall, for purposes of this part, be treated as the date on which the application or amendment was submitted to the Secretary.

"(2) SUPPORTING DOCUMENTATION.—Any application that is submitted under this chapter shall be accompanied by a document indicating the action taken by the tribal governing body in authorizing such application.

"(e) EFFECTIVE DATE FOR APPROVED APPLICATIONS.—Except as provided by subsection (c)(2)(E), a grant provided under this part, and any transfer of the operation of a Bureau school made under subsection (b), shall become effective beginning the academic year succeeding the fiscal year in which the application for the grant or transfer is made, or at an earlier date determined by the Secretary.

"(f) DENIAL OF APPLICATIONS.—

"(1) IN GENERAL.—Whenever the Secretary refuses to approve a grant under this chapter, to transfer operation of a Bureau school under subsection (b), or determines that a school is not eligible for assistance under this part, the Secretary shall—

"(A) state the objections in writing to the tribe or tribal organization within the allotted time;

"(B) provide assistance to the tribe or tribal organization to overcome all stated objections.

"(C) at the request of the tribe or tribal organization, provide the tribe or tribal organization a hearing on the record under the same rules and regulations that apply under the Indian Self-Determination and Education Assistance Act; and

"(D) provide an opportunity to appeal the objection raised.

"(2) TIMELINE FOR RECONSIDERATION OF AMENDED APPLICATIONS.—The Secretary shall reconsider any amended application submitted under this part within 60 days after the amended application is submitted to the Secretary.

"(g) REPORT.—The Bureau shall submit an annual report to the Congress on all applications received, and actions taken (including the costs associated with such actions), under this section at the same time that the President is required to submit to Congress the budget under section 1105 of title 31.

"SEC. 5207. DURATION OF ELIGIBILITY DETERMINATION.

"(a) IN GENERAL.—If the Secretary determines that a tribally controlled school is eligible for assistance under this part, the eligibility determination shall remain in effect until the determination is revoked by the Secretary, and the requirements of subsection (b) or (c) of section 5206, if applicable, shall be considered to have been met with respect to such school until the eligibility determination is revoked by the Secretary.

"(b) ANNUAL REPORTS.—

"(1) IN GENERAL.—Each recipient of a grant provided under this part shall complete an annual report which shall be limited to—

"(A) an annual financial statement reporting revenue and expenditures as defined by the cost accounting established by the grantee;

"(B) an annual financial audit conducted pursuant to the standards of the Single Audit Act of 1984;

"(C) an annual submission to the Secretary of the number of students served and a brief description of programs offered under the grant; and

"(D) a program evaluation conducted by an impartial evaluation review team, to be based on the standards established for purposes of subsection (c)(1)(A)(ii).

"(2) EVALUATION REVIEW TEAMS.—Where appropriate, other tribally controlled schools and representatives of tribally controlled community colleges shall make up members of the evaluation review teams.

"(3) EVALUATIONS.—In the case of a school which is accredited, evaluations will be conducted at intervals under the terms of accreditation.

"(4) SUBMISSION OF REPORT.—

"(A) TO TRIBALLY GOVERNING BODY.—Upon completion of the report required under paragraph (a), the recipient of the grant shall send (via first class mail, return receipt requested) a copy of such annual report to the tribal governing body (as defined in section 1132(f) of the Education Amendments of 1978) of the tribally controlled school.

"(B) TO SECRETARY.—Not later than 30 days after receiving written confirmation that the tribal governing body has received the report send pursuant to subsection (A), the recipient of the grant shall send a copy of the report to the Secretary.

"(c) REVOCATION OF ELIGIBILITY.—

"(1) IN GENERAL.—(A) The Secretary shall not revoke a determination that a school is eligible for assistance under this part if—

"(i) the Indian tribe or tribal organization submits the reports required under subsection (b) with respect to the school; and

"(ii) at least one of the following subclauses applies with respect to the school:

"(I) The school is certified or accredited by a State or regional accrediting association or is a candidate in good standing for such accreditation under the rules of the State or regional accrediting association, showing that credits achieved by the students within the education programs are, or will be, accepted at grade level by a State certified or regionally accredited institution.

"(II) A determination made by the Secretary that there is a reasonable expectation that the accreditation described in subclause (I), or the candidacy in good standing for such accreditation, will be reached by the school within 3 years and that the program offered by the school is beneficial to the Indian students.

"(III) The school is accredited by a tribal department of education if such accreditation is accepted by a generally recognized regional or State accreditation agency.

"(IV) The schools accept the standards promulgated under section 1121 of the Education Amendments of 1978 and an evaluation of performance is conducted under this section in conformance with the regulations pertaining to Bureau operated schools by an impartial evaluator chosen by the grantee, but no grantee shall be required to comply with these standards to a higher degree than a comparable Bureau operated school.

"(V) A positive evaluation of the school is conducted by an impartial evaluator agreed upon by the Secretary and the grantee every 2 years under standards adopted by the contractor under a contract for a school entered into under the Indian Self-Determination and Education Assistance Act (or revisions of such standards agreed to by the Secretary and the grantee) prior to the date of enactment of this Act. If the Secretary and the grantee other than the tribal governing body fail to agree on such an evaluator, the tribal governing body shall choose the evaluator or perform the evaluation. If the Secretary and a grantee which is the tribal governing body fail to agree on such an evaluator, this subclause shall not apply.

"(B) The choice of standards employed for the purpose of subparagraph (A)(ii) shall be consistent with section 1121(e) of the Education Amendments of 1978.

"(2) NOTICE REQUIREMENTS FOR REVOCATION.—The Secretary shall not revoke a determination that a school is eligible for assistance under this part, or reassume control of a school that was a Bureau school prior to approval of an application submitted under section 5206(b)(1)(A) until the Secretary—

"(A) provides notice to the tribally controlled school and the tribal governing body (within the meaning of section 1141(14) of the Education Amendments of 1978) of the tribally controlled school which states—

"(i) the specific deficiencies that led to the revocation or resumption determination; and

"(ii) the actions that are needed to remedy such deficiencies; and

"(B) affords such authority an opportunity to effect the remedial actions.

"(3) TECHNICAL ASSISTANCE.—The Secretary shall provide such technical assistance as is practicable to effect such remedial actions. Such notice and technical assistance shall be in addition to a hearing and appeal to be conducted pursuant to the regulations described in section 5206(f)(1)(C).

"(d) APPLICABILITY OF SECTION PURSUANT TO ELECTION UNDER SECTION 5209(b).—With respect to a tribally controlled school which receives assistance under this part pursuant to an election made under section 5209(b)—

"(1) subsection (b) of this section shall apply; and

"(2) the Secretary may not revoke eligibility for assistance under this part except in conformance with subsection (c) of this section.

"SEC. 5208. PAYMENT OF GRANTS; INVESTMENT OF FUNDS.

"(a) PAYMENTS.—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, the Secretary shall make payments to grantees under this part in 2 payments, of which—

"(A) the first payment shall be made not later than July 15 of each year in an amount equal to 85 percent of the amount which the grantee was entitled to receive during the preceding academic year; and;

"(B) the second payment, consisting of the remainder to which the grantee is entitled for the academic year, shall be made not later than December 1 of each year.

"(2) NEWLY FUNDED SCHOOLS.—For any school for which no payment under this part was made from Bureau funds in the preceding academic year, full payment of the amount computed for the first academic year of eligibility under this part shall be made not later than December 1 of the academic year.

"(3) LATE FUNDING.—With regard to funds for grantees that become available for obligation on October 1 of the fiscal year for which such funds are appropriated, the Secretary shall make payments to grantees not later than December 1 of the fiscal year.

"(4) APPLICABILITY OF CERTAIN TITLE 31 PROVISIONS.—The provisions of chapter 39 of Title 31, United States Code, shall apply to the payments required to be made by paragraphs (1), (2), and (3).

"(5) RESTRICTIONS.—Paragraphs (1), (2), and (3) shall be subject to any restriction on amounts of payments under this part that are imposed by a continuing resolution or other Act appropriating the funds involved.

"(b) INVESTMENT OF FUNDS.—

"(1) TREATMENT OF INTEREST AND INVESTMENT INCOME.—Notwithstanding any other provision of law, any interest or investment income that accrues to any funds provided under this part after such funds are paid to the Indian tribe or tribal organization and before such funds are expended for the purpose for which such funds were provided under this part shall be the property of the Indian tribe or tribal organization and shall not be taken into account by any officer or employee of the Federal Government in determining whether to provide assistance, or the amount of assistance, under any provision of Federal law. Such interest income shall be spent on behalf of the school.

"(2) PERMISSIBLE INVESTMENTS.—Funds provided under this part may be invested by the Indian tribe or tribal organization before such *funds are expended for the purposes of this part so long as such funds are—*

"(A) invested by the Indian tribe or tribal organization only in obligations of the United States, or in obligations or securities that are guaranteed or insured by the United States, or mutual (or other) funds registered with the Securities and Exchange Commission and which only invest in obligations of the United States, or securities that are guaranteed or insured by the United States; or

"(B) deposited only into accounts that are insure by and agency or instrumentality of the United States, or are fully collateralized to ensure protection of the funds, even in the event of a bank failure.

"(c) RECOVERIES.—For the purposes of underrecovery and overrecovery determinations by any Federal agency for any other funds, from whatever source derived, funds received under this part shall not be taken into consideration.

"SEC. 5209. APPLICATION WITH RESPECT TO INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT.

"(a) CERTAIN PROVISIONS TO APPLY TO GRANTS.—The following provisions of the Indian Self-Determination and Education Assistance Act (and any subsequent revisions thereto or renumbering thereof), shall apply to grants provided under this part:

"(1) Section 5(f) (relating to single agency audit).

"(2) Section 6 (relating to criminal activities; penalties).

"(3) Section 7 (relating to wage and labor standards).

"(4) Section 104 (relating to retention of Federal employee coverage).

"(5) Section 105(f) (relating to Federal property).

"(6) Section 105(k) (relating to access to Federal sources of supply).

"(7) Section 105(l) (relating to lease of facility used for administration and delivery of services).

"(8) Section 106(f) (relating to limitation on remedies relating to cost allowances).

"(9) Section 106(j) (relating to use of funds for matching or cost participation requirements).

"(10) Section 106(k) (relating to allowable uses of funds).

"(11) Section 108(c) (Model Agreements provisions (1)(a)(5) (relating to limitations of costs), (1)(a)(7) (relating to records and monitoring), (1)(a)(8) (relating to property), and (a)(1)(9) (relating to availability of funds).

"(12) Section 109 (relating to reassumption).

"(13) Section 111 (relating to sovereign immunity and trusteeship rights unaffected).

"(b) ELECTION FOR GRANT IN LIEU OF CONTRACT.—

"(1) IN GENERAL.—Contractors for activities to which this part applies who have entered into a contract under the Indian Self-Determination and Education Assistance Act that is in effect upon the date of enactment of the Student Results Act of 1999 may, by giving notice to the Secretary, elect to have the provisions of this part apply to such activity in lieu of such contract.

"(2) EFFECTIVE DATE OF ELECTION.—Any election made under paragraph (1) shall take effect on the later of—

"(A) October 1 of the fiscal year succeeding the fiscal year in which such election is made; or

"(B) 60 days after the date of such election.

"(3) EXCEPTION.—In any case in which the 60-day period referred to in paragraph (2)(B) is less than 60 days before the beginning of the succeeding fiscal year, such election shall not take effect until the fiscal year after the fiscal year succeeding the election.

"(c) NO DUPLICATION.—No funds may be provided under any contract entered into under the Indian Self-Determination and Education Assistance Act to pay any expenses incurred in providing any program or services if a grant has been made under this part to pay such expenses.

"(d) TRANSFERS AND CARRYOVERS.—

"(1) BUILDINGS, EQUIPMENT, SUPPLIES, MATERIALS.—A tribe or tribal organization assuming the operation of—

"(A) a Bureau school with assistance under this part shall be entitled to the transfer or use of buildings, equipment, supplies, and materials to the same extent as if it were contracting under the Indian Self-Determination and Education Assistance Act; or

"(B) a contract school with assistance under this part shall be entitled to the transfer or use of buildings, equipment, supplies and materials that were used in the operation of the contract school to the same extent as if it were contracting under the Indian Self-Determination and Education Assistance Act

"(2) FUNDS.—Any tribe or tribal organization which assumes operation of a Bureau school with assistance under this part and any tribe or tribal organization which elects to operate a school with assistance under this part rather that to continue as a contract school shall be entitled to any funds which would carryover from the previous fiscal year as if such school were operated as a contract school.

"(e) EXCEPTIONS, PROBLEMS, AND DISPUTES.—Any exception or problem cited in an audit conducted pursuant to section 5207(b)(2), any dispute regarding a grant authorized to be made pursuant to this part or any amendment to such grant, and any dispute involving an administrative cost grant under section 1128 of the Education Amendments of 1978 shall be administered under the provisions governing such exceptions, problems, or disputes in the case of contracts under the Indian Self-Determination and Education Assistance Act of 1975. The Equal Access to Justice Act shall apply to administrative appeals filed after September 8, 1988, by grantees regarding a grant under this part, including an administrative cost grant.

"SEC. 5210. ROLE OF THE DIRECTOR.

"Applications for grants under this part, and all application modifications, shall be reviewed and approved by personnel under the direction and control of the Director of the Office of Indian Education Programs. Required reports shall be submitted to education personnel under the direction and control of the Director of such Office.

"SEC. 5211. REGULATIONS.

"The Secretary is authorized to issue regulations relating to the discharge of duties specifically assigned to the Secretary by this part. In all other matters relating to the details of planning, development, implementing, and evaluating grants under this part, the Secretary shall not issue regulations. Regulations issued pursuant to this part shall not have the standing of a Federal statute for the purposes of judicial review.

"SEC. 5212. THE TRIBALLY CONTROLLED GRANT SCHOOL ENDOWMENT PROGRAM.

"(a) IN GENERAL.—

"(1) Each school receiving grants under this part may establish, at a Federally insured banking and savings institution, a trust fund for the purposes of this section.

"(2) The school may provide—

"(A) for the deposit into the trust fund, only funds from non-Federal sources, except that the interest on funds received from grants under this part may be used for this purpose;

"(B) for the deposit in the account of any earnings on funds deposited in the account; and

"(C) for the sole use of the school any noncash, in-kind contributions of real or personal property, such property may at any time be converted to cash.

"(b) INTEREST.—Interest from the fund established under subsection (a) may periodically be withdrawn and used, at the discretion of the school, to defray any expenses associated with the operation of the school.

"SEC. 5213. DEFINITIONS.

"For the purposes of this part:

"(1) BUREAU.—The term 'Bureau' means the Bureau of Indian Affairs of the Department of the Interior.

"(2) ELIGIBLE INDIAN STUDENT.—The term 'eligible Indian student' has the meaning of such term in section 1127(f) of the Education Amendments of 1978.

"(3) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including Alaska Native Village or regional corporations (as defined in or established pursuant to the Alaskan Native Claims Settlement Act, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

"(4) LOCAL EDUCATIONAL AGENCY.—The term a 'local educational agency' means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. Such term includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

"(5) SECRETARY.—The term 'Secretary' means the Secretary of the Interior.

"(6) TRIBAL ORGANIZATION.—(A) The term 'tribal organization' means—

"(i) the recognized governing body of any Indian tribe; or

"(ii) any legally established organization of Indians which—

"(I) is controlled, sanctioned, or chartered by such governing body or is democratically elected by the adult members of the Indian community to be served by such organization; and

"(II) includes the maximum participation of Indians in all phases of its activities.

"(B) In any case in which a grant is provided under this part to an organization to provide services benefiting more than one Indian tribe, the approval of the governing bodies of Indian tribes representing 80 percent of those students attending the tribally controlled school shall be considered a sufficient tribal authorization for such grant.

"(7) TRIBALLY CONTROLLED SCHOOL.—The term 'tribally controlled school' means a school operated by a tribe or a tribal organization, enrolling students in kindergarten through grade 12, including preschools, which is not a local educational agency and which is not directly administered by the Bureau of Indian Affairs.".

TITLE V—GIFTED AND TALENTED CHILDREN

SEC. 501. AMENDMENT TO ESEA RELATING TO GIFTED AND TALENTED CHILDREN.

Part B of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8031 et seq.) is amended to read as follows:

"PART B—GIFTED AND TALENTED CHILDREN

"SEC. 10201. SHORT TITLE.

"This part may be cited as the 'Jacob K. Javits Gifted and Talented Students Education Act of 1999'.

"SEC. 10202. FINDINGS.

"The Congress finds the following:

"(1) While the families or communities of some gifted students can provide private programs

with appropriately trained staff to supplement public educational offerings, most high-ability students, especially those from inner cities, rural communities, or low-income families, must rely on the services and personnel provided by public schools. Therefore, gifted education programs, provided by qualified professionals in the public schools, are needed to provide equal educational opportunities.

"(2) Due to the wide dispersal of students who are gifted and talented and the national interest in a well-educated populace, the Federal Government can most effectively and appropriately conduct scientifically based research and development to provide an infrastructure and to ensure that there is a national capacity to educate students who are gifted and talented to meet the needs of the 21st century.

"(3) State and local educational agencies often lack the specialized resources and trained personnel to consistently plan and implement effective programs for the identification of gifted and talented students and for the provision of educational services and programs appropriate for their needs.

"(4) Because gifted and talented students generally are more advanced academically, are able to learn more quickly, and study in more depth and complexity than others their age, their educational needs require opportunities and experiences that are different from those generally available in regular education programs.

"(5) Typical elementary school students who are academically gifted and talented already have mastered 35 to 50 percent of the school year's content in several subject areas before the year begins. Without an advanced and challenging curriculum, they often lose their motivation and develop poor study habits that are difficult to break.

"(6) Elementary and secondary teachers have students in their classrooms with a wide variety of traits, characteristics, and needs. Most teachers receive some training to meet the needs of these students, such as students with limited English proficiency, students with disabilities, and students from diverse cultural and racial backgrounds. However, most teachers do not receive training on meeting the needs of students who are gifted and talented.

"SEC. 10203. CONDITIONS ON EFFECTIVENESS OF SUBPARTS 1 AND 2.

"(a) SUBPART 1.—Subpart 1 shall be in effect only for a fiscal year for which subpart 2 is not in effect.

"(b) SUBPART 2.—

"(1) IN GENERAL.—Subpart 2 shall be in effect only for—

"(A) the first fiscal year for which the amount appropriated to carry out this part equals or exceeds $50,000,000; and

"(B) all succeeding fiscal years.

"(2) CONTINUATION OF AWARDS.—Notwithstanding any other provision of this part, a State receiving a grant under subpart 2—

"(A) shall give special consideration to a request for the continuation of an award within the State, made by any public or private agency, institution, or organization that was awarded a grant or contract under subpart 1 for a fiscal year for which such subpart was in effect; and

"(B) may use funds received under such grant for the purpose of permitting the agency, institution, or organization to continue to receive funds in accordance with the terms of such award until the date on which the award period terminates under such terms.

"Subpart 1—Discretionary Grant Program

"SEC. 10211. PURPOSE.

"The purpose of this subpart is to initiate a coordinated program of scientifically based research, demonstration projects, innovative strategies, and similar activities designed to build a nationwide capability in elementary and secondary schools to meet the special educational needs of gifted and talented students.

"SEC. 10212. GRANTS TO MEET EDUCATIONAL NEEDS OF GIFTED AND TALENTED STUDENTS.

"(a) ESTABLISHMENT OF PROGRAM.—

"(1) IN GENERAL.—Subject to section 10203, from the sums available to carry out this subpart in any fiscal year, the Secretary (after consultation with experts in the field of the education of gifted and talented students) shall make grants to, or enter into contracts with, State educational agencies, local educational agencies, institutions of higher education, other public agencies, and other private agencies and organizations (including Indian tribes and Indian organizations (as such terms are defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)) and Native Hawaiian organizations) to assist such agencies, institutions, and organizations in carrying out programs or projects authorized by this subpart that are designed to meet the educational needs of gifted and talented students, including the training of personnel in the education of gifted and talented students and in the use, where appropriate, of gifted and talented services, materials, and methods for all students.

"(2) APPLICATION.—Each entity desiring assistance under this subpart shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Each such application shall describe how—

"(A) the proposed gifted and talented services, materials, and methods can be adapted, if appropriate, for use by all students; and

"(B) the proposed programs can be evaluated.

"(b) USES OF FUNDS.—Programs and projects assisted under this subpart may include the following:

"(1) Carrying out—

"(A) scientifically based research on methods and techniques for identifying and teaching gifted and talented students, and for using gifted and talented programs and methods to serve all students; and

"(B) program evaluations, surveys, and the collection, analysis, and development of information needed to accomplish the purpose of this subpart.

"(2) Professional development (including fellowships) for personnel (including leadership personnel) involved in the education of gifted and talented students.

"(3) Establishment and operation of model projects and exemplary programs for serving gifted and talented students, including innovative methods for identifying and educating students who may not be served by traditional gifted and talented programs, including summer programs, mentoring programs, service learning programs, and cooperative programs involving business, industry, and education.

"(4) Implementing innovative strategies, such as cooperative learning, peer tutoring and service learning.

"(5) Programs of technical assistance and information dissemination, including assistance and information with respect to how gifted and talented programs and methods, where appropriate, may be adapted for use by all students.

"(c) COORDINATION.—Scientifically based research activities supported under this subpart—

"(1) shall be carried out in consultation with the Office of Educational Research and Improvement to ensure that such activities are coordinated with and enhance the research and development activities supported by such Office; and

"(2) may include collaborative scientifically based research activities which are jointly funded and carried out with such Office.

"SEC. 10213. PROGRAM PRIORITIES.

"(a) GENERAL PRIORITY.—In the administration of this subpart, the Secretary shall give highest priority to programs and projects designed to develop new information that—

"(1) improves the capability of schools to plan, conduct, and improve programs to identify and serve gifted and talented students; and

"(2) assists schools in the identification of, and provision of services to, gifted and talented students who may not be identified and served through traditional assessment methods (including economically disadvantaged individuals, individuals of limited English proficiency, and individuals with disabilities).

"(b) SERVICE PRIORITY.—In approving applications for assistance under section 10212(a)(2), the Secretary shall ensure that in each fiscal year at least ½ of the applications approved under such section address the priority described in subsection (a)(2).

"(c) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES FOR AUTHORIZED ACTIVITIES.—

"(1) IN GENERAL.—For fiscal year 2001 and succeeding fiscal years, the Secretary shall ensure that a percentage of the excess amount described in paragraph (2) is used to increase (in proportion to any increases in such excess amounts) the number and size of the grants under this subpart to State educational agencies to begin implementing activities described in section 10222(b) through competitive subgrants to local educational agencies.

"(2) EXCESS AMOUNT.—For purposes of paragraph (1), the excess amount described in this paragraph is, for fiscal year 2001 and succeeding fiscal years, the amount (if any) by which the funds appropriated to carry out this subpart for the year exceed such funds for fiscal year 2000.

"SEC. 10214. GENERAL PROVISIONS FOR SUBPART.

"(a) REVIEW, DISSEMINATION, AND EVALUATION.—The Secretary—

"(1) shall use a peer review process in reviewing applications under this subpart;

"(2) shall ensure that information on the activities and results of programs and projects funded under this subpart is disseminated to appropriate State and local educational agencies and other appropriate organizations, including nonprofit private organizations; and

"(3) shall evaluate the effectiveness of programs under this subpart in accordance with section 14701, both in terms of the impact on students traditionally served in separate gifted and talented programs and on other students, and submit the results of such evaluation to the Congress not later than 2 years after the date of the enactment of the Student Results Act of 1999.

"(b) PROGRAM OPERATIONS.—The Secretary shall ensure that the programs under this subpart are administered within the Department by a person who has recognized professional qualifications and experience in the field of the education of gifted and talented students and who—

"(1) shall administer and coordinate the programs authorized under this subpart;

"(2) shall serve as a focal point of national leadership and information on the educational needs of gifted and talented students and the availability of educational services and programs designed to meet such needs; and

"(3) shall assist the Assistant Secretary of the Office of Educational Research and Improvement in identifying research priorities which reflect the needs of gifted and talented students.

"Subpart 2—Formula Grant Program

"SEC. 10221. PURPOSE.

"The purpose of this subpart is to provide grants to States to support programs, teacher preparation, and other services designed to meet the needs of the Nation's gifted and talented students in elementary and secondary schools.

"SEC. 10222. ESTABLISHMENT OF PROGRAM; USE OF FUNDS.

"(a) IN GENERAL.—In the case of each State that in accordance with section 10224 submits to the Secretary an application for a fiscal year, subject to section 10203, the Secretary shall make a grant for the year to the State for the uses specified in subsection (b). The grant shall consist of the allotment determined for the State under section 10223.

"(b) AUTHORIZED ACTIVITIES.—Each State receiving a grant under this subpart shall use the funds provided under the grant to assist local educational agencies to develop or expand gifted and talented education programs through one or more of the following activities:

"(1) Development and implementation of programs to address State and local needs for inservice training programs for general educators, specialists in gifted and talented education, administrators, or other personnel at the elementary and secondary levels.

"(2) Making materials and services available through State regional educational service centers, institutions of higher education, or other entities.

"(3) Supporting innovative approaches and curricula used by local educational agencies (or consortia of such agencies) or schools or (consortia of schools).

"(4) Providing funds for challenging, high-level course work, disseminated through new and emerging technologies (including distance learning), for individual students or groups of students in schools and local educational agencies that do not have the resources otherwise to provide such course work.

"(c) COMPETITIVE PROCESS.—A State receiving a grant under this subpart shall distribute at least 95 percent of the amount of the grant to local educational agencies through a competitive process that results in an equitable distribution by geographic area within the State.

"(d) LIMITATIONS ON USE OF FUNDS.—

"(1) COURSE WORK PROVIDED THROUGH EMERGING TECHNOLOGIES.—Activities under subsection (b)(4) may include development of curriculum packages, compensation of distance-learning educators, or other relevant activities, but funds provided under this subpart may not be used for the purchase or upgrading of technological hardware.

"(2) ADMINISTRATIVE COSTS.—A State receiving a grant under this subpart may use not more than 5 percent of the amount of the grant for State administrative costs.

"SEC. 10223. ALLOTMENTS TO STATES.

"(a) RESERVATION OF FUNDS.—From the amount made available to carry out this subpart for any fiscal year, the Secretary shall reserve ½ of 1 percent for the Secretary of the Interior for programs under this subpart for teachers, other staff, and administrators in schools operated or funded by the Bureau of Indian Affairs.

"(b) STATE ALLOTMENTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall allot the total amount made available to carry out this subpart for any fiscal year and not reserved under subsection (a) to the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico on the basis of their relative populations of individuals aged 5 through 17, as determined by the Secretary on the basis of the most recent satisfactory data.

"(2) MINIMUM GRANT AMOUNT.—No State receiving an allotment under paragraph (1) may receive less than ¼ of 1 percent of the total amount allotted under such paragraph.

"(c) REALLOTMENT.—If any State does not apply for an allotment under this section for any fiscal year, the Secretary shall reallot such amount to the remaining States in accordance with this section.

"SEC. 10224. APPLICATION.

"(a) IN GENERAL.—To be eligible to receive a grant under this subpart, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

"(b) CONTENTS.—Each application under this section shall include assurances that—

"(1) funds received under this subpart will be used to support gifted and talented students in public schools and public charter schools, including students from all economic, ethnic, and racial backgrounds, students of limited English proficiency, students with disabilities, and highly gifted students;

"(2) not less than 95 percent of the amount of the funds provided under the grant shall be used for the purpose of making, in accordance with this subpart and on a competitive basis, subgrants to local educational agencies;

"(3) funds received under this subpart shall be used only to supplement, but not supplant, the amount of State and local funds expended for specialized education and related services provided for the education of gifted and talented students; and

"(4) the State shall develop procedures to evaluate program effectiveness.

"(c) APPROVAL.—To the extent funds are made available for this subpart, the Secretary shall approve an application of a State if such application meets the requirements of this section.

"SEC. 10225. ANNUAL REPORTING.

"Beginning 1 year after the date of the enactment of the Student Results Act of 1999, a State receiving a grant under this subpart shall submit an annual report to the Secretary that describes the number of students served and the activities supported with funds provided under this subpart. The report shall include a description of the measures taken to comply with paragraphs (1) and (4) of section 10224(b). To the extent practicable and otherwise authorized by law, this report shall be submitted as part of any consolidated State performance report for State formula grant programs under this Act.

"Subpart 3—National Center for Research and Development in the Education of Gifted and Talented Children and Youth

"SEC. 10231. CENTER FOR RESEARCH AND DEVELOPMENT.

"(a) IN GENERAL.—The Secretary (after consultation with experts in the field of the education of gifted and talented students) shall establish a National Center for Research and Development in the Education of Gifted and Talented Children and Youth through grants to or contracts with one or more institutions of higher education or State educational agencies, or a combination or consortium of such institutions and agencies and other public or private agencies and organizations, for the purpose of carrying out activities described in section 10212(b)(1).

"(b) DIRECTOR.—Such National Center shall have a Director. The Secretary may authorize the Director to carry out such functions of the National Center as may be agreed upon through arrangements with institutions of higher education, State or local educational agencies, or other public or private agencies and organizations.

"(c) COORDINATION.—Scientifically based research activities supported under this subpart—

"(1) shall be carried out in consultation with the Office of Educational Research and Improvement to ensure that such activities are coordinated with and enhance the research and development activities supported by such Office; and

"(2) may include collaborative scientifically based research activities which are jointly funded and carried out with such Office.

"Subpart 4—General Provisions

"SEC. 10241. CONSTRUCTION.

"Nothing in this part shall be construed to prohibit a recipient of funds under this part from serving gifted and talented students simultaneously with students with similar educational needs, in the same educational settings where appropriate.

"SEC. 10242. PARTICIPATION OF PRIVATE SCHOOL CHILDREN AND TEACHERS.

"In making grants and entering into contracts under this part, the Secretary shall ensure, where appropriate, that provision is made for the equitable participation of students and teachers in private nonprofit elementary and secondary schools, including the participation of teachers and other personnel in professional development programs serving such children.

"SEC. 10243. DEFINITIONS.

"For purposes of this part:

"(1) The term 'scientifically based research'—

"(A) means the application of rigorous, systematic, and objective procedures to obtain valid knowledge relevant to the education of gifted and talented children; and

"(B) shall include research that—

"(i) employs systematic, empirical methods that draw on observation or experiment;

"(ii) involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;

"(iii) relies on measurements or observational methods that provide valid data across evaluators and observers and across multiple measurements and observations; and

"(iv) has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.

"(2) STATE.—The term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"SEC. 10244. AUTHORIZATION OF APPROPRIATIONS.

"(a) SUBPART 1 OR 2.—Subject to section 10203, there are authorized to be appropriated $10,000,000 to carry out subpart 1 or 2 for fiscal year 2000 and such sums as may be necessary for each of fiscal years 2001 through 2004.

"(c) SUBPART 3.—There are authorized to be appropriated to carry out subpart 3 $1,950,000 for each of fiscal years 2000 through 2004.".

TITLE VI—RURAL EDUCATION ASSISTANCE

SEC. 601. RURAL EDUCATION.

Part J of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8271 et seq.) is amended to read as follows:

"PART J—RURAL EDUCATION INITIATIVE

"SEC. 10951. SHORT TITLE.

"This part may be cited as the 'Rural Education Initiative Act of 1999'.

"SEC. 10952. FINDINGS.

"Congress finds the following:

"(1) The National Center for Educational Statistics reports that 46 percent of our Nation's public schools serve rural areas.

"(2) While there are rural education initiatives identified at the State and local level, no Federal education policy focuses on the specific and unique needs of rural school districts and schools.

"(3) Small school districts often cannot use Federal grant funds distributed by formula because the formula allocation does not provide enough revenue to carry out the program the grant is intended to fund.

"(4) Rural schools often cannot compete for Federal funding distributed by competitive grants because the schools lack the personnel needed to prepare grant applications and the resources to hire specialists in the writing of Federal grant proposals.

"(5) A critical problem for rural school districts involves the hiring and retention of qualified administrators and certified teachers (especially in reading, science, and mathematics). As a result, teachers in rural schools are almost twice as likely to provide instruction in 3 or more subject areas than teachers in urban schools. Rural schools also face other tough challenges, such as shrinking local tax bases, high transportation costs, aging buildings, limited course offerings, and limited resources.

"Subpart 1—Small and Rural School Program

"SEC. 10961. FORMULA GRANT PROGRAM AUTHORIZED.

"(a) ALTERNATIVE USES.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, an eligible local educational agency may use the applicable funding, that the agency is eligible to receive from the State educational agency for a fiscal year, to support local or statewide education reform efforts intended to improve the academic achievement of elementary school and secondary school students and the quality of instruction provided for the students.

"(2) NOTIFICATION.—An eligible local educational agency shall notify the State educational agency of the local educational agency's intention to use the applicable funding in accordance with paragraph (1) not later than a date that is established by the State educational agency for the notification.

"(b) ELIGIBILITY.—

"(1) IN GENERAL.—A local educational agency shall be eligible to use the applicable funding in accordance with subsection (a) if—

"(A)(i) the total number of students in average daily attendance at all of the schools served by the local educational agency is less than 600; and

"(ii) all of the schools served by the local educational agency are located in a community with a Rural-Urban Continuum Code of 6, 7, 8, or 9, as determined by the Secretary of Agriculture; or

"(B).the agency meets the criteria established in subparagraph (A)(i) and the Secretary, in accordance with paragraph (2), grants the local educational agency's request to waive the criteria described in subparagraph (A)(ii).

"(2) CERTIFICATION.—The Secretary shall determine whether or not to waive the criteria described in paragraph (1)(A)(ii) based on certification provided by the local educational agency, or the State educational agency on behalf of the local educational agency, that the local educational agency is located in an area defined as rural by a governmental agency of the State.

"(c) APPLICABLE FUNDING.—In this section, the term 'applicable funding' means funds provided under each of titles II, IV, VI, parts A and C of title VII, and part I of title X.

"(d) DISBURSAL.—Each State educational agency that receives applicable funding for a fiscal year shall disburse the applicable funding to local educational agencies for alternative uses under this section for the fiscal year at the same time that the State educational agency disburses the applicable funding to local educational agencies that do not intend to use the applicable funding for such alternative uses for the fiscal year.

"(e) SUPPLEMENT NOT SUPPLANT.—Funds used under this section shall be used to supplement and not supplant any other Federal, State, or local education funds that would otherwise be available for the purpose of this subpart.

"(f) SPECIAL RULE.—References in Federal law to funds for the provisions of law set forth in subsection (c) may be considered to be references to funds for this section.

"SEC. 10962. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—The Secretary is authorized to award grants to eligible local educational agencies to enable the local educational agencies to support local or statewide education reform efforts intended to improve the academic achievement of elementary school and secondary school students and the quality of instruction provided for the students.

"(b) ELIGIBILITY.—

"(1) IN GENERAL.—A local educational agency shall be eligible to receive a grant under this section if—

"(A)(i) the total number of students in average daily attendance at all of the schools served by the local educational agency is less than 600; and

"(ii) all of the schools served by the local educational agency are located in a community with a Rural-Urban Continuum Code of 6, 7, 8, or 9, as determined by the Secretary of Agriculture; or

"(B) the agency meets the criteria established in subparagraph (A)(i) and the Secretary, in accordance with paragraph (2), grants the local educational agency's request to waive the criteria described in subparagraph (A)(ii).

"(2) CERTIFICATION.—The Secretary shall determine whether or not to waive the criteria described in paragraph (1)(A)(ii) based on certification provided by the local educational agency, or the State educational agency on behalf of the local educational agency, that the local educational agency is located in an area defined as rural by a governmental agency of the State.

"(c) ALLOCATION.—

"(1) IN GENERAL.—Except as provided in paragraph (3), the Secretary shall award a grant to an eligible local educational agency for a fiscal year in an amount equal to the initial amount determined under paragraph (2) for the fiscal year minus the total amount received under the provisions of law described under section 10961(c) for the preceding fiscal year.

"(2) DETERMINATION OF THE INITIAL AMOUNT.—The initial amount referred to in paragraph (1) is equal to $100 multiplied by the total number of students, over 50 students, in average daily attendance in such eligible agency plus $20,000, except that the initial amount may not exceed $60,000.

"(3) RATABLE ADJUSTMENT.—

"(A) IN GENERAL.—If the amount made available for this subpart for any fiscal year is not sufficient to pay in full the amounts that local educational agencies are eligible to receive under paragraph (1) for such year, the Secretary shall ratably reduce such amounts for such year.

"(B) ADDITIONAL AMOUNTS.—If additional funds become available for making payments under paragraph (1) for such fiscal year, payments that were reduced under subparagraph (A) shall be increased on the same basis as such payments were reduced.

"(5) CENSUS DETERMINATION.—

"(A) IN GENERAL.—Each local educational agency desiring a grant under this section shall conduct a census not later than December 1 of each year to determine the number of kindergarten through grade 12 students in average daily attendance at the schools served by the local educational agency.

"(B) SUBMISSION.—Each local educational agency shall submit the number described in subparagraph (A) to the Secretary not later than March 1 of each year.

"(d) DISBURSAL.—The Secretary shall disburse the funds awarded to a local educational agency under this section for a fiscal year not later than July 1 of that year.

"(e) SPECIAL RULE.—A local educational agency that is eligible to receive a grant under this subpart for a fiscal year shall be ineligible to receive funds for such fiscal year under subpart 2.

"(f) SUPPLEMENT NOT SUPPLANT.—Funds made available under this section shall be used to supplement and not supplant any other Federal, State or local education funds.

"SEC. 10963. ACCOUNTABILITY.

"(a) ACADEMIC ACHIEVEMENT.—

"(1) IN GENERAL.—Each local educational agency that uses or receives funds under section 10961 or 10962 for a fiscal year shall administer an assessment consistent with section 1111 of title I.

"(2) SPECIAL RULE.—Each local educational agency that uses or receives funds under section 10961 or 10962 shall use the same assessment described in paragraph (1) for each year of participation in the program under such section.

"(b) STATE EDUCATIONAL AGENCY DETERMINATION REGARDING CONTINUING PARTICIPATION.—Each State educational agency that receives funding under the provisions of law described in section 10961(c) shall—

"(1) after the 2d year that a local educational agency participates in a program under section 10961 or 10962 and on the basis of the results of the assessments described in subsection (a), determine whether the students served by the local educational agency participating in the program performed in accordance with section 1111 of title I; and

"(2) only permit those local educational agencies that so participated and met the requirements of section 1111(b)(2) of title I to continue to so participate.

"Subpart 2—Low-Income And Rural School Program

"SEC. 10971. PROGRAM AUTHORIZED.

"(a) RESERVATIONS.—From amounts appropriated under section 10982 for this subpart for a fiscal year, the Secretary shall reserve ½ of 1 percent to make awards to elementary or secondary schools operated or supported by the Bureau of Indian Affairs to carry out the purpose of this subpart.

"(b) GRANTS TO STATES.—

"(1) IN GENERAL.—From amounts appropriated under section 10982 for this subpart that are not reserved under subsection (a), the Secretary shall award grants for a fiscal year to State educational agencies that have applications approved under section 10973 to enable the State educational agencies to award subgrants to eligible local educational agencies for local authorized activities described in subsection (c)(2).

"(2) ALLOCATION.—From amounts appropriated for this subpart, the Secretary shall allocate to each State educational agency for a fiscal year an amount that bears the same ratio to the amount of funds appropriated under section 10982 for this subpart that are not reserved under subsection (a) as the number of students in average daily attendance served by eligible local educational agencies in the State bears to the number of all such students served by eligible local educational agencies in all States for that fiscal year.

"(3) DIRECT AWARDS TO SPECIALLY QUALIFIED AGENCIES.—

"(A) NONPARTICIPATING STATE.—If a State educational agency elects not to participate in the program under this subpart or does not have an application approved under section 10973 a specially qualified agency in such State desiring a grant under this subpart shall apply directly to the Secretary to receive an award under this subpart.

"(B) DIRECT AWARDS TO SPECIALLY QUALIFIED AGENCIES.—The Secretary may award, on a competitive basis, the amount the State educational agency is eligible to receive under paragraph (2) directly to specially qualified agencies in the State.

"(c) LOCAL AWARDS.—

"(1) ELIGIBILITY.—A local educational agency shall be eligible to receive funds under this subpart if—

''(A) 20 percent or more of the children aged 5 to 17, inclusive, served by the local educational agency are from families with incomes below the poverty line; and

''(B) all of the schools served by the agency are located in a community with a Rural-Urban Continuum Code of 6, 7, 8, or 9, as determined by the Secretary of Agriculture.

''(2) USES OF FUNDS.—Grant funds awarded to local educational agencies or made available to schools under this subpart shall be used for—

''(1) educational technology, including software and hardware;

''(2) professional development;

''(3) technical assistance;

''(4) teacher recruitment and retention;

''(5) parental involvement activities; or

''(6) academic enrichment programs.

"SEC. 10972. STATE DISTRIBUTION OF FUNDS.

''(a) AWARD BASIS.—A State educational agency shall award grants to eligible local educational agencies—

''(1) on a competitive basis; or

''(2) according to a formula based on the number of students in average daily attendance served by the eligible local educational agencies or schools (as appropriate) in the State, as determined by the State.

''(b) ADMINISTRATIVE COSTS.—A State educational agency receiving a grant under this subpart may not use more than 5 percent of the amount of the grant for State administrative costs.

"SEC. 10973. APPLICATIONS.

''Each State educational agency and specially qualified agency desiring to receive a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Such application shall include specific measurable goals and objectives to be achieved which may include specific educational goals and objectives relating to increased student academic achievement, decreased student drop-out rates, or such other factors that the State educational agency or specially qualified agency may choose to measure.

"SEC. 10974. REPORTS.

''(a) STATE REPORTS.—Each State educational agency that receives a grant under this subpart shall provide an annual report to the Secretary. The report shall describe—

''(1) the method the State educational agency used to award grants to eligible local educational agencies and to provide assistance to schools under this subpart;

''(2) how local educational agencies and schools used funds provided under this subpart; and

''(3) the degree to which progress has been made toward meeting the goals and objectives described in the application submitted under section 10973.

''(b) SPECIALLY QUALIFIED AGENCY REPORT.—Each specially qualified agency that receives a grant under this subpart shall provide an annual report to the Secretary. Such report shall describe—

''(1) how such agency uses funds provided under this subpart; and

''(2) the degree to which progress has been made toward meeting the goals and objectives described in the application submitted under section 10971(b)(4)(A).

''(c) REPORT TO CONGRESS.—The Secretary shall prepare and submit to the Committee on Education and the Workforce for the House of Representatives and the Committee on Health, Education, Labor, and Pensions for the Senate an annual report. The report shall describe—

''(1) the methods the State educational agency used to award grants to eligible local educational agencies and to provide assistance to schools under this subpart;

''(2) how eligible local educational agencies and schools used funds provided under this subpart; and

''(3) progress made in meeting specific measurable educational goals and objectives.

"SEC. 10975. DEFINITIONS.

''For the purposes of this subpart—

''(1) The term 'poverty line' means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

''(2) The term 'specially qualified agency' means an eligible local educational agency, located in a State that does not participate in a program under this subpart in a fiscal year, that may apply directly to the Secretary for a grant in such year in accordance with section 10971(b)(4).

"Subpart 3—General Provisions

"SEC. 10981. DEFINITION.

''For the purposes of this part, the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"SEC. 10982. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part $125,000,000 for fiscal year 2000 and such sums as may be necessary for each of 4 succeeding fiscal years to be distributed equally between subparts 1 and 2.''.

TITLE VII—MCKINNEY HOMELESS EDUCATION IMPROVEMENTS ACT OF 1999

SEC. 701. SHORT TITLE.

This title may be cited as the ''Stewart B. McKinney Homeless Education Assistance Improvements Act of 1999''.

SEC. 702. FINDINGS.

Congress makes the following findings:

(1) An estimated 1,000,000 children in the United States will experience homelessness this year.

(2) Homelessness has a devastating impact on the educational opportunities of children and youth; homeless children go hungry at more than twice the rate of other children; have 4 times the rate of delayed development; and are twice as likely to repeat a grade.

(3) Despite steady progress in school enrollment and attendance resulting from the passage in 1987 of the Stewart B. McKinney Homeless Assistance Act, homeless students still face numerous barriers to education, including residency, guardianship and registration requirements, as well as delays in the transfer of school records, and inadequate transportation service.

(4) School is one of the few secure factors in the lives of homeless children and youth, providing stability, structure, and accomplishment during a time of great upheaval.

(5) Homeless children and youth need to remain in school so that they acquire the skills necessary to escape poverty and lead productive, healthy lives as adults.

(6) In the 12 years since the passage of the McKinney Act, educators and service providers have learned much about policies and practices which help remove the barriers described.

SEC. 703. PURPOSE.

The purpose of this title is to strengthen subtitle B of title VII of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11431 et seq.) by amending it—

(1) to include innovative practices, proven to be effective in helping homeless children and youth enroll, attend, and succeed in school; and

(2) to help ensure that such individuals receive a quality education and secure their chance for a brighter future.

SEC. 704. EDUCATION FOR HOMELESS CHILDREN AND YOUTH.

Subtitle B of title VII of the Stewart B. McKinney Homeless Education Assistance Act (42 U.S.C. 11431 et seq.) is amended to read as follows:

"Subtitle B—Education for Homeless Children and Youth

"SEC. 721. STATEMENT OF POLICY.

''It is the policy of Congress that—

''(1) each State educational agency ensure that each child of a homeless individual and each homeless youth has equal access to the same free, public education, including a public preschool education, as provided to other children and youth;

''(2) in any State that has a compulsory residency requirement as a component of the State's compulsory school attendance laws or other laws, regulations, practices, or policies that may act as a barrier to the enrollment, attendance, or success in school of homeless children and youth, the State review and undertake steps to revise such laws, regulations, practices, or policies to ensure that homeless children and youth are afforded the same free, public education as provided to other children and youth;

''(3) homelessness alone is not sufficient reason to separate students from the mainstream school environment; and

''(4) homeless children and youth should have access to the education and other services that such children and youth need to ensure that such children and youth have an opportunity to meet the same challenging State student performance standards to which all students are held.

"SEC. 722. GRANTS FOR STATE AND LOCAL ACTIVITIES FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTH.

''(a) GENERAL AUTHORITY.—The Secretary is authorized to make grants to States in accordance with the provisions of this section to enable such States to carry out the activities described in subsections (d), (e), (f), and (g).

''(b) APPLICATION.—No State may receive a grant under this section unless the State educational agency submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

''(c) ALLOCATION AND RESERVATIONS.—

''(1) IN GENERAL.—Subject to paragraph (2) and section 724(c), from the amounts appropriated for each fiscal year under section 726, the Secretary is authorized to allot to each State an amount that bears the same ratio to the amount appropriated for such year under section 726 as the amount allocated under section 1122 of the Elementary and Secondary Education Act of 1965 to the State for that year bears to the total amount allocated under section 1122 to all States for that year, except that no State shall receive less than $100,000.

''(2) RESERVATION.—(A) The Secretary is authorized to reserve 0.1 percent of the amount appropriated for each fiscal year under section 726 to be allocated by the Secretary among the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, according to their respective need for assistance under this subtitle, as determined by the Secretary.

''(B)(i) The Secretary shall transfer one percent of the amount appropriated for each fiscal year under section 726 to the Department of the Interior for programs for Indian students served by schools funded by the Secretary of the Interior, as determined under the Indian Self-Determination and Education Assistance Act, that are consistent with the purposes of this Act.

''(ii) The Secretary and the Secretary of the Interior shall enter into an agreement, consistent with the requirements of this part, for the distribution and use of the funds described in clause (i) under terms that the Secretary determines best meet the purposes of the programs described in such clause. Such agreement shall *set forth the plans of the Secretary of the Interior for the use of the amounts transferred, including appropriate goals, objectives, and milestones.*

"(3) DEFINITION.—As used in this subsection, the term "State" shall not include the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"(d) ACTIVITIES.—Grants under this section shall be used—

"(1) to carry out the policies set forth in section 721 in the State;

"(2) to provide activities for, and services to, homeless children, including preschool-aged homeless children, and youth that enable such children and youth to enroll in, attend, and succeed in school, or, if appropriate, in preschool programs;

"(3) to establish or designate an Office of Coordinator of Education of Homeless Children and Youth in the State educational agency in accordance with subsection (f);

"(4) to prepare and carry out the State plan described in subsection (g); and

"(5) to develop and implement professional development programs for school personnel to heighten their awareness of, and capacity to respond to, specific problems in the education of homeless children and youth.

"(e) STATE AND LOCAL GRANTS.—

"(1) IN GENERAL.—(A) Subject to subparagraph (B), if the amount allotted to the State educational agency for any fiscal year under this subtitle exceeds the amount such agency received for fiscal year 1990 under this subtitle, as the subtitle was then in effect, such agency shall provide grants to local educational agencies for purposes of section 723.

"(B) The State educational agency may reserve not more than the greater of 5 percent of the amount such agency receives under this subtitle for any fiscal year, or the amount such agency received under this subtitle, as the subtitle was then in effect, for fiscal year 1990, to conduct activities under subsection (f) directly or through grants or contracts.

"(2) SPECIAL RULE.—If the amount allotted to a State educational agency for any fiscal year under this subtitle is less than the amount such agency received for fiscal year 1990 under this subtitle, such agency, at such agency's discretion, may provide grants to local educational agencies in accordance with section 723 or may conduct activities under subsection (f) directly or through grants or contracts.

"(3) PROHIBITION ON SEGREGATING HOMELESS STUDENTS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B) and section 723(a)(2)(B)(ii), in providing a free, public education to a homeless child or youth, no State receiving funds under this subtitle shall segregate such child or youth, either in a separate school, or in a separate program within a school, based solely on such child or youth's status as homeless.

"(B) EXCEPTION.—A State that has established a separate school for homeless children in the fiscal year preceding the date of the enactment of the Stewart B. McKinney Homeless Education Assistance Improvement Act of 1999 shall remain eligible to receive funds under this subtitle for such program.

"(f) FUNCTIONS OF THE OFFICE OF COORDINATOR.—The Coordinator of Education of Homeless Children and Youth established in each State shall—

"(1) gather, to the extent possible, reliable, valid, and comprehensive information on the nature and extent of the problems homeless children and youth have in gaining access to public preschool programs and to public elementary and secondary schools, the difficulties in identifying the special needs of such children and youth, any progress made by the State educational agency and local educational agencies in the State in addressing such problems and difficulties, and the success of the program under this subtitle in allowing homeless children and youth to enroll in, attend, and succeed in, school;

"(2) develop and carry out the State plan described in subsection (g);

"(3) collect and transmit to the Secretary, information gathered pursuant to paragraphs (1) and (2), at such time and in such manner as the Secretary may require;

"(4) facilitate coordination between the State educational agency, the State social services agency, and other agencies providing services to homeless children and youth, including homeless children and youth who are preschool age, and families of such children and youth; and

"(5) in order to improve the provision of comprehensive education and related services to homeless children and youth and their families, coordinate and collaborate with—

"(A) educators, including child development and preschool program personnel;

"(B) providers of services to homeless and runaway children and youth and homeless families (including domestic violence agencies, shelter operators, transitional housing facilities, runaway and homeless youth centers, and transitional living programs for homeless youth);

"(C) local educational agency liaisons for homeless children and youth; and

"(D) community organizations and groups representing homeless children and youth and their families.

"(g) STATE PLAN.—

"(1) IN GENERAL.—Each State shall submit to the Secretary a plan to provide for the education of homeless children and youth within the State, which plan shall describe how such children and youth are or will be given the opportunity to meet the same challenging State student performance standards all students are expected to meet, shall describe the procedures the State educational agency will use to identify such children and youth in the State and to assess their special needs, and shall—

"(A) describe procedures for the prompt resolution of disputes regarding the educational placement of homeless children and youth;

"(B) describe programs for school personnel (including principals, attendance officers, teachers, enrollment personnel, and pupil services personnel) to heighten the awareness of such personnel of the specific needs of runaway and homeless youth;

"(C) describe procedures that ensure that homeless children and youth who meet the relevant eligibility criteria are able to participate in Federal, State, or local food programs;

"(D) describe procedures that ensure that—

"(i) homeless children have equal access to the same public preschool programs, administered by the State agency, as provided to other children; and

"(ii) homeless children and youth who meet the relevant eligibility criteria are able to participate in Federal, State, or local before- and after-school care programs;

"(E) address problems set forth in the report provided to the Secretary under subsection (f)(3);

"(F) address other problems with respect to the education of homeless children and youth, including problems caused by—

"(i) transportation issues; and

"(ii) enrollment delays that are caused by—

"(I) immunization requirements;

"(II) residency requirements;

"(III) lack of birth certificates, school records, or other documentation; or

"(IV) guardianship issues;

"(G) demonstrate that the State educational agency and local educational agencies in the State have developed, and shall review and revise, policies to remove barriers to the enrollment and retention of homeless children and youth in schools in the State; and

"(H) contain assurances that—

"(i) except as provided in subsection (e)(3)(B), State and local educational agencies will adopt policies and practices to ensure that homeless children and youth are not segregated solely on the basis of their status as homeless; and

"(ii) designate an appropriate staff person, who may also be a coordinator for other Federal programs, as a liaison for homeless children and youth.

"(2) COMPLIANCE.—Each plan adopted under this subsection shall also demonstrate how the State will ensure that local educational agencies in the State will comply with the requirements of paragraphs (3) through (9).

"(3) LOCAL EDUCATIONAL AGENCY REQUIREMENTS.—

"(A) IN GENERAL.—Each local educational agency serving a homeless child or youth assisted under this subtitle shall, according to the child's or youth's best interest, either—

"(i) continue the child's or youth's education in the school of origin—

"(I) for the duration of their homelessness;

"(II) if the child becomes permanently housed, for the remainder of the academic year; or

"(III) in any case in which a family becomes homeless between academic years, for the following academic year; or

"(ii) enroll the child or youth in any public school that nonhomeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.

"(B) BEST INTEREST.—In determining the best interest of the child or youth under subparagraph (A), the local educational agency shall keep, to the extent feasible, a homeless child or youth in the school of origin, except when doing so is contrary to the wishes of the child's or youth's parent or guardian.

"(C) ENROLLMENT.—(i) Except as provided in clause (iii), a school that a homeless child seeks to enroll in shall, in accordance with this paragraph, immediately enroll the homeless child or youth even if the child or youth is unable to produce records normally required for enrollment, such as previous academic records, proof of residency, or other documentation.

"(ii) The enrolling school shall immediately contact the school last attended by the child or youth to obtain relevant academic and other records.

"(iii) A school described in clause (i) is not required to accept a homeless child until the school receives the immunization records for such child. If the child or youth needs to obtain immunizations, the enrolling school shall promptly refer parent or guardian of the child or youth to the appropriate authorities. If a child is denied enrollment because of the lack of immunization records, the school denying such enrollment shall refer the parents of the homeless child or youth to the liaison in accordance with subparagraph (E).

"(D) RECORDS.—Any record ordinarily kept by the school, including immunization records, academic records, birth certificates, guardianship records, and evaluations for special services or programs, of each homeless child or youth shall be maintained—

"(i) so that the records are available, in a timely fashion, when a child or youth enters a new school district; and

"(ii) in a manner consistent with section 444 of the General Education Provisions Act.

"(E) ENROLLMENT DISPUTES.—If there is a dispute over school selection or enrollment—

"(i) except as provided in subparagraph (C)(iii), the child or youth shall be immediately admitted to the school in which enrollment is sought, pending resolution of the dispute;

"(ii) the parent or guardian shall be provided with a written explanation of the school's decision regarding enrollment, including the right to appeal the decision; and

"(iii) the parent or guardian shall be referred to the liaison, who shall carry out the dispute resolution process as described in paragraph (6)(D) as expeditiously as possible, after receiving notice of the dispute.

"(F) PLACEMENT CHOICE.—The choice regarding placement shall be made regardless of whether the child or youth lives with the homeless parents or has been temporarily placed elsewhere by the parents.

"(G) DEFINITION.—For purposes of this paragraph, the term "school of origin" means the school that the child or youth attended when permanently housed, or the school in which the child or youth was last enrolled.

"(H) CONTACT INFORMATION.—Nothing in this subtitle shall prohibit a local educational agency from requiring a parent or guardian of a homeless child to submit contact information required by the local educational agency of a parent or guardian of a nonhomeless child.

"(4) COMPARABLE SERVICES.—Each homeless child or youth to be assisted under this subtitle shall be provided services comparable to services offered to other students in the school selected according to the provisions of paragraph (3), including—

"(A) transportation services;

"(B) educational services for which the child or youth meets the eligibility criteria, such as services provided under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) or similar State or local programs, educational programs for children with disabilities, and educational programs for students with limited-English proficiency;

"(C) programs in vocational and technical education;

"(D) programs for gifted and talented students; and

"(E) school nutrition programs.

"(5) COORDINATION.—

"(A) IN GENERAL.—Each local educational agency serving homeless children and youth that receives assistance under this subtitle shall coordinate the provision of services under this subtitle with local social services agencies and other agencies or programs providing services to homeless children and youth and their families, including services and programs funded under the Runaway and Homeless Youth Act. (42 U.S.C. 5701 et seq.).

"(B) HOUSING ASSISTANCE.—If applicable, each State and local educational agency that receives assistance under this subtitle shall coordinate with State and local housing agencies responsible for developing the comprehensive housing affordability strategy described in section 105 of the Cranston-Gonzales National Affordable Housing Act (42 U.S.C. 12705) to minimize educational disruption for children and youth who become homeless.

"(C) COORDINATION PURPOSE.—The coordination required under subparagraphs (A) and (B) shall be designed to—

"(i) ensure that homeless children and youth have access to available education and related support services; and

"(ii) raise the awareness of school personnel and service providers of the effects of short-term stays in a shelter and other challenges associated with homeless children and youth.

"(6) LIAISON.—

"(A) DUTIES.—Each local liaison for homeless children and youth, designated pursuant to subsection (g)(1)(H)(ii), shall ensure that—

"(i) homeless children and youth enroll in, and have an equal opportunity to succeed in, schools of that agency;

"(ii) homeless families, children, and youth receive educational services for which such families, children, and youth are eligible, including Head Start and Even Start programs and preschool programs administered by the local educational agency, and referrals to health care services, dental services, mental health services, and other appropriate services;

"(iii) the parents or guardians of homeless children and youth are informed of the education and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children; and

"(iv) public notice of the educational rights of homeless children and youth is disseminated where such children and youth receive services under this Act (such as family shelters and soup kitchens).

"(B) NOTICE.—State coordinators and local educational agencies shall inform school personnel, service providers, and advocates working with homeless families of the duties of the liaisons.

•"(C) LOCAL AND STATE COORDINATION.—Local educational agency liaisons for homeless children and youth shall, as a part of their duties, coordinate and collaborate with State coordinators and community and school personnel responsible for the provision of education and related services to homeless children and youth.

"(D) DISPUTE RESOLUTION.—Unless another individual is designated by State law, the local educational agency liaisons for homeless children and youth shall provide resource information and assist in resolving disputes under this subtitle, should they arise.

"(7) REVIEW AND REVISIONS.—

"(A) IN GENERAL.—Each State educational agency and local educational agency that receives assistance under this subtitle, shall review and revise any policies that may act as barriers to the enrollment of homeless children and youth in schools selected in accordance with paragraph (3).

"(B) CONSIDERATION.—In reviewing and revising such policies, consideration shall be given to issues concerning transportation, immunization, residency, birth certificates, school records, and other documentation, and guardianship.

"(C) SPECIAL ATTENTION.—Special attention shall be given to ensuring the enrollment and attendance of homeless children and youth who are not currently attending school.

"SEC. 723. LOCAL EDUCATIONAL AGENCY GRANTS FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTH.

"(a) GENERAL AUTHORITY.—

"(1) IN GENERAL.—The State educational agency shall, in accordance with section 722(e) and from amounts made available to such agency under section 726, make grants to local educational agencies for the purpose of facilitating the enrollment, attendance, and success in school of homeless children and youth.

"(2) SERVICES.—

"(A) IN GENERAL.—Services under paragraph (1)—

"(i) may be provided through programs on school grounds or at other facilities;

"(ii) shall, to the maximum extent practicable, be provided through existing programs and mechanisms that integrate homeless children and youth with nonhomeless children and youth; and

"(iii) shall be designed to expand or improve services provided as part of a school's regular academic program, but not replace that program.

"(B) SERVICES ON SCHOOL GROUNDS.—If services under paragraph (1) are provided on school grounds, schools—

"(i) may use funds under this subtitle to provide the same services to other children and youth who are determined by the local educational agency to be at risk of failing in, or dropping out of, schools, subject to the requirements of clause (ii).

"(ii) except as otherwise provided in section 722(e)(3)(B), shall not provide services in settings within a school that segregates homeless children and youth from other children and youth except as is necessary for short periods of time—

"(I) for health and safety emergencies; or

"(II) to provide temporary, special, supplementary services to meet the unique needs of homeless children and youth.

"(3) REQUIREMENT.—Services provided under this section shall not replace the regular academic program and shall be designed to expand upon or improve services provided as part of the school's regular academic program.

"(b) APPLICATION.—A local educational agency that desires to receive a grant under this section shall submit an application to the State educational agency at such time, in such manner, and containing or accompanied by such information as the State educational agency may reasonably require. Each such application shall include—

"(1) an assessment of the educational and related needs of homeless children and youth in such agency (which may be undertaken as a part of needs assessments for other disadvantaged groups);

"(2) a description of the services and programs for which assistance is sought and the problems to be addressed through the provision of such services and programs;

"(3) an assurance that the local educational agency's combined fiscal effort per student or the aggregate expenditures of that agency and the State with respect to the provision of free public education by such agency for the fiscal year preceding the fiscal year for which the determination is made was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second fiscal year preceding the fiscal year for which the determination is made;

"(4) an assurance that the applicant complies with, or will use requested funds to comply with, paragraphs (3) through (7) of section 722(g); and

"(5) a description of policies and procedures, consistent with section 722(e)(3)(B), that the agency will implement to ensure that activities carried out by the agency will not isolate or stigmatize homeless children and youth.

"(c) AWARDS.—

"(1) IN GENERAL.—The State educational agency shall, in accordance with the requirements of this subtitle and from amounts made available to it under section 726, make competitive subgrants that result in an equitable distribution of geographic areas within the State to local educational agencies that submit applications under subsection (b). Such subgrants shall be awarded on the basis of the need of such agencies for assistance under this subtitle and the quality of the applications submitted.

"(2) NEED.—In determining need under paragraph (1), the State educational agency may consider the number of homeless children and youth enrolled in preschool, elementary, and secondary schools within the area served by the agency, and shall consider the needs of such children and youth and the ability of the agency to meet such needs. Such agency may also consider—

"(A) the extent to which the proposed use of funds would facilitate the enrollment, retention, and educational success of homeless children and youth;

"(B) the extent to which the application reflects coordination with other local and State agencies that serve homeless children and youth, and meets the requirements of section 722(g)(3);

"(C) the extent to which the applicant exhibits in the application and in current practice a commitment to education for all homeless children and youth; and

"(D) such other criteria as the State agency determines appropriate.

"(3) QUALITY.—In determining the quality of applications under paragraph (1), the State educational agency shall consider—

"(A) the applicant's needs assessment under subsection (b)(1) and the likelihood that the program presented in the application will meet such needs;

"(B) the types, intensity, and coordination of the services to be provided under the program;

"(C) the involvement of parents or guardians;

"(D) the extent to which homeless children and youth will be integrated within the regular education program;

"(E) the quality of the applicant's evaluation plan for the program;

"(F) the extent to which services provided under this subtitle will be coordinated with other available services; and

"(G) such other measures as the State educational agency considers indicative of a high-quality program.

"(4) DURATION OF GRANTS.—Grants awarded under this section shall be for terms not to exceed three years.

"(d) AUTHORIZED ACTIVITIES.—A local educational agency may use funds awarded under this section for activities to carry out the purpose of this subtitle, including—

"(1) the provision of tutoring, supplemental instruction, and enriched educational services that are linked to the achievement of the same challenging State content standards and challenging State student performance standards the State establishes for other children and youth;

"(2) the provision of expedited evaluations of the strengths and needs of homeless children and youth, including needs and eligibility for programs and services (such as educational programs for gifted and talented students, children with disabilities, and students with limited-English proficiency; services provided under title I of the Elementary and Secondary Education Act of 1965 or similar State or local programs, programs in vocational and technical education, and school nutrition programs);

"(3) professional development and other activities for educators and pupil services personnel that are designed to heighten the understanding and sensitivity of such personnel to the needs of homeless children and youth, the rights of such children and youth under this Act, and the specific educational needs of runaway and homeless youth;

"(4) the provision of referral services to homeless children and youth for medical, dental, mental, and other health services;

"(5) the provision of assistance to defray the excess cost of transportation for students pursuant to section 722(g)(4)(A), not otherwise provided through Federal, State, or local funding, where necessary to enable students to attend the school selected under section 722(g)(3);

"(6) the provision of developmentally appropriate early childhood education programs, not otherwise provided through Federal, State, or local funding, for preschool-aged children;

"(7) the provision of before- and after-school, mentoring, and summer programs for homeless children and youth in which a teacher or other qualified individual provides tutoring, homework assistance, and supervision of educational activities;

"(8) if necessary, the payment of fees and other costs associated with tracking, obtaining, and transferring records necessary to enroll homeless children and youth in school, including birth certificates, immunization records, academic records, guardianship records, and evaluations for special programs or services;

"(9) the provision of education and training to the parents of homeless children and youth about the rights of, and resources available to, such children and youth;

"(10) the development of coordination between schools and agencies providing services to homeless children and youth, including programs funded under the Runaway and Homeless Youth Act;

"(11) the provision of pupil services (including violence prevention counseling) and referrals for such services;

"(12) activities to address the particular needs of homeless children and youth that may arise from domestic violence;

"(13) the adaptation of space and purchase of supplies for nonschool facilities made available under subsection (a)(2) to provide services under this subsection;

"(14) the provision of school supplies, including those supplies to be distributed at shelters or temporary housing facilities, or other appropriate locations; and

"(15) the provision of other extraordinary or emergency assistance needed to enable homeless children and youth to attend school.

"SEC. 724. SECRETARIAL RESPONSIBILITIES.

"(a) REVIEW OF PLANS.—In reviewing the State plan submitted by a State educational agency under section 722(g), the Secretary shall use a peer review process and shall evaluate whether State laws, policies, and practices described in such plans adequately address the problems of homeless children and youth relating to access to education and placement as described in such plans.

"(b) TECHNICAL ASSISTANCE.—The Secretary shall provide support and technical assistance to the State educational agencies to assist such agencies to carry out their responsibilities under this subtitle, if requested by the State educational agency.

"(c) REPORT.—The Secretary shall develop and issue not later than 60 days after the date of enactment of the Stewart B. McKinney Homeless Education Assistance Improvements Act of 1999, a report to be made available to States, local educational agencies, and other applicable agencies regarding the following:

"(1) ENROLLMENT.—Such report shall review successful ways in which a State may assist local educational agencies to enroll homeless students on an immediate basis. The report issued by the Secretary shall—

"(A) clarify that enrollment includes a homeless child's or youth's right to actually attend school; and

"(B) clarify requirements that States are to review immunization and medical or school records and to make such revisions as appropriate and necessary in order to enroll homeless students in school more quickly.

"(2) TRANSPORTATION.—The report shall also address the transportation needs of homeless students. The report issued by the Secretary shall—

"(A) explicitly state that the goal of the transportation provisions contained in this Act is to provide educational stability by reducing mobility and therefore provide an effective learning environment for homeless children; and

"(B) encourage States to follow programs implemented in State law that have successfully addressed transportation barriers for homeless children.

"(d) EVALUATION AND DISSEMINATION.—The Secretary shall conduct evaluation and dissemination activities of programs designed to meet the educational needs of homeless elementary and secondary school students, and may use funds appropriated under section 726 to conduct such activities.

"(e) SUBMISSION AND DISTRIBUTION.—The Secretary shall require applications for grants under this subtitle to be submitted to the Secretary not later than the expiration of the 60-day period beginning on the date that funds are available for purposes of making such grants and shall make such grants not later than the expiration of the 120-day period beginning on such date.

"(f) DETERMINATION BY SECRETARY.—The Secretary, based on the information received from the States and information gathered by the Secretary under subsection (e), shall determine the extent to which State educational agencies are ensuring that each homeless child and homeless youth has access to a free appropriate public education as described in section 721(1).

"(g) INFORMATION.—

"(1) IN GENERAL.—From funds appropriated under section 726, the Secretary shall, either directly or through grants, contracts, or cooperative agreements, periodically collect and disseminate data and information regarding—

"(A) the number and location of homeless children and youth;

"(B) the education and related services such children and youth receive;

"(C) the extent to which such needs are being met; and

"(D) such other data and information as the Secretary deems necessary and relevant to carry out this subtitle.

"(2) COORDINATION.—The Secretary shall coordinate such collection and dissemination with other agencies and entities that receive assistance and administer programs under this subtitle.

"(h) REPORT.—Not later than 4 years after the date of the enactment of the Stewart B. McKinney Homeless Education Assistance Improvement Act of 1999, the Secretary shall prepare and submit to the President and the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the status of education of homeless children and youth, which shall include information on—

"(1) the education of homeless children and youth; and

"(2) the effectiveness of the programs supported under this subtitle.

"SEC. 725. DEFINITIONS.

"For the purpose of this subtitle, unless otherwise stated—

"(1) the terms 'local educational agency' and 'State educational agency' have the same meanings given such terms under section 14101, of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801);

"(2) the term "Secretary" means the Secretary of Education; and

"(3) the term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"SEC. 726. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this subtitle, there are authorized to be appropriated $36,000,000 for fiscal year 2000 and such sums as may be necessary for each of the fiscal years 2001 through 2004.".

TITLE VIII—SCHOOLWIDE PROGRAM ADJUSTMENT

SEC. 801. SCHOOLWIDE FUNDS.

The Act is amended by adding at the end the following:

"TITLE XVI—SCHOOLWIDE PROGRAM ADJUSTMENT

"SEC. 16001. SCHOOLWIDE PROGRAM ADJUSTMENT.

"Notwithstanding the provisions of section 1114, a local educational agency may consolidate funds under part A of title I, together with other Federal, State, and local funds, in order to upgrade the entire educational program of a *school that serves an eligible school attendance area in which not less than 40 percent of the children are from low-income families, or not less than 40 percent of the children enrolled in the school are from such families.''.*

The CHAIRMAN. The bill shall be considered under the 5-minute rule for a period not to exceed 6 hours.

No amendment to that amendment shall be in order except those printed in the portion of the CONGRESSIONAL RECORD designated for that purpose and pro forma amendments for the purpose of debate. Amendments printed in the RECORD may be offered only by the Member who caused it to be printed or his designee and shall be considered read.

Amendment number 5 shall not be subject to amendment and shall not be subject to a demand for division of the question.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

Are there any amendment to the bill?

AMENDMENT NO. 5 OFFERED BY MR. GOODLING

Mr. GOODLING. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. GOODLING:

In section 1112(b) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 106 of the bill—

(1) in paragraph (10), by striking the "and" after the semicolon;

(2) in paragraph (11), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(12) a description of the criteria established by the local educational agency pursuant to section 1119(b)(1).

In section 1124(c)(1) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 121 of the bill—

(1) in subparagraph (A), strike "and" after the semicolon;

(2) in subparagraph (B), strike the period and insert "; and"; and

(3) add at the end the following:

"(C) the number of children aged 5 to 17, inclusive, in the school district of such agency from families above the poverty level as determined under paragraph (4).".

In section 1124(c)(4) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 121 of the bill—

(1) insert before the first sentence the following: "For the purposes of this section, the Secretary shall determine the number of children aged 5 to 17, inclusive, from families above the poverty level on the basis of the number of such children from families receiving an annual income, in excess of the current criteria of poverty, from payments under a State program funded under part A of title IV of the Social Security Act; and in making such determinations the Secretary shall utilize the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census for a family of 4 in such form as those criteria have been updated by increases in the Consumer Price Index for all urban consumers, published by the Bureau of Labor Statistics.";

(2) in the first sentence after the sentence inserted by paragraph (1)—

(A) insert "the number of such children and" after "determine"; and

(B) insert "(using, in the case of children described in the preceding sentence, the criteria of poverty and the form of such criteria required by such sentence which were determined for the calendar year preceding such month of October)" after "fiscal year".

Amend subparagraph (C) of section 1701(b)(2) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 171 of the bill, to read as follows:

"(C) REALLOCATION.—If a State does not apply for funds under this section, the Secretary shall reallocate such funds to other States that do apply in proportion to the amount allocated to such States under subparagraph (B).".

In section 5204(a) of the Elementary and Secondary Education Act of 1965, as proposed to be added by section 201 of the bill—

(1) in paragraph (1), insert "the design and development of new strategies for overcoming transportation barriers," after "effective public school choice"; and

(2) in paragraph (2)(A), after "inter-district" insert "or intra-district"; and

(3) amend subparagraph (E) to read as follows:

"(E) public school choice programs that augment the existing transportation services necessary to meet the needs of children participating in such programs.".

In section 5204(b) of the Elementary and Secondary Education Act of 1965, as proposed to be added by section 201 of the bill—

(1) in paragraph (1), after the semicolon insert "and";.

(2) strike paragraph (2); and

(3) redesignate paragraph (3) as paragraph (2).

In section 9116(c) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 401 of the bill—

(1) insert "funds for" after "(b) shall include"; and

(2) strike ", or portion thereof," and insert "exclusively serving Indian children or the funds reserved under any program to exclusively serve Indian children".

In section 15004(a)(2) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 301 of the bill, strike "state, or federal laws, rules or regulations" and insert "State, and Federal laws, rules and regulations".

In section 1121(c)(1) of the Education Amendments of 1978, as proposed to be amended by section 410 of the bill, strike "1 year" and insert "2 years".

In the heading for section 1123 of the Education Amendments of 1978, as proposed to be amended by section 410 of the bill, insert "**CODIFICATION OF**" before "**REGULATIONS**".

In section 1126(b) of the Education Amendments of 1978, as proposed to be amended by section 410 of the bill, strike "maintenance to schools" and insert "maintenance of schools".

In the heading for section 1138(b)(2) of the Education Amendments of 1978, as proposed to be amended by section 410 of the bill, strike "GENERAL" and all that follows through the semicolon.

In section 1138(b)(2) of the Education Amendments of 1978, as proposed to be amended by section 410 of the bill, strike "Regulations required" and all that follows through "Such regulations shall" and insert "Regulations issued to implement this Act shall".

In section 1138A(b)(1) of the Education Amendments of 1978, as proposed to be amended by section 410 of the bill, strike ", provided that the" and all that follow through the end of the paragraph and insert a period.

In section 1138A(b) of the Education Amendments of 1978, as proposed to be amended by section 410 of the bill, redesignate paragraph (2) as paragraph (3), and insert the following new paragraph (2) after paragraph (1):

"(2) NOTIFICATION TO CONGRESS.—If draft regulations implementing this part and the Tribally Controlled Schools Act of 1988 are not issued in final form by the deadline provided in paragraph (1), the Secretary shall notify the appropriate committees of Congress of which draft regulations were not issued in final form by the deadline and the reason such final regulations were not issued.

In section 5209(a) of Public Law 100-297, as proposed to be amended by section 420 of the bill—

(1) strike "106(f)" and insert "106(e)";

(2) strike "106(j)" and insert "106(i)"; and

(3) strike "106(k)" and insert "106(j)".

In section 722(g)(3)(C) of the Stewart B. McKinney Homeless Education Assistance Act (42 U.S.C. 11432(g)(3)(C)), as proposed to be amended by section 704 of the bill—

(1) in clause (i), strike "Except as provided in clause (iii), a" and insert "A"; and

(2) amend clause (iii) to read as follows:

"(iii) "If the child or youth needs to obtain immunizations or immunization records, the enrolling school shall immediately refer the parent or guardian of the child or youth to the liaison who shall assist in obtaining necessary immunizations or immunization records in accordance with subparagraph (E)."

In section 722(g)(3)(E)(i) of the Stewart B. McKinney Homeless Education Assistance Act (42 U.S.C. 11432(g)(3)(E)(i)), as proposed to be amended by section 704 of the bill, strike "except as provided in subparagraph (C)(iii),".

In section 1112(g) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 106(f) of the bill strike paragraph (2)(A) and insert the following:

"(2) CONSENT.—

"(A) AGENCY REQUIREMENTS.—

"(i) INFORMED CONSENT.—For a child who has been identified as limited English proficient prior to the beginning of the school year, each local educational agency that receives funds under this part shall obtain informed parental consent prior to the placement of a child in an English language instruction program for limited English proficient children funded under this part, if—

"(I) the program does not include classes which exclusively or almost exclusively use the English language in instruction; or

"(II) instruction is tailored for limited English proficient children.

"(ii) WRITTEN CONSENT NOT OBTAINED.—If written consent is not obtained, the local educational agency shall maintain a written record that includes the date and the manner in which such informed consent was obtained.

"(iii) RESPONSE NOT OBTAINED.—

"(I) IN GENERAL.—If a response cannot be obtained after a reasonable and substantial effort has been made to obtain such consent, the local educational agency shall document, in writing, that it has given such notice and its specific efforts made to obtain such consent.

"(II) DELIVERY OF PROOF OF DOCUMENTATION.—The proof of documentation shall be mailed or delivered in writing to the parents or guardian of the child prior to placing the child in a program described under subparagraph (A), and shall include a final notice requesting parental consent for such services. After such documentation has been mailed or delivered in writing, the LEA shall provide appropriate educational services.

"(III) SPECIAL RULE APPLICABLE DURING SCHOOL YEAR.—A local educational agency may obtain parental consent under this clause only for children who have not been identified as limited English proficient prior to the beginning of the school year. For such children the agency shall document, in writing, its specific efforts made to obtain such consent prior to placing the child in a program described in subparagraph (A). After such documentation has been made, the local educational agency shall provide appropriate educational services to such child. The proof of documentation shall be mailed or delivered in writing to the parents or guardian of the child in a timely manner and shall include information on how to have their child immediately removed from the program upon their request. This clause shall not be construed as exempting a local educational agency from complying with the requirements of this subparagraph.

At the end of the bill, add the following:

TITLE IX—EDUCATION OF LIMITED ENGLISH PROFICIENT CHILDREN AND EMERGENCY IMMIGRANT EDUCATION

SEC. 901. PROGRAMS AUTHORIZED.

Title VII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7401 et seq.) is amended to read as follows:

"TITLE VII—EDUCATION OF LIMITED ENGLISH PROFICIENT CHILDREN AND EMERGENCY IMMIGRANT EDUCATION

"PART A—ENGLISH LANGUAGE EDUCATION

"SEC. 7101. SHORT TITLE.

"This part may be cited as the 'English Language Proficiency and Academic Achievement Act'.

"SEC. 7102. FINDINGS AND PURPOSES.

"(a) FINDINGS.—The Congress finds that—

"(1) English is the common language of the United States and every citizen and other person residing in the United States should have a command of the English language in order to develop to their full potential;

"(2) limited English proficient children must overcome a number of challenges in receiving an education in order to enable such children to participate fully in American society, including—

"(A) segregated education programs;

"(B) disproportionate and improper placement in special education and other special programs due to the use of inappropriate evaluation procedures;

"(C) the limited English proficiency of their own parents, which hinders the parents' ability to fully participate in the education of their children; and

"(D) a need for additional teachers and other staff who are professionally trained and qualified to serve such children;

"(3) States and local educational agencies need assistance in developing the capacity to provide programs of instruction that offer and provide an equal educational opportunity to children who need special assistance because English is not their dominant language;

"(4) Native Americans and Native American languages (as such terms are defined in section 103 of the Native American Languages Act), including native residents of the outlying areas, have a unique status under Federal law that requires special policies within the broad purposes of this Act to serve the education needs of language minority students in the United States;

"(5) the Federal Government, as exemplified by title VI of the Civil Rights Act of 1964 and section 204(f) of the Equal Education Opportunities Act of 1974, has a special and continuing obligation to ensure that States and local educational agencies take appropriate action to provide equal educational opportunities to children of limited English proficiency; and

"(6) research, evaluation, and data collection capabilities in the field of instruction for limited English proficient children need to be strengthened so that educators and other staff teaching limited English proficient children in the classroom can better identify and promote programs, program implementation strategies, and instructional practices that result in the effective education of limited English proficient children.

"(b) PURPOSES.—The purposes of this part are—

"(1) to help ensure that children who are limited English proficient attain English proficiency, develop high levels of academic attainment in English, and meet the same challenging State content standards and challenging State student performance standards expected of all children; and

"(2) to develop high quality programs designed to assist local educational agencies in teaching limited English proficient children.

"SEC. 7103. PARENTAL NOTIFICATION AND CONSENT FOR ENGLISH LANGUAGE INSTRUCTION.

"(a) NOTIFICATION.—If a local educational agency uses funds under this part to provide English language instruction to limited English proficient children, the agency shall inform a parent or the parents of a child participating in an English language instruction program for limited English proficient children assisted under this part of—

"(1) the reasons for the identification of the child as being in need of English language instruction;

"(2) the child's level of English proficiency, how such level was assessed, and the status of the child's academic achievement;

"(3) how the English language instruction program will specifically help the child acquire English and meet age-appropriate standards for grade promotion and graduation;

"(4) what the specific exit requirements are for the program;

"(5) the expected rate of transition from the program into a classroom that is not tailored for limited English proficient children; and

"(6) the expected rate of graduation from high school for the program if funds under this part are used for children in secondary schools.

"(b) CONSENT.—

"(1) AGENCY REQUIREMENTS.—

"(A) INFORMED CONSENT.—For a child who has been identified as limited English proficient prior to the beginning of the school year, each local educational agency that receives funds under this part shall obtain informed parental consent prior to the placement of a child in an English language instruction program for limited English proficient children funded under this part, if—

"(i) the program does not include classes which exclusively or almost exclusively use the English language in instruction; or

"(ii) instruction is tailored for limited English proficient children.

"(B) WRITTEN CONSENT NOT OBTAINED.—If written consent is not obtained, the local educational agency shall maintain a written record that includes the date and the manner in which such informed consent was obtained.

"(C) RESPONSE NOT OBTAINED.—

"(i) IN GENERAL.—If a response cannot be obtained after a reasonable and substantial effort has been made to obtain such consent, the local educational agency shall document, in writing, that it has given such notice and its specific efforts made to obtain such consent.

"(ii) DELIVERY OF PROOF OF DOCUMENTATION.—The proof of documentation shall be mailed or delivered in writing to the parents or guardian of the child prior to placing the child in a program described under subparagraph (A), and shall include a final notice requesting parental consent for such services. After such documentation has been mailed or delivered in writing, the LEA shall provide appropriate educational services.

"(iii) SPECIAL RULE APPLICABLE DURING SCHOOL YEAR.—A local educational agency may obtain parental consent under this clause only for children who have not been identified as limited English proficient prior to the beginning of the school year. For such children the agency shall document, in writing, its specific efforts made to obtain such consent prior to placing the child in a program described in subparagraph (A). After such documentation has been made, the local educational agency shall provide appropriate educational services to such child. The proof of documentation shall be mailed or delivered in writing to the parents or guardian of the child in a timely manner and shall include information on how to have their child immediately removed from the program upon their request. This clause shall not be construed as exempting a local educational agency from complying with the requirements of this subparagraph.

"(2) PARENTAL RIGHTS.—A parent or the parents of a child participating in an English language instruction program for limited English proficient children assisted under subpart 1 or 2 shall—

"(A) select among methods of instruction, if more than one method is offered in the program; and

"(B) have the right to have their child immediately removed from the program upon their request.

"(c) RECEIPT OF INFORMATION.—A parent or the parents of a child identified for participation in an English language instruction program for limited English proficient children assisted under this part shall receive, in a manner and form understandable to the parent or parents, the information required by this subsection. At a minimum, the parent or parents shall receive—

"(1) timely information about English language instruction programs for limited English proficient children assisted under this part;

"(2) if a parent of a participating child so desires, notice of opportunities for regular meetings for the purpose of formulating and responding to recommendations from such parents; and

"(3) procedural information for removing a child from a program for limited English proficient children.

“(d) BASIS FOR ADMISSION OR EXCLUSION.—Students shall not be admitted to or excluded from any federally assisted education program on the basis of a surname or language-minority status.

“SEC. 7104. TESTING OF LIMITED ENGLISH PROFICIENT CHILDREN.

“(a) IN GENERAL.—Assessments of limited English proficient children participating in programs funded under this part, to the extent practicable, shall be in the language and form most likely to yield accurate and reliable information on what such students know and can do in content areas.

“(b) SPECIAL RULE.—Notwithstanding subsection (a), in the case of an assessment of reading or language arts of any student who has attended school in the United States (excluding Puerto Rico) for 3 or more consecutive school years, the assessment shall be in the form of a test written in English, except that, if the local educational agency determines, on a case-by-case individual basis, that assessments in another language and form would likely yield more accurate and reliable information on what such students know and can do, the local educational agency may assess such students in the appropriate language other than English for 1 additional year.

“SEC. 7105. CONDITIONS ON EFFECTIVENESS OF SUBPARTS 1 AND 2.

“(a) SUBPART 1.—Subpart 1 shall be in effect only for a fiscal year for which subpart 2 is not in effect.

“(b) SUBPART 2.—

“(1) IN GENERAL.—Subpart 2 shall be in effect only for—

“(A) the first fiscal year for which the amount appropriated to carry out this part equals or exceeds $215,000,000; and

“(B) all succeeding fiscal years.

“(2) CONTINUATION OF AWARDS.—Notwithstanding any other provision of this part, a State receiving a grant under subpart 2 shall provide 1 additional year of funding to eligible entities in accordance with section 7133(3).

“SEC. 7106. AUTHORIZATIONS OF APPROPRIATIONS.

“(a) SUBPART 1 OR 2.—Subject to section 7105, for the purpose of carrying out subpart 1 or 2, as applicable, there are authorized to be appropriated $215,000,000 for fiscal year 2000 and such sums as may be necessary for the 4 succeeding fiscal years.

“(b) SUBPART 3.—For the purpose of carrying out subpart 3, there are authorized to be appropriated $60,000,000 for fiscal year 2000 and such sums as may be necessary for the 4 succeeding fiscal years.

“(c) SUBPART 4.—For the purpose of carrying out subpart 4, there are authorized to be appropriated $16,000,000 for fiscal year 2000 and such sums as may be necessary for the 4 succeeding fiscal years.

“Subpart 1—Discretionary Grant Program

“SEC. 7111. FINANCIAL ASSISTANCE FOR PROGRAMS FOR LIMITED ENGLISH PROFICIENT CHILDREN.

“The purpose of this subpart is to assist local educational agencies, institutions of higher education, and community-based organizations, through the grants authorized under section 7112, to—

“(1) develop and enhance their capacity to provide high-quality instruction through English language instruction and programs which assist limited English proficient children in achieving the same high levels of academic achievement as other children; and

“(2) help such children—

“(A) develop proficiency in English; and

“(B) meet the same challenging State content standards and challenging State student performance standards expected for all children as required by section 1111(b).

“SEC. 7112. FINANCIAL ASSISTANCE FOR INSTRUCTIONAL SERVICES.

“(a) PROGRAM AUTHORIZED.—

“(1) IN GENERAL.—In accordance with section 7105, before the amount appropriated to carry out this part for a fiscal year equals or exceeds $210,000,000, the Secretary is authorized to award grants to eligible entities having applications approved under section 7114 to enable such entities to carry out activities described in subsection (b).

“(2) LENGTH OF GRANT.—Each grant under this section shall be awarded for a period of time to be determined by the Secretary based on the type of grant for which the eligible entity applies.

“(b) AUTHORIZED ACTIVITIES.—Grants awarded under this section shall be used to improve the education of limited English proficient children and their families, through the acquisition of English and the attainment of challenging State academic content standards and challenging State performance standards using scientifically-based research approaches and methodologies, by—

“(1) developing and implementing new English language and academic content instructional programs for children who are limited English proficient, including programs of early childhood education and kindergarten through 12th grade education;

“(2) carrying out highly focused, innovative, locally designed projects to expand or enhance existing English language and academic content instruction programs for limited English proficient children;

“(3) implementing, within an individual school, schoolwide programs for restructuring, reforming, and upgrading all relevant programs and operations relating to English language and academic content instruction for limited English proficient students; or

“(4) implementing, within the entire jurisdiction of a local educational agency, agency-wide programs for restructuring, reforming, and upgrading all relevant programs and operations relating to English language and academic content instruction for limited English proficient students.

“(c) USES OF FUNDS.—Grants under this section may be used—

“(1) to upgrade—

“(A) educational goals, curriculum guidelines and content, standards, and assessments; and

“(B) professional development activities;

“(2) to improve the instruction program for limited English proficient students by identifying, acquiring, and upgrading curricula, instructional materials, educational software, and assessment procedures; and

“(3) to provide—

“(A) tutorials and academic or vocational education for limited English proficient children;

“(B) intensified instruction; and

“(C) for such other activities, related to the purposes of this subpart, as the Secretary may approve.

“(d) SPECIAL RULE.—A grant recipient, before carrying out a program assisted under this section, shall plan, train personnel, develop curricula, and acquire or develop materials.

“(e) ELIGIBLE ENTITIES.—For the purpose of this section, the term ‘eligible entity’ means—

“(1) 1 or more local educational agencies; or

“(2) 1 or more local educational agencies in collaboration with an institution of higher education, community-based organization, or local or State educational agency.

“SEC. 7113. NATIVE AMERICAN AND ALASKA NATIVE CHILDREN IN SCHOOL.

“(a) ELIGIBLE ENTITIES.—For the purpose of carrying out programs under this subpart for individuals served by elementary, secondary, and postsecondary schools operated predominately for Native American or Alaska Native children, an Indian tribe, a tribally sanctioned educational authority, a Native Hawaiian or Native American Pacific Islander native language education organization, or an elementary or secondary school that is operated or funded by the Bureau of Indian Affairs shall be considered to be a local educational agency as such term is used in this subpart, subject to the following qualifications:

“(1) INDIAN TRIBE.—The term ‘Indian tribe’ means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), that is recognized for the special programs and services provided by the United States to Indians because of their status as Indians.

“(2) TRIBALLY SANCTIONED EDUCATIONAL AUTHORITY.—The term ‘tribally sanctioned educational authority’ means—

“(A) any department or division of education operating within the administrative structure of the duly constituted governing body of an Indian tribe; and

“(B) any nonprofit institution or organization that is—

“(i) chartered by the governing body of an Indian tribe to operate any such school or otherwise to oversee the delivery of educational services to members of that tribe; and

“(ii) approved by the Secretary for the purpose of this section.

“(b) ELIGIBLE ENTITY APPLICATION.—Notwithstanding any other provision of this subpart, each eligible entity described in subsection (a) shall submit any application for assistance under this subpart directly to the Secretary along with timely comments on the need for the proposed program.

“SEC. 7114. APPLICATIONS.

“(a) IN GENERAL.—

“(1) SECRETARY.—To receive a grant under this subpart, an eligible entity shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require.

“(2) STATE EDUCATIONAL AGENCY.—An eligible entity, with the exception of schools funded by the Bureau of Indian Affairs, shall submit a copy of its application under this section to the State educational agency.

“(b) REQUIRED DOCUMENTATION.—Such application shall include documentation that the applicant has the qualified personnel required to develop, administer, and implement the proposed program.

“(c) CONTENTS.—

“(1) IN GENERAL.—An application for a grant under this subpart shall contain the following:

“(A) A description of the need for the proposed program, and a comprehensive description of the characteristics relevant to the children being served.

“(B) An assurance that, if the applicant includes one or more local educational agencies, each such agency is complying with section 7103(b) prior to, and throughout, each school year.

“(C) A description of the program to be implemented and how such program's design—

"(i) relates to the English language and academic needs of the children of limited English proficiency to be served;

"(ii) is coordinated with other programs under this Act and other Acts, as appropriate, in accordance with section 14306;

"(iii) involves the parents of the children of limited English proficiency to be served;

"(iv) ensures accountability in achieving high academic standards; and

"(v) promotes coordination of services for the children of limited English proficiency to be served and their families.

"(D) A description, if appropriate, of the applicant's collaborative activities with institutions of higher education, community-based organizations, local or State educational agencies, private schools, nonprofit organizations, or businesses in carrying out the proposed program.

"(E) An assurance that the applicant will not reduce the level of State and local funds that the applicant expends for programs for limited English proficient children if the applicant receives an award under this subpart.

"(F) An assurance that the applicant will employ teachers in the proposed program who are proficient in English, including written and oral communication skills, and another language, if appropriate.

"(G) A budget for grant funds.

"(H) A description, if appropriate of how the applicant annually will assess the English proficiency of all children with limited English proficiency participating in programs funded under this subpart.

"(2) ADDITIONAL INFORMATION.—Each applicant for a grant under section 7112 who intends to use the grant for a purpose described in paragraph (3) or (4) of subsection (b) of such section—

"(A) shall describe—

"(i) how services provided under this subpart are supplementary to existing services;

"(ii) how funds received under this subpart will be integrated, as appropriate, with all other Federal, State, local, and private resources that may be used to serve children of limited English proficiency;

"(iii) specific achievement and school retention goals for the children to be served by the proposed program and how progress toward achieving such goals will be measured; and

"(iv) current family literacy programs if applicable; and

"(B) shall provide assurances that the program funded will be integrated with the overall educational program.

"(d) APPROVAL OF APPLICATIONS.—An application for a grant under this subpart may be approved only if the Secretary determines that—

"(1) the program will use qualified personnel, including personnel who are proficient in English and other languages used in instruction, if appropriate.

"(2) in designing the program for which application is made, the needs of children in nonprofit private elementary and secondary schools have been taken into account through consultation with appropriate private school officials and, consistent with the number of such children enrolled in such schools in the area to be served whose educational needs are of the type and whose language and grade levels are of a similar type to those which the program is intended to address, after consultation with appropriate private school officials, provision has been made for the participation of such children on a basis comparable to that provided for public school children;

"(3) student evaluation and assessment procedures in the program are valid, reliable, and fair for limited English proficient students, and that limited English proficient students who are disabled are identified and served in accordance with the requirements of the Individuals with Disabilities Education Act;

"(4) Federal funds made available for the project or activity will be used so as to supplement the level of State and local funds that, in the absence of such Federal funds, would have been expended for special programs for limited English proficient children and in no case to supplant such State and local funds, except that nothing in this paragraph shall be construed to preclude a local educational agency from using funds under this title for activities carried out under an order of a court of the United States or of any State respecting services to be provided such children, or to carry out a plan approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 with respect to services to be provided such children; and

"(5) the assistance provided under the application will contribute toward building the capacity of the applicant to provide a program on a regular basis, similar to that proposed for assistance, which will be of sufficient size, scope, and quality to promise significant improvement in the education of students of limited English proficiency, and that the applicant will have the resources and commitment to continue the program when assistance under this subpart is reduced or no longer available.

"(e) CONSIDERATION.—In approving applications under this subpart, the Secretary shall give consideration to the degree to which the program for which assistance is sought involves the collaborative efforts of institutions of higher education, community-based organizations, the appropriate local and State educational agency, or businesses.

"SEC. 7115. INTENSIFIED INSTRUCTION.

"In carrying out this subpart, each grant recipient may intensify instruction for limited English proficient students by—

"(1) expanding the educational calendar of the school in which such student is enrolled to include programs before and after school and during the summer months;

"(2) applying technology to the course of instruction; and

"(3) providing intensified instruction through supplementary instruction or activities, including educationally enriching extracurricular activities, during times when school is not routinely in session.

"SEC. 7116. CAPACITY BUILDING.

"Each recipient of a grant under this subpart shall use the grant in ways that will build such recipient's capacity to continue to offer high-quality English language instruction and programs which assist limited English proficient children in achieving the same high levels of academic achievement as other children, once Federal assistance is reduced or eliminated.

"SEC. 7117. SUBGRANTS.

"A local educational agency that receives a grant under this subpart may, with the approval of the Secretary, make a subgrant to, or enter into a contract with, an institution of higher education, a nonprofit organization, or a consortium of such entities to carry out an approved program, including a program to serve out-of-school youth.

"SEC. 7118. SPECIAL CONSIDERATION.

"The Secretary shall give special consideration to applications under this subpart that describe a program that—

"(1) enrolls a large percentage or large number of limited English proficient students;

"(2) takes into account significant increases in limited English proficient children, including such children in areas with low concentrations of such children; and

"(3) ensures that activities assisted under this subpart address the needs of school systems of all sizes and geographic areas, including rural and urban schools.

"SEC. 7119. COORDINATION WITH OTHER PROGRAMS.

"In order to secure the most flexible and efficient use of Federal funds, any State receiving funds under this subpart shall coordinate its program with other programs under this Act and other Acts, as appropriate, in accordance with section 14306.

"SEC. 7120. NOTIFICATION.

"The State educational agency, and when applicable, the State board for postsecondary education, shall be notified within 3 working days of the date an award under this subpart is made to an eligible entity within the State.

"SEC. 7121. STATE GRANT PROGRAM.

"(a) STATE GRANT PROGRAM.—The Secretary is authorized to make an award to a State educational agency that demonstrates, to the satisfaction of the Secretary, that such agency, through such agency's own programs and other Federal education programs, effectively provides for the education of children of limited English proficiency within the State.

"(b) PAYMENTS.—The amount paid to a State educational agency under subsection (a) shall not exceed 5 percent of the total amount awarded to local educational agencies within the State under subpart 1 for the previous fiscal year, except that in no case shall the amount paid by the Secretary to any State educational agency under this subsection for any fiscal year be less than $100,000.

"(c) USE OF FUNDS.—

"(1) IN GENERAL.—A State educational agency shall use funds awarded under this section for programs authorized by this section—

"(A) to assist local educational agencies in the State with program design, capacity building, assessment of student performance, and program evaluation; and

"(B) to collect data on the State's limited English proficient populations and the educational programs and services available to such populations.

"(2) EXCEPTION.—States that do not, as of the date of enactment of the Student Results Act of 1999, have in place a system for collecting the data described in paragraph (1)(B) for all students in such State, are not required to meet the requirement of such paragraph. In the event such State develops a system for collecting data on the educational programs and services available to all students in the State, then such State shall comply with the requirement of paragraph (1)(B).

"(3) TRAINING.—The State educational agency may also use funds provided under this section for the training of State educational agency personnel in educational issues affecting limited English proficient children.

"(4) SPECIAL RULE.—Recipients of funds under this section shall not restrict the provision of services under this section to federally funded programs.

"(d) APPLICATIONS.—A State educational agency desiring to receive funds under this section shall submit an application to the Secretary in such form, at such time, and containing such information and assurances as the Secretary may require.

“(e) Supplement Not Supplant.—Funds made available under this section for any fiscal year shall be used by the State educational agency to supplement and, to the extent practical, to increase to the level of funds that would, in the absence of such funds, be made available by the State for the purposes described in this section, and in no case to supplant such funds.

“(f) Report to the Secretary.—State educational agencies receiving awards under this section shall provide for the annual submission of a summary report to the Secretary describing such State's use of such funds.

“Subpart 2—Formula Grant Program

“SEC. 7131. FORMULA GRANTS TO STATES.

“(a) In General.—In accordance with section 7105, after the amount appropriated to carry out this part for a fiscal year equals or exceeds $215,000,000, in the case of each State that in accordance with section 7133 submits to the Secretary an application for a fiscal year, the Secretary shall offer discretionary funds under subsection (b) to make a grant for the year to the State for the purposes specified in subsection (b). The grant shall consist of the allotment determined for the State under section 7135.

“(b) Reservation.—From the sums appropriated under subsection (a) for any fiscal year, the Secretary shall reserve not less than .5 percent to provide Federal financial assistance under this subpart to entities that are considered to be local educational agencies under section 7108(a).

“(c) Purposes of Grants.—

“(1) Required expenditures.—The Secretary may make a grant under subsection (a) only if the State involved agrees that the State will expend at least 95 percent of the amount of the funds provided under the grant for the purpose of making subgrants to eligible entities to provide assistance to limited English proficient children in accordance with section 7134.

“(2) Authorized expenditures.—Subject to paragraph (3), a State that receives a grant under subsection (a) may expend not more than 5 percent of the amount of the funds provided under the grant for one or more of the following purposes:

“(A) Professional development and activities that assist personnel in meeting State and local certification requirements for English language instruction.

“(B) Planning, administration, and interagency coordination related to the subgrants referred to in paragraph (1).

“(C) Providing technical assistance and other forms of assistance to local educational agencies that—

“(i) educate limited English proficient children; and

“(ii) are not receiving a subgrant from a State under this subpart.

“(D) Providing bonuses to subgrantees whose performance has been exceptional in terms of the speed with which children enrolled in the subgrantee's programs and activities attain English language proficiency and meet challenging State content standards and challenging State student performance standards.

“(3) Limitation on administrative costs.—In carrying out paragraph (2), a State that receives a grant under subsection (a) may expend not more than 2 percent of the amount of the funds provided under the grant for the purposes described in paragraph (2)(B).

“SEC. 7132. NATIVE AMERICAN AND ALASKA NATIVE CHILDREN IN SCHOOL.

“(a) Eligible Entities.—For the purpose of carrying out programs under this subpart for individuals served by elementary, secondary, and postsecondary schools operated predominately for Native American or Alaska Native children, the following shall be considered to be a local educational agency:

“(1) An Indian tribe.

“(2) A tribally sanctioned educational authority.

“(3) A Native Hawaiian or Native American Pacific Islander native language educational organization.

“(4) An elementary or secondary school that is operated or funded by the Bureau of Indian Affairs, or a consortium of such schools.

“(5) An elementary or secondary school operated under a contract with or grant from the Bureau of Indian Affairs, in consortium with another such school or a tribal or community organization.

“(6) An elementary or secondary school operated by the Bureau of Indian Affairs and an institution of higher education, in consortium with an elementary or secondary school operated under a contract with or grant from the Bureau of Indian Affairs or a tribal or community organization.

“(b) Submission of Applications for Assistance.—Notwithstanding any other provision of this subpart, an entity that is considered to be a local educational agency under subsection (a), and that desires to submit an application for Federal financial assistance under this subpart, shall submit the application to the Secretary. In all other respects, such an entity shall be eligible for a grant under this subpart on the same basis as any other local educational agency.

“SEC. 7133. APPLICATIONS BY STATES.

“For purposes of section 7131, an application submitted by a State for a grant under such section for a fiscal year is in accordance with this section if the application—

“(1) describes the process that the State will use in making subgrants to eligible entities under this subpart;

“(2) contains an agreement that the State annually will submit to the Secretary a summary report, describing the State's use of the funds provided under the grant;

“(3) contains an agreement that the State—

“(A) will provide one year of funding for an application for a subgrant under section 7134 from an eligible entity that describes a program that, on the day preceding the date of the enactment of the Student Results Act of 1999, was receiving funding under a grant—

“(i) awarded by the Secretary under subpart 1 or 3 of part A of the Bilingual Education Act (as such Act was in effect on such day); and

“(ii) that was not under its terms due to expire before a period of 1 year or more had elapsed; and

“(B) after such one-year extension, will give special consideration to such applications if the period of their award would not yet otherwise have expired if the Student Results Act of 1999 had not been enacted.

“(4) contains an agreement that, in carrying out this subpart, the State will address the needs of school systems of all sizes and in all geographic areas, including rural and urban schools;

“(5) contains an agreement that subgrants to eligible entities under section 7134 shall be of sufficient size and scope to allow such entities to carry out high quality education programs for limited English proficient children;

“(6) contains an agreement that the State will coordinate its programs and activities under this subpart with its other programs and activities under this Act and other Acts, as appropriate;

“(7) contains an agreement that the State—

“(A) shall monitor the progress of students enrolled in programs and activities receiving assistance under this subpart in attaining English proficiency and in attaining challenging State content standards and challenging State performance standards;

“(B) subject to subparagraph (C), shall withdraw funding from such programs and activities in cases where the majority of students are not attaining English proficiency and attaining challenging State content standards and challenging State performance standards after 3 academic years of enrollment based on the evaluation measures in section 7403(d); and

“(C) shall provide technical assistance to eligible entities that fail to satisfy the criterion in subparagraph (B) prior to the withdrawal of funding under such subparagraph;

“(8) contains an assurance that the State will require eligible entities receiving a subgrant under section 7134 annually to assess the English proficiency of all children with limited English proficiency participating in a program funded under this subpart; and

“(9) contains an agreement that States will require eligible entities receiving a grant under this subpart to use the grant in ways that will build such recipient's capacity to continue to offer high-quality English language instruction and programs which assist limited English proficient children in attaining challenging State content standards and challenging State performance standards once assistance under this subpart is no longer available.

“SEC. 7134. SUBGRANTS TO ELIGIBLE ENTITIES.

“(a) Purposes of Subgrants.—A State may make a subgrant to an eligible entity from funds received by the State under this subpart only if the entity agrees to expend the funds to improve the education of limited English proficient children and their families, through the acquisition of English and the attainment of challenging State academic content standards and challenging State performance standards, using scientifically-based research approaches and methodologies, by—

“(1) developing and implementing new English language and academic content instructional programs for children who are limited English proficient, including programs of early childhood education and kindergarten through 12th grade education;

“(2) carrying out highly focused, innovative, locally designed projects to expand or enhance existing English language and academic content instruction programs for limited English proficient children;

“(3) implementing, within an individual school, schoolwide programs for restructuring, reforming, and upgrading all relevant programs and operations relating to English language and academic content instruction for limited English proficient students; or

“(4) implementing, within the entire jurisdiction of a local educational agency, agency-wide programs for restructuring, reforming, and upgrading all relevant programs and operations relating to English language and academic content instruction for limited English proficient students.

“(b) Authorized Subgrantee Activities.—

“(1) In general.—Subject to paragraph (2), a State may make a subgrant to an eligible entity from funds received by the State under this subpart in order that the eligible entity may achieve one of the purposes described in subsection (a) by undertaking one or more of the following activities to improve the understanding, and use, of the English language, based on a child's learning skills:

"(A) Developing and implementing comprehensive preschool or elementary or secondary school English language instructional programs that are coordinated with other relevant programs and services.

"(B) Providing professional development to classroom teachers, administrators, and other school or community-based organizational personnel to improve the instruction and assessment of children who are limited English proficient children.

"(C) Improving the English language proficiency and academic performance of limited English proficient children.

"(D) Improving the instruction of limited English proficient children by providing for the acquisition or development of education technology or instructional materials, access to and participation in electronic networks for materials, providing training and communications, and incorporation of such resources in curricula and programs, such as those funded under this subpart.

"(E) Developing tutoring programs for limited English proficient children that provide early intervention and intensive instruction in order to improve academic achievement, to increase graduation rates among limited English proficient children, and to prepare students for transition as soon as possible into classrooms where instruction is not tailored for limited English proficient children.

"(F) Providing family literacy services and parent outreach and training activities to limited English proficient children and their families to improve their English language skills and assist parents in helping their children to improve their academic performance.

"(G) Other activities that are consistent with the purposes of this subpart.

"(2) MOVING CHILDREN OUT OF SPECIALIZED CLASSROOMS.—Any program or activity undertaken by an eligible entity using a subgrant from a State under this subpart shall be designed to assist students enrolled in the program or activity to attain English proficiency and meet challenging State content standards and challenging State performance standards as soon as possible and to move into a classroom where instruction is not tailored for limited English proficient children.

"(c) SELECTION OF METHOD OF INSTRUCTION.—To receive a subgrant from a State under this subpart, an eligible entity shall select one or more methods or forms of instruction to be used in the programs and activities undertaken by the entity to assist limited English proficient children to attain English proficiency and meet challenging State content standards and challenging State student performance standards. Such selection shall be consistent with sections 7406 and 7407.

"(d) DURATION OF SUBGRANTS.—The duration of a subgrant made by a State under this section shall be determined by the State in its discretion.

"(e) APPLICATIONS BY ELIGIBLE ENTITIES.—

"(1) IN GENERAL.—To receive a subgrant from a State under this subpart, an eligible entity shall submit an application to the State at such time, in such form, and containing such information as the State may require.

"(2) REQUIRED DOCUMENTATION.—The application shall describe the programs and activities proposed to be developed, implemented, and administered under the subgrant and shall provide an assurance that the applicant will only employ teachers and other personnel for the proposed programs and activities who are proficient in English, including written and oral communication skills.

"(3) REQUIREMENTS FOR APPROVAL.—A State may approve an application submitted by an eligible entity for a subgrant under this subpart only if the State determines that—

"(A) the eligible entity will use qualified personnel who have appropriate training and professional credentials in teaching English to children who are limited English proficient;

"(B) if the eligible entity includes one or more local educational agencies, each such agency is complying with section 7103(b) prior to, and throughout, each school year;

"(C) the eligible entity annually will assess the English proficiency of all children with limited English proficiency participating in programs funded under this subpart;

"(D) the eligible entity has based its proposal on sound research and theory;

"(E) the eligible entity has described in the application how students enrolled in the programs and activities proposed in the application will be fluent in English after 3 academic years of enrollment;

"(F) the eligible entity will ensure that programs will enable children to speak, read, write, and comprehend the English language and meet challenging State content and challenging State performance standards; and

"(G) the eligible entity is not in violation of any State law, including State constitutional law, regarding the education of limited English proficient children.

"(4) QUALITY.—In determining which applications to select for approval, a State shall consider the quality of each application and ensure that it is of sufficient size and scope to meet the purposes of this subpart.

"SEC. 7135. DETERMINATION OF AMOUNT OF ALLOTMENT.

"(a) IN GENERAL.—Except as provided in subsections (b), (c), and (d), from the sum available for the purpose of making grants to States under this subpart for any fiscal year, the Secretary shall allot to each State an amount which bears the same ratio to such sum as the total number of children who are limited English proficient and who reside in the State bears to the total number of such children residing in all States (excluding the Commonwealth of Puerto Rico and the outlying areas) that, in accordance with section 7133, submit to the Secretary an application for the year.

"(b) PUERTO RICO.—From the sum available for the purpose of making grants to States under this subpart for any fiscal year, the Secretary shall allot to the Commonwealth of Puerto Rico an amount equal to 1.5 percent of the sums appropriated under section 7106(a).

"(c) OUTLYING AREAS.—

"(1) TOTAL AVAILABLE FOR ALLOTMENT.—From the sum available for the purpose of making grants to States under this subpart for any fiscal year, the Secretary shall allot to the outlying areas, in accordance with paragraph (2), a total amount equal to .5 percent of the sums appropriated under section 7120.

"(2) DETERMINATION OF INDIVIDUAL AREA AMOUNTS.—From the total amount determined under paragraph (1), the Secretary shall allot to each outlying area an amount which bears the same ratio to such amount as the total number of children who are limited English proficient and who reside in the outlying area bears to the total number of such children residing in all outlying areas that, in accordance with section 7133, submit to the Secretary an application for the year.

"(d) MINIMUM ALLOTMENT.—

"(1) IN GENERAL.—Notwithstanding subsections (a) through (c), and subject to section 7105, the Secretary shall not allot to any State, for fiscal years 2000 through 2004, an amount that is less than 100 percent of the baseline amount for the State.

"(2) BASELINE AMOUNT DEFINED.—For purposes of this subsection, the term 'baseline amount', when used with respect to a State, means the total amount received under this part for fiscal year 2000 by the State, the State educational agency, and all local educational agencies of the State.

"(3) RATABLE REDUCTION.—If the amount available for allotment under this section for any fiscal year is insufficient to permit the Secretary to comply with paragraph (1), the Secretary shall ratably reduce the allotments to all States for such year.

"(e) USE OF STATE DATA FOR DETERMINATIONS.—For purposes of subsections (a) and (c), any determination of the number of children who are limited English proficient and reside in a State shall be made using the most recent limited English proficient school enrollment data available to, and reported to the Secretary by, the State. The State shall provide assurances to the Secretary that such data are valid and reliable.

"(f) NO REDUCTION PERMITTED BASED ON TEACHING METHOD.—The Secretary may not reduce a State's allotment based on the State's selection of the immersion method of instruction as its preferred method of teaching the English language to children who are limited English proficient."

"SEC. 7136. DISTRIBUTION OF GRANTS TO ELIGIBLE ENTITIES.

"Of the amount expended by a State for subgrants to eligible entities—

"(1) at least one-half shall be allocated to eligible entities that enroll a large percentage or a large number of children who are limited English proficient, as determined based on the relative enrollments of such children enrolled in the eligible entities; and

"(2) the remainder shall be allocated on a competitive basis to—

"(A) eligible entities within the State to address a need brought about through a significant increase, as compared to the previous 2 years, in the percentage or number of children who are limited English proficient in a school or local educational agency, including schools and agencies in areas with low concentrations of such children; and

"(B) other eligible entities serving limited English proficient children.

"SEC. 7137. SPECIAL RULE ON PRIVATE SCHOOL PARTICIPATION.

For purposes of this Act, this subpart shall be treated as a covered program, as defined in section 14101(10).

"Subpart 3—Professional Development

"SEC. 7141. PURPOSE.

"The purpose of this subpart is to assist in preparing educators to improve educational services for limited English proficient children by supporting professional development programs primarily aimed at improving and developing the skills of instructional staff in elementary and secondary schools and on assisting limited English proficient children to attain English proficiency and meet challenging State academic content standards and challenging State performance standards.

"SEC. 7142. PROFESSIONAL DEVELOPMENT AND FELLOWSHIPS.

"(a) PROGRAM AUTHORIZED.—

"(1) IN GENERAL.—The Secretary is authorized to award grants, as appropriate, to local educational agencies, institutions of higher education, State educational agencies, public and private organizations in consortium with a local educational agency, or a consortium of such agencies or institutions, except that any such consortium shall include a local educational agency.

"(2) GRANT PURPOSE.—Grants awarded under this section shall be used for one or more of the following purposes:

"(A) To develop and provide ongoing inservice professional development, including professional development necessary to receive certification as a teacher of limited English proficient children, for teachers of limited English proficient children, school administrators and, if appropriate, pupil services personnel, and other educational personnel who are involved in, or preparing to be involved in, the provision of educational services to limited English proficient children.

"(B) To provide for the incorporation of courses and curricula on appropriate and effective instructional and assessment methodologies, strategies, and resources specific to limited English proficient students into in-service professional development programs for teachers, administrators and, if appropriate, pupil services personnel, and other educational personnel in order to prepare such individuals to provide effective services to limited English proficient students.

"(C) To upgrade the qualifications and skills of teachers to ensure that they are fully qualified (as defined by section 1610) and meet high professional standards, including certification and licensure as a teacher of limited English proficient students.

"(D) To upgrade the qualifications and skills of paraprofessionals to ensure they meet the requirements under section 1119 and meet high professional standards to assist, as appropriate, teachers who instruct limited English proficient students.

"(E) To train secondary school students as teachers of limited English proficient children and to train, as appropriate, other education personnel to serve limited English proficient students.

"(F) To award fellowships for—

"(i) study in such areas as teacher training, program administration, research and evaluation, and curriculum development, at the master's, doctoral, or post-doctoral degree level, related to instruction of children and youth of limited English proficiency; and

"(ii) the support of dissertation research related to such study.

"(G) To recruit elementary and secondary school teachers of limited English proficient children.

"(b) DURATION AND LIMITATION.—

"(1) GRANT PERIOD.—Each grant under this section shall be awarded for a period of not more than 5 years.

"(2) LIMITATION.—Not more than 15 percent of the amount of the grant may be expended for the purposes described in subparagraphs (F) and (G) of subsection (a)(2).

"(c) PROFESSIONAL DEVELOPMENT REQUIREMENTS.—

"(1) ACTIVITIES.—A recipient of a grant under this section may use the grant funds for the following professional development activities:

"(A) Designing and implementing of induction programs for new teachers, including mentoring and coaching by trained teachers, team teaching with experienced teachers, compensation for, and availability of, time for observation of, and consultation with, experienced teachers, and compensation for, and availability of, additional time for course preparation.

"(B) Implementing collaborative efforts among teachers to improve instruction in reading and other core academic areas for students with limited English proficiency, including programs that facilitate teacher observation and analysis of fellow teachers' classroom practice.

"(C) Supporting long-term collaboration among teachers and outside experts to improve instruction of limited English proficient students.

"(D) Coordinating project activities with other programs, such as those under the Head Start Act, and titles I and II of this Act, and titles II and V of the Higher Education Act of 1965.

"(E) Developing curricular materials and assessments for teachers that are aligned with State and local standards and the needs of the limited English proficient students to be served.

"(F) Instructing teachers and, where appropriate, other personnel working with limited English children on how—

"(i) to utilize test results to improve instruction for limited English proficient children so the children can meet the same challenging State content standards and challenging State performance standards as other students; and

"(ii) to help parents understand the results of such assessments.

"(G) Contracting with institutions of higher education to allow them to provide inservice training to teachers, and, where appropriate, other personnel working with limited English proficient children to improve the quality of professional development programs for limited English proficient students.

"(H) Such other activities as are consistent with the purpose of this section.

"(2) ADDITIONAL REQUIREMENTS FOR PROFESSIONAL DEVELOPMENT FUNDS.—Uses of funds received under this section for professional development—

"(A) shall advance teacher understanding of effective instructional strategies based on scientifically based research for improving student achievement;

"(B) shall be of sufficient intensity and duration (not to include 1-day or short-term workshops and conferences) to have a positive and lasting impact on teachers' performance in the classroom;

"(C) shall be developed with extensive participation of teachers, principals, parents, and administrators of schools to be served under subparts 1 and 2 of part A; and

"(D) as a whole, shall be regularly evaluated for their impact on increased teacher effectiveness and improved student achievement, with the findings of such evaluations used to improve the quality of professional development.

"(d) FELLOWSHIP REQUIREMENTS.—

"(1) IN GENERAL.—Any person receiving a fellowship under subsection (a)(2)(F) shall agree—

"(A) to work as a teacher of limited English proficient children, or in a program or an activity funded under this part, for a period of time equivalent to the period of time during which the person receives such fellowship; or

"(B) to repay the amount received pursuant to the fellowship award.

"(2) REGULATIONS.—The Secretary shall establish in regulations such terms and conditions for agreements under paragraph (1) as the Secretary deems reasonable and necessary and may waive the requirement of such paragraph in extraordinary circumstances.

"(3) PRIORITY.—In awarding fellowships under this section, the Secretary shall give priority to fellowship applicants applying for study or dissertation research at institutions of higher education that have demonstrated a high level of success in placing fellowship recipients into employment in elementary and secondary schools.

"(4) INFORMATION.—The Secretary shall include information on the operation and the number of fellowships awarded under this section in the evaluation required under section 7145.

"SEC. 7143. APPLICATION.

"(a) IN GENERAL.—

"(1) SUBMISSION TO SECRETARY.—In order to receive a grant under section 7142, an agency, institution, organization, or consortium described in subsection (a)(1) of such section shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require.

"(2) CONTENTS.—Each such application shall include—

"(A) a description of the proposed professional development or graduate fellowship programs to be implemented with the grant;

"(B) a description of the scientific research on which the program or programs are based; and

"(C) an assurance that funds will be used to supplement and not supplant other professional development activities that affect the teaching and learning in elementary and secondary schools, as appropriate.

"(b) APPROVAL.—The Secretary shall only approve an application under this section if it meets the requirements of this section and is of sufficient quality to meet the purposes of this subpart.

"(c) SPECIAL RULES.—

"(1) OUTREACH AND TECHNICAL ASSISTANCE.—The Secretary shall provide for outreach and technical assistance to institutions of higher education eligible for assistance under titles III and V of the Higher Education Act of 1965 and institutions of higher education that are operated or funded by the Bureau of Indian Affairs to facilitate the participation of such institutions under this subpart.

"(2) DISTRIBUTION.—In making awards under this subpart, the Secretary shall ensure adequate representation of Hispanic-serving institutions (as defined in section 502 of the Higher Education Act of 1965) that demonstrate competence and experience in the programs and activities authorized under this subpart and are otherwise qualified.

"SEC. 7144. PROGRAM EVALUATIONS.

"Each recipient of funds under this subpart shall provide the Secretary with an evaluation of the program assisted under this subpart every 2 years. Such evaluation shall include data on—

"(1) post-program placement of persons trained in a program assisted under this subpart;

"(2) how such training relates to the employment of persons served by the program;

"(3) program completion; and

"(4) such other information as the Secretary may require.

"SEC. 7145. USE OF FUNDS FOR SECOND LANGUAGE COMPETENCE.

Not more than 10 percent of the funds received under this subpart may be used to develop any program participant's competence in a second language for use in instructional programs.

"Subpart 4—Research, Evaluation, and Dissemination

"SEC. 7151. AUTHORITY.

"The Secretary shall conduct and coordinate, through the Office of Educational Research and Improvement and in coordination with the Office of Educational Services for Limited English Proficient Children, research for the purpose of improving English language and academic content instruction for children who are limited English proficient. Activities under this section shall be limited to research to identify successful models for teaching limited English proficient children English, research to identify successful models for assisting such children to meet challenging State content and student performance standards, and distribution of research results to States for dissemination to schools with populations of students who are limited English proficient. Research conducted under this section may not focus solely on any one method of instruction.

"PART B—EMERGENCY IMMIGRANT EDUCATION PROGRAM

"SEC. 7201. FINDINGS AND PURPOSE.

"(a) FINDINGS.—The Congress finds that—

"(1) the education of our Nation's children and youth is one of the most sacred government responsibilities;

"(2) local educational agencies have struggled to fund adequately education services; and

"(3) immigration policy is solely a responsibility of the Federal Government.

"(b) PURPOSE.—The purpose of this part is to assist eligible local educational agencies that experience unexpectedly large increases in their student population due to immigration to—

"(1) provide high-quality instruction to immigrant children and youth; and

"(2) help such children and youth—

"(A) with their transition into American society; and

"(B) meet the same challenging State performance standards expected of all children and youth.

"SEC. 7202. STATE ADMINISTRATIVE COSTS.

"For any fiscal year, a State educational agency may reserve not more than 1.5 percent of the amount allocated to such agency under section 7204 to pay the costs of performing such agency's administrative functions under this part.

"SEC. 7203. WITHHOLDING.

"Whenever the Secretary, after providing reasonable notice and opportunity for a hearing to any State educational agency, finds that there is a failure to meet the requirement of any provision of this part, the Secretary shall notify that agency that further payments will not be made to the agency under this part, or in the discretion of the Secretary, that the State educational agency shall not make further payments under this part to specified local educational agencies whose actions cause or are involved in such failure until the Secretary is satisfied that there is no longer any such failure to comply. Until the Secretary is so satisfied, no further payments shall be made to the State educational agency under this part, or payments by the State educational agency under this part shall be limited to local educational agencies whose actions did not cause or were not involved in the failure, as the case may be.

"SEC. 7204. STATE ALLOCATIONS.

"(a) PAYMENTS.—The Secretary shall, in accordance with the provisions of this section, make payments to State educational agencies for each of the fiscal years 2000 through 2004 for the purpose set forth in section 7201(b).

"(b) ALLOCATIONS.—

"(1) IN GENERAL.—Except as provided in subsections (c) and (d), of the amount appropriated for each fiscal year for this part, each State participating in the program assisted under this part shall receive an allocation equal to the proportion of such State's number of immigrant children and youth who are enrolled in public elementary or secondary schools under the jurisdiction of each local educational agency described in paragraph (2) within such State, and in nonpublic elementary or secondary schools within the district served by each such local educational agency, relative to the total number of immigrant children and youth so enrolled in all the States participating in the program assisted under this part.

"(2) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—The local educational agencies referred to in paragraph (1) are those local educational agencies in which the sum of the number of immigrant children and youth who are enrolled in public elementary or secondary schools under the jurisdiction of such agencies, and in nonpublic elementary or secondary schools within the districts served by such agencies, during the fiscal year for which the payments are to be made under this part, is equal to—

"(A) at least 500; or

"(B) at least 3 percent of the total number of students enrolled in such public or nonpublic schools during such fiscal year,

whichever number is less.

"(c) DETERMINATIONS OF NUMBER OF CHILDREN AND YOUTH.—

"(1) IN GENERAL.—Determinations by the Secretary under this section for any period with respect to the number of immigrant children and youth shall be made on the basis of data or estimates provided to the Secretary by each State educational agency in accordance with criteria established by the Secretary, unless the Secretary determines, after notice and opportunity for a hearing to the affected State educational agency, that such data or estimates are clearly erroneous.

"(2) SPECIAL RULE.—No such determination with respect to the number of immigrant children and youth shall operate because of an underestimate or overestimate to deprive any State educational agency of the allocation under this section that such State would otherwise have received had such determination been made on the basis of accurate data.

"(d) REALLOCATION.—Whenever the Secretary determines that any amount of a payment made to a State under this part for a fiscal year will not be used by such State for carrying out the purpose for which the payment was made, the Secretary shall make such amount available for carrying out such purpose to one or more other States to the extent the Secretary determines that such other States will be able to use such additional amount for carrying out such purpose. Any amount made available to a State from any appropriation for a fiscal year in accordance with the preceding sentence shall, for purposes of this part, be regarded as part of such State's payment (as determined under subsection (b)) for such year, but shall remain available until the end of the succeeding fiscal year.

"(e) RESERVATION OF FUNDS.—

"(1) IN GENERAL.—Notwithstanding any other provision of this part, if the amount appropriated to carry out this part exceeds $50,000,000 for a fiscal year, a State educational agency may reserve not more than 20 percent of such agency's payment under this part for such year to award grants, on a competitive basis, to local educational agencies within the State as follows:

"(A) At least one-half of such grants shall be made available to eligible local educational agencies (as described in subsection (b)(2)) within the State with the highest numbers and percentages of immigrant children and youth.

"(B) Funds reserved under this paragraph and not made available under subparagraph (A) may be distributed to local educational agencies within the State experiencing a sudden influx of immigrant children and youth which are otherwise not eligible for assistance under this part.

"(2) USE OF GRANT FUNDS.—Each local educational agency receiving a grant under paragraph (1) shall use such grant funds to carry out the activities described in section 7207.

"(3) INFORMATION.—Local educational agencies with the highest number of immigrant children and youth receiving funds under paragraph (1) may make information available on serving immigrant children and youth to local educational agencies in the State with sparse numbers of such children.

"SEC. 7205. STATE APPLICATIONS.

"(a) SUBMISSION.—No State educational agency shall receive any payment under this part for any fiscal year unless such agency submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information, as the Secretary may reasonably require. Each such application shall—

"(1) provide that the educational programs, services, and activities for which payments under this part are made will be administered by or under the supervision of the agency;

"(2) provide assurances that payments under this part will be used for purposes set forth in sections 7201(b) and 7207, including a description of how local educational agencies receiving funds under this part will use such funds to meet such purposes and will coordinate with other programs assisted under this Act and other Acts as appropriate;

"(3) provide an assurance that local educational agencies receiving funds under this part will coordinate the use of such funds with programs assisted under part A or title I;

"(4) provide assurances that such payments, with the exception of payments reserved under section 7204(e), will be distributed among local educational agencies within that State on the basis of the number of immigrant children and youth counted with respect to each such local educational agency under section 7204(b)(1);

"(5) provide assurances that the State educational agency will not finally disapprove in whole or in part any application for funds received under this part without first affording the local educational agency submitting an application for such funds reasonable notice and opportunity for a hearing;

"(6) provide for making such reports as the Secretary may reasonably require to perform the Secretary's functions under this part;

"(7) provide assurances—

“(A) that to the extent consistent with the number of immigrant children and youth enrolled in the nonpublic elementary or secondary schools within the district served by a local educational agency, such agency, after consultation with appropriate officials of such schools, shall provide for the benefit of such children and youth secular, neutral, and nonideological services, materials, and equipment necessary for the education of such children and youth;

“(B) that the control of funds provided under this part to any materials, equipment, and property repaired, remodeled, or constructed with those funds shall be in a public agency for the uses and purposes provided in this part, and a public agency shall administer such funds and property; and

“(C) that the provision of services pursuant to this paragraph shall be provided by employees of a public agency or through contract by such public agency with a person, association, agency, or corporation who or which, in the provision of such services, is independent of such nonpublic elementary or secondary school and of any religious organization, and such employment or contract shall be under the control and supervision of such public agency, and the funds provided under this paragraph shall not be commingled with State or local funds;

“(8) provide that funds reserved under section 7204(e) be awarded on a competitive basis based on merit and need in accordance with such subsection; and

“(9) provide an assurance that State and local educational agencies receiving funds under this part will comply with the requirements of section 1120(b).

“(b) Application Review.—

“(1) In general.—The Secretary shall review all applications submitted pursuant to this section by State educational agencies.

“(2) Approval.—The Secretary shall approve any application submitted by a State educational agency that meets the requirements of this section.

“(3) Disapproval.—The Secretary shall disapprove any application submitted by a State educational agency which does not meet the requirements of this section, but shall not finally disapprove an application except after providing reasonable notice, technical assistance, and an opportunity for a hearing to the State.

“SEC. 7206. ADMINISTRATIVE PROVISIONS.

“(a) Notification of Amount.—The Secretary, not later than June 1 of each year, shall notify each State educational agency that has an application approved under section 7205 of the amount of such agency's allocation under section 7204 for the succeeding year.

“(b) Services to Children Enrolled in Nonpublic Schools.—If by reason of any provision of law a local educational agency is prohibited from providing educational services for children enrolled in elementary and secondary nonpublic schools, as required by section 7205(a)(7), or if the Secretary determines that a local educational agency has substantially failed or is unwilling to provide for the participation on an equitable basis of children enrolled in such schools, the Secretary may waive such requirement and shall arrange for the provision of services, subject to the requirements of this part, to such children. Such waivers shall be subject to consultation, withholding, notice, and judicial review requirements in accordance with the provisions of title I.

“SEC. 7207. USES OF FUNDS.

“(a) Use of Funds.—Funds awarded under this part shall be used to pay for enhanced instructional opportunities for immigrant children and youth, which may include—

“(1) family literacy, parent outreach, and training activities designed to assist parents to become active participants in the education of their children;

“(2) salaries of personnel, including teacher aides who have been specifically trained, or are being trained, to provide services to immigrant children and youth;

“(3) tutorials, mentoring, and academic or career counseling for immigrant children and youth;

“(4) identification and acquisition of curricular materials, educational software, and technologies to be used in the program;

“(5) basic instructional services which are directly attributable to the presence in the school district of immigrant children, including the costs of providing additional classroom supplies, overhead costs, costs of construction, acquisition or rental of space, costs of transportation, or such other costs as are directly attributable to such additional basic instructional services; and

“(6) such other activities, related to the purposes of this part, as the Secretary may authorize.

“(b) Consortia.—A local educational agency that receives a grant under this part may collaborate or form a consortium with one or more local educational agencies, institutions of higher education, and nonprofit organizations to carry out the program described in an application approved under this part.

“(c) Subgrants.—A local educational agency that receives a grant under this part may, with the approval of the Secretary, make a subgrant to, or enter into a contract with, an institution of higher education, a nonprofit organization, or a consortium of such entities to carry out a program described in an application approved under this part, including a program to serve out-of-school youth.

“(d) Construction.—Nothing in this part shall be construed to prohibit a local educational agency from serving immigrant children simultaneously with students with similar educational needs, in the same educational settings where appropriate.

“SEC. 7208. REPORTS.

“(a) Biennial Report.—Each State educational agency receiving funds under this part shall submit, once every two years, a report to the Secretary concerning the expenditure of funds by local educational agencies under this part. Each local educational agency receiving funds under this part shall submit to the State educational agency such information as may be necessary for such report.

“(b) Report to Congress.—The Secretary shall submit, once every two years, a report to the appropriate committees of the Congress concerning programs assisted under this part in accordance with section 14701.

“SEC. 7209. AUTHORIZATION OF APPROPRIATIONS.

“For the purpose of carrying out this part, there are authorized to be appropriated $175,000,000 for fiscal year 2000 and such sums as may be necessary for each of the four succeeding fiscal years.

“PART C—ADMINISTRATION

“SEC. 7301. REPORTING REQUIREMENTS.

“(a) States.—Based upon the evaluations provided to a State under section 7403, each State receiving a grant under this title annually shall report to the Secretary on programs and activities undertaken by the State under this title and the effectiveness of such programs and activities in improving the education provided to children who are limited English proficient.

“(b) Secretary.—Every other year, the Secretary shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report on programs and activities undertaken by States under this title and the effectiveness of such programs and activities in improving the education provided to children who are limited English proficient.

“SEC. 7302. COORDINATION WITH RELATED PROGRAMS.

“In order to maximize Federal efforts aimed at serving the educational needs of children and youth of limited English proficiency, the Secretary shall coordinate and ensure close cooperation with other programs serving language-minority and limited English proficient students that are administered by the Department and other agencies.

“PART D—GENERAL PROVISIONS

“SEC. 7401. DEFINITIONS.

“SEC. 7402. CONSTRUCTION.

“Nothing in subpart 1 or 2 shall be construed to prohibit a local educational agency from serving limited English proficient children and youth simultaneously with students with similar educational needs, in the same educational settings where appropriate.

“SEC. 7403. EVALUATION.

“(a) In General.—Each eligible entity that receives a subgrant from a State or a grant from the Secretary under part A shall provide the State or the Secretary, at the conclusion of every second fiscal year during which the subgrant or grant is received, with an evaluation, in a form prescribed by the State or the Secretary, of—

“(1) the programs and activities conducted by the entity with funds received under part A during the 2 immediately preceding fiscal years;

“(2) the progress made by students in learning the English language and meeting challenging State content standards and challenging State student performance standards;

“(3) the number and percentage of students in the programs and activities attaining English language proficiency by the end of each school year, as determined by a valid and reliable assessment of English proficiency; and

“(4) the progress made by students in meeting challenging State content and challenging State performance standards for each of the 2 years after such students are no longer receiving services under this part.

“(b) Use of Evaluation.—An evaluation provided by an eligible entity under subsection (a) shall be used by the entity and the State or the Secretary—

“(1) for improvement of programs and activities;

“(2) to determine the effectiveness of programs and activities in assisting children who are limited English proficient to attain English proficiency (as measured consistent with subsection (d)) and meet challenging State content standards and challenging State student performance standards; and

“(3) in determining whether or not to continue funding for specific programs or projects.

“(c) Evaluation Components.—An evaluation provided by an eligible entity under subsection (a) shall include—

“(1) an evaluation of whether students enrolling in a program or activity conducted by the entity with funds received under part A—

"(A) have attained English proficiency and are meeting challenging State content standards and challenging State student performance standards; and

"(B) have achieved a working knowledge of the English language that is sufficient to permit them to perform, in English, in a classroom that is not tailored to limited English proficient children; and

"(2) such other information as the State or the Secretary may require.

"(d) EVALUATION MEASURES.—In prescribing the form of an evaluation provided by an entity under subsection (a), a State or the Secretary shall approve evaluation measures, as applicable, for use under subsection (c) that are designed to assess—

"(1) oral language proficiency in kindergarten;

"(2) oral language proficiency, including speaking and listening skills, in first grade;

"(3) both oral language proficiency, including speaking and listening skills, and reading and writing proficiency in grades two and higher; and

"(4) attainment of challenging State performance standards.

"SEC. 7404. CONSTRUCTION.

"Nothing in part A shall be construed as requiring a State or a local educational agency to establish, continue, or eliminate a program of native language instruction.

"SEC. 7405. LIMITATION ON FEDERAL REGULATIONS.

"The Secretary shall issue regulations under this title only to the extent that such regulations are necessary to ensure compliance with the specific requirements of this title.

"SEC. 7406. LEGAL AUTHORITY UNDER STATE LAW.

"Nothing in this title shall be construed to negate or supersede the legal authority, under State law, of any State agency, State entity, or State public official over programs that are under the jurisdiction of the State agency, entity, or official.

"SEC. 7407. CIVIL RIGHTS.

"Nothing in this title shall be construed in a manner inconsistent with any Federal law guaranteeing a civil right.

"SEC. 7408. RULE OF CONSTRUCTION.

"Nothing in part A shall be construed to limit the preservation or use of Native American languages as defined in the Native American Languages Act or Alaska Native languages.

"SEC. 7409. REPORT.

"The Secretary shall prepare, and submit to the Secretary and to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, a report on—

"(1) the activities carried out under this title and the effectiveness of such activities in increasing the English proficiency of limited English proficient children and helping them to meet challenging State content standards and challenging State performance standards;

"(2) the types of instructional programs used under subpart 1 to teach limited English proficient children;

"(3) the number of programs, if any, which were terminated from the program because they were not able to reach program goals; and

"(4) other information gathered as part of the evaluation conducted under section 7403.

"SEC. 7410. PROGRAMS FOR NATIVE AMERICANS AND PUERTO RICO.

"Programs authorized under subparts 1 and 2 of this part that serve Native American children, Native Pacific Island children, and children in the Commonwealth of Puerto Rico, notwithstanding any other provision of this title may include programs of instruction, teacher training, curriculum development, evaluation, and testing designed for Native American children learning and studying Native American languages and children of limited Spanish proficiency, except that a primary outcome of programs serving such children shall be increased English proficiency among such children.".

SEC. 902. CONFORMING AMENDMENT TO DEPARTMENT OF EDUCATION ORGANIZATION ACT.

(a) IN GENERAL.—The Department of Education Organization Act is amended by striking "Office of Bilingual Education and Minority Languages Affairs" each place such term appears in the text and inserting "Office of Educational Services for Limited English Proficient Children".

(b) CLERICAL AMENDMENTS.—

(1) SECTION 209.—The section heading for section 209 of the Department of Education Organization Act is amended to read as follows:

"OFFICE OF EDUCATIONAL SERVICES FOR LIMITED ENGLISH PROFICIENT CHILDREN".

(2) SECTION 216.—The section heading for section 216 of the Department of Education Organization Act is amended to read as follows:

"SEC. 216. OFFICE OF EDUCATIONAL SERVICES FOR LIMITED ENGLISH PROFICIENT CHILDREN.".

(3) TABLE OF CONTENTS.—

(A) SECTION 209.—The table of contents of the Department of Education Organization Act is amended by amending the item relating to section 209 to read as follows:

"Sec. 209. Office of Educational Services for Limited English Proficient Children.".

(B) SECTION 216.—The table of contents of the Department of Education Organization Act is amended by amending the item relating to section 216 to read as follows:

"Sec. 216. Office of Educational Services for Limited English Proficient Children.".

MODIFICATION TO AMENDMENT NO. 5 OFFERED BY MR. GOODLING

Mr. GOODLING. Madam Chairman, I ask unanimous consent that the amendment be modified with the modification at the desk.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Amendment No. 5, as modified, offered by Mr. GOODLING:

In section 1112(b) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 106 of the bill—

(1) in paragraph (10), by striking the "and" after the semicolon;

(2) in paragraph (11), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(12) a description of the criteria established by the local educational agency pursuant to section 1119(b)(1).

In section 1112(g) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 106(f) of the bill, strike subparagraph (A) of paragraph (2) and insert the following:

"(A) AGENCY REQUIREMENTS.—

"(i) INFORMED CONSENT.—For a child who has been identified as limited English proficient prior to the beginning of the school year, each local educational agency that receives funds under this part shall obtain informed parental consent prior to the placement of a child in an English language instruction program for limited English proficient children funded under this part, if—

"(I) the program does not include classes which exclusively or almost exclusively use the English language in instruction; or

"(II) instruction is tailored for limited English proficient children.

"(ii) WRITTEN CONSENT NOT OBTAINED.—If written consent is not obtained, the local educational agency shall maintain a written record that includes the date and the manner in which such informed consent was obtained.

"(iii) RESPONSE NOT OBTAINED.—

"(I) IN GENERAL.—If a response cannot be obtained after a reasonable and substantial effort has been made to obtain such consent, the local educational agency shall document that it has given such notice and its specific efforts made to obtain such consent.

"(II) DELIVERY OF PROOF OF DOCUMENTATION.—The proof of documentation shall be mailed or delivered in writing to the parents or guardian of the child prior to placing the child in a program described under in clause (i), and shall include a final notice requesting parental consent for such services. After such documentation has been mailed or delivered in writing, the local educational agency shall provide appropriate educational services.

"(III) SPECIAL RULE APPLICABLE DURING SCHOOL YEAR.—A local educational agency may obtain parental consent under this subclause only for children who have not been identified as limited English proficient prior to the beginning of a school year. For such children the agency shall document, in writing, its specific efforts made to obtain such consent prior to placing the child in a program described in clause (i). After such documentation has been made, the local educational agency shall provide appropriate educational services to such child. The proof of documentation shall be mailed or delivered in writing to the parents or guardian of the child in a timely manner and shall include information on how to have their child immediately removed from the program upon their request. This subclause shall not be construed as exempting a local educational agency from complying with the requirements of this subparagraph.

In section 1124(c)(1) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 121 of the bill—

(1) in subparagraph (A), strike "and" after the semicolon;

(2) in subparagraph (B), strike the period and insert "; and"; and

(3) add at the end the following:

"(C) the number of children aged 5 to 17, inclusive, in the school district of such agency from families above the poverty level as determined under paragraph (4).".

In section 1124(c)(4) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 121 of the bill—

(1) insert before the first sentence the following: "For the purposes of this section, the Secretary shall determine the number of children aged 5 to 17, inclusive, from families above the poverty level on the basis of the number of such children from families receiving an annual income, in excess of the current criteria of poverty, from payments

under a State program funded under part A of title IV of the Social Security Act; and in making such determinations the Secretary shall utilize the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census for a family of 4 in such form as those criteria have been updated by increases in the Consumer Price Index for all urban consumers, published by the Bureau of Labor Statistics.";

(2) in the first sentence after the sentence inserted by paragraph (1)—

(A) insert "the number of such children and" after "determine"; and

(B) insert "(using, in the case of children described in the preceding sentence, the criteria of poverty and the form of such criteria required by such sentence which were determined for the calendar year preceding such month of October)" after "fiscal year".

Amend subparagraph (C) of section 1701(b)(2) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 171 of the bill, to read as follows:

"(C) REALLOCATION.—If a State does not apply for funds under this section, the Secretary shall reallocate such funds to other States that do apply in proportion to the amount allocated to such States under subparagraph (B).".

In section 5204(a) of the Elementary and Secondary Education Act of 1965, as proposed to be added by section 201 of the bill—

(1) in paragraph (1), insert "the design and development of new strategies for overcoming transportation barriers," after "effective public school choice"; and

(2) in paragraph (2)(A), after "inter-district" insert "or intra-district"; and

(3) amend subparagraph (E) to read as follows:

"(E) public school choice programs that augment the existing transportation services necessary to meet the needs of children participating in such programs.".

In section 5204(b) of the Elementary and Secondary Education Act of 1965, as proposed to be added by section 201 of the bill—

(1) in paragraph (1), after the semicolon insert "and";

(2) strike paragraph (2); and

(3) redesignate paragraph (3) as paragraph (2).

In section 9116(c) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 401 of the bill—

(1) insert "funds for" after "(b) shall include"; and

(2) strike ", or portion thereof," and insert "exclusively serving Indian children or the funds reserved under any program to exclusively serve Indian children".

In section 15004(a)(2) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 301 of the bill, strike "state, or federal laws, rules or regulations" and insert "State, and Federal laws, rules and regulations".

In section 1121(c)(1) of the Education Amendments of 1978, as proposed to be amended by section 410 of the bill, strike "1 year" and insert "2 years".

In the heading for section 1123 of the Education Amendments of 1978, as proposed to be amended by section 410 of the bill, insert "**codification of**" before "**regulations**".

In section 1126(b) of the Education Amendments of 1978, as proposed to be amended by section 410 of the bill, strike "maintenance to schools" and insert "maintenance of schools".

In the heading for section 1138(b)(2) of the Education Amendments of 1978, as proposed to be amended by section 410 of the bill, strike "GENERAL" and all that follows through the semicolon.

In section 1138(b)(2) of the Education Amendments of 1978, as proposed to be amended by section 410 of the bill, strike "Regulations required" and all that follows through "Such regulations shall" and insert "Regulations issued to implement this Act shall".

In section 1138A(b)(1) of the Education Amendments of 1978, as proposed to be amended by section 410 of the bill, strike ", provided that the" and all that follow through the end of the paragraph and insert a period.

In section 1138A(b) of the Education Amendments of 1978, as proposed to be amended by section 410 of the bill, redesignate paragraph (2) as paragraph (3), and insert the following new paragraph (2) after paragraph (1):

"(2) NOTIFICATION TO CONGRESS.—If draft regulations implementing this part and the Tribally Controlled Schools Act of 1988 are not issued in final form by the deadline provided in paragraph (1), the Secretary shall notify the appropriate committees of Congress of which draft regulations were not issued in final form by the deadline and the reason such final regulations were not issued.

In section 5209(a) of Public Law 100–297, as proposed to be amended by section 420 of the bill—

(1) strike "106(f)" and insert "106(e)";

(2) strike "106(j)" and insert "106(i)"; and

(3) strike "106(k)" and insert "106(j)".

In section 722(g)(3)(C) of the Stewart B. McKinney Homeless Education Assistance Act (42 U.S.C. 11432(g)(3)(C)), as proposed to be amended by section 704 of the bill—

(1) in clause (i), strike "Except as provided in clause (iii), a" and insert "A"; and

(2) amend clause (iii) to read as follows:

"(iii) "If the child or youth needs to obtain immunizations or immunization records, the enrolling school shall immediately refer the parent or guardian of the child or youth to the liaison who shall assist in obtaining necessary immunizations or immunization records in accordance with subparagraph (E)."

In section 722(g)(3)(E)(i) of the Stewart B. McKinney Homeless Education Assistance Act (42 U.S.C. 11432(g)(3)(E)(i)), as proposed to be amended by section 704 of the bill, strike "except as provided in subparagraph (C)(iii),".

At the end of the bill, add the following:

TITLE IX—EDUCATION OF LIMITED ENGLISH PROFICIENT CHILDREN AND EMERGENCY IMMIGRANT EDUCATION

SEC. 901. PROGRAMS AUTHORIZED.

Title VII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7401 et seq.) is amended to read as follows:

"TITLE VII—EDUCATION OF LIMITED ENGLISH PROFICIENT CHILDREN AND EMERGENCY IMMIGRANT EDUCATION

"PART A—ENGLISH LANGUAGE EDUCATION

"SEC. 7101. SHORT TITLE.

"This part may be cited as the 'English Language Proficiency and Academic Achievement Act'.

"SEC. 7102. FINDINGS AND PURPOSES.

"(a) FINDINGS.—The Congress finds that—

"(1) English is the common language of the United States and every citizen and other person residing in the United States should have a command of the English language in order to develop to their full potential;

"(2) limited English proficient children must overcome a number of challenges in receiving an education in order to enable such children to participate fully in American society, including—

"(A) segregated education programs;

"(B) disproportionate and improper placement in special education and other special programs due to the use of inappropriate evaluation procedures;

"(C) the limited English proficiency of their own parents, which hinders the parents' ability to fully participate in the education of their children; and

"(D) a need for additional teachers and other staff who are professionally trained and qualified to serve such children;

"(3) States and local educational agencies need assistance in developing the capacity to provide programs of instruction that offer and provide an equal educational opportunity to children who need special assistance because English is not their dominant language;

"(4) Native Americans and Native American languages (as such terms are defined in section 103 of the Native American Languages Act), including native residents of the outlying areas, have a unique status under Federal law that requires special policies within the broad purposes of this Act to serve the education needs of language minority students in the United States;

"(5) the Federal Government, as exemplified by title VI of the Civil Rights Act of 1964 and section 204(f) of the Equal Education Opportunities Act of 1974, has a special and continuing obligation to ensure that States and local educational agencies take appropriate action to provide equal educational opportunities to children of limited English proficiency; and

"(6) research, evaluation, and data collection capabilities in the field of instruction for limited English proficient children need to be strengthened so that educators and other staff teaching limited English proficient children in the classroom can better identify and promote programs, program implementation strategies, and instructional practices that result in the effective education of limited English proficient children.

"(b) PURPOSES.—The purposes of this part are—

"(1) to help ensure that children who are limited English proficient attain English proficiency, develop high levels of academic attainment in English, and meet the same challenging State content standards and challenging State student performance standards expected of all children; and

"(2) to develop high quality programs designed to assist local educational agencies in teaching limited English proficient children.

"SEC. 7103. PARENTAL NOTIFICATION AND CONSENT FOR ENGLISH LANGUAGE INSTRUCTION.

"(a) NOTIFICATION.—If a local educational agency uses funds under this part to provide English language instruction to limited English proficient children, the agency shall inform a parent or the parents of a child participating in an English language instruction program for limited English proficient children assisted under this part of—

"(1) the reasons for the identification of the child as being in need of English language instruction;

“(2) the child's level of English proficiency, how such level was assessed, and the status of the child's academic achievement;

“(3) how the English language instruction program will specifically help the child acquire English and meet age-appropriate standards for grade promotion and graduation;

“(4) what the specific exit requirements are for the program;

“(5) the expected rate of transition from the program into a classroom that is not tailored for limited English proficient children; and

“(6) the expected rate of graduation from high school for the program if funds under this part are used for children in secondary schools.

“(b) Consent.—

“(1) Agency requirements.—

“(A) Informed consent.—For a child who has been identified as limited English proficient prior to the beginning of the school year, each local educational agency that receives funds under this part shall obtain informed parental consent prior to the placement of a child in an English language instruction program for limited English proficient children funded under this part, if—

“(i) the program does not include classes which exclusively or almost exclusively use the English language in instruction; or

“(ii) instruction is tailored for limited English proficient children.

“(B) Written consent not obtained.—If written consent is not obtained, the local educational agency shall maintain a written record that includes the date and the manner in which such informed consent was obtained.

“(C) Response not obtained.—

“(i) In general.—If a response cannot be obtained after a reasonable and substantial effort has been made to obtain such consent, the local educational agency shall document that it has given such notice and its specific efforts made to obtain such consent.

“(ii) Delivery of proof of documentation.—The proof of documentation shall be mailed or delivered in writing to the parents or guardian of the child prior to placing the child in a program described in subparagraph (A), and shall include a final notice requesting parental consent for such services. After such documentation has been mailed or delivered in writing, the local educational agency shall provide appropriate educational services.

“(iii) Special rule applicable during school year.—A local educational agency may obtain parental consent under this clause only for children who have not been identified as limited English proficient prior to the beginning of a school year. For such children the agency shall document, in writing, its specific efforts made to obtain such consent prior to placing the child in a program described in subparagraph (A). After such documentation has been made, the local educational agency shall provide appropriate educational services to such child. The proof of documentation shall be mailed or delivered in writing to the parents or guardian of the child in a timely manner and shall include information on how to have their child immediately removed from the program upon their request. This clause shall not be construed as exempting a local educational agency from complying with the requirements of this paragraph.

“(2) Parental rights.—A parent or the parents of a child participating in an English language instruction program for limited English proficient children assisted under subpart 1 or 2 shall—

“(A) select among methods of instruction, if more than one method is offered in the program; and

“(B) have the right to have their child immediately removed from the program upon their request.

“(c) Receipt of Information.—A parent or the parents of a child identified for participation in an English language instruction program for limited English proficient children assisted under this part shall receive, in a manner and form understandable to the parent or parents, the information required by this subsection. At a minimum, the parent or parents shall receive—

“(1) timely information about English language instruction programs for limited English proficient children assisted under this part;

“(2) if a parent of a participating child so desires, notice of opportunities for regular meetings for the purpose of formulating and responding to recommendations from such parents; and

“(3) procedural information for removing a child from a program for limited English proficient children.

“(d) Basis for Admission or Exclusion.—Students shall not be admitted to or excluded from any federally assisted education program on the basis of a surname or language-minority status.

“SEC. 7104. TESTING OF LIMITED ENGLISH PROFICIENT CHILDREN.

“(a) In General.—Assessments of limited English proficient children participating in programs funded under this part, to the extent practicable, shall be in the language and form most likely to yield accurate and reliable information on what such students know and can do in content areas.

“(b) Special Rule.—Notwithstanding subsection (a), in the case of an assessment of reading or language arts of any student who has attended school in the United States (excluding Puerto Rico) for 3 or more consecutive school years, the assessment shall be in the form of a test written in English, except that, if the local educational agency determines, on a case-by-case individual basis, that assessments in another language and form would likely yield more accurate and reliable information on what such students know and can do, the local educational agency may assess such students in the appropriate language other than English for 1 additional year.

“SEC. 7105. CONDITIONS ON EFFECTIVENESS OF SUBPARTS 1 AND 2.

“(a) Subpart 1.—Subpart 1 shall be in effect only for a fiscal year for which subpart 2 is not in effect.

“(b) Subpart 2.—

“(1) In general.—Subpart 2 shall be in effect only for—

“(A) the first fiscal year for which the amount appropriated to carry out this part equals or exceeds $220,000,000; and

“(B) all succeeding fiscal years.

“(2) Continuation of awards.—Notwithstanding any other provision of this part, a State receiving a grant under subpart 2 shall provide 1 additional year of funding to eligible entities in accordance with section 7133(3).

“SEC. 7106. AUTHORIZATIONS OF APPROPRIATIONS.

“(a) Subpart 1 or 2.—Subject to section 7105, for the purpose of carrying out subpart 1 or 2, as applicable, there are authorized to be appropriated $220,000,000 for fiscal year 2000 and such sums as may be necessary for the 4 succeeding fiscal years.

“(b) Subpart 3.—For the purpose of carrying out subpart 3, there are authorized to be appropriated $60,000,000 for fiscal year 2000 and such sums as may be necessary for the 4 succeeding fiscal years.

“(c) Subpart 4.—For the purpose of carrying out subpart 4, there are authorized to be appropriated $16,000,000 for fiscal year 2000 and such sums as may be necessary for the 4 succeeding fiscal years.

“Subpart 1—Discretionary Grant Program

“SEC. 7111. FINANCIAL ASSISTANCE FOR PROGRAMS FOR LIMITED ENGLISH PROFICIENT CHILDREN.

“The purpose of this subpart is to assist local educational agencies, institutions of higher education, and community-based organizations, through the grants authorized under section 7112, to—

“(1) develop and enhance their capacity to provide high-quality instruction through English language instruction and programs which assist limited English proficient children in achieving the same high levels of academic achievement as other children; and

“(2) help such children—

“(A) develop proficiency in English; and

“(B) meet the same challenging State content standards and challenging State student performance standards expected for all children as required by section 1111(b).

“SEC. 7112. FINANCIAL ASSISTANCE FOR INSTRUCTIONAL SERVICES.

“(a) Program Authorized.—

“(1) In general.—In accordance with section 7105, before the amount appropriated to carry out this part for a fiscal year equals or exceeds $220,000,000, the Secretary is authorized to award grants to eligible entities having applications approved under section 7114 to enable such entities to carry out activities described in subsection (b).

“(2) Length of grant.—Each grant under this section shall be awarded for a period of time to be determined by the Secretary based on the type of grant for which the eligible entity applies.

“(b) Authorized Activities.—Grants awarded under this section shall be used to improve the education of limited English proficient children and their families, through the acquisition of English and the attainment of challenging State academic content standards and challenging State performance standards using scientifically-based research approaches and methodologies, by—

“(1) developing and implementing new English language and academic content instructional programs for children who are limited English proficient, including programs of early childhood education and kindergarten through 12th grade education;

“(2) carrying out highly focused, innovative, locally designed projects to expand or enhance existing English language and academic content instruction programs for limited English proficient children;

“(3) implementing, within an individual school, schoolwide programs for restructuring, reforming, and upgrading all relevant programs and operations relating to English language and academic content instruction for limited English proficient students; or

“(4) implementing, within the entire jurisdiction of a local educational agency, agency-wide programs for restructuring, reforming, and upgrading all relevant programs and operations relating to English language and academic content instruction for limited English proficient students.

“(c) Uses of Funds.—Grants under this section may be used—

“(1) to upgrade program objectives and effective instructional strategies;

“(2) to improve the instruction program for limited English proficient students by identifying, acquiring, and upgrading curricula, instructional materials, educational software, and assessment procedures;

"(3) to provide—

"(A) tutorials and academic or vocational education for limited English proficient children; and

"(B) intensified instruction;

"(4) to develop and implement comprehensive preschool or elementary or secondary school English language instructional programs that are coordinated with other relevant programs and services;

"(5) to provide professional development to classroom teachers, administrators, and other school or community-based organizational personnel to improve the instruction and assessment of children who are limited English proficient children;

"(6) to improve the English language proficiency and academic performance of limited English proficient children;

"(7) to improve the instruction of limited English proficient children by providing for the acquisition or development of education technology or instructional materials, access to and participation in electronic networks for materials, training and communications, and incorporation of such resources in curricula and programs, such as those funded under this subpart;

"(8) to develop tutoring programs for limited English proficient children that provide early intervention and intensive instruction in order to improve academic achievement, to increase graduation rates among limited English proficient children, and to prepare students for transition as soon as possible into classrooms where instruction is not tailored for limited English proficient children;

"(9) to provide family literacy services and parent outreach and training activities to limited English proficient children and their families to improve their English language skills and assist parents in helping their children to improve their academic performance; and

"(10) to undertake other activities that are consistent with the purposes of this subpart.

"(d) SPECIAL RULE.—A grant recipient, before carrying out a program assisted under this section, shall plan, train personnel, develop curricula, and acquire or develop materials.

"(e) ELIGIBLE ENTITIES.—For the purpose of this section, the term 'eligible entity' means—

"(1) 1 or more local educational agencies; or

"(2) 1 or more local educational agencies in collaboration with an institution of higher education, community-based organization, or local or State educational agency.

"SEC. 7113. NATIVE AMERICAN AND ALASKA NATIVE CHILDREN IN SCHOOL.

"(a) ELIGIBLE ENTITIES.—For the purpose of carrying out programs under this subpart for individuals served by elementary, secondary, and postsecondary schools operated predominately for Native American or Alaska Native children, an Indian tribe, a tribally sanctioned educational authority, a Native Hawaiian or Native American Pacific Islander native language education organization, or an elementary or secondary school that is operated or funded by the Bureau of Indian Affairs shall be considered to be a local educational agency as such term is used in this subpart, subject to the following qualifications:

"(1) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), that is recognized for the special programs and services provided by the United States to Indians because of their status as Indians.

"(2) TRIBALLY SANCTIONED EDUCATIONAL AUTHORITY.—The term 'tribally sanctioned educational authority' means—

"(A) any department or division of education operating within the administrative structure of the duly constituted governing body of an Indian tribe; and

"(B) any nonprofit institution or organization that is—

"(i) chartered by the governing body of an Indian tribe to operate any such school or otherwise to oversee the delivery of educational services to members of that tribe; and

"(ii) approved by the Secretary for the purpose of this section.

"(b) ELIGIBLE ENTITY APPLICATION.—Notwithstanding any other provision of this subpart, each eligible entity described in subsection (a) shall submit any application for assistance under this subpart directly to the Secretary along with timely comments on the need for the proposed program.

"SEC. 7114. APPLICATIONS.

"(a) IN GENERAL.—

"(1) SECRETARY.—To receive a grant under this subpart, an eligible entity shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require.

"(2) STATE EDUCATIONAL AGENCY.—An eligible entity, with the exception of schools funded by the Bureau of Indian Affairs, shall submit a copy of its application under this section to the State educational agency.

"(b) REQUIRED DOCUMENTATION.—Such application shall include documentation that the applicant has the qualified personnel required to develop, administer, and implement the proposed program.

"(c) CONTENTS.—

"(1) IN GENERAL.—An application for a grant under this subpart shall contain the following:

"(A) A description of the need for the proposed program, and a comprehensive description of the characteristics relevant to the children being served.

"(B) An assurance that, if the applicant includes one or more local educational agencies, each such agency is complying with section 7103(b) prior to, and throughout, each school year.

"(C) A description of the program to be implemented and how such program's design—

"(i) relates to the English language and academic needs of the children of limited English proficiency to be served;

"(ii) is coordinated with other programs under this Act and other Acts, as appropriate, in accordance with section 14306;

"(iii) involves the parents of the children of limited English proficiency to be served;

"(iv) ensures accountability in achieving high academic standards; and

"(v) promotes coordination of services for the children of limited English proficiency to be served and their families.

"(D) A description, if appropriate, of the applicant's collaborative activities with institutions of higher education, community-based organizations, local or State educational agencies, private schools, nonprofit organizations, or businesses in carrying out the proposed program.

"(E) An assurance that the applicant will not reduce the level of State and local funds that the applicant expends for programs for limited English proficient children if the applicant receives an award under this subpart.

"(F) An assurance that the applicant will employ teachers in the proposed program who are proficient in English, including written and oral communication skills, and another language, if appropriate.

"(G) A budget for grant funds.

"(H) A description, if appropriate of how the applicant annually will assess the English proficiency of all children with limited English proficiency participating in programs funded under this subpart.

"(2) ADDITIONAL INFORMATION.—Each applicant for a grant under section 7112 who intends to use the grant for a purpose described in paragraph (3) or (4) of subsection (b) of such section—

"(A) shall describe—

"(i) how services provided under this subpart are supplementary to existing services;

"(ii) how funds received under this subpart will be integrated, as appropriate, with all other Federal, State, local, and private resources that may be used to serve children of limited English proficiency;

"(iii) specific achievement and school retention goals for the children to be served by the proposed program and how progress toward achieving such goals will be measured; and

"(iv) current family literacy programs if applicable; and

"(B) shall provide assurances that the program funded will be integrated with the overall educational program.

"(d) APPROVAL OF APPLICATIONS.—An application for a grant under this subpart may be approved only if the Secretary determines that—

"(1) the program will use qualified personnel, including personnel who are proficient in English and other languages used in instruction, if appropriate.

"(2) in designing the program for which application is made, the needs of children in nonprofit private elementary and secondary schools have been taken into account through consultation with appropriate private school officials and, consistent with the number of such children enrolled in such schools in the area to be served whose educational needs are of the type and whose language and grade levels are of a similar type to those which the program is intended to address, after consultation with appropriate private school officials, provision has been made for the participation of such children on a basis comparable to that provided for public school children;

"(3) student evaluation and assessment procedures in the program are valid, reliable, and fair for limited English proficient students, and that limited English proficient students who are disabled are identified and served in accordance with the requirements of the Individuals with Disabilities Education Act;

"(4) Federal funds made available for the project or activity will be used so as to supplement the level of State and local funds that, in the absence of such Federal funds, would have been expended for special programs for limited English proficient children and in no case to supplant such State and local funds, except that nothing in this paragraph shall be construed to preclude a local educational agency from using funds under this title for activities carried out under an order of a court of the United States or of any State respecting services to be provided such children, or to carry out a plan approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 with respect to services to be provided such children; and

"(5) the assistance provided under the application will contribute toward building the capacity of the applicant to provide a program on a regular basis, similar to that proposed for assistance, which will be of sufficient size, scope, and quality to promise significant improvement in the education of students of limited English proficiency, and that the applicant will have the resources and commitment to continue the program when assistance under this subpart is reduced or no longer available.

"(e) Consideration.—In approving applications under this subpart, the Secretary shall give consideration to the degree to which the program for which assistance is sought involves the collaborative efforts of institutions of higher education, community-based organizations, the appropriate local and State educational agency, or businesses.

"SEC. 7115. INTENSIFIED INSTRUCTION.

"In carrying out this subpart, each grant recipient may intensify instruction for limited English proficient students by—

"(1) expanding the educational calendar of the school in which such student is enrolled to include programs before and after school and during the summer months;

"(2) applying technology to the course of instruction; and

"(3) providing intensified instruction through supplementary instruction or activities, including educationally enriching extracurricular activities, during times when school is not routinely in session.

"SEC. 7116. CAPACITY BUILDING.

"Each recipient of a grant under this subpart shall use the grant in ways that will build such recipient's capacity to continue to offer high-quality English language instruction and programs which assist limited English proficient children in achieving the same high levels of academic achievement as other children, once Federal assistance is reduced or eliminated.

"SEC. 7117. SUBGRANTS.

"A local educational agency that receives a grant under this subpart may, with the approval of the Secretary, make a subgrant to, or enter into a contract with, an institution of higher education, a nonprofit organization, or a consortium of such entities to carry out an approved program, including a program to serve out-of-school youth.

"SEC. 7118. SPECIAL CONSIDERATION.

"The Secretary shall give special consideration to applications under this subpart that describe a program that—

"(1) enrolls a large percentage or large number of limited English proficient students;

"(2) takes into account significant increases in limited English proficient children, including such children in areas with low concentrations of such children; and

"(3) ensures that activities assisted under this subpart address the needs of school systems of all sizes and geographic areas, including rural and urban schools.

"SEC. 7119. COORDINATION WITH OTHER PROGRAMS.

"In order to secure the most flexible and efficient use of Federal funds, any State receiving funds under this subpart shall coordinate its program with other programs under this Act and other Acts, as appropriate, in accordance with section 14306.

"SEC. 7120. NOTIFICATION.

"The State educational agency, and when applicable, the State board for postsecondary education, shall be notified within 3 working days of the date an award under this subpart is made to an eligible entity within the State.

"SEC. 7121. STATE GRANT PROGRAM.

"(a) State Grant Program.—The Secretary is authorized to make an award to a State educational agency that demonstrates, to the satisfaction of the Secretary, that such agency, through such agency's own programs and other Federal education programs, effectively provides for the education of children of limited English proficiency within the State.

"(b) Payments.—The amount paid to a State educational agency under subsection (a) shall not exceed 5 percent of the total amount awarded to local educational agencies within the State under subpart 1 for the previous fiscal year, except that in no case shall the amount paid by the Secretary to any State educational agency under this subsection for any fiscal year be less than $100,000.

"(c) Use of Funds.—

"(1) In general.—A State educational agency shall use funds awarded under this section for programs authorized by this section—

"(A) to assist local educational agencies in the State with program design, capacity building, assessment of student performance, and program evaluation; and

"(B) to collect data on the State's limited English proficient populations and the educational programs and services available to such populations.

"(2) Exception.—States that do not, as of the date of enactment of the Student Results Act of 1999, have in place a system for collecting the data described in paragraph (1)(B) for all students in such State, are not required to meet the requirement of such paragraph. In the event such State develops a system for collecting data on the educational programs and services available to all students in the State, then such State shall comply with the requirement of paragraph (1)(B).

"(3) Training.—The State educational agency may also use funds provided under this section for the training of State educational agency personnel in educational issues affecting limited English proficient children.

"(4) Special rule.—Recipients of funds under this section shall not restrict the provision of services under this section to federally funded programs.

"(d) Applications.—A State educational agency desiring to receive funds under this section shall submit an application to the Secretary in such form, at such time, and containing such information and assurances as the Secretary may require.

"(e) Supplement Not Supplant.—Funds made available under this section for any fiscal year shall be used by the State educational agency to supplement and, to the extent practical, to increase to the level of funds that would, in the absence of such funds, be made available by the State for the purposes described in this section, and in no case to supplant such funds.

"(f) Report to the Secretary.—State educational agencies receiving awards under this section shall provide for the annual submission of a summary report to the Secretary describing such State's use of such funds.

"Subpart 2—Formula Grant Program

"SEC. 7131. FORMULA GRANTS TO STATES.

"(a) In General.—In accordance with section 7105, after the amount appropriated to carry out this part for a fiscal year equals or exceeds $220,000,000, in the case of each State that in accordance with section 7133 submits to the Secretary an application for a fiscal year, after reserving funds under subsection (b), the Secretary shall make a grant for the year to the State for the purposes specified in subsection (c). The grant shall consist of the allotment determined for the State under section 7135.

"(b) Reservation.—From the amount appropriated to carry out this part for any fiscal year, the Secretary shall reserve not less than .5 percent to provide Federal financial assistance under this subpart to entities that are considered to be a local educational agency under section 7113(a).

"(c) Purposes of Grants.—

"(1) Required expenditures.—The Secretary may make a grant under subsection (a) only if the State involved agrees that the State will expend at least 95 percent of the amount of the funds provided under the grant for the purpose of making subgrants to eligible entities to provide assistance to limited English proficient children in accordance with section 7134.

"(2) Authorized expenditures.—Subject to paragraph (3), a State that receives a grant under subsection (a) may expend not more than 5 percent of the amount of the funds provided under the grant for one or more of the following purposes:

"(A) Professional development and activities that assist personnel in meeting State and local certification requirements for English language instruction.

"(B) Planning, administration, and interagency coordination related to the subgrants referred to in paragraph (1).

"(C) Providing technical assistance and other forms of assistance to local educational agencies that—

"(i) educate limited English proficient children; and

"(ii) are not receiving a subgrant from a State under this subpart.

"(D) Providing bonuses to subgrantees whose performance has been exceptional in terms of the speed with which children enrolled in the subgrantee's programs and activities attain English language proficiency and meet challenging State content standards and challenging State student performance standards.

"(3) Limitation on administrative costs.—In carrying out paragraph (2), a State that receives a grant under subsection (a) may expend not more than 2 percent of the amount of the funds provided under the grant for the purposes described in paragraph (2)(B).

"SEC. 7132. NATIVE AMERICAN AND ALASKA NATIVE CHILDREN IN SCHOOL.

"(a) Eligible Entities.—For the purpose of carrying out programs under this subpart for individuals served by elementary, secondary, and postsecondary schools operated predominately for Native American or Alaska Native children, the following shall be considered to be a local educational agency:

"(1) An Indian tribe.

"(2) A tribally sanctioned educational authority.

"(3) A Native Hawaiian or Native American Pacific Islander native language educational organization.

"(4) An elementary or secondary school that is operated or funded by the Bureau of Indian Affairs, or a consortium of such schools.

"(5) An elementary or secondary school operated under a contract with or grant from the Bureau of Indian Affairs, in consortium with another such school or a tribal or community organization.

"(6) An elementary or secondary school operated by the Bureau of Indian Affairs and an institution of higher education, in consortium with an elementary or secondary school operated under a contract with or grant from the Bureau of Indian Affairs or a tribal or community organization.

"(b) Submission of Applications for Assistance.—Notwithstanding any other provision of this subpart, an entity that is considered to be a local educational agency under subsection (a), and that desires to submit an application for Federal financial assistance under this subpart, shall submit the application to the Secretary. In all other respects, such an entity shall be eligible for a grant under this subpart on the same basis as any other local educational agency.

"SEC. 7133. APPLICATIONS BY STATES.

"For purposes of section 7131, an application submitted by a State for a grant under such section for a fiscal year is in accordance with this section if the application—

"(1) describes the process that the State will use in making subgrants to eligible entities under this subpart;

"(2) contains an agreement that the State annually will submit to the Secretary a summary report, describing the State's use of the funds provided under the grant;

"(3) contains an agreement that the State—

"(A) will provide 1 year of funding for an application for a subgrant under section 7134 from an eligible entity that describes a program that, on the day preceding the date of the enactment of the Student Results Act of 1999, was receiving funding under a grant—

"(i) awarded by the Secretary under subpart 1 or 3 of part A of the Bilingual Education Act (as such Act was in effect on such day); and

"(ii) that was not under its terms due to expire before a period of 1 year or more had elapsed; and

"(B) after such 1-year extension, will give special consideration to such applications if the period of their award would not yet otherwise have expired if the Student Results Act of 1999 had not been enacted.

"(4) contains an agreement that, in carrying out this subpart, the State will address the needs of school systems of all sizes and in all geographic areas, including rural and urban schools;

"(5) contains an agreement that subgrants to eligible entities under section 7134 shall be of sufficient size and scope to allow such entities to carry out high quality education programs for limited English proficient children;

"(6) contains an agreement that the State will coordinate its programs and activities under this subpart with its other programs and activities under this Act and other Acts, as appropriate;

"(7) contains an agreement that the State—

"(A) shall monitor the progress of students enrolled in programs and activities receiving assistance under this subpart in attaining English proficiency and in attaining challenging State content standards and challenging State performance standards;

"(B) subject to subparagraph (C), after the 1-year period described in such subparagraph, shall withdraw funding from such programs and activities in cases where the majority of students are not attaining English proficiency and attaining challenging State content standards and challenging State performance standards after 3 academic years of enrollment based on the evaluation measures in section 7403(d); and

"(C) shall provide technical assistance to eligible entities that fail to satisfy the criterion in subparagraph (B) for 1 year prior to the withdrawal of funding under such subparagraph;

"(8) contains an assurance that the State will require eligible entities receiving a subgrant under section 7134 annually to assess the English proficiency of all children with limited English proficiency participating in a program funded under this subpart; and

"(9) contains an agreement that States will require eligible entities receiving a grant under this subpart to use the grant in ways that will build such recipient's capacity to continue to offer high-quality English language instruction and programs which assist limited English proficient children in attaining challenging State content standards and challenging State performance standards once assistance under this subpart is no longer available.

"SEC. 7134. SUBGRANTS TO ELIGIBLE ENTITIES.

"(a) Purposes of Subgrants.—A State may make a subgrant to an eligible entity from funds received by the State under this subpart only if the entity agrees to expend the funds to improve the education of limited English proficient children and their families, through the acquisition of English and the attainment of challenging State academic content standards and challenging State performance standards, using scientifically-based research approaches and methodologies, by—

"(1) developing and implementing new English language and academic content instructional programs for children who are limited English proficient, including programs of early childhood education and kindergarten through 12th grade education;

"(2) carrying out highly focused, innovative, locally designed projects to expand or enhance existing English language and academic content instruction programs for limited English proficient children;

"(3) implementing, within an individual school, schoolwide programs for restructuring, reforming, and upgrading all relevant programs and operations relating to English language and academic content instruction for limited English proficient students; or

"(4) implementing, within the entire jurisdiction of a local educational agency, agency-wide programs for restructuring, reforming, and upgrading all relevant programs and operations relating to English language and academic content instruction for limited English proficient students.

"(b) Authorized Subgrantee Activities.—

"(1) In general.—Subject to paragraph (2), a State may make a subgrant to an eligible entity from funds received by the State under this subpart in order that the eligible entity may achieve one of the purposes described in subsection (a) by undertaking one or more of the following activities to improve the understanding, and use, of the English language, based on a child's learning skills:

"(A) Upgrading program objectives and effective instructional strategies.

"(B) Improving the instruction program for limited English proficient students by identifying, acquiring, and upgrading curricula, instructional materials, educational software, and assessment procedures.

"(C) Providing—

"(i) tutorials and academic or vocational education for limited English proficient children; and

"(ii) intensified instruction.

"(D) Developing and implementing comprehensive preschool or elementary or secondary school English language instructional programs that are coordinated with other relevant programs and services.

"(E) Providing professional development to classroom teachers, administrators, and other school or community-based organizational personnel to improve the instruction and assessment of children who are limited English proficient children.

"(F) Improving the English language proficiency and academic performance of limited English proficient children.

"(G) Improving the instruction of limited English proficient children by providing for the acquisition or development of education technology or instructional materials, access to and participation in electronic networks for materials, training and communications, and incorporation of such resources in curricula and programs, such as those funded under this subpart.

"(H) Developing tutoring programs for limited English proficient children that provide early intervention and intensive instruction in order to improve academic achievement, to increase graduation rates among limited English proficient children, and to prepare students for transition as soon as possible into classrooms where instruction is not tailored for limited English proficient children.

"(I) Providing family literacy services and parent outreach and training activities to limited English proficient children and their families to improve their English language skills and assist parents in helping their children to improve their academic performance.

"(J) Other activities that are consistent with the purposes of this subpart.

"(2) Moving children out of specialized classrooms.—Any program or activity undertaken by an eligible entity using a subgrant from a State under this subpart shall be designed to assist students enrolled in the program or activity to attain English proficiency and meet challenging State content standards and challenging State performance standards as soon as possible and to move into a classroom where instruction is not tailored for limited English proficient children.

"(c) Selection of Method of Instruction.—To receive a subgrant from a State under this subpart, an eligible entity shall select one or more methods or forms of instruction to be used in the programs and activities undertaken by the entity to assist limited English proficient children to attain English proficiency and meet challenging State content standards and challenging State student performance standards. Such selection shall be consistent with sections 7406 and 7407.

"(d) Duration of Subgrants.—The duration of a subgrant made by a State under this section shall be determined by the State in its discretion.

"(e) Applications by Eligible Entities.—

"(1) In general.—To receive a subgrant from a State under this subpart, an eligible entity shall submit an application to the State at such time, in such form, and containing such information as the State may require.

"(2) Required documentation.—The application shall describe the programs and activities proposed to be developed, implemented, and administered under the subgrant and shall provide an assurance that the applicant will only employ teachers and other personnel for the proposed programs and activities who are proficient in English, including written and oral communication skills.

“(3) REQUIREMENTS FOR APPROVAL.—A State may approve an application submitted by an eligible entity for a subgrant under this subpart only if the State determines that—

“(A) the eligible entity will use qualified personnel who have appropriate training and professional credentials in teaching English to children who are limited English proficient;

“(B) if the eligible entity includes one or more local educational agencies, each such agency is complying with section 7103(b) prior to, and throughout, each school year;

“(C) the eligible entity annually will assess the English proficiency of all children with limited English proficiency participating in programs funded under this subpart;

“(D) the eligible entity has based its proposal on sound research and theory;

“(E) the eligible entity has described in the application how students enrolled in the programs and activities proposed in the application will be fluent in English after 3 academic years of enrollment;

“(F) the eligible entity will ensure that programs will enable children to speak, read, write, and comprehend the English language and meet challenging State content and challenging State performance standards; and

“(G) the eligible entity is not in violation of any State law, including State constitutional law, regarding the education of limited English proficient children, consistent with sections 7406 and 7407.

“(4) QUALITY.—In determining which applications to select for approval, a State shall consider the quality of each application and ensure that it is of sufficient size and scope to meet the purposes of this subpart.

“(f) ELIGIBLE ENTITIES.—For the purpose of this section, the term ‘eligible entity’ means—

“(1) 1 or more local educational agencies; or

“(2) 1 or more local educational agencies in collaboration with an institution of higher education, community-based organization, or local or State educational agency.

“SEC. 7135. DETERMINATION OF AMOUNT OF ALLOTMENT.

“(a) IN GENERAL.—Except as provided in subsections (b), (c), and (d), from the sum available for the purpose of making grants to States under this subpart for any fiscal year, the Secretary shall allot to each State an amount which bears the same ratio to such sum as the total number of children who are limited English proficient and who reside in the State bears to the total number of such children residing in all States (excluding the Commonwealth of Puerto Rico and the outlying areas) that, in accordance with section 7133, submit to the Secretary an application for the year.

“(b) PUERTO RICO.—From the sum available for the purpose of making grants to States under this subpart for any fiscal year, the Secretary shall allot to the Commonwealth of Puerto Rico an amount equal to 1.5 percent of the sums appropriated under section 7106(a).

“(c) OUTLYING AREAS.—

“(1) TOTAL AVAILABLE FOR ALLOTMENT.—From the sum available for the purpose of making grants to States under this subpart for any fiscal year, the Secretary shall allot to the outlying areas, in accordance with paragraph (2), a total amount equal to .5 percent of the sums appropriated under section 7106(a).

“(2) DETERMINATION OF INDIVIDUAL AREA AMOUNTS.—From the total amount determined under paragraph (1), the Secretary shall allot to each outlying area an amount which bears the same ratio to such amount as the total number of children who are limited English proficient and who reside in the outlying area bears to the total number of such children residing in all outlying areas that, in accordance with section 7133, submit to the Secretary an application for the year.

“(d) MINIMUM ALLOTMENT.—

“(1) IN GENERAL.—Notwithstanding subsections (a) through (c), and subject to section 7105, the Secretary shall not allot to any State, for fiscal years 2000 through 2004, an amount that is less than 100 percent of the baseline amount for the State.

“(2) BASELINE AMOUNT DEFINED.—For purposes of this subsection, the term ‘baseline amount’, when used with respect to a State, means the total amount received under this part for fiscal year 2000 by the State, the State educational agency, and all local educational agencies of the State.

“(3) RATABLE REDUCTION.—If the amount available for allotment under this section for any fiscal year is insufficient to permit the Secretary to comply with paragraph (1), the Secretary shall ratably reduce the allotments to all States for such year.

“(e) USE OF STATE DATA FOR DETERMINATIONS.—For purposes of subsections (a) and (c), any determination of the number of children who are limited English proficient and reside in a State shall be made using the most recent limited English proficient school enrollment data available to, and reported to the Secretary by, the State. The State shall provide assurances to the Secretary that such data are valid and reliable.

“(f) NO REDUCTION PERMITTED BASED ON TEACHING METHOD.—The Secretary may not reduce a State’s allotment based on the State’s selection of the immersion method of instruction as its preferred method of teaching the English language to children who are limited English proficient.

“SEC. 7136. DISTRIBUTION OF GRANTS TO ELIGIBLE ENTITIES.

“Of the amount required to be expended by a State for subgrants to eligible entities—

“(1) at least one-half shall be allocated to eligible entities that enroll a large percentage or a large number of children who are limited English proficient, as determined based on the relative enrollments of such children enrolled in the eligible entities; and

“(2) the remainder shall be allocated on a competitive basis to—

“(A) eligible entities within the State to address a need brought about through a significant increase, as compared to the previous 2 years, in the percentage or number of children who are limited English proficient in a school or local educational agency, including schools and agencies in areas with low concentrations of such children; and

“(B) other eligible entities serving limited English proficient children.

“SEC. 7137. SPECIAL RULE ON PRIVATE SCHOOL PARTICIPATION.

For purposes of this Act, this subpart shall be treated as a covered program, as defined in section 14101(10).

“Subpart 3—Professional Development

“SEC. 7141. PURPOSE.

“The purpose of this subpart is to assist in preparing educators to improve educational services for limited English proficient children by supporting professional development programs primarily aimed at improving and developing the skills of instructional staff in elementary and secondary schools and on assisting limited English proficient children to attain English proficiency and meet challenging State academic content standards and challenging State performance standards.

“SEC. 7142. PROFESSIONAL DEVELOPMENT AND FELLOWSHIPS.

“(a) PROGRAM AUTHORIZED.—

“(1) IN GENERAL.—The Secretary is authorized to award grants, as appropriate, to local educational agencies, institutions of higher education, State educational agencies, public and private organizations in consortium with a local educational agency, or a consortium of such agencies or institutions, except that any such consortium shall include a local educational agency.

“(2) GRANT PURPOSE.—Grants awarded under this section shall be used for one or more of the following purposes:

“(A) To develop and provide ongoing in-service professional development, including professional development necessary to receive certification as a teacher of limited English proficient children, for teachers of limited English proficient children, school administrators and, if appropriate, pupil services personnel, and other educational personnel who are involved in, or preparing to be involved in, the provision of educational services to limited English proficient children.

“(B) To provide for the incorporation of courses and curricula on appropriate and effective instructional and assessment methodologies, strategies, and resources specific to limited English proficient students into in-service professional development programs for teachers, administrators and, if appropriate, pupil services personnel, and other educational personnel in order to prepare such individuals to provide effective services to limited English proficient students.

“(C) To upgrade the qualifications and skills of teachers to ensure that they are fully qualified (as defined by section 1610) and meet high professional standards, including certification and licensure as a teacher of limited English proficient students.

“(D) To upgrade the qualifications and skills of paraprofessionals to ensure they meet the requirements under section 1119 and meet high professional standards to assist, as appropriate, teachers who instruct limited English proficient students.

“(E) To train secondary school students as teachers of limited English proficient children and to train, as appropriate, other education personnel to serve limited English proficient students.

“(F) To award fellowships for—

“(i) study in such areas as teacher training, program administration, research and evaluation, and curriculum development, at the master’s, doctoral, or post-doctoral degree level, related to instruction of children and youth of limited English proficiency; and

“(ii) the support of dissertation research related to such study.

“(G) To recruit elementary and secondary school teachers of limited English proficient children.

“(b) DURATION AND LIMITATION.—

“(1) GRANT PERIOD.—Each grant under this section shall be awarded for a period of not more than 5 years.

“(2) LIMITATION.—Not more than 15 percent of the amount of the grant may be expended for the purposes described in subparagraphs (F) and (G) of subsection (a)(2).

“(c) PROFESSIONAL DEVELOPMENT REQUIREMENTS.—

“(1) ACTIVITIES.—A recipient of a grant under this section may use the grant funds for the following professional development activities:

"(A) Designing and implementing of induction programs for new teachers, including mentoring and coaching by trained teachers, team teaching with experienced teachers, compensation for, and availability of, time for observation of, and consultation with, experienced teachers, and compensation for, and availability of, additional time for course preparation.

"(B) Implementing collaborative efforts among teachers to improve instruction in reading and other core academic areas for students with limited English proficiency, including programs that facilitate teacher observation and analysis of fellow teachers' classroom practice.

"(C) Supporting long-term collaboration among teachers and outside experts to improve instruction of limited English proficient students.

"(D) Coordinating project activities with other programs, such as those under the Head Start Act, and titles I and II of this Act, and titles II and V of the Higher Education Act of 1965.

"(E) Developing curricular materials and assessments for teachers that are aligned with State and local standards and the needs of the limited English proficient students to be served.

"(F) Instructing teachers and, where appropriate, other personnel working with limited English children on how—

"(i) to utilize test results to improve instruction for limited English proficient children so the children can meet the same challenging State content standards and challenging State performance standards as other students; and

"(ii) to help parents understand the results of such assessments.

"(G) Contracting with institutions of higher education to allow them to provide inservice training to teachers, and, where appropriate, other personnel working with limited English proficient children to improve the quality of professional development programs for limited English proficient students.

"(H) Such other activities as are consistent with the purpose of this section.

"(2) Additional requirements for professional development funds.—Uses of funds received under this section for professional development—

"(A) shall advance teacher understanding of effective instructional strategies based on scientifically based research for improving student achievement;

"(B) shall be of sufficient intensity and duration (not to include 1-day or short-term workshops and conferences) to have a positive and lasting impact on teachers' performance in the classroom;

"(C) shall be developed with extensive participation of teachers, principals, parents, and administrators of schools to be served under subparts 1 and 2 of part A; and

"(D) as a whole, shall be regularly evaluated for their impact on increased teacher effectiveness and improved student achievement, with the findings of such evaluations used to improve the quality of professional development.

"(d) Fellowship Requirements.—

"(1) In general.—Any person receiving a fellowship under subsection (a)(2)(F) shall agree—

"(A) to work as a teacher of limited English proficient children, or in a program or an activity funded under this part, for a period of time equivalent to the period of time during which the person receives such fellowship; or

"(B) to repay the amount received pursuant to the fellowship award.

"(2) Regulations.—The Secretary shall establish in regulations such terms and conditions for agreements under paragraph (1) as the Secretary deems reasonable and necessary and may waive the requirement of such paragraph in extraordinary circumstances.

"(3) Priority.—In awarding fellowships under this section, the Secretary shall give priority to fellowship applicants applying for study or dissertation research at institutions of higher education that have demonstrated a high level of success in placing fellowship recipients into employment in elementary and secondary schools.

"(4) Information.—The Secretary shall include information on the operation and the number of fellowships awarded under this section in the evaluation required under section 7145.

"SEC. 7143. APPLICATION.

"(a) In General.—

"(1) Submission to secretary.—In order to receive a grant under section 7142, an agency, institution, organization, or consortium described in subsection (a)(1) of such section shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require.

"(2) Contents.—Each such application shall include—

"(A) a description of the proposed professional development or graduate fellowship programs to be implemented with the grant;

"(B) a description of the scientific research on which the program or programs are based; and

"(C) an assurance that funds will be used to supplement and not supplant other professional development activities that affect the teaching and learning in elementary and secondary schools, as appropriate.

"(b) Approval.—The Secretary shall only approve an application under this section if it meets the requirements of this section and is of sufficient quality to meet the purposes of this subpart.

"(c) Special Rules.—

"(1) Outreach and technical assistance.—The Secretary shall provide for outreach and technical assistance to institutions of higher education eligible for assistance under titles III and V of the Higher Education Act of 1965 and institutions of higher education that are operated or funded by the Bureau of Indian Affairs to facilitate the participation of such institutions under this subpart.

"(2) Distribution.—In making awards under this subpart, the Secretary shall ensure adequate representation of Hispanic-serving institutions (as defined in section 502 of the Higher Education Act of 1965) that demonstrate competence and experience in the programs and activities authorized under this subpart and are otherwise qualified.

"SEC. 7144. PROGRAM EVALUATIONS.

"Each recipient of funds under this subpart shall provide the Secretary with an evaluation of the program assisted under this subpart every 2 years. Such evaluation shall include data on—

"(1) post-program placement of persons trained in a program assisted under this subpart;

"(2) how such training relates to the employment of persons served by the program;

"(3) program completion; and

"(4) such other information as the Secretary may require.

"SEC. 7145. USE OF FUNDS FOR SECOND LANGUAGE COMPETENCE.

"Not more than 10 percent of the funds received under this subpart may be used to develop any program participant's competence in a second language for use in instructional programs.

"Subpart 4—Research, Evaluation, and Dissemination

"SEC. 7151. AUTHORITY.

"The Secretary shall conduct and coordinate, through the Office of Educational Research and Improvement and in coordination with the Office of Educational Services for Limited English Proficient Children, research for the purpose of improving English language and academic content instruction for children who are limited English proficient. Activities under this section shall be limited to research to identify successful models for teaching limited English proficient children English, research to identify successful models for assisting such children to meet challenging State content and student performance standards, and distribution of research results to States for dissemination to schools with populations of students who are limited English proficient. Research conducted under this section may not focus solely on any one method of instruction.

"PART B—EMERGENCY IMMIGRANT EDUCATION PROGRAM

"SEC. 7201. FINDINGS AND PURPOSE.

"(a) Findings.—The Congress finds that—

"(1) the education of our Nation's children and youth is one of the most sacred government responsibilities;

"(2) local educational agencies have struggled to fund adequately education services; and

"(3) immigration policy is solely a responsibility of the Federal Government.

"(b) Purpose.—The purpose of this part is to assist eligible local educational agencies that experience unexpectedly large increases in their student population due to immigration to—

"(1) provide high-quality instruction to immigrant children and youth; and

"(2) help such children and youth—

"(A) with their transition into American society; and

"(B) meet the same challenging State performance standards expected of all children and youth.

"SEC. 7202. STATE ADMINISTRATIVE COSTS.

"For any fiscal year, a State educational agency may reserve not more than 1.5 percent of the amount allocated to such agency under section 7204 to pay the costs of performing such agency's administrative functions under this part.

"SEC. 7203. WITHHOLDING.

"Whenever the Secretary, after providing reasonable notice and opportunity for a hearing to any State educational agency, finds that there is a failure to meet the requirement of any provision of this part, the Secretary shall notify that agency that further payments will not be made to the agency under this part, or in the discretion of the Secretary, that the State educational agency shall not make further payments under this part to specified local educational agencies whose actions cause or are involved in such failure until the Secretary is satisfied that there is no longer any such failure to comply. Until the Secretary is so satisfied, no further payments shall be made to the State educational agency under this part, or payments by the State educational agency under this part shall be limited to local educational agencies whose actions did not cause or were not involved in the failure, as the case may be.

“SEC. 7204. STATE ALLOCATIONS.

“(a) PAYMENTS.—The Secretary shall, in accordance with the provisions of this section, make payments to State educational agencies for each of the fiscal years 2000 through 2004 for the purpose set forth in section 7201(b).

“(b) ALLOCATIONS.—

“(1) IN GENERAL.—Except as provided in subsections (c) and (d), of the amount appropriated for each fiscal year for this part, each State participating in the program assisted under this part shall receive an allocation equal to the proportion of such State's number of immigrant children and youth who are enrolled in public elementary or secondary schools under the jurisdiction of each local educational agency described in paragraph (2) within such State, and in nonpublic elementary or secondary schools within the district served by each such local educational agency, relative to the total number of immigrant children and youth so enrolled in all the States participating in the program assisted under this part.

“(2) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—The local educational agencies referred to in paragraph (1) are those local educational agencies in which the sum of the number of immigrant children and youth who are enrolled in public elementary or secondary schools under the jurisdiction of such agencies, and in nonpublic elementary or secondary schools within the districts served by such agencies, during the fiscal year for which the payments are to be made under this part, is equal to—

“(A) at least 500; or

“(B) at least 3 percent of the total number of students enrolled in such public or nonpublic schools during such fiscal year,

whichever number is less.

“(c) DETERMINATIONS OF NUMBER OF CHILDREN AND YOUTH.—

“(1) IN GENERAL.—Determinations by the Secretary under this section for any period with respect to the number of immigrant children and youth shall be made on the basis of data or estimates provided to the Secretary by each State educational agency in accordance with criteria established by the Secretary, unless the Secretary determines, after notice and opportunity for a hearing to the affected State educational agency, that such data or estimates are clearly erroneous.

“(2) SPECIAL RULE.—No such determination with respect to the number of immigrant children and youth shall operate because of an underestimate or overestimate to deprive any State educational agency of the allocation under this section that such State would otherwise have received had such determination been made on the basis of accurate data.

“(d) REALLOCATION.—Whenever the Secretary determines that any amount of a payment made to a State under this part for a fiscal year will not be used by such State for carrying out the purpose for which the payment was made, the Secretary shall make such amount available for carrying out such purpose to one or more other States to the extent the Secretary determines that such other States will be able to use such additional amount for carrying out such purpose. Any amount made available to a State from any appropriation for a fiscal year in accordance with the preceding sentence shall, for purposes of this part, be regarded as part of such State's payment (as determined under subsection (b)) for such year, but shall remain available until the end of the succeeding fiscal year.

“(e) RESERVATION OF FUNDS.—

“(1) IN GENERAL.—Notwithstanding any other provision of this part, if the amount appropriated to carry out this part exceeds $50,000,000 for a fiscal year, a State educational agency may reserve not more than 20 percent of such agency's payment under this part for such year to award grants, on a competitive basis, to local educational agencies within the State as follows:

“(A) At least one-half of such grants shall be made available to eligible local educational agencies (as described in subsection (b)(2)) within the State with the highest numbers and percentages of immigrant children and youth.

“(B) Funds reserved under this paragraph and not made available under subparagraph (A) may be distributed to local educational agencies within the State experiencing a sudden influx of immigrant children and youth which are otherwise not eligible for assistance under this part.

“(2) USE OF GRANT FUNDS.—Each local educational agency receiving a grant under paragraph (1) shall use such grant funds to carry out the activities described in section 7207.

“(3) INFORMATION.—Local educational agencies with the highest number of immigrant children and youth receiving funds under paragraph (1) may make information available on serving immigrant children and youth to local educational agencies in the State with sparse numbers of such children.

“SEC. 7205. STATE APPLICATIONS.

“(a) SUBMISSION.—No State educational agency shall receive any payment under this part for any fiscal year unless such agency submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information, as the Secretary may reasonably require. Each such application shall—

“(1) provide that the educational programs, services, and activities for which payments under this part are made will be administered by or under the supervision of the agency;

“(2) provide assurances that payments under this part will be used for purposes set forth in sections 7201(b) and 7207, including a description of how local educational agencies receiving funds under this part will use such funds to meet such purposes and will coordinate with other programs assisted under this Act and other Acts as appropriate;

“(3) provide an assurance that local educational agencies receiving funds under this part will coordinate the use of such funds with programs assisted under part A or title I;

“(4) provide assurances that such payments, with the exception of payments reserved under section 7204(e), will be distributed among local educational agencies within that State on the basis of the number of immigrant children and youth counted with respect to each such local educational agency under section 7204(b)(1);

“(5) provide assurances that the State educational agency will not finally disapprove in whole or in part any application for funds received under this part without first affording the local educational agency submitting an application for such funds reasonable notice and opportunity for a hearing;

“(6) provide for making such reports as the Secretary may reasonably require to perform the Secretary's functions under this part;

“(7) provide assurances—

“(A) that to the extent consistent with the number of immigrant children and youth enrolled in the nonpublic elementary or secondary schools within the district served by a local educational agency, such agency, after consultation with appropriate officials of such schools, shall provide for the benefit of such children and youth secular, neutral, and nonideological services, materials, and equipment necessary for the education of such children and youth;

“(B) that the control of funds provided under this part to any materials, equipment, and property repaired, remodeled, or constructed with those funds shall be in a public agency for the uses and purposes provided in this part, and a public agency shall administer such funds and property; and

“(C) that the provision of services pursuant to this paragraph shall be provided by employees of a public agency or through contract by such public agency with a person, association, agency, or corporation who or which, in the provision of such services, is independent of such nonpublic elementary or secondary school and of any religious organization, and such employment or contract shall be under the control and supervision of such public agency, and the funds provided under this paragraph shall not be commingled with State or local funds;

“(8) provide that funds reserved under section 7204(e) be awarded on a competitive basis based on merit and need in accordance with such subsection; and

“(9) provide an assurance that State and local educational agencies receiving funds under this part will comply with the requirements of section 1120(b).

“(b) APPLICATION REVIEW.—

“(1) IN GENERAL.—The Secretary shall review all applications submitted pursuant to this section by State educational agencies.

“(2) APPROVAL.—The Secretary shall approve any application submitted by a State educational agency that meets the requirements of this section.

“(3) DISAPPROVAL.—The Secretary shall disapprove any application submitted by a State educational agency which does not meet the requirements of this section, but shall not finally disapprove an application except after providing reasonable notice, technical assistance, and an opportunity for a hearing to the State.

“SEC. 7206. ADMINISTRATIVE PROVISIONS.

“(a) NOTIFICATION OF AMOUNT.—The Secretary, not later than June 1 of each year, shall notify each State educational agency that has an application approved under section 7205 of the amount of such agency's allocation under section 7204 for the succeeding year.

“(b) SERVICES TO CHILDREN ENROLLED IN NONPUBLIC SCHOOLS.—If by reason of any provision of law a local educational agency is prohibited from providing educational services for children enrolled in elementary and secondary nonpublic schools, as required by section 7205(a)(7), or if the Secretary determines that a local educational agency has substantially failed or is unwilling to provide for the participation on an equitable basis of children enrolled in such schools, the Secretary may waive such requirement and shall arrange for the provision of services, subject to the requirements of this part, to such children. Such waivers shall be subject to consultation, withholding, notice, and judicial review requirements in accordance with the provisions of title I.

“SEC. 7207. USES OF FUNDS.

“(a) USE OF FUNDS.—Funds awarded under this part shall be used to pay for enhanced instructional opportunities for immigrant children and youth, which may include—

"(1) family literacy, parent outreach, and training activities designed to assist parents to become active participants in the education of their children;

"(2) salaries of personnel, including teacher aides who have been specifically trained, or are being trained, to provide services to immigrant children and youth;

"(3) tutorials, mentoring, and academic or career counseling for immigrant children and youth;

"(4) identification and acquisition of curricular materials, educational software, and technologies to be used in the program;

"(5) basic instructional services which are directly attributable to the presence in the school district of immigrant children, including the costs of providing additional classroom supplies, overhead costs, costs of construction, acquisition or rental of space, costs of transportation, or such other costs as are directly attributable to such additional basic instructional services; and

"(6) such other activities, related to the purposes of this part, as the Secretary may authorize.

"(b) Consortia.—A local educational agency that receives a grant under this part may collaborate or form a consortium with one or more local educational agencies, institutions of higher education, and nonprofit organizations to carry out the program described in an application approved under this part.

"(c) Subgrants.—A local educational agency that receives a grant under this part may, with the approval of the Secretary, make a subgrant to, or enter into a contract with, an institution of higher education, a nonprofit organization, or a consortium of such entities to carry out a program described in an application approved under this part, including a program to serve out-of-school youth.

"(d) Construction.—Nothing in this part shall be construed to prohibit a local educational agency from serving immigrant children simultaneously with students with similar educational needs, in the same educational settings where appropriate.

"SEC. 7208. REPORTS.

"(a) Biennial Report.—Each State educational agency receiving funds under this part shall submit, once every 2 years, a report to the Secretary concerning the expenditure of funds by local educational agencies under this part. Each local educational agency receiving funds under this part shall submit to the State educational agency such information as may be necessary for such report.

"(b) Report to Congress.—The Secretary shall submit, once every 2 years, a report to the appropriate committees of the Congress concerning programs assisted under this part in accordance with section 14701.

"SEC. 7209. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this part, there are authorized to be appropriated $175,000,000 for fiscal year 2000 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"PART C—ADMINISTRATION

"SEC. 7301. REPORTING REQUIREMENTS.

"(a) States.—Based upon the evaluations provided to a State under section 7403, each State receiving a grant under this title annually shall report to the Secretary on programs and activities undertaken by the State under this title and the effectiveness of such programs and activities in improving the education provided to children who are limited English proficient.

"(b) Secretary.—Every other year, the Secretary shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report on programs and activities undertaken by States under this title and the effectiveness of such programs and activities in improving the education provided to children who are limited English proficient.

"SEC. 7302. COORDINATION WITH RELATED PROGRAMS.

"In order to maximize Federal efforts aimed at serving the educational needs of children and youth of limited English proficiency, the Secretary shall coordinate and ensure close cooperation with other programs serving language-minority and limited English proficient students that are administered by the Department and other agencies.

"PART D—GENERAL PROVISIONS

"SEC. 7401. DEFINITIONS.

"For purposes of this title:

"(1) Children and youth.—The term 'children and youth' means individuals aged 3 through 21.

"(2) Community-based organization.—The term 'community-based organization' means a private nonprofit organization of demonstrated effectiveness or Indian tribe or tribally sanctioned educational authority which is representative of a community or significant segments of a community and which provides educational or related services to individuals in the community. Such term includes a Native Hawaiian or Native American Pacific Islander native language educational organization.

"(3) Family literacy services.—The term 'family literacy services' means services provided to participants on a voluntary basis that are of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in a family, and that integrate all of the following activities:

"(A) Interactive literacy activities between parents and their children.

"(B) Training for parents regarding how to be the primary teacher for their children and full partners in the education of their children.

"(C) Parent literacy training that leads to economic self-sufficiency.

"(D) An age-appropriate education to prepare children for success in school and life experiences.

"(4) Immigrant children and youth.—The term 'immigrant children and youth' means individuals who—

"(A) are aged 3 through 21;

"(B) were not born in any State; and

"(C) have not been attending one or more schools in any one or more States for more than three full academic years.

"(5) Limited English proficient.—The term 'limited English proficient', when used with reference to an individual, means an individual—

"(A) aged 3 through 21;

"(B) who—

"(i) was not born in the United States;

"(ii) comes from an environment where a language other than English is dominant and who normally uses a language other than English;

"(iii) is a Native American or Alaska Native or who is a native resident of the outlying areas and who normally uses a language other than English; or

"(iv) is migratory and whose native language is other than English and who normally uses a language other than English; and

"(C) who has sufficient difficulty speaking, reading, writing, or understanding the English language that the difficulty may deny the individual the opportunity—

"(i) to learn successfully in a classroom where the language of instruction is English; or

"(ii) to participate fully in society.

"(6) Native American and Native American language.—The terms 'Native American' and 'Native American language' shall have the same meaning given such terms in section 103 of the Native American Languages Act of 1990.

"(7) Native Hawaiian or Native American Pacific Islander native language educational organization.—The term 'Native Hawaiian or Native American Pacific Islander native language educational organization' means a nonprofit organization with a majority of its governing board and employees consisting of fluent speakers of the traditional Native American languages used in their educational programs and with not less than five years successful experience in providing educational services in traditional Native American languages.

"(8) Native language.—The term 'native language', when used with reference to an individual who is limited English proficient, means the language normally used by such individual.

"(9) Outlying area.—The term 'outlying area' means any of the following:

"(A) The Virgin Islands of the United States.

"(B) Guam.

"(C) American Samoa.

"(D) The Commonwealth of the Northern Mariana Islands.

"(10) Paraprofessional.—The term 'paraprofessional' means an individual who is employed in preschool, elementary or secondary school under the supervision of a certified or licensed teacher, including individuals employed in educational programs serving limited English proficient children, special education and migrant education.

"(11) State.—The term 'State' means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or any outlying area.

"(12) Tribally sanctioned educational authority.—The term 'tribally sanctioned educational authority' means—

"(A) any department or division of education operating within the administrative structure of the duly constituted governing body of an Indian tribe; and

"(B) any nonprofit institution or organization that is—

"(i) chartered by the governing body of an Indian tribe to operate a school described in section 7113(a) or otherwise to oversee the delivery of educational services to members of the tribe; and

"(ii) approved by the Secretary for the purpose of carrying out programs under subpart 1 of part A for individuals served by a school described in section 7113(a).

"SEC. 7402. CONSTRUCTION.

"Nothing in subpart 1 or 2 shall be construed to prohibit a local educational agency from serving limited English proficient children and youth simultaneously with students with similar educational needs, in the same educational settings where appropriate.

"SEC. 7403. EVALUATION.

"(a) In General.—Each eligible entity that receives a subgrant from a State or a grant from the Secretary under part A shall provide the State or the Secretary, at the conclusion of every second fiscal year during which the subgrant or grant is received, with an evaluation, in a form prescribed by the State or the Secretary, of—

"(1) the programs and activities conducted by the entity with funds received under part A during the 2 immediately preceding fiscal years;

"(2) the progress made by students in learning the English language and meeting challenging State content standards and challenging State student performance standards;

"(3) the number and percentage of students in the programs and activities attaining English language proficiency by the end of each school year, as determined by a valid and reliable assessment of English proficiency; and

"(4) the progress made by students in meeting challenging State content and challenging State performance standards for each of the 2 years after such students are no longer receiving services under this part.

"(b) USE OF EVALUATION.—An evaluation provided by an eligible entity under subsection (a) shall be used by the entity and the State or the Secretary—

"(1) for improvement of programs and activities;

"(2) to determine the effectiveness of programs and activities in assisting children who are limited English proficient to attain English proficiency (as measured consistent with subsection (d)) and meet challenging State content standards and challenging State student performance standards; and

"(3) in determining whether or not to continue funding for specific programs or projects.

"(c) EVALUATION COMPONENTS.—An evaluation provided by an eligible entity under subsection (a) shall include—

"(1) an evaluation of whether students enrolling in a program or activity conducted by the entity with funds received under part A—

"(A) have attained English proficiency and are meeting challenging State content standards and challenging State student performance standards; and

"(B) have achieved a working knowledge of the English language that is sufficient to permit them to perform, in English, in a classroom that is not tailored to limited English proficient children; and

"(2) such other information as the State or the Secretary may require.

"(d) EVALUATION MEASURES.—In prescribing the form of an evaluation provided by an entity under subsection (a), a State or the Secretary shall approve evaluation measures, as applicable, for use under subsection (c) that are designed to assess—

"(1) oral language proficiency in kindergarten;

"(2) oral language proficiency, including speaking and listening skills, in first grade;

"(3) both oral language proficiency, including speaking and listening skills, and reading and writing proficiency in grades 2 and higher; and

"(4) attainment of challenging State performance standards.

"SEC. 7404. CONSTRUCTION.

"Nothing in part A shall be construed as requiring a State or a local educational agency to establish, continue, or eliminate a program of native language instruction.

"SEC. 7405. LIMITATION ON FEDERAL REGULATIONS.

"The Secretary shall issue regulations under this title only to the extent that such regulations are necessary to ensure compliance with the specific requirements of this title.

"SEC. 7406. LEGAL AUTHORITY UNDER STATE LAW.

"Nothing in this title shall be construed to negate or supersede the legal authority, under State law, of any State agency, State entity, or State public official over programs that are under the jurisdiction of the State agency, entity, or official.

"SEC. 7407. CIVIL RIGHTS.

"Nothing in this title shall be construed in a manner inconsistent with any Federal law guaranteeing a civil right.

"SEC. 7408. RULE OF CONSTRUCTION.

"Nothing in part A shall be construed to limit the preservation or use of Native American languages as defined in the Native American Languages Act or Alaska Native languages.

"SEC. 7409. REPORT.

"The Secretary shall prepare, and submit to the Secretary and to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, a report on—

"(1) the activities carried out part A and the effectiveness of such activities in increasing the English proficiency of limited English proficient children and helping them to meet challenging State content standards and challenging State performance standards;

"(2) the types of instructional programs used under part A to teach limited English proficient children;

"(3) the number of programs, if any, which were terminated from the program because they were not able to reach program goals; and

"(4) other information gathered as part of the evaluation conducted under section 7403.

"SEC. 7410. PROGRAMS FOR NATIVE AMERICANS AND PUERTO RICO.

"Programs authorized under subparts 1 and 2 of part A that serve Native American children, Native Pacific Island children, and children in the Commonwealth of Puerto Rico, notwithstanding any other provision of part A may include programs of instruction, teacher training, curriculum development, evaluation, and testing designed for Native American children learning and studying Native American languages and children of limited Spanish proficiency, except that a primary outcome of programs serving such children shall be increased English proficiency among such children.".

SEC. 902. CONFORMING AMENDMENT TO DEPARTMENT OF EDUCATION ORGANIZATION ACT.

(a) IN GENERAL.—The Department of Education Organization Act is amended by striking "Office of Bilingual Education and Minority Languages Affairs" each place such term appears in the text and inserting "Office of Educational Services for Limited English Proficient Children".

(b) CLERICAL AMENDMENTS.—

(1) SECTION 209.—The section heading for section 209 of the Department of Education Organization Act is amended to read as follows:

"OFFICE OF EDUCATIONAL SERVICES FOR LIMITED ENGLISH PROFICIENT CHILDREN".

(2) SECTION 216.—The section heading for section 216 of the Department of Education Organization Act is amended to read as follows:

"SEC. 216. OFFICE OF EDUCATIONAL SERVICES FOR LIMITED ENGLISH PROFICIENT CHILDREN.".

(3) TABLE OF CONTENTS.—

(A) SECTION 209.—The table of contents of the Department of Education Organization Act is amended by amending the item relating to section 209 to read as follows:

"Sec. 209. Office of Educational Services for Limited English Proficient Children.".

(B) SECTION 216.—The table of contents of the Department of Education Organization Act is amended by amending the item relating to section 216 to read as follows:

"Sec. 216. Office of Educational Services for Limited English Proficient Children.".

Mr. GOODLING (during the reading). Madam Chairman, I ask unanimous consent that the modification be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. Is there objection to the modification offered by the gentleman from Pennsylvania (Mr. GOODLING)?

There was no objection.

Mr. GOODLING. Madam Chairman, this amendment is a bipartisan amendment that makes several technical and clarifying changes to the committee reported bill and includes long overdue reform of the Federal bilingual education program. I might say, I hope we have some final agreement. At 3 o'clock yesterday afternoon, we did. At 10 o'clock last night, we did not. I would not have stepped 1 inch into the Hispanic caucus meeting going on out here in the Speaker's lobby. It sounded pretty ruckus, but, at any rate, I think we have everything worked out. So many long hours have been spent to reach this agreement.

I want to thank the gentleman from Arizona (Mr. SALMON) and the gentleman from Michigan (Mr. KILDEE) for bringing Members with diverse views together to craft this legislation that will truly help limited English proficient children learn English and excel in their academic subject.

As the number of limited English proficient children in this country increases, we must be sure that we are providing these children with the best possible education. Graduation rates for this population are very disappointing, and we cannot afford to support programs that do not ensure the academic success of children with limited English proficiency.

The key to success for these children is the legislation before my colleagues as it focuses on teaching English to those with limited proficiency and assists them to meet the same State content and performance standard as other students.

The bilingual education program contains several key reforms. First, it turns the current competitive grant program into a formula grant program to the States after appropriations reach $220 million. For the first time, when the threshold is reached, those individuals closest to the children will play a major role in deciding how to use funds under this program to provide them with the best possible education.

Second, thanks to the gentleman from Arizona (Mr. SALMON), we ensure that the parents of limited English proficient children play a major role in determining which types of instructional services will be provided to their children. Too often we have heard testimony from parents who are unaware of the types of services offered to the children. It is our belief that parents must give their consent before placement of their child in a program for limited English proficient children.

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This way, we will avoid the current battles between schools and parents who are trying to remove their child from a program that is failing to provide them with a quality education.

If parents believe their child is not obtaining the English language skills they need for academic success, they should have the right to remove their child from the current instructional program. It is just that simple.

Third, we provide local educational agencies the maximum flexibility to decide which instructional methods should be used to educate limited English proficient children. Currently, the Bilingual Education Act requires 75 percent of the funds available for grants to eligible entities to be spent on programs using a child's native language in instruction. We removed this provision because we do not believe the Federal Government should support any one method of instruction over another. The amendment does not mandate any one method of instruction over another. Instead, it merely allows schools to decide which instructional methods will yield the greatest success in helping our students learn English and achieve the same high degree of academic success as other students.

Finally, the legislation focuses on teaching children English as quickly as possible. Once this becomes a formula grant program, States will be required to remove founding from any program where the majority of limited English proficient children are not becoming proficient in English and meeting challenging State content and performance standards after 3 academic years of performance.

As a former educator, I agree that having the ability to speak more than one language is key. But for children who do not speak English, our major focus should be in providing them with the language skills they need to stay in school and succeed.

The amendment also makes several technical and clarifying changes to other sections of the Student Results Act. First, the amendment strengthens a provision related to local assessments given to para-professionals.

Under this bill, the local school districts may use title I funds to hire qualified para-professionals. This must be demonstrated through completion of 2 years of college, receipt of an associate's degree, or by passing a rigorous local standard of quality. Under this amendment, local school districts must simply include a description of these assessments as part of their plan to the State. This will ensure the States have an understanding of the criteria being set at the local level, which is important since many States set their own minimum qualifications for para-professionals.

The amendment also makes improvements to the new public school choice program that was added to the bill in committee. Because I believe one of the biggest barriers to school choice is the cost of transportation, the manager's amendment removes the prohibition on using these funds for that purpose.

The amendment specifically allows schools to use these funds to augment their existing transportation services in order to meet the needs of children participating in a public school choice program.

And, finally, this amendment modifies the McKinney Homeless Assistance Act, as reported by the committee, regarding documentation for the immediate enrollment of a homeless child in school. If a child needs to obtain immunization or immunization records, the enrolling school shall immediately refer the parent or guardian of the child to the homeless liaison who shall assist in obtaining these records. These provisions will not override State law or policy regarding immunizations and enrollment.

Mr. KILDEE. Madam Chairman, I rise in support of the manager's amendment.

Mr. MARTINEZ. Madam Chairman, will the gentleman yield?

Mr. KILDEE. I yield to the gentleman from California.

Mr. MARTINEZ. Madam Chairman, I rise in support of the manager's amendment with great trepidation. The chairman spoke a little bit about the Hispanic caucus meeting, and I am here to tell my colleagues that the Hispanic caucus is devastated by the fact title VII was added to this bill in the manager's floor amendment.

Now, I understand that in the manager's floor amendment there are also a lot of things we negotiated to make the bill better, but the one thing we never got to negotiate to any great extent was title VII, which is very important to the Hispanic community and the limited English proficient children that it serves.

The fact is, if we had had a chance in committee markup to deal with title VII as we did with title I, we may have come out with the same bipartisan compromise on that as we did on title I. But it puts us kind of behind the 8 ball to be here having to make a presentation on the floor in support of title I but yet disturbed by the situation of title VII and what it really looks like as the Republicans entered it into this floor amendment.

I am going to vote for the bill, because I believe there are so many things that have been compromised. And even in title VII there was some compromise. We did raise the trigger from $210 million to $225 million. We then further got a little compromise on the language that would allow the children to opt in or opt out. That is, in my mind, one of the biggest hurdles or obstacles there was in title VII.

I am going to support the bill and support the manager's amendment because I strongly support all the programs that I believe H.R. 2 really does a good job of maintaining. It also maintains the integrity and original intent of the bill. Originally, when it passed out of committee, I was not able to support the bill. I was one of six people that voted no. It was more on process than it was on what were the contents of the bill even at that time.

I stand here again in objection to the process on title VII, although that is there and we have to deal with it. I am hopeful that as we move to the conference committee and deal with the Senators and their version, that we may be able to revisit title VII and make it better than it is as it presently stands in this bill.

I understand several of my colleagues on that side of the aisle were concerned about the parental involvement, and they did move to strengthen that parental involvement. And I support their desire to make sure that parents know everything that is going on with their children's education in school; but by the same token, a child should not suffer the lack of services because a bureaucrat is waiting for a parent to make a decision, or they cannot make a decision themselves.

I believe the way my amendment has been accepted into the bill that the children will receive services immediately upon entering school; that the final notification will take place quickly; that the school will be required to pick up the phone or make some direct contact as quickly as possible to make sure that that child does not lack any services.

Having said that, I feel that the bill is vastly improved. I believe the manager's amendment, which I hesitate to vote against because it does contain all of the agreements that we have made and made improvements to, but I do not believe this is the end of the situation. I believe that we have a process yet to go through in which we will have to meet with the Senate and have a conference, and the Senate will have to concur and we will have to yield to some of the Senate's desires, and I am hoping that the Senate's desires for bilingual education and for title I and parental notification is even stronger than it has been on this side of the aisle.

Along with that, let me tell my colleagues that one of the reasons that I support the bill is that we are able to increase or include language increasing the standards and accountability for instructions. This is something that the gentleman from California (Mr. GEORGE MILLER) from our side has been a strong proponent of for many years. We were able to put it in the bill that is going to be marked up tomorrow.

I would have liked to come down earlier and join in the lovefest that was taking place on the floor in the general debate regarding this bill. The only problem is that I could not join in that lovefest because I believe the honeymoon is going to end tomorrow, as the gentleman from New York (Mr. OWENS) has stated. Tomorrow we are going to take up Straight A's, which destroys everything that was negotiated in this bill, which I think is absolutely ridiculous, although I am hopeful somebody will come to their senses and either not offer Straight A's or that Straight A's will be voted down. And if it is not voted down, I hope it will be vetoed by the President so that we will not have to deal with it and keeping intact what we have in title I.

I would also like to commend my colleague from Arizona (Mr. SALMON) for working with me on the parental consent portion of this bill. I believe his willingness to compromise gave us the ability to be able to vote for this bill. And, Madam Chairman, I do support the manager's amendment.

Madam Chairman, while I regret that the committee did not have an opportunity to mark up and fully debate title VII, the Bilingual Education Act, which is included in today's manager's amendment, and while I still have a number of concerns regarding the effects this bill will have on limited English instruction programs and the children they serve, I am going to vote yes on the manager's amendment because it is vastly improved over where it was a week ago, and because I hope it will be further improved in conference.

Last week, the Education Committee considered H.R. 2, which includes the reauthorization of several important Federal education programs, including title I, which provides nearly $8 billion for the education of disadvantaged children, the Magnet Schools Program, the Indian Education Program, the Javitz Gifted and Talented Program, and the McKinney Homeless Assistance Program.

Although I strongly support these programs and believe that H.R. 2 does a good job of maintaining their integrity and original intent, I was not able to support H.R. 2 when it was reported by the committee due primarily to what I consider to be unreasonable parental consent requirements placed on the education of limited English proficient children.

While I understand that several of my colleagues on that side of the aisle desire increased parental involvement and strengthened parental rights, and although I support that desire, I could not support the manner in which they were going about obtaining that involvement and those rights since it meant that a limited English proficient child could go for months without title I services.

However, over the past week, since this bill was reported from committee, staff have worked tirelessly to negotiate an agreement whereby parental involvement and rights are maintained, and more importantly, LEP children begin receiving educational services almost immediately.

In the process of those negotiations, we were also able to make headway on a number of issues in title VII.

For instance, we were able to increase the trigger point at which the instructional services program turns into a formula grant.

We were able to insert provisions ensuring that local education agencies measure the progress of LEP students not only on English proficiency but also on challenging academic and contents standards, and monitor the transition of LEP students into the mainstream classroom.

We were also able to include language increasing standards and accountability for instructional programs and teachers, and requiring the department to do research and collect data on best practices. And while I still have concerns regarding some of the provisions in title VII, I am pleased with the progress that has been made over the last week and would like to commend the staff for their hard work.

I would also like to commend my colleague from Arizona, Mr. SALMON, for working with me on the parental consent language although I know he feels as strongly about his original position on this issue as I feel about mine.

In all honesty, were the Democrats in charge of the House, many of the provisions in this bill, including those regarding parental involvement and consent, would look quite different and I am sure that Mr. SALMON would have rather stuck with his original language.

However, I believe that we have come up with an agreement that we can both live with and support. And I believe that H.R. 2, carefully crafted by Chairmen GOODLING and CASTLE and ranking members CLAY and KILDEE, is also something we can live with and support. And so Madam Chairman, as I said earlier, I will support the manager's amendment and urge my colleagues on both sides of the aisle to do the same.

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from Pennsylvania (Mr. GOODLING).

The amendment, as modified, was agreed to.

AMENDMENT NO. 4 OFFERED BY MRS. MINK OF HAWAII

Mrs. MINK of Hawaii. Madam Chairman, I offer an amendment, No. 4.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mrs. MINK of Hawaii:

In section 1114(c)(1)(B)(ii)(III) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 108 of the bill, insert ", including girls and women" after "underserved populations".

In section 1114(c)(1)(B)(iii)(I) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 108 of the bill, insert ", which may include incorporation of gender-equitable methods and practices" after "schoolwide program".

In section 1119A(b)(1) of the Elementary and Secondary Education Act of 1965, as proposed to amended by section 116 of the bill—

(1) at the end of subparagraph (I), strike "and";

(2) at the end of subparagraph (J), strike the period and insert "; and"; and

(3) after subparagraph (J), insert the following:

"(K) include strategies for identifying and eliminating gender and racial bias in instructional materials, methods, and practices.".

After subparagraph (E) of section 1119A(b)(2) of the Elementary and Secondary Education Act of 1965, as proposed to amended by section 116 of the bill, insert the following (and redesignate any subsequent subparagraphs accordingly):

"(F) instruction in the ways that teachers, principals, and guidance counselors can work with parents and students from groups, such as females and minorities which are under represented in careers in mathematics, science, engineering, and technology, to encourage and maintain the interest of such students in these careers;".

In section 1119A(b)(2) of the Elementary and Secondary Education Act of 1965, as proposed to amended by section 116 of the bill—

(1) at the end of subparagraph (H) (as redesignated), strike "and";

(2) at the end of subparagraph (I) (as redesignated), strike the period and insert "; and"; and

(3) after subparagraph (I), insert the following:

"(J) instruction in gender-equitable methods, techniques, and practices.".

Strike the matter proposed to be inserted in section 1401(a)(3) of the Elementary and Secondary Education Act of 1965, (as proposed by section 142 of the bill).

After the matter proposed to be inserted in section 1401(a)(6) of the Elementary and Secondary Education Act of 1965, (as proposed by section 142 of the bill), add the following:

"(7) Pregnant and parenting teenagers are a high at-risk group for dropping out of school and should be targeted by dropout prevention programs.".

In section 1423(6) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 149 of the bill—

(1) after "social" insert ", health";

(2) after "facilities" insert ", students at risk of dropping out of school,"; and

(3) before the semicolon, insert ", including prenatal health care and nutrition services related to the health of the parent and child, parenting and child development classes, child care, targeted re-entry and outreach programs, referrals to community resources, and scheduling flexibility".

In section 1424(2) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 150 of the bill, before the semicolon, insert the following: ", including pregnant and parenting teenagers".

In section 1424(3) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 150 of the bill—

(1) after "social" insert ", health,"; and

(2) after "services" insert ", including day care,".

Strike section 152 of the bill and the amendment proposed to be made to section 1426(1) of the Elementary and Secondary Education Act of 1965.

At the end of title V of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 201 of the bill, insert the following:

"PART C—WOMEN'S EDUCATIONAL EQUITY

"SEC. 5301. SHORT TITLE; FINDINGS.

"(a) SHORT TITLE.—This part may be cited as the 'Women's Educational Equity Act of 1994'.

"(b) FINDINGS.—The Congress finds that—

"(1) since the enactment of title IX of the Education Amendments of 1972, women and girls have made strides in educational achievement and in their ability to avail themselves of educational opportunities;

"(2) because of funding provided under the Women's Educational Equity Act, more curricula, training, and other educational materials concerning educational equity for women and girls are available for national dissemination;

"(3) teaching and learning practices in the United States are frequently inequitable as such practices relate to women and girls, for example—

"(A) sexual harassment, particularly that experienced by girls, undermines the ability of schools to provide a safe and equitable learning or workplace environment;

"(B) classroom textbooks and other educational materials do not sufficiently reflect the experiences, achievements, or concerns of women and, in most cases, are not written by women or persons of color;

"(C) girls do not take as many mathematics and science courses as boys, girls lose confidence in their mathematics and science ability as girls move through adolescence, and there are few women role models in the sciences; and

"(D) the low number of girls taking higher level computer science courses leading to technical careers, and the low degree of participation of women in the development of education technology, will perpetuate a cycle of disadvantage for girls in elementary schools and secondary schools as technology is increasingly integrated into the classroom; and".

"(E) pregnant and parenting teenagers are at high risk for dropping out of school and existing dropout prevention programs do not adequately address the needs of such teenagers;

"(4) efforts to improve the quality of public education also must include efforts to ensure equal access to quality education programs for all women and girls;

"(5) Federal support should address not only research and development of innovative model curricula and teaching and learning strategies to promote gender equity, but should also assist schools and local communities implement gender equitable practices;

"(6) Federal assistance for gender equity must be tied to systemic reform, involve collaborative efforts to implement effective gender practices at the local level, and encourage parental participation; and

"(7) excellence in education, high educational achievements and standards, and the full participation of women and girls in American society, cannot be achieved without educational equity for women and girls.

"SEC. 5302. STATEMENT OF PURPOSES.

"It is the purpose of this part—

"(1) to promote gender equity in education in the United States;

"(2) to provide financial assistance to enable educational agencies and institutions to meet the requirements of title IX of the Educational Amendments of 1972; and

"(3) to promote equity in education for women and girls who suffer from multiple forms of discrimination based on sex, race, ethnic origin, limited-English proficiency, disability, or age.

"SEC. 5303. PROGRAMS AUTHORIZED.

"(a) IN GENERAL.—The Secretary is authorized—

"(1) to promote, coordinate, and evaluate gender equity policies, programs, activities and initiatives in all Federal education programs and offices;

"(2) to develop, maintain, and disseminate materials, resources, analyses, and research relating to education equity for women and girls;

"(3) to provide information and technical assistance to assure the effective implementation of gender equity programs;

"(4) to coordinate gender equity programs and activities with other Federal agencies with jurisdiction over education and related programs;

"(5) to assist the Assistant Secretary of the Office of Educational Research and Improvement in identifying research priorities related to education equity for women and girls; and

"(6) to perform any other activities consistent with achieving the purposes of this part.

"(b) GRANTS AUTHORIZED.—

"(1) IN GENERAL.—The Secretary is authorized to make grants to, and enter into contracts and cooperative agreements with, public agencies, private nonprofit agencies, organizations, institutions, student groups, community groups, and individuals, for a period not to exceed four years, to—

"(A) provide grants to develop model equity programs;

"(B) provide funds for the implementation of equity programs in schools throughout the Nation; and

"(C) provide grants to local educational agencies in communities with an historic tie to a major leader in the women's sufferage movement to educate its students about the significance of the community's significant former resident.

"(2) SUPPORT AND TECHNICAL ASSISTANCE.—To achieve the purposes of this part, the Secretary is authorized to provide support and technical assistance—

"(A) to implement effective gender-equity policies and programs at all educational levels, including—

"(i) assisting educational agencies and institutions to implement policies and practices to comply with title IX of the Education Amendments of 1972;

"(ii) training for teachers, counselors, administrators, and other school personnel, especially preschool and elementary school personnel, in gender equitable teaching and learning practices;

"(iii) leadership training for women and girls to develop professional and marketable skills to compete in the global marketplace, improve self-esteem, and benefit from exposure to positive role models;

"(iv) school-to-work transition programs, guidance and counseling activities, and other programs to increase opportunities for women and girls to enter a technologically demanding workplace and, in particular, to enter highly skilled, high paying careers in which women and girls have been underrepresented;

"(v) enhancing educational and career opportunities for those women and girls who suffer multiple forms of discrimination, based on sex and on race, ethnic origin, limited-English proficiency, disability, socioeconomic status, or age;

"(vi) assisting pregnant students and students rearing children to remain in or to return to secondary school, graduate, and prepare their preschool children to start school;

"(vii) evaluating exemplary model programs to assess the ability of such programs to advance educational equity for women and girls;

"(viii) introduction into the classroom of textbooks, curricula, and other materials designed to achieve equity for women and girls;

"(ix) programs and policies to address sexual harassment and violence against women and girls and to ensure that educational institutions are free from threats to the safety of students and personnel;

"(x) nondiscriminatory tests of aptitude and achievement and of alternative assessments that eliminate biased assessment instruments from use;

"(xi) programs to increase educational opportunities, including higher education, vocational training, and other educational programs for low-income women, including underemployed and unemployed women, and women receiving assistance under a State program funded under part A of title IV of the Social Security Act;

"(xii) programs to improve representation of women in educational administration at all levels; and

"(xiii) planning, development and initial implementation of—

"(I) comprehensive institution- or district-wide evaluation to assess the presence or absence of gender equity in educational settings;

"(II) comprehensive plans for implementation of equity programs in State and local educational agencies and institutions of higher education; including community colleges; and

"(III) innovative approaches to school-community partnerships for educational equity;

"(B) for research and development, which shall be coordinated with each of the research institutes of the Office of Educational Research and Improvement to avoid duplication of research efforts, designed to advance gender equity nationwide and to help make policies and practices in educational agencies and institutions, and local communities, gender equitable, including—

"(i) research and development of innovative strategies and model training programs for teachers and other education personnel;

"(ii) the development of high quality and challenging assessment instruments that are nondiscriminatory;

"(iii) the development and evaluation of model curricula, textbooks, software, and other educational materials to ensure the absence of gender stereotyping and bias;

"(iv) the development of instruments and procedures that employ new and innovative strategies to assess whether diverse educational settings are gender equitable;

"(v) the development of instruments and strategies for evaluation, dissemination, and replication of promising or exemplary programs designed to assist local educational agencies in integrating gender equity in their educational policies and practices;

"(vi) updating high quality educational materials previously developed through awards made under this part;

"(vii) the development of policies and programs to address and prevent sexual harassment and violence to ensure that educational institutions are free from threats to safety of students and personnel;

"(viii) the development and improvement of programs and activities to increase opportunity for women, including continuing educational activities, vocational education, and programs for low-income women, including underemployed and unemployed women, and women receiving assistance under the State program funded under part A of title IV of the Social Security Act; and

"(ix) the development of guidance and counseling activities, including career education programs, designed to ensure gender equity.

"SEC. 5204. APPLICATIONS.

"An application under this part shall—

"(1) set forth policies and procedures that will ensure a comprehensive evaluation of the activities assisted under this part, including an evaluation of the practices, policies, and materials used by the applicant and an evaluation or estimate of the continued significance of the work of the project following completion of the award period;

"(2) where appropriate, demonstrate how funds received under this part will be used to promote the attainment of one or more of the National Education Goals;

"(3) demonstrate how the applicant will address perceptions of gender roles based on cultural differences or stereotypes;

"(4) where appropriate, describe how funds under this part will be used in a manner that is consistent with programs under the School-to-Work Opportunities Act of 1994;

"(5) for applications for assistance under section 5303(b)(1), demonstrate how the applicant will foster partnerships and, where applicable, share resources with State educational agencies, local educational agencies, institutions of higher education, community-based organizations (including organizations serving women), parent, teacher, and student groups, businesses or other recipients of Federal educational funding which may include State literacy resource centers;

"(6) for applications for assistance under section 5303(b)(1), demonstrate how parental involvement in the project will be encouraged; and

"(7) for applications for assistance under section 5303(b)(1), describe plans for continuation of the activities assisted under this part with local support following completion of the grant period and termination of Federal support under this part.

"SEC. 5305. CRITERIA AND PRIORITIES.

"(a) Criteria and Priorities.—

"(1) In general.—The Secretary shall establish separate criteria and priorities for awards under paragraphs (1) and (2) of section 5303(b) to ensure that funds under this part are used for programs that most effectively will achieve the purposes of this part.

"(2) Criteria.—The criteria described in subsection (a) may include the extent to which the activities assisted under this part—

"(A) address the needs of women and girls of color and women and girls with disabilities;

"(B) meet locally defined and documented educational equity needs and priorities, including compliance with title IX of the Education Amendments of 1972;

"(C) are a significant component of a comprehensive plan for educational equity and compliance with title IX of the Education Amendments of 1972 in the particular school district, institution of higher education, vocational-technical institution, or other educational agency or institution; and

"(D) implement an institutional change strategy with long-term impact that will continue as a central activity of the applicant after the grant under this part has terminated.

"(b) Priorities.—In approving applications under this part, the Secretary may give special consideration to applications—

"(1) submitted by applicants that have not received assistance under this part or under part C of title IX of this Act (as such part was in effect on October 1, 1988);

"(2) for projects that will contribute significantly to directly improving teaching and learning practices in the local community; and

"(3) for projects that will—

"(A) provide for a comprehensive approach to enhancing gender equity in educational institutions and agencies;

"(B) draw on a variety of resources, including the resources of local educational agencies, community-based organizations, institutions of higher education, and private organizations;

"(C) implement a strategy with long-term impact that will continue as a central activity of the applicant after the grant under this part has terminated;

"(D) address issues of national significance that can be duplicated; and

"(E) address the educational needs of women and girls who suffer multiple or compound discrimination based on sex and on race, ethnic origin, disability, or age.

"(c) Special Rule.—To the extent feasible, the Secretary shall ensure that grants awarded under this part for each fiscal year address—

"(1) all levels of education, including preschool, elementary and secondary education, higher education, vocational education, and adult education;

"(2) all regions of the United States; and

"(3) urban, rural, and suburban educational institutions.

"(d) Coordination.—Research activities supported under this part—

"(1) shall be carried out in consultation with the Office of Educational Research and Improvement to ensure that such activities are coordinated with and enhance the research and development activities supported by the Office; and

"(2) may include collaborative research activities which are jointly funded and carried out with the Office of Educational Research and Improvement.

"(e) Limitation.—Nothing in this part shall be construed as prohibiting men and boys from participating in any programs or activities assisted with funds under this part.

"SEC. 5306. REPORT.

"The Secretary, not later than January 1, 2004, shall submit to the President and Congress a report on the status of educational equity for girls and women in the Nation.

"SEC. 5307. ADMINISTRATION.

"(a) Evaluation; Dissemination; Report.—The Secretary—

"(1) shall evaluate, in accordance with section 14701, materials and programs developed under this part;

"(2) shall disseminate materials and programs developed under this part; and

"(3) shall report to Congress regarding such evaluation, materials, and programs not later than January 1, 2003.

"(b) Program Operations.—The Secretary shall ensure that the activities assisted under this part are administered within the Department by a person who has recognized professional qualifications and experience in the field of gender equity education.

"SEC. 5308. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this part, there are authorized to be appropriated $5,000,000 for fiscal year 2000 and such sums as may be necessary for each of the 4 succeeding fiscal years, of which not less than ⅔ of the amount appropriated under this section for each fiscal year shall be available to carry out the activities described in section 5303(b)(1).".

Mrs. MINK of Hawaii. Madam Chairman, today I am pleased to join my colleagues, the gentlewoman from California (Ms. WOOLSEY), the gentlewoman from California (Ms. SANCHEZ), and the gentlewoman from Maryland (Mrs. MORELLA), in offering this amendment to restore the gender equity provisions in the Elementary and Secondary Education Act, now referred to as the Student Results Act of 1999, H.R. 2.

The majority has argued that these equity provisions are no longer needed. However, girls continue to face barriers in the classroom. The Women's Educational Equity Act, WEAA, and other gender equity provisions are still needed to help overcome these barriers. For instance, while girls have improved in some areas, girls are still not learning the technology skills that will be needed to compete in the 21st century. In fact, only a very small percentage of girls take computer science courses, even though 65 percent of the jobs in the year 2000 will require these skills. The girls that do take computer classes tend to take data entry, while boys take advanced programming. Only 17 percent of the students who take computer science advanced placement tests are girls.

There is overwhelming evidence that it is not time now to terminate the programs that have been successful. In point of fact, the majority argues that women and girls have now advanced to such a point that these types of programs are not necessary. I ask my colleagues to examine that thesis; that the girls and women in our society have made it because they have had the constructive assistance of programs like the Women's Educational Equity Act that this year enjoyed its 25th anniversary. It has provided throughout the country a resource of information. It has been on call to anyone that wanted to inquire as to what programs were in place, in what community, and what the results were.

So often we criticize Federal research because it is not disseminated. One of the key provisions in the Women's Educational Equity Act was to establish a center where this type of dissemination would occur, and that is in fact what has happened. We do not have to replicate the trial mechanism in each community because we have the results of programs and other efforts and projects that have been instituted in different communities.

If we dismantle the Women's Educational Equity Act program now, we will dismantle 25 years of effort, of accumulated dialogue, of accumulated reports, and other types of things that will continue to be of tremendous benefit to the girls and women in our society. It is not time now to dismantle it. We are just about making progress in some areas. There is still a lot to go, and this is proven in so many of the studies we have seen.

There is a barrier beyond which women are not able to go forward in terms of their careers, in terms of their own benefits. And, therefore, we have to start early in the elementary and secondary schools to make sure that the teachers and the administration understand this special responsibility that they have to the girls in their community.

The Women's Educational Equity Center has a technical assistance service. It is there to answer these many, many questions. This year, up to now, there have been 758 positive, affirmative technical assistance programs offered to people who have called. It is in all sorts of areas. In the center is 73,332 publications that have been collected. If we dismantle this program and terminate the Women's Educational Equity Act, 73,000 documents will be gone. They will not be able to serve this community any more.

□ 1700

The Women's Educational Equity Center has established a Web site. Just between March 1 and August 31, there were 248,000 hits on that Web site, people wanting information about women's opportunity for careers, for education, for things that they could do within their community and within their schools.

There is no question that this program is utilized; it is needed; it is woefully underfunded. So I cannot believe that the majority truly feels that this program is no longer needed by our communities. It has made progress. But now is not the time to terminate this program and end the progress that we have made. Girls in our schools need this special assistance. Teachers need this assistance.

The AAUW report clearly demonstrates that when they went out to analyze what was happening in the classrooms, they found indeed in the best classrooms that female teachers were dealing with their students in a disproportionate way in which they favored the boys as against the girls in terms of assignments, in terms of grading, in terms of their dealing with the student.

So I plead with this House to reconsider this terrible move made by the majority of this committee and ask my colleagues to restore this provision and all the other provisions that are in this en bloc amendment and restore again our confidence that we as a society can implement programs that truly have equity, gender equity, at heart.

Mr. GALLEGLY. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise today in strong support of H.R. 2, the Student Results Act, which renews Title I of the Elementary and Secondary Education Act and other programs assisting low-achieving students.

I am particularly pleased that H.R. 2 includes a version of my bill, H.R. 637, the gifted and talented student education act. I want to thank the chairman and the other members of the committee for their work on this important legislation.

All children deserve to be educated to their fullest potential. Unfortunately, the educational needs of our most talented students are not being met. Gifted and talented students are not reaching their highest level of learning.

H.R. 637 provides incentives through formula grants to States to identify gifted and talented students from all economic, ethnic, and racial backgrounds, particularly students of limited English proficiency and students with disabilities.

The bill authorizes State educational agencies to distribute grants to local education agencies, including charter schools, on a competitive basis. Funding would be based on each State's student population.

H.R. 637 provides needed funds for gifted and talented students while leaving the decision on how best to serve these students to the States and local school districts.

I know we all are committed to ensuring our Nation's youth have all the tools they need for their future. Our gifted and talented students are one the Nation's greatest natural resources. I urge my colleagues to support this very important bill.

Ms. WOOLSEY. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I, too, would like to compliment the chair of the Committee on Education and the Workforce and the ranking member for a good bill. But I am here to make H.R. 2 better.

I am sure that many of my colleagues are surprised, as I was, to learn that H.R. 2 eliminates the Women's Educational Equity Act, WEEA, and other gender equity provisions in the Elementary Secondary Education reauthorization.

I knew that WEEA and other gender equity provisions were doing a good job. What I did not know was that their success could be seen as an excuse to eliminate a good program. It is hard to believe that some Members think that gender equity provisions should be eliminated from ESEA because more women are enrolled in college, graduating from college, or because boys have reading scores that are not as good as girls. But that is shortsighted.

Women do earn more than half of all Bachelor's degrees, and WEEA and other gender equity provisions deserve credit for that. But women's degrees are still clustered in traditional fields such as nursing and teaching, fields that pay far less than jobs in science and technology.

While women are more than 50 percent of this country's population, they earn only 36 percent of math degrees and just 7 percent of engineering degrees. That is why, Madam Chairman, in addition to reinstating WEEA and other current gender equity provisions, the Mink-Woolsey-Sanchez-Morella amendment includes my language to allow schools to use professional development funds to instruct teachers in how to work with students, how to work with their parents in groups from under-represented areas of our country. And they do that to encourage them to pursue careers in math, in science, engineering, and technology.

Madam Chairman, just last week, Senator ROBB introduced a bill to create a new category of visas for foreign nationals with graduate degrees in high-technology fields. It does not take a rocket scientist to figure out why the high-tech companies want these visas for foreign workers. It is because there just are not enough U.S. citizens with educations needed for these high-tech positions in our own country.

In fact, the American Electronics Association, AEA, reports that the number of degrees awarded to Americans in computer science, engineering, math, and physics has been declining since 1990. One of the reasons for this decline is that girls and minorities are not pursuing these fields and they are not pursuing them in the early grades; and because they are not interested in the early grades, they do not get the background they need in elementary school to take the necessary precollege requirements in high school and they do not go on to major in these subjects in college.

If our schools do not change, females and minorities will continue to dominate the low-wage jobs, while America's high-wage, high-tech jobs go to foreign undergraduates and foreign graduates.

That is why Microsoft Corporation, Hewlett-Packard, Intel Corporation, Motorola, Apple, AutoDesk, and Compac Computers signed a letter to members of the Committee on Education and the Workforce strongly encouraging members to consider proposals that "not only strengthen math and science education broadly but that aim to target women, minorities, and other under-represented groups to pursue these courses of study."

But unless we use WEEA and other gender equity provisions to address the problem that exists for girls in our schools, women will continue to have fewer economic opportunities than men and less access to the careers that will support themselves and their families. Without these opportunities, this country will be deprived of the highly educated, highly skilled workforce we need in the United States to compete in a global economy.

Gender equity and education is not a women's thing. All Americans, men and women, have a stake in making sure that all students gain the skills and self-confidence they need in elementary and secondary school to become productive, self-supporting adults.

The Mink-Woolsey-Sanchez-Morella amendment is vital to the strength of the Nation, and I urge my colleagues to please support it.

Mr. HILL of Montana. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I do not rise to speak to this amendment, but I do rise to speak to the bill. I want to thank our chairman for his leadership in bringing this bill to the House. Of all the issues that we will be debating, none are more important than the issue that we are debating here today, the issue of education.

I also want to thank our leadership for providing such a large block of time for us to debate this bill and the issue of education.

Madam Chairman, every parent wants their child to succeed, succeed in school and succeed in life. I am fortunate to represent a State that has really good schools. Montana's students consistently perform very well on independent tests. We are fond of saying that Montana is the last best place. And many would say that Montana is what America used to be.

Many would say that we need to rebuild our schools like they used to be, schools where achievement is emphasized, where people are held accountable for results, where parents and local school boards make the decisions. Those are worthy objectives, Madam Chairman, and those objectives are incorporated into this bill, a bill that addresses Title I.

Under this bill, all States and school districts and schools will be held accountable to ensure that their students meet high academic standards. All schools would be required to issue report cards on student achievement, on teacher qualifications, and on school quality. The State and local schools would be required to close the achievement gap if they are trailing so that no student is left behind.

All students would be required to meet the same standard. So there would be no discrimination on the basis of race or other status. The families will be authorized to take their kids out of failing schools and put them into charter schools or into other public schools.

I will later be supporting an amendment that will broaden the scope to allow school choice and private education, as well. Under this bill, 95 percent of the dollars will go to the classroom.

I am particularly supportive of the new flexibility for rural schools, as well as the additional resources for rural schools. I support the provisions requiring English first, requiring that all third-year students to be tested for English proficiency.

Madam Chairman, it is clear that despite years and years and many billions of dollars in Federal assistance to local schools, excellence and quality and achievement and high standards still elude us. This bill has the potential to move us a long way in bringing these reforms to all of our schools to create schools that we can all be proud of.

When these Title I reforms are coupled with other measures, one that we will be taking up tomorrow, the Straight A's education bill, we will be on our way to making meaningful changes in education.

Again, I want to thank the chairman for his leadership and his hard work and diligence in getting this good bill to the floor that has broad bipartisan support. I urge my colleagues to support the bill.

Ms. SANCHEZ. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, well, my colleagues, what a century it has been for women's progress. We could say that this century we got the vote, we own businesses and earn college degrees like never before, we control our own money, we are in the workplace, in the factories, in the corner offices, and on the playing field.

In fact, just this year, we rejoiced in the great successes of Title IX when the U.S. women's soccer team showed the world what it really means to kick like a girl at the World Cup.

Well, my colleagues, I knew it was a bad idea to win that soccer game. Because the Republican male leadership in Congress apparently took Brandi Chastain's winning kick as a sign that everything is fine, that we do not need the Women's Educational Equity Act anymore, that everything is suddenly A-okay.

Well, I have got news for my colleagues. Women are only 17 percent of students who take the computer science Advanced Placement test. Women are 50 percent of the population yet only 8 percent of the engineering workforce. Women are 3 percent of the top executives at the Fortune 500 companies.

So what do they want to do about that? Repeal the law that has helped American girls for 25 years.

Our role is to reduce the final Elementary and Secondary Education Act reauthorization of this 20th century. We have got to make it one that prepares all students, boys and girls, for the challenges and for the opportunities that await them.

So I urge my colleagues to support the Mink-Woolsey-Sanchez-Morella amendment to H.R. 2.

Mrs. BIGGERT. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I question whether this amendment is needed. But I do want to express my strong support for H.R. 2, the Student Results Act, which includes a provision that will have a direct and positive impact on the estimated one million homeless children and youth in our Nation.

Being without a home should not mean being without an education. Yet, that is what "homelessness" means for far too many of our children and youth today.

Congress recognized the importance of education to homeless youth when it enacted in 1987, the McKinney Education Program. But despite the progress made over the past decade, we know that homeless children continue to miss out on what often is the only source of stability and promise in their lives, school attendance.

□ 1715

H.R. 2 strengthens the McKinney program by incorporating the innovative provisions contained in my legislation, the McKinney Homeless Education Assistance Improvements Act. This bill will ensure that a homeless child is immediately enrolled in school. That means no red tape, no waiting for paperwork and no bureaucratic delays. It gives a homeless student the choice of enrolling in the nearest school or in the school he or she attended before becoming homeless. It also improves the way the Department of Education collects its data so that we no longer use unreliable figures that likely underreport the numbers of homeless students. It allows States to select a homeless education ombudsman whose sole job is to help homeless children and youth. And lastly, it authorizes the McKinney program for another 5 years.

Homelessness is and will likely be for the immediate future a part of our society. But being homeless should not limit a child's opportunity to learn. I commend the gentleman from Pennsylvania (Mr. GOODLING) as well as the gentleman from Missouri (Mr. CLAY) for understanding this and for addressing in the bill before us the needs of homeless children. I urge my colleagues on both sides of the aisle to support the Student Results Act.

Mr. ANDREWS. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise in very, very strong support of the Mink-Woolsey-

Sanchez-Morella amendment. Gender discrimination has been institutionalized in American life. It is important that we try to uproot that discrimination from its roots, and what better place to start than the classrooms of America.

I am particularly gratified that the authors of this amendment have included in it language that I suggested with respect to a special education program for gender equity that involves the birthplace of women's rights, in Mount Laurel, New Jersey, the Alice Paul Foundation. Alice Paul understood when she wrote the equal rights amendment, which we will yet ratify, and she understood when she led the fight for women's suffrage that discrimination on the basis of gender is rooted in American life.

My grandmother was born at a time when women did not have the right to vote. My wife was born at a time when the smartest girl in the class, which she was, was told that she could be a teacher but not the principal, that she could be a nurse but not a doctor. Now, nursing and teaching are honorable professions and if a young woman or young man chooses that profession, we should encourage them to do so, but we should educate them that if they choose to be the doctor or the principal or the President, that they have every right to do so. It is important that young women learn that from the word go.

My daughters are 6 and 4. They are being educated in their homes to understand that they can go as far as their abilities will take them. But I understand that in the institutions that they will encounter, they will not necessarily receive the same message. They will be paid 69 cents for every dollar that their brothers earn. They will be told that there are still glass ceilings that apply to them but not their boy cousins or brothers. This must change. The first and best place to change it is in America's classrooms, and the best way to change it today is for us to strongly support the retention of this program.

I applaud the authors for introducing it.

Mr. HINOJOSA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the region of America that I represent strongly supports the Women's Educational Equity Act. WEEA, as it is best known, represents the Federal commitment to helping schools eradicate sex discrimination from their programs and practices and to ensure that girls' future choices and success are determined not by their gender but by their own interests, aspirations and abilities.

I have four daughters, and I want the best for them. I want them to be able to reach as high as they can dream. Since 1974, WEEA has funded the following: Research, development and dissemination of curricular materials; training programs; guidance and testing activities; and other projects to combat inequitable educational practices.

Through an 800 number, through e-mail and a web site, the WEEA Publishing Center makes these materials and models widely available at low cost to teachers, administrators and parents throughout. WEEA is critical in assisting schools to achieve educational equity for women and girls. WEEA provides a resource for teachers, administrators and parents seeking proven methods to ensure equity in their school systems and communities. WEEA projects help so that girls can become confident, educated and self-sufficient women.

Since its inception, WEEA has funded over 700 programs. Past and current WEEA-funded projects include:

Programs such as Expanding Your Horizons, which exposes girls to women in nontraditional careers, have been replicated in communities throughout the country often by AAUW branches. Developing "Engaging Middle School Girls in Math and Science," a 9-week course for teachers and administrators which explores ways of creating classroom environments that are supportive of girls' successes in these subjects. Clarifying for schools the definition of sexual harassment and what the law requires them to do about it.

Finally, Mr. Chairman, I urge my colleagues to vote to reinstate the Women's Educational Equity Act, and I commend the authors of this act, the gentlewoman from Hawaii (Mrs. MINK), the gentlewoman from California (Ms. SANCHEZ), the gentlewoman from California (Ms. WOOLSEY) and the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, there are several gentlemen on this side of the aisle who relinquished their time to me, and I appreciate that very much. I thank the gentleman from North Carolina (Mr. BALLENGER) and the gentleman from Utah (Mr. COOK).

Mr. Chairman, I rise in strong support of the Mink-Woolsey-Sanchez-Morella amendment. I am proud to have my name on it. It would restore gender equity provisions to Title I programs.

My colleagues on the Committee on Education and the Workforce have really worked hard on this legislation and for that I commend them. I commend the gentleman from Pennsylvania. I commend the members of the committee. H.R. 2 has some very good provisions. The bill encourages parent involvement, targets funds to those most in need, and supports gifted and talented programs.

However, H.R. 2 does not reauthorize the Women's Educational Equity Act, it does not ensure that teachers in Title I schools are trained to treat boys and girls equally, and does not train teachers to encourage children from underrepresented groups, including girls, to pursue careers and higher education degrees in math, science, engineering and technology.

It is my understanding that the gender equity provisions that are in current law have been eliminated because, quote, they have served their purpose and that gender equity has been accomplished and they are not needed. This is simply not true. While many girls are doing better in math and science classes in school, these generally are girls in more affluent schools in suburban areas. Many of these schools, such as Walt Whitman High School in Bethesda, Maryland, or Richard Montgomery in Rockville, Maryland, have made efforts to work with girls to encourage them to take high level math and science classes and correct gender bias in the classroom.

For disadvantaged students, however, it is another story. And those are the students whose needs are supposed to be addressed in this legislation. In Title I schools, boys as well as girls are not succeeding and we must ensure that these students are prepared for the job market as we approach the 21st century. For girls, we must address the problem of teen parenting and its impact on the female dropout rate. We must also address the new gender equity gap that is widening for girls in technology.

Statistics show that African-American and Hispanic students fare poorly in technology. For instance, only 127 Hispanic girls nationwide took the AP computer science exam in 1998. Only six Latinas in the State of California took the exam in 1998. African-American girls comprised 10 percent of the girls taking the exam but 83 percent made the lowest score of 1 out of 5.

The statistics for the general female student population are also disturbing. For example, more than 53 percent of female students take no further high school math beyond Algebra 2. Only 25 percent of female students have taken computer science courses in high school. Only 2 percent of female students have taken the advanced placement test in physics. I could go on and on. Only 20 percent of female students take the three core science courses, biology, chemistry and physics, in high school.

Mr. Chairman, as we prepare to enter the new millennium engaged in a competitive global economic market, we must ensure that our children are fully prepared for the future. Most jobs are going to be technology-based. They say that over 60 percent of them will be. People who can possess information to develop new goods and services and use technology effectively will excel in the next century. Nations that prepare their citizens for this new economy are going to be most successful, lower tax rates, better services, higher standard of living.

We are going to need a healthy pool of technically skilled persons, information technology workers. We can arrive this only if we educate both halves of the workforce. We cannot afford to dismiss 50 percent of our kinetic energy. We must ensure that we address the different learning needs and styles of girls in the classroom from kindergarten through high school. We all have the same interest at heart, both sides of the aisle, males, females. We all want to make sure that our children and grandchildren are afforded a quality education and that they are well prepared for the marketplace of the future. We can do that by voting "yes" on the Mink-Woolsey-Sanchez-Morella amendment.

Mr. BALLENGER. Mr. Chairman, I move to strike the requisite number of words.

First of all I would like to say that having read the information on the Mink amendment I am not necessarily for it, because it says in our description here, it is to identify and eliminate gender and racial bias in instruction materials, methods and practices. To me that sounds like building a whole new bureaucracy in the educational vein. I am not sure that Title I does not have enough problems already.

In the past, Title I funding has seen few results. However, H.R. 2, the Student Results Act of 1999, has strong accountability measures to ensure that these Federal funds are spent in the appropriate manner, on low-achieving, disadvantaged students of both sexes. It is important to let schools know that if we are going to give you Federal funding, we expect results.

This bipartisan bill creates the academic State reports which show the academic performance of all schools receiving Title I funding, allowing parents and local leaders to monitor the progress of these schools. H.R. 2 also allows students in low performing schools to have the choice of transferring to a public school or to a public charter school that is not low performing.

Accountability does not stop there. This bill requires that within 3 years of enactment, paraprofessionals, or teachers aides, as they say, at schools receiving Title I funding have to complete at least 2 years of study in an institution of higher learning, obtain an associate's degree or higher and meet rigorous standards of quality set by the local school district in math, reading and writing. You cannot really help low achieving students with unqualified teachers aides. These students need the best of the profession to move out of their low achieving status. In the past, this teaching effort was largely done by 75,000 teachers aides. With the additional training, we could almost reach the President's requested 100,000 more teachers with less money and the need to hire fewer teachers. This higher standard will ensure that our Federal funding is used in providing a higher quality of education to our youth, especially since 95 percent of the money must go to the classroom.

We should not use Title I funding again to go to students who have already been failed by the educational system before. Let us support H.R. 2.

Ms. MILLENDER-McDONALD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as a former director of gender equity programs for the largest unified school district in California and the second largest in the Nation, I know firsthand how important this extraordinary program is. I have seen teen mothers come, thinking that they had no other recourse but to stay at home and stay on welfare. With this program they have come to school, they have engaged in job training, with counseling, while their children were in a safe child care program.

I have seen single parents who thought that they had no other recourse but found job training programs while being counseled and were able to become self-sufficient. I have seen displaced homemakers who after a divorce were petrified in thinking that they had to go to work without skills. This is the type of program that we are talking about today, the gender equity programs and the provisions that are included in this amendment.

Mr. Chairman, I yield to the gentleman from California (Mr. MARTINEZ) who has worked with me for years when I was with Los Angeles Unified as the director of gender equity programs.

Mr. MARTINEZ. Mr. Chairman, I rise in strong support of this bill and associate my remarks with those of the gentlewoman that yielded to me. There is no reason why this amendment should not be accepted. Just think about it, gentlemen, when you vote against women, you are voting against over 50 percent of the voters.

Ms. MILLENDER-McDONALD. Mr. Chairman, I think that is noteworthy, to say that the majority of the voters in this Nation are women.

I yield to the gentlewoman from Texas (Ms. JACKSON-LEE) who worked with me very closely when she was on the city council in Texas and I was on the council in Carson.

□ 1730

Ms. JACKSON-LEE of Texas. Madam Chairman, I thank the gentlewoman very much for her excellent leadership, just to say that I associate myself with her remarks and others in support of the Mink-Woolsey-Sanchez-Morella amendment restoring gender equity to H.R. 2 and providing opportunities for math and science be taught to our young women. We cannot tolerate any further less than 20 percent of the doctoral candidates in computer science, engineers and elsewise, chemistry, not being part of the female population of the United States.

This must be corrected. I support this amendment.

Madam Chairman, I rise to strongly support this extremely important amendment. Gender equity remains a key issue in America's society, and nowhere is it more apparent than in education—especially in regards to educational opportunities in math, science, engineering, and technology.

We passed Title IX a quarter-century ago to ensure equal opportunities for girls as well as boys. Title IX has accomplished a great number of its goals. If we were to ever question the impact of Title IX, we simply need to recall the USA Women's Soccer Team during its glorious World Cup run and the Houston Comets' unprecedented 3 year reign as WNBA Champions.

Yet, although a great deal of progress has been made, a gender gap still exists in America's schools. Today's education field requires gender-fair policies more than ever. With advances in science and technology, we must work to narrow the gap that exists between boys and girls in these fields. Indeed, to empower young women to achieve economic independence and full participation in the new world of the 21st century, we must ensure that girls are educated fairly.

The Student Results Act, H.R. 2, maintains many standards for public education in the reauthorization of the Elementary and Secondary Education Act. But it lacks many of the gender equity-related provisions that have been proposed—and some that have been part of ESEA for decades. For all students to achieve in school, educators, parents and policymakers must develop strategies to address the different learning styles of all students. Both genders deserve equal opportunity to excel and learn in the classroom.

The Mink-Woolsey-Sanchez-Morella amendment to the Student Results Act includes many gender equity provisions in current law that H.R. 2 has eliminated. These include the reauthorization of the Women's Educational Equity Act (WEEA) which has, since 1974, represented the federal commitment to ensuring that girls' future choices and success are determined not by their gender, but by their own interests, aspirations, and abilities.

This amendment also trains teachers in gender equitable methods and techniques and requiring the identification and elimination of gender and racial bias in instructional materials. The amendment also strives to ensure that dropout prevention programs target pregnant and parenting teens, thereby addressing one of the chief causes of young women's dropout rate.

In addition, the amendment allows Title I schools to set up programs to encourage girls and other underrepresented groups to pursue careers and higher education degrees in math, science, engineering and technology.

This latter issue is of great importance given our current dearth of science and math teachers. Elementary school districts report a 96 percent demand for science teachers and a 67 percent need for math teachers. These statistics are sobering, and we must act immediately.

It is clear that we are not cultivating enough scientists, mathematicians, and engineers from our K–12 schools. In the status quo, high tech firms are looking to import workers from abroad to keep them competitive in this ever-evolving industry. In a nation of innovation such as ours, this situation is unacceptable, and given the opportunity, I am certain that American women could easily fill these positions.

Yet, we find that women face barriers to entry and achievement at all stages of the academic ladder. We have identified a series of mechanisms that mitigate against the progress of women in academic careers in science and engineering. Extra-academic factors as the differential socialization of men and women and marriage and family impede the progress of women. The normal working of everyday features of academic science such as advising patterns have the unintended consequence of excluding women. This amendment could go a long way toward remedying these problems.

In 1983, only approximately 15 percent of undergraduate engineering students were women. Yet, in 1996, that number failed to rise substantially, and less than 20 percent of undergraduate engineering students were women. In 1995, over 50,000 male engineering students were awarded bachelor's degrees. During that same year, only around 10,000 female engineering students were awarded bachelor's degrees.

Just over 15 percent of doctoral computer scientists in the workforce were women. Women represented just over 10 percent of all math doctoral scientists and engineers in the workforce, women represented under 15 percent of all chemistry doctoral scientists in the workforce, and women composed under 5 percent of all engineers with doctoral degrees in the workforce.

H.R. 2 provides greater opportunities for many underprivileged groups. This amendment simply ensures that women are included in its coverage. We must continue the progress afforded by Title IX, and we must provide greater opportunities for women, especially in the fields of math, science, and technology.

I urge my colleagues to support this amendment.

Ms. MILLENDER-McDONALD. So, Madam Chairman, we are here today debating whether or not we should include a provision that has been included since 1974 that represents the Federal commitment to ensuring that girls' future choices and successes are determined not by their gender, but by their own interests, aspirations and abilities. I do not think that in 1999, as we prepare to enter a new century in which many jobs are based on a thorough understanding of math and science, we would be on this House floor debating whether or not our girls still need and deserve educational equity.

Today we will have the opportunity to vote on the Mink-Woolsey-Sanchez-Morella amendment. This amendment includes many gender equity provisions that are in current law. In addition, the amendment allows title I schools to set up programs to encourage girls and other underrepresented groups to pursue careers and higher education degrees in math, science, engineering and technology.

I can recall, Madam Chairman, when I introduced an aviation program, being gender equity director in the Los Angeles Unified School District. Girls did not know anything about airplanes, and yet we have this program whereby they can do simulations on airplanes and really take an interest in becoming pilots. They were very enthused about that and indeed intrigued about that. These are the types of programs that we can introduce our young women to through a gender equity program.

So, I understand the necessity for gender equity programs and the continuance of a Federal commitment towards such programs.

Now in 1996, Madam Chairman, we were able to restore gender equity funding by a vote of 294 to 129 in this House. We had bipartisan participation then, and I do hope that we will continue to have this bipartisan participation today because our girls, all of us, I think, who are married who have children and have girls, and our girls meet these types of equity programs.

The gentleman will recall as the chairman of the Subcommittee on Special Small Business Problems that we had the digital divide hearing, and with that hearing we saw a disparity of the number of women and men in programs that talked about high tech.

We also saw minority groups that were disproportionately numbered in terms of being in high-tech programs or even having computers in schools or in their homes. This is the type of thing along with the study and the magazine Education Week that shows that only 14 percent of African American students and 25 percent of Latino students used computers for simulation and application rather than just drills. Compare these figures, Madam Chairman, to the 43 percent of Asian students and 31 percent of Caucasian students who use their computers for stimulation, simulation and application.

I know that time is out, the time is out for us to stop playing around with our girls' future and put this provision in for the sake of the future of this country.

Mr. COOK. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, improved student achievement and a quality education for every child is a top priority for all of us. That is why I am proud to support H.R. 2, which will accomplish just that, close achievement gaps and raise the academic performance of every student. This bill effectively responds to needs of our States and local communities by empowering them with the flexibility they need to achieve these important goals.

Just yesterday educators from my home State of Utah reiterated here in Washington their support for giving schools the flexibility to use funds in effective and innovative ways that will actually benefit students and improve achievement. A one-size-fits-all directive from Washington has failed to narrow these achievement gaps in the past. This bill targets students most in need to ensure that no one is left behind.

This is very important for States such as Utah where disadvantaged students are not concentrated in specific districts, but are spread throughout the State. This bill will help those students to finally receive the attention and the funding needed to reach their potential.

Accountability is the key component of this bill. School districts will have to report to parents on the academic progress of their children as well as their performance compared to other title I eligible children. This will provide parents with practical information about school quality, teacher qualifications, and academic performance within their State.

I would also like to thank the chairman and the committee for their willingness to insert the 85 percent hold-harmless language that the gentleman from Utah (Mr. CANNON), my colleague, and others so diligently worked to have included. This will ensure that the children in my State and others will not be greatly impacted from a decrease in title I funding under the current formula.

Parents and teachers know what is best for their children, not bureaucrats in Washington. Ninety-five percent of title I funds will be sent directly to the classroom where those funds belong, not in Washington.

I urge my colleagues to support this bill which will help our children get the best education possible.

Mrs. MEEK of Florida. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I certainly want to thank my colleagues, the gentlewoman from Hawaii (Mrs. MINK); the gentlewoman from California (Ms. WOOLSEY); the gentlewoman from California (Ms. SANCHEZ); and the gentlewoman from Maryland (Mrs. MORELLA) for trying to restore the confidence and the conscience of this Congress by making sure that we do not forget that women and children and girls require equal treatment, particularly in education.

Education is the mainstream of our country. If it were not for education, then none of us would be here today because that is the backbone of our character and our ability to communicate and to help America understand.

Therefore, today we must focus all of our attention on the issue that no inequities exist anywhere in our society, and in order to do that we must be sure that there is a continued Federal commitment to solving these inequities. Fairness is extremely important to all of us. We must be sure that fairness is there. We must be sure that diversity is attended to in all levels of education, not just in higher education, but in K through 12 and into higher education that that fairness has to be there.

I did not receive it, Madam Chairman, when I was coming along. Now the time has come that we all be treated fairly. That is why this amendment is going to restore that, to be sure that no one is being treated unfairly.

So we must support this amendment. This amendment makes clear that we must retain these solid principles that will keep this Nation a Nation unified, a diversified Nation. We must treat boys and girls fairly and prepare the teachers so they will know how to do the kind of work they need to do. And in the name of my grandchildren, I have four strong girls, Madam Chairman, as hard headed as I am: Amber Kinui, Carrie Yoshimi Kinui, Ayo Raiford and Lauren Meek, and in the name of those four grand-girls I want them to become strong women, Madam Chairman, based on education, and certainly I thank us for the Federal commitment.

Mr. BILBRAY. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I was not going to speak on this amendment.

I am very sympathetic to the amendment, but I have to say quite clearly I was rather taken aback at a statement made by a dear, dear friend of mine from California; and the statement was made that somehow that we have got to be aware that when we vote against or for women we are voting for or against 50 percent of the voters, and I think that really, really is the kind of statement that Americans want to see less of from this House.

I say this sincerely, because when we vote against or for women and/or girls in this House, we are voting for or against our daughters, our mothers, our sisters and our grandmothers, not voters back and forth. We are here to serve, as my colleagues know, the people out there in the real world.

And the political jargon, I think people are really, really tired of bringing it up; and I am sure that my dear colleague from California did not mean for it to come out the way he said, as if this was a political ball to be used in this amendment.

Now I feel very sympathetic to this amendment, and I do see that we want equity, and I want to strongly make sure that when we implement our education strategies that we have equity. I have daughters and I have sons, and I would hope as a parent that every parent feels the way I do, that we want our children, no matter what their gender, to have access to quality education, to be able to achieve academically.

Now frankly in my family it is the boys that have the problem academically, and I hope that when they have trouble that there will be the resources there to make sure that they get through. But my daughters happen to have the ability right now to be able to achieve.

But, Madam Chairman, I just want to say clearly that I think that this is a well-intentioned amendment. I am not speaking in opposition to it, but I am speaking to my colleagues on both sides of the aisle, that when we start using terminology here, let us remember that we are all working for our daughters and our sons and our granddaughters and our grandsons and try to bring it together; and I look forward to working with the sponsors of this amendment who are dear friends of mine at making sure that we implement a fair and equitable educational system in this country to make sure that our daughters and granddaughters and sons and grandsons all can work together for a better education.

Mrs. JONES of Ohio. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, just think about it like this:

Right here on the House floor in 1999 I am able to turn around and say, Thank you, Madam Chairwoman. But for programs like WEEA, it may well have not even happened. See, 25 years ago the first woman military pilot, Barbara Raines, was named, and then it took 10 more years for it even to happen for the first woman, Katherine Sullivan, to walk in space. Hopefully in 2004 we will not have to be counting the first woman. There will be many women who have had an opportunity in the technological world to participate.

I rise in support of the Mink-Woolsey-Sanchez-Morella amendment. This amendment has my full support because it will restore funding to the Women's Educational Equity Act. We have funds, instructional materials, teacher training, and it encourages women to pursue careers in the fields of math, science, technology, and engineering.

As my colleagues know, I wanted to go ahead and read my written words, but I just decided it would be more appropriate for me to talk from right here. In 1974, I graduated law school, and my daddy was so happy he said, Yes, she finished law school, and he said, Stephanie, what are you going to do next, and I said, Dad, you know I don't know, but whatever it is, please be with me.

In 1981, I ran for my first judgeship, 31-years-old, and but for programs like WEEA I never would have even been encouraged to go to law school. Made my daddy so happy when I got elected. Election night do my colleagues know what he said? See, I got a judge in the family and didn't even have to have a boy. My daddy thinking like that, who loved and was endeared to me.

I would suggest to my colleagues that there are young women all around this country who need the opportunity to be encouraged and supported.

Let us talk about right here in our own House, 57 women out of 435. Think about it. Think about it. Women need to be encouraged to be right here on the floor. They do not need just solely technological support, they need to think about how can we be here on the floor of the U.S. Congress talking about issues that impact the entire country and only 57 of us are women.

But let us even talk about major corporations. It is a wonderful woman who just became the head of a major corporation, and there are only three to five that head major corporations. It is in the technology; it is in the training that these young women have not been given the opportunity, the access, the encouragement, the support, the love, the nuturing, all of which they need to become what they want to be.

Now see, I appreciate the gentleman saying he is sympathetic to this piece of legislation. Do not give me sympathy; give me a vote. That is what we need right here on the floor. My colleague can be sympathetic if he wants to, but he should not tell his daughters he is sympathetic and he does not want her to go to medical school, he does not want her to go to law school, he does not want her to be a engineer.

□ 1745

As we stand here on the floor today, it is important to think about all the young women across this country, and we are 50 percent; and God willing, we may even in fact be 65 percent of the next election. We do know that women vote more than men do. It is not a political game we are playing here. We are playing with the lives of young women; we are playing with the heads of the families of young women. We are playing with the heads of our young men, because it is the women who raise the young men in this country.

So I would just ask my colleagues, support this amendment. It is important to you, it is important to you, it is important to our children; and in the end, we will all be paid off.

Mr. CUNNINGHAM. Mr. Speaker, I move to strike the requisite number of words.

Madam Chairman, I have a grandmother and a mother that never had a chance to go to college. I have a wife that has a doctorate and two master's degrees. I have my oldest daughter is a gifted writer at the University of California, San Diego. My youngest daughter scored 1550 on her SATs as a junior in high school. She is head of the science team. She soloed, because I heard the gentlewoman talk about flying, she soloed at 16. We did not need a Federal law to have women to be able to participate. I introduced Barbara Raines, the first pilot, when she came into flying, and I knew her and I welcomed that, and I welcomed people that tried to achieve.

But let me tell my colleagues something about equity when we are talking about not just this amendment. I want to bring to Members' attention something that is not in this bill and should not be, but is in the Senate version of the education appropriations bill for fiscal year 2000.

We understand that the Senate has included a legislative rider in its 2000 Labor-HHS-Education bill placing a special 100 percent "hold-harmless" on State-by-State distribution of Title I grants. What that means is that in the States where population has grown, they get less money because the States where the population has fled from are held harmless, and they get the same amount of money.

What happens is we have hundreds of thousands of children that are being underserved in Title I, while other States that do not have as many students still get the same amount, and we think that is wrong.

There are three reasons that the Senate provision is bad for children, for men and for women, for boys and for girls. It unfairly penalizes schools located in States with growing populations of disadvantaged school-age children. It most directly impacts on those with the largest and fastest growing numbers of immigrant and Hispanic schoolchildren. The Senate provision, in my estimation, is anti-immigrant.

Now, I stand opposed to illegal immigration. We are talking about legal immigrants that are underserved under Title I because of the Senate's hold-harmless provision. I would hope my colleagues on both sides of the aisle would support the language in the House, and I hope the Committee on Rules does not make in order or protect authorization on an appropriations bill.

Mrs. CAPPS. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I want to offer my strong support for the Mink-Woolsey-Sanchez-Morella amendment to restore gender equity provisions in H.R. 2. We must restore funding for the Women's Educational Equity Act. This landmark legislation was established in 1974 to help school districts and educators provide equal opportunities for girls and young women in our schools. This equity act represents the commitment of our Federal Government to ensuring that the future choices and successes of girls are determined not by their gender, but by their own interests, their aspirations, their abilities. Without the support that this amendment makes possible, in fact, young women are held back because of their gender.

Now, girls have come a long way, but we still have work to do. Today, only 17 percent of the students who take computer science advanced placement tests are girls. This figure alone is enough to tell us that gender equity programs are still needed. Additionally, H.R. 2 does not continue funding for dropout prevention programs that target pregnant and parenting teens.

I spent 20 years working as a school nurse in the Santa Barbara School District where I was the director of the Pace Center, a program for teen parents called the Parent and Child Enrichment Program. This program encourages teenage mothers to stay in school, helping them to take responsibility for their lives, and to gain access to child care and other support services. It is essential that this Congress work hard to reduce teen pregnancy so that our teens do not become parents before the time is right. But, if teens do become pregnant, we must work to keep them in school, helping them to keep their lives on track, and teaching them to be nurturing parents.

I have seen firsthand the struggles that teenage parents face, and I know how important these dropout prevention programs are.

Madam Chairman, I strongly urge my colleagues to support these gender equity and dropout prevention programs. I am honored to have three students from my district here in the Capitol today, and they are accompanied by the program development director for Girls, Incorporated. These constituents of mine know firsthand and they know full well the importance of these gender equity programs.

Madam Chairman, we here in Congress, we must do our part to keep our promise to the students of this Nation to ensure that everyone receives equal educational opportunities.

Mr. TIAHRT. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise in opposition to the Mink amendment. The GAO found that only 17 percent of these grants were being utilized. The resources were going to a relatively small number of agencies; but most of all, it discriminated against some children by preferences over others.

Let me tell my colleagues about a trip I recently took in Wichita, Kansas, to the Levy Special Education School along with superintendent Winston Brooks. I saw firsthand there how Title I funding was changing the lives of special education students. Life has dealt these kids a bad hand, and as compassionate Americans collectively, we are trying to even the odds a little and close the gap between the average student and these specially challenged, loving children.

Madam Chairman, H.R. 2 gives the local school districts the flexibility to manage the Federal dollars, to meet the needs of these special people. At the Levy Special Education School, I met a special young man. I will call him Mark. Mark had a great potential, if someone could only draw it out of him by spending a little time with him. By teaching Mark, even though it was very tough, they were able to give him some of life's basic skills. Mark moved out of a small, dark, and quiet world into a bright day where he talks, he reads, and he now has the confidence to be productive in our community.

Mark is a success, but H.R. 2 can increase the possibilities of success for many others trapped in a dark world.

Over the next 5 years the Student Results Act will channel approximately $9.33 billion annually into programs for 10 million disadvantaged students like Mark, with more than $8.3 billion going specifically to Title II. The Student Results Act contains several provisions that I strongly support, such as quality instructions. In the past, Title I has been used as a "jobs program" for unqualified teacher aides. H.R. 2 increases the minimum qualifications that must be met by all teacher aides within 3 years. Furthermore, H.R. 2 ensures Title I teachers are more qualified and that parents are aware of the numbers of teachers and the teachers' aides that are hired with Title I dollars.

Also under the Student Results Act, parents have the option to exercise public school choice for the very first time. I agree with my colleague who is chairman of the Subcommittee on Early Childhood, Youth and Families when he said the public choice provision is a simple concept. Children should not be forced to attend failing schools. H.R. 2 allows children attending schools classified as low performing to have choices about their education, by giving them the opportunity to attend a higher quality public school in their area.

This act also includes academic accountability by modifying existing accountability standards to ensure that all students, not just a specific number, but all students, especially the most disadvantaged students, show increased academic achievement at school and State levels.

Madam Chairman, H.R. 2 rewards performance. It will reward excellence in education by giving States the option of setting aside 30 percent of all new Title I funding and provide cash rewards to schools to make substantial progress in closing the achievement gap between the students that are special-needs students and the average students.

One of the most important provisions in H.R. 2 for Kansas is that it gives rural schools new flexibility to consolidate Federal funds. With provisions similar to the Academic Achievement for All Act, under H.R. 2, school districts with less than 1,500 students will be exempted from several formula requirements, giving them the flexibility to target Federal funds where they are most needed within the school district. Under the Student Results Act, school districts receiving Title I funding will distribute information to parents so that they can make good decisions, and they will distribute it to the public; and it is going to be based on the academic performance of each Title I school. That is called the "school report card." There is also testing for students in English learning where students who have attended school in the U.S. for at least 3 consecutive years will have testing and reading and language arts and the English language.

But one of the other most important things is that H.R. 2 makes sure that ESEA programs are based on current scientifically based research and not on some unproven fad that has been plaguing our educational system in recent years.

Madam Chairman, H.R. 2 was overwhelmingly approved by the Committee on Education and the Workforce last week. I urge my colleagues to vote against the Mink amendment, but to vote in favor of this measure and encourage President Clinton to sign into law H.R. 2.

Ms. VELÁZQUEZ. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I come to the floor today in full support of the Mink-Woolsey-Sanchez-Morella amendment reauthorizing the Women's Educational Equity Act.

The Women's Educational Equity Act encourages the training of teachers to treat boys and girls in the classroom fairly. It helps to prevent teen mothers or teens who are pregnant from dropping out of school, and it allows teachers to be trained to promote education in math, science, engineering, and technology among girls.

According to the National Assessment of Education Programs, despite some gains for girls in math and science, gender differences in scores still exist. The University of Illinois at Urbana-Champaign found that performance-based science classes did not ensure equal participation among boys and girls. In classes where teachers are not sensitive to gender issues, the study found that there had been even fewer opportunities to take an active role in hands-on learning.

Eliminating the Women's Educational Equity Act would signify the dissolution of the only Federal program that specifically tackles the barriers to educational opportunities for women and girls. Gender equity practices, policies and principles must continue to be an integral part of the Federal education legislation.

Five years ago, reauthorization of the Elementary and Secondary Education Act included strong provisions for gender equity in education. We must not abandon those principles.

I urge every Member to vote for the Mink amendment and support gender equity in elementary and secondary education.

Mr. McKEON. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I would just like to talk a little bit about my family. I very fortunately have a wife of about 38 years who is a wonderful woman and has been a great partner to me all through our life, and we have six children, three girls, three boys. My girls, daughters, have all graduated from college. The boys are trailing behind a little bit. They have not done quite as well as their sisters, but they are doing well in life and in providing for their families. We have 17 grandchildren. We have nine granddaughters and eight grandsons, and two on the way.

□ 1800

The thing that I am really proud about is that these daughters that graduated from college have done so without any special help or special benefit.

We taught our children that they are all good and that they can all do good things. They do not need special handouts or special help.

I have a little granddaughter that is competing. There is a boy in her class and she is in the second grade and one test he will be the best in the class and one test she will be the best in the class. She is very competitive, does very well in sports, in soccer and in her school work. I just hate to tell her that she needs special help to compete against the boys or other girls, and I just think that it would be good to be able to treat girls and boys as equals and give them both a chance to compete and do well in life.

That is all I want to say on the amendment, but I would like to say a little bit more about the bill.

I rise in strong support of the Student Results Act of 1999. H.R. 2 builds upon the public education reforms this Congress has already considered. First I would like to commend the gentleman from Pennsylvania (Mr. GOODLING) and the subcommittee chairman, the gentleman from Delaware (Mr. CASTLE), for their hard work. As a member and subcommittee chairman of the Committee on Education and the Workforce, I am well aware of the time and effort it takes to put legislation together and to get it to this point, and I wanted to commend them for their work and their dedication and leadership in bringing this here.

Also, the gentleman from Michigan (Mr. KILDEE), the ranking member with whom I had the opportunity of working in the last Congress on our Higher Education Act, I know he has worked very hard and diligently on bringing this bill to the floor.

At the beginning of this year, House Republicans outlined our top priorities, and strengthening public education was at the top of that list. Enacting the Student Results Act will move us another step toward that goal. H.R. 2 reauthorizes title I of the Elementary and Secondary Education Act and other programs, which are the cornerstone of the Federal Government's role in education, to provide assistance to our most disadvantaged children.

While we have spent billions of dollars over the last 30-plus years, the research shows that these programs are not meeting the goals of the act. So we must change the failings of the past and replace them with real results, and we can do that by voting for H.R. 2.

For example, H.R. 2 places new qualifications on teachers' aides who are hired with title I funds. Too often they are providing instruction with little training. In fact, under current law these aides are not even required to have a high school diploma. All we ask for is that if they are going to be working in the classroom, they must meet basic standards. Quality teaching is mandatory in order for these children to succeed.

Finally, I would like to take a moment to discuss an issue that is very important to my home State of California and many other States with fast-growing populations of poor children, the title I funding formula. Five years ago when we last authorized the Elementary and Secondary Education Act, we called for periodic updates to the formula so funding will go to where the most disadvantaged students are living.

However, that provision has never been fully implemented because the Senate has substituted a hold-harmless each year the Labor/HHS does their appropriation. This simply is not fair and punishes our Nation's neediest students.

I am pleased that this year's bill retains the changes we made and also calls on the appropriators to abide by the authorizing language. For these reasons and more, I call on my colleagues to vote for this important legislation.

Mr. ALLEN. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise in strong support of the Mink/Woolsey/Sanchez/Morella amendment which restores current gender equity provisions to ensure that girls succeed in school. We need to support gender equity and diversity through all levels of education. For decades, title I has included essential programs to address the gender gap in education. Now arguments have been made that gender inequities no longer warrant our attention. While it is true that girls have made some improvements, the statistics show there are still major gaps in areas such as technology.

In our fast-paced global economy, it is essential that girls receive the technology skills to compete successfully.

Another continuing problem is inequitable teaching. In 1998, an American Association of University Women report showed that gender inequities still persist in teacher practices. While in most cases teacher biases are unintentional, we need to develop and implement strategies to prevent classroom gender biases. These and other examples show why we must continue to address the need for gender equity in education. We should make this good bipartisan bill better and adopt the Mink amendment.

First, this amendment includes provisions to keep pregnant and parenting teenagers in schools. This is one of the most common reasons girls give for dropping out of high school. We should not and cannot turn our back on those who are at risk.

Second, the amendment continues to encourage title I schools to meet the educational needs of underserved populations, including girls.

Schools should develop strategies to treat boys and girls fairly in the classroom and to encourage girls to pursue higher degrees and careers in math, science, and technology.

Finally, this amendment would reauthorize the Women's Educational Equity Act, WEEA, which was enacted in 1974 under the leadership of the gentlewoman from Hawaii (Mrs. MINK), to help schools and teachers meet the title IX requirements that prohibit sex discrimination in educational programs that receive Federal funding. WEEA provides resources for teachers and schools seeking equitable education models and methods. Girls all over this country have realized the success of WEEA and other currently working programs; and given the current continuing evidence of the need, we must reaffirm our commitment to ensuring that girls have choices in the future that are not limited by gender; and therefore I urge my colleagues to adopt the Mink/Woolsey/Sanchez/Morella amendment.

Mr. MORAN of Virginia. Madam Chairman, will the gentleman yield?

Mr. ALLEN. I yield to the gentleman from Virginia.

Mr. MORAN of Virginia. Madam Chairman, I thank the gentleman from Maine (Mr. ALLEN) for raising the very important issue of technology. H.R. 2 is a very good bill because it really does address the inequities that exist throughout our public school system, but this amendment is also a terribly important one.

The gentleman talked about technology. I represent an area that currently has about 23,000 unfilled technology jobs, and yet I read in the paper that only 17 percent of the students in computer science classes are women. So in an area that is expanding so fast, where we so desperately need skilled, well-educated personnel, we really need to be making a special effort to get the other half of our population far more involved in the kinds of jobs that give them control over their lives economically and socially.

This amendment is designed to achieve that objective. It is a good amendment. I support it and it makes H.R. 2 all the finer piece of education legislation that should really set the direction for the 21st century.

Madam Chairman, I rise in strong support of this legislation as a means of addressing the major inequities that disadvantaged students suffer as a result of our system of raising money through property taxes for our public schools. But it does lack an important measure which this amendment would restore and accordingly I would urge my colleague's support.

The Women's Equity Education Act is so important to ensuring that girls are afforded the same educational opportunities as boys. We have made great strides in this direction since the program was originally initiated 25 years ago. Some may even suggest that the program is no longer necessary. I disagree for many reasons, but one sticks with me.

My district and its surrounding community in Northern Virginia is home to many of the most prosperous high-tech companies in the world. Companies like America Online, Oracle and Network Solutions employ many thousands of my constituents. The Northern Virginia Technology Council estimates that there are 23,000 unfilled jobs in Northern Virginia in the high-tech field.

But here I read that only 17% of students in advanced programming computer science classes are young women. In a seemingly ever expanding economy based on new technologies, to not encourage women to fill these high paying, desirable jobs by encouraging their participation in these educational field would be unconscionable, and the result of leaving the Women's Educational Equity Act out of this bill.

I urge my colleagues to continue to strive for gender equity, to end the disparity between women and men in earnings and retirement savings, and most importantly to make sure that girls and young women are afforded the same opportunities as boys and young men in our public schools.

Mr. HAYES. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I probably somewhat reluctantly rise in opposition to the Mink amendment. I have a number of friends here who are ladies, and there is no question in my mind that they are here because of their ability and their desire to do a good job.

I think that H.R. 2 is a great bill. It does things that are badly needed, but as I sit and listen to the debate, I wonder do we really have a gender equity problem? I do not think so. In the past, there have been serious problems. These problems have been addressed in the process of governmental reform. If we have problems with equity now, it seems to me that this is a management problem, not a legislative problem. It is very clear in the law that we will treat everyone fairly. If someone does not know that by now, then management in the school system certainly is well equipped to deal with what is a management problem and not a legislative problem.

I hope we would not distract from the many fine qualities and features of H.R. 2 that are before us today by going off in a direction that ultimately may not be positive for all of our students.

Let me talk just briefly about H.R. 2. Recently, as recently as last week, I had the experience and pleasure of being in Fayetteville, North Carolina, in my home district. I witnessed the choice school, a local community addressing the needs of their children. It is known as 71st Classical Middle School. It is a school for middle schoolers sixth through eighth grades, a school that parents and students choose to go to in the public school system. This school is in its fourth year of existence and is already ranked as one of the top 20 middle schools in the State of North Carolina. There is a competitive, random selection application process that is used to select students for this school. Parents and teachers sign a contract, as do the students, in which they agree to strict adherence to discipline, prescribed codes of dress, high expectations, rigorous academic standards; in other words, the kind of flexibility that we all aspire to with H.R. 2. Wonderful atmosphere, young people who are excited about learning, teachers who are committed to the process; a building, interestingly, that was built in 1924, in pristine condition, restored at a cost of some $500,000, which is a stark contrast to a replacement of probably $15 million.

My point is, this was an atmosphere in which learning was taking place because local parents, teachers, superintendents had the flexibility to make choices that really worked for their young people.

Let me read just a portion of what that contract says: "In order to maintain a positive academic environment conducive to high standards in teaching and learning, students will be accountable for responsible, respectful behavior. Students must adhere to the rules contained in the Cumberland County Schools' Student Code of Conduct, the 71st Classical Middle School

Dress Code. If failure to abide by these rules results in a 3-day suspension or more, the student shall be transferred to his or her home school unless disciplinary action results in a long-term suspension from all schools." As I say, what a wonderful atmosphere where learning was taking place.

With this contract comes accountability, just what H.R. 2 is about, both from students and from teachers, and even more importantly, respect. They wear uniforms. The school is pristine. They have seminar classes in which students gather to talk about subjects across the academic spectrum. They develop life-long learners. They utilize a variety of instructional methods, stimulate creative and critical thinking through seminars. They emphasize positive character development, ensure strict adherence to a code of conduct, mandate prescribed standards of dress. There is no peer pressure there.

I would read the code in part, if time would permit. Again, the goal is to have all of the schools in Cumberland County to have these kind of choices that result in this sort of atmosphere and give these kinds of results.

Madam Chairman, I recommend H.R. 2 and support it strongly.

Mr. KILDEE. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise in strong support of this amendment to restore and strengthen title I's and ESEA's focus on gender equity. I have yet to find a school in this country, and I traveled throughout the country, where additional help on the area of gender equity would not be useful.

Girls continue to be educated at a lower level in the areas of mathematics, science, and technology and even other areas. This has the effect of denying women access to careers that are higher paying and to self-sufficiency. Since our girls continue to fall behind boys in these critical access areas, I cannot understand why this House would not adopt this very, very reasonable amendment.

Certain Members have stood up here and have stated that their daughters are doing well without the help of the Federal Government. Those daughters, I am sure, have benefited from the Women's Education Equity Act without even knowing about it. My daughter, I know, benefited from the Women's Education Equity Act, and she was not even aware of the fact that it was on the books.

□ 1815

So they stood, I am sure, in good faith, saying their daughters have not been affected by it. The laws may not be published on the wall to have an effect in the school. In fact, the schools are required to do certain things that have touched the lives of countless girls in the schools in this country. So I certainly strongly support this amendment.

Madam Chairman, I yield to the gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Madam Chairman, I thank the gentleman for yielding to me. I rise in strong support of the gentlewoman from Hawaii (Mrs. MINK) and the gentlewoman from California (Ms. WOOLSEY) and the gentlewoman from California (Ms. SANCHEZ) and the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentlewoman from Maryland (Mrs. MORELLA) for offering this amendment.

Madam Chairman, the fact is that, generally, for thousands of years, we have had a circumstance in our society, in the Western society, where women have obviously not had the opportunity to develop their full potential.

In our Nation, some 2 decades ago, this legislation was enacted in an environment in which there is a recognition that as a society, if we want to grow, if we want to retain our full productivity, we need to obtain the participation of all race and color and gender in our society.

We have made some very positive progress. But to think that we could turn on its head 1,000 years of, basically, gender discrimination in the base of 2 years is, I think, arrogant.

I think the recognition of that is represented in wages that are paid, in the presence of women in the course studies of engineering and science and many other specialties where they basically are not able to participate on an equal basis.

I think, just as a society, this is a great bill in terms of investment in our people, investment in our communities to build a better society, have a more productive economy. But we cannot do that if we are going to not develop the full potential of both the men and women or the young men and women in our society.

So I look forward to this amendment receiving the type of support it deserves. Frankly, the small amount that is being asked here to help and encourage and to provide leadership in this Nation and globally; quite frankly, it is not just here. I mean, other nations look to us in terms of what we are doing and the leadership that we have provided in terms of women's rights and the involvement of women and the status of women around the globe, whether it is in international forums, whether it is in other countries where there is a persistent discrimination and alienation and rejection of the full participation.

This is, after all, a Nation where we have the franchise where we have changed many things. It is not time to rest on our laurels; it is time to move ahead. To move ahead with this amendment in this body for this small amount, we need to do this; and we need to do much more; quite frankly.

Some of the best teachers and some of the best folks that I have ever worked with in my career in developing my skills, starting with my mother, I am one of eight, and she was a great leader, and I would say with the teachers, instructors that I have had in my college and professional training, have been women, women scientists. Actually, I was a science teacher. So these scientists have devoted their lives. We need to develop and encourage more women to take up these fields so we can have the benefit of that in our society.

Madam Chairman, the American public time and again has rated education as a top priority—above tax cuts, above foreign affairs, above defense, even above gun control and protecting Social Security. I am pleased that this body has uncharacteristically set partisan politics aside for a moment to focus on the needs of our students. Title I is especially important because it provides funding to ensure that all children, despite financial background, ability, or language barriers, have the support they need to be successful in our schools and beyond. In fact, Title I is to education what preventative medicine is to health care; giving schools the opportunity early on to offer added services to students who are at risk of falling behind academically in their schooling.

The Saint Paul school district, one of the school areas I represent, has undertaken this year a new strategic plan entitled Raising Expectations. The school district is committed to establishing respectful working relationships with Saint Paul's diverse students and families. In short, they are holding themselves accountable for making our schools better places to learn and work. I am proud that the Saint Paul schools have made this initiative a priority. Passing Title I legislation today will demonstrate to them that the Federal government is truly interested in helping them achieve these goals.

The Student Results Act, H.R. 2, strengthens many of the provisions in current law. Overall, I support a number of provisions which retain the basic structure and focus of the Title I programs, but there are some areas in which I think the bill could be further improved. In particular, there are two initiatives which I believe will divert funds from those schools and students who would best benefit from them. I am disappointed to see that the current Title I eligibility requirement for the use of funds for school-wide programs was lowered from 50 percent to 40 percent. This would dilute the funds rather than concentrate on the most needed student population. Additionally, this bill would allow states to use Title I funds to provide financial rewards to schools that have succeeded in improving their students' academic achievement. While I certainly understand the importance of recognizing schools which have been successful, we should focus funding on schools which need those resources; not divert Title I funds as a reward, especially when so many factors in dispute are used as indices of success.

In addition, I have concerns with the provision which requires students with limited English proficiency to receive parental consent before being served by Title I programs. Nearly one-third of the Saint Paul school district's student body is comprised of Asian-American students, most of whose parents cannot read or write English. These kids need extra help and may fall through the cracks of the system if we focus resources on fulfilling bureaucratic requirements rather than on providing services to LEP students. Providing parents an "opt in" to an ESL program doesn't address the real needs and deficiencies of the student. Students should receive the instruction they need based on sound diagnosis, because a positive experience throughout their school career is based on the assumption of language competence.

Finally, this legislation regrettably does not provide funding for the promotion of fairness and equity. The Women's Educational Equity Act has, since 1974, represented the Federal commitment to ensuring that girls in the classroom have an equal chance to succeed. Teachers should be trained to treat all students fairly and ensure that instructional materials, methods and practices do not promote racial or gender bias. In fact, our school and society today must aggressively recruit and enroll women in technology, engineering, and other math and science based learning, and promote the foundation for such in our school settings. Therefore, I'll enthusiastically support Representative MINK's amendment that will be offered to this measure.

Title I is truly a cornerstone of Federal support for building the bridge between disadvantaged students and their peers. I encourage all of my colleagues to support funding for this important program.

Ms. SCHAKOWSKY. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, many of us have gotten up and talked about our children and grandchildren, and I am going to follow suit. I have a beautiful, bright, intelligent, exceptionally talented granddaughter, 18 months old. Do I need to worry about her? Probably not. She gets a lot of attention from her mom. We are all going to be nurturing her and making sure that, at school, she gets the best attention and that she does just fine. But what we need to be doing today is looking beyond our own families.

For anyone on this floor to get up and say we do not have a gender equity problem is not looking in the right places. All they have to do is look around here and see the small percentage of women, 11 percent of the Members of the United States Congress. I assure my colleagues that I did not grow up thinking that I could become a Member of the United States Congress. It was just not on the radar screen for girls.

That is what we are talking about. How are we going to put on the radar screen for the more disadvantaged girls in this country the opportunity to do and be anything that they want to be?

Do we have gender equity? Of course we do not. While educational opportunities for girls and young women have improved in some areas, many are not given the chance to learn the technology skills needed to compete in the 21st Century.

Let me give my colleagues a few numbers here. Although experts predict that 65 percent of all jobs in the year 2010 will require technology skills, a very small percentage of girls choose to take computer science courses. They are probably not encouraged to do this. There may be subtle differences there. Their teachers need training to encourage them. When they do take those courses, they use them for word processing, the 1990s version of typing.

Only 17 percent of students who take computer science advance placement tests are girls. Is that because 17 percent of the girls are smart enough? No. It is because 17 percent of the girls are all the ones that have been encouraged to do so. We need to make those numbers much, much higher; and we can.

Then there is a very real economic component to the lack of gender equity in our classrooms. They carry that burden with them all through their lives. Women are still paid 75 cents on the average for every dollar that a man with the same qualifications doing the same job earns. Over a third of all families headed by women alone were below the poverty level.

The training for women for low paying, traditional fields helps perpetuate the cycle of poverty and powerlessness for both women and their children. If we are truly committed to empowering young girls and young women and if we want to be able to stand up here at some point and say with truth that we no longer have a gender equity problem, then the least we can do today is support the Mink-Woolsey-Sanchez-Morella amendment which simply seeks to restore the gender equity provision that has been there for a long time in H.R. 2.

Mrs. NAPOLITANO. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, certainly I want to recognize the great work that has been accomplished in this amendment by my colleagues, the women of the Congress. I am very much in favor of and support this amendment to H.R. 2.

Had WEEA been in effect when I was in school, I do not think it would have taken me 40 years to get to this stage, to this floor, and to this Congress. Yet, while gender equity efforts have made gains, we talk about our women's performance, about how we want to help our young people, our young women; we are not in an age where we can say we can rest, it has been taken care of. We have a lot yet to do. We have made quite a few gains, but there is still a lot of work to be accomplished. The passage of this amendment will help us get there.

In my State of California, possessing high-tech skills is a key to success. However, far fewer young women take computer science courses compared to boys. My colleagues have heard those statistics. We do not want the next generation of women to be left behind. We want them to be able to have equity and to compete fairly.

It is our duty, and it is our responsibility as leaders of our communities to bring down those barriers that block young women from future success. Passage of this amendment to H.R. 2 will help ensure that the next generation of young women are not shut out of the high-tech revolution or out of any other career they choose to follow. Support and vote for this amendment to H.R. 2.

Madam Chairman, I yield to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Madam Chairman, I commend the distinguished gentlewoman from California (Ms. NAPOLITANO) for her excellent statement on this subject, and I thank her for yielding to me.

Madam Chairman, it is very interesting to review why we are here tonight. Twenty-five years ago, under the leadership of the gentlewoman from Hawaii (Mrs. MINK), our great colleague, the Congress of the United States passed legislation, the WEEA; and it has served as a resource to parents, administrators, and educators to guarantee academic equity in their educational institutions.

Here we are 25 years later, and Women's Educational Equity Act is being debated on the floor again. Why? It is really a remarkable tale, almost unbelievable if we had not been conditioned by events of the past years, few years.

The Republican majority in the House of Representatives has chosen to remove the gender equity language from this bill, H.R. 2, which in itself is a bill worthy of our support and which I intend to vote for, and I commend the gentleman from Pennsylvania (Mr. GOODLING) for his leadership on the bill.

But why would the Republican leadership in this House decide that, after 25 years of effectiveness in helping young girls receive equity in their education, that the Republican leadership would take this language out of the bill? This is not a positive initiative being advanced on the floor today by the Democrats and for education for young girls. This is an attempt to remedy the elimination of this important language from this bill which has served our country well for 25 years.

This is about helping young girls who fall under Title I, the most disadvantaged young people in our country. We want them to have the opportunity to study math and science.

We need to do this. We still need to do this. For example, only 17 percent of the students who take computer science advanced placement tests are female. While women comprise 50 percent of the population, indeed, over 50 percent of the population, they are only 8 percent of the engineering force. The technology gap will exacerbate as time goes by, and the glass ceiling will be affected by that.

We know that by the year 2010, 65 percent of all jobs will require advanced technology skills in order to work in them. So as technology becomes more important in the work force, this technology gender gap, if it is not addressed, women will fall behind further.

So, again, I commend the gentlewoman from Hawaii (Mrs. MINK), the gentlewoman from California (Ms. WOOLSEY), the gentlewoman from Maryland (Mrs. MORELLA), and all of those who worked to put this amendment together to correct and to restore what the gentlewoman from Hawaii (Mrs. MINK) worked for so hard those 25 years ago.

Ms. BROWN of Florida. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise in support of the amendment. This act represents the Federal Government's commitment to ensure that young girls will not be discriminated against in schools because of their gender.

We have struggled for years to level the playing field for boys and girls; and just as we are beginning to see the benefits of this program, the Republicans are attempting to roll back the clock. Let me say that again. Just as we are beginning to see the benefits, the Republicans are trying to roll back the clock. They are trying to gut this program in its mean spirit attempt to take valuable education tools out of the hands of our Nation's female students.

Since 1974, the Women Education Equity Act has funded the development of school material as well as training programs. It has served as a resource for teachers, administrators, and parents. The program also helps schools comply with Title IX, the Federal law that prohibits sex discrimination in public schools.

Although female students have made gains in education, they still lag behind boys in many important subjects such as math, science, and technology. This program is crucial for the continuation of the development of this program.

A young man, one student, an eighth grader, Garrett from Hilliard, Florida feels that boys should be able to have the opportunity to play volleyball, and girls should be able to have weight training if they want to. We found out that this weight training is very important for our bone development and other things.

Madam Chairman, with all of the problems that is going on in this country, all of the violence, we in Congress need to be doing all we can to make things better. We should not be gutting programs. We should be adding to various programs.

□ 1830

We should be doing all we can to assist the community, the parents, the school, the faculty in bringing the community together, not trying to gut programs.

Ms. McCARTHY of Missouri. Madam Chairman, will the gentlewoman yield?

Ms. BROWN of Florida. I yield to the gentlewoman from Missouri.

Ms. McCARTHY of Missouri. Madam Chairman, I thank the gentlewoman for yielding to me, and I rise today in strong support of the bipartisan amendment offered by the gentlewoman from Hawaii, and others, to reauthorize the Women's Educational Equity Act and to reaffirm the commitment of this House to the principle of gender equity. The amendment enables States and schools to eliminate the historic gender bias in education materials through teacher training and will encourage the participation of girls and minorities in high-tech careers.

Madam Chairman, I was a high school English teacher 25 years ago, when Congress made a commitment to encourage women to pursue quality educational opportunities. Congress authorized and appropriated funds to teach teachers how to break the cycles of sexism and gender bias. I can remember discussing with my high school students the possibility of a woman in space, and that conversation was met with general scoffing by the boys in the class and doubt by the girls in the class. But I had the honor, along with a number of women in this Congress to watch the first woman be commander of a NASA spaceship. This year, Eileen Collins proved this effort has made a difference.

For 25 years, Congress has reaffirmed its commitment. We have stood by the teachers and the young women, and we have begun to see real results. Test scores are improving; women are staying in school longer; and career choices are slowly expanding. The glass ceiling has not been shattered but it is moving, Madam Chairman. Sixty-five percent of all jobs in the year 2010 will require some technology skills. Do not let that ceiling come crashing back down on the young women of today.

Madam Chairman, I urge my colleagues to support the Mink amendment for education equity.

Ms. LEE. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise today in support of the Mink-Woolsey-Sanchez-Morella amendment, and I want to especially thank the gentlewoman from Hawaii (Mrs. MINK) for her decades of hard work on behalf of all women in this country.

Now, we want our boys and girls to reach their optimum and not be restricted by false social limits. This amendment restores current gender equity provisions from Title I of the Elementary and Secondary Education Act to H.R. 2 to ensure that boys and girls succeed in the classroom. This amendment allows Title I schools to set up programs to encourage girls and underrepresented groups to pursue careers in higher education degrees in math, science, engineering, and technology.

Now, I raised two boys. I have two sons. This amendment has nothing to do with stifling boys, as some may imply, and are implying, but what it will do is help to make sure that girls are provided with equal opportunities. We do have a gender gap problem. While gaps in math and science achievement have narrowed, a new gender gap in technology has emerged.

A recent report conducted by the American Association of University Women found that when we compare the performance of girls and boys in the classroom, girls appear to be at a significant disadvantage when it comes to their exposure to technology. Girls tend to come to the classroom with less exposure to computers and other forms of technology. They, in turn, become less proficient in using technology than boys. These early limited interactions with technology perpetuate a cycle of disadvantage in educational technology for girls.

When young women and girls are underrepresented in computer and technology courses, this means that fewer women will be eligible for high-paying, high-tech jobs in the future. This issue needs to be addressed considering that by the year 2000, 65 percent of all jobs will require technological skills.

Also, Madam Chairman, this amendment targets dropout prevention programs for pregnant and parenting teens. For young girls, pregnancy and parenting is one of the major reasons why they drop out of high school. We know that the United States has the highest teen pregnancy rate of any industrialized nation. Each year, almost 1 million teenagers become pregnant. For young girls, pregnancy and parenting account for half of the dropout rate and for one-fourth of the dropout rate for all students. Two-thirds of girls who give birth before the age of 18 will not complete high school. Further, the younger the girl is when she becomes pregnant, the more likely she is that she will not complete high school.

Again, we know that the less education a person obtains, the lower their lifetime earnings will be. This is particularly important because the new welfare reform law, enacted by the 105th Congress, provides little opportunity for education and training, and places time limits on public assistance in education.

Single women make up 95 to 98 percent of the 2.8 million single adult welfare recipients heading families. Of this group, one-third of welfare recipients have minimal skills, those skills that are similar to that of a high school dropout; and these women will face the most extreme employment situations. These women are employable, but only in the least skilled, lowest paying jobs. In fact, minimally skilled women employed year-round earn on the average $15,200 a year.

So as we enter the new millennium, we know the job opportunities for minimally skilled people will cease to grow. Only 10 percent of all new jobs will be generated at this new skill level. And by 2006, only 12 percent of all jobs will require minimal skill. So without the proper investments in education and training, many women will continue to rely on public assistance.

It is critical that parents and pregnant teenagers do not drop out of school but complete their high school education. So this reauthorization act must provide every proven alternative to strengthen and support programs to keep pregnant and parenting teens in school to receive a high school degree.

I urge my colleagues to support this amendment. We are really talking about nothing more than plain old equity.

Mrs. MALONEY of New York. Madam Chairman, I move to strike the requisite number of words, and I rise to really thank my colleagues, the gentlewoman from Hawaii (Mrs. MINK), the gentlewoman from California (Ms. WOOLSEY), the gentlewoman from California (Ms. SANCHEZ), and the gentlewoman from Maryland (Mrs. MORELLA) for their bipartisan amendment.

Earlier today the gentlewoman from Hawaii told me that of all of her many achievements in her long career, she was most proud of having authored and enacted WEEA. We must restore gender equity language that helps girls succeed in schools. WEAA is the only Federal program dedicated to gender equity that has provided teaching materials, projects, programs to schools to eliminate gender bias. If the WEAA center is not funded, all the classroom records, program materials, anthology of women's voices, and years and years of research will be lost.

More than 55 organizations wrote me in support of this program, and I would provide that list for the RECORD.

There are those on the other side of the aisle that say this program is not needed. Whether it is the medical profession or engineering, these fields continue to change and evolve. Just like these fields, gender equity needs to be continually updated with new research and techniques.

The appropriators just funded WEAA for $3 million for fiscal year 2000. Even with the tight budget caps, they recognized the importance of this program. But today, some want to throw away over 25 years of research, assistance, and expertise. WEAA helps our Nation's girls, but some people think girls no longer need assistance in overcoming barriers. Yes, women have made great strides, however, these strides have not happened by themselves. It has been programs like WEAA that provide the training and the materials and the support for girls in education. In the last 6 months alone, WEAA has received over 700 requests for information on gender bias.

Glass ceilings still exist in the classroom, in universities, and in the marketplace. Women still only make 72 cents to every dollar a man earns. When girls are exposed to math and sciences, they tend to choose nontraditional female careers, careers such as bankers and engineers, that have lifetime earnings of more than 150 percent above their peers who choose traditional careers, such as nursing and secretaries. This glass ceiling still exists, and we will not break out of it until we break out of this pink collar ghetto.

Last year, more than 65 percent of all jobs will require technology skills. But girls make up only 17 percent of the students taking advanced placement computer science tests. Even in basic computer usage, girls repeatedly rate their computer skills as far lower than boys.

Yes, our underserved populations, girls and boys, need to have equal opportunities for success, yet girls in underserved populations have two barriers before them. They not only lack access to math and technology, but they still have the disadvantage of being a girl in a society that often treats them differently from boys. More than 60 percent of new teachers, when shown videotapes of their classroom instruction, were unaware of the disparity between how they treated boy and girl students. WEAA provides teachers with training and materials to help them adapt their teaching techniques to provide more equity in the classroom.

This essential, unique service provided by WEAA helps our teachers, administrators, and other school staff work with the learning needs of both boys and girls. Studies have shown that girls and boys learn differently.

Newer teaching techniques can help boys excel in greater numbers in the social sciences and with communication skills—an area typically favoring girls.

WEEA's training material help teachers address these issues, issues special to boys, in their classrooms too.

As we head into the next century, we cannot turn our backs on women and girls.

As the educational needs of our society change and grow, at math and technology continue to become prominent skills of our everyday lives, gender equity in our education system is more essential than ever girls must catch up with boys when it comes to math and technology.

To the critics who say there is no longer a need to assist girls and young women in America's education system—I say this: A quote from a former WEEA director: "If we as a nation had decided to stop funding research on heart disease after we made the first mechanical heart, we would have wasted our initial investment. Like medicine, equity is an evolving process and needs to be continually examined, revised, and supported. There is still a lot of work to do, and it changes over time, but gender equity is a real issue that needs to be addressed anew ever year."

Even though only 12 percent of the House of Representatives are women I hope the rest of the House will vote bipartisan and vote for gender equity. I ask my colleagues to support the Mink/Woolsey/Sanchez/Morella Amendment.

Madam Chairman, the following is the list I referred to earlier:

American Association of University Women,
American Association of School Administrators,
American Educational Research Association,
American Civil Liberties Union,
American Civil Liberties Union—Women's Rights Project,
American Federation of State, County, and Municipal Employees,
American Federation of Teachers,
American Jewish Committee,
American Psychological Association,
Association of Teacher Educators,
Association for Women in Science,
Business and Professional Women/USA.
Center for Advancement of Public Policy,
Center for Women Policy Studies,
Children & Adults with Attention Deficit/Hyperactivity Disorder (CHADD),
Church Women United.
Coalition of Labor Union Women,
Council of Chief State School Officers,
Council for Exceptional Children.
ERA Summit,
Federation of Organizations for Professional Women.
Girl Scouts of the United States of America,
Girls Incorporated.
Hadassah,
Human Rights Campaign.
Jewish Council for Public Affairs.
Lawyers' Committee for Civil Rights Under Law,
Leadership Conference on Civil Rights.
Myra Sadker Advocates for Gender Equity.
NAACP Legal Defense and Educational Fund,
National Alliance for Partnerships in Equity,
National Asian Pacific American Legal Consortium,
National Association of Collegiate Women Athletic Administrators,
National Association of Commissions for Women (NACW),
National Association for Bilingual Education,
National Association for Female Executives,
National Association for Girls and Women in Sport,
National Association of School Psychologists,
National Association of State Directors of Special Education.
National Center on Women and Aging,
National Coalition for Sex Equity in Education,
National Council of Administrative Women in Education,
National Council of Jewish Women,
National Council of La Raza,

National Education Association,
National Parent Teacher Association,
National Partnership for Women and Families,
National School Boards Association,
National Science Teachers Association.
National Urban League,
National Women's Conference,
National Women's History Project,
National Women's Law Center,
NOW Legal Defense and Education Fund.
Older Women's League.
Religious Coalition for Reproductive Choice,
Service Employees International Union, AFL–CIO,
Sexuality Information and Education Council of the United States,
Soroptimist International of the Americas.
United Church of Christ Board for Homeland Ministries,
United States Student Association.
Wider Opportunities for Women,
Women Employed,
Women and Philanthropy,
Women of Reform Judaism,
Women Work!
Women's Business Development Center,
Women's Institute for a Secure Retirement,
Women's Sports Foundation,
YWCA of the U.S.A.

Mr. OWENS. Madam Chairman, I move to strike the requisite number of words, and would like to associate myself with the remarks of the rest of my colleagues.

Mr. CLAY. Madam Chairman, I move to strike the requisite number of words, and I rise in support of the Mink-Woolsey-Sanchez-Morella amendment.

Ms. NORTON. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, we owe a debt of thanks to the gentlewoman from Hawaii (Mrs. MINK), the gentlewoman from California (Ms. WOOLSEY), the gentlewoman from California (Ms. SANCHEZ), and the gentlewoman from Maryland (Mrs. MORELLA) for their work in helping us as we strive to save the Women's Educational Equity Act this evening.

Madam Chairman, it will be unbelievable to most Americans that there is a message going out from this body that women and girls have arrived. That will be news to the American people, especially to women and girls themselves.

I ask this body, please do not make girls a victim of their own success, for things are not as bad as they were when we last rose to speak about this bill, but who can but admit that they are not as good as they should be; and we should not extinguish prematurely one of the programs that is finally yielding results for girls and women.

It is a truism that special targeted programs are not permanent. The challenge is to allow them to get a sufficient foothold, or the advances we have achieved because of these programs may well all be lost. The work that remains for girls is across the board, is across the classes, is across the races, and is across geographical boundaries.

Look at the high pregnancy rates, for example, in Title I schools. We know that this is directly related to what happens at home; but, my colleagues, these high pregnancy rates are directly related to what happens at school before pregnancy occurs, and what happens at school after pregnancy occurs when these girls drop out of school wholesalely.

Every American, to take girls at the other end of the scale, should be greatly concerned about the gap of girls between girls and boys on standardized tests, again across racial lines and across class lines, precisely in those areas where proficiency is going to be required in the next century. We have to solve these mysteries before getting rid of programs like WEAA.

Why do males increase their advantage over girls in grades 8 to 12 in math concepts and geopolitical subjects and in natural sciences? If we continue to let that happen, the whole country is at risk.

□ 1845

Why is it that at the fourth grade girls and boys are about the same but the more they stay in school the more girls fall behind in standardized tests but not in the grades they yield in school?

We have got to solve those mysteries or we will leave our country in the lurch, because increasingly we depend upon the skills of these girls. Just ask the Armed Forces where they are drawing their most proficient members from. Girls make better grades in all the subjects but do not do as well on scientific tests. We have got to find out why if we want to get the most productivity out of our young people.

Why are girls almost 40 percent behind boys in SAT scores? Are my colleagues satisfied with that? If they are, get rid of WEEA tonight. Vote against this bill. Are my colleagues satisfied with the digital gap? If they think this is a minority gap, I ask them to look more closely. The digital gap is a female gap more than it is a minority gap.

Being a girl continues to put a person at a permanent disadvantage unless we do something to rescue her whether that girl is a so-called at-risk girl or whether that girl is a privileged girl. And yet, this is very different for boys. Because when a boy is a privileged boy or an at-risk boy makes a profound difference. We have got to understand why simply being a girl puts a person at a disadvantage.

There will come a time, my colleagues, if we keep programs like WEEA going long enough to get the job done, when this Member will come to the floor and say, well done. My colleagues may ask me this evening how long? I will say not long, but I will also say very much not yet.

Keep this program. America wants it. America needs it.

Mr. PAYNE. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise in strong support of the gender equity act and the amendment offered by my colleagues, the gentlewoman from Hawaii (Mrs. MINK), the gentlewoman from California (Ms. WOOLSEY), the gentlewoman from California (Ms. SANCHEZ), and the gentlewoman from Maryland (Mrs. MORELLA), to restore the current gender equity provisions in education, specifically, the 25-year-old program to help combat gender bias in the classroom.

I listened to my colleague from the other side who talked proudly of his daughter who did 1550 on the SATs and did not need any help from the gender equity program. That is great, and I think he should be very proud.

But I do not think that every child has the privilege of having a father who happens to have been a hero, a pilot, a person who had the privilege of being in a very prestigious position. I do not think that everyone has the advantage of having a father who is a Member of the United States Congress. As we know, there are only 435 of us.

It is totally illogical for people to go from the particular to the universal. The first thing I learned in basic logic is that we cannot say, because I did it or my daughter did it, everybody should do it. That is like saying, therefore, we should have 260 million presidents of the United States because a person makes it. This is totally illogical.

So as we take this debate forward, let me just say that women are still being discriminated against. Women still are paid only 75 cents on the dollar, but that is a 25-percent increase from the way it was 20 years ago when they only made 54 cents on the dollar. Women still, at age 65, will get less than 60 percent of what men will get from Social Security when they retire.

We have heard from the National Advisory Council on Economic Opportunity at the present rate, 5 years from now the poor will be made up almost entirely of women and children. And we call this phenomena feminization of poverty.

We look at the Congress, 10 percent are women. Even State legislatures are only 25 percent. So people say we do not need this gender equity. We need to keep it at the local level with schools. We must continue to fight for job equity, for pay equity, for credit equity, for insurance equity, for pension equity, for fringe benefit equity, for Social Security equity through legislation, through negotiations, through education and litigation even.

We must continue to have women break through the glass ceiling of the executive suites and break loose from the sticky floors, the dead end, low-wage jobs that keep women in poverty.

So when we hear people talk about there is no more need for this, I think we are going to set the clock back. I think we are moving ourselves in the wrong direction. As we move to the new millennium when we talk about the great opportunities in the future, we are taking away from women who have fought and struggled inch by inch to move themselves a little bit higher to then say we are going to push them back on the rough side of the mountain, they cannot continue to move forward in the manner in which they have been doing.

So I commend the women who have put this resolution in, the gentlewoman from Hawaii (Mrs. MINK), the gentlewoman from California (Ms. WOOLSEY), the gentlewoman from California (Ms. SANCHEZ), and the gentlewoman from Maryland (Mrs. MORELLA) to say let us continue the gender equity provision, let us not turn back the clock. We have been here for 25 years and it has been successful. Why take success and turn it around into failure? It makes no sense.

Madam Chairman, I yield to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Madam Chairman, I thank the gentleman for yielding.

Madam Chairman, I rise in strong support of the Mink-Woolsey amendment, which would reauthorize the Women's Educational Act.

Madam Chairman, I rise today in support of the Mink-Woolsey amendment, which would reauthorize the Women's Educational Equity Act and restore other critical gender equity provisions to the Elementary and Secondary Education Act.

And I must say that I feel like I've gone back in time—during consideration of the FY 97 Labor-HHS-Education Appropriations bill on the House floor in 1996, nearly 300 of my colleagues voted for an amendment I authored to fund the Women's Educational Equity Act. My colleagues overwhelming agreed then that this was an important and worthwhile program. They should do the same now and vote for this amendment.

No one can dispute that every child in America deserves the opportunity to learn and grow, and since the passage of Title IX twenty-five years ago, women face far fewer barriers in the classroom. But disparities remain in the educational opportunities available to young women. We continue to see female high school students fall behind their male counterparts in standardized math test scores. We also hear from the students themselves that a startling amount of gender bias—some inadvertent—still pervades American classrooms, preventing young women from achieving at their highest potential and discouraging them from pursuing certain subjects.

Treating girls and boys unequally in the classroom is a problem with disturbing implications for the young women who are losing out on opportunities and for our country's economic future.

By the year 2010, 65% of all jobs will require technology skills. So, it's very important that we act to implement policies that respond to a wealth of research, which demonstrates that the earlier girls are introduced to careers in mathematics and sciences, the more likely they are to pursue careers in technology and related fields. Yet more than half of female students take no high school math beyond Algebra 2. Only 20% of female students take the three core science courses—biology, chemistry and physics—in high school. Fewer than 20% report using a computer once a week. With the number of women in the work force increasing at twice the rate of men, how will our workforce be prepared for a global, fast-paced economy without the full participation of women?

It is obvious that America's schools need assistance to ensure that both men and women are equipped to compete for good jobs with good wages. That's why it's baffling, and in my judgment unconscionable, that the Women's Educational Equity Act and other gender equity provisions were stripped from this bill in committee. WEEA, which was developed over twenty-five years ago to help schools meet their commitment to Title IX, provides grants to ensure that women's future choices and accomplishments are not dictated by their gender but freely determined based on their skills, interests, and dreams. These grants have been used to develop dropout prevention programs, to help schools understand and combat sexual harassment, and to bolster female performance in math and science.

I think we can all agree the initiatives included in this amendment can meaningfully enhance the education of America's young women.

The Women's Educational Equity Act remains as important today as it was in 1974 for ensuring that girls succeed at school. I strongly urge my colleagues to vote in favor of the Mink-Woolsey amendment.

Mr. PAYNE. Madam Chairman, I yield to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chairman, I rise in strong support of this amendment.

Mr. PAYNE. Madam Chairman, I yield to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Madam Chairman, I rise in strong support of the Mink-Woolsey-Sanchez-Morella amendment.

Since 1974, the Women's Educational Equity Act ("We-Uh") has provided resources to teachers, administrators, and parents to ensure equity in their schools and in their communities.

The Act was created in response to widespread recognition that girls had specified educational needs and learning styles that were not being met.

While was have made some progress in leveling the educational playing field for girls, we still have a long way to go.

A study released last year by the American Association of University Women entitled "Gender Gaps: Where Schools Still Fail Our Children" shows that girls, when compared to boys, are at a significant disadvantage as technology is increasingly incorporated into the classroom.

Girls tend to come to the classroom with less exposure to computers and other technology, and girls believe that they are less adept at using technology than boys.

Even though 65 percent of jobs in the year 2000 will require technology skills, only 17 percent of students who take computer science Advanced Placement tests are girls. And, compared with boys, girls receive lower scores on the AP test.

Last year, on the high-stakes college admissions test—the SAT—female students scored 496 on the math section, compared to an average of 531 for male students.

Similarly, on other standardized tests in the subject areas of math and science—such as the National Assessment of Educational Progress—girls continue to score lower than boys.

Let's make sure that we provide resources to teachers, administrators, and parents to meet the need of girls and women.

Let's make sure that we target dropout prevention programs for at-risk youth to pregnant and parenting teenagers.

Let's make sure that we we provide training to teachers to encourage girls to pursue careers and higher education degrees in technology, mathematics, science, and engineering.

Vote for the Mink/Woolsey/Sanchez/Morella amendment so that all students will be prepared to compete in the everchanging global economy of the 21st century.

Mr. PAYNE. Madam Chairman, I yield to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Madam Chairman, I rise in support of this amendment to provide gender equity.

Mr. GOODLING. Madam Chairman, I rise in opposition to the amendment.

Madam Chairman, I was thinking as I was sitting there, where is former Congresswoman Millison Fenwick when we need her? She used to get up here in the well and say, "I don't even have a high school education, but I didn't need the Government to get me here in the Congress of the United States."

But that is not the issue. This is all a bad idea. The debate is a whole bad idea, because what it is doing is taking away from exactly what we are trying do in this bill.

What we are trying to do in this bill is get poor youngsters and youngsters who are two grade levels below in achievement, we are trying to bring them up so they can be competitive. That is what this bill is all about. This bill is not about white children, black children, Hispanic children, boy children, girl children. This is about children who are disadvantaged academically. And we are trying our best to make sure that, as a matter of fact, they can compete with their peers academically. That is what it is all about.

Now, when we think about this, first of all, the children we are talking about, these are children, as I indicated, the money comes based on poverty and then it includes those who are two grade levels below in achievement.

Now, who is their first role model from the day they are born? Mother, grandmother. Who is their role model when they go into a preschool program? A woman. Who is their role model when they go into Headstart? Nine times out of ten it is a woman molding them all the time. And who is their role model when they get into elementary school? Ninety-nine times out of a hundred, it is a woman. And who is their elementary counselor? It is a woman.

Then they get into middle school, and then maybe it starts to level out a little. Now maybe only 75 percent of their teachers and their role models are women. And their guidance counselors, maybe only 75 percent now are women. The whole way down the line women, women, women are molding these young children whether they are male children or whether they are female children.

So when someone says women have to be there right out of the box, that is exactly where they are, right out of the box.

But again I go back to the point. We are trying in this legislation not to talk about women children, men children, black, Hispanic, white. We are trying to talk about children who are performing below grade level, who do not stand a chance in life to do well unless we can dramatically improve what they are getting.

That is why we said we failed in this program, as well-meaning and as well-intentioned as it was, we failed; and now we are trying to right that so every child has an opportunity to be successful academically.

The General Accounting Office found that only 17 percent of WEEA grants awards were received by State and local educational agencies, only 17 percent, and no evidence that other recipients of the funds are working with State or local educational agencies to address equity problems.

The GAO noted that WEEA activities appear to be out of balance. Specifically, too many resources go for direct services to small numbers of persons and too few resources go to eliminate systemic inequities. And they found that WEEA discriminates against some children in favor of others.

Now, going back again to the fact that this legislation is trying to make sure that all children have an equal opportunity for a quality education. We find also that by the time they reach middle school boys, boys I am talking about now, are now an average of two grade levels below girls.

Minority boys have fallen farthest behind their peers academically and emotionally and are least likely to receive the attention and resources they need.

So I hope we can once again focus what this legislation is all about. This legislation, again I repeat, is about trying to make sure, since we failed for 20-some years and $120 billion, we are now trying to make sure that every child who is eligible for Title I services has an opportunity to receive quality services, not baby-sitting, not anything else other than quality services, so that their academic achievement is dramatically increased.

We failed these youngsters dramatically. We cannot afford to do it any longer. We need them not only for their own self-esteem, but if we are going to compete in the 21st century, we positively cannot lose 50 percent of our children simply because they keep falling behind academically. If they fall behind in the first grade, we can be pretty sure they are a drop-out, maybe not physically, but they have dropped out.

So let us refocus. Let us talk about what this bill is all about, which is to improve the academic achievement of all children who are in need.

Ms. KILPATRICK. Madam Chairman, I rise in support of the amendment offered by Representatives MINK, WOOLSEY, SANCHEZ, and MORELLA to restore the provisions of the Women's Educational Equity Act under the Elementary and Secondary Education Act.

I'm disappointed that the majority has turned away from the educational needs of girls and young women. Granted, women have made tremendous progress in formerly non-traditional fields where they are underrepresented such as sports and sciences, but let's not end this program with an unfinished agenda. We can point to the accomplishments of astronaut Sally Ride and soccer heroine Christie Chastain. But our schools must do more to mold girls and young women into captains of industry and technology.

When we've only just begun, the majority wants to cut short the record of our successes. I disagree, and that's why I support the continuance of the Women's Educational Equity Act.

This act is the only Federal program designed specifically to increase opportunities and resources for girls and young women—the only program, Madam Chairman. Now the majority wants to eliminate it.

Federal programs must show positive results to justify their reauthorization, and I am delighted to remind my colleagues of the work that's been implemented under the act. WEEA, as the act is known, supports research and development activities to help schools implement long-term practices and policies to support gender equity. Grants awarded under the program encourage women and girls to participate in academic fields and careers in which they have been traditionally underrepresented. WEEA grants go to support model teacher training programs, gender-equitable curricula, and other gender-sensitive educational materials. The program also provides funds to help educational institutions meet their Title IX obligations, which prohibits educational institutions from offering programs that discriminate on the basis of gender.

Funds authorized under WEEA go to operating a resource center that provides information to educators on gender-related issues such as gender equity awareness, sexual harassment, support for adolescent girls and instructional improvements in math, science, and technology.

Currently, WEEA must use two-thirds of its total appropriation of three million dollars to support gender equity implementation programs. The resources are insufficient to meet increasing demands for gender-equity technical assistance and the development of new model equity programs. With the demands for resource assistance authorized under WEEA increasing, it is native to suggest that the best days of this Act are "behind us."

Women have made advances under WEEA. But we still have miles to go before we can say with certainty that women have attained the level of full and equal access to all educational and career opportunities.

It is for the reasons that I urge my colleagues to continue the Women's Educational Equity Act and support this important amendment.

Ms. ROYBAL-ALLARD. Madam Chairman, I rise in support of the Mink/Woolsey/Sanchez/Morella amendment. This amendment restores the crucial gender equity provisions removed from the bill during committee consideration, most notably, the Women's Education Equity Act. Since 1974, the Women's Education Equity Act helped school districts and teachers meet the goals of title IX which require fair and equitable opportunities for girls in our schools.

This amendment helps to achieve these goals by providing—grants for the development of materials and model programs that ensure gender equity in education; information on methods and techniques teachers can use to promote gender equity; and it provides dropout prevention programs targeted to pregnant and parenting teen girls.

These are just some of the provisions in the Women's Education Equity Act that have contributed greatly to the progress we have made in ensuring that girls in this country have the same educational opportunities as our boys. The sad reality is, however, that although we have made progress, a gender gap still exists in America's schools, particularly in the areas of science and technology.

For example—only 17 percent of students taking the computer science advanced placement exam are girls and women continue to be sorely underrepresented in both undergraduate and graduate programs in engineering, math, the physical sciences, and computer science.

Hispanic and African-American girls fare even worse with respect to technology education. In fact, only 127 Hispanic girls nationwide took the computer science advanced placement exam in 1998.

These facts are strong evidence that we still have not reached many of our young girls who would excel in these and other areas. This is particularly alarming because, as we move into the new millennium, all our children must be prepared to compete in the even-growing, highly technological world economy. Equally important is addressing the crisis that can prevent many of our young girls from reaching their full potential: the near epidemic rate of teenage pregnancy in our country. The reality is that, teen mothers are more likely to dropout of school and never go on to college than girls who delay pregnancy and motherhood. With the Women's Educational Equity Act we can continue to help address many of the barriers facing our girls today because this act will give our schools the help they need to give girls the confidence and direction necessary to pursue and excel in math, science, and technology. And it will help schools provide guidance and encouragement to pregnant and parenting teens through targeted dropout prevention programs.

If our country is to remain the leader in the next century, we must ensure that all our children, regardless of their race, sex, or socioeconomic background, have access to the highest-quality education. I urge all my colleagues to vote for this critical amendment.

Mrs. CHRISTENSEN. Madam Chairman, title I is an important provision which has provided the resources to our schools. Its original intent was to target the most resources to those schools with the greatest need, and to provide equity to all segments of our Nation. It must remain that way.

Madam Chairman, I also rise today in support of the Mink/Woolsey/Sanchez/Morella amendment to H.R. 2, the Students Results Act. The amendment would restore current gender equity provisions to H.R. 2 in order to ensure that our young women succeed not only in school, but also in life.

The intent of this amendment is not to target a specific group, but rather, it is intended to continue into the millennium what the Women's Educational Equity Act has done for the past 25 years: provide teaching materials, projects and programs to schools to eliminate gender bias. Studies show that girls face an alarming new gender gap in technology as we approach the new millennium. Girls tend to come to the classroom with less exposure to computers. Experts predict that 65 percent of all jobs in the year 2000 will require technology skills, and only 17 percent of advanced placement test takers in computer science are girls.

Madam Chairman, I stand here before you today because I am a product of the Women's Educational Equity Act and so are all of my female colleagues. This act provides resources to empower our daughters, granddaughters, sisters and all young women to realize their dreams and become Congresswomen, physicians, lawyers, mechanics, and in sum, overcome gender barriers.

Madam Chairman, instead of eliminating the Women's Educational Equity Act, Congress should consider ways to improve and expand the program.

Madam Chairman, education is the foundation of our society. Our success is measured and determined by how well we educate all—not some—but all of our people, including women, people of color, the poor, and those for whom English is not their first language. We would be doing a grave disservice to this Nation to pass a weak reauthorization with such glaring deficiencies. I ask that the provisions for bilingual education be included, that the Women's Educational Equity Act be reauthorized, and that the Payne amendment be passed. The next century awaits us. We must move forward not backward, and we must do so together. Make H.R. 2, the Student Results Act whole. I ask for your support for these amendments.

Overall, the reauthorization of title I, is a good bipartisan effort, that addresses many of the important problems in the Nation's educational system, but I must call your attention to a very grave deficiency, which I feel strikes at the very heart of the title. Madam Chairman, I am speaking of the lowering of the poverty threshold that determines eligibility for schoolwide programs, and the failure to reauthorize the Women's Educational Equity Act. I also want to associate myself with the remarks of my colleague from Texas, Mr. RODRIGUEZ, with regard to this bill as well. In the case of the lowering of the poverty threshold, Madam Chairman, this measure is nothing more than a veiled attempt to undermine the public school system in some of our poorer neighborhoods, by draining funds that they would not otherwise have, and allowing them to go to schools in systems that are better off. Surely all of our children need our support for education, but some need more funding than others, and it is our responsibility to see that they get it.

Madam Chairman, we need to be working harder at fostering equity in our Nation's school system, not creating a greater divide. Lowering the threshold will increase the gap between schools' ability to educate the students who do well and those who do not.

Personally, I think the threshold should be higher, but certainly to reduce it below 50 percent is unacceptable. My colleagues, I ask your support for the Payne amendment. Our goal must be to leave no child behind.

Mr. WU. Madam Chairman, I move to strike the last word. I rise today in support of the Mink/Woolsey/Sanchez/Morella amendment to restore important gender equity provisions in the Elementary and Secondary Education Act.

When Congress last reauthorized the act, measures were put into place to ensure that girls were getting equal education. These programs have only to show the positive results. Now, faced with the opportunity to continue the valuable work of gender equity programs, Congress is proposing that we turn our backs on them. I am pleased that this amendment allows teacher training to encourage girls to pursue careers and higher education degrees in technology, math, science, and engineering. According to Department of Labor statistics, nearly 75 percent of tomorrow's jobs will require use of computers; fewer than 33 percent of participants in computer courses and related activities are girls. Gender equity programs can increase the 33 percent by getting girls interested in math and science.

In Oregon, we've seen first-hand the positive work that gender equity programs provide. AWSEM (Advocates for Women in Science, Engineering and Mathematics) is a program that was started in Portland, OR to stimulate girls' interest in science and math during middle and high school years. Girls meet in afterschool AWSEM clubs with their peers with similar interests. They meet regularly with college-age women studying science or math related-disciplines, and get to work with experienced women professionals from aeronautic engineers to zoologists. The program is successful. AWSEM groups are rapidly spreading throughout the country, and we should encourage their growth.

We need to do more to ensure that other girls will be able to benefit and achieve under similar gender equity programs. I strongly urge members to support this amendment.

Ms. McKINNEY. Madam Chairman, why are we having this debate today?

Because in one sleight-of-hand, backroom maneuver, the Republican leadership has succeeded in turning back the clock 30 years on educational progress for girls and young women. We need the Mink amendment to protect our young girls and women who are helped by educational equity.

By dropping the Women's Educational Equity Act from the bill, the Republican leadership demonstrated that even without their guru, Newt Gingrich, they are still as meanspirited as ever.

We have a need for these programs that help level the playing field between boys and girls. For instance, girls are not learning the technology skills they need to compete in the new information revolution; a very small percentage of girls take computer science courses even though 65 percent of the jobs in the next millennium will require technology skills. Studies show that poor self-esteem as a result of unequal treatment is a factor in this persistent educational gender gap. Sometimes, without realizing it, teachers and administrators carry society's biases against girls into our schools and classrooms. This becomes yet another factor which discourages girls from achieving. Gender equity training, resources and materials are needed to counter stereotypes and to assure that girls and young women are given equal educational opportunities.

We all were so proud as we watched the USA Team in the Women's World Cup games. Even the Republican leadership scrambled to congratulate those young women. However, we want our women to score goals on and off the field. By supporting the Mink/Woolsey/Sanchez/Morella amendment, we can assure that this little piece of Republican misogyny is put into the trash heap where it belongs.

The CHAIRMAN pro tempore (Mrs. BIGGERT). The question is on the amendment offered by the gentlewoman from Hawaii (Mrs. MINK).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GOODLING. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 311, noes 111, not voting 11, as follows:

[Roll No. 519]

AYES—311

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Bartlett
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Blumenauer

Boehlert
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Bryant
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Granger
Green (TX)
Green (WI)
Greenwood
Hall (OH)
Hall (TX)
Hastings (FL)
Hayworth
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hutchinson
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
LaTourette
Lazio
Leach
Lee
Levin
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McHugh
McInnis
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Ney
Northup
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Phelps
Pickering
Pickett
Pomeroy
Porter
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Spence
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—111

Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Barton
Bateman
Bliley
Boehner
Bonilla
Brady (TX)
Burr
Burton
Buyer
Callahan
Campbell
Canady
Cannon
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Crane
Cubin
Cunningham
Deal
DeLay
DeMint
Doolittle
Dunn
Everett
Fossella
Ganske
Gekas
Goode
Goodlatte
Goodling
Goss
Graham
Gutknecht
Hansen
Hastings (WA)
Hayes
Hefley
Herger
Hoekstra
Hostettler
Hunter
Hyde
Isakson
Istook
Johnson, Sam
Jones (NC)
Kasich
King (NY)
Kingston
Knollenberg
Kolbe
Largent
Latham
Lewis (CA)
Lewis (KY)
Linder
Manzullo
McCrery
McKeon
Metcalf
Miller (FL)
Nethercutt
Norwood
Nussle
Oxley
Packard
Paul
Peterson (PA)
Petri
Pitts
Pombo
Portman
Radanovich
Riley
Rogan
Rogers
Rohrabacher
Roukema
Ryun (KS)
Salmon
Sanford
Schaffer
Shadegg
Skeen
Smith (TX)
Souder
Stearns
Stump
Sununu
Talent
Tancredo
Tauzin
Taylor (NC)
Thornberry
Thune
Tiahrt
Toomey
Vitter
Wicker

NOT VOTING—11

Blunt
Calvert
Camp
Gutierrez
Jefferson
Lewis (GA)
Lipinski
McCarthy (NY)
McIntosh
Scarborough
Shuster

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Mr. KASICH and Mr. LEWIS of California changed their vote from "aye" to "no."

Mr. HULSHOF, Mr. YOUNG of Florida, Mrs. FOWLER, and Messrs. GIBBONS, McCOLLUM, TERRY, WELDON of Florida, ADERHOLT, Mrs. NORTHUP, and Mr. HALL of Texas changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. GOODLING. Madam Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ISAKSON) having assumed the chair, Mrs. EMERSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2) to send more dollars to the classroom and for certain other purposes, had come to no resolution thereon.

REPORT ON NATIONAL EMERGENCY WITH RESPECT TO SIGNIFICANT NARCOTICS TRAFFICKERS CENTERED IN COLOMBIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106–147)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to significant narcotics traffickers centered in Colombia that was declared in Executive Order 12978 of October 21, 1995.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 20, 1999.*

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TRUE AMERICAN HEROS OF THE 109TH AIRLIFT WING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. McNULTY) is recognized for 5 minutes.

Mr. McNULTY. Mr. Speaker, today Dr. Jerri Nielsen is in her home State of Ohio to receive treatment for breast cancer. In itself, this fact is not miraculous. But to think that just days ago she was stranded performing improvisational chemotherapy on herself at the South Pole, one could consider her rescue to be "heaven sent."

Doctor Nielsen's prayers were answered by the Air National Guard's 109th Airlift Wing which is based in Glenville, New York, and I am proud to say, Mr. Speaker, in my district. The only guard unit trained to fly such a dangerous mission, the 109th skillfully landed the mammoth C–130 Hercules cargo plane, a plane equipped with skis for landing gear, on a runway of ice, temperatures of 53 degrees below zero, after completing an 11,410 mile trip. The pilot, Major George McAllister, Jr., became the first person ever to land at the South Pole at this time of year.

Mr. Speaker, Major McAllister and the crew of the 109th literally traveled to the end of the Earth, risking their own lives to save another. I am sure that my colleagues, as well as Dr. Nielsen and her family, join me in recognizing and thanking these true American heroes.

SAVE OUR WILD SALMON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr.

NETHERCUTT) is recognized for 5 minutes.

Mr. NETHERCUTT. Mr. Speaker, today the Sierra Club, a group called American Rivers, a group called Taxpayers for Common Sense, and the clothing company, Patagonia, paid thousands of dollars for a full-page ad in the New York Times promoting dam removal on the Snake River in my district, the eastern side of the State of Washington, the fifth congressional district. We in the State of Washington and in the Pacific Northwest have tried our best to face up to the issue of restoring fish runs on our river systems so that we could have a healthy fishery, but also have a healthy economy. The ad that appeared today is run by these same groups that earlier this summer asked the President to look at all options for salmon recovery and fish recovery in the Pacific Northwest.

Mr. Speaker, it is not even Halloween yet, and these groups have now taken off their masks of rational and reasonable parties to this debate by exposing their true intentions, which is dam removal on the lower Snake River.

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Mr. Speaker, we face a serious issue of fish recovery, and no one, including this Member of Congress, wants to see wild salmon go extinct.

So for those of us who represent the Pacific Northwest who are concerned about recovery of these runs, we are going to work very hard at looking at all options and all impacts on the decline of wild salmon. But I also believe, Mr. Speaker, that the regional interests have recognized that there is no magic solution to restoring these wild runs.

This is a big puzzle with lots of pieces, and we have to see how each one fits in, to be sure that the economy of our State and our region is not destroyed at the expense, or at the interest of trying to restore wild salmon. These groups, with all respect to these groups, are doing their very, very best to jam one piece into the puzzle to try to solve it and make it all fit together. It does not. The dam removal issue is wrong for salmon; it is wrong for the Pacific Northwest; it is wrong for eastern Washington, and I am one who intends to oppose it at every opportunity.

These groups will tell us that we have to keep all of our options open, but their one option for recovery of salmon is to tear out these hydroelectric dams that are the cleanest source of power generation in our region. The river system provides barging of young juvenile fish down the river system to go out into the Pacific Ocean and grow and then come back and spawn. There is an agriculture economy that would be destroyed by the destruction of the Lower Snake River dams. There is recreation that would be destroyed. There is energy production that would be destroyed. There is flood control that would be destroyed. In other words, a lot of bad consequences to an idea that is simplistic in its nature, but ineffective in its imposition.

First of all, Congress has an obligation to decide whether this happens or not and allocate and provide the funding to do such an extreme action that these groups want to impose. So this is a fund-raising effort, I suspect, for these groups to try to raise money from people who could not care less about what happens in the Pacific Northwest, which really is a solution without a scientific basis.

We have to look at all the science in this situation, to look to see what works and what does not and what interests are injured and what interests are benefited by extreme actions that are seeking to be taken by these particular extremist groups.

Mr. Speaker, those of us who live in this region appreciate the need to have a healthy fishery. We also appreciate the need to have a healthy economy. We have to look at sensible science, not junk science that I think is being proposed by these groups of extremists, but by healthy science, by sensible science that takes into consideration all of the benefits and all of the detriments of a particular action. We have Indian treaties which allow the Indian tribes to take fish from our river systems. We have a Caspian tern problem that exists near the mouth of the Columbia where millions of smolts are eaten every year.

So I must say, Mr. Speaker, in closing that we have to be careful about the extremist actions that are being taken by these extremist groups and look for a sensible solution to this problem.

PUERTO RICAN TERRORISTS AN ONGOING THREAT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. FOSSELLA) is recognized for 5 minutes.

Mr. FOSSELLA. Mr. Speaker, for those Americans who have been following the debate the last several months over the release of the terrorists known as the FALN, a group that was probably the most efficient terrorist group to engage in a reign of terror across this country during the 1970s and 1980s and who were, rightfully, sentenced to long prison sentences and just recently were granted clemency by the White House, the other shoe dropped today.

The FALN participated in about 130 bombings, proudly proclaiming themselves to be freedom-fighters when, in reality, all they were were killers. Police officers who lost their sight or their legs, children who lost their fathers who died as a result of FALN bombings. For months, we have been trying to understand exactly why the White House would grant clemency to these known terrorists, especially after they have failed to even acknowledge that they have done anything wrong, have demonstrated no remorse and offered no apologies.

The FBI testified recently that these groups still pose a threat to the national security. The Bureau of Prisons testified under oath that these people still are a threat and they should not have been released.

Now, in a report today, we learn that the Attorney General, Janet Reno, says that a nationalist group that had been aligned still poses an ongoing threat to national security. Quote: "Factors which increase the present threat from these groups include the impending release from prisons of members of these groups jailed for prior violence."

It is also reported today that the Justice Department formally urged President Clinton in December 1996 to deny clemency to imprisoned Puerto Rican nationalists, a recommendation that the White House never acknowledged in the furor over the President's decision last month to commute the sentences of the member militant group.

So there we have it. We have the Bureau of Prisons, the FBI, the Justice Department, including the Office of the Attorney General, all recommending against clemency, and it was offered. Perhaps in the understatement of the century we have Deputy Attorney General Eric Holder who, in a hearing today said, quote: "I think we could have done a better job getting in touch with the victims." Because in all of these years, the last several years, while the White House and the Attorney General's Office was meeting with advocates for terrorists and their spokespeople, the victims who suffered for so many years never even got a phone call, and they say they could have done a better job communicating with the victims.

There are two more terrorists still in prison, and why do we bring this up today? God forbid they are offered clemency by this President or any other, for that matter. I think the American people have to know still to this day why we have decided to let terrorists free, especially to those who fail to offer any remorse.

One of them, Mr. Adolfo Matos who was released was taped in April of 1999, just several months ago, and he said, "I do not have to ask for forgiveness from anybody. I have nothing to be ashamed of or feel that I need to ask for forgiveness. My desire has gotten stronger." This is a man who participated in a terrorist organization many years ago and his "desire has gotten stronger to the point where I want to continue, continue to fight and get involved with my people because I love them."

Mr. KING. Mr. Speaker, will the gentleman yield?

Mr. FOSSELLA. I yield to the gentleman from New York.

Mr. KING. Mr. Speaker, I just want to take this opportunity to commend the gentleman from New York for the outstanding job he has done in bringing this issue to the American people and continuing the fight and not backing down at all. The gentleman deserves the credit of all of us, and I just commend the gentleman for the great job he has done.

Mr. FOSSELLA. Mr. Speaker, reclaiming my time, I just want to thank my good friend, the gentleman from New York (Mr. KING), because he has been right by my side in fighting for what I believe is justice here, especially for the victims.

The important point, Mr. Speaker, is that these people who still to this day offer no remorse, no apologies to the victims, not even a call; I doubt very much if the White House or the Attorney General's Office has even called Diana Berger who lost her husband, or Joseph and Thomas Connor who lost their father or the Richard Pastorell who lost his sight or Anthony Semft who lost his vision or Rocko Pasceralla, a police officer who lost his leg. I doubt very much if they have even gotten a phone call and, meanwhile, we have terrorists out on the street who feel committed to engage in a reign of terror against this Nation. It is ridiculous, and I think the American people deserve to know some answers.

THE INTERNET—AVOIDING MONOPOLY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. BACHUS) is recognized for 5 minutes.

Mr. BACHUS. Mr. Speaker, at the very time that we need to increase competition in the delivery of Internet services, I am afraid that the unregulated nature of the Internet is in danger of being compromised.

We talk about a new digital revolution. We talk about all the fruits that the Internet is bringing to us. But I am afraid that we are on a collision course between reregulation and this unregulated revolution that is doing so much good for so many people.

The Internet is growing at a staggering pace, one that we could not have imagined when we passed the Telecommunications Act of 1996. This astonishing growth creates an urgent need for high-speed Internet capacity at both the regional and the local level so that all Americans can participate in this new digital economy. With each announcement of yet another telecommunications merger, or as we say telecom merger, I become increasingly concerned about the concentration in the Internet backbone market, a monopoly, a cartel. Today, the four largest backbone network providers control more than 85 percent of the Internet data traffic in this country, 85 percent.

Mr. Speaker, probably as a result of this, we are already hearing calls for regulating the Internet. If we do not act now, an Internet cartel may emerge that can dictate price and availability to consumers. Mr. Speaker, this is a much more attractive and desirable alternative to reregulation. The rules should be changed to allow all telecommunications companies to compete in the market. It makes no sense to keep the five of the most capable competitors, the regional bell operating companies, from building regional backbone networks to deliver the fruits of the digital economy to many more Americans.

Mr. Speaker, I urge all of my colleagues, all of my fellow Members to support competition in the Internet backbone market, and I encourage this body to act with the utmost speed. If we fail to act promptly, if we fail to assure competition, the alternative may sadly be the Internet regulation act of 2000.

THE ECONOMY, THE BUDGET, AND SOCIAL SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. KINGSTON) is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, I wanted to kind of review the events of the last year in terms of the budget situation that we are in with the House. As my colleagues know, the House convened in January and at that time, the President of the United States stood in that well and proposed that we spend 40 percent of the Social Security surplus. He said, I think we should only reserve 60 percent and dedicate the rest to a number of programs that he had outlined in his presentation.

Well, we on the Republican side and many of the Democrats said, you know what, Mr. President, we want to preserve 100 percent of Social Security. Because after all, if one is an employee in a factory and one works and one puts money aside in a retirement plan, when one retires, by law, that plan has to be there; that money has to be there for you. Only in the United States of America can we mix a retirement plan with operating expenses, and we call that Social Security, and it is wrong.

This time, things have been different. For the first time in modern history, the U.S. Congress has not spent one dime of Social Security on anything else but Social Security. It is very significant.

So now we are in this budget negotiation. The genesis of the budget agreement was 1997 and there was a bipartisan budget agreement. Democrat Members, Republican Members, the White House, the Senate, the House, everybody signed off on a bipartisan agreement to get spending under control. I think as a result of that, partly, but mostly because of the strong economy, the budget has now become balanced. That is to say, we do not have a deficit, yet we still have a debt. We have a debt of $5.4 trillion.

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That money, Mr. Speaker, has to be paid by our children if we do not do anything about it. So I do not think it is just good enough for us to pat ourselves on the back that we have eliminated the deficit. We have to go back and pay off the debt.

So right now we have this budget agreement in place, and that has been the guide for 13 different appropriation bills. Most of these have passed the House and the Senate, and they are at the White House. A few of them are going to be done in the next, probably 5 legislative days. Yet the President has already vetoed the foreign aid bill. He wants us to spend more money on foreign aid. So we say to the President and AL GORE, because the vice president is very much involved in this process, we say, Mr. GORE, Mr. Clinton, where do you want the money to come from for more foreign aid?

We do not think the House has the will to raise taxes and, indeed, yesterday by a vote of 419 to 0, Democrats joined Republicans in rejecting the Clinton-Gore tax package, 419 to 0. To increase taxes, that is not an option.

Spending Social Security, I think now the President has backed off spending the 40 percent of the Social Security surplus; and he has joined Republicans saying, okay, let us do what businesses do. Let us preserve 100 percent of it.

So if we are not going to get money out of Social Security, and we agree on that and we are not going to get money out of raising taxes, then where are you going to get the money, Mr. GORE and Mr. Clinton, to spend more money on foreign aid?

Now, I do not think we should spend more money on foreign aid. I think the foreign aid bill this year is one of the lowest bills we have had in many years. The taxpayers of America are fed up with foreign aid. I supported the package because it was a good reduction in foreign aid, but now Mr. GORE and Mr. Clinton want to raise it. We are saying, it cannot be gotten out of Social Security. It cannot be gotten out of taxes. The only thing that can be done is hold the line on spending, and we hope that they will join us in that effort.

Mr. JONES of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. KINGSTON. I yield to the gentleman from North Carolina.

Mr. JONES of North Carolina. Mr. Speaker, when the gentleman was talking about foreign aid, it reminded me, he is very familiar with the fact that in my district, along with the district of the gentlewoman from North Carolina (Mrs. CLAYTON), we have had devastating floods; and the people in my district are asking me how can the President want to increase foreign aid when the people of eastern North Carolina as well as many farmers throughout this country that were devastated by drought, why we do not take some of that money and give it back to the taxpayer that is paying for this foreign aid.

So I wanted just to thank the gentleman because I will say quite frankly, it is becoming an issue that I hear almost daily from the citizens of eastern North Carolina who have been devastated. They want some of this money that is going to foreign aid to stay here in America to help the taxpayer.

FOREIGN AID SHOULD NOT BE INCREASED

The SPEAKER pro tempore (Mr. ISAKSON). Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, if I might ask the gentleman, because, again, I took his time and I apologize, but if he would please respond and help me explain to the people in my district.

Mr. KINGSTON. Mr. Speaker, will the gentleman yield?

Mr. JONES of North Carolina. I yield to the gentleman from Georgia.

Mr. KINGSTON. Mr. Speaker, let me say to the distinguished gentleman from North Carolina (Mr. JONES), he has a genuine problem. I represent coastal Georgia and we were scared to death. I and my family and loved ones and all of my friends participated in one of the largest peacetime evacuations in the history of the country. In fact, I think it was the largest. I know what the hurricane and the floods have done to North Carolina, and I know that the gentleman does have towns that are under water. I know that hog farms have floated away, and I know that one million chickens have been drowned and there has been a huge dent in the food supply, the personal suffering of people. I understand that that damage, although no one has a real grip on it, may be as high as $2.2 billion.

Mr. JONES of North Carolina. The gentleman is correct.

Mr. KINGSTON. Yet the President wants to increase foreign aid $2.2 billion.

Those people have not paid taxes. The good people in North Carolina have paid taxes.

What are we doing? We have a flood, a major disaster in one of our own States, and it is going to be about $2 billion; but the President has chosen, instead, to veto foreign aid and wants to spend an extra $2 billion of hard-working taxpayer monies and send it to Communist countries like North Korea.

Mr. JONES of North Carolina. Mr. Speaker, I will say that the gentleman is right on target because the people of eastern North Carolina have been devastated. They keep telling me that they want this Congress, both Republicans and Democrats, to understand that the American people, when they have a need, should come first. To try to expand this foreign aid bill by $2 billion to $3 billion is unacceptable to the people of my district and the district of the gentlewoman from North Carolina (Mrs. CLAYTON), I can assure the gentleman.

Mr. KINGSTON. I think that it is the intention of the House that before we increase foreign aid, we want to take care of the good people of North Carolina.

Again, I want to emphasize, Mr. Speaker, we want 100 percent of the Social Security Trust Fund protected and kept for Social Security. We do not want to increase taxes and we showed that yesterday by a vote of 419 to 0, no tax increase. The only place to get the money is to reduce spending, create some savings within the existing budget so that we can distribute it fairly and evenly and use common sense as the rule of thumb.

CONFERENCE REPORT ON H.R. 2466, DEPARTMENT OF INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

Mr. REGULA (during the Special Order of Mr. PALLONE) submitted the following conference report and statement on the bill (H.R. 2466) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes:

CONFERENCE REPORT (H. REPT. 106-406)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2466) "making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96–487 (16 U.S.C. 3150(a)), $644,218,000, to remain available until expended, of which $2,147,000 shall be available for assessment of the mineral potential of public lands in Alaska pursuant to section 1010 of Public Law 96–487 (16 U.S.C. 3150); and of which not to exceed $1,000,000 shall be derived from the special receipt account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–6a(i)); and of which $2,500,000 shall be available in fiscal year 2000 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation, to such Foundation for cost-shared projects supporting conservation of Bureau lands and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred; in addition, $33,529,000 for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than $644,218,000, and $2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities, and of which $2,500,000, to remain available until expended, is for coalbed methane Applications for Permits to Drill in the Powder River Basin: Provided, That unless there is a written agreement in place between the coal mining operator and a gas producer, the funds available herein shall not be used to process or approve coalbed methane Applications for Permits to Drill for well sites that are located within an area, which as of the date of the coalbed methane Application for Permit to Drill, are covered by: (1) a coal lease; (2) a coal mining permit; or (3) an application for a coal mining lease: Provided further, That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractors.

WILDLAND FIRE MANAGEMENT

For necessary expenses for fire preparedness, suppression operations, emergency rehabilitation and hazardous fuels reduction by the Department of the Interior, $292,282,000, to remain available until expended, of which not to exceed $9,300,000 shall be for the renovation or construction of fire facilities: Provided, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: Provided further, That unobligated balances of amounts previously appropriated to the "Fire Protection" and "Emergency Department of the Interior Firefighting Fund" may be transferred and merged with this appropriation: Provided further, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: Provided further, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 *et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: Provided further, That not more than $58,000 shall be available to the Bureau of Land Management to reimburse Trinity County for expenses incurred as part of the July 2, 1999 Lowden Fire.*

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the remedial action, including associated activities, of hazardous waste substances, pollutants, or contaminants pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), $10,000,000, to remain available until expended: Provided, That notwithstanding 31 U.S.C. 3302, sums recovered from or paid by a party in advance of or as reimbursement for remedial action or response activities conducted by the department pursuant to section 107 or 113(f) of such Act, shall be credited to this account to be available until expended without further appropriation: Provided further, That such sums recovered from or paid by any party are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated, or otherwise disposed of by the Secretary and which shall be credited to this account.

CONSTRUCTION

For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $11,425,000, to remain available until expended.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976, as amended (31 U.S.C. 6901–6907), $135,000,000, of which not to exceed $400,000 shall be available for administrative expenses: Provided, That no payment shall be made to otherwise eligible units of local government if the computed amount of the payment is less than $100.

LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94–579, including administrative expenses and acquisition of lands or waters, or interests therein, $15,500,000, to be derived from the Land and Water Conservation Fund, to remain available until expended.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein including existing connecting roads on or adjacent to such grant lands; $99,225,000, to remain available until expended: Provided, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the general fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

FOREST ECOSYSTEMS HEALTH AND RECOVERY FUND

(REVOLVING FUND, SPECIAL ACCOUNT)

In addition to the purposes authorized in Public Law 102–381, funds made available in the Forest Ecosystem Health and Recovery Fund can be used for the purpose of planning, preparing, and monitoring salvage timber sales and forest ecosystem health and recovery activities such as release from competing vegetation and density control treatments. The Federal share of receipts (defined as the portion of salvage timber receipts not paid to the counties under 43 U.S.C. 1181f and 43 U.S.C. 1181f–1 et seq., and Public Law 103–66) derived from treatments funded by this account shall be deposited into the Forest Ecosystem Health and Recovery Fund.

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $10,000,000, to remain available until expended: Provided, That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94–579, as amended, and Public Law 93–153, to remain available until expended: Provided, That notwithstanding any provision to the contrary of section 305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: Provided further, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on his certificate, not to exceed $10,000: Provided, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, for scientific and economic studies, conservation, management, investigations, protection, and utilization of fishery and wildlife resources, except whales, seals, and sea lions, maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge, general administration, and for the performance of other authorized functions related to such resources by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities, $716,046,000, to remain available until September 30, 2001, except as otherwise provided herein, of which $11,701,000 shall remain available until expended for operation and maintenance of fishery mitigation facilities constructed by the Corps of Engineers under the Lower Snake River Compensation Plan, authorized by the Water Resources Development Act of 1976, to compensate for loss of fishery resources from water development projects on the Lower Snake River, and of which not less than $2,000,000 shall be provided to local governments in southern California for planning associated with the Natural Communities Conservation Planning (NCCP) program and shall remain available until expended: Provided, That not less than $1,000,000 for high priority projects which shall be carried out by the Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended: Provided further, That not to exceed $6,232,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended, for species that are indigenous to the United States (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii): Provided further, That of the amount available for law enforcement, up to $400,000 to remain available until expended, may at the discretion of the Secretary, be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on his certificate: Provided further, That of the amount provided for environmental contaminants, up to $1,000,000 may remain available until expended for contaminant sample analyses: Provided further, That hereafter, all fines collected by the United States Fish and Wildlife Service for violations of the Marine Mammal Protection Act (16 U.S.C. 1362–1407) and implementing regulations shall be available to the Secretary, without further appropriation, to be used for the expenses of the United States Fish and Wildlife Service in administering activities for the protection and recovery of manatees, polar bears, sea otters, and walruses, and shall remain available until expended: Provided further, That, notwithstanding any other provision of law, in fiscal year 1999 and thereafter, sums provided by private entities for activities pursuant to reimbursable agreements shall be credited to the "Resource Management" account and shall remain available until expended: Provided *further, That, heretofore and hereafter, in carrying out work under reimbursable agreements with any State, local, or tribal government, the United States Fish and Wildlife Service may, without regard to 31 U.S.C. 1341 and notwithstanding any other provision of law or regulation, record obligations against accounts receivable from such entities, and shall credit amounts received from such entities to this appropriation, such credit to occur within 90 days of the date of the original request by the Service for payment: Provided further, That all funds received by the United States Fish and Wildlife Service from responsible parties, heretofore and hereafter, for site-specific damages to National Wildlife Refuge System lands resulting from the exercise of privately-owned oil and gas rights associated with such lands in the States of Louisiana and Texas (other than damages recoverable under the Comprehensive Environmental Response, Compensation and Liability Act (26 U.S.C. 4611 et seq.), the Oil Pollution Act (33 U.S.C. 1301 et seq.), or section 311 of the Clean Water Act (33 U.S.C. 1321 et seq.)), shall be available to the Secretary, without further appropriation and until expended to: (1) complete damage assessments of the impacted site by the Secretary; (2) mitigate or restore the damaged resources; and (3) monitor and study the recovery of such damaged resources.*

CONSTRUCTION

For construction and acquisition of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; $54,583,000, to remain available until expended: Provided, That notwithstanding any other provision of law, a single procurement for the construction of facilities at the Alaska Maritime National Wildlife Refuge may be issued which includes the full scope of the project: Provided further, That the solicitation and the contract shall contain the clauses "availability of funds" found at 48 CFR 52.232.18.

LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $50,513,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), as amended, $16,000,000, to be derived from the Cooperative Endangered Species Conservation Fund, and to remain available until expended.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $10,779,000.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101–233, as amended, $15,000,000, to remain available until expended.

WILDLIFE CONSERVATION AND APPRECIATION FUND

For necessary expenses of the Wildlife Conservation and Appreciation Fund, $800,000, to remain available until expended.

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201–4203, 4211–4213, 4221–4225, 4241–4245, and 1538), the Asian Elephant Conservation Act of 1997 (Public Law 105–96; 16 U.S.C. 4261–4266), and the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301–5306), $2,400,000, to remain available until expended: Provided, That funds made available under this Act, Public Law 105–277, and Public Law 105–83 for rhinoceros, tiger, and Asian elephant conservation programs are exempt from any sanctions imposed against any country under section 102 of the Arms Export Control Act (22 U.S.C. 2799aa–1).

COMMERCIAL SALMON FISHERY CAPACITY REDUCTION

For the Federal share of a capacity reduction program to repurchase Washington State Fraser River Sockeye commercial fishery licenses consistent with the implementation of the "June 30, 1999, Agreement of the United States and Canada on the Treaty Between the Government of the United States and the Government of Canada Concerning Pacific Salmon, 1985", $5,000,000, to remain available until expended, and to be provided in the form of a grant directly to the State of Washington Department of Fish and Wildlife.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 70 passenger motor vehicles, of which 61 are for replacement only (including 36 for police-type use); repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management and investigation of fish and wildlife resources: Provided, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: Provided further, That the Service may accept donated aircraft as replacements for existing aircraft: Provided further, That notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in Senate Report 105–56.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, including not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by 16 U.S.C. 1706, $1,365,059,000, of which $8,800,000 is for research, planning and interagency coordination in support of land acquisition for Everglades restoration shall remain available until expended, and of which not to exceed $8,000,000, to remain available until expended, is to be derived from the special fee account established pursuant to title V, section 5201 of Public Law 100–203.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, $53,899,000, of which $2,000,000 shall be available to carry out the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 et seq.), and of which $866,000 shall be available until expended for the Oklahoma City National Memorial Trust, notwithstanding 7(1) of Public Law 105–58: Provided, That notwithstanding any other provision of law, the National Park Service may hereafter recover all fees derived from providing necessary review services associated with historic preservation tax certification, and such funds shall be available until expended without further appropriation for the costs of such review services: Provided further, That no more than $150,000 may be used for overhead and program administrative expenses for the heritage partnership program.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), $45,212,000, to be derived from the Historic Preservation Fund, to remain available until September 30, 2001, of which $10,722,000 pursuant to section 507 of Public Law 104–333 shall remain available until expended: Provided, That of the total amount provided, $30,000,000 shall be for Save America's Treasures for priority preservation projects, including preservation of intellectual and cultural artifacts, preservation of historic structures and sites, and buildings to house cultural and historic resources and to provide educational opportunities: Provided further, That any individual Save America's Treasures grant shall be matched by non-Federal funds: Provided further, That individual projects shall only be eligible for one grant, and all projects to be funded shall be approved by the House and Senate Committees on Appropriations prior to the commitment of grant funds: Provided further, That Save America's Treasures funds allocated for Federal projects shall be available by transfer to appropriate accounts of individual agencies, after approval of such projects by the Secretary of the Interior: Provided further, That none of the funds provided for Save America's Treasures may be used for administrative expenses, and staffing for the program shall be available from the existing staffing levels in the National Park Service.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, $224,493,000, to remain available until expended, of which $885,000 shall be for realignment of the Denali National Park entrance road, of which not less than $2,000,000 shall be available for modifications to the Franklin Delano Roosevelt Memorial: Provided, That $3,000,000 for the Wheeling National Heritage Area, $3,000,000 for the Lincoln Library, and $3,000,000 for the Southwest Pennsylvania Heritage Area shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470a: Provided further, That the National Park Service will make available 37 percent, not to exceed $1,850,000, of the total cost of upgrading the Mariposa County, California municipal solid waste disposal system: Provided further, That Mariposa County will provide assurance that future use fees paid by the National Park Service will be reflective of the capital contribution made by the National Park Service.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 2000 by 16 U.S.C. 460l–10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, $120,700,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, of which $21,000,000 is for the State assistance program including $1,000,000 to administer the State assistance program, and of which $10,000,000 may be for State grants for land acquisition in the State of Florida: Provided, That funds provided for State grants for land acquisition in the State of Florida are contingent upon the following: (1) a signed, binding agreement between all principal Federal and non-Federal partners involved in the South Florida Restoration Initiative which provides specific volume, timing, location and duration of flow specifications and water quality measurements which will ensure adequate and appropriate water supply to all natural areas in southern Florida including all National Parks, Preserves, Wildlife Refuge lands and other areas to attain a restored ecosystem, and which will ensure that water supply systems in the region impacted by the Central and Southern Florida Project receive the appropriate quantity, distribution, quality and timing of water to be delivered from the operation of the Central and Southern Florida Project during, and subsequent to, the implementation of the Central and Southern Florida Project Comprehensive Review Study as set forth in section 528 of the Water Resources Development Act of 1996; (2) the submission of detailed legislative language to the House and Senate Committees on Appropriations that accomplishes this goal; and (3) submission of a complete prioritized non-Federal land acquisition project list: Provided further, That if all principal Federal and non-Federal partners in the South Florida Restoration Initiative do not sign the binding agreement described in the preceding proviso within 180 days of the date of the enactment of this Act, the funds provided herein for State grants for land acquisition in the State of Florida may be made available for that purpose upon the approval of both the House and Senate Committees on Appropriations pursuant to established reprogramming procedures: Provided further, That after the requirements under this heading have been met, from the funds made available for State grants for land acquisition in the State of Florida the Secretary may provide Federal assistance to the State of Florida for the acquisition of lands or waters, or interests therein, within the Everglades watershed (consisting of lands and waters within the boundaries of the South Florida Water Management District, Florida Bay and the Florida Keys, including the areas known as the Frog Pond, the Rocky Glades and the Eight and One-Half Square Mile Area) under terms and conditions deemed necessary by the Secretary to improve and restore the hydrological function of the Everglades watershed: Provided further, That funds provided under this heading to the State of Florida are contingent upon new matching non-Federal funds by the State and shall be subject to an agreement that the lands to be acquired will be managed in perpetuity for the restoration of the Everglades: Provided further, That of the amount provided herein $2,000,000 shall be made available by the National Park Service, pursuant to a grant agreement, to the State of Wisconsin so that the State may acquire land or interest in land for the Ice Age National Scenic Trail: Provided further, That of the amount provided herein $500,000 shall be made available by the National Park Service, pursuant to a grant agreement, to the State of Wisconsin so that the State may acquire land or interest in land for the North Country National Scenic Trail: Provided further, That funds provided under this heading to the State of Wisconsin are contingent upon matching funds by the State.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 384 passenger motor vehicles, of which 298 shall be for replacement only, including not to exceed 312 for police-type use, 12 buses, and 6 ambulances: Provided, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: Provided further, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project.

None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.

The National Park Service may distribute to operating units based on the safety record of each unit the costs of programs designed to improve workplace and employee safety, and to encourage employees receiving workers' compensation benefits pursuant to chapter 81 of title 5, United States Code, to return to appropriate positions for which they are medically able.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; and to conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law and to publish and disseminate data; $823,833,000, of which $60,856,000 shall be available only for cooperation with States or municipalities for water resources investigations; and of which $16,400,000 shall remain available until expended for conducting inquiries into the economic conditions affecting mining and materials processing industries; and of which $2,000,000 shall remain available until expended for ongoing development of a mineral and geologic data base; and of which $137,604,000 shall be available until September 30, 2001 for the biological research activity and the operation of the Cooperative Research Units: Provided, That none of these funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: Provided further, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

ADMINISTRATIVE PROVISIONS

The amount appropriated for the United States Geological Survey shall be available for the purchase of not to exceed 53 passenger motor vehicles, of which 48 are for replacement only; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: Provided, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302 et seq.: Provided further, That the United States Geological Survey may hereafter contract directly with individuals or indirectly with institutions or nonprofit organizations, without regard to 41 U.S.C. 5, for the temporary or intermittent services of students or recent graduates, who shall be considered employees for the purposes of chapters 57 and 81 of title 5, United States Code, relating to compensation for travel and work injuries, and chapter 171 of title 28, United States Code, relating to tort claims, but shall not be considered to be Federal employees for any other purposes.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only; $110,682,000, of which $84,569,000 shall be available for royalty management activities; and an amount not to exceed $124,000,000, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, from rate increases to fee collections for Outer Continental Shelf administrative activities performed by the Minerals Management Service over and above the rates in effect on September 30, 1993, and from additional fees for Outer Continental Shelf administrative activities established after September 30, 1993: Provided, That to the extent $124,000,000 in additions to receipts are not realized from the sources of receipts stated above, the amount needed to reach $124,000,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: Provided further, That $3,000,000 for computer acquisitions shall remain available until September 30, 2001: Provided further, That funds appropriated under this Act shall be available for the payment of interest in accordance with 30 U.S.C. 1721(b) and (d): Provided further, That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: Provided further, That notwithstanding any other provision of law, $15,000 *under this heading shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of the Minerals Management Service concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments: Provided further, That not to exceed $198,000 shall be available to carry out the requirements of section 215(b)(2) of the Water Resources Development Act of 1999.*

OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, $6,118,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

Office of Surface Mining Reclamation and Enforcement

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not to exceed 10 passenger motor vehicles, for replacement only; $95,891,000: Provided, That the Secretary of the Interior, pursuant to regulations, may use directly or through grants to States, moneys collected in fiscal year 2000 for civil penalties assessed under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: Provided further, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not more than 10 passenger motor vehicles for replacement only, $191,208,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended; of which up to $8,000,000, to be derived from the Federal Expenses Share of the Fund, shall be for supplemental grants to States for the reclamation of abandoned sites with acid mine rock drainage from coal mines, and for associated activities, through the Appalachian Clean Streams Initiative: Provided, That grants to minimum program States will be $1,500,000 per State in fiscal year 2000: Provided further, That of the funds herein provided up to $18,000,000 may be used for the emergency program authorized by section 410 of Public Law 95–87, as amended, of which no more than 25 percent shall be used for emergency reclamation projects in any one State and funds for federally administered emergency reclamation projects under this proviso shall not exceed $11,000,000: Provided further, That prior year unobligated funds appropriated for the emergency reclamation program shall not be subject to the 25 percent limitation per State and may be used without fiscal year limitation for emergency projects: Provided further, That pursuant to Public Law 97–365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: Provided further, That funds made available under title IV of Public Law 95–87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: Provided further, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: Provided further, That, in addition to the amount granted to the Commonwealth of Pennsylvania under sections 402(g)(1) and 402(g)(5) of the Surface Mining Control and Reclamation Act (Act), an additional $300,000 will be specifically used for the purpose of conducting a demonstration project in accordance with section 401(c)(6) of the Act to determine the efficacy of improving water quality by removing metals from eligible waters polluted by acid mine drainage: Provided further, That the State of Maryland may set aside the greater of $1,000,000 or 10 percent of the total of the grants made available to the State under title IV of the Surface Mining Control and Reclamation Act of 1977, as amended (30 U.S.C. 1231 et seq.), if the amount set aside is deposited in an acid mine drainage abatement and treatment fund established under a State law, pursuant to which law the amount (together with all interest earned on the amount) is expended by the State to undertake acid mine drainage abatement and treatment projects, except that before any amounts greater than 10 percent of its title IV grants are deposited in an acid mine drainage abatement and treatment fund, the State of Maryland must first complete all Surface Mining Control and Reclamation Act priority one projects.

Bureau of Indian Affairs

OPERATION OF INDIAN PROGRAMS

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001–2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, $1,637,444,000, to remain available until September 30, 2001 except as otherwise provided herein, of which not to exceed $93,684,000 shall be for welfare assistance payments and notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed $115,229,000 shall be available for payments to tribes and tribal organizations for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2000, as authorized by such Act, except that tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; and of which not to exceed $401,010,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2000, and shall remain available until September 30, 2001; and of which not to exceed $51,991,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, self-governance grants, the Indian Self-Determination Fund, land records improvement, and the Navajo-Hopi Settlement Program: Provided, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed $42,160,000 within and only from such amounts made available for school operations shall be available to tribes and tribal organizations for administrative cost grants associated with the operation of Bureau-funded schools: Provided further, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 2001, may be transferred during fiscal year 2002 to an Indian forest land assistance account established for the benefit of such tribe within the tribe's trust fund account: Provided further, That any such unobligated balances not so transferred shall expire on September 30, 2002.

CONSTRUCTION

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87–483, $146,884,000, to remain available until expended: Provided, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: Provided further, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: Provided further, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: Provided further, That for fiscal year 2000, in implementing new construction or facilities improvement and repair project grants in excess of $100,000 that are provided to tribally controlled grant schools under Public Law 100–297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: Provided further, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: Provided further, That in considering applications, the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(a), with respect to organizational and financial management capabilities: Provided further, That if the Secretary declines an application, the Secretary shall follow the requirements contained in 25 U.S.C. 2505(f): Provided further, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2508(e): Provided further, That notwithstanding any other provision of law, collections from the settlements between the United States and the Puyallup tribe concerning Chief Leschi school are made available for school construction in fiscal year 2000 and hereafter: Provided further, That in return for a quit claim deed to a school building on the Lac Courte Oreilles Ojibwe Indian Reservation, the Secretary shall pay to U.K. Development, LLC the amount of $375,000 from the funds made available under this heading.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, $27,256,000, to remain available until expended; of which $25,260,000 shall be available for implementation of enacted Indian land and water claim settlements pursuant to Public Laws 101–618 and 102–575, and for implementation of other enacted water rights settlements; and of which $1,871,000 shall be available pursuant to Public Laws 99–264, 100–383, 103–402 and 100–580.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed loans, $4,500,000, as authorized by the Indian Financing Act of 1974, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional

Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $59,682,000.

In addition, for administrative expenses to carry out the guaranteed loan programs, $508,000.

ADMINISTRATIVE PROVISIONS

The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts and grants, either directly or in cooperation with States and other organizations.

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans, the Indian loan guarantee and insurance fund, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits, and purchase of not to exceed 229 passenger motor vehicles, of which not to exceed 187 shall be for replacement only.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office operations or pooled overhead general administration (except facilities operations and maintenance) shall be available for tribal contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103–413).

In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs for distribution to other tribes, this action shall not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

Notwithstanding any other provision of law, no funds available to the Bureau, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et.seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro-rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter school's operation and employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, United States Code (commonly known as the "Federal Tort Claims Act"). Not later than June 15, 2000, the Secretary of the Interior shall evaluate the effectiveness of Bureau-funded schools sharing facilities with charter schools in the manner described in the preceding sentence and prepare and submit a report on the finding of that evaluation to the Committees on Appropriations of the Senate and of the House.

The Tate Topa Tribal School, the Black Mesa Community School, the Alamo Navajo School, and other Bureau-funded schools subject to the approval of the Secretary of the Interior, may use prior year school operations funds for the replacement or repair of Bureau of Indian Affairs education facilities which are in compliance with 25 U.S.C. 2005(a) and which shall be eligible for operation and maintenance support to the same extent as other Bureau of Indian Affairs education facilities: Provided, That any additional construction costs for replacement or repair of such facilities begun with prior year funds shall be completed exclusively with non-Federal funds.

DEPARTMENT OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, $67,171,000, of which: (1) $63,076,000 shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) $4,095,000 shall be available for salaries and expenses of the Office of Insular Affairs: Provided, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the General Accounting Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: Provided further, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104–134: Provided further, That Public Law 94–241, as amended, is further amended: (1) in section 4(b) by striking "2002" and inserting "1999" and by striking the comma after "$11,000,000 annually" and inserting the following: "and for fiscal year 2000, payments to the Commonwealth of the Northern Mariana Islands shall be $5,580,000, but shall return to the level of $11,000,000 annually for fiscal years 2001 and 2002. In fiscal year 2003, the payment to the Commonwealth of the Northern Mariana Islands shall be $5,420,000. Such payments shall be"; and (2) in section (4)(c) by adding a new subsection as follows: "(4) for fiscal year 2000, $5,420,000 shall be provided to the Virgin Islands for correctional facilities and other projects mandated by Federal law.": Provided further, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: Provided further, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure in American Samoa, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia through assessments of long-range operations maintenance needs, improved capability of local operations and maintenance institutions and agencies (including management and vocational education training), and project-specific maintenance (with territorial participation and cost sharing to be determined by the Secretary based on the individual territory's commitment to timely maintenance of its capital assets): Provided further, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

For economic assistance and necessary expenses for the Federated States of Micronesia and the Republic of the Marshall Islands as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, and for economic assistance and necessary expenses for the Republic of Palau as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, $20,545,000, to remain available until expended, as authorized by Public Law 99–239 and Public Law 99–658.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, $62,864,000, of which not to exceed $8,500 may be for official reception and representation expenses and of which up to $1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $40,196,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $26,086,000.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

For operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, $90,025,000, to remain available until expended: Provided, That funds for trust management improvements may be transferred, as needed, to the Bureau of Indian Affairs "Operation of Indian Programs" account and to the Departmental Management "Salaries and Expenses" account: Provided further, That funds made available to Tribes and Tribal organizations through contracts or grants obligated during fiscal year 2000, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: Provided further, That notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: Provided further, That notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 18 months and has a balance of $1.00 or less: Provided further, That the

Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder.

INDIAN LAND CONSOLIDATION PILOT

INDIAN LAND CONSOLIDATION

For implementation of a pilot program for consolidation of fractional interests in Indian lands by direct expenditure or cooperative agreement, $5,000,000 to remain available until expended and which shall be transferred to the Bureau of Indian Affairs, of which not to exceed $500,000 shall be available for administrative expenses: Provided, That the Secretary may enter into a cooperative agreement, which shall not be subject to Public Law 93–638, as amended, with a tribe having jurisdiction over the pilot reservation to implement the program to acquire fractional interests on behalf of such tribe: Provided further, That the Secretary may develop a reservation-wide system for establishing the fair market value of various types of lands and improvements to govern the amounts offered for acquisition of fractional interests: Provided further, That acquisitions shall be limited to one or more pilot reservations as determined by the Secretary: Provided further, That funds shall be available for acquisition of fractional interest in trust or restricted lands with the consent of its owners and at fair market value, and the Secretary shall hold in trust for such tribe all interests acquired pursuant to this pilot program: Provided further, That all proceeds from any lease, resource sale contract, right-of-way or other transaction derived from the fractional interest shall be credited to this appropriation, and remain available until expended, until the purchase price paid by the Secretary under this appropriation has been recovered from such proceeds: Provided further, That once the purchase price has been recovered, all subsequent proceeds shall be managed by the Secretary for the benefit of the applicable tribe or paid directly to the tribe.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (Public Law 101–380), and Public Law 101–337, $5,400,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: Provided, That notwithstanding any other provision of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: Provided further, That no programs funded with appropriated funds in the "Departmental Management", "Office of the Solicitor", and "Office of Inspector General" may be augmented through the Working Capital Fund or the Consolidated Working Fund.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: Provided, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: Provided further, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99–198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95–87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: Provided, That appropriations made in this title for fire suppression purposes shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for fire suppression purposes, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: Provided further, That for emergency rehabilitation and wildfire suppression activities, no funds shall be made available under this authority until funds appropriated to "Wildland Fire Management" shall have been exhausted: Provided further, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible: Provided further, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, United States Code: Provided, That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902 and D.C. Code 4–204).

SEC. 106. Appropriations made in this title shall be available for obligation in connection with contracts issued for services or rentals for periods not in excess of 12 months beginning at any time during the fiscal year.

SEC. 107. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore leasing and related activities placed under restriction in the President's moratorium statement of June 26, 1990, in the areas of northern, central, and southern California; the North Atlantic; Washington and Oregon; and the eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

SEC. 108. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore oil and natural gas preleasing, leasing, and related activities, on lands within the North Aleutian Basin planning area.

SEC. 109. No funds provided in this title may be expended by the Department of the Interior to conduct offshore oil and natural gas preleasing, leasing and related activities in the eastern Gulf of Mexico planning area for any lands located outside Sale 181, as identified in the final Outer Continental Shelf 5-Year Oil and Gas Leasing Program, 1997–2002.

SEC. 110. No funds provided in this title may be expended by the Department of the Interior to conduct oil and natural gas preleasing, leasing and related activities in the Mid-Atlantic and South Atlantic planning areas.

SEC. 111. Advance payments made under this title to Indian tribes, tribal organizations, and tribal consortia pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.) may be invested by the Indian tribe, tribal organization, or consortium before such funds are expended for the purposes of the grant, compact, or annual funding agreement so long as such funds are—

(1) invested by the Indian tribe, tribal organization, or consortium only in obligations of the United States, or in obligations or securities that are guaranteed or insured by the United States, or mutual (or other) funds registered with the Securities and Exchange Commission and which only invest in obligations of the United States or securities that are guaranteed or insured by the United States; or

(2) deposited only into accounts that are insured by an agency or instrumentality of the United States, or are fully collateralized to ensure protection of the funds, even in the event of a bank failure.

SEC. 112. (a) Employees of Helium Operations, Bureau of Land Management, entitled to severance pay under 5 U.S.C. 5595, may apply for, and the Secretary of the Interior may pay, the total amount of the severance pay to the employee in a lump sum. Employees paid severance pay in a lump sum and subsequently reemployed by the Federal Government shall be subject to the repayment provisions of 5 U.S.C. 5595(i)(2) and (3), except that any repayment shall be made to the Helium Fund.

(b) Helium Operations employees who elect to continue health benefits after separation shall be liable for not more than the required employee contribution under 5 U.S.C. 8905a(d)(1)(A). The Helium Fund shall pay for 18 months the remaining portion of required contributions.

(c) The Secretary of the Interior may provide for training to assist Helium Operations employees in the transition to other Federal or private sector jobs during the facility shut-down and disposition process and for up to 12 months following separation from Federal employment, including retraining and relocation incentives on the same terms and conditions as authorized for employees of the Department of Defense in section 348 of the National Defense Authorization Act for Fiscal Year 1995.

(d) For purposes of the annual leave restoration provisions of 5 U.S.C. 6304(d)(1)(B), the cessation of helium production and sales, and other related Helium Program activities shall be deemed to create an exigency of public business under, and annual leave that is lost during leave years 1997 through 2001 because of 5 U.S.C. 6304 (regardless of whether such leave was scheduled in advance) shall be restored to the employee and shall be credited and available in accordance with 5 U.S.C. 6304(d)(2). Annual leave so restored and remaining unused upon the transfer of a Helium Program employee to a position of the executive branch outside of the Helium Program shall be liquidated by payment to the employee of a lump sum from the Helium Fund for such leave.

(e) Benefits under this section shall be paid from the Helium Fund in accordance with section 4(c)(4) of the Helium Privatization Act of 1996. Funds may be made available to Helium Program employees who are or will be separated before October 1, 2002 because of the cessation of helium production and sales and other related activities. Retraining benefits, including retraining and relocation incentives, may be paid for retraining commencing on or before September 30, 2002.

(f) This section shall remain in effect through fiscal year 2002.

SEC. 113. Notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, hereafter funds available to the Department of the Interior for Indian self-determination or self-governance contract or grant support costs may be expended only for costs directly attributable to contracts, grants and compacts pursuant to the Indian Self-Determination Act of 1975 and hereafter funds appropriated in this title shall not be available for any contract support costs or indirect costs associated with any contract, grant, cooperative agreement, self-governance compact or funding agreement entered into between an Indian tribe or tribal organization and any entity other than an agency of the Department of the Interior.

SEC. 114. Notwithstanding any other provisions of law, the National Park Service shall not develop or implement a reduced entrance fee program to accommodate non-local travel through a unit. The Secretary may provide for and regulate local non-recreational passage through units of the National Park System, allowing each unit to develop guidelines and permits for such activity appropriate to that unit.

SEC. 115. Notwithstanding any other provision of law, in fiscal year 2000 and thereafter, the Secretary is authorized to permit persons, firms or organizations engaged in commercial, cultural, educational, or recreational activities (as defined in section 612a of title 40, United States Code) not currently occupying such space to use courtyards, auditoriums, meeting rooms, and other space of the main and south Interior building complex, Washington, D.C., the maintenance, operation, and protection of which has been delegated to the Secretary from the Administrator of General Services pursuant to the Federal Property and Administrative Services Act of 1949, and to assess reasonable charges therefore, subject to such procedures as the Secretary deems appropriate for such uses. Charges may be for the space, utilities, maintenance, repair, and other services. Charges for such space and services may be at rates equivalent to the prevailing commercial rate for comparable space and services devoted to a similar purpose in the vicinity of the main and south Interior building complex, Washington, D.C. for which charges are being assessed. The Secretary may without further appropriation hold, administer, and use such proceeds within the Departmental Management Working Capital Fund to offset the operation of the buildings under his jurisdiction, whether delegated or otherwise, and for related purposes, until expended.

SEC. 116. Notwithstanding any other provision of law, the Steel Industry American Heritage Area, authorized by Public Law 104–333, is hereby renamed the Rivers of Steel National Heritage Area.

SEC. 117. (a) In this section—

(1) the term "Huron Cemetery" means the lands that form the cemetery that is popularly known as the Huron Cemetery, located in Kansas City, Kansas, as described in subsection (b)(3); and

(2) the term "Secretary" means the Secretary of the Interior.

(b)(1) The Secretary shall take such action as may be necessary to ensure that the lands comprising the Huron Cemetery (as described in paragraph (3)) are used only in accordance with this subsection.

(2) The lands of the Huron Cemetery shall be used only—

(A) for religious and cultural uses that are compatible with the use of the lands as a cemetery; and

(B) as a burial ground.

(3) The description of the lands of the Huron Cemetery is as follows:

The tract of land in the NW quarter of sec. 10, T. 11 S., R. 25 E., of the sixth principal meridian, in Wyandotte County, Kansas (as surveyed and marked on the ground on August 15, 1888, by William Millor, Civil Engineer and Surveyor), described as follows:

"Commencing on the Northwest corner of the Northwest Quarter of the Northwest Quarter of said Section 10;

"Thence South 28 poles to the 'true point of beginning';

"Thence South 71 degrees East 10 poles and 18 links;

"Thence South 18 degrees and 30 minutes West 28 poles;

"Thence West 11 and one-half poles;

"Thence North 19 degrees 15 minutes East 31 poles and 15 feet to the 'true point of beginning', containing 2 acres or more.".

SEC. 118. Refunds or rebates received on an on-going basis from a credit card services provider under the Department of the Interior's charge card programs may be deposited to and retained without fiscal year limitation in the Departmental Working Capital Fund established under 43 U.S.C. 1467 and used to fund management initiatives of general benefit to the Department of the Interior's bureaus and offices as determined by the Secretary or his designee.

SEC. 119. Appropriations made in this title under the headings Bureau of Indian Affairs and Office of Special Trustee for American Indians and any available unobligated balances from prior appropriations Acts made under the same headings, shall be available for expenditure or transfer for Indian trust management activities pursuant to the Trust Management Improvement Project High Level Implementation Plan.

SEC. 120. All properties administered by the National Park Service at Fort Baker, Golden Gate National Recreation Area, and leases, concessions, permits and other agreements associated with those properties, hereafter shall be exempt from all taxes and special assessments, except sales tax, by the State of California and its political subdivisions, including the County of Marin and the City of Sausalito. Such areas of Fort Baker shall remain under exclusive Federal jurisdiction.

SEC. 121. Notwithstanding any provision of law, the Secretary of the Interior is authorized to negotiate and enter into agreements and leases, without regard to section 321 of chapter 314 of the Act of June 30, 1932 (40 U.S.C. 303b), with any person, firm, association, organization, corporation, or governmental entity for all or part of the property within Fort Baker administered by the Secretary as part of Golden Gate National Recreation Area. The proceeds of the agreements or leases shall be retained by the Secretary and such proceeds shall be available, without future appropriation, for the preservation, restoration, operation, maintenance and interpretation and related expenses incurred with respect to Fort Baker properties.

SEC. 122. Where any Federal lands included in the boundary of Lake Roosevelt National Recreational Area for grazing purposes, pursuant to a permit issued by the National Park Service, the person or persons so utilizing such lands shall be entitled to renew said permit. The National Park Service is further directed to manage the Lake Roosevelt National Recreational Area subject to grazing use in a manner that will protect the recreational, natural (including water quality) and cultural resources of the Lake Roosevelt National Recreational Area.

SEC. 123. Grazing permits and leases that expire or are transferred, shall be renewed on the same terms and conditions as contained in the expiring permits or leases until the Secretary of the Interior completes processing these permits and leases in compliance with all applicable laws and regulations, at which time such permit or lease may be canceled, suspended or modified, in whole or in part, to meet the requirements of such applicable laws and regulations. Nothing in this language shall be deemed to alter the Secretary's statutory authority.

SEC. 124. Notwithstanding any other provision of law, for the purpose of reducing the backlog of Indian probate cases in the Department of the Interior, the hearing requirements of chapter 10 of title 25, United States Code, are deemed satisfied by a proceeding conducted by an Indian probate judge, appointed by the Secretary without regard to the provisions of title 5, United States Code, governing the appointments in the competitive service, for such period of time as the Secretary determines necessary: Provided, That the Secretary may only appoint such Indian probate judges if, by January 1, 2000, the Secretary is unable to secure the services of at least 10 qualified Administrative Law Judges on a temporary basis from other agencies and/or through appointing retired Administrative Law Judges: Provided further, That the basic pay of an Indian probate judge so appointed may be fixed by the Secretary without regard to the provisions of chapter 51, and subchapter III of chapter 53 of title 5, United States Code, governing the classification and pay of General Schedule employees, except that no such Indian probate judge may be paid at a level which exceeds the maximum rate payable for the highest grade of the General Schedule, including locality pay.

SEC. 125. (a) LOAN TO BE GRANTED.—Notwithstanding any other provision of law or of this Act, the Secretary of the Interior (hereinafter *the "Secretary"), in consultation with the Secretary of the Treasury, shall make available to the Government of American Samoa (hereinafter "ASG"), the benefits of a loan in the amount of $18,600,000 bearing interest at a rate equal to the United States Treasury cost of borrowing for obligations of similar duration. Repayment of the loan shall be secured and accomplished pursuant to this section with funds, as they become due and payable to ASG from the Escrow Account established under the terms and conditions of the Tobacco Master Settlement Agreement (and the subsequent Enforcing Consent Decree) (hereinafter collectively referred to as "the Agreement") entered into by the parties November 23, 1998, and judgment granted by the High Court of American Samoa on January 5, 1999 (Civil Action 119-98, American Samoa Government v. Philip Morris Tobacco Co., et. al.).*

(b) CONDITIONS REGARDING LOAN PROCEEDS.—Except as provided under subsection (e), no proceeds of the loan described in this section shall become available until ASG—

(1) has enacted legislation, or has taken such other or additional official action as the Secretary may deem satisfactory to secure and ensure repayment of the loan, irrevocably transferring and assigning for payment to the Department of the Interior (or to the Department of the Treasury, upon agreement between the Secretaries of such departments) all amounts due and payable to ASG under the terms and conditions of the Agreement for a period of 26 years with the first payment beginning in 2000, such repayment to be further secured by a pledge of the full faith and credit of ASG;

(2) has entered into an agreement or memorandum of understanding described in subsection (c) with the Secretary identifying with specificity the manner in which approximately $14,300,000 of the loan proceeds will be used to pay debts of ASG incurred prior to April 15, 1999; and

(3) has provided to the Secretary an initial plan of fiscal and managerial reform as described in subsection (d) designed to bring the ASG's annual operating expenses into balance with projected revenues for the years 2003 and beyond, and identifying the manner in which approximately $4,300,000 of the loan proceeds will be utilized to facilitate implementation of the plan.

(c) PROCEDURE AND PRIORITIES FOR DEBT PAYMENTS.—

(1) In structuring the agreement or memorandum of understanding identified in subsection (b)(2), the ASG and the Secretary shall include provisions, which create priorities for the payment of creditors in the following order—

(A) debts incurred for services, supplies, facilities, equipment and materials directly connected with the provision of health, safety and welfare functions for the benefit of the general population of American Samoa (including, but not limited to, health care, fire and police protection, educational programs grades K-12, and utility services for facilities belonging to or utilized by ASG and its agencies), wherein the creditor agrees to compromise and settle the existing debt for a payment not exceeding 75 percent of the amount owed, shall be given the highest priority for payment from the loan proceeds under this section;

(B) debts not exceeding a total amount of $200,000 owed to a single provider and incurred for any legitimate governmental purpose for the benefit of the general population of American Samoa, wherein the creditor agrees to compromise and settle the existing debt for a payment not exceeding 70 percent of the amount owed, shall be given the second highest priority for payment from the loan proceeds under this section;

(C) debts exceeding a total amount of $200,000 owed to a single provider and incurred for any legitimate governmental purpose for the benefit of the general population of American Samoa, wherein the creditor agrees to compromise and settle the existing debt for a payment not exceeding 65 percent of the amount owed, shall be given the third highest priority for payment from the loan proceeds under this section;

(D) other debts regardless of total amount owed or purpose for which incurred, wherein the creditor agrees to compromise and settle the existing debt for a payment not exceeding 60 percent of the amount owed, shall be given the fourth highest priority for payment from the loan proceeds under this section;

(E) debts described in subparagraphs (A), (B), (C), and (D) of this paragraph, wherein the creditor declines to compromise and settle the debt for the percentage of the amount owed as specified under the applicable subparagraph, shall be given the lowest priority for payment from the loan proceeds under this section.

(2) The agreement described in subsection (b)(2) shall also generally provide a framework whereby the Governor of American Samoa shall, from time-to-time, be required to give 10 business days notice to the Secretary that ASG will make payment in accordance with this section to specified creditors and the amount which will be paid to each of such creditors. Upon issuance of payments in accordance with the notice, the Governor shall immediately confirm such payments to the Secretary, and the Secretary shall within three business days following receipt of such confirmation transfer from the loan proceeds an amount sufficient to reimburse ASG for the payments made to creditors.

(3) The agreement may contain such other provisions as are mutually agreeable, and which are calculated to simplify and expedite the payment of existing debt under this section and ensure the greatest level of compromise and settlement with creditors in order to maximize the retirement of ASG debt.

(d) FISCAL AND MANAGERIAL REFORM PROGRAM.—

(1) The initial plan of fiscal and managerial reform, designed to bring ASG's annual operating expenses into balance with projected revenues for the years 2003 and beyond as required under subsection (b)(3), should identify specific measures which will be implemented by ASG to accomplish such goal, the anticipated reduction in government operating expense which will be achieved by each measure, and should include a timetable for attainment of each reform measure identified therein.

(2) The initial plan should also identify with specificity the manner in which approximately $4,300,000 of the loan proceeds will be utilized to assist in meeting the reform plan's targets within the timetable specified through the use of incentives for early retirement, severance pay packages, outsourcing services, or any other expenditures for program elements reasonably calculated to result in reduced future operating expenses for ASG on a long term basis.

(3) Upon receipt of the initial plan, the Secretary shall consult with the Governor of American Samoa, and shall make any recommendations deemed reasonable and prudent to ensure the goals of reform are achieved. The reform plan shall contain objective criteria that can be documented by a competent third party, mutually agreeable to the Governor and the Secretary. The plan shall include specific targets for reducing the amounts of ASG local revenues expended on government payroll and overhead (including contracts for consulting services), and may include provisions which allow modest increases in support of the LBJ Hospital Authority reasonably calculated to assist the Authority implement reforms which will lead to an independent audit indicating annual expenditures at or below annual Authority receipts.

(4) The Secretary shall enter into an agreement with the Governor similar to that specified in subsection (c)(2) of this section, enabling ASG to make payments as contemplated in the reform plan and then to receive reimbursement from the Secretary out of the portion of loan proceeds allocated for the implementation of fiscal reforms.

(5) Within 60 days following receipt of the initial plan, the Secretary shall approve an interim final plan reasonably calculated to make substantial progress toward overall reform. The Secretary shall provide copies of the plan, and any subsequent modifications, to the House Committee on Resources, the House Committee on Appropriations Subcommittee on the Department of the Interior and Related Agencies, the Senate Committee on Energy and Natural Resources, and the Senate Committee on Appropriations Subcommittee on the Department of the Interior and Related Agencies.

(6) From time-to-time as deemed necessary, the Secretary shall consult further with the Governor of American Samoa, and shall approve such mutually agreeable modifications to the interim final plan as circumstances warrant in order to achieve the overall goals of ASG fiscal and managerial reforms.

(e) RELEASE OF LOAN PROCEEDS.—From the total proceeds of the loan described in this section, the Secretary shall make available—

(1) upon compliance by ASG with paragraphs (b)(1) and (b)(2) of this section and in accordance with subsection (c), approximately $14,300,000 in reimbursements as requested from time-to-time by the Governor for payments to creditors;

(2) upon compliance by ASG with paragraphs (b)(1) and (b)(3) of this section and in accordance with subsection (d), approximately $4,300,000 in reimbursements as requested from time-to-time by the Governor for payments associated with implementation of the interim final reform plan; and

(3) notwithstanding paragraphs (1) and (2) of this subsection, at any time the Secretary and the Governor mutually determine that the amount necessary to fund payments under paragraph (2) will total less than $4,300,000 then the Secretary may approve the amount of any unused portion of such sum for additional payments against ASG debt under paragraph (1).

(f) EXCEPTION.—Proceeds from the loan under this section shall be used solely for the purposes of debt payments and reform plan implementation as specified herein, except that the Secretary may provide an amount equal to not more than 2 percent of the total loan proceeds for the purpose of retaining the services of an individual or business entity to provide direct assistance and management expertise in carrying out the purposes of this section. Such individual or business entity shall be mutually agreeable to the Governor and the Secretary, may not be a current or former employee of, or contractor for, and may not be a creditor of ASG. Notwithstanding the preceding two sentences, the Governor and the Secretary may agree to also retain the services of any semi-autonomous agency of ASG which has established a record of sound management and fiscal responsibility, as evidenced by audited financial reports for at least three of the past 5 years, to coordinate with and assist any individual or entity retained under this subsection.

(g) CONSTRUCTION.—The provisions of this section are expressly applicable only to the utilization of proceeds from the loan described in this section, and nothing herein shall be construed to relieve ASG from any lawful debt or obligation except to the extent a creditor shall voluntarily enter into an arms length agreement to compromise and settle outstanding amounts under subsection (c).

(h) TERMINATION.—The payment of debt and the payments associated with implementation of the interim final reform plan shall be completed not later than October 1, 2003. On such date, any unused loan proceeds totaling $1,000,000 or less shall be transferred by the Secretary directly to ASG. If the amount of unused loan proceeds exceeds $1,000,000, then such amount shall be credited to the total of loan repayments specified in paragraph (b)(1). With approval of the Secretary, ASG may designate additional payments from time-to-time from funds available from any source, without regard to the original purpose of such funds.

SEC. 126. The Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service and in consultation with the Director of the National Park Service, shall undertake the necessary activities to designate Midway Atoll as a National Memorial to the Battle of Midway. In pursuing such a designation the Secretary shall consult with organizations with an interest in Midway Atoll. The Secretary shall consult on a regular basis with such organizations, including the International Midway Memorial Foundation, Inc. on the management of the National Memorial.

SEC. 127. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2000. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

SEC. 128. None of the Funds provided in this Act shall be available to the Bureau of Indian Affairs or the Department of the Interior to transfer land into trust status for the Shoalwater Bay Indian Tribe in Clark County, Washington, unless and until the tribe and the county reach a legally enforceable agreement that addresses the financial impact of new development on the county, school district, fire district, and other local governments and the impact on zoning and development.

SEC. 129. None of the funds provided in this Act may be used by the Department of the Interior to implement the provisions of Principle 3(C)ii and Appendix section 3(B)(4) in Secretarial Order 3206, entitled "American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act".

SEC. 130. Of the funds appropriated in title V of the Fiscal Year 1998 Interior and Related Agencies Appropriation Act, Public Law 105–83, the Secretary shall provide up to $2,000,000 in the form of a grant to the Fairbanks North Star Borough for acquisition of undeveloped parcels along the banks of the Chena River for the purpose of establishing an urban greenbelt within the Borough. The Secretary shall further provide from the funds appropriated in title V up to $1,000,000 in the form of a grant to the Municipality of Anchorage for the acquisition of approximately 34 acres of wetlands adjacent to a municipal park in Anchorage (the Jewel Lake Wetlands).

SEC. 131. FUNDING FOR THE OTTAWA NATIONAL WILDLIFE REFUGE AND CERTAIN PROJECTS IN THE STATE OF OHIO. Notwithstanding any other provision of law, from the unobligated balances appropriated for a grant to the State of Ohio for the acquisition of the Howard Farm near Metzger Marsh, Ohio—

(1) $500,000 shall be derived by transfer and made available for the acquisition of land in the Ottawa National Wildlife Refuge;

(2) $302,000 shall be derived by transfer and made available for the Dayton Aviation Heritage Commission, Ohio; and

(3) $198,000 shall be derived by transfer and made available for a grant to the State of Ohio for the preservation and restoration of the birthplace, boyhood home, and schoolhouse of Ulysses S. Grant.

SEC. 132. CONVEYANCE TO NYE COUNTY, NEVADA. (a) DEFINITIONS.—In this section:

(1) COUNTY.—The term "County" means Nye County, Nevada.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(b) PARCELS CONVEYED FOR USE OF THE NEVADA SCIENCE AND TECHNOLOGY CENTER.—

(1) IN GENERAL.—For no consideration and at no other cost to the County, the Secretary shall convey to the County, subject to valid existing rights, all right, title, and interest in and to the parcels of public land described in paragraph (2).

(2) LAND DESCRIPTION.—The parcels of public land referred to in paragraph (1) are the following:

(A) The portion of Sec. 13 north of United States Route 95, T. 15 S., R. 49 E., Mount Diablo Meridian, Nevada.

(B) In Sec. 18, T. 15 S., R. 50 E., Mount Diablo Meridian, Nevada:

(i) W ½ W ½ NW ¼.

(ii) The portion of the W ½ W ½ SW ¼ north of United States Route 95.

(3) USE.—

(A) IN GENERAL.—The parcels described in paragraph (2) shall be used for the construction and operation of the Nevada Science and Technology Center as a nonprofit museum and exposition center, and related facilities and activities.

(B) REVERSION.—The conveyance of any parcel described in paragraph (2) shall be subject to reversion to the United States, at the discretion of Secretary, if the parcel is used for a purpose other than that specified in subparagraph (A).

(c) PARCELS CONVEYED FOR OTHER USE FOR A COMMERCIAL PURPOSE.—

(1) RIGHT TO PURCHASE.—For a period of 5 years beginning on the date of the enactment of this Act, the County shall have the exclusive right to purchase the parcels of public land described in paragraph (2) for the fair market value of the parcels, as determined by the Secretary.

(2) LAND DESCRIPTION.—The parcels of public land referred to in paragraph (1) are the following parcels in Sec. 18, T. 15 S., R. 50 E., Mount Diablo Meridian, Nevada:

(A) E ½ NW ¼.

(B) E ½ W ½ NW ¼.

(C) The portion of the E ½ SW ¼ north of United States Route 95.

(D) The portion of the E ½ W ½ SW ¼ north of United States Route 95.

(E) The portion of the SE ¼ north of United States Route 95.

(3) USE OF PROCEEDS.—Proceeds of a sale of a parcel described in paragraph (2)—

(A) shall be deposited in the special account established under section 4(e)(1)(C) of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2345); and

(B) shall be available for use by the Secretary—

(i) to reimburse costs incurred by the local offices of the Bureau of Land Management in arranging the land conveyances directed by this Act; and

(ii) as provided in section 4(e)(3) of that Act (112 Stat. 2346).

SEC. 133. CONVEYANCE OF LAND TO CITY OF MESQUITE, NEVADA. Section 3 of Public Law 99–548 (100 Stat. 3061; 110 Stat. 3009–202) is amended by adding at the end the following:

"(e) FIFTH AREA.—

"(1) RIGHT TO PURCHASE.—For a period of 12 years after the date of the enactment of this Act, the City of Mesquite, Nevada, shall have the exclusive right to purchase the parcels of public land described in paragraph (2).

"(2) LAND DESCRIPTION.—The parcels of public land referred to in paragraph (1) are as follows:

"(A) In T. 13 S., R. 70 E., Mount Diablo Meridian, Nevada:

"(i) The portion of sec. 27 north of Interstate Route 15.

"(ii) Sec. 28: NE ¼, S ½ (except the Interstate Route 15 right-of-way).

"(iii) Sec. 29: E ½ NE ¼ SE ¼, SE ¼ SE ¼.

"(iv) The portion of sec. 30 south of Interstate Route 15.

"(v) The portion of sec. 31 south of Interstate Route 15.

"(vi) Sec. 32: NE ¼ NE ¼ (except the Interstate Route 15 right-of-way), the portion of NW ¼ NE ¼ south of Interstate Route 15, and the portion of W ½ south of Interstate Route 15.

"(vii) The portion of sec. 33 north of Interstate Route 15.

"(B) In T. 14 S., R. 70 E., Mount Diablo Meridian, Nevada:

"(i) Sec. 5: NW ¼.

"(ii) Sec. 6: N ½.

"(C) In T. 13 S., R. 69 E., Mount Diablo Meridian, Nevada:

"(i) The portion of sec. 25 south of Interstate Route 15.

"(ii) The portion of sec. 26 south of Interstate Route 15.

"(iii) The portion of sec. 27 south of Interstate Route 15.

"(iv) Sec. 28: SW ¼ SE ¼.

"(v) Sec. 33: E ½.

"(vi) Sec. 34.

"(vii) Sec. 35.

"(viii) Sec. 36.

"(3) NOTIFICATION.—Not later than 10 years after the date of the enactment of this subsection, the city shall notify the Secretary which of the parcels of public land described in paragraph (2) the city intends to purchase.

"(4) CONVEYANCE.—Not later than 1 year after receiving notification from the city under paragraph (3), the Secretary shall convey to the city the land selected for purchase.

"(5) WITHDRAWAL.—Subject to valid existing rights, until the date that is 12 years after the date of the enactment of this subsection, the parcels of public land described in paragraph (2) are withdrawn from all forms of entry and appropriation under the public land laws, including the mining laws, and from operation of the mineral leasing and geothermal leasing laws.

"(6) USE OF PROCEEDS.—The proceeds of the sale of each parcel—

"(A) shall be deposited in the special account established under section 4(e)(1)(C) of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2345); and

"(B) shall be available for use by the Secretary—

"(i) to reimburse costs incurred by the local offices of the Bureau of Land Management in arranging the land conveyances directed by this Act; and

"(ii) as provided in section 4(e)(3) of that Act (112 Stat. 2346).

"(f) SIXTH AREA.—

"(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this subsection, the Secretary shall convey to the City of Mesquite, Nevada, in accordance with section 47125 of title 49, United States Code, up to 2,560 acres of public land to be selected by the city from among the parcels of land described in paragraph (2).

"(2) LAND DESCRIPTION.—The parcels of land referred to in paragraph (1) are as follows:

"(A) In T. 13 S., R. 69 E., Mount Diablo Meridian, Nevada:

"(i) The portion of sec. 28 south of Interstate Route 15 (except S ½ SE ¼).

"(ii) The portion of sec. 29 south of Interstate Route 15.

"(iii) The portion of sec. 30 south of Interstate Route 15.

"(iv) The portion of sec. 31 south of Interstate Route 15.

"(v) Sec. 32.

"(vi) Sec. 33: W ½.

"(B) In T. 14 S., R. 69 E., Mount Diablo Meridian, Nevada:

"(i) Sec. 4.

"(ii) Sec. 5.

"(iii) Sec. 6.

"(iv) Sec. 8.

"(C) In T. 14 S., R. 68 E., Mount Diablo Meridian, Nevada:

"(i) Sec. 1.

"(ii) Sec. 12.

"(3) WITHDRAWAL.—Subject to valid existing rights, until the date that is 12 years after the date of the enactment of this subsection, the parcels of public land described in paragraph (2) are withdrawn from all forms of entry and appropriation under the public land laws, including the mining laws, and from operation of the mineral leasing and geothermal leasing laws.".

SEC. 134. QUADRICENTENNIAL COMMEMORATION OF THE SAINT CROIX ISLAND INTERNATIONAL HISTORIC SITE. (a) FINDINGS.—The Senate finds that—

(1) in 1604, one of the first European colonization efforts was attempted at St. Croix Island in Calais, Maine;

(2) St. Croix Island settlement predated both the Jamestown and Plymouth colonies;

(3) St. Croix Island offers a rare opportunity to preserve and interpret early interactions between European explorers and colonists and Native Americans;

(4) St. Croix Island is one of only two international historic sites comprised of land administered by the National Park Service;

(5) the quadricentennial commemorative celebration honoring the importance of the St. Croix Island settlement to the countries and people of both Canada and the United States is rapidly approaching;

(6) the 1998 National Park Service management plans and long-range interpretive plan call for enhancing visitor facilities at both Red Beach and downtown Calais;

(7) in 1982, the Department of the Interior and Canadian Department of the Environment signed a memorandum of understanding to recognize the international significance of St. Croix Island and, in an amendment memorandum, agreed to conduct joint strategic planning for the international commemoration with a special focus on the 400th anniversary of settlement in 2004;

(8) the Department of Canadian Heritage has installed extensive interpretive sites on the Canadian side of the border; and

(9) current facilities at Red Beach and Calais are extremely limited or nonexistent for a site of this historic and cultural importance.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) using funds made available by this Act, the National Park Service should expeditiously pursue planning for exhibits at Red Beach and the town of Calais, Maine; and

(2) the National Park Service should take what steps are necessary, including consulting with the people of Calais, to ensure that appropriate exhibits at Red Beach and the town of Calais are completed by 2004.

SEC. 135. No funds appropriated for the Department of the Interior by this Act or any other Act shall be used to study or implement any plan to drain Lake Powell or to reduce the water level of the lake below the range of water levels required for the operation of the Glen Canyon Dam.

SEC. 136. None of the funds appropriated or otherwise made available in this Act or any other provision of law, may be used by any officer, employee, department or agency of the United States to impose or require payment of an inspection fee in connection with the export of shipments of fur-bearing wildlife containing 1,000 or fewer raw, crusted, salted or tanned hides or fur skins, or separate parts thereof, including species listed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora done at Washington, March 3, 1973 (27 UST 1027): Provided, That this provision shall for the duration of the calendar year in which the shipment occurs, not apply to any person who ships more than 2,500 of such hides, fur skins, or parts thereof during the course of such year.

SEC. 137. No funds appropriated under this Act shall be expended to implement sound thresholds or standards in the Grand Canyon National Park until 90 days after the National Park Service has provided to the Congress a report describing: (1) the reasonable scientific basis for such sound thresholds or standard; and (2) the peer review process used to validate such sound thresholds or standard.

SEC. 138. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to acquire lands from the Haines Borough, Alaska, consisting of approximately 20 acres, more or less, in four tracts identified for this purpose by the Borough, and contained in an area formerly known as "Duncan's Camp"; the Secretary shall use $340,000 previously allocated from funds appropriated for the Department of the Interior for fiscal year 1998 for acquisition of lands; the Secretary is authorized to convey in fee all land and interests in land acquired pursuant to this section without compensation to the heirs of Peter Duncan in settlement of a claim filed by them against the United States: Provided, That the Secretary shall not convey the lands acquired pursuant to this section unless and until a signed release of all claims is executed.

SEC. 139. Funds appropriated for the Bureau of Indian Affairs for postsecondary schools for fiscal year 2000 shall be allocated among the schools proportionate to the unmet need of the schools as determined by the Postsecondary Funding Formula adopted by the Office of Indian Education Programs.

SEC. 140. Notwithstanding any other provision of law, in conveying the Twin Cities Research Center under the authority provided by Public Law 104–134, as amended by Public Law 104–208, the Secretary may accept and retain land and other forms of reimbursement: Provided, That the Secretary may retain and use any such reimbursement until expended and without further appropriation: (1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by Public Law 100–696; 16 U.S.C. 460zz.

SEC. 141. None of the funds made available by this Act shall be used to issue a notice of final rulemaking with respect to the valuation of crude oil for royalty purposes until the Comptroller General reviews the issues presented by the rulemaking and issues a report to the Congress. Such report shall be issued no later than 180 days after the date of the enactment of this Act. The rulemaking must be consistent with existing statutory requirements.

SEC. 142. EXTENSION OF AUTHORITY FOR ESTABLISHMENT OF THOMAS PAINE MEMORIAL. (a) IN GENERAL.—Public Law 102–407 (40 U.S.C. 1003 note; 106 Stat. 1991) is amended by adding at the end the following:

"SEC. 4. EXPIRATION OF AUTHORITY.

"Notwithstanding the time period limitation specified in section 10(b) of the Commemorative Works Act (40 U.S.C. 1010(b)) or any other provision of law, the authority for the Thomas Paine National Historical Association to establish a memorial to Thomas Paine in the District of Columbia under this Act shall expire on December 31, 2003.".

(b) CONFORMING AMENDMENTS.—

(1) APPLICABLE LAW.—Section 1(b) of Public Law 102–407 (40 U.S.C. 1003 note; 106 Stat. 1991) is amended by striking "The establishment" and inserting "Except as provided in section 4, the establishment".

(2) EXPIRATION OF AUTHORITY.—Section 3 of Public Law 102–407 (40 U.S.C. 1003 note; 106 Stat. 1991) is amended—

(A) by striking "or upon expiration of the authority for the memorial under section 10(b) of that Act," and inserting "or on expiration of the authority for the memorial under section 4,"; and

(B) by striking "section 8(b)(1) of that Act" and inserting "section 8(b)(1) of the Commemorative Works Act (40 U.S.C. 1008(b)(1))".

SEC. 143. USE OF NATIONAL PARK SERVICE TRANSPORTATION SERVICE CONTRACT FEES. Section 412 of the National Parks Omnibus Management Act of 1998 (16 U.S.C. 5961) is amended—

(1) by inserting "(a) IN GENERAL.—" before "Notwithstanding"; and

(2) by adding at the end the following:

"(b) OBLIGATION OF FUNDS.—Notwithstanding any other provision of law, with respect to a service contract for the provision solely of transportation services at Zion National Park, the Secretary may obligate the expenditure of fees received in fiscal year 2000 under section 501 before the fees are received.".

SEC. 144. EXTENSION OF DEADLINE FOR RED ROCK CANYON NATIONAL CONSERVATION AREA. (a) IN GENERAL.—Section 3(c)(1) of Public Law 103–450 (108 Stat. 4767) is amended by striking "the date 1 year after the date of enactment of this Act" and inserting "May 2, 2000".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on November 1, 1999.

SEC. 145. NATIONAL PARK PASSPORT PROGRAM. Section 603(c)(1) of the National Park Omnibus Management Act of 1998 (16 U.S.C. 5993(c)(1)) is amended by striking "10" and inserting "15".

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, $202,700,000, to remain available until expended.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, cooperative forestry, and education and land conservation activities, $187,534,000, to remain available until expended, as authorized by law.

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, and for administrative expenses associated with the management of funds provided under the headings "Forest and Rangeland Research", "State and Private Forestry", "National Forest System", "Wildland Fire Management", "Reconstruction and Maintenance", and "Land Acquisition", $1,251,504,000, to remain available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees *collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 460l–6a(i)): Provided, That unobligated balances available at the start of fiscal year 2000 shall be displayed by extended budget line item in the fiscal year 2001 budget justification.*

WILDLAND FIRE MANAGEMENT

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, and for emergency rehabilitation of burned-over National Forest System lands and water, $561,354,000, to remain available until expended: Provided, That such funds are available for repayment of advances from other appropriations accounts previously transferred for such purposes: Provided further, That not less than 50 percent of any unobligated balances remaining (exclusive of amounts for hazardous fuels reduction) at the end of fiscal year 1999 shall be transferred, as repayment for past advances that have not been repaid, to the fund established pursuant to section 3 of Public Law 71–319 (16 U.S.C. 576 et seq.): Provided further, That notwithstanding any other provision of law, up to $4,000,000 of funds appropriated under this appropriation may be used for Fire Science Research in support of the Joint Fire Science Program: Provided further, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest Service and Rangeland Research appropriation, are also available in the utilization of these funds for Fire Science Research.

For an additional amount to cover necessary expenses for emergency rehabilitation, presuppression due to emergencies, and wildfire suppression activities of the Forest Service, $90,000,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That these funds shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

RECONSTRUCTION AND MAINTENANCE

For necessary expenses of the Forest Service, not otherwise provided for, $398,927,000, to remain available until expended for construction, reconstruction, maintenance and acquisition of buildings and other facilities, and for construction, reconstruction, repair and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205: Provided, That up to $15,000,000 of the funds provided herein for road maintenance shall be available for the decommissioning of roads, including unauthorized roads not part of the transportation system, which are no longer needed: Provided further, That no funds shall be expended to decommission any system road until notice and an opportunity for public comment has been provided on each decommissioning project: Provided further, That any unobligated balances of amounts previously appropriated to the Forest Service "Reconstruction and Construction" account as well as any unobligated balances remaining in the "National Forest System" account for the facility maintenance and trail maintenance extended budget line items at the end of fiscal year 1999 may be transferred to and merged with the "Reconstruction and Maintenance" account.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $39,575,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, of which not to exceed $40,000,000 may be available for the acquisition of lands or interests within the tract known as the Baca Location No. 1 in New Mexico only upon: (1) enactment of legislation authorizing the acquisition of lands, or interests in lands, within such tract; (2) completion of a review, not to exceed 90 days, by the Comptroller General of the United States of an appraisal conforming with the Uniform Appraisal Standards for Federal Land Acquisition of all lands and interests therein to be acquired by the United States; and (3) submission of the Comptroller General's review of such appraisal to the Committee on Resources of the House of Representatives, the Committee on Energy and Natural Resources of the Senate, and the Committees on Appropriations of the House and Senate: Provided, That subject to valid existing rights, all federally-owned lands and interests in lands within the New World Mining District comprising approximately 26,223 acres, more or less, which are described in a Federal Register notice dated August 19, 1997 (62 Fed. Reg. 44136–44137), are hereby withdrawn from all forms of entry, appropriation, and disposal under the public land laws, and from location, entry and patent under the mining laws, and from disposition under all mineral and geothermal leasing laws.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $1,069,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of Public Law 94–579, as amended, to remain available until expended, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), $92,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of not to exceed 110 passenger motor vehicles of which 15 will be used primarily for law enforcement purposes and of which 109 shall be for replacement; acquisition of 25 passenger motor vehicles from excess sources, and hire of such vehicles; operation and maintenance of aircraft, the purchase of not to exceed three for replacement only, and acquisition of sufficient aircraft from excess sources to maintain the operable fleet at 213 aircraft for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed $100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein, pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901–5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

None of the funds made available under this Act shall be obligated or expended to abolish any region, to move or close any regional office for National Forest System administration of the Forest Service, Department of Agriculture without the consent of the House and Senate Committees on Appropriations.

Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for forest firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions if and only if all previously appropriated emergency contingent funds under the heading "Wildland Fire Management" have been released by the President and apportioned.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Foreign Agricultural Service in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b unless the proposed transfer is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report No. 105–163.

None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the procedures contained in House Report No. 105–163.

No funds appropriated to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture without the approval of the Chief of the Forest Service.

Funds available to the Forest Service shall be available to conduct a program of not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended by Public Law 93–408.

Of the funds available to the Forest Service, $1,500 is available to the Chief of the Forest Service for official reception and representation expenses.

To the greatest extent possible, and in accordance with the Final Amendment to the Shawnee

National Forest Plan, none of the funds available in this Act shall be used for preparation of timber sales using clearcutting or other forms of even-aged management in hardwood stands in the Shawnee National Forest, Illinois.

Pursuant to sections 405(b) and 410(b) of Public Law 101–593, of the funds available to the Forest Service, up to $2,250,000 may be advanced in a lump sum as Federal financial assistance to the National Forest Foundation, without regard to when the Foundation incurs expenses, for administrative expenses or projects on or benefitting National Forest System lands or related to Forest Service programs: Provided, That of the Federal funds made available to the Foundation, no more than $400,000 shall be available for administrative expenses: Provided further, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: Provided further, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds: Provided further, That hereafter, the National Forest Foundation may hold Federal funds made available but not immediately disbursed and may use any interest or other investment income earned (before, on, or after the date of the enactment of this Act) on Federal funds to carry out the purposes of Public Law 101–593: Provided further, That such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

Pursuant to section 2(b)(2) of Public Law 98–244, $2,650,000 of the funds available to the Forest Service shall be available for matching funds to the National Fish and Wildlife Foundation, as authorized by 16 U.S.C. 3701–3709, and may be advanced in a lump sum as Federal financial assistance, without regard to when expenses are incurred, for projects on or benefitting National Forest System lands or related to Forest Service programs: Provided, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds advanced by the Forest Service: Provided further, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities for sustainable rural development purposes.

Notwithstanding any other provision of law, 80 percent of the funds appropriated to the Forest Service in the "National Forest System" and "Reconstruction and Construction" accounts and planned to be allocated to activities under the "Jobs in the Woods" program for projects on National Forest land in the State of Washington may be granted directly to the Washington State Department of Fish and Wildlife for accomplishment of planned projects. Twenty percent of said funds shall be retained by the Forest Service for planning and administering projects. Project selection and prioritization shall be accomplished by the Forest Service with such consultation with the State of Washington as the Forest Service deems appropriate.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to sections 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–663.

The Secretary of Agriculture is authorized to enter into grants, contracts, and cooperative agreements as appropriate with the Pinchot Institute for Conservation, as well as with public and other private agencies, organizations, institutions, and individuals, to provide for the development, administration, maintenance, or restoration of land, facilities, or Forest Service programs, at the Grey Towers National Historic Landmark: Provided, That, subject to such terms and conditions as the Secretary of Agriculture may prescribe, any such public or private agency, organization, institution, or individual may solicit, accept, and administer private gifts of money and real or personal property for the benefit of, or in connection with, the activities and services at the Grey Towers National Historic Landmark: Provided further, That such gifts may be accepted notwithstanding the fact that a donor conducts business with the Department of Agriculture in any capacity.

Funds appropriated to the Forest Service shall be available, as determined by the Secretary, for payments to Del Norte County, California, pursuant to sections 13(e) and 14 of the Smith River National Recreation Area Act (Public Law 101–612).

For purposes of the Southeast Alaska Economic Disaster Fund as set forth in section 101(c) of Public Law 104–134, the direct grants provided from the Fund shall be considered direct payments for purposes of all applicable law except that these direct grants may not be used for lobbying activities: Provided, That a total of $22,000,000 is hereby appropriated and shall be deposited into the Southeast Alaska Economic Disaster Fund established pursuant to Public Law 104–134, as amended, without further appropriation or fiscal year limitation of which $10,000,000 shall be distributed in fiscal year 2000, $7,000,000 shall be distributed in fiscal year 2001, and $5,000,000 shall be distributed in fiscal year 2002. The Secretary of Agriculture shall allocate the funds to local communities suffering economic hardship because of mill closures and economic dislocation in the timber industry to employ unemployed timber workers and for related community redevelopment projects as follows:

(1) in fiscal year 2000, $4,000,000 for the Ketchikan Gateway Borough, $2,000,000 for the City of Petersburg, $2,000,000 for the City and Borough of Sitka, and $2,000,000 for the Metlakatla Indian Community;

(2) in fiscal year 2001, $3,000,000 for the Ketchikan Gateway Borough, $1,000,000 for the City of Petersburg, $1,500,000 for the City and Borough of Sitka, and $1,500,000 for the Metlakatla Indian Community; and

(3) in fiscal year 2002, $3,000,000 for the Ketchikan Gateway Borough, $500,000 for the City and Borough of Sitka, and $1,500,000 for the Metlakatla Indian Community.

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service not to exceed $500,000 may be used to reimburse the Office of the General Counsel (OGC), Department of Agriculture, for travel and related expenses incurred as a result of OGC assistance or participation requested by the Forest Service at meetings, training sessions, management reviews, land purchase negotiations and similar non-litigation related matters. Future budget justifications for both the Forest Service and the Department of Agriculture should clearly display the sums previously transferred and the requested funding transfers.

No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act to any other agency or office of the department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

The Forest Service shall fund overhead, national commitments, indirect expenses, and any other category for use of funds which are expended at any units, that are not directly related to the accomplishment of specific work on-the-ground (referred to as "indirect expenditures"), from funds available to the Forest Service, unless otherwise prohibited by law: Provided, That the Forest Service shall implement and adhere to the definitions of indirect expenditures established pursuant to Public Law 105–277 on a nationwide basis without flexibility for modification by any organizational level except the Washington Office, and when changed by the Washington Office, such changes in definition shall be reported in budget requests submitted by the Forest Service: Provided further, That the Forest Service shall provide in all future budget justifications, planned indirect expenditures in accordance with the definitions, summarized and displayed to the Regional, Station, Area, and detached unit office level. The justification shall display the estimated source and amount of indirect expenditures, by expanded budget line item, of funds in the agency's annual budget justification. The display shall include appropriated funds and the Knutson-Vandenberg, Brush Disposal, Cooperative Work-Other, and Salvage Sale funds. Changes between estimated and actual indirect expenditures shall be reported in subsequent budget justifications: Provided further, That during fiscal year 2000 the Secretary shall limit total annual indirect obligations from the Brush Disposal, Cooperative Work-Other, Knutson-Vandenberg, Reforestation, Salvage Sale, and Roads and Trails funds to 20 percent of the total obligations from each fund.

Any appropriations or funds available to the Forest Service may be used for necessary expenses in the event of law enforcement emergencies as necessary to protect natural resources and public or employee safety: Provided, That such amounts shall not exceed $500,000.

From any unobligated balances available at the start of fiscal year 2000, the amount of $5,000,000 shall be allocated to the Alaska Region, in addition to the funds appropriated to sell timber in the Alaska Region under this Act, for expenses directly related to preparing sufficient additional timber for sale in the Alaska Region to establish a 3-year timber supply.

The Forest Service is authorized through the Forest Service existing budget to reimburse Harry Frey, $143,406 (1997 dollars) because his home was destroyed by arson on June 21, 1990 in retaliation for his work with the Forest Service.

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

(DEFERRAL)

Of the funds made available under this heading for obligation in prior years, $156,000,000 shall not be available until October 1, 2000: Provided, That funds made available in previous appropriations Acts shall be available for any ongoing project regardless of the separate request for proposal under which the project was selected.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), performed under the minerals and materials science programs at the Albany Research Center in Oregon, $410,025,000, *to remain available until expended, of which $24,000,000 shall be derived by transfer from unobligated balances in the Biomass Energy Development account: Provided, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas.*

ALTERNATIVE FUELS PRODUCTION

(INCLUDING TRANSFER OF FUNDS)

Moneys received as investment income on the principal amount in the Great Plains Project Trust at the Norwest Bank of North Dakota, in such sums as are earned as of October 1, 1999, shall be deposited in this account and immediately transferred to the general fund of the Treasury. Moneys received as revenue sharing from operation of the Great Plains Gasification Plant and settlement payments shall be immediately transferred to the general fund of the Treasury.

NAVAL PETROLEUM AND OIL SHALE RESERVES

The requirements of 10 U.S.C. 7430(b)(2)(B) shall not apply to fiscal year 2000: Provided, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

ELK HILLS SCHOOL LANDS FUND

For necessary expenses in fulfilling the second installment payment under the Settlement Agreement entered into by the United States and the State of California on October 11, 1996, as authorized by section 3415 of Public Law 104-106, $36,000,000, to become available on October 1, 2000, for payment to the State of California for the State Teachers' Retirement Fund from the Elk Hills School Lands Fund.

ENERGY CONSERVATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out energy conservation activities, $689,242,000, to remain available until expended, of which $25,000,000 shall be derived by transfer from unobligated balances in the Biomass Energy Development account: Provided, That $167,000,000 shall be for use in energy conservation programs as defined in section 3008(3) of Public Law 99–509 (15 U.S.C. 4507): Provided further, That notwithstanding section 3003(d)(2) of Public Law 99–509, such sums shall be allocated to the eligible programs as follows: $134,000,000 for weatherization assistance grants and $33,000,000 for State energy conservation grants: Provided further, That, notwithstanding any other provision of law, in fiscal year 2001 and thereafter sums appropriated for weatherization assistance grants shall be contingent on a cost share of 25 percent by each participating State or other qualified participant.

ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Office of Hearings and Appeals, $2,000,000, to remain available until expended.

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $159,000,000, to remain available until expended: Provided, That the Secretary of Energy hereafter may transfer to the SPR Petroleum Account such funds as may be necessary to carry out drawdown and sale operations of the Strategic Petroleum Reserve initiated under section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241) from any funds available to the Department of Energy under this or any other Act: Provided further, That all funds transferred pursuant to this authority must be replenished as promptly as possible from oil sale receipts pursuant to the drawdown and sale.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $72,644,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From appropriations under this Act, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private or foreign: Provided, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: Provided further, That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: Provided further, That any contract, agreement, or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project.

No funds provided in this Act may be expended by the Department of Energy to prepare, issue, or process procurement documents for programs or projects for which appropriations have not been made.

In addition to other authorities set forth in this Act, the Secretary may accept fees and contributions from public and private sources, to be deposited in a contributed funds account, and prosecute projects using such fees and contributions in cooperation with other Federal, State or private agencies or concerns.

The Secretary of Energy in cooperation with the Administrator of General Services Administration shall convey to the City of Bartlesville, Oklahoma, for no consideration, the approximately 15.644 acres of land comprising the former site of the National Institute of Petroleum Energy Research (including all improvements on the land) described as follows: All of Block 1, Keeler's Second Addition, all of Block 2, Keeler's Fourth Addition, all of Blocks 9 and 10, Mountain View Addition, all in the City of Bartlesville, Washington County, Oklahoma.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, $2,053,967,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) for services furnished by the Indian Health Service: Provided, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: Provided further, That $12,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: Provided further, That $395,290,000 for contract medical care shall remain available for obligation until September 30, 2001: Provided further, That of the funds provided, up to $17,000,000 shall be used to carry out the loan repayment program under section 108 of the Indian Health Care Improvement Act: Provided further, That funds provided in this Act may be used for 1-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: Provided further, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): Provided further, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available for obligation until September 30, 2001: Provided further, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: Provided further, That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed $203,781,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2000: Provided further, That funds available for the Indian Health Care Improvement Fund may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, $318,580,000, to remain available until expended: Provided, That notwithstanding any other provision of law, *funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities: Provided further, That notwithstanding any provision of law governing Federal construction, $3,000,000 of the funds provided herein shall be provided to the Hopi Tribe to reduce the debt incurred by the Tribe in providing staff quarters to meet the housing needs associated with the new Hopi Health Center: Provided further, That not to exceed $500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: Provided further, That not to exceed $500,000 shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: Provided further, That not to exceed $500,000 shall be placed in a Demolition Fund, available until expended, to be used by the Indian Health Service for demolition of Federal buildings: Provided further, That from within existing funds, the Indian Health Service may purchase up to 5 acres of land for expanding the parking facilities at the Indian Health Service hospital in Tahlequah, Oklahoma.*

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefore as authorized by 5 U.S.C. 5901–5902; and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities: Provided, That in accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation: Provided further, That notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121 (the Indian Sanitation Facilities Act) and Public Law 93–638, as amended: Provided further, That funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation: Provided further, That notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title III of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title III of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: Provided further, That none of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law: Provided further, That funds made available in this Act are to be apportioned to the Indian Health Service as appropriated in this Act, and accounted for in the appropriation structure set forth in this Act: Provided further, That with respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities, on a reimbursable basis, including payment in advance with subsequent adjustment, and the reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account which provided the funding, said amounts to remain available until expended: Provided further, That reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance: Provided further, That the appropriation structure for the Indian Health Service may not be altered without advance approval of the House and Senate Committees on Appropriations.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, $8,000,000, to remain available until expended: Provided, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: Provided further, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: Provided further, That no relocatee will be provided with more than one new or replacement home: Provided further, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99–498, as amended (20 U.S.C. 56 part A), $2,125,000.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed 30 years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; up to five replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees, $372,901,000, of which not to exceed $43,318,000 for the instrumentation program, collections acquisition, Museum Support Center equipment and move, exhibition reinstallation, the National Museum of the American Indian, the repatriation of skeletal remains program, research equipment, information management, and Latino programming shall remain available until expended and of which $2,500,000 shall remain available until expended for the National Museum of Natural History's Arctic Studies Center to include assistance to other museums for the planning and development of institutions and facilities that enhance the display of collections, and including such funds as may be necessary to support American overseas research centers and a total of $125,000 for the Council of American Overseas Research Centers: Provided, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations: Provided further, That the Smithsonian Institution may expend Federal appropriations designated in this Act for lease or rent payments for long term and swing space, as rent payable to the Smithsonian Institution, and such rent payments may be deposited into the general trust funds of the Institution to the extent that federally supported activities are housed in the 900 H Street, N.W. building in the District of Columbia: Provided further, That this use of Federal appropriations shall not be construed as debt service, a Federal guarantee of, a transfer of risk to, or an obligation of, the Federal Government: Provided further, That no appropriated funds may be used to service debt which is incurred to finance the costs of acquiring the 900 H Street building or of planning, designing, and constructing improvements to such building.

REPAIR, REHABILITATION AND ALTERATION OF FACILITIES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of repair, rehabilitation and alteration of facilities owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), including not to exceed $10,000 for services as authorized by 5 U.S.C. 3109, $47,900,000, to remain available until expended, of which $6,000,000 is provided for repair, rehabilitation and alteration of facilities at the National Zoological Park: Provided, That contracts awarded for environmental systems, protection systems, and repair or rehabilitation of facilities of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price: Provided further, That funds previously appropriated to the "Construction and Improvements, National Zoological Park" account and the "Repair and Restoration of Buildings" account may be transferred to and merged with this "Repair, Rehabilitation and Alteration of Facilities" account.

CONSTRUCTION

For necessary expenses for construction, $19,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, SMITHSONIAN INSTITUTION

None of the funds in this or any other Act may be used to initiate the design for any proposed expansion of current space or new facility without consultation with the House and Senate Appropriations Committees.

The Smithsonian Institution shall not use Federal funds in excess of the amount specified in Public Law 101–185 for the construction of the National Museum of the American Indian.

None of the funds in this or any other Act may be used for the Holt House located at the National Zoological Park in Washington, D.C., unless identified as repairs to minimize water damage, monitor structure movement, or provide interim structural support.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $61,538,000, of which not to exceed $3,026,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, $6,311,000, to remain available until expended: Provided, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, $14,000,000.

CONSTRUCTION

For necessary expenses for capital repair and rehabilitation of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, $20,000,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $6,790,000.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $85,000,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to organizations and individuals pursuant to sections 5(c) and 5(g) of the Act, for program support, and for administering the functions of the Act, to remain available until expended.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $13,000,000, to remain available until expended, to the National Endowment for the Arts: Provided, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of section 10(a)(2), subsections 11(a)(2)(A) and 11(a)(3)(A) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $101,000,000, shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until expended.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $14,700,000, to remain available until expended, of which $10,700,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): Provided, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

OFFICE OF MUSEUM SERVICES

GRANTS AND ADMINISTRATION

For carrying out subtitle C of the Museum and Library Services Act of 1996, as amended, $24,400,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: Provided, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: Provided further, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $1,005,000: Provided, That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (20 U.S.C. 956(a)), as amended, $7,000,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89–665, as amended), $3,000,000: Provided, That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71–71i), including services as authorized by 5 U.S.C. 3109, $6,312,000: Provided, That all appointed members will be compensated at a rate not to exceed the rate for level IV of the Executive Schedule.

UNITED STATES HOLOCAUST MEMORIAL COUNCIL

HOLOCAUST MEMORIAL COUNCIL

For expenses of the Holocaust Memorial Council, as authorized by Public Law 96–388 (36 U.S.C. 1401), as amended, $33,286,000, of which $1,575,000 for the museum's repair and rehabilitation program and $1,264,000 for the museum's exhibitions program shall remain available until expended.

PRESIDIO TRUST

PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, $24,400,000 shall be available to the Presidio Trust, to remain available until expended, of which up to $1,040,000 may be for the cost of guaranteed loans, as authorized by section 104(d) of the Act: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $200,000,000. The Trust is authorized to issue obligations to the Secretary of the Treasury pursuant to section 104(d)(3) of the Act, in an amount not to exceed $20,000,000.

TITLE III—GENERAL PROVISIONS

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 302. No part of any appropriation under this Act shall be available to the Secretary of the Interior or the Secretary of Agriculture for the leasing of oil and natural gas by noncompetitive bidding on publicly owned lands within the boundaries of the Shawnee National Forest, Illinois: Provided, That nothing herein is intended to inhibit or otherwise affect the sale, lease, or right to access to minerals owned by private individuals.

SEC. 303. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 304. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 305. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 306. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless advance notice of such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such committees.

SEC. 307. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c; popularly known as the "Buy American Act").

(b) SENSE OF THE CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

(d) EFFECTIVE DATE.—The provisions of this section are applicable in fiscal year 2000 and thereafter.

SEC. 308. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (Sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 1999.

SEC. 309. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

SEC. 310. None of the funds appropriated or otherwise made available by this Act may be used for the AmeriCorps program, unless the relevant agencies of the Department of the Interior and/or Agriculture follow appropriate reprogramming guidelines: Provided, That if no funds are provided for the AmeriCorps program by the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999, then none of the funds appropriated or otherwise made available by this Act may be used for the AmeriCorps programs.

SEC. 311. None of the funds made available in this Act may be used: (1) to demolish the bridge between Jersey City, New Jersey, and Ellis Island; or (2) to prevent pedestrian use of such bridge, when it is made known to the Federal official having authority to obligate or expend such funds that such pedestrian use is consistent with generally accepted safety standards.

SEC. 312. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) EXCEPTIONS.—The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) REPORT.—On September 30, 2000, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104–208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

SEC. 313. Notwithstanding any other provision of law, amounts appropriated to or earmarked in committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103–138, 103–332, 104–134, 104–208, 105–83, and 105–277 for payments to tribes and tribal organizations for contract support costs associated with self-determination or self-governance contracts, grants, compacts, or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 1999 for such purposes, except that, for the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, self-governance compacts or annual funding agreements.

SEC. 314. Notwithstanding any other provision of law, for fiscal year 2000 the Secretaries of Agriculture and the Interior are authorized to limit competition for watershed restoration project contracts as part of the "Jobs in the Woods" component of the President's Forest Plan for the Pacific Northwest or the Jobs in the Woods Program established in Region 10 of the Forest Service to individuals and entities in historically timber-dependent areas in the States of Washington, Oregon, northern California and Alaska that have been affected by reduced timber harvesting on Federal lands.

SEC. 315. None of the funds collected under the Recreational Fee Demonstration program may be used to plan, design, or construct a visitor center or any other permanent structure without prior approval of the House and the Senate Committees on Appropriations if the estimated total cost of the facility exceeds $500,000.

SEC. 316. (a) None of the funds made available in this Act or any other Act providing appropriations for the Department of the Interior, the Forest Service or the Smithsonian Institution may be used to submit nominations for the designation of Biosphere Reserves pursuant to the Man and Biosphere program administered by the United Nations Educational, Scientific, and Cultural Organization.

(b) The provisions of this section shall be repealed upon the enactment of subsequent legislation specifically authorizing United States participation in the Man and Biosphere program.

SEC. 317. None of the funds made available in this or any other Act for any fiscal year may be used to designate, or to post any sign designating, any portion of Canaveral National Seashore in Brevard County, Florida, as a clothing-optional area or as an area in which public nudity is permitted, if such designation would be contrary to county ordinance.

SEC. 318. Of the funds provided to the National Endowment for the Arts—

(1) The Chairperson shall only award a grant to an individual if such grant is awarded to such individual for a literature fellowship, National Heritage Fellowship, or American Jazz Masters Fellowship.

(2) The Chairperson shall establish procedures to ensure that no funding provided through a grant, except a grant made to a State or local arts agency, or regional group, may be used to make a grant to any other organization or individual to conduct activity independent of the direct grant recipient. Nothing in this subsection shall prohibit payments made in exchange for goods and services.

(3) No grant shall be used for seasonal support to a group, unless the application is specific to the contents of the season, including identified programs and/or projects.

SEC. 319. The National Endowment for the Arts and the National Endowment for the Humanities are authorized to solicit, accept, receive, and invest in the name of the United States, gifts, bequests, or devises of money and other property or services and to use such in furtherance of the functions of the National Endowment for the Arts and the National Endowment for the Humanities. Any proceeds from such gifts, bequests, or devises, after acceptance by the National Endowment for the Arts or the National Endowment for the Humanities, shall be paid by the donor or the representative of the donor to the Chairman. The Chairman shall enter the proceeds in a special interest-bearing account to the credit of the appropriate endowment for the purposes specified in each case.

SEC. 320. (a) In providing services or awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated under this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that serve underserved populations.

(b) In this section:

(1) The term "underserved population" means a population of individuals, including urban minorities, who have historically been outside the purview of arts and humanities programs due to factors such as a high incidence of income below the poverty line or to geographic isolation.

(2) The term "poverty line" means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

(c) In providing services and awarding financial assistance under the National Foundation on the Arts and Humanities Act of 1965 with funds appropriated by this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that will encourage public knowledge, education, understanding, and appreciation of the arts.

(d) With funds appropriated by this Act to carry out section 5 of the National Foundation on the Arts and Humanities Act of 1965—

(1) the Chairperson shall establish a grant category for projects, productions, workshops, or programs that are of national impact or availability or are able to tour several States;

(2) the Chairperson shall not make grants exceeding 15 percent, in the aggregate, of such funds to any single State, excluding grants made under the authority of paragraph (1);

(3) the Chairperson shall report to the Congress annually and by State, on grants awarded by the Chairperson in each grant category under section 5 of such Act; and

(4) the Chairperson shall encourage the use of grants to improve and support community-based music performance and education.

SEC. 321. No part of any appropriation contained in this Act shall be expended or obligated to fund new revisions of national forest land management plans until new final or interim final rules for forest land management planning are published in the Federal Register. Those national forests which are currently in a revision process, having formally published a Notice of Intent to revise prior to October 1, 1997; those national forests having been court-ordered to revise; those national forests where plans reach the 15 year legally mandated date to revise before or during calendar year 2000; national forests within the Interior Columbia Basin Ecosystem study area; and the White Mountain National Forest are exempt from this section and may use funds in this Act and proceed to complete the forest plan revision in accordance with current forest planning regulations.

SEC. 322. No part of any appropriation contained in this Act shall be expended or obligated to complete and issue the 5-year program under the Forest and Rangeland Renewable Resources Planning Act.

SEC. 323. None of the funds in this Act may be used to support Government-wide administrative functions unless such functions are justified in the budget process and funding is approved by the House and Senate Committees on Appropriations.

SEC. 324. Notwithstanding any other provision of law, none of the funds in this Act may be used for GSA Telecommunication Centers or the President's Council on Sustainable Development.

SEC. 325. None of the funds in this Act may be used for planning, design or construction of improvements to Pennsylvania Avenue in front of the White House without the advance approval of the House and Senate Committees on Appropriations.

SEC. 326. Notwithstanding any other provision of law, none of the funds provided in this Act to the Indian Health Service or Bureau of Indian Affairs may be used to enter into any new or expanded self-determination contract or grant or self-governance compact pursuant to the Indian Self-Determination Act of 1975, as amended, for any activities not previously covered by such contracts, compacts or grants. Nothing in this section precludes the continuation of those specific activities for which self-determination and self-governance contracts, compacts and grants currently exist or the renewal of contracts, compacts and grants for those activities; implementation of section 325 of Public Law 105–83 (111 Stat. 1597); or compliance with 25 U.S.C. 2005.

SEC. 327. Amounts deposited during fiscal year 1999 in the roads and trails fund provided for in the fourteenth paragraph under the heading "FOREST SERVICE" of the Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), shall be used by the Secretary of Agriculture, without regard to the State in which the amounts were derived, to repair or reconstruct roads, bridges, and trails on National Forest System lands or to carry out and administer projects to improve forest health conditions, which may include the repair or reconstruction of roads, bridges, and trails on National Forest System lands in the wildland-community interface where there is an abnormally high risk of fire. The projects shall emphasize reducing risks to human safety and public health and property and enhancing ecological functions, long-term forest productivity, and biological integrity. The Secretary shall commence the projects during fiscal year 2000, but the projects may be completed in a subsequent fiscal year. Funds shall not be expended under this section to replace funds which would otherwise appropriately be expended from the timber salvage sale fund. Nothing in this section shall be construed to exempt any project from any environmental law.

SEC. 328. None of the funds made available in this Act may be used to establish a national wildlife refuge in the Kankakee River watershed in northwestern Indiana and northeastern Illinois.

SEC. 329. None of the funds provided in this or previous appropriations Acts for the agencies funded by this Act or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be transferred to or used to support the Council on Environmental Quality or other offices in the Executive Office of the President for purposes related to the American Heritage Rivers program.

SEC. 330. Other than in emergency situations, none of the funds in this Act may be used to operate telephone answering machines during core business hours unless such answering machines include an option that enables callers to reach promptly an individual on-duty with the agency being contacted.

SEC. 331. ENHANCING FOREST SERVICE ADMINISTRATION OF RIGHTS-OF-WAY AND LAND USES. (a) The Secretary of Agriculture shall develop and implement a pilot program for the purpose of enhancing forest service administration of rights-of-way and other land uses. The authority for this program shall be for fiscal years 2000 through 2004. Prior to the expiration of the authority for this pilot program, the Secretary shall submit a report to the House and Senate Committees on Appropriations, and the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives that evaluates whether the use of funds under this section resulted in more expeditious approval of rights-of-way and special use authorizations. This report shall include the Secretary's recommendation for statutory or regulatory changes to reduce the average processing time for rights-of-way and special use permit applications.

(b) DEPOSIT OF FEES.—Subject to subsections (a) and (f), during fiscal years 2000 through 2004, the Secretary of Agriculture shall deposit into a special account established in the Treasury all fees collected by the Secretary to recover the costs of processing applications for, and monitoring compliance with, authorizations to use and occupy National Forest System lands pursuant to section 28(l) of the Mineral Leasing Act (30 U.S.C. 185(l)), section 504(g) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1764(g)), section 9701 of title 31, United States Code, and section 110(g) of the National Historic Preservation Act (16 U.S.C. 470h–2(g)).

(c) USE OF RETAINED AMOUNTS.—Amounts deposited pursuant to subsection (b) shall be available, without further appropriation, for expenditure by the Secretary of Agriculture to cover costs incurred by the Forest Service for the processing of applications for special use authorizations and for monitoring activities undertaken in connection with such authorizations. Amounts in the special account shall remain available for such purposes until expended.

(d) REPORTING REQUIREMENT.—In the budget justification documents submitted by the Secretary of Agriculture in support of the President's budget for a fiscal year under section 1105 of title 31, United States Code, the Secretary shall include a description of the purposes for which amounts were expended from the special account during the preceding fiscal year, including the amounts expended for each purpose, and a description of the purposes for which amounts are proposed to be expended from the special account during the next fiscal year, including the amounts proposed to be expended for each purpose.

(e) DEFINITION OF AUTHORIZATION.—For purposes of this section, the term "authorizations" means special use authorizations issued under subpart B of part 251 of title 36, Code of Federal Regulations.

(f) IMPLEMENTATION.—This section shall take effect upon promulgation of Forest Service regulations for the collection of fees for processing of special use authorizations and for related monitoring activities.

SEC. 332. HARDWOOD TECHNOLOGY TRANSFER AND APPLIED RESEARCH. (a) The Secretary of Agriculture (hereinafter the "Secretary") is hereby and hereafter authorized to conduct technology transfer and development, training, dissemination of information and applied research in the management, processing and utilization of the hardwood forest resource. This authority is in addition to any other authorities which may be available to the Secretary including, but not limited to, the Cooperative Forestry Assistance Act of 1978, as amended (16 U.S.C. 2101 et seq.), and the Forest and Rangeland Renewable Resources Act of 1978, as amended (16 U.S.C. 1600–1614).

(b) In carrying out this authority, the Secretary may enter into grants, contracts, and cooperative agreements with public and private agencies, organizations, corporations, institutions and individuals. The Secretary may accept gifts and donations pursuant to the Act of October 10, 1978 (7 U.S.C. 2269) including gifts and donations from a donor that conducts business with any agency of the Department of Agriculture or is regulated by the Secretary of Agriculture.

(c) The Secretary is hereby and hereafter authorized to operate and utilize the assets of the Wood Education and Resource Center (previously named the Robert C. Byrd Hardwood Technology Center in West Virginia) as part of a newly formed "Institute of Hardwood Technology Transfer and Applied Research" (hereinafter the "Institute"). The Institute, in addition to the Wood Education and Resource Center, will consist of a Director, technology transfer specialists from State and Private Forestry, the Forestry Sciences Laboratory in Princeton, West Virginia, and any other organizational unit of the Department of Agriculture as the Secretary deems appropriate. The overall management of the Institute will be the responsibility of the Forest Service, State and Private Forestry.

(d) The Secretary is hereby and hereafter authorized to generate revenue using the authorities provided herein. Any revenue received as part of the operation of the Institute shall be deposited into a special fund in the Treasury of

the United States, known as the "Hardwood Technology Transfer and Applied Research Fund", which shall be available to the Secretary until expended, without further appropriation, in furtherance of the purposes of this section, including upkeep, management, and operation of the Institute and the payment of salaries and expenses.

(e) There are hereby and hereafter authorized to be appropriated such sums as necessary to carry out the provisions of this section.

SEC. 333. No timber in Region 10 of the Forest Service shall be advertised for sale which, when using domestic Alaska western red cedar selling values and manufacturing costs, fails to provide at least 60 percent of normal profit and risk of the appraised timber, except at the written request by a prospective bidder. Program accomplishments shall be based on volume sold. Should Region 10 sell, in fiscal year 2000, the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan which provides greater than 60 percent of normal profit and risk at the time of the sale advertisement, all of the western red cedar timber from those sales which is surplus to the needs of domestic processors in Alaska, shall be made available to domestic processors in the contiguous 48 United States based on values in the Pacific Northwest as determined by the Forest Service and stated in the timber sale contract. Should Region 10 sell, in fiscal year 2000, less than the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan meeting the 60 percent of normal profit and risk standard at the time of sale advertisement, the volume of western red cedar timber available to domestic processors at rates specified in the timber sale contract in the contiguous 48 United States shall be that volume: (1) which is surplus to the needs of domestic processors in Alaska; and (2) is that percent of the surplus western red cedar volume determined by calculating the ratio of the total timber volume which has been sold on the Tongass to the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan. The percentage shall be calculated by Region 10 on a rolling basis as each sale is sold (for purposes of this amendment, a "rolling basis" shall mean that the determination of how much western red cedar is eligible for sale to various markets shall be made at the time each sale is awarded). Western red cedar shall be deemed "surplus to the needs of domestic processors in Alaska" when the timber sale holder has presented to the Forest Service documentation of the inability to sell western red cedar logs from a given sale to domestic Alaska processors at a price equal to or greater than the log selling value stated in the contract. All additional western red cedar volume not sold to Alaska or contiguous 48 United States domestic processors may be exported to foreign markets at the election of the timber sale holder. All Alaska yellow cedar may be sold at prevailing export prices at the election of the timber sale holder.

SEC. 334. For fiscal year 2000, with respect to inventorying, monitoring, or surveying requirements for planning or management activities on Federal land, the Secretary of Agriculture may comply with part 219 of volume 36 of the Code of Federal Regulations and a land and resource management plan, and the Secretary of the Interior may comply with a resource management plan by using currently available scientific data concerning any fish, wildlife, or plants not subject to the Endangered Species Act, and by considering the availability of habitat suitable for the particular species: Provided, That the Secretaries may at their discretion determine whether additional species population surveys should also be collected: Provided further, That a project subject to the Northwest Forest Plan for which the record of decision was signed by an agency official prior to the date of the enactment of this Act may, at the discretion of the Secretaries, be deemed to be implemented on the date the decision was signed.

SEC. 335. The Secretary of Agriculture and the Secretary of the Interior shall:

(1) prepare the report required of them by section 323(a) of the Fiscal Year 1998 Interior and Related Agencies Appropriations Act (Public Law 105–83; 111 Stat. 1543, 1596–7);

(2) distribute the report and make such report available for public comment for a minimum of 120 days; and

(3) include detailed responses to the public comment in any final environmental impact statement associated with the Interior Columbia Basin Ecosystem Management Project.

SEC. 336. None of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol.

SEC. 337. (a) MILLSITES OPINION.—No funds shall be expended by the Department of the Interior or the Department of Agriculture, for fiscal years 2000 and 2001, to limit the number or acreage of millsites based on the ratio between the number or acreage of millsites and the number or acreage of associated lode or placer claims with respect to any patent application grandfathered pursuant to section 113 of the Department of the Interior and Related Agencies, Appropriations Act, 1995; any operation or property for which a plan of operations has been previously approved; or any operation or property for which a plan of operations has been submitted to the Bureau of Land Management or Forest Service prior to May 21, 1999.

(b) NO RATIFICATION.—Nothing in this Act or the Emergency Supplemental Act of 1999 shall be construed as an explicit or tacit adoption, ratification, endorsement or approval of the opinion dated November 7, 1997, by the solicitor of the Department of the Interior concerning millsites.

SEC. 338. The Forest Service, in consultation with the Department of Labor, shall review Forest Service campground concessions policy to determine if modifications can be made to Forest Service contracts for campgrounds so that such concessions fall within the regulatory exemption of 29 CFR 4.122(b). The Forest Service shall offer in fiscal year 2000 such concession prospectuses under the regulatory exemption, except that, any prospectus that does not meet the requirements of the regulatory exemption shall be offered as a service contract in accordance with the requirements of 41 U.S.C. 351–358.

SEC. 339. PILOT PROGRAM OF CHARGES AND FEES FOR HARVEST OF FOREST BOTANICAL PRODUCTS. (a) DEFINITION OF FOREST BOTANICAL PRODUCT.—For purposes of this section, the term "forest botanical product" means any naturally occurring mushrooms, fungi, flowers, seeds, roots, bark, leaves, and other vegetation (or portion thereof) that grow on National Forest System lands. The term does not include trees, except as provided in regulations issued under this section by the Secretary of Agriculture.

(b) RECOVERY OF FAIR MARKET VALUE FOR PRODUCTS.—The Secretary of Agriculture shall develop and implement a pilot program to charge and collect not less than the fair market value for forest botanical products harvested on National Forest System lands. The Secretary shall establish appraisal methods and bidding procedures to ensure that the amounts collected for forest botanical products are not less than fair market value.

(c) FEES.—

(1) IMPOSITION AND COLLECTION.—Under the pilot program, the Secretary of Agriculture shall also charge and collect fees from persons who harvest forest botanical products on National Forest System lands to recover all costs to the Department of Agriculture associated with the granting, modifying, or monitoring the authorization for harvest of the forest botanical products, including the costs of any environmental or other analysis.

(2) SECURITY.—The Secretary may require a person assessed a fee under this subsection to provide security to ensure that the Secretary receives the fees imposed under this subsection from the person.

(d) SUSTAINABLE HARVEST LEVELS FOR FOREST BOTANICAL PRODUCTS.—The Secretary of Agriculture shall conduct appropriate analyses to determine whether and how the harvest of forest botanical products on National Forest System lands can be conducted on a sustainable basis. The Secretary may not permit under the pilot program the harvest of forest botanical products at levels in excess of sustainable harvest levels, as defined pursuant to the Multiple-Use Sustained-Yield Act of 1960 (16 U.S.C. 528 et seq.). The Secretary shall establish procedures and timeframes to monitor and revise the harvest levels established for forest botanical products.

(e) WAIVER AUTHORITY.—

(1) PERSONAL USE.—The Secretary of Agriculture shall establish a personal use harvest level for each forest botanical product, and the harvest of a forest botanical product below that level by a person for personal use shall not be subject to charges and fees under subsections (b) and (c).

(2) OTHER EXCEPTIONS.—The Secretary may also waive the application of subsection (b) or (c) pursuant to such regulations as the Secretary may prescribe.

(f) DEPOSIT AND USE OF FUNDS.—

(1) DEPOSIT.—Funds collected under the pilot program in accordance with subsections (b) and (c) shall be deposited into a special account in the Treasury of the United States.

(2) FUNDS AVAILABLE.—Funds deposited into the special account in accordance with paragraph (1) in excess of the amounts collected for forest botanical products during fiscal year 1999 shall be available for expenditure by the Secretary of Agriculture under paragraph (3) without further appropriation, and shall remain available for expenditure until the date specified in subsection (h)(2).

(3) AUTHORIZED USES.—The funds made available under paragraph (2) shall be expended at units of the National Forest System in proportion to the charges and fees collected at that unit under the pilot program to pay for—

(A) in the case of funds collected under subsection (b), the costs of conducting inventories of forest botanical products, determining sustainable levels of harvest, monitoring and assessing the impacts of harvest levels and methods, and for restoration activities, including any necessary vegetation; and

(B) in the case of fees collected under subsection (c), the costs described in paragraph (1) of such subsection.

(4) TREATMENT OF FEES.—Funds collected under subsections (b) and (c) shall not be taken into account for the purposes of the following laws:

(A) The sixth paragraph under the heading "FOREST SERVICE" in the Act of May 23, 1908 (16

U.S.C. 500) and section 13 of the Act of March 1, 1911 (commonly known as the Weeks Act; 16 U.S.C. 500).

(B) The fourteenth paragraph under the heading "FOREST SERVICE" in the Act of March 4, 1913 (16 U.S.C. 501).

(C) Section 33 of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1012).

(D) The Act of August 8, 1937, and the Act of May 24, 1939 (43 U.S.C. 1181a et seq.).

(E) Section 6 of the Act of June 14, 1926 (commonly known as the Recreation and Public Purposes Act; 43 U.S.C. 869–4).

(F) Chapter 69 of title 31, United States Code.

(G) Section 401 of the Act of June 15, 1935 (16 U.S.C. 715s).

(H) Section 4 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6a).

(I) Any other provision of law relating to revenue allocation.

(g) Reporting Requirements.—As soon as practicable after the end of each fiscal year in which the Secretary of Agriculture collects charges and fees under subsections (b) and (c) or expends funds from the special account under subsection (f), the Secretary shall submit to the Congress a report summarizing the activities of the Secretary under the pilot program, including the funds generated under subsections (b) and (c), the expenses incurred to carry out the pilot program, and the expenditures made from the special account during that fiscal year.

(h) Duration of Pilot Program.—

(1) Charges and fees.—The Secretary of Agriculture may collect charges and fees under the authority of subsections (b) and (c) only during fiscal years 2000 through 2004.

(2) Use of special account.—The Secretary may make expenditures from the special account under subsection (f) until September 30 of the fiscal year following the last fiscal year specified in paragraph (1). After that date, amounts remaining in the special account shall be transferred to the general fund of the Treasury.

Sec. 340. Title III, section 3001 of Public Law 106–31-is amended by inserting after "Alabama," the following: "in fiscal year 1999 or 2000".

Sec. 341. (a) The authority to enter into stewardship contracting demonstration pilot projects provided to the Forest Service in accordance with section 347 of title III of section 101(e) of division A of Public Law 105–277 is hereby expanded to authorize the Forest Service to enter into an additional nine projects in Region One.

(b) Section 347 of title III of section 101(e) of division A of Public Law 105–277 is hereby amended—

(1) in subsection (a)—

(A) by inserting ", via agreement or contract as appropriate," before "may enter into"; and

(B) by striking "(28) contracts with private persons and" and inserting "(28) stewardship contracting demonstration pilot projects with private persons or other public or private";

(2) in subsection (b), by striking "contract" and inserting "project";

(3) in subsection (c)—

(A) in the heading, by inserting "Agreements or" before "Contracts";

(B) in paragraph (1)—

(i) by striking "a contract" and inserting "an agreement or contract"; and

(ii) by striking "private contracts" and inserting "private agreements or contracts";

(C) in paragraph (3), by inserting "agreement or" before "contracts"; and

(D) in paragraph (4), by inserting "agreement or" before "contracts";

(4) in subsection (d)—

(A) in paragraph (1), by striking "a contract" and inserting "an agreement or contract"; and

(B) in paragraph (2), by striking "a contract" and inserting "an agreement or contract"; and

(5) in subsection (g)—

(A) in the first sentence by striking "contract" and inserting "pilot project"; and

(B) in the last sentence—

(i) by inserting "agreements or" before "contracts"; and

(ii) by inserting "agreements or" before "contract".

Sec. 342. Notwithstanding section 343 of Public Law 105–83, increases in recreation residence fees shall be implemented in fiscal year 2000 only to the extent that the fiscal year 2000 fees do not exceed the fiscal year 1999 fee by more than $2,000.

Sec. 343. Federal monies appropriated for the purchase of land or interests in land by the United States Forest Service ("Forest Service") in the Columbia River Gorge National Scenic Area ("CRGNSA") shall be used by the Forest Service in compliance with the acquisition protocol set out in this section.

(a)(1) Acquisitions.—The Secretary of Agriculture ("the Secretary") is directed to make every reasonable effort to acquire on or before March 15, 2000, pursuant to his existing authority, land acquisition projects which the Forest Service has determined to have been delayed for a significant time or whieh have not yet been completed despite past direction through report language from either the House or Senate Appropriations Committee ("the Committees").

(2) For the purposes of appraising the value of the lands or interests in land the Forest Service may, at its discretion, apply the standard found in A–10 of the Uniform Standards of Appraisal for Federal Land Acquisitions as required by Public Law 91–646, as amended, even if the lands or interests in land were purchased by the current title holder subsequent to the enactment of the Columbia River Gorge National Scenic Area Act (Public Law 99–663) and before the effective date of this Act.

(b) Report to Congress.—On or before February 15, 2000, the Secretary shall submit to the Senate and House Appropriations Committees a report detailing the status of the potential land acquisitions referenced above as well as any other pending purchases of land or interests in land in the CRGNSA. If any of the lands or interests in land referenced above have not been acquired by February 15, 2000, the report should detail the specific issue or issues preventing the acquisition or acquisitions from being completed.

(c) Mediation.—If the Secretary's report, as described in subsection (b) details issues other than disagreement over fair market value which are preventing acquisitions from occurring, the Secretary is directed to immediately make available to the prospective seller or sellers non-binding mediation in an attempt to resolve these non-fair market value issues. The Secretary shall submit to the Committees a report on the status of any mediation on or before April 15, 2000. The Secretary and prospective seller may mediate any disagreement over fair market value if both the Secretary and prospective seller agree mediation has the potential to resolve the fair market value disagreement.

(d) Arbitration Requirement.—Any issues concerning differences between the Secretary and the owners of the land or interest in land referenced in subsection (a)(1) over the fair market value of these lands or interests in land not resolved before April 15, 2000, shall be resolved using the arbitration process set out in subsections (e) through (g) of this section.

(e) Selection of Arbitration Panel.—On or before April 15, 2000, the Secretary and the prospective seller each shall designate one arbitrator, and instruct these two arbitrator designees to appoint before May 1, 2000, a third arbitrator upon whom the arbitrator designees mutually agree. At least two of the three arbitrators shall be State certified appraisers possessing qualifications consistent with State regulatory requirements that meet the intent of title XI, Financial Institutions Reform, Recovery and Enforcement Act of 1989, shall not be employed by the United States of America, the prospective seller, or the prospective seller's current or former legal counsel. The third arbitrator shall be a member in good standing of either the bars of Washington or Oregon and shall not be employed by the United States of America, the prospective seller, or the prospective seller's current or former legal counsel. Total compensation for the arbitration panel shall not exceed $15,000.

(f) Written Material.—The Secretary and prospective seller each may submit a maximum of 20 pages of argument to the arbitration panel, in a format consistent with the format for submitting written arguments established by the Ninth Circuit Court of Appeals. Exhibits, affidavit, or declarations shall not be submitted. No other written material may be submitted to the arbitration panel except a copy of this legislation and copies of qualified appraisals. The term "qualified appraisals" shall be limited to appraisals prepared by State-certified appraisers possessing qualifications consistent with the State regulatory requirements that meet the intent of title XI, Financial Institutions Reform, Recovery and Enforcement Act of 1989, and complying with the Uniform Appraisal Standards for Federal Land Acquisitions, which were submitted to the Secretary or prepared at the direction of the Secretary either prior to the effective date of this legislation or between the effective date and February 15, 2000. The Secretary and the prospective seller may submit no more than one qualified appraisal each to the arbitration panel. Neither the Secretary nor the prospective seller may submit to the arbitration panel any qualified appraisal not provided to the Secretary or the prospective seller on or before February 15, 2000. All written materials must be submitted to the arbitration panel on or before May 15, 2000.

(g) Decision of the Arbitration Panel.—On or before July 15, 2000, the arbitration panel shall convey to the prospective seller and the Secretary one of the following findings: (1) that neither qualified appraisal complies with Public Law 91–646 and with the Uniform Appraisal Standards for Federal Land Acquisition (1992); or (2) that at least one of the qualified appraisals complies with Public Law 91–646 and with the Uniform Appraisal Standards for Federal Land Acquisitions (1992), together with an advisory decision recommending an amount the Secretary should offer the prospective seller for his or her interest in real property. Upon receipt of a recommendation by the arbitration panel, the Secretary shall immediately notify the prospective seller and the CRGNSA of the day the recommendation was received. The Secretary shall make a determination to adopt or reject the arbitration panel's advisory decision and notify the prospective seller and the CRGNSA of his determination within 45 days of receipt of the advisory decision. If at least one of the appraisals complies with Public Law 91–646, and with the Uniform Appraisal Standards for Federal Land Acquisition, the arbitration panel shall also make an advisory finding on what portion of the arbitration panel's fees should be paid by the Secretary and what portion of the arbitration panel's fees should be paid by the prospective seller. The arbitration panel is authorized to recommend these fees be borne entirely by either the Secretary or the prospective seller.

(h) Admissibility.—Neither the fact that arbitration pursuant to this section has occurred nor the recommendation of the arbitration panel shall be admissible in any court or administrative hearing.

(i) Expiration Date.—This section shall remain in effect without respect to fiscal year limitations and expire on December 31, 2000.

SEC. 344. A project undertaken by the Forest Service under the Recreation Fee Demonstration Program as authorized by section 315 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1996, as amended, shall not result in—

(1) displacement of the holder of an authorization to provide commercial recreation services on Federal lands. Prior to initiating any project, the Secretary shall consult with potentially affected holders to determine what impacts the project may have on the holders. Any modifications to the authorization shall be made within the terms and conditions of the authorization and authorities of the impacted agency.

(2) the return of a commercial recreation service to the Secretary for operation when such services have been provided in the past by a private sector provider, except when—

(A) the private sector provider fails to bid on such opportunities;

(B) the private sector provider terminates its relationship with the agency; or

(C) the agency revokes the permit for noncompliance with the terms and conditions of the authorization.

In such cases, the agency may use the Recreation Fee Demonstration Program to provide for operations until a subsequent operator can be found through the offering of a new prospectus.

SEC. 345. NATIONAL FOREST-DEPENDENT RURAL COMMUNITIES ECONOMIC DIVERSIFICATION. (a) FINDINGS AND PURPOSES.—Section 2373 of the National Forest-Dependent Rural Communities Economic Diversification Act of 1990 (7 U.S.C. 6611) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking "national forests" and inserting "National Forest System land";

(B) in paragraph (4), by striking "the national forests" and inserting "National Forest System land";

(C) in paragraph (5), by striking "forest resources" and inserting "natural resources"; and

(D) in paragraph (6), by striking "national forest resources" and inserting "National Forest System land resources"; and

(2) in subsection (b)(1)—

(A) by striking "national forests" and inserting "National Forest System land"; and

(B) by striking "forest resources" and inserting "natural resources".

(b) DEFINITIONS.—Section 2374(1) of the National Forest-Dependent Rural Communities Economic Diversification Act of 1990 (7 U.S.C. 6612(1)) is amended by striking "forestry" and inserting "natural resources".

(c) RURAL FORESTRY AND ECONOMIC DIVERSIFICATION ACTION TEAMS.—Section 2375(b) of the National Forest-Dependent Rural Communities Economic Diversification Act of 1990 (7 U.S.C. 6613(b)) is amended—

(1) in the first sentence, by striking "forestry" and inserting "natural resources"; and

(2) in the second and third sentences, by striking "national forest resources" and inserting "National Forest System land resources".

(d) ACTION PLAN IMPLEMENTATION.—Section 2376(a) of the National Forest-Dependent Rural Communities Economic Diversification Act of 1990 (7 U.S.C. 6614(a)) is amended—

(1) by striking "forest resources" and inserting "natural resources"; and

(2) by striking "national forest resources" and inserting "National Forest System land resources".

(e) TRAINING AND EDUCATION.—Paragraphs (3) and (4) of section 2377(a) of the National Forest-Dependent Rural Communities Economic Diversification Act of 1990 (7 U.S.C. 6615(a)) are amended by striking "national forest resources" and inserting "National Forest System land resources".

(f) LOANS TO ECONOMICALLY DISADVANTAGED RURAL COMMUNITIES.—Paragraphs (2) and (3) of section 2378(a) of the National Forest-Dependent Rural Communities Economic Diversification Act of 1990 (7 U.S.C. 6616(a)) are amended by striking "national forest resources" and inserting "National Forest System land resources".

SEC. 346. INTERSTATE 90 LAND EXCHANGE. (a) Section 604(a) of the Interstate 90 Land Exchange Act of 1998 (Public Law 105–277; 112 Stat. 2681–326 (1998)) is hereby amended by adding at the end of the first sentence: "except title to offered lands and interests in lands described in subparagraphs (Q), (R), (S), and (T) of section 605(c)(2) must be placed in escrow by Plum Creek, according to terms and conditions acceptable to the Secretary and Plum Creek, for a 3-year period beginning on the later of the date of the enactment of this Act or consummation of the exchange. During the period the lands are held in escrow, Plum Creek shall not undertake any activities on these lands, except for fire suppression and road maintenance, without the approval of the Secretary, which shall not be unreasonably withheld".

(b) Section 604(b) of the Interstate 90 Land Exchange Act of 1998 (Public Law 105–277; 112 Stat. 2681–326 (1998)) is hereby amended by inserting after "offered land" the following: "as provided in section 604(a), and placement in escrow of acceptable title to the offered lands described in subparagraphs (Q), (R), (S), and (T) of section 605(c)(2)".

(c) Section 604(b) is further amended by adding the following at the end of the first sentence: "except Township 19 North, Range 10 East, W.M., Section 4, Township 20 North, Range 10 East, W.M., Section 32, and Township 21 North, Range 14 East, W.M., W½W½ of Section 16, which shall be retained by the United States". The appraisal approved by the Secretary of Agriculture on July 14, 1999 (the "Appraisal") shall be adjusted by subtracting the values determined for Township 19 North, Range 10 East, W.M., Section 4 and Township 20 North, Range 10 East, W.M., Section 32 during the Appraisal process in the context of the whole estate to be conveyed.

(d) After adjustment of the Appraisal, the values of the offered and selected lands, including the offered lands held in escrow, shall be equalized as provided in section 605(c) except that the Secretary also may equalize values through the following, including any combination thereof—

(1) conveyance of any other lands under the jurisdiction of the Secretary acceptable to Plum Creek and the Secretary after compliance with all applicable Federal environmental and other laws; and

(2) to the extent sufficient acceptable lands are not available pursuant to paragraph (1) of this subsection, cash payments as and to the extent funds become available through appropriations, private sources, or, if necessary, by reprogramming.

(e) The Secretary shall promptly seek to identify lands acceptable for conveyance to equalize values under paragraph (1) of subsection (d) and shall, not later than May 1, 2000, provide a report to the Congress outlining the results of such efforts.

(f) As funds or lands are provided to Plum Creek by the Secretary, Plum Creek shall release to the United States deeds for lands and interests in land held in escrow based on the values determined during the Appraisal process in the context of the whole estate to be conveyed. Deeds shall be released for lands and interests in lands in the exact reverse order listed in section 605(c)(2).

(g) Section 606(d) is hereby amended to read as follows: "the Secretary and Plum Creek shall make the adjustments directed in section 604(b) and consummate the land exchange within 30 days of the enactment of the Interstate 90 Land Exchange Amendment, unless the Secretary and Plum Creek mutually agree to extend the consummation date".

SEC. 347. THE SNOQUALMIE NATIONAL FOREST BOUNDARY ADJUSTMENT ACT OF 1999. (a) IN GENERAL.—The boundary of the Snoqualmie National Forest is hereby adjusted as generally depicted on a map entitled "Snoqualmie National Forest 1999 Boundary Adjustment" dated June 30, 1999. Such map, together with a legal description of all lands included in the boundary adjustment, shall be on file and available for public inspection in the office of the Chief of the Forest Service in Washington, District of Columbia. Nothing in this subsection shall limit the authority of the Secretary of Agriculture to adjust the boundary pursuant to section 11 of the Weeks Law of March 1, 1911.

(b) RULE FOR LAND AND WATER CONSERVATION FUND.—For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9), the boundary of the Snoqualmie National Forest, as adjusted by subsection (a), shall be considered to be the boundary of the Forest as of January 1, 1965.

SEC. 348. Section 1770(d) of the Food Security Act of 1985 (7 U.S.C. 2276(d)) is amended by redesignating paragraph (10) as paragraph (11) and by inserting after paragraph (9) the following new paragraph:

"(10) section 3(e) of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1642(e));".

SEC. 349. None of the funds appropriated or otherwise made available by this Act may be used to implement or enforce any provision in Presidential Executive Order No. 13123 regarding the Federal Energy Management Program which circumvents or contradicts any statutes relevant to Federal energy use and the measurement thereof.

SEC. 350. None of the funds made available by this Act may be used for the physical relocation of grizzly bears into the Selway-Bitterroot Wilderness of Idaho and Montana.

SEC. 351. YOUTH CONSERVATION CORPS AND RELATED PARTNERSHIPS. (a) Notwithstanding any other provision of this Act, there shall be available for high priority projects which shall be carried out by the Youth Conservation Corps as authorized by Public Law 91–378, or related partnerships with non-Federal youth conservation corps or entities such as the Student Conservation Association, up to $1,000,000 of the funds available to the Bureau of Land Management under this Act, in order to increase the number of summer jobs available for youths, ages 15 through 22, on Federal lands.

(b) Within 6 months after the date of the enactment of this Act, the Secretary of Agriculture and the Secretary of the Interior shall jointly submit a report to the House and Senate Committees on Appropriations and the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives that includes the following—

(1) the number of youths, ages 15 through 22, employed during the summer of 1999, and the number estimated to be employed during the summer of 2000, through the Youth Conservation Corps, the Public Land Corps, or a related partnership with a State, local or nonprofit youth conservation corps or other entities such as the Student Conservation Association;

(2) a description of the different types of work accomplished by youths during the summer of 1999;

(3) identification of any problems that prevent or limit the use of the Youth Conservation Corps, the Public Land Corps, or related partnerships to accomplish projects described in subsection (a);

(4) recommendations to improve the use and effectiveness of partnerships described in subsection (a); and

(5) an analysis of the maintenance backlog that identifies the types of projects that the Youth Conservation Corps, the Public Land Corps, or related partnerships are qualified to complete.

SEC. 352. (a) NORTH PACIFIC RESEARCH BOARD.—Section 401 of Public Law 105–83 is amended as follows:

(1) In subsection (c)—

(A) by striking "available for appropriation, to the extent provided in the subsequent appropriations Acts," and inserting "made available";

(B) by inserting "To the extent provided in the subsequent appropriations Acts," at the beginning of paragraph (1);

(C; by inserting "without further appropriation" after "20 percent of such amounts shall be made available"; and

(2) by striking subsection (f).

SEC. 353. None of the funds in this Act may be used by the Secretary of the Interior to issue a prospecting permit for hardrock mineral exploration on Mark Twain National Forest land in the Current River/Jack's Fork River—Eleven Point Watershed (not including Mark Twain National Forest land in Townships 31N and 32N, Range 2 and Range 3 West, on which mining activities are taking place as of the date of the enactment of this Act): Provided, That none of the funds in this Act may be used by the Secretary of the Interior to segregate or withdraw land in the Mark Twain National Forest, Missouri under section 204 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1714).

SEC. 354. Public Law 105–83, the Department of the Interior and Related Agencies Appropriations Act of November 17, 1997, title III, section 331 is hereby amended by adding before the period: ": Provided further, That to carryout the provisions of this section, the Bureau of Land Management and the Forest Service may establish Transfer Appropriation Accounts (also known as allocation accounts) as needed".

SEC. 355. WHITE RIVER NATIONAL FOREST.—The Forest Service shall extend the public comment period on the White River National Forest plan revision for 90 days beyond February 9, 2000.

SEC. 356. The first section of Public Law 99–215 (99 Stat. 1724), as amended by section 597 of the Water Resources Development Act of 1999 (Public Law 106–53), is further amended—

(1) by redesignating subsection (c) as subsection (e); and

(2) by inserting after subsection (b) the following new subsections:

"(c) The National Capital Planning Commission shall vacate and terminate an Easement and Declaration of Covenants, dated February 2, 1989, conveyed by the owner of the adjacent real property pursuant to subsection (b)(1)(D) in exchange for, and not later than 30 days after, the vacation and termination of the Deed of Easement, dated January 4, 1989, conveyed by the Maryland National Capital Park and Planning Commission pursuant to subsection (b)(1).

"(d) Effective on the date of the enactment of this subsection, the memorandum of May 7, 1985, and any amendments thereto, shall terminate.".

SEC. 357. (a) The Secretary of the Interior, as part of the President's budget submittal for fiscal year 2001, shall include a detailed plan for implementing the recommendations of the National Academy of Sciences/National Research Council's study entitled "Hardrock Mining on Federal Lands", including information on the levels of funding and personnel utilized to administer the existing hardrock mining environmental and reclamation regulations of the Bureau of Land Management in fiscal years 1999 and 2000, as well as recommended appropriations for fiscal year 2001 and thereafter to achieve the improvements in the implementation of those regulations recommended by the study. The Secretary's plan shall also include proposed legislation deemed necessary to implement any of the study's recommendations including proposals addressing: (1) statutory authorities for Federal land managing agencies to issue administrative penalties for violations of their regulatory requirements, subject to appropriate due process; and (2) appropriate modifications to existing environmental laws to allow and promote the cleanup of abandoned mine sites in or adjacent to new mine areas.

(b) None of the funds in this Act may be used by the Secretary of the Interior to promulgate final rules to revise 43 CFR subpart 3809, or to finalize the accompanying draft environmental impact statement.

TITLE IV—MISSISSIPPI NATIONAL FOREST IMPROVEMENT ACT OF 1999

SEC. 401. SHORT TITLE.

This title may be cited as the "Mississippi National Forest Improvement Act of 1999".

SEC. 402. DEFINITIONS.

In this title:

(1) AGREEMENT.—The term "Agreement" means the Agreement described in section 405(a).

(2) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(3) STATE.—The term "State" means the State of Mississippi.

(4) UNIVERSITY.—The term "University" means the University of Mississippi.

(5) UNIVERSITY LAND.—The term "University land" means land described in section 404(a).

SEC. 403. CONVEYANCE OF ADMINISTRATIVE SITES AND SMALL PARCELS.

(a) IN GENERAL.—The Secretary may, under such terms and conditions as the Secretary may prescribe, sell or exchange any or all right, title, and interest of the United States in and to the following tracts of land in the State:

(1) Gulfport Laboratory Site, consisting of approximately 10 acres, as depicted on the map entitled "Gulfport Laboratory Site, May 21, 1998".

(2) Raleigh Dwelling Site No. 1, consisting of approximately 0.44 acre, as depicted on the map entitled "Raleigh Dwelling Site No. 1, May 21, 1998".

(3) Raleigh Dwelling Site No. 2, consisting of approximately 0.47 acre, as depicted on the map entitled "Raleigh Dwelling Site No. 2, May 21, 1998".

(4) Rolling Fork Dwelling Site, consisting of approximately 0.303 acre, as depicted on the map entitled "Rolling Fork Dwelling Site, May 21, 1998".

(5) Gloster Dwelling Site, consisting of approximately 0.55 acre, as depicted on the map entitled "Gloster Dwelling Site, May 21, 1998".

(6) Gloster Office Site, consisting of approximately 1.00 acre, as depicted on the map entitled "Gloster Office Site, May 21, 1998".

(7) Gloster Work Center Site, consisting of approximately 2.00 acres, as depicted on the map entitled "Gloster Work Center Site, May 21, 1998".

(8) Holly Springs Dwelling Site, consisting of approximately 0.31 acre, as depicted on the map entitled "Holly Springs Dwelling Site, May 21, 1998".

(9) Isolated parcels of National Forest land located in Township 5 South, Ranges 12 and 13 West, and in Township 3 North, Range 12 West, sections 23, 33, and 34, St. Stephens Meridian.

(10) Isolated parcels of National Forest land acquired after the date of the enactment of this Act from the University of Mississippi located in George and Jackson Counties.

(11) Approximately 20 acres of National Forest land and structures located in Township 6 North, Range 3 East, Section 30, Washington Meridian.

(b) CONSIDERATION.—Consideration for a sale or exchange of land under subsection (a) may include the acquisition of land, existing improvements, or improvements constructed to the specifications of the Secretary.

(c) APPLICABLE LAW.—Except as otherwise provided in this section, any sale or exchange of land under subsection (a) shall be subject to the laws (including regulations) applicable to the conveyance and acquisition of land for the National Forest System.

(d) CASH EQUALIZATION.—Notwithstanding any other provision of law, the Secretary may accept a cash equalization payment in excess of 25 percent of the value of land exchanged under subsection (a).

(e) SOLICITATION OF OFFERS.—

(1) IN GENERAL.—The Secretary may solicit offers for the sale or exchange of land under this section on such terms and conditions as the Secretary may prescribe.

(2) REJECTION OF OFFERS.—The Secretary may reject any offer made under this section if the Secretary determines that the offer is not adequate or not in the public interest.

(f) DEPOSIT OF PROCEEDS.—The Secretary shall deposit the proceeds of a sale or exchange under subsection (a) in the fund established under Public Law 90–171 (16 U.S.C. 484a) (commonly known as the "Sisk Act").

(g) USE OF PROCEEDS.—Funds deposited under subsection (f) shall be available until expended for—

(1) the construction of a research laboratory and office facility at the Forest Service administrative site located at the Mississippi State University at Starkville, Mississippi;

(2) the acquisition, construction, or improvement of administrative facilities in connection with units of the National Forest System in the State; and

(3) the acquisition of land and interests in land for units of the National Forest System in the State.

SEC. 404. DE SOTO NATIONAL FOREST ADDITION.

(a) ACQUISITION.—The Secretary may acquire for fair market value all right, title, and interest in land owned by the University of Mississippi within or near the boundaries of the De Soto National Forest in Stone, George, and Jackson Counties, Mississippi, comprising approximately 22,700 acres.

(b) BOUNDARIES.—

(1) IN GENERAL.—The boundaries of the De Soto National Forest shall be modified as depicted on the map entitled "De Soto National Forest Boundary Modification—April, 1999" to include any acquisition of University land under this section.

(2) AVAILABILITY OF MAP.—The map described in paragraph (1) shall be available for public inspection in the office of the Chief of the Forest Service in Washington, District of Columbia.

(3) ALLOCATION OF MONEYS FOR FEDERAL PURPOSES.—For the purpose of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9), the boundaries of the De Soto National Forest, as modified by this subsection, shall be considered the boundaries of the De Soto National Forest as of January 1, 1965.

(c) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall assume possession and all management responsibilities for University land acquired under this section on the date of acquisition.

(2) COOPERATIVE MANAGEMENT AGREEMENT.—For the fiscal year containing the date of the enactment of this Act and each of the four fiscal years thereafter, the Secretary may enter into a cooperative agreement with the University that

provides for Forest Service management of any University land acquired, or planned to be acquired, under this section.

(3) ADMINISTRATION.—University land acquired under this section shall be—

(A) subject to the Act of March 1, 1911 (16 U.S.C. 480 et seq.) (commonly known as the "Weeks Act") and other laws (including regulations) pertaining to the National Forest System; and

(B) managed in a manner that is consistent with the land and resource management plan applicable to the De Soto National Forest on the date of the enactment of this Act, until the plan is revised in accordance with the regularly scheduled process for revision.

SEC. 405. FRANKLIN COUNTY LAND.

(a) IN GENERAL.—The Agreement dated April 24, 1999, entered into between the Secretary, the State, and the Franklin County School Board that provides for the Federal acquisition of land owned by the State for the construction of the Franklin Lake Dam in Franklin County, Mississippi, is ratified and the parties to the Agreement are authorized to implement the terms of the Agreement.

(b) FEDERAL GRANT.—

(1) IN GENERAL.—Subject to reservations and exceptions contained in the Agreement, there is granted and quit claimed to the State all right, title, and interest of the United States in the federally-owned land described in Exhibit A to the Agreement.

(2) MANAGEMENT.—The land granted to the State under the Agreement shall be managed as school land grants.

(c) ACQUISITION OF STATE LAND.—

(1) IN GENERAL.—All right, title, and interest in and to the 655.94 acres of land described as Exhibit B to the Agreement is vested in the United States along with the right of immediate possession by the Secretary.

(2) COMPENSATION.—Compensation owed to the State and the Franklin County School Board for the land described in paragraph (1) shall be provided in accordance with the Agreement.

(d) CORRECTION OF DESCRIPTIONS.—The Secretary and the Secretary of State of the State may, by joint modification of the Agreement, make minor corrections to the descriptions of the land described on Exhibits A and B to the Agreement.

(e) SECURITY INTEREST.—

(1) IN GENERAL.—Any cash equalization indebtedness owed to the United States pursuant to the Agreement shall be secured only by the timber on the granted land described in Exhibit A of the Agreement.

(2) LOSS OF SECURITY.—The United States shall have no recourse against the State or the Franklin County School Board as the result of the loss of the security described in paragraph (1) due to fire, insects, natural disaster, or other circumstance beyond the control of the State or Board.

(3) RELEASE OF LIENS.—On payment of cash equalization as required by the Agreement, the Secretary (or the Supervisor of the National Forests in the State or other authorized representative of the Secretary) shall release any liens on the granted land described in Exhibit A of the Agreement.

SEC. 406. DISPOSITION OF FUNDS FROM LAND CONVEYANCES.

(a) IN GENERAL.—The Secretary shall deposit any funds received by the United States from land conveyances authorized under section 405 in the fund established under Public Law 90–171 (16 U.S.C. 484a) (commonly known as the "Sisk Act").

(b) USE.—Funds deposited in the fund under subsection (a) shall be available until expended for the acquisition of land and interests in land for the National Forest System in the State.

(c) PARTIAL DISTRIBUTION.—Any funds received by the United States from land conveyances authorized under this Act shall not be subject to partial distribution to the State under—

(1) the Act entitled "An Act making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and nine", approved May 23, 1908 (35 Stat. 260, chapter 192; 16 U.S.C. 500);

(2) section 13 of the Act of March 1, 1911 (36 Stat. 963, chapter 186; 16 U.S.C. 500); or

(3) any other law.

SEC. 407. PHOTOGRAPHIC REPRODUCTIONS AND MAPS.

Section 387 of the Act of February 16, 1938 (7 U.S.C. 1387) is amended in the first sentence—

(1) by striking "such" the first place it appears and inserting "information such as georeferenced data from all sources,";

(2) by striking "(not less than estimated cost of furnishing such reproductions)"; and

(3) by inserting after "determine" the following: "(but not less than the estimated costs of data processing, updating, revising, reformatting, repackaging and furnishing the reproductions and information)".

SEC. 408. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

TITLE V—UNITED MINE WORKERS OF AMERICA COMBINED BENEFIT FUND

SEC. 501. Notwithstanding any other provision of law, an amount of $68,000,000 in interest credited to the fund established by section 401 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231) for fiscal years 1993 through 1995 not transferred to the Combined Fund identified in section 402(h)(2) of such Act shall be transferred to such Combined Fund within 30 days after the enactment of this Act to pay the amount of any shortfall in any premium account for any plan year under the Combined Fund. The entire amount transferred by this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

This Act may be cited as the "Department of the Interior and Related Agencies Appropriations Act, 2000".

And the Senate agree to the same.

RALPH REGULA,
JIM KOLBE,
JOE SKEEN,
CHARLES H. TAYLOR,
GEORGE R. NETHERCUTT, JR.,
ZACH WAMP,
JACK KINGSTON,
JOHN E. PETERSON,
BILL YOUNG,
JOHN P. MURTHA
Except for NEA funding. Sec. 337 (millsites) and Sec. 357 (hard rock mining),
Managers on the Part of the House.

SLADE GORTON,
TED STEVENS,
THAD COCHRAN,
PETE V. DOMENICI,
CONRAD BURNS,
R. F. BENNETT,
JUDD GREGG,
BEN NIGHTHORSE CAMPBELL,
ROBERT C. BYRD,
PATRICK J. LEAHY,
ERNEST HOLLINGS,
HARRY REID,
BYRON L. DORGAN,
HERB KOHL,
DIANNE FEINSTEIN,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2466), making appropriations for the Department of the Interior and Related Agencies for the fiscal year ending September 30, 2000, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The conference agreement on H.R. 2466 incorporates some of the provisions of both the House and the Senate versions of the bill. Report language and allocations set forth in either House Report 106–222 or Senate Report 106–99 that are not changed by the conference are approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not negate the language referenced above unless expressly provided herein.

ALLOCATION OF CONGRESSIONAL FUNDING PRIORITIES

The managers direct that when Congressional instructions are provided these instructions are to be closely monitored and followed. In this and future years, the managers direct that earmarks for Congressional funding priorities shall be allocated for those projects or programs prior to determining and allocating the remaining funds. Field units or programs should not have their allocations reduced because of earmarks for Congressional priorities without direction from or approval of the House and Senate Committees on Appropriations. Further, the managers note that it is a Congressional responsibility to determine the level of funds provided for Federal agencies and how those funds should be distributed. It is not useful or productive to have Administration officials refer to Congressional directives as condescending and encroaching on executive responsibility to direct agency operations.

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

The conference agreement provides $644,218,000 for management of lands and resources instead of $631,068,000 as proposed by the House and $634,321,000 as proposed by the Senate.

Increases above the House include $2,500,000 for grazing permits, $1,500,000 for invasive species, $750,000 for Idaho weed control, $50,000 for Rio Puerco, $1,000,000 for the Colorado plateau ecosystem study, $500,000 for the national laboratory grazing study, $400,000 for fisheries, $900,000 for salmon restoration on the Yukon River and Caribou-Poker Creek, $1,330,000 for recreation resource management, $400,000 for the National Petroleum Reserve-Alaska, $4,400,000 for Alaska Conveyance, $300,000 for the Utah wilderness study, $350,000 for the Montana mapping project, and a $1,000,000 restoration of the general decrease.

Decreases below the House include $500,000 from standards and guidelines, $400,000 from wildlife, and $1,330,000 from recreation operations.

In addition to the increase of $2,500,000 as proposed by the House and provided by the managers for the processing of permits for coalbed methane activities, the managers have included bill language that makes the use of some of the Bureau's funds contingent upon a written agreement between the coal mine operator and the gas producer prior to permit issuance if the permitted activity is in an area where there is a conflict between coal mining operations and coalbed methane production. This restrictive language only applies to the additional $2,500,000.

The managers have agreed to earmark $750,000 for the Couer d'Alene Basin Commission for mining related cleanup activities with the clear understanding that funding will be provided only on a one-time basis.

The Senate bill calls for a report by USDA's Forest Service dealing with integration of watershed and community needs. The managers direct that this report be a joint Forest Service and Bureau of Land Management report as stated on page 75 of Senate Report 106–99.

The managers are concerned that the Bureau appears to be introducing new burdensome and questionable requirements on domestic oil and gas applications for permits to drill, and directs the Bureau to cease requiring companies to apply paint to ground that will be disturbed by drilling activities.

The managers concur with the Senate report language providing guidance on the Southern Nevada Public Lands Management Act as stated in Senate Report 106–99.

The managers have maintained the funding level for Kane and Garfield counties at the fiscal year 1999 level of $250,000.

The managers have modified bill language in Title III as proposed by the Senate to allow the Bureau to use up to $1,000,000 for the Youth Conservation Corps.

The managers have agreed to the Interior Columbia Basin Ecosystem Management Project bill language as proposed by the House. This language is included under Title III General Provisions, section 335.

WILDLAND FIRE MANAGEMENT

The conference agreement provides $292,282,000 for wildland fire management instead of $292,399,000 as proposed by the House and $283,805,000 as proposed by the Senate.

Changes to the House include an increase of $57,500 to reimburse Trinity County for expenses incurred as part of the July 2, 1999, Lowden fire, and a decrease of $175,000 as an offset against the Weber Dam project.

CENTRAL HAZARDOUS MATERIALS FUND

The conference agreement provides $10,000,000 for the central hazardous materials fund as proposed by the House and Senate.

CONSTRUCTION

The conference agreement provides $11,425,000 for construction instead of $11,100,000 as proposed by the House and $12,418,000 as proposed by the Senate.

Increases above the House include $50,000 for the La Puebla pit tank, $250,000 for the California Trail Interpretive Center, and $25,000 for uncontrollable costs.

PAYMENTS IN LIEU OF TAXES

The conference agreement provides $135,000,000 for payments in lieu of taxes as proposed by the Senate instead of $145,000,000 as proposed by the House.

LAND ACQUISITION

The conference agreement provides $15,500,000 for land acquisition instead of $15,000,000 as proposed by the House and $17,400,000 as proposed by the Senate. Funds should be distributed as follows:

State and project	*Amount*
CA—California Wilderness (Catellus property)	$5,000,000
AZ—Cerbat Foothills	500,000
UT—Grafton Preservation	250,000
NM—La Cienega ACEC	1,000,000
CA—Otay Mts./Kuchamaa	750,000
WA—Rock Cr. Watershed (Escure Ranch)	500,000
CA—Santa Rosa Mts. NSA	500,000
CO—Upper Arkansas River Basin	2,500,000
ID—Upper Snake/S. Fork Snake River	500,000
OR—West Eugene Wetlands	500,000
Subtotal	12,000,000
Emergency/Hardships/Inholdings	500,000
Acquisition Management	3,000,000
Total	15,500,000

The $250,000 provided for Grafton, Utah is for acquisition of a 30-acre portion of the 220-acre Stout property. The 30 acres are foothill land adjacent to BLM managed public land and are appropriate for BLM acquisition. The managers understand that the Grafton Heritage Project and the Grand Canyon Trust will be responsible for acquisition and management of the balance of the Stout property.

The managers agree to provide $5,000,000 to the National Park Service (NPS) and $5,000,000 to the Bureau of Land Management (BLM) for land acquisition within the California desert. This funding is based on the understanding that the Wildlands Conservancy will acquire 8,000 additional acres, in consultation with the NPS and BLM, from willing seller and small private inholdings within Joshua Tree National Park and the Mojave National Preserve within the next year.

The managers agree that no additional funds will be provided for Catellus land acquisition in future years unless and until the Department of the Interior and the Department of Defense resolve remaining issues relating to desert tortoise mitigation and land acquisition and expansion at the National Training Center for the Army at Fort Irwin, California.

Futhermore, the managers will consider an additional $20,000,000 for California desert land acquisition of the Catellus lands up to a total of $30,000,000. Future funding decisions will be based upon progress made by the two departments on desert tortoise mitigation and land acquisition and expansion at the National Training Center for the Army of Fort Irwin.

OREGON AND CALIFORNIA GRANT LANDS

The conference agreement provides $99,225,000 for Oregon and California grant lands as proposed by the House and Senate.

RANGE IMPROVEMENTS

The conference agreement provides an indefinite appropriation for range improvements of not less than $10,000,000 as proposed by the House and Senate.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

The conference agreement provides an indefinite appropriation for service charges, deposits, and forfeitures which is estimated to be $8,800,000 as proposed by the House and Senate.

MISCELLANEOUS TRUST FUNDS

The conference agreement provides an indefinite appropriation of $7,700,000 for miscellaneous trust funds as proposed by the House and Senate.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

The conference agreement provides $716,046,000 for resource management instead of $710,700,000 as proposed by the House and $684,569,000 as proposed by the Senate.

Changes to the House position in endangered species programs include an increase of $100,000 in candidate conservation and a decrease of $300,000 in listing. The managers have agreed to increases of $100,000 for the Broughton Ranch demonstration project and $300,000 for a coldwater fish HCP in Montana and a decrease of $300,000 for other program activities in consultation. Also included are increases of $3,857,000 for Washington salmon recovery, $500,000 for the Bruneau hot springs snail, $400,000 for the Prebles meadow jumping mouse, $1,500,000 for small landowner partnerships, and $200,000 for a Weber Dam study, and a decrease of $1,100,000 for other program activities in recovery. The managers have agreed to a decrease of $1,500,000 for the small landowner incentive program.

Changes to the House position in habitat conservation include increases of $250,000 for Hawaii ESA community conservation and $150,000 for Nevada biodiversity and decreases of $200,000 for the Washington State Department of Fish and Wildlife grant program and $500,000 for other program activities in the partners for fish and wildlife program. The managers have agreed to a decrease of $500,000 for FERC relicensing in project planning; an increase of $193,000 for Long Live the Kings and a decrease of $300,000 for other program activities in the coastal program; and a decrease of $500,000 for the National wetlands inventory.

For refuge operations and maintenance changes to the House position include an increase of $200,000 for Spartina grass research at the University of Washington and decreases of $250,000 for coral reefs, $500,000 for the Volunteer and Community Partnership Act, a net decrease of $250,000 for tundra to tropics, leaving $250,000 specifically for Hawaii ecosystems and $1,000,000 for other program activities in refuges operations. There is also a decrease of $500,000 for refuge maintenance. For law enforcement there is a decrease from the House position of $500,000 for operations. In migratory bird management there is an increase over the House position of $400,000 for Canada geese depredation, including dusky Canada geese, and a decrease of $400,000 for other program activities.

Changes to the House position for hatchery operations and maintenance include increases of $200,000 for White Sulphur Springs NFH, $500,000 for other hatchery operations and maintenance, and $3,600,000 for Washington State Hatchery Improvement as discussed below. Changes to the House position for the fish and wildlife management account include increases of $200,000 for Yukon River fisheries management studies, $100,000 for Yukon River Salmon Treaty public education programs, $110,000 for Caribou-Poker Creek salmon passage assistance, $1,018,000 for fish passage improvements in Maine, $600,000 for a prototype machine to mark hatchery reared salmon at the Washington Department of Fish and Wildlife, $400,000 for Great Lakes fish and wildlife restoration, and $368,000 for a fisheries resource project in cooperation with the Juniata Valley School District in Alexandria, PA. The managers have agreed to a decrease of $300,000 for Atlantic salmon recovery.

Changes to the House position in general administration include an increase of $200,000 for the National Conservation Training Center and decreases in international affairs of $700,000 for CITES permits and invasive species, $100,000 for the Russia initiative and $150,000 for neotropical migrants. There is also a decrease of $250,000 for the National Fish and Wildlife Foundation.

Bill Language.—The managers agree to the following changes to the House passed bill. The amount of funding for certain endangered species listing programs may not exceed $6,232,000 instead of $6,532,000 as proposed by the House and $5,932,000 as proposed by the Senate.

The managers have made permanent the authority provided in the Senate bill for National Wildlife Refuges in Louisiana and Texas to retain funds collected from oil and gas related damages under the Comprehensive Environmental Response, Compensation and Liability Act, the Oil Pollution Act and the Clean Water Act. The Senate provision extended the authority only through fiscal year 2000. The House had no similar provision.

Under General Provisions, Department of the Interior, the managers have modified Senate Section 127 limiting the use of funds to implement Secretarial Order 3206. The modification permits implementation of the order except for two provisions. The first would give preferential treatment to Indian activities at the expense of non-Indian activities in determining conservation restrictions to species listed under the Endangered Species Act. The second would give preferential treatment to tribal lands at the expense of other privately owned lands in designating critical habitat under the Endangered Species Act. The House had no similar provision.

The managers agree to the following:

1. The Service should continue to support the Nez Perce Tribe's wolf monitoring efforts. The managers understand that this program has been very successful and believe it should be continued at least at the funding level provided in fiscal year 1999.

2. Small landowner partnerships under the ESA recovery program are not transferred to the landowner incentive program as proposed by the House, but the Service should consider seriously consolidating these programs in the fiscal year 2001 budget.

3. The $200,000 for a Weber Dam Study should be used by the Service, through a contract or memorandum of understanding with the Bureau of Reclamation, to (1) investigate alternatives to the modification of Weber Dam on the Walker River Paiute Reservation in Nevada; (2) evaluate the feasibility and effectiveness of the installation of a fish ladder at Weber Dam; and (3) evaluate opportunities for Lahontan cutthroat trout restoration in the Walker River Basin. Any future funding requirements identified for program implementation should not be the responsibility of the U.S. Fish and Wildlife Service.

4. The $600,000 provided to assist with the Tongass Land Management Plan is included with the understanding that the State of Alaska should receive assistance as a partner.

5. The Long Live the Kings salmon program is funded at $393,000 in the coastal program, and $171,500 of that amount is to be provided directly to the Hood Canal Salmon Enhancement Group.

6. The managers are concerned about the continuing unmet maintenance needs at Ohio River Islands National Wildlife Refuge that have not been addressed adequately in Service budget requests and direct the Service to ensure that: (1) the Refuge's maintenance requirements are fully included by Region 9 in the Maintenance Management System and (2) future budget requests include sufficient funding for the Ohio River Islands National Wildlife Refuge to cover adequately its growing maintenance needs.

7. The funding provided for Caribou-Poker Creek salmon restoration is for one-time fish passage assistance by the Service. Any future operations and maintenance costs associated with this project should not be borne by the Service.

8. The funding for fish passage improvements in Maine, related to removal of Edwards Dam, is provided on a one-time basis to help address a first-year shortfall in funding for fish passage assistance and restoration as anticipated by the Lower Kennebec River Comprehensive Hydropower Settlement Accord, of which the Service is a partner. The Service, as a partner in the Accord, should consider its responsibilities under the Accord as it prepares future budget requests.

9. The funding provided for the Washington Department of Fish and Wildlife for a prototype machine to mark hatchery reared salmon completes the Federal funding for this project.

10. The strategic plan required by the House for dealing with over-populations of snow geese and Canada geese should consider lethal means, including hunting, as possible solutions.

11. The managers are concerned by the Service's failure to gather the necessary information to delist the concho water snake. Before distributing the ESA recovery program increase, the Service should provide $300,000 for the activities required to process the delisting of the concho water snake. The managers expect the Service to proceed as quickly as possible, with the goal of gathering the necessary information within one year or as soon thereafter as possible.

12. The managers have received several expressions of concern about uncooperative responses from the Carlsbad ecological services office in California. The Service should report to the House and Senate Committees on Appropriations on actions taken to improve communications between that office and State and local agencies and the public. Such actions should not involve increases in operational funding.

13. The increase provided for the coastal program is not limited to any particular coastal areas. The Senate reference to South Carolina and Texas is not intended to limit increased funding to those areas. The managers also commend the Maine coastal program.

14. Within the funds provided for resource management, the Service should set aside $500,000 for the Blackwater NWR, MD nutria eradication program. The managers do not object to the use of carryover funds for a portion of this earmark. This program should serve as a prototype for nutria eradication throughout the country. The Service should notify the House and Senate Committees on Appropriations of what funds will be used for this program within 30 days of enactment of this Act and prior to distribution of program increases to the field. Sufficient funds should be included in the fiscal year 2001 budget request to complete this important project, the cost of which is being shared by several non-Federal partners.

15. The managers are aware that the Fish and Wildlife Service designated critical habitat for the cactus ferruginous pygmy-owl on July 12, 1999, and are concerned with the impact this designation will have on activities in southern Arizona. The managers expect the Service to devote the necessary resources to respond adequately and efficiently to the needs of the people who are affected by this new rule and to conduct appropriate scientific studies.

16. In 1997 Congress requested the Northwest Power Planning Council to conduct a review of all Federally funded fish hatcheries in the Columbia River Basin and to make recommendations for a coordinated hatchery policy. Congress also requested the Council to provide the direction necessary to implement such a policy. The Council's report, "Artificial Production Review, Report and Recommendations of the Northwest Power Planning Council," identifies several immediate actions to begin implementation of its recommendations. The managers direct the Service to cooperate with the Council, the National Marine Fisheries Service, State fish and wildlife agencies, and the Columbia Basin Indian tribes to begin implementing the report's recommendations. The managers expect the Service to begin identifying the amount needed for these reforms and to request initial funds in its FY 2001 budget.

17. The $100,000 provided in the ESA consultation account for the Broughton Ranch should be provided as a grant to the Washington Agriculture and Forestry Education Foundation for a demonstration project on the Broughton Ranch in Walla Walla, Washington. This project should serve as a template for how small private landowners can establish habitat conservation plans in cooperation with Federal agencies.

18. To conserve and restore Pacific salmon, the managers have included $3,857,000 in the recovery program for a competitively awarded matching grant program in Washington State. The managers intend that the funds be provided in an advance payment of the entire amount on October 1, or as soon as practicable thereafter, to the National Fish and Wildlife Foundation, a Congressionally chartered, non-profit organization with a substantial record of leveraging Federal funds with non-Federal funds, coordinating private and public partnerships, managing peer reviewed challenge grant programs, and tracking the expenditure of funds. The funds will be available for award to community-based organizations in Washington State for on-the-ground projects that may include conservation and restoration of in-stream habitat, riparian zones, upland areas, wetlands, and fish passage projects. Within the amount provided, $451,000 is for the River CPR Puget Sound Drain Guard Campaign. The managers also expect the Foundation to work with the affected local community in the Methow Valley in Okanogan County, Washington, on salmon enhancement projects. The Foundation should give priority in awarding funds to cooperative projects in rural communities throughout the State.

19. The funding for Washington State hatchery improvement activities is to support this new program as follows: The $3,600,000 provided for hatchery reform in Washington State should be deposited with the Washington State Interagency Council for Outdoor Recreation. The director of the Interagency Council for Outdoor Recreation shall ensure these funds are expended as specified in the report of May 7, 1999, titled "The Reform of Salmon and Steelhead Hatcheries in Puget Sound and Coastal Washington to Recover Natural Stocks While Providing Fisheries", and at the direction of the Hatchery Scientific Review Group (as discussed below).

Funds should be used for the improvement of hatcheries in the Puget Sound area and other coastal communities as follows: (1) $300,000 for activities associated with the Hatchery Scientific Review Group which will work with agencies to produce guidelines and recommended actions and ensure that the goals of hatchery reform are carried out, identify scientific needs, and make recommendations on further experimentation;

(2) $800,000 for agencies and tribes to establish a team of scientists to generate and maintain data bases, analyze existing data, determine and undertake needed experiments, purchase scientific equipment, develop technical support infrastructures, initiate changes to the hatcheries based on their findings and establish a science-based decision making process; (3) $1,400,000 to improve hatchery management practices to augment fisheries, protect genetic resources, avoid negative ecological interactions between wild and hatchery fish, promote recovery of naturally spawning populations, and employ new rearing protocols to improve survival and operational efficiencies; (4) $900,000 to conduct scientific research evaluating hatchery management operations; and (5) $200,000 to Long Live the Kings to facilitate co-managers' design and implementation of Puget Sound hatchery reform.

The managers recognize that a leading group of scientists representing Federal, State, and tribal agencies has been meeting for the past year to discuss the role of fish hatcheries in the Pacific Northwest. The listing of over 10 salmon species in the Columbia River over the past decade and the most recent the listing of 3 salmon species in other parts of the State have led many in the Northwest to question and challenge the role of fish hatcheries in the recovery of the listed wild salmon stocks.

The managers believe hatcheries can play a positive role in salmon management and the recovery of wild salmon stocks. Scientists are testing ways hatcheries can be retrofitted and managed to provide hatchery stocks to maintain a vibrant fishery in the Pacific Northwest without significantly impacting precious wild stocks.

The managers commend the efforts of the advisory team that has established a framework designed to guide an effort to reform more than 100 State, tribal, Federal, and private hatcheries in Puget Sound and the Washington coast. Many watersheds on the west coast of Washington have multiple hatcheries run by different agencies and tribes. Hatchery operations must be coordinated within logical geographical management units. There must be a coordinated effort among all levels of government to obtain the positive results expected by hatchery management reform. The managers believe the framework outlined by the advisory committee should be implemented at hatcheries in Puget Sound and the west coast of Washington.

There is to be established a Hatchery Scientific Review Group which will serve as an independent panel. It should be comprised of five independent scientists selected by the advisory team from a pool of nine candidates nominated by the American Fisheries Society and four agency representatives; one each designated by the Washington Department of Fish and Wildlife, the Northwest Indian Fisheries Commission, the National Marine Fisheries Service and the U.S. Fish and Wildlife Service. Each of these designees should have technical skills in relevant fields such as fish biology or fish genetics. All appointments should be made no later than 30 days after enactment of this Act. The members of the group may be compensated for time and travel through this appropriation. The chair of the Hatchery Scientific Review Group should be one of the independent scientists chosen from the American Fisheries Society nominations and should be selected by the group itself. Hereafter, when an independent scientist on the group steps down, a replacement should be selected by the group from a list of three nominees provided by the American Fisheries Society.

The Hatchery Scientific Review Group should report to Congress by June 1, 2000, on progress made and work remaining in reforming Puget Sound hatcheries. Long Live the Kings should report to Congress by June 1, 2000, on its progress.

CONSTRUCTION

The conference agreement provides $54,583,000 for construction instead of $43,933,000 as proposed by the House and $40,434,000 as proposed by the Senate. Funds are to be distributed as follows:

Project	Description	Amount
6 National Fish Hatcheries in New England	Water treatment improvements	$1,803,000
Alaska Maritime NWR, AK	Headquarters/visitor center	7,900,000
Alchesay/Williams Creek NFH, AZ	Environmental pollution control	373,000
Bear River NWR, UT	Dikes/water control structures	450,000
Bear River NWR, UT	Education/visitor center	1,500,000
Brazoria NWR, TX	Replace Walker Bridge	277,000
Canaan Valley NWR, WV	Repair office/visitor center	150,000
Chase Lake NWR, ND	Construct vehicle shop	625,000
Chincoteague NWR, VA	Headquarters/visitor center	1,000,000
Cross Creeks NWR, TN	5 bridges/water control structures	1,500,000
Dexter NFH, NM	Irrigation wells	524,000
Genoa NFH, WI	Water supply system	1,717,000
Hagerman NFH, ID	Replace main hatchery building	1,000,000
Hatchie NWR,TN	Log Landing Slough Bridge	284,000
Hatchie NWR,TN	Loop Road/Bear Creek Bridge	367,000
Havasu NWR, AZ	Replace/rehabilitate 3 bridges	409,000
J.N. Ding Darling NWR, FL	Construction of exhibits	750,000
Lake Thibadeau NWR, MT	Lake Thibadeau diversion dam	250,000
Little White Salmon NFH, WA	Replace upper raceways	3,990,000
Mattamuskeet NWR, NC	Structural columns in Lodge	600,000
Mattamuskeet NWR, NC	Refuge sewage system	400,000
McKinney Lake NFH, NC	Dam safety construction	600,000
Natchitoches NFH, LA	Aeration & electrical system	750,000
National Eagle & Wildlife Repository, CO	Eagle processing laboratory	176,000
National Eagle & Wildlife Repository, CO	Storage units	65,000
Necedah NWR, WI	Rynearson #2 dam	3,440,000
Neosho NFH, MO	Rehabilitate deficient pond	450,000
NFW Forensics Laboratory, OR	Forensics laboratory expansion	500,000
Parker River NWR, MA	Headquarters complex	2,130,000
Salt Plains NWR, OK	Wilson's Pond Bridge	74,000
San Bernard NWR, TX	Woods Road Bridge	75,000
Seney NWR, MI	Replace water control structure	1,450,000
Sevilleta NWR, NM	Replace office/visitor building	927,000
Silvio O. Conte NWR, VT	Education center	1,500,000
Smith Island NWR, MD	Restoration	450,000
St. Marks NWR, FL	Otter Lake public use facilities	200,000
St. Vincent NWR, FL	Repair/Replace support facilities	556,000
Tern Island, NWR, HI	Rehabilitate seawall	1,800,000
Tishomingo NFH, OK	Pennington Creek Footbridge	44,000
Tishomingo NWR, OK	Replace/rehabilitate 2 bridges	54,000
Upper Mississippi River NWR, IA	Construction & exhibits	1,200,000
White River NFH, VT	Replace roof/modify structures	600,000
White Sulphur Springs NFH, WV	Fingerling tanks and raceways	95,000
Wichita Mountains WR, OK	Road rehabilitation	1,564,000
Wichita Mountains WR, OK	Replace/rehabilitate 23 bridges	1,537,000
Subtotal		46,106,000
Servicewide bridge safety inspections		495,000
Servicewide dam safety inspections		545,000
Construction management		7,437,000
Total		54,583,000

Bill Language.—The managers have agreed to bill language proposed by the Senate authorizing a single procurement for construction of the headquarters and visitors center at the Alaska Maritime NWR.

The managers agree to the following:

1. The funding provided for construction of the headquarters and visitors center at Alaska Maritime NWR completes the Federal funding for this project by the Fish and Wildlife Service.

2. The funding for the education center at the Silvio O. Conte NWR, VT is provided with the understanding that the Federal commitment will not exceed $2,900,000 and that the cost share will be substantially more than 50 percent.

3. Funding for the Tern Island seawall is provided with the understanding that the total cost of the project will not exceed $12,000,000 and that project initiation will be

delayed until appropriated funding is sufficient to provide for uninterrupted construction. Such an approach will avoid costly shut down and start up costs associated with piecemeal construction in this remote location. The managers are disappointed that the Fish and Wildlife Service's efforts to obtain logistical support from the Navy have been, so far, unsuccessful. The managers encourage the Service to continue to pursue such support.

4. Funding provided for the Upper Mississippi River Discovery Center, IA represents the full Federal funding by the Fish and Wildlife Service. Within the $1,200,000 provided, $300,000 is for construction and installation of exhibits detailing the mission of the Fish and Wildlife Service and interpreting the Upper Mississippi River NWR, IA.

5. The $615,000 decrease to the House recommended level for construction management eliminates the proposed increase for seismic compliance. The managers believe seismic compliance should be incorporated into overall priorities.

6. The managers are concerned that the Service has allowed the floodgates on and around Mattamuskeet NWR, North Carolina, to deteriorate substantially over the past 15 years, thus permitting saltwater intrusion onto surrounding farmlands of Hyde County, North Carolina. This situation has been exacerbated by the recent flooding in eastern North Carolina due to hurricanes, including Hurricane Floyd. While the managers are sympathetic to the legitimate concerns of the Service with respect to water salinity and quality on the refuge, the managers expect the Service to cooperate with other water users and landowners to ensure that their interests are adequately protected.

LAND ACQUISITION

The conference agreement provides $50,513,000 in new land acquisition funds and a reprogramming of $8,000,000 in prior year funds instead of $42,000,000 as proposed by the House and $56,444,000 as proposed by the Senate. Funds should be distributed as follows:

State and project	*Amount*
SC—ACE Basin NWR	$500,000
LA—Atchafalaya River (LA Black Bear)	1,000,000
TX—Attwater Prairie Chicken NWR	1,000,000
VA—Back Bay NWR	1,000,000
TX—Balcones Canyonlands NWR	1,500,000
LA—Black Bayou NWR	3,000,000
MD—Blackwater NWR	500,000
NE—Boyer Chute NWR	1,000,000
AZ—Buenos Aires NWR (Leslie Canyon)	1,500,000
WV—Canaan Valley NWR	500,000
KY—Clarks River NWR	500,000
IL—Cypress Creek NWR	750,000
CA—Don Edwards SF Bay NWR	1,678,000
NJ—E.B. Forsythe NWR	800,000
AL—Grand Bay NWR	1,000,000
MA—Great Meadows NWR	500,000
NJ—Great Swamp NWR	500,000
FL—J.N. Ding Darling NWR	4,000,000
NH—Lake Umbagog NWR	2,750,000
TX—Lower Rio Grande NWR	2,000,000
ME—Moosehorn NWR	1,000,000
IA—Neal Smith NWR	500,000
WA—Nisqually NWR (Black River)	850,000
ND—North Dakota Prairie NWR	500,000
MN/IA—Northern Tallgrass Prairie Project	500,000
HI—Oahu Forest (proposed NWR)	1,000,000
WV—Ohio River Islands NWR	400,000
OR—Oregon Coast NWR Complex	500,000
IN—Patoka River NWR	500,000
FL—Pelican Island NWR	2,000,000
ME—Petit Manan NWR	250,000
ME—Rachel Carson NWR	750,000
VA—Rappahannock River Valley NWR	1,100,000
MT—Red Rock NWR (Centennial Valley)	1,000,000
RI—Rhode Island Refuge Complex	500,000
CA—San Diego NWR	3,100,000
MI—Shiawassee NWR	835,000
CT—Stewart McKinney NWR (Calves Island)	2,000,000
CT—Stewart McKinney NWR (Great Meadow)	500,000
TX—Trinity River NWR	500,000
SC—Waccamaw NWR	1,500,000
NJ—Wallkill NWR	750,000
MT—Western Montana Project	1,000,000
Reprogram FY99 Funds (Palmyra)	−8,000,000
Subtotal	39,513,000
Emergencies/hardships	1,000,000
Inholdings	750,000
Exchanges	750,000
Acquisition management	8,500,000
Total	50,513,000

The managers have reprogrammed the $8,000,000 allocated in fiscal year 1999 for the acquisition of Palmyra Atoll because the non-Federal matching funds essential to purchase the property are not available at this time. The managers recognize the unique biological value of this tropical habitat and will provide funding in the future should the non-Federal share be secured.

The managers have conducted a preliminary review of the Federal land management agencies' definition of acquisition management costs. These initial findings indicate that the U.S. Fish and Wildlife Service is out of sync with the other agencies and the managers are concerned about several issues, including the fact that only 65 percent of the acquisition management staff of the Service is accounted for in its acquisition management account, and that other costs are being assessed against the individual projects such as 10 percent third party costs. The other agencies do not consider such costs. The managers direct the Department to prepare a complete analysis of land acquisition costs, which includes the Forest Service program, and report to the Committees no later than March 15, 2000, with recommendations for standardizing the situation.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

The conference agreement provides $16,000,000 for the cooperative endangered species conservation fund instead of $15,000,000 as proposed by the House and $21,480,000 as proposed by the Senate. The increase above the House is for habitat conservation planning land acquisition. Bill language is included, as proposed by the Senate, to ensure that these funds are derived from the cooperative endangered species conservation fund.

NATIONAL WILDLIFE REFUGE FUND

The conference agreement provides $10,779,000 for the national wildlife refuge fund as proposed by the House instead of $10,000,000 as proposed by the Senate.

NORTH AMERICAN WETLANDS CONSERVATION FUND

The conference agreement provides $15,000,000 for the North American wetlands conservation fund as proposed by both the House and the Senate.

WILDLIFE CONSERVATION AND APPRECIATION FUND

The conference agreement provides $800,000 for the wildlife conservation and appreciation fund as proposed by both the House and the Senate.

MULTINATIONAL SPECIES CONSERVATION FUND

The conference agreement provides $2,400,000 for the multinational species conservation fund as proposed by the Senate instead of $2,000,000 as proposed by the House.

COMMERCIAL SALMON FISHERY CAPACITY REDUCTIONS

The conference agreement provides $5,000,000 for the Federal share of a salmon fishery capacity reduction program. The managers expect that these funds will be given as a grant to the State of Washington Department of Fish and Wildlife and will be used to reimburse commercial fishermen for forfeiting their commercial fishing licenses for Fraser River Sockeye. The program will support the implementation of the 1999 Pacific Salmon Treaty Agreement between the United States and Canada.

The conference agreement provides $1,365,059,000 for operation of the National park system instead of $1,387,307,000 as proposed by the House and $1,355,176,000 as proposed by the Senate. The agreement provides $255,399,000 for Resources Stewardship instead of $265,114,000 as proposed by the House and $247,905,000 as proposed by the Senate. Changes to the House level include decreases of $6,915,000 for special need parks, $500,000 to natural resources preservation, $500,000 to native and exotic species, $500,000 to inventory and monitoring, $500,000 to cultural resources preservation, elimination of $500,000 for the new resource protection act initiative, and a $300,000 decrease for collections management. Despite these reductions from the House position, the managers have still provided significant funding for the new science data initiative, as well as increases above the budget request for special need parks and increases to both cultural resource preservation and collections management above current year funding levels. The amount provided does not include funds specifically for the Civil War initiative as proposed by the Senate.

The conference agreement provides $318,970,000 for Visitor Services instead of $320,558,000 as proposed by the House and $317,806,000 as proposed by the Senate. Changes to the House level include a $3,908,000 decrease to special need parks and an increase of $2,320,000 for anti-terrorism base costs.

The conference agreement provides $432,923,000 for Maintenance instead of $442,881,000 as proposed by the House and $432,081,000 as proposed by the Senate. Changes to the House level include decreases of $4,458,000 to special need parks, $3,000,000 for cyclic maintenance and $2,500,000 for repair and rehabilitation. Therefore, the managers have provided a $1,000,000 increase for cyclic maintenance and a $2,500,000 increase for repair and rehabilitation above the current year funding levels.

The conference agreement provides $248,482,000 for park support instead of $248,895,000 as proposed by the House and $248,099,000 as proposed by the Senate.

Changes to the House level include an increase of $137,000 for special need parks, a decrease of $250,000 for partners for parks, a decrease of $500,000 for the challenge cost share program and an increase of $200,000 for cooperative agreements on the Lamprey Wild and Scenic River.

The conference agreement provides $109,285,000 for external administrative costs as proposed by the Senate instead of $109,859,000 as proposed by the House. Changes to the House level include a decrease of $800,000 for GSA space and an increase of $226,000 for electronic acquisition system.

The managers have not approved the initiation of any special resource studies in this bill, as the National Parks Omnibus Management Act of 1998 requires that such studies be specifically authorized.

The managers note the success of the bear management program at Yosemite National Park and encourage the Park Service to continue this worthwhile effort.

The managers have not provided an earmark for the Kawerak Eskimo Heritage Program within the funds provided for Beringia as proposed by the Senate.

The managers wish to reaffirm that beneficial uses at the Lake Roosevelt National Recreation Area include historical and traditional agriculture, grazing, recreation and cultural uses pursuant to a permit issued by the Service. Pursuant to the Lake Roosevelt National Recreation Area's new general management plan, existing and past historical use, and community moorage/public access facilities permitted by the Service at the Area may remain permitted under Service authority until it is determined by the Service that the permitted facility or activity is in conflict with a new or expanded concession facility. At such time the Service may choose to terminate that specific permit.

The managers recognize that Civil War battlefields throughout the country hold great significance and provide vital historic educational opportunities for millions of Americans. The managers are concerned, however, about the isolated existence of these Civil War battle sites in that they are often not placed in the proper historical context.

The Service does an outstanding job of documenting and describing the particular battle at any given site, but in the public displays and multi-media presentations, it does not always do a similarly good job of documenting and describing the historical social, economic, legal, cultural and political forces and events that originally led to the larger war which eventually manifested themselves in specific battles. In particular, the Civil War battlefields are often weak or missing vital information about the role that the institution of slavery played in causing the American Civil War.

The managers direct the Secretary of the Interior to encourage Civil War battle sites to recognize and include in all of their public displays and multi-media educational presentations the unique role that the institution of slavery played in causing the Civil War and its role, if any, at the individual battle sites. The managers further direct the Secretary to prepare a report by January 15, 2000, on the status of the educational information currently included at Civil War sites that are consistent with and reflect this concern.

The managers continue to express concern over the unsafe conditions at the intersection of Routes 29 and 234 in Manassas National Battlefield, in Prince William County, Virginia which remain hazardous to local residents and visitors traveling through the intersection. The managers recognize that safety concerns at Routes 29 and 234 have been a long-standing problem for the local communities. The managers strongly encourage the National Park Service and the Virginia Department of Transportation to finalize plans to allow for construction to begin by March, 2000.

The managers have not provided funding as proposed in the budget request for full implementation of a new maintenance management system. The managers have provided approval for the Service to pursue a pilot demonstration program for a new facility management system, and understand that base funds will be applied toward this effort during fiscal year 2000. The managers expect the Service to provide an update on the results of the pilot program before proceeding with service-wide implementation.

The managers continue to monitor closely the Recreation Fee Demonstration program authorized in fiscal year 1996, particularly the National Park Service portion because of the size of that particular program. It is the managers' clear intent that all expenditures of National Park Service Recreation Fee Demonstration funds be submitted to the House and Senate Committees on Appropriations for approval prior to any obligation of funds. This includes both the 80 percent projects and the 20 percent projects.

The managers are aware of proposals to address needs in parks through the pursuit of non-Federal sponsors. The managers have been, and continue to be, supportive of partnerships that further the Service's mission. The managers also understand the need for a certain degree of flexibility in order to respond to private philanthropic opportunities. However, the managers reiterate that partnerships should be linked to the accomplishment of service-wide goals and not pursued strictly for enhancing park infrastructure.

The managers do not intend that partnership arrangements, including those where no Federal funds are involved, be viewed as a way to bypass compliance with or adherence to existing policies, procedures, and approval requirements. Partnerships that benefit NPS sites or programs must have active involvement by NPS managers, and should be subject to the same review and approval requirements as projects funded with NPS funds. Review by the Development Advisory Board is expected for all partnership donation projects with a total cost above $500,000. While some projects may be proposed to be accomplished without any Federal funds, the operation and maintenance requirements are frequently assumed to be the responsibility of the Service, and for this reason the managers expect full review before commitments are made.

The managers are aware of concerns raised over the use and occupancy program at the C&O Canal National Historical Park, MD. The managers direct the park to proceed promptly with a revision of its land protection plan. This plan revision should address protection and land management needs in the Potomac Fish and Game Club and the Western Maryland Sportsman's Club tracts, considering all options including fee acquisition, easement acquisition, and appropriate development controls. The potential for exchanges should be evaluated including exchange possibilities to acquire the privately held tract adjacent to the White's Ferry Sportman's Club.

Within the amounts provided, not less than $500,000 is for maintenance activities at Isle Royale National Park to address infrastructure and visitor facility deterioration.

The managers direct the National Park Service to prepare a General Management Plan for the Lower East Side Tenement National Historic Site by November 2000 pursuant to section 104(c) of Public Law 105–378.

South Florida.—The managers have retained bill language in the land acquisition and state assistance account, as proposed by the House, that makes the $10,000,000 grant to the State of Florida subject to a fifty percent match of newly appropriated non-Federal funds. The State may not use funds for land acquisition which were previously provided in another fiscal year as the match. These funds are also subject to an agreement that the lands to be acquired will be managed in perpetuity for the restoration of the Everglades and other natural areas.

The managers have modified bill language in the land acquisition account which makes the release of the $10,000,000 State grant funds subject to the Administration submitting legislative language that will ensure a guaranteed water supply to Everglades National Park and the remaining natural system areas located in the Everglades watershed, including but not limited to Big Cypress National Preserve, Biscayne National Park, Loxahatchee National Wildlife Refuge and Water Conservation Areas 2 and 3, as well as Biscayne Bay. This language should include appropriate volume, flow, timing levels, and most importantly, water quality assurances. While there has been recent testimony by the other partners, including the Army Corps of Engineers and the Florida Water Management District, assuring the Congress that there will be adequate water supply to the natural areas, the managers want to ensure that this is high-quality water and not merely storm water runoff.

The managers have included another provision which allows for State grant funds to be released after 180 days if no agreement has been reached. This action requires approval of both the House and Senate Committees on Appropriations.

The managers believe that it would be useful to have a complete estimate of the total costs to restore the South Florida ecosystem. The managers believe that this new estimate will exceed the $7,800,000,000 estimate that has been used over the last five years. The managers expect this recalculated estimate to include all three goals of this initiative, namely, (1) getting the water right, (2) restoring and enhancing the natural habitat, and (3) transforming the built environment. The Congress and the American people are committed to this project. Over $1,300,000,000 has been appropriated to date; however, and the public deserves to know how much this project will truly cost. This information should be submitted to the Committees on Appropriations no later than February 1, 2000, and should be updated biennially.

The managers direct the Secretary of the Interior, in his capacity as Chair of the South Florida Restoration Task Force, to develop a region-wide strategic plan as recommended by the General Accounting Office. The plan should coordinate and integrate Federal and non-Federal activities necessary to achieve the three ecosystem restoration goals. The Secretary is directed to submit a progress report to the Committees on Appropriations in February, 2000, and the final strategic plan no later than July 31, 2000. This plan should be updated every two years.

The managers believe that the timely resolution of disputes regarding South Florida ecosystem restoration is important to avoid cost overruns and unnecessary delays in attaining the goals and benefits of the initiative. The Secretary of the Interior is directed to develop recommendations for resolving the most difficult conflicts and submit recommendations to the Committees on Appropriations by February 15, 2000. These recommendations should be developed in consultation with the other major partners in this effort.

The Committees, through previous appropriations, have supported the preparation of a new General Management Plan for Gettysburg NMP to enable the NPS to more adequately interpret the Battle of Gettysburg and to preserve the artifacts and landscapes that help to tell the story of this great conflict of the Civil War. Accordingly, the managers acknowledge the need for a new visitors facility and support the proposed public-private partnership as a unique approach to the interpretive needs of our National Parks.

NATIONAL RECREATION AND PRESERVATION

The conference agreement provides $53,899,000 for National recreation and preservation instead of $49,449,000 as proposed by the House and $51,451,000 as proposed by the Senate. The agreement provides $533,000 for Recreation programs, the same as the House and Senate. The agreement provides $10,090,000 for Natural programs as proposed by the House instead of $10,555,000 as proposed by the Senate. This includes a $500,000 general program increase and a $285,000 increase for hydropower relicensing. While the managers have not earmarked the River and Trails Conservation Assistance program, consideration should be given to the following projects: Mt. Independence NHL trail work, the Back to the River initiative, NE, and the Harlan County coal heritage project, KY. The managers emphasize that this is a technical assistance program, and therefore it is not meant to provide for annual operating expenses or technical assistance beyond two years.

The conference agreement provides $19,614,000 for Cultural programs instead of $19,364,000 as proposed by the House and $19,914,000 as proposed by the Senate. The changes to the House level is an increase of $250,000 for a Revolutionary War/War of 1812 Study. The managers have not provided the increase of $300,000 as proposed by the Senate for a pilot demonstration project to provide technical preservation and development assistance to non-Federal National Historic Landmarks. However, in providing funds for this core program, the managers expect that the National Park Service will provide technical assistance to non-Federal National Historic Landmarks. This is the core mission of the National Historic Landmarks program: to identify and help protect significant historic properties possessing exceptional value such as the Weston State Hospital in West Virginia.

The conference agreement provides $1,699,000 for International park affairs as proposed by the House and Senate, $373,000 for environmental and compliance review as proposed by the House and Senate and $1,819,000 for Grant administration as proposed by the House and Senate.

The conference agreement provides $6,886,000 for the heritage partnership program as proposed by the House instead of $5,886,000 as proposed by the Senate. The managers have agreed to the following disbursements of funds: $1,000,000 each for the Ohio and Erie Canal National Heritage Corridor, the Essex National Heritage Area and the Rivers of Steel National Heritage Area, $800,000 each for the Hudson Valley National Heritage Area and the South Carolina National Heritage Corridor and the balance of $1,400,000 for the other four areas. The managers have agreed to provide $886,000 for technical assistance, of which not more than $150,000 may be provided for the Service's overhead expenses and the balance of which should be made available to the heritage areas for technical assistance agreed to by both the Alliance of National Heritage Areas and the National Park Service.

The conference agreement provides $10,885,000 for Statutory or Contractual Aid instead of $4,685,000 as proposed by the House and $9,172,000 as proposed by the Senate. Funds are to be distributed as follows:

Alaska Native Cultural Center	$750,000
Aleutian World War II National Historic Area	800,000
Automobile Heritage Area	300,000
Blackstone River Corridor Heritage Commission	450,000
Brown Foundation	102,000
Chesapeake Bay Gateways	600,000
Dayton Aviation Heritage Commission	48,000
Delaware and Lehigh Navigation Canal	450,000
Ice Age National Scientific Reserve	806,000
Illinois and Michigan Canal National Heritage Corridor Commission	242,000
Johnstown Area Heritage Association	50,000
Lackawanna Heritage	450,000
Mandan On-a-Slant Village	400,000
Martin Luther King, Jr. Center ...	534,000
National Constitution Center	500,000
National First Ladies Library	300,000
Native Hawaiian culture and arts program	750,000
New Orleans Jazz Commission	67,000
Oklahoma City Memorial	866,000
Quinebaug-Shetucket National Heritage Preservation Commission	250,000
Roosevelt Campobello International Park Commission	670,000
Sewall-Belmont House	500,000
Vancouver National Historic Reserve	400,000
Wheeling National Heritage Area	600,000

The managers have agreed to provide $600,000 for a new Chesapeake Bay Gateways and Water Trails network and grants assistance program pursuant to Public Law 105-312. Of this amount, up to $200,000 is provided for completing a Chesapeake Bay Watershed-wide framework for implementing this law. The managers expect that this framework and the criteria and procedures for the proposed assistance program be completed and approved by the House and Senate Committees on Appropriations prior to providing any specific grants and technical assistance to states, communities or other groups. The remaining $400,000 will be available for competitive grants to meet the goals of the framework. As with any new initiative, the managers expect a report by April 1, 2000, on the framework goals and grants criteria and an annual end-of-year report, that details how the grants and technical assistance were allocated, the specific results of those individual grants and technical assistance and specifically how those projects relate to the framework and goals of the program.

The managers have provided on a one-time only basis $866,000 for the operation of the Oklahoma City Memorial, OK. The managers understand that there was an unexpected delay in the construction of the memorial museum, which is the planned revenue source for the memorial.

The conference agreement provides $2,000,000 for the Urban Parks and Recreation Recovery program instead of $4,000,000 as provided by the House and $1,500,000 as provided by the Senate.

The managers have included language in the bill providing authority for the retention of fees for historic preservation tax certifications. Similar language was proposed by both the House and Senate.

HISTORIC PRESERVATION FUND

The conference agreement provides $45,212,000 for the Historic preservation fund instead of $46,712,000 as proposed by the House and $72,412,000 as proposed by the Senate. Changes to the House level include decreases of $500,000 for the State Historic Preservation Offices and $1,000,000 for Historically Black Colleges and Universities. The amounts provided for each program are increases above the fiscal year 1999 levels.

The managers have also included $30,000,000 for the second and last year of the Millennium Program. These grants are subject to a fifty percent cost share and no single project may receive more than one grant from this program. The managers agree to fund the projects listed below. Additional project recommendations for funding shall be subject to formal approval of the House and Senate Appropriations Committees prior to any distribution of funds.

Project	*Amount*
Admiral Theatre (WA)	$400,000
African American Heritage Center (KY)	1,000,000
Aurora Civil War Memorial (IL)	300,000
Benjamin Franklin National Memorial (PA)	300,000
Intrepid Sea Air Space Museum (NY)	2,500,000
Mari Sandoz Cultural Center (NE)	450,000
Mark Twain House (CT)	2,000,000
McKinley Monument (OH)	100,000
Mission San Juan Capistrano (CA)	320,000
Montpelier (VA)	1,000,000
Mukai Farm and Garden (WA)	150,000
Nathaniel Orr Pioneer Home Site (WA)	250,000
National First Ladies Library—City National Bank Building (OH)	2,500,000
National Home for Disabled Volunteer Soldiers (OH)	130,000
River Heritage Museum (KY)	300,000
Saturn V Rocket, U.S. Space and Rocket Center (AL)	700,000
Sewell Building, Dinnock Center (MA)	300,000
Sitka Pioneer Home (AK) ..	150,000
St. Nicholas Cathedral (FL)	150,000
Tacoma Art Museum (WA)	600,000
Tannehill/Brierfield Ironworks Restoration Project (AL)	250,000
Thaddeus Stevens Hall at Gettysburg College (PA)	300,000
Unalaska Aerology Building (AK)	100,000
Weston State Hospital (WV)	750,000

CONSTRUCTION

The conference agreement provides $224,493,000 for construction instead of

$169,856,000 as proposed by the House and $223,153,000 as proposed by the Senate. The managers agree to the following distribution of funds:

Project	*Amount*
Apostle Islands NL, WI	$500,000
Assateague Island NS, MD/VA	973,000
Badlands NP, SD	1,572,000
Big Cypress N. Pres., FL	4,965,000
Black Archives (FL A&M), FL	2,800,000
Blackstone River Valley NHC, MA/RI	1,000,000
Boston NHP, MA	1,049,000
Brown v. Board of Education NHS, KS	4,300,000
Castle Clinton NM, NY	460,000
Chickasaw NRA, OK	1,275,000
Colonial NHP, VA	714,000
Crater Lake NP, OR	1,733,000
Cumberland Island NS, GA	1,400,000
Cuyahoga Valley NRA, OH	3,850,000
Dayton Aviation NHP, OH	242,000
Death Valley NP, CA	6,335,000
Delaware Water Gap NRA, NJ	500,000
Delaware Lehigh Heritage, PA	500,000
Denali NP&P, AK	3,200,000
Edison NHS, NJ	3,032,000
Everglades NP (water delivery), FL	12,000,000
Everglades NP (water treatment), FL	1,288,000
Florissant Fossil Beds NM, CO	1,131,000
Fort Stanwix NM, NY	1,100,000
Fort Sumter NM, SC	8,250,000
Gateway NRA, NJ	1,593,000
George Washington Memorial Parkway, MD	1,800,000
George Washington Memorial Parkway, VA	500,000
Gettysburg NMP, PA	1,100,000
Glacier Bay NP&P, AK	2,300,000
Golden Gate NRA, CA	1,075,000
Grand Canyon NP, AZ	779,000
Harpers Ferry NHP, WV	800,000
Hispanic Cultural Center, NM	3,000,000
Historic Preservation Training Ctr., MD	568,000
Home of FDR NHS, NY	1,400,000
Hot Springs NP, AR	1,000,000
Hovenweep NM, UT	1,000,000
Ice Age NST, WI	125,000
Indiana Dunes NL, IN	500,000
Kaloko-Honokohau NHP, HI	1,169,000
Lake Mead NRA, AZ	3,839,000
Lewis & Clark Bicentennial	500,000
Lincoln Home NHS, IL	600,000
Lincoln Library, IL	3,000,000
Missouri River NRA	200,000
Mount Rushmore NM, SD	4,568,000
Natchez Trace Parkway, MS	500,000
National Capital Region (FDR Memorial), DC	2,000,000
National Constitution Center, PA	10,000,000
National Underground R.R. Freedom Center, OH	1,000,000
New Bedford Whaling NHP, MA	800,000
New Jersey Coastal Heritage Trail, NJ	100,000
New River Gorge NR, WV	675,000
Olympic NP, WA	12,000,000
Padre Island NS, TX	823,000
Perry's Victory & IPM, OH	200,000
Salem Maritime NHS, MA	704,000
Sequoia & Kings Canyon NP, CA	5,621,000
Shiloh NMP, TN (shore erosion)	1,500,000
Shiloh NMP, MS (Corinth visitor center)	700,000
Sitka NHP, AK	3,645,000
Southwest Penn. Heritage, PA	3,000,000
Statue of Liberty & Ellis Island, NY/NJ	1,000,000
Timucuan Reserve, FL	550,000
Tonto NM, AZ	703,000
Vancouver NHR, WA	817,000
Wheeling National Heritage Area, WV	3,000,000
Wilson's Creek NB, MO	500,000
Yellowstone NP, WY	5,715,000
Yosemite NP, CA	1,850,000
Zion NP, UT	1,800,000
Subtotal, line-item projects	154,788,000
Emerg/unscheduled housing	3,500,000
Dam safety	1,440,000
Equipment replacement	18,000,000
General management plans	9,225,000
Construction planning	15,940,000
Pre-planning & supplementary	4,500,000
Construction program management	17,100,000
Total	224,493,000

The managers recommend $15,940,000 for planning, which includes the budget request of $10,195,000, as well as adjustments between the planning and line-item activities. The increases are provided for the following projects:

Chickasaw NRA	$286,000
Cuyahoga Valley NRA	150,000
Dayton Aviation Heritage NHP	186,000
Delaware Water Gap NRA	64,000
Denali NP&P (front country)	450,000
Fort Stanwix NM	250,000
Great Smoky Mountains NP	450,000
Lincoln Home NHS (Morse House)	92,000
Mammoth Cave NP (water system)	221,000
Mojave National Preserve	731,000
Mount Rainier NP:	
Paradise Visitor Center	1,400,000
Guide House	170,000
National Constitution Center	30,000
Shiloh NMP (erosion control)	360,000
Shiloh NMP (Corinth visitor center)	300,000
Timucuan Reserve (boat docks)	55,000
Washita Battlefield NHS	250,000
Vancouver NHR	100,000
Yosemite NP	200,000

Bill Language.—The managers have not included bill language as proposed by the House permitting Ellis Island to retain 100 percent of franchise fees subject to a requirement that these revenues be matched with non-Federal funds in fiscal year 2001.

The managers have earmarked $885,000 for realignment of the Denali National Park and Preserve entrance road instead of $1,100,000 as proposed by the Senate.

The managers have provided authority for the use of $2,000,000 for the FDR Memorial instead of $3,500,000 as proposed by the Senate. The Service is directed to modify the scope of the project to accomplish the same goal of providing an appropriate space for the privately funded new sculpture.

The managers have not earmarked funds for planning and development of interpretive sites at Saint Croix Island NHS as proposed in the Senate bill. Funds for this purpose should be derived from available planning funds.

The managers have provided $500,000, subject to authorization, for studies on the preservation of certain Civil War battlefields along the Vicksburg Campaign Trail instead of $1,000,000 as proposed by the Senate.

The managers have provided $3,000,000 for the Wheeling National Heritage Area construction instead of $5,000,000 as proposed by the Senate.

The managers have included language that provides one-year authorization of funding for the Lincoln Library and the Southwest Pennsylvania Heritage Area.

The managers have included language in Title I, General Provisions providing the National Park Service with authority to obligate certain fees for transportation services at Zion National Park in advance of the receipt of such fees.

The managers have provided $4,300,000 for the Brown v. Board of Education NHS in Kansas. These funds are to complete the rehabilitation of the building and for exhibit planning. The amount provided is based on a revised estimate of obligations in fiscal year 2000.

The managers have not provided funds for rehabilitation of sewer systems at Glacier National Park. The National Park Service has determined that the existing system cannot be upgraded sufficiently to meet state standards, and that therefore a replacement system likely will be required. Due to the additional time required to redesign the project, construction funds for this project cannot be obligated in fiscal year 2000.

The managers have provided $2,300,000 for Glacier Bay National Park and Preserve in Alaska. It is the managers' intent that $1,400,000 be expended on the clean-up of contaminated soils at the site of the proposed visitor center. Another $400,000 is provided for the Secretary to enter into a memorandum of understanding with the park concessionaire to design a visitor center that will be co-managed and co-operated by the Service and the concessionaire. Design costs are to be shared equally between the Service and the concessionaire except that the concessionaire may use in-kind services, cash, or a combination of both, as its share. The facility is expected to be at least 6,500 square feet and reserve an appropriate amount of space for non-exclusive use by the Hoonah Indian Association. In 1998, Congress approved the Glacier Bay National Park Boundary Adjustment Act of 1998 (P.L. 105-317), the purpose of which was to establish a process that could lead to the construction of a hydroelectric facility to provide power to Gustavus, Alaska. The managers believe the hydroelectric project to be built and connected to the Park would protect the environment and be more consistent with the purposes of the Park than the Park's use of diesel generators for power. Accordingly, the managers intend that $500,000 be made available as a grant to Gustavus Electric Company to pay for studies required by the Act.

The managers have provided a total of $3,650,000 for Denali National Park and Preserve in Alaska. These funds are intended for the following projects: $2,015,000 for site work, $885,000 for road realignment, $175,000 for the South Denali/CIRI plan, $125,000 for wildlife inventories and $450,000 for planning for Phase I. The managers direct funding of $175,000 for the further development of plans to site National Park Service visitor services in facilities on Native lands near Talkeetna, Alaska.

The managers have not earmarked planning funds specifically for Kenai Fjords National Park. To the extent funds previously appropriated for this project are not sufficient to continue planning through fiscal year 2000, the Service should seek to provide any necessary funds from available planning funds.

The managers have provided $500,000 for the G.W. Memorial Parkway in Virginia. Of this total, $400,000 is available for a temporary alternative route at the Humpback Bridge, and $100,000 is to conduct and complete a study to extend the Mt. Vernon multi-use trail north to I–495 in Virginia.

The managers have included $1,000,000 for the National Underground Railroad Freedom Center in Cincinnati subject to a non-Federal match and the enactment of authorization.

While the managers have provided $3,000,000 in funds for a new Lincoln Library in Springfield, Illinois, $3,000,000 for Southwest Pennsylvania Heritage and $3,000,000 for construction at the Wheeling National Heritage Area in West Virginia in fiscal year 2000, any future funding for these projects will be contingent on enacted authorization.

The managers have provided a total of $500,000 for the research library administrative annex at Wilson's Creek National Battlefield Visitor Center in Missouri. This completes the federal share of this project.

The managers have provided an appropriation of $675,000 for the New River Gorge National River, West Virginia, for various construction projects. The managers are aware that $500,000 in unobligated prior year funds are available to the New River Gorge for construction and direct that these funds be added to the $675,000 in new appropriations (for a total of $1,175,000) to carry out the highest priority construction needs of the New River Gorge National River for fiscal year 2000 as identified in Senate Report 106–99.

The managers have not provided funds for unscheduled housing because the unobligated balance in this account exceeds $22,000,000. The Committees have not agreed to release these funds until the Park Service agrees on a consistent new housing policy and standard construction designs that will be used for all trailer replacement units. The Service was supposed to present a complete package to the Committees on Appropriations in September 1999. As of October 8, 1999, no such proposal had been forwarded. The managers strongly encourage the Service to submit the information to the Committees on Appropriations for approval so that these funds can be released.

The managers provide $12,000,000 for the Olympic National Park Elwha dam removal project. Within the funds provided, the National Park Service is directed to use up to $5,500,000 to plan and design water supply mitigation measures for the City of Port Angeles. The National Park Service shall report final recommendations to the House and Senate Appropriations Committees no later than September 30, 2000. The Park Service shall also reimburse the City for current and future sunk costs reasonably incurred in studying and preparing water supply mitigation options associated with removing the Elwha dams up to $500,000. The managers urge the Park Service to enter into a memorandum of understanding with the City of Port Angeles and other regional stakeholders setting forth the federal government's specific obligation with regard to the design, construction, operation, and maintenance of the domestic and industrial water mitigation measures as required by the Elwha River Ecosystem and Fisheries Restoration Act of 1992. The MOU should also define the specific roles of relevant federal agencies, the City of Port Angeles, and/or other regional stakeholders in the development and operation of the necessary water mitigation measures. The managers encourage Port Angeles to pursue an appropriate share of the costs related to upgrading its water system from the Environmental Protection Agency.

The managers urge the National Park Service to acquire title to the Elwha and Glines Canyon Dams by February 29, 2000, subject to agreement between the owners and the National Park Service on the details of the transfer. Pending completion of planning, design, and engineering work for removal of the dams, the Secretary may cease power production if he determines that such production is not cost effective.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The conference agreement rescinds the contract authority provided for fiscal year 2000 by 16 U.S.C. 4601–10a as proposed by both the House and the Senate.

LAND ACQUISITION AND STATE ASSISTANCE

The conference agreement provides $120,700,000 for land acquisition including stateside grants instead of $132,000,000 as proposed by the House and $107,725,000 as proposed by the Senate. Funds should be distributed as follows:

State and Project	*Amount*
MD—Antietam NB	$2,000,000
WI—Apostle Islands NL	250,000
FL—Big Cypress N Pres	11,300,000
FL—Biscayne NP	600,000
MA—Boston Harbor Islands NRA	2,000,000
PA—Brandywine Battlefield	500,000
MA—Cape Cod NS	500,000
MD—Chesapeake and Ohio Canal NHP	800,000
OH—Cuyahoga Valley NRA	1,000,000
WA—Ebey's Landing NH Res	1,000,000
FL—Everglades NP	20,000,000
VA—Fredericksburg and Spotsylvania NMP	2,000,000
WV—Gauley River NRA	750,000
PA—Gettysburg NMP	1,600,000
FL—Grant to State of FL	10,000,000
HI—Haleakala NP	1,500,000
HI—Hawaii Volcanoes NP	1,500,000
WI—Ice Age National Scenic Trail	2,000,000
IN—Indiana Dunes NL	1,200,000
MI—Keweenaw NHP	1,700,000
VA—Manassas NB	400,000
CA—Mojave NP&P (Catellus property)	5,000,000
MD—Monocacy NB	500,000
WV—New River Gorge NR	250,000
WI—North Country NST	500,000
PA—Paoli Battlefield	1,250,000
NM—Pecos NHP	1,800,000
NM—Petroglyph NP	3,000,000
AZ—Saguaro NP	2,800,000
CA—Santa Monica NRA	2,000,000
TN—Stones River NB	1,500,000
VI—Virgin Islands NP (St. John's)	1,000,000
GU—War in the Pacific NHP	500,000
CT—Weir Farm NHS	2,000,000
SUBTOTAL	84,700,000
Emergencies/hardships	3,000,000
Inholdings and Exchanges	2,000,000
Acq. Management	10,000,000
Stateside Land Acquisition Grants	20,000,000
State Grants Administration	1,000,000
Total	120,700,000

The conference agreement provides $2,000,000 to purchase the final island as part of the Boston Harbor Islands National Recreation Area in Massachusetts. The release of these funds is contingent upon a $3,000,000 match by the Commonwealth of Massachusetts. These funds are subject to authorization.

The managers agree to provide $5,000,000 to the National Park Service (NPS) and $5,000,000 to the Bureau of Land Management (BLM) for land acquisition within the California desert. This funding is based on the understanding that the Wildlands Conservancy will acquire 8,000 additional acres, in consultation with the NPS and BLM, from willing sellers and small private inholdings within Joshua Tree National Park and the Mojave National Preserve during the next year.

The managers agree that no additional funds will be provided for Catellus land acquisition in future years unless and until the Department of Interior (DOI) and Department of Defense (DOD) resolve remaining issues relating to desert tortoise mitigation and land acquisition and expansion at the National Training Center for the Army at Fort Irwin in California.

Furthermore, the managers will consider an additional $20,000,000 for California desert land acquisition up to a total of $30,000,000. Future funding decisions will be based upon progress made by DOI and DOD on desert tortoise mitigation and land acquisition and expansion at the National Training Center for the Army at Fort Irwin.

The conference agreement provides $2,000,000 for land purchases at the Fredericksburg-Spotsylvania National Military Park in Virginia. The managers are concerned that nearly $2,000,000 in previously appropriated funds have not been obligated. The managers strongly urge the Park to obligate fully the funds provided in fiscal years 1999 and 2000. Future funding will not be provided until these funds are expended.

The managers have provided an additional $1,600,000 for the Gettysburg National Military Park in Pennsylvania. This amount together with the $4,500,000 in unobligated balances from prior fiscal years will complete the purchase of the Brown Ranch and provide for the acquisition of the Tower. The managers understand that the Tower was appraised at $3,000,000.

The managers agree to the following: Lands shall not be acquired for more than the provided appraised value (as addressed in section 301(3) of Public Law 91–646) except for condemnations and declarations of taking and tracts with an appraised value of $50,000 or less, unless such acquisitions are submitted to the Committees on Appropriations for approval in compliance with established procedures.

The managers have included funds for Paoli and Brandywine Battlefields contingent upon authorization and a fifty percent non-Federal match.

The managers have provided the full $31,900,000 to complete the land acquisition needs of the Everglades National Park, Biscayne National Park and Big Cypress National Preserve. Also provided is $10,000,000 for grants to Florida which are subject to a fifty percent match of newly appropriated non-Federal funds. The managers have adjusted the House bill language to make release of the grant funds to Florida subject to an agreement between Federal and non-Federal partners which clearly sets out a guaranteed water supply to the National Parks and other natural areas including Florida Bay.

The managers have also provided the additional $1,000,000 requested in the budget for acquisition management costs in Southern Florida but have incorporated this amount in the total acquisition management account. The managers saw no need to provide a separate line for this purpose.

The managers have provided bill language to allow the State of Wisconsin to receive grants for the purchase of lands for the Ice Age National Scenic Trail and North Country National Scenic Trail.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

The conference agreement provides $823,833,000 for surveys, investigations, and research instead of $820,444,000 as proposed by the House and $813,093,000 as proposed by the Senate.

Increases above the House include $250,000 for the Hawaiian volcano program, $2,000,000 for minerals at risk, $500,000 for the Great Lakes mapping coalition project, $998,000 for watershed modeling, $100,000 for the endocrine disrupter study in the Las Vegas Wash, $500,000 for a monitoring well in Hawaii, $200,000 for a hydrologic study of Noyes Slough, $140,000 for the Southern Maryland ground water study, $180,000 for a Yukon River salmon study, $250,000 (for a total of $500,000) for repairs to the Leetown science center, and $500,000 for the Great Lakes boat restoration.

Decreases below the House include $729,000 for technological efficiencies, $500,000 for the real time hazards program in the water resources division, $500,000 for amphibian research, and $500,000 for the cooperative research units.

The managers have agreed to approve in part the Survey's proposed budget restructuring by establishing new "science support" and "facilities" budget line items. The managers support this action because it will improve the Survey's business practices and its relationship with its customers, and because these efforts represent truth in budgeting. However, the managers disallow the Survey's proposal to establish a new "integrated science" budget activity. The managers see the need for and importance of an integrated approach to science, but believe that establishing such a policy is primarily a management issue and not a function of the structure of the budget. The managers encourage the Director to employ the appropriate management, operational, fiscal, and programmatic means at the Director's disposal in order to achieve the goal of establishing an integrated science approach where appropriate.

Because of the severe budget constraints imposed on the appropriations process, the managers have not provided any additional funds for new programs that were proposed in this year's budget. Therefore, no funds were provided for the community information partnership initiative or for the disaster information network.

The managers strongly recommend that the Survey give priority consideration to the installation of water gages on the Alabama, Coosa, Tallapoosa, Apalachicola, Chattachoochee and Flint Rivers.

The managers have agreed to restore $3,500,000 for coastal and marine geology programs. The managers agree that a total of $1,250,000 is designated for continuation of the joint Survey-Sea Grant Consortium South Carolina/Georgia Coastal Erosion Study as outlined in the Phase II Study Plan, of which $250,000 is provided for the South Carolina coastal erosion monitoring program. Further, the managers expect the Survey to continue its other high priority coastal and marine research programs, such as major studies of the Louisiana barrier islands, wetlands, hypoxia, and Lake Ponchartrain with the remaining available funds.

The managers have provided $1,600,000 for the purchase of seismographic equipment as proposed by the House. The managers expect that these funds will be allocated as indicated in the budget estimate.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

The conference agreement provides $110,682,000 for royalty and offshore minerals management as proposed by the Senate instead of $110,082,000 as proposed by the House.

The $600,000 increase above the House is for the Center for Marine Resources and the Environmental Technology program.

Within the funds provided the managers have provided $1,400,000 to the Offshore Technology Resource Center at Texas A&M University for high-priority offshore research associated with deepwater development.

OIL SPILL RESEARCH

The conference agreement provides $6,118,000 for oil spill research as proposed by both the House and the Senate.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

The conference agreement provides $95,891,000 for regulation and technology as proposed by the Senate instead of $95,693,000 as proposed by the House. Funding for the activities should follow the Senate recommendation.

ABANDONED MINE RECLAMATION FUND

The conference agreement provides $191,208,000 for the abandoned mine reclamation fund instead of $196,458,000 as proposed by the House and $185,658,000 as proposed by the Senate. The agreement provides $176,019,000 for the environmental restoration activity, an increase of $5,879,000 above the fiscal year 1999 funding level. Funding for the other activities follows the House recommendation. The managers have agreed on the House proposal to designate $300,000 for the western Pennsylvania water quality demonstration project. The managers have also agreed to authorize up to $8,000,000 for the Appalachian clean streams initiative as proposed by the House. The agreement includes the Senate proposed language allowing all funds from Title IV of the Surface Mining Control and Reclamation Act to be used as non-Federal cost shares.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

The conference agreement provides $1,637,444,000 for the operation of Indian programs instead of $1,631,050,000 as proposed by the House and $1,633,296,000 as proposed by the Senate.

Increases above the House include $320,000 for new tribes, $1,000,000 for student transportation, $1,000,000 for fisheries enhancement, $500,000 for tribal resource management, $3,000,000 for environmental management, $10,000,000 for law enforcement, $250,000 for the Crownpoint Institute of Technology, and $600,000 for post secondary schools.

Decreases below the House include $5,000,000 for the Indian self determination fund, $100,000 for Alaska legal services, $108,000 for the United Sioux Tribe Development Corporation, $3,573,000 for probate backlog, and $1,495,000 for land records improvement.

Over the past several years, the House and Senate Committees on Appropriations and the Department of the Interior have been concerned with improving the management of the Bureau of Indian Affairs which has consistently been criticized for organizational shortcomings. During this period, a number of reforms have been put in place which were designed to improve the Bureau's effectiveness and accountability. To the Bureau's credit it has made substantial progress in addressing its management problems. However, to truly address these issues one needs an analysis of the structure of the Bureau, how its management has changed over time due to increased tribal contracting and compacting, and the lack of concurrent shifts in the Bureau's management structure to these changing circumstances. To this end, the House and Senate Appropriations Committees working with the Department of the Interior commissioned a study of the Bureau by the National Academy of Public Administration (NAPA). The NAPA study was tasked with providing recommendations for improving the quality, efficiency, and cost-effectiveness of the Bureau's operations.

The managers have received copies of the NAPA report titled, "A Study of Management and Administration: the Bureau of Indian Affairs". The managers believe that the report provides some excellent recommendations to improve the administrative activities of the Bureau and managerial control over the Bureau. The most startling finding of the NAPA study was that some of the basic administrative functions that are necessary for effective management, and that exist in other organizations, are absent in the Bureau. This finding led NAPA to conclude that Bureau personnel are hard working dedicated employees who are not provided with the tools to effectively do their jobs. For example, NAPA concluded that, "there is no existing capability to provide budget, human resources, policy, and other types of assistance to the Assistant Secretary—Indian Affairs and the Bureau." Even prior to the NAPA report, the managers were aware that the Office of the Assistant Secretary—Indian Affairs did not have the capability to develop and analyze policy recommendations. Therefore, the managers have provided $250,000 under central office general administration as part of the fiscal year 2000 budget for the establishment of an office of policy analysis and planning in support of NAPA-related program reform efforts.

Consequently, it is the recommendation of the managers that the Bureau proceed with implementation of the NAPA report. In addition, the Bureau should incorporate the NAPA recommendations as part of the Bureau's fiscal year 2001 budget. The managers understand that implementation of the

NAPA recommendations will likely result in the transfer of functions from Central Office West to Central Office East. Before this reorganization is implemented, the Bureau should coordinate this reorganization with the appropriate Congressional delegation. The managers recognize that implementation of the NAPA recommendations may require a reprogramming of funds. The Committees on Appropriations will look favorably on such requests and will try to expedite their approval. Lastly, the managers direct the Bureau and the Department to keep the Committees on Appropriations fully informed as to the progress being made in implementing the NAPA recommendations.

The managers have provided $592,000 for the Gila River Farms project with the understanding that the funding completes this multi-year agriculture project.

The managers direct that within the funds provided for the Indian Arts and Crafts Board $290,000 is earmarked for enforcement and compliance activities.

In recognition of the many pressing needs in public safety and justice and in order to allow the tribes and the Bureau to determine the priorities among those needs, the managers have not earmarked funds for animal welfare and control efforts within the funds provided for law enforcement. The managers are concerned, however, about the growing problems related to animal welfare and control on reservations and encourage the Bureau and the tribes to work with the Indian Health Service to determine if funding to address these problems should be included in future budget requests.

CONSTRUCTION

The conference agreement provides $146,884,000 for construction as proposed by the Senate instead of $126,023,000 as proposed by the House.

Changes to the House number include an increase of $22,374,000 for replacement school construction and decreases of $500,000 for employee housing and $1,013,000 from the safety of dams program. For replacement school construction, the managers agree to the distribution stated on page 54 of Senate Report 106–99.

The managers remain troubled over the growing number of requests to use unobligated prior year school operations funds for replacement or repair of Bureau funded schools. The Congress has increased school operations funding every year for the past five years based on analysis by the Department, the Bureau, and the tribes showing that school operation funds remain well below the per student national average. Based on this analysis the managers are not convinced that any school should have carryover operations funds at the end of the school year. Nevertheless, the managers have included bill language to allow the Tate Topa Tribal School, the Black Mesa Community School, and the Alamo Navajo School to use prior year operations funds for repair and replacement purposes. However, to ensure that the additional flexibility provided by this language does not create an incentive for schools to divert scarce operations dollars, any future requests require approval by the Secretary of the Interior. In addition, the managers direct that if this authority is used, the Secretary should certify in writing to the House and Senate Committees on Appropriations that this request will not negatively impact the school's academic standards.

The managers have included bill language as proposed by the Senate to provide $375,000 to the U.K. Development L.L.C. in return for a quit claim deed to the Lac Courte Oreilles Ojibwe school.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

The conference agreement provides $27,256,000 for Indian land and water claim settlements and miscellaneous payments to Indians instead of $25,901,000 as proposed by the House and $27,131,000 as proposed by the Senate.

Increases above the House level include $1,000,000 for Aleutian Pribilof church repairs, $230,000 for the Truckee River, and $125,000 for the Walker River Paiute Tribe.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

The conference agreement provides $5,008,000 for the Indian guaranteed loan program as proposed by the House instead of $5,004,000 as proposed by the Senate.

ADMINISTRATIVE PROVISIONS

The managers have included bill language under the Bureau of Indian Affairs Administrative Provisions as proposed by the Senate that allows the use of prior year school operations funds to be used for replacement or repair of Bureau schools if approved by the Secretary.

The managers have modified Senate proposed bill language included under the Bureau of Indian Affairs Administrative Provisions which clarifies that Bureau funded schools may share their campus with other schools that do not receive Bureau funding and have expanded grades, provided that any additional costs be provided by non-Federal sources.

The managers have modified Senate proposed bill language under Title I General Provisions to direct that the allocation of funds to post secondary schools during fiscal year 2000 be determined by the post secondary funding formula adopted by the Office of Indian Education.

The managers have modified Senate proposed bill language under Title I General Provisions to allow the Secretary to redistribute no more than 10 percent of Tribal Priority Allocation funds to address unmet needs, dual enrollment, overlapping service areas, or inaccurate distribution methodologies.

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

The conference agreement provides $67,171,000 for assistance to territories instead of $62,320,000 as proposed by the House and $67,325,000 as proposed by the Senate. The managers have agreed to follow the funding levels proposed by the Senate for the activities, except that the managers have included a decrease of $154,000 from the level proposed by the Senate for the Office of Insular Affairs. The managers have included funding, as suggested by the Senate, for the Compact renegotiation process. The conference agreement also includes the language proposed by the Senate deferring part of the Covenant mandatory payment to the Commonwealth of the Northern Mariana Islands. The deferred funds are allocated to the Virgin Islands for federal mandates as directed by the Senate report. The managers agree that the Secretary should ensure that representatives of Hawaii are consulted during the upcoming compact renegotiation process so the impact to Hawaii of migrating citizens from the freely associated states is appropriately considered.

COMPACT OF FREE ASSOCIATION

The conference agreement provides $20,545,000 for the Compact of Free Association as proposed by both the House and the Senate.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

The conference agreement provides $62,864,000 for Departmental Management as proposed by the House instead of $62,203,000 as proposed by the Senate. The managers agree to the following distribution of funds:

Departmental direction	$11,665,000
Management and coordination	22,780,000
Hearings and appeals	8,047,000
Central services	19,527,000
'Bureau of Mines workers compensation/unemployment	845,000

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

The conference agreement provides $40,196,000 for the Office of the Solicitor instead of $36,784,000 as proposed by the House and the Senate. The managers agree to the following distribution of funds:

Legal services	$33,630,000
General administration	6,566,000

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

The conference agreement provides $26,086,000 for the Office of Inspector General as proposed by the House instead of $26,614,000 as proposed by the Senate. The managers agree to the following distribution of funds:

Audit	$15,266,000
Investigations	4,940,000
Administration	5,880,000

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

The conference agreement provides $90,025,000 for Federal trust programs as proposed by the House instead of $73,836,000 as proposed by the Senate.

The managers direct that prior to the Department deploying the Trust Asset and Accounting Management System (TAAMS) in any Bureau of Indian Affairs Area Office, with the exception of locations in the Billings area, the Secretary should advise the Committees on Appropriations that, based on the Secretary's review and analysis, such systems meet TAAMS contract requirements and user requirements.

The managers have modified House proposed bill language under Title I General Provisions to allow the Department to hire individuals other than administrative law judges (ALJ) to hear Indian probate cases, and to allow the Department to secure the services of ALJs from other Federal agencies as a means of reducing the Indian probate backlog.

INDIAN LAND CONSOLIDATION PILOT

The conference agreement provides $5,000,000 for the Indian land consolidation pilot as proposed by the House and Senate.

The managers have included a technical correction to the bill language to allow funds to be transferred to the Bureau of Indian Affairs for the administration of the consolidation pilot.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

The conference agreement provides $5,400,000 for the natural resource damage assessment fund as proposed by the House instead of $4,621,000 as proposed by the Senate.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

The conference agreement includes sections 101 through 112 and sections 114 and 115 from the Senate bill which continue provisions carried in past years.

Section 113 contains a technical correction to the Senate language dealing with contract support costs paid by the Department of the Interior on Indian self-determination contracts and self-governance compacts as proposed by the House.

Section 116 changes the name of the Steel Industry American Heritage Area to the "Rivers of Steel National Heritage Area" as proposed by the House. The Senate had no similar provision.

Section 117 retains the text of section 116 as proposed by the Senate and provides for the protection of lands of the Huron Cemetery for religious and cultural uses and as a burial ground. The House had no similar provision.

Section 118 retains the text of section 114 as proposed by the House and section 118 as proposed by the Senate which permits the retention of rebates from credit card services for deposit to the Departmental Working Capital Fund.

Section 119 retains the text of section 115 as proposed by the House and section 119 as proposed by the Senate which permits the transfer of funds between the Bureau of Indian Affairs and the Office of Special Trustee for American Indians for the Trust Management Improvement Project High Level Implementation Plan.

Section 120 makes permanent the exemption from certain taxes and special assessments for properties at Fort Baker, Golden Gate National Recreation Area. The Senate had provided the exemption for one year.

Section 121 retains the text of section 117 as proposed by the House and section 121 as proposed by the Senate which permits the retention of proceeds from agreements and leases at Fort Baker, Golden Gate National Recreation Area for preservation, restoration, operation, maintenance, interpretation and related activities.

Section 122 retains the text of section 118 of the House bill which requires the renewal of grazing permits in the Lake Roosevelt National Recreation Area and directs the National Park Service to manage grazing use to protect recreational, natural and cultural resources. Senate section 124 contained a similar provision.

Section 123 modifies language of the House and Senate regarding the issuance of grazing permits. This modification requires analysis of grazing activities using sound, proven science. The managers are concerned with the existing backlog incurred from the renewal process of expiring permits and leases. The managers expect the Department to develop and implement a schedule to address and alleviate this backlog as soon as possible, and have provided an additional $2,500,000 to expedite the grazing permit and lease renewal process. The managers expect these renewals to be completed so that they will not need to continue to address this issue on an annual basis.

Section 124 modifies House section 120 and allows the Department to hire individuals other than administrative law judges and to secure the services of administrative law judges from other Federal agencies to address the Indian probate backlog. The Senate had no similar provision.

Section 125 retains the text of section 121 as proposed by the House allowing American Samoa to receive a loan which will be repaid from its proceeds from a settlement agreement with tobacco manufacturers. The Senate had no similar provision. The managers remain very concerned about the fiscal situation in American Samoa. The managers have agreed to the Senate proposal that the Secretary should not release certain funds withheld in fiscal year 1999 until the Secretary certifies that American Samoa implements activities regarding repayment for health care in Hawaii. The managers expect that the substantial loan will be used effectively by American Samoa to provide a long-lasting fiscal remedy and economic development. The managers strongly encourage the government to use some of these new funds for health care repayments which remain outstanding. The managers direct the Secretary to craft the final loan agreement so that the principal of $18,600,000, and interest calculated at the Congressional Budget Office's estimate of 5.4 percent, be fully repaid through the assignment of the tobacco lawsuit settlement funds over the next 26 years. At such time as these costs have been fully repaid the Secretary should act promptly to restore the tobacco settlement payments directly to American Samoa. The managers also encourage the Secretary and the American Samoa government to work cooperatively to identify and bring economic development to the Territory. The managers encourage the Secretary to consult with other Federal departments and agencies in this effort and make use of the recently established President's Interagency Group on Insular Areas to help achieve this goal.

The managers have not agreed to language proposed by the Senate in section 122 prohibiting the use of funds for the removal of the Elwha and Glines Canyon dams.

Section 126 modifies language as proposed by the Senate on a feasibility study for designating Midway Atoll as a National Memorial. The modification directs the Secretary, acting through the Fish and Wildlife Service in coordination with the National Park Service, to pursue designation of Midway Atoll as a National Memorial to the Battle of Midway. It requires no study before establishment of the designation. The House had no similar provision. The managers note that the Fish and Wildlife Service has an aggressive program underway at Midway relating to historic site protection, restoration and interpretation, and the managers fully support that effort.

Section 127 modifies section 125 as proposed by the Senate and provides the Secretary one year to redistribute Tribal Priority Allocation funds to address unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. The House had no similar provision.

Section 128 retains the text of section 126 as proposed by the Senate prohibiting the use of funds to transfer land into trust status for the Shoalwater Bay Indian Tribe in Clark County, Washington, until the tribe and county reach agreement on development issues. The House had no similar provision.

Section 129 modifies section 127 as proposed by the Senate and limits the use of funds to implement Secretarial Order 3206 regarding the administration of the Endangered Species Act on Indian tribal lands. The modification permits implementation of the order except for two provisions. The first provision, which may not be implemented, would give preferential treatment to Indian activities at the expense of non-Indian activities in determining conservation restrictions to species listed under the Endangered Species Act. The second would give preferential treatment to tribal lands at the expense of other privately owned lands in designating critical habitat under the Endangered Species Act. The House had no similar provision.

Section 130 retains the text of section 128 as proposed by the Senate providing authority for the Bureau of Land Management to provide land acquisition grants to two local governments in Alaska. The House had no similar provision.

The managers have not included section 129 as proposed by the Senate dealing with alternatives for the modification of Weber Dam. The projects listed in the section, however, have been funded and incorporated in the appropriate accounts. The House had no similar provision.

Section 131 retains the text of section 130 as proposed by the Senate redirecting $1,000,000 from fiscal year 1999 appropriated funds for acquisition of the Howard Farm near Metzger Marsh, Ohio. The House had no similar provision.

The managers have not included language proposed in section 131 of the Senate bill to place a moratorium on the issuance of final procedures for class III Indian gaming. The managers have taken this action based on assurances from the Secretary that he will not implement final procedures until the Federal courts have ruled on this issue.

Section 132 retains the text of section 132 as proposed by the Senate conveying certain lands to Nye County, Nevada. The House had no similar provision.

Section 133 retains the text of section 133 as proposed by the Senate conveying certain lands to the City of Mesquite, Nevada. The House had no similar provision.

Section 134 clarifies that section 134 as proposed by the Senate expresses the Sense of the Senate regarding exhibits commemorating the quadricentennial of European settlement at St. Croix Island IHS.

Section 135 retains the text of section 135 as proposed by the Senate prohibiting the Department of the Interior from studying or implementing any plan to drain Lake Powell or reduce water levels below levels required for the operation of Glen Canyon Dam. The House had no similar provision.

Section 136 modifies section 136 as proposed by the Senate dealing with the prohibition of inspection fees on certain exported hides and skins. The modification specifies that the prohibition on fees does not apply to any person who ships more than 2,500 hides, skins or parts during the course of one year. The House had no similar provision.

Section 137 retains the text of section 138 as proposed by the Senate prohibiting the implementation of sound thresholds at Grand Canyon National Park until 90 days after the National Park Service has provided a report detailing the scientific basis for such thresholds. The House had no similar provision.

Section 138 modifies language as proposed by the Senate regarding funds appropriated in fiscal year 1998 for land acquisition in Haines Borough, Alaska.

Section 139 modifies section 142 as proposed by the Senate so that funds appropriated for Bureau of Indian Affairs Post Secondary Schools for fiscal year 2000 shall be allocated by the Post Secondary Funding Formula adopted by the Office of Indian Education Programs. The House had no similar provision.

Section 140 clarifies section 143 as proposed by the Senate that land and other reimbursement the Secretary may receive in the conveyance of the Twin Cities Research Center must be used for the benefit of the National Wildlife Refuge System in Minnesota and for activities authorized by Public Law 104-134. The House had no similar provision.

Section 141 modifies section 144 as proposed by the Senate regarding oil valuation regulations. The managers instruct the Comptroller General to review the issues raised by the Minerals Management Service oil valuation rule-making and to issue a report within six months. The section also requires that the rule be consistent with existing statutory requirements (Mineral Lands Leasing Act, 30 U.S.C. Sec. 226(b) and Outer Continental Shelf Lands Act, 43 U.S.C. Sec. 1337).

The managers expect that the GAO report will examine and evaluate the proposed rule and its consistency with statutory requirements, lease agreements, and historic practices of valuing oil for royalty purposes at the lease. The managers intend that the Comptroller General will take into consideration all official comments submitted during the rule-making. Specifically, the managers expect the following issues to be examined and reported upon: criteria for arms length transactions for valuation purposes; methodologies for determining values in non-arms length transactions; proper adjustments and allowances of expenses when the valuation process begins away from the lease; and acceptance of arms length market transactions.

The managers urge and expect the MMS to review thoroughly the Comptroller General's report and to ensure that oil royalty valuation rules are consistent with existing law. Nothing in this conference report would prevent MMS from reproposing the rule. In fact, the managers encourage them to do so.

Section 142 extends through 2003 the authority of the Thomas Paine National Historical Association to establish a memorial to Thomas Paine in the District of Columbia.

Section 143 provides new contract authority regarding transportation concessions at Zion NP, Utah.

Section 144 provides an extension of the deadline for Red Rock Canyon National Conservation Area to allow the Bureau of Land Management sufficient time to process a pending rights-of-way application.

Section 145 increases to 15 percent the amount of funds that may be used by the National Park Foundation to administer the National Park Passport program.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

The conference agreement provides $202,700,000 for forest and rangeland research instead of $204,373,000 as proposed by the House or $187,444,000 as proposed by the Senate. The managers have agreed to the Senate proposal to direct $250,000 to study hydrological and biological impacts of lead and zinc mining on the Mark Twain National Forest, MO. The managers have moved the bill language that concerns prospecting permits and land withdrawals on this national forest to Title III. The managers have agreed to a funding decrease of $2,574,000 from lower priority research but the managers have not agreed to the Senate proposal to reduce non-forest health and productivity research specifically; nor are funds included for uncontrollable fixed cost support as proposed by the House.

The managers have agreed to the House proposed funding level for the forest inventory and analysis program. This program should focus on cost share opportunities with state partners and give first priority to those states that have demonstrated a commitment to achieving the 20 percent annual plot measurement objective through cash or in-kind contributions.

The managers have included the funding for the activities at Mount St. Helens proposed by the House. The Pacific Northwest (PNW) research station should collaborate with the National Monument staff and non-Federal scientists to assemble, summarize and archive long-term data sets on 20 years of biological responses at Mount St. Helens. The PNW should convene scientists with past or future involvement with ecological studies at Mount St. Helens to synthesize current knowledge and promote future studies.

The managers have provided no funding in the research account for the University of Washington landscape ecology study; rather, funds for this activity have been provided in the State and Private Forestry appropriation to maintain this effort at the fiscal year 1999 level.

The managers have agreed to the Senate proposal for a funding increase at the Sitka, AK, forest center and have agreed to a $300,000 increase above the fiscal year 1999 level for the Purdue University hardwood center. Funding for the Sitka facility should be included in the fiscal year 2001 budget justification.

The managers do not agree to the Senate proposal for the University of Montana research nor the Senate proposed expansion of the CROP program, but the managers agree to maintain the CROP program at the fiscal year 1999 level at the Colville National Forest, WA.

The managers have moved $1,000,000 from the national forest system account for the PNW station to fund the demonstration of ecosystem management options (DEMO) program; if additional funds are needed, they should be taken from the national allocation to research. The managers agree with the Senate colloquy that projects at West Virginia, Vermont, and the Forest Products lab should be funded at the fiscal year 1999 level as should the Coweeta and Bent Creek projects as proposed by the House. The managers also agree that funding for the forest science laboratory in Juneau, AK, should be maintained at the fiscal year 1999 level.

The managers direct that up to $500,000 from the national allocation should be used, in a cost-share effort, to revise and update the Forest Service publication, "Carbon Changes in U.S. Forests". The updated publication should include all documentation of assumptions and methodologies used in estimating and projecting carbon sequestration using the forest carbon accounting model (FORCARB). A final draft of the updated publication should be presented to an accredited forestry school for scientific peer review by June 30, 2000, and an updated publication should be completed by September 30, 2000, and submitted to the House and Senate Committees on Appropriations.

The managers have agreed to revised instructions regarding services provided by Forest Service scientists in support of National Forest System (NFS) projects. The managers expect that scientists will be available to support NFS project implementation as an important aspect of their professional public service and technology transfer responsibilities. The managers also encourage the Forest Service to increase their efforts at extramural research and pursue additional cost-sharing for the full scope of forest and rangeland research.

STATE AND PRIVATE FORESTRY

The conference agreement provides $187,534,000 for State and private forestry instead of $181,464,000 as proposed by the House and $190,793,000 as proposed by the Senate.

The agreement provides $38,825,000 for Federal lands forest health management and $21,850,000 for cooperative lands forest health management. The managers have agreed to the House proposal on Asian long-horned beetle work in urban areas and the Senate proposal for the Vermont forest cooperative. The agreement fully funds the gypsy moth slow-the-spread program. The managers have agreed to redirect the Senate proposal for Kenai Peninsula Borough, AK, assistance to the state fire assistance activity. The conference agreement directs the Forest Service to improve the control or eradication of the pine beetles in the Rocky Mountain region of the United States; to conduct a study of the causes and effects of, and solutions for, the infestation of pine beetles in the Rocky Mountain region of the United States; and to submit to the House and Senate Committees on Appropriations a report on the results of the study within six months of enactment of this Act.

The conference agreement includes $24,760,000 for state fire assistance, including a special allocation of $250,000 for the Senate-proposed project for wildfire training and equipment in Kentucky and $2,000,000 for hazardous tree removal resulting from spruce bark beetle infestations in the Kenai Peninsula Borough, AK. The managers agree to the Senate direction concerning a direct lump sum payment to the Kenai Peninsula Borough and other direction concerning this funding. The conference agreement includes $3,250,000 for volunteer fire assistance, an increase of $1,250,000 above the fiscal year 1999 funding level.

The conference agreement includes $29,430,000 for forest stewardship as proposed by the House. This funding includes the House-proposed funding for the New York City watershed and the NE Pennsylvania community forestry program and the Senate proposed funding for the Chesapeake Bay program. The conference agreement includes $10,000,000 for the forest legacy program of which $1,500,000 is directed for the Jefferson and Randolph, NH, project as proposed by the Senate. The managers encourage the Forest Service and the States to develop forest legacy selection criteria that emphasize projects which enhance federal lands, federal investments, or past federal assistance efforts. The conference agreement includes $31,300,000 for the urban and community forestry program which includes the House-proposed increase for the NE Pennsylvania forestry program and $500,000 for the Senate-proposed Salt Lake City Olympic tree program. The managers encourage the Forest Service to work with and help support the Chicago green streets program for urban forestry. The managers do not agree to the Senate direction concerning headquarters staffing for the urban and community forestry program, but the managers encourage greater cost savings to be achieved at headquarters and regional office levels. In addition, the managers direct the Forest Service to commission an independent study or panel to assess the feasibility and potential for enhanced efficiency by block-granting all or portions of the cooperative forestry program. This evaluation should be done in consultation with the state foresters, the Society of American Foresters, and other interested professional or citizens groups.

The conference agreement includes the following funding for the economic action program and the Pacific Northwest assistance program:

Economic Action Program

Economic recovery	$4,900,000
Rural development through forestry	6,000,000
Forest product conservation & recycling	1,900,000
Wood in transportation	1,205,000
Program subtotal	14,005,000
Special projects:	
NY City watershed	500,000
Lake Tahoe erosion control grants	1,000,000
Hood River beach facilities OR	275,000
The Dalles riverfront trail OR	1,169,000
Columbia River Gorge county payment	280,000
Hawaii forestry workers training	100,000
Princeton WV hardwood center increase	975,000
Four Corners sustainable forestry initiative increase	500,000
Skamania County Drano Lake project WA	515,000
UW landscape ecology (moved from research)	300,000
Nordic Ski Center rehab, Chugach NF, AK	500,000
Projects subtotal	6,114,000
Economic Action Program total	20,119,000
Pacific Northwest Assistance program:	
Base program	6,500,000
Forks WA training center	600,000
UW and WSU technology transfer extension	900,000
Pacific Northwest Assistance program total	8,000,000

The conference agreement directs that within the funds provided for the rural development through forestry program at least 50 percent is directed for the Northeast-Midwest area. The managers have included $500,000 for the Northern Forest Heritage Park, NH, within the available funds for the economic recovery program but the managers stipulate that this will be the final Forest Service commitment for this effort and that this funding shall come from the allocation otherwise available to the Northeastern area.

The managers have provided an increase of $100,000 in addition to the $100,000 for the Hawaii forests and communities initiative within the economic action program as requested by the Administration. The managers have provided an increase of $975,000 for the Princeton, WV, hardwood center in addition to $1,520,000 included in the forest products conservation and recycling activity within the economic action program as requested by the administration. This brings the Princeton hardwood center funding to the FY 1999 level. The managers have also provided an increase of $500,000 for the Four Corners sustainable forestry initiative which is in addition to $500,000 that the managers have included within the rural development through forestry activity as requested by the administration; this latter $500,000 should come from the region's allocation. The managers concur with the Senate direction on lump sum payments with respect to the Forks, WA, Training Center.

The managers have revised instructions proposed by the House concerning the American Heritage Rivers initiative. The managers direct that the Forest Service may allocate up to $300,000 for this effort. This funding should be used entirely for field activities, and no funds should be transferred to or used to support the Council on Environmental Quality or national interdepartmental coordination or training efforts. The managers have also included language in Title III concerning this matter. The managers do not object to the Forest Service continuing to provide headquarters and regional administrative or technical support for this effort as they would for any program, but no staff at regional, headquarters or departmental levels should be substantially dedicated to this initiative. The managers encourage the Forest Service to develop cost-share efforts for this initiative to the maximum extent feasible.

NATIONAL FOREST SYSTEM

The conference agreement provides $1,251,504,000 for the national forest system instead of $1,254,434,000 as proposed by the House and $1,239,051,000 as proposed by the Senate. Funds should be distributed as follows:

Land management planning	$40,000,000
Inventory and monitoring	81,350,000
Recreation management	155,500,000
Wilderness management	30,151,000
Heritage resources	13,214,000
Wildlife habitat management	32,561,000
Inland fish habitat management	19,341,000
Anadromous fish habitat management	23,091,000
TE&S species habitat management	26,932,000
Grazing management	28,982,000
Rangeland vegetation management	29,850,000
Timber sales management	224,500,000
Forestland vegetation management	63,340,000
Soil, water and air operations	26,932,000
Watershed improvements	32,850,000
Minerals and geology management	37,200,000
Real estate management	47,554,000
Land line location	15,468,000
Law enforcement operations	67,288,000
General administration	250,000,000
Land Between the Lakes NRA	5,400,000
Total, NFS	1,251,504,000

The conference agreement includes the following congressional priorities: recreation management includes a $500,000 increase for the Monongahela National Forest, WV, as proposed by the Senate; rangeland vegetation management includes $300,000 for noxious weed control on the Okanogan NF, WA, as proposed by the Senate and $400,000 for Region 5 grazing monitoring as proposed by the House; timber sales management includes $2,000,000 for the aspen program in Colorado as proposed by the Senate; forestland vegetation management includes $240,000 for pinelands work on the Mark Twain NF, MO, and $500,000 for spruce budworm work on the Gifford Pinchot NF, WA, proposed by the Senate and $300,000 for the CROP project on the Colville NF, WA, and $300,000 for Cradle of Forestry, NC, environmental education as proposed by the House. The managers have provided no funds for the newly proposed forest ecosystem restoration and improvement activity but have included $2,000,000 in the forestland vegetation management activity for work of this nature and $1,000,000 for the Blue Ridge project on the Apache-Sitgreaves NF that the Senate had proposed funding within the forest ecosystem restoration and improvement activity. The managers encourage the Forest Service to consider enhancing the ecosystem restoration program, including the use of partnerships, in Region 3. The conference agreement also includes $1,000,000 for the Wayne NF, OH, acid mine drainage work as proposed by the House; $750,000 for Lake Tahoe basin watershed improvements proposed by the Senate; and $750,000 for the Weyerhauser-Huckleberry land exchange supplemental environmental impact statement in Washington state as proposed by the Senate.

The managers have modified bill language proposed by the House to require the display of unobligated balances by extended budget line items in the fiscal year 2001 budget justification.

The managers have provided funding in the timber sales management activity sufficient to maintain the same total timber sale volume as was proposed for fiscal year 1999; the managers direct that the total sale volume for fiscal year 2000 be no less than the volume in fiscal year 1999. The managers request that the report proposed by the Senate concerning timber growth, inventory and mortality be submitted to the House and Senate Committees within 180 days of enactment. The managers have provided funding to maintain the drug law enforcement effort in Kentucky at the 1999 level. The managers encourage the Forest Service to cooperate with the City of Fredonia, AZ, on standards for facilities for the North Kaibab ranger station and to consider entering into an agreement with the city to occupy the facilities upon completion.

The managers have revised instructions proposed by the House and direct the Forest Service and the Department of Agriculture to present a clear exposition in their budget justifications on their respective responsibilities and funding concerning fiscal, budget and related business activities. The managers also request the Forest Service to provide a report to the House and Senate Committees on Appropriations within 180 days of enactment that describes the public affairs and communications programs and outlines objectives, performance measures and expected costs for this effort. The managers concur with House recommended language concerning the Knutson-Vandenburg reforestation fund, salvage sale and brush disposal funds except that these funds may be used for national commitments within the Forest Service if the project relates to the fund's administration, management or authorized activity.

The managers concur with the House language that directs that no funds be used for the natural resource agenda or conservation education national commitment categories until a detailed, agency-wide spending plan, including funding sources and expected results, is approved by the House and Senate Committees on Appropriations. The managers acknowledge the early receipt of the report requested by the House concerning the conservation education program. The managers also direct that no funds be used for the construction of a national museum or visitor center in the Sidney R. Yates building without the review and approval of the House and Senate Committees on Appropriations. The managers do not request the GSA report requested by the Senate concerning alternative office space for the Washington Office at this time.

Land Between the Lakes National Recreation Area—The managers note that the Energy and Water Development Appropriations Act, 2000, does not include funding for operation of the Land Between the Lakes National Recreation Area, KY and TN. Therefore, the management of this area will be transferred from the Tennessee Valley Authority to the U.S. Forest Service as directed by the Land Between the Lakes Protection Act of 1998 Title V of Sec. 101(e) of Public Law 105–277). The managers expect that Land Between the Lakes (LBL) will be managed as part of the national forest system for recreation in a manner consistent with the multiple use mandate of the Forest Service and the original 1972 LBL mission statement. The managers also expect an orderly transfer of management from the Tennessee Valley Authority to the Forest Service. The managers direct that the previously published guidelines for the transfer be followed; these are delineated on pages 1246 and 1247 of House Report 105–825 accompanying P.L. 105–277, the Omnibus Consolidated and Emergency Supplemental Appropriations Act for fiscal year 1999. The managers have included a total of $7,000,000 for the operation of LBL; this includes $5,400,000 in the national forest system appropriation, $1,300,000 in the reconstruction and maintenance appropriation and $300,000 in the wildland fire management appropriation account.

The managers recommend that the Forest Service wilderness management policy should consider the need for mitigating the adverse effect of human impact on vegetation, soil, water and wildlife. The managers suggest that the policy should consider solitude as one among a number of qualities valuable to a wilderness experience but recognize that the 1964 Wilderness Act does not require solitude on every trail. The managers feel that the Forest Service should not impose a wilderness-wide blanket of determining use by social encounters (solitude).

The managers are aware of the structural problems of the Long Park Dam in Daggett County, Utah. Recognizing the unique circumstances of the dam, its proximity to the Flaming Gorge National Recreation Area, and its significant contribution to the local economy of Daggett County, Utah, the managers encourage the Secretary of Agriculture to make repair of the dam a priority within the Department of Agriculture's appropriation funding. The managers understand that the State of Utah is participating in the project on a 50/50 cost share basis. Should budgetary adjustments be necessary to provide for the federal share, the Secretary shall do so in consultation with the House and Senate Committees on Appropriations.

WILDLAND FIRE MANAGEMENT

The conference agreement provides $651,354,000 for wildland fire management instead of $561,354,000 as proposed by the House and $650,980,000 as proposed by the Senate. The conference agreement includes funding for fire operations and preparedness (including Land Between the Lakes NRA) as proposed by the House and contingent emergency funding as proposed by the Senate. The managers concur with the Senate direction concerning acquisition of a high band radio system for the Monongahela NF, WV. The agreement calls for about $70,000,000 to be reserved for hazardous fuel operations of which $500,000 is designated for hazardous tree removal on the Chugach National Forest, AK, and $1,500,000 is for implementing the Quincy Library group project as proposed by the Senate. The managers do not specify any set amount of funding for particularly severe forest health areas as proposed by the House, but the managers expect the Forest Service to follow other House and Senate instructions concerning this program, including a report within 120 days and full integration of this program with other vegetation, habitat management and watershed improvement programs. The managers have included bill language proposed by the House which requires the transfer of not less than 50 percent of the unobligated balances remaining at the end of fiscal year 1999 to pay back funds previously advanced from the Knutson-Vandenburg reforestation fund during severe emergencies. The managers note that this fund is still owed $392,871,000 that was advanced for emergency wildfire fighting during previous years. The managers again encourage the administration to make efforts to repay this important environmental restoration and protection fund.

RECONSTRUCTION AND MAINTENANCE

The conference agreement provides $398,927,000 for reconstruction and maintenance instead of $396,602,000 as proposed by the House and $362,095,000 as proposed by the Senate. The conference agreement provides for the following distribution of funds:

	Amount
Facilities Reconstruction and Construction	
Research facilities:	
Auburn University research facility AL	$4,000,000
Inst. Pacific Islands Forestry HI	400,000
Admin. request projects	7,510,000
Subtotal: Research facilities	11,910,000
Fire, admin, other facilities:	
Marienville RS consolidation PA	1,140,000
Black Hills NF fire training facility SD	800,000
Wayne NF supervisors office completion OH	475,000
Admin. request projects	22,946,000
Subtotal: FAO facilities	25,361,000
Recreation facilities:	
Allegheny NF rec facilities PA	400,000
Angeles NF toilet and water system rehab CA	1,200,000
Badin Lake campground NC	400,000
Boone NF Rockcastle and Noe's Dock boat ramp KY	425,000
Chugach NF, Begich Boggs visitor center AK	1,400,000
Cradle of Forestry NC	1,078,000
Franklin County dam MS	2,000,000
Ocoee boater put-in and Thunder Rock campgd TN	600,000
Sacajewea education center, Salmon ID	75,000
San Bernardino NF Dogwood campground CA ..	1,125,000
Santa Inez First Crossing recreation area CA	950,000
Talladega NF Pinhoti trail bridge AL	30,000
Waldo Lake sanitation OR	700,000
Admin. request projects	32,949,000
Subtotal: Recreation facilities	43,332,000
Subtotal facilities reconstruction and construction	80,603,000
Trail Reconstruction and Construction	
Continental Divide trail (various)	500,000
Florida National Scenic Trail	250,000
Taft Tunnel ID	750,000
Winding Stair Mt NRWA OK	130,000
Ocoee river trail system TN	300,000
VA Creeper trail repair VA	500,000
Admin. request projects	12,979,000
Other trail reconstruction base program	14,173,000
Subtotal trails reconstruction and construction	29,582,000
Road reconstruction and construction	
Boone NF Tunnel Ridge road KY, ...	1,000,000
Increase for timber support	2,091,000
Monongahela NF landslide damage WV	641,000
Olympic NF Hamma Hamma road WA	800,000
Admin. request projects	96,468,000
Subtotal road reconstruction and construction	101,000,000
Reconstruction and construction subtotal	211,185,000
Maintenance	
Facilities	54,813,000
Road maintenance and decommissioning	111,184,000
Trails	20,445,000
Maintenance subtotal ..	186,442,000
Land Between the Lakes, maintenance, repairs	1,300,000
Total reconstruction and maintenance	398,927,000

The conference agreement has included bill language as proposed by the Senate that requires the Forest Service to provide an opportunity for public comment on each road decommissioning project. The conference agreement has provided sufficient road reconstruction and construction funding to allow the timber sales program to offer the same level of harvest as in fiscal year 1999. The managers point out that funds will not be used for the direct construction of new timber access roads; rather, the timber purchasers will provide for the actual construction, although the Forest Service will continue to provide all needed engineering support and project guidance. The managers have not agreed to the Senate recommendation that road reconstruction decreases would come from the Region 10 funding. The agreement includes $100,000 for Noe's Dock boat ramp and $325,000 for the Rockcastle project on the Daniel Boone NF, KY, and directs that the $300,000 in the budget request originally designated for the Region 9 office move shall be used for the heating, ventilation and air conditioning systems at the Forest Products Lab, WI. The managers emphasize that the funding authorization for the Auburn University forestry school construction project requires the University to provide the Forest Service with rent-free use of space for the life of the building for collaborative research.

LAND ACQUISITION

The conference agreement provides $79,575,000 in new land acquisition funds and a reprogramming of $40,000,000 in prior year funds instead of a total of $1,000,000 as proposed by the House and $36,370,000 as proposed by the Senate. Funds should be distributed as follows:

State and project	*Amount*
CA—Angeles NF (Pacific Crest Trail)	$1,500,000
NM—BACA	40,000,000
CA—Big Sur Ecosystem (Los Padres NF)	4,000,000
MT—Bitterroot NF (Rye Creek)	3,500,000
UT—Bonneville Shoreline Trail	750,000
WI—Chequamegon-Nicolet NF	1,500,000
TN—Cherokee NF (Gulf Tract)	3,500,000
AZ—Coconino NF (Bar-T-Bar Ranch)	5,000,000
AZ—Coconino NF (Sedona)	3,500,000
Multi.—Continental Divide Trail	700,000
KY—Daniel Boone NF	1,500,000
SC—Francis Marion NF	3,000,000
VT—Green Mtn. NF	3,000,000
ID—Hells Canyon NRA	600,000
IN—Hoosier NF	750,000
NV/CA—Lake Tahoe Basin	3,000,000
MT—Lindbergh Lake (Flathead NF)	3,000,000
MO—Mark Twain NF	1,000,000
WV—Monongahela NF (Elk River)	275,000
WA—Mountains To Sound Greenway	2,500,000
NC—Nantahala/Pisgah NF (Lake Logan)	1,000,000
FL—Osceola NF (N. FL. Wildlife Corridor)	1,000,000
WA—Pacific NW Streams	3,000,000
CA—San Bernardino NF	2,500,000
NM—Santa Fe NF (Jemez R.)	1,000,000
ID—Sawtooth NRA	1,000,000
MS—Univ. of Mississippi	12,000,000
OH—Wayne NF	1,000,000
NH—White Mt. NF (Pond of Safety Tract)	1,500,000
NH—White Mt. NF (Scenic Areas)	1,000,000
Reprogram FY99 Funds (Baca Ranch)	−40,000,000
Subtotal	67,575,000
Acquisition Management	8,500,000
Cash Equalization	1,500,000
Emergency Acquisitions	1,500,000
Wilderness Protection	500,000
Total	$79,575,000

The managers have provided $1,000,000 for the Osceola National Forest, FL, to acquire black bear habitat. The managers have made these funds contingent on an equal match from non-Federal sources. The project need is in excess of $100,000,000. The managers hope that the State of Florida will partner with the Federal government on this and other projects which are under serious development threat. The managers are aware that the State's annual land acquisition budget exceeds that of the Federal program and that the managers are providing Stateside land and water grants within the National Park Service appropriation for the first time in five years.

The managers have provided $3,000,000 for the Pacific Northwest Streams initiative. Of this amount, $2,000,000 is available for the Bowe Ranch, WA, and $1,000,000 for the Bonanza Queen Mine, WA.

Senate Report 105–56, which accompanied the Fiscal Year 1999 Interior and Related Agencies Act, included a limitation on the purchase price for the acquisition of certain lands in the Columbia River Gorge NSA (CRGNSA), and also required a donation of a 40-acre tract adjacent to the CRGNSA. Both of these directives are hereby rescinded. The Forest Service shall notify the Committees before finalizing the acquisition of these properties if the combined value of the acquisition of the Cannard Tract and the adjacent 40-acre parcel totals more than $625,000. The managers have included $40,000,000 for acquisition of the BACA Ranch subject to a specific authorization.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

The conference agreement provides $1,069,000 for the acquisition of lands for national forests special acts as proposed by both the House and the Senate.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

The conference agreement provides an indefinite appropriation estimated to be $210,000 for the acquisition of lands to complete land exchanges as proposed by both the House and the Senate.

RANGE BETTERMENT FUND

The conference agreement provides an indefinite appropriation estimated to be $3,300,000 for the range betterment fund as proposed by both the House and the Senate.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

The conference agreement provides $92,000 for gifts, donations and bequests for forest and rangeland research as proposed by both the House and the Senate.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

The managers have not included language proposed by the House concerning Committee approval of organizational restructuring. However, the managers are concerned that the Forest Service is not doing all that is practicable to see that the maximum amount of funding gets to the field where there is so much need for management action and public service. In addition, the managers are concerned that the Forest Service has established new staff units within the Washington Office with very little Congressional consultation. While the managers concur that additional resources may be necessary to improve agency accountability, such increases should be strictly limited in order to assure maximum availability of funds for program accomplishment. The managers direct the Forest Service to consult the House and Senate Committees on Appropriations prior to establishing new units in the Washington Office where such units report to Associate Deputy Chiefs or above and for major reorganizations in the field where there is a significant deviation from the current organizational structure. Such deviation would be significant if the reorganizations involve a net increase in administrative support needs or where groups of employees are geographically relocated.

The managers have not included language proposed by the House allowing the Secretary to use any available funds during wildland fire emergencies; the conference agreement continues the previous procedures as proposed by the Senate. The managers have included House language which allows the release of non-wildland fire management funds for wildland emergencies only when all previously appropriated emergency contingent wildland fire funds have been released by the President and apportioned. The managers remain concerned that this Administration has been overly anxious to spend the KV reforestation fund on wildland fire emergencies and not sufficiently interested in paying the KV fund back. This fund provides for vital environmental restoration and protection activities including tree planting, watershed restoration, and wildlife and fish habitat enhancement.

The managers have not included language proposed by the House preventing the transfer of Forest Service funds to the USDA working capital fund without advance Committee approval. The managers expect to see clear statements in future budget justifications concerning these and other departmental charges; the Forest Service should not be charged for Department of Agriculture administrative activities which should be funded by the Agriculture appropriations bill. In addition to the display contained in the agency budget justification, the managers expect the agency to inform the Committees immediately if the estimated total amount of funds to be transferred during the fiscal year differs from the agency estimate by more than 10 percent. The managers further instruct the Secretary to provide the Committees with a plan no later than March 31, 2000, for reduction of total charges against the agency beginning in fiscal year 2000.

The managers have included language proposed by the Senate concerning clearcutting on the Shawnee National Forest, IL; this language was carried in previous bills. The conference agreement includes the Senate proposed funding level for the National Forest Foundation and includes the House proposed language concerning the payment to the National Fish and Wildlife Foundation. The agreement includes bill language proposed by the Senate concerning the definition of overhead and indirect expenses and limiting indirect expenses to 20 percent for certain trust funds and cooperative work funds. The managers have included the House language allowing up to $500,000 to be transferred to the Office of the General Counsel for certain travel and related expenses; the Senate had included similar language. The managers have modified language proposed by the Senate allowing any funds available to the Forest Service to be used for law enforcement during emergencies; the modified language allows any funds to be used up to a maximum of $500,000 per year. The managers expect that this authority will only be used during real emergencies and that every effort will be made to pay back the borrowed funds promptly during subsequent years. The managers concur with the House direction regarding the International Forestry program. The managers have included the Senate provision authorizing use of Forest Service funds to pay a certain employee for part of the cost of his house and possessions which were destroyed by arson because this arson appears to be retaliation for him performing his official job duties.

The managers have included bill language directing that $5,000,000 be allocated to the Alaska Region from fiscal year 1999 unobligated balances (excluding unobligated balances from the Alaska region) in addition to the $20,600,000 appropriated to sell timber in the normal base program for fiscal year 2000. The funds provided from unobligated balances, plus $5,100,000 from the base program, shall be used to prepare and make available timber sales to establish a three year timber supply for operators on the Tongass National Forest. Sales are to be prepared which have a high probability of being sold in order to facilitate a reliable Federal timber supply and transition to value added processing for the forest products industry in Southeast Alaska.

The managers have also included bill language which appropriates $22,000,000 to the Southeast Alaska economic disaster fund to be distributed over three years to the Ketchikan Gateway Borough, the City of Petersburg, the City and Borough of Sitka and the Metlakatla Indian Community. These funds are to be provided as direct lump sum payments and are to be used to employ unemployed timber workers and for related community redevelopment projects.

The managers have received the report from the National Academy of Public Administration (NAPA) on the Forest Service financial systems and budget structures. The managers are currently reviewing this important study and have assurances from the Secretary that he and the Forest Service will provide, by October 31, 1999, a report outlining specific steps, with deadlines, that the Forest Service will take to evaluate and implement NAPA recommendations as appropriate. The managers are concerned with the Academy's findings that the Forest Service has shown a substantial lack of leadership concerning managerial accountability. The managers expect the Forest Service and the Secretary to continue consultation with the House and Senate Committees on Appropriations concerning changes required to respond to this NAPA study. The managers remain concerned that the Forest Service budget formulation and allocation processes do not provide sufficient linkage between on-the-ground needs and funding priority work. The Service must also address the consequences of inadequate performance. Development and implementation of sound performance measures will be needed before major budget restructuring is likely to be accepted by the Committees. The managers are also concerned about Forest Service granting approval to expand greatly the chief financial officer's staffing at headquarters: the Forest Service should pay close attention to NAPA recommendations concerning this matter and organizational structure.

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

(DEFERRAL)

The conference agreement provides for the deferral of $156,000,000 in previously appropriated funds for the clean coal technology program as proposed by the Senate instead of a deferral of $256,000,000 as proposed by the House. The managers agree that up to $14,400,000 may be used for program direction.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $410,025,000 for fossil energy research and development instead of $280,292,000 as proposed by the House and $390,975,000 as proposed by the Senate. Of the amount provided, $24,000,000 is derived by transfer from the biomass energy development account.

Changes to the House position in advanced clean fuels research include increases of $300,000 for coal preparation/carbon extraction from coal and $250,000 for indirect liquefaction and a decrease of $1,475,000 for direct liquefaction. For the advanced clean efficient power system program there is a decrease of $1,000,000 for low emissions boiler systems and an increase of $1,500,000 for Vision 21.

For natural gas programs there are increases to the House position in exploration and production of $375,000 for arctic research and $1,000,000 for methane hydrates; increases in advanced turbine systems of $800,000 for mid-size turbines, $2,500,000 for ramgen technology (coalbed methane), and $41,008,000 for the utility turbines program that the House had proposed to transfer to the Energy Conservation account; and increases in emerging process technology of $1,000,000 for gas-to-liquids/ITM Syngas and $2,000,000 for coal mine methane.

Changes to the House position in the oil technology program include increases of $375,000 for arctic research and $250,000 for reservoir characterization/northern mid-continent atlas in exploration and production; an increase of $750,000 for risk based data management systems and a decrease of $2,000,000 for preferred petroleum upstream management in recovery field demonstrations; and an increase of $3,500,000 for diesel biodesulfurization in Alaska.

Other changes to the House position include increases of $600,000 for cooperative research and development, $2,400,000 for federal energy technology center program direction, $600,000 for general plant projects, and $79,000,000 which eliminates a general reduction to fossil energy programs. There is also a decrease of $4,000,000 which assumes the use of prior year unobligated and uncosted balances.

The managers agree to the following:

1. The black liquor gasification program should include the active involvement of the appropriate officials within the industries of the future program in energy conservation.

2. The funds provided for laser drilling may be used for other innovative technologies in addition to laser drilling.

3. Within the methane hydrate program, the Department is encouraged to consider the expertise of the Gulf of Mexico Hydrate Research Consortium in safety-related research.

4. The managers are aware of a proposal to enhance the quality of low-grade sub-bituminous coal from the Powder River Basin by permanently removing moisture from the coal. This proposal also would provide economic development benefits for the Crow Nation. The managers urge the Department to evaluate this proposal and to consider providing technical assistance or other funding support to the extent the project represents a significant advance in coal dewatering technology, is consistent with the goals and objectives of the fossil energy program, and involves an appropriate degree of cost sharing.

5. The Department's PM 2.5 monitoring and research efforts should focus on developing data that respond to the fine particulate research needs identified in the Congressionally-mandated "National Research Council Priorities for Airborne Particulate Matter." To the extent feasible, the Department should coordinate with industry, State and university research efforts to clarify the uncertainties in the current understanding of fine particulate matter concentration, chemical composition and the relationship between personal exposure and ambient air quality. Research results should help Federal and State environmental regulators design plans that comply with the PM 2.5 ambient air standard and protect the public health.

ALTERNATIVE FUELS PRODUCTION

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides, as proposed by both the House and the Senate, for the deposit of investment income earned as of October 1, 1999, on principal amounts in a trust fund established as part of the sale of the Great Plains Gasification Plant in Beulah, ND, and immediate transfer of the funds to the General Fund of the Treasury. The amount available as of October 1, 1999, is estimated to be $1,000,000.

NAVAL PETROLEUM AND OIL SHALE RESERVES

The conference agreement provides no new funding for the Naval petroleum and oil shale reserves as proposed by both the House and the Senate. Unobligated funds from previous fiscal years should be sufficient to continue necessary operations in fiscal year 2000.

ELK HILLS SCHOOL LANDS FUND

The conference agreement provides $36,000,000 for the second payment from the Elk Hills school lands fund as proposed by the House instead of no funding as proposed by the Senate. The managers have agreed to delay this payment until October 1, 2000, and expect the payment to be made on that date or as soon thereafter as possible.

ENERGY CONSERVATION

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes $689,242,000 for energy conservation instead of $731,822,000 as proposed by the House and $684,817,000 as proposed by the Senate. Of the amount provided, $25,000,000 is derived by transfer from the biomass energy development account.

Changes to the House position in building research and standards include an increase of $201,000 for building America and a decrease of $300,000 for industrialized housing in residential buildings; an increase of $200,000 for commercial buildings research and development; and increases of $470,000 for lighting research and development, $2,250,000 for space conditioning and refrigeration, $1,000,000 for cogeneration/fuel cells and $297,000 for lighting and appliance standards in equipment, materials and tools. For the building technology and assistance program there is an increase of $1,000,000 for the weatherization assistance program. For management and planning there is a decrease of $300,000 in support for State and local grants.

Changes to the House position in industry programs include increases of $2,000,000 for reciprocating engines and $2,000,000 for characterization of oxidation behavior and a decrease of $3,000,000 for industrial turbines in distributed generation; an increase of $300,000 for technical assistance/integrated delivery; a decrease of $41,008,000 for utility turbines that the House had proposed to transfer from the fossil energy account; and decreases of $550,000 for NICE3, $100,000 for inventions and innovations, $200,000 for industrial assessment centers, $400,000 for motors and compressed air, and $250,000 for steam challenge.

Changes to the House position for transportation programs/vehicle technology include an increase of $3,000,000 for advanced power electronics and a decrease of $2,900,000 in hybrid systems; increases of $400,000 for fuel cell systems, $1,600,000 for stock components, and $120,000 for fuel processing and storage in fuel cell research and development; decreases of $500,000 each for light truck engines and for heavy truck engines in the advanced combustion engine program; and increases of $800,000 each for CARAT and GATE in cooperative research. For fuels utilization there are increases of $600,000 for advanced petroleum fuels for heavy trucks and $1,000,000 for alternative fuels for automobiles/light trucks. For technology deployment there is a decrease of $10,000 for advanced vehicle competitions. In policy and management there is an increase of $1,000,000 for a National Academy of Sciences review of fossil fuel and conservation research efforts as described below and decreases of $100,000 for the headquarters working capital fund, $300,000 for international market development programs, and $200,000 for information and communications. There is also a decrease of $11,000,000 that assumes the use of prior year unobligated and uncosted balances.

Bill Language.—The managers have modified bill language proposed by the House that requires a 25 percent State cost share for the weatherization assistance program. The modification delays the cost-sharing requirement until fiscal year 2001 and thereafter to allow sufficient time for the States to prepare for this new requirement. The managers also agree that the cost share must be non-Federal for each State or other qualified participant but is not strictly limited to funds appropriated by each State or other qualified participant.

The managers agree to the following:

1. While the managers have not included language in the bill earmarking funds for grants to municipal governments as proposed by the Senate, the managers urge the Department to continue working closely with municipal governments and with the States to address municipal and community energy challenges. The managers encourage the Department to support worthy project proposals that address these issues within the amount provided for the buildings, industry and transportation programs.

2. The direction in the House report with respect to continuing fiscal year 1999 programs does not preclude the program eliminations and consolidations proposed in the budget request unless expressly identified to the contrary.

3. In addition to the development project identified in the Senate report, the amount provided for fuel cells for buildings includes $750,000 to continue the partnership established with Materials and Electrochemical Research Corporation to work on polymer electrolyte membrane (PEM) fuel cells in collaboration with the Oak Ridge National Laboratory.

4. Within the funds provided for the Industries of the Future petroleum program, the managers encourage the Department to continue support for research on the biocatalytic desulfurization of gasoline.

5. The reciprocating engine program should include the active involvement of the appropriate officials within the fossil energy program.

6. The increase for characterization of oxidation behavior is for rig testing in the turbine program, and the managers suggest that the Oak Ridge National Laboratory should be involved in this effort.

7. The managers understand the high priority the Department has placed on combustion and aftertreatment in the transportation program and have provided an increase in that program area. The managers are willing to consider a reprogramming request for additional funds if acceptable offsets are identified.

8. The managers expect the Department to support hybrid-electric buses by funding integration and refinement of advance hybrid-electric drive trains by bus makers and propulsion teams that have demonstrated the successful application of hybrid-electric drive trains in actual transit programs.

9. The managers encourage the Department to use the expertise of the Consortium for Advanced Transportation Technologies and its streamlined competitive, cost-shared procurement process across the various transportation programs.

10. The managers are encouraged by continued industry support for the hybrid lighting partnership and expect the Department to continue the program in fiscal year 2000.

11. The managers are concerned by reports that cost accounting standards and cost principles in the Federal Acquisition Regulations may be hindering contracting with certain commercial entities and expect the Department to submit a report by December 15, 1999 detailing problems in this area and making recommendations. for addressing these problems in the future.

12. The $1,000,000 provided for a National Academy of Sciences study is for a retrospective examination of the costs and benefits of Federal research and development technologies in the areas of fossil energy and energy efficiency. The study should identify improvements that have occurred because of Federal funding for: (1) fossil energy production with regard to performance aspects such as efficiency of conversion into electricity, lower emissions to the environment and cost reduction; and (2) energy efficiency technologies with regard to more efficient use of energy, reductions in emissions and cost impacts in the industrial, transportation, commercial and residential sectors. If the full amount provided is not needed for this study, the House and Senate Committees on Appropriations should be notified of the available balance. None of these funds may be used to fund overhead costs or other energy conservation programs. The managers understand that the Department has an arrangement with the National Academy of Sciences that will streamline the procurement process and expect the Department to expedite the necessary paperwork to get this study underway within 30 days of enactment of this Act.

ECONOMIC REGULATION

The conference agreement provides $2,000,000 for economic regulation as proposed by both the House and the Senate.

STRATEGIC PETROLEUM RESERVE

The conference agreement provides $159,000,000 for the strategic petroleum reserve as proposed by the Senate instead of $146,000,000 as proposed by the House. The managers have included bill language dealing with borrowing authority in the event of an SPR drawdown under this account as proposed by the Senate rather than addressing this provision under Administrative Provisions, Department of Energy as proposed by the House.

ENERGY INFORMATION ADMINISTRATION

The conference agreement provides $72,644,000 for the energy information administration as proposed by the House instead of $70,500,000 as proposed by the Senate.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

The managers have included bill language directing the Secretary of Energy, in cooperation with the Administrator of the General Services Administration, to transfer the site of the former National Institute of Petroleum Energy Research to the city of Bartlesville, Oklahoma. The managers understand that the Department agrees that this is an appropriate way to dispose of this property that is no longer needed by the Department because of the privatization of NIPER.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

The conference agreement provides $2,053,967,000 for Indian health services instead of $2,085,407,000 as proposed by the House and $2,138,001,000 as proposed by the Senate.

Changes to the House position in hospital and clinic programs include increases of $2,440,000 for the operation of Alaska facilities and $200,000 for epidemiology centers and decreases of $1,000,000 for the health care improvement fund and $110,000 for Shoalwater Bay infant mortality prevention.

There are also increases of $1,500,000 for dental services and $1,030,000 for public health nursing and a decrease of $500,000 for mental health services. For contract support costs, there are decreases of $5,000,000 for new and expanded contracts and $30,000,000 for existing contracts.

Bill Language.—The managers have included language permitting the use of Indian Health Care Improvement Fund monies for activities typically funded under the Indian Health Facilities account. The managers expect the Service to notify the House and Senate Committees on Appropriations on the distribution and use of these funds. A total of $10,000,000 has been provided.

The managers agree to the following:

1. The $4,000,000 provided for the Alaska telemedicine project is for the Alaska Federal Health Care Access Network.

2. The increase provided for epidemiology centers includes a $100,000 increase for the Portland, OR center. The managers are pleased with the state-of-the-art work done by this center and encourage the Service to use the expertise at the Portland center to assist the other epidemiology centers.

3. At least $1,000,000 of the program increase for dental health should be used to develop four clinical and preventive dental support centers.

4. Within the program increase for public health nursing, the Service should hire a nurse for the Havasupai, AZ clinic.

5. The managers continue to be concerned about the lack of a resolution to the contract support costs distribution disparity in IHS and the larger issue of whether tribes have an entitlement to full funding of these costs. The managers note the inherent conflict in the authorizing statute, which implies a 100 percent funding requirement while, at the same time, making these funds subject to appropriation. The Service is strongly encouraged to continue its work with the tribes and the legislative committees of jurisdiction in an effort to resolve the legislative discrepancies that exist currently and ensure that these costs can be funded fairly. The managers agree that it is irresponsible to continue to leave the Federal government vulnerable to litigation on this issue. Further, the managers believe strongly that any resolution to the issue should

not be made at the expense of funding for medical services and facilities for non-contracting and non-compacting tribes.

6. With respect to the House language on distribution of funds, the managers agree that fixed cost increases should be distributed equitably across all Service-operated and tribally-operated programs. Other program increases should not automatically be distributed on a pro-rata basis. For example, a $1,000,000 program increase distributed across all health programs would give each program an insignificant amount of additional funding. In such a case, the managers encourage the Service to select a very limited number of projects so that demonstrable results can be achieved. The managers suggest that the Service develop objective criteria for evaluating project proposals prior to the distribution of program-specific increases that are unrelated to fixed costs.

7. The managers are concerned about fetal alcohol syndrome and its impact on Indian families and Indian communities and believe there is a need for more collaborative efforts to address this important health problem. The managers suggest that the University of Washington's fetal alcohol syndrome research program should consider a partnership with the Northwest Portland Indian Health Board to provide more direct services to the American Indian and Alaska Native communities through training and consultation and collaborative analysis of the data surrounding fetal alcohol syndrome and fetal alcohol effect.

8. The managers encourage the Service to ensure that adequate funding is provided to support IHS and tribal epidemiological activities related to the surveillance and monitoring of AIDS/HIV and other communicable and infectious diseases.

INDIAN HEALTH FACILITIES

The conference agreement provides $318,580,000 for Indian health facilities instead of $312,478,000 as proposed by the House and $189,252,000 as proposed by the Senate.

Changes to the House position include increases of $1,500,000 for sanitation construction, $2,942,000 for the Parker, AZ clinic construction and $1,000,000 for Fort Defiance, AZ hospital construction and a decrease of $1,745,000 for the Pawnee, OK clinic design. There is also an increase of $2,405,000 for facilities and environmental health support.

Bill Language.—The managers have included several provisions to ensure that the facilities program is able to take advantage of certain purchase opportunities from other agencies and that construction projects can be successfully completed.

Language is included to assist the Hopi Tribe with the debt associated with the construction of staff quarters that is being financed with tribal funds.

Language is included permitting the use of up to $500,000 to purchase equipment from the Department of Defense and permitting the use of up to $500,000 to purchase ambulances, including medical equipment, from the General Services Administration.

Language is included permitting the use of up to $500,000 for demolition of Federal facilities.

Language is included permitting the purchase of up to 5 acres to expand the parking facilities at the IHS hospital in Tahlequah, OK.

The managers agree to the following:

1. The funds provided for Fort Defiance, AZ, hospital construction do not include staff quarters construction which is subject to the guidance provided in item number five below.

2. The funds for staff quarters at Zuni are for uniform building code approved modular housing.

3. The program increase provided for facilities and environmental health support is not specifically earmarked for individual programs; however, it is the expectation of the managers that a portion of the total increase will be dedicated to injury prevention efforts. The Service should notify the House and Senate Committees on Appropriations on how the Service proposes to distribute these funds.

4. Within the funds provided for maintenance and improvement, $1,000,000 is to be used for environmental remediation at Talihina, OK.

5. The Service needs to develop a standardized methodology for construction of staff quarters. That methodology should assume the use of uniform building code approved modular housing unless there is a compelling reason why such housing is not appropriate. The methodology should be applied fairly to all quarters projects on the priority list and should encourage tribal funding and alternative financing. The managers expect the Service to address the new methodology in their 2001 budget request.

6. The Service may use up to $5,000,000 in sanitation funding for projects to clean up and replace open dumps on Indian lands pursuant to the Indian Lands Open Dump Cleanup Act of 1994.

7. The managers expect the Service to work closely with the tribes and the Administration to make needed revisions to the facilities construction priority system. Given the extreme need for new and replacement hospitals and clinics, there should be a base funding amount, which serves as a minimum annual amount in the budget request. Issues which need to be examined in revising the current system include, but are not limited to, projects funded primarily by the tribes, anomalies such as extremely remote locations like Havasupai, recognition of projects that involve no or minimal increases in operational costs such as the Portland area pilot project, and alternative financing and modular construction options. It is the managers' intent that in asking the Service to re-examine the current system for construction of health facilities, a more flexible and responsive program can be developed that will more readily accommodate the wide variances in tribal needs and capabilities.

OTHER RELATED AGENCIES

Office of Navajo and Hopi Indian Relocation

SALARIES AND EXPENSES

The conference agreement provides $8,000,000 for salaries and expenses of the Office of Navajo and Hopi Indian Relocation as proposed by the Senate instead of $13,400,000 as proposed by the House.

Institute of American Indian and Alaska Native Culture and Arts Development

PAYMENT TO THE INSTITUTE

The conference agreement provides $2,125,000 for payment to the institute instead of the $4,250,000 proposed by the Senate and zero funding as proposed by the House.

The managers have provided $2,125,000 to the institute with the understanding that these funds are subject to a one-to-one match from non-Federal sources. In addition, the managers note that this is the last year that Federal funding will be provided for institute operations.

Smithsonian Institution

SALARIES AND EXPENSES

The conference agreement provides $372,901,000 for salaries and expenses instead of $371,501,000 as proposed by the House and $367,062,000 as proposed by the Senate. Included in this amount is $18,329,000 to fund fully the estimated cost increases associated with pay and benefits, utilities, communications and postage, rental space, and implementation of the Panama Canal Treaty at the Tropical Research Institute. A revised estimate of utilities costs by the Smithsonian has resulted in a decrease of $1,100,000 from the original budget submission and is reflected in the foregoing total. In agreement with the House, an additional amount of $5,000,000 is provided to the National Museum of the American Indian to meet anticipated expenses that will be incurred in moving staff and collections from New York City to the Cultural Resources Center in Suitland, Maryland. An additional amount of $2,500,000 is provided to the National Museum of Natural History's Arctic Studies Center. A provision included in the House bill that would allow federal appropriations designated for lease or rent payments to be used as rent payable to the Smithsonian and deposited in the Institution's general trust fund account has been retained in the conference report.

REPAIR, REHABILITATION AND ALTERATION OF FACILITIES

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides an amount of $47,900,000 to fund activities in this account, as proposed by the House and agreed to by the Senate. Within this total, $6,000,000 is provided specifically for repairs and improvements at the National Zoological Park. The managers have agreed to the proposal put forward by the Smithsonian to consolidate their previous budget structure, whereby separate accounts for Zoo Construction and Improvements, Repair and Restoration of Buildings, as well as the Alterations and Modifications portion of the Construction account, have been merged to one broad account designated as Repair, Rehabilitation and Alteration of Facilities. In agreeing to the proposal, the managers want to underscore the Institution's responsibility for ensuring that future budget estimates provided to the Committees on Appropriations contain sufficiently detailed information for the various activities covered by this new account. In addition, the managers direct the Smithsonian Institution to provide the Committees on Appropriations with a report to be submitted annually by December 1, which details expenditures, obligations and remaining balances for this account from the previous fiscal year.

CONSTRUCTION

The conference agreement provides $19,000,000 for construction as proposed by both the House and the Senate. With this appropriation, the Congress has fulfilled its commitment to provide Federal funding for construction of the National Museum of the American Indian on the National Mall in Washington, D.C.

ADMINISTRATIVE PROVISIONS, SMITHSONIAN INSTITUTION

The conference agreement includes a modification of language included in the House bill that will permit the Smithsonian to make minimal necessary repairs to the Holt House.

National Gallery of Art

SALARIES AND EXPENSES

The conference agreement provides $61,538,000 for salaries and expenses of the National Gallery of Art as proposed by the House instead of $61,438,000 as proposed by the Senate.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

The conference agreement provides $6,311,000 for repair, restoration and renovation of buildings as proposed by both the House and the Senate.

John F. Kennedy Center for the Performing Arts

OPERATIONS AND MAINTENANCE

The conference agreement provides $14,000,000 for operations and maintenance as proposed by the Senate instead of $12,441,000 as proposed by the House.

CONSTRUCTION

The conference agreement provides $20,000,000 for construction as proposed by both the House and Senate.

Woodrow Wilson International Center for Scholars

SALARIES AND EXPENSES

The conference agreement provides $6,790,000 for salaries and expenses of the Wilson Center instead of $7,040,000 as proposed by the House and $6,040,000 as proposed by the Senate. Funds should be distributed as follows:

Fellowship program	$983,000
Scholar support	705,000
Public service	1,897,000
Administration	1,796,000
Smithsonian fee	135,000
Conference/Outreach	1,109,000
Building requirements	165,000

National Foundation on the Arts and the Humanities

National Endowment for the Arts

GRANTS AND ADMINISTRATION

The conference agreement provides $85,000,000 for grants and administration instead of $83,500,000 as proposed by the House and $90,000,000 as proposed by the Senate. The managers have agreed to the Senate proposal to redirect $1,500,000 from matching grants to program grants.

MATCHING GRANTS

The conference agreement provides $13,000,000 for matching grants as proposed by the Senate instead of $14,500,000 as proposed by the House. The managers have agreed to the Senate proposal to redirect $1,500,000 from matching grants to program grants.

National Endowment for the Humanities

GRANTS AND ADMINISTRATION

The conference agreement provides $101,000,000 for grants and administration as proposed by the Senate instead of $96,800,000 as proposed by the House. The managers note the National Endowment for the Humanities has for several years supported important efforts to preserve disintegrating books, periodicals and other published materials. While the Endowment acknowledges that other elements of our culture and heritage—such as films and sound recordings–are also at risk, its efforts in these areas have been considerably less. The managers are concerned that much of the musical heritage of the nation–as represented by early sound recordings–is irrevocably lost with each passing year. Consequently, the managers strongly encourage the National Endowment for the Humanities to strengthen and expand its support of efforts to preserve the rich and important heritage of early sound recordings. Within this effort, the NEH is encouraged to place emphasis on such traditional music forms as folk, jazz and the blues. The managers request that the National Endowment for the Humanities provide a report to the House and Senate Committees on Appropriations by March 30, 2000, detailing the state by state distribution of the various grants and other NEH funding.

MATCHING GRANTS

The conference agreement provides $14,700,000 for matching grants as proposed by the Senate instead of $13,900,000 as proposed by the House.

Institute of Museum and Library Services

OFFICE OF MUSEUM SERVICES

GRANTS AND ADMINISTRATION

The conference agreement provides $24,400,000 for the Office of Museum Services as proposed by the House instead of $23,905,000 as proposed by the Senate. The managers agree to the funding proposed by the House for program administration and agree that the remaining funding increase above that provided in fiscal year 1999 should be designated for national leadership grants for museums.

Commission of Fine Arts

SALARIES AND EXPENSES

The conference agreement provides $1,005,000 for the Commission of Fine Arts instead of $935,000 as proposed by the House and $1,078,000 as proposed by the Senate. The managers have agreed to the House proposal to provide one-year authority for the Commission to charge fees to cover publication costs and use the fees without subsequent appropriation. The managers agree to all House report language.

National Capital Arts and Cultural Affairs

The conference agreement provides $7,000,000 for National Capital Arts and Cultural Affairs as proposed by both the House and the Senate.

Advisory Council on Historic Preservation

SALARIES AND EXPENSES

The conference agreement provides $3,000,000 as proposed by the House instead of $2,906,000 as proposed by the Senate.

National Capital Planning Commission

SALARIES AND EXPENSES

The conference agreement provides $6,312,000 as proposed by both the House and the Senate. The managers have agreed to the Senate proposal to provide one-year authority for appointed members of the Commission to be compensated in a manner similar to other Federal boards and commissions.

United States Holocaust Memorial Council

HOLOCAUST MEMORIAL COUNCIL

The conference agreement provides $33,286,000 for the Holocaust Memorial Council as proposed by both the House and the Senate.

The United States Holocaust Memorial Council was established in 1980 to support the planning and construction of a permanent, living memorial museum to the victims of the Holocaust. Having opened in 1993, the United States Holocaust Memorial Museum has achieved remarkable success. Following these first six years of operation, the House Appropriations Committee requested the National Academy of Public Administration (NAPA) to conduct a review of the Council and the Museum. NAPA has completed its report and included a number of recommendations to improve the operation and management of the two entities that will set them on a strong course to ensure future success. The managers strongly support the NAPA findings and recommendations and urge the entities to include those reforms that require statutory changes in a reauthorization bill to the Congress by the opening of the second session of the 106th Congress. Further, the managers expect the organizations to implement fully the administrative changes recommended in the report by February 15, 2000 and to report to the Committees on Appropriations on the completion of their implementation by March 1, 2000.

Presidio Trust

PRESIDIO TRUST FUND

The conference agreement provides $44,400,000 for the Presidio Trust as proposed by both the House and the Senate.

TITLE III—GENERAL PROVISIONS

The conference agreement includes sections 301 through 306, sections 308 through 319, section 321 and section 325 from the Senate bill, which continue provisions carried in past years. Section 314 adds a reference to Alaska for the Jobs-in-the-Woods program as proposed by the Senate.

Section 307 makes permanent the provision on compliance with the Buy American Act, which was included in the House bill as section 306. The Senate had extended the provision for one year.

Section 320 continues the provision contained in the bill in previous years regarding outreach efforts to rural and underserved communities by the NEA, as amended by the House to include urban minorities.

Section 322 continues the limitation on funding for completion and issuance of the five-year program under the Forest and Rangeland Renewable Resources Planning Act as proposed by the Senate. The House had no similar provision.

Section 323 prohibits the use of funds to support government-wide administrative functions unless they are in the budget justification and approved by the House and Senate Committees on Appropriations as proposed by the House. The Senate had no similar provision.

Section 324 modifies a provision proposed by the House prohibiting the use of funds for certain programs. The modification retains the limitation on the use of funds for General Services Administration Telecommunications Centers and for the President's Council on Sustainable Development and deletes the limitation dealing with the National Telecommunications and Information Administration. The Senate had no similar provision.

Section 326 continues the moratorium on new or expanded Indian self-determination and self-governance contracts and compacts with the Bureau of Indian Affairs and Indian Health Service as proposed by the Senate in section 324. The House had no similar provision.

Section 327 retains the text of section 324 as proposed by the House and section 325 as proposed by the Senate which permits the Forest Service to use the roads and trails fund for backlog maintenance and priority forest health treatments.

Section 328 prohibits the establishment of a national wildlife refuge in the Kankakee watershed in northwestern Indiana and northeastern Illinois as proposed by the House in section 325. The Senate had no similar provision.

Section 329 modifies language proposed by the House in Section 326 concerning the American Heritage Rivers initiative. The modified language still specifically prevents funds from being transferred or used to support the Council on Environmental Quality for purposes related to this program, but the language no longer prevents headquarters or departmental activities for these purposes. The managers note that the Council on Environmental Quality, as part of the Executive Office of the President, is funded through a different appropriations bill to cover all of its program needs, including those associated with the American Heritage Rivers initiative. The managers do not object to the agencies covered by this bill from participating in this initiative if it is a normal part of their programs. In fact, the technical assistance programs funded in this bill are intended to help respond to local initiatives and needs. The managers encourage maximum cost-sharing and expect the agencies to emphasize field-level accomplishments rather than headquarters or regional office bureaucratic efforts.

Section 330 modifies language proposed by the House in section 327 restricting the use of answering machines during core business hours except in case of emergency. The modification requires that there be an option that permits the caller to reach immediately another individual. The American taxpayer deserves to receive personal attention from public servants. The Senate had no similar provision.

Section 331 modifies a provision proposed by the House concerning Forest Service administration of rights-of-way and land uses. The Senate had no similar provision. The modification retains most of the language proposed by the House, with technical modifications, but the provision now makes this a five-year pilot program and requires annual reports to the House and Senate Committees on Appropriations summarizing activities and funds involved during the previous year. The managers direct the Forest Service to follow the instructions proposed by the House regarding this provision. The managers and the authorizing committees of jurisdiction will review this pilot program and determine subsequently if it warrants permanent authority.

Section 332 modifies a provision included in the fiscal year 1999 act regarding the Institute of Hardwood Technology Transfer and Applied Research to make the related authorities permanent as proposed by the Senate in section 326. The House had no similar provision.

Section 333 continues a program by which Alaska's surplus western red cedar is made available preferentially to U.S. domestic mills outside Alaska, prior to export abroad as proposed by the Senate in section 327. The House had no similar provision.

Section 334 modifies the Senate-proposed section 328 concerning Forest Service and Bureau of Land Management inventorying, monitoring and surveying requirements. The House had no similar provision. The modification makes it clear that the extent of inventory, monitoring and surveying required for the Forest Service and the Bureau of Land Management to comply with their planning regulations is solely at the discretion of the respective Secretaries. The modified language does not require either agency to engage in any particular activities. The modified language concerning the definition of record-of-decision implementation is consistent with the arguments made by this Administration in recent litigation.

Section 335 includes language regarding reports on the feasibility and cost of implementing the Interior Columbia Basin Ecosystem Management Project as proposed by the House in section 329. The Senate proposed similar language in section 330.

The conference agreement does not include section 330 as proposed by the House which would have provided authority for breastfeeding in the National Park Service, the Smithsonian, the John F. Kennedy Center, the Holocaust Memorial Museum and the National Gallery of Art. A separate appropriations bill funding general government programs includes a similar provision, but one that is broader in its application. The Senate bill had no similar provision.

Section 336 prohibits the use of funds to propose or issue rules, regulations, decrees or orders for implementing the Kyoto Protocol prior to Senate ratification as proposed by the House in section 331. The Senate had no similar provision.

The conference agreement does not include House proposed bill language included under section 333 prohibiting the use of funds to directly construct timber access roads in the National Forest System. The Senate had no similar provision.

The conference agreement does not include either the across the board cut proposed by the House in section 333 or the across the board cut proposed by the Senate in section 348.

Section 337 modifies language proposed by the House in section 334 and the Senate in section 335 regarding patent applications. The modification exempts from the Solicitor's opinion of November 7, 1997 grandfathered patent applications, mining operations with approved plans of operation, and operations with approved plans that are seeking modifications or amendment to those plans. The managers strongly feel that it is inequitable to apply the Solicitor's millsite opinion to those properties since the Department of the Interior and the Forest Service have been approving and modifying plans of operations routinely for years without raising an issue with operators about the ratio of millsites to claims. The Departments of the Interior and Agriculture may not implement the millsite opinion for existing or planned operations that need to amend or modify their plans of operation. Further, the managers direct that the Departments of the Interior and Agriculture not reopen decisions already made and relied upon by stakeholders when approving these plans. Lastly, for clarity, the managers note that the term property as used in this section is intended to encompass the specific geographic area included within a plan of operation that has been approved on, or submitted prior to May 21, 1999, regardless of the type of claim or millsite.

The managers have not included language proposed by the House in section 335 prohibiting certain uses of leghold traps and neck snares within the National Wildlife Refuge system.

The managers have not included language as proposed by the House in section 336 that would prohibit implementation of certain portions of the Gettysburg NMP general management plan.

Section 338 modifies a Senate provision in section 330 concerning consistency among federal land managing agencies for the exemption to the Service Contract Act for concession contracts. The modified language deals only with the Forest Service and applies only in fiscal year 2000. The House had no similar provision.

Section 339 modifies section 331 as proposed by the Senate regarding the establishment of a five-year pilot program for the Forest Service to collect fair market value for forest botanical products. The House had no similar provision. The provision is modified to clarify the definition of forest botanical products, to ensure that the harvest of such products will be sustainable, to exempt some personal use harvest from fee collection at the discretion of the agency, and to return a portion of the funds collected to the national forest unit at which they are generated. The managers want to encourage the development of appropriate small-scale industries but also ensure that the Forest Service carefully manages this program so that plants and fungi are not over-collected. This provision has been modified so that the funds which exceed the level collected in fiscal year 1999 can be used right away rather than delaying expenditure of the funds until fiscal year 2001 as proposed by the Administration and the Senate. Fees will be returned to the forest unit where they are generated and will be used to provide for program administration, inventory, monitoring, sustainable harvest level and impact of harvest determination and restoration activities. The Forest Service is encouraged to develop harvest guidelines that cover species ranges so sharing of fees among units may be required to properly deal with wide-ranging species.

Section 340 includes the Senate-proposed section extending the authorization for the Forest Service to provide funds to Auburn University, AL, for construction of a non-federal building. The House bill had no similar provision.

Section 341 modifies the Senate-proposed section 333 dealing with Forest Service stewardship end-results contracting. The modification retains the Senate proposal to provide the Northern region with nine additional projects. The modified provision also includes technical changes to the language which authorized the pilot program. These changes make it clear that the Forest Service can enter into a contract or agreement with either a public or private entity; that an agreement as opposed to a contract can be the primary vehicle for implementing a pilot project; and there is a national limit on projects, as opposed to contracts. This will allow, if necessary, use of more than one contract to implement a project. The House bill had no similar provision.

The conference agreement does not include Senate proposed bill language included under section 335 that provides that residents living within the boundaries of the White Mountain National Forest are exempt from certain user fees. The House bill had no similar provision.

Section 342 modifies the Senate-proposed section 336 dealing with special use fees paid for recreation residences on Forest Service managed lands. This provision supersedes section 343 of P.L. 105–83 and limits fee increases during fiscal year 2000 to $2,000 per permit. The House had no similar provision.

Section 343 modifies language in section 337 of the Senate bill to provide a protocol designed to facilitate the acquisition of lands within the Columbia River Gorge National Scenic Area by encouraging the Secretary of Agriculture to consummate certain land acquisitions that have been delayed by issues other than disagreement over fair market value. On potential acquisitions that have been delayed because of a disagreement over fair market value, the Secretary shall engage willing landowners in an arbitration process that is designed to be completed before July 15, 2000.

Section 344 provides that the Forest Service may not use the Recreation Fee Demonstration program to supplant existing recreation contracts on the national forests as proposed by the Senate in section 338. The House bill had no similar provision.

Section 345 amends the National Forest-Dependent Rural Communities Economic Diversification Act, as proposed by the Senate in section 339, to make Forest Service grasslands eligible for economic recovery funding. The House bill had no similar provision.

Section 346 amends the Interstate 90 Land Exchange Act of 1998 to place the title to certain lands in Plum Creek, Washington, in escrow for a three-year period pending the outcome of an appraisal process as proposed by the Senate in section 340. The House had no similar provision.

Section 347 adjusts the boundary of the Snoqualmie National Forest as proposed by the Senate in section 341. The House had no similar provision.

Section 348 amends the Food Security Act to protect the confidentiality of Forest Inventory and Analysis data on private lands as proposed by the Senate in section 342. The House bill had no similar provision.

Section 349 provides, as proposed by the Senate in section 343, that none of the funds appropriated or otherwise made available by this Act may be used to implement or enforce any provision in Presidential Executive Order 13123 regarding the Federal Energy Management Program which circumvents or contradicts any statutes relevant to Federal energy use and the measurement thereof. The managers expect the Department to adhere to existing law governing energy conservation and efficiency in implementing the Federal Energy Management Program. The House had no similar provision.

The conference agreement does not include Senate proposed bill language included under section 344 directing the Forest Service to use funds to improve the control or eradication of pine beetles in the Rocky Mountain region of the United States. The managers have provided direction on this matter under the Forest Service heading.

The conference agreement does not include Senate proposed bill language included under section 346 prohibiting the use of funds for certain activities on the Shawnee National Forest, IL.

Section 350 prohibits the use of funds made available by the act for the physical relocation of grizzly bears into the Selway-Bitterroot Wilderness of Idaho and Montana as proposed by the Senate in section 345. The House bill had no similar provision. The managers understand that this provision will not interfere with the Fish and Wildlife Service's plans for the program in fiscal year 2000.

Section 351 directs that up to $1,000,000 of Bureau of Land Management funds be used to fund high priority projects to be conducted by the Youth Conservation Corps as proposed by the Senate in section 347. The House bill had no similar provision.

Section 352 makes a permanent appropriation for the North Pacific Research Board. To date, these funds have been subject to appropriation.

Section 353 prohibits the withdrawal of certain lands on the Mark Twain NF, MO, from mining activities and prohibits the issuance of new prospecting permits. The House had no similar provision.

Section 354 makes a minor technical modification to a previously established pilot program; this modification authorizes the Bureau of Land Management and the Forest Service to establish transfer appropriation accounts in order to facilitate efficient inter-agency fund transfers. The managers support the pilot effort of the two agencies to accomplish mutually beneficial management of respective lands and request that the agencies provide a combined report to the House and Senate Committees on Appropriations on the use of these accounts by June 30, 2000.

Section 355 provides for an extension of the public comment period for the White River National Forest, CO, forest plan revision for ninety days past the February 9, 2000, deadline currently in place.

Section 356 provides direction to the National Capital Planning Commission concerning a certain easement and other matters regarding the National Harbor project, MD.

Section 357 directs the Department of the Interior to provide a detailed plan for implementation of the National Academy of Sciences report on hard rock mining regulations, and continues the moratorium on issuing final hard rock mining regulations through fiscal year 2000.

TITLE IV

The conference agreement includes the Mississippi National Forest Improvement Act of 1999. This new bill language provides for the sale of surplus Forest Service research property and other surplus administrative sites in Mississippi; facilitates a cooperative agreement between the Forest Service and the University of Mississippi; and facilitates a land exchange on the Homochitto National Forest for the Franklin County Dam.

TITLE V

UNITED MINE WORKERS OF AMERICA COMBINED BENEFIT FUND

Title V provides an emergency transfer of interest earned by the Abandoned Mine Reclamation Fund to the United Mine Workers of America Combined Benefit Fund. The Abandoned Mine Reclamation Fund was established by the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231). The Abandoned Mine Land Reclamation Act of 1990 provides for the investment of the unappropriated balances of the fund and the crediting of earned interest to the Abandoned Mine Reclamation Fund. The Coal Industry Retiree Health Benefit Act of 1992 (26 U.S.C. 9701–9722) was included as part of the Energy Policy Act of 1992 and provides for an annual transfer of part of the interest earned by the Abandoned Mine Reclamation Fund to the United Mine Workers of America Combined Benefit Fund.

The transfer of funds provided by this title is in response to rising health care costs and recent court decisions which have combined to seriously erode the solvency of the United Mine Workers of America Combined Benefit Fund. Consequently, the Trustees of the Fund have determined that without the relief provided by this section, cuts in health care benefits to the more than 66,000 retired miners and their dependents throughout the nation are imminent.

The managers recognize that the emergency transfer provided by this title is not the long-term answer to the financial problems associated with the United Mine Workers of America Combined Benefit Fund. The managers expect that the legislation necessary to remedy the financial problems of the United Mine Workers of America Combined Benefit Fund will be taken up by the legislative committees of jurisdiction and will be enacted into law in a timely manner. The managers urge the committees of jurisdiction to work with miners and the contributing companies in ensuring the long-term solvency of the fund. The managers firmly believe that the best long-term solution to the financial problems associated with the fund must include a review of and action on appropriate adjustments to private sector contributions to the fund, including contributions currently being made by the so-called "reach back" companies. At the same time, the managers also recognize that the long-term solution for the fund should cover all eligible retired miners and their dependents, including the unassigned beneficiaries, as provided for in current law.

The more than 66,000 elderly retired miners and their dependents should not again be brought to the precipice, not knowing whether the Federal Government will continue to meet fully its commitment to provide their health care benefits, as provided in the Coal Industry Retiree Health Benefits Act of 1992.

INTERIOR DETAIL TABLE (IN THOUSANDS)

		FY 1999 Enacted	FY 2000 Request	Conference	Conference vs. Enacted
100	TITLE I - DEPARTMENT OF THE INTERIOR				
150	BUREAU OF LAND MANAGEMENT				
200	Management of Lands and Resources				
250	Land Resources				
300	Soil, water and air management	30,387	32,306	33,256	+2,869
350	Range management	56,323	67,217	66,667	+10,344
400	Forestry management	5,801	6,966	6,966	+1,165
450	Riparian management	20,441	21,181	20,981	+540
500	Cultural resources management	13,084	13,740	13,460	+376
550	Wild horse and burro management	18,878	19,970	19,970	+1,092
600	Subtotal, Land Resources	144,914	161,380	161,300	+16,386
650	Wildlife and Fisheries				
700	Wildlife management	22,214	24,160	23,910	+1,696
750	Fisheries management	9,549	10,528	11,628	+2,079
800	Subtotal, Wildlife and Fisheries	31,763	34,688	35,538	+3,775
850	Threatened and endangered species	17,419	18,853	18,903	+1,484
900	Recreation Management				
950	Wilderness management	15,873	16,290	16,290	+417
1000	Recreation resources management	31,634	32,827	33,807	+2,173
1050	Recreation operations (fees)	2,568	2,636	1,306	-1,262
1100	Subtotal, Recreation Management	50,075	51,753	51,403	+1,328
1150	Energy and Minerals				
1200	Oil and gas	53,764	55,326	58,076	+4,312
1250	Coal management	7,188	7,527	7,377	+189
1300	Other mineral resources	8,992	9,377	9,227	+235
1350	Subtotal, Energy and Minerals	69,944	72,230	74,680	+4,736
1400	Alaska minerals	3,092	2,147	2,147	-945
1450	Realty and Ownership Management				
1500	Alaska conveyance	31,131	29,487	33,887	+2,756
1550	Cadastral survey	12,312	14,668	13,318	+1,006
1600	Land and realty management	30,139	30,952	30,952	+813
1650	Subtotal, Realty and Ownership Management	73,582	75,107	78,157	+4,575

INTERIOR DETAIL TABLE (IN THOUSANDS)

		FY 1999 Enacted	FY 2000 Request	Conference	Conference vs. Enacted
1700	Resource Protection and Maintenance				
1750	Resource management planning	6,444	6,613	6,613	+169
1800	Facilities maintenance	41,758	---	---	-41,758
1850	Resource protection and law enforcement	10,822	11,106	11,106	+284
1900	Hazardous materials management	15,664	16,376	16,076	+412
1950	Subtotal, Resource Protection and Maintenance	74,688	34,095	33,795	-40,893
2000	Transportation and Facilities Maintenance				
2050	Operations	---	6,150	6,150	+6,150
2100	Annual maintenance	---	30,006	28,506	+28,506
2150	Deferred maintenance	---	12,700	11,648	+11,648
2200	Subtotal, Transportation/Facilities Maintenance	---	48,856	46,304	+46,304
2250	Land and resources information systems	27,916	19,130	19,130	-8,786
2300	Mining Law Administration				
2350	Administration	32,650	33,529	33,529	+879
2450	Offsetting fees	-32,650	-33,529	-33,529	-879
2500	Subtotal, Mining Law Administration	---	---	---	---
2550	Workforce and Organizational Support				
2600	Information systems operations	15,430	15,835	15,835	+405
2650	Administrative support	45,683	47,240	47,240	+1,557
2700	Bureauwide fixed costs	58,005	59,786	59,786	+1,781
2750	Subtotal, Workforce and Organizational Support	119,118	122,861	122,861	+3,743
2900	Total, Management of Lands and Resources	612,511	641,100	644,218	+31,707
2950	Wildland Fire Management				
3000	Wildland fire preparedness	156,895	175,850	162,399	+5,504
3050	Wildland fire operations	130,000	130,000	129,883	-117
3100	Total, Wildland Fire Management	286,895	305,850	292,282	+5,387
3150	Central Hazardous Materials Fund				
3200	Bureau of Land Management	10,000	11,350	10,000	---

INTERIOR DETAIL TABLE (IN THOUSANDS)

	FY 1999 Enacted	FY 2000 Request	Conference	Conference vs. Enacted
Construction				
Construction	10,997	8,350	11,425	+428
Payments in Lieu of Taxes				
Payments to local governments	125,000	125,000	135,000	+10,000
Land Acquisition				
Land Acquisition				
Acquisitions	10,800	44,900	12,000	+1,200
Emergencies and hardships	800	981	500	-300
Acquisition management	3,000	3,019	3,000	---
Total, Land Acquisition	14,600	48,900	15,500	+900
Oregon and California Grant Lands				
Western Oregon resources management	79,103	81,805	80,880	+1,777
Western Oregon information and resource data systems	2,110	2,159	2,159	+49
Western Oregon facilities maintenance	9,954	---	---	-9,954
Western Oregon transportation & facilities maintenance	---	11,686	10,186	+10,186
Western Oregon construction and acquisition	279	285	285	+6
Jobs in the woods	5,591	5,715	5,715	+124
Total, Oregon and California Grant Lands	97,037	101,650	99,225	+2,188
Range Improvements				
Improvements to public lands	8,361	8,361	8,361	---
Farm Tenant Act lands	1,039	1,039	1,039	---
Administrative expenses	600	600	600	---
Total, Range Improvements	10,000	10,000	10,000	---
Service Charges, Deposits, and Forfeitures				
Rights-of-way processing	3,500	4,000	4,000	+500
Adopt-a-horse program	1,200	1,125	1,125	-75
Repair of damaged lands	1,300	1,220	1,220	-80
Cost recoverable realty cases	415	415	415	---
Timber purchaser expenses	240	240	240	---
Copy fees	1,400	1,800	1,800	+400
Total, Service Charges, Deposits & Forfeitures	8,055	8,800	8,800	+745

INTERIOR DETAIL TABLE (IN THOUSANDS)

		FY 1999 Enacted	FY 2000 Request	Conference	Conference vs. Enacted
4950	Miscellaneous Trust Funds				
5000	Current appropriations	8,800	7,700	7,700	-1,100
5050	TOTAL, BUREAU OF LAND MANAGEMENT	1,183,895	1,268,700	1,234,150	+50,255

INTERIOR DETAIL TABLE (IN THOUSANDS)

		FY 1999 Enacted	FY 2000 Request	Conference	Conference vs. Enacted
5100	UNITED STATES FISH AND WILDLIFE SERVICE				
5150	Resource Management				
5200	Ecological Services				
5250	Endangered species				
5300	Candidate conservation	6,753	8,316	7,416	+663
5350	Listing	5,756	7,532	6,232	+476
5400	Consultation	27,231	37,365	32,465	+5,234
5450	Recovery	66,077	56,725	57,582	-8,495
5500	ESA landowner incentive program	5,000	5,000	5,000	---
5550	Subtotal, Endangered species	110,817	114,938	108,695	-2,122
5600	Habitat conservation	63,753	73,619	71,712	+7,959
5650	Environmental contaminants	9,338	10,193	10,043	+705
5700	Subtotal, Ecological Services	183,908	198,750	190,450	+6,542
5750	Refuges and Wildlife				
5800	Refuge operations and maintenance	237,235	264,337	262,037	+24,802
5850	Salton Sea recovery	1,000	1,000	1,000	---
5860	Migratory bird management	19,125	21,877	21,877	+2,752
5900	Law enforcement operations	36,943	39,905	39,405	+2,462
6000	Subtotal, Refuges and Wildlife	294,303	327,119	324,319	+30,016
6050	Fisheries				
6100	Hatchery operations and maintenance	39,527	40,524	44,824	+5,297
6150	Lower Snake River compensation fund	11,648	11,701	11,701	+53
6200	Fish and wildlife management	22,387	27,576	29,072	+6,685
6250	Subtotal, Fisheries	73,562	79,801	85,597	+12,035
6300	General Administration				
6350	Central office administration	14,065	15,214	14,914	+849
6400	Regional office administration	23,210	24,024	24,024	+814
6450	Servicewide administrative support	45,354	46,858	46,858	+1,504
6500	National Fish and Wildlife Foundation	6,000	7,000	6,750	+750
6550	National Conservation Training Center	13,950	14,928	15,128	+1,178
6600	International affairs	6,784	10,306	8,006	+1,222
6650	Subtotal, General Administration	109,363	118,330	115,680	+6,317
6750	Total, Resource Management	661,136	724,000	716,046	+54,910

INTERIOR DETAIL TABLE (IN THOUSANDS)

		FY 1999 Enacted	FY 2000 Request	Conference	Conference vs. Enacted
6800	Construction				
6850	Construction and rehabilitation				
6900	Line item construction	44,211	35,517	47,146	+2,935
6950	Construction management	6,242	8,052	7,437	+1,195
7000	Emergency appropriations	37,612	---	---	-37,612
7100	Total, Construction	88,065	43,569	54,583	-33,482
7150	Land Acquisition				
7200	Fish and Wildlife Service				
7250	Acquisitions - Federal refuge lands	36,774	60,860	39,513	+2,739
7300	Inholdings	750	1,000	750	---
7350	Emergency and hardship	1,000	1,000	1,000	---
7400	Acquisition management	8,500	9,772	8,500	---
7450	Exchanges	1,000	1,000	750	-250
7500	Total, Land Acquisition	48,024	73,632	50,513	+2,489
7550	Cooperative Endangered Species Conservation Fund				
7600	Grants to States	7,520	50,520	7,520	---
7650	HCP land acquisition	6,000	26,000	8,000	+2,000
7700	Conservation planning assistance	---	2,000	---	---
7750	Administration	480	1,480	480	---
7800	Total, Cooperative Endangered Species Fund	14,000	80,000	16,000	+2,000

INTERIOR DETAIL TABLE (IN THOUSANDS)

		FY 1999 Enacted	FY 2000 Request	Conference	Conference vs. Enacted
7850	National Wildlife Refuge Fund				
7900	Payments in lieu of taxes	10,779	10,000	10,779	---
7950	North American Wetlands Conservation Fund				
8000	Wetlands conservation	14,360	14,402	14,402	+42
8010	Administration	640	598	598	-42
8100	Total, North American Wetlands Conservation Fund	15,000	15,000	15,000	---
8150	Wildlife Conservation and Appreciation Fund				
8200	Wildlife conservation and appreciation fund	800	800	800	---
8250	Multinational Species Conservation Fund				
8300	African elephant conservation	1,000	970	1,000	---
8350	Rhinoceros and tiger conservation	500	970	700	+200
8400	Asian elephant conservation	500	970	700	+200
8450	Administration	---	90	---	---
8500	Total, Multinational Species Conservation Fund	2,000	3,000	2,400	+400
8510	Commercial salmon fishery capacity reduction	---	---	5,000	+5,000
8550	TOTAL, U.S. FISH AND WILDLIFE SERVICE	839,804	950,001	871,121	+31,317
8600	NATIONAL PARK SERVICE				
8650	Operation of the National Park System				
8700	Park Management				
8750	Resource stewardship	228,819	266,775	255,399	+26,580
8800	Visitor services	301,238	319,806	318,970	+17,732
8850	Maintenance	411,930	441,081	432,923	+20,993
8900	Park support	238,929	251,880	248,482	+9,553
8950	Subtotal, Park Management	1,180,916	1,279,542	1,255,774	+74,858
9000	External administrative costs	104,688	110,085	109,285	+4,597
9050	Emergency appropriations	2,320	---	---	-2,320
9100	Total, Operation of the National Park System	1,287,924	1,389,627	1,365,059	+77,135

INTERIOR DETAIL TABLE (IN THOUSANDS)

		FY 1999 Enacted	FY 2000 Request	Conference	Conference vs. Enacted
9150	National Recreation and Preservation				
9200	Recreation programs	515	533	533	+18
9250	Natural programs	9,088	12,840	10,090	+1,002
9300	Cultural programs	19,056	20,164	19,614	+558
9350	International park affairs	1,671	1,849	1,699	+28
9400	Environmental and compliance review	358	373	373	+15
9450	Grant administration	1,751	1,819	1,819	+68
9500	Heritage Partnership Programs				
9550	Commissions and grants	5,000	5,250	6,000	+1,000
9600	Technical support	859	886	886	+27
9650	Subtotal, Heritage Partnership Programs	5,859	6,136	6,886	+1,027
9700	Statutory or Contractual Aid				
9750	Alaska Native culture center	750	---	750	---
9800	Aleutian World War II Historic Area	100	---	800	+700
9810	Automobile Heritage Area	---	---	300	+300
9850	Blackstone River Corridor	324	324	450	+126
9900	Brown Foundation	102	102	102	---
9950	Dayton Aviation Heritage Commission	48	48	48	---
10000	Delaware and Lehigh Navigation Canal	329	329	450	+121
10050	Ice Age National Scientific Reserve	806	806	806	---
10100	Illinois and Michigan Canal National Heritage				
10150	Corridor Commission	239	242	242	+3
10200	Johnstown Area Heritage Association	50	50	50	---
10250	Lackawanna Heritage	450	---	450	---
10350	Mandan On-a-Slant Village	250	---	400	+150
10400	Martin Luther King, Jr. Center	534	534	534	---
10450	National Constitution Center, PA	500	500	500	---
10500	National First Ladies Library	300	---	300	---
10550	National underground railroad	500	---	---	-500
10600	Native Hawaiian culture and arts program	750	750	750	---
10650	New Orleans Jazz Commission	67	67	67	---
10700	Quinebaug-Shetucket National Heritage Preservation				
10750	Commission	200	200	250	+50
10800	Roosevelt Campobello International Park Commission	670	670	670	---
10810	Sewall-Belmont House	---	---	500	+500
10850	Southwestern Penn. Heritage Preservation Commission	158	---	---	-158
10900	Vancouver National Historic reserve	400	---	400	---
10950	Wheeling National Heritage Area	400	---	600	+200
10960	Chesapeake Bay Gateway	---	---	600	+600
10970	Oklahoma City National Memorial	---	---	866	+866
11000	Subtotal, Statutory or Contractual Aid	7,927	4,622	10,885	+2,958

INTERIOR DETAIL TABLE (IN THOUSANDS)

		FY 1999 Enacted	FY 2000 Request	Conference	Conference vs. Enacted
11010	Urban parks	---	---	2,000	+2,000
11050	Total, National Recreation and Preservation	46,225	48,336	53,899	+7,674
11100	Historic Preservation Fund				
11150	Grants-in-aid	42,412	50,512	---	-42,412
11160	State historic preservation offices	---	---	31,894	+31,894
11170	Tribal grants	---	---	2,596	+2,596
11180	Historically Black colleges	---	---	10,722	+10,722
11250	Grants for millennium initiative	30,000	30,000	30,000	---
11300	Total, Historic Preservation Fund	72,412	80,512	75,212	+2,800
11350	Construction				
11450	Emergency and unscheduled housing	15,000	14,000	3,500	-11,500
11500	Equipment replacement	15,402	19,865	18,000	+2,598
11550	Planning, construction	16,370	10,195	15,940	-430
11600	General management plans	7,725	8,725	9,225	+1,500
11650	Line item construction and maintenance	171,561	118,175	154,788	-16,773
11750	Pre-planning and supplementary services	---	4,500	4,500	+4,500
11800	Construction program management	---	17,100	17,100	+17,100
11850	Emergency appropriations	13,680	---	---	-13,680
11910	Dam safety	---	1,440	1,440	+1,440
11950	Total, Construction	239,738	194,000	224,493	-15,245
12000	Land and Water Conservation Fund				
12050	(Rescission of contract authority)	-30,000	-30,000	-30,000	---
12100	Land Acquisition and State Assistance				
12150	Assistance to States				
12160	State grants	---	---	20,000	+20,000
12200	Administrative expenses	500	1,000	1,000	+500
12210	Total, Assistance to States	500	1,000	21,000	+20,500

INTERIOR DETAIL TABLE (IN THOUSANDS)

		FY 1999 Enacted	FY 2000 Request	Conference	Conference vs. Enacted
12250	National Park Service				
12300	Acquisitions	134,425	152,468	84,700	-49,725
12350	Emergencies and hardships	3,000	4,000	3,000	---
12400	Acquisition management	8,500	11,000	10,000	+1,500
12450	Inholdings	1,500	4,000	2,000	+500
12460	Total, National Park Service	147,425	171,468	99,700	-47,725
12500	Total, Land Acquisition and State Assistance	147,925	172,468	120,700	-27,225
12550	Conservation Grants and Planning Assistance				
12600	Conservation grants	---	150,000	---	---
12650	Planning assistance	---	50,000	---	---
12700 12750	Total, Conservation Grants and Planning Assistance	---	200,000	---	---
12800	Urban Park and Recreation Fund				
12850	Urban park and recreation fund	---	4,000	---	---
12900	TOTAL, NATIONAL PARK SERVICE	1,764,224	2,058,943	1,809,363	+45,139

INTERIOR DETAIL TABLE (IN THOUSANDS)

		FY 1999 Enacted	FY 2000 Request	Conference	Conference vs. Enacted
12950	UNITED STATES GEOLOGICAL SURVEY				
13000	Surveys, Investigations, and Research				
13050	National Mapping Program				
13100	National data collection and integration............	63,858	58,125	56,625	-7,233
13150	Earth science information management and delivery...	36,388	43,700	34,450	-1,938
13200	Geographic research and applications...............	38,069	33,609	36,306	-1,763
13250	Subtotal, National Mapping Program.............	138,315	135,434	127,381	-10,934
13300	Geologic Hazards, Resource and Processes				
13350	Geologic hazards assessments........................	76,369	68,810	69,460	-6,909
13400	Geologic landscape and coastal assessments..........	74,091	60,701	65,765	-8,326
13450	Geologic resource assessments.......................	88,690	69,106	77,106	-11,584
13500	Subtotal, Geologic Hazards, Resource & Processes	239,150	198,617	212,331	-26,819
13550	Water Resources Investigations				
13600	Water resources assessment and research.............	104,433	88,298	91,531	-12,902
13650	Water data collection and management................	29,528	20,790	29,290	-238
13700	Federal-State program...............................	70,137	58,356	60,856	-9,281
13750	Water resources research institutes.................	5,055	5,062	5,062	+7
13800	Subtotal, Water Resources Investigations........	209,153	172,506	186,739	-22,414
13850	Biological Research				
13900	Biological research and monitoring..................	138,521	97,734	113,874	-24,647
13950	Biological information management and delivery......	11,443	14,550	10,550	-893
14000	Cooperative research units..........................	12,497	12,680	13,180	+683
14050	Subtotal, Biological Research..................	162,461	124,964	137,604	-24,857
14100	General administration..............................	27,308	---	---	-27,308
14150	Facilities..	21,509	---	---	-21,509
14250	Integrated science..................................	---	47,686	---	---
14300	Science support.....................................	---	73,996	73,996	+73,996
14350	Facilities..	---	85,282	85,782	+85,782
14400	Emergency appropriations...........................	1,000	---	---	-1,000
14450	TOTAL, UNITED STATES GEOLOGICAL SURVEY..........	798,896	838,485	823,833	+24,937

INTERIOR DETAIL TABLE (IN THOUSANDS)

		FY 1999 Enacted	FY 2000 Request	Conference	Conference vs. Enacted
14500	MINERALS MANAGEMENT SERVICE				
14550	Royalty and Offshore Minerals Management				
14600	OCS Lands				
14650	Leasing and environmental program	35,352	35,889	35,889	+537
14700	Resource evaluation	23,433	22,323	22,923	-510
14750	Regulatory program	39,290	42,508	42,508	+3,218
14800	Information management program	14,190	14,507	14,507	+317
14850	Subtotal, OCS Lands	112,265	115,227	115,827	+3,562
14900	Royalty Management				
14950	Valuation and operations	33,623	39,407	39,407	+5,784
15000	Compliance	36,468	42,439	42,439	+5,971
15050	Indian allottee refunds	15	15	15	---
15100	Program services office	2,623	2,708	2,708	+85
15150	Subtotal, Royalty Management	72,729	84,569	84,569	+11,840
15200	General Administration				
15250	Executive direction	1,870	1,925	1,925	+55
15300	Policy and management improvement	3,740	3,870	3,870	+130
15350	Administrative operations	12,592	13,546	13,546	+954
15400	General support services	14,706	14,945	14,945	+239
15450	Subtotal, General Administration	32,908	34,286	34,286	+1,378
15500	Use of receipts	-100,000	-124,000	-124,000	-24,000
15600	Total, Royalty and Offshore Minerals Management	117,902	110,082	110,682	-7,220
15650	Oil Spill Research				
15700	Oil spill research	6,118	6,118	6,118	---
15750	TOTAL, MINERALS MANAGEMENT SERVICE	124,020	116,200	116,800	-7,220

INTERIOR DETAIL TABLE (IN THOUSANDS)

	FY 1999 Enacted	FY 2000 Request	Conference	Conference vs. Enacted
OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT				
Regulation and Technology				
Environmental restoration	144	150	150	+6
Environmental protection	70,018	70,718	72,218	+2,200
Technology development and transfer	11,300	11,589	11,589	+289
Financial management	511	525	525	+14
Executive direction	11,105	11,409	11,409	+304
Subtotal, Regulation and Technology	93,078	94,391	95,891	+2,813
Civil penalties	275	275	275	---
Total, Regulation and Technology	93,353	94,666	96,166	+2,813
Abandoned Mine Reclamation Fund				
Environmental restoration	170,140	195,469	176,019	+5,879
Technology development and transfer	3,473	3,536	3,536	+63
Financial management	5,860	6,040	5,540	-320
Executive direction	5,943	6,113	6,113	+170
Total, Abandoned Mine Reclamation Fund	185,416	211,158	191,208	+5,792
TOTAL, OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT	278,769	305,824	287,374	+8,605

INTERIOR DETAIL TABLE (IN THOUSANDS)

		FY 1999 Enacted	FY 2000 Request	Conference	Conference vs. Enacted
16750	BUREAU OF INDIAN AFFAIRS				
16800	Operation of Indian Programs				
16850	Tribal Budget System				
16900	Tribal Priority Allocations				
16950	Tribal government	347,782	362,382	343,970	-3,812
17000	Human services	151,379	154,262	150,214	-1,165
17050	Education	52,675	51,106	51,106	-1,569
17100	Public safety and justice	4,220	1,391	1,391	-2,829
17150	Community development	39,240	39,884	39,884	+644
17200	Resources management	53,547	54,852	54,852	+1,305
17250	Trust services	27,631	28,739	28,739	+1,108
17300	General administration	22,284	23,273	23,273	+989
17550	Standard assessment methodology work group	250	250	---	-250
17600	Subtotal, Tribal Priority Allocations	699,008	716,139	693,429	-5,579
17650	Other Recurring Programs				
17750	Human services	---	500	---	---
17800	Education				
17850	School operations				
17900	Forward-funded	389,307	412,664	401,010	+11,703
17950	Other school operations	86,779	90,904	88,717	+1,938
18000	Subtotal, School operations	476,086	503,568	489,727	+13,641
18050	Continuing education	31,311	38,411	32,311	+1,000
18100	Subtotal, Education	507,397	541,979	522,038	+14,641
18200	Resources management	34,642	37,717	40,016	+5,374
18250	Subtotal, Other Recurring Programs	542,039	580,196	562,054	+20,015

INTERIOR DETAIL TABLE (IN THOUSANDS)

		FY 1999 Enacted	FY 2000 Request	Conference	Conference vs. Enacted
18300	Non-Recurring Programs				
18350	Tribal government	250	250	250	---
18450	Community development	100	---	---	-100
18500	Resources management	30,912	32,414	31,859	+947
18550	Trust services	32,888	38,526	32,424	-464
18600	Subtotal, Non-Recurring Programs	64,150	71,190	64,533	+383
18650	Total, Tribal Budget System	1,305,197	1,367,525	1,320,016	+14,819
18700	BIA Operations				
18750	Central Office Operations				
18800	Tribal government	2,628	3,082	3,082	+454
18850	Human services	866	1,295	1,295	+429
18950	Community development	837	853	853	+16
19000	Resources management	3,108	3,387	3,387	+279
19050	Trust services	2,070	2,114	2,114	+44
19100	General administration				
19150	Education program management	2,297	2,349	2,349	+52
19200	Other general administration	33,933	34,670	34,920	+987
19250	Subtotal, General administration	36,230	37,019	37,269	+1,039
19300	Subtotal, Central Office Operations	45,739	47,750	48,000	+2,261
19350	Area Office Operations				
19400	Tribal government	1,354	1,431	1,431	+77
19450	Human services	3,263	3,011	3,011	-252
19550	Community development	805	833	833	+28
19600	Resources management	3,175	3,242	3,242	+67
19650	Trust services	10,710	9,613	9,613	-1,097
19700	General administration	23,633	24,313	24,313	+680
19750	Subtotal, Area Office Operations	42,940	42,443	42,443	-497

INTERIOR DETAIL TABLE (IN THOUSANDS)

		FY 1999 Enacted	FY 2000 Request	Conference	Conference vs. Enacted
19800	Special Programs and Pooled Overhead				
19850	Education	14,258	15,670	15,370	+1,112
19900	Public safety and justice	98,558	141,165	131,165	+32,607
19950	Community development	3,916	3,545	4,161	+245
20000	Resources management	1,320	1,320	1,320	---
20100	General administration	72,196	74,969	74,969	+2,773
20150	Subtotal, Special Programs and Pooled Overhead	190,248	236,669	226,985	+36,737
20200	Total, BIA Operations	278,927	326,862	317,428	+38,501
20350	Total, Operation of Indian Programs	1,584,124	1,694,387	1,637,444	+53,320
20400	BIA SPLITS				
20450	Natural resources	(126,704)	(132,932)	(134,676)	(+7,972)
20500	Forward-funding	(389,307)	(412,664)	(401,010)	(+11,703)
20550	Education	(187,320)	(198,440)	(189,853)	(+2,533)
20600	Community development	(880,793)	(950,351)	(911,905)	(+31,112)
20650	Total, BIA splits	(1,584,124)	(1,694,387)	(1,637,444)	(+53,320)
20700	Construction				
20750	Education	60,400	108,377	82,377	+21,977
20800	Public safety and justice	5,550	5,564	5,564	+14
20850	Resources management	49,620	51,823	50,810	+1,190
20900	General administration	2,146	2,175	2,175	+29
20950	Construction management	5,705	6,319	5,958	+253
21100	Total, Construction	123,421	174,258	146,884	+23,463

INTERIOR DETAIL TABLE (IN THOUSANDS)

		FY 1999 Enacted	FY 2000 Request	Conference	Conference vs. Enacted
21150 21200	Indian Land and Water Claim Settlements and Miscellaneous Payments to Indians				
21250	White Earth Land Settlement Act (Admin)	612	625	625	+13
21300	Hoopa-Yurok settlement fund	240	246	246	+6
21350	Pyramid Lake water rights settlement	2,530	30	30	-2,500
21360	Truckee River operating agreement	---	---	230	+230
21400	Ute Indian water rights settlement	25,000	27,500	25,000	---
21550	Aleutian-Pribilof (repairs)	500	---	1,000	+500
21560	Weber Dam	---	---	125	+125
21600	Total, Miscellaneous Payments to Indians	28,882	28,401	27,256	-1,626
21650	Indian Guaranteed Loan Program Account				
21700	Indian guaranteed loan program account	5,001	5,008	5,008	+7
21750	Indian Land Consolidation Pilot				
21800	Indian land consolidation pilot	5,000	---	---	-5,000
21850	TOTAL, BUREAU OF INDIAN AFFAIRS	1,746,428	1,902,054	1,816,592	+70,164

INTERIOR DETAIL TABLE (IN THOUSANDS)

		FY 1999 Enacted	FY 2000 Request	Conference	Conference vs. Enacted
21900	DEPARTMENTAL OFFICES				
21950	Insular Affairs				
22000	Assistance to Territories				
22050	Territorial Assistance				
22100	Office of Insular Affairs	3,849	4,249	4,095	+246
22150	Technical assistance	5,661	5,661	5,661	---
22200	Maintenance assistance fund	2,300	2,300	2,300	---
22250	Brown tree snake	2,100	2,600	2,350	+250
22300	Insular management controls	1,491	1,491	1,491	---
22350	Coral reef initiative	---	1,000	500	+500
22400	Subtotal, Territorial Assistance	15,401	17,301	16,397	+996
22450	American Samoa				
22500	Operations grants	23,054	23,054	23,054	---
22550	Northern Marianas				
22600	Covenant grants	27,720	27,720	27,720	---
22650	Total, Assistance to Territories	66,175	68,075	67,171	+996
22700	Compact of Free Association				
22750	Compact of Free Association - Federal services	7,354	7,354	7,354	---
22800	Mandatory payments - program grant assistance	12,000	12,000	12,000	---
22850	Enewetak support	1,576	1,191	1,191	-385
22900	Total, Compact of Free Association	20,930	20,545	20,545	-385
22950	Total, Insular Affairs	87,105	88,620	87,716	+611
23000	Departmental Management				
23050	Departmental direction	11,579	11,865	11,665	+86
23100	Management and coordination	21,598	22,780	22,780	+1,182
23150	Hearings and appeals	7,213	8,047	8,047	+834
23200	Central services	18,485	19,527	19,527	+1,042
23250	Bureau of Mines workers compensation/unemployment	811	845	845	+34
23300	Glacier Bay fishing buyout	5,000	---	---	-5,000
23350	Total, Departmental Management	64,686	63,064	62,864	-1,822

INTERIOR DETAIL TABLE (IN THOUSANDS)

		FY 1999 Enacted	FY 2000 Request	Conference	Conference vs. Enacted
23400	Office of the Solicitor				
23450	Legal services	31,304	34,518	33,630	+2,326
23500	General administration	5,480	6,982	6,566	+1,086
23550	Total, Office of the Solicitor	36,784	41,500	40,196	+3,412
23600	Office of Inspector General				
23650	Audit	14,901	16,038	15,266	+365
23700	Investigations	4,813	5,601	4,940	+127
23750	Administration	5,772	5,975	5,880	+108
23800	Total, Office of Inspector General	25,486	27,614	26,086	+600
23950	Office of Special Trustee for American Indians				
24000	Program operations, support, and improvements	59,673	88,362	88,362	+28,689
24050	Executive direction	1,626	1,663	1,663	+37
24200 24250	Total, Office of Special Trustee for American Indians	61,299	90,025	90,025	+28,726
24260	Indian Land Consolidation Pilot				
24270	Indian land consolidation	---	10,000	5,000	+5,000
24300	Natural Resource Damage Assessment Fund				
24350	Damage assessments	3,366	6,320	4,145	+779
24400	Program management	1,126	1,580	1,255	+129
24450	Total, Natural Resource Damage Assessment Fund	4,492	7,900	5,400	+908
24500	Management of Federal Lands for Subsistence Uses				
24550	Subsistence management, Department of the Interior	8,000	---	---	-8,000
24600	TOTAL, DEPARTMENTAL OFFICES	287,852	328,723	317,287	+29,435
24640 24645	Glacier Bay (emergency appropriations) (sec. 501) (P.L. 106-31)	26,000	---	---	-26,000
24650	Y2K conversion (emergency appropriations)	80,347	---	---	-80,347
24700	TOTAL, TITLE I, DEPARTMENT OF THE INTERIOR	7,130,235	7,768,930	7,276,520	+146,285

INTERIOR DETAIL TABLE (IN THOUSANDS)

		FY 1999 Enacted	FY 2000 Request	Conference	Conference vs. Enacted
24750	TITLE II - RELATED AGENCIES				
24800	DEPARTMENT OF AGRICULTURE				
24850	FOREST SERVICE				
24900	Forest and Rangeland Research				
24950	Forest and rangeland research	197,444	234,644	202,700	+5,256
25100	State and Private Forestry				
25150	Forest Health Management				
25200	Federal lands forest health management	37,325	40,325	38,825	+1,500
25250	Cooperative lands forest health management	17,200	21,400	21,850	+4,650
25350	Subtotal, Forest Health Management	54,525	61,725	60,675	+6,150
25400	Cooperative Fire Assistance				
25450	State fire assistance	21,510	31,509	24,760	+3,250
25500	Volunteer fire assistance	2,000	2,001	3,250	+1,250
25550	Subtotal, Cooperative Fire Assistance	23,510	33,510	28,010	+4,500
25600	Cooperative Forestry				
25650	Forest stewardship	28,830	28,830	29,430	+600
25700	Stewardship incentives program	---	15,000	---	---
25750	Forest legacy program	7,012	50,012	10,000	+2,988
25800	Urban and community forestry	30,540	40,040	31,300	+760
25850	Economic action programs	17,305	16,305	20,119	+2,814
25900	Pacific Northwest assistance programs	9,000	7,000	8,000	-1,000
25950	Subtotal, Cooperative Forestry	92,687	157,187	98,849	+6,162
26100	Total, State and Private Forestry	170,722	252,422	187,534	+16,812
26150	International Forestry				
26200	International forestry	(3,500)	(3,500)	(3,500)	---

INTERIOR DETAIL TABLE (IN THOUSANDS)

		FY 1999 Enacted	FY 2000 Request	Conference	Conference vs. Enacted
26250	National Forest System				
26300	Land management planning	40,000	50,000	40,000	---
26350	Inventory and monitoring	80,714	88,114	81,350	+636
26400	Recreation Use				
26450	Recreation management	144,953	144,953	155,500	+10,547
26500	Wilderness management	29,584	36,574	30,151	+567
26550	Heritage resources	13,050	13,050	13,214	+164
26600	Subtotal, Recreation Use	187,587	194,577	198,865	+11,278
26650	Wildlife, Fish and Rare Plant Habitat				
26700	Wildlife habitat management	32,097	37,097	32,561	+464
26750	Inland fish habitat management	19,017	26,017	19,341	+324
26800	Anadromous fish habitat management	22,714	29,114	23,091	+377
26850	TE&S species habitat management	26,548	31,548	26,932	+384
26900	Subtotal, Wildlife, Fish and Rare Plant Habitat	100,376	123,776	101,925	+1,549
26950	Rangeland Management				
27000	Grazing management	28,517	28,517	28,982	+465
27050	Rangeland vegetation management	28,533	36,533	29,850	+1,317
27100	Subtotal, Rangeland Management	57,050	65,050	58,832	+1,782
27150	Forestland Management				
27200	Timber sales management	226,900	196,885	224,500	-2,400
27250	Forestland vegetation management	58,300	58,300	63,340	+5,040
27300	Forest ecosystem restoration and improvement	---	15,000	---	---
27350	Subtotal, Forestland Management	285,200	270,185	287,840	+2,640
27400	Soil, Water and Air Management				
27450	Soil, water and air operations	25,932	26,932	26,932	+1,000
27500	Watershed improvements	30,165	40,165	32,850	+2,685
27550	Subtotal, Soil, Water and Air Management	56,097	67,097	59,782	+3,685
27600	Minerals and geology management	37,050	36,050	37,200	+150
27650	Land Ownership Management				
27700	Real estate management	46,133	48,054	47,554	+1,421
27750	Landline location	15,006	15,918	15,468	+462
27800	Subtotal, Land Ownership Management	61,139	63,972	63,022	+1,883

INTERIOR DETAIL TABLE (IN THOUSANDS)

		FY 1999 Enacted	FY 2000 Request	Conference	Conference vs. Enacted
27850	Infrastructure Management				
27950	Facility maintenance (non-recreation)	27,654	---	---	-27,654
28000	Facility maintenance (recreation)	24,570	---	---	-24,570
28050	Trail maintenance	18,445	---	---	-18,445
28100	Subtotal, Infrastructure Management	70,669	---	---	-70,669
28150	Law enforcement operations	66,288	66,288	67,288	+1,000
28200	General administration	256,400	256,400	250,000	-6,400
28350	Adjustment to correspond to the President's budget	---	75,669	---	---
28360	Land Between the Lakes NRA	---	---	5,400	+5,400
28400	Total, National Forest System	1,298,570	1,357,178	1,251,504	-47,066
28450	Wildland Fire Management				
28500	Preparedness	324,876	324,876	360,200	+35,324
28550	Fire operations	235,300	235,854	200,854	-34,446
28700	Contingent emergency appropriations	102,000	90,000	90,000	-12,000
28710	Land Between the Lakes NRA	---	---	300	+300
28750	Total, Wildland Fire Management	662,176	650,730	651,354	-10,822

INTERIOR DETAIL TABLE (IN THOUSANDS)

		FY 1999 Enacted	FY 2000 Request	Conference	Conference vs. Enacted
28800	Reconstruction and Maintenance				
28850	Reconstruction and Construction				
28900	Facilities	69,905	63,405	80,603	+10,698
28950	Roads	98,009	96,468	101,000	+2,991
29000	Trails	29,554	13,054	29,582	+28
29110	Emergency appropriations (P.L. 106-31)	5,611	---	---	-5,611
29150	Subtotal, Reconstruction and maintenance	203,079	172,927	211,185	+8,106
29200	Maintenance				
29250	Facilities	(52,224)	54,813	54,813	+54,813
29300	Roads	99,884	122,484	111,184	+11,300
29350	Trails	(18,445)	20,445	20,445	+20,445
29400	Subtotal, Maintenance	99,884	197,742	186,442	+86,558
29450	Adjustment to correspond to the President's budget	---	-75,669	---	---
29460	Land Between the Lakes NRA	---	---	1,300	+1,300
29500	Total, Reconstruction and maintenance	302,963	295,000	398,927	+95,964
29550	Land Acquisition				
29600	Forest Service				
29650	Acquisitions	106,418	103,960	67,575	-38,843
29700	Acquisition management	8,000	8,045	8,500	+500
29750	Cash equalization	1,500	2,000	1,500	---
29800	Emergency acquisition	1,500	2,995	1,500	---
29850	Wilderness protection	500	1,000	500	---
29900	Total, Land Acquisition	117,918	118,000	79,575	-38,343
29950	Acquisition of lands for national forests,				
30000	special acts	1,069	1,069	1,069	---
30050	Acquisition of lands to complete land exchanges	210	210	210	---
30100	Range betterment fund	3,300	3,300	3,300	---
30150	Gifts, donations and bequests for forest and rangeland				
30200	research	92	92	92	---
30260	Southeast Alaska economic disaster fund	---	---	22,000	+22,000
30300	Management of Federal Lands for Subsistence Uses				
30350	Subsistence management, Forest Service	3,000	---	---	-3,000
30400	TOTAL, FOREST SERVICE	2,757,464	2,912,645	2,798,265	+40,801

INTERIOR DETAIL TABLE (IN THOUSANDS)

		FY 1999 Enacted	FY 2000 Request	Conference	Conference vs. Enacted
30450	DEPARTMENT OF ENERGY				
30500	Clean Coal Technology				
30600	Deferral	-40,000	-256,000	-156,000	-116,000
30700	Fossil Energy Research and Development				
30750	Coal				
30800	Advanced Clean Fuels Research				
30850	Coal preparation	5,097	4,000	4,300	-797
30900	Direct liquefaction	3,150	1,641	166	-2,984
30950	Indirect liquefaction	5,500	6,659	6,909	+1,409
30960	Steelmaking feedstock	---	---	7,000	+7,000
31000	Advanced research and environmental technology	1,781	2,200	2,200	+419
31050	Subtotal, Advanced Clean Fuels Research	15,528	14,500	20,575	+5,047
31100	Advanced Clean/Efficient Power Systems				
31150	Advanced pulverized coal-fired powerplant	15,000	3,000	2,000	-13,000
31200	Indirect fired cycle	6,500	7,010	7,010	+510
31250	High-efficiency integrated gasified combined cycle	32,388	38,661	35,211	+2,823
31300	High-efficiency pressurized fluidized bed	14,638	12,202	12,202	-2,436
31350	Advanced research and environmental technology	19,150	23,864	23,864	+4,714
31400 31450	Subtotal, Advanced Clean/Efficient Power Systems	87,676	84,737	80,287	-7,389
31500	Advanced research and technology development	19,939	23,195	23,195	+3,256
31550	Subtotal, Coal	123,143	122,432	124,057	+914

INTERIOR DETAIL TABLE (IN THOUSANDS)

		FY 1999 Enacted	FY 2000 Request	Conference	Conference vs. Enacted
31600	Gas				
31650	Natural Gas Research				
31700	Exploration and production	13,432	14,932	17,307	+3,875
31750	Delivery and storage	1,000	1,000	1,000	---
31800	Advanced turbine systems	44,500	41,808	44,308	-192
31850	Emerging processing technology applications	9,058	7,308	10,308	+1,250
31900	Effective environmental protection	3,017	2,617	3,217	+200
31950	Subtotal, Natural Gas Research	71,007	67,665	76,140	+5,133
32000	Fuel Cells				
32050	Advanced research	1,200	1,200	1,200	---
32100	Fuel cell systems	41,000	36,449	41,399	+399
32150	Multilayer ceramic technology	2,000	---	2,000	---
32200	Subtotal, Fuel Cells	44,200	37,649	44,599	+399
32250	Subtotal, Gas	115,207	105,314	120,739	+5,532
32300	Oil Technology				
32350	Exploration and production supporting research	30,796	31,546	32,171	+1,375
32400	Recovery field demonstrations	7,800	7,800	11,050	+3,250
32450	Effective environmental protection	10,020	10,820	10,820	+800
32455	Diesel biodesolfurization	---	---	3,500	+3,500
32550	Subtotal, Oil Technology	48,616	50,166	57,541	+8,925
32560	Black liquor gasification	---	---	9,000	+9,000
32600	Cooperative R&D	6,836	5,836	7,436	+600
32650	Fossil energy environmental restoration	11,000	10,000	10,000	-1,000
32700	Fuels conversion, natural gas, and electricity	2,173	2,173	2,173	---
32750	Headquarters program direction	15,049	16,016	16,016	+967
32800	Energy Technology Center program direction	54,432	56,063	59,463	+5,031
32850	General plant projects	2,600	2,000	2,600	---
32900	Advanced Metallurgical Processes				
32950	Advanced metallurgical processes	5,000	5,000	5,000	---
33000	Use of prior year balances	---	-11,000	-4,000	-4,000
33010	Use of Biomass Energy Development funds	---	-24,000	-24,000	-24,000
33050	Total, Fossil Energy Research and Development	384,056	340,000	386,025	+1,969
33100	Alternative Fuels Production				
33150	Transfer to Treasury	-1,300	-1,000	-1,000	+300

INTERIOR DETAIL TABLE (IN THOUSANDS)

		FY 1999 Enacted	FY 2000 Request	Conference	Conference vs. Enacted
33200	Naval Petroleum and Oil Shale Reserves				
33250	Oil Reserves				
33300	Naval petroleum reserves Nos. 1 & 2	3,594	6,900	6,900	+3,306
33350	Naval petroleum reserve No. 3	10,180	8,340	8,340	-1,840
33400	Program direction (headquarters)	6,876	6,000	6,000	-876
33500	Use of prior year funds	-6,650	-21,240	-21,240	-14,590
33550	Total, Naval Petroleum and Oil Shale Reserves	14,000	---	---	-14,000
33600	Elk Hills School Lands Fund				
33650	Elk Hills School lands fund	36,000	36,000	---	-36,000
33700	Energy Conservation				
33750	Building Technology, State and Community Sector				
33800	Building research and standards				
33850	Technology roadmaps and competitive R&D	6,385	7,500	6,385	---
33900	Residential buildings integration	9,582	13,538	9,948	+366
33950	Commercial buildings integration	2,544	6,325	2,744	+200
34000	Equipment, materials and tools	43,014	60,800	49,031	+6,017
34050	Subtotal, Building research and standards	61,525	88,163	68,108	+6,583
34100	Building Technology Assistance				
34150	Weatherization assistance program	133,000	154,000	134,000	+1,000
34200	State energy program	33,000	37,000	33,000	---
34250	Community partnerships	18,801	35,400	17,235	-1,566
34300	Energy star program	2,724	6,000	2,724	---
34350	Subtotal, Building technology assistance	187,525	232,400	186,959	-566
34400	Management and planning	13,171	15,318	13,231	+60
34450 34500	Subtotal, Building Technology, State and Community Sector	262,221	335,881	268,298	+6,077
34550	Federal Energy Management Program				
34600	Program activities	21,718	28,968	21,718	---
34650	Program direction	2,100	2,900	2,200	+100
34700	Subtotal, Federal Energy Management Program	23,818	31,868	23,918	+100

INTERIOR DETAIL TABLE (IN THOUSANDS)

		FY 1999 Enacted	FY 2000 Request	Conference	Conference vs. Enacted
34750	Industry Sector				
34800	Industries of the future (specific)	57,456	74,000	65,000	+7,544
34850	Industries of the future (crosscutting)	100,052	87,600	78,400	-21,652
34950	Management and planning	8,351	9,400	8,900	+549
35000	Subtotal, Industry Sector	165,859	171,000	152,300	-13,559
35050	Transportation				
35100	Vehicle technology R&D	125,936	168,080	130,900	+4,964
35150	Fuels utilization R&D	17,785	23,500	19,100	+1,315
35200	Materials technologies	37,475	33,000	41,500	+4,025
35250	Technology deployment	12,950	17,700	12,840	-110
35300	Management and planning	7,925	9,820	8,520	+595
35350	Subtotal, Transportation	202,071	252,100	212,860	+10,789
35400	Policy and management	37,732	46,666	42,866	+5,134
35405	Use of prior year balances	---	---	-11,000	-11,000
35410	Use of Biomass Energy Development funds	---	-25,000	-25,000	-25,000
35450	Offsetting Reductions				
35500	Use of nonappropriated escrow funds	(-64,000)	---	---	(+64,000)
35550	Total, Energy Conservation	691,701	812,515	664,242	-27,459
35600	Economic Regulation				
35650	Office of Hearings and Appeals	1,801	2,000	2,000	+199
35700	Strategic Petroleum Reserve				
35750	Storage facilities development and operations	145,120	144,000	144,000	-1,120
35800	Management	15,000	15,000	15,000	---
35850	Total, Strategic Petroleum Reserve	160,120	159,000	159,000	-1,120
35900	SPR Petroleum Account				
35950	Acquisition and transport	---	5,000	---	---
36000	Energy Information Administration				
36050	National Energy Information System	70,500	72,644	72,644	+2,144
36100	TOTAL, DEPARTMENT OF ENERGY	1,316,878	1,170,159	1,126,911	-189,967

INTERIOR DETAIL TABLE (IN THOUSANDS)

		FY 1999 Enacted	FY 2000 Request	Conference	Conference vs. Enacted
36150	DEPARTMENT OF HEALTH AND HUMAN SERVICES				
36200	INDIAN HEALTH SERVICE				
36250	Indian Health Services				
36300	Clinical Services				
36350	IHS and tribal health delivery				
36400	Hospital and health clinic programs	949,140	1,002,852	1,007,140	+58,000
36450	Dental health program	71,400	84,360	80,283	+8,883
36500	Mental health program	41,305	48,446	43,294	+1,989
36550	Alcohol and substance abuse program	94,680	96,326	97,024	+2,344
36600	Contract care	385,801	410,442	407,290	+21,489
36650	Subtotal, Clinical Services	1,542,326	1,642,426	1,635,031	+92,705
36700	Preventive Health				
36750	Public health nursing	30,363	40,363	34,556	+4,193
36800	Health education	9,430	9,541	9,654	+224
36850	Community health representatives program	45,960	40,960	47,826	+1,866
36900	Immunization (Alaska)	1,367	1,388	1,407	+40
36950	Subtotal, Preventive Health	87,120	92,252	93,443	+6,323
37000	Urban health projects	26,382	29,382	27,849	+1,467
37050	Indian health professions	29,623	29,700	30,728	+1,105
37100	Tribal management	2,390	2,390	2,418	+28
37150	Direct operations	49,309	50,600	51,145	+1,836
37200	Self-governance	9,391	9,391	9,572	+181
37250	Contract support costs	203,781	238,781	203,781	---
37350	Medicare/Medicaid Reimbursements				
37400	Hospital and clinic accreditation (Est. collecting)	(327,643)	(375,386)	(375,386)	(+47,743)
37450	Total, Indian Health Services	1,950,322	2,094,922	2,053,967	+103,645

INTERIOR DETAIL TABLE (IN THOUSANDS)

		FY 1999 Enacted	FY 2000 Request	Conference	Conference vs. Enacted
37500	Indian Health Facilities				
37550	Maintenance and improvement	40,625	48,125	43,504	+2,879
37600	Sanitation facilities	89,328	92,884	92,188	+2,860
37650	Construction facilities	38,587	42,531	52,000	+13,413
37700	King Cove Health Clinic, AK	2,500	---	---	-2,500
37750	Facilities and environmental health support	107,682	119,682	116,501	+8,819
37800	Equipment	13,243	14,243	14,387	+1,144
37850	Total, Indian Health Facilities	291,965	317,465	318,580	+26,615
37900	TOTAL, INDIAN HEALTH SERVICE	2,242,287	2,412,387	2,372,547	+130,260
37950	OTHER RELATED AGENCIES				
38000	OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION				
38050	Salaries and expenses	13,000	14,000	8,000	-5,000
38100 38150	INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT				
38200	Payment to the Institute	4,250	4,250	2,125	-2,125

INTERIOR DETAIL TABLE (IN THOUSANDS)

		FY 1999 Enacted	FY 2000 Request	Conference	Conference vs. Enacted
38250	SMITHSONIAN INSTITUTION				
38300	Salaries and Expenses				
38350	Museum and Research Institutes				
38400	Anacostia Museum and Center for African American				
38450	History and Culture	1,822	1,880	1,880	+58
38500	Archives of American Art	1,619	1,685	1,685	+66
38550	Arthur M. Sackler Gallery/Freer Gallery of Art	5,851	6,064	6,064	+213
38600	Center for Folklife and Cultural Heritage	1,697	1,750	1,750	+53
38650	Cooper-Hewitt, National Design Museum	2,751	2,869	2,869	+118
38700	Hirshhorn Museum and Sculpture Garden	4,444	4,615	4,615	+171
38750	National Air and Space Museum	12,695	15,228	13,228	+533
38800	National Museum of African Art	4,143	4,253	4,253	+110
38850	National Museum of American Art	8,267	8,617	8,617	+350
38900	National Museum of American History	19,551	20,411	20,411	+860
38950	National Museum of the American Indian	16,632	22,090	22,090	+5,458
39000	National Museum of Natural History	41,224	42,807	45,307	+4,083
39050	National Portrait Gallery	5,406	5,618	5,618	+212
39100	National Zoological Park	19,664	20,463	20,463	+799
39150	Astrophysical Observatory	18,714	19,847	19,847	+1,133
39200	Center for Materials Research and Education	3,055	3,170	3,170	+115
39250	Environmental Research Center	3,097	3,204	3,204	+107
39300	Tropical Research Institute	8,921	10,173	10,173	+1,252
39350	Subtoal, Museums and Research Institutes	179,553	194,744	195,244	+15,691
39400	Program Support and Outreach				
39450	Communications and educational programs	5,327	5,503	5,503	+176
39500	Institution-wide programs	5,693	10,693	5,693	---
39550	Office of Exhibits Central	2,218	2,319	2,319	+101
39600	Major scientific instrumentation	7,244	7,244	7,244	---
39650	Museum Support Center	4,955	5,036	5,036	+81
39700	Smithsonian Institution Archives	1,373	1,443	1,443	+70
39750	Smithsonian Institution Libraries	7,086	7,330	7,330	+244
39800	Traveling exhibition service	2,985	3,093	3,093	+108
39850	Subtotal, Program Support and Outreach	36,881	42,661	37,661	+780
39900	Administration	33,498	34,619	34,619	+1,121
39950	Facilities Services				
40000	Office of Protection Services	32,284	35,753	33,753	+1,469
40050	Office of Physical Plant	64,938	72,724	71,624	+6,686
40100	Subtotal, Facilities Services	97,222	108,477	105,377	+8,155
40150	Total, Salaries and Expenses	347,154	380,501	372,901	+25,747

INTERIOR DETAIL TABLE (IN THOUSANDS)

		FY 1999 Enacted	FY 2000 Request	Conference	Conference vs. Enacted
40200	Construction and Improvements				
40250	National Zoological Park				
40300	Base program	4,400	---	---	-4,400
40350	Repair, Restoration and Alteration of Facilities				
40400	Base program	40,000	47,900	47,900	+7,900
40450	Construction				
40500	National Museum of the American Indian	16,000	19,000	19,000	+3,000
40650	Y2K conversion (emergency appropriations)	4,700	---	---	-4,700
40700	TOTAL, SMITHSONIAN INSTITUTION	412,254	447,401	439,801	+27,547

INTERIOR DETAIL TABLE (IN THOUSANDS)

		FY 1999 Enacted	FY 2000 Request	Conference	Conference vs. Enacted
40750	NATIONAL GALLERY OF ART				
40800	Salaries and Expenses				
40850	Care and utilization of art collections	22,777	23,923	23,923	+1,146
40900	Operation and maintenance of buildings and grounds	12,829	13,626	13,726	+897
40950	Protection of buildings, grounds and contents	12,513	13,621	13,621	+1,108
41000	General administration	9,819	10,268	10,268	+449
41050	Total, Salaries and Expenses	57,938	61,438	61,538	+3,600
41100	Repair, Restoration and Renovation of Buildings				
41150	Base program	6,311	6,311	6,311	---
41200	Y2K conversion (emergency appropriations)	101	---	---	-101
41250	TOTAL, NATIONAL GALLERY OF ART	64,350	67,749	67,849	+3,499
41300	JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS				
41350	Operations and maintenance	12,187	14,000	14,000	+1,813
41400	Construction	20,000	20,000	20,000	---
41450 41500	TOTAL, JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS	32,187	34,000	34,000	+1,813
41550	WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS				
41600	Salaries and Expenses				
41650	Fellowship program	947	983	983	+36
41700	Scholar support	674	709	705	+31
41750	Public service	1,752	1,735	1,897	+145
41800	General administration	1,256	1,203	1,796	+540
41850	Smithsonian fee	205	135	135	-70
41900	Conference planning	956	1,110	1,109	+153
41950	Space	50	165	165	+115
42000	TOTAL, WOODROW WILSON CENTER	5,840	6,040	6,790	+950

INTERIOR DETAIL TABLE (IN THOUSANDS)

		FY 1999 Enacted	FY 2000 Request	Conference	Conference vs. Enacted
42050	NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES				
42100	National Endowment for the Arts				
42150	Grants and Administration				
42200	Grants				
42250	Direct grants	33,584	35,130	35,084	+1,500
42300	State partnerships				
42350	State and regional	25,486	25,486	25,486	---
42400	Underserved set-aside	6,952	6,952	6,952	---
42450	Subtotal, State partnerships	32,438	32,438	32,438	---
42500	Challenge America initiative				
42550	Federal	---	30,211	---	---
42600	State and regional	---	19,789	---	---
42650	Subtotal, Challenge America initiative	---	50,000	---	---
42700	Subtotal, Grants	66,022	117,568	67,522	+1,500
42750	Program support	977	1,560	977	---
42800	Administration	16,501	17,872	16,501	---
42850	Total, Grants and Administration	83,500	137,000	85,000	+1,500
42900	Matching Grants				
42950	Matching grants	14,500	13,000	13,000	-1,500
43000	Total, Arts	98,000	150,000	98,000	---

INTERIOR DETAIL TABLE (IN THOUSANDS)

	FY 1999 Enacted	FY 2000 Request	Conference	Conference vs. Enacted
National Endowment for the Humanities				
Grants and Administration				
Grants				
Federal/State partnership	28,000	39,130	29,500	+1,500
Office of Preservation	18,000	22,945	18,300	+300
Public and enterprise	11,230	16,725	11,730	+500
Research and education	22,770	32,000	24,670	+1,900
Subtotal, Grants	80,000	110,800	84,200	+4,200
Administrative Areas				
Administration	16,800	19,000	16,800	---
Total, Grants and Administration	96,800	129,800	101,000	+4,200
Matching Grants				
Treasury funds	4,000	4,000	4,000	---
Challenge grants	9,900	12,200	9,900	---
Regional humanities centers	---	4,000	800	+800
Total, Matching Grants	13,900	20,200	14,700	+800
Total, Humanities	110,700	150,000	115,700	+5,000
Institute of Museum and Library Services/ Office of Museum Services				
Grants to Museums				
Support for operations	16,060	16,060	16,060	---
Support for conservation	3,130	3,130	3,130	---
Services to the profession	2,200	---	---	-2,200
National leadership grants	---	12,650	3,050	+3,050
Subtotal, Grants to Museums	21,390	31,840	22,240	+850
Program administration	2,015	2,160	2,160	+145
Total, Institute of Museum and Library Services	23,405	34,000	24,400	+995
TOTAL, NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES	232,105	334,000	238,100	+5,995

INTERIOR DETAIL TABLE (IN THOUSANDS)

		FY 1999 Enacted	FY 2000 Request	Conference	Conference vs. Enacted
44500	COMMISSION OF FINE ARTS				
44550	Salaries and expenses	898	1,078	1,005	+107
44600	NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS				
44650	Grants	7,000	6,000	7,000	---
44700	ADVISORY COUNCIL ON HISTORIC PRESERVATION				
44750	Salaries and expenses	2,800	3,000	3,000	+200
44800	NATIONAL CAPITAL PLANNING COMMISSION				
44850	Salaries and expenses	5,954	6,312	6,312	+358
44860	Y2K conversion (emergency appropriations)	381	---	---	-381
44870	Total, National Capital Planning Commission	6,335	6,312	6,312	-23
44900	UNITED STATES HOLOCAUST MEMORIAL COUNCIL				
44950	Holocaust Memorial Council	32,107	33,786	33,286	+1,179
45000	Y2K conversion (emergency appropriations)	900	---	---	-900
45010	Emergency appropriations (P.L. 106-31)	2,000	---	---	-2,000
45050	Total, United States Holocaust Memorial Council	35,007	33,786	33,286	-1,721
45100	PRESIDIO TRUST				
45150	Operations	14,913	24,400	24,400	+9,487
45200	Loan authority	20,000	20,000	20,000	---
45250	Total, Presidio Trust	34,913	44,400	44,400	+9,487
45300	TOTAL, TITLE II, RELATED AGENCIES	7,167,568	7,497,207	7,189,391	+21,823
45320	TITLE V				
45330 45340	United Mine Workers of America combined benefit fund (emergency appropriations)	---	---	68,000	+68,000

INTERIOR DETAIL TABLE (IN THOUSANDS)

		FY 1999 Enacted	FY 2000 Request	Conference	Conference vs. Enacted
45450	TITLE I - DEPARTMENT OF THE INTERIOR				
45500	Bureau of Land Management	1,183,895	1,268,700	1,234,150	+50,255
45550	U.S. Fish and Wildlife Service	839,804	950,001	871,121	+31,317
45600	National Park Service	1,764,224	2,058,943	1,809,363	+45,139
45650	United States Geological Survey	798,896	838,485	823,833	+24,937
45700	Minerals Management Service	124,020	116,200	116,800	-7,220
45750	Office of Surface Mining Reclamation and Enforcement	278,769	305,824	287,374	+8,605
45800	Bureau of Indian Affairs	1,746,428	1,902,054	1,816,592	+70,164
45850	Departmental Offices	287,852	328,723	317,287	+29,435
45855	Glacier Bay (emergency appropriations) P.L. 106-31	26,000	---	---	-26,000
45860	Y2K conversion (emergency appropriations)	80,347	---	---	-80,347
45900	Total, Title I - Department of the Interior	7,130,235	7,768,930	7,276,520	+146,285
45950	TITLE II - RELATED AGENCIES				
46000	Forest Service	2,757,464	2,912,645	2,798,265	+40,801
46050	Department of Energy	(1,316,878)	(1,170,159)	(1,126,911)	(-189,967)
46100	Clean Coal Technology	-40,000	-256,000	-156,000	-116,000
46150	Fossile Energy Research and Development	384,056	340,000	386,025	+1,969
46200	Alternative Fuels Production	-1,300	-1,000	-1,000	+300
46250	Naval Petroleum and Oil Shale Reserves	14,000	---	---	-14,000
46300	Energy Conservation	691,701	812,515	664,242	-27,459
46350	Economic Regulation	1,801	2,000	2,000	+199
46400	Strategic Petroleum Reserve	160,120	159,000	159,000	-1,120
46450	SPR Petroleum Account	---	5,000	---	---
46500	Energy Information Administration	70,500	72,644	72,644	+2,144
46550	Indian Health Service	2,242,287	2,412,387	2,372,547	+130,260
46600	Office of Navajo and Hopi Indian Relocation	13,000	14,000	8,000	-5,000
46650	Institute of American Indian and Alaska Native Culture				
46700	and Arts Development	4,250	4,250	2,125	-2,125
46750	Smithsonian Institution	412,254	447,401	439,801	+27,547
46800	National Gallery of Art	64,350	67,749	67,849	+3,499
46850	John F. Kennedy Center for the Performing Arts	32,187	34,000	34,000	+1,813
46900	Woodrow Wilson International Center for Scholars	5,840	6,040	6,790	+950
46950	National Endowment for the Arts	98,000	150,000	98,000	---
47000	National Endowment for the Humanities	110,700	150,000	115,700	+5,000
47050	Institute of Museum and Library Services	23,405	34,000	24,400	+995
47100	Commission of Fine Arts	898	1,078	1,005	+107
47150	National Capital Arts and Cultural Affairs	7,000	6,000	7,000	---
47200	Advisory Council on Historic Preservation	2,800	3,000	3,000	+200
47250	National Capital Planning Commission	6,335	6,312	6,312	-23
47300	Holocaust Memorial Council	35,007	33,786	33,286	-1,721
47350	Presidio Trust	34,913	44,400	44,400	+9,487
47400	Total, Title II - Related Agencies	7,167,568	7,497,207	7,189,391	+21,823

INTERIOR DETAIL TABLE (IN THOUSANDS)

		FY 1999 Enacted	FY 2000 Request	Conference	Conference vs. Enacted
47450	TITLE V				
47460 47470	United Mine Workers of America combined benefit fund (emergency appropriations)..........................	---	---	68,000	+68,000
47550	GRAND TOTAL, ALL TITLES.........................	14,297,803	15,266,137	14,533,911	+236,108

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2000 recommended by the Committee of Conference, with comparisons to the fiscal year 1999 amount, the 2000 budget estimates, and the House and Senate bills for 2000 follow:

[In thousands of dollars]

New budget (obligational) authority, fiscal year 1999	$14,297,803
Budget estimates of new (obligational) authority, fiscal year 2000	15,266,137
House bill, fiscal year 2000	13,934,609
Senate bill, fiscal year 2000	14,055,710
Conference agreement, fiscal year 2000	14,533,911
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1999	+236,108
Budget estimates of new (obligational) authority, fiscal year 2000	−732,226
House bill, fiscal year 2000	+599,302
Senate bill, fiscal year 2000	+478,201

Ralph Regula,
Jim Kolbe,
Joe Skeen,
Charles H. Taylor,
George R. Nethercutt, Jr.,
Zach Wamp,
Jack Kingston,
John E. Peterson,
Bill Young,
John P. Murtha
(Except for NEA funding, Sec. 337 (millsites) and Sec. 357 (hard rock mining),
Managers on the Part of the House.

Slade Gorton,
Ted Stevens,
Thad Cochran,
Pete V. Domenici,
Conrad Burns,
R.F. Bennett,
Judd Gregg,
Ben Nighthorse Campbell,
Robert C. Byrd,
Patrick J. Leahy,
Ernest F. Hollings,
Harry Reid,
Byron L. Dorgan,
Herb Kohl,
Dianne Feinstein,
Managers on the Part of the Senate.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate agrees to the report of the Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2670) "An Act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2000, and for other purposes."

THE BUDGET SURPLUS, GENERAL REVENUE SURPLUS, SHOULD BE USED TO SHORE UP SOCIAL SECURITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I am pleased that my Republican colleagues preceded me this evening because as much as I respect them dearly, and they are actually two very good gentlemen who I respect quite a bit, I have to disagree very much on what they said about the President's intentions, particularly with regard to Social Security.

The bottom line is from day one, during his State of the Union address earlier this year, the President made it quite clear that whatever budget surplus existed and appeared over the next 5 or 10 years, that he was determined that that budget surplus, general revenue surplus, be used to shore up Social Security. President Clinton has repeatedly said that whatever surplus is generated primarily has to be used for Social Security and, if not, for Medicare.

What the gentlemen are confusing is they are suggesting that somehow the Social Security surplus is being spent by the President when, in reality, they are the ones that are doing it. The Republican leadership, the appropriations bills, the so-called budget that the Republicans have put forth over the last few months has repeatedly dipped in to the Social Security surplus.

The interesting part of it is when they started to talk about emergencies and the need to spend money on some of the natural disasters that we have had, whether it be floods or some of the other natural disasters that have occurred, the bottom line is that they have appropriated the money for those natural disasters and essentially taken it out of the Social Security surplus. One can argue whether it is good or bad to do that, but the bottom line is it has been done.

The Republican leadership and the appropriations bills that have passed here, the so-called budget bills, have repeatedly used various gimmicks; but essentially what they are doing is spending Social Security money.

I think it is particularly ironic because during most of the summer what we heard from the Republican leadership is how we needed a huge tax cut bill, trillions of dollars that was going to be spent on a tax cut that was primarily going to benefit the wealthy in America, wealthy Americans; and the reason that the President vetoed that tax cut bill was because it was essentially taking money that was to be used for Social Security, because he wanted to make sure that whatever surplus there was was used for Social Security rather than a huge tax cut primarily for wealthy Americans. That is why the American people responded overwhelmingly and said they did not want the tax cut because they did not want us to dip into Social Security to pay for the tax cut.

So I just think it is particularly ironic that now that some of the Republicans have suggested that they are going to sit down with the President and try to work out an agreement on the budget that they are suggesting that that means that there will be no more spending from the Social Security surplus. Well, they have already spent it. They have already spent it on emergencies. They have already spent it on a number of items, and they can hardly suggest in any way that they are not going to continue to spend it because that is exactly what their intention is.

I just wanted to say, if I could, and I have to say it over and over again, that what the Republican leaders are doing is carrying out a budgetary charade. They continue to publicly promise not to spend the Social Security surplus; but no one, not even their own budget analyst, still believes them. The only question left to ask them is how much they are spending of the Social Security surplus. They clearly are spending the money, but how much?

Well, let me just give an example of this hypocrisy. We have the Speaker of the House who is quoted as saying recently that we are not going to take money out of Social Security. We have the gentleman from Texas (Mr. DELAY), the Whip, who says, according to the New York Times, the bottom line is we are not going to spend a dime of the Social Security Trust Fund.

But the Republicans' own Congressional Budget Office says Republican promises are bogus. According to their hand-picked budget chief, Republican spenders have already run more than $16 billion of the Social Security surplus. Even conservative commentators like George Will have said they have no other strategy other than dipping into $14 billion in Social Security surplus, and the Washington Times, this is from October 1, said Congress has already erased the projected $14 billion in non-Social Security budget surplus.

What they are really doing is they are using gimmicks, gimmicks to pretend that they are not actually spending the Social Security surplus. They are delaying tax cuts for working families. They are pretending the fiscal year has 13 months. That was one of the cutest things, a 13-month year, and they are calling constitutional requirements like the Census emergency spending.

I just wanted to point to a chart here, if I could, Mr. Speaker. I am glad that the previous speakers included my two Republican friends that were talking about emergency spending. Already emergency spending in the budget bills that the Republicans have passed for the next fiscal year 2000 exceeds the amount of spending in the previous year by 17 percent, or $24.9 billion.

We can see that some of that emergency has been for FEMA, that is, for the Federal Emergency Management Agency, for disaster aid, fuel assistance, defense O&M, the census, which I mentioned, and agricultural emergencies. Now, I am not going to suggest that some of these expenditures are not important.

My friend, the gentleman from North Carolina (Mr. JONES), previously talked about the need to spend money for people who were the victims of natural disasters, but the bottom line is that this spending has already occurred and has come out of Social Security. They cannot deny it. It is a fact. The other chart, if I could, Mr. Speaker, talks about the other types of budget gimmicks that are being made here. In other words, they do not want to admit that they are taking money from the Social Security surplus, so what they do is they come up with these budget gimmicks.

I already mentioned the emergency. But we have delayed outlays; we have advanced appropriations where they basically say they are going to advance money that is going to be spent in the future and other types of scoring gimmicks here that basically create all of these gimmicks; and they are denying and playing this game that somehow they are not spending the money from Social Security, but in reality that is exactly what they are doing.

I wanted, if I could, Mr. Speaker, to particularly make reference, if I could, to what this strategy is all about, because it was back in August, I think, in the New York Times, Friday August 6, that the majority whip, the gentleman from Texas (Mr. DELAY), basically explained, if I could for a minute, how he was going about this charade.

Basically, what he said is that the plan, the gentleman from Texas (Mr. DELAY) said, was for Republicans to drain the surplus out of next year's budget and force President Clinton to pay for any additional spending requests out of the Social Security surplus, which both parties have pledged to protect. He said, we are going to spend it and then some. From the get-go, the strategy has always been we are going to spend what is left, he admitted.

The Republican strategy, the gentleman from Texas (Mr. DELAY) said, will also force the President to sign the Republican Party spending bills for the next year.

He, the gentleman from Texas (Mr. DELAY), said that even if the spending swallowed up the budget surplus, the Republicans had a plan to use various budgetary mechanisms that would allow them to say they had stuck to the strict spending caps they imposed in 1997. We will negotiate with the President, after he vetoes the bills, on his knees.

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Mr. Speaker, let me just briefly summarize again what this charade is all about based on the statement I just read from the gentleman from Texas (Mr. DELAY). Basically what the Republicans are going to do is they are going to bring up appropriations bills one by one. There are 13 all together. Each of those individually or collectively, if we look at it all, will spend a significant amount of money from Social Security. They already have.

But what they are going to do is they are going to keep sending these to the President. They do not want him to look at the overall strategy of what this all adds up to. What the President said today, which I think was most significant when these negotiations started for the first time with the Republican leadership, and he was willing to sit down with them, he said, "Do not keep sending me these individual bills, like the Foreign Ops, because I am going to veto them."

I think it is the ultimate in hypocrisy that my colleagues who preceded me tonight talk about the President vetoing as if that indicates he wants to spend money. I mean, it is just the opposite. The reality is he is going to veto these bills because he wants to see what the whole budget plan is. He knows that, if it continues at the spending levels that they have already appropriated with these bills that have passed, then it is going to significantly dip into Social Security; and he is saying, "That is not acceptable. I will continue to veto bills until you lay it all on the table and show me what your budget is. And then, at that point, we can negotiate and figure out what is really going on here."

What has been going on so far over the last few months is a continued effort to spend more, to use budgetary gimmicks, and to dip into Social Security Trust Fund.

Mr. Speaker, I yield to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I want to thank the gentleman from New Jersey for engaging in this effort tonight. I think what we want to do is to kind of just bring some clarity to the debate. Republicans this summer, they spent this summer pushing a tax cut for the wealthiest people in this country and for corporate special interests. They went out on the road, and they talked about how they were going to, in fact, engage the public on a debate on their tax cut. It was nearly $46,000 for the wealthiest Americans and, in fact, about $160 for working families in this country. Two-thirds of the GOP tax cuts went to the top 10 of taxpayers.

They went around the country, and lo and behold, the good folks, the good people, the working families of the United States said, we do not buy it. We do not buy it. We do not like it. We do not want it.

Now, these are the same people, this Republican leadership, who told us that they could spend all this money, cut taxes by $792 billion, never touch the Social Security surplus. These are folks who cannot be trusted on this issue. The Republican budget plan hinges on gimmickry. There is $46 billion of gimmicks at last count. What they have done with that is so that they can disguise what it is that they are doing in already spending the Social Security surplus. The hypocrisy is mind boggling. The plan is phony, and it is a sham to its core.

As the gentleman from New Jersey (Mr. PALLONE) pointed out, it calls the census an emergency. They cook the books with directed score keeping and by moving tens of billions of dollars for this fiscal year into 2001.

The Republican Congressional Budget Office, we make this point over and over again, it cannot be made often enough, that is, the Republican Congressional Budget Office made it crystal clear that the Republicans have already spent $13 billion of the Social Security surplus. They are on their way to spending a whopping $24 billion chunk of it. That is a fact. That is not my commentary, the commentary of the gentleman from New Jersey (Mr. PALLONE), the commentary of the gentleman from Oregon (Mr. DEFAZIO) or the gentlewoman from Texas (Ms. JACKSON-LEE). This is the Republican Congressional Budget Office.

To add to this effort, I think we need to get into another level of this debate; and that is, it is outrageous for the Republican leadership to pose as defenders of Social Security.

I want to deal with several quotes here. I think it serves us well to remember who some of these folks are. In fact, they are the enemies of Social Security. They want to eliminate it. They do not like it. They have wanted to privatize it.

The Majority Leader of the House, I want to talk about several of his quotes. This bears repeating over and over and over again. He ran for Congress proposing to abolish Social Security.

This is United Press International, 1984: "Ultra-conservative economics professor DICK ARMEY who has based his campaign on his support for the abolition of Social Security, the Federal minimum wage law, the corporate income tax, and Federal aid to education." These are not my words. These are not my words. Here it is in blue and yellow in this poster here.

Second, Majority Leader DICK ARMEY believes that Social Security should be phased out over time. "In 1984, ARMEY said that Social Security was, 'a bad retirement' and 'a rotten trick' on the American people." He continued, "I think we are going to have to bite the bullet on Social Security and phase it out over a period of time."

This is someone who is a defender of Social Security? Wants to save the Social Security surplus? Give me a break.

If my colleagues want to fast forward now to 1994, Majority Leader DICK ARMEY on cutting Social Security. This is CNN's Crossfire, September 27, 1994. "Are you going to take the pledge? Are you going to promise not to cut people's Social Security to meet these promises?"

DICK ARMEY: "No, I am not going to make such a promise."

In 1994, September 28, DICK ARMEY, Majority Leader of the House of Representatives, "I would never have created Social Security."

I think above all, that says who is willing to do Social Security in and who is willing to expend an effort on protecting and strengthening Social Security for the future of retirees in this country. Their words are hollow. They have raided Social Security. They are doing it continuously. They do not like the program. If they have had their druthers it would be gone.

I think we need to keep on and let the public know exactly what the score is on this issue.

Mr. PALLONE. Mr. Speaker, when I was here earlier and the gentleman from Georgia (Mr. KINGSTON) made a statement, and again the gentleman is a friend of mine, but he made a statement about how the President of the United States was the one who wanted to spend the Social Security surplus. I grimace when I hear it because, from the very beginning of this year, President Clinton said very emphatically that whatever general revenue surplus is generated over the next 5 or 10 years as a result of the Balanced Budget Act, and we are not talking about the Social Security surplus now, we are talking about the general revenue surplus that is basically generated because of the Balanced Budget Act that he spearheaded and that is going to be available in the next 5 or 10 years, he said he wanted to take that general revenue surplus and use it to shore up Social Security long-term.

So we have the Republican leadership like ARMEY who wants to abolish Social Security. We have the President of the United States, President Clinton, who says that whatever general revenue surplus is generated over the next 5 or 10 years, he wants to take that money and put it into Social Security to guarantee the long-term viability of Social Security for future generations.

Okay. The President was not just talking about not spending the Social Security surplus. He was going way beyond that in saying that the surplus that generated through general revenue was going to be used to shore up Social Security for the future.

Also, if my colleagues notice, his budget had all the offsets, what additional spending was there was going to be offset with cuts. Also, he had even proposed the tobacco tax increase to pay for some of the additional spending. He was very clear that we were not going to spend the Social Security surplus. The general revenue surplus was going to be used to add to the Social Security surplus, and just the opposite of what the Republicans are saying.

Ms. DELAURO. Mr. Speaker, just one quick point because colleagues need to get into this discussion, the fact the President said let us wait to see what we need to ensure the long-term security of Social Security to protect it and to strengthen it before we start dipping into the surplus. The fact of the matter is is that Democrats have talked about extending the life of Social Security. The Republican leadership has offered zero, nothing, not one dime to extend the future of Social Security.

Mr. PALLONE. Mr. Speaker, they want to privatize.

Ms. DELAURO. Mr. Speaker, again, we can go to any chart, anybody's analysis of this issue, they have not one dime in their budget for extending the life of Social Security. But they have a $792 billion tax cut for the wealthiest people in this country.

Mr. PALLONE. Mr. Speaker, I yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman very much for yielding to me. I think this is a worthy discussion. I would like to pick up from where the gentlewoman from Connecticut (Ms. DELAURO) just left off.

We apparently have heard from our constituents, she in Connecticut, I in Texas. Why do we not begin with the history of why we are where we are today; and that is because our Republican friends spent a good part of the summer and the spring debating the $792 billion tax cut.

What befuddles me is, at the time that they were debating the $792 billion tax cut, Democrats were arguing that that clearly had to bust open Social Security. We could not imagine where those funds were coming from.

In addition, it is very clear that the President does not want to raid Social Security, but he was out front and center on the issue of vetoing the tax offering that our friends had.

It is disappointing to think that we wasted the spring and the summer, and now it is October 20. We are some eight appropriations bills behind, which responds to the point of the gentleman from New Jersey (Mr. PALLONE) that we have a puzzle with missing parts.

That is what the President is asking. He wants to help those in North Carolina. I know I do. He wants to ensure the farmers who have suffered disasters this year be helped. He wants to make sure that we have our community health clinics open and the WIC program survives and various training programs survive. But we must be insistent on the truth, and we must work with the facts.

Let me cite for my colleagues a book that many of us were assigned to read in our years of learning. Unfortunately, I think it captures where I believe we are today, the 1984 novel that Orwell wrote that a government that declared war is peace; obviously the opposite. Freedom is slavery; obviously the opposite. Ignorance is strength; obviously the opposite.

Here we have our Republican majority declaring we do not raid Social Security; obviously the opposite. I think they do. The reason is, of course, if my colleagues would just look at, and I think in order to avoid any glazing of the eyes as we debate this, I think that when the gentleman from New Jersey (Mr. PALLONE) mentioned gimmicks, though I do not want to reflect negatively on emergency spending, but what emergency spending does is it takes it outside the caps, and it allows my colleagues to bypass the stop light. We need to use that in this government to help the least of those when there are crises in our Nation, when there is no other way of dealing with it.

But look where we are with the Republicans in fiscal year 2000. They have gone through the roof on emergency spending. They have declared everything emergency spending. They are 17 percent over the 1999 omnibus bill which says to me that we are dangerously near raiding Social Security.

Important issues, yes. Important needs, yes, some of them. Some would argue about our defense spending here. But they have been declared emergency.

What that means to the American public is they are spending their money, and they are calling it an emergency, and that is how they are able to argue that we are not raiding Social Security. In fact, that is how they are, I believe, in Orwellian mindset, to say one thing and it is the complete opposite.

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So I would simply say that we face an opportunity to be the truth squad. I would frankly like to join my colleagues in being the right squad. And when I say that, I mean to do the right thing, and that is that we put on the table what is the budget plan of the majority and then let us argue over that budget plan. Show us that it is not doing damage to the way we spend our money here in the Federal Government. Let us seriously look at the appropriations bills from the perspective of trying to serve the most American people.

And, for goodness sake, the other two things I want to say, let us not have the sneak attack of the lingering tax cuts that we hear about. And as well let us ensure that we do not have the gimmickry of the earned income tax credit being held hostage, which is something that helps working men and women, in order to supplement this emergency spending, and which thereby gets them in the hole further, and as well puts them in the position of having to invade Social Security. So let us not use the earned income tax credit, utilized by hard-working families who need those monies, and legitimately it has been budgeted, to be utilized to violate the rules of invading Social Security.

I would simply thank the gentleman for allowing us the time to engage in this. I hope we can do more of this truth squad, and maybe someone will listen to what the American people are saying and get on with the business of real budgeting and stop raiding Social Security.

Mr. PALLONE. Mr. Speaker, I appreciate what the gentlewoman has said. And this whole idea of a truth squad is what is so crucial here. The gentlewoman is pointing out that what the Republicans are doing, and this is the strategy of the gentleman from Texas (Mr. DeLay), and he said it back in August, his strategy is spend, spend, spend. call everything an emergency, spend all the money, and then force the President to sign some omnibus bill at the end.

I just find it so ironic that my colleagues earlier on the Republican side came to the floor and criticized the President for vetoing a spending bill. What the President has said is that he wants to see what they are up to. He wants to see where all this spending is, all these emergencies, all these bills that are out there. And he is very much afraid that when it all adds up, it is going to add up to a lot of money that is dipping into the Social Security surplus. And he is basically saying, I am going to put a stop to it. We are going to see what they are up to. We are not going to just let them spend, spend, spend as the gentleman from Texas (Mr. DeLay) said.

It is really ironic that they are the ones that are suggesting that somehow we are spending the money. They are in charge. The Congress appropriates the money. The Congress does the spending, not the President. They are passing the bills that spend the money.

I want to thank the gentlewoman.

Ms. JACKSON-LEE of Texas. And if I could, just one last sentence. I do not know how in good conscience we could have spent 6 months on planning, on debating, on strategizing for a $792 billion tax cut, and we come now in October and there is representation that, oh, we are saving Social Security, when in fact there is a whole history that they were going in completely the opposite direction.

I hope we have awakened both my colleagues on the other side of the aisle. I know we have awakened the American people.

Mr. PALLONE. I appreciate that. Not one of those bills that they sent to the President for his signature would ever have passed here without the Republican majority's support. They are the ones spending the money.

Mr. Speaker, I yield now to the gentleman from Oregon (Mr. DeFazio).

Mr. DeFAZIO. Mr. Speaker, I thank the gentleman from New Jersey for yielding.

I think the American people are often puzzled in listening to our debates, and let us just try to distill this down a bit. What do most families consider to be an emergency? Now, in my case, I have a little bit of money set aside, like other people do, for emergencies. Now, my property tax bill, which I know is going to come on November 15 of every year, is not an emergency. My bills for my insurance, my homeowners insurance, my mortgage, which comes on a monthly basis, these obviously are not emergencies. I think all Americans would agree we would not consider these sorts of anticipated expenditures, whether they are annual, monthly or biannual, in the case of my insurance, as emergencies.

But somehow, strangely enough, the Republican majority has decided that things that are eminently predictable, such as the census of the United States, something required since the founding of our Nation in the Constitution to be conducted once every 10 years, next year is the year 2000, everybody has known since they wrote the Constitution that if the Republic stood, we would conduct a census in the year 2000; but they have declared those funds to be an emergency.

Now, that is probably puzzling to a majority of the American people. Why would they do that? Why would they declare something like the census or expenditures in the Department of Defense as emergencies, when their annual operating costs, in the case of the Department of Defense, are a required expenditure once every 10 years by the Federal Government? Because they do not count. It is money that because of the Budget Act does not count.

Well, it has to come from somewhere. These emergency funds have to come from somewhere. Guess what? They come out of American taxpayers' wallets that are paid in taxes and go to the Federal Treasury. Now, in this case, the money is, in fact, going to come out of, since they have already spent the general fund surplus, the Social Security surplus. It is just a fact.

They have already, in their wild spending spree here, like the aircraft carrier that the majority leader of the Senate wants and that the Pentagon does not want, they have already exceeded the budget. They have exceeded it. They have spent all the available money and the projected general fund surplus. So where is this emergency money coming from? The emergency money can only come from one place, either thin air, I suppose they could call downtown to Alan Greenspan and ask him to print up some million dollar bills, or it comes from Social Security. The Social Security surplus.

They have already spent it. They have spent it in spades. And they are spending again and again. As these bills come to the floor, more and more things are declared emergencies.

Let us talk about one other way they are spending it. There is this other kind of funny money out there. What is two plus two? Well, everybody knows. The gentleman can answer.

Mr. PALLONE. Four.

Mr. DeFAZIO. Four. No, no, no, the gentleman is wrong. In the world of the Republican budget, two plus two can be any number that they direct it to be. It is called directed scorekeeping. So if they get a result they do not like from their own Congressional Budget Office, which they have appointed, they direct that in fact two plus two is one, or zero, or maybe minus eight, or whatever they need to do to add up to budget.

But the hard fact is that the money they are spending, which is actually going to be spent by these appropriations bills passed by the majority, originating in this chamber by the Republican majority, that money has to come from somewhere; and that money is coming from the Social Security surplus.

Every time they do one of these funny tricks, yes, it makes it look okay in terms of the Budget Act, emergency spending, directed scorekeeping; but it is coming out of Social Security. So let us drop the charade and develop an honest budget and admit we are probably going to run a real deficit this year. That is where we are headed. Because they have loaded up these bills so much, if we go to the real priorities of the American people and keep all the junk they have loaded into the bills, we are going to be running a deficit. Unless they want to pull out some of those things, the aircraft carriers the Pentagon did not ask for and some of those other things, they are up the creek without a paddle, or a boat or a life jacket.

Mr. PALLONE. I want to thank the gentleman. He has said it all.

I would like to yield at this time to my colleague from the district next door to mine, the gentleman from New Jersey (Mr. Holt).

Mr. HOLT. Mr. Speaker, I thank the gentleman for yielding to me, and I would just like to follow on the comments of my friend from Oregon.

These budget gimmicks that the gentleman has been talking about can be used to explain that, well, maybe we are adhering to the caps that were part of the Balanced Budget Agreement, maybe we have not dipped into Social Security, but in point of fact, let me give my colleagues a very simple explanation of why we are now doing what the majority party claims we are not doing.

We are spending Social Security because we are operating now under a continuing resolution, are we not?

Mr. PALLONE. We are.

Mr. HOLT. And in this current fiscal year, which began in the beginning of this month, we were supposed to be spending a lower amount of money, but we are spending at last year's rates. That is what the continuing resolution means. If we are spending at last year's rate, we are spending Social Security money now.

And we can use any gimmicks we want to talk about it, but the point of fact is we set a goal for ourselves, Republicans and Democrats. We said it would be advantageous for us to take this Social Security tax money that is collected and use that to pay down the debt. If we did that, we would not only shore up Social Security, but it would result in lower interest rates, which of course would be more money in the pockets of every American, far more than would come from these crazy tax cuts, for most Americans, that is. Now, for some very wealthy Americans in some very special situations, maybe the tax cut would help them somewhat more; but for most Americans paying down the debt would help us. And so we set this goal of not using Social Security.

But the majority party has been unable to get their appropriations bills done this year. They have strung them along and strung them along, and pretty soon the end of the fiscal year came and we had to go into a continuing resolution. The result is not only are we not laying out the full financial picture for the country so that the President can make his decisions of what bills to sign and which bills to veto, but the American public does not know where we stand. From their point of view it must look very much like a shell game. And that is the result of these budget gimmicks. And it just further erodes public trust in government, which is what many of us are fighting so hard to try to restore.

It is a shame. It is a shame that we have come to this state. But I hope in the next week or two the other side will come to their senses and will try to bring us back on an even keel with straightforward accounting.

Mr. PALLONE. I want to thank the gentleman for bringing up the paying down on the national debt, too, because, again, before I started the hour special order we had two of my Republican colleagues, and the gentleman from Georgia (Mr. KINGSTON) specifically talked about he and the Republicans wanted to pay down the national debt. And I laughed because we know that if that tax cut that the Republicans put forward that the President vetoed had actually been signed into law and would be in place, the opposite would have happened. We would have been spending Social Security. We would not have had any money to pay down the national debt.

And President Clinton, from the beginning of the year, said what he would like to do with any general revenue surplus that was to be generated over the next 5 or 10 years was that he wanted to take 60 percent of it and use it to contribute to Social Security, to shore up Social Security for the future; and he wanted to take, I think 15 percent for Medicare, and then he talked about also paying down some of the national debt. In fact, that was already done a few months ago. He actually did spend some of general revenue surplus to help pay down the national debt or to transfer the bonds in some ways so that the debt was being paid off.

And I just listened to my Republican colleagues somehow turn that around and say, oh, no, the President wanted to spend the Social Security surplus. Just the opposite was the case. He was saying we, over the next 5 or 10 years, we are going to generate some general revenue surplus. Let us take that and use it for Social Security. Let us take that and use it to pay down the national debt. And the total effort to confuse the public in the debate by somehow suggesting that by using general revenue surplus to help Social Security that that was somehow using Social Security surplus, it is just the opposite.

Mr. HOLT. If the gentleman will continue to yield, any magician knows that in playing a shell game or trying to use sleight of hand, the trick is to hide something in the most obvious place, and that is what is used for misdirection. Well, the other party is using that trick, trying to say that Social Security is what the Democrats are playing around with; that Social Security is what Democrats are undermining.

But Social Security is the creation of the Democratic party. It was one of the great accomplishments of the New Deal. Of course, it is one of the great accomplishments of government in the 20th century.

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I am sure the American public understands that we, as a party, hold Social Security in the highest regard and intend to do everything we can to preserve and shore up Social Security for the future generations, not just for this year's seniors, not just for next year's seniors, but for this year's young, working people, for this year's toddlers.

Mr. PALLONE. Mr. Speaker, I appreciate the comments of the gentleman.

Mr. Speaker, I yield to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I think the point that has been made about the tax cut should not be lost in this debate. I think it is at the core of what we are talking about today, tonight, tomorrow, and as the days go on, because this $792 billion, of which $46,000 in a tax cut was going to the wealthiest people and it wound up to be about $160 for working families, but the point of being able to pay down the debt, again, this is not our manufacturing this notion.

Alan Greenspan, head of the Federal Reserve, in commenting on the tax cut, economists from all over the country who said that this is not the direction that we ought to be going in and that in fact what you would do by not lowering the debt was to increase the interest rates. Very critical, very important to what people are paying for mortgages, for car payments, for student loans, et cetera.

At the core of this debate is the desire of the Republican leadership to pass a $792 billion tax cut that throws everything else in the process that we are engaged in disarray.

Mr. DEFAZIO. Mr. Speaker, if the gentleman will yield.

Further on the tax cut. Now, just like the emergency spending, where would the money for the $792-billion tax cut come from? Now, if indeed we were running huge and growing general fund surpluses, it would come potentially out of that. But, in fact, because of the numbers that were used to project this not yet realized, contingent, possible, sometime future, maybe surplus, they wanted to lock in $792 billion of tax cuts today heavily weighted towards the largest corporations and the most wealthy Americans, those families earning over $300,000 a year; and if everything did not come out in the rosy scenario, record growth, record low inflation, we have already exceeded those estimates and growth is already dropping off the charts, in huge and growing surpluses, it would have come out of Social Security, out of the Social Security surplus.

So lock in a tax cut today. The same party, of course, who has the majority leader who has said for 2 decades he does not believe in Social Security, and maybe they can kill Social Security tomorrow. Because, well, we do not have enough money to meet the obligations of Social Security because, well, gee, we gave it back to the most wealthy people in America and to the largest corporations.

No. The bottom line is that was the most irresponsible proposal. $792 billion of tax cuts, most probably coming out of the Social Security Trust Fund, and now that same party, the one that did not vote for the original Social Security Act, has proposed to privatize Social Security, has a majority leader who says he does not believe in it, did not vote for Medicare, and now wants the American people to believe that they have had sort of a death-bed conversion or whatever we would call it here, that now, suddenly after this history for 60 years and a proposal a month ago to cut a surplus that does not exist by $792 billion jeopardizing Social Security, suddenly now they are the great defenders of Social Security.

I do not think the American people are going to buy it. I hope they spend all of their campaign funds on those stupid ads. Because I do not think they have any credibility with the American people, that the people who have consistently attacked Social Security now are its greatest saviors. I beg them to run those same ads in my district. I ask them to run those ads in my district.

Mr. PALLONE. Mr. Speaker, reclaiming my time, I agree with the gentleman. I want to say I was amazed when my two Republican colleagues earlier this evening criticized the President for using his veto pen on appropriations or a spending bill. Because I see veto, veto, veto. They keep sending over these bills that spend all this money, and the most responsible thing the President can do is to continue to veto those bills until we have some idea of what this all adds up to. Because it is clear that when we add it all up, it is going to be a lot of money out of the Social Security surplus; and it is just the opposite, if you will, of what they are suggesting.

Mr. Speaker, I yield to the gentlewoman from Connecticut (Ms. DeLAURO).

Ms. DeLAURO. Mr. Speaker, I think again another quote from the majority leader was just a few days ago where he was quoted as saying that if you are going to demagogue, do it shamelessly, the notion that the party who was opposed to Social Security that has continually talked about its abolition or its phasing out or its privatization, is exactly what is being done. It is shameful demagoguery.

But I truly do believe, as my colleague from Oregon said, the American people gets it. They know it. They did not buy the tax cut plan this summer. They are not going to buy this notion that the Republican House leadership is the savior when it comes to Social Security and Medicare. It just defies imagination.

Mr. PALLONE. Mr. Speaker, I would suggest that perhaps today when the President vetoed, or whenever it was, yesterday he vetoed the foreign ops bill and said that he is going to continue to veto until he sees and the Republicans lay out their entire budget, maybe he should even go so far as to suggest that he will not sign anything until they actually address the long-term needs of Social Security and Medicare. Because so far they have completely refused to do that.

I would not have a problem if he says, I am not going to sign any more of your bills unless you address Social Security and Medicare long-term and show how over the next 5 and 10 years you are going to use whatever general revenue surplus that might be generated to shore up those programs.

I do not know if he mentioned that or not. But I do not have a problem if he goes that much further. Because I think what they are doing is setting the American people up for an incredible spending plan that is ultimately going to spend the Social Security surplus.

Mr. Speaker, I yield to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, of course, my colleagues will recall that the President did say in each of the last two State of the Union addresses when he said save Social Security first.

We should have acted on that instead of cooking up seven or eight hundred billion dollar tax cut schemes, plans, follies. But Social Security should be shored up. We should restore the trust in Social Security to the American public before we go on to any new tax cuts, any new spending. This is one of the great accomplishments of the 20th century, and we really should get that in place.

But that is a longer term issue. In the short term now, of course, the public can watch; and they will see that the strategy of the majority party here is to come out piece meal with appropriation bill after appropriation bill and not let anyone, the general public, the President, the rest of the Members of Congress, see what the bottom line is.

We should demand, as we should join the President in his demand, that all this be laid out clearly for the public to see and not be hidden behind claims that are really, as my colleague has shown, false claims that it is the minority party that is somehow scheming to spend Social Security, as preposterous as that may sound.

Mr. PALLONE. Mr. Speaker, I was looking at the original Democratic budget plan, the one that was presented at the beginning of the year that looked at Social Security and Medicare and the national debt long-term; and basically, in setting aside the general revenue surplus, it would have extended the life of the Social Security Trust Fund beyond 2050 and the life of the Medicare trust funds until 2027 and would also use the projected surpluses, and again, as the gentleman from Oregon (Mr. DeFAZIO) said, who knows if these surpluses would be there, but if they were, the Democratic plan would completely eliminate the national debt by the year 2015 by using a certain percentage of that general revenue surplus to pay down the national debt.

Mr. DeFAZIO. Mr. Speaker, if the gentleman will continue to yield, better to prudently plan on funds that are funds that do not yet exist, and that is saying, okay, if they do show up, we will save them, then to say, no, let us commit to spend them today to help out the wealthiest and the most powerful, mainly their campaign contributors, and not leave any for contingencies or for Social Security should it ever crop up.

I do not believe those numbers. I do not believe the White House or the Republican majority on those numbers. I do not believe we are going to run a trillion-dollar surplus. And it would be more prudent to wait until we have got a trillion dollars in the bank and then figure out how to spend it, whether we want to give it to the wealthy in tax cuts, if they get enough votes for that, then they win, or they want to invest it in our kids in an education and other needed programs, then we win.

But the point is, until that money exists, do not spend it because there is only one place it can come from if it does not crop up fortuitously in the future and that is out of the Social Security Trust Fund. They were committing and spending those funds just as they have for emergencies, just as they have for directed spending, just as they have for an unneeded aircraft carrier and other boondoggles in this year's budget.

Ms. DeLAURO. Mr. Speaker, it is just so amazing. I think we have a Republican majority that has found themselves at this juncture truly unable to get its work done. They cannot get their work done. They are in charge. They cannot get it done.

So what do they do? They try to cover their tracks, look at budget gimmicks, directed spending, directed scoring, whatever they want to deal with, whatever they want to call it. And they think if they say something often enough and over and over again that a fallacious statement, even if they say it over and over again, does not make it true. And they want to hide the fact that in fact they have dipped into Social Security.

We should not be cowed by their argument or their comments. We should just continue as point of fact to go after it every single day to talk about what it is that they are doing.

It is a pattern. It is a pattern. The patients' bill of rights they do not want to pass. Campaign finance reform they do not want to pass. They do not want to extend and strengthen and protect the life of Social Security. What they do want to do is have a $792-billion tax cut. That is the heart and soul and the center of the agenda.

And even though we have all these issues in this body, which, in fact, a number of rank-and-file Democrats and Republicans have supported, they will not let them see the light of day because that is not what the agenda is all about.

I am proud to stand with an agenda that says let us strengthen and protect Social Security in the future, let us provide people with a patients' bill of rights so that they can get good quality health care in this country, let us do something about campaign finance reform so we do not have the special interest influence in this effort.

In fact, I would say that some of my own party would not agree with it, but there are people on both sides of the aisle, let us see good, solid gun safety legislation in this country. These are issues the American public care about. And our colleagues on the other side of the aisle, really, that is not what they are about.

Mr. PALLONE. Mr. Speaker, I watched the President over the last few weeks and he has repeatedly said, look, this process of sending me bills that the Republican leadership know do not make any sense has to stop. So sit down with me, meet with me. Let us see if we can iron out our difference and hopefully, that process will lead to that.

But the bottom line is that they, as the Congress and as the appropriators and the ones who have to pass the spending bills, they cannot act as if that is not their responsibility and that they are not responsible for sending him these bills that do all this emergency spending and that take the money out of the Social Security surplus.

I think we just have to keep their feet to the fire. We have to come here every day, every night if necessary, until the budget process is finally arrived at in some sort of consensus. But the bottom line is that they cannot continue to argue that somehow by passing these bills and sending them to the President that they are not spending more and more money. That is the reality. That is what they are up to.

And I am going to say it again, I encourage him to veto the bills because we know that if we add them up, they are going to add up to a lot more spending and a lot more money coming out the Social Security surplus.

□ 2045

OVERVIEW OF REPUBLICAN BUDGET PRIORITIES

The SPEAKER pro tempore (Mr. ISAKSON). Under the Speaker's announced policy of January 6, 1999, the gentlewoman from New Mexico (Mrs. WILSON) is recognized for 60 minutes as the designee of the majority leader.

Mrs. WILSON. Mr. Speaker, I watched with interest the debate that we have seen this evening here, and I think we need to set the record straight on a few things and talk to the American people a little bit about where we are and where we are going to go.

We are now close to the end of the budget process for this next fiscal year and we have set some parameters. They are pretty clear. We are going to keep the budget balanced. There is going to be a real balanced budget for the first time since 1969. We are going to stop using Social Security for this year's government programs. We are going to prevent new taxes from being put on the poorest of American people. We are going to pay down $150 billion of publicly held debt next year.

Within those parameters, the content of the bills is largely negotiable, but those principles are inviolable. Stop the raid on Social Security, no new taxes, keep the budget balanced.

How did we get here and what are the priorities within those bills? In 1997, before I was elected to Congress, the people here before me passed the Balanced Budget Act. At the time they were called foolhardy for expecting that we could actually balance the Federal budget by 2002. The reality is that because of good economic times and a real will by this body to control Federal Government spending, we have balanced the budget early. Last year, we paid down $60 billion of publicly held debt and $140 billion this year. Last year we were able to balance the budget if you count Social Security, and the Congressional Budget Office just announced last week after closing all the books that because tax revenue was coming in at a much higher rate than was anticipated, we actually had the first real surplus in Federal spending since 1969. We have turned the corner with respect to Social Security, we have stopped using Social Security for this year's government programs, and there is no turning back.

In January of 1999, the President came here to this room to give his State of the Union address. He talked about his vision for this country and what he wanted to see and explained the budget that he was about to send up to this Hill. That budget planned on spending 40 cents of every surplus dollar for Social Security this year. It also included $19 billion in new taxes and fees this year alone with a 10-year projected increase in taxes of $260 billion. For those of you who think that that was just about a tax on cigarettes, we are really talking about a 55-cent tax on cigarettes and who could be against sin taxes, that is not true. If you go through the budget that the President sent up here, in addition to increases on tobacco taxes, which do affect generally very poor people, there was half a billion dollars for a harbor service fund, there was $1.1 billion for an increase in aviation fees, there was $1.5 billion in Superfund taxes, there was half a billion dollars on food safety inspection user fees, there was another $108 million for agriculture fees, there were FDA fees and justice and bankruptcy filing fees and Coast Guard fees and Federal Railroad Administration rail safety inspection fees, customs fees, National Transportation Safety Board fees, Social Security Administration fees, all of these adding up to $19 billion in new taxes and fees.

The President and his spokesmen said that their budget was responsible and they made the hard choices by using 40 cents of every dollar that was surplus for Social Security and adding on $19 billion in new spending with new taxes and fees. Well, we put that to the House yesterday. We voted here on the President's taxes and fee increases. Was that what we wanted to do at a time of economic plenty? Not one Member of this House was willing to stand up and say yes, we want to increase taxes, we want to support the President's proposal for increased spending and increased taxes. There is no will in this House or in this country for an increase in taxes. And there should not be, because we can control spending and do it responsibly.

We passed a budget earlier this year that set out some priorities, that said we were not going to touch Social Security, we were not going to increase taxes or fees, and we were going to put the priorities in that budget in two particular areas: Education and national defense. Then we began our annual process of passing 13 spending bills that reflected those priorities. If there is one thing Speaker HASTERT has done around here, he has told us again and again and again, "Let's just get the job done." Our job is to legislate, our job is to pass these bills, our job is to get these spending bills done no matter what. He has done a very good job of keeping us on task.

Where are those 13 bills? The President has vetoed the District of Columbia bill, and we are now working on the second version of that. The Energy and Water bill became law on September 29. The Legislative appropriations bill was signed by the President on September 29. Military Construction has passed both houses. The conference report was done. It was signed into law on August 17. The Transportation bill, signed on October 9. The Treasury-Postal bill, signed on September 29. The VA-HUD bill was signed today, and I appreciate the President's commitment and willingness to sign that bill and not hold it up for some omnibus appropriations bill yesterday.

Just today we passed out the conference report from the House on Commerce, State, Justice and the Senate should be doing it soon and it will be to the President. The Agriculture bill is with the President as is the Defense bill. He has not chosen yet to sign or to veto those bills. The Interior bill is very close to coming back to the floor of the House in a conference report and being sent to the President. All of these things have been done on a much faster schedule than in the 103rd Congress which was the last time that my colleagues from the other side of the aisle were in charge here. But at that time, they were in late October or early November when they were passing the bills and they used all of the Social Security surplus. We are trying to be responsible here, not use a dime of the Social Security surplus, be responsible in our spending, put the emphasis on education and national security, and get the job done.

I was very disappointed to see that the President vetoed the Foreign Operations bill. In his budget that he brought up here in January, he proposed a 30 percent increase in foreign aid. Now, most folks when they hear people talk on a national level about the commitment to national security do not really know what is in the foreign aid bill. The foreign aid bill does not include America's national security programs. It is not the Defense bill. It also does not include funding for the State Department which is where most of our diplomatic work is done. It does include some other programs that have to do principally with foreign aid. When I read the President's veto message, it is almost as if he is talking about another piece of legislation. He is talking about another sign of a new isolationism and that it fails to address critical national security needs.

There is no element of this bill that addresses America's national security. That bill is still waiting on his desk for signature. But the rub really comes in the third-to-the-last paragraph of his veto message, where he says the overall funding is inadequate. The President asked for a 30 percent increase in foreign aid and wanted new taxes to pay for it. We are not willing to raise taxes, we are willing to do the responsible thing, and we have level-funded the foreign aid budget. He vetoed it because he wanted more money in the bill. Where is that money going to come from? It is going to come from Social Security. And we are not willing to touch Social Security. But there are some things in that aid bill that are increased. We increased the child survival programs by $60 billion. We increased UNICEF. We were not willing to increase funding for the IMF, particularly after the revelations of graft in the program in Russia. That did not make any sense at all. Yet the President wants $4 billion in increases to foreign aid. He also wants, as part of that $4 billion, $900 million of debt relief for foreign nations at the expense of debt relief at home. That is not something that we are willing to do. The foreign aid bill was a good, solid, reasonable bill that funded things at a constant level and set some priorities within that bill. It was good budgeting.

But I do want to address the President's concern and fearmongering about a new isolationism. I am a free trade Republican. I believe that America should be engaged in the world. I am a veteran of the United States Air Force. I think we should have forward basing of American troops, strong relationships with our allies. I started my career as an Air Force officer and then got involved in arms control and working with our NATO allies in Europe. I strongly support America's involvement and engagement in the Middle East and am very concerned about developments in Asia and emerging threats to the United States both in ballistic missiles and in weapons of mass destruction. It also happens that I have a master's and a Ph.D. in international relations and know a little bit about 20th century diplomatic and international history. In fact, I went to the same school that the President of the United States did on that subject.

This bill on Foreign Operations is an adequate and reasonable bill. I do not think that this debate or the reason for the veto was about foreign aid or foreign policy. I do not think it was about that at all. I think it was about money. All of this comes down to money. We want to save it in Social Security, we think it should stay in your pocket, we think our priorities should be national defense and education, and the President wants to spend it.

He now has on his desk the Defense appropriations bill. For the last 10 years, we have seen the erosion of America's national defense. Korea is now posing a ballistic missile threat to the United States, and in the last fiscal year we finally turned upward on America's national defense spending. But I think we need to be very clear about where we are and why it is so very important for the President to sign this bill. Between 1960 and 1991, 31 years, the United States Army conducted 10 operational events. In the past 8 years, the Army has conducted 26 operational events. Twenty-six operational events in the last 8 years. That is 2½ times the number in one-third the time. At the same time we are drawing down the size of our military. Since 1990, the United States Air Force has shrunk from 36 fighter wings down to 20 and at that same time has sustained a fourfold increase in its commitments. A fourfold increase in its commitments. We are burning out our aircraft and we are burning out our people. And it is showing up in their unwillingness to stay in the military. We should not be surprised that the military has not been able to meet its retention and its recruitment goals.

I represent Kirtland Air Force Base. When I go out there and talk to a young family and talk about how long they are deployed, 150, 170, 200 days a year in far-flung places and then they have to come home with pay and benefits that are lower than they have really ever been relative to the civilian workforce, retirement benefits that just are not there anymore and they have to justify to their families why they should keep doing this. They just cannot do it anymore. They are exhausted, they are worn out, and we need to turn the corner.

The Air Force missed its recruiting goal this year by 7 percent. They are 5,000 people under strength and they are short 800 pilots. That is not because of a lack of commitment of this House. We are turning the corner and determined to increase spending on national defense. The bill that the President has in front of him does that for the first time.

Our United States Navy, the pride of the seas, is 18,000 sailors short. There are ships that come in and a helicopter will go out and pick up the skilled operators and seamen on that ship and move them over to the one that is going out in order to keep the ships at sea. The operations tempo is too high, the pay is too low, the retirement benefits were cut in 1980 and again in 1986. But last year we turned the corner and we are going to continue to fund national defense.

The bill that the President has on his desk and that I am asking him tonight to sign has a 4.8 percent increase in military pay. It includes funding at $4.5 billion more than the President requested.

□ 2100

It is a $17.3 billion increase over fiscal year 1999. It has an increase for readiness to take care of some of the shortfalls we have seen, spare parts and training. We need to make sure that our forces have the spare parts and the training they need to do the job when they are called upon to do the job.

Mr. Speaker, I got an e-mail message from a young man from New Mexico, he is a first lieutenant in the Army and was deployed during Kosovo as a maintenance guy with the helicopters, the Apaches that went down and never actually saw operations in Kosovo. He was so frustrated. He went into the military as a young officer, raring to go, and found that the extra duties that were placed on him for peacekeeping and all kinds of other things were just diminishing their ability to do the real mission, and that is why they were unprepared when they went to Kosovo. They had never trained, they had never practiced for a real mission because they were doing so many other things, and they were short funded on flying hours and training hours and ammunition.

We are going to try to turn this around and get the spare parts and the training and depot maintenance that we need.

I yield to the gentlewoman from Florida, particularly on this point.

Mrs. FOWLER. Mr. Speaker, I share the gentlewoman's concerns, and that is why I am here tonight to express my deep concerns about the President not signing the Defense Appropriations bill, and in fact, expressing the possibility that he might veto this critically important bill.

Now, all of us agree, no matter our political ties, that providing peace of mind is one of the most important and logical roles of the Federal Government, in fact, ensuring our national security and, specifically, to provide for the common defense, our instructions in our Nation's Constitution.

Yet, for the last 7 years under this administration and until this past year, real defense spending has been cut. We have reduced the number of military personnel in our armed forces by 36 percent since the end of the Cold War. Today, for example, we have heard some good examples from our acting majority leader tonight, and I want to share some of these others. We have today only 10 active Army divisions, the same number that we had at the calamitous start of the Korean War. We are also not buying enough new Navy ships to replenish even today the much-diminished fleet.

So that is why this Defense appropriations bill is so important. As a government, it is our obligation to restore peace of mind and security. This bill does that, by providing the resources our service Members need to do their jobs defending us. It represents a real effort to get our defense budget back on track and to deal with the serious problems that are facing us in an increasingly dangerous bill.

The bill, as the gentlewoman mentioned, fully funds the 4.8 percent pay raise for our troops. It increases funds to improve their training, their benefits, and the quality of life for the armed services' most valuable asset, and that is the 2.2 million men and women who serve their country; and it provides a greatly needed $3.6 billion for our ballistic missile defense to defend this country.

Today, our troops are as hard pressed as ever. They have been asked to do more with less for too long. I was just in Kosovo in July, and I had lunch with a sergeant who had been deployed to the Balkans four times in the last 5 years, 48 out of the last 60 months. He is leaving. These constant deployments have led to a real recruitment and retention crisis in our military, with large numbers of our specialized personnel and pilots and maintenance crews, for instance, they are voting with their feet and they are leaving.

On top of this, some of our military families are living in appalling conditions. Over 60 percent of our military housing today is substandard.

So simply put, this bill offers desperately needed funding for our military which has one of the hardest jobs in the world as they risk their lives on a daily basis to ensure that all of us remain free.

This is an issue that transcends politicians and party lines. In fact, on the day we voted on the bill, most of our Democratic colleagues were right here beside us on the House floor saying this is a great bill. That is why it passed with 372 yea votes, which is why I do not understand the President's latest maneuvers with this current veto threat. Just look at the votes. It was a veto-proof margin.

The only thing that I can think of is that the President is determined, as the gentlewoman pointed out earlier, to spend more money on new Washington programs. After all, this defense bill offers the only other way besides raiding Social Security for the President to find additional money to pay for things such as that increase in foreign aid that he wants.

So, Mr. President, we are asking you tonight to please sign this bill into law. It is a good bill. Even your compatriots here in the House agree. It is a bill that provides both the military resources and the pay raise that our young men and women in uniform need. It is a bill that our peace of mind and our national security need. After all, the price of freedom is eternal vigilance. Do not play politics with our national security.

I thank the gentlewoman for yielding the time to me.

Mrs. WILSON. Mr. Speaker, I thank the gentlewoman from Florida. She is one of the great leaders in this House on national security and always brings to these discussions kind of a soberness and thoughtfulness that I really appreciate. It is particularly true that I appreciate it on an evening like this when some of the things that I heard in the run-up to this discussion that we have had here among our colleagues on the Republican side of the aisle, it was full of some hyperbole and some things that just were not true. It bothers me when we start playing partisan politics with something as important as national defense.

I notice my colleague here from California (Mr. CUNNINGHAM), who is a Navy guy, but despite that, I yield to him.

Mr. CUNNINGHAM. Mr. Speaker, I would tell my Air Force friend, I have a confession to make before the House, that I recently had to pay for a 20-ounce bottle of Diet Coke as a wager for the Air Force-Navy game. Of course, Air Force won 21 to 14, so I had to pay for the 20-ounce bottle of Coke. I personally wanted Pepsi, we have a Pepsi dealership in my district, but I did lose that bet. However, stand by for next year.

What I would like to address is both issues that the gentlewoman spoke to. I am not going to be as kind.

My mother told me that if a person lies enough, that they are going to go to hell, and I would tell the speakers in the last hour that I am going to be happy to send them a fan when they die because they are going to need it.

I have never in my life heard spin and such lunacy as I heard in the last hour. People across this Nation wonder, well, the Democrats say this, the Republicans say this. Let me give my colleagues some markers for credibility.

The gentlewoman from Connecticut (Ms. DELAURO), her husband is the poster for Bill Clinton. The group that spoke, I am not sure about the young man that spoke there at the end, but the rest of them belong, and I want the viewers, Mr. Speaker, to look up: www.d—as in dog—DSAUSA, which stands for Democrat Socialists of America. Democrat Socialists of America lists 58 members of the Democrats, which every one of those speakers belong to. Their agenda, the Democrats' socialist agenda is government control of health care. They tried that. Mr. Speaker, $100 trillion, 100 trillion. Government control of private property. Government control of education. The highest socialized spending possible, the highest taxes possible, and cut defense by 50 percent.

Now, for them to stand up and say that they are not tax-and-spend liberals, liberal is kind for this group. They are the farthest left in this House, and it makes me angry to hear such poppycock that goes on.

Let me give my colleagues some facts. The gentlewoman talked about the $9 billion that the President proposed in the tax. He takes it, sets it up for new spending, and when we do not spend $19 billion extra on spending, he says we are cutting, but not a single one of them would stand up and support it, because it cuts not only the things that the gentlewoman mentioned, it also cuts student loans and puts a tax on them. They are not going to do that, at least not openly.

The President, remember, he said, I want 100 percent for Medicare and Social Security. Well, then 3 weeks later, he says, I want 60 percent for Social Security and 15 percent for Medicare. Look at the bill. Look at the words, the language, the facts. The President takes $344 billion out of Social Security and Medicare, and he puts it up here where that $19 billion is for new spending, takes it out of Social Security. Then he puts in the 60 percent for Social Security and 15 percent for Medicare. They use it as a slush fund like they have for 20 years.

Mr. Speaker, facts are facts. We said no, Mr. President. We are going to put 100 percent in Social Security; we are going to lock it up and make it a trust fund, not a slush fund. It will accrue interest. And the gentleman said, well, how about a long-term plan? Long term? That interest accrues and saves

Social Security and Medicare forever, and it also pays down the national debt in a very short time.

Mrs. WILSON. Mr. Speaker, reclaiming my time, I think we need to share something here. This is not talking about projections, this is talking about reality on what has happened to the Social Security Trust Fund.

Here is 1984, and we start seriously dipping into the trust fund to pay for current government programs.. Of course, in 1995, before I was here in Congress, is when there was a change in control of the Congress, and in 1997 when the Balanced Budget Act was passed. We see the reductions in spending from Social Security under Republican control. We are now down to where we should be, which is we should not be spending Social Security for current government programs.

Our whole point here is that there is no turning back. We need to plan for the future in Social Security, make sure it is there not only for today, that the check is there on time and in full today; but that it is there for my colleague from California when he retires and long after that, when I retire, and even much longer after that, when my other colleague from California's children retire. That is what it is about.

Mr. CUNNINGHAM. Mr. Speaker, if I can mention one last thing on this, and then I will be quiet.

The other side mentioned emergency spending. None of the Republicans voted for the extension in Somalia; it costs billions of dollars and we got our rear end kicked out of there. Haiti. Kosovo cost $12 billion in 2 months. We are spending $50 billion in Kosovo. We bombed an aspen factory in the Sudan, $100 million. The President just gave them a $50 million settlement.

In this foreign aid bill, the President spent $47 million taking 1,700 staff and press to Africa this summer, $47 million; and these things were declared emergency, because under emergency, we told them not to go to Kosovo; we told the Black Caucus not to support going to Haiti. We told them that it would cost billions of dollars going to Kosovo, and we flew 86 percent of all of the sorties there; and yet we said, you are going to have to pay for it. And they said, no, we are going to go and pay for it later.

Well, that emergency spending they are talking about is just that. The actual enumeration of the consensus, we had that paid for, in the budget. What we did not pay for is their guesswork that they wanted to maneuver the numbers for partisan advantage in the elections, guessing district by district, and the Supreme Court ruled against them, and they are upset. But they did get $300,000 just to see how it would work; and we had to fund that in emergency funding, because it is not in the budget.

We are saying, maintain a balanced budget, Mr. President. Take this red marker, take this red marker that our leadership took to him, to the White House, and mark out the programs that you want to and put in the programs that you want to, and we will work with you, but stay under the balanced budget and keep your hands off of Social Security and Medicare, like you propose with $344 billion. I thank the gentlewoman.

Mrs. WILSON. Mr. Speaker, I thank the gentleman from California. I am happy to yield to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Speaker, I would just like to commend the gentlewoman from New Mexico, the chairwoman of the Adobe Caucus, as we call it. I want to say sincerely I am very impressed with her presentation tonight.

I think people across the country watching this presentation will say we have a fresh, articulate, intelligent face that is actually speaking of facts and doing it in a very rational, calm manner, without having to invoke fear and Mediscare and Social Security scare. All the gentlewoman is doing is speaking the facts and saying there is a chance for a new beginning.

□ 2115

I think as was pointed out, the frustration some of us see is that as if the American people are not going to remember that for 40 years who was running deficits and who was looking at trying to avoid things. The people that since 1970, actually 1969, since before man landed on the moon were running deficits, spending more than they had.

I do not think the American people are going to forget that. I think there are some things that they like the Democratic Party for, but fiscal restraint is not one of them.

I grew up in a family of Democrats. My cousin is a member of the National Democratic Committee. I love Democrats. They are my flesh and blood, but there are some things that people look to Republicans for. One of those is the fiscal responsibility of making sure that money is not squandered. This is hard-earned money that the government has taken from them and, frankly, I think that some people, Democrat or Republican, may stand here tonight and hear Democrats say one thing and Republicans say the other and say, well, I get just confused. I mean, who can I believe?

I would have to say what the American people can look to is who they can believe is people who are willing to come up and draw some very strong lines and say that we are not going to spend more than we have from now on and Social Security will now permanently be off budget.

I would just like to publicly commend the gentlewoman from New Mexico (Mrs. WILSON), because she is one of the few original cosponsors to a bill that would introduce a constitutional amendment that really draws that clear line in the sand not just for today and tomorrow but permanently. It takes a line in the sand that etches it in stone, and that amendment would say that we not only in America have a balanced budget during a time of peace but we also do not spend Social Security. We do not touch the Social Security trust fund. We will stop using it as a slush fund and treat it with the sanctity that every trust fund should be treated that people are going to depend on.

I want to commend the gentlewoman for that. I think she has taken a great leadership role. As soon as the gentlewoman arrived here she got our attention by really raising this issue. I would say this to the American people, if they are confused about can they trust the Republicans or can they trust the Democrats with their Social Security, I would ask every person watching to call up their Member of Congress and say, are you going to support the constitutional amendment that takes Social Security off budget permanently? Because there is the real litmus test.

We can say anything we want here. Democrats can say this. Republicans can say that, but the proof in the pudding, are you willing to draw this line and cast it in stone so that you cannot and will not break the promises to future generations?

I think the gentlewoman has taken a great leadership role on this, and I think it is a chance for the American people to get to the truth and find out who really will stand by their future and who is just talking about it because they are looking at the next election.

I just have to say that in the whole time we are here, I was in local government for 20 years before I came here, and let me say something, that I am astonished at the change of institutional mindset that has happened since 1995 when I arrived here, that spending more than you have is no longer acceptable; that dipping into the trust fund is not going to be allowed.

Mrs. WILSON. Mr. Speaker, I do not know what the situation was in California and particularly in San Diego, but in New Mexico we cannot, by law and by the Constitution, we cannot spend more than we have come in.

Did the gentleman have to live under those rules?

Mr. BILBRAY. In California, we not only have to have a balanced budget, it is mandated by the Constitution. It is funny, I got here and people were spending more than they had.

Not only that, but we are not allowed to take a trust fund and use it as a slush fund. Even a sewer fund in California cannot be diverted into police officers; even though how important police officers are, the law says if you want to raise funds for police officers do that up front but you do not do it with your sewer rates.

This town, before I got here, was doing things and accepted doing things that people in California, in my home State, would go to jail for. Frankly, it just astonished me after working at local government, being a mayor and a county chairman, that Washington could just accept this as being the right thing, because the rest of America was living without a budget, was not spending its retirement programs, but Washington was doing it because nobody raised enough Cain to force them to finally start doing the right thing.

I am very proud, no matter what happens in the next election, of being able to be part of a community, part of a group, that has told Washington, enough is enough; live within your budget and keep your hands off of Social Security.

I think that is something that all of us can be very proud of, Democrat or Republican, if we can just live within this, and I hope the President joins us. He said today that he now is committed to our strategy of a balanced budget, without touching Social Security. I know there are a lot of people in this institution that are uneasy with that because they are used to the good old days. I think we are teaching them new disciplines, and I think it is something that we are going to be able to pass on to our children and grandchildren and be very proud that we were the beginning of the change of Washington.

Mrs. WILSON. I thank the gentleman from California (Mr. BILBRAY) for his remarks. On that point, when we set out our budget at home, if we were to take the money we put in our IRA and spend it this year for car payments or for rent or for entertainment, to go to the movies, we would not expect it to be there when we retired. But that is what the Federal Government has been doing for the last 30 years and we need to stop doing that and be responsible about it.

I have to say that while we had kind of a somewhat extreme group down here this evening, this is not really a partisan issue. I think probably fully two-thirds of this body recognizes that we are gradually coming up with a change in attitude about what Federal Government is all about, and that we should not spend Social Security every year; that we should have a balanced budget; that there is no need to increase taxes in time of peace and prosperity; and that we should spend money on priorities like national security and education. So I think that it would be wrong to characterize this as a completely partisan fight. In fact, it is really not.

I think there is really a vast majority in this body that wants to protect Social Security.

Mr. CUNNINGHAM. I had a friend of mine on the other side of the aisle today on the subway, and I quote, he said, the gentleman from Missouri (Mr. GEPHARDT) has an insatiable personal ambition to become Speaker of the House. I think everybody has seen every speech he gives.

Another Democrat said that the gentleman from Missouri (Mr. GEPHARDT) told us to vote against every single one of these bills and the White House, at the meeting, under good faith, he was doing the same thing.

Today he came to the House Floor, very partisan, having the Democrats vote against every single bill. I asked the Democrat I said, "Why?" And he said, quote, "Duke, if we can stop all of the bills and the President, one of two things, either the Republicans will give in and give the President an omnibus bill and we can spend more, or the government will get shut down and you will get blamed for it," and that is the strategy. I think that is lame.

What we are trying to do is pass 13 appropriations bills. The gentleman over there, he is so naive. He said that we are doing it piecemeal. There are 13 appropriations bills. That is the way it is supposed to work, is we give the President each bill.

Mrs. WILSON. Would the gentleman educate me a little bit?

Mr. CUNNINGHAM. Yes.

Mrs. WILSON. How long is it that we have been doing 13 appropriations bills to fund the government?

Mr. CUNNINGHAM. This is the 106th Congress, which is 212 years. Now, granted, early on they did not do it that way but they have an authorization and an appropriations cycle and that is the way they do it, 13 appropriations bills.

The young man is obviously naive on the way of the system. He wants one big bill. Like we made a mistake last year and put all the bills in one, as the mother of all bills, and the President, to get him to sign it, demanded that we increase the spending in it. We did that. That is a mistake. We are not making that same mistake this year. We are saying in each of the 13 bills, Mr. President, take your magic marker, mark out where you want to, put in your priorities and we will work with you, but we are not going to touch Social Security, Medicare. We are not going to increase taxes. It is that simple.

Mr. BILBRAY. Mr. Speaker, I just think it is interesting, too. I heard the same statement and I think sometimes in this town we get too wrapped up in partisan bickering and we think of partisanship and turn our brain off. A statement that says we are piecemealing the budget, budget bill by budget bill, last year when we did the omnibus bill they said well, this is a conglomeration, this is not the way it is supposed to be; it is not organized to lump it altogether.

So it is almost like let us just complain about whatever is happening and point fingers. I really want to echo the statement of the gentlewoman from New Mexico (Mrs. WILSON) about Democrats, Republicans, are coming to the realization that the new standard is a balanced budget.

Mr. CUNNINGHAM. The friends that were telling me this said they were upset, that their side was rebelling because many of them in each of these 13 appropriations bills worked in a bipartisan way, through the subcommittee, through the committee, did not agree on everything, brought it to the House Floor and now the gentleman from Missouri (Mr. GEPHARDT) tells them to vote against it. They have their projects, they have their hard work, and they thought that was wrong. I think it is wrong for a single minority leader to tell people to vote against every single bill.

Mr. BILBRAY. I would just like to say, there are a lot of Democrats who want to work with us.

Mr. CUNNINGHAM. I agree.

Mr. BILBRAY. There are a lot of them that basically are saying now, why did we not set these basic common decency standards of a balanced budget and not raiding Social Security? It is just that it was done for so long that it took a change in leadership to kind of make us get to the right place.

I really enjoy how many Members on the other side of the aisle really are saying thank you for the changes and the mindset because it set a new standard, a new benchmark.

What I am worried about is that it is going to be so easy to fall back to the old benchmark. It is so easy to go ahead and promise everybody everything and not have enough money and then just pass it on to the next generation. That is one reason why I am very nervous about the future, and one reason why I support the gentlewoman's concept of okay, right now when the overwhelming majority of the elected officials of the United States and the people of the United States agree that we not only should have a constitutional requirement for a balanced budget but also one that does not touch Social Security, now is the time for those who say they really are for those goals to step forward and support the constitutional amendment, to make sure that we do not fall back into our bad ways and have a relapse, as we say in rehab programs, that we keep away from that temptation of having a relapse.

I want to again thank the gentlewoman for taking that leadership role.

Mrs. WILSON. I thank the gentleman from California (Mr. BILBRAY) for those remarks. That idea that there is no turning back, that we cannot turn back the clock of history, it takes so much effort to change the culture of an institution, to change the expectations of people from being one of spending Social Security to one of protecting Social Security.

The question really is how do you institutionalize this so that it is not a fight every single year, and it is not a negotiation around the fringes every single year, that it is just not an option; that it is as impossible in the Federal Government to take away our retirement as it is in State government and local government.

Mr. CUNNINGHAM. Would the gentlewoman agree, though, that in my district Social Security is not enough to live on in many cases?

Mrs. WILSON. I would definitely agree.

Mr. CUNNINGHAM. Many of my seniors are having to spend their money on prescription drugs, on health care, and many of them are afraid to live day by day. What we are also trying to do is prepare our youth so that we do not run into the same problem in the outyears, to give them a way to set aside, to not tax savings, so that they can set aside money for when they become chronologically gifted that they will have the money and be able to enjoy their grandchildren.

Mrs. WILSON. One of the things that I liked most about the tax package that was sent down to the President, and it was a tax package for over 10 years, that it would allow us to plan for what our spending levels would be and to plan for some tax reduction, and to encourage people to save. One of the provisions that I liked about that most, probably next to the marriage penalty, which really bothers me, I think we should honor marriage and not tax it, but one of the ones that I liked most next to that was the increase in allowances for IRAs.

Right now one can only put in $2,000 tax deferred every year into their individual retirement account. It would have increased it to $5,000 a year.

The gentleman struck on something that I would like to talk about this evening, too, and we have not talked about it much, and that is a commitment to education. We talked about defense and the bill that is on the President's desk right now. He has an opportunity to really make clear his commitment to America's engagement in the world, and his commitment to America's national security and go ahead and sign that bill.

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But there is one other issue that is a priority in this year's budget cycle, and that is education. We have not yet dealt with the Labor, Health and Human Services, and Education bill on the house floor. But today we spent the whole day talking about the reauthorization of the elementary and secondary education bill.

We need to make sure that these kids we talk about who are just entering the work force and those kids who are just entering kindergarten have the skills to achieve their dreams, and that means a continuing commitment in this country to education.

The bill that is probably going to come to the floor has an increase over what the President requested for education. The differences will be in where the priorities are in that budget. The President wants 100,000 new teachers. He is only, of course, willing to fund a third of that and tell local school districts, "Raid your supply account and your utilities account and all your other accounts, and put on some more taxes to match this, and then we will give you that one-third. And, oh, by the way, it is only for 5 years."

It sounds very much like the cops program that did not get a lot of cops to the street, but local chiefs of police pretty quickly figured out that this was not such a good deal after all.

Mr. BILBRAY. Mr. Speaker, will the gentlewoman yield for a moment on that point?

Mrs. WILSON. I yield to the gentleman from California.

Mr. BILBRAY. Mr. Speaker, I was the chairman of a county of 2.8 million when this cops issue was coming up. I heard the President talk about this big number, this 100,000. I looked at how much money he was offering per law enforcement officer. When I ran the numbers, those of us who actually pay to put police officers on the streets, I sat down with my budget people and said, how does this work out?

The gentlewoman from New Mexico is right. It works out less than a third. It was about a quarter for what they were thinking about saying that we could put an officer on the street. It was about a quarter of what it would cost just for the personnel, not the vehicle, the equipment and everything else.

But I still to this day, because of my involvement in law enforcement, every time I hear the statement 100,000 cops on street, I just say, "How can you say that with a straight face?"

Those of us in California, one may be able to do it with Little Rock, Arkansas, I do not know what they pay their police officers, but let me tell my colleagues, out there in San Diego, California, and I bet it is the same situation in the city of Albuquerque, there is no way any reasonable police chief would be able to say we can hire a police officer permanently at this rate and be able to get to the number of 100,000.

Mrs. WILSON. Mr. Speaker, that of course was not the point at all. The whole point of the program was another Federal program where one gets local governments to carry most of the bill, constrain on what they can use the money for.

I have to commend the Committee on Appropriations for saying wait a minute. Twenty-three years ago, the Federal Government passed something called IDEA, Individuals with Disabilities Education Act. It is the special ed law. They promised that 40 percent of the extra cost would be paid by Federal Government.

Every school district in this country has to comply with the Federal special ed law. But for about 35 years, the Federal Government was only paying 8 percent of the cost, which meant all that money that can be going to smaller class sizes or pencils and paper in school so parents do not have to bring it in from home or computers in the classroom and bricks and books and all of the things we desperately need for teacher training, all of that money had to go to pay the Federal Government's responsibilities.

So this bill this year increases, again, substantially Federal aid to special ed. Let us fund the things we have already committed to fund before we start new government programs.

Mr. CUNNINGHAM. Mr. Speaker, will the gentlewoman yield?

Mrs. WILSON. I yield to the gentleman from California.

Mr. CUNNINGHAM. Mr. Speaker, first of all, I am on the Subcommittee on Labor, Health and Human Services, and Education. Secondly, I wrote most of the special education legislation. I was chairman of the committee when it started. Thirdly, I have been a teacher and a coach, both in high school and college, and a dean of a college. My wife has a doctorate in education. My sister-in-law is the head of special education in San Diego County.

What we are doing in the Labor-HHS bill is saying that, for years, we got less than half of the dollars down to the classroom, and we are block granting the money down to the school.

Let me give my colleagues just a quick analysis. People say, "Well, Duke, why did you not support Goals 2000?" I did as it initially is, and in concept. But if my colleagues look at Goals 2000, one has to have a plan. They say it is only voluntary, only voluntary if one wants the money. One has to submit it to a board, not one's board of education, but another board. One has to submit that to the board. It goes to the principal. Then it goes to the superintendent. Think of the time. Then all that paperwork has to go to Sacramento, California. Think of the bureaucracy that has to rest in Sacramento.

Now, take all the schools in California sending that paperwork to Sacramento. Where do they have to send it? They have to send it to Washington, D.C. with all of the other States.

We are saying, give the State the money. If they want Goals 2000, if they want the program that works in their area, do it. It actually provides more money to them. We provide $300 million more than the President requested for education.

The President zeroed out impact aid. When one has a military family or Native Americans and one's district, that impacts the school. The President zeroed that. IDEA gave very little amount of money to it. We increase it up to 12 percent in the bill. We think it is important. I think it is important to show the differences in priorities.

Mrs. WILSON. Mr. Speaker, where does all of this leave us? Where are we now on the cusp of the final couple of weeks of this congressional session? We have set some parameters. We are going to keep the balanced budget. We made that commitment in 1997. We achieved it earlier than we thought we were going to. We are going to keep a balanced budget. We are going to stop using Social Security to pay for this year's government programs.

I have to say I read with interest the comment of the White House Chief of Staff in the Washington Post this morning. Even the White House Chief of Staff recognizes that the Republicans key goal is to not spend the Social Security surplus. That is our goal. The President has accepted that as the goal and one of the parameters within which we work. I commend him for that in recognizing that Social Security should be off limits.

We are not going to increase taxes. This House and the Senate have soundly rejected any increase in taxes. We should be having tax relief in a time of plenty, not increases in taxes. We are going to pay down the public debt next year by about $150 billion, and I am very proud of that accomplishment and being part of that.

We are going to strengthen national defense. The President should sign the bill. It is on his desk for defense spending. It is a real increase in defense spending that will stop the erosion and the decline. If he is concerned about America's role in the world, if he is concerned about a new isolationism, it is not coming from this Congress. We are committed to maintaining a strong national defense and increasing defense spending.

We are going to improve education. I see for our children a very bright future. It is one that we are all trying to build together. But we have got to be committed to it. We have to stick to our knitting. We have to get the job done, set the parameters, work in good faith with our colleagues across the aisle and with the President of the United States. But I think that the future is there for us to see and take a few steps back from the political skirmishing of today.

I have to say it must be really tough to be in the minority. I have never, thankfully, been in the minority here. But sometimes I think that there is a small group of folks here who believe that their only job and their only role is to resist and to criticize rather than to govern and to shape. I believe that together we can govern and shape.

If we take a little bit of a step back from protecting Social Security and resisting the temptation to increase taxes, protecting our national defense, and improving education, to see things in a little bit bigger context, 3 weeks from now, we are going to be celebrating the 10th anniversary of the fall of the Berlin Wall. It has been a marvelous 10 years. We have achieved great things. We have resisted the temptation to turn in on ourselves. I remember very clearly the week that that wall came down. It was a life-changing experience for many Americans and for many Americans in uniform.

Very often, the aftermath of a great war is a rank thing. It certainly was in the First World War of this century. We resisted it after the Second World War because of the Cold War.

Ten years ago, I think there was a real fear that America would turn in on itself, but we have not. We are building a strong foundation for a new century. All of us who serve in this body should be proud of that.

We have a series of spending bills. They are pretty solid, based on some pretty solid foundations. We are committed to working with the President on the final ones, as long as they do not touch Social Security. We do not increase taxes, and we keep the focus on defense and education.

Mr. Speaker, I yield to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, I do not remember the exact amount, I believe it was almost 100 percent, if not 100 percent, of the authorization committee on defense supported the bill in the defense appropriation. That is in the Senate and the House. On the appropriations cycle, Democrats and Republicans alike supported the defense bill that came out in the conference. One hundred percent signed it. The President is wrong to veto a defense bill that increases our military servicemen's pay by 1.8 percent.

Mrs. WILSON. Mr. Speaker, the gentleman is right. There are over 350 members of this House that voted yes on that final conference report.

Mr. CUNNINGHAM. Mr. Speaker, I laud, not only the experience of the gentlewoman from New Mexico (Mrs. WILSON), even though it is in the Air Force instead of the Navy. But I laud her leadership in defense and also the gentlewoman from Florida (Mrs. FOWLER). I want to tell my colleagues, when it comes to standing up for our men and women in uniform, there are no two stronger women in this House than the gentlewoman from New Mexico (Mrs. WILSON) and the gentlewoman from Florida (Mrs. FOWLER).

Mrs. WILSON. Mr. Speaker, I appreciate the gentleman's remarks, and I also appreciated the Diet Coke and his willingness to back his team in spite of certain defeat.

Mr. Speaker, it is a real pleasure to be here tonight to talk about some things that I think are important to this country. I look forward to working with my colleagues on both sides of the aisle and the President to working out these final elements of these bills.

We have drawn a line in the sand, as the gentleman from California (Mr. CUNNINGHAM) said. It is a line in the sand that says we are not going to raise taxes, and we are not going to cut Social Security. Within that, we will work with the President. Our priorities within that playing field are national defense and education. But we are willing to work with him to achieve something that is important for us and for our children. And that is our message tonight.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2466, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

Mr. HASTINGS of Washington (during the Special Order of Mrs. WILSON), from the Committee on Rules, submitted a privileged report (Rept. No. 106–407) on the resolution (H. Res. 337) waiving points of order against the conference report to accompany the bill (H.R. 2466) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2300, ACADEMIC ACHIEVEMENT ACT FOR ALL

Mr. HASTINGS of Washington (during the Special Order of Mrs. WILSON), from the Committee on Rules, submitted a privileged report (Rept. No. 106–408) on the resolution (H. Res. 338) providing for consideration of the bill (H.R. 2300) to allow a State to combine certain funds to improve the academic achievement of all its students, which was referred to the House Calendar and ordered to be printed.

HOUSE BILLS AND JOINT RESOLUTIONS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills and joint resolutions of the following titles:

March 5, 1999:

H.R. 433, An act to restore the management and personnel authority of the Mayor of the District of Columbia.

March 15, 1999:

H.R. 882, An act to nullify any reservation of funds during fiscal year 1999 for guaranteed loans under the Consolidated Farm and Rural Development Act for qualified beginning farmers or ranchers, and for other purposes.

March 25, 1999:

H.R. 540, An act to amend title XIX of the Social Security Act to prohibit transfers or discharges of residents of nursing facilities as a result of a voluntary withdrawal from participation in the Medicaid Program.

March 30, 1999:

H.R. 808, An act to extend for 6 additional months the period for which chapter 12 of title 11, United States Code, is reenacted.

April 1, 1999:

H.R. 1212, An act to protect producers of agricultural commodities who applied for a Crop Revenue Coverage PLUS supplemental endorsement for the 1999 crop year.

April 5, 1999:

H.R. 68, An act to amend section 20 of the Small Business Act and make technical corrections in title III of the Small Business Investment Act.

H.R. 92, An act to designate the Federal building and United States courthouse located at 251 North Main Street in Winston-Salem, North Carolina, as the "Hiram H. Ward Federal Building and United States Courthouse".

H.R. 158, An act to designate the United States courthouse located at 316 North 26th Street in Billings, Montana, as the "James F. Battin United States Courthouse".

H.R. 233, An act to designate the Federal building located at 700 East San Antonio Street in El Paso, Texas, as the "Richard C. White Federal Building".

H.R. 396, An act to designate the Federal building located at 1301 Clay Street in Oakland, California, as the "Ronald V. Dellums Federal Building".

April 6, 1999:

H.J. Res. 26, Joint Resolution providing for the reappointment of Barber B. Conable, Jr. as a citizen regent of the Board of Regents of the Smithsonian Institution.

H.J. Res. 27, Joint Resolution providing for the reappointment of Dr. Hanna H. Gray as a citizen regent of the Board of Regents of the Smithsonian Institution.

H.J. Res. 28, Joint Resolution providing for the reappointment of Wesley S. Williams, Jr. as a citizen regent of the Board of Regents of the Smithsonian Institution.

H.R. 774, An act to amend the Small Business Act to change the conditions of participation and provide an authorization of appropriations for the women's business center program.

April 8, 1999:

H.R. 171, An act to authorize appropriations for the Coastal Heritage Trail Route in New Jersey, and for other purposes.

H.R. 705, An act to make technical corrections with respect to the monthly reports submitted by the Postmaster General on official mail of the House of Representatives.

April 9, 1999:

H.R. 193, An act to designate a portion of the Sudbury, Assabet, and Concord Rivers as a component of the National Wild and Scenic Rivers System.

April 19, 1999:

H.R. 1376, An act to extend the tax benefits available with respect to services performed in a combat zone to services performed in the Federal Republic of Yugoslavia (Serbia/Montenegro) and certain other areas, and for other purposes.

April 27, 1999:

H.R. 440, An act to make technical corrections to the Microloan Program.

H.R. 911, An act to designate the Federal building located at 310 New Bern Avenue in Raleigh, North Carolina, as the "Terry Sanford Federal Building".

April 29, 1999:

H.R. 800, An act to provide for education flexibility partnerships.

May 21, 1999:

H.R. 432, An act to designate the North/South Center as the Dante B. Fascell North-South Center.

H.R. 669, An act to amend the Peace Corps Act to authorize appropriations for fiscal years 2000 through 2003 to carry out that Act, and for other purposes.

H.R. 1141, An act making emergency supplemental appropriations for the fiscal year ending September 30, 1999, and for other purposes.

June 1, 1999:

H.R. 1034, An act to declare a portion of the James River and Kanawha Canal in Richmond, Virginia, to be nonnavigable waters of the United States for purposes of title 46, United States Code, and the other maritime laws of the United States.

June 7, 1999:-

H.R. 1121, An act to designate the Federal Building and United States courthouse located at 18 Greenville Street in Newnan, Georgia, as the "Lewis R. Morgan Federal Building and United States Courthouse".

June 8, 1999:

H.R. 1183, An act to amend the Fastner Quality Act to strengthen the protection against the sale of mismarked misrepresented, and counterfeit fasteners and eliminate unnecessary requirements, and for other purposes.

June 15, 1999:

H.R. 1379, An act to amend the Omnibus Consolidated and Emergency Supplementary Appropriations Act, 1999, to make a technical correction relating to international narcotics control assistance.

June 25, 1999:

H.R. 435, An act to make miscellaneous and technical changes to various trade laws, and for other purposes.

July 20, 1999:

H.R. 775, An act to establish certain procedures for civil actions brought for damages relating to the failure of any device or system to process or otherwise deal with the transition from the year 1999 to the year 2000, and for other purposes.

July 22, 1999:

H.R. 4, An act to declare it to be the policy of the United States to deploy a national missile defense.

July 28, 1999:

H.R. 2035, An act to correct errors in the authorities of certain programs administered by the National Highway Traffic Safety Administration.

August 10, 1999:

H.R. 66, An act to preserve the cultural resources of the Route 66 corridor and to authorize the Secretary of the Interior to provide assistance.

August 11, 1999:

H.R. 2565, An act to clarify the quorum requirement for the Board of Directors of the Export-Import Bank of the United States.

August 17, 1999:

H.R. 211, An act to designate the Federal building and United States courthouse located at 920 West Riverside Avenue in Spokane, Washington, as the "Thomas S. Foley United States Courthouse", and the plaza at the south entrance of such building and courthouse as the "Walter F. Horan Plaza".

H.R. 1219, An act to amend the Miller Act, relating to payment protections for persons providing labor and materials for Federal construction projects.

H.R. 1568, An act to provide technical, financial, and procurement assistance to veteran owned small businesses, and for other purposes.

H.R. 1664, An act providing emergency authority for guarantees of loans to qualified steel and iron ore companies and to qualified oil and gas companies, and for other purposes.

H.R. 2465, An act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2000, and for other purposes.

September 24, 1999:

H.R. 457, An act to amend title 5, United States Code, to increase the amount of leave time available to a Federal employee in any year in connection with serving as an organ donor, and for other purposes.

September 29, 1999:

H.J. Res. 34, Joint resolution congratulating and commending the Veterans of Foreign Wars.

H.R. 1905, An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2000, and for the other purposes.

H.R. 2490, An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2000, and for other purposes.

H.R. 2605, An act making appropriations for energy and water development for the fiscal year ending September 30, 2000, and for other purposes.

September 30, 1999:

H.J. Res. 68, Joint resolution making continuing appropriations for the fiscal year 2000, and for other purposes.

October 5, 1999:

H.R. 2981, An act to extend energy conservation programs under the Energy Policy and Conservation Act through March 31, 2000.

October 9, 1999:

H.R. 2084, An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

October 19, 1999:

H.R. 3036, An act to restore motor carrier safety enforcement authority to the Department of Transportation.

October 20, 1999:

H.R. 2684, An act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000, and for other purposes.

SENATE BILLS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills of the Senate of the following titles:

March 23, 1999:

S. 447, An act to deem as timely filed, and process for payment, the applications submitted by the Dodson School Districts for certain Impact Aid payments for fiscal year 1999.

March 31, 1999:

S. 643, An act to authorize the Airport Improvement Program for 2 months, and for other purposes.

April 2, 1999:

S. 314, An act to provide for a loan guarantee program to address the Year 2000 computer problems of small business concerns, and for other purposes.

April 27, 1999:

S. 388, An act to authorize the establishment of a disaster mitigation pilot program in the Small Business Administration.

May 4, 1999:

S. 531, An act to authorize the President to award a gold medal on behalf of the Congress to Rosa Parks in recognition of her contributions to the Nation.

May 13, 1999:

S. 453, An act to designate the Federal building located at 709 West 9th Street in Juneau, Alaska, as the "Hurff A. Saunders Federal Building".

S. 460, An act to designate the United States courthouse located at 401 South Michigan Street in South Bend, Indiana, as the "Robert K. Rodibaugh United States Bankruptcy Courthouse".

August 2, 1999:

S. 361, An act to direct the Secretary of the Interior to transfer to John R. and Margaret J. Lowe of Big Horn County, Wyoming certain land so as to correct an error in the patent issued to their predecessors in interest.

S. 449, An act to direct the Secretary of the Interior to transfer to the personal representative of the estate of Fred Steffens of Big Horn County, Wyoming, certain land comprising the Steffens family property.

August 5, 1999:

S. 604, An act to direct the Secretary of Agriculture to complete a land exchange with Georgia Power Company.

S. 880, An act to amend the Clean Air Act to remove flammable fuels from the list of substances with respect to which reporting and other activities are required under the risk management plan program, and for other purposes.

S. 1258, An act to authorize funds for the payment of salaries and expenses of the Patent and Trademark Office, and for other purposes.

S. 1259, An act to amend the Trademark Act of the 1946 relating to dilution of famous marks, and for other purposes.

S. 1260, An act to make technical corrections in title 17, United States Code, and other laws.

August 13, 1999:

S. 1543, An act to amend the Agricultural Adjustment Act of 1938 to release and protect the release of tobacco production and marketing information.

August 17, 1999:

S. 507, An act to provide for the conservation and development of water and related resources, to authorize the United States Army Corps of Engineers to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

S. 606, An act for the relief of Global Exploration and Development Corporation, Kerr-McGee Corporation, and Kerr-McGee Chemical, LLC (successor to Kerr-McGee Chemical Corporation), and for other purposes.

S. 1546, An act to amend the International Religious Freedom Act of 1998 to provide additional administrative authorities to the United State Commission on International Religious Freedom, and to make technical corrections to that Act, and for other purposes.

September 29, 1999:

S. 1637, An act to extend through the end of the current fiscal year certain expiring Federal Aviation Administration authorizations.

Octobr 1, 1999:

S. 380, An act to reauthorize the Congressional Award Act.

October 5, 1999:

S. 1059, An act to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

October 6, 1999:

S. 293, An act to direct the Secretaries of Agriculture and Interior to convey certain lands in San Juan County, New Mexico, to San Juan College.

S. 944, An act to amend Public Law 105–188 to provide for the mineral leasing of certain Indian lands in Oklahoma.

S. 1072, An act to make certain technical and other corrections relating to the Centennial of Flight Commemoration Act (36 U.S.C. 143 note; 112 Stat. 3486 et seq.).

October 9, 1999:

S. 1606, An act to extend for 9 additional months the period for which chapter 12 of title 11, United States Code, is reenacted.

October 12, 1999:

S. 249, An act to provide funding for the National Center for Missing and Exploited Children, to reauthorize the Runaway and Homeless Youth Act, and for other purposes.

October 19, 1999:

S. 559, An act to designate the Federal building located at 300 East 8th Street in Austin, Texas, as the "J.J. 'Jake' Pickle Federal Building".

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. RUSH (at the request of Mr. GEPHARDT) for today on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mr. MCNULTY, for 5 minutes, today.

Mr. HOLT, for 5 minutes, today.

(The following Members (at the request of Mr. NETHERCUTT) to revise and extend their remarks and include extraneous material:)

Mr. NETHERCUTT, for 5 minutes, today.

Mr. ISAKSON, for 5 minutes, October 22.

Mr. FOSSELLA, for 5 minutes, today.

Mr. BACHUS, for 5 minutes, today and October 21.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1652. An act to designate the Old Executive Office Building located at 17th Street and Pennsylvania Avenue, NW, in Washington, District of Columbia, as the Dwight D. Eisenhower Executive Office Building; to the Committee on Transportation and Infrastructure.

ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2841. An act to amend the Revised Organic Act of the Virgin Islands to provide for greater fiscal autonomy consistent with other United States jurisdictions, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 659. To authorize appropriations for the protection of Paoli and Brandywine Battlefields in Pennsylvania, to authorize the Valley Forge Museum of the American Revolution at Valley Forge National Historical Park, and for other purposes.

ADJOURNMENT

Mr. CUNNINGHAM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 44 minutes p.m.), the House adjourned until tomorrow, Thursday, October 21, 1999, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4844. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Tuberculosis in Cattle and Bison; State Designations; California, Pennsylvania, and Puerto Rico [Docket No. 99–063–1] received October 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4845. A letter from the Chief, Accounting Policy Division, Federal Communications Commission, transmitting the Commission's final rule—Federal- State Joint Board On Universal Service [CC Docket No. 96–45; CC Docket No. 96–262] received October 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4846. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—NRC Enforcement Policy; Enforcement Action Against Nonlicensees under 10 CFR Part 72 (NUREG–1600, Rev.1) received October 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4847. A letter from the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting Content of the Updated Final Safety Analysis Report in Accordance with 10 CFR 50.71(e); to the Committee on Commerce.

4848. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification that the Republic of Moldova, the Russian Federation, and

Ukraine are committed to the courses of action described in Section 1203(d) of the Cooperative Threat Reduction Act of 1993, Section 1412(d) of the Former Soviet Union Demilitarization Act of 1992 and Section 502 of the FREEDOM Support Act; to the Committee on International Relations.

4849. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Final Rule To List the Devils River Minnow as Threatened (RIN: 1018–AE 86) received October 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4850. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants: Final Rule to List Astragalus desereticus (Deseret milk-vetch) as Threatened (RIN: 1018–AE57) received October 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4851. A letter from the Acting Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants: Determination of Threatened Status for the Plant Helianthus paradoxus (Pecos Sunflower) (RIN: 1018–AE88) received October 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4852. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting the Department's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock by Vessels Catching Pollock for Processing by the Inshore Component in the Bering Sea Subarea [Docket No. 990304063–9063–01; I.D. 100699B] received October 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4853. A letter from the General Counsel of the Department of Commerce, transmitting a draft of proposed legislation to make two technical changes to the Trademark Act of 1946 regarding adjustments to trademark fees and regarding the date for filing opposition to trademark registrations, and revising section 41 of title 35, United States Code, to lower certain patent fees; to the Committee on the Judiciary.

4854. A letter from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting the Department's final rule—Hazardous Materials Regulations: Editorial Corrections and Clarifications [Docket No. RSPA–99–6212 (HM–189P)] (RIN: 2137–AD38) received October 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4855. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Acushnet River, MA [CGD01–99–174] received October 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4856. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; Night in Venice, Great Egg Harbor, City of Ocean City, New Jersey [CGD 05–99–016] (RIN: 2115–AE46) received October 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4857. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations: Stone Mountain Productions; Tennessee River Mile 463.5–464.5; Chattanooga, TN [CGD08–99–060] (RIN: 2115–AE46) received October 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4858. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Harlem River, Newtown Creek, NY [CGD01–99–175] (RIN: 2115–AE47) received October 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4859. A letter from the Principal Deputy Assistant Secretary for Congressional Affairs, Department of Veterans Affairs, transmitting a draft of proposed legislation entitled, “Veterans Programs Improvement Act of 1999”; to the Committee on Veterans' Affairs.

4860. A letter from the Chief, Regulations Division, ATF, Department of Treasury, transmitting the Department's final rule—Labeling of Hard Cider (97-2523) [Notice No. 881 Re: T.D. ATF–398, Notice No. 859 and Notice No. 869) (RIN: 1512–AB71) received October 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4861. A letter from the Commissioner, Social Security Administration, transmitting a draft of proposed legislation to authorize application of the civil monetary penalty authority to representative payees who convert benefits and other individuals who misuse social security cards or numbers; to the Committee on Ways and Means.

4862. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to facilitate the administration and enforcement of voluntary commodity inspection and grading programs, the tobacco inspection program, and marketing agreements and orders; jointly to the Committees on Agriculture and the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2970. A bill to prescribe certain terms for the resettlement of the people of Rongelap Atoll due to conditions created at Rongelap during United States administration of the Trust Territory of the Pacific Islands, and for other purposes (Rept. 106–404). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 970. A bill to authorize the Secretary of the Interior to provide assistance to the Perkins County Rural Water System, Inc., for the construction of water supply facilities in Perkins County, South Dakota; with an amendment (Rept. 106–405). Referred to the Committee of the Whole House on the State of the Union.

Mr. REGULA: Committee of Conference. Conference report on H.R. 2466. A bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes (Rept. 106–406). Ordered to be printed.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 337. Resolution waiving points of order against the conference report to accompany the bill (H.R. 2466) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes (Rept. 106–407). Referred to the House Calendar.

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 338. Resolution providing for consideration of the bill (H.R. 2300) to allow a State to combine certain funds to improve the academic achievement of all its students (Rept. 106–408). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 1023. A bill for the relief of Richard W. Schaffert (Rept. 106–403). Referred to the Private Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. HYDE:

H.R. 3111. A bill to exempt certain reports from automatic elimination and sunset pursuant to the Federal Reports Elimination and Sunset Act of 1995; to the Committee on the Judiciary.

By Mr. MCINNIS:

H.R. 3112. A bill to amend the Colorado Ute Indian Water Rights Settlement Act to provide for a final settlement of the claims of the Colorado Ute Indian Tribes, and for other purposes; to the Committee on Resources.

By Mrs. WILSON (for herself, Mr. Green of Texas, Mr. Baker, Mr. Barrett of Wisconsin, Mr. Blunt, Mr. Boucher, Mrs. Cubin, Mr. Deal of Georgia, Mr. Ehrlich, Mr. English, Mr. Gillmor, Mr. Gordon, Mr. Greenwood, Mr. Hastings of Washington, Mr. Klink, Mr. Luther, Ms. McCarthy of Missouri, Mr. McIntosh, Mr. Oxley, Mr. Rogan, Mr. Sandlin, Mr. Sawyer, Mr. Shimkus, Mr. Stearns, Mr. Strickland, and Mr. Stupak):

H.R. 3113. A bill to protect individuals, families, and Internet service providers from unsolicited and unwanted electronic mail; to the Committee on Commerce.

By Ms. GRANGER:

H.R. 3114. A bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the Medicare Program; to the Committee on Ways and Means.

By Mr. ISTOOK (for himself, Mr. Dickey, and Mr. Wicker):

H.R. 3115. A bill to amend the Public Health Service Act with respect to the operation by the National Institutes of Health of an experimental program to stimulate competitive research; to the Committee on Commerce.

By Mr. KOLBE (for himself and Mr. Matsui):

H.R. 3116. A bill to promote openess, transparency, and efficiency in international government procurement through capacity building and, where appropriate, third-party procurement monitoring, and for other purposes; to the Committee on Banking and Financial Services, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY of New York:

H.R. 3117. A bill to amend the Truth in Lending Act to require 90 days notice before changing the annual percentage rate of interest applicable on any credit card account or before changing the index used to determine such rate, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. MCHUGH (for himself and Mr. PETERSON of Minnesota):

H.R. 3118. A bill to direct the Secretary of the Interior to issue regulations under the Migratory Bird Treaty Act that authorize States to establish hunting seasons for double-crested cormorants; to the Committee on Resources.

By Mr. NEAL of Massachusetts:

H.R. 3119. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income certain stipends paid as part of a State program under which individuals who have attained age 60 perform essentially volunteer services specified by the program; to the Committee on Ways and Means.

By Mr. TRAFICANT (for himself and Mr. BURTON of Indiana):

H. Con. Res. 202. Concurrent resolution expressing the sense of Congress that the Capitol Police Board should exercise the authority granted to it under law to exempt members of the United States Capitol Police with good service records from mandatory separation from employment at 57 years of age; to the Committee on House Administration.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 8: Mr. MEEKS of New York.

H.R. 88: Mr. BERMAN, Mrs. THURMAN, Mr. BROWN of Ohio, and Mr. INSLEE.

H.R. 488: Mr. OWENS and Mr. PHELPS.

H.R. 532: Ms. KAPTUR.

H.R. 623: Mr. FOSSELLA, Mr. LARGENT, and Mrs. CUBIN.

H.R. 627: Ms. LEE.

H.R. 664: Mr. FALEOMAVAEGA.

H.R. 670: Mr. OBERSTAR, Mr. CAPUANO, Mr. COLLINS, Mr. JOHN, Ms. WOOLSEY, Mr. KANJORSKI, Mr. HILLIARD, and Mr. COOK.

H.R. 721: Mr. MCHUGH.

H.R. 919: Mr. CLAY.

H.R. 979: Mr. OLVER, Ms. BALDWIN, Mr. HOYER, Mr. OWENS, Mr. HORN, Mr. COSTELLO, and Mr. BONIOR.

H.R. 984: Mrs. MORELLA, Mr. MASCARA, Ms. BERKLEY, Mr. WYNN, Mr. TALENT, and Mr. HILLIARD.

H.R. 997: Mr. CLYBURN and Mr. COOKSEY.

H.R. 1046: Mr. FILNER and Mr. KILDEE.

H.R. 1111: Mr. HOLT.

H.R. 1221: Mr. GILMAN and Mr. CANNON.

H.R. 1244: Mr. CUNNINGHAM, Mr. LATOURETTE, Ms. PRYCE of Ohio, and Mr. CALVERT.

H.R. 1248: Mr. BILBRAY, Mr. BISHOP, and Mr. LAMPSON.

H.R. 1283: Mr. MCKEON, Mr. SUNUNU, Mr. SMITH of Michigan, Mr. BURR of North Carolina, and Mr. EHLERS.

H.R. 1300: Mr. FLETCHER, Mr. LEWIS of Kentucky, and Mrs. NORTHUP.

H.R. 1349: Mr. GEKAS.

H.R. 1356: Mr. EVANS.

H.R. 1367: Mr. HILLIARD.

H.R. 1398: Mr. HOEKSTRA.

H.R. 1407: Mr. VENTO.

H.R. 1483: Mr. TANNER, Mr. DOYLE, Mr. BORSKI, and Mr. CAPUANO.

H.R. 1504: Mr. BACHUS, Mr. COOK, Mr. KASICH, Mrs. EMERSON, and Mr. HILLEARY.

H.R. 1532: Mr. SOUDER.

H.R. 1592: Mr. MILLER of Florida and Mrs. CLAYTON.

H.R. 1622: Mr. MASCARA and Mr. DIXON.

H.R. 1657: Mr. FRANKS of New Jersey.

H.R. 1775: Mr. PASCRELL, Mr. FARR of California, and Mr. FILNER.

H.R. 1839: Mr. FOSSELLA.

H.R. 1861: Mr. STUMP.

H.R. 1870: Mr. ETHERIDGE.

H.R. 1885: Ms. SCHAKOWSKY, Mr. LAFALCE, and Ms. RIVERS.

H.R. 1997: Mr. PETRI, Mr. ABERCROMBIE, Mr. RANGEL, Ms. PELOSI, Mr. RAMSTAD, Mr. VENTO, and Mr. CAMPBELL.

H.R. 2029: Mr. CALVERT.

H.R. 2030: Mr. KUYKENDALL.

H.R. 2303: Mr. SHUSTER, Mrs. BIGGERT, and Mr. INSLEE.

H.R. 2356: Mr. KUYKENDALL.

H.R. 2365: Mr. OWENS, Mr. EVANS, and Mr. OLVER.

H.R. 2372: Mr. BONILLA and Mr. ORTIZ.

H.R. 2486: Mr. KLINK, Ms. LOFGREN, Mr. GEORGE MILLER of California, Mr. STARK, and Mrs. MEEK of Florida.

H.R. 2527: Mr. GONZALEZ and Mr. GUTIERREZ.

H.R. 2538: Mr. RILEY.

H.R. 2539: Mr. ROYCE.

H.R. 2709: Mr. CALLAHAN, Mr. DOYLE, Mr. WALDEN of Oregon, Mr. GREENWOOD, Mr. SHIMKUS, Mr. CUNNINGHAM, Mr. PHELPS, Mr. BALDACCI, and Mr. HAYES.

H.R. 2727: Mr. WHITFIELD, Mr. CASTLE, and Mr. FRANK of Massachusetts.

H.R. 2738: Mr. GEJDENSON.

H.R. 2776: Mr. GREEN of Texas and Mr. DAVIS of Virginia.

H.R. 2807: Mrs. THURMAN.

H.R. 2814: Mr. WALDEN of Oregon.

H.R. 2827: Mr. BARRETT of Nebraska and Mr. GANSKE.

H.R. 2870: Mr. BALDACCI and Mr. NADLER.

H.R. 2900: Mr. BALDACCI.

H.R. 2901: Mr. GREEN of Wisconsin.

H.R. 2911: Mr. UNDERWOOD.

H.R. 2969: Mr. FLETCHER.

H.R. 3047: Mr. HOUGHTON and Mr. UNDERWOOD.

H.R. 3062: Mr. RAHALL, Mr. MOLLOHAN, Mr. HILLIARD, and Mr. BOUCHER.

H.R. 3075: Mr. FLETCHER and Mr. MCKEON.

H.R. 3095: Mr. BROWN of Ohio and Mr. MCCOLLUM.

H.R. 3107: Mr. STARK.

H.R. 3110: Mr. LAZIO.

H. Con. Res. 79: Mr. GONZALEZ, Mr. HALL of Texas, Mr. CALVERT, and Mr. SANDLIN.

H. Con. Res. 100: Mr. WU and Mr. GOODLATTE.

H. Con. Res. 148: Mr. GOSS.

H. Con. Res. 159: Mr. RUSH.

H. Con. Res. 186: Mr. WAMP, Mr. BAKER, Mr. COMBEST, Mr. FRANKS of New Jersey, Mr. DICKEY, Mr. COOK, and Mr. EHRLICH.

H. Con. Res. 190: Mr. OXLEY.

H. Con. Res. 199: Mr. PETERSON of Minnesota and Mr. POMBO.

H. Res. 224: Mr. FLETCHER.

H. Res. 238: Mr. FROST, Mr. BRADY of Texas, and Mr. BARCIA.

H. Res. 298: Mr. WAXMAN, Mr. VITTER, Mr. PETERSON of Minnesota, Mr. UNDERWOOD, Mr. BOSWELL, Mr. JOHN, and Ms. HOOLEY of Oregon.

H. Res. 325: Mrs. MALONEY of New York, Mr. GALLEGLY, and Mr. FRANKS of New Jersey.

H. Res. 332: Ms. LOFGREN.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2

OFFERED BY: MR. ARMEY

AMENDMENT NO. 56: Before section 111 of the bill, insert the following (and redesignate any subsequent sections accordingly):

SEC. 111. PUPIL SAFETY AND FAMILY SCHOOL CHOICE.

Subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) is amended by inserting after section 1115A of such Act (20 U.S.C. 6316) the following:

"SEC. 1115B. PUPIL SAFETY AND FAMILY SCHOOL CHOICE.

"(a) IN GENERAL.—If a student is eligible to be served under section 1115(b), or attends a school eligible for a schoolwide program under section 1114, and—

"(1) becomes a victim of a violent criminal offense while in or on the grounds of a public elementary school or secondary school that the student attends and that receives assistance under this part, then the local educational agency shall allow such student to attend any other public or private elementary school or secondary school, including a sectarian school, in the same State as the school where the criminal offense occurred, that is selected by the student's parent; or

"(2) the public school that the student attends and that receives assistance under this part has been designated as an unsafe public school, then the local educational agency may allow such student to attend any other public or private elementary school or secondary school, including a sectarian school, in the same State as the school where the criminal offense occurred, that is selected by the student's parent.

"(b) STATE EDUCATIONAL AGENCY DETERMINATIONS.—

"(1) The State educational agency shall determine, based upon State law, what actions constitute a violent criminal offense for purposes of this section.

"(2) The State educational agency shall determine which schools in the State are unsafe public schools.

"(3) The term 'unsafe public schools' means a public school that has serious crime, violence, illegal drug, and discipline problems, as indicated by conditions that may include high rates of—

"(A) expulsions and suspensions of students from school;

"(B) referrals of students to alternative schools for disciplinary reasons, to special programs or schools for delinquent youth, or to juvenile court;

"(C) victimization of students or teachers by criminal acts, including robbery, assault and homicide;

"(D) enrolled students who are under court supervision for past criminal behavior;

"(E) possession, use, sale or distribution of illegal drugs;

"(F) enrolled students who are attending school while under the influence of illegal drugs or alcohol;

"(G) possession or use of guns or other weapons;

"(H) participation in youth gangs; or

"(I) crimes against property, such as theft or vandalism.

"(c) Transportation and Tuition Costs.—The local educational agency that serves the public school in or the grounds on which the violent criminal offense occurred or that serves the designated unsafe public school may use funds hereafter provided under this part to provide transportation services or to pay the reasonable costs of transportation or the reasonable costs of tuition or mandatory fees associated with attending another school, public or private, selected by the student's parent. The local educational agency shall ensure that this subsection is carried out in a constitutional manner.

"(d) Special Rule.—Any school receiving assistance provided under this section shall comply with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and not discriminate on the basis of race, color, or national origin.

"(e) Part B of the Individuals With Disabilities Education Act.—Nothing in this section shall be construed to affect the requirements of part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

"(f) Maximum Amount.—Notwithstanding any other provision of this section, the amount of assistance provided under this part for a student shall not exceed the per pupil expenditure for elementary or secondary education, as appropriate, by the local educational agency that serves the school—

"(1) where the violent criminal offense occurred for the fiscal year preceding the fiscal year in which the offense occurred; or

"(2) designated as an unsafe public school by the State educational agency for the fiscal year preceding the fiscal year for which the designation is made.

"(g) Construction.—Nothing in this Act or any other Federal law shall be construed to prevent a parent assisted under this section from selecting the public or private elementary school or secondary school that a child of the parent will attend within the State.

"(h) Consideration of Assistance.—Assistance used under this section to pay the costs for a student to attend a private school shall not be considered to be Federal aid to the school, and the Federal Government shall have no authority to influence or regulate the operations of a private school as a result of assistance received under this section.

"(i) Continuing Eligibility.—A student assisted under this section shall remain eligible to continue receiving assistance under this section for 5 academic years without regard to whether the student is eligible for assistance under section 1114 or 1115(b).

"(j) Tuition Charges.—Assistance under this section may not be used to pay tuition or mandatory fees at a private elementary school or secondary school in an amount that is greater than the tuition and mandatory fees paid by students not assisted under this section at such private school.

"(k) Sectarian Institutions.—Nothing in this section shall be construed to supersede or modify any provision of a State constitution that prohibits the expenditure of public funds in or by sectarian institutions."

After part G of the Elementary and Secondary Education Act of 1965, as proposed to be added by section 171 of the bill, insert the following:

PART F—ACADEMIC EMERGENCIES

SEC. 181. ACADEMIC EMERGENCIES.

(a) Academic Emergencies.—Title I of the Act is amended by adding at the end the following:

"PART H—ACADEMIC EMERGENCIES

"SEC. 1801. SHORT TITLE.

"This part may be cited as the "Academic Emergency Act".

"SEC. 1802. PROGRAM AUTHORIZED.

"(a) In General.—The Secretary is authorized to provide funds to States that have 1 or more schools designated under section 1803 as academic emergency schools to provide parents whose children attend such schools with education alternatives.

"(b) Grants to States.—Grants awarded to a State under this part shall be awarded for a period of not more than 5 years.

"SEC. 1803. ACADEMIC EMERGENCY DESIGNATION.

"(a) Designation.—The Governor of each State may designate 1 or more schools in the State that meet the eligibility requirements set forth in subsection (b) or are identified for school improvement under section 1116(b) as academic emergency schools.

"(b) Eligibility.—To be designated as an academic emergency school, the school shall be a public elementary school—

"(1) with a consistent record of poor performance by failing to meet minimum academic standards as determined by the State; and

"(2) in which more than 50 percent of the children attending are eligible for free or reduced price lunches under the National School Lunch Act (42 U.S.C. 1751 et seq.).

"(c) List to Secretary.—To receive a grant under this part, the Governor shall submit a list of academic emergency schools to the State educational agency and the Secretary.

"SEC. 1804. APPLICATION AND STATE SELECTION.

"(a) Application.—Each State in which the Governor has designated 1 or more schools as academic emergency schools shall submit an application to the Secretary that includes the following:

"(1) Assurances.—Assurances that the State shall—

"(A) use the funds provided under this part to supplement, not supplant, State and local funds that would otherwise be available for the purposes of this part;

"(B) provide written notification to the parents of every student eligible to receive academic emergency relief funds under this part, informing the parents of the voluntary nature of the program established under this part, and the availability of qualified schools within their geographic area;

"(C) provide parents and the education community with easily accessible information regarding available education alternatives; and

"(D) not reserve more than 4 percent of the amount made available under this part to pay administrative expenses.

"(2) Information.—Information regarding each academic emergency school, for the school year in which the application is submitted, regarding the number of children attending such school, including the number of children who are eligible for free or reduced-price lunch under the National School Lunch Act (42 U.S.C. 1751 et seq.) and the level of student performance.

"(b) State Awards.—

"(1) State selection.—From the amount appropriated pursuant to the authority of section 1814 in any fiscal year, the Secretary shall award grants to States in accordance with this section.

"(2) Priority.—To the extent practicable, the Secretary shall ensure that each State that completes an application in accordance with subsection (a) shall receive a grant of sufficient size to provide education alternatives to not less than 1 academic emergency school.

"(3) Award criteria.—In determining the amount of a grant award to a State under this part, the Secretary shall take into consideration the number of schools designated as academic emergencies in the State and the number of eligible students in such schools.

"(4) State plan.—Each State that applies for funds under this part shall establish a plan—

"(A) to ensure that the greatest number of eligible students who attend academic emergency schools have an opportunity to receive an academic emergency relief funds; and

"(B) to develop a simple procedure to allow parents of participating eligible students to redeem academic emergency relief funds.

"SEC. 1805. SELECTION OF ACADEMIC EMERGENCY SCHOOLS AND AWARDS TO PARENTS.

"(a) Selection.—The State shall select academic emergency schools based on —

"(1) the number of eligible students attending an academic emergency school;

"(2) the availability of qualified schools near the academic emergency school; and

"(3) the academic performance of students in the academic emergency school.

"(b) Insufficient Funds.—If the amount of funds made available to a State under this part is insufficient to provide every eligible student in a selected academic emergency school with academic emergency relief funds, the State shall devise a random selection process to provide eligible students in such school whose family income does not exceed 185 percent of the poverty line the opportunity to participate in education alternatives established pursuant to this part.

"(c) Payments.—

"(1) In general.—From the funds made available to a State under this part and not reserved under section 1804(a)(1)(D), a State shall pay not more than $3,500 in academic emergency relief funds to the parents of each participating eligible student.

"(2) Period of awards.—The academic emergency relief funds awarded to parents of participating eligible students shall be awarded for each school year during the grant period which shall terminate—

"(A) when a participating eligible student is no longer a student in the State; or

"(B) at the end of 5 years,

whichever occurs first.

"(3) Duration.—A State shall continue to receive funds under this part for distribution to parents of participating eligible students throughout the 5-year grant period.

"SEC. 1806. QUALIFIED SCHOOLS.

"(a) Qualifications.—A State that submits an application to the Secretary under section 1804 shall publish the qualifications necessary for a school to participate as a qualified school under this part. At a minimum, each such school shall—

"(1) provide assurances to the State that it will comply with section 1810;

"(2) certify to the State that the amount charged to a parent using academic relief funds for tuition and fees does not exceed the amount for such tuition and fees charged to a parent not using such relief funds whose child attends the qualified school (excluding scholarship students attending such school); and

"(3) report to the State, not later than July 30 of each year in a manner prescribed by the State, information regarding student performance.

"(b) Confidentiality.—No personal identifiers may be used in such report described in subsection (a)(3), except that the State may request such personal identifiers solely for the purpose of verifying student performance.

"SEC. 1807. ACADEMIC EMERGENCY RELIEF FUNDS.

"(a) Use of Academic Emergency Relief Funds.—A parent who receives academic emergency relief funds from a State under this part may use such funds to pay the costs of tuition and mandatory fees for a program of instruction at a qualified school.

"(b) Not School Aid.—Academic emergency relief funds under this part shall be considered assistance to the student and shall not be considered assistance to a qualified school.

"SEC. 1808. EVALUATION.

"(a) Annual Evaluation.—

"(1) Contract.—The Comptroller General of the United States shall enter into a contract, subject to amounts specified in Appropriation Acts, with an evaluating agency that has demonstrated experience in conducting evaluations, for the conduct of an ongoing rigorous evaluation of the education alternative program established under this part.

"(2) Annual evaluation requirement.—The contract described in paragraph (1) shall require the evaluating agency entering into such contract to annually evaluate the education alternative program established under this part in accordance with the evaluation criteria described in subsection (b).

"(3) Transmission.—The contract described in paragraph (1) shall require the evaluating agency entering into such contract to transmit to the Comptroller General of the United States the findings of each annual evaluation under paragraph (2).

"(b) Evaluation Criteria.—The Comptroller General of the United States, in consultation with the Secretary, shall establish minimum criteria for evaluating the education alternative program established under this part. Such criteria shall provide for—

"(1) a description of the effects of the programs on the level of student participation and parental satisfaction with the education alternatives provided pursuant to this part compared to the educational achievement of students who choose to remain at academic emergency schools selected for participation under this part; and

"(2) a description of the effects of the programs on the educational performance of eligible students who receive academic emergency relief funds compared to the educational performance of students who choose to remain at academic emergency schools selected for participation under this part.

"SEC. 1809. REPORTS BY COMPTROLLER GENERAL.

"(a) Interim Reports.—Three years after the date of enactment of the Student Results Act of 1999, the Comptroller General of the United States shall submit an interim report to Congress on the findings of the annual evaluations under section 1808(a)(2) for the education alternative program established under this part. The report shall contain a copy of the annual evaluation under section 1808(a)(2) of education alternative program established under this part.

"(b) Final Report.—The Comptroller General shall submit a final report to Congress, not later than 7 years after the date of the enactment of the Student Results Act of 1999, that summarizes the findings of the annual evaluations under section 1808(a)(2).

"SEC. 1810. CIVIL RIGHTS.

"(a) In General.—A qualified school under this part shall not discriminate on the basis of race, color, national origin, or sex in carrying out the provisions of this part.

"(b) Applicability and Construction With Respect to Discrimination on the Basis of Sex.—

"(1) Applicability.—With respect to discrimination on the basis of sex, subsection (a) shall not apply to a qualified school that is controlled by a religious organization if the application of subsection (a) is inconsistent with the religious tenets of the qualified school.

"(2) Single-sex schools, classes, or activities.—With respect to discrimination on the basis of sex, nothing in subsection (a) shall be construed to prevent a parent from choosing, or a qualified school from offering, a single-sex school, class, or activity.

"SEC. 1811. RULES OF CONSTRUCTION.

"(a) In General.—Nothing in this part shall be construed to prevent a qualified school that is operated by, supervised by, controlled by, or connected to a religious organization from employing, admitting, or giving preference to persons of the same religion to the extent determined by such school to promote the religious purpose for which the qualified school is established or maintained.

"(b) Sectarian Purposes.—Nothing in this part shall be construed to prohibit the use of funds made available under this part for sectarian educational purposes, or to require a qualified school to remove religious art, icons, scripture, or other symbols.

"SEC. 1812. CHILDREN WITH DISABILITIES.

"Nothing in this part shall affect the rights of students, or the obligations of public schools of a State, under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

"SEC. 1813. DEFINITIONS.

"As used in this part:

"(1) The terms "local educational agency" and "State educational agency" have the same meanings given such terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

"(2) The term "eligible student" means a student enrolled, in a grade between kindergarten and 4th, in an academic emergency school during the school year in which the Governor designates the school as an academic emergency school, except that the parents of a child enrolled in kindergarten at the time of the Governor's designation shall not be eligible to receive academic emergency relief funds until the child is in first grade.

"(3) The term "Governor" means the chief executive officer of the State.

"(4) The term "parent" includes a legal guardian or other person standing in loco parentis.

"(5) The term "poverty line" means the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

"(6) The term "qualified school" means a public, private, or independent elementary school that meets the requirements of section 1806 and any other qualifications established by the State to accept academic emergency relief funds from the parents of participating eligible students.

"(7) The term "Secretary" means the Secretary of Education.

"(8) The term "State" means each of the 50 States and the District of Columbia.

"SEC. 1814. AUTHORIZATIONS OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part $100,000,000 for fiscal year 2000 and such sums as may be necessary for each of the fiscal years 2001 through 2004, except that the amount authorized to be appropriated may not exceed $100,000,000 for any fiscal year.".

(b) Repeals.—The following programs are repealed:

(1) International education exchange program.—Section 601 of the Goals 2000: Educate America Act (20 U.S.C. 5951).

(2) Fund for the improvement of education.—Part A of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8001 et seq.).

(3) 21st century community learning centers.—Part I of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8241 et seq.).

H.R. 2

Offered By: Mr. Scott

Amendment No. 57: Strike title III of the bill.

H.R. 2

Offered By: Mr. Udall of New Mexico

Amendment No. 58: Section 1125 of the Act is amended by adding a subsection (l)—

"(l)(1) The Secretary shall grant to the Santa Fe Indian School a permanent use permit for the entire premises and grounds of the Santa Fe Indian School in Santa Fe, New Mexico, for the purposes of allowing and encouraging the school to enter into long term agreements for the benefit of the educational programs of the school. Such grant shall be made to, and controlled by, the Governors of the Pueblos located in New Mexico, who shall act through joint action taken by motion acted upon by a majority of said Governors, in a manner to be determined by the Governors and the school board of the Santa Fe Indian School. Such action shall only be for the benefit of the educational program at the school. No action shall be taken which uses this property in furtherance of, or support of, gaming activities, or the sale of tobacco products or alcohol, whether for the Pueblos (jointly or severally) or the school.

(2) Upon motion of the Governors of the Pueblos of New Mexico, acted upon by a majority of said Governors acting in consultation with the school board of the Santa Fe Indian School, the Secretary shall take action, in the most expeditious fashion, to clear any questions related to the fee title of said property, as set forth in paragraph (1) of this subsection. Upon action of the Governors of the Pueblos of New Mexico taken in consultation with the school board of the Santa Fe Indian School, the Secretary shall take such actions as may be necessary to transfer the title in such property to the 19 Pueblos tribes of New Mexico, acting for the school, provided that said property shall remain trust property and exempt from all taxation and State administration and shall continue to be used for the education of Indian students."

EXTENSIONS OF REMARKS

TRIBUTE TO AMERICORPS

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 20, 1999

Mr. WAXMAN. Mr. Speaker, today I would like to pay tribute to over 100,000 individuals who have served the American community through their participation in Americorps. As this program completes its fifth year, I would like to recognize some of the outstanding work that Americorps members have been doing in the Los Angeles area.

Working with Building Up Los Angeles, over 100 Americorps participants a year serve thousands of young people from kindergarten through high school at 29 sites including public schools, churches and community centers. Corps members tutor and mentor children during the school year and deliver academic support services when school is out; provide health education and organize teen pregnancy and domestic violence prevention programs; and encourage residents to have pride in their communities through neighborhood clean-up and beautification projects and public art projects. Building Up Los Angeles serves East Los Angeles, Central City South, Hollywood, Northeast Los Angeles, Pico Union, Koreatown, the San Fernando Valley, Pocoima, South Central, and Watts.

Over 100 individuals with the Southern California Environmental Resources Management AmeriCorps Program have been working to protect our environment by distributing over 30,000 water-conserving devices, such as low-flow showerheads, to residents in the Compton area and other communities in the greater metropolitan basin. The program, which is administered by the Executive Partnership for Environmental Resources Training (ExPERT), will mean a savings of over 4 billion gallons of water per year over the next ten years.

In Bellflower, California, approximately 65 Americorps tutors work with Project REACH (Reading Excellence Achieved with Community Help) and Project APPLE (After School Program Promoting Learning and Enrichment), which provide academic support and enrichment for 1300 students in grades K–8, with emphasis on grades three and four. This year, additional opportunities to serve through Project REACH and Project APPLE included a series of literacy programs designed to promote parent involvement; helping to organize the Special Olympics; assisting with a Community Immunization Project; planning activities for children in the performing arts; providing nutrition education; and developing initiatives that help children gain teamwork and leadership skills.

Through their work, Americorps members are helping to improve neighborhoods and schools, develop communities, and protect the environment. I am pleased to have this opportunity to commend and thank those individuals who have served through the Americorps program and made such valuable contributions in the Los Angeles area.

TRIBUTE TO HANK SMETAK

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 20, 1999

Mr. FROST. Mr. Speaker, I rise today to pay tribute to Hank Smetak. Mr. Smetak worked 50 years in the defense industry, helping keep America free, during times of war and peace.

Mr. Smetak's career in the aerospace defense industry has spanned over five decades, through conflicts in Korea, Vietnam, and the Persian Gulf, and outlasting a Cold War that had an impact on almost every part of the world.

Mr. Smetak started his career at Vogt, now Lockheed Martin, from 1949 to 59, from 1959 through 1968 he was employed by Rohr Industries. Then he returned to Lockheed serving from 1968 to the present. From Rohr to LTV to Loral to Lockheed Martin, Mr. Smetak has been a constant through many changes, and he had helped make North Texas home to the cutting edge of America's defense industry.

Mr. Smetak, thank you for 50 years of loyalty to North Texas' defense industry. For 50 years, your work has contributed to defending America's freedom and our values, and has helped make us the world's only Superpower.

TRIBUTE TO DEBORAH A. SLOAN

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 20, 1999

Mrs. WILSON. Mr. Speaker, I wish to bring to your attention an honor bestowed upon Deborah A. Sloan, a teacher at Zia Elementary School in Albuquerque, New Mexico. Ms. Sloan was selected as a participant in the Fulbright Memorial Fund Teacher Program.

Ms. Sloan, was selected from a national pool of more than 2,700 applicants for this honor. As a member of the Navajo/Hopi Tribe and a distinguished teacher she is an outstanding representative of the rich, diverse culture in New Mexico. Ms. Sloan joined 200 educators from throughout the United States to travel Japan. They visited primary and secondary schools, colleges, businesses and cultural sights to learn about effective educational tools and techniques. As a representative of New Mexico schools she shared her knowledge and insight regarding education with people from throughout the United States and Japan. Her participation is a tribute to her dedication and commitment to the children of Zia Elementary and the future of our community.

Please join me in thanking Deborah A. Sloan for contributions she is making to Albuquerque, New Mexico.

TRIBUTE TO ROBERT H. ROSENTHAL

HON. DAN MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 20, 1999

Mr. MILLER of Florida. Mr. Speaker, today, I respectfully pay tribute to a good friend and a wonderful constituent, Mr. Robert H. Rosenthal. He is an accomplished builder, humanitarian, and long time friend and leader of the American Jewish Committee. On February 10, 2000, the American Jewish Committee's West Coast Florida Chapter will honor Mr. Rosenthal with its 2000 Institute of Human Relations Award.

Bob is a generous philanthropist, stalwart advocate of Israel, and a champion of disadvantaged children. For two decades, the American Jewish Committee has been a focus of Bob's wide-ranging efforts in public affairs, serving in a variety of positions, including President of the West Coast Florida Chapter for three years.

Born and raised in Chicago, Illinois, Bob founded the R.H. Roberts Construction Company in 1952, serving as CEO and President until his retirement in 1980. Throughout the years, his company won awards for architectural excellence and he earned a reputation for promoting engaged corporate citizenship.

With his extraordinary talent for leadership and his great magnanimity, Bob has furthered the cause of all humanity. It is indeed a pleasure for the American Jewish Committee to applaud the civic concern and social vision of Robert H. Rosenthal, and, I honor him today as a friend and leader, and praise his contributions on behalf of the 13th Congressional District of Florida.

POTOMAC HERITAGE NATIONAL SCENIC TRAIL

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 20, 1999

Mr. HOYER. Mr. Speaker, I rise to mark the occasion of the Third Annual Caucus for the Potomac Heritage National Scenic Trail to be held October 22 at Oxon Hill Manor, in my District.

Since Congress designated the Potomac River corridor as a National Scenic Trail in

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

legislation enacted in 1983, grassroots organizations have joined forces with federal, state and local government agencies to identify new opportunities to provide for public enjoyment of a trail that follows "Our Nation's River." Protection of our river—which is part of the Chesapeake Bay watershed—and its historic sites and natural areas must be a top priority for our region in the years ahead.

The National Park Service requires sufficient tools to help facilitate public involvement with this National Scenic Trail, which is why I support full funding of this effort under the Service's budget.

I congratulate the community of grassroots supporters of the Potomac Heritage Trail including the Potomac Heritage Partnership, Prince George's County government, the Accokeek Foundation and many other local groups and individuals. They are leading the regional effort to encourage conservation, historic preservation and sustainable commerce along the Potomac River corridor. They deserve our full support for their efforts.

SALUTING PATIENT APPRECIATION DAY

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 20, 1999

Ms. STABENOW. Mr. Speaker, I rise today to honor our nation's doctors and patients. The Genesee County Medical Society has proclaimed today, and the third Tuesday of every October thereafter, as "Patient Appreciation Day." At events around Genesee County, doctors are expressing their gratitude to their patients and are recognizing the great benefits of the doctor/patient relationship. I commend their efforts to reach out to patients and share their gratitude.

At a time when the news is filled with negative stories about managed care, I believe Patient Appreciation Day is a positive way to recognize all the good things that are happening in our nation's health care system. Patient Appreciation Day is a time to mark the important role that patients play in making our nation's health care system the best in the world. It is a day when doctors take an extra moment with their patients to express their gratitude and celebrate the opportunities they are given to provide their life-giving services.

It is my greatest hope that the Genesee County Medical Society has started a nationwide trend and that doctors across the country join in celebrating "Patient Appreciation Day" in the future. the Genesee County Medical Society should be applauded for their positive efforts toward improving the lives of the patients they serve.

HONORING DR. RICHARD BERTKEN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 20, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Dr. Richard Bertken, a native of the San Joaquin Valley. Dr. Bertken returned to Fresno after completing his studies at USC, UCLA, The George Washington University, and Stanford University. He was one of the first medical practitioners with the University of California San Francisco Medical School, Fresno. Dr. Bertken has officially retired from his government position with Veterans Administration Medical Center, but will continue to see patients as a consultant.

Dr. Bertken achieved state of the art therapeutic modalities. Many patients with Rheumatological and Immunological problems awaited his expertise. In a short time, his patients graduated from wheel chairs to crutches, to full ambulation; for many, a return to full employment and to all, an improved quality of life.

Dr. Bertken considered the needs of the whole person, displaying genuine concern. He is dedicated not to just lessen pain but to eliminate it and prevent disability. Dr. Bertken is a strong patient advocate, seeking access to the most recent approved medications and treatments for his patients.

With his enthusiasm and positive attitude, he empowers patients under his care to take an active participation in their treatment plan through education and self-management. His vision for patients living quality productive lives include not just our veteran population, but also those he treats at the University Medical Center where he practices with the UCSF program.

As a leader he has established a culture of integrity for both patients and staff, an accountable and truthful standard of practice in health care delivery.

Mr. Speaker, I want to commend Dr. Bertken for his service to the community and his patients. I urge my colleagues to join me in wishing Dr. Richard Bertken many more years of continued success.

HONORING REV. GUSTA BOOKER, JR.

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 20, 1999

Mr. BENTSEN. Mr. Speaker, I rise to recognize Rev. Gusta Booker, Jr. for his 31 years of service at Greater St. Matthew Baptist Church of Houston.

For more than 3 decades, Reverend Booker has addressed the needs of the Greater St. Matthew Baptist Church's congregation. In celebration of the church's 31st Anniversary, the congregation held a "Celebration of Love Service" this month followed by "A Love Fellowship Reception." The growth and success that Greater St. Matthew has experienced under Reverend Booker's leadership reveals a Pastor who is truly connected to his community.

Reverend Booker is the youngest of nine born to the late Reverend Gusta Booker, Sr. and the late Mrs. Gussie Booker in Columbus, Texas. Reverend Booker married Theola Massie in 1964, and they are the affectionate parents of three children, Ronald, Gusta III, and Alita Corine; two daughters-in-law, Valree Booker and Nicole Booker; two grandsons Ronald, Jr. and Joshua; and one granddaughter, Peyton Nicole.

Pastor Booker was called to the ministry in 1967, and later founded Greater St. Matthew "Southest" located at 7701 Jutland Street. In 1994 he founded Greater St. Matthew "Southwest" at 14919 South Main Street, giving rise to the congregation's concept "One Church in Two Locations." In 1995, the Lindler-Booker Family Life Center was constructed.

Reverend Booker shares his insight and experiences with those who seek knowledge and guidance. He has published two books: After the Honeymoon and Living Beyond the Pain. His television and radio ministries can be seen and heard in Houston, Beaumont, and Austin.

While Reverend Booker's religious and spiritual obligations to his growing congregation have always been paramount, as a community leader, he has shared his faith and free time as Founder and First Moderator of the Gulf Coast Baptist Association, past President of Central State Convention of Texas, and past Chairman of the Christian Education Board of the National Baptist Convention of America.

Mr. Speaker, throughout his 31 years as Pastor at Greater St. Matthew, Reverend Booker's intelligence, enthusiasm, and integrity has served his congregations well. He brings tireless energy and compassion to each of his endeavors, whether it's as a Pastor, community leader, or friend. His contributions to the ministry and his energy in addressing the needs of his congregation and surrounding community are truly commendable.

MATTHEW NONNEMACHER HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 20, 1999

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to a remarkable young boy from my District in Hazleton, Pennsylvania—Matthew Nonnemacher. Matthew is only eleven years old, but he will be a participant this Friday in the White House Conference on Philanthropy. While most boys and girls his age are more concerned with getting their homework done, Matthew has been helping his disadvantaged neighbors.

Last year, Matthew's fourth grade teacher at St. Joseph Memorial School, Terri Smith, gave her students an assignment to draw a picture of the one wish they would like to be granted if they were on top of the world. Matthew's picture depicted him giving money to poor people. Later, after having asked his parents what would be the best way to help the poor, Matthew wrote a letter to the editor of his local newspaper, the Hazleton Standard Speaker, with the same question. Matthew received numerous letters suggesting projects such as food drives, clothing collections, and a dime drive. Matthew changed the latter suggestion to a penny drive, because he thought it would be more fun, and set an ambitious goal of collecting one million pennies, or $10,000, a donate to the United Way of Greater Hazleton.

With the help of then-United Way of Greater Hazleton Executive Director James Settle, Matthew's project was named "A Million Ways to Care" when it began in August of 1998. Matthew visited almost every civic organization in the city with a request for pennies and placed hundreds of two-quart collection jars throughout his community of 26,000 people. School students throughout the community also enthusiastically collected pennies for him. On October 22, 1998, the pennies were collected and loaded on a flatbed truck, paraded through town with a police and school bus escort, and taken to First Federal Bank, where an enthusiastic crew of bank employees and volunteer spent thirteen hours counting more than 5.5 tons of pennies. The final sum amounted to $18,196.91 or 1,819,691 pennies, which was promptly presented to the United Way of Greater Hazleton on last year's National "Make a Difference Day."

Mr. Speaker, Matthew Nonnemacher represents the best of Northeastern Pennsylvania. Matthew was once asked why he wanted to help the poor and his answer was plain: "So the poor can have everything that we have—like food, clothes, and a place to stay." I am glad the White House has recognized Matthew's achievement by inviting him to the White House Conference on Philanthropy. Matthew's dedicated parents, John and Sandi, also deserve praise for their heroic efforts to guide and help their son.

I am pleased to have this opportunity to bring Matthew's achievements to the attention of my colleagues and wish Matthew the best in his future philanthropic efforts.

A VERY SPECIAL MEMORIAL

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 20, 1999

Mr. FROST. Mr. Speaker, I recently had the opportunity to participate in an extraordinary event in my Congressional District. The Ex-Students Association of Blooming Grove High School in Blooming Grove, Texas, recently dedicated a World War II memorial listing the names of all area residents who had served in our armed forces in World War II.

What made this event so extraordinary is that the memorial contains the names of 324 men and women, and two German Shepherds. These 324 men and women served in the military from a town of less than 1,000 in population. I can't imagine that any community of comparable size anywhere in America contributed as many of its sons and daughters to the war effort between 1941 and 1945.

Of the 324 from this remarkable Navarro County community, a total of 15 lost their lives. Additionally, a tremendously high number of the soldiers, sailors, and airmen from Blooming Grove were officers, with 37 holding officer rank. One of these 37, Ray Morris, rose to the rank of Admiral.

Two dogs, "Snitch" Lane and "Jack" Garrison were pressed into duty as sentries. Bruce Lane, one of the driving forces behind the creation of the memorial, was only eight years old when his German Shepherd, "Snitch," was drafted by the Army. Bruce remembers how the dog's handler wrote letters home on a regular basis, letting him know that "Snitch" was OK.

The memorial, which was dedicated on October 16th, consists of five pieces of Georgia gray granite inscribed with the names, rank, and branch of Blooming Grove residents who served during World War II.

Members of the committee that raised money to construct the monument included Jean Hinkle, Alice Bell, Bob Lane, Bruce Lane, Jack McGraw, Ralph and Reba Ferrell, Shelby Thedford, Brad Butler, and Earl Smith. The committee overseeing construction included Bob Lane, Dana Stub, Loyd and Mary Gowd, and Helen Farrish. The beautification committee for the memorial included Terry Golden, Jean Hinkle, Bruce Lane, Elaine Campbell, and Alyne McCormick. They are all to be commended for their efforts in erecting this memorial.

Every community that contributed to the war effort should have a memorial to those who served, but few towns are as deserving of a memorial as Blooming Grove. Communities like Blooming Grove won the war and helped save the world for democracy. It is highly appropriate that Blooming Grove residents' service has been recognized with a very special memorial.

PERSONAL EXPLANATION

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 20, 1999

Mr. JOHNSON of Texas. Mr. Speaker, on October 19, 1999, I inadvertently voted "no" on final passage of the Ticket to Work and Work Incentives Improvement Act (RC 513). This bill is very important because it will make it easier for the disabled to re-enter the workforce and be productive members of society. America is about freedom, and that includes the freedom to work and not be penalized because of a disability.

I strongly supported this bill when the Committee on Ways and Means approved it, and I hope the President signs the bill when it reaches his desk.

COMMENDING THE COLCHESTER LIONS CLUB FOR FIFTY YEARS OF SERVICE TO THE COMMUNITY

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 20, 1999

Mr. GEJDENSON. Mr. Speaker, I rise today to commend members of Lions Club of Colchester, Connecticut for fifty years of service to their community.

The Club, formed on August 2, 1949, provides support to a wide array of activities in Colchester. It has a long-standing commitment to young people through its sponsorship of sports leagues and the creation and expansion of scholarship programs. Members of the Club work hard each and every year to provide vital support to local food banks. In addition, the Colchester Lions Club has been a leader nationwide in raising funds to eradicate preventable causes of blindness. In 1993, the Club was recognized by its national organization as one of forty "model clubs" in the country for its successful work in support of this effort.

The Lions Club might be most well-known in town for decorating and lighting a large Christmas tree on the town green. Some of the founding members of the Club planted this tree forty years ago and successive generations of members have tended it. Much like the tree, the Club has grown and flourished and become a central part of the community.

Mr. Speaker, it gives me great pleasure to congratulate the Colchester Lions Club on its Fiftieth Anniversary. I am confident that it will continue to play a vital role in Colchester for many years to come.

TRIBUTE TO CAPTAIN THOMAS G. OTTERBEIN, USN

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 20, 1999

Mr. SKELTON. Mr. Speaker, I rise today to recognize and say farewell to an outstanding Naval Officer, Captain Thomas G. Otterbein, as he prepares to retire upon completion of 29 years of distinguished service. It is a privilege for me to honor his many outstanding achievements and commend him for his devotion to the Navy and our great Nation.

A native of Bad Axe, Michigan, Captain Otterbein is a graduate of the United States Naval Academy, Class of 1970. After receiving his commission, he completed flight training and was designated a Naval Aviator in 1973. His first operational tour was with Fighter Squadron 111 flying the F–4 Phantom II, where he made deployments to the Mediterranean Sea and Western Pacific Ocean aboard USS *Franklin D. Roosevelt* (CV–42) and USS *Kitty Hawk* (CV–63) respectively. Upon completion of F–14 Tomcat training, his next sea tour was with Fighter Squadron 51, where he made an around the world cruise aboard USS *Carl Vinson* (CVN–70). In recognition of his superior aeronautical skills and leadership abilities, Captain Otterbein was selected for F/A–18 Hornet training and subsequently became the Executive Officer of Fighter Squadrons 161 aboard USS *Midway* (CV–41). Following that tour, he was the Executive Officer of Fighter Squadron 195 and had command of that squadron for eighteen months.

Captain Otterbein successfully completed Nuclear Power Training and was soon back in the fleet, serving as Executive Officer of USS *Theodore Roosevelt* (CVN–71). He subsequently assumed command of USS *Nashville* (LPD–13) and led the ship through Operations Support/Uphold Democracy in Haiti, earning the Armed Forces Expeditionary Medal and Battle Efficiency "E" Award. The crowning achievement of his career came when he reported as Commanding Officer, USS *Harry S Truman* (CVN–75), leading the crew of our newest aircraft carrier through her sea trials and initial training operations.

Captain Otterbein completed shore assignments at Air Test and Evaluation Squadron 4, where he was the Operations Officer and Operational Test Director, and as the Executive Officer and acting Commanding Officer of the Navy Fighter Weapons School (Top Gun). He has also had tours on the staff of Commander, Naval Air Force, U.S. Atlantic Fleet as the Safety Officer and as the senior aviation representative on the Chief of Naval Operations' Strategic Studies Group.

Captain Otterbein has been a dynamic and truly outstanding Naval Officer who has been a great mentor and a charismatic leader. He is a passionate advocate of the Sea Services and has devoted himself to caring for our Sailors in the Fleet and their families. His contributions and accomplishments will have long term benefits for both the Navy and the country he so proudly honors with his uniform. As Captain Otterbein prepares for quieter times with his wife Catherine Mary, I am certain that my colleagues will join me in thanking him for his many years of Naval service.

HONORING JAMES BOLAND OF WEST HAVEN AND ALL OTHER ALL-AMERICORPS AWARD WINNERS ON THE FIFTH ANNIVERSARY OF AMERICORPS

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 20, 1999

Ms. DELAURO. Mr. Speaker, I rise today to recognize a special anniversary for this country. Five years ago, President Clinton and a bipartisan majority in Congress created the AmeriCorps program. Since then, more than 150,000 men and women have devoted 1 or 2 years of their lives to getting things done for America—making our people safer, and healthier.

AmeriCorps is a bold and innovative approach to building the American community through national service. In exchange for their service, AmeriCorps members receive expanded educational opportunities. In the end, Mr. Speaker, it is our nation that wins.

America has benefited from this service in a wide variety of ways. AmeriCorps members have helped to build or refurbish 11,000 homes for low-income people. They are tutoring children in some of our toughest neighborhoods—more than 2 million at-risk kids have benefited from these efforts. They have contributed to the unprecedented decline in crime rates nationwide by working with law enforcement to establish 40,000 safety patrols. And AmeriCorps members in the National Civilian Community Corps (NCCC) have gone to the sites of some or our Nation's worst natural disasters to provide assistance. There is an NCCC team on the ground today in North Carolina helping the victims of Hurricane Floyd.

As part of the AmeriCorps' fifth anniversary celebrating, 21 exceptional AmeriCorps members have been selected to receive the first annual All-AmeriCorps awards to honor exemplary community service. Awards were made in the following categories: Getting Things Done; Strengthening Communities; Common Ground; and Leadership.

One of the Getting Things Done award recipients is from West Haven, CT, in my district. His name is James Boland. Ten years ago, James was a homeless Vietnam veteran. Today, he is getting things done as a AmeriCorps member at the Veterans Administration's Connecticut Community Care Center—the very facility that took him in off the streets and saved his life 10 years ago.

The Community Care Center, or CCC for short, provides veterans struggling with mental illness, substance abuse, or homelessness with a continuation of community-based rehabilitation services. James is an important part of that care. He developed and oversees the CCC's mentoring and buddy programs, and he established and leads the monthly family dinners. He also conducts skills building group sessions for veterans in the CCC's day program. On top of all that, James works 20 hours a week as the property manager for four houses for homeless and mentally ill veterans—he is also the resident manager of one of the homes.

The CCC changed James's life. He has gone from living on the streets to being close to finishing his bachelor's degree from Charter Oak State College. AmeriCorps will make it possible for him to continue this path of success. He plans to use his education award to go to graduate school.

Mr. Speaker, James Boland is proof positive of the value and success of the AmeriCorps program, not only for the opportunities it has given James, but for the care and compassion James has given to homeless vets. His is not an isolated story. Twenty other AmeriCorps members are being honored today. Let me briefly describe them and the categories of their awards:

GETTING THINGS DONE

Christine Packer was an AmeriCorps VISTA member and VISTA leader in Idaho. She helped start a statewide immunization effort that successfully boosted Idaho's immunization rate for 2-year-olds from 50 percent to more than 70 percent.

The highlight of Traci Chevraux's AmeriCorps service in Colorado was the creation of Smoke Free Sheridan. Traci brought together the local school district, school-based clinics, higher education institutions, faith based groups, the health department, community-based organizations, physicians and local residents to develop a program that would prevent and reduce the prevalence of smoking among school-aged children and their families in the town of Sheridan.

Lin Min Kong is an attorney who worked in South Central Los Angeles with low-income Thai immigrants and helped them turn a run-down old hotel into affordable housing with community space for social services, after-school programs, and computer skills development classes for children and families.

Toni Sage organized a tutoring and mentoring program at Parkview Elementary School in Salt Lake City. Alarmed by drug activity that was taking place two blocks away from the school, Toni worked together with her students, students from the University of Utah, and local community organizations, to turn the area into an urban green space.

STRENGTHENING COMMUNITIES

Jack Bridges did his AmeriCorps service in Americus, GA, his hometown. He built houses for low-income people for Habitat for Humanity and started a reading and tutoring program for the Habitat homeowners' children.

Scott Finn spent 2 years as an AmeriCorps member in Big Ugly Creek, WV. In his first year, he worked with community residents to turn an abandoned school into a community center, and in his second year, Scott helped start APPALREAD, a childhood literacy program. During APPALREAD's first year, 82 percent of the children served improved their reading scores.

Tera Oglesby served with the Seattle Police Department's Crime Survivor Services Unit. Together with another AmeriCorps member, Tera developed the first Victim Support Team for the Seattle Police Department.

Anna Severens served as an AmeriCorps member with the classroom-on-wheels, a free mobile pre-school program operating out of a converted school bus. Her work in raising money for the program and expanding client referrals resulted in doubling the capacity of the program.

Byrnadett Frerker has done 2 years of AmeriCorps service. She spent her first year establishing Literacy Avengers, a computer literacy program for middle school students. The students than taught computer skills to their parents. She spent her second year fighting fires and doing hurricane relief work as part of the St. Louis Safety Corps.

COMMON GROUND

Christy Hicks established and supervised a conflict resolution program for middle school students in Pontiac, Michigan training students as peer mediators. She then worked to expand the program to elementary school students.

Mark Payne is an AmeriCorps member who served in his hometown on the south side of Chicago with City Year and Public allies. Mark helped develop a mentoring program that recruited young African-American males as volunteers and role models for youth in the community.

During Jamie Lee Manning's 2 years with AmeriCorps, she distinguished herself as a leader and team builder who organized a 3-day service project to honor and celebrate Dr. Martin Luther King. The project involved parents and children from the diverse San Jose, CA community.

Trampas Stucker was a high school athlete who was paralyzed in a motorcycle accident. That did not stop him from graduating with his class the following year and joining AmeriCorps as a reading and math tutor for economically disadvantaged kids in his hometown of Tonasket, Washington. He also worked with "The New Kids on the Block," a traveling puppet show that taught kids about acceptance and celebration of diversity in race, gender, cultures, and physical disabilities.

During her first term of AmeriCorps service, Graciela Noriega and a diverse team of AmeriCorps members were assigned to do parks and recreation activities with young people in Orlando, FL. When the community did not accept the group at first, Graciela created

"Culture Shock," a program that brought a diverse group of guest speakers to the community to participate in activities with local youth, sharing their culture through food, music, dance, arts, crafts, and dialog.

LEADERSHIP

Kyoko Henson joined AmeriCorps as a way to give back to the Pittsburgh, PA, community for the support it gave her as a single mother who escaped an abusive relationship. During her AmeriCorps service, Kyoko organized outreach projects to address community health needs, spearheaded clothing drives, served as a reading tutor and educator about community services and created a summer youth program.

Kelton Young did his AmeriCorps service in Fort Worth, TX, as a TRUCE specialist, working with young people in gangs, or who were at risk of joining gangs, to make positive decisions about their lives. Kelton helped to develop 18 TRUCE sites, each serving more than 200 participants.

Mason Jenkins was an AmeriCorps member and team leader for YouthBuild in New Bedford, MA. In addition to his work with YouthBuild, Mason joined the steering committee of a group formed to address teen pregnancy. He also helped establish Young People United, a youth group that successfully put on a citywide conference called "The City is Mine", to bring young people together to discuss the issues that are most important to them.

Maria del Mar Bosch did her AmeriCorps service in Puerto Rico, where she helped to set up training opportunities for America Reads tutors working with Head Start students and after-school programs for children in poverty.

Jason Lapeituu wanted to provide a safe and stable place for young people to feel accepted and to develop their hopes, dreams and goals for the future. As an AmeriCorps member, he made that happen in Pine Island, MN. He knew that in order for young people to be comfortable in the youth center of his dreams, they had to be a part of creating it. Working with local youth, Jason found a site, planned community events that raised start up funds and helped to renovate a laundromat into the Pine Island Union of Youth, Inc.

From the age of 15, Arthur White lived on his own, having grown up in poverty in an abusive home. After high school, he joined AmeriCorps and began serving with an environmental education program working with elementary aged students. With a dream of one day running his own environmental education center, Arthur was instrumental in the reactivation of the Nature Center at Bear Brook State Park in New Hampshire to provide park visitors with an opportunity to learn about the park environment.

Mr. Speaker, I know my colleagues in the House join me in honoring the contributions of these terrific people and the benefits AmeriCorps service has had for the country.

HONORING ROBERT GILLETTE

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 20, 1999

Mr. BENTSEN. Mr. Speaker, I rise to honor Robert Gillette for his outstanding contribution to the community and his twelve years of public service as Commissioner of the Port of Houston Authority, an organization representing 26 cities in Harris County.

Mr. Gillette retired this year, but his contributions to Harris County and the Port of Houston Authority will surely endure: From the day he was sworn in as a Commissioner of the Port of Houston, Mr. Gillette pledged to join his fellow commissioners in making the Port more competitive in difficult times for the maritime industry. Truly a man of his word, Mr. Gillette made good on that promise. For 6 terms without pay, he faithfully conducted his duties awarding contracts, acquiring property, setting port tariffs and directing operations with a keen eye toward keeping the Port of Houston viable and thriving.

It was under Mr. Gillette's tenure as Commissioner that the project to deepen and widen the Houston Ship Channel was undertaken. Marking the largest expansion of the Ship Channel in decades, Mr. Gillette and his fellow commissioners were able to bring together the environmental and business communities to get the job done.

Mr. Gillette graduated cum laude from the South Texas School of Law in 1941. He also served his country as an Army Air Corps aviation cadet. Before establishing a law practice, Gillette was assigned to the Judge Advocate Section at Kelly Field in San Antonio, Texas.

He left the service in 1946 as a first lieutenant and moved to Baytown to begin law practice with Reid, Strickland and Gillette. It was a partnership that spanned 41 years, with Mr. Gillette serving as managing partner for 30 years.

In addition to his law practice, he was president of Bay Title Company and a director of Citizens Bank and Trust Company of Baytown for 25 years. Robert Gillette's professional affiliations include the Texas State Bar Association; Houston Bar Association; Baytown Bar Association and the Texas Bar Foundation.

As a testament to the expertise that Mr. Gillette brought to bear in both his business and public dealings, in the late 1980s, U.S. Attorney General Edwin Meese appointed Gillette to the People to People Citizens Ambassador Program.

Mr. Gillette also has an extensive record of community involvement. He was a member of the Board of Managers of City-County Hospital and has served as board member and president of the Baytown Area Water Authority since 1973. He and his wife, Suzzane, have three grown children.

Mr. Speaker, I congratulate my friend on his retirement and commend him on a job well done. As Port Commissioner, knowing that the fortunes of the Port influences the total employment picture of Harris County, Bob Gillette always strove to keep the Port a first-rate facility. We owe him a debt of gratitude for the work he has done addressing the concerns of our Port community, and thus the needs of all of Harris County.

CONGRATULATING PASCACK VALLEY HOSPITAL ON ITS 40TH ANNIVERSARY

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 20, 1999

Mrs. ROUKEMA. Mr. Speaker, I rise to congratulate Pascack Valley Hospital on the 40th anniversary of its founding. Located in Westwood, Pascack Valley is one of the finest medical institutions in the State of New Jersey. Its story is one of a local community in desperate need of a hospital ready accessible to everyone and the people who worked through two wars and nearly two decades to achieve that goal.

Pascack Valley Hospital had its beginnings in May 1941 when Westwood resident Louise Bohlin was shocked that a Hillsdale friend died after waiting three weeks for admission to the nearest existing Bergen County hospital because of a shortage of beds. Mrs. Bohlin vowed that the Pascack Valley would have a hospital of its own and organized local physicians, mayors and concerned citizens into the Pascack Valley Hospital Association. The association held its first meeting November 27, 1941. Unfortunately, that meeting came only 10 days before the bombing of Pearl Harbor, and plans for a hospital were put on hold for the duration of World War II.

The end of World War II brought an influx of returning veterans and expanding families, and intensified interest in the need for a community hospital. The Pascack Valley Hospital Association was reorganized in 1946 but the Korean War intervened it was not until June 1 1959—18 years after the idea was born—that the single-story, 86-bed hospital opened its doors and welcomed its first patients. The hospital has grown tremendously since then. Today, it is a full-service, 291-bed hospital providing a wide range of the most advanced, technically sophisticated health care services available anywhere. The PVH medical team consists of nearly 450 physicians, 1,000 nurses and other health professionals and 1,000 dedicated volunteers. Pascack Valley Hospital serves 16,000 inpatients and 70,000 outpatients a year, yet maintains its strong dedication to personalized care—making each individual feel he or she is the most important patient in the hospital.

As part of Well Care Group Inc., Pascack Valley Hospital itself is supplemented by an outpatient dialysis center, a community health care center, a hospice, a preventative medicine institute, a reproductive assistance center, a psychiatric institute and an MRI facility, among other services. In addition, it is affiliated with Westchester Medical Center, Hackensack University Medical Center and New York Medical College, further enhancing the expertise and facilities available to benefit PVH patients.

I would like to take this occasion to enlist the Congress in giving special thanks and recognition to some of the extraordinary individuals who will be honored at the hospital's 40th anniversary celebration this weekend. Perhaps most prominent is philanthropist Lillian Booth, whose generosity has helped fund an oncology center and a dialysis center bearing her name—along with two ambulances and a specialized ultrasound scanner—during her 20-year involvement with the hospital. In addition, Bernice Alexander, widow of the late Dr. Stewart Alexander, one of PVH's best-known physicians, will be honored for her many contributions. Mrs. Alexander served as a lieutenant colonel and director of nursing in the Mediterranean Theater during World War II and was decorated for her wartime work in epidemiology. President of the Women's National Republican Club in the 1950s, she was a prime organizer of Project Hope, raising funds for medical supplies for crippled nations after the war. Also being honored is Richard Galgano, whose position as hospital janitor might make him seem an unlikely honoree. Mr. Galgano, however, is the only employee of the hospital who has been with PVH throughout its entire 40-year history. His long employment is a testimony to loyalty and he is well known to generations of patients, doctors, nurses and staff.

Also being honored are six physicians affiliated with PVH from the beginning and still on the active staff: Dr. Joan Barrett, Robert Boyer, Frank Ferraro, Theodore Goldberg, Anthony Salerno and Arnold Sobel.

Recognition must also go to all board members and PVH President Louis Ycre, whose extraordinary leadership skills and compassionate concern for the well being of the patients set the standard for the entire staff.

A local hospital is one of the most basic protections for health and safety a community can be expected to offer, as vital as police and fire departments, clean drinking water, good roads and good schools. Those of us who remember what life was like for the injured or ill before Pascack Valley Hospital was founded don't have to imagine what life would be like without it. Pascack Valley Hospital has made a tremendous difference in our community.

I ask my colleagues in the House of Representatives to join me in expressing our appreciation for the work done by all associated with Pascack Valley Hospital and wishing them many years of continued success.

CONGRATULATING HENRY "HANK" AARON ON 25TH ANNIVERSARY OF BREAKING MAJOR LEAGUE BASEBALL HOME RUN RECORD AND RECOGNIZING HIM AS ONE OF THE GREATEST BASEBALL PLAYERS OF ALL TIME

SPEECH OF

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 19, 1999

Mr. KLECZKA. Mr. Speaker, I rise today to honor one of the greatest baseball players in history—Henry "Hank" Aaron. During his major league career—a career which spanned nearly a quarter century—Hank Aaron broke more batting records than any other player in Major League baseball.

Twenty-five years ago, on April 8, 1974, Hank Aaron hit his 715th home run—breaking the Major League Record for career home runs held previously by Babe Ruth. Hank Aaron still holds a place in the heart of every baseball fan. Along with Ruth, Willie Mays, and Ted Williams, Aaron was recently elected by the fans to the MasterCard All-Century Team.

But Hank Aaron was more than just batting titles, All-Star games and home run records. He was an important part of my childhood, and the childhood of anyone growing up in Milwaukee in the 1950's. I remember going to Milwaukee County Stadium to watch the great Milwaukee Braves teams of the 1950s. The Stadium was always packed—even though Milwaukee was the second smallest city in the Major Leagues, the Milwaukee Braves were the first National League team to draw two million fans in a season.

Hank Aaron was the reason so many people came to watch the Braves. He began his career with Milwaukee in 1952, when a scout recruited him for a Braves farm team. Two years later, Aaron made his first major league appearance. He went on to spend 13 years with the Milwaukee Braves, hitting a total of 398 home runs and leading the Braves to two league pennants and a World Series victory in 1957. On September 20, 1965, Aaron became the last Milwaukee player to hit a home run in Milwaukee County Stadium.

Nearly a decade later, after a brilliant career in Atlanta, Aaron returned to Milwaukee—this time for the Milwaukee Brewers. He ended his career there, retiring in 1976.

Hank Aaron is an integral part of the history of baseball and the history of Milwaukee. I am pleased to join my colleagues in honoring Hammerin' Hank Aaron.

TRIBUTE TO THE CHAPIN HIGH SCHOOL NAVAL JUNIOR RESERVE OFFICER TRAINING CORPS UNIT

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 20, 1999

Mr. SPENCE. Mr. Speaker, I rise today to bring to the attention of the House that the Naval Junior Reserve Officer Training Corps (NJROTC) Unit at Chapin High School, in Chapin, South Carolina, has been selected as the "Most Outstanding NJROTC Unit in the Nation" by the Navy League of the United States. Recently, I had the great pleasure to present the Navy League Trophy to Chapin High School NJROTC Unit Commanding Officer David James Riser at a ceremony at the Chapin High School Stadium. This recognition was well received by those in attendance, and it was an obvious source of pride for the entire student body, as well as the faculty and the parents of the cadets.

The Chapin High School NJROTC Unit is composed of a dynamic group of cadets that should serve as a model for others to follow across our Nation. This Unit has a diverse cadet population that includes: a class president, a homecoming queen, Eagle Scouts, the leader of the State Championship SAT Team, the editor of the school newspaper, the captain of the football team, the captain of the soccer team, the captain of the cross country track team, All-State Athletes, 46 varsity athletes, 16 school band members, cheerleaders, and other dedicated students. The NJROTC Unit was established at Chapin High School in 1996, with 42 cadets. From the start, this Unit excelled, being named the "Best New Unit" by the Area Commander for its first year. Three years later, the Unit has grown to include 16 percent of the school enrollment, with a waiting list of 35 students.

The Chapin High School NJROTC Unit is led by two experienced Naval Science Instructors, Colonel Richard C. Slack and Senior Chief Petty Officer Charles W. Cook. Colonel Slack has had a distinguished career in the United States Marine Corps. Upon graduation from East Tennessee State University in 1967, he was commissioned as a Second Lieutenant. In 1969, then-First Lieutenant Slack was designated as a Naval Aviator and he served in Southeast Asia for thirteen months. He progressed through the officer ranks for more than twenty years, also earning a Master of Business Administration degree from Webster University, in Saint Louis, Missouri, and a Master of International Strategy and Policy degree from the Naval War College, in Providence, Rhode Island. Colonel Slack served as the Chief of Staff for the Assistant Secretary of the Navy (Manpower and Reserve Affairs) from 1989–1991, and he retired in 1996, as the Commanding Officer and Professor of Naval Science for the Naval Reserve Officer Training Corps Unit at The University of South Carolina.

Senior Chief Petty Officer Charles W. Cook is the Associate Naval Science Instructor at Chapin High School. A native of Irmo, South Carolina, Senior Chief Cook attended Benedict College, The University of South Carolina, and DePaul University. He completed twenty years of active duty in the United States Navy, with eight years of regular duty and twelve years of recruiting duty. Among the honors that have been received by Senior Chief Cook during his Naval career are the "Sailor of the Year Award," the "National Recruiter of the Year Award," the "Recruiter-in-Charge of the Year Award," and the "Zone Supervisor of the Year Award."

The Commanding Officer of the Chapin High School NJROTC Unit is David James Riser, who is the son of Mr. and Mrs. David Wayne Riser, of Chapin. David Riser is an outstanding young man who has excelled in many areas as a student. He is the recipient of the "First Place Chapin NJROTC Academic Award," the "Certificate of Honorable (Cum Laude) Mention on the National Latin Examination," and the "Lieutenant Governor's Award for Excellence in Composition," among other awards. He also is a South Carolina Junior Scholar and he has been named to Who's Who Among American High School Students. Prior to his position as Commanding Officer, Cadet Riser served as the Supply Officer, and, then, as the Operations Officer of his NJROTC Unit.

Mr. Speaker, I was an NROTC Midshipman at The University of South Carolina, and that experience provided the foundation upon which I have built my career in public service. As the Chairman of the House Armed Services Committee, I am a strong supporter of the JROTC and the ROTC Programs. The fine cadets at Chapin High School are excellent examples of what the JROTC Program stands for. I am very proud of what this outstanding group of high school students has accomplished. Since being established in 1996, the NJROTC Unit at Chapin High School has doubled in size, and 51 percent of the Freshman Class have enrolled in the NJROTC Unit for the 1999/2000 academic year. The Chapin High School NJROTC cadets have worked tirelessly to prove that they exemplify excellence, and I would like to offer my congratulations to them for being named the most outstanding NJROTC Unit in the Nation for 1999 by the Navy League of the United States.

TRIBUTE TO BILL GARRETT

HON. JOHNNY ISAKSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 20, 1999

Mr. ISAKSON. Mr. Speaker, in 1990 during my race for Governor of Georgia I had the privilege to meet and get to know Heath Garrett, then a student at the University of Georgia. In the years since, Heath became my campaign manager, my Chief of Staff, and always my friend.

As our friendship grew, I came to know Heath's father, Bill. On the evening of October sixteenth, Bill Garrett passed away, the victim of a heart attack and a lifetime battle with diabetes. I rise today, to pay tribute to the life of Bill Garrett.

During the past year, Bill volunteered in my Congressional District Office 4 hours a day answering the phone and greeting constituents. He always answered the phone the same way, "Johnny Isakson's office, Bill Garrett how may I help you." Bill Garrett's voice was always pleasant, and his "how may I help you" assured the caller he really wanted to help.

As I came to know Bill, I learned of his battle with diabetes. For over 50 years Bill dealt with the daily blood sugar test, the rigid and limiting diet, and the inevitable complication of the disease that strikes thousands of Americans every year. Like so many Americans with diabetes, Bill Garrett did not complain and led a productive life.

As we pause to pay tribute to Bill Garrett, each of us in Congress should renew our effort to commit the funds for the research to find a cure for diabetes. There are thousands of Americans like Bill Garrett, and many in every Congressional district in this country. Let us work together to make tributes like this less frequent, and the occurrence of diabetes less frequent in America. Let us do it for Bill Garrett.

TRIBUTE TO THE BLACK CANYON OF THE GUNNISON AND THOSE WHO MADE IT POSSIBLE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 20, 1999

Mr. McINNIS. Mr. Speaker, it is with an overwhelming sense of pride that I now rise to pay tribute to a truly historic event in the proud and distinguished history of the great State of Colorado: the establishment of the Black Canyon of the Gunnison National Park.

As the House sponsor of legislation that redesignated the Black Canyon as a national park, it gives me great joy to describe for this esteemed body's record the beauty of this truly majestic place. In addition, I would like to offer my gratitude to a community of individuals instrumental in the long process that ultimately yielded the establishment of the Black Canyon of the Gunnison National Park.

Mr. Speaker, anyone who has visited the Black Canyon can attest to its awe-inspiring natural beauty. Named for the dark rock that makes up its sheer walls, the Black Canyon is largely composed of what geologists call basement rocks, the oldest rocks on the earth estimated at 1.7 billion years old. With its narrow openings, sheer walls, and scenic gorges that plunge 2000 feet into the clear blue majesty of the Gunnison River, the Black Canyon is a natural crown jewel second to none in its magnificent splendor. Though other canyons may have greater depth or descend on a steeper course, few combine these attributes as breathtakingly as does the Black Canyon.

If ever there was a place worthy of the prestigious status that only national park status can afford, Mr. Speaker, it is the Black Canyon. But as you know, national parks don't just happen. In this case, it took nearly 15 years, several Congressional Representatives and Senators, innumerable locally elected officials, and a virtual sea of committed citizens in western Colorado.

Included in this group are the good people of Delta, Colorado. During this long and at times difficult process, Delta's civic leaders have given tirelessly and beyond measure in the hopes of making the Black Canyon a national park. Again and again these great Americans rose to the challenge, doing everything in their power to fulfill this dream. Without Delta's leadership and perseverance, none of what we have accomplished would have ever been possible.

It is with this, Mr. Speaker, that I give my thanks to the people of Delta who played a leading role in making the Black Canyon of the Gunnison National Park a wonderful reality for Colorado, America, and the world to enjoy.

A TRIBUTE TO GEORGE P. MITCHELL

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 20, 1999

Mr. LAMPSON. Mr. Speaker, I rise today in honor of a man who is not only a great Galvestonian, but a great American, Mr. George P. Mitchell. On Friday, the City of Galveston will pay tribute to George for his service to the community by naming a street after him. Business took George away from the 9th District, but be came back to make it a better place to live.

George Mitchell was born in the Ninth Congressional District, the area of Texas that I have the privilege to represent. Following his graduation from Texas A&M University and his service during World War II, he went to work for a newly formed wildcatting company. In 1959 he was appointed president and guided the progression of the company to its current status as one of the most extensive independent gas and oil producers in the nation and one of the largest real estate developers in the Houston-Galveston region.

A man of great vision, George developed a real estate project in the 1960's on a scale never seen in the flourishing Houston area. He created The Woodlands, a 25,000-acre planned community located 27 miles north of downtown Houston. Today, more than 40,000 people reside in The Woodlands and are living George Mitchell's dream.

George has made the bulk of his substantial contributions to the Galveston community and the people who live there. He believes in Galveston and its residents, and has unfalteringly placed his time and energy into its progression. As I thank George for his contributions, I also must recognize his wife, Cynthia Mitchell, who was by his side lending strong support and partnership throughout his career.

Mr. Speaker, it is my honor to speak on behalf of Mr. George Mitchell and all of his accomplishments. He is a man that I look to for inspiration as I continue to work for the communities and neighborhoods of Texas. When I drive down "Mitchell Avenue" it will be with great pleasure, as it recognizes a man who has committed his life not to himself, but to others.

TRIBUTE TO THE BLACK CANYON OF THE GUNNISON AND THOSE WHO MADE IT POSSIBLE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

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largely composed of what geologists call basement rocks, the oldest rocks on the earth estimated at 1.7 billion years old. With its narrow openings, sheer walls, and scenic gorges that plunge 2000 feet into the clear blue majesty of the Gunnison River, the Black Canyon is a natural crown jewel second to none in its magnificent splendor. Though other canyons may have greater depth or descend on a steeper course, few combine these attributes as breathtakingly as does the Black Canyon.

If ever there was a place worthy of the prestigious status that only national park status can afford, Mr. Speaker, it is the Black Canyon. But as you know, national parks don't just happen. In this case, it took nearly 15 years, several Congressional Representatives and Senators, innumerable locally elected officials, and a virtual sea of committed citizens in western Colorado.

Included in this group are the good people of Montrose, Colorado. During this long and at times difficult process, Montrose's civic leaders have given tirelessly and beyond measure in the hopes of making the Black Canyon a national park. Again and again these great Americans rose to the challenge, doing everything in their power to fulfill this dream. Without Montrose's leadership and perseverance, none of what we have accomplished would have ever been possible.

It is with this, Mr. Speaker, that I give my thanks to the people of Montrose who played a leading role in making the Black Canyon of the Gunnison National Park a wonderful reality for Colorado, America, and the world to enjoy.

CONGRATULATING THE BOSTON DEMONS

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 20, 1999

Mr. CAPUANO. Mr. Speaker, I submit the following article which appeared in the Melbourne Age on October 20, 1999 for the record and to offer my congratulations to the Boston Demons for their outstanding efforts in winning the 1999 U.S. Australian Rules National Championship.

[From the Melbourne Age, Oct. 20, 1999]

BOSTON DEMONS 1999 U.S. NATIONAL CHAMPIONS

CINCINNATI, OHIO (17 October 1999). The Boston Demons Australian Rules Football team today won the 1999 U.S. Australian Rules National Championship by narrowly defeating the Santa Cruz Roos in overtime.

The national championship was host by the Cincinnati Dockers, and consisted of 22 teams from around the country, representing cities such as Nashville, New York, Seattle, Chicago, Denver and San Diego.

The Boston Demons were the defending U.S. National Champions. The national championship, called the Grand Final, was, by some accounts, the most intense game of Australian Rules football ever played in the U.S., with neither side giving any quarter. Santa Cruz played with dedicated intensity, while the Boston Demons yielded nothing. At the end of regular time of two 20-minute halves, the game was drawn at 20 points each. Two five-minute periods of extra time were added, in which Boston kicked a quick goal. The second extra time period saw a battle of ferocious intensity where the game's outcome was held in the balance. So intense was the last five-minute period that two Santa Cruz players were carried off injured. Neither side backed down. The final score was Boston Demons 4 goals 2 behinds, for a total of 26 points, to Santa Cruz 3 goals 2 behinds for a total of 20 points.

The Boston Demons is composed of expatiate Australians, Americans, Irish, and a Dane. Based in Boston, MA, the Boston Demons have recently had a large amount of media exposure in both the U.S. and Australia because the team highlights the loss of Australian intellectual capital to the U.S. (see: http://www.theage.com.au/daily/991002/news/specials/news28.html).

TRIBUTE TO THE BLACK CANYON OF THE GUNNISON AND THOSE WHO MADE IT POSSIBLE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 20, 1999

Mr. MCINNIS. Mr. Speaker, it is with an overwhelming sense of pride that I now rise to pay tribute to a truly historic event in the proud and distinguished history of the great State of Colorado: the establishment of the Black Canyon of the Gunnison National Park.

As the House sponsor of legislation that redesignated the Black Canyon as a national park, it gives me great joy to describe for this esteemed body's record the beauty of this truly majestic place. In addition, I would like to offer my gratitude to a community of individuals instrumental in the long process that ultimately yielded the establishment of the Black Canyon of the Gunnison National Park.

Mr. Speaker, anyone who has visited the Black Canyon can attest to its awe-inspiring natural beauty. Named for the dark rock that makes up its sheer walls, the Black Canyon is largely composed of what geologists call basement rocks, the oldest rocks on the earth estimated at 1.7 billion years old. With its narrow openings, sheer walls, and scenic gorges that plunge 2000 feet into the clear blue majesty of the Gunnison River, the Black Canyon is a natural crown jewel second to none in its magnificent splendor. Though other canyons may have greater depth or descend on a steeper course, few combine these attributes as breathtakingly as does the Black Canyon.

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Included in this group are the good people of Gunnison, Colorado. During this long and at times difficult process, Gunnison's civic leaders have given tirelessly and beyond measure in the hopes of making the Black Canyon a national park. Again and again these great Americans rose to the challenge, doing everything in their power to fulfill. Without Gunnison's leadership and perseverance, none of what we have accomplished would have ever been possible.

It is with this, Mr. Speaker, that I give my thanks to the people of Gunnison who played a leading role in making the Black Canyon of the Gunnison National Park a wonderful reality for Colorado, America, and the world to enjoy.

MEN AND WOMEN OF HONOR

HON. HELEN CHENOWETH-HAGE

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 20, 1999

Mrs. CHENOWETH-HAGE. Mr. Speaker, all of us were alarmed when it was recently reported that American soldiers fired upon civilian refugees during the Korean War. However, what was not reported were the numerous acts of compassion that our fine fighting men and women performed during the Korean War.

One such Marine is Ron Rankin, a Kootenai County Commissioner from Coeur d'Alene, Idaho. Mr. Rankin wrote a powerful guest column regarding his personal experiences as a young Marine during the Korean War in the October 18, 1999 edition of the Spokesman-Review. In this column he details many selfless actions such as Marines giving their own rations to starving Korean families, as well as a rifle company assisting in the birth of a North Korean baby. I ask unanimous consent that his statement appear in the appropriate place in the RECORD. Furthermore, I urge all my colleagues to read Mr. Rankin's entire column to see that the majority of the fighting men and women who served in Korea did so with honor.

[From the Spokesman-Review, Oct. 18, 1999]

SINS OF FEW NEED NOT OVERSHADOW TROOPS' ACHIEVEMENTS

(By Ron Rankin)

I felt sick, physically and emotionally, as I read the report. The Forgotten War was finally to be remembered. But of what? For the allegation that an Army company had fired on civilian refugees early in the Korean War.

America was unprepared when the Korean War broke out. We had recklessly downscaled our military since the end of World War II, which may account for the lack of discipline of troops involved in the No Gun Ri incident. Unfortunately, that incident could stain the reputation of many valiant young men who did serve with honor.

A headline that would more accurately reflect the character of our American troops should read, "Tired, over-extended, battle-hardened Marines share rations with refugees."

The Marine Corps has the reputation of having highly-trained, highly-disciplined and highly-efficient combat soldiers. Not generally recognized is that, behind all the bravado, they are real people with real emotions.

The Marine Corps Reserve unit I served with, from the historic landing at Inchon to the epic Battle of the Chosin Reservoir, were young husbands and fathers. Many like me had served a "hitch" in their teens, had been trained and tried and knew what to expect. We had a desire to get the job done and go home to our families.

During the outfitting, processing and shipping out we were all given a package from the Red Cross which included a pocket-size Bible.

This Bible fit the breast pocket of GI dungarees. It had "bullet proof" steel covers front and back. On the front was an American flag. The Lord's Prayer was inscribed on the back. I had a picture of my beautiful wife and seven month old daughter on the inside cover. Every time you took your Bible out, you saw the tiny American flag which reminded you why you were there. The Lord's Prayer gave you the strength to be there. The family picture kept you human under inhumane conditions.

On the 78-mile breakout fight to the sea from the Chosin Reservoir, in 30-below-zero weather, I witnessed acts of unselfish personal sacrifice that are still fresh in my mind after almost 50 years.

Along a torturous mountain road, ragged, and near-starving refugees followed along with the troops and trucks. Over and over, I saw battle-hardened Marines pull out cans of rations carried in their underwear to prevent them from freezing, and hand their food to the freezing families.

The most moving example of wartime compassion I witnessed was when a man and wife with two small children stopped on the road so the mother could give birth. Without hesitation, several Marines from a rifle squad stopped to help. One unrolled his sleeping bag, pulled out the wool blanket liner and tore it in half to make swaddling wraps for a brand new North Korean infant on the road to freedom.

On reaching the sea at the Port of Hamhung, a mass exodus of troops began.

Along with our troops, nearly 100,000 refugees came into this port fleeing the Communism of the north; voting with their feet for freedom. The American Navy could not ignore such desperation and determination. A humanitarian flotilla was assembled consisting of every type of ship that could be brought in before the port was leveled on Christmas Eve 1950. All refugees were rescued.

Conditions were horrible for many thousands of them freezing on the decks of ships at sea. Many of the American troops were on decks too, but far better equipped for the cold than the rag-tag refugees.

The contrast between the American troops and refugees is still indelible in my mind. We were born and raised in a free republic having experienced all the benefits of freedom. We were anxious to return to our homes, families and freedoms. The North Korean refugees were born and raised in a Communist dictatorship, experiencing only repression and tyranny. They were determined to escape such conditions at any cost including life itself.

And what of the 100,000 North Korean refugees? Was it worth the hardships endured for freedom? They and their progeny are now living in freedom purchased with the blood of 54,000 young American sons, husbands and fathers.

There are always a few miscreants in every part of our American society, including, at times, a few American soldiers. However, as Americans, we cannot—we must not—let the indefensible actions of a few blemish the magnificent sacrifices of the many in what, until now, has been called The Forgotten War.

Semper Fidelis.

TRIBUTE TO THE BLACK CANYON OF THE GUNNISON AND THOSE WHO MADE IT POSSIBLE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 20, 1999

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Included in this group are the good people of Crawford, Colorado. During this long and at times difficult process, Crawford's civic leaders have given tirelessly and beyond measure in the hopes of making the Black Canyon a national park. Again and again these great Americans rose to the challenge, doing everything in their power to fulfill this dream. Without Crawford's leadership and perseverance, none of what we have accomplished would have ever been possible.

It is with this, Mr. Speaker, that I give my thanks to the people of Crawford who played a leading role in making the Black Canyon of the Gunnison National Park a wonderful reality for Colorado, America, and the world to enjoy.

REA CAREY HONORED FOR HER DISTINGUISHED SERVICE AT THE NATIONAL YOUTH ADVOCACY COALITION

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 20, 1999

Ms. NORTON. Mr. Speaker, I rise today to honor Rea Carey, founding Executive Director of the National Youth Advocacy Coalition (NYAC). NYAC is the only National organization solely focused on advocacy, education, and information addressing the broad range of issues facing lesbian, gay, bisexual, and transgendered youth. Since the founding of the organization in 1993, Carey has worked with the board and staff to develop NYAC as an organization committed to lesbian, gay, bisexual, and transgendered youth leadership, national vision driven by community-based needs, and lesbian, gay, bisexual, and transgendered youth activism without a broader social justice context.

Rea's list of accomplishments in her six-year tenure is as extensive as it is impressive. Through her leadership, the NYAC's budget has grown from $80,000 per year to $900,000 per year, the staff has grown from one to eleven, an the breadth and depth of its work increased as well. Among other things, the NYAC convenes a "National Summit" every year focused entirely on the political, social, and mental/physical health issues facing lesbian, gay, bisexual, and transgendered youth. It provides skills building and leadership training for youth, technical assistance to community organizations, fundraising, referral networks, and other many other services.

Rea's large contribution to this success was recognized this year, when she was given an "Award of Excellence" by the Centers for Disease Control and Prevention's Division of Adolescent and School Health for her "imaginative and creative efforts" in helping to educate America's young people about preventing HIV infection.

Mr. Speaker, I ask you and all my colleagues to join me in honoring Rea Carey. While her good work at NYAC is done, I am sure that her career of good works is only beginning.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, October 21, 1999 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 22

9:30 a.m.
Armed Services
To hold hearings to examine the security of the Panama Canal.
SH-216

OCTOBER 25

1 p.m.
Small Business
To hold hearings to examine the incidents of high-tech fraud on small businesses.
SD-562

OCTOBER 26

9:30 a.m.
Energy and Natural Resources
To hold hearings on the interpretation and implementation plans of subsistence management regulations for public lands in Alaska.
SD-366

10 a.m.
Environment and Public Works
Transportation and Infrastructure Subcommittee
To hold hearings on the courthouse construction program.
SD-406

2 p.m.
Judiciary
Administrative Oversight and the Courts Subcommittee
To hold hearings to examine Chinese espionage at United States nuclear facilities and the transfer of United States technology to China.
S-407, Capitol

2:30 p.m.
Armed Services
Readiness and Management Support Subcommittee
To hold hearings on the Real Property Management Program and the maintenance of the historic homes and senior offices' quarters.
SR-222

OCTOBER 27

9:30 a.m.
Indian Affairs
To hold hearings on proposed legislation authorizing funds for elementary and secondary education assistance, focusing on Indian educational programs; to be followed by a business meeting on pending calendar business.
SR-285

Armed Services
To hold hearings on the nomination of The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601: Gen. Joseph W. Ralston, 9172, To be General; the nomination of The following named officer for appointment as Vice Chairman of the Joint Chiefs of Staff and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 154: Gen. Richard B. Myers, 7092, To be General; the nomination of The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601: Gen. Thomas A. Schwartz, 0711, To be General; and the nomination of The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601: Gen. Ralph E. Eberhart, 7375, To be General.
SH-216

10 a.m.
Judiciary
To hold hearings on terrorism issues, focusing on victims' access to terrorist assets.
SD-226

10:30 a.m.
Foreign Relations
To hold hearings to examine the future of U.S.-China relations.
SD-419

2:30 p.m.
Judiciary
Criminal Justice Oversight Subcommittee
To hold hearings on the Justice Department's response to international parental kidnapping.
SD-226

Environment and Public Works
To hold hearings on S. 1405, to amend the Woodrow Wilson Memorial Bridge Authority Act of 1995 to provide an authorization of contract authority for fiscal years 2004 through 2007.
SD-406

3 p.m.
Foreign Relations
To hold hearings on numerous tax treaties and protocol.
SD-419

OCTOBER 28

9:30 a.m.
Small Business
To hold hearings on the Environmental Protection Agency's recent rulemaking in regards to small businesses.
SR-428A

10:30 a.m.
Foreign Relations
To hold hearings on the nomination of Joseph W. Prueher, of Tennessee, to be Ambassador to the People's Republic of China.
SD-419

2:30 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold oversight hearings on the Federal hydroelectric licensing process.
SD-366

NOVEMBER 4

9:30 a.m.
Indian Affairs
To hold joint hearings with the House Committee on Resources on S. 1586, to reduce the fractionated ownership of Indian Lands; and S. 1315, to permit the leasing of oil and gas rights on certain lands held in trust for the Navajo Nation or allotted to a member of the Navajo Nation, in any case in which there is consent from a specified percentage interest in the parcel of land under consideration for lease.
Room to be announced

CANCELLATIONS

OCTOBER 26

9:30 a.m.
Energy and Natural Resources
To hold hearings on S. 882, to strengthen provisions in the Energy Policy Act of 1992 and the Federal Nonnuclear Energy Research and Development Act of 1974 with respect to potential Climate Change.
SD-366

SENATE—*Thursday, October 21, 1999*

The Senate met at 9:31 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Father Daniel L. Ochs, St. Pius X Church, Reynoldsburg, OH.

PRAYER

The guest Chaplain, Father Daniel L. Ochs, offered the following prayer:

Lord God, we call to mind Your presence and ask that we may be mindful of Your will for us. In Your bountiful goodness, You have made us a great nation subject to You.

May we serve You in humble gratitude and be faithful in our responsibility to work for the fulfillment of Your kingdom on Earth, a kingdom of justice, peace, and love. Stirred up by Your Holy Spirit, may we replace hate with love, mistrust with understanding, and indifference with interdependence. Bless our Senators so that with open minds and hearts they may become peacemakers in our world. May the Earth be filled with Your glory. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MIKE CRAPO, a Senator from the State of Idaho, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Florida is recognized.

FATHER DAN OCHS

Mr. MACK. Mr. President, I extend a warm welcome to Father Dan this morning. He is our guest Chaplain this morning from Reynoldsburg, OH. I had the pleasure of meeting him a few moments ago, but in a sense I have known him for at least a number of years because my brother, Andrew McGillicuddy, is a member of his parish—Andy and Chris—and as a result of their request, Father Dan was able to join us this morning. He is the pastor of a church of 2,400 families, a great responsibility. We are delighted he is with us this morning.

SCHEDULE

Mr. MACK. Mr. President, today the Senate will resume consideration of the pending Harkin amendment to the partial-birth abortion ban bill. By previous consent, there are 2 hours of debate on the amendment. Therefore, Senators can anticipate a vote at approximately 11:30 a.m., unless the time is yielded back on the amendment. Senators should be aware future rollcall votes are expected in an attempt to complete action on the bill prior to adjournment today.

Following the completion of the partial-birth abortion ban bill, the Senate may begin consideration of any legislative items on the calendar or any conference reports available for action.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

PARTIAL-BIRTH ABORTION BAN ACT OF 1999

The PRESIDING OFFICER. The Senate will now resume consideration of S. 1692, which the clerk will report by title.

The legislative clerk read as follows:

A bill (S. 1692) to amend title 18, United States Code, to ban partial-birth abortions.

Pending:

Boxer amendment No. 2320 (to the text of the language proposed to be stricken by amendment No. 2319), to express the Sense of the Congress that, consistent with the rulings of the Supreme Court, a woman's life and health must always be protected in any reproductive health legislation passed by Congress.

Harkin amendment No. 2321 (to amendment No. 2320), to express the Sense of Congress in support of the Supreme Court's decision in Roe v. Wade.

The PRESIDING OFFICER. Under the previous order, there will now be 2 hours of debate equally divided prior to the vote on amendment No. 2321.

The Senator from California.

Mrs. BOXER. I thank the Chair.

I also want to say something about the prayer which I found to be quite beautiful. I think talking about making sure we have no hate in our heart is really important. It is so important to all of us as we debate this legislation, to understand that we have great differences but to try to reach for that part of ourselves that brings us all together.

I thank the guest Chaplain as well.

This morning I am very pleased to be here. I know that while Democratic Senators were attending a dinner last evening, the debate into the late hours was rather one-sided. So I really do appreciate the fact we have a little time this morning to set the record straight.

I am very pleased the Senator from Iowa, who is on his way here, was able to place his amendment before the Senate so we could bring back this debate on a woman's right to choose, the fundamental right women won in this country in 1973 when the Court decided that, in fact, a woman in the earlier stages of her pregnancy has a right to choose freely, with her doctor and her husband and her family, as to how to handle their situation. I think it was a very important, landmark decision.

The decision went on to say that in the later term, which we are talking about a great deal, the State has the right to regulate it. So what Roe did was to balance the rights of the woman, if you will, with the child she is carrying. It says in the late term and in the midterm, the States can regulate the procedure, and that is very important, but the woman's life and the woman's health must always be paramount. This is important.

What we have in the underlying bill is just the opposite. The underlying bill makes no exception for a woman's health. Now, the Senator from Pennsylvania says there doesn't need to be that exception. I didn't know he had a medical degree. I would prefer to listen to the obstetricians and gynecologists. He cites 600 doctors. There are 40,000 strong. I prefer to listen to the nurses, to the women who have chosen to go into the health professions. All those letters were put into the RECORD.

And so I believe very strongly that we must always protect the life and health of a woman while we grapple with the obvious religious, moral, and ethical questions as to what type of restrictions ought to be placed on abortion in the later term.

I was very discouraged and saddened by the debate yesterday because I thought what came out on this floor were words that were full of hate. To call a doctor an executioner is wrong; to talk about killing babies is wrong; and I don't think it brings this Nation closer together on this issue. I do not think it sets an atmosphere in which we can try to work together. But this morning I think we are debating something different. We are debating a very fundamental Court decision. The Harkin amendment simply says that Court decision should not be overturned. I look forward to an overwhelming vote, and I hope it will be overwhelming, not to overturn Roe. Because I think if we do that, and that amendment is attached to the underlying bill, it will

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

give the President even more reason to veto the underlying bill because we will affirm that this Senate stands in favor of a woman's right to choose, and of Roe. Remember, Roe says that at every stage of a pregnancy the woman's health must be protected. The underlying bill makes no such exception.

When you talk about abortion, you are really talking about choice. Should the Government, this Government, this Senate, tell women and families what to do in an emergency tragic health situation? That is what we are talking about in the underlying bill. The Senator from Pennsylvania says, yes, the Government should tell families what to do. Unfortunately, in his argument, in my view—and it is shared by many—he demeans women; he demeans families; and he demeans doctors. Worse than that, far worse than that, he demonizes women, demonizes families who do not agree with him. He demonizes doctors, doctors who bring babies into this world, doctors who help save lives, who protect our health, who protect a woman's fertility. He does that only if these women and these families and these doctors do not agree with his views.

I guess perhaps the biggest insult and the biggest injury that was done yesterday on this floor was when the Senator from Pennsylvania dismissed heartfelt stories of women and their families who have struggled through the biggest tragedy, almost, that anyone can imagine—of having to terminate a pregnancy at the final stages because something has gone horribly wrong and the baby, if born, would suffer and the mother would suffer adverse health consequences, irreversible; he called those stories anecdotes. Don't be blinded, he says, by the anecdotes of women. I want to say to my colleague from Pennsylvania, with no hate in my heart whatsoever, you call these stories anecdotes. I say these stories are these families' lives. It is what they have experienced. It is what they will forever have to live with. I think it is shameful to dismiss them in that fashion.

Many of these women are here in the Capitol. They are here with their families; they are here with their children; they are telling their stories. To dismiss it and say don't be blinded by a few anecdotes is, to me, very cruel, indeed.

I say to the Senator from Pennsylvania, and the Senators who support him, that I support his right to view this issue in any way he chooses. I support the right of his family to handle these health care emergencies in any way they decide with their doctor, with each other, with their God, with their priest, with their rabbi, with their minister. It is their right. I would no sooner tell the Senator from Pennsylvania's family how to handle this matter than anything I can imagine. I would never do that. I do not want the Senator from Pennsylvania telling my family and my rabbi and my children how to handle a health emergency. I resent that.

I have enough respect for my family that we would do what is right. I have enough respect for every family in America that they would do what is right. If the families in America did not agree with me, I would say God bless you; you handle this in any way you want.

That is where the differences lie between the philosophy of the Senator from Pennsylvania and the philosophy of those of us who consider ourselves pro-choice. We trust the women of America. We trust the families of America. We trust them to seek the appropriate counsel. We trust them to make this painful and difficult decision without Government telling them what to do.

When the women in this country have a health problem, they do not go to see their Senator. They don't go to see Dr. SANTORUM or Dr. BOXER or Dr. HELMS or Dr. MIKULSKI. They go to their physician. We should not play doctor. It is not appropriate, it is not right, and it is dangerous. It is very dangerous to the health of women. We will get into that when we talk about why the Roe v. Wade decision was so important. As long as the women in this country and the families in this country choose what is legal and available to them, we should respect that. The legalities have been settled since 1973. Make no mistake about it, the entire purpose of this underlying bill and other amendments that may come before us—I do not know what amendments they will be—are all about one thing: undermining this basic legal decision called Roe v. Wade.

At 11:30 this morning, the Senate will make an important vote as to whether or not they believe Roe v. Wade should be confirmed by this Senate. I want to read a quote that was put in the RECORD yesterday. I think it is very important to understand this statement is a statement of Supreme Court Justices O'Connor, Kennedy, and Souter. In a case called Planned Parenthood of Southeastern Pennsylvania v. Casey, listen to what these three Justices, all Republicans appointed by Republican Presidents, said about the basic issue we are talking about:

> At the heart of liberty is the right to define one's own concept of existence, of meaning, of the universe, and of the mystery of human life. Beliefs about these matters could not define the attributes of personhood were they formed under compulsion of the State.

"Compulsion of the State." What these Justices said, all appointed by Republican Presidents, was that the state should stay out of this crucial decision. It is something that exists in our hearts, in our souls, in our beings.

The "meaning of the universe and the mystery of human life" should not be dictated by the state, by Senator SANTORUM, by Senator BOXER, by any Senator. It is up to each individual.

When Roe was decided and it was reaffirmed by the Court, and hopefully it will be reaffirmed today by this Senate, it basically gave that liberty to the people of this country. I think it is very important to note it has been stated on this floor over and over again, the underlying bill has nothing to do with Roe v. Wade. I ask you, colleagues, to look at the 19 Court decisions that have contradicted that statement. In each and every case, the Court said the Santorum bill, the approach he has taken, contradicts Roe, because in each and every case they found the definition of this partial-birth abortion—of which there is no medical meaning, there is no medical term—is so vague that it could, in fact, apply to any procedure and, therefore, it essentially stops all abortion. Indeed, if you look at some of the States, in some of the States, before the Court overturned these statutes, there was no abortion being performed at any stage because of the vaguely worded law, the words of the Santorum bill.

In Alaska, the vagaries of the law are obvious, and Alaska overturned the Santorum bill.

In Florida, this statute "may endanger the health of women"—they overturned the Santorum bill.

In Idaho, the act bans the safest and most common methods of abortion and they overturned—this is Idaho—the Santorum bill.

In Louisiana, the judge said this is truly a conceptual theory that has no relation to fact, law, or medicine, and they overturned this bill.

In Michigan, they said physicians simply cannot know with any degree of confidence what conduct may give rise to criminal prosecution and license revocation, and they overturned the bill.

And it goes on—Missouri, Montana. They say the problem here is that the legislation goes way beyond banning the type of abortion depicted in the illustrations.

Court after court has stated this bill overturns Roe, and that is why the Senator from Iowa was so correct to bring his amendment to the floor to reaffirm Roe.

I see the Senator from Washington is here, and I ask her how many minutes she would like to use on this amendment.

Mrs. MURRAY. Mr. President, if the Senator from California will yield me 5 minutes.

Mrs. BOXER. I so yield.

The PRESIDING OFFICER. The Senator from Washington is recognized for 5 minutes.

Mrs. MURRAY. Mr. President, first, I thank my colleague from California for her tremendous amount of work on the floor on a very emotional and difficult issue to show all of us what is really behind the bill that is before the Senate and to stand up for women across this country to make their own health care decisions, along with their family and their own faith, without the interference of those of us on this floor who are not medical doctors and who are not members of that family.

I thank the Senator from Iowa, Mr. HARKIN, for offering the amendment we are now debating because his amendment—and I want my colleagues to look at it very carefully—is really what this debate is about, and I think everyone here knows it.

The question is, Do we really stand for and behind Roe v. Wade? Do we really support a woman's right of choice? Are we going to allow women to make this incredibly important decision in consultation with their physician and their family and their faith or are we going to stand on the floor of the Senate and make that decision for her?

I have often heard many of my colleagues talk about being pro-choice simply because they do not support overturning Roe v. Wade. But over and over, when it comes time to provide access or services or to allow Federal employees access to these services, these same pro-choice Members vote to restrict a woman's right to choose.

I know the difference, as do the voters in my home State of Washington. In 1992, my State voted overwhelmingly in support of a woman's right of choice. The voters in Washington State recognized the importance of the landmark Supreme Court decision giving a woman the right to determine her own fate and make her own personal health and reproductive decisions.

Washington State voters have also spoken out on this particular effort—the underlying bill—which attempts to undermine Roe v. Wade by outlawing one abortion procedure after another.

In 1998, a year ago, the voters of my State overwhelmingly defeated a ballot initiative to ban the so-called partial-birth abortions. That initiative was almost identical to S. 1692.

I am really proud of Washington State voters who stood up to defend a woman's right to her own reproductive health and choice decisions. That initiative which was on our ballot a year ago was defeated because there was no exception, no consideration for the health of the woman. Her life and her health were made not just secondary concerns but of no concern at all. In my State, voters understood why this kind of ban was a threat to all women.

The Harkin amendment we are now debating gives us the opportunity to talk about the role of the woman in this decision. It will allow Members to stand up and say the Roe decision was an important one, one we stand behind. The Harkin amendment will send a message to women that we recognize the turning point in equality that followed the 1973 landmark ruling.

As the Senator from Iowa pointed out, there was a time in our country's history when a woman could not own property, could not vote, or could not have access to safe family planning services. There was a time when women were not allowed access to equal education. There was a time in our history when having a child meant being forced out of the workplace.

Those times have passed. Women made gains as those offensive policies were changed, banned, and overturned, and I will do everything I can to make sure votes such as the one we are talking about do not take us back to the dark days because the women of America are not going back.

The proponents of S. 1692 say their intent is to end late-term abortions. We are not going to be fooled. We know this is just another attempt to chip away at Roe v. Wade. This is just another attempt to undermine that decision and deny access to safe and legal abortion services. This is just another attempt to harass providers and generate hateful rhetoric. This is just another attempt to limit access.

The proponents are trying to achieve through public relations what they cannot do in the courts or in the legislatures. Their ultimate goal is to make the rights and health protections guaranteed in Roe worth nothing more than the paper on which it was written. The Harkin amendment calls them on this bluff and demands accountability.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mrs. MURRAY. I ask the Senator from California for an additional 3 minutes.

Mrs. BOXER. Yes, 3 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mrs. MURRAY. Mr. President, since 1995, we have had more than 110 anti-choice votes in Congress. More than 110 times, we have voted to restrict or deny access to safe and legal reproductive health care. More than 110 times we have voted to undermine and limit the constitutional guarantees that were provided in the Roe v. Wade decision.

The goal is clear: Little by little, the proponents of the underlying bill want to place so many barriers and obstacles in front of women and their physicians that abortions will only be available to a few wealthy women, just as it was before the Roe v. Wade decision. A woman who is a victim of rape or incest, a woman whose life is at stake, will not even be able to find a provider. In fact, I want my colleagues to know we are already seeing this. In some States, there are no doctors now who are willing to provide a legal health care procedure. We are going back to the dark days when women's health was at risk because of the laws of this land.

Let there be no confusion; the proponents of this bill want to outlaw abortions step by step since they know a majority of Americans will not give up their rights to make this decision on their own with their own family and their own faith.

If you support the Roe v. Wade decision, you have to support the Harkin amendment. If you support a woman's right to choose, you have to support the Harkin amendment. And a "no" vote will send a message that the Senate does not support Roe or recognize the importance that a woman has to make this decision on her own.

I urge my colleagues to vote for the Harkin amendment and put us on record where we ought to be: To allow women to have safe, legal reproductive choices that allow them to make this decision with their family and their faith. That is where this decision rests, not on the floor of the Senate.

I thank my colleague from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I yield 10 minutes to the Senator from Iowa, the author of this amendment.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 10 minutes.

Mr. HARKIN. Mr. President, I thank my colleague for yielding me this time, and I thank her for her strong support for women's rights and the constitutional right of women to make their own decisions in terms of reproductive health.

I thank the Senator from Washington, Mrs. MURRAY, for her strong support, and my friend and colleague from Illinois who will be speaking shortly, Senator DURBIN.

It has been said by the proponent of the underlying bill that this amendment of mine has nothing to do with his underlying bill. I beg to differ and to disagree.

This amendment has everything to do with the underlying amendment because, really, what my friend from Pennsylvania is seeking to do is to begin the long process—which I am sure he would like to have a shorter process—to overturn Roe v. Wade, to take away the constitutional right that women have in our country today to decide their own reproductive health and procedures. That is really what this is about: A chipping away—one thing here, another thing there.

If anyone believes, by some fantasy dream, if the underlying bill of the Senator from Pennsylvania would ever become the law of the land, that this would be the end of it, that the Senator from Pennsylvania and those who believe and feel as he does would not feel the need to do anything else with regard to a woman's right to choose, is sadly mistaken. They will be back again with something else, and back again with something else, until Roe v. Wade is overturned. That is really what they are about.

So as far as I know, this will be the first time that the Senate of the United States has ever been able to speak; that is, to vote on how we feel and how we believe Roe v. Wade ought to be interpreted as the law of the land.

This is the first time, that I know of, that we have had the opportunity to vote up or down on whether or not we believe that Roe v. Wade should stand and should not be overturned and that it is, indeed, a good decision.

Again, I just read the "Findings" of my amendment. My amendment is very short. It just says:

> Congress finds that—
>
> (1) reproductive rights are central to the ability of women to exercise their full rights under Federal and State law;
>
> (2) abortion has been a legal and constitutionally protected medical procedure throughout the United States since the Supreme Court decision in Roe v. Wade;
>
> (3) the 1973 Supreme Court decision in Roe v. Wade established constitutionally based limits on the power of States to restrict the right of a woman to choose to terminate a pregnancy; and
>
> (4) women should not be forced into illegal and dangerous abortions as they often were prior to the Roe v. Wade decision.
>
> (b) . . . It is the sense of the Congress that—
>
> (1) Roe v. Wade was an appropriate decision and secures an important constitutional right; and
>
> (2) such decision should not be overturned.

Very simple and very straightforward. It has everything to do with the underlying bill because what the underlying bill really seeks to do is overturn Roe v. Wade.

Why? Because Roe v. Wade leaves an exception in to protect the woman's life or health. The Court, in siding with Roe in the Texas case that was filed, struck down the Texas law. The Court recognized for the first time the constitutional right to privacy "is broad enough to encompass a woman's decision whether or not to terminate her pregnancy."

The Court set some rules. It recognized that the right to privacy is not absolute, that a State has a valid interest in safeguarding maternal health, maintaining medical standards, and protecting potential life. A State's interest in "potential life" is "not compelling," the Court said, until viability, the point in pregnancy at which there is a reasonable possibility for the sustained survival of the fetus outside the womb.

This is the important part: A State may, but is not required, to prohibit abortion after viability, except when it is necessary to protect a woman's life or health. That is what Mr. SANTORUM's underlying bill does; it strikes out those very important words "or health."

As we have repeated stories of women who have had this procedure, who, if they had not had this procedure, could have been injured permanently for life, been made sterile for life, not being able to hope to even raise a family after that, that has a lot to do with a woman's health.

I heard the Senator from Pennsylvania say something yesterday about we should not be guided by these anecdotes that people come and tell us. But what we do hear affects people's lives. These are not anecdotes.

I told the story yesterday of my friend, Kim Coster, and her husband. She had to go through this procedure twice. She still has hopes of raising a family—a very wrenching, painful decision for her and her husband. Is that an anecdote? No. It is a true-life story of what happens to individuals because of what we do here.

Let us always keep in mind that the votes we cast, the laws that we pass, affect real people in real-life situations. These are not anecdotes. These are not something to cloud and to fog our reasoning. I believe I paraphrased a little bit what the Senator from Pennsylvania said. I may not have said the words correctly, but that is sort of what he said.

No, we should use real-life stories to guide and direct us as to what we should do within the constitutional framework and what we should do to ensure that we do not trample on constitutional rights, and especially, here, the constitutional rights of women to control their own reproductive health.

So I would just say to my friend from Pennsylvania, this amendment, this sense-of-the-Congress resolution that is now pending, has everything to do with the underlying bill. It is the first time that we will be able to speak as to whether or not we believe Roe v. Wade should continue, should not be overturned, and was a wise decision.

I am certain the Senator from Pennsylvania will vote against my amendment. That is his right. I know he does not believe in Roe v. Wade. I know he believes that Roe v. Wade should be overturned. There are others who believe that. But I hope the vast majority of the Senate will vote, with a loud voice, that Roe v. Wade was a wise decision. It secured an important constitutional right for women. It should not be overturned.

I reserve the remainder of my time and yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from California.

Mrs. BOXER. If there was any extra time, I hope we will keep it on our side. I discussed this with the Senator from Pennsylvania, and he has been gracious enough to agree, since our colleagues have time problems; what I would like to propound is that Senator DURBIN be given 5 minutes, followed by Senator FEINSTEIN for 12 minutes, and then we will reserve the remainder of our time for the closing debate. And the Senator from Pennsylvania will then have an hour left on his side.

The PRESIDING OFFICER. Is there an objection to the request?

Without objection, it is so ordered.

Mrs. BOXER. I thank the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 5 minutes.

Mr. DURBIN. I thank the Chair, and I thank the Senator from California for yielding me this time.

I am going to vote in favor of the Harkin amendment. The Senator from Iowa has put the question before the Senate, which is very straightforward: Do you support the 1973 decision of the U.S. Supreme Court which said that we will protect a woman's right to choose?

The decision of that Court said that the privacy of each of us, as individuals, has to be protected, and particularly the privacy of a woman when she is making a critical decision about her health.

I have, over the past day or so, been involved in a debate on this floor about this issue. And I thank all of my colleagues for participating in this debate. On an amendment I offered, there were some 38 votes last night. I wish there were more. Any Senator would. I am proud of those who stood with me and hope we have taken one small step toward finding common ground consensus, while conceding what the Senator from Iowa has made a point in his amendment; that is, first, we will keep abortion procedures safe and legal in America and, second, we will try to find reasonable restrictions within that decision. I believe that is what the debate was about yesterday.

The point I make this morning, in the brief time I have, goes to the heart of this issue. This amendment really tests us as to our feelings about the women of America, particularly those who are mothers, and the children of America. I am troubled by those who oppose the Roe v. Wade decision and say they are doing it because they believe in the women of America. Then we look at their voting records and say, where are they?

For example, let's use one very basic issue. We on the Democratic side, with the help of Senator KENNEDY and others, have been fighting hard to increase the minimum wage. Our belief is that people who are going to work every day deserve a decent living wage. The minimum wage has been stuck at $5.15 an hour for too long. Who are the largest recipients of the minimum wage in America? Women, women who go to work, many with children, struggling to survive. If we believe in the dignity of women, we should be voting for an increase in the minimum wage.

Not too long ago, the Republican majority in the House suggested cutting back on a tax credit for lower-income working families, the earned-income tax credit. They said: This is the way we will balance the budget. Thank goodness even a Republican candidate for President came out against that idea.

It raises a question in my mind: Those who oppose the idea of Roe v. Wade and say they still stand up for the women of America, where are they on these other issues as well? Historically, the same people who are opposed to Roe v. Wade are opposed to increasing the minimum wage and want to cut the tax credit for working families, particularly single-parent families.

Let's take a look at the children's side of the equation. Many who oppose abortion procedures say these children should be born. The question is, Once they are born, will you help care for them? The record is not very encouraging. The same people who oppose the abortion procedures oppose an increase in the minimum wage, by and large. The same people who oppose Roe v. Wade are the folks who are leading the charge for cutting the earned-income tax credit, cutting the Head Start Program for the children, cutting education and health care and the basics of life.

If this is a question of commitment to life, take a look at this next roll call on the Harkin amendment, which I will support. Line up those Senators on both sides of the aisle and ask: If you say you want more children born in this world, are you willing to stand by and help the families raise them? Too many times, I think we will be sadly disappointed.

There was a study that came out a few days ago. It was from a woman at Claremont Graduate University in California who did a survey of all the States that have the strongest anti-abortion laws and found they are many times over more likely to have less assistance for families and children. Those who stand here and say, oppose Roe v. Wade, allow these children to be born, the obvious question of them is, Will you stand, then, for the programs to help these children? Time and time again, they do not.

I believe Roe v. Wade has in a way recognized the constitutional reality of privacy in this country. It is said a woman should have the right to choose. In that critical moment when she is making that decision with her doctor, with her husband, with her family, with her conscience, the Government should not be there making the decision for her.

Yes, there are restrictions in Roe v. Wade. Some people think they are too much; some, too little. Be that as it may, the basic constitutional principle is sound. Members of the Senate will have, in a very brief moment in time, a critical opportunity to decide whether or not they want to turn back the clock to back-alley abortions, to the days when abortions were not safe and legal in this country.

I hope we have a solid, strong majority vote in support of the Harkin amendment.

The PRESIDING OFFICER. The Senator from California is recognized for 12 minutes.

Mrs. FEINSTEIN. I thank the Chair.

I begin by thanking the Senator from California for her leadership on this issue. I have watched her on the floor. She has carried the message of this important issue in a very significant way. I thank her very much.

I want to speak today as a mother of a daughter, as a stepmother of three young women and a grandmother of one granddaughter. I speak as a woman who grew up in this country when abortion was illegal, who went to university at that time and saw things I wish I hadn't seen, like young women on the verge of suicide because of the predicament they were in. I want to speak about a time when I sat on the California Women's Parole Board in the 1960's, a board that sentenced doctors who performed abortions and women who had had abortions. Abortion carried a sentence of 6 months to 10 years. I remember their stories. I used to read the case histories of the patients and I saw the terrible morbidity and mortality that took place in California when abortion was illegal. I don't want to go back to those days and those stories of absolute desperation.

As I have listened to the debate, what I have heard has been a kind of moral sanctimony of people who think they know better than anyone else. They maintain that their lifestyle, their way of handling problems, is the way everybody should handle problems. In the real world, it doesn't work that way. Nobody knows anyone else's condition, circumstances, health, life or frailties.

Roe v. Wade came down in 1973 and established a trimester system for the Nation which took abortion out of the arena of politicians telling my four daughters what they could do or could not do with their reproductive systems.

Frankly, I find the discussion deeply humiliating and very distressing—the discussion of women's body parts in the Senate of the United States of America, as if we don't have sense enough to do with our bodies what we know is ethically and morally right.

The fact is, the overwhelming majority of women in this great Nation do know and they do what is right. They want to have children and they do deliver children. The beauty of Roe v. Wade was that it took the explosive issue of abortion out of the political arena and set a trimester system that made sense, both for the unborn child as well as for the woman herself.

I will quickly summarize what that is. Roe essentially said that for the stage prior to the end of the first trimester of pregnancy, the abortion decision must be left to the medical judgment of the pregnant woman and the woman's attending physician. For the stage approximately following the end of the first trimester, the State, in promoting its interest in the health of the mother, may, if it chooses, regulate the abortion procedure in ways that are reasonably related to maternal health.

Finally, for the stage following viability—that is, the time when the fetus can live outside of the womb—the State, in promoting its interests in the potentiality of human life, may, if it chooses, regulate and even ban abortion, except where it is necessary, in the appropriate medical judgment, for the preservation of the life or health of the mother.

That is Roe v. Wade. It took the debate off these legislative floors all across this great Nation. It set up a constitutional right so that women could protect themselves from the views of one person who got elected to public office or another person who got elected to public office, an imposition of their views on all of the women of America.

Roe v. Wade has stood the test of time. It should be supported, and we now have an opportunity to do so. Let me make a couple of comments on what we have before us.

Since 1992, there have been 120 votes that sought to infringe on Roe and sought to constrain a woman's right to control her own reproductive system; 113 of them have been successful. My colleague from California and I have watched the march to limit a woman's right to choose, to find ways to encroach on it, whether it is not allowing women on Medicaid to have abortions; whether it is not giving money to the District of Columbia if the District of Columbia uses Federal, or even its own dollars for abortion services for women; limiting the rights of women in the military, and on and on and on—a steady march to eliminate Roe v. Wade and a woman's right to choose. And now we have this issue of so-called partial-birth abortion before us.

I sit on the Judiciary Committee. I have attended all of the hearings on this subject. What has been interesting to me is, in the many years that we have discussed this, there has been no medical definition presented in the legislation describing what a partial-birth abortion really is. No one has used what I think they aim at, which is something called intact D and X, which is in fact a specific medical procedure and which is known to physicians.

I ask unanimous consent to print in the RECORD a statement of policy by the American College of Obstetricians and Gynecologists.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

The American College of
Obstetricians and Gynecologists,
Washington, DC.

ACOG Statement of Policy

STATEMENT ON INTACT DILATATION AND EXTRACTION

The debate regarding legislation to prohibit a method of abortion, such as the legislation banning "partial birth abortion," and "brain sucking abortions," has prompted questions regarding these procedures. It is difficult to respond to these questions because the descriptions are vague and do not delineate a specific procedure recognized in the medical literature. Moreover, the definitions could be interpreted to include elements of many recognized abortion and operative obstetric techniques.

The American College of Obstetricians and Gynecologists (ACOG) believes the intent of such legislative proposals is to prohibit a procedure referred to as "Intact Dilatation and Extraction" (Intact D & X). This procedure has been described as containing all of the following four elements:

1. deliberate dilatation of the cervix, usually over a sequence of days;
2. instrumental conversion of the fetus to a footling breech;
3. breech extraction of the body excepting the head; and
4. partial evacuation of the intracranial contents of a living fetus to effect vaginal delivery of a dead but otherwise intact fetus.

Because these elements are part of established obstetric techniques, it must be emphasized that unless all four elements are present in sequence, the procedure is not an intact D & X.

Abortion intends to terminate a pregnancy while preserving the life and health of the mother. When abortion is performed after 16 weeks, intact D & X is one method of terminating a pregnancy. The physician, in consultation with the patient, must choose the most appropriate method based upon the patient's individual circumstances.

According to the Centers for Disease Control and Prevention (CDC), only 5.3% of abortions performed in the United States in 1993, the most recent data available, were performed after the 16th week of pregnancy. A preliminary figure published by the CDC for 1994 is 5.6%. The CDC does not collect data on the specific method of abortion, so it is unknown how many of these were performed using intact D & X. Other data show that second trimester transvaginal instrumental abortion is a safe procedure.

Terminating a pregnancy is performed in some circumstances to save the life or preserve the health of the mother. Intact D & X is one of the methods available in some of these situations. A select panel convened by ACOG could identify no circumstances under which this procedure, as defined above, would be the only option to save the life or preserve the health of the woman. An intact D & X, however, may be the best or most appropriate procedure in a particular circumstance to save the life or preserve the health of a woman, and only the doctor, in consultation with the patient, based upon the woman's particular circumstances can make this decision. The potential exists that legislation prohibiting specific medical practices, such as intact D & X, may outlaw techniques that are critical to the lives and health of American women. The intervention of legislative bodies into medical decision making is inappropriate, ill advised, and dangerous.

Approved by the Executive Board, January 12, 1997.

Mrs. FEINSTEIN. Mr. President, instead of recognized medical language like that of the American College of Obstetrics and Gynecology, the language the underlying bill before us is vague.

Let me tell you why I say it is vague. It is vague because it not only affects third-trimester abortions, it affects second-trimester abortions; therefore, it is a continuation of the march to limit and constrict a woman's rights under Roe v. Wade.

Let me give you some examples of testimony that we had in our Judiciary Committee hearings. Doctors who testified before the Senate Judiciary Committee could not identify, with any degree of certainty or consistency, what medical procedure this legislation refers to. The vagueness meant that every doctor who performs even a second-trimester abortion could be vulnerable and face criminal prosecution.

The American College of Obstetrics and Gynecology has told us that "the legislation could be interpreted to include, and thus outlaw, many other widely used, accepted, and safe abortion and operative obstetric techniques."

Dr. Louis Seidman, Professor of Law from Georgetown University, told us:

> . . . as I read the language, in a second-trimester previability abortion, where the fetus will in any event die, if any portion of the fetus enters the birth canal prior to the technical death of the fetus, then the physician is guilty of a crime and goes to prison for two years.

That is what we are doing here. Dr. Seidman continued his testimony before our committee and said this:

> If I were a lawyer advising a physician who performed abortions, I would tell him to stop because there is just no way to tell whether the procedure will eventuate in some portion of the fetus entering the birth canal before the fetus is technically dead, much less being able to demonstrate that after the fact.

Dr. Courtland Richardson, an associate professor at Johns Hopkins University, testified in the House that:

> In any normal second trimester abortion procedure, by any method, you may have a point at which a part, a one-inch piece of [umbilical] cord, for example, of the fetus passes out of the cervical [opening] before fetal demise has occurred.

That would violate the so-called partial-birth abortion ban and subject a physician to 2 years in prison. That is the impact of this legislation. People can say what they want, but that is the impact, the medical impact.

Now let me give you the legal impact.

The legal impact is that courts throughout America have ruled that partial-birth abortion laws are unconstitutional. Most recently, the U.S. Court of Appeals for the Eighth Circuit unanimously ruled unconstitutional three State laws—in Arkansas, in Iowa, and in Nebraska—that mirror the Santorum bill. The Eighth Circuit is the first Federal appellate court to review the legal merits of partial-birth abortion bans. In ruling on the Iowa and Nebraska laws, which were nearly identical to S. 1692, the district court in both cases held that the language in the State laws was unconstitutional because it was overly vague, imposed an undue burden on pregnant women and did not adequately protect a woman's health and life. The Eighth Circuit Court of Appeals affirmed this ruling, noting that the State law's vague language would ban more than just partial-birth abortion; it would ban other abortion procedures protected by the landmark Roe v. Wade. Circuit Court Judge Richard Arnold wrote—and I quote this because it is important:

> The difficulty is that the statute covers a great deal more. It would also prohibit, in many circumstances, the most common method of second trimester abortion, called a dilation and evacuation (D and E).

This is the circuit court writing.

D and E is a recognized medical procedure, dilation and evacuation. Judge Arnold continued:

> Under the controlling precedents laid down by the Supreme Court, such a prohibition places an undue burden on the right of women to choose whether to have an abortion. It is therefore our duty to declare the statute invalid.

In 20 out of 21 States, partial-birth abortion laws have been blocked or severely limited; 18 State partial-birth abortion laws have been blocked by a Federal or State court; 6 out of 9 States that passed partial-birth abortion laws using the language as found in S. 1692 have had their laws enjoined, including Idaho, Iowa, Kentucky, Nebraska, New Jersey, and West Virginia. One court limited the enforcement of Georgia's partial-birth abortion ban to redefine partial-birth abortion in medical terms, to limit its application to postviability abortion. That is the point.

If proponents of this bill are really serious, they should use a medical procedure and prohibit that procedure in postviability abortions.

And the court stated that Georgia's law was invalid because it created an exception in the law to allow abortions in cases necessary to protect the health of the woman. Six States, where the laws have been blocked, used identical language to H.R. 1122, vetoed by President Clinton in 1997.

Mr. President, courts across the country have made it all too clear that legislation like S. 1692 does not do what the proponents of the bill say it does. The bill does not limit State bans on abortion to postviability procedures. It does not protect a woman's health. For these reasons, this bill violates the basic constitutional rights of women provided by Roe v. Wade in 1972, and other Supreme Court decisions. Simply stated, the main bill before us today is unconstitutional on its face and will be struck down.

I urge this body to support the Harkin resolution and to defeat the underlying Santorum bill.

I thank the Chair.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, let me respond to the comments of the Senator from California, Mrs. BOXER, about the constitutionality. The central point is that most of the cases have focused around the definition. I think she accurately described the concern some of the courts have, and the issue on vagueness, and that this procedure being outlined, partial-birth abortion, is not adequately defined so as not to outlaw other abortions at that time.

The interesting part of the argument is that you presume with the argument that it outlaws more than this. I think you can make the logical assumption that the courts might accurately only include this procedure, and that it would be constitutional, but what makes it unconstitutional is that it applies to more than this procedure.

In a sense, arguing for the unconstitutionality of this, if we were able to better define what a partial-birth abortion is in this legislation, we would make it clear that it does not ban any other type of abortion. Then the presumption I hear from the Court's own reasoning is that it would be constitutional. I think we need to look at that very carefully.

In a sense, in making their argument, they leave open the possibility that banning a particular procedure—as long as it doesn't ban all procedures or more than one procedure—the courts would be receptive to the constitutionality of such a piece of legislation. We are working right now with other Members to see if we can come up with a better definition, a more clear definition, one which would clearly pass constitutional muster with respect to vagueness.

I am encouraged. I think it is helpful that the Senator from California put the reasoning in the RECORD, because I think the reasoning clearly points to the fact the procedure itself could, in fact, be banned under Roe v. Wade. But the fact that the procedure is being defined in such a vague manner as to include other procedures is the reason they are finding it unconstitutional.

I think it creates an opportunity for us to craft in the eyes of the courts that have reviewed this to date a constitutional piece of legislation that does not create an undue burden on women because it only bans one particular procedure and not others. I see this as an opportunity.

I thank the Senator from California for laying that out. I think that is an important point of debate. We will get to that later in this debate as we get down to the end when we provide what I hope to be some technical amendments to correct this problem.

I find it interesting—I talked about it yesterday—what we are talking about now is Roe v. Wade. While I and others have stood up here time and time again and have said this is not about Roe v. Wade, one of the reasons we are bringing this bill to the floor is because we believe this is outside of the scope of Roe v. Wade's restrictions on Congress' right to limit abortion. I can go through the long list of that.

One, obviously, is the Texas Roe v. Wade case itself. It was brought before the Supreme Court. In that decision, part of the appeal was to strike a Texas law that prohibited killing a child in the process of being born. It is a Texas statute that was under review by the Supreme Court in the Roe v. Wade decision. The Supreme Court let stand the Texas law that prohibited the killing of a child in the process of being born. That is exactly what we are attempting to prohibit in the partial-birth abortion amendment.

To make the argument we are trampling on Roe v. Wade with this bill, when the case itself upheld a law that said you couldn't do that, in other words, kill a child in the process of being born, I think is stretching Roe v. Wade far beyond its own face of what it actually did.

Again, it is a distortion that is not surprising. I understand why if you don't think you have the arguments on the merits you try to change the subject. That is what this vote is about today. It changes the subject. They want to turn this into a debate on abortion. This is not a debate on abortion. This is a debate on infanticide. This is why people on both sides of the abortion issue in both Chambers support this ban—because it is less about abortion and very much about infanticide.

I am not going to say much about the underlying amendment we are talking about—the Harkin amendment—but have a couple of comments about Roe v. Wade. You hear so much about first trimester, second trimester, third trimester, the State has an interest, and the State can do this.

I remind you that Senators who are talking about these restrictions and about the second- and third-trimester have never in their lives voted for any of those restrictions. Roe v. Wade is the law of the land today. For all the rhetoric that is around, it is there. You can have an abortion at any time, anywhere, and any place as long as you can find an abortionist to do it. Period. There are no restrictions. In reality, there are no restrictions. All you have to do is find an abortionist who will say the health of the mother is at stake and you can have an abortion.

I had a chart up here yesterday. We can get it. I will put it back up. Warren Hern wrote the definitive textbook on abortion and said, I will certify that with every pregnancy there is a risk of grievous serious physical health to the mother; injury to the mother.

What you have is, in fact, no restriction. In fact, that is what occurs today. There are no limits on abortion in America. That is why one in four children conceived in America die through abortion. One in four. One in four.

So your chances of surviving in the womb are 75 percent once you are conceived. Once you are born, your chances of surviving the first 5 years are 99.9 percent. If you can make it through to be born, you are probably going to be OK. But the biggest risk to children's health in America is abortion.

Roe v. Wade promised a lot of things. When people came up and argued about Roe v. Wade, they promised a lot of wonderful things would happen to women and to women's health and to children and to child abuse. The promises were made. Look at the debate.

There would be a reduction in child abuse because there would be less unwanted pregnancies. I don't think we have to look up a whole lot of record to see that child abuse has not been reduced since Roe v. Wade. In fact, it is over double since Roe v. Wade.

There would be a reduction in divorce. I don't think that needs any comment. Obviously, it did not happen.

There would be a reduction in spousal abuse. Obviously, that did not happen.

We would lower poverty among children. Obviously, that did not happen—all the promises that this would be a better world if we just got rid of these children who weren't wanted, that life would be better.

What we found as a result of Roe v. Wade is a desensitizing of our appreciation for life, and all the promises have turned into disasters. Now we are faced with a world where we have reached the point in America that a child who is 3 inches away from being protected by Roe v. Wade, being protected by the Constitution can be executed—executed, brutally executed by a partial-birth abortion.

The reason this is an issue I feel so passionately about is not because I believe we will reduce the number of abortions in America. We will not. I will say that categorically. This bill will probably not reduce the number of abortions in America with its passage. Hopefully, in the debate we will touch some hearts but in its passage we will not.

This is not an attempt to infringe on a woman's right. This is not an attempt to change or overturn Roe v. Wade. That is why I reject the Senator's amendment as irrelevant.

This bill attempts to draw a bright line between what is and is not protected. At least we should be able to draw the line so when a child is in the process of being born, it is too late to have an abortion. It is too late.

I asked the Senator from California this question: You allow an abortion if the child's head is inside the mother? You can then kill the baby? I said: What if the baby came out head first and the child's foot was inside the mother. Would you still be allowed to kill the baby? She said: Absolutely not.

A pretty clear line, isn't it, depending on which way the baby is born as to whether you can kill the baby. We get to the slippery slope, and this is what concerns me for our culture—if we can kill a baby that is moving, one can see the baby, the abortionist is holding the baby in his or her hands, the baby is moving, and then they take a pair of scissors at the base of the skull and jam it into the back of the baby's head and suction the brains out.

This is where humanity has arrived in the United States in 1999. In the greatest deliberative body in the world, we can stand here and debate this is a proper procedure in America; this is legal in America; this is ethical in America; this is moral in America. This is not a debate about abortion. This is a debate about who we are as a society.

I know the abortion sides have lined up and want to make this an abortion line, where we draw the line in protecting humanity. If we don't draw it here, the next logical step is easy. From the New Yorker magazine last month, the September issue, an article by Peter Singer. Peter Singer is a philosopher —pop philosopher, I guess—who was just hired at Princeton University.

What does Peter Singer say? I will read part of the article. Viewers will say that guy is a whacko, this guy is out there on the fringe; he is at Princeton University, but he is out there on the fringe. No one can make this credible argument in America today. I argue that 40 years ago no one could make this credible argument that this procedure would be legal. But here we are. Put on your seatbelts, ladies and gentlemen. We are in for a ride, and the roller coaster is going down. I don't see the bottom yet. Let me describe how far down the roller coaster we can go when it comes to civility in America, when it comes to respect for life in America.

Peter Singer:

> Killing a disabled infant is not morally equivalent to killing a person. Very often it is not wrong at all.

I remind everybody of these anecdotes I have talked about that have offended so many. What are the stories about? The backbone for the defense of this procedure given by the Senator from California, the Senator from Iowa, the Senator from Illinois. What is the subject of these tragic stories? In every instance, in every instance, these were pregnancies that had gone awry, where, in the course of fetal development, the infant became disabled, a problem developed—whether it was trisomy, hydrocephaly, some abnormality occurred, some disability occurred in the baby.

Is there an argument on any of these cases that the health or the life of the mother was endangered by carrying the baby itself? The answer is no. In none of these cases is the issue brought up that the health of the mother was jeopardized by carrying the baby. In all of these cases the point was made, the baby is going to die anyway or the quality of the baby's life is not going to be good; killing a disabled infant is not morally equivalent to killing a person.

We see how the slope gets slippery. We don't hear from the other side in defending partial-birth abortion—the cases of healthy mothers and healthy women. They are not used to defending this procedure. However, 90 percent of the partial-birth abortions are healthy mothers and healthy babies. They don't use those as an example because they are not sympathetic examples to those who are within the sound of my voice. People won't sympathize with a healthy mother and healthy baby—aborting a baby late in pregnancy, killing her healthy baby. People don't see a rationale for someone to do that.

The folks here know when people hear about a deformed baby being killed, they are OK with that. Think about what they are doing by bringing these cases up. Think about what they are presuming people are thinking when they use disabled children as a legitimate reason to be killed under this procedure. They are assuming that America doesn't care as much; they assume they are not as worthy as a normal, healthy baby.

Do you know what. They are right. Absorb that, America. They won't use healthy mothers and healthy babies to defend this procedure because people will have no sympathy for that, people have no tolerance for that. Throw up a disabled child as the object of this execution, and then it is OK; then there is sympathy.

What a slippery slope when killing a disabled infant is not morally equivalent to killing a person. And you say that is outrageous. They are using it now to justify this position. It is not outrageous; it is today in America. It is the reason for this procedure to be kept legal. Open your eyes and see what they are doing. Open your eyes and see where we are headed.

Dr. Peter Singer:

> When the death of a disabled infant will lead to a birth of another infant with better prospects of a happy life, the total amount of happiness will be greater if the disabled infant is killed. The loss of happy life for the first infant is outweighed by the gain of a happier life for the second. Therefore, if killing a hemophiliac infant had no adverse effect on others, it would, according to the total view, be right to kill him.

We will see family pictures of a mother and father who had a partial-birth abortion now being shown with another new baby. They will say, see, it is OK because this other baby is happy.

This is not craziness that is going to happen in the future. This is the roller coaster, folks, we are headed down. This debate should point Americans in the direction as clear as my finger is pointing to Senator VOINOVICH that we are headed toward Peter Singer's world.

Two or three Senators have quoted the oft-quoted paragraph out of Planned Parenthood v. Casey. They use that to legitimize what they are doing. Let me read something for you. I want you to think about the logic behind what they are saying here. Listen, America. This is an abortion case.

> At the heart of liberty is the right to define one's own concept of existence, of meaning, of the universe, and of the mystery of human life.

I am going to paraphrase that. I am going to use the words of somebody who all of you know because of some things that he did in the last year. I am going to use the words of Eric Harris, who wrote before he killed 13 children at Columbine:

> When I say something, it goes. I am the law.

What this says is very simple: You are the law. What you say goes. You have the right to define, again "one's own concept of existence," one's own concept of the "meaning of the universe and of the mystery of life." What I say goes.

Fredrich Neitzsche would be proud of us all for this debate. Peter Singer is proud, I am sure, of this debate today being put forward in defense of something that he supports, the killing of little children if they are not perfect like you and me. Remember, you will not hear one word, you have not heard one word in three debates, in 5 years—you have not heard one word about the normal, healthy baby being killed by this procedure. You have not heard one word about a normal, healthy mother having one of these abortions. They will not use that case even though over 90 percent of the abortions that occur with partial birth are those cases.

They use the ones that tug at your heartstrings. Having lost a baby, they tug at mine. I know the pain of what these men and women who suffered through pregnancies that went awry—I know what they suffered through. I do not demean them when I talk about their cases. They are real and they suffered. But to use—and I emphasize the word "use"—these cases to justify the killing of a baby, to use abnormal children—abnormal to whom, I might add? Disabled to whom? Imperfect to whom? Not to me. My son who died was not perfect in the eyes of this world, but he was perfect to me. He was perfect to my wife. Most important, he was perfect in God's eyes.

To abuse these cases, to pull at your heartstrings, to legitimize killing children 3 inches away from being born is beneath the dignity of the Senate and feeds into Peter Singer's view that "killing a disabled infant is not morally equivalent to killing a person. Very often it is not wrong at all."

Peter Singer takes it even further. I said he supports this procedure. I am sure he does, but he thinks this is probably not the best way to go. Here is what he thinks. You say this is absurd, Senator? Listen:

> If a pregnant woman has inconclusive results from amniocentesis, Singer doesn't see why she shouldn't carry the fetus to term. Then, if the baby is severely disabled and the parents prefer to kill it, they should be allowed to. That way, there would be fewer needless abortions and more healthy babies.

In defense we almost do that with partial-birth abortion, don't we? We deliver the baby, get a chance to see the baby, and then we kill the baby. We have case after case now, several cases, of botched partial-birth abortions where babies who were to be aborted ended up being born before the doctor could kill the baby. There are three cases I am aware of, two in the last few months, where little children were born; not fetuses, not products of conception—which I think is another term that is used to dehumanize what is a living human being. Is there anybody in the Senate or within the sound of my voice, any Senator, who would disagree that a fetus or baby inside the mother is a living human being? I do not think there is any question that is a living human being. But we try to dehumanize it by using "fetus," "products of conception."

In the case of a partial-birth abortion, you are talking about at least a 20-week-old living human being that is delivered feet first outside of the mother except for the head and then killed. The justification, the stories, the "cases," all involve disabled children—never healthy children.

Let me tell you about some healthy children who were to be aborted using a partial-birth abortion. The first known survivor was a girl born in Phoenix, June 30, 1998, known as Baby Phoenix. The little girl was accidentally born as a result of a botched partial-birth abortion. How does a partial-birth abortion work? How could it be botched?

You present yourself to the abortionist. The abortionist says you are past 20 weeks.

By the way, when you are past 20 weeks and you deliver a child, the baby will be born alive, so we are talking about the delivery of a living baby. That baby may not survive for a variety of reasons, but the baby will be born alive, this little baby. This baby's mother did not want this baby to be born alive, so she went to an abortionist after 20 weeks and the abortionist said: Fine, we are going to do a partial-birth abortion.

Were there health concerns with this baby? Was the mother in physical problems? Was the baby physically deformed? The answer in both cases: No. Could she get an abortion after 20 weeks? The answer was yes.

Let me tell you how much after 20 weeks you can get an abortion in this country. Based on the sonogram performed at the abortion clinic, Dr. Biskind believed baby Phoenix to be 23 weeks, at least that is what he says. During the actual abortion procedure, the doctor realized the child was much older. He stopped the partial-birth abortion and delivered a 6-pound, 2-ounce baby girl. Baby Phoenix was actually 37 weeks. Both the 17-year-old biological mother and child were healthy. This was an elective abortion.

You don't hear the other side talk about elective abortions and healthy mothers and healthy babies, do you? Do you? There is no sympathy for them. Oh, but it is OK, it is all right. We have sympathy if the baby is not perfect—in our eyes. In our eyes.

Following delivery, Baby Phoenix was sent to a hospital across the street for treatment. She suffered from a fractured skull and cuts on her face as a result of the attempted abortion. Amazingly, there was no apparent brain damage. In October of 1997, by the way, the year before this happened, a Federal court struck down Arizona's law that would have prevented this brutality in the first place.

(Mr. ALLARD assumed the Chair.)

Mr. SANTORUM. Today, Baby Phoenix lives in Texas with her adopted parents. The doctor who performed this abortion has since lost his license.

That was not the last victim of partial-birth abortions. Baby Hope, the second known survivor, survived an abortion attempt which began in the clinic of Dr. Martin Haskell who has been up here and has testified, who is one of the inventors of the procedure, who, in fact, testified in court cases. By the way, when he testified in those court cases and was asked the question, Is partial-birth abortion ever used to protect the life of the mother? The answer was no—from the inventor of the procedure. Is partial-birth abortion ever necessary or is it the only option available to protect the health of the mother? The answer by Dr. Haskell: No.

Baby Hope's biological mother underwent a dilation phase of a partial-birth abortion. What happens is: You present yourself to the doctor. The doctor gives you pills to dilate your cervix. In 3 days, you come back to the abortion clinic. Your cervix is dilated, and they can perform the abortion.

She dilated too quickly. She went to a hospital and was admitted for abdominal pain. The woman gave birth as she was being prepared for an examination. This was the point at which the hospital personnel first learned she was in the dilation phase of a partial-birth abortion.

On April 7, Baby Hope was born in the emergency room. She was 22 weeks old. An emergency room technician who was asked to remove the baby from the room noticed she was alive. Neonatal staff were called to examine her, and doctors did not believe the child's lungs were developed enough to resuscitate her, so they did not put her on life support. Hospital staff wrapped the baby in a blanket. The ER technician named the baby Hope and then rocked and sang to the little girl for 3 hours 8 minutes of her life. Hope's death certificate lists the cause of death as extreme prematurity secondary to induced abortion.

Ironically, the manner of death listed on the death certificate is "natural." They do not talk about these cases.

The 22-week-old baby girl died tragically, but she touched the hearts of the people whom she touched in her life. If this partial-birth abortion procedure had been performed, she would have died a violent, barbaric, painful death.

A third case, Baby Grace. Four months after Baby Hope's death, another baby survived a botched abortion, again at Dr. Haskell's abortion clinic in Dayton, OH. Baby Grace was born August 4, 1999—just a couple of months ago.

Once again, the child's biological mother went into premature labor as a result of the dilation phase of the partial-birth abortion. As in the case of Baby Hope, the mother went to the hospital and delivered the baby. In this case, the child was between 25 and 26 weeks old. Baby Grace is still alive. She is being cared for at a hospital as a premature baby. The Montgomery County, Ohio, Children Services Board has temporary custody of her and plans to put her up for adoption.

Baby Grace is living proof of the horror of partial-birth abortion. She is not a footnote in case law. She is a real baby who would have died. You do not hear anyone talking about those cases.

What this amendment does has nothing to do with the underlying bill. The underlying bill is about banning a barbaric procedure that crosses the line of civility in America; at least I hope so. Let me assure you, if we do not draw that line, we will be having debates here, I hope with all my heart, when I am not here, about whether killing children is OK if they are not perfect in our eyes. We are 3 inches from having that debate right now. It is only a matter of time before those inches fade away. It is irrelevant, really, isn't it, whether it is 3 inches or not. God bless America.

The Senator from Ohio, I understand, wants to be recognized. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 22 minutes 54 seconds.

Mr. SANTORUM. I yield 10 minutes to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I rise in support of the Partial-Birth Abortion Ban Act. I am grateful to the Senator from Pennsylvania for his courageous fight to ban this barbaric procedure. Any of us who has listened to him today and last night cannot help but be moved by his eloquence in regard to the importance of banning this procedure.

It is difficult even to talk about it because it is so gruesome, but we need to remind Members of the Senate that this is a procedure that is not done on an emergency basis. First, the woman goes through 2 days of doctor visits to get dilated. On the third day, the baby is positioned for delivery in the birth canal. The fetus is turned so that it is delivered feet first, leaving only its head in the womb. An incision is then made in the base of the skull. Finally, with a suction device, the baby's brain matter is suctioned out. The skull collapses, enabling delivery of the dead baby.

I cannot understand how anyone can support this procedure or can support it being legal. There are some I have heard in this debate who say it is hard to believe we are even talking about this question on the floor of the Senate. When I think of other things that have been discussed on the floor of the Senate—for example, endangered species or animal rights—for anyone to say we ought not to be talking about this procedure on the floor of the Senate is hard for me to believe.

The subject of partial-birth abortion is not a new one for me. Four years ago, in 1995, Ohio was the first State to pass a partial-birth abortion ban. The bill prohibited doctors from performing abortions after the 24th week of pregnancy and banned completely the dilation and extraction procedure which we call the partial-birth procedure in this bill. The bill allowed late-term abortions to save the life of the mother. The women seeking abortions after the 21st week of pregnancy were required to undergo tests to determine the viability of the fetus. If the fetus was deemed to be viable, the abortion would be illegal.

The Ohio Senate passed that bill 28–4. The Ohio House passed it 82–15. These were overwhelming vote majorities which included Democrats and Republicans, pro-life and pro-choice legislators. This is not an issue today of Roe v. Wade or pro-life or pro-choice. If it were, the vote in the Ohio Senate and Ohio House would not have been so overwhelming to ban this procedure.

The truth is that most of these abortions are elective. According to Dr. Martin Haskell, to whom the Senator from Pennsylvania has referred, who happens to be from Dayton, OH, about 80 percent are elective. We are talking about 80 percent being elective. We are talking about 80 percent are healthy mothers and healthy babies.

We can all quote different statistics, but the bottom line is that there is no need for this procedure. It is never medically necessary. If a mother really needs an abortion, she has alternatives available to her that are not as torturous as partial-birth abortion.

One of the other main reasons we do not need these late-term abortions is, thanks to technology available today, we can identify problems really early in pregnancy so abortions can take place earlier. We do not need to have that type of procedure. Women today are being encouraged to come in early on, in the first trimester, for the various tests they need, so that if abortion is acceptable to them, they can have an early abortion while the baby is not viable.

The Senator from California earlier today talked about the OB/GYN doctors who have expressed opposition to this legislation. I think the significant thing about her statement today is the fact that she verified that there are other procedures available besides dilation and extraction. In fact, the Senator indicated doctors were worried about the possibility that these other procedures might be banned by the language in this bill.

So I want to make it clear to those who believe in abortion and have that tremendous decision in terms of whether or not they are going to deliver the baby that there are other procedures available to them. In fact, dilation and extraction are not even taught in medical school.

These babies are humans. They can feel pain. When partial-birth abortions are performed, as the Senator from Pennsylvania said, they are just 3 inches away from life and, for that matter, seconds away.

I urge all of my colleagues in the Senate to stand up against what I refer to as human infanticide. This is not a vote on Roe v. Wade. This is a vote about eliminating a horrible procedure that should be outlawed in this country. I urge my colleagues to vote to ban partial-birth abortion in the United States of America.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Sixteen minutes and about 30 seconds.

Mr. SANTORUM. I yield 8 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. I thank the Senator from Pennsylvania. And I will not use all that time because just since I have been down here, many of the things I was going to say have already been said.

I think the Senator from Ohio was very specific when he talked about the fact that 80 percent of those abortions using this barbaric, torturous, painful procedure are elective. I could also quote from the American Medical News transcript of 1993 and others, but I think that point has been well made.

I wish everyone could have watched last night, as I did, Senator BILL FRIST, Dr. BILL FRIST, when he talked about it from a medical perspective. I do not think anyone could have watched that and not been very supportive of Senator SANTORUM and everything he is trying to do.

One of the things I do not think has really been answered appropriately is the fact that we keep hearing from the other side that both the National Abortion Federation and the National Abortion Rights Action League, all of these pro-abortion organizations which claim that the anesthesia that is administered to the mother prior to a partial-birth abortion kills the child and, therefore, the child feels no pain. Norig Ellison, the president of the American Society of Anesthesiologists, unequivocally stated that those claims had "absolutely no basis in scientific fact."

In fact, I think the whole idea of pain really needs to be discussed more. Dr. Robert White, a neurosurgeon at Case Western Reserve University School of Medicine said:

> The neuroanatomical pathways which carry the pain impulses are present in fetuses by the 20th week of gestation.
>
> Also, the neurosystems which would modulate and suppress these pain impulses are either not present or immature during this stage of fetal development.

What this means is, if you stop and think how painful this procedure of going into the back of your head and opening the scissors and sucking the brains out would be to you—to anyone who is here on this floor—it could be more painful to the baby because those systems that modulate and suppress the pain are not developed at that stage.

So I look at this in terms of human life. Almost all these faces that are standing up here supporting this technique, if you were to inflict that type of pain on a dog or a cat, they would be protesting in front of your offices.

A minute ago, the Senator from Ohio made some reference to the fact that it is infanticide. I hope the pro-choice people, a lot of people out there who are pro-choice who believe abortion should be an alternative, will listen to the words of Senator PATRICK MOYNIHAN, who is pro-choice. He said: I am pro-choice, but this isn't abortion, this is infanticide.

Lastly, let me just mention to you, I have this picture. This is Jase Rapert.

He lives in Arkansas. I have seven grandchildren. He is No. 4. I can remember, and some of you older people can remember, back when our wives had babies, they would not even let you in the hospital, let alone in the delivery room.

When my little Molly, who is now a professor at the University of Arkansas, called me up and said: Daddy, delivery time is here; do you want to come in the delivery room? I did. I was in there for all three of her children. This is a picture of the first one, Jase.

What registered to me at that time was, we have heard a lot of talk about maybe a baby isn't perfect or something. I do not think perfection exists anyway. But in every sense of the word, that is a perfect baby.

If they had made that decision, if my Molly or her husband had made that decision at the time while I was in that room they were delivering this beautiful baby, they could have murdered Baby Jase. That is what is going on in America now. You have to put it in a personal context that we understand, that this can happen to someone we love very much.

Mr. SANTORUM. I yield 8 minutes to the Senator from Missouri.

Mr. ASHCROFT. Mr. President, I thank the Senator from Pennsylvania, Mr. SANTORUM, for his continuing work on this important issue.

I express my strong support for legislation that would ban this unconscionable form of infanticide known as partial-birth abortion. Abortion is a moral and governmental issue of unsurpassed importance. It strikes at the very core of who we are as a people and a nation. It hits our deepest notions of liberty and questions our most fundamental assumptions about life.

For decades, my home State of Missouri has been at the forefront of the abortion debate, and for the last several years, the discourse there has been focused on the procedure being discussed here today—partial-birth abortion, infanticide. While the specific language of S. 1692 is different from the Missouri legislation, the question posed is the same: Are we willing to end a procedure that is so barbaric and extreme as to defy rational, reasoned support? Both Democrat and Republican legislators in Missouri answered, "Yes, we are willing to ban that procedure."

I had the privilege of serving as Missouri Governor. Regrettably, the legislature did not deliver a ban on this barbaric procedure to my desk when I was Governor. Had they done so, I would have signed it enthusiastically. Had that happened, the legislature could now be focused on other pressing problems, such as failing schools in Kansas City or St. Louis or the methamphetamine drug plague in Missouri.

Most Missourians see, as I do, the effort to ban partial-birth abortion as part of a larger commonsense approach, restricting late-term abortions, ending taxpayer funding, and requiring parental consent. These sensible ideas are not about the right of choice. They are about the right of Missouri and America to act in a manner befitting humanity. We are talking about a barbaric procedure that is inhumane. It is not befitting humanity.

Tragically, the Missouri partial-birth infanticide bill was vetoed, despite its overwhelming passage by the bipartisan Missouri General Assembly. Fortunately, both the Democrats and Republicans who fought for the original bill led a successful veto override effort in Missouri. It is an incredible accomplishment that represents only the seventh veto override in Missouri history, the third override this century, the first veto override since 1980.

Banning partial-birth abortion, which is the destruction of a partially born child, requires a historic bipartisan effort here, as it did in Missouri. America must rise above this morally indefensible, cruel procedure. It is cruel to society's most vulnerable members. Missouri's Democrat and Republican legislators got past the obfuscation, the confusion, and the deceptions. It is time for the Senate to do the same.

The defenders of the indefensible are already fast at work. They tell us that the procedure is necessary to save the life of the mother. The simple truth is, this procedure is never necessary to save and preserve the health of an unborn child's mother. Four specialists in OB/GYN and fetal medicine representing the Physicians' Ad Hoc Coalition for Truth have written:

> Contrary to what abortion activists would have us believe, partial-birth abortion is never medically indicated to protect a woman's health or her fertility. In fact, the opposite is true: The procedure can pose a significant and immediate threat to both the pregnant woman's health and fertility.

That quote was from the Wall Street Journal, September 19, 1996.

Nor should we accept the myth that this procedure is rarely utilized. According to interviews conducted by The Record of Bergen County, NJ, physicians in New Jersey alone claim to perform at least 1,500 partial-birth abortions every year—three times the number the National Abortion Federation claimed occurred in the entire country.

Once we have established that the procedure is neither rare nor medically necessary, we will hear from the other side that our law would be unconstitutional. This is just another falsehood. A legislative ban on partial-birth abortions is constitutional. Indeed, allowing this life-taking procedure to continue would be inconsistent with our obligation under the Constitution to protect life.

Although opponents will point to decisions in which activist Federal judges invalidated State-passed bans, language nearly identical to that which is in this bill has also been upheld in the Federal courts. These bans' requirements that the abortionist deliberately and intentionally deliver a living fetus that is then killed implicates the partial-birth procedure. This is not a generalized ban. Judges who have deemed the ban unconstitutionally vague ignored this text and instead have substituted their views in place of the views clearly expressed by the various State legislatures.

I also want to share a word of caution with those claiming that a ban on partial-birth abortions is unconstitutional. If they truly believe that outlawing this procedure is impermissibly vague, the inevitable conclusion people will draw is that infanticide and abortion are indistinguishable. This argument provides little solace to the defenders of this gruesome procedure.

On January 20 of last year, I chaired a committee meeting of the Constitution Subcommittee on the 25th anniversary of Roe v. Wade. In that hearing, we learned much that is relevant to the debate over partial-birth abortion. We looked at how the Supreme Court's decision failed to provide a framework for sound constitutional interpretation or to reflect the reality of modern medical practice. This latter failure is not surprising, since the Court had neither the capacity to evaluate the accuracy of the medical data nor a way to foresee the remarkable advances in medical science that would make the then-current data obsolete.

From Dr. Jean Wright of the Egleston Children's Hospital at Emory University, we learned at the hearing that the age of viability has been pushed back from 28 weeks to 23 and fewer weeks since Roe v. Wade was decided.

The PRESIDING OFFICER. The Senator's 8 minutes have expired. The Senator is recognized for 2 more minutes.

Mr. ASHCROFT. Surgical advances now allow surgeons to partially remove an unborn child through an incision in the womb, to repair the congenital defect, and slip the previable infant back into the womb. However, I think the most interesting thing we learned at the hearing was that unborn babies can sense pain in just the seventh week of life. These facts should help inform this debate.

For instance, if we know the unborn can feel pain at 7 weeks, why is it such a struggle to convince Senators that stabbing a 6-month, fully developed and partially delivered baby with forceps, and extracting his or her brain is painfully wrong. It should be very easy to convince people that it is painful and that it is wrong.

I realize, however, that not everyone agrees with my view on abortion. Indeed, I recognize the American people remain divided on this issue. Where there is a consensus, we need to move forward to protect life. The measure being discussed today to end the cruel, brutal practice of partial-birth abortion presents such an opportunity where consensus exists. The American people agree that a procedure which takes an unborn child, one able to survive outside the womb, removes it substantially from the womb and then painfully kills it is so cruel, so inhumane, so barbaric as to be intolerable and that it should be illegal. Legislatures in more than 20 States have followed Congress' lead and passed laws outlawing this procedure. Two-thirds of the House of Representatives voted to overturn the President's second veto last year. When this Chamber voted, more than a dozen Democrat Senators joined us in attempting to override the veto. A consensus has formed.

Americans want this gruesome procedure eliminated. They should not be thwarted by the twisted science and moral confusion that has been argued in this Chamber.

The PRESIDING OFFICER. The Senator is recognized for 1 more minute.

Mr. ASHCROFT. Now more than ever we need to pass this legislation to make it clear that human life is too precious to permit legally sanctioned infanticide. As we as a nation confront the terrible violence in our schools, we in Congress need to embrace a culture that celebrates life, not a culture that celebrates convenience. The values at issue are too important to be lost in the legislative shuffle.

We will pass this legislation again this year. If, again, the President vetoes it, despite the debunking of the so-called medical evidence that he used to justify that action in the past, we will continue to vote on this issue of life and death until the voice of the American people is heard and the lives of these unborn children, who are painfully destroyed while they are substantially born, are respected.

I thank the Senator from Pennsylvania.

Mr. SCHUMER. Mr. President, I rise today in support of Senator HARKIN's Sense of the Senate amendment to the partial birth abortion ban. The reason why this amendment is so important is that it really gets to the heart of this debate on the so-called partial birth abortion. The battle is really about chipping away Roe v. Wade. Let's not pretend any longer. It's about ultimately denying a woman the right to an abortion, maybe even the right to contraception.

This Sense of the Senate is a "put your money where your mouth is" vote. It calls the Senate on their true motives. This is the beginning of a step by step process to find an abortion procedure that seems awful, to make an inaccurate portrayal about how and why it is used, to draw a ridiculous cartoon and put it on the Senate floor, and to then outlaw the procedure and make doctors into criminals and women into murderers. In fact, the term partial birth abortion is a political slogan, not a medical procedure.

So who knows what the next term will be used to outlaw another type of abortion procedure. Let's be thankful that we have the courts. This legislation has been consistently found unconstitutional by the courts. In 19 different cases, including federal courts, the definition of partial birth abortion used in this bill has been found to be too vague, and to apply to pre and post viability abortions. As a result, this legislation violates the terms of Roe v. Wade, the cornerstone of a woman's right to choose in this country. This bill is also unconstitutional because it lacks an exception to protect a woman's health.

The Supreme Court has concluded that woman's health is the physician's paramount concern, and that a physician's discretion to determine the course of treatment must be preserved. But Congress is hardly concerned with physician authority these days. In fact, this bill tries to turn lawmakers into doctors. It would take medical decisions out of the hands of women and their doctors and give it to politicians.

My colleague's amendment underscores our commitment to the terms of Roe v. Wade, and emphasizes the right of women to choose will continue to be upheld. If you really believe that the problem is the so-called partial birth abortion, and you are truly sincere that this is not the camel's nose under the tent of undoing Roe v. Wade, vote yes on the Harkin amendment. If this is instead the first step toward making all abortion illegal—as I believe it is—then vote no.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. The Senator from California has 6 minutes remaining, and the Senator from Pennsylvania has 1 minute.

Mrs. BOXER. We would like to close the debate. If the Senator will take the minute, we appreciate it.

Mr. SANTORUM. Mr. President, I yield back the remainder of my time.

Mrs. BOXER. I yield the Senator from Iowa 3 minutes.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I thank my friend and colleague from California, Senator BOXER, for her tremendous leadership on this issue that is so important to women of this country.

I ask unanimous consent that Senator ROBB be added as a cosponsor of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, once again, the Senator from Pennsylvania said that my amendment is about changing the subject. He also made the point that this bill has nothing to do with Roe v. Wade.

Most respectfully, I disagree with my friend from Pennsylvania. Nothing could be further from the truth.

This law does not provide for any protection of a woman's health. Of course, they keep using the term "partial-birth abortion." That is nowhere found in the medical lexicon. That is not a medical term. That is a political pejorative term used to excite and inflame passions. That is all it is. Let's be honest about that. I think if the other side was sincere in wanting to end late-term abortions, they could have supported Senator DURBIN's amendment yesterday, which would have accomplished that.

Finally, in States where they have passed legislation such as the Santorum bill—the underlying bill here—doctors in those States stopped performing all abortions because it was so unclear as to the timeframe. There is no timeframe in this at all. That is why the circuit courts, in all these instances, have struck these laws down as being unconstitutional. A recent case in our circuit upheld a case in Iowa on this law.

So, really, what this vote is about is whether or not the Senate wants to turn back the clock and move back to the pre-Roe v. Wade days of back-alley abortions, the days when women committed suicide when they were faced with a desperate choice, the days of women dying or being permanently disfigured from illegal abortions, when women became sterile and could not have children because they had illegally botched abortions.

This vote about to occur is whether the Senate believes that in the most personal and heart-wrenching decisions the politicians should know what is best, and not the women, their families, and their doctors, and according to their own religious beliefs and faiths. That is what this vote is about. It is about whether or not we believe Roe v. Wade was a wise decision and whether or not ought to have their rights to decide their own reproductive health. It has everything to do with the underlying bill.

Mrs. BOXER. Mr. President, I yield myself the remainder of the time.

I thank the Senator from Iowa for his insight in offering this important amendment. I am very hopeful the Senate will go on record as supporting Roe v. Wade. I think it may well do just that. That would send a wonderful signal to the families of America that we trust them to make the most personal, private decisions that perhaps they will ever be called on to make.

Once again, I have to say I think some of the language used on the other side of the aisle in this debate has been offensive. I think it has been wrong. I think it has been inflammatory. The Senator from Pennsylvania continues to say those of us who disagree with him, in essence, want to kill children. We are mothers. We have bore children. We are grandmothers. We love the children. So it is highly offensive to hear those words used on the Senate floor.

My colleague says he feels the pain of the families who went through this horrible experience; yet he demeans them. He basically says they don't know what they are talking about when they beg us not to pass this legislation, when they beg us to turn away from this legislation, which makes no exception for the health of a woman.

Again, we are not doctors. We are Senators. When the women of this country need help—and serious help—they don't turn to us. They turn to us for other things, but they don't turn to us to get the help they need. They turn to a physician they trust; they turn to their God, to their families, to their closest friends, and they turn to their conscience. So I hope we will reaffirm Roe v. Wade because that is what Roe v. Wade says—trust the women, respect them, respect their privacy.

I want to put into the RECORD a statement sent to us by an award-winning actress, Polly Bergen, who came forward to talk about her illegal abortion in the 1940s. She said:

> Someone gave me the phone number of a person who did abortions. . . . I borrowed about $300 from my roommate and went alone to a dirty, run-down bungalow in a dangerous neighborhood in east L.A. A . . . man came to the floor and asked for the money. . . . He told me to take off all of my clothes except for my blouse. . . . I got up on a cold metal kitchen table. He performed a procedure, using something sharp. He didn't give me anything for the pain—he just did it. He said . . . I would be fine.

Well, Polly Bergen was rendered infertile.

Vote for the Harkin amendment. Vote no on the underlying bill.

Mr. SANTORUM. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SANTORUM. Mr. President, I move to table amendment No. 2321 and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment No. 2321. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. McCAIN) is necessarily absent.

The result was announced—yeas 48, nays 51, as follows:

[Rollcall Vote No. 336 Leg.]

YEAS—48

Abraham
Allard
Ashcroft
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Cochran
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kyl
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Reid
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Thomas
Thompson
Thurmond
Voinovich

NAYS—51

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Bryan
Byrd
Campbell
Chafee
Cleland
Collins
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Murray
Reed
Robb
Rockefeller
Sarbanes
Schumer
Snowe
Specter
Stevens
Torricelli
Warner
Wellstone
Wyden

NOT VOTING—1

McCain

The motion was rejected.

Mr. BYRD. Mr. President, earlier today I voted against tabling a sense of the Congress amendment proposed by Senator HARKIN regarding the Supreme Court's 1973 decision in the case of Roe v. Wade. Because that vote was, to the best of my recollection, the first time the Senate has directly and specifically addressed the issue of the Court's ruling, I wish to take a few moments to explain my position for the benefit of my constituents in West Virginia.

First, despite the fact that I supported the Harkin amendment, I reiterate that I am, as I always have been, personally opposed to abortion, with few exceptions—such as when the life of the woman would be endangered, or in cases of incest or rape, when promptly reported.

However, the reality of the situation is that the decision of the Supreme Court in Roe v. Wade is the law of the land. No matter what I think personally of the procedure in question, I accept the fact that the Court, in a 7-to-2 ruling, has definitively spoken on this matter. Accordingly, I felt it was appropriate to support the language of the Harkin amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered.

The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I ask unanimous consent there be a vote on the Harkin amendment at 2 o'clock.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

WORK INCENTIVES IMPROVEMENT ACT OF 1999

Mr. SANTORUM. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of H.R. 1180, the work incentives bill. I further ask consent that all after the enacting clause be stricken and the text of S. 331, as passed by the Senate, be inserted in lieu thereof. I further ask the bill be read a third time and passed, the motion to reconsider be laid upon the table, the Senate then insist upon its amendment, and request a conference with the House.

I further ask consent that nothing in this agreement shall alter the provisions of the consent agreement on June 14, 1999, relating to S. 331.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1180), as amended, was read the third time and passed.

(The text of S. 331 is printed in the CONGRESSIONAL RECORD of June 16, 1999.)

Mr. SANTORUM. Mr. President, I ask unanimous consent the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Reserving the right to object. I reserve the right to object, Mr. President.

The PRESIDING OFFICER. The Senator reserves the right to object.

Mr. KENNEDY. If the Senator from Pennsylvania is the acting leader, could he give us some indication of when we will go to conference on that legislation? It is the most important piece of legislation affecting the disabled in this country. We have passed the legislation 99-0. It has been in the House of Representatives for several months. I hope at the time we are announcing we are going to appoint conferees, we would have at least some indication from the leadership as to when we are going to get to conference. I know millions of disabled Americans across this country will want to know what the intention of the leadership is on this legislation.

Can the Senator give us some idea?

Mr. SANTORUM. I say to the Senator from Massachusetts, first, I think this bill we are considering right now has a far greater impact on people with disabilities to come than this piece of legislation. But that being said, I am just doing this on behalf of the leader. I have not conferred with the leader as to what his plans are, so I am unable to answer the Senator's question.

Mr. KENNEDY. Further reserving the right to object, and I will not at this time, I think this legislation is of enormous importance. We are very hopeful we will get an early conference on it and we will get a favorable resolution. This has passed 99-0 in our body. It is a good bill that came out of the House. It is legislation we ought to complete before we adjourn.

I have no objection.

There being no objection, the Presiding Officer (Mr. HAGEL) appointed Mr. ROTH, Mr. LOTT, and Mr. MOYNIHAN conferees on the part of the Senate.

PARTIAL-BIRTH ABORTION BAN ACT OF 1999—Continued

Mr. BROWNBACK. Mr. President, I submit for the RECORD a speech given by Mother Teresa. I think it is quite germane to this debate we are having on partial-birth abortion. It is piercing in its view of the truth. It is piercing in its view of the issue of abortion. It is quite clear. I think it is full of great wisdom.

I ask unanimous consent it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THIS GIFT OF PEACE—SMILE AT EACH OTHER

(By Mother Teresa)

As we have gathered here together to thank God for the Nobel Peace Prize, I think it will be beautiful that we pray the prayer of St. Francis of Assisi which always surprises me very much—we pray this prayer every day after Holy Communion, because it is very fitting for each one of us, and I always wonder that 4-500 years ago as St. Francis of Assisi composed this prayer that they had the same difficulties that we have today, as we compose this prayer that fits very nicely for us also. I think some of you already have got it—so we will pray together.

Let us thank God for the opportunity that we all have together today, for this gift of peace that reminds us that we have been created to live that peace, and Jesus became man to bring that good news to the poor. He being God became man in all things like us except sin, and he proclaimed very clearly that he had come to give the good news. The news was peace to all of good will and this is something that we all want—the peace of heart—and God loved the world so much that he gave his son—it was a giving—it is as much as if to say it hurt God to give, because he loved the world so much that he gave his son, and he gave him to Virgin Mary, and what did she do with him?

As soon as he came in her life—immediately she went in haste to give that good news, and as she came into the house of her cousin, the child—the unborn child—the child in the womb of Elizabeth, lit with joy. He was that little unborn child, was the first messenger of peace. He recognized the Prince of Peace, he recognized that Christ has come to bring the good news for you and for me. And as if that was not enough—it was not enough to become a man—he died on the cross to show that greater love, and he died for you and for me and for that leper and for that man dying of hunger and that naked person lying in the street not only of Calcutta, but of Africa, and New York, and London, and Oslo—and insisted that we love one another as he loves each one of us. And we read that in the Gospel very clearly—love as I have loved you—as I love you—as the Father has loved me, I love you—and the harder the Father loved him, he gave him to us, and how much we love one another, we, too, must give each other until it hurts. It is not enough for us to say: I love God, but I do not love my neighbour. St. John says you are a liar if you say you love God and you don't love your neighbour. How can you love God whom you do not see, if you do not love your neighbour whom you see, whom you touch, with whom you live. And so this is very important for us to realize that love, to be true, has to hurt. It hurt Jesus to love us, it hurt him. And to make sure we remember his great love he made himself bread of life to satisfy our hunger for his love. Our hunger for God, because we have been created for that love. We have been created in his image. We have been created to love and be loved, and then he has become man to make it possible for us to love as he loved us. He makes himself the hungry one—the naked one—the homeless one—the sick one—the one in prison—the lonely one—the unwanted one—and he says: You did it to me. Hungry for our love, and this is the hunger of our poor people. This is the hunger that you and I must find, it may be in our own home.

I never forget an opportunity I had in visiting a home where they had all these old parents of sons and daughters who had just put them in an institution and forgotten maybe. And I went there, and I saw in that home they had everything, beautiful things, but everybody was looking toward the door. And I did not see a single one with their smile on their face. And I turned to the sister and I asked: How is that? How is it that the people they have everything here, why are they all looking toward the door, why are they not smiling? I am so used to see the smile on our people, even the dying ones smile, and she said: This is nearly every day, they are expecting, they are hoping that a son or daughter will come to visit them. They are hurt because they are forgotten, and see—this is where love comes. That poverty comes right there in our own home, even neglect to love. Maybe in our own family we have somebody who is feeling lonely, who is feeling sick, who is feeling worried, and these are difficult days for everybody. Are we there, are we there to receive them, is the mother there to receive the child?

I was surprised in the waste to see so many young boys and girls given into drugs, and I tried to find out why—why is it like that, and the answer was: Because there is no one in the family to receive them. Father and mother are so busy they have no time. Young parents are in some institution and the child takes back to the street and gets involved in something. We are talking of peace. These are things that break peace, but I feel the greatest destroyer of peace today is abortion, because it is a direct war, a direct killing—direct murder by the mother herself. And we read in the Scripture, for God says very clearly. Even if a mother could forget her child—I will not forget you—I have curved you in the palm of my hand. We are curved in the palm of His hand so close to Him that unborn child has been curved in the hand of God. And that is what strikes me most, the beginning of that sentence, that even if a mother could forget something impossible—but even if she could forget—I will not forget your. And today the greatest means—the greatest destroyer of peace is abortion. And we who are standing here—our parents wanted us. We would not be here if our parents would do that to us. Our children, we want them, we love them, but what of the millions. Many people are very, very concerned with the children in India, with the children of Africa where quite a number die, maybe of malnutrition, of hunger and so on, but millions are dying deliberately by the will of the mother. And this is what is the greatest destroyer of peace today. Because if a mother can kill her own child—what is left for me to kill you and you to kill me—there is nothing between. And this I appeal in India, I appeal everywhere: Let us bring the child back, and this year being the child's year: What have we done for the child? At the beginning of the year I told, I spoke everywhere and I said: Let us make this year that we make every single child born, and unborn, wanted. And today is the end of the year, have we really made the children wanted? I will give you something terrifying. We are fighting abortion by adoption, we have saved thousands of lives, we have sent words to all the clinics, to the hospitals, police stations—please don't destroy the child, we will take the child. So every hour of the day and night it is always somebody, we have quite a number of unwedded mothers—tell them come, we will take care of you, we will take the child from you, and we will get a home for the child. And we have a tremendous demand for families who have no children, that is the blessing of God for us. And also, we are doing another thing which is very beautiful—we are teaching our beggars, our leprosy patients, our slum dwellers, our people of the street, natural family planning.

And in Calcutta alone in six years—it is all in Calcutta—we have had 61,273 babies less from the families who would have had, but because they practice this natural way of abstaining, of self-control, out of love for each other. We teach them the temperature meter which is very beautiful, very simple, and our poor people understand. And you know what they have told me? Our family is healthy, our family is united, and we can have a baby whenever we want. So clear—these people in the street, those beggars—and I think that if our people can do like that how much more you and all the others who can know the ways and means without destroying the life that God has created in us. The poor people are very great people. They can teach us so many beautiful things. The other day one of them came to thank and said: You people who have evolved chastity you are the best people to teach us family planning. Because it is nothing more than self-control out of love for each other. And I think they said a beautiful sentence. And these are people who maybe have nothing to eat, maybe they have not a home where to live, but they are great people. The poor are very wonderful people. One evening we went out and we picked up four people from the street. And one of them was in a most terrible condition—and I told the sisters: You take care of the other three, I take of this one that looked worse. So I did for her all that my love can do. I put her in bed, and there was such a beautiful smile on her face. She took hold of my hand, as she said one word only: Thank you—and she died.

I could not help but examine my conscience before her, and I asked what would I say if I was in her place. And my answer was very simple. I would have tried to draw a little attention to myself, I would have said I am hungry, that I am dying, I am cold, I am in pain, or something, but she gave me much more—she gave me her grateful love. And she died with a smile on her face. As that man whom we picked up from the drain, half eaten with worms, and we brought him to the home. I have lived like an animal in the street, but I am going to die like an angel, loved and cared for. And it was so wonderful to see the greatness of that man who could speak like that, who could die like that without blaming anybody, without cursing anybody, without comparing anything. Like an angel—this is the greatness of our people. And that is why we believe what Jesus has said: I was hungry—I was naked—I was homeless—I was unwanted, unloved, uncared for—and you did it to me. I believe that we are not real social workers. We may be doing social work in the eyes of the people, but we are really contemplatives in the heart of the world. For we are touching the body of Christ 24 hours. We have 24 hours in this presence, and so you and I. You too try to bring that presence of God in your family, for the family that prays together stays together. And I think that we in our family we don't need bombs and guns, to destroy to bring peace—just get together, love one another, bring that peace, that joy, that strength of presence of each other in the home. And we will be able to overcome all the evil that is in the world. There is so much suffering, so much hatred, so much misery, and we with our prayer, with our sacrifice are beginning at home. Love begins at home, and it is not how much we do, but how much love we put in the action that we do. It is to God Almighty—how much we do it does not matter, because He is infinite, but how much love we put in that action. How much we do to Him in the person that we are serving. Some time ago in Calcutta we had great difficulty in getting sugar, and I don't know how the word got around to the children, and a little boy of four years old, Hindu boy, went home and told his parents: I will not eat sugar for three days, I will give my sugar to Mother Teresa for her children. After three days his father and mother brought him to our house. I had never met them before, and this little one could scarcely pronounce my name, but he knew exactly what he had come to do. He knew that he wanted to share his love. And this is why I have received such a lot of love from you all. From the time that I have come here I have simply been surrounded with love, and with real, real understanding love. It could feel as if everyone in India, everyone in Africa is somebody very special to you. And I felt quite at home I was telling Sister today. I feel in the Convent with the Sisters as if I am in Calcutta with my own Sisters. So completely at home here, right here. And so here I am talking with you—I want you to find the poor here, right in your own home first. And begin love there. Be that good news to your own people. And find out about your next-door neighbor—do you know who they are? I had the most extraordinary experience with a Hindu family who had eight children. A gentleman came to our house and said: Mother Teresa, there is a family with eight children, they had not eaten for so long—do something. So I took some rice and I went there immediately. And I saw the children—their eyes shining with hunger—I don't know if you have ever seen hunger. But I have seen it very often. And she took the rice, and divided the rice, and she went out. When she came back I asked her—where did you go, what did you do? And she gave me a very simple answer: They are hungry also. What struck me most was that she knew—and who are they, a Muslim family—and she knew. I didn't bring more rice that evening because I wanted them to enjoy the joy of sharing. But there was those children, radiating joy, sharing the joy with their mother because she had the love to give. And you see this is where love begins—at home. And I want you—and I am very grateful for what I have received. It has been a tremendous experience and I go back to India—I will be back by next week, the 15th I hope—and I will be able to bring your love.

And I know well that you have not given from your abundance, but you have given until it hurts you. Today the little children they gave—I was so surprised—there is so much joy for the children that are hungry. That the children like themselves will need love and care and tenderness, like they get so much from their parents. So let us thank God that we have had this opportunity to come to know each other, and this knowledge of each other has brought us very close. And we will be able to help not only the children of India and Africa, but will be able to help the children of the whole world, because as you know our Sisters are all over the world. And with this Prize that I have received as a Prize of Peace, I am going to try to make the home for many people that have no home. Because I believe that love begins at home, and if we can create a home for the poor—I think that more and more love will spread. And we will be able through this understanding love to bring peace, be the good news to the poor. The poor in our own family first, in our country and in the world. To be able to do this, our Sisters, our lives have to be woven with prayer. They have to be woven with Christ to be able to understand, to be able to share. Because today there is so much suffering—and I feel that the passion of Christ is being relived all over again—are we there to share that passion, to share that suffering of people. Around the world, not only in the poor countries, but I found the poverty of the West so much more difficult to remove. When I pick up a person from the street, hungry, I give him a plate of rice, a piece of bread, I have satisfied. I have removed that hunger. But a person that is shut out, that feels unwanted, unloved, terrified, the person that has been thrown out from society—that poverty is so hurtable and so much, and I find that very difficult. Our Sisters are working amongst that kind of people in the West. So you must pray for us that we may be able to be that good news, but we cannot do that without you, you have to do that here in your country. You must come to know the poor, maybe our people here have material things, everything, but I think that if we all look into our own homes, how difficult we find it sometimes to smile at each other, and that the smile is the beginning of love. And so let us always meet each other with a smile, for the smile is the beginning of love, and once we begin to love each other naturally we want to do something. So you pray for our Sisters and for me and for our Brothers, and for our co-workers that are around the world. That we may remain faithful to the gift of God, to love Him and serve Him in the poor together with you. What we have done we would not have been able to do if you did not share with your prayers, with your gifts, this continual giving. But I don't want you to give me from your abundance, I want that you give me until it hurts. The other day I received 15 dollars from a man who has been on his back for twenty years, and the only part that he can move is his right hand. And the only companion that he enjoys is smoking. And he said to me: I do not smoke for one week, and I send you this money. It must have been a terrible sacrifice for him, but see how beautiful, how he shared, and with that money I bought bread and I gave to those who are hungry with a joy on both sides, he was giving and the poor were receiving. This is something that you and I—it is a gift of God to us to be able to share our love with others. And let it be as it was for Jesus. Let us love one another as he loved us. Let us love Him with undivided love. And the joy of loving Him and each other—let us give now—that Christmas is coming so close. Let us keep that joy of loving Jesus in our hearts. And share that joy with all that we come in touch with. And that radiating joy is real, for we have no reason not to be happy because we have Christ with us. Christ in our hearts, Christ in the poor that we meet, Christ in the smile that we give and the smile that we receive. Let us make that one point: That no child will be unwanted, and also that we meet each other always with a smile, especially when it is difficult to smile.

I never forget some time ago about 14 professors came from the United States from different universities. And they came to Calcutta to our house. Then we were talking about home for the dying in Calcutta, where we have picked up more than 36,000 people only from the streets of Calcutta, and out of that big number more than 18,000 have died a beautiful death. They have just gone home to God; and they came to our house and we talked of love, of compassion, and then one of them asked me: Say, Mother, please tell us something that we will remember, and I said to them: Smile at each other, make time for each other in your family. Smile at each other. And then another one asked me: Are you married, and I said: Yes, and I find it sometimes very difficult to smile at Jesus because he can be very demanding sometimes. This is really something true, and there is where love comes—when it is demanding, and yet we can give it to Him with joy. Just as I have said today, I have said that if I don't go to Heaven for anything else I will be going to Heaven for all the publicity because it has purified me and sacrificed me and made me really something ready to go to Heaven. I think that this is something, that we must live life beautifully, we have Jesus with us and He loves us. If we could only remember that God loves me, and I have an opportunity to love others as He loves me, not in big things, but in small things with great love, then Norway becomes a nest of love. And how beautiful it will be that from here a centre for peace of war has been given. That from here the joy of life of the unborn child comes out. If you become a burning light in the world of peace, then really the Nobel Peace Prize is a gift of the Norwegian people. God bless you!

Mr. BROWNBACK. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the pending amendment be set aside. Obviously, we have a vote locked in at 2 o'clock. I ask unanimous consent that it be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANTORUM. Mr. President, what I want to do is give an opportunity for other Senators who have amendments to come to the floor and offer their amendments during this time so we can move forward on the bill, with the expectation we can finish the bill sometime today.

Also, if any Senator has a statement on either side of the issue, this is a good opportunity to come down and make their statement about the bill or about any amendment that has been offered to date. I hope we will use this time fruitfully and not delay the Senate any further in acting upon this very important measure.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, does the Senator from Pennsylvania intend to stay on the floor for a while?

Mr. SANTORUM. For another 10 minutes, and then I am going to be gone.

Mr. KERREY. I have to leave as well. I have come a couple times trying to engage in a colloquy on this piece of legislation. I thought now would be the time to take a few minutes to do so.

I support a woman's right to choose. I voted yes on Medicaid funding. I think it is critical for me to support a woman's right to choose for those people who cannot afford it. I supported Federal employees' rights to use health insurance, and I supported rights of people in the armed services to reproductive services. I think I voted five times against your legislation or something to that extent, and a couple times to sustain the President's veto.

I want people on both sides of the aisle to understand this procedure deeply troubles me. I am not certain how I am going to vote this time around. I indicated to people in Nebraska that I am listening to their concerns about this procedure.

I state at the beginning this is a very difficult issue because very often we do not have a chance to debate and talk about it in a personal way, as in the way the Senator from Pennsylvania did last evening. I caught about the last 30 minutes of the presentation. It is a very moving and personal presentation the Senator makes, and oftentimes we just do not get that. We lock in our positions early on in our political careers and are told by our political consultants: You cannot change your position or modify your position in any way—especially in my case; I am coming up on an election—you are doing it for political reasons, so forth, your supporters get bitterly disappointed, on and on and all that political advice.

I have, in my case, to ignore that. I find this to be very much about what kind of a country we want to be, and it is a very serious debate. I do not know that we have time, I say to the Senator from Pennsylvania, today or right now to do it, but at some point, even when the Senator from California is down here, I want to talk about this question of medical necessity because for me it turns on that. If this procedure is not medically necessary, then your legislation is not an undue burden upon anyone who chooses to undergo an abortion. It is not an undue burden. If it is medically necessary, then it can be an undue burden. That is where it gets in a hurry for me as I consider this.

I have talked to people in Nebraska about this, both for and against. It is very difficult for anybody, once they consider what this procedure is, to say: Gosh, that's good; it doesn't bother me; I am not concerned about it. Almost unanimously people say there is something about this that just does not seem right.

I wonder if the Senator can talk for a bit—I do not want to drag him too long into this discussion—about this issue of medical necessity. I will announce ahead of time for the staff, for the Senator from California, I will give her an opportunity, as well, to describe why she believes this is medically necessary. I have heard the Senator from Pennsylvania say it is not. I appreciate very much an opportunity to hear directly from him.

Mr. SANTORUM. Mr. President, first off, I thank the Senator very much for his interest in an honest and open debate. I agree, this is one of the critical issues we have to address, and the courts have confronted this question of undue burden.

Underlying that are two issues; one is the center point: Is this medically necessary. Second, are there alternatives to this procedure so as not to have an undue burden.

That gets into a couple issues. Let me address the medical necessity issue.

I will present the evidence as best I can that supports, we believe, the fact that this is not medically necessary. We have, of course, the AMA which said it is not medically necessary. That is the American Medical Association. They have said in a letter and stand by it that this procedure is not medically necessary.

We have C. Everett Koop, obviously someone who has a tremendous amount of respect in this country, who has written directly this is not medically necessary.

We have an organization of 600—actually more than 600—obstetricians and gynecologists, many of them members of the American College of Obstetrics and Gynecology, many of them fellows, who have written without any hesitation this procedure is not medically necessary and is, in fact, dangerous to the health of the mother. They go one step further: It is never medically preferable, not only medically necessary.

On the other side of the issue—and I am trying to present it, and I know the Senator from California will present her side—what is used is the American College of Obstetrics and Gynecology policy statement on the issue. Several years ago, they put together a select panel, and the select panel reviewed the procedure to determine whether there were cases in which it was medically necessary to perform this procedure. They came forward with a statement. This is what their statement said:

> [We] could identify no circumstances under which this procedure . . . would be the only option to save the life or preserve the health of the woman . . .

They went on to say—and this is where the Senator from California will come in and say, see, that is not the whole story, so I will go on. It says:

> An intact D&X—

Partial-birth abortion—

> however, may—

May—

> be the best or most appropriate procedure in a particular circumstance to save the life or preserve the health of a woman, and only the doctor, in consultation with the patient, based upon the woman's particular circumstances can make this decision.

We have asked the American College of Obstetrics and Gynecology to provide us an example of where this procedure may be the best procedure because what they say is it "may." For 3 years we have asked them to provide us a factual situation where, in fact, this "may" would come into play, and they have not done so.

In fact, we have letters, and I would be happy to share them with you; there are dozens—in fact, there is a whole stack—from obstetricians and gynecologists throughout America who take issue with this statement, saying there are no circumstances where this would be the most appropriate procedure.

Dr. FRIST addressed that issue last night. He went through the medical literature and talked about it. I have asked him to come over, if he can, because I think, as a physician, as a surgeon, he may be better to answer this question than me.

Mr. KERREY. I appreciate that very much.

Mr. President, I expect, after lunch, to come back. I hope there is an opportunity to engage in this kind of colloquy.

I will give you an example. There was a woman who approached me and said: Senator, there are times when a woman gets an abortion where she would prefer not to. She has gone in for delivery—that is the situation this woman described to me. She went in to deliver a baby. She went in and delivered prematurely, and the doctor had to make a decision and chose, she thought, this procedure—I don't know precisely; I don't have the documentation on this—but thought the doctor chose this procedure and was worried that if this procedure was not available, the doctor might not have been able to save her life.

I presume the Senator has a response to that. This is not a unique situation. In other words, this is not a woman who has chosen to have an abortion. She wanted to have the baby. She wanted to deliver the baby.

Mr. SANTORUM. She was in the process of delivery, and they had to do something?

Mr. KERREY. That is correct.

Mr. SANTORUM. Two comments.

First of all, the definition of "partial-birth abortion" is very clear. It requires an intent to do an abortion. So if you were going in, and you were having a delivery, and the delivery is breech, for example, that would not be covered under this. It is very clear. There is no court in the land, that has reviewed this, that has suggested that anyone who is in the process of delivering a child for the purpose of a live birth is covered under this definition because you have to have the intent to have an abortion. If there is no such intent, then you are not covered under the act.

Mr. KERREY. Has the Senator examined the Eighth Circuit decision that overturned it?

Mr. SANTORUM. I have.

Mr. KERREY. Can we speak to that later? I don't want to keep you any longer. You were kind enough to stick around a few minutes. I need to leave for a luncheon, as well. Perhaps we can speak later this afternoon.

Mr. SANTORUM. Yes, I would be happy to. In fact, I shared with the Senator from Nebraska yesterday an amendment to the bill that I think directly is on point with what the Eighth Circuit decision had concern with, which is the vagueness of the definition, that it could cover more than one abortion. I think this refinement of the definition makes it crystal clear that we are only talking about this one procedure.

As I said to the Senator from California, Mrs. FEINSTEIN, when she was going through the Eighth Circuit decision earlier, the Eighth Circuit said our problem with this is it includes too much. Obviously, if you take the logic of that, they would probably not have a problem if it did not include too much.

Mr. KERREY. The language you showed me earlier to modify your amendment was to respond to the Eighth Circuit?

Mr. SANTORUM. That is correct.

Mr. KERREY. Mr. President, I accomplished at least the objective of letting people know that: Please, don't put me in the "no column" on this immediately. I indicated the last time this thing was around that I have significant reservations about it. I have listened to people and talked to people, especially at home, and under no circumstances do I—I was Governor for 4 years and have been a Senator for 10 years. The worst thing is to be locked into a position from which people say you can't change, even if you acquire evidence that your previous position is wrong.

So I want both the Senator from Pennsylvania and especially the people in Nebraska to understand that I am looking at it. If I conclude I was wrong the other time, I will vote differently this time.

Mr. SANTORUM. I thank the Senator from Nebraska for his openmindedness on this. From my perspective, in looking at his career, it comports very well with his previous practice. I appreciate the opportunity to converse with the Senator.

I might just say, this is the kind of dialog I think we need to have on the Senate floor when it comes to this issue. Let's get to the material facts that are before us, and let's have an enlightened discussion about what underpins this case.

Dr. FRIST is here. If the Senator would care to add to this colloquy, I would certainly appreciate his comments.

Mr. FRIST. Mr. President, it is interesting. I believe much of the discussion centers on the fact of this being a particular procedure; that is, as I have said on the floor of the Senate, this particular procedure, as described, is a subset of many other types of procedures of abortion.

As I talk to physicians and surgeons, which I do on a regular basis—because, as I said, I am not an obstetrician, I am a surgeon who is trained in looking at surgical techniques—this is a specific technique which is a subset of a much larger armamentarium. This is where much of the confusion is. It is confusing to many physicians. Physicians today have this great fear that by prohibiting a single procedure, in some way that is going to be expanded to eliminate the much larger armamentarium of tools used.

That is what we have to be very careful of. We are talking about a very specific procedure that has been described. We do not need to go through the details now. There are other procedures that are in a broader arena called D&E and all these more medical terms it is not worth getting into.

But it is important for people to understand this is a very specific type of procedure that is different, that is on the fringe; that does not mean the other procedures can't and in certain cases shouldn't be used.

Mr. KERREY. If the Senator will yield for a question in this regard.

Mr. FRIST. Yes.

Mr. KERREY. This bill, then, is inaccurately characterized as a late-term abortion bill? It is not? I have had people ask me about it: Are you going to support the partial-birth abortion bill because it is going to end this procedure, late-term procedure? This is a bill that would make illegal a specific medical procedure?

Mr. FRIST. That is exactly right.

Mr. KERREY. The second part, is there precedent for us to do this sort of thing?

Mr. FRIST. No, there is not, or to my mind, there is not. You can find certain examples, because we are talking about life, and other places that the Senate has intervened.

The real concern among physicians, which I think is very accurate, is you are taking a specific procedure and taking it off the table. And the question is, Why?

The other big concern is, is this a slippery slope? Does this mean the Congress is going to come in and take another procedure and another procedure to accomplish a goal with some hidden agenda of eliminating all abortions for everybody under all circumstances at a certain point in life? It is not.

In is this unusual nature of being a specific procedure that is what is hard for the American people to understand and physicians to understand and our colleagues to understand. This basically takes a procedure, which is one of many, at any point —really 22 weeks and later—and eliminating it because of the brutality, the inhumaneness, the way it is performed, the risk, the unstudied risk of the safety of the mother, and the damage to the fetus, which during that period, I would argue, does feel pain.

Mr. KERREY. I thank the Senator.

Mr. FRIST. Thank you.

Let me move to something that I commented on very briefly, and that is this whole concept of a slippery slope. I have talked to a number of physicians in the last several days. Their concern is exactly as I implied. We have the Congress coming in and taking a procedure—and none of the physicians I have talked to have tried to justify this procedure in any way—but the great fear is that you take this procedure, and the Congress will come back a year from now, or 2 years from now or 3 years from now, and ban other very specific procedures.

I struggled with this a great deal because I do not want to see the Federal Government coming in to that decision making capacity. I struggled with it night and day. I struggled with it since we last debated this on the floor. But ultimately, I come back to the fact that women are being hurt by a specific procedure; thus, we have a public responsibility, as being trustees to the American people, since there are women being hurt by a procedure, which is unnecessary today, that continues to be performed on the fringe, out of the mainstream, that we do have a public obligation to reach out and prohibit that specific procedure.

I described in some detail last night the out-of-mainstream whole fringe nature of this procedure. Again, I think it is very important for people to understand this is a fringe procedure.

Then people will come and say: If it's such a fringe procedure, why do you say we need to go so far as to have the Federal Government become involved?

Again, it comes back to the fact that being a fringe procedure, the safety, the efficacy of this procedure has not been discussed.

As a surgeon, as someone who has spent his entire adult life, or 20 years of his life, studying surgical procedures, studying the indications for operation, the techniques of operation, the potential complications of operation, the risks of operation, and the outcome of operation, none of that—none of that—has been studied by the medical profession for partial-birth abortion, which involves the rotation of the fetus in utero, pulling out most of the fetus, inserting scissors into the base of the cranium of the skull, expansion of those scissors, and evacuation of the brain. It has not been studied.

I have also mentioned I wanted to see what our medical students are learning. Therefore, over the last several days, I reviewed 17 different textbooks. In fact, they are sitting in my office. I thought about bringing a couple and putting them on the desk. In 17 of those textbooks, not once is that procedure described. Not once are the indications for that procedure there. Not once is there any discussion of the risk of the complications or of the outcome.

I challenge my colleagues and others: Where else would we allow a procedure which we know has complications? They have been outlined on the floor. We know there is hemorrhage or bleeding, or perforation of the uterus by a blind manipulation. We know there is a rupture of the uterus. The list goes on in terms of the complications of the procedure. But where else in medicine today do we actually allow a procedure to be performed that we know hurts people, that is on the fringe, which has not been studied by the medical profession? There are no trials. There are no publications in peer review journals. Of the thousands and thousands of peer review articles out there, the thousands in obstetrics each year, this procedure has not been studied. We have an option. We have alternatives in each and every case.

It is interesting because a number of people have called around and talked to their own medical schools trying to gather more information. They will call me afterwards and say: Senator FRIST, or Dr. FRIST, I just talked to the obstetrician back home and he says that abortions are indicated at certain points, in his or her mind. Therefore, to outlaw this procedure would mean no abortions will be performed in that middle or late trimester. You could argue, depending on your moral beliefs or medical beliefs, whether or not that should be the case, but that is not what is under discussion today.

What is under discussion is the elimination of a specific procedure for which there are alternatives; a specific procedure I argue not only offends the basic civil sensibilities of all Americans but is inhumane to the fetus and hurts and damages and threatens the health of women.

I was talking to an obstetrician yesterday at one of the very esteemed medical centers. I basically asked, do you teach this procedure. I have not talked to anybody yet—I know it is not in the literature—who teaches this procedure in an established surgical residency training program. That is the program where we train the board certified obstetricians.

There might be some abortionists who are not board certified, who have not gone through board programs. It is important for people to know you can perform abortions, you can actually do surgery without being board certified. You don't have to go through the certification process. Yes, there are people performing this procedure, but if you go to the established licensing, credentialling bodies, you won't find this procedure being taught.

Are abortions being taught? It depends on which medical school you are attending. It depends on which residency training program. One person I was talking to yesterday said: No, at our hospital, as part of our program, we don't go in and teach midtrimester abortions. We don't teach the procedures. If you voluntarily come forward, yes, we will teach abortion. But we will not teach the partial-birth abortion, which involves manipulation within the uterus, blind extraction of 90, 95 percent of the fetus, and opening the cranium with scissors bluntly and evacuation of the brain. We teach abortion voluntarily, but we do not actually teach the partial-birth abortion.

Therefore, when my colleagues talk to people, be very specific that this procedure, the partial-birth abortion procedure as described on the floor of the Senate, is the procedure that is under discussion.

To summarize, this is a fringe procedure. It is outside of the mainstream. It is not studied or taught in our medical schools. Of the 17 textbooks I reviewed last night, I did find one reference, after looking through all 17 books, to partial-birth abortion. It had nothing to do with technique. It had nothing to do with complications. It had nothing to do with outcome. The only mention was one paragraph in this particular textbook. It mentioned the veto by the President of the United States.

There are alternatives to this inhumane, barbaric procedure. Thus, I continue to support the Senator from Pennsylvania in prohibiting this procedure and its practice.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BUNNING). Without objection, it is so ordered.

Mr. SMITH of New Hampshire. Mr. President, it is my intention at some point later on in the proceedings of the debate on this partial-birth abortion ban bill to offer an amendment that would bring some sunshine and light into the abortion industry in terms of disclosure.

As I indicated last night in a rather lengthy presentation on the Senate floor, the sale of fetal body parts is illegal. Ironically, President Clinton himself signed the legislation banning that. Yet it is taking place in America. I think we need to look into this matter in great detail.

The purpose of my amendment is to provide that we have disclosure so we know who is selling, who is buying, what is being sold, and whether or not laws are being violated.

As many of you know, several years ago, in 1994 and 1995, I took to the floor of the Senate on this legislation. As a matter of fact, I wrote the original partial-birth abortion ban bill. I took a lot of heat for it. I received a lot of attacks from the media, a lot of attacks from some colleagues, and certainly from the abortion industry.

President Clinton came to my State and campaigned against me in my reelection efforts, as did Vice President GORE and Mrs. Clinton. They had a regular celebrity group up there making pretty much of a big deal out of the fact that I had been this "extremist" who stood on the Senate floor and exposed partial-birth abortion. I didn't even know it existed 6 years ago.

The interesting thing to me is, why is it that those of us who are opposed to this barbaric procedure are "extremists" and those who perform it are not? They are "thoughtful liberals," I guess. It is amazing what we can do with semantics and, with a little disingenuous discussion, how we can change the debate in this country.

Senator SANTORUM and others have talked extensively on what happens in a partial-birth abortion. I am not going to go into all of that. But I will say this: It is infanticide. It is killing children in some cases outside of the womb.

We have a child who is 90-percent born but for the head, and under the so-called Roe v. Wade law, unfortunately, that child, because the head has not come through the birth canal, can be killed by using a barbaric means of needle and sucking the brains from the child. It is a horrible procedure which has been discussed here in great detail. It is amazing to me that we are "extremists," we who are exposing it, and those who do it are not. But that is the way we are with semantics.

When I came down to the floor several years ago, I brought a little plastic medical doll. When the press was finished writing about it, it was a "plastic fetus." I was accused of showing aborted children on the floor of the Senate when in fact I showed a picture of premature babies who had been born who had lived. But as many times as I corrected papers such as the New York Times, they still couldn't get it right.

This debate has been pretty harsh at times. Frankly, it is very graphic. My goal is not to try to revisit all of that but to try to get into your heart, if I cannot your face, on this issue. We all have very strong feelings about this. But I have to believe most Americans are appalled, sickened, angered, and disgusted that such a brutal act would take place in this country to be carried out against a defenseless child. Yet we condone it.

As I said last night on the floor, if every SPCA in America announced tomorrow they were going to kill all of their dogs and cats, unwanted cats and dogs, puppies, kittens, by using this procedure with no anesthetic, putting a needle to the back of the head and sucking the brains from those animals, I guarantee there would be a firestorm. There would be people protesting in front of the SPCA. But we do it to our children.

Then we say we are surprised when our children go out and kill other children, when they get into trouble with drugs and all the other things that sometimes happen to our children in society. What are we telling them? What is the message we are giving them? We are telling them: You are worthless. We tell them: You go to school today, Johnny, be a good boy, and we will abort your sister with this horrible procedure while you are in school. That is what we are telling them.

I was told from a very early age that when you are around children and talk, they listen. They hear you. A lot of times, you ask a 3-year old. I can discuss this or that, and they don't care what I am saying. They are not paying any attention. They are playing with their toys. You would be surprised at what they hear.

I tell you what they are hearing when they hear this debate. They are hearing: We are worthless; nobody cares about us. We can just go ahead and abort you, kill you—you are just to be discarded in a trash can—and go right on about our business, keep working on our jobs, having a nice vacation and our 401(k)s; everything is fine. We just go ahead and kill babies.

The vast majority of partial-birth abortions are performed on healthy women with healthy babies. Dr. Martin Haskell, who is the leading practitioner of partial-birth abortions, said: I will be quite frank; most of my abortions are elective in that 20- to 24-week range, and, in my particular case, 20 percent are for genetic reasons and 80 percent are purely elective. Mr. President, 24 weeks is 6 months.

I received a telephone call in one of my offices several weeks ago. A 9-year-old girl relayed to my staff this message:

I want to thank the Senator for being pro-life. I'm 9 years old and I would like him to tell America when he has the chance that my mother gave birth to me prematurely when she was 5 months pregnant. I'm here talking to you now. Please tell your fellow Americans not to kill children like me.

That is pretty powerful stuff.

When President Clinton held his press conference and said he had five women at the press conference who had all undergone health-saving partial-birth abortions, one of the women later involved in that press conference admitted her abortion was not necessary at all. As far as her health was concerned, it was not medically necessary. She said on a radio show soon after the press conference:

> This procedure was not performed in order to save my life. This procedure was elective. That is considered an elective procedure, as were the procedures of all the women who were at the White House veto ceremony.

The sad truth is we will pass this bill; that is the good news. The bad news is it will be vetoed again for the third time by this President because we need 67 votes to override it and we don't have them. That is sad because thousands more children are going to die in the next few years because President William Jefferson Clinton won't sign this bill—thousands—and they will die brutally. We are responsible for it in this Senate because we can't get 67 men and women with the guts. Does it really take guts to stand up, go down to the well and say, aye, to ban this horrible procedure? We don't have them. And Bill Clinton has the pen. That is the Constitution.

I want everybody to know, three votes, maybe four—probably three—will decide whether thousands of children live or die. Hopefully, we keep that in mind as the debate moves forward.

I don't enjoy talking about abortions and about killing children. Why are we on the Senate floor doing this? Let me state why. Roe v. Wade was passed in 1973 that said anyone can have an abortion any time they want for any reason. Over 4,000 babies, 4,100 to be exact, die every day from legalized abortion; not from partial-birth abortion, to be fair, but from abortions. Many of them are partial-birth abortions.

When I first took the floor on this issue several years ago, I was told it might be a dozen or two dozen at the most, in extreme cases—hydrocephalic babies and other horrible deformities were the only times they were aborting. I was knocked by some, certainly in the media, that I made a mountain out of a molehill, this was not prevalent in our society, and why was I doing all this.

Now we find from the admission of their own people who perform the abortions that partial-birth abortions are very frequent. I will point out in a few moments why they are frequent. I will point out some of the dirty little secrets of this industry. It will shock Members. It shocked me.

Mr. President, 40 million children have died since 1973, since Roe v. Wade, from abortion—not partial-birth abortion but all abortions. There are 260 million Americans. Roughly one-seventh, about 15 percent, of America's population has been executed through abortion; never to be a mom, never to be a dad, never to be a doctor. Who knows. Maybe one of those kids could have been a scientist who found a cure for cancer—never have the chance to be happy, never have a chance to fulfill their dreams. In the Declaration of Independence, Thomas Jefferson said we have the right to life, liberty, and the pursuit of happiness. Down the drain. They didn't have a choice.

I hear a lot about choice in this debate. What choice do they have? It would be interesting to have in the gallery some of the 40 million. They could be sitting up here today. I wonder how they would vote on this bill if they could vote. I think the vote would be different. I don't think there is any question about it.

Sometimes we make judgments about why a woman, mother, should have a right to have an abortion. I am reminded of a story I mentioned last night on the floor. I will mention it again because I know some missed it. I ask this question. Answer silently. If you knew a woman who had three children born blind, then she had two more children born deaf, a sixth child born mentally retarded, and she was pregnant again and she had syphilis, would you recommend she have an abortion? If you said yes, guess who you just killed. Beethoven. He made a pretty fair contribution to the world, as I recall, but we would have killed Beethoven. How many Beethovens have we killed in those 40 million? How many great baseball players such as my colleague presiding, have we killed? How many entertainers? We will never know. But we did it. We did it.

One of the things about America, people want to blame somebody else. My kid gets in trouble; it is not my fault; it is somebody else's fault.

We are responsible for this. We go to work; everything is fine. But don't worry about those 40 million kids—gone. Mr. President, 95 percent of those abortions are used for birth control. They were totally elective. One to two percent are done because the life of the mother was threatened or she was perhaps raped or some other horrible thing. That means that more than 38 million abortions are performed for reasons that boil down to one word: Convenience. It is convenient, isn't it? How convenient it is. Mom was too old; mom was too young; mom was in high school; mom was in college; mom needed to work.

Who knows. I want to speak directly to any woman out there now listening to me who may be pregnant with an unwanted pregnancy. There is help out there. One does not need to do this. Do not listen to those who say that is the only alternative. There is another alternative. If anyone wants help, there are professionals to help. Call my office or the office of any other pro-life Senator. We will steer anyone to the right people to get that help. I beg women to do it. They will be glad they did when they look back 10, 15, 20 years from now. They will be glad.

I had the privilege of helping to raise funds for a home for unwed mothers, a clinic in Baton Rouge, LA, from a woman who is a saint on Earth. Her name is Dorothy Wallace. She saved 10,000 women since 1973, advising them to choose life.

If you want something emotional, attend one of her meetings and see those 10-, 12-, 15-year-old boys and girls sitting there in the audience applauding Dorothy Wallace. You can have that experience too, I would say to any young woman out there; we can help you. There are professionals who will help you get through this. Choose life.

Let me say to the three or four Senators we need, who might change their votes—I am always an optimist; you never know—pick up your grandchild, or your child, if you are that young. Most of us are too old to have young children in here—not everybody. But pick up your own children, hold them in your arms, and ask yourself this question: How close is that little child in the birth canal that you are voting to kill, how close is that child to that little grandchild of yours you are now holding? Six months? Six years? I don't know. But look at that little grandchild. He or she has feet, has a face or body. So does that little child being executed in a partial-birth abortion.

I am going to talk for a few moments on the subject of my amendment, which is on the marketing and sale of fetal tissue from aborted babies. This is a gruesome story, but I want to tell you, it is happening. I say to my colleagues, this is happening in America, and it is disgusting. It is illegal, it is immoral, and it is unethical. If somebody says, What does that have to do with partial-birth abortion? in my amendment we will find out whether partial-birth abortions are being used, in fact, to sell babies' body parts.

Like partial-birth abortion, fetal tissue sales are morally and ethically reprehensible. It is a practice I hadn't heard of until recently. I couldn't believe we did it. But it does show how far this industry has gone beyond the ethical boundaries that even most pro-choice Americans believe is legitimate. Also, like partial-birth abortion, this industry has taken a practice, the selling of fetal body parts, which is illegal under Federal criminal law, and has created a loophole to allow them to do it. There is a loophole in partial-birth abortion, too. I coined the term "head loophole" because, you see, if the arms or the toes or the trunk or the leg or anything else exits the birth canal, it is not a baby yet. Somebody created a loophole, legal mumbo-jumbo. It makes lawyers rich and kills children.

Ironically, if you turn the baby around—and they have done that; the abortionists do turn the baby around, so it is a breach birth, so the head is last—by doing that, under the law of Roe v. Wade, they can kill the child. If it is the other way around and the head exits first, they cannot. Is the head less baby than the torso and the legs and the toes? You be the judge.

Stabbing a baby in the back of the head is murder, infanticide. Call it whatever you want; that is what it is. It is done for convenience. We are going to pay a severe price for this one day. The bottom line is, they call it medicine. Are you kidding me?

Let's go back to the sale of body parts and how it relates here. Look at this chart. We see a woman walking into an abortion clinic. She is obviously pregnant. She is in distress. She is emotional. She is mixed up. "What do I do? I don't want this child. I am in a mess." Let me tell you what happens when she comes in there.

In a room adjacent to where the abortion is to be performed usually, or someplace on the premises, is a person called the wholesaler or the harvester of the child's organs. This is what is going on in this industry. That person or persons—represented here by two organizations, Opening Lines and Anatomic Gift Foundation—sit there. They have a work order in their hands.

Bear in mind the brutality and the gruesomeness of this. Here is this woman obviously pregnant, obviously in distress, sitting there. I don't know whether they have a one-way mirror or a one-way glass or what. Perhaps they just come in, cruise in, take a good look at her to see if she is healthy. But they have a work order. They have already done this. They did prep it up. You now find out this woman has a normal fetus; she is not sick; the baby is fine. That is what they find out.

While she is still pregnant with a living child, still going through the turmoil of an abortion decision, they have a work order on her blood type, on how pregnant she is, what body parts they want. I am going to prove all that to you in a moment. That is the brutality of it. Then they make some kind of deal. They say it is fee for service, but it is selling body parts—I will go into that for a moment—the buyer or buyers, universities, government agencies, pharmaceutical companies, NIH, private researchers. This is against the law, and I read the law last night.

There are four illegal and immoral things that happen with this issue.

The first is, the current law prohibits receiving any valuable consideration for the tissue of aborted children, but it is happening.

Second, live births are occurring at these clinics. Live births are occurring at these clinics. It is the law of every State, when a live birth occurs, to save the life of that child if possible. But this is not happening either. Our tax dollars are being used to fund Planned Parenthood and NIH. On the one hand, if you are pro-life, you are funding Planned Parenthood with your tax dollars, and on the other hand you are funding the research on aborted children.

We will go down and finish this chart. Let's go through the steps. The buyer orders the fetal body parts from the wholesaler; that is, the buyer, the university, and so forth. The clinic provides the space for the wholesaler to procure the body parts. The wholesaler faxes an order to the clinic while the baby is still alive inside the mother. The wholesaler technicians harvest the organs—skin, limbs, et cetera. The clinic donates fetal body parts to the wholesaler who, in turn, pays the clinic a "site fee" for access to the babies. Then the wholesaler donates the fetal body parts to the buyer, and then the buyer reimburses the wholesaler for the government retrieving the fetal body parts.

That is a bunch of gobbledygook that means nothing but one thing—the sale of little babies chopped into pieces. This whole process is being thought out and carefully calculated while this woman is sitting there in the clinic.

Tell me the abortionists care about the welfare of a woman. Some estimates say the market for this is in the $420 million range. Some say it is as high as $1 billion.

I know it is difficult for those in the galleries to see it, but on television you will be able to see. This is a price list for body parts. I want you to understand what is happening here. This clinic, where this young woman in trouble goes in an agonizing, gut-wrenching decision as to whether to have an abortion or not, has a price list they are going to provide to the marketer for her baby's body parts even before she gets there.

In addition, they have a work order prepared on her as to what it is that is her background, what parts we can provide. Then they tell us this is just fee for services. If it is fee for services, why is it $600 for an intact cadaver and $325 for a spinal cord? I am not a doctor, but I assume it takes a lot more time to extract a spinal cord from a 2- or 3-pound baby than it does to put a cadaver in a box and mail it somewhere.

We have a brochure. I will read directly from the brochure. The brochure is the Opening Lines. Those are the sellers. Here is what the brochure says:

> We have simplified the process for procuring fetal tissue. We do not require a copy of your approval of summary or of your research, and you are not required to cite Opening Lines as the source of tissue when you publish your work.

I guess not; it is against the law.

> If you like our service, you will tell your colleagues, word of mouth. We are very pleased to provide you with our services. Our goal is to offer you and your staff the highest quality, most affordable, and freshest tissue prepared to your specifications and delivered in the quantities you need when you need it. We are professionally staffed and directed. We have over 10 years experience in tissue harvesting and preservation. Our full-time medical director is active in all phases, and we look forward to serving you.

That is what is given to the wholesaler while this poor woman sits there deciding whether or not to have an abortion. It is a great country, isn't it?

Let me explain to you how this all works directly from the horse's mouth. I am going to quote from a woman we will call Kelly. She was a wholesaler. She was a buyer. She said:

> We were never employees of the abortion clinic. We would have a contract with an abortion clinic that would allow us to go in and procure fetal tissue for research. We would get a generated list each day to tell us what tissue researchers, pharmaceuticals and universities were looking for. Then we would go and look at the patient charts.

Then we would go and look at the patient charts.

Kind of like going out and looking at a steer on the hoof, isn't it?

> We had to screen out anyone who had . . . fetal anomalies. These had to be the most perfect specimens we could give these researchers for the best value that we could sell for. Probably only 10 percent of fetuses were ruled out for anomalies. The rest were healthy donors.

That is showing a lot of compassion for the woman, isn't it?

Let me talk a little bit more about what other things happen in this clinic. The abortionists are having problems. It is not fun to be an abortionist anymore. The pro-life advertising and, frankly, the wake-up call to doctors and physicians have shown that abortions are declining in this country. This $300 to $1,000 they are going to charge that woman who walks in is not enough. They cannot live on that anymore. They have to make money from the fetus, from the aborted child.

What happens? Here is what the abortionists are saying, their own observations:

> Abortion has failed to escape its back-alley associations . . . [It is the] dark side of medicine . . . Even when abortion became legal, it was still considered dirty.

And on and on.

One abortionist said:

> [Abortion is] a nasty, dirty, yukky thing and I always come home angry.
>
> Organized medicine has been sympathetic to abortion—not abortionists.

What had to happen is they had to come up with another way to make money, and they just did: selling body parts.

Warren Hern is the author of the most widely used textbook on abortion procedures. Dr. Hern says:

> A number of practitioners attempt to ensure live fetuses after late abortions so that genetic tests can be conducted on them.

Hello? Are you listening? Live fetuses should be ensured. It is Dr. Hern's position that "practitioners do this without offering a woman the option of fetal demise before abortion in a morally unacceptable manner since they place research before the good of their patients.

That is a dirty little secret you are not hearing about.

In talking about live births, I said last night on the Senate floor, I have worked this issue for 15 years. I have witnessed the birth of my three children. It was the most beautiful thing I will ever experience. But this brief paragraph I am going to read you now is the worst that I have encountered in my lifetime of working on this issue. How anybody can sit anywhere watching and hearing what I am going to say to you now and say it is all right to allow this to continue in this country is beyond me. But it happens, and it is going to happen tomorrow and the next day and the day after that until we stop it.

Listen to this from a woman who witnessed this:

> The doctor walked into the lab and set a steel pan on the table. "Got you some good specimens," he said. "Twins." The technician looked down at a pair of perfectly formed 24-week-old fetuses, moving and gasping for air. Except for a few nicks from the surgical tongs that had pulled them out—

That, my colleagues, could very well be a partial-birth abortion—

> they seemed uninjured. The technician—

The technician is the buyer of the body parts—

> said, "Wait a minute, there is something wrong here. They are moving. I don't do this. That's not in my contract."
>
> She watched the doctor take a bottle of sterile water and fill the pan until the water ran up over the babies' mouths and noses. Then she left the room. "I couldn't watch those fetuses moving, she recalls. That's when I decided it was wrong."

If that is not murder, can somebody please tell me what it is? What is it? Do you realize what we are doing in this country? We are aborting and murdering our posterity.

Here is a headline from a transcript from a TV station in Columbus, OH, April 20, 1999:

> Partial-birth Abortion Baby Survives 3 Hours.
>
> A woman 5 months pregnant comes to Women's Medical Center in Dayton, Ohio, to get a partial-birth abortion. During the 3 days it takes to have the procedure, she began to have stomach pains and was rushed to a nearby hospital. Within minutes, she was giving birth.
>
> Nurse Shelly Lowe in an emergency room at the hospital was shocked when the baby took a gasp of air. [Lowe said] "I just held her and it really got to me that anybody could do that to a baby . . . I rocked her and talked to her because I felt that no one should die alone." The little girl survived 3 hours.
>
> Mark Lally, Director of Ohio Right to Life believes this is why partial-birth abortions should be banned.

We have a chance to do it right now, today, ban it, stop it, and we are not going to do it because we are going to fail to get three or four people to say enough is enough. How much more can we take?

Abortion isn't something that just happens early in pregnancy. It happens in all stages of pregnancy. And it is legal under Roe v. Wade. Some States have banned them. Give them credit for that.

But we have the chance right here. A vote means something for a change around here. This isn't about a budget. It is not about how much taxes you are going to pay. It is not about whether you are going to get your Social Security check. It is about life. It is about whether or not a baby is going to die tomorrow and another one and another one. We can stop it with three or four votes, if three or four people have the courage to say enough is enough.

My God, Jill Stanek, the nurse at Chicago's Christ Hospital, has openly admitted that live births occur at her hospital, live births from abortions. The hospital staff offers comfort care which amounts to holding the child until it dies. There is testimony after testimony of it, live birth after live birth. I am not going to go through it all. It is pretty bad.

One little quote here:

> "Once a fetus is born, it's no longer a fetus, it's a child," said George Annas, a professor of health law at the Boston University School of Public Health. "And you have to treat it that way."
>
> Aborting a viable fetus is against the law in most States unless the mother's life or health is in danger. "If you're not sure, you can't do it," Annas said.
>
> Nurses at Christ Hospital give "comfort care" to the aborted fetuses.
>
> "Their skin is so thin you can see the heart beating through their chest," said nurse Jill Stanek. "It's not like they kick a lot and fight for air. They're weak."

This is going on in this industry every day. As I speak, children are dying. And we can stop it right here with four of you changing your votes. What is the big deal? You are going to lose a couple of votes from the abortion industry? Hey, those votes are worth the sacrifice for these children.

The "dreaded complication"—that is what they call it. The "dreaded complication"—oh, my God, we have a live child. What are we going to do?

I tell you what they do. They drown them in pans. They leave them in linen closets, gasping for air hours at a time, and sometimes, if there is somebody with some compassion in the place, they will hold them in their arms until they die.

This is America—the "dreaded complication."

You know what some of the abortionists say?

> Reporting abortion live births is like turning yourself in to the IRS for an audit. What is the gain?

You know: Sure. Hey, we had a live birth here. My goodness, that is embarrassing.

Now we have come to this; not only do we have a live birth, if we let it die, we can sell its body parts, and we can make a fortune that we could not make off the woman because she could not afford to pay me. That is what we are doing.

I am going to expose this filthy, disgusting fraud as many times and as often as I can. I am going to get the sunshine into this industry. I am going to get to the bottom of it; and I am going to stop it, if it is the last thing I do. And it may be, but I am going to do it.

> You have to have a feticidal dose of saline solution. It is almost a breach of contract not to. Otherwise what are you going to do? Hand her back a baby that's been aborted and has questionable damage?

Another one says:

> If a baby is rejected in abortion and lives, then it's a person under the Constitution.

I witnessed it. Gianna Jessen was aborted. She is now 26, 27 years old. I saw her sing "Amazing Grace" before 1,000 people 4 or 5 years ago. She said: I forgive my mother. She made a mistake, and I forgive her. But please, help other mothers get through this so what happened to me doesn't have to happen to somebody else.

Change your votes, colleagues—four of you. Let's once—just one time—let's beat President Clinton on something. He has gotten away with everything—everything. He always wins. We never win against him. Just one time, let's override his veto.

This guy says:

> I find late abortions pretty heavy weather both for myself and for my patients.

I guess it is heavy weather; it is real heavy weather.

I want to go back to these charts. This is an emotional experience. Anybody who can't be passionate on this issue when we are talking about the lives of children—and all we need is four or five votes on the floor of this Senate to stop this killing; that is all we need.

Look here. These are the charts. What does it say? NIH, that is where this stuff is going. It is illegal, but it is going there anyway; and we are paying for it.

Do you know what it says here? Ten minutes from the fetal cadaver, within 10 minutes they want it on ice. Nobody could get a cadaver on ice in 10 minutes—unless it is a live birth or a partial birth. And I will prove it to you.

One method of killing children is saline. That has to go into the amniotic sack and poison the baby. Another one is D&E, where you chop the child to pieces with an instrument in the womb so it comes out in so many pieces the nurse has to assemble them all in a towel to be sure all the pieces are there so there is nothing left inside the woman. The third method is one here called digoxin, DIG, where the needle goes into the heart of the baby and dissolves the organs. That is a nice way to die.

Let me ask you a question. Those of you, those three or four of you that I pray to God will get on this vote, let me ask you a question: If you are buying body parts, and you need one of those body parts to do research can you take a body part that has been hacked to pieces in the D&E method? No. You know it.

Can you take a body part from some baby who has been poisoned with saline or had their tissues dissolved from digoxin? No.

There are only two methods left: partial birth and live birth. That is where they are getting the tissue. Wake up, America. That is where they are getting the tissue. And here is the proof right here. Here is the work order: "Please send list of current frozen tissues." "No digoxin donors." They are telling them: Give us a live birth. Give us a partial birth. We don't want any babies like this. We can't use their organs.

This is happening in America, and I am sick of it. And I am sick of losing every year. "Prefer no DIG." Over and over again, the requests would mention the tissue must be fresh. It is over and over again. You see it everywhere.

Here is another one: Remove specimen and prepare within 15 minutes, 10 minutes.

Ladies and gentlemen, the truth is, you cannot get this kind of tissue the way they want it without a live birth or partial birth.

That is a fact: Dirty little secrets, in a dirty, disgusting industry that is profiting at the expense of women who are in a horrible situation, and then selling the body parts—the ultimate humiliation of this poor aborted child—and we cannot get 4 people, we cannot get 67 votes on the floor of the Senate to override this President. What would Daniel Webster, at whose desk I sit, say? What would our founders say? What would Jefferson say, who said life first, liberty, and the pursuit of happiness? I could go on and on.

I am going to stop because I am mentally exhausted, to be candid about it. There is sexual abuse of these women. They are lying there on the table, and people are making mocking remarks about their genitalia. I could go on and on with stories about it. It is disgusting.

I am going to shine the light into this industry, and I am going to expose it. I am going to stop it. If I have to do it myself, I am going to stop it. If it is not an amendment, it will be a bill; whatever it takes, it is going to provide for full disclosure. It is going to put the light into those clinics, and we are going to find out about this stuff. We are going to stop it.

Everything else is regulated in this country. You can't do anything without the Government being on your back. Then let's put the Government on the backs of the abortion industry, for crying out loud: Any entity that receives human fetal tissue obtained as a result of an induced abortion shall file with the Secretary of HHS a disclosure statement. Let's find out who is buying, who is selling, and what is happening.

Oftentimes in these clinics, a young woman comes in; she is pregnant and needs an abortion. She is presented with a form, which she is asked to sign, that says that her baby can be chopped up and sold.

We get two stories out of the abortion industry. They say: Now, look, this woman is in a distraught emotional state. We are here for her health and safety and her good emotional state. We are not going to put this form in front of her. We will do it after she has the abortion.

I hate to give my colleagues the bad news, those of you who support this god-awful procedure, but they want the baby within 10 minutes. So unless they are going to wake her up out of whatever state she happens to be in, they don't have time to do that then. They do it before. That is what they do. They are going to tell you they don't, but they do.

Here is some proof for you. The name is changed to protect the innocent.

On July 1, 1993, Christy underwent an abortion by—fictitious name—John Roe. After the procedure, Roe looked up to find Christy pale with bluish lips and no pulse, no respiration. Christy's heart had stopped. There are no records that her vital signs were monitored during the procedure. Additionally, Roe was not trained in anesthesia and the clinic had no anesthesia emergency equipment or staff trained to handle an anesthesia complication. Paramedics were able to restore Christy's pulse and respiration, but she was left blind and in a permanent vegetative state. Today, she requires 24-hour-a-day care and is fed through a tube in her abdomen. She is not expected to recover and is being cared for by her family. Christy had an abortion on her 18th birthday. Happy birthday, Christy.

Any hospital in America would have had licensed anesthesiologists who were capable of stopping that from happening. But it didn't happen. For those of you who say, well, I guess she must have, she could have signed that card—really? In a vegetative state, you think she signed the permission slip?

I have her permission slip here. It was signed on June 29, 1993. Does anybody think she signed that in a vegetative state? She was brought in there, and she was told—the language was pretty gruesome in there—what we can do with your baby after you are finished with the abortion. She signed it. Not only that, she said: I understand I will receive no compensation for consenting to this study. Study? It is a study? It is chopping the baby up into God knows how many parts and sending it off to some research laboratory. She doesn't get a dime out of it, and they make probably $5,000, when added all up. That is what is happening.

I say bring a little sunshine in. I have two options on this proposal—one, to offer an amendment to this bill. I want to be honest about it. I don't want to do anything at this point to stop this bill from passing, nothing, not even this amendment, if that is what it takes. So it will either be an amendment, if we gain votes; if we can't gain and we lose votes as a result of it, I will prepare a bill. But I will not stop on this issue. I will not stop until the light shines in on this disgusting industry.

It is amazing. We go after the tobacco people. What bad guys they are. Somebody smokes a cigarette, and somehow everybody else is to blame but the guy who smokes it. So we go after the tobacco company, fine them billions. This is a heck of a lot worse than that. If they can go after the tobacco companies, then we can go after these guys. That is exactly what I am going to do. Be prepared out there because I am coming. I am not going to stop until the light shines in on this.

I will close with one final plea. Several times on my side of the aisle I have made a personal appeal to the five or six Republicans who refuse to support the ban on partial-birth abortions. I have asked privately, please change your vote, please change your vote and save lives. Two times we voted on this and the President vetoed it, and two times I couldn't switch those votes. I understand vote switching. I don't like it when I am asked to switch mine. But it is not about the budget and taxes and health care or anything else; it is about life. We are going to save lives if four Members change their votes.

I make another appeal that I hope, for once, will not fall on deaf ears: Please consider changing your vote on this bill. Let's pass this thing with over 67 votes, so President Clinton can have his little veto ceremony and we will override it. That is the day I am looking forward to in America. And then, whether it is on this bill or some separate bill, we are going to shine the light into these abortion clinics. We are going to find out what is going on, and the American people will know.

So be prepared. If you have any documents to hide, you had better hide them. We are coming after you. I have had enough of it. Live births and partial births, killing children coming into the world, drowning babies in a pan—I have had enough of it. You can defend it, if you want to, and go ahead and vote to defend it. Not me. I am coming after you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

PRESCRIPTION DRUG COVERAGE UNDER MEDICARE

Mr. WYDEN. I thank the Senator from New Hampshire for yielding the floor. I know he waited a long time yesterday to speak, and I have waited as well. I thank the Senator for his courtesy.

I take the opportunity for a few minutes this afternoon to talk about an issue of enormous importance to millions of older people and their families. Specifically, it is the question of including prescription drug coverage under Medicare for the Nation's older people.

There is one, just one, bipartisan bill before the Senate to offer this vital coverage to the Nation's elderly. I have teamed up on this bill with Senator OLYMPIA SNOWE of Maine because the two of us believe it is critical that the Congress address this issue now and address it on a bipartisan basis. So Senator SNOWE and I, in an effort to get this issue out of the beltway, beyond Washington, DC, as you can see in the poster next to me, are urging that seniors send in copies of their prescription drug bills. Just as this poster says, send copies of their prescription drug bills to their Senator, U.S. Senate, Washington, DC 20510.

What we are going to do, in an effort to get bipartisan support for our legislation, is come to the floor every few days—this is the fourth time I have come to the floor of the Senate—and read directly from letters we are receiving from the Nation's elderly people. Here is one I just received yesterday from an elderly person in Central Point, OR. She wrote:

> Dear Senator WYDEN, I write to ask for your support for Medicare coverage of prescription medicine. In my case such coverage is a financial necessity. I suffer from rheumatoid arthritis. My physician recommends that I use medicine to combat it. The only problem I have is that the dosage I require would require an annual outlay in excess of $1,000 a month. I desperately wish I could have the relief Enbrel could give me. Please champion coverage.

Another letter I received from my home community, from an elderly widow, states that her Social Security is $1,179 a month. Each month, from that $1,179 check, she spends $179 on the medicine Fosamax, $209 a month on Prilosec, $112 on Lescol; that is $500 a month, each month, for her prescription medicine from her monthly Social Security check, which is the only income she has. Almost half of her income goes to pay for her prescription drug bills.

Here is a letter I have just received from King City, OR. The writer says:

> I am a constant user of Lovenox inhaler. Two uses per day come to $839. Fortunately, I drove a Chevrolet when my friends were driving Cadillacs, and our family vacation was spent in the U.S. not the South Seas, so I may be able to carry the load at least for a while. My annual cost for this one medicine is $30,600, just about what it would equal to stay in a nursing home.

These are just a few of the bills that are coming into my office, coming into Senator SNOWE's office, and our colleagues' here in the Senate as a result of the concern among the Nation's senior citizens that this issue be addressed. I hope we will see that more senior citizens follow just as we say in this poster: "Send in your prescription drug bills."

The Snowe-Wyden legislation is bipartisan. It uses market forces to hold down the cost of medicine. That is the biggest problem, holding down the enormous cost of these medicines. More than 20 percent of the Nation's senior citizens spend over $1,000 a year out of pocket on their prescription medicine, and the bipartisan Snowe-Wyden bill would use a market-oriented approach to address this issue. It is modeled on the Federal Employee Health Benefit Plan. Our view is, if health care is good enough for Members of Congress, we certainly ought to look at using that kind of approach for the Nation's seniors. We call it the SPICE bill, the Senior Prescription Insurance Coverage Equity Act, because we would cover all of the Nation's older people eligible for Medicare. It is absolutely key that we do this now.

When people ask, "Can we afford to cover prescription drugs under Medicare?" my response is: "We cannot afford not to cover prescriptions any longer." The reason for that—and I know my colleague currently in the Chair was involved in aging issues when he was in the House and was involved with Social Security, so he is familiar with this. We know the most important drugs that would be covered under the Snowe-Wyden legislation are preventive drugs. They help to deal with blood pressure problems and cholesterol problems. They keep people healthy and well, and they keep them fit. That helps hold down the cost for what is called Medicare Part A, the acute care portion of Medicare that covers hospitals and institutional services. Under the Snowe-Wyden approach, we contain costs without shifting them onto the backs of somebody else.

One of the things that concerns me, there is a well-meaning bill that has been introduced that suggests we ought to have Medicare buy up all the drugs and act as a buyer for everybody. The problem with that approach is that it will result in tremendous cost-shifting onto the backs of other Americans who are having difficulty paying for their prescription drug bills. I don't want to see a 27-year-old divorced African American woman with two kids, who is working hard, playing by the rules and doing everything she can to get ahead, have to see a big increase in her prescription drug bill because the costs are shifted onto her when somebody doesn't think about the implications of trying to do this through approaches that don't involve marketplace forces.

So these are letters I am receiving from seniors across the country. Here is another one from Myrtle Creek, OR. This is a senior citizen who has to take a variety of medicines, including Albuterol, Dulcolax, and other drugs. She writes me that she spent $370 recently on prescription drugs from a Social Security check of $1,152. She went to a small drugstore in Myrtle Creek, OR—a terrific small community—and spent $370 from a Social Security check of $1,152 on her medicines.

I think a lot of these seniors are asking themselves, what is it that the Senate is so busy doing that it cannot work in a bipartisan way to be responsive to older people and families on this issue? I am very hopeful that if seniors just read what it says in this poster: "Send in your prescription drug bills" to Senators—Senator SNOWE and I are particularly interested in hearing from older people because we want to do this in a bipartisan way. A lot of people think the prescription drug issue is just going to be fodder for the campaign in the year 2000 and in the fall of 2000 we will just have the Democrats and Republicans slugging it out on the issue. The last time I looked, it was more than a year until that election comes up.

I don't want to see seniors such as the ones I am hearing from in Myrtle Creek and King City, and all over the Willamette Valley in my home State—I don't want to see them suffer. I know the Chair doesn't want to see people suffer in Kentucky. Other colleagues feel the same way. If we can put down the partisanship for a little while and work together in an effort to get the vulnerable seniors across this country the coverage they need, we will have a truly lasting legacy from this session of the Senate.

I was codirector of the Gray Panthers, a great senior citizens group, for about 7 years before I was elected to the Congress. Some of my most joyous memories are working with older people back then. We talked about how important it was to cover prescriptions.

Well, what has happened with the evolution of the pharmaceutical sector over those 20 years is, prescription drugs have become even more important since those days when I was codirector of the Gray Panthers; the drugs are even more important now because they do so much to promote wellness. We needed them before because you do need medications for so many who are acutely ill. But today, this could result in keeping people healthy and save Medicare, particularly the institutional part of the program, Part A, that it could save Medicare Part A money and we could do it through marketplace forces.

Snowe-Wyden doesn't go out and set up a price control regime. We give senior citizens the kind of bargaining power a health maintenance organization would have through the marketplace. Seniors would get to choose the various kinds of coverages that are available to Members of Congress, such as the President of the Senate and myself. It would not be bureaucratic. We know our health care doesn't create a whole lot of new redtape and bureaucracy. We know it works. So that is what Senator SNOWE and I are trying to do.

This is the fourth time I have come to the floor of the Senate to urge seniors, as this poster says, to send in their prescription drug bills. I intend now to come back to the floor of this Senate every few days until this session ends and read, as I have, directly from copies of these prescription drug bills I am receiving.

I know that so many Senators care about the needs of the elderly. I see Senator CHAFEE, who has long been an expert in health and a member of the Finance Committee; our friend, Senator MIKULSKI, who has championed the Older Americans Act issue so passionately for so many years in the Appropriations Committee.

When we have these colleagues who have expertise in these issues and we know how acute the need is and we know we can do it in a bipartisan way, as Senator SNOWE and I have been trying to do, it would be a tragedy for the Senate to pass on this issue and say: Well, let's just put it off until after the year 2000.

We have consulted with senior groups. We have consulted with the insurance industry. We have consulted with those in the pharmaceutical sector. All of them have told us that our bill, while perhaps not their first choice for how to ensure that seniors get their coverage, will work. It will get seniors the help they need, and it will be something that we can do and do now—not after the 2000 election, not after some other period of campaign activity, but it is something we can do now.

The Nation's seniors and our families can see as a result of my reading from these bills and what I am receiving from Oregon that I am very serious about their input. I hope that seniors and their families, as this poster says, will send in their prescription drug bill to their Senator. I hope they will be for the bipartisan Snowe-Wyden bill. Frankly, I am much more interested in hearing from them about the need for Congress to act. We can act. We can do it.

I yield the floor.

PARTIAL-BIRTH ABORTION BAN ACT OF 1999—Continued

The PRESIDING OFFICER (Mr. VOINOVICH). Under the previous order, the question is on agreeing to amendment No. 2321. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. McCAIN) and the Senator from New Hampshire (Mr. GREGG) are necessarily absent.

The result was announced—yeas 51, nays 47, as follows:

[Rollcall Vote No. 337 Leg.]

YEAS—51

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Bryan
Byrd
Campbell
Chafee
Cleland
Collins
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Murray
Reed
Robb
Rockefeller
Sarbanes
Schumer
Snowe
Specter
Stevens
Torricelli
Warner
Wellstone
Wyden

NAYS—47

Abraham
Allard
Ashcroft
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Cochran
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kyl
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Reid
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Thomas
Thompson
Thurmond
Voinovich

NOT VOTING—2

Gregg
McCain

The amendment (No. 2321) was agreed to.

Mrs. BOXER. Mr. President, I move to reconsider the vote.

Mr. SANTORUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the underlying amendment, as amended, is agreed to.

The amendment (No. 2320), as amended, was agreed to.

Mrs. HUTCHISON. Mr. President, I voted against the Harkin amendment because I disagree with the findings stated in the resolution and because it is not relevant to the underlying bill. However, I would not vote to repeal Roe v. Wade, as it stands today, which has left room for States to make reasonable restrictions on late-term abortions.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I am about to send an amendment to the desk. The purpose of the amendment is a modification of the language that defines what a partial-birth abortion is in S. 1692.

The reason for the modification is in direct response to the Eighth Circuit decision where the court asserted the procedure defined—it was a similar definition to the one here—was unconstitutionally vague; that it could have included other forms of abortion and, thereby, was an undue burden because it would have eliminated other forms of abortion and would have, by doing so, restricted a woman's right unduly, according to the court.

I am not going to take issue with the court whether they are right or wrong. I do not believe they are right, but in response to that, I am going to be offering an amendment that makes it very clear we are not talking about any other form of abortion; that we are talking about just the abortion procedure that has been described over and over about a baby being delivered outside of the mother, all but the head, and then killed; not a baby that is being killed in utero and a part of the baby's body may be in the birth canal. That is what the court said they were concerned about.

Mr. KERREY. Will the Senator yield for a question?

Mr. SANTORUM. Yes.

Mr. KERREY. I think I have the language that—

Mr. SANTORUM. We made a slight modification.

Mr. KERREY. The language you gave me earlier said:

> As used in this section, the term "partial-birth abortion" means an abortion in which the person performing the abortion deliberately and intentionally delivers through the vagina some portion of an intact living fetus until the fetus is partially outside the body of the mother for the purpose of performing an overt act that the person knows will kill the fetus while the fetus is partially outside—

Any changes?

Mr. SANTORUM. The only change is in the first few words.

Mr. KERREY. I ask the Senator to respond to me. We had a colloquy earlier. I have the Eighth Circuit decision. Earlier all I had was opinions on the Eighth Circuit decision from both opponents and supporters of the Senator's legislation. The Eighth Circuit says, referencing the Nebraska statute, which is the concern I have, that it did create an undue burden because, in many instances, it would ban the most common procedure of second-trimester abortions, and that is the D&E. You are saying you are drawing it more narrowly so it does not.

Mr. SANTORUM. That is correct.

Mr. KERREY. Here is the language, I say to the Senator from Pennsylvania, that the court found objectionable, and it sounds awfully similar to your amended version. I want to give you an opportunity to talk to me about it. It says:

> . . . deliberately and intentionally delivering into the vagina a living unborn child, or a substantial portion thereof, for the purpose of performing a procedure that the person performing such procedure knows will kill the unborn child and does kill the unborn child.

Mr. SANTORUM. That is similar to the language that is in the bill right now. But the amended language further specifies the fetus is partially outside the body of the mother. The court was concerned about a D&E performed in utero, but the baby during this procedure could be partially delivered into the birth canal and that occasionally an arm or leg or something might be delivered, and that was the confusing part for the court.

This is clear that the living baby has to be outside of the mother before the act of killing the baby occurs; that the act of killing the baby is not occurring in utero, but occurring when the baby is outside the mother. I think it pretty well carves out any other form of abortion.

Mr. KERREY. May I ask him one more question?

Mr. SANTORUM. Yes, ask as many as you like.

Mr. KERREY. I will get you the comparative language. Again, I will not give the precise Eighth Circuit compared to yours. You have been on this a lot longer than I have, and I know the Senator from California has as well. Perhaps between the two of you, you can clarify if this change meets the Eighth Circuit's test.

I understand that this is one circuit, and you may get—I have voted against other circuits before when they have had decisions, so there is certainly precedent for me ignoring what a court says.

But in the earlier discussion we had, I expressed one of the concerns I have. And since we talked earlier, I have talked to an OB/GYN from Omaha who does not, in a normal practice, conduct abortions. What she does is work with women who are pregnant and helps them through their delivery. She is expressing a concern that if she is working with a woman who is having some difficulty, because of the penalties that are in here, she finds herself saying: Am I going to be able to do something that I ordinarily might have done?

In other words, you said to me earlier, when I talked about this, that this is for people who intentionally make a decision to go in and get an abortion as opposed to somebody, as this doctor described to me, who is not going in for an abortion. I think it is a very important point because the universe consists of people who get abortions but do not want one; they were intending to deliver, and the doctor, for medical reasons, makes this decision, but the woman may prefer that that not have happened. The doctor is making the decision based upon life and health considerations. And you said to me it has to be the intent. Where in the bill does it say that?

Mr. SANTORUM. Yes. Do you have the bill in front of you? Page 3, lines 9 and 10:

> As used in this section, [the] term "vaginally delivers a living fetus before killing the fetus" means deliberately and intentionally delivers into the vagina a living fetus, or a substantial portion thereof, for the purpose of performing a procedure the physician knows will kill the fetus, and [then] kills the fetus.

So it is——

Mr. KERREY. It seems to me that can still easily cover a doctor making a decision with a woman who does not want an abortion, but the abortion is selected by the doctor as a consequence of some complications occurring.

What this doctor said to me was——

Mr. SANTORUM. If you have some language that could clarify—but if you read the definition, it says:

> . . . means deliberately and intentionally delivers into the vagina a living fetus, or a substantial portion thereof, for the purpose of performing a procedure the physician knows will kill the fetus. . . .

That is, if you deliver for the purpose of killing the fetus, as this says, as opposed to delivering for the purpose of delivering a live baby where that may go awry and something may happen, and that would require the killing of a fetus. And that is not covered. I think it is pretty clear that is not covered.

If you have some language that would make you more comfortable with that, it is certainly not our intention—let me make it very clear—to cover any case where you have a birth where a complication arises and something has to be done.

Mr. KERREY. I appreciate that. I will give that some consideration.

I say that I have had a very interesting conversation—both the earlier one and subsequent one with this OB-

GYN physician in Omaha—because, again, she is not an abortion doctor. That is not her practice.

Mr. SANTORUM. Right.

Mr. KERREY. Her practice is in working with women who either are pregnant or want to get pregnant; and that is her business.

Mr. SANTORUM. Has she read this language?

Mr. KERREY. I just faxed the language to her, both the amended version and the original version.

Again, one of the problems that all of us have—I have two problems: One, as a man, I have difficulty trying to figure all this out; but secondly, as a nonphysician, I have a difficult time figuring it out. She starts talking to me and says: Understand, the cervical arteries are at 3 and 9 o'clock.

What you are dealing with here is a situation where you can produce damage. You have to be careful not to. In other words, she is saying to me: Understand that delivery itself is a life-threatening process—as the Senator from Pennsylvania knows all too well. Delivery itself is a life-threatening process to the mother, and decisions are being made by the physician as to what to do and what not to do. And she is very concerned that this will make it difficult for her to continue her practice.

As I said, I faxed it to her. And I look forward to further colloquies with the Senator.

Mr. SANTORUM. I appreciate that. I state for the record this is part of the legislative history. Obviously, if there is some language that makes you more comfortable, that we need to be more clear here, it is certainly clearly the legislative intent not to include situations where the baby is in the process of being born and the process of a natural childbirth and a complication arises which forces the doctor to do things that result in the death of the child. That is clearly outside the scope of this. It certainly is our intent for it to be outside the scope. We think the language here is clear that it is.

But, again, I would be willing to work with the Senator from Nebraska to make sure he is comfortable that that is clearly outside the scope of this.

Mr. KERREY. I appreciate that. I said earlier, when we had our colloquy, that I am comfortable in my position in saying I believe a woman or doctor, physician, should—and her spiritual counselor—be making this decision. I consider myself to be a pro-choice individual as a consequence of that.

I supported Medicaid funding because I think it is hypocritical of me not to if I am going to let people who have the means get a legal procedure. But this procedure troubles me. I have voted against you on a number of occasions. And I have promised people in Nebraska I would keep an open mind. I listened, especially last evening, to your arguments. And I am willing to keep an open mind on this.

Mr. SANTORUM. I thank the Senator from Nebraska.

Mr. President, I am going to be sending an amendment to the desk, which the Senator from Nebraska referred to in our colloquy, that redefines what a partial-birth abortion is—the definition section of the act.

Again, it is in response, as the Senator from Nebraska accurately pointed out, to the Eighth Circuit's concern about this provision in the bill as being unconstitutionally vague. In other words, it is a provision in the bill that defines the procedure, that the Eighth Circuit said could include other procedures.

As I described to the Senator from Nebraska, the most common form of late-trimester abortion is a D&E in which the baby is killed in utero. During that procedure, occasionally, I am told, a part of the body may enter into the birth canal. And the concern of the court, of other courts—not just the Eighth Circuit but other courts—is that the definition we have in place right now—and the definition states as follows: "means an abortion in which the person performing the abortion partially vaginally delivers a living fetus before killing the fetus and completing the delivery." According to the court, it is unclear that we are talking about a baby outside the mother.

Of course, from the charts we have shown here, we described partial birth as the baby being outside of the mother and then killed. We do not say that in this underlying bill. So the courts have said: Well, it can mean partially delivered; it could be a body part in the birth canal. That could be seen as partially delivered; therefore, overly broad.

Again, I think that is, frankly, stretching it to the extremes. But because of the other sections—again, to address the issue of vagueness—we have come up with an alternative definition. It is as follows:

> As used in this section, the term "partial-birth abortion" means an abortion in which the person performing the abortion deliberately and intentionally—
>
> (A) vaginally delivers some portion of an intact living fetus—

I underline "intact living fetus."

Again, with a D&E, the baby is killed in utero and is not intact or living at the time it is coming through the birth canal, and certainly not intact or living if it is outside the mother.

Again:

> . . . vaginally delivers some portion of an intact living fetus until the fetus is partially outside of the mother,—

"Intact living . . . outside of the mother"—

> for the purpose of performing an overt act that the person knows will kill the fetus while the fetus is partially outside the body of the mother; and
>
> (B) performs the overt act that kills the fetus while the intact living fetus is partially outside the body of the mother.

So this makes it crystal clear that what we are talking about here is just this specific procedure, just a partial-birth abortion, not a D&E, not any other kind of abortion that occurs in utero. This is an abortion where the killing occurs when the baby is intact, outside of the mother.

I do not know how there could be any vagueness attached with this clarifying definition. I am hopeful that in combination with the other concern the Senator from Nebraska had, which is the intent clause—it is section (b)(3) of the bill—again, killing the fetus means deliberately and intentionally delivering into the vagina a living fetus or substantial portion thereof, for the purpose of performing a procedure the physician knows will kill the fetus, and kills the fetus. You have to have intent to kill when you do this. You have to have the baby outside of the mother with the intent to kill the baby outside the mother, and then do it.

Mrs. BOXER. Is the Senator going to send it up and ask unanimous consent to modify?

Mr. SANTORUM. My understanding is that we want to get an overall agreement. I will hold off until we get all——

Mrs. BOXER. I would like to have a chance to discuss what the Senator has done, whenever it is easy for him.

Mr. SANTORUM. Why don't I suspend right here if the Senator would like to make a comment. I am interested to hear what she has to say, as always.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I thank the Senator from Pennsylvania.

I don't know how this is all going to end, but my side has no problem with the Senator from Pennsylvania changing his legislation in any way he wants to change it. We on our side are not going to object at all. He can change it any way he wants to change it.

I will say something very important from our side, and that is, the change he is submitting does nothing at all to meet the health concerns of the mother. He is changing a definition, and he doesn't at all say, if a woman's health is at stake, this procedure can be used. So if the Senator is trying to meet the constitutional objection from the courts which have thrown out his bill across this country, he doesn't do it with his modification. He still doesn't make an exception for the health of a woman, and this bill remains a very dangerous bill. It makes no exception for health.

Secondly, as I understand it, he still keeps the criminal penalties for the doctors. This caused the American Medical Association to back off its support for the bill. That still is a defect because, as the Senator from Nebraska said, after speaking to an OB/GYN, who brings life into the world, when these dangerous situations present themselves to a physician, they have to make a quick-second judgment on what to do to preserve life, to preserve health, to make sure the woman is not paralyzed, deformed, made infertile, to make sure the fetus isn't injured. All these things come into play. We don't want to have doctors saying: Just a minute, I have to read Senator SANTORUM's law.

What we want is for the physicians to do what has to be done, do the right thing, according to their oath they take when they become physicians. We take an oath of office when we become Senators. We are not physicians. We don't take the Hippocratic oath. When we take the oath, we swear to uphold and defend the Constitution of the United States of America. We do not get sworn in to be physicians. Physicians take their oath to do no harm. Our oath is to uphold the Constitution. And to uphold the Constitution, we should be upholding the landmark decision Roe v. Wade, which, by a very slim majority, this Senate says it upholds.

So this so-called fix the Senator from Pennsylvania will be submitting, which I have no objection to his submitting, still renders the bill unconstitutional because the health of the woman is not addressed. Roe says clearly, yes, the State can get involved in the right to choose after viability, but you always have to respect the health of the woman. No such exception.

Secondly, I only had a little time to send this new language, because we did not see it until literally less than an hour ago, to the American College of Obstetricians and Gynecologists. I want to ask them if they believe this new language Senator SANTORUM is going to place into his bill, in fact, makes the whole issue clearer, whether or not it is still vague, vaguely describes a procedure that is used in the earlier terms, which is the second reason the courts have struck it down. The way partial-birth abortion is described—and that is a political term, not a legal term—the courts say applies to all abortions, regardless of whether they are in the first month, second, third, fourth, fifth, or sixth. So the court struck it down.

This is what Ann Allen, general counsel of the American College of OB/GYNs—those 40,000 physicians who bring babies into the world and, yes, if things go tragically wrong, may have to resort to this procedure—says:

> Upon review of the attached language . . . in my opinion the language does not correct the constitutional defects of S 1692. In particular, this language does not correct the issues addressed by many states and federal courts, including the U.S. Court of Appeals for the Eighth Circuit, which have held similar legislation to be unconstitutional.

The Senator from Pennsylvania says he is reacting to the Eighth Circuit Court. The doctors at the American College of Obstetricians and Gynecologists, through their general counsel, say it does not cure that problem.

I ask unanimous consent to print this letter in the RECORD during the debate.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE AMERICAN COLLEGE OF
OBSTETRICIANS AND GYNECOLOGISTS,
Washington, DC, October 21, 1999.

Hon. BARBARA BOXER,
Hart Office Building, Washington, DC..

DEAR SENATOR BOXER: Upon review of the attached language, an amendment to S. 1692, the "Partial-Birth Abortion Ban Act of 1999," by Senator Rick Santorum, in my opinion the language does not correct the constitutional defects of S. 1692. In particular, this language does not correct the issues addressed by many states and federal courts, including the U.S. Court of Appeals for the Eighth Circuit, which have held similar legislation to be unconstitutional.

Sincerely,

ANN ALLEN, JD,
General Counsel.

Mrs. BOXER. I have a second letter on the new Santorum language from the Center for Reproductive Law and Policy. It was addressed to Senator CHAFEE.

DEAR SENATOR CHAFEE: You have asked for our advice regarding the significance of new language defining partial-birth abortion in substitution for the prior language. In our opinion, the changes are without legal significance and will not correct the constitutional infirmities of S. 1692. Nor do they limit the prohibition's wide-ranging ban on previability abortion procedures.

I ask unanimous consent this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE CENTER FOR REPRODUCTIVE
LAW AND POLICY,
October 21, 1999.

Hon. JOHN H. CHAFEE,
Washington, DC.

Re: New Santorum language (S. 1692).

DEAR SENATOR CHAFEE: You have asked for our advice regarding the significance of proposed new language defining "partial-birth abortion," in substitution for the prior language of Section 1531(b)(1). In our opinion, the changes are without legal significance and will not correct the constitutional infirmities of S. 1692, the proposed "partial-birth abortion" ban. Nor do they limit the prohibition's wide-ranging ban on pre-viability abortion procedures.

The Center for Reproductive Law and Policy (CRLP), lead counsel in 14 state cases successfully challenging "partial-birth abortion" bans including challenges to laws in Iowa, Arkansas, and Nebraska struck down by the U.S. Court of Appeals for the Eighth Circuit, appreciates the opportunity to comment on this iteration of "partial-birth" definition.

(1) The proposal continues to preclude any procedure at any gestational age of a pregnancy. Court after court—including the unanimous 8th Circuit—has held that such an approach unduly burdens the right to abortion.

(2) The proposal purports to add a requirement of intentionality. Numerous statutes containing similar language ("deliberate" and "intention") have been enjoined, including those in Nebraska, Iowa, New Jersey, Rhode Island, and West Virginia,

(3) Similarly the requirement that an "overt act" be performed adds nothing. Every abortion procedure requires an "overt act."

(4) The new Santorum formulation is similar to proposed abortion bans labeled "infanticide" in some states. Although the rhetoric is extreme and the images repellant, the fundamental legal prohibition remains the same—and is similarly unconstitutional.

Sincerely,

JANET BENSHOOF,
President.
SANA F. SHTASEL,
Washington, DC Director.

Mrs. BOXER. I thank the Chair.

To sum up my feeling on this and the feeling of those of us who actively oppose the Santorum bill, we have no objection to the Senator amending his bill in this fashion, but we still believe very strongly that it doesn't meet the constitutional arguments. It still doesn't do anything to protect the health of a woman, and it doesn't do anything to remove criminal penalties on physicians.

I hope we will get this moving forward. We will amend the bill the way the Senator from Pennsylvania wants. I hope we can get to a vote at some point, although I know Senator SMITH is still talking about an amendment. Senator LANDRIEU has a very important amendment. I hope when we can get this wrapped up, all of those things can be done, perhaps in the next hour or two.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2323

(Purpose: To express the sense of the Congress that the Federal Government should fully support the economic, educational, and medical requirements of families with special needs children)

Ms. LANDRIEU. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes an amendment numbered 2323.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE CONGRESS CONCERNING SPECIAL NEEDS CHILDREN.

((a) FINDINGS.—Congress finds that—

(1) middle income families are particularly hard hit financially when their children are born with special needs;

(2) in many cases, parents are forced to stop working in order to attempt to qualify for medicaid coverage for these children;

(3) the current system of government support for these children and families is woefully inadequate;

(4) as a result, working families are forced to choose between terminating a pregnancy or financial ruin; and

(5) government efforts to find an appropriate and constitutional balance regarding the termination of a pregnancy may further exacerbate the difficulty of these families.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the Federal Government should fully cover all expenses related to the educational, medical and respite care requirements of families with special needs children.

AMENDMENT NO. 2323, AS MODIFIED

Ms. LANDRIEU. I send a modified amendment to the desk.

The PRESIDING OFFICER. The Senator has that right.

The amendment is so modified.

The amendment (No. 2323), as modified, is as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE CONGRESS CONCERNING SPECIAL NEEDS CHILDREN.

(a) FINDINGS.—Congress finds that—

(1) middle income families are particularly hard hit financially when their children are born with special needs;

(2) in many cases, parents are forced to stop working in order to attempt to qualify for medicaid coverage for these children;

(3) the current system of government support for these children and families is woefully inadequate; and

(4) as a result, many families are forced to choose between terminating a pregnancy or financial ruin.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the Federal Government should fully cover all expenses related to the educational, medical and respite care requirements of families with special needs children.

Ms. LANDRIEU. Mr. President, when Justice Blackmun delivered the opinion of the Court in Roe v. Wade, which is one of the most significant decisions—regardless of how one feels about this issue, it is one of the most significant decisions rendered by our highest court—he wrote for the Court the following:

> We forthwith acknowledge our awareness of the sensitive and emotional nature of the abortion controversy, the vigorous opposing views, even among physicians, and of the deep and seemingly absolute convictions that this subject inspires. One's philosophy, one's experiences, one's exposure to the raw edges of human existence, one's religious training, one's attitude toward life and family, and their values and the moral standards one establishes and seeks to observe are all likely to influence and to color one's thinking and conclusions about abortion. In addition, population growth, pollution, poverty and racial overtones tend to complicate, not simplify, the problem.

Mr. President, he was quite accurate, as we have witnessed on the floor of this Senate in the last few hours a very emotional and tough debate regarding one of the most serious issues I think this body has ever considered in the history of the Congress.

Regardless of how one feels about this issue, or the way we vote on these amendments, whether we regard ourselves as pro-life or pro-choice, or somewhere in the middle, the amendment I send to the desk and urge my colleagues to vote for and support is an amendment that is quite simple. It simply states that all individuals families or who find themselves in a situation of having a child with a birth defect would have their expenses covered—their medical expenses, their educational expenses, and the respite care for those families. That is so important for the many families who find themselves in the most difficult of situations. At that time in a family's life, there should be no hesitation on the part of this Government to come forward with the money and resources to support that family in this great time of need.

So I offer this amendment with great spirit and hope my colleagues on both sides of the aisle, regardless of how they are going to vote on the final outcome, will understand the merit of this amendment and will put this Senate on record as saying we believe all families should have assistance when faced with the great challenge and heartache of raising a child who has been challenged in some special way.

So I thank the managers for the time.

Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER (Mr. FITZGERALD). Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I thank the Senator from Louisiana for her amendment. It gets to the heart of the concern for people with disabilities. I think it reflects that we should open our arms to unborn children who are faced with disabilities and the difficulties they are going to deal with. I talked about it over and over again—how the debate for this abortion technique to be kept legal centered upon disabled children who were not wanted. There may be a percentage of those cases where abortion is done because of the financial concerns of parents in dealing with a disabled child. Those are real concerns and things people think about—whether they can provide a quality of life under the financial constraints of a child who may need a lot of care.

So to have an amendment that is a sense of the Congress that we should be open to helping and supporting life and affirming the decision of someone who wants to carry their child to term and accept them the way God has given that child to them is something I think Congress should do.

So I commend the Senator from Louisiana. I would be willing to accept the amendment, but I understand the Senator would like a recorded vote.

Mrs. BOXER. Mr. President, I would like to be heard on the amendment if my friend has finished.

Mr. SANTORUM. I would like to respond to her remarks about my amendment, also.

Mrs. BOXER. I want to add my voice on this amendment. I am really pleased that the Senator from Louisiana has brought this amendment to the floor. It is very important that we make a statement today that the children of America will be protected, and the Senator from Pennsylvania said he views this amendment as opening our arms to unborn children. To me, this is opening our arms to children regardless of where they come from, so the children born in this country will get help.

I ask unanimous consent to have printed in the RECORD an article that appeared in the Washington Post a couple of weeks ago. Its title is, "Study Links Abortion Laws, Aid to Children." It says, "States With Stricter Rules Are Less Likely To Spend on the Needy." That is incredible. Legislators stand up and say Roe v. Wade ought to be overturned, women should not have a right to choose, and what happens? "States with the strongest anti-abortion laws generally are among the States that spend less on needy children and are less likely to criminalize"—this is amazing—"the battering or killing of fetuses in pregnant women by a third party. . . ."

That doesn't add up. So I think what we are doing today with the Landrieu amendment—because I think it is going to get overwhelming support—is saying whatever side of the aisle we fall into on the Santorum amendment—and there are strong differences there—we agree with her sense of the Congress that the Federal Government should fully cover all expenses related to the educational, medical, and respite care requirements of families with special needs children.

Many times, these children come into the world, and it is anticipated by their parents that it will happen, and the parents choose to go forward with the pregnancy. Many times, we have children born and it is a total surprise to parents that they have special needs requirements. Either way, any way, however it happens, how could our hearts not go out to children in this country with special needs?

By the way, I would like to engage my friend in a colloquy. Wouldn't this apply to any child—perhaps a child who is 1, 2 or 3—who gets injured in a car accident and suddenly the family finds that they need special care for the child?

My friend isn't just talking about newborn babies. I think she is basically saying all children and all families that have this need ought to be covered.

Ms. LANDRIEU. Yes. The Senator from California is correct. The way that this is drafted is in a broader way because I believe that we have to be very sensitive to children with special needs, and their families that sometimes find themselves—even families at a fairly significant income level—in great financial distress. Often one of the parents has to quit their job or give up their job to qualify for the woefully inadequate. It would be my intention to do that. There would be others with other opinions. But I think it would be important for us to reach out to all families with children with special needs.

Mrs. BOXER. I thank my friend.

Again, I think it is really important because to have this study come out and say that States with the strongest antiabortion laws and want to end a woman's right to choose are the weakest in taking care of these children seems to be a horrible contradiction to me. I think what my friend is saying is regardless of our position, my goodness, we ought to come together when it comes to taking care of our children who have special needs.

I thank her. I will be proud to support her amendment.

I yield the floor.

Mr. BYRD. Mr. President, I cannot support amendment No. 2323, offered by the distinguished Senator from Louisiana, Ms. LANDRIEU. I appreciate her concern regarding the devastating financial impact that having a special-needs child can place on working families.

However, I am also mindful of the fact that, as we strive to complete our budgetary work, nearly all Members have agreed that we should do so without using Social Security Trust Fund surpluses or raising taxes. Despite the fact that this is a sense of the Congress amendment and therefore has no statutory consequence, I am nevertheless concerned with the unknown financial consequence that a commitment of this magnitude could have. For that reason, I am constrained to oppose the Landrieu amendment.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I ask the Senator from Louisiana if she would be willing to withhold a vote until we have a couple of votes so that we can stack them together a little later in the afternoon. Senator SMITH has an amendment that I think he would require a vote on. Senator BOXER may have an amendment to the Smith amendment. Hopefully, we will be able to work that out.

Mrs. BOXER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor. Does he yield the floor?

Mr. SANTORUM. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANTORUM. Mr. President, thank you.

Mr. President, I want to make a couple of comments about my amendment and the attempt that I am trying to make to address the constitutional infirmities that the Eighth Circuit found in this language of the partial-birth abortion bill. The Arkansas statute is similar to the language that is in the bill presently.

The Senator from California talked about this not addressing the other constitutional issues that the Eighth Circuit brought up.

I remind the Senator from California. I am quoting from the case.

The district court held the act unconstitutional for three reasons.

> Because it was unconstitutionally vague, because it imposes an undue burden on women seeking abortions, and because it was not adequate to protect the health and lives of women. We agree the act imposes undue burdens on women and therefore hold the act unconstitutional. And because we based it on undue burden grounds as we did in Carhart, we do not decide the vagueness issue or whether the act fails to provide adequate protections.

The Eighth Circuit did not address that issue. The only circuit court that addressed it, addressed it on the issue that we are addressing here, which is that this could include other procedures, would ban other procedures, and as a result it could be unduly burdensome because it would eliminate all forms of abortions late in pregnancy.

We are making it clear what the court said, and not what some say the court said. That is what the court said. That is the only circuit court to have ruled on the case. Now we have an amendment which clearly deals with the issues of the circuit court which we are concerned about. I think we have cleared that constitutional hurdle.

It is interesting that the Senator from California talks about we have to follow the Constitution. Nowhere in the Constitution is the issue of partial-birth abortion mentioned, as far as I can see. Nowhere in the Constitution is the right to privacy mentioned. Nowhere is it mentioned. It is created by the Supreme Court.

To be technically correct, the Senator from California should say that we need to follow the Supreme Court, and not the Constitution, because there is a difference. The Supreme Court has interpreted and legislated rights through their Court decisions. The Senator from California accurately reflects that the law of the land is the high court. But to suggest we are following the Constitution, which is clear about this issue as far as I am concerned because the Constitution says that we have the right to life. So if the Constitution speaks at all to this issue, it speaks on our side.

Again, the law of the land is—I think she would be correct if she phrased it that way. We need to comport with the law of the land as the Court has interpreted the Constitution.

I would like to get back to my amendment and go through my modification to the bill. I am trying to get my terms correct. It is not going to be an amendment. It will be a modification. I would like to get back to the modification of the underlying bill that will redefine partial-birth abortion, and again focus on the fact that this solves one of the two issues that are out there with respect to the constitutionality.

More importantly, in my mind, it deals with the two issues that I think concern Members of the Senate as to whether to support this bill. One is, is it an undue burden? Do we ban more than what we say we do? If people are concerned whether that is the case, I think we have solved that problem—that if this bill passes no procedure other than partial-birth abortion, when the baby is outside of the mom after 20 weeks, outside the mother, would otherwise be born alive, and then brutally killed, executed by having a sharp pair of scissors thrust into the base of the skull of the baby and then its brains suctioned out. That would be outlawed under this procedure. But no other procedure would.

I want to make clear Congress' regard as to what the intent of the Congress is. Again, I think the language is amply clear for the court to do so.

It was interesting that the Senator from California contacted ACOG, the American College of Obstetricians and Gynecologists, and on an hour's notice, when asked about our amendment, ACOG was able to fax back to the floor of the Senate a response objecting to this provision. But those of us who have asked ACOG for 3 years, 3 years, to provide us a for instance as to when and under what circumstances this procedure would be a preferable or more proper procedure than other abortion techniques, they have yet to respond. It is interesting they can respond in an hour with great specificity about their concerns about this bill, about this modification. But in 3 years they have not been able to respond to a very simple question. You state—and they did—that it "may be" the best or most appropriate procedure in a particular circumstance to save the life or preserve the health of the woman. We have asked for a "for instance." We have asked for that for instance to be peer reviewed, to see whether their suggestion is, in fact, an accurate suggestion.

In more than 3 years, in three sessions of Congress, they have refused to provide an example.

That, my friends, is the underpinning of the second objection to the people to this bill that it unduly infringes upon the health of the mother; that this is medically necessary to preserve the health of the mother under Roe v. Wade.

Mrs. BOXER. Will the Senator yield on his criticism of ACOG?

Mr. SANTORUM. I yield.

Mrs. BOXER. I want to ask my friend from Pennsylvania, am I right, he is critical of the general counsel of the American College of Obstetricians and Gynecologists, who are the doctors in charge of women's health in this country; he is critical that their general counsel, upon reading his amendment, could determine on its face that amendment or that modification does not meet the criticism of the Eighth Circuit Court? Is he critical that the general counsel trusted her law degree, her reading of his bill, her understanding of the law, to come back with an opinion? It is hard for me to believe that.

Mr. SANTORUM. Reclaiming my time.

Mrs. BOXER. Please. I know the Senator wants to criticize the doctors, but now he is criticizing the lawyers.

Mr. SANTORUM. Any reasoned understanding of what I just said would lead one to believe I was not criticizing the American College of Obstetricians and Gynecologists for promptly responding to your request. I was comparing their swift response to your request to what could whimsically be considered a casual response to my request which has taken now 3 years on the core point, on the core question, as to whether this bill restricts or in any way inhibits the health of the mother.

Again, I will read their own report: We could identify no circumstances under which this procedure would be the only option to save the life or preserve the health of a woman. Then they go on to say it may be best or appropriate in some circumstance, but they give no such circumstance, no such evidence.

This is the only pillar upon which the other side stands, saying it is medically necessary.

I will read several letters from members of ACOG, fellows in ACOG, who dissect their policy statement and say this second sentence, it may be the best position, is hogwash. That is a medical term—it is hogwash.

Again, ACOG has not responded to a letter, now in, 2½ years.

> I would like to respond to the January 12th statement of policy issued by the executive board. I am a former abortion provider.

Let me repeat. This is an obstetrician, a member, a fellow of the American College of Obstetricians and Gynecologists:

> I am a former abortion provider and I would like to take issue with the "Statement" for a number of reasons.
>
> First, I can think of no "established obstetric technique" that ". . . evacuat(es) the intercranial contents of a living fetus to affect vaginal delivery of a dead but otherwise intact fetus." The closest technique that I can imagine is a craniocentesis on a hydrocephalic infant to allow for vaginal delivery. There is no necessity that the infant be killed in this situation, and you must admit that there is a vast difference between craniocentesis for hydrocephaly and suctioning the brain of an otherwise normal infant who would be viable outside the womb.
>
> Second, as to the number of abortions performed after 16 weeks, I do not trust the CDC's data on this since abortion statistics are at best, arguable. Abortion industry lobbyist Mr. Ron Fitzsimmons' recent admission of purposely misinforming the media and Congress on the statistical incidence of the procedure and its predominant usage (normal infants) should at a minimum demand an accurate audit of second and third trimester abortions in America. . ..
>
> Finally, I'm sure there are many ACOG members who join me in reminding you that your stand on this issue, published as an official policy statement, does not reflect the views of many, if not most, ACOG members. However, the perception of the general public and the media is that you speak for all of us. Please recognize that you have a responsibility to all members of ACOG if not to stay neutral in sensitive areas such as this, to at least issue a disclaimer on such statement that the opinions of ACOG Executive Committee do not reflect those of its members.

This is signed by three members of ACOG.

I can go through another letter of a physician in Northern Virginia who writes in detail, a fellow of the American College of Obstetricians and Gynecologists, a letter to Senator TORRICELLI last year:

> My name is Dr. Camilla Hersch. I am a board certified Obstetrician and Gynecologist, a fellow of the American College of Obstetrics and Gynecology, in private practice, caring exclusively for the health needs of women for thirteen years. I am also a clinical assistant professor of [OB/GYN] for Georgetown University. I have been involved with teaching medical students and OBGYN residents for fourteen years at two major medical teaching centers.

Not, by the way, compared to the inventor of partial-birth abortion. Not an obstetrician or gynecologist but a family practitioner who does abortions. That is who they are defending —a procedure not taught in medical school, not in any of the literature which Senator FRIST, Dr. FRIST, went through in detail last night. His thorough review of all the medical literature on the subject of abortion had not a mention of this procedure.

Back to the letter:

> I have delivered over two thousand babies. On a daily basis I treat pregnant women and their babies. In my everyday work I am privileged to participate in the joy of healthy birth and the agony and sorrow of complications in pregnancy which can lead to loss of life or heartbreaking disability.
>
> As a member of the Physicians' Ad Hoc Coalition for Truth, which now has more than 600 members, I strongly support and applaud the legislative efforts to ban this heinous Partial-Birth Abortion procedure.
>
> Many of the members of PHACT, Physicians' Ad Hoc Committee for Truth, hold teaching positions or head departments of obstetrics and gynecology or perinatology at universities and medical centers across the country. To our knowledge, there are no published peer-reviewed safety data regarding the procedure in question. It is not taught as a formally recognized medical procedure. Proponents of partial-birth abortion tout it as the safest method available. Nothing could be further from the truth. There are in fact several recognized, tested, far safer, recommended methods to empty the uterus when it is medically necessary to do so.
>
> There is no data in the accepted standard medical literature that could possibly support any assertion of the appropriateness of this procedure.
>
> If you ask most obstetricians or family practice physicians about partial-birth abortion, they will tell they have never seen or heard of such a treatment for any reason in their educational training or practice.
>
> Most physicians I have questioned are incredulous that anyone knowledgeable about Obstetrics and Gynecology would ever consider this procedure as any kind of serious suggestion, because it is so obviously dangerous. It has never been proposed or taught as the safest method to empty the uterus and end a pregnancy whether for purely elective reasons for abortion or in those grave instances when it is medically necessary to do so to save the mother's life.
>
> Consider the grave danger involved in partial-birth abortion, which usually occurs after the fifth month of pregnancy, even into the last month of pregnancy. A woman's cervix is forcibly dilated over several days. This risks creating an incompetent cervix, a leading cause of subsequent premature delivery. It also risks serious infection, a major cause of subsequent infertility. In the event of a truly life threatening complication of pregnancy, the days of delay involved substantially add to the risk of loss of life of the mother.
>
> The abortionist then reaches into the uterus to pull the child feet first out of the mother's body, up to the neck, but leaves the head inside. He then forces scissors through the base of the baby's skull—which remains lodged just within the opening of the forcibly dilated cervix, because the baby's head is larger and of course harder than the remainder of the soft little body.
>
> I think it is obvious that for the baby this is a horrible way to die, brutally and painfully killed by having one's head stabbed open and one's brains suctioned out.
>
> But for the woman, this is a mortally dangerous and life threatening act.
>
> Partial-birth abortion is a partially blind procedure, done by feel, thereby risking direct scissor injury to the mother's uterus and laceration of the cervix or lower uterine segment. Either the scissors or the bony shards or spickules of the baby's perforated and disrupted skull bones can roughly rip into the large blood vessels which supply the lower part of the lush pregnant uterus, resulting in immediate and massive bleeding and the threat of shock, immediate hysterectomy, blood transfusion, and even death to the mother.
>
> Portions of the baby's sharp bony skull pieces can remain imbedded in the mother's cervix, setting up a complicated infection as the bony fragments decompose.

> Think of the emotional agony for the woman, both immediately and for years afterward, who endures this process over a period of several days.
>
> None of this nauseating risk is ever necessary, for any reason. Obstetrician-gynecologists like myself across the U.S. regularly treat women whose unborn children suffer the same conditions as those cited by proponents of the procedure.
>
> Never is the partial-birth abortion procedure necessary: not for polyhydramnios (an excess of amniotic fluid collecting around the baby),

That is one of the cases given by the other side. Never is a partial-birth abortion procedure necessary—

> not for trisomy (genetic abnormalities characterized by an extra chromosome), not for anencephaly (an abnormality characterized by the absence of the top portion of the baby's brain and skull),

Never is a partial-birth abortion necessary,

> not for hydrocephaly (excessive cerebrospinal fluid in the head),

Water on the brain. Never is partial-birth abortion necessary,

> not for life threatening complications of pregnancy to the mother.
>
> Sometimes, as in the case of hydrocephaly, it is first necessary to drain some of the fluid from the baby's head, with a special long needle, to allow safe vaginal delivery. In some cases, when vaginal delivery is not possible, a doctor performs a Cesarean section. But in no case is it necessary or medically advisable to partially deliver an infant through the vagina and then to cruelly kill the infant.
>
> The legislation proposed clearly distinguishes the procedure being banned from recognized standard obstetric techniques.

We are even further clarifying it.

> I must point out, even for those who support abortion for elective or medical reasons at any point in pregnancy, current recognized abortion techniques would be unaffected by the proposed ban.
>
> Any proponent of such a dangerous procedure is at the least seriously misinformed about medical reality or at worst so consumed by narrow minded "abortion-at-any-cost" activism, to be criminally negligent. This procedure is blatant and cruel infanticide, and must be against the law.

Mr. President, I would like to put in place as legislative history for this modification that I will add to the bill a colloquy. Senator DEWINE is here. We are going to go through a colloquy that will create for the court a clear understanding of what is meant by this amendment.

So I yield to the Senator from Ohio for a question.

Mr. DEWINE. I thank the Senator. I am looking at the language obtained in the modification. I do have some questions concerning some of the language that is in there, some of the wording.

First, let me ask the sponsor, my colleague from Pennsylvania, what is the meaning of the word "living" as used in the amendment, as where it refers to a living fetus?

Mr. SANTORUM. I thank the Senator from Ohio.

In the Michigan partial-birth abortion case, Evans v. Kelly, the Federal District Court found that:

> [t]he doctors were . . . unanimous in their understanding of the meaning of the term "living," as used in the statute's definition of a "partial-birth abortion": A living fetus means a fetus having a heartbeat.

Mr. DEWINE. Let me also ask, then, what is the meaning of the word "intact," as used in the amendment where it refers to an "intact" living fetus? Intact?

Mr. SANTORUM. The word "intact" is used in this context to refer to the living fetal organism rather than a fetal part that has been removed from a fetus. Because of the use of the word "intact," a person performing a partial-birth abortion would not fall under the prohibition that the law provides if, for example, he or she delivers a dismembered fetal arm or leg. To fall under the prohibition, the abortionist would have to deliver a living fetal body, functioning as an organism.

The use of the word "intact" is not, however, meant to allow the killing of a partially born fetus merely because some nonessential body part is missing. An abortionist cannot cut a toe of the fetus off before partial delivery and then claim in defense that the fetus killed after the partial-birth abortion was not intact.

Mr. DEWINE. I thank my colleague for that answer.

Let me also ask about this. The amendment referred to an "overt act" that kills the fetus; an "overt act" that kills the fetus. I wonder if my friend from Pennsylvania could tell us what is meant by the term "overt act" in this particular context?

Mr. SANTORUM. I thank the Senator.

The term "overt act" is used to mean some separate specific act that the abortionist must undertake to deliberately and intentionally kill the fetus, other than delivering the fetus into a partial-birth position or causing the fetus to abort. It does not mean the overall abortion procedure which typically begins with a living fetus and ends with a dead fetus.

Under the amendment, the abortionist must not only deliver the fetus in such a way that some portion of the body of the fetus is outside of the mother's body, he or she must also separately and specifically act to then kill the fetus while it is in the partially-delivered position, for example, by puncturing the fetal skull or suctioning out the fetal brain.

Mr. DEWINE. I again thank my colleague. Let me ask a further question. Would the bill as amended prohibit the suction curettage abortion procedure?

Mr. SANTORUM. No. The bill would have two elements. First, the fetus must be delivered into the partially delivered position for the purpose of performing an overt act that will kill the fetus while it is in the partially delivered position. Second, the fetus must actually be killed; that is, it must die while it is in the partially delivered position. Neither of these would happen with the suction curettage. Removal of the dismembered fetal parts entailed in a suction curettage is not prohibited because the parts do not constitute an intact living fetus. Suction curettage also typically involves dismemberment and fetal death in utero, conduct beyond the scope of the bill.

In the extremely implausible event that an entire fetus was suctioned through the cannula and died after removal from the mother's body, then the bill would not apply either, since it requires that the fetus be killed while in a partially delivered position.

Even if one argues that a fetus might occasionally die in the cannula while partially outside the mother's body during the course of a suction curettage procedure, the fetus would not have to be deliberately positioned there for the purpose then of taking a separate, second step to end its life at that point. Nor is any such separate step ever taken. Rather, suction curettage involves a single continuous suction process that removes the fetus from the uterus through a cannula and out of the mother's body. The physician could not knowingly deliver an intact living fetus into the partially delivered position by this method because he would have no way of knowing that the fetus yet lived at this point when it was partially outside the mother's body. The abortionist would, thus, never knowingly cause fetal death to occur at the partially delivered stage because the physician would never know at what point fetal demise occurred.

Even State partial-birth abortion statutes that did not have the "fetus partially outside the mother's body" have been held not to govern suction curettage abortion, and that is the Federal district court in Virginia and Kentucky.

Mr. DEWINE. I thank my colleague for that answer.

Let me pose an additional question. Would the bill, as amended, prohibit the conventional dilation and evacuation abortion procedure which involves dismemberment of the fetus?

Mr. SANTORUM. Absolutely not. In the conventional D&E procedure, the intact living fetus is never positioned partly outside the mother's body for the purpose of taking a separate overt act to end its life while it remains in that position. Moreover, the second step to end fetal life in that position is never taken. Also, once a physician has begun performing a conventional D&E dismemberment, he typically does not know when the fetus dies. Thus, he cannot meet the mens rea requirement of knowingly bringing an intact living fetus partially out of the mother for the purpose of performing a separate overt act intended to kill the fetus in the partially delivered position.

Mr. DEWINE. Again, I thank my colleague for his answer.

I pose one additional question. Would the bill, as amended, prohibit the induction abortion procedure?

Mr. SANTORUM. No. Physicians doing inductions never deliberately and intentionally deliver an intact living fetus partially outside the mother's body for the purpose of pausing to perform an act that they know will kill the fetus while it remains in a partially delivered position before continuing the delivery.

It is possible that rarely during an induction abortion, an intact living fetus could be trapped in a partially delivered position with complete delivery being prevented by entanglement of the umbilical cord or the fetal head being lodged in the cervix. In such circumstances, the physician may cut the cord or decompress the skull before completing delivery without being in violation of the bill because he did not intentionally and deliberately get the fetus in that position for the purpose of killing it while it was in that position.

Even State partial-birth abortion statutes that did not have "fetus partially outside the mother's body" language have been held not to govern induction abortions, and again, Federal district courts in Virginia and Kentucky have so ruled.

Mr. DEWINE. I thank my colleague very much for those answers.

Mr. SANTORUM. I thank the Senator from Ohio.

The Senator from Nebraska had questions about how this amendment from a constitutional standpoint would be perceived. This is very clear. With this colloquy, we very clearly address all the different aspects of different kinds of abortions which would not be outlawed by this procedure and why they would not be outlawed by this procedure.

For those who have suggested—and I know many have suggested—that what we are about here is the first step to eliminating abortions, I again state for the record that I cannot honestly say we will eliminate one abortion in this country if we pass this bill. I can honestly say that is not the thrust of what we are trying to accomplish.

I have said it once, and I will say it again and again: What we are trying to accomplish is to make sure that in a society where the lines are ever blurring, in a society where sensitivity to life may be at an all-time low, in a society where the Peter Singers of the world are running rampant with their talk of being able to kill children if they are not perfect after they are born, we need a bright line. And the bright line should be that if the child is in the process of being born, you cannot kill the child, you cannot do an abortion where the baby is in the process of being born.

That has to be the bright line, except, of course, to save the life of the mother. But to deliberately birth the baby for the purpose of killing the baby goes over the line.

In closing, I refer to what the Senator from California said when I said she defends a procedure in which the baby is born all but the head; that under those circumstances you can still kill the baby. But if the baby is born head first and all but the foot is still inside the mother, when I asked her, can you kill the baby in this circumstance, she said no, "Absolutely not."

If that is a bright line to anybody in this Chamber, if that is where we want to stand, I will tell you, that is on shifting ground. In fact, that is on quicksand, and pretty soon the Peter Singers of this world who say, "Killing a disabled infant is not morally equivalent to killing a person. Very often it is not wrong at all"—a professor at the University of Princeton. And you say that is outrageous?

Look at the examples the other side has given as reasons to keep this procedure legal. The examples are all about disabled infants. None of them concerns the health of the mother. They all concern a case where children were going to be born with profound abnormalities, disabled. The argument is, we need to keep this legal because disabled children are less entitled to protection than healthy ones.

You have heard no example. You will hear no example of a healthy mother and a healthy child being used to legitimize this procedure. They won't dare do that. Why? Because it would shock you. Yet 90 percent of abortions performed under partial birth are performed on just those cases. What they will use is the disabled child, and the American public, incredibly, to me, will say: OK; that's OK; I understand; it's OK; if the child is disabled, of course you can kill it.

If that is what we are thinking, America, if that is a legitimate reason to keep this "safe" procedure—which, of course, it is not—how far are we from, killing a disabled infant is not morally equivalent to killing a person? How far away are we, America? If this Senate today upholds, by not passing this bill by a constitutional majority, that logic, then, Dr. Singer, come on down because you are next.

Mr. President, I yield the floor.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I thank the Chair for recognizing me.

Let me say at the outset, I am so grateful to the younger Senators who have taken up this battle. And they are doing well with it. They may not win, but they are doing the Lord's work as far as I am concerned.

I remember, on January 22, 1973—and I had barely arrived in the Senate—Jim Buckley and I were sitting right over there, and the clerk brought in a bulletin from the Associated Press announcing the Supreme Court decision in Roe v. Wade. Jim Buckley looked at me, and he said: We've got to fight this. I said: We certainly do. And we did. And we are still fighting it—in different ways. He is a Federal judge now, and I am a somewhat older Senator.

But my respect goes out to the ladies outside who are standing up for the right to life. They will always be dear to me.

Mr. President, before I launch into what I want to say, I have thought so many times of a beautiful Afro-American lady named Ethel Waters, born in Mississippi, the product of a rape. Her mother was much beloved by citizens in that Mississippi town. And they offered to take care of an abortion for her. She said: No. I don't want it. The Lord put that child in me, and I want it to be born. The baby turned out to be a girl who grew up to be one of the greatest singers in the history of this country. Ethel Waters' name is in all of the musical records as being a great voice.

That brings me up to the point that I want to try to make today, as briefly as possible. The United Nations recently sounded its alert button to announce what the United Nations described as the arrival of the six-billionth baby born in this world. And the news reports went on and on, of course, in great lamentation that the Earth does not produce enough resources to handle such population growth, the point being, of course, that the United Nations crowd does not believe bringing more babies into the world is advisable.

If I may be forgiven, I do not regularly agree with the United Nations, and this is another time when I do not agree.

In fact, the spin doctors worked steadily drumming up all manner of contrived environmental statistics to persuade the American people to support abortion. And those spin doctors, of course, used the term "population control"—which is nothing more than a diplomatic way of promoting abortion because that is exactly what "population control" means. It means brutally killing innocent unborn babies.

Anyone doubting the horrors of population control need only to look at Red China, a Communist country, that proudly boasts of its population control program, a program which forces pregnant women, who have already given birth to a male child, forces those women to undergo an abortion.

Astonishingly, Red China's Premier, Zhu Rongji, boasted that the world had been spared the "burden" of 300 million babies as a result of Red China's forced-abortion policy.

So I think there is no doubt that the "population control" spin doctors are, without fail, pro-abortionists with an undying and unyielding commitment to the abortion movement.

And no matter where it is performed, whether it is in Red China or in the United States, abortion, in any form, is atrocious and wrong. And my critics may come out of their chairs, but they are breaking one of the Ten Commandments.

That is why I am grateful to the distinguished Senator from Pennsylvania, Mr. SANTORUM, for his strength and conviction in standing up in defense of countless unborn babies. RICK SANTORUM's willingness to continue to lead the fight on behalf of the passage of the Partial-Birth Abortion Ban Act is a demonstration of his courage.

From the moment the Senate first debated the Partial-Birth Ban Act in the 104th Congress, the extreme pro-abortion groups have sought to justify this inhumane, gruesome procedure as necessary to protect the health of women in a late-term complicated pregnancy. That is what they always say. However, well-known medical doctors, obstetricians, and gynecologists have repeatedly rejected this assertion that a partial-birth abortion can be justified for health reasons.

Moreover, there is much to be said about the facts surrounding the number of partial-birth abortions performed every year and the reasons they are performed—or at least the stated reasons. It is difficult to overlook the confession of Ron Fitzsimmons, executive director of the National Coalition of Abortion Providers, who acknowledged that he himself had deceived the American people on national television about the number and nature of partial-birth abortions. Mr. Fitzsimmons has since then estimated that up to 5,000 partial-birth abortions are conducted annually on healthy women, carrying healthy babies—a far cry from the rhetoric of Washington's pro-abortion groups who have insisted that only 500 partial-birth abortions, as they put it, are performed every year, and only—they say, every time—in extreme medical circumstances.

It is time for the Senate, once and for all, to settle this matter and pass the Partial-Birth Abortion Ban Act with a veto-proof vote and affirm the need to rid America of this senseless, brutal form of killing.

It is also important to note that the American people recognize the moral significance of this legislation. The majority of Americans agree that the Government must outlaw partial-birth abortion. In fact, in recent years, polls have found as many as 74 percent of Americans want the partial-birth procedure banned.

Unfortunately, the American people have to contend with President Clinton's adamant refusal to condemn this senseless form of killing, despite the public's overwhelming plea to ban it.

The President of the United States should have to explain, over and over again, to the American people why he will not sign this law. The spotlight will no longer shine on the much proclaimed "right to choose."

I remember vividly the day when the Supreme Court handed down the decision to legalize abortion. As I said earlier, Jim Buckley and I—Senator Jim Buckley of New York and I—were sitting side by side because we were backbench Senators at that time. Each of us who has fought, heart and soul, to undo that damaging decision, understood so well that day that we had yet to see what devastation would come of such a horrendous rule.

Indeed, when you stop to think about it, when the President of the United States condones the inhumane procedure known as "partial-birth abortion," it is clear that our worst fears that January morning are coming true. So it is time, once again, Mr. President, for Members of the Senate to stand up and be counted for or against the most helpless human beings imaginable, for or against the destruction of innocent human life in such a repugnant way. Senators are going to have to consider whether an innocent, tiny baby, partially born, just 3 inches from the protection of the law, has a right to live and to love and to be loved. In my judgment, the Senate absolutely must pass the Partial-Birth Abortion Ban Act. I pray that it will do it by a great margin, of at least the 67 votes to override Bill Clinton's veto.

I thank the Chair and yield the floor.

MODIFICATION TO S. 1692

Mr. SANTORUM. Mr. President, I ask unanimous consent that it be in order for me to send a modification of the bill to the desk, the modification of the bill be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SANTORUM. Pursuant to the agreement, I send the modification to the desk.

The PRESIDING OFFICER. The bill is so modified.

The modification was agreed to, as follows:

> On page 2, strike lines 18 through 21, and insert the following:
>
> "(b)(1) As used in this section, the term 'partial-birth abortion' means an abortion in which the person performing the abortion deliberately and intentionally—
>
> "(A) vaginally delivers some portion of an intact living fetus until the fetus is partially outside the body of the mother, for the purpose of performing an overt act that the person knows will kill the fetus while the fetus is partially outside the body or the mother; and
>
> "(B) performs that overt act that kills the fetus while the intact living fetus is partially outside the body of the mother.
>
> On page 3, strike lines 8 through 13.

Mr. SANTORUM. Mr. President, while I have a few minutes, I want to continue building the record, not from RICK SANTORUM, not from other Senators who are not experts in the field, but building the record from physicians, obstetricians, and experts who comment directly, fellows of the American College of Obstetricians and Gynecologists, an organization that the other side uses as defense.

Again, this defense is a paper bag that simply needs to be tested. It is a facade. It will collapse. It will be punched through.

Let me strike a blow. This is a statement of Dr. Don Gambrell, Jr. M.D., with the Medical College of Georgia, again, a fellow of the American College of Obstetricians and Gynecologists. He is a clinical professor of endocrinology and OB/GYN. First sentence right out of the block:

> Partial-birth abortion is never medically indicated to protect a woman's health or fertility.

You have heard several other comments I have made about obstetricians who have said the exact same sentence. Think about who is saying this. This is an expert. We have 600 such physicians. The American college itself, who is against this bill, said it is never the only option. So they even agree it is not the only option. What they say is, it may be preferred. But they give no case; in 3 years, they have given no case. Their own members say it is never medically indicated—never.

He underlined the word "never." This is a doctor at a medical college. By the way, I have reams of letters here, all from physicians, all from obstetricians from all over the country who say the same thing.

Think about this he is a doctor. For a doctor to say "never," put it in writing and stand behind it—in this case, this was submitted as testimony to the House of Representatives in Atlanta, GA—to put this in sworn testimony, to be able to stand up and, without flinching, to lead off, first sentence, "never medically necessary."

What do we have on the other side of this medical necessity debate? I will read it one more time. The only factual evidence that supports the other side is this statement:

> The select panel could identify no circumstances under which this procedure would be the only option to save the life or preserve the health of the woman.

They agree with us: Not the only option; it is not an undue burden; there are, in fact, other procedures that can be used that are as safe.

But they go on to say, however, it "may be the best or most appropriate procedure." It "may be."

Here is one of their members—by the way, there are at least five, six dozen members, their members, who have written, who have said "never," letter after letter after letter after letter after letter, "never." What did they respond to their own members? A deafening silence.

Their own members have asked: Give us a for instance. What has been their response? Nothing.

Then we are to defeat a bill based on no evidence and an assertion that it may be, without a shred of evidence to support that "may be."

We have mountains of evidence, of expert opinion, of specific indications, of, as I just read from Dr. Hersh, where she went through specific abnormalities and said, not appropriate, not appropriate, not appropriate, not appropriate. Why these abnormalities? Because they were all the abnormalities listed in their anecdotes, in their case histories, that said "requires" a partial-birth abortion or is a preferable procedure to perform under these circumstances. Again, experts on the record under oath—never.

Now they go further than that. These people say not only is it never medically indicated, it is contraindicated. It is more dangerous to do this.

I want Members to know, when they walk to this floor and vote on this bill this time, A, the medical evidence is crystal clear: Never medically necessary to protect the health of the mother. And anybody who walks outside this Chamber and asserts that is doing so against 100 percent of the record before us.

By the way, that won't stop people. It won't stop anybody. But look at the record; look at the facts, Anybody who walks out of here and says, I am opposed to this because it is unconstitutional, it is vague, it may cover more of this abortion, and it is an undue burden because of that, read the modification that has just been sent to the desk and adopted. It is crystal clear that no other abortion is banned by this bill now. I don't believe it was before, but if you had any doubt, it is not now.

Senator DEWINE and I entered into a colloquy that specifically listed instances and other abortion techniques used that are not covered by this bill. We explain in legal and medical detail why they are not. We say to the courts, that is not our intention; it is not covered. Here, legally and medically, is why it is not.

If you want to walk out here and tell your constituents that you voted against this because we needed to protect the health of the mother, "check strike one, not true." You can say it. You might get away with it. But it is not true. They don't have a shred of evidence to say that it is.

They will put up pictures and tell stories about difficult decisions. Every one of those cases have been reviewed and every single one of them, experts in the field, 600 of them have said, not true. You may walk out this door and tell your constituents that I need to vote against this because it bans other procedures; it would be an undue burden; it would prohibit a woman's right to choose. Not true. It does not ban any other procedures. If it conceivably did, by some distortion of the words, which is what I think the courts have done, we make it crystal clear. This bill, the new bill, the first time any Member of this Senate will be voting on this particular bill be careful, be careful, because all of the trees you can hide behind in the game of abortion politics are being cut down at the base. In fact, there aren't even stumps left to hide behind. There is no medical evidence to support what they suggest. There is no constitutional argument on undue burden left with this new bill.

So if you want to support this procedure, look your constituents in the eye and say: I believe abortion should be done at any time, at any place, in any manner, anyone wants to do it, and that includes 3 inches from being completely born and being protected by the Constitution. If you want to say that, then you are telling the truth; then you are being honest.

If you want to say anything else, then you are hiding behind what was a truth. It is gone. There is no protection. You will have to look your constituents in the eye and say: I am not concerned about the dividing line between what is protected under our Constitution and what is not; I am not concerned that this is a slippery slope, where if the head is not born, you can kill the baby, but if the foot is not born, you can't, and it doesn't concern me at all; it doesn't set a double standard at all; it doesn't cause a problem in our society where a baby 3 inches away from life can be executed. It doesn't bother me, America. I want you to know that, constituents. This doesn't bother me. It doesn't bother me that all of the reasons given by the other side as to why this procedure should be kept legal are because of disabled children who were either not going to live long, or live long with a disability.

Mrs. BOXER. Will the Senator yield for a question?

Mr. SANTORUM. No, not at this time.

Mrs. BOXER. I want to ask, how much longer does the Senator plan on going at this point in the debate?

Mr. SANTORUM. A couple of minutes. The Senator from Illinois wants to speak.

Mrs. BOXER. Mr. President, I have not objected to his modification, but I wanted to speak on it. The Senator did it when I was talking about Senator SMITH. I would like to have a little time prior to the Senator from Illinois to respond to the modification.

Mr. SANTORUM. Sure.

Mrs. BOXER. Thank you.

(Mr. GORTON assumed the chair.)

Mr. SANTORUM. So if you want to look your constituents in the eye and say: I am not concerned that we need to draw a bright line, and that the examples being used as to why this procedure should be kept legal—and the stories and the cases to legitimize this procedure all involve deformed babies; they all involve babies who were not perfect in someone's eyes—if you want to look at them and say we need to keep this procedure legal because of these cases, then you need to look them in the eye and say: Well, I don't mean what Dr. Singer says, that killing a disabled infant is not morally equivalent to killing a person. But if you say that, then you have to look them in the eye and say: By the way, I want this procedure to be legal to kill healthy children with healthy mothers because that is how 90 percent of these abortions are done.

So if you can look in the eyes of constituents and say a 25-week-old baby who is from a healthy mother, a healthy baby, which would otherwise be born alive, that may in fact be viable, can in fact be delivered, all but the head, its brains punctured and suctioned out, and that is OK in America, and that doesn't bother us, and that doesn't create a slippery slope and create a cultural crisis—if you can look in the eyes of your constituents and tell them that, then come down here and vote no. Vote no, and you can do so with a clear conscience; you can do so with a clear conscience as to what you are saying.

I don't know about other aspects of your clear conscience, but know what you are doing because anybody who will take the time to read the RECORD of what happened over the last 2 days will have no doubt as to what you are doing. I know most folks don't read the RECORD. But you have, you listened, and your staff listened. You know the facts. You know what is at stake. You know the right thing to do.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, we finally have reached a point where the Senator from Pennsylvania and I have a strong agreement; we are urging everybody to read the record of this debate. I do hope the American people will read the record of this debate, and they will find out who stands for the mainstream view on the issue of a woman's right to choose and who stands for the extreme view on a woman's right to choose. The extreme view is overturning Roe v. Wade, which, from 1973, has protected the right of a woman to make a personal, private, moral, spiritual decision with her family, her doctor, her God, her advisers.

That is the mainstream view in America. That is the law of the land. The Senator from Pennsylvania is right that it is the law of the land because the Supreme Court found a right of privacy in the Constitution and said that, yes, women count. We have a right to privacy. So, please, read the RECORD.

We voted on the issue of Roe v. Wade and by a thin, small margin—the vote was 51-48—we said don't overturn Roe. That is a dangerous vote. Forty-eight Members of this body want to criminalize abortion, make it illegal, go back to the days when women died—5,000 women a year. This is the first time this Senate in history has ever voted on that landmark decision, and 48 Senators don't trust women; 48 Senators want to tell women what to do in a personal, private, religious, moral decision.

So, yes, I do hope the people of this country will read the RECORD because the RECORD is complete on this issue. We heard from the other side that we don't care about Roe v. Wade; we are not going to overturn it. We don't want to do anything about it. We just want to talk about this one procedure. And many of us on this side of the aisle said it is a smokescreen, and we tested it today. What did we find out? The leaders of this ban, which has been called unconstitutional by 19 courts, also voted to overturn Roe v. Wade.

I hope the families of America read this RECORD. It is very clear about who stands where. Let me tell you the difference between the two sides. It is not so much about how we feel on the issue because that is a personal matter. I have given birth to children—the greatest joy in my life. I have a grandson—a new joy in my life. I have one view; the Senator from Pennsylvania has another. Let me tell you the difference. It is who decides. I respect the right of the Senator from Pennsylvania to make that decision by himself with his wife, with his family. He does not respect my right, or your right, or the right of anyone in America to be trusted to make that decision. He wants to tell you what to do. I didn't think we were elected to play God or to play doctor. I thought we were elected to be Senators. I thought we were elected to uphold the Constitution and the laws of the land.

Yes, this RECORD is full. It is important. It ought to be reflected upon. Our votes ought to be scrutinized. I agree with the Senator from Pennsylvania. Every word that was spoken here ought to be looked at. Every single time we engage in a conversation ought to be reviewed. I think it is important.

I also think it is important to understand that this modification that was sent to the desk—we had no objection to the Senator from Pennsylvania rewriting his law. That is his right. I don't have a problem with it. It does not do what the Senator from Pennsylvania says it does. The Senator from Pennsylvania says his new language addresses the objection of the Eighth Circuit and of the other courts that have ruled on his law that has been enacted in many States as unconstitutional on its face.

In the short period of time we have had to send out his new language, we have heard from the Center for Reproductive Law and Policy. The letter is in the RECORD. It says:

> The proposal continues to preclude any procedure at any gestational age of a pregnancy. Court after court—including the unanimous Eighth Circuit—has held that such an approach unduly burdens the right to abortion.

That is the Center for Reproductive Law and Policy.

The general counsel of the Association of Obstetricians and Gynecologists, the very group that deals with bringing life into the world, the very group of doctors we go to when we are ready to have our families and to help us have our families, says about this new language, upon review of it, that the language does not address the issues addressed by many States and Federal courts, including the United States Court of Appeals for the Eighth Circuit.

The Senator may say he has met constitutional objections. But those who deal with this law, who deal with it every day, say it does not.

Mr. President, I ask unanimous consent to have this letter printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NORTHWESTERN UNIVERSITY
MEDICAL SCHOOL,
Chicago, IL, October 21, 1999.

I have reviewed Senator Santorum's amendment. It would apply to all second trimester procedures. It does not narrow the definition of the so-called "Partial-Birth Abortion Ban" Act. It would effectively ban the safest and most common form of second trimester abortions.

Sincerely,
MARILYNN C. FREDERIKSEN, M.D.,
Associate Professor,
Obstetrics and Gynecology,
Department of Obstetrics and Gynecology.

Mrs. BOXER. Mr. President, this letter is from Northwestern University Medical School signed by Marilynn Frederiksen, M.D., Department of Obstetrics and Gynecology, who says:

> I have reviewed Senator Santorum's amendment. It would apply to all second trimester procedures. It does not narrow the definition . . . [and] would effectively ban the safest and most common form of second trimester abortions.

I say to my colleagues, if you were looking for a fix on the constitutionality, it isn't here.

Again, I repeat that if you believe in the Constitution, if you believe in the right of privacy, and if you believe in following court precedent, a woman's health must always be protected. Under this law, as modified, the woman's health isn't even mentioned.

It is possible she could be paralyzed. All kinds of horrible things could happen. She could be made infertile. And, yet, no exception.

We have another letter that I ask unanimous consent to have printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE AMERICAN COLLEGE OF
OBSTETRICIANS AND GYNECOLOGISTS,
Washington, DC, October 21, 1999.

Hon. BARBARA BOXER,
Senate Hart Office Building,
Washington, DC.

DEAR SENATOR BOXER: In response to the current Senate floor debate on the so-called "partial birth abortion" ban, I would like to clarify that there are rare occasions when Intact D & X is the most appropriate procedure. In these instances, it is medically necessary.

Sincerely,
STANLEY ZINBERG, MD,
Vice President,
Clinical Practice Activities.

Mrs. BOXER. Mr. President, this letter is from Stanley Zinberg, vice president, clinical practices, the American College of Obstetricians and Gynecology. This is a new letter:

> . . . I would like to clarify that there are rare occasions when intact D&X is the most appropriate procedure. In these instances, it is medically necessary.

The very words that some Senators said were not present in this debate are suddenly present in this letter. The doctors are telling us that the procedure that many Senators are voting to ban without making a health exception is medically necessary on certain occasions.

I will conclude with these remarks in the next few minutes by addressing something that has been very upsetting to me as a human being. Forget that I am a Senator. We have heard from people who would have to go through this procedure a series of stories that could break your heart. They decided, because they believed it was in their best interests, in the best interests of the fetus they were carrying, and in the best interests of their families, they decided after consulting their spiritual counselors that it was the right thing to do for their families.

The Senator from Pennsylvania wants to outlaw this option, this choice. But, worse than that, he calls these stories anecdotes. He says: Do not listen to anecdotes. But yet he cites his own experience and doesn't call it an anecdote. He calls it a tragedy. I have to say I hope we would apply the same kind of language to all Americans as we do to our own families.

These are stories. Let me share some with you.

Tiffany Benjamin: Genetic tests revealed that her child had an extra chromosome. Doctors advised her that her condition was lethal. No one could offer hope. They determined the most merciful decision for their child and the family would be to terminate the pregnancy. She says, "Although three years have passed for us, the depth of our loss is vivid in our minds." She says to every Senator who would outlaw this procedure, "We are astounded that anyone could believe that this type of decision is made irresponsibly and without a great deal of soul searching and anguish. These choices were the most painful of our lives."

Is that an anecdote? That is a true life experience of a woman who says to us, please don't ban a procedure that is medically necessary.

Coreen Costello, a registered Republican, describes herself as very conservative. She made it clear that she is opposed to abortion. She was 7 months pregnant in 1995 with her third child. She was rushed to the emergency room, and an ultrasound showed something seriously wrong. The baby had a deadly neurological disorder, had been unable to move inside her womb for 2 months. She goes on. The doctors told Coreen and her husband that the baby was not going to survive, and they recommended terminating the pregnancy. The Costellos say this isn't an option for us: "I want to go into labor." She said: "I want my baby to be born on God's time. I did not want to interfere."

They went from expert to expert. And the experts told her labor was not an option. They considered a cesarean section. But the doctors said the health risks were too great. In the end, they followed the doctor's recommendation and Coreen had an abortion. She says now they have three happy, healthy children, and she since then has had a fourth.

She writes to us: "This would not have been possible without the procedure." She says please give other women and their families this chance. Let us deal with our tragedies without any unnecessary interference from the Government. Leave us with our God. Leave us with our families. Leave us with our trusted medical experts.

I could go on and on with these stories, these real-life tragedies. They are not anecdotes. They are not stories that are made up. They are not rumors. They are real people who have gone through this. I daresay we ought to listen because they are people who count. They are telling us to stay out of their private lives. Stay out. If anyone wants to make a decision about their family, please, that is their right. I would do anything in my power to fight for anybody's right not to have an abortion if that is their choice. I am as strongly for that.

However, I think it is an insult, an indignity, a slap in the face of the women and the families of this Nation for government to tell them what to do in these tragic moments.

Mr. LAUTENBERG. Will the Senator yield?

Mrs. BOXER. I am happy to yield to the Senator.

Mr. LAUTENBERG. Mr. President, I have heard on this floor that there haven't been any of these late-term abortions performed by doctors or performed in hospitals. The Senator has been diligent on the floor of the Senate in these last days in making sure women's rights are protected. It has been a tough fight. I wonder, to the Senator's knowledge, is it true these late-term abortions have been done exclusively outside of hospitals by nonobstetricians, by nonphysicians? Does the Senator have that kind of information?

I had a chance to speak to Ms. Koster, portrayed in the photograph, a woman very happy with her decision to have an abortion in late term. By the way, this is not an unreligious person or not a person we could accuse of immorality. She insisted and told me she had obstetricians and she had it performed in a hospital, as I remember, in Iowa.

Is the Senator familiar with that situation?

Mrs. BOXER. Yes, and I want to say in my State we have a law. A procedure done in the late term must be done inside a hospital.

We have received a letter from the American College of Obstetricians and Gynecologists who work in hospitals all over this country and have said this procedure that the Senator from Pennsylvania wants to ban is, in certain instances, medically necessary.

We have the most prestigious group of doctors from the American College of Obstetricians and Gynecologists saying banning this procedure is dangerous. That, in fact, even with the changes that the Senator from Pennsylvania made, it is so broadly worded it allows most abortions. There is still no health exception.

My friend is absolutely right. These procedures, and abortions in general, are done by physicians.

Mr. LAUTENBERG. My most recent grandchild was delivered 1 week ago, a large baby. My daughter is very active athletically. She produced a 9-pound, 7-ounce baby girl, larger than the two brothers who preceded her.

I also have two other daughters, each of whom has two children; one daughter carried a fetus for almost 8 months and something happened. She called me and said: Daddy, I've got bad news. The baby got caught in the cord and apparently choked to death. She wasn't feeling a heartbeat when she went to the doctor. Nothing hurt me more, nothing hurt her more.

We are not the kind of family that casually looks at abortion and says everybody ought to have one. This is the right of privacy, is it not?

Mrs. BOXER. It is absolutely about the right to privacy and respect of the woman and her family.

Mr. LAUTENBERG. Does the Senator find women's organizations coming forward about outlawing this procedure? Does it make sense in any way to protect women who have an unfortunate condition or whose health is in danger in the late term in their pregnancy?

Mrs. BOXER. Anyone who believes in the basic right to choose and the basic decision in Roe, which protected a woman's health, is opposed to this Santorum bill.

Let me read into the record a few groups, and I will not even name women's groups; I will name other groups: The American Public Health Association opposes this bill; the American Medical Women's Association opposes this bill; the American Nurses Association opposes this bill; the Society for Physicians for Reproductive Choice and Health opposes this bill; the American College of Obstetricians and Gynecologists opposes this bill; and the Religious Coalition for Reproductive Choice opposes this bill.

I say to my friend, women's groups who support a woman's right to choose see this as chipping away at the right of a woman to make a decision with her God and her doctor and her conscience. They oppose it as well as the medical and religious groups.

Mr. LAUTENBERG. I inquire as to the Senator's response, if this is an attempt to establish the moral platitudes around which this country should operate—and that is fortified in my view by the fact that while we ignore the opportunity to protect a born child 15 or 10 years old in school, we are unwilling to pay attention to the mother's plea in that case to protect the child; but we hear the National Rifle Association's voice.

Does the Senator see a born child, a child going to school, a child walking in the neighborhood, a child at play, as being as protected, as the definition that we want to exert here on a woman whose pregnancy is in a late term, and a doctor and she agree that it is an appropriate thing to do? Does the Senator see some kind of conflict here? Or perhaps even hypocrisy? The Senator ought to correct me if I am wrong because I don't want to be wrong about this.

As I remember, those who are presently so strongly advocating removing the right of a woman to make a decision, vote against gun control measures that we have when it comes to protecting children. Does the Senator see the same question raised that I see?

Mrs. BOXER. The irony of this issue is right there. I say that the leading voices in this Chamber on this issue are the same voices that we hear against any type of sensible laws to protect our children that deal with gun violence.

Interestingly, in my State, gunshots are the leading cause of death among children. It is a supreme irony.

Mr. LAUTENBERG. Is the Senator aware that 13 kids a day are killed by gunfire in this country, over 4,500 children a year are killed by gunfire? Children who are alive, working, and with their families, exchanging love with their parents, brothers and sisters. Is the Senator aware that 13 children every day in this country are killed by gunfire because we lack control over that?

Mrs. BOXER. I am aware and it is a tragedy.

Mr. LAUTENBERG. Where does the Senator think we are in terms of saying to women, you can't make a choice on your own; you don't have the moral rectitude to go ahead and make this decision, even though you and your doctor agree and there is some risk to the mother's health in carrying this pregnancy.

We can't even get an exception to that. Am I right in that interpretation?

Mrs. BOXER. That is correct. No exception for health.

Mr. LAUTENBERG. It reverts back to wanting to control other people's destinies, other people's decisions by a few other-than-experts in this body on pregnancy, and the health care necessary to attend to that.

Mrs. BOXER. My friend is right. There is not one obstetrician or gynecologist in this Senate, yet we see the pictures used, the cartoon figures of a woman's body—which I find rather offensive. The bottom line is, we were not elected to be doctors, but we were elected, it seems to me, to be tough on crime and to stop crime and to do what it takes to protect our citizens.

My friend from New Jersey has been a leading voice in that whole area. I do not know how many months it has been since the Vice President broke the tie there, when my friend had a very important amendment up to close the gun show loophole so people who are mentally unbalanced and people who are criminals can no longer get guns at a gun show to shoot up kids and shoot up a school.

Mr. LAUTENBERG. The Senator has mentioned we have drawings on the floor, of the horror that is involved in performing a surgical procedure. Aren't surgical procedures generally unpleasant to witness?

Mrs. BOXER. Absolutely.

Mr. LAUTENBERG. I once saw an appendix removed and saw a couple of people around me faint. It is never pretty, but it is done for a purpose. When a lung is removed, or a colon is removed, it is never a beautiful procedure. But the fact is, the person for whom the procedure is done often is in better health afterward.

Has the Senator ever seen pictures of the kids jumping out of the windows at Columbine High School in Littleton, CO?

Mrs. BOXER. Yes, I say to my friend, I think those are images that are in everybody's mind.

Mr. LAUTENBERG. They are not drawings.

Mrs. BOXER. They are real TV images of children escaping gun violence.

Mr. LAUTENBERG. I know the Senator's home State is California. Did the Senator see the picture of the tiny children being led hand-in-hand by policemen and others trying to protect them from gunfire?

Mrs. BOXER. Again, my friend is evoking images I don't think anyone in America will ever forget, of those children grasping the hands of those policemen in the hopes of being saved.

Mr. LAUTENBERG. Did the Senator see the pictures from, I believe the city was Fort Worth, TX, of those young people praying together, reaching out to God?

Mrs. BOXER. Yes.

Mr. LAUTENBERG. Trying to correct what imbalances they saw in life. Did the Senator see the pictures of those people?

Mrs. BOXER. I saw the horror, yes.

Mr. LAUTENBERG. Did you see them crying and holding each other?

Mrs. BOXER. I did.

Mr. LAUTENBERG. Can the Senator tell me why it is we refused to identify those buyers of guns at gun shows here? In a vote we had here? We finally eked out a vote, 51-50, that said we should not have it. But our friends on the Republican side in the House dropped it out of the juvenile justice bill, and we do not see it here.

Can the Senator possibly give me her description of what might be the logic there, as those on the other side want to take away the right of women to make a decision that affects their health and their well-being and their families' well-being?

Mrs. BOXER. I can only say to my friend, we see an enormous amount of passion, which I think, in the end, puts women in danger. It goes against the basic right of privacy and the basic dignity of women and their families in their to make a personal decision. We see a lot of emotion to end those rights. But we do not see the same intensity of emotion—we do not even get the votes of those people—to make sure our children who are living beings, who are going to school, have the protection they deserve to have.

Mr. LAUTENBERG. Is the Senator aware, because we serve on the environment committee together, of the threat to children's health that is resulting from the contamination of our air quality?

Mrs. BOXER. Yes. I have authored a bill called the Children's Environmental Protection Act which would, in fact, strengthen our laws. There are very few cosponsors, I might add, from the other side of the aisle. But it is a good law and would protect our children from hazardous waste and toxic waste and make sure our standards are elevated, because, when a child breathes in dirty air and soot and smog, et cetera, it has a much worse impact than it does on a full-grown adult.

Mr. LAUTENBERG. Has the Senator seen the recent news reports about children, the numbers of children increasingly becoming asthmatic, as a result?

Mrs. BOXER. Yes, I have.

Mr. LAUTENBERG. I have a daughter who is my third daughter. She is a superb athlete. She suffers from asthma. It is a very painful thing to witness.

My sister was a board member at a school in Rye, NY, a school board in Rye, NY. She was subject to asthmatic attacks. One night at a school board meeting—she carried a little machine she would plug into the cigarette lighter in the car to help her breathe—she felt an attack coming on and she tried to get to her car and she didn't make it. She collapsed in the parking lot, went into a coma, and 2 days later had died.

I have a grandson who has asthma and I have a daughter who has asthma.

Does the Senator remember anything that got support from the other side to protect lives by adding to the cleansing of our environment by getting rid of the Superfund sites, the toxic sites around which children play and from which they get sick? Does the Senator recall any help we got to protect those children? No. No. No. What we got was a denial.

But, heaven forbid a woman should make a decision to protect her health for the rest of her children, or her health for her family, or to continue to be a mother to her other children. Does the Senator recall any similar passion or zeal on those issues when we went up to vote here?

Mrs. BOXER. No, I do not.

Mr. LAUTENBERG. Well, I thank the Senator because of her courage in standing up against what I consider an onslaught against the lives and well-being of women by those men who would stand here primarily and say: No, Madam, you can't do that because according to my moral standard you are wrong.

But the Senator does recall, as I do, when we had votes to protect children from gunfire or protect children from a contaminated environment, the votes were not there from that side.

Mrs. BOXER. My friend is correct. I want to say his series of questions and comments have moved me greatly. I consider him a great Senator.

Mr. LAUTENBERG. That is very kind.

Mrs. BOXER. I only wish he would stay here longer than he plans.

Mr. LAUTENBERG. Is the Senator aware I have been a protector of children's health by raising the drinking age to 21?

Mrs. BOXER. Yes.

Mr. LAUTENBERG. Does the Senator know we saved 14,000 children, 14,000 families from having to mourn the loss of a little child or youngster in school?

Mrs. BOXER. I am aware of that.

Mr. LAUTENBERG. The Senator knows I tried to take away guns from spousal and child abusers, and succeeded by attaching an amendment to a budget bill that had to get through, that was signed over the objections of our friends on the other side—

Mrs. BOXER. I recall.

Mr. LAUTENBERG. Almost unanimously. So I think the Senator, as she said, knows I have credentials in terms of wanting to protect the children in our society.

Mrs. BOXER. Absolutely.

Mr. LAUTENBERG. Frankly, that is my main mission in being here.

So I conclude my questions by asking the Senator if she will continue to fight no matter what is said—anecdotally, hypocritically, falsely in some cases—will she continue to fight this fight for the women of America?

Mrs. BOXER. I say to my friend, he has asked me if I will continue to fight for the women of America. The answer is yes. I believe while I fight for them, I am fighting for their families, for the people who love them, their fathers, their mothers, their grandfathers, their grandmothers, and their children.

I think underlying all this debate is that basic difference between myself and the Senator from Pennsylvania; between the Senator from New Jersey and the other Senators on the other side of the aisle. I think it is about basic respect of the women and the families of this Nation.

In concluding my remarks, because I know the Senator from Illinois has been waiting very patiently, I will conclude with a quote from three Justices. I ask my friend from New Jersey to once more listen to their words.

Mr. LAUTENBERG. I will hear them.

Mrs. BOXER. I heard them yesterday. He said to me how touched he was by them. I think it would be suitable to quote them again, reminding everyone these are three Republican Justices of the Supreme Court.

In their decision upholding Roe v. Wade, this is what they said:

> At the heart of liberty is the right to define one's own concept of existence, of meaning, of the universe, and of the mystery of human life. Beliefs about these matters could not define the attributes of personhood were they formed under compulsion of the State.

The Senator from New Jersey and I and those of us in this body who voted today to uphold Roe, and many of us who will vote against the Santorum bill, believe the State must not, should not be able to tell people in this country how to think, what to believe, and especially what to do for themselves and their families when it comes to a medical procedure.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I again appreciate the indulgence of the Senator from Illinois who has been incredibly patient now for 50 minutes.

Let me make a couple points first to the Senator from California. She seems to object to the term "anecdote" in referring to the cases that were brought here. I looked up the word "anecdote" in the dictionary right at the leader's desk, the Standard College Dictionary.

> Anecdote: A brief account of some incident; a short narrative of an interesting nature.

I will put it over here and share it with the Senator from California, and if she finds that to be an offensive word in describing what she has presented, I think we have gotten rather touchy.

The Senators from New Jersey and California mentioned that the leading cause of death in California is gun violence among children. Wrong. The leading cause of death in California among children is abortion. The Senator from New Jersey said 13 children a day die of gun violence. Mr. President, 4,000 children a day die from abortions—4,000 children die a day—that some say they want legal, safe, and "rare," 4,000 a day.

The Senator from New Jersey equates the medical procedure of partial-birth abortion to the equivalent of an appendectomy. That is not an appendix, I say to my colleagues.

Mr. LAUTENBERG. Will the Senator yield?

Mr. SANTORUM. That is not a blob of tissue. That is a living human being.

Mr. LAUTENBERG. Will the Senator yield for a question?

Mr. SANTORUM. I will be happy to yield.

Mr. LAUTENBERG. Did the Senator hear me say that I compared an abortion to a surgical procedure? Might I offer a correction to our colleague from Pennsylvania?

Mr. SANTORUM. I hope the Senator will.

Mr. LAUTENBERG. I said surgical procedures are never pretty. I did not say abortions and appendectomies are the same thing. Don't distort the RECORD, if the Senator will oblige me.

Mr. SANTORUM. I think the RECORD speaks for itself.

Mr. President, the Senator from California suggested this in her opening comments: Banning this procedure of taking a child who would otherwise be born alive, taking it outside of the mother and killing the child is an extreme view; banning this procedure is an extreme view in America.

Where have you gone, Joe DiMaggio? This now defines "extreme." Killing a child, a living being outside of its mother is now an extreme view in America. The mainstream view, according to the Senator from California, is the mother has the absolute, irrefutable right to destroy her child at any point in time for whatever reason. That is the mainstream view in America.

Our Nation turns its eyes to you, Joe. That is the mainstream view in America. So welcome to America; welcome to America 1999. Welcome to an America with which Peter Singer, the new prophet of America, who is from Australia, will feel most comfortable; Peter Singer, the philosopher who writes:

> Killing a disabled infant is not morally equivalent to killing a person. Very often it is not wrong at all.

Welcome to America 1999 because this is killing an infant, and the reason given is because it is not perfect, and they say it is not morally wrong. And by the way, who are we to judge? Why is murder wrong if it is not morally wrong? Is it because we have a number of votes that ban murder? Is that the only reason, because the majority says we think murder is wrong? Not morally wrong because we can't make moral judgments; God forbid we make a moral judgment on the floor of the Senate. Oh, no, who am I to tell you that murder is wrong? I mean, how dare me. How can you tell me that murdering someone is wrong if it is not based on some moral judgment?

So, please, don't come down here and say I have no right to impose moral judgments. We do it every day in the Senate. How many speeches do I hear that it is immoral not to provide health insurance? That is immoral, this isn't. That is immoral and this isn't.

We can't judge anybody. We can't say that taking a child almost born outside of the mother, 3 inches from legal protection, and killing that baby in a barbaric fashion, we can't say that is wrong because that would be judging somebody else; we can't judge anybody here. Who are we to judge anybody?

Welcome to America 1999. Welcome to the mainstream America 1999. Welcome to the Peter Singers of the world. Read the New Yorker September 6 issue. Read it when he says:

> If a pregnant woman has inconclusive results from amniocentesis, Singer doesn't see why she shouldn't carry the fetus to term. Then, if the baby is severely disabled and the parents prefer to kill it, they should be allowed to. That way there would be fewer needless abortions and more healthy babies.

Welcome to America because here you can find out if the baby is healthy or not. If you want to kill it, you can. If not, you can deliver it. Welcome to Peter Singer's world.

And you are not concerned about the lines drawn in America? You are not concerned we need to a have a bright line to prevent the Columbines in the future? When the Senator from California reads the Casey decision, doesn't she see Columbine in the Casey decision? What does the Casey decision say that she so proudly stands behind? "At the heart of liberty is the right to define one's own concept of existence, of meaning, of the universe, and of the mystery of human life. . ."

A young boy in Littleton, CO, said the same thing just before he shot 13 people. He said: What I say goes; I am the law.

This is what the Casey decision says. It says each one of us has the right to determine our own reality. We are the law. We can do whatever we want to do.

God help us. God help us if that is the law of the land. God protect us, if that is the law of the land, from predators who think they can do whatever they want to do to us because they are the law; they can define their own meaning of existence. They can define their own meaning of the universe. They can define their own meaning of human life. God help us.

And where does this decision come from? It comes from the poisonous well of keeping procedures like this legal. Drink from it, America. Drink from it. I yield the floor.

Mr. SMITH of New Hampshire addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENT NO. 2324 TO AMENDMENT NO. 2323

(Purpose: to provide for certain disclosures and limitations with respect to the transference of human fetal tissue)

Mr. SMITH of New Hampshire. Mr. President, I send a second-degree amendment to the pending amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from New Hampshire [Mr. SMITH] proposes an amendment numbered 2324 to amendment No. 2323.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the Landrieu amendment, add the following:

SEC. . TRANSFERENCE OF HUMAN FETAL TISSUE.

Section 498N of the Public Health Service Act (42 U.S.C. 289g-2) is amended—

(1) by redesignating subsections (c) and (d), as subsections (e) and (f), respectively; and

(2) by inserting after subsection (b), the following:

"(c) Disclosure on Transplantation of Fetal Tissue.—

"(1) Requirement.—With respect to human fetal tissue that is obtained pursuant to an induced abortion, any entity that is to receive such fetal tissue for any purpose shall file with the Secretary a disclosure statement that meets the requirements of paragraph (2).

"(2) Contents.—A disclosure statement meets the requirements of this paragraph if the statement contains—

"(A) a list (including the names, addresses, and telephone numbers) of each entity that has obtained possession of the human fetal tissue involved prior to its possession by the filing entity, including any entity used solely to transport the fetal tissue and the tracking number used to identify the packaging of such tissue;

"(B) a description of the use that is to be made of the fetal tissue involved by the filing entity and the end user (if known);

"(C) a description of the medical procedure that was used to terminate the fetus from which the fetal tissue involved was derived; and the gestational age of the fetus at the time of death.

"(D) a description of the medical procedure that was used to obtain the fetal tissue involved;

"(E) a description of the type of fetal tissue involved;

"(F) a description of the quantity of fetal tissue involved;

"(G) a description of the amount of money, or any other object of value, that is transferred as a result of the transference of the fetal tissue involved, including any fees received to transport such fetal tissue to the end user;

"(H) a description of any site fee that was paid by the filing entity to the facility at which the induced abortion with respect to the fetal tissue involved was performed, including the amount of such fee; and

"(I) any other information determined appropriate by the Secretary.

"(3) Disclosure to shippers.—Any entity that enters into a contract for the shipment of a package containing human fetal tissue described in paragraph (1) shall—

"(A) notify the shipping entity that the package to be shipped contains human fetal tissue;

"(B) prominently label the outer packaging so as to indicate that the package contains human fetal tissue;

"(C) ensure that the shipment is done in a manner that is acceptable for the transfer of biomedical material; and

"(D) ensure that a tracking number is provided for the package and disclosed as required under paragraph (2).

"(4) Definition.—In this subsection, the term 'filing entity' means the entity that is filing the disclosure statement required under this subsection.

"(5) Nothing in this subsection shall permit the disclosure of—

"(A) the identity of any physician, health care professional, or individual involved in the provision of abortion services;

"(B) the identity of any woman who obtained an abortion; and

"(C) any information that could reasonably be used to determine the identity of individuals or entities mentioned in paragraphs (A) and (B).

"(6) Violation of this section shall be punishable by the fines of more more than $5,000 per incident.

"(d) Limitation on Site Fees.—A facility at which induced abortions are performed may not require the payment of any site fee by any entity to which human fetal tissue that is derived from such abortions is transferred unless the amount of such site fee is reasonable in terms of reimbursement for the actual real estate or facilities used by such entity.".

Mr. SMITH of New Hampshire. Mr. President, I yield the floor.

Mr. FITZGERALD addressed the Chair.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Illinois.

Mr. FITZGERALD. Mr. President, thank you for this opportunity to be heard.

Mr. President, listening to my distinguished colleague from California, Senator BOXER, I thought back to earlier this year. We had an issue on which we agreed; in fact, we have had a few this year. This isn't one of them, however.

But earlier this year, Senator BOXER was very concerned about the inhumane treatment of dolphins who are getting caught in tuna fishing nets. In fact, she spoke so eloquently on the cruel and inhumane treatment of dolphins that I distinctly remember during that debate, I called home to see how my family was doing, and my 7-year-old boy answered the phone, and he said to me: Daddy, I hope you're going to vote tonight to protect the dolphins. And boy, when I heard that, I really took a careful look at Senator BOXER's bill. I was inclined to support her already, but when I heard that from my son, and I started to focus on that debate, and the eloquence with which she spoke, I wound up voting with her to support and protect those dolphins.

Mrs. BOXER. Would my friend yield for a question so I have a chance to thank him for that support, and thank his son, and tell his son that I am going to fight just as hard to protect the life and health of his mother and all the moms of this country and to make sure we protect the children as well. Thank you.

Mr. FITZGERALD. I would like to encourage the Senator from California, and others in the Senate, to maybe think about the humanity issue here as we focus on the debate on partial-birth abortion.

Mr. President, I rise today as an original cosponsor of this bill, the Partial-Birth Abortion Ban Act of 1999. I would like to thank Senator SANTORUM for sponsoring it again and for his forceful and eloquent arguments on behalf of the innocent unborn.

Every time I think about partial-birth abortion, I think of the observations which, I believe, capture the essence of this debate. My esteemed colleague from Illinois, Representative HENRY HYDE, asked: What kind of people have we become that this procedure is even a matter of debate?

He went on to say: You wouldn't even treat an animal, a mangy raccoon like this.

What is a partial-birth abortion? As it has been described so thoroughly by my colleague from Pennsylvania, and many others, it is a truly gruesome procedure. It is barbaric. It is chilling. It is cruel. More than anything else, what I would like to emphasize here is that it is inhumane.

The medical term for this procedure is "intact dilation and extraction," or "intact D&E," for short. I have also heard it referred to as "intrauterine cranial decompression." What do these medical terms mean?

Briefly, what happens is this: The abortionist turns the baby around in the womb so it is in the breech position—feet first. The abortionist then pulls the baby out of the womb and into the birth canal so all but its head is outside the mother; thus, the term "partial birth." At this point, the abortionist takes out a sharp surgical instrument, often a pair of scissors, and stabs the baby in the back of its head to create a hole. The abortionist then inserts a type of suction tube into the hole and sucks out the baby's brain. Sucking out the baby's brain causes the skull to collapse, or implode, and the delivery can then be completed.

I will read an excerpt from testimony given to Congress by Mrs. Brenda Pratt Shafer, a registered nurse. While working for a temporary placement agency in 1993, Mrs. Shafer was assigned to an Ohio abortion clinic, where she was asked to assist with a partial-birth abortion on a woman who was just over 6 months pregnant. Here is some of what Mrs. Shafer testified to Congress that she observed that day:

> He delivered the baby's body and arms, everything but his little head. The baby's body was moving. His little fingers were clasping together. He was kicking his feet. The baby was hanging there, and the doctor was holding his neck to keep his head from slipping out. The doctor took a pair of scissors and inserted them into the back of the baby's head, and the baby's arms jerked out in a flinch, a startle reaction, like a baby does when he thinks he might fall. Then the doctor opened up the scissors, stuck the high-powered suction tube into the hole [in the head] and sucked the baby's brains out. The baby went completely limp. Then, the doctor pulled the head out, and threw the baby into a pan.

This is inhumane. You wouldn't treat an animal, a mangy raccoon like that.

In an attempt to somehow justify the humaneness of this procedure, opponents of a ban have cited the statements of a handful of medical professionals who contend that the unborn baby is actually killed, or rendered brain dead, prior to being extracted from the womb by the anesthesia given to the mother.

Mr. President, and my colleagues, consider this: Professor Robert White, director of the Division of Neurosurgery and Brain Research at Case Western Reserve School of Medicine, testified before a House committee several years ago that:

> The fetus within this timeframe of gestation, 20 weeks and beyond, is fully capable of experiencing pain.

He stated, regarding partial-birth abortions:

> Without question, all of this is a dreadfully painful experience for any infant subjected to such a surgical procedure.

Dr. Norig Ellison, president of the 34,000-member American Society of Anesthesiologists, testified before Congress:

> I think the suggestion that the anesthesia given to the mother, be it regional or general, is going to cause the brain death of the fetus is without basis of fact.

And finally, Dr. Martin Haskell, who has been called a "pioneer" in the use of the partial-birth abortion procedure, in 1993, stated:

> . . . the majority of fetuses aborted this way are alive until the end of the procedure.

He went on to say:

> . . . probably about a third of those are definitely dead before I actually start to remove the fetus. And probably the other two-thirds are not.

What kind of a people have we become that this procedure is even a matter of debate in the Senate? You wouldn't treat an animal, a mangy raccoon like that.

To my colleagues today who are still seriously considering this debate, this is an issue of basic humaneness, and humaneness is an issue that many of us, on both sides, have often found quite troubling. In my short time in the Senate, I have joined a number of my colleagues on several occasions to speak against the inhumane treatment of animals. In fact, it wasn't very long ago, during the debate on the Interior appropriations bill that I voted in support of an amendment offered by Senator TORRICELLI that would have prohibited the use of funds in the Interior budget to facilitate the use of steel-jawed traps and neck snares for commerce or recreation in national wildlife refuges.

During the debate on this amendment, my distinguished colleague from Nevada, Senator REID, described the amendment as a "no-brainer." My colleague went on to say that "these traps are inhumane. They are designed to slam closed. The result is lacerations, broken bones, joint dislocations, and gangrene." In conclusion, Senator REID stated that "in this day and age, there is no need to resort to inhumane methods of trapping. . . ." And many of us were persuaded.

And why were we persuaded? Why are we troubled by steel-jawed traps? Isn't it, Mr. President, because there's something in our gut that twists and turns over the unnecessary suffering and pain of creatures with whom we share this Earth? The majestic animals that are as much a part of God's wonderful creation as we are. Wonderful animals who add richness and texture to our own experience of the planet. Animals whom we thank God for allowing us to appreciate and admire.

The suffering of a bear or a deer can lead many of us to say no to a steel-jawed trap and a neck snare. But what about a scissor through the head and neck of a child? What about sucking out a baby's brain.

Mr. President, You wouldn't treat an animal, a mangy raccoon like this.

The Senate also acted this year to do more to fight the inhumane treatment of dolphins. On July 22, I supported an amendment offered by Senator BOXER to the fiscal year 2000 Commerce-Justice-State appropriations bill to force countries to pay their fair share of the expenses of the Tuna Commission and delay the importation of tuna caught using fishing methods that unnecessarily harm and kill dolphin. During debate on this amendment, Senator BOXER spoke eloquently of the thousands of dolphin killed each year by fishing methods that cruelly and unnecessarily harass, chase, encircle, maim, and kill dolphin that happen to be swimming over schools of tuna. I appreciated hers and others' efforts in the name of humaneness.

God has given us dominion over a wondrous planet, a beautiful blue sphere that takes our breath away when we see it silhouetted against the dark of the universe. And with that dominion we know comes a stewardship, a responsibility to appreciate, care, and speak for God's creation who cannot speak for themselves.

I believe our Maker has touched our human conscience with something that makes us almost instinctively recoil from causing unnecessary pain and suffering to animals. I know there's a tender spot in the hearts of some who now oppose a ban on this procedure. I know it's there because I've seen it in debates on the floor of this body. But I don't understand how those who can hear the howl of a wolf or the squeal of a dolphin, can be deaf to the cry of an unborn child.

Mr. President, if people were sticking scissors in the heads of puppies, we would not abide it. In the name of common decency and humanity, I implore my colleagues not to let this happen to our own young.

I yield the floor.

Mr. SANTORUM. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT

Mr. GRASSLEY. Mr. President, on behalf of the leader, I ask unanimous consent that the only amendments in order be the pending Smith of New Hampshire amendment and the pending Landrieu amendment, that they both be separate first-degree amendments, and the votes occur in relation to these amendments at 5:30 in the order listed, with 3 minutes prior to each vote for explanation.

I further ask unanimous consent that following the votes described above, the bill be immediately advanced to third reading and passage occur, all without any intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object—and I will not object—can we be sure the 3 minutes are equally divided between the two sides?

Mr. GRASSLEY. That is our understanding.

Mrs. BOXER. Fine. That is fine with us.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, in light of this agreement, there will then be three votes beginning at 5:30 p.m.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, for the information of all colleagues, I believe there are going to be three rollcall votes commencing at 5:30. So hopefully everybody will be present and we can move the votes fairly rapidly.

I compliment the Senator from Pennsylvania, Mr. SANTORUM, for the outstanding debate he has conducted on the floor during the last couple of days. In addition, Senator SMITH and others, I think, have presented a very compelling case that this procedure, the so-called partial-birth abortion procedure, should be stopped. There is no medical necessity for it. It is not necessary to save the life of the mother under any circumstances, according to experts such as Dr. Koop, the American Medical Association, and others. It is a gruesome, terrible procedure. It needs to be stopped.

We have laws on the books that protect unborn endangered species from Oregon to Florida. We have fines and penalties that if you destroy an animal, or an insect, you can be subjected to fines and penalties of thousands of dollars. You can even go to jail for destroying the unborn of a particular type of insect which happens to be classified as endangered.

Yet in this procedure, when we are talking about a child who is partially born, we won't give it any protection whatsoever. We are talking about a child, a human being. I know some people say, "It's a fetus and not a child; it is not a human." Well, if we waited maybe 30 seconds, then it would be a child, or a human being, totally outside the mother's womb. I just find that incredible that we are not going to offer at least some protection for these unborn children.

I want to allude to something else. There was a sense of the Senate passed earlier today, and some people have talked on it and said it reaffirms Roe v. Wade, as the law of the land. That Roe v. Wade is a great thing. There are a couple of points about this I would like to address. From a legislative standpoint, we are the legislative body; we pass the laws of the land. The Supreme Court is not supposed to legislate. I read the Constitution. We all have a copy. It says, in article I, section 1, of the Constitution:

> All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

All legislative powers.

Then if you read through the conclusion of the Constitution, in the 10th amendment it says:

> All of the rights and powers are reserved to the States and to the people.

It does not say in the case of abortion we give the Supreme Court the right to legislate. That is exactly what they did in Roe v. Wade. So now we have a sense of the Senate that says we agree with Roe v. Wade. I wonder how many people have really looked at Roe v. Wade. I thought I might introduce it into the RECORD because it is a very convoluted, poorly-drafted piece of legislation in which the Supreme Court legalized abortion.

The Supreme Court doesn't have the constitutional power to legalize anything. They don't have the constitutional power to pass laws. That is what they did. I was going to insert Roe v. Wade into the RECORD, but it is too long, it has too many pages. I object to the Supreme Court legislating at any time, even if I agree with the legislative result.

If Congress wants to codify Roe v. Wade, let somebody introduce legislation and let it go through the process. Let's have hearings. Does it make sense to have abortion legal, totally legal, without any restrictions whatsoever in the first trimester, and maybe little restrictions on the second trimester, and further on the third trimester? Is that the way Congress would do it? If we are going to do it this way, at least if the people don't like the laws Congress passes, they would have some recourse. There is no recourse to legislation dictated by the Supreme Court.

So I strongly object to the idea of the Supreme Court legislating. I think the sense of the Congress was a serious mistake. I don't know if I am going to be a conferee or not, but I will work hard to make sure the sense of the Senate language is not included in anything that will be reported out on this bill. I think that would be a serious mistake.

Again, I compliment the authors of the bill and state for the RECORD that I urge all people, Members of Congress, to vote for the legislation by the Senator from Pennsylvania to protect unborn children who are three-fourths born, or two-thirds born; give them protection—maybe not as much protection as we give unborn animals under the endangered species. Evidently, we are not going to do that, but let's give them some protection.

So let's pass this bill. We can go to conference with the House, and we can drop this sense-of-the-Senate resolution and pass the bill, and hopefully this time the President will sign it.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I understand we are ready now to do a series of three votes back to back.

For the information of all Senators, these votes will be the last votes of the day.

It will be my intention to begin debate on the African trade bill, which includes, of course, the CBI enhancement provisions, immediately following these votes. It is my hope that the Senate will begin debating and amending the bill yet this evening because we do have some more time that we could keep working on this bill.

I had the opportunity this afternoon to talk to the President about this legislation. He is committed to being of assistance in any way he can to the Senate taking this bill up and passing it in its present form.

I have been working with the Democratic leader, the chairman and ranking member of the committee, all of whom support this legislation.

This is a free trade initiative that will be good for a America, good for the Caribbean Basin, and good for Africa.

Assuming the Senate begins debate on this bill, any votes relative to amendments would be postponed to occur at a time determined by the majority leader after consultation with the Democratic leader.

On Monday, the Senate will be debating the African trade bill with the CBI provisions.

I will propose to confirm six nominations from the Executive Calendar. If debate is necessary on these nominations, that debate would also occur on Monday.

However, the votes, if necessary, would be postponed to occur on Tuesday at 9:30 a.m.

I thank all Members, and will notify each Senator as the voting situation becomes clearer.

Based on what I said, I believe we will have only debate on Friday. It is not clear at this time what the situation would be with regard to Monday. We will have debate. We do have nominations we want to clear. But we will be in communication with both sides of the aisle and notify the Members as soon as further decisions can be made.

AMENDMENT NO. 2324

I ask for the yeas and nays on amendment No. 2324.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mrs. BOXER. Mr. President, as I understand it, we have a minute and a half per side.

The PRESIDING OFFICER. The Senator from California is correct.

Mrs. BOXER. Mr. President, we are going to vote shortly on the Smith amendment.

I tried very hard to work with my colleague. There is one very serious flaw in his legislation which I fear could escalate the violence at health care clinics all over this country. Now it is illegal in any way to sell fetal tissue. We all support that ban. We have voted on that ban. You cannot sell fetal tissue.

The Senator is concerned that this sale, nonetheless, is taking place. He wants certain disclosure as it relates to this issue. In the course of that, he has amended his legislation to deal with some of my problems by making sure that we can identify the woman who agreed to donate that tissue for research. It won't identify physicians. For that I am grateful.

The one area we couldn't reach agreement on had to do with the identity of the health care facility in which the woman had her legal and safe abortion. That will be subject to disclosure. Anyone could find out through a Freedom of Information request where that clinic is.

There have been 33 instances of violence against health care facilities since 1987.

I really am sad that the Senator from New Hampshire was unable to protect the confidentiality of these clinics.

I urge my colleagues on both sides of the aisle, please protect the identity of these clinics. We don't want to have anyone calling up and finding out where they are. I am very fearful it could escalate the violence. We certainly don't want to do that unwittingly.

Thank you very much. I will be urging a "no" vote.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, Senator BOXER and I made an attempt to come to accommodation on this amendment. We were not able to do that.

As you heard from my presentation on the floor, we know that fetal body parts are being sold in violation of law. Abortions may be induced in certain ways, such as possibly partial birth, or perhaps even live births in order to have good fetal body tissue to sell.

This is a serious problem. Clearly, it is a big industry.

This amendment requires disclosure of certain information prior to the transfer of any of this fetal body tissue or parts in induced abortions. That is what it does. It is against the law to sell fetal tissue for research. It is against Federal law.

This amendment allows HHS to track these transfers to enforce current law. You can donate tissue, but you can't sell it. It is being sold. We need the sun to shine in on this industry to find out what is happening.

It protects the privacy of all women undergoing abortions and the doctors providing them.

But this is something that is occurring within the industry. It is a very elaborate network of abortion providers getting those body parts to a wholesaler who then in turn is selling those body parts to universities and other research institutions. It simply let's the light in. That is all it does.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to amendment No. 2324. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative assistant called the roll.

Mr. NICKLES. I announce that the Senator from Rhode Island. (Mr. CHAFEE), the Senator from Florida (Mr. MACK), and the Senator from New Hampshire (Mr. GREGG) are necessary absent.

The result was announced—yeas 46, nays 51, as follows:

[Rollcall Vote No. 338 Leg.]

YEAS—46

Abraham
Allard
Ashcroft
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Cochran
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Thomas
Thompson
Thurmond
Voinovich

NAYS—51

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Bryan
Byrd
Cleland
Collins
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Roth
Sarbanes
Schumer
Snowe
Specter
Stevens
Torricelli
Warner
Wellstone
Wyden

NOT VOTING—3

Chafee
Gregg
Mack

The amendment (No. 2324) was rejected.

Mr. LOTT. Mr. President, I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT. Mr. President, I ask unanimous consent that the remaining votes in this series be limited in length to 10 minutes each.

The PRESIDING OFFICER (Mr. BENNETT). Without objection, it is so ordered.

AMENDMENT NO. 2323, AS MODIFIED

The PRESIDING OFFICER. There are 3 minutes equally divided. Who yields time?

Mrs. BOXER. Mr. President, as I understand the unanimous consent agreement, Senator LANDRIEU will have 1½ minutes and the other side will have 1½ minutes on her amendment, which I strongly support.

The PRESIDING OFFICER. That is correct.

Mrs. BOXER. Senator LANDRIEU has 1½ minutes.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. I thank the Chair. Mr. President, we have been debating a very contentious and emotional issue for many, many hours now. This debate will perhaps go on for some years to come as we try to resolve our many differences. It is a very tough issue for many families and for policymakers all over our Nation.

This amendment is an attempt to help because whether you are for or against, pro-life or pro-choice, or somewhere in the middle, we can say today it is the sense of this Congress that we want to help all families who have children with birth defects or special needs, regardless of their circumstances.

It is a very tough situation when families, even with a wanted pregnancy, have to sometimes make a very tough decision that could result in their financial ruin. We should step up to the plate, and that is what this amendment does.

It simply says it is the sense of the Senate that many families struggle with very tough decisions and that we should fully cover all expenses related to educational, medical, and respite care requirements of families with special-needs children.

I commend this to my colleagues and ask for their support.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I support the amendment, and I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to amendment No. 2323, as modified. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Florida (Mr. MACK), the

Senator from Rhode Island (Mr. CHAFEE), and the Senator from New Hampshire (Mr. GREGG) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 46, nays 51, as follows:

[Rollcall Vote No. 339 Leg.]

YEAS—46

Abraham
Akaka
Baucus
Biden
Boxer
Breaux
Bryan
Cleland
Conrad
Daschle
DeWine
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Hatch
Hollings
Hutchison
Jeffords
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Mikulski
Moynihan
Murkowski
Murray
Reed
Reid
Santorum
Sarbanes
Schumer
Smith (OR)
Snowe
Specter
Torricelli
Voinovich
Wellstone
Wyden

NAYS—51

Allard
Ashcroft
Bayh
Bennett
Bingaman
Bond
Brownback
Bunning
Burns
Byrd
Campbell
Cochran
Collins
Coverdell
Craig
Crapo
Domenici
Edwards
Enzi
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Hagel
Helms
Hutchinson
Inhofe
Inouye
Johnson
Kerrey
Kerry
Kyl
Lott
McCain
McConnell
Nickles
Robb
Roberts
Rockefeller
Roth
Sessions
Shelby
Smith (NH)
Stevens
Thomas
Thompson
Thurmond
Warner

NOT VOTING—3

Chafee
Gregg
Mack

The amendment (No. 2323), as modified, was rejected.

The PRESIDING OFFICER. The question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. Under the previous order, there are 3 minutes equally divided.

The Senator from California.

Mr. KYL. Mr. President, the arguments against the Partial-Birth Abortion Act keep changing. During previous consideration, for example, we heard from proponents of the procedure that it was used in only rare and tragic cases, so it would be wrong to ban it. Here is how the Planned Parenthood Federation of America characterized partial-birth abortion in a November 1, 1995 news release: "The procedure, dilation and extraction (D&X), is extremely rare and done only in cases when the woman's life is in danger or in cases of extreme fetal abnormality." Planned Parenthood was not the only group to make such sweeping statements at the time.

But it did not take long for the story to unravel. On February 26, 1997, the New York Times reported that Ron Fitzsimmons, executive director of the National Coalition of Abortion Providers, admitted he "lied in earlier statements when he said [partial-birth abortion] is rare and performed primarily to save the lives or fertility of women bearing severely malformed babies." According to the Times, "He now says the procedure is performed far more often than his colleagues have acknowledged, and on healthy women bearing healthy fetuses."

Mr. Fitzsimmons told American Medical News the same thing—that is, the vast majority of these abortions are performed in the 20-plus week range on healthy fetuses and healthy mothers. He said, "The abortion rights folks know it, the anti-abortion folks know it, and so, probably, does everyone else."

We heard about the frequency of the procedure from doctors who performed it. The Record of Bergen County, New Jersey, published an investigative report revealing that far more of these abortions were performed in New Jersey and across the country than the abortion lobby wanted Americans to believe.

Now, after the truth is exposed, we see an advertising campaign by a group called the Center for Reproductive Law and Policy, claiming that it is the legislation that is deceptive and extreme. The claim is that the bill would prohibit "some of the safest and most commonly used medical procedures and risk the health and well-being of women." Apparently out of convenience, opponents have now flipped their argument and claim the procedure is common, not rare at all—which is what supporters of the legislation contended all along.

On the issue of safety, they have been more consistent. They claim the procedure is safe, but here is what the former Surgeon General of the United States, Dr. C. Everett Koop, had to say on the subject. According to Dr. Koop, "partial-birth abortion is never medically necessary to protect a mother's health or future fertility. On the contrary, this procedure can pose a significant threat to both." A threat to health and fertility.

We heard the same thing from other medical experts during hearings in the Judiciary Committee a few years ago. Dr. Nancy Romer, a practicing Ob-Gyn from Ohio, testified that in her 13 years of experience, she never felt compelled to recommend this procedure to save a woman's life. "In fact," she said, "if a woman has a serious, life threatening, medical condition this procedure has a significant disadvantage in that it takes three days."

Even Dr. Warren Hern, the author of the nation's most widely used textbook on abortion standards and procedures, is quoted in the November 20, 1995 edition of American Medical News as saying that he would "dispute any statement that this is the safest procedure to use." He called it "potentially dangerous" to a woman to turn a fetus to a breech position, as occurs during a partial-birth abortion. Dangerous, Mr. President.

The American College of Obstetricians and Gynecologists was quoted by Charles Krauthammer in a March 14, 1997 column as indicating that there are "no circumstances under which this procedure would be the only option to save the life of the mother and preserve the health of the woman."

And of course, the American Medical Association (AMA), on the eve of the Senate vote during the 105th Congress, endorsed the bill to ban the technique. According to the chairman of the AMA's board of trustees, "it is a procedure which is never the only appropriate procedure and has no history in peer reviewed medical literature or in accepted medical practice development."

To those who call the Partial-Birth Abortion Ban Act extreme, I ask: Is it extreme to want to ban a procedure that medical experts tell us is dangerous and threatening to women? Or are the extremists those who are so radically pro-abortion that they defend even a such a dangerous and threatening procedure?

What about those rarest of instances when it might be necessary to use this dangerous procedure to save a woman's life? Those are provided for, despite what President Clinton said when he vetoed the Partial-Birth Abortion Ban Act on October 13, 1997. He said he did so because the bill did not contain an exception that "will adequately protect the lives and health of the small group of women in tragic circumstances who need an abortion performed at a late stage of pregnancy to avert death or serious injury."

Let me read the language of the bill that was vetoed. This is language from the bill's proposed section 1531. The ban, and I am quoting, "shall not apply to a partial-birth abortion that is necessary to save the life of a mother whose life is endangered by a physical disorder, illness, or injury." Identical language providing a life-of-the-mother exception appears in this year's version of the bill, S. 1629, as well. I do not know how the language can be any clearer.

Mr. President, another charge now being made against this bill is that it is unconstitutional. Of course, we all can speculate about how the U.S. Supreme Court might rule on the matter. The Eighth Circuit Court of Appeals recently struck down partial-birth abortion bans in Nebraska, Iowa, and Arkansas, but a three-judge panel from the Fourth Circuit stayed an injunction against a similar Virginia law, pending review by the full court. The Fourth Circuit has yet to rule, but observers expect it to uphold the Virginia ban.

Ultimately, the U.S. Supreme Court is going to have to rule on the question, given the differing Circuit Court decisions. And as Harvard Law School Professor Lawrence Tribe noted in a November 6, 1995 letter to Senator BOXER, there are various reasons "why one cannot predict with confidence how the Supreme Court as currently composed would rule if confronted with [the bill]." He noted that the Court has not had any such law before it. And he noted that "although the Court did grapple in 1986 with the question of a state's power to put the health and survival of a viable fetus above the medical needs of the mother, it has never directly addressed a law quite like [the Partial-Birth Abortion Ban Act]."

Mr. President, neither Roe v. Wade nor any subsequent Supreme Court case has ever held that taking the life of a child during the birth process is a constitutionally protected practice. In fact, the Court specifically noted in Roe that a Texas statute—one which made the killing of a child during the birth process a felony—had not been challenged. That portion of the law is still on the books in Texas today.

Remember what we are talking about here: "an abortion in which the person performing the abortion partially vaginally delivers a living fetus before killing the fetus and completing the delivery." That is the definition of a partial-birth abortion in the pending legislation.

So we are talking about a child whose body, save for his or her head, has been delivered from the mother—that is, only the head remains unborn. No matter what legal issues are involved, I hope no one will forget that we are talking about a live child who is already in the birth canal and indeed has been partially delivered.

I dare say that, even if the Court were somehow to find that a partially delivered child is not constitutionally protected, the Partial-Birth Abortion Ban Act could still be upheld under Roe and Planned Parenthood of Southeastern Pennsylvania v. Casey. Under both Roe and Casey, the government may prohibit abortion after viability, except when necessary to protect the life or health of the mother. But the exception would never arise here because, as the experts tell us, this procedure is never medically necessary.

Although I believe the law would be upheld by the Court, I will concede that no one can say with certainty how the Supreme Court will rule until it has ruled. Until then, I suggest that we not use that as an excuse to avoid doing what we believe is right.

The facts are on the table. The bill includes a life-of-the-mother exception—an exception that would probably never be invoked given that medical experts tell us a partial-birth abortion is never necessary to protect the life or health of a woman, and indeed may even pose a danger to life and health. Let us do what is right and put a stop to what our colleague, Senator DANIEL PATRICK MOYNIHAN, has appropriately characterized as infanticide. Let us pass this bill.

Mr. EDWARDS. Mr. President, I enter this debate sad that partisan politics has obstructed the effort of many of us to address this problem in a meaningful way. Put simply, I oppose partial-birth abortions. Indeed, I oppose all late-term abortions unless they are necessary to save the life of the mother or to avert grievous damage to the physical health of the mother.

I have voted for the Durbin amendment and will vote against the Santorum measure. One, the Durbin proposal, has failed. The other will pass the Senate but accomplish nothing.

The Santorum bill suffers from a number of serious flaws. First, it is clearly unconstitutional. The vast majority of federal courts dealing with this issue have held so, and no amount of wishful thinking can alter that fact. Second, even if it were constitutional, it would not stop a single abortion. Let me reiterate that: it would not stop a single abortion. It would simply spur doctors and women to seek other methods to achieve the same goal.

Before explaining why the Santorum measure is unconstitutional, let me elaborate on why it is ineffective. Long before the procedure of partial-birth abortion was developed, late-term, postviability abortions were available through alternative methods. Under the Santorum bill, which only prevents one particular procedure, physicians can simply revert to the use of other more dangerous procedures if partial-birth abortion is banned. This bill will not end late-term abortions. It will simply force doctors to fall back on antiquated medical interventions that will further endanger the lives and health of women. Is that really what we want?

In addition, 19 recent court rulings have determined that similar proposals are unconstitutional. There is a strong likelihood that this bill, if passed, will be struck down as unconstitutional according to the precedent set by Roe v. Wade. As drafted this legislation is unconstitutionally vague and violates the clear dictates of the Supreme Court. Our objective should not be to pass divisive legislation that has no chance of ever becoming law.

And so I support the Durbin amendment. I believe it achieves a rare balance in the debate about abortion. It is constitutional. It limits government interference in a woman's most personal and important decisions. And it provides a framework for dealing with the late-term abortions—including partial birth abortions—that the so many of us struggle to find sense in.

I have spoken with women who have had late-term abortions. They struggled mightily with their God and their consciences. They made their decisions with their husbands, their families and their doctors. And they alone confronted the awful moment when hope for a new life collided with terror about the fate of their own life. I can never understand that conflict. But I believe that the Durbin amendment offers a bridge between those women and all of us who try to understand how or why a woman might choose to have a late-term abortion.

I simply do not believe that Senators or any government representative has the authority or expertise to determine that a partial-birth or late-term abortion will never be necessary to prevent severe injury to a woman's physical health or a threat to her life. But I do believe that we do have the authority to ask that before a late-term abortion is performed it be determined that the woman's life or physical health are truly at stake. The Durbin amendment would accomplish this goal. It would bar, except in narrow circumstances and under the advice and consent of two physicians, all late-term abortions.

On balance, I believe that the difficult question of abortion should be left for a woman to decide in consultation with her family, her physician and her faith. However, once the fetus has reached viability, I believe that we do have a responsibility, and a constitutional ability, to protect the unborn child. I believe that the Durbin amendment was the piece of legislation before us that would have most effectively accomplish that goal. And so I have voted in its favor.

Mr. BUNNING. Mr. President, it boggles the mind to think that we are back here again, trying to convince the President that there is no place in this nation for partial-birth abortions.

It is hard to believe that we are having to go through this exercise again because this particular procedure is so clearly barbaric. It is such a clear case or genocide.

In two Congresses now—during both of which is served in the House of Representatives—Congress has passed a ban of this barbaric procedure only to see the President veto that ban and allow the killing to continue.

In both of these Congresses, the House of Representatives voted to override the President's veto—but this body did not.

Hopefully, we can change that. If not today—then maybe tomorrow or the next day—the next month—or the next year—because this is such a clear case of human justice—moral justice—and plain old humanity—we cannot ever give up until partial-birth abortions are banned across the land.

It is really hard to believe that we have to go through this exercise every Congress because nobody—with a straight face and clear conscience—can stand up and defend this procedure.

The only way anyone can justify it is to say that—hey, it doesn't matter—because not that many partial birth abortion are actually performed. They say that partial birth abortions are only utilized in cases when the mother's life is in jeopardy.

And we know this just isn't true. We know that some of the most ardent and visible defenders of abortion have actually lied about the numbers. It's not just a few hundred a year—it is thousands.

But the numbers really shouldn't make any difference. If it is wrong and inhumane we should ban it—whether it affects one or one million.

But misleading facts about the numbers—trying to downplay the prevalence and the frequency of the procedure—are no justification at all.

This bill does not ignore the health needs of women. It clearly makes an exception when the life of the mother is jeopardy. This bill clearly says that the ban on partial-birth abortions does not apply when such a procedure is considered necessary to save the life of a mother whose life is endangered by a physical disorder, illness or injury.

So, even though many medical experts insist that there is never any medical justification for partial-birth abortion, this bill permits it if the mother's life in jeopardy.

No one can deny that partial-birth abortion is cruel. No one can deny that it is patently inhumane. No one can deny that it is grotesque.

I urge my colleagues to support this bill—support this ban.

It is simply a matter of respect for human life.

Mr. ENZI. Mr. President, I am proud today to join the Senator from Pennsylvania and a large majority of my other colleagues in support of S. 1692, the Partial-Birth Abortion Ban Act of 1999. I urge my colleagues to join me in passing this bill by a sufficient margin to withstand President Clinton's promised veto.

We are debating an issue that has an important bearing on the future of this Nation. Partial-birth abortion is a pivotal issue because it demands that we decide whether or not we as a civilized people are willing to protect that most fundamental of rights—the right to life itself. If we rise to this challenge and safeguard the future of our Nation's unborn, we will be protecting those whose voices cannot yet be heard by the polls and those whose votes cannot yet be weighted in the political process. If we fail in our duty, we will justly earn the scorn of future generations when they ask why we stood idly by and did nothing in the face of this national infanticide.

We must reaffirm our commitment to the sanctity of human life in all its stages. We took a positive step in that direction two years ago by unanimously passing legislation that bans the use of federal funds for physician-assisted suicide. We can take another step toward restoring our commitment to life by banning partial-birth abortions.

In this barbaric procedure, the abortionist pulls a living baby feet first out of the womb and through the birth canal except for the head, which is kept lodged just inside the cervix. The abortionist then punctures the base of the skull with long surgical scissors and removes the baby's brain with a powerful suction machine. This causes the head to collapse, after which the abortionist completes the delivery of the now dead baby. I recount the grisly details of this procedure only to remind my colleagues of the seriousness of the issue before the Senate. We must help those unborn children who are unable to help themselves.

Opponents have argued that this procedure is necessary in some circumstances to save the life of the mother or to protect her health or future fertility. These arguments have no foundation in fact. First, this bill provides an exception if the procedure is necessary to save the life of the mother and no alternative procedure could be used for that purpose. Moreover, leaders in the medical profession including former Surgeon General C. Everett Koop have stated unequivocally that "Partial-birth abortion is never medically necessary to protect a mother's health or her future fertility. On the contrary, this procedure can pose a significant threat to both."

A coalition of over 600 obstetricians, perinatologists, and other medical specialists have similarly concluded there is no sound medical evidence to support the claim that this procedure is ever necessary to protect a woman's future fertility. These arguments are offered as a smoke-screen to obscure the fact that this procedure results in the taking of an innocent life. The practice of partial birth abortions has shocked the conscience of our nation and it must be stopped.

Even the American Medical Association has endorsed this legislation. In a letter to the chief sponsor of this bill, Senator SANTORUM, the AMA explained "although our general policy is to oppose legislation criminalizing medical practice or procedure, the AMA has supported such legislation where the procedure was narrowly defined and not medically indicated. The Partial-Birth Abortion Ban Act now meets both these tests . . . Thank you for the opportunity to work with you towards restricting a procedure we all agree is not good medicine."

I have based my decision on every bill that has come before this body on what effect it will have on those generations still to come. We in the Senate have deliberated about what steps we can take to make society a better place for our families and the future of our children. We as Senators will cast no vote that will more directly affect the future of our families and our children that the vote we cast on this bill.

When I ran for office, I promised my constituents I would protect and defend the right to life of unborn babies. The sanctity of human life is a fundamental issue on which we as a nation should find consensus. It is a right which is counted among the unalienable rights in our Nation's Declaration of Independence. We must rise today to the challenge that has been laid before us of protecting innocent human life. I urge my colleagues to join me in casting a vote for life by supporting the Partial Birth Abortion Ban Act.

All of us in this body have had significant life experiences that help to shape our political philosophies. Nearly 4 years ago, I had a torn heart valve and was rushed to the hospital for emergency surgery. I had never been in a hospital except to visit sick folks before. I have to tell you that I am impressed with what they were able to do, but I have also been impressed with what doctors do not know. That is not a new revelation for me.

Over 26 years ago, a long time ago, my wife and I were expecting our first child. Then one day early in the sixth month of pregnancy, my wife starting having pains and contractions. We took her to the doctor. The doctor said, "Oh, you may have a baby right now. We know it's early and that doesn't bode well. We will try to stop it. We can probably stop it." I had started storing up books for my wife for 3 months waiting for the baby to come. However, the baby came that night, weighing just a little over 2 pounds. The doctor's advice to us was to wait until morning and see if she lives. They said they didn't have any control over it.

I could not believe the doctors could not stop premature birth. Then I could not believe that they could not do something to help this newborn baby. Until you see one of those babies, you will not believe what a 6-month-old baby looks like. At the same time my wife gave birth to our daughter, another lady gave birth to a 10-pound baby. This was a small hospital in Wyoming so they were side by side in the nursery.

Some of the people viewing the other baby said, "Oh, look at that one. Looks like a piece of rope with some knots in it. Too bad." And we watched her grasp and gasp for air with every breath, and we watched her the whole night to see if she would live. And we prayed.

Then the next day they were able to take this baby to a hospital which provided excellent care. She was supposed to be flown to Denver where the best care in the world was available, but it was a Wyoming blizzard and we couldn't fly. So we took a car from Gillette, WY, to the center of the State to

Wyoming's biggest hospital, to get the best kind of care we could find. We ran out of oxygen on the way. We had the highway patrol looking for us and all along the way, we were watching every breath of that child.

After receiving exceptional care the doctor said, "Well, another 24 hours and we will know something." After that 24 hours there were several times we went to the hospital and there was a shroud around the isolette. We would knock on the window, and the nurses would come over and say, "It's not looking good. We had to make her breathe again." Or, "Have you had the baby baptized?" We had the baby baptized in the first few minutes after birth. But that child worked and struggled to live. She was just a 6-month-old-3 months premature.

We went through 3 months of waiting to get her out of the hospital. Each step of the way the doctors said her ability to live isn't our doing. It gave me a new outlook on life. Now I want to tell you the good news. The good news is that the little girl is now an outstanding English teacher in Wyoming. She is dedicated to teaching seventh graders English, and she is loving every minute of every day. The only problem she had was that the isolette hum wiped out a range of tones for her, so she cannot hear the same way that you and I do. But she can lip read very well, which, in the classroom, is very good if the kids are trying to whisper. But that has given me an appreciation for all life and that experience continues to influence my vote now and on all issues of protecting human life.

Life is such a miracle that we have to respect it and work for it every single day in every way we can. I think this bill will help in that effort, and I ask for your support for this bill.

I thank the Chair and yield the floor.

Mr. BINGAMAN. Mr. President, I believe that late-term abortion procedures should be used as sparingly as possible, when all other options have been ruled out. But I do believe that it should be permitted as a last resort, and that when doctors judge it necessary to save a woman's life or to avert grievous injury to the physical health of the mother, they should not be subject to criminal prosecution. That is why I cosponsored the Durbin amendment. This amendment outlaws all post-viability abortions, regardless of the procedure used, except to save the life of the mother or avert grievous injury to her physical health. It also requires that both the attending physician and an independent non-treating physician certify in writing that, in their medical judgment, the continuation of the pregnancy would threaten the mother's life or risk grievous injury to her physical health. Grievous injury is defined as (1) a severely debilitating disease or impairment specifically caused or exacerbated by the pregnancy or (2) an inability to provide necessary treatment for a life-threatening condition, and is limited to conditions for which termination of the pregnancy is medically indicated.

The underlying legislation, on the other hand, would not prevent a single late-term abortion as it is written. It only seeks to outlaw one procedure, which is broadly and vaguely defined. The term partial birth abortion is a political term, not a medical one. In fact, this legislation is written so vaguely that it is highly likely to be declared unconstitutional. In 19 of 21 states considering legislation similar to this legislation, courts have partially or fully enjoined the laws. These decisions have been made by judges who have been appointed by every President from President Reagan on.

Further, Mr. President, the Constitution protects a woman's right to make decisions about her pregnancy up to the point that the fetus is viable. The bill before us, and similar state bills, are vague and broad enough that this basic right is not protected, according to the vast majority of judges ruling on these laws.

For these reasons, I support the Durbin amendment and oppose the underlying bill.

Mr. LEVIN. Mr. President, the Supreme Court has ruled that a ban on all abortions after viability is permitted under the Constitution, providing the ban contains an exception to protect the life and health of the woman.

S. 1692 does not meet that test because the exception it provides for does not include constitutionally required language relative to a woman's health.

The Supreme Court has also held that states may not ban pre-viability abortions. S. 1692 bans a specific abortion procedure that is not limited to post-viability abortions and therefore would ban certain pre-viability abortions, also making it unconstitutional.

In fact, 19 out of 21 state laws similar to S. 1692 have been held unconstitutional by the courts, including a Michigan statute. In Michigan, the U.S. District Court has held that:

> [T]he Michigan partial-birth abortion statute must be declared unconstitutional and enjoined because, under controlling precedent, it is vague and over broad and unconstitutionally imposes an undue burden on a woman's right to seek a pre-viability second trimester abortion . . .

The American College of Obstetricians and Gynecologists has continually expressed deep concern about legislation prohibiting the intact D&X procedure, which is the technical name for the so-called partial birth abortion procedure. They have urged Congress not to pass legislation criminalizing this procedure and not to supersede the medical judgment of trained physicians. They have stated the legislation, "continues to represent an inappropriate, ill advised and dangerous intervention into medical decision-making. The amended bill still fails to include an exception for the protection for the health of the woman."

Principally for these reasons, I oppose this legislation. I supported an alternative bill which would ban all post-viability abortions, regardless of the procedure used, except in cases where it is necessary to protect a woman's life or health. I think that approach is preferable to S. 692 which would criminalize the procedure and which fails to protect a woman's health. However, it would be even more preferable to leave this matter to the states which already have the right to ban postviability abortions by any method, as long as the ban meets the constitutional standard.

Mr. JEFFORDS. Mr. President, today we once again are debating legislation to ban the dilation and extraction, or D&X, procedure used by doctors. I am again opposed to this legislation and will once again be voting against this ban for the fifth time in as many years.

My reasons for opposing this legislation are many. Most have been discussed on the floor during the many debates on this difficult issue. First, and most importantly I believe that this bill undermines the Supreme Court's decision in Roe v. Wade to leave these critical matters in the hands of a woman, her family and her doctor. The pending legislation is an effort to chip away at these reproductive rights established in that 1973 decision and upheld by court cases since 1973. I understand many people disagree with my position. This issue has been contentious since I came to Congress in 1975.

Second, with the Roe decision, the Supreme Court wisely gave states the responsibility to restrict third-trimester abortions, so long as the life or health of the mother were not jeopardized. As of 1999, all but ten states have done so. To me, the rights of states to regulate abortions, when the life or health of the mother are not in danger, is an adequate safeguard. In the event the states pass unconstitutional regulations on this point, the appropriate remedy is with the courts. I realize that this policy leads to differences in law from state to state, but just as families differ, so too do states. As has been said before during the debate on this issue:

> When the Roe v. Wade decision acknowledged a state interest in fetuses after viability, the Court wisely left restrictions on post-viability abortions up to states. There are expert professional licensing boards, accreditation councils and medical associations that guide doctors' decision-making in the complicated and difficult matters of life and death.

Third, the legislation before us would prevent doctors from using the D&X procedure where it is necessary to save the life of the mother. This clearly goes against the holding of the Supreme Court in Roe, as it required the health of the mother be safeguarded when states regulate late-term abortions. I will not vote for a bill that is neither Constitutional, nor takes into account those situations where carrying a fetus to term would cause serious health risk for the mother. This is simply unacceptable. My vote in 1997, in favor of the Feinstein substitute amendment underscored my commitment to safeguarding a doctor's options to protect the health of the mother in cases where a late-term procedure is necessary.

Finally, I believe that women who choose to undergo a D&X procedure do so for grave reasons. We have established a delicate legal framework in which to address late-term abortions and we should not shift the decision making to the federal government.

• Mr. McCAIN. Mr. President, we are not here today to debate the legality of abortion. We are here to discuss ending partial-birth abortion—a particularly gruesome procedure that would be outlawed today but for the President's veto last year of a national ban.

Banning partial-birth abortion goes far beyond traditional pro-life or pro-choice views. No matter what your personal opinion regarding the legalization of abortion, we should all be appalled and outraged by the practices of partial-birth abortions. This procedure is inhumane and extremely brutal entailing the partial delivery of a healthy baby who is then killed by having its vibrant brain stabbed and suctioned out of the skull.

This is simply barbaric.

Some would argue that abortion, including partial-birth abortion, is a matter of choice—a woman's choice. Respectfully, I must disagree.

What about the choice of the unborn baby? Why does a defenseless, innocent child not have a choice in their own destiny?

Some may answer that the unborn baby is merely a fetus and is not a baby until he or she leaves the mother's womb. Again, I disagree, particularly, in the case of infants who are killed by partial-birth abortions.

Most partial-birth abortions occur on babies who are between 20 and 24 weeks old. Viability, "the capacity for meaningful life outside the womb, albeit with artificial aid" as defined by the United States Supreme Court, is considered by the medical community to begin at 20 weeks for an unborn baby. Most, if not all, of the babies who are aborted by the partial-birth procedure could be delivered and live. Instead, they are partially delivered and then murdered. These children are never given a choice or a chance to live.

Today, we have to make a choice. We can choose to protect our nation's most valuable resource—our children. We can choose to give a tomorrow full of endless possibilities to unborn children throughout our nation. We can choose to save thousands from being murdered at the hands of abortionists.

Or we can choose to allow this barbaric procedure to continue, permitting doctors to kill more innocent, unborn children.

We each have a choice, a choice which unborn children are denied. We must make the right choice when we vote today—the choice to save thousands of unborn children by banning partial birth abortions in this country.

Today, I will choose to protect the unborn child. Today, I will once again cast my vote to ban partial birth abortions.

I want to reiterate my strong support for this bill and my unequivocal and long-standing opposition to the practice of partial birth abortion. I find it disconcerting that a few people are attempting to dilute my unequivocal support for banning this horrific procedure as well as to cast doubt on my long standing commitment to protecting the life of unborn children merely because of my vote on a procedural motion.

Yesterday, I voted against a parliamentary maneuver designed solely to end debate on S. 1593, the campaign finance reform bill. This was an unnecessary move since a unanimous consent agreement had been offered, with no known opposition, which would have allowed the chamber to temporarily lay aside the campaign finance reform bill so that the Senate could consider the partial birth abortion ban legislation. Under that procedure, when the Senate finished its work on the important bill banning partial birth abortions, we could then return to complete the debate on campaign finance reform. Instead, the opponents of McCain-Feingold forced a vote on a maneuver which returned the bill to the Senate calendar, effectively cutting off the debate, well short of the time promised to consider this important issue.

In no way does my vote yesterday and strong support for campaign finance reform reduce my unequivocal, long-standing opposition to abortion, including the practice of partial birth abortion. I am a cosponsor of this legislation, as I was in previous years. I have voted 5 times over the past 5 years to ban this repugnant and unnecessary procedure, including 2 votes to overturn the President's veto of this legislation. When the Senate votes today on S. 1692, I will again vote for the ban.

Mr. President, I am pro-life and will continue fighting for measures which protect our nation's unborn children and provide them with an opportunity for life—the greatest gift each of us has.•

Mr. KENNEDY. Mr. President, for the fifth time in the past two years, the Republican leadership has chosen to debate and vote on legislation that President Clinton has vetoed twice and that numerous courts have ruled unconstitutional. No matter how often the Senate votes, the facts will remain the same. This bill is unconstitutional—it's a violation of the Supreme Court's decisions in Roe v. Wade and Planned Parenthood v. Casey, and the Senate should oppose it.

The Roe and Casey decisions prohibit Congress from imposing an "undue burden" on a woman's constitutional right to choose to have an abortion at any time up to the point where the developing fetus reaches the stage of viability. Congress can constitutionally limit abortions after the stage of viability, as long as the limitations contain exceptions to protect the life and the health of the woman.

This bill fails that constitutional test in two clear ways. It clearly imposes an undue burden on a woman's constitutional right to an abortion in cases before viability. In cases after viability, it clearly does not contain the constitutionally required exception to protect the mother's health.

Supporters of this legislation are flagrantly defying these constitutional requirements, and they know it. Similar laws have been challenged in 21 of the 30 states where they have been passed, and the results are clear. In 20 states, laws have been blocked or severely limited by the courts or by state legal action. Eighteen courts have issued temporary or permanent injunctions preventing the laws from taking effect because of constitutional defects. One court and one attorney general have limited enforcement of the law. Of the states where the laws have been blocked, six have statutes identical to the Santorum bill.

Recently, the Eighth Circuit Court of Appeals ruled that laws in three states under its jurisdiction—Arkansas, Iowa, and Nebraska—were unconstitutional. In the opinion on the Nebraska law, the court specifically held that, "Under controlling precedents laid down by the Supreme Court, [the] prohibition places an undue burden on the right of women to choose whether to have an abortion."

The conclusion is obvious. The supporters of the Santorum bill would rather have an issue than a law. They have rejected compromise after compromise. They have ignored President Clinton's plea to add an exemption for "the small number of compelling cases where selection of the procedure, in the medical judgment of the attending physician, was necessary to preserve the life of the woman or avert serious adverse consequences to her health."

In doing so, the Republican leadership has chosen to ignore the Constitution. They are also ignoring the large number of medical professionals who oppose this legislation, including the American College of Obstetricians and Gynecologists, the American Nurses

Association, and the American Medical Women's Association. The American Medical Association—which once endorsed the bill—no longer supports it. The AMA withdrew its support after independent investigators hired by the organization concluded that, "rather than focusing on its role as steward for the profession and the public health . . . the board . . . lost sight of its responsibility for making decisions which, first and foremost, benefit the patient and protect the physician-patient relationship."

Most important, in its effort to pass this legislation, the Republican leadership has ignored the tragic situations in which some women find themselves—women like Eileen Sullivan, Erica Fox, Vikki Stella, Tammy Watts, and Viki Wilson. Women like Coreen Costello, who testified before the Senate Judiciary Committee and told us that she consulted with numerous medical experts and did everything possible to save her child. She later had the procedure that would be banned by this legislation, and, based on that experience, she told the Committee the following:

> I hope you can put aside your political differences, your positions on abortion, and your party affiliations and just try to remember us. We are the ones who know. We are the families that ache to hold our babies, to love them, to nurture them. We are the families who will forever have a hole in our hearts. . . . please put a stop to this terrible bill. Families like mine are counting on you.

For all of these reasons, I oppose the Santorum bill. We should stand with Coreen Costello and others like her, who with their doctors' advice, must make these tragic decisions to protect their lives and their health.

Mr. HATCH. Mr. President, I rise today in strong support of S. 1692, the Partial Birth Abortion Ban Act. At the outset, I would like to thank the Senator from Pennsylvania, Senator SANTORUM, for his great efforts here this week, and over the past few years, in trying to seek passage of this measure. Few people can speak on this issue with the same passion and depth of understanding as Senator SANTORUM.

As we face this vote today, it is clear that the majority of the Senate supports this bill. It is a bipartisan effort. The hope we have, however, in the face of an inevitable veto, is that a number sufficient to override this veto will vote in favor of this bill.

Mr. President, I have spoken in past years on this important legislation. As chairman of the Senate Judiciary Committee, I chaired a major hearing on this bill several years ago, and the graphic description of this procedure and the testimony I heard was compelling, even chilling.

This bill presents, really, a very narrow issue: whether one rogue abortion procedure that has probably been performed by a handful of abortion doctors in this country, that is never medically necessary, that is not the safest medical procedure available under any circumstances, and that is morally reprehensible, should be banned.

This bill does not address whether all abortions after a certain week of pregnancy should be banned or whether late-term abortions should only be permitted in certain circumstances. It bans one particular abortion procedure.

I chaired the Judiciary Committee hearing on this bill that was held on November 17, 1995. After hearing the testimony presented there as well as seeing some of the submitted material, I must say that I find it difficult to comprehend how any reasonable person could examine the evidence and continue to defend the partial-birth abortion procedure.

That procedure involves the partial delivery of an intact fetus into the birth canal. The fetus is delivered from its feet through its shoulders so that only its head remains in the uterus. Then, either scissors or another instrument is used to poke a hole in the base of the skull. This is a living baby at this point, in a late trimester of living. Once the abortionist pokes that hole in the base of the skull, a suction catheter is inserted to suck out the brains. This bill would simply ban that procedure.

The committee heard testimony from a total of 12 witnesses presenting a variety of perspectives on the bill. I wanted to ensure that both sides of this debate had a full opportunity to present their arguments on this issue, and I think that the hearing bore that out.

Brenda Shafer, a registered nurse who worked in Dr. Martin Haskell's Ohio abortion clinic for 3 days as a temporary nurse in September 1993, testified to her personal experience observing Dr. Haskell performing the procedure that would be banned by this bill. Dr. Haskell is one of only a handful of doctors who have acknowledged performing the procedure.

The committee also heard testimony from four ob-gyn doctors—two in favor of the bill and two against—from an anesthesiologist, from an ethicist, and from three women who had personal experiences either with having a late-term abortion or with declining to have a late-term abortion. Finally, the committee also heard from two law professors who discussed constitutional and other legal issues raised by the bill.

The hearing was significant in that it permitted the issues raised by this bill to be fully aired. I think that the most important contribution of the hearing to this debate is that the hearing record puts to rest a number of inaccurate statements that have been made by opponents of the bill and that have unfortunately been widely covered in the press.

Because the Judiciary Committee hearing brought out many of the facts on this issue, I would like to go through the most important of those for my colleagues to clear up what I think have been some of the major misrepresentations—and simply points of confusion—on this bill.

The first and foremost inaccuracy that we must correct once and for all concerns the effects of anesthesia on the fetus of a pregnant woman. I must say that I am personally shocked at the irresponsibility that led some opponents of this bill to spread the myth that anesthesia given to the mother during a partial-birth abortion is what kills the fetus.

Opponents of the measure presumably wanted to make this procedure appear less barbaric and make it more palatable. In doing so, however, they have not only misrepresented the procedure, but they have spread potentially life-threatening misinformation that could prove catastrophic to women's health.

By claiming that anesthesia kills the fetus, opponents have spread misinformation that could deter pregnant women who might desperately need surgery from undergoing surgery for fear that the anesthesia could kill or brain-damage their unborn children.

Let me illustrate how widespread this misinformation has become: In a June 23, 1995, submission to the House Judiciary Constitution Subcommittee, the late Dr. James McMahon, the other of the two doctors who has admitted performing the procedure, wrote that anesthesia given to the mother during the procedure causes fetal demise.

Let me note also that if the fetus was dead before being brought down the birth canal, then this bill by definition would not cover the procedure performed to abort the fetus. The bill covers only procedures in which a living fetus is partially delivered.

An editorial in USA Today on November 3, 1995, also stated, "The fetus dies from an overdose of anesthesia given to its mother."

In a self-described fact sheet, circulated to Members of the House, Dr. Mary Campbell, Medical Director of Planned Parenthood, who testified of the Judiciary Committee hearing wrote:

> The fetus dies of an overdose of anesthesia given to the mother intravenously. A dose is calculated for the mother's weight, which is 50 to 100 times the weight of the fetus. The mother gets the anesthesia for each insertion of the dilators, twice a day. This induces brain death in a fetus in a matter of minutes. Fetal demise therefore occurs in the beginning of the procedure while the fetus is still in the womb.

When that statement was referenced to the medical panel at the Judiciary Committee hearing by Senator ABRAHAM, the president of the American Society of Anesthesiologists, Dr. Norig

Ellison, flatly responded, "There is absolutely no basis in scientific fact for that statement."

The American Society of Anesthesiologists was invited to testify at our hearing precisely to clear up this obvious misrepresentation. They sought the opportunity to set the record straight.

What was terribly disturbing about this distortion was that it could endanger women's health and women's lives. The American Society of Anesthesiologists has made clear that they do not take a position on the legislation, but that they came forward out of concern for the harmful misinformation.

The spreading of this misinformation strikes me as a very sad commentary on the lengths that those who support abortion on demand, for any reason, at virtually any time during pregnancy and apparently regardless of the method, will do to defend each and any procedure, and certainly this procedure. The sacrifice of intellectual honesty is very disheartening.

As Dr. Ellison testified, he was "Deeply concerned . . . that the widespread publicity given to Dr. McMahon's testimony may cause pregnant women to delay necessary and perhaps lifesaving medical procedures, totally unrelated to the birthing process, due to misinformation regarding the effect of anesthetics on the fetus."

He stated that the American Society of Anesthesiologists, while not taking a position on the bill, ". . . have nonetheless felt it our responsibility as physicians specializing in the provisions of anesthesia care to seek every available forum in which to contradict Dr. McMahon's testimony. Only in that way we believe can we provide assurance to pregnant women that they can undergo necessary surgical procedures safely, both for mother and unborn child."

Dr. Ellison also noted that, in his medical judgment, in order to achieve neurological demise of the fetus in a partial-birth abortion procedure, it would be necessary to anaesthetize the mother to such a degree as to place her own health in jeopardy.

In short, in a partial-birth abortion, the anesthesia does not kill the fetus. The baby will generally be alive after partly being delivered into the birth canal and before having his or her skull opened and brain sucked out.

Mr. President, if this description is distasteful, that is because the procedure itself is.

That is also consistent with evidence provided by Dr. Haskell describing his use of the procedure. In his 1992 paper presented before the National Abortion Federation, which is part of the hearing record, Dr. Haskell described the procedure as first involving the forceps-assisted delivery into the birth canal of an intact fetus from the feet up to the shoulders, with the head remaining in the uterus. He does not describe taking any action to kill the fetus up until that point.

In a 1993 interview with the American Medical News, Dr. Haskell acknowledged that roughly two-thirds of the fetuses he aborts using the partial-birth abortion procedure are alive at the point at which he kills them by inserting a scissors in the back of the head and suctioning out the brain.

Finally, in a letter to me dated November 9, 1995, Dr. Watson Bowes of the University of North Carolina Medical School wrote, "Although I have never witnessed this procedure, it seems likely from the description of the procedure by Dr. Haskell that many if not all of the fetuses are alive until the scissors and the suction catheter are used to remove brain tissue."

Simply put, anesthesia given to a mother does not kill the baby she is carrying.

Let me move on to the next misrepresentation. Another myth that the hearing record debunks is that the procedure can be medically necessary in late-term pregnancies where the health of the mother is in danger or where the fetus has severe abnormalities.

Now, there were two witnesses at the hearing who testified as to their experiences with late-abortions in circumstances in which Dr. McMahon's performed the procedure. Both women, Coreen Costello and Viki Wilson, received terrible news late in their pregnancies that the children they were carrying were severely deformed and would be unable ot survive for very long.

I would like to make it absolutely clear that nothing in the bill before us would prevent women in Ms. Costello's and Ms. Wilson's situations from choosing to abort their children. That question is not before us, and it is not one that we face in considering this narrow bill.

I also would like to point out that I have the utmost sympathy for women—and their husbands and families—who find themselves receiving the same tragic news that those women received.

Regardless of whether they aborted the child or decided to go through with the pregnancy, which is what another courageous witness at our hearing, Jeannie French of Oak Park, Illinois, chose to do—and as a result, her daughter Mary's heart valves were donated to other infants—their experiences are horrendous ones that no one should have to go through.

The testimony of all three witnesses was among the most heart-wrenching and painful testimony I have ever heard before the committee. My heart goes out to those three women and their families as well as any others in similar situations.

However, the fact is that medical testimony in the record indicates that even if an abortion were to be performed under such circumstances, a number of other procedures could be performed, such as the far more common classical D&E procedure or an induction procedure.

When asked whether the exact procedure Dr. McMahon used would ever be medically necessary—even in cases like those described by Ms. Costello and Ms. Wilson—several doctors at our hearing explained that it would not. Dr. Nancy Romer, a practicing Ob-Gyn and clinical professor in Dayton, Ohio, stated that she had never had to resort to that procedure and that none of the physicians that she worked with had ever had to use it.

Dr. Pamela Smith, Director of Medical Education in the Department of Obstetrics and Gynecology at the Mount Sinai Medical Center in Chicago, stated that a doctor would never need to resort to the partial-birth abortion procedure.

This ties in closely to what I consider the next misrepresentation made about the partial-birth abortion procedure: the claim that in some circumstances a partial-birth abortion will be the safest option available for a late-term abortion. Testimony and other evidence adduced at the Judiciary Committee hearing amply demonstrate that this is not the case.

An article published in the November 20, 1995, issue of the American Medical News quoted Dr. Warren Hern as stating, "I would dispute any statement that this is the safest procedure to use." Dr. Hern is the author of "Abortion Practice," the Nation's most widely used textbook on abortion standards and procedures. He also stated in that interview that he "has very strong reservations" about the partial-birth abortion procedure banned by this bill.

Indeed, referring to the procedure, he stated, "You really can't defend it. I'm not going to tell somebody else that they should not do this procedure. But I'm not going to do it."

In fairness to Dr. Hern, I note that he does not support this bill in part because he feels this is the beginning of legislative efforts to chip away at abortion rights. But, his statement regarding the partial-birth abortion procedure certainly sheds light on the argument made by opponents that it is the safest procedure for late-term abortions.

Another misrepresentation that should be set straight concerns claims that the partial-birth abortion procedure that would be banned by this bill is, in fact, performed only in later-term pregnancies where the life of the mother is at risk or where the fetus is suffering from severe abnormalities that are incompatible with life.

I certainly do not dispute that in a number of cases the partial-birth abortion procedure has been performed where the life of the mother was at risk or where the fetus was severely deformed.

Substantial available evidence indicates, however, that the procedure is not performed solely or primarily where the mother's life is in danger, where the mother's health is gravely at risk, or where the fetus is seriously malformed in a manner incompatible with life.

The fact of the matter is—and I know this is something that opponents of the bill have not faced—this procedure is being performed where there are only minor problems with the fetus, and for purely elective reasons.

Most important, however, medical testimony at our hearing indicated that a health exception in this bill is not necessary because other abortion procedures are in fact safer and better for women's health.

Now, let me be perfectly clear that I do not doubt that in some cases this procedure was done where there were life-threatening indications.

However, I simply must emphasize two points.

First, those cases are by far in the minority. We should get the facts straight so that our colleagues and the American people understand what is going on here.

Second, the most credible testimony at our hearing—confirmed by other available evidence—indicates that even where serious maternal health issues exist or severe fetal abnormalities arise, there will always be other, safer abortion procedures available that this bill does not touch.

On that note, I would like to close by highlighting a statement made at our hearing by Helen Alvare of the National Conference of Catholic Bishops. She remarked that opponents of this bill keep asking whether enacting it would be the first step in an effort to ban all abortions.

In her view, however, the real question should be whether allowing this procedure would serve as a first step toward legalized infanticide. I urge the bill's opponents to ask themselves this question. What is the real purpose of this procedure?

That is the fundamental problem with this procedure, It involves killing a partially delivered baby.

Let me say to my colleagues in the Senate that the evidence presented more than confirms my view that this procedure is never medically necessary and should be banned.

This evidence, regardless of one's view on the broader issue of abortion, provides ample justification for an "aye" vote on S. 1692.

I hope my colleagues will agree.

Mrs. BOXER. Mr. President, I will be brief.

The courts in twenty States have said the Santorum law that has basically been adopted in those States is unconstitutional. Senator SANTORUM, in an effort to fix his bill, sent up a modification to the desk which he believes has narrowed the definition of what he means by the term "partial-birth abortion," which is not a medical term.

I have letters I have put in the RECORD from the obstetricians and gynecologists organization saying that, in fact, the new language doesn't do anything to narrow the definition; the same problem still holds.

This ban is so vague, it could impact all abortions. That is why the courts say it is wrong. There is no exception for the health of a woman. That also goes against Roe. And 51 of us voted in favor of Roe. I hope we will vote no. I believe at least 35 of us or so will do that. That will be enough to sustain the veto. I hope more of my colleagues will consider standing with the life and health of a woman and voting no on this legislation.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, the amendment I offered to modify the language, directly on point, addresses the Eighth Circuit concern. It specifically talks about the baby having to be intact, living outside the mother, before the baby is killed.

The concern of the Eighth Circuit was that other forms of abortion that are performed in utero could be involved. This is absolutely, positively clear. We are not talking about that. We ban a particular procedure. All other procedures would be legal under this bill. So there is no undue burden.

Second, regarding the issue of health that Senator BOXER brings up, I have hundreds and hundreds of letters from obstetricians who say this is never, never medically necessary, and is never the only alternative, and it is never the preferred alternative. I have entered into the RECORD where the AMA has said that, and other organizations, 600 obstetricians.

On the other side is one organization, ACOG, which says, also, that it is never the only option, but says it may be necessary, or it may be the preferred procedure. For 3 years, we have asked for an example of when it would be the preferred procedure. They have never given us an example; never have they provided an example that backs up their specious claim that this is in some way, somehow, somewhere necessary.

It is not medically necessary. There is no health exception needed because it is an unhealthy procedure. This is the opportunity to draw the line in the sand about what is protected by the Constitution and what is not. A child three-quarters born deserves some protection.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Rhode Island (Mr. CHAFEE), the Senator from Florida (Mr. MACK), and the Senator from New Hampshire (Mr. GREGG) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 63, nays 34, as follows:

[Rollcall Vote No. 340 Leg.]

YEAS—63

Abraham
Allard
Ashcroft
Bayh
Bennett
Biden
Bond
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cochran
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Domenici
Dorgan
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Hagel
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Johnson
Kyl
Landrieu
Leahy
Lincoln
Lott
Lugar
McCain
McConnell
Moynihan
Murkowski
Nickles
Reid
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—34

Akaka
Baucus
Bingaman
Boxer
Bryan
Cleland
Collins
Dodd
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Inouye
Jeffords
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Levin
Lieberman
Mikulski
Murray
Reed
Robb
Rockefeller
Sarbanes
Schumer
Snowe
Torricelli
Wellstone
Wyden

NOT VOTING—3

Chafee
Gregg
Mack

The bill (S. 1692), as amended and modified, was passed, as follows:

S. 1692

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Partial-Birth Abortion Ban Act of 1999".

SEC. 2. PROHIBITION ON PARTIAL-BIRTH ABORTIONS.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 73 the following:

"CHAPTER 74—PARTIAL-BIRTH ABORTIONS

"Sec.
"1531. Partial-birth abortions prohibited.

"§ 1531. Partial-birth abortions prohibited

"(a) Any physician who, in or affecting interstate or foreign commerce, knowingly performs a partial-birth abortion and thereby kills a human fetus shall be fined under this title or imprisoned not more than two years, or both. This paragraph shall not apply to a partial-birth abortion that is necessary to save the life of a mother whose life is endangered by a physical disorder, illness, or injury. This paragraph shall become effective one day after enactment.

"(b)(1) As used in this section, the term 'partial-birth abortion' means an abortion in which the person performing the abortion deliberately and intentionally—

"(A) vaginally delivers some portion of an intact living fetus until the fetus is partially outside the body of the mother, for the purpose of performing an overt act that the person knows will kill the fetus while the fetus is partially outside the body of the mother; and

"(B) performs the overt act that kills the fetus while the intact living fetus is partially outside the body of the mother.

"(2) As used in this section, the term 'physician' means a doctor of medicine or osteopathy legally authorized to practice medicine and surgery by the State in which the doctor performs such activity, or any other individual legally authorized by the State to perform abortions: *Provided, however*, That any individual who is not a physician or not otherwise legally authorized by the State to perform abortions, but who nevertheless directly performs a partial-birth abortion, shall be subject to the provisions of this section.

"(c)(1) The father, if married to the mother at the time she receives a partial-birth abortion procedure, and if the mother has not attained the age of 18 years at the time of the abortion, the maternal grandparents of the fetus, may in a civil action obtain appropriate relief, unless the pregnancy resulted from the plaintiff's criminal conduct or the plaintiff consented to the abortion.

"(2) Such relief shall include—

"(A) money damages for all injuries, psychological and physical, occasioned by the violation of this section; and

"(B) statutory damages equal to three times the cost of the partial-birth abortion.

"(d)(1) A defendant accused of an offense under this section may seek a hearing before the State Medical Board on whether the physician's conduct was necessary to save the life of the mother whose life was endangered by a physical disorder, illness or injury.

"(2) The findings on that issue are admissible on that issue at the trial of the defendant. Upon a motion of the defendant, the court shall delay the beginning of the trial for not more than 30 days to permit such a hearing to take place.

"(e) A woman upon whom a partial-birth abortion is performed may not be prosecuted under this section, for a conspiracy to violate this section, or for an offense under section 2, 3, or 4 of this title based on a violation of this section.".

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 73 the following new item:

"74. Partial-birth abortions .... 1531".

SEC. 3. SENSE OF CONGRESS CONCERNING ROE V. WADE AND PARTIAL BIRTH ABORTION BANS.

(a) FINDINGS.—Congress finds that—

(1) abortion has been a legal and constitutionally protected medical procedure throughout the United States since the Supreme Court decision in Roe v. Wade (410 U.S. 113 (1973)); and

(2) no partial birth abortion ban shall apply to a partial-birth abortion that is necessary to save the life of a mother whose life is endangered by a physical disorder, illness, or injury.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that partial birth abortions are horrific and gruesome procedures that should be banned.

SEC. 4. SENSE OF CONGRESS CONCERNING A WOMAN'S LIFE AND HEALTH.

It is the sense of the Congress that, consistent with the rulings of the Supreme Court, a woman's life and health must always be protected in any reproductive health legislation passed by Congress.

SEC. 5. SENSE OF CONGRESS CONCERNING ROE V. WADE.

(a) FINDINGS.—Congress finds that—

(1) reproductive rights are central to the ability of women to exercise their full rights under Federal and State law;

(2) abortion has been a legal and constitutionally protected medical procedure throughout the United States since the Supreme Court decision in Roe v. Wade (410 U.S. 113 (1973));

(3) the 1973 Supreme Court decision in Roe v. Wade established constitutionally based limits on the power of States to restrict the right of a woman to choose to terminate a pregnancy; and

(4) women should not be forced into illegal and dangerous abortions as they often were prior to the Roe v. Wade decision.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) Roe v. Wade was an appropriate decision and secures an important constitutional right; and

(2) such decision should not be overturned.

Mr. BROWNBACK. Mr. President, I want to speak for a brief period. The reason I want to speak is to read into the RECORD a great speech that was given by a Nobel Laureate for Peace prize winner in 1979. It fits in with the culmination of what we discussed today, the partial-birth abortion ban. That vote has taken place and we have had extended discussion on that. I think this is actually a very fitting final conclusion to this debate.

Mr. President, this speech is titled "The Gift of Peace." It was given by Mother Teresa, Nobel Laureate, on December 11, 1979. I think it relates to a lot of what we have talked about here today. I will read it. I think it puts a good summary on it.

Mother Teresa said:

As we have gathered here together to thank God for the Nobel Peace Prize, I think it will be beautiful that we pray the prayer of St. Francis of Assisi which always surprises me very much—we pray this prayer every day after Holy Communion, because it is very fitting for each one of us, and I always wonder that 4-500 years ago as St. Francis of Assisi composed this prayer that they had the same difficulties that we have today, as we compose this prayer that fits very nicely for us also. I think some of you already have got it—so we will pray together.

Let us thank God for the opportunity that we all have together today, for this gift of peace that reminds us that we have been created to live that peace, and Jesus became man to bring that good news to the poor. He being God became man in all things like us except sin, and he proclaimed very clearly that he had come to give the good news. The news was peace to all of good will and this is something that we all want—the peace of heart—and God loved the world so much that he gave his son—it was a giving—it is as much as if to say it hurt God to give, because he loved the world so much that he gave his son, and he gave him to Virgin Mary, and what did she do with him?

As soon as he came in her life—immediately she went in haste to give that good news, and as she came into the house of her cousin, the child—the unborn child—the child in the womb of Elizabeth, lit with joy. He was that little unborn child, was the first messenger of peace. He recognized the Prince of Peace, he recognized that Christ has come to bring the good news for you and for me. And as if that was not enough—it was not enough to become a man—he died on the cross to show that greater love, and he died for you and for me and for that leper and for that man dying of hunger and that naked person lying in the street not only of Calcutta, but of Africa, and New York, and London, and Oslo—and insisted that we love one another as he loves each one of us. And we read that in the Gospel very clearly—love as I have loved you—as I love you—as the Father has loved me, I love you—and the harder the Father loved him, he gave him to us, and how much we love one another, we, too, must give each other until it hurts. It is not enough for us to say: I love God, but I do not love my neighbour. St. John says you are a liar if you say you love God and you don't love your neighbour. How can you love God whom you do not see, if you do not love your neighbour whom you see, whom you touch, with whom you live. And so this is very important for us to realize that love, to be true, has to hurt. It hurt Jesus to love us, it hurt him. And to make sure we remember his great love he made himself bread of life to satisfy our hunger for his love. Our hunger for God, because we have been created for that love. We have been created in his image. We have been created to love and be loved, and then he has become man to make it possible for us to love as he loved us. He makes himself the hungry one—the naked one—the homeless one—the sick one—the one in prison—the lonely one—the unwanted one—and he says: You did it to me. Hungry for our love, and this is the hunger of our poor people. This is the hunger that you and I must find, it may be in our own home.

I never forget an opportunity I had in visiting a home where they had all these old parents of sons and daughters who had just put them in an institution and forgotten maybe. And I went there, and I saw in that home they had everything, beautiful things, but everybody was looking toward the door. And I did not see a single one with their smile on their face. And I turned to the sister and I asked: How is that? How is it that the people they have everything here, why are they all looking toward the door, why are they not smiling? I am so used to see the smile on our people, even the dying ones smile, and she said: This is nearly every day, they are expecting, they are hoping that a son or daughter will come to visit them. They are hurt because they are forgotten, and see—this is where love comes. That poverty comes right there in our own home, even neglect to love. Maybe in our own family we have somebody who is feeling lonely, who is feeling sick, who is feeling worried, and these are difficult days for everybody. Are we there, are we there to receive them, is the mother there to receive the child?

I was surprised in the waste to see so many young boys and girls given into drugs, and I tried to find out why—why is it like that, and the answer was: Because there is no one in the family to receive them. Father and mother are so busy they have no time. Young parents are in some institution and the child takes back to the street and gets involved in something. We are talking of peace. These are things that break peace, but I feel the greatest destroyer of peace today is abortion, because it is a direct war, a direct killing—direct murder by the mother herself. And we read in the Scripture, for God says very clearly. Even if a mother could forget her child—I will not forget you—I have curved you in the palm of my hand. We are curved in the palm of His hand so close to Him that unborn child has been curved in the hand of God. And that is what strikes me most, the beginning of that sentence, that even if a mother could forget something impossible—but even if she could forget—I will not forget your. And today the greatest means—the greatest destroyer of peace is abortion. And we who are standing here—our parents wanted us. We would not be here if our parents would do that to us. Our children, we want them, we love them, but what of the millions. Many people are very, very concerned with the children in India, with the children of Africa where quite a number die, maybe of malnutrition, of hunger and so on, but millions are dying deliberately by the will of the mother. And this is what is the greatest destroyer of peace today. Because if a mother can kill her own child—what is left for me to kill you and you to kill me—there is nothing between. And this I appeal in India, I appeal everywhere: Let us bring the child back, and this year being the child's year: What have we done for the child? At the beginning of the year I told, I spoke everywhere and I said: Let us make this year that we make every single child born, and unborn, wanted. And today is the end of the year, have we really made the children wanted? I will give you something terrifying. We are fighting abortion by adoption, we have saved thousands of lives, we have sent words to all the clinics, to the hospitals, police stations—please don't destroy the child, we will take the child. So every hour of the day and night it is always somebody, we have quite a number of unwedded mothers—tell them come, we will take care of you, we will take the child from you, and we will get a home for the child. And we have a tremendous demand for families who have no children, that is the blessing of God for us. And also, we are doing another thing which is very beautiful—we are teaching our beggars, our leprosy patients, our slum dwellers, our people of the street, natural family planning.

And in Calcutta alone in six years—it is all in Calcutta—we have had 61,273 babies less from the families who would have had, but because they practice this natural way of abstaining, of self-control, out of love for each other. We teach them the temperature meter which is very beautiful, very simple, and our poor people understand. And you know what they have told me? Our family is healthy, our family is united, and we can have a baby whenever we want. So clear—these people in the street, those beggars—and I think that if our people can do like that how much more you and all the others who can know the ways and means without destroying the life that God has created in us. The poor people are very great people. They can teach us so many beautiful things. The other day one of them came to thank and said: You people who have evolved chastity you are the best people to teach us family planning. Because it is nothing more than self-control out of love for each other. And I think they said a beautiful sentence. And these are people who maybe have nothing to eat, maybe they have not a home where to live, but they are great people. The poor are very wonderful people. One evening we went out and we picked up four people from the street. And one of them was in a most terrible condition—and I told the sisters: You take care of the other three, I take of this one that looked worse. So I did for her all that my love can do. I put her in bed, and there was such a beautiful smile on her face. She took hold of my hand, as she said one word only: Thank you—and she died.

I could not help but examine my conscience before her, and I asked what would I say if I was in her place. And my answer was very simple. I would have tried to draw a little attention to myself, I would have said I am hungry, that I am dying, I am cold, I am in pain, or something, but she gave me much more—she gave me her grateful love. And she died with a smile on her face. As that man whom we picked up from the drain, half eaten with worms, and we brought him to the home. I have lived like an animal in the street, but I am going to die like an angel, loved and cared for. And it was so wonderful to see the greatness of that man who could speak like that, who could die like that without blaming anybody, without cursing anybody, without comparing anything. Like an angel—this is the greatness of our people. And that is why we believe what Jesus has said: I was hungry—I was naked—I was homeless—I was unwanted, unloved, uncared for—and you did it to me. I believe that we are not real social workers. We may be doing social work in the eyes of the people, but we are really contemplatives in the heart of the world. For we are touching the body of Christ 24 hours. We have 24 hours in this presence, and so you and I. You too try to bring that presence of God in your family, for the family that prays together stays together. And I think that we in our family we don't need bombs and guns, to destroy to bring peace—just get together, love one another, bring that peace, that joy, that strength of presence of each other in the home. And we will be able to overcome all the evil that is in the world. There is so much suffering, so much hatred, so much misery, and we with our prayer, with our sacrifice are beginning at home. Love begins at home, and it is not how much we do, but how much love we put in the action that we do. It is to God Almighty—how much we do it does not matter, because He is infinite, but how much love we put in that action. How much we do to Him in the person that we are serving. Some time ago in Calcutta we had great difficulty in getting sugar, and I don't know how the word got around to the children, and a little boy of four years old, Hindu boy, went home and told his parents: I will not eat sugar for three days, I will give my sugar to Mother Teresa for her children. After three days his father and mother brought him to our house. I had never met them before, and this little one could scarcely pronounce my name, but he knew exactly what he had come to do. He knew that he wanted to share his love. And this is why I have received such a lot of love from you all. From the time that I have come here I have simply been surrounded with love, and with real, real understanding love. It could feel as if everyone in India, everyone in Africa is somebody very special to you. And I felt quite at home I was telling Sister today. I feel in the Convent with the Sisters as if I am in Calcutta with my own Sisters. So completely at home here, right here. And so here I am talking with you—I want you to find the poor here, right in your own home first. And begin love there. Be that good news to your own people. And find out about your next-door neighbor—do you know who they are? I had the most extraordinary experience with a Hindu family who had eight children. A gentleman came to our house and said: Mother Teresa, there is a family with eight children, they had not eaten for so long—do something. So I took some rice and I went there immediately. And I saw the children—their eyes shining with hunger—I don't know if you have ever seen hunger. But I have seen it very often. And she took the rice, and divided the rice, and she went out. When she came back I asked her—where did you go, what did you do? And she gave me a very simple answer: They are hungry also. What struck me most was that she knew—and who are they, a Muslim family—and she knew. I didn't bring more rice that evening because I wanted them to enjoy the joy of sharing. But there was those children, radiating joy, sharing the joy with their mother because she had the love to give. And you see this is where love begins—at home. And I want you—and I am very grateful for what I have received. It has been a tremendous experience and I go back to India—I will be back by next week, the 15th I hope—and I will be able to bring your love.

And I know well that you have not given from your abundance, but you have given until it hurts you. Today the little children they gave—I was so surprised—there is so much joy for the children that are hungry. That the children like themselves will need love and care and tenderness, like they get so much from their parents. So let us thank God that we have had this opportunity to come to know each other, and this knowledge of each other has brought us very close. And we will be able to help not only the children of India and Africa, but will be able to help the children of the whole world, because as you know our Sisters are all over the world. And with this Prize that I have received as a Prize of Peace, I am going to try to make the home for many people that have no home. Because I believe that love begins at home, and if we can create a home for the poor—I think that more and more love will spread. And we will be able through this understanding love to bring peace, be the good news to the poor. The poor in our own family first, in our country and in the world. To be able to do this, our Sisters, our lives have to be woven with prayer. They have to be woven with Christ to be able to understand, to be able to share. Because today there is so much suffering—and I feel that the passion of Christ is being relived all over again—are we there to share that passion, to share that suffering of people. Around the world, not only in the poor countries, but I found the poverty of the West so much more difficult to remove. When I pick up a person from the street, hungry, I give him a plate of rice, a piece of bread, I have satisfied. I have removed that hunger. But a person that is shut out, that feels unwanted, unloved, terrified, the person that has been thrown out from society—that poverty is so hurtable and so much, and I find that very difficult. Our Sisters are working amongst that kind of people in the West. So you must pray for us that we may be able to be that good news, but we cannot do that without you, you have to do that here in your country. You must come to know the poor, maybe our people here have material things, everything, but I think that if we all look into our own homes, how difficult we find it sometimes to smile at each other, and that the smile is the beginning of love. And so let us always meet each other with a smile, for the smile is the beginning of love, and once we begin to love each other naturally we want to do something. So you pray for our Sisters and for me and for our Brothers, and for our co-workers that are around the world. That we may remain faithful to the gift of God, to love Him and serve Him in the poor together with you. What we have done we would not have been able to do if you did not share with your prayers, with your gifts, this continual giving. But I don't want you to give me from your abundance, I want that you give me until it hurts. The other day I received 15 dollars from a man who has been on his back for twenty years, and the only part that he can move is his right hand. And the only companion that he enjoys is smoking. And he said to me: I do not smoke for one week, and I send you this money. It must have been a terrible sacrifice for him, but see how beautiful, how he shared, and with that money I bought bread and I gave to those who are hungry with a joy on both sides, he was giving and the poor were receiving. This is something that you and I—it is a gift of God to us to be able to share our love with others. And let it be as it was for Jesus. Let us love one another as he loved us. Let us love Him with undivided love. And the joy of loving Him and each other—let us give now—that Christmas is coming so close. Let us keep that joy of loving Jesus in our hearts. And share that joy with all that we come in touch with. And that radiating joy is real, for we have no reason not to be happy because we have Christ with us. Christ in our hearts, Christ in the poor that we meet, Christ in the smile that we give and the smile that we receive. Let us make that one point: That no child will be unwanted, and also that we meet each other always with a smile, especially when it is difficult to smile.

I never forget some time ago about 14 professors came from the United States from different universities. And they came to Calcutta to our house. Then we were talking about home for the dying in Calcutta, where we have picked up more than 36,000 people only from the streets of Calcutta, and out of that big number more than 18,000 have died a beautiful death. They have just gone home to God; and they came to our house and we talked of love, of compassion, and then one of them asked me: Say, Mother, please tell us something that we will remember, and I said to them: Smile at each other, make time for each other in your family. Smile at each other. And then another one asked me: Are you married, and I said: Yes, and I find it sometimes very difficult to smile at Jesus because he can be very demanding sometimes. This is really something true, and there is where love comes—when it is demanding, and yet we can give it to Him with joy. Just as I have said today, I have said that if I don't go to Heaven for anything else I will be going to Heaven for all the publicity because it has purified me and sacrificed me and made me really something ready to go to Heaven. I think that this is something, that we must live life beautifully, we have Jesus with us and He loves us. If we could only remember that God loves me, and I have an opportunity to love others as He loves me, not in big things, but in small things with great love, then Norway becomes a nest of love. And how beautiful it will be that from here a centre for peace of war has been given. That from here the joy of life of the unborn child comes out. If you become a burning light in the world of peace, then really the Nobel Peace Prize is a gift of the Norwegian people. God bless you!

I simply wanted to put Mother Teresa's speech here again as a reminder to us of one of the great people of the world of our time, one that we have had the pleasure of having in this body, and that at the face of all this, we are really talking about peace. We are talking about a caring peace.

I hope that we can move forward as a society, whether we want to do it by laws or not by laws. If we want to do it, we are persuading people's hearts. What we are talking about is the peace of that individual, and peace of mind, caring, caring through adoption.

I hope we can move our hearts—all of us, whether we disagree or agree on the legislation—forward to reach out to that child and to those children the way she did.

DAY OF NATIONAL CONCERN ABOUT YOUNG PEOPLE AND GUN VIOLENCE

Mr. DASCHLE. Mr. President, today has been designated by the Senate as a "Day of National Concern about Young People and Gun Violence." Sadly, thus far, the Senate seems indifferent to that fact.

Despite repeated acts of gun violence, the conference on the juvenile justice bill, which was convened 77 days ago, has yet to complete its business. While the conference is stalled, more and more children are losing their lives.

Every day in the United States, 12 children under the age of 19 are killed with guns—1 child every 2 hours. Every day, three children commit suicide using a firearm. Every day, approximately six children are murdered by gunfire. Between 1979 and 1997, gunfire killed nearly 80,000 children and teens in America, more than the total number of soldiers lost in the Vietnam war. In fact, homicide is the third leading cause of death among children ages 5 to 14.

That is why Senator MURRAY and others worked so hard to pass the resolution that declared today, this day, the "Day of National Concern about Young People and Gun Violence."

The good news is that the number of children dying from gunfire has declined. Moreover, children across the country are engaged in positive endeavors to rid their communities of violence and to encourage their friends to find peaceful ways to settle disputes.

This week, the Democrats in the House of Representatives hosted 300 teenagers from across the country for a conference entitled "Voices Against Violence." At this conference, teens discussed their concerns about violence and explored ideas for addressing this pressing problem.

Senate Democrats believe we, in the Senate, must join America's children and do our part to stem that violence. That is why we fought so hard to pass a comprehensive juvenile justice bill that included common sense gun safety provisions, money for programs designed to prevent violence before it occurs, and measures to ensure that those few kids who are truly dangerous are punished appropriately.

On May 20th the Senate passed the juvenile justice bill, and on June 17th the House passed their juvenile justice bill. After waiting weeks, on August 5th—77 days ago—the juvenile justice conference had its first and only meeting. Yesterday marked the 6-month anniversary of the Columbine tragedy, and it is time for the stalling to stop.

The Y2K legislation conference report was produced 14 days after the Senate passed the bill, and the Republican tax cut conference report was produced only 5 days after the Senate voted on that package. Why don't we have the same commitment to producing legislation to combat youth violence?

The conference should be working around the clock to produce a bill the President can sign before the end of this session. We ought to use this day and every day to ensure that this juvenile justice bill is passed and to ensure that we live up to the expectations of all who said on the day when we passed the "Day of National Concern about Young People and Gun Violence" legislation that it was more than just words, it was more than just a rhetorical commitment, it meant sincerely that the Senate was serious about addressing this issue. Indeed, we remind our colleagues that thus far, our children have waited too long.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I commend the Democratic leader, Senator DASCHLE, for bringing to the attention of the Senate this extremely important day, October 21. It is the Day of National Concern about Young People and Gun Violence. This is a day that all Members in the Senate have recognized as a day we want young people everywhere to take a pledge to not bring a gun to school and to resolve their conflicts without using a gun. It is a very important message.

This is a bipartisan message. Senator Kempthorne and I began this effort 4 years ago. This year, Senator JOHN WARNER and I put this resolution forward in a bipartisan way. It was supported by all Members of the Senate. It is a simple message to young children. Millions of them today took the pledge and joined with others in their community to take the power of reducing violence into their own hands.

As leaders of the United States, we have a responsibility to do all we can to reduce youth violence in this country. We need to stand behind these young kids who are taking violence and the issue of violence in their own hands and say we, as the leaders of this country, stand with you.

I commend Senator DASCHLE for his statement, for bringing to the attention of the Senate our responsibility as adults to reduce the number of guns to which our young kids have access, and urge our colleagues to move forward on these critical issues that have been left behind in this session of Congress.

I yield the floor.

Mr. LEAHY. Mr. President, yesterday was the 6 month anniversary of the shooting at Columbine High School in Littleton, CO. Fourteen students and a teacher lost their lives in that tragedy on April 20, 1999. But still the Congressional leadership refuses to send to the President comprehensive juvenile justice legislation.

This is shameful.

As we have for months now, Senate and House Democrats stand ready to work with Republicans to enact into law an effective juvenile justice conference report that includes reasonable gun safety provisions. Yesterday, all the House and Senate Democratic conferees sent a letter to Senator HATCH and Congressman HYDE calling for an open meeting of the juvenile justice conference.

We need to bring this up. Vote it up. Vote it down. I don't know what everybody is scared of. But at least let's vote.

This delay is simply because of the opposition of the gun lobby to any new firearm safety laws. Even though the Senate passed the Hatch-Leahy Juvenile Justice Bill in May, we still have not moved forward on a juvenile justice conference report.

I hope the majority will hear the call of our nation's law enforcement officers to act now to pass a strong and effective juvenile justice conference report.

Ten national law enforcement organizations, representing thousands of law enforcement officers, yesterday endorsed the Senate-passed gun safety amendments and support loophole-free firearm laws: International Association of Chiefs of Police; International Brotherhood of Police Officers; Police Executive Research Forum; Police Foundation; Major Cities Chiefs; Federal Law Enforcement Officers Association; National Sheriffs Association; National Association of School Resource Officers; National Organization of Black Law Enforcement Executives; and Hispanic American Police Command Officers Association.

Law enforcement officers in this country need help in keeping guns out of the hands of people who should not have them. I am not talking about people who use guns for hunting or for sport, but about criminals and unsupervised children.

The thousands of law enforcement officers represented by these organizations are demanding that Congress act now to pass a strong and effective juvenile justice conference report. As a conferee, I am ready to work with Republicans and Democrats to do just that.

According to press reports, the Republicans are meeting and having sensitive negotiations over gun proposals. Apparently, the Republicans on the conference and the Republican leadership met last Thursday to hammer out an agreement on guns. They were not successful. Bicameral Republican meetings cannot be confused with bipartisan conference meetings. Only in open conference meetings with an opportunity for full debate will we be able to resolve the differences in the juvenile justice bills and get a law enacted.

Every parent, teacher and student in this country is concerned about school violence over the last two years and worried about when the next shooting may occur. They only hope it does not happen at their school or involve their children.

We all recognize that there is no single cause and no single legislative solution that will cure the ill of youth violence in our schools or in our streets. But we have an opportunity before us to do our part. We should seize this opportunity to act on balanced, effective juvenile justice legislation, and measures to keep guns out of the hands of children and away from criminals.

I hope we get to work soon and finish what we started in the juvenile justice conference. It is well past the time for Congress to act.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. SNOWE). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LOTT. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. LOTT. Madam President, as in executive session, I ask unanimous consent that on Monday, October 25, it be in order for the majority leader, after consultation with the Democratic leader, to proceed to executive session in order to consider the following nominations on the Executive Calendar: Nos. 253, 254, 255, 257, 278, and 279.

Mr. DASCHLE. Reserving the right to object, I ask unanimous consent that Calendar No. 159, Marsha Berzon, and Calendar No. 208, Richard Paez, be added.

Mr. LOTT. Madam President, I object to the addition of those nominees at this time, although we are working to see if at some point one or both of these nominees could be considered.

Mr. DASCHLE. Madam President, on behalf of a number of colleagues on this side, I will be compelled to object at this time.

The PRESIDING OFFICER. The objection is heard.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2000—CONFERENCE REPORT

Mr. LOTT. Madam President, I ask unanimous consent that the Senate now proceed to the consideration of the conference report to accompany the Interior appropriations bill (H.R. 2466) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes, and ask for its immediate consideration.

The report will be stated.

The clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill, H.R. 2466, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of October 20, 1999.)

Mr. LOTT. Madam President, I further ask consent that the conference report be considered as read, the report be agreed to, with the motion to reconsider laid upon the table, and I ask consent that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The conference report was agreed to.

THOMAS PAINE MEMORIAL

Mr. CRAIG. Madam President, seven years ago legislation was enacted, with my support, to create a memorial on the National Mall honoring Thomas Paine. A site has been selected and approved at 1776 Constitution Ave. However, the memorial project needs to be reauthorized until 2003 in order to raise the necessary funding to complete construction. Today I want to spend a moment to recognize the great American patriot, Thomas Paine.

Thomas Paine thrived on new ideas, was broad minded and progressive. Through brilliantly written persuasion, he advocated four concepts which have since become cornerstones of American society and governance: independence, representation, unity, and leadership. Thomas Paine was the first patriot to call for a "Declaration of Independence" and a "Continental Charter" which proposed the basic principles of our constitution: "securing freedom and property . . . and above all things, the free exercise of religion."

Another cornerstone was laid when Paine had the foresight and courage to publicly advocate a representative, democratic/republican form of government for this country. He influenced George Washington and numerous other Revolution leaders as he stressed that government was a necessary evil which could only become safe when it was representative and altered by frequent elections. The function of government's role in society ought only be to regulate society and therefore be as simple as possible.

Paine also introduced our status as a united, sovereign country with due regard for individual and states rights. He coined the phrases "Free and Independent States of America" and "United States of America."

The last cornerstone that Thomas Paine set for our country was the concept of a world leader fighting for human rights. Paine publicly denounced chattel slavery and was the first patriot to publish a defense of the rights of women in America. In his papers American Crisis I, Paine wrote:

> These are the times that try men's souls. . . . Tyranny, like hell, is not easily conquered; . . . What we obtain too cheap, we esteem too lightly: it is dearness only that gives every thing its value. Heaven knows how to put a proper price upon its goods, and it would be strange indeed if so celestial an article as freedom should not be highly rated.

Paine has often been quoted by the leaders of this country on the great ideas of American independence, freedom and democracy—concepts which he was and still is unmatched in expressing. Without Paine's vision and initiative, our country would not be the republican world power that it is today.

I am honored to have been able to help authorize his memorial seven years ago. I introduced S. 1681 to reauthorize the memorial until 2003 and I am glad that language from S. 1681 has been included in this bill to let this important work continue. Americans will be remembering Thomas Paine for generations to come, because of what we are doing today.

Mr. MURKOWSKI. Madam President, as chairman of the Energy and Natural Resources Committee, I rise today to congratulate Senator GORTON on his good work on the fiscal year 2000 Interior appropriations bill. I know the negotiations which led to this conference report were difficult but I believe Senator GORTON and the other Senate conferees did an excellent job under these trying circumstances. I hope that President Clinton recognizes this and signs this appropriations bill into law.

Today, I want to highlight one particular program which has been the subject of recent focus both in the Congress and in the Clinton Administration—the Land and Water Conservation Fund. The LWCF Act authorizes the expenditure of monies from the LWCF for two purposes only: the acquisition of Federal land by the National Park Service, the Bureau of Land Management, the Fish and Wildlife Service, and the United States Forest Service; and formula grants to states for park and recreation projects. The LWCF Act creates a balance—between the State and local communities and the Federal government; between urban and rural communities; between the western and eastern states—for the development of outdoor recreation resources.

Unfortunately, over the last four years the balance between the state and Federal-sides of the LWCF has been eliminated. With the action of the Clinton Administration and the Congress to shut-down the state-side LWCF matching grant program in fiscal year 1996, the LWCF has become a Federal-only land acquisition program. As I have expressed before, I believe the loss of this balance is a tragic mistake and serves to increase the already significant pressure on the Federal government to meet the recreation demands of the American public.

I have worked tirelessly over the last 3 years to restore the state-side LWCF matching grant program. This year those efforts have reaped results. Interior conferees provided $20 million for the state-side matching grant program. While I wish more money could have been provided, with tough budget targets, it was not easy to find $20 million in such a lean bill. It is a start.

I also would like to thank Senator GORTON for ensuring that no limitations are placed on the expenditure of this money. It is important that States and local governments have the flexibility to determine how best to meet the recreation needs of their citizens.

There may be a need for changes to the state-wide LWCF matching grant program. However, it is not appropriate to make these changes on an appropriations bill. The President's budget proposal sought to fundamentally restructure the state-side matching grant program authorized by the LWCF Act. The LWCF state-side program is a formula grant program which provides monies to States and local communities for the planning, acquisition, and development of parks and recreation facilities. The President proposed to replace this program with a competitive grant program to the States for the purchase of land and open space planning. This proposal would have changed the focus of the state-side program and undercut the Federalism inherent in the existing program. The Federal government should not dictate a one-size fits all mandate for the administration of this program.

State-side LWCF matching grants, which address the highest priority needs of Americans for outdoor recreation, have helped finance well over 37,500 park and recreation projects throughout the United States. The state-side of the LWCF has played a vital role in providing recreational and educational opportunities to millions of Americans. The state-side program has worked because it has provided States and local communities—not the Federal government—with the flexibility to determine how best to meet the recreational needs of its residents. This $20 million will begin the process of saving this important program.

The Interior conference report also provides more than $230 million for land acquisition by the four Federal land management agencies including $40 million for the acquisition of Baca Ranch in New Mexico. A few months ago the President announced an agreement to purchase this property for $101 million. I have not taken a position on the merits of the Baca Ranch acquisition but have an interest in this matter as chairman of the authorizing committee.

No money can be appropriated from the Land and Water Conservation Fund for the acquisition of Federal land, including Baca Ranch, in the absence of an authorization. The Federal-side LWCF program provides monies for the Federal land management agencies to acquire lands otherwise authorized for acquisition. The LWCF Act does not provide an independent basis for Federal land acquisition. Rather, the LWCF Act establishes a funding mechanism for the acquisition of Federal lands which have been separately authorized. Section 7 of the statute specifies, with limited exceptions, that LWCF monies cannot be used for a Federal land purchase "unless such acquisition is otherwise authorized by law."

The Interior conference report recognizes this limitation by making the acquisition of the Baca Ranch contingent on the enactment of authorizing legislation. No matter what the fate of the Interior appropriations bill this contingency must be included. It is bad public policy to disregard the terms of the LWCF Act and expend this significant amount of money for the purchase of additional Federal property absent a thorough, and open, public review. This review can be best done in the authorizing committee. I want to thank Senator GORTON, who sits on the Energy and Natural Resources Committee, for recognizing the need for specific authorizing legislation and including this contingency.

The Interior conference report also requires that the General Accounting Office review and report on the Baca Ranch appraisal. The Uniform Relocation Assistance and Real Property Acquisition Act requires an appraisal of the fair market value of private property the Federal government desires to acquire, whether through negotiations or condemnation. An appraisal has been done on the Baca Ranch. However, the appraisal was conducted not by the Federal government but rather the seller. While I have no reason to doubt the validity of the appraisal, before Congress spends this significant amount of money to purchase the Baca Ranch, Congress owes it to the American taxpayer to ensure that the $101 million sale price represents the actual fair market value of the property. The General Accounting Office is the appropriate entity to conduct this review and report to the appropriators and the authorizers.

As many of us remember from two years ago, the conditions imposed on the Baca Ranch purchase are consistent with the requirements the Senate imposed on the Headwaters Forest and New World Mine purchases. Unfortunately, these conditions were eliminated in conference and both acquisitions were authorized on the fiscal year 1998 Interior appropriations bill. That is wrong. Clearly by agreeing to placing these limitations on the Baca Ranch acquisition, the House has realized that authorizing, the Headwaters Forest and New World Mine acquisitions in the appropriations bill was bad public policy. It is the role of the authorizing committee—not the appropriators—to make sure that any addition to the Federal estate is warranted.

There has been talk about the next step in the process. There are rumors that the President will not sign this conference report because he is disappointed that his Lands Legacy proposal was not totally funded. I hope that is not true but if it is I find this reasoning nonsensical. The Lands Legacy proposal is nothing but budget gimmicky. It seeks to charge against the $900 million LWCF ceiling the increased funding of a variety of programs not authorized to derived monies from the LWCF. These programs, which may or may not warrant increased Federal funding, already have independent authorizations. By engaging in this accounting game, the President artificially reduces the amounts available for programs authorized by the LWCF Act, including the state-side matching grant program. If the President seeks to fund these programs from the LWCF, he needs to introduce appropriate authorizing legislation and work with the Energy and Natural Resources Committee to accomplish this goal.

Finally—and most disturbing to me as chairman of the Energy and Natural Resources Committee—are indications that the Clinton Administration wants to permanently authorize the use of revenues from the Outer Continental Shelf for the Lands Legacy proposal in either the Interior appropriations bill or an omnibus appropriations bill. I support the use of OCS revenues as a permanent funding source for a variety of important conservation programs, in fact I introduced S. 25, the Conservation and Reinvestment Act of 1999, to accomplish this goal.

However, no matter how strong my support is for this goal, providing this authorization on any appropriations bill is wrong. This proposition is extremely controversial. In the Energy and Natural Resources Committee, we have held hearing after hearing on S. 25 and other OCS revenue sharing proposals. Since completion of those hearings, committee members have struggled to reach a compromise. We have struggled because, while every committee member cares about the conservation of this nation's natural resources, we each have a different vision as to how best to conserve and protect these resources. But no matter how difficult this challenge, we will continue to strive to reach an agreement that is acceptable not only to the Energy and Natural Resources Committee but also to the Senate.

What the Clinton administration is contemplating would be a unrivaled usurpation of the authorizing committees. If the most significant piece of conservation legislation introduced in the last 30 years is enacted on an appropriations bill without any public input or participation, all of us who are authorizers should turn in our gavels.

AFRICAN GROWTH AND OPPORTUNITY ACT—MOTION TO PROCEED

Mr. LOTT. I ask unanimous consent that the Senate proceed to Calendar No. 215, H.R. 434, the trade bill.

Mr. HOLLINGS. I object.

The PRESIDING OFFICER. The objection is heard.

Mr. LOTT. I now move to proceed to Calendar No. 215.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Madam President, the Senator from Iowa has been generous enough to let me speak a very short while on this measure, to tell you at the time we get on the bill the chairman of the Finance Committee, who cannot be here at this moment, will offer a manager's amendment which includes the sub-Saharan Africa bill which we are now technically on, with the Caribbean Basin Initiative bill, as well as the reauthorization of the Generalized System of Preferences and the Trade Adjustment Assistance programs. These measures have been reported by the Committee on Finance by an all but unanimous vote, voice vote, in all these cases. We very much hope we will bring this to a successful conclusion.

At stake is two-thirds of a century of American trade policy going back to the Reciprocal Trade Agreements Act of 1934 for which there is a history. Cordell Hull began the policy, under President Roosevelt.

In 1930, the Senate and the House passed what became known as the Smoot-Hawley tariff. If you were to make a short list of five events that led to the Second World War, that would be one of them. The tariffs went to unprecedented heights here. As predicted, imports dropped by two-thirds, but as was not predicted so did exports. What had been a market correction—more than that, the stock market collapse in 1929—moved into a long depression from which we never emerged until the Second World War.

The British went off free trade to Commonwealth preferences, the Japanese began the Greater East Asian Coprosperity Sphere, and in 1933, with unemployment at 25 percent, Adolph Hitler came into power as Chancellor of Germany. That sort of misses our memory. In 1934, Cordell Hull, Secretary of State, began the Reciprocal Trade Agreements program which was designed to bring down, by bilateral negotiations, the levels of tariffs. This has continued through administration after administration without exception since that time.

I would like to note in the bill we have before us that there are two measures of very large importance, both of which have expired. Unless we move now, we will again lose immeasurably important trade provisions for us.

The first of these is the Trade Adjustment Assistance program, which is now in its 37th year. I can stand here as one of the few persons—I suppose the only—who served in the administration of John F. Kennedy. I was an Assistant Secretary of Labor. President Kennedy had sent up a very ambitious bill, the Trade Expansion Act. It was really the only major legislation of his first term. It required, in order to meet the legitimate concerns of southern textile manufacturers and northern clothing unions—needle trades, let's say—that we get a long-term cotton textile agreement which Secretary Blumenthal, Secretary Hickman Price, Jr., and I negotiated in Geneva successfully. True to their word, the Southern Senators came right up to this measure and voted for it. But we added something special, which was trade adjustment assistance.

We agreed in a free trading situation, or freer trade situation, the economy at large and the population at large would be better off, but some would lose. Trade adjustment assistance was to deal with that situation. It had been first proposed, oddly, by a fine labor leader, David MacDonald, of the United Steel Workers, in 1954, saying if we are going to have lower barriers to trade, we are going to lose some jobs; gain others. It was based on a modest and fair request from American labor: If some workers are to lose their jobs as a result of freer trade that benefits the country as a whole, a program should be established to help those workers find new employment.

It was Luther Hodges, Secretary of Commerce under President Kennedy, who came before the Finance Committee to propose this measure. Secretary Hodges was the Governor of North Carolina, was he not? A wonderful man; I recall working with him. I know the Senator from South Carolina would. He said to the Finance Committee that "the Federal Government has a special responsibility in this case. When the Government has contributed to economic injuries, it should also contribute to the economic adjustments required to repair them."

This has been in law, and we added a special program for NAFTA, and for firms as well. It has been there for 37 years. The program has now expired. The continuing resolution keeps it going for 3 weeks or whatever, but if we lose this we lose a central feature of social legislation that has allowed us to become the world's greatest trading nation with the most extraordinary prosperity in the course of a generation.

There is also the matter of the Generalized System of Preferences for the developing world. It was a response to a plea by developing countries that the industrial world ought to give them an opportunity and a bit of incentive to compete in world markets; not to beg for aid, just to buy and sell. It has been in our legislation since the Trade Act of 1974, which makes it a quarter century in place. It was renewed in 1984. It is now on life support. We got a 15-month extension in 1993; a 10-month extension in 1994; 10 months in early 1996; 13 months in early 1997; 12 months in 1998.

We have responsibility in both of these matters. The Finance Committee has met that responsibility. In due course, we will bring this measure to the floor for what we hope will be a successful vote on renewal of Trade Adjustment Assistance and a 5-year reauthorization of the Generalized System of Preferences.

I do not want to keep the Senate any longer. I see my distinguished colleague is on the floor. I thank my friend from Iowa, and I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Madam President, it is an agreed fact among our colleagues in the Senate there is no member more steeped in history and erudite in its intellectual history than our distinguished senior Senator from New York, Mr. MOYNIHAN. I agree with him absolutely with respect to Trade Adjustment Assistance and the Reciprocal Trade Agreements Act and a variety of initiatives made since that time.

I have to oppose the motion because I am the one who objected, of course, to this so-called sub-Sahara/CBI bill.

One, with respect to Smoot-Hawley, it did not cause the depression and World War II. I want to disabuse anybody's mind from that particular suggestion. The stock market crash occurred in October 1929, and Smoot-Hawley was not passed until 8 months later in June of 1930.

At that particular time, slightly less than 1 percent of the GNP was in international trade. It is now up to 17 percent. At that time trade did not have that big an effect on the GNP or the economy of the United States itself. True, Germany, Europe, and everybody else was in a depression, and we entered the depression as a result of the crash.

Along came Cordell Hull. I want to emphasize one concept: the Reciprocal Trade Act of 1934; reciprocity; not foreign aid but foreign trade; a thing of value for an exchange of value. We learned that in Contracts 101 as lawyers.

Somehow over the past several years we have gotten into "we have to do something." We are the most powerful Nation militarily and economically; perhaps not the richest. We do not have the largest per capita income. We are down to about No. 8 or 9. We are not the richest, but we are very affluent comparatively speaking.

The urge is there, and I understand that urge to want to help, but we gave at the office. Let me tell you when I gave at the office, for my textile friends.

We have been giving and giving and giving. We had a hearing before the International Trade Commission. It was the Eisenhower administration at that particular time. I came to testify as the Governor of South Carolina. The finding was in June of 1960. It was in early March of 1960. I was chased around the room by none other than Tom Dewey. He was a lawyer for the Japanese. They were not a concern at the particular time. Ten percent of textiles consumed in America was being imported, and if we went beyond the 10 percent, it was determined that it would devastate the economy, particularly the textile economy of the United States of America.

I am looking around this room, and I can tell you that over two-thirds—that is a 2-year-old figure; I bet it is up to 70 percent—but two-thirds of the clothing I am looking at, not 10 percent, is imported.

When I say we gave at the office again and again—I can go to Desert Storm, and I will do that, and how we gave Turkey a couple of billion dollars in increased textile imports, how we bought this crowd off, and every time we have a crisis, whatever it is, we give to people who ask for our help.

My point is, at that particular time, I left that hearing. I had a good Republican friend who knew President Eisenhower. We checked in with Jerry Parsons. I can still see him in the outer office. He said: The Chief can see you now. We went in and saw President Eisenhower and he was committed to helping the textile industry. But by June, it had gone the other way.

As a young Democratic southern Governor, I said: I am going to try that fellow Kennedy. I had never been with him, but I came up in August and sat down with Mike Feldman. He is still alive and can verify this. He was legislative assistant to John F. Kennedy. I can show my colleagues the office in the old Russell Building. We sat down and agreed that I will write this letter as a Governor and Senator Kennedy will write back because being from Massachusetts, he understood the desperate nature of the textile economy at that time. We exchanged letters. I will have to get that letter because our revered leader of that particular administration was, of course, and is still revered now, the Senator from New York, Mr. MOYNIHAN. He knows this more intimately than I, but I know this particular part of it.

We sat down and agreed because there was a national security provision. Before the President could take executive action, there had to be a finding that a particular commodity was important to the national security of the United States of America. We got the Secretary of Labor Arthur Goldberg, Secretary of Commerce Luther Hodges, Secretary of State Dean Rusk, Secretary McNamara of Defense, and Doug Dillon, Secretary of the Treasury. He was most interested. I sat down and talked with Secretary Dillon. He was fully briefed from my northern textile friends.

Incidentally, the Northern Textile Association met last weekend down in my hometown with Karl Spilhaus. Bill Sullivan previously ran the organization.

We brought in witnesses. We had hearings. And about April 26 they made a finding. Steel was the most important industry to our national economy and second most important to our national security was textiles. We could not send our soldiers to war in a Japanese uniform, and I used to add to that, and Gucci shoes.

Eighty-six percent of the shoes in this Chamber today are imported. The shoe industry is practically gone. Textiles are about gone, and Washington is telling them: You have to get high-tech, high-tech, global economy, global competition, retrain—it sounds like Mao Tse-tung running around reeducating the people, getting them skills.

We are closing down our knitting mills, one in particular was the Oneida Mill. They made T-shirts. They had 487 employees. The average age was 47.

Tomorrow morning, let's say we have done it Washington's way, we have reeducated and trained the 487 employees, and now they are skilled computer operators. Are you going to hire a 47-year-old computer operator or the 21-year-old computer operator? You are not going to take on those health costs; you are not going to take on those retirement costs.

The little town of Andrew, SC, is high and dry, as are many other towns with so-called low unemployment, low inflation. Since NAFTA, South Carolina has lost 31,700 textile jobs. The reason I know that figure is because I talked with the Northern Textile Association last weekend. I am briefed on this particular subject.

What we have in the CBI/sub-Sahara—the intent is good, to help—but we cannot afford any longer to give away these critical industries important to our national security.

Specifically, I was with Akio Morita in Chicago in the early eighties. He was talking about the Third World developing and the developing countries. He said they must develop a strong manufacturing capacity in order to become a nation state.

Later on he said "And by the way, Senator, the world power that loses its manufacturing capacity will cease to be a world power."

Look at the back page of the U.S. News & World Report of last week, and the comments our friend Mort Zuckerman. You can see we are getting a divided society. We are losing those middle-class jobs. Henry Ford said: I want my workers to make enough to be able to buy what they are making. And our strong manufacturing economy has been drained overnight.

I will bring a list of the particular items, including textiles where import penetration is high. So when you get and look at the CBI, and you look at the sub-Sahara, it is NAFTA without—and I don't think NAFTA worked at all—without the advantages of NAFTA; namely, the side agreements on the environment, the side agreements on labor, the reciprocity. There is no reciprocity. If we are going to let their products come in duty free, we should tell them to lower their tariffs.

So this is a bad bill, to begin with. It should not have passed, almost unanimously, in that Finance Committee. They ought to look at these things more thoroughly. But the point is, we have to maintain these manufacturing jobs.

I can remember when I was a child—and I know the distinguished Senator from New York would remember—the last call for breakfast, Don McNeil and "Breakfast Club" up there in Chicago.

I feel like this is sort of the last call tonight for my textile friends. We will get into it more thoroughly because it isn't just the textile people. The truth is, I didn't carry Anderson, Greenville, and Spartanburg Counties, which have all the textile votes. They are going to be voting—you watch them—for George W. Bush. They have already made up their mind. They don't care about the campaign. We had them going Democratic only one time since Kennedy, and that was just momentarily for Jimmy Carter. We gave Barry Goldwater more votes, in the 1964 race, than he got in Arizona; percentage-wise and number-wise, both.

Mr. MOYNIHAN. No?

Mr. HOLLINGS. Oh, yes. Barry used to love to kid me about that. So I know from whence I am coming. It is just that it is terrible to see this thing happen all around you. And the new, jobs and all the so-called new employment is going into retailing, and they are getting paid next to nothing. They will not even assume the health costs and everything else of that kind. So it is a real issue.

And they always do this to me. They did NAFTA right at the end of the session. Then on GATT, I had to make them come back after the election. Now we have another 10 days, and they want to raise it. And I have to make the same motion not to proceed.

I do appreciate the leadership and the brilliance of my leader, Senator MOYNIHAN, of our Finance Committee. I thank him for his courtesy. But I am going to have to continue to object to moving to consider and proceeding on this particular measure.

I yield the floor.

Mr. MOYNIHAN. Bravissimo.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I thank the Chair.

Madam President, it is my privilege, for a few moments, to take the place of our distinguished chairman of the Senate Finance Committee, who will be here shortly, and in my capacity as chairman of that committee's Subcommittee on International Trade, to speak for our side in support of this legislation.

From the standpoint of speaking for our side, this is pretty much a bipartisan approach that will have overwhelming support. It is all the more a privilege to work for legislation that does have such broad bipartisan support.

So, Madam President, I rise in support of the motion to proceed to H.R. 434. When we have the opportunity, we intend to offer a managers' amendment. And we would do that as a substitute for the House-passed language. That substitute will include the Senate Finance Committee's reported bills on Africa, an expansion of the Caribbean Basin Initiative, an extension of the Generalized System of Preferences, and the reauthorization of the Trade Adjustment Assistance Act.

I want to explain the intent behind these different Finance Committee bills that will be grouped together in the managers' amendment.

Africa, as everyone knows, has undergone significant changes, as recently as the last decade. Many of those changes have been enormously positive: an end to apartheid in South Africa, a groundswell in support of democracy in a number of the sub-Saharan countries, and a new openness to using the power of free markets to drive economic growth, with the resultant raising of living standards.

At the same time, there is no continent that has suffered more from the ravages of war, disease, hunger, and just simple want than Africa. The daily news has more often been filled with the images of violence and starvation than the small seeds of economic hope.

The question before us is, How can our great country, the United States, help the transition that Africans themselves have begun?

There are many problems we might try to address and an equal number of approaches to solving those problems. I am not going to argue that our managers' amendment we will offer is an entire panacea; nor is it equal to the tasks that our African partners have before them in the sense that if there is going to be real change there, it has to come from within.

Instead, what our approach attempts to do is to take a small but very significant step towards opening markets to African trade. The intent is to encourage productive investment there as a means of building a market economy and doing it from the ground up.

It is a means of giving Africans the opportunity to guide their own economic destiny rather than the economic policies of the past that attempted to dictate a particular model of development that was based upon so much government control of the economy.

The strongest endorsement I can offer for moving this legislation comes from these African countries themselves. Every one of the sub-Saharan African nations eligible for the benefits under this proposal has endorsed our efforts. There was a recent full-page advertisement in Roll Call that you may have seen recounting the number of U.S. organizations that support this initiative. They range from the NAACP to the Southern Christian Leadership Conference to the National Council of Churches.

Our supporters include such notables as Coretta Scott King, Andrew Young, and Robert Johnson—the head of Black Entertainment Television who testified eloquently about the need to create new economic opportunities in Africa when he appeared before our Senate Finance Committee.

The effort to move the bill also enjoys broad bipartisan support that I have already alluded to and complimented our colleagues on. It goes beyond bipartisanship in this body. It goes to the President himself because in his State of the Union Address, he identified this bill as one of his top foreign policy and trade priorities. The Finance Committee's ranking member, as you have already heard, Senator MOYNIHAN, is a cosponsor and public supporter of the Africa bill, along with being a tireless advocate of trade expansion in both word and deed over several decades.

The distinguished minority leader was one of the first to recognize the need for a special focus on Africa in trade terms when he called for such a program as part of the Uruguay Round implementing legislation that passed this body 4 years ago. And, the very fact the majority leader has found time for us to debate this bill this late in this session, when there is so much pressure to address other issues, is indicative of our majority leader's support.

So in summation, you can see strong bipartisan support exists for the managers' amendment, and that the managers' amendment will also include the Caribbean Basin Initiative.

The approach adopted by the Finance Committee is consistent with the administration's own proposal. It is also broadly consistent with the proposal introduced by Senator GRAHAM, who has also been a tireless advocate on behalf of the Caribbean Basin Initiative and the opportunity that that bill and that program provide for the beneficiary countries in the Caribbean and Central America.

In substance, the managers' amendment on CBI adopts an approach similar to that afforded sub-Saharan Africa under the proposed bill. Indeed, both of those proposals build on the model established with the passage of the original CBI legislation, I believe, now, 15 or 16 years ago.

In fact, it was 1983 that that bill was adopted. When it was adopted, the region was beset with economic problems and wrenched with civil strife. The goal of the original legislation was to encourage new economic opportunities and a path towards both political and economic renewal. It accomplished that by offering a unilateral grant of tariff preferences designed to encourage productive investment, economic growth, and the resultant higher standard of living.

The original Caribbean Basin Initiative, which we made permanent in 1990, recognized that economic hope was essential to peace and political stability throughout the region. However, since 1990 we have had the intervening negotiation of the North American Free Trade Agreement, and that undercut the preferences initially offered to the Caribbean and Central American beneficiaries of the Caribbean Basin Initiative.

So the managers' amendment we will offer is an attempt to restore that margin of preference to the Caribbean producers and the economic opportunity the original CBI legislation was designed to create.

It is also an attempt to respond to the hardships the region has faced due to natural disaster. That region, as we know, including both the Caribbean and Central America, has been hard hit in the past 2 years by a series of hurricanes that in some instances devastated much of the existing economic infrastructure. No one can forget the pictures of devastation we saw of the Dominican Republic, Guatemala, and Honduras following Hurricane Mitch—homes, farms, factories, we saw on television, literally washing away overnight, buried in clay.

Members of the Finance Committee and many of our other colleagues had the opportunity to meet recently with the presidents of a number of Central American countries. Those presidents indicated that the single most important action we in the United States and our Government could take in their interest was not foreign assistance but economic opportunity to compete in a growing regional market.

They saw this proposed legislation as a fulfillment of the promise extended by this Congress in that original legislation of 1983, the promise for a new economic relationship with the Caribbean and Central America. We must continue to fulfill that promise as, hopefully, our country keeps its promises, and not act as a charity but as a continuation of the leadership we have shown in our continent and our hemisphere, leadership that has put us on the cusp of the ultimate goal of the 21st century version of the Monroe Doctrine, a hemisphere of democratically elected governments, a hemisphere of free markets, and a hemisphere with rising standards of living.

By moving this legislation forward, we will help these economies continue to grow and we will be investing in important markets that will become more integrated with our own, a market integration that benefits the United States as well.

In light of that fact, it might be worth mentioning the importance of this legislation to one industry in particular, the textile industry, something the Senator from South Carolina has addressed but from a different point of view than I. When I say textile industry, I mean everyone from a farmer growing cotton to the yarn spinner, the fabric maker, the apparel manufacturer, producers of textile manufacturing equipment, as well as the wholesalers and retailers, everything from the farm to the consumer. The Africa bill and the Caribbean Basin Initiative bills are drafted to create a win-win situation for both our trading partners and for our own domestic industries.

The managers' amendment we will offer takes a different approach than that of the House bill. Our bill is designed to create a partnership between America and industries, not to the benefit of one or the other, but to the benefit of both regions. Our proposal would accomplish that by affording preferential tariff and also preferential quota treatment to apparel made from American-made fabric, and it would be American-made fabric in order to qualify.

This does two things: First, it gives American firms an incentive to build a strong partnership with firms in both Africa and the Caribbean. Secondly, it helps establish a platform from which the American textile industry can compete in this global market.

I want to refer to the industry's own analysis. That analysis shows that the approach adopted by our Senate Finance Committee offers real benefits to U.S. industry and to U.S. employment. It gives our industry a fighting chance in the years to come, as textile quotas are gradually eliminated pursuant to the World Trade Organization agreement on textiles.

The reason I raise this point goes back to the efforts of our committee and our chairman to reestablish a bipartisan consensus on trade. In my view, the textile industry and all of its related parts will face significant economic adjustment as a result of the World Trade Organization textiles agreement. That adjustment has already begun to take place.

What the industry found, however, based on its experience under NAFTA, is that partnering with Mexican firms or investing there for joint United States-Mexican production made our own United States firms very competitive. They discovered that United States firms became competitive even in the face of fierce competition they faced from textile industries in the developing world, and particularly the countries of China and India.

The Finance Committee bills would broaden the base from which American firms could produce for the world market. In the context of the Uruguay Round, we made an implicit commitment to the textile industry to allow them a period of adjustment to a new economic reality. I am proud to support the proposed legislation and to make good on that promise by encouraging the industry to compete globally as well as locally.

Through our managers' amendment, we intend to propose something that would take two other significant steps. The first is the renewal of the Generalized System of Preferences. We call that GSP for short. The GSP program has been on our statutes since 1975. GSP affords a grant of tariff preferences to developing countries generally, although not as extensive as those the proposal offers to Africa and to the Caribbean. GSP is generally described as a unilateral grant of preferences, and that is a very accurate description.

What is little known is that the program has had more profound benefits for U.S. trade than is captured by that fairly significant description that doesn't describe the program so well.

The original GSP program was instrumental in obtaining the commitment of continental powers like Great Britain to give up, finally, the highly discriminatory tariff systems they enforced in their economic relations with their former colonies. In other words, the creation of the GSP was instrumental in eliminating discriminatory trade barriers that distorted trade and thwarted our exporters' access to markets throughout the entire developing world.

That beneficial program—GSP—has been around a while and accomplished a lot of good, but it has lapsed; it lapsed a few months ago, in June. So our managers' amendment would propose its renewal.

The managers' amendment will also renew our Trade Adjustment Assistance programs. As my colleagues know, I am a strong supporter of free and fair trade. But I have, at the same time, consistently taken the view that those who benefit from expanding trade must look out for those who may be injured by the process of economic adjustment that trade brings.

The Trade Adjustment Assistance programs are one part of that commitment. They offer assistance to both workers and firms that have faced a significant increase in import competition as they adjust to these new economic conditions. They have been on the books since the Trade Expansion Act of 1962. And the committee has made every effort to ensure that they are renewed to fulfill the bargain on trade policy originally struck with U.S. firms and U.S. workers over 30 years ago. So what we do with this reauthorization is keep our contract with these industries, and if trade unfairly affects them, we will be able to help them in a transition period. That is something we should do. It has worked well and we propose to continue it.

There is, however, a real urgency to their renewal at this time. As I have said, they have lapsed and, unless they are renewed promptly, they will fall out of the budget baseline and will, in the future, need a revenue offset.

In the context of the current debate over trade and trade policy, I view these programs as a minimum downpayment on reestablishing a bipartisan consensus on trade matters. And so I urge our colleagues to support the motion to proceed to the bill in order to renew these essential programs.

Having discussed the intent behind each of the measures I intend to move as a part of the Senate substitute, I want to add one last point. We have before us in this legislation an opportunity to reestablish a strong measure of bipartisan support for what we in the Finance Committee view as an important trade and foreign policy initiative. So let us take this step and let us move forward in a way that will benefit Africa and the Caribbean—a way that will benefit much of the rest of the developing world—and a way that will serve our own national interests as well.

And we propose this legislation with the U.S. national interest in mind, because we are cognizant of the fact that if we in the Congress do not look out for the interests of the American worker, we can't expect anybody else to do it. But when we can have the benefits of protecting our workers and creating jobs and expanding our economy and still help the rest of the world through these policies—and we have done that—we should continue to do that because, as President Kennedy said, "Trade, not aid."

For an American populace that doesn't like foreign aid, I hope that they will join us in the Congress behind these bipartisan efforts to promote our national interests and strengthen our world leadership through these trade policies that help us, as well as helping these developing nations.

I yield the floor.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. BROWNBACK. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BROWNBACK. Madam President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

EMERGENCY MONEY FOR AMERICA'S FARMERS

Mr. GRASSLEY. Madam President, I would like to say a few words about the $69 billion annual U.S. Department of Agriculture appropriations bill that happens to contain $8.7 billion in emergency money for American farmers.

This legislation was sent from Capitol Hill to the President's desk last Wednesday, October 13. Every day the President delays signing this bill is one more day relief money is not in the farmers' pockets at this time of the lowest prices in 25 years.

Naturally, I know the White House is entitled to a few days to review the document for signature by the President. But that process does not and should not take 8 days that the bill has been sitting on the President's desk, particularly considering the emergency economic crisis in American agriculture.

Since September 30, President Clinton has been engaged in a strategy to confuse the public and to try to get Congress to accept tax and spending increases. The only conclusion I can draw is that the President has decided to use the agricultural relief bill for leverage in the political game we have seen with the budget this year. If that is true—and I hope it is not true, based on some comments made by Secretary Glickman; but the fact remains, the President has not signed the bill containing emergency relief for farmers—then, of course, it is unforgivable on the part of the President, given the terrible situation our farmers face.

Again, prices remain at 25-year lows. The package we moved through Congress is critical to helping farmers' cash-flow. President Clinton has given speeches about helping farmers. Why isn't he taking, then, affirmative action and putting pen to paper to help the farmers who he knows have tremendous needs at a time of prices being at 25-year lows?

Last year, an election year, the President immediately signed the supplemental spending bill that contained more than $5 billion, when this crisis in agriculture started 12 months ago. The U.S. Department of Agriculture had those funds in the mail to farmers within 10 days. The President has already lost 7 days in that process. This year, of course, is a sharp contrast with getting the bill signed and getting the money to the farmers. Every day that President Clinton delays is one more day that farmers don't have the assistance Congress passed and they desperately need.

I happen to know that the President understands American agriculture, being the Governor of the State of Arkansas for as long as he was. I know that one time, in his first couple years in office, he looked me in the eye at a meeting at the Blair House and he said, "I understand farming more than any other President of the United States ever has." I believe that, but he doesn't show an understanding of the crisis in agriculture at this particular time, as he has waited now too many days to sign this bill.

I urge the President this very evening to sign this bill so that the farmers who are in crisis—which he has even given speeches on, recognizing farming is in crisis—can have the help of the $2.7 billion provided for in this legislation.

I yield the floor.

NOMINATION OF JUSTICE RONNIE WHITE

Mr. LEAHY. Madam President, for many months I had been calling for a fair vote on the nomination of Justice Ronnie White to the federal court. Instead, the country witnessed a party line vote as all 54 Republican members of the Senate present that day voted against confirming this highly qualified African-American jurist to the federal bench. I believe that vote to have been unprecedented—the only party line vote to defeat a judicial nomination I can find in our history.

There was brief debate on this nomination and two others the night before the vote. At that time, I attempted, as best I could through questions in the limited opportunity allotted, to clarify the record of this outstanding judge with respect to capital punishment appeals and to outline his background and qualifications.

I noted that Justice White had, in fact, voted to uphold the imposition of the death penalty 41 times. I observed that other members of the Missouri Supreme Court, including members of the Court appointed by Republican governors, had similar voting records and more often than not agreed with Justice White, both when he voted to uphold the death penalty and when he joined with a majority of that Court to reverse and remand such cases for resentencing or a new trial. Of the 59 capital punishment cases that Justice White has reviewed, he voted with the majority of that Court 51 times—41 times to uphold the death penalty and 10 times to reverse for serious legal error.

As best I can determine, in only six of these 59 cases did Justice White dissent from the imposition of a death penalty, and in only three did he do so with a dissent that was not joined by other members of the court. That is hardly the record that the Senate was told about Monday and Tuesday of the first week in October, when it was told that Justice White was an anti-death penalty judge, someone who was "procriminal and activist with a slant toward criminals," someone with "a serious bias against a willingness to impose the death penalty," someone who seeks "at every turn" to provide opportunities for the guilty to "escape punishment," and someone "with a tremendous bent toward criminal activity."

The opposition to Justice White presented a distorted view by concentrating on two lone dissents out of 59 capital punishment cases. Making matters worse, the legal issues involved in those cases were not even discussed. Instead, the opposition was concentrated on the gruesome facts of the crimes.

I believe it was another member of the Missouri Supreme Court, one of those appointed by a Republican governor of Missouri, who wrote in his own sole dissent in a gruesome case of kidnaping, rape, and murder of a teenage girl:

> Occasionally, the heinousness of a crime, the seeming certainty of the same result if the case is remanded and the delay occasioned by a second remand tempt one to wink at procedural defects. Nevertheless, the cornerstone of any civilized system of justice is that the rules are applied evenly to everyone no matter how despicable the crime.—*State* v. *Nunley*, 923 S.W.2d 911, 927 (Mo. 1996) (Holstein, J., dissenting).

Indeed, in his dissent in State v. Johnson, Justice White makes a similar point when he notes:

> This is a very hard case. If Mr. Johnson was in control of his faculties when he went on this murderous rampage, then he assuredly deserves the death sentence he was given. But the question of what Mr. Johnson's mental status was on that night is not susceptible of easy answers. . . . This is an excellent example of why hard cases make bad law. While I share the majority's horror at this carnage, I cannot uphold this as an acceptable standard of representation for a defendant accused of capital murder.—*State* v. *Johnson*, 968 S.W.2d 123, 138 (Mo. 1998).

Although you would never know the legal issue involved in this case from the discussion before the Senate, the appellate decision did not turn on the grizzly facts or abhorrence of the crimes, but difficult legal questions concerning the standard by which an appellate court should evaluate claims of ineffective assistance of counsel. Justice White sought to apply the standard set by the United States Supreme Court in *Strickland* v. *Washington*, 466 U.S. 668 (1984), and reiterated in *Kyles* v. *Whitley*, 514 U.S. 419 (1995). Thus, the dispute between Justice White and the majority was whether an appellant may succeed if he shows that there was a "reasonable probability" of a different result, or whether he is required to show that the counsel's unprofessional conduct was outcome-determinative and thus the "most likely" reason why his defense was unsuccessful. Indeed, the case turns on an issue similar to that being currently considered by the United States Supreme Court this term. Far from creating a "new ground" for appeal or urging a "lower legal standard" of review, Justice White's dissent sought to apply what he understood to be the current legal standard to the gruesome facts of a difficult case.

Likewise troubling was the use by those who opposed the nomination of Justice White's dissent in the Kinder case, a 1996 decision. *State* v. *Kinder*, 942 S.W.2d 313 (Mo. 1996). That case also arose from brutal crimes, which were, or course, detailed for the Senate. What is troubling is the characterization of the legal issue on appeal by Justice White's detractors. Justice White did not say that the case was "contaminated by racial bias" because the trial judge "had indicated that he opposed affirmative action and had switched parties based on that." The dissent did not turn on the political affiliation of the judge or his opposition to affirmative action. In fact, Justice White expressly stated that the trial judge's position on affirmative action was "irrelevant to the issue of bias."

Rather, the point of the dissent was that the majority opinion was changing the law of Missouri by reinterpreting state law precedent and restricting it in an artificially truncated way to avoid the recusal of the trial judge, which Missouri law at that time required.

The case led to long and complicated opinions by the majority and dissent. The opposition to Justice White chose to characterize the case as if the trial judge was accused of racial bias merely for not favoring affirmative action policies. In fact, the trial judge was facing an election and had issued a press release less than a week before the defendant's trial. The defendant was an indigent, unemployed African-American man. The judge's statement read, in pertinent part:

> The truth is that I have noticed in recent years that the Democrat party places too much emphasis on representing minorities such as homosexuals, people who don't want to work, and people with a skin that's any color but white. . . . While minorities need to be represented, or [sic] course, I believe the time has come for us to place much more emphasis and concern on the hardworking taxpayers in this country.—Kinder, 942 S.W.2d at 321.

As Justice White's dissent correctly points out, the holding of the case rewrote Missouri Supreme Court precedent instead of following it. Without regard to the principles of *stare decisis*, following precedent, and avoiding judicial activism, the majority reversed Missouri law (without acknowledging that fact) to achieve a desired result. The majority opinion rests on the narrow proposition that only "judicial statements" that raise a doubt as to the judge's willingness to follow the law provide a basis for disqualification, and "distinguished" this case from controlling precedent because the evidence of racial bias was contained in what the majority characterized as a "political statement." Justice Limbaugh, who had dissented from the earlier Missouri Supreme Court decision on which Justice White relied, wrote the majority opinion in *Kinder*, which stated:

> To the extent the comments can be read to disparage minorities, there is little point in defending them, even as the political act they were intended to be. But they are a political act, not a judicial one, and as such, they do not necessarily have any bearing on the judge's in-court treatment of minorities.—*Id.* The majority opinion created a rule that consciously disregards political statements of a judge evidencing racial bias.

In his dissent, Justice White, quoting from the earlier Missouri Supreme Court decision, wrote: "'[F]undamental fairness requires that the trial judge be free of the appearance of prejudice against the defendant as an individual and against the racial group on which the defendant is a member." He noted that "conduct suggesting racial bias 'undermines the credibility of the judicial system and opens the integrity of the judicial system to question.'" *Kinder*, 942 S.W.2d at 341, citing *State* v. *Smulls*, 935 S.W.2d 9, 25–27 (Mo. 1986).

I believe that fairminded people who read and consider Justice White's dissent in *Kinder* will appreciate the strength of his legal reasoning. Certainly that was the reaction of Stuart Taylor, Jr. in his article in the October 16 National Journal and of Benjamin Wittes in his October 13 column in the Washington Post. Through the *Kinder* decision, the Missouri Supreme Court has created new law that provides very narrow restrictions on judges' conduct. Indeed, a Missouri criminal trial judge could now apparently lead a KKK rally one night and spout racial hatred, epithets and calls for racial conflict, and preside over the criminal trial of an African-American defendant the next morning—so long as he did not say anything offensive as a "judicial statement" in connection with the trial.

Fairness and credibility are important values for all government actions, and especially important to the guarantee of due process that makes our justice system the best in the world. Those same qualities of fairness, credibility, and integrity are essential to the Senate confirmation process.

It is worth noting that many of the same critics of Justice White's opinion in the Kinder case adopt the opposite posture and a different standard when it comes to evaluating Judge Richard Paez, a nominee who has been held up without a vote for 44 months. Judge Paez is roundly criticized for a reference in a speech he gave in which he commented on the early stages of an initiative effort that later became Proposition 209 in California. Those who led the Republican fight against Justice White reverse themselves when it comes to opposing the Hispanic nominee from California and criticize him for much more circumspect comments predicting the likely reaction to that initiative in the Hispanic community. These critics would not only disqualify Judge Paez from hearing a case involving Proposition 209, but would disqualify him from confirmation as a federal appellate judge.

Justice White's detractors contend that they oppose "judicial activism," which they define as a judge substituting his personal will for that of the legislature. However, in none of the cases on which they rely is a statute implicated. Instead, in each of these cases Justice White appears to be following controlling precedent. In the Kinder case, it is the majority that changed the law of Missouri. Likewise in the Johnson case, it was the majority that reached out to distinguish that case and alter the way in which the governing legal standard for review was to be applied.

Finally, the third case on which the opposition to Justice White relies, *State* v. *Damask*, 936 S.W.2d 565 (Mo. 1996), is not concerned with legislative action either. In this case, the Court upheld the constitutionality of law enforcement checkpoints without warrants or reasonable suspicion. The majority reached out to distinguish the case from governing precedent, changed the rules under which it viewed the governing facts, and challenged the factual basis on which the lower courts had based their conclusions.

In his dissent in Damask, Justice White relied on the authority of the United States Supreme Court in *Delaware* v. *Prouse*, 440 U.S. 648 (1979). *See also Galberth* v. *U.S.*, 590 A.2d 990 (D.C. App. 1991). His ruling expressly recognizes the importance of combating drug trafficking and, relying on the record of the cases, concludes that the checkpoints were the types of discretionary investigatory stops forbidden by governing precedent. Justice White worried that these operations had not been approved by politically accountable public officials and that the courts should not substitute their judgment for law enforcement authorities and public officials who were responsible and accountable for designing such operations. *See State* v. *Canton*, 775 S.W.2d 352 (Mo. App. 1989); *State* v. *Welch*, 755 S.W.2d 624 (Mo. App. 1988); Note, "The Constitutionality of Drug Enforcement Checkpoints in Missouri," 63 Mo. L. Rev. 263 (1998). I wonder how we all might feel if instead of seizing marijuana, the armed men in camouflage fatigues shining flashlights into the faces of motorists in an isolated area late at night were seizing firearms.

Another decision that has not been mentioned in the course of this debate on Justice White's nomination is the decision of the people of Missouri to retain Justice White as a member of their Supreme Court. Although initially appointed, pursuant to Missouri law Justice White went before the voters of Missouri in a retention election in 1996. I am informed that he received over 1.1 million votes and a favorable vote of 64.7 percent.

All of the cases on which the opposition to Justice White relied were decided before his hearing and before he was twice reported favorably by a bipartisan majority of the Senate Judiciary Committee in May 1998 and July 1999. Although Justice White was first nominated to the federal bench in 1997, the Judiciary Committee did not receive negative comments about him until quite recently. No law enforcement opposition of any kind was received by the Committee of the Senate in 1997 or 1998.

This year, Justice White was renominated with significant fanfare in January and major newspapers in the state reported on the status on the nomination. I began repeated calls for his consideration by February. The Committee finally proceeded to reconsider and report his nomination, again, in July 1999. Still, the Judiciary Committee received no opposition from Missouri law enforcement.

The first contact the Judiciary Committee received from Missouri law enforcement was a strong letter of support and endorsement from the Chief of Police of the St. Louis Metropolitan Police Department. I thank Colonel Henderson for contacting the Committee and sharing his views with us. I have recently read that the Missouri Police Chiefs Association, representing 465 members across the state, does not get involved in judicial nominations. I understand that policy because it is shared by many law enforcement organizations that I know. I also appreciate that when asked by a reporter recently, the president of the Missouri Police Chiefs Association described Justice White as "an upright, fine individual" and that he knew Justice White personally and really had "a hard time seeing that he's against law enforcement" and never thought of him as "procriminal."

The Missouri State Lodge of the Fraternal Order of Police has indicated on behalf of its 4,500 dedicated law enforcement officer members in Missouri, that they view Justice White's record as "one of a jurist whose record on the death penalty has been far more supportive of the rights of victims than of the rights of criminals." They see his record as having voted to reverse the death penalty "in far fewer instances than the other Justices on the Court" and note that he "also voted to affirm the death penalty in 41 cases." The Missouri Fraternal Order of Police expresses its regret for "the needless injury which has been inflicted on the reputation of Justice White" and concludes that "our nation has been deprived of an individual who surely would have proven to be an asset to the Federal Judiciary." I thank President Thomas W. Mayer and all the FOP members in Missouri for speaking out on behalf of this fine judge and sharing their perspective with us.

I certainly understand and appreciate Sheriff Kenny Jones deciding to write to fellow sheriffs about this nomination. Sheriff Jones' wife was killed in the brutal rampage of James Johnson, from whose conviction and sentence Justice White dissented on legal grounds concerning the lack of competent representation the defendant received during the trial. All Senators give their respect and sympathy to Sheriff Jones and his family.

I also understand the petition sent by the Missouri Sheriffs Association to the Judiciary Committee as a result of Sheriff Jones' letter to other Missouri sheriffs. In early October, the Judiciary Committee received that petition along with a copy of Justice White's dissent in the Johnson case with a cover letter dated September 27. It is a statement of support for Sheriff Jones and shows remarkable restraint. The 63 Missouri county sheriffs and 9 others who signed the petition "respectfully request that consideration be given to [Justice White's dissenting opinion in Johnson] as a factor in the appointment to fill this position of U.S. District Judge."

I want to assure the Missouri Sheriffs Association and all Senators that I took their concern seriously and reconsidered the dissent in that case to see whether I saw in it anything disqualifying or anything that would lead me to believe that Justice White would not support enforcement of the law. I respect them for having contacted us and for the way in which they did so. It is terribly hard to continue to honor those we have loved and lost by respecting the rule of law that guarantees constitutional rights to those accused, tried, and convicted of killing innocent members of our dedicated law enforcement community.

Whether the nomination of Justice White or consideration of the legal issues considered in his opinions "sparked strong concerns" among Missouri law enforcement officers, or whether controversy about this nomination was otherwise generated, I am not in position to know. I do know this: I respect and consider seriously the views of law enforcement officers. As a former State's Attorney and former Vice President of the National District Attorneys Association, I hear often from local prosecutors, police and sheriffs, both in Vermont and around the country. I work closely with local law enforcement and national law enforcement organizations on a wide variety of issues. I know from my days in local law enforcement that there are often disagreements between police and prosecutors and with judges about cases. I respect that difference and understand it.

With respect to the views expressed by law enforcement representatives on Justice Ronnie White's nomination, both for and against, I say the following: I have considered each of the letters produced during the course of the Senate debate and reconsidered the cases to which they refer. I respectfully disagree that those decisions present a basis to vote against the confirmation of Justice Ronnie White to the federal court. Far from presenting a pattern of "procriminal jurisprudence" or "tremendous bent toward criminal activity," they are dissents well within the legal mainstream and well supported by precedent and legal authority. Further, if considered in the context of his body of work, achievements, and qualifications, they present no basis for voting against this highly qualified and widely respected nominee. I conclude, as did the Missouri State Lodge of the Fraternal Order of Police, that "our nation has been deprived of an individual who surely would have proven to be an asset to the Federal Judiciary."

With all due respect, I do not believe that any constituency or interest group, even one as important as local law enforcement, is entitled to a Senate veto over a judicial nomination. Each Senator is elected to vote his or her conscience on these judicial appointments, not any special interest or party line. When Senators do not vote their conscience, they risk the debacle that we witnessed on October 5th. when a partisan political caucus vote resulted in a fine man and highly qualified nominee being rejected by all Republican Senators on a party line vote.

It is too late for the Senate to undo the harm done to Justice White. What the Senate can do now is to make sure that partisan error is not repeated. The Senate should ensure that other minority and women candidates receive a fair vote. We can start with the nominations of Judge Richard Paez and Marsha Berzon, which have been held up far too long without Senate action. It is past time for the Senate to do the just thing, the honorable thing, and vote to confirm each of these highly qualified nominees. Let us start the healing process. Let us vote to confirm Judge Richard Paez and Marsha Berzon before this session ends.

I ask unanimous consent that a copy of the October 21, 1999 letter from the Missouri State Fraternal Order of Police be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FRATERNAL ORDER OF POLICE,
MISSOURI STATE LODGE,
October 21, 1999.

Sheriff PHILIP H. MCKELVEY,
President, National Sheriff's Association,
Alexandria, VA.

DEAR SHERIFF MCKELVEY: I am writing on behalf of the more than 4,500 members of the Missouri State Fraternal Order of Police to express my great consternation at your organization's recent opposition to the confirmation of Justice Ronnie White to the Federal bench, an opposition which I sincerely hope was not simply politically motivated.

The record of Justice White is one of a jurist whose record on the death penalty has been far more supportive of the rights of victims than of the rights of criminals. While in fact voting 17 times for death penalty reversals, he has voted to do so in far fewer instances than the other Justices on the Court. In addition, Justice White has also voted to affirm the death penalty in 41 cases.

The Fraternal Order of Police is no stranger to fighting to see that justice is served for slain law enforcement officers and their families. Our organization has been at the forefront of bringing to justice Munia Abu-Jamal, establishing a nationwide boycott of individuals and organizations which financially support the efforts of this convicted cop killer. In addition, the FOP led the fight against President Clinton's clemency of 16 convicted Puerto Rican terrorists responsible for a wave of bombing attacks on U.S. soil and the wounding of three New York City police officers.

Unfortunately however, nothing can undo the needless injury which has been inflicted on the reputation of Justice White, and our nation has been deprived of an individual who surely would have proven to be an asset to the Federal Judiciary.

On behalf of the membership of the Fraternal Order of Police, I would encourage you to exercise greater judgment in future battles of this sort. It is a great disservice to the members of your organization, and the nation as a whole, to choose to do otherwise.

Sincerely,

THOMAS W. MAYER,
President, Missouri State FOP.

COMMERCE–JUSTICE–STATE APPROPRIATIONS CONFERENCE REPORT

Mr. JEFFORDS, I rise today to express my profound disappointment that the Conference Report to the Fiscal Year 2000 Commerce, Justice, State and the Judiciary Appropriations bill removed language that was in the Senate passed bill to expand Federal jurisdiction in investigating hate crimes.

The language inserted in the Senate passed bill would expand Federal jurisdiction in investigating hate crimes by removing the requirement in Federal hate crime law that only allows federal prosecution if the perpetrator is interfering with a victim's federally protected right like voting or attending school. It would also extend the protection of current hate crime law to those who are victimized because of their gender, sexual orientation, or disability.

Any crime hurts our society, but crimes motivated by hate are especially harmful. Many states, including my state of Vermont, have already passed strong hate crimes laws, and I applaud them in this endeavor. An important principle of the amendment that was in the Senate-passed bill was that it allowed for Federal prosecution of hate crimes without impeding the rights of states to prosecute these crimes.

The adoption of this amendment by the Senate was an important step forward in ensuring that the perpetrators of these harmful crimes are brought to justice. The American public knows that Congress should pass this legislation, and it is unfortunate that the conferees did not retain this important language.

Congress should pass this legislation, and I will work to ensure that this legislation is enacted into law in the very near future.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Madam President, at the close of business yesterday, Wednesday, October 20, 1999, the Federal debt stood at $5,669,462,199,918.75 (Five trillion, six hundred sixty-nine billion, four hundred sixty-two million, one hundred ninety-nine thousand, nine hundred eighteen dollars and seventy-five cents).

One year ago, October 20, 1998, the Federal debt stood at $5,543,686,000,000 (Five trillion, five hundred forty-three billion, six hundred eighty-six million).

Five years ago, October 20, 1994, the Federal debt stood at $4,709,361,000,000 (Four trillion, seven hundred nine billion, three hundred sixty-one million).

Ten years ago, October 20, 1989, the Federal debt stood at $2,876,433,000,000 (Two trillion, eight hundred seventy-six billion, four hundred thirty-three million) which reflects a doubling of the debt—an increase of almost $3 trillion—$2,793,029,199,918.75 (Two trillion, seven hundred ninety-three billion, twenty-nine million, one hundred ninety-nine thousand, nine hundred eighteen dollars and seventy-five cents) during the past 10 years.

NOMINATIONS

Mrs. BOXER. Madam President, as my colleagues know, I have been urging the Majority Leader to schedule Senate debate and votes on two nominees for the Ninth Circuit Court of Appeals —Marsha Berzon and Richard Paez. Judge Paez was first nominated 45 months ago. Ms. Berzon's nomination has been pending for almost 2 years.

I know that the Majority Leader supports the nomination of Glenn McCullough to the Board of Directors of the Tennessee Valley Authority.

I have no objection to voting on Mr. McCullough. I voted him favorably out of the Environment and Public Works Committee this week.

What I do object to is keeping the nominations of Judge Paez and Marsha Berzon from the Senate floor long after they have been voted out of committee.

So I have no problem with Senator LOTT's nominee, who has been waiting for a Senate vote for two days—as long as Senator LOTT and the Republican majority also consider those who have been waiting years for a vote.

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 10:57 a.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 2670. An act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

ENROLLED BILL SIGNED

At 3:49 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1663. An act to recognize National Medal of Honor sites in California, Indiana, and South Carolina.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

At 6:54 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2466) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

ENROLLED BILL SIGNED

The following enrolled bill, previously signed by the Speaker of the House, was signed on today, October 21, 1999, by the President pro tempore (Mr. THURMOND):

H.R. 2841. An act to amend the Revised Organic Act of the Virgin Islands to provide for greater fiscal autonomy consistent with other United States jurisdictions, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–5724. A communication from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Scale Requirements for Accurate Weights, Repairs, Adjustments, and Replacement After Inspection", received October 8, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5725. A communication from the Administrator, Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Milk in the New England and Other Marketing Areas; Final Rule: Delay of Effective Date—(DA-97-12)", received October 7, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5726. A communication from the Congressional Review Coordinator, Regulatory Analysis and Development, Policy and Program Development, Animal and Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tuberculosis in Cattle and Bison; State Designations; California, Pennsylvania, and Puerto Rico" (Docket #99–063–1), received October 19, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5727. A communication from the Congressional Review Coordinator, Regulatory Analysis and Development, Policy and Program Development, Animal and Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Animal Welfare; Perimeter Fence Requirements" (Docket #95–029–2), received October 19, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5728. A communication from the Congressional Review Coordinator, Regulatory Analysis and Development, Policy and Program Development, Animal and Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Change in Disease Status of Belgium Because of BSE" (Docket #97–115–2), received October 15, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5729. A communication from the Congressional Review Coordinator, Regulatory Analysis and Development, Policy and Program Development, Animal and Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Change in Disease Status of Luxembourg Because of BSE" (Docket #97–118–2), received October 15, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5730. A communication from the Congressional Review Coordinator, Regulatory Analysis and Development, Policy and Program Development, Animal and Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Oriental Fruit Fly; Removal of Quarantined Area" (Docket #99–044–2), received October 14, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5731. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pyriproxyfen; Pesticide Tolerance" (FRL #6381–3), received October 15, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5732. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pyrithiobac Sodium Salt; Time-Limited Pesticide Tolerance" (FRL #6386–5), received October 15, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5733. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Tebufenozide; Benzoic Acid, 3,5-dimethyl1-1(1,1-dimethylethyl)-2-(-4-thylbenzoy;) hydrazide, Pesticide Tolerance" (FRL #6382–6), received October 15, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5734. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Sethoxydim; Pesticide Tolerances for Emergency Exemptions" (FRL #6385–9), received October 15, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5735. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Metolachlor; Extension of Tolerance for Emergency Exemptions" (FRL #6386–1), received October 15, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5736. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Revision 1 of Regulatory Guide 8.15, 'Acceptable Programs for Respiratory Protection'", received October 15, 1999; to the Committee on Environment and Public Works.

EC–5737. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Regulatory Guide 1.181, 'Content of the Updated Final Safety Analysis Report in Accordance with 10 CFR 50.71(e)' ", received October 14, 1999; to the Committee on Environment and Public Works.

EC–5738. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland; VOCs from Paint, Resin and Adhesive Manufacturing and Adhesive Application" (FRL #6460–1), received October 14, 1999; to the Committee on Environment and Public Works.

EC–5739. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision: Kern County Air Pollution Control District, Yolo-Solano Air Quality Management District" (FRL #6452–3), received October 14, 1999; to the Committee on Environment and Public Works.

EC–5740. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Tennessee: Approval of Revisions to the Knox County Portion of the Tennessee SIP Regarding Use of LAER for Major Modifications and Revisions to the Tennessee SIP Regarding the Coating of Miscellaneous Metal Parts" (FRL #6453–8), received October 14, 1999; to the Committee on Environment and Public Works.

EC–5741. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Oklahoma; Recodification of Regulations" (FRL #6457–7), received October 19, 1999; to the Committee on Environment and Public Works.

EC–5742. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Revisions to the Alabama Department of Environmental Management (ADEM) Administrative Code for the Air Pollution Control Program" (FRL #6461–8), received October 19, 1999; to the Committee on Environment and Public Works.

EC–5743. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Priorities List for Uncontrolled Hazardous Waste Sites" (FRL #6462–1), received October 19, 1999; to the Committee on Environment and Public Works.

EC–5744. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, two reports entitled "Issuance of Final Guidance: Ecological Risk Assessment and Risk Management Principles for Superfund Sites" and "The Brownfields Economic Redevelopment Initiative: Proposal Guidelines for Brownfields Assessment Demonstration Pilots"; to the Committee on Environment and Public Works.

EC–5745. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Acushnet River, MA (CGD01–99–174)" (RIN2115–AE47) (1999–0049), received October 14, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5746. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Thames River, CT (CGD01–99–178)" (RIN2115–AE47) (1999–0051), received October 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5747. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Harlem River, Newtown Creek, NY (CGD01–99–175)" (RIN2115–AE47) (1999–0050), received October 14, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5748. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations; SLR; Stone Mountain Productions; Tennessee River Mile 463.5–464.5, Chattanooga, TN (CGD08–99–060)" (RIN2115–AE46) (1999–0040), received October 14, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5749. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations; SLR; Night in Venice, Great Egg Harbor, City of Ocean City, NJ (CGD05–99–016)" (RIN2115–AE46) (1999–0041), received October 14, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5750. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Fire Protection Measures for Towing Vessels (USCG–1998–4445)" (RIN2115–AF66) (1999–0001), received October 14, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5751. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone off Alaska; Inseason Adjustment to Required Observer Coverage", received October 14, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5752. A communication from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials Regulations: Editorial Corrections and Clarifications" (RIN2137–AD38), received October 14, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5753. A communication from the Chief, Accounting Policy Division, Common Carrier Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Federal-State Joint Board on Universal Service, Access Charge Reform" (FCC 99–290) (CC Doc. 96–45), received October 15, 1999; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

H.R. 2112. A bill to amend title 28, United States Code, to allow a judge to whom a case is transferred to retain jurisdiction over certain multidistrict litigation cases for trial, and to provide for Federal jurisdiction of certain multiparty, multiforum civil actions.

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

H. J. Res. 62. A joint resolution to grant the consent of Congress to the boundary change between Georgia and South Carolina.

S. 1235. A bill to amend part G of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to allow railroad police officers to attend the Federal Bureau of Investigation National Academy for law enforcement training.

S. 1485. A bill to amend the Immigration and Nationality Act to confer United States citizenship automatically and retroactively on certain foreign-born children adopted by citizens of the United States.

S. 1713. A bill to amend the Immigration and Nationality Act to extend for an additional 2 years the period for admission of an alien as a nonimmigrant under section 101(a)(15)(S) of such Act, and to authorize appropriations for the refugee assistance program under chapter 2 of title IV of the Immigration and Nationality Act.

S. 1753. A bill to amend the Immigration and Nationality Act to provide that an adopted alien who is less than 18 years of age may be considered a child under such Act if adopted with or after a sibling who is a child under such Act.

EXECUTIVE REPORTS OF A COMMITTEE

The following executive reports of a committee were submitted:

By Mr. HATCH, for the Committee on the Judiciary:

Michael O'Neill, of Maryland, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2003.

Joe Kendall, of Texas, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2001.

John R. Steer, of Virginia, to be a Member of the United States Sentencing Commission for the remainder of the term expiring October 31, 1999.

John R. Steer, of Virginia, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2005.

Ruben Castillo, of Illinois, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2003.

Diana E. Murphy, of Minnesota, to be a Member of the United States Sentencing

Commission for the remainder of the term expiring October 31, 1999.

Diana E. Murphy, of Minnesota, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2005. (Reappointment)

Diana E. Murphy, of Minnesota, to be Chair of the United States Sentencing Commission.

Sterling R. Johnson, Jr., of New York, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2001.

William Sessions, III, of Vermont, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2003.

Timothy B. Dyk, of the District of Columbia, to be United States Circuit Judge for the Federal Circuit.

Richard Linn, of Virginia, to be United States Circuit Judge for the Federal Circuit.

Paul L. Seave, of California, to be United States Attorney for the Eastern District of California for a term of four years.

(The above nominations were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BREAUX (for himself and Mr. MACK):

S. 1759. A bill to amend the Internal Revenue Code of 1986 to allow a refundable credit for taxpayers owning certain commercial power takeoff vehicles; to the Committee on Finance.

By Mr. BIDEN (for himself, Mr. AKAKA, Mr. BAUCUS, Mr. BAYH, Mr. BINGAMAN, Mrs. BOXER, Mr. BREAUX, Mr. BRYAN, Mr. BYRD, Mr. CLELAND, Ms. COLLINS, Mr. DASCHLE, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. GRAHAM, Mr. HARKIN, Mr. HOLLINGS, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Ms. MIKULSKI, Mr. MOYNIHAN, Mrs. MURRAY, Mr. REED, Mr. REID, Mr. ROBB, Mr. ROCKEFELLER, Mr. ROTH, Mr. SARBANES, Mr. SCHUMER, Mr. SPECTER, Ms. SNOWE, Mr. TORRICELLI, and Mr. WELLSTONE):

S. 1760. A bill to provide reliable officers, technology, education, community prosecutors, and training in our neighborhoods; to the Committee on the Judiciary.

By Mrs. HUTCHISON (for herself and Mr. GRAMM):

S. 1761. A bill to direct the Secretary of the Interior, through the Bureau of Reclamation, to conserve and enhance the water supplies of the Lower Rio Grande Valley; to the Committee on Energy and Natural Resources.

By Mr. COVERDELL (for himself and Mrs. LINCOLN):

S. 1762. A bill to amend the Watershed Protection and Flood Prevention Act to authorize the Secretary of Agriculture to provide cost share assistance for the rehabilitation of structural measures constructed as part of water resources projects previously funded by the Secretary under such Act or related laws; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ALLARD:

S. 1763. A bill to amend the Solid Waste Disposal Act to reauthorize the Office of Ombudsman of the Environmental Protection Agency, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DEWINE (for himself and Mr. KOHL):

S. 1764. A bill to make technical corrections to various antitrust laws and to references to such laws; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1765. A bill to prohibit post-viability abortions; to the Committee on the Judiciary.

By Mr. MCCAIN (for himself and Mr. BURNS):

S. 1766. A bill to amend the Internal Revenue Code of 1986 to provide for a deferral of tax on gain from the sale of telecommunications businesses in specific circumstances of a tax credit and other incentives to promote diversity of ownership in telecommunications businesses; to the Committee on Finance.

By Mr. INOUYE (for himself and Mr. AKAKA):

S. 1767. A bill to amend the Elementary and Secondary Education Act of 1965 to improve Native Hawaiian education programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ABRAHAM:

S. 1768. A bill to amend the Congressional Budget Act of 1974 to protect Social Security surpluses through strengthened budgetary enforcement mechanisms; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. GRAMS:

S.J. Res. 36. A joint resolution recognizing the late Bernt Balchen for his many contributions to the United States and a lifetime of remarkable achievements on the centenary of his birth, October 23, 1999; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BREAUX (for himself, and Mr. MACK):

S. 1759. A bill to amend the Internal Revenue Code of 1986 to allow a refundable credit for taxpayers owning certain commercial power takeoff vehicles; to the Committee on Finance.

THE FUEL TAX EQUALIZATION CREDIT FOR SUBSTANTIAL POWER TAKEOFF VEHICLES ACT

Mr. BREAUX. Mr. President, today I rise to introduce the Fuel Tax Equalization Credit for Substantial Power Takeoff Vehicles Act. This bill upholds a long-held principle in the application of the Federal fuels excise tax, and restores this principle for certain single engine "dual-use" vehicles.

This long-held principle is simple: fuel consumed for the purpose of moving vehicles over the road is taxed, while fuel consumed for "off-road" purposes is not taxed. The tax is designed to compensate for the wear and tear impacts on roads. Fuel used for a non-propulsion "off-road" purpose has no impact on the roads. It should not be taxed as if it does. Mr. President, this bill is based on this principle, and it remedies a problem created by IRS regulations that control the application of the federal fuels excise tax to "dual-use" vehicles.

Dual-use vehicles are vehicles that use fuel both to propel the vehicle on the road, and also to operate separate, on-board equipment. The two prominent examples of dual-use vehicles are concrete mixers, which use fuel to rotate the mixing drum, and sanitation trucks, which use fuel to operate the compactor. Both of these trucks move over the road, but at the same time, a substantial portion of their fuel use is attributable to the non-propulsion function.

Mr. President, the current problem developed because progress in technology has outstripped the regulatory process. In the past, dual-use vehicles commonly had two engines. IRS regulations, written in the 1950s, specifically exempt the portion of fuel used by the separate engine that operates special equipment such as a mixing drum or a trash compactor. These IRS regulations reflect the principle that fuel consumed for non-propulsion purposes is not taxed.

Today, however, typical dual-use vehicles use only one engine. The single engine both propels the vehicle over the road and powers the non-propulsion function through "power takeoff." A major reason for the growth of these single-engine, power takeoff vehicles is that they use less fuel. And a major benefit for everyone is that they are better for the environment.

Power takeoff was not in widespread use when the IRS regulations were drafted, and the regulations deny an exemption for fuel used in single-engine, dual-use vehicles. The IRS defends its distinction between one-engine and two-engine vehicles based on possible administrative problems if vehicle owners were permitted to allocate fuel between the propulsion and non-propulsion functions.

Mr. President, our bill is designed to address the administrative concerns expressed by the IRS, but at the same time, restore tax fairness for dual-use vehicles with one engine. The bill does this by establishing an annual tax credit available for taxpayers that own a licensed and insured concrete mixer or sanitation truck with a compactor. The amount of the credit is $250 and is a conservative estimate of the excise taxes actually paid, based on information compiled on typical sanitation trucks and concrete mixers.

In sum, as a fixed income tax credit, no audit or administrative issue will arise about the amount of fuel used for the off-road purpose. At the same time, the credit provides a rough justice method to make sure these taxpayers are not required to pay tax on fuels that they shouldn't be paying. Also, as an income tax credit, the proposal would have no effect on the highway trust fund.

Mr. President, I would like to stress that I believe the IRS' interpretation of the law is not consistent with long-help principles under the tax law, despite their administrative concerns. Quite simply, the law should not condone a situation where taxpayers are required to pay the excise tax on fuel attributable to non-propulsion functions. This bill corrects an unfair tax that should have never been imposed in the first place. I urge my colleagues to cosponsor this important piece of legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1759

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fuel Tax Equalization Credit for Substantial Power Takeoff Vehicles Act".

SEC. 2. REFUNDABLE CREDIT FOR TAXPAYERS OWNING COMMERCIAL POWER TAKEOFF VEHICLES.

(a) In General.—Section 34 of the Internal Revenue Code of 1986 (relating to certain uses of gasoline and special fuels) is amended by adding at the end the following new subsection:

"(c) Credit for Commercial Power Takeoff Vehicles.—

"(1) In general.—There shall be allowed as a credit against the tax imposed by this subtitle for the taxable year the amount of $250 for each qualified commercial power takeoff vehicle owned by the taxpayer as of the close of the calendar year in which or with which the taxable year of the taxpayer ends.

"(2) Qualified commercial power takeoff vehicle.—For purposes of this subsection, the term 'qualified commercial power takeoff vehicle' means any highway vehicle described in paragraph (3) which is propelled by any fuel subject to tax under section 4041 or 4081 if such vehicle is used in a trade or business or for the production of income (and is licensed and insured for such use).

"(3) Highway vehicle described.—A highway vehicle is described in this paragraph if such vehicle is—

"(A) designed to engage in the daily collection of refuse or recyclables from homes or businesses and is equipped with a mechanism under which the vehicle's propulsion engine provides the power to operate a load compactor, or

"(B) designed to deliver ready mixed concrete on a daily basis and is equipped with a mechanism under which the vehicle's propulsion engine provides the power to operate a mixer drum to agitate and mix the product en route to the delivery site.

"(4) Exception for vehicles used by governments, etc.—No credit shall be allowed under this subsection for any vehicle owned by any person at the close of a calendar year if such vehicle is used at any time during such year by—

"(A) the United States or an agency or instrumentality thereof, a State, a political subdivision of a State, or an agency or instrumentality of one or more States or political subdivisions, or

"(B) an organization exempt from tax under section 501(a).

"(5) Denial of double benefit.—The amount of any deduction under this subtitle for any tax imposed by subchapter B of chapter 31 or part III of subchapter A of chapter 32 for any taxable year shall be reduced (but not below zero) by the amount of the credit determined under this subsection for such taxable year."

(b) Effective Date.—The amendment made by this section shall apply to taxable years ending after December 31, 1999.

Mr. MACK. Mr. President, I am pleased to join my colleague, Senator John Breaux, in introducing the Fuel Tax Equalization Credit for Substantial Power Takeoff Act.

This bill would create a simple mechanism to reimburse owners of concrete mixers and sanitation trucks for the Federal excise taxes that they pay on fuels used to power the off-road function of their vehicles.

Today, IRS regulations impose the Federal fuels excise tax on "single engine, dual-use vehicles." Two prominent examples of such single-engine, dual-use vehicles are concrete mixers and sanitation trucks. The IRS taxes the entire amount of fuel used in these vehicles, despite the fact that a substantial portion of the fuel consumed is used to power an off-road function—the trash compactor of a sanitation truck, or the rotating drum of the cement truck.

Mr. President, the Federal fuels excise tax is meant to pay for our Nation's roads. If fuel is used for an off-road purpose, it is a well-established principle that we do not tax the fuel. In this case, fuels used to power the trash compactor or rotate the drum on a concrete mixer do not result in wear and tear on the roads and, therefore, should not be taxes.

Contrary to this well-established principle, the IRS imposes the excise tax on single engine, dual-use vehicles. The simple reason given by the IRS for this distinction is administrative convenience. But the convenience of the IRS is no reason to overtax diesel fuel consumers.

Mr. President, our bill corrects the discrepancy created under IRS regulations, and does so without creating any administrative red tape. The $250 income tax credit crafted in the bill would be easy to administer. While it will not fully and precisely compensate these truck owners for the taxes paid on fuel used off-road, this credit has been calculated based on industry data and using conservative estimates, and reduces a tax that these truck owners should not be paying in the first place. Therefore, I urge my colleagues to join Senator Breaux and me in supporting this important piece of legislation.

By Mr. BIDEN (for himself, Mr. Akaka, Mr. Baucus, Mr. Bayh, Mr. Bingaman, Mrs. Boxer, Mr. Breaux, Mr. Bryan, Mr. Byrd, Mr. Cleland, Ms. Collins, Mr. Daschle, Mr. Dodd, Mr. Dorgan, Mr. Durbin, Mr. Edwards, Mr. Graham, Mr. Harkin, Mr. Hollings, Mr. Inouye, Mr. Jeffords, Mr. Johnson, Mr. Kennedy, Mr. Kerrey, Mr. Kerry, Mr. Kohl, Ms. Landrieu, Mr. Lautenberg, Mr. Leahy, Mr. Levin, Mr. Lieberman, Mrs. Lincoln, Ms. Mikulski, Mr. Moynihan, Mrs. Murray, Mr. Reed, Mr. Reid, Mr. Robb, Mr. Rockefeller, Mr. Roth, Mr. Sarbanes, Mr. Schumer, Mr. Specter, Ms. Snowe, Mr. Torricelli, and Mr. Wellstone):

S. 1760. A bill to provide reliable officers, technology, education, community prosecutors, and training in our neighborhoods; to the Committee on the Judiciary.

PROTECTION ACT OF 1999 OR PROVIDING RELIABLE OFFICER, TECHNOLOGY, EDUCATION, COMMUNITY PROSECUTORS AND TRAINING IN OUR NEIGHBORHOODS

Mr. BIDEN. Mr. President, when we passed the 1994 crime bill and created the COPS Program, there were some skeptics. There were people who thought community policing was nothing more than social work and that the program would not work.

Do you remember what I said to the skeptics? I told them that either this program was going to work and we would be geniuses or that it would flop and we would be run out of town. There is an old saying that success has a thousand fathers but failure is an orphan. Now, there are a thousand people all claiming to be the parent of this program simply because it has worked so darn well.

In 1994, we set a goal of funding 100,000 police officers by the year 2000. We met that goal last May—months ahead of schedule. As of today, there have been 103,000 officers funded and 55,000 officers deployed to the streets. The COPS Programs is ahead of schedule and under budget.

Because of COPS, the concept of community policing has become law enforcement's principal weapon fighting crime. Community policing has redefined the relationship between law enforcement and the public. But, more importantly, it has reduced crime. And that is what we attempted to do.

All across the country, from Wilmington to Washington—from Connecticut to California, we are seeing a dramatic decline in crime. Just this week, the FBI released its annual crime statistics which showed that once again, for the seventh year in a row, crime is down. In fact, since 1994, violent crime is down 17.6 percent. And just last year, violent crime was down

6.4 percent nationwide from the year before. But, we can't let that slow us down.

And that's why I'm here today. I am proud of our accomplishments, but we cannot become complacent. We have a unique opportunity here. Some people say if crime down, why put more cops on the streets? Well it's simple math: more cops equals less crime. If we know one thing it is this: if a crime is going to be committed and there is a cop on one street corner and not one the other, guess where the crime is going to be committed? Not where the cop is, I would guess.

Maybe someday we will reach the point where crime is so low that we don't have to take pro-active steps any longer. But, we are not there yet. Our children and our parents are still at great risk out there and it should not be that way. Nor does it have to be that way. And why more cops on the street, it won't be that way.

That is why today, I introduced a bill to continue this program for the next 5 years. It's called "PROTECTION"—"Providing reliable officers, technology, education, community prosecutors and training in our neighborhoods." This bill will put up to 50,000 more officers on the street.

It will also allow police officers to be reimbursed for college or graduate school, because we all know that overcoming crime problems requires something more than just more cops. It requires cops who understand the importance of prevention and community relations. The legislation also provides funding for new technology so that law enforcement can purchase high-tech equipment to put them on equal footing with sophisticated criminals. And it provides for funding for community prosecutors—to expand the community policing concept to engage the whole law enforcement community in fighting crime. It has all the things that law enforcement told me that they needed to do their jobs.

I am proud to say that this legislation has the support of all the major law enforcement organizations and that 49 of my colleagues have told me that they support this legislation. Forty-five of them will join me today in cosponsoring this legislation—including 5 Republicans. I want to recognize my friends on the other side of the aisle and thank them for listening to their constituents, their mayors and their police chiefs who said: We can not do this without your help.

I hope that even more will join us today. I ask the rest of my colleagues—there are 50 more of you—will you be with us on this? Will you listen to everyone who is asking for help? Will you listen to your police chiefs and your mayors? Will you stand up and be counted among those who say enough is enough—and I'm going to do something about crime? I'm going to put more police officers on the street. I'm going to support the most effective law enforcement program of our time.

I hope that we can put politics aside on this one and all join forces to support the folks who do so much for us each and every day. The people who put their safety on the line so that we may be more secure. It is then, that I will know that we have all put our Nation's interest first.

I ask unanimous consent that the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1760

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Providing Reliable Officers, Technology, Education, Community prosecutors, and Training In Our Neighborhoods Act of 1999" or "PROTECTION Act".

SEC. 2. PROVIDING RELIABLE OFFICERS, TECHNOLOGY, EDUCATION, COMMUNITY PROSECUTORS, AND TRAINING IN OUR NEIGHBORHOOD INITIATIVE.

(a) COPS Program.—Section 1701(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(a)) is amended by—

(1) inserting "and prosecutor" after "increase police"; and

(2) inserting "to enhance law enforcement access to new technologies, and" after "presence,".

(b) Hiring and Redeployment Grant Projects.—Section 1701(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B)—

(i) by inserting after "Nation" the following: ", or pay overtime to existing career law enforcement officers to the extent that such overtime is devoted to community policing efforts"; and

(ii) by striking "and" at the end;

(B) in subparagraph (C), by—

(i) striking "or pay overtime"; and

(ii) striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(D) promote higher education among in-service State and local law enforcement officers by reimbursing them for the costs associated with seeking a college or graduate school education."; and

(2) in paragraph (2) by striking all that follows Support Systems.—" and inserting "Grants pursuant to—

"(A) paragraph (1)(B) for overtime may not exceed 25 percent of the funds available for grants pursuant to this subsection for any fiscal year;

"(B) paragraph (1)(C) may not exceed 20 percent of the funds available for grants pursuant to this subsection in any fiscal year; and

"(C) paragraph (1)(D) may not exceed 5 percent of the funds available for grants pursuant to this subsection for any fiscal year.".

(c) Additional Grant Projects.—Section 1701(d) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(d)) is amended—

(1) in paragraph (2)—

(A) by inserting "integrity and ethics" after "specialized"; and

(B) by inserting "and" after "enforcement officers";

(2) in paragraph (7) by inserting "school officials, religiously-affiliated organizations," after "enforcement officers";

(3) by striking paragraph (8) and inserting the following:

"(8) establish school-based partnerships between local law enforcement agencies and local school systems, by using school resource officers who operate in and around elementary and secondary schools to serve as a law enforcement liaison with other Federal, State, and local law enforcement and regulatory agencies, combat school-related crime and disorder problems, gang membership and criminal activity, firearms and explosives-related incidents, illegal use and possession of alcohol, and the illegal possession, use, and distribution of drugs;";

(4) in paragraph (10) by striking "and" at the end;

(5) in paragraph (11) by striking the period that appears at the end and inserting "; and"; and

(6) by adding at the end the following:

"(12) develop and implement innovative programs (such as the TRIAD program) that bring together a community's sheriff, chief of police, and elderly residents to address the public safety concerns of older citizens.".

(d) Technical Assistance.—Section 1701(f) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(f)) is amended—

(1) in paragraph (1)—

(A) by inserting "use up to 5 percent of the funds appropriated under subsection (a) to" after "The Attorney General may";

(B) by inserting at the end the following: "In addition, the Attorney General may use up to 5 percent of the funds appropriated under subsections (d), (e), and (f) for technical assistance and training to States, units of local government, Indian tribal governments, and to other public and private entities for those respective purposes.";

(2) in paragraph (2) by inserting "under subsection (a)" after "the Attorney General"; and

(3) in paragraph (3)—

(A) by striking "the Attorney General may" and inserting "the Attorney General shall";

(B) by inserting "regional community policing institutes" after "operation of"; and

(C) by inserting "representatives of police labor and management organizations, community residents," after "supervisors,".

(e) Technology and Prosecution Programs.—Section 1701 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amended by—

(1) striking subsection (k);

(2) redesignating subsections (f) through (j) as subsections (g) through (k); and

(3) striking subsection (e) and inserting the following:

"(e) Law Enforcement Technology Program.—Grants made under subsection (a) may be used to assist police departments, in employing professional, scientific, and technological advancements that will help them—

"(1) improve police communications through the use of wireless communications, computers, software, videocams, databases and other hardware and software that allow law enforcement agencies to communicate more effectively across jurisdictional boundaries and effectuate interoperability;

"(2) develop and improve access to crime solving technologies, including DNA analysis, photo enhancement, voice recognition, and other forensic capabilities; and

“(3) promote comprehensive crime analysis by utilizing new techniques and technologies, such as crime mapping, that allow law enforcement agencies to use real-time crime and arrest data and other related information—including non-criminal justice data—to improve their ability to analyze, predict, and respond pro-actively to local crime and disorder problems, as well as to engage in regional crime analysis.

“(f) COMMUNITY-BASED PROSECUTION PROGRAM.—Grants made under subsection (a) may be used to assist State, local or tribal prosecutors' offices in the implementation of community-based prosecution programs that build on local community policing efforts. Funds made available under this subsection may be used to—

“(1) hire additional prosecutors who will be assigned to community prosecution programs, including programs that assign prosecutors to handle cases from specific geographic areas, to address specific violent crime and other local crime problems (including intensive illegal gang, gun and drug enforcement projects and quality of life initiatives), and to address localized violent and other crime problems based on needs identified by local law enforcement agencies, community organizations, and others;

“(2) redeploy existing prosecutors to community prosecution programs as described in paragraph (1) of this section by hiring victim and witness coordinators, paralegals, community outreach, and other such personnel; and

“(3) establish programs to assist local prosecutors' offices in the implementation of programs that help them identify and respond to priority crime problems in a community with specifically tailored solutions.

At least 75 percent of the funds made available under this subsection shall be reserved for grants under paragraphs (1) and (2) and of those amounts no more than 10 percent may be used for grants under paragraph (2) and at least 25 percent of the funds shall be reserved for grants under paragraphs (1) and (2) to units of local government with a population of less than 50,000.”.

(f) RETENTION GRANTS.—Section 1703 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd-2) is amended by inserting at the end the following:

“(d) RETENTION GRANTS.—The Attorney General may use no more than 50 percent of the funds under subsection (a) to award grants targeted specifically for retention of police officers to grantees in good standing, with preference to those that demonstrate financial hardship or severe budget constraint that impacts the entire local budget and may result in the termination of employment for police officers funded under subsection (b)(1).”.

(g) DEFINITIONS.—

(1) CAREER LAW ENFORCEMENT OFFICER.—Section 1709(1) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd-8) is amended by inserting after “criminal laws” the following: “including sheriffs deputies charged with supervising offenders who are released into the community but also engaged in local community policing efforts.”.

(2) SCHOOL RESOURCE OFFICER.—Section 1709(4) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd-8) is amended—

(A) by striking subparagraph (A) and inserting the following:

“(A) to serve as a law enforcement liaison with other Federal, State, and local law enforcement and regulatory agencies, to address and document crime and disorder problems including gangs and drug activities, firearms and explosives-related incidents, and the illegal use and possession of alcohol affecting or occurring in or around an elementary or secondary school;

(B) by striking subparagraph (E) and inserting the following:

“(E) to train students in conflict resolution, restorative justice, and crime awareness, and to provide assistance to and coordinate with other officers, mental health professionals, and youth counselors who are responsible for the implementation of prevention/intervention programs within the schools;”; and

(C) by adding at the end the following:

“(H) to work with school administrators, members of the local parent teacher associations, community organizers, law enforcement, fire departments, and emergency medical personnel in the creation, review, and implementation of a school violence prevention plan;

“(I) to assist in documenting the full description of all firearms found or taken into custody on school property and to initiate a firearms trace and ballistics examination for each firearm with the local office of the Bureau of Alcohol, Tobacco, and Firearms;

“(J) to document the full description of all explosives or explosive devices found or taken into custody on school property and report to the local office of the Bureau of Alcohol, Tobacco, and Firearms; and

“(K) to assist school administrators with the preparation of the Department of Education, Annual Report on State Implementation of the Gun-Free Schools Act which tracks the number of students expelled per year for bringing a weapon, firearm, or explosive to school.”.

(h) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(11) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(11)) is amended—

(1) by amending subparagraph (A) to read as follows:

“(A) There are authorized to be appropriated to carry out part Q, to remain available until expended—

“(i) $1,150,000,000 for fiscal year 2000;

“(ii) $1,150,000,000 for fiscal year 2001;

“(iii) $1,150,000,000 for fiscal year 2002;

“(iv) $1,150,000,000 for fiscal year 2003;

“(v) $1,150,000,000 for fiscal year 2004; and

“(vi) $1,150,000,000 for fiscal year 2005.”; and

(2) in subparagraph (B)—

(A) by striking “3 percent” and inserting “5 percent”;

(B) by striking “1701(f)” and inserting “1701(g)”;

(C) by striking the second sentence and inserting “Of the remaining funds, if there is a demand for 50 percent of appropriated hiring funds, as determined by eligible hiring applications from law enforcement agencies having jurisdiction over areas with populations exceeding 150,000, no less than 50 percent shall be allocated for grants pursuant to applications submitted by units of local government or law enforcement agencies having jurisdiction over areas with populations exceeding 150,000 or by public and private entities that serve areas with populations exceeding 150,000, and no less than 50 percent shall be allocated for grants pursuant to applications submitted by units of local government or law enforcement agencies having jurisdiction over areas with populations less than 150,000 or by public and private entities that serve areas with populations less than 150,000.”;

(D) by striking “85 percent” and inserting “$600,000,000”; and

(E) by striking “1701(b),” and all that follows through “of part Q” and inserting the following: “1701 (b) and (c), $350,000,000 to grants for the purposes specified in section 1701(e), and $200,000,000 to grants for the purposes specified in section 1701(f).”.

● Mr. EDWARDS. Mr. President, I rise today in support of the 21st Century Community Policing Initiative Act. I am proud to be an original co-sponsor of this legislation, introduced by Senators BIDEN and SCHUMER, that I believe is crucial to our efforts to fight crime.

This important bill would re-authorize the successful Community Oriented Policing Services (COPS) program through the year 2005. Because of the COPS program, there are over 100,000 more police officers on the beat than there were before this program was implemented in 1994. This represents a nearly 20 percent increase in police presence nationwide.

By extending the COPS program, the 21st Century Community Policing Initiative Act will help put up to 50,000 more police on the streets over the next five years. It will also provide $350 million a year in grants to law enforcement agencies to assist them in acquiring new technology to enhance crime fighting efforts. This means better communications systems so cops in different jurisdictions can talk to each other; state of the art investigative tools like DNA analysis; and the means to target crime hot spots.

This legislation would also provide $200 million per year in grants for community-wide prosecutors. This aspect of the bill would expand the community policing concept to engage the whole community in preventing and fighting crime. The cops have been so successful in their jobs that the next step is to provide more prosecutors to help get criminals off the streets.

Mr. President, one of the best ways to fight crime is to have more well-trained police officers on our streets and in our schools, and to provide them with the latest equipment and technology. The COPS program has helped achieve these goals, and has in turn helped to make our communities safer places for our children, families, and businesses.

The COPS program has been a tremendous asset to my state of North Carolina. As of October 20th, the COPS program had provided North Carolina with grants of over $135 million. From Alexander Mills to Zebulon, North Carolina communities have received COPS funding to help law enforcement agencies hire an additional 2,602 police officers to patrol neighborhoods and protect our schools.

In August, I met with police officers and sheriffs from across North Carolina to learn more about how the COPS program is helping to keep local communities safe. I heard from law enforcement officers from the larger cities such as Raleigh and Charlotte. I also spoke with officers from smaller, rural areas like North Wilkesboro and Randolph County. The one clear message that I got from all of these officers is that the COPS program is working and should be continued.

Mr. President, crime rates in big cities are generally higher than they are in smaller towns. An increased police presence can help deter crime in these urban areas. However, officers I met with from less populated regions of North Carolina emphasized to me that even one more cop can make a world of difference to a community that lacks its own resources to hire more police officers. In these situations, the COPS program can step in and provide these communities with the additional help they need.

One of the most interesting and persuasive arguments to renew the COPS program was also one that I heard during these conversations with North Carolina police officers. They told me that when people think of the COPS program, they immediately think of more officers policing the streets. However, one of the most important roles that the COPS program has played is to provide funds for law enforcement agencies to work in partnership with education officials to solve problems of crime in and around schools.

Officers are not just placed in the schools to instill discipline. They act as counselors, coaches and mentors for children. And they are reaching out to students by offering safe after-school activities. North Carolina officers told me that these efforts are some of the best kinds of crime prevention measures that we can take.

By connecting with at-risk youth, these school-based officers have become trusted adult authority figures that kids will run to in times of trouble, instead of running away from them.

Many police chiefs and sheriffs credit community policing and COPS support with dramatic drops in crime rates around the nation. Since the inception of the COPS program, violent crime in North Carolina is down 7% and aggravated assault has fallen by 8%. According to a report issued by the State Bureau of Investigation, the state's murder rate fell 3% from 1997 to 1998. And, the country's crime rate is at its lowest in 25 years.

These statistics are encouraging, but now is not the time to eliminate a program that has substantially contributed to declining crime rates. We still have a long way to go to insuring that people are walking crime-free streets and children are attending crime-free schools.

Continuation of the COPS program is one significant way that we can continue to make progress towards these goals.

Mr. President, during debate on the juvenile crime bill, Senator BIDEN offered an amendment that would have re-authorized the COPS program through 2005. I voted for this amendment which was endorsed by many law enforcement organizations including the National Fraternal Order of Police and the International Association of Chiefs of Police. Unfortunately, the amendment failed by the slimmest of margins (48–50). However, I am confident that upon reconsideration of the question whether it is necessary to renew the COPS program, my colleagues will realize how effective and valuable the program has been, not only to their individual states, but to the nation as a whole.

I want to thank Senators BIDEN and SCHUMER for their efforts to re-authorize the COPS program and I urge all of my colleagues to support the 21st Century Community Policing Initiative Act.●

By Mr. COVERDELL (for himself and Mrs. LINCOLN):

S. 1762. A bill to amend the Watershed Protection and Flood Prevention Act to authorize the Secretary of Agriculture to provide cost share assistance for the rehabilitation of structural measures constructed as part of water resources projects previously funded by the Secretary under such act or related laws; to the Committee on Agriculture, Nutrition, and Forestry.

SMALL WATERSHED REHABILITATION ACT OF 1999

Mr. COVERDELL. Mr. President, we have a national problem that greatly affects Georgia if not addressed. Since 1944, under a federal program administered by the United States Department of Agriculture's Natural Resources Conservation Service, over 10,400 small watershed dams were constructed in 46 states. These dams were planned and designed with a 50 year lifespan. The purpose of this program was to provide flood control, water quality improvement, rural water supply assurance, fish and wildlife habitat protection, recreation, and irrigation.

Communities depend upon these watershed projects. However, many of these dams have reached their life expectancy and are badly in need of repair. Currently, the United States Department of Agriculture has neither the authority nor funds for rehabilitation of watershed structures. The legislation I introduce today along with Senator LINCOLN, the Small Watershed Rehabilitation Act of 1999, provides a needed and critical solution to this growing crisis for rural America.

The state of Georgia alone has 357 small watershed dams, 69 of which will reach the end of their designed lifespan within the next 10 years. It is my understanding that 121 dams in Georgia need to be modified to meet state dam safety laws and protect residential and commercial development downstream from the dams while 8 dams need repairs and modifications to extend their useful life and help prevent future environmental and economic losses. Since fiscal year 1996, the state of Georgia has appropriated over $4.6 million to bring these structures in compliance with the Georgia Safe Dams Act. However, state and local communities do not have enough financial resources available to rehabilitate these watersheds dams in a timely fashion.

The legislation Senator LINCOLN and I are introducing lays out a procedure and a funding mechanism for a rehabilitation process that would ultimately save these dams across the nation, including those located in Georgia. The bill authorizes $60 million a year from 2000 to 2009 and requires the Secretary of Agriculture to establish a system of ranking and approving rehabilitation requests on need and merit. Specifically, the legislation calls for $5 million to be used annually by the Secretary to assess the true needs of the entire program in the first two years of the program's existence. Under this program, 65 percent would be funded by the federal government while the remaining 35 percent would be funded locally. Recent flooding in the southeast from Hurricane Floyd and Irene make enactment of this legislation an even more pressing matter.

This bi-partisan legislation has been endorsed by Governor Roy Barnes of Georgia and a wide range of other Georgia state and local officials and national associations.

I would like to thank Senator LINCOLN for her leadership, and for working with me on this important legislation. This bill is a Senate companion to legislation introduced by Representative FRANK LUCAS of Oklahoma. We look forward to working with him on securing its enactment.

Mr. President, I ask unanimous consent that the text of the bill and letters of support be priinted in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1762

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Watershed Rehabilitation Act of 1999".

SEC. 2. REHABILITATION OF WATER RESOURCE STRUCTURAL MEASURES CONSTRUCTED UNDER CERTAIN DEPARTMENT OF AGRICULTURE PROGRAMS.

The Watershed Protection and Flood Prevention Act (16 U.S.C. 1001 et seq.) is amended by adding at the end the following new section:

"SEC. 14. REHABILITATION OF STRUCTURAL MEASURES NEAR, AT, OR PAST THEIR EVALUATED LIFE EXPECTANCY.

"(a) DEFINITIONS.—For purposes of this section:

"(1) REHABILITATION.—The term 'rehabilitation', with respect to a structural measure constructed as part of a covered water resource project, means the completion of all work necessary to extend the service life of the structural measure and meet applicable safety and performance standards. This may include (A) protecting the integrity of the structural measure, or prolonging the useful life of the structural measure, beyond the original evaluated life expectancy, (B) correcting damage to the structural measure from a catastrophic event, (C) correcting the deterioration of structural components that are deteriorating at an abnormal rate, (D) upgrading the structural measure to meet changed land use conditions in the watershed served by the structural measure or changed safety criteria applicable to the structural measure, or (E) decommissioning the structural measure, including removal or breaching.

“(2) Covered water resource project.—The term ‘covered water resource project’ means a work of improvement carried out under any of the following:

“(A) This Act.

“(B) Section 13 of the Act of December 22, 1944 (Public Law 78–534; 58 Stat. 905).

“(C) The pilot watershed program authorized under the heading ‘Flood Prevention’ of the Department of Agriculture Appropriation Act, 1954 (Public Law 156; 67 Stat. 214).

“(D) Subtitle H of title XV of the Agriculture and Food Act of 1981 (16 U.S.C. 3451 et seq.; commonly known as the Resource Conservation and Development Program).

“(3) Eligible local organization.—The term ‘eligible local organization’ means a local organization or appropriate State agency responsible for the operation and maintenance of structural measures constructed as part of a covered water resource project.

“(4) Structural measure.—The term ‘structural measure’ means a physical improvement that impounds water, commonly known as a dam, which was constructed as part of a covered water resource project.

“(b) Cost Share Assistance for Rehabilitation.—

“(1) Assistance authorized.—The Secretary may provide financial assistance to an eligible local organization to cover a portion of the total costs incurred for the rehabilitation of structural measures originally constructed as part of a covered water resource project. The total costs of rehabilitation include the costs associated with all components of the rehabilitation project, including acquisition of land, easements, and rights-of-ways, rehabilitation project administration, the provision of technical assistance, contracting, and construction costs, except that the local organization shall be responsible for securing all land, easements, or rights-of-ways necessary for the project.

“(2) Amount of assistance; limitations.—The amount of Federal funds that may be made available under this subsection to an eligible local organization for construction of a particular rehabilitation project shall be equal to 65 percent of the total rehabilitation costs, but not to exceed 100 percent of actual construction costs incurred in the rehabilitation. However, the local organization shall be responsible for the costs of water, mineral, and other resource rights and all Federal, State, and local permits.

“(3) Relation to land use and development regulations.—As a condition on entering into an agreement to provide financial assistance under this subsection, the Secretary, working in concert with the eligible local organization, may require that proper zoning or other developmental regulations are in place in the watershed in which the structural measures to be rehabilitated under the agreement are located so that—

“(A) the completed rehabilitation project is not quickly rendered inadequate by additional development; and

“(B) society can realize the full benefits of the rehabilitation investment.

“(c) Technical Assistance for Watershed Project Rehabilitation.—The Secretary, acting through the Natural Resources Conservation Service, may provide technical assistance in planning, designing, and implementing rehabilitation projects should an eligible local organization request such assistance. Such assistance may consist of specialists in such fields as engineering, geology, soils, agronomy, biology, hydraulics, hydrology, economics, water quality, and contract administration.

“(d) Prohibited Use.—

“(1) Performance of operation and maintenance.—Rehabilitation assistance provided under this section may not be used to perform operation and maintenance activities specified in the agreement for the covered water resource project entered into between the Secretary and the eligible local organization responsible for the works of improvement. Such operation and maintenance activities shall remain the responsibility of the local organization, as provided in the project work plan.

“(2) Renegotiation.—Notwithstanding paragraph (1), as part of the provision of financial assistance under subsection (b), the Secretary may renegotiate the original agreement for the covered water resource project entered into between the Secretary and the eligible local organization regarding responsibility for the operation and maintenance of the project when the rehabilitation is finished.

“(e) Application for Rehabilitation Assistance.—An eligible local organization may apply to the Secretary for technical and financial assistance under this section if the application has also been submitted to and approved by the State agency having supervisory responsibility over the covered water resource project at issue or, if there is no State agency having such responsibility, by the Governor of the State. The Secretary shall request the State dam safety officer (or equivalent State official) to be involved in the application process if State permits or approvals are required. The rehabilitation of structural measures shall meet standards established by the Secretary and address other dam safety issues. At the request of the eligible local organization, personnel of the Natural Resources Conservation Service of the Department of Agriculture may assist in preparing applications for assistance.

“(f) Justification for Rehabilitation Assistance.—In order to qualify for technical or financial assistance under this authority, the Secretary shall require the rehabilitation project to be performed in the most cost-effective manner that accomplishes the rehabilitation objective. Since the requirements for accomplishing the rehabilitation are generally for public health and safety reasons, in many instances being mandated by other State or Federal laws, no benefit-cost analysis will be conducted and no benefit-cost ratio greater than one will be required. The benefits of and the requirements for the rehabilitation project shall be documented to ensure the wise and responsible use of Federal funds.

“(g) Ranking of Requests for Rehabilitation Assistance.—The Secretary shall establish such system of approving rehabilitation requests, recognizing that such requests will be received throughout the fiscal year and subject to the availability of funds to carry out this section, as is necessary for proper administration by the Department of Agriculture and equitable for all eligible local organizations. The approval process shall be in writing, and made known to all eligible local organizations and appropriate State agencies.

“(h) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary $60,000,000 for each of the fiscal years 2000 through 2009 to provide financial and technical assistance under this section.

“(i) Assessment of Rehabilitation Needs.—Of the amount appropriated pursuant to subsection (h) for fiscal years 2000 and 2001, $5,000,000 shall be used by the Secretary, in concert with the responsible State agencies, to conduct an assessment of the rehabilitation needs of covered water resource projects in all States in which such projects are located.

“(j) Recordkeeping and Reports.—

“(1) Secretary.—The Secretary shall maintain a data base to track the benefits derived from rehabilitation projects supported under this section and the expenditures made under this section. On the basis of such data and the reports submitted under paragraph (2), the Secretary shall prepare and submit to Congress an annual report providing the status of activities conducted under this section.

“(2) Grant recipients.—Not later than 90 days after the completion of a specific rehabilitation project for which assistance is provided under this section, the eligible local organization that received the assistance shall make a report to the Secretary giving the status of any rehabilitation effort undertaken using financial assistance provided under this section.”.

STATE OF GEORGIA,
OFFICE OF THE GOVERNOR,
Atlanta, June 16, 1999.

Hon. PAUL COVERDELL,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR PAUL: The purpose of this correspondence is to encourage your strong and active support for H.R. 728, the Small Watershed Rehabilitation Amendment of 1999. H.R. 728 was introduced by Representative Frank D. Lucas of Oklahoma and amends the Watershed Protection and Flood Prevention Act (P.L. 83–566, 16 U.S.C. 1001 et seq.) by adding a new section to provide federal cost-share for rehabilitation of structural measures that are near, at, or past their evaluated life expectancy. Cost-share assistance will be provided to local watershed, conservation and other districts that have the legal responsibility for the safety and conditions of watershed dams throughout the United States. The need for funding by H.R. 728 results from the fact that the United States Department of Agriculture now has neither the authority nor funds for rehabilitation of watershed structures.

To date, there have been over 10,400 watershed dams constructed with the help of federal cost-share funds, primarily through Public Law 83–566, the Watershed Protection and Flood Prevention Act. Georgia has 351 watershed structures as a result of this program. Many of these dams are nearing, or are already at the end of, their design lifetime—50 years—and are in need of significant rehabilitation to maintain structural integrity and dam safety. Twenty-two of Georgia's Soil and Water Conservation Districts have primary responsibility for operating and maintaining these 351 dams, and many of our districts share responsibility with local governments on the remaining structures. Since FY96, the state of Georgia has appropriated over $4.6 million to bring these structures in compliance with the Georgia Safe Dams Act.

These watershed structures provide over $16 million of benefits each year to Georgia communities by protecting urban and rural infrastructures, as well as personal property, from flooding and flood damage. These dams also protect irreplaceable natural resources through an effective watershed approach.

Representative Lucas is currently seeking co-sponsors for this bill in the House. Congressmen Nathan Deal and Saxby Chambliss have already become co-sponsors of H.R. 728. I would like to ask for your support in cosponsoring this legislation; it is important to Georgia's soil and water conservation districts and the state of Georgia.

Thank you.

Sincerely,

Roy E. Barnes.

Office of the Commissioner,
Pickens County, GA, October 20, 1999.
Senator Paul Coverdell,
Russell Senate Office Bldg., Washington, DC.

Dear Senator Coverdell: I certainly appreciate and support your effort to introduce the Small Watershed Rehabilitation Act 1999.

As you know, these watershed structures are very well placed in 19 sites throughout our County preventing major runoff, erosion and flooding.

Even though our efforts to maintain them are ongoing we are somewhat limited by budget and time restraints due to routine County maintenance.

Sincerely,

Frank Martin,
Commissioner.

Paulding County Board
of Commissioners,
Dallas, GA, October 20, 1999.
Hon. Paul Coverdell,
Russell Senate Office Building, Washington, DC.

Dear Senator Coverdell: I would like to offer you my support for the Small Watershed Rehabilitation Senate Bill that you will be introducing. I appreciate your efforts on behalf of Paulding County. If there is ever anything I can do for you, please don't hesitate to give me a call.

Sincerely,

Bill Carruth,
Chairman.

Paulding County
Board of Commissioners,
Dallas, GA, October 20, 1999.
Hon. Paul Coverdell,
Russell Senate Office Building,
Washington, DC.

Dear Senator Coverdell: In reference to the Small Watershed Rehabilitation Senate Bill that you will be introducing, I want to offer you my support in your efforts to get this passed. I appreciate your time and effort in what you are doing for Paulding County and if there is ever anything I can do for you, please don't hesitate to give me a call.

Sincerely,

Hal Echols,
Post III Commissioner.

Paulding County
Board of Commissioners,
Dallas, GA, October 20, 1999.
Hon. Paul Coverdell,
Russell Senate Office Building,
Washington, DC.

Dear Senator Coverdell: In reference to the Small Watershed Rehabilitation Senate Bill that you will be introducing, I want to offer you my support in your efforts to get this passed. I appreciate your time and effort in what you are doing for Paulding County and if there is ever anything I can do for you, please don't hesitate to give me a call.

Sincerely,

Roger Leggett,
Post II Commissioner.

Paulding County
Board of Commissioners,
Dallas, GA, October 20, 1999.
Hon. Paul Coverdell,
Russell Senate Office Building,
Washington, DC.

Dear Senator Coverdell: I am in total support of the Watershed.Dam bill you will be introducing. We have many watershed dams in Paulding County that are in need of repair.

If you need any additional, please call me.

Sincerely,

Mike J. Pope,
Commissioner, Post I.

Cobb County Board
of Commissioners,
Marietta, GA, October 19, 1999.
Hon. Paul Coverdell,
U.S. Senate, Russell Senate Office Building, Washington, DC.

Dear Senator Coverdell: I want to formally endorse your sponsorship of legislation to amend the Watershed Protection and Flood Prevention Act, in order to provide financial assistance to local entities working to rehabilitate structural measures constructed as part of a covered water resource project.

Having federal financial assistance available to address a portion of the costs for the rehabilitation of structures that impound water can ensure that appropriate revenues and support will be available as Cobb County works to extend the service life of these structures.

Finally, I appreciate the effort on behalf of Congress to address the safety concerns associated with the maintenance of these aging structures. The protection of life and property is a priority and assistance in this effort is most appreciated.

Please know that I aggressively support this legislation and your sponsorship.

Sincerely,

Bill Byrne,
Chairman.

Gwinnett County,
Office of the County Administrator,
October 19, 1999.
Senator Paul D. Coverdell,
Colony Square, Atlanta, GA.

Senator Coverdell: I appreciate the opportunity to give input on the Watershed Rehabilitation Legislation. I have reviewed the draft bill, and it appears to be in our best interest for this legislation to pass. It provides 65% rehabilitation funding for existing soil conservation service dams. This funding can also be used to extend the life of the dams, correct accelerated deterioration, correct damage from a catastrophic event, or upgrade the dam to meet changed land use conditions in the watershed.

It appears that no funding is currently available for this work, and since Gwinnett County has responsibility for 14 of the referenced dams, we support this draft legislation. If you have any questions or need additional information, please feel free to call me at (770) 822-7021. Thank you.

Sincerely,

Charlotte Nash,
County Administrator.

Habersham County,
Office of County Commissioners,
Clarkesville, GA, October 20, 1999.
To: Mr. Richard Gupton.
Subject: Small Watershed Rehabilitation Act of 1999.

Dear Sir: We fully support Senator Paul Coverdell's effort to obtain federal funds to up grade and maintain the watershed dams in our county. These dams have provided and are still providing much needed flood protection and other benefits including municipal water. The cost of bringing these dams up to safe dams standards far exceeds our budget. Any help from the federal level is certainly a wise use of tax dollars.

Sincerely,

Jerry L. Tanksley,
Chairman.

City of Hogansville,
E. Main Street,
Hogansville, GA, October 21, 1999.

Honorable Paul Coverdell: The reservoir here in Hogansville was built in the mid 1970's primarily for the purpose of flood control. It has served the community exceptionally well in its intended purpose.

It can't be overstated as to how important the maintenance of the dam is to the integrity of the dam and the safety to the community immediately downstream.

As with anything we do, it does cost to properly maintain the dam and these costs escalate each year. It is extremely important that we receive Federal financial assistance with the maintenance of the dam at our reservoir.

Sincerely,

David Aldrich,
City Manager.

Upper Chattahoochee River Soil
and Water Conservation District,
October 20, 1999.
Re Watershed Dam Rehabilitation.
Mr. Richard Gupton.

Dear Mr. Gupton: I would like to express our strongest support for Senator Coverdell's Bill to provide assistance to repair the watershed dams across the county and especially important to me the dams in Forsyth County.

I have been a supervisor in Forsyth County for over five years and have seen first hand the tremendous benefits that these structures have provided the citizens of Forsyth County.

As these dams approach 40 and 50 years old the District has seen the urgent need for federal assistance in performing necessary repairs and upgrades to meet new regulations and standards. This assistance is urgently needed to upgrade these structures so they can continue to provide benefits in the year to come.

Sincerely,

Leonard Ridings,
District Supervisor.

BARTOW COUNTY
COMMISSIONER'S OFFICE,
October 21, 1999.

Senator PAUL COVERDELL,
U.S. Senate, Washington, DC.
Re Watershed Dams Legislation.

DEAR SENATOR COVERDELL: As County Commissioner, I support the legislation currently being considered on watershed dams.

Bartow County has seven watershed dams. This legislation, if passed, would benefit many counties, like Bartow that have several of these dams to maintain.

Thank you for your endorsement of this legislation.

Very truly yours,

CLARENCE BROWN,
SOLE COMMISSIONER,
Bartow County, GA.

NATIONAL WATERSHED COALITION,
October 4, 1999.

Hon. PAUL D. COVERDELL,
U.S. Senate, Washington, DC.

DEAR SENATOR COVERDELL, Recently I have heard you might be considering introducing a Small Watershed Rehabilitation Bill in the Senate, much like H.R. 728 that is working its way through the House of Representatives. This letter is to support you in that endeavor, and offer the resources of the National Watershed Coalition (NWC) in that support.

Our NWC represents local watershed project sponsors at the national level. For many years they have been telling us that our nation's small watershed structures, which provide invaluable benefits to society, in some instances are in vital need of rehabilitation and upgrading to meet current standards. In many cases, these local sponsors, no matter how much they would like to be able to accomplish these mandated upgrades, simply do not have the financial capability to do so, and are not likely to get that capability soon. Your own state of Georgia has been a national leader in recognizing this problem and assisting these local project sponsors with technical and financial help. Even with Georgia's own statewide rehabilitation program, more is needed. We believe that since the federal government worked with these local sponsors in planning and building these structures, and since much of the required upgrading is as a result of changed federal policies, it just makes sense that the federal government assist with the rehabilitation on a cost-sharing basis much as they did the original construction.

Within the next 10 years, 69 of Georgia's 357 watershed structures will reach the end of their designed lifespan. Georgia has about 130 structures that need some modification, and the cost estimate is $85 million. The cost of rehabilitating these structures can be expensive. Two dams were recently modified in Georgia's Etowah River and Raccoon Creek Watersheds at a cost of nearly $750,000 each. With rehabilitation, these very worthwile structures will continue to provide benefits to society for years to come. It has been estimated these watershed projects provide $2.20 in benefits for every $1.00 of cost. That is the kind of federal investment we ought to be protecting.

The NWC is pleased you are considering introducing such a bill, and will help.

Sincerely,

W.R. "BILL" HAMM,
Chairman.

NATIONAL WATERSHED COALITION,
Burke, VA.

NATIONAL WATERSHED COALITION—WHAT IS IT?—WHO IS IT?

The National Watershed Coalition is a nonprofit organization consisting of national, regional, state, and local associations and organizations that have joined forces to advocate the use of the watershed or hydrologic unit concept when assessing natural resources issues. Additionally, we are pooling our resources to support and strengthen USDA's Small Watershed Protection and Flood Prevention Programs (PL 534 & 566) as we believe they represent the best available planning and implementation vehicles for water and land resource management. The Coalition also supports other water resources programs employing total resource based principles in planning, and the rehabilitation of older projects.

The affairs of the Coalition are managed by a steering committee made up of representatives of all participating national, regional, and state organizations and associations. Current steering committee membership includes: Alabama Association of Conservation Districts; Arkansas Watershed Coalition; Associated General Contractors of America; Association of State Dam Safety Officials; Association of State Floodplain Managers; Association of Texas Soil & Water Conservation Districts; Interstate Council on Water Policy; Iowa Watersheds; Kansas Association of Conservation Districts; Land Improvement Contractors of America; Lower Colorado River Authority, Texas; Mississippi Association of Conservation Districts; Missouri Watershed Association; National Association of Conservation Districts; National Association of Flood and Stormwater Management Agencies; National Association of State Conservation Agencies; New Mexico Watershed Coalition; North Carolina Association of Soil & Water Conservation Districts; Oklahoma Association of Conservation Districts; Oklahoma Conservation Commission; Pennsylvania Division of Conservation Districts; Soil & Water Conservation Society; South Carolina Association of Conservation Districts; South Carolina Land Resources Conservation Commission; State Association of Kansas Watersheds; Tennessee Association of Conservation Districts; Texas Association of Watershed Sponsors; Texas State Soil & Water Conservation Board; Tombigbee River Valley Water Management District, Mississippi; Town Creek Water Management District of Lee, Pontotoc, Prentiss & Union Counties, Mississippi; Virginia Association of Soil & Water Conservation Districts; West Virginia Soil & Water Conservation District Supervisors Association; West Virginia State Soil Conservation Agency; and Wisconsin PL-566 Coalition.

MEMBERSHIPS

The National Watershed Coalition includes among its membership a number of supporters (local watershed sponsors and individuals), who have made voluntary tax-exempt contributions to support the Coalition's efforts. Funds obtained through memberships are used to provide information to all members, and help defray expenses of publishing the newsletter, mailings and a biennial conference. Our membership categories are individual, organization and Steering Committee.

HOW THE STEERING COMMITTEE WORKS

The steering committee meets three to four times each year to review problems and concerns about water resources issues and the PL 534 & 566 watershed programs and related authorities, and discuss recommendations on how the program can be improved. Each representative takes recommendations back to their own organization and follows up with their own membership, committees, and contacts. There is also regular communication throughout the year concerning progress made on current watershed management issues.

There is no required membership fee to become a member of the Steering Committee of the National Watershed Coalition, although some organizations do make a voluntary contribution in support. In addition, representatives of participating organizations and associations pay their own wages and expenses for attendance at committee meetings, and handle their own clerical and postage expenses inhouse. Steering committee members are encouraged to also be Individual Members.

From time to time, there has been, and may be again, solicitation for funds for specific purposes toward a common goal; however, it is understood that solicited funds are to be given entirely on a voluntary basis. The Coalition is a 501(c)(3) organization. Funds contributed to the Coalition are tax deductible.

If your organization wishes to play a more active role in this effort, we welcome your participation. All you need to do is write to the address indicated below requesting to be a part of this important effort, explaining your organization's interest and support for the watershed approach and the Small Watershed Programs, and providing the name, title, and address of the person designated to represent your group. When your organization receives its acceptance letter, you will be included on the mailing list and invited to participate in all steering committee meetings. We welcome all interested organizations.

We look forward to hearing from you. The more participation we have, the stronger our voice will be.

By Mr. DEWINE (for himself and Mr. KOHL):

S. 1764. A bill to make technical corrections to various antitrust laws and to references to such laws; to the Committee on the Judiciary.

ANTITRUST TECHNICAL CORRECTIONS AND IMPROVEMENTS ACT OF 1999

• Mr. KOHL. Mr. President, I rise today to co-sponsor the Antitrust Technical Corrections and Improvements Act of 1999 with my colleague MIKE DEWINE. This act makes five miscellaneous technical corrections to the antitrust laws. Companion legislation to this bill has been introduced in the House by Representatives HYDE and CONYERS.

One of the technical corrections repeals an outdated provision which applies only to the Panama Canal, one clarifies a long existing ambiguity and expressly ensures that the Sherman Act applies to the District of Columbia and the territories, and another repeals a redundant jurisdictional provision. In addition, two other provisions correct typographical errors in two antitrust statutes—the inadvertent mislabeling of an amendment to the Clayton Act passed last year and another a punctuation error in the Year 2000 Information and Readiness Disclosure Act.

The only difference between our bill and the House companion is that the House would repeal an outdated statute—the Taking Depositions in Public Act—which requires that pre-trial depositions in antitrust cases brought by the government be taken in public. This provision was enacted in 1913 at a time when antitrust cases were tried under completely different procedures from today and testimony was usually not taken in open court. In other words, back then antitrust trials were essentially conducted "on paper." This statute was virtually ignored—and unused—until the past year. This provision was revived last year when, as part of its antitrust lawsuit against Microsoft, the government deposed Bill Gates.

Now, of course, people need to be deposed if they possess evidence that may be integral to the resolution of the case. But today the 1913 statute seems both unnecessary, counter-productive and, even, voyeuristic—that is, if you can have voyeurism in an antitrust context. Its need has vanished because testimony is now taken in open court in antitrust cases, as it is in any other. Indeed, requiring the depositions of prominent figures such as Bill Gates and Steve Case in controversial and widely publicized cases inevitably creates a media "feeding frenzy" contrary to the sound administration of justice and a sober examination of complicated legal issues.

So I would support the House provision but, at this point, my belief is that it is more important to move the underlying measure in a timely manner than to wait to develop a consensus on the deposition provision in the Senate. We'll work on that consensus here, or we'll work the differences out in conference.

Mr. President, I ask that a summary of the bill be printed in the RECORD. I look forward to working with my colleagues to turn this bill into law.

The summary of the bill follows:

SUMMARY OF THE ANTITRUST TECHNICAL CORRECTIONS AND IMPROVEMENTS ACT OF 1999

1. Repeal of the Antitrust Provision of the Panama Canal Act (15 U.S.C. §31)—Section 11 of the Panama Canal Act provides that no vessel owned by someone who is violating the antitrust laws may pass through the Panama Canal. With the return of the Canal to Panamanian sovereignty at the end of 1999, it is appropriate to repeal this outdated provision.

2. Clarification that Section 2 of the Sherman Act Applies to the District and the Territories (15 U.S.C. §3)—Sections 1 and 2 of the Sherman Act are two of the central provisions of the antitrust laws. Section 1 prohibits combinations or conspiracies in restraint of trade, and Section 2 prohibits monopolization. Section 3 of the Sherman Act was intended to apply these provisions to the District of Columbia and the various territories of the United States. Unfortunately, however, section 3 is ambiguously drafted and leaves it unclear whether Section 2 applies to the District of Columbia and the territories. This bill clarifies that both Section 1 and Section 2 apply to the District and the Territories.

3. Repeal of Redundant Antitrust Jurisdictional Provision in Section 77 at the Wilson Tariff Act—In 1955, Congress modernized the jurisdictional and venue provisions relating to antitrust suits by amendment Section 4 of the Clayton Act (15 U.S.C. §15). At that time, it repealed the redundant jurisdiction provision in Section 7 of the Sherman Act, but not the corresponding provision in Section 77 of the Wilson Tariff Act. It appears that this was an oversight because Section 77 was never codified and has rarely been used. Repealing Section 77 will not change any substantive rights because Section 4 of the Clayton Act provides any potential plaintiff with the same rights. Rather it simply rides the law of a confusing, redundant, and little used provision.

4. Technical Amendment to the Curt Flood Act of 1998 (Public Law 105-297)—This provision corrects an inadvertent technical error in the statutory codification of the Curt Flood Act of 1998, the statute which provided that major league baseball players are covered under the antitrust law. The Curt Flood Act was codified to a section number of the Clayton Act which was already in use. The amendment corrects this error by redesignating the statute as section 28 of the Clayton Act. This substantive change to the statute is intended.

5. Technical Amendment to the Year 2000 Information and Readiness Disclosure Act—This provision corrects a typographical error in the statute as enacted by the inserting a missing period in section 5(a)(2). No substantive change to the statute is intended.●

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1765. A bill to prohibit post-viability abortions; to the Committee on the Judiciary.

THE LATE-TERM ABORTION BAN BILL

Mrs. FEINSTEIN. Mr. President, Senator BOXER and I today are introducing a bill to ban abortions after a fetus is viable.

The bill has 3 provisions:

(1) It bans post-viability abortions.

(2) It provides an exception to the ban if, in the medical judgment of the attending physician, the abortion is necessary to preserve the life of the woman or to avert serious adverse health consequences to the woman.

(3) It includes two civil penalties:

For the first offense, a fine not to exceed $10,000. For the second offense, revocation of a physician's medical license.

This amendment is similar to S. 481 which we introduced in the previous Congress and the amendment we offered as a substitute to the "partial-birth abortion bill" when the Senate considered it. The major difference is that the bill we introduce today adds the penalty of revocation of the medical license for a second offense. S. 481 did not include this penalty. Both S. 481 and this bill have as the penalty for the first offense a $10,000 fine.

This bill reflects my deep belief that abortions after a fetus is viable should not take place except in the rarest of circumstances to protect the life and health of the mother. That is the intent of this bill.

The medical community has said that there are very occasionally very extraordinary and tragic circumstances when a physician may determine that a postviability abortion is the safest procedure for protecting a woman's health. These are circumstances which most of us can never imagine.

Leading medical organizations say that post-viability abortions are rare and should be rare. They say that medical decisions should be made by doctors who must determine the best procedure. For example, the American College of Obstetricians and Gynecologists, has said:

> ACOG has never supported post-viability abortions except for the constitutionally protected exception of saving the life or health of a woman.
>
> There may be circumstances where the physician and patient would reach the conclusion that this procedure [Intact Dilatation and Extraction after 16 weeks of pregnancy] is the most medically appropriate . . . there is a need for flexibility in handling unexpected situations. . . .

The California Medical Association wrote me, "The determination of the medical need for, and effectiveness of, particular medical procedures must be left to the medical profession, to be reflected in the standard of care . . . The legislative process is ill-suited to evaluate complex medical procedures whose importance may vary with a particular patient's case and with the state of scientific knowledge."

Congress cannot anticipate every conceivable medical situation. Only the doctor, in consultation with the patient, based upon the woman's unique medical history and health can make this decision of how best to protect the woman's health.

This substitute is designed to protect the fetus, to protect the woman's life and health and to give the physician the latitude to make the necessary medical decisions in those rarest of circumstances.

The U.S. Supreme Court, in the 1973 Roe v. Wade decision, held that the woman's health must be the physician's primary concern and the physician must be given the discretion he or she needs to choose the most appropriate abortion method to protect the woman's life and health.

The Supreme Court has defined "health of the mother." In Doe v. Bolton, the Court held that the decision of whether a woman requires an abortion for the health of the mother is a medical judgment to "be exercised in light of all factors—physical, emotional, psychological, familial, and the woman's age—relevant to the well-being of the patient." In so doing, the Court further recognized a doctor's important role in determining whether an abortion is necessary.

I believe that the language of this bill—unlike S. 1692, Senator SANTORUM's bill and the substitute offered yesterday by Senator DURBIN—has a meaningful health exception for the woman and is constitutional.

The decision to have an abortion—by the mother, the father, the physician—is never an easy one. It is the most wrenching decision any woman could ever have to make. It is a profoundly, impossibly difficult decision in the late stages of pregnancy.

No physician would perform a postviability abortion without extended and serious consideration. Because the physician's action has consequences for human life and the action should not be undertaken except in the gravest of circumstances, the substitute includes two penalties. It creates for the first offense a $10,000 fine; for the second offense, revocation of the physician's license.

I oppose post-viability abortions. They are wrong, except to save the mother's life and health. Late-term abortions are rare and they should be rare.

I will vote against S. 1692, Senator SANTORUM's bill, because it is not constitutional. It does not include adequate protections for a woman's health.

I believe this bill is a far preferable approach. Its penalties represent grave consequences for violations. It protects the fetus except in extraordinary circumstances that could have serious adverse consequences for the mother's health. It protects a woman's life and health.

I hope my colleagues will join me in passing this bill.

By Mr. INOUYE (for himself and Mr. AKAKA):

S. 1767. A bill to amend the Elementary and Secondary Education Act of 1965 to improve Native Hawaiian education programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

NATIVE HAWAIIAN EDUCATION REAUTHORIZATION ACT

Mr. INOUYE. Mr. President, I rise today to introduce a bill, on behalf of myself and Senator AKAKA, that would provide for the reauthorization of the Native Hawaiian Education Act.

First enacted into law in 1988 as part of the Elementary and Secondary Education Act, the Native Hawaiian Education Act provides support for the education of native Hawaiian students in furtherance of the United States' trust responsibility to the native people of Hawaii.

Mr. President, I am sad to report that while these programs are beginning to demonstrate an improved pattern of academic performance and achievement, we still have a way to go, as the following statistics would indicate.

Education risk factors continue to start even before birth for many native Hawaiian children, including late or no prenatal care, high rates of births to unmarried native Hawaiian mothers, and high rates of births to teenage parents.

Native Hawaiian students continue to begin their school experience lagging behind other students in terms of readiness factors such as vocabulary test scores;

Native Hawaiian students continue to score below national norms on standardized education achievement tests at all grade levels;

Both public and private schools continue to show a pattern of lower percent ages of native Hawaiian students in the uppermost achievement levels and in gifted and talented programs;

Native Hawaiian students continue to be over-represented among students qualifying for special education programs provided to students with learning disabilities, mild mental retardation, emotional impairment, and other such disabilities;

Native Hawaiian continue to be under-represented in institutions of higher education and among adults who have completed four or more years of college;

Native Hawaiian continue to be disproportionately represented in many negative social and physical statistics indicative of special educational needs, as demonstrated by the fact that—

Native Hawaiian students are more likely to be retained in grade level and to be excessively absent in secondary school;

Native Hawaiian students have the highest rates of drug and alcohol use in the State of Hawaii; and

Native Hawaiian children continue to be disproportionately victimized by child abuse and neglect; and

In the 1988, National Assessment of Educational Progress, Hawaiian fourth graders ranked 39 among groups of students from 39 States in reading.

Mr. President, because Hawaiian students rank among the lowest groups of students nationally in reading, and because native Hawaiian students rank the lowest among Hawaiian students in reading, it is imperative that greater focus be placed on beginning reading and early education and literacy in Hawaii.

Mr. President, there was a time in the history of Hawaii when there were very high rates of literacy and integration of traditional culture and Western Education among native Hawaiians. These high rates were attributable to the Hawaiian language-based public school system established in 1840 by King Kamehameha III.

Mr. President, if we are to reverse the course of these downward trends in educational achievement and academic performance of native Hawaiian students, it is critical that the initiatives authorized by the Native Hawaiian Education Act be reauthorized.

Mr. President, I respectfully request unanimous consent that the text of this measure be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1767

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Native Hawaiian Education Reauthorization Act".

SEC. 2. NATIVE HAWAIIAN EDUCATION.

Part B of title IX of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7901 et seq.) is amended to read as follows:

"PART B—NATIVE HAWAIIAN EDUCATION

"SEC. 9201. SHORT TITLE.

"This part may be cited as the 'Native Hawaiian Education Act'.

"SEC. 9202. FINDINGS.

"Congress finds the following:

"(1) Native Hawaiians are a distinct and unique indigenous people with a historical continuity to the original inhabitants of the Hawaiian archipelago, whose society was organized as a nation and internationally recognized as a nation by the United States, Britain, France, and Japan, as evidenced by treaties governing friendship, commerce, and navigation.

"(2) At the time of the arrival of the first non-indigenous people in Hawai‘i in 1778, the Native Hawaiian people lived in a highly organized, self-sufficient subsistence social system based on a communal land tenure system with a sophisticated language, culture, and religion.

"(3) A unified monarchal government of the Hawaiian Islands was established in 1810 under Kamehameha I, the first King of Hawai‘i.

"(4) From 1826 until 1893, the United States recognized the sovereignty and independence of the Kingdom of Hawai‘i, which was established in 1810 under Kamehameha I, extended full and complete diplomatic recognition to the Kingdom of Hawai‘i, and entered into treaties and conventions with the Kingdom of Hawai‘i to govern friendship, commerce and navigation in 1826, 1842, 1849, 1875, and 1887.

"(5) In 1893, the sovereign, independent, internationally recognized, and indigenous government of Hawai‘i, the Kingdom of Hawai‘i, was overthrown by a small group of non-Hawaiians, including United States citizens, who were assisted in their efforts by the United States Minister, a United States naval representative, and armed naval forces of the United States. Because of the participation of United States agents and citizens in the overthrow of the Kingdom of Hawai‘i, in 1993 the United States apologized to Native Hawaiians for the overthrow and the deprivation of the rights of Native Hawaiians to self-determination through Public Law 103-150 (107 Stat. 1510).

"(6) In 1898, the joint resolution entitled 'Joint Resolution to provide for annexing the Hawaiian Islands to the United States', approved July 7, 1898 (30 Stat. 750), ceded absolute title of all lands held by the Republic of Hawai‘i, including the government and crown lands of the former Kingdom of Hawai‘i, to the United States, but mandated that revenue generated from the lands be used 'solely for the benefit of the inhabitants of the Hawaiian Islands for educational and other public purposes'.

“(7) By 1919, the Native Hawaiian population had declined from an estimated 1,000,000 in 1778 to an alarming 22,600, and in recognition of this severe decline, Congress enacted the Hawaiian Homes Commission Act, 1920 (42 Stat. 108), which designated approximately 200,000 acres of ceded public lands for homesteading by Native Hawaiians.

“(8) Through the enactment of the Hawaiian Homes Commission Act, 1920, Congress affirmed the special relationship between the United States and the Native Hawaiians, which was described by then Secretary of the Interior Franklin K. Lane, who said: ‘One thing that impressed me . . . was the fact that the natives of the island who are our wards, I should say, and for whom in a sense we are trustees, are falling off rapidly in numbers and many of them are in poverty.’.

“(9) In 1938, Congress again acknowledged the unique status of the Hawaiian people by including in the Act of June 20, 1938 (52 Stat. 781, chapter 530; 16 U.S.C. 391b, 391b–1, 392b, 392c, 396, 396a), a provision to lease lands within the National Parks extension to Native Hawaiians and to permit fishing in the area ‘only by native Hawaiian residents of said area or of adjacent villages and by visitors under their guidance.’.

“(10) Under the Act entitled ‘An Act to provide for the admission of the State of Hawaii into the Union’, approved March 18, 1959 (73 Stat. 4), the United States transferred responsibility for the administration of the Hawaiian Home Lands to the State of Hawai‘i but reaffirmed the trust relationship between the United States and the Hawaiian people by retaining the exclusive power to enforce the trust, including the power to approve land exchanges and amendments to such Act affecting the rights of beneficiaries under such Act.

“(11) In 1959, under the Act entitled ‘An Act to provide for the admission of the State of Hawaii into the Union’, the United States also ceded to the State of Hawai‘i title to the public lands formerly held by the United States, but mandated that such lands be held by the State ‘in public trust’ and reaffirmed the special relationship that existed between the United States and the Hawaiian people by retaining the legal responsibility to enforce the public trust responsibility of the State of Hawai‘i for the betterment of the conditions of Native Hawaiians, as defined in section 201(a) of the Hawaiian Homes Commission Act, 1920.

“(12) The United States has recognized and reaffirmed that—

“(A) Native Hawaiians have a cultural, historic, and land-based link to the indigenous people who exercised sovereignty over the Hawaiian Islands, and that group has never relinquished its claims to sovereignty or its sovereign lands;

“(B) Congress does not extend services to Native Hawaiians because of their race, but because of their unique status as the indigenous people of a once sovereign nation as to whom the United States has established a trust relationship;

“(C) Congress has also delegated broad authority to administer a portion of the Federal trust responsibility to the State of Hawaii;

“(D) the political status of Native Hawaiians is comparable to that of American Indians and Alaska Natives; and

“(E) the aboriginal, indigenous people of the United States have—

“(i) a continuing right to autonomy in their internal affairs; and

“(ii) an ongoing right of self-determination and self-governance that has never been extinguished.

“(13) The political relationship between the United States and the Native Hawaiian people has been recognized and reaffirmed by the United States, as evidenced by the inclusion of Native Hawaiians in—

“(A) the Native American Programs Act of 1974 (42 U.S.C. 2991 et seq.);

“(B) the American Indian Religious Freedom Act (42 U.S.C. 1996);

“(C) the National Museum of the American Indian Act (20 U.S.C. 80q et seq.);

“(D) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

“(E) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

“(F) the Native American Languages Act (25 U.S.C. 2901 et seq.);

“(G) the American Indian, Alaska Native, and Native Hawaiian Culture and Art Development Act (20 U.S.C. 4401 et seq.);

“(H) the Job Training Partnership Act (29 U.S.C. 1501 et seq.) and the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.); and

“(I) the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.).

“(14) In 1981, Congress instructed the Office of Education to submit to Congress a comprehensive report on Native Hawaiian education. The report, entitled the ‘Native Hawaiian Educational Assessment Project’, was released in 1983 and documented that Native Hawaiians scored below parity with regard to national norms on standardized achievement tests, were disproportionately represented in many negative social and physical statistics indicative of special educational needs, and had educational needs that were related to their unique cultural situation, such as different learning styles and low self-image.

“(15) In recognition of the educational needs of Native Hawaiians, in 1988, Congress enacted title IV of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (102 Stat. 130) to authorize and develop supplemental educational programs to address the unique conditions of Native Hawaiians.

“(16) In 1993, the Kamehameha Schools Bishop Estate released a 10-year update of findings of the Native Hawaiian Educational Assessment Project, which found that despite the successes of the programs established under title IV of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, many of the same educational needs still existed for Native Hawaiians. Subsequent reports by the Kamehameha Schools Bishop Estate and other organizations have generally confirmed those findings. For example—

“(A) educational risk factors continue to start even before birth for many Native Hawaiian children, including—

“(i) late or no prenatal care;

“(ii) high rates of births by Native Hawaiian women who are unmarried; and

“(iii) high rates of births to teenage parents;

“(B) Native Hawaiian students continue to begin their school experience lagging behind other students in terms of readiness factors such as vocabulary test scores;

“(C) Native Hawaiian students continue to score below national norms on standardized education achievement tests at all grade levels;

“(D) both public and private schools continue to show a pattern of lower percentages of Native Hawaiian students in the uppermost achievement levels and in gifted and talented programs;

“(E) Native Hawaiian students continue to be overrepresented among students qualifying for special education programs provided to students with learning disabilities, mild mental retardation, emotional impairment, and other such disabilities;

“(F) Native Hawaiians continue to be underrepresented in institutions of higher education and among adults who have completed 4 or more years of college;

“(G) Native Hawaiians continue to be disproportionately represented in many negative social and physical statistics indicative of special educational needs, as demonstrated by the fact that—

“(i) Native Hawaiian students are more likely to be retained in grade level and to be excessively absent in secondary school;

“(ii) Native Hawaiian students have the highest rates of drug and alcohol use in the State of Hawai‘i; and

“(iii) Native Hawaiian children continue to be disproportionately victimized by child abuse and neglect; and

“(H) Native Hawaiians now comprise over 23 percent of the students served by the State of Hawai‘i Department of Education, and there are and will continue to be geographically rural, isolated areas with a high Native Hawaiian population density.

“(17) In the 1998 National Assessment of Educational Progress, Hawaiian fourth-graders ranked 39th among groups of students from 39 States in reading. Given that Hawaiian students rank among the lowest groups of students nationally in reading, and that Native Hawaiian students rank the lowest among Hawaiian students in reading, it is imperative that greater focus be placed on beginning reading and early education and literacy in Hawai‘i.

“(18) The findings described in paragraphs (16) and (17) are inconsistent with the high rates of literacy and integration of traditional culture and Western education historically achieved by Native Hawaiians through a Hawaiian language-based public school system established in 1840 by Kamehameha III.

“(19) Following the overthrow of the Kingdom of Hawai‘i in 1893, Hawaiian medium schools were banned. After annexation, throughout the territorial and statehood period of Hawai‘i, and until 1986, use of the Hawaiian language as an instructional medium in education in public schools was declared unlawful. The declaration caused incalculable harm to a culture that placed a very high value on the power of language, as exemplified in the traditional saying: ‘I ka ‘ōlelo nō ke ola; I ka ‘ōlelo nō ka make. In the language rests life; In the language rests death.’.

“(20) Despite the consequences of over 100 years of nonindigenous influence, the Native Hawaiian people are determined to preserve, develop, and transmit to future generations their ancestral territory and their cultural identity in accordance with their own spiritual and traditional beliefs, customs, practices, language, and social institutions.

“(21) The State of Hawai‘i, in the constitution and statutes of the State of Hawai‘i—

“(A) reaffirms and protects the unique right of the Native Hawaiian people to practice and perpetuate their culture and religious customs, beliefs, practices, and language; and

“(B) recognizes the traditional language of the Native Hawaiian people as an official language of the State of Hawai‘i, which may be used as the language of instruction for all subjects and grades in the public school system.

"SEC. 9203. PURPOSES.

"The purposes of this part are to—

"(1) authorize and develop innovative educational programs to assist Native Hawaiians in reaching the National Education Goals;

"(2) provide direction and guidance to appropriate Federal, State, and local agencies to focus resources, including resources made available under this part, on Native Hawaiian education, and to provide periodic assessment and data collection;

"(3) supplement and expand programs and authorities in the area of education to further the purposes of this title; and

"(4) encourage the maximum participation of Native Hawaiians in planning and management of Native Hawaiian education programs.

"SEC. 9204. NATIVE HAWAIIAN EDUCATION COUNCIL AND ISLAND COUNCILS.

"(a) ESTABLISHMENT OF NATIVE HAWAIIAN EDUCATION COUNCIL.—In order to better effectuate the purposes of this part through the coordination of educational and related services and programs available to Native Hawaiians, including those programs receiving funding under this part, the Secretary is authorized to establish a Native Hawaiian Education Council (referred to in this part as the 'Education Council').

"(b) COMPOSITION OF EDUCATION COUNCIL.—The Education Council shall consist of not more than 21 members, unless otherwise determined by a majority of the council.

"(c) CONDITIONS AND TERMS.—

"(1) CONDITIONS.—At least 10 members of the Education Council shall be Native Hawaiian education service providers and 10 members of the Education Council shall be Native Hawaiians or Native Hawaiian education consumers. In addition, a representative of the State of Hawai'i Office of Hawaiian Affairs shall serve as a member of the Education Council.

"(2) APPOINTMENTS.—The members of the Education Council shall be appointed by the Secretary based on recommendations received from the Native Hawaiian community.

"(3) TERMS.—Members of the Education Council shall serve for staggered terms of 3 years, except as provided in paragraph (4).

"(4) COUNCIL DETERMINATIONS.—Additional conditions and terms relating to membership on the Education Council, including term lengths and term renewals, shall be determined by a majority of the Education Council.

"(d) NATIVE HAWAIIAN EDUCATION COUNCIL GRANT.—The Secretary shall make a direct grant to the Education Council in order to enable the Education Council to—

"(1) coordinate the educational and related services and programs available to Native Hawaiians, including the programs assisted under this part;

"(2) assess the extent to which such services and programs meet the needs of Native Hawaiians, and collect data on the status of Native Hawaiian education;

"(3) provide direction and guidance, through the issuance of reports and recommendations, to appropriate Federal, State, and local agencies in order to focus and improve the use of resources, including resources made available under this part, relating to Native Hawaiian education, and serve, where appropriate, in an advisory capacity; and

"(4) make direct grants, if such grants enable the Education Council to carry out the duties of the Education Council, as described in paragraphs (1) through (3).

"(e) ADDITIONAL DUTIES OF THE EDUCATION COUNCIL.—

"(1) IN GENERAL.—The Education Council shall provide copies of any reports and recommendations issued by the Education Council, including any information that the Education Council provides to the Secretary pursuant to subsection (i), to the Secretary, the Committee on Education and the Workforce of the House of Representatives, and the Committee on Indian Affairs of the Senate.

"(2) ANNUAL REPORT.—The Education Council shall prepare and submit to the Secretary an annual report on the Education Council's activities.

"(3) ISLAND COUNCIL SUPPORT AND ASSISTANCE.—The Education Council shall provide such administrative support and financial assistance to the island councils established pursuant to subsection (f) as the Secretary determines to be appropriate, in a manner that supports the distinct needs of each island council.

"(f) ESTABLISHMENT OF ISLAND COUNCILS.—

"(1) IN GENERAL.—In order to better effectuate the purposes of this part and to ensure the adequate representation of island and community interests within the Education Council, the Secretary is authorized to facilitate the establishment of Native Hawaiian education island councils (referred to individually in this part as an 'island council') for the following islands:

"(A) Hawai'i.

"(B) Maui.

"(C) Moloka'i.

"(D) Lana'i.

"(E) O'ahu.

"(F) Kaua'i.

"(G) Ni'ihau.

"(2) COMPOSITION OF ISLAND COUNCILS.—Each island council shall consist of parents, students, and other community members who have an interest in the education of Native Hawaiians, and shall be representative of individuals concerned with the educational needs of all age groups, from children in preschool through adults. At least ¾ of the members of each island council shall be Native Hawaiians.

"(g) ADMINISTRATIVE PROVISIONS RELATING TO EDUCATION COUNCIL AND ISLAND COUNCILS.—The Education Council and each island council shall meet at the call of the chairperson of the appropriate council, or upon the request of the majority of the members of the appropriate council, but in any event not less often than 4 times during each calendar year. The provisions of the Federal Advisory Committee Act shall not apply to the Education Council and each island council.

"(h) COMPENSATION.—Members of the Education Council and each island council shall not receive any compensation for service on the Education Council and each island council, respectively.

"(i) REPORT.—Not later than 4 years after the date of enactment of the Native Hawaiian Education Reauthorization Act, the Secretary shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Indian Affairs of the Senate a report that summarizes the annual reports of the Education Council, describes the allocation and use of funds under this part, and contains recommendations for changes in Federal, State, and local policy to advance the purposes of this part.

"(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $300,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years. Funds appropriated under this subsection shall remain available until expended.

"SEC. 9205. PROGRAM AUTHORIZED.

"(a) GENERAL AUTHORITY.—

"(1) GRANTS AND CONTRACTS.—The Secretary is authorized to make direct grants to, or enter into contracts with—

"(A) Native Hawaiian educational organizations;

"(B) Native Hawaiian community-based organizations;

"(C) public and private nonprofit organizations, agencies, and institutions with experience in developing or operating Native Hawaiian programs or programs of instruction in the Native Hawaiian language; and

"(D) consortia of the organizations, agencies, and institutions described in subparagraphs (A) through (C),

to carry out programs that meet the purposes of this part.

"(2) PRIORITIES.—In awarding grants or contracts to carry out activities described in paragraph (3), the Secretary shall give priority to entities proposing projects that are designed to address—

"(A) beginning reading and literacy among students in kindergarten through third grade;

"(B) the needs of at-risk youth;

"(C) needs in fields or disciplines in which Native Hawaiians are underemployed; and

"(D) the use of the Hawaiian language in instruction.

"(3) PERMISSIBLE ACTIVITIES.—Activities provided through programs carried out under this part may include—

"(A) the development and maintenance of a statewide Native Hawaiian early education and care system to provide a continuum of services for Native Hawaiian children from the prenatal period of the children through age 5;

"(B) the operation of family-based education centers that provide such services as—

"(i) programs for Native Hawaiian parents and their infants from the prenatal period of the infants through age 3;

"(ii) preschool programs for Native Hawaiians; and

"(iii) research on, and development and assessment of, family-based, early childhood, and preschool programs for Native Hawaiians;

"(C) activities that enhance beginning reading and literacy among Native Hawaiian students in kindergarten through third grade;

"(D) activities to meet the special needs of Native Hawaiian students with disabilities, including—

"(i) the identification of such students and their needs;

"(ii) the provision of support services to the families of those students; and

"(iii) other activities consistent with the requirements of the Individuals with Disabilities Education Act;

"(E) activities that address the special needs of Native Hawaiian students who are gifted and talented, including—

"(i) educational, psychological, and developmental activities designed to assist in the educational progress of those students; and

"(ii) activities that involve the parents of those students in a manner designed to assist in the students' educational progress;

"(F) the development of academic and vocational curricula to address the needs of Native Hawaiian children and adults, including curriculum materials in the Hawaiian language and mathematics and science curricula that incorporate Native Hawaiian tradition and culture;

"(G) professional development activities for educators, including—

"(i) the development of programs to prepare prospective teachers to address the unique needs of Native Hawaiian students within the context of Native Hawaiian culture, language, and traditions;

"(ii) in-service programs to improve the ability of teachers who teach in schools with concentrations of Native Hawaiian students to meet those students' unique needs; and

"(iii) the recruitment and preparation of Native Hawaiians, and other individuals who live in communities with a high concentration of Native Hawaiians, to become teachers;

"(H) the operation of community-based learning centers that address the needs of Native Hawaiian families and communities through the coordination of public and private programs and services, including—

"(i) preschool programs;

"(ii) after-school programs; and

"(iii) vocational and adult education programs;

"(I) activities to enable Native Hawaiians to enter and complete programs of postsecondary education, including—

"(i) provision of full or partial scholarships for undergraduate or graduate study that are awarded to students based on their academic promise and financial need, with a priority, at the graduate level, given to students entering professions in which Native Hawaiians are underrepresented;

"(ii) family literacy services;

"(iii) counseling and support services for students receiving scholarship assistance;

"(iv) counseling and guidance for Native Hawaiian secondary students who have the potential to receive scholarships; and

"(v) faculty development activities designed to promote the matriculation of Native Hawaiian students;

"(J) research and data collection activities to determine the educational status and needs of Native Hawaiian children and adults;

"(K) other research and evaluation activities related to programs carried out under this part; and

"(L) other activities, consistent with the purposes of this part, to meet the educational needs of Native Hawaiian children and adults.

"(4) SPECIAL RULE AND CONDITIONS.—

"(A) INSTITUTIONS OUTSIDE HAWAII.—The Secretary shall not establish a policy under this section that prevents a Native Hawaiian student enrolled at a 2- or 4-year degree granting institution of higher education outside of the State of Hawai'i from receiving a fellowship pursuant to paragraph (3)(I).

"(B) FELLOWSHIP CONDITIONS.—The Secretary shall establish conditions for receipt of a fellowship awarded under paragraph (3)(I). The conditions shall require that an individual seeking such a fellowship enter into a contract to provide professional services, either during the fellowship period or upon completion of a program of postsecondary education, to the Native Hawaiian community.

"(b) ADMINISTRATIVE COSTS.—Not more than 5 percent of funds provided to a grant recipient under this section for any fiscal year may be used for administrative purposes.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $20,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"SEC. 9206. ADMINISTRATIVE PROVISIONS.

"(a) APPLICATION REQUIRED.—No grant may be made under this part, and no contract may be entered into under this part, unless the entity seeking the grant or contract submits an application to the Secretary at such time, in such manner, and containing such information as the Secretary may determine to be necessary to carry out the provisions of this part.

"(b) SPECIAL RULE.—Each applicant for a grant or contract under this part shall submit the application for comment to the local educational agency serving students who will participate in the program to be carried out under the grant or contract, and include those comments, if any, with the application to the Secretary.

"SEC. 9207. DEFINITIONS.

"In this part:

"(1) NATIVE HAWAIIAN.—The term 'Native Hawaiian' means any individual who is—

"(A) a citizen of the United States; and

"(B) a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now comprises the State of Hawai'i, as evidenced by—

"(i) genealogical records;

"(ii) Kupuna (elders) or Kama'aina (long-term community residents) verification; or

"(iii) certified birth records.

"(2) NATIVE HAWAIIAN COMMUNITY-BASED ORGANIZATION.—The term 'Native Hawaiian community-based organization' means any organization that is composed primarily of Native Hawaiians from a specific community and that assists in the social, cultural, and educational development of Native Hawaiians in that community.

"(3) NATIVE HAWAIIAN EDUCATIONAL ORGANIZATION.—The term 'Native Hawaiian educational organization' means a private nonprofit organization that—

"(A) serves the interests of Native Hawaiians;

"(B) has Native Hawaiians in substantive and policymaking positions within the organization;

"(C) incorporates Native Hawaiian perspective, values, language, culture, and traditions into the core function of the organization;

"(D) has demonstrated expertise in the education of Native Hawaiian youth; and

"(E) has demonstrated expertise in research and program development.

"(4) NATIVE HAWAIIAN LANGUAGE.—The term 'Native Hawaiian language' means the single Native American language indigenous to the original inhabitants of the State of Hawai'i.

"(5) NATIVE HAWAIIAN ORGANIZATION.—The term 'Native Hawaiian organization' means a private nonprofit organization that—

"(A) serves the interests of Native Hawaiians;

"(B) has Native Hawaiians in substantive and policymaking positions within the organizations; and

"(C) is recognized by the Governor of Hawai'i for the purpose of planning, conducting, or administering programs (or portions of programs) for the benefit of Native Hawaiians.

"(6) OFFICE OF HAWAIIAN AFFAIRS.—The term 'Office of Hawaiian Affairs' means the office of Hawaiian Affairs established by the Constitution of the State of Hawai'i.".

SEC. 3. CONFORMING AMENDMENTS.

(a) HIGHER EDUCATION ACT OF 1965.—Section 317(b)(3) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b)(3)) is amended by striking "section 9212" and inserting "section 9207".

(b) PUBLIC LAW 88–210.—Section 116 of Public Law 88–210 (as added by section 1 of Public Law 105–332 (112 Stat. 3076)) is amended by striking "section 9212 of the Native Hawaiian Education Act (20 U.S.C. 7912)" and inserting "section 9207 of the Native Hawaiian Education Act".

(c) MUSEUM AND LIBRARY SERVICES ACT.—Section 261 of the Museum and Library Services Act (20 U.S.C. 9161) is amended by striking "section 9212 of the Native Hawaiian Education Act (20 U.S.C. 7912)" and inserting "section 9207 of the Native Hawaiian Education Act".

(d) NATIVE AMERICAN LANGUAGES ACT.—Section 103(3) of the Native American Languages Act (25 U.S.C. 2902(3)) is amended by striking "section 9212(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7912(1))" and inserting "section 9207 of the Elementary and Secondary Education Act of 1965".

(e) WORKFORCE INVESTMENT ACT OF 1998.—Section 166(b)(3) of the Workforce Investment Act of 1998 (29 U.S.C. 2911(b)(3)) is amended by striking "paragraphs (1) and (3), respectively, of section 9212 of the Native Hawaiian Education Act (20 U.S.C. 7912)" and inserting "section 9207 of the Native Hawaiian Education Act".

(f) ASSETS FOR INDEPENDENCE ACT.—Section 404(11) of the Assets for Independence Act (42 U.S.C. 604 note) is amended by striking "section 9212 of the Native Hawaiian Education Act (20 U.S.C. 7912)" and inserting "section 9207 of the Native Hawaiian Education Act".

ADDITIONAL COSPONSORS

S. 172

At the request of Mr. MOYNIHAN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 172, a bill to reduce acid deposition under the Clean Air Act, and for other purposes.

S. 185

At the request of Mr. ASHCROFT, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 185, a bill to establish a Chief Agricultural Negotiator in the Office of the United States Trade Representative.

S. 666

At the request of Mr. LUGAR, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 666, a bill to authorize a new trade and investment policy for sub-Saharan Africa.

S. 729

At the request of Mr. CRAIG, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 729, a bill to ensure that Congress and the public have the right to participate in the declaration of national monuments on federal land.

S. 931

At the request of Mr. MCCONNELL, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 931, a bill to provide for the protection of the flag of the United States, and for other purposes.

S. 1085

At the request of Mrs. MURRAY, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 1085, a bill to amend the Internal Revenue Code of 1986 to modify the treatment of bonds issued to acquire renewable resources on land subject to conservation easement.

S. 1106

At the request of Mr. TORRICELLI, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1106, a bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for qualified individuals for bone mass measurement (bone density testing) to prevent fractures associated with osteoporosis.

S. 1133

At the request of Mr. GRAMS, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Montana (Mr. BURNS) were added as cosponsors of S. 1133, a bill to amend the Poultry Products Inspection Act to cover birds of the order Ratitae that are raised for use as human food.

S. 1158

At the request of Mr. HUTCHINSON, the names of the Senator from Wyoming (Mr. ENZI), the Senator from Mississippi (Mr. LOTT), the Senator from Idaho (Mr. CRAIG), the Senator from Texas (Mrs. HUTCHISON), the Senator from Kentucky (Mr. BUNNING), the Senator from Idaho (Mr. CRAPO), the Senator from Alabama (Mr. SESSIONS), the Senator from Missouri (Mr. BOND), the Senator from Nebraska (Mr. HAGEL), the Senator from Kentucky (Mr. MCCONNELL), and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S. 1158, a bill to allow the recovery of attorney's fees and costs by certain employers and labor organizations who are prevailing parties in proceedings brought against them by the National Labor Relations Board or by the Occupational Safety and Health Administration.

S. 1187

At the request of Mr. DORGAN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1187, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Lewis and Clark Expedition, and for other purposes.

S. 1263

At the request of Mr. JEFFORDS, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 1263, a bill to amend the Balanced Budget Act of 1997 to limit the reductions in medicare payments under the prospective payment system for hospital outpatient department services.

S. 1464

At the request of Mr. HAGEL, the names of the Senator from Wyoming (Mr. THOMAS) and the Senator from Georgia (Mr. CLELAND) were added as cosponsors of S. 1464, a bill to amend the Federal Food, Drug, and Cosmetic Act to establish certain requirements regarding the Food Quality Protection Act of 1996, and for other purposes.

S. 1485

At the request of Mr. NICKLES, the names of the Senator from Minnesota (Mr. GRAMS) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 1485, a bill to amend the Immigration and Nationality Act to confer United States citizenship automatically and retroactively on certain foreign-born children adopted by citizens of the United States.

S. 1488

At the request of Mr. GORTON, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1488, a bill to amend the Public Health Service Act to provide for recommendations of the Secretary of Health and Human Services regarding the placement of automatic external defibrillators in Federal buildings in order to improve survival rates of individuals who experience cardiac arrest in such buildings, and to establish protections from civil liability arising from the emergency use of the devices.

S. 1495

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1495, a bill to establish, wherever feasible, guidelines, recommendations, and regulations that promote the regulatory acceptance of new and revised toxicological tests that protect human and animal health and the environment while reducing, refining, or replacing animal tests and ensuring human safety and product effectiveness.

S. 1526

At the request of Mr. ROCKEFELLER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1526, a bill to amend the Internal Revenue Code of 1986 to provide a tax credit to taxpayers investing in entities seeking to provide capital to create new markets in low-income communities.

S. 1558

At the request of Mr. BAUCUS, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1558, a bill to amend the Internal Revenue Code of 1986 to provide a tax credit for holders of Community Open Space bonds the proceeds of which are used for qualified environmental infrastructure projects, and for other purposes.

S. 1580

At the request of Mr. ROBERTS, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1580, a bill to amend the Federal Crop Insurance Act to assist agricultural producers in managing risk, and for other purposes.

S. 1592

At the request of Mr. DURBIN, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 1592, a bill to amend the Nicaraguan Adjustment and Central American Relief Act to provide to certain nationals of El Salvador, Guatemala, Honduras, and Haiti an opportunity to apply for adjustment of status under that Act, and for other purposes.

S. 1619

At the request of Mr. DEWINE, the names of the Senator from Colorado (Mr. CAMPBELL) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 1619, a bill to amend the Trade Act of 1974 to provide for periodic revision of retaliation lists or other remedial action implemented under section 306 of such Act.

S. 1638

At the request of Mr. ROBB, his name was added as a cosponsor of S. 1638, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to extend the retroactive eligibility dates for financial assistance for higher education for spouses and dependent children of Federal, State, and local law enforcement officers who are killed in the line of duty.

S. 1701

At the request of Mr. ROBB, his name was added as a cosponsor of S. 1701, a bill to reform civil asset forfeiture, and for other purposes.

S. 1709

At the request of Mr. KYL, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 1709, a bill to provide Federal reimbursement for indirect costs relating to the incarceration of illegal aliens and for emergency health services furnished to undocumented aliens.

S. 1750

At the request of Mr. DEWINE, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1750, a bill to reduce the incidence of child abuse and neglect, and for other purposes.

AMENDMENT NO. 487

At the request of Mr. ROBB his name was added as a cosponsor of amendment No. 487 proposed to S. 1059, an original bill to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 1583

At the request of Mr. ROBB the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of amendment No. 1583 proposed to H.R. 2466, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

AMENDMENT NO. 2321

At the request of Mr. HARKIN the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of amendment No. 2321 proposed to S. 1692, a bill to amend title 18, United States Code, to ban partial birth abortions.

AMENDMENTS SUBMITTED

PARTIAL BIRTH ABORTION BAN ACT OF 1999

LANDRIEU AMENDMENT NO. 2323

Ms. LANDRIEU proposed an amendment to the bill (S. 1692) to amend title 18, United States Code, to ban partial birth abortions; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE CONGRESS CONCERNING SPECIAL NEEDS CHILDREN.

(a) FINDINGS.—Congress finds that—

(1) middle income families are particularly hard hit financially when their children are born with special needs;

(2) in many cases, parents are forced to stop working in order to attempt to qualify for medicaid coverage for these children;

(3) the current system of government support for these children and families is woefully inadequate;

(4) as a result, working families are forced to choose between terminating a pregnancy or financial ruin; and

(5) government efforts to find an appropriate and constitutional balance regarding the termination of a pregnancy may further exacerbate the difficulty of these families.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the Federal Government should fully cover all expenses related to the educational, medical and respite care requirements of families with special needs children.

SMITH AMENDMENT NO. 2324

Mr. SMITH of New Hampshire proposed an amendment to the bill, S. 1692, supra; as follows:

At the end of the Landrieu amendment, add the following:

SEC. ___. TRANSFERENCE OF HUMAN FETAL TISSUE.

Section 498N of the Public Health Service Act (42 U.S.C. 289g-2) is amended—

(1) by redesignating subsections (c) and (d), as subsections (e) and (f), respectively; and

(2) by inserting after subsection (b), the following:

"(c) DISCLOSURE ON TRANSPLANTATION OF FETAL TISSUE.—

"(1) REQUIREMENT.—With respect to human fetal tissue that is obtained pursuant to an induced abortion, any entity that is to receive such fetal tissue for any purpose shall file with the Secretary a disclosure statement that meets the requirements of paragraph (2).

"(2) CONTENTS.—A disclosure statement meets the requirements of this paragraph if the statement contains—

"(A) a list (including the names, addresses, and telephone numbers) of each entity that has obtained possession of the human fetal tissue involved prior to its possession by the filing entity, including any entity used solely to transport the fetal tissue and the tracking number used to identify the packaging of such tissue;

"(B) a description of the use that is to be made of the fetal tissue involved by the filing entity and the end user (if known);

"(C) a description of the medical procedure that was used to terminate the fetus from which the fetal tissue involved was derived, and the gestational age of the fetus at the time of death;

"(D) a description of the medical procedure that was used to obtain the fetal tissue involved;

"(E) a description of the type of fetal tissue involved;

"(F) a description of the quantity of fetal tissue involved;

"(G) a description of the amount of money, or any other object of value, that is transferred as a result of the transference of the fetal tissue involved, including any fees received to transport such fetal tissue to the end user;

"(H) a description of any site fee that was paid by the filing entity to the facility at which the induced abortion with respect to the fetal tissue involved was performed, including the amount of such fee; and

"(I) any other information determined appropriate by the Secretary.

"(3) DISCLOSURE TO SHIPPERS.—Any entity that enters into a contract for the shipment of a package containing human fetal tissue described in paragraph (1) shall—

"(A) notify the shipping entity that the package to be shipped contains human fetal tissue;

"(B) prominently label the outer packaging so as to indicate that the package contains human fetal tissue;

"(C) ensure that the shipment is done in a manner that is acceptable for the transfer of biomedical material; and

"(D) ensure that a tracking number is provided for the package and disclosed as required under paragraph (2).

"(4) DEFINITION.—In this subsection, the term 'filing entity' means the entity that is filing the disclosure statement required under this subsection.

"(5) Nothing in this subsection shall permit the disclosure of—

"(A) the identity of any physician, health care professional, or individual involved in the provision of abortion services;

"(B) the identity of any woman who obtained an abortion; and

"(C) any information that could reasonably be used to determine the identity of individuals or entities mentioned in paragraphs (A) and (B).

"(6) Violation of this section shall be punishable by the fines of not more than $5,000 per incident.

"(d) LIMITATION ON SITE FEES.—A facility at which induced abortions are performed may not require the payment of any site fee by any entity to which human fetal tissue that is derived from such abortions is transferred unless the amount of such site fee is reasonable in terms of reimbursement for the actual real estate or facilities used by such entity.".

NOTICE OF HEARING

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources.

The hearing will take place Tuesday, November 2, 1999 at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is oversight to receive testimony on the recent announcement by President Clinton to review approximately 40 million acres of national forest lands for increased protection.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Mark Rey at (202) 224-6170.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 9:30 a.m. on Thursday, October 21, 1999, in open session, to receive testimony on the lessons learned from the military operations conducted as part of Operation Allied Force, and associated relief operations, with respect to Kosovo.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet on Thursday, October 21, 1999 at 10:00 a.m. in Executive Session to mark up the Balanced Budget Adjustment Act of 1999.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, October 21, 1999 at 10:30 a.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENT AFFAIRS

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be permitted to meet on Thursday, October 1, at 10:00 a.m. for a hearing regarding the nominations of John Walsh and LeGree Daniels to be Governors of the United States Postal Service.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. SANTORUM. MR. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on "FDA Modernization Act: Implementation of the law" during the session of the Senate on Thursday, October 21, 1999, at 10:00 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON THE YEAR 2000 TECHNOLOGY PROBLEM

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Special Committee on the Year 2000 Technology Problem be permitted to meet on October 21, 1999 at 9:30 a.m. for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON IMMIGRATION

Mr. SANTORUM. Mr. President, The Committee on the Judiciary Subcommittee on Immigration requests unanimous consent to conduct a hearing on Thursday, October 21, 1999 beginning at 2:00 p.m. in Dirksen Room 226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL TRADE

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Finance, Subcommittee on International Trade be permitted to meet on Thursday, October 21, 1999 at 2:00 p.m. to hear testimony on the WTO Ministerial Meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. SANTORUM. Mr. President, The Committee on the Judiciary requests consent to conduct a markup on Thursday, October 21, 1999 beginning at 10:00 a.m. in Dirksen Room 226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION AND RECREATION

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Subcommittee on National Parks, Historic Preservation and Recreation of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, October 21, for purposes of conducting a subcommittee hearing which is scheduled to begin at 2:00 p.m. The purpose of this hearing is to receive testimony on S. 1365, a bill to amend the National Historic Preservation Act of 1966 to extend the authorization for the Historic Preservation Fund and the Advisory Council on Historic Preservation, and for other purposes; S. 1434, a bill to amend the National Historic Preservation Act to reauthorize that Act, and for other purposes; H.R. 834, an Act to extend the authorization for the National Historic Preservation Fund, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Science, Technology and Space Subcommittee of the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, October 21, 1999, at 2:30 p.m. on the National Technical Information Service.

The PRESIDING OFFICER. Without objection, it is so ordered.

DENYING SAFE HAVENS TO INTERNATIONAL AND WAR CRIMINALS ACT OF 1999

On October 20, 1999, Mr. HATCH, for himself and Mr. LEAHY, introduced S. 1754. The text of the bill follows:

S. 1754

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) In General.—This Act may be cited as the "Denying Safe Havens to International and War Criminals Act of 1999".

(b) Table of Contents.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents

TITLE I—DENYING SAFE HAVENS TO INTERNATIONAL AND WAR CRIMINALS

Sec. 1. Extradition for the offenses not covered by a list treaty.

Sec. 2. Technical and conforming amendments.

Sec. 3. Temporary transfer of persons in custody for prosecution.

Sec. 4. Prohibiting fugitives from benefiting from fugitive status.

Sec. 5. Transfer of foreign prisoners to serve sentences in country of origin.

Sec. 6. Transit of fugitives for prosecution in foreign countries.

TITLE II—PROMOTING GLOBAL COOPERATION IN THE FLIGHT AGAINST INTERNATIONAL CRIME

Sec. 1. Streamlined procedures for execution of MLAT requests.

Sec. 2. Temporary transfer of incarcerated witnesses.

TITLE III—ANTI-ATROCITY ALIEN DEPORTATION

Sec. 1. Inadmissability and removability of aliens who have committed acts of torture abroad.

Sec. 2. Establishment of the office of special investigations.

TITLE I—DENYING SAFE HAVENS TO INTERNATIONAL CRIMINALS

SEC. 1. EXTRADITION FOR OFFENSES NOT COVERED BY A LIST TREATY.

Chapter 209 of title 18, United States Code, is amended by adding at the end the following:

"§ 3197. Extradition for offenses not covered by a list treaty

"(a) Serious Offenses Defined.—In this section, the term 'serious offense' means conduct that would be—

"(1) an offense described in any multilateral treaty to which the United States is a party that obligates parties—

"(A) to extradite alleged offenders found in the territory of the parties; or

"(B) submit the case to the competent authorities of the parties for prosecution; or

"(2) conduct that, if that conduct occurred in the United States, would constitute—

"(A) a crime of violence (as defined in section 16);

"(B) the distribution, manufacture, importation, or exportation of a controlled substance (as defined in section 201 of the Controlled Substances Act (21 U.S.C. 802));

"(C) bribery of a public official or misappropriation, embezzlement, or theft of public funds by or for the benefit of a public official;

"(D) obstruction of justice, including payment of bribes to jurors or witnesses;

"(E) the laundering of monetary instruments, as described in section 1956, if the value of the monetary instruments involved exceeds $100,000;

"(F) fraud, theft, embezzlement, or commercial bribery if the aggregate value of property that is the object of all of the offenses related to the conduct exceeds $100,000;

"(G) counterfeiting, if the obligations, securities, or other items counterfeited have an apparent value that exceeds $100,000;

"(H) a conspiracy or attempt to commit any of the offenses described in any of subparagraphs (A) through (G), or aiding and abetting a person who commits any such offense; or

"(I) a crime against children under chapter 109A or section 2251, 2251A, 2252, or 2252A.

"(b) Authorization of Filing.—

"(1) In general.—If a foreign government makes a request for the extradition of a person who is charged with or has been convicted of an offense within the jurisdiction of that foreign government, and an extradition treaty between the United States and the foreign government is in force but the treaty does not provide for extradition for the offense with which the person has been charged or for which the person has been convicted, the Attorney General may authorize the filing of a complaint for extradition pursuant to subsections (c) and (d).

"(2) Filing of complaints.—

"(A) In general.—A complaint authorized under paragraph (1) shall be filed pursuant to section 3184.

"(B) Procedures.—With respect to a complaint filed under paragraph (1), the procedures contained in sections 3184 and 3186 and the terms of the relevant extradition treaty shall apply as if the offense were a crime provided for by the treaty, in a manner consistent with section 3184.

"(c) Criteria for Authorization of Complaints.—

"(1) In general.—The Attorney General may authorize the filing of a complaint under subsection (b) only upon a certification—

"(A) by the Attorney General, that in the judgment of the Attorney General—

"(i) the offense for which extradition is sought is a serious offense; and

"(ii) submission of the extradition request would be important to the law enforcement interests of the United States or otherwise in the interests of justice; and

"(B) by the Secretary of State, that in the judgment of the Secretary of State, submission of the request would be consistent with the foreign policy interests of the United States.

"(2) Factors for consideration.—In making any certification under paragraph (1)(B), the Secretary of State may consider whether the facts and circumstances of the request then known appear likely to present any significant impediment to the ultimate surrender of the person who is the subject of the request for extradition, if that person is found to be extraditable.

"(d) CASES OF URGENCY.—

"(1) IN GENERAL.—In any case of urgency, the Attorney General may, with the concurrence of the Secretary of State and before any formal certification under subsection (c), authorize the filing of a complaint seeking the provisional arrest and detention of the person sought for extradition before the receipt of documents or other proof in support of the request for extradition.

"(2) APPLICABILITY OF RELEVANT TREATY.—With respect to a case described in paragraph (1), a provision regarding provisional arrest in the relevant treaty shall apply.

"(3) FILING AND EFFECT OF FILING OF COMPLAINTS.—

"(A) IN GENERAL.—A complaint authorized this subsection shall be filed in the same manner as provided in section 3184.

"(B) ISSUANCE OF ORDERS.—Uupon the filing of a complaint under this subsection, the appropriate judicial officer may issue an order for the provisional arrest and detention of the person as provided in section 3184.

"(e) CONDITIONS OF SURRENDER; ASSURANCES.—

"(1) IN GENERAL.—Before issuing a warrant of surrender under section 3184 or 3186, the Secretary of State may—

"(A) impose conditions upon the surrender of the person that is the subject of the warrant; and

"(B) require those assurances of compliance with those conditions as are determined by the Secretary to be appropriate.

"(2) ADDITIONAL ASSURANCES.—

"(A) IN GENERAL.—In addition to imposing conditions and requiring assurances under paragraph (1), the Secretary of State shall demand, as a condition of the extradition of the person in every case, an assurance described in subparagraph (B) that the Secretary determines to be satisfactory.

"(B) DESCRIPTION OF ASSURANCES.—An assurance described in this subparagraph is an assurance that the person that is sought for extradition shall not be tried or punished for an offense other than that for which the person has been extradited, absent the consent of the United States.".

SEC. 2. TECHNICAL AND CONFORMING AMENDMENTS.

(a) IN GENERAL.—Chapter 209 of title 18, United States Code, is amended—

(1) in section 3181, by inserting ", other than section 3197," after "The provisions of this chapter" each place that term appears; and

(2) in section 3186, by striking "or 3185" and inserting ", 3185 or 3197".

(b) CLERICAL AMENDMENT.—The analysis for chapter 209 of title 18, United States Code, is amended by adding at the end the following:

"3197. Extradition for offenses not covered by a list treaty.".

SEC. 3. TEMPORARY TRANSFER OF PERSONS IN CUSTODY FOR PROSECUTION.

(a) IN GENERAL.—Chapter 306 of title 18, United States Code, is amended by adding at the end the following:

"§4116. Temporary transfer for prosecution

"(a) STATE DEFINED.—In this section, the term 'State' includes a State of the United States, the District of Columbia, and a commonwealth, territory, or possession of the United States.

"(b) AUTHORITY OF ATTORNEY GENERAL WITH RESPECT TO TEMPORARY TRANSFERS.—

"(1) IN GENERAL.—Subject to subsection (d), if a person is in pretrial detention or is otherwise being held in custody in a foreign country based upon a violation of the law in that foreign country, and that person is found extraditable to the United States by the competent authorities of that foreign country while still in the pretrial detention or custody, the Attorney General shall have the authority—

"(A) to request the temporary transfer of that person to the United States in order to face prosecution in a Federal or State criminal proceeding;

"(B) to maintain the custody of that person while the person is in the United States; and

"(C) to return that person to the foreign country at the conclusion of the criminal prosecution, including any imposition of sentence.

"(2) REQUIREMENTS FOR REQUESTS BY ATTORNEY GENERAL.—The Attorney General shall make a request under paragraph (1) only if the Attorney General determines, after consultation with the Secretary of State, that the return of that person to the foreign country in question would be consistent with international obligations of the United States.

"(c) AUTHORITY OF ATTORNEY GENERAL WITH RESPECT TO PRETRIAL DETENTIONS.—

"(1) IN GENERAL.—

"(A) AUTHORITY OF ATTORNEY GENERAL.—Subject to paragraph (2) and subsection (d), the Attorney General shall have the authority to carry out the actions described in subparagraph (B), if—

"(i) a person is in pretrial detention or is otherwise being held in custody in the United States based upon a violation of Federal or State law, and that person is found extraditable to a foreign country while still in the pretrial detention or custody pursuant to section 3184, 3197, or 3198; and

"(ii) a determination is made by the Secretary of State and the Attorney General that the person will be surrendered.

"(B) ACTIONS.—If the conditions described in subparagraph (A) are met, the Attorney General shall have the authority to—

"(i) temporarily transfer the person described in subparagraph (A) to the foreign country of the foreign government requesting the extradition of that person in order to face prosecution;

"(ii) transport that person from the United States in custody; and

"(iii) return that person in custody to the United States from the foreign country.

"(2) CONSENT BY STATE AUTHORITIES.—If the person is being held in custody for a violation of State law, the Attorney General may exercise the authority described in paragraph (1) if the appropriate State authorities give their consent to the Attorney General.

"(3) CRITERION FOR REQUEST.—The Attorney General shall make a request under paragraph (1) only if the Attorney General determines, after consultation with the Secretary of State, that the return of the person sought for extradition to the foreign country of the foreign government requesting the extradition would be consistent with United States international obligations.

"(4) EFFECT OF TEMPORARY TRANSFER.—With regard to any person in pretrial detention—

"(A) a temporary transfer under this subsection shall result in an interruption in the pretrial detention status of that person; and

"(B) the right to challenge the conditions of confinement pursuant to section 3142(f) does not extend to the right to challenge the conditions of confinement in a foreign country while in that foreign country temporarily under this subsection.

"(d) CONSENT BY PARTIES TO WAIVE PRIOR FINDING OF WHETHER A PERSON IS EXTRADITABLE.—The Attorney General may exercise the authority described in subsections (b) and (c) absent a prior finding that the person in custody is extraditable, if the person, any appropriate State authorities in a case under subsection (c), and the requesting foreign government give their consent to waive that requirement.

"(e) RETURN OF PERSONS.—

"(1) IN GENERAL.—If the temporary transfer to or from the United States of a person in custody for the purpose of prosecution is provided for by this section, that person shall be returned to the United States or to the foreign country from which the person is transferred on completion of the proceedings upon which the transfer was based.

"(2) STATUTORY INTERPRETATION WITH RESPECT TO IMMIGRATION LAWS.—In no event shall the return of a person under paragraph (1) require extradition proceedings or proceedings under the immigration laws.

"(3) CERTAIN RIGHTS AND REMEDIES BARRED.—Notwithstanding any other provision of law, a person temporarily transferred to the United States pursuant to this section shall not be entitled to apply for or obtain any right or remedy under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), including the right to apply for or be granted asylum or withholding of deportation.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 306 of title 28, United States Code, is amended by adding at the end the following:

"4116. Temporary transfer for prosecution.".

SEC. 4. PROHIBITING FUGITIVES FROM BENEFITING FROM FUGITIVE STATUS.

(a) IN GENERAL.—Chapter 163 of title 28, United States Code, is amended by adding at the end the following:

"§2466. Fugitive disentitlement

"A person may not use the resources of the courts of the United States in furtherance of a claim in any related civil forfeiture action or a claim in third party proceedings in any related criminal forfeiture action if that person—

"(1) purposely leaves the jurisdiction of the United States;

"(2) declines to enter or reenter the United States to submit to its jurisdiction; or

"(3) otherwise evades the jurisdiction of the court in which a criminal case is pending against the person.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 163 of title 28, United States Code, is amended by adding at the end the following:

"2466. Fugitive disentitlement.".

SEC. 5. TRANSFER OF FOREIGN PRISONERS TO SERVE SENTENCES IN COUNTRY OF ORIGIN.

Section 4100(b) of title 18, United States Code, is amended in the third sentence by striking "An offender" and inserting "Unless otherwise provided by treaty, an offender."

SEC. 6. TRANSIT OF FUGITIVES FOR PROSECUTION IN FOREIGN COUNTRIES.

(a) IN GENERAL.—Chapter 305 of title 18, United States Code, is amended by adding at the end the following:

"§4087. Transit through the United States of persons wanted in a foreign country

"(a) IN GENERAL.—The Attorney General may, in consultation with the Secretary of State, permit the temporary transit through the United States of a person wanted for prosecution or imposition of sentence in a foreign country.

"(b) Limitation of Judicial Review.—A determination by the Attorney General to permit or not to permit a temporary transit described in subsection (a) shall not be subject to judicial review.

"(c) Custody.—If the Attorney General permits a temporary transit under subsection (a), Federal law enforcement personnel may hold the person subject to that transit in custody during the transit of the person through the United States.

"(d) Conditions Applicable to Persons Subject to Temporary Transit.—Notwithstanding any other provision of law, a person who is subject to a temporary transit through the United States under this section shall—

"(1) be required to have only such documents as the Attorney General shall require;

"(2) not be considered to be admitted or paroled into the United States; and

"(3) not be entitled to apply for or obtain any right or remedy under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), including the right to apply for or be granted asylum or withholding of deportation.".

(b) Clerical Amendment.—The analysis for chapter 305 of title 18, United States Code, is amended by adding at the end the following:

"4087. Transit through the United States of persons wanted in a foreign country.".

TITLE II—PROMOTING GLOBAL COOPERATION IN THE FLIGHT AGAINST INTERNATIONAL CRIME

SEC. 1. STREAMLINED PROCEDURES FOR EXECUTION OF MLAT REQUESTS.

(a) In General.—Chapter 117 of title 28, United States Code, is amended by adding at the end the following:

"§ 1785. Assistance to foreign authorities

"(a) In General.—

"(1) Presentation of requests.—The Attorney General may present a request made by a foreign government for assistance with resepct to a foreign investigation, prosecution, or proceeding regarding a criminal matter pursuant to a treaty, convention, or executive agreement for mutual legal assistance between the United States and that government or in accordance with section 1782, the execution of which requires or appears to require the use of compulsory measures in more than 1 judicial district, to a judge or judge magistrate of—

"(A) any 1 of the districts in which persons who may be required to appear to testify or produce evidence or information reside or are found, or in which evidence or information to be produced is located; or

"(B) the United States District Court for the District of Columbia.

"(2) Authority of court.—A judge or judge magistrate to whom a request for assistance is presented under paragraph (1) shall have the authority to issue those orders necessary to execute the request including orders appointing a person to direct the taking of testimony or statements and the production of evidence or information, of whatever nature and in whatever form, in execution of the request.

"(b) Authority of Appointed Persons.—A person appointed under subsection (a)(2) shall have the authority to—

"(1) issue orders for the taking of testimony or statements and the production of evidence or information, which orders may be served at any place within the United States;

"(2) administer any necessary oath; and

"(3) take testimony or statements and receive evidence and information.

"(c) Persons Ordered To Appear.—A person ordered pursuant to subsection (b)(1) to appear outside the district in which that person resides or is found may, not later than 10 days after receipt of the order—

"(1) file with the judge or judge magistrate who authorized execution of the request a motion to appear in the district in which that person resides or is found or in which the evidence or information is located; or

"(2) provide written notice, requesting appearance in the district in which the person resides or is found or in which the evidence or information is located, to the person issuing the order to appear, who shall advise the judge or judge magistrate authorizing execution.

"(d) Transfer of Requests.—

"(1) In general.—The judge or judge magistrate may transfer a request under subsection (c), or that portion requiring the appearance of that person, to the other district if—

"(A) the inconvenience to the person is substantial; and

"(B) the transfer is unlikely to adversely affect the effective or timely execution of the request or a portion thereof.

"(2) Execution.—Upon transfer, the judge or judge magistrate to whom the request or a portion thereof is transferred shall complete its execution in accordance with subsections (a) and (b).".

(b) Clerical Amendment.—The analysis for chapter 117 of title 28, United States Code, is amended by adding at the end the following:

"1785. Assistance to foreign authorities.".

SEC. 2. TEMPORARY TRANSFER OF INCARCERATED WITNESSES.

(a) In General.—Section 3508 of title 18, United States Code, is amended—

(1) by striking the section heading and inserting the following:

"§ 3508. Temporary transfer of witnesses in custody";

(2) in subsection (a), by inserting "In General.—" after "(a)"; and

(3) by striking subsections (b) and (c) and inserting the following:

"(b) Transfer Authority.—

"(1) In general.—If the testimony of a person who is serving a sentence, in pretrial detention, or otherwise being held in custody in the United States, is needed in a foreign criminal proceeding, the Attorney General shall have the authority to—

"(A) temporarily transfer that person to the foreign country for the purpose of giving the testimony;

"(B) transport that person from the United States in custody;

"(C) make appropriate arrangements for custody for that person while outside the United States; and

"(D) return that person in custody to the United States from the foreign country.

"(2) Persons held for state law violations.—If the person is being held in custody for a violation of State law, the Attorney General may exercise the authority described in this subsection if the appropriate State authorities give their consent.

"(c) Return of Persons Transferred.—

"(1) In general.—if the transfer to or from the United States of a person in custody for the purpose of giving testimony is provided for by treaty or convention, by this section, or both, that person shall be returned to the United States, or to the foreign country from which the person is transferred.

"(2) Limitation.—In no event shall the return of a person under this subsection require any request for extradition or extradition proceedings, or require that person to be subject to deportation or exclusion proceedings under the laws of the United States, or the foreign country from which the person is transferred.

"(d) Applicability of International Agreements.—If there is an international agreement between the United States and the foreign country in which a witness is being held in custody or to which the witness will be transferred from the United States, that provides for the transfer, custody, and return of those witnesses, the terms and conditions of that international agreement shall apply. if there is no such international agreement, the Attorney General may exercise the authority described in subsections (a) and (b) if both the foreign country and the witness give their consent.

"(e) Rights of Persons Transferred.—

"(1) Notwithstanding any other provision of law, a person held in custody in a foreign country who is transferred to the United States pursuant to this section for the purpose of giving testimony—

"(A) shall not by reason of that transfer, during the period that person is present in the United states pursuant to that transfer, be entitled to apply for or obtain any right or remedy under the Immigration and Nationality Act, including the right to apply for or be granted asylum or withholding of deportation or any right to remain in the United States under any other law; and

"(B) may be summarily removed from the United States upon order of the Attorney General.

"(2) Rule of construction.—Nothing in this subsection may be construed to create any substantive or procedural right or benefit to remain in the United States that is legally enforceable in a court of law of the United States or of a State by any party against the United States or its agencies or officers.

"(f) Consistency With International Obligations.—The Attorney General shall not take any action under this section to transfer or return a person to a foreign country unless the Attorney General determines, after consultation with the Secretary of State, that transfer or return would be consistent with the international obligations of the United States. A determination by the Attorney General under this subsection shall not be subject to judicial review by any court.".

(b) Clerical Amendment.—The analysis for chapter 223 of title 18, United States Code, is amended by striking the item relating to section 3508 and inserting the following:

"3508. Temporary transfer of witnesses in custody.".

TITLE III—ANTI-ATROCITY ALIEN DEPORTATION

SEC. 1. INADMISSIBILITY AND REMOVABILITY OF ALIENS WHO HAVE COMMITTED ACTS OF TORTURE ABROAD.

(a) Inadmissibility.—Section 212(a)(3)(E) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(E)) is amended by adding at the end the following:

"(iii) Commission of acts of torture.—Any alien who, outside the United States, has committed any act of torture, as defined in section 2340 of title 18, United States Code, is inadmissible.".

"(b) Removability.—Section 237(a)(4)(D) of that Act (8 U.S.C. 1227(a)(4)(D)) is amended by striking "clause (i) or (ii)" and inserting "clause (i), (ii), or (iii)".

"(c) Effective Date.—The amendments made by this section shall apply to offenses committed before, on, or after the date of enactment of this Act.

SEC. 2. ESTABLISHMENT OF THE OFFICE OF SPECIAL INVESTIGATIONS.

"(a) AMENDMENT OF THE IMMIGRATION AND NATIONALITY ACT.—Section 103 of the Immigration and Nationality Act (8 U.S.C. 1103) is amended by adding at the end the following:

"(g) The Attorney General shall establish within the Criminal Division of the Department of Justice an Office of Special Investigations with the authority of investigating, and, where appropriate, taking legal action to remove, denaturalize, or prosecute any alien found to be in violation of clause (i), (ii), or (iii) of section 212(a)(3)(E).".

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Department of Justice for the fiscal year 2000 such sums as may be necessary to carry out the additional duties established under section 103(g) of the Immigration and Nationality Act (as added by this Act) in order to ensure that the Office of Special Investigations fulfills its continuing obligations regarding Nazi war criminals.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expanded.

MOBILE TELECOMMUNICATIONS SOURCING ACT

On October 20, 1999, Mr. BROWNBACK, for himself and Mr. DORGAN, introduced S. 1755. The text of the bill follows:

S. 1755

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mobile Telecommunications Sourcing Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The provision of mobile telecommunications services is a matter of interstate commerce within the jurisdiction of the United States Congress under Article I, Section 8 of the United States Constitution. Certain aspects of mobile telecommunications technologies and services do not respect, and operate independently of, State and local jurisdictional boundaries.

(2) The mobility afforded to millions of American consumers by mobile telecommunications services helps to fuel the American economy, facilitate the development of the information superhighway and provide important safety benefits.

(3) Users of mobile telecommunications services can originate a call in one State or local jurisdiction and travel through other States or local jurisdictions during the course of the call. These circumstances make it more difficult to track the separate segments of a particular call with all of the States and local jurisdictions involved with the call. In addition, expanded home calling areas, bundled service offerings and other marketing advances make it increasingly difficult to assign each transaction to a specific taxing jurisdiction.

(4) State and local taxes imposed on mobile telecommunications services that are not consistently based on subject consumers, businesses and others engaged in interstate commerce to multiple, confusing and burdensome State and local taxes and result in higher costs to consumers and the industry.

(5) State and local taxes that are not consistently based can result in some telecommunications revenues inadvertently escaping State and local taxation altogether, thereby violating standards of tax fairness, creating inequities among competitors in the telecommunications market and depriving State and local governments of needed tax revenues.

(6) Because State and local tax laws and regulations of many jurisdictions were established before the proliferation of mobile telecommunications services, the application of these laws to the provision of mobile telecommunications services may produce conflicting or unintended tax results.

(7) State and local governments provide essential public services, including services that Congress encourages State and local governments to undertake in partnership with the Federal government for the achievement of important national policy goals.

(8) State and local governments provide services that support the flow of interstate commerce, including services that support the use and development of mobile telecommunications services.

(9) State governments as sovereign entities in our Federal system may require that interstate commerce conducted within their borders pay its fair share of tax to support the government services provided by those governments.

(10) Local governments as autonomous subdivisions of a State government may require that interstate commerce conducted within their borders pay its fair share of tax to support the governmental services provided by those governments.

(11) To balance the needs of interstate commerce and the mobile telecommunications industry with the legitimate role of State and local governments in our system of federalism, Congress needs to establish a uniform and coherent national policy regarding the taxation of mobile telecommunications services through the exercise of its constitutional authority to regulate interstate commerce.

(12) Congress also recognizes that the solution established by this legislation is a necessarily practical one and must provide for a system of State and local taxation of mobile telecommunications services that in the absence of this solution would not otherwise occur. To this extent, Congress exercises its power to provide a reasonable solution to otherwise insoluble problems of multi-jurisdictional commerce.

SEC. 3. AMENDMENT OF COMMUNICATIONS ACT OF 1934 TO PROVIDE RULES FOR DETERMINING STATE AND LOCAL GOVERNMENT TREATMENT OF CHARGES RELATED TO MOBILE TELECOMMUNICATIONS SERVICES.

The Communications Act of 1934 (47 U.S.C. 151 et seq.) is amended by adding at the end thereof the following:

"TITLE VIII—STATE AND LOCAL TREATMENT OF CHARGES FOR MOBILE TELECOMMUNICATIONS SERVICES.

"SEC. 801. APPLICATION OF TITLE.

"(a) IN GENERAL.—This title applies to any tax, charge, or fee levied by a taxing jurisdiction as a fixed charge for each customer or measured by gross amounts charged to customers for mobile telecommunications services, regardless of whether such tax, charge, or fee is imposed on the vendor or customer of the service and regardless of the terminology used to describe the tax, charge, or fee.

"(b) GENERAL EXCEPTIONS.—This title does not apply to—

"(1) any tax, charge, or fee levied upon or measured by the net income, capital stock, net worth or property value of the provider of mobile telecommunications service;

"(2) any tax, charge, or fee that is applied to an equitably apportioned gross amount that is not determined on a transactional basis;

"(3) any tax, charge, or fee that represents compensation for a mobile telecommunications service provider's use of public rights of way or other public property, provided that such tax, charge, or fee is not levied by the taxing jurisdiction as a fixed charge for each customer or measured by gross amounts charged to customers for mobile telecommunication services; or

"(4) any fee related to obligations under section 254 of this Act.".

"(c) SPECIFIC EXCEPTIONS.—This title—

"(1) does not apply to the determination of the taxing situs of prepaid telephone calling services;

"(2) does not affect the taxability of either the initial sale of mobile telecommunications services or subsequent resale, whether as sales of the service alone or as a part of a bundled product, where the Internet Tax Freedom Act would preclude a taxing jurisdiction from subjecting the charges of the sale of these mobile telecommunications services to a tax, charge, or fee but this section provides no evidence of the intent of Congress with respect to the applicability of the Internet Tax Freedom Act to such charges; and

"(3) does not apply to the determination of the taxing situs of air-ground radiotelephone service as defined in section 22.99 of the Commission's regulations (47 C.F.R. 22.99).

"SEC. 802. SOURCING RULES.

"(a) IN GENERAL.—Notwithstanding the law of any State or political subdivision thereof to the contrary, mobile telecommunications services provided in a taxing jurisdiction to a customer, the charges for which are billed by or for the customer's home service provider, shall be deemed to be provided by the customer's home service provider.

"(b) JURISDICTION.—All charges for mobile telecommunications services that are deemed to be provided by the customer's home service provider under this title are authorized to be subjected to tax, charge, or fee by the taxing jurisdictions whose territorial limits encompass the customer's place of primary use, regardless of where the mobile telecommunication services originate, terminate or pass through, and no other taxing jurisdiction may impose taxes, charges, or fees on charges for such mobile telecommunications services.

"SEC. 803. LIMITATIONS.

"This title does not—

"(1) provide authority to a taxing jurisdiction to impose a tax, charge, or fee that the laws of the jurisdiction do not authorize the jurisdiction to impose; or

"(2) modify, impair, supersede, or authorize the modification, impairment, or supersession of, the law of any taxing jurisdiction pertaining to taxation except as expressly provided in this title.

"SEC. 804. ELECTRONIC DATABASES FOR NATIONWIDE STANDARD NUMERIC JURISDICTIONAL CODES.

"(a) ELECTRONIC DATABASE.—A State may provide an electronic database to a home service provider or, if a State does not provide such an electronic database to home service providers, then the designated database provider may provide an electronic database to a home service provider. The electronic database, whether provided by the State or the designated database provider, shall be provided in a format approved by the American National Standards Institute's Accredited Standards Committee X12, that, allowing for de minimis deviations, designates for each street address in the State, including to the extent practicable, any multiple postal street addresses applicable to one street location, the appropriate jurisdictions, and the appropriate code for each taxing jurisdiction, for each level of taxing jurisdiction, identified by one nationwide standard numeric code. The electronic database shall also provide the appropriate code for each street address with respect to political subdivisions which are not taxing jurisdictions when reasonably needed to determine the proper taxing jurisdiction. The nationwide standard numeric codes shall contain the same number of numeric digits with each digit or combination of digits referring to the same level of taxing jurisdiction throughout the United States using a format similar to FIPS 55–3 or other appropriate standard approved by the Federation of Tax Administrators and the Multistate Tax Commission, or their successors. Each address shall be provided in standard postal format.

“(b) Notice; Updates.—A State or designated database provider that provides or maintains an electronic database described in subsection (a) shall provide notice of the availability of the then current electronic database, and any subsequent revisions thereof, by publication in the manner normally employed for the publication of informational tax, charge, or fee notices to taxpayers in that State.

“(c) User Held Harmless.—A home service provider using the data contained in the electronic database described in subsection (a) shall be held harmless from any tax, charge, or fee liability that otherwise would be due solely as a result of any error or omission in the electronic database provided by a State or designated database provider. The home service provider shall reflect changes made to the electronic database during a calendar quarter no later than 30 days after the end of that calendar quarter for each State that issues notice of the availability of an electronic database reflecting such changes under subsection (b).

“SEC. 805. PROCEDURE WHERE NO ELECTRIC DATABASE PROVIDED.

“(a) In General.—If neither a State nor designated database provider provides an electronic database under section 804, a home provider shall be held harmless from any tax, charge, or fee liability in that State that otherwise would be due solely as a result of an assignment of a street address to an incorrect taxing jurisdiction if, subject to section 806, the home service provider employs an enhanced zip code to assign each street address to a specific taxing jurisdiction for each level of taxing jurisdictional and exercise due diligence at each level of taxing jurisdiction to ensure that each such street address is assigned to the correct taxing jurisdiction. Where an enhanced zip code overlaps boundaries of taxing jurisdictions of the same level, the home service provider must designate one specific jurisdiction within such enhanced zip code for use in taxing the activity for that enhanced zip code for each level of taxing jurisdiction. Any enhanced zip code assignment changed in accordance with section 806 is deemed to be in compliance with this section. For purposes of this section, there is a rebuttable presumption that a home service provider has exercised due diligence if such home service provider demonstrates that it has—

“(1) expended reasonable resources to implement and maintain an appropriately detailed electronic database of street address assignments to taxing jurisdictions;

“(2) implemented and maintained reasonable internal controls to promptly correct misassignments of street addresses to taxing jurisdictions; and

“(3) used all reasonably obtainable and usable data pertaining to municipal annexations, incorporations, reorganizations and any other changes in jurisdictional boundaries that materially affect the accuracy of the electronic database.

“(b) Termination of Safe Harbor.—Subsection (a) applies to a home service provider that is in compliance with the requirements of subsection (a), with respect to a State for which an electronic database is not provided under section 804 until the later of—

“(1) 18 months after the nationwide standard numeric code described in section 804(a) has been approved by the Federation of Tax Administrators and the Multistate Tax Commission; or

“(2) 6 months after the State or a designated database provider in that State provides the electronic database as prescribed in section 804(a).

“SEC. 806. CORRECTION OF ERRONEOUS DATA FOR PLACE OF PRIMARY USE.

“(a) In General.—A taxing jurisdiction, or a State on behalf of any taxing jurisdiction or taxing jurisdictions within such State, may—

“(1) determine that the address used for purposes of determining the taxing jurisdictions to which taxes, charges, or fees for mobile telecommunications services are remitted does not meet the definition of place of primary use in section 809(3) and give binding notice to the home service provider to change the place of primary use on a prospective basis from the date of notice of determination if—

“(A) where the taxing jurisdiction making such determination is not a State, such taxing jurisdiction obtains the consent of all affected taxing jurisdictions within the State before giving such notice of determination; and

“(B) the customer is given an opportunity, prior to such notice of determination, to demonstrate in accordance with applicable State or local tax, charge, or fee administrative procedures that the address is the customer's place of primary use;

“(2) determine that the assignment of a taxing jurisdiction by a home service provider under section 805 does not reflect the correct taxing jurisdiction and give binding notice to the home service provider to change the assignment on a prospective basis from the date of notice of determination if—

“(A) where the taxing jurisdiction making such determination is not a State, such taxing jurisdiction obtains the consent of all affected taxing jurisdictions within the state before giving such notice of determination; and

“(B) the home service provider is given an opportunity to demonstrate in accordance with applicable State or local tax, charge, or fee administrative procedures that the assignment reflects the correct taxing jurisdiction.

“SEC. 807. DUTY OF HOME SERVICE PROVIDER REGARDING PLACE OF PRIMARY USE.

“(a) Place of Primary Use.—A home service provider is responsible for obtaining and maintaining the customer's place of primary use (as defined in section 809). Subject to section 806, and if the home service provider's reliance on information provided by its customer is in good faith, a home service provider—

“(1) may rely on the applicable residential or business street address supplied by the home service provider's customer; and

“(2) is not liable for any additional taxes, charges, or fees based on a different determination of the place of primary use for taxes, charges or fees that are customarily passed on to the customer as a separate itemized charge.

“(b) Address Under Existing Agreements.—Except as provided in section 806, a home service provider may treat the address used by the home service provider for tax purposes for any customer under a service contract or agreement in effect 2 years after the date of enactment of the Mobile Telecommunications Sourcing Act as that customer's place of primary use for the remaining term of such service contract or agreement, excluding any extension or renewal of such service contract or agreement, for purposes of determining the taxing jurisdictions to which taxes, charges, or fees on charges for mobile telecommunications services are remitted.

“SEC. 808. SCOPE; SPECIAL RULES.

“(a) Title Does Not Supersede Customer's Liability to Taxing Jurisdiction.—Nothing in this title modifies, impairs, supersedes, or authorizes the modification, impairment, or supersession of, any law allowing a taxing jurisdiction to collect a tax, charge, or fee from a customer that has failed to provide its place of primary use.

“(b) Additional Taxable Charges.—If a taxing jurisdiction does not otherwise subject charges for mobile telecommunications services to taxation and if these charges are aggregated with and not separately stated from charges that are subject to taxation, then the charges for otherwise non-taxable mobile telecommunications services may be subject to taxation unless the home service provider can reasonably identify charges not subject to such tax, charge, or fee from its books and records that are kept in the regular course of business.

“(c) Non-taxable Charges.—If a taxing jurisdiction does not subject charges for mobile telecommunications services to taxation, a customer may not rely upon the non-taxability of charges for mobile telecommunications services unless the customer's home service provider separately states the charges for non-taxable mobile telecommunications services from taxable charges or the home service provider elects, after receiving a written request from the customer in the form required by the provider, to provide verifiable data based upon the home service provider's books and records that are kept in the regular course of business that reasonably identifies the non-taxable charges.

“(d) References to Regulations.—Any reference in this title to the Commission's regulations is a reference to those regulations as they were in effect on June 1, 1999.

“SEC. 809. DEFINITIONS.

“In this title:

“(1) Charges for mobile telecommunications services.—The term ‘charges for mobile telecommunications services’ means any charge for, or associated with, the provision of commercial mobile radio service, as defined in section 20.3 of the Commission's regulations (47 CFR 20.3), or any charge for, or associated with, a service provided as an adjunct to a commercial mobile radio service, that is billed to the customer by or for the customer's home service provider regardless of whether individual transmissions originate or terminate within the licensed service area of the home service provider.

"(2) TAXING JURISDICTION.—The term 'taxing jurisdiction' means any of the several States, the District of Columbia, or any territory or possession of the United States, any municipality, city, county, township, parish, transportation district, or assessment jurisdiction, or any other political subdivision within the territorial limits of the United States with the authority to impose a tax, charge, or fee.

"(3) PLACE OF PRIMARY USE.—The term 'place of primary use' means the street address representative of where the customer's use of the mobile telecommunications service primarily occurs, which must be either—

"(A) the residential street address or the primary business street address of the customer; and

"(B) within the licensed service area of the home service provider.

"(4) LICENSED SERVICE AREA.—The term 'licensed service area' means the geographic area in which the home service provider is authorized by law or contract to provide commercial mobile radio service to the customer.

"(5) HOME SERVICE PROVIDER.—The term 'home service provider' means the facilities-based carrier or reseller with which the customer contracts for the provision of mobile telecommunications services.

"(6) CUSTOMER.—

"(A) IN GENERAL.—The term 'customer' means—

"(i) the person or entity that contracts with the home service provider for mobile telecommunications services; or

"(ii) where the end user of mobile telecommunications services is not the contracting party, the end user of the mobile telecommunications service, but this clause applies only for the purpose of determining the place of primary use.

"(B) The term 'customer' does not include—

"(i) a reseller of mobile telecommunications service; or

"(ii) a serving carrier under an arrangement to serve the customer outside the home service provider's licensed service area.

"(7) DESIGNATED DATABASE PROVIDER.—The term "designated database provider" means a corporation, association, or other entity representing all the political subdivisions of a State that is—

"(A) responsible for providing the electronic database prescribed in section 804(a) if the State has not provided such electronic database; and

"(B) sanctioned by municipal and county associations or leagues of the State whose responsibility it would otherwise be to provide the electronic database prescribed by this title.

"(8) PREPAID TELEPHONE CALLING SERVICES.—The term 'prepaid telephone calling service' means the right to purchase exclusively telecommunications services that must be paid for in advance, that enables the origination of calls using an access number, authorization code, or both, whether manually or electronically dialed, if the remaining amount of units of service that have been prepaid is known by the provider of the prepaid service on a continuous basis.

"(9) RESELLER.—The term 'reseller'—

"(A) means a provider who purchases telecommunications services from another telecommunications service provider and then resells, uses as a component part of, or integrates the purchased services into a mobile telecommunications service; but

"(B) does not include a serving carrier with which a home service provider arranges for the services to its customers outside the home service provider's licensed service area.

"(10) SERVING CARRIER.—The term 'serving carrier' means a facilities-based carrier providing mobile telecommunications service to a customer outside a home service provider's or reseller's licensed service area.

"(11) MOBILE TELECOMMUNICATIONS SERVICE.—The term 'mobile telecommunications service' means commercial mobile radio service, as defined in section 20.3 of the Commission's regulations (47 CFR 20.3).

"(12) ENHANCED ZIP CODE.—The term 'enhanced zip code' means a United States postal zip code of 9 or more digits.

"SEC. 810. COMMISSION NOT TO HAVE JURISDICTION OF TITLE.

"Notwithstanding any other provision of this Act, the Commission shall have no jurisdiction over the interpretation, implementation, or enforcement of this title.

"SEC. 811. NONSEVERABILITY.

"If a court of competent jurisdiction enters a final judgment on the merits that is no longer subject to appeal, which substantially limits or impairs the essential elements of this title based on Federal statutory or Federal Constitutional grounds, or which determines that this title violates the United States Constitution, then the provisions of this title are null and void and of no effect.

"SEC. 812. NO INFERENCE.

"(a) INTERNET TAX FREEDOM ACT.—Nothing in this title may be construed as bearing on Congressional intent in enacting the Internet Tax Freedom Act or as affecting that Act in anyway.

"(b) TELECOMMUNICATIONS ACT OF 1996.—Nothing in this title shall limit or otherwise affect the implementation of the Telecommunications Act of 1996 or the amendments made by that Act.".

SEC. 4. EFFECTIVE DATE.

The amendment made by section 3 applies to customer bills issued after the first day of the first month beginning more than 2 years after the date of enactment of this Act.

NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT ACT OF 1999

On October 20, 1999, Mr. BINGAMAN, for himself and Mrs. MURRAY, introduced S. 1756. The text of the bill follows:

S. 1756

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Laboratories Partnership Improvement Act of 1999".

SEC. 2. FINDINGS.

The Congress finds that—

(1) The National Laboratories play a crucial role in the Department of Energy's ability to achieve its missions in national security, science, energy, and environment.

(2) The National Laboratories must be on the leading edge of advances in science and technology to help the Department to achieve its missions.

(3) The private sector is now performing a much larger share of the nation's research and development activities, and is on the leading edge of many technologies that could be adapted to meet departmental missions.

(4) To be able to help the Department to achieve its missions in the most cost effective manner, the National Laboratories must take advantage, to the greatest extent practicable, of the scientific and technological expertise that exists in the private sector, as well as at leading universities, through joint research and development projects, personnel exchanges, and other arrangements.

(5) The Department needs to strengthen the regional technology infrastructure of firms, research and academic institutions, non-profit and governmental organizations, and work force around its National Laboratories to maintain the long-term vitality of the laboratories and ensure their continued access to the widest range of high quality research, technology and personnel.

SEC. 3. DEFINITIONS.

For purposes of this Act, except for sections 8 and 9—

(1) the term "Department" means the Department of Energy;

(2) the term "departmental mission" means any of the functions vested in the Secretary of Energy by the Department of Energy Organization Act (42 U.S.C. 7101 et seq.) or other law;

(3) the term "institution of higher education" has the meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a));

(4) the term "multiprogram National Laboratory" means any of the following institutions owned by the Department of Energy—

(A) Argonne National Laboratory;

(B) Brookhaven National Laboratory;

(C) Idaho National Engineering and Environmental Laboratory;

(D) Lawrence Berkeley National Laboratory;

(E) Lawrence Livermore National Laboratory;

(F) Los Alamos National Laboratory;

(G) Oak Ridge National Laboratory;

(H) Pacific Northwest National Laboratory.

(I) Sandia National Laboratory;

(5) the term "National Laboratory or facility" means any of the multiprogram National Laboratories or any of the following institutions owned by the Department of Energy—

(A) Ames Laboratory

(B) East Tennessee Technology Park;

(C) Environmental Measurement Laboratory;

(D) Federal Energy Technology Center;

(E) Fermi National Accelerator Laboratory;

(F) National Renewable Energy Laboratory;

(G) Nevada Test Site;

(H) Princeton Plasma Physics Laboratory;

(I) Savannah River Technology Center;

(J) Stanford Linear Accelerator Center;

(K) Thomas Jefferson National Accelerator Facility;

(L) Waste Isolation Pilot Plant; or

(M) other similar organization of the Department designated by the Secretary that engages in technology transfer activities;

(6) the term "nonprofit institution" has the meaning given such term in section 4 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3703(5));

(7) the term "Secretary" means the Secretary of Energy;

(8) the term "small business concern" has the meaning given such term in section 3 of the Small Business Act (15 U.S.C. 632);

(9) the term "technology-related business concern" means a for-profit corporation, company, association, firm, partnership, or small business concern that—

(A) conducts scientific or engineering research,

(B) develops new technologies,

(C) manufactures products based on new technologies, or

(D) performs technological services; and

(10) the term "technology cluster" means a geographic concentration of—

(A) technology-related business concerns;

(B) institutions of higher education; or

(C) other nonprofit institutions

that reinforce each other's performance though formal or informal relationships.

SEC. 4. REGIONAL TECHNOLOGY INFRASTRUCTURE PROGRAM.

(a) Establishment.—The Secretary shall establish a Regional Technology Infrastructure Program in accordance with this section.

(b) Purpose.—The purpose of the program shall be to improve the ability of National Laboratories or facilities to support department missions by—

(1) stimulating the development of technology clusters in the vinicity of National Laboratories or facilities;

(2) improving the ability of National Laboratories or facilities to leverage commercial research, technology, products, processes, and services; and

(3) encouraging the exchange of scientific and technological expertise between National Laboratories or facilities and—

(A) institutions of higher education,

(B) technology-related business concerns,

(C) nonprofit institutions, and

(D) agencies of state, tribal, or local governments—

that are located in the vicinity of a National Laboratory or facility.

(c) Program Phases.—The Secretary shall conduct the Regional Technology Infrastructure Program in two phases as follows:

(1) Pilot phase.—No later than six months after the date of enactment of this Act, the Secretary shall provide $1,000,000 to each of the multiprogram National Laboratories to conduct Regional Technology Infrastructure Program pilots.

(2) Full implementation.—Not later than eighteen months after the date of enactment of this act, the Secretary shall expand or alter the Regional Technology Infrastructure Program to include whichever National Laboratories or facilities the Secretary determines to be appropriate based upon the experience of the program to date and the extent to which the pilot projects under paragraph (1) met the requirements of subsections (e) and (f).

(d) Projects.—The Secretary shall authorize the director of each National Laboratory or facility designated under subsection (c) to implement the Regional Technology Infrastructure Program at such National Laboratory or facility through projects that meet the requirements of subsections (e) and (f).

(e) Program Requirements.—Each project funded under this program shall meet the following requirements:

(1) Minimum participants.—Each project shall at a minimum include—

(A) a National Laboratory or facility;

(B) a business located within the vicinity of the participating National Laboratory or facility; and

(C) one or more of the following entities that is located within the vicinity of the participating National Laboratory or facility—

(i) an institution of higher education,

(ii) a nonprofit institution,

(iii) an agency of a state, local, or tribal government, or

(iv) an additional business.

(2) Cost Sharing.—

(A) Minimum amount.—Not less than 50 percent of the costs of each project funded under this section shall be provided from non-Federal sources.

(B) Qualified funding and resources.—

(i) The calculation of costs paid by the non-federal sources to a project shall include cash, personnel, services, equipment, and other resources expended on the project.

(ii) Independent research and development expenses of government contractors that qualify for reimbursement under section 31-205-18(e) of the Federal Acquisition Regulations issued pursuant to section 25(c)(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)(1)) may be credited towards costs paid by non-federal sources to a project, if the expenses meet the other requirements of this section.

(iii) No funds or other resources expended either before the start of a project under this program or outside the project's scope of work shall be credited toward the costs paid by the non-federal sources to the project.

(3) Competitive selection.—All projects where a party other than the Department or a National Laboratory or facility receives funding under this program shall be competitively selected using procedures determined to be appropriate by the Secretary.

(4) Accounting standards.—Any participants receiving funding under this program, other than a National Laboratory or facility, may use generally accepted accounting principles for maintaining accounts, books, and records relating to the project.

(5) Limitations.—No federal funds shall be made available under this program for—

(A) construction; or

(B) any project for more than five years.

(f) Criteria.—

(1) Mandatory criteria.—The Secretary shall not authorize the provision of federal funds for a project under this section unless there is a determination by the Director of the National Laboratory or facility managing the project that the project is likely—

(A) to succeed, based on its technical merit, team members, management approach, resources, and project plan; and

(B) to improve the participating National Laboratory or facility's ability to achieve technical success in meeting departmental missions, promote the commercial development of technological innovations made at such Laboratory or facility, and use commercial innovations to achieve its missions.

(2) Additional criteria.—The Secretary shall also require the consideration of the following factors by the Director of the National Laboratory or facility managing projects under this section in providing federal funds to projects under this section—

(A) the potential of the project to promote the development of a commercially sustainable technology cluster, one that will derive most of the demand for its products or services from the private sector, in the vicinity of the participating National Laboratory or facility;

(B) the commitment shown by non-federal organizations to the project, based primarily on the nature and amount of the financial and other resources they will risk on the project;

(C) the extent to which the project involves a wide variety and number of institutions of higher education, nonprofit institutions, and technology-related business concerns located in the vicinity of the participating National Laboratory or facility that will make substantive contributions to achieving the goals of the project;

(D) the extent of participation in the project by agencies of state, tribal, or local governments that will make substantive contributions to achieving the goals of the project;

(E) the extent to which the project focuses on promoting the development of technology-related business concerns that are small business concerns located in the vicinity of the National Laboratory or facility or involves such small business concerns substantively in the project.

(3) Savings clause.—Nothing in this subsection shall limit the Secretary from requiring the consideration of other factors, as appropriate, in determining whether to fund projects under this section.

SEC. 5. SMALL BUSINESS ADVOCACY AND ASSISTANCE.

(a) Advocacy Function.—The Secretary shall direct the Director of each multiprogram National Laboratory, and may direct the Director of each other National Laboratory or facility the Secretary determines to be appropriate, to establish a small business advocacy function that is organizationally independent of the procurement function at the National Laboratory or facility. The mission of the small business advocacy function shall be to increase the participation of small business concerns, particularly those small business concerns located near the laboratory and small business concerns that are owned by women or minorities, in procurements and collaborative research conducted by the National Laboratory or facility. The person or office vested with the small business advocacy function shall—

(1) report to the Director of the National Laboratory or facility on the actual participation of small business concerns in procurements and collaborative research along with recommendations, if appropriate, on how to improve participation;

(2) make available to small business concerns training, mentoring, and clear, up-to-date information on how to participate in the procurements and collaborative research, including how to submit effective proposals;

(3) increase the awareness inside the National Laboratory or facility of the capabilities and opportunities presented by small business concerns; and

(4) establish guidelines for the program under subsection (b) and report on the effectiveness of such program to the Director of the National Laboratory or facility.

(b) Establishment of Small Business Assistance Program.—The Secretary shall direct the Director of each multiprogram National Laboratory, and may direct the Director of each other National Laboratory or facility the Secretary determines to be appropriate, to establish a program to provide small business concerns—

(1) assistance directed at making them more effective and efficient subcontractors or suppliers to the National Laboratory or facility; or

(2) general technical assistance to improve the small business concern's products or services.

(c) Use of Funds.—None of the funds expended on a program under subsection (b) may be used for direct grants to the small business concerns.

SEC. 6. TECHNOLOGY PARTNERSHIPS OMBUDSMAN.

(a) Appointment of Ombudsman.—The Secretary shall direct the Director of each multiprogram National Laboratory, and may direct the Director of each other National Laboratory or facility the Secretary determines to be appropriate, to appoint a technology partnership ombudsman to hear and help resolve complaints from outside organizations regarding each laboratory's policies and actions with respect to technology partnerships (including cooperative research and development agreements), patents, and technology licensing. Each ombudsman shall—

(1) be a senior official of the National Laboratory or facility who is not involved in day-to-day technology partnerships, patents, or technology licensing; and

(2) report to the Director of the National Laboratory or facility.

(b) DUTIES.—Each ombudsman shall—

(1) serve as the focal point for assisting the public and industry in resolving complaints and disputes with the laboratory regarding technology partnerships, patents, and technology licensing;

(2) promote the use of collaborative alternative dispute resolution techniques such as mediation to facilitate the speedy and low-cost resolution of complaints and disputes, when appropriate; and

(3) report, through the Director of the National Laboratory or facility, to the Department annually on the number and nature of complaints and disputes raised, along with the ombudsman's assessment of their resolution, consistent with the protection of confidential and sensitive information.

SEC. 7. MOBILITY OF TECHNICAL PERSONNEL.

(a) GENERAL POLICY.—Not later than two years after or the enactment of this Act, the Secretary shall ensure that each contractor operating a National Laboratory or facility has policies and procedures, including an employee benefits program, that do not create disincentives to the transfer of scientific and technical personnel among the contractor-operated National Laboratories or facilities.

(b) EXTENSION.—The Secretary may delay implementation of the policy in subsection (a) if the Secretary—

(1) determines that the implementation of the policy within two years would be unnecessarily expensive or disruptive to the operations of the contractor-operated National Laboratories or facilities; and

(2) recommends to Congress alternative measures to increase the mobility of technical personnel among the contractor operated National Laboratories or facilities.

(c) STUDY OF WIDER MOBILITY.—Not later than two years after the enactment of this act, the Secretary shall recommend to Congress legislation to reduce any undue disincentives to scientific and technical personnel employed by a contractor-operated National Laboratory or facility taking a job with an institution of higher education, nonprofit institution, or technology-related business concern that is located in the vicinity of the National Laboratory or facility.

SEC. 8. OTHER TRANSACTIONS AUTHORITY.

Section 646 of the Department of Energy Organization Act (42 U.S.C.. 7256) is amended by adding at the end the following new subsection:

"(g)(1) In addition to other authorities granted to the Secretary to enter into procurement contracts, leases, cooperative agreements, grants, and other similar arrangements, the Secretary may enter into other transactions with public agencies, private organizations, or persons on such terms as the Secretary may deem appropriate in furtherance of functions now or hereafter vested in the Secretary, including research, development, or demonstration projects. Such other transactions shall not be subject to the provisions of section 9 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5908).

"(2)(A) The Secretary shall not disclose any trade secret or commercial or financial information submitted by a non-federal entity under paragraph (1) that is privileged and confidential.

"(B) The Secretary shall not disclose, for five years after the date the information is received, any other information submitted by a non-federal entity under paragraph (1), including any proposal, proposal abstract, document support a proposal, business plan, or technical information that is privileged and confidential.

"(C) The Secretary may protect from disclosure, for up to five years, any information developed pursuant to a transaction under paragraph (1) that would be protected from disclosure under section 552(b)(4) of title 5, United States Code, if obtained from a person other than a federal agency.".

SEC. 9. AMENDMENTS TO THE STEVENSON-WYDLER ACT.

(a) STRATEGIC PLANS.—Section 12(a) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(a)) is amended by inserting after "joint work statement" the following: "or, if permitted by the agency, in an agency-approved annual strategic plan.".

(b) FEDERAL WAIVERS.—Subsection 12(b) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(b)) is amended by adding at the end the following:

"(6) The director of a government-operated laboratory (in the case of a government operated laboratory) or a designated official of the agency (in the case of a contractor-operated laboratory) may waive any license retained by the Government under paragraphs (1)(A), 2, or 3(D) in whole or in part and according to negotiated terms and conditions if the director or designated official, as appropriate, finds that the requirement for the license would substantially inhibit the commercialization of an invention that would otherwise serve an important federal mission.".

(c) TIME REQUIRED FOR APPROVAL.—Section 12(c)(5) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(c)(5)) is amended—

(1) by striking subparagraph (C);

(2) by redesignating subparagraph (D) as subparagraph (C);

(3) by striking "with a small business firm" and inserting "if" after "statement" in subparagraph (C)(i) (as redesignated); and

(4) by adding after subparagraph (C)(iii) (as redesignated) the following:

"(iv) Any agency that has contracted with a non-Federal entity to operate a laboratory may develop and provide to such laboratory one or more model cooperative research and development agreements, for the purposes of standardizing practices and procedures, resolving common legal issues, and enabling review of cooperative research and development agreements to be carried out in a routine and prompt manner.

"(v) A federal agency may waive the requirements of clause (i) or (ii) under such circumstances as the agency deems appropriate. However, the agency may not take longer than 30 days to review and approve, request modifications to, or disapprove any proposed agreement or joint work statement that it elects to receive.".

ADDITIONAL STATEMENTS

NATIONAL BUSINESS WOMEN'S WEEK

• Ms. SNOWE. Mr. President, I rise to pay tribute to the more than 9.1 million women business owners nationwide on the occasion of National Business Women's Week. This week marks the celebration of the 71st annual National Business Women's Week.

On this occasion, advocates for women business owners may have a well-deserved sense of pride. I am pleased to be able to report that between 1987 and 1999, the number of women-owned businesses increased by 103 percent nationwide, employment increased by 320 percent, and sales grew by 436 percent. Today, women business owners across the country employ more than 27.5 million people and generate in excess of $3.6 trillion in sales. These businesses account for 38 percent of all U.S. businesses.

In my home State of Maine, there are more than 48,200 women-owned businesses, employing 91,700 people and generating $10.2 billion in sales. For Maine's economy, this represents growth of more than 85.3 percent between 1987 and 1996.

Mr. President, this data demonstrates just how vital women and women-owned businesses are to the health of the U.S. economy. Although women-owned businesses have grown at an astronomical rate, we must continue to ensure that women have access to the knowledge and capital necessary to start their own businesses.

That is why I ask that, as we celebrate the tremendous accomplishments of women during National Business Women's Week, my fellow colleagues join me in supporting opportunities for women to become entrepreneurs.

As a member of the Senate Small Business Committee, I am proud of the role the Committee and the Small Business Administration have played in providing access to assistance from women entrepreneurs, because many of the businesses in this rapidly growing sector are small businesses. Just last month, the Committee reported legislation, the Women's Business Centers Sustainability Act, that would significantly increase funding for the Women's Business Centers Program, which provides women with long-term training and counseling in all aspects of owning and managing a business—fostering the growth of women's business ownership and providing a foundation of basic support to women business owners.

This program promotes the growth of women-owned businesses by sponsoring business training and technical counseling, access to credit and capital, and access to marketing opportunities, including Federal contracts and export opportunities. Over the past 10 years, the program has served tens of thousands of women entrepreneurs by providing them with consulting, training, and financial assistance as they seek to start or expand their own business. As a result, women are starting new firms at twice the rate of all other business, and employ roughly one in every five U.S. workers. Today, the program is comprised of nearly 70 centers in 40 States.

In my view, creating new opportunities for historically disadvantaged groups, such as women and minorities to help provide tangible opportunities for economic independence must remain a top priority, and National Business Women's Week is a perfect opportunity to focus attention on the importance of such efforts.

In closing, I would like to express my appreciation to the Business and Professional Women/USA organization, which has played a pivotal role in making the celebration of National Business Women's Week possible.

Since its creation in 1928, National Business Women's Week has been sponsored by Business and Professional Women/USA for the purpose of recognizing and honoring the achievements of working women.

Business and Professional Women/USA local organizations across the country, and in my state of Maine, will take this week to honor outstanding business women and employers of the year, and I would like to congratulate them and thank them for their important contributions.●

TRIBUTE TO IKUA PURDY

● Mr. AKAKA. Mr. President, this past Sunday, eight rodeo stars were inducted into the Rodeo Hall of Fame at the National Cowboy Hall of Fame and Western Heritage Center in Oklahoma City. Included among the honorees is one of Hawaii's most legendary paniolos—paniolo is Hawaiian for cowboy—the late Ikua Purdy. Ikua Purdy was born in 1873 at Parker Ranch, one of the largest and most famous ranches in the world, on the Big Island of Hawaii. As a boy he learned to ride and rope, working as a paniolo in the cattle industry, a large and important enterprise in Hawaii at the time.

Ikua Purdy secured his place as a rodeo legend for his exploits in 1908 at the World Championship Rodeo in Cheyenne, Wyoming. Purdy, along with Eben "Rawhide Ben" Parker Low, Jack Low, and Archie Ka'aua traveled from the Big Island to Cheyenne and borrowed horses to compete in the world roping championship. This was their first competition outside of Hawaii. At the conclusion of the two-day competition, Jack Low placed sixth, Archie Ka'aua finished third, and Ikua Purdy won the won roping championship with a record time of 56 seconds—an amazing time that is all the more incredible since it came after an arduous 3,300-mile trek and accomplished with a borrowed horse.

Mr. President, I ask that two articles from The Honolulu Advertiser detailing the remarkable achievements of Ikua Purdy be printed in the Record.

The articles follow:

[From the Honolulu Advertiser, July 5, 1999]

Bid Made To Give Paniolo His Due

(By Dan Nakaso)

In 1908, three Hawaii paniolo set off for Cheyenne, Wyo., where they heard the best ropers and riders in the land were gathering.

Just to get to the World Championship Rodeo, Ikua Purdy, Jack Low and Archie Ka'aua had to take a boat from the Big Island to Honolulu, catch a steamship to San Francisco, then hop a train to Cheyenne.

When they arrived 3,300 miles later, the other cowboys didn't know what to make of their dark skin, floppy hats and colorful clothes. And for a while it looked as if Purdy, Low and Ka'aua had made their journey for nothing, because nobody would loan them horses to compete.

But when the dust of competition settled after two days of roping and riding, Low had finished sixth, Ka'aua third and Purdy stood alone as the world roping champion.

The story became the stuff of paniolo lore. In the 101 years that followed, Purdy's legend has been remembered in Hawaii through paniolo songs, such as "Hawaiian Rough Riders" and "Walomina." He was among the first people inducted into Hawaii's sports Hall of Fame.

What happened in Cheyenne has also inspired a modern-day quest by a pair of California cattle ranchers to give Purdy—and Hawaii's paniolo lifestyle—their rightful places in the history of the American West.

Purdy's name on the Mainland is only now spreading in cowboy circles, mostly through cattlemen Jack Roddy and Cecil Jones. They're trying to get Purdy inducted into the Rodeo Hall of Fame, a wing of the National Cowboy Hall of Fame and Western Heritage Center in Oklahoma City.

Later this month, the historical society that runs the Rodeo Hall of Fame will send its 400 members ballots containing Purdy's name.

If Purdy is voted in when the ballots are counted in September, Roddy and Jones believe it will be just the start toward recognizing Hawaii's place in cowboy and cattle history.

"Purdy's just the beginning," Roddy said. "We need to tell the whole story of Hawaii, how cattle showed up in Hawaii first (even before Texas) and what Hawaii did for the rest of the West. The cowboys over there view Hawaii a people wearing hula skirts on beaches. They don't realize it's huge cattle country."

If Purdy doesn't make it into the Hall of Fame this summer the historical society might not consider him again for years.

He missed induction last year by 60 votes, a fact that gnaws at Billy Bergin, a Big Island veterinarian who grew up working as a paniolo.

Bergin established the Paniolo Preservation Society 18 months ago and is pushing people in Hawaii to pay $25 to the historical society so they can become voting members and get Purdy inducted.

In just the last three months, 87 people from Hawaii have joined, according to the National Cowboy Hall of Fame.

Before the Hawaii campaign, "no one had ever heard of Ikua Purdy," said Judy Dearing, who coordinates the rodeo program part of the Hall of Fame.

"Now we have such an interest from the Hawaii folks that we have a nice file an inch-and-a-half thick on Ikua."

Jones vaguely remembered reading "about some guy who came to Cheyenne and showed everybody up, set some records that were unbelievable and beat all the hotshots."

Last year "the nominating committee wondered how come his name hadn't come up before. Unfortunately, not enough people were aware of him. I said, 'We need to get the word out. He's long overdue.'"

Purdy's descendants lean toward the humble side of life, just like Ikua, and the push to elect him into the Hall of Fame makes some of them uncomfortable.

"Most of us feel he should be in the Hall of Fame because of his merits and not by buying a vote," said Palmer Purdy, one of Ikua's grandsons. "Don't get me wrong, I want to see him inducted. I just don't want to get him in that way. I want him to be inducted because he was a competitor and he was good at it and he was the best that Hawaii had to offer."

Ikua was born on Christmas Eve, 1873, at Mana on the Big Island's Parker Ranch. He died on the Fourth of July, 1945, at Ulupalakua on Maui, where he finished out his paniolo days as foreman of Ulupalakua Ranch. He's buried at Ulupalakua.

As a boy, Palmer Purdy, now 52, never heard a word from his father, William, about Ikua's victory in Cheyenne or his status as a legend.

It wasn't until Palmer became a teenager that he got curious about his dead grandfather.

"All my uncles and aunties are very humble and didn't openly discuss Ikua's greatness," Purdy said. "They didn't want to brag. But I would overhear other people talking about Ikua Purdy being a famous cowboy."

The more he heard how Purdy taught paniolo to train horses in the ocean—not "break" them—and about Purdy's victories in Hawaii rodeos, the more Palmer filled in the gaps.

"The first thing that came to my mind was, 'Wow, I missed a lot growing up.' We sure would have liked to see him in action. When people start writing songs about you, you put a dent in people's minds. So he must have been a great, great individual for that to happen."

THE EARLY DAYS

Purdy's life is just one chapter in the history of cowboys, horses and cattle in Hawaii, Bergin, Roddy and Jones said.

It begins in either 1792 or 1793 when British sea Capt. George Vancouver brought cattle to the Big Island as a gift to King Kamehameha I. Some of them died soon after, so Vancouver convinced Kamehameha to impose a kapu on killing cattle to give them a chance to breed.

The herd grew so successfully over the next three decades that cattle terrorized people and overran crops and forests. Rock walls in parts of urban Honolulu and other islands still stand as testament to the crude efforts to gain control over the bovines.

In 1830, Kamehameha III turned to Spanish California for help. Three vaqueros came over and showed Hawaiians how to ride horses that had been imported here 30 years before, and how to handle cattle.

Hawaii had its first working cowboys by 1836—some three or four decades before America. They called themselves paniolo, and Island-ized version of the word Espanol, or Spanish.

Raising cattle soon grew into a major export industry and helped Hawaiians pay off debts they had racked up by not filling orders for sandalwood.

Among the big cattle operations was the Parker Ranch on the Big Island, founded in

1848 by John Palmer Parker. Purdy was one of his great-grandsons.

In 1907, Eben "Rawhide Ben" Parker Low went to Cheyenne's Frontier Days and thought Hawaii's paniolo would be able to hold their own in competition there. Rawhide Ben had recently sold Pu'uwa'awa'a Ranch on the Big Island and financed the trip to Cheyenne in 1908 for himself, his half-brother Purdy, his cousin Ka'aua and his brother Jack Low.

"He felt they were the top ropers in the Islands," said Tila Spielman, Rawhide Ben's granddaughter.

The horses that Purdy, Low and Ka'aua borrowed were rough. And on the second day of competition, Low downed his calf in record time, but an asthma attack kept him from tying it up.

His time from the first day was still good enough for sixth place. Ka'aua's time of 1 minute, 28 seconds, got him third place. And Purdy was champion with an astounding 56 seconds. According to some accounts, it might have even been as low as 52 seconds.

Purdy never returned to Cheyenne, or even left Hawaii again.

He is on the verge of being immortalized in Oklahoma, but the attention he is getting today is exactly the kind that would have made him nervous.

Whenever he was asked about his accomplishments, Purdy would simply say: "Other things to talk about besides me."

[From the Honolulu Advertiser, Oct. 18, 1999]

RODEO HALL OF FAME ADDS ISLE PANIOLO

A Hawaii paniolo who is remembered in song and story was inducted into the Rodeo Hall of Fame yesterday in Oklahoma City.

The late Ikua Purdy was one of eight people honored during a ceremony at the National Cowboy Hall of Fame and Western Heritage Center.

Twenty of Purdy's relatives and friends made the journey from Hawaii for the program. One of the ceremony's highlights was the group performing the hula to a reading of Purdy's life story.

Purdy, who was born on Christmas Eve 1873 on the Big Island's Parker Ranch, learned to ride and rope on grasslands and upland forests of Waimea and Mauna Kea.

In the 1908 world roping championship in Cheyenne, Wyo., he snagged a steer in a record 56 seconds. Such songs as "Hawaiian Rough Riders" and "Waiomina" recounted his victory. Purdy, who never returned to Wyoming to defend his title, worked as a paniolo until his death July 4, 1945.

Purdy missed induction last year by 60 votes. So Billy Bergin, a Big Island veterinarian who grew up working as a paniolo, established an organization that encouraged people in Hawaii to join the Rodeo Hall of Fame so they could vote for Purdy's induction.

Mr. AKAKA. Ikua Purdy went home to Hawaii and resumed his work as a paniolo until his death in 1945. He did not return to the mainland to defend his title, in fact he never left Hawaii's shores again. But his victory and legend live on in Hawaii and the annals of rodeo history. His achievements are immortalized in song and hula in Hawaii, including "Hawaiian Rough Riders" and "Waiomina."

Yet, during his lifetime, Ikua Purdy avoided drawing attention to his roping mastery and world record performance. I am pleased to join Ikua Purdy's family and friends in honoring the legacy and talent of one of Hawaii's and America's greatest cowboys. This weekend's well-deserved induction into the Rodeo Hall of Fame enshrines a sporting feat that continues to amaze rodeo fans and highlights the long, proud history of Hawaii's paniolos.

This well-deserved honor for a paniolo whose talents were matched only by his humility and quiet dignity follows on the heels of renewed interest and appreciation of Hawaii's illustrious paniolo traditions.

The Hawaiian cowboy played an important role in the economic and cultural development of Hawaii and helped to establish the islands as a major cattle exporter to California, the Americas, and the Pacific Rim for over a century. Paniolo history is frequently overlooked in Hawaii and is largely unknown beyond our shores. Yet, this is an important part of Hawaii's history and of American history. Indeed, Hawaii's working cowboys preceded the emergence of their compatriots in the American West.

Paniolo came from Spain, Portugal, Mexico, California, and throughout South America to work Hawaii's ranches. They brought their languages and culture, including the guitar and ukulele. As they shared their culture, married and raised families, they embraced the Native Hawaiian culture and customs. In many ways, this sharing and blending of cultures is the foundation for the diverse and rich heritage the people of Hawaii enjoy today.

The paniolo experience is part of the distinct historical narrative of our nation's history. It illustrates how differences have developed into shared values and community. By illuminating the many currents and branches of our history and society, we acquire a better understanding and appreciation of our national landscape.

The rediscovery of paniolo history was further encouraged when Governor Ben Cayetano declared 1998 the "Year of the Paniolo" in Hawaii. An excellent documentary film by Edgy Lee, "Paniolo O Hawaii—Cowboys of the Far West," that premiered at the Smithsonian captures the essence of the Hawaiian cowboy and highlights the economic and cultural significance of the paniolo in the islands. I encourage all students and enthusiasts of the American West and cowboy lore to learn about the Hawaiian paniolo.•

AMERICANS OF ARABIC HERITAGE OF THE LEHIGH VALLEY, PENNSYLVANIA

• Mr. ABRAHAM. Mr. President, I rise today to express my sincere congratulations to the Americans of Arabic Heritage of the Lehigh Valley, Pennsylvania who are celebrating their 10th Anniversary this year. I am proud and honored to be celebrating this event with them at their annual banquet on October 23, 1999.

I commend those members who are involved in this organization because they advance and demonstrate the continuing positive contributions of Americans of Arab descent. Furthermore, it is heartening to see the continual efforts of the Americans of Arabic Heritage in fostering a relationship of understanding and goodwill between the peoples and cultures of the United States and the Arab world. These efforts will go far in enhancing and promoting our community's image and understanding throughout the world.

The Americans of Arabic Heritage of the Lehigh Valley, Pennsylvania have worked very hard to instill a sense of pride in their heritage. Their efforts have assured that this pride and this heritage will be preserved and carried on for generations to come. I am proud and delighted to see our community promoting our heritage and I wish them much success in their ongoing endeavors.

Many in the local community have given generously of their time and efforts to be active in the Americans of Arabic Heritage of the Lehigh Valley, Pennsylvania. They are to be commended for their very worthwhile efforts and foresight, and I am pleased to recognize these efforts in the United States Senate.•

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to Public Law 101–549, appoints Susan F. Moore, of Georgia, to the Board of Directors of the Mickey Leland National Urban Air Toxics Research Center.

COMPREHENSIVE PROGRAM OF SUPPORT FOR VICTIMS OF TORTURE

Mr. BROWNBACK. Madam President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 2367, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative assistant read as follows:

> A bill (H.R. 2367) to reauthorize a comprehensive program of support for victims of torture.

There being no objection, the Senate proceeded to consider the bill.

Mr. BROWNBACK. Madam President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2367) was read the third time and passed.

ORDERS FOR FRIDAY, OCTOBER 22, 1999

Mr. BROWNBACK. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Friday, October 22. I further ask unanimous consent that on Friday immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and notwithstanding the adjournment of the Senate, the Senate then resume debate on the motion to proceed to H.R. 434, the sub-Saharan Africa free trade bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BROWNBACK. Madam President, for the information of all Senators, the Senate will resume consideration of the sub-Saharan Africa free trade bill at 9:30 tomorrow. The debate on the motion is expected to consume most of the day.

For the information of all Senators, the majority leader announced that there will be no votes tomorrow or Monday. However, Senators can expect votes early on Tuesday morning. For the beginning of next week, the Senate will resume debate on the African trade bill and will consider numerous Executive Calendar items. The Senate will also consider appropriations conference reports as they become available.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BROWNBACK. Madam President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:57 p.m., adjourned until Friday, October 22, 1999, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Thursday, October 21, 1999*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. THORNBERRY).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 21, 1999.

I hereby appoint the Honorable MAC THORNBERRY to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Timothy J. O'Brien, Ph.D., Marquette University-Les Aspin Center for Government, Washington, D.C., offered the following prayer:

Let us pray. O Gracious and Loving God, we acknowledge and honor You as the source of life and the reservoir of our hope. Guide the Members of this Congress in the pursuit of Your will for the well-being of this Nation. May Your spirit guide the deliberations of this Chamber, inspiring in all of us a passion for peace and a rigorous desire to labor for what is good and decent. Bless those who commit their lives to serving others, especially to those who are entrusted with public responsibilities. May these elected leaders, as well as their families, experience the joy of knowing that You accompany them on their daily journeys. For this we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. HEFLEY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HEFLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from North Carolina (Mr. BALLENGER) come forward and lead the House in the Pledge of Allegiance.

Mr. BALLENGER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 1663. An act to recognize National Medal of Honor sites in California, Indiana, and South Carolina.

The message also announced that Mr. DOMENICI be a conferee, on the part of the Senate, on the bill (H.R. 3064) "An Act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2000, and for other purposes," vice Mr. KYL.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain fifteen 1-minutes on each side.

LOCKBOX HELD HOSTAGE

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, the Democratic leadership in the other body has just gotten caught with both hands stuck in that cookie jar of the Social Security Trust Fund. On May 26 of this year, 147 days ago, I joined with 415 of my colleagues in supporting H.R. 1259. That is the Social Security Lockbox.

The fight to stop the raid on Social Security in this year's budget debate offers the best possible reason for passing the Social Security Lockbox bill. If the lockbox were in place this year, the big spenders would have to think twice before trying to go after the funds that rightly should be set aside for seniors of today and tomorrow.

Unfortunately, the Democratic leadership in the other body has failed to act on this vital legislation. The Democratic leadership refuses to allow this bill to be brought to the floor for a vote. Six times there has been an effort to end their filibuster, and six times, unfortunately, that effort has failed. The Democratic leadership has held the lockbox hostage for 147 days, and 147 days is long enough. It is time for the Democratic leadership in the other body to get its act together.

AMERICAN PUBLIC SHOULD TRUST DEMOCRAT PARTY TO SAVE SOCIAL SECURITY

(Ms. KILPATRICK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KILPATRICK. Mr. Speaker, American people, do not be fooled. Who do you trust to save your Social Security System, the most important system that this government has put forward since the early 1930s? I am sure you support and trust the party who fought back an $800 billion tax cut this year that would have not put a penny into Social Security. I am sure the American people support the party who will fight, who have shown to their leadership that they, and we will, protect the Social Security system.

American people, do not be fooled. Social Security is sound, and we Democrats will make sure that it will be until the new century.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all Members that the House rules prohibit urging action in the other body.

UNIVERSITY OF MIAMI RESEARCH TEAM MAKING STRIDES IN FINDING A CURE FOR DIABETES

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, what do Halle Berry, Mary Tyler Moore, Miss America, and another 16

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

million Americans have in common? Diabetes.

In the last 40 years, we have seen a dramatic increase in the number of Americans with diabetes, and this year 200,000 will lose their lives to this disease, making it the sixth leading cause of death. In fact, this disease has grown so much that the Centers for Disease Control and Prevention have labeled diabetes as the epidemic of our time.

While much work and research remains to be done in this field, scientists at the University of Miami are making gigantic strides that may very well soon lead to a cure. Dr. Camilo Ricordi and Dr. Norma Kenyon are conducting exceptional work in the field of medical research. Their current work studies with anti-CD154, an artificial antibody, has succeeded in curing monkeys from potentially fatal causes of diabetes. Further progress will soon replace harmful and less effective drugs, and may allow some diabetic patients to lead normal, healthy lives without depending on needles and insulin.

Mr. Speaker, I congratulate the championship research team at the University of Miami.

USE HONEST BUDGETING, NOT GIMMICKS, AND FINALIZE FY 2000 APPROPRIATIONS BILLS

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, just this past week I received lots of mail, especially from women in Texas, telling me how important Social Security really is to them. Social Security lifts 366,000 Texas women out of poverty, and it lowers the poverty rate among elderly women in this State from 55 to 19 percent.

It is distressing to me that while the elderly in my State are worried about the future of Social Security, the Republican-led Congressional Budget Office has revealed that the majority party's leadership has already used more than $1 billion from the Social Security surplus.

Mr. Speaker, we have to stop it. Let us use honest budgeting and not gimmicks, and talking about a lockbox, when we know it is being ignored. We understand clearly that we cannot use $13 billion from Social Security and save it at the same time.

Mr. Speaker, the people of my State and the people of this Nation want us to save Social Security.

PATH TO SECURE FUTURE IS A GOOD EDUCATION

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, every American child deserves a secure future, and the path to the secure future is a good education. But too many of our Nation's most disadvantaged children are having their hopes and dreams dashed by failing schools.

It is time for a new approach. It is time to give these kids a chance to get out of the schools that are not working and get into ones that are. And it is time to recognize that no matter how much money we spend, our Nation's worst schools will never meet their responsibility to the students as long as the Federal Government ensnares those schools in red tape.

The Democrat solution is to keep spending more and more money on a failing system. The Republican solution is, spend the money, yes, but to reform the system as well.

In the coming weeks, the House will have the opportunity to rekindle the flame of hope for those children whose only hope lies within the schoolhouse walls, and I hope we will do it.

U.S. SHOULD SEND UNITED NATIONS A BILL

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the White House says we will lose our vote if we do not give $1 billion to the United Nations. Some vote, folks. We have the same vote as countries the size of West Virginia trailer parks.

In addition, we now give three times more than Germany, five times more than France, 35 times more than China every year, plus $22 billion in peacekeeping. If that is not enough to ban your nukes, while the White House prepares to veto America's defense bill, the White House wants more foreign aid money from Congress.

Beam me up here. We should not be sending a dime to the United Nations. We should send them a bill.

I yield back all the wars declared by the United Nations that were financed by Uncle Sam and fought by American troops.

PORKER OF THE WEEK AWARD

(Mr. HEFLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEFLEY. Mr. Speaker, once again the Federal Government is playing a shell game with taxpayers' money. The Department of the Interior has been diverting millions of dollars collected from excise taxes on hunting and fishing equipment to controversial environmental projects.

Congress dictated that the taxes collected be sent back to the States to fund wildlife and sports fishing restoration management programs. However, Fish and Wildlife Service officials diverted money meant to administer programs into a slush fund to pay for 75 pet projects that are not related to hunting. The projects include $385,000 for the spotted owl, $429,000 for Atlantic salmon; $292,000 on wolf programs; $116,000 on the blackfoot ferret; and $791,000 for marine mammals.

Now, some of these may be good projects, but that is not what Congress gave the money for. It is estimated that more than $45 million has been diverted and much of it wasted by the Fish and Wildlife agency. The Fish and Wildlife Service gets my "Porker of the Week Award."

WHERE IS THE SECRET REPUBLICAN BUDGET PLAN

(Mr. EDWARDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS. Mr. Speaker, day 21. Day 21 of the new fiscal year, and I have one question. Where is the secret Republican budget plan? I asked this 2 days ago, and no Republican colleague could find it for me. I have asked the pages, I have looked in committee hearing rooms, I have looked on the seats of the floor of the House, but I cannot find it anywhere.

The Constitution says that the Congress, not the President, must pass appropriations bills. Yet while they are criticizing the President, 21 days into the new fiscal year, I cannot find the Republicans' secret budget plan.

Maybe there is a reason for that. Maybe it is because the CBO says their individual proposals would spend billions of dollars of Social Security money, at the very time they are running ads against Democrats saying we are spending Social Security money.

I would suggest for the Republicans to pretend like their proposals are protecting Social Security, is kind of like Al Capone claiming to be a crime fighter.

Day 21. It is time for the Republicans to show the country and the Congress their secret Republican budget plan.

COSPONSOR THE DEFENSE OF PRIVACY ACT

(Mr. CHABOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHABOT. Mr. Speaker, over the last several years, we have witnessed a drastic increase in the number of Federal Government proposals which erode personal privacy rights and other important civil liberties. These misguided proposals, such as the Federal banking regulators' so-called "Know Your Customer" scheme, clearly demonstrate that the Federal agencies continue to promulgate rules and dictate policy without consideration for the ultimate ramifications on the privacy of American families.

To prevent such assaults in the future, I am introducing the Defense of Privacy Act. My legislation will require all Federal agencies to assess the privacy implications of proposed rules and regulations.

Mr. Speaker, this commonsense reform will help agencies focus on important privacy issues while strengthening the privacy rights of every American. I urge my colleagues to cosponsor this important legislation. Let us do all we can to keep Big Brother at bay.

SOCIAL SECURITY SURPLUS

(Mr. GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN of Texas. Mr. Speaker, my colleagues on the other side of the aisle leave everything until the last minute. Sometimes I wonder if this Congress could not mess up a one-car funeral.

According to the Congressional Budget Office, they are dipping into the Social Security budget to the tune of $13 billion while spending thousands of dollars on false and misleading ads. Before the appropriations bills are finished, that $13 billion cut into Social Security could rise to $24 billion.

Social Security is one of the most successful domestic programs ever created. It guarantees a retirement security for millions of Americans. It is our responsibility to take the necessary steps to keep Social Security safe and strong, not only for our parents' generation, and not only for our generation, but also for our children's generation.

Where is their plan to extend the life of Social Security? It does not exist. In fact, the leaders in the Republican conference have been quoted many times against Social Security and Medicare, like this one from my colleague from Texas that says, "No, I'm not going to make such a pledge, not to get into Social Security."

In fact, the Republican tax plan would have sucked the surplus dry, leaving nothing for strengthening the Social Security Trust Fund, extending Medicare, or even a prescription medication provision.

□ 1015

QUIT PLAYING GAMES WITH SOCIAL SECURITY TRUST FUND

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, my friends on the left offer so many inaccuracies and there is so little time to respond.

I would agree with one statement from the gentlewoman from Michigan, Mr. Speaker, when she said, do not be fooled. I join her in that sentiment to this degree: Do not be fooled, Mr. Speaker, do not be fooled by the claims now of fealty to Social Security when on this floor just a few nights ago my friends on the left voted against a foreign aid bill, voted to say we ought to send $4 billion more of the Social Security Trust Fund not to save Americans, not to help Americans, but to go to foreign governments.

That is wrong. That is a raid on the trust fund. If in fact they are guardians of Social Security, they should join with us to save 100 percent of the Social Security Trust Fund for Social Security.

We did it this fiscal year for the first time since 1960. Join with us. Quit playing games.

REPUBLICANS HAVE ALREADY DIPPED INTO SOCIAL SECURITY TRUST FUND

(Mr. DOGGETT asked and was given permission to address the House for 1 minute.)

Mr. DOGGETT. Mr. Speaker, "do not be fooled?" Well, it is near trick or treat time, and what is the trick that the Republican majority is concerned about? Well, here is the gentleman from Texas (Mr. ARMEY), the majority leader for the Republicans, saying it is Social Security that is a "bad retirement," a "rotten trick" on the American people.

As my colleague from Texas was just pointing out (Mr. GREEN), these views are ones that Mr. ARMEY keeps repeating. Questioned just a few years ago he was asked, "Are you going to take the pledge? Are you going to promise not to cut people's Social Security to meet these promises?" The gentleman from Texas (Mr. ARMEY): "No, I am not going to make such a promise."

Our Republican colleagues are the good folks who now come and tell us they want to preserve the Social Security Trust Fund. They did not vote for Social Security. They do not like Social Security. They want to substitute some privatized Social Security Wall Street private plan for the Social Security that has been so important to the American people over the last 60 years.

Let us protect Social Security, let us recognize the Republicans have already dipped into the Social Security trust fund, and let us preserve Social Security for the future.

TIME TO SLAM DOOR ON PRESIDENT'S PLANS FOR MORE TAXES AND RAIDING SOCIAL SECURITY

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, President Clinton has opened the door to one of massive tax increases on working Americans and raiding Social Security to finance Washington's spending.

Revenues are flooding into the Treasury at record levels, but the President says that is not enough. As the percentage of GDP or income or however we want to look at it, taxes are at an all-time high. But the President says they have to be higher.

We squandered billions in Russia. We have got hundreds of wasteful or questionable programs, paid billions each year to so-called consultants. And still the President says we need more money because he just cannot find anything in the budget he wants to cut. He would rather raise taxes or dip into the Social Security surplus.

Mr. Speaker, the American people want to tell the President no, they do not want the President's higher taxes. This body does not want his higher taxes. Remember the vote, 419–0. They do not want him to take a step backward and raid Social Security. They do not want more spending and bigger Government.

It is time to slam a door on the President's plans for more taxes and raiding Social Security.

PRIVACY

(Mr. MARKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARKEY. Mr. Speaker, there is a terrible travesty about to be visited upon the American people. A deal between the Republican leadership and the White House has been perpetrated. It will lead to the compromise of every single American's privacy.

Every check they have ever written, every insurance exam for their family, their medical records, the checks they have written out for the last 20 or 30 years, they can all be now sold to anyone who wants to buy them, every secret in their family. This is a deal that the Republican leadership and the White House have signed off on.

If they have their income tax form done for them by H&R Block, there is a law that says they cannot reveal it. But if they use their income tax form to apply for a mortgage, under this new law, they can sell their income tax form. They can give out that information to anyone.

But if they want to complain to Prudential or to Bank One, do not try to call the CEO. He has got an unlisted number at home. He is concerned about his privacy. He does not want them to bother him.

But they do not give a hoot about the ordinary American's privacy.

PRESIDENT IS FOR SOCIAL SECURITY LOCKBOX

(Mr. HERGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERGER. Mr. Speaker, now even President Clinton is for a Social Security lockbox.

Just yesterday, the President said, "At a minimum, we should agree on a down payment on reform by passing a Social Security lockbox."

One hundred, fourteen days ago, House Republicans and Democrats passed my legislation, the Social Security and Medicare Safe Deposit Box Act 416-12. The House of Representatives is committed to not spending one dime of Social Security Trust Fund on unrelated programs, and now the President is on board there, as well.

Mr. Speaker, Senate Republicans have tried seven times to consider the Social Security lockbox, only to be blocked by Senate Democrats.

Mr. Speaker, it appears Senate Democrats are now the only obstacle to achieving a lockbox to protect Social Security surpluses.

SENATE DEMOCRATS ARE SAVING REPUBLICANS

(Mr. GEORGE MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, the Senate Democrats are saving the Republicans. Because if the lockbox that the gentleman from California (Mr. HERGER) talks about was enforced today, they would be under arrest for picking the lock and stealing the Social Security money out of it because them have already spent $13 billion of Social Security money, and they keep saying they have a lockbox.

That is no lockbox. This is an open and revolving door. They have dipped into Social Security time and again in their appropriations bills.

The Congressional Budget Office tells us that already on the running account they have stolen $13 billion of people's Social Security money, and in all likelihood it will be as high as $25 billion in people's Social Security money.

Mr. Speaker, Republicans should remember that, under the Constitution, only they can spend the people's money. They have authorized, they have appropriated the expenditure of $13 billion, $13 billion of the people's Social Security money that they say is in the lockbox.

It is not in the lockbox. It is in the appropriations bills that they have been voting on day after day that exceed the request of the President of the United States. They are lucky that the police are not here arresting them today.

PRESIDENT NEEDS TO SHOW US HIS SOCIAL SECURITY PLAN

(Mr. OSE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OSE. Mr. Speaker, did my colleagues know that Americans today are living longer and having fewer children? This means, in the end, fewer workers in the future to support each Social Security beneficiary.

In 1960, there were 5.1 workers for every person on Social Security. Today that number stands at 3.4, and on our current pace, by the year 2030, that ratio will be down to 2.1. Let me repeat that. There will be two people supporting each Social Security beneficiary.

Mr. Speaker, we need to reform our current Social Security system, and we need to reform it as soon as possible. It has now been 294 days and counting since the President promised to provide reforms to the Social Security plan. He has not delivered.

As my good friends on the other side know, we cannot make up in volume what we lack in a plan.

There is no plan. The President has not given us his machine. Mr. Speaker, I am asking the President, finally, show us your plan.

REPUBLICANS HAVE HANDS IN THE COOKIE JAR

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, the Republican leadership reminds me of the little boy who denies eating cookies even though his mouth is smeared with chocolate and his shirt is covered with crumbs.

According to their own accounting office, the Congressional Budget Office, the Republican leadership's budget already spends $13 billion of the Social Security Trust Fund.

All of the sound and fury from the other side does not match the reality. Their hands are in the cookie jar and the Republican leadership is spending the Social Security surplus.

The Republican leadership has a long history of trying to undermine Social Security. The majority leader has called Social Security a "rotten trick" and said it should be "phased out."

This is the same party who, 60 years ago, fought fiercely to stop the creation of Social Security. They are still fighting now to spend the surplus and to see, in the long run, that it is phased out.

SOCIAL SECURITY: PEOPLE'S RETIREMENT FUND NOT PRESIDENT'S PERSONAL SLUSH FUND

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, newspapers reported several days ago that the President has taken a new hard line with Republicans in Congress, saying that he will refuse to sign other spending measures until they address his priorities and "assure the Social Security surplus is being protected."

Being protected? Recently the President vetoed the foreign aid bill and has threatened to veto others because they do not spend more. But more of what?

Since the President has refused to accept our reasonable spending measures, he has only who choices left, either raise taxes or raid the Social Security Trust Fund, neither of which Congress will support, nor will I.

If President Clinton was sincere about protecting Social Security, he would sign into law the reasonable spending measures we have passed in Congress and sent to him.

Mr. Speaker, Social Security is the people's retirement fund, not the President's personal slush fund. Stop the raid on Social Security.

REPUBLICANS ONLY NEED TO LOOK IN THE MIRROR FOR WHO IS SPENDING SOCIAL SECURITY SURPLUS

(Ms. RIVERS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. RIVERS. Mr. Speaker, let us think about what we have been hearing this morning about attempts to spend Social Security.

First my colleagues on the other side say the President is trying to do it. But, of course, the facts are he cannot appropriate a dime, he does not have the ability. Only Congress, in fact, only the majority can do that.

Well, then they say it is the Democrats in Congress who are trying to spend the Social Security surplus. What are the facts? The minority cannot spend money on its own. Most appropriation bills are leaving the House passed with overwhelmingly Republican support.

Democrats cannot spend any money on their own. Well, say the Republicans, somebody is spending Social Security. Well, of course somebody is, and the Congressional Budget Office says it is the Republicans who are doing it. And of course the Congressional Budget Office is led by a Republican.

So if the Republicans are committed to finding out who is spending the Social Security surplus, I can tell them where to look. In the mirror.

REPUBLICANS WILL NOT USE TAXES, USER FEES, OR GIMMICKS FOR FUNDING AMERICANS' PRIORITIES

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, over the past few weeks Democrats have been attacking our appropriations bills by suggesting that they do not spend enough. They do not like our budget. However, the only thing they have to stand on is the President's budget and the numerous taxes and user fees included in it.

This week, we voted on the President's alternative to raise taxes and fees $240 over the next 10 years. What was in it? Just a partial list of his so-called offsets and new taxes, tobacco tax, increase the aviation fees, Superfund taxes, increase the agriculture fees, commerce fees, FDA fees, Coast Guard fees, DOT fees, EPA pesticide registration fees, FCC, and Social Security fees, and the list goes on.

Mr. Speaker, we will pass spending bills that fund priorities of the American people. We will not spend the Social Security surplus but we will not do it by heaping on new user fees, gimmicks, and taxes for every turn of an American's life.

FIFTH ANNIVERSARY OF AMERICORPS

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, I am here today to pay tribute to AmeriCorps on its fifth anniversary.

AmeriCorps is a program that gives volunteers the chance to grow while giving millions of others a helping hand. Thanks to AmeriCorps, 4 million children have been tutored, 10,000 homes have been built, 600,000 seniors have been helped today live independently, and disaster survivors have been assisted. That is what I call a successful program.

Recently, some of my colleagues wanted to cut AmeriCorps and they want the funding to be killed. Thankfully they changed their mind. Now over the next 5 years hundreds of thousands of Americans can look forward to richer lives either through the opportunity to help others or through the good fortune of being helped.

I say keep up the good work, AmeriCorps. Happy anniversary. America thanks you.

□ 1030

LET US WORK TOGETHER TO SAVE SOCIAL SECURITY

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, for those people that might be watching this session arguing between that side and this side, who think it is more important to save Social Security, really the news is so good, because if both sides can work together to make sure the President does not raid the Social Security trust fund, we are going to be so much better off.

For 40 years, we have been spending the Social Security surplus for other government programs. When we did the "Contract with America," we said we were going to balance the budget. We set the target date for 2002. Actually we accomplished it this past year that ended October 1. We balanced the budget without using the Social Security trust fund. So now that we have got both sides working together, let us do that. Let us not start criticizing that we are not spending enough money in these appropriation bills because what that means is you are spending the Social Security surplus. It is tough for politicians in Washington not to spend more money to do more good things for the people in this country simply because they are more apt to get reelected when they spend that money.

Let us be frugal. Let us run our pocketbook and our checking account like everybody else.

ON H.R. 2, TITLE I REAUTHORIZATION

(Mrs. CHRISTENSEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, today this body will be continuing consideration of H.R. 2, the Student Results Act which reauthorizes ESEA, or Title I. Title I is a vital program for elementary and secondary schools in the territories as well as the States. My district, the Virgin Islands, relies heavily on the resources it provides to educate our children.

We in this body have a responsibility to ensure that this important measure reaches all Americans, and this includes women, people of color, the poor and those for whom English is not their first language. The bill as it exists contains much of the resources and programs our schools need, but we must give the American people the best Title I we can. That means reauthorizing the Women's Education Equity Act, keeping the poverty threshold at 50 percent, including adequate provisions for bilingual education, and saying "no" to vouchers.

Our future demands full support of our public school system as the best insurance for a well-educated citizenry. With the passage of the Mink-Woolsey-Sanchez-Morella amendment, we have begun to do that. Young girls and women across America are grateful to our colleagues for this amendment. Now let us pass the Payne amendment, reject the Armey amendment and help our bilingual students.

REPUBLICANS ARE NOT SPENDING SOCIAL SECURITY

(Mr. SESSIONS asked and was given permission to address the House for 1 minute.)

Mr. SESSIONS. Mr. Speaker, today we are listening to political debates and discussions on the floor of the House. I well understand what is occurring here today. But the truth should not be held hostage. The fact of the matter is Republicans for years now have been insisting on us not spending Social Security. As a member of the Committee on Rules, we are under instructions by DICK ARMEY, the majority leader, that there can be no spending bill that comes on the floor of the House of Representatives that would spend Social Security for next year.

In fact, as we now see in yesterday's paper, the chief of staff for the White House says, "The Republicans' key goal is not to spend the Social Security surplus." For the first time in 39 years, this year not one penny of Social Security was used to fund the government operations. I am proud of what Republicans are doing, and the American public can know that the truth of the matter is that we will make sure from this day forward with the new budget that not one penny of Social Security will be spent.

VOTE NO ON TITLE I REAUTHORIZATION

(Mr. RODRIGUEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RODRIGUEZ. Mr. Speaker, we talk about the importance of education; yet when it comes to the education bill, we should all be disappointed in terms of where we are at with that particular bill. We talk about the global economy and yet when we look in terms of responding to the global economy, we should be there in terms of trying to teach dual language instruction, we should be there to try to improve multilingual education, we should be there to try to reinforce bilingual education.

What are we doing? We are doing just the opposite. We are not addressing the needs that we need to address. As we look at the existing piece of legislation, especially Title I, there is some specific language in Title I. It is only addressed to limited English proficiency youngsters. Every other child, if you are an Anglo, if you are black, you do not have to jump through that hoop. The cost incurred is that if you are limited English proficiency, you are required to have to get parental approval. If you are Anglo, you do not have to. If you are black, you do not have to. That is discriminatory.

I would ask that Members seriously consider that we treat everyone in the same fashion and the same form. I would ask that we vote "no" on Title I.

REPUBLICANS PROTECT SOCIAL SECURITY

(Mr. TANCREDO asked and was given permission to address the House for 1 minute.)

Mr. TANCREDO. Mr. Speaker, what is a great day this is, in fact. I am incredibly happy to hear the discussion on the floor. I mean, this is amazing, and I hope the American people are paying strict attention here.

After 40 years of control by the Democrats in this House and in the Congress of the United States, after 40 years of spending every single dime of Social Security surplus and, by the way, a lot of money that did not even come into the government of the United States, after 40 years, they traipse to the floor today to say, "We must protect Social Security."

What a great battle we have won for the minds of the American public when even they are now saying they need to protect Social Security. As for the President's opinion on this, as to whether or not he wants to protect Social Security, I ask you all to think carefully of the last time you heard the President of the United States say he was going to veto a bill because it spent too much money. Never, not one, zero, nada. All the bills that the President is going to veto is because he says they do not spend enough.

PLEA FOR BIKE PARTISANSHIP

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Mr. Speaker, the most important act that we can do to promote livable communities on behalf of the Federal Government is simply to lead by example. There are 65 million Americans who cycle. A simple four-mile round trip on a bicycle saves 15 pounds of air pollution.

Members of this assembly have the opportunity to help lead by example by joining the Bicycle Caucus Tuesday morning with Secretary of Transportation Rodney Slater and the Washington Area Bicycle Association for a ribbon cutting for the new metropolitan branch trail.

If you do not have a bike, Member of Congress, let us know and we will loan you one for the event. You will have fun. Join the bicycle caucus, do right for America.

As we hear the battling here on the floor, this is an activity that is "bike" partisan. I think it will be good for us all to get on two wheels and inaugurate that trail.

CONGRESS MUST SUCCEED IN BUDGET BATTLE

(Mr. METCALF asked and was given permission to address the House for 1 minute.)

Mr. METCALF. Mr. Speaker, we are in the last crucial days until Congress adjourns, and we must be really alert. This is a time of last-minute desperate midnight decisions. Now we must be most vigilant. The President may try to apply pressure in support of his tax increase by shutting down the government again. That is a real concern, and we cannot let that happen.

Do not let the President raid the Social Security trust fund in these last crucial hours for his spending programs. There must be real trust in the trust fund, and there must be real money there. People are depending on that money. I am one of them. It is my generation that is depending on that money. We must stop the raid on Social Security. It is our job and this Congress must succeed.

MOSELEY-BRAUN FOR NEW ZEALAND AMBASSADOR

(Ms. McKINNEY asked and was given permission to address the House for 1 minute.)

Ms. McKINNEY. Mr. Speaker, the last time I checked, a flag is made of cloth, not carved in stone. But it appears, Mr. Speaker, that the heart of at least one Senator is carved in stone and it is stone cold.

I have long known that some of my brothers and sisters in the South are still fighting the Civil War. But guess what, Mr. Speaker, the United States won. The Confederacy lost.

The South shall rise again. But this time under the leadership of a New South coalition that unites us rather than tears us apart. But some folks particularly in North Carolina did not get the message.

Like the slaves who did not get the word until years later that they were free, it appears that JESSE HELMS still has his heart in Confederate bondage. From fighting the Confederate flag on the Senate floor to singing "Dixie" in Senate elevators, Senator HELMS has ricocheted the Senate back to the Tara Plantation of "Gone With the Wind." Thank goodness those days really are gone with the wind.

Carol Moseley-Braun could be our next ambassador to New Zealand if President Clinton stands by her.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. THORNBERRY). The Chair will once again admonish the Member not to refer to Members of the other body.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the pending business is the question of agreeing to the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. TANCREDO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 352, nays 62, not voting 19, as follows:

[Roll No. 520]

YEAS—352

Abercrombie
Ackerman
Allen
Andrews
Archer
Armey
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Buyer
Callahan
Calvert
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Coble
Coburn
Collins
Condit
Conyers
Cook
Cooksey
Cox
Coyne
Cramer
Crowley
Cubin
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Everett
Ewing
Farr
Fletcher
Foley
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gilchrest
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston

Kleczka
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Martinez
Mascara
McCollum
McCrery
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meehan
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Paul
Payne
Pease
Pelosi
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Upton
Vento
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (FL)

NAYS—62

Aderholt
Baird
Becerra
Bilbray
Borski
Brady (PA)
Capuano
Clay
Clyburn
Costello
Crane
DeFazio
Dickey
English
Etheridge
Evans
Fattah
Filner
Gibbons
Gillmor
Green (TX)
Gutierrez
Hefley
Hill (MT)
Hilleary
Hilliard
Hoekstra
Hooley
Johnson, E.B.
Klink
Kucinich
Lipinski
LoBiondo
Markey
McDermott
McNulty
Meek (FL)
Miller, George
Moran (KS)
Oberstar
Pallone
Pascrell
Pastor
Peterson (MN)
Pickett
Ramstad
Rogan
Sabo
Schaffer
Strickland
Stupak
Sweeney
Tancredo
Taylor (MS)
Thompson (CA)
Thompson (MS)
Udall (CO)
Udall (NM)
Visclosky
Waters
Weller
Wu

NOT VOTING—19

Bachus
Burton
Camp
Combest
Cummings
Forbes
Gephardt
Gutknecht
Isakson
Jefferson
Largent
Linder
Matsui
McCarthy (MO)
McCarthy (NY)
Sanders
Scarborough
Velazquez
Young (AK)

□ 1101

So the Journal was approved.

The result of the vote was announced as above recorded.

APPOINTMENT OF CONFEREES ON H.R. 3064, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2000

The SPEAKER pro tempore (Mr. THORNBERRY). Without objection, the Chair appoints the following conferees on the bill, H.R. 3064: Messrs. ISTOOK, CUNNINGHAM, TIAHRT, and ADERHOLT, Mrs. EMERSON, and Messrs. SUNUNU, YOUNG of Florida, MORAN of Virginia, DIXON, MOLLOHAN and OBEY.

There was no objection.

GENERAL LEAVE

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2, the Student Results Act of 1999.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

STUDENT RESULTS ACT OF 1999

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 336 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2.

□ 1104

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2) to send more dollars to the classroom and for certain other purposes, with Mr. THORNBERRY (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Wednesday, October 20, 1999, Amendment No. 4 by the gentlewoman from Hawaii (Mrs. MINK) had been disposed of. Three hours and 20 minutes remain for consideration of the bill under the 5-minute rule.

Are there further amendments to the bill?

AMENDMENT NO. 56 OFFERED BY MR. ARMEY

Mr. ARMEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 56 offered by Mr. ARMEY:

Before section 111 of the bill, insert the following (and redesignate any subsequent sections accordingly):

SEC. 111. PUPIL SAFETY AND FAMILY SCHOOL CHOICE.

Subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) is amended by inserting after section 1115A of such Act (20 U.S.C. 6316) the following:

"SEC. 1115B. PUPIL SAFETY AND FAMILY SCHOOL CHOICE.

"(a) IN GENERAL.—If a student is eligible to be served under section 1115(b), or attends a school eligible for a schoolwide program under section 1114, and—

"(1) becomes a victim of a violent criminal offense while in or on the grounds of a public elementary school or secondary school that the student attends and that receives assistance under this part, then the local educational agency shall allow such student to attend any other public or private elementary school or secondary school, including a sectarian school, in the same State as the school where the criminal offense occurred, that is selected by the student's parent; or

"(2) the public school that the student attends and that receives assistance under this part has been designated as an unsafe public school, then the local educational agency may allow such student to attend any other public or private elementary school or secondary school, including a sectarian school, in the same State as the school where the criminal offense occurred, that is selected by the student's parent.

"(b) STATE EDUCATIONAL AGENCY DETERMINATIONS.—

"(1) The State educational agency shall determine, based upon State law, what actions constitute a violent criminal offense for purposes of this section.

"(2) The State educational agency shall determine which schools in the State are unsafe public schools.

"(3) The term 'unsafe public schools' means a public school that has serious crime, violence, illegal drug, and discipline problems, as indicated by conditions that may include high rates of—

"(A) expulsions and suspensions of students from school;

"(B) referrals of students to alternative schools for disciplinary reasons, to special programs or schools for delinquent youth, or to juvenile court;

"(C) victimization of students or teachers by criminal acts, including robbery, assault and homicide;

"(D) enrolled students who are under court supervision for past criminal behavior;

"(E) possession, use, sale or distribution of illegal drugs;

"(F) enrolled students who are attending school while under the influence of illegal drugs or alcohol;

"(G) possession or use of guns or other weapons;

"(H) participation in youth gangs; or

"(I) crimes against property, such as theft or vandalism.

"(c) TRANSPORTATION AND TUITION COSTS.—The local educational agency that serves the public school in or the grounds on which the violent criminal offense occurred or that serves the designated unsafe public school may use funds hereafter provided under this part to provide transportation services or to pay the reasonable costs of transportation or the reasonable costs of tuition or mandatory fees associated with attending another school, public or private, selected by the student's parent. The local educational agency shall ensure that this subsection is carried out in a constitutional manner.

"(d) SPECIAL RULE.—Any school receiving assistance provided under this section shall comply with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and not discriminate on the basis of race, color, or national origin.

"(e) Part B of the Individuals With Disabilities Education Act.—Nothing in this section shall be construed to affect the requirements of part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

"(f) Maximum Amount.—Notwithstanding any other provision of this section, the amount of assistance provided under this part for a student shall not exceed the per pupil expenditure for elementary or secondary education, as appropriate, by the local educational agency that serves the school—

"(1) where the violent criminal offense occurred for the fiscal year preceding the fiscal year in which the offense occurred; or

"(2) designated as an unsafe public school by the State educational agency for the fiscal year preceding the fiscal year for which the designation is made.

"(g) Construction.—Nothing in this Act or any other Federal law shall be construed to prevent a parent assisted under this section from selecting the public or private elementary school or secondary school that a child of the parent will attend within the State.

"(h) Consideration of Assistance.—Assistance used under this section to pay the costs for a student to attend a private school shall not be considered to be Federal aid to the school, and the Federal Government shall have no authority to influence or regulate the operations of a private school as a result of assistance received under this section.

"(i) Continuing Eligibility.—A student assisted under this section shall remain eligible to continue receiving assistance under this section for 5 academic years without regard to whether the student is eligible for assistance under section 1114 or 1115(b).

"(j) Tuition Charges.—Assistance under this section may not be used to pay tuition or mandatory fees at a private elementary school or secondary school in an amount that is greater than the tuition and mandatory fees paid by students not assisted under this section at such private school.

"(k) Sectarian Institutions.—Nothing in this section shall be construed to supersede or modify any provision of a State constitution that prohibits the expenditure of public funds in or by sectarian institutions."

After part G of the Elementary and Secondary Education Act of 1965, as proposed to be added by section 171 of the bill, insert the following:

PART F—ACADEMIC EMERGENCIES

SEC. 181. ACADEMIC EMERGENCIES.

(a) Academic Emergencies.—Title I of the Act is amended by adding at the end the following:

"PART H—ACADEMIC EMERGENCIES

"SEC. 1801. SHORT TITLE.

"This part may be cited as the "Academic Emergency Act".

"SEC. 1802. PROGRAM AUTHORIZED.

"(a) In General.—The Secretary is authorized to provide funds to States that have 1 or more schools designated under section 1803 as academic emergency schools to provide parents whose children attend such schools with education alternatives.

"(b) Grants to States.—Grants awarded to a State under this part shall be awarded for a period of not more than 5 years.

"SEC. 1803. ACADEMIC EMERGENCY DESIGNATION.

"(a) Designation.—The Governor of each State may designate 1 or more schools in the State that meet the eligibility requirements set forth in subsection (b) or are identified for school improvement under section 1116(b) as academic emergency schools.

"(b) Eligibility.—To be designated as an academic emergency school, the school shall be a public elementary school—

"(1) with a consistent record of poor performance by failing to meet minimum academic standards as determined by the State; and

"(2) in which more than 50 percent of the children attending are eligible for free or reduced price lunches under the National School Lunch Act (42 U.S.C. 1751 et seq.).

"(c) List to Secretary.—To receive a grant under this part, the Governor shall submit a list of academic emergency schools to the State educational agency and the Secretary.

"SEC. 1804. APPLICATION AND STATE SELECTION.

"(a) Application.—Each State in which the Governor has designated 1 or more schools as academic emergency schools shall submit an application to the Secretary that includes the following:

"(1) Assurances.—Assurances that the State shall—

"(A) use the funds provided under this part to supplement, not supplant, State and local funds that would otherwise be available for the purposes of this part;

"(B) provide written notification to the parents of every student eligible to receive academic emergency relief funds under this part, informing the parents of the voluntary nature of the program established under this part, and the availability of qualified schools within their geographic area;

"(C) provide parents and the education community with easily accessible information regarding available education alternatives; and

"(D) not reserve more than 4 percent of the amount made available under this part to pay administrative expenses.

"(2) Information.—Information regarding each academic emergency school, for the school year in which the application is submitted, regarding the number of children attending such school, including the number of children who are eligible for free or reduced-price lunch under the National School Lunch Act (42 U.S.C. 1751 et seq.) and the level of student performance.

"(b) State Awards.—

"(1) State selection.—From the amount appropriated pursuant to the authority of section 1814 in any fiscal year, the Secretary shall award grants to States in accordance with this section.

"(2) Priority.—To the extent practicable, the Secretary shall ensure that each State that completes an application in accordance with subsection (a) shall receive a grant of sufficient size to provide education alternatives to not less than 1 academic emergency school.

"(3) Award criteria.—In determining the amount of a grant award to a State under this part, the Secretary shall take into consideration the number of schools designated as academic emergencies in the State and the number of eligible students in such schools.

"(4) State plan.—Each State that applies for funds under this part shall establish a plan—

"(A) to ensure that the greatest number of eligible students who attend academic emergency schools have an opportunity to receive an academic emergency relief funds; and

"(B) to develop a simple procedure to allow parents of participating eligible students to redeem academic emergency relief funds.

"SEC. 1805. SELECTION OF ACADEMIC EMERGENCY SCHOOLS AND AWARDS TO PARENTS.

"(a) Selection.—The State shall select academic emergency schools based on —

"(1) the number of eligible students attending an academic emergency school;

"(2) the availability of qualified schools near the academic emergency school; and

"(3) the academic performance of students in the academic emergency school.

"(b) Insufficient Funds.—If the amount of funds made available to a State under this part is insufficient to provide every eligible student in a selected academic emergency school with academic emergency relief funds, the State shall devise a random selection process to provide eligible students in such school whose family income does not exceed 185 percent of the poverty line the opportunity to participate in education alternatives established pursuant to this part.

"(c) Payments.—

"(1) In general.—From the funds made available to a State under this part and not reserved under section 1804(a)(1)(D), a State shall pay not more than $3,500 in academic emergency relief funds to the parents of each participating eligible student.

"(2) Period of awards.—The academic emergency relief funds awarded to parents of participating eligible students shall be awarded for each school year during the grant period which shall terminate—

"(A) when a participating eligible student is no longer a student in the State; or

"(B) at the end of 5 years,

whichever occurs first.

"(3) Duration.—A State shall continue to receive funds under this part for distribution to parents of participating eligible students throughout the 5-year grant period.

"SEC. 1806. QUALIFIED SCHOOLS.

"(a) Qualifications.—A State that submits an application to the Secretary under section 1804 shall publish the qualifications necessary for a school to participate as a qualified school under this part. At a minimum, each such school shall—

"(1) provide assurances to the State that it will comply with section 1810;

"(2) certify to the State that the amount charged to a parent using academic relief funds for tuition and fees does not exceed the amount for such tuition and fees charged to a parent not using such relief funds whose child attends the qualified school (excluding scholarship students attending such school); and

"(3) report to the State, not later than July 30 of each year in a manner prescribed by the State, information regarding student performance.

"(b) Confidentiality.—No personal identifiers may be used in such report described in subsection (a)(3), except that the State may request such personal identifiers solely for the purpose of verifying student performance.

"SEC. 1807. ACADEMIC EMERGENCY RELIEF FUNDS.

"(a) Use of Academic Emergency Relief Funds.—A parent who receives academic emergency relief funds from a State under this part may use such funds to pay the costs of tuition and mandatory fees for a program of instruction at a qualified school.

"(b) Not School Aid.—Academic emergency relief funds under this part shall be considered assistance to the student and shall not be considered assistance to a qualified school.

"SEC. 1808. EVALUATION.

"(a) Annual Evaluation.—

"(1) Contract.—The Comptroller General of the United States shall enter into a contract, subject to amounts specified in Appropriation Acts, with an evaluating agency that has demonstrated experience in conducting evaluations, for the conduct of an ongoing rigorous evaluation of the education alternative program established under this part.

"(2) Annual evaluation requirement.—The contract described in paragraph (1) shall require the evaluating agency entering into such contract to annually evaluate the education alternative program established under this part in accordance with the evaluation criteria described in subsection (b).

"(3) Transmission.—The contract described in paragraph (1) shall require the evaluating agency entering into such contract to transmit to the Comptroller General of the United States the findings of each annual evaluation under paragraph (2).

"(b) Evaluation Criteria.—The Comptroller General of the United States, in consultation with the Secretary, shall establish minimum criteria for evaluating the education alternative program established under this part. Such criteria shall provide for—

"(1) a description of the effects of the programs on the level of student participation and parental satisfaction with the education alternatives provided pursuant to this part compared to the educational achievement of students who choose to remain at academic emergency schools selected for participation under this part; and

"(2) a description of the effects of the programs on the educational performance of eligible students who receive academic emergency relief funds compared to the educational performance of students who choose to remain at academic emergency schools selected for participation under this part.

"SEC. 1809. REPORTS BY COMPTROLLER GENERAL.

"(a) Interim Reports.—Three years after the date of enactment of the Student Results Act of 1999, the Comptroller General of the United States shall submit an interim report to Congress on the findings of the annual evaluations under section 1808(a)(2) for the education alternative program established under this part. The report shall contain a copy of the annual evaluation under section 1808(a)(2) of education alternative program established under this part.

"(b) Final Report.—The Comptroller General shall submit a final report to Congress, not later than 7 years after the date of the enactment of the Student Results Act of 1999, that summarizes the findings of the annual evaluations under section 1808(a)(2).

"SEC. 1810. CIVIL RIGHTS.

"(a) In General.—A qualified school under this part shall not discriminate on the basis of race, color, national origin, or sex in carrying out the provisions of this part.

"(b) Applicability and Construction With Respect to Discrimination on the Basis of Sex.—

"(1) Applicability.—With respect to discrimination on the basis of sex, subsection (a) shall not apply to a qualified school that is controlled by a religious organization if the application of subsection (a) is inconsistent with the religious tenets of the qualified school.

"(2) Single-sex schools, classes, or activities.—With respect to discrimination on the basis of sex, nothing in subsection (a) shall be construed to prevent a parent from choosing, or a qualified school from offering, a single-sex school, class, or activity.

"SEC. 1811. RULES OF CONSTRUCTION.

"(a) In General.—Nothing in this part shall be construed to prevent a qualified school that is operated by, supervised by, controlled by, or connected to a religious organization from employing, admitting, or giving preference to persons of the same religion to the extent determined by such school to promote the religious purpose for which the qualified school is established or maintained.

"(b) Sectarian Purposes.—Nothing in this part shall be construed to prohibit the use of funds made available under this part for sectarian educational purposes, or to require a qualified school to remove religious art, icons, scripture, or other symbols.

"SEC. 1812. CHILDREN WITH DISABILITIES.

"Nothing in this part shall affect the rights of students, or the obligations of public schools of a State, under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

"SEC. 1813. DEFINITIONS.

"As used in this part:

"(1) The terms "local educational agency" and "State educational agency" have the same meanings given such terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

"(2) The term "eligible student" means a student enrolled, in a grade between kindergarten and 4th, in an academic emergency school during the school year in which the Governor designates the school as an academic emergency school, except that the parents of a child enrolled in kindergarten at the time of the Governor's designation shall not be eligible to receive academic emergency relief funds until the child is in first grade.

"(3) The term "Governor" means the chief executive officer of the State.

"(4) The term "parent" includes a legal guardian or other person standing in loco parentis.

"(5) The term "poverty line" means the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

"(6) The term "qualified school" means a public, private, or independent elementary school that meets the requirements of section 1806 and any other qualifications established by the State to accept academic emergency relief funds from the parents of participating eligible students.

"(7) The term "Secretary" means the Secretary of Education.

"(8) The term "State" means each of the 50 States and the District of Columbia.

"SEC. 1814. AUTHORIZATIONS OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part $100,000,000 for fiscal year 2000 and such sums as may be necessary for each of the fiscal years 2001 through 2004, except that the amount authorized to be appropriated may not exceed $100,000,000 for any fiscal year.".

(b) Repeals.—The following programs are repealed:

(1) International education exchange program.—Section 601 of the Goals 2000: Educate America Act (20 U.S.C. 5951).

(2) Fund for the improvement of education.—Part A of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8001 et seq.).

(3) 21st century community learning centers.—Part I of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8241 et seq.).

Mr. ARMEY. Mr. Chairman, let me begin by thanking the committee for bringing this legislation to the floor. If I might, I would like to reflect for just a moment on a personal basis.

Mr. Chairman, I think I can say that I am sure my own feelings on the subject of education are pretty much the same as everybody else in this body. I have dealt with education all of my life, as a student, as a parent, as a teacher, and now as a grandparent and a legislator.

One of the things that I have felt very seriously about in the last few days as I have thought about this bill is that all of a sudden, now as a grandparent, Mr. Chairman, I realize that these children for whom we talk about education today, my grandchildren, are more precious, or seem to be more precious to me at this time in my life, even than my own were at that time. Maybe that is just the business of being a grandparent and knowing that one's grandkids are more precious than your own children.

But we are really talking about some very serious business with some very important people in our lives. I cannot think of anything that any society that can be that can ever be more important than educating and keeping safe and happy the children.

Mr. Chairman, there are some unsettling circumstances out there that are faced by the children of this Nation, and I just want to review a few of them. There are 15,000 schools in America that are on a list of most-troubled Title I schools. One hundred of these have been on the list for 10 years or more. There are children who are being abandoned by the bureaucracy that does not seem to care, and we must find an alternative. Even perhaps more frightening, Mr. Chairman, there are children that feel trapped in violent schools. There are children that go to school and are assaulted in school, and they are scared. This amendment seeks to address that.

I want to ask just a very simple question. As we mark up this bill and we relate to all of the issues we have here, can we not stop for a moment and say that no child should be trapped and no parent should feel trapped by a circumstance where that child must have as their only alternative to stay in a school that is a failure, a school that the government might likely look at and say, that school is a disaster area. We have those in States across the country and in cities across the country. That school is a complete disaster area. If we had a flood, if we had a tornado and we saw disaster and we saw the children stuck in the muck and the mire of that disaster, we would declare it a disaster and we would do something about it. What I am asking us to do with this amendment is give the governor an opportunity to look at a school and say, that school is a disaster.

Mr. Chairman, most of us, thank goodness, as parents with families will make that decision on our own. We would say, my child is in a school that is a disaster, and I have the money, I have the ability, and I am going to pick up that child and move him some place else, and we do it. I pick up my whole family, my whole household and move it to another neighborhood. We do that. One does not have to go house hunting very many times and talk to many people who sell houses in America to realize that one of the first concerns that we have is what is the quality of the schools. But some people do not have those resources, some people do not have those options. Some people feel like, my child is stuck there and I do not have the money to change it.

So I am asking in this bill to say to those parents, you should be able to get, if your governor determines that that school is a disaster and you feel like your child is stuck and you do not have any resources, you should be able to apply for and receive a scholarship of $3,500 so that you can take your child and pick your child up and move your child to a school that is not a disaster area. That does not strike me as too much to ask.

And then in another way, we are addressing another concern that I have. If my child or grandchild came home from school and had been a victim of assault on the school grounds and was injured, sometimes these children are stabbed, beaten, I would be able to pick up my child, my son would be able to pick up my grandchild and move him out of that school, get him someplace else, get him safe. A lot of families cannot do that.

I am asking us here as a Congress to take a look at that mother and father and say, do we not have a heart for you? Are we ready to let you look at your baby and say honey, you have to go back there?

The CHAIRMAN. The time of the gentleman from Texas (Mr. ARMEY) has expired.

(By unanimous consent, Mr. ARMEY was allowed to proceed for 2 additional minutes.)

Mr. ARMEY. Mr. Chairman, I want my colleagues to think about that. A mother standing there in front of her baby, sixth, seventh grade child, coming up, bloody, battered, bruised and scared, frightened. These children sometimes are terrified, and to have that mother have no recourse but to say honey, cannot help it. You have to go back there tomorrow, there is no place else for you to go, is not acceptable. Fortunately, most children do not face that. Are we not lucky that most children do not have that fear? But some children do.

I am saying, we should be able to find in this bill, in this amendment some resources that say, if you are that mother, there is a place for you to go. If you do not have the money so that you can take that child to another school, there is a place for you to go. You do not have to say, go back there and be scared. You can apply for and receive a $3,500 scholarship and take your child someplace else.

Now, Mr. Chairman, I am not asking for all of the money in the world forever. I am saying, I think these are two good ideas to address what might be the academic disaster we find in a school itself, or the academic and personal disaster we find in a child's battered and beaten body. I am saying, give us $100 million, let it be available to the governors, to the families for 5 years and see if it works for the children. Five years from now, we can test the children and see if, in fact, they are succeeding in their new school or perhaps with their new safety and security. If it does not work in their lives, we will not come back and ask for more, there is no need to reauthorize it. But for 5 years, Mr. Chairman, for 5 years, can we reach out a heart and a hand of compassion to children that are today stuck in schools that are disasters or who have had in their own personal life a horribly frightening, scary, tragic disaster.

I have seen that, Mr. Chairman. I have seen the child that has come home from school beaten up because they just did not fit in. That child does not have to go back and should not.

□ 1115

Mr. CLAY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I, too, am a grandfather. I have three grandchildren in public schools, and I am concerned about them as well as any other grandparent.

But I was lost by the logic or illogic of the last statement made about compassion for a seventh grader who is in an unsafe environment and that parent being able to take that child out of that unsafe environment and put that child in a safe environment.

I would think that to take one child out of an unsafe environment and leave the rest of the children in that unsafe environment does not make much sense. I would think one would take the disruptive children, the ones who are causing the unsafe environment, out of that situation and leave all of the children in a safe environment.

I, too, am a grandparent. I have many reasons why I oppose this amendment. The Committee on Education and the Workforce deliberated at length on the issue of private school vouchers. Then we voted overwhelmingly in committee to reject that concept.

Second, if this amendment were adopted, it would destroy the bipartisanship we developed on this bill during the last 12 or 14 months. It would also jeopardize all the progress that we are making in improving Title I.

Beyond that, Mr. Chairman, this is a reckless amendment that would divert funds from poor public schools to parochial schools. It provides no oversight of the quality of education provided with Federal funds, which is the opposite of what we are doing in the rest of this bill.

Also, Federal funding of private school vouchers raises serious constitutional issues that could jeopardize the independence of religious schools and disrupt the administration of Title I programs.

Finally, Mr. Chairman, this bill would have a very discriminatory effect. Those students who get private school vouchers can receive up to $3,500 in vouchers, which is substantially more than per pupil allocation for current Title I students who are in the public schools.

So I urge my colleagues to reject this amendment and I yield back the balance of my time.

Mr. BOEHNER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in support of the amendment offered by the gentleman from Texas, the Majority Leader.

Most of us in this Chamber are pretty fortunate. Our kids go to good schools. I know that my kid went to good public schools in my district; and, frankly, the schools in my district, by and large, are very good schools.

But we also know that we have got children trapped in very bad schools around our country. The U.S. Department of Education keeps track of a list of academic emergencies. Some of these schools have been on this list for 10 years. I wonder how long we can look the other way when children are trapped in schools that have no chance of success. We are imprisoning those children for the rest of their lives.

Yes, Title I, we have spent an awful lot of money over the years. Yes, we have been able to save some children. The point here is that this is a pilot program aimed at the worst schools in the country to give parents some ability to help their children. The Governor has to have declared that the school is an academic emergency. The program is completely voluntary so that no State is forced to do this.

But the point I think that the gentleman from Texas (Mr. ARMEY) is trying to bring here is that it is time for us to help those who are most in need. Yes, if one is trapped in a bad school and one is a middle-income parent, one is a wealthy parent, one has school choice. One has an ability to take one's child out of that school and move them to another school.

But if one is locked in an inner-city school where there is an academic emergency, those parents do not have that ability. How can we continue to look the other way when we know that there are kids trapped in these kinds of schools?

I think that this is an idea worth trying. It is a separate $200 million pilot project for 5 years. Let us see if it works. What do we have to fear from trying this program? It will not deny any school any money that they would already get under Title I and other Federal education programs. It would be in addition to that money.

So let us give these kids a real chance at success and a real shot at the American dream that they do not have today.

Mr. KILDEE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this amendment is contradictory to the underlying mission of H.R. 2. Very simply, this amendment would turn Title I into a private school voucher program. Obviously, I belong to the grandfather caucus, too. Here in this caucus, all of us are seeking the best possible education for our children, especially those who are in unsafe schools or are the victim of a violent act or in a low-performing school.

However, taking precious Federal funding out of public schools and allowing it to go to private and parochial schools will not solve the problems of our educational system. In fact, the Catholic conference and every major educational group is opposed to voucherizing Title I.

H.R. 2 will focus on the achievement of individual children and at risk subgroups through this aggregation of data on State assessments. In addition, H.R. 2 strengthens both teacher quality by requiring a high qualified teacher in every classroom by 2003 and upgrading the qualifications of paraprofessionals.

This amendment will detract from this focus; and worse, by taking resources away from public schools, make it more difficult to implement these much needed reforms.

This amendment will not achieve the goal of increased student achievement, this amendment will make it harder for schools and communities to produce students who can go on to successful careers and high paying jobs. We should not and cannot pass this amendment today.

Mr. TANCREDO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am willing to admit something today that I think needs to be stated. It is something that is seldom heard in this body, seldom heard in any other legislative arena, certainly never heard in State legislatures, and certainly never heard on school boards. But it is something I believe to be true, I believe to be true for every one of us. That is, that we do not know, not my colleagues, not I, no one in this room, nor in the legislature, nor in the school board, no one knows what the best education is for every child in America.

We can hope, we can do what we can with whatever tools we have to provide a good quality education for America's children. But we do not know what the best educational environment is for every child. Only a parent is entrusted with that ability and responsibility. Even they can make some wrong decisions I know, but they will make better decisions about where their children should go to school than I can or my colleagues, frankly, or even members of school boards.

That is why I am willing to relinquish this power, this authority and give it to parents. But it is also why this issue is so controversial, because, frankly, my friends, the debate we have here today is not really about education. It is about power. It is about who controls the power over the educational system and the hundreds of millions of dollars, billions of dollars that go into it and the thousands and thousands of people employed in there. That is what the real issue is today, who will control it.

How can the education establishment keep control of the billions of dollars that come into it? Well, the only way they can do that is by maintaining a one-size-fits-all government monopoly school system. The thing that frightens them to death, the scariest word in the English language to the people in this bureaucracy, to the anti-education people who run organizations like the National Education Association, the scariest word to them is freedom, freedom to let one's kid go wherever one wants to go, wherever that child should be placed. Because they want the control over the dollars and over the environment in which those children will be taught.

How can it be that those of us who ask for freedom for those parents are considered to be doing something that jeopardizes the educational quality of the schools?

It may, in fact, be, as a Member of the opposite side here said earlier, that one child leaving a school, why should not we worry about all the others if it is an unsafe school? Well, in fact, of course what we are saying here is that school may be a very good school for the majority of children in it. Not every child is affected the same way by that learning environment.

But if there is one there that is having a horrible experience but is economically not able to make the same decision that my colleagues and I might be able to make for our own kids, why should we not let the child go? What difference does it make to say they should be set free? How come that so rankles us?

It is peculiar to say in the least that we get so concerned about this. It is not every child. We are not closing every school. My kid went to public schools. I taught in public schools. My wife just retired from a public school after 27 years. It is not that I have anything against public schools. I believe in them. I believe that, in any sort of competitive environment, they will win. They have got the best teachers. They have got the best infrastructure.

But what we must do is give people the ability to choose among them and between them. To take that away from human beings is taking away an absolute right. It is an admission of something that we must all do.

We must admit, Mr. Chairman, people on the Committee on Education and the Workforce, we must admit to our colleagues here and to the people of the United States that we do not know what the best education is for every single child out there. But we do trust parents to help make that decision. Maybe it will not always be right, but it will be right more often than what we make the decision for them by forcing them into a system that may not work. I say forcing them because they do not have the economic ability to make a choice.

Mr. DEMINT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Armey safe and sound schools amendment. I stand here today as a father and a businessman to explain why I believe this amendment is a reasonable and necessary one to secure the future for every American child by giving them an excellent education.

As a father, I want my children to go to a school in a safe, orderly learning environment. I want them to be in a school which offers academic excellence. Failure is not acceptable when it comes to the education of my children or any child in America. Unfortunately, some children in the United States are trapped in schools which are either plagued by violence or failing them academically. In too many cases, we are failing on both counts.

Failure to educate Americans children, whether it is the richest of the rich or the poorest of the poor, is unacceptable. Unfortunately, too many children are trapped in low-performing schools, and too many parents are unaware of the academic failure of their neighborhood school.

How do we provide these needy children with the education they deserve? How do we help them out of this trap? We begin by informing parents, teachers, local communities about the academic performance and the safety of their local school.

The Armey amendment would require schools to notify parents that their child is in an academically failing or an unsafe school and provide them with the opportunity to transfer their student to a nonfailing public school or, if necessary, a private or parochial school.

Some parents may make arrangements to have their child attend another school in the area. Some will want to keep their child in their neighborhood school. But they will demand change. They will want an excellent education for their child. No longer will low performance or academic failure be hidden from parents or tolerated by parents.

As a father, this makes sense. As a businessman, it makes sense. Competition leads to improvement and better choices. Some students will choose to go elsewhere to receive their education services.

But what about the students left behind? Do we intend to leave them in failing violent schools? Absolutely not. One of the elements in education improvement is parental involvement. Once parents know their neighborhood school has been labeled as a low-performing school, they will demand change. They will elect new school board members. They will hire a new principal. They will make sure teachers are trained. They will raise education expectations. Whatever it takes.

Does this aid the low-income students that this bill is designed to help? Absolutely. It provides both the short-term and long-term solution to secure the future for every American child with an excellent education in a safe learning environment.

I urge all of my colleagues to support the Armey safe and sound schools amendment.

□ 1130

Mr. FOSSELLA. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Armey amendment. I wish to compliment the majority leader for being such a vocal and forceful advocate for improving education for all children across the United States.

Let me just say a couple of things that I believe are important for the record. I believe everybody in this body believes that we need to improve education. Indeed, education should be a national issue. I know we have some wonderful teachers within the private and parochial schools, and especially in the public schools. I know that because I go to the school back home in Staten Island and Brooklyn any chance I get. And they are wonderful.

I also believe that every Member of this body is committed to enhancing academic achievement for our children, to ensure that our children get the best education possible. We recognize that when we invest in education what we essentially are investing in is our future and building upon what is the greatest country in the history of the world.

But what the gentleman from Texas (Mr. ARMEY) is seeking to do is to help what some in this body and some across the country believe are the helpless, the young children who are trapped, and this has been said so many times today, trapped in failing schools. And what is this all about? We want to help those who are deprived of the opportunity and who have limited freedom, those who are forced to send their children to these failing public schools.

I would ask my colleagues to go home to their districts and ask the parent who does not have two nickels to rub together, ask that mother or father if, given the chance, they would want to take their child out of a failing public school and send that child to a better one. Is there not a more important decision that we make as parents than where to send our kids to school? I can tell my colleagues in New York City, and I am sure it is true across the country, that those helpless parents really have no choice.

Recently, reports tell us that attacks from children and students against teachers are up dramatically. How does a child learn, how does an innocent child, whose parents want nothing but the best for him, learn in an environment where attacks against teachers are up dramatically? It is not as if that parent has a choice. They do not. Ask that parent and look at the look in their eyes when you tell them that we are going to give them the opportunity to send their child to a good school and see that their child gets a good education. I think many of my colleagues might be surprised at the response, but some of us are not.

Recently, the Washington, D.C. school system offered scholarships to the poorest individuals, the poorest families. Now, we are blessed. We can send our children to any school we want. But the poorest families, when given the chance, one in six chose to take their child out of a failing public school. I say "bravo" to that parent, because this issue is about civil rights. This is the movement we should be embarking upon.

I think we can work together to ensure that our public schools are improved and that we give the best to our teachers and reward them for their hard work, but, at the same time, understand and recognize that there are millions of parents across this country, that have no choice, that are trapped in these failing schools, that when they send their child off to school they do not know if they are going to come home with a black eye or get in a fight with some kids in schools. Nine-year-olds attacking teachers. That is the environment some of these kids are learning in. And it is in the Bronx, and it is on Staten Island, and it is in Indiana, and it is in Texas, and it is in California.

If we believe that this country is truly about freedom, and we have the freedom to go to any restaurant we want, to buy any car we want, but we do not have the opportunity to have the freedom to send our child to the school of our choice, then we are depriving the most essential basic right, and we are depriving those poor and helpless parents of a legitimate civil right.

I want to remind all my colleagues that this is a pilot program. If we fear this, we fear everything.

Mr. HAYES. Mr. Chairman, I move to strike the requisite number of words, and I rise in very strong support of the amendment of the gentleman from Texas (Mr. ARMEY), the majority leader.

Mr. Chairman, the gentleman from New York (Mr. FOSSELLA) and I have slightly different accents, but we have the same understanding of the effort here to secure the future for America's children, and that is what this amendment does. That is what this amendment is all about.

My friends on the left would erect an invisible shield and call it protective. This is not protective, it is destructive, to take the opportunity from parents to choose for their children. The Federal Government has the opportunity here to accelerate and enhance learning in public school, not continue to be a massive roadblock for learning.

There are those who would unfairly and incorrectly mischaracterize the Armey amendment. I even heard the term voucherize used. This is untrue. The amendment gives hope to parents and children, especially disadvantaged children; hope by knowing that they are not trapped in a school where they will not learn the skills that they need to succeed in life; hope because they can choose a better opportunity for their children, safe and sound. That is what this is all about.

Beside me on the left is a quote from our President in which he says, "Parents should be given more choice." He stood in this room before this body not long ago and said this; and we agree, and we are working hard to help provide those choices for parents that will help those children succeed.

Just last week I was in Fayetteville, North Carolina, in the 8th District, and there was a school where choice was given. Over 1,800 applicants for 600 spaces. Discipline, respect, uniforms. In other words, a different way to give children and teachers the academic environment in which they could learn. This choice has created an opportunity, an enthusiasm, a momentum, an energy that was exciting to see. It shows what can be done in public schools if we dare to be different, if we dare to move ourselves out of the trap created many times by the Federal Government in the past.

So, yes, I support this amendment. I would encourage everyone here to support the opportunity for parents to do the best for their children. Support the Armey amendment.

Mr. HILL of Montana. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to first thank the majority leader for bringing this measure and this amendment to the floor, and I also want to thank our leadership in the Committee on Rules for making this amendment in order.

Mr. Chairman, all over America this morning parents sent their children off to school, and they did so with two basic expectations: first, that their children would be safe; and the second expectation is that while their children were at that school, they would be in an environment where they could learn basic skills, math and science and history and English, basic skills that would allow them to succeed in life.

The reality is, Mr. Chairman, that all over America today there are certain schools that cannot deliver on these basic set of expectations. They cannot provide a safe environment, and they cannot provide a quality learning environment.

Now, governors all over America have been working hard to reform education, and one of the things these governors tell us is that in many instances the Federal Government is an obstacle to reform rather than a partner in that reform. Many of the aspects of the bill that we are debating here today is to provide for flexibility and more creativity in bringing reform to education. This amendment is an extension of those reforms. It will be part of the effort in some States, not all, to bring real meaningful reform to their education system.

Now, Mr. Chairman, I am fortunate to represent a State that has really good schools. Montana students fare very well on national tests and meeting standards, but there are many States where education emergencies truly exist. Schools absolutely cannot provide the basics, a safe and sound environment in school. So this amendment basically does this. It says that a governor who believes that an education disaster exists can declare that disaster and then provide grants to the parents of children to take their children out of a school that is failing to provide those basics and put them into a safe and a sound one.

Now, if a hurricane disaster exists, and that is not likely to happen in my State, but when it does happen, a governor can declare a disaster. He can act to protect the citizens. If a fire disaster, or a flood disaster, or a drought disaster exists, a governor can declare a disaster and he can act. Why in the world would we not give governors the same kind of authority to declare an academic disaster? Governors need every tool in the tool box that they can get to reform education. They need the tools that are appropriate to the condition and the problem that they are facing.

I believe it is time for Congress to make a simple declaration about education, and that declaration should be this: that it is about kids and kids first. Nothing else should really matter but the kids. This amendment says that kids are more important than the teachers' union; it says kids are more important than institutional structures.

I would urge my colleagues to support our kids and support this amendment. Put them first.

Mr. PITTS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in strong support of the amendment of my good friend, the majority leader, to H.R. 2; and I applaud his efforts to ensure that all children are given the opportunity to attend safe and sound schools. Our children should never be trapped in failing schools. Our children should not fear for their safety when they walk through the halls or into their classrooms. Parents must be given the ability to protect their children and to provide a good education for them.

Those who oppose the Armey amendment oppose giving kids and parents a way out of failing schools and a way to educational success. Opponents believe in the status quo and in forcing disadvantaged children to remain in schools that are failing them.

When well-to-do students are struggling in school, what do their parents do? Generally, they send them to another school. Why? Because they have the money to do so. Do my colleagues think that low-income parents would not like to have this same option? They certainly want what is best for their children.

The most recent example of this came this year when the Children's Scholarship Fund was offering 40,000 scholarships, K through 12, to low-income families. How many people do my colleagues think applied for their children to receive this opportunity? One and a quarter million. 1,250,000 families. Let me repeat. For just 40,000 scholarships, 1.25 million people, many were minorities, many families from 20,000 different communities in all 50 States sought this opportunity to get their children out of failing and unsafe schools.

Rich or poor, Americans want the best education possible for their children. The Army amendment puts parents back in the driver's seat for their children's education.

Now, I know monopolies do not like competition. Some of the powers that be are threatened by reform. They are afraid that they will lose control of their power. But this is reform that works. So for the sake of our children, for the sake of our Nation's kids, I urge my colleagues to support the Armey amendment.

Mr. GOODLING. Mr. Chairman, I move to strike the requisite number of words.

Mr. ARMEY. Mr. Chairman, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Chairman, I thank the gentleman for yielding to me, and I want to thank everybody who spoke on behalf of this amendment.

I had asked one of the staff to get me a number. I do not have that number, but maybe I will get it. Until then, let me just take a wild guess or ask the question: How many billions of dollars do we spend each year in this great land to educate our children grades, K through 12? Together with our local taxes, and our State funding agencies, as well as through the Federal Government, we put it all together and we realize this must be some incredibly large number. What would my colleagues suppose that number is, $100 billion a year that we spend to educate our little ones, K through 12?

□ 1145

Would we not agree that, for the most part, across this great land we are doing a pretty good job? The kids have pretty good schools. The kids are happy. The kids are learning well. The kids are pretty safe. And we are proud of that.

I have to tell my colleagues and I do not mind telling my colleagues that I believe that, for all the criticism, all the failure, all the heartbreak, this great Nation does put its children up front. This great Nation, I believe, is as good as any in the effort we make to educate our children, certainly in terms of the money we spend.

I believe the young lady has the number. Mr. Chairman, if the staffer has that number I was seeking, I would just like to look at that for a moment if she does not mind just bringing it to me. It is all right. This is a well-known fact in this town that staff researches and gives us everything we pretend to know. It is not new. But I have the answer. I thank her again, and I certainly do appreciate her helping me out.

This is incredible. We spend $324.3 billion in all public expenditures to educate our babies. I am so proud of that. In addition to that, we spend 27 billion additional dollars through private educational facilities to educate those children. That is $351.3 billion that we spend for those babies. I am so proud of that.

Now, what have I said here? For the most part, we are doing well and we should be proud. But sometimes we do not. Sometimes we do not.

We have 15,000 schools year in and year out that are designated as failures. What is the number? One hundred of which have been on that list for 10 straight years or more, 100 schools 10 years or more that have been designated by their governors, have been designated by the Department of Education abject disasters, crazy failures.

Think of those poor babies trapped in these schools. I have seen some of those schools. I have seen some of those children. I have to tell my colleagues, I am proud to tell my colleagues I have been helpful in getting some of those children the resources to move. I have seen the difference in their lives, and I have seen them happy and claiming math is their favorite subject in a private school where they felt safe and loved.

Most of these children are happy and safe when they go to school, no threat, no danger, no harm; and I am proud of that. Some children are beaten in school. Some children are stabbed in school. That is not acceptable.

Now, of that total $351 billion that this great Nation spends, $13.8 billion comes from this Congress, this budget, this Government, $13.8 billion. One hundred chronically failed schools 10 years or more. Who knows where or how many badly beaten babies.

I ask my colleagues, with this amendment, out of $13.8 billion, are they telling me we cannot find $100 million to spread across this land for that school that is a disaster for all its children or for that child that came home beaten, battered, bloodied, broken, and scared to death? If they have got the heart to vote against that, woe be to their grandchildren.

Mr. WELDON of Florida. Mr. Chairman, today I rise in strong support of Mr. ARMEY's amendment to H.R. 2, The Student Results Act. This "Safe and Sound Schools Amendment" to Title I of ESEA is designed to help children whose schools fail to teach and protect them while in their care. This amendment could not have come at a better time. Many of our nation's public schools are in a state of emergency. Thousands of children are trapped in failing schools, and we need to provide them with a way out to gain a better education. Unfortunately, many of the children that are trapped in these failing public schools are from lower income families. We need to provide our children with the opportunity to choose another public or private school that is excelling and will provide them with the best education possible. We can not sit back and keep our students in schools that are not working.

The district I represent, the 15th district in Florida, has unfortunately been in the pathway of the many hurricanes that have been sweeping up Florida lately. When natural disasters of this kind happen, the federal government does not hesitate to send relief funds to the victims. This is a necessary and right practice.

In turn, it is also necessary to provide relief to our future, our nation's children, when they are trapped in failing schools—when they are victims of an academic emergency. The Safe and Sound Schools amendment establishes a well needed 5-year pilot program designed to create a national school choice option for elementary school children, grades 1–5, that are trapped in these failing schools. It is morally wrong to force them to stay in failing schools in the hope that one day these schools might improve. Eligible students, in schools that are "academic emergencies" could apply for $3,500 in relief funds that will help defray the costs of attending any qualified public, private, or parochial school in their area.

The investment in our children is the best investment we can make. There is no need to keep our children in failing schools that are not providing them with a good education. This is a great pilot program that will benefit everyone, students, parents, and the future of our country.

Mr. BALLENGER. Mr. Chairman, I rise in strong support of the Armey amendment. As a colleague of mine from across the aisle stated last night, "we must provide opportunity early and often to the youth of America." I agree with my colleague and that is why I support this amendment.

Many students who attend schools receiving Title I funding have been failed by our education system time and time again. Let us give them opportunities early and often to receive a better education and prepare for a better life. The Armey amendment simply establishes an optional nationwide pilot program that provides relief for students who attend a Title I school that is designated as "failing" or "unsafe" and allows them to receive up to $3,500 in scholarship to attend a public, private or parochial school in their state.

As school violence continues to escalate and hamper the education of the American youth, let us take the power out of the violent offender's hands and place it in the hands of the students and parents. Children have the right to feel safe and parents should have the right to choose the education of their children.

Mr. Chairman; Title I has failed these students. Let us not fail these children again. Give students who attend Title I schools that are deemed "failing" or "unsafe" by their state the opportunity to grow and learn in a safe, successful environment. I urge my colleagues to support the Armey amendment.

The CHAIRMAN pro tempore (Mr. THORNBERRY). The question is on the amendment offered by the gentleman from Texas (Mr. ARMEY).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CLAY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 166, noes 257, not voting 10, as follows:

[Roll No. 521]

AYES—166

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bateman
Bliley
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Buyer
Callahan
Calvert
Campbell
Canady
Cannon
Chabot
Chambliss
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Goss
Granger
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hoekstra
Hunter
Hyde
Istook
Jenkins
Kasich
King (NY)
Kingston
Knollenberg
Kolbe
Largent
Latham
Lazio
Lewis (KY)
Linder
Lipinski
Lucas (OK)
Manzullo
McCollum
McCrery
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller, Gary
Myrick
Nethercutt
Northup
Norwood
Nussle
Ose
Oxley
Packard
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Toomey
Upton
Vitter
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson
Wolf
Young (AK)

NOES—257

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (NE)
Barrett (WI)
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Burr
Capps
Capuano
Cardin
Carson
Castle
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Ganske
Gejdenson
Gephardt
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Graham
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Inslee
Jackson (IL)
Jackson-Lee (TX)
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan

Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (FL)
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Porter
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Serrano
Sherman
Shimkus
Shows
Simpson
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Walden
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Whitfield
Wise
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—10

Burton
Camp
Isakson
Jefferson
Johnson, Sam
Jones (NC)
Lucas (KY)
McCarthy (MO)
McCarthy (NY)
Scarborough

☐ 1211

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. BURTON of Indiana. Mr. Chairman, during rollcall vote 521, I was unavoidably detained and unable to be on the House floor during that time. Had I been here I would have voted "yea."

Mr. SAM JOHNSON of Texas. Mr. Chairman, on rollcall No. 521, I was inadvertently detained. Had I been present, I would have voted "yes."

(By unanimous consent, Mr. ROGERS was allowed to speak out of order.)

RECOGNIZING REIGNING MISS AMERICA, HEATHER FRENCH OF KENTUCKY

Mr. ROGERS. Mr. Chairman, Kentucky has been extremely highly honored 2 weeks ago when the former Miss Kentucky was named Miss America. That is the first time in the history of the contest that a former Miss Kentucky has received that high distinction. We have with us on the premises today that lovely lady, Heather French, Miss America.

If I could refer to the gallery, I would refer the Members to the gallery to my right where Miss America is with us in this great body. Heather French has brought great distinction to our State and to this great contest and we are excited that Miss America is Miss Kentucky.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. LATHAM). The gentleman is aware that he cannot refer to a person in the gallery.

AMENDMENT NO. 38 OFFERED BY MR. PAYNE

Mr. PAYNE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 38 offered by Mr. PAYNE:
Strike title VIII of the bill.

☐ 1215

Mr. PAYNE. By way of background, Mr. Chairman, I want to state that just 2 weeks ago my amendment to retain Title I statewide programs at a 50 percent poverty threshold was approved with bipartisan support by the Committee on Education and the Workforce during our Title I markup. Unfortunately, through legislative maneuvering, this amendment was overridden by members of the committee while we were returning from a recessed meeting and I was out of the room, and a new title created by lowering again the threshold from 50 percent to 40 percent. This action was a major setback.

This move created a new title that lowered the threshold to 40 percent. This action was a major setback in the fight to provide each of our schoolchildren with a fair and comprehensive education, and my amendment will rectify that. It calls to strike the last provision in the bill that lowers the poverty threshold for schoolwide programs to 40 percent.

What that simply means is that, as my colleagues know, Title I funds are designated by the number of poverty students in the school district. The 40 percent threshold means that 60 percent of the students in that school do not have to qualify as poverty and, therefore, robbing schools with high number of poverty students from the scarce resources to go around.

Although this year's bipartisan effort to re-authorize Title I addressed many of the causal factors of the educational gap, and as a former teacher in a Title I school, I fear that certain portions of this bill will work to actually widen the gap even further.

Current law states that in order for a school to be eligible for schoolwide programs the school must have 50 percent of its student population come from poor families. Schoolwide programs are programs that may be provided to the entire student population of a school, not just the most financially or educationally disadvantaged.

Traditionally these schoolwide programs have been targeted to schools with higher concentrations of poverty because the performance of all students in such schools tend to suffer. Further, schools with high percentages of lower-income students receive significantly large Title I grants, grants that can make an impact on a schoolwide level.

Regardless of these facts, the bill before us calls for yet another reduction in the poverty threshold for schoolwide program eligibility, reversing sort of a reverse Robin Hood, taking from the poor to give to those who are more fortunate. My amendment stops this unnecessary unfair reduction and calls for the retention of the 50 percent poverty threshold.

Opponents of this amendment may claim that lowering the poverty threshold will give schools more flexibility in establishing schoolwide programs. However, given the comprehensive nature of schoolwide programs, it is our responsibility to ensure that we meet the needs of the poorest schools which, in turn, have the lowest levels of schoolwide achievement. Research shows that the 50 percent poverty threshold should be retained because that is the level where we begin to see negative effects on the entire school population. School poverty levels below 50 percent have much smaller impact on the achievement of the entire school population.

For example, nonpoor students in schools between 35 and 50 percent poverty have about the same reading achievement level as schools falling between 20 and 35 percent poverty. Therefore, setting the poverty threshold at any level below 50 percent would be insufficient and arbitrary.

This program began in 1965 with the War on Poverty, and at that time the threshold was 75 percent poverty level. In reauthorization 5 years ago, we then saw the poverty level drop from 75 percent to 50 percent. Now we have seen this amendment come in to reduce the poverty threshold from 50 percent to 40 percent, and many in our committee feel that there should be a 25 percent threshold, which of course will eventually eliminate the program of its natural intent.

Title I began as a critical portion of the 1965 War on Poverty to help our Nation's most disadvantaged students. Let us pass this amendment to ensure that our most disadvantaged students in schools do, in fact, benefit from this crucial piece of legislation.

Our Nation is one Nation indivisible under God, and we should try to provide opportunity for all of us to meet the new challenges of the new millennium.

Mr. GOODLING. Mr. Chairman, I rise in opposition to the amendment. First of all, I want to clarify a few things that were mentioned here.

We have an agreement. The agreement was the 40 to 50, moving from 50 to 40. That was the agreement that was set up during all the negotiations; both sides agreed to that.

We had on our side an amendment, and we could have easily passed it, to go down to 25 percent. I opposed the 25 percent and went back to the agreement we had before we ever began the markup.

Now I also want to mention that I did something that no other Chair would have ever done and did not have to do. We had two votes. We voted once, and then when one or two gentlemen returned, they were upset. I allowed a second vote, a rollcall vote. So I want to make sure everybody understands, and that would not happen, I do not believe, in any other committee.

What we have found, as I tried to mention over and over and over again, the program has failed and failed and failed and failed and failed, and it is totally unfair to these youngsters; and it is critical to the Nation that they do not continue to fail; and so what we have discovered is that the schoolwide programs are doing much better than many of the other programs in raising the academic achievement of all students. They testified from Maryland, they testified from Texas; they have statistics to show the accomplishments they have made for all children.

So we agreed, as I said, that we would move from 50 to 40. We defeated going down to 25 percent; we defeated going back up to 50 percent.

So it would be my hope that now that it is working and now that we are seeing some success for the most needy children in the country, we stop this business that I heard for 20 years, we got to be sure exactly where the penny goes. It does not matter whether it does not do any good; it does not matter if it tracks these kids forever.

Now we find some programs that work. Why are we not willing to try to give every child that opportunity to succeed?

So I would hope that we vote down this amendment, and I should indicate that we will be rolling all votes until the end of this legislation today.

So again, we realize that it is succeeding by using a schoolwide model, so let us not try to stop something that is succeeding to help the most needy children in this country.

Mr. KILDEE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we need to understand the gentleman from New Jersey's intention with this amendment; we need to examine the history of the schoolwide percentage in Title I.

Prior to the 1994 reauthorization of ESEA, the schoolwide percentage was 75 percent. In other words, prior to 1994, 75 percent or more of the children in our schools were poor; we could operate a schoolwide program where we can combine Federal, State and local funds to do whole-school reform. The 1994 reauthorization lowered this to 50 percent. This bill lowers this percentage to 40 percent, and the amendment offered by the gentleman from New Jersey (Mr. PAYNE) would return that to 50 percent.

I believe it is important to also realize that the prevailing research in this area states that when a half of a school's population is poor, the entire school educational achievement is impacted. Below that level research shows that the impact is lessened. If research says that we should maintain the 50 percent threshold, we should pass the Payne amendment today.

Mr. Chairman, I yield to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Chairman, I want to associate my comments with the gentleman from Michigan (Mr. KILDEE) and show my strong support for a very important amendment on today's legislation, the amendment offered by the gentleman from New Jersey (Mr. PAYNE).

The genesis of this act, the purpose of this act, the priority of this act in 1965 was to try to focus and target money to the poorest and neediest and most at-risk children in America because the States were not adequately fulfilling that role. The Federal Government did it. We need to continue to focus the money there and not dilute those funds to students in need with a bill that is doing some innovative new things in a bipartisan way.

So I encourage in a bipartisan way for us to improve the bill further and support the gentleman from New Jersey's amendment.

Mr. KILDEE. Mr. Chairman, I yield to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, I rise in strong support of the Payne amendment.

I want to commend the gentleman from Pennsylvania (Mr. GOODLING) and thank him for leading the fight to keep this from being rolled all the way back to 25 percent, and I admire his leadership on that; but I think it is very important we keep this as 50 percent. I think it is very important that we say that a program that is designed to reach out and help economically disadvantaged children will stay that way, and I think if fewer than half the children in a school fit that economically disadvantaged category, but we permit the expenditure of Title I funds anyway in whole school reform, that we are marching toward Federal education revenue sharing, which is really not something I think we want to do.

The underlying purpose of this act is to use targeted resources for children who most need it, for children who have the least out of State and local resources. I think that the Payne amendment is crucial toward establishing that goal; I enthusiastically support it.

Mr. KILDEE. Mr. Chairman, I yield to the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK of Hawaii. Mr. Chairman, I think this is a very, very important amendment. It goes to the principle that we are establishing by enacting this legislation to help children in low-income circumstances who are disadvantaged in many ways in their educational experience.

The fundamental issue is that the distribution of funds is based upon a head count of the number of low-income children in a particular area, and if we are going to put the moneys there on the basis of a head count of low-income children, then these children need to be served. We cannot take the money that is allocated by this head count and distribute it to other schools.

There is no question that every school needs help in America, but this legislation is geared to the low-income, disadvantaged communities; and that is where it should stay, and I think that the 50 percent cut off is a legitimate cut off. It allows for schoolwide reform where 50 percent of the children are in an economically disadvantaged category. Then all of the students in that particular enrolled school could benefit. But to lower it, I think, is to really destroy the essence of targeting this money to the children, and that is how the money gets to the local school districts, by a head count.

So let us not dilute the fundamental purpose of this legislation by taking the money away from these children and scattering it to other areas.

□ 1230

Mr. CASTLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I appreciate the opportunity to speak on this amendment. Let me just start by saying that I respect greatly all of those who have spoken on this particular amendment, and particularly the gentleman from New Jersey (Mr. PAYNE), the sponsor of this amendment. I have debated this issue with them as well as others in the Committee on Education and the Workforce, and I understand the sincerity of their beliefs in this.

Mr. Chairman, I believe that there is some reasoning here that we need to discuss in terms of how we are really helping kids. I am not one of those that is going to stand here and say that Title I has failed all together. God only knows where some of these students might be if it was not for Title I. On the other hand, I do not think that many people in this room can stand up and say that Title I has been a rip-roaring success either. That is not demonstrable one way or another. I believe we should continue Title I. I believe we should try to improve Title I. I think this is an excellent piece of legislation. We worked on it together, and I think that is fine.

But this particular point that we are debating right now I think is vitally important to the whole future of Title I and where we are going on this. I do not think we should reinstate the 50 percent school poverty threshold. I think it should go to 40 percent. One could argue it could go to 43 percent or whatever. If it went down to 25 percent, I would be up here opposing it or even 30 percent; but just as I support trying to keep it at the 40 percent level.

This is something, by the way, that was agreed to by many members of the committee who are ranking members, who sat down and worked this out, and among staff members, because we thought it was so important.

But why is it important? That is what I think we are missing. Does schoolwide work or not? What is schoolwide? Schoolwide is essentially when a school which may have 40 percent or 50 percent, whatever the number may be, who have kids who are economically disadvantaged and at the poverty threshold going to their particular school; and then they then put together programs that will lift the entire school so that everybody will benefit from it, but particularly aimed at trying to help that 40 percent or 50 percent or whatever it may be.

This is opposed to having special programs for those who may be educationally disadvantaged as determined by schools in which people are economically disadvantaged. It is my judgment, based on the small evidence that we have seen so far, the schoolwide programs are working. The chairman of the committee, the gentleman from Pennsylvania (Mr. GOODLING) has already cited two examples of that, both in Maryland and Texas, which really took Ed-Flex very seriously when we gave them that opportunity and came forward and they put together schoolwide programs. Others have done it too by going through the Secretary of Education, and they seem to have worked. Test scores have gone up. In a very data-based way, test scores have actually gone up in those schools which are doing it that way.

They are also becoming very popular with principals and teachers. According to the national assessment of Title I, the number of schools which are implementing schoolwide programs has more than tripled from 5,000 to 16,000 since 1995. Usually when programs grow, when there is a choice and programs grow, there is an indication that those who are dealing with the programs, the educators, are making a difference.

This does not dilute the amount of dollars that would go to a school, it is just a question of how the dollars are going to be utilized when they get to that school. I think that is important to understand as well in terms of dealing with the program of schoolwide versus the individual instruction, which has taken place before.

So for all of these reasons I am strongly supportive of keeping the poverty threshold at 40 percent which will, frankly, enable more schools, if they wish to operate schoolwide programs. It gives principals flexibility and it is, to me, proving to be beneficial. Those are the reasons that I stand forth and argue that we should do this. I would hope that we would all look at this, and I hope frankly this amendment will be defeated, but ultimately I think we all have the same aim and that is to educate all of our children, particularly those in poverty as well as we possibly can.

I happen to think that leaving the level at 40 percent is the way to do that, and I hope that I am right, and I hope that we are able to defeat the amendment and eventually we will improve the course of our students.

I yield to the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Chairman, I just want to indicate that teachers always came to me and said in social studies class, be sure to homogeneously group these kids. Can my colleagues imagine homogeneously grouping children in social studies. So those who never hear anything but nothing at home, if there is a dinner table, hear nothing in school, because they are all grouped together.

Children learn from other children probably more than they learn, as a matter of fact, from the teacher in that classroom. I certainly think that we should give something that is successful an opportunity to continue to succeed and save some of these children that we are losing everyday.

Mr. CASTLE. Mr. Chairman, reclaiming my time, I would just like to say, I do not like opposing an amendment sponsored by people who I think are genuinely interested in education and children. But I think in this case, the intent of what is in the legislation is right and is the direction to go.

Mr. OWENS. Mr. Chairman, I move to strike the requisite number of words. I would like to speak in support of the Payne amendment.

Mr. Chairman, we have heard a number of pedagogical considerations here which are interesting, but they avoid the real problem. The problem is money and the resources necessary to make a schoolwide program succeed. My colleagues are taking away some of the money. We move from 75 percent down to 50 percent, and now we want to move from 50 percent to 40 percent. So 75 percent to 40 percent is a radical move. My colleagues oppose going all the way down to 25 percent; that would be even more radical. But we have already made a radical move going from 75 percent to 40 percent, and my colleagues are jeopardizing the success that they claim that these schoolwide programs have achieved.

The program and the law was designed to reach the poorest children in America. The formula is driven by individual poverty; children who qualify for free lunches, that determines the amount of money one gets in a district. If one has a situation where one can play with the formula and take a school that only has 40 percent poverty and make it eligible, then one would be diluting what goes to the school that has the 75 percent poverty where we have already reduced the funding down, based on a 50 percent level of sharing.

The public concern for education is at an all-time high right now. Almost 90 percent of the voters have declared that more government assistance for education is their highest priority. In response to this overwhelming concern for the improvement of education, Title I is presently our only really significant program. But instead of providing leadership to increase the funding of Title I and increase the scope of Title I so that we can get more children in, we are going to follow the leadership of the Republican majority; we are going to seize funds from the poorest youngsters and spread it out to the more fortunate ones in the other schools.

Why do we not have an increase of funding and let all of the new money be divided between these new schools that will be qualified under the 40 percent? Why do we not respond to the public concern that we need to do more for education, not less?

We are not going to do more by taking what we have already and spreading it out. Marie Antoinette said, if the people have no bread, let them eat cake. What we are saying is that the loaf of bread is too small, but instead of getting more bread, we want to divide the loaf up into crumbs and distribute the crumbs more widely. To distribute the crumbs more widely may get a lot of political pluses because one can go back and say to their constituents that they had no Title I funds before, but look now, we are doing something about education. We brought you some funds that you did not have before. But we took them from some other place. We took them from the poorest, and we spread it out. The original law was designed to help the poorest.

That, I do not think, is a way to proceed in response to the public cry for more help with education. That is Robin Hood in reverse. What we have been doing all along, and the pattern here in the Congress under the Republican leadership is to do just this, spread it out. Ed-Flex was a beginning, straight As is coming after this, either today or tomorrow. Straight As is all about wiping out any Federal control with the money after it goes down to the local level and that means you do not have to have 40 percent or 25 percent, but just spread it out.

I yield at this point to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Chairman, I want to support the Payne amendment and say that it has nothing to do with us not wanting all children to have an education, nor does it have anything to do with finding a way to have another model to be more effective. If we take a limited amount of resources and indeed dilute that, we really take the chances of effectiveness away from the program. So if we are trying to effectively educate those who need it the most, we would not dilute that, we would try to make sure that it was more pointedly directed to that.

Take eastern North Carolina, take school districts that I know that indeed many of the school districts, not just schools, school districts, have 40 percent poverty. So when we then shift that to the more affluent school districts in my State, we have really denied that district as a whole, not just the school, to have an opportunity.

So I want to support this amendment and tell my colleagues that we need to find a way not necessarily to defeat the issue of raising all kids up, but we do not do it at the expense of the poorest of the poor, and that is, indeed, what the effect of this would be, whether we intend that or not. We would end up making sure those who are failing will be sure to fail. Not that Title I is perfect. We need to improve it, but this is not the way to do it.

Mr. SOUDER. Mr. Chairman, I move to strike the requisite number of words. I apologize for my voice. I will do the best I can. I have been involved in this issue, and I want to participate in the debate today.

I would like to clarify a few statements that are going around and add some additional comments. One is this is not a spending bill, it is an authorizing bill. This is a bill that sets policy.

Secondly, inside that policy, we are not moving dollars between school districts. This is a question of how the school district moves the dollars within a school and who is included in a given program. It is not moving from low-income districts to high-income districts; this is not driving money to the State. This affects formulas and what percentage of the students are covered within this program inside a school and inside that district.

Thirdly, I am very concerned about bipartisanship. We have talked about trying to develop this as a bipartisan bill. I am one who is a believer that if the Federal Government is going to be involved in Federal aid to education, there is a legitimate need to come in and to help low-income families where they may not have the property tax structure, they may not have the income, and that was a legitimate role, even though the Constitution was silent on the Federal role in education, because that means by definition that it was intended to local and State. But when there has been a failure such as for special needs kids or for low-income kids, the Federal Government has stepped in. My goal is not to spread targeted Federal dollars to all students in America so that everybody gets attached to the Federal dollars.

But this was to be a bipartisan bill. We worked out a compromise. Some of us are starting to feel that the only thing that is bipartisan in this is we have to do it the other side's way, or we do not do it. I am fast moving towards a no on this bill when I have been a strong advocate of this bill all the way along. I, for one, do not believe that Title I has failed. I differ from many of my conservative friends. This is like Lou Holtz coming to the University of South Carolina and South Carolina not winning this year in football and people saying well, that failed. It takes more than a football coach to change the football program in South Carolina and turn it into Notre Dame, not that Notre Dame is the best example this year. But when we look at this, it takes split ends, it takes quarterbacks, it takes halfbacks.

Title I going to low-income schools, they often do not have a lot of other resources. This is only part of the program that goes into these schools. We cannot expect Title I to solve every problem in low-income schools. What I see in Indiana is they are doing it very effectively in targeting for reading recovery. But this is a question about flexibility. It is not a question about moving among students. In this bill, we require that the students' performance has to move up if we go down to 40. We are caring here about individual students. Why do we feel in Washington that we have to tell each principal and superintendent and teacher that they have to do it a certain way. What we want to see is that the students' scores are improving.

I am sorry I did not get down here to debate on the Armey amendment. I do not understand why people do not want to give local schools and school boards more flexibility if we say you have to improve the students' scores. The argument here is not in my case against having the money go to those who need it most. I want to see it used most effectively, whether it is public school choice, private school choice, Title I inside the schools, reading recovery programs. We want to see that the kids who are left behind in our system, who often are not able to get the job, to get the opportunities that many of us who have been more fortunate have, we want to see the most flexibility and the best ways possible to do that, and I fear that this amendment will lead to further unraveling both of that local flexibility and of this bipartisan bill.

Mr. ENGEL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from New Jersey (Mr. PAYNE).

Mr. PAYNE. Mr. Chairman, I just want to comment very briefly on the comments of the gentleman that just preceded me.

The chairman indicated that the 50 percent Title I has been working, the gentleman from Pennsylvania (Mr. GOODLING) and that when they moved down from 75 to 50 percent that we have seen success. Why not then leave it at the 50 percent?

□ 1245

Secondly, the gentleman said that we are not shifting money around; we are simply authorizing, we are an authorizing committee. He is portraying a point that those schools now that are eligible, that would be 40 percent, they are simply going to apply for the money and therefore the pot remaining the same will simply reduce the amount of money to the higher poverty schools.

It is just like having a pot for FEMA. We do not stop and say we only have a certain amount of money and all of the tragedies and natural disasters we have are limited. We come up to the amount.

We do not do that with education. I would just like to say that we are moving money by moving the formula because those now who qualify will take the money.

Mr. ENGEL. Mr. Chairman, I rise in support of the Payne amendment. In my previous life, I was a teacher and guidance counselor in the New York City public schools and I only taught in Title I schools so I think I have some familiarity with it.

Most of the schools in my congressional district qualify as Title I schools. I agree with my colleague from New York (Mr. OWENS), who said the real problem here is that we just need more money for Title I schools. We do need more money.

The other side can scoff all they want, but the fact of the matter is every child who is eligible should be getting help. If we are going to make the commitment, and this bill goes a long way in increasing funds but we still have a long, long way to go, it seems to me that what we ought to be doing is concentrating on those schools that have the greatest levels of poverty because those are the kids that are most disadvantaged. Those are the kids that really need the help. School-wide programs have usually been limited to higher poverty schools because the performance of all people, all students in that school, tends to be low.

This amendment calls for the 50 percent poverty threshold because a level of 50 percent poverty is where we begin to see an impact on the entire school. At poverty levels below 50 percent, the school poverty level has a much smaller impact on the achievement of the entire school population. So the Payne amendment would certainly prevent the undermining of Title I's targeting provisions and ensure that these programs are focused on higher poverty schools that need improvements on a school-wide level and the poorest schools are better equipped. It will ensure that the poorest schools are better equipped to deal with school-wide problems.

I also would be remiss if I did not mention that within the City of New York there is a very distinct problem. I represent Bronx County, and the way the funds are being allocated right now hurts students in Bronx County and Queens County and New York County within the City of New York. If we had more money, we could take care of those problems without impacting negatively on the other counties.

So it seems to me that the fight here should not be a fight about a pie and who should take away from other people; but the fact is that where there are poor schools those are the schools that ought to be adequately funded. It pains me a great deal that in Bronx County we are being shortchanged with this Title I funding allocation, and again only in New York and Hawaii and parts of Virginia do we face this problem. It hurts Bronx County. It hurts Queens County. It hurts New York County; and if there were more money in this bill, we could take care of it. We could hold these districts harmless so that they could help the poorest kids and help the poorest schools.

So this goes a step in the right direction in terms of allocating more money, but in my estimation it does not do the job. If we are going to have a Federal commitment to education, and again the polls show that that is what people want across the country, a commitment to education, then we really need to put our money where our mouth is. If we are going to help children in the poorest areas, then we need to help those schools that are the poorest schools.

The bill goes in the wrong direction. The Payne amendment would right that wrong, and I wholly support it.

Mr. HOEKSTRA. Mr. Chairman, I move to strike the requisite number of words.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. HOEKSTRA. I yield to the gentleman from Pennsylvania.

Mr GOODLING. Mr. Chairman, first of all, I want to make sure one more time, this program was designed with one thing in mind. That one thing in mind was students achieving below grade level. That is what it was designed for. That is in the legislation. It has always been there.

What I really get most upset about, and I should not get carried away, but when it is said all we need is more money, that is all I heard for 20 years: all we need is more money. It has been a block grant; that is what title I has been, a block grant to districts. As long as those who are achieving two levels below grade level are met, do with it what they want; and it has failed. We have failed those children over and over again because nobody went out to check and see whether there was any quality in the program, even though all the statistics showed that they were not increasing, they were not catching up to the children who are more advantaged.

The program was designed for children who are below grade level; and, again, let us try to make it a quality program. Let us not just say that somehow or another we can take a program that has not worked, if we give it more money it will work. If more children are covered with mediocrity, then more children are just being destroyed. We want to cover them with quality.

Mr. HOEKSTRA. Mr. Chairman, the amendment that is before us now mirrors much of what we are doing in the rest of H.R. 2. This really is the first time that a Republican Congress has a chance to make real changes to Federal education policy, to try to improve Title I so that disadvantaged children do actually learn and succeed so that we can take those who are below grade level and move them up.

The focus does have to be on accountability and achievement. There are a number of improvements in this bill that move us in that direction, but there is also a movement that I am concerned about. We have so-called accountability, but the problem is that there is not flexibility. We tell States how to target their money, where to spend it. We tell States what information to report to parents and the public on their schools.

We tell States how to desegregate students based on race and gender, and we tell States what kind of qualifications teachers and para-professionals must have. The section of the bill that we are attempting to change here is one of those areas where we provide more flexibility for school-wide programs so that we can tailor those programs to most effectively meet the needs of the children in those schools.

The amendment that we have in front of us, again, takes us away from flexibility at a local level, takes us away from having the flexibility to design the programs for the needs of the children in those schools. Like other parts of the bill, it moves decision-making away from the State and the local level and moves it back into Washington.

This Congress has had a number of successes in moving decision-making to the local level. We passed Ed-flex. We passed the teacher empowerment. Tomorrow or later today we will have the opportunity to debate the program called Straight A's. All of those programs take us in a direction that says we know who we are focused on, and we are going to let the States and the local levels design and implement the programs most effective to meet the needs of those kids; very much based on the welfare reform model, where we recognize that States and local officials care more about the people that were on welfare than the bureaucrats in Washington; that they were most concerned about moving those people off of welfare and into dignity by providing them a good job.

We are going to see the same thing in education, that when we empower people at the local level to address the students with the greatest needs, we are going to see more success. We recognize that the 34 years and the $120 billion of investment have not gotten us the kinds of results that we want. Parts of this bill move us in the right direction. Parts move us in the wrong direction, but this amendment should not be passed and we should stay with current law.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I recognize that there have been some enormously weighty arguments that have been made on this issue. They have probably been intertwined with equality and justice and fairness, and I believe the gentleman from New Jersey (Mr. PAYNE) epitomizes in his legislative agenda, throughout the time that I have known him, to affirm all of those principles.

All of us who have fought for educational opportunity, the equalizing of the doors destined to carry our young people into the rewards of strong work ethic, the ability to provide for their families, we have all supported equalizing education. In fact, this body in its wisdom, way before I came to these honored halls, had the Civil Rights Act of 1964 and the Voting Rights Act of 1965 and translated the Brown versus Topeka decision argued by Thurgood Marshall into reality by opening the doors of education and providing opportunity for those who had been excluded.

I am somewhat taken aback that we now come to a place where every American is talking about education, but yet we have an underclass of sorts, individuals who have yet been able to get on the first wrung of the ladder. Title I has proven to be the door opener in those hard-core pockets, where people are living at 50 percent of poverty threshold, barely making ends meet but every day getting up and washing and ironing that same piece of clothing for their child and getting them out that door so that they can sit in a seat of opportunity.

I go home to my district and I am always hearing, money is being wasted. It is being given to the go-along and get-along. It is being given to the people who really do not need it. Big tax shelters are being given to corporations, and though I believe in business opportunity and the idea of capitalism in this Nation but we get criticized for wasting money.

This amendment reinforces the fact, Mr. Taxpayer and Mrs. Taxpayer, that they can be assured that the money that we are putting out to educate children who otherwise would not have an opportunity to give those school districts the resources for computers, to give them special training, to provide that child who comes to school with no lunch and no breakfast opportunity at home, will be able to learn.

Is it not better to hand someone not a welfare check but rather hand them a salary check? For all of those who gathered around us to determine that we wanted to have welfare reform, what better tool, what better vehicle out of it? To undermine that threshold number says to me that my colleagues want to scatter the dollars to those who may not need it, and they want to take away the focus of the hard-core poverty.

Again, let me tell Mr. and Mrs. Taxpayer, I do not want them to get angry and say there we go again talking about the poor person; I need to make it because I am a middle-class working person. Yes, they are, and we appreciate it. What we are trying to do is to get the burden off their back by educating more of these children to ensure that they have the ability.

A pupil's poverty status is based on their eligibility for free or reduced-price lunch. The income thresholds for free or reduced-price lunch are substantially higher than the poverty level. For example, a child is eligible for reduced or free lunch if his or her family income is below 130 percent. Thus, in most cases the current school-wide program of eligibility threshold is actually 50 percent of pupils eligible for free or reduced-price lunch.

We are not throwing money away. What we are saying is that we are focusing the money so that it can be utilized properly.

Let me say that the fact that this has been taken out or put in in a reduced amount is a travesty with taxpayers' money. It is a travesty on what we tried to do. It takes away the spirit of this Congress that tried to open the doors of education. Pell grants, GI loans, all of that had to do with us saying that these are deserving people. I bet we can look back now and find out the investment in the GI loans has paid three times; the investment in Pell grants, ten times; and I can assure them that their investment in Title I funds in districts around this country where people are yearning for an education but yet do not have the resources, the lunches, the computers and various other things, I can say, Mr. and Mrs. Taxpayer, that a better investment could not have been made.

I would hope my colleagues understand that we are not trying to throw away money and we are not trying to give away money.

□ 1300

I had to come here on the floor of the House as we were ending, because I am so passionately committed to the fact that the gentleman from New Jersey (Mr. PAYNE) is right. I want this amendment to be passed, and I want the defeaters of education and quality to be defeated.

Mr. SCHAFFER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it is no secret that I am not a fan or advocate of the underlying bill, but I still care deeply about the component parts of this legislation and this part being one of them, because I believe that this particular amendment makes a bad bill worse.

I voted for this amendment at one point in committee. I did so primarily because of some of the persuasive elements in the arguments that my colleagues have just heard. But after that vote, the committee adopted several others that I would consider responsible amendments that did a better job of providing more freedom and more liberty and the ability for local administrators to spend, in fact, more money on children in schools.

In fact, the administrators of many of these programs estimated that that one amendment that dealt with the rewards program freed up funding for an additional 123,000 children, disadvantaged children around the country.

So within the context of that effort to move toward greater academic freedom, greater managerial liberty by local administrators and officials, my position on this amendment has changed dramatically. It is for that reason that I, once again, as the subsequent vote took place in committee, urge that we stay at the 40 percent level threshold as the bill has before us today.

I say that for a couple of reasons, and I really would ask all Members to consider this. We are not talking about changing one bit the allocation of appropriations to a school. By moving the threshold, however, we are allowing more schools to be involved in schoolwide programs to reach those children who have been identified to have the legitimate and honest need for additional assistance when it comes to bringing those kids up to grade level.

The amendment that is being proposed is one that actually does, that actually constricts the ability of local administrators to get those dollars to kids who need it the most.

I submit that that is the wrong direction for us to move in. I understand the temptations for those of us in Washington to try to exercise our compassion and concern, which we all share, through additional mandates, additional constraints, additional regulations. It is the problem with the amendment. It is also the problem that occurs throughout much of the rest of the bill. But in this case, we ought to take the step, even though it is a 10 percent step in the direction of schoolwide programs, of more freedom and flexibility at the local level.

None of my colleagues here know the names of the kids in the school where my children are at school today. But their principal does. Their superintendent does. Their teachers certainly do. I submit that they ought to be given, even that 10 percent additional flexibility, to design a program that approximates the needs of those children in that school; and that we are out of line, frankly, here in Washington and under a false set of pretenses to believe that somehow our judgment is superior to theirs back home. That is what the underlying bill in this provision tries to achieve, a small 10 percent adjustment in the threshold that allows more flexibility.

The amendment before us tries to take that little bit of flexibility away and return this provision of the bill back to the more prescriptive, more regulatory, more confining posture of the current law. This is not what our administrators have asked us to do. This is not what governors around the country have asked us to accomplish. This is not what any State superintendent has asked us to achieve.

This is an amendment that is one that appeals to a very narrow set of individuals in schools, those who get to control this particular line item of the cash.

I think it is time for this Congress to put children ahead of those folks for a change. What a novel idea. We do not do it entirely. We do not do it to my satisfaction.

I am still probably going to vote no on the entire bill. But with respect to this amendment, the bill does achieve a 10 percent victory for those children who have an opportunity to be engaged in schoolwide programs, it is not much of a victory, but it is one that should not be obliterated with the amendment that is in front of us.

Therefore, I ask the committee to vote no on the amendment of the gentleman from New Jersey (Mr. PAYNE).

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will try to be brief because I know there are a number of amendments that need to be offered and very important amendments. But this one is critically important to me for several reasons.

First of all, before I came to Congress, before I even really followed politics closely, during the Ronald Reagan presidency, I followed from a distance the debate that was going on at the national level about the role that the Federal Government should play in education. That debate has been going on consistently for a good while.

During those years, we actually came to a resolution of what the Federal Government's role should be in education, identifying what national standards should be and trying to get kids who are performing below a national standard up to what we should expect as a Nation to be the minimum standard.

At that point, Republicans, as I recall, were consistently arguing that we should have a specific definition of what the Federal Government's role in education would be. Over time, actually the country came to such a consensus that the Federal Government's role should be carefully defined and the Federal Government dollars should be restricted to fulfilling that role.

One of those roles is to make sure that kids who are performing below the Federal level standard get brought up to that standard.

I do not think we can separate the debate on this amendment from that larger question about what the Federal Government's role in education should be. Because if we abandon the definition that we have given for the Federal Government's role and start to block grant money to the local governments to make their own dispositions, then the next step beyond that is to ask, well, what is the Federal Government's role again? Why should we be involved at all in education? Why would we be collecting money, bringing it to the Federal level, and sending it back to the State level without a definition of what our role at the Federal level is and without helping to fulfill the Federal objective?

I think that is really what this amendment is all about. We have defined as a Federal role helping people who are underachieving. Poor people, poor kids are underachieving disproportionate to other children in the system. Therefore, we have elected under Title I and other similar programs to devote a disproportionate part of the Federal dollar to address that particular issue. To the extent that one steps away from that formula, then one is stepping away from the definition that we have given to the Federal role.

I think it is important to keep in mind what the Federal Government's role in education is that we have, through a process of debate and discussion over time, coalesced behind. This amendment furthers that purpose.

Now, I would not have supported cutting back from 75 to 50. I certainly would not support cutting back from 50 to 40. I guess the next step next week is going to be cutting from 40 to 0.

Then we are going to start another whole debate, I project; and that debate will be, well, okay, now we are using the Federal Government as a pass-through, so why should we have any role for the Federal Government at all?

I support the Federal Government's defined limited role in education and this amendment furthering that objective.

Mr. PETRI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to this amendment. First of all, I want to again commend the leadership on this committee on both sides of the aisle for having worked so diligently and over so many months to bring H.R. 2 to the floor with bipartisan support.

I do regret the fact that, unlike some other of these negotiations that I have been involved in in other committees, that leadership, after having reached an agreement and worked out a bill that makes a number of improvements in the Title I program, is not willing on a bipartisan basis to defend the agreement on the floor of the House from amendments, whether they come from one party or the other.

Because the purpose of having negotiations and give-and-take and working out a good piece of legislation is then to stick by those agreements when we get to the floor and move the bill forward.

That having been said, I am proud that we are at this point here in the House of Representatives, with a good piece of legislation before us, authorizing more money for Title I.

We are on the verge of, in this Congress, appropriating some $350 million above what the administration has requested for Federal aid to the school children of our country, because I think we have got our priorities right here in this Congress.

We have managed to appropriate, not just talk about, and not just authorize, but appropriate more money than ever before in the history of this Republic for Pell Grants to help the neediest of our children to go to college and vocational school and get on the ladder of success here in our country, more money for special ed, and more flexibility for school districts to deal with disadvantaged kids with handicaps here in our country.

This legislation deserves bipartisan support, not tinkering from the fringes. So I hope the amendment is defeated and the bill is passed.

Mr. FATTAH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me first defend the negotiations that were commented on by the gentleman from Wisconsin (Mr. PETRI). The Democratic leadership on this committee had negotiated a bill, and they stood on the floor, and they said that they are going to support this bill. There was never any agreement that there would not be amendments offered. But they have said they are going to support this bill whether these amendments are passed or defeated.

Now, we heard from another gentleman who said he is opposed to the bill, and he is opposed to this amendment.

I want to rise in support of this amendment because it focuses dollars that the Congress has appropriated for disadvantaged children at schools in which at least 50 percent of the children are disadvantaged.

Now, it does not take a rocket scientist to figure out that, if we were appropriating money for all children, then we would not be keying on free and reduced lunch levels, there would not be a program for children who were disadvantaged.

It is because, in 49 out of our 50 States, disadvantaged children, that is poor children, are in schools in which their State governments have found a way to have less being spent on their education than children who are not disadvantaged; that is, they start out impoverished in school districts in which the financing systems end up giving them less per pupil than in the wealthiest districts in those States.

So, now, why should the Federal Government come along with money to help disadvantaged students and dissipate the effectiveness of those dollars?

This amendment would raise the level to 50 percent. It would say one has to have 50 percent of the kids in one's school in poverty in order to have these dollars be spent on a schoolwide effort. That is a reasonable position for the Democratic leadership on the Committee on Education and the Workforce to take.

It is also understood that there was a negotiation. We are prepared to stand by that negotiation. But it does not bind the floor. Members of this Congress should come and listen to the National Education Association, the Council of the Great City Schools. Listen clearly to the administration in its statement of administration policy that they would like to see these dollars targeted if one wants to have the administration finally support this effort.

So we ask that the Congress consider the Payne amendment. We think it is a reasonable position. Those of us who support Title I and support this bill think that this would improve the bill. We have those who do not support the bill, are not going to vote for the bill, who are saying that somehow they think that defeating the Payne amendment is the right way to go. Let us be on the side of those who support Title I and know that, even though it is a good bill, it can be improved by adding the amendment of the gentleman from New Jersey (Mr. PAYNE).

□ 1315

The CHAIRMAN pro tempore (Mr. THORNBERRY). The question is on the amendment offered by the gentleman from New Jersey (Mr. PAYNE).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. PAYNE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 336, further proceedings on the amendment offered by the gentleman from New Jersey (Mr. PAYNE) will be postponed.

AMENDMENT NO. 48 OFFERED BY MR. SCHAFFER

Mr. SCHAFFER. Mr. Chairman, I offer amendment No. 48.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 48 offered by Mr. SCHAFFER:

Before section 111 of the bill, insert the following (and redesignate any subsequent sections accordingly):

SEC. 111. PUPIL SAFETY AND FAMILY SCHOOL CHOICE.

Subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) is amended by inserting after section 1115A of such Act (20 U.S.C. 6316) the following:

"SEC. 1115B. PUPIL SAFETY AND FAMILY SCHOOL CHOICE.

"(a) IN GENERAL.—If a student is eligible to be served under section 1115(b), or attends a school eligible for a schoolwide program under section 1114, and—

"(1) becomes a victim of a violent criminal offense while in or on the grounds of a public elementary school or secondary school that the student attends and that receives assistance under this part, then the local educational agency shall allow such student to attend another public school or public charter school in the same State as the school where the criminal offense occurred, that is selected by the student's parent; or

"(2) the public school that the student attends and that receives assistance under this part has been designated as an unsafe public school, then the local educational agency may allow such student to attend another public school or public charter school in the same State as the school where the criminal offense occurred, that is selected by the student's parent.

"(b) STATE EDUCATIONAL AGENCY DETERMINATIONS.—

"(1) The State educational agency shall determine, based upon State law, what actions constitute a violent criminal offense for purposes of this section.

"(2) The State educational agency shall determine which schools in the State are unsafe public schools.

"(3) The term 'unsafe public schools' means a public school that has serious crime, violence, illegal drug, and discipline problems, as indicated by conditions that may include high rates of—

(A) expulsions and suspensions of students from school;

(B) referrals of students to alternative schools for disciplinary reasons, to special programs or schools for delinquent youth, or to juvenile court;

(C) victimization of students or teachers by criminal acts, including robbery, assault and homicide;

(D) enrolled students who are under court supervision for past criminal behavior;

(E) possession, use, sale or distribution of illegal drugs;

(F) enrolled students who are attending school while under the influence of illegal drugs or alcohol;

(G) possession or use of guns or other weapons;

(H) participation in youth gangs; or

(I) crimes against property, such as theft or vandalism.

"(c) TRANSPORTATION COSTS.—The local educational agency that serves the public school in which the violent criminal offense occurred or that serves the designated unsafe public school may use funds provided under this part to provide transportation services or to pay the reasonable costs of transportation for the student to attend the school selected by the student's parent.

"(d) SPECIAL RULE.—Any school receiving assistance provided under this section shall comply with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and not discriminate on the basis of race, color, or national origin.

"(e) PART B OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—Nothing in this section shall be construed to affect the requirements of part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

"(f) MAXIMUM AMOUNT.—Notwithstanding any other provision of this section, the amount of assistance provided under this part for a student shall not exceed the per pupil expenditure for elementary or secondary education, as appropriate, by the local educational agency that serves the school—

(1) where the violent criminal offense occurred for the fiscal year preceding the fiscal year in which the offense occurred; or

(2) designated as an unsafe public school by the State educational agency for the fiscal year preceding the fiscal year for which the designation is made.

Mr. SCHAFFER. Mr. Chairman, I ask the House's favorable consideration of my amendment No. 48.

Mr. Chairman, the bill deals with allowing families school choice in those cases where children are eligible and defined under title I of the bill and find themselves in a school that has a prevalence of violence. The bill speaks to these children in two ways. Those individuals who are first themselves victims of violent activity and, second, those that are in schools that have been defined under the bill as being subject to or being in an environment that is unsafe.

Let me be specific about the terms of the bill. An unsafe public school means a public school that has serious crime, violence, illegal drug and discipline problems, as indicated by conditions that may include high rates of expulsion and suspension of school students; referral of students to alternative schools for disciplinary reasons, to special programs for schools for delinquent youth into juvenile court; those where there is victimization of students or teachers by criminal acts, including robbery, assault, or homicide; enrolled students who are under court supervision for past criminal behavior, possession, use, sale or distribution of illegal drugs; enrolled students who are attending school while under the influence of illegal drugs or alcohol possession, or use of guns or other weapons; participation of youth in gangs; crimes against property, such as theft and vandalism.

It is virtually impossible, I would submit, at least according to most educators I have spoken with, to compete with these kind of unreasonable circumstances and environments in trying to deliver educational services to the children who need them most. It is the children who need them most who oftentimes find themselves in these exact kinds of settings and school conditions.

I realize there are many here who believe that school choice is a bad idea. I am not one of them. I think free and open market approaches to public schooling is, in fact, a good idea. But I think in this one example we ought to be able to find wide and common agreement that those children who are victims of violence and also find themselves in violent schools ought to be given the freedom to exercise school choice; to choose another setting that more approximately meets the needs of those children; that offers a better opportunity for children to learn in less threatening environments; that gives real hope for children that there are teachers and there are places where the only objective of their setting is to teach and it is to learn and it is to grow academically, not to constantly be looking over one's shoulder wondering whether they too might be the next victim.

This amendment is, I think, a very reasonable step in the right direction. It does address those schools that we all know to exist, where violence seems to be chronic and where children have a huge hurdle to clear with respect to education. This gives them a relief valve, an escape hatch, a way to find schools that teach, schools that work, and environments that are safe.

It is on that basis, Mr. Chairman, that I ask for the body's favorable consideration of amendment 48.

Mr. KILDEE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I believe this amendment is unnecessary and is presently covered under the current Title I statute. Because it appears that it does not expand current law, we will accept it on this side.

Mr. HOEKSTRA. Mr. Chairman, I rise in support of my colleague's amendment.

The opportunity to move students from a school where they have experienced crime or serious problems, I think, is a proper direction. Again, what we are doing is we are providing flexibility. In this case, we are empowering students, we are empowering parents, and we are empowering local school districts to make the appropriate decision for their children as to where they need to be educated. Again, this builds on the other programs that we have introduced and passed this year that are moving decision-making back to the local level, back to teachers, and back to States. This is really the appropriate place for those decisions to be made.

In this amendment we are empowering parents and we are empowering people at the local level to do the right thing to help their students. I encourage my colleagues to support this amendment.

Mr. GOODLING. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have a couple of questions for the author of the legislation. In the legislation at the present time, we allow parents to move children within a school district to another school, or a charter school in that district, if it is classified as a dysfunctional school or a nonachieving school.

As I understand the gentleman's amendment, he expands that to say that an individual can go across district lines to a public school or a charter school, and also if it is because of the problems that are in the school beyond academic problems. Do I understand that correctly?

Mr. SCHAFFER. Mr. Chairman, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from Colorado.

Mr. SCHAFFER. The gentleman is correct. The choice mechanism in the bill, as drafted, triggers the choice option only in those cases where schools are determined to be nonachieving schools, or failing schools. This amendment acknowledges that it is quite possible, in fact likely in many cases, that an achieving school, one that is succeeding, may also be a violent school on occasion.

So in those instances we give an additional trigger, I guess, in this bill, would be the appropriate way to say it, that allows parents whose children suffer from violence or in violent schools that do not meet the definition currently in the bill the option of choosing another academic setting in a public school or a public charter school.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Colorado (Mr. SCHAFFER).

The amendment was agreed to.

AMENDMENT NO. 43 OFFERED BY MR. ROEMER

Mr. ROEMER. Mr. Chairman, I offer amendment No. 43.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 43 offered by Mr. ROEMER: In section 1002(a) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 103 of the bill strike "$8,350,000,000" and insert "$9,850,000,000".

Mr. ROEMER. Mr. Chairman, I offer this bipartisan amendment to increase the money for the poorest and most at-risk children in America under Title I funding programs by $1.5 billion. I offer this on behalf of myself, on behalf of the gentleman from New York (Mr. QUINN), a Republican; the gentlewoman from New York (Mrs. KELLY), a Republican; and the gentleman from North Carolina (Mr. ETHERIDGE), a Democrat.

Now my colleagues know, on both sides of the aisle, that I probably come down into the House well often to cut a program, to argue for a balanced budget, to encourage this body to have a provision in the legislative appropriations bill where we can return money out of our office accounts back to the treasury so that we reduce the debt; and I have been the coauthor of that bill for the last 8 years, but I do not come down into this well to throw money at problems. But today we have a bipartisan bill, a bill that is not the status quo, a bill that does not continue a program that has had some problems lifting many children that are 1 year or 2 years behind in reading and math and science back to the level they should be.

We have taken appropriate action in this Republican-Democratic bill to address those concerns. The very strength of that action, that bipartisan action, was to require tougher certification for the teachers, all teachers certified in those programs by 2003, and to require that para-professionals who are working in this program and being paid can no longer be simply working toward a high school degree or a GED. Now they need to be certified.

We provide an incentive program for those children and those schools that do better. We have an incentive program in here now to reward those good schools. We have tightened up the accountability in this bill. We have tightened up the standards in this bill. We have improved drastically, in a bipartisan way, the Title I program for the most at-risk, the poorest, and the most disadvantaged kids in America. Why can we not then put a little bit more money into this program to make sure those kids have the opportunity to learn? That is why I came to Congress, is to improve the education system in this country. That is what we are doing in this bill.

Now my colleagues might say, okay, how much money is it going to take? We currently have today, my colleagues, 4 million children in the Title I program that do not get a dime, they do not get a nickel, they do not get a penny. We do not help them. $1.5 billion. Would it make a difference to some of them? Yes. To all of them? According to the Congressional Research Service, they say it would take $24 billion to fully fund Title I.

My amendment, my bipartisan amendment, would simply lift the funding from $8.3 billion to $9.8 billion, $15 billion short of what it would take to fully fund this program for the poorest, most at-risk kids, who, if they drop out of school, are more likely to get involved in delinquency, are more likely maybe to fall into juvenile centers or to get into the incarceration system, and then we really pay a price. So I would encourage my colleagues to vote for this bipartisan increase.

And I just want to end on the fact that 196 years ago, in 1803, the Senate ratified the Louisiana Purchase Treaty on a vote of 24 to 7. We bought the western half of the Mississippi River Basin from France for less than 3 cents per acre. We expanded the size of the country and paved the way for western development. This is a better investment, in our children, in our future, in giving people a chance to succeed spiritually, emotionally and educationally. Let us give our kids a chance to get a good, decent education in America today. Vote for this bipartisan amendment.

Mr. GOODLING. Mr. Chairman, I move to strike the last word.

We have just heard the same chorus that we have heard for 20 or 30 years. If we just had more money, somehow or other the problems will go away. Even though the program is not a quality program, something good will happen. All we need to do is spend more money.

□ 1330

Well, it has not worked, and we have been spending more money and spending more money. Now we believe we have put together a piece of legislation that will work. And so, we are going to show to those appropriators, as a matter of fact, as this kicks in and becomes a reality, that it is beginning to work. And, therefore, I am sure they will be happy to pour in much more money.

But we have already, and we had an agreement, three leaders on their side agreed, we are appropriating $7.7 billion. We moved it up to $8.35 billion. That was a bipartisan agreement. I realize they are not worth much, I suppose. But, nevertheless, that was the bipartisan agreement. We had moved it up to $8.35 billion.

First all, the 1997 study was a disaster. The 1998 study indicated that, somehow or other, we improved a little bit on NAPE scores for these youngsters, we got them back up to where they were 10 years before.

However, all that is under investigation now. Because it also appears that the way to do that is, as I told them in committee the way they did when I was to fire on the rifle range and because I was so cross-eyed I did not know which was my target and it messed us up and our platoon did not do as well as the other platoons, so my sergeant said, well, we will just put somebody else's helmet on your head and that way our company will do well, and that sounds about like what we are trying to do here.

We have to prove now to the appropriators that we put together a piece of legislation that is, for the first time in the history of Title I, going to help improve the academic achievement of those most in need, those who are two grade levels below. Because that is what Title I is all about. And so, we have to prove that.

But already we have taken a gamble and said, we know it is going to succeed. Get it through the Senate. Get it down, and get it signed and we know it will succeed.

So we said, okay, not $7.7 billion, $8.35 billion, which, as I said, was negotiated, was agreed upon by several of the leaders on that side and our side.

So I would hope, again, that we first prove that we have finally made the changes in this legislation that will help the most disadvantaged youngsters in this country to receive a quality education so we can close the gap.

More money has never done it. Covering more children with mediocrity has never done it. Now, more money with excellence, that is a different story. But we are now in a position that we have to prove that. We have to prove what we put together collectively in a bipartisan fashion will, as a matter of fact, turn this whole situation around. So I would say we have already increased it.

Let us not hold out a lot of hope, and it is false hope of course, by simply raising an authorization level beyond what we have already done.

Mr. KIND. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise as a strong supporter of this very important amendment in this reauthorization process. I commend my friend, the gentleman from Indiana (Mr. ROEMER), and my good friend the gentleman from New York (Mr. QUINN) for offering this amendment.

Mr. Chairman, when I came to the United States Congress, I came from the fiscal tradition of Senator Bill Proxmire in Wisconsin. I am very proud of the fiscally responsible record that I have developed as a young Member of this body. I believe we can maintain fiscal discipline while making crucial investments for our future.

I do not often come to the House floor asking for an expansion of programs or more money for programs unless I feel in my heart that it is absolutely vital and necessary in order to accomplish the goals of those programs. This, Mr. Chairman, is one of those programs. An expansion of Title I funding, I believe, is just dealing with reality.

There are school districts all around the country, high-poverty school districts, that are in desperate need of basic supplies, more material, and more resources. We have one example of the commitment that teachers are putting into their own profession and in their own schools from a news report that was released just a couple of weeks ago in the city of Waterbury, Connecticut, when teachers with their first two paychecks voluntarily took money out of their own pockets totaling $303,000 dollars and donated it back to the school district in order to use it for more books and supplies and computers and other educational needs. And it was based on a matching fund agreement with the city and the school board.

This is just one example of many across the country of teachers who are willing to dip into their own pockets to buy supplies for the students that they are responsible for because policymakers are not doing the job, not giving them the tools to succeed with their students. That is a tragedy, especially when we are talking about a program such as Title I that is targeted to the highest at-risk students, who have the greatest need, and are the most disadvantaged students across the country.

This is comparable to the great epic struggle of the 20th century for Western Civilization, the Second World War, with Winston Churchill coming to the United States, which was an isolationist country at the time and a reluctant ally to get involved with the fight against Naziism and fascism. Churchill understood that and he went to F.D.R. and said, I understand the position you are in as a Nation, your reluctance to get involved in European entanglements. But if you give us the tools, we will finish the job. The United States did give England the tools through Lend-Lease and Churchill called that the most "unsordid act" of generosity.

That is a common refrain we are hearing from across the country from administrators and parents and teachers that if we policymakers can just give them the tools, they can finish the job. This is the next great challenge that we face as a Nation in the 21st century: to be able to provide quality educational opportunities for all our children regardless of where they live and the wealth of their communities.

Yes, we can demand greater accountability and even more flexibility at the local level. We did that earlier this year with the Ed-Flex legislation. But let us not delude ourselves into believing that this debate is not also about dollars and cents to the classroom. Adequate resources is a very important ingredient to doing the job that we would like to see local school districts be able to perform in enhancing student performance and giving all of our children the educational opportunities that they desperately need and deserve.

So I want to encourage the Members of this body, in the bipartisan spirit in which the amendment is offered, to support this amendment and improve on what is a good bill but what can be a better bill with the passage of the $1.5 billion increase in the authorization level.

This is just an authorization level. We still have to convince the appropriators that this is a level that needs to be fully funded. But I think it also sends not only a message to the appropriators but to the American people that the United States Congress is getting serious about establishing the priorities that are important to our country. Education is one such priority that should be at the top of the list when it comes to balancing the budget and allocating our limited resources for one of the most effective investments that we can make in our children.

Mr. QUINN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am not going to take all 5 minutes. I just want to rise in support of the work my good friend the gentleman from Indiana (Mr. ROEMER) has done and others have spoken to and want to say how pleased I am to offer this amendment.

I also want to mention the fact, as others have and will, that I am a firm believer that just throwing more money at many problems does not solve them.

I know the background of the gentleman from Pennsylvania (Chairman GOODLING) is in education. I happened to have been a middle school teacher for 10 years before I came to work here in the Congress and know that there are some problems we will never fix no matter how much money we throw at them or throw toward them or with them.

This is one, though, that works. This is one where I think we are appreciative of the work that the chairman and the ranking member of the full committee and the chairman and the ranking member also of the subcommittee. We appreciate that increase of 7.7 up to 8.3.

We are suggesting another modest increase that will not solve all the problems, will not be a panacea, and there will still be some problems. But I want to point out, Mr. Speaker, that there are some problems in this country in some schools where when and if we can get some additional funding it will make a difference.

I am convinced that this is one of those areas where that will work. I am convinced that when we approach this in a bipartisan way, we will have success. We are willing to work with the committee and the appropriators to make sure that that kind of money is made available.

I urge all of my colleagues to support the amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am very proud of this legislation that we have before us this afternoon on the floor of the House of Representatives, and I think that the committee has done a magnificent task in changing the direction of the Title I program. I think that is why it took us so long to mark it up in committee. That is why we are spending a considerable amount of time on it here on the floor yesterday and today.

But the fact of the matter is, as the gentleman from Indiana (Mr. ROEMER) pointed out, we are changing the direction of this program; and as the gentleman from Pennsylvania (Mr. GOODLING) has pointed out a number of times, we are changing the direction of this program. We are taking a program that for all too long did not have much accountability in it, did not affix responsibility to parties, it really did not have standards of excellence in it. We are changing that now; and, in fact, we are redirecting this program on a course of excellence and accountability and performance.

The time has come where we can no longer, with the knowledge that we have of the number of children who are not able to participate, not provide the adequate funding so that those children can participate to the full extent of the advantages of this law. They must be included in this program. The Roemer amendment provides for that to happen. That is why we ought to support it.

One of the things when we look at schools that are reconstituted by local school boards, the governing bodies of local Government, when we look at schools where venture capitalists have come in, various firms have been formed now to take over some of these schools and run them on a private market model where they have turned them into charter schools, it is very interesting that in many of these schools that are poor performing and have a disproportionate number of disadvantaged children in these schools, the first thing they do is add money. The very first thing the private marketers do is they add money to these schools.

It runs about a half a million dollars a school. When they say, pay us, we will run their school, we will get the results for them, we will show them how the market system will work, the first thing they do is invest capital in those schools on behalf of those disadvantaged children.

Money does make a difference. It, in fact, does make a difference. And that is what private firm after private firm after private firm has been doing with these schools.

As everybody here has just claimed, that does not mean that throwing money at a problem will solve that problem. But here there are many problems that will not be fixed if we do not have money. And children who are not included in this program are not going to get the advantages of it.

I think we should take the pride of our workmanship here, we should take the understanding of the redirection that we have given to this program on a bipartisan basis, and we ought to take the Roemer amendment and try to add to the funding for this program for excellence. We ought to add to this funding for the results that we expect and for the accountability that is in this program.

Because we are challenging the States, we are challenging the States on behalf of the Federal taxpayers to close the gap between rich and poor students, between majority and minority students. We are challenging the States to provide qualified teachers in every classroom within 4 years. With those kinds of changes in this program, we have the opportunity to deliver a program of excellence at the local level on behalf of these students.

As the gentleman from Indiana (Mr. ROEMER) has pointed out, we cannot continue to allow the tremendous number of students who are not included in this program, who do not get served in this program, to continue to happen in this country because we are losing those children and their opportunity to participate in our economy, to participate in our society to the fullest extent of their potential.

Because that is the tragedy, the downside of not properly funding this program. That is why this amendment is well placed, it is well directed, and I think we ought to recognize that that amendment is a complement to the work that this committee has done and the faith we have in these very, very difficult changes, very tough changes that we have made in this program at the urging of the chairman of the committee, the ranking member, and the two subcommittee chairmen and ranking members of this committee.

I urge passage of the Roemer amendment.

Mr. HOEKSTRA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I urge my colleagues to vote no on this amendment.

The interesting thing about this process has been it has been a bipartisan effort. My understanding is that the bipartisan bill that was negotiated in good faith included an increase in the authorization level from $7.7 billion a year to $8.35 billion.

I believe, as my chairman said earlier in the debate on this, we are finding that bipartisan agreements do not necessarily mean a whole lot anymore. What we are now finding is that, in this bill, we are moving from the current authorization from $7.7 billion in its proposal to move up to $9.85 billion.

This is a 36-percent increase in funding for a bill that my colleagues on the committee have said all of the reports would indicate that we are not doing very well with this program.

Today, 34 years later since the inception of Title I, we still see a huge gap in the achievement levels between students from poor families and students from non-poor families.

□ 1345

I do not want new money for Title I until we fix it. I am not sure there ever was a time when Title I was unbroken, but it certainly is broken now.

So before we take a look at whether the changes that are in this bill which move more accountability and more control to Washington, before we take a look at whether what I believe is a misdirected step actually will improve the education of our most neediest children, this amendment says, "Let's throw 36 percent more money at the problem before we realize whether the changes that we have proposed will actually make a difference or not."

I do not think that is necessarily a good step to take. I do not think it is a wise step to take. I urge my colleagues to oppose this amendment.

Ms. WOOLSEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it sounds like we are being criticized because we would throw money at our schools, and our accusers might be right. We do want to throw money at our public schools, and we know that by putting more money into our public schools, we would solve many problems.

Think about it. We do not hesitate to throw money at the Department of Defense. We throw plenty of money to build roads and bridges. But when it comes to our schools and to our children, somehow it is rude to talk about spending money. Somehow all of our schools, regardless of where they are, are expected to give all of our students a first-class education on a second-rate budget. Mr. Chairman, it will not happen if we continue to do this.

If this country, led by this Congress, does not begin to invest in our children and do it now, it will not matter how many fancy new weapons our defense funds buy, because there will not be enough soldiers with the education to use those weapons. And there may not be any new weapons at all because who is going to be educated enough to build and design these weapons? Who will be mixing the materials and operating the machinery to build all those new roads and bridges? Have my colleagues seen how high tech the equipment is these days?

Mr. Chairman, I am going to be voting for the gentleman from Indiana's amendment to increase funding for Title I. $24 billion is barely what we need. That is what the Congressional Research Service says that we would need to fully fund Title I. Let us get with it, let us support our children, and let us increase the funding for Title I.

Mrs. KELLY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today to support the Roemer-Quinn-Kelly amendment to H.R. 2, the Student Results Act. I commend the Members of the Committee on Education and the Workforce under the leadership of the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from Missouri (Mr. CLAY) for bringing this bipartisan legislation before us today. Under the language of H.R. 2, Title I has been authorized at a level of $8.35 billion. Our amendment would increase this authorization by $1.5 billion, to bring it to a total of $9.85 billion for the fiscal years 2000 through 2005.

The Student Results Act will hold our educational system to a higher set of standards. It requires the States and the school districts to issue report cards on student achievement to the parents and the community. It also recognizes that there is an active achievement gap, and demands that the State and local education agencies establish a plan to close this gap.

H.R. 2 provides choice and flexibility and rewards while demanding accountability, quality and results. The bill before us today continues to provide flexibility for our State and local education agencies which we have already established earlier this year in the Ed-Flex bill and the Teacher Empowerment Act. The Title I program is the largest Federal commitment to elementary and secondary education in the reauthorization before Congress this year. Passage of our amendment will provide additional funds to help States, school districts and schools make the changes necessary to raise student achievement across the board.

As a former public school teacher and the mother of four, I support public schools. And I know that few things are more important to the future success of our children and our Nation than education. I urge my colleagues to support this amendment as well as the underlying bill. In doing so, we will demonstrate our real commitment to Title I programs and to improving the educational system in this Nation.

Mr. ETHERIDGE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I, like my other colleagues, rise to support the Roemer-Quinn-Kelly-Etheridge amendment to increase Title I funding to $9.85 billion. I will be very brief. I will not use all my time. The reason I will not is because this ought to happen and we ought not even to be debating it.

This will provide additional funding for more students. Over a third of the students are not now allowed to be involved in this program because there is not enough funding and the funding level is too low to provide for the curriculum enrichment that many of these children need, for the staff development that needs to be done, and the accountability in this bill in my opinion is what we ought to be about. And the report card is certainly needed. It is what we have done in North Carolina now for almost 10 years.

It has made a difference in our State and it will make a difference in this Nation. It ought not be a debatable issue. It ought to be something we are moving on and doing.

Finally, Mr. Chairman, let me say that approximately 99 percent of this money, of Title I money, goes to that local school. My colleagues on the left over here, as they refer to themselves on the right, are always talking about how much goes to the classroom. Ninety-nine percent of this money goes directly to the local school unit, for those children that so badly need it, that have the greatest need. If we are going to improve education in America, we are going to improve it for all children and every classroom in every corner of this country. Let us pass this amendment.

Mr. DAVIS of Florida. Mr. Chairman, I move to strike the requisite number of words.

I rise in strong support of the Roemer-Kelly-Quinn amendment and want to make two points: The first is the reason I support this amendment, I think one of our highest priorities ought to be providing the tools to our teachers and principals in our most struggling schools to help their students survive. The second point I want to make pertains to a question that was asked which was, do we really know what works, are we really willing to make that investment?

Let me offer to my colleagues as an example the State of Florida. In the State of Florida, we are having a terribly hardy debate right now about vouchers. I personally do not support vouchers. But when you look past all the speeches that are being made, what Democrats and Republicans, what virtually all lawmakers agree upon, is that we know what works to help our most struggling students succeed. It is smaller class size, it is giving after-school and before-school programs, it is providing tutor support, exactly the ingredients to success contained in this amendment. We know it works. We do not need to wait. We need to do it. I urge strong support of the Roemer amendment.

Mr. CASTLE. Mr. Chairman, I move to strike the requisite number of words.

I will be brief, Mr. Chairman. Most of these points have been made. Title I, I think, is very, very important. And I think covering as many children as we can within some degree of reason is very, very important. We are making significant changes in this legislation, most of which, if not all of which, I happen to believe are positive and I think things that we should do.

One of the key things that was worked out, and it has already been stressed by the gentleman from Pennsylvania, but was worked out with the key Members from the other side, the gentleman from Missouri (Mr. CLAY), the gentleman from California (Mr. GEORGE MILLER), the gentleman from Michigan (Mr. KILDEE), the ranking members over there, was the increase which is included here, and I stress that that is an increase which is included here, the good faith increases to $8.35 billion from $7.7 billion. I am doing this math in my head, so hopefully it is correct. But I think that is about a 9 percent increase in the authorization. That is a 1-year increase in authorization.

In this amendment, we are dealing with an increase which is about a 25 percent increase, and I am not sure that they could even put that into place, much less be able to sustain it. But from an economic point of view, there are many things we have to do in education. We have to deal with IDEA, we have to deal with all the other programs involved in the ESEA, and there are many other things we have to do in general. I just do not think this is a responsible step.

I think it is disappointing that we have not taken the stand of the bipartisan leadership of this community on that and endorsed the new and higher figure which they recommended. Hopefully we can defeat this amendment and go ahead and pass the bill and there will be an increase and we will be able to help those kids who are disadvantaged more than we do now.

Mr. GREEN of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will be as brief as possible because I know I have colleagues who have amendments. I rise in support of the Roemer-Kelly-Quinn amendment and talk about that it is just $1.5 billion in authorization. The biggest battle always is in the Committee on Appropriations that is done every year here. But this lets us at least go to the Committee on Appropriations because we have to authorize before we can appropriate.

This year we have seen that what has happened with the Committee on Appropriations, literally the Labor-HHS appropriations bill is the last one that comes up on the floor of the House, it is a second thought to everything else we do and it really should be the first thought. Education is expensive. It is expensive for teachers, expensive for administrators, for parents, but mostly it is expensive for the community. That is why this authorization, even though it is a partial loaf, is so important.

If my colleagues think education is expensive, they ought to see how expensive ignorance is, because we see what is happening, whether it be the businesses in my district along the Houston ship channel trying to hire students or like my colleague from California said earlier, young people who graduate from high school to join our military, we need to make sure they are qualified and they are ready to go into business and industry or else to serve their country.

Again, this is just a partial success, but we have thousands of students all over the country who are not served by Title I and this authorization increase would be a great first step.

Mr. CROWLEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I, too, wanted to rise on this amendment, the Roemer-Quinn-Kelly-Etheridge amendment, et al. Increasing Title I by $1.5 billion will go a long way. It will not go far enough as far as I am concerned where in New York City only one-third of the eligible students for Title I actually receive Title I funding. There is more we have to do to help education in this country. We have to build more classrooms, lower class size, get more funding from the Federal Government for school construction and modernization. But I think even more importantly, we have to make sure there is money there in this budget for all children who are entitled to Title I education program funding.

The CHAIRMAN pro tempore (Mr. LATHAM). The question is on the amendment offered by the gentleman from Indiana (Mr. ROEMER).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. GOODLING. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to House Resolution 336, further proceedings on the amendment offered by the gentleman from Indiana (Mr. ROEMER) will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT NO. 9 OFFERED BY MR. ANDREWS

Mr. ANDREWS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. ANDREWS:

At the end of section 1114 of the the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 108 of the bill, add the following:

"(e) PREKINDERGARTEN PROGRAM.—

"(1) IN GENERAL.—A school that is eligible for a schoolwide program under this section may use funds made available under this title to establish or enhance prekindergarten programs in accordance with paragraph (2).

"(2) CONTENTS.—Before a school uses funds made available under this title to establish or enhance prekindergarten programs it shall consider the following:

"(A) The need to establish or expand a prekindergarten program.

"(B) Hiring individuals to work with children in the prekindergarten program who are teachers or child development specialists certified by the State.

"(C) The ratio of teacher or child development specialist to children not exceeding 10–1.

"(D) Developing a sliding fee schedule to ensure that the parents of a child who attends a prekindergarten program established under this section share in the cost of providing the prekindergarten program, with the amount of such contribution not to exceed $50 each week that a child attends such program.

"(E) That none of the funds received under this title may be used for the construction or renovation of existing or new facilities (except for minor remodeling needed to accomplish the purposes of this subsection).

"(F) Using a collaborative process with organizations and members of the community that have an interest and experience in early childhood development and education to establish prekindergarten programs.

"(G) Coordinating with and expanding, but not duplicating or supplanting, early childhood programs that exist in the community.

"(H) Providing scientifically based research on early childhood education services that focus on language, literacy, and reading development.

"(I) How the program will meet the diverse needs of children aged 0–5 in the community, including children who have special needs.

"(J) Employing methods that ensure a smooth transition for participating students from early childhood education to kindergarten and early elementary education.

"(K) The results the programs are intended to achieve, and what tools to use to measure the progress in attaining.those results.

"(L) Providing, either directly or through private contributions, non-Federal matching funds equal to not less than 50 percent of the amount of the funds used under this title for the prekindergarten programs, with such contributions including in kind contributions and parental co-payments.

"(M) Developing a plan to operate the program without using funds made available under this title.

Mr. ANDREWS. Mr. Chairman, I first want to thank the gentleman from Wisconsin (Mr. PETRI) for his indulgence. I would be open to the gentleman from Pennsylvania's suggestion of a second-degree amendment. The purpose of this amendment is to make it clear that under whole school reform, pre-K programs may be offered on a whole school basis for children.

AMENDMENT OFFERED BY MR. GOODLING TO AMENDMENT NO. 9 OFFERED BY MR. ANDREWS

Mr. GOODLING. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. GOODLING to amendment No. 9 offered by Mr. ANDREWS:

Strike line 1 on page 1 and all that follows through line 20 on page 3 of the amendment (subsection (e) that is proposed to be added by the amendment at the end of section 1114 of the Elementary and Secondary Education Act of 1965) and insert the following:

"(e) PREKINDERGARTEN PROGRAM.—A school that is eligible for a schoolwide program under this section may use funds made available under this title to establish or enhance prekindergarten programs for 3, 4, and 5-year old children, such as Even Start programs.".

Mr. GOODLING (during the reading). Mr. Chairman, I ask unanimous consent that the amendment to the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GOODLING. Mr. Chairman, in its present form, the Andrews amendment lays the groundwork for expanding prekindergarten programs by developing a specific set of criteria that schools must consider when using Title I money for pre-K programs under schoolwide reform.

My second-degree amendment maintains the language that allows schools to use funds under the schoolwide program to establish or enhance prekindergarten programs but strikes the specific set of criteria. In other words, my amendment explicitly says that schools can use Title I money to establish or enhance prekindergarten programs for 3-, 4- and 5-year-old children, including such programs as Even Start.

In doing so, it provides schools with the necessary flexibility that is needed to run a schoolwide program without dictating a series of additional requirements. I understand that the gentleman from New Jersey is supportive of this change and I appreciate his work on the issue.

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Mr. ANDREWS. Mr. Chairman, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from New Jersey.

Mr. ANDREWS. I appreciate the gentleman from Pennsylvania's bipartisan cooperation. I believe this is a good step forward. I would yield back to the gentleman and thank him for his help.

The CHAIRMAN pro tempore (Mr. LATHAM). The question is on the amendment offered by the gentleman from Pennsylvania (Mr. GOODLING) to the amendment offered by the gentleman from New Jersey (Mr. ANDREWS).

The amendment to the amendment was agreed to.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New Jersey (Mr. ANDREWS), as amended.

The amendment, as amended, was agreed to.

AMENDMENT NO. 42 OFFERED BY MR. PETRI

Mr. PETRI. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 42 offered by Mr. PETRI:

After section 1128 of the Elementary and Secondary Education Act of 1965, as proposed to be added by section 126 of the bill, insert the following:

SEC. 127. ESTABLISHMENT OF PILOT CHILD CENTERED PROGRAMS.

Part A of title I is amended by adding at the end the following:

"Subpart 3—Pilot Child Centered Program

"SEC. 1131. DEFINITIONS.

"In this subpart:

"(1) ELIGIBLE CHILD.—The term 'eligible child' means a child who—

"(A) is an eligible child under this part; and

"(B) the State or participating local educational agency elects to serve under this subpart.

“(2) PARTICIPATING LOCAL EDUCATIONAL AGENCY.—The term ‘participating local educational agency’ means a local educational agency that elects under section 1132 to carry out a child centered program under this subpart.

“(3) SCHOOL.—The term ‘school’ means an institutional day or residential school that provides elementary or secondary education, as determined under State law, except that such term does not include any school that provides education beyond grade 12.

“(4) EDUCATION SERVICES.—The term ‘education services’ means services intended—

“(A) to meet the individual educational needs of eligible children; and

“(B) to enable eligible children to meet challenging State curriculum, content, and student performance standards.

“(5) TUTORIAL ASSISTANCE PROVIDERS.—The term ‘tutorial assistance provider’ means a public or private entity that—

“(A) has a record of effectiveness in providing tutorial assistance to school children; or

“(B) uses instructional practices based on scientific research.

“SEC. 1132. CHILD CENTERED PROGRAM FUNDING.

“(a) FUNDING.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall grant to the first 10 States that meet the requirements of paragraph (2) the authority to use funds made available under subparts 1 and 2, to carry out a child centered program under this subpart on a Statewide basis or to allow local educational agencies in such State to elect to carry out such a program on a districtwide basis.

“(2) REQUIREMENTS.—To be eligible to participate in a program under this subpart, a State shall provide to the Secretary a request to carry out a child centered program and certification of approval for such participation from the State legislature and Governor.

“(b) PARTICIPATING LOCAL EDUCATIONAL AGENCY ELECTION.—If a State does not carry out a child centered program under this subpart, but allows local educational agencies in the State to carry out child centered programs under this subpart, the Secretary shall provide the funds that a participating local educational agency is eligible to receive under subparts 1 and 2 directly to the local educational agency to enable the local educational agency to carry out the child centered program.

“SEC. 1133. CHILD CENTERED PROGRAM REQUIREMENTS.

“(a) USES.—Under a child centered program—

“(1) the State or participating local educational agency shall establish a per pupil amount based on the number of eligible children in the State or the school district served by the participating local educational agency; and

“(2) the State or participating local educational agency may vary the per pupil amount to take into account factors that may include—

“(A) variations in the cost of providing education services in different parts of the State or the school district served by the participating local educational agency;

“(B) the cost of providing services to pupils with different educational needs; or

“(C) the desirability of placing priority on selected grades; and

“(3) the State or the participating local educational agency shall make available a certificate for the per pupil amount determined under paragraphs (1) and (2) to the parent or legal guardian of each eligible child, which certificate shall be used for education services for the eligible child that are—

“(A) subject to subparagraph (B), provided by the child's school, directly or through a contract for the provision of supplemental education services with any governmental or nongovernmental agency, school, postsecondary educational institution, or other entity, including a private organization or business; or

“(B) if requested by the parent or legal guardian of an eligible child, purchased from a tutorial assistance provider, or another public or private school, selected by the parent or guardian.

“SEC. 1134. LIMITATION ON CONDITIONS; PREEMPTION.

Nothing in this subpart shall be construed to preempt any provision of a State constitution or State statute that pertains to the expenditure of State funds in or by religious institutions.”.

Mr. PETRI. Mr. Chairman, this amendment establishes a pilot program that allows up to 10 States or school districts with the approval of their respective State legislatures and governors to convert Title I into a portable benefit, one that follows the child to the education service chosen by his or her parents. The amendment gives interested States wide latitude to vary the amount of the benefit according to factors such as differences in cost of services in different areas of the State, differences in educational needs of students, or a desire to place priority on selected grades.

The amendment also provides wide latitude in the types of educational services which may be covered. This amendment does not require States to provide benefits to all poor students regardless of educational need, as some have indicated. States are explicitly allowed to target the funds as they wish. Therefore, this provision will not necessarily dilute the assistance provided to current Title I recipients. In fact, Mr. Chairman, States can increase targeting to those students with the greatest educational need if they so wish.

Similarly, the amendment need not threaten school-wide programs. For example, States could provide that any child attending a school with a school-wide program must use his or her Title I benefit to pay for that program. If the State also provides public school choice, it would then get some highly useful market-based feedback on the perceived value of those school-wide programs.

The child-centered benefit might be more difficult in the current program to administer, but I prefer to let the States and school districts decide whether the benefit of this approach exceeds any such costs.

The basic philosophy of this amendment is that if something is broken we should allow people to try to fix it. I am not sure if there ever really was a time when Title I was unbroken, but it is certainly broken now. There are some places where it works, including some in my own district, but on the whole studies show that the $120 billion we have spent on this program over the years has failed the children that it was supposed to help.

It is time to let the States try something different, and it is especially appealing to allow experimentation when we have so little clues when it is so unlikely that we will do worse than the current program.

And what is the heart of the experiment allowed by this amendment? It gives power to parents. If education bureaucracies have not helped their children, why not give some decision-making power to parents? To those who argue poor parents cannot make good decisions, I reply that that represents the kind of bureaucratic paternalism that has failed practically everywhere it has been applied. To those who argue that the likely per-child benefit on the order of some $650 is not a lot, well I reply that it is something, and something is better than nothing.

It will offer some choices and give parents some power and the responsibility to play some direct role in the education of their children. The money could pay for supplementary services from a variety of sources including a child's own public school. It could even be used by a private school student to pay for an exemplary after-school or Saturday morning program at a public school. We should never assume that the public schools could not compete for these dollars. But if some parents decided that the best option for their children was to apply their $650 toward private school tuition rather than supplementary services of any kind and that $650 made the difference in enabling them to afford the tuition, I believe we owe it to their children to allow them to make that choice.

Some decades ago, Mr. Chairman, many folks used the slogan: Power to the People. Of course, they really meant power to themselves claiming to represent the people. This amendment provides real power to the people and one of the strongest kind, purchasing power. In every other case where individual consumers make decisions, we get better and cheaper goods and services. Why not try that in compensatory education?

Remember, this is a pilot program. We are trying a different approach. If it does not work, we can return to the drawing board and consider other options; but if it does work, Mr. Chairman, if it does make a difference to our educationally disadvantaged students, then it means that today with this bill in this 106th Congress we will have significantly affected the future of America and of her children. What have we got to lose?

I urge all my colleagues to support this amendment.

Mr. KILDEE. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Wisconsin.

Mr. Chairman, for similar reasons on the Armey amendment I rise to oppose my good friend from Wisconsin's (Mr. PETRI) amendment. We have already voted on the issue of private school vouchers both in committee and earlier today on the floor; and in both times, Mr. Chairman, the amendments were defeated overwhelmingly.

The Petri amendment would allow Title I funds to be diverted from the poor public schools to be used for private school vouchers in 10 States. We all know that vouchers do raise the usual constitutional issues, and others argue also that they could jeopardize the independence of our private schools and certainly undermine the administration of the Title I program; and also, when we look at the real amount authorized in this amendment for vouchers, it certainly would be too small for poor families who actually send their children to private schools where the tuition is usually quite high.

I think rather than diverting funds to private schools, we should be investing additional resources to public schools where over 90 percent of America's children learn every day. We defeated by a very sound margin earlier today the Armey amendment, and as my colleagues defeated that amendment, I would urge my colleagues to defeat the Petri amendment.

Mr. SOUDER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of the amendment offered by my friend, the gentleman from Wisconsin (Mr. PETRI), and it has been a privilege to work with him in committee and here on the floor.

I support this amendment because I believe our Nation's students will immeasurably be benefited when Federal money begins to follow the child. This is a proposal that has been floated for a number of years by Checker Finn and others. It has been supported by the Heritage Foundation and is hardly a strange concept. We have a similar approach in college funding called Pell grants named after former Senator Claiborne Pell, a Democrat. Out of deference to my friend from Michigan, I guess we will not call these Kildee grants, but it is not a new concept that we would have the money follow the student and follow the child. We have done this in college education for years and have not disrupted public educational colleges, and it has strengthened in fact the choices that parents have.

This amendment simply allows 10 States to experiment with a new pilot program. One would think that we were trying to gut the schools rather than saying if the legislature and the governor decide in a few pilot States that they want to experiment that they should be allowed to do so.

I believe in choice. I believe in public school choice. I believe in private school choice, and one of the most astounding things that is happening in America is watching in the urban centers in particular the rapid growth of African American and other minority school choice programs run by locals who are concerned that their kids are not getting the education. It is not sufficient to say that the dollars that go to Title I to the student is not enough to cover the tuition.

The fact is in Cleveland, when the court just threw out their private school support program, the parents worked together to come up with that money because they are very concerned about the quality of education for their students. The Catholic church for years has subsidized members of their parish who cannot afford it. We see that in Golden Rule in Indiana with Pat Rooney. He has put together scholarship funds. We see Ted Forstman and others do this. The demand is far exceeding. There are supplemental ways to get the income in. Some sacrifice for the parents. They are voting with their feet, and not every school costs like St. Albans, where our vice president may send his children or like the private schools in Washington where Members of Congress may send their children or the private schools around the country where the affluent send their children. There are many lower cost private schools where people, apparently the only people who can have those choices are middle-class and upper-class parents, not the lower-income people who need the desperate education.

Furthermore, let me make clear that it is not a matter of just this sudden abandonment of the public schools. We are not going to wipe out our Federal education programs for the public schools because even if we maximized private school choice, for multiple reasons it would probably never hit in this country. If we had a pure voucher system, more than 20 percent.

I went to public schools; my kids are in public schools. Most people are not going to abandon their local school. It is close, they know the teachers, they are invested in it. But denying those who have the most at stake who most need the best education possible the possibility of even having a pilot program that would have to clear State legislature and a governor and give them an opportunity that if they can find a place where they can take this voucher or at least have the leverage to go to the school and say, I might take my child out if you do not respond to some of my concerns, to deprive the powerless of any power over their school systems, they often have very little control over the school boards already. They are ignored by the principals; they are ignored by the teachers. At least if they could take their money like a middle-class or an upper-class family and say, I might leave, perhaps they would be listened to.

Why would we take the most powerless in this society and say, everybody but you gets a choice, but not you.

Mr. Chairman, I include the following for the RECORD:

[From the Public Interest, Fall, 1998]

THOMAS B. FORDHAM FOUNDATION

WASHINGTON VERSUS SCHOOL REFORM

(By Chester E. Finn, Jr., and Michael J. Petrilli)

[Note: This is the original manuscript and has been heavily edited by the Public Interest.]

"Promiscuous" is an overused word in Washington these days, but it aptly describes the trend in federal education policy-both at 1600 Pennsylvania Avenue and on Capital Hill. The 1990's have seen the wanton transformation of innumerable notions, fads and impulses into new government programs and proposals for many more such. Since inauguration day, 1993, the Clinton administration alone has embraced dozens of novel education schemes, including subsidies for state academic standards, tax credits for school construction, paying for teachers to be appraised by a national standards board, hiring 100,000 new teachers to shrink class size, ensuring "equity" in textbooks, collecting gender-sensitive data on the pay of high school coaches, boosting the self-esteem of rural students, establishing a Native Hawaiian education Council, connecting every classroom to the Internet, developing before-and after-school programs, forging mentoring relationships between college students and middle schoolers, increasing the number of school drug-prevention counselors, requiring school uniforms, and fostering character education. "Superintendent Clinton" has also supported the Family Involvement Partnership, the America Reads partnership, Lighthouse Partnerships (for teacher training), HOPE Scholarships, Presidential Honors Scholarships, Americorps, Voluntary National Tests, Education Opportunity Zones, and Comprehensive School Reform Grants. And that's just a selection from the brimming smorgasbord.

But Mr. Clinton is not alone. Nor is policy promiscuity indulged in only by lusty Democrats. Roving-eyed Republicans in Congress have proposed, inter alia, slashing class size, ending social promotion, legalizing school prayer, replacing textbooks with laptops, funding environmental education, paying for school metal detectors, and creating a new literacy program.

As education has ascended the list of policy issues that trouble voters, politicians of every stripe have predictably lunged for it. This has led Washington officials to shoulder problems and embrace initiatives that once were deemed the proper province of states and communities (or individual schools and families). The federal education policy arena has come to resemble a vast flea market, where practically any program idea can be put on display and offered for purchase without regard to its soundness or effectiveness. As at a flea market, there's plenty of old stuff hanging around, too. Once created, education programs seldom disappear, no matter how poorly they accomplish their stated purposes and no matter what harm they may do along the way.

It's not that their authorizers and appropriators are ignorant. The major programs have been evaluated time and again. Countless studies have shown that most of them, for all their laudable ambitions and fine-sounding titles, do little or no good. What then accounts for this risky—even reckless—behavior? Why can't federal officials keep their wallets zipped? Today's promiscuous approach has four main origins:

(1) The clamor for someone to do something. Education is clearly a problem. Solving that problem ranks high with voters and taxpayers. The simplest way to give at least the appearance of action is to propose another program or three. Of course, this impulse isn't confined to Washington. Many governors, legislators, mayors and aldermen have spent their way into citizens' hearts with pricey education programs. As the 1998 election draws closer, reports the Washington Post, local, state, and national candidates of both parties are stumbling over one another with promises to shrink third grade classes, build new classrooms, launch after-school programs, etc.

(2) Devotion to focus group fancies and pollsters' pointers. The public is vague about how it wants education to change, and rather naive about the sources of its problems. The easiest, surest way to appeal to voters is to offer to do something with instant, intuitive appeal, like shrinking classes or refurbishing buildings, even if that something won't actually solve any real problems. One thereby avoids being labeled "anti-education" because one wants to overhaul or—quel horreur—scrap some dysfunctional program or disrupt an established interest. Democrats have long tended to solve education problems by hurling new programs at them. When Republicans briefly and clumsily tried a surgical approach in 1995, they wounded themselves (for seeking to trim the school lunch program and scrap the federal education department, etc.) They, too, have mostly retreated from the operating room to the program delivery room. Even when they propose a radical innovation, such as Paul Coverdell's education savings account (which would lightly subsidize private school attendance), they no longer offer it instead of an obsolete program; it is nearly always an addition to the federal nursery.

(3) Gridlock over the tough ideas that might actually effect change. One serious reform strategy focuses on standards and accountability, the other on school choice and diversification. It's not hard to design a shrewd blend, combining national standards with radical decentralization and merging tough accountability measures with school choice. But politicians with an eye on their "base"—or an upcoming primary—won't yield an inch on their pet schemes and aversions. Unable to reach agreement on genuine reforms, they reach instead for crowd-pleasers.

(4) The marginal nature of the federal role in education. Washington furnishes just seven percent of the K–12 education budget. Federal officials know very well that nothing they do will have great impact. Since they're not ultimately responsible for what happens in the schools, heedlessness comes easy to them. They rarely behave quite so immaturely in policy areas where Uncle Sam plays the lead role, such as national defense, Social Security and international trade.

HOW WE GOT HERE

Because the Constitution assigns Washington no responsibility whatsoever for education, the federal role is guided by no general principles. It just grew. This property never had a master plan, an architectural design or even a central structure, just a series of random sheds, annexes and outbuildings. Though some early construction can be found as far back as the Northwest Ordinance of 1787 and the creation of land-grant colleges in 1862, the federal role in education is essentially a late Twentieth century design. Indeed, save for vocational education, the G.I. bill, the post-Sputnik "national defense education act," and, of course, the judiciary's deep involvement in school desegration, the federal role as we know it is a creation of the mid-sixties, of Lyndon Johnson's Great Society.

The major legislation of the day included Head Start (1964), the Elementary and Secondary Education Act (1965), the Higher Education Act (1965), the Bilingual Education Act (1968), and, soon after, the Education for All Handicapped Children Act (1975). All these programs sought to expand access to education for needy or impoverished segments of the population—and to disguise general aid to schools as help for the disadvantaged. The dozens of programs created by these five statutes (and their subsequent reauthorizations) script the federal role in education today.

That role will soon be up for review. The 106th Congress will reauthorize the centerpiece Elementary and Secondary Education Act (E.S.E.A.) and its $11 billlion worth of programs, accounting for fully a third of the Education Department's budget. Out of 69 K–12 programs currently administered by that agency, 47 are authorized by E.S.E.A. Title I, the largest of them at nearly $8 billlion, is included, as are bilingual education, safe and drug free schools, the Eisenhower professional development program, and scores more.

These programs mostly began under Lyndon Johnson (and up now no Republican Congress has had a crack at them), but their support has been bipartisan. Richard Nixon presided over a significant expansion of aid to college students. Gerald Ford signed the burdensome "special education" bill into law.

The Reagan and Bush administrations proposed to return control to states and localities. They found early success—federal K–12 education spending declined 21 percent in real terms between 1980 and 1985. But funding for these programs then skyrocketed 28 percent from 1985 to 1992, and another 14 percent during Clinton's first term. Their complexity grew, too. The 1994 version of the Elementary and Secondary Education Act—passed just a few weeks before the GOP won control of Congress—sprawled over 1000 pages. Today, the federal government currently spends $100 billion per year on over 700 education programs spanning 39 agencies. The Department of Education manages roughly one-third of this money and employs close to 5000 people.

CHANGING PROBLEMS, UNCHANGING PROGRAMS

The underlying assumptions of the federal role in education have not changed since LBJ occupied the Oval Office. Increasing access to more and more services—rather than boosting achievement and productivity—is the primary mission. States and localities are assumed to be unjust, stingy, and stubborn. Top-down regulations and financial incentives are assumed to be the surest ways to induce change. And Uncle Sam's primary clients are assumed to be school systems, not states and municipalities, and certainly not children and families.

It's remarkable how stable these assumptions have been despite thirty-plus years of failure. America's schools remain perilously weak. Whether one looks at worldwide math and science results, comparisons of "value added" over time, or other indices of achievement, they simply don't measure up—except in spending, where U.S. outlays per-pupil are among the planet's loftiest. Domestically, our National assessment results are mediocre-to-dismal, and the achievement (and school completion) levels for minority youngsters and inner-city residents are catastrophic. In Ohio, for example, the school districts of Cleveland, Youngstown, and Dayton are all posting drop-out rates of greater than 40 percent. Nationally, a staggering 77 percent of fourth-graders from high-poverty urban schools cannot read at a basic level. The achievement gap between the rich and poor and between whites and minorities has not closed; it may even be growing. After three decades, billions of dollars, and thousands of pages of statutes and regulations, we have astonishingly little to show for the effort.

One might think policy makers would take notice. One might suppose they would demand a fundamental overhaul, a thorough hosing-out of this Augcan stable of feckless programs and greedy interest groups. But one would be wrong. In a spectacular example of throwing good money after bad and refusing to learn from either experience or research, the scores of program proposals made within the past few years simply extend—indeed deepen—the familiar trend.

The recent proposals and new programs don't sound exactly like the old ones. Although the basic approach is the same, the language has been updated. Today's programs are generally mooted in phrases that focus groups favor, such as "comprehensive services," "mentoring" and "literacy."

Most of them fall under three headings: "partnerships" that mask government activism under complex organizational links; the extension of services into new domains; and the adoption by Uncle Sam of duties and responsibilities that were once the province of states and communities.

"PARTNERSHIPS"

"Partnership," the pollsters assure us, is a "warm" term that focus groups adore. Upon examination, though, most "partnerships" turn out resemble what used to be called "bureaucracies." Consider the "Lighthouse Partnerships" for teacher training, proposed by the Clinton administration and supported by several Republicans (and soon to be enacted). Washington's dollars would allow "model" colleges of education to "partner" with weaker ones. They would also "partner" with state education agencies, local school districts, and non-profit organizations. All these new partners would supposedly work together to improve teacher training.

Nobody can quite explain why federal funding is necessary for them to cooperate. They are all supposed to be improving teacher training in the first place. Nor is it clear that anything real will result from their newly-subsidized bonding. Will teachers be tested on more difficult material? Will schools of education be held accountable for producing teachers who know their stuff? Will students learn more? No one can be sure, since the stated mission of the program is simply to encourage institutions to hook up with one another. What is certain is that teacher training colleges and other pillars of the education establishment will reap added financial benefits. The traditional monopoly will be strengthened and the teacher quality problem, far from being solved, will likely be exacerbated.

COLONIZING NEW TERRITORY

The President recently trotted out a proposal to support "community learning centers" that tutor students and provide them with a safe place to go after school. It's hard to fault the impulse (though like most "compensatory" efforts it may let the original malefactors off the hook—why is it that most public schools close by 3 p.m.?). But is there a compelling reason for the federal government to fund them? And won't Uncle Sam's embrace prove to be a chokehold?

If there is any sure lesson from these years of experience, it is that regulatory entanglements follow federal funding. New programs bring unaccustomed mandates, fresh conditions and additional rules. We'll wake up one day to learn that the new after-school centers must be accredited, or staffed by certified teachers (or unionized teachers); they can be sponsored only by secular organizations; their buildings must be built or rehabbed by workers paid the "prevailing" union wage; they will have to teach diversity and conflict resolution, saving the environment, or esteem-building via "cooperative learning."

Are there compelling benefits that outweigh these costs? Perhaps some esoteric expertise that the federal government is privy to when it comes to after-school tutoring? We have not spotted it. The only real asset Washington has to offer to education is money. But at present the states have more of that than they really need. Their combined surplus was estimated by the National Conference of State Legislatures at $28.3 billion for FY 1997. With so many dollars floating around, why burden worthy programs with Washington-style red tape? States, philanthropies, and local communities could easily create after-school havens for kids and recruit tutors for those who need help. Why must the Department of Education grow a "bureau of community learning centers" to manage this process?

MINDING OTHER PEOPLE'S BUSINESS

Far from being stodgy, recalcitrant and ignorant, the states today are bubbling labs of education reform and innovation. Information about promising programs gets around the country in a flash. A few years ago no states produced school-by-school "report cards"; now at least a dozen do. Five years ago, only eight states had charter school laws. Today, 33 have enacted them. This copycat behavior can be seen even at the municipal level. Chicago's successful accountability plan—ending social promotion and requiring summer school for those who failed—is being mimicked by dozens of communities, just as Chicago's dramatic new school governance scheme (with the mayor in charge) is being adapted for use in other communities. Yet the tendency in Washington is still to nationalize problems and programs that states and communities are capable of tackling.

When, for example, did class size become a federal issue? It's states and communities that hire and pay teachers. It's states and communities that make the trade-offs, deciding, for example, whether they would prefer a large number of inexperienced, low-cost teachers or a smaller number of pricey veterans. Long before Mr. Clinton (and, for the Republicans, Congressman Bill Paxon) decided that smaller classes are better, several states were headed this way on their own. And while the idea is undeniably popular with parents, state class-size reduction initiatives have shown that its efficacy is unsure and its unintended consequences numerous. Pete Wilson's class size reduction plan for California, for example, prompted a mass exodus of experienced teachers from innercity schools to posh suburbs, leaving disadvantaged kids with even less qualified teachers than before. Teacher shortages are now rampant and thousands of people have received "emergency waivers." Instead of remedying the real teacher crisis—the lack of deeply knowledgeable instructors—it has made the situation worse.

Research on class size is also inconclusive. Most studies show no systematic link between smaller classes and higher achieving pupils. The versions that seem to yield the greatest gains are those that slash class size below fifteen kids. Such an expensive proposition must be weighed against the opportunity costs of other programs, strategies, or initiatives that could be funded. Some communities might decide the price is worth it, while others would rather use their incremental dollars in different ways.

But Mr. Clinton's across-the-nation plan does not allow for such delicate and decentralized decision-making. While the President often uses words like "autonomy" and "accountability," his proposal would micromanage school staffing and budget priorities from Washington.

Once upon a time, Uncle Sam provided some real leadership in educational innovation. Now that the states are taking charge, the feds appear disoriented, playing "me too." And not just with respect to class size. From ending social promotion, to adopting school uniforms, to implementing accountability systems, Washington now reverberates with echoes of state and local initiatives.

A CHANCE TO REPENT

A rare opportunity is at hand for a top-to-bottom overhaul. The public seems readier for fundamental reforms in education than ever before—and indeed is getting a taste of them at the grassroots level. There we can glimpse higher standards, tougher accountability systems, brand-new institutional forms and profound power shifts. Surveys make it plain that voters, taxpayers and parents are hungry for charter schools, for ending social promotion, for tougher discipline, for more attention to basic skills, and for school choice. Privately-funded voucher programs are booming, with hundreds of millions of philanthropic dollars now being lavished on them and thousands of children in queues for lotteries to participate. Two cities have publicly-funded voucher programs, and more soon will. Charter schools are spreading like kudzu. And opinion leaders from newspaper columnists to business leaders to college presidents—are signaling their own readiness to try something very different.

Into this shifting landscape will soon drop the periodic reauthorization of the Elementary and Secondary Education Act. The federal role in education could be almost entirely reshaped via this one piece of legislation. But will it be?

Plenty of political obstacles block the path to a true overhaul. Three decades of doing things one way creates huge inertia, and every program, indeed every line in this endless statute, now serves an entrenched interest or embedded assumption. Still, that was also true of welfare a few years back, and Washington was able to muster the will and imagination to change it anyway—once policymakers understood that the old arrangement had failed and allowed themselves to visualize a different design.

What would a different approach to the federal role in K–12 education look like? We see three basic strategies.

BLOCK GRANTS

Instead of myriad categorical programs, each with its own regulations and incentives to prod or tempt sluggish states and cities into doing right by children, what about trusting the states (or localities) with the money? do federal officials really know better than governors and mayors what the top education reform priorities of Utica or Houston or Baltimore should be? The block grant strategy rests on the belief that, while states and communities may crave financial help from Washington to solve their education problems, they don't need to be told what to do.

Block grants can be fashioned without cutting aid dollars at all. (Indeed, by reducing the overhead and transaction costs of dozens of separate, fussy programs, they should enable more of the available resources to go to direct services to children.) Rather, they amalgamate the funding of several programs and hand it to states (or communities) in lump sums that can be spent on a wide range of locally-determined needs. In so doing, they dissolve meddlesome categorical programs in pools of money.

Block grants also rid the nation of harmful programs, which get dissolved in the same pools. Do federal taxpayers really need to be funding the development of TV shows for kids? How about the sustenance of "model" gender-equity programs? Are "regional education laboratories" still needed to disseminate reform ideas in the age of the Internet?

Block grants come in every imaginable size and shape. If all the programs in E.S.E.A. were combined into a single one, at 1999 appropriation levels the average state would receive $220 million per annum to use as it saw fit. Earlier this year, the Senate passed a somewhat smaller block grant designed by Washington's Slade Gorton, which assembled some 21 categorical programs into a block grant totaling $10.3 billion. (Facing a Clinton veto threat, it was later deleted by Senate-House conferees.)

Block grants respect the Tenth Amendment and—in our view properly—leave states in the driver's seat. They allow Uncle Sam to add fuel to the gas tank but they hand the keys to the governors. In the process, federal bureaucracy is slashed—along with the state and local bureaucracies that currently service the torrent of federal regulations (and are paid for with overhead siphoned from federal grants before any services are provided to children).

VOUCHERS

While block grants hand money and power back to the states, vouchers empower families directly. Instead of writing fifty checks, Washington would send millions of them straight to needy children and their parents, thus helping them meet their education needs as they see fit. Vouchers shift power from producers to consumers.

This is already standard practice in federal higher education policy, where an historic choice was made in 1972; students rather than colleges became the main recipients of federal air. A low-income college student establishes his own eligibility for a Pell Grant (or Stafford Loan, etc.), and then carries it with him to the college of his choice. That might mean Stanford or Michigan State, Assumption College or the Acme Truck Driving School. The institution only gets its hands on the cash if it succeeds in attracting and retaining that student.

The same thing could be done with federal programs meant to aid needy elementary and secondary students. The big Title I program, for example, spends almost $8 billion annually to provide "compensatory" education to some 6.5 million low-income youngsters. That's about $1250 apiece. What if the money went straight to those families to purchase their compensatory education wherever they like: from their public or private school, to be sure, but also from a commercial tutoring service, a software company, a summer program, an after-school or weekend program, or the local public library? Title I would turn into millions of mini-scholarship, like little Pell grants. A similar approach could be taken to any program where individual students' eligibility is based on specific conditions: limited English proficiency, disability, etc.

The argument for vouchers is that a program designed to help people in need should channel the resources directly to them, not to institutions, intermediaries or experts. Giving families cash empowers them while also building incentives for providers to develop appealing, effective programs. Furthermore, they make disadvantaged children financially attractive to schools and other service providers.

The question most often asked about vouchers is whether families can be trusted to do right by their own children. We think the answer is yes about 99 times out of a hundred and experience with publicly- and privately-funded voucher plans all over the country seems to confirm that intuition.

How about the administrative headache of linking the federal government directly to millions of families? Such huge direct-grant programs as social security and veterans' benefits show that this can be done. But it's still an invitation to bureaucracy and confusion.

There are alternatives to direct relationships between Uncle Sam and millions of children and families, however. A hybrid strategy of vouchers and block grants, for example, would turn the money over to states for them to hand out in the form of vouchers. Or the whole process could be outsourced to private financial services managers (much like the new welfare services providers).

BUST THE TRUSTS

While the first two strategies loosen Uncle Sam's grip and shift power and decisions away from Washington, the third demands vigorous federal action. It calls for Big Government to tackle Big Education. Think of it as trust-busting.

Even if all federal programs were block granted, or voucherized, after all, the present power structure would still be in charge. School administrators, teachers' unions, colleges of education and similar groups have erected a fortress that devolution may slightly weaken but will not vanquish. Lisa Graham Keegan, Arizona's crusading Superintendent of Public Instruction, understands this well. By pressing for charter schools, for school choice, for capital dollars "strapped to the back" of individual children, and for tough statewide standards, she has started to break the iron establishment grip that has long been obscured by the beguiling phrase "local control." As David Brooks recently wrote, Keegan recognizes that "If you really want to dismantle the welfare state, you need a period of activist government; you need to centralize authority in order to bust entrenched interests."

Though the agencies sometimes overstep their bounds, few question the role of the Justice Department and Federal Trade Commission in combating monopoly and collusion in the private sector. Education is currently the largest protected monopoly in our country; a tough federal agency that presses for true competition might work wonders.

What education "trusts" need busting? Our three leading candidates are:

(1) The information monopoly. Education consumers inmost of the U.S. lack ready access to reliable, intelligible information about student, teacher, and school performance. By manipulating the information, the establishment hides the seriousness of the problem. While most Americans know the education system is troubled, they also believe that their local school serves its students well. This is the misinformation machine at work. There's need for the education equivalent of an independent audit—and it's a legitimate role for the federal government, albeit one that many Republicans in Congress have so far been loath to permit.

(2) The teacher training monopoly. Due to state licensure rules, virtually all public school teachers must march through colleges of education en route to the classroom. As indicated by Massachusetts' recent teacher-testing debacle (over 60% of those taking the Commonwealth's new certification test flunked), those campuses aren't even teaching the rudiments. Institutions other than traditional ed schools should be allowed to prepare future teachers. Knowledgeable individuals should be allowed to bypass formal teacher training altogether. And nobody who has not mastered his/her subject matter should enter the classroom at all. Federal programs—including grants and loans to college students—could wield considerable leverage in this area.

(3) Exclusive franchises. Local public school monopolies need competitors. Entities besides local school boards and state bureaucracies should be allowed to create and run schools. Private and nonprofit managers should be encouraged to do so. Any school that is open to the public, paid for by the public and accountable to public authorities for its performance should be deemed a "public school"—and eligible for all forms of federal aid. Vigorous trust-busting undeniably smacks of Big Government. It's as much a Washington-knows-best strategy as was the Great Society. But it directs that strategy against the genuine problems of 1998 rather than the vestigial problems of 1965.

WHAT TO DO?

These approaches to the reconstitution of federal education policy are not mutually exclusive. All three would shift power away from vested interests. All three would profoundly alter the patterns established over the past third of a century. In reconstructing the federal role, especially its centerpiece Elementary and Secondary Education Act, through these means—and deciding which current programs warrant what treatment—we would be guided by a trio of principles:

(1) First, do no harm. This is part of the Hippocratic oath, familiar to budding doctors but a solemn pledge that policymakers should make, too. Federal programs should not impede promising state and local initiatives or contravene family priorities.

(2) Consumer sovereignty. Federal aid should actually serve the needs of its putative beneficiaries—primarily children and families—rather than the interests of the education system qua system.

(3) Quality, not quantity. America has largely licked the challenge of supplying enough education. Today's great problem is that what's being supplied isn't good enough. The mid-sixties preoccupation with "more" needs to be replaced by a fixation on "better."

Applying those principles to E.S.E.A. via the three strategies outlined above, here are some specifics:

Block grant. Most of today's categorical programs—and all of the pork barrel programs—should be amalgamated into flexible block grants that are entrusted to states—not to the "state education agency" but to the governor and legislature. Most of E.S.E.A.'s 47 programs would benefit from this fate. Into the mix go myriad teacher-training programs, including the $800 million Eisenhower Professional Development Program. Also the Safe and Drug Free Schools Program, which has yet to yield safe or drug free schools. Impact aid, school reform grants, technology money, facilities funds, arts education programs, and many another vestige of some lawmaker's urge to play school board president should be thrown in. So should the regional labs, the gender-equity programs, federally-funded TV shows, and the like. Interest groups will object because they crave (and have grown dependent on) the categorical aid. Also protesting will be the (literally) thousands of state education department employees whose salaries are paid by Washington. But block grants will largely remove Uncle Sam's hands from the education cookie jar. States can use the funds for their own reform plans. The strings should be very few—possibly a requirement that the money be spent on direct services, perhaps a priority for low-income kids, maybe a commitment from the states to publish their scores on the National Assessment of Educational Progress—and states should have the right to convert their block grants into vouchers if they wish. The total value of the most obvious candidates for block-granting is (at 1998 spending levels) about $3 billion, or $60 million per state. Throwing in a few other categorical programs that would benefit from this treatment (such as the "Goals 2000" program, the school-to-work program, and vocational education) would boost the total to roughly $5 billion, or $100 million per state.

Voucherize. Take the three big programs aimed at helping needy individuals—Title I for the poor, special education for the disabled, and bilingual education for those who don't yet speak English well—and hand that money directly to the putative beneficiaries. Take the annual appropriations for each program and divide by the number of students eligible for aid. Using 1998 numbers, this would mean youngsters eligible for Title I would each receive a $1250 annual stipend. Those who cannot yet speak English would receive a $130 voucher. Special education students would receive aid in relation to the severity of their disability, with amounts ranging from $200 to $1200 in federal money. A family whose child is poor, disabled and does not yet speak English would receive a check in the $1600 to $2600 range, all within current budget levels. Such a system would certainly empower consumers, slash federal red tape, and create a world of new educational services and providers vying for the attention of disadvantaged students.

Bust the trusts. To crush the information monopoly, Congress should renew the National Assessment of Educational Progress (which also expires the next year) on a more independent basis—and authorize its governing board to make those standards-based tests available to communities, schools, even individual parents. This would replace the politically-stalemated "voluntary national test" that Mr. Clinton proposed with a more flexible instrument that enjoys greater insulation from politicians, bureaucrats and special interests.

To tackle the teacher training monopoly, Washington should fund alternatives to ed schools. Think of them as "charter schools" for future teachers. Uncle Sam can also make shoddy schools of education accountable by holding their federal aid hostage to graduates' meeting minimal standards of knowledge and skill.

To end the exclusive franchise of local school districts and state bureaucracies, the federal government should vigorously support the development of thousands of charter schools and other supply-side innovations (like contract schools, alternative schools, etc.). These schools should only be supported, though, if they are held to high standards and operate independently from school districts and state regulations.

Finally, to tilt federal incentives in the direction of quality, Washington should insist that all students seeking federal college grants and loans first pass a rigorous high school exit exam. Students will not get serious about academics until there are palpable consequences linked to academic standards—an obvious point that has been hammered home by (among others) the perceptive columnist Robert Samuelson and the late teacher union chief, Albert Shanker. (This will also serve to hold voucher schools to high academic standards—as their business will dissipate if their graduates cannot matriculate to college.)

Could trust-busting activities get out of hand? Yes, indeed. Perhaps these functions should be overseen by an outfit one step removed from direct political influence, much like the National Assessment Governing Board. Maybe governors should be empowered to excuse their states from these initiatives, if they attest that the cause of education reform would be advanced by immunity from all Federal meddling. But we suspect that most governors would quietly welcome as much help as they can get in combating the education establishment.

THE NEXT WELFARE REFORM?

The Elementary and Secondary Education Act will likely be signed into law just before the presidential election in 2000. The legislative process is cranking up with field hearings and advisory panels already being convened by the Clinton administration. If 33 years of history is any guide, the likeliest outcome will be minor tweaking of extant programs. They may not work—they may even do harm—but they have great momentum and plenty of vested interests, and the few members of Congress who really understand them tend to favor the status quo. Certainly the administration will do nothing to rile its friends in the school establishment. So there will be plenty of proposals to tinker and fine tune. A few decrepit programs may even vanish, to be replaced by new fads and pet schemes. The bad habits of a third of a century will go unconquered and the Johnson-era conception of the federal role in education will endure for another five or six years.

But there could be an altogether different ending to the tale, a transformation of the federal education bazaar from flea-market to a consumer-focused department store. While promiscuity may well continue elsewhere inside the Beltway, it plainly isn't good for schools or children. When it comes to education, Federal officials should pledge themselves to temperance, prudence and clean living.

[From the Wall Street Journal, January 20, 1999]

THOMAS B. FORDHAM FOUNDATION

CLINTON'S SCHOOL PLAN IS A GOOD START. LET'S GO FURTHER

(By Diane Ravitch)

Every opinion poll shows that education is now the public's top domestic priority. Every poll also shows that the public wants schools to have higher academic standards and to be safe and orderly places. So it was not surprising that President Clinton would stress education in his State of the Union address last night.

The president wants to set federal guidelines for teacher training, student discipline, school performance and promotion policy. School districts that violate the new federal guidelines would risk losing their federal funding. Federal aid to the schools—about $20 billion—is considerably less than 10% of what Americans spend for public education, but no district is going to risk losing even that fraction of its budget.

The White House has raided the right issues, and it is about time. In the 34 years since Congress passed the Elementary and Secondary Education Act, federal money has been spread to as many districts as possible with scant regard for whether its beneficiaries—especially poor kids—were actually learning anything. For too many years, federal aid to the schools has been both burdensome and ineffective. Now the president wants to establish quality standards to accompany the federal aid.

This proposal makes some important points: Schools should never have started promoting kids who have not mastered the work of their grade; they should have effective disciplinary codes; they should never hire teachers who don't know their subject; and they should issue informative school report cards to parents and the public.

And yet experience suggests that when the education lobbyists begin to influence any future legislation, we can expect more regulation and more bureaucrats, and precious few real standards. This is why Mr. Clinton must link his proposals to deregulation, thus liberating schools from redundant administrators, onerous regulations and excessive costs, most of which are imposed by current federal education programs.

The best way to do this would be to turn the key federal program for poor kids—Title I—into a portable entitlement, so that the money follows the child, like a college scholarship. Presently, federal money goes to the school district, where bureaucrats watch it, dispense it and find manifold ways to multiply their tasks and add to their staffs. As a portable entitlement, Title I's $8 billion would allow poor children to attend the school of their choice instead of being stuck in low-performing schools. It would be a powerful stimulus for school choice. At the very least, states should be given waivers to direct federal money to the child, not the district.

There are additional steps that Mr. Clinton should take now to enhance incentives for student performance in current federal programs:

Renew a campaign to authorize national tests in fourth-grade reading and eighth-grade mathematics. President Clinton proposed this last year, but it has languished because of opposition from conservative Republicans and liberal Democrats. If he can't resuscitate that proposal, then he should ask Congress to allow individual districts and schools to administer the excellent subject-matter tests devised by the National Assessment of Educational Progress (which only statewide samples of students can take now). As the excitement over a new fourth-grade reading test demonstrated last week in New York state, nothing concentrates the mind of students, parents and teachers like a test.

Adopt, by executive order, a terrific idea floated by columnist Robert Samuelson: Require any student who wants a federal scholarship for college to pass a 12th-grade test of reading, writing and mathematics. Half of all college students get some form of federal aid. This should not be an entitlement. If students must pass a moderately rigorous examination to get their college aid, there would be a dramatic and instantaneous boost in incentives to study hard in high school and junior high school.

Adopt, by executive order, real educational standards for Head Start and set better qualifications for Head Start teachers. This preschool program was supposed to give poor children a chance to catch up with their better-off peers, but it has turned into a big day-care program with no real educational focus for the kids who need literacy and numerary the most.

Require that those who teach in federally funded programs have a degree in an academic subject and pass a test of subject-matter knowledge and teaching competence. This should apply to all teachers, not just the newly hired.

Mr. Clinton has described some important changes for American education. Whether or not Congress endorses his plan, he has pointed the national discussion about education in the right direction, toward standards and accountability. If we can add to that a strong dose of deregulation, choice and competition, we will be on the road to educational renewal.

Mr. GOODLING. Mr. Chairman, I move to strike the requisite number of words, and I do this only because I am afraid time will run out and I will not be able to thank the people who worked day and night for 6 or 8 months.

I discovered one thing in 4 days of markup and 2 days on the floor. I am still very, very naive after 25 years in this institution. But I still have 13 months to go, and maybe I will lose some of that naivete and realize that agreements are agreements only when we say they are and they are gone 2 minutes later.

But I want to make sure that I thank people who worked around the clock day and night on this legislation, and I want to thank Sally Lovejoy, Kent Talbert, Christie Wolfe, Darcy Philps, Lynn Selmser, Becky Campoverde, Kevin Talley, Jo Marie St. Martin, Kim Proctor, Vic Klatt, and Kara Haas from the staff of the gentleman from Delaware (Mr. CASTLE). And from the minority I want to thank Alex Nock, Cheryl Johnson, Mark Zuckerman, June Harris, Charles Barone, and Gail Weiss, among others. They worked day and night, and sometimes I do not think we realize what hours staffers put in to try to bring about an agreement. In this we were trying to bring about a bipartisan agreement.

Mr. SCHAFFER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I ask the body to consider favorably the amendment that is presently before us. In my opinion the amendment offered by the gentleman from Wisconsin (Mr. PETRI) is without a doubt the greatest opportunity we have and we have had today to convert this bill from not just a creation of a new set of mandates imposed on local schools, but to do something much better and turn it into a good bill, and that is to allow freedom and flexibility for families and children who are trapped in schools that do not earn their confidence.

As my colleagues know, to hear the argument against the Petri amendment one would think that all schools around the country are bad. I do not think that is the case at all. I think most schools are genuinely good and that they try very hard to create a learning environment that is in the best interests of the children that they serve. The Petri amendment acknowledges that and suggests that for those children who are trapped in terminally bad schools that they do have the opportunity to find a different academic setting, a better academic setting.

It begins to regard families and parents as the individuals who play the most paramount role, the most pivotal role in designing an academic strategy that is in the best interests of their children. The notion that government knows best is what is insinuated in this bill and in the Title I program; and we have before us right now an opportunity to appeal to the free market instincts of parents, of teachers, of students, treating teachers like real professionals, parents like customers and honor the freedom to teach and the liberty to learn that we all believe to be important.

□ 1415

I would ask this body to consider most seriously the opportunity that is before us with the Petri amendment. I thank the gentleman for offering it, and I commend him for his vision in trying to provide school choice and portability with these Title I dollars, because this is the only amendment we have had a chance to consider that measures fairness in education by the relationship between students, not the relationship between school buildings or school districts or other political entities.

I ask for the adoption of the amendment.

The CHAIRMAN pro tempore (Mr. SHIMKUS). The question is on the amendment offered by the gentleman from Wisconsin (Mr. PETRI).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. PETRI. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 336, further proceedings on the amendment offered by the gentleman from Wisconsin (Mr. PETRI) will be postponed.

AMENDMENT NO. 40 OFFERED BY MR. EHLERS

Mr. EHLERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 40 offered by Mr. EHLERS:

In section 1111(b)(1)(C) of the Elementary and Secondary Education Act of 1965, as amended by section 105 of the bill, strike "mathematics and reading or language arts," and insert "mathematics, reading or language arts, and science,".

In section 1111(b)(4) of the Elementary and Secondary Education Act of 1965, as amended by section 105 of the bill, strike "mathematics and reading or language arts," and insert "mathematics, reading or language arts, and science,".

In section 1111(h)(2)(A)(i) of the Elementary and Secondary Education Act of 1965, as amended by section 105 of the bill, strike "reading or language arts and mathematics," and insert "mathematics, reading or language arts, and science,".

At the end of section 105 of the bill—

(1) strike the quotation marks and the final period; and

(2) insert the following:

"(i) SPECIAL RULE ON SCIENCE STANDARDS AND ASSESSMENTS.—Notwithstanding subsections (b) and (h), no State shall be required to meet the requirements under this title relating to science standards or assessments until the beginning of the 2005–2006 school year.".

Mr. EHLERS. Mr. Chairman, I want to point out some basic facts about science in the United States. First of all, more than one-half of all economic growth in this Nation is tied to recent developments from science and technology. That is, over one-half of our economic growth is dependent on science and technology.

Our Nation's economic future and our economic strength are directly linked to the science aptitude of our work force. Unfortunately, our science aptitude is not good. You are aware that, on an international scale developed through international assessments, the United States came out near the bottom; and, in fact, in physics it was at the bottom of the 15 developed countries participating in the evaluation. With that type of record, it is very hard for us to keep our economy going. Science education must start early to prepare students for the demands of tomorrow's jobs. But currently, schools are not teaching science in many cases, and they are not teaching it well in other cases. There are, of course, exceptions. Some schools do exceptionally well. But, across the country, our science and math education is deficient and as a result, our students are falling behind other countries. Perhaps one indication of that is that in today's graduate schools in science and engineering, over one-half of all of the graduate students are from other countries.

It is clear that has to change, and the best place to have it change is in early education.

My amendment is a simple amendment. It will not place much demand on the educational system, but it simply will require that by the 2005–2006 school year that science will be placed alongside of reading and math as essential subjects to be assessed in each school. In other words, this will give parents an opportunity to determine how well their schools are teaching science and how well their students are learning science, the science they must have if they are to be employable and to contribute to the economic growth of our Nation.

I believe this is a good amendment which will help solve a major national problem. There is very little expense, if any, attached to it. It simply will make clear the need for increased teaching of science in elementary and secondary schools, and will give us an opportunity to assess how well the schools are doing in meeting that need. I urge adoption of this amendment.

Mr. GOODLING. Mr. Chairman, I move to strike the last word.

The goal is noble. The cost we do not know. According to governors it would be exorbitant. We have the cost at the present time for the math and the reading and we do not know the cost in relationship to science. Therefore, I have to oppose the amendment.

Mr. HOLT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment to include science in the bill.

I rise in support of H.R. 2 which provides educational support for low-income students.

Let me first say that I commend the bipartisan effort that has gone into making this a strong bill. As a teacher and a scientist, it is refreshing for me to see Members put their partisan differences aside to work on a bill that will help all our children.

Every child in this nation has the right to receive an excellent education. Furthermore, it is necessary for the well being of society at large for all children to receive an excellent education.

The accountability provisions for the funds provided in this bill are critical to the success of ensuring a quality education for all.

This bill requires that judgments about school progress be based on disaggregated data. That is, all at-risk subgroups of students must be making adequate yearly progress toward proficiency in reading and math.

I rise in support of Mr. PETRI's amendment to include science among the subjects in which student progress and proficiency are measured.

Science education has been established as a national priority.

This Congress has supported that priority by maintaining and strengthening teacher training in math and science in the teacher bill we passed in July.

National efforts to improve science and math education are resulting in exciting new teaching methods. These hands-on methods allow students to conduct experiments and learn to question and discover for themselves.

Science classes are gateways for our children to the opportunities of tomorrow.

But we need to do more. The Third International Math and Science Study (TIMSS) results showed that U.S. 12th graders are lagging below the international average in science and math.

Previous Congresses have encouraged states to establish standards for what our children should be learning in science. Forty states have standards for our children in science. But only 26 are actually testing to find out if the students are learning according to these standards.

Mr. PETRI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, would the author of the amendment answer a question?

Mr. EHLERS. Mr. Chairman, I will be happy to.

Mr. PETRI. Mr. Chairman, what is the gentleman's response to the argument that some have made that this is one more mandate, and we are attempting to give more flexibility to the States, mandate that there be science education in addition to I guess we do mandate reading and math.

Mr. EHLERS. Mr. Chairman, I appreciate the question; and I also appreciate the support from the gentleman from New Jersey (Mr. HOLT) and other Members of the body who have indicated their support. Because of the shortness of time, not everyone will be able to speak.

There is a question as to whether or not this is another mandate. I do not believe it is so, because this is a matter of assessment. The schools are ready, the teachers are ready. This is simply saying this is an important national priority and one of the subjects that we should teach and which our school systems should assess is the knowledge that students have acquired in the scientific arena so that we know whether or not we will have an adequate work force for the future, and so that we will have an adequate number of scientists and engineers as well.

So it addresses both the issue of workers in the workplace, and training for scientists. We simply need more technological workers. And then secondly, that we will have the researchers necessary to do the research work that will be necessary. In my own State, they are still evaluating this amendment. The Governor is not opposing it, but I know he is concerned about it. A few other States have indicated a concern, and that is why we added the language that this does not take effect until 2005–2006.

PARLIAMENTARY INQUIRY

Mr. OWENS. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. OWENS. Mr. Chairman, what amendment are we on?

The CHAIRMAN pro tempore. Amendment No. 40 by Mr. EHLERS is pending.

Mr. OWENS. Did we vote on that already?

The CHAIRMAN pro tempore. The Committee has not voted on that yet. Members are still speaking in support or in opposition to that amendment.

Mr. OWENS. I am sorry. I thought we had voted on it.

Mr. EHLERS. Mr. Chairman, just to wrap up, we do not have this take effect until 2005–2006, which is actually after this bill expires. It is basically setting the groundwork for the next bill. It will be in effect the final year only if we do as we normally do, and reauthorize the bill for an additional year. But it sets the pattern for the future and gives the schools more than adequate time to prepare.

Mr. PETRI. Mr. Chairman, reclaiming my time, I thank the gentleman for his response. This would, in fact, not be a mandate in the sense that its effective date is after the expiration date of this particular reauthorization bill, but this is a signal to State and local school districts that we feel science education is important and to prepare young people for the changing world of work and to be productive Members of our society and to be a competitive society, we must emphasize science education.

Mr. EHLERS. Mr. Chairman, if the gentleman will yield further, I thank the gentleman for stating that very well. There is no additional cost involved for the States.

Mr. PETRI. I thank the gentleman.

Mr. CASTLE. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN pro tempore. The gentleman from Delaware (Mr. CASTLE) is recognized until 2:25 p.m.

Mr. CASTLE. Mr. Chairman, I rise on this amendment because I am somewhat uncertain as to whether we should go forward with it or not. Perhaps the chairman can help me with some of this.

Let me just say a couple of things up front. I am a total believer that in the United States of America today that we do have a problem in terms of lack of basic knowledge in the area of science, I am talking about people like me and others who were mediocre science students and not just the people of the stature of the gentleman from Michigan (Mr. EHLERS) who are among the eminent scientists in America today. I think we should all have a greater and broader knowledge than we do.

In my heart, my feeling is that something like this is a good idea, developing science and math which are somewhat related in many instances which is something we need to do, particularly when compared to other countries.

So for all of those reasons, I have a lot of sympathy for what we are dealing with here, and that is why we have supported initiatives under the Teacher Empowerment Act which the gentleman from California (Mr. MCKEON) sponsored which highlights the need for the natural focus in the area of science and particularly having teachers who are prepared to teach, which is a major problem in both science and math. We have too many people teaching those subjects who really are unprepared.

Ms. WOOLSEY. Mr. Chairman, I rise in strong support of my colleague, Mr. EHLERS', amendment to add science as one of the subjects that will require State standards and assessments.

I am fortunate to serve with Congressman EHLERS on both the education and the science committees, so I know, first-hand, how committed he is to improving science education in this country.

And it needs improvement! There's a good reason why the test scores of American students ranked No. 16 out of students in 21 countries on a recent international science examination.

There is also a good reason why, just last week, Senator ROBB introduced a bill in the other body to create a new category of visas for foreign nationals with graduate degrees in high technology fields.

International graduate students would be eligible for the new "T-visas" if they had skills in science and technology and a job offer with an annual compensation of at least $60,000.

What's wrong with this picture? It doesn't take a rocket scientist to figure it out!

We must—we must, must, must—do more to ensure that more U.S. students pursue the kinds of studies they need to have a high-tech, high-paying career.

According to the American Electronics Association, the American high-tech industry has created one million new jobs since 1993. At the same time, the number of degrees awarded in computer science, engineering, mathematics and physics have declined since 1990.

And, of the degrees awarded in these fields, a large percentage are going to foreign nationals; 32 percent of all master's degrees and 45 percent of all doctoral degrees currently go to foreign students.

Without doubt, one of the reasons for this decline is that too many American students are not studying science in the early grades. This is particularly true of girls and minorities, who are more than half of our student population.

It is predicted that by the year 2010, 65 percent of all jobs will require at least some technology skills. We need to make science education a national priority. That's what the Ehlers amendment will do, and I urge my colleagues to vote for it.

Mrs. MORELLA. Mr. Chairman, I rise in support of the amendment to include science as one of the subjects for which states would be required to develop standards and assessments. I congratulate my colleague, Mr. EHLERS, for bring this important issue to the attention of the whole House.

In the largest international study ever undertaken of student performance in math and science, the math and science skills of children from the United States lagged far behind students in other countries. The results of this study . . . called third International Mathematics and Science Study (TIMSS) . . . are clear: As we prepare to enter the new millennium engaged in a competitive global economic marketplace, we have a severe crisis facing our children's ability to be fully prepared for the future.

American students don't deserve to be at the bottom when compared to their counter parts in other countries. We have the opportunity to encourage American students to rise to the top, where they belong. I believe that we must ensure that the teaching of mathematics at all educational levels in the United States is strengthened and that our children are adequately prepared to compete for jobs with their global peers.

Education has been my personal priority. I am the parent of 9 children and 16 grandchildren. I want to make sure that my grandchildren can understand science and math. I want them to be taught by teachers who are enthusiastic about teaching and have been given professional training, who are dedicated and recognized for their commitment and innovation.

If we are to stay on top as a nation, we must continue to promote activities that will ensure economic vitality and enhanced opportunities for all Americans.

I urge a "yes" vote on the Ehlers amendment.

The CHAIRMAN pro tempore. Pursuant to the rule, consideration of further amendments must now cease.

The question is on the amendment offered by the gentleman from Michigan (Mr. EHLERS).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. GOODLING. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 336, further proceedings on the amendment offered by the gentleman from Michigan (Mr. EHLERS) will be postponed.

PARLIAMENTARY INQUIRY

Mr. HINOJOSA. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. HINOJOSA. Mr. Chairman, would it be in order to ask for unanimous consent to speak for 1 minute?

The CHAIRMAN pro tempore. At this point unanimous consent requests for additional debate time cannot be granted in the Committee of the Whole. Those requests can only be offered in the whole House.

Mr. HINOJOSA. Mr. Chairman, just to enter a very short statement in the RECORD; it will take me 15 seconds.

The CHAIRMAN pro tempore. Under the special order adopted by the House at this point the gentleman must do that in the House, not in the Committee of the Whole, since all time for consideration has expired.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to House Resolution 336, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 38 offered by the gentleman from New Jersey (Mr. PAYNE); Amendment No. 43 offered by the gentleman from Indiana (Mr. ROEMER); Amendment No. 42 offered by the gentleman from Wisconsin (Mr. PETRI); and Amendment No. 40 offered by the gentleman from Michigan (Mr. EHLERS).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 38 OFFERED BY MR. PAYNE

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on Amendment No. 38 offered by the gentleman from New Jersey (Mr. PAYNE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 208, noes 215, not voting 10, as follows:

[Roll No. 522]

AYES—208

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bilbray
Bishop
Blagojevich
Blumenauer
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Inslee
Jackson (IL)
John
Johnson (CT)
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
LaHood
Lampson
Lantos
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tauscher
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOES—215

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
Largent
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Tiahrt
Toomey
Upton
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Camp
Jackson-Lee (TX)
Jefferson
Larson
McCarthy (MO)
McCarthy (NY)
McInnis
Scarborough
Udall (CO)
Vitter

□ 1451

Messrs. FRANKS of New Jersey, LoBIONDO, BATEMAN, GANSKE, ENGLISH, EWING, and RAMSTED changed their vote from "aye" to "no".

Messrs. SPRATT, LAMPSON, and HOEFFEL changed their vote from "no" to "aye".

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. LARSON. Mr. Chairman, on rollcall No. 522, had I been present, I would have voted "yes."

Stated against:

Mrs. MYRICK. Mr. Chairman, on rollcall No. 522, I inadvertently, pressed the "aye" button. I meant to vote "nay."

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. SHIMKUS). Pursuant to House Resolution 336, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 43 OFFERED BY MR. ROEMER

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on amendment 43 offered by the gentleman from Indiana (Mr. ROEMER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 243, noes 181, not voting 9, as follows:

[Roll No. 523]

AYES—243

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (NJ)
Frost
Gallegly
Gejdenson
Gephardt
Gibbons
Gilman
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Inslee
Jackson (IL)
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Shays
Sherman
Sherwood
Shows
Sisisky
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Weygand
Wilson
Wise
Woolsey
Wu
Wynn

NOES—181

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Biggert
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Everett
Ewing
Fletcher
Fowler
Frelinghuysen
Ganske
Gekas
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson, Sam
Jones (NC)
Kasich
Kingston
Knollenberg
Kolbe
Largent
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lucas (OK)
Manzullo
McCollum
McCrery
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Radanovich
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—9

Camp
Jackson-Lee (TX)
Jefferson
McCarthy (MO)
McCarthy (NY)
McInnis
Scarborough
Udall (CO)
Vitter

Mr. NEY and Mr. GALLEGLY changed their vote from "no" to "aye".

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 42 OFFERED BY MR. PETRI

The CHAIRMAN pro tempore (Mr. SHIMKUS). The pending business is the demand for a recorded vote on amendment No. 42 offered by the gentleman from Wisconsin (Mr. PETRI) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 153, noes 271, not voting 9, as follows:

[Roll No. 524]

AYES—153

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Bilirakis
Bliley
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burton
Buyer
Callahan
Calvert
Campbell
Canady
Cannon
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cox
Crane
Cubin
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
English
Everett
Fletcher
Fossella
Fowler
Franks (NJ)
Gibbons
Goss
Graham
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hoekstra
Horn
Hunter
Hyde
Isakson
Istook
Johnson, Sam
Jones (NC)
Kasich
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
Largent

Lewis (KY)
Linder
Lipinski
Lucas (OK)
Manzullo
McCollum
McCrery
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Myrick
Northup
Norwood
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pryce (OH)
Radanovich
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Skeen
Smith (MI)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Talent
Tancredo
Tauzin
Taylor (NC)
Thomas
Tiahrt
Toomey
Vitter
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Young (AK)
Young (FL)

NOES—271

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (NE)
Barrett (WI)
Bateman
Becerra
Bentsen
Berkley
Berman
Berry
Biggert
Bilbray
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Burr
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Cooksey
Costello
Coyne
Cramer
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Emerson
Engel
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Foley
Forbes
Ford
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Inslee
Jackson (IL)
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Serrano
Sherman
Shows
Simpson
Sisisky
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tierney
Towns
Traficant
Turner
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Walden
Waters
Watt (NC)
Waxman
Weiner
Weldon (PA)
Wexler
Weygand
Wilson
Wise
Wolf
Woolsey
Wu
Wynn

NOT VOTING—9

Camp
Jackson-Lee (TX)
Jefferson
Jenkins
McCarthy (MO)
McCarthy (NY)
McInnis
Scarborough
Udall (CO)

□ 1509

Ms. PRYCE of Ohio changed her vote from "no" to "aye."

Mr. RUSH and Mr. LATHAM changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 40 OFFERED BY MR. EHLERS

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on amendment No. 40 offered by the gentleman from Michigan (Mr. EHLERS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 360, noes 62, not voting 11, as follows:

[Roll No. 525]

AYES—360

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burton
Buyer
Callahan
Calvert
Cannon
Capps
Capuano
Cardin
Carson
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cramer
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hayworth
Hefley
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Inslee
Istook
Jackson (IL)
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
Lampson
Lantos
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCollum
McCrery
McDermott
McGovern
McHugh
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryun (KS)
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thurman
Tierney
Towns
Traficant
Turner
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOES—62

Armey
Barr
Blunt
Burr
Campbell
Canady
Castle
Chenoweth-Hage
Coble
Coburn
Collins
Cox
Coyne
Crane
DeLay
DeMint
Doolittle
Dreier
Ehrlich
Ewing
Fossella
Frank (MA)
Gekas
Goodling
Green (WI)
Greenwood
Hastings (WA)
Hayes
Herger
Hoekstra
Hutchinson
Hyde
Isakson
Johnson, Sam
Jones (NC)
Kasich
King (NY)
LaHood
Largent
Manzullo
Meeks (NY)
Miller (FL)
Myrick
Paul
Pombo
Rohrabacher
Royce
Sabo
Sanford
Schaffer
Shadegg
Simpson
Souder
Stump
Sununu
Talent
Thune
Tiahrt
Toomey
Walden
Whitfield
Young (AK)

NOT VOTING—11

Bateman
Camp
Hoyer
Jackson-Lee (TX)
Jefferson
McCarthy (MO)
McCarthy (NY)
McInnis
Ryan (WI)
Scarborough
Udall (CO)

☐ 1517

Mr. RAHALL changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. BATEMAN. Mr. Chairman, on rollcall No. 525, I was unavoidably detained. Had I been present, I would have voted "aye."

Stated against:

Mr. RYAN of Wisconsin. Mr. Chairman, on rollcall No. 525, I was unavoidably detained. Had I been presdent, I would have voted "no."

The CHAIRMAN pro tempore (Mr. SHIMKUS). The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

Ms. ROYBAL-ALLARD. Mr. Chairman, as chair of the Congressional Hispanic Caucus, I rise in opposition to H.R. 2. I oppose this bill due to strong reservations concerning the Bilingual Education Act and parental notification component of the bill.

I know my Democratic colleagues on the committee, Ranking Member CLAY and Representatives KILDEE, HINOJOSA, and MARTINEZ and staff have fought hard for acceptable and fair language in the reauthorization of the Bilingual Education Act. However, in the end, what the Republicans offered in the final negotiations fails to fully protect bilingual education programs.

For example, instead of making bilingual education programs stronger, Republicans are simply interested in block granting the program. Those of us who support bilingual education want to bring more accountability to the program and help students meet high state standards. Diluting the funds through block grants will do little to help LEP students achieve high standards.

Bilingual education is important to our students and our nation. We must promote bilingual education so that our students can learn English, while retaining their native language, in order to excel academically. We must help our limited English proficient children develop the talents and the skills they need to compete in today's highly technical and competitive global economy.

Multilingualism is something we should be proud of. Our LEP children bring invaluable language resources and knowledge to our society. Bilingual education promotes our students' native language skills.

Another significant problem with H.R. 2 was the parental notification and consent requirement for LEP students. In order for LEP students to receive services under Title I, schools would have to seek permission from the parents of these students. No other group of students is asked to get permission from their parents to receive services under Title I, only LEP students. This is wrong, discriminatory and has no place in an education bill.

Many of my colleagues will support this bill, in the hopes that it will be improved as it moves through the process, knowing that when the bill comes back from conference they will have the option to vote against it. However, as chair of the Hispanic Caucus, I feel it is important for me to vote against this bill as a signal that the Caucus, regardless of their vote on the overall bill, feels strongly that much more work needs to be done.

It is unfortunate that this signal must be sent because the reauthorization of Title I is critical to the Hispanic community.

Title I funds serve a rapidly expanding number of low-income and limited English proficient students, for example, nearly 32 percent of Title I students are Hispanic.

In addition, H.R. 2 holds our schools accountable by mandating that Title I schools ensure all students meet high standards.

H.R. 2 also requires that States and schools provide report cards so that parents have the basic facts about the progress their children are making in their education so they can take action to improve their schools' curriculum, if needed.

Also, H.R. 2 raises the standards for paraprofessionals in the classroom. Paraprofessionals are supervised teacher's aides who provide critical assistance for our kids in the classroom. However, in many of our schools it is the teacher's aide and not the teacher who is doing the instruction. This bill would encourage paraprofessionals to enroll in a career track program to better assist teachers with instructional support in the classroom.

These are just a few examples of the good that is in this bill and why so many of my colleagues will support the movement of this bill to the Senate. But with their vote also comes the commitment of the CHC members to work diligently to make the final version of the bill closely mirror the CHC language on bilingual education. The future of many of our children depends on it. Therefore, it is my hope that the Republican leadership will work with us to achieve this goal.

Mr. COSTELLO. Mr. Chairman, I rise today in strong support of H.R. 2, the Student Results Act. I am encouraged by the bipartisan nature of this education bill which was crafted on an unbiased basis following the appropriate committee process.

Mr. Chairman, I am pleased to see that Title I funds will receive a $1 billion increase over last year's appropriation level bringing the authorization level to $8.35 billion in fiscal year 2000. By providing this commitment to our educationally disadvantaged students, the success we will see in our Nation's school children will be immeasurable.

This bill will require schools to meet challenging Title I standards and hold schools accountable for the results of their Title I programs by requiring an annual report to parents and the public on the academic performance of schools receiving Title I funds. In addition, this legislation strengthens the requirement for teachers' aides by requiring 2 years of higher education, an associate's degree or meet rigorous standards assessing their math, reading and writing skills.

Mr. Chairman, I am pleased the bill allows states to set aside 30 percent of any increase in Title I funds to reward schools and teachers that substantially close the gap between the lowest and highest performing students that have made outstanding yearly progress for 2 consecutive years. In my own Congressional District in Southwestern Illinois there is a school that will benefit tremendously from this award system. Belleville School District 118 has been lauded as one of the best Title I programs in the State. In fact, the Illinois State Board of Education called upon Belleville 118's Title I director, Tom Mentzer, to give presentations to other school districts on how to reach the level of success that District 118 has had with their Title I program. Yet, this year Bellenille School District 118 was forced to reduce their Title I teaching staff. Due to no increase in Title I funds for this school year, and not being eligible for additional Title I related grants such as Comprehensive School Reform Initiative (CSRI) based on high test scores, there are schools in 118 that received Title I funding last year that will not be serviced by Title I funding this year. What a difference Title I funds may have made in an educationally disadvantaged student's life had they had additional funds to provide Title I remedial reading initiatives. By putting this provision in the bill we will no longer economically punish schools that have excelled in achieving the goals set out for them by Title I.

I urge my colleagues to support this legislation that helps at-risk students stay in school. Vote for this bipartisan education bill that will benefit thousands of students in each of our congressional districts.

Mr. UNDERWOOD. Mr. Chairman, I'm speaking today in support of H.R. 2: The Students Results Act of 1999, which authorizes Title I Federal Elementary and Secondary Education Programs for five years, although I have some serious concerns regarding this proposal.

While I applaud the efforts of our Democratic committee members who fought tooth and nail to ensure that funding remains targeted at the most disadvantaged and poorest students, I fear that the poor and disadvantaged will be left in the cold again. This is due to Republican demands disguised to provide greater flexibility in using federal money and require more information on results. This so-called flexibility comes at a high price.

This proposed legislation would, in fact: dilute services to schools that are the most needy by allowing diversion of up to 30 percent of all new title I money to reward schools that improve student achievement; and lower the poverty threshold for school-wide programs.

While I support rewarding schools for achieving success, I believe that it should not come out of the existing Title I pot of funding. As it stands already, we are stretched to provide service to all Title I eligible children. The Congressional Research Service estimates that serving all Title I eligible children would require $24 billion, that's nearly 3 times the current funding level. Therefore, instead of taking money out of the same pot, we should find other avenues to reward successful school programs.

Another proposal in the Title I provision to lower the poverty threshold from the current 50 percent poverty limit to 40 percent for schoolwide programs would only further water down funding.

We should strive not only for greater fiscal accountability within our programs, we should ensure that we provide sound program accountability to our poor and disadvantaged children.

Some serious concerns have also been raised by members with the provision to require parental consent for students with limited English proficiency in Title I. I am deeply concerned that the parental consent requirement may impede a child's ability to gain meaningful instruction while waiting to be placed in a Limited English Proficiency (LEP) program. First and foremost, our primary concern for this measure is to ensure that the best needs of students are being served. So, that important instructional support to LEP children are not delayed.

Finally, I urge members to strongly consider the reauthorization of the Bilingual Education Act (BEA). The BEA serves as one of the most meaningful tools a teacher can use to provide meaningful academic instruction to students. However, I believe that the BEA must allow schools the flexibility to choose instructional methods that are best suited for their students.

Mr. PAUL. Mr. Chairman, Congress is once again preparing to exceed its constitutional limits as well as ignore the true lesson of the last thirty years of education failure by reauthorizing Title I of the Elementary and Secondary Education Act (SEA). Like most federal programs, Title I was launched with the best of intentions, however, good intentions are no excuse for Congress to exceed its constitutional limitations by depriving parents, local communities and states of their rightful authority over education. The tenth amendment does not contain an exception for "good intentions!"

The Congress that created Title I promised the American public that, in exchange for giving up control over their schools and submitting to increased levels of taxation, federally-empowered "experts" would create an educational utopia. However, rather than ushering in a new golden age of education, increased federal involvement in education has, not coincidently, coincided with a decline in American public education. In 1963, when federal spending on education was less than nine hundred thousand dollars, the average Scholastic Achievement Test (SAT) score was approximately 980. Thirty years later, when federal education spending ballooned to 19 billion dollars, the average SAT score had fallen to 902. Furthermore, according to the National Assessment of Educational Progress (NAEP) 1992 Survey, only 37% of America's 12th graders were actually able to read at a 12th grade level!

Supporters of a constitutional education policy should be heartened that Congress has finally recognized that simply throwing federal taxpayer money at local schools will not improve education. However, too many in Congress continue to cling to the belief that the "right federal program" conceived by enlightened members and staffers will lead to educational nirvana. In fact, a cursory review of this legislation reveals at least five new mandates imposed on the states by this bill; this bill also increases federal expenditures by $27.7 billion over the next five years—yet the drafters of this legislation somehow manage to claim with a straight face that this bill promotes local control!

One mandate requires states to give priority to K–6 education programs in allocating their Title I dollars. At first glance this may seem reasonable, however, many school districts may need to devote an equal, or greater, amount of resources to high school education. In fact, the principal of a rural school in my district has expressed concern that they may have to stop offering programs that use Title I funds if this provision becomes law! What makes DC-based politicians and bureaucrats better judges of the needs of this small East Texas school district than that school's principal?

Another mandate requires teacher aides to be "fully qualified" if the aides are to be involved in instructing students. Again, while this may appear to be simply a matter of following sound practice, the cost of hiring qualified teaching assistants will add a great burden to many small and rural school districts. Many of these districts may have to go without teachers aides, placing another burden on our already overworked public school teachers.

Some may claim that this bill does not contain "mandates" as no state must accept federal funds. However, since obeying federal educrats is the only way states and localities can retrieve any of the education funds unjustly taken from their citizens by oppressive taxation, it is the rare state that will not submit to federal specifications.

One of the mantras of those who promote marginal reforms of federal education programs is the need to "hold schools accountable for their use of federal funds." This is the justification for requiring Title I schools to produce "report cards" listing various indicators of school performance. Of course, no one would argue against holding schools should be accountable, but accountable to whom? The Federal Government? Simply requiring schools to provide information about the schools, without giving parents the opportunity to directly control their child's education does not hold schools accountable to parents. As long as education dollars remain in the hands of bureaucrats not parents, schools will remain accountable to bureaucrats instead of parents.

Furthermore, maximum decentralization is the key to increasing education quality. This is because decentralized systems are controlled by those who know the unique needs of an individual child, whereas centralized systems are controlled by bureaucrats who impose a "one-size fits all" model. The model favored by bureaucrats can never meet the special needs of individual children in the local community because the bureaucrats have no way of knowing those particular needs. Small wonder that students in states with decentralized education score 10 percentage points higher on the NAEP tests in math and reading than students in states with centralized education.

Fortunately there is an alternative educational policy to the one before us today that respects the Constitution and improves education by restoring true accountability to America's education system. Returning real control to the American people by returning direct control of the education dollars to America's parents and concerned citizens is the only proper solution. This is precisely why I have introduced the Family Education Freedom Act (HR 935). The Family Education Freedom Act provides parents with a $3,000 per child tax credit for the K–12 education expenses. I have also introduced the Education Tax Credit Act (HR 936), which provides a $3,000 tax credit for cash contributions to scholarships as well as any cash and in-kind contribution to public, private, or religious schools.

By placing control of education funding directly into the hands of parents and concerned citizens, my bills restore true accountability to education. When parents control education funding, schools must respond to the parents' desire for a quality education, otherwise the parent will seek other educational options for their child.

Instead of fighting over what type of federal intervention is best for education, Congress should honor their constitutional oath and give complete control over America's educational system to the states and people. Therefore, Congress should reject this legislation and instead work to restore true accountability to America's parents by defunding the education bureaucracy and returning control of the education dollar to America's parents.

Mr. WU. Mr. Chairman, I rise today in support of the Crowley/Etheridge/Wu amendment.

Our sense-of-the-Congress amendment recognizes the fact that certain communities across the country are facing growing student populations. It shows our schools that Congress is aware of the problems of overcrowding and the need for financial support from Federal, State, and local agencies to assist these school districts.

All across this country, more and more students are entering schools. According to the Baby Boom Echo Report issued by the Department of Education, 52.7 million students are enrolled in both public and private schools. A new national enrollment record.

Schools are literally bursting at their seams with overcrowded classrooms. As I travel throughout my District, I see this first-hand. At Findley Elementary School in Beaverton, Oregon, students have outgrown a 5-year-old school and are now being taught in trailers.

In Washington County, one of the fastest growing counties in the nation, students are being taught in overcrowded classrooms. A report that I had commissioned showed that only 4 percent of K–3 students in Washington County were taught in classes of 18 or fewer students. In addition, approximately two out of every five Washington county K–3 students were taught in classes that significantly exceeded federal class size objectives.

Studies show that when you reduce class size in the early grades, and give students the attention they deserve, the learning gains last a lifetime.

Last year, Congress made a down payment on the administration's plan to hire 100,000 new teachers over a period of 7 years in order to reduce average class size to eighteen students in grades one through three. But that was only a down payment. We are now in the process of determining if we will keep our promise, and continue to fund the program.

Until we finalize the Labor, HHS, and Education Appropriations bill, we need to send a message to our schools that we are aware of the problems of overcrowding and will work to fix it.

Support the Crowley/Etheridge/Wu amendment. Show your schools that you care.

Mr. PACKARD. Mr. Chairman, I would like to encourage my colleagues to support H.R. 2, the Student Results Act of 1999. Educating America's youth is essential to the future of our nation. This legislation focuses on improving accountability and quality in our education system. The Student Results Act gives parents more control over key decisions for their children's education, including school choice, and academic accountability.

Education decisions belong at the local level, where parents and educators can be involved. H.R. 2 achieves this by authorizing greater local control and more choice for parents. It also provides aid to state and local educational agencies to help educationally disadvantaged children achieve the same high performance standards as every other student.

Mr. Chairman, everyone should support improvements to our education system that will raise the standard of excellence in learning and give every child in America the opportunity to learn at his or her maximum potential. I urge my colleagues to support the Students Results Act today.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PEASE) having assumed the chair, Mr. SHIMKUS, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2) to send more dollars to the classroom and for certain other purposes, pursuant to House Resolution 366, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. HINOJOSA

Mr. HINOJOSA. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. HINOJOSA. I am, Mr. Speaker, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. HINOJOSA moves to recommit the bill H.R. 2 to the Committee on Education and the Workforce with instructions to conduct hearings and promptly report to the House on title VII regarding the effectiveness of bilingual education and migrant education.

The SPEAKER pro tempore. The gentleman from Texas (Mr. HINOJOSA) is recognized for 5 minutes on his motion to recommit.

Mr. HINOJOSA. Mr. Speaker, I planned today to offer three amendments, Nos. 25, 26, and 27, bilingual education and migrant education issues that are very important to me and my district, in fact to many people throughout the country. I did not do so.

However, the Congressional Hispanic Caucus has grave concerns about bilingual education and migrant education in the manager's House bill.

In closing, Mr. Speaker, I wish we could have made more progress on these issues in the Committee on Education and the Workforce. In fact, I wish we could have marked up Title VII in the Committee on Education and the Workforce.

However, I am hopeful that eventually the House and the Senate conferees will work to resolve differences between their respective versions of ESEA and implement these provisions.

I am going to vote for final passage for H.R. 2. But, as I said, I want to reiterate so that everyone here understands that the Congressional Hispanic Caucus is speaking for over 3½ million children and we are concerned that many of the provisions that were in our bill were not included in H.R. 2.

The concerns of the Hispanic Caucus are very important and need to be addressed in the next steps of the process.

Mr. Speaker, what are we doing here today? Are we fighting for the rights of our disadvantaged children to have a solid education—or—are we relegating them to a second-rate education?

Under this manager's amendment, the plate is full for some students, but empty for too many others. I don't believe anyone in this body can, in good conscience, support this manager's amendment to Title VII.

I have some very specific concerns with this ill-conceived manager's amendment that I'd like to share with you. But before I proceed, I first want to say "Thank you!" To my ranking members—Congressmen BILL CLAY and DALE KILDEE. Both men and their staffs valiantly attempted to negotiate a compromise that we could all support.

Unfortunately, despite their best efforts, that was not to be.

Again, thank you for your assistance.

Now, Mr. Speaker I'd like to discuss, point by point, my concerns with the manager's amendment as I also highlight the Hispanic caucus' substitute amendment to Title VII.

Concern No. one: Turning Title VII into a state formula grant. In Turning Title VII into a State formula grant, we are assured that fewer fiscal resources (which will depend on a funding trigger), will be available to educate limited English proficient children.

Currently, less than 10 percent of all children eligible for bilingual classes are being served by this title. This is shameful.

Of the 3½ million limited English proficient children in our country—and this figure is growing—only 10 percent are currently receiving Title VII services.

Title VII is the only Federal program designed for children whose native language is not English, but who will soon become English proficient given the proper professional guidance and instruction.

Mr. Speaker, with such a large projected growth in the future, we should be increasing funds and resources for this population, not trying to shirk our federal responsibility of ensuring that they receive the best education possible.

The current competitive grant structure of Title VII assures us that local schools have made a commitment to provide high quality programs for our children. These local grant applications are peer-reviewed and monitored by the U.S. Department of Education.

We think it is doubtful that local schools would maintain their commitment to educating L–E–P children if they were automatically assured of formula funding.

What very well may result is that programs with so little funding will also provide precious little to disadvantaged students.

Concern No. 2 accquntability for learning. Mr. Speaker, we want ot make sure that limited English proficient children are assessed in the most scientifically based manner, and the managers amendment does not provide that flexibility.

The Hispanic caucus bill requires annual assessments in academic content areas, whereas the manager's bill merely stresses "English language acquisition" at the expense of content.

Concern No. 3: Parental involvement. The Hispanic caucus deeply regrets that the manager's amendment does not thoroughly involve the parents of limited English proficient children.

This is counter to all modern research. The Hispanic caucus bill calls for assuring that parents participate and accept responsibility for the education of their children.

The manager's idea of parental involvement is parental consent not to participate in bilingual programs.

Don't get me wrong—the caucus does not oppose parental consent as long as it improves the program. However, the manager's amendment actually prevents children from participating and receiving an equal educational opportunity.

The manager's amendment would also increase the paperwork burdens of our local schools.

And there's no assurance that limited English proficient students will receive appropriate educational services.

It is immoral to warehouse children without providing timely educational opportunities—it's wrong and it's discriminatory, and the Hispanic caucus is soundly against this proposition.

Concern No. 4: Professional development. Let me once again point out the deficiencies in the manager's amendment.

For the first time, the manager has merged four separate categories (career ladder, teachers and personnel, training for all teachers and graduate fellowships)—into one grant program. They would also reduce funds for some of these programs.

Let me highlight the four programs in professional development:

1. Career ladder—All of us are aware of the tremendous problems of teacher shortages for limited English proficient children. Career ladder programs are extremely important in shortening the time that capable teachers and assistants may participate in the classrooms. It is also an incentive for young adults to seek careers teaching limited English proficient children.

2. Teachers and personnel—Most of this section is commendable, but the participation of pupil services personnel is not assured. The manager's amendment focuses funds on teachers, while ignoring their professional peers who provide counseling and important support services which is vital to the academic success of our kids in the classroom.

3. Teacher training—The manager's amendment limits the opportunity for preservice and inservice training for instructional personnel. It is crucial that each teacher be aware of the latest research and instructional technology available to help them with limited English proficient children. Not only are local resources curtailed, but the national professional institutes may not be able to provide the necessary training to improve the quality of professional development programs. Again, this will cripple the teacher pipeline.

4. Graduate fellowships—The managers's amendment caps funding for fellowships for masters, doctoral and postdoctoral study related to the instruction of limited English proficient children. We need professional teacher training program administration, research and evaluation and curriculum development and the support of dissertation research related to such studies. No other profession abolishes newly trained professionals, yet this request is being made by the manager's amendment.

Concern No. 5: The fate of the national bilingual education clearinghouse. The national bilingual education clearinghouse provides the latest research and instructional methodology for the use of public schools, colleges and universities throughout the United States.

The manager's amendment would eliminate thirty-plus years of research as well as a national system-wide network by suggesting that these functions be taken over by the office of education research and improvement, without any specific assurances.

This is counter to all calls for accountability where we want education and teacher training programs to use the latest education research and technology to improve classroom instruction.

Mr. Speaker, my last concern is that the manager's amendment has eliminated the Emergency Immigrant Education Act. This act is extremely important to state governors, national school boards, local school boards, principals and teachers. The emergency immigrant act has been approved the last three times we have reauthorized ESEA.

While the funds are not meeting the tremendous need for educating newly-arriving immigrants, these funds remain crucial for the initial success of these students while they learn the American system of education.

I urge all my colleagues to consider the support that you will provide to local school systems that are impacted by these children.

The Congressional Hispanic caucus amendment continues to provide equal educational opportunities for limited English proficient children, youth and adults.

This federal effort started in 1968 and thousands of children have benefitted, although millions more could have used these services.

Our children are our future, and knowledge is the ticket. I urge all my colleagues to support the Congressional Hispanic caucus substitute on title VII, listed as the Hinojosa amendment No. 25, that reauthorizes bilingual education.

Mr. Speaker, the purpose of my amendment No. 26 was to establish a national parent advisory council for migrant parents at the federal level.

I just want to toss out an interesting fact, and that is my congressional district in South Texas, along the Texas/Mexico border, has the highest concentration of migrant workers and their children than anywhere else in the country.

What exactly does this mean? My questions may sound rhetorical, but the point is, most of us have no idea what the life of a migrant worker is like, and even more of us have less of an idea of the impact this lifestyle has on the children of these workers.

At the beginning of each school year, most of us place our kids in school knowing that for the next nine months they will have a stable classroom environment—one conducive to learning. We take this for granted, but this is not the norm for migrant children who on average attend several schools a year in as many States.

Weeks of school are missed, interrupting the continuity of a student's education. Think about your own child having to make these constant adjustments.

This amendment would establish, for the first time, a national migrant parent advisory council, where migrant families would be better able to communicate their needs—language skills, reading problems, health issues, deficient housing, and other factors associated with low income—to the Secretary of Education.

This parent advisory committee would provide a national focus that transcends the geographical barriers that form the educational systems for most children. As migrant needs are national, and only national programs can meet those needs, it is crucial that this advisory committee maintain a national perspective.

Mr. Speaker, the purpose of my Amendment No. 27 was to establish a national data exchange system to be used for maintaining migrant students' academic and vital information records.

This amendment is the result of meeting with parents of migrant students; with the education personnel who serve them; and the disadvantaged who travel from one State to another from April to October.

We are all familiar with the saying, "If at first you don't succeed try, try again!"

We know that the first attempt at putting together a migrant student record transfer system was unsuccessful. But that does not mean the idea isn't important. It is. And we have to work together to provide effective services for this mobile population. The current system just doesn't work as well as it could. I've personally heard horror stories from migrant students about these children receiving 6 immunizations of the same medicine, and of being enrolled in below-grade level classes.

I am not trying to fix what ain't broke, but there is room for improvement and that is all I'm trying to do here.

We cannot just pretend migrant students don't exist—that's perpetuating the status quo.

When it comes to education, we should be long past the days of the haves versus the have-nots. We are not talking about an investment that's frivolous—my amendment would authorize $1 million for the first two fiscal years following the effective date of this act.

These children deserve to have as high a quality education as any other child, regardless of income. All this is about is making certain these children receive the same treatment as their counterparts. You would expect this for your children, I know I would expect it for mine. Why should these migrant children be treated any differently?

As it stands now, they are treated differently—they are pretty much an afterthought. We can change that, and I hope you will support this amendment.

Mr. GOODLING. Mr. Speaker, I rise in opposition to the motion to recommit offered by the gentleman from Texas (Mr. HINOJOSA).

Mr. Speaker, I want to make sure that everybody understands that for 6 months we wanted to put together whatever legislation they had of interest. The negotiations then did not really take place until day one of the markup.

Day one of the markup I said, "Do you have something to offer?" "No, I am not ready." Day 2 of the markup, "Do you have something to offer?" "No, I am not ready." Day 3 of the markup, "Do you have something to offer?" "No, I am not ready." Day 4 of the markup, "Do you have something to offer?" "No, I am not ready."

I then said, "Please have whatever it is you are interested in ready between now and the time we go to the floor."

On Tuesday, at 3 o'clock in the afternoon of this week, I was told we have an agreement. At 9 o'clock on Tuesday evening, I was told we do not have an agreement. At 10 o'clock on Tuesday evening, I was told we do have an agreement.

So I said put what they said, and the chairman of the Caucus agreed to it, into the manager's amendment so that we have something there. So we have done everything under the sun we possibly could to accommodate.

We also had a hearing in the district of the gentleman from Texas (Mr. HINOJOSA). We also had a hearing in D.C. And we also had more time on other legislation in order to deal with the issue if there is total dissatisfaction. But we have done everything we possibly could and the ranking member has done everything he possibly could to bring about some kind of agreement.

We thought we had one. The chairman of the Caucus said we had one; and so, it was put in the manager's agreement.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. KILDEE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 358, noes 67, not voting 8, as follows:

[Roll No. 526]

AYES—358

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Bachus
Baird
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bass
Bateman
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Buyer
Callahan
Calvert
Canady
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Inslee
Isakson
Jackson (IL)
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
Lampson
Lantos
Larson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCollum
McCrery
McDermott
McGovern
McHugh
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Rush
Ryan (WI)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spence
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Sweeney
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—67

Archer
Baker
Barr
Bartlett
Barton
Becerra
Blunt
Burton
Campbell
Cannon
Chenoweth-Hage
Coble
Coburn
Cox
Crane
Cubin
DeMint
Doolittle
Duncan
Ewing
Gonzalez
Gutknecht
Hayworth
Hefley
Herger
Hoekstra
Hunter
Hyde
Istook
Jones (NC)
LaHood
Largent
Lee
Manzullo
McInnis
Metcalf
Miller (FL)
Moran (KS)
Myrick
Paul
Payne
Pitts
Pombo
Radanovich
Rodriguez
Rohrabacher
Roybal-Allard
Royce
Ryun (KS)
Salmon
Sanford
Schaffer
Sensenbrenner
Sessions
Shadegg
Smith (MI)
Souder
Stearns
Stump
Sununu
Tancredo
Taylor (NC)
Tiahrt
Toomey
Wamp
Waters
Wicker

NOT VOTING—8

Camp
Davis (VA)
Jackson-Lee (TX)
Jefferson
Jenkins
McCarthy (MO)
McCarthy (NY)
Scarborough

□ 1542

Ms. ROYBAL-ALLARD and Mr. McINNIS changed their vote from "aye" to "no."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. DAVIS of Virginia. Mr. Speaker, I was standing in the well of the House before the vote was announced and the machine did not work. I would have voted "aye" on the last vote.

Mr. JENKINS. Mr. Speaker, on rollcall No. 526, I was away from the House Chamber attending an education press conference with other members of the House of Representatives and an eighth grade class and faculty from Rogersville, TN. city schools. Had I been present, I would have voted "yes."

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2, STUDENT RESULTS ACT OF 1999

Mr. DEAL of Georgia. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 2, that the Clerk be authorized to make technical corrections and conforming changes to the bill.

The SPEAKER pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentleman from Georgia?

There was no objection.

ANNOUNCEMENT REGARDING AMENDMENT PROCESS FOR H.R. 1987, FAIR ACCESS TO INDEMNITY AND REIMBURSEMENT ACT

Mr. HASTINGS of Washington. Mr. Speaker, this afternoon a "Dear Colleague" will be sent to all Members informing them that the Committee on Rules is planning to meet the week of October 25 to grant a rule for consideration of H.R. 1987, the Fair Access to Indemnity and Reimbursement Act.

The Committee on Rules may grant a rule which will require that amendments be preprinted in the CONGRESSIONAL RECORD. In this case, amendments must be preprinted prior to consideration of the bill on the floor.

Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain that their amendments comply with the rules of the House.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2466, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 337 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 337

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2466) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

□ 1545

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 337 would grant a rule waiving all points of order against the conference report to accompany H.R. 2466, the Department of Interior and Related Agencies Appropriation Act for Fiscal Year 2000 and against its consideration. The rule further provides that the conference report shall be considered as read.

Mr. Speaker, the conference report to accompany H.R. 2466 appropriates $14.5 billion in new fiscal year 2000 budget authority, which is 599 million more than the House-passed bill and 236 million more than the fiscal year 1999 level; but it is 732 million less than the President's request.

Approximately half of the bill's funding, 7.3 billion, finances Interior Department programs to manage, study, and protect the Nation's animal, plant and mineral resources. The balance of the bill's funds support other non-Interior agencies that perform related functions. These include the Forest Service, conservation and fossil energy development programs run by the Department of Energy, the Indian Health Service, as well as Smithsonian Institute and similar cultural organizations.

Mr. Speaker, I applaud the gentleman from Ohio (Mr. REGULA) and the gentleman from Washington (Mr. DICKS) for their ongoing efforts to resolve a large number of complex and controversial issues contained in this legislation. As it is every year, theirs has been a difficult task, but one that they have taken with the customary fairness and balance. Accordingly, I urge my colleagues to support both the rule and the conference report itself.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Washington (Mr. HASTINGS) for yielding this time to me.

I rise in opposition to the consideration of House Resolution 337, the rule governing consideration of H.R. 2466, the Interior appropriations conference report for Fiscal Year 2000. Mr. Speaker, approving the rule would allow this House to consider a conference report which richly deserves defeat. Voting down the rule would send a message to our friends on the conference committee that they need to go back to the drawing board.

This conference has a little bit of something for almost everyone to dislike. Many of its provisions are nothing short of a slap in the face to the majority of this House which voted on specific instructions which the conferees ignored.

The conference report is saddled with some truly offensive environmental riders which allow mining companies to continue doing damage to the public lands on which they operate, permits oil companies to operate under sweetheart deals on public lands, relaxes forest management practices and permits more timber to be taken from the Tongass National Forest in Alaska, just to name a few. The conference report is also woefully short of the mark on the administration's lands legacy effort which is designed to save environmentally sensitive and important land across this Nation and for which this Nation wants attention.

Mr. Speaker, Members looking for a reason to vote against this bill based on a concern for the environment have an embarrassment of riches from which to choose. As Chair of the Congressional Arts Caucus, let me address for a moment another egregious shortcoming in this bill.

Last month the other body took the responsible position of increasing funding by $5 million each for the National Endowment for the Arts and the National Endowment for the Humanities. In keeping with that position this House voted to instruct the conferees to accept the higher funding levels. The conference committee, presumably acting under direction of the House leadership, choose to ignore our instructions. Sadly NEA funding has once again been hijacked by a small number of individuals who long ago put on their blinders and now refuse to take them off.

In fiscal year 1996 the NEA had its budget cut by 40 percent, a cut from which very few agencies could even recover. Since that time NEA opponents have made it their obsession to oppose a complete recovery. They have chosen to obfuscate the facts by falsely characterizing the agency's work and by demeaning the value of art and culture to our society.

Had the conferees gone along with the modest funding increase provided by the other body and endorsed in a vote on the floor of this House, it would have been the first increase in arts funding since 1992. It would have allowed the NEA to broaden its reach to all Americans by partially funding its proposed Challenge America initiative which is expressly designed to provide grants in communities which have been underserved by the agency because of its lack of money. Some of our colleagues rail against the NEA, saying it has ignored their districts but now withhold the very funding which would correct the problem.

This funding increase would have given the Endowment the resources to undertake the job that we in Congress have asked it to do to make more grants to small and medium-sized communities. In addition, the agency has spent the past few years implementing reforms to make itself more accountable to the American people, and I strongly believe they have earned the opportunity to pursue this plan.

The arts are supported by the United States Conference of Mayors, the National Association of Counties and by such corporations as CBS, Coca-Cola, Mobil, Westinghouse, and Boeing, to name just a few. These organizations support the arts because they provide economic benefit to our communities. With one hundredth of 1 percent of the Federal budget, we help to create a system that supports 1.3 million full-time jobs in States, cities, towns, and villages across the country providing $3.4 billion in income taxes to the Treasury. I do not think we make any investment here with a greater return.

Mr. Speaker, while I am pleased that the committee allowed a $5 million increase to the NEH, I cannot support legislation shortchanging the NEA for yet another year. This is not about budget caps. The benefits that we receive for our economy, for our children, and for our communities far outweigh the small financial investment we are making.

This is not about public support. As opinion polls show, without a doubt the American people are overwhelmingly in favor of a Federal role in the arts. And this is not about support in this body that was demonstrated on the floor of this House just 17 days ago. This is about a small number of individuals who want to run against the NEA at election time.

Mr. Speaker, let us put those campaigns to rest and put to rest the campaign of misinformation which is keeping the NEA from continuing and expanding its valuable work. I urge my colleagues to send this legislation back to the conference committee so that we can give our leaders another opportunity to finish the job that we have asked them to do on numerous occasions.

Mr. Speaker, I urge a no vote on the resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I appreciate my friend yielding this time to me. I thank the gentleman from Washington for his fine leadership on our committee.

I rise in very strong support not only of the rule but of the stellar work that has been done by our friend from Ohio, the chairman of the Subcommittee on Interior (Mr. REGULA). Every year there are millions of Americans and foreign tourists who come from all over the world to take advantage of what is clearly the best park system on the face of the Earth, whether it is the Everglades in Florida, part of which is represented by members of the Committee on Rules, the gentleman from Florida (Mr. DIAZ-BALART), or the gentleman from Florida (Mr. GOSS), or the Angeles National Forest, which I am privileged to represent along with my colleague, the gentleman from California (Mr. ROGAN). Incidentally, the Angeles National Forest happens to be the most utilized of our national forest system.

These are very, very important, very, very precious items that need to be addressed; and I will tell my colleagues that the work that has been done by the gentleman from Ohio (Mr. REGULA) is very key to the continued success of that important system.

I want to specifically express my thanks for dealing with the problem that we in southern California regularly face, and that is fires. We know that as we approach the fire season, we have now seen $24 million for the National Forest Service state fire assistance program, which is a $3.2 million increase over last year; and I want to again express my thanks for the attention that has been focused on that important problem that we have.

Now I finally would like to raise one issue of concern that the gentleman from Ohio and I have discussed on more than a few occasions, and I would like to say at this point I offer what is at best sort of wavering support for the adventure pass; and it is in large part due to some of the issues which I suspect the gentleman from Ohio (Mr. REGULA) will raise during debate on this issue, and that is the question of whether or not people who are in the area paying into the adventure pass are actually seeing any kind of tangible benefit from the fact that they have put dollars into that adventure pass.

In the Angeles National Forest, as I said, the most utilized of all in our Nation's system, many of my constituents have been obviously in, just going through, been forced to pay for the adventure pass; and yet they do not see any kind of real tangible benefit, and that is why I am pleased that there is an additional $1.1 million that has been added for the Angeles National Forest to improve the basic infrastructure there, which is a concern. So I will say that we look forward to further reports on the pilot program of the adventure pass, and I am going on record, as I have before, raising the concerns that many of my constituents have pointed to; and I hope that we are able to work closely with the Forest Service so that we can see real tangible benefits from that.

So, having said all of those things, I strongly support the rule, urge my colleagues to vote for it, and I also urge strong support for what I think is the best possible conference report that we could get at this juncture.

Ms. SLAUGHTER. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I thank the gentlewoman for the time.

Mr. Speaker, first of all could I ask the gentleman from Florida (Mr. YOUNG) a question about this bill. I would like to ask the distinguished gentleman:

The latest report on the revised allocations of budget authority and outlays filed by the Committee on Appropriations is dated October 12 and is printed in the House as Report 106–373. That is the 302 allocation. The document indicates that the discretionary budget authority allocation for the Subcommittee on Interior is $13.888 billion and that the discretionary outlay allocation for the subcommittee is $14.354 billion.

Is it the understanding of the gentleman that the number I just mentioned, that the numbers do in fact represent the latest target allocations for the subcommittee?

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Speaker, I think the gentleman's figures are correct; however, the gentleman also knows that before we complete the appropriations process totally, there may be needed some additional.

Mr. OBEY. Right. So at this point that is the latest published allocation to the subcommittee; is that not correct?

Mr. YOUNG of Florida. That is my understanding.

Mr. OBEY. I have a table prepared, Mr. Speaker, by the Committee on Appropriations dated October 15, which indicates that the discretionary budget authority included in the interior conference agreement totals 14,506,491,000 and that the discretionary outlays total 14.523 billion. If these are the correct numbers for this conference report, it appears that the conference agreement exceeds the latest budget authority allocation by $618.491 million and exceeds the latest outlay allocation by $169 million, and that being the case, that is why a number of us are dubious about the wisdom of proceeding with this bill at this moment.

□ 1600

The problems within this bill, in addition to some of the others that I will mention in just a moment, another major problem is that we simply do not at this point know where this bill fits into the overall budget scheme. We do know that bills that have passed the House to date have exceeded the President's budget request by almost $20 billion.

Given that fact, we know that there is a squeeze on the remaining bills, and at this point, given the meeting that we saw at the White House where we thought there was going to be an arrangement on how to proceed between the White House and Congressional leaders (they being the four-star generals in this place, we being the light colonels), it seems to me it is very difficult even to justify proceeding on this bill when we do not know whether this is going to further add to the excess of spending that is being alleged in the budget process or whether it is not. That is why I raised the question that I just asked of the gentleman from Florida (Mr. YOUNG), because all we know at this point is that this bill exceeds the spending authority which was allotted to it the last time the Committee on Appropriations met under the requirement of the Budget Act.

In addition to that concern, Mr. Speaker, I would simply point out the following problems with this bill. It excludes funds for many unique and ecologically important land parcels which can be lost forever to development if they are not purchased now. This bill falls way short of where it ought to be in the Lands Legacy proposal. It rewrites the 1872 mining laws to allow mine operators who are paying next to nothing to extract minerals from public lands to inflict even more environmental damage on those lands. It requires that western ranchers who enjoy the privilege of grazing permits be granted automatic 10-year renewals without completion of the review of the impact of current grazing practices. It includes $5 million not requested by the President to facilitate additional timber sales from the Tongass National Forest. It blocks an Interior Department regulation requiring major oil companies to finally pay something approaching market value for the taxpayers' land that they are pumping oil out of. It has a number of other problems. It rejects any added funding for the National Endowment for the Arts.

I would simply say this in closing: None of what I am saying is in any way critical of the gentleman from Florida (Mr. YOUNG) or the distinguished gentleman from Ohio (Mr. REGULA) who chairs this subcommittee. In fact, in that subcommittee, and I am sure anybody who was there will verify this, he tried mightily to prevent some of these riders from being attached. We think that he did make a strong effort. The problem is that we still do not believe that this will meet the standards that would be required to defend the public interest. So for a variety of reasons that I have just listed, we feel constrained to oppose this bill and would hope that by the time it finally becomes law, that it will be in far better shape.

I know that if this bill reaches the White House it will be vetoed. The White House has made that quite clear to us and the press. Under the circumstances those circumstances, I think it is ill-advised for this bill to even be here in light of the meeting that took place at the White House. But we have no choice, if the majority is going to bring the bill to the floor, we have no choice at this point to oppose it.

Mr. Speaker, I thank the gentleman from Florida for honestly answering my question.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Florida (Mr. YOUNG), the chairman of the Committee on Appropriations.

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman for yielding me this time.

I want to respond to the gentleman from Wisconsin. As usual, his numbers are correct.

However, I want to highlight a difference in how we are proceeding this year. The Office of Management and Budget would like us to package up all of these appropriations bills and put them into one package so that we could have another disaster like the omnibus appropriations bill that we had last year. We are determined not to do that.

It is our intention and our plan, and we are on course, to send the individual bills to the President's desk for his consideration. The reason we want to do that is that we would like to know if he has specific objections to those bills. We would like to know what they are, not in generalities, but specifically, so that we can actually focus on what the differences really are. Our experience has been that the only way we find exactly what the President's opposition is, is in a veto message where he must be specific and he must put it on paper so that we can read it and understand it.

But I want to assure the gentleman from Wisconsin that whether we have an omnibus bill such as the Office of Management and Budget wants, or whether we are going to have individual bills the way that we want, we will not go above the budget agreement. We will not use any money out of the Social Security Trust Fund. The Sequestration would not be triggered unless all bills were signed into law and exceeded the budget agreement. That is not going to happen. But we are going to deal with these bills one at a time so that they retain their identity and so that we can deal with specific objections from the White House rather than generalities.

Now, Mr. Speaker, I rise in strong support of this rule and the conference report on the Department of the Interior and Related Agencies Appropriations Act for fiscal year 2000. This is the twelfth fiscal year 2000 appropriations conference report to come before the House. Number 13 should be ready soon.

This is a good conference agreement. It provides important funding for the highest priority needs of operating and maintaining our existing national parks and wildlife refuges. It includes funding to manage our Federal lands. Important to my State is funding for the Everglades restoration.

At this point, I want to make note of the fact that this is the anniversary of the enactment of last year's omnibus appropriations bill. Because the terms and conditions of many of the appropriations bills that were included in that legislation still have effect today because of the terms of the continuing resolution we were operating under, I take this time to highlight one such provision that is important to the Office of Management and Budget and to the administration. That is that the continuing resolution will preserve the President's authority under section 540(d) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999, to waive section 1003 of Public Law 100-204.

Mr. Speaker, I thank the gentleman for the time.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I thank the gentleman from Florida for clearing up the question with respect to the Public Law. I think that is a very useful clarification.

But I do want to take issue with his interpretation of why we should not have an overall approach to resolve our remaining budget differences. The gentleman said that the majority party does not want to go into an omnibus meeting because last year when they did, we wound up with all kinds of gimmicks. Let me point out that last year, we wound up with $21 billion worth of so-called emergency spending. Now, if spending is called emergencies, under these crazy budget rules, it does not count in total spending. So it is, in fact, hidden.

The problem is, this year, without going into those meetings with the President, bills passed by this House already contain $25 billion in emergency spending. So we have already gone far beyond where the gentleman was concerned we would go if we ever sat down with the President.

This second chart demonstrates that there are $45 billion in gimmicks already contained in the budgets that have been passed by the majority through this House. My colleagues can see the categories for themselves: $25 billion in phoney designation of the emergency spending, $17 billion that we hide by telling the Congressional Budget Office to pretend that programs are going to cost less than, in fact, the Congressional Budget Office has told us they are going to cost. Then they move billions of dollars into the next year in order to hide the fact that we are actually appropriating it this year. And what we have really done is we have a menu, we have a multiple choice menu. We have column A, which is the OMB, the White House numbers; column B, which is the Congressional Budget Office which we are supposed to adhere to in determining how much money is spent. And instead of deciding one or another, we have picked one from column B, one from column A. They always pick the numbers that are the lowest, and that is the way they hide the fact that they are spending billions of dollars more than we are actually spending. That is why we think we need to get together.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, let me just express the great respect that I have for the gentleman from Ohio (Mr. REGULA), the chairman of the subcommittee, and the absolutely difficult job that he has done. I do not know of a harder thing to work out than he has done on this legislation. I fully intend to vote for the rule and for the conference report.

However, I do have one concern. As the chairman of the Subcommittee on Public Lands and National Parks, we had a hearing and this hearing was about the Everglades Recovery Plan. In that area, there are 8.5 square miles, and there are farms in that area, Mr. Speaker, and there are people who came from Cuba, and they came from Cuba, most of these people, because Fidel Castro was taking away their property, just abstractly taking it. So they came to America so that they would not have to have that.

Now, a lot of people said, oh, the only way we can ever recover this Everglades thing is to take that 8.5 square miles. That was in 1989. In 1999 in my hearing, the Corps of Engineers, the State of Florida, the Federal South Florida Ecosystem Restoration Task Force all said they do not need 8.5 square miles.

So here we are putting these people in the same condition they were in and saying all right, we are taking away your ground now, and just imagine how they feel at this point.

I am sure we can probably work this out, and I hope we can. But, Mr. Speaker, let me point out that it seems kind of the most ironic thing I have seen in a long time to think here they are in Cuba having their land taken away from them, and then we are in this bill taking it away. So I am sure the people of the stature of the gentleman from Ohio (Mr. REGULA) and the gentleman from Florida (Mr. YOUNG) and others can do their very best not to do this, and I would hope the other Members of the other body would not do this. Because it seems to me that on this piece of legislation that we are truly legislating on an appropriations bill, but because I think it will be worked out, I fully intend to support this bill and support the gentleman from Florida (Mr. YOUNG) and the gentleman from Ohio (Mr. REGULA).

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Colorado (Mr. UDALL) whose late father, Morris Udall, chaired the Committee on Interior and Insular Affairs with great distinction.

Mr. UDALL of Colorado. Mr. Speaker, I thank my colleague, the gentlewoman from New York (Ms. SLAUGHTER) for yielding me this time.

Mr. Speaker, funding for the Interior Department and the Forest Service and the other agencies and programs covered by this appropriations bill is very important for our Nation and especially for the West, which is my area of the country. So I regret that I cannot support this conference report. There are many problems with the report, but they can be summed up pretty easily. It does not do enough of the right things, and it does too many bad things.

It does not do enough to respond to the urgent need for protecting open space threatened by growth, sprawl and development. It does not do enough to properly manage our Federal lands and the fish, wildlife, and ecosystems that they support. It does not do enough to meet our national responsibilities to our Native Americans. It does not do enough to support arts and arts education. And it does not do enough to help us make progress in making more efficient use of our valuable energy supplies.

But in other areas, it does too much. It does too much to revise certain parts of the mining law of 1872 through the appropriations process. Instead of letting the Mill site issue be considered in the context of other aspects of that 125-year-old law, including the question of whether the taxpayers get a fair return for mineral development on our and their public lands. It does too much to block efforts to reform the accounting methods to determine how taxpayers and our public schools will share in the proceeds from oil and gas taken from Federal lands, and it does too much to legislatively interfere with sound and orderly management of Federal natural resources and the protection of the environment.

□ 1615

It would undermine the established processes for a rising national forest plan, for managing the public lands managed by the BLM and for protecting the peace and quiet of the national parks.

It would unduly restrict our efforts to work with other countries, to work on the problems of global warming and climate change and would weaken our commitment to those communities that want to work hard to make sure that the natural, environmental, and cultural resources found along America's heritage rivers are preserved.

Mr. Speaker, I have great respect for the gentleman from Ohio (Mr. REGULA), the gentleman from Washington (Mr. DICKS), and the other House conferees. I recognize there are important and good things in this bill but, on balance, it falls short and so I cannot support it.

INTERIOR BILL—OBJECTIONABLE RIDERS

1. OIL VALUATION MORATORIUM

Conference Agreement: Continues the moratorium for an additional 6 months while GAO studies the regulations proposed by the Department. This would be the fourth moratorium on these regulations. As requested by the Congressional supporters of the moratorium, the Minerals Management Service has conducted extensive outreach to the industry during the prior moratoria.

2. MINING WASTE

Conference Agreement: Prevents the Department from implementing for many mining operations a provision of the Mining Law of 1872 that limits the mine operator to one 5 acre millsite per mining claim. Millsites are typically used to dump mine waste.

3. HARDROCK MINING SURFACE MANAGEMENT

Conference Agreement: Imposes a one year moratorium on issuance of regulations to improve environmental compliance in the operation of hardrock mines. Requires that the 2001 budget include legislative, regulatory and funding proposals to implement recent recommendations of the National Academy of Sciences concerning surface management of hardrock mines.

4. EVERGLADES

Conference Agreement: Makes the FY 2000 grant to Florida for land acquisition in support of Everglades restoration contingent on a binding agreement between the Federal Government, the State and the South Florida Water Management District providing an assured supply of water to the natural system of the Everglades and water supply systems for urban and agricultural users.

5. WILDLIFE SURVEYS

Conference Agreement: Gives the Forest Service and BLM discretionary authority to conduct wildlife surveys before offering timber sales.

6. MARK TWAIN

Conference Agreement: Suspends for one year the authority of the Secretary of the Interior to segregate or withdraw land in the Mark Twain National forest from hardrock mining. Also prohibits issuance of permits for hardrock mineral exploration in the Forest for one year. Funds a study to assess the impact of lead and zinc mining in the Forest.

7. GRIZZLY BEAR REINTRODUCTION

Conference Agreement: Prohibits reintroduction of grizzly bears into the Selway-Bitteroot Mountains in Idaho and Montana during FY 2000. The Fish and Wildlife Service has been working for several years on an innovative, collaborative process with local stakeholders.

8. GRAZING

Conference Agreement: For FY 2000, automatically renews expiring grazing permits for which NEPA has not been completed for new 10 year terms.

9. INTERIOR COLUMBIA RIVER BASIN

Conference Agreement: Requires publication of a report describing goods and services in the 144 million acre Interior Columbia River Basin prior to the release of the final environmental impact statement on the Administration's effort to develop a coordinated strategy for management of Federal lands in eastern Washington and Oregon, Idaho, and western Montana.

10. AMERICAN HERITAGE RIVERS

Conference Agreement: Prevents agencies and offices funded in the bill from using funds to support the American Heritage Rivers program administered through the Executive Office of the President and the Council on Environmental Quality.

11. BIA/IHS CONTRACTING MORATORIUM

Conference Agreement: Continues the 1999 moratorium on tribes assuming additional duties through new or expanded P.L. 93-638 contracts, grants and self-governance compacts. The continued moratorium applies only to contracting and compacting by BIA and HIS and exempts two programs: education construction and IHS programs to Alaska Tribes.

12. NPS/GRAND CANYON NOISE

Conference Agreement: Prohibits the Department from spending funds to implement sound thresholds or standards in the Grand Canyon until 90 days after the NPS provides a report to Congress.

DEPARTMENT OF THE INTERIOR—TITLE I APPROPRIATIONS: KEY BUDGET NUMBERS—CONFERENCE ESTIMATE**

[Current BA in millions of dollars]

	1999 enacted*	2000 President's budget request	2000 conf. estimate	2000 estimate difference from 1999 enacted		2000 estimate difference from 2000 pres. budg. request	
				Millions of dollars	Percent	Millions of dollars	Percent
Total, Interior & Related Agencies	6,940	7,769	7,277	+366	+4.8	−492	−6.3
BIA/Indian Trusts Total	1,786	2,002	1,912	+126	+7.0	−90	−4.5
Land Management Operations composed of	2,665	2,856	2,825	+159	+6.0	−32	−1.1
BLM Operations	716	743	743	+27	+3.8	+1	+0.1
FWS Operations	661	724	716	+55	+8.3	−8	−1.1
NPS Operations	1,288	1,390	1,365	+77	+6.0	−25	−1.8
Wildland Fire Management	287	306	292	+5	+1.9	−14	−4.4
Interior Science	798	838	824	+26	+3.3	−15	−1.7
Interior Land Acquisition composed of	211	295	187	−24	−11.3	−108	−36.7
BLM Land Acquisition	15	49	16	+1	+6.2	−33	−68.3
FWS Land Acquisition	48	74	51	+2	+5.2	−23	−31.4
NPS Land Acquisition	148	172	121	−27	−18.4	−52	−30.0
Interior Construction composed of	415	420	437	+23	+5.5	+17	+4.1
BLM Construction	11	8	11	+0	+3.9	+3	+36.8
FWS Construction	50	44	55	+4	+8.2	+11	+25.3
NPS Construction	230	194	224	−5	−2.3	−30	−15.7
BIA Construction	123	174	147	+23	+19.0	−27	−15.7
Departmental Offices (w/o OST)	214	229	222	+9	+4.1	−6	−2.8
All Other Funds	689	997	725	+36	+5.2	−272	−27.3

*Does not include supplemental funds, special apporpriation for King Cover, Glacier Bay, subsistence. Does not include Y2K mitigation transfers.

**Does not include any billwide reduction.

FY 2000 ANNUAL APPROPRIATED (CURRENT BA) BY BUREAU: ESTIMATED CONFERENCE OUTCOME

[In millions of dollars]

Bureau	1999 Estimate	2000 Request	Con. Estimate Amount	Outcome change from 1999*	Percent change	Outcome change from req.*	Percent change
Bureau of Land Management	1,190	1,269	1,234	+44	+3.7	−35	−2.8
Minerals Management Service	124	116	117	−7	−5.6	1	0.9
Office of Surface Mining Recl'n & Enforcemer	279	306	287	+8	+2.9	−19	−6.2
U.S. Geological Survey	798	838	824	+26	+3.3	−14	−1.7
Fish and Wildlife Service	802	950	871	+69	+8.6	−79	−8.3
National Park Service	1,748	2,059	1,809	+61	+3.5	−250	−12.1
Bureau of Indian Affairs	1,746	1,902	1,817	+71	+4.1	−85	−4.5
Departmental Office:							
Departmental Management (99 comp.)	60	63	63	+3	+5.0	0	0
Insular Affairs	87	89	88	+1	+1.1	−1	−1.1
Office of the Solicitor	37	42	40	+3	+8.1	−2	−4.8
Office of the Inspector General	25	28	26	+1	+4.0	−2	−7.1
Office of Special Trustee	39	100	95	+56	+143.6	−5	−5.0
NRDAR	4	8	5	+1	+25.0	−3	−37.5
Departmental Office	252	330	317	+66	+26.2	−13	−3.9
Subtotal, Interior Bill (current BA)	6,939	7,769	7,277	+337	+4.9	−492	−6.3
Bureau of Reclamation	781	857	769	−12	−1.5	−88	−10.3
Central Utah Project Completion Act	42	39	39	−3	−7.1	0	0
Adjustments for Mandatory Current Accr	−57	−57	−57	0	0	0	0
Adjustment for Discretionary Offsets	−100	−47	−47	+53	0	0	0
Total Net Discretionary BA	7,605	8,560	6,981	+376	+4.0	−580	−6.8
Total Current BA	7,763	8,665	8,085	+323	+4.2	−580	−6.7

Note: Does not include 1999 supplemental, appropriations or transfers, Glacier Bay funds, subsistence funds.

ANTI-ENVIRONMENTAL RIDERS ON THE FY 2000 INTERIOR APPROPRIATIONS BILL AS OF 10/19/99

This list was compiled by Defenders of Wildlife using write-ups received from numerous groups in the conservation community.

(*) indicates a provision that has been deleted or amended and no longer objectionable.

indicates new provisions added in conference.

INTERIOR APPROPRIATIONS BILL (H.R. 2466)

(1) Sec. 122: Special Deal For Washington Grazing Interests—would renew and extend livestock grazing within the popular Lake Roosevelt National Recreation Area in Washington. This provision undercuts a National Park Service decision that livestock grazing was not an authorized activity within the Recreation Area, and benefits 10 ranchers at a cost to the thousands of visitors using the National Recreation Area. Unlike the Senate provision the House language places no limits on how long the renewals could last. Lake Roosevelt National Recreation Area is a popular destination spot for water-sports enthusiasts and recreationists along the Columbia River in Washington. The National Park Service found that livestock grazing should not be authorized within the Recreation Area in 1990, and gave the existing ranchers using the National Park Service lands several years to transition out of the use of this area. In 1997, all livestock grazing ceased within the National Recreation Area. The rider re-instates the grazing practices to the benefit of a small handful of ranchers on 1000 acres of National Park System lands within the National Recreation Area.

Status: Unchanged as passed by the full Senate on 9/24/99 and negotiated by the House-Senate conference committee as of 10/18/99.

(2) Sec. 123: Allow Grazing Without Environmental Review—requires the Bureau of Land Management (BLM) to renew expiring grazing permits (or transfer existing permits) under the same terms and conditions contained in the old permit. Expanded by Senator Domenici (R–NM) in full Committee, this automatic renewal will remain in effect until such time as the BLM complies with "all applicable laws." There is no schedule imposed on the Agency, therefore necessary environmental improvements to the grazing program could be postponed indefinitely. This rider affects millions of acres of public rangelands that support endangered species, wildlife, recreation, and cultural resources. The rider's impact goes far beyond the language contained in the FY 1999 appropriations bill, in which Congress allowed a short-term extension of grazing permits which expired during the current fiscal year. As written, this section undercuts the application of any environmental law, derails both litigation and administrative appeals, and hampers application of the conservation-oriented grazing "standards and guidelines" that were developed under the "rangeland reform" effort. Because BLM will be required to reissue (transfer) grazing permits under the old terms and conditions, the agency will have no reason to consider public comments or to allow administrative appeals of permit-related decisions. As written, the language covers permits that expire "in this or any fiscal year" and may therefore undercut existing litigation and administrative appeals brought by the conservation community to protect wildlife and improve rangeland protection. To make matters worse, because it has been restated to apply to the Department of Interior and not just the BLM, it will actually undercut efforts by the NPS to apply NEPA and change grazing permits to protect the environment in places like the Mojave Desert National Preserve. This section provides a perverse incentive for the BLM to delay its NEPA and related environmental analysis, as it will be politically easier to simply extend permits.

Status: Amended but remains objectionable. The provision was amended to make minor changes in conference but essentially retains the same objectionable provisions in the original Senate rider. The reference to "this or any fiscal year" was deleted but the bill language is still *unclear as to the duration of the rider. Weakly-worded report language was also added calling for a non-mandatory permit schedule to be developed absent a specific time frame. Sen. Durbin (D–IL) offered an amendment on the Senate floor on 9/9/99 to limit the scope of this rider and establish a schedule for the completion of processing expiring grazing permits by the BLM. The amendment was tabled (rejected) by a vote of 58–37 and remains in the bill.*

(3) Sec. 133: Give Away 2,500 Acres of Public Land in Nevada for Development—would direct the Secretary of Interior to convey over 2,500 acres of public lands in Eastern Nevada to the City of Mesquite free of charge. There are no restrictions on the uses of this land, and the city is apparently contemplating creating or expanding an airport corridor. The rider exempts the land conveyance from applicable administrative procedures and would likely preclude a full environmental review of the environmental impacts of this action. Development of this land could affect endangered fish species inhabiting the Virgin River, including the wondfin minnow, Virgin River Chub, Virgin River Spinedace and other species which live nearby such as the southwest willow flycatcher. This rider also provides for about 6,000 acres to be sold to the city for development. The Department of Interior opposes this amendment, because it gives away land that is currently being used by the Interior Department without any compensation to the federal government. Also, the Federal Aviation Administration has not completed a suitability assessment for the airport site to determine whether it is appropriate for aviation.

Status: Unchanged as passed by the full Senate on 9/24/99 and negotiated by the House-Senate conference committee as of 10/18/99. This provision was inserted into the bill as part of a managers amendment on the Senate floor on 9/14/99 on behalf of Senator Reid (D–NV).

(4) Sec. 135: Prevent Restoration of Glen Canyon and the Colorado River—would prevent land managers from studying or implementing any plan to drain Lake Powell or to reduce the water level in Lake Powell below the range required to operate Glen Canyon Dam. This effectively prevents any restoration efforts for Glen Canyon and the Colorado river near the Utah-Arizona border. Glen Canyon, one of America's greatest natural treasures, was flooded in 1963 by the construction of the Glen Canyon Dam and Lake Powell. The dam has also caused environmental damage to fish and wildlife downstream on the Colorado River. This rider would tie the hands of land managers, prevent full consideration of restoration options, and prohibit meaningful scientific review of the dam.

Status: Unchanged as passed by the full Senate on 9/24/99 and negotiated by the House-Senate conference committee as of 10/18/99. This provision was inserted into the bill as part of a managers amendment on the Senate floor on 9/14/99 on behalf of Senator Hatch (R–Utah).

(5) Sec. 136: Expand Exemption for Fur Dealers to Include Internationally Protected Species—would effectively amend and expand an already controversy exemption for fur dealers approved by the U.S. Fish and Wildlife Service by including internationally protected species under the Convention on International Trade in Endangered Species (CITES) and expanding the scope of the exemption to include all fur traders. This rider, offered as part of a group of "non controversial" manager's amendments, goes dramatically beyond the existing exemption which was itself strongly opposed by a number of conservation organizations. Specifically, the provision would: (1) increase the existing exemption from 100 to 1000 furs—a 10-fold increase; (2) include shipments involving internationally threatened and endangered species (CITES-listed) such as lynx, river otter, bobcat, and black bear in the exemption; and (3) expand the existing exemption to apply to any person or business, whereas the current exemption is restricted to the person who took the animals from the wild, or an immediate family member. The practical effect of the amendment is that each and every fur shipment imported or exported will be crafted to fit this exemption in order to avoid paying user fees (ie, a shipment of 5000 furs will simply become 5 shipments), causing the U.S. Fish and Wildlife Service to forego a significant amount of revenue used to support an already underfunded wildlife inspection program, and further endangering species already shown to be threatened by trade.

Status: Amended but remains objectionable. After being passed by the full Senate on 9/24/99, the provision was amended in conference to cap the annual volume of fur shipments per person under this exemption at 2,500. This change does not substantively address the major concerns articulated above. This provision was inserted into the bill as part of a mandgers amendment on the Senate floor on 9/14/99 on behalf of Senator Murkowski (R–AK).

(6) Sec. 137: Delay Efforts to Reduce Noise Pollution in the Grand Canyon—would prohibit the National Park Service from expending any funds in FY 2000 to implement sound thresholds or other requirements to combat noise pollution in the park until a report on such standards is submitted to Congress. Years of public discussion have resulted in agreement that the natural sounds of the Canyon need to be restored and protected from air tours and other sources. This amendment was introduced on behalf of the air tour industry that wants to delay the implementation of those agreements and force the National Park Service to spend additional time and money defending its decisions in an additional study on the subject.

Status: Unchanged as passed by the full Senate on 9/24/99 and reported from the House-Senate conference committee on———. This provision was inserted into the bill as part of a managers amendment on the Senate floor on 7/14/99 on behalf of Senators Bryan (D–NV) and Reid (D–NV).

(7) Sec. 141: Allow the Oil Industry to Continue Underpaying Royalties—would delay the implementation of an oil valuation rule by the Minerals Management Service (MMS) for the fourth time. The MMS' rule would force the largest oil companies to stop underpaying, by $66–$100 million a year, the royalties they owe the American public for drilling on public lands. These royalties would otherwise go to the federal treasury, to the Land and Water Conservation Fund, and to state public education programs. This rider was attached by Senators Domenici (R–NM) and Hutchison (R–TX) in full committee mark up.

Status: Amended but remains objectionable. After being passed by the full Senate on 9/24/99, the provision was amended in conference to delay the new rule for 6 months pending a study by the Comptroller General of the General Accounting Office (GAO). The GAO has already released a study on the oil valuation rule in 1998 and it is unclear what further study would yield. On 7/27/99, this provision was stricken from the Senate bill in order to comply with Senate Rule XVI, which was reinstated after a four-year suspension by a Senate floor vote of 53–45 one day earlier. Rule XVI restricts the addition of unrelated policy riders to appropriation bills on the Senate Floor. However, the provision was re-offered by Sen. Hutchison (R–TX) on the Senate floor. To keep the provision out of the bill, Senator Boxer (R–CA) and others filibustered the amendment until the Senate leadership forced a vote on cloture. On 9/13/99, that vote failed to get the required 60 votes (55–40) which should have spelled the end of the amendment. However, proponents of the rider demanded a re-vote due to the absence of 5 senators. On 9/23/99 the revote on cloture succeeded by a margin of 60–39. The Senate immediately voted to add the amended Hutchinson's rider which is limited to FY 2000 to the bill by a vote of 51–47.

(8) Title II: Increase Timber Subsidies for the Tongass National Forest—would allocate an extra $11.55 million to the Alaska Region of the Forest Service to force a three year supply of timber. This rider creates a special fund to ensure that Alaska's Tongass National Forest will continue to offer far more timber for sale than will be purchased. In Fiscal Year 1998 the Forest Service sold only 25 million board feet of the 187 million offered. When the public's old-growth trees were re-offered for sale at rock-bottom rates, still only have the volume sold. This rider guarantees that the Tongass remains the nation's largest money-losing timber sale program. The rider's supporters hope the flood of taxpayer-subsidized timber will spur the creation of a highly automated veneer slicer. Veneer slicers provide even fewer jobs per tree than the region's defunct pulp mills. To add insult to injury, this comes on top of the $34 million increase the Senate added nationwide to the Forest Service's timber request for FY 2000.

Status: Amended but remains objectionable. After passing the full Senate on 9/24/99, the provision was amended in conference to reduce funding for this program by $6.55 million for a final total of $5 million. Unfortunately, most of the reduction was used to increase funds for a damaging and unnecessary powerline through Alaska's Tongass National Forest (See write up at end of the Interior section). This provision was originally inserted into the bill as part of a managers amendment on the Senate floor on 9/14/99 on behalf of Senator Stevens (R–AK).

(9) Title II: Lead Mining in Ozark National Scenic Riverways—would prohibit the Secretary of the Interior from taking any action to prohibit mining activities in the watersheds of the Current, Jacks Fork, and the Eleven Point rivers in the Missouri Ozarks until June 2001. Under the Federal Land Policy and Management Act, the Secretary of the Interior may remove federal lands from access by mining companies. This provision, added by Senator Bond (R–MO) in full Committee, would block the Secretary from exercising that authority. Missouri conservation organizations, Missouri's Attorney General Jay Nixon, and the National Park Service had requested that Secretary Babbitt begin procedures to prohibit mining activities in these critical watersheds. The Doe Run Company had targeted the area for exploratory drilling, but withdrew the applications under protest. These lands were purchased for watershed and forestry resource protection—and the groups and entities requesting the withdrawal are concerned that lead mining would conflict with these purposes.

Status: Unchanged as passed by the full Senate on 9/24/99 and negotiated by the House-Senate conference committee as of 10/18/99. On 7/27/99, this provision was stricken from the Senate bill in order to comply with

Senate Rule XVI, which was reinstated after a four-year suspension by a Senate floor vote of 53-45 one day earlier. Rule XVI restricts the addition of unrelated policy riders to appropriation bills on the Senate Floor. However, the provision was re-offered on 9/9/99 on the Senate floor by Sen. Bond (R–MO) (for Sen. Lott (R–MS)). The amendment passed by a vote of 54–44 and remains in the bill.

(10) Sec. 321: Delay National Forest Planning—would impose a funding limitation to halt the revision of any forest plans not already undergoing revision, except for the 11 forests legally mandated to have their plans completed during calendar year 2000, until final or interim final planning regulations are adopted. There is concern that this provision will put pressure on the Forest Service to hastily promulgate new regulations, rather than carefully incorporating recent recommendations developed by an independent Committee of Scientists. Sec. 322 in the bill would halt funding to carry out strategic planning under the Forest and Rangeland Renewable Resources Planning Act (RPA).

Status: Unchanged as passed by the full Senate on 9/24/99 and negotiated by the House-Senate conference committee as of 10/18/99.

(11) Sec. 327: Divert Trail Fund for "Forest Health" Logging—would allow the ten per cent roads and trails fund to be used to "improve forest health conditions." Since there are no restrictions limiting the use to noncommercial activities, and logging is considered a "forest health" activity, this fund could be used to fund timber sales. It also represents a back door method to fund more logging roads for salvage and commercial timber operations. This rider also eliminates the requirement that the roads and trails fund be spent in the same state the money is generated when used for these purposes. This opens the distribution of these funds to the political process, allowing all the funding to go to one state or region with more political clout. Since there is a salvage fund and other sources such as vegetation management monies already available for this type of use and considering the consensus that exists regarding the great financial needs of the agency's road maintenance program, this rider is unnecessary and potentially destructive.

Status: Unchanged as passed by the Full House on 7/14/99 and negotiated by the House-Senate conference committee as 10/18/99.

(12) Sec. 328: Block Restoration of the Kankakee River—would prohibit use of funds made available in the act from being "used to establish a national wildlife refuge in the Kankakee River watershed in northwestern Indiana and northeastern Illinois." The Grand Kankakee Marsh was once one of the largest and most important freshwater wetland ecosystems in North America, providing essential habitat to a spectacular variety of waterfowl, wading birds and other wildlife. Today, however, 95-percent of the Grand Kankakee March has been drained for agriculture and development. The U.S. Fish and Wildlife Service has proposed establishing the Grand Kankakee National Wildlife Refuge along the Kankakee in order to restore and preserve 30,000 acres (less than one-percent of the land within the river basin) of wetlands, oak savannas, and native tallgrass prairies. The proposal is currently undergoing an Environmental Assessment. Although the public overwhelmingly support the proposed refuge, for the second year in a row, certain members of Congress are attempting to derail the proposal by including a legislative rider in the House Interior Appropriations bill.

Status: Unchanged as passed by the Full House on 7/14/99 and negotiated by the House-Senate conference committee as of 10/18/99.

(13) Sec. 329: Undermine Consensus-based River Management—would prohibit Federal resource agencies such as the Fish and Wildlife Service, US Forest Service, National Park Service and others, from participating in the American Heritage Rivers Initiative (AHRI). This voluntary presidential initiative was designed to coordinate the efforts of federal, state, and local agencies with interests in the economic, cultural, and ecological management of our nation's most heralded rivers. AHRI's purpose is to streamline management of river resources and facilitate efficient allocation of federal, state, and local funds. This program explicitly did not include any additional regulations or funding but instead relies on coordination of existing programs, staff, and funding. Last year, ten rivers were selected from around the nation that reflected broad political support. This rider would essentially prohibit these agencies from coordinating with other river managers at a time when citizens are working toward improving local/federal coordination. This would cripple the management funds of the Council on Environmental Quality (CEQ))/Executive Office of the President for the American Rivers Initiative and sent a dangerous precedent for coordinating other environmental cross-agency programs.

Status: Amended but remains objectionable. After being passed by the full Senate on 9/24/99, the provision was amended in conference to allow for "headquarters or departmental activities" to be associated for with the AHRI program but still specifically prevents funds from being transferred or being used to support the management fund at the Council for Environmental Quality (CEQ) for this program.

(14) Sec. 331: Limiting Preparation for Climate Protection—would limit the federal government's ability to address the international implications of climate change and help other countries to reduce greenhouse gas emissions, thereby prolonging the emissions of dangerous carbon dioxide and other global warming pollutants. The rider ignores the United States' existing commitments to reduce emissions under the 1992 Senate-ratified Rio Treaty. Specifically the provision, offered by Representative Joseph Knollenburg (R–MI) in full committee, would prohibit use of federal funds by federal agencies "to propose or issue rules, regulations, degrees, or orders for the purpose of implementing, or in preparation for the implementation of the Kyoto Protocol." Similar language has been inserted in the House versions of the FY 2000 Commerce/State/Justice, Energy and Water, VA–HUD, Agriculture, Foreign Operations, and Interior Appropriations bills.

Status: Unchanged as passed by the full Senate on 9/24/99 and negotiated by the House-Senate conference committee as of 10/18/99.

(15) Sec. 333: Tongass Red Cedar Rider—would continue the failed policy of exporting wood and jobs off the Tongass National Forest by leveraging the amount of Western Red Cedar available for export to the lower 48 and international markets against the percent of the Tongass' allowable sale quantity (ASQ) that is actually sold. Alaska's Western Red Cedar is a valuable export item and has become scarce in the forest as it only grows in the southern Tongass. The remaining old-growth Red Cedar provides important habitat for brown bears and wolves. The rider stipulates that the only way in which interested manufacturers in the lower 48 can have access to all of the surplus Alaska Red Cedar logged in FY 2000 is if the forest's entire allowable sale quantity is sold. Moreover, the rider requires that the sold timber must have at least a 60 percent guaranteed profit margin for the purchaser, continuing to maintain the Tongass's timber program as our National Forest System's largest money loser.

Status: Unchanged as passed by the full Senate on 9/24/99 and negotiated by the House-Senate conference committee as of 10/18/99.

(16) Sec. 334: Undermine Science-based Management of National Forest and Bureau of Land Management Lands—would attempt to provide the Secretaries of Agriculture and Interior broad discretion during FY 2000 to choose whether or not to collect any new, and potentially significant, information concerning wildlife resources on the National Forest System or Bureau of Land Management Lands prior to amending or revising resource management plans, issuing leases, or otherwise authorizing or undertaking management activities. This section (formerly "Section 329") seeks to overturn a February 18, 1999 decision by the United States Court of Appeals for the Eleventh Circuit that the Chattahoochee National Forest in Georgia had violated the law by not maintaining population data on management indicator species as required under 36 C.F.R. 219.19, or sensitive species as required under its own forest management plan. However, the implications of Section 329 extend far beyond any single national forest. For example, the Forest Service could attempt to use the language of Section 329 to undercut full implementation of, and accountability under, the NW Forest Plan. This section's "don't ask, don't tell" approach may invite the Forest Service to take a shortcut around the information collection and analysis required by the plan—undercutting the basis on which Judge Dwyer upheld the plan, as well as recent Ninth Circuit case law. Beyond seeking to undermine existing law, Section 329 directly contradicts the overall direction recommended by the recent findings of the Committee of Scientists for land management planning on national forests. Its attempt to provide agencies the discretion to bypass existing information gathering requirements on wildlife resources prior to making land management planning and activity decisions undermines the very ability to arrive at scientifically credible conservation strategies. Section 329 is not the first "don't ask, don't tell" rider offered in an attempt to allow the government to forego the collection and consideration of important scientific information. The 1995 salvage logging rider also adopted this approach in some significant ways with harsh results for government accountability and ultimate credibility.

Status: Amended but remains objectionable. After being passed by the full Senate on 9/24/99, the provision was slightly amended in conference but still seeks to waive the requirement that the USFS and BLM survey for wildlife before authorizing timber sales, grazing permits, and other activities on public lands. The revised language in Section 334 is further exacerbated by a new provision that seeks to grandfather in Northwest Forest Plan timber sales that were illegally authorized without wildlife surveys. Sen. Robb (D–VA) offered an amendment to strike the provision on the Senate floor on 9/9/99. The amendment was defeated by a vote of 45–52.

(17) Sec. 336: Weaken 1872 Mining Law—would weaken the 1872 Mining Law by removing toxic mining waste dumping limitations on federal public land. The rider was attached by Senator Larry Craig (R–ID) in

full committee. In the only provision of the 1872 Mining Law that protects the environment and taxpayers, the millsite section states that for every 20-acre mining claim, mining companies are allowed one, and only one, 5-acre mill site for the processing or dumping of mine wastes. Craig's rider would strip the millsite provision entirely, legalizing unlimited mine waste dumping on public lands. The Craig rider represents a sweeping change to the 1872 Mining Law, and in the process it removes the only incentive the mining industry has to seriously negotiate environmental and fiscal reform to one of the most destructive public lands laws on the books.

Status: Amended but remains objectionable. As currently written, the conference language would exempt from the millsite waste dumping limitation: existing mines, expansions to existing mines, grandfathered patent applications and mines proposed before May 1999. It also could be viewed as rescinding Congress's 1960 acknowledgment of the millsite provision as law. On 7/27/99, Senators Patty Murray (D–WA), Richard Durbin (D–IL), and John Kerry (D–MA) offered a floor amendment to strike this rider. That amendment was tabled (i.e., rejected) by a vote of 55–41 and the rider was retained. Additionally, Nick Rahall (D–WV), Christopher Shays (R–CT), and Jay Inslee (D–WA) offered an amendment to the House Interior Appropriations bill (H.R. 2466) on 7/14/99 to prevent the unlimited dumping of toxic mining wastes on public lands. The amendment, which passed on the House floor by a vote of 273–151, and was followed by a successful motion to instruct the house conferees to keep the Rahall language, directly contradicted the Senate provision which would eliminate the millsite provision of the 1872 Mining Law. Despite these votes, the House capitulated to the Senate in conference.

(18) Sec. 341: Stewardship and End Result Contracting Demonstration Project—would permit the Forest Service to contract with private entities to perform services to achieve land management goals in national forests in Idaho and Montana, and in the Umatilla National Forest in Oregon. A similar provision was inserted and passed as part of the FY 1999 Interior Appropriations bill. Land management goals include a variety of activities such as restoration of wildlife and fish habitat, noncommercial cutting or removal of trees to reduce fire hazards, and control of exotic weeds. While the stated land management goals, provision for multiyear contracts, and annual reporting requirements are worthy, there are three major drawbacks contained in the language of the FY 1999 law: undefined community roles, the lack of provisions for monitoring and oversight, and the funding mechanism for desired work. This provision was added at the request of Senator Conrad Burns in Subcommittee.

Status: Amended but remains objectionable. After being passed by the full Senate on 9/24/99, the provision was amended in conference but does not substantially address the concerns articulated above.

(19) Sec. 343: Delay Critical Land Acquisition—would significantly compromise the public land acquisition process in the Columbia River Gorge National Scenic Area and would establish a dangerous precedent for land protection elsewhere. This provision would require duplicative appraisals for leach land purchase and add unnecessary bureaucracy, delays, and complexity to the process. Moreover, it would foster an unjustified presumption that the existing land valuation process is flawed, creating a basis of hostility and antagonism likely to frustrate willing-seller negotiations. As a result, this extreme departure from longstanding acquisition policies would be a substantial impediment to continued conservation in the Columbia Gorge and would set the stage for similarly unproductive "reforms" in other conservation areas.

Status: Amended but remains objectionable. After being passed by the full Senate on 9/24/99, the provision was amended in conference to but does not substantively address the concerns articulated above.

(20) Sec. 346: Effectively Waives NEPA requirements for Interstate 90 Land Exchange (WA)—would require the Secretary of Agriculture to complete a land exchange in Washington State with Plum Creek Timber Company within 30 days. Such mandate could circumvent the National Environmental Policy Act's public participation and environmental review requirements. The proposal to give Plum Creek the Watch Mountain roadless area and old growth groves in Fossil Creek (both now parts of the Gifford Pinchot National Forest) has sparked significant opposition. The rider could cut short full consideration of the public's concerns and block judicial review of the adequacy of the environmental analysis that has been done. The rider also orders the Forest Service to identify further lands to be traded to Plum Creek.

Status: Unchanged as passed by the full Senate on 9/24/99 and reported from the House-Senate conference committee. This provision was originally inserted into the bill as part of a managers amendment on the Senate floor on 9/14/99 on behalf of Sen. Slade Gorton (R–WA).

(21) Sec. 350: Prevent Grizzly Bear Reintroduction—would be disastrous for grizzly bear recovery and sets a very dangerous legislative precedent. This language prohibits the Department of the Interior and all other federal agencies from expending funds in any fiscal year to introduce grizzly bears anywhere in Idaho and Montana without express written consent of the governors of those two states. The language requires federal agencies to get state permission to implement a *federal law on federal lands* and sets a broad precedent, both for other endangered species recovery actions and for all other federal laws. Moreover, this provision would derail a five-year collaborative effort initiated by local timber, conservation, and labor interests to restore grizzly bears to the Selway-Bitterroot ecosystem in Idaho and Montana, the largest roadless area remaining in the lower forty-eight states. This reintroduction is vital to grizzly bear recovery in the lower forty-eight states. Finally, both Idaho and Montana have existing populations of grizzly bears outside the Selway-Bitterroot ecosystem. This restrictive language is so unclear and broad that it could prohibit actions such as population augmentations or the movement of problem bears within existing recovery populations (e.g. Glacier and Yellowstone National Parks).

Status: Unchanged as passed by the full Senate on 9/24/99 and negotiated by the House-Senate conference committee as of 10/18/99. On 7/27/99, this provision was stricken from the Senate bill in order to comply with Senate Rule XVI, which was reinstated after a four-year suspension by a Senate floor vote of 53–45 one day earlier. Rule XVI restricts the addition of unrelated policy riders to appropriation bills on the Senate Floor. However, on 9/14/99 Sen. Burns (R–MT) and Sen. Craig (R–ID) successfully re-offered the provision which still prohibits funds for the physical relocation of grizzly bears into the Selway-Bitterroot ecosystem, but limits the prohibition to fiscal year FY2000. Although amended, the provision remains objectionable.

(22) *Sec. 355: Delays Improvements to White River Forest Plan*—would further delay the revision of the forest plan for Colorado's White River National Forest by extending the comment period on the revised plan for another three months. The Forest Service has already granted a 90-day extension making the comment period six-months long more than ample time for all interests to make their views known. This forest is one of the most popular national forests in the country, containing the world-famous Maroon-Snowmass Wilderness along with Vail, Aspen and several other ski areas. In its draft management plan, the Forest Service has proposed for the first time trying to better manage rampant recreation by limiting it to its current levels to the outrage of the motorized recreation and ski industries. The rider is a thinly veiled attempt to delay the new forest plan until the next Administration in hopes of permanently sandbagging any attempts by the Forest Service to rein in corporate ski area expansions and rampant off-road vehicle use.

Status: Unchanged as negotiated by the House-Senate conference committee as of 10/18/99. This provision was added in conference by Senator Ben Nighthorse Campbell (R–CO).

(23) *Sec. 357: Blocks Stronger Hardrock Mining Environmental Regulations*—would further delay the Department of Interior's attempt to strengthen environmental controls applicable to hard rock mines (the so-called "3809 regulations"). Specifically, the rider would extend the moratorium on stronger hardrock mining regulations through the end of fiscal year 2000.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. GOSS), the vice chairman of the Committee on Rules.

Mr. GOSS. Mr. Speaker, I thank my friend, the gentleman from Washington (Mr. HASTINGS), for yielding me this time.

Mr. Speaker, I rise in support of the rule and the Interior conference report, and I wanted particularly to commend the Committee on Appropriations, particularly the gentleman from Florida (Mr. YOUNG) and the gentleman from Ohio (Mr. REGULA), for including funding increases in areas such as the Park Service and the wildlife refuge system, particularly in this difficult year.

This bill is critically important to my home State of Florida. It is not just my home State. It is the destination of many visitors as well. Since it serves as the main vehicle for Everglades restoration funding, I am pleased that this year as in past years the committee has made sure that Congress continues to lead the charge in restoring the Everglades, unquestionably a unique national treasure which gives great enjoyment to a great many people.

In addition, I am grateful that the committee was able to make available land acquisition fund for the J.N. Ding Darling National Wildlife Refuge which happens to be in my district and in fact comprises about 50 percent of my hometown of Sanibel, another area that is enjoyed by literally millions of visitors.

Some of my colleagues have expressed some concern about certain riders in this conference report before us. I know that I generally share the opinion of my colleagues on the Committee on Appropriations when I say these issues really are best handled through the authorization process, which is why we have authorizers and authorizing committees.

Of course, as my good friend, the gentleman from Ohio (Mr. REGULA), is well aware, however, that since 1983 Florida has benefited from a legislative rider on this bill that protects our coastal areas from offshore oil and gas drilling. We have been trying to deal with the issue in the authorization committee, but so far we have been unable to get the job done so I want to express my appreciation and I think the appreciation of the full Florida delegation that the committee has once again included this stop-gap rider to protect Florida offshore waters from oil and gas drilling, which is a position our State holds very strongly and some other States do as well.

I urge my colleagues to support this rule, which is fair and traditional for this type of legislation. I urge them to consider the conference report carefully and support it, because it is a compromise conference report; but I believe it is a very good one under the circumstances.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in strong opposition to this conference report. This legislation defies the will of the American people by severely underfunding our national effort to protect and preserve the national lands and because it contains anti-environmental riders that interfere with the proper management of the public's resources.

This report drastically underfunds the President's land legacy initiative that is designed to protect the endangered lands and resources that are threatened by development. It is ironic that this legislation should take such an extreme and anti-environmental position on such an issue at a time when we are working mightily to fashion on a bipartisan basis a resource initiative.

Throughout this country, hundreds of thousands of people from soccer moms to sporting goods manufacturers, from environmentalists to hunters to park professionals to inner-city police organizations have come together to reach and support legislation that would expand, not constrict as this legislation does, the amount of investment we in Congress would make with the resources of this country.

The President requested $413 million for his land legacy and the land water conservation fund for the year 2000. The conference report provided less than $250 million. The administration sought $4 million for urban parks programs. The conference report provided half of that amount of money. We have to understand that the people of this country want these resources protected. They want the opportunities expanded. Ninety-four percent of all Americans support more funding for the land and water conservation fund. That is a Republican pollster taking that poll. Eighty-eight percent of the American people agree we must act now or we will lose these special places.

This bill does not act now, and it does so in the riders. In the riders it continues to give away public land for the mining companies to dispose of their waste and their toxic waste on these lands, and it overrides the limitations in the 1872 mining law; but they will not override those limitations to try to get the American people the royalties and rents for the use of those public lands.

This land also continues to allow the oil companies to underpay the royalties that my colleague, the gentlewoman from New York (Mrs. MALONEY), has worked so hard on. This continues to let them underpay $60 million in royalties that they owe the people of this country, $6 million in the State of California that goes to the education system in our State for young people.

This report continues to let the oil companies have a royalty holiday on lands that they drill oil from, that they take from the American people, and they underpay the resources. That should not be allowed to continue.

This bill also fails to provide the kind of support that is necessary so the Indian tribes of this Nation can continue to take over the functioning of those programs where the Government acted on their behalf in a most paternal manner, that the Indians can now run those programs of the Indian health service from the Bureau of Indian Affairs, and they can do it more efficiently. They do it with greater enrollment and greater care for the members of their tribes, and yet this legislation does not speak to those in a proper manner.

This legislation is bad for the environment. It is bad for the taxpayers. It is bad for school children. It is bad for the public that supports our parks and public lands, and we ought to reject it.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 5 minutes to the gentleman from Washington (Mr. NETHERCUTT).

Mr. NETHERCUTT. Mr. Speaker, I thank the gentleman from Washington (Mr. HASTINGS) for yielding time to me.

Mr. Speaker, I am proud to serve as a member of the Committee on Appropriations and the Subcommittee on Interior and was part of the conference committee that worked so hard with the gentleman from Ohio (Mr. REGULA), a tremendous chairman in this case, trying to craft a measure that would be balanced and sensible under the limitations that we have funding-wise.

We worked hard in the conference committee with Senator GORTON, our colleague from Washington State in the other body, who worked very hard on behalf of the Senate to try to craft a measure that makes some sense.

What I have heard the speakers on the other side say in the last 15 minutes or so defies reality; it defies logic. On the one hand, they say this bill is inadequate and they want to spend more money. On the other hand, the gentleman from Wisconsin (Mr. OBEY) says we are spending too much money in this bill; that we are over our allocation.

Well, the lands legacy program that the gentleman from California (Mr. GEORGE MILLER), the gentleman just spoke of, is $413 million.

My point is, they want to spend more money and they want to frustrate this bill. They do not want this conference report to pass under any circumstance because they know that if it passes and goes down and the President has to address the issue of whether it is adequate, then they are going to have a problem because they want this to go in an omnibus bill. They do not want to have any allocation made on the merits of this particular bill.

One had to be there, Mr. Speaker, to understand the diligence that went into trying to craft this measure and have it be acceptable. We are $77 million over last year on the National Parks Service. We are $50 million over the Bureau of Land Management for last year. We are $55 million more for the U.S. Fish and Wildlife Service; the Indian Health Service, $2.4 billion, a $130 million increase. When is enough enough?

We are trying to balance this bill, meet the objections of the other body, meet the objections of our colleagues on the other side of the aisle, and also their preferences. So I must say, with respect to the mining issue and the patent issue, what we tried to do was have agreement between the two sides on the issue and come up with something that is acceptable to both as best we could.

Was it perfect? Is it a perfect bill? Certainly not, but my goodness let us be reasonable in adopting this rule, moving this process along, not frustrating it and waiting until the end so that then we are down to the White House with millions and millions in more dollars in the final package. That is not acceptable.

So I must say, I think the objectors in this case are not thinking it through carefully in terms of what is good for this country and what is good in this bill. It is a good bill. It is a bill that was crafted by a very diligent chairman in conference committee on both sides of the aisle and both sides of the Capitol.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. NETHERCUTT. I yield to the gentleman from Wisconsin.

Mr. OBEY. Let me say the gentleman has misconstrued what I said. I did not say that this bill had spent too much money. What I said was under the rules of the House, the rules prohibit this bill from being considered at this point because it exceeds the budget ceiling that the gentleman's party assigned to the subcommittee; and, therefore, under those circumstances a vote for this rule is a vote to exceed the ceiling that the gentleman's party itself imposed. What we are suggesting is that that needs to be fixed and a lot of other things need to be fixed, and the only way to do that is to sit down and fix it, rather than send a bill to the President that we know is dead on arrival.

Mr. NETHERCUTT. Reclaiming my time, I appreciate yielding to the gentleman but these ceilings are adjustable and the gentleman realizes that, I believe, that they are adjustable. They have to be adjustable based on our conditions.

Mr. OBEY. They sure are.

Mr. NETHERCUTT. That is the nature of this process, it is, and the bottom line, though, with regard to those who object is that they want to spend millions and millions and millions of dollars more. That is really what is happening here. I guarantee if we do not pass this bill and send it down to the President and let him make his judgment as he should under the Constitution, either veto it or sign it and then tell us why he has vetoed it, if he will, then we are going to be in an omnibus and all of those of us who care deeply about preserving Social Security and all of those on the other side of the aisle who profess that they do are going to be breaching their own commitment to that goal.

So I urge my colleagues, vote for this rule. Vote for this bill. Support the conference committee's best efforts to make this work and let us get the President to either accept or reject that under the Constitution, which is his obligation.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER) for yielding me this time.

Mr. Speaker, I rise in opposition to the rule and to the underlying bill. I would say to my friend on the other side of the aisle, who says that we want to spend more money. Actually we are trying to save money. One of the terrible, anti-environmental riders is also very anti-taxpayer. It is an undisputed fact that the oil rider that is attached costs the American taxpayer $66 million a year. This is money that could go to education, to our schools.

We just had a bill on the floor where people talked about the need for more money for education. This is where we could save some money, where we could save some money by doing what is right. I would just like to say that what basically has happened is for decades the oil companies have underpaid the Government for oil extracted from federally owned lands. They got caught by the Department of Justice, by the Department of Interior, and I would say by the Subcommittee on Government Management, Information, and Technology headed by the gentleman from California (Mr. HORN), who held many hearings on the underpayment of oil royalties, the royalty holiday of the oil companies stealing money from the American taxpayer.

They had to pay $5 billion in penalties for what they ripped off in the past.

So what we have before us is a number of anti-environmental riders that are terribly unacceptable. I must say that the gentleman from Washington (Mr. DICKS), who is the ranking member, and the gentleman from Ohio (Mr. REGULA) did a wonderful job keeping them off of the House version, but we need to keep them off the conference report, too. So I hope that my friends on the other side of the aisle will join us in voting against this rule, against the unacceptable oil riders and other riders that hurt the environment, that steal money from the taxpayers that could be going to education. It is just a bad bill. We need to stand up for America's schools, for the American taxpayers, and stand up against the anti-environmental rip-off and oppose this conference report.

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There is no reason why we should continue paying big oil companies $66 million that they do not deserve, because they pay themselves market price. But when it comes to paying American schoolteachers and the government for federally owned land, they underpay to the tune of $66 million a year. It is wrong. It is terribly wrong.

If my colleagues are fiscally conservative, vote against this bill just on the oil rider alone.

Mr. Speaker I rise in strong opposition to this conference report.

Because it contains an unacceptable rider, that will let big oil companies, continue to steal money from our nation's schoolchildren, to fatten their own wallets.

Mr. Speaker, these oil companies, have been caught cheating, on the royalty payments they owe, for drilling oil on federal land.

Royalty payments, that benefit our schools, our environment, and the American taxpayer.

As a result, they have to pay almost five billion dollars in settlements.

But now, every time that the Interior Department has tried to fix the rules so that they pay the money they owe.

The supporters of big oil, have come to this Congress, and blocked them from doing it.

This time, they were a little more creative, they decided to delay the rules until the General Accounting Office, can audit Interior's rulemaking process.

But we all know, that this is just another delay, designed to get us to the next must-pass appropriations bill, when they'll attach another rider, so we can start this process all over again.

In fact, Mr. Speaker, GAO has already issued a report on Interior's rulemaking process, and found that Interior has been extremely thorough, and gone out of its way to respond to the comments of the oil industry.

Mr. Speaker, I listened yesterday as my colleagues on the other side of the aisle promised to do everything they could, to save every penny in the social security trust fund.

So I cannot understand why when we're cutting the COPS program: Cutting the NEA; cutting the Land and Water Conservation Fund; When we're cutting all these vital programs—we're telling deadbeat oil companies, that owe the American taxpayer millions. "It's OK—we really don't need the money."

Mr. Speaker, this is absurd and illogical.

I urge my colleagues to stand up for the American taxpayer.

Stand up for America's schools. Stand up against this anti-environmental rip-off. And oppose this conference report.

Mr. Speaker, I include for the RECORD the following documents:

[From the New York Times, Sept. 27, 1999]

THE SENATE'S OILY DEAL

Though it was little noticed at the time, a donnybrook over Senate rules last week illustrated the outsized role of special interests in government. The issue was a money grab by oil businesses, which want to lower the royalties they have to pay the Government for drilling on Federal land. When Senator Russell Feingold of Wisconsin tried to block an amendment that would let them keep their royalty payments artificially low and pointed out that oil-sector campaign donations were calling the shots, several senators objected. Their reason? Mr. Feingold's recitation of campaign donations was not "germane" and therefore not allowed during the debate.

How quaint of the senators to disparage the germaneness of campaign contributions. In fact, nothing could be more relevant than the power of donors to call the tune in Congress. Fortunately, Mr. Feingold was allowed to continue, in spite of complaints from Senator Kay Bailey Hutchison of Texas, the amendment's sponsor, and Senator Craig Thomas of Wyoming. Unfortunately, the measure passed. The bill to which it is attached contains objectionable anti-environmental features, and President Clinton should veto it.

It is perverse for the Senate to cut school aid, housing and other domestic programs on the ground that the budget needs to be balanced, and then to cut revenues even more by handing out a big break to oil companies. Mr. Feingold, in raising the campaign reform issue, knew that simply pointing out what everyone knows is true would be embarrassing. If embarrassment moves the senators to act, it should be not to stop someone from telling the truth, but to pass the ban on unlimited "soft money" to parties sponsored by Mr. Feingold and John McCain of Arizona.

Mr. Feingold likes to point out that he is an heir to the Senate seat of Robert La Follette, the progressive hero of nearly a century ago, who used to "call the roll" of railroads and other big donors who got their way in government. La Follette's ability to embarrass his colleagues led eventually to the ban on corporate donations to individual candidates of 1907, a ban that is now being undone by the "soft money" scam whereby the money is given to parties, not candidates. Mr. Feingold's "Calling of the Bankroll" has pointed out how health insurance donors influenced legislation governing health-maintenance organizations, how the tax-cut bill got packed with treats for businesses, and how big donations by Chevron, Atlantic Richfield and BP Amoco led to the break on oil royalties.

This season of Republican-touted budget restraint was enlivened by the influence of a different special interest in the defense area. Trent Lott, the majority leader, wants a half billion dollars to start building a ship, the LHD–8. The Navy says it does not need the money or the ship. Naturally, the Senate has approved the money. Not all spending restraint is healthy, at least to some senators. Perhaps it is germane to point out that the ship would built at a shipyard in Mr. Lott's home state of Mississippi.

Oil royalty settlements, July, 1999

Alaska	$3,700,000,000
California	345,000,000
Louisiana	250,000,000
Private owners	180,000,000
Federal Governments	45,000,000
Texas	30,000,000
Alabama	15,000,000
New Mexico	7,000,000
Florida	2,000,000
Total	4,600,000,000

Note: This list includes financial settlements from oil royalty valuation lawsuits and government investigations. Figures may include taxes paid to state governments resulting from the settlements.

Background Material On The Big-Oil Rider

PREPARED BY THE OFFICE OF REP. CAROLYN MALONEY

The current Senate version of the Interior Appropriations Bill contains a rider that would prohibit the Department of the Interior's Minerals Management Service (MMS) from implementing its new oil-valuation rule. The rule governs the royalty payments made by private oil companies that drill oil on federal land.

All companies that drill on federal land are required to pay the government a royalty—generally 12.5 percent of the value of the oil—to the taxpayer. Money from royalty payments helps to fund the Land and Water Conservation Fund, the Historic Preservation Fund, and the U.S. Treasury. In addition, states and Indian tribes received a share of the royalty payments. Many states, including California, put the money directly into their public school system.

For decades, states and independent observers have accused oil companies of deliberately undervaluing their oil in an effort to reduce their royalty payments. As a result, several states and private royalty owners have filed suit against several major companies, and have collected over five billion dollars in settlements to date. The Justice Department recently decided to sue several companies for underpayment of federal royalty payments; one company has already settled, and several others are rumored to be nearing settlements.

MMS has attempted to fix this problem permanently by introducing a new rule which will link royalty payments with the fair market value of the oil. It is estimated that the new rule will save taxpayers at least $66 million per year. Furthermore, MMS estimates that the new rule will impact only 5 percent of all oil companies—primarily large, integrated companies. Ninety-five percent of companies, including all independent producers, will not be affected.

On three separate occasions, oil-industry allies in the Senate have attached rides to must-pass appropriations measures to block the new rule. The current rider expires at the end of this fiscal year, and oil industry supporters, led by Senator KAY BAILEY HUTCHISON (R–TX) attached a rider to the Senate Interior Appropriations Bill that would extend it until October 1, 2000. The rider passed on a narrow 51–47, after supporters barely mustered the 60 votes to beat a filibuster led by Senator BARBARA BOXER (D–CA).

Attachments: Editorial dated 9/27/99 from the New York Times, Editorial dated 9/15/99 from the Washington Post, New York Times article from 9/21/99, Floor Statement by Congresswoman MALONEY, Press Release from Congresswoman MALONEY, Recent settlements against the oil industry for underpayment for royalties, Letter to the President from Congresswoman MALONEY and Senator BOXER, Disbursement of Royalty Revenues, 1982–1998.

Budget Values

To stay within spending limits, most House Republicans and some Democrats voted last week to squeeze federal housing programs for the poor. This week House Republican leaders acknowledged they were considering deferring billions of dollars in income support payments to lower-income working families as well. But congressional zeal in behalf of budget savings appears to extend only so far.

The Senate currently faces the question of ending what amounts to income support, not for low-income families but for oil companies. The Interior Department would require the companies to begin paying royalties based on the open market value of oil and gas extracted from the federal domain. Sen. Kay Bailey Hutchison has an amendment to the Interior appropriations bill that would allow them in many cases to continue to pay less. On a test vote Monday, she was able to marshal 55 of the 60 votes she needs to cut off debate and put the amendment in place. The remaining votes are said to be at hand: all 54 Senate Republicans, the lone independent, former Republican Bob Smith, and five wayward Democrats.

In the end, it is well understood that Congress will breach the spending limits, which are artificially tight. In the meantime, we have pretense to the contrary. But even the pretense produces winners and losers. Oil wins, poor people lose; those are the values of this Congress.

The spending caps represent no one's idea of the true cost of government. They were set in the 1997 budget deal between the president and congressional Republicans to make it appear that the politicians could, too, balance the budget while granting a tax cut. Now it's time to adhere to them, and there aren't the votes. Nor should there be, given the long-term damage that adherence would do. The question isn't whether they'll be exceeded but by how much, how honestly, and who will bear the blame.

To avoid the appearance of breaching them, Congress has been using all manner of gimmicks. Ordinary expenditures for such things as the census and defense have been classified as emergencies, because under the budget rules, emergencies don't count. Various devices have likewise been used to alter not the amount of spending but the timing of it, to move it out of next fiscal year. That's what the House leadership is contemplating with regard to the earned income tax credit, which provides what amount to wage supplements to the working poor. They should be the last victims of budget-cutting, not the first.

A third device has been to avoid deep cuts in the smaller domestic appropriations bills by "borrowing" funds from the larger final ones, for veterans' affairs, housing, labor, health and human services and education. But that has merely concentrated the problem, not solved it. Meanwhile, the housing programs are essentially frozen in a period in which the general prosperity masks increasing need.

The president and Congress knew the appropriations caps they set in 1997 were unlikely ever to be met. The caps were set for show; they were an official lie to which both parties put their names, and from which they continue to try to extricate themselves. The projected surplus in other than Social Security funds over which they have been fighting all year—the one Republicans would use to finance their about-to-be-vetoed tax cut—exists only if you assume that most domestic spending will be cut by more than a fifth in real terms, as the caps require. But the votes don't exist for even the first of these cuts, much less the full mowing; nor is it just Democrats who are turning away. They're living a lie, both parties; that's the reason for the gimmicks. Only the oil subsidy seems unaffected. Are there really no Republicans in the Senate who think it wrong?

[From the New York Times, Sept. 21, 1999]

Battle Waged in the Senate Over Royalties on Oil Firms

(By Tim Weiner)

Oil companies drilling on Federal land have been accused of habitually underpaying royalties they owe the Government. Challenged in court, they have settled lawsuits, agreeing to pay $5 billion.

The Interior Department wants to rectify the situation by making the companies pay royalties based on the market price of the oil, instead of on a lower price set by the oil companies themselves.

A simple issue? Not in the United States Senate. Instead, it has become a textbook example of how Washington works. The battle over royalties shows how a senator can use legislation to right a wrong, in the view of Senator Kay Bailey Hutchison, a Texas Republican who is blocking the Interior regulations. Or it shows how Congress does favors for special interests, in the view of Senator Hutchison's opponents.

The issue could come to a vote this week, and it appears as if the Senate might side with the oil companies.

Senator Hutchison, who has received $1.2 million in contributions from oil companies in the last five years, has been winning the battle to block the pricing regulations since the Interior Department imposed them in 1995. The department estimates that oil companies are saving about $5 million a month, money that would otherwise be flowing to education, environmental programs and other projects.

Senator Hutchison calls the regulations a breach of contract and an unfair tax increase. She says she represents "the overwhelming majority of the Senate who want to do the right thing, who want fair taxation of our oil and gas industry."

For 4 years, she has placed amendments and riders into annual spending bills to keep the Interior Department regulations from taking effect. To do otherwise, she argues, would be "to let unelected bureaucrats make decisions that will affect our economy."

Senator Hutchison's chief antagonist has been Senator Barbara Boxer, a California Democrat who has condemned the underpaying of royalties as a scheme intended to "rob this Treasury of millions and millions of dollars."

"We shouldn't have a double standard just because an oil company is powerful, just because an oil company can give millions of dollars in contributions," Senator Boxer said.

The Senate has never actually voted on Senator Hutchison's measure. It has been inserted into must-pass spending bills that provide a perfect vehicle for controversial measures that might attract public notice if they were openly debated.

This year, however, the Senate decided it would stop attaching such riders to appropriations bills. Now the Hutchison amendment has turned into a running battle on the Senate floor.

The Interior Department first proposed the regulations in December 1995, nearly 10 years after the State of California first began to suspect that energy companies were underpaying the royalties they owed on oil pumped from Federal and State land. The royalty is 12.5 percent for onshore drilling and 16.67 percent for offshore production.

For the industry's giants, the royalties are a small fraction of earnings. For the Exxon Corporation, they represent about one-eighth of 1 percent of company revenues. According to Interior Department figures, the new regulations would cost Exxon $8 million, an additional one-hundredth of a percent of revenues.

The money goes to the Treasury, which sends it to environmental and historic-preservation projects, and to 24 states, many of which use the money on education.

But instead of basing their royalties on the actual market price of oil, the energy companies have been using a price they set that has run as much as $4 a barrel less than the market price.

According to the sworn testimony of a retired Atlantic Richfield executive in a California lawsuit in July, the policy of his company and others was to pay royalties based on a price "at least four or five dollars below what we accepted as the fair market value." The retired executive, Harry Anderson, said his company's senior executives had decided "they would take the money, accrue for the day of judgment, and that's what we did."

The testimony was first reported by Platt's Oilgram News, a trade publication.

This practice allowed 18 oil companies, including Shell, Exxon, Chevron, Texaco and Mobil Oil, to avoid paying royalties of about $66 million a year, according to Interior Department figures published in the Congressional Record.

Sued by state governments, and now under investigation by the Justice Department, most of the major oil companies have signed settlements totaling about $5 billion with seven states.

But Ms. Hutchison says forcing the companies to pay royalties based of the true market price of oil amounts to an unfair tax increase.

"They are breaking a contract and saying: 'We are going to raise your taxes,'" she argued on the Senate floor this week.

"If we allow that to happen, who will be next?" the Senator asked. "Who is the next person who is going to have a contract and have the price increased in the middle of the contract? Contract rights are part of the basis of the rule of law in this country, and we seem to blithely going over it."

If the Hutchison amendment comes to a vote—and it might this week—it appears likely to pass, with support from almost all the Senate's 55 Republicans and a few oil-state Democrats.

If the Senate lets the regulations take effect, says Senator Frank Murkowski, an Alaska Republican who supports the amendment, the message will be clear: "We will be saying, 'Go ahead. Raise royalties and taxes. We, the U.S. Senate, yield our power.'"

HTTP://WWW.NYTIMES.COM

Graphic: Photos: Senator Kay Bailey Hutchison, left (Stephen Crowley/The New York Times), is seeking to protect companies that drill on Federal land. Senator Barbara Boxer says they are underpaying. (Ed Carreon for The New York Times)

Remarks of the Honorable Carolyn B. Maloney on the Big-Oil Rider in the Interior Appropriations Bill—July 13, 1999

I rise today in support of this legislation. I would like to applaud the Appropriations Committee for wisely rejecting efforts to load this bill up with controversial anti-environmental riders. Unfortunately, the version of this bill passed by the Appropriations Committee in the other body contains numerous riders that would never pass on their own and have no place in this legislation.

One of these riders, in particular, robs the American taxpayer of over 66 million dollars per year. this rider would permit big oil companies to continue to underpay the royalties they owe to the Federal Government, States and Indian tribes, cheating taxpayers of millions of dollars. It would do this by blocking the Interior Department from implementing a new rule which would require big oil companies to pay royalties to the Federal Government based on the market value of the oil they produce.

Earlier this year, I released a report demonstrating how these companies have cheated the American taxpayer of literally billions of dollars of the past several decades. They do this by complex trading devices which mask the real value of the oil they produce. By undervaluing their oil, these companies can avoid paying the full royalty payments they own.

The Justice Department investigated these practices and decided that they were so egregious that it filed suit against several major companies for violating the False Claims Act. As a result, one company decided to settle with the government, and paid 45 million dollars. Numerous other companies have settled similar claims brought by states and private royalty owners for millions—and in one case billions—of dollars.

Mr. Chairman, the rule that the Interior Department is proposing is simple. It requires that oil companies pay royalties based on the fair market value of the oil they produce. But these oil companies that have been cheating the American taxpayer for years are now trying to block the Interior Department from implementing a new rule, using every excuse imaginable.

Mr. Chairman, this rider robs money from our schools, our environment, and our states and Indian tribes. It does this to benefit the most-narrow special interest imaginable—big oil companies with billions of dollars in profits.

I applaud the Appropriations Committee for leaving this issue to the experts at the Interior Department, and I call on my colleagues to reject these efforts to benefit big oil at the expense of the American taxpayer.

Maloney Exposes Oil Company Fraud

ALLEGATIONS TO BE DISCUSSED AT HEARING TODAY

Congresswoman Carolyn B. Maloney (NY-14) today released a report exposing how several major oil companies have defrauded the U.S. government of millions of dollars by undervaluing oil produced on federal land for royalty purposes.

"This report confirms what we knew all along," said Maloney. "It proves that big oil companies have stolen money from our nation's taxpayers, our schools, and our environment, only to fatten their own bottom line."

These allegations, along with the Interior Department's efforts to make oil companies pay the money they owe, will be discussed at a hearing held today by the Government Reform Committee's Subcommittee on Government Management, Information and Technology. The hearing will be held at 2:00 p.m., in room 2247 of the Rayburn House Office Building.

Under federal law, all companies which drill oil on federal and state land are required to pay a royalty based on the value of the oil they produce (generally from 12.5% to 16%). Big oil companies under report the value of the oil they produce, thus allowing them to pay less in royalties than they owe. It is estimated that this scam costs taxpayers between $66 million and $100 million each year.

In 1974, the State of California and the City of Long Beach sued several major oil companies for underpayment of oil royalties. This report is based on an exhaustive analysis of material obtained by Congresswoman Maloney from the Long Beach litigation. Representative Maloney requested the material in her role as Ranking Member of the Subcommittee on Government Management, Information and Technology, a post she held during the 105th Congress. Most of the documents date from the 1980's and cover a wide variety of trading practices. None of the information contained in the report is proprietary or could be damaging in any way to any individual company.

Congresswoman Maloney has repeatedly pressured the Department of the Interior's Minerals Management Service (MMS), as well as the Justice Department, to expose the fraudulent practices of many major oil companies. This report is the first comprehensive analysis of internal company documents that reveals exactly how major oil companies engaged in suspect trading practices to reduce the amount of royalties.

The report reaches the following conclusions:

Companies regularly traded California crude oil with each other at one price—the market price—and reported royalties based on another (called "posted prices") which were lower than market. As a result, they paid less in royalty than required under the law.

Companies were aware that market prices were actually much higher than posted prices.

Companies used complex trading devices to conceal the fact that posted prices were often well below the true market price of the oil. These included:

Inflating transportation costs, which are then deducted from the sale price of the crude oil to lead to a royalty basis which is far below market value.

Engaging in "overall balancing arrangements" between companies to sell each other undervalued crude. These arrangements are complex trading schemes in which companies sell each other equivalent amounts of oil at reduced prices in such a way that neither company loses money on the transaction.

Selling oil at prices above posted prices without making any attempt to explain the discrepancy between posted prices and the sale price.

Companies recognized that Alaska North Slope Crude Oil (ANS) is traded at prices much higher than California posted prices, even when adjusted for relative quality. As a result, they considered California oil a bargain.

The ability of the major oil companies to trade at prices below actual value reveal that the California oil market in the 1980's was dominated by a few major players with substantial market power. This situation can only get worse in the wake of the recent wave of oil mergers, as the recent rise in California gas prices demonstrates.

The totality of this evidence reveals that major oil companies engaged in a deliberate plan to defraud the U.S. government of royalty money it was entitled to under the law.

The report is particularly timely because the Interior Department's Minerals Management Service (MMS), the agency which oversees royalty collection, is attempting to implement a new rule which would require that oil companies pay royalties based on the fair market value of the oil they produce, however, the Supplemental Appropriations Bill, which passed the House last night, contains a rider added at the request of big oil companies which prohibits implementation of the new rule prior to October 1, 1999.

Copies of the report can be obtained by contacting the office of Congresswoman CAROLYN MALONEY at (202) 225-7944.

CONGRESS OF THE UNITED STATES,
Washington, DC, October 13, 1999.

THE PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We are writing to urge you to veto any legislation passed by the Congress which prohibits the Interior Department from implementing its proposed oil-valuation rule. If this new rule is blocked, big oil companies will continue to cheat American taxpayers and schoolchildren by deliberately underpaying the royalties they owe.

When oil companies drill on federal land, they are required to pay a royalty to the federal government. A share of this royalty is given to the state, and the remaining money is used by the federal government for the Land and Water Conservation Fund and the Historic Preservation Fund. In many states, including California, the states' share provides much needed funds for public education.

For years, big oil companies have deliberately undervalued the oil produced on federal land in order to avoid royalty payments. To fix this problem, the Interior Department proposed a fair and workable rule that will simply require major oil companies to pay royalties based on the fair market value of the oil.

On three separate occasions, legislative riders included on appropriations bills have prevented the Interior Department from implementing this fair rule. If the supporters of big oil companies are successful again, they will have managed to block implementation of this rule for two and a half years, at a total cost to taxpayers of over one-hundred and fifty million dollars.

We urge you to stand up to this special-interest rider and veto any legislation that would prevent American taxpayers from getting the oil royalties to which they are entitled.

Thank you for your prompt attention to this important issue.

Sincerely,

CAROLYN B. MALONEY,
Member of Congress.
BARBARA BOXER,
United States Senator.

ROYALTY MANAGEMENT PROGRAM

Disbursement of Federal and Indian Mineral Lease Revenues—Fiscal Years 1982–98

[Revenues in Thousands of Dollars]

	Historic Preservation Fund	Land & Water Conservation Fund	Reclamation Fund	Indian Tribes & Allottees	State Share	U.S. Treasury General Fund	Total
1982	$150,000	$825,095	$435,688	$203,000	$609,660	$5,476,020	$7,700,318
1983	150,000	814,693	391,891	169,600	454,359	9,582,227	11,562,770
1984	150,000	789,421	414,868	163,932	542,646	5,848,044	7,908,911
1985	150,000	784,279	415,688	160,479	548,937	4,744,317	6,803,700
1986	150,000	755,224	339,624	122,865	1,390,632	4,983,055	7,741,400
1987	150,000	823,576	265,294	100,499	990,113	4,030,979	6,360,461
1988	150,000	859,761	317,505	125,351	767,621	2,627,721	4,847,959
1989	150,000	862,761	337,865	121,954	480,272	2,006,837	3,959,689
1990	150,000	843,765	353,708	141,086	501,207	2,102,576	4,092,342
1991	150,000	885,000	368,474	164,310	524,207	2,291,085	4,383,076
1992	150,000	887,926	328,081	170,378	500,866	1,624,864	3,662,115
1993	150,000	900,000	366,593	164,385	543,717	1,945,730	4,070,425
1994	150,000	862,208	410,751	172,132	606,510	2,141,755	4,343,356
1995	150,000	896,987	367,284	153,319	553,012	1,541,048	3,661,650
1996	150,000	896,906	350,264	145,791	547,625	2,866,509	4,957,095
1997	150,000	896,979	442,834	196,462	685,554	3,867,865	6,239,694
1998	150,000	896,978	421,149	191,484	656,225	3,663,532	5,979,368
Total	2,550,000	14,482,414	6,327,561	2,667,027	10,903,163	61,344,164	98,274,329

Mr. HASTINGS of Washington. Mr. Speaker, how much time is remaining on both sides?

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from Washington (Mr. HASTINGS) has 13½ minutes remaining. The gentlewoman from New York (Ms. SLAUGHTER) has 7 minutes remaining.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 11 minutes to the distinguished gentleman from Ohio (Mr. REGULA), chairman of the Subcommittee on Interior.

Mr. REGULA. Mr. Speaker, it has been interesting to listen to this debate, because this bill passed the House by about 380 votes, and a majority of the Members from the other side of the aisle voted for the bill. Essentially, it is the same bill, only with some extra funding in. I will address the issue of the riders. Perhaps we should do that right up front.

Now, we have good riders and bad riders. The good riders are, one cannot drill offshore. Everybody likes that one. The good rider is that patents giving away mining lands are on a moratorium. That is a good rider.

But the riders that were in the Senate, we found objectionable. But in the conference, with the support of the gentleman from Washington (Mr. DICKS) and the gentleman from Wisconsin (Mr. OBEY) and other Members on both sides of the House team, we got those riders modified. Let me take each one in order.

The mill sites question. Basically the responsibility for mine reform rests with this body and not the Solicitor General. I think that the issue of how we deal with mill sites should be resolved by our authorizing committees and by this legislative body. It is a legislative issue. We cannot very well have attorneys, such as the Solicitor, making law; otherwise, we might as well close up shop.

Now, of course I think the Senate provision overturned the Solicitor's opinion indefinitely. That is too long. So we modified it with give and take in the conference. My colleagues have to remember that we have a two-house system here. When we go to conference, and this is a conference report, it has to be worked out. There has to be some degree of compromise and negotiation.

What the conference agreement does is water down the Senate provision. We say that the Solicitor's opinion which, in effect, he is in the mode of writing legislation, cannot impact on existing mining plans. One cannot very well look back. One cannot even legislate ex-post facto, after the fact. So we said one cannot possibly change the rules. A lot of people have made a lot of investments.

We also provide that plans in operation submitted prior to May 21, 1999, are exempt. We went back as far as we thought was appropriate, and patent applications grandfathered pursuant to the current patent application moratorium in place since 1995, at this time this committee, under the leadership on our side of the aisle and support from the minority, did put in a moratorium on patents. So it is substantially less. Keep in mind this is a 1-year bill.

Oil valuation. The gentlewoman from New York (Mrs. MALONEY) just talked about that. The Senate included a provision prohibiting the Minerals Management Service from implementing a new rule on oil valuation throughout the year 2000. We said that is too long. There is a problem here that needs to be addressed.

So the conference agreement prohibits the rule from being implemented for a period not to exceed 6 months or until the comptroller general, that is GAO, reviews the proposed regulation and issues a report. Let us get the expert opinion from the GAO. This is a nonpartisan group. They can give us an unbiased opinion. We say it can only be in place 6 months or until we get the GAO report, and then we need to address it legislatively. That is our responsibility.

The grazing issue. The Senate included a provision which would have extended all expired Bureau of Land Management grazing permits based on existing terms and conditions. These permits are currently for 10-year periods. What did the conference agreement do? It continues a 1-year provision similar to the last year's law, similar to what we had last year. This provision clearly states that the authority of the Secretary of Interior to alter, modify, or reject permit renewals following completion of all required environmental analyses is not altered.

We have also included additional funding for the BLM to accelerate the processing of these permits. We said, let us get on with the job. We know that there has to be an EIS on every permit. Under the conference compromise worked out by both parties, the agreement is that they can renew the permits for 10 years; but if the EIS shows that there is any violation of the standards established in the law and by the regulations, immediately, the Secretary can terminate those permits.

This is a question of fairness. We have got to treat people fairly whether they live in the West or whether they live in the East. What we have done in modifying what I thought were too strenuous conditions imposed by the Senate language, we have modified to make the conditions fair. But I think they are reasonable, and I think they protect the interest of the American people.

On the hard rock mining, we have said, as soon as the National Academy of Science, again, a nonpartisan, independent group, as soon as they give us the report, we can take action. In the meantime, we have a moratorium. All these things are a matter of fairness.

Now, let me just tell my colleagues what a vote yes for this bill will do. A vote yes will give the parks $77 million more than they had last year; the Bureau of Land Management, $50 million more; an additional $55 million to the Fish and Wildlife Service.

We continue the recreational fee program. I am advised by the Park Service that that will generate over $100 million which they get to put right back in the park where the fee is generated.

Do my colleagues know what the law was before we worked on this? If the parks collected a fee, they sent it to the Treasury. Not much incentive to be out there collecting fees; paying one's team to collect a fee so one can send it to Washington. Now they get to keep it. They have done many improvements with the fee money.

I have been visiting the parks. Without exception, and I think the gentleman from Washington (Mr. DICKS) was with us when we visited the parks, we heard this from the team at Olympic how much that meant to them to have the fees to fix up different things that have been neglected.

Speaking of that, we address backlog maintenance. When we started here, we were told it was up to anywhere from $12 billion to $14 billion of backlog maintenance. Most of us have homes. We fix the roof. We fix the driveway. We fix it if there is a problem with the plumbing.

Yet, we were allowing our parks, our forests facilities, the Smithsonian, many others to be neglected. On their own testimony, backlog maintenance was up to almost $14 billion. We decided, as a policy, that we need to address the backlog problem. We need to take care of maintenance. We have been putting in probably twice as much money as was going into maintenance simply to ensure that we are taking care of what we have. We all understand how important that can be.

The conference report ensures environmental protection for the Everglades, including a national park in Biscayne Bay. There is a lot of money in this report to restore the ecosystem and the water flow in the Everglades. How important that is in preserving this great system for the future generations.

Funding for the Forest Service is $10 million over the administration's request and $16 million over the administration's request in trail maintenance. Trails, people love trails. If one has a trail in one's area one knows how much it is used. We recognize that even to a greater extent than the administration did.

This bill is designed for people. It is designed to allow them to use the forest for recreation, to make the parks safe, to make sure they have nice conditions when they go there to visit. So we maintain the sewage systems. We maintain the camp sites. We maintain the things that are important to people.

Funding for the North American Wetlands Conservation Fund continues at $15 million. We increased Indian Health Services by $130 million, very important in the Indian community. Again, a concern for people. We have tried to address that throughout the bill.

We have the money to buy the Baca Ranch in New Mexico which will add a great piece of land to the base of this Nation, some 95,000 acres with an elk herd of 6,000 that just roam. Think of what that will mean for people to have an opportunity to visit. That is what my colleagues are going to vote yes for if they vote for this bill.

We, earlier today, had an amendment on science. I have seen op ed pieces on how important science is in our schools. We provide in this bill for science and research at the USGS, one of the premier science agencies of this Nation. It gets a total $824 million.

How about this one, a vote yes on this bill is a vote to clean up abandoned mine sites. We really neglected this country and our land when we allowed the rape of lands with mining, open pit mining. We have $191 million, a $6 million increase, to address the problems of open-pit mines, to stop the acid rain runoff that goes downstream and goes far beyond the mine site.

Well, there are a lot more things in here that I can talk about. I only can say this, that a vote yes for this bill is a vote for the people of this Nation.

We have done the best we could with the money we have had. We tried to be fair. I think our friends on the other side of the aisle will recognize that, in terms of projects, programs, that each side was treated equally, and that we made our judgments on the merits of the programs and the projects rather than any political decisions.

In view of that, I think we should get support from all the Members, as we did on the original bill. This bill is not that much different. It is, maybe, better in some respects, more funding because of what the Senate did. I certainly urge the Members here to respect the people of this Nation and support this legislation.

Ms. SLAUGHTER. Mr. Speaker, I yield 4½ minutes to the gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR. Mr. Speaker, I thank the gentlewoman from New York for yielding me the time.

Mr. Speaker, let me just say at the outset how much I respect the gentleman from Ohio (Mr. REGULA) for his work in this Congress and for his concerns about the environment. But let me also say to him, as much as I hold him in high esteem for his abilities and for his care, he talked about this bill having some equity in it, and the only equity that I see in it is that the gentleman from Florida (Mr. YOUNG), the chairman of the Committee on Appropriations, was able to get about $87 million worth of projects for his State in this bill, a lopsided number to say the least, at the expense of, of course, many other Members. So there is no equity in that formula.

I also want to say, Mr. Speaker, that the interior of our country is blessed with some of the most precious lands and forests in the world. Sometimes we take for granted Glacier and the Shenandoah and the Grand Canyon and Yellowstone and all these marvelous jewels that we have. We do not understand that somebody had the foresight years ago to make them a special place. It did not happen by accident. Legislators protected them from exploitation.

I am sensitive to this exploitation issue because, in my home State of Michigan, we have had a history of exploiting what I think is the most beautiful State in the Union. It occurred in the 18th Century when the folks who wanted to trap came into Michigan, and they took everything that ran on four legs with fur on it, and almost made, in fact, did make extinct the wolverine and the martin, and took pelts in prodigious numbers, beaver. You name it, they went after it and basically took the fur in the State in a very short time and exploited it.

□ 1645

And then in the 19th century, when the Erie Canal opened up and my colleagues' ancestors from New York came over to Michigan, they went after the trees, in the biggest rush of natural resources this country has ever seen. Michigan had unbelievable growth of pine forests and other virgin old growth forests. Seven-tenths, eight-tenths of our State was forest, and by the end of that century it was virtually all gone.

And they took with them the woodland caribou, they took with them the grayling fish, and they took with them the grey fox. The State was devastated. And it has taken us 100 years to recover as a result of that exploitation. We lost some of our special places due to lack of foresight.

In the year 2000, as we do this appropriations bill for the Interior, we should reflect on some of these misguided policies of the past, and we should offer a vision for a better future. Unfortunately, the bill we have before us today lacks in very important areas. It provides less than half of the funding requested by the President's Land Legacy initiative, and it has the riders that we have been debating here allowing for the unrestricted dumping of toxic mineral waste and in placing a 1-year freeze on the hard rock mining regulation.

The worst riders would grant grazing permit renewals without concern for the environmental impact, and it would also subsidize the oil industry by allowing them to pay, as the gentlewoman from New York (Mrs. MALONEY) mentioned, below-market prices for royalties extracted from Federal lands and waters.

And like much of 19th century Michigan, it even allows the trees in our national forests to be raided without any consideration given to the wildlife and the soil erosion and the human health concerns. So this bill lacks vision. It lacks vision. It cannot see the trees or the forests, and we should send it back to the dark ages, especially with respect to the riders. That is where this bill belongs.

This bill is opposed by every major environmental organization in the country for the reasons we have enunciated on the floor today. I urge my colleagues to vote "no" on this conference report.

Mr. HASTINGS of Washington. Mr. Speaker, how much time remains on both sides?

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from Washington (Mr. HASTINGS) has 2½ minutes remaining, and the gentlewoman from New York (Ms. SLAUGHTER) has 3½ minutes remaining.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Speaker, we are playing catchup ball. We are rushing to conclusion trying to finish the budget because we are 20 days into a new year without a budget. And as these bills whirl past us, I think it is fair to stop and ask what is the score right now. Just where are we? How much have we spent against what we have got?

To get an answer to that question we have only to look on page H10596 of the CONGRESSIONAL RECORD. We can see that we are $599 million in this bill alone above where the House was, and that is why this rule is required, because we are above the 302(b) allocation. We split the available resources into 13 different bills early in the year, and now this bill comes to us $600 million more than the allocated share it is entitled to.

This continues a trend that has gone on here repeatedly with the bills that are coming to the floor. The three largest bills in the 13 appropriation bills are Defense, which is $8 billion more than the President requested; HUD-VA is $2 billion more than the President requested; and I am told Labor-HHS, which comes here tomorrow, is $2.2 billion more than the President requested. And, of course, we have passed an Ag emergency bill that was not in the original calculus at $8.7 billion more than we originally contemplated. Those alone, back of the envelope, come to 20.7, and the surplus for next year is 14.4.

That means, just on the back of the envelope analysis, that we are $6 billion into the Social Security surplus. We have spent the on-budget surplus, and we are $6 billion into Social Security. But it is worse than that. If we take all the bills, according to the Committee on the Budget's analysis, we are $36 billion right now above what was allocated for discretionary spending. Thirty-six billion.

Now if my colleagues are asking themselves, how did we do this, two gimmicks, basically. Number one, emergency spending. We have taken it to new heights. We have expanded the definition of an emergency to unprecedented extremes this year; $18.8 billion by our calculation, $24.9 according to the ranking member of the Committee on Appropriations. And then we have used creative scorekeeping. We have discarded, dispensed with, the scorekeeping that our own budget shop, a neutral nonpartisan CBO, congressional budget shop, would render of the budget authority we have provided, and said, no, it is at least $18 billion, $17.1 billion less than what you say. That is how we got $36 billion over the caps and into Social Security.

So where are we, if we adopt this bill? If we back out the gimmicks, we are over, way over, the discretionary spending caps we set; and we are well into the Social Security surplus. If we pass this bill, we will be $600 million over the caps and in BA, $200 million more in outlays into Social Security. That is why this bill is not a good idea.

Ms. SLAUGHTER. Mr. Speaker, I yield the balance of my time to the gentleman from Guam (Mr. UNDERWOOD).

Mr. UNDERWOOD. Mr. Speaker, I have 30 seconds to just raise one issue, and that is compact-impact aid for Guam.

This is an unfunded mandate which, according to a Department of Interior report, costs the people of Guam $17 million a year. We were asking for only about 50 percent of that in this Interior appropriations measure. We were not able to get it.

This is an unfunded mandate on citizens that are not fully represented here and stems from a series of treaties signed by the United States in the 1980s with three independent nations which are allowed free migration into the United States and they end up in Guam.

So I rise in opposition to the conference report.

I rise in opposition to the Conference Report on H.R. 2466, the Interior Appropriations bill. It is apparent from our on-going debate that this report does not meet the concerns important to our nation. The inadequate funding of both the Land's Legacy Initiative and the National Endowment for the Arts will weaken our efforts to protect our national parks and forests and jeopardize our nation's appreciation for the diversity of arts and cultures. I also oppose this bill because it does not ensure that the smallest of concerns from our furthest American citizens in the Pacific are addressed. This causes me great concern because for my district, the Territory of Guam, an agreement made in 1986 between the U.S. and the Freely Associated States of Micronesia placed a federal mandate on our territory which costs the island nearly $17 million annually in public services for immigrants from the Freely Associated States of Micronesia.

As background, the Federated States of Micronesia (FSM), the Republic of the Marshall Islands (RMI) and the Republic of Palau (RP) are Freely Associated States with the United States. The FSM and RMI began their respective Compact agreements with the U.S. in 1986 while the Compact relationship with the RP began later in 1994. A provision of the Compact agreements allows Freely Associated State citizens unfettered travel within the U.S. to seek employment or education. As the closest American territory to these independent nations, Guam is their primary destination. The resulting immigration has placed greater demands to provide social, health care, public housing, educational, and public safety services to FAS citizens residing on Guam. Without the proper attention and assistance from Congress, this unfair situation placed on a territory with a limited economy will only contribute to the continuing depletion of Guam's financial resources. This is not only an unfunded federal mandate—it is worse—it is an unfunded federal mandate upon U.S. citizens who are not fully represented here in Washington.

Compact-impact aid assistance for Guam has been recognized by both the Congress and the Administration, but has not been fully addressed. In 1996, Congress authorized annual payment of $4.58 million to Guam until 2001 to offset costs associated with compact migration. A year later, a study paid for by the Department of the Interior calculated the annual cost to Guam for providing social and educational services to Compact migrants was approximately $17 million. As you can see, Guam shoulders more than two-thirds of the cost of providing public services to FAS immigrants.

The budget requests from Delegates of the U.S. Territories in Congress are perhaps the greatest challenges we face during our terms in office. Without doubt, we have less influence in the appropriations process due in large part to our non-voting status in the Congress. Our needs are often misunderstood because our distances from the mainland U.S. are great. Apart from federal programs that both states and territories can participate in, any other requests outside of the norm can be a frustrating ordeal. We are vulnerable to federal interagency differences about how to treat the territories as well as having no leverage during the appropriations process.

I am appreciative for the collaboration and support of the President for including Compact-impact aid increase for Guam as part of his Administration's priorities during the appropriations process. I remain confident that the President is committed to increasing Compact-impact aid for Guam and I remain committed to working with my colleagues to ensure that this issue is addressed this year.

Mr. HASTINGS of Washington. Mr. Speaker, I yield the balance of our time to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Speaker, I have found this discussion interesting. When we look back at the House vote of 377 to 47, and then hear the debate that we have heard in the last few minutes here on the rule, we would think this was a totally different bill.

I sat on the conference committee, and I can tell my colleagues that I want to give it high marks. When I want somebody to negotiate for me, with the Senate or anybody, I am going to send the gentleman from Ohio (Mr. REGULA), because I think he did one real fine job. He stood tough and fought for the House position again and again and again, and won.

Now, sure, there is compromise. The President has some things that were added that he wanted changed so he might sign the bill. And the Senate had to have some victories. That is the process. Is it perfect? No. Do we ever pass a perfect bill? No. But this is a good bill, very, very similar to the bill that drew 377 votes. I think there is something good here.

I have heard five different reasons, none related, as to why this bill is bad all of a sudden, but no evidence. This bill has $1.4 billion for national park operations, a $77 million increase; $1.2 billion for Bureau of Land Management, a $50 million increase; national wildlife refuge, a $30 million increase. The issues that are important to our environment, the agencies that are important to our environment have been thoughtfully funded.

Some new initiatives: the Recreational Fee Demonstration program that allows our public lands to keep the fees and help with the backlog of maintenance. Everglades restoration, a new initiative. This bill, in my view, has been a very thoughtful, tough bill because we had constraints.

I personally think there is a move here to just stop the process. Because when we listen to the evidence that we have heard today, it does not make much sense. It is not very clear and convincing. Because this is basically the same bill we passed, and 377 House Members supported it, rightfully so, and only 47 voted against.

I urge my colleagues to support this bill. It is one that our committee fought hard for, our chairman worked hard for in the conference committee, and it is one that deserves our support so we can send it to the President.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 228, nays 196, not voting 9, as follows:

[Roll No. 527]

YEAS—228

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berkley
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boucher
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune

Tiahrt
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)

NAYS—196

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stearns
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Woolsey
Wu
Wynn

NOT VOTING—9

Camp
Coburn
Jackson-Lee (TX)
Jefferson
Linder
McCarthy (MO)
McCarthy (NY)
Scarborough
Towns

☐ 1718

Ms. BROWN of Florida, Mr. UDALL of New Mexico, Mr. RAHALL, and Ms. EDDIE BERNICE JOHNSON of Texas changed their vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1180. An act to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 1180) "An Act to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes" requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ROTH, Mr. LOTT, and Mr. MOYNIHAN, to be the conferees on the part of the Senate.

CONFERENCE REPORT ON H.R. 2466, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

Mr. REGULA. Mr. Speaker, pursuant to House Resolution 337, I call up the conference report on the bill (H.R. 2466) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. SHIMKUS). Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of October 20, 1999, at page H10517.)

The SPEAKER pro tempore. The gentleman from Ohio (Mr. REGULA) and the gentleman from Washington (Mr. DICKS) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. REGULA).

GENERAL LEAVE

Mr. REGULA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report to accompany H.R. 2466, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. REGULA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, for the next several minutes, I wish all the Members would forget about partisan politics, forget about some of the personal things that they might not totally agree with and think what is good for the people of the United States of America. Two hundred seventy million people are depending on us to ensure that they have a park to visit, to ensure that when they go to a national forest they will be safe, that the facilities will be good, to ensure when a group of children go out in a bus to a fish and wildlife refuge to learn about the ecology of this Nation that there will be somebody there to tell about it, to ensure when they visit the Smithsonian, it will be open, that it will be well cared for, that the people will be there to serve them.

I could go through a whole list of things. Millions of Americans will go to our facilities over the next 12 months, and the quality of their experience is being decided here. Likewise, think about the generations that are here and yet to come, because the legacy we leave them in terms of our national lands is being decided not by them but by us. Let us forget partisanship for a minute and let us say, what kind of a legacy do we want to leave for future generations as well as for those of today's world. What kind of opportunities do we want them to have.

For example, in this bill will be funds to do long distance learning through the Smithsonian, the National Gallery of Art, the Kennedy Center, an opportunity to tell the story of these marvelous institutions to all the young people of America, many of whom cannot travel to Washington. We have a responsibility to them that should transcend our own personal prejudices on this day. We did that on this bill earlier this year, by overwhelming majorities on both sides. We supported this bill. Sure there have been a few changes, some probably better, a little more money being spent, but the basic bill is the same. The basic bill provides the kind of services that the American people expect us to deliver. That is why we are sent here. And we have an opportunity today to reaffirm that judgment that we made several months ago.

To vote yes, we are voting for a lot of positive environmental things. We are voting to clean up the streams of America through the abandoned mine law. We have increased it. We are voting to spend $77 million more dollars on the parks as well as allow them to keep the $100 plus million that they earn with the fee program. We are voting to diminish vandalism because through the fee program we have discovered that vandalism in the public facilities, the public lands, is reduced. We have in our hands today 30 percent of the land in this Nation, and we are responsible, each of us are responsible with our vote as to how we treat this wonderful, wonderful asset. It is a legacy that has been provided for us.

Just think about New York City. If Frederick Olmstead had not had the vision to save 800 acres called Central Park, there would not be this oasis of beauty in that city. Think what that means to the 10 or 11 million people. Each of us today are going to vote, have an opportunity to do the same, to preserve these facilities. As we become more urbanized, as our cities become more heavily populated, it becomes even more important that we preserve these open spaces.

This bill provides funds to purchase 95,000 acres called the Baca Ranch. I have been there. You walk out in the meadows and there are 6,000 elk grazing. They are not there with a halter around them tied to the ground. They are there as free spirits, free standing, because that is the great natural legacy of their existence. We have a chance to preserve that opportunity.

We have an opportunity here to make good on a promise this body made several years ago. We said to coal miners who suffered with black lung, who suffered with all kinds of physical problems, we are going to help you, because this is a compassionate Nation, we care about people. So we passed a law to give these people some help. Today, we are providing some additional funds. The fund is depleted. Are we going to say to these people, "Sorry, we made a promise but we're not going to keep it"?

Those are just a few items that are embodied in this bill. Sure, I know we can talk about the riders. But these are important. It is important to the people that live along the shorelines of this Nation, be it California or Florida or North Carolina, that their offshore be preserved. That is a rider. It says there shall be no drilling offshore. It is important that there not be more patents issued to give away our public lands. That is in this bill. It is called a rider.

We have a couple of others in here. They are much less severe than was the case in the language that was in the Senate, but in the process of a compromise that represents this report today, the gentleman from Washington (Mr. DICKS) and myself, members from both sides of the aisle, fought to mitigate those riders, to soften them but be fair to the people. We cannot say to a rancher that for 50 years he and his family have been running cattle that just suddenly we are going to cut you off tomorrow. That is not fair. But we do say, once we have done an EIS, if you do not meet the standards, you are going to lose your permit. And we give the Secretary of Interior the right to make that decision.

We do not have a lot of time. I am going to stop here. We have others that want to speak. Just examine your conscience and say, What do I want my legacy to be? What do I want my vote to represent? Do I want it to represent enhancing, preserving, taking care of these great assets that are our legacies from other generations that served in this body. These 378 national parks just did not happen. They happened because people had vision, such as Teddy Roosevelt and many others.

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Today, we are shaping the vision that others who serve here in years that follow us will say, gee, they really cared about the people of this Nation, they cared about preserving their crown jewels, the parks, they cared about preserving their forests for recreation. That is the challenge that we have to meet when we put the card in the slot this afternoon.

Today, as we take up the conference report making appropriations for Interior and Related Agencies for fiscal year 2000, you have the opportunity to voice your commitment to America's priceless natural and cultural resources. We can leave our children and future generations no more valuable legacy than our national parks, wildlife refuges, forests and wilderness areas, and our rich cultural heritage which defines who we are as a people and nation.

I urge you to vote in favor of this conference report. Don't let politics or a dedication to fiscal austerity cause you to overlook all the many very positive things that can be achieved through this bill. The American people expect you to be the guardians of their most highly prized natural and cultural resources. Don't let them down.

Getting to this point has been challenging, with many hurdles to overcome. The President sent the Congress a budget request for fiscal year 2000 that was balanced, only because it relied on budget gimmicks, increased taxes and new user fees. In contrast, this conference agreement sought to deal with real needs and important issues directly, fairly and in a way that best serves the public. This year's appropriation amount is $14.5 billion, a very modest increase of 1½ percent over last year's $14.3 billion. This is a very small price to pay to protect and preserve the nation's natural and cultural resources.

The House and Senate bills contained numerous differences, large and small, reflecting the concerns and priorities of the members of the two chambers. Reconciling these differences provoked spirited debate on all sides of the issues. Conferees argued their positions with reason and passion. But in the end, everyone's willingness to listen and seek common ground prevailed over our differences.

As a result, I am pleased to report that the conference report you have before you effectively addresses the priorities Americans care most about. These include $1.4 billion for National Park Service operations to enhance visitors' safety and their enjoyment of America's great natural wonders; $40 million to purchase the Baca Ranch in New Mexico, preserving a unique expanse of the Old West; over $500 million for the Smithsonian Institution and the National Gallery of Art so that visitors from across America and the world can enjoy the thousands of marvels of science, history, technology and the animal kingdom and the glorious works of art on display here; $68 million for the United Mine Workers of America Combined Benefit Fund, which is nearly depleted because of several recent court decisions, to ensure that elderly mine workers and their dependents continue to receive health care. I urge the authorizing committees to take up this issue and develop a long-term solution to this problem.

We have continued an important commitment I have made to improve management of the agencies funded by this bill. This year we have worked with the National Academy of Public Administration (NAPA) in examining the management of both the Forest Service and the Bureau of Indian Affairs. We are instructing these agencies to take steps to implement NAPA's recommendations for more effective and efficient management.

I wish to express my appreciation to Senator GORTON and his subcommittee members for their willingness to seek common ground to allow us to bridge significant differences in our respective bills. They worked diligently with us to achieve compromises on three key legislative provisions.

First, regarding mill sites, the conference report does not prohibit the Department of the Interior from enforcing the Solicitor's decision that establishes a limit of one mill site per mining claim, as the Senate had proposed. Interior may enforce the limitation on new claims, but exceptions are made for existing mining plans of operation (already agreed to by Secretary Babbitt), plans of operation submitted prior to May 21, 1999, and patent applications grandfathered pursuant to the current patent application moratorium in place since fiscal year 1995.

Second, the Senate included a provision which would have extended all expiring Bureau of Land Management grazing permits based on existing terms and conditions. The conference agreement clearly states that the authority of the Secretary of the Interior to alter, modify or reject permit renewals following completion of all required environmental analyses is not altered. The agreement also includes additional funding to accelerate the processing of these permits.

Third, the Senate had included a provision prohibiting the Minerals Management Service from implementing a new rule on oil valuation through fiscal year 2000. The conference agreement prohibit the rule from being implemented for a period not to exceed 6 months, or until the Comptroller General reviews the proposed regulation and issues a report. There is no prohibition on implementation following the release of the report.

In summary, this conference report is not about politics and partisanship. This report reflects our commitments to protecting America's most valuable natural resources for future generations and promoting culture, science and history for the benefit of communities, large and small, throughout this country. Passage of this report means meeting our responsibilities to American Indians and Alaska Natives and continuing essential research to increase energy efficiency and maintain a clean, healthy environment. Again, as strongly as I possibly can, I urge you to vote for its passage.

There are three corrections that need to be made to the conference report. The number for the Historic Preservation Fund in the National Park Service should be $75,212,000, the number of Forest Service land acquisition should be $79,575,000 and in section 310, "1999" should read "2000."

We will take the necessary steps to ensure these corrections are made.

Also, in the statement of the managers, the first sentence under the Historic Preservation Fund in the National Park Service should read, "The conference agreement provides $75,212,000 for the Historic preservation fund instead of $46,712,000 as proposed by the House and $42,412,000 as proposed by the Senate."

At this point Mr. Speaker, I insert into the RECORD a table detailing the various accounts in the bill.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 2000 (H.R. 2466)

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
TITLE I - DEPARTMENT OF THE INTERIOR						
Bureau of Land Management						
Management of lands and resources	612,511	641,100	631,068	634,321	644,218	+31,707
Wildland fire management	286,895	305,850	292,399	283,805	292,282	+5,387
Central hazardous materials fund	10,000	11,350	10,000	10,000	10,000	
Construction	10,997	8,350	11,100	12,418	11,425	+428
Payments in lieu of taxes	125,000	125,000	145,000	135,000	135,000	+10,000
Land acquisition	14,600	48,900	15,000	17,400	15,500	+900
Oregon and California grant lands	97,037	101,650	99,225	99,225	99,225	+2,188
Range improvements (indefinite)	10,000	10,000	10,000	10,000	10,000	
Service charges, deposits, and forfeitures (indefinite)	8,055	8,800	8,800	8,800	8,800	+745
Miscellaneous trust funds (indefinite)	8,800	7,700	7,700	7,700	7,700	-1,100
Total, Bureau of Land Management	1,183,895	1,268,700	1,230,292	1,218,669	1,234,150	+50,255
United States Fish and Wildlife Service						
Resource management	661,136	724,000	710,700	684,569	716,046	+54,910
Construction	50,453	43,569	43,933	40,434	54,583	+4,130
Emergency appropriations	37,612					-37,612
Land acquisition	48,024	73,632	42,000	56,444	50,513	+2,489
Cooperative endangered species conservation fund	14,000	80,000	15,000	21,480	16,000	+2,000
National wildlife refuge fund	10,779	10,000	10,779	10,000	10,779	
North American wetlands conservation fund	15,000	15,000	15,000	15,000	15,000	
Wildlife conservation and appreciation fund	800	800	800	800	800	
Multinational species conservation fund	2,000	3,000	2,000	2,400	2,400	+400
Commercial salmon fishery capacity reduction					5,000	+5,000
Total, United States Fish and Wildlife Service	839,804	950,001	840,212	831,127	871,121	· 31,317
National Park Service						
Operation of the national park system	1,285,604	1,389,627	1,387,307	1,355,176	1,365,059	+79,455
Emergency appropriations	2,320					-2,320
National recreation and preservation	46,225	48,336	49,449	51,451	53,899	+7,674
Historic preservation fund	72,412	80,512	46,712	42,412	75,212	-2,800
Construction	226,058	194,000	169,856	223,153	224,493	-1,565
Emergency appropriations	13,680					-13,680
Land and water conservation fund (rescission of contract authority)	-30,000	-30,000	-30,000	-30,000	-30,000	
Land acquisition and state assistance	147,925	172,468	132,000	107,725	120,700	-27,225
Conservation grants and planning assistance		200,000				
Urban park and recreation fund		4,000				
Total, National Park Service (net)	1,764,224	2,058,943	1,755,324	1,749,917	1,809,363	+45,139
United States Geological Survey						
Surveys, investigations, and research	797,896	838,485	820,444	813,093	823,833	+25,937
Emergency appropriations	1,000					-1,000
Minerals Management Service						
Royalty and offshore minerals management	217,902	234,082	234,082	234,682	234,682	+16,780
Additions to receipts	-100,000	-124,000	-124,000	-124,000	-124,000	-24,000
Oil spill research	6,118	6,118	6,118	6,118	6,118	
Total, Minerals Management Service	124,020	116,200	116,200	116,800	116,800	-7,220
Office of Surface Mining Reclamation and Enforcement						
Regulation and technology	93,078	94,391	95,693	95,891	95,891	+2,813
Receipts from performance bond forfeitures (indefinite)	275	275	275	275	275	
Subtotal	93,353	94,666	95,968	96,166	96,166	+2,813
Abandoned mine reclamation fund (definite, trust fund)	185,416	211,158	196,458	185,658	191,208	+5,792
Total, Office of Surface Mining Reclamation and Enforcement	278,769	305,824	292,426	281,824	287,374	+8,605
Bureau of Indian Affairs						
Operation of Indian programs	1,584,124	1,694,387	1,631,050	1,633,296	1,637,444	+53,320
Construction	123,421	174,258	126,023	146,884	146,884	+23,463
Indian land and water claim settlements and miscellaneous payments to Indians	28,882	28,401	25,901	27,131	27,256	-1,626
Indian guaranteed loan program account	5,001	5,008	5,008	5,004	5,008	+7
(Limitation on guaranteed loans)	(59,682)	(59,682)	(59,682)	(59,682)	(59,682)	
Indian land consolidation pilot	5,000					-5,000
Total, Bureau of Indian Affairs	1,746,428	1,902,054	1,787,982	1,812,315	1,816,592	+70,164

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 2000 (H.R. 2466)— continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
Departmental Offices						
Insular Affairs:						
Assistance to Territories	38,455	40,355	34,600	39,605	39,451	+996
Northern Marianas Islands Covenant	27,720	27,720	27,720	27,720	27,720	
Subtotal, Assistance to Territories	66,175	68,075	62,320	67,325	67,171	+996
Compact of Free Association	8,930	8,545	8,545	8,545	8,545	-385
Mandatory payments	12,000	12,000	12,000	12,000	12,000	
Subtotal, Compact of Free Association	20,930	20,545	20,545	20,545	20,545	-385
Total, Insular Affairs	87,105	88,620	82,865	87,870	87,716	+611
Departmental management	64,686	63,064	62,864	62,203	62,864	-1,822
Y2K conversion (emergency appropriations)	80,347					-80,347
Office of the Solicitor	36,784	41,500	36,784	36,784	40,196	+3,412
Office of Inspector General	25,486	27,614	26,086	26,614	26,086	+600
Office of the Special Trustee for American Indians	61,299	90,025	90,025	73,836	90,025	+28,726
Indian land consolidation pilot		10,000	5,000	5,000	5,000	+5,000
Natural resource damage assessment fund	4,492	7,900	5,400	4,621	5,400	+908
Management of Federal lands for subsistence uses	8,000					-8,000
Glacier Bay fishing (emergency appropriations)	26,000					-26,000
Total, Departmental Offices	394,199	326,723	309,024	296,928	317,287	-76,912
Total, title I, Department of the Interior:						
New budget (obligational) authority (net)	7,130,235	7,768,930	7,151,904	7,120,673	7,276,520	+146,285
Appropriations	(6,999,276)	(7,798,930)	(7,181,904)	(7,150,673)	(7,306,520)	(+307,244)
Emergency appropriations	(160,959)					(-160,959)
Rescissions	(-30,000)	(-30,000)	(-30,000)	(-30,000)	(-30,000)	
(Limitation on guaranteed loans)	(59,682)	(59,682)	(59,682)	(59,682)	(59,682)	
TITLE II - RELATED AGENCIES						
DEPARTMENT OF AGRICULTURE						
Forest Service						
Forest and rangeland research	197,444	234,644	204,373	187,444	202,700	+5,256
State and private forestry	170,722	252,422	181,464	190,793	187,534	+16,812
National forest system	1,298,570	1,357,178	1,254,434	1,239,051	1,251,504	-47,066
Wildland fire management	560,176	560,730	561,354	560,980	561,354	+1,178
Emergency appropriations	102,000	90,000		90,000	90,000	-12,000
Reconstruction and maintenance	297,352	295,000	396,602	362,095	398,927	+101,575
Emergency appropriations	5,611					-5,611
Land acquisition	117,918	118,000	1,000	36,370	79,575	-38,343
Acquisition of lands for national forests special acts	1,069	1,069	1,069	1,069	1,069	
Acquisition of lands to complete land exchanges (indefinite)	210	210	210	210	210	
Range betterment fund (indefinite)	3,300	3,300	3,300	3,300	3,300	
Gifts, donations and bequests for forest and rangeland research	92	92	92	92	92	
Southeast Alaska economic disaster fund					22,000	+22,000
Management of Federal lands for subsistence uses	3,000					-3,000
Total, Forest Service	2,757,464	2,912,645	2,603,898	2,671,404	2,798,265	+40,801
DEPARTMENT OF ENERGY						
Clean coal technology:						
Deferral	-40,000	-256,000	-256,000	-156,000	-156,000	-116,000
Fossil energy research and development	384,056	340,000	256,292	366,975	386,025	+1,969
Biomass energy development (by transfer)		(24,000)	(24,000)	(24,000)	(24,000)	(+24,000)
Alternative fuels production (indefinite)	-1,300	-1,000	-1,000	-1,000	-1,000	+300
Naval petroleum and oil shale reserves	14,000					-14,000
Elk Hills school lands fund	36,000	36,000	36,000			-36,000
Energy conservation	691,701	812,515	706,822	659,817	664,242	-27,459
Biomass energy development (by transfer)		(25,000)	(25,000)	(25,000)	(25,000)	(+25,000)
Economic regulation	1,801	2,000	2,000	2,000	2,000	+199
Strategic petroleum reserve	160,120	159,000	148,000	159,000	159,000	-1,120
SPR petroleum account		5,000				
Energy Information Administration	70,500	72,644	72,644	70,500	72,644	+2,144
Total, Department of Energy:						
New budget (obligational) authority (net)	1,316,878	1,170,159	962,758	1,101,292	1,126,911	-189,967
Appropriations	(1,356,878)	(1,426,159)	(1,218,758)	(1,257,292)	(1,282,911)	(-73,967)
Deferral	(-40,000)	(-256,000)	(-256,000)	(-156,000)	(-156,000)	(-116,000)
(By transfer)		(49,000)	(49,000)	(49,000)	(49,000)	(+49,000)

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 2000 (H.R. 2466)— continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
DEPARTMENT OF HEALTH AND HUMAN SERVICES						
Indian Health Service						
Indian health services	1,950,322	2,094,922	2,085,407	2,138,001	2,053,967	+103,645
Indian health facilities	291,965	317,465	312,478	189,252	318,580	+26,615
Total, Indian Health Service	2,242,287	2,412,387	2,397,885	2,327,253	2,372,547	+130,260
OTHER RELATED AGENCIES						
Office of Navajo and Hopi Indian Relocation						
Salaries and expenses	13,000	14,000	13,400	8,000	8,000	-5,000
Institute of American Indian and Alaska Native Culture and Arts Development						
Payment to the Institute	4,250	4,250	....	4,250	2,125	-2,125
Smithsonian Institution						
Salaries and expenses	347,154	380,501	371,501	367,082	372,901	+25,747
Construction and improvements, National Zoological Park	4,400	....	....	4,400	....	-4,400
Repair and restoration of buildings	40,000	47,900	47,900	35,000	47,900	+7,900
Construction	16,000	19,000	19,000	19,000	19,000	+3,000
Y2K conversion (emergency appropriations)	4,700	....	....	....	....	-4,700
Total, Smithsonian Institution	412,254	447,401	438,401	425,482	439,801	+27,547
National Gallery of Art						
Salaries and expenses	57,938	61,438	61,538	61,438	61,538	+3,600
Repair, restoration and renovation of buildings	6,311	6,311	6,311	6,311	6,311	....
Y2K conversion (emergency appropriations)	101	....	....	....	....	-101
Total, National Gallery of Art	64,350	67,749	67,849	67,749	67,849	+3,499
John F. Kennedy Center for the Performing Arts						
Operations and maintenance	12,187	14,000	12,441	14,000	14,000	+1,813
Construction	20,000	20,000	20,000	20,000	20,000	....
Total, John F. Kennedy Center for the Performing Arts	32,187	34,000	32,441	34,000	34,000	+1,813
Woodrow Wilson International Center for Scholars						
Salaries and expenses	5,840	6,040	7,040	6,040	6,790	+950
National Foundation on the Arts and the Humanities						
National Endowment for the Arts						
Grants and administration	83,500	137,000	83,500	90,000	85,000	+1,500
Matching grants	14,500	13,000	14,500	13,000	13,000	-1,500
Total, National Endowment for the Arts	98,000	150,000	98,000	103,000	98,000	....
National Endowment for the Humanities						
Grants and administration	96,800	129,800	96,800	101,000	101,000	+4,200
Matching grants	13,900	20,200	13,900	14,700	14,700	+800
Total, National Endowment for the Humanities	110,700	150,000	110,700	115,700	115,700	+5,000
Institute of Museum and Library Services/ Office of Museum Services						
Grants and administration	23,405	34,000	24,400	23,905	24,400	+995
Total, National Foundation on the Arts and the Humanities	232,105	334,000	233,100	242,605	238,100	+5,995
Commission of Fine Arts						
Salaries and expenses	898	1,078	935	1,078	1,005	+107
National Capital Arts and Cultural Affairs						
Grants	7,000	6,000	7,000	7,000	7,000	....
Advisory Council on Historic Preservation						
Salaries and expenses	2,800	3,000	3,000	2,906	3,000	+200
National Capital Planning Commission						
Salaries and expenses	5,954	6,312	6,312	6,312	6,312	+358
Y2K conversion (emergency appropriations)	381	....	....	....	....	-381

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 2000 (H.R. 2466) continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
United States Holocaust Memorial Council						
Holocaust Memorial Council	32,107	33,786	33,286	33,286	33,286	+1,179
Y2K conversion (emergency appropriations)	900					-900
Emergency appropriations	2,000					-2,000
Total, United States Holocaust Memorial Council	35,007	33,786	33,286	33,286	33,286	-1,721
Presidio Trust						
Presidio trust fund	34,913	44,400	44,400	44,400	44,400	+9,487
Total, title II, related agencies:						
New budget (obligational) authority (net)	7,167,568	7,497,207	6,851,705	6,983,037	7,189,391	+21,823
Appropriations	(7,091,875)	(7,663,207)	(7,107,705)	(7,049,037)	(7,255,391)	(+163,516)
Emergency appropriations	(115,693)	(90,000)		(90,000)	(90,000)	(-25,693)
Deferral	(-40,000)	(-256,000)	(-256,000)	(-156,000)	(-156,000)	(-116,000)
(By transfer)		(49,000)	(49,000)	(49,000)	(49,000)	(+49,000)
TITLE III						
Across-the-board cut in Floor action			-69,000	-48,000		
TITLE V						
United Mine Workers of America combined benefit fund (emergency appropriations)					68,000	+68,000
Grand total:						
New budget (obligational) authority (net)	14,297,803	15,266,137	13,934,609	14,055,710	14,533,911	+236,108
Appropriations	(14,091,151)	(15,462,137)	(14,220,609)	(14,151,710)	(14,561,911)	(+470,760)
Emergency appropriations	(276,652)	(90,000)		(90,000)	(158,000)	(-118,652)
Rescissions	(-30,000)	(-30,000)	(-30,000)	(-30,000)	(-30,000)	
Deferral	(-40,000)	(-256,000)	(-256,000)	(-156,000)	(-156,000)	(-116,000)
(By transfer)		(49,000)	(49,000)	(49,000)	(49,000)	(+49,000)
(Limitation on guaranteed loans)	(59,682)	(59,682)	(59,682)	(59,682)	(59,682)	
TITLE I - DEPARTMENT OF THE INTERIOR						
Bureau of Land Management	1,183,895	1,268,700	1,230,292	1,218,669	1,234,150	+50,255
United States Fish and Wildlife Service	839,804	950,001	840,212	831,127	871,121	+31,317
National Park Service	1,764,224	2,058,943	1,755,324	1,749,917	1,809,363	+45,139
United States Geological Survey	798,896	838,465	820,444	813,093	823,833	+24,937
Minerals Management Service	124,020	116,200	116,200	116,800	116,800	-7,220
Office of Surface Mining Reclamation and Enforcement	278,769	305,824	292,426	281,824	287,374	+8,605
Bureau of Indian Affairs	1,746,428	1,902,054	1,787,982	1,812,315	1,816,592	+70,164
Departmental Offices	394,199	328,723	309,024	296,928	317,287	-76,912
Total, Title I - Department of the Interior	7,130,235	7,768,930	7,151,904	7,120,673	7,276,520	+146,285
TITLE II - RELATED AGENCIES						
Forest Service	2,757,464	2,912,645	2,603,898	2,671,404	2,798,265	+40,801
Department of Energy	1,316,878	1,170,159	962,758	1,101,292	1,126,911	-189,967
Indian Health Service	2,242,287	2,412,387	2,397,885	2,327,253	2,372,547	+130,260
Office of Navajo and Hopi Indian Relocation	13,000	14,000	13,400	8,000	8,000	-5,000
Institute of American Indian and Alaska Native Culture and Arts Development	4,250	4,250		4,250	2,125	-2,125
Smithsonian Institution	412,254	447,401	438,401	425,462	439,801	+27,547
National Gallery of Art	64,350	67,749	67,849	67,749	67,849	+3,499
John F. Kennedy Center for the Performing Arts	32,187	34,000	32,441	34,000	34,000	+1,813
Woodrow Wilson International Center for Scholars	5,840	6,040	7,040	6,040	6,790	+950
National Endowment for the Arts	98,000	150,000	98,000	103,000	98,000	
National Endowment for the Humanities	110,700	150,000	110,700	115,700	115,700	+5,000
Institute of Museum and Library Services	23,405	34,000	24,400	23,905	24,400	+995
Commission of Fine Arts	898	1,078	935	1,078	1,005	+107
National Capital Arts and Cultural Affairs	7,000	6,000	7,000	7,000	7,000	
Advisory Council on Historic Preservation	2,800	3,000	3,000	2,906	3,000	+200
National Capital Planning Commission	6,335	6,312	6,312	6,312	6,312	-23
Holocaust Memorial Council	35,007	33,786	33,286	33,286	33,286	-1,721
Presidio Trust	34,913	44,400	44,400	44,400	44,400	+9,487
Total, Title II - Related Agencies	7,167,568	7,497,207	6,851,705	6,983,037	7,189,391	+21,823
TITLE III						
Across-the-board cut in Floor action			-69,000	-48,000		

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 2000 (H.R. 2466)— continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
TITLE V						
United Mine Workers of America combined benefit fund (emergency appropriations)					68,000	+68,000
Grand total	14,297,803	15,266,137	13,934,609	14,055,710	14,533,911	+236,108

Mr. DICKS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in reluctant opposition to the conference report on the Fiscal Year 2000 Interior and related agencies appropriations bill. I will explain my reasons for this position in a moment, but first I want to state categorically that my opposition to this measure does not in any way impugn the job done by the chairman of the subcommittee, my good friend the gentleman from Ohio (Mr. REGULA). As chairman of the conference, he had the virtually impossible task of trying to bridge insurmountable differences of opinion between the Houses, the parties and the branches of Government, and I also want to at this time commend the staff of the subcommittee, Debbie Weatherly and the members of the majority staff, Del Davis, and the minority staff. These people have worked very hard under very difficult circumstances to bring this conference report, and they are highly professional people who work for the best interests of the House of Representatives.

In many ways the recommendations of the conferees on this measure represent improvements compared to the bill that passed the House in July. However, in other important ways, specifically the addition of three environmentally damaging legislative riders, this agreement is much worse than the House bill and will almost certainly be vetoed by the President. The inclusion of the riders is especially troublesome given the vote of the full House on the motion to instruct conferees.

Two hundred eighteen members of this House, a majority, voted to instruct conferees to support the Rahall amendment limiting the number and size of mill sites on public lands to support the Senate, the other body's position increasing funding for the National Endowment for the Arts and the Humanities by $5 million each and to reject the Senate's anti-environmental riders. Unfortunately the only part of the instruction that was followed was to agree with the Senate's funding increase for the National Endowment for the Humanities.

Environmentalists and the administration have roundly criticized the Senate bill. While it may be true that the conference agreement has marginally improved some of the riders, the resulting provisions are still opposed by the administration and have no place in this appropriations bill. The provisions relating to mining mill sites, delaying hard rock mining regulation, delaying oil royalty evaluation regulations, and grazing should not have been accepted by the conference.

The conferees' decisions on funding for the National Endowment for the Arts is a major disappointment. Despite the fact that the conference agreement provides a total of 600 million more for agencies and programs funded in the bill than the amount in the House-passed bill and despite the fact that the House had instructed its conferees to agree with the slightly higher funding levels for the NEH, the conference ended with no increase for the arts. Once again opponents of the NEA dredged up outdated information and outright misinformation. Once again the views of the ultra-conservative caucus representing a minority of one body have been allowed to override the wishes of a majority in both Houses.

Another feature of the bill that causes great concern is the inadequate funding provided for the administration's new Land Legacy program, one of the major initiatives of the 2000 budget. The administration proposal was to fund the Land and Water Conservation Fund at the fully authorized level of 900 million, including roughly 800 million in the Interior appropriations bill.

The conference agreement, while improving on the 190 million included in the House bill, provides only about one-third, or 266 million, of the amounts requested. While the conference agreement is 600 million higher than the House bill, funding for the administration's top priority was only increased by 75 million. The recommendation of the conferees does not even match last year's level. It is 62 million less. And last year's bill was 500 million less in total than this year.

Two major parts of the President's Land Legacy initiative, the 200 million requested for conservation grants and planning assistance and the 66 million increase requested for the Cooperative Endangered Species Conservation Fund, did not receive any funding. Given the threat of development in and around so many of our parks, forests, refuges, and other public lands and given the strong support of acquiring and conserving these sensitive lands by a substantial majority of the American people, the failure of this bill to address these needs adequately is a serious flaw.

Mr. Speaker, I urge my colleagues to vote no on this conference report and avoid the imminent veto by the administration. Passing the conference report right now is futile if changes are not made.

Mr. Speaker, I would say to the gentleman from Ohio that I agree with him on the Park Service and on several other areas of this bill. We have made some significant progress, and no one doubts the chairman's commitment to improving our national parks, and I have appreciated the fact that he goes out and he looks at the parks. I think the fact that we are keeping these fees to improve the parks is one of the most positive things that we have done with the authorizing committee, and there are a lot of things that are positive.

I do not want to paint an entirely negative picture, but unfortunately the other body keeps insisting on these riders; and some of these riders are things that I understand, being from the West. But unfortunately, they get our bill in trouble; and I wish we could convince, and I want to commend the gentleman on this, that the bill when it left the House did not have these riders. They almost, every single one of these riders was added in the other body, and so somehow I hope that we can do better in the next go round because there will be a next go round in my judgment, and we can come up with a bill that can be signed into law.

I went back and looked at my own record. I have been on this committee, this is my 23rd year on the Subcommittee on the Interior. I have seldom voted against a bill, I have seldom voted against a conference report, and I regret that I have to do it today. But I am convinced that we can do better, that we can make this bill stronger, and I look forward to working with the gentleman from Ohio (Mr. REGULA) to accomplish this task at a later date.

Mr. Speaker, I reserve the balance of my time.

Mr. REGULA. Mr. Speaker, I yield 4 minutes to the gentleman from Tennessee (Mr. WAMP), a very valuable member of our subcommittee.

Mr. WAMP. Mr. Speaker, I thank the gentleman for an outstanding job, not just this year, but in previous years, outstanding staff on both sides of the aisle; and I say to my friend, the ranking member who is also an outstanding gentleman, I am reminded today of what Ronald Reagan once said, something like this, I am paraphrasing, that somebody who votes with me 80 percent of the time is not 80 percent my enemy, he is 80 percent my friend, or he is not 20 percent my enemy, he is 80 percent my friend; and I really think that the opposition to this bill is focusing on a few narrow problems that on October 21 we need to get beyond.

It is time to get beyond this October the 21, in this year pass this bill, move it out of here; and I hate to see the gentleman from Washington (Mr. DICKS) break his perfect record on supporting this because I think it runs counter to the philosophy of the Committee on Appropriations where we do work in a bipartisan way, we do build consensus, we do work through these conference committees, and my colleagues know the old saying that we say in the House from time to time, that maybe the Democrats are our opponents, but the Senate is the real enemy. That seemed to not have changed regardless of who is in the majority. But that is just reality. At the end of the day the Senate does not do what we want them to do, but we have got to move the process forward. So, please do not hold this bill up.

I want to focus on a couple of things that have not been talked about yet, and that is the energy piece of this bill, a little over a billion dollars out of $14 billion in energy research, fossil energy and energy conservation.

Let me just say some people may ask why do we fund these programs. Energy research really was brought about by the oil problems of the 1970s and the need for our country at the national level, the Federal level, to rely on research, basic research from the Federal Government, to pursue alternative energy sources so we are not so dad-blasted dependent on Middle Eastern oil. We have got to fund those programs. We are increasing the funding on those programs.

That is at the heart of this bill. We fund the good guys. We fund the Park Service, the Forest Service, the Bureau of Land Management, U.S. Fish and Wildlife, U.S. Geological Survey; these are the good guys. We are trying to fund these good guys; help us fund these good guys. But we also have to reduce our reliance on Middle Eastern oil for the peace and well-being of our country at large.

We hear a lot about climate change, does it lead to global warming? I do not know what the actual science is. I have great questions about it, but I know this. If we can develop better policies through fossil energy research to reduce CO_2 emissions, it cannot do any harm; it can only do good. Why not do it? That is in this bill, strong effort, thought through, good science. We studied it; we developed these priorities. It is in the bill. Do not hold that up. Move fossil energy research forward; we will have cleaner air guaranteed if we fund these programs.

Energy conservation, things like weatherization. We do not want cool air to just leak out of our public housing in this country or warm air just to leak out. We want to come up with smarter ways to build public housing in this country to make sure we reduce the cost for our residents and for our Government to take care of the indigent in our country through weatherization programs.

This research is working. It is basic research fully funded in this bill, the kind of things that we need.

This is a good bill. It went through the process, we had the hearings, we do travel, we hear from everyone, we vent, we work through it. Dad-gummit, it is October 21. Let us pass this bill with bipartisan support like we always have before and move this process forward. It is not time to obstruct or delay unless my colleagues are being excessively partisan, and I am not one that is excessively partisan. I jump back and forth depending on what my guts tell me to do, and it is time for my colleagues who want to play partisan games at the end of the year to do the right thing, move this bill forward, pass the bill.

Congratulations.

Mr. DICKS. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. MARKEY), one of my distinguished classmates who is working on umpire reform at this very moment.

Mr. MARKEY. Mr. Speaker, as my colleagues know, the problem with being a Red Sox fan is not unlike being in the minority with this particular Republican in the majority. We just do not have any chance to win. We can, like, script it, as my colleagues know, differently each time to make it interesting; but the outcome is always predetermined, and we lose. So I am quite used to this, given the way in which the umpires stole the American League championship from the Red Sox.

Today, I rise to denounce the assault on America's environmental tradition in this Interior appropriations conference report. I am honored to have helped shape the tradition in a small way by ensuring fair royalties for our oil and gas reserves in a law which I authored in 1981 when I was the chairman of the Committee on Oversight and Investigations overseeing the Department of Interior by preventing corporations from robbing the American people of their natural resources.

How then can I accept this bill in which the Republican leadership plays with the Minerals Management Service like a yo-yo? The Minerals Management Service proposes rules valuing our oil and gas reserves. The Republicans respond with riders, restricting the rule. For 4 years this yo-yo has rolled back and forth without resources trapped on the string; and, true to form, an additional 6-month delay has been attached to this conference report.

□ 1745

It is time to end this destructive game. Cut the string and give the American people reasonable compensation for oil and gas from Federal lands.

Mr. Speaker, I wish that I could say that this was the only threat in the Interior Appropriations conference report, but I cannot even say it is the worst. Extension of grazing permits and an allowance for increased mining waste on Federal lands are just a few of the destructive provisions that remain. They buzz around this bill like gulls in a trash dump. We cannot accept a conference report with any of these provisions. We have a responsibility to our natural resources, to our tradition of environmental stewardship.

As we enter the 21st century, we must not relinquish this responsibility. We must protect our resources and we must start by defeating this Interior conference report on the floor this evening.

I thank the gentleman from Washington State for his national leadership and for his civility and compassion for Red Sox fans.

Mr. REGULA. Mr. Speaker, I yield 4½ minutes to the gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Mr. Speaker, first of all, I want to extend my great congratulations and thanks to the gentleman from Ohio (Mr. REGULA), the chairman of the subcommittee, for the bill that we are about to have. I know it is the best we could do with the Senate that we are dealing with on the other side, and certainly, it is not a perfect bill, of course not. But there have been a great number of mistruths presented in this bill that I would like to straighten out in this few minutes that I have.

Over the debate of the last few weeks we have had the so-called Rahall mill site rider included. Did I support it? No. Let me tell my colleagues why. Because the mistruths that were there need to be corrected.

Current law mandates that mill sites can only be five acres in size, but additional mill sites may be used in order to support an economic ore body. That is current law. The reason being, this limitation forces the mining company to use only the minimal amount of public land needed. However, when an additional 5-acre mill site is required, mining companies must comply with all State and Federal environmental laws.

It is important to note that what many would characterize as "mine waste" is nothing more than dirt and rocks covering the ground that is similar to any jogging path or driveway that we have in America today.

Allow me to share with my colleagues on the left who oppose this bill the current environmental laws that mining companies must comply with every time they seek an additional five-acre mill site.

They must fully comply with the National Environmental Policy Act. This means that all activities on mill sites located on public land must be evaluated in an environmental impact statement before they are allowed by the BLM or the Forest Service to have additional acreage. They must comply with the Federal Surface Management Rules which apply to Federal lands and State mining and reclamation programs, which apply to Federal, State and private lands. These programs typically require a detailed characterization of the dirt and rocks which is called overburden; operating controls to prevent or control generation of any excess waste or overburden; continuous monitoring of overburden placed on sites; containment of any wastes; precautions to maintain stability of waste management structures; containment of any chemicals to prevent releases to the environment; reclamation of mill sites to return land to post-mining productive use.

They must comply with Air Quality standards on Federal, State and private lands. All activities on mill sites are subject to the Federal Clean Air Act; State implementation plans and

State air quality laws, including the National Ambient Air Quality Standards, major source permitting, and new source review; Title V operating permits and regulation of hazardous air pollutants and control of fugitive dust.

Mines must also comply with the Surface Water Quality on Federal, State and private lands. All activities on mill sites are subject to the Federal Clean Water Act. All discharges of pollutants are subject to Federal discharge permits and effluent standards, as well as State water quality controls and numeric stream standards. Most mine standards are subject to a Federal zero discharge standard.

Mines must comply with the Ground Water Quality on Federal, State and private lands. All activities on mill sites must meet stringent ground water protection requirements and standards promulgated by States. Most States impose a no-discharge standard on mill site activities. The absolute minimum level of protection mandated by any State is the drinking water standards from the Federal Safe Drinking Water Act.

All activities on mill sites must obtain a Federal wetlands protection permit before placing fill or waste on a mill site.

At the end of the mine life, all activities on mill site must be closed under State laws to be stable, safe, and to remove the potential to degrade the environment.

Lastly, numerous Federal and State laws require operations on mill sites to report spills or environmental incidents and to remediate immediately. Again, reclamation of mill sites must be done to return the land to post-mining productive land use.

This measure contains the mill site provision, but it was unnecessary because all mines today have to go through a very stringent evaluation and environmental protection for mill sites. It was unnecessary to have this rider in it and certainly, I could not support that mill site, but I think this is the best bill we could get, and I want to thank the chairman for his success in getting it to the floor.

Mr. DICKS. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Washington (Mr. INSLEE), who has been very concerned about environmental issues and one of our outstanding new Members.

Mr. INSLEE. Mr. Speaker, I must speak against this bill, and that is with due respect to the gentleman from Ohio (Mr. REGULA) who I think has been very sincere in his efforts to improve this bill. But one of the things the gentleman said struck me in his comments. He mentioned Central Park, a beautiful place loved by maybe all Americans, at least New Yorkers.

But the problem with this bill, if we give up, if we put up the white flag to the other chamber, it would allow somebody to go into Central Park if it was owned by the Federal Government and put in a strip mine, a gold mine and put as much as they want over 5, 10, 15 or 20 acres. We should not do that in Central Park and we should not do it in the forestlands of Washington where, in fact, that is going to go on if we accept that.

The problem with this bill is simple. While America wants us to go forward on the environment, this takes step by step backwards. We should go forward on mining reform; we go backward. We should go forward on forest reform; we go backward. We should go forward on oil royalties; we go backward.

My colleagues are right, we did send this bill over to the other chamber, but it came back infested with these antienvironment riders. When we sent it over to the other chamber, it was a puppy; and it came back full of fleas and now those little fleas have got to be removed from this bill.

I want to tell my colleagues why I think Americans are going to be so angry, and I think angry is the right word for it, when they hear about this continued giveaway. It is because if you go on Main Street, nothing will outrage the American people more than the giveaways to special interests, the giveaways that this body has given time after time to special interest legislation and antienvironmental riders. That should stop.

If we do not stand for the environment, we ought to stand for this House, for ourselves, for each other. When we voted 273 to say to the other chamber we will not let you shove this down our throats. We will not let you go backwards on mining reform. I do not want to encourage anyone to put up the white flag to the other chamber on this subject. We ought to stand firm.

Let me just point out, when I say this is an abject retreat on mining reform, it is. I would encourage my colleagues to look at section 337(b), which has some of the cleverest legal writing I have seen. It is a little trick in here that says basically that Congress agrees with the mining industry on their interpretation of existing law, existing law. There is a little time bomb in here that will entirely ruin our efforts.

Now, there is talk about compromise, and I understand compromise in a legislative body. But frankly, compromise in this manner, giving in to these special interests is like the guy who steals $10 from your pocket and wants to compromise by giving you five back. That is the situation with mining reform.

I am simply saying this: we are going to stand divided, unfortunately, on this. Some are going to stand for going forward on the environment and vote "no;" some are going to stand with going backward on the environment and vote "yes." I am going to stand to go forward. It does not matter how many more stands as far as I am concerned, but the American people desire and are entitled to move forward when it comes to the environment.

Mr. REGULA. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania (Mr. PETERSON), a valued new member of our subcommittee.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I thank the gentleman for yielding me this time.

It is a pleasure to be a part of this committee. It has been my first year in the appropriations process, and I have found it most interesting. I found today most interesting. As I said earlier during the debate on the rule, this bill received overwhelming support from this body, and it should have. A lot of hard work went into it. I have listened here during the discussion when the minority Member spoke of the many improvements in the conference report. That was the term he used. He did not define them, but he listed many improvements. So some things are better. But it has been interesting to listen to the discussion, and I think the gentleman from Nevada (Mr. GIBBONS) explained the mining issue well.

I have been dealing with bureaucracies for 25 years at State and now at the Federal Government level, and these are debates going on between bureaucracies and people they regulate. I have been involved forever in trying to bring fairness, because I find government lawyers are not always fair and government bureaucrats are not always fair and they should not be legislating, and they are legislating. What we are trying to do is work out to make sure the appropriate people study these issues and come up with the answers. So let us go through them.

I think the gentleman from Nevada adequately explained the hard rock mining regulation. It provides a one-year moratorium. Now, I am not a mining expert, but I was told when we had the debate on the floor and told by many people who know a lot more about mining than I do that that provision would prevent many of our mines from operating that are good mines. They could not work on that limitation of land with their waste. Impossible regulation to live with. Well, we should deal with that. We should make sure that this lawyer is being fair with the mining industry. It is a vital part of our future.

The oil valuation. There is nobody here who wants oil companies to get government oil cheaper than the market price. I do not know of anybody. I do not think there are members of the government who want to take oil out of the public land for less than the value. I do not. I do not know of other members that do.

But if there is a disagreement in how to come to that price, I think we have a right to look at and have a GAO study done that will resolve that issue. Why should we not do that? We should be fair.

The grazing issue. Another issue where people have been grazing on this land for years. The BLM is way behind in the backlog, not appropriately dealing with this issue. Are we going to punish those who graze? I do not think we should. We have given the BLM extra money, we have taken a 6 month moratorium waiting, and then they can go ahead and if the people are not appropriately using the land, they can stop their permits. These are not environmental riders that are going to devastate the public land of America. That is just not a fair statement. These are disagreements that have been brought to the table and have been given a very limited time to resolve them. That is good government. And those who want to demagogue and punch oil companies and punch grazers and farmers and shut down mining, that is their tool.

Mr. Speaker, I think we should be fair. We in Congress should set the rules on mining, not some lawyer in a department. And if we do not agree with the valuation of the price, then we should legislate what is how we sell oil. We should resolve those issues and not let bureaucrats arbitrarily do what they feel is appropriate when it is not.

This is a good bill. It is thoughtful; it has been a well-worked out compromise; it is the best we are going to get; and I think we should support it and the President should sign it.

□ 1800

Mr. DICKS. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking Democratic member of the Committee on Appropriations, who has worked very tirelessly on all of these bills.

Mr. OBEY. Mr. Speaker, let me start by stipulating that the chairman of the subcommittee is one of the finest Members of this institution. I have had the privilege of serving with him for many years, and I think he has graced this body with dedicated service. I think he is thoughtful. I think he is fair-minded, and I think he is a fine chairman of this subcommittee.

I wish that the bill that he brought to the floor was of the same quality as he is, because there would be no dispute if it were.

Let me simply say that we have heard a number of speeches from our friends on the Republican side of the aisle in which they have feigned surprise at the fact that there is so much opposition to this bill, given the fact that there were so many votes for this bill when it originally passed. I think if we want to understand why that is so, all we have to do is take a look at the motion to instruct conferees which passed this body just a few weeks ago.

This House, by a margin of over 20 votes, I believe, on a bipartisan basis, asked the conference committee to do a number of things. They asked us to go to the Senate level on funding for the arts. We did not do that in the conference committee. The conference committee made no compromise whatsoever with respect to the arts and brought the bill back still at the House level.

The motion to instruct that was adopted by this House on a bipartisan basis also asked the conferees to strip out all of the anti-environmental riders and, in fact, the conference committee did not. In fact, a number of these riders were not even in the House bill when the House bill passed originally. They were added in the other body.

So, again, this conference report does not measure up to the standards that this House set for it in its motion to instruct conferees, and we set those standards on a bipartisan basis with many people on that side of the aisle voting with us, urging the stripping of those riders.

That motion to instruct also asked them to drop the provision on mining so that mines cannot continue to go beyond the authority given to them under the 1872 law, in ruining the environment around them. Again, the conference did not drop that provision.

So I think we should not be surprised that this House is now going to find many votes opposed to this bill.

We are going to be voting against this bill essentially for three reasons. First of all, because the bill in many respects, with respect to the environmental riders is in worse shape than it was when it left the House originally.

Secondly, it contains a number of the provisions on these riders which the House asked the conference to strip and which the conference committee did not, in fact, carry out.

Thirdly, we feel that the conference report does not sufficiently take account of the opportunities available to us to save precious natural resources by meeting the President's request or something close to it for his Lands Legacy Program. That is all that is involved here. It should not be a surprise. From the beginning, from the get-go, we have known that this bill needed to be improved in order to achieve a large number of bipartisan votes, and under those circumstances, since the House leadership has chosen to bring that bill to us without the improvements that the House itself said it wanted when we first sent the conference committee to conference, we have no choice but to stick by our convictions and oppose the bill at this point.

I hope that after it goes down to the White House and is vetoed, the conference committee will take seriously the instructions of the House and take seriously the requests of the President of the United States. And when they do, with the few reasonable compromises, we can have a bill which will indeed reflect the same kind of quality that the gentleman from Ohio (Mr. REGULA) has reflected in all of his years service in this House.

Mr. REGULA. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I thank the gentleman from Wisconsin (Mr. OBEY) for his comments, and I would say that always in our dealings maybe we disagreed but he has been honorable about it, and I think that is a great quality in this institution.

Let me just say to the Members that are here and that are out there in TV land that here is an opportunity to enhance the legacy that we leave, as legislators, an opportunity to ensure that our public lands will be better when we leave than they were when we came here; an opportunity to tell the people of America that we care about the experience they will have; that we want to ensure that they are well maintained and that we enhance them wherever possible and that they can enjoy in the future generations the same experience we have had with this legacy.

I saw the smile of the gentleman from Massachusetts who brought up the metaphor of baseball. Being from the Cleveland area, I was not in a position to say a whole lot, but if I had been from New York it would have been a little easier.

In any event, let me just close by saying to everyone, we have an opportunity today, by voting "yes," to hit a home run for America.

Mr. NADLER. Mr. Speaker, I rise today in strong opposition to the Interior Appropriations Conference Report.

There are plenty of reasons to vote against this bill, from its anti-environmental riders to the dramatic cuts in the President's Land Legacy Initiative. But most distressing is that once again, in what has become an annual event, the Appropriations Committee has shortchanged the National Endowment for the Arts of much-needed funding.

The NEA suffered a 40% cut in funding in 1996 to $99.5 million and it has been cut even further to $98 million the last two years, the lowest appropriation to the NEA since 1977, over 20 years ago. The bill that passed the House in July maintained this level once more. As the nation is experiencing historic levels of prosperity, it is time to increase our commitment to the arts. And it seemed, just a few weeks ago, that we had taken a first step toward renewing this commitment. This House voted to instruct our conferees to accept the Senate's modest $5 million increase to bring NEA funding to $103 million. But once again, we have fallen short of our promises. Indeed, our own conferees ignored the wishes of this House and insisted on level funding for the third consecutive year. This is a snub to our colleagues as well as to the arts community.

It is a tiny amount of money that we are talking about. A fraction of one percent of our entire federal budget. But these dollars yield dividends that far outweigh the investment. Throughout its thirty-year history, the National Endowment for the Arts has contributed to the tremendous growth of professional orchestras, non-profit theaters, dance companies, and opera companies throughout the country. The NEA helps support the non-profit arts industry which generates more than $36 billion of business annually, 1.3 million full-time jobs, and returns $3.4 billion in federal taxes every year.

The NEA also supports arts education, which is essential in developing critical thinking skills such as reading, math, and science. It builds important workplace skills such as creative problem solving, allocating resources, team building, and exercising individual responsibility. Arts education programs also help to discover and train the next generation of artists. These programs will all suffer as a result of our shortsightedness.

Let's remember that the NEA has an important impact on the arts throughout the country. The NEA stimulates the growth of local arts agencies and investment in the arts by state and local governments. Before the NEA, only five states had state-funded arts councils. Today, all 50 states do. Many of these local agencies have formed partnerships with local school districts, law enforcement, parks and recreation departments, chambers of commerce, libraries, and neighborhood organizations. Innumerable small towns and cities across America have benefited tremendously from federal investment in the arts.

And the NEA has made special efforts to expand its reach into every community in this nation. The funding increase was to go to ensure that it had the resources to carry out this initiative. So, I hope that none of my colleagues will complain next year that their district received no grants from the NEA because it is their own fault that its reach will be stunted.

Once more, the Republican leadership has worked to restrict the growth of the arts in America. And we cannot rely on private money to make up the shortfall when we withhold funding. In fact, since NEA funding is often matched by private organizations, when we withhold public dollars we stifle efforts to generate private donations.

Mr. Speaker, the NEA is a crucial tool in building a vibrant arts community across the nation. We must do more for our artists and cultural institutions. I urge my colleagues to vote against this bill.

Mr. MALONEY of Connecticut. Mr. Speaker, I strongly oppose passage of H.R. 2466, the Fiscal Year 2000 Interior Appropriations Conference Report. Passage of this conference report is not only fiscally irresponsible, but it is also environmentally destructive. I urge everyone to oppose this bill.

Again and again, we have seen the majority bring conference reports to the floor that we simply cannot afford to pass if we intend to live within the budget caps. Anyone who is concerned about saving Social Security should vote against this report.

Just as bad, this bill contains virtually all of the anti-environmental riders from both the House and Senate versions of this legislation plus three new and equally harmful riders. For that reason as well I strongly oppose this conference report and will continue to oppose any legislation that weakens environmental laws, and infringes on public health, public lands, and the public treasury. I urge all of my colleagues to exercise fiscal and environmental responsibility, and vote 'no' on this conference report.

Mr. PORTMAN. Mr. Speaker, I supported the Department of Interior appropriations conference report, and commend Chairman RALPH REGULA who, despite strict budget restraints and difficult negotiations with the Senate, crafted a good bill. However, I do wish to express my opposition to the many policy initiatives, or so-called riders, that were added by the Senate and included in the report. The legislation overwhelmingly passed by the House on July 15 was far superior to the product returned by us by the Senate.

I am concerned that these riders included in the conference report will delay the implementation of necessary rules and regulations that help protect the environment. Furthermore, I am very concerned that the riders single out certain industries and organizations for special protection which gives them an unfair advantage over others.

My biggest concern, however, is that these initiatives will be paid for by every hardworking taxpayer. We should not ask the American people to pay for the kind of inappropriate, costly measures that have not been properly considered or authorized. Major policy decisions, such as these, should be considered by the appropriate authorizing committee after hearings and debate.

Mr. Speaker, overall, I believe the conference product is a good one. In the future, however, we should resist the temptation to attach inapproirate policy intiatives appropriations bills.

Mr. BEREUTER. Mr. Speaker, this Member rises today to express his great appreciation to the distinguished gentleman from Ohio (Mr. REGULA), Chairman of the Interior Appropriations Subcommittee, and the distinguished gentleman from Washington (Mr. DICKS), the Ranking Member on the Subcommittee, and to all members of the conference committee for the inclusion of a $10 million appropriation for the first phase of construction for a replacement Indian Health Service (IHS) hospital located in Winnebago, Nebraska, to serve the Winnebago and Omaha tribes. Of course, the conference committee is already well-aware of the ongoing situation with this hospital. Indeed, last year the Interior Appropriations Subcommittee kept the process going by including funds to complete the design phase of the project for which this member and Native Americans in the three state region are very grateful. Now, construction dollars are needed.

Unfortunately, the Office of Management and Budget overruled Indian Health Service's FY2000 budget request for the first phase of construction, so there was no request by the Administration. Once the design is completed, it is important to begin funding for the first phase of construction without a delay. If there is a time lapse between completion of design and construction, it is very possible that costs will increase, making this project more expensive. That is why this appropriation action at this time is so critical.

In closing Mr. Speaker, this Member wishes to acknowledge and express his most sincere appreciation for the extraordinary assistance that Chairman REGULA, the Interior Appropriations Subcommittee, and the Subcommittee staff have provided thus far on this important project and urges his colleagues to support the bill.

Mr. VENTO. Mr. Speaker, I rise today in strong opposition to the Interior Appropriations Conference Report. Since the Republicans took over the House, they have had the dubious distinction of using this spending bill to make substantive, and often controversial, policy changes. Most often, these decisions were in direct contrast to public interest and sentiment. Thus, it comes as no surprise, that we are on the floor debating mischievous attempts by the Republican majority today to undermine and roll back sound environmental policy originally designed by Congress to protect the land that each and every American rightly owns.

The most egregious example of this is the Majority's attempt to kill the oil valuation rule. Although it rolls back no environmental policy, it is a slap in the face to the American taxpayer and costs them millions of dollars every year. On October 1, 1998, the Department of the Interior attempted to correct the underpayment of $68 million a year in oil royalties not paid by cash laden oil producers to implement a new rule that would raise the royalty fees on oil and gas pumped from public lands. Specifically, the new sound royalty rate would tie the price of oil to the commodity market instead of murky negotiated deals between producers and buyers.

The effect of this rule was to curtail the practice of using posted prices to determine oil royalties. For two, now three straight appropriations processes, Congress has barred Interior from finalizing this rule in hopes that a compromise could be reached. It seems that the only compromise that can be reached regarding this issue is nothing short of the status quo, or if the oil industry had its way, they could pay the government in crude.

The oil industry has skillfully underpaid the government more than $3 billion and now they are complaining that the government is cheating them and driving them out of business. These accusations should infuriate everyone in this chamber. In the name of profit, big oil has cheated the American public, Indian tribes and our school children by denying them revenue for programs that rightly should benefit them. Delaying implementation of this rule any longer continues to show how money talks and the publics' rights walk in halls of Congress.

The Majority has also engaged in another attempt to weaken what little environmental protections that the 1872 Mining Law affords. The House's willing acceptance of the Senate's Millsite Rider astounds me. This rider, which amends the 1872 Mining Law, is contrary to the Administration's legal interpretation of the law and goes against two overwhelming House votes against this issue.

The Administration's interpretation of the millsite provision was an important step in promoting environmentally sound mining practices that have already cost the taxpayer $32–$72 billion in clean up costs. Mining today has wreaked havoc on the environment since the introduction of chemical leach technology that made the mining of low grade ore economically viable. Although this technology turned once profitless mines into profitable ones, it requires significant tracts of land on which to dump toxic fluid mining waste. The House broadly supported the Administration's decision to reinforce the Millsite provision after years of ignoring, but under Senate pressure, the House caved to their demands and rolled back one of the last environmental protections afforded in the Mining Law.

There are numerous other unpalatable riders tacked onto this legislation including denying millions in funds for the President's Lands Legacy Initiative to purchase privately held land located inside and adjacent to our national parks and forests, extending the moratorium on stronger hard rock mining regulations on mines that already exist on federal lands, the automatic renewal of grazing leases, waiving Forest Service and Bureau of Land Management requirements to conduct wildlife surveys before beginning timber sales on national forests and public lands, numerous directives that diminish Indian programs, prevent the Park Service from restoring natural quiet in the Grand Canyon National Park, the list goes on and on.

In addition to the anti-environmental riders, the House refused to even agree to a modest funding increase for the National Endowment for the Arts. As a Member of the Resources Committee, I know all too well that the beauty of our national parks and public lands are an important part of our national heritage. As Members of Congress, we fight for every dollar that we can get to preserve and protect those public lands in our districts. In the same respect, we cannot afford to not fund the arts. Our nation is just as defined by its lands as by its melting pot of different cultures and ideas put to canvas, carved from stone, or seen on film. Instead, Congress is trying to shift America's cultural foundation to popular political tastes. As representatives of the people, we should take no part in stifling and sterilizing the creative development of our nation. Congress should encourage it—Not thwart such expression.

As we debate the multitude of riders tacked onto this conference report, we cannot forget the overall story this bill tells. This story is about the Republican Majority attempting to dictate important policy decisions through the appropriations process. The line that divides the authorizers from the appropriations is becoming transparent. The Committee process is becoming something of a joke. When a Member has a controversial issue to discuss, he or she does not bring it before the House. He or she sneaks it into a spending bill where it receives little or no Congressional scrutiny. Nothing is gained by this process. It allows the feelings of mistrust and abuse to fester, and forces Members to vote against important legislation. This is not the land of special interests and payoffs. It is the land of every American citizen. As such, I urge my colleagues to vote no on this legislation and work to report a new, clean bill to the President.

Mr. REGULA. Mr. Speaker, I yield back the balance of my time.

Mr. DICKS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 225, nays 200, not voting 8, as follows:

[Roll No. 528]

YEAS—225

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berkley
Biggert
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boucher
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Canady
Cannon
Chambliss
Chenoweth-Hage
Coble
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson, Sam
Kaptur
Kasich
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Lampson
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun (KS)
Salmon
Sandlin
Saxton
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Smith (MI)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)

NAYS—200

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barr
Barrett (WI)
Becerra
Berman
Berry
Bilbray
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Capps
Capuano
Cardin
Carson
Castle
Chabot
Clay
Clayton
Clement
Clyburn
Coburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Franks (NJ)
Frost
Gejdenson
Gephardt
Gilman
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hostettler
Hoyer
Inslee
Jackson (IL)
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lantos
Larson
Lazio
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Ryan (WI)
Sabo
Sanchez
Sanders
Sanford
Sawyer
Schakowsky
Scott
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Toomey
Towns
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Woolsey
Wu
Wynn

NOT VOTING—8

Camp
Jackson-Lee (TX)
Jefferson
McCarthy (MO)
McCarthy (NY)
Scarborough
Vento
Young (FL)

□ 1831

Mr. KILDEE and Mr. GREEN of Texas changed their vote from "yea" to "nay."

Messrs. NUSSLE, SESSIONS, SANDLIN, and LAMPSON changed their vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1598

Mr. BRYANT. Mr. Speaker, I ask unanimous consent that the name of the gentleman from California (Mr. THOMPSON) be removed as cosponsor of H.R. 1598.

The SPEAKER pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentleman from Tennessee?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2260, PAIN RELIEF PROMOTION ACT OF 1999

Ms. PRYCE of Ohio, from the Committee on Rules, submitted a privileged report (Rept. No. 106–409) on the resolution (H. Res. 339) providing for consideration of the bill (H.R. 2260) to amend the Controlled Substances Act to promote pain management and palliative care without permitting assisted suicide and euthanasia, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ACADEMIC ACHIEVEMENT FOR ALL ACT (STRAIGHT A's ACT)

Ms. PRYCE of Ohio. Mr. Speaker, by the direction of the Committee on Rules, I call up House Resolution 338 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 338

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2300) to allow a State to combine certain funds to improve the academic achievement of all its students. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed two hours equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill, modified by the amendments printed in part A of the report of the Committee on Rules accompanying this resolution. That amendment in the nature of a substitute shall be considered as read. Points of order against that amendment in the nature of a substitute for failure to comply with clause 4 of rule XXI are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed in part B of the report of the Committee on Rules. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instruction.

The SPEAKER pro tempore. The gentlewoman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from Massachusetts (Mr. MOAKLEY), the ranking member on the Committee on Rules, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 338 is a structured rule providing for the consideration of H.R. 2300, the Academic Achievement for All Act, also known as Straight A's. The Straight A's Act encourages innovative education reform that will better prepare our Nation's children for the 21st century.

We have made a huge investment in education at the Federal level, yet we are not seeing the positive results each time we add more dollars and resources to Federal education programs. I think we all agree to some degree of failure at the Federal level, or education would not top the list of both parties' legislative agendas. Yet, while we agree that reform is necessary, Congress has a hard time coming together on the one solution that will give a better future to every child.

That may be because there is not one solution. Each school is different and each child is unique, so how can we find the answer, the answer, that will make every school a first-rate institution and help every child reach his or her full potential? The Straight A's bill recognizes that such an individualized task may be beyond the reach of the monolithic, far-removed Federal Government.

This legislation suggests that we look to those who are most familiar with the school systems and who are closer to the students to implement education policies and reforms that will make a real difference. Instead of making schools fit into a mold of a Federal education program, Straight A's lets States and school districts create their own programs and use Federal dollars to make them work.

Straight A's is an option, not a mandate for States. The only requirement is results. Each State that participates must sign a 5-year performance agreement and a rigorous statewide accountability system must be in place to participate. States must report annually to the public and the Secretary of Education as to how they have spent their funds and on student achievement. The bill provides penalties for failure, and it rewards results.

That does not sound so bad, does it? I would even say it is hard to argue against this type of flexibility and change, given the shortcomings of our education system under the status quo. But as my colleagues know, this bill is not without controversy. Whether it is fear of change, a distrust of State government, or healthy skepticism, there are a number of Members who are concerned that the flexibility offered to States through this bill is too broad.

Happily, there has been a compromise, and this rule implements a reasonable middle ground by limiting to 10 the number of States that may part in Straight A's. With adoption of this rule, the Straight A's Act will become a pilot program rather than a nationwide policy.

In addition to this amendment, which is printed in part A of the report of the Committee on Rules, an amendment to remedy a direct spending issue will be incorporated into the text of the bill when the rule is adopted.

The rule provides for 2 hours of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce. The House will then have the opportunity to consider two amendments printed in part B of the Committee on Rules report. One is the manager's amendment to be offered by the gentleman from Pennsylvania (Mr. GOODLING), which will be debatable for 10 minutes. The other is an amendment to be offered by (Mr. FATTAH), which will be debatable for 20 minutes.

Two amendments may not seem very generous, but of the amendments filed with the Committee on Rules, only one amendment was denied. And it was a Republican amendment, which was not germane to the bill. So I think the rule is very fair to the minority and to the Members of this House who sought to amend this legislation.

I should also mention that the rule provides an additional opportunity to change the bill through a motion to recommit with or without instructions. In addition, to give the Chair flexibility and for the convenience of the House, the rule allows the Chair to postpone votes during consideration of the bill and reduce voting time to 5 minutes on a postponed question, if preceded by a 15-minute vote.

Mr. Speaker, let me reiterate that this rule implements a compromise that will allow 10 States to escape from the red tape of Federal Rules and regulations to implement the education reforms that they guarantee will improve student performance. These 10 States may use Federal dollars, including Title I funding, as they see fit, to raise academic achievement, improve teacher quality, reduce class size, end social promotion, or whatever they feel is required in their schools to meet their performance goals. And the compromise ensures that States continue to address the needs of disadvantaged students.

With this compromise, we are moving forward with education reform in a measured way that builds upon and follows the successful model of the Ed-Flex program, which has now been expanded to all States. If the Straight A's program proves as popular, we will come back to this body and work to give all States the freedom to implement innovative reforms and help their students.

I hope my colleagues will join me in supporting this fair rule, which finds a middle ground and accommodates virtually all Members who have expressed an interest in improving this legislation. I urge a "yes" vote on the rule and on the Straight A's bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I thank my colleague and my dear friend, the gentlewoman from Ohio (Ms. PRYCE), for yielding me the customary half-hour, and I yield myself such time as I may consume.

Mr. Speaker, I am very sorry to see my Republican colleagues taking apart Federal education programs for disadvantaged children today, especially since earlier today the House passed an education bill authorizing $8.35 billion for Title I programs. Today's bill, the anti-accountability act, will steer funds away from the high poverty areas and gut the accountability standards that passed the Committee on Education and the Workforce 2 weeks ago.

Mr. Speaker, these are the children with the greatest need. If the Federal Government does not provide them with some assistance, there is no guarantee that they will get it from the States. Specifically, Mr. Speaker, this bill will eliminate national education funds targeted towards schools in poor neighborhoods and turns them into one big block grant with which States can do anything they want, including buy band uniforms or build swimming pools.

If my colleagues believe this money will go towards the poor children, let me cite a General Accounting Office study that found that 45 States give less of their education funds to poor children than the Federal Government does. And, Mr. Speaker, those children deserve all the help we can give them. Poor children growing up in the United States have it bad enough. While their parents struggle to move off welfare, many of them are getting poorer and poorer. Meanwhile, their neighborhoods are filthy and violence ridden. Now, to add insult to injury, the Republican bill dismantles what little educational safety net they have left.

It is very shortsighted, it is dangerous, and I would say it is even cruel. In the long run, it will widen the chasm between the rich and the poor in this country, and that is very bad for everyone.

Mr. Speaker, this bill guts teacher training, technology, and school safety. It lumps all funds together, diluting their impact and ensuring Federal education programs get even less money next year.

□ 1845

Furthermore, Mr. Speaker, this bill eliminates any accountability in education funds. In other words, States can spend their money on anything, accomplish nothing, and no one will suffer except poor children.

I would remind my colleagues that the Federal investment in education has worked because schools were held accountable. Mr. Speaker, it worked because schools were held accountable. Now is not the time to stop.

Congress has just passed the Elementary and Secondary Education Act making schools accountable to parents, teachers, and, most importantly, students. This bill scratches all that. It says Congress changed its mind and now does not require any proof that schools are spending money in a way that benefit children's education.

The National Coalition for Public Education, the National Education Association, and the American Federation of Teachers oppose this bill very strongly. They agree that we need to reduce class size and make sure that all our children, even those in high-poverty areas, have the best possible teachers.

But this bill will not do that, Mr. Speaker. This bill will turn back the clock on years of Federal efforts to direct funds toward low-income children, and it should be opposed.

Mr. Speaker, Congress created some of these Federal education programs because many State education programs failed to meet the special education needs of neglected and homeless children. Now Congress is reversing its efforts away from poor children, the children who need it the most.

I urge my colleagues to oppose this bill.

Mr. Speaker, I reserve the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I am pleased to yield 6 minutes to my distinguished colleague, the gentleman from Delaware (Mr. CASTLE), chairman of the subcommittee.

Mr. CASTLE. Mr. Speaker, I thank the gentlewoman from Ohio (Ms. PRYCE) for yielding me the time.

Mr. Speaker, let me just start by saying a couple things. Let me say first, I do not now disagree with a lot of what the gentleman from Massachusetts (Mr. MOAKLEY) said in terms of these programs and what they do, and I think we all need to realize that as we debate this legislation.

I am the one who introduced an amendment at the Committee on Rules to reduce this from a full 50-State program to a 12-State pilot program, of which six of those 12 States would be able to do Title I as well as the other aspects of ESEA.

Title I is determined for economically disadvantaged students, and then it helps those who are academically disadvantaged. That is the program that concerns me a lot. I was very worried about even doing anything with respect to a pilot on that particular program.

After some negotiation and resolution, we made it a pilot program for 10 States, all of which could basically take all the parameters of the Straight A's Act and be able to do that. They would be selected by the Secretary of Education.

I think it is important to understand what a pilot program is, because I have not been the greatest supporter of the Straight A's program from the beginning; and going to even supporting a pilot program has not been that easy for me. But a pilot program for me, essentially, in this reauthorization would be under a 5-year time limit.

The various States, and there have been 10 or even more governors who have asked for this by the way, would have to put together a plan and present it to the Secretary of Education in a competitive sense; and then the Secretary of Education would make a determination as to which States would be able to go into the pilot program and there could be no more than 10 States.

What are they going to look for in that particular plan? The plan must help disadvantaged children. And there is an accountability measure to all of this which we do not have now in some of these programs, which I am going to talk about in a minute; and it must show how they are closing the gap between those who are disadvantaged presently served under various ESEA programs, Elementary and Secondary Education Act programs, and the other students who are there, something which does not happen today.

Now, what do we have today? Why should we even consider making any changes whatsoever or why should we take a chance on that? Because I consider it to be nothing more, really, than taking a chance.

Well, under the ESEA, we have first and, I guess, foremost the Title I program. That should be familiar to everybody in this chamber. Everybody just voted on that. Most, as a matter of fact a large majority, voted to what I think was a major improvement in Title I just an hour or so ago right here on this floor. That is the aid to disadvantaged students. At least that is how it is determined from an economic point of view. Then when it goes down to the schools, it takes care of those who are academically disadvantaged who may or may not be the exact same population.

But it includes other things. Part B, for example, of Title I is the Even Start Family Literacy Program. We have a Migrant Education Program in part C. We have a Neglected and Delinquent Children in part D. We have an Eisenhower Professional Development to help develop teachers as part of this, too. We have education technology. We have safe and drug-free schools, and the D.A.R.E. program, I believe, comes under that part of it. We have the Innovative Education Block Grant, which a lot of States obviously like. We have Class Size Reduction. We have Comprehensive School Reform. We have the Emergency Immigrant Education. We have a Title III of Goals 2000, and a Perkins Vocational Technical Training. And we have the McKinney Homeless Assistance Act.

What we do not have here, by the way, is IDEA. That has been excluded from what we are dealing with here.

Now, obviously, if one knows anything about the Federal role in education, these are all programs which basically help targeted parts of our population who need perhaps special help. The economically disadvantaged, the immigrants, the people who are having language problems in our country, for example. For the most part, those are the kinds of individuals who are being helped by this program.

The question then arises, have we really helped these kids? And we have not really measured that very well. We certainly had the programs in place. People are getting paid. People have taken the floor here today and said that Title I simply has not worked. I do not agree with that. I think Title I has actually helped a number of kids.

Do I think Title I can work better? My colleagues better believe I think Title I can work better. Do I think these other programs could work better? I absolutely believe that each program on here could work better.

So this is a deal where the Federal Government creates a program, hands the money and the outlines of the program down to the State and then down to the local school districts and the local schools, and they have to carry it out; and some place betwixt and between. something sometimes falls through the cracks and it does not work that well.

So a number of people got up and they said, we need to do it differently. We can do it differently. Give us that opportunity to do it differently. And they came and they came with this amendment.

Well, I think the Straight A's bill to have all 50 States do this at their option personally went too far. That is my own view of it. And I believe that we needed to make some changes, and that is why I introduced the amendment and we worked down to the 10 States that we have now.

Now, in addition to that, I am also concerned about the disadvantaged, as well, because I do not want them to fall through the cracks in this. I think these governors and these States are going to be able to put together programs that are going to help move some of these people. And if they can, God love them if they can do that. We will have an improved education situation for our kids. We can all learn from that. And that is what pilot programs are all about.

I am later going to have a colloquy with the chairman of the committee; and it is going to state, In addition, the amendment assures that if a State includes Title I, part A aid to disadvantaged students in its performance agreement, it must ensure that the school districts continue to allocate funds to address the educational needs of disadvantaged students.

I want to make sure that language is part of the RECORD. I wanted it to be part of the bill, but for technical reasons it did not work out. I want it to be part of the RECORD here.

I think if we do all these things, we are taking a chance. Maybe it is a chance that some people do not want to take, and maybe they will vote against it for that reason. But I think it is a chance that is at least worth trying. I do not think any great harm will be done if it did not work for one reason or another. Because of all the accountability that is in there, I think it will work.

So, for that reason, I am supportive of the rule.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think we can tell a lot about the bill by who supports it and who opposes it. I would like to read off the list I have of people who are supporting it and opposing it.

The people who support this bill are the Americans for Tax Reform, Citizens for a Sound Economy, Eagle Forum, Educational Policy Institute, Empower America, Family Research Council, Home School Legal Defense Association, National Taxpayers Union, and the Union of Orthodox Jewish Congregations of America.

My colleagues did not notice too many teachers' organizations there.

Now these are the people who are opposed: The National Education Association, American Federation of Teachers, Council of Chief State School Offices, Council of the Great City Schools, National Association of Elementary School Principals, National Association of Secondary School Principals, National Association of State Boards of Education, National Association of State Directors of Special Education, National Governors Association, National PTA, American Jewish Committee, American Baptist Joint Committee, Americans United for Separation of Church and State, National Urban League, Union of American Hebrew Congregations, Service Employees, International Union, and United Auto Workers.

I think we can deduce something by the people for and against this bill.

Mr. Speaker, I reserve the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I am pleased to yield 3 minutes to my colleague, the gentleman from Colorado (Mr. SCHAFFER).

Mr. SCHAFFER. Mr. Speaker, I thank the gentlewoman for yielding me the time.

Mr. Speaker, the previous speaker, in opposing the rule and the bill, cited a great number of political organizations and associations that have some opinion about the Straight A's proposal. Several of these associations are on one side. Others of these political groups and associations are on another side. The implication being is that that is how we should measure the merits of the legislation before us.

I think we ought to try something different. I think we ought to focus on the children who are ultimately those who are affected most directly by the legislation we consider.

This is an opportunity that we have, passing the Straight A's bill to give governors and States a real chance, a chance to snip the rules, the regulations, the strings, and the red tape that have bound up these organizations, these States, these governors, State legislators, superintendents, school boards, and so on and so many, many years and made it virtually impossible, certainly difficult, to really help these children.

What we have in Federal law today is program after program after program which has developed its own constituency, and we just heard the names of them read. Certainly some of these constituency groups have positions on a bill like this. Some of their authority is threatened because that authority is derived from the laws have been created here in Washington with respect to education.

This is an opportunity to vote for a rule and vote for a bill that changes the laws that actually help children for a change.

I would like to ask the body to consider a letter I just received from my governor. It says, "I am writing to ask you to support the Straight A's Act. As the Governor of the State of Colorado, and as the father of three children who attend three different public schools, I am proud to put my full support behind this legislation.

"By passing Straight A's this year, you have the opportunity to further public education reform. K–12 education in America is predominantly a local issue, and States need the flexibility to promote real student achievement in public education.

"This legislation would allow the diverse areas, schools, and people of Colorado to decide what they need most for their schools. Common sense tells us that the needs of Dinosaur Elementary School in rural Dinosaur, Colorado, with a total student body of 46, will have different needs than the 766-member student body of Oakland Elementary School in Denver, Colorado.

"This legislation would be an important step in providing for the individual needs of our differing public schools. I urge your support for the Straight A's Act, which puts children first and realizes that local communities know what is best for their local schools."

I confess, Mr. Speaker, that I would like to see this kind of liberty and this kind of objective be achieved in all 50 States. The reality being, all of the Members of the House do not agree on that. But the rule allows for a bill to move forward that gives 10 States the chance to use liberty and freedom of the Straight A's Act to fix their schools and promote quality education, and it is on that basis that I ask Members to adopt the rule.

Mr. MOAKLEY. Mr. Speaker, I yield back the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in closing, let me remind my colleagues that this rule is very fair. It not only amends the bill to bring it to a more moderate position, but it actually accommodates all but one Member who filed amendments with the Committee on Rules.

There may be an argument about the direction in which the Straight A's bill moves other education policy, but there should be no controversy over the fairness of this rule.

No matter what my colleagues' position on the Straight A's approach of moving education decisions away from Washington and into the hands of the States and local school districts is, today we will all have an opportunity to engage in a serious debate about the value of Federal education programs and the role the Federal Government should play in helping children learn. This is a debate that is critical to the future of our Nation.

So I hope my colleagues will join me in supporting this rule, participating in today's debate, and working to give our children every opportunity to meet their full potential. I urge a "yes" vote on the rule and on the Straight A's Act.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MOAKLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 214, nays 201, not voting 19, as follows:

[Roll No. 529]

YEAS—214

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Schaffer
Sensenbrenner
Sessions
Shaw
Shays
Sherwood
Shimkus
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)

NAYS—201

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Coburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Graham
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Shadegg
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—19

Boehner
Camp
Cummings
Dooley
Fattah
Hinojosa
Jackson-Lee (TX)
Jefferson
Kennedy
Lipinski
McCarthy (MO)
McCarthy (NY)
Nadler
Oxley
Royce
Scarborough
Shuster
Weldon (PA)
Young (FL)

Mr. ABERCROMBIE changed his vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to House Resolution 338 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2300.

The Chair designates the gentleman from Indiana (Mr. PEASE) as the Chairman of the Committee of the Whole, and requests the gentleman from Florida (Mr. MILLER) to assume the chair temporarily.

□ 1922

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2300) to allow a State to combine certain funds to improve the academic achievement of all its students, with Mr. MILLER of Florida (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Wisconsin (Mr. PETRI) and the gentleman from Missouri (Mr. CLAY) each will control 1 hour.

The Chair recognizes the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the bill before us is a permissive one. It allows States and local districts the option of establishing a 5-year performance agreement with the Secretary of Education. In return for this performance agreement, they will get greater flexibility to use their Federal dollars as they determine with vastly slashed paperwork. Straight A's puts academic results, rather than rules and regulations, at the center of K to 12 programs. It works on the same premise as charter schools, freedom in return for academic results.

Straight A's grants freedom and puts incentives in place for States to enable schools to innovate and to educate children as effectively as possible. States lose their flexibility in 5 years if they do not meet their goals and in 3 years if their student performance declines for 3 years in a row. On the other hand, States and school districts are rewarded if they significantly improve achievement and narrow achievement gaps.

Now, Mr. Chairman, Straight A's creates a relationship with States where Uncle Sam is the education investor, not the CEO. Since the Elementary and Secondary Education Act was passed back in 1965, our approach from Washington to aiding schools has been a bit heavy-handed.

It has relied on strict regulations of what States and communities may do with their Federal dollars and what priorities they must set, and that has not worked very well. Evaluations of dozens of ESEA programs make clear that the rich-poor achievement gap has not narrowed since 1965, that schools are neither safe nor drug free, and that much of the professional development money that we have spent has been wasted. Straight A's is voluntary. States do not choose this option. They will continue to receive funds under the current categorical program requirements. They will be protected.

But, Mr. Chairman, we owe it to our children to allow States the opportunity, the option, of participating in such a program. If Congress can agree to this ambitious experiment, then 5 years from now, when the next ESEA cycle comes around, we certainly will know a great deal more about which visions will best guide the Nation's schools. Until then all we are doing is throwing money at a set of sometimes broken programs.

I would like to commend the gentleman from Pennsylvania (Mr. Goodling), our chairman of the Committee on Education and the Workforce, for working out this bill. I think it is one of the most innovative and potentially far-reaching bills to come out of committee in my 20 years there, and I urge all of my colleagues to support it.

Mr. Chairman, I reserve the balance of my time.

Mr. CLAY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to this bill. Republicans on the Committee on Education and the Workforce have decided to take a giant step backward in providing for the most disadvantaged public schools and their pupils.

Just 5 hours ago this body passed H.R. 2, a bill to target Federal funds to poor, disadvantaged children. That bill was passed with overwhelming bipartisan support.

Now, if we enact H.R. 2300 tonight, it would eviscerate the enhanced targeting and accountability provisions contained in that bipartisan bill. Despite the majority's claim to the contrary, their high-sounding Academic Achievement For All act does nothing to ensure that Federal funds will help children improve their scholastic abilities. It does nothing to support practices which are proven to raise student achievement.

The bill essentially gives States billions of dollars in the form of revenue sharing without accountability for local educational providers or for protection to our most disadvantaged students. This bill permits States to use Federal funds to support private school vouchers and ignores Federal priorities for class size reduction, for teacher quality and for professional development. It creates a massive, yes a permissive, block grant where governors conceivably can spend Federal dollars on virtually anything from swimming pools, band uniforms to private school vouchers.

Even though this bill is designed to please the governors at the expense of local school districts, the National Governors' Association has sharply criticized this bill's abandonment of poor children. In an October 8 letter to Congress the governors wrote, and I quote:

"We governors recognize the link between the concentration of poverty and low educational achievement.

□ 1930

In schools with the highest proportion of disadvantaged children, students are less likely to achieve at higher levels. We would suggest that the Federal Government continue to concentrate Federal funds on these schools. Such support is essential, given that the Nation is truly committed to the belief that all students can achieve at higher levels. Only with a change to continue the targeting of Title I funds would the National Governors Association be able to bring bipartisan support to the legislation," end of the quote, Mr. Chairman, from the National Governors Association.

Mr. Chairman, we need legislation that will help communities by raising academic performance through smaller class sizes, by holding schools accountable for achieving high academic standards, and by helping every school become safe and disciplined, and we need to replace dilapidated and crumbling schools.

The Republican majority calls this bill Straight A's, but those closer to and more knowledgeable about the problems of our educational system see this bill as a cheap political gimmick designed to provide Republicans with 30-second sound bites at campaign time.

Let us get real, Mr. Chairman. Let us address the serious issues of this Nation's educational deficiencies. Let us defeat this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. PETRI. Mr. Chairman, I yield 6 minutes to our distinguished colleague, the gentleman from California (Mr. CUNNINGHAM), a former member of the committee.

Mr. CUNNINGHAM. Mr. Chairman, I miss the days back on the committee with the gentleman from Missouri (Mr. CLAY). I remember when Chairman Ford, I remember when the gentleman from Michigan (Mr. KILDEE) was my chairman, and then I took over as the chairman, and we worked real good together. I want to tell my colleagues, as much as I feel that the liberal philosophy and even further left than liberal is wrong, and it does not work. We have not always been right on our side, and that philosophy has not always been wrong.

I do not know if, in place, this bill will be good or not. I think it will be, and I want an opportunity to prove it.

Now, my colleague on the Committee on Rules a minute ago mentioned, look at the groups that support and look at the groups that do not. When I was on that committee and the gentleman from Michigan (Mr. KILDEE) was there, I asked a question to the President of the NEA, because I was upset at him because he represented the union issues and not the children. And I asked the President of the NEA, I said, kind of an attack, I said, when are you going to start supporting the children instead of the union social and liberal issues. And his response was, when they start paying my salary. I thought that was terrible.

Yes, I think we will find the leaders of the unions are opposed to this. But I think that we will find the rank and file teachers, the administrators, the community where we put the control in their hands, are in favor of it. And by the gentleman's very testimony just now in the Committee on Rules, I say to the ranking minority member, the gentleman does not trust the very people that we allow to teach our children, the governors, to make the decisions, the teachers, the parents, the administrators. That is where the difference lies. The gentleman thinks that someone back here can make that decision better because, and not wrongfully, that there is a population that is underserved if the government does not do that. But in my opinion, that is grossly wasted.

When I look at the groups that are in support of this measure, they represent the children. The children's issues, not the unions, not the social issues, not the political issues. And therefore, it tells me that this bill has got to be good.

Let me give my colleagues what I feel. I have three schools coming back for the Blue Ribbon award. My wife got very upset with Dan Quayle, who is a good friend of mine, when he said teachers are bad, public education is bad. My wife is one of those public education people. I think the gentleman from Missouri (Mr. CLAY) has met her. And she knows and I know and the conservatives know and the liberals know that we have many, many fine, dedicated teachers and administrators out there, more than we have bad. But, in many, many cases it is just not working, and we want an opportunity to show that we think we can try to do it better.

A classic example. When I was chairman of the committee, the gentleman from Michigan (Mr. KILDEE) was the ranking minority member. We had two sets of eight groups come in and they each had a fantastic program that worked in their district. Now, the old style, the liberal style would be to take all 16 of those programs because they are represented by Members of Congress and they want that program in their district, is to fund all 16 and have the Federal Government lay down rules and a lot of paperwork. Our view is to say, because I asked the question after the hearing, how many of you have any one of the other 15 of these groups in your district? They said none. We said, that is the whole idea. We want to give you the money so that you can make the decision that that program works in Wisconsin or this program works in California, we want you to have the ability to do that. And that is the idea of our block grant, and we feel that it is much better than mandating from Washington, D.C.

Another example of block granting. Why? People say well, DUKE, you want to cut education because you are against Goals 2000. I think Goals 2000 in itself is a marvelous idea, but all the paperwork and the bureaucracy is terrible. Let me give a classic example. Goals 2000 we made a lot of changes, but in the original form, there were 13 "wills" in the bill, and if you are a lawyer you know what that means, you will do this. They said it is only voluntary. Well, it is only voluntary if you want the money.

Think about one school putting Goals 2000 forward to a separate board, not even the Board of Education, and then it goes to the Board of Education and then it goes to the principal, then it goes to the superintendent, then it goes to Sacramento to Governor Davis, and he has to have a big bureaucracy there to handle all of the schools' paperwork coming in for Goals 2000.

Then, the letter work back and forth, and then where do they send it? They send it to the Department of Education, and what do you have to have here? A big bureaucracy just to handle that, and that takes money. That is why we are only getting 50 cents out of a dollar to the classroom. We think by giving a block grant, letting the parents, the teachers, the administrators and the community make the decisions on what they want to do, it is better than paying all of that bureaucracy and wasting about 40 cents on a dollar.

We do not disagree. My colleagues want to better education; we want to better education. I know that my colleagues mean that from the bottom of their hearts. We feel that the method is bad.

Please support us in this and join us. Try to make a difference.

Mr. CLAY. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Chairman, I thank my ranking member for yielding me this time.

Very simply, the Straight A's Act now with the changes due to the rule would allow 10 States to block grant Federal education programs, eliminate the Federal role and prioritization in education, undermine accountability for increased academic achievement, reduce targeting to disadvantaged districts and schools, and jeopardize the existing level of future education funding.

Since the House has spent yesterday and today reauthorizing Title I and other programs, the very programs Straight As seeks to block grant, I cannot support this legislation.

One of the major purposes of Federal education programs has been to target national concerns and national priorities. This proposal would eliminate the focus of Federal education programs that have been created to address specific concerns that have evolved with nearly 35 years of strong bipartisan support. Instead, Federal education funding would be placed out on the stump for governors to do with as they please. Federal funds could be spent for any purpose the governor could identify, resulting in no guaranteed focus on technology, teacher training, school safety, and many other important educational policies. This proposal would remove the targeting of Federal funds based on poverty, which now helps us ensure equitable services for all students.

The GAO has found that Federal funds are seven times more targeted than State educational funds. We should not abandon the success of Federal targeting.

This revenue-sharing approach also lacks sufficient accountability. If the Federal Government is going to totally cede educational accountability for Federal dollars to the States, States should be required to eliminate the most severe injustices in their educational system: School financing inequities, toleration of the use of uncertified teachers, high class sizes, overcrowded and crumbling schools.

The Federal Government should not enter into a weak performance agreement that will do nothing to ensure the most disadvantaged children are achieving.

Lastly, Mr. Chairman, this proposal is another block grant scheme that will lead to the defunding of education, not the increased investment that is needed. That is not just speculation. That is history. Let us go back to 1981, the winter of discontent, when we wrote educational policy in this country with chapter 1, which is now called Title I again, and chapter 2. And what did we do in chapter 2? Not with my vote. In chapter 2, we took many fine programs and dumped them into one block grant, and what happened? Those programs lost their identity, then they lost their advocacy, and then they lost their dollars. That is a fact. All of my Republican colleagues know that, those of them who were here in 1981. The funding for chapter 2 plummeted in a straight line down, and that is what happens when we block grant. We have a history of that, let us live with that history, let us learn from that history and let us defeat this bill.

Mr. PETRI. Mr. Chairman, I yield 6 minutes to the gentleman from Texas (Mr. ARMEY), a member of the committee, on leave, and our distinguished majority leader.

Mr. ARMEY. Mr. Chairman, we are back at education today and Mr. Chairman, again, let me tell my colleagues how proud I am of the things we are doing in education. Let me begin by pointing out that one thing is settled so that we do not have to argue about it any more, it is a matter of fact, not disputed, that since Republicans took control of the Congress, Federal education funding has increased by 27 percent. It is a matter of fact that this Congress in this year for fiscal year 2000 again is appropriating more money for education than even what the President asked for.

So, we can get set money aside. The fact is, we are all committed to education in America. We all understand its importance, Republicans and Democrats alike, and Republicans are willing to commit the dollars. But what we are not willing to commit, Mr. Chairman, is programs that are ineffective in the lives of children. Mr. Chairman, we have seen too much of that. We have had too many times too many hearts broken for that.

I can remember not too many years ago even up until the mid-1970s, this Nation was undisputed in its leadership in the world and had been forever. The Nation in the world that did most and best by educating its young people. This country and the education of our children was indeed the envy of the rest of the world.

But since the mid-1970s, Mr. Chairman, things have not been turning out so well. American parents have found themselves a little less content, satisfied, happy, and secure. American parents have been finding themselves a little more worried, violence in schools, lack of discipline, there seems to be a lack of respect, lack of standards, lack of learning, lack of comfort, sometimes perceived by parents, lack of decency. Things just have not been turning out, and by comparison with the rest of the world and our performance scores, our Nation's schoolchildren have not been holding up. They have not been doing well.

□ 1945

What has changed is the Federal Government got involved. We came to Washington. We looked out over the land, we talked to the experts, we heard the theories, we developed the programs, and then we said we are going to impose this program whether it be in Ithaca, New York, or El Paso, Texas, exactly the same, and people are going to have to comply.

The strength of this is amazing. Back home in America in our States, in our counties, in our local school districts, in our cities, in our communities, all of us working together as we do locally, raise and spend and manage $300 billion worth of money to educate our children with local, voluntary school boards working with parents and PTAs and teachers looking at the children, looking at the schools, looking at the needs and making decisions. We do pretty well. $20.8 billion of money comes from the Federal Government, and from the Federal Government we get not only the money but we get the mandates; we get the requirements; we get the dictates; we get the paperwork; and we get the frustration.

It puts me in mind of Armey's Axiom: When one makes a deal with the Government, they are the junior partner and pretty soon we have the schools run from here.

Now, the idea just simply has not been working out. Let us just face it. It has not worked out in the lives of the children. We have a model that we lived with for 200 years of local control, local decision, local management, local concern, local care, local instruction and it worked; it worked better than anyplace in the world. For about 20 years now we have had a model of Federal control from Washington, D.C. that has just been hurting our kids bad. Why in the world would we not try to get away from that which we now see harming the children's chances and go back to that which we know has worked? Why would we not take that opportunity? Why not seize it?

I am proud to say that my governor, the distinguished Governor George Bush from Texas, saw that in Texas. He saw even in Texas that the local communities could not be compelled to live by the mandates of the governor's office in Austin, Texas; that they had to have the flexibility in El Paso to do things differently than they did in Austin, and in Austin they had to have the flexibility to do things differently than they did in Dallas. In Texas today, our children are performing at levels we have not seen for years.

Because why? They are people that know them, live with them, parent them, make the decisions.

Mr. Chairman, what we are seeing here, having spent the earlier part of the day fixing failed programs under Title I, we are now saying let us give a greater latitude to those governors, to those school districts, those local communities to simply make the decision to try it for yourselves; for a limited period of time try it and see if it works.

If it works, we will renew the contract. If it does not work, we can go back to the old way. Well, I will say if we do not dare to take a chance in the interest of the children's education, to sacrifice some of our control, power and authority centered in this town, to give the parents and the teachers and the neighbors and the community leaders a chance to teach those babies the way they used to in what I would call the good old days, then more is the shame for us and more is the pity for the children.

Let us give it a try. Let us try it. Let us work for the kids. Let us get the money out of Washington and let the money follow the children in success instead of leaving the money to fund the ill-advised, ill-conceived and heartless, failed mandates of Washington, D.C.

Mr. CLAY. Mr. Chairman, I yield 4 minutes to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Chairman, I thank my leader on the Democratic side, the gentleman from Missouri (Mr. CLAY), for yielding me the time.

Mr. Chairman, I would like to start off by congratulating Republicans and Democrats alike for the fine product we just produced 5 hours ago, a piece of bipartisan legislation that passed overwhelmingly in the House; that tightened up accountability; that improved quality; that widened public school choice with some new options for parents; that targeted some funds to the poorest and most disadvantaged and most at-risk children in America. And we came together to do that; after 5 days in committee and 47 amendments, two days on the floor and an overwhelming vote of bipartisan support of Republicans and Democrats working together to try to look out for what was best for our children.

Well, it took Republicans 40 years to get back into power, 5 years to do their first ESEA, Elementary and Secondary Education Act, and 5 hours to then go back and say we do not like what happened there. Now we are going to come up and scuttle this bipartisan piece of legislation. I would encourage my colleagues on both sides of the aisle, let us not do that. We have just worked so hard on behalf of the poorest of the poor children, putting together a solid bill.

The gentleman from Texas (Mr. ARMEY) said and talked about that we spend $324 billion on education in this country, and I am one Democrat that thinks that local control should dominate what we do with that money, but out of that $324 billion that we spend, that is locally controlled, our parents and our teachers and administrators decide what to do with that money and they should, we are saying in a bipartisan way, we did 5 hours ago, that $10 billion of that, $9.8 billion of that, should have some targeting to children that are most likely to drop out of school and fall behind, and then possibly get involved in the juvenile justice system and then possibly become incarcerated and then that costs us $32,000 per person to incarcerate them; not a good deal for the United States; not a good deal for the taxpayers; not a good deal for us as the global superpower.

We are the only global superpower left. We are the global superpower in defense. Let us be the global superpower in education and work across the aisle to achieve that.

Now, one of the theories of doing a block grant like this proposal throws out there is to say that the governors would do a good job at making the decision as to how to spend it. The funny thing is, the governors do not like this bill. They do not want to do it. Here is what the governors say, and I quote from their letter, the NGA, the National Governors Administration, says, quote, "The governors recognize the link between the concentration of poverty and low educational achievement. In schools with the highest proportions of disadvantaged children, students are less likely to achieve at higher levels. We would suggest that the Federal Government continue to concentrate Federal funds on these schools. Such support is essential given that the Nation is truly committed to the belief that all students can achieve at higher levels."

Let us keep what we did 5 hours ago. Let us work together as Democrats and Republicans on education and hopefully let us defeat this bill.

Mr. PETRI. Mr. Chairman, I yield 8 minutes to the gentleman from Michigan (Mr. HOEKSTRA), our colleague and a senior member of the committee.

Mr. HOEKSTRA. Mr. Chairman, I thank the gentleman from Wisconsin (Mr. PETRI) for yielding me this time.

Mr. Chairman, let us go back and talk about what we not only did on the floor today but what we did in the committee. The gentleman is right, there was a bipartisan agreement to move the bill through. It is interesting that our colleagues on the other side of the aisle passed amendments which broke that bipartisan agreement, but that is really not the issue here about what they agreed to and what we agreed to and what agreements they broke. Really, this is about the kids.

So let us take a look at the dialogue that took place on the debate of the bill that we passed earlier today. Colleague after colleague after colleague talked about the failed 34-year history of Title I, the continuing disappointment of the Federal dollars, the $120 billion that had been targeted to the most disadvantaged and the poorest students in the country. We have not closed the gap. We have left those kids behind. What we said today in the bill that we passed earlier is, yes, we can tinker around the edges, we can tinker with this $8 billion, but for those kids we need to at least try something else and try something more innovative than what we have done in the past, because tinkering around the edges may not be enough to help those kids.

I still remember in some of the hearings that we have had in the Education at a Crossroads Project. We went to New York City. We went to those kids who are in those schools that are failing, and I still remember the father coming in and saying, I have had one kid now in school for 5 years. Five years ago, there was a program and it was a 5-year program towards excellence, and the schools are as bad now as they were 5 years ago and they may even be worse; and now you are coming in and you have another 5-year program for me?

That is what we have, but not a 5-year program. We have a 34-year track record, and the bill that we passed earlier today was tinkering around the edges. That is not good enough for our kids. That is not good enough for the future of this country. It is at least time to take a look at a more innovative approach. That is why we have the Straight A's bill in front of us today because we need to get the Federal Government to catch up with what is going on in the States.

What is the approach that we are taking? The approach that we are taking is moving away from a bureaucratic program that has a program for every identified need, has a set of rules and regulations for every program, has a series of applications, has a series of red tape and it takes money out of the classroom; it takes innovation and creativity away from our local school officials.

By the way, they are the only ones that happen to know the names of the kids in the classroom that we are trying to help. The bureaucrats here in Washington do not know the names of those kids that we are trying to help. What we do is we tell these local officials if they will reach an agreement with us where we give them flexibility to focus on the needs in their schools, whether it is to make them safe, whether it is to improve technology, whether it is to lower class size, they do what is right for their school and then they report back to us on performance, because really what we are interested in, I thought we were interested in improving the performance of the students rather than in mandates, regulations and red tape. That is why we are doing the straight A's proposal, to get that innovation and to match the needs with the programs that we put in place.

What do the State education executives say about it? Well, I would have preferred to have seen the advantages and flexibility made available under Straight A's to every State. The 10-State pilot is a fair compromise if it ensures passage of the bill now. Many States are already straining to break the bonds of over-regulations, over-involvement, and overkill on the part of the education bureaucracy.

Remove those barriers to innovation through passage of H.R. 2300, and I think you will find no problem finding 10 States willing to take advantage of all that the Straight A's Act has to offer. We cannot wait any longer. This is a letter from Lisa Graham Keegan, State of Arizona Department of Education. She is the superintendent of public instruction.

The Education Leaders Council, what do they say? Passage of Straight A's is critical if we are to build upon existing innovative approaches to education reform in the States that are producing success and improving student achievement. It is time that Washington recognizes that the innovation and the focus of improving our student education is taking place at the State level and Washington is still trying to catch up with the innovation that is going on at the State level. That is why we need to provide this kind of opportunity to some of the States.

What do the governors have to say? Let us go back and reference what the governors' letter says that is being referenced so often. Straight A's is aligned with the NGA education policy in many instances. We urge the committee to maintain these provisions in the bill as it continues through the legislative process. Governors are strongly supportive of the provision in the legislation that permits States to determine how funds can be distributed to the States.

□ 2000

NGA policy calls for Federal education dollars to be sent directly to the State to enable the State to set priorities, provide greater accountability, and better coordinate federally funded activities with State and local education reform initiatives.

It does say the governors do recognize the link between the concentration of poverty and low education and achievement. The governors recognize that.

What this bill will do is it will provide the governors more opportunity to provide more dollars to the most disadvantaged students in their States. This is the welfare reform model where we are saying Washington cares more about the disadvantaged in one's State than the Governor and the State legislature.

What did we find out? We heard the same kind of scare tactics when we talked about welfare reform. We passed welfare reform. The States innovated, and more people are off the welfare rolls now than at any time in recent history.

The States and the governors and legislators care about the people in their States. We ought to at least enable 10 States to experiment, to move this program back, and to see how we can help the people in those 10 States. It is about kids. It is about making a difference.

So we have got the State education officers. We have got the NGA. We have got governors who want that kind of flexibility because they want to focus dollars on kids and on the classroom. They do not want to focus it on bureaucracy.

That is why we are doing this amendment and why we are doing this bill. The emphasis here is on helping kids. It is on moving away from process. It is about moving away from bureaucracy. That is why we are doing Straight A's, so that we can focus on the kids, that we can make a difference, and we can at least begin the process of reform and put the Federal Government in a position of supporting reform at the State and local level rather than being a barrier to helping kids that need help the most.

Free up the States. Free up our local leaders. Free up those people who know the names of the kids in the classroom and who care more about them than anyone in this Chamber or anyone in the Department of Education. It is about our kids. It is time for change, and it is time for reform.

Mr. Chairman, I ask my colleagues to strongly support this amendment.

Mr. CLAY. Mr. Chairman, I yield 4 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Chairman, I thank the gentleman from Missouri (Mr. CLAY), my ranking leader, for yielding me this time.

Mr. Chairman, I rise in strong opposition to H.R. 2300. But, first, a high school quiz. Who said: "war is peace; freedom is slavery; ignorance is strength?" Of course that was George Orwell's Big Brother in the classic novel 1984. With the introduction of this legislation this evening, I think perhaps we have slipped back into Orwell's 1984 with this classic doublespeak.

No sooner do we pass a good bipartisan Title I reauthorization bill that targets funding to the most needy and most disadvantaged students across the country, then we turn around and bring this legislation that would basically act as a bomb and blow up and eviscerate the very provisions that we just passed a few short hours ago. The key to the Title I funding has been the targeted funding stream to those students most at need, this legislation would destroy that goal.

H.R. 2300 would turn the targeted funding into a block grant, effectively turning the Federal Government into the great tax collector for States in the form of a Federal revenue sharing program. Well, no one likes to collect taxes for any particular reason.

We can also see where this road would take us. If we just merely act as an intermediary, collecting taxes just to turn around to give it back to the States, it becomes a very simple question as to why we are doing this at all. Why do we not allow the States to collect their own taxes and target the money the way they see fit, so there would be no role at all for the Federal Government?

But that is what gets us back to 1965 and the very reason why the Federal Government passed the Elementary and Secondary Education Act. It was the fact that some States and localities were not doing an effective job of targeting the neediest students across the country, that there became a need for the Federal Government to step in, in the form of a partnership, and assist with a funding stream that does target these disadvantaged school districts.

The very entities that this is supposed to benefit are also in opposition to this legislation. The National Association of State Boards of Education is in opposition to it. In fact, they stated, and I quote, On bureaucracy: "Straight A's will result in greater bureaucracy and blurred lines of authority."

On effective use of funds, they stated: "Federal resources must be targeted to be effective. Federal efforts supplementing State funding and State-level initiatives have been successful in assuring equity to low-income areas and socioeconomically disadvantaged students. Distributing scarce federal funds on a per capita basis will only dilute these limited funds to an ineffectual level."

On the Federal role in education, they stated: "The leadership role the Federal Government plays in identifying and promoting national priorities cannot be overstated. It would be a mistake to abandon the national role in fostering specific educational improvement activities."

Of course we have already heard the National Governor's Association themselves have come out in opposition to this bill.

One additional reason is given that I cite from the letter that they have submitted to us: "Only with a change to continue the targeting of Title I funds as required under current law and the maintenance of the above mentioned provisions would the 'National Governor's Association' be able to bring bipartisan support to the legislation."

There is a myriad of reasons, Mr. Chairman, of why this is bad legislation for the many reasons at the wrong time. Yes, we can provide greater flexibility to the localities. We have taken a step with education flexibility passed earlier this year, a measure I was happy to support.

Let us give Ed-Flex a chance to play out and see how well that works before we take this great leap into a block grant, Federal revenue sharing program. And let us allow the Title I targeted approach to take effect with the improved provisions that we just passed a few short hours ago. Let us give that a chance first and see if that will help our most disadvantaged students throughout the country.

Mr. PETRI. Mr. Chairman, I yield such time as he may consume to the gentleman from Delaware (Mr. CASTLE), the chairman of the Subcommittee on Early Childhood, Youth and Families, for purposes of a colloquy.

Mr. CASTLE. Mr. Chairman, I thank the gentleman from Wisconsin for yielding me this time.

Mr. Chairman, I would like to enter into a colloquy with the gentleman from Wisconsin, and I would like to start by asking him if it is true that States may include part A of Title I in their performance agreement under Straight A's?

Mr. Chairman, I yield to the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. Mr. Castle, I believe I can speak for the gentleman from Pennsylvania (Mr. GOODLING), the chairman of the Committee on Education and the Workforce in this regard: What the gentleman from Delaware has indicated is true. States may include part A of Title I as well as 13 other programs.

Mr. CASTLE. Mr. Chairman, as the gentleman from Wisconsin knows, I believe it is crucial that if States include Title I, they should ensure school districts use those funds to meet the educational needs of disadvantaged students.

Mr. PETRI. Mr. Chairman, I agree. As the gentleman knows, there is a hold-harmless in the bill, no school district in America will lose Title I dollars. Straight A's gives them the flexibility to address the needs of those students.

Mr. CASTLE. Mr. Chairman, so the intent of Straight A's is to require States to improve academic achievement and narrow achievement gaps between students.

Mr. PETRI. Mr. Chairman, that is why the accountability in Straight A's is so high, to ensure that States and school districts target their funds as effectively as possible to improve academic achievement.

Mr. CASTLE. Mr. Chairman, I appreciate the accountability provisions in the bill. I also believe that it is crucial that we clearly express our commitment to needy children in the language of the bill. If States include Title I, they must ensure that school districts use those funds to help children with the greatest educational needs.

Mr. PETRI. Mr. Chairman, I certainly will work to ensure that the language of the gentleman from Delaware is included in the final bill that is sent to our President.

Mr. CASTLE. Mr. Chairman, I thank the gentleman from Wisconsin (Mr.

PETRI). I appreciate this. These are assurances with which I was concerned. I appreciate the gentleman's affirmation of where we were with respect to that.

I would also point out just listening to this debate, and I am running back and forth to a banking conference at this point, that this is a pilot program that we are talking about. We are talking about an experiment in which we are trying to determine if there is a better methodology of dealing with these programs, of dealing with these disadvantaged students than there has been before. That has worked, as somebody has pointed out, in welfare reform. It has worked in Ed-Flex. Hopefully, it can work in this as well.

Mr. CLAY. Mr. Chairman, these are the gentlemen who wrote this bill still at this late date trying to convince themselves what is in the bill.

Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, I would like to respond to the gentleman from Michigan (Mr. HOEKSTRA) who said that the Council of Chief State School Officers supported this bill.

I suppose maybe he has heard from one of the members of the organization, but I would like to read from a letter written by the executive director, Gordon Ambach from the Council of Chief State School Officers.

I quote, "On behalf of the Council of Chief State School Officers, I write to urge you to vote against H.R. 2300, the Academic Achievement for All Act or Straight A's Act when it comes before the House for consideration this week."

He also goes on to say, "We oppose Straight A's because it undermines the following essential features of Federal aid to K-12 education:" First, "Targeting of Federal aid to elementary and secondary education to national priorities and students in need of special assistance to succeed." He wants that. He thinks it is important.

"Governance of education by State education authorities." He does not want that undermined.

"Accountability for Federal aid to elementary and secondary education."

And it is signed, as I said, by Gordon Ambach, the executive director, Council of Chief State School Officers. This is a three-page letter. He said a lot more than that.

The Council of Chief State School Officers is correct. The goal of Federal education programs must be to make it easier for students to learn rather than making it easier for States to spend Federal dollars.

Under this bill, if a school district needs a bus barn, a shelter for their school buses, and if the State says yes, the district could use its Federal education funds to build that bus barn.

If a school band needs new uniforms, and that school has the ear of the governor, Federal dollars can be used to purchase school uniforms. That would be perfectly all right.

But those are local expenditures, not Federal expenditures. Federal funding is targeted for the neediest schools and the neediest children and those that are under the most duress in the school system, not for school uniforms, not for school bus barns. Because the purpose of Federal education funds is to fund national education priorities like the ones we set for Title I earlier today.

Educating all of our children well must be a national priority. The people who I represent in Congress who live in Sonoma and Marin Counties north of San Francisco understand that. In fact, I received a post card just today; and it says, make sure that our children are taken care of.

Mr. PETRI. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana (Mr. SOUDER), an active member of the Committee on Education and the Workforce.

Mr. SOUDER. Mr. Chairman, I yield to the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Mr. Chairman, just to clarify any confusion that may have existed about my remarks or at least as interpreted by the gentlewoman from California (Ms. WOOLSEY), I referenced the letter from the Education Leaders Council, representatives of the leading States that are leading the country in reform. I submit the letter for the RECORD, as follows:

EDUCATION LEADERS COUNCIL,
Washington, DC, October 21, 1999.

Hon. WILLIAM F. GOODLING,
Chairman, House Committee on Education and the Workforce, 2107 Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN GOODLING: We are the state school chiefs who oversee the education of over 19 million (1 in 5) in the nations students. You and your colleagues will very shortly begin debate on the Straight A's (Academic Achievement for All Act) legislation that will help us and other states continue to ensure academic excellence for all students and true accountability for results for state education agencies and local school districts.

Passage of Straight A's is critical if we are to build upon existing innovative approaches to education reform in the states that are producing success in improving student achievement. While we would have preferred to see the flexibility with accountability provided through Straight A's available to every state, we strongly believe that the current compromise, limiting its provisions to 10 pilot states, would represent a major step forward if it ensures passage of the bill now.

Many states are straining against the inertia created by bureaucratic micro-management and thousands of pages of regulations attached to hundreds of separate programs which may or may not be consistent with state and local priorities. Remove this burden now by passing Straight A's, and we are confident you will have no problem finding ten states ready to take advantage of all it has to offer.

There is no magic in what our states are doing. The results we seek are simple: measurable academic achievement increases for all students. The original intent of ESEA and title I in particular has been thwarted, not through poor intention, but by a misguided focus on process and regulation over results. We agree that a federal role in education is appropriate in response to national concerns—and the persistent low performance of poor children in this country merits such a response. But we have to move beyond a simple reauthorization of an act that, while well intended, has produced minimal if any gain for these children in thirty years. They deserve better.

Sincerely,

GARY HUGGINS,
Executive Director.

Mr. SOUDER. Mr. Chairman, I apologize again for my voice. I am doing the best I can.

I want to express some frustrations that I had today. This bill is no longer, after our management amendment, quite Straight A's anymore. It is more like a B, A, and an F, better alternatives for a few. But at least we have 10 pilot programs, which is better than nothing.

Part of my concern is that, as we move to conference committee with the Senate, then we might only wind up with one governor picks one student for half a day. But we need to continue to move this bill forward because at least it gives the opportunity for us to give more flexibility in return for accountability, which was the original intent of our bill earlier today, which was to provide more flexibility to the States in return for accountability.

But by the time we got done in committee, by the time we got done on the floor, we continued to add more and more things that reduced the flexibility but kept the accountability measures in.

This bill would help rectify that. That is why this bill, Straight A's, has been supported by, among other groups, American Association of Christian Schools, Citizens for a Sound Economy, Education Policy Institute, Family Resource Council; Hispanic Business Roundtable, Home School Legal Defense Association, Independent Women's Forum, Jewish Policy Center, Professional Educators of Tennessee, the Union of Orthodox Jewish Congregations of America; by the State school officers, Arizona Superintendent of Public Education, Georgia State Superintendent of Schools, the Michigan Superintendent of Public Instruction, the Pennsylvania Secretary of Education, the Virginia Secretary of Education.

It is also supported by the following governors: Governor Hull of Arizona, Governor Owens of Colorado, Governor Jeb Bush of Florida, Governor Kempthorne of Idaho, Governor Ryan of Illinois, Governor Engler of Michigan, Governor Gilmore of Virginia, Governor Thompson of Wisconsin, Governor Geringer of Wyoming, Governor Pataki of New York, Governor Keating of Oklahoma, and Governor Guinn of Nevada.

It is also interesting, as we look for what is our vision as to how we approach education, rather than just saying we are going to do more of the same only for a little less dollars than the way it is done in the past, I would hold forth what our current leading candidate for President, Governor Bush, said in his education speech to New York, not the parts that the media picked up, but the fundamentals of it.

□ 2015

And let me quote from that. "Even as many States embrace education reform, the Federal Government is mired in bureaucracy and mediocrity. It is an obstacle, not an ally. Education bills are often rituals of symbolic spending without real accountability, like pumping gas into a flooded engine. For decades, fashionable ideas have been turned into programs with little knowledge of their benefits for students or teachers. And even the obvious failures seldom disappear."

On the next page he said, "I don't want to tinker with the machinery of the Federal role in education. I want to redefine that role entirely. I strongly believe in local control of schools and curriculum. I have consistently placed my faith in States and schools and parents and teachers, and that faith in Texas has been rewarded."

He also said, "I would promote more choices for parents in the education of their children. In the end, it is parents, armed with information and options, who turn the theory of reform into the reality of excellence. All reform begins with freedom and local control. It unleashes creativity. It permits those closest to children to exercise their judgment. And it also removes the excuse for failure. Only those with the ability to change can be held to account."

He also said, contrary to public opinion, that he always says that the Republican Congress is just too conservative, he also said what we did earlier today was too liberal, because what he favored as a reform to Title I was to "give parents with children in failing schools, schools where the test scores of Title I children show no improvement over 3 years, the resources to seek more hopeful options. This would amount to a scholarship of about $1,500 a year."

He said with regard to charter schools that we need someone bold enough to say, "I can do better. And all our schools will aim higher if we reward that kind of courage and vision."

I hope my Republican colleagues and those on the Democratic side of the aisle that are open to real school reform will support me and my colleagues in support of the Straight A's, which would give our governors real flexibility.

Mr. Chairman, I provide for the RECORD the full speech given by Governor George Bush, and the list of groups and individuals who support Straight A's:

GOVERNOR GEORGE W. BUSH—A CULTURE OF ACHIEVEMENT, NEW YORK, NEW YORK, OCTOBER 5, 1999

It is an honor to be here—and especially to share this podium with Rev. Flake. Your influence in this city—as a voice for change and a witness to Christian hope—is only greater since you returned full-time to the Allen AME Church. I read somewhere that you still call Houston your hometown, 30 years after you moved away. As governor of Texas, let me return the compliment.

We are proud of all you have accomplished, and honored to call you one of our own. It's been a pleasure touring New York these past few days with Governor Pataki. Everywhere I've gone, New York's old confidence is back—thanks, in large part, to a state senator who challenged the status quo six years ago. From tax cuts to criminal justice reform to charters, your agenda has been an example to governors around the country.

It is amazing how far this city has come in the 21 years since the Manhattan Institute was founded. You have won battles once considered hopeless. You have gone from winning debating points to winning majorities—and I congratulate you.

Last month in California, I talked about disadvantaged children in troubled schools. I argued that the diminished hopes of our current system are sad and serious—the soft bigotry of low expectations.

And I set out a simple principle: Federal funds will no longer flow to failure. Schools that do not teach and will not change must have some final point of accountability. A moment of truth, when their Title I funds are divided up and given to parents, for tutoring or a charter school or some other hopeful option. In the best case, schools that failing will rise to the challenge and regain the confidence of parents. In the worst case, we will offer scholarships to America's neediest children.

In any case, the Federal Government will no longer pay schools to cheat poor children.

But this is the beginning of our challenge, not its end. The final object of education reform is not just to shun mediocrity; it is to seek excellence. It is not just to avoid failure; it is to encourage achievement.

Our Nation has a moral duty to ensure that no child is left behind.

And we also, at this moment, have a great national opportunity—to ensure that every child, in every public school, is challenged by high standards that meet the high hopes of parents. To build a culture of achievement that matches the optimism and aspirations of our country.

Not long ago, this would have seemed incredible. Our education debates were captured by a deep pessimism.

For decades, waves of reform were quickly revealed as passing fads, with little lasting result. For decades, funding rose while performance stagnated. Most parents, except in some urban districts, have not seen the collapse of education. They have seen a slow slide of expectations and standards. Schools where poor spelling is called "creative." Where math is "fuzzy" and grammer is optional. Where grade inflation is the norm.

Schools where spelling bees are canceled for being too competitive and selecting a single valedictorian is considered too exclusive. Where advancing from one grade to the next is unconnected to advancing skills. Schools where, as in Alice in Wonderland, "Everyone has won, and all must have prizes."

We are left with a nagging sense of lost potential. A sense of what could be, but is not.

It led the late Albert Shanker, of the American Federation of Teachers, to conclude: "Very few American pupils are performing anywhere near where they could be performing."

This cuts against the grain of American character. Most parents know that the self-esteem of children is not built by low standards, it is built by real accomplishments. Most parents know that good character is tied to an ethic of study and hard work and merit—and that setbacks are as much a part of learning as awards.

Most Americans know that a healthy democracy must be committed both to equality and to excellence.

Until a few years ago, the debates of politics seemed irrelevant to these concerns. Democrats and Republicans argued mainly about funding and procedures—about dollars and devolution. Few talked of standards or accountability or of excellence for all our children.

But all this is beginning to change. In state after state, we are seeing a profound shift of priorities. An "age of accountability" is starting to replace an era of low expectations. And there is a growing conviction and confidence that the problems of public education are not an endless road or a hopeless maze.

The principles of this movement are similar from New York to Florida, from Massachusetts to Michigan. Raise the bar of standards.

Give schools the flexibility to meet them. Measure progress. Insist on results. Blow the whistle on failure. Provide parents with options to increase their influence. And don't give up on anyone.

There are now countless examples of public schools transformed by great expectations. Places like Earhart Elementary in Chicago, where students are expected to compose essays by the second grade.

Where these young children participate in a Junior Great Books program, and sixth graders are reading "To Kill a Mockingbird." The principal explains, "All our children are expected to work above grade level and learn for the sake of learning * * * We instill a desire to overachieve. Give us an average child and we'll make him an overachiever."

This is a public school, and not a wealthy one. And it proves what is possible.

No one in Texas now doubts that public schools can improve. We are witnessing the promise of high standards and accountability. We require that every child read by the third grade, without exception or excuse. Every year, we test students on the academic basics. We disclose those results by school. We encourage the diversity and creativity of charters. We give local schools and districts the freedom to chart their own path to excellence.

I certainly don't claim credit for all these changes. But my state is proud of what we have accomplished together. Last week, the federal Department of Education announced that Texas eighth graders have some of the best writing skills in the country. In 1994, there were 67 schools in Texas rated "exemplary" according to our tests. This year, there are 1,120. We are proud, but we are not content. Now that we are meeting our current standards, I am insisting that we elevate those standards.

Now that we are clearing the bar, we are going to raise the bar—because have set our sights on excellence.

At the beginning of the 1990s, so many of our nation's problems, from education to crime to welfare, seemed intractable—beyond our control. But something unexpected happened on the way to cultural decline. Problems that seemed inevitable proved to be reversible. They gave way to an optimistic, governing conservatism.

Here in New York, Mayor Giuliani brought order and civility back to the streets—cutting crime rates by 50 percent. In Wisconsin, Governor Tommy Thompson proved that welfare dependence could be reversed—reducing his rolls by 91 percent. Innovative mayors and governors followed their lead—cutting national welfare rolls by nearly half since 1994, and reducing the murder rate to the lowest point since 1967.

Now education reform is gaining a critical mass of results.

In the process, conservatism has become the creed of hope. The creed of aggressive, persistent reform. The creed of social progress.

But many of our problems—particularly education, crime and welfare dependence—are yielding to good sense and strength and idealism. In states and cities around the country, we are making, not just points and pledges, but progress. We are demonstrating the genius for self-renewal at the heart of the American experiment.

Of course want growth and vigor in our economy. But there are human problems that persist in the shadow of affluence. And the strongest argument for conservative ideals—for responsibility and accountability and the virtues of our tradition—is that they lead to greater justice, less suffering, more opportunity.

At the constitutional convention in 1787, Benjamin Franklin argued that the strength of our nation depends "on the general opinion of the goodness of government." Our Founders rejected cynicism, and cultivated a noble love of country. That love is undermined by sprawling, arrogant, aimless government. It is restored by focused and effective and energetic government.

And that should be our goal: A limited government, respected for doing a few things and doing them well.

This is an approach with echoes in our history. Echoes of Lincoln and emancipation and the Homestead Act and land-grant colleges. Echoes of Theodore Roosevelt and national parks and the Panama Canal. Echoes of Reagan and a confrontation with communism that sought victory, not stalemate.

What are the issues that challenge us, that summon us, in our time? Surely one of them must be excellence in education. Surely one of them must be to rekindle the spirit of learning and ambition in our common schools. And one of our great opportunities and urgent duties is to remake the federal role.

Even as many states embrace education reform, the federal government is mired in bureaucracy and mediocrity.

It is an obstacle, not an ally. Education bills are often rituals of symbolic spending without real accountability—like pumping gas into a flooded engine. For decades, fashionable ideas have been turned into programs, with little knowledge of their benefits for students and teachers. And even the obvious failures seldom disappear.

This is a perfect example of government that is big—and weak. Of government that is grasping—and impotent.

Let me share an example. The Department of Education recently streamlined the grant application process for states. The old procedure involved 487 different steps, taking an average of 26 weeks. So, a few years ago, the best minds of the administration got together and "reinvented" the grant process. Now it takes a mere 216 steps, and the wait is 20 weeks.

If this is reinventing government, it makes you wonder how this administration was ever skilled enough and efficient enough to create the Internet. I don't want to tinker with the machinery of the federal role in education. I want to redefine that role entirely.

I strongly believe in local control of schools and curriculum. I have consistently placed my faith in states and schools and parents and teachers—and that faith, in Texas, has been rewarded.

I also believe a president should define and defend the unifying ideals of our nation—including the quality of our common schools. He must lead, without controlling. He must set high goals—without being high-handed. The inertia of our education bureaucracy is a national problem, requiring a national response. Sometimes inaction is not restraint—it is complicity. Sometimes it takes the use of executive power to empower others.

Effective education reform requires both pressure from above and competition from below—a demand for high standards and measurement at the top, given momentum and urgency by expanded options for parents and students. So, as president, here is what I'll do. First, I will fundamentally change the relationship of the states and federal government in education. Now we have a system of excessive regulation and no standards. In my administration, we will have minimal regulation and high standards.

Second, I will promote more choices for parents in the education of their children. In the end, it is parents, armed with information and options, who turn the theory of reform into the reality of excellence.

All reform begins with freedom and local control. It unleashes creativity. It permits those closest to children to exercise their judgment. And it also removes the excuse for failure. Only those with the ability to change can be held to account.

But local control has seldom been a priority in Washington. In 1965, when President Johnson signed the very first Elementary and Secondary Education Act, not one school board trustee, from anywhere in the country, was invited to the ceremony. Local officials were viewed as the enemy. And that attitude has lingered too long.

As president, I will begin by taking most of the 60 different categories of federal education grants and paring them down to five: improving achievement among disadvantaged children; promoting fluency in English; training and recruiting teachers; encouraging character and school safety; and promoting innovation and parental choice. Within these divisions, states will have maximum flexibility to determine their priorities.

They will only be asked to certify that their funds are being used for the specific purposes intended—and the Federal red tape ends there.

This will spread authority to levels of government that people can touch. And it will reduce paperwork—allowing schools to spend less on filing forms and more on what matters: teachers' salaries and children themselves.

In return, we will ask that every state have a real accountability system—meaning that they test every child, every year, in grades three through eight, on the basics of reading and math; broadly disclose those results by school, including on the Internet; and have clear consequences for success and failure. States will pick their own tests, and the federal government will share the costs of administering them.

States can choose tests off-the-shelf, like Arizona; adapt tests like California; or contract for new tests like Texas. Over time, if a state's results are improving, it will be rewarded with extra money—a total of $500 million in awards over five years. If scores are stagnant or dropping, the administrative portion of their federal funding—about 5 percent—will be diverted to a fund for charter schools.

We will praise and reward success—and shine a spotlight of shame on failure.

What I am proposing today is a fresh start for the federal role in education. A pact of principle. Freedom in exchange for achievement. Latitude in return for results. Local control with one national goal: excellence for every child.

I am opposed to national tests, written by the federal government.

If Washington can control the content of tests, it can dictate the content of state curricula—a role our central government should not play.

But measurement at the state level is essential. Without testing, reform is a journey without a compass. Without testing, teachers and administrators cannot adjust their methods to meet high goals. Without testing, standards are little more than scraps of paper.

Without testing, true competition is impossible. Without testing, parents are left in the dark.

In fact, the greatest benefit of testing—with the power to transform a school or a system—is the information it gives to parents. They will know—not just by rumor or reputation, but by hard numbers—which schools are succeeding and which are not.

Given that information, more parents will be pulled into activisim—becoming participants, not spectators, in the education of their children. Armed with that information, parents will have the leverage to force reform.

Information is essential. But reform also requires options. Monopolies seldom change on their own—no matter how good the intentions of those who lead them. Competition is required to jolt a bureaucracy out of its lethargy.

So my second goal for the federal role of education is to increase the options and influence of parents.

The reform of Title I I've proposed would begin this process. We will give parents with children in failing schools—schools where the test scores of Title 1 children show no improvement over three years—the resources to seek more hopeful options. This will amount to a scholarship of about $1,500 a year.

And parents can use those funds for tutoring or tuition—for anything that gives their children a fighting chance at learning. The theory is simple. Public funds must be spent on things that work—on helping children, not sustaining failed schools that refuse to change.

The response to this plan has been deeply encouraging. Yet some politicians have gone to low performing schools and claimed my plan would undermine them.

Think a moment about what that means. It means visiting a school and saying, in essence, "You are hopeless. Not only can't you achieve, you can't even improve." That is not a defense of public education, it is a surrender to despair. That is not liberalism, it is pessimism. It is accepting and excusing an educational apartheid in our country—segregating poor children into a work without the hope of change.

Everyone, in both parties, seems to agree with accountability in theory. But what could accountability possibly mean if children attend schools for 12 years without learning to read or write? Accountability without consequences is empty—the hollow shell of reform. And all our children deserve better.

In our education reform plan, we will give states more flexibility to use federal funds, at their option, for choice programs—including private school choice.

In some neighborhoods, these new options are the first sign of hope, of real change, that parents have seen for a generation.

But not everyone wants or needs private school choice. Many parents in America want more choices, higher standards and more influence within their public schools. This is the great promise of charter schools—the path that New York is now beginning. And this, in great part, is a tribute to the Manhattan Institute.

If charters are properly done—free to hire their own teachers, adopt their own curriculum, set their own operating rules and high standards—they will change the face of American education. Public schools—without bureaucracy. Public schools—controlled by parents. Public schools—held to the highest goals. Public schools—as we imagined they could be.

For parents, they are schools on a human scale, where their voice is heard and heeded. For students, they are more like a family than a factory—a place where it is harder to get lost. For teachers, who often help found charter schools, they are a chance to teach as they've always wanted. Says one charter school in Boston: "We don't have to wait to make changes. We don't have to wait for the district to decide that what we are doing is within the rules . . .

So we can really put the interests of the kids first."

This morning I visited the new Sisulu Children's Academy in Harlem—New York's first charter school. In an area where only a quarter of children can read at or above grade level, Sisulu Academy offers a core curriculum of reading, math, science, and history. There will be an extended school day, and the kids will also learn computer skills, art, music and dance. And there is a waiting list of 100 children.

This is a new approach—even a new definition of public education. These schools are public because they are publicly funded and publicly accountable for results. The vision of parents and teachers and principals determines the rest. Money follows the child. The units of delivery get smaller and more personal. Some charters go back to basics—some attract the gifted—some emphasize the arts.

It is a reform movement that welcomes diversity, but demands excellence. And this is the essence of real reform.

Charter schools benefit the children within them—as well as the public school students beyond them. The evidence shows that competition often strengthens all the schools in a district. In Arizona, in places where charters have arrived—teaching phonics and extending hours and involving parents—suddenly many traditional public schools are following suit.

The greatest problem facing charter schools is practical—the cost of building them. Unlike regular public schools, they receive no capital funds. And the typical charter costs about $1.5 million to construct. Some are forced to start in vacant hotel rooms or strip malls.

As president, I want to fan the spark of charter schools into a flame. My administration will establish a Charter School Homestead Fund, to help finance these start-up costs.

We will provide capital to education entrepreneurs—planting new schools on the frontiers of reform. This fund will support $3 billion in loan guarantees in my first two years in office—enough to seed $2,000 schools. Enough to double the existing number.

This will be a direct challenge to the status quo in public education—in a way that both changes it and strengthens it. With charters, someone cares enough to say, "I'm dissatisfied."

Someone is both enough to say, "I can do better." And all our schools will aim higher if we reward that kind of courage and vision.

And we will do one thing more for parents. We will expand Education Savings Accounts to cover education expenses in grades K through 12, allowing parents or grandparents to contribute up to $5,000 dollars per year, per student. Those funds can be withdrawn tax-free for tuition payments, or books, or tutoring or transportation—whatever students need most.

Often this nation sets out to reform education for all the wrong reasons—or at least for incomplete ones. Because the Soviets launch Sputnik. Or because children in Singapore have high test scores. Or because our new economy demands computer operators.

But when parents hope for their children, they hope with nobler goals. Yes, we want them to have the basic skills of life. But life is more than a race for riches.

A good education leads to intellectual self-confidence, and ambition and a quickened imagination. It helps us, not just to live, but to live well.

And this private good has public consequences. In his first address to Congress, President Washington called education "the surest basis of public happiness." America's founders believed that self-government requires a certain kind of citizen.

Schooled to think clearly and critically, and to know America's civic ideals. Freed, by learning, to rise, by merit. Education is the way a democratic culture reproduces itself through time.

This is the reason a conservative should be passionate about education reform—the reason a conservative should fight strongly and care deeply. Our common schools carry a great burden for the common good. And they must be more than schools of last resort.

Every child must have a quality education—not just in islands of excellence. Because, we are a single Nation with a shared future. Because as Lincoln said, we are "brothers of a common country."

Thank you.

GROUPS WHO SUPPORT STRAIGHT A'S

60 Plus; ALEC; American Association of Christian Schools; Americans for Tax Reform; Association of American Educators (branch offices in LA, OK, KS, KY, PA, IO, TN); Citizens for a Sound Economy; Eagle Forum; Education Policy Institute; Empower America; Family Research Council; Hispanic Business Roundtable; Home School Legal Defense Association; Independent Women's Forum; Jewish Policy Center; National Taxpayers Union; Professional Educators of Tennessee; Republican Jewish Coalition; State Senators of Texas; Texas Education Agency; Toward Tradition; Traditional Values Coalition; and Union of Orthodox Jewish Congregations of America.

CHIEF STATE SCHOOL OFFICERS WHO SUPPORT STRAIGHT A'S

Arizona Superintendent of Public Education—Lisa Graham Keegan; Commissioner of Education in CO—William Moloney; Georgia State Superintendent of Schools—Linda Schrenko; Michigan Superintendent of Public Instruction—Arthur Ellis; Pennsylvania Secretary of Education—Eugene Hickok; and Virginia Secretary of Education—Wil Bryant.

GOVERNORS WHO SUPPORT STRAIGHT A'S

Arizona—Jane Hull; Colorado—Bill Owens; Florida—Jeb Bush; Idaho—Dirk Kempthorne; Illinois—George Ryan; Michigan—John Engler; Virginia—Jim Gilmore; Wisconsin—Tommy Thompson; Wyoming—Jim Geringer; New York—Pataki; Oklahoma—Keating; and Nevada—Guinn.

Mr. CLAY. Mr. Chairman, I yield 4½ minutes to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Mr. Chairman, I thank the ranking member for yielding me this time, and I rise today to express my strong opposition to H.R. 2300.

I was a State superintendent of my State school for 8 years. I do not know what the Education Leaders Council is. I never came in contact with that in my 8 years. I do know what the Chief State School Officers group is. That is all 50 Chief State School Officers, and they are opposed to it. I do know what the 50 governors are, because I worked with them. I also worked with the Education Commission of the States; that includes the governors, the States and the legislators.

Let me remind my colleagues that this is not about a Republican agenda or a Democratic agenda. But apparently the last names I heard read off were all off Republican lists. That is not what this is about, my fellow colleagues. It is about all the children in America, all 53 million of them going to public schools from all 50 States.

We need to remind ourselves that good policy is good politics. It is not the reverse. And tonight I am hearing a lot of politics trying to be turned into policy. And it bothers me greatly. I came to this Congress to help make education a national priority, not to make it a political issue, as it was before I came. And I am sorry to say it does not look like it is improving.

The Republican leadership has labeled this bill the Straight A's bill. But as someone who knows something about good education policy, and I think I know a little bit, I can tell my colleagues that this bill should be called the Straight F's bill. The Straight F's bill because it fails our children, it fails our schools, and it fails the taxpayers in this country.

Mr. Chairman, as a member of the New Democratic Coalition, I have strongly supported flexibility in Federal education programs as long as we have accountability. And as a longtime education reformer, I strongly support innovation that will improve education for all of our children. However, this bill fails to meet those standards in several ways.

But let me insert here that my State of North Carolina has been an education reform leader for a number of years, and we have done it within the system that we have because we hold people accountable. And if we do not hold them accountable, it will not work. Block grants will not work, dropping them in governors' laps who are there for short periods of time and then are gone.

The Straight F's bill fails our schools by undermining our national commitment to education. The Straight F's bill fails our children by eliminating the targeting of funds to the highest poverty areas in this country, children who have the greatest need to get help. And the Straight F's bill fails our taxpayers by doing away with accountability standards, by taking funding that this Congress has appropriated for specific education purposes and turned it into a blank check for our States' governors. And even the governors understand that and have said that they do not want that.

North Carolina's governor, Jim Hunt, has been a strong voice for education in our State and this country. But governors' terms do not last very long. It is either 4 or 8 years. Children are there for 12 to 13 years, and we need people who are committed and policies in place to make sure they get an education.

Mr. Chairman, I call on this Congress to reject House bill 2300. We should reverse course and support school construction, teacher training, technology upgrades, after-school care, year-round schools, school resource officers, character education, and class size reduction initiatives that will improve education for all of our children.

Earlier today we passed a good education bill. We did it in the way it should be done; we did it on a bipartisan basis. And tonight we are trying to undo every bit of that with a partisan bill, and I suggest we ought to defeat it and defeat it now.

Mr. PETRI. Mr. Chairman, I yield 5½ minutes to the gentleman from Colorado (Mr. SCHAFFER), an active member of our committee.

Mr. SCHAFFER. Mr. Chairman, I thank the gentleman for yielding me this time.

In response to the gentleman from North Carolina, I would merely point out that I agree with him; that there are a handful of governors around this country who lack the confidence in their administrations and in their education systems to design a system that is in the best interests of their children. And for those few governors, they do indeed rely upon this Congress to make decisions for them.

But for the vast majority of governors, their ideas are very different. They ran for office on the notion that they could improve schools. In fact, when we look around America today, the greatest accomplishments in school reform do not come from people here in Washington, I hate to say, they are coming from the 50 individual governors who are closer to the people, more responsive to those who elect them, and in a far more capable position to design education programs that meet the needs of the children they understand and know best.

I met with a bunch of schoolchildren this morning who were here visiting, and I asked some of those students, I said, let us pretend that you are the principal of your school. What would you spend the Federal money that comes back to your school on. One little girl said computers, another little girl said, well, she would buy more furniture for her classroom, desks and chairs and so on. Another said we should buy more books. Another said, well, we need more space.

And I use that example to show that even in a roomful of children, who are in classrooms every day, their ideas, as third graders, about what is important, varies dramatically. The same is true for all 50 States. It makes no sense, therefore, for people here in Washington to assume that we magically have the answer for all 50 States in the Union, that what is good for New York City is good for Fort Collins, Colorado.

I am here to tell my colleagues that New York City may be a great place, but we do not want their schools. There may be good examples that we can borrow; there may be great things New York could find out in our part of the country. But to assume a child in Atlanta is the same as a child in Detroit is the same as a child in Denver is the same as a child in Seattle is the kind of thinking that we are trying to move out of this city, frankly.

At that meeting with those children we handed out little constitutions, and one of the amendments in the Constitution I would like to remind Members of is amendment 10. Let me just read it; it is real quick. "The powers not delegated to the United States by the Constitution nor prohibited by it to the States are reserved to the States respectively or to the people."

It is the spirit of the 10th amendment that drives this legislation for us today. Because I think our founders were right. I think they are right even to this day; that States should be trusted, specifically when we are talking about the issues that are not even mentioned in the Constitution, like education, to deliver the services that are closest to the people and closest to the States.

In fact, I would defy any of the Members here to take this Constitution and find in it where the Federal Government has specifically been given the authority to manage my child's school back in Fort Collins, Colorado. It is not here. I will leave a copy here. I invite anybody tonight to come and point that out for us. And I would venture to say that by the end of the evening this Constitution will still be sitting there.

I served 9 years in the State Senate back in Colorado; served on the education committee. And let me tell my colleagues how frustrating it is, because we agonized and worked every day to try to help the children in our schools, to try to get dollars to their classrooms, to try to treat the teachers like real professionals, and the superintendents and principals like professional managers, because we knew that if we could empower those professionals, we could do more to help children. And it was so frustrating at the end of the day to realize that our hands were tied by the rules of Washington, D.C.

In fact, I have heard my colleagues stand up and praise the work we did earlier today. Earlier today, we passed this set of laws; 495 pages of new laws passed today. And that is what my colleagues on the opposite sides of the aisle are celebrating. Here is what we are proposing now. We are proposing 23 pages of new laws. Very different kind of laws, laws that represent academic liberty, managerial freedom for States, for superintendents, for principals.

Which should we pick? Is this one my colleagues' idea of quality education in America, or is this? I know what principals back home in my State will say. They want less rules, fewer regulations, more freedom, and more liberty. They are willing to take the accountability that goes along with it, and the only regret I have is that only 10 States will have the opportunity.

Let me just point out that the governor of Pennsylvania wrote to the Congress in favor of Straight A's, as well as the Education Leaders Council, a large group of school executives, has written in favor of Straight A's. These are the leaders who represent 25 percent of the students around America.

Finally, let me finish with this. This is an optional program. Ten States are going to have an opportunity to choose to be exempt from these rules and regulations under Straight A's. What in the world is this Congress afraid of? With all due respect, I trust governors to manage the education of my children. I do not trust people in Washington.

Mr. CLAY. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania (Mr. FATTAH).

Mr. FATTAH. Mr. Chairman, let me thank my ranking member for yielding me this time.

Later on, we will have a chance to vote on the only Democratic amendment to this bill. It will not make this bill one that is supportable in many respects, because there are still major issues that divide us. But I want to take some time to just discuss the issue that I am going to raise in my amendment.

The thrust of the bill, which I think sincerely is offered by my colleagues, many of whom I serve with on the Committee on Education and the Workforce, is that what we need to do is give States more flexibility, give them some money, and let them figure how to disburse it because they know best how to educate their children. I think that theory needs to be analyzed.

We need to look at what States are doing with the money they now control, and have total control of, and what their doing in response to the needs of disadvantaged children.

What is going on in 49 out of our 50 States in this country is that there is a wide disparity between what is being spent in one school district in our States and in other school districts in our States. In fact, hundreds and hundreds and hundreds of school districts have filed suit in either State or Federal Court challenging these school finance systems. And more than the majority of States, some 37 States are in various stages of litigation. We have seen the State court of Michigan and Ohio and a number of other States, New Jersey, rule the school finance systems unconstitutional because they take disadvantaged students and they give them sometimes as much a third less, or a third, of what they give other school districts.

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That is that we have disparities that range from $8,000 per pupil in some of our States to many of them $1,000 or $2,000 or $3,000 per pupil per year. When we add that up in the aggregate by classroom, let me give my colleagues a sense of what those numbers mean.

In Philadelphia, the City is spending $70,000 less per classroom than in the average suburban school district surrounding the City. The 45 suburban school districts are spending on average $70,000 more per classroom. Over the K-12 experience of a kid's educational life, we are talking about upwards of an $800,000 differential being spent in one classroom versus the other.

Some may have seen the story in the Washington Post looking at high schools in Illinois 30 minutes apart describing those two schools in terms of their circumstances, one with no chemistry equipment in the lab, no financial connection to the Internet, very little by way of library books; the other with three gymnasiums, 12 tennis courts, functional computers in every classroom. And on and on and on the story went.

Well, that was about Illinois. But my colleagues know and I know that we can find schools that meet those descriptions in any State in our country. In States who control more than 90 percent of the money, as many of my colleagues on the Republican side keep reminding us, they every day have funding formulas that put disadvantaged families in rural America and in urban America at a disadvantage.

We have 216 rural districts in Pennsylvania that have filed suit 13 years ago challenging the school finance system. There are children who started in kindergarten in those school districts that have now graduated from high school in those districts, and the supreme court in our State has yet to find it appropriate to rule on it, as has been the case in some other States.

I would suggest to my colleagues that before we give States flexibility we demand some accountability. My amendment will offer them that opportunity.

Think about the Congress. We all get paid the same amount of money. Think about the NFL. They have a strict set of guidelines in terms of salary caps, the spread of the field, the number of people on each team, and then they can go compete. We have poor people who we are asking them to compete without giving them the resources to compete.

I think that it is a time now for the Federal Government to step in and say, look, they can have the Federal dollars, but the first thing they need to do is equalize their per-pupil expenditure, and if they are telling us that money does not matter, then equalize their achievement; and if they can equalize their achievement, then they do not have to equalize their expenditure. But they cannot have it both ways. If money matters, then give every kid a fair opportunity.

Mr. PETRI. Mr. Chairman, I yield 4 minutes to the gentleman from Colorado (Mr. TANCREDO) a hard-working, active member of the committee.

Mr. TANCREDO. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, a late comedian, a gentleman by the name of Flip Wilson, used to use a line I recall. He used to say all the time "the devil made me do it" as the tag line. Do my colleagues recall that? I think they do. I can hear the laughter.

Well, for the past 30 years or more public schools in the United States, when challenged about what their problems were, when challenged to explain why they were not being able to produce the results that we asked them for, have essentially used the same line "the devil made me do it." But, in fact, in this case the devil was the Federal Government.

We heard it all the time from them, every time we turned around. I cannot accomplish this. We cannot do this. Why not? Because of the Federal rules, the Federal regulations they impose upon us that block our ability to actually accomplish the ultimate goal.

We have all heard it. Certainly, when I taught in public schools for 8 years it was the common statement being made in the faculty lounges in the districts in which I taught. It is prevalent in every school district in America, the Federal Government made me do it.

Well, sometimes that claim was accurate. Sometimes it was not. It certainly could be backed up with a great deal of empirical evidence.

My colleague the gentleman from Colorado (Mr. SCHAFFER) used the condensed version, but this is about half of the ESEA, the Elementary Secondary Education Act, and this is what they were referring to. These are the rules and regulations that will be over a thousand pages, by the way, when we get down with ESEA. This is only half of what we passed so far. It started out in 1965 at about 32 pages. It has grown in the 34 years since then to over a thousand.

Many, many claims are made on this floor, many of them that are incredibly audacious sometimes. We all know it. But the one thing I have yet to hear in the debate on education is a claim by anyone on our side or their side that over the last 30 years education in this country has improved. No one dares say that because they and I both know, everyone knows, that that is not accurate, that, in fact, educational attainment levels have plummeted in the last 35 years to a point where we now have literacy rates in the United States lower than some Third World nations.

We have incredible problems in our schools. This is something that we can all agree on. There was something else that we could all agree on it seemed like when we were actually debating Title I in our committee, and that was that Title I had been essentially a failure.

Certainly we have heard that from people from all over the United States. We even heard it from members of the committee, from their side of the committee, the gentleman from California (Mr. MILLER) for one. I know what is currently law, and that law is not working. This was a Member of their side.

So when we come to them with a proposal to change that situation, when we say we know that education in America is not doing well, we know that attainment levels are plummeting, and we know that our program to fix it is not working and has not worked for 35 years, here is a way to change that, everybody gets very self-conscious about it.

But, after all, what are we trying to replace it with? What do we, in fact, know that does work? When we look out there across the land, what can we point to with any degree of semblance of any degree of success? It is, in fact, diversity. It is, in fact, the charter school movement. It is where we allow children in public schools to select from a variety of public schools.

These things are working. Student achievement levels are increasing in those areas. It is because of diversity, exactly what this bill intends to give States.

Mr. CLAY. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Chairman, I thank the gentleman from Missouri (Mr. CLAY) for yielding me the time.

Mr. Chairman, we just finished reauthorizing Title I. We also, by two votes, rejected private school vouchers.

Now we consider this bill, which will essentially waive all of the valuable provisions in Title I and send for the first time targeted money for low-income public schools, students of public schools to private schools, as vouchers.

This kind of bill requires us to focus on what the Federal role of education really ought to be. That Federal role is to do what the States will not do.

For example, the historic role of the Federal Government came in 1954 when many States were segregating student by race, separate and inherently unequal schools existed, and the Federal Supreme Court intervened. That is why they intervened.

We also found years ago the disabled students were not getting an education, millions of students no education at all. That is why we passed Individuals With Disabilities Education Act. And now, because of Federal intervention, disabled students enjoy an opportunity to get an education.

We also found years ago that poor students were not being properly funded. We found that there was an egregious gap in funding between rich and poor neighborhoods. Low-income citizens routinely failed to get reasonable funding. That is why we passed Title I, to target funds to poor students because States and localities just will not do it.

The Title I bill we just passed had enough loopholes in it. For example, school districts for the first time can spend all of their money on transportation. We failed to put a limit on the money they could spend on transportation. And because we liberalized the school-wide programs where a majority of the students do not even have to be poor, we have a situation that targeted money, money targeted to low-income students' education can now be spent on transportation, which does not help their education, and a majority of the people benefitting do not even have to be poor.

This bill makes matters even worse. It allows States to waive the little targeting that we had in Title I and allows money to be sent to private schools for the first time. That is wrong.

Mr. Chairman, if we really trusted States and localities to properly fund education for low-income students, we would not need Title I in the first place. But we do need Title I. And, therefore, we do not need this bill, and I urge my colleagues to defeat it.

Mr. PETRI. Mr. Chairman, how much time has each side remaining?

The CHAIRMAN. The gentleman from Wisconsin (Mr. PETRI) has 20½ minutes remaining. The gentleman from Missouri (Mr. CLAY) has 27½ minutes remaining.

Mr. PETRI. Mr. Chairman, I reserve the balance of my time.

Mr. CLAY. Mr. Chairman, I yield 5 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, I thank my friend the gentleman from Missouri (Mr. CLAY) for yielding me the time.

Mr. Chairman, I rise in opposition to this legislation.

A few minutes ago, the very articulate gentleman from Colorado (Mr. SCHAFFER) challenged us rhetorically to cite the basis in the Constitution for the Federal education laws which are block granted and, I believe, functionally repealed by this bill.

I would suggest to my colleagues that there is indeed an important constitutional basis for these Federal education laws. It is the relevant part of the 14th Amendment that says that no State shall deny any person life, liberty, or property without equal protection of the law.

The theory of giving local decision-makers more flexibility to do the right thing is alluringly attractive. We all know and trust and admire certain local decision-makers in our districts, and we know that they are capable of making excellent judgments, as they do every day. But that alluring theory runs head-long into the harsh reality of history in this country, and the history of this country is this:

The children living in poor neighborhoods have historically had much lower levels of educational opportunity. They have gone to school in facilities that are very often segregated by race, that are very often inferior in their physical plan, that have larger class size, very often that have less qualified teachers, less access to technology, and fewer of the positive attributes that successful schools have.

Thirty-five years ago this Congress made a judgment to do something about that, to bring more equal protection to those children who did not have and do not have a lot of clout in the State legislatures, who do not have and did not have the ability to make immense campaign contributions to people running for governor or the State legislature, and we made a judgment that says that we would put a modest amount of money into reading teachers, for tutors, for facilities in the Title I, Part A program.

We made a judgment that some of those children should have the chance to get an even start by going to school before kindergarten. And we looked at children that were the sons and daughters of migrant workers and understood that when they went to one school in September and another one in October and another one in December and another one in February that they have a special educational problem.

Later on we made a judgment that putting police officers and teachers in front of third- and fourth- and fifth-grade classrooms in the safe and drug-free school program made sense. This is not an imposition of Federal will upon local decision-makers. This is the proper establishment of a national policy that says that all children have the equal protection of the law that the 14th Amendment guarantees them.

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Frankly, it is an effort that falls far short of what we really ought to do. Because we really ought to have a viable school construction program that takes children out of trailers and hallways and puts them in a good facility. We should enact the President's initiative to put 100,000 qualified teachers in classrooms in every community in America. We should, as many Republican Members of this House have said, have met our obligation and fully fund the IDEA. What we did today with over 300 votes was reaffirm our historical commitment to assuring equal protection under the law for all of our children.

What this proposal does is to abandon that commitment. That commitment is not a Democratic or Republican commitment. It is not liberal or conservative. It is not regional. It is part of the essential sense of who we are and what we are as a people. Let us not abandon our historical commitment to the children of this country. Let us reject this legislation. Let us reaffirm what over 300 of us did earlier today and stand by our commitment for equal protection under the law.

Mr. PETRI. Mr. Chairman, I yield 3 minutes to the gentleman from Tennessee (Mr. BRYANT).

Mr. BRYANT. Mr. Chairman, I thank the gentleman from Wisconsin for yielding me this time. It is good to sit here on the floor and hear this debate and hear it affirmed on this floor that we all, Republican and Democrat alike, agree that we want to see our children educated in a better fashion across this country, that we all agree that this Congress can have a role in that, but yet we disagree at some point, I think, on some parts of how we get to the solution here to this problem.

If I sit here correctly and understand the underlying premise of the opposition to this bill, it is based on the presumption that Washington knows better than the parents and the teachers and the administrators and the city officials and the State officials around this country. I believe that argument is wrong, because I think that this bill is best served under these circumstances by providing the grants that have been talked about.

The Straight A's bill is a measure that does give to these States and the local education officials an opportunity to take more control over their own system. This bill is about flexibility and accountability which I believe are two very important principles in the education of our young children. It provides the flexibility to our students and our teachers and our administrators to learn but yet it holds them to a standard of accountability. Once this 5-year agreement is in place with the Department of Education, and as I would reiterate to those that are listening to this debate, that this is a pilot program that will be in 10 States only. Once this is in place, each local and State school district participating would be held to a strict standard, requirement for improving student achievement. In this agreement it states that they would have to put in place a system that evaluates student performance, that gives us concrete results that we can measure by.

One of the more important aspects of this bill is that once the State and local districts have the flexibility to use the Federal funds as they see fit, improvements will be made. Whether that problem is raising academic achievement or improving teacher quality or reducing class size or putting technology in the classroom, this legislation frees up the State and local authorities to use the Federal funds to improve their school systems just as they know best.

As my colleague from Michigan said, we would be better served if we let those people who know our students by name make the decisions, have the flexibility, yet hold them to a strict standard of accountability in spending these additional funds. I say, let us give this experiment a chance to work, let us compare the results that we get, and I think in the end when you award that right of educating the students, that you will see an improvement under the Straight A's Act.

I simply urge my colleagues to support the bill.

Mr. CLAY. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. MARTINEZ).

Mr. MARTINEZ. Mr. Chairman, I want to thank the ranking member for allowing me this time to speak.

As I said earlier today, I knew the love fest was going to be over as soon as this bill hit the floor and the honeymoon would be over and we would be into the same unbipartisan cooperation that we usually are in.

The gentleman who just spoke said that our preconceived notion was that Washington knows best. I do not know who he is speaking for because I do not think he is speaking for anybody on our side. No one on our side has ever said that Washington knows best. That is their theme, not ours. The fact is that they miss the point. When you eliminate the programs that they eliminate and if you look at the programs they eliminate, some of them are programs that that side of the aisle has never liked to begin with. Even though I believe that very seriously they think they are doing the best for a majority of the population, they do not understand that much of this Federal money was targeted to special populations that were ignored by the local education agency. They were not populations that were being taken care of. The only one that I am grateful that they left out of here was IDEA which at least they realized in that instance that that is a special population that needed to be targeted, needed to be focused. But that is the point of this super-block grant that they are putting together, is that it does not focus on those special populations.

Let me make it very simple for my colleagues. Let us say we are talking about Title I and we are talking about appropriating money on the basis of the poverty population of a school. Initially we said that a school receiving funds had to be 75 percent, then we reduced it, we just had an argument over 40 or 50 percent, that then if there was that amount of poverty population in the school, they could use the money then schoolwide.

Let me explain how this works and it would work to the same degree on the idea of block-granting all of these programs. If you have, to make it real simple, 100 students in a school, and you gave that school $100 and four of that population, of that 100 population were the qualified disadvantaged that you needed to target, well, if you gave them all the money, each one of them would get $25. But, now, if you gave it to the whole school, each one of the school would get $1. How do you justify spreading the money that thin and really think that it is going to do any good for those four students that really needed it?

That is the problem with this whole proposition that they are coming forth with, is that they ignore the fact that the only reason the Federal Government is involved in these programs at all is because there were court cases that proved that local education agencies were not addressing these issues on a local basis. So in that regard, no, the locals did not know best. They did not know best. And it is not that Washington knew best but Washington knew that there was something that they had to do to force the local education agency to accept their responsibility of educating migrant children, of educating children with disabilities, of educating children that came from a disadvantaged backround.

When I entered kindergarten, there were none of these programs. As a result, over 50 percent of the kids that entered kindergarten with me never graduated high school when I did. They had dropped out. The result of this block grant is going to be the same thing that happened before, is the ignoring of those special populations.

The fact is that you can stack all the pieces of paper that you want to and talk about all the regulations that exist here from Washington for the use of these moneys. I call it accountability and it is taxpayers' dollars and we should make them accountable for it. But the fact is that if you look at the State regulations, they are 10 times, 20 times the amount of regulations that the Federal Government puts out.

Mr. GOODLING. Mr. Chairman, I yield 4 minutes to the gentleman from Georgia (Mr. ISAKSON), a member of the committee.

Mr. ISAKSON. Mr. Chairman, I rise today not as a partisan Republican or Democrat but as one that is very partisan to our children and their education. I rise to take issue, not to make an argument, to make a point, on two comments that have been made, one by the majority and one by the minority. One comment was that this was a cheap trick, designed to create 30-second soundbites. Well, it is not cheap. It is 13 to 14 billion Federal dollars that are invested in these 14 programs and our children. The majority said that it is time that we take a chance. You are never taking a chance when you invest dollars in children.

I do not think everyone that has talked about this bill has read the 23 pages that are in it. And so for just a second, I want to give a perspective to all of us. This bill is really not about block grants. If you read it, it is a request for proposal. It says that up to 10 governors, Democrat or Republican, it does not matter, whichever governors come first, up to 10 governors can apply to have the flexibility to use the money in 14 programs across their school district in return for improving performance. And then you need to read the performance measures that it asks for, because here is where it targets the disadvantaged and the most needy. If you read the description for the performance, it says, first of all, every system must rate their children at basic, at proficient and at advanced and then on an annual basis, grade to grade, must compare the improvement. That is part of the 5-year contract. That is part of the 3-year measurement where they can lose the funds if they decline. And then, secondly, it provides rewards. It provides rewards for those systems that close the gap by greater than 25 percent from their least proficient to their most proficient students.

I just left Governor Hunt of North Carolina who was referred to a minute earlier. I left him where he received accolades because he put a reward system in his State for those teachers who became certified and improved themselves and saw measurable improvement in their children. That is no difference than what this particular bill does. To close the achievement gap, you do not do it by raising the top advanced students. You do it by raising the bottom. To take the hypothesis that this does not address the most needy children is to presume a public school system would meet performance by lowering its best rather than uplifting its worst. That on the face of it is an insult to local educators.

I do understand the fear of change. But change is not taking a chance. There are three groups of people in this Congress: There are those that would tear this down, tear it down because it is a change. There are those that would tear down the Federal Department of Education because they do not like it and I do not agree with them, either. And then there is a third group, which is really all of us, that care about kids and do not want to tear anything down.

And so at the risk of going past my time, I want to close with a poem and challenge both sides to decide which they want to be:

I saw a bunch of men tearing a building down.
With a heave and a ho and a yes, yes, well,
They swung a beam and a side wall fell.
And I asked the foreman:
Are these men as skilled
As the ones you would hire if you had to build?
He said, oh, no, not these.
The most common of labor is all I need.
For I can destroy in a day or two
What it takes a builder 10 years to do.
And so I ask myself as I walk my way
Which of these roles am I going to play?
Am I going to go around and build
On firm and solid ground,
Or am I going to be the one that tears down?

I submit we build with H.R. 2300.

Mr. CLAY. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. OWENS).

Mr. OWENS. Mr. Chairman, tonight we are seeing the naked fist of the Republican education philosophy. The education guerilla warfare is over. This is a full scale invasion under way at this point. The tanks are in the streets, the dive bombers are in the air, and the big guns are booming. The Republican objective is the obliteration of the Federal role in education. That is what this is all about. Couple this bill with the fact that there is an appropriations bill floating around which has skipped over the House of Representatives and some kind of conference is taking place and it is coming back to us with deep cuts in the budget of the Department of Education as well as cuts in many of the innovative programs that have been proposed and passed in the last few years, and you will understand that this is part of a larger, grand design.

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Straight A's means total destruction. Ed-Flex and Teacher Empowerment were probes; they were probes to establish beach-heads and to get us sucked in. But this is it. Straight A's tells the full story.

Now, we were criticized a few moments ago. Somebody said we have not even read the bill. Well, we know what came out of committee, and we know what the debate in committee was like. I understand there has been a drastic change because the extremism of the bill that came out of committee was too great to be digested even by the Republican majority. So we have a cutback, and 10 percent is being proposed, but it does not matter. It is a juggernaut into the Federal role in education.

This is it. As my colleagues know, if we pass this, then it is all over in terms of Federal role. It would just be downhill from here on.

Straight A's is the beginning of a final solution to what the Republicans perceive to be the Federal nuisance in education. I do not know why that irrational perception persists, that the Federal Government is the problem. How can the Federal Government be the problem when the Federal Government only provides 7 percent of the funds? If it only provides 7 percent of the funds, it only has 7 percent of the power. Ninety-three percent of the power resides with the State and local governments to make decisions about what happens with our schools, and if our schools are in bad shape, if education needs improvement greatly because over the years things that should have been changed and were not changed, things that should have been happening did not happen, it is the State and local governments that have to be blamed. The Department of Education has played a limited role, and it should continue to play that role.

Specific language of this bill is almost irrelevant. It is the real intent, because the overriding intent is what is really dangerous. It destroys the checks and balances between the Federal Government and the State and local government. What is wrong with having a Federal role which is only 7 percent of the power and decision-making to help check the power and decision-making at the State and local level? For years and years the State and local governments had full reign on what happened in elementary and secondary education, and we drifted backwards steadily.

Where would we be in this high-tech world as we are moving toward a cyber-civilization? Where would we be if we strictly had the old State and local government participation only? Many of the most important innovations and the most important things that have happened in State and local education have been prompted, have been stimulated, by the small participation that we have had from the Federal Government. What is wrong with shared power? Why are we obsessed with not having the Federal Government participate in sharing the power and decision-making about education?

We are ignoring the opportunity, as my colleagues know, for some real changes here. A few minutes ago the speaker said that change is being proposed and we do not want to go along with change. Well, this is destructive change. This is change in the wrong direction. What we are ignoring is the opportunity right here to make some constructive and some creative changes.

We ought to be talking about where we are going toward this new cyber-civilization in the next millennium. We ought to be talking about what we need to do to bring our schools up to par, to be prepared to provide a full-scale education to every youngster, not just in reading and writing and arithmetic, but also in computer literacy.

We ought to be talking about how we are going to maintain leadership in the world where we are now the leading computer power, and our economy is way ahead of all the other economies because of our computerization, and that, as my colleagues know, that stroke of genius, collective genius, we should be proud of and build on it.

But instead of building on that, we come with the old cliches about the Federal Government has no responsibility in education because, after all, the Federal Constitution, the Constitution has nothing about Federal responsibility for education. The Constitution says nothing about Federal responsibility for roads or highways.

As my colleagues know, the Morrill Act, which established the land grant colleges, there is nothing in the Constitution that said they should do that, but thank God they did, that we have a system of land grant colleges which allowed agriculture to blossom and we become the agriculture power that we are in the world.

The transcontinental railroad, the Federal Government, the Constitution, said nothing about building railroads, but the Federal government paid for the building of transcontinental railroads.

The GI bill, which allowed every GI who wanted to go to school, to higher education, to be able to get an education after World War II, Constitution did not say we had to do that.

The Constitution does not dictate what is in the interests of the American people. It is the Members of Congress; it is their vision, their foresight that has to guide where we are going, and right now we ought to be going toward an omnibus bill for education which looks at all aspects of it and comes forward in what we need to go into this cyber-civilization that we are going into, what kind of education do our kids need, not this quibbling about getting the Federal Government out of education. It is childish, it is juvenile, but it is dangerous, it is very dangerous.

Mr. GOODLING. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina (Mr. BURR).

Mr. BURR of North Carolina. Mr. Chairman, I can remember before I got here, sitting at home watching this institution at work, passing some of the legislation that they did, thinking why did we do it again? It did not work last time, and it did not work the time before. Boy, if I were there, I would change it.

I have learned since I have gotten here how difficult it is to get people to release the power here, to actually rely on individuals that are closer to the problems to play a part of the solutions. It has been an eye-opening experience.

Since I have been here, I have had an opportunity to spend time in schools, to meet with teachers, to talk about the problems, to hear firsthand, to ask questions and to hear them say when I ask, Why do you do it that way?, their answer is: Because you make me, you Washington.

Let me make my point, if I could.

I heard earlier that the purpose of Federal dollars was for Federal initiatives. I would tell my colleagues that I have a huge difference with the gentlewoman that said that. The purpose of Federal dollars is the same as State dollars and local dollars as it relates to education. It is to help our kids learn. It is to supply the resources so teachers can teach. It is to make sure that the tools are there.

My colleagues on the other side of the aisle have said that we cannot trust governors. I guess that means we cannot trust school boards or parents or anybody in the school system because they all play a part.

This program is voluntary. This program is voluntary. States will choose to pick whether they want to participate or not.

I truly believe that every person in this institution is after the same goal, and that is to increase the learning and knowledge of our students in this country.

So what is the difference, quite simply? We have heard it tonight. It is over who holds the power. Some want to hold it here; some of us want to return it home to teachers and to parents and to educators. That is a huge difference. It is a difference that clearly, I think, makes a difference in the education of our children.

It is startling to know that over half the paperwork required of the North Carolina Department of Public Instruction in Raleigh is required by the Federal Government for only 6.8 percent of the overall funding. That is certainly not equitable.

The single most important investment that we can make in this country is in our children. Congress has made sure that enough money is set aside for education. Now let us just make sure that it gets to the classrooms. Let us make sure that under Straight A's our kids have the computers, have the resources, that more teachers are in the classroom, that schools are safer, and that we guarantee academic results.

I urge my colleagues to support this legislation and trust parents and teachers.

Mr. GOODLING. Mr. Chairman, I yield 1½ minutes to the gentleman from Louisiana (Mr. VITTER).

Mr. VITTER. Mr. Chairman, as my colleagues know, I think all of us can agree that the key to improved education is increased accountability. The real question is what do we mean by that? The usual response from the education establishment is that increased accountability has to mean increased Federal mandates, specific program dictates, basically jumping through specific bureaucratic hoops. But that emphasis on process has failed our schools and our children miserably.

States recognize, as people on the ground in the trenches, so to speak, recognize this, including my State of Louisiana: we are requiring schools and districts to demonstrate annual progress toward meeting actual performance standards; and as a result, those schools that are meeting their goals and those schools that are not have been identified, and my district, St. Tammany, is leading the way, scores demonstrably better than other schools, and they are a model in my area.

We need to piggyback on that concept, and the choice is clear. Congress can support these successful State efforts and improve academic achievement by allowing States to use Federal dollars more effectively rather than insisting on simple bureaucratic hoop jumping, and that is what the debate is about, what does accountability mean, jumping through certain hoops or achieving bottom line results?

Results matter. Results mean educating our kids, and we need to focus on those results.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Chairman, I thank the gentleman for yielding time.

Today is a crossroads day, a pivotal day. It is a crossroads because today we become either partners or obstacles to reform. State after State, governor after governor, Republican and Democrat, has shown us the promise and potential of a merging American education reform. Their stories are exciting; their stories are optimistic.

Thomas Jefferson called the States laboratories of democracy. It is much more than that. The States are not just engaged in experiments; they are engaged in a race, a race for education, a race towards excellence.

The governors, the best governors from around the Nation, are looking at each other. They are looking to other States, seeing what is working, copying it, benchmarking it, adopting it, refining it, improving it, always pushing further down the track.

Each experiment moves us down the track and brings us all up so that no one is left behind, not the inner-city youth, not the tribal school student.

I want to close with this troubling thought. As my colleagues know, so many of us came from State and local government, Mr. Chairman. But yet many of us here today are poised to say that we do not trust our former colleagues. There must be something sacred or divine in the water out here in Washington. Suddenly, when we are sworn in, we become all knowing; we become the repositories of all that is good in education. Somehow we have made that change.

Obviously that is absurd.

Today, I say it again: we are at a crossroads. We can either be partners for reform or obstacles to reform.

Mr. CLAY. Mr. Chairman, I have one more speaker who is on his way; so, Mr. Chairman, I yield myself as much time as I may consume.

Let me say why I think we ought to vote this down.

First, the Straight A's does not ensure that dollars will reach the classroom. These dollars can be spent in any fashion that the local district would want it to be spent, and apparently that is the aim of those who are promoting this. But that is not what is best policy for this Nation. Our dollars ought to be spent on national problems that are not being addressed at the local level. This is not just a big fund where we just supplement the resources of local communities.

In addition to that, Straight A's undermines our commitment to the neediest children, the most educationally disadvantaged. If we do not target this money to those in the needy areas, the money will never get there. That is history; it will repeat itself.

Now I have heard over and over during this debate a lot of cliches, but I have not heard many logical recommendations for addressing the problems of our neediest children educationally. We keep hearing the cliche: let the people closer to the problem make the decisions. That is meaningless according to the legislation that is consistently proposed. If they wanted the people closest to the situation to make the decision, then they would give the money directly to the local school districts instead of transferring it through the governors of the States.

☐ 2115

I keep hearing them talk about kids trapped in bad schools. Well, they do not give a damn about kids trapped in bad schools; their record indicates that. They are opposed to educating those kids in bad schools. They want to use this money to send kids to parochial schools; and the parochial schools, we do not know whether they are good or bad, because they do not test their kids. And they do not test their kids, and they do not have any assessments or any value system for whether or not one is achieving educationally.

I keep hearing this cliche about government is the problem, and I keep hearing it from people who are part of this government. I have been here 31 years. During that 31-year period, Republicans controlled the White House 20 years. The last 5 years, they have controlled the House and the Senate. They are the government, so if the problem is government, it is their problem, not the problem of the local school districts.

So I say to my colleagues that this is a bad bill, a very bad bill, and we ought to reject it summarily.

Mr. Chairman, I yield 5 minutes to the gentleman from New Jersey (Mr. PAYNE).

Mr. PAYNE. Mr. Chairman, I stand here in total opposition to the Academic Achievement for All Act, H.R. 2300. I must admit that the other side has a tremendous ability of making names sound good. If one listens to the names, how can one be opposed to this? The AAA. When one is on the highway, and one is looking for help, what does one look for? They look for the AAA. They come there to rescue; they come to give assistance; they get to you when you need someone, when you are someone in need. So the AAA sounds like a great title for this bill.

But what does the AAA do here? We now have this H.R. 2300 which eliminates the following Federal education programs, turns them into block grants, without any kind of adequate accountability: Title I compensatory education to help disadvantaged children, eliminated; class size reduction, eliminated; safe and drug-free schools, eliminated; Goals 2000, eliminated; Eisenhower Professional Development Training for Teachers, one of our great presidents and generals, named after him because of what he exemplifies, eliminated; vocational education, eliminated; emergency immigrant education, eliminated.

But what does it do? It gives flexibility to States. It allows governors to do what they want to do because they know best, it says. What will it do? It will allow vouchers for private schools.

So what we are saying is the defederalization of the 7 percent that the Federal Government had, and it dilutes targeting for special needs populations. It would result in significant funding shifts among localities. It would weaken accountability of Federal funds. The reason that the Federal Government became involved in education was because we found that the States turned their backs on those who were most in need. That is why the Federal Government came in and said we should have Title I programs, we should have Goals 2000. We ought to have School-to-Work so that we can have youngsters who are not going to college to be prepared for work.

So what does this do in one fell swoop? It takes it all out. What would it do? It would allow the use of public funds for private school voucher programs. It assumes that there are no legitimate national education priorities. When the Sputnik went up back in the late 1950s, early 1960s, when Russia was ahead of us in science and technology, our government came together and said we will have a national defense program. What was the national defense program? It was to put money in education so that we could put out engineers, so that we could put out scientists, so that we could beat the Russians to the moon; and we did, because we had a Federal national priority.

Now we are saying we have no longer any need for national priorities; we have no more a need for the government to focus on specific problems that we see in our society and say we need to overcome that, since the States are derelict in their responsibility. So along comes the AAA; and the AAA says, just let the governors do the right thing. We know they will do the right thing because, of course, to become a governor, one has to be right, right? Wrong. Governors before took the funds and did not distribute them properly.

Federal funds make up a minute 7 percent of total school revenues compared to State and local contributions; and these Federal resources must be targeted, that is the reason that we say the Federal Government should not dictate overall education policy. But there are some specific areas that we feel that the Federal Government wants to see more accountability, wants to see us engaged, and this bill just blindly trades flexibility for greater accountability. We have to hold people accountable.

So as we move into the new millennium and we see these tricky names coming up, the AAA, we are finding that this is going in the wrong direction; and I urge my colleagues to defeat H.R. 2300.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee (Mr. FORD).

Mr. FORD. Mr. Chairman, I rise in strong opposition to H.R. 2300 because I believe, as many of my colleagues on this side of the aisle have said quite eloquently, including the gentleman from Missouri (Mr. CLAY) and the gentleman from New Jersey (Mr. PAYNE) and others, this bill simply abdicates our responsibility to help ensure educational excellence for all children.

I had the chance not long ago to visit a model early childhood center in my State and met one of the young stars there at the center, Ellen. Ellen, just 4 years old, has already mastered many of the technological tools that pervade our work places and our classrooms today. She sat with me as she e-mailed her mother and her mother e-mailed her back.

Over the past few days, we have spent countless hours, Mr. Chairman, debating and deliberating the importance of a national commitment to education, to the point where the Republican leadership now feels that we can just abandon our responsibility to America's children. I am somewhat confused because earlier today we voted on an amendment offered by the majority leader, and now hours later, we are voting on something that would simply nullify all that many of my colleagues on this side of the aisle voted on much earlier today. I realize that both the majority leader and the majority whip would prefer to see States go there own way, regardless of the consequences. But what I find strange is that this bill completely violates the whole notion of local control because it takes power from parents and schools and centralizes it in State capitals.

I am confident the Speaker has spent enough time in classrooms in talking with parents and teachers around this Nation to know that Americans simply do not see the things the way many of my colleagues on the other side of the aisle see them tonight. I would ask that he encourage all of his colleagues to do the right thing, not abdicate this responsibility, do what is right for all of our kids so that all young people will have the same opportunity that Ellen has and all of my friends in America who enjoy Social Security and Medicare can be assured that all working people in the 21st century will have an education. That is what we are seeking to do on this side. Unfortunately, my friends on the other side do not want to do that.

Let us not run from our responsibilities now. Our future depends on it.

The CHAIRMAN. The gentleman from Missouri (Mr. CLAY) has 2½ minutes remaining.

Mr. CLAY. Mr. Chairman, I yield back the balance of my time.

Mr. GOODLING. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, I am very proud to have had some responsibility as in relationship to this committee's activities during the last 4½ years. I am very proud because we have done so many wonderful things. We reauthorized IDEA. It is too early to say how well we did. We will not know because unfortunately, the Department was very, very late in getting any regulations out. Hopefully, we have improved the

Individuals With Disabilities Education Act.

I am extremely proud that we have been able to get $2 billion more for that program. We pleaded and pleaded and pleaded for years; and finally, we now are getting a little bit closer to the commitment we made to local school districts as far as financing IDEA. We reformed the entire Jobs program, a disaster, a disaster. No way could anyone get anything worthwhile in order to make their life better because of the job training programs that were there. We brought the Vocational Education Program into the 21st century.

In higher education, we put our emphasis on quality teachers. And, I am also happy to say that we increased Pell grants dramatically in that whole program. Child nutrition, this committee moved the child nutrition bill that gives every youngster out there a greater opportunity for good nutrition. Ed-Flex, 50 States can now have Ed-Flex. Teachers Empowerment Act saying, you have reduced your class size. If you have done that, then we want you to make sure that the teachers you have are better qualified to teach, and if you need special ed teachers, we want you to do that. And yes, Title I.

For the first time today, the first time today, Title I no longer will be a block grant program. Now, in 1994 we tinkered a little, because we realized it was a disaster, we realized it needed something done, but it was still pretty much a pure block grant program. As long as one could show the auditor where those dollars were going, it did not matter what one did; and one had no responsibility to show anybody that there was any accountability, that there was any achievement gap that was changed because of the money one received from the Federal Government. Hopefully, with what we have done today, that will change.

But let me tell my colleagues, one of the greatest things was, $340 million more the appropriators are saying for education than the President requested. That is pretty outstanding, in my estimation. But let me go back to what we are doing now.

I heard all of these arguments, all of this doom and gloom back in 1994. The word "flexibility" on that side, that was swearing; you do not say a terrible word like that. And all of a sudden, in 1994, they said, well, maybe we can have a little bit of flexibility. And guess what? In 1999, I do not know what happened. All of a sudden everybody is for flexibility, and all 50 States now can have flexibility. Is that not amazing, how doom and gloom all of a sudden changed to something that everybody could support, 50 governors and mobs of people, that is not a good term, most of the people in the Congress of the United States.

Mr. Chairman, would my colleagues believe that no matter what we heard, we are not eliminating any programs. Is that not amazing. We are not eliminating any programs in this Straight A's bill, not one. What we are saying is, something that I wanted to do for years; I wanted to say hey, could I combine a little of these monies with this program and this program so I can make one of them work. We could not do that when I was a superintendent. One cannot do that now. But now, we have an opportunity to say yes, all of the programs remain, the State can choose, as a matter of fact, to go Straight A's. If they do not want to go Straight A's, the local district can choose.

But guess what? The accountability, the performance agreement is so tough that I have a feeling there will be very, very few States, just as in the flexibility. We said six and then we said 12, and really, only two took a great advantage of that program to make it work. Now we are saying that here are 10 States. Do you have the courage, do you have the courage to meet the accountability requirements that are in this legislation?

□ 2130

Your goals must reflect high standards for all students and performance gains must be substantial. You must take into account the progress of all school districts and all schools and all children. You must measure performance in terms of percentage of students meeting performance standards such as basic proficiency and advance. As a State, you must set goals to reduce achievement gaps between lowest and highest performing groups of students, without lowering the performance of the highest achieving student; but you have to prove that you have done something about that gap that we could not do anything about in all of these years in Title I; and, yes, States, you can set other goals to demonstrate performance such as increasing graduation and attendance rate in addition to assessment data, and you must report on student achievement and use of funds annually to the public and to the Secretary, and you get a mid-term review, and if you are not doing well in that mid-term review you struck out and you lose your eligibility and you could lose loss of administrative funds if as a matter of fact as a State you did not make everyone live up to these standards and these requirements.

So I am happy to say that by the end of this day hopefully we will be giving every child in this country an equal opportunity for an academic program that spells success in future lives. I said many times; we cannot lose 50 percent of our students as we presently are. We positively for their sake and positively for the sake of this country, we will not compete in this 21st century unless we can make sure that every student is ready to get into the high-tech society and be able to succeed in the 21st century. I would encourage everyone to vote for the legislation.

Mr. Chairman, today we are here to debate the centerpiece of our education reform agenda which I introduced earlier this year, the Academic Accountability for All Act, known as Straight A's.

We have 129 cosponsors for this landmark legislation, and we have the support of many of the nation's Governors and chief state school officers too.

Today we passed H.R. 2, the Students Results Act. In that bill we made some important improvements to Title I program, along with other programs targeted at disadvantaged students. It is appropriate that we now move to Straight A's.

Straight A's is an option for those States that want to break the mold and try something new: more flexibility, in exchange for greater accountability than current law. It transforms the federal role from CEO to an investor. It is for States that believe they have the capacity to improve the achievement of their most disadvantaged students. Like welfare programs earlier this decade, where states like Wisconsin received waivers to implement ambitious and highly effective programs, we should free-up high-performing states to lead the way in education.

Let me assure you we are in no way contradicting or invalidating what we have just passed. In fact, most States would likely continue with the current categorical structure and operate under the Title I program just passed.

The status-quo education groups here in Washington want to keep things the way they are. We have drafted this legislation because of what we have heard from Governors, chief state school officers, superintendents, principals and teachers from around the country, not because of lobbyists in Washington. The people in the trenches want real change and they are the people who have made Straight A's what it is today.

Let me share with you what some of them have said. Governor Jeb Bush of Florida is in favor of more accountability, in exchange for more flexibility. According to the Governor,

> We can increase the impact that federal dollars will have on student learning in our State, if we are provided with more freedom and less one-size-fits-all regulations from the federal government.

Paul Vallas, Superintendent of the Chicago Public Schools has also asked for this flexibility. Chicago Public Schools have been the model of many reforms such as ending social promotion. He told my Committee earlier this year that they wanted the federal government to be a partner, not a puppet master. He said that instead

> What we want is greater flexibility in the use of federal funds coupled with great accountability for achieving the desired results. We in Chicago, for example, would be delighted to enter into a contract with the Department of Education, specifying what we would achieve with our students, and with selected groups of students.
>
> And we would work diligently to fulfill—and exceed—the terms of such a contract. We would be held accountable for the result.

Who are we to say you can't improve, you can't reform, you can't succeed? Much of what is new in Title I is taken from what States like Texas and Florida and cities like Chicago have shown to be effective. Why should we ask them to abide by our program requirements, when their programs are the ones that are working and improving achievement and the federal programs are not?

For more than three decades the Federal government has sent hundreds of billions of dollars to the States through scores of Washington-based education programs. Has this enormous investment helped improve student achievement? Unfortunately, we have no evidence that it has.

After thirty years and more than $120 billion, Title I has not had the desired effect of closing achievement gaps.

States now have access to "Ed-Flex," which we passed earlier this year in spite of the Administration's initial protests.

Ed-Flex gives schools and school districts more freedom to tailor Federal education programs to meet their needs and remove obstacles to reform.

Ed-Flex, however, was only a first step. Ed-Flex is designed to make categorical Federal programs work better at the local level. But States still have to follow federal priorities and requirements that may or may not address the needs of children in their state. It is time to modernize the Federal education funding mechanism investment so that it reflects the needs of States and school districts for the 21st century.

For those States or school districts that choose to participate, Straight A's will fundamentally change the relationship between the Federal government and the States.

Straight A's will untie the hands of those States that have strong accountability systems in place, in exchange for meeting student performance improvement targets. This sort of accountability for performance does not exist in current law: states must improve achievement to participate in Straight A's. And if they let their scores go down for the first three years, they can get kicked out before the five year term is up. Nothing happens to States that decline for three years in current law.

States do not even have to report overall performance gains or demonstrate that all groups of students are making progress.

Straight A's frees States to target all of their federal dollars on disadvantaged students and narrowing achievement gaps, which could mean an additional $5 billion for needy children if all states participated. Under current law, States couldn't target more federal dollars for this purpose. This legislation also rewards those States that significantly narrow achievement gaps with a five percent reward, an incentive that does not exist in current law.

When we pass Straight A's, all students, especially the disadvantaged students who were the focus of Federal legislation in 1965, may finally receive effective instruction and be held to high standards.

For too long States and schools have been able to hide behind average test scores, and to show that they are helping disadvantaged children merely by spending money in the right places. That must come to an end when states participate in Straight A's. States and school districts must now focus on the most effective way of improving achievement, not on just complying with how the federal government says they have to spend their money.

Schools should be free to focus on improving teacher quality, implement research-based instruction, and operate effective after-school programs. Federal process requirements have created huge amounts of paperwork for people at the local level, and distract from improving student learning.

I would encourage everyone to listen carefully when people talk about accountability: Are they talking about accountability for process—making sure States and districts meet federal guidelines and priorities, the "check-off" system, or are they talking about accountability for real gains in academic achievement? Will achievement gaps close as a result, or will States just have to fill out a lot of paperwork about numbers of children served without any mention of performance improvements.

I know that most of you from the other side of the aisle are poised to shoot down this opportunity to advance effective education reform in the States and local school districts. I hope I can encourage you to have an open mind—to think outside the box—and consider this important piece of legislation. Listen to the people who are turning around low performing schools and districts. They want Straight A's.

Let's give the States that choose to do so the opportunity to build on their successes and improve the achievement of all of their students. The federal government can lend a helping hand rather than a strangle hold.

Mr. PAUL. Mr. Chairman, those who wish to diminish federal control over education should cast an unenthusiastic yes vote for the Academic Achievement for All Students Freedom and Accountability Act (STRAIGHT "A's"). While this bill does increase the ability of state and local governments to educate children free from federal mandates and regulations, and is thus a marginal improvement over existing federal law, STRAIGHT "A's" fails to challenge the federal government's unconstitutional control of education. In fact, under STRAIGHT "A's" states and local school districts will still be treated as administrative subdivisions of the federal education bureaucracy. Furthermore, this bill does not remove the myriad requirements imposed on states and local school districts by federal bureaucrats in the name of promoting "civil rights." Thus, a school district participating in STRAIGHT "A's" will still have to place children in failed bilingual education programs or face the wrath of the Department of Education's misnamed Office of Civil Rights.

The fact that this bill increases, however marginally, the ability of states and localities to control education, is a step forward. As long as the federal government continues to levy oppressive taxes on the American people, and then funnel that money back to the states to use for education programs, defenders of the Constitution should support all efforts to reduce the hoops through which states must jump in order to reclaim some of the people's tax monies.

However, there are a number of both practical and philosophical concerns regarding this bill. While the additional flexibility granted under this bill will be welcomed by the ten states allowed by the federal overseers to participate in the program, there is no justification to deny this flexibility to the remaining forty states. After all, federal education money represents the return of funds illegitimately taken from the American taxpayers to their states and communities. It is the pinnacle of arrogance for Congress to pick and choose which states are worthy of relief from federal strings in how they use what is, after all, the people's money.

The primary objection to STRAIGHT "A's" from a constitutional viewpoint, is embedded in the very mantra of "accountability" stressed by the drafters of the bill. Talk of accountability begs the question: accountable to whom? Under this bill, schools remain accountable to federal bureaucrats and those who develop the state tests upon which a participating school's performance is judged. Should the schools not live up to their bureaucratically-determined "performance goals," they will lose the flexibility granted to them under this act. So federal and state bureaucrats will determine if the schools are to be allowed to participate in the STRAIGHT "A's" programs and bureaucrats will judge whether the states are living up to the standards set in the state's five-year education plan—yet this is supposed to debureaucratize and decentralize education!

Under the United States Constitution, the federal government has no authority to hold states "accountable" for their education performance. In the free society envisioned by the founders, schools are held accountable to parents, not federal bureaucrats. However, the current system of leveling oppressive taxes on America's families and using those taxes to fund federal education programs denies parental control of education by denying them control over the education dollar. Because "he who pays the piper calls the tune," when the federal government controls the education dollar schools will obey the dictates of federal "educrats" while ignoring the wishes of the parents.

In order to provide parents with the means to hold schools accountable, I have introduced the Family Education Freedom Act (H.R. 935). The Family Education Freedom Act restores parental control over the classroom by providing American parents a tax credit of up to $3,000 for the expenses incurred in sending their child to private, public, parochial, other religious school, or for home schooling their children.

The Family Education Freedom Act returns the fundamental principal of a truly free economy to America's education system: what the great economist Ludwig von Mises called "consumer sovereignty." Consumer sovereignty simply means consumers decide who succeeds or fails in the market. Businesses that best satisfy consumer demand will be the most successful. Consumer sovereignty is the means by which the free society maximizes human happiness.

When parents control the education dollar, schools must be responsive to parental demands that their children receive first-class educations, otherwise, parents will find alternative means to educate their children. Furthermore, parents whose children are in public schools may use their credit to improve their schools by helping to finance the purchase of educational tools such as computers or extra-curricular activities such as music programs.

Parents of public school students may also wish to use the credit to pay for special services for their children.

It is the Family Education Freedom Act, not STRAIGHT "A's", which represents the education policy best suited for a constitutional republic and a free society. The Family Education Freedom Act ensures that schools are accountable to parents, whereas STRAIGHT "A's" continues to hold schools accountable to bureaucrats.

Since the STRAIGHT "A's" bill does give states an opportunity to break free of some federal mandates, supporters of returning the federal government to its constitutional limits should support it. However, they should keep in mind that this bill represents a minuscule step forward as it fails to directly challenge the federal government's usurpation of control over education. Instead, this bill merely gives states greater flexibility to fulfill federally-defined goals. Therefore, Congress should continue to work to restore constitutional government and parental control of education by defunding all unconstitutional federal programs and returning the money to America's parents so that they may once again control the education of their children.

Ms. ROYBAL-ALLARD. Mr. Chairman, I rise in strong opposition to H.R. 2300, the so-called "Academic Achievement for All Act." With this bill, the Republican majority takes a step backward by eliminating our federal commitment to education and washing the federal government's hands of its responsibility to our nation's students.

H.R. 2300 would establish a pilot program to allow ten states to use federal funds designated for programs like Safe and Drug Free Schools, Literacy Challenge Fund, and Title I funds, for virtually anything they deem "educationally relevant." This essentially amounts to the block granting of Title I funds, which are critically important to the disadvantaged students in my district.

Title I of ESEA has done more for our nation's poor children than any other program. The possibility that this money may never reach our neediest students could have a devastating and lasting effect on their future. H.R. 2300, however, would allow states to give away federal funds specifically targeted for schools and students with the greatest need and give them to more affluent and wealthier school districts. This is just plan wrong.

The proponents of H.R. 2300 claim that state flexibility from federal requirements will focus more funding and attention on the needs of low-income and minority students. But the track record of most states, in the use of their own dollars suggests that low-income students lose, not gain, when states are not directed to do so. A 1998 GAO report which focused on state and federal efforts to target poor students found that, in 45 of the 47 states studied, federal funds were more targeted at low-income students than were state funds. The report further found that combining federal and state funds as proposed by this bill, would decrease the likelihood that the funding would reach the neediest students.

Mr. Chairman, no one is arguing against promoting high academic standards for all children. But in order to accomplish this we need to target limited resources to children with the greatest need. The truth is that only a strong federal role in reduction will assure that all children have equal access to a quality education.

Instead of weakening educational progress by promoting legislation such as H.R. 2300, I hope that my colleagues will work in a bipartisan way to strengthen accountability provisions to ensure that states are held responsible for the achievement of all their students, regardless of their income.

I urge my colleagues to vote against this ill-conceived and counterproductive bill.

Mr. WU. Mr. Chairman. I rise today in strong opposition to H.R. 2300, the so-called Academic Achievement for all Act (Straight A's Act).

For the past two days, Members from both sides of the aisle have worked together on the House floor to pass H.R. 2, the Student results Act. This bill strengthens Title I of the Elementary and Secondary Education Act. We were able to pass a bi-partisan bill that is good for our nation's children. Before the ink is even dry, the Majority party is seeking to overturn the improvements that we joined together to pass.

The Straight A's Act is plain and simple, a blank check without safeguards. The bill would block grant nearly ¾ of federal education programs including Title I, Eisenhower Professional Development for Teachers, and the Class-Size Initiative. I shudder to imagine how many students will fall through the cracks.

Under this scheme, gone would be the focus on specific national concerns of federal education programs that have evolved over thirty-five years with strong bipartisan support. Gone would be the targeting of funds based on identified need which now helps assure services for students who need them.

I agree with the proponents of the legislation that we need to provide more control and flexibility to the local level, which is why I worked to secure passage of the Education Flexibility Act. Ed Flex lifts burdensome and unneeded federal regulations to provide local schools flexibility and the opportunity for innovation. Let us continue on the path of passing common-sense legislation that meets these goals without cheating our nation's school children. H.R. 2300 is not the answer. I urge Members to vote against the bill.

Mrs. MINK of Hawaii. Mr. Speaker, I rise in strong opposition to H.R. 2300, the Academic Achievement for All Act. This legislation is nothing less than a block grant program that gives states a "blank check" for billions of dollars, without accountability or protection of our most disadvantaged students.

I cannot support legislation that attempts to educate our children on the backs of poor students.

H.R. 2300 would allow states to convert part of all Federal aid into private school vouchers; and it would allow states to take funding for poor schools and give it to the most affluent students; and it would allow states to take funds appropriated specifically for special needs students, and use it for the general student population.

H.R. 2300 guts the very core of Title I, the nation's $8 billion flagship program for our poorest students, by allowing States to distribute funds in a way that the governors and State legislatures decide, instead of by need and poverty-based allocation procedures.

And this bill would eviscerate other federal programs targeted at disadvantaged students. For instance, class size reduction allocations are based largely on the number of poor children in each district. Similarly, criteria for State allocation of Safe and Drug-Free Schools funds to local education agencies include "high-need factors" such as high rates of drug use or student violence.

Most Federal education programs were created specifically to serve disadvantaged groups, after Congress found that States and localities were not meeting the needs of those groups on their own. Today, the GAO still finds that State funding formulas are significantly less targeted on high-need districts and children than are Federal formulas. We must not give these States the opportunity to take money away from their poorest children.

I am also concerned that H.R. 2300 will strike our national priorities, despite overwhelming public support for these area. For example, national leadership by Congress to reduce class size in the early grades, tackle youth and drug alcohol abuse, provide professional development for teachers, and enhance technology in the schools have already reaped rewards. H.R. 2300 would allow the States to ignore these important priorities.

Moreover, I find it ludicrous that the Republican Majority would pass this Super-flex bill after a four day mark-up H.R. 2. H.R. 2, as amended by the Committee, maintains targeting requirements to serve poorest schools, first, increase funding for Title I schools, requires parent report cards to help parents hold schools accountable, requires all teachers to become fully accountable, prohibits use of Title I funds for private vouchers, requires all states to have rigorous standards and assessments, and makes permanent the comprehensive, research based educational school reform program that helps communities overhaul struggling schools.

H.R. 2300 eviscerates these reforms.

The Republicans have attempted to pass bock grants before, most recently with its Dollars to the Classroom legislation. However, their Block grants have failed because they lack accountability and they lead to decreased funding.

For example, in 1981, Congress consolidated 26 programs into a single block grant (now Title VI of ESEA). Since then, funding for Title VI has dwindled, falling 63 percent in real terms since 1981. Today, the program has no accountability, no focus, and can demonstrate no success in improving educational achievement. And the Republicans want to do it all over again with H.R. 2300.

The Republican Majority's emphasis on block granting, eliminating oversight and accountability, and eliminating targeting, flies in the face of the "Academic Achievement for All" that the Majority purport to want. Only a strong federal role in education will assure that all children have equal access and equal opportunity to quality education.

While Super-flex may be a bonanza for governors, it excludes local school district participation. The Council of Great City Schools, which represents the country's largest and most diverse public schools, strongly opposes H.R. 2300:

The bill repeals from current law virtually all critical local decision-making authority regarding the use and focus of the super flex funding, allowing the States to dictate local uses of funds based upon their political judgment at the moment . . . [It allows] . . . the State's chosen priority, to the exclusion of local school district priorities such as reading, math, science, or special needs children. A state could decide to use all these federal funds for private school vouchers, if allowed under State law.

The public wants us to improve education. They want us to promote high academic standards for all children, reduce class size, target resources to children with the greatest need, and enhance public accountability and oversight.

This bill shamefully abandons these standards and our commitment to education, and leaves disadvantaged schools and school children to fend for themselves.

I urge all of my colleagues to vote against H.R. 2300.

Mr. MORAN of Virginia. Mr. Chairman, I rise in strong opposition to this legislation. This bill is the very height of hypocrisy.

This legislation comes from a party who tried to eliminate the U.S. Department of Education in 1995.

This is the same party who is proposing $1.3 billion in cuts to priority education funding for this fiscal year.

These are the same people who have a two tiered agenda for federal education programs: to block grant programs and then cut the block grants. They may offer these proposals under the guise of education reform, and reducing federal oversight of education, but don't be fooled.

This bill represents a fundamental lack of understanding the purpose of the important federal role in education. The federal role is not at all what the proponents of the so called Academic Achievement for All Act would have you believe.

The federal role is not to dictate specific standards or some sinister plot to take over our local schools. The U.S. Department of Education doesn't want control over our local schools as some members would have you believe.

The federal role in education is to meet needs and build capacity in areas that are not met by state and local funding. Their role is an important one to recognize these areas of unmet needs from their unique national perspective. The Department is able to take a small investment and target it effectively to these areas of need where the funds can truly make a difference.

Proponents of the Academic Achievement for All Act would eviscerate states and localities from their responsibility to target funds to our most needy young students; and they plan to do this without meaningful accountability measures.

The Academic Achievement for All Act is a misguided attempt to hand virtually all funding for federal education programs over to the states to decide how to spend this money.

Historically, I am sorry to say, states and localities have often not stepped up to the plate in their responsibility to address funding disparities for schools in disadvantaged communities.

In short, this legislation is a thinly veiled step in the Republican party's assault on our public education system. I urge my colleagues to support all children's rights to quality public education regardless of their economic means by opposing this very bad bill.

Mr. PACKARD. Mr. Chairman, I would like to encourage my colleagues to support H.R. 2300, the Academic Achievement for All Act (Straight A's). I believe that the era of one-size-fits-all federal education regulations is a relic of the past. Across America we see success stories in schools that have been empowered to make their own decisions without federal interference. Educating children does not work with a "one-size-fits-all" approach. Teachers in local classrooms understand children better than anyone in Washington.

Straight A's would allow schools to spend federal education dollars on the things that will most improve America's education programs, rather than leaving these decisions up to a Washington bureaucrats. With this legislation schools can establish accountability, hire new teachers, and provide better facilities—all under local control.

Mr. Chairman, I support accountability and local control in education. Let's give parents and educators more control over our children's future. I urge my colleagues to support the Academic Achievement for All Act.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill, modified by the amendments printed in part A of House Report 106-408, is considered as an original bill for the purpose of amendment, and is considered read.

The text of the committee amendment in the nature of a substitute, as modified, is as follows:

H.R. 2300

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Academic Achievement for All Act (Straight A's Act)".

SEC. 2. PURPOSE.

The purpose of this Act is to create options for States and communities—

(1) to improve the academic achievement of all students, and to focus the resources of the Federal Government upon such achievement;

(2) to improve teacher quality and subject matter mastery, especially in math, reading, and science;

(3) to empower parents and schools to effectively address the needs of their children and students;

(4) to give States and communities maximum freedom in determining how to boost academic achievement and implement education reforms;

(5) to eliminate Federal barriers to implementing effective State and local education programs;

(6) to hold States and communities accountable for boosting the academic achievement of all students, especially disadvantaged children; and

(7) to narrow achievement gaps between the lowest and highest performing groups of students so that no child is left behind.

SEC. 3. PERFORMANCE AGREEMENT.

(a) PROGRAM AUTHORIZED.—Not more than 10 States may, at their option, execute a performance agreement with the Secretary under which the provisions of law described in section 4(a) shall not apply to such State except as otherwise provided in this Act.".

(b) LOCAL INPUT.—States shall provide parents, teachers, and local schools and districts notice and opportunity to comment on any proposed performance agreement prior to submission to the Secretary as provided under general State law notice and comment provisions.

(c) APPROVAL OF PERFORMANCE AGREEMENT.—A performance agreement submitted to the Secretary under this section shall be considered as approved by the Secretary within 60 days after receipt of the performance agreement unless the Secretary provides a written determination to the State that the performance agreement fails to satisfy the requirements of this Act before the expiration of the 60-day period.

(d) TERMS OF PERFORMANCE AGREEMENT.—Each performance agreement executed pursuant to this Act shall include the following provisions:

(1) TERM.—A statement that the term of the performance agreement shall be 5 years.

(2) APPLICATION OF PROGRAM REQUIREMENTS.—A statement that no program requirements of any program included by the State in the performance agreement shall apply, except as otherwise provided in this Act.

(3) LIST.—A list provided by the State of the programs that it wishes to include in the performance agreement.

(4) USE OF FUNDS TO IMPROVE STUDENT ACHIEVEMENT.—A 5-year plan describing how the State intends to combine and use the funds from programs included in the performance agreement to advance the education priorities of the State, improve student achievement, and narrow achievement gaps between students.

(5) ACCOUNTABILITY REQUIREMENTS.—If a State includes any part of title I of the Elementary and Secondary Education Act of 1965 in its performance agreement, the State shall include a certification that the State has done the following:

(A)(i) developed and implemented the challenging State content standards, challenging State student performance standards, and aligned assessments described in section 1111(b) of the Elementary and Secondary Education Act of 1965; or

(ii) developed and implemented a system to measure the degree of change from one school year to the next in student performance;

(B) developed and is implementing a statewide accountability system that has been or is reasonably expected to be effective in substantially increasing the numbers and percentages of all students who meet the State's proficient and advanced levels of performance;

(C) established a system under which assessment information may be disaggregated within each State, local educational agency, and school by each major racial and ethnic group, gender, English proficiency status, migrant status, and by economically disadvantaged students as compared to students who are not economically disadvantaged (except that such disaggregation shall not be required in cases in which the number of students in any such group is insufficient to yield statistically reliable information or would reveal the identity of an individual student);

(D) established specific, measurable, numerical performance objectives for student achievement, including a definition of performance considered to be proficient by the State on the academic assessment instruments described under subparagraph (A);

(E) developed and implemented a statewide system for holding its local educational agencies and schools accountable for student performance that includes—

(i) a procedure for identifying local educational agencies and schools in need of improvement, using the assessments described under subparagraph (A);

(ii) assisting and building capacity in local educational agencies and schools identified as in need of improvement to improve teaching and learning; and

(iii) implementing corrective actions after no more than 3 years if the assistance and capacity building under clause (ii) is not effective.

(6) PERFORMANCE GOALS.—

(A) STUDENT ACADEMIC ACHIEVEMENT.—Each State shall establish annual student performance goals for the 5-year term of the performance agreement that, at a minimum—

(i) establish a single high standard of performance for all students;

(ii) take into account the progress of students from every local educational agency and school in the State;

(iii) are based primarily on the State's challenging content and student performance standards and assessments described under paragraph (5)(A);

(iv) include specific annual improvement goals in each subject and grade included in the State assessment system, which must include, at a minimum, reading or language arts and math;

(v) compares the proportions of students at the "basic", "proficient", and "advanced" levels of performance (as defined by the State) with the proportions of students at each of the 3 levels in the same grade in the previous school year;

(vi) includes annual numerical goals for improving the performance of each group specified in paragraph (5)(C) and narrowing gaps in performance between the highest and lowest performing students in accordance with section 10(b); and

(vii) requires all students in the State to make substantial gains in achievement.

(B) ADDITIONAL INDICATORS OF PERFORMANCE.—A State may identify in the performance agreement any additional indicators of performance such as graduation, dropout, or attendance rates.

(C) CONSISTENCY OF PERFORMANCE MEASURES.—A State shall maintain, at a minimum, the same level of challenging State student performance standards and assessments throughout the term of the performance agreement.

(7) FISCAL RESPONSIBILITIES.—An assurance that the State will use fiscal control and fund accounting procedures that will ensure proper disbursement of, and accounting for, Federal funds paid to the State under this Act.

(8) CIVIL RIGHTS.—An assurance that the State will meet the requirements of applicable Federal civil rights laws.

(9) PRIVATE SCHOOL PARTICIPATION.—

(A) EQUITABLE PARTICIPATION.—An assurance that the State will provide for the equitable participation of students and professional staff in private schools.

(B) APPLICATION OF BYPASS.—An assurance that sections 14504, 14505, and 14506 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8894, 8895, and 8896) shall apply to all services and assistance provided under this Act in the same manner as they apply to services and assistance provided in accordance with section 14503 of such Act.

(10) STATE FINANCIAL PARTICIPATION.—An assurance that the State will not reduce the level of spending of State funds for elementary and secondary education during the term of the performance agreement.

(11) ANNUAL REPORT.—An assurance that not later than 1 year after the execution of the performance agreement, and annually thereafter, each State shall disseminate widely to parents and the general public, submit to the Secretary, distribute to print and broadcast media, and post on the Internet, a report that includes—

(A) student academic performance data, disaggregated as provided in paragraph (5)(C); and

(B) a detailed description of how the State has used Federal funds to improve student academic performance and reduce achievement gaps to meet the terms of the performance agreement.

(e) SPECIAL RULE.—If a State does not include any part of title I of the Elementary and Secondary Education Act of 1965 in its performance agreement, the State shall—

(1) certify that it has developed a system to measure the academic performance of all students; and

(2) establish challenging academic performance goals for such other programs using academic assessment data described in paragraph (5).

(f) AMENDMENT TO PERFORMANCE AGREEMENT.—A State may submit an amendment to the performance agreement to the Secretary under the following circumstances:

(1) REDUCE SCOPE OF PERFORMANCE AGREEMENT.—Not later than 1 year after the execution of the performance agreement, a State may amend the performance agreement through a request to withdraw a program from such agreement. If the Secretary approves the amendment, the requirements of existing law shall apply for any program withdrawn from the performance agreement.

(2) EXPAND SCOPE OF PERFORMANCE AGREEMENT.—Not later than 1 year after the execution of the performance agreement, a State may amend its performance agreement to include additional programs and performance indicators for which it will be held accountable.

(3) APPROVAL OF AMENDMENT.—An amendment submitted to the Secretary under this subsection shall be considered as approved by the Secretary within 60 days after receipt of the amendment unless the Secretary provides a written determination to the State that the performance agreement if amended by the amendment would fail to satisfy the requirements of this Act, before the expiration of the 60-day period.

SEC. 4. ELIGIBLE PROGRAMS.

(a) ELIGIBLE PROGRAMS.—The provisions of law referred to in section 3(a) except as otherwise provided in subsection (b), are as follows:

(1) Part A of title I of the Elementary and Secondary Education Act of 1965.

(2) Part B of title I of the Elementary and Secondary Education Act of 1965.

(3) Part C of title I of the Elementary and Secondary Education Act of 1965.

(4) Part D of title I of the Elementary and Secondary Education Act of 1965.

(5) Part B of title II of the Elementary and Secondary Education Act of 1965.

(6) Section 3132 of title III of the Elementary and Secondary Education Act of 1965.

(7) Title IV of the Elementary and Secondary Education Act of 1965.

(8) Title VI of the Elementary and Secondary Education Act of 1965.

(9) Section 307 of the Department of Education Appropriation Act of 1999.

(10) Comprehensive school reform programs as authorized under section 1502 of the Elementary and Secondary Education Act of 1965 and described on pages 96–99 of the Joint Explanatory Statement of the Committee of Conference included in House Report 105–390 (Conference Report on the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1998).

(11) Part C of title VII of the Elementary and Secondary Education Act of 1965.

(12) Title III of the Goals 2000: Educate America Act.

(13) Sections 115 and 116, and parts B and C of title I of the Carl D. Perkins Vocational Technical Education Act.

(14) Subtitle B of title VII of the Stewart B. McKinney Homeless Assistance Act.

(b) ALLOCATIONS TO STATES.—A State may choose to consolidate funds from any or all of the programs described in subsection (a) without regard to the program requirements of the provisions referred to in such subsection, except that the proportion of funds made available for national programs and allocations to each State for State and local use, under such provisions, shall remain in effect unless otherwise provided.

(c) USES OF FUNDS.—Funds made available under this Act to a State shall be used for any elementary and secondary educational purposes permitted by State law of the participating State.

SEC. 5. WITHIN-STATE DISTRIBUTION OF FUNDS.

(a) IN GENERAL.—The distribution of funds from programs included in a performance agreement from a State to a local educational agency within the State shall be determined by the Governor of the State and the State legislature. In a State in which the constitution or State law designates another individual, entity, or agency to be responsible for education, the allocation of funds from programs included in the performance agreement from a State to a local educational agency within the State shall be determined by that individual, entity, or agency, in consultation with the Governor and State Legislature. Nothing in this section shall be construed to supersede or modify any provision of a State constitution or State law.

(b) LOCAL INPUT.—States shall provide parents, teachers, and local schools and districts notice and opportunity to comment on the proposed allocation of funds as provided under general State law notice and comment provisions.

(c) LOCAL HOLD HARMLESS OF PART A TITLE 1 FUNDS.—

(1) IN GENERAL.—In the case of a State that includes part A of title I of the Elementary and Secondary Education Act of 1965 in the performance agreement, the agreement shall provide an assurance that each local educational agency shall receive under the performance agreement an amount equal to or greater than the amount such agency received under part A of title I of such Act in the fiscal year preceding the fiscal year in which the performance agreement is executed.

(2) PROPORTIONATE REDUCTION.—If the amount made available to the State from the Secretary for a fiscal year is insufficient to pay to each local educational agency the amount made available under part A of title I of the Elementary and Secondary Education Act of 1965 to such agency for the preceding fiscal year, the State shall reduce the amount each local educational agency receives by a uniform percentage.

SEC. 6. LOCAL PARTICIPATION.

(a) NONPARTICIPATING STATE.—

(1) IN GENERAL.—If a State chooses not to submit a performance agreement under this Act, any local educational agency in such State is eligible, at its option, to submit to the Secretary a performance agreement in accordance with this section.

(2) AGREEMENT.—The terms of a performance agreement between an eligible local educational agency and the Secretary shall specify the programs to be included in the performance agreement, as agreed upon by the State and the agency, from the list under section 4(a).

(b) STATE APPROVAL.—When submitting a performance agreement to the Secretary, an eligible local educational agency described in subsection (a) shall provide written documentation from the State in which such agency is located that it has no objection to the agency's proposal for a performance agreement.

(c) APPLICATION.—

(1) IN GENERAL.—Except as provided in this section, and to the extent applicable, the requirements of this Act shall apply to an eligible local educational agency that submits a performance agreement in the same manner as the requirements apply to a State.

(2) EXCEPTIONS.—The following provisions shall not apply to an eligible local educational agency:

(A) WITHIN STATE DISTRIBUTION FORMULA NOT APPLICABLE.—The formula for the allocation of funds under section 5 shall not apply.

(B) STATE SET ASIDE SHALL NOT APPLY.—The State set aside for administrative funds in section 7 shall not apply.

SEC. 7. LIMITATIONS ON STATE AND LOCAL EDUCATIONAL AGENCY ADMINISTRATIVE EXPENDITURES.

(a) IN GENERAL.—Except as otherwise provided under subsection (b), a State that includes part A of title I of the Elementary and Secondary Education Act of 1965 in the performance agreement may use not more than 1 percent of such total amount of funds allocated to such State under the programs included in the performance agreement for administrative purposes.

(b) EXCEPTION.—A State that does not include part A of title I of the Elementary and Secondary Education Act of 1965 in the performance agreement may use not more than 3 percent of the total amount of funds allocated to such State under the programs included in the performance agreement for administrative purposes.

(c) LOCAL EDUCATIONAL AGENCY.—A local educational agency participating in this Act under a performance agreement under section 6 may not use for administrative purposes more than 4 percent of the total amount of funds allocated to such agency under the programs included in the performance agreement.

SEC. 8. PERFORMANCE REVIEW.

(a) MID-TERM PERFORMANCE REVIEW.—If, during the 5 year term of the performance agreement, student achievement significantly declines for 3 consecutive years in the academic performance categories established in the performance agreement, the Secretary may, after notice and opportunity for a hearing, terminate the agreement

(b) FAILURE TO MEET TERMS.—If at the end of the 5-year term of the performance agreement a State has not substantially met the performance goals submitted in the performance agreement, the Secretary shall, after notice and an opportunity for a hearing, terminate the performance agreement and the State shall be required to comply with the program requirements, in effect at the time of termination, for each program included in the performance agreement.

(c) PENALTY FOR FAILURE TO IMPROVE STUDENT PERFORMANCE.—If a State has made no progress toward achieving its performance goals by the end of the term of the agreement, the Secretary may reduce funds for State administrative costs for each program included in the performance agreement by up to 50 percent for each year of the 2-year period following the end of the term of the performance agreement.

SEC. 9. RENEWAL OF PERFORMANCE AGREEMENT.

(a) NOTIFICATION.—A State that wishes to renew its performance agreement shall notify the Secretary of its renewal request not less than 6 months prior to the end of the term of the performance agreement.

(b) RENEWAL REQUIREMENTS.—A State that has met or has substantially met its performance goals submitted in the performance agreement at the end of the 5-year term may reapply to the Secretary to renew its performance agreement for an additional 5-year period. Upon the completion of the 5-year term of the performance agreement or as soon thereafter as the State submits data required under the agreement, the Secretary shall renew, for an additional 5-year term, the performance agreement of any State that has met or has substantially met its performance goals.

SEC. 10. ACHIEVEMENT GAP REDUCTION REWARDS.

(a) CLOSING THE GAP REWARD FUND.—

(1) IN GENERAL.—To reward States that make significant progress in eliminating achievement gaps by raising the achievement levels of the lowest performing students, the Secretary shall set aside sufficient funds from the Fund for the Improvement of Education under part A of title X of the Elementary and Secondary Education Act of 1965 to grant a reward to States that meet the conditions set forth in subsection (b) by the end of their 5-year performance agreement.

(2) REWARD AMOUNT.—The amount of the reward referred to in paragraph (1) shall be not less than 5 percent of funds allocated to the State during the first year of the performance agreement for programs included in the agreement.

(b) CONDITIONS OF PERFORMANCE REWARD.—Subject to paragraph (3), a State is eligible to receive a reward under this section as follows:

(1) A State is eligible for such an award if the State reduces by not less than 25 percent, over the 5-year term of the performance agreement, the difference between the percentage of highest and lowest performing groups of students that meet the State's definition of "proficient" as referenced in section 1111(b)(1)(D)(i)(II) of the Elementary and Secondary Education Act of 1965.

(2) A State is eligible for such an award if a State increases the proportion of 2 or more groups of students under section 3(d)(5)(C) that meet State proficiency standards by 25 percent.

(3) A State shall receive such an award if the following requirements are met:

(A) CONTENT AREAS.—The reduction in the achievement gap or approvement in achievement shall include not less than 2 content areas, one of which shall be mathematics or reading.

(B) GRADES TESTED.—The reduction in the achievement gap or improvement in achievement shall occur in at least 2 grade levels.

(c) RULE OF CONSTRUCTION.—Student achievement gaps shall not be considered to have been reduced in circumstances where the average academic performance of the highest performing quintile of students has decreased.

SEC. 11. STRAIGHT A'S PERFORMANCE REPORT.

The Secretary shall make the annual State reports described in section 3 available to the House Committee on Education and the Workforce and the Senate Committee on Health, Education, Labor and Pensions not later than 60 days after the Secretary receives the report.

SEC. 12. APPLICABILITY OF TITLE XIV OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.

To the extent that provisions of title XIV of the Elementary and Secondary Education Act of 1965 are inconsistent with this Act, this Act shall be construed as superseding such provisions.

SEC. 13. APPLICABILITY OF GENERAL EDUCATION PROVISIONS ACT.

To the extent that the provisions of the General Education Provisions Act are inconsistent with this Act, this Act shall be construed as superseding such provisions, except where relating to civil rights, withholdling of funds and enforcement authority, and family educational and privacy rights.

SEC. 14. APPLICABILITY TO HOME SCHOOLS.

Nothing in this Act shall be construed to affect home schools whether or not a home school is treated as a private school or home school under State law.

SEC. 15. GENERAL PROVISIONS REGARDING NON-RECIPIENT, NON-PUBLIC SCHOOLS.

Nothing in this Act shall be construed to permit, allow, encourage, or authorize any Federal control over any aspect of any private, religious, or home school, whether or not a home school is treated as a private school or home school under State law.

SEC. 16. DEFINITIONS.

For the purpose of this Act:

(1) ALL STUDENTS.—The term "all students" means all students attending public schools or charter schools that are participating in the State's accountability and assessment system.

(2) ALL SCHOOLS.—The term "all schools" means all schools that are participating in the State's accountability and assessment system.

(3) LOCAL EDUCATIONAL AGENCY.—The term "local educational agency" has the same meaning given such term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(4) SECRETARY.—The term "Secretary" means the Secretary of Education.

(5) STATE.—The term "State" means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and American Samoa.

SEC. 17. EFFECTIVE DATE.

This Act shall take effect with respect to funds appropriated for the fiscal year beginning October 1, 2000.

The CHAIRMAN. No amendment to that amendment shall be in order except those printed in part B of that report. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered read, debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

The Chair understands that amendment No. 1 will not be offered.

It is now in order to consider amendment No. 2 printed in part B of House Report 106–408.

AMENDMENT NO. 2 OFFERED BY MR. FATTAH

Mr. FATTAH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. FATTAH:

Page 22, line 20, redesignate section 16 as section 17 and insert after line 9 the following:

SEC. 16. EDUCATIONAL EQUITY.

(a) EDUCATIONAL EQUITY.—Notstanding any other provision of this Act, beginning 3 years after the date of enactment of this Act no State shall receive Federal funds for its performance agreement under programs specified in section 4 unless the State certifies annually to the Secretary that—

(1) per pupil expenditure in the local educational agencies in the State are substantially equal, taking into consideration the variation in cost of serving pupils with special needs and the local variation in cost of providing education services; or

(2) the achievement levels of students on reading and mathematics assessments, graduation rates, and rates of college-bound students in the local educational are substantially equal to those of the local educational agencies with the highest per pupil expenditures.

(b) GUIDELINES.—The Secretary, in consultation with the National Academy of Sciences, shall develop and publish guidelines not later than one year after the date of enactment of this Act to define the terms "substantially equal" and "per pupil expenditures."

The CHAIRMAN. Pursuant to House Resolution 338, the gentleman from Pennsylvania (Mr. FATTAH) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. FATTAH).

Mr. FATTAH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to offer an amendment that I will offer to every education bill that I have the opportunity to offer this amendment to, because I think that this is the fundamental issue that needs to be addressed in our country. If tomorrow the Federal Government did not put a penny into education or if we doubled our appropriations, we need State governments to provide an equal playing field for children in their States. There is no excuse in America today for us to be spending three times as much on one first grader in a public school 30 minutes away from a public school in which we are spending a third less.

We have that situation in my home State. We have it in 49 out of our 50 States. We have litigation going on in close to 40 States in our country, where literally almost a thousand school districts, mostly rural and urban districts, have been fighting in State courts, in some cases for decades, for relief. We have seen the Supreme Court of Ohio, we have seen action in the New Jersey court and in Kentucky, we have seen in Michigan courts rule these property tax-based school systems unconstitutional. We have seen the rulings in New Hampshire and in Vermont where they ruled them unconstitutional, where the Court has stepped in to say that children should be given a fair opportunity and that there is nothing so cosmically special about one child as another that we should be spending twice as much or three times as much on one kid's education than another.

I ask my colleagues to begin to consider a country in which we gave every young person an equal opportunity, where we eliminated this circumstance in which we have in many of our districts young people who are not given the books, nor the teachers, nor the technology. They are not offered the curriculum in order for them to achieve. Yet we come and we try to put a Band-Aid on it, either through Title I or through AAA. The 6 or 7 pennies out of every dollar that is spent by the Federal Government is never going to deal with the disparity that exists in our States, which ranges from a thousand dollars per pupil, to in many States $5,000 and $6,000; and in one of our States the disparity is $8,000 between what is being spent in the poorest school district per pupil and what is being spent in the wealthiest.

Now tonight, I am not sure that the votes will add up for this amendment that I offer, but I promise that this Congress will not be able to skirt this issue, because every single opportunity I am going to raise it. I think it is critical to the debate.

We talk class size. Well, class size is a function of money. If we are spending $70,000 more per classroom in a city district versus a suburban district, we can cut the class size in half in that city district.

We talk about school construction. Where are the school buildings falling apart? Are they falling apart in the districts where we are spending in some States, like in Texas, $20,000 per pupil, or are they falling apart in the State of Texas in the districts where we are spending $2,500 per pupil?

School construction, class size, technology in the classroom, all of these issues get back to the fundamental question, and that is, are States going to even the playing field?

Now, we can wait for State courts to act, and we can acknowledge even the action now that is starting to take hold in Federal court, when the State of Kansas, dozens of school districts got together in rural Kansas and filed a suit that the Justice Department or the Federal Government has just added its voice to as a party to that suit and said they are right; that the funding system in Kansas discriminates against poor children in rural Kansas.

Look at the situation in New York State where the disparity is a great one. We have now had the Justice Department add its voice to that suit. Or the Congress could act; not in forcing States to equalize their distribution of school aid but using as a carrot Federal aid to encourage States to move in that direction.

My amendment, simply put, states that States would have 3 years to move towards a substantially equal per-pupil expenditure. It would help rural districts. It would help urban districts. For the wealthiest districts in our States, I would say today it would help those districts because we cannot have a country where some of the children have everything in the world to look forward to and others have very little to look forward to. That is an explosive mix that, going into the next century, does not bode well.

We have books in the school libraries in Philadelphia, and this was played on ABC News Tonight and we should all be embarrassed because Philadelphia is the birthplace of this country of ours, that say that Gerald Ford is the last President of the United States. We have a book in one of our schools that says Nelson Mandela died in prison 15 years ago. We have books that do not represent any of the knowledge that is currently part of the educational system that we would want. We have a chemistry lab in Chicago in which there is no equipment at all, 30 minutes from a school that has everything we could ever want for our children.

We need to think about these disparities, think about giving young people a fair chance. If we want to give States more flexibility, if we think States have these rights, let us have States be more responsible. Let us have them take the dollars that they are now spending and give an equal playing field to the children that we represent and that they have a responsibility, a constitutional responsibility, to provide them an equitable education.

I want to thank the Chair. I want to thank the ranking member of my committee and the chairman of the full committee.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does the gentleman from Pennsylvania (Mr. GOODLING) claim time in opposition?

Mr. GOODLING. Mr. Chairman, I do.

Mr. Chairman, I yield 4 minutes to the gentleman from Indiana (Mr. MCINTOSH).

Mr. MCINTOSH. Mr. Chairman, I thank the gentleman from Pennsylvania (Mr. GOODLING) for yielding me this time.

Mr. Chairman, I rise in opposition to this amendment, although let me say I am in a great deal of sympathy to the author's intent. There are some problems that I am sure he would never intend in States like mine where actually because we have equalized or tried to equalize the formula in a declining population in some of our inner cities it could inadvertently actually take funds away from them. I know he did not intend that.

Let me speak for a few minutes on the importance of this bill, because I am worried that by putting this amendment into it it would put too much freight into what we are trying to accomplish, and I think the underlying goals of this bill are so critical for making our education system the best it can possibly be in this Nation.

For 3 decades, the Federal Government has been sending money to the States through scores of Washington-based programs; but all the studies, the evaluations, the reports, show little or no academic benefit. Straight A's would reverse this unfortunate situation by focusing on the Federal Government's efforts on academic results instead of rules and regulations.

I want to share with my colleagues a letter that I received from a principal in Delta Middle School in Muncie, near Muncie, Indiana, from Patrick Mapes. "The monies given to schools have such strict guidelines that it cannot be used where it is needed most. The poverty, diversity in a corporation like ours has students participating in different title programs at the elementary grades and then they are left with no support once they come to the middle school, because our corporation on whole would not qualify. The first Federal regulation that hinders schools is the amount of restrictions on how to spend monies that you are qualified to receive. We know our needs and need the flexibility to fund and address these needs."

Patrick Mapes is a dedicated principal. He wants to do what is right and what is best for the children in his school. Straight A's will give the States the option to implement initiatives that work according to what they need, as well as help raise the academic standards, improve teacher quality, reduce class size, end social promotion, and put technology in the classroom.

I visited a school in inner-city Indianapolis, School 109, that 3 years ago had only 12 percent of its students passing the Indiana standard test on math and English. This last year they had 77 percent of their children pass. They were an inner-city school, just below the 50 percent poverty-wide threshold.

I went in and I asked, what happened? They told me the principal had given the teachers the flexibility to do what they needed in their classroom. He started by giving them keys to the school so they could come in after hours and work, or on Saturdays and work.

I about fell out of my chair when they told me the previous principal had not given them a key and from 3:00 to 8:00 they were in the building, and then they were locked out and could not come in and prepare for their students.

Then the principal backed them up and told the teachers when they get into problems with the parents, he will be there with them.

The teachers decided they wanted to pool their extra money and instead of getting two teachers aides which would have helped two of them, they pooled it together and got one more teacher, effectively reducing their class size.

This is a microcosm of how flexibility could work, backed up by good administration, backed up by senior teachers who were frankly embarrassed when only 12 percent of their students knew math and English at the third grade level, and they got the job done.

They still have the same mix. They have a lot of minority students. They have poor students, but they were able to transform that school and serve those children.

So I think this bill is critical in letting all of our States, we are going to start with a test of 10 but eventually I hope all of our States, participate in this flexibility, the Straight A's program. As I said at the beginning, I am very, very sympathetic to the author's intent of this amendment, but I think it would put too much freight into the bill, and so I reluctantly would rise in opposition to it.

Mr. FATTAH. Mr. Chairman, I yield 1½ minutes to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Chairman, in my 1½ minutes, I will say this: that one of the problems of the inequities in education is the disparity among the teaching faculty in the various schools.

□ 2145

In California, over 30,000 teachers are not certified or are teaching out of their field. During field hearings that we had in North Carolina recently, I asked one of the educational officials of the State what percentage of teachers there in that State were not certified or were teaching out of their field. He replied, "Too many, and most of them are concentrated in our poorest school districts."

Mr. Chairman, our poorest school districts have the greatest concentration of bus stop teachers, ancient textbooks, and dilapidated buildings. As a matter of fact, I have been in school buildings where a Federal judge would not let us keep prisoners in that building. I know because we had to close down our jail in Flint, Michigan, because a Federal judge said it was unfit for human habitation. Yet, that jail is in much better shape than many of the school buildings that I have been in in our poor school districts.

We need some type of equalization. We have to try to address that and encourage the States to do that.

Mr. FATTAH. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin (Mr. BARRETT).

Mr. BARRETT of Wisconsin. Mr. Chairman, I would like to praise the gentleman from Pennsylvania (Mr. FATTAH) for this amendment.

We have heard during the course of this argument today on this bill and other bills that we are throwing too much money at education, that it does not matter how much we spend per child, that there are other factors at play.

Well, this amendment really tests that theory. Because if it does not matter how much we spend on education, let us split it. Let us split it evenly. Then we do not have to argue who is getting too much.

What we hear time and time again is people sort of patting us on the shoulder, saying it does not matter how much one spends per child, there are other factors at play. But if we look at their school district, they are spending more money per child on their kids. If it does not matter how much one spends per student, then there should be no argument against equalizing the spending. The argument against equalization comes invariably from people who come from districts where they spend more on their children for learning.

Every child in this country is worth the same. Every child in this country should have the same level of education. I think the amendment of the gentleman from Pennsylvania (Mr. FATTAH) goes in that direction. It is a good amendment. It should be adopted by the House.

Mr. FATTAH. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Pennsylvania (Mr. FATTAH) has 1 minute remaining.

Mr. FATTAH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me try to conclude by saying that the public may have the impression that this is kind of like the golden arches at McDonald's where, all across the country, public schools are the same and the same inputs; and, therefore, any time there is a disparity of outputs, it has something to do with the individual children involved or their families or their community when, in reality, what we have is a system in which, in the poorest districts, in the most disadvantaged circumstances, in urban and rural America, the State governments, with the flexibility that they have, have decided that the poorest kids need to get the least amount of resources. Time after time, in 49 States, that is the story, not just in Democratic districts, but in Republican districts.

In Pennsylvania, 216 rural school districts filed suit years ago challenging our funding system. We have seen these suits in Kentucky and all across the land.

I am suggesting that the Congress use the carrot of Federal dollars to insist that States create a more equal playing field. I hope that my colleagues would support this amendment. I will guarantee to my colleagues this amendment will be before us again.

Mr. GOODLING. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, first of all, I want to say that, in the State of Pennsylvania, we have the best equalization formula for the basic education grants that any State has had, and we have had it for years and years and years. Where the litigation is, and I agree with the gentleman from Pennsylvania (Mr. FATTAH) it should be, is in the special programs where their equalization is not proper, and that is where it is.

But I also want the City of Brotherly Love to step up to the plate. I hate to use that term after, I am assuming, that all of those people at that football game were from Maryland and from

New Jersey and from Delaware who are clapping and cheering when someone is lying on the ground who may never ever walk again. So I am assuming they were not from Pennsylvania and certainly not from the City of Brotherly Love. But we do have the best equalization formula when it comes to basic grants.

But let me tell my colleagues some other things that are a problem. When I began teaching, that equalization formula said that the poor district that I taught in got 70 percent of all of their funds from the State. The next district where I was principal, they got 30 percent because they were a much more affluent district. Then when I went to the next school district, which is poorer, they got about 50 percent. So the equalization formula works out fine for the basic grant.

But look at the amendment. This really causes me all sorts of problems. It goes just the opposite direction of flexibility. It holds States hostage to have equal funding across all school districts or have equal test scores across all school districts.

Now, the gentleman from Pennsylvania (Mr. FATTAH) knows I do not care whether Upper Saint Claire has $9,000 per student or $5,000 per student. There are not many districts in my school district that are going to compete with Upper Saint Claire. Every parent has a master's degree or a Ph.D. I am not that fortunate, and so it would not matter what I did. I am not going to be able to compete, I will guarantee my colleagues, with Upper Saint Claire.

But what the amendment does, it says it is okay to dumb down. The amendment says, under this amendment, one could potentially reward States that have all their school districts performing at a low level just as long as they are even. A low level. It is fine.

Well, certainly we do not want that. In fact, in Title I, we kept stressing over and over and over and over again we want every child to achieve way beyond what they are presently achieving and particularly the low-income children and the disadvantaged educationally.

So I would hope that all of our people in the Congress of the United States would understand that we cannot set an equalization formula from Washington, D.C.

I was a little worried. I heard someone say that they have some sympathy for it. Then I realized that one could be governor of a State sometime and one could have some sympathy and, all of a sudden, discover, hey, one cannot meet that equalization formula that we have set in Washington, D.C.

But under this amendment, as I said, one could potentially reward dumb downing, because all one has to do is make sure that they are performing at the same level. Now, no one says what that level is. That level could be the lowest level possible.

We want every student to achieve more. They can do more. We do not demand enough. We should insist that they do it. But let us not get into the business of trying to set an equalization formula from Washington, D.C. It cannot work. It should not work.

Therefore, I would hope that everyone would vote against the amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. FATTAH).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. FATTAH. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 183, noes 235, not voting 15, as follows:

[Roll No. 530]

AYES—183

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
John
Johnson, E.B.
Jones (OH)
Kanjorski
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (NY)
Martinez
Matsui
McDermott
McGovern
McIntyre
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Morella
Murtha
Nadler
Napolitano
Neal
Ney
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Slaughter
Smith (WA)
Stabenow
Stark
Stenholm
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Traficant
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOES—235

Aderholt
Archer
Armey
Bachus
Baird
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boyd
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (FL)
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kaptur
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Maloney (CT)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Myrick
Nethercutt
Northup
Norwood
Nussle
Oberstar
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanford
Saxton
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Spratt
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Toomey
Turner
Upton
Vento
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)

NOT VOTING—15

Brady (TX)
Camp
Hall (OH)
Jackson-Lee (TX)
Jefferson
Lipinski
Markey
Mascara
McCarthy (MO)
McCarthy (NY)
Meehan
Scarborough
Shuster
Weldon (PA)
Young (FL)

☐ 2214

Messrs. GREENWOOD, MOORE, McHUGH, QUINN, BEREUTER, SPRATT and Mrs. THURMAN changed their vote from "aye" to "no."

Mr. CLEMENT changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. BRADY of Texas. Mr. Chairman, on rollcall No. 530, I was unavoidably detained. Had I been present, I would have voted "no."

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. PEASE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2300) to allow a State to combine certain funds to improve the academic achievement of all its students, pursuant to House Resolution 338, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

☐ 2215

The SPEAKER pro tempore (Mr. LAHOOD). Under the rule, the previous question is ordered.

The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. CLAY

Mr. CLAY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. CLAY. I am, Mr. Speaker, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. CLAY moves to recommit the bill H.R. 2300 to the Committee on Education and the Workforce with instructions to promptly report the bill to the House, in a manner that addresses the need to help communities to reduce class size, to modernize our Nation's crumbling and overcrowded public schools, and to ensure that the teachers are highly qualified.

The SPEAKER pro tempore. The gentleman from Missouri (Mr. CLAY) is recognized for 5 minutes in support of his motion to recommit.

Mr. CLAY. Mr. Speaker, this motion asks that we recommit this bill for the purpose of addressing the real education priorities of parents, of teachers, and of local communities. It calls for the House to scrap this ill-conceived and this misguided bill and pass legislation to reduce class sizes in the early grades, to repair crumbling and overcrowded schools, and to ensure all teachers are fully qualified.

Rather than gutting the hard work we accomplished today by passing increased accountability and targeting of funds to poor schools, we can build on H.R. 2 by addressing the priorities in this motion. Reducing class size is one of the most important investments we can make to improve student achievement.

Last year we made a down payment to hire 100,000 new teachers by passing the Clinton/Clay Class Size Reduction Act. Too many of our schools have 30 or more children pressed desk-to-desk in classrooms. This is unacceptable. We all know and studies confirm that children learn better in small early classes.

Today, over one-third of our public schools are dilapidated and in need of replacement or major modernization. For years Democrats have been demanding action on this urgent education priority, but the majority continues to block action.

It is a national shame, Mr. Speaker, that one of the most hallowed institutions in our Nation, the public schoolhouse, has been allowed to fall into such disrepair. We think our children deserve the right to attend schools in a safe, well-maintained building that is capable of using modern educational technology.

The Rangel school modernization bill helps communities address this urgent priority by allowing the issuance of interest-free bonds. We should act now to pass the Rangel school construction bill.

Mr. Speaker, I urge Members to support this motion to recommit.

Mr. GOODLING. Mr. Speaker, I rise in opposition to the motion to recommit offered by the gentleman from Missouri (Mr. CLAY).

Mr. Speaker, I would encourage everyone to read the bill. They do not have to send the bill back to committee because what the bill does is everything the gentleman asks us to do.

The bill says, as long as they can raise academic achievement, they can improve teacher quality, they can reduce class size, they can end social promotion, they can put technology in the classroom. Everything they are talking about the bill does. So it does not do any good to send it back to committee to do what we have already done in the bill.

What we are saying here is that every child deserves an opportunity to have a quality education.

I am proud that my side of the aisle has put an additional $340 million in education. I am proud that my side of the aisle has increased funding for special education, something we have tried to do for years so that we can relieve the pressure on local school districts so that they can modernize, so that they can reduce class size and do all of those things.

But all that we have to do in this bill is show that we can raise academic achievement for all children and we can do everything the gentleman wants us to do in this motion to recommit to send back to the committee.

So I encourage everybody to vote against the motion to recommit. We are doing exactly what he want us to do.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. CLAY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 201, noes 217, not voting 16, as follows:

[Roll No. 531]

AYES—201

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
John
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McDermott
McGovern
McIntyre
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps

Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOES—217

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)

NOT VOTING—16

Camp
Cannon
Hall (OH)
Istook
Jackson-Lee (TX)
Jefferson
Lipinski
Mascara
McCarthy (MO)
McCarthy (NY)
Meehan
Minge
Scarborough
Shuster
Weldon (PA)
Young (FL)

□ 2238

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. MINGE. Mr. Speaker, on Rollcall 531 I was in the Chamber with my voting card in the machine before the vote was called. I intended to vote "no."

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CLAY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 213, noes 208, not voting 13, as follows:

[Roll No. 532]

AYES—213

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCollum
McCrery
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)

NOES—208

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gilman
Gonzalez
Gordon
Green (TX)
Gutierrez
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
John
Johnson (CT)
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Quinn
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—13

Camp
Hall (OH)
Jackson-Lee (TX)
Jefferson
Lipinski
Mascara
McCarthy (MO)

McCarthy (NY)
Meehan
Scarborough
Shuster
Weldon (PA)
Young (FL)

☐ 2256

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. McCARTHY of Missouri. Mr. Speaker, during rollcall vote Nos. 520—Journal vote; 521—Armey Amendment; 522—Payne Amendment; 523—Roemer Amendment; 524—Petri Amendment; 525—Ehlers Amendment; 526—H.R. 2; 527—on the previous question; 528—Interior Conf. Rept.; 529—Rule H.R. 2300; 530—Fattah Amendment; 531—Recommit; 532—H.R. 2300 passage, I was unavoidably detained. Had I been present, I would have voted 520—"yes"; 521—"no"; 522—"yes"; 523—"yes"; 524—"no"; 525—"yes"; 526—"yes"; 527—"no"; 528—"no"; 529—"no"; 530—"yes"; 531—"yes"; 532—"no".

LEGISLATIVE PROGRAM

(Mr. OBEY asked and was given permission to address the House for 1 minute.)

Mr. OBEY. Mr. Speaker, I asked for 1 minute to inquire about next week's schedule.

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the distinguished majority leader.

Mr. ARMEY. Mr. Speaker, I would like to announce that the previous vote on final passage of the Straight A's bill was our last vote for the week. We are continuing to meet on appropriations bills, but I do not expect that they will be ready for a vote by tomorrow. The House will, therefore, meet next Monday, October 25, at 12:30 p.m. for morning hour and 2 o'clock p.m. for legislative business. We will consider a number of bills under suspension of the rules, a list of which will be distributed to Members' offices tomorrow. On Monday we do not expect recorded votes until 6 o'clock p.m. On Tuesday, October 26, and the balance of the week the House will take up the following measures, all of which will be subject to rules:

H.R. 2260, the Pain Relief Promotion Act of 1999, H.R. 1987, the Fair Access to Indemnity and Reimbursement Act, and H.R. 3081, the Wage and Employment Growth Act.

Mr. Speaker, we have completed our work on 12 of the 13 appropriations bills. We expect to complete the Labor-HHS appropriations bill and consider the D.C. appropriations conference report sometime early next week.

Mr. Speaker, I wish all of my colleagues safe travel home tonight, and I thank the gentleman for yielding.

Mr. OBEY. Mr. Speaker, if I could ask the gentleman two additional questions. First of all, could the gentleman tell me whether or not he expects to take up the minimum wage bill next week.

Mr. ARMEY. I thank the gentleman for asking, Mr. Speaker.

Mr. Speaker, we do have that scheduled, but I must say it is tentatively scheduled. There have been a great many people working on that. We believe their work is coming together; and should it do so, we should expect to have it on the floor next week.

I would just say that my best predilection is that it will be there next week.

Mr. OBEY. Mr. Speaker, I thank the gentleman.

Could the gentleman also answer another question.

Which day does the gentleman expect the Labor Health conference report, which has never been voted on in the House, to be before the House for consideration?

Mr. ARMEY. I thank the gentleman for the inquiry, Mr. Speaker; and I do appreciate the gentleman's inquiry.

Mr. Speaker, of course, as we all know, we had a very good meeting at the White House the other night. We all agreed to try to complete this work as quickly as possible. The gentleman from Wisconsin (Mr. OBEY) certainly knows the Labor-HHS appropriations bill is one of the more difficult ones. They are continuing work on that; and as that progress continues, we will be able to give a more complete report.

I can only say that it is my expectation at this time on the basis of progress we see that it should be fairly early in the week next week.

Mr. OBEY. Mr. Speaker, if I could ask the gentleman further, and let me explain first why I ask the question.

We have been told for most of the evening that it was the expectation, and in fact I was told by the Chairman of the Committee on Rules earlier this evening that it was his expectation that the Committee on Rules would be filing tonight the District of Columbia new conference report to which they expected to see attached the Labor, Health, Education appropriation bill and that they expected to bring that up tonight. It is now not going to be up tonight.

The problem is that we are supposed to have negotiations tomorrow or at least preliminary discussions on a number of the outstanding bills that we still have to pass.

☐ 2300

It is very difficult to discuss a bill that we do not know the contents of, and without going on any further on that, I would simply ask the gentleman, can the gentleman give us some idea of how much time we will have to examine that bill after it is filed so that everyone on both sides of the aisle is familiar with what they are voting on, since the House has never seen this legislation.

Mr. ARMEY. Mr. Speaker, I again thank the gentleman for his inquiry, and I appreciate the gentleman's reminder. Mr. Speaker, if the gentleman will continue to yield.

Mr. OBEY. Surely.

Mr. ARMEY. Mr. Speaker, I think it is appropriate that we advise the Committee on Rules that they will not have that meeting that the gentleman referred to tonight. The work is still in progress. The gentleman's schedule, as the ranking Democrat on the Committee on Appropriations I am sure will be communicated to him by the Chairman as the committee continues its work, and I expect that there will be work that will proceed tomorrow. I just have to tell the gentleman, frankly, I just do not know the committee's schedule. I wish I could tell the gentleman more.

Mr. OBEY. Mr. Speaker, let me simply urge the gentleman, those of us on the Committee on Appropriations, such as the gentleman from Florida (Mr. YOUNG) and myself, we will probably have at least a few minutes to review the bill before it is before us. But for the average Member who is not on the committee, I do not want them on either side of the aisle to be in a position where they do not know what the contents of that bill are, since it is the most important domestic appropriation bill that we will handle this year. So I would urge that there be enough time for your folks and ours to be able to review the contents before it is put to a vote.

Mr. ARMEY. Again, Mr. Speaker, if the gentleman will yield, let me say that I do again appreciate the point the gentleman has made. The point is made well, and I think the point is an important point. We certainly want to do exactly what the gentleman does, and that is to give everybody as much opportunity as we can to review the legislation. I am confident in my mind that the gentleman from Wisconsin will attend to that, and I will do my best to attend to it, and I expect that if the gentleman from Wisconsin is not satisfied that we have done the very best possible, he will let me know about it.

Mr. OBEY. Mr. Speaker, reclaiming my time, that is probably true, I would say. I guess I have no further questions. I would simply observe that I am sorry, but I do not wish the Dallas Cowboys well this weekend.

Mr. ARMEY. Mr. Speaker, if the gentleman would yield for one last retort, we in Dallas, of course, have nothing but the highest regard for the Green Bay Packers, and we hope them the best of luck this weekend.

ADJOURNMENT TO MONDAY, OCTOBER 25, 1999

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the

House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Texas?

There was no objection.

DECLARING DALLAS COWBOYS AMERICA'S TEAM

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that this body declare the Dallas Cowboys America's team.

Mr. GOODLING. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

GENERAL LEAVE

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on and include extraneous material on H.R. 2300.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2300, ACADEMIC ACHIEVEMENT FOR ALL STUDENTS ACT

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 2300, the Clerk be authorized to make technical corrections and conforming changes to the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PERSONAL EXPLANATION

Mr. ISAKSON. Mr. Speaker, due to attendance at a funeral in Atlanta this morning I missed two rollcall votes, rollcall No. 520 and 522. Had I been in attendance I would have voted "yes" on rollcall 520 and "yes" on rollcall 521.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. TANCREDO). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

U.S.-ARMENIA ECONOMIC RELATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise this evening to discuss some of the recent developments in the relationship between the United States and the Republic of Armenia in the economic sphere.

Mr. Speaker, the people of Armenia and their elected leaders recognize the importance of making the transition from direct aid from the United States and other donor countries to greater self-sufficiency and economic integration with their neighbors. Of course, for the latter to occur, the neighboring countries, including Turkey and Azerbaijan, have to move away from their policy of hostility, nonrecognition and blockades of Armenia. Indeed, Mr. Speaker, U.S. policy should be geared towards encouraging Turkey and Azerbaijan to enter into regional cooperative agreements with Armenia. The U.S. can also help Armenia achieve greater economic success by promoting greater bilateral trade and investments between our two countries.

Mr. Speaker, I was recently joined by four of my colleagues with whom I took part in the congressional delegation to Armenia last August in seeking support for a Commerce Department trade mission to Armenia. We are currently circulating a letter amongst our colleagues in the House urging Commerce Secretary William Daley to undertake the trade mission. During our bipartisan congressional delegation to Armenia which also included stops in Nagorno Karabagh and Azerbaijan, we had the opportunity to meet with American investors who are seeking to expand U.S.-Armenia trade and investment ties. We also saw firsthand the efforts that Armenia is making to privatize its economy.

The effort to promote investment and privatization in Armenia received a major boost earlier this month when the Overseas Private Investment Corporation, OPIC, approved an $18 million investment projection in Yerevan, Armenia's capital. The OPIC loan was made to investors from Massachusetts, California and Florida, who won a competitive bid for privatization of the Armenia hotel complex in Yerevan. The twin goals are both to promote positive local development effects in Armenia and to create U.S. exports and jobs.

In announcing the agreement which coincided with Armenia's Prime Minister Vazgen Sargsian's successful visit to Washington, OPIC President and CEO George Munoz noted that Armenia has established a market-oriented economy with liberal trade legislation. Mr. Speaker, projects like this which benefit both the U.S. and the host country are what OPIC was designed for.

Mr. Speaker, I also want to emphasize my strong support for the extension of Normal Trade Relations, NTR, between the United States and Armenia. Since NTR was first extended to Armenia effective April 7, 1992, it has continued in effect under annual presidential waivers based on the determination that the country is in compliance with the Jackson-Vanik law. Jackson-Vanik was adopted in 1974 as a means of getting the Soviet Union to comply with freedom of immigration criteria. Although Armenia is obviously an independent State now because it was formally under Soviet domination, it came under Jackson-Vanik and Jackson-Vanik still applies.

In 1997, the President determined that Armenia was in full compliance with Jackson-Vanik, removing the need for future waivers, although the trade status remains subject to the terms of the Jackson-Vanik amendment which must be certified by the President. This extension of NTR can also be subject to congressional approval.

Mr. Speaker, the administration has advised the Committee on Ways and Means that Armenia is among those countries, along with Georgia and Moldova, that may accede to the World Trade Organization in the future. To enhance trade and investment between Armenia and the United States, the extension of unconditional Normal Trade Relations between the two countries may require legislation stating that Jackson-Vanik should no longer apply to these countries.

Mr. Speaker, American investors representing a wide range of industries and services have begun establishing a relationship with counterparts in Armenia. Armenia has adopted or is in the process of developing laws to facilitate international investment and foreign ownership, as well as the legal and financial institutions to foster these types of relationships. The Armenian government has unveiled plans to further promote investment via the creation of the Armenian development agency, ADA.

□ 2310

The main mission of the ADA is to provide one-stop shopping services for potential investors.

Mr. Speaker, Armenia has another unique advantage: A large Diaspora community in the United States, over one million strong, eager to participate in the national rebirth of Armenia, is seeking opportunities to promote Armenia's economic development.

As the U.S. seeks to establish partnerships with emerging nations in strategically located regions, nations that share our values of political and economic freedom, Armenia stands out as an important country with which to develop close ties in the political, diplomatic and cultural areas and, as I have said tonight, also in the economic sphere.

REVISIONS TO ALLOCATION FOR HOUSE COMMITTEE ON APPROPRIATIONS, PURSUANT TO HOUSE REPORT 106-373, TO REFLECT ADDITIONAL NEW BUDGET AUTHORITY AND ADDITIONAL OUTLAYS FOR EMERGENCIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. KASICH) is recognized for 5 minutes.

Mr. KASICH. Mr. Speaker, pursuant to Sec. 314 of the Congressional Budget Act, I hereby submit for printing in the CONGRESSIONAL RECORD revisions to the allocation for the House Committee on Appropriations pursuant to House Report 106–373 to reflect $158,000,00 in additional new budget authority and $39,000,000 in additional outlays for emergencies. This will increase the allocation to the House Committee on Appropriations to $564,472,000,000 in budget authority and $597,571,000,000 in outlays for fiscal year 2000. This will increase the aggregate total to $1,454,921,000,000 in budget authority and $1,434,708,000,000 in outlays for fiscal year 2000.

As reported to the House, H.R. 2466, the conference report accompanying the bill making appropriations for the Department of Interior and Related Agencies for fiscal year 2000, includes $158,000,000 in budget authority and $39,000,000 in outlays for emergencies.

These adjustments shall apply while the legislation is under consideration and shall take effect upon final enactment of the legislation. Questions may be directed to Art Sauer or Jim Bates at x6–7270.

THE NEWLY MINTED SACAJAWEA ONE-DOLLAR COIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. METCALF) is recognized for 5 minutes.

Mr. METCALF. Mr. Speaker, the other night I spoke about the success of the new 50 States Commemorative Quarter program the U.S. Mint has instituted from legislation by Congress. The quarter program, under the supervision of Director Phillip Deel at the Mint, has been nothing short of extremely successful. The program, over a period of 10 years, will dedicate 5 States per year to have a State symbol of their choice minted on the back of the quarter dollar coin.

Mr. Speaker, the taxpayers need to understand that coins actually are an incredible revenue money-maker for the Treasury. The reason is simple. All coins have a face value upon their creation, but the cost to the Mint to mint the coin is obviously far less than the face value of the coin.

For instance, the quarter costs the Mint about 5 cents to manufacture. Simple math says there is a 20 cent differential. This differential is called seigniorage, and at the end of every year the Treasury adds this differential to the budget. That is, it helps to pay for the spending that is necessary by the government.

Last year, the total made by all seigniorage made by the Treasury was a little over $1 billion; yes, $1 billion with a "B." Just think, last year the demand for quarters was a little over one billion quarters. This year it is estimated that the Mint will make over 5 billion quarters. From the quarter program alone, the Treasury stands to bring in an extra billion dollars per year, which will help lower the debt of our Nation.

Tonight I want to speak about another coin program. I met with representatives of the U.S. Mint today. The Mint will start production in March of 2000 on the new Sacajawea one-dollar coin. If we remember, the Susan B. Anthony dollar was not a huge success. The main criticism was that its appearance was too much like a quarter. The new coin will be gold in color, with a smooth edge, and on the face of the coin will be a picture of Sacajawea, the Native American woman who is remembered for many qualities, especially for her help to the Lewis and Clark expedition.

As I said earlier, the profit to the taxpayers on each quarter is around 20 cents but the profit on the new Sacajawea dollar coin will be almost 90 cents. Did the taxpayers hear that? Ninety cents seigniorage on every coin.

The Mint estimates about 700 million new dollar coins will be made in the year 2000. That means that in its first year, the new dollar coin will return to the Treasury about $600 million. This is one of the soundest reasons to maintain our coins and to understand the importance of increasing demand. Whether new designs or commemorative programs, the increase in demand means more revenue for the Treasury and less money taxpayers have to pay for government. It also will help battle our national debt, which still looms at over $5 trillion.

As I talk on coins, new kinds of money systems are looming on the horizon with the advent of new technology. Whether they come in the form of smart cards, cyber cash, debit cards or electronic money wallets, remember one thing, when another medium of exchange is accepted, someone else, besides the U.S. Treasury, is getting the profit, and the taxpayers are not reaping the profit.

So here is to the new dollar. I believe it will be accepted by the public as a convenience, especially as the dollar coin machines come more into use.

PUT YOUR MONEY WHERE YOUR MOUTH IS AND SAVE SOCIAL SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. BROWN) is recognized for 5 minutes.

Ms. BROWN of Florida. Mr. Speaker, before I begin I want it to be clear that I do not want to be associated with the remarks of the gentlemen on the other side of the aisle pertaining to education and I want to be clear I am talking about the Republicans. Let us not forget that in 1995 the Republicans repealed many of the educational programs that we were discussing here today. They voted to deny Pell grants to thousands of students. They voted to slash the safe and drug-free drug program. They voted to cut Head Start, deny thousands of children an early childhood education. They even voted to cut school lunch programs and they voted to cut food stamps for 14 million children.

My constituents do not understand how a program is saved by cutting it. They knew that when they sent me here that I would never understand that concept, either.

I come to the floor today to discuss another issue that is vital to the welfare of the citizens of the State of Florida. Currently, over 3 million Floridians are receiving Social Security benefits, including over 100,000 in my district. Ever since the Democrats, and let me repeat that, ever since the Democrats created Social Security in 1935, let me repeat that again, the Democrats created Social Security in 1935, not only has it been the centerpiece around which Americans planned their retirement but it has provided peace of mind and benefits to both the disabled workers and the children and sponsors of deceased beneficiaries.

This peace of mind is something few private insurance plans offer. Social Security is especially important to the millions of women who rely on Social Security to keep them out of poverty. Elderly women, including widows, get over 50 percent of their income from Social Security. Women tend to live longer and tend to have lower lifetime earnings than men. They spend an average of 11.5 years out of their careers to care for the family and are more likely to work part time than full-time, and when they do work full-time they earn an average of 70 cents of every dollar men earn. These women are either mothers, wives and daughters and we must save Social Security for them.

I am glad to see that after years of demonizing the Social Security program, Republicans are starting to realize how important this program is. Unfortunately for the American people, my Republican colleagues talk the talk but they do not walk the walk. While the President and the Democrats in

Congress want to use the budget surplus to secure the Social Security program, Republicans want to give special interests and the wealthy a huge tax cut, over $700 billion the last time I checked.

I recently had several young children visiting me here in Washington participating in the Voices Against Violence program. One of the first questions they asked me was whether or not Social Security would be there for them. I told them it would be there if we took this opportunity we now have to secure the program.

So I ask my colleagues to do the right thing for the kids and the thousands of children throughout the United States who are wondering the same thing. Put your money where your mouth is and save Social Security.

□ 2320

ILLEGAL NARCOTICS

The SPEAKER pro tempore (Mr. TANCREDO). Under the Speaker's announced policy of January 6, 1999, the gentleman from Florida (Mr. MICA) is recognized for half the time until midnight as the designee of the majority leader.

Mr. MICA. Mr. Speaker, I come to the floor late tonight to talk about a subject I often talk about, normally on Tuesday nights in a special order, but did not get that opportunity this week, so I am here tonight to talk about what I consider to be one of the most important social problems facing not only the Congress but the American people in almost every community and almost every family across our land, and that is the problem of illegal narcotics.

In the House of Representatives, I have the honor and privilege of chairing the Subcommittee on Criminal Justice, Drug Policy and Human Resources of the Committee on Government Reform. And in that subcommittee we have done our best to try to bring together every possible resource of the Congress and of the American government in an effort to combat illegal narcotics.

The ravages of illegal narcotics and its impact on our population I have spoken to many times on the floor of the House. I just mentioned last week that we now exceed 15,200 individuals who died last year, in 1998, from dug-induced deaths. This is up some nearly 8 percent over the previous year.

I have also talked on the floor of the House of Representatives and to my colleagues about some of the policies that were passed by the Clinton administration in 1993, when they controlled both the House of Representatives, the Senate, and the White House, all three bodies, and fairly large voting margins in the House of Representatives. So, basically, they could do whatever they wanted to do. Unfortunately, as is now history, they took a wrong turn in the effort to combat illegal narcotics.

They began by closing down the drug czar's office from some nearly 120 employees in that office to about two dozen employees in that office. They dismissed nearly all of the drug czar's staff. With the Republican Congress, and through the efforts of the former chairman of the oversight committee of drug policy, the gentleman from Illinois (Mr. HASTERT), who is now Speaker of the House of Representatives, we have restored those cuts. We have manpower now in that office of nearly 150 individuals under the supervision of our drug czar, General Barry McCaffrey.

Under the Clinton administration, the source country programs to stop illegal narcotics at their source were stopped in 1993. They were slashed some 50 percent plus. This took the military out of the interdiction effort, which closed down much of the interdiction effort and having the Coast Guard work to secure some of our borders and our maritime areas. Those efforts were dramatically slashed. And, additionally, other cuts were made.

Changes in policy were made that were quite dramatic. The surgeon general, chief health officer of the United States, appointed by the President, was then Joycelyn Elders, and that individual sent the wrong message: Just say maybe. So we had the highest leadership in the land and we had the highest health officer developing a different policy, a policy that really failed us.

I have some dramatic charts here tonight that show exactly what happened. I had our subcommittee staff put these together to show the long-term trend and lifetime prevalence of drug use. We can see during the Reagan and Bush administration that the long-term trend in lifetime drug use was on a decline. And I have talked about this and sort of illustrated it by hand, but we have graphically detailed this from 1980, when President Reagan took office, on down to where President Clinton took office. I do not think there is anything that I have shown on the floor that can more dramatically illustrate the direct effects of that change in policy. And that policy, as we can see, had illegal narcotics going up.

What is interesting is we see a slight change here, and that is after the Republicans took control of the House of Representatives and the United States Senate and started to put, as I say, Humpty Dumpty back together again. Because we basically had no drug war here. If we want to call it a drug war, we have actually almost doubled the amount of money for treatment.

Now, just putting money on treatment of those afflicted by illegal narcotics, not having the equipment, the resources, the interdiction, the source country programs, is like conducting a war and just treating the wounded. Someone told me it is sort of like having a MASH unit and not giving the soldiers any ammunition or the ability to fight or conduct the war. And this is so dramatically revealed in this chart.

What is interesting, if we look at some other charts of specific narcotics, we see sort of a steady up-and-down trend, and a good trend down during the Bush administration in the long-term, lifetime prevalence in the use of heroin. In the Clinton administration, it practically shoots off the chart. And again, when we restarted our war on drugs, through the leadership of the gentleman from Illinois (Mr. HASTERT), who chaired the subcommittee with this responsibility before me, and in this Republican-controlled Congress, there was a renewed emphasis, a change in policy, employing a multi-faceted approach which again began attacking drugs at their source, again employing interdiction, again trying to utilize every resource that we have in this effort. And it is a national responsibility to stop illegal narcotics at their source. And now here we see graphically displayed what has happened with heroin use.

What is absolutely startling is that some of this usage in this area, these dramatic increases, we had an 875 percent increase in teen use of heroin in that period of time that we see here with the Clinton administration. Eight hundred seventy-five percent. And we are experiencing dozens and dozens of deaths in my central Florida community from this heroin, because it is not the same heroin that was on the streets in the 1980s or the 1970s that had a purity of 6 and 7 percent. This is 80 and 90 percent pure. These young people take it and they die. And there are more and more of them using it.

But we have managed to begin to turn this around through the efforts, again, of a Republican-led Congress. And this shows, again, some dramatic change in usage. This is another absolutely startling chart that our staff has prepared. We traced the long-term trend in the prevalence of cocaine use. In the Reagan administration, we see here where we had a problem. And I remember as a staffer working with Senator Hawkins, who led some of the effort in the United States Senate back in the early 1980s, that they began the downturn. In the Bush administration, incredible progress was made. Back in the Clinton administration, we see again a rise of cocaine use and drug abuse. And this is basically where they closed down the war on drugs.

□ 2330

Now, what is very interesting is we are at a very important juncture here in the House of Representatives. We need 13 appropriations measures to fund the Government. And among the

13 appropriations measures, one of those is to fund and assist with the finance and operations of the District of Columbia.

Many people do not pay much attention to this. Some of the Members pay little attention to this. But I think that the situation with the District of Columbia is very important to talk about tonight as it relates to changes in drug policy.

We have to remember that one of the major issues of contention here between the Republican Congress and between the Democrat side of the aisle is a liberalization of drug policy. That manifests itself in two ways.

First, there is support on the other side of the aisle for a needle exchange program in the District. There is also an effort here to allow the medical use of marijuana and liberalization of some of the marijuana laws here, two policies with a liberal slant.

Now, let me say something about the liberal policies that have been tried. And I have used this chart before. Let me take this chart and put it up here. This is the policy of Baltimore which Baltimore adopted some 10 years ago. Baltimore has a needle exchange program. That needle exchange program has resulted in 1996 in 38,900, according to DEA at that time, drug addicts.

So they started a needle exchange program, they lost population, and they gained dramatic increase in drug addiction, particularly heroin addiction.

Now, this is the chart from 1996. I have a Time Magazine article from September 6, and it says, and this is not my quote, it is a quote from this article, it says one in every 10 citizens is a drug addict. And that is more to what the representative from Maryland in that particular area has told me.

However, listen to this: Government officials dispute the last claim. Here is a quote, and it is not my quote. "It is more like one in eight," says veteran City Councilwoman Rikki Spector, "and we have probably lost count."

So a liberal policy that this House of Representatives' Democrat representation wants for Washington, that this President wants for Washington has been tried in Baltimore. This is the result.

I also will illustrate what has taken place in New York City with the murder decline. In New York City, you have Mayor Rudy Giuliani who has adopted a zero tolerance, no-nonsense, get tough and the opposite of a liberal policy but a tough policy. From the 2000 mark, they are down to the 600 level. In other words, in Baltimore, Baltimore in 1997, and I checked the figures, had 312 murders. In 1998, they had 312 murders. No decline, static, and with a liberal policy.

Here is a tough policy, and we see a dramatic decrease. It is almost a 70-percent decrease in murders. I think if you look at these murders in both of these cities you will find that they are drug and illegal narcotics related.

So the question before the Congress and the question before us tonight is really do we adopt a liberal policy?

Now, we have been there, and we have done that. I came to this Congress in 1992 and watched how with the other side controlling the House, the Senate, and the White House what they did. They had 40 years of control of this body and over policy of the District of Columbia. We have had a little more than 4 years. This is what we inherited. We inherited almost three-quarters of a billion dollar deficit that they were running here.

Here are some of the statistics about what had happened in Washington, and I will read these from The Washington Post and some other articles. They are not my quotes or statements. But the facts are, although the District of Columbia was 19th in size among American cities, its full-time employee population then was 48,000. We have got it down to some 33,000 kicking and screaming. It was only exceeded by New York and Los Angeles when we inherited that responsibility.

So we had a liberal policy which gave us one of the highest debts of any local government in the Nation, one of the highest number of employees. And the question was, was enough revenue coming in.

D.C. also had revenues per capita of $7,289, which at that time was the highest in the Nation. We have managed in a little over 4 years to balance the budget in this budget that is being presented, that is being vetoed and the D.C. appropriations measure, that is being vetoed has been vetoed by the President.

The debt that the average citizen had was one of the highest figures in the United States at $6,354. And that is what we inherited here. The other side is always concerned about how policies affect people. The Republicans inherited the District of Columbia. This is an article from 1995 when we inherited it of the impending cutbacks at D.C. General, this is the hospital, make it apparently inevitable that Washington's own public hospital will close its trauma center. And who would be hurt the hardest? This article says that thousands of poor and expensive-to-treat patients would be those who were hurt. This is what we inherited.

Now we have gotten this in order, and the question is do we want to go back to those liberal policies and high-spending, high-taxing policies?

Here is a great story. Talk about helping children. After 6 months in the District bureaucratic trenches, this is a woman who came from Guam and was a welfare specialist and this is quoted from 1995 in The Washington Post. This lady quit. Saddened and shocked, she said, by a foster care system so bad that it actually compounds the problems of neglected children and their families.

She said she came here from Guam, she worked in Guam, and she said then to come here and see one of the worst situations, it is depressing. This is what the Republican majority inherited, and this is what the other side would like to go back to with again their liberal policies, their tax policies.

Here is an article that I saved from 1996. "Ghost payrolls ought to determine dead retirees in District getting pensions." Again, a system out of control. Again, the question of responsibility and education. This is what we inherited in 1995. Currently, we have 20 condemned boilers in the schools, 103 of 230 buses are non-operational because of the budget crisis. And at that time again they were spending three-quarters of a billion over their budget.

And very sadly, I recall and I saved this article. It says, "With past due, St. Elizabeth skimps on children's meals."

They want to go back to those wonderful days of yesteryear when they controlled the District of Columbia for some 40 years. This is what they did for those people that they supposedly care about after taxing them nearly to death, running business, running population out.

□ 2340

This is a quote:

"Some mentally ill children at the District's St. Elizabeths Hospital have been fed little more than rice, jello and chicken for the last month after some suppliers refused to make deliveries because they haven't been paid." And they had not been paid even with running a supplement from the taxpayers across the United States of three-quarters of a billion dollars running in debt.

The housing program in the District of Columbia, again to return to those wonderful days of yesteryear when they controlled the House of Representatives, the Senate and the White House, this is 1995. According to a U.S. Department of Housing and Urban Development rating system, the District subsidized housing program achieved the lowest ranking of any urban public housing agency in the Nation. On a scale where a score below 60 places an agency in the troubled category, the District's rating plunged from 37 in 1991 to 19 in 1993. They ran it into the ground and now they want to do it again.

What is interesting is, I had another chart here that I wanted to show, but I will not have time tonight. I will try to get back to it next Tuesday when we continue our effort to show why we should not go to a liberal policy on narcotics, on spending, on taxation that is being proposed by the other side of the aisle.

Mr. Speaker, do I have any time remaining?

The SPEAKER pro tempore (Mr. TANCREDO). There being no designee of the minority leader, the gentleman may proceed until midnight.

Mr. MICA. In that case, Mr. Speaker, I would like to continue tonight rather than wait until next Tuesday night, again with some information that I think is very important.

I talked about the situation with Baltimore and with Washington and the inclination of the other side of the aisle to go now to a liberal drug policy with needle exchange. Many people say, well, if you adopt a needle exchange, it will help cut down on HIV infections, it will help drug users. Let me just quote a program that was tried, a needle exchange program report that was given to our subcommittee, and tell a little bit about what took place with that particular needle exchange program which now I believe the President and the other side of the aisle would like to protect with the President's veto of the D.C. appropriations measure.

A 1997, Vancouver study reported that when their needle exchange program started in 1988, HIV prevalence in IV drug addicts was only 1 to 2 percent. It is now 23 percent.

We see that when they started out with a needle exchange program, at the very beginning they only had 1 to 2 percent infection rate. Now it jumped to 23 percent. The study found that 40 percent of HIV-positive addicts had lent their used syringe in the previous 6 months. So the very intent of not having needles being exchanged and spreading HIV was actually increased by giving out these free needles. Again, this is the results of a needle exchange program study in Vancouver in 1998.

Additionally, the study found that 39 percent of the HIV negative addicts had borrowed a used syringe in the previous 6 months.

A Montreal study showed that HIV addicts who used needle exchange programs were more than twice likely to become infected with HIV as HIV addicts who did not use the needle exchange program. That is another study in Montreal.

The American Journal of Epidemiology in 1990 reported on a study that was entitled "Syringe Exchange and Risk of Infection With Hepatitis B and C Viruses." In this study there was no indication of a protective effect of syringe exchange against HBV or HCV infection. Indeed, the highest incidence of infection occurred among current users in the needle exchange program.

If it was not more conflicting than anything to have the administration, the President, veto the D.C. measure and also again the liberal side of the aisle here encourage and fight over adoption of a more liberal drug policy and a needle exchange policy, even the administration's own head of the Office of Drug Policy, General Barry McCaffrey, who is respected on both sides of the aisle has said, and let me quote from him, "By handing out needles, we encourage drug use. Such a message would be inconsistent with the tenor of our national youth-oriented antidrug campaign." That is again a quote by General McCaffrey.

So we have a choice of really going back to, as I said, the days of yesteryear when we had the housing programs in the District of Columbia in default, we had the emergency medical services and the hospitals closing down or not able to operate. I have cited before on the House floor a story that I read in the Washington Post back again with the other side controlling the District budget, with the other side letting the funding of the District budget run amuck, with the other side letting a liberal policy of spending and taxation prevail in the District, I cited this report in the Washington Post where in fact it was said by a reporter that at that time you could dial 911 for emergency services or you could dial for a pizza to be delivered and you would get the pizza sometimes quicker than you could get the emergency medical services.

Again, the other side had 40 years to run this body and also to oversee the operations under the Constitution, and it is a specific constitutional mandate that the Congress do conduct oversight and is responsible for the District of Columbia. The question again before us is whether we want to return to the liberal policies and the failed policies of the past.

In addition to some of the areas that I cited that we inherited in the District for responsibility were also the prisons. The other side spent a fortune on the prisons. We ended up with inheriting a prison system that was basically out of control. In fact, it was so bad we basically had to close down the Lorton prison. The prisoners had taken over the prison.

Another story that was reported here in the Washington Post was the water system. Sometimes you could not drink the water in the District and basically the system was broken down and had to be renovated. The District office building, which was the seat of government, basically looked like a third world country capital headquarters. Air conditioners were falling out of the windows. I ask anyone to drive by the District office building now and see the refurbishing that is going on. It would make you very proud of the District of Columbia. That again is something we have been able to do in a little over 4 years, and they let go into default in some 40 years of their stewardship.

So do we want to return to that time of high spending, high taxes, of liberal policies? When I came to the District of Columbia some 7 years ago, the murder rate and most of the murders here are black-on-black murders and young males between the ages of 14 and 40, and we still have horrendous deaths here, but even in the District of Columbia through oversight of this new Republican majority, I think we have been able to bring down some of those deaths, to straighten out the law enforcement activities in the District which also were hurt tremendously by the liberal policies of spending and taxation that almost ruined our Nation's capital.

So we had a capital that was hemorrhaging, a capital that indeed had so many problems, I could probably spend the rest of the night citing article after article about the waste and abuse that we inherited here.

□ 2350

Again we are at a critical juncture in this appropriations process. The question is: Do we return again to those spending tendencies, and just because they spent more did not mean people got less. You heard what happened to the critically ill, you heard what happened to those children who were cares and wards of the city and the District of Columbia, you heard those who relied on public housing had a defunct public housing, the water system, the prison system.

So this is a real challenge, and it really magnifies what is going on with the rest of these appropriations bills, whether it is education that we discussed here today. Education system, and again in Washington they were spending more per capita and their students were performing at lower levels. Spend more; get a lower result, and regulate and administer in a very expensive fashion.

That is similar to some of the conflict that we face in these spending and appropriation bills. I call it the RAD approach, Regulate, Administer and Dictate, and that is what has happened in Washington, and that is what we are trying to fight as we try to pass 13 appropriations measures.

The real easy thing for the new majority, although we took a tremendous amount of guff for it, and people called us names and said that the sliced bread, as we know it, would no longer exist, and accused of all kind of things. We did bring our Nation's finances into order just as we brought the District of Columbia's finances into order, and it was a fairly simple thing. What you do is limit your expenditures. We did not have huge increases in these programs. Just like I cited the District of Columbia, we did not have huge increases. We moderated the increases. We were able to balance the budget.

Sometimes I think that was the easy part, even though we got a lot of grief for it.

The tough part is now in trying to take these programs like education that we have brought power and authority and programs to Washington so that a teacher cannot teach, so that there is not authority at the local level, so that there is not discipline in the classroom, so that the emphasis, again, is on creating regulations from Washington, administering from Washington and keeping the power in Washington as opposed to out there.

So now we are engaged, and even today we have been spending incredible amounts of money for young people and their education, and yet they have not performed well, and particularly those young people who are the most disadvantaged in our society and our schools and communities. So, programs like title I that are so important, we need to revisit; Head Start programs, we need to revisit; not eliminate, not destroy, not cut out, but make them work so that every dollar is effectively applied and that those young people have the best opportunity ever.

So this is what the debate is about, 13 appropriations measures. The President has vetoed the District bill and several other bills. He is holding several bills hostage. We have passed several this afternoon. We passed an Interior appropriations measure, and we must fund the government.

The hard work, as I said, is taking each of these programs together, whether it is Department of Interior, Education, Commerce, defense bills and making them work. My responsibility is a small responsibility, and that is trying to take the drug war that was closed down in 1993 by the Clinton administration, the drug policy which destroyed our ability to stop drugs cost effectively at their source or interdict them before they got to their borders. Once they get past our borders, it becomes almost an impossible task for our law enforcement, local communities and families to deal with that.

So we have seen an incredible increase in the supply of hard narcotics coming in with our guard let down with a doubling, in fact, of the money on treatment, and I have no problem with spending two or three times what we are spending on treatment as long as it is effective. But it must also be part of a multi-faceted program, a program of interdiction, eradication at source countries, a strong program of enforcement.

As I cited, the New York experience, zero tolerance does work. The liberal policy they tried in Baltimore and some other communities does not work. We could take Los Angeles and other communities that have had tough crack-down policies, and these figures and statistics from zero tolerance and tough enforcement are so dramatic they have affected our national crime rate.

And then of course education, and under the leadership of the gentleman from Illinois (Mr. HASTERT) who chaired this responsibility before me we initiated and launched the largest effort, a media campaign effort, ever by, I think, any government in probably the history of America or any government in getting an anti-narcotics message, a billion-dollars campaign over 5 years. We are now a little over a year into it. Last week our subcommittee held a hearing on where we are, how that money has been spent, is it being spent effectively.

So that is another part of this puzzle that we need to put back together, a part that really was not even there even in the Bush and Reagan administration and even through the Clinton administration. That money, that billion dollars we put up in taxpayer money, is matched by an equal or an amount in excess of that Federal contribution by a donation, so we think we are seeing again, and I will be glad to put the charts up again, see the beginning of a downturn. But it takes all of those efforts, not closing down the War on Drugs, and there was not a War on Drugs after 1993 to 1995, and it has taken us several years to get that back on track, to put, as I say Humpty Dumpty back together again.

So we have learned some lessons. Liberal policies, they just do not work.

The District is a very, a very, very exact case, and we can cite it agency after agency. We look at our federal bureaucracy, and we have the same thing, big spending, spend more get less. That is not the answer. But we need to make these programs less. If we need to spend more, I do not think there are folks here on our side of the aisle that would not adequately fund programs, but we want to see results. We do not want to return to a destroyed District of Columbia with the high spending, with the high taxes, with the agency after agency defunct with people who need help and people who need government to work, have it actually work against them, as it did here in the District of Columbia and now does in some programs which we have not been able to change because of opposition, because of name calling and trying to hold on to the vestiges of the liberal past policies that do not work.

So tonight is not a full hour, and we will return next week with more information about our efforts to get our drug policy back on track and to make some of these programs work, but we certainly will stay here, will endure vetoes by the President and slings and arrows from the other side, but we are going to make these things work, and we are going to make them work effectively and stay on track even though it is a difficult path.

So, with those comments, Mr. Speaker, and almost at the appointed hour of recess I am pleased to yield back.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MASCARA (at the request of Mr. GEPHARDT) for today after 8:00 p.m. on account of medical reasons.

Ms. MCCARTHY of Missouri (at the request of Mr. GEPHARDT) for today on account of attending a funeral.

Ms. JACKSON-LEE of Texas (at the request of Mr. GEPHARDT) for today after 2:00 p.m. on account of family matters.

Mr. CAMP (at the request of Mr. ARMEY) for today on account of the birth of his daughter.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mr. TOWNS, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mrs. CHRISTENSEN, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Ms. BROWN of Florida, for 5 minutes, today.

(The following Members (at the request of Mr. HILLEARY) to revise and extend their remarks and include extraneous material:)

Mr. KASICH, for 5 minutes, today.

Mr. NETHERCUTT, for 5 minutes, today.

Mr. METCALF, for 5 minutes, today.

Mr. DIAZ-BALART, for 5 minutes, today.

Mr. RAMSTAD, for 5 minutes, today and October 22.

Mr. PAUL, for 5 minutes, today.

Mr. TANCREDO, for 5 minutes, today.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1663. An act to recognize National Medal of Honor sites in California, Indiana, and South Carolina.

H.R. 2670. An act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 1663. To recognize National Medal of Honor sites in California, Indiana, and South Carolina.

H.R. 2841. To amend the Revised Organic Act of the Virgin Islands to provide for greater fiscal autonomy consistent with other United States jurisdictions, and for other purposes.

ADJOURNMENT

Mr. MICA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 59 minutes p.m.), under its previous order, the House adjourned until Monday, October 25, 1999, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4863. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Asian Longhorned Beetle; Addition to Quarantined Areas [Docket No. 99-033-2] received October 19, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4864. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Overseas Use of the Purchase Card [DFARS Case 99-D002] received October 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4865. A letter from the Secretary of Defense, transmitting the retirement and advancement to the grade of lieutenant general of Lieutenant General William J. Bolt; to the Committee on Armed Services.

4866. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Introduction to FHA Programs—received October 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4867. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Section 8 Moderate Rehabilitation Program; Executing or Terminating Leases on Moderate Rehabilitation Units When the Remaining Term of the Housing Assistance Payments (HAP) Contract is for Less Than One Year [Docket No. FR-4472-I-01] (RIN: 2577-AB98) received October 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4868. A letter from the Assistant General Counsel for Regulations, Office of the Assistant Secretary for Housing, Department of Housing and Urban Development, transmitting the Department's final rule—Single Family Mortgage Insurance; Clarification of Floodplain Requirements Applicable to New Construction [Docket No. FR-4323-F-02] (RIN: 2502-AH16) received October 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4869. A letter from the Assistant General Counsel for Regulation, Office of the Secretary, Department of Housing and Urban Development, transmitting the Department's final rule—Section 8 Housing Assistance Payments Program—Contract Rent Annual Adjustment Factors, Fiscal Year 2000 [Docket No. FR-4528-N-01] received October 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4870. A letter from the Assistant General Counsel for Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting the Department's final rule—Fair Market Rents for the Section 8 Housing Assistance Payments Program—Fiscal Year 2000 [Docket No. FR-4496-N-02] received October 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4871. A letter from the Assistant General Counsel for Regulations, Office of the Assistant Secretary for Housing, Department of Housing and Urban Development, transmitting the Department's final rule—Introduction to FHA Programs—received October 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4872. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—General and Plastic Surgery Devices; Classification of the Nonresorbable Gauze/Sponge for External Use, the Hydrophilic Wound Dressing, the Occlusive Wound Dressing, and the Hydrogel Wound Dressing [Docket No. 78N-2646] received October 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4873. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Medical Devices; Gastroenterology and Urology Devices; Classification of the Electrogastrography System [Docket No. 99N-4027] received October 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4874. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Washington: Final Authorization of State Hazardous Waste Management Program Revision [FRL-6449-8] received September 28, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4875. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standard for Hazardous Air Pollutants; National Emission Standards for Radon Emissions From Phosphogypsum Stacks [FRL-6443-7] (RIN: 2060-AF04) received September 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4876. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans: Approval of Revisions to the North Carolina State Implementation Plan [NC-087-1-9939a; FRL-6463-6] received October 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4877. A letter from the Attorney, Office of the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule—Collaborative Procedures for Energy Facility Applications [Docket No. RM98-16-000; Order No. 608] received October 12, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4878. A letter from the Secretary of Health and Human Services, transmitting the Biennial Report of the Director, National Institutes of Health, 1997-1998; to the Committee on Commerce.

4879. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

4880. A letter from the Deputy Associate Administrator, Office of Acquisition Policy Office of Governmentwide Policy, Department of Defense, General Services transmitting the Department's final rule—Federal Acquisition Regulation; Small Entity Compliance Guide [FAC 97-14] received September 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4881. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, Office of Governmentwide Policy, Department of Defense, General Services transmitting the Department's final rule—Federal Acquisition Regulation; Technical Amendments [FAC 97-14; Item XVI] received September 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4882. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, Office of Governmentwide Policy, Department of Defense, General Services transmitting the Department's final rule—Federal Acquisition Regulation; Cost Accounting Standards Post-Award Notification [FAC 97-14; FAR Case 98-003; Item XV] (RIN: 9000-AI23) received September 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4883. A letter from the Deputy Associate Administrator, Office of Acquisition Policy Office of Governmentwide Policy, Department of Defense, General Services transmitting the Department's final rule—Federal Acquisition Regulation; Cost Accounting Standards Post-Award Notification [FAC 97-14; FAR Case 98-003; Item XV] (RIN: 9000-AI23) received September 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4884. A letter from the Director, Executive Office of the President, Office of Management and Budget, transmitting the annual inventory of commercial activities performed by Federal Government employees; to the Committee on Government Reform.

4885. A letter from the Director, Office of Management and Budget, transmitting a copy of the report, "Agency Compliance with Title II of the Unfunded Mandates Reform Act of 1995," pursuant to 2 U.S.C. 1538; to the Committee on Government Reform.

4886. A letter from the Director, Indian Health Service, transmitting Study and inventory of open dumps on Indian lands, pursuant to 25 U.S.C. 3903; to the Committee on Resources.

4887. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna [I.D. 091599A] received October 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4888. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Fire Protection Measures for Towing Vessels [USCG–1998–4445] (RIN: 2115–AF66) received October 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4889. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Thames River, CT [CGD01–99–178] (RIN: 2115–AE47) received October 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4890. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Water Quality Standards; Establishment of Numeric Criteria for Priority Toxic Pollutants; States' Compliance-Revision of Polychlorinated Biphenyls (PCBs) Criteria [FRL–6450–5] (RIN: 2040–AD27) received September 28, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4891. A letter from the Writer-Editor, Bureau of Alcohol, Tobacco and Firearms, transmitting the Bureau's final rule—Rules of Practice in Permit Proceedings; Technical Amendments [T.D. ATF–414] (RIN: 1512–AB91) received October 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4892. A letter from the Writer-Editor, Bureau of Alcohol, Tobacco and Firearms, transmitting the Bureau's final rule—Delegation of Authority (99R–159P) [T.D. ATF–416] (RIN: 1512–AB94) received October 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4893. A letter from the Writer-Editor, Bureau of Alcohol, Tobacco, and Firearms, transmitting the Bureau's final rule—Technical Amendments [T.D. ATF–413] (RIN: 1512–AC00) received October 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEE ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and references to the proper calendar, as follows:

Mr. LINDER: Committee on Rules. House Resolution 339. Resolution providing for consideration of the bill (H.R. 2260) to amend the Controlled Substances Act to promote pain management and palliative care without permitting assisted suicide and euthanasia, and for other purposes (Rept. 106–409). Referred to the House Calendar.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. HYDE: Committee on the Judiciary. H.R. 2005. A bill to establish a statute of repose for durable goods used in a trade or business, with an amendment; referred to the Committee on Commerce for a period ending not later than October 22, 1999, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(f), rule X. (Rept. 106–410, Pt. 1).

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BACHUS:

H.R. 3120. A bill to amend the Internal Revenue Code of 1986 to provide additional tax incentives for education; to the Committee on Ways and Means.

By Mr. RADANOVICH:

H.R. 3121. A bill to amend the Migrant and Seasonal Agricultural Worker Protection Act; to the Committee on Education and the Workforce.

By Mr. THOMAS (for himself, Mr. NEY, Mr. HOYER, Mr. EHLERS, Mr. EWING, and Mr. FATTAH):

H.R. 3122. A bill to permit the enrollment in the House of Representatives Child Care Center of children of Federal employees who are not employees of the legislative branch; to the Committee on House Administration.

By Mr. WICKER:

H.R. 3123. A bill to ensure that members of the Armed Forces who are married and have minor dependents are eligible for military family housing containing more than two bedrooms; to the Committee on Armed Services.

By Mr. PAUL:

H.R. 3124. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for police officers and professional firefighters, and to exclude from income certain benefits received by public safety volunteers; to the Committee on Ways and Means.

By Mr. GOODLATTE (for himself, Mr. LOBIONDO, Mr. WOLF, Mr. BOUCHER, Mr. GIBBONS, and Mr. GOODE):

H.R. 3125. A bill to prohibit Internet gambling, and for other purposes; to the Committee on the Judiciary.

By Mr. FRANK of Massachusetts:

H.R. 3126. A bill to amend title 10, United States Code, to provide that consensual sexual activity between adults shall not be a violation of the Uniform Code of Military Justice; to the Committee on Armed Services.

By Mr. MOORE:

H.R. 3127. A bill to amend the Internal Revenue Code of 1986 to eliminate the complexities of the estate tax deduction for family-owned business and farm interests by increasing the unified estate and gift tax credit to $3,000,000 for all taxpayers; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 3128. A bill to amend the Internal Revenue Code of 1986 to provide for a nonrefundable tax credit for law enforcement officers who purchase armor vests, and for other purposes; to the Committee on Ways and Means.

By Ms. PRYCE of Ohio:

H.R. 3129. A bill to amend title 18, United States Code, to prohibit strength increasing equipment in Federal prisons and to prevent Federal prisoners from engaging in activities designed to increase fighting ability while in prison; to the Committee on the Judiciary.

By Mr. BAKER:

H.R. 3130. A bill to amend the Tennessee Valley Authority Act of 1933, to ensure that the Tennessee Valley Authority does not place the United States Treasury at risk for its financial instability, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARR of Georgia:

H.R. 3131. A bill to permit congressional review of certain Presidential orders; to the Committee on the Judiciary.

By Mr. CAPUANO (for himself, Mr. SHAYS, Mr. CONYERS, Mr. HASTINGS of Florida, Mr. LATOURETTE, Mr. FRANK of Massachusetts, Mrs. MCCARTHY of New York, Mr. MCGOVERN, Ms. MILLENDER-MCDONALD, Mr. LEWIS of Georgia, Mr. BALDACCI, Mr. OLVER, Mr. HOLT, Mr. EVANS, Mr. MASCARA, Mr. MARKEY, Ms. DELAURO, Mrs. MEEK of Florida, Mr. LARSON, Mr. OWENS, Mrs. MINK of Hawaii, Mr. REYES, Mr. CROWLEY, Mr. BONIOR, Mr. ROTHMAN, Mr. BROWN of Ohio, Mr. GONZALEZ, Ms. HOOLEY of Oregon, Mr. JACKSON of Illinois, Mr. MEEHAN, Mr. WEINER, Mrs. LOWEY, Ms. KILPATRICK, Ms. JACKSON-LEE of Texas, Ms. WATERS, Mr. MENENDEZ, Ms. WOOLSEY, Mr. SHOWS, Mr. DEFAZIO, Mr. NEAL of Massachusetts, Ms. BALDWIN, Mr. BRADY of Pennsylvania, Mr. DELAHUNT, Mr. PASCRELL, Mr. HOEFFEL, Ms. LEE, Mr. TIERNEY, and Mr. MALONEY of Connecticut):

H.R. 3132. A bill to provide grants to assist State and local prosecutors and law enforcement agencies with implementing juvenile and young adults witness assistance programs that minimize additional trauma to the witness and improve the chances of successful criminal prosecution or legal action; to the Committee on the Judiciary.

By Mr. FALEOMAVAEGA (for himself, Mr. ABERCROMBIE, Mrs. CHRISTENSEN, Mr. DEUTSCH, Mr. ROMERO-BARCELÓ, and Mr. UNDERWOOD):

H.R. 3133. A bill to authorize the Secretary of Commerce, through the National Oceanic and Atmospheric Administration, to provide financial assistance for coral reef conservation projects, and for other purposes; to the Committee on Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SAXTON:

H.R. 3134. A bill to ban the provision of Federal funds to the International Monetary Fund unless it pays remuneration to the United States on 100 percent of the reserve position of the United States in the International Monetary Fund; to the Committee on Banking and Financial Services.

By Mr. SABO:

H. Con. Res. 203. Concurrent resolution recognizing the late Bernt Balchen for his many contributions to the United States and a lifetime of remarkable achievements on the centenary of his birth, October 23, 1999; to the Committee on Government Reform.

By Mr. SMITH of New Jersey (for himself, Mr. HOYER, and Mr. FORBES):

H. Con. Res. 204. Concurrent resolution voicing concern about serious violations of human rights and fundamental freedoms in most states of Central Asia, including substantial noncompliance with their Organization for Security and Cooperation in Europe (OSCE) commitments on democratization and the holding of free and fair elections; to the Committee on International Relations.

By Mr. HASTINGS of Florida:

H. Res. 340. A resolution expressing the appreciation of the House of Representatives to the King of Jordan for his efforts to support the Middle East peace process and to condemn efforts within Jordan to further hostility between Jordanians and Israelis by ostracizing and boycotting those individuals who have had any contact with Israel or Israeli citizens; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. PETRI introduced a bill (H.R. 3135) for the relief of Thomas McDermott, Sr.; which was referred to the Committee on Resources.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolution as follows:

H.R. 50: Mr. GOODE.

H.R. 72: Ms. VELZQUEZ and Ms. SÁNCHEZ.

H.R. 136: Ms. PRYCE of Ohio.

H.R. 170: Mr. HALL of Ohio.

H.R. 274: Mr. COOKSEY, Mr. CLYBURN, Mr. FOSSELLA, Ms. MCKINNEY, and Mr. BATEMAN.

H.R. 371: Mr. PETERSON of Minnesota.

H.R. 403: Mr. WAXMAN and Mr. MARTINEZ.

H.R. 405: Mr. KANJORSKI and Mr. WELDON of Florida.

H.R. 406: Mr. KANJORSKI.

H.R. 566: Ms. NORTON.

H.R. 600: Mr. ISAKSON.

H.R. 623: Mr. EWING.

H.R. 714: Mr. PASTOR and Mr. ABERCROMBIE.

H.R. 721: Mr. COMBEST.

H.R. 728: Mr. EVANS.

H.R. 731: Mr. SISISKY and Ms. LEE.

H.R. 804: Mrs. LOWEY.

H.R. 960: Mr. TOWNS and Ms. BERKLEY.

H.R. 1071: Mr. BONIOR, Ms. NORTON and Mr. SAWYER.

H.R. 1080: Mr. BAIRD.

H.R. 1102: Mr. SCHAFFER, Mrs. CAPPS, and Mr. LAMPSON.

H.R. 1193: Mr. SMITH of Texas.

H.R. 1196: Mr. VENTO.

H.R. 1221: Ms. DELAURO.

H.R. 1228: Mr. NEAL of Masssachusetts, Mr. WEXLER, Mr. OLVER, Mr. RODRIGUEZ, and Mr. ROTHMAN.

H.R. 1260: Mr. VISCLOSKY.

H.R. 1304: Mr. KUYKENDALL and Mr. DIXON.

H.R. 1325: Mr. STRICKLAND.

H.R. 1344: Mr. PASTOR.

H.R. 1356: Mr. SCHAFFER.

H.R. 1518: Mr. CUMMINGS.

H.R. 1591: Mr. CUMMINGS.

H.R. 1592: Mr. SHIMKUS.

H.R. 1644: Ms. DEGETTE.

H.R. 1657: Mr. LIPINSKI.

H.R. 1686: Mr. WELDON of Pennsylvania.

H.R. 1775: Mr. KUYKENDALL, Mr. WOLF, Mr. COOKSEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WAXMAN, Mr. CUNNINGHAM, Mr. LEWIS of California, Mr. HOEFFEL, Mr. HUNTER, and Mr. TANCREDO.

H.R. 1837: Mr. HOYER, Mr. SANDERS, Ms. LEE, and Mr. TURNER.

H.R. 1838: Mr. VENTO.

H.R. 1926: Mr. BARRETT of Wisconsin.

H.R. 1977: Mr. SHERMAN.

H.R. 2059: Mr. GILMAN and Mr. THOMPSON of Mississippi.

H.R. 2100: Mr. LATHAM, Mr. ROTHMAN, and Mr. GIBBONS.

H.R. 2162: Mr. BILBRAY.

H.R. 2171: Mr. MOORE.

H.R. 2341: Mrs. WILSON, Ms. ESHOO, Ms. BERKLEY, Ms. PELOSI, Mr. KLINK, Mrs. CAPPS, Mr. UPTON, Mr. WATT of North Carolina, Mr. NADLER, Mr. KUYKENDALL, Mr. FILNER, Mr. LARSON and Ms. DEGETTE.

H.R. 2369: Mr. DEFAZIO.

H.R. 2376: Mr. RILEY and Mr. HASTINGS of Washington.

H.R. 2382: Mr. WELDON of Pennsylvania and Mr. BARR of Georgia.

H.R. 2405: Mr. CUMMINGS and Mr. HINOJOSA.

H.R. 2420: Ms. CARSON, Mr. WELDON of Pennsylvania, Mr. MURTHA, and Mr. OWENS.

H.R. 2544: Mr. NETHERCUTT.

H.R. 2554: Ms. PRYCE of Ohio.

H.R. 2558: Mrs. BONO.

H.R. 2569: Mr. CAMPBELL and Mr. WAXMAN.

H.R. 2628: Mr. HUTCHINSON, Mr. GREEN of Wisconsin, and Mr. HALL of Texas.

H.R. 2727: Mr. BISHOP, Mr. GREENWOOD, Mr. SAXTON, Mr. COOKSEY, and Mr. LIPINSKI.

H.R. 2749: Mr. MCINNIS, Mr. PICKETT, and Mr. SESSIONS.

H.R. 2776: Mr. GILMAN.

H.R. 2785: Mr. ROGAN, Mr. ENGEL, and Mr. FORD.

H.R. 2882: Mr. KUCINICH and Mr. THOMPSON of Mississippi.

H.R. 2888: Mr. DAVIS of Illinois.

H.R. 2902: Ms. KAPTUR, Mr. PASTOR, Mr. NADLER, Mr. GUTIERREZ, Mr. TIERNEY, and Mr. ABERCROMBIE.

H.R. 2906: Mr. TIERNEY.

H.R. 2925: Mr. SKEEN, Mr. SMITH of Texas, Mr. UPTON, and Mr. MCHUGH.

H.R. 2969: Mr. SMITH of New Jersey.

H.R. 2985: Mr. GOODE.

H.R. 2987: Mr. MORAN of Kansas and Mr. FORBES.

H.R. 2991: Mr. HALL of Texas, Mr. BENTSEN, Mr. ETHERIDGE, Mr. FLETCHER, Mr. ABERCROMBIE, Mr. THUNE, Mr. SKEEN, Mr. BARRETT of Nebraska, Mr. RILEY, and Mr. PHELPS.

H.R. 3012: Mr. GARY MILLER of California.

H.R. 3039: Mr. GILCREST, Mr. BARTLETT of Maryland, Mr. PICKETT, Mr. BORSKI, Mr. SISISKY, Mr. EHRLICH, Mr. BLILEY, Mr. WELDON of Pennsylvania, Mr. HOYER, Mr. CARDIN, Mr. HOLDEN, and Mr. MORAN of Virginia.

H.R. 3075: Mr. ADERHOLT and Mr. RADANOVICH.

H.R. 3087: Mrs. MINK of Hawaii.

H.R. 3110: Ms. PRYCE of Ohio and Mr. BILBRAY.

H.R. 3113: Mr. UDALL of New Mexico and Mr. WYNN.

H.J. Res. 39: Mr. LEWIS of Georgia, and Mr. THOMPSON of Mississippi.

H.J. Res. 70: Mr. BLILEY.

H.J. Res. 72: Mr. WATKINS, Mr. HALL of Texas, and Mr. LUCAS of Oklahoma.

H. Con. Res. 190: Mr. METCALF and Ms. LOFGREN.

H. Con. Res. 199: Mr. TURNER.

H. Res. 169: Mr. DEUTSCH, Mr. GREEN of Wisconsin, Mr. BORSKI, Mr. WAXMAN, and Mr. UNDERWOOD.

H. Res. 325: Mr. UPTON, Mr. MURTHA, Mr. ROMERO-BARCELÓ, Mr. SANDERS, Mr. SANDLIN, and Mr. WATT of North Carolina.

H. Res. 332: Mr. ROGAN.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1598: Mr. THOMPSON of California.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 6, October 5, 1999, by Mr. BONIOR on House Resolution 301 has been signed by the following Members: Peter Deutsch.

EXTENSIONS OF REMARKS

THE INTERNET GAMBLING PROHIBITION ACT OF 1999

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1999

Mr. GOODLATTE. Mr. Speaker, I rise today to introduce the Internet Gambling Prohibition Act of 1999, along with my colleagues, Representative FRANK LOBIONDO, Representative FRANK WOLF, Representative RICK BOUCHER, Representative JIM GIBBONS, and Representative VIRGIL GOODE. I look forward to working with my colleagues from both sides of the aisle to see this legislation signed into law. I would also like to thank my friend in the other Chamber, Senator JON KYL for his leadership on this issue. The legislation that Mr. LOBIONDO and I are introducing today is similar to legislation which Representative LOBIONDO, and I introduced in the last Congress. I am also looking forward to working with Senator KYL, who has introduced similar legislation in the Senate.

The Internet is a revolutionary tool that dramatically affects the way we communicate, conduct business, and access information. As it knows no boundaries, the Internet is accessed by folks in rural and urban areas alike, in large countries as well as small. The Internet is currently expanding by leaps and bounds; however, it has not yet come close to reaching its true potential as a medium for commerce and communication.

One of the main reasons that the Internet has not reached this potential is that many folks view it as a wild frontier, with no safeguards to protect children and no legal infrastructure to prevent online criminal activity. The ability of the world wide web to penetrate every home and community across the globe has both positive and negative implications—while it can be an invaluable source of information and means of communication, it can also override community values and standards, subjecting them to whatever may or may not be found online. In short, the Internet is a challenge to the sovereignty of civilized communities, States, and nations to decide what is appropriate and decent behavior.

Gambling is an excellent example of this situation. It is illegal unless regulated by the States. With the development of the Internet, however, prohibitions and regulations governing gambling have been turned on their head. No longer do people have to leave the comfort of their homes and make the affirmative decision to travel to a casino—they can access the casino from their living rooms.

The legislation I am introducing today will protect the right of citizens in each State to decide through their State legislatures if they want to allow gambling within their borders and not have that right taken away by offshore, fly-by-night operators. The Internet Gambling Prohibition Act gives law enforcement the tools it needs to crack down on illegal Internet gambling operations by accomplishing two main goals: first, providing that anyone convicted of running an Internet gambling business is liable for a substantial fine and up to 4 years in prison; and second, giving law enforcement the ability to request cessation of service to web sites engaging in illegal gambling, with enforcement by court order if necessary. Additionally, the bill requires the Attorney General to submit a report to Congress on the effectiveness of its provisions.

It is also important to note that this legislation does not preempt any State laws, does not cover online new reporting about gambling, and does not apply to wagering over non-Internet closed networks in States that allow such activity. The bill simply brings the current prohibition against interstate gambling up to speed with the development of new technology, as the Internet had not been created when the original law was passed and thus is no covered by it.

Mr. Speaker, online gambling is currently a $200 million per year business, and could easily grow to a $1 billion business in the next few years. It is time to shine a bright light on Internet gambling in this country, and to put a stop to this situation before it gets any worse. The Internet Gambling Prohibition Act, which will keep children from borrowing the family credit card, logging on to the family computer, and losing thousands of dollars all before their parents get home from work, will do just that. I urge each of my colleagues to support the Internet Gambling Prohibition Act of 1999.

TRIBUTE TO THE BLACK CANYON OF THE GUNNISON NATIONAL PARK AND THOSE WHO MADE IT POSSIBLE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1999

Mr. MCINNIS. Mr. Speaker, it is with an overwhelming sense of pride that I now rise to pay tribute to a truly historic event in the proud and distinguished history of the great State of Colorado: the establishment of the Black Canyon of the Gunnison National Park.

As the House sponsor of legislation that redesignated the Black Canyon as a national park, it gives me great joy to describe for this esteemed body's record the beauty of this truly majestic place. In addition, I would like to offer my gratitude to a community of individuals instrumental in the long process that ultimately yielded the establishment of the Black Canyon of the Gunnison National Park.

Mr. Speaker, anyone who has visited the Black Canyon can attest to its awe-inspiring natural beauty. Named for the dark rock that makes up its sheer walls, the Black Canyon is largely composed of what geologists call basement rocks, the oldest rocks on the earth estimated at 1.7 billion years old. With its narrow openings, sheer walls, and scenic gorges that plunge 2000 feet into the clear blue majesty of the Gunnison River, the Black Canyon is a natural crown jewel second to none in its magnificent splendor. Though other canyons may have greater depth or descend on a steeper course, few combine these attributes as breathtakingly as does the Black Canyon.

If ever there was a place worthy of the prestigious status that only national park status can afford, Mr. Speaker, it is the Black Canyon. But as you know, national parks don't just happen. In this case, it took nearly 15 years, several Congressional Representatives and Senators, innumerable locally elected officials, and a virtual sea of committed citizens in western Colorado.

Included in this group are the good people of the Forest Service. During this long and at times difficult process, the Forest Service has given tirelessly and beyond measure in the hopes of making the Black Canyon a national park. Again and again these great Americans rose to the challenge, doing everything in their power to fulfill this dream. Without the Forest Service's leadership and perseverance, none of what we have accomplished would have ever been possible.

It is with this, Mr. Speaker, that I give my thanks to the people of the Forest Service who played a leading role in making the Black Canyon of the Gunnison National Park a wonderful reality for Colorado, America, and the world to enjoy.

RICHARD A. WEILAND HONORED

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1999

Mr. PORTMAN. Mr. Speaker, I rise today to recognize Richard A. Weiland, a well known Cincinnati civic leader, as he is honored by the Cincinnati Associates of the Hebrew Union College Jewish Institute of Religion.

Dick has been a member of the Cincinnati Associates since the group's inception, and he has been a key part of its leadership. He currently serves as the Associates' Honorary Chair.

An energetic and committed community volunteer, Dick is involved in numerous civil and philanthropic activities. He serves on the Executive Committee of the American Jewish Committee; the Cincinnati Human Relations Commission; the Jewish National Fund Advisory Board; the Council of Jewish Federation's National Leadership; Jewish Federation of Cincinnati; Family Service of Cincinnati Advisory Board; and the Ohio Refugee Immigration

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Aid Committee. In addition to these challenges and many others, Dick has been active in the Coalition for a Drug-Free Greater Cincinnati, an organization I founded to combat substance abuse in the Greater Cincinnati community.

A Cincinnati native, Dick attended Walnut Hills High School, Williams College, and the University of Cincinnati College of Law. He and his wife, Marcia, have three children and five grandchildren.

All of us in Cincinnati congratulate Dick on receiving this prestigious recognition.

INTRODUCTION OF PUBLIC SAFETY TAX CUT ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1999

Mr. PAUL. Mr. Speaker, today I am introducing the Public Safety Tax Cut Act. This legislation will achieve two important public policy goals.

First, it will effectively overturn a ruling of the Internal Revenue Service which has declared as taxable income the waiving of fees by local governments who provide service for public safety volunteers.

Many local governments use volunteer firefighters and auxiliary police either in place of, or as a supplement to, their public safety professionals. Often as an incentive to would-be volunteers, the local entities might waive all or a portion of the fees typically charged for city services such as the provision of drinking water, sewerage charges, or debris pick up. Local entities make these decisions for the purpose of encouraging folks to volunteer, and seldom do these benefits come anywhere near the level of a true compensation for the many hours of training and service required of the volunteers. This, of course, not even to mention the fact that these volunteers could very possibly be called into a situation where they may have to put their lives on the line.

Rather than encouraging this type of volunteerism, which is so crucial, particularly to America's rural communities, the IRS has decided that the provision of the benefits described above amount to taxable income. Not only does this adversely affect the financial position of the volunteer by foisting new taxes about him or her, it has in fact led local entities to stop providing these benefits, thus taking away a key tool they have used to recruit volunteers. That is why the IRS ruling in this instance has a substantial deleterious impact on the spirit of American volunteerism. How far could this go? For example, would consistent application mean that a local Salvation Army volunteer be taxed for the value of a complimentary ticket to that organization's annual county dinner? This is obviously bad policy.

This legislation would rectify this situation by specifically exempting these types of benefits from federal taxation.

Next, this legislation would also provide paid professional police and fire officers with a $1,000 per year tax credit. These professional public safety officers put their lives on the line each and every day, and I think we all agree that there is no way to properly compensate them for the fabulous services they provide. In America we have a tradition of local law enforcement and public safety provision. So, while it is not the role of our federal government to increase the salaries of these, it certainly is within our authority to increase their take-home pay by reducing the amount of money that we take from their pockets via federal taxation, and that is something this bill specifically does as well.

Mr. Speaker I am proud to introduce the Public Safety Tax Cut Act, and I request that my fellow Members join in support of this key legislation.

VOICES AGAINST VIOLENCE: A TEEN CONFERENCE

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1999

Mr. COYNE. Mr. Speaker, I rise today to talk about two young people from Pennsylvania's 14th Congressional District who came to Washington this week to participate in the Voices Against Violence congressional teen conference. The Voices Against Violence conference, which was organized by the House Democratic Caucus, was intended to bring together young people from around the country to engage them in a constructive discussion about youth violence.

Most Americans have been shocked and distressed by the series of high-profile school shootings committed by young people over the last year. Our Nation's children are, sadly, the people most affected by youth violence. They are also often the individuals with the greatest insight into the causes of youth violence and ways to prevent violent acts in the future. The Voices Against Violence conference was intended to bring young people from across the country together to discuss youth violence—and to utilize their insights to develop innovative solutions to the problem of youth violence.

Over 300 young people between the ages of 13 and 19 attended the Voices Against Violence conference on October 19th and 20th in Washington, DC. President Clinton addressed the students, and then participants attended workshops with experts on teen violence, discussion groups about possible solutions, and skills training sessions to learn about violence prevention initiatives that have been found to be effective.

Two of my constituents, Zara Carroll and Jeff Smith, attended the Voices Against Violence conference with their parents. On behalf of my constituents and myself, I want to commend Zara and Jeff for their interest and involvement in this important issue. I hope that they found the conference to be engaging and informative, and that they will continue to work to help reduce violence and the threat of violence in their communities in the coming years.

TRIBUTE TO CARL R. HILLIARD, "ONE CAPITOL FELLOW"

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1999

Mr. McINNIS. Mr. Speaker, it is with great pleasure that I honor a dedicated man and his career. In his thirty plus years of covering the Colorado Capitol for the Associated Press, Carl Hilliard proved himself to be a man of truth and integrity. During that time, I'm glad to say that I was fortunate to get to know him well.

His colleagues knew him as a man who cared not about being in the limelight, but a man who took the time to get to know the story and the people behind it. Hilliard is a man of the West, a Renaissance man. His columns frequently recieved a lot of exposure throughout the country and rightfully so. They were wity, informative, and revealing. You could always count on Carl to be critical of the politicians at the Capitol, but at the same time compassionate and duteous.

As the dean of the Capitol Press corps, he was effective in reporting Capitol news. That role earned him a very laudable honor, being named as one Denver's 100 most influential journalists and the respect of his fellow journalists.

It is with this, Mr. Speaker, that I honor this man who will truly be missed by his colleagues and those that enjoyed reading his column. For so many years, he has been a role model for young journalists and a pilar form which all journalists drew inspiration. I wish him well in his much deserved retirement. I look forward to continuing my friendship with him in the future.

CELEBRATING THE MINISTRY OF DR. JOHN R. BISAGNO

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1999

Mr. GREEN of Texas. Mr. Speaker, I rise today to pay tribute to and help celebrate the ministry of Dr. John R. Bisagno. After 30 years, Dr. Bisagno will be retiring from Houston's First Baptist Church.

John Bisagno was born on April 5, 1943 in Augusta, KS. He is married to Uldine Beck Bisagno. The Bisagnos have three children, Ginger Bisagno Dodd, Anthony Bisagno, and Timothy Bisagno, and five grandchildren.

Dr. Bisagno graduated from Oklahoma Baptist University and received a doctor of letters degree from Southwest Missouri Baptist University and a doctor of divinity degree from Houston Baptist University, where the "Chair of Evangelism" is named in his honor.

In February 1970, Dr. Bisagno became the pastor of the 22,000-member First Baptist Church of Houston. He has authored 24 books, including the best seller "The Power of Positive Praying." He is the past president of the Southern Baptist Pastor's Conference and has gained national attention as a dynamic and effective crusade evangelist and Bible teacher. He was the first preacher on the Southern Baptist ACTS television network.

During the 30 years of Dr. Bisagno's ministry at First Baptist Church, the church relocated from downtown Houston, purchased property near the intersection of Interstate 10 and Loop 610 in Houston, built a worship center and education buildings now valued in excess of $60 million and continues to be an integral part of the dynamics of Houston, TX.

Dr. Bisagno has announced that he will retire from the pulpit on Sunday, November 21, 1999. However, I am certain that John Bisagno will continue to be a Christian committed to spreading the gospel. When he retires from Houston's First Baptist Church, he retires to continue to be a significant part of the faith community in Houston, in Texas, in the United States, and around the world.

Mr. Speaker, I ask my colleagues to join me in honoring Dr. John R. Bisagno.

ALL SEGMENTS OF COMMUNITY MUST WORK TOGETHER TO END DOMESTIC VIOLENCE

HON. DAVE WELDON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1999

Mr. WELDON of Florida. Mr. Speaker, I rise today to address the issue of domestic violence. Mr. Speaker, our homes should be a safe haven where wives, husbands, and children are free from the fear of violence. In most homes in America, this is the case, but for far too many women and children this is not the case. The need to address this issue is something on which we can all agree.

I am pleased that increasing attention has been called to this issue and that there are numerous community organizations that have taken an active role in addressing this issue in their communities. Indeed it is in local communities where law enforcement and community organizations have gotten involved that we have seen the greatest success.

In fact, this weekend in my congressional district the Domestic Violence Coalition of Indian River County, Florida will be hosting a seminar on domestic violence in order to raise awareness and provide training for those who are committed to bringing this travesty to an end. At this seminar a host of community organizations along with law enforcement and local governmental agencies will make presentations directed toward raising public awareness and sharing professional expertise on domestic violence.

This Congress is due to consider the reauthorization of the Violence Against Women Act. This act provides funding for some very valuable programs like domestic violence hotlines, shelters, law enforcement, and related training among other programs. I fully support the reauthorization of these programs and am pleased that many of the organizations participating in this event, like the Sebastian River Junior Woman's Club, support efforts to reauthorize and improve the effectiveness of this law.

Mr. Speaker I would also like to take this opportunity to bring to the members attention, related legislation that I have recently introduced in the House. My bill (H.R. 3088) would address one of the most heinous acts of violence to women in our society, sexual assault. Today, in many states the victims of sexual assault have no right to inquire into the HIV status of their assailant until after conviction of the assailant, and sometimes not even then. My bill would give the victims of this crime the right to know the HIV status of their attacker immediately after bringing charges.

Medical studies indicate that if anti-HIV drugs are begun within 48 hours of exposure to the HIV virus, the infection of the victim can actually be prevented. That is why it is so important that the victims of sexual assault be able to request the HIV status of their assailant as quickly as possible. It is literally a matter of life and death.

As a physician, husband, and father, I am deeply troubled that this is not already law in every state. For too long the rights of victims of sexual crimes have been sacrificed for the rights of criminals. No longer will the victims have to wait weeks, months or years for the crime to be fully adjudicated before they can find out if they have been exposed to HIV.

I urge my colleagues to join me in support of this bill as we seek to arrest the scourge of violence in our society.

TRIBUTE TO THE O'TUCKS

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1999

Mr. BOEHNER. Mr. Speaker, for four decades, the members of an organization known as the O'Tucks have dedicated themselves to serving our community and preserving the unique culture and traditions of Kentucky's Appalachian highlands.

If you're even remotely familiar with the rich and vibrant culture of Appalachian Kentucky, it shouldn't surprise you to learn that groups like the O'Tucks exist. But it might surprise you to find such a group thriving outside of Kentucky—in Butler County, Ohio.

The O'Tucks (as in "Ohioans from Kentucky") were founded 40 years ago by Mr. Stanley Dezarn, who was born in 1922 near the Goose Creek River in the Bluegrass State's Clay County. A lifelong educator and community leader, Stanley Dezarn founded the O'Tucks with a set of specific goals, which Ercel Eaton of the Hamilton Journal-News detailed last year: "to provide a common ground for exchange of ideas and experiences for people with common cultural and environmental backgrounds; to strive to preserve the rich qualities of folklore and music of the Appalachian highlands; [and] to work for the continuous improvement of the community by cooperating with and assisting civic leaders, organizations, and public officials in Butler County."

For years the O'Tucks have fulfilled these goals repeatedly and successfully in our community. They've enriched the lives of countless Butler County residents through their music and cultural events. But they've also contributed to our community through their service and spirit of volunteerism, which has helped more than a few of their fellow citizens realize the dream of getting a college education or pursuing a career in art, teaching, nursing and other fields.

Mr. Speaker, even after four decades of good times and good service, the O'Tucks have never strayed from the original goals of Stanley Dezarn. Fittingly, the O'Tucks will honor their founder late this month at their 40th anniversary banquet, and give thanks to Stanley Dezarn for his lifetime of dedication and service to the O'Tucks and the Butler County community.

Stanley Dezarn and the O'Tucks are an inspiration for all Americans. They're proof that what makes America a great society is not her strong government, or her time-tested institutions, or her mighty industries; what makes America great is the spirit and enthusiasm of her people. I urge my colleagues to join me today in recognizing Stanley Dezarn and the O'Tucks organization for 40 years of distinguished service to the Butler County community and the United States of America.

TRIBUTE TO THE BLACK CANYON OF THE GUNNISON NATIONAL PARK AND THOSE WHO MADE IT POSSIBLE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1999

Mr. McINNIS. Mr. Speaker, it is with an overwhelming sense of pride that I now rise to pay tribute to a truly historic event in the proud and distinguished history of the great State of Colorado: the establishment of the Black Canyon of the Gunnison National Park.

As the House sponsor of legislation that redesignated the Black Canyon as a national park, it gives me great joy to describe for this esteemed body's record the beauty of this truly majestic place. In addition, I would like to offer my gratitude to a community of individuals instrumental in the long process that ultimately yielded the establishment of the Black Canyon of the Gunnison National Park.

Mr. Speaker, anyone who has visited the Black Canyon can attest to its awe-inspiring natural beauty. Named for the dark rock that makes up its sheer walls, the Black Canyon is largely composed of what geologists call basement rocks, the oldest rocks on the earth estimated at 1.7 billion years old. With its narrow openings, sheer walls, and scenic gorges that plunge 2000 feet into the clear blue majesty of the Gunnison River, the Black Canyon is a natural crown jewel second to none in its magnificent splendor. Though other canyons may have greater depth or descend on a steeper course, few combine these attributes as breathtakingly as does the Black Canyon.

If ever there was a place worthy of the prestigious status that only national park status can afford, Mr. Speaker, it is the Black Canyon. But as you know, national parks don't just happen. In this case, it took nearly 15 years, several Congressional Representatives and Senators, innumerable locally elected officials, and a virtual sea of committed citizens in western Colorado.

Included in this group are the good people of Hotchkiss, Colorado. During this long and at times difficult process, Hotchkiss' civic leaders have given tirelessly and beyond measure in the hopes of making the Black Canyon a national park. Again and again these great Americans rose to the challenge, doing everything in their power to fulfill this dream. Without Hotchkiss' leadership and perseverance, none of what we have accomplished would have ever been possible.

It is with this, Mr. Speaker, that I give my thanks to the people of Hotchkiss who played a leading role in making the Black Canyon of the Gunnison National Park a wonderful reality for Colorado, America, and the world to enjoy.

RECOGNIZING THE ST. JOSEPH, MISSOURI POLICE DEPARTMENT

HON. PAT DANNER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1999

Ms. DANNER. Mr. Speaker, I rise today to honor seven law enforcement officers from the St. Joseph, Missouri Police Department who are being recognized with the National Association of Police Organization's prestigious TOP COPS Awards. These brave individuals are receiving these distinguished awards for their valiant efforts in protecting their community from an armed killer on November 10, 1998.

On that date, Sergeants Terry White, Steve Gumm and Billy Paul Miller, Patrolwoman Rebecca Caton, and Patrolmen Roy Wedlow, Henry Pena, Shawn Hamre and Bradley Arn, responded to a high-priority call to subdue an armed sniper who was randomly firing at vehicles attempting to cross a busy local intersection. The assailant fired approximately 200 rounds of bullets from his assault weapon, fatally wounding Officer Arn, before being shot and killed by sergeant Miller. Thanks to the quick response and undaunted courage of these brave officers, no innocent bystander lost their life as a result of this tragedy.

In addition, I wish to pay a special tribute to the family of Officer Arn. Survived by his loving wife Andrea and two-year-old twin daughters Molleigh and Mallorie, Officer Arn will be forever remembered in the hearts of the residents of St. Joseph for making the greatest sacrifices while protecting the community. He was truly one of America's finest, and I am honored to offer this tribute to him—as well as his family—today.

Mr. Speaker, I am pleased that the heroic acts of these brave law enforcement officers have not gone unnoticed, and I rise today to express my appreciation to them for their dedication in protecting the St. Joseph community. Each of these officers exemplify the finest of traits one must possess to be a member of the law enforcement community, and I congratulate them on receiving these awards.

HONORING THE 200TH BIRTHDAY OF SMITH COUNTY

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1999

Mr. GORDON. Mr. Speaker, I rise today to recognize the 200th birthday of Smith County, Tennessee, one of the most scenic and friendly communities you'll ever come across.

Smith County, the fifth county created in Middle Tennessee, was established by Private Act in October of 1799 and was named in honor of Daniel Smith, a Revolutionary War officer, surveyor and U.S. Senator.

Nestled among the gently rolling hills and the pristine fish-filled streams that meander through Middle Tennessee, the county is home to some truly wonderful folks, including Vice President AL GORE. The vice president's late father, Al Gore Sr., also called Smith County home and proudly represented the county and region in the U.S. House of Representatives and the U.S. Senate, as did another famous resident, Cordell Hull, who also served the nation as Secretary of State.

I congratulate the county's residents for their invaluable contributions to the state of Tennessee and the nation as a whole. Happy Birthday Smith County and thanks to its residents for letting me serve them in the U.S. House of Representatives.

A TRIBUTE TO BERNT BALCHEN

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1999

Mr. SABO. Mr. Speaker, October 23, 1999 marks the 100th anniversary of the birth of the late great Norwegian-American pilot, military leader, and Arctic and Antarctic explorer, Colonel Bernt Balchen.

Bernt Balchen was born in Tveit, Norway, on October 23, 1899, the son of a physician with an ancestry of military leaders and sea captains. His love of nature and wildlife, his artistic talents, and his sensitive, discerning eye were revealed in his sketch books begun at an early age.

His love of outdoor life and sports was coupled with a keen spirit of adventure and discovery which was kindled when he met the great explorer Roald Amundsen, shortly after his successful expedition to the South Pole in 1913. This meeting fired young Balchen's imagination and determination to explore the mysteries of the Polar regions.

After completing his education in Forestry Engineering at Harnosand, Sweden, interspersed with practical work in Norway's lumber camps, Bernt Balchen underwent training in the Norwegian Army. At 18, he volunteered for service with the White Army in Finland, serving first in ski patrols and then in the cavalry. A Russian bayonet almost cost him his life. He confounded doctors who predicted he would be permanently incapacitated by later becoming a member of Norway's Olympic boxing team, then setting records in cross-country skiing and bicycling. He built a strong physique, great endurance, keen perceptions and the quick reflexes which were to serve him, and others, so well in the rugged life ahead.

Bernt Balchen's eyes turned skyward. He entered the Royal Norwegian Naval Air Force, graduating at the head of his class and receiving his wings in 1921. He became an instructor in navigation and participated in the planning of some of the first Arctic serial expeditions from Norway. While working on preparations for Amundsen's first flight across the North Pole in the dirigible *Norge* based at Spitsbergen, Balchen was directed by Amundsen to assist Commander Richard E. Byrd in equipping his plane with skis of Balchen's design. This plane was to be flown by Floyd Bennett, with Byrd as a navigator, in an attempt to reach the North Pole.

Impressed with Balchen's many skills, Commander Richard Byrd asked that Balchen be given leave from the Norwegian Naval Air Force and join his party on its return to the U.S. Balchen then became chief test pilot for the famous aircraft designer, Tony Fokker, joining the Fokker Aircraft Corporation at Teterboro, New Jersey. In 1927, Balchen was assigned to Western Canada Airways at Hudson, Ontario, to teach Canadian pilots how to handle ski-equipped planes—the beginning of "bush flying"—then to transport men, equipment and supplies from Cache Lake, Manitoba, the northern terminus of the Hudson Bay railway, to Fort Churchill, Manitoba, within a prescribed period of time. As one of the two pilots selected for the job, he flew an open cockpit plane during six weeks of savage weather, with temperatures hitting 65 degrees below zero. In paying tribute to the importance of this operation, which was an important factor in changing the economy of Canada, the government of Canada stated, "There has been no more brilliant operation in the history of commercial aviation."

After the crash-landing of the plane *America* on a test flight in which the pilot Floyd Bennett was badly injured, Balchen became involved in preparations for Byrd's Trans-Atlantic flight in 1927. He was chosen to be a co-pilot, along with Bert Acosta. As harsh weather conditions developed on that flight, Balchen took over the piloting of the plane for 40 hours, and finally saved the lives of all aboard by making an emergency landing off the coast of France. Balchen subsequently became the third person to successfully fly across the Atlantic Ocean.

In 1928, Balchen piloted one of the relief planes flying to the crash site of the German aircraft *Bremen* on Greenly Island, off Labrador. The next year he piloted now-Admiral Byrd across the South Pole in the *Floyd Bennett*— the first flight over the South Pole. In addition to his work as pilot for the Byrd Antarctic Expedition I, Balchen played a major role in designing equipment and working out problems in logistics, constructing snow hangars and other equipment. The following year, back in the U.S., he instructed Amelia Earhart and redesigned her aircraft for her successful flight across the Atlantic.

In 1931, through a special act of Congress, Colonel Balchen became a U.S. citizen.

Balchen served as chief pilot for the Lincoln Ellsworth Trans-Antarctic Expeditions (1933–

1935). Upon completing this association, he returned to Norway to work in aviation and the development of the Norwegian Airlines, and the laying of the foundation for a united Scandinavian airlines system.

With the invasion of Norway by Germany, Bernt Balchen became associated with the British Royal Air Force in ferrying planes over the North Atlantic and in transport flights from San Diego to Singapore. He carried out the first flight from San Diego to Singapore.

In 1941, as the U.S. began to ferry bombers to England, Balchen was requested by General "Hap" Arnold to join the U.S. Army Air Force and to build a secret base in Greenland—code-named Bluie West 9 (8W–8). From this base, Balchen and his men carried out spectacular rescues of downed American bomber crews by dogsled and plane, one of which involved a belly-landing of a PBY by Bernt Balchen on the ice—a feat never before attempted. In 1943, he led successful bombing missions against German installations on the east coast of Greenland; later, in Iceland.

In 1944, Balchen became the commander of the Allied Air Transport Command for Scandinavia and the USSR, with a secret base in Leuchars, Scotland. This became part of the Carpetbagger Operation (OSS), involving the organization of an air route to Sweden using civilian plan markings and unmarked, black aircraft used for flights into Norway to supply underground forces and to carry out bombing missions. Close to 4,000 Norwegians were safely transported through the Sweden air route to England. His command supported Norwegian forces and helped in the evacuation of 70,000 Russians from slave labor camps in northern Norway, as well as participating in the destruction of the German "heavy-water" development center. The Distinguished Flying Cross, the Legion of Merit, the Soldiers Medal and the Air Medal with Oak Leaf Clusters were among the many honors awarded to Bernt Balchen by the U.S. for his wartime service, in addition to high honors from Norway and Denmark.

Returning to civilian life in 1946, Balchen resumed work in the development of the Scandinavian airlines system, while working for DNL in Norway. Recalled to the U.S. Air Force in 1948, he took command of the 10th Rescue Squadron in Alaska. In 1949, he piloted the first flight from Alaska across the North Pole, landing in Norway—thus becoming the first pilot to fly over both the North and the South Poles. He served as a special assistant to the Secretary of the U.S. Air Force on Arctic Affairs, developing search and rescue techniques and equipment, defense concepts, and navigational systems for the transpolar route which was soon to be adopted by commercial airlines. He pioneered the building of the anti-missile base at Thule, Greenland, hailed for its strategic importance.

Through all the rugged years, Balchen's sketch pad and watercolor paints were close at hand. In 1948, however, inspired by the grandeur of the scenery and wildlife in Alaska, he began a serious study of watercolor painting techniques, acquiring a large collection of the best books on the subject. In 1953, he held his first one-man show in New York, in which 73 of his paintings won critical acclaim from critics because of their brilliant colors and thrilling scenes of the High North. This was followed later by one-man showings in other areas of New York, as well as other states and abroad.

Upon his retirement from the Air Force in 1956, Colonel Balchen was honored with the Distinguished Service Medal with a citation for "his understanding of the intricate Arctic conditions and for his firm leadership, extensive background and selfless devotion to duty." He was the holder of many other honors, including the Harmon International Trophy, awarded to him by President Dwight Eisenhower in 1954, and the National Pilots' Association Award. He held honorary Doctorate of Science degrees from Tufts College (1953) and from the University of Alaska (1954). His writings included "The Next 50 Years of Flight," his autobiography "Come North With Me" (Dutton 1958), and a cookbook published in Norway.

Until his death on October 17, 1973, Bernt Balchen served as a consultant to the U.S. Air Force and to leading corporations, including General Precision and General Dynamics, on Polar and Arctic matters, on energy problems and defense considerations.

In addition to Bernt Balchen's being honored by the 70,000 members of the Sons of Norway, Alaska's Governor, Tony Knowles, proclaimed October 23, 1999 as "Polar Flight Day." Furthermore, the Alaska Legislature as well as the Municipality of Anchorage, Alaska proclaimed October 23, 1999 as "Bernt Balchen Day," a fitting tribute to this outstanding Norwegian-American on the anniversary of his 100th birthday.

Bernt Balchen is buried in Arlington Cemetery alongside Admiral Byrd. During the interment services, a red-tipped C–54 from his former Alaskan Command flew over Arlington Cemetery in a touching farewell.

Balchen's headstone at Arlington Cemetery reads: "Today goes fast and tomorrow is almost here. Maybe I have helped a little in the change. So I go on to the next adventure, looking to the future but always thinking back to the past, remembering my teammates and the lonely places I have seen that no man ever saw before."

Mr. Speaker, on October 23, 1999, I ask that my colleagues pause to remember Colonel Bernt Balchen, a true hero who made significant contributions to the security of both Norway and the United States.

TRIBUTE TO THE BLACK CANYON OF THE GUNNISON NATIONAL PARK AND THOSE WHO MADE IT POSSIBLE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1999

Mr. McINNIS. Mr. Speaker, it is with an overwhelming sense of pride that I now rise to pay tribute to a truly historic event in the proud and distinguished history of the great State of Colorado: the establishment of the Black Canyon of the Gunnison National Park.

As the House sponsor of legislation that redesignated the Black Canyon as a national park, it gives me great joy to describe for this esteemed body's record the beauty of this truly majestic place. In addition, I would like to offer my gratitude to a community of individuals instrumental in the long process that ultimately yielded the establishment of the Black Canyon of the Gunnison National Park.

Mr. Speaker, anyone who has visited the Black Canyon can attest to its awe-inspiring natural beauty. Named for the dark rock that makes up its sheer walls, the Black Canyon is largely composed of what geologists call basement rocks, the oldest rocks on the earth estimated at 1.7 billion years old. With its narrow openings, sheer walls, and scenic gorges that plunge 2000 feet into the clear blue majesty of the Gunnison River, the Black Canyon is a natural crown jewel second to none in its magnificent splendor. Though other canyons may have greater depth or descend on a steeper course, few combine these attributes as breathtakingly as does the Black Canyon.

If ever there was a place worthy of the prestigious status that only national park status can afford, Mr. Speaker, it is the Black Canyon. But as you know, national parks don't just happen. In this case, it took nearly 15 years, several Congressional Representatives and Senators, innumerable locally elected officials, and a virtual sea of committed citizens in western Colorado.

Included in this group are the good people of Olathe, Colorado. During this long and at times difficult process, Olathe's civic leaders have given tirelessly and beyond measure in the hopes of making the Black Canyon a national park. Again and again these great Americans rose to the challenge, doing everything in their power to fulfill this dream. Without Olathe's leadership and perseverance, none of what we have accomplished would have ever been possible.

It is with this, Mr. Speaker, that I give my thanks to the people of Olathe who played a leading role in making the Black Canyon of the Gunnison National Park a wonderful reality for Colorado, America, and the world to enjoy.

ON THE OCCASION OF NOVA SOUTHEASTERN UNIVERSITY'S 35TH ANNIVERSARY

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1999

Mr. DEUTSCH. Mr. Speaker, I rise today to recognize a very important date in the Florida educational community. Nova Southeastern University, Florida's largest independent university, will celebrate its 35th anniversary on December 2nd, 1999. This event, entitled "Celebration of Excellence," promises to showcase the outstanding achievements of NSU students and alumni alike, and I am honored to be a part of this joyous occasion.

Through Nova Southeastern University's quality educational programs, the university has made an immense contribution to the personal and professional advancement of thousands of Florida residents. In addition, NSU provides a wide range of community services and programs for the benefit of South Florida residents. Working to bring new skills and knowledge to the community around it, the work of Nova Southeastern University ultimately benefits Florida residents of all ages.

"Celebration of Excellence" is also notable because it features the fifth anniversary of the merger of Nova University and Southeastern University of the Health Sciences to form NSU in its current state. This synergistic merger of the two schools has resulted in the development of some of Florida's most impressive medical and health care education programs. Indeed, these programs benefit the entire community's health and well-being.

Nova Southeastern University has set itself apart in its ability to form partnerships with other educational institutions, state and local agencies, and community organizations. These successful cooperative efforts enhance local access to advocacy, counseling, health care, rehabilitative and other human services, raise community awareness on existing services and resources, and provide a valuable form to identify and address unmet local needs. It is without hesitation that I say that Nova Southeastern University has had a tremendous impact on the life of all South Floridians.

Mr. Speaker, Nova Southeastern University has spent the last 35 years demonstrating its strong commitment to the well-being and education of the Florida community. I am extremely proud to celebrate this anniversary with administration, students, and alumni of NSU. Reflecting on their success of the past, I wish everyone at NSU the best as the university turns its eyes to the immediate future.

RECOGNIZING THE 1999 RECIPIENTS OF THE MICHIGAN WOMEN'S HALL OF FAME

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1999

Ms. STABENOW. Mr. Speaker, this year the Michigan Women's Historical Center will induct ten members into the Michigan Women's Hall of Fame. These remarkable individuals from the past and the present have made noteworthy inroads in expanding opportunities and creating greater equality for Michigan women. Tonight at the Sixteenth Annual Michigan Women's Hall of Fame Awards Dinner, each of these individuals will be recognized for their significant contributions. I would like to congratulate the 10 new Hall of Fame members and thank them for blazing a trail for women to follow in future.

Contemporary Honorees include writer and humanist Doris DeDeckere; nature columnist Margaret Drake Elliot; Elizabeth Homer, who has fought for educational and professional equality for women; and Sister Ardeth Platte, who has committed her life to social justice and eliminating violence.

Historical Honorees include Patricia Beeman, a member of the Southern African Liberation Committee, who fought to educate Michiganites on apartheid in South Africa; the first woman minister in the United States, Olympia Brown, the first woman to head the Detroit Police Department's Women's Division, Eleonore Hutzel; dietitian, writer and child advocate Ella Eaton Kellogg; and Emily Burton Ketcham, a Grand Rapids woman who fought for women's right to vote.

Dr. Peter T. Mitchell, President of Albion College, was recognized with the Phillip A. Hart Award for his contributions nationally to improving educational opportunities for women.

STUDENT RESULTS ACT OF 1999

SPEECH OF

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 20, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2) to send more dollars to the classroom and for certain other purposes:

Mr. FORBES. Madam Chairman, efforts to achieve gender equity have made herculean strides in the past 25 years, but now is not the time to look back with nostalgia and congratulate ourselves on how far we've come. We must look to how far we still have to go to ensure that everyone has equal access to the opportunities presented by the 21st century, as well as the means to meet the challenges of the new economy. The Women's Educational Equity Act is a key to unlock that door. The Act has focused on combating gender bias in the classroom, and provided funds to programs that train teachers and supply instructional materials to encourage girls to pursue careers and instruction in those areas that will drive our commerce in the future—math, science, engineering and technology.

Since the implementation of the act in 1974, girls have improved in areas such as math and science, but they have been left behind in learning the technological skills needed to compete in tomorrow's economy. The new global economy demands these skills. Technological literacy is essential for success in the workforce. Next year, 65 percent of jobs will require some technological skills. Why, then, do a very small percentage of girls take computer science courses? Of the girls that do participate in computer classes, they tend to cluster in lower-end data entry and word processing classes. Boys, on the other hand, continue on to higher-skill, more challenging computer courses such as computer programming and problem-solving. We cannot afford, as a nation, to waste such a precious resource in this way.

The trend in educational initiatives is to give every student access to a computer and the Internet by the year 2000. These computers and the Information Highway have become as essential to the learning process as pencils and paper. We must ensure that girls in the classroom are equal partners in these opportunities and that teachers recognize and encourage their participation in technological training.

While steps have been made in narrowing the gender gap, girls and young women still encounter barriers in the classroom. Congress has an obligation to ensure that all students attain the highest standards and obtain the resources and tools needed to succeed in the new millennium. I urge my colleagues to vote in favor of including this act as an amendment to the Student Results Act, H.R. 2.

IN HONOR OF MR. GUILLERMO ESTEVEZ ON HIS RETIREMENT FROM THE NEW JERSEY OFFICE OF THE INTERNATIONAL RESCUE COMMITTEE

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1999

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize Mr. Guillermo Estevez, Director of the New Jersey Office of the International Rescue Committee, for 20 years of dedicated service, and to congratulate him on his retirement from the organization.

From volunteer to Director, Mr. Estevez has had a remarkable career with the International Rescue Committee, Inc. Mr. Estevez and IRC provided assistance to more than 25,000 refugees from all over the world in the quest for freedom.

Since his arrival in the United States in 1979, Mr. Estevez has been a pro-active leader in the human rights struggle in Cuba. A political prisoner himself, who served more than 20 years in the jails of Communist Cuba, Mr. Estevez has firsthand knowledge of the flagrant disregard for civil and human rights on the island.

Over the years, Mr. Estevez has spearheaded many marches and demonstrations against the Communist Regime in Cuba. Through the streets of New York City, Los Angeles, Washington, DC, Miami, Tampa, New Orleans, and various cities in my home State of New Jersey, Mr. Estevez has been instrumental in shining a light on the too often overshadowed abuses in Cuba.

In Mr. Estevez's fight for a free and democratic Cuba, he founded, organized, and served as first General Coordinator of the Cuban Civic Committee. Mr. Estevez's efforts were rewarded when he was recently named to the Free Cuba Task Force by the Governor of the State of New Jersey.

Mr. Estevez was the first Hispanic member of the Board of Trustees of the New Jersey State Prison Complex and was a member of the Alcohol and Drug Abuse Committee of the Hudson County Human Services Advisory Committee.

For his remarkable contributions to the fight against civil and human rights violations, specifically in regard to the fight against the Cuban Communist Regime, I ask my colleagues to join me in congratulating Mr. Estevez on a truly exceptional career and to wish him luck in all his future endeavors.

TRIBUTE TO THE BLACK CANYON OF THE GUNNISON NATIONAL PARK AND THOSE WHO MADE IT POSSIBLE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1999

Mr. McINNIS. Mr. Speaker, it is with an overwhelming sense of pride that I now rise to pay tribute to a truly historic event in the proud and distinguished history of the great State of Colorado: the establishment of the Black Canyon of the Gunnison National Park.

As the House sponsor of legislation that redesignated the Black Canyon as a national park, it gives me great joy to describe for this esteemed body's record the beauty of this truly majestic place. In addition, I would like to offer my gratitude to a community of individuals instrumental in the long process that ultimately yielded the establishment of the Black Canyon of the Gunnison National Park.

Mr. Speaker, anyone who has visited the Black Canyon can attest to its awe-inspiring natural beauty. Named for the dark rock that makes up its sheer walls, the Black Canyon is largely composed of what geologists call basement rocks, the oldest rocks on the earth estimated at 1.7 billion years old. With its narrow openings, sheer walls, and scenic gorges that plunge 2000 feet into the clear blue majesty of the Gunnison River, the Black Canyon is a natural crown jewel second to none in its magnificent splendor. Though other canyons may have greater depth or descend on a steeper course, few combine these attributes as breathtakingly as does the Black Canyon.

If ever there was a place worthy of the prestigious status that only national park status can afford, Mr. Speaker, it is the Black Canyon. But as you know, national parks don't just happen. In this case, it took nearly 15 years, several Congressional Representatives and Senators, innumerable locally elected officials, and a virtual sea of committed citizens in western Colorado.

Included in this group are the good people of Paonia, Colorado. During this long and at times difficult process, Paonia's civic leaders have given tirelessly and beyond measure in the hopes of making the Black Canyon a national park. Again and again these great Americans rose to the challenge, doing everything in their power to fulfill this dream. Without Paonia's leadership and perseverance, none of what we have accomplished would have ever been possible.

It is with this, Mr. Speaker, that I give my thanks to the people of Paonia who played a leading role in making the Black Canyon of the Gunnison National Park a wonderful reality for Colorado, America, and the world to enjoy.

BATTERED IMMIGRANT WOMEN

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1999

Ms. SCHAKOWSKY. Mr. Speaker, I am proud to introduce legislation to address the gaps, errors, and oversights in current law that impede the ability of battered immigrant women to flee violent relationships and survive economically. The Battered Immigrant Women Protection Act of 1999 would restore provisions that allow battered women, who are entitled to permanent residency, to file their own application for immigrant status without requiring the cooperation of their abusive spouses. It would also allow them to remain in the United States while awaiting their green cards.

This legislation would also ensure that battered immigrants with pending immigration applications are able to access public benefits, food stamps, SSI, housing, work permits and immigration relief.

October is Domestic Violence Awareness Month, and domestic violence has grown to epidemic proportions. It is the single largest cause of injury to women in the United States. It is in every neighborhood and community throughout our Nation. Domestic abuse does not discriminate. Rural and urban women of all religious, ethnic, economic, and educational backgrounds; of varying ages, physical abilities, and lifestyles can be affected by domestic violence.

A woman's reasons for staying in an abusive relationship are more complex than a statement about her strength of character. In many cases, it is dangerous for a woman to leave her abuser. On average, a typical battered woman attempts to leave her abusive relationship five to seven times before she achieves permanent separation from her batterer.

This pattern indicates that battered women often lack adequate independent living and employment options. We must take the next step toward creating real solutions to the continuing problem of domestic violence. We must help women and families achieve economic self-sufficiency so that they are able to escape their violent relationships and secure protection.

Sadly though, in addition to the lack of adequate housing and employment options for many victims of domestic abuse, immigrant women and their children who suffer every day at the hands of abusers face one more threat—the threat of deportation. Battered women often experience shame, embarrassment and isolation. For immigrant women, who often have no family support and whose immigration status is tied to the abusers, it is even more difficult. In more ways than one, they are held hostage by their abusers.

The bill would expand legal protections for battered immigrant women so that they may flee violent homes, obtain court protections, and cooperate in the criminal prosecution of their abusers without fear of deportation.

It also ensures that women who are victims of terrible crimes, such as rape, incest, torture, battery, sexual assault, female genital mutilation, and forced prostitution, can remain temporarily in the United States. These women would then be able to apply for lawful permanent residency at a later date. Giving these victims this opportunity to remain in the U.S. is an important step in the efforts of law enforcement to protect the victims and prosecute and investigate cases of domestic abuse and trafficking of aliens.

I'd like to share the story of "Celeste" to illustrate the dire need for this legislation.

Celeste was born in Mexico. She met her husband, Ronaldo, a lawful permanent resident of the United States in 1991. They immediately began dating and fell in love. Four months later, they married, and Celeste moved with her husband to Chicago.

For the first five months things went well. Celeste became pregnant, but soon after, things began to change. He suddenly became unpredictable and controlling. He began to abuse Celeste.

Celeste feared for her safety and that of her son. Ronaldo had promised to file a visa petition for Celeste when she came to the United States, but then refused to keep his promise unless she paid him a lot of money.

Celeste was left with only two choices: report the abuse to the police and face certain deportation or say nothing and live with the abuse.

If this critical piece of legislation is passed, thousands of women across the country like Celeste will be able to leave their abusive spouses and petition for citizenship on their own. Additionally, they will be authorized to work and will have access to basic services like transitional housing and counseling to help them get on their feet.

There is no reason to wait. We must act now to end the injustice, solve this problem, and help these women and their children. it is wrong to stand idly by as battered women and their children are forced to choose between a black eye and broken arm or a one-way ticket out of the country.

I submit the following summary of the bill.

BATTERED IMMIGRANT WOMEN PROTECTION ACT OF 1999

The Battered Immigrant Women Protection Act of 1999 continues the work that began with the passage of the first Violence Against Women Act (VAWA) in 1994. Prior to VAWA 1994, abusive citizens and permanent residents had total control over their spouse's immigration status. As a result, battered immigrant women and children were forced to remain in abusive relationships, unable to appeal to law enforcement and courts for protection for fear of deportation.

VAWA 1994 immigration provisions remedied the situation by allowing battered immigrants to file their own applications for immigration relief without the cooperation of their abusive spouse, enabling them to safely flee violence. Despite the successes of the immigration provisions of VAWA 194, subsequent legislation drastically reduced access to VAWA immigration relief for battered immigrant women and their children.

This bill seeks to restore, improve implementation of and expand access to a variety of legal protections for battered immigrants so they may file violent homes, obtain court protection, cooperate in the criminal prosecution of their abusers, and take control of their lives without the fear of deportation.

Under current law, many battered immigrants are forced to leave the US to obtain their lawful permanent residence. Leaving the US may put women at risk of violence from their abusers and would deny them the protection provided by courts, legislation, custody decrees, and law enforcement. This bill will allow battered immigrant women and children to obtain permanent immigration status without leaving the U.S.

The Battered Immigrant Women Protection Act would:

Allow for adjustment of status for VAWA self-petitioners, thus allowing women to remain in the U.S. while awaiting their green cards;

Prevent changes in abuser's status from undermining victim's petitions;

Provide for numerous waivers and exceptions to inadmissibility for VAWA eligible applicants;

Improve access to VAWA for battered immigrant women who are married to members of the armed forces, married to bigamists, and victims of elder abuse;

Allow for discretionary waivers for good moral character determinations;

Give VAWA applicant access to work authorization;

Protect certain crime victims including crimes against women;

Allow VAWA applicants access to food stamps, SSI, housing and legal services;

Train judges, immigration officials, armed forces supervisors and police on VAWA immigration provisions;

Provide permanent immigration status for immigrant victims of elder abuse.

IMF SHOULD PAY INTEREST ON ALL U.S. FUNDS USED

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1999

Mr. SAXTON. Mr. Speaker, under legislation I am introducing today, the International Monetary Fund [IMF] would have to pay interest on all the U.S. reserves it taps, or face a cut-off of future U.S. funds. The failure of the IMF to pay full interest to the U.S. has been estimated to cost a cumulative $2.7 billion, or $150 million annually. This fleecing of the taxpayer should be ended before any further U.S. funds are even considered for the IMF. No U.S. approval of IMF gold sales, credit lines, or quota increases should be considered until the U.S. is fully and fairly compensated for its current financial support of IMF operations.

The IMF's failure to pay interest on all U.S. reserves is another one of many inconvenient facts that has never been disclosed or explained to the U.S. Congress or to the public. It provides yet another example of the lack of transparency so characteristic of the IMF and its activities. The disclosure of this failure of the IMF to pay interest on all U.S. reserves is one result of the Joint Economic Committee research program on the IMF. The JEC finding was recently confirmed and quantified in an important new General Accounting Office [GAO] report, "Observations on the IMF's Financial Operations."

These interest costs to the U.S. also highlight the implausibility of the Administration's oft-repeated arguments that the IMF does not cost taxpayers a dime, and that the U.S. must pay its fair share to the IMF. The U.S. already provides over one-quarter of the IMF's usable resources, but it is the IMF that is shortchanging the U.S., not the other way around. U.s. taxpayers have been more than generous to the IMF, a specialized agency of the United Nations Organization.

There can be little doubt that very few members of Congress would defend the current IMF practice that has cost the U.S. $2.7 billion to date. Although many issues involving the IMF are controversial, the IMF's full and fair payment of interest on all U.S. reserves provided is one area in which wide agreement should be possible. The current IMF practice of shortchanging the U.S. simply is not defensible.

A SPECIAL TRIBUTE TO THE OAK HARBOR HOTEL ON THE OCCASION OF ITS ONE-HUNDREDTH ANNIVERSARY CELEBRATION

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1999

Mr. GILLMOR. Mr. Speaker, it is my distinct honor and privilege to rise today to pay tribute to a special event taking place this weekend in Ohio's Fifth Congressional District. Beginning today and continuing through Sunday, October 24, 1999, the Oak Harbor Hotel will celebrate its One-Hundredth Anniversary.

In the final year of the Nineteenth Century, the Keubler Brewing Company of Sandusky decided to take an enormous step and build a hotel in Oak Harbor, Ohio. With a new railway line linking Toledo to points in the east, the hotel would be used to serve the many who came through Oak Harbor in search of a restful night's lodging. The three-story hotel, complete with its thirty-four rooms, lounges, and dining rooms, has served many travelers in the last one-hundred years. Its very presence in Oak Harbor and its grandiose appearance make it a truly remarkable building.

For the past century, the Oak Harbor Hotel has long been a centerpiece of this wonderful community. Located on the shores of Lake Erie, the Oak Harbor Hotel continues to fill its rooms to capacity with travelers throughout the year. Its history is long and its décor is breathtaking. Through all its changes—from operating the first telephone in town to housing the area Post Office—this elegant and vibrant hotel has remained strong in its service and dedicated to those who occupied its rooms.

Mr. Speaker, the Oak Harbor Hotel symbolizes all that is good in our communities—grace, elegance, and beauty. Over the last one-hundred years, the Oak Harbor Hotel has hosted many community groups, organizations, and clubs. In fact, the Rotary Club has met there nearly continuously since 1941. With its spacious and stylish dining, reception rooms, and state-of-the-art kitchen, the Oak Harbor Hotel is often the site of wedding rehearsals and receptions, banquets, and community events.

Mr. Speaker, the individuality of our culture and the warmth of our spirit are embodied in our communities and places like the Oak Harbor Hotel. I would urge my colleagues to stand and join me in paying special tribute to the Oak Harbor Hotel on its One-Hundredth Anniversary.

CONFERENCE REPORT ON H.R. 2670, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

SPEECH OF

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 20, 1999

Mr. UNDERWOOD. Mr. Speaker, I rise in opposition to the Conference Report of H.R. 2670, the Commerce, Justice, State appropriations bill for FY 2000. This legislation fails to provide for adequate funding for many issues important to the safety of our communities and our families. Programs such as the President's Community Oriented Policing initiative requires full funding to put more officers in our neighborhoods and on our streets to safeguard our children. I am also disappointed that Conferees did not include legislation that would have expanded the definition of hate crimes to include acts committed against a person based on sexual orientation, gender or disability. Furthermore, I oppose this Conference Report because it also does not include any federal reimbursement to the Territory of Guam for taking on the federal responsibility to detain illegal aliens seeking asylum in the United States. In this first half of this year alone, Guam has spent more than $8 million in behalf of the Immigration and Naturalization Service for housing illegal aliens attempting to enter the U.S. through Guam. From this month until the end of the year, an additional $5 million will be spent.

In recent years, Guam has been subject to illegal immigration from Asian countries, particularly from the People's Republic of China, partly because of the Asian economic crisis. In just the first four months of 1999, Guam was the recipient of more than 700 Chinese illegal aliens seeking political asylum in the United States. Never before had Guam experienced such a surge of illegal immigration from Asia. This surge depleted INS financial resources on Guam and forced the Government of Guam to incur detention costs to our local correctional facility, which is already overcrowded, at a cost of nearly $45,000 per day for more than 430 current alien detainees.

Since the start of the year, I along with Governor of Guam Carl Gutierrez, have been working with the Clinton Administration to address the surge of illegal immigration from China. With their cooperation and also with the collaboration of the U.S. Coast Guard and the Commonwealth of the Northern Mariana Islands, illegal immigration—for now—has slowed. However, there remains more than 430 alien detainees that are housed in Guam's correctional facility awaiting for the INS asylum process to run its course.

Illegal immigration into the United States is a federal responsibility. Because of Guam's proximity to Asia, it is incumbent that federal agencies assist the Government of Guam in combating this serious problem on our shores. Guam's size of only 212 square miles and a population of 150,000 does not lend itself to unexpected and significant increases in the immigrant population. Any increases translate into serious social and financial repercussions because our resources have been strained by the Asian economic crisis and we do not have alternative resources available for non-criminal immigrants that are available on the U.S. mainland to supplement federal resources.

I believe that special budget requests from U.S. Territories in Congress are perhaps the greatest challenges territorial delegates face during our terms in office. Our needs and our states are often misunderstood because our distances from the mainland U.S. are great. Apart from federal programs that both states and territories can participate, any other requests outside of the norm can be a frustrating ordeal. We are vulnerable to federal interagency differences about how to treat the territories as well as having little leverage during the appropriations process.

I am appreciative for the collaboration and support of the President for including reimbursement for Guam as part of his Administration's priorities during the appropriations process. I remain confident that the President is committed to reimbursing Guam for shouldering the costs of the federal government's responsibility and I remain committed to working with my colleagues to ensure that Guam is reimbursed for all past, present and future costs related to the detention of illegal aliens on Guam.

CORAL REEF CONSERVATION

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1999

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today to introduce legislation to authorize the Secretary of Commerce, through the National Oceanic and Atmospheric Administration, to provide financial assistance for coral reef conservation projects, and for other purposes.

Coral reef ecosystems are the marine equivalent of tropical rain forests, containing some of the planet's richest biological diversity and supporting thousands of species of fish, invertebrates, algae, plankton, sea grasses and other organisms. The reef itself is composed of the massed calcareous skeletons of millions of sedentary, living animals (the corals). Coral reef communities are both exceptionally productive and diverse. Although coral reefs cover less than 1 percent of the Earth's surface, fully one-fourth of all ocean species live in or around the reefs of the world, including 65 percent of marine fish species. Southeast Asian reefs alone support an estimated 5 to 15 times the number of fish found in the North Atlantic Ocean. Reefs surrounding the Pacific island of Palau contain 9 species of sea-grass, more than 300 species of coral and 2,000 varieties of fish.

Coral reefs have great commercial, recreational, cultural and esthetic value to human communities. They supply shoreline protection, areas of natural beauty, and sources of food, pharmaceuticals, jobs and revenues through activities such as education, research, tourism and fishing. Coral reef ecosystems provide the main source of animal protein for more than 1 billion people in Asia.

Studies indicate that coral reefs in the United States and around the world are being degraded and severely threatened by human and environmental impacts. Land-based pollution, over-fishing, destructive fishing practices, vessel groundings, and climate change all affect coral reef ecosystems. Of particular concern is the effect of multiple impacts on coral reef health. With increases in ocean temperatures, development in coastal areas surrounding coral reefs, and continued over-fishing, more and more reef ecosystems are showing signs of profound stress. These indicators include widespread bleaching events, when corals lose the ability to grow, and evidence that coral diseases such as black band disease, white band disease, and aspergillosis are increasing in frequency and extent.

Since 1994, under the United States Coral Reef Initiative, Federal agencies, State, local and territorial governments, non-governmental organizations, and commercial interests have worked together to design and implement management, education, monitoring, research, and restoration efforts to conserve coral reef ecosystems.

The year 1997 was recognized as the Year of the Reef to raise public awareness about the importance of conserving coral reefs and to facilitate actions to protect coral reef ecosystems. On October 21, 1997, the 105th Congress agreed to House Concurrent 8, a resolution recognizing the significance of maintaining the health and stability of coral reef ecosystems by promoting comprehensive stewardship for coral reef ecosystems, discouraging unsustainable fisheries or other practices harmful to coral reefs, encouraging research, monitoring, assessment of, and education on coral reef ecosystems, improving coordination of coral reef efforts and activities of federal agencies, academic institutions, nongovernmental organizations, and industry, and promoting preservation and sustainable use of coral reef resources worldwide.

The year 1998 was declared the International Year of the Ocean to raise public awareness and increase actions to conserve and use in a sustainable manner the broader ocean environment, including coral reefs. Also in 1998, President Clinton signed Executive Order 13089 which recognizes the importance of conserving coral reef ecosystems, establishes the Coral Reef Task Force under the joint leadership of the Departments of Commerce and Interior, and directs Federal agencies whose actions may affect United States coral reef ecosystems to take steps to protect, manage, research and restore these ecosystems.

The bill would make it the policy of the United States to (1) conserve and protect the ecological integrity of coral reef ecosystems; (2) maintain the health, natural conditions, and dynamics of those ecosystems; (3) reduce and remove human stresses affecting reefs; (4) restore coral reef ecosystems injured by human activities, and (5) promote the long-term sustainable use of coral reef ecosystems.

The purposes of this legislation are to (1) preserve, sustain, and restore the health of coral reef ecosystems; (2) assist in the conservation and protection of coral reefs by supporting conservation programs; (3) provide financial resources for those programs; and (4) establish a formal mechanism for collecting and allocating monetary donations from the private sector to be used for coral reef conservation projects.

The bill establishes a Coral Reef Restoration and Conservation Program through the Secretary of Commerce. This program will provide funding for projects that: (1) restore degraded or injured coral reefs and their ecosystems, including developing and implementing cost-effective methods to restore or enhance degraded or injured coral reefs; or (2) for the conservation of coral reefs and their ecosystems through mapping and assessment, management, protection, scientific research, and monitoring. These projects would be funded 75 percent by the Federal Government, and 25 percent by the non-Federal partner. The non-Federal partner's share could be an in-kind contribution.

The bill also authorizes a national program through the Secretary of Commerce to further the conservation of coral reefs and their ecosystems on a regional, national or international scale, or that furthers public awareness of and education about coral reefs on these broader scales. The activities under this program should supplement the programs under existing federal statutes.

For the past two centuries, abandoned vessels have damaged coral reefs to the detriment of our nation. Often times the owners of the vessels are unable or unwilling to pay for the damage these vessels cause. Section 8 of this bill is designated to address this problem by prohibiting the documentation of vessels the owners of which have abandoned vessels on U.S. coral reefs and the vessel either remains on a reef, or was removed from the reef using certain Federal funding, which has not been re-paid to the United States Government.

The bill also establishes legal liability to the United States for persons who destroy, cause the loss of, or injure any coral reef in the United States. The amount of liability is set at the cost to respond to the activity, including the costs of seizing and forfeiting the vessel causing the damage. The vessel causing the damage to a U.S. coral reef may be seized with the amount of liability constituting a maritime lien on the vessel. Costs recovered under this section would be used as reimbursement for past costs incurred under the section, and to restore the damaged coral reef, prevent future threats, or for educational purposes.

The bill directs the Secretary of Commerce to promulgate within 90 days regulations necessary to implement the provisions of the bill.

Finally, the bill authorizes $20,000,000 to be appropriated for each of the fiscal years 2001 through 2005, and establishes percentages of appropriated amounts for the programs contained in the bill.

CENTRAL ASIA: THE "BLACK HOLE" OF HUMAN RIGHTS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1999

Mr. SMITH of New Jersey. Mr. Speaker, I rise today to introduce a resolution on the disturbing state of democratization and human rights in Central Asia. As is evident from many sources, including the State Department's annual reports on human rights, non-governmental organizations, both in the region and the West, and the work of the Helsinki Commission, which I chair, Central Asia has become the "black hole" of human rights in the OSCE space.

True, not all Central Asia countries are equal offenders. Kyrgyzstan has not joined its neighbors in eliminating all opposition, tightly censoring the media and concentrating all power in the hands of the president, though there are tendencies in that direction, and upcoming elections in 2000 may bring out the worst in President Akaev. But elsewhere, the promise of the early 1990's, when the five Central Asian countries along with all former Soviet republics were admitted to the Conference on Security and Cooperation in Europe, has not been realized. Throughout the region, super-presidents pay lip service to OSCE commitments and to their own constitutional provisions on separation of powers, while dominating the legislative and judicial branches, crushing or thwarting any opposition challenges to their factual monopoly of power, and along with their families and favored few, enjoying the benefits of their countries' wealth.

Indeed, though some see the main problem of Central Asia through the prism of real or alleged Islamic fundamentalism, the Soviet legacy, or poverty, I am convinced that the essence of the problem is more simple and depressing: presidents determined to remain in office for life must necessarily develop repressive political systems. To justify their campaign to control society, Central Asian leaders constantly point to their own national traditions and argue that democracy must be built slowly. Some Western analysts, I am sorry to say, have bought this idea—in some cases, quite literally, by acting as highly paid consultants to oil companies and other business concerns. But, Mr. Speaker, building democracy is an act of political will above all. You have to want to do it. If you don't, all the excuses in the world and all the state institutions formed in Central Asia ostensibly to promote human rights will remain simply window dressing.

Moreover, the much-vaunted stability offered by such systems is shaky. The refusal of leaders to allow turnover at the top or newcomers to enter the game means that outsiders have no stake in the political process and can imagine coming to power or merely sharing in the wealth only be extra-constitutional methods. For some of those facing the prospect of permanent exclusion, especially as living standards continue to fall, the temptation to resort to any means possible to change the rules of the game, may be overwhelming. Most people, however, will simply opt out of the political system in disillusionment and despair.

Against this general context, without doubt, the most repressive countries are Turkmenistan and Uzbekistan. Turkmenistan's President Niyazov, in particular, has created a virtual North Korea in post-Soviet space, complete with his own bizarre cult of personality. Turkmenistan is the only country in the former Soviet bloc that remains a one-party state. Uzbekistan, on the other hand, has five parties but all of them are government-created and controlled. Under President Islam Karimov, no opposition parties or movements have been allowed to function since 1992. In both countries, communist-era controls on the media remain in place. The state, like its Soviet predecessor, prevents society from influencing policy or expressing its views and keeps the population intimidated through omnipresent secret police forces. Neither country observes the most fundamental human rights, including freedom of religion, or permits any electoral challenges to its all-powerful president.

Kazakstan's President Nursultan Nazarbaev has played a more clever game. Pressed by the OSCE and Western capitals, he has formally permitted opposition parties to function, and they did take part in the October 10 parliamentary election. But once again, a major opposition figure was not able to participate, and OSCE/ODIHR monitors, citing many shortcomings, have criticized the election as flawed. In general, the ability of opposition and society to influence policymaking is marginal at best. At the same time, independent and opposition media have been bought, coopted or intimidated out of existence or into cooperation with the authorities, and those few that remain are under severe pressure.

Tajikistan suffered a devastating civil war in the early 1990's. In 1997, war-weariness and a military stalemate led the disputants to a peace accord and a power-sharing agreement. But though the arrangement had promise, it now seems to be falling apart, as opposition contenders for the presidency have been excluded from the race and the major opposition organization has decided to suspend participation in the work of the National Reconciliation Commission.

Mr. Speaker, along with large-scale ethnic conflicts like Kosovo or Bosnia, and unresolved low-level conflicts like Nagorno-Karabakh and Abkhazia, I believe the systemic flouting of OSCE commitments on democratization and human rights in Central Asia is the single greatest problem facing the OSCE. For that reason, I am introducing this resolution expressing concern about the general trends in the region, to show Central Asian presidents that we are not taken in by their facade, and to encourage the disheartened people of Central Asia that the United States stands for democracy. The resolution calls on Central Asian countries to come into compliance with OSCE commitments on democracy and human rights, and encourages the Administration to raise with other OSCE states the implications for OSCE participation of countries that engage in gross and uncorrected violation of freely accepted commitments on human rights.

Mr. Speaker, I hope my colleagues will join me, Mr. HOYER, and Mr. FORBES in this effort and we welcome their support.

IN HONOR OF SONIA DANIELS EDWARDS, M.A., C.C.C.S.L.P.

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1999

Ms. SANCHEZ. Mr. Speaker, today I rise to congratulate Sonia Daniels Edwards, M.A., C.C.C.S.L.P., who has been named "Teacher of the Year for Fountain Valley." Mrs. Edwards has been awarded the title, "Teacher of the Year" for her outstanding contributions to education. She is the first speech and language pathologist selected for this prestigious award.

As a speech and language therapist, Sonia Edwards is always at the cutting edge of new research and developments in speech and language. Her ability to diagnose and develop individualized programs for students has resulted in the identification and solution to problems that were interfering with the individual students ability to learn. Mrs. Edwards ability to solve these learning "mysteries" gained her the confidence and admiration of her fellow professionals.

Mrs. Edwards speciality is autism. During the past two years, she has served as the district's Autism Coordinator, training staff, setting up home programs, and continuing to provide solutions to many of these baffling learning disorders.

Mrs. Edwards has been known to spend many long hours on the job. She is a dedicated teacher who always has the time to talk with parents regarding their child's special needs. As an educator, she rises to new challenges and tackles the most complex situations. The word "no" is not in her vocabulary.

Respected and admired by her peers, parents and students, Sonia Edwards, is a role model for all of those who know her.

Colleagues, please join me today as I recognize and pay tribute to a gifted and talented teacher, Sonia Daniels Edwards.

IN HONOR OF THE HISPANIC SUMMER PROGRAM ON ITS 10TH ANNIVERSARY AND DR. JUSTO GONZALEZ FOR HIS CONTRIBUTIONS TO THE ORGANIZATION

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1999

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize the Hispanic Summer Program on its 10th Anniversary, and to recognize its Director, Dr. Justo Luis Gonzalez, for his dedication and leadership in the organization.

Born in Havana, Cuba, in 1937, Dr. Gonzalez has embodied the spiritual values of community, dignity, and ministry throughout his life. His significant contribution to theological education over the past twenty-two years has helped build a worldwide ecumenical network that serves as a model for academic globalization.

Upon completion of college studies in Cuba, Dr. Gonzalez studied at Yale University and received three graduate degrees there, including a doctorate. He was ordained as a Methodist Minister and, in 1969, he became an American citizen.

Dr. Gonzalez has educated students as a professor at the Evangelical Seminary in Puerto Rico and at the Candler School of Theology at Emory University. He is the author of more than sixty books and hundreds of articles, which can be found in the Spanish, English, Chinese, Russian, and Korean communities.

Currently, Dr. Gonzalez is committed to theological education in a variety of ways, including serving as editor of "Apuntes", a journal of Hispanic theology published in the United States.

For his remarkable commitment to theological education, I ask my colleagues to join me in congratulating Dr. Justo and the Hispanic Summer Program on its 10th Anniversary.

CONGRATULATING SOUTHAMPTON ELKS ON THEIR 70TH ANNIVERSARY

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1999

Mr. FORBES. Mr. Speaker, I rise today to mark the 70th anniversary of the founding of Southampton Elks Lodge 1574. Its long and rich history dates back to December 7, 1929, when 90 candidates were initiated by the Officers of Patchogue Lodge 1323. The fraternal organization was founded on the principles of improving the quality of life on Eastern Long Island and strengthening ties within the community. They have been fulfilling that pledge ever since. On July 10, 1930, the Southampton Lodge was awarded their Grand Lodge Charter.

Elks in Suffolk County have long been known for their dedication in assisting and comforting the veterans of our wars, especially those who are disabled or in distress. The Southampton Elks are very proud of the symbol for which they fought—our national flag. They not only promote and defend the flag but also see it as a symbol of charity. Furthermore, the efforts of the Elks to involve youth in the lives of our veterans should serve as a model for community building in this country.

We cannot overlook the close attention they pay to the individual members of society who are in dire need of assistance. In the past, they have donated such items as specially-designed bicycles, wheelchairs and other items needed by the physically-challenged, helped local families pay for medical treatments, and assisted those whose homes have been lost to fire.

I am especially proud of their local assistance when disaster strikes. During emergency situations, Southampton Elks have always been, and I'm sure always will be, prepared to assist by donating funds, volunteering their time, or doing whatever else is needed during times of difficulty.

Once again, I commend Southampton Elks Lodge 1574. Their unselfish, voluntary efforts and generosity are a credit to the communities they serve. They are an asset to Long Island, and I have no doubt that they will continue their good works and service strongly into the new millennium.

UNITED STATES JAYCEES RESOLVE SOCIAL SECURITY NEEDS REFORM

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1999

Mr. SCHAFFER. Mr. Speaker, the United States Jaycees, numbering 115,000 individual members, recently adopted a resolution entitled, "Legislation to Ensure the Future Economic Solvency of the Social Security System."

The Jaycees, whose vision is to "become the organization of choice for young people, providing direction and leadership to our communities and nation," conducted more than 75 Social Security town hall meetings across America, reporting that 79% of the surveyed participants think it needs radical or major reform. When asked if there should be implementation of a program that allows individuals to place their Social Security contributions from their current wages in their own personal retirement account and require(s) them to maintain that account for retirement only, 77% either strongly favored or favored that idea.

This resolution's recommendations include reforming Social Security, the need for personal retirement accounts and for directing part of the budget surplus to the solvency of Social Security. It was delivered to me by Penni Zelinkoff, president of the Colorado Jaycees and incoming vice president of the United States Junior Chamber of Commerce; and Tana Bewly, incoming president of the Colorado Jaycees. I believe the resolution is of vital interest to my constituents and the United States Congress. Therefore, I hereby submit for the RECORD, the full text of the United States Jaycees' recommendations for Social Security's continued solvency.

RESOLUTION—CALL FOR LEGISLATION TO ENSURE THE FUTURE ECONOMIC SOLVENCY OF THE SOCIAL SECURITY SYSTEM

Whereas, the membership of The United States Junior Chamber of Commerce, as well as most America is concerned about the economic future of Social Security System; and

Whereas, payroll deductions will have to be dramatically increased or benefits significantly decreased unless Social Security is reformed; and

Whereas, we need to meet our Social Security promises to existing and future retirees; and

Whereas, the number of retirees will almost double by the year 2030; and

Whereas, The United States Junior Chamber of Commerce has conducted surveys at seventy-five Social Security Town Hall Meetings in forty different states; and

Whereas, The United States Junior Chamber of Commerce has testified before Congress to address these concerns; and

Whereas, as a result of The United States Junior Chamber of Commerce's Social Security Town Hall Report, an overwhelming majority approved the establishment of individual retirement accounts; and

Whereas, The U.S. Congress has introduced legislation for the establishment and maintenance of individual retirement accounts; and

Whereas, The United States Junior Chamber of Commerce has invested considerable time and resources in the solvency of the Social Security system; and

Whereas, The United States Junior Chamber of Commerce sees the need to get the average young American involved in the interest of their government; and

Whereas, The United States Junior Chamber of Commerce should actively promote getting out the vote to secure these aims.

Now, therefore, be it *resolved*, That the United States Junior Chamber of Commerce Board of Directors:

Recognizes that Social Security is in need of immediate revisions;

Recognizes that the future of Social Security is a vital concern for young people and future generations in the United States;

Recognizes the need for capitalization of the Social Security system;

Recognizes the need for personal retirement accounts;

Recognizes that a percentage of budget surpluses should go towards the solvency of Social Security;

Recognizes a need for a national "Get Out the Vote" campaign;

Gives authority to the USJCC staff to pursue a course to reform Social Security in local Junior Chamber communities and at the national level and organize a "Get Out the Vote" campaign.

Mr. Speaker, as a proud former Jaycee, I thank the organization for its most thorough examination of the Social Security System and recommendations for its reform.

WHEN WILL CROATIA BECOME A DEMOCRACY?

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1999

Mr. SMITH of New Jersey. Mr. Speaker, in the decade since multi-party elections first began to be held in what were the one-party states of East-Central Europe, the political leaders and societies of many of these states have committed themselves to building democratic institutions, respecting the rule of law and tolerating social diversity. Some have done well; others have not. One country which should have done well, but so far has not, is Croatia. I ask, "Why?"

Many will assert, with considerable credibility, that Croatia faced until 1995 the added burdens of Yugoslavia's violent demise, bringing months of conflict in 1991, and the occupation of considerable territory by Serb militants. We should not minimize the sense of victimization felt by the people of Croatia at that time. Indeed, I was in Vukovar in 1991, when it was still under siege, and personally saw the awful things that were happening to the people there. Similarly, we cannot ignore the effect in Croatia of the continued presence of Croats from Bosnia-Herzegovina who still cannot safely return to their homes in what is now the entity of Republika Srpska.

However much one may want to give Croatia the benefit of the doubt, in the eight years since the tragic events following the assertion of statehood, and four years since the occupied territories were either retaken or set for subsequent reintegration, Croatia has become accustomed to its newfound independence. Its people have increasingly seemed desirous of becoming a more united part of European affairs, including through the development of ties with the European Union and NATO. They are part of a sophisticated, well-educated society, feel more secure within their borders, and want greater freedom and prosperity for themselves and their children. Analysts have, for at least two years, viewed the country as being in a stage of real transition. Unfortunately, as this transition moves forward, it meets greater resistance from those who have become entrenched in, and enriched by, the power they hold. This resistance manifests itself in two ways, the gross manipulation of the political system to the advantage of the ruling party, and the continued reliance on nationalist passions.

Regarding political manipulations, elections must be held within the next three months, yet there is no date, no new election law that provides a free and fair standard, no loosening of the grip on the media. More specifically, there continues to be a so-called "diaspora" representation, which effectively is the same as giving almost ten percent of parliamentary seats to the ruling party up front. Moreover, for some time the authorities considered scheduling the elections within a few days of Christmas, a rather blatant attempt to manipulate popular sentiment and voter turnout.

The ruling party is maintaining its control over Croatia's broadcast media. Defamation laws have resulted in hundreds of prosecutions, both criminal and civil, of journalists and publishers for critical comments deemed "criminal" for allegedly insulting the honor or dignity of high officials. In Croatia, it seems that alleged criminal activity by officials uncovered by independent journalists can be protected under a broad definition of "state secrets."

On the nationalist front, Serbs (who once represented over ten percent of Croatia's population) still have difficulty returning home—many fled in 1991 and 1995—and those who have returned face difficulties in getting their property back or obtaining government assistance. Statements by officials often create an environment which make individuals believe they can get away with more direct, physical harassment of the Serbs. While many Serbs may not be able even to participate in the voting for the upcoming elections, Croatian authorities are considering the reduction from three seats to one seat for Serb representation in the Croatian Parliament, or Sabor. Meanwhile, the "diaspora" vote sways the loyalties of Bosnia's indigenous Croat population, and Croatian President Tudjman recently resurrected notions of a Croat entity in Bosnia-Herzegovina. While Croatia's citizenship law still makes it difficult for members of the Serb and sometimes other minority communities to get citizenship, voting rights are extended to ethnic Croats abroad on the discredited basis of blood ties alone.

Tudjman further claimed this last week that Croatian generals cannot be held accountable for the commission of war crimes and crimes against humanity. His resistance to cooperation with the International Tribunal in The Hague is reprehensible, and, if it continues, warrants a strong response by this Congress.

Mr. Speaker, Croatian courts recently convicted Dinko Sakic, a commander of the Jasenovac concentration camp in Croatia during World War II. The trial and its outcome say something positive not only about Croatia's courts; the attention in Croatia given to this case indicates an ability to acknowledge a horrible period in the past. More broadly, Croats realize they must seek justice for the past and move forward so that they do not sink their personal futures in the pit of extreme nationalist aspirations.

I hope, Mr. Speaker, the leaders of Croatia today will come to their senses, and abide by the wish of the people to live in full freedom, true justice and greater prosperity. Signs of this would be: (1) holding an election which, from the campaign period to the vote count, is free and fair according to both international observers and domestic ones who should be permitted to observe; (2) cessation of the relegation of ethnic Serbs to the status of second-class citizens whose presence, at best, will be tolerated; and (3) surrendering to The Hague all indicted persons, including Mladen Naletilic (aka "Tuta") now that Croatia's own courts have cleared the way, and the information and documents which the Tribunal may request.

Only with progress in these areas can Croatia take its proper place in Europe and the world. Mr. Speaker, I ask Croatia's leaders, when that will be?

IN HONOR OF MR. NICHOLAS A. CAPODICE, BAYONNE CITY COUNCIL MEMBER-AT-LARGE, RECIPIENT OF SICILIAN CITIZEN'S CLUB 1999 MAN OF THE YEAR AWARD

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1999

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize Bayonne City Council Member-At-Large, Mr. Nicholas Capodice, for being named this year's 1999 Man of the Year by the Sicilian Citizen's Club.

Grandson of Pietro Capodice, charter member of the Sicilian Citizen's Club, Mr. Capodice has been committed to serving the City of Bayonne. Through his exemplary service to the community, he has shown tremendous leadership.

Receiving his B.A. in special education and an M.A. in Administration and Supervision from the New Jersey City University, Mr. Capodice's commitment to the educational and social development of his students is truly remarkable. He has continued his work in the field of Special Education by serving on the Bayonne Board of Education for 10 years and on the Jersey City Board of Education for the last 11 years.

Mr. Capodice was recently elected Bayonne's City Council Member-At-Large, where he is Commissioner of the Bayonne Local Redevelopment Authority. In this capacity, Mr. Capodice is responsible for the strategic planning and implementation of the economic redevelopment of the City of Bayonne.

Prior to being elected to the City Council, Mr. Capodice served as a Trustee for the Bayonne Board of Education from 1991 to 1996, acting as President from 1992 to 1995. In addition, he was a member of the Board of School Estimates from 1993 to 1994.

For his dedication to the people of the City of Bayonne and his extraordinary service record, I ask my colleagues to join me in congratulating City Councilman Nicholas Capodice on being named 1999 Man of the Year by the Sicilian Citizen's Club of Bayonne.

INTRODUCTION OF THE YOUNG WITNESS ASSISTANCE ACT OF 1999

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1999

Mr. CAPUANO. Mr. Speaker, this week more than 350 young Americans gathered in our Nation's capitol to share their views about violence and how it has affected their lives. Three individuals from my district—Pierre Laurent and Amanda Abreu of Somerville, MA, and Yarimee Gutierrez of Boston, MA, came to Washington to take part in the Voices Against Violence conference. Their commitment to addressing the problems associated with violence among youth is to be commended, and I want to take this opportunity to personally thank them for their efforts to make a difference within their schools and communities.

As Pierre, Amanda, Yarimee and the other participants of the conference return to their respective communities with a renewed commitment to this cause, I believe it is Congress' responsibility to do all that we can to support these young peoples' efforts. What better way to do this than to provide legislation that assists young people who are striving to do the right thing? For this reason, I rise today to introduce the Young Witness Assistance Act of 1999.

Sadly, more and more of our Nation's youth are becoming intimately familiar with violent crime. These crimes include homicide, assault, robbery, domestic violence and sexual assault. Upon witnessing such violent crimes, they suddenly find themselves in the uncomfortable position of deciding whether or not to report the act. Far too often, many young people choose to stay quiet. In many ways, who can blame them? Witnessing a violent crime is a traumatic experience. Additionally, reporting a violent crime can potentially lead to additional hardships that threaten the well-being of the young witness. Earlier this year in Connecticut, an 8-year-old boy and his mother were gunned down after the boy agreed to testify as a witness in a murder trial. In my district, a young man and his family were harassed and threatened after he agreed to assist authorities in an armed robbery case—eventually his family removed the boy from school and placed him into hiding in reaction to repeated threats on his life.

It's time we take a stand for the young people who are willing to stand against crimes in their communities. The Young Witness Assistance Act is a step in the right direction. It provides Federal funds to state and local authorities specifically for establishing and maintaining programs that assist young witnesses of violent crimes. Authorities can use these funds to develop such activities as counseling for the youth; pre- and post-trial assistance for the youth and their family; educational services if the youth has to be removed from school; community and school based outreach initiatives; and protective services. The bill would authorize $3 million for each fiscal year from 2001 to 2003. No new money will be used to fund this effort. Rather, funding would be derived from existing monies within the Violent Crime Reduction Trust Fund.

Mr. Speaker, this bill supports our Nation's young people who take a courageous stance against violent crime in their communities. It sends a message that Congress cares and is willing to provide the assistance young witnesses need. Forty-fix members of the House, Democrats and Republicans, have acknowledged this by becoming original cosponsors of this legislation. It is my hope that the House will "do the right thing" and pass this legislation.

HONORING THE MEMORY OF MR. LEONARD S. RASKIN

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1999

Ms. McCARTHY of Missouri. Mr. Speaker, I rise today to honor Leonard S. Raskin, whose death on October 18 is an incalculable loss to his loving family and cherished friends, and to our community. Lenny loved life and was undaunted by its challenges. Even as cancer claimed more and more of him, he did ". . . not go gently into that good night . . . (but) . . . raged against the dying of the light. . . ." His incredible strength and will to live emulate these words of courage written by Dylan Thomas to his dying father. Lenny adopted me into his life, and as my friend, reinforced in me the belief that anything was possible to accomplish if you just tried hard enough and were good enough. I knew even if I failed he'd still be there for me; so true was his love. Lenny loved his family and friends with a passion even death cannot diminish. Mr. Speaker, please join me in expressing my deepest sympathy to his devoted wife of 50 years, Sarah Raskin, his eldest son, Phillip E. Raskin, his only daughter and my dearest friend, Maryl D. Raskin, his youngest son and daughter-in-law Garry N. and Susan Raskin, and his beloved grandchildren, Kaley and Sydney Raskin. I ask unanimous consent that the following material be included with my statement. The poems, "Adios" by Naomi Shihab Nye, and "Reading Aloud to My Father" by Jane Kenyon; works Maryl shared with me which reflect upon life as we reflect upon this wonderful man's friendship and love. Thank you, Mr. Speaker. Adios, Lenny.

ADIOS

It is a good word, rolling off the tongue no matter what language you were born with.
Use it. Learn where it begins, the small alphabet of departure, how long it takes to think of it, then say it, then be heard.
Marry it. More than a golden ring, it shines, it shines.
Wear it on every finger till your hands dance, touching everything easily, letting everything, easily, go.
Strap it to your back like wings. Or a kite-tail. The stream of air behind a jet.
If you are known for anything, let it be the way you rise out of sight when your work is finished.
Think of things that linger; leaves, cartons and napkins, the damp smell of mold.
Think of things that disappear.
Think of what you love best, what brings tears into your eyes.
Something that said adios to you before you knew what it meant or how long it was for.
Explain little, the word explains itself. Later perhaps. Lessons following lessons, like silence following sound.
—Naomi Shihab Nye.

READING ALOUD TO MY FATHER

I chose the book haphazard from the shelf, but with Nabokov's first sentence I knew it wasn't the thing to read to a dying man:
The cradle rocks above the abyss, it began, and common sense tells us that our existence is but a brief crack of light between two eternities of darkness.
The words disturbed both of us immediately, and I stopped. With music it was the same—
Chopin's Piano Concerto—he asked me to turn it off. He ceased eating, and drank little, while the tumors briskly appropriated what was left of him.
But to return to the cradle rocking. I think Nabokov had it wrong. This is the abyss.
That's why babies howl at birth, and why the dying so often reach for something only they can apprehend.
At the end they don't want their hands to be under the covers, and if you should put your hand on theirs in a tentative gesture of solidarity, they'll pull the hand free; and you must honor that desire, and let them pull it free.
—Jane Kenyon.

TRIBUTE TO MANA, A NATIONAL LATINA ORGANIZATION

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1999

Ms. ROYBAL-ALLARD. Mr. Speaker, it is a great honor to stand before you today to pay tribute to the members of MANA, a national Latina organization whose members are in our Nation's Capital to celebrate the 25th Anniversary of the founding of this organization.

MANA, a national Latina organization, was founded in 1977 as a Mexican American Women's National Association. Its mission is to strengthen Latina community leaders; cultivate vital and prosperous Latino communities and advance public policy for an equal and just society. MANA is a membership-based organization headquartered in Washington, D.C. and has chapters across the country.

For over 25 years, MANA has been the voice for Latinas in the Nation's Capital and across the country—from the statehouse to the White House. They have shared the national and international concerns of Hispanas with Presidents of the United States and Mexico and consulted with cabinet-level leaders on a range of domestic issues. Through its chapters, MANA has duplicated a strong advocacy role at the community level.

Throughout its rich history, MANA has established a number of programs which have been replicated at the local level through their chapters. From the outset, MANA viewed leadership development as the key to achieve a dream of "full empowerment of Latinas." To that end, the organization holds annual training conferences on public policy issues and the legislative process. MANA also provides scholarships specifically targeting Latinas. Concerned with the high dropout rate, MANA developed its youth stay-in-school program, Las herMANITAS. This program has been duplicated at the chapter level. Through role models, success stories, personal triumphs, encouragement and leadership training, MANA has developed, inspired, motivated and mobilized self-reliant, determined and courageous women to become community leaders.

Lastly, I would be remiss if I did not mention the women who led the organization the last 25 years. Through their efforts they demonstrated how a totally volunteer organization of more than 1,000 women across the country can make a difference in creating a better future for Hispanic women, their families and their communities. Past National Presidents include: Blandina (Bambi) Cárdenas, Founder, 1974; Bettie Baca, Organizing Chair 1974–75; Evangeline (Vangie) Elizondo, President 1975–76; Gloria López Hernández, President 1976–77; Elisa Sánchez, President 1977–79 and 1995–1999; Wilma Espinoza, President 1979–81; Raydean Acavedo, President 1981–83; Veronica (Ronni) Collazo, President 1983–85; Gloria Barajas, President 1985–86; María Rita Jaramillo, President 1986–88; Irma Maldonado, President 1988–90; Judy Canales, President 1990–92 and Elvira Valenzuela Crocker, President 1992–94.

On behalf of the Congressional Hispanic Caucus, we applaud you for your contributions, and we thank you for your leadership on behalf of Latinas and Latinos throughout the country. We look forward to continuing to work with you in the years to come.

JACOB'S HOPE

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1999

Mr. RAMSTAD. Mr. Speaker, tomorrow marks the tenth anniversary of a tragic event in my home state of Minnesota. On October 22, 1989, an eleven-year-old boy named Jacob Wetterling was stolen from his family in the small community of St. Joseph, Minnesota. Since then, no one has heard from Jacob or the masked gunman who stole him that day.

This tragedy shook the community, our state and the nation. If a child could be taken from a closely-knit, small community like St. Joseph, Minnesota, what child in America was truly safe?

Jacob's parents, Jerry and Patty Wetterling, have made it their crusade to make America a safer place for our children. They turned an unthinkable horror in their own lives into an opportunity to bring hope to other families. Over the last 10 years, they have kept the hope of Jacob's return alive, and, at the same time, created the Jacob Wetterling Foundation to promote child safety.

Today, the Jacob Wetterling Foundation is an invaluable, nationally recognized resource for families with missing children and the law enforcement officials searching for them. The Foundation has helped 1,500 families with missing or exploited children and processed 1,000 leads on missing children.

Patty Wetterling has been a tireless crusader, traveling around the country to educate children and families about preventing child abduction and abuse.

The Jacob Wetterling Foundation has reached 160,000 people at 500 events and has distributed more than 1.2 million safety brochures across the nation.

The Jacob Wetterling Foundation has been instrumental in shaping our nation's laws to protect children. Working with Patty Wetterling, I introduced legislation to protect communities from the criminals who prey on children. This landmark legislation—the Jacob Wetterling Act—became the law of the land in 1994. Because of it, released criminals who are convicted of crimes against children must register with law enforcement, and communities are notified when dangerous offenders move into the neighborhood.

Several events are taking place in Minnesota and across the country this weekend to mark the tragic anniversary of Jacob's abduction and make America award of the need for child protection. At 6:00 p.m. tomorrow in St. Joseph, Minnesota, there will be a balloon launch from Kennedy Elementary School. Also tomorrow on television, "Dateline NBC" will carry a report on the Wetterling case.

On Saturday, a safety fair for children and parents will be held at the Rainbow Foods store in St. Cloud, Minnesota. There will also be a local broadcast on KARE–TV at 10:00 a.m. with a behind-the-scenes look at a public service announcement by Jacob's friends and classmates.

On Sunday, a "Hope Service" will be held at St. Joseph's Catholic Church. In addition, the November issue of "Reader's Digest" currently on newsstands carries a cover story about Jacob.

Mr. Speaker, there are few people who have touched my own life like Jacob Wetterling, a boy I have never met. Because of Jacob, America's children are better protected from those who would steal their childhood. Because of Jacob, more and more children will have the opportunity to grow up safe and secure.

I ask my colleagues and fellow Americans to remember Jacob and his wonderful family. We owe Patty and Jerry Wetterling and the Jacob Wetterling Foundation a great debt of gratitude for their ten years of work protecting America's most precious gift—our children.

PRAY FOR THE CHILDREN WEEKEND

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1999

Mrs. BIGGERT. Mr. Speaker, I am pleased to recognize an effort sponsored by the Illinois Drug Education Alliance and others to raise awareness of and unite people against the dangers of illegal drug use. This effort, known as Pray for the Children, is a grassroots movement to keep children drug-free and safe through faith and community involvement.

The second annual "Pray for the Children Weekend" is this weekend, October 22, 23, and 24. This is a time for people all across the world to take a moment to reflect and pray for children to avoid the pitfalls of illegal drug use. It is also a time for families, religious institutions and political leaders to come together to keep children drug free and safe.

We are all aware of the devastating impact illicit drug use has on our society, particularly on young people. Illicit drug use is something we all understand must be addressed and overcome. While saying a prayer is not the sole answer to the drug problem, it is part of a larger solution that demands community involvement and responsibility for one's own actions.

I encourage those listening to participate in this effort and urge my colleagues to wear the red "Pray for the Children" ribbons that have been sent to their offices. The Ribbons and this campaign symbolize what members of this body and those around the world should be promoting—a zero tolerance for illegal drug use and a commitment to a drug-free lifestyle.

IN HONOR OF THE STATEWIDE HISPANIC CHAMBER OF COMMERCE OF NEW JERSEY ON ITS "DECADE OF SUCCESS"

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1999

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize the Statewide Hispanic Chamber of Commerce of New Jersey on a "Decade of Success" in the State of New Jersey on this occasion, its 9th Annual Convention and Expo.

Starting out with just a handful of volunteers in 1989, the Statewide Hispanic Chamber of Commerce of New Jersey has become the flagship organization for New Jersey's small business community. Today, the SHCC is an organization committed to serving the needs of the Hispanic business community, while working closely with the U.S. Hispanic Chamber of Commerce to provide leadership and to promote the continued growth and development of New Jersey's economy.

Championing the needs of Hispanic businesses in the State of New Jersey, the SHCC is a voluntary network of individuals, businesses, Hispanic Chambers of Commerce, and regional professional associations. The network is responsible for expanding business opportunities, forging a mutually beneficial relationship between the public and private sectors, advocating businesses in the political arena, and promoting trade between New Jersey businesses and their national and international counterparts.

The SHCC encourages growth through technical assistance and regional conferences for area businesses, professional associations, and entrepreneurs. Also, the SHCC provides strong leadership for New Jersey in the U.S. Hispanic Chamber of Commerce, as well as in programs such as Education NOW for future business leaders.

Nationwide, Hispanic businesses are thriving. With 30,000 Hispanic-owned businesses supporting 128,000 jobs and generating $7.5 billion in sales nationwide, the Hispanic market is the fastest growing sector in the United States. In the State of New Jersey alone, this booming market has experienced an 87% increase in less than ten years. The efforts of groups such as the SHCC have been instrumental in fostering this growth.

For its commitment to the survival and prosperity of Hispanic-owned businesses, as well as its unwavering leadership, I ask my colleagues to join me in commending the Statewide Hispanic Chamber of Commerce of New Jersey.

MONTGOMERY GI BILL NEEDS A BOOST

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1999

Mr. FILNER. Mr. Speaker, I want to submit an article by my colleague, the distinguished Ranking Member of the Veterans' Affairs Committee, Mr. Lane Evans. This article, about needed changes in the Montgomery GI Bill, appeared in the November 1999 issue of the Association of the United States Army's AUSA News.

MONTGOMERY GI BILL NEEDS A BOOST

We are enjoying a balanced budget for the first time in a generation. Now is the prudent time to make badly-needed changes in the Montgomery GI Bill (MGIB).

Army and other service recruiters and the commanders of the Armed Services' Recruiting Commands see the MGIB as the most important recruiting incentive for the Armed Services. Yet congressional leaders have refused to fund an upgrade, despite a recruiting crisis today that will be tomorrow's manpower crisis.

The House Veterans Affairs Subcommittee on Benefits held hearings this year on the Montgomery GI Bill Improvements Act of 1999, H.R. 1071, which I introduced, and the Servicemembers Educational Opportunity Act of 1999, H.R. 1182, introduced by Chairman BOB STUMP. Both bills would appreciably increase benefits provided by the Montgomery GI Bill. The testimony we received during those hearings was far-reaching, and it confirmed two things:

1. GI Bill enhancements are sorely needed, and
2. My H.R. 1071 is a significantly stronger bill.

Commanders and recruiters from all of the Armed Services told the Benefits Subcommittee that they face brutal recruiting challenges this year which will continue into the future.

Vice. Adm. Patricia A. Tracey, Deputy Assistant Secretary of Defense for Military Personnel Policy, said that it is a buyer's market out there. What most young Americans are not buying is military service.

As a result, the military has become increasingly unable to compete with colleges for the caliber of high school graduates it needs to operate today's complex weapon systems and equipment.

The Army missed its recruitment goal of 48,700 during the first half of 1999 by more than 7,300. Its "write-rate" is the worst in the history of the all-volunteer force, and the annual goal will be missed by ten times last year's figure.

Admiral Tracey told us that "money for college" is consistently the primary reason young men and women give for enlisting. All the recruiters backed her up.

To my mind the recruiting problems we see now reflect the diminished buying power of the Montgomery GI Bill. College costs have quadrupled in the last 20 years. The basic GI Bill benefit, however, has increased only 76 percent since the program was enacted.

No wonder America's young people aren't buying military service. The 21st century job market will demand a college degree—but they have a great many opportunities to pay for a college education without facing the rigors, the risks and the sacrifices of serving their country in the Armed Forces. Most of us who are veterans today grew up looking for ways to serve our country—and wearing the uniform was a good career move, too—whether for a few years before going on to a civilian job, or as a life's work. That ethic is dying, and Congress is doing nothing to reinforce it.

The GI Bill today simply does not provide enough education assistance to attract the numbers of high quality high school graduates the Army and the other services need. Today, potential recruits see the Montgomery GI Bill as an inadequate educational benefits package compared to the commitment required by the Armed Services.

As a result, the military has become increasingly unable to compete with colleges. The Armed Forces are accepting lower-ability recruits in an effort to meet recruiting goals.

Recently Patrick T. Henry, Army Assistant Secretary for Manpower and Reserve Affairs said America has to understand that the Army is not an employer of last resort. I agree, but if we experience continuing recruiting shortfalls, our military may soon become just that.

The Armed Forces must have high quality recruits, defined as those who have a high school diploma and who have at least average scores on tests measuring math and verbal skills.

The Department of Defense says about 80 percent of high quality recruits will complete their first 3 years of active duty, while only 50 percent of recruits with only a GED will finish basic training successfully and complete their enlistment. The General Accounting Office notes that it costs at least $35,000 to replace every recruit who leaves the service prematurely.

We must restore MGIB's effectiveness in recruiting the number of high quality young men and women the Armed Forces need and providing a competitive readjustment educational benefit for veterans.

The Congressional Budget Office has estimated the 10-year cost of enhancing the Montgomery GI Bill (H.R. 1071) to be $5 billion over 10 years. This $5 billion 10-year cost to recruit the high quality young men and women required to maintain our national defense and provide these veterans the opportunity to obtain the best education for which they can qualify after their military service is one-half of 1 percent (.005) of the 10-year nearly $800 billion tax cut congressional leaders are trying to enact.

A single tax break—such as the five-year extension of a temporary tax deferral on income life insurance companies, banks and securities firms earn abroad—will cost the government that much in lost revenues, according to congressional calculations.

Shame on Congress and its Republican leaders if, in their lock-step march to give tax relief to those who need it least, they pass national security by.

Shame on Congress and its leaders, too, if they fail to find the relatively smaller amount we need to attract the new soldiers—and sailors, airmen and marines—this country needs to remain strong and free.

SENATE—*Friday, October 22, 1999*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Sovereign of our beloved Nation, we express our profound gratitude for citizenship in the United States of America. We want to do this in a way that does not overlook Your watchful care of all peoples of the Earth. Today we conclude this Character Counts Week with renewed dedication to the character trait of citizenship.

Forgive us, Lord, for taking for granted the privileges of being citizens of this land which You have blessed so bountifully. We seldom think about our freedoms of worship and speech and assembly and the freedom to vote. Today, we praise You for our representative democracy. Thank You for the privilege of serving in government. Help the Senators and all of us who labor with and for them to work today with a renewed sense of awe and wonder that You have chosen them and us to be part of the political process to make this good Nation great.

May a renewed spirit of patriotism sweep across our land. Help the children to learn that an important aspect of love for You is loyalty to our country. We dedicate ourselves to right wrongs and to shape political programs that assure opportunity and justice for all Americans. So today as we pledge allegiance to our flag, may our hearts express joy: This is our own, our native land. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MIKE DEWINE, a Senator from the State of Ohio, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. DEWINE). The Senator from Delaware is recognized.

SCHEDULE

Mr. ROTH. Mr. President, today the Senate will resume consideration of the motion to proceed to the sub-Saharan Africa free trade bill. Any Senator desiring to debate the motion to proceed is encouraged to come to the floor to make their statement. As announced last night, there will be no rollcall votes today or during Monday's session of the Senate. The next vote will be on the morning of Tuesday, October 26. The Senate may also consider appropriations conference reports or any other legislative or executive matters that can be cleared.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

AFRICAN GROWTH AND OPPORTUNITY ACT—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the motion to proceed to H.R. 434, which the clerk will report by title.

The bill clerk read as follows:

> Motion to proceed to the consideration of H.R. 434, an act to authorize a new trade and investment policy for sub-Saharan Africa.

Mr. ROTH. Mr. President, I rise in support of the motion to proceed to H.R. 434. As Senator GRASSLEY, chairman of the Finance Committee's Trade Subcommittee, indicated last night, I will offer a manager's amendment—to be titled the Trade and Development Act of 1999—as a substitute for the House-passed language.

That act will include the Senate Finance Committee-reported bills on Africa, an expansion of the Caribbean Basin Initiative, an extension of the Generalized System of Preferences, and the reauthorization of our Trade Adjustment Assistance programs. I want to explain the intent behind these measures and my reasons for supporting their passage.

Let me begin with Africa. No continent suffers more from poverty, hunger, and disease. Those problems have been compounded by colonialism, cold war politics, corruption, social division, and environmental disaster. Our daily news records the desperate images of starving mothers and their children, small boys employed as the dogs of war, and the slaughter of wildlife as poachers attempt to eke out a living on the bare plains of Africa.

The result has been the lowest living standards and the lowest life expectancy of any in the world. Those conditions have too often reinforced a dangerous cycle of war, political instability, and economic decay.

What the daily news has too often overlooked are the efforts of so many of our African neighbors to restore political freedom, guarantee human rights, and foster economic hope.

In the past decade, we have seen an end to apartheid in South Africa and the peaceful transition to black majority rule. We have seen Nelson Mandela go from political prisoner to president.

We have witnessed the more recent restoration of economic links between South Africa and the former "frontline states," between Uganda and Tanzania, and between the sub-Saharan region and the rest of the world. We have benefited from the example of courage and dedication that many sub-Saharan African states have provided as they have confronted the daunting challenges they face.

We have also seen nothing short of a revolution in economic thinking. Africa has too frequently been the beneficiary of bad economic advice from well-meaning international institutions, technical advisers, and even creditors.

That advice often encouraged crushing debt, confiscatory taxation, growth-killing devaluations, inefficient state-owned enterprises, and economic mismanagement. For too long, our African neighbors have been encouraged to adopt models of economic development that have, in fact, wasted their most valuable resource—their people.

That era has now come to an end. The new Africa is tackling its own problems and the new Africa can be the master of its own economic destiny.

It is in that context that the African title of the Trade and Development Act is relevant. It offers tariff preferences to sub-Saharan Africa that will encourage economic foundation on which the eligible countries can build their own future. Equally important, it reflects a belief in the power of markets, incentives to investment, and human potential.

That approach enjoys broad bipartisan support in both Houses of Congress and by the President, who mentioned the bill as one of his top foreign policy and trade priorities in this year's State of the Union Address. As the chart behind me attests, the legislation also enjoys broad support in the business community, among U.S. and foreign opinion leaders, as well as, most importantly, from the potential African beneficiaries themselves.

Numerous U.S. businesses and business groups have expressed their support for moving this legislation. That group includes companies as diverse as Oracle, Cargill, General Motors, Enron, and The Limited.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

The list of supporters includes the NAACP, the Southern Christian Leadership Conference, and the National Council of Churches. It includes opinion leaders such as Nelson Mandela, Coretta Scott King, the Reverend Leon Sullivan who led much of the fight in this country to force change in South Africa under apartheid, and Robert Johnson, the founder of Black Entertainment Television who appeared before the Finance Committee in support of the legislation. And, most importantly, the legislation is endorsed by all 47 of the potential beneficiaries in sub-Saharan Africa.

The bill deserves our support as well.

The Trade and Development Act of 1999 would do much the same of the Caribbean and Central America that it would do for sub-Saharan Africa. It expands the existing benefits available under the Caribbean Basin Initiative to include the duty-free and quota-free treatment of the value added in the Caribbean to apparel made from U.S. yarn and U.S. fabric.

It is no understatement to say that the countries of the Caribbean and Central America have faced problems similar to those faced in Africa, and oftentimes on a similar scale. It was only a decade or so ago that Nicaragua was an avowedly Marxist state harboring guerrillas that sought to undermine the governments and economies of Central America. It was only a decade or so ago that El Salvador was confronted with bloody civil strife and a mass migration of its people northward to escape the conditions of poverty and hopelessness that recurring civil war had brought.

More recently, the region has been hit by natural disasters, rather than the man-made variety. This past year, Hurricane Mitch devastated the islands of the Caribbean and the countries of Central America. Among the hardest hit were Honduras and Guatemala, where farms and factories were literally washed away overnight. Both countries confronted the need to rebuild their economic infrastructure from the ground up.

Since 1983, the countries of the region have been eligible for enhanced tariff preferences under the Caribbean Basin Initiative. The CBI was expressly designed to encourage private investment and an economic partnership between the firms in the United States and firms in the Caribbean. The CBI accomplished that objective.

In 1993, however, with the conclusion of the NAFTA, the margin of preference enjoyed by the CBI beneficiaries was undercut by the preferential treatment accorded Mexican goods under that agreement. That was particularly significant in the area of textiles and apparel, where the NAFTA rules of origin gradually encouraged a shift in United States investment and trade from the region to the Mexico.

In order to make good on the initial promise of the CBI, the Caribbean title of the manager's amendment would encourage the manufacture in the Caribbean of apparel articles made from U.S. fabric woven with U.S. yarns. In effect, the bill would simply restore the margin of preference it previously enjoyed in the region in such manufacturing.

At this point, it is worth outlining the reasons why the Finance Committee settled on the particular package of benefits extended to textiles and apparel under both the Africa and CBI titles of the manager's amendment.

For many years, we have employed a program that encouraged production sharing between the United States and many countries in the developing world. That program—generally known as the "807" program—allowed for the export of U.S.-manufactured components off-shore for assembly.

Under the 807 program, when the assembly was complete and the goods were returned to the United States, the importer paid duty only on the amount of value added offshore in the assembly process.

Do such programs work? The answer, based on the latest reports of the International Trade Commission, is an unequivocal yes. They work for both the beneficiary countries and for American firms.

Production sharing programs, according to the ITC, are used by American companies "to minimize their overall costs and improve competitiveness." Indeed, in most instances, American firms experience "enhanced overall competitiveness" that "allows companies to maintain higher U.S. production and employment levels that might otherwise be possible." In short, the programs reflected in both the Africa and CBI titles of the manager's amendment are designed to create a "win-win" outcome for the regions and for American firms.

The American textile industry's latest analyses vindicate the approach we adopted in the Finance Committee.

I think it is fair to say that when we started the process of considering these programs for Africa and the Caribbean in the 105th Congress, the textile industry was lukewarm at best. What they have found in the intervening three years is that the bill proposed by the Finance Committee would help create a competitive platform from which American firms could compete effectively on a global basis even in the face of fierce competition from exporters such as China and India.

According to the respected industry consultant, Nathan Associates, the Finance Committee bill would "increase U.S. textile shipments by $8.8 billion and increase U.S. textile and textile-related employment by 121,400 by the end of five years."

That result led the president of the American Textile Manufacturers Institute, Doug Ellis of Southern Mills, to conclude that the Senate Finance Committee bill would have a "very strong and direct positive impact . . . on U.S. textile production and jobs." He indicated that the legislation will "significantly enhance" trade between the United States and the beneficiary countries. For that reason, ATMI, urged the Congress to support the Finance Committee's bill.

What is more, U.S. wholesalers, retailers, and consumers benefit as well. The direct effect on the duty preferences extended under the manager's amendment will be to lower the cost of apparel products sold in the United States as cost savings are passed on to the consumer.

The indirect effect is that, by ensuring the continuing competitiveness of the U.S. industry, the bill would also encourage continuing competition well into the future. That competition ultimately means a broader range of higher quality goods available to the consumer at lower prices.

I want to pause here to reemphasize my basic point. Under the manager's amendment, everyone in the U.S. textile and apparel market—from the farmer growing cotton to the yarnspinner to the fabric-maker to the apparel manufacturer to the retailer to the consumer—wins under the Finance Committee bill. The same holds true for the beneficiary countries.

Now, I would be remiss if I failed to mention two other particularly important provisions of the manager's amendment. The first is the renewal of the Generalized System of Preferences. The GSP program lapsed in June of this year. Much depends on its renewal.

The program was designed to create an incentive to investment in the developing world. Since its inception in 1975, the GSP program has done just that. Now, however, in the absence of the renewal of the program, that needed incentive to productive capital investment will be cut off. Many American firms that depend on the GSP program will be hurt along with the beneficiary countries.

The second additional item is the reauthorization of the Trade Adjustment Assistance programs. The TAA programs are designed to help U.S. workers and firms adjust to new levels of import competition.

I have always maintained that those that benefit from trade should care for those who are hurt by the economic adjustment trade can engender. For that reason, I rushed to the floor to object when there was an initiative to do away with these programs in the past. In my view, the TAA programs represent a down payment on the commitment we must make to workers as the United States if we want them to join us in support of the benefits trade brings.

In closing, let me urge my colleagues to listen carefully to the debate they will hear in the coming hours on the motion to proceed to H.R. 434. I firmly believe that my colleagues will hear no meaningful objection to the Senate Finance Committee's approach to providing additional trade incentives to sub-Saharan Africa, the Caribbean, or the developing world generally through the renewal of GSP. Nor can there be any principled objection to the renewal of the TAA programs.

This is a significant step in favor of engagement with our neighbors in Africa and the Caribbean to help them surmount their own economic problems. I urge my colleagues to vote for the motion to proceed to the bill.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. I thank the Chair.

(The remarks of Mrs. MURRAY pertaining to the introduction of S. 1772 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mrs. MURRAY. I yield the floor.

The PRESIDING OFFICER (Mr. GORTON). The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, on the objections I have registered to the motion to proceed to the CBI/sub-Sahara bill, I was delighted to hear the chairman of our Finance Committee relate the reason for it. The reason, perhaps, is well-founded: good foreign policy.

I have sponsored and recommended some kind of Marshall Plan for the country of Mexico for the simple reason that Mexico is our neighbor; it is our friend. We have a responsibility to assist it, and we are responsible for the problems NAFTA has caused, which are quite obvious with respect to immigration and drugs. If we can put in a plan where Mexican workers can have workers' rights and some money in the economy would not be stripped and sent back to the bankers in New York or to the investment wizards from all the other countries, including the United States—you can cross from California into Tijuana, Mexico; one would think you were in Seoul, Korea. If we could do that, we could have some prosperous parity with our friends in Mexico.

Unfortunately, we went the so-called NAFTA way. We have had approximately 5 years to measure the success or failure of NAFTA. Everywhere I go I hear: Oh, isn't it wonderful how well it has worked.

The truth is, they told us in the original instance this was going to create jobs in America, just as the distinguished Senator from Delaware is telling me this bill is going to create jobs in the United States.

It is a win-win situation, he says, from the farmer to the apparel manufacturer. And he goes down the list: What a wonderful win-win situation it is.

I do not advise that he come to South Carolina and tell them that, where they have lost 31,700 textile jobs since NAFTA. They are streaming out. Why? Because you and I, Mr. President, set the American standard of living. That is a bipartisan effort whereby we all agree on a minimum wage, Social Security, Medicare, Medicaid, safe working place, safe machinery, plant closing notice, parental leave, clean air, clean water—on down the list. We can continue to list Republicans and Democrats joining in setting our highest standard of living.

Obviously, it is competing with one of the lower standards of living. You can go down to Mexico for 58 cents an hour. There are none of those protections. You are guaranteed a profit. And everybody is streaming down there.

But we are losing jobs not just in South Carolina but all over the Nation. The overall job loss is in the textile and apparel sector over the last twenty five years is some 1.2 million, and 420,000 of them are textile jobs since NAFTA. They said we were going to get 200,000 new jobs. We have lost 420,000. They said, oh, it was going to solve the immigration problem. I know better—by handling the immigration appropriations—there is the Border Patrol, and how we are breaking out abandoned Navy yards and using schools, and having thousands of additional agents, and everything else of that kind, and illegal immigrants keep coming. The immigration problem is worse today than it was 4 or 5 years ago.

Drugs? Heavens above. There is a drug culture. You have to break it. You don't break it with NAFTA. It is worse today than it was 4 to 5 years ago. Even the Mexican worker is taking home less pay than he was taking home 5 years ago.

So there is no education in the second kick of a mule. When they come around and say, let's spread this NAFTA approach elixir and spread that down to the rest of the countries over to the sub-Sahara, or any elsewhere else in the world, we say, now, wait up.

Of course, if you listen to my distinguished colleague, he talks about the 48 sub-Sahara African countries. Certainly they are for it. They are for foreign aid. The retailers and wholesalers, and so forth, they get lower costs. Yes; there isn't any question about that. You can produce it for 58 cents an hour—no clean air, no clean water, child labor, and everything else of that kind in these countries abroad. That is a given, known fact. We have college students, who know better, demonstrating against that. Everybody knows it. We want to make it an official policy?

They say: From the farmer to the apparel manufacturer, and on, it is a win-win situation. Well, of course, unfortunately, it is a losing situation. As I have indicated, we have been through this singsong.

It started some 40 years ago or more with Japan. I will never forget, at the particular time I was a young Governor in South Carolina, they said: Now, Governor, what do you expect these emerging countries to make? The airplanes and the computers? Let us make the airplanes and computers, and let them make the textiles, the clothing, and the shoes.

The trouble is, 40 years later, with our noncompetitive blind kind of foreign trade policy, they are making the shoes, they are making the textiles, they are making the airplanes, they are making the computers, they are making everything. When we get into full debate on Monday, we will point out and list down exactly what has been going on and how we have been hollowing out the industrial strength of America.

Last evening, we had a delightful exchange with the ranking member of our Finance Committee, the senior Senator from New York, Mr. MOYNIHAN. He was relating back to when he was on the Kennedy team negotiating the trade policy, which was an outstanding policy at the time. It was outstanding in that it was realistic.

President Kennedy knew the situation. I went and showed how we brought the witnesses, and everything else, and found that textiles was second only to steel as the most important to our national security. And with that authority under the law, President Kennedy enunciated his seven-point textile program, from which came the Kennedy Round, the Multi fiber Arrangement, One Price Cotton; and it gave a chance—yes, to sort of an archaic industry—to really refurbish, retool, modernize, and compete.

Until the recent years, like NAFTA, they had been putting in $2 billion a year, at least $2 billion a year, in the State of Delaware, the State of South Carolina, and the several other States to modernize and compete.

I went to a plant there in Clinton, for example—I went to numerous ones last year—but this was an old plant, over 100 years old, that looked to me as if it was going to fall down. But I was pleasantly surprised when I walked in. They had the most modern machinery and the highest productivity you could possibly imagine.

There isn't any question that the industry has been brought into the world of reality of so-called global competition. The only trouble is that our competitors are fancy-free and footloose with their protections, with their nontariff trade barriers, and other measures to protect their economic strength, and we are blindly pell-mell down the road with this so-called free trade, free trade, when, of course, it is obviously not free.

That goes back now to the standard of living we talked about. And more than the standard of living—if this passes because it will change what we said with the Multi fiber Arrangement just 5 years ago after GATT/WTO: That we were going to have a phaseout of any kind of quotas.

I know the distinguished Chair knows about subsidies. We have done all the research, just about, for the aircraft industry. We give them Export-Import Bank financing. We do not do that for textiles. We do not do that for textiles.

But I see all of these people come out for the farmer. Yes, I had to talk to a farmer friend yesterday. I support the farmers. I support that aircraft industry. The farmers, they get subsidized water, subsidized telephones, subsidized electricity. They get export subsidies. If it rains, they get protection; if it dries up, they get protection.

And Oracle. The Senator from Delaware says: Oracle is with us. That is that crowd with whom we started the Internet. You would think, by gosh, they invented it. The politicians, the Pentagon, we did all of that back in 1967, 1968, 1969. We put in, at the University of Illinois and Stanford, the training programs for which ultimately benefited Mr. Yang of Yahoo and other Internet start-ups. And so fine, our friend Gates, he has 22,000 employees, and there are approximately 22,000 millionaires. There was nothing wrong with that. But don't talk about the engine of this prosperity and economy as this crowd. No, sir.

We go back to Henry Ford when he said, in order to sell his car: I want to make sure the person producing it is making enough to buy it. He started generating, more than anyone, just with Ford automobiles, the middle class in America. General Motors, compared to those 22,000, has 250,000. We had that machine tool industry, and we had all the rest of these good manufacturing establishments, but we have gone to software, which doesn't help us in our exports nearly as much as the heavy manufacturers. And it is not the engine. It is the hard industries that are the engine of our economy.

When you give me Oracle and Exxon and the rest of them on this particular bill, and foreign policy, obviously they are trying to explore oil in the sub-Sahara. They are trying to sell their goods anywhere else in the world and, of course, in Central America. But right to the point, this is the sort of last chance we have for a formative industry, second-most in importance to our national security. It is the last chance in the sense that after 5 years of the 10-year phaseout, the textile manufacturers all invested in that 10-year policy. So if we cut it off in October of 1999, cut it off at least 5 years short, they begin to lose the investment. They don't get the return. They don't increase their productivity.

I never heard such an outrageous statement, that this is going to increase their productivity. They immediately freeze in their tracks and say, no, we can't get our money back out of trying to, even again, buy a better spindle and get even a higher production. They begin to lose their money as well as the workers lose their jobs. It is a lose-lose situation because, bottom line, look what happens.

Like I say, all these other countries invest down there in the various Central American countries. Honduras, seven Taiwan firms, including the leading Chung hsing Textile have invested $24 million. Again, the Republic of China will provide $15 million in low-interest loans for Honduras to build an export processing zone, an EPZ. Then the Taiwan manufacturers in the upper and lower streams of the textile industry are planning to form integrated textile production in San Pedro Sula down in Honduras and Central America. The South Koreans, Kim and Arzu, have agreed on the need to diversify South Korean investment in Guatemala and their particular textile investments down there.

Looking at the Caribbean as a potential staging ground and production base, the Malaysian textile industry uses Caribbean plants as the gateway to the United States. Then again some 18 Taiwanese companies are down there. South Korea, 180 small South Korean companies, mostly textile and garment makers, have invested $130 million in five Central American nations. You can go right on down the list.

I am going to get in the RECORD on Monday the 100,000-acre tract the People's Republic of China, Beijing, developed—that industrial tract—down in Mexico. So it isn't somehow that we are opening it up for American fabric. Yes, temporarily that ATMI crowd, they thought they could just hold on to American fabric, but Burlington has found differently. They have moved down and other fabric manufacturers are moving. Why? Because it is cheaper in Mexico.

When it comes right down to it, it might be a good aim but it is a bad recoil. We learned that with the artillery in World War II. No matter how well the gun was aimed, if the recoil is going to kill the guncrew, don't fire. That is why we object to proceeding to this particular bill—because the recoil here is going to kill this important industry.

I will be glad to get into it in depth when we have all the Members back here the first part of the week. Of course, the President, yes, he is building a library now, and he is looking to see what he did down in Central America and what he did in Africa and traveling around building a library. But he is absolutely draining, so to speak, the industrial strength in the United States of America. It is a sad thing to see that more people are not exercised about it. This has been going on for years on end. President Kennedy was worried, and that is why he put in his seven-point program when only 10 percent of the textile apparel consumed in the United States were represented in imports.

Now I am looking at at least two-thirds—nearly 70 percent of the clothing I am looking at in this Chamber is manufactured outside the United States; and, of course, the shoes, 86 percent of the shoes on the floor. But it has gone on to cameras and hand tools and everything else.

Just earlier this year we found out about steel. The World Bank runs around and says, wait a minute, in order to become a nation state, you have to have the steel for the tools of agriculture and the weapons of war. So the World Bank gives these 2-percent loans, all over the entire world, down through Africa, into the Middle East, Saudi Arabia and Iran, now to the People's Republic of China. So they get an overproductivity of steel, and they come dumping it here. And we are telling them, let us get more competitive. You have to look at these broad policies. You have to look at this broad foreign policy that the Senator from Delaware now enunciates and how wonderful it is that we are going to make friends in the sub-Sahara and down in Central America.

I think the Koreans, the Malaysians, the Taiwanese, the Japanese, and everyone else will be making the friends. They are quicker, faster; their countries subsidize, finance. They have followed the MITI form, not the American capitalistic form, but the controlled capitalism of the Ministry of Industry and Trade in the country of Japan.

That said, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. ROTH. Mr. President, first, let me make the observation that textile jobs are being lost to China and India, not to Mexico. NAFTA has helped increase U.S. textile shipments. But I think it is particularly important to understand that it is not I who is saying that the legislation before us will help the textile industry; rather, it is the textile industry itself. It is the President of the American Textile Manufacturing Institute that is telling us that the Finance Committee will raise textile shipments by $8.8 billion over the next 5 years. That is what is significant, Mr. President—that it is the textile industry itself that is asserting that the legislation before us will help the textile industry to the tune of $8.8 billion and, most important of all, it will increase employment by 121,000 jobs.

That is the reason I made the comment that it is win-win because we are not only helping the countries such as the sub-Saharan Africa CBI, but we are helping the workers here at home. We are not talking about what happened in the past; we are talking about what will happen in the future. And what we are seeking to do is to enact legislation that will both create jobs and help the industry. I should also point out, most importantly, it will be of benefit to the retailers, the wholesalers, as well as the people who acquire the goods. So I reiterate what I said earlier, that this is good legislation. It accomplishes what I think we all want—a stronger economy in the textile area.

Now, on the immigration issue, my distinguished colleague says NAFTA hasn't helped. What that statement overlooked is the strong flow of illegal immigration. But, again, as I said earlier, it is not from Mexico; rather, it is from Central America and the Caribbean, which is precisely the reason that the Finance Committee bill will help. In other words, by strengthening their economy, there will be jobs there, and as a result of that, there won't be the need for the illicit immigration that has occurred in the past.

As to who would benefit, my distinguished colleague cannot possibly claim that Korean and Taiwanese firms will benefit. As I explained before, the only fabric that will benefit is American fabric. It is U.S. textiles that will benefit and U.S. export of textiles. So my colleague argues that we are losing in manufacturing. In fact, it is increasing, and that is the purpose of this legislation.

Mr. President, I think it is important that the record reflect what has happened to productivity in the textile industry.

In a CRS report for Congress dated August 24, 1999, the point is made on page CRS-3 that:

> Labor productivity growth in the textiles industry has actually outstripped [I think that is important] that of the economy as a whole, increasing at 2.8% per year from 1970 to 1996, compared with 1.2% per year for the aggregate economy.

In other words, the economy as a whole, its productivity, has been growing at the rate of 1.2 percent per year, whereas the textile industry, in contrast, has been growing as rapidly as 2.8 percent.

Textile productivity growth was fast even compared to the rest of the manufacturing sector.

The figures are given that it grew at 2.8 percent versus 2.3 for the rest of the manufacturing sector and has maintained the high growth of labor productivity even in the 1990s. Again, it is 4 percent versus 3.5 percent.

> Much of the increase in the textile industry productivity was due to capital deepening that occurred beginning in the 1970s. Over this decade, capital expenditures by textile producers outstripped their profit with almost $3 billion invested annually in new plants and equipment.

The same publication points out that exports have grown 12.1 percent in the textile sector from 1989 to 1996 but has shrunk very slightly, 1.2 percent, since 1997 due primarily to lingering effects of foreign currency devaluations that have been induced by the Asian crisis.

I urge anyone who has an opening statement or comment on the legislation to come down to the floor as soon as possible while there is an opportunity to speak on this matter.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. Mr. President, I want the record to be clear that this Government has been of help to the apparel and textile industry, as well as others, including agriculture and aerospace. The claim was made that the A&T sector has not benefited, but that is not correct. Let me give one example.

The question of the R&E tax credit—a most important credit in that it encourages research by various industries and I think helps keep us on the cutting edge of technology—I point out this is a matter, as a matter of fact, being discussed and debated in the Finance Committee and the Ways and Means Committee on the other side as part of extenders.

The point I want to make is the R&E tax credit is of great benefit to the textile and apparel industry. As a matter of fact, the CRS report for Congress of August 24, 1999, states that the R&E tax credit may be even more important to the A&T sector. This is probably because more technology-intensive industries consider R&D spending a fixed cost of their sector activity that must be undertaken to maintain competitiveness regardless of public policy. While in the A&T sector, the amount of R&D engaged in is variable depending on the expense. It concludes, for these reasons, this credit is probably of more benefit to this industry than many others.

I conclude by saying that as Congress has recently displayed a preference in favor of tax credits over direct funding for R&D, the future of the R&D tax credit may be determined, to a large degree, by the rate of continued technical progress in the A&T sector.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Frist). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. I thank the Chair.

Mr. President, I start out by saying this debate over S. 1387 and S. 1389 is probably a debate we should not be having now. I think the Senate has far more important issues to deal with—having to do with the minimum wage and the standards for working people, having to do with giving consumers more protection through HMO or managed care reform, having to do with campaign finance reform and the ways in which money has subverted our representative democracy. And, believe me, if, in fact, cloture is invoked and we go forward with this bill, I will argue the farm crisis. I will have an amendment to this bill that will call for a moratorium on these acquisitions and mergers taking place that are driving our producers off the land.

These are the issues people care about in our country. My question is, When are we really going to be debating these issues on the floor? I think that is what we should be doing.

Having said that, however, I think the debate over CBI and African trade bills could be useful and enlightening because I think we have a choice between two very different models.

Senator Feingold has introduced a very impressive and innovative bill. It is based on legislation introduced in the House by Jesse Jackson, Jr., which really blazes a trail for U.S. trade policy. It is truly groundbreaking. And for those people who want our trade policy to work for working families, this is the direction in which we should go.

I do not think we are going to have a debate between people who are saying we ought to build a wall on our borders and we should not be involved in trade. For me, that is not the issue. The issue is not whether we expand trade; the issue is on whose terms we expand trade. What are the rules and who benefits from the rules?

The choice could not be clearer. The Feingold-Jackson legislation, called the HOPE for Africa Act, says that an expansion of trade should benefit working families and poor families in America and in Africa. Trade agreements should be about making the global economy work for working people in all countries. The HOPE for Africa bill says if we are really serious about raising labor and environmental standards across the globe, then we have to have enforceable protections built into our trade agreements. The HOPE for Africa bill says that we can't be serious about wanting to help African countries develop economically if we don't do anything about the crushing debt burden. The HOPE for Africa bill says the lives of Africans suffering from AIDs are far more important than the monopoly profits of foreign pharmaceutical companies. The HOPE for Africa bill has its priorities straight. It expands trade the right way by putting people first.

Our other option is the same old more of the same, more NAFTAs, NAFTA for the Caribbean, NAFTA for all of South America, NAFTA for Africa, more IMF-style economic policies that have impoverished one country after another all over the world, more investment protections for multinationals to export jobs overseas so they can avoid complying with American-style labor and environmental standards.

I think we should have learned our lesson from NAFTA. We have gained jobs; we have lost jobs, but that is almost beside the point. The kind of labor, environmental side agreements we put into effect were an afterthought. They were not part of the trade agreement. They weren't enforceable. Basically, if we are going to do these trade agreements, we ought to be talking about uplifting the living standards of working people, of low-income people, in our country and other countries.

What we have right now, without clearly enforceable standards dealing with the basic right to organize and bargain collectively, to earn a decent living in other countries, much less in our own country, is a trade agreement that says to working people: Look, these multinationals can go to other countries. They don't have to comply with fair labor standards, including the right of people to be able to organize and bargain collectively. They can pay low wages, miserably low wages, with exploitive working conditions, and then export those products back to our country, undercutting working people who are trying to produce and basically eliminating our jobs. It is lose-lose. That is why the Feingold-Jackson bill is such a clear alternative.

If we pass these bills without any kind of meaningful and enforceable protection for the interests of working families, we will have made a big mistake. That is part of what is going to be happening in Seattle. You will see at this WTO meeting all sorts of NGOs, nongovernment organizations, all sorts of environmental organizations. Being a Senator from Minnesota, a lot of farm organizations and farmers are going to be there. A lot of labor people are going to be there; a lot of working people are going to be there. They are going to basically say that is exactly what is at issue here—when we look at S. 1387 and 1389, the African Growth and Opportunity Act and the U.S. Caribbean Basin Trade Enhancement Act. We are for trade; we are for being in an international economy, but we are not for the kind of trade agreements that drive our wages down and basically eliminate our jobs and don't provide protection for people in other countries.

If we are going to have trade agreements, we are for them, but not unless you have clearly enforceable standards dealing with environmental protection and dealing with the right of people to organize and bargain collectively. If you don't do that, then we know all too well what these kinds of agreements mean for working families in Minnesota and our country, much less for the people of the Caribbean and African countries:

When people come out to this WTO meeting, they are going to say what WTO should be all about is the rules of trade, not trade without rules. We want to talk about the rules of trade. We don't want to support an agreement which is trade without rules. We want enforceable protection when it comes to the basic right of people to organize in these other countries and we want some enforceable environmental standards as well.

As we move forward in this debate, we do have a piece of legislation that does look to other nations, that is all about trade, that is all about our role in the international economy. The difference is that the Feingold-Jackson legislation is a trade bill that will lead to uplifting the standards of working families.

I want to signify to my friend and colleague from Delaware, whose work I respect, that we will have debate about whether or not this bill should be on the floor. If it is on the floor, one piece of good news for me, though I am in disagreement with the legislation, is it will give me the opportunity to bring an amendment to the floor that deals with the farm crisis, that says we should have a moratorium on these acquisitions and mergers by these big packers and big grain companies that are basically driving producers out. I hope there will be another amendment to take the cap off the loan rate to deal with the price crisis.

I am determined that if we go forward with this legislation, I will be out of the box with those amendments as soon as possible next week. I have been waiting for 4 weeks now to come to the Senate floor with legislation that will alleviate the pain —or some of it—of family farmers in our States. I thank both of my colleagues for their patience.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota, Mr. GRAMS, is recognized.

Mr. GRAMS. Mr. President, I rise in strong support of the trade package before us today which would expand trade opportunities with sub-Saharan Africa, offer enhanced tariff treatment to Caribbean Basin Initiative (CBI) nations, extend the Generalized System of Preferences (GSP) program for 5 years and extend the Trade Adjustment Assistance program.

The CBI language will expand benefits to CBI nations, yet continue to protect import-sensitive industries in the United States. It will for the first time link benefits to improvements in areas such as intellectual property rights, investment, market access, government procurement and other issues which will not only help CBI nations develop but create an improved market for U.S. companies in the future. U.S. exports have tripled to the region since the Caribbean Basin Economic Recovery Act was passed in 1984. They have soared the first 6 months of this year, and this legislation will further that progress.

The CBI benefits will serve as the next step in helping this region become part of the Free Trade Area of the Americas.

The Generalized System of Preferences program aiding the least developed countries expired in July of this year. Most of us have many small importers in our States who have depended on this lower tariff treatment to compete with larger retailers. I know there are many in Minnesota who are now paying enormous tariffs—at the risk of staying in business—and need the program extended for 5 years. Extending the program year by year, often retroactively, and usually with no certainty is no way to treat these small businesses or these countries. The GSP program has been improved over the years, and graduations of countries and products have ensured it helps only those who need assistance get the help.

The African Growth and Opportunity Act is the most controversial, but crucial, part of this package. I have continually supported this effort and am disappointed it has taken so long to consider the measure on the floor. What really is very modest assistance to one of the poorest regions of the world, sub-Saharan Africa, has been battered from all sides—and it is the needy people of those countries who will suffer the most if we do not pass this legislation.

Much of the opposition is from the textile and apparel industry, and I am sensitive to the concern that has come from textile companies in my own State of Minnesota. I believe the Senate bill has addressed this industry's concerns in a very responsible manner. The bill requires the use of U.S. textiles and includes tough transshipment language—far tougher than that of current law. The Customs Service has reassured us that Africa is not a transshipment problem. Africa supplies 1 percent of our textile imports and has little ability to flood our market with additional imports. I believe most new apparel investments in Africa will just replace many in Asia rather than expanding overall textile/apparel imports.

Some in the Congress believe this legislation should focus more on debt relief. However, we are involved in multilateral efforts to provide this relief and have made commitments unilaterally as well. I support these separate efforts. This is not the vehicle to expand our debt relief efforts. The focus of this legislation is to foster economic growth through incentives, to create a high-level dialogue between U.S. and African leaders on economic issues, to start the process toward a U.S.-sub-Saharan free trade area—to help Africa develop and prosper through improved business relationships with our companies. We want these relationships to help Africa grow, to expand job opportunities, to become more market oriented as they reform economically and to become less dependent on foreign aid from other nations.

Some will say this bill is not worthy of support because it does not provide enough benefit for the United States. Fortunately we don't always pass legislation solely on what it can do for us immediately. We need to look ahead, which we don't do enough of here, but this legislation is a good example of how we should act. The more than 700 million people of sub-Saharan Africa represent an enormous market of the future for us. Right now my State of Minnesota is the 15th largest exporter to the region. We must continue to improve our export opportunities, but we can't do that if we don't allow sub-Saharan Africa the ability to export to us. If we are not there now helping them help themselves, developing the relationships needed to build friendship and trust, sub-Saharan Africans will not want to buy our products in the future. And we know how many other countries are there to step in if we are not there. Again, we can't expect to develop an export market there if we are not with them during the hard times when sub-Saharan Africans need us to give them a small edge to compete for exports into the United States. If Africa can't become strong and prosperous, it will not be able to buy our products in the future.

A strong and secure Africa will not only benefit trade, but will help us achieve our goals in areas such as drug trafficking, terrorism, human rights, and many others.

I also want to mention a statement I just read whereby AIDS activists oppose this legislation because they believe sub-Saharan African countries will spend more on business investment than on social services spending such as health care. I strongly disagree with this thinking. The Africa Growth and Opportunity Act will help countries grow and prosper. It will enable these governments, and their people to spend more on their health care needs, including the need to fight the devastation of AIDS.

Mr. President, this bill is a good one. It complements what we are doing in so many other ways to help sub-Saharan Africa. The entire package is one we should enthusiastically support. I urge my colleagues to vote for this trade package without damaging amendments.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. I ask unanimous consent that I be allowed to speak as in morning business for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PANAMA CANAL

Mr. SESSIONS. Mr. President, along with Senators LOTT, THURMOND, HELMS, KYL, INHOFE, ALLARD, and TIM HUTCHINSON, I have introduced a concurrent resolution, with the House, regarding the transition of control of the Panama Canal from the United States to the Republic of Panama. I thank my colleague, the chairman of the Foreign Relations Committee, Senator HELMS, for agreeing to discharge the resolution quickly to give Congress a chance to consider it in a timely manner.

I hope we can bring this resolution before the Senate, debate it, and vote up or down on the merits. Indeed, the Senate must be heard on this issue, which is important to our national security.

In accordance with the 1977 Panama Canal Treaty, the withdrawal of the United States Armed Forces from Panama is almost complete, and with it will be the relinquishment of our control of the canal, which will take place December 31 of this year.

The canal is of vital interest, however, to the United States, and it is an invaluable world asset. Unfortunately, Panama's ability to maintain and provide adequate security for the canal is lacking. Exacerbating this tenuous situation is the growing influence of the People's Republic of China in the region.

Almost as soon as we started our pullout, a company called Hutchison-Whampoa, closely associated with the People's Republic of China, began to establish its presence and to fill the void left by the United States in Panama. Hutchison-Whampoa, Limited, holds leases for two port facilities at either end of the canal. Documented evidence shows that Hutchison-Whampoa, Limited, is closely tied to the Chinese Government.

The fears voiced by the American people when the United States negotiated this treaty in 1977 have been validated. The American people were right to be skeptical of Panama's ability to adequately maintain the operability of the canal and guarantee its independence and security. These fears were supposedly addressed in the Panama Canal Treaty's companion, the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal, which promises that the canal will remain open during times of peace and war. It also guarantees "expeditious transit" to the United States through the canal in times of conflict, generally interpreted to mean that, in an emergency, U.S. warships would be sent to the head of the line. Still not satisfied with these provisions, the Senate, under Senator DECONCINI's reservation, insisted on the right of the United States to intervene militarily, if necessary, if it appeared the canal was about to be closed or threatened. Apparently, Panamanian President Torrijos did not agree and offered his own counter-counterreservation, nullifying DECONCINI. Inexplicably, this counterreser-vation, which Panama ratified, was never transmitted to the Senate for consideration.

Consequently, in 1996, the Panama Government awarded control of two key port facilities through a questionable bid process to Hutchison-Whampoa. Under the so-called Law No. 5, passed by the Panamanian National Assembly, it appears Hutchison-Whampoa has the authority to block or delay passage of ships through the canal to meet its business needs. This Chinese company could simply declare that passage of U.S. warships could be harmful to their business and we would have a serious problem in moving ships through the Panama Canal.

I have heard from many of my constituents on this issue. Some believe China will attempt to base bombers and missiles there. The Department of Defense has asserted this scenario is unlikely. However, recent antagonistic statements by China, such as thinly veiled threats concerning Taiwan and declarations possessing the neutron bomb, are reasons for people to be concerned.

There are two legitimate security concerns related to regional spying, narcotrafficking, illegal immigration, and the creation of bureaucratic obstacles which over the long term could impede the flow of traffic through the canal. Such actions could have a significant impact on American trade.

The Panama Canal sees the transit of nearly one-third of the world's shipping each year, including 15 percent of all imports and exports of the United States, 40 percent of U.S. grain exports, and in the vicinity of 700,000 barrels of oil every day. Though prohibited by treaty, Hutchison-Whampoa, perhaps at Chinese's behest or with their influence, could impede commercial military traffic.

We hope this will not occur. There is no immediate indications that it will occur. But stopping the flow of these exports is a possible consequence of the leases that have been executed, and they could have significant devastating impacts on free trade, particularly for the United States.

The resolution I introduced was intended to address the issue of the Panama Canal security to raise the concerns of the Congress to the President, before some action is taken that could in the long term damage or threaten our security.

Panama has recently elected a new government. By reputation, President

Moscoso is a woman of the highest personal character and possesses an astute political intellect. I am confident of her ability to lead Panama into the 21st century and to positively contribute to the security and economic growth of the Western Hemisphere. I believe there is probably no better time than while this new administration is in its infancy to engage Panama in discussions to address the concerns I have described.

As this resolution calls for, the United States should request that the Moscoso government investigate the charges of corruption or improprieties related to the granting of the Panama Canal contract to operate the ports by the previous administration.

Prior to the awarding of these leases, several consortiums—some of which included U.S. bids—had submitted bids to operate the ports that were better than offers made by Hutchison-Whampoa. Without warning, Panama twice closed and reopened the bidding process, changing the rules and accepting higher bids after the bidding was supposed to have been closed. At one point, it is said that Panama asked a U.S. company to rescind its bid, citing a potential monopoly of firms in Panama. The sudden rules changes and unusual requests, at the very least, raised suspicions. Our Ambassador to Panama vigorously protested this bidding procedure and fought hard against it. The matter is even more troubling because the contracts have, by the passage of laws in Panama, extended them to the length of 25 to 50 years. It is called Law No. 5 in Panama.

Therefore, this resolution also requests that if President Moscoso, along with her government, finds illegal or improper dealing in this bidding process, they take steps to ensure a new process be undertaken; that it be transparent and fair to all parties.

The final provision of this resolution addresses the security issues. The canal, its mechanism of locks and dams, is fragile at best. By their own admission, Panama doesn't have the necessary resources to protect it. It disbanded its military after the U.S. invasion in 1989 to oust the Noriega regime. Now, as the United States has withdrawn its military forces—there are only a few hundred troops remaining today—drug trafficking through Panama has begun to increase. Panama's national police force is ill equipped by all admissions and is not prepared to counter this threat.

The Colombian civil war is spilling over Panama's eastern border and the threat of terrorism is growing daily. Russia and other organized crime groups are developing bases in the isthmus. Further, China's newfound foothold in the Americas has affected the flood of illegal immigrants who are coming in, using Panama as the staging area for their journey to the United States.

As a U.S. attorney, around 1990 I prosecuted a major international alien smuggling case involving a planeload of Chinese citizens who were brought to Panama and then secreted into the United States. They were able to be stopped, arrested, and people were prosecuted for it. Even at that time, China was using Panama as a conduit to bring illegal aliens into the United States. There is evidence that there is a Chinese role in this smuggling.

Our resolution calls for the negotiation of security arrangements to protect the canal and Panama on a mutual basis, respecting the sovereignty of each nation to protect Panama and the canal from any outside forces that might undermine it and undermine the free trade on which we have come to depend that goes through the canal.

The United States must not abrogate its leadership responsibilities when we relinquish control of the canal. We must emphasize to Panama our legitimate interest that sound security standards be maintained, and we must work with Panama to fight corruption, illegal drug activity, gun running, and illegal immigration rings. The United States must also send a clear message to China, or any other entity with designs on the canal, that we will guarantee the security and neutrality of the canal through all necessary force.

China's influence in Latin America has been expanded. We certainly don't want to see a resurgence of Communist activity in the Western Hemisphere at this time in history.

I see the majority leader is here. I thank him for his leadership and interest in so many areas, particularly in this matter.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I say to my colleague from New York, I will be brief. I have a cloture motion to file.

But I do also want to comment just briefly on the remarks of the Senator from Alabama. I thank him for his remarks. He is raising very important concerns—ones that I have discussed with the Chairman of the Armed Services Committee, and I have written to the Secretary of Defense expressing my concerns. As a result of the correspondence with the Secretary of Defense, and our worry about the Chinese involvement in the Panama Canal through a particular company having control of port facilities on both ends of the Panama Canal, our concern is about what is their relationship with the Chinese Government as well as other concerns as we move toward turning over the Panama Canal on December 31.

Narcoterrorism is of concern in the area, as well as corruption in the government. We do, at this very moment, have a hearing underway in the Senate Armed Services Committee. We have had Members of Congress testify about their concerns. We have a panel now that includes General Wilhelm, who has jurisdiction for our military over that region; Ambassador Gutierrez from the State Department, answering questions; as well as the Honorable Aleman Zubieta who is Deputy Administrator, I believe, of the Commission. That testimony is underway right now. Secretary Weinberger is there. I know they are looking forward to Senator SESSIONS returning to ask questions.

There may be no problem here, although there is clearly a problem with narco-terrorism and corruption in the government. But I think we have an absolute responsibility to ask questions and get into the law about how this is going to work.

There is a provision in Law No. 5, as it is described in Panama, that raises some questions about how U.S. military vessels would have access to the Panama Canal after December 31. To the extent they say they would have right of passage provided it didn't interfere with the operations of the Panama Canal, we need to make sure we know what is happening there. We are going to carry out our responsibilities in that effort. I thank Senator SESSIONS for his work in that also.

AFRICAN GROWTH AND OPPORTUNITY ACT—Continued

Mr. LOTT. I thank the chairman of the Finance Committee and ranking member for being here and being willing to proceed on this important legislation. I do think we have an opportunity with this CBI and African free trade legislation to be able to have better relations and trade with Central America, with the Caribbean, and with Africa. I believe it will be in the interests of all countries concerned. It is the right attitude.

There are a lot of terms being thrown around in recent weeks about isolationism. This is clearly a case where, by trading with countries in Central America, the Caribbean and Africa, we can open up not only trade but relationships and opportunities for peoples in all the countries involved, including the United States. So I am glad we have proceeded to this legislation.

The Senate has been debating the motion to proceed because there had been objection to going to the bill itself. That is as a result of the objection to its immediate consideration by Senator HOLLINGS. I wanted to see if maybe we could go ahead, get started, have some debate and amendments and then not have to debate the motion to proceed and then debate the bill itself, but it looks as if we are not able to at this time proceed in that way. Since there has been objection and this is an important trade bill, one with major implications, one I discussed with the President three times this week alone, about his interest and concern and support of this legislation, I think it is important we file cloture and try to find a way to stop a threatened filibuster and move to the substance of the bill.

CLOTURE MOTION

Mr. LOTT. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

> We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 215, H.R. 434, an act to authorize a new trade and investment policy for sub-Sahara Africa:
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> Trent Lott, Bill Roth, Mike DeWine, Rod Grams, Mitch McConnell, Judd Gregg, Larry E. Craig, Chuck Hagel, Charles Grassley, Pete Domenici, Don Nickles, Connie Mack, Paul Coverdell, Phil Gramm, R.F. Bennett, Richard G. Lugar.

Mr. LOTT. Mr. President, this cloture vote will occur on Tuesday, October 26. I will notify all Senators as to the exact time of the cloture vote. In the meantime, I now ask unanimous consent the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. I ask unanimous consent to speak for up to 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THANKING THE MAJORITY LEADER

Mr. WYDEN. Mr. President, before he leaves the floor, I want to tell the majority leader I very much share his view about this threat of narcoterrorism, and also to express my appreciation to the majority leader for the work he is doing with several of us on this matter of secret holds, which are so relevant at the end of a session. We have made a lot of progress already with the work done by the majority leader and with Senator DASCHLE. The majority leader knows we are trying to work out some of the last kinds of questions. I want the majority leader to know I think we have already made a real difference in this area.

I express my support to him and look forward to wrapping up the last remaining issues. I think we all know, as we go into the last few days of the session, we can have 100 of these secret holds and Senators rushing about trying to figure out what is going on. Senator MOYNIHAN, in his landmark study on secrecy, has really made the case that secrecy is the most expensive kind of regulation we could have.

Before the majority leader leaves the floor, I want him to know I really appreciate all the progress we have made in working with his staff, Mr. Wilkie doing yeomen work on this, and I look forward to wrapping it up.

Mr. LOTT. I thank the Senator.

HEALTH CARE POLICY

Mr. WYDEN. Mr. President, rare is it to have an opportunity to talk about health care policy when the chairman of the Health Care Subcommittee is on the floor with Mr. MOYNIHAN, a long time expert, and Dr. FRIST is in the chair. So you have three of the most influential people in the health care policy field before you.

I will not abuse this opportunity. But I wanted to take just a few minutes to talk about this prescription drug issue and its importance, in terms of coverage under Medicare. There is now one bipartisan bill before the Senate on this issue, and that is the legislation that Senator OLYMPIA SNOWE and I have proposed.

What I have said—this is the fifth time I have come to the floor in recent weeks—is I am actually going to, as this poster says, "Urge Senior Citizens To Send In Copies Of Their Prescription Drug Bills," so we can show just how critical this issue is and come together on a bipartisan basis before the end of this session and get prescription drug coverage added to Medicare.

What Senator SNOWE and I have proposed, on a bipartisan basis, uses marketplace forces to hold down the cost of these prescriptions. We have an "ability to pay" feature in the program. That is something I have heard Senator MOYNIHAN and Dr. FRIST talk about. My sense is, it is critically important that we get this coverage, not just because senior citizens suffer so, but because this is the next breakthrough in preventive health care. The drugs we are seeing today help to lower blood pressure; they help to lower the cholesterol level.

I have heard Senator MOYNIHAN and Chairman ROTH talk, for example, about how costs are exploding in Medicare, particularly under Part A, the hospital portion of Medicare. It seems to me if we can come together on a bipartisan basis and address this prescription drug issue, a lot of these new drugs, these preventive drugs, will help us save money and hold down some of the costs in Part A of Medicare, the hospital and institutional portion of the program.

The Wall Street Journal pointed out yesterday, again, how staggering some of these costs are and how we might prevent them with thoughtful policy work in the health care area. For example, yesterday in the Wall Street Journal they noted that one-third of all stroke survivors are permanently disabled. But doctors can now prescribe anticoagulants to protect the high-risk patients from stroke. The Journal goes on to say:

> The lifetime cost of a severe stroke is $100,000, while treatment with anticoagulants costs $1,095. This is a chance to get good coverage for vulnerable people in our country and save taxpayers' money at the same time.

I am just very hopeful; Senator ROTH's staff and Senator MOYNIHAN's staff have spent a lot of time with us already. Senator SNOWE and I want to do this in a bipartisan way. We want to act in this session of Congress, not put it off until after yet another round of electioneering and more slugging back and forth between Democrats and Republicans. I am hopeful seniors, by sending in copies of their prescription drug bills, as Senator SNOWE and I advocate, will help us come together in a bipartisan way.

In wrapping up, as I have indicated to the Senate before, I am going to bring to the floor each time I come three cases of what I am hearing from seniors at home in Oregon, to dramatize how important it is we act on this matter.

I just heard yesterday from a 75-year-old widow from Salem, OR. She wrote me that her income is $8,218 a year; her prescription drug bill is $2,289.

She spent that on three drugs—Fosamax, Relafen, and Paxil. Three drugs, $2,289 from her $8,118 income. That is an elderly woman in Salem.

A woman in Portland wrote me:

> My mother is 97 years old and will soon be required to file for Medicaid because the ever-increasing cost of her care and medications have depleted her savings. Currently, her expenses exceed income by over $1,000 per month. In some months, her medication costs over $300. Last year, her prescription drug bill was $2,746.

As we saw in a recent study, more than 20 percent of the Nation's elderly are spending over $1,000 a year out of pocket on their prescription medicines. This story was not at all something we found to be rare or out of the ordinary.

Finally, the third case I want to mention this morning comes from a woman in Seaside, OR. She has an income of just over $1,000 a month. She wrote me yesterday:

> I am supposed to take 20 milligrams of Lipitor, but I do not have enough money to buy it.

These are the kinds of cases I know we are going to hear when seniors send in copies of their prescription drug bills. The question is, Can we come together in a bipartisan way to address this issue?

Senator SNOWE and I used the Federal Employee Health Benefits Plan as our model. There are other good ideas out there. Our bill is called SPICE, the Senior Prescription Insurance Coverage Equity Act. We are not saying this is the last word on how to address this issue, but I would like to see the Senate look at an approach that utilizes marketplace forces, along the lines of what we do in the Federal Employee Health Benefits Plan and one that will not produce a lot of cost shifting on to other groups of vulnerable people.

For example, there is one proposal going around, certainly well-meaning, which has Medicare buying up all the drugs for the Nation's senior citizens. I am very fearful what will happen under that approach is we may control prices for the elderly, but you could have a divorced woman, a 27-year-old, say, African American woman in my State or the Presiding Officer's State. She could see her drug bill go through the roof because prices would be controlled in just one segment of the pharmaceutical area, the Medicare area, and the costs would be shifted on to somebody else's back.

I know the Senate has a lot of important business. By the way, I am with Senator MOYNIHAN and Chairman ROTH on this great bill as well. I know they want to go on to that important matter. I intend to keep coming to the floor. Senator SNOWE had to be in Maine today and could not be here. We have already done this together. We urge seniors to send in copies of their prescription drug bills.

We hope they will back the bipartisan Snowe-Wyden bill. Frankly, I would rather hear from them so as to bring this Senate together in a bipartisan way and deal with this issue. Let's not let it become fodder for the 2000 election. Let's make this issue a legacy of this Congress where we really came together to do something important, something that is the wave of the future in American health care, which is to give good preventive approaches, wellness-oriented approaches as part of our American health system.

I thank Chairman ROTH and Senator MOYNIHAN and my friend, Senator AKAKA, for indulging me this morning. I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, before the Senator from Oregon leaves, I express my own personal gratitude to him and to Senator SNOWE for bringing this issue in the congenial, collegial way they do. It must be addressed. I feel presumptuous to speak on such matters in the presence of the Presiding Officer, the Senator from Tennessee, but since the advent of sulfa and penicillin, the great medical revolution has been the development of the array of prescription drugs that prevent disease as against cured, in the case of penicillin. We will one day go this way, and we will have Senator WYDEN and Senator SNOWE to thank and the Senator from Tennessee.

The PRESIDING OFFICER (Mr. ROBERTS). The distinguished Senator from Hawaii is recognized.

Mr. AKAKA. Mr. President, I ask unanimous consent to speak as in morning business for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AKAKA. Thank you, Mr. President.

SLAVERY IN AN AMERICAN TERRITORY

Mr. AKAKA. Mr. President, I rise to call attention to a recent announcement by Bill Lann Lee, Acting Assistant Attorney General for Civil Rights. The Justice Department announced the conviction of three individuals charged with luring women from China into slavery and forced prostitution in the Northern Mariana Islands. The three pled guilty in Federal district court in Saipan.

The defendants pled guilty to extortion, transportation for illegal sexual activity, and conspiracy to violate the right of women to be free from involuntary servitude. I ask unanimous consent that a copy of the Justice Department announcement be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. AKAKA. Mr. President, regrettably, this is not the first incident of such behavior in the Northern Mariana Islands. As Bill Lann Lee said in announcing the pleas:

> We have seen too many cases of modern-day slavery.

Nor is it the first incident of sexual slavery in the Northern Mariana Islands. Indeed, slavery and prostitution are endemic to the islands' economy.

According to the Department of the Interior's latest report on working conditions in the Commonwealth "many workers are virtually prisoners, confined to their barracks during non-working hours." There are documented reports of Chinese female workers becoming pregnant and who are pressured to have abortions.

The grave situation in the Northern Marianas is captured by the headlines in the Department of the Interior's report. Here are a few of them: "Local Control Over Immigration Has Led to an Unhealthy, Pervasive Reliance Upon Indentured Alien Workers, The CNMI Garment Industry Has Abused Current Trade Privileges to the Detriment of U.S. Workers," "U.S. Companies and U.S. Taxpayers."

Another one: "Worker Exploitation in the Form of Recruitment Fraud," "Payless Paydays & Coerced Abortions, Ineffective Border Control," and "Smuggling of Aliens and Increased Criminal Activity." This is not a pleasant picture, and it only gets worse. In another report earlier this year, an undercover investigative team sponsored by the Global Survival Network detailed the sex trade and slavery in these once idyllic Pacific islands.

According to their report, "Trapped: Human Trafficking for Forced Labor in The Commonwealth of The Northern Mariana Islands":

> Many of the Chinese women working in clubs with local clientele, for example, said they had come to the CNMI ostensibly to work as waitresses, unaware that they would have to work in a nightclub and/or be forced into sexual slavery. These women had been trafficked into the CNMI specifically for sex work without their knowledge or consent.

Given this environment, is it any wonder three people have pled guilty to forcing women into slavery and prostitution?

No. The wonder is that more people have not been so found. Hopefully this will change. As the Department of Justice notes, this prosecution was the result of a new effort to increase resources and oversight in the Commonwealth.

Fortunately, some American clothing retailers are beginning to react to sweatshop conditions in the Northern Marianas. Just the other day, five major retailers—Ralph Lauren, Donna Karan, Phillips-Van Heusen, Bryland L.P., and The Dress Barn—agreed to settle a class-action lawsuit about this deplorable working environment. The settlement with these businesses follows a similar settlement agreed to last June with Nordstrom, J. Crew, Cutter & Buck, and Gymboree. Hopefully this marks a trend toward ending indentured servitude in the Commonwealth.

More needs to be done. The central cause of the slavery and prostitution on this American territory is the lack of any controls on immigration.

For my colleagues who may not be familiar with this U.S. territory, the Commonwealth of the Northern Mariana Islands is located 4,000 miles west of Hawaii. In 1975, the people of the CNMI voted for political union with the United States. Today the CNMI is a U.S. territory.

A 1976 covenant enacted by Congress gave U.S. citizenship to residents of the CNMI. However, the covenant exempted the Commonwealth from the Immigration and Nationality Act. As we now know, that omission was a grave error.

I want my colleagues of the Senate to know that the chairman of the Senate Energy Committee, Mr. MURKOWSKI, and I have introduced legislation to correct fundamental immigration problems in the Commonwealth, such as the ones that led to the convictions obtained by the Justice Department. It was only yesterday, that the Energy Committee approved our CNMI reform bill. I hope that the full Senate will act on our legislation soon.

Our bill stands for the simple proposition that America is one country and we must abide by a single, uniform immigration law. Congress must terminate an immigration system that is fundamentally wrong and incorporate the CNMI under Federal immigration law.

Common sense dictates that our country must have a single, national immigration system. If Puerto Rico, or Hawaii, or Oregon, or Washington could write their own immigration laws—and grant work visas to foreigners—the U.S. immigration system would be in chaos. That is exactly what is happening in the CNMI.

Over the past 20 years, the number of citizens in the Commonwealth doubled. During the same period, however, the population of alien workers exploded by 2,000 percent. Today, the CNMI has twice as many indentured laborers as citizens in its work force.

A decade ago, in response to a growing concern about the large number of guest workers employed in the CNMI, the Reagan administration demanded change. Since then, the Bush and Clinton administrations have repeatedly criticized CNMI immigration and demanded reform.

The Commonwealth is simply unable to control its borders. One CNMI official testified that they have "no effective control" over immigration.

The INS reports that the CNMI has no reliable records of aliens entering the Commonwealth, how long they remain, and when, if ever, they depart.

A bipartisan commission labeled the Commonwealth's immigration system "antithetical to American values."

It is not just the number of workers that prompt concern; alien workers in the CNMI serve as indentured laborers. In a civilized society, indentured servitude, we believe, is immoral. The United States outlawed indenture over a century ago, but it continues today in the CNMI. The Commonwealth is becoming an international embarrassment for the United States. We have received complaints from the Philippines, Nepal, Sri Lanka, and Bangladesh about immigration abuses and mistreatment of workers. Countries around the world watch—and wait—for Congress to act.

The CNMI system of indentured immigrant labor violates basic democratic principles. It is time for Congress to enact CNMI immigration reform.

Mr. President, I yield back the remainder of my time and yield the floor.

Exhibit No. 1

Three Plead Guilty to Forcing Women Into Slavery and Prostitution in Northern Mariana Islands

Washington, D.C.—Three individuals who were indicted last November on charges that they lured women from China, held them in slavery and forced them into prostitution pled guilty today in federal district court in Saipan, Northern Mariana Islands, the Justice Department announced.

Soon Oh Kwon, president of Kwon Enterprises, Inc., which does business in Saipan, pled guilty to one count of conspiracy to violate rights, specifically the right to be free from involuntary servitude. Kwon's wife, Ying Yu Meng pled guilty to one count of conspiracy to violate federal laws that prohibit involuntary servitude, extortion, and transportation for illegal sexual activity. Kwon's son, Mo Young Kwon, who is an officer of Kwon Enterprises, also entered a guilty plea to one count of transportation for illegal sexual activity.

"Sadly, we have seen too many cases of modern day slavery," said Bill Lann Lee, Acting Assistant Attorney General for Civil Rights. "Today's guilty pleas, should put those who exploit workers on notice that the Justice Department will be relentless in bringing them to justice."

The charges arose out of allegations that the three lured women from China to the CNMI and then held them in slavery and forced them to work as prostitutes in K's Hideaway Karaoke, a bar owned by Kwon Enterprises. "This kind of abuse of guest workers is intolerable" said Frederick A. Black, U.S. Attorney for the District of the Northern Mariana Islands. "No matter where someone is from, once they come to the United States, they should be free from slavery." As part of his guilty plea filed with the court, Soon Oh Kwon admitted that, in 1996 and 1997, Kwon Enterprises, in collaboration with Kwon's mother-in-law, recruited and brought women from China to Saipan to work at the karaoke club, where they were forced to have sex with customers. The women were not allowed to stop working for Kwon Enterprises until they had paid debts owed to Kwon and his family for bringing them to Saipan. In order to discourage the women from leaving without permission, the women were subjected to mental and physical coercion, which included threats to their lives, and their families' reputations in China. Soon Oh Kwon also admitted to brandishing a pistol at some of the women. Kwon and his wife also admitted that they threatened the women in order to prevent them from making complaints to the CNMI Department of Labor and Immigration.

Kwon's wife admitted that she had general oversight responsibility for the women who were employed by Kwon Enterprises and made sure that they did not leave without permission by intimidating and instilling fear in them. Kwon's son admitted that he made arrangements with customers of the karaoke club to have sex with the women, collected the money, and directed the women to leave with the customers in order to engage in illegal sexual activity.

Sentencing is set before Judge Alex R. Munson on January 11, 2000. Soon Oh Kwon is facing a maximum prison term of ten years; Ying Yu Meng, a maximum prison term of five years; and Mo Young Kwon, a maximum prison term of ten years.

The prosecution was the result of a cooperative investigation by the Federal Bureau of Investigation as part of the Clinton Administration's CNMI Initiative on Labor, Immigration and Law Enforcement, a broad based multi-agency initiative designed to increase resources and oversight in the CNMI, a U.S. Commonwealth located in Micronesia.

RECOGNITION OF THE "WAKE UP. GET REAL." PROGRAM

Mr. GORTON. Mr. President, earlier this week, I had the pleasure of visiting twice with students, educators, and parents from the Edmonds School District. During that visit, I heard more about a community effort that demonstrates the value of local ideas and local innovation. The program is titled, Wake Up. Get Real. and is the product of Edmonds-Woodway High School students who are taking leadership roles in eliminating substance abuse and violence in their schools.

Some of those students are here this week in Washington, DC, and were able to join me on one of my regular radio shows where they shared their creative work with members of the media from across Washington State. While they are in town, I would like to take this opportunity to present them with one of my "Innovation in Education" Awards.

Wake Up. Get Real.'s strength lies in the grassroots, community-oriented nature of its effort, led by students, to reduce the violence and substance use that can tarnish a school's learning environment. The program is young, as it was only created this past spring, at the behest of students concerned about the perception of unsafe schools and an increasingly negative public perception of teens.

Rather than accept such a situation, the students embarked on a crusade that upholds respect, dignity, and integrity while teaching their peers that there are a vast number of students who choose not to participate in substance abuse or in violent activity. Additionally, the students are teaching educators about what is causing problems in their school and helping them to eliminate alcohol and drug use and violence in their classrooms.

All told, Wake Up. Get Real. generates increased community awareness; provides intervention and prevention from dangerous behavior at all grade levels (K–12); promotes increased educator focus on health as a factor in student learning; provides education materials for adults and students; and offers efficient access to referral resources.

For a program with such young roots, one would expect that it would still be in its infant stages. Rather, Wake Up. Get Real. already touts widespread community support from the school district, local health care providers, area law enforcement, and even the Drug Enforcement Administration. Community support has been so strong that public service announcements are currently being run on various cable channels to heighten local awareness of this important campaign.

When I began my Innovation in Education award program, my goal was to highlight the importance of local control in education. I couldn't ask for a better example than the students who lead Wake Up. Get Real. They have rallied the support of the community behind them and I commend them for their work in changing their schools for the better.

JACOB WETTERLING FOUNDATION

Mr. WELLSTONE. Mr. President, I rise today to recognize the 10th anniversary of the disappearance of one of Minnesota's finest young men, Jacob Wetterling.

Jacob's abduction at gun point 10 years ago today from St. Joseph, Minnesota, has profoundly affected the lives of his family, but also the lives of the people of Minnesota and the entire United States. Jacob's family has endured a significant loss and has found the strength to help other families survive tragedy.

Patty and Jerry Wetterling have spent the last decade raising awareness and influencing public policy through the formation of the Jacob Wetterling Foundation. The foundation works on a national level to eradicate the abduction and exploitation of children by educating, raising awareness, and responding to the needs of victims' families.

The Jacob Wetterling Foundation has worked with over 1,500 families in the search for their missing children, they have presented workshops and seminars to thousands of people, and have shared their message of personal safety and abduction prevention to countless parents and children. Thanks to the Wetterling Foundation sex offenders are required to register in all 50 States and law enforcement agencies can notify neighborhoods when a likely-to-re-offend sex offender moves there.

The Jacob Wetterling Foundation and the family of Jacob are perhaps most widely known for their message of hope, Jacob's Hope. Today we take a moment to think about Jacob Wetterling and the thousands of missing and exploited children and we pray for their safe return. Minnesota has an unsung hero in Patty Wetterling and the Jacob Wetterling Foundation. Today we recognize, in great appreciation, the work they have done to save the lives of our children.

The Wetterlings have helped others in need while never giving up on Jacob's Hope. Today we salute this courageous family.

Mr. GRAMS. Mr. President, first, I want to associate my remarks to the Senator's comments dealing with the 10th anniversary of the disappearance of Jacob Wetterling.

Our support continues to go out to the family and also, as Senator WELLSTONE mentioned, to the Jacob Wetterling Foundation. Patty and Jerry Wetterling have worked tirelessly to aid in the search for missing children. As the Senator said, Jacob's Hope is all of our hope.

Again, I commend the Wetterlings for their efforts. Also, our sympathy and support continues to go out to the family in the disappearance of Jacob Wetterling 10 years ago.

CONGRATULATING NAPOLEON "NAPPY" LaCHANCE

Ms. COLLINS. Mr. President, I rise today to offer congratulations to one of Maine's most impressive athletes. At the age of 95, Mr. Napoleon "Nappy" LaChance of Westbrook, ME, will be our State's oldest participant in the National Senior Olympics.

Mr. LaChance, who earned a gold medal in the fast walk competition in the last Maine Senior Olympics, will travel to Orlando, FL, tomorrow, October 23, to represent the State of Maine in that event.

Equally impressive, Mr. LaChance does not excel in just one sport. Not only did he win a gold medal for fast walking in the Maine Senior Olympics, but he also has won gold medals for golfing and bowling.

Mr. LaChance has achieved success in his career as well as in athletic competitions. In 1917, Mr. LaChance began working at Valee Pharmacy as a floor sweeper and errand boy. Through hard work and dedication, he became a registered pharmacist and managed the pharmacy until his retirement. For his dedication to his community's well-being, Mr. LaChance has been rewarded with the respect, affection, and admiration of his customers, neighbors, family, and friends.

Mr. LaChance's accomplishments are an inspiration to anyone who aspires to be the best they can be. Whether old or young, athlete or artist, social worker or science teacher, those who seek to be the best share the dedication and the determination exhibited for so long by Mr. LaChance. I extend to him my heartfelt congratulations and best wishes as he competes in the National Senior Olympics representing the great State of Maine. Regardless of the outcome of the race, I know Mr. LaChance will make Maine proud.

I thank the Chair. I yield the floor.

CRACKDOWN IN BELARUS

Mr. CAMPBELL. Mr. President, just a few weeks ago, many of my Senate colleagues met a young, dynamic parliamentarian from Belarus, Mr. Anatoly Lebedko, right here on the Senate floor. He impressed us with his dedication and commitment as he advocates for democracy and the rule of law in his home country currently being rule by a repressive regime.

You can imagine how shocked and concerned I was to receive a call from the State Department this week informing me Mr. Lebedko had been picked up by the authorities as part of the latest crackdown in Belarus. I am sure my colleagues who met Mr. Lebedko share my concern for his well-being and for the safety of all of those struggling for democracy and freedom of speech.

Eight years after the break-up of the Soviet Union, Belarus finds itself increasingly isolated from the rest of Europe as a direct consequence of the authoritarian policies pursued by its present government which have stifled that country's fledging democracy and market economy.

The Helsinki Commission, which I co-chair, held a hearing a few months ago to assess democracy and human rights in Belarus. In July, a number of Commission members and I had the opportunity to hear Mr. Lebedko address the annual Parliamentary Assembly meeting of the Organization of Security and Corporation in Europe (OSCE) in St. Petersburg, where he outlined developments in Belarus and the prospects for genuine political and economic reforms.

Clearly, the cycle of political and economic stagnation in Belarus will only come to an end through genuine dialogue based on human rights, democracy and the rule of law. The Helsinki Commission has called on Belarus to adopt meaningful political and economic reforms in keeping with that country's obligations as a participating State of the OSCE.

On September 3, the government and opposition in Belarus began consultations at the office of the OSCE Advisory and Monitoring Group in Minsk. These talks, long urged by the international community and the Helsinki Commission could represent an important step in beginning the process of reversing the bleak human rights and democratization picture in Belarus.

Until recently I had been encouraged by what appeared to be the start of a dialog between the Belarusian Government and opposition. However, there have been a number of disturbing developments, including continued harassment of opposition members, a renewed crackdown on the independent media in recent weeks, and now the detainment of Mr. Lebedko.

We recently wrote to Secretary of State Albright voicing concern about the situation in Belarus and called on the State Department to intensify its work in this area. This most recent development underscores our concerns.

I ask unanimous consent that copies of our letter to the Secretary of State, a letter we sent to the President of Belarus, along with recent news clips be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMISSION ON SECURITY
AND COOPERATION IN EUROPE,
Washington, DC, October 15, 1999.

HON. MADELEINE KORBEL ALBRIGHT,
Secretary of State, Department of State, Washington, DC.

DEAR MADAM SECRETARY: We are writing to voice our growing concern over violations of the principles of democracy, human rights, and the rule of law in Belarus under the authoritarian leadership of Aleksandr Lukashenka, who remains in power despite the expiration of his legal presidential mandate last July. The fledgling opposition in Belarus deserves both our moral and material support as they seek to overcome the legacy of Communism and authoritarianism and build a democratic society firmly rooted in the rule of law.

Many of us recently had an opportunity to meet with Anatoly Lebedko of the United

Civic Party of Belarus, a young political leader who, despite personal risk, continues to openly criticize the Lukashenka regime. His personal safety is of particular concern as he returns to Belarus following an intense crackdown against the opposition.

In recent weeks, Lukashenka has reportedly authorized a series of measures designed to further suppress Belarus' already beleaguered opposition. Border controls have apparently been tightened and officials in Minsk and other large cities have been instructed to ban public protests and demonstrations. The few remaining independent opposition newspapers, including Naviny and Kuryer, have likewise come under increased pressure from the authorities.

Lukashenka's campaign of harassment and intimidation of the political opposition has intensified. Former Premier Mikhail Chigir, arrested in March on politically-motivated charges, remains imprisoned. A number of other former government officials and political opposition figures continue to be subjected to lengthy pre-trial detention on similar changes. In a particularly disturbing development, several prominent opposition leaders, including Viktor Gonchar, Tamara Vinnikova, and Yuri Zakharenka, have simply disappeared.

Madam Secretary, we urge you to intensify pressure on the Lukashenka regime for the immediate release of all political detainees in Belarus and a full accounting of those who have disappeared. We further urge you to ensure that adequate resources are made available on an urgent basis to support those programs aimed at strengthening independent media, human rights, civil society, independent trade unions and the democratic opposition in Belarus.

Sincerely,

CHRISTOPHER H. SMITH,
M.C.,
Chairman.
STENY H. HOYER, M.C.,
Ranking Member, House.
WILLIAM V. ROTH, Jr.,
U.S.S.
BENJAMIN L. CARDIN, M.C.
ALCEE L. HASTINGS, M.C.
BEN NIGHTHORSE CAMPBELL, U.S.S.,
Co-Chairman.
TRENT LOTT, U.S.S.
KAY BAILEY HUTCHISON,
U.S.S.
FRANK R. WOLF, M.C.
JESSE HELMS, U.S.S.

COMMISSION ON SECURITY
AND COOPERATION IN EUROPE,
Washington, DC, October 19, 1999.

His Excellency ALYAKSANDR LUKASHENKA,
President,
Republic of Belarus,
Minsk, Belarus.

DEAR PRESIDENT LUKASHENKA: We are writing to express our serious and growing concerns about recent developments in Belarus. Until recently, we were becoming more hopeful that meaningful dialogue between the Belarusian Government and opposition would take place. Within the last month, however, violations of the principles of human rights, democracy and rule of law have come to our attention that, frankly, lead us to question your government's seriousness in finding a solution to the problems of democracy in Belarus. We were disturbed to learn of the arrest earlier today of democratic opposition leader Anatoly Lebedko, for allegedly participating in "an unsanctioned march."

Our concerns include the following:

The continued imprisonment of former Prime Minister Mikhail Chygir, who was supposed to be released from investigative detention where he has been held for six months.

The disappearances of former Central Election Commission Chairman Viktor Gonchar, his colleague Yuri Krasovsky, former Interior Minister Yuri Zakharenka, and former National Bank Chair Tamara Vinnikova.

Increased attempts to stifle freedom of expression, including the annualling of registration certificates of nine periodicals, and especially the harassment of Naviny through the use of high libel fees clearly designed to silence this independent newspaper.

The denial of registration of non-governmental organizations, including the Belarusian Independent Industrial Trade Union Association.

The police raid, without a search warrant, on the human rights organization Viasna-96, and confiscation of computers which stored data on human rights violations.

Criminal charges against opposition activist Mykola Statkevich and lawyer Oleg Volchek and continued interrogation of lawyer Vera Stremkovskaya.

The initial attack by riot police against peaceful protestors in last Sunday's Freedom March.

Your efforts to address these concerns would reduce the climate of suspicion and fear that currently exists and enhance confidence in the negotiation process which we believe is so vital to Belarus' development as a democratic country in which human rights and the rule of law are respected.

Sincerely,

CHRISTOPHER H. SMITH,
M.C.,
Chairman.
STENY H. HOYER, M.C.,
Ranking Member.

[From the Washington Post, Sept. 30, 1999]

BELARUS OPPOSITION PAPER TO CLOSE

MINSK, BELARUS.—A leading opposition newspaper in Belarus said it was shutting down following a court order to pay an exorbitant fine, to the minister of security over an article he said injured his reputation.

The Naviny newspaper, which has come under frequent pressure from Belarus's authoritarian government, said in its last issue that "both the suit and the trial were a cover-up for a carefully planned campaign by the authorities seeking to close down our newspaper."

[From the Washington Post, Oct. 19, 1999]

BELARUSAN OFFICIALS BLAME WEST FOR RIOTS

MINSK, BELARUS.—Belarusan authorities accused the West of being behind street clashes between some 5,000 opposition demonstrators and police in which at least 92 people were arrested. But Dmitri Bondarenko of the opposition Khartiya-97 movement said police started the fighting and another opposition member said authorities have long provoked violence by repression.

The fighting broke out Sunday in Minsk following an authorized rally by about 20,000 people. The demonstrators were protesting the disappearance of several leading opposition figures and President Alexander Lukashenka's drive to reunite Belarus, a former Soviet republic, with Russia.

FISCAL YEAR 2000 INTERIOR AND RELATED AGENCIES CONFERENCE REPORT

Mr. GORTON. Mr. President, I am pleased that the Senate has passed the conference report on the Interior and Related Agencies Appropriations Act for Fiscal Year 2000. The conference report represents a good faith effort to merge the spending priorities of the House, the Senate, and the administration, and to resolve the concerns voiced by the administration about various legislative provisions in the bill. I think the conference report is a solid, bipartisan bill that deserves the overwhelming support of the Senate and the signature of the President.

The bill totals roughly $14.5 billion in discretionary budget authority, which is a significant increase from the levels contained in the House and Senate passed bills. Some of this increase is attributable to the House and Senate insisting upon funding for specific programs, and much of the increase is due to the efforts of the conferees to meet the spending priorities of the administration. While the bill before you represents an increase of about $500 million over the fiscal year 1999 level, it is still $500 million below the administration's request level.

In developing the fiscal year 2000 Interior bill, the top priority for both the House and Senate committees was to maintain the core operating programs of the land management agencies, the Bureau of Indian Affairs, the Indian Health Service, and the cultural agencies funded in this bill. Because Interior bill agencies are highly personnel-intensive, simply keeping pace with the cost of Federal pay raises requires an increase of more than $300 million over the fiscal year 1999 level. This leaves little room from programmatic increases and new initiatives.

The conference report before you, however, does contain significant increases for targeted, high-priority programs. The bill provides roughly $28 million to increase the base operating budgets of more than 100 units of the National Park System, while also providing funds for a focused effort to enhance our limited understanding of the tremendous natural resources present within the Park System. The bill also includes an increase of $25 million for the operation and maintenance of the National Fish and Wildlife Refuge System, and increases for critical grazing management, road maintenance, wildlife and fisheries management, and recreation programs within the Forest Service and the Bureau of Land Management.

For Indian programs, the bill provides the full administration request for the Office of the Special Trustee—the Secretary of the Interior's No. 1 priority within this bill. I fervently hope that these funds will enable the Secretary to clean up the Indian trust fund management mess that has been allowed to accumulate over many years. The conference agreement also provides an increase of $130 million for the Indian Health Service, and increases within the Bureau of Indian Affairs for law enforcement, school operations, school repairs, and school construction.

With regard to the cultural agencies in this bill, I am pleased that the conferees agreed to the Senate position with regard to the National Endowment for the Humanities, thereby providing a $5 million increase. I was disappointed that the House would not agree to a similar increase proposed by the Senate for the National Endowment for the Arts, but anticipate we will try again next year. I also note that the bill includes $19 million for the Smithsonian to complete the federal commitment to construction of the National Museum of the American Indian on The Mall, and $20 million to continue renovations at the John F. Kennedy Center for the Performing Arts.

In addition to the programs I have mentioned, the conferees made a concerted effort to address some of the specific funding priorities voiced by the administration that were not included in either the House or Senate bill. The conference agreement includes $30 million for the Save America's Treasures Program for historic preservation, a grant program of particular importance to the First Lady funded for the first time last year. The conference agreement also provides funding for Federal land acquisition at levels higher than in either the House or Senate bill, including $40 million for the purchase of the Baca Ranch in New Mexico.

With regard to issues of policy, the conference agreement embodies a great number of compromises with both the House and the administration. The legislative provisions, or "riders" about which the administration has complained most vociferously have all been modified or scaled back significantly to address administration concerns.

The one year moratorium on oil valuation regulations contained in the Senate bill has been modified to provide a maximum of a 180-day delay while the Comptroller General reviews several aspects of the proposed regulations.

The provision in the Senate bill regarding millsites—which would have permanently refuted the Solicitor's opinion on this issue—has been limited to a 2-year provision that prohibits application of the new Solicitor's opinion to existing plans of operations, plans of operations filed prior to May 21, 1999, and patent applications that have been grandfathered under the terms of the Interior bill since fiscal year 1995. This provides some degree of fair treatment to those who have invested millions of dollars in the permitting process, only to find that the ground rules have been radically changed by the actions of a single bureaucrat.

With regard to grazing, the conference agreement includes a 1-year provision that is substantially similar to the provision signed into law as part of last year's bill. This provides for renewal of expired grazing permits pending completion of environmental review, but maintains completely the Secretary's right to renew, alter, or reject a renewal application upon completion of such review. The Senate bill included a permanent provision that was opposed by the administration.

The conference report embodies many more compromises such as those I have just described. I want to thank Chairman REGULA, his staff and the House conferees for their willingness to work through these many complex and difficult issues. I have thoroughly enjoyed my relationship with Chairman REGULA since becoming chairman myself, and admire his commitment to supporting, overseeing and, when needed, critiquing the important programs and agencies funded in this bill.

Finally Mr. President, I note that there are three corrections that need to be made to the conference report. The number for the Historic Preservation Fund in the National Part Service should be $75,212,000, the number for Forest Service land acquisition should be $79,575,000, and in section 310, "1999" should read "2000." Mr. REGULA and I will take the necessary steps to ensure that thee corrections are made.

Again, I urge my colleagues to support the conference report. It is a good bill that deserves our vote, and deserves the signature of the President.

MMS ROYALTY VALUATION

Mrs. HUTCHISON. Mr. President, I rise to engage my colleagues, Senators NICKLES, DOMENICI, MURKOWSKI, and BREAUX in a discussion of the important issue of Federal oil royalty valuation.

Yesterday the House and Senate both passed the fiscal year 2000 Interior appropriations conference report. Contained within that bill is a provision addressing proposed new rules of the Minerals Management Service on establishing the value of oil from Federal leases to determine the royalty owed on that oil.

On September 23 of this year 60 Senators voted to break a Senate filibuster and vote on the Hutchison-Domenici amendment to prevent the MMS from going forward with its misguided and unworkable new valuation system. Our amendment passed, and it passed because a bipartisan majority of the U.S. Senate recognized that blocking the rule was the right thing to do. It was the right thing to do because it protected the American consumer, who is increasingly at the whim of foreign oil markets as America's oil production dwindles. And it was the right thing to do for the American taxpayer, who entrusts the Congress, not unelected bureaucrats, with the decision of whether or not to raise taxes in this country.

But despite our victory on the floor, it became apparent during the conference negotiations between the Senate and the House, that this provision in the Interior appropriations bill may be used by the President as an excuse to veto the entire bill. Because there are so many important programs funded in this bill, from national parks to energy conservation programs, I, Senator DOMENICI, and the other sponsors of this amendment, offered a compromise, which is reflected in the bill, and I wonder if my distinguished colleague from New Mexico, who has been my partner on this issue for two years, could explain that compromise?

Mr. DOMENICI. I would be happy to explain the provision, and I thank the Senator for her leadership and diligence in joining with me to fight this clear example of regulatory abuse by a Federal agency. As the Senator knows, Federal law requires that the value of oil from Federal land be determined when it is drawn from the ground, or "at the lease." After decades of following the law and using this method of determining oil value, in 1997 the MMS tried to implement a new system without congressional approval and one not supported by statutory law. The proposal would peg the royalty price of the oil "downstream," that is, after value has been added to it through transportation, processing, and marketing. It was the equivalent of the Federal Government saying that, rather than determine the value of Federal land timber when it is chopped-down, the Federal Government would tax the value of the timber once it was turned into furniture. We fought that plan, and will continue to fight it, as long as the MMS continues to ignore the mandate of the law and of the Congress.

But, as the Senator from Texas indicated, we offered a compromise on this issue. Frankly, part of the problem in this debate, and one of the reasons it has been so polarized, is that there has never been a comprehensive, independent assessment of just how the MMS can establish the value of Federal royalty oil in a simpler, more workable way, while following the controlling Federal statutes. Everyone agrees that the process as it exists today is too complex, and too subjective. In fact, I and other Members of Congress have held extensive meetings and hearings on the issue to determine just how we can make the rule easier and more predictable to administer, while ensuring a fair return to the taxpayer for Federal royalty oil. This provision included in the conference report requires a General Accounting Office study. We have directed the GAO to carefully examine the key issues raised by the proposed new rule and report back to Congress before any new royalty valuation rule can go into effect. But to ensure that this is not dragged out too long, we have directed that the GAO's report on the issue be submitted to Congress within 6 months. Finally, the provision requires that any new proposal by the MMS must comply fully with all applicable Federal laws, including those requiring the establishment of oil value at the lease, that is, at the wellhead.

Mrs. HUTCHISON. I thank the Senator for that explanation, and for his leadership and hard work on this issue. I think he will agree that while this provision is certainly less than we would have liked and is less than the moratorium passed by the Senate, and, I might add, passed by the Congress and signed into law by the President on no less than three previous occasions, it is a step in the right direction.

I would also like to get the comments of my colleague from Louisiana, Senator BREAUX, who has been a stalwart supporter of reasonable and workable royalty valuation rules on his assessment of this issue.

Mr. BREAUX. I thank the Senator, and I thank all of my colleagues who have worked with me on this important matter. I certainly agree with the comments of the Senators from Texas and New Mexico that the proposed MMS royalty valuation rule simply will not work. Regulations should reflect a fair, reliable, and accurate royalty valuation system.

The issue here is really very simple: How do you set the fair market value of crude oil extracted from Federal lands on which to base the royalty calculation? Oil companies do not determine how much they have to pay—we do. Congress set the royalty percentage in the Mineral Leasing Act, the Outer Continental Shelf Lands Act, and other Federal laws and these laws provide that the royalty percentage to the Federal Government is ⅙ or ⅛ of the total value of the oil.

This is a very complicated, ongoing rulemaking procedure to assess legitimate deductions and transportation costs in order to determine the fair market value of oil. But how do you determine the price of oil that is produced in the middle of the Gulf of Mexico? You can very easily determine the price of oil at the wellhead, if you sold the oil at the wellhead, some 200 miles offshore. However, the oil is transported hundreds of miles onshore where it is refined and then ultimately sold. The question then becomes: Who pays for the transportation of the oil from the middle of the gulf? It is the Federal Government's oil. Do the companies pay for the transportation or does the Federal Government? There is a huge disagreement on this very difficult and complicated issue.

We say to the Interior Department, in the Interior appropriations conference report, that the rule is fundamentally flawed. It does not allow for the legitimate deductions in the costs of transportation that should be allowed. Therefore, do not go forward with this rule. Instead, we are giving Congress and the Interior Department time to come to an agreement on what is appropriate and I am pleased that we have been able to at least delay the rule until a suitable solution can be determined.

Mr. MURKOWSKI. I thank the Senator from Texas, as well as the Senators from New Mexico, Oklahoma, and Louisiana who have all been steadfast in their desire and commitment to ensuring a royalty valuation process that is fair to both the American taxpayer and to domestic producers. As was spelled out in the report accompanying this conference agreement, the GAO, at a minimum, must thoroughly examine and answer several central issues and answer several key questions. Among those questions the GAO must fully answer are:

1. Does the OCSLA and the MLLA require that a producer pay royalty on the value added by post-production downstream activities?

2. Does the Interior Department proposed rule allow royalty payors to obtain timely valuation methodology determinations on which they can rely similar to the practice of Internal Revenue Service letter rulings?

3. Does the proposed rule provide that the "gross proceeds" method utilized in valuation of arms-length transactions can not be later set aside for an alternative methodology (resulting in penalties and interest) simply because another entity was able to obtain a higher value for the sale of production in the open marketplace?

Mrs. HUTCHISON. I thank the Senator. I would also like to ask the distinguished assistant majority leader, Senator NICKLES, what, in his view, must be examined by the GAO in its study?

Mr. NICKLES. I thank the Senator. There are, indeed, other key questions that must be thoroughly reviewed and discussed by the GAO study. Specifically:

1. For non-arms length transactions; the GAO should study the use by the MMS of comparable sales as a measure of value of production at the lease, provided the lessee satisfies prescribed information and sales volume requirements. This study should not be limited to the Rocky Mountain region only, but studied for use in all areas.

2. The GAO must study the adoption of alternative ratemaking principles for DOI use in establishing the commercial rate for transportation when oil is sold downstream of the lease. GAO must also examine what adjustments are reasonable for location and quality of production and post-production activities when oil is sold downstream of the lease.

This seems to be the best way to arrive at a fair, accurate, and concise calculation of the fair market value of production at the lease.

I am confident that in this way producers and the Federal Government would be ensured a fair and workable royalty payment system.

Mr. DOMENICI. If the Senator will yield, I must say I agree with my colleagues, Senators HUTCHISON, MURKOWSKI, and NICKLES, who represent, along with myself, the key committees of jurisdiction over this issue. The GAO study that we have mandated must, at a minimum, provide a thorough examination of these issues, as detailed here and in the conference report.

Mrs. HUTCHISON. Mr. President, I thank my colleagues for their guidance and continuing interest in this regard. Finally, I believe my colleagues would agree that it would be useful if the MMS would repropose its oil valuation rule. It has been nearly 2 years since the agency put forward its last complete proposed rule. The DOI has received voluminous comments since that time, including detailed recommendations by industry at three public workshops on the rule earlier this year. It also re-opened the comment period for a month earlier this year. In trying to resolve this matter, it would be helpful if all the parties could understand the agency's current thinking on the contentious issues my colleagues have described. Reproposing the rule would be the best way to achieve that result and I strongly encourage the agency to do so.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-5506. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation entitled "Surface Transportation Board Reauthorization Act of 1999"; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. LEAHY (for himself and Mr. HATCH):

S. 1769. A bill to continue reporting requirements of section 2519 of title 18, United States Code, beyond December 21, 1999, and for other purposes; to the Committee on the Judiciary.

By Mr. LOTT (for himself, Mr. HATCH, Mr. CRAIG, Mr. COVERDELL, Mr. MCCONNELL, Mr. GREGG, Mr. GORTON, Mr. FRIST, and Mr. ASHCROFT):

S. 1770. A bill to amend the Internal Revenue Code of 1986 to permanently extend the research and development credit and to extend certain other expiring provisions for 30 months, and for other purposes; read the first time.

By Mr. ASHCROFT (for himself, Mr. HAGEL, Mr. BAUCUS, Mr. DODD, Mr. BROWNBACK, Mr. KERREY, Mr. ROBERTS, Mr. DORGAN, Mr. DASCHLE, Mr. ABRAHAM, Mr. ALLARD, Mr. BENNETT, Mr. BINGAMAN, Mr. BOND, Mr. BURNS, Mr. CONRAD, Mr. CRAIG, Mr. CRAPO, Mr. DURBIN, Mr. FITZGERALD, Mr. GORTON, Mr. GRAMS, Mr. HARKIN, Mr. HUTCHINSON, Mr. INHOFE, Mr. JEFFORDS, Mr. KERRY, Mr. LEAHY, Mrs. LINCOLN, Mr. CHAFEE, Mr. THOMAS, and Mr. WARNER):

S. 1771. A bill to provide stability in the United States agriculture sector and to promote adequate availability of food and medicine for humanitarian assistance abroad by requiring congressional approval before the imposition of any unilateral agricultural medical sanction against a foreign country or foreign entity; read the first time.

By Mrs. MURRAY:

S. 1772. A bill to amend the Elementary and Secondary Education Act of 1965 to foster family and school partnerships for promoting children's educational achievement through strengthening family involvement and providing professional development to school staff, and to amend the Higher Education Act of 1965 to provide for parenting education programs; to the Committee on Health, Education, Labor, and Pensions.

S. 1773. A bill to amend the Elementary and Secondary Education Act of 1965 to increase student involvement, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself, and Mr. HATCH):

S. 1769. A bill to continue reporting requirements of section 2519 of title 18, United States Code, beyond December 21, 1999, and for other purposes; to the Committee on the Judiciary.

CONTINUED REPORTING OF INTERCEPTED WIRE, ORAL, AND ELECTRONIC COMMUNICATIONS ACT

Mr. LEAHY. Mr. President, I am pleased to introduce today a bill to continue and enhance the current reporting requirements for the Administrative Office of the Courts and the Attorney General on the eavesdropping and surveillance activities of our federal and state law enforcement agencies.

For many years, the Administrative Office (AO) of the Courts has complied with the statutory requirement, in 18 U.S.C. §2519(3), to report to Congress annually the number and nature of federal and state applications for orders authorizing or approving the interception of wire, oral or electronic communications. By letter dated September 3, 1999, the AO advised that it would no longer submit this report because "as of December 21, 1999, the report will no longer be required pursuant to the Federal Reports Elimination and Sunset Act of 1995."

The AO has done an excellent job at preparing the wiretap reports. We need to continue the AO's objective work in a consistent manner. If another agency took over this important task at this juncture and the numbers came out in a different format, it would immediately generate questions and concerns over the legitimacy and accuracy of the contents of that report. In addition, it would create difficulties in comparing statistics from prior years going back to 1969 and complicate the job of Congressional oversight. Furthermore, transferring this reporting duty to another agency might create delays in issuance of the report since no other agency has the methodology in place. Finally, federal, state and local agencies are well accustomed to the reporting methodology developed by the AO. Notifying all these agencies that the reporting standards and agency have changed would inevitably create more confusion and more expense as law enforcement agencies across the country are forced to learn a new system and develop a liaison with a new agency.

The system in place now has worked well and should be continued. We know how quickly law enforcement may be subjected to criticism over their use of these surreptitious surveillance tools and we should avoid aggravating these sensitivities by changing the reporting agency.

The bill would update the reporting requirements currently in place with one additional reporting requirement. Specifically, the bill would require the wiretap report to include information on the number of orders in which encryption was encountered and whether such encryption prevented law enforcement from obtaining the plaintext of communications intercepted pursuant to such order.

Encryption technology is critical to protect sensitive computer and online information. Yet, the same technology poses challenges to law enforcement when it is exploited by criminals to hide evidence or the fruits of criminal activities. A report by the U.S. Working Group on Organized Crime titled, "Encryption and Evolving Technologies: Tools of Organized Crime and Terrorism," released in 1997, collected anecdotal case studies on the use of encryption in furtherance of criminal activities in order to estimate the future impact of encryption on law enforcement. The report noted the need for "an ongoing study of the effect of encryption and other information technologies on investigations, prosecutions, and intelligence operations. As part of this study, a database of case information from federal and local law enforcement and intelligence agencies should be established and maintained." Adding a requirement that reports be furnished on the number of occasions when encryption is encountered by law enforcement is a far more reliable basis than anecdotal evidence on which to assess law enforcement needs and make sensible policy in this area.

The final section of this bill would codify the information that the Attorney General already provides on pen register and trap and trace device orders, and require further information on where such orders are issued and the types of facilities—telephone, computer, pager or other device—to which the order relates. Under the Electronic Communications Privacy Act ("ECPA") of 1986, P.L. 99-508, codified at 18 U.S.C. §3126, the Attorney General of the United States is required to report annually to the Congress on the number of pen register orders and orders for trap and trace devices applied for by law enforcement agencies of the Department of Justice. As the original sponsor of ECPA, I believed that adequate oversight of the surveillance activities of federal law enforcement could only be accomplished with reporting requirements such as the one included in this law.

The reports furnished by the Attorney General on an annual basis compile information from five components of the Department of Justice: the Federal Bureau of Investigation, the Drug Enforcement Administration, the Immigration and Naturalization Service, the United States Marshals Service and the Office of the Inspector General. The report contains information on the number of original and extension orders made to the courts for authorization to use both pen register and trap and trace devices, information concerning the number of investigations involved, the offenses on which the applications were predicted and the number of people whose telephone facilities were affected.

These specific categories of information are useful, and the bill we introduce today would direct the Attorney General to continue providing these specific categories of information. In addition, the bill would direct the Attorney General to include information on the identity, including the district, of the agency making the application and the person authorizing the order. In this way, the Congress and the public will be informed of those jurisdictions using this surveillance technique—information which is currently not included in the Attorney General's annual reports.

The requirement for preparation of the wiretap reports will soon lapse. I therefore urge prompt action on this legislation to continue the requirement for submission of the wiretap reports and to update the reporting requirements for both the wiretap reports submitted by the AO and the pen register and trap and trace reports submitted by the Attorney General.

Mr. President I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1769

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Continued Reporting of Intercepted Wire, Oral, and Electronic Communications Act”.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Section 2519(3) of title 18, United States Code, requires the Director of the Administrative Office of the United States Courts to transmit to Congress a full and complete annual report concerning the number of applications for orders authorizing or approving the interception of wire, oral, or electronic communications. This report is required to include information specified in section 2519(3).

(2) The Federal Reports Elimination and Sunset Act of 1995 provides for the termination of certain laws requiring submittal to Congress of annual, semiannual, and regular periodic reports as of December 21, 1999, 4 years from the effective date of that Act.

(3) Due to the Federal Reports Elimination Act and Sunset Act of 1995, the Administrative Office of United States Courts is not required to submit the annual report described in section 2519(3) of title 18, United States Code, as of December 21, 1999.

SEC. 3. CONTINUED REPORTING REQUIREMENTS.

(a) CONTINUED REPORTING REQUIREMENTS.—Section 2519 of title 18, United States Code, is amended by adding at the end the following:

“(4) The reports required to be filed by subsection (3) are exempted from the termination provisions of section 3003(a) of the Federal Reports Elimination and Sunset Act of 1995 (Public Law 104–66).”.

(b) EXEMPTION.—Section 3003(d) of the Federal Reports Elimination and Sunset Act of 1995 (Public Law 104–66) is amended—

(1) in paragraph (31), by striking “or” at the end;

(2) in paragraph (32), by striking the period and inserting “; or”; and

(3) by adding at the end the following:

“(33) section 2519(3) of title 18, United States Code.”.

SEC. 4. ENCRYPTION REPORTING REQUIREMENTS.

Section 2519(1)(b) of title 18, United States Code, is amended by striking “and (iv)” and inserting “(iv) the number of orders in which encryption was encountered and whether such encryption prevented law enforcement from obtaining the plain text of communications intercepted pursuant to such order, and (v)”.

SEC. 5. REPORTS CONCERNING PEN REGISTERS AND TRAP AND TRACE DEVICES.

Section 3126 of title 18, United States Code, is amended by striking the period and inserting “, which report shall include information concerning—

“(1) the period of interceptions authorized by the order, and the number and duration of any extensions of the order;

“(2) the offense specified in the order or application, or extension of an order;

“(3) the number of investigations involved;

“(4) the number and nature of the facilities affected; and

“(5) the identity, including district, of the applying investigative or law enforcement agency making the application and the person authorizing the order.”.

By Mrs. MURRAY:

S. 1772. A bill to amend the Elementary and Secondary Education Act of 1965 to foster family and school partnerships for promoting children's educational achievement through strengthening family involvement and providing professional development to school staff, and to amend the Higher Education Act of 1965 to provide for parenting education programs; to the Committee on Health, Education, Labor, and Pensions.

FAMILY AND SCHOOL PARTNERSHIP ACT OF 1999

S. 1773. A bill to amend the Elementary and Secondary Education Act of 1965 to increase student involvement, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

YOUTH AND ADULT SCHOOL PARTNERSHIP ACT OF 1999

Mrs. MURRAY. Mr. President, we are rapidly coming to the end of the session. This Congress has a lot of unfinished business left in far too many areas: Patients' Bill of Rights, prescription drug, guns, juvenile justice, and education. Today I want to take a few minutes to talk about one of America's top priorities, education. Today I am going to be introducing, a little bit later, and describing several bills that will improve education in America. We are about to start our biggest debate on education in 5 years as we begin the work on the Elementary and Secondary Education Act.

If the past few weeks are any indication, I am very concerned that in this critical education debate our children are going to be the losers, and that would really be a shame. Education has long been a bipartisan issue, but somehow in this Congress partisanship has too often pushed progress aside.

Two weeks ago, I tried to help our schools continue a very successful initiative to hire more teachers so there would be fewer kids in each of our classrooms. Just 1 year ago, this initiative was announced as a bipartisan issue and leaders on both sides of the aisle claimed credit for this national effort to reduce class sizes in grades 1 through 3. But now, a year later, this amendment has been defeated on a party line vote.

Parents and teachers want real solutions. They want real investments. They want a real commitment to our schools. I believe we can do what is right for education in this Congress. When we listen to parents and educators and students, a vision for improving our schools based on their real needs is clear. I believe we must first establish the following principles: We need to ensure that all children have an equal opportunity to learn. We need to elevate the teaching profession through better pay and greater respect. We need to hold educators accountable for students' progress. And we need to invest more money in public education.

This plan is built on a partnership among Federal, State and local officials, working together to help all our students. It starts with making the school work for our students. That means making sure the school buildings are safe and secure and modern. That is why I am an original cosponsor of the School Modernization Act, so kids do not have to learn in crumbling schools or overcrowded classrooms.

It means making sure the teachers have the training and professional development they need to give our kids the best. That is why I am an original cosponsor of the Public Schools Education Excellence Act. A section of that act that I wrote called Teacher Technology Training will make sure all educators know the best ways to use technology to teach our children.

It means making sure education does not stop when the school bell rings. We need to give our kids safe and educational things to do when the schoolday is over and parents are still at work. And it means making sure there are, at most, 18 students in each classroom instead of 30. We know in smaller classes kids get the time and attention they need. That is why I wrote and I am going to continue to fight for the Class Size Reduction and Teacher Quality Act, to give schools the money they need to reduce our class sizes, particularly in the younger grades.

Everyone wants smaller classes. When you ask experts in education, they tell you that, based on their research, smaller classes make a big difference. When you ask teachers what makes the biggest difference, the answer is smaller classes. And when you ask parents, Do you want your child in a class of 30 or 18? the answer is clear; they want smaller classes. Smaller classes help kids learn the basics and improve classroom discipline. Parents, teachers, and experts all want smaller classes.

Last year, this Congress promised schools we would fund smaller class sizes for 7 years. This year, schools across the country are taking advantage of that program. But here we are, just 1 year later, and that commitment is fading. Last week, I released a letter signed by 38 Senators, Senators who are going to stand up for class size reduction. The President said if this Congress does not fund class size reduction, he will veto the bill. Last week, 38 Senators said they would stand with him and back up that veto.

Let me say to my colleagues, if you shortchange class size, the President will veto your bill. If you try to override that veto, we will stand together to make sure our kids get the smaller classes they deserve, the ones we promised them 1 year ago, a promise made by both parties to all of our kids.

I have other ideas on how we can help our students. As we begin discussing our Nation's Federal education law, I will introduce legislation to assure that all segments of our school community—teachers, students, and families—play their role in improving education.

To help teachers, my legislation will give us the tools to recruit the world's finest educators; to retain educators by improving professional development and creating career ladders so that our best teachers will not leave the classroom but will have the opportunity to continue to grow professionally; to make sure all teachers can use the tools of technology to boost student achievement.

It will reward and recognize great educators. It will offer a meaningful financial bonus for States to improve teacher pay. And it will require educators to meet the same high standards we expect of our students.

Today, I am introducing legislation to help students by creating more meaningful roles for students in their schools and communities, finding the best examples of students and adults working together and rewarding those efforts and sharing those ideas with all schools, and showing the link between student involvement and student achievement.

Because we know parents and families are a child's first and best teachers, I am also introducing legislation that will invite families into our schools, train teachers, and administrators in the best ways to involve parents, and invest in family involvement at newer and higher levels.

It will use technology to make it easier for parents to stay informed and involved in their child's education. Borrowing from an example in my home State of Washington, it will build on the success of parent cooperative preschools which use local community colleges as a vehicle to improve parent involvement and school readiness for young kids.

I have talked with parents in my State, and it has become clear they want to be involved in their child's education. Too often, though, their jobs prevent them from being involved. That is why I introduced my Time for Schools Act. Which lets parents take up to 24 hours of unpaid leave off work each year to attend academic events at school and be involved in their child's education. That is the type of real-world solution that will help our parents.

Those are all parts of the comprehensive vision for improving education. I believe this plan will help prepare America for the next century. It is based on what we know works and has real money to back it up.

All too often, the debates on education begin with talk about how bad our public schools are. Everyone will hear that our schools are in shambles. I believe our schools are not failing, but if we let this Congress cut education funding, we will be failing our public schools.

Most of our public schools are doing a good job. Some are not, but they are all facing more and more challenges with fewer resources than ever before. We have to recognize those challenges and prepare our schools and our children for the future.

Today, I hear a lot of talk about bureaucracy. I hear our schools are trapped by red tape. I was a school board member, and I know what it is like to fill out forms and, yes, we should reduce paperwork. That is why the class size reduction application is only one page, is available online, and takes just a few minutes to fill out. Less paperwork is good. But somehow some people have convinced themselves that if there are fewer forms, our kids will magically get the resources they need. Fewer forms will not buy a textbook or build a classroom. It takes resources and support, and it takes real dollars. Reducing bureaucracy sounds good, but it means nothing if it is only as good as the paper on which it is written.

I hear a lot of talk about flexibility. That sounds great. I support flexibility because I know that principals and local school boards understand their own needs best. But we cannot forget right now that the Federal Government sets money aside for specific programs, like for homeless children or gifted children, money to help our schools become safe and drug free. That money is targeted for special needs which we as a country believe are important, and those Federal funds do a lot of good because they are seven times more targeted than other education funds. That money ensures that every American child gets a good education.

But the plans I hear about tell schools, "Do whatever you want with the money." At the same time, those plans start cutting the amount of money available to schools, and then our kids are the losers. When that dollar is no longer attached to a specific need, like making our schools safe after Columbine, or meeting the needs of a child who is behind or a child who is gifted, it is a lot easier to cut that money.

Now schools think they have a choice, but they really have fewer options because there is less money available than there was the day before. When schools have choice with less money, national priorities and protections lose out.

Suddenly that choice does not sound so good. Suddenly that choice is not liberating; it is limiting, and that is wrong because some of our kids are going to be left behind when a bill promising some version of flexibility makes schools choose between children. Let's not forget that we have already passed a better version of school flexibility called Ed-Flex earlier this year. Let's see how that serves our children before we try more risky approaches.

We cannot forget why the Federal Government got involved in education. Thirty years ago, when education was left to States and localities alone, some kids got left behind. So the Federal Government set a basic safety net for all children. These are the targeted funds that some plans would put into a block grant and then cut.

The Federal Government does two other vital things: It helps us meet national priorities, such as teaching technology or reducing class size, and it also helps students meet their potential and achieve at their highest levels. When this Congress ignores the reasons why we have a Federal partner in education, we are left with false choices that fail our children.

Our country deserves a real choice. We must offer real plans, real money to improve our schools, not false choices and not funding cuts. I urge my colleagues to listen to the American people. We should treat education like a priority and do right by all of our children.

ADDITIONAL COSPONSORS

S. 1235

At the request of Mr. ROBB, his name was added as a cosponsor of S. 1235, a bill to amend part G of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to allow railroad police officers to attend the Federal Bureau of Investigation National Academy for law enforcement training.

S. 1510

At the request of Mr. MCCAIN, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 1510, a bill to revise the laws of the United States appertaining to United States cruise vessels, and for other purposes.

S. 1626

At the request of Mr. HATCH, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 1626, a bill to amend title XVIII of the Social Security Act to improve the process by which the Secretary of Health and Human Services makes coverage determinations for items and services furnished under the medicare program, and for other purposes.

SENATE CONCURRENT RESOLUTION 59

At the request of Mr. SMITH, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of Senate Concurrent Resolution 59, a concurrent resolution urging the President to negotiate a new base rights agreement with the Government of Panama in order for United States Armed Forces to be stationed in Panama after December 31, 1999.

SENATE RESOLUTION 118

At the request of Mr. REID, the names of the Senator from Kentucky

(Mr. BUNNING), the Senator from Kansas (Mr. ROBERTS), and the Senator from Alaska (Mr. MURKOWSKI) were added as cosponsors of Senate Resolution 118, a resolution designating December 12, 1999, as "National Children's Memorial Day."

AMENDMENTS SUBMITTED

THE AFRICAN GROWTH AND OPPORTUNITY ACT

ROTH (AND MOYNIHAN) AMENDMENT NO. 2325

(Ordered to lie on the table.)

Mr. ROTH (for himself and Mr. MOYNIHAN) submitted an amendment intended to be proposed by them to the bill (H.R. 434) to authorize a new trade and investment policy for sub-Sahara Africa; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Trade and Development Act of 1999".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

TITLE I—EXTENSION OF CERTAIN TRADE BENEFITS TO SUB-SAHARAN AFRICA

Subtitle A—Trade Policy for Sub-Saharan Africa

Sec. 101. Short title.
Sec. 102. Findings.
Sec. 103. Statement of policy.
Sec. 104. Sub-Saharan Africa defined.

Subtitle B—Extension of Certain Trade Benefits to Sub-Saharan Africa

Sec. 111. Eligibility for certain benefits.
Sec. 112. Treatment of certain textiles and apparel.
Sec. 113. United States-sub-Saharan African trade and economic cooperation forum.
Sec. 114. United States-sub-Saharan Africa free trade area.
Sec. 115. Reporting requirement.

TITLE II—TRADE BENEFITS FOR CARIBBEAN BASIN

Subtitle A—Trade Policy for Caribbean Basin Countries

Sec. 201. Short title.
Sec. 202. Findings and policy.
Sec. 203. Definitions.

Subtitle B—Trade Benefits for Caribbean Basin Countries

Sec. 211. Temporary provisions to provide additional trade benefits to certain beneficiary countries.
Sec. 212. Adequate and effective protection for intellectual property rights.

Subtitle C—Cover Over of Tax on Distilled Spirits

Sec. 221. Suspension of limitation on cover over of tax on distilled spirits.

TITLE III—GENERALIZED SYSTEM OF PREFERENCES

Sec. 301. Extension of duty-free treatment under generalized system of preferences.
Sec. 302. Entry procedures for foreign trade zone operations.

TITLE IV—TRADE ADJUSTMENT ASSISTANCE

Sec. 401. Trade adjustment assistance.

TITLE V—REVENUE PROVISIONS

Sec. 501. Modification of installment method and repeal of installment method for accrual method taxpayers.
Sec. 502. Limitations on welfare benefit funds of 10 or more employer plans.
Sec. 503. Treatment of gain from constructive ownership transactions.
Sec. 504. Limitation on use of nonaccrual experience method of accounting.
Sec. 505. Allocation of basis on transfers of intangibles in certain nonrecognition transactions.
Sec. 506. Increase in elective withholding rate for nonperiodic distributions from deferred compensation plans.

TITLE I—EXTENSION OF CERTAIN TRADE BENEFITS TO SUB-SAHARAN AFRICA

Subtitle A—Trade Policy for Sub-Saharan Africa

SEC. 101. SHORT TITLE.

This title may be cited as the "African Growth and Opportunity Act".

SEC. 102. FINDINGS.

Congress finds that—

(1) it is in the mutual interest of the United States and the countries of sub-Saharan Africa to promote stable and sustainable economic growth and development in sub-Saharan Africa;

(2) the 48 countries of sub-Saharan Africa form a region richly endowed with both natural and human resources;

(3) sub-Saharan Africa represents a region of enormous economic potential and of enduring political significance to the United States;

(4) the region has experienced a rise in both economic development and political freedom as countries in sub-Saharan Africa have taken steps toward liberalizing their economies and encouraged broader participation in the political process;

(5) the countries of sub-Saharan Africa have made progress toward regional economic integration that can have positive benefits for the region;

(6) despite those gains, the per capita income in sub-Saharan Africa averages less than $500 annually;

(7) United States foreign direct investment in the region has fallen in recent years and the sub-Saharan African region receives only minor inflows of direct investment from around the world;

(8) trade between the United States and sub-Saharan Africa, apart from the import of oil, remains an insignificant part of total United States trade;

(9) trade and investment, as the American experience has shown, can represent powerful tools both for economic development and for building a stable political environment in which political freedom can flourish;

(10) increased trade and investment flows have the greatest impact in an economic environment in which trading partners eliminate barriers to trade and capital flows and encourage the development of a vibrant private sector that offers individual African citizens the freedom to expand their economic opportunities and provide for their families;

(11) offering the countries of sub-Saharan Africa enhanced trade preferences will encourage both higher levels of trade and direct investment in support of the positive economic and political developments under way throughout the region; and

(12) encouraging the reciprocal reduction of trade and investment barriers in Africa will enhance the benefits of trade and investment for the region as well as enhance commercial and political ties between the United States and sub-Saharan Africa.

SEC. 103. STATEMENT OF POLICY.

Congress supports—

(1) encouraging increased trade and investment between the United States and sub-Saharan Africa;

(2) reducing tariff and nontariff barriers and other obstacles to sub-Saharan African and United States trade;

(3) expanding United States assistance to sub-Saharan Africa's regional integration efforts;

(4) negotiating reciprocal and mutually beneficial trade agreements, including the possibility of establishing free trade areas that serve the interests of both the United States and the countries of sub-Saharan Africa;

(5) focusing on countries committed to accountable government, economic reform, and the eradication of poverty;

(6) strengthening and expanding the private sector in sub-Saharan Africa;

(7) supporting the development of civil societies and political freedom in sub-Saharan Africa; and

(8) establishing a United States-Sub-Saharan African Economic Cooperation Forum.

SEC. 104. SUB-SAHARAN AFRICA DEFINED.

In this title, the terms "sub-Saharan Africa", "sub-Saharan African country", "country in sub-Saharan Africa", and "countries in sub-Saharan Africa" refer to the following:

(1) Republic of Angola (Angola).
(2) Republic of Botswana (Botswana).
(3) Republic of Burundi (Burundi).
(4) Republic of Cape Verde (Cape Verde).
(5) Republic of Chad (Chad).
(6) Democratic Republic of Congo.
(7) Republic of the Congo (Congo).
(8) Republic of Djibouti (Djibouti).
(9) State of Eritrea (Eritrea).
(10) Gabonese Republic (Gabon).
(11) Republic of Ghana (Ghana).
(12) Republic of Guinea-Bissau (Guinea-Bissau).
(13) Kingdom of Lesotho (Lesotho).
(14) Republic of Madagascar (Madagascar).
(15) Republic of Mali (Mali).
(16) Republic of Mauritius (Mauritius).
(17) Republic of Namibia (Namibia).
(18) Federal Republic of Nigeria (Nigeria).
(19) Democratic Republic of Sao Tome and Principe (Sao Tome and Principe).
(20) Republic of Sierra Leone (Sierra Leone).
(21) Somalia.
(22) Kingdom of Swaziland (Swaziland).
(23) Republic of Togo (Togo).
(24) Republic of Zimbabwe (Zimbabwe).
(25) Republic of Benin (Benin).
(26) Burkina Faso (Burkina).
(27) Republic of Cameroon (Cameroon).
(28) Central African Republic.
(29) Federal Islamic Republic of the Comoros (Comoros).
(30) Republic of Cote d'Ivoire (Cote d'Ivoire).
(31) Republic of Equatorial Guinea (Equatorial Guinea).
(32) Ethiopia.
(33) Republic of the Gambia (Gambia).
(34) Republic of Guinea (Guinea).
(35) Republic of Kenya (Kenya).
(36) Republic of Liberia (Liberia).
(37) Republic of Malawi (Malawi).
(38) Islamic Republic of Mauritania (Mauritania).
(39) Republic of Mozambique (Mozambique).

(40) Republic of Niger (Niger).

(41) Republic of Rwanda (Rwanda).

(42) Republic of Senegal (Senegal).

(43) Republic of Seychelles (Seychelles).

(44) Republic of South Africa (South Africa).

(45) Republic of Sudan (Sudan).

(46) United Republic of Tanzania (Tanzania).

(47) Republic of Uganda (Uganda).

(48) Republic of Zambia (Zambia).

Subtitle B—Extension of Certain Trade Benefits to Sub-Saharan Africa

SEC. 111. ELIGIBILITY FOR CERTAIN BENEFITS.

(a) In General.—Title V of the Trade Act of 1974 is amended by inserting after section 506 the following new section:

"SEC. 506A. DESIGNATION OF SUB-SAHARAN AFRICAN COUNTRIES FOR CERTAIN BENEFITS.

"(a) Authority To Designate.—

"(1) In general.—Notwithstanding any other provision of law, the President is authorized to designate a country listed in section 104 of the African Growth and Opportunity Act as a beneficiary sub-Saharan African country eligible for the benefits described in subsection (b), if the President determines that the country—

"(A) has established, or is making continual progress toward establishing—

"(i) a market-based economy, where private property rights are protected and the principles of an open, rules-based trading system are observed;

"(ii) a democratic society, where the rule of law, political freedom, participatory democracy, and the right to due process and a fair trial are observed;

"(iii) an open trading system through the elimination of barriers to United States trade and investment and the resolution of bilateral trade and investment disputes; and

"(iv) economic policies to reduce poverty, increase the availability of health care and educational opportunities, expand physical infrastructure, and promote the establishment of private enterprise;

"(B) does not engage in gross violations of internationally recognized human rights or provide support for acts of international terrorism and cooperates in international efforts to eliminate human rights violations and terrorist activities; and

"(C) subject to the authority granted to the President under section 502 (a), (d), and (e), otherwise satisfies the eligibility criteria set forth in section 502.

"(2) Monitoring and review of certain countries.—The President shall monitor and review the progress of each country listed in section 104 of the African Growth and Opportunity Act in meeting the requirements described in paragraph (1) in order to determine the current or potential eligibility of each country to be designated as a beneficiary sub-Saharan African country for purposes of subsection (a). The President shall include the reasons for the President's determinations in the annual report required by section 115 of the African Growth and Opportunity Act.

"(3) Continuing compliance.—If the President determines that a beneficiary sub-Saharan African country is not making continual progress in meeting the requirements described in paragraph (1), the President shall terminate the designation of that country as a beneficiary sub-Saharan African country for purposes of this section, effective on January 1 of the year following the year in which such determination is made.

"(b) Preferential Tariff Treatment for Certain Articles.—

"(1) In general.—The President may provide duty-free treatment for any article described in section 503(b)(1) (B) through (G) (except for textile luggage) that is the growth, product, or manufacture of a beneficiary sub-Saharan African country described in subsection (a), if, after receiving the advice of the International Trade Commission in accordance with section 503(e), the President determines that such article is not import-sensitive in the context of imports from beneficiary sub-Saharan African countries.

"(2) Rules of origin.—The duty-free treatment provided under paragraph (1) shall apply to any article described in that paragraph that meets the requirements of section 503(a)(2), except that—

"(A) if the cost or value of materials produced in the customs territory of the United States is included with respect to that article, an amount not to exceed 15 percent of the appraised value of the article at the time it is entered that is attributed to such United States cost or value may be applied toward determining the percentage referred to in subparagraph (A) of section 503(a)(2); and

"(B) the cost or value of the materials included with respect to that article that are produced in one or more beneficiary sub-Saharan African countries shall be applied in determining such percentage.

"(c) Beneficiary Sub-Saharan African Countries, etc.—For purposes of this title, the terms 'beneficiary sub-Saharan African country' and 'beneficiary sub-Saharan African countries' mean a country or countries listed in section 104 of the African Growth and Opportunity Act that the President has determined is eligible under subsection (a) of this section.".

(b) Waiver of Competitive Need Limitation.—Section 503(c)(2)(D) of the Trade Act of 1974 (19 U.S.C. 2463(c)(2)(D)) is amended to read as follows:

"(D) Least-developed beneficiary developing countries and beneficiary sub-Saharan African countries.—Subparagraph (A) shall not apply to any least-developed beneficiary developing country or any beneficiary sub-Saharan African country.".

(c) Termination.—Title V of the Trade Act of 1974 is amended by inserting after section 506A, as added by subsection (a), the following new section:

"SEC. 506B. TERMINATION OF BENEFITS FOR SUB-SAHARAN AFRICAN COUNTRIES.

"In the case of a country listed in section 104 of the African Growth and Opportunity Act that is a beneficiary developing country, duty-free treatment provided under this title shall remain in effect through September 30, 2006.".

(d) Clerical Amendments.—The table of contents for title V of the Trade Act of 1974 is amended by inserting after the item relating to section 505 the following new items:

"506A. Designation of sub-Saharan African countries for certain benefits.

"506B. Termination of benefits for sub-Saharan African countries.".

(e) Effective Date.—The amendments made by this section take effect on October 1, 2000.

SEC. 112. TREATMENT OF CERTAIN TEXTILES AND APPAREL.

(a) Preferential Treatment.—Notwithstanding any other provision of law, textile and apparel articles described in subsection (b) (including textile luggage) imported from a beneficiary sub-Saharan African country, described in section 506A(c) of the Trade Act of 1974, shall enter the United States free of duty and free of any quantitative limitations, if—

(1) the country adopts an efficient visa system to guard against unlawful transshipment of textile and apparel goods and the use of counterfeit documents; and

(2) the country enacts legislation or promulgates regulations that would permit United States Customs Service verification teams to have the access necessary to investigate thoroughly allegations of transshipment through such country.

(b) Products Covered.—The preferential treatment described in subsection (a) shall apply only to the following textile and apparel products:

(1) Apparel articles assembled in beneficiary sub-Saharan African countries.—Apparel articles assembled in one or more beneficiary sub-Saharan African countries from fabrics wholly formed and cut in the United States, from yarns wholly formed in the United States that are—

(A) entered under subheading 9802.00.80 of the Harmonized Tariff Schedule of the United States; or

(B) entered under chapter 61 or 62 of the Harmonized Tariff Schedule of the United States, if, after such assembly, the articles would have qualified for entry under subheading 9802.00.80 of the Harmonized Tariff Schedule of the United States but for the fact that the articles were subjected to stone-washing, enzyme-washing, acid washing, perma-pressing, oven-baking, bleaching, garment-dyeing, or other similar processes.

(2) Apparel articles cut and assembled in beneficiary sub-Saharan African countries.—Apparel articles cut in one or more beneficiary sub-Saharan African countries from fabric wholly formed in the United States from yarns wholly formed in the United States, if such articles are assembled in one or more beneficiary sub-Saharan African countries with thread formed in the United States.

(3) Handloomed, handmade, and folklore articles.—A handloomed, handmade, or folklore article of a beneficiary sub-Saharan African country or countries that is certified as such by the competent authority of such beneficiary country or countries. For purposes of this paragraph, the President, after consultation with the beneficiary sub-Saharan African country or countries concerned, shall determine which, if any, particular textile and apparel goods of the country (or countries) shall be treated as being handloomed, handmade, or folklore goods.

(c) Penalties for Transshipments.—

(1) Penalties for exporters.—If the President determines, based on sufficient evidence, that an exporter has engaged in transshipment with respect to textile or apparel products from a beneficiary sub-Saharan African country, then the President shall deny all benefits under this section and section 506A of the Trade Act of 1974 to such exporter, any successor of such exporter, and any other entity owned or operated by the principal of the exporter for a period of 2 years.

(2) Transshipment described.—Transshipment within the meaning of this subsection has occurred when preferential treatment for a textile or apparel article under subsection (a) has been claimed on the basis of material false information concerning the country of origin, manufacture, processing, or assembly of the article or any of its components. For purposes of this paragraph, false information is material if disclosure of the true information would mean or would

have meant that the article is or was ineligible for preferential treatment under subsection (a).

(d) Technical Assistance.—The Customs Service shall provide technical assistance to the beneficiary sub-Saharan African countries for the implementation of the requirements set forth in subsection (a) (1) and (2).

(e) Monitoring and Reports to Congress.—The Customs Service shall monitor and the Commissioner of Customs shall submit to Congress, not later than March 31 of each year that this section is in effect, a report on the effectiveness of the anti-circumvention systems described in this section and on measures taken by countries in sub-Saharan Africa which export textiles or apparel to the United States to prevent circumvention as described in article 5 of the Agreement on Textiles and Clothing.

(f) Safeguard.—The President shall have the authority to impose appropriate remedies, including restrictions on or the removal of quota-free and duty-free treatment provided under this section, in the event that textile and apparel articles from a beneficiary sub-Saharan African country are being imported in such increased quantities as to cause serious damage, or actual threat thereof, to the domestic industry producing like or directly competitive articles. The President shall exercise his authority under this subsection consistent with the Agreement on Textiles and Clothing.

(g) Definitions.—In this section:

(1) Agreement on textiles and clothing.—The term "Agreement on Textiles and Clothing" means the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)).

(2) Beneficiary sub-saharan african country, etc.—The terms "beneficiary sub-Saharan African country" and "beneficiary sub-Saharan African countries" have the same meaning as such terms have under section 506A(c) of the Trade Act of 1974.

(3) Customs service.—The term "Customs Service" means the United States Customs Service.

(h) Effective Date.—The amendments made by this section take effect on October 1, 2000 and shall remain in effect through September 30, 2006.

SEC. 113. UNITED STATES-SUB-SAHARAN AFRICAN TRADE AND ECONOMIC COOPERATION FORUM.

(a) Declaration of Policy.—The President shall convene annual meetings between senior officials of the United States Government and officials of the governments of sub-Saharan African countries in order to foster close economic ties between the United States and sub-Saharan Africa.

(b) Establishment.—Not later than 12 months after the date of enactment of this Act, the President, after consulting with the officials of interested sub-Saharan African governments, shall establish a United States-Sub-Saharan African Trade and Economic Cooperation Forum (in this section referred to as the "Forum").

(c) Requirements.—In creating the Forum, the President shall meet the following requirements:

(1) First meeting.—The President shall direct the Secretary of Commerce, the Secretary of the Treasury, the Secretary of State, and the United States Trade Representative to invite their counterparts from interested sub-Saharan African governments and representatives of appropriate regional organizations to participate in the first annual meeting to discuss expanding trade and investment relations between the United States and sub-Saharan Africa.

(2) Nongovernmental organizations.—

(A) In general.—The President, in consultation with Congress, shall invite United States nongovernmental organizations to host meetings with their counterparts from sub-Saharan Africa in conjunction with meetings of the Forum for the purpose of discussing the issues described in paragraph (1).

(B) Private sector.—The President, in consultation with Congress, shall invite United States representatives of the private sector to host meetings with their counterparts from sub-Saharan Africa in conjunction with meetings of the Forum for the purpose of discussing the issues described in paragraph (1).

(3) Annual meetings.—As soon as practicable after the date of enactment of this Act, the President shall meet with the heads of the governments of interested sub-Saharan African countries for the purpose of discussing the issues described in paragraph (1).

SEC. 114. UNITED STATES-SUB-SAHARAN AFRICA FREE TRADE AREA.

(a) In General.—The President shall examine the feasibility of negotiating a free trade agreement (or agreements) with interested sub-Saharan African countries.

(b) Report to Congress.—Not later than 12 months after the date of enactment of this Act, the President shall submit a report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives regarding the President's conclusions on the feasibility of negotiating such agreement (or agreements). If the President determines that the negotiation of any such free trade agreement is feasible, the President shall provide a detailed plan for such negotiation that outlines the objectives, timing, any potential benefits to the United States and sub-Saharan Africa, and the likely economic impact of any such agreement.

SEC. 115. REPORTING REQUIREMENT.

Not later than 1 year after the date of enactment of this Act, and annually thereafter for 4 years, the President shall submit a report to Congress on the implementation of this title.

TITLE II—TRADE BENEFITS FOR CARIBBEAN BASIN

Subtitle A—Trade Policy for Caribbean Basin Countries

SEC. 201. SHORT TITLE.

This title may be cited as the "United States-Caribbean Basin Trade Enhancement Act".

SEC. 202. FINDINGS AND POLICY.

(a) Findings.—Congress makes the following findings:

(1) The Caribbean Basin Economic Recovery Act (referred to in this title as "CBERA") represents a permanent commitment by the United States to encourage the development of strong democratic governments and revitalized economies in neighboring countries in the Caribbean Basin.

(2) Thirty-four democratically elected leaders agreed at the 1994 Summit of the Americas to conclude negotiation of a Free Trade Area of the Americas (referred to in this title as "FTAA") by the year 2005.

(3) The economic security of the countries in the Caribbean Basin will be enhanced by the completion of the FTAA.

(4) Offering temporary benefits to Caribbean Basin countries will enhance trade between the United States and the Caribbean Basin, encourage development of trade and investment policies that will facilitate participation of Caribbean Basin countries in the FTAA, preserve the United States commitment to Caribbean Basin beneficiary countries, help further economic development in the Caribbean Basin region, and accelerate the trend toward more open economies in the region.

(5) Promotion of the growth of free enterprise and economic opportunity in the Caribbean Basin will enhance the national security interests of the United States.

(6) Increased trade and economic activity between the United States and Caribbean Basin beneficiary countries will create expanding export opportunities for United States businesses and workers.

(b) Policy.—It is the policy of the United States to—

(1) offer Caribbean Basin beneficiary countries willing to prepare to become a party to the FTAA or a comparable trade agreement, tariff treatment essentially equivalent to that accorded to products of NAFTA countries for certain products not currently eligible for duty-free treatment under the CBERA; and

(2) seek the participation of Caribbean Basin beneficiary countries in the FTAA or a trade agreement comparable to the FTAA at the earliest possible date, with the goal of achieving full participation in such agreement not later than 2005.

SEC. 203. DEFINITIONS.

In this title:

(1) Beneficiary country.—The term "beneficiary country" has the meaning given the term in section 212(a)(1)(A) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(a)(1)(A)).

(2) CBTEA.—The term "CBTEA" means the United States-Caribbean Basin Trade Enhancement Act.

(3) NAFTA.—The term "NAFTA" means the North American Free Trade Agreement entered into between the United States, Mexico, and Canada on December 17, 1992.

(4) NAFTA country.—The term "NAFTA country" means any country with respect to which the NAFTA is in force.

(5) WTO and wto member.—The terms "WTO" and "WTO member" have the meanings given those terms in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501).

Subtitle B—Trade Benefits for Caribbean Basin Countries

SEC. 211. TEMPORARY PROVISIONS TO PROVIDE ADDITIONAL TRADE BENEFITS TO CERTAIN BENEFICIARY COUNTRIES.

(a) Temporary Provisions.—Section 213(b) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(b)) is amended to read as follows:

"(b) Import-Sensitive Articles.—

"(1) In general.—Subject to paragraphs (2) through (5), the duty-free treatment provided under this title does not apply to—

"(A) textile and apparel articles which were not eligible articles for purposes of this title on January 1, 1994, as this title was in effect on that date;

"(B) footwear not designated at the time of the effective date of this title as eligible articles for the purpose of the generalized system of preferences under title V of the Trade Act of 1974;

"(C) tuna, prepared or preserved in any manner, in airtight containers;

"(D) petroleum, or any product derived from petroleum, provided for in headings 2709 and 2710 of the HTS;

"(E) watches and watch parts (including cases, bracelets, and straps), of whatever type including, but not limited to, mechanical, quartz digital or quartz analog, if such watches or watch parts contain any material which is the product of any country with respect to which HTS column 2 rates of duty apply; or

"(F) articles to which reduced rates of duty apply under subsection (h).

"(2) TRANSITION PERIOD TREATMENT OF CERTAIN TEXTILE AND APPAREL ARTICLES.—

"(A) PRODUCTS COVERED.—During the transition period, the preferential treatment described in subparagraph (B) shall apply to the following products:

"(i) APPAREL ARTICLES ASSEMBLED IN A CBTEA BENEFICIARY COUNTRY.—Apparel articles assembled in a CBTEA beneficiary country from fabrics wholly formed and cut in the United States, from yarns wholly formed in the United States that are—

"(I) entered under subheading 9802.00.80 of the HTS; or

"(II) entered under chapter 61 or 62 of the HTS, if, after such assembly, the articles would have qualified for entry under subheading 9802.00.80 of the HTS but for the fact that the articles were subjected to stone-washing, enzyme-washing, acid washing, perma-pressing, oven-baking, bleaching, garment-dyeing, or other similar processes.

"(ii) APPAREL ARTICLES CUT AND ASSEMBLED IN A CBTEA BENEFICIARY COUNTRY.—Apparel articles cut in a CBTEA beneficiary country from fabric wholly formed in the United States from yarns wholly formed in the United States, if such articles are assembled in such country with thread formed in the United States.

"(iii) HANDLOOMED, HANDMADE, AND FOLKLORE ARTICLES.—A handloomed, handmade, or folklore article of a CBTEA beneficiary country identified under subparagraph (C) that is certified as such by the competent authority of such beneficiary country.

"(iv) TEXTILE LUGGAGE.—Textile luggage—

"(I) assembled in a CBTEA beneficiary country from fabric wholly formed and cut in the United States, from yarns wholly formed in the United States, that is entered under subheading 9802.00.80 of the HTS; or

"(II) assembled from fabric cut in a CBTEA beneficiary country from fabric wholly formed in the United States from yarns wholly formed in the United States, if such luggage is assembled in such country with thread formed in the United States.

"(B) PREFERENTIAL TREATMENT.—Except as provided in subparagraph (E), during the transition period, the articles described in subparagraph (A) shall enter the United States free of duty and free of any quantitative limitations.

"(C) HANDLOOMED, HANDMADE, AND FOLKLORE ARTICLES DEFINED.—For purposes of subparagraph (A)(iii), the President, after consultation with the CBTEA beneficiary country concerned, shall determine which, if any, particular textile and apparel goods of the country shall be treated as being handloomed, handmade, or folklore goods of a kind described in section 2.3 (a), (b), or (c) or Appendix 3.1.B.11 of the Annex.

"(D) PENALTIES FOR TRANSSHIPMENTS.—

"(i) PENALTIES FOR EXPORTERS.—If the President determines, based on sufficient evidence, that an exporter has engaged in transshipment with respect to textile or apparel products from a CBTEA beneficiary country, then the President shall deny all benefits under this title to such exporter, and any successor of such exporter, for a period of 2 years.

"(ii) PENALTIES FOR COUNTRIES.—Whenever the President finds, based on sufficient evidence, that transshipment has occurred, the President shall request that the CBTEA beneficiary country or countries through whose territory the transshipment has occurred take all necessary and appropriate actions to prevent such transshipment. If the President determines that a country is not taking such actions, the President shall reduce the quantities of textile and apparel articles that may be imported into the United States from such country by the quantity of the transshipped articles multiplied by 3.

"(iii) TRANSSHIPMENT DESCRIBED.—Transshipment within the meaning of this subparagraph has occurred when preferential treatment for a textile or apparel article under subparagraph (B) has been claimed on the basis of material false information concerning the country of origin, manufacture, processing, or assembly of the article or any of its components. For purposes of this clause, false information is material if disclosure of the true information would mean or would have meant that the article is or was ineligible for preferential treatment under subparagraph (B).

"(E) BILATERAL EMERGENCY ACTIONS.—

"(i) IN GENERAL.—The President may take bilateral emergency tariff actions of a kind described in section 4 of the Annex with respect to any apparel article imported from a CBTEA beneficiary country if the application of tariff treatment under subparagraph (B) to such article results in conditions that would be cause for the taking of such actions under such section 4 with respect to a like article described in the same 8-digit subheading of the HTS that is imported from Mexico.

"(ii) RULES RELATING TO BILATERAL EMERGENCY ACTION.—For purposes of applying bilateral emergency action under this subparagraph—

"(I) the requirements of paragraph (5) of section 4 of the Annex (relating to providing compensation) shall not apply;

"(II) the term 'transition period' in section 4 of the Annex shall have the meaning given that term in paragraph (5)(D) of this subsection; and

"(III) the requirements to consult specified in section 4 of the Annex shall be treated as satisfied if the President requests consultations with the beneficiary country in question and the country does not agree to consult within the time period specified under section 4.

"(3) TRANSITION PERIOD TREATMENT OF CERTAIN OTHER ARTICLES ORIGINATING IN BENEFICIARY COUNTRIES.—

"(A) EQUIVALENT TARIFF TREATMENT.—

"(i) IN GENERAL.—Subject to clause (ii), the tariff treatment accorded at any time during the transition period to any article referred to in any of subparagraphs (B) through (F) of paragraph (1) that originates in the territory of a CBTEA beneficiary country shall be identical to the tariff treatment that is accorded at such time under Annex 302.2 of the NAFTA to an article described in the same 8-digit subheading of the HTS that is a good of Mexico and is imported into the United States.

"(ii) EXCEPTION.—Clause (i) does not apply to any article accorded duty-free treatment under U.S. Note 2(b) to subchapter II of chapter 98 of the HTS.

"(B) RELATIONSHIP TO SUBSECTION (h) DUTY REDUCTIONS.—If at any time during the transition period the rate of duty that would (but for action taken under subparagraph (A)(i) in regard to such period) apply with respect to any article under subsection (h) is a rate of duty that is lower than the rate of duty resulting from such action, then such lower rate of duty shall be applied for the purposes of implementing such action.

"(4) CUSTOMS PROCEDURES.—

"(A) IN GENERAL.—

"(i) REGULATIONS.—Any importer that claims preferential treatment under paragraph (2) or (3) shall comply with customs procedures similar in all material respects to the requirements of Article 502(1) of the NAFTA as implemented pursuant to United States law, in accordance with regulations promulgated by the Secretary of the Treasury.

"(ii) DETERMINATION.—

"(I) IN GENERAL.—In order to qualify for the preferential treatment under paragraph (2) or (3) and for a Certificate of Origin to be valid with respect to any article for which such treatment is claimed, there shall be in effect a determination by the President that each country described in subclause (II)—

"(aa) has implemented and follows, or

"(bb) is making substantial progress toward implementing and following,

procedures and requirements similar in all material respects to the relevant procedures and requirements under chapter 5 of the NAFTA.

"(II) COUNTRY DESCRIBED.—A country is described in this subclause if it is a CBTEA beneficiary country—

"(aa) from which the article is exported, or

"(bb) in which materials used in the production of the article originate or in which the article or such materials undergo production that contributes to a claim that the article is eligible for preferential treatment.

"(B) CERTIFICATE OF ORIGIN.—The Certificate of Origin that otherwise would be required pursuant to the provisions of subparagraph (A) shall not be required in the case of an article imported under paragraph (2) or (3) if such Certificate of Origin would not be required under Article 503 of the NAFTA (as implemented pursuant to United States law), if the article were imported from Mexico.

"(5) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

"(A) ANNEX.—The term 'the Annex' means Annex 300–B of the NAFTA.

"(B) CBTEA BENEFICIARY COUNTRY.—

"(i) IN GENERAL.—The term 'CBTEA beneficiary country' means any 'beneficiary country', as defined by section 212(a)(1)(A) of this title, which the President determines has demonstrated a commitment to—

"(I) undertake its obligations under the WTO on or ahead of schedule;

"(II) participate in negotiations toward the completion of the FTAA or a comparable trade agreement; and

"(III) undertake other steps necessary for that country to become a party to the FTAA or a comparable trade agreement.

"(ii) CRITERIA FOR DETERMINATION.—In making the determination under clause (i), the President may consider the criteria in section 212 (b) and (c) and other appropriate criteria, including—

"(I) the extent to which the country follows accepted rules of international trade provided for under the agreements listed in section 101(d) of the Uruguay Round Agreements Act;

"(II) the extent to which the country provides protection of intellectual property rights—

"(aa) in accordance with standards established in the Agreement on Trade-Related Aspects of Intellectual Property Rights described in section 101(d)(15) of the Uruguay Round Agreements Act;

"(bb) in accordance with standards established in chapter 17 of the NAFTA; and

"(cc) by granting the holders of copyrights the ability to control the importation and sale of products that embody copyrighted works, extending the period set forth in Article 1711(6) of NAFTA for protecting test data for agricultural chemicals to 10 years, protecting trademarks regardless of their subsequent designation as geographic indications, and providing enforcement against the importation of infringing products at the border;

"(III) the extent to which the country provides protections to investors and investments of the United States substantially equivalent to those set forth in chapter 11 of the NAFTA;

"(IV) the extent to which the country provides the United States and other WTO members nondiscriminatory, equitable, and reasonable market access with respect to the products for which benefits are provided under paragraphs (2) and (3), and in other relevant product sectors as determined by the President;

"(V) the extent to which the country provides internationally recognized worker rights, including—

"(aa) the right of association,

"(bb) the right to organize and bargain collectively,

"(cc) prohibition on the use of any form of coerced or compulsory labor,

"(dd) a minimum age for the employment of children, and

"(ee) acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health;

"(VI) whether the country has met the counter-narcotics certification criteria set forth in section 490 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j) for eligibility for United States assistance;

"(VII) the extent to which the country becomes a party to and implements the Inter-American Convention Against Corruption, and becomes party to a convention regarding the extradition of its nationals;

"(VIII) the extent to which the country—

"(aa) supports the multilateral and regional objectives of the United States with respect to government procurement, including the negotiation of government procurement provisions as part of the FTAA and conclusion of a WTO transparency agreement as provided in the declaration of the WTO Ministerial Conference held in Singapore on December 9 through 13, 1996, and

"(bb) applies transparent and competitive procedures in government procurement equivalent to those contained in the WTO Agreement on Government Procurement (described in section 101(d)(17) of the Uruguay Round Agreements Act);

"(IX) the extent to which the country follows the rules on customs valuation set forth in the WTO Agreement on Implementation of Article VII of the GATT 1994 (described in section 101(d)(8) of the Uruguay Round Agreements Act);

"(X) the extent to which the country affords to products of the United States which the President determines to be of commercial importance to the United States with respect to such country, and on a nondiscriminatory basis to like products of other WTO members, tariff treatment that is no less favorable than the most favorable tariff treatment provided by the country to any other country pursuant to any free trade agreement to which such country is a party, other than the Central American Common Market or the Caribbean Community and Common Market.

"(C) CBTEA ORIGINATING GOOD.—

"(i) IN GENERAL.—The term 'CBTEA originating good' means a good that meets the rules of origin for a good set forth in chapter 4 of the NAFTA as implemented pursuant to United States law.

"(ii) APPLICATION OF CHAPTER 4.—In applying chapter 4 with respect to a CBTEA beneficiary country for purposes of this subsection—

"(I) no country other than the United States and a CBTEA beneficiary country may be treated as being a party to the NAFTA;

"(II) any reference to trade between the United States and Mexico shall be deemed to refer to trade between the United States and a CBTEA beneficiary country;

"(III) any reference to a party shall be deemed to refer to a CBTEA beneficiary country or the United States; and

"(IV) any reference to parties shall be deemed to refer to any combination of CBTEA beneficiary countries or to the United States and a CBTEA beneficiary country (or any combination thereof).

"(D) TRANSITION PERIOD.—The term 'transition period' means, with respect to a CBTEA beneficiary country, the period that begins on October 1, 2000, and ends on the earlier of—

"(i) December 31, 2004, or

"(ii) the date on which the FTAA or a comparable trade agreement enters into force with respect to the United States and the CBTEA beneficiary country.

"(E) CBTEA.—The term 'CBTEA' means the United States-Caribbean Basin Trade Enhancement Act.

"(F) FTAA.—The term 'FTAA' means the Free Trade Area of the Americas.".

(b) DETERMINATION REGARDING RETENTION OF DESIGNATION.—Section 212(e) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(e)) is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(B) by inserting "(A)" after "(1)";

(C) by striking "would be barred" and all that follows through the end period and inserting: "no longer satisfies one or more of the conditions for designation as a beneficiary country set forth in subsection (b) or such country fails adequately to meet one or more of the criteria set forth in subsection (c)."; and

(D) by adding at the end the following:

"(B) The President may, after the requirements of subsection (a)(2) and paragraph (2) have been met—

"(i) withdraw or suspend the designation of any country as a CBTEA beneficiary country, or

"(ii) withdraw, suspend, or limit the application of preferential treatment under section 213(b) (2) and (3) to any article of any country, if, after such designation, the President determines that as a result of changed circumstances, the performance of such country is not satisfactory under the criteria set forth in section 213(b)(5)(B)."; and

(2) by adding after paragraph (2) the following new paragraph:

"(3) If preferential treatment under section 213(b) (2) and (3) is withdrawn, suspended. or limited with respect to a CBTEA beneficiary country, such country shall not be deemed to be a 'party' for the purposes of applying section 213(b)(5)(C) to imports of articles for which preferential treatment has been withdrawn, suspended, or limited with respect to such country.".

(c) REPORTING REQUIREMENTS.—

(1) Section 212(f) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(f)) is amended to read as follows:

"(f) REPORTING REQUIREMENTS.—

"(1) IN GENERAL.—Not later than December 31, 2001, and every 2 years thereafter during the period this title is in effect, the United States Trade Representative shall submit to Congress a report regarding the operation of this title, including—

"(A) with respect to subsections (b) and (c), the results of a general review of beneficiary countries based on the considerations described in such subsections; and

"(B) the performance of each beneficiary country or CBTEA beneficiary country, as the case may be, under the criteria set forth in section 213(b)(5)(B)(ii).

'"(2) PUBLIC COMMENT.—Before submitting the report described in paragraph (1), the United States Trade Representative shall publish a notice in the Federal Register requesting public comments on whether beneficiary countries are meeting the criteria listed in section 213(b)(5)(B)(i), and on the performance of each beneficiary country or CBTEA beneficiary country, as the case may be, with respect to the criteria listed in section 213(b)(5)(B)(ii).".

(2) Section 203(f) of the Andean Trade Preference Act (19 U.S.C. 3202(f)) is amended—

(A) by striking "TRIENNIAL REPORT" in the heading and inserting "REPORT"; and

(B) by striking "On or before" and all that follows through "enactment of this title" and inserting "Not later than January 31, 2001".

(d) INTERNATIONAL TRADE COMMISSION REPORTS.—

(1) Section 215(a) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2704(a)) is amended to read as follows:

"(a) REPORTING REQUIREMENT.—

"(1) IN GENERAL.—The United States International Trade Commission (in this section referred to as the 'Commission') shall submit to Congress and the President biennial reports regarding the economic impact of this title on United States industries and consumers and on the economy of the beneficiary countries.

"(2) FIRST REPORT.—The first report shall be submitted not later than September 30, 2001.

"(3) TREATMENT OF PUERTO RICO, ETC.—For purposes of this section, industries in the Commonwealth of Puerto Rico and the insular possessions of the United States are considered to be United States industries.".

(2) Section 206(a) of the Andean Trade Preference Act (19 U.S.C. 3204(a)) is amended to read as follows:

"(a) REPORTING REQUIREMENTS.—

"(1) IN GENERAL.—The United States International Trade Commission (in this section referred to as the 'Commission') shall submit to Congress and the President biennial reports regarding the economic impact of this title on United States industries and consumers, and, in conjunction with other agencies, the effectiveness of this title in promoting drug-related crop eradication and crop substitution efforts of the beneficiary countries.

"(2) SUBMISSION.—During the period that this title is in effect, the report required by paragraph (1) shall be submitted on December 31 of each year that the report required by section 215 of the Caribbean Basin Economic Recovery Act is not submitted.

"(3) TREATMENT OF PUERTO RICO, ETC.—For purposes of this section, industries in the Commonwealth of Puerto Rico and the insular possessions of the United States are considered to be United States industries.".

(e) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) In general.—

(A) Section 211 of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2701) is amended by inserting "(or other preferential treatment)" after "treatment".

(B) Section 213(a)(1) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(a)(1)) is amended by inserting "and except as provided in subsection (b) (2) and (3)," after "Tax Reform Act of 1986,".

(2) Definitions.—Section 212(a)(1) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(a)(1)) is amended by adding at the end the following new subparagraphs:

"(D) The term 'NAFTA' means the North American Free Trade Agreement entered into between the United States, Mexico, and Canada on December 17, 1992.

"(E) The terms 'WTO' and 'WTO member' have the meanings given those terms in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501).".

SEC. 212. ADEQUATE AND EFFECTIVE PROTECTION FOR INTELLECTUAL PROPERTY RIGHTS.

Section 212(c) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(c)) is amended by adding at the end the following flush sentence:

"Notwithstanding any other provision of law, the President may determine that a country is not providing adequate and effective protection of intellectual property rights under paragraph (9), even if the country is in compliance with the country's obligations under the Agreement on Trade-Related Aspects of Intellectual Property Rights described in section 101(d)(15) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(15)).".

Subtitle C—Cover Over of Tax on Distilled Spirits

SEC. 221. SUSPENSION OF LIMITATION ON COVER OVER OF TAX ON DISTILLED SPIRITS.

(a) In General.—Section 7652(f) of the Internal Revenue Code of 1986 (relating to limitation on cover over of tax on distilled spirits) is amended by adding at the end the following new flush sentence:

"The preceding sentence shall not apply to articles that are tax-determined after June 30, 1999, and before October 1, 1999."

(b) Effective Date.—

(1) In general.—The amendment made by this section shall apply to articles that are tax-determined after June 30, 1999.

(2) Special rule.—

(A) In general.—The treasury of Puerto Rico shall make a Conservation Trust Fund transfer within 30 days after the date of each cover over payment (made to such treasury under section 7652(e) of the Internal Revenue Code of 1986) to which section 7652(f) of such Code does not apply by reason of the last sentence thereof.

(B) Conservation trust fund transfer.—

(i) In general.—For purposes of this paragraph, the term "Conservation Trust Fund transfer" means a transfer to the Puerto Rico Conservation Trust Fund of an amount equal to 50 cents per proof gallon of the taxes imposed under section 5001 or section 7652 of such Code on distilled spirits that are covered over to the treasury of Puerto Rico under section 7652(e) of such Code.

(ii) Treatment of transfer.—Each Conservation Trust Fund transfer shall be treated as principal for an endowment, the income from which to be available for use by the Puerto Rico Conservation Trust Fund for the purposes for which the Trust Fund was established.

(iii) Result of nontransfer.—

(I) In general.—Upon notification by the Secretary of the Interior that a Conservation Trust Fund transfer has not been made by the treasury of Puerto Rico as required by subparagraph (A), the Secretary of the Treasury shall, except as provided in subclause (II), deduct and withhold from the next cover over payment to be made to the treasury of Puerto Rico under section 7652(e) of such Code an amount equal to the appropriate Conservation Trust Fund transfer and interest thereon at the underpayment rate established under section 6621 of such Code as of the due date of such transfer. The Secretary of the Treasury shall transfer such amount deducted and withheld, and the interest thereon, directly to the Puerto Rico Conservation Trust Fund.

(II) Good cause exception.—If the Secretary of the Interior finds, after consultation with the Governor of Puerto Rico, that the failure by the treasury of Puerto Rico to make a required transfer was for good cause, and notifies the Secretary of the Treasury of the finding of such good cause before the due date of the next cover over payment following the notification of nontransfer, then the Secretary of the Treasury shall not deduct the amount of such nontransfer from any cover over payment.

(C) Puerto rico conservation trust fund.—For purposes of this paragraph, the term "Puerto Rico Conservation Trust Fund" means the fund established pursuant to a Memorandum of Understanding between the United States Department of the Interior and the Commonwealth of Puerto Rico, dated December 24, 1968.

TITLE III—GENERALIZED SYSTEM OF PREFERENCES

SEC. 301. EXTENSION OF DUTY-FREE TREATMENT UNDER GENERALIZED SYSTEM OF PREFERENCES.

(a) In General.—Section 505 of the Trade Act of 1974 (19 U.S.C. 2465) is amended by striking "June 30, 1999" and inserting "June 30, 2004".

(b) Effective Date.—

(1) In general.—The amendment made by this section applies to articles entered on or after the date of the enactment of this Act.

(2) Retroactive application for certain liquidations and reliquidations.—

(A) General rule.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, and subject to paragraph (3), any entry—

(i) of an article to which duty-free treatment under title V of the Trade Act of 1974 would have applied if such entry had been made on June 30, 1999, and

(ii) that was made—

(I) after June 30, 1999, and

(II) before the date of enactment of this Act,

shall be liquidated or reliquidated as free of duty, and the Secretary of the Treasury shall refund any duty paid with respect to such entry.

(B) Entry.—As used in this paragraph, the term "entry" includes a withdrawal from warehouse for consumption.

(3) Requests.—Liquidation or reliquidation may be made under paragraph (2) with respect to an entry only if a request therefore is filed with the Customs Service, within 180 days after the date of enactment of this Act, that contains sufficient information to enable the Customs Service—

(A) to locate the entry, or

(B) to reconstruct the entry if it cannot be located.

SEC. 302. ENTRY PROCEDURES FOR FOREIGN TRADE ZONE OPERATIONS.

(a) In General.—Section 484 of the Tariff Act of 1930 (19 U.S.C. 1484) is amended by adding at the end the following new subsection:

"(i) Special Rule For Foreign Trade Zone Operations.—

"(1) In general.—Notwithstanding any other provision of law and except as provided in paragraph (3), all merchandise (including merchandise of different classes, types, and categories), withdrawn from a foreign trade zone during any 7-day period, shall, at the option of the operator or user of the zone, be the subject of a single estimated entry or release filed on or before the first day of the 7-day period in which the merchandise is to be withdrawn from the zone. The estimated entry or release shall be treated as a single entry and a single release of merchandise for purposes of section 13031(a)(9)(A) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)(9)(A)) and all fee exclusions and limitations of such section 13031 shall apply, including the maximum and minimum fee amounts provided for under subsection (b)(8)(A)(i) of such section. The entry summary for the estimated entry or release shall cover only the merchandise actually withdrawn from the foreign trade zone during the 7-day period.

"(2) Other requirements.— The Secretary of the Treasury may require that the operator or user of the zone—

"(A) use an electronic data interchange approved by the Customs Service—

"(i) to file the entries described in paragraph (1); and

"(ii) to pay the applicable duties, fees, and taxes with respect to the entries; and

"(B) satisfy the Customs Service that accounting, transportation, and other controls over the merchandise are adequate to protect the revenue and meet the requirements of other Federal agencies.

"(3) Exception.—The provisions of paragraph (1) shall not apply to merchandise the entry of which is prohibited by law or merchandise for which the filing of an entry summary is required before the merchandise is released from customs custody.

"(4) Foreign trade zone; zone.—In this subsection, the terms 'foreign trade zone' and 'zone' mean a zone established pursuant to the Act of June 18, 1934, commonly known as the Foreign Trade Zones Act (19 U.S.C. 81a et seq.).".

(b) Effective Date.—The amendment made by this section shall take effect on the date that is 60 days after the date of enactment of this Act.

TITLE IV—TRADE ADJUSTMENT ASSISTANCE

SEC. 401. TRADE ADJUSTMENT ASSISTANCE.

(a) Assistance for Workers.—Section 245 of the Trade Act of 1974 (19 U.S.C. 2317) is amended—

(1) in subsection (a), by striking "June 30, 1999" and inserting "September 30, 2001"; and

(2) in subsection (b), by striking "June 30, 1999" and inserting "September 30, 2001".

(b) NAFTA Transitional Program.—Section 250(d)(2) of the Trade Act of 1974 (19 U.S.C. 2331(d)(2)) is amended by striking "the period beginning October 1, 1998, and ending June 30, 1999, shall not exceed $15,000,000" and inserting "the period beginning October 1, 1998, and ending September 30, 2001, shall not exceed $30,000,000 for any fiscal year".

(c) Adjustment for Firms.—Section 256(b) of the Trade Act of 1974 (19 U.S.C. 2346(b)) is amended by striking "June 30, 1999" and inserting "September 30, 2001".

(d) Termination.—Section 285(c) of the Trade Act of 1974 (19 U.S.C. 2271 note preceding) is amended by striking "June 30, 1999" each place it appears and inserting "September 30, 2001".

(e) Effective Date.—The amendments made by this section take effect on July 1, 1999.

TITLE V—REVENUE PROVISIONS

SEC. 501. MODIFICATION OF INSTALLMENT METHOD AND REPEAL OF INSTALLMENT METHOD FOR ACCRUAL METHOD TAXPAYERS.

(a) Repeal of Installment Method for Accrual Basis Taxpayers.—

(1) In general.—Subsection (a) of section 453 of the Internal Revenue Code of 1986 (relating to installment method) is amended to read as follows:

"(a) Use of Installment Method.—

"(1) In general.—Except as otherwise provided in this section, income from an installment sale shall be taken into account for purposes of this title under the installment method.

"(2) Accrual method taxpayer.—The installment method shall not apply to income from an installment sale if such income would be reported under an accrual method of accounting without regard to this section. The preceding sentence shall not apply to a disposition described in subparagraph (A) or (B) of subsection (l)(2).".

(2) Conforming amendments.—Sections 453(d)(1), 453(i)(1), and 453(k) are each amended by striking "(a)" each place it appears and inserting "(a)(1)".

(b) Modification of Pledge Rules.—Paragraph (4) of section 453A(d) of the Internal Revenue Code of 1986 (relating to pledges, etc., of installment obligations) is amended by adding at the end the following: "A payment shall be treated as directly secured by an interest in an installment obligation to the extent an arrangement allows the taxpayer to satisfy all or a portion of the indebtedness with the installment obligation.".

(c) Effective Date.—The amendments made by this section shall apply to sales or other dispositions occurring on or after the date of the enactment of this Act.

SEC. 502. LIMITATIONS ON WELFARE BENEFIT FUNDS OF 10 OR MORE EMPLOYER PLANS.

(a) Benefits to Which Exception Applies.—Section 419A(f)(6)(A) of the Internal Revenue Code of 1986 (relating to exception for 10 or more employer plans) is amended to read as follows:

"(A) In general.—This subpart shall not apply to a welfare benefit fund which is part of a 10 or more employer plan if the only benefits provided through the fund are one or more of the following:

"(i) Medical benefits.

"(ii) Disability benefits.

"(iii) Group term life insurance benefits which do not provide directly or indirectly for any cash surrender value or other money that can be paid, assigned, borrowed, or pledged for collateral for a loan.

The preceding sentence shall not apply to any plan which maintains experience-rating arrangements with respect to individual employers.".

(b) Limitation on Use of Amounts for Other Purposes.—Section 4976(b) of the Internal Revenue Code of 1986 (defining disqualified benefit) is amended by adding at the end the following new paragraph:

"(5) Special rule for 10 or more employer plans exempted from prefunding limits.—For purposes of paragraph (1)(C), if—

"(A) subpart D of part I of subchapter D of chapter 1 does not apply by reason of section 419A(f)(6) to contributions to provide one or more welfare benefits through a welfare benefit fund under a 10 or more employer plan, and

"(B) any portion of the welfare benefit fund attributable to such contributions is used for a purpose other than that for which the contributions were made,

then such portion shall be treated as reverting to the benefit of the employers maintaining the fund.".

(c) Effective Date.—The amendments made by this section shall apply to contributions paid or accrued after June 9, 1999, in taxable years ending after such date.

SEC. 503. TREATMENT OF GAIN FROM CONSTRUCTIVE OWNERSHIP TRANSACTIONS.

(a) In General.—Part IV of subchapter P of chapter 1 of the Internal Revenue Code of 1986 (relating to special rules for determining capital gains and losses) is amended by inserting after section 1259 the following new section:

"SEC. 1260. GAINS FROM CONSTRUCTIVE OWNERSHIP TRANSACTIONS.

"(a) In General.—If the taxpayer has gain from a constructive ownership transaction with respect to any financial asset and such gain would (without regard to this section) be treated as a long-term capital gain—

"(1) such gain shall be treated as ordinary income to the extent that such gain exceeds the net underlying long-term capital gain, and

"(2) to the extent such gain is treated as a long-term capital gain after the application of paragraph (1), the determination of the capital gain rate (or rates) applicable to such gain under section 1(h) shall be determined on the basis of the respective rate (or rates) that would have been applicable to the net underlying long-term capital gain.

"(b) Interest Charge on Deferral of Gain Recognition.—

"(1) In general.—If any gain is treated as ordinary income for any taxable year by reason of subsection (a)(1), the tax imposed by this chapter for such taxable year shall be increased by the amount of interest determined under paragraph (2) with respect to each prior taxable year during any portion of which the constructive ownership transaction was open. Any amount payable under this paragraph shall be taken into account in computing the amount of any deduction allowable to the taxpayer for interest paid or accrued during such taxable year.

"(2) Amount of interest.—The amount of interest determined under this paragraph with respect to a prior taxable year is the amount of interest which would have been imposed under section 6601 on the underpayment of tax for such year which would have resulted if the gain (which is treated as ordinary income by reason of subsection (a)(1)) had been included in gross income in the taxable years in which it accrued (determined by treating the income as accruing at a constant rate equal to the applicable Federal rate as in effect on the day the transaction closed). The period during which such interest shall accrue shall end on the due date (without extensions) for the return of tax imposed by this chapter for the taxable year in which such transaction closed.

"(3) Applicable federal rate.—For purposes of paragraph (2), the applicable Federal rate is the applicable Federal rate determined under 1274(d) (compounded semiannually) which would apply to a debt instrument with a term equal to the period the transaction was open.

"(4) No credits against increase in tax.—Any increase in tax under paragraph (1) shall not be treated as tax imposed by this chapter for purposes of determining—

"(A) the amount of any credit allowable under this chapter, or

"(B) the amount of the tax imposed by section 55.

"(c) Financial Asset.—For purposes of this section—

"(1) In general.—The term 'financial asset' means—

"(A) any equity interest in any pass-thru entity, and

"(B) to the extent provided in regulations—

"(i) any debt instrument, and

"(ii) any stock in a corporation which is not a pass-thru entity.

"(2) Pass-thru entity.—For purposes of paragraph (1), the term 'pass-thru entity' means—

"(A) a regulated investment company,

"(B) a real estate investment trust,

"(C) an S corporation,

"(D) a partnership,

"(E) a trust,

"(F) a common trust fund,

"(G) a passive foreign investment company (as defined in section 1297 without regard to subsection (e) thereof),

"(H) a foreign personal holding company,

"(I) a foreign investment company (as defined in section 1246(b)), and

"(J) a REMIC.

"(d) Constructive Ownership Transaction.—For purposes of this section—

"(1) In general.—The taxpayer shall be treated as having entered into a constructive ownership transaction with respect to any financial asset if the taxpayer—

"(A) holds a long position under a notional principal contract with respect to the financial asset,

"(B) enters into a forward or futures contract to acquire the financial asset,

"(C) is the holder of a call option, and is the grantor of a put option, with respect to the financial asset and such options have substantially equal strike prices and substantially contemporaneous maturity dates, or

"(D) to the extent provided in regulations prescribed by the Secretary, enters into one or more other transactions (or acquires one or more positions) that have substantially the same effect as a transaction described in any of the preceding subparagraphs.

"(2) Exception for positions which are marked to market.—This section shall not apply to any constructive ownership transaction if all of the positions which are part of such transaction are marked to market under any provision of this title or the regulations thereunder.

"(3) Long position under notional principal contract.—A person shall be treated as holding a long position under a notional principal contract with respect to any financial asset if such person—

"(A) has the right to be paid (or receive credit for) all or substantially all of the investment yield (including appreciation) on such financial asset for a specified period, and

"(B) is obligated to reimburse (or provide credit for) all or substantially all of any decline in the value of such financial asset.

"(4) Forward contract.—The term 'forward contract' means any contract to acquire in the future (or provide or receive credit for the future value of) any financial asset.

"(e) Net Underlying Long-Term Capital Gain.—For purposes of this section, in the case of any constructive ownership transaction with respect to any financial asset, the term 'net underlying long-term capital gain' means the aggregate net capital gain that the taxpayer would have had if—

"(1) the financial asset had been acquired for fair market value on the date such transaction was opened and sold for fair market value on the date such transaction was closed, and

"(2) only gains and losses that would have resulted from the deemed ownership under paragraph (1) were taken into account.

The amount of the net underlying long-term capital gain with respect to any financial asset shall be treated as zero unless the amount thereof is established by clear and convincing evidence.

"(f) Special Rule Where Taxpayer Takes Delivery.—Except as provided in regulations prescribed by the Secretary, if a constructive ownership transaction is closed by reason of taking delivery, this section shall be applied as if the taxpayer had sold all the contracts, options, or other positions which are part of such transaction for fair market value on the closing date. The amount of gain recognized under the preceding sentence shall not exceed the amount of gain treated as ordinary income under subsection (a). Proper adjustments shall be made in the amount of any gain or loss subsequently realized for gain recognized and treated as ordinary income under this subsection.

"(g) Regulations.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section, including regulations—

"(1) to permit taxpayers to mark to market constructive ownership transactions in lieu of applying this section, and

"(2) to exclude certain forward contracts which do not convey substantially all of the economic return with respect to a financial asset.".

(b) Clerical Amendment.—The table of sections for part IV of subchapter P of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"Sec. 1260. Gains from constructive ownership transactions.".

(c) Effective Date.—The amendments made by this section shall apply to transactions entered into after July 11, 1999.

SEC. 504. LIMITATION ON USE OF NONACCRUAL EXPERIENCE METHOD OF ACCOUNTING.

(a) In General.—Section 448(d)(5) of the Internal Revenue Code of 1986 (relating to special rule for services) is amended—

(1) by inserting "in fields described in paragraph (2)(A)" after "services by such person", and

(2) by inserting "CERTAIN PERSONAL" before "SERVICES" in the heading.

(b) Effective Date.—

(1) In general.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

(2) Change in method of accounting.—In the case of any taxpayer required by the amendments made by this section to change its method of accounting for its first taxable year ending after the date of the enactment of this Act—

(A) such change shall be treated as initiated by the taxpayer,

(B) such change shall be treated as made with the consent of the Secretary of the Treasury, and

(C) the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account over a period (not greater than 4 taxable years) beginning with such first taxable year.

SEC. 505. ALLOCATION OF BASIS ON TRANSFERS OF INTANGIBLES IN CERTAIN NONRECOGNITION TRANSACTIONS.

(a) Transfers to Corporations.—Section 351 of the Internal Revenue Code of 1986 (relating to transfer to corporation controlled by transferor) is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

"(h) Treatment of Transfers of Intangible Property.—

"(1) Transfers of less than all substantial rights.

"(A) In general.—A transfer of an interest in intangible property (as defined in section 936(h)(3)(B)) shall be treated under this section as a transfer of property even if the transfer is of less than all of the substantial rights of the transferor in the property.

"(B) Allocation of basis.—In the case of a transfer of less than all of the substantial rights of the transferor in the intangible property, the transferor's basis immediately before the transfer shall be allocated among the rights retained by the transferor and the rights transferred on the basis of their respective fair market values.

"(2) Nonrecognition not to apply to intangible property developed for transferee.—This section shall not apply to a transfer of intangible property developed by the transferor or any related person if such development was pursuant to an arrangement with the transferee.".

(b) Transfers to Partnerships.—Subsection (d) of section 721 of the Internal Revenue Code of 1986 is amended to read as follows:

"(d) Transfers of Intangible Property.—

"(1) In general.—Rules similar to the rules of section 351(h) shall apply for purposes of this section.

"(2) Transfers to foreign partnerships.—For regulatory authority to treat intangibles transferred to a partnership as sold, see section 367(d)(3).".

(c) Effective Date.—The amendments made by this section shall apply to transfers on or after the date of the enactment of this Act.

SEC. 506. INCREASE IN ELECTIVE WITHHOLDING RATE FOR NONPERIODIC DISTRIBUTIONS FROM DEFERRED COMPENSATION PLANS.

(a) In General.—Section 3405(b)(1) of the Internal Revenue Code of 1986 (relating to withholding) is amended by striking "10 percent" and inserting "15 percent".

(b) Effective Date.—The amendment made by subsection (a) shall apply to distributions after December 31, 2000.

Amend the title so as to read: "To authorize a new trade and investment policy for sub-Saharan Africa, expand trade benefits to the countries in the Caribbean Basin, renew the generalized system of preferences, and reauthorize the trade adjustment assistance programs.".

THE NURSING RELIEF FOR DISADVANTAGED AREAS ACT OF 1999

LOTT (AND DASCHLE) AMENDMENT NO. 2326

Mr. ROBERTS (for Mr. Lott (for himself and Mr. Daschle)) proposed an amendment to the bill (H.R. 441) to amend the Immigration and Nationality Act with respect to the requirements for the admission of nonimmigrant nurses who will practice in health professional shortage areas; as follows:

At the end of the bill add the following:

SEC. ___. NATIONAL INTEREST WAIVERS OF JOB OFFER REQUIREMENTS FOR ALIENS WHO ARE MEMBERS OF THE PROFESSIONS HOLDING ADVANCED DEGREES OR ALIENS OF EXCEPTIONAL ABILITY.

Section 203(b)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(2)(B)) is amended to read as follows:

"(B) Waiver of job offer.—

"(i) National interest waiver.—Subject to clause (ii), the Attorney General may, when the Attorney General deems it to be in the national interest, waive the requirements of subparagraph (A) that an alien's services in the sciences, arts, professions, or business be sought by an employer in the United States.

"(ii) Physicians working in shortage areas or veterans facilities.—

"(I) In general.—The Attorney General shall grant a national interest waiver pursuant to clause (i) on behalf of any alien physician with respect to whom a petition for preference classification has been filed under subparagraph (A) if—

"(aa) the alien physician agrees to work full time as a physician in an area or areas designated by the Secretary of Health and Human Services as having a shortage of health care professionals or at a health care facility under the jurisdiction of the Secretary of Veterans Affairs; and

"(bb) a Federal agency or a department of public health in any State has previously determined that the alien physician's work in such an area or at such facility was in the public interest.

"(II) Prohibition.—No permanent resident visa may be issued to an alien physician described in subclause (I) by the Secretary of State under section 204(b), and the Attorney General may not adjust the status of such an alien physician from that of a nonimmigrant alien to that of a permanent resident alien under section 245, until such time as the alien has worked full time as a physician for an aggregate of five years (not including the time served in the status of an alien described in section 101(a)(15)(J)), in an area or areas designated by the Secretary of Health and Human Services as having a shortage of health care professionals or at a health care facility under the jurisdiction of the Secretary of Veterans Affairs.

"(III) Statutory construction.—Nothing in this subparagraph may be construed to prevent the filing of a petition with the Attorney General for classification under section 204(a), or the filing of an application for adjustment of status under section 245, by an alien physician described in subclause (I) prior to the date by which such alien physician has completed the service described in subclause (II).

"(IV) EFFECTIVE DATE.—The requirements of this subsection do not affect waivers on behalf of alien physicians approved under section 203(b)(2)(B) before the enactment date of this subsection. In the case of a physician for whom an application for a waiver was filed under Section 203(b)(2)(B) prior to November 1, 1998, the Attorney General shall grant a national interest waiver pursuant to Section 203(b)(2)(B) except that the alien is required to have worked full time as a physician for an aggregate of three years (not including time served in the status of an alien described in section 101(a)(15)(J)) before a visa can be issued to the alien under Section 204(b) or the status of the alien is adjusted to permanent resident under Section 245."

HATCH AMENDMENT NO. 2327

Mr. ROBERTS (for Mr. HATCH) proposed an amendment to the bill, H.R. 441, supra; as follows:

At the end of the bill insert the following:

SEC. . FURTHER CLARIFICATION OF TREATMENT OF CERTAIN INTERNATIONAL ACCOUNTING FIRMS.

Section 206(a) of the Immigration Act of 1990 (8 U.S.C. 1101 note) is amended to read as follows:

"(a) CLARIFICATION OF TREATMENT OF CERTAIN INTERNATIONAL ACCOUNTING AND MANAGEMENT CONSULTING FIRMS.—In applying sections 101(a)(15)(L) and 203(b)(1)(C) of the Immigration and Nationality Act, and for no other purpose, in the case of a partnership that is organized in the United States to provide accounting or management consulting services and that markets its accounting or management consulting services under an internationally recognized name under an agreement with a worldwide coordinating organization that is collectively owned and controlled by the member accounting and management consulting firms or by the elected members (partners, shareholders, members, employees) thereof, an entity that is organized outside the United States to provide accounting or management consulting services shall be considered to be an affiliate of the United States accounting or management consulting partnership if it markets its accounting or management consulting services under the same internationally recognized name directly or indirectly under an agreement with the same worldwide coordinating organization of which the United States partnership is also a member. Those partnerships organized within the United States and entities organized outside the United States which are considered affiliates under this subsection shall continue to be considered affiliates to the extent such firms enter into a plan of association with a successor worldwide coordinating organization, which need not be collectively owned and controlled.".

ADDITIONAL STATEMENTS

TRIBUTE TO THE HONORABLE BRUCE M. SELYA

• Mr. CHAFEE. Mr. President, for the past 5½ years, Judge Bruce Selya has served as Board Chairman of the Lifespan hospital system, a network of five hospitals in Rhode Island and Massachusetts. After an impressive tenure, he is stepping down from that post this week.

As a United States Appeals Court Judge for the First Circuit, Judge Selya already has heavy responsibilities. Nevertheless, he approached this unpaid position with great energy and determination. He has been actively engaged in the health care debates in my state.

Indeed, he was one of the chief architects of the Lifespan system, helping to bring about the initial merger between Rhode Island Hospital and Miriam Hospital in 1994. As Chairman, he oversaw the addition of Bradley Hospital, Newport Hospital, and Boston's New England Medical Center to the system. Together, those five hospitals offer more than 1,600 beds. In 1998, they discharged more than 60,000 patients and treated nearly 200,000 emergency room visitors.

Presumably, any one or more of these facilities might have been acquired by an out-of-state hospital network, reducing them to "satellite" status and moving the decision-making authority out of Rhode Island. Thanks to Judge Selya's leadership and foresight, hospital decisions affecting quality of care for Rhode Islanders are still made within my state's borders.

These past five years have been tumultuous times for the hospital industry, marked by changes in the Medicare and Medicaid programs, and difficulties in the private health insurance market. Judge Selya recognized these challenges as they came along, and he has been responsive to them.

And so, Mr. President, I want to salute Judge Selya for his long-standing commitment to quality health care for the people of Rhode Island. Bruce is a good friend and a long-time supporter, going back to before my first campaign for Governor in 1962. I look forward to continuing our close association in the years ahead.•

A SALUTE TO MEDAL OF FREEDOM RECIPIENT EVY DUBROW

• Mr. HOLLINGS. Mr. President, I rise today to recognize my friend, Evelyn Dubrow, who recently received the Presidential Medal of Freedom. Unfortunately, a previous commitment prevented me from joining Evy's many friends and admirers at the ceremony, but I want to commend her on receiving the nation's highest civilian honor bestowed by the United States Government.

President Kennedy established the Presidential Medal of Freedom award in 1963 to honor persons who have made especially meritorious contributions to the security or national interests of the United States, to world peace, or to cultural or other significant private or public endeavors. There is not a more deserving recipient of this award than Evy Dubrow. As founder of the Coalition of Labor Union Women and Americans for Democratic Action, she tackled difficult issues from fair trade to civil rights. As legislative director of UNITE and its predecessor, the International Ladies' Garment Workers Union, Evy spent her career fighting not only for labor rights, but for individual rights and humanity. She is by far one of the best I have had the pleasure to know and to work with.

Mr. President, I ask that President Clinton's remarks upon the presentation of the Presidential Medal of Freedom to Evelyn Dubrow be printed in the RECORD:

Evy Dubrow came to Washington more than 40 years ago, ready to do battle for America's garment workers—and do battle she did. When it came to the well-being of workers and their families, this tiny woman was larger than life. The halls of Congress still echo with the sound of her voice, advocating a higher minimum wage, safer work places, better education for the children of working families. And in opposition, to President Ford and me, she also was against NAFTA.

No matter how divisive the issue, however, Evy always seemed to find a way to bring people together, to find a solution. As she put it, there are good people on both sides of each issue. And she had a knack for finding those people.

By the time she retired two years ago, at the age of 80, she had won a special chair in the House Chamber, a special spot at the poker table in the Filibuster Room and a special place in the hearts of even the most hard-bitten politicians in Washington; even more important, for decades and decades, she won victory after victory for social justice.•

A LESSON LEARNED THE HARD WAY

• Mr. LEVIN. Mr. President, it is with great sadness that I reveal yet another tragedy in my state. Early this week, in the dormitories of Kalamazoo College, a 20 year old student allegedly shot and killed his former girlfriend, before turning the gun on himself and committing suicide. Now, two students are dead, and the relatively small campus in Kalamazoo is in deep shock over the loss of their fellow classmates.

The apparent murder-suicide was announced in a campus-wide email, sent to all students to inform them that classes and school events would be canceled, trained counselors would be on hand, and a mass grieving assembly would take place on the campus quadrangle. To many, such an announcement must have seemed like a terrible nightmare. But students soon realized that this tragedy was not a dream and this week they have been trying to make sense of such senseless violence.

This week, students are being taught the most valuable lesson they'll ever learn in college. Unfortunately, it's a lesson learned the hard way. What they will take away from this tragedy is the knowledge that guns can destroy innocent lives and devastate families; guns can result in pain, suffering, and loss of quality of life; and gun violence will continue to be a reoccurring nightmare for our young people unless Congress controls the easy access of guns among minors.

I ask that an article about this tragedy be printed in the RECORD.

The article follows:

[From the Kalamazoo Gazette, Oct. 19, 1999]

K-College Students Search for Answers—Murder-Suicide Leaves Many Wondering What They Could Have Done to Stop It

(By Lynn Turner and Mark Fisk)

The students came in groups of two or 10, quietly walking toward "The Quad" of Kalamazoo College just before noon on Monday.

By the time college President James Jones stepped to the portable podium on the east end of the grassy clearing, more than 300 students had gathered—eerily silent—to hear words that, maybe, would answer the question "Why?"

Why had junior Neenef Odah, 20, a computer science major, shot sophomore Margaret Wardle, 19, to death and then turned the shotgun on himself in an apparent murder-suicide?

Could others have recognized some sign and stopped the carnage?

"There is, to date, not a single indication that any of us could have foreseen what was festering in Neenef's mind and what drove him in the end to commit such a deed," Jones said as an occasional sob was heard from those at the gathering. "I ask you, therefore, on this serene quad, on this autumnal day, not to second-guess yourself.

"We shall not succeed today to make any sense of this endless night and their senseless deaths. All we mortals can do is hold tight to each other."

After Jones ended his 15-minute speech and walked away, the students continued to stand and sit in a ragged semicircle until some began shifting, forming knots of hugging students who cleared away each other's tears.

JEALOUSY POSSIBLE MOTIVE

Witnesses told police they heard a heated argument coming from within Odah's dorm room in DeWaters Hall around midnight Monday.

"They heard a female yelling, then some loud bangs," said Capt. Jerome Bryant of the Kalamazoo Department of Public Safety.

If Odah planned the shooting, he kept his intentions private. Several students told the Kalamazoo Gazette there were no warning signs that Wardle's life was in danger.

Police combing the school for clues also came up empty-handed.

Even talks with Wardle's mother and stepfather, and Odah's father on Monday shed no light on any problems between the two, Jones said.

Jealousy is considered the prime motive in the incident. The two had dated on and off for the past year.

"There was a homecoming dance over the weekend in which both people were in attendance," Bryant said. "She was dancing with another K-College student and possibly this is what invoked his rage."

The weapon used was a bolt-action shotgun, Bryant said. Wardle was shot at least twice.

"He had purchased it legally from a Kalamazoo-area gun dealer earlier this month," Bryant said.

SORTING IT OUT

About 25 minutes after the meeting, about 100 students remained in the quad. The mood remained heavy despite the sunshine.

The Rev. Ken Schmidt, pastor of St. Thomas More Student Parish, and pastoral team member Andy Lothschultz wandered among the students, offering hugs and shoulders on which to cry.

"I don't have anything to tell them that can make sense of something that doesn't make much sense," Schmidt said. "All I can do is listen and help them to process it for themselves."

Jessie Sheidt, finance director for K-College's Student Commission, was one of those trying to make sense of things. Although she didn't know either student directly, Sheidt said a friend of hers was a friend of Wardle's.

"There's a total trust between students on this campus," she said of the 1,300-member student body.

Bad things don't happen here, she said. At least they're not supposed to.

Simone Lutz, president of the Student Commission, said that belief was the topic at hand during early morning meetings she had with students.

"We all think it doesn't happen here, but in all reality it does," she said.

But it hasn't shattered the bonds between students.

"The cocoon is still very much intact," Lutz said. "When something happens, we all come together. It develops a much closer bond to see people out here who care so much about the people who we've lost. . . . It's amazing, and I think it's an incredibly heartwarming thing."

ZERO TOLERANCE FOR WEAPONS

During a media briefing following Jones' speech at the quad, his patience slipped—showing the toll of the previous 12 hours—when he was asked what, if any, new information he had.

"We don't know any more than we knew this morning," he said curtly. "We have two dead students and a grieving campus."

Outside counselors are augmenting the college's staff at residence halls and Stetson Chapel, he said.

When asked about the weapon used in the apparent murder-suicide, Jones said that neither he nor Odah's roommate had a clue as to when it came into the dorm room or how long it had been there.

The roommate, who has not been identified except as a Hornet football player, was working in the college's ceramics studio at the time of the incident. He, along with two suite-mates, have been moved to new quarters, Jones said.

K-College has long had a zero tolerance policy for having weapons on campus, including weapons used as theatrical and sports-related equipment, said Marilyn LaPlante, a vice president there. This fall it became the basis for suspension.

Jones called for tighter gun control measures during his talk to students.

"I wish every congressman in Washington who has taken a position against gun control could walk on this campus this tragic day," he said. "I would imagine that a moment or two here would drive them to change the laws of the land tomorrow morning."

Wardle showed much promise.

Although few could make sense of Monday's tragic events, everyone agreed that Wardle was a young woman full of potential.

A science teacher called the National Honor Society member one of two of the most intelligent students he'd encountered.

Plainwell High School Principal Linda Iciek called her "a lovely young woman of character . . . an outstanding student who will be missed by students and staff alike."

Little is known of Odah. Jones said Odah was not an athlete on any school team. He didn't have information regarding any of Odah's extracurricular activities.

Sarah Ayres, Wardle's best friend, said Wardle was good at "anything she did.

"She was really smart, she was top-notch, but she was so modest she would never flaunt it," Ayres said. "She was the kind of person that had great things coming."

Ayres and her boyfriend had gone on a double date with Wardle and Odah, but saw nothing to lead her to believe their relationship would end in violence.

"He seemed like a normal person and she never said something" to indicate anything was wrong, Ayres said. "I think he was thinking it was more serious than she did. She broke it off with him this year and started going out with other people this summer. . . . I know he wanted her back the whole time."

Ayres' father had the task of informing his daughter of the deaths by telephone Monday. Ayres is studying in Mexico through a Hope College program.

"I couldn't hardly believe it at first," Ayres said. "She was like the fourth daughter in my family, so my dad was real shook up, too. We're all shook up. She was such an extraordinary person."●

CONGRATULATING THE NEW YORK YANKEES AND THE NEW YORK METS ON THEIR SUCCESSFUL SEASONS

● Mr. MOYNIHAN. Mr. President, I rise today to add my voice to those of millions of New Yorkers to thank two treasured teams for a most memorable baseball season in the Empire State. We seldom enjoy such sweet success from both our major league teams, and in this regard our season has been unique. Our revered Bronx Bombers competed in typical Yankee fashion and have earned yet another World Series berth: their third in four years, 36th of the century. Meanwhile, our equally cherished Mets brought us an emotionally-lifting season and for a remarkable month faithfully lived up to their moniker "The Amazin's." Each team achieved its success with character and class, and I would like to speak on these attributes.

This year's Mets provided us with a look into the gloried past as they continually conjured up wins worthy of the fabled '69 Miracle Mets. The last month of the season was a window into the Mets heart and soul, the view enthralling. Each time their prospects dimmed the gentlemen from Queens rose to the challenge. From a one-game playoff to enter the Division Series, to the final 26 roller-coaster innings of games five and six of the National League Championship Series, the Amazin's captivated New York with their relentless play.

These victories were earned by a collection of individuals epitomizing all that makes New York great. Al Leiter's pivotal shutout of the Reds advanced New York to the Division Series. Todd Pratt, substituting for the mighty Mike Piazza, won the Division Series with a storybook home run. Rookie Melvin Mora led the Mets in hitting in the NLCS. Perhaps the ultimate New York moment was Robin

Ventura's "Grand Single" in the bottom of the 15th inning of Game 5 to win. Together, these players captivated us for a month of remarkable baseball. No game was out of reach and we watched in awed appreciation. Unfortunately, even these Miracle Mets reached the end of the road, a mere two wins shy of the World Series. But there is great pride in New York today for these Mets have soared.

We are blessed with another baseball team in New York. The Yankees are the greatest franchise in the history of sports and this season they have continued to meet their own lofty standards. Their quiet confidence and unassailable professionalism have powered them to a rematch with their 1996 World Series opponents, the Atlanta Braves. This matchup will determine who is the best team of the '90's and there is little doubt that the Yankees will bring their best to this pursuit.

The character of the Yankee team is unassailable. Joe Torre has fashioned a team in his own typically modest image. When an early season bout with cancer stole Torre from the team the Yanks rallied around their manager and maintained the unity that he created. This toughness of character was displayed throughout the season and into the playoffs. Paul O'Neill's gritty play with a broken rib best exemplifies the type of play the Yankees have given for Torre. With the dominance of "El Duque" Orlando Hernandez and Mariano Rivera the Yankees intimidated the Rangers and defeated the Red Sox. And of course the perpetually unflappable Ramiro Mendoza was pivotal in carrying us in times of trouble. With this team effort the Yankees have given Torre their best. It is with great anticipation that we look forward to the Yankees picking up the banner for the honor of New York.

Near the end of the regular season, as the Mets prospects looked bleak, one Atlanta player uncharitably suggested that New York fans shed their loyalty for the Mets and give their allegiance to the Yankees. The Mets very nearly proved this player wrong.

With great charity a united New York responds: Chipper, we'll see you in the Bronx.●

MORNING BUSINESS

The PRESIDING OFFICER. Acting in my individual capacity as a Senator from Kansas, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes.

Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—S. 1770

The PRESIDING OFFICER. Acting in my individual capacity as a Senator from Kansas, I understand that S. 1770, which was introduced by Senator LOTT and others, is at the desk. I ask for its first reading.

The clerk will read the bill by title.

The legislative clerk read as follows:

A bill (S. 1770) to amend the Internal Revenue Code of 1986 to permanently extend the research and development credit and to extend certain other expiring provisions for 30 months, and for other purposes.

The PRESIDING OFFICER. I now ask for its second reading and object to my own request.

Objection is heard.

IMMIGRATION AND NATIONALITY ACT AMENDMENT

The PRESIDING OFFICER. Acting in my capacity as an individual Senator from Kansas, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 168, H.R. 441.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 441) to amend the Immigration and Nationality Act with respect to the requirements of the admission of nonimmigrant nurses who will practice in health professional shortage areas.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 2326

The PRESIDING OFFICER. Senators LOTT and DASCHLE have an amendment at the desk.

The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas (Mr. ROBERTS), for Mr. LOTT and Mr. DASCHLE, proposes an amendment numbered 2326.

The amendment is as follows:

At the end of the bill add the following:

SEC. . NATIONAL INTEREST WAIVERS OF JOB OFFER REQUIREMENTS FOR ALIENS WHO ARE MEMBERS OF THE PROFESSIONS HOLDING ADVANCED DEGREES OR ALIENS OF EXCEPTIONAL ABILITY.

Section 203(b)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(2)(B)) is amended to read as follows:

"(B) WAIVER OF JOB OFFER.—

"(i) NATIONAL INTEREST WAIVER.—Subject to clause (ii), the Attorney General may, when the Attorney General deems it to be in the national interest, waive the requirements of subparagraph (A) that an alien's services in the sciences, arts, professions, or business be sought by an employer in the United States.

"(ii) PHYSICIANS WORKING IN SHORTAGE AREAS OR VETERANS FACILITIES.—

"(I) IN GENERAL.—The Attorney General shall grant a national interest waiver pursuant to clause (i) on behalf of any alien physician with respect to whom a petition for preference classification has been filed under subparagraph (A) if—

"(aa) the alien physician agrees to work full time as a physician in an area or areas designated by the Secretary of Health and Human Services as having a shortage of health care professionals or at a health care facility under the jurisdiction of the Secretary of Veterans Affairs; and

"(bb) a Federal agency or a department of public health in any State has previously determined that the alien physician's work in such an area or at such facility was in the public interest.

"(II) PROHIBITION.—No permanent resident visa may be issued to an alien physician described in subclause (I) by the Secretary of State under section 204(b), and the Attorney General may not adjust the status of such an alien physician from that of a nonimmigrant alien to that of a permanent resident alien under section 245, until such time as the alien has worked full time as a physician for an aggregate of five years (not including the time served in the status of an alien described in section 101(a)(15)(J)), in an area or areas designated by the Secretary of Health and Human Services as having a shortage of health care professionals or at a health care facility under the jurisdiction of the Secretary of Veterans Affairs.

"(III) STATUTORY CONSTRUCTION.—Nothing in this subparagraph may be construed to prevent the filing of a petition with the Attorney General for classification under section 204(a), or the filing of an application for adjustment of status under section 245, by an alien physician described in subclause (I) prior to the date by which such alien physician has completed the service described in subclause (II).

"(IV) EFFECTIVE DATE.—The requirements of this subsection do not affect waivers on behalf of alien physicians approved under section 203(b)(2)(B) before the enactment date of this subsection. In the case of a physician for whom an application for a waiver was filed under Section 203(b)(2)(B) prior to November 1, 1998, the Attorney General shall grant a national interest waiver pursuant to Section 203(b)(2)(B) except that the alien is required to have worked full time as a physician for an aggregate of three years (not including time served in the status of an alien described in section 101(a)(15)(J)) before a visa can be issued to the alien under Section 204(b) or the status of the alien is adjusted to permanent resident under Section 245."

The PRESIDING OFFICER. I ask unanimous consent that the amendment be agreed to.

The amendment (No. 2326) was agreed to.

AMENDMENT NO. 2327

The PRESIDING OFFICER. There is a second amendment at the desk.

The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas (Mr. ROBERTS), for Mr. HATCH, proposes an amendment numbered 2327.

The amendment is as follows:

At the end of the bill insert the following:

SEC. . FURTHER CLARIFICATION OF TREATMENT OF CERTAIN INTERNATIONAL ACCOUNTING FIRMS.

Section 206(a) of the Immigration Act of 1990 (8 U.S.C. 1101 note) is amended to read as follows:

"(a) CLARIFICATION OF TREATMENT OF CERTAIN INTERNATIONAL ACCOUNTING AND MANAGEMENT CONSULTING FIRMS.—In applying sections 101(a)(15)(L) and 203(b)(1)(C) of the Immigration and Nationality Act, and for no other purpose, in the case of a partnership that is organized in the United States to provide accounting or management consulting services and that markets its accounting or management consulting services under an internationally recognized name under an agreement with a worldwide coordinating organization that is collectively owned and controlled by the member accounting and management consulting firms or by the elected members (partners, shareholders, members, employees) thereof, an entity that is organized outside the United States to provide accounting or management consulting services shall be considered to be an affiliate of the United States accounting or management consulting partnership if it markets its accounting or management consulting services under the same internationally recognized name directly or indirectly under an agreement with the same worldwide coordinating organization of which the United States partnership is also a member. Those partnerships organized within the United States and entities organized outside the United States which are considered affiliates under this subsection shall continue to be considered affiliates to the extent such firms enter into a plan of association with a successor worldwide coordinating organization, which need not be collectively owned and controlled.".

Mr. HATCH. Mr. President, the amendment I am offering is a minor, technical clarification to the L visa program. The L visa is a temporary, nonimmigrant visa allowing a U.S. company which is part of an international business to make intra-company transfers from overseas of foreign executives, managers, and employees with specialized knowledge to America. In 1990, Congress clarified that international accounting firms and their related management consulting practices would be able to use the L visas. This specific provision in the Immigration Act of 1990 was thought necessary by Congress because, for legal and historical reasons, international accounting firms and their management consulting businesses are not organized the same way most international corporations are organized. The laws of various foreign countries relating to the accounting profession have caused the international accounting and associated management consulting businesses to be generally organized as partnerships held together by contracts with a worldwide coordinating organization. The INS regulations reflect congressional intent to be sure that international accounting firms and their associated management consulting businesses so organized would not be at a disadvantage under the L visa program. 8 CFR Section 214.2(1)(1)(ii)(L)(3).

My amendment will make sure that any international management consulting firm that separates from an international accounting firm, yet continues to maintain the qualifying worldwide organizational structure, may continue to use the L visa even if it is no longer connected to an accounting firm. Thus, no new category of beneficiaries may use the L visa. On the other hand, no business currently able to use the L visa will lose the right to do so under this amendment, including management consulting firms which have a relationship with an international accounting firm or which are organized in a more typical international corporate structure.

The PRESIDING OFFICER. I ask unanimous consent that the amendments be agreed to, the bill be read a third time and passed, as amended, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

Without objection, it is so ordered.

The bill (H.R. 441), as amended, was passed.

MEASURE READ THE FIRST TIME—S. 1771

The PRESIDING OFFICER. Acting in my individual capacity as a Senator from Kansas, I understand that S. 1771, which was introduced by Senator ASHCROFT and others, is at the desk, and I ask for its first reading.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1771) to provide stability in the United States agriculture sector and to promote adequate availability of food and medicine for humanitarian assistance abroad by requiring congressional approval before the imposition of any unilateral agricultural or medical sanction against a foreign country or foreign entity.

The PRESIDING OFFICER. I now ask for its second reading and object to my own request.

Objection is heard.

EXECUTIVE CALENDAR

EXECUTIVE SESSION

The PRESIDING OFFICER. Acting in my capacity as a Senator from Kansas, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: Executive Calendar Nos. 137 and 272.

I further ask unanimous consent that the nominations be confirmed, the motion to reconsider be laid upon the table, and any statements relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

DEPARTMENT OF STATE

David B. Sandalow, of the District of Columbia, to be Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs.

THE JUDICIARY

Richard K. Eaton, of the District of Columbia, to be a Judge of the United States Court of International Trade.

Mr. MOYNIHAN. Mr. President, I must say how delighted I am that the Senate has just confirmed Richard K. Eaton to be a Judge of the United States Court of International Trade. I have known Dick for nearly a quarter-century: he volunteered to work on my first campaign for the United States Senate in 1976. I was so impressed with his abilities, I asked him to run my Oneonta office. Later, he ran my New York City office. Then he moved to Washington to serve as my legislative director and—on two separate occasions—as my chief of staff.

Dick Eaton lives in Georgetown with his wife Susan Henshaw Jones and their two delightful daughters, Alice and Liza. He is a partner in the New York law firm of Stroock & Stroock & Lavan, LLP. He was also a partner in Mudge Rose Guthrie Alexander & Ferdon. His practice has been varied, but includes work on some of the largest offerings of municipal securities in American history and appearances on behalf of clients in civil lawsuits in both State and Federal Courts.

I suppose I have always thought of Dick as a judge. Before he joined my staff he was—at the tender age of 26—the Village Justice of Cooperstown, New York. I know I have always benefitted from his wise counsel with regard to matters large and small, professional and personal. I can tell you that he has the requisite qualities to make a fine judge: a respect for all points of view, extraordinarily good sense, an evenness of temperament, patience, intellectual agility, and absolute integrity.

Mr. President, Richard Eaton's greatest contribution to the administration of Justice may be that, since 1977, he has been the anchor of my committee that screens candidates for recommendation for Federal District Court and United States Attorney nominations. Dick now serves as chairman of the committee which—in our view at least—serves as a model for other States. Ours was the first such committee to proceed on a non-partisan basis. New York University Law School Professor Stephen Gillers put it this way:

> In most places, lawyers who count, who want to be judges, become politically active. In New York, lawyers who want to be Federal trial judges complete a twelve-page questionnaire containing thirty-seven questions. An eleven-member panel screens applicants and recommends nominees. . . . Who have been Moynihan's nominees? . . . They are a first-rate group, as might be expected from the process that produced them.

No one deserves more credit for the committee's work than Dick. I know that a great number of Federal judges in New York can attest to the value of his counsel, so indispensable during the nomination and confirmation process, which often can be quite torturous. I daresay it is only fitting that Dick should himself join the Federal bench.

International trade litigation is a subject requiring intelligence and energy. The issues facing the Court of International Trade are hugely complex. As Congress prescribed in the Customs Court Act of 1980, the Court of International Trade has broadened its powers and is now far more capable of providing uniformity in the judicial decision-making process for import transactions as required under Article I, section 8, of the Constitution. It will require the dedication and surpassing intellect of someone meeting Dick Eaton's high standard to see this job through. The President has shown great wisdom in proposing Dick for this Court.

It would be remiss of me not to thank the Majority and Minority Leaders for shepherding this nomination, and the Chairman and Ranking Member of the Judiciary Committee, Senators HATCH and LEAHY, for their generous support. We have confirmed a man of great talent and unwavering integrity who will distinguish himself on the bench as he has in every other endeavor.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

ORDERS FOR MONDAY, OCTOBER 25, 1999

The PRESIDING OFFICER. Acting in my individual capacity as a Senator from Kansas, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 12 noon on Monday, October 25. I further ask unanimous consent that on Monday immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and notwithstanding the adjournment, the Senate then begin a period of morning business with Senators speaking for up to 5 minutes each, with the following exceptions: Senator DURBIN, or his designee, 12 to 1 p.m.; Senator THOMAS, or his designee, from 1 p.m. to 2 p.m.

Without objection, it is so ordered.

The PRESIDING OFFICER. I further ask unanimous consent that notwithstanding the adjournment, the Senate then resume consideration of the motion to proceed to H.R. 434, the African trade bill; and the CONGRESSIONAL RECORD remain open until the hour of 1:30 p.m. for the submission of statements and introduction of legislation.

Without objection, it is so ordered.

PROGRAM

The PRESIDING OFFICER. Acting in my individual capacity as a Senator from Kansas, for the information of all Senators, on Monday the Senate will be in a period of morning business from 12 noon until 2 p.m. Following morning business, the Senate will resume consideration of the motion to proceed to the African trade bill. The Senate will also consider numerous Executive Calendar items during Monday's session of the Senate.

As a reminder, cloture was filed on the motion to proceed to the African trade bill today. Therefore, under the rule, that vote will occur 1 hour after the Senate convenes on Tuesday, unless another time is agreed to by the two leaders.

Appropriations conference reports will be considered throughout next week as they become available.

ADJOURNMENT UNTIL MONDAY, OCTOBER 25, 1999

The PRESIDING OFFICER. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 12:44 p.m., adjourned until Monday, October 25, 1999, at 12 noon.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 22, 1999:

DEPARTMENT OF STATE

David B. Sandalow, of the District of Columbia, to be Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

THE JUDICIARY

Richard K. Eaton, of the District of Columbia, to be a Judge of the United States Court of International Trade.

SENATE—*Monday, October 25, 1999*

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Father, our hearts are at half mast with grief over the death of JOHN CHAFEE, our cherished friend, distinguished Senator, patriotic American, and devoted leader. We praise You for this good and kindly man, this discerning and decisive legislator, this example of integrity and vision. We thank You for his stability, his strength, his sagacity. He expressed Your caring and concern for each of his fellow Senators and was a bridge builder, always seeking consensus. All of us in the Senate family came to admire him as a great American.

Now we ask You to comfort his wife and family in this time of grief. Give them courage rooted in the assurance that death is not an ending but a transition in eternal life, the peace that comes from the conviction that he is with You and the hope that flows from Your Spirit, giving the promise that You will never leave nor forsake them. Grant them and all of us who loved and admired JOHN CHAFEE a new dedication to emulate his commitment to be a servant leader. In the name of the Resurrection and the Life. Amen.

PLEDGE OF ALLEGIANCE

The Honorable PAT ROBERTS, a Senator from the State of Kansas, led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. ROBERTS). The distinguished Senator from Pennsylvania is recognized.

SCHEDULE

Mr. SPECTER. Mr. President, I have been asked to make the opening comments on behalf of our distinguished majority leader.

This morning the Senate will be in a period of morning business until 2 p.m. Following morning business, the Senate will resume consideration of the motion to proceed to S. 434, the African trade bill. As a reminder, cloture on the motion to proceed to the bill was filed on Friday. Therefore, pursuant to rule XXII, that vote will occur tomorrow 1 hour after the Senate convenes unless an agreement is made between the two leaders. Later today, the Senate is expected to proceed to executive session in an effort to debate several nominations currently on the calendar. As previously announced, there will be no rollcall votes during today's session of the Senate.

MEASURES PLACED ON THE CALENDAR

Mr. SPECTER. Mr. President, I understand that there are two bills at the desk due for their second reading.

I ask that they be read consecutively.

The PRESIDING OFFICER. The clerk will read the bills by title.

The bill clerk read as follows:

> A bill (S. 1770) to amend the Internal Revenue Code of 1986 to permanently extend the research and development credit and to extend certain other expiring provisions for 30 months, and for other purposes.
>
> A bill (S. 1771) to provide stability in the United States agriculture sector and to promote adequate availability of food and medicine for humanitarian assistance abroad by requiring congressional approval before the imposition of any unilateral agricultural or medical sanction against a foreign country or foreign entity.

Mr. SPECTER. Mr. President, on behalf of the leader, I object to further proceeding on the bills at this time.

The PRESIDING OFFICER. Under the rule, the bills will be placed on the calendar.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business with Senators permitted to speak therein for not to exceed 5 minutes each, with the following exceptions: The Senator from Illinois, Mr. DURBIN, is to be recognized to speak until 1 p.m., and the Senator from Wyoming, Mr. THOMAS, is to be recognized to speak until 2 p.m.

IN HONOR OF SENATOR JOHN CHAFEE

Mr. SPECTER. Mr. President, I come to the Senate Chamber this morning to comment about the untimely passing of our distinguished colleague, Senator JOHN CHAFEE.

Senator CHAFEE died last night of heart failure, and I learned about it when I arrived in town this morning, at, I must say, a considerable shock. Senator CHAFEE sat next to me in the Senate. In addition to proximity, we were very close on many, many other lines. Senator CHAFEE leaves behind an extraordinary record as a great humanitarian, a great Senator, and a really great American. His political career is legendary—four terms in the Senate, elected in 1976, 1982, 1988, and again in 1994. Prior to that, he served three terms as the Governor of Rhode Island. His biography on the web site states that Senator JOHN CHAFEE is the only Republican to be elected to the Senate from Rhode Island in the past 68 years.

He brought a unique perspective to the Senate as a protector of the environment and as a firm advocate for expanding health care to every American. During the contentious days in 1993 and 1994 when the Senate was considering the extension of health care, Senator CHAFEE organized a small group of centrists to meet in his office every Thursday morning at 8:30, and came forward with a very solid bill on health care. More recently, Senator CHAFEE was the leader of a group of centrists, both Republicans and Democrats, to come forward with a Patients' Bill of Rights. He had an understanding and a political breadth that led to accolades from the U.S. Chamber of Commerce and from the American Civil Liberties Union.

He was the leader of a small group of centrists, also known as moderates, and he brought a degree of civility to this body and this Congress at a time when civility was sorely lacking. JOHN CHAFEE could walk into a room full of controversy and arguments, strike a middle course, and bring Senators and Members on all sides to a position of coalescence and accommodation.

JOHN CHAFEE was a strong family man, very close to his wife Ginny, and was also an active squash player. I tried to lure him to the squash courts early in the morning. He would have nothing of 7 a.m. squash. My wife lives in Philadelphia; JOHN CHAFEE's wife lives in Washington. He insisted on first things first. You could find him in the afternoon frequently playing squash with JOHN WARNER, both coming in for a vote freshly showered.

JOHN CHAFEE brought his son to our centrist meeting recently, who is a mayor of Rhode Island's second biggest city and who is seeking to succeed JOHN CHAFEE in the Senate. I noted last Thursday afternoon that JOHN

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

CHAFEE missed three votes. We were on a bill and had three controversial votes at 5:30, and I worried a little bit about JOHN CHAFEE but had no idea that the situation was as serious as it developed with his passing last night of heart failure.

JOHN CHAFEE leaves a powerful legacy in many lives, a real giant in the Senate, and he will be sorely missed on legislative lines and on compassionate lines because he was such a good friend to all 99 of his fellow Senators.

I yield the floor.

Mr. BAUCUS. Mr. President, I rise with deep and heavy sadness to mourn the passing of a great statesman, my dear friend, JOHN CHAFEE, from Rhode Island.

There will be a lot of eulogies on the floor over the next several days. For the moment, I want to say a few words about a very great man, a very close friend, someone who I think is one of the best Members of the Senate in many, many years.

First, a little bit of history about JOHN CHAFEE. He was born to one of the most prominent New England families. He could have coasted. He could have gone into business. He could have gone into law. No, he did not do that. What did he do? He chose service to his people. It was an extraordinary life of service.

JOHN was a marine. JOHN fought in the historic battle at Guadalcanal. A few years later, he reenlisted and led troops in combat in Korea.

On a lighter note, as far as I know, Senator CHAFEE was the only Member of the Senate who was also a member of the American College Wrestling Hall of Fame. Move over, Jesse Ventura. We have a wrestler in the Hall of Fame.

JOHN, after serving in the armed services, later turned to public service. He was a Governor of Rhode Island. He was a Secretary of the Navy. Since 1976, he was a Member of the Senate.

When I first joined the Senate about 20 years ago, the last thing in the world I believed was over a period of time he and I would become very close friends. We were sitting as junior Members, very far away from each other, on the Finance Committee and also on the Environment and Public Works Committee. I am from Montana. JOHN is from Rhode Island. In Montana, we even have ranches the size of the State of Rhode Island. We were from very different States with different constituencies. Nevertheless, it was a circumstance of seniority that brought us together. I was very privileged to work with JOHN. We exchanged chairmanships and ranking memberships on the Environment and Public Works Committee. We developed a very close relationship.

He was one of the best persons, in my judgment, in the Senate. On the Finance Committee, he worked to balance the budget. He put fiscal austerity, on behalf of future generations, ahead of ideology. He worked for a system of free trade. Most important, JOHN spoke for those people in the shadows—the poor, the elderly, and children. Especially children with special needs, whether it was Medicaid or welfare reform, JOHN was a very strong advocate. In fact, he was a stronger advocate by far than most Members of the Senate.

On the Environment and Public Works Committee, which he chaired, he did so in the great tradition of other New England Senators: Ed Muskie, Bob Stafford and George Mitchell. Tremendous tradition on that committee.

His accomplishments are legion. We breathe cleaner air because of JOHN CHAFEE. Because of his diligent work on the Clean Water Act, we drink cleaner water because of JOHN CHAFEE. We have a rich legacy, and JOHN CHAFEE left that legacy to our children and grandchildren. In addition, he vigorously pushed through the Oil Pollution Act in the wake of the *Valdez* tragedy; the Safe Drinking Water Act; Endangered Species Act; the National Wildlife Refuge System is in place because of Muskie, Stafford, and, particularly, JOHN CHAFEE; the Coastal Barrier Resources System—all bear JOHN's mark.

Personally, I will remember JOHN CHAFEE as a decent, civil, courteous, commonsense gentleman. His issues and the legislation he worked for were very important. But it is the man who means the most to me and is remembered most by me. He reminds me of my father. He never raised his voice, never lost his temper, was always calm, always cool, often with a little twinkle in his eye, a sense of humor. He had respect for life. He knew what was important and not important. He kept his eye on the ball and wouldn't let conversations drift to gossip or extraneous matters that didn't matter; they prevented Members from accomplishing the objective.

Uncommon common sense. JOHN CHAFEE had a sixth sense for common sense. He knew the basic, balanced, right thing to do.

Senator SPECTER mentioned the organizations he put together, the moderates working on health care. That is only one of the many examples of JOHN CHAFEE trying to get something accomplished for the good of America.

Unquestioned integrity. We say around here that a man's word is his bond. It is true. We always strive toward it because we know it is necessary, not only to get legislation passed but it is one of the most important things in life. We knew when JOHN said something it was true. No one ever questioned what JOHN said.

My father's name was JOHN. Maybe that is part of it. The two of them remind me so much of each other. Both were veterans and knew the importance of America—maybe because they were veterans. JOHN knew from fighting at Guadalcanal, fighting in Korea, fighting for American virtues, American values and what is right in America. Maybe that is what enabled him to keep his perspective and calm.

It has been mentioned he is a family man. I saw it many times. Not too many days ago I was on the floor with JOHN and he said: Gee, I promised Ginny I would be home by 2 o'clock today. His legs were bothering him. Gee, I want to get this bill passed; I will vote on this.

He was torn for the right reasons, torn between family and duty. But he gave honor to both because they were so important to JOHN.

I, too, was stunned when I learned of JOHN's death last night. We will miss him terribly. He was a most wonderful man. His memory will be embedded strongly in all of us. It is a memory I know I will cherish forever and ever. I will always see JOHN's twinkle, his smile, his earnest sense of trying to do the right thing.

On behalf of my wife, Wanda, and my staff, our deepest sympathy and condolences go to Ginny and the family, as well as members of JOHN's staff, some of whom are on the floor. JOHN was very close to his staff. It is a wonderful, tight knit family. Our deepest condolences go out to all of them.

Mr. SPECTER. Mr. President, listening to Senator BAUCUS, I am reminded of a couple of other items about Senator CHAFEE which I think ought to be mentioned. One is that he served as Secretary of the Navy, and, secondly, he served in the Marine Corps during World War II and was part of the invasion of Guadalcanal, the largest of the Solomon Islands in the Pacific.

He was recalled during the Korean war. I had always wondered about the fairness of the World War II veterans being recalled during the Korean war. I served myself during the Korean war stateside as a special agent in the Office of Special Investigations of the Air Force. At that time, so many of my colleagues avoided military service by going off to law school or graduate school. I had noted at that time that so many veterans were so called. Ted Williams stuck in my mind, a great baseball player, who served during World War II and went off to the Korean war, cutting short his playing time.

I had a discussion with JOHN CHAFEE about that one day. I asked him about his views on being recalled to active service during the Korean war when so many were not serving at all. In his characteristic patriotic way he said, no, there was a job to be done and he was going to do it. He was glad to serve again in Korea, a marine in the toughest kind of work.

That was JOHN CHAFEE; always a great patriot and a great American.

The PRESIDING OFFICER. The distinguished Senator from Nevada is recognized.

Mr. REID. Mr. President, last week Paul Laxalt and I were talking about some general items, and the name JOHN CHAFEE came up. We had a pleasant visit, Senator Laxalt and I, talking about JOHN CHAFEE, talking about how much we liked him, what a good guy he was, what a good friend of ours he was. In my opinion, the United States has lost one of its true heroes. JOHN CHAFEE died last night. I say this not simply to honor his time in the Senate, where he served with distinction for 23 years; I say it because of the way JOHN CHAFEE lived his life.

From a very young age, he showed the characteristics of leadership he went on to display throughout his whole life. When JOHN was only 11 years old, he saved the life of a young boy who had fallen into a frozen pond where they were playing hockey. Everyone else stood around. Little JOHN CHAFEE went into the water to save this boy's life.

He was a student at Yale during the Second World War. He had completed 3 years of school at Yale when he joined the U.S. Marine Corps to go fight for his country, and fight for his country he did. On his 20th birthday, he participated in the invasion of Guadalcanal—a marine who served with distinction in the Second World War.

The definitive book written about the Korean War is a book called "The Coldest War," written by a man named Brady. The hero of that book is JOHN CHAFEE, a captain in the U.S. Marine Corps during that coldest war. I have spoken on any number of occasions about JOHN CHAFEE, about what a hero he was to me and to the rest of the country. I am happy to do that today so this RECORD can be spread throughout the Senate for his family, his staff, and many, many friends.

JOHN CHAFEE truly was a hero, as indicated in that book, "The Coldest War." He is a man who served as Secretary of the Navy during the height of the war in Vietnam. He was a very, very effective legislator. He was, as has been indicated by Senator BAUCUS, a very quiet, self-effacing man. He assumed positions of leadership that would have been easy to simply avoid. On the committee on which I served with him for 13 years, Environment and Public Works, he was a leader even before he became chairman of that committee.

Some of the finest work JOHN CHAFEE did is not legislation that has been completed. One example is the Endangered Species Act, a very difficult bill that had to come forward. He was able, 2 years ago, to put together a very important piece of legislation, and got the help of the subcommittee, Governor Kempthorne, then-Senator Kempthorne, so we had two Republicans and we had the ranking member of the full committee, Senator BAUCUS, and I was a ranking member of the subcommittee. We all joined together. None of us wanted to be on that legislation, but we had to be because it was the right thing to do, as the leadership of JOHN CHAFEE indicated. It was legislation that should have passed. We are always going to look back at that piece of legislation, saying if we had done that, the problems with the Endangered Species Act would be behind us.

He served as Governor of the State of Rhode Island, and his service in the Governorship of Rhode Island, even though many years before he came to the Senate, was marked by the same dogged determination to get things done. He did not believe in the status quo. He didn't believe in gridlock. He had determination and spoke up when he felt strongly about issues, and there were a lot of issues he felt strongly about, such as health and the environment.

He was elected Governor of the State of Rhode Island when he was 39 years old. By that time, though, he had already served in two wars, had come back to Yale and completed his degree there, and then got a law degree from Harvard. That is pretty good. Even that was not the end of his service. Before becoming Governor, he served 6 years in the General Assembly of the State of Rhode Island.

As Governor of the State of Rhode Island, he helped bring Rhode Island into the modern era. He created the State's community college system, created the Rhode Island Public Transportation Administration, which did many things but is noted for the construction of Interstate 95 and the Newport Bridge, two infrastructure projects that allowed Rhode Island to flourish as it does today.

He fought for fair housing and unemployment laws. He fought to get things done. He not only fought for them but was able to get them passed. He provided for State-provided heath care for the elderly long before Medicare came into being. He developed the Green Acres Program, which was a visionary concept of protecting Rhode Island's natural wonders for future generations, which is a precursor to this antisprawl talk we are now hearing from the White House. They only need to look back 20 or 30 years ago, and JOHN CHAFEE had done the same thing that is being talked about with this urban sprawl problem we now have.

The leadership JOHN CHAFEE showed as Governor of Rhode Island in the mid-1960s led the Republican chief executives to name him their chairman. In 1969, President Nixon called upon this man, JOHN CHAFEE, to take on the challenge—and it was a challenge at the time—to be Secretary of the Navy during the height of the Vietnam war.

I have heard several conversations, they love to joke about it, when JOHN WARNER—who is a member of the Environment and Public Works Committee—when he and JOHN CHAFEE get together to talk about their service, one as Secretary, one as Assistant Secretary, and the difficulties they had during the time the Vietnam war was going forward. He did a great job as Secretary of the Navy.

He then spent several years in the private sector, but in 1976 he was elected in a Democratic State—Rhode Island is perhaps the most Democratic State in the Union, but JOHN CHAFEE did not let that stand in his way—he was elected Governor. I identify with Senator CHAFEE. He was elected Governor by about 400 votes. I have been in a number of close elections myself. Perhaps that is one reason I identified so much with Senator CHAFEE.

He served as Governor as if he were elected by 400,000 votes, and he served in the Senate in the same manner. He was a person in the Senate who quickly established himself as an authority on the Nation's budget.

Of course, as we know, he was a member of the Finance Committee, where he worked hard on tax policy, and was chairman of the Environment and Public Works Committee, where he worked hard on environmental protection. He was one who always stood for civil rights and human rights.

He was an independent person, and we all know how independent he has been in the Senate. We all need to take a page out of JOHN CHAFEE's book, especially with the rank partisanship that has been taking place in this body for the last several years. JOHN CHAFEE was a person who did not believe in partisanship. He continued to stake out modern, consensus-driven positions that marked his entire career. I admired his ability to go to people on this side of the aisle to develop legislation.

There are those who argue Senator CHAFEE spent many of his years advocating positions that were outside the mainstream view of the Republican Party in the Senate, especially when he talked about issues of gun control, health care, and the environment. That probably is not the case. I believe JOHN CHAFEE represented the mainstream of America. He was tremendously important and good for the Republican Party, as he was for this country.

At the core of his being, JOHN CHAFEE believed the American people sent us all here to get things done, to compromise. And "compromise" to JOHN CHAFEE was not a bad word. He knew that legislating was the art of compromise and that we had to compromise for the best of the country, not simply bicker with one another.

As I have indicated already, I had the pleasure of serving with Senator CHAFEE for 13 years in the Senate. For the last 5 years, he has been chairman of that committee. I have been so impressed with his willingness to wade into difficult problems. I had so many meetings in his office in the Dirksen Building where he would say: OK, where are we on this? OK, we will get together tomorrow to see where else we can go.

He was a tenacious legislator. He knew legislation was more than standing on the Senate floor giving speeches. I have learned a great deal from him.

I will never forget his work to improve our Nation's air and water quality, improve highways, transit, and all the infrastructure programs. He was so involved in toxic waste. He was a man who believed in Government working for the betterment of each of us.

It was not at all unusual at critical junctures of negotiations on important bills to find him working late at night. He did this from the time he arrived in the Senate, I am told, to the present, and I can vouch for that personally.

Environmental issues are some of the most difficult issues we have to tackle in Washington, often bringing out sharp divisions, sometimes even partisanship. Senator CHAFEE was always looking for ways to cut through the rhetoric and get things done.

While we have not been able to report out a lot of legislation—Superfund, endangered species—it was not his fault. He was frustrated, but he never lost his determination to push forward, and he always did it in good spirits.

Some of the giants of the Senate in the 20th century are people who have served as chairmen of the Environment and Public Works Committee, men such as Robert Stafford of Vermont, Jennings Randolph of West Virginia, and DANIEL PATRICK MOYNIHAN, of course, of New York. JOHN CHAFEE clearly deserves to be mentioned in the same breath as all of them. He truly was a great Senator. In fact, it is fair to say when we list the great Senators of the 20th century, it would not be complete without the name of JOHN CHAFEE.

I close by saying I liked JOHN CHAFEE. He was my friend. He was one of the rare people from the other side of the aisle who, during my election—this last election—asked me: How are you doing? We knew each other well enough—he could not help me financially or give speeches—that he cared about my legislative welfare. He is a man I will never forget. He set an example for me. If I can be the same type of Senator JOHN CHAFEE was, I will certainly be happy.

I extend my condolences to John's wife Virginia, their 5 children and 12 grandchildren, the citizens of Rhode Island, and the hundreds of past and present members of John's staff who worked hard for him and loved him dearly. The Senate and the Nation have lost a great man—JOHN CHAFEE.

The PRESIDING OFFICER. The distinguished Senator from California is recognized.

Mrs. FEINSTEIN. I thank the Chair.

Mr. President, I join the distinguished Senator from Nevada in saying a few words about Senator JOHN CHAFEE. I believe our Nation lost a pillar of the Senate last evening. I found JOHN CHAFEE to be a deeply principled and highly intelligent Senator. Additionally, he was one of the nicest men I have ever had occasion to know in the Senate or anywhere else.

I had the pleasure a couple of years ago of being a dinner guest at the home of JOHN and Virginia CHAFEE in McLean, a warm, hospitable home, a home that had 8, 10 people gathered around the table informally for dinner, where both JOHN CHAFEE and Virginia Chafee presided with a warmth and a hospitality that made it the nicest evening I have ever spent in my 7 years in Washington.

I really liked JOHN CHAFEE, and I had the pleasure of working with him on a number of issues. His record on the environment, on health care, and on gun control is second to none. As chairman of the Senate's Environment and Public Works Committee, Senator CHAFEE was a leading voice in crafting the Clean Air Act of 1990 which strengthened the Nation's emissions standards. Recently, he led successful efforts to enact oil spill prevention and response legislation and a measure to strengthen the Safe Drinking Water Act.

JOHN CHAFEE has won virtually every major environmental award in this country due to his tireless efforts to protect our Nation's resources. Recently, we worked together on an effort to rid California's gasoline of MTBE, and just last Thursday, standing right over there in the Senate Chamber, I said: JOHN, when are you going to be able to pass some legislation out of the committee on MTBE? We remarked how moving on this issue has been made more difficult by the ethanol lobby.

I said: You know, JOHN, we really have to move because, in particular, of the California situation.

He said: I know, I know, and I really want to do something to help.

That is the way he was—a very special person who could see beyond his own State's parameters and really reach deep into the hearts of many of us who represent States even on the other side of this great Nation.

I will never forget earlier this year when we stood at the White House together to call for meaningful gun legislation. A few years ago, he even angered many conservatives when he pushed for a ban on the manufacture, sale, and possession of handguns. He was a man who believed in his principles, and he brought them with him to the Senate. Regardless of political party, he responded to those principles when the time came for such a response.

The series of events I went through with Senator CHAFEE which showed me the most about him was an earlier effort in a group called the Centrist Coalition. This had to do with developing a balanced Federal budget. It took place around, I guess, 4 years ago. We worked for a couple of years. There were 11 members on the Republican side, 11 on the Democratic side. Senator CHAFEE chaired the Republican portion; Senator BREAUX chaired the Democratic portion.

In meeting after meeting, I saw JOHN CHAFEE's span of knowledge across a whole host of budget items. The Centrist Coalition did, in fact, prepare a budget. We did, and with no hearings, put it on the floor of the Senate. And believe it or not, it got 46 votes. It came close to passing. Many of the major points in that centrist budget actually became part of the leadership understanding with the White House that effectively produced a balanced budget in this Nation. A lot of that diligence and pursuit, over a 2-year period of time, really is a hallmark of the way in which JOHN CHAFEE worked.

As a member of the Finance Committee, Senator CHAFEE worked to successfully expand health care coverage for women and children and to improve community services for people with disabilities.

In 1990, he spearheaded his conference's Health Care Task Force and became a prominent figure in the national health reform debate. He went on to lead a bipartisan effort, as has been spoken of on the floor earlier, to craft a comprehensive health care reform proposal in 1994.

He was also an adamant supporter of a woman's right to choose. He opposed the gag rule, which prohibited doctors at federally funded clinics from discussing family planning and abortion services with their patients.

I think Senator REID, and also the distinguished Senator from Montana, mentioned his service in the Marine Corps in World War II. From talking to JOHN CHAFEE on the floor of the Senate, it was hard to see him as a robust marine at Guadalcanal. But one of the things I have learned in my life is sometimes people you least suspect are the first ones to jump in the river to save a drowning person. I rather suspect that was JOHN CHAFEE, that just as he was a Senator's Senator, he could be a hero's hero. So he left behind him a very distinguished military reputation, in which I hope his wife and family will always take great pride.

JOHN CHAFEE, to me, was a giant in this body. His civility, his manners, his intelligence, his ethics, his credibility were never in challenge by any member of either of our two great parties. As such, I believe he leaves an indisputable legacy.

I thank the Chair.

(The remarks of Mrs. FEINSTEIN pertaining to the introduction of S. 1774 are located in today's RECORD under

"Statements on Introduced Bills and Joint Resolutions.")

Mrs. FEINSTEIN. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, I have been sitting this morning and listening intently to all the comments that have been made about our very close friend, JOHN CHAFEE. I do not have a prepared statement, but I do have some thoughts I think I want to share.

It happens that this weekend, at the time that this happened, I was on the U.S.S. *Eisenhower*, where they were doing F-18 and F-14 maneuvers and trying to figure out how to get trained for something that is coming up in their deployment to both the Mediterranean and the Persian Gulf. So we were talking with some of the military types about JOHN CHAFEE. And about JOHN you hear all these things. I have been listening this morning about how he was such a great guy. But people forget what a hero he was during the Second World War, and then again in the Korean war.

In fact, I got on his committee when I was first elected, coming from the House to the Senate in 1994. There is a tradition that JOHN, every February, would have his new members, along with all the other members of his committee, for dinner. It was a very festive occasion.

I used to look forward to going to that dinner and not saying anything but sitting quietly and listening to the war stories told by JOHN WARNER and JOHN CHAFEE. You could sit there and relive the whole Second World War in a way you will never read about.

When you think of him and the image that he has today, and the image of him that we have been exposed to in the recent years, you do not think of him as being the type of person who would be a war hero. But he was. He was. And every time he told his war stories, it always came back to talking about the love he had for America, what America meant to him, the reason it has to stay strong.

I think it is interesting, because you hear a lot about his political philosophy, and some of the things he stands for are not consistent with standing for a strong national defense, yet he did. He was very unique in that respect.

I listened to the Senator from California, Mrs. FEINSTEIN. She did such a great job of describing this very gentle person. The Senator said in her comments, I believe three times, that he was a giant, and that she knew JOHN was a giant, and she could look at him and see the things he did that nobody else could do—that he was a giant.

One of the things that is interesting in listening to those who have been saying such eloquent things about JOHN is they are talking about what his stand was on different issues. As a conservative, who disagreed with most of the issues they talked about, I still had a love and reverence and respect for JOHN CHAFEE that is every bit as much or more than some of the others.

I think it is kind of an interesting thing; you look at a guy who does not vote the way you vote on things, and yet every time he would say something about the various issues Senator FEINSTEIN talked about, I would stop and think it over: This is JOHN, so maybe I need to be listening a little bit more. I think he had a greater impact on people who disagreed with him than he did on people who agreed with him.

I appreciate MAX BAUCUS and the things he said. He has served for some time as the ranking member of the Environment and Public Works Committee, a very significant committee and one that is handling things that affect us in our everyday lives. And when he talked about JOHN's unquestionable integrity, I cannot build on that. That is true. That is JOHN. Senator REID also talked about what a giant he was.

I would only add, that of all the characteristics JOHN had, the word that comes to my mind is love. You had to love JOHN CHAFEE. A lot of people don't like me, certainly a lot of them don't love me, but I think of JOHN CHAFEE and say: Who couldn't love JOHN CHAFEE? I feel so rich that I have had the honor of serving with him and being close to him.

This morning when Kay, my wife, and I were talking about JOHN, she recalled her last conversation with Ginny was during our February dinner, the very eloquent dinner he has had every 2 years that he hosted at, I believe, the Metropolitan Club. Kay had been talking to Ginny for a long time. Their subject, Kay told me this morning, was he had already announced 3 days before that dinner that he was going to retire from the Senate after all these years. Ginny was talking about how they were looking forward to their traveling and all the things they were going to do.

Now Ginny is left with 5 beautiful children and 12 grandchildren. I remember how proud JOHN was when he talked about his son, Lincoln, who is running for his seat. So JOHN was a family man. He loved his kids and loved his grandkids. Maybe that is what we all had in common. But this place will not be the same without JOHN CHAFEE. JOHN CHAFEE was the lovable giant.

I yield back, Mr. President, and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. Mr. President, several speakers were intending to be here to talk in morning business. With the untimely death of our friend JOHN CHAFEE, I think this time is going to be reserved for Members who wish to talk about the Senator and his life. I would like to do that for a moment.

I have had the opportunity, for my time in the Congress, to serve with JOHN CHAFEE on the committee of which he has been chair. I had the opportunity to become acquainted with certainly one of the most outstanding Senators who has ever been in the Senate. I will not go back over all the things our friends have already said. But each of us, I suppose, has a little different memory, a little different feeling.

JOHN CHAFEE certainly epitomized the meaning of public service, from leaving college and going into the Marine Corps in World War II, to serving again in Korea, to serving his State as a legislator, as Governor, serving the country as Secretary of the Navy, and serving four terms in the Senate, devoting his life to public service and doing it in such a way that he will always be remembered.

Senator CHAFEE was dedicated, of course, to this country. He cherished freedom and risked his life and sacrificed for the freedom you and I enjoy. So it is hard to lose a friend of that kind.

JOHN CHAFEE and I didn't always agree on the issues. He came from quite a different world than I—he was from Rhode Island, and I am from Wyoming—in terms of many of the issues, but we were always able to talk about them.

JOHN CHAFEE came to Wyoming at my request to take a look at endangered species, and he drove out into the wilderness to look. He rode around a ranch. He and a friend of mine got in a pickup, and he looked at a different world than he was accustomed to—because of his service, because of his friendship. So, certainly, no one personifies more that feeling. Nobody was more gentlemanly and more friendly than JOHN CHAFEE.

In terms of service on this floor and in terms of cooperation, we worked through a number of things, such as highway bills, endangered species bills, and EPA things, which are contentious. But JOHN CHAFEE would always listen. JOHN had wisdom to share and was willing to share it.

So I am sure we all feel the tremendous loss of this Senate leader, one of the best in America. I am sure many of us will come to the floor to share their views and feelings. Senator CHAFEE represented the best of this country in many ways. His leadership, statesmanship, and abilities will be sorely missed, not only in Rhode Island but nationally. We all send our very best and our prayers to his family.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. VOINOVICH). The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. ALLARD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. Mr. President, I come to the floor of the Senate today to recognize the passing of a colleague and a very dear friend, Senator JOHN CHAFEE of Rhode Island, and to express my condolences to his lovely wife Virginia and their family.

I was just elected to the Senate in 1996 and found I had the opportunity to serve on two committees with Senator CHAFEE. He continued to serve as chairman of the Committee on Environment and Public Works, and I also served with him on the Intelligence Committee.

I will take a moment here to recognize my good friend's accomplishments in life and how much I appreciated serving with him in the Senate. He was truly a remarkable individual. He graduated from Yale and then got a law degree from Harvard in 1950. He served in the Marine Corps as well as being Secretary of the Navy. He was a patriot, a hero, serving this country's interests in World War II and Korea.

My wife and I had an opportunity to join him and Virginia at a dinner when I was just elected to the Senate and had just joined his committee. I think it was Senator INHOFE who said he traditionally held dinners for new members of his committee. I got an opportunity to visit with him about some of his experiences, and he was a delight to visit with, as was his wife Virginia. We had a great time that evening.

Senator CHAFEE worked hard on Social Security issues. He was a leader on health care. In fact, he worked in the subcommittees on both of those issues in Finance, and then as chairman of the Environment and Public Works Committee. I found he was extremely fair and encouraging, somebody who could work with Republicans and Democrats.

Even though I disagreed with him, as I found myself at times disagreeing with him because I did represent a Western State with some different views, particularly in regard to water, in committee he always gave me a fair chance. He gave me an opportunity to express my views and to represent the citizens of Colorado. I really did appreciate him for his fairness.

He did a lot to help me be effective in that committee. He made sure, wherever possible, if he could work with me on environmental issues that were important to Colorado, he did that.

I had an opportunity, which I took, to move from that committee to Armed Services. Even though I did not continue to serve on the Environment and Public Works Committee with him, he continued to be helpful and whenever I had environmental concerns I brought them to his committee. I appreciated his commitment to being a team player and helping everybody in the Senate.

JOHN was a great person; he was a nice person; he was a helpful person. I will continue to remember his dedication.

Just to show how he grew on you, I like to look at his achievements in elected office. He ran for Governor in 1962 and was elected by a mere 398 votes. Then in 1964 and 1966, 2 years and 4 years after he originally ran for Governor, he won both times by the largest margins in that State's history. Not only did he grow on those who knew him personally, but in his public service he grew on those whom he represented. In fact, when he was elected, he became the only Republican to be elected to the Senate from Rhode Island in the past 68 years, and he served 4 terms in that capacity.

He was, indeed, a public servant, somebody who worked hard on environmental issues. At times I found I could agree with him, and I recognized his efforts on conservation and open space preservation. I also recognized his dedication and work on the Intelligence Committee. The Intelligence Committee is one of those committees where much of what we do is not shared with the public. I want the public to know today, Senator JOHN CHAFEE was a valuable resource on that committee, considering his experience in World War II, his experience in Korea, and having been Secretary of Navy.

I will always remember Senator CHAFEE as a friend. I want his family to know my wife Joan and I will miss him.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, I am here today with a saddened heart at the passage of probably my best friend in the Senate, and the House.

It is not often we get to be close to someone in this body. Oftentimes, we have friendships, but they are not personal friendships. This was a personal one to me—starting from the time I first knew him in the House. When I came to this body in 1989, I was appointed to his committee, as I took the place of Senator Stafford from Vermont. And thus, I got to know JOHN immediately and found there was little, if anything, on which we ever disagreed.

His leadership on difficult decisions was without parallel to those I have known in this body. He was one of our greatest heroes in this Nation. I know others have exalted his wartime service at Guadalcanal as a marine.

Also, I remember having met him when he was Secretary of the Navy. I was in the Navy at the time. So my memories go back a long time.

But my friendship was mainly based upon JOHN's tremendous personality and his dedication to work and his ability to get things done. He was a man of courage on the battlefield and in the political arena. I do not know anyone who did not like and respect JOHN CHAFEE.

When I first came to the Senate in 1989, I served on the Environment and Public Works Committee with JOHN as my ranking member. He took me under his wing and helped guide me in the big shoes I had to fill in the wake of Bob Stafford, as I mentioned.

We had many trying problems at that time. We had the reauthorization of the Transportation Act. But the most memorable experiences I had dealt with the Clean Air Act, and not only in the committee but also having been appointed, along with him, by the then-majority leader, George Mitchell of Maine, to be on the Clean Air Task Force.

As one can remember, that was one of the most contentious pieces of legislation with which we have ever dealt. It took the holding of hands and nursing each other along to make sure we could get the votes necessary to pass that very controversial act. That placed me in even greater awe of JOHN's capacity to lead and to be listened to.

I also recall in 1995 and 1996 meeting day in and day out in JOHN's office to develop a centrist health care package. We spent a year as JOHN toiled trying to pull together a middle ground on a health care package. JOHN's work to do that was well recognized. Although it never came to fruition at that time, it did give an alternative to the plan which had come from the White House and did give us all something to work on to try to develop a health care package that would serve this Nation. Although it did not work then, and did not work more recently, it was tried from the center, and it did give to us many thoughts and approaches which have been adopted in the health care package which did pass this body.

JOHN's work to preserve the environment, especially for New England, to me, again, showed he was a leader.

JOHN and I ate lunch together every Wednesday for the last 10 years, along with some others, especially from New England, and also ARLEN SPECTER. But we always discussed the matters of policy on which we would have agreement.

Also, I spent several evenings with JOHN at dinner, when he would say, hey, let's go down to the Metropolitan Club, or elsewhere, and have dinner together. Those were also memorable moments in my life, as we had many things to discuss; but it was as much about ourselves and our families as it was about the great problems of the Nation.

JOHN CHAFEE represented the State of Rhode Island with distinction and represented what was best about this institution. My thoughts and prayers go out to his wife, Ginny, and their 5 children and 12 grandchildren, and also to his wonderful staff, who I have gotten to know over the years, who have most capably served him.

JOHN's memory also goes to the time he came and campaigned for me in my State, and all the other times we had a chance to work together. Most, I remember that if I ever had a question on how to vote or I came in at the last minute and did not know what the issue was—I hate to admit to that—I would first look to see how JOHN voted. I knew, if nothing else, if I voted as he did, I probably would not get in trouble. I suppose we all have moments similar to that that we don't talk about politically, but when you have that kind of an individual whom you can count on to give you the right direction, it is very important here, especially on some of the tough issues we have where those of us who are called moderates have to cast votes at times where we don't get friends on either side of the aisle.

I also want to speak out to JOHN's staff. I know how sad and tremendously burdened they now feel at his passing. But if it was not for his staff and their tremendous capacity, I know JOHN could not have accomplished the things he did as a Senator. They will miss him deeply, but so will I and so will the other Members who got to know him and his staff well over the course of time.

I know all of us are sad today. I am getting to the point where I better quit.

Mr. President, I yield the floor

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from the State of Ohio, suggests the absence of a quorum.

The clerk will call the roll.

The legislative assistant proceeded to call the roll.

The PRESIDING OFFICER. Acting in my capacity as a Senator from Ohio, I ask unanimous consent that the order for the quorum call be rescinded.

Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. In my capacity as a Senator from Ohio, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 2:08 p.m., recessed subject to the call of the Chair.

The Senate reassembled at 2:08 p.m., when called to order by the Presiding Officer (Mr. VOINOVICH).

The PRESIDING OFFICER. The Senator from New Mexico.

IN HONOR OF SENATOR JOHN CHAFEE

Mr. DOMENICI. Mr. President, I rise today for a few words about Senator JOHN CHAFEE, our wonderful friend who left us early this morning.

I happened to be privileged to know both he and his wife Virginia very well. My heart goes out to her today. I have not been able to contact her because it is pretty difficult. The phone lines are busy, and she is busy. But my wife Nancy and I extend our sympathies and hope we will see her very soon.

As I think about JOHN CHAFEE, I see this mild-mannered person; but then I read about him, and there is a great paradox. If you look at what he did as a patriot, he was a great war hero. He served with the U.S. Marines in Iwo Jima, a very gruesome life experience. Clearly, he had to do some things that aren't so consistent with what we see in a very mild-mannered person.

Believe it or not, after law school at Harvard, he volunteered and went a second time. He went to Korea. Then you would think such a talented man would probably want to be in the front office with generals and admirals. But he was head of a rifle team on the ground. That was JOHN CHAFEE. Yet you could hear him regularly, when he made decisions on foreign affairs issues, talk about our country in a way that you absolutely were sure you knew where his heart, conscience, and mind were. It went way beyond that.

So if anybody were striving to match him, they would have to take a look at the next one, which is his fantastic public service. We all knew him in his last public service career. But many people knew him in the earlier stages, when he was a representative and head of the minority party in the House of Representatives in his State and Governor twice.

I remember vividly when I was elected to the Senate 26 years ago, there were four Senators on the Republican ticket across America who were expected to win. I remember getting a visit in my State then from Richard Nixon, and he had gone to Rhode Island, which was where JOHN CHAFEE was running, who had been Secretary of the Navy and was supposed to be elected; Senator Bartlett of Oklahoma; Senator McClure of Idaho; and myself. He lost.

So he was 2 years younger than I am. It took 2 years for them to realize it, but then they finally elected him. He was here ever since. I can quickly state the legacy I see after all these years, as can others who have been here 10, 15, 20 years. He had such a variety of things he did that I am not sure the two things for which I know him best will be his true legacy; maybe both will be.

Senator CHAFEE followed in the footsteps of great environmental Senators such as Ed Muskie when he became chair, on our side, of the Environment and Public Works Committee. I do believe, even though most of the legislation for clean air, water, and the like had already been accomplished before he went on, at least the policies were in place, as the occupant of the Chair readily knows in his distinguished career. He quickly became known as a real environmentalist who understood and was practical yet stern in his beliefs. When it came to clean air and clean water, pollution in general, and certainly conservation of open space, there was no peer during his years as chairman and even before that.

Everybody will get up and speak, I am sure, about his distinguished efforts on the health care side. He happened to be on the Finance Committee. When you say the Committee on Finance in the Senate, many people don't think of health care, but they have a lot of health care jurisdiction, including Medicare, Medicaid, and all the tax laws as they relate to health care. There was no stronger advocate for getting more people covered in health care than JOHN CHAFEE and no stronger advocate for the health of our children and the need to make sure we were taking every precaution in getting health care to our children and passing laws that would get it there. He was truly a staunch advocate for healthy Americans and Americans having a better chance to be healthy, to get cured when they are sick, and taken care of when they are sick.

I am sure there are other things he has done of which I am not aware. But if we got a chance to look at his record, it would be mentioned. There will be plenty of opportunity. I thought if I found the Senate open, I would drop by and say thank you, Senator CHAFEE, and thank you to his family for all they did for our country and for the Senate; thanks to his wonderful wife for all the sacrifices she and their wonderful family have made.

I hope, again, we will get to see that family during the next 2 or 3 days. I hope the Senate will honor him appropriately. I hope we take time off and go to his funeral. I am not in charge, but I hope we do that. I think we ought to do that, wherever it is. Whatever we are doing, we ought to take time off. That is just what we ought to do for a real Senator and a real friend.

I yield the floor.

RECESS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate now stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 2:14 p.m., recessed subject to the call of the Chair; whereupon, at 3 p.m., the Senate reassembled when called to order by the Presiding Officer (Ms. COLLINS).

The PRESIDING OFFICER. The Senator from Delaware is recognized.

IN HONOR OF SENATOR JOHN CHAFEE

Mr. ROTH. Madam President, today is a sad day for America; today is a sad day for the Senate, for Rhode Island, but especially for JOHN CHAFEE's family.

Senator CHAFEE was, indeed, a remarkable man and a good friend. Our thoughts and prayers are with his family—his wife Ginny and five children—as they pass through this most difficult time.

I believe it can be said without hesitation that few individuals have served America with the distinction that JOHN CHAFEE exhibited in his many years of public service. From his active duty in the Marine Corps—where he saw action in both the Second World War and Korea—to his early years as a member of the Rhode Island House of Representatives, to his years as Governor and his work as Secretary of the Navy, to, of course, his 23 years of service in the Senate, JOHN's patriotism was beyond philosophical; it was pragmatic and it was concrete.

He had a keen sense of duty—a profound sense of responsibility. As a Senator, he knew his constituents, and he served them with such devotion that he was elected in 1976 and returned to Washington four times, despite the fact that he was a Republican in an overwhelmingly Democratic State. Much of his effectiveness was in his ability to find bipartisan cooperation, and to stand fast on issues that were important to the individuals and families he represented. Among these issues was a deep concern for the environment and for quality and affordable health care.

He was a tireless advocate of the underprivileged and a strong proponent of American leadership and economic opportunity. I understand how important these issues were to JOHN—not only because we served for so many years as colleagues and friends on the Senate Finance Committee—but because, like JOHN, I represent a small coastal State in the Northeast, much like you, Madam President. Many of the issues and concerns we faced were the same. In fact, one of the truly great honors I have received as a Senator is to be given the Ansel Adams Award by the Wilderness Society. It is the highest award that prestigious organization gives out, and there are only two Republican Senators who have ever received it. And I must say that it was awarded to JOHN first—2 or 3 years before me.

Madam President, along with you and all our colleagues, I am saddened by his death. But I am grateful for the time we spent together; I am grateful for his leadership and example; and I am grateful for his supportive family. Along with all my colleagues, I express my condolences to them as well as my most profound gratitude for sharing Senator CHAFEE with America.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NICKLES. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Madam President, I, like countless Americans, am very saddened over the news that JOHN CHAFEE is no longer with us. The news of his death was a shock to me. I was with Senator CHAFEE just last week. I teased Senator CHAFEE about the fact that he was using a wheelchair, and I was accusing him of doing wheelies and racing down the aisles. He spent at least an hour with many of us in the Finance Committee discussing a number of issues, including health care, which was one of the issues in which he was most interested and of which he was a real champion for all Americans. This is a loss for so many, because of his great service to this country.

JOHN CHAFEE spent 23 years in the Senate. He was concluding his fourth term as a U.S. Senator. He had a very exceptional Senate career that encompassed many areas. He was a leader in education, health care, the Environment and Public Works Committee, of which he was chairman, dealing with issues such as clean air and clean water, and reauthorization of many very vital programs.

His service was not only limited to the Senate, however. In addition to his 23 years in the Senate, he served 6 years as Governor of Rhode Island. He also had about 7 years as a marine. He fought in both World War II and in the Korean war. He fought in the Battle of Guadalcanal.

I remember when I was on a trip speaking with leaders in Korea, and I wanted to learn more about the Korean war. They suggested I read a book. I believe the name of the book was "This Kind of War." It is a very thick book. I read it with great interest, and I read about Capt. JOHN CHAFEE, who was a hero during the Korean war. That was something he never mentioned. If you wanted to find out he was a hero, you had to talk to somebody else.

If you go all the way back to his service as a marine officer in World War II and the Korean war, his service in Rhode Island in the State legislature and as Governor, and his 23 years in the Senate, it has been a record of exemplary service. I think it is a total of 44 years of public service, not counting his 7 or 8 years as a marine. In over 50 years of public service, JOHN CHAFEE has dedicated his life to serving his State and his Nation. What great service, what great sacrifice he has made for our country.

I also was pleased to get to know him fairly personally. JOHN and his wife Ginny were married 49 years. What a wonderful, beautiful example. I knew him also as a wrestler. He was inducted into the National Wrestling Hall of Fame, which is quite an honor. Not many people know that he was captain of the Yale wrestling team and undefeated in his wrestling career prior to the war. That is pretty special; that is not an easy accomplishment. It shows that he had a certain amount of toughness and will.

He was always willing to compromise and always willing to negotiate, but he was tough, he was sincere, he was energetic, he was a tireless campaigner and a tireless worker. He was a very dedicated individual.

JOHN CHAFEE is going to be missed in the Senate. His State will surely miss him to. They have so much for which to be grateful, to have had him as their leader, one of the real valued leaders, both as Governor and Senator, as a captain in the Marines, and as a fantastic colleague, devoted husband for 49 years, father of John, Jr., Lincoln, Zechariah, Quentin, and his daughter Georgia—five wonderful kids who, I know, are very proud of their father.

I know JOHN was very proud of his children. I was with Senator CHAFEE and his son "Linc" last week at a campaign event. You could sense, when Senator CHAFEE was introducing his son, the love and the bond they had between them. It was a wonderful thing to behold.

I have a special comment about Senator CHAFEE and his wife Ginny. I have had the pleasure of knowing them for my 19 years in the Senate. I have been in their home—a wonderful, beautiful, loving couple. I just want Ginny to know that our thoughts are with her and with her children. We want them to know we share their loss and they are very much in our thoughts and our prayers. I want them to know what a great honor it has been for me personally, and I think for all Senators, to have the privilege and pleasure of serving with JOHN CHAFEE in the Senate. He will be missed in Rhode Island, and he will be missed throughout the country.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. WYDEN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. Madam President, in this era of partisanship, harsh sound bites and bitter politics, JOHN CHAFEE wanted to have none of that. He was, in my view, the gold standard as far as public service is concerned. He wasn't full of himself, always humble and low key, always bipartisan.

I especially admired that he was always standing up for people without power and without clout. I think of all the times over the years I had a chance to serve with him—close to 20 years—that JOHN CHAFEE stood up for children, stood up for the disabled, stood up for folks who are always falling between the cracks in the health care system, people who never had a voice.

Reflecting on his background—a family of means, Ivy League education—one would not think a person with those roots would be there for the kind of causes and the kind of people JOHN CHAFEE was for again and again during these years in public service.

His contributions are going to be documented in many areas but especially in the areas of health care and the environment. We all ought to take some time and reflect on what JOHN CHAFEE contributed to our country. His fingerprints are on every hallmark piece of environmental legislation, going through two decades, in terms of clean air and clean water.

JOHN CHAFEE, in his low-key, dignified way, always made it clear we should push to do better. In debates where various interest groups said, it isn't possible, Mr. Chairman, to get as far as you would like; we can't do it without wrecking the economy, JOHN CHAFEE would always point out time and time again when we pushed ourselves we could make these huge strides in terms of cleaning up the environment.

One of the measures of an individual and an individual's work on Capitol Hill is what his staff thinks of him. I don't know of any staff on either the House or the Senate side who stayed with a Member of Congress longer than JOHN CHAFEE. Those were the most loyal people in Washington. It was because they were working for an individual who they knew was in public service for only honorable reasons.

I hope in the days ahead we think about what JOHN CHAFEE contributed, think about his approach to solving problems, always trying to find the common ground, always trying to bring people together in a bipartisan way for the kind of government people have a right to expect in the 21st century. That is the kind of government Americans believe will help solve the intractable challenges of the day.

I hope when the rhetoric next gets a bit shrill in this body—it happens from time to time—we remember that great Senator who sat just a few feet from the dividing line between Democrats and Republicans in this Chamber, and that all Members remember JOHN CHAFEE's contributions which were so extraordinary in areas including health and the environment but were especially significant because of the way he brought Members together.

Personally, I was involved in half a dozen conferences where tempers got short and late at night everybody was ready to throw in the towel and wrap it up for the day. JOHN CHAFEE would have put in longer hours than anybody and he would keep people at it, trying to almost breed that kind of good will and bipartisanship that were his trademark.

This is a sad day for our country. It is a sad day for the Senate. I hope all Members remember that very special JOHN CHAFEE style in the days ahead. That will be the Senate at its very best.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, I listened to the comments by my colleague from Oregon, Senator WYDEN, and he expresses, as do all Members of the Senate, our profound sadness over the death of our friend and our colleague, Senator JOHN CHAFEE from Rhode Island.

Senator CHAFEE was one of a kind. The 100 Members of the Senate, men and women who come from across the country, work hard and fight hard and get involved in a lot of public debate about some very controversial issues. We all have very different styles and different ways of approaching all of these issues, and JOHN's was unique.

Senator CHAFEE was in the Senate for a long while. He had achievements that will last forever. He was quite a remarkable Senator. He was, as the Senator from Oregon indicated, about as bipartisan a Senator as there was in this Chamber. He cared about results. He cared deeply about a wide range of public policy, including children, the environment, and so many other areas.

I used to visit with JOHN a lot about his grandchildren. JOHN CHAFEE's grandchildren played soccer with my children. The way to bring a gleam to Senator CHAFEE's eye was to go over to the area of the Chamber where he sat and talk about his granddaughter Tribbe and her soccer exploits. He so dearly loved those grandchildren and was so proud of them.

Senator CHAFEE was a war hero. He was a graduate of Yale University and Harvard Law School. Most important, he served this country in a very distinguished way. As proud as I have been to be able to serve in the Senate, one of the extraordinary opportunities to serve here is to be able to work with people such as the late Senator JOHN CHAFEE. I add my voice to those of so many other colleagues who come here today to say the Senate has lost truly a great Senator. I know all of us grieve with his family and loved ones and so many Americans across this country today.

Senator CHAFEE worked right through last week. Towards the end of last week, I asked Senator CHAFEE how he was feeling because he obviously was experiencing some difficult health challenges. But as was always the case, last week when I asked him how he was feeling he said, "Oh, fine," because he was not someone ever to complain. They say hard work spotlights the character of people. Some turn up their sleeves, some turn up their nose, and some don't turn up at all.

When people think of Senator JOHN CHAFEE, they will always remember a unique Senator who always turned up his sleeves and said let's get to work together. The result of that is a legacy of accomplishment in the Senate in so many areas: The children's health insurance grant program; the CARE Independence Act; extending Medicare coverage to poor women, children, and disabled individuals; LIHEAP—so many areas. As the chairman of the Environment and Public Works Committee, he was probably the leading voice in this country in crafting the Clean Air Act of 1990 which strengthened the pollution emission standards; the Safe Drinking Water Act—so many different areas of accomplishment.

But most of us in the Senate who had the privilege of working with him will not remember him so much for his accomplishments as we will his capacity as a human being. He was a colleague and friend. We will miss him dearly. I join with my colleagues today to say that. His daughter Georgia and son-in-law John have been dear friends for many years. I talked to his daughter today. She indicated, again, how proud she was of her father and how strongly she feels about the expression of sentiment today from Members of the Senate about her father and her father's work. We will all miss him.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Madam President, it is with great sadness that I come to the floor today to speak about JOHN CHAFEE. I first met Senator CHAFEE standing in line to register for Harvard Law School in 1947. We had both returned from World War II and completed college and were freshmen in law school that year.

When you met JOHN CHAFEE in those days, you knew you were meeting a man. He was really an extraordinary man, very capable physically and mentally. I remember kidding him a little bit that he was going to have a tough time in one of our first classes because his uncle was the professor. His uncle, Zechariah Chafee, was one of the great professors of Harvard Law School in those days.

But JOHN CHAFEE finished law school, and then he went back to war. He went to Korea. He really never gave up his commitment as a patriot to this country because he then became the Secretary of the Navy under President Nixon. I think he served with great distinction here as one who had knowledge of what it means to have been in a war and was trying to assure peace.

He served with great distinction, as others have mentioned here today, on various committees of the Senate. It was not my privilege ever to serve with JOHN on one of the committees in the Senate; our paths were different. As a matter of fact, at times we disagreed. But I was chairman of the Senate Republican Campaign Committee the year he got elected.

He had a very distinguished record as Governor of Rhode Island, and he came to us with a unique approach, really, of a very straight thinking man. He was not bound by partisan politics. He had a Republican philosophy, but he had a commitment to this country that was very deep and one from which I never saw him waiver. I never saw him waiver from something in which he believed. He really didn't care if he was the only person voting the way he decided was the best to vote for his constituents and his country.

I sat here last week and talked to him. He was, as we all know, then in a wheelchair. I was very surprised to see JOHN in a wheelchair, for just 2 weeks ago today we had gathered together here, after the Senate recessed, a group of some 60 of our Harvard classmates, to be with JOHN after he had made his decision not to run for reelection next year. It was sort of a preretirement party, you might say, with the people he had known and still knew very well from throughout the country. It was a great tribute to JOHN, again as a man, because our colleagues came from the west coast, Florida, all over the country, to be with him and Ginny at his first retirement party. Sadly, it was his last because by Friday, when I saw him on the subway, he was again in his wheelchair and was quite despondent about his health at the time. It was sad to see him in that condition, knowing what a vigorous man he was and a great friend.

The Senate has been much better off for having JOHN CHAFEE for so many years because he brought us such an extremely broad scope of opinion from his own experience in life. He was a graduate of Yale, and then he went to Harvard Law School. That didn't happen much in those days, but he decided he would pursue education where his family had a presence. I think his work in the Senate has been extremely significant because of his background in law and his background as a marine. I know those who served with him when he was Secretary of the Navy swore by him as one of the best.

It is sad to see the passing of another one from my generation. When I came here, I think 70 percent of the Senate had served in World War II. I don't know if I am counting right, but I think we are down to about 7 now—about 7 percent. We see in his passing, really, the beginning of the end of an era, of the generation that fought the last great world war. One of these days, I am going to have to write that book of the story that was written by our generation. I have not done that. But if there was any person who ever served in this body who was a great, shining example of that generation, it was JOHN CHAFEE.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Madam President, this is a sad day for the Senate. I know a number of Senators have spoken in memory of Senator CHAFEE. I must add I really feel a sincere sense of loss today, and I know the Senate feels that collectively because we truly have lost one of our finest Members.

JOHN CHAFEE was a person who was not afraid to say what he thought about any issue that would come before the Senate. He had, to use the cliche, the courage of his convictions. He had the courage to stand up and say what he thought should be said on any issue, without regard for how it would affect the way he would be viewed by Members of the Senate or by the general public, but simply he felt compelled to say what he thought because he thought it was right and should be said and that was why he was here: to express his views, to try to be an influence in the process, to try to shape policies and legislation in a way he thought would be helpful and for the good of the country.

I admired him considerably and respected him enormously. He was a person of unquestioned character and integrity in every sense you can say those words. He was someone we could all look up to because of those traits, and we will miss him very, very much.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DASCHLE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Madam President, there is a great sadness hanging over the Senate today. I come to the floor to share in our personal thoughts and recollections of a wonderful man. We have all lost a dear friend. JOHN CHAFEE was an extraordinary man, someone respected and loved and admired on both sides of the aisle. I think all of us are stunned and deeply saddened by this loss.

JOHN CHAFEE was one of the most reasonable and, increasingly, one of the most respected and important voices in the Senate. The fact that his voice has been silenced is a loss not only to the people of Rhode Island but to the people of our country.

He was a public servant in the fullest and finest sense. He was a soldier, a State representative, a Governor, a Secretary of the Navy, and a Senator.

There aren't many people who have served or who are serving who dedicated themselves more to public life and to public service and did so with such integrity, such conviction, as did JOHN CHAFEE. Few will leave a more significant legacy.

It has been noted on the floor that JOHN was an accomplished wrestler in high school. Whatever talents he had physically, intellectually JOHN continued to wrestle with ideas throughout his life. Ideas mattered to JOHN CHAFEE. He didn't care whether they were liberal or conservative ideas, Republican or Democratic ideas. He didn't care whether they were his ideas or someone else's. JOHN CHAFEE loved ideas and wrestled with them daily.

There was certainly nothing doctrinaire about him. He was a man of deep political conviction and unusual political courage. It seems fitting that the last desk he occupied on the Senate floor was once used by another independent and equally principled voice: Senator Margaret Chase Smith.

His achievements in education, in the environment, on health care, on maritime issues, and for the people of Rhode Island will live on long after those of us who served with him are gone. As ranking member and as chairman of the Senate Environment and Public Works Committee, no one was more instrumental in passage of the major environmental legislation of the latter part of this century than was JOHN CHAFEE.

The clean air and water laws, the efforts he made on the construction of important public projects throughout America, were his ideas. They were his accomplishments. But it seems to me that of all of the bridges JOHN CHAFEE helped build, it wasn't a bridge across a river as much as it was the bridge that spanned political divisions that represents his greatest achievement.

JOHN CHAFEE knew how to build bridges. He built them here every day when he came to work. They spanned the divisions based on race and gender and ethnicity and income and generation and every other sort of arbitrary decision we all too often tend to make.

The blue-blooded son of a Rhode Island family, he was a man of uncommon gift and privilege. Yet he had such a common touch. He believed in the concept of noblesse oblige. He believed that to those to whom much is given, much is expected. And he kept that faith, that dictum.

In an interview with the New York Times in June of 1995, JOHN CHAFEE worried aloud about the possible effects of the cuts of Medicaid then being proposed. He said: There are not many lobbyists around here for poor children or poor women. Today, sadly, there is one less lobbyist in the Senate for poor women and children, one less leader, one less friend, one less advocate, one less giant.

It is right that we offer praise and admiration for JOHN CHAFEE today. He more than earned it. But it seems to me the best tribute we can offer our friend is to try to fill the considerable void he leaves now, to try, as he did, to build bridges instead of walls, to try a little harder to respect each other's opinions and see things from each other's perspective, to speak for the people and principles he championed so eloquently for more than 40 years as a public servant from the State of Rhode Island.

JOHN CHAFEE deserves at least that much from us. He was an extraordinary man. He was an extraordinary inspiration. Each of us can be proud to say we knew him and could call him our friend.

Our hearts and our prayers go out to Virginia and to all the Chafee children and grandchildren.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. HAGEL. I thank the Chair.

I wish to follow behind the distinguished minority leader, Senator DASCHLE, in his remarks about a great loss for the Senate and for our country; that is, the loss of the senior Senator from Rhode Island, JOHN CHAFEE. We have all lost a friend. We have lost a man of immense dignity, a man of immense courage.

I have had the privilege of serving in this body for almost 3 years. One of the individuals with whom I became acquainted early was Senator CHAFEE. As our friendship developed, he and I would talk about his service in World War II in the South Pacific, where it happens that my father served at the same time, same places, Guadalcanal, Philippines, Solomon Islands, Australia. My father served in the Army Air Force; JOHN CHAFEE served as a marine. CHAFEE never penalized my father for less service, being in the Army Air Force. If my father were alive today, he would be very proud of the friendship I established with JOHN CHAFEE. In fact, my father died when I was 16 years old. My father was just a day younger than JOHN CHAFEE.

We don't often have an opportunity to get to know our colleagues in intimate ways, in ways that show the younger Senators what has developed this amazing Senator, a Senator's Senator, but as you spend time with your colleagues, you appreciate how they were molded, how they were shaped, and why they had, in the case of JOHN CHAFEE, such an immense capacity to serve—as has been noted this afternoon, the illustrious career of this magnificent individual.

Let me share for a moment a couple of personal stories. When Senator CHAFEE and I were in Kyoto, Japan, in December of 1997, we were on the opposite sides of that issue. He used to say to me: HAGEL, you're a bright boy. One of these days you will understand what I am trying to teach you about the environment.

So after 4 days at Kyoto, I said to Senator CHAFEE: Why don't I take you to China. Senator CHAFEE had been to China a number of times, as I had been. So we went to China for 5 days, and I took him deep inside China where he had never been. We spent some time at fertilizer plants. On one occasion we were out in the field with a farmer in China, and he took a picture of me. Then he had a picture taken of both of us around a two-wheeled garden tiller. He had that picture framed when we came back to the United States, and he inscribed it and sent it to my office. It still hangs in my conference room. It says: To my friend, CHUCK HAGEL, just another typical day out on the Nebraska prairie with a Nebraska tractor. Signed, your friend, JOHN CHAFEE.

I am very proud of that picture, which will hang, as long as I am in the Senate, in my conference room. And whenever I leave this great institution, I will take that photo with me. I think he was always a little amazed that I was able to get us in to see the Premier of China during that trip. He asked me that night, after we were having dinner, how I did that. I said I used his name. He was quite astonished that his name would have that much appeal to the Chinese but actually the Chinese knew all about Senator CHAFEE.

It is rare that an individual leaves an institution so much better than he found it, as JOHN CHAFEE leaves the Senate; it is rare that an individual leaves the world so much better than he found it, as did JOHN CHAFEE. We shall miss him for his counsel, his wit, his friendship, but we will probably miss him most because he always elevated the debate. He did it with eloquence, elegance, and dignity.

As an old army sergeant, I sign off to a Secretary of the Navy, and I do so with great pride and great humility, knowing that we are all better off because JOHN CHAFEE touched us. We salute you, Secretary CHAFEE.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota, Mr. WELLSTONE, is recognized.

Mr. WELLSTONE. Madam President, I found out this morning, as many other Senators, that Senator CHAFEE passed away. I see the beautiful flowers on his desk. I have been in the Senate now for 9 years, and while I did not know Senator CHAFEE as well as some Senators here, I admired him. I think he was tough in debate. He had positions that he took on issues, but he was substantive. In a way, I think he was a model of what we are about because he was interested in the debate on the issues. He was always a civil, warm, good person.

Sheila and I were talking to support staff today and they were saying what a nice man Senator CHAFEE was. That is what they said, that he was such a nice man. I think Senator JOHN CHAFEE was a kind, decent, caring human being. He was a great Senator with a highly developed sense of public service for Rhode Island and for the country. I know we are going to miss him and the country is going to miss him. I want to extend my love, as a Senator from Minnesota, to Senator CHAFEE's family and to the people of Rhode Island.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina, Mr. THURMOND, is recognized.

Mr. THURMOND. Mr. President, I am deeply saddened to have to note the unexpected passing of our friend and colleague, Senator JOHN CHAFEE of Rhode Island.

I doubt that anyone expected that this week would begin by learning that Senator CHAFEE had been felled by a heart attack last evening. He was a man of relatively young age, great vigor and vitality. He was in his last year of a distinguished Senate career of almost twenty-five years, and I know he was looking forward to returning to Rhode Island to enjoy life with family and friends in what is a beautiful, coastal state.

Senator CHAFEE was a proud New Englander, and he exhibited many of the fabled characteristics of those who live in the northeastern region of our nation. He was a thoughtful man, as was demonstrated by both his consideration for others, as well as the careful examination he would give to the issues put before him. JOHN CHAFEE marched in lockstep with no one, he was guided by his principles and beliefs and by a firm conviction of what was right and wrong.

Though most of us knew JOHN CHAFEE from his tenure in the United States Senate, he was already a committed public servant long before he was elected to this chamber in 1976. As a United States Marine, he risked his life in two conflicts, World War II and Korea, and like so many of his generation, JOHN sought to make a difference through public service. He held office as a member of the Rhode Island House of Representatives, as Governor of Rhode Island, and as Secretary of the Navy under President Richard M. Nixon. Unquestionably, the experience he gained throughout his career was most beneficial to him as a United States Senator, for he always demonstrated a mastery and depth of issues that was almost unparalleled. Furthermore, JOHN was a gentleman, and no matter how heated the debate, one could always count on him to weigh-in with what was a considered opinion; and, more often than not, was one that reflected that famous common sense approach for which New Englanders are renown.

Through his work, Senator CHAFEE leaves an impressive legacy of legislation, and his contributions to this body and the United States will not soon be forgotten. For his wife Virginia, daughter Georgia, and sons John, Jr., Lincoln, Quentin, and Zechariah, he leaves an even more important and valuable legacy, that of a loving and devoted husband and father. We mourn for the loss the Chafees suffered, we mourn for the loss of our colleague, we mourn for the loss of a good friend and a good man.

The PRESIDING OFFICER. The Senator from Virginia, Mr. WARNER, is recognized.

Mr. WARNER. Madam President, 30 years ago this fall, I met JOHN CHAFEE. President Nixon had just been elected and he had appointed Secretary of Defense Melvin Laird. I aspired to be the Secretary of the Navy. Laird called me to his office and he said, "I want you to meet a very special person." Now, mind you, I had been closely associated with then-Vice President Nixon and worked on his campaign. Senator CHAFEE had been very closely associated to Governor Nelson Rockefeller. There was a little bit of a difference between Vice President Nixon and Nelson Rockefeller. I felt that I should be the Secretary of the Navy because CHAFEE hadn't been quite the supporter that I had been for these many years. But Laird said to me, "I am going to introduce you to a man that you will respect, work for, and end up loving." I will never forget that. And so late in November, the two of us were informed, and he became Secretary of the Navy and I became his Under Secretary.

We served under Melvin Laird for 3 years of the most difficult period of the war in Vietnam. Unlike myself, with very modest military service in the closing days of World War II and again in Korea, JOHN CHAFEE had been a rifleman at Guadalcanal. Those of us who had been privileged to wear marine green in the generation of the World War II era we knew full well that those who had served on the canal had seen the roughest of the fighting. It was referred to as the "old breed." Those who came in later years were never quite the same as the old breed.

In the many years that I had been with JOHN CHAFEE, very closely associated, I never was able to get out of him all the facts—to this day—about his service in Guadalcanal. One day just a few weeks ago, we were walking down the hall. I can't remember exactly the occasion, but we saw a Marine general who had medals from up on the shoulder all the way down to his waist. I said: JOHN, that is different than the old days, where occasionally a decoration was given in the Corps. It must be different today. He said, "Yes."

I said to him: Did you ever get a decoration besides the Purple Heart? He said: No; didn't deserve it; didn't get it. Mind you, he served on Okinawa, on Guadalcanal, survived, got malaria, went to Australia, recovered, was picked to go to officer candidate school, and served in officer candidate school. He became a platoon leader on Okinawa. He survived the kamikaze attacks going in, and the fighting in that battle was as rough as any of them. The Japanese knew they had their backs against the wall. It was very tenacious, very rough and tenacious.

He told me a few facts about those years. But then just a few years after World War II, surprisingly—4 or 5 years—suddenly we were in another war. We were in Korea. JOHN called up for active duty. I am sure he could have found a way not to have gone because he had served so much in World War II. But he went. When he reported for duty and went to Korea, he became a company commander. In the Marine Corps and in the Army, and the other services, that unquestionably is the toughest of all jobs, with 230-plus men depending on you, with a reinforced company, an infantry company, whatever it may be. But JOHN was there.

I remember not long ago the author of this book, "The Coldest War," came through and visited with JOHN and me. I had been in Korea, but I had been in an air wing as a communications officer. He used to joke with me about how I slept in the tent with a little bit of a stove, which was true, and he slept in a bunker out in the open. He always used to tease me. But in this book, they captured JOHN CHAFEE. The author discussed his bravery as a company commander and his love for his men—any man who served under JOHN CHAFEE—whether it was in the Marine Corps or, indeed, in this institution.

How privileged I was to sit just in front of my distinguished big brother in this Senate. Any man who served with JOHN CHAFEE inherited a great deal. I say that modestly. But we all profited so much from our personal association with this marvelous man.

I called former Secretary of Defense Melvin Laird and talked to him by phone. He sent me a short memo.

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Statement of Melvin R. Laird on Senator John H. Chafee

Our close and lasting friendship goes back for more than 45 years and will always be remembered. All of John's friends will remember his quick smile, his lack of pretense, his loyalty, his warm compassion, his good common sense judgment, and his special quality as a person. John, in every way, showed he cared about all of us, his Rhode Island constituents, and our country in a most wonderful way.

But his real love was his family. Ginny, most of all, was a very special love. John loved his children—Zechariah (Zach), Quentin, Lincoln, John Jr., and Georgia, and was a special grand dad to his many grandchildren. They will all miss him very much.

There were many unusual associations we had over these past 45 years—going back to Republican National Conventions, his service as Governor, his service as Secretary of the Navy, and his years in the United States Senate. His last interview in office occurred just last Friday with Dale Van Atta, who is working on a book on the Laird-Packard Pentagon Team.

I remember the call I received from John back in 1965 when he was the Governor of Rhode Island criticizing me for my planned attendance at a fund-raiser for my Democratic colleague in the Congress, John Fogarty. The Brick Layers Union had built a special library and so-called "outhouse" in John Fogarty's Rhode Island back yard. The dedication ceremony turned into a fund-raiser for Democrat John Fogarty and it upset John Chafee somewhat that I, as a Republican, was the speaker at the Fogarty building dedication and fund-raiser. I told John of the close working relationship John Fogarty and I had as the ranking members on the House, Education, Welfare and Labor Appropriations Committee. My advice to John was that the best thing he could do as far as his future political career in Rhode Island was concerned, was to be at the dedicatory program. John showed up and he never regretted his attendance.

I remember calling John in December 1968 and asking him to be Secretary of the Navy on the Laird-Packard Team in the Pentagon. There were many candidates suggested for this position—President Nixon had a candidate, as did Senator Dirksen (IL), Senator Hugh Scott (PA), Senator George Murphy (CA), and many others. Under the arrangement I had with President Nixon, it was my choice and I never regretted that choice—John Chafee was terrific!

John was an outstanding Secretary of the Navy. I hated to encourage him to leave the Pentagon and return to Rhode Island to prepare for a Senate bid, but knew that was his heart's desire. The responsibilities of Secretary of the Navy were turned over to his very capable Under Secretary, John Warner. We had a Change of Command ceremony at the Marine Corps base here in Washington and although we had a great replacement (our friend John Warner) there was much sadness in seeing John Chafee return to Rhode Island. We were all so very proud of his accomplishments for the Navy and our country, but sorry to see him leave the Pentagon. His election victories for the United States Senate followed.

His magnificent record in the United States Senate is known by all of you. John's leadership ability to forge a consensus on highly contentious issues of our times is unparalleled in the United States Senate. He will truly be missed.

Mr. WARNER. Madam President, Mel Laird was a great public servant, and he still is. He said about JOHN CHAFEE:

> Our close and lasting friendship goes back for more than 45 years and will always be remembered. All of John's friends will remember his quick smile, his lack of pretense, his loyalty, his warm compassion, his good commonsense judgment, and his special quality as a person.
>
> John Chafee knew who he was. He never had to boast, he never had to brag, he never stopped to take credit, because this man knew who he was. He had tremendous inner self-confidence and a tremendous ability to be self-effacing.

Laird goes on:

> John, in every way, showed he cared about all of us, his Rhode Island constituents, and our country in a most wonderful way. But his real love was his family. Ginny—

I talked to Ginny this morning at the crack of dawn. We exchanged a few words. Then we immediately recalled the happy days together throughout these 30 years—and laughter, for both of us, for a few minutes on the phone. She had the courage, like JOHN, to muster laughter in a moment such as this.

He loved his children—Zechariah, "Zach," Quentin, Lincoln, John Jr., and Georgia, and was a special granddad to his many grandchildren. They will miss him very much.

Yes, JOHN was a hero in every sense of the word. But he was the greatest hero to his family.

Laird goes on:

> There were many unusual associations we had over these 45 years—going back to Republican National Conventions, his service as Governor, his service as Secretary of the Navy, and his years in the U.S. Senate. His last interview in office occurred just last Friday with Dale Van Atta, who is working on a book on the Laird-Packard Pentagon Team.

That was the team JOHN and I joined 30 years ago.

For 2 hours I worked with JOHN last Friday setting up a hearing on the Environment and Public Works Committee, where I was privileged to be his deputy, second always in command. I will never be first. Even though he is not here, I will still get his orders. But we were there working last Friday.

Yes, he was a little less spry in his step as he was recovering from his operation. But we have to remember every day in this great institution that, yes, we have our debates, we have our differences, but the man or the woman to your left or right in this magnificent institution could be gone the next day by the will of God. I always think of that. We have to treasure and value every moment we have with each other in this great institution because it brings us together.

This paragraph in Laird's letter I am amused by:

> I remember calling JOHN in December of 1968 and asking him to be Secretary of the Navy on the Laird-Packwood Team in the Pentagon. There were many candidates suggested for this position—President Nixon had a candidate, as did Senator Dirksen, Senator Hugh Scott, Senator George Murphy, and many others. Under the arrangement I had with President Nixon, it was my choice, and I never regretted that choice—John Chafee was terrific.

There are so many. I think in the days to come I will seek the privilege of speaking again of JOHN CHAFEE solely for the purpose of introducing into the RECORD some marvelous statements. I worked with his personal staff today in collecting some of his statements and with the staff of the Environment and Public Works Committee. There are so many lives this great American touched.

He loved his work in the Pentagon for those 3 years because it brought into focus everything he had learned as a young marine on Guadalcanal, as the platoon commander on Okinawa, and as a company commander in Korea.

I remember one day so well. Laird called us up. Laird was short, got on that phone, and issued an order quickly. It was Saturday. Of course, we worked Saturdays. The war was on. Absolutely, we wanted to be there. It was our choice. It was a heavy burden and responsibility. We were losing tens of thousands of casualties every week.

We just finished this engagement in Kosovo casualty-free. In Vietnam, thousands of men and women were killed and wounded week after week. It is so hard to believe now. It is so hard to explain war to the current generation.

But anyway, Laird called up, and he said: You two guys go down to The Mall and give me a report on what is going on.

There was a demonstration down there. CHAFEE and I were dressed in our blue suits as worn by the Navy today. We stripped them down and put on some old khakis. We had some tennis shoes. He and I used to play a little squash in the Pentagon. We put on a couple of old T-shirts. We got into an old car. We had chauffeur-driven cars in those days. Forget them. We got in an old car and drove down to The Mall. I will never forget that sight. There were over 1 million young men and women, in a peaceful way largely, demonstrating against that war in the heart of the Nation's Capital on The Mall between this building and the Washington Monument and the Lincoln Memorial. There they were—1 million.

I could see JOHN was so terribly upset because it brought back the carnage he had seen in his previous military experience when the whole nation, every American, was solidly behind every person in uniform (abroad or at home). The Nation stood in solid support.

We went back to the Pentagon that afternoon, and we sat in Laird's office.

As I reminisced this morning, Laird had only been in office a comparatively short time and there was a lot of thought about how we were going to get America disengaged from that conflict, how we were going to stop the casualties. JOHN CHAFEE from that moment on became a very special counselor to the Secretary of Defense and, indeed, to the President on the need to bring that conflict somehow to a termination with regard to these losses. Over 50,000 young men and women were killed in uniform in that conflict in Vietnam.

Tough? Yes, he was a tough man. He was tough as they come. They used to say at Yale he was a wrestler; you will not get JOHN CHAFEE's shoulders to the mat; you will not get them to the mat. No one ever got them to the mat. I never did. I tried. I don't think in his distinguished career anybody in this great body ever did.

The interesting thing about that man, so full of courage and so full of toughness, I never heard him use a word of profanity, never a curse word. When JOHN would get upset and he was concerned about something, he would say: "Oh, dear." Remember that, colleagues? How many of you heard him say, "Oh, dear"? That was his way of saying, hey, we have a problem, but we are going to solve it. A remarkable man.

We will remember him for his modesty. I searched his web page: 40 years of public service condensed to one page. A modest man, never boasted. He had the self-confidence. I was asked, Who will take his place? Without thinking I simply said: No one. No one will take his place.

God bless you, JOHN, and your family.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Madam President, I thank our wonderful dear friend from Virginia for his very moving and eloquent personal comments about his wonderful friend, a friend of all Members, JOHN CHAFEE, whom we lost today.

Let me begin by expressing my deep sympathies to the CHAFEE family, to Ginny and the children and the grandchildren. I have come to know them over the years, being the neighboring Senator of the wonderful State of Rhode Island. I express to his family, the people of Rhode Island, and to his staff and friends and acquaintances over the years, what a terrible loss the death of JOHN CHAFEE is, to all who care about public service and care about this country.

The words of "scholar," "soldier," "athlete," and "statesman" I use quite frequently to describe people. But in the case of JOHN CHAFEE, each one of those words has special meaning. He was truly a great scholar as we know from his academic work at Yale and Harvard Law School. He was truly a wonderful soldier, as JOHN WARNER has recounted. If one did not take the time to discover the service JOHN CHAFEE gave to this country in both World War II and Korea, one would not know it if one solely depended upon JOHN CHAFEE to describe it.

JOHN CHAFEE saw service in uniform to his country as not an extraordinary action but one that any good citizen would engage in during a time of serious conflict. Certainly his service in the Marine Corps and the Pacific, and again in Korea, were remarkable periods of our Nation's history. He served our Nation so wonderfully well in that capacity.

He was also a great athlete. Captain of the Yale wrestling team in 1941, he went undefeated. He was also quite a squash player. My brother-in-law, Bernie Buonanno, is from Rhode Island. Bernie and JOHN CHAFEE were regular squash competitors in Providence. I heard great tales about the battles between my brother-in-law and JOHN CHAFEE on the squash courts. I know CARL LEVIN and JOHN WARNER and others play not very far from this Chamber. They have wonderful times there. He was always in great shape, always had a tremendous amount of energy he brought to his work in the Senate.

Last, he was a statesman. That is hardly last. I first got to know JOHN CHAFEE almost 40 years ago. I was a freshman in college in Providence, RI, when JOHN CHAFEE became Governor of the State of Rhode Island. He was elected with an overwhelming margin of 398 votes in that year. He went on in 1964 and 1966 to huge margins. At that time in Rhode Island, Governors only had a 2-year term. During my entire career as a college student, JOHN CHAFEE was the Governor of the small State of Rhode Island. What a wonderful reputation he had as a Governor of that State.

During the latter part of that term, the Vietnam war issue, which JOHN WARNER talked about, began to boil over on campuses. JOHN CHAFEE handled that leadership role as a Governor of his State with great style and with great leadership in terms of understanding the diverse constituency, even of a small State such as Rhode Island.

In 1976, as we know, he came to the Senate. I arrived in 1981 and had the privilege of serving with him for the past 20 years. We didn't serve on committees together. I never had the privilege of being a member of one of the committees of which JOHN CHAFEE was a member. However, he certainly led in so many areas, particularly in environment. There were few who were JOHN CHAFEE's peers when it came to their longstanding concern about being good custodians and guardians of this planet Earth. Certainly throughout his career on numerous pieces of legislation JOHN CHAFEE was the leader, the voice, that we all looked to when it came to deciding what path to follow as we tried to determine the best course of action, balancing the economic and environmental interests of our Nation.

The Presiding Officer knows this year, as someone who has been deeply interested in child care legislation, I lobbied hard to the Presiding Officer if she would be a cosponsor with me of my child care bill. I will never forget Senator COLLINS saying to me: I will go along with you on your bill on one condition. I am thinking, here it comes; what is the condition, some new provision has to be written in, some new amendment added. And she said: The condition is, if you can get JOHN CHAFEE to support your child care amendment, then I will join in your child care bill.

I talked to JOHN CHAFEE. I said: JOHN, if I can have your support, I can think of at least one or two, maybe four or five other Members of this body who will work with us on this issue. He gave his support to that issue.

This calendar year we have had four votes on child care amendments, and each has carried because JOHN CHAFEE decided to be a working partner on this issue.

That is another example of the kind of quiet leadership JOHN CHAFEE could give to an issue that was important to not only his constituents but to many across the globe and across this country, particularly.

The Presiding Officer, coming from New England, will appreciate this as well. We oftentimes find in antiques stores or flea markets the New England samplers. They are oftentimes framed. Home Sweet Home is the one with which most are familiar. There is another sampler we can find from time to time throughout New England. The sampler says: Leave the Land in Better Shape Than When You Found It. It is an old New England tradition. Our land was not particularly well suited to agricultural interests when that expression was coined; the rocky soil, the difficult winters make it hard to eke out a living. Each generation of New Englanders over the years has tried to clear another field, build another barn or shed, in some way make the land they pass on to the next generation healthier and better suited to serve the next generation.

JOHN CHAFEE was the quintessential New England statesman, in my view. He was not tight when it came to a dollar, but I called him a fiscal conservative when it came to budgetary matters. He was also a person who believed one ought to carefully invest capital in areas that would be critically important to the well-being of any enterprise. And in public life, investing in the environment of our country, investing in the educational needs, the transportation needs, seeing to it that all Americans have a chance to enjoy the wonderful opportunities of our Nation, and the Tax Code, are all wonderful examples of JOHN CHAFEE making wise investments, the wise New England approach to the well-being of our Nation.

So in many ways, JOHN CHAFEE epitomized, I suppose—for me, anyway—what a good Senator from New England ought to be. In many ways, as I think about that old sampler you can find in these bazaars in New England from Maine to Connecticut, "Leave the Land in Better Shape Than when You Found it," JOHN CHAFEE epitomized that simple expression.

Wherever he is at this moment—and I know he is with our good Lord and Savior—he will be looking down knowing—and he should know—that even for that brief amount of time, the few short years, 77 years, he had as a scholar, as a soldier, as an athlete, and as a statesman, JOHN CHAFEE truly left his State and his country and the world in which we live far better than when he found it. For the immense difference he has made, we thank him.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Madam President, I understand the junior Senator from Rhode Island is on the floor and would like to make remarks, too. I ask consent he be allowed to succeed my remarks in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Madam President, this morning I was actually in Lexington, KY, with my son and daughter and grandson. I think in a way that made me even more melancholy and mournful about this day and the loss of our good friend JOHN CHAFEE.

I started thinking about JOHN and his life. It made me realize that, day by day, in our regular duties, we go busily about our business and we do not stop, sometimes, to look at the beautiful surroundings, this historic building we are in. We don't stop, sometimes, to thank the staff member who has been particularly helpful to us. Also, sometimes we don't stop to think that we walk with men and women in this institution who have been giants in their lives. JOHN CHAFEE was one of those men. Sometimes we just forgot JOHN CHAFEE had done so much for his country, for his fellow man, for his State, and for his Nation. It was easy to do that because JOHN was not the kind of guy who demanded attention and demanded he be treated with reverence or any extraordinary respect. He was a soft-spoken gentleman, and he was truly a "gentle" man. The word fit him perfectly.

I was just talking to Senator WARNER, his good friend, his successor as the Secretary of the Navy. I never had quite thought about one other thing: JOHN CHAFEE was not one given to temper, not one given to profanity. He was just a dedicated, hard-working, good Senator for his State and for our country. So I believe we truly have lost one of the best servants we have had in the Senate in my time here, our friend

JOHN CHAFEE, the senior Senator from Rhode Island.

I first got to know JOHN CHAFEE some 30 years ago; it is hard to believe, I say to Senator WARNER, who was his deputy over there at the Navy Department. JOHN was the Secretary of the Navy. I had the occasion to meet with him as a staff member because there was a little disagreement between his State and my State about a Seabee base. But he was always so fair in all his dealings; it impressed me then. I didn't realize at the time that he had already been Governor and he had such a distinguished military career. There he was, the Secretary of the Navy.

Then, of course, he went on to be elected to the Senate. Only after I came to the Senate did I realize he truly was a war hero, a marine. He was very proud of it. He defended his country, and he was a highly decorated combat veteran. He served his people so well as Governor of that State, and he also served the people of that State as a Senator since 1976.

I have given a lot of thought about Senator CHAFEE today; also, the fact the last time I saw him and spoke to him personally, last Thursday, he was not feeling particularly well. He wanted to know if there were going to be any more votes. But he was staying right back here, waiting to see if he was going to be needed anymore, attending to his duties, even on Thursday night of last week.

I think it is belated but appropriate that we say a few kind words about Senator CHAFEE and his service. We extend our best to his wife Ginny and to his family.

By the age of 39, JOHN CHAFEE was already a combat veteran in two wars. You will not find it in his official biography, but he earned at least two Purple Hearts, among many other service distinctions. He had left his undergraduate studies at Yale University to first enlist in the Marines. He served in the original invasion forces of the Battle of Guadalcanal during World War II. Following that, he resumed his studies at Yale and went on to earn his law degree at Harvard.

JOHN was recalled to active duty in 1951, and while in Korea he commanded Dog Company, a 200-man rifle unit in the 1st Marine Division. Perhaps Senator WARNER has already recounted all of that, but it is such an impressive part of the man he was.

After 6 years in the Rhode Island General Assembly, including 4 years as his party's leader in the House of Representatives, JOHN was elected Governor of Rhode Island in 1962 by 398 votes—not one to waste any votes, or anything else for that matter. He was reelected in 1964 and 1966 by the largest margins in Rhode Island's history.

The newly-inaugurated President Nixon appointed JOHN CHAFEE to be Secretary of the Navy in 1969, a post he held for 3½ years. He was elected to his fourth term in 1994 with 65 percent of the vote. He was the first Republican elected to the Senate from Rhode Island in 68 years.

In the Senate, he rose to become chairman of the Environment and Public Works Committee where, once again, he worked very aggressively on issues about which he felt strongly. He was a Senator who really did care about the environment. But he tried to make it an issue where we reached across the aisle to each other. He wasn't interested just in making a statement or trying to drive up his ratings with one group or another. He wanted to get results.

I remember he came to me when I had first been elected majority leader in 1996. He said: I believe we can pass this safe drinking water bill. It had been stalled in the Senate and the House, and it was stalled in conference.

I said: JOHN, it's too late. We can't do it.

He said: If we come to agreement, will we get it up for a vote?

I said: If you can get Dirk Kempthorne and the others involved and get Democrats involved, and we can get a bill that will be good for America, to have safe drinking water, why, surely we will do it.

I think it was the last day of the session, but right at the end we got it done because JOHN CHAFEE would not give it up. He wasn't interested in making a statement. He was interested in getting a good bill for his country—Safe Drinking Water—a worthy cause and one of which JOHN CHAFEE was very proud.

Even recently, he was working on efforts that are certainly worthwhile and have been very difficult to bring to closure. The day will come when we will get a new Superfund bill, and when we do, we ought to dedicate it to the memory of JOHN CHAFEE because he has charged that mountain as a good marine, time and time again. We never have quite made it. One of these days we will top the crest, and we will all think about JOHN CHAFEE when we do.

He was an important member of the Finance Committee. He chaired the Social Security and Family Policy Subcommittee. Again, just last week I arrived late at a Finance Committee meeting before we went out to mark up a bill providing assistance for hospitals, nursing homes, and home health care, a bill that would put back some Medicare money as a result of the balanced budget agreement. It was about to come apart. The wheels were coming off. Senators were disagreeing. It looked as if what was going to be a bipartisan package, easily passed out, that had been crafted by the chairman, Senator ROTH, and the ranking member, Senator MOYNIHAN of New York, was going to fall apart right there in that little anteroom before we went into the Finance Committee meeting.

One of the last people to speak was JOHN CHAFEE. He said: Good work has been done on this; it is not everything we would want—typical of JOHN CHAFEE to say that—but it is a good step. We ought to do it. We ought to go out here right now, take this bill up, and pass it out of the Finance Committee.

Thirty minutes later, by a voice vote, with only two dissenting audible nays, we passed that bill out.

He did his part on the Finance Committee, too. He served as a member of the Select Committee on Intelligence, where he had a real interest in making sure about the intelligence capabilities of our country, to make sure we did not drop our guard in that area, and we started rebuilding our intelligence community after years of problems, going back, I guess, to the 1970s.

He was chairman of the Senate Republican Conference for 6 years, the No. 3 leadership position in the Senate.

In the Senate, we knew JOHN as a genuinely independent New Englander, respected on both sides of the aisle, who worked to bring opposing sides together for the common good. All of us regretted his decision announced earlier this year to leave the Senate, but it was characteristic of JOHN to work to the very end. He leaves behind 5 children, 12 grandchildren, and a legacy of a lifetime of service to Rhode Island and to his Nation.

If the Biblical quote ever applied to any Senator, this quote should apply to JOHN CHAFEE: Well done, thy good and faithful servant.

I yield the floor.

The PRESIDING OFFICER (Mr. FITZGERALD). The Senator from Rhode Island.

Mr. REED. Mr. President, I rise to join the majority leader and my colleagues in paying tribute to the senior Senator from Rhode Island, JOHN H. CHAFEE. I do so not only on my own behalf but on behalf of the people of Rhode Island, for they have suffered a grievous loss.

First, I extend my condolences to Mrs. Chafee and the Chafee family. Above all else, JOHN CHAFEE was a devoted husband, a devoted father, and a loving and caring father and grandfather. Indeed, his family is a living tribute to his remarkable life.

This is a personal loss to his family, to his friends, to his colleagues, but it is also a personal loss to the people of Rhode Island. For over 40 years, he has played a central role in the life of our State, and Rhode Island is a special place for many, many reasons, but it is a special place in particular because it is a place where everyone knows everyone else, and literally every Rhode Islander knew Senator JOHN H. CHAFEE.

If you had to ask Rhode Islanders what they felt and thought about this man, one word would come quickly to their lips: respect. This respect transcended party politics, social position, every category that we ascribe, sometimes arbitrarily, to people.

This respect was a function of a recognition, first, of his qualities as a man. He was a man of integrity, intelligence, tenacity, and fairness. He was a gentleman. When I arrived in the Senate—and previously as a Member of the other body—he treated me with graciousness and cooperation and help, and I thank him for that from the bottom of my heart.

The respect which Rhode Island holds for this great man is also a function of his selfless service to the Nation. He began that service as a young marine on Guadalcanal. He spent his 20th birthday there. JOHN CHAFEE, the son of privilege, could have found an easier way to serve his country during World War II, but he chose the very hardest way, so typical of the man. He chose to go ashore with the invasion force of Guadalcanal at a time when it was not clear we would prevail. It was only clear we would give everything to win, and JOHN CHAFEE was prepared to do that for his country, for his community, indeed, for decency throughout the world.

Later, after serving in World War II and going back to law school, he was ready to assume the privileges and the rights which such service won him. But another war beckoned, and characteristically, JOHN CHAFEE heard the summons of that trumpet and went to Korea to lead a marine rifle company. Again, he could have found less dangerous assignments but, once again, if American sons were at risk, JOHN CHAFEE would lead them.

After his service in the Marine Corps, he did return home, finished his law school studies, and came back home to Rhode Island. He served as a member of our general assembly with distinction, and in 1962, he was elected Governor of our State, clearly the most Democratic State in the country, but through arduous campaigning and through his personal qualities, he was elected by over 300 votes. Not a landslide, but enough to give him a chance to serve the people of Rhode Island, and serve he did.

Long before it was popular and chic to be an environmentalist, JOHN CHAFEE was an environmentalist. With innovative visionary legislation, he began our State's acquisition of open spaces so our quality of life would not be diminished by economic development. In fact, long before many others, he recognized that a good economy and a good environment not only can go hand in hand but must go hand in hand. This was the early sixties, long before Earth Day, long before the organized environmental movement, but he knew in his heart that quality of life was important to maintain. He knew also that our environmental legacy is a gift from God which we must revere, we must cherish, and we must pass on. And he did so.

He was also a builder because it was this time in our history that route 95 was being developed right through the heart of Rhode Island, and he was there. In fact, he joked that it was a great opportunity for a Governor because every time they completed 2 or 3 miles of interstate, he could hold a press conference and talk about the progress. But it was something that was close to him, not because of notoriety, but because he saw this as a way to improve the economy of Rhode Island, to link us more closely to the national economy. Indeed, even up to his last days, he was working to improve the infrastructure, particularly the transportation infrastructure of Rhode Island, a mission he began as our Governor more than 30 years ago.

As my colleague, the senior Senator from Virginia, pointed out, he served with great distinction as Secretary of the Navy. After his family, his State of Rhode Island and the Marine Corps were his great loves. These two passions—his State and the naval service—helped mold his life and, indeed, he in turn helped mold these great institutions—our State and the naval service.

He served with distinction at a time when the Navy was being stretched, the tumult of Vietnam was spilling out into our streets, and still we had to fight a superpower adversary in the form of the Soviet Union. He served with characteristic vision, innovation, and distinction.

He was then elected to the Senate, and for four terms he has shown us all what it is to be a Senator. In fact, it is characteristic that Senator JOHN H. CHAFEE literally died on active duty serving his Nation and serving his State as a Senator. He spent his whole life in service to the Nation.

The respect for Senator CHAFEE also emanated from the recognition that he always had an unswerving commitment to principles. He was schooled in the hardest test: Always do the harder right rather than easier wrong.

There are extraordinary numbers of examples to attest to this dedication of principle. I can think of several, but let me just suggest that, again, before so many people took up the cause of gun control, Senator CHAFEE stood solidly to control the violence in the life of America, to reasonably restrict access to weapons, to ensure that the lives of our children are protected.

I can recall being with him at a rally he organized in Providence, RI, where he had Sarah Brady come in. We were literally enveloped by a large group of counterdemonstrators with bullhorns, pressing in on us, trying to literally disrupt this rally to control guns in our society.

But anyone who waded ashore at Guadalcanal and fought in Korea was not easily intimidated. And he was not. He not only stood his ground that day, but he stood his ground every day to try to argue for more sensible rules with respect to handguns. And that is just one example of where he did, in some respect, the unpopular thing because it was the right thing to do.

This respect also emanates from the recognition by my fellow Rhode Islanders that, more than so many others, he always sought to find the common ground that would bring different groups together, that would result in progress, both in terms of legislation but more importantly progress in terms of the lives of the American people.

He was a pragmatist. He was committed to advancing the well-being of his constituents and the people of this country, and, indeed, the people of the world. He was always looking for practical ways to do that. He was wedded to the strong principles of the Constitution. But he was able to find ways, through the details, to advance those principles, to bring others aboard, to move forward.

When he became impatient, it was an impatience borne of the distractions that we sometimes find ourselves in in this institution and the posturing that we sometimes find ourselves in in this institution—because he was here to do the job of the people of Rhode Island: To improve their lives, to give them more opportunities, to give them more freedom, so they can use it not only for their advancement and the advancement of their children but the advancement of this great country.

He had a special concern for children and those Americans with disabilities. It was a concern that he did not trumpet about, but it was a concern that resonated throughout his entire legislative career.

Today, we have done much to ensure that the poorest children of America have health care through our Medicaid Program. And that was the handiwork of JOHN CHAFEE—not through press releases but through the hard work of legislation, the detailed intricacies of the Internal Revenue Code, and the Social Security laws. He expanded coverage because, while others would be disheartened by failure of comprehensive reform, he dug in and every day advanced the cause of health care, particularly for children in this country.

He always had a special place in his heart and in his service for disabled Americans. I know that because the disabled citizens in Rhode Island revere and treasure this great man for what he has done—again, long before public acclaim or public notoriety. And why did he do it? Because it was the right thing to do.

In March of this year, Senator CHAFEE announced he was leaving the Senate and going home. Last evening, he began that final journey home—

home to Rhode Island, a State made infinitely better by his effort and example, a place that mourns but will forever revere his service and take pride in his achievements and inspiration from his life.

In the words of the Poet William Butler Yeats:

> The man is gone who guided ye, unweary,
> through the long bitter way.
> Ye by the waves that close in our sad nation,
> Be full of sudden fears,
> The man is gone who from his lonely station
> Has moulded the hard years. . . .
> Mourn—and then onward, there is no returning
> He guides ye from the tomb;
> His memory now is a tall pillar, burning
> Before us in the gloom!

Senator CHAFEE will allow us to mourn, but insist that we move forward to do the unfinished work, which is the hope and promise of America. And with him as a guide we shall. And he would want it that way.

I yield the floor.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

DEATH OF THE HONORABLE JOHN H. CHAFEE, OF RHODE ISLAND

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 206, and I ask that the resolution be read.

The PRESIDING OFFICER. The clerk will read the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 206) relative to the death of the Honorable JOHN H. CHAFEE, of Rhode Island:

S. RES. 206

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable John H. Chafee, a Senator from the State of Rhode Island.

Resolved, That Senator Chafee's record of public service embodied the best traditions of the Senate: Statesmanship, Comity, Tolerance, and Decency.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the deceased Senator.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 206) was agreed to.

Mr. LOTT. I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I join with my colleagues to express our profound sorrow at the loss of a dear friend and an outstanding Senator. JOHN CHAFEE was probably the finest gentleman ever to serve in this body. We offer our sincerest regrets, our sympathies, and our prayers to his family.

I stopped by his office today and expressed my sense of loss to his staff. We express, collectively, our deep sorrow to the people of Rhode Island, but, beyond that to the people of the entire Nation who in many different ways, in many different areas, were served so well by JOHN CHAFEE throughout his career.

We have just heard very eloquent remarks from the majority leader and his colleague from Rhode Island, summarizing some of the many things that JOHN CHAFEE has done. It would take several volumes of the CONGRESSIONAL RECORD to go through his list of achievements and the things that he has done for the least among us to further the causes in which he felt so strongly.

But I rise today to express gratitude and to celebrate the legacy that he left us. If you had to ask somebody: Who is the most decent person that you know of in politics? chances are, JOHN CHAFEE would be at the top of that list. He was a man, as has been said, who had very strong feelings.

He fought hard for principles, but he fought so with unfailing courtesy, with compassion and kindness and consideration for others who had differing views.

I had the privilege of working with him on a health care task force in 1993 and 1994. I sat in a room and listened to him bring together people of very strongly opposing views. Always, without fail, he guided the discussions away from bitterness, away from harshness, into constructive channels.

I was pleased to work with him on environmental and public works issues. And he was a great leader of a committee that has very contentious issues. He worked together with his leadership. We made progress, sometimes in areas where people thought progress could not be made.

I followed his work on so many issues affecting health care and children from his position in the Finance Committee. He was there to move not just this body but the country forward in assuring that we would meet the needs of children. Whether it was Medicaid for poor children or the foster care bill that he was recently championing, he was always looking out for those in need; but he did so in a manner that is a good lesson for all of us.

When somebody got carried away and attacked him, perhaps a little too strongly, he turned it away with a warm smile and understanding. When views got very heated and the arguments got passionate, he would calm it down with a kind word and steer the discussion and the debate back in a constructive pattern.

When some of us had personal reverses, JOHN CHAFEE was there quietly, as a friend, to lend support, to lend encouragement, and to let us know that we had a friend, somebody who cared for us. If there is one thing I hope this body will remember, it is that record, that unfailing, consistent pattern of being, first and foremost, a concerned human being who was a dear friend.

I hope that legacy can guide this body, that all of us can strive to emulate his service, his compassion, and his caring. As our thoughts and prayers go out to his family, his loved ones, and to all who will miss him, I hope we will remember and hold high those principles which he not only espoused but he lived.

I am from Missouri. One of our slogans is: Show me. JOHN CHAFEE's life showed us every day, every hour in this body what a fine human being can do to move the process of government forward on a constructive path. I only hope we can hold dear and remember those lessons he taught us.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLLINS. Mr. President, with JOHN CHAFEE's passing, the Senate has lost a great leader, Rhode Island has lost a great Senator, and I have lost a great friend.

This afternoon I had the honor of presiding over the Senate and was able to hear firsthand the tremendous outpouring of affection and respect and sadness from my colleagues, as they came to the Senate floor one by one to pay tribute to this remarkable man. Indeed, Senator CHAFEE's legacy exceeds that for which any of us could have wished. He has been a leader in his commitment to children, to improving health care, to preserving our environment.

I wish to talk for just a few moments about what JOHN CHAFEE meant to me personally. From my very first day in the Senate, JOHN CHAFEE took me under his wing. He was always there for me. He encouraged me. He taught me the ropes. He guided me, particularly on contentious issues. He was always a steady voice of reason. He taught me how important it was to reach across the aisle to attempt to achieve a consensus, compromises based on common sense. Indeed, he very quickly enrolled me in one of his favorite projects, and that was the Centrist Coalition, which he chaired, along with our colleague from Louisiana, Senator JOHN BREAUX. Together this group of about 20 Senators would meet periodically to hash out contentious issues, to try to achieve a compromise on budget and other important issues of the day. Always we were guided by JOHN. JOHN had a tremendous ability to pull people together, to bring out the best in everyone.

I also have so many other warm, personal memories of my time with JOHN and his family.

Many of my colleagues may be unaware that JOHN had tremendous ties to my home State of Maine. His family for generations had a home there in Sorrento. His father had lived in Portland, ME, and had owned a business in Saco, ME, in the southern part of the State.

I visited JOHN's home in Sorrento, and he very proudly took me all over the community, telling me of his favorite spots, taking me for a ride in his motorboat. He loved Maine, almost as much as he loved his beloved home State of Rhode Island. He was a New Englander through and through. He brought a sense of integrity and principles to the debates of the day, and he had a sense of pride in his native region of New England. In many ways, he was a Senator for all of New England. I know we always used to joke that he was the third Senator from the State of Maine.

As I got to know JOHN, his wife Ginny and their children, I became more and more impressed with the tremendous accomplishments of this remarkable individual. But these accomplishments you never heard about from JOHN CHAFEE himself; he was far too modest to ever blow his own horn. Little by little, I learned from his family and his friends of his heroic wartime service, for example, as well as his tremendous legacy as a superb Governor, his service as Secretary of the Navy, and, of course, his service in the Senate.

I remember once talking to his daughter, Georgia. I said: Your father has this tremendous background and people don't know about it because he never toots his own horn. He doesn't tell people of his accomplishments. He is too modest to do so. I remember Georgia saying back to me, yes, truly her father's lifetime could fill up at least one book, but that he would never be the one to write it.

I hope, by our tributes to him today and in the days to come, we will help to write that book so all of America may know what a great man, what a great Senator, what a great friend JOHN CHAFEE was.

I am honored to have known him. The entire world has been enriched by his service.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I first met Senator CHAFEE in December of 1984. We had a small incoming Republican freshman class that year. It was the Senator from Texas, Senator GRAMM, and myself. Senator GRAMM was already a national figure. He had burst onto the stage in his home State of Texas and had served in the House of Representatives for awhile. I had been in local government. Frankly, I didn't know many people, and it was sort of a lonely first year in many ways.

I met JOHN CHAFEE in the Old Senate Chamber. That is where we had rather spirited elections for leadership in December 1984. The one most people noticed was Bob Dole being elected Republican leader to replace Howard Baker. But also on that day, Senator CHAFEE was elected chairman of the Republican conference, as I recall, by one vote. I think JOHN getting elected chairman of the Republican conference by one vote kind of summed up the odds he was frequently up against, not only in our conference, where he was one of the most moderate Members and frequently at variance with the majority of the conference, but he was a survivor because people recognized his personal qualities.

I don't know a great deal about Rhode Island, but I am told only 8 percent of the people of Rhode Island consider themselves Republicans. Someone earlier today described it as the most Democratic State in America. I suspect that is true. And yet we had here a man with such enormous personal qualities that he was elected Governor multiple times and served in the Senate from 1976 until his death. Clearly, there was something special about JOHN CHAFEE that people came to recognize and understand.

Most of the causes JOHN pursued were, shall I say, not particularly good for the Commonwealth of Kentucky. He always thought it would be a good idea to raise cigarette taxes. Well, as you can imagine, the State has an enormous number of tobacco growers. That was rarely something I was enthusiastic about. Also, at least part of our State of Kentucky is in the Tennessee Valley Authority. JOHN always thought the TVA was something that ought to be terminated, and I must say over a period of years, having watched TVA operate, I am more and more open to JOHN's views on the matter, although I haven't gone quite that far.

Other speakers have said it, but I think the hallmark of JOHN CHAFEE was the fact you knew no matter what he said and did, it was based upon a great sense of objectiveness. He operated with enormous personal integrity and clearly was one of the most popular Members of the Senate. He always had an open mind. He was willing to revisit an issue.

For example, just last week, in a rather contentious debate that we frequently have around here on campaign finance reform, JOHN, whose views were fundamentally different from mine on the subject, actually ended up agreeing with me on one of the proposals we had before us. It was a tribute to his willingness to revisit an issue, or at least part of an issue, where he had a longstanding commitment. But he took a look at a particular version that we had before us and reached a different conclusion.

At the beginning of this Congress—we have our desks here on the floor on a seniority basis—I had finally been around here long enough where I moved over in the area where a lot of senior Members are. JOHN was right here, two desks over. I think it was really during the impeachment hearing, when we were all here so much of the time and I felt I got to know JOHN even better. We were frequently talking, both in the cloakroom and out here on the floor, during that very difficult time.

It is hard for me to imagine a finer human being than JOHN CHAFEE, who was an effective Senator, an outstanding Senator, and really a fine human being. So we celebrate his remarkable life, which others have spoken about—from his courage under fire in World War II and again in Korea, to his exemplary service to the Nation in the U.S. Senate. So I say to you, Ginny, and to all the family, we share your grief. We will miss JOHN more than words can express. Not only have you lost a husband, but the Senate has lost a great Member, and America has lost one of its finest statesmen.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina, Mr. HELMS, is recognized.

Mr. HELMS. Mr. President, this is a sad afternoon for all of us. Senator CHAFEE and I had been seatmates for nearly a decade. I can testify that never once during those years did he comport himself in the slightest manner to diminish his image—which was widely held—as a perfect gentlemen and a dedicated American. His whole life was such.

He was a man whose dedication to his wife and family was demonstrable in everything he did and said. Often were the times that we exchanged tidbits of news about his family and mine; we talked a lot about those whom we love.

I was one of the many Senators who, with some frequency, did not agree with some of JOHN's votes. And you know, it is a funny thing, Mr. President, he disagreed with me the same number of times but always pleasantly. I never doubted that he was genuine, honest, and sincere in all that he did and said as a Senator and as a human being.

I never once heard him speak a harsh word about anyone, and I never was aware of his losing his temper. He may have, but I never saw it.

Mr. President, JOHN CHAFEE was a thoroughly decent and unfailing gentlemen who was respectful of the opinions and judgments of others but unyielding in his own opinions. That is the way it is supposed to be around here.

Did I like JOHN CHAFEE? You bet. Did I respect his quiet independence? Of course. Like the good U.S. Marine that he was in World War II, he was demonstrably willing to give his life for his country and to serve his country in other capacities, such as Secretary of the Navy.

I shall miss his sitting next to me; I shall always remember our agreement to nudge each other when the rhetoric in this Chamber caused heads to begin to nod, which frequently happens when some long-winded speaker takes up a lot of time, which I am not going to do at this time.

JOHN CHAFEE was a friend whom I shall forever miss, and Dot Helms and I extend our deepest sympathy to JOHN's dear wife, Virginia, whom I admire greatly, to his five children, and all of his splendid family which he loved so dearly.

One final personal note. I know how the staffs feel; he had two of them—his personal staff and the committee staff. I know exactly how they feel this afternoon. I extend my sympathy to them as well because I have been there and I have done that. I served as an administrative assistant to a distinguished U.S. Senator in the early '50s, and he died unexpectedly; he had a heart attack. I remember the helplessness that all of us felt. Coming here to make these remarks, I rode over on the underground trolley that connects the Dirksen building with the Capitol. In the car with me was one of Senator CHAFEE's staff members. He was sad, and I told him that I knew exactly how he felt. It is not a good day. But it is so good that all of us, the staff members, his friends and family, were able to know and be with JOHN CHAFEE.

Mr. President, I ask unanimous consent that the "Thoughts From Senator CHAFEE's Staff" be printed in the RECORD.

There being no objection. The material was ordered to be printed in the RECORD, as follows:

THOUGHTS FROM SENATOR CHAFEE'S STAFF

Working for Senator Chafee was not a job, it was an honor, and a great one at that. Each and every one of us—on the personal staff in Washington . . . the Environment Committee staff . . . and in the Senator's Rhode Island office—felt privileged to be advancing his legislative priorities, his values, his vision of government and public service.

In the many wonderful tributes that have been paid to Senator Chafee, his concern over issues such as the environment, health care, civil rights, and gun violence have been highlighted. He also cared deeply about our nation's economic future, and its impact on generations to come. Senator Chafee cared about these issues because of their implications for people generally, but, more specifically, for the most vulnerable members of our society—children, the disabled, the frail elderly, and the low-income. His guiding motivation was the importance of human dignity, and the belief that government could make a positive difference in people's lives.

His sense of public spirit was infectious, and we have all learned a great deal from him. But more important than any lesson in civics is the example he set for all of us about how to conduct our lives: listen to both sides; do what's right; and even if you don't prevail, be of good cheer; and always look for the good in people.

The PRESIDING OFFICER. The Senator from Massachusetts, Mr. KERRY, is recognized.

Mr. KERRY. Mr. President, I join my colleagues in expressing our great sorrow for the loss of JOHN CHAFEE. He was a really remarkable, special soul, a very gentle person, who nevertheless had a will of steel. He was, in many ways, sort of an archetypal New Englander, for those of us who come from that part of the country. There was a great quality of independence, a great ability to march to the beat of his own drummer. He did that. I think that in very special ways he was one of the bridges in the U.S. Senate.

I first crossed paths with JOHN CHAFEE back during the Vietnam war. I am proud that his signature is on my medals. We talked a lot about that after I came back. He had the great capacity to reach out across the aisle. I recall this summer, as a matter of fact, how he came up to me one evening and said, "I am a bachelor; Virginia is not here." My wife, Teresa, wasn't here at the time. He said, "Let's go to dinner." So we went down to the Metropolitan Club, where I heard some other colleagues say he often went to dinner. We just sat and talked a lot about life, about war, about his experiences; and all the divisions of the Senate sort of melted away because of his gesture. But it was not strange for JOHN to do that. Those of us who worked with him over the years here know that he was always reaching across the aisle trying to build a bridge, trying to pull people together.

I remember when we were in the throes of a fight over the clean air amendment in 1990. There were great meetings in the room back here with George Mitchell. JOHN CHAFEE, Senator Mitchell, and a few others with great calming voices, were reaching out trying to pull people together and find a path of common sense. That is really one of the great legacies, the commitment that produced that amendment and also produced a whole host of advances with respect to the environment.

I traveled with JOHN to Rio. We were part of the delegation for the Rio conference when we had that huge summit.

I traveled with him again to Kyoto. I remember one very peaceful moment when we snuck away to a beautiful Japanese garden. He was busy looking at the architecture, experiencing the remarkable peace of that place, and laughing at the fact that he had stolen away from a conference for a few moments to do so.

JOHN was one of the great calming influences in this body, a man of extraordinary common sense, a person who always tried to stand for principle—not for party, not for ideology, but for what was best for the State, best for the country, and best, in his judgment, for families and for the future.

He was passionate about Rhode Island, and passionate about the country. And in the end, I think his legacy will be measured not only by the legislation that he worked on, not only by his remarkable efforts to help us get a health care bill in 1993 and 1994, but meetings which I will forever remember in his hideaway where he brought people together trying to forge a centrist plan, which, ultimately, I might add, helped pave the way for Kennedy-Kassebaum and for other things that we have contemplated.

But he understood what his course was. He had a great sense of who he was, of what this place meant to him, and what all of us could achieve. He always placed those aspirations on the table as directly and as honestly as anybody I know in the Senate.

JOHN was also a warrior—a great warrior. Underneath the remarkable, docile, and temperamental person that we grew to know, there was really this other person who knew how to fight for country and for things that were bigger than him. He did so at Guadalcanal, he did so in Korea, and he did so in a remarkable way.

I will always remember Col. Terry Ball—he became a general, and he is now retired, just recently, about a week or two ago—telling me of the remarkable journey he took with JOHN, a journey he talked to JOHN about before he took it, to go back and visit in the South Pacific those great places that he was part of with the Marine Corps.

I remember reading William Manchester's book, "Return to Darkness." In many ways, that was the journey JOHN went on when he went back there to revisit those places where he had served with such distinction but where he also knew such a profound loss.

This past summer, we shared another great moment together. We had the privilege of joining the Secretary of the Navy on the USS *Constitution* at Boston Harbor for a dinner. He was there with his family—the greater part of his family. It was a dinner in honor of JOHN and his service. A number of us went up there to share that evening.

I must say the sparkle in his eye at being aboard the ship with the flags raised, the colors presented, with his presentation of a walking cane from the *Constitution* itself, the sparkle in his eye that evening is something I will always remember.

I will never forget his passion for the Armed Forces, and particularly, of course, for his beloved Marines.

The Marines have their motto semper fi, "forever faithful." It is clear that motto was the guiding light of JOHN's life—forever faithful to his family, to his love, Virginia, to his children, his grandchildren, to the Senate, to his State, and to the principles which guided them.

He is really Mr. President, with all respect for all of our colleagues, the kind of person in this great institution who is worth emulating. I hope there will be others such as him in the future.

I yield the floor.

Mr. CAMPBELL. Mr. President, while traveling to Washington today from my home in Colorado, I learned the sad news that our colleague, Senator JOHN CHAFEE, passed away last evening from heart failure. It is with deep sadness that I pay tribute today to this statesman, a great American, and my friend.

JOHN CHAFEE was born in Providence, Rhode Island, and graduated from Yale University and Harvard Law School. He left Yale to enlist in the Marine Corps when the United States entered World War II, and then served in the original invasion forces at Guadalcanal. He was recalled to active duty in 1951, and commanded a rifle company in Korea.

JOHN served for six years in the Rhode Island House of Representatives, was elected as Rhode Island's governor in 1962, and was reelected in 1964 and 1966.

In January 1969, JOHN CHAFEE was appointed Secretary of the Navy, and he began his career in the United States Senate in 1976. He was reelected to a fourth term in 1994, with 65 percent of the vote, and was the only Republican to be elected to the U.S. Senate from Rhode Island in the past 68 years.

JOHN CHAFEE has been a leader in the Senate and indeed the nation to improve the quality of our environment. As an effective Chairman of the Environment and Public Works Committee, JOHN built a strong legislative record for clean air, clean water, conservation of wetlands, and preservation of open space.

He also will be long remembered for his tireless efforts as a senior member of the Finance Committee to expand health care coverage for women and children and to improve community services for persons with disabilities.

I extend my condolences to JOHN's wife Virginia, their five children and twelve grandchildren.

I will miss my friend and colleague, Senator JOHN CHAFEE of Rhode Island.

Mr. SHELBY. Mr President, I join my colleagues today in mourning the loss of our colleague, JOHN CHAFEE. JOHN was a good and honorable man who served his state and his country with distinction. A devoted public servant and Member of this body for 23 years, Senator CHAFEE's influence extended beyond the aisles and transcended partisan rhetoric. His accomplishments as a lawmaker and his unquestionable influence among his peers stand as a testament to his ability.

Senator CHAFEE will long be admired and remembered for his devotion to this country both as a soldier and public servant. His distinguished service in the military, including serving in the Marines at Guadalcanal and commanding a rifle company in Korea, were indicative of the man who would never shy away from duty or responsibility. His record as a legislator, governor, and senator in Rhode Island indicate the amount of trust the people of Rhode Island put in JOHN.

Although political views may vary from person to person, it is easy to put these differences aside and to recognize men of strong character and integrity. These are qualities which were abundant in JOHN, and his steadying influence in the United States Senate will be truly missed. My thoughts and prayers extend to his family and all those whose lives Senator CHAFEE touched.

THE LATE FREDERICK "RICK" HART

Mr. THURMOND. Mr. President, one of the most unpleasant tasks we carryout is to come to the Senate Floor in order to mark the passage of friends who have died. Today, it is my sad duty to share my memories of a man who was not only a valued friend, but one of the nation's treasures, Mr. Frederick "Rick" Hart, who passed away unexpectedly in August.

All recognize that Washington is the capital of the United States, and almost all also recognize it as a beautiful city, with impressive, inspiring and humbling architecture and monuments. People from all over the world travel to the District of Columbia to see and visit places such as the Capitol, the White House, the Vietnam War Memorial, and the National Cathedral. Through their explorations of Washington, millions of people have been exposed to, and moved by, the art work of Rick Hart.

Rick Hart was one of the world's most talented and appreciated sculptors who created many impressive pieces during his career, but it is two pieces in particular with which visitors to Washington are most familiar. Though they may have never known that these two pieces were created by Rick Hart, countless individuals have been taken by the "Creation" at the National Cathedral and "Three Soldiers" at the Vietnam War Memorial.

It is appropriate that one of Rick's most famous sculptures is to be found at the National Cathedral, for it was there that he began his career as an apprentice stone carver, working on the gargoyles that adorn the gothic structure. From the beginning of his involvement in art, it was obvious that Rick was a man of tremendous talent and creativity. This was proven unquestionably when at age thirty-one his design for a sculpture to adorn the west facade of the Cathedral was picked after an international call for submissions.

One decade after his design for the National Cathedral was accepted, his emotion evoking sculpture of "Three Soldiers" was dedicated in November of 1984 as a supplement to the Vietnam War Memorial. It certainly must have been a challenge for this artist to go from creating a work that helped to express the glory of creation and God with a work that stands as a reminder to those who served and died in Vietnam. Not surprisingly, Rick rose to the challenge and sculpted what has become one of the most recognized and respected military sculptures in the world, and one that helps to pay appropriate homage to all those who participated in that conflict.

All that Rick accomplished in his life is that much more impressive given his humble and hard beginnings. Born in Atlanta, Georgia, Rick lost his mother at an early age and was reared in rural South Carolina for much of his young life, until he and his father moved to Washington. Rick was a bright man with both his hands and his mind, and his exceedingly high Scholastic Aptitude Test scores allowed his entrance in college at the young age of sixteen. Just as many who have been born and raised in the South have done, Rick chose to return "home", and he enrolled in the University of South Carolina as a philosophy student. Rick's higher education also include studies at the Corcoran and American University, where ironically, he was scheduled to give the commencement address at next year's graduation and to be awarded an honorary degree.

My chief of Staff, R.J. "Duke" Short, his wife Dee, and our good friend Harry Sacks have been friends of Rick for many year, and it was they who introduced me to Rick back in 1995. Rick generously and graciously volunteered to create a bust of me which has been donated to he United States Senate and is on display not far from this Chamber, in Senate-238, also known as "The Strom Thurmond Room." In order to script by bust, Rick and I spent a considerable amount of time together. Rick was a warm, outgoing, and humble man and it was obvious that creating works of art was a passion for him.

Though still very young, only in his fifties, Rick suffered a serious health setback last year when he was felled with a stroke. Strong and vital, Rick was making an impressive recovery when he was admitted to Johns Hopkins Hospital in August to be treated for pneumonia. Tragically, doctors discovered that his body has been overtaken by cancer and he had quite literally only days to live. His death was sudden, unexpected, and tragic, and has left all of us pondering how someone so vital could be taken at such a young age. His passing saddens all who knew him and his death leaves a tremendous void in the American art community. My condolences and sympathies are with his wife Lindy and sons Alexander and Lain. While their husband and father may no longer be here, Frederick "Rick" Hart has achieved a kind of immortality through his great works of art.

SUPERFUND RECYCLING EQUITY ACT

Mr. LOTT. Mr. President, over the past three decades, concern for our environment and natural resources has grown—as has the desire to recycle and reuse. You may be surprised to learn that one major environmental statue actually creates an impediment to recycling. Superfund has created this impediment, although unintended by the law's authors.

Because of the harm that is being done to the recycling effort by the unintended consequence of law, the distinguished minority leader, Mr. DASCHLE, and I introduced the Superfund Recycling Equity Act, S. 1528. This bill removes Superfund's recycling impediments and increases America's recycling rates.

We had one and only one purpose in introducing the Superfund Recycling Equity Act—to remove from the liability loop those who collect and ship recyclables to a third party site. The bill is not intended to plow new Superfund ground, nor is it intended to revamp existing Superfund law. That task is appropriately left to comprehensive reform, a goal that I hope is achievable.

While the bill proposes to amend Superfund, Mr. President, it is really a recycling bill. Recycling is not disposal and shipping for recycling is not arranging for disposal—it is a relatively simple clarification, but one that is necessary to maintain a successful recycling effort nationwide. Without this clarification, America will continue to fall short of its recycling goal.

S. 1528 was negotiated in 1993 between representatives of the industry that recycles traditional materials—paper, glass, plastic, metals, textiles and rubber—and representatives of the Environmental Protection Agency, the Department of Justice, and the national environmental community. Similar language has been included in virtually every comprehensive Superfund bill since 1994. With nearly 50 Senate cosponsors, support for the bill has been both extensive and bipartisan.

Since Senator DASCHLE and I introduced S. 1528, some have argued that we should not "piecemeal" Superfund. They argue that every part of Superfund should be held together tightly, until a comprehensive approach to reauthorization is found. And given the broad-based support for the recycling piece across both parties, some think it should be held as a "sweetener" for some of the more difficult issues. Superfund's long history suggests, however, that the recycling provisions—as sweet as they are—have done little, if anything, to help move a comprehensive Superfund bill forward. Rather, "sweeteners" like brownfields and municipal liability are what keep all parties at the table.

Holding the recyclers hostage to a comprehensive bill has not helped reform Superfund, and continuing to hold them hostage will not ensure action in the future. What it does ensure is that recycling continues to be impeded and fails to attain our nation's goals.

This recycling fix is minuscule compared to the overwhelming stakeholder needs regarding Superfund in general, but so significant for the recycling industry itself. It is easy to see why this bill has achieved such widespread bipartisan support among our colleagues.

S. 1528 addresses only one Superfund issue—the unintended consequence of law that holds recyclers responsible for the actions of those who purchase their goods. The goal of this bill is to remove the liability facing recyclers, not to establish who should be responsible for those shares if the unintended liability is removed.

Senator DASCHLE and I have heard from various parties who want to add minor provisions outside the scope of the bill. Although many have presented interesting and often compelling arguments, I will continue to ask that any party wishing to enlarge the narrow focus of S. 1528 show support on both sides of the aisle, as well as from the administration and the environmental community.

Much time, energy and expertise went into crafting an agreement where few thought it was possible. That agreement has been maintained through four separate Congresses where all sorts of attempts to modify it have failed. Congress should accept this delicately crafted product.

S. 1528 shows Congress' commitment to protect and increase recycling.

S. 1528 repeats what we all know and support—that continued and expanded recycling is a national goal.

S. 1528 removes impediments to achieving this goal, impediments Congress never intended to occur.

The nearly 50 Senators who have already co-sponsored this bill recognize the need to amend Superfund for the very important purpose of increasing recycling in the public interest. Let's act this year.

MODERNIZATION OF THE ABM TREATY

Mr. COCHRAN. Madam President, I rise today on a substantive issue which has caused me considerable concern recently. It has to do with the issue of our national missile defense and the fact we passed legislation earlier this year on that subject, and we now hear the administration discussing its options under the National Missile Defense Act. We hear responses from around the world about the intent we have that is now in our law to deploy a limited national defense system. I want to speak on that subject for a minute or two.

When we passed the National Missile Defense Act, we all realized, and the President did, too, when he signed it, that the ABM Treaty, the antiballistic missile defense treaty, that exists between the United States and Russia, prohibits the deployment of a national missile defense system and that the treaty would have to be amended if it was to remain in force.

Some statements being made on the subject now by our own administration, as well as by Russian officials, cause me considerable concern. For example, the Secretary of State recently said that the administration was examining "the possibility of adjusting [the ABM Treaty] slightly in order to have a National Missile Defense."

Since article I of the treaty expressly prohibits a national missile defense, the Secretary's suggestion that only a slight adjustment is required in the treaty language is a huge understatement, and it is likely to mislead the Russians and others as well.

The National Missile Defense Act acknowledges our policy of pursuing arms control arrangements, but it requires the deployment of a limited national missile defense which contradicts the initial premise of the ABM Treaty.

A number of Russian Government officials have said they will not negotiate changes in the ABM Treaty. A Russian foreign ministry spokesman has been quoted as saying it is "absolutely unacceptable to make any changes in the key provisions of the treaty and the Russian side does not intend to depart from this position."

A Russian defense ministry official has said: "There can be no compromise on this issue."

Additionally, it has been reported that Russian and Chinese Government representatives have introduced a resolution in the U.N. General Assembly demanding the United States forego deployment of a missile defense system and strictly comply with the treaty's prohibition on territorial defense.

It is entirely inappropriate for the U.N. to consider seriously a resolution that would presume to dictate to the United States what we should or should not do in defense of our own national security. Ballistic missile threats are real and have caused our Government to adopt a policy that requires a deployed national missile defense.

It is my fervent hope our own Government will acknowledge clearly that the National Missile Defense Act means what it says and stop encouraging misunderstanding by the Russians, the Chinese, or anyone else of our intentions to defend ourselves against ballistic missile attack. We also hope the point will be made that we are not trying to undermine or threaten Russia's missile deterrent.

Our relationship with Russia has improved considerably in recent years. I hope this new era of mutual respect and understanding will continue to be strengthened. We are getting into an unfortunate situation, however, where candor and honest exchange of information and intentions are taking a back seat to half-truths and bluster. The latter course will lead to misunderstanding and possibly disaster. At no time in the history of the relationship have honesty and unequivocal dialog been more important between Russia and the United States. The ABM Treaty is out of date and must be changed to reflect today's realities. The sooner everyone acknowledges this fact and gets busy negotiating the changes that are required, the better off we will all be.

CHARLES BATTAGLIA

Mr. SPECTER. Mr. President, I would like to comment about a distinguished American who is retiring from service in the U.S. Senate. Charles Battaglia has been associated with me in the Senate for the past 14 years. He came to help me as an assistant when I served on the Intelligence Committee and stayed with me to become staff director of the Intelligence Committee during the 104th Congress when I chaired that committee, and then, in the 105th Congress, moved over with me to be the staff director when I chaired the Veterans Affairs Committee through the first session of the 106th Congress.

Mr. Battaglia has a distinguished record. Following graduation from Boston College, he served 25 years in the U.S. Navy, serving in the offices of the Secretary of Defense, Secretary of the Navy, and the Naval War College. In 1978, Mr. Battaglia was selected by the Director of Central Intelligence, Adm. Stansfield Turner, to be his special assistant at CIA. He received his MBA from Bryant University, and in 1991 completed the Kennedy School of Government's international security program, was a member of the Council on Foreign Relations, and has an extraordinarily distinguished military record in the Navy, in the intelligence community and CIA, as an assistant on the Intelligence Committee, and later as staff director there.

He has earned retirement status. I might say we are making some effort to bring him back on a contract part-time basis to help with our inquiry into alleged espionage and other matters on oversight at the Department of Justice.

He has had an extraordinary record and become a personal friend of mine in the intervening 14 years. He has done great service for the military and as a member of the Senate family.

I yield the floor.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, October 22, 1999, the Federal debt stood at $5,674,164,714,443.85 (Five trillion, six hundred seventy-four billion, one hundred sixty-four million, seven hundred fourteen thousand, four hundred forty-three dollars and eighty-five cents).

One year ago, October 22, 1998, the Federal debt stood at $5,548,924,000,000 (Five trillion, five hundred forty-eight billion, nine hundred twenty-four million).

Fifteen years ago, October 22, 1984, the Federal debt stood at $1,591,515,000,000 (One trillion, five hundred ninety-one billion, five hundred fifteen million).

Twenty-five years ago, October 22, 1974, the Federal debt stood at $479,517,000,000 (Four hundred seventy-nine billion, five hundred seventeen million) which reflects a debt increase of more than $5 trillion—$5,194,647,714,443.85 (Five trillion, one hundred ninety-four billion, six hundred forty-seven million, seven hundred fourteen thousand, four hundred forty-three dollars and eighty-five cents) during the past 25 years.

MESSAGES FROM THE HOUSE

At 12:04 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it request the concurrence of the Senate:

H.R. 2. An act to send dollars to the classroom and for certain other purposes.

H.R. 2300. An act to allow to a State combine certain funds to improve the academic achievement of all its students.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 2. An act to send dollars to the classroom and for certain other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 2300. An act to allow a State to combine certain funds to improve the academic achievement of all its students; to the Committee on Health, Education, Labor, and Pensions.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time and placed on the calendar:

S. 1770. A bill to amend the Internal Revenue Code of 1986 to permanently extend the research and development credit and to extend certain other expiring provisions for 30 months, and for other purposes.

S. 1771. A bill to provide stability in the United States agriculture sector and to promote adequate availability of food and medicine for humanitarian assistance abroad by requiring congressional approval before the imposition of any unilateral agricultural or medical sanction against a foreign country or foreign entity.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–5754. A communication from the President and CEO, National Safety Council, transmitting, pursuant to law, a report relative to the audit of the financial transactions of the Council and related entities for fiscal years 1998 and 1999; to the Committee on the Judiciary.

EC–5755. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the status of open dumps on Indian lands; to the Committee on Indian Affairs.

EC–5756. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–5757. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to NATO operations in and around Kosovo; to the Committee on Armed Services.

EC–5758. A communication from the Secretary of Defense, transmitting the report of a retirement; to the Committee on Armed Services.

EC–5759. A communication from the Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Overseas Use of the Purchase Card" (DFARS Case 99–D002), received October 21, 1999; to the Committee on Armed Services.

EC–5760. A communication from the Director, Information Security Oversight Office, National Archives and Records Administration, transmitting, pursuant Executive Order 12958, a report entitled "1998 Report to the President"; to the Committee on Governmental Affairs.

EC–5761. A communication from the United States Trade Representative, Executive Office of the President, transmitting, pursuant to law, a report relative to its commercial activities inventory; to the Committee on Governmental Affairs.

EC–5762. A communication from the Chairman, Federal Communications Commission, transmitting, pursuant to law, the Commission's report under the Government in the Sunshine Act for calendar year 1998; to the Committee on Governmental Affairs.

EC–5763. A communication from the Executive Director, Committee for Purchase from People who are Blind or Severely Disabled, transmitting, pursuant to law, the report of a rule relative to additions to the Procurement List, received October 21, 1999; to the Committee on Governmental Affairs.

EC–5764. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, a report relative to the Clean Air Act; to the Committee on Governmental Affairs.

EC–5765. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, a report relative to its commercial activities inventory; to the Committee on Governmental Affairs.

EC–5766. A communication from the Chairman, National Credit Union Administration, transmitting, pursuant to law, a report entitled "Flood Insurance Compliance"; to the Committee on Banking, Housing, and Urban Affairs.

EC–5767. A communication from the Assistant General Counsel for Regulations, Office of Educational Research and Improvement, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Notice of Eligibility and Selection Criteria-National Awards Program for Model Professional Development", received October 19, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–5768. A communication from the Assistant General Counsel for Regulations, Office of Educational Research and Improvement, Department of Education, transmitting, pursuant to law, the report of a rule entitled "William D. Ford Federal Direct Loan Program" (RIN1845–AA10), received October 19, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–5769. A communication from the Deputy Executive Secretary, Health Care Financing Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Organ Procurement and Transplantation Network; Final Rule" (RIN0906–AA32), received October 21, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–5770. A communication from the Administrator, Farm Service Agency, Farm and Foreign Agricultural Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Final Rule: Amendments to the Regulations for Cotton Warehouses-Electronic Warehouse Receipts, and Other Provisions" (RIN0560–AE60), received October 20, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5771. A communication from the Congressional Review Coordinator, Regulatory Analysis and Development, Policy and Program Development, Animal and Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tuberculosis in Cattle and Bison; State Designations" (Docket #99–008–1), received October 21, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5772. A communication from the Congressional Review Coordinator, Regulatory Analysis and Development, Policy and Program Development, Animal and Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Asian Longhorned Beetle; Addition to Quarantined Areas" (Docket #99–033–2), received October 19, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5773. A communication from the Chief, Programs and Legislative Division, Office of Legislative Liaison, Department of Defense, transmitting, a report relative to a cost comparison study conducted at Niagara Falls International Airport-Air Reserve Station; to the Committee on Armed Services.

EC–5774. A communication from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Efficiency Program for Commercial and Industrial Equipment; Test Procedures, Labeling, and Certification Requirements for Electric Motors" (RIN1904–AA82), received October 21, 1999; to the Committee on Energy and Natural Resources.

EC–5775. A communication from the Chairman, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Regulations Governing Off-the-Record Communications" (Docket No. RM98-1-000), received October 20, 1999; to the Committee on Energy and Natural Resources.

EC–5776. A communication from the Deputy Associate Director for Royalty Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report relative to refunds of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC–5777. A communication from the Assistant Secretary for Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Glacier Bay National Park, Alaska; Commercial Fishing" (RIN1024–AB99), received October 20, 1999; to the Committee on Energy and Natural Resources.

EC–5778. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Mississippi Regulatory Program" (SPATS No. MS-015-FOR), received October 20, 1999; to the Committee on Energy and Natural Resources.

EC–5779. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Indiana Regulatory Program" (SPATS No. IN-140-FOR), received October 20, 1999; to the Committee on Energy and Natural Resources.

EC–5780. A communication from the Inspector General, Environmental Protection Agency, transmitting, pursuant to law, a report relative to the Superfund for fiscal year 1998; to the Committee on Environment and Public Works.

EC–5781. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Disaster Assistance; Redesign of Public Assistance Program Administration; 64 FR 55158; 10/12/99", received October 21, 1999; to the Committee on Environment and Public Works.

EC–5782. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Respiratory Protection and Controls To Restrict Internal Exposures" (RIN3150–AF81), received October 20, 1999; to the Committee on Environment and Public Works.

EC–5783. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Approval of Revisions to the North Carolina State Implementation Plan" (FRL #6463-6), received October 21, 1999; to the Committee on Environment and Public Works.

EC–5784. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Virginia; Control of VOC Emissions from Solvent Metal Cleaning Operations" (FRL #6459-9), received October 21, 1999; to the Committee on Environment and Public Works.

EC–5785. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; New Jersey; Approval of National Low Emission Vehicle Program" (FRL #6461-9), received October 21, 1999; to the Committee on Environment and Public Works.

EC–5786. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emissions Standards for Hazardous Air Pollutants: Publically Owned Treatment Works" (FRL #6462-7), received October 21, 1999; to the Committee on Environment and Public Works.

EC–5787. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna: Adjustment of General Category Daily Retention Limit on Previously Designated Restricted Fishing Days" (I.D. 091599A), received October 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5788. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure of Pollock Fishery in Statistical Area 620 of the Gulf of Alaska", received October 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5789. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Sharpchin and Northern Rockfish in the Aleutian Islands Sub Area of the Bering Sea and Aleutian Islands Management Area", received October 13, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5790. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Other Rockfish in the Aleutian Islands Sub Area of the Bering Sea and Aleutian Islands Management Area", received October 21, 1999; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1754. A bill entitled the "Denying Safe Havens to International and War Criminals Act of 1999."

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, an referred as indicated:

By Mrs. FEINSTEIN (for herself and Mr. LAUTENBERG):

S. 1774. A bill to amend the Internal Revenue Code of 1986 to regulate certain 50 caliber sniper weapons in the same manner as machine guns and other firearms; to the Committee on Finance.

By Mr. GRASSLEY (for himself and Mr. HELMS):

S. 1775. A bill to amend section 490 of the Foreign Assistance Act to 1961 to modify the matters taken into account in assessing the cooperation of foreign countries with the counterdrug efforts of the United States, and for other purposes; to the Committee on Foreign Relations.

By Mr. CRAIG (for himself, Mr. HAGEL, Mr. ROBERTS, Mr. ENZI, and Mr. GRAMS):

S. 1776. A bill to amend the Energy Policy Act of 1992 to revise the energy policies of the United States in order to reduce greenhouse gas emissions, advance global climate science, promote technology development, and increase citizen awareness, and for other purposes; to the Committee on Energy and Natural Resources.

S. 1777. A bill to amend the Internal Revenue Code of 1986 to provide incentives for the voluntary reduction of greenhouse gas emissions and to advance global climate science and technology development; to the Committee on Finance.

By Mr. CRAIG (for himself and Mr. CRAPO):

S. 1778. A bill to provide for equal exchanges of land around the Cascade Reservoir; to the Committee on Energy and Natural Resources.

By Mr. CLELAND:

S. 1779. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement with appropriate endorsement for employment in the coastwise trade for the vessel M/V SANDPIPER; to the Committee on Commerce, Science, and Transportation.

By Mr. HOLLINGS:

S. 1780. A bill for the relief of Raul Morales-Torna; to the Committee on the Judiciary.

By Mr. LEVIN:

S. 1781. A bill to amend the Act that established the Keweenaw National Historical Park to require the Secretary of the Interior to consider nominees of various local interests in appointing members of the Keweenaw National Historic Park Advisory Commission; to the Committee on Energy and Natural Resources.

By Mr. FRIST:

S. 1782. A bill to amend the Internal Revenue Code of 1986 to extend the work opportunity credit to small business employees working or living in areas of poverty; to the Committee on Finance.

By Mr. COCHRAN:

S. 1783. A bill to amend title XVIII of the Social Security Act to provide for a prospective payment system for inpatient longstay hospital services under the medicare program; to the Committee on Finance.

By Mr. ABRAHAM (for himself and Mr. LEVIN):

S. 1784. A bill entitled the "Saint Helena Island National Scenic Area Act"; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for himself, Mr. DASCHLE, Mr. REED, Mr. THURMOND, Mr. BYRD, Mr. KENNEDY, Mr. INOUYE, Mr. HOLLINGS, Mr. STEVENS, Mr. ROTH, Mr. HELMS, Mr. DOMENICI, Mr. BIDEN, Mr. LEAHY, Mr. SARBANES, Mr. MOYNIHAN, Mr. LUGAR, Mr. HATCH, Mr. BAUCUS, Mr. COCHRAN, Mr. WARNER, Mr. LEVIN, Mr. DODD, Mr. GRASSLEY, Mr. SPECTER, Mr. NICKLES, Mr. MURKOWSKI, Mr. LAUTENBERG, Mr. BINGAMAN, Mr. KERRY, Mr. HARKIN, Mr. GRAMM, Mr. MCCONNELL, Mr. ROCKEFELLER, Mr. BREAUX, Ms. MIKULSKI, Mr. SHELBY, Mr. MCCAIN, Mr. REID, Mr. GRAHAM, Mr. BOND, Mr. CONRAD, Mr. GORTON, Mr. JEFFORDS, Mr. BRYAN, Mr. MACK, Mr. KERREY, Mr. ROBB, Mr. BURNS, Mr. KOHL, Mr. LIEBERMAN, Mr. AKAKA, Mr. SMITH of New Hampshire, Mr. CRAIG, Mr. WELLSTONE, Mrs. FEINSTEIN, Mr. DORGAN, Mrs. BOXER, Mr. GREGG, Mr. CAMPBELL, Mr. COVERDELL, Mr. FEINGOLD, Mrs. MURRAY, Mr. BENNETT, Mrs. HUTCHISON, Mr. INHOFE, Mr. THOMPSON, Ms. SNOWE, Mr. DEWINE, Mr. KYL, Mr. THOMAS, Mr. SANTORUM, Mr. GRAMS, Mr. ASHCROFT, Mr. ABRAHAM, Mr. FRIST, Mr. WYDEN, Mr. BROWNBACK, Mr. ROBERTS, Mr. DURBIN, Mr. TORRICELLI, Mr. JOHNSON, Mr. ALLARD, Mr. HUTCHINSON, Mr. CLELAND, Ms. LANDRIEU, Mr. SESSIONS, Mr. SMITH of Oregon, Mr. HAGEL, Ms. COLLINS, Mr. ENZI, Mr. SCHUMER, Mr. BUNNING, Mr. CRAPO, Mrs. LINCOLN, Mr. BAYH, Mr. VOINOVICH, Mr. FITZGERALD, and Mr. EDWARDS):

S. Res. 206. A resolution relative to the death of the Honorable JOHN H. CHAFEE, of Rhode Island; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself and Mr. LAUTENBERG):

S. 1774. A bill to amend the Internal Revenue Code of 1986 to regulate certain 50 caliber sniper weapons in the same manner as machine guns and other firearms; to the Committee on Finance.

MILITARY SNIPER WEAPON REGULATION ACT OF 1999

Mrs. FEINSTEIN. Mr. President, I rise today on behalf of myself and Senator LAUTENBERG to introduce the Military Sniper Weapon Regulation Act of 1999. This bill will reclassify powerful .50 caliber military sniper rifles under the National Firearms act, thus making it much more difficult for terrorists, doomsday cults, and criminals to obtain these guns for illegitimate use.

Let me just talk a little bit about what a .50 caliber gun is, and then I will describe why I believe it is vital to tighten the rules surrounding their use and purchase.

These .50 caliber firearms are weapons of such range and destructive capability that it seems unthinkable for them to fall into civilian hands. These .50 caliber guns, manufactured by a small handful of companies and individuals, are deadly, military style assault rifles. The M82A1, one common example of these guns, was manufactured with one purpose in mind—the efficient destruction of enemy armaments and personnel. These guns, weighing 28 pounds and capable of piercing light armor at more than 4 miles, enable a single shooter to destroy enemy jeeps, tanks, personnel carriers, bunkers, fuel stations, and even communication centers. As a result, their use by military organizations worldwide has been rapidly spreading during the course of this decade.

But with the increasing military use of the gun, we have also seen increased use of the weapon by violent criminals and terrorists around the world.

The weapons are deadly accurate up to 2,000 yards. This means that a shooter using a .50 caliber weapon can reliably hit a target more than a mile away. In fact, according to a training manual for military and police snipers published in 1993, a bullet from this gun "even at one and a half miles crashes into a target with more energy than Dirty Harry's famous .44 magnum at point-blank" range.

And the gun is "effective" up to 7,500 yards. In other words, although it may be hard to aim at that distance, the gun will have its desired destructive effect at that distance—more than 4 miles from the target.

The weapon can penetrate several inches of steel, concrete, or even light armor.

Many ranges used for target practice do not even have enough safety features to accommodate these guns—it is just too powerful.

This gun was used extensively in the gulf war by American troops. Ideal for long range destruction of personnel, light armor or communications, there is no question that this gun is an effective wartime tool.

Recent advances in weapons technology, however, allow this gun to be used by civilians against armored limousines, bunkers, individuals, and even aircraft—in fact, one advertisement for the gun apparently promoted the weapon as able to "wreck several million dollars' worth of jet aircraft with one or two dollars' worth of cartridge."

One new version of the .50 caliber weapon is a modified machine gun capable of accepting ammunition belts, and yet is still allowed for civilian use by BATF.

This gun is so powerful that one dealer told undercover GAO investigators "You'd better buy one soon. It's only a matter of time before someone lets go a round on a range that travels so far, it hits a school bus full of kids. The government will definitely ban .50 calibers. This gun is just too powerful."

Mr. President, a recent study by the General Accounting Office revealed some eye-opening facts about how and where this gun is used, and how easily it is obtained.

The GAO reports that many of these guns wind up in the hands of domestic and international terrorists, religious cults, outlaw motorcycle gangs, drug traffickers, and violent criminals.

One doomsday cult headquartered in Montana purchased 10 of these guns and stockpiled them in an underground bunker, along with thousands of rounds of ammunition and other guns.

At least one .50 caliber gun was recovered by Mexican authorities after a shoot-out with an international drug cartel in that country. The gun was originally purchased in Wyoming, so it is clear that the guns are making their way into the hands of criminals worldwide.

According to a recent news story, another .50 caliber sniper rifle, smuggled out of the United States, was used by the Irish Republican Army to kill a large number of British soldiers.

And ammunition for these guns is also readily available, even over the Internet. Bullets for these guns include "armor piercing incendiary" ammunition that explodes on impact, and even "armor piercing tracing" ammunition reminiscent of the ammunition that lit up the skies over Baghdad during the Persian Gulf war.

Several ammunition dealers were willing to sell armor piercing ammunition to an undercover GAO investigator even after the investigator said he wanted the ammunition to pierce an armored limousine or maybe to "take down" a helicopter.

In fact, our own military helps to provide thousands of rounds of .50 caliber ammunition, by essentially giving away tons of spent cartridges, many of which are then refurbished and sold on the civilian market.

The bill I offer today will begin the process of making these guns harder to get and easier to track.

Current law classifies .50 caliber guns as "long guns," subject to the least government regulation for any firearm. Sawed-off shotguns, machine guns, and even handguns are more highly regulated than this military sniper rifle.

In fact, many states allow possession of .50 caliber guns by those as young as 14 years old, and there is no regulation on second-hand sales.

Essentially, this bill would re-classify .50 caliber guns under the National Firearms Act, which imposes far stricter standards on powerful and destruction weapons.

For instance:

NFA guns may only be purchased from a licensed dealer, and not second-hand. This will prevent the sale of these guns at gun shows and in other venues that make it hard for law enforcement to track the weapons.

Second, purchasers of NFA guns must fill out license transfer applications and provide fingerprints to be processed by the FBI in detailed criminal background checks. By reclassifying the .50 caliber, Congress will be making a determination that sellers should be more careful about to whom they give these powerful, military guns.

ATF reports that this background check process takes about 60 days, so prospective gun buyers will face some delay. However, legitimate purchasers of this $7,000 gun can certainly wait that long.

Clearly, Mr. President, placing a few more restrictions on who can get these guns and how is simply common sense. This bill will not ban the sale, use or possession of .50 caliber weapons. The .50 caliber shooting club will not face extinction, and "legitimate" purchasers of these guns will not lose their access—even though that, too, might be a reasonable step, since I cannot imagine a legitimate use of this gun.

The bill will simply place stricter requirements on the way in which these guns can be sold, and to whom. The measure is meant to offer a reasoned solution to making it harder for terrorists, assassins, and other criminals to obtain these powerful weapons. If we are to continue to allow private citizens to own and use guns of this caliber, range, and destructive power, we should at the very least take greater care in making sure that these guns do not fall into the wrong hands.

I urge my colleagues to support this bill.

By Mr. GRASSLEY (for himself and Mr. HELMS):

S. 1775. A bill to amend section 490 of the Foreign Assistance Act to 1961 to modify the matters taken into account in assessing the cooperation of foreign countries with the counter drug efforts of the United States, and for other purposes; to the Committee on Foreign Relations.

• Mr. GRASSLEY. Mr. President, I am introducing today for Senator HELMS and myself legislation to help the Administration better understand the importance of representing the US national interest. I am sending to the desk a bill on additional considerations for assessment of cooperation of foreign countries with United States counter-drug efforts. The purpose of this bill is to help the Administration get its act together when it comes to the certification process on illegal drugs. Recent statements by the Drug Czar and other Administration officials on certification, along with their actions in regard to such countries as Syria and Iran, show that they may have misplaced US national interests when it comes to drug policy. I want to help them find it again.

Over a decade ago, Congress passed measures in the Foreign Assistance Act that require US Administrations to certify whether other countries are taking serious steps to deal with major illegal drug production or trafficking in their territories. The view behind this legislation was to force an accounting, at least once a year, of what the US and other countries were doing to address a major foreign policy concern that, in the view of Congress, governments here and abroad would just as soon have ignored. Administrations do not like accounting for themselves. Not many foreign countries welcome it either. They would prefer that legislatures and the public give them the money and approval they want with no questions asked. It's less troubling than having to explain actions, account for shortfalls, or demonstrate that the money being provided is achieving anything. Congress, however, thinks differently. It should and it must, in my view.

Today, the Clinton Administration, like its predecessors, is trying both to ignore certification as a genuine responsibility and to undo it where it can. It has made efforts to get Congress to scuttle the requirement. It has poor-mouthed the idea internationally while denying it has done so. It has resorted to lawerly gimmicks and low tricks to drop from certification some of the worst countries imaginable. And lately it has been trying to broaden, as it says, the evaluation and accountability process in the Western Hemisphere to make it fairer by participating with the Organization of American States in the creation of what is called the Multinational Evaluation Mechanism (MEM). This is a subterfuge for trying to get rid of the process by calling it something else. Given this Administration's poor performance on international drug control, I am not surprised at an effort to disguise shortcomings in some artful bureaucratic way. I am not surprised, but I am disappointed.

As part of the effort to discredit certification, the Administration has resorted to distortions and misrepresentations about what it involves and has enlisted a set of arguments that, while sounding plausible, are really little more than the old magician's trick of "watch the birdie" while hoping that you will not notice what he is really doing with his other hand. Well, we deserve better than sleight-of-hand on an issue as important as this one. I thought it might be useful to provide an antidote to these shenanigans with a few home truths.

There are many arguments advanced against certification, and I have addressed many of these in earlier statements on this floor, but the best one argues that while certification may once have been useful—time unspecified—it has served its purpose and is counter-productive because it hampers further cooperation with other countries that resent being subject to a unilateral, U.S. judgment of their performance. Mexico is often advanced as an example. This view is fine if you are working from the idea—which seems to be so much of the philosophy behind our present foreign policy—that we should be guided by everyone in the world's interests before our own or in spite of our own.

Now, I have no doubt that other countries resent being evaluated. In my experience, they resent being evaluated by any individual country or collectively. This is not new, whether we are talking drugs or policies on intellectual properties or nuclear proliferation. And I am sure that this resentment over being judged can complicate negotiations. Both these points, however, are irrelevant to the circumstances under consideration. As a matter of our national interest, we are obliged to make judgments about the actions of other countries whether they like it or not. Let me try to make this point clearer in a different context.

The United States is currently embroiled in a controversy with the European Union over rules governing the importation of bananas. I am not going to comment on the merits of the particulars of the case, apart from noting that the United States, the present Administration, has determined—has judged—that EU restrictions, quotas, and preferences on the importation of bananas are unfair and prejudicial. This, folks, is an evaluation. And it is one deeply resented in Europe, as an infringement of the rights of not just one country but of an association of many countries, which happen to be our major allies. Nevertheless, the Administration is prepared to pursue the case in the teeth of this resentment to force a change it wants. And in doing this it is prepared to invoke sanctions to achieve its goals.

Similarly, the Administration is prepared to condemn a gaggle of other countries for permitting the pirating of various intellectual properties, such as books, videos, and copyrighted products. It is prepared to pursue sanctions to achieve a remedy. I can extend this list to judgments about states that support terrorism or are engaged in systematic human rights abuses. This Administration involved this country in a major military engagement—the ultimate sanction—to stop what it regarded as gross violations of human rights. I have no doubt that Slobodan Milosevic and his cronies deeply resented U.S. judgments about the fitness of his actions and even more objected to the steps we took to change his behavior. I do not detect that this resentment at being judged or the knowledge that there were objections to the actions then taken based on that judgment carried any weight in the decisions made by this Administration to bomb and strafe military and civilian targets in the former Yugoslavia.

What these examples show is that even this Administration understands, when it wants to, that there are matters of such import requiring judgments about the actions of other countries and involving responses based on those judgments that resentment or objections by others do not signify when it comes to deciding what we should do to protect interests we regard as important. Now, certification only requires that we make the involvement of other countries in the production and transit of illegal drugs—which kill more Americans every year that all the terrorists have in the last ten years or more than Mr. Milosevic did at any time—a matter of judgment and possible action of a degree at least as important as bananas. I happen to believe that judgments about drugs coming to the U.S. are at least as much in our interest as judgments about bananas going to Europe.

I am puzzled by the Administration's reluctance to apply meaningful standards of judgment to the actions of other countries when it comes to drug policy. I am further puzzled by its willingness to be so moved by the resentment of other countries when it comes to judgments about drug policies and programs. The requirements in the law are not written in some mysterious dialect nor apply unfamiliar concepts. The idea is not so alien to our experience or even to this Administration's own actions as to be beyond comprehension. Yet, the Administration seems to have its own sources of bemusement when it comes to taking this issue seriously.

In essence, what the law requires is that the Administration determine first whether countries are major producing or transit areas for illegal drugs. You would not think this terribly difficult or controversial, or too intrusive on the feelings of others. It then asks for the Administration to determine whether these countries are acting in good faith to enforce their own domestic laws against these practices; are acting in conformity with any bilateral agreements with the United States to address these activities; or are doing what is reasonable and responsible to do in light of international law that governs the conduct of all countries on this issue. I am hard pressed to see how this infringes on the sovereignty of other countries or what in it is so outrageous as to occasion abandonment of the effort.

The law then requires that if, in the judgment of the Administration, any given country is not acting in good faith, it may then be subject to sanctions. The law does not require that the efforts of another country be successful in order to be certified. It does not require that judgments be without consideration of other national interests. It does ask, on this very important question, that the Administration supply to Congress and the American people at least once a year its considered opinion of whether other countries where a truly pernicious practice is being engaged in that affects directly the lives of U.S. citizens each and every day are, as a matter of fact, doing all that is reasonable to stop this practice. It then requires that if these countries are receiving U.S. assistance—that is, money from U.S. taxpayers—that this money be cut off—unless it is humanitarian aid or this self-same counter-drug assistance.

While I understand perfectly why an aid recipient might squawk, I do not know what act of imagination it requires to manufacture outrage on behalf of other countries threatened with losing this assistance because in our judgment they are doing less than their best to cooperate with us. But that outrage is trotted out as an argument against certification. That aside, the most onerous part of the certification decision, and what other countries truly object to, is what world opinion makes of a U.S. judgment that a particular country is not cooperating with U.S. and international efforts to stop drug production or trafficking. What the Administration would have us do is forgo this judgment lest it hurt the feels of other countries. And yet, it is this judgment or the threat of it that has, in fact, been the primary impetus to encourage the very cooperation that the Administration says we do not need the certification process to achieve.

What the Administration would really like to do is to stop accounting to Congress and the public for its international drug policy. It knows that this is a non-starter. So it has proposed instead to bury this accountability in an elaborate ruse in cooperation with the OAS to neuter the process. In doing this, it has helped to devise through the OAS a list of over 80 evaluation items to help in developing a so-called multinational evaluative mechanism. There are, of course, no teeth in the evaluation process, and each of the member states involved has an effective veto over any adverse judgments of their respective efforts. In this regard, I am reminded of the inhabitants of Garrison Keiller's Lake Wobegon, where all the children are above average. The details behind the evaluation are to be kept confidential, which is okay since no one has much faith in the ability of most of the countries party to the evaluation to actually collect and evaluate the information in the first place. The countries involved lack the necessary reporting mechanisms, the budgets to sustain them, or the staffs to ensure ongoing, consistent information. This farrago is then supposed, gradually, to substitute for certification, somehow being fairer and more likely to ensure cooperation.

Ironically, the premise underlying this process is the same as that informing certification, that is, that a judgment about performance does need to be made. The difference here is that somehow a multilateral judgment would be better, and it wouldn't be offensive since it would be collaborative. In my view, it won't be offensive because it won't be effective. You can make what you want to of a process that is supposed to involve judgments about the effectiveness of actions that are designed not to offend anyone being judged. But I am not reassured. And if this is the face of cooperation, then we are in for some rude shocks in our international relations.

Having said this, I am prepared to help the Administration in its efforts. In order to give the Multinational Evaluation Mechanism some chance of effective implementation, I am, along with Senator HELMS, today introducing legislation that would require that in future certification decisions the Administration incorporate the MEM as part of its deliberations in determining whether to certify other countries or not. Taking the Administration at its word that the mechanism is not an attempt to replace certification, but rather an effort to complement it, I offer this bill to enhance the process.●

By Mr. CRAIG (for himself, Mr. HAGEL, Mr. ROBERTS, Mr. ENZI, and Mr. GRAMS):

S. 1776. A bill to amend the Energy Policy Act of 1992 to revise the energy policies of the United States in order to reduce greenhouse gas emissions, advance global climate science, promote technology development, and increase citizen awareness, and for other purposes; to the Committee on Energy and Natural Resources.

THE CLIMATE CHANGE ENERGY POLICY RESPONSE ACT

S. 1777. A bill to amend the Internal Revenue Code of 1986 to provide incentives for the voluntary reduction of greenhouse gas emissions and to advance global climate science and technology development; to the Committee on Finance.

THE CLIMATE CHANGE TAX AMENDMENTS OF 1999

Mr. CRAIG. Mr. President, few issues present stakes as high for our country as global climate change. Worst case scenarios involving elevated temperatures and sea levels are disturbing to many people. On the other hand, capping energy use at levels lower than those in the growth-oriented nineties could chill our economy faster than it would cool down the climate.

Responsible governance includes environmental stewardship. However, the ultimate obligation of any government official anywhere is to win freedom for the governed who do not now have it, and to protect freedom for those who are already free.

By freedom, I mean the opportunity to achieve one's true potential, whether as an individual, a community, or a nation. And isn't it marvelous how freedom spawns discovery and innovation? And, in turn, how discovery and innovation solve problems and create opportunities?

Mr. President, we need consensus on climate change. But there is no magic dust that we can sprinkle on ourselves to make us all embrace the same scientific and economic conclusions on this issue. Our only chance lies in good, hard work toward that end.

Where should we begin? Knowledge leads to understanding, and understanding to consensus. Mr. President, at the moment we have some critical gaps in our knowledge of climate phenomena.

We know not nearly enough about the Earth's capacity to assimilate carbon dioxide. We know not nearly enough about natural variability of the climate over years, much less over centuries and millennia. Our ability to measure and predict changes is not developed. Adequate measurement and modeling machinery is not even invented yet. Scientists at the National Research Council published a report in September, 1999, that confirm these observations. In the preface of that Report, they state:

> It would be a misinterpretation of U.S. administration policy and agreements at the Kyoto conference to conclude that the causes and characteristics of global change are sufficiently clear that scientific inquiry in this area should be limited to mitigation measures.
>
> * * * * *
>
> A great deal more needs to be understood . . . about global environmental change before we concentrate on "mitigation" science. We do not understand the climate system well enough to clarify the causes and likelihoods of rapid or abrupt climate changes.

Likewise, Mr. President, we need to understand the economic implications of the leading policy alternatives. One year ago the U.S. Department of Energy published a sobering analysis of potential economic impacts of implementing the Kyoto agreement. But shouldn't we hear from other agencies as well? What would the Department of Labor have to say? How about Agriculture and Transportation? Let's look before we leap.

A third area we must explore is technology. What do we really know today about how energy will be produced in this country in 20 years? What do we know about how—and how much—it will be consumed? Can we develop policies to encourage real improvement in energy efficiency without trying to pick the market winners and losers?

Mr. President, we are now living in the Information Renaissance. But many in government behave as though we are still in the Dark Ages. If some of us in Congress have difficulty gaining access to government-controlled information in this area—and all too often we have—can you imagine the obstacles to private citizens?

Let's get all the information—science, technology, economics—together. Let's make it freely and widely available. All Americans have a right to know what their Government knows—and what their Government is doing—about climate change.

Knowledge in the science, economics, and technology of climate change will yield to understanding. We should all be open to unexpected discovery, whether in pleasant surprises or confirmation of today's predictions.

While we are waiting to close our knowledge gaps, why not go ahead with some steps that reduce greenhouse gas emissions while accomplishing other benefits along the way? Every minute wasted in traffic tie-ups is that much more carbon dioxide man releases into the atmosphere. If we apply technology to solving traffic problems and the greenhouse gas theory fizzles out, at least our efforts will have saved time for busy travelers and commuters.

Let's find ways to encourage individual citizens, farms and small businesses, communities and States, to take some no-regrets action to lower greenhouse gas emissions. But let's not offer the false hope that their efforts will be rewarded in some kind of negotiable credits issued in an international currency of carbon caps or fuel rations.

Mr. President, the two companion bills that several colleagues and I are introducing today set out to do all these things with regard to the global climate change issue. My legislation does not pretend to answer all the questions. Rather, it lays out a framework for reaching consensus that begins by developing knowledge; and from knowledge understanding; and from understanding consensus.

Mr. President, let's get stared. I welcome my colleagues to join me as cosponsors.

I ask unanimous consent that the text and a section-by-section analysis of each measure be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1776

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Climate Change Energy Policy Response Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.

TITLE I—ENERGY POLICY COORDINATION

Sec. 101. Responsibility of Department of Energy.

TITLE II—ADVANCEMENT OF CLIMATE CHANGE SCIENCE

Sec. 201. Coordination, prioritization, and evaluation of climate change science research.

TITLE III—COMPREHENSIVE POLICY REVIEW AND ANALYSIS

Sec. 301. Domestic and international assessment of policies for addressing the effects of greenhouse gas emissions.

TITLE IV—PUBLIC RIGHT TO KNOW

Sec. 401. Annual report to public.

TITLE V—ACCELERATED DEVELOPMENT AND DEPLOYMENT OF RESPONSE TECHNOLOGY

Sec. 501. Review of federally funded energy technology research and development.
Sec. 502. Study of regulatory barriers to rapid deployment of emission reduction technology.

TITLE VI—INTERNATIONAL DEPLOYMENT OF ENERGY TECHNOLOGY TO MITIGATE CLIMATE CHANGE

Sec. 601. International deployment of energy technology to mitigate climate change.

TITLE VII—OPTIMAL OPERATING EFFICIENCY OF TRANSPORTATION SYSTEMS

Sec. 701. Traffic congestion relief research.

TITLE VIII—VOLUNTARY INITIATIVES

Sec. 801. Improved and streamlined reporting and certification of voluntary measures.
Sec. 802. Public awareness campaign regarding benefits of certification of voluntary emission reductions.
Sec. 803. State authority to encourage voluntary energy initiatives.

SEC. 2. FINDINGS.

Congress finds that—

(1) to responsibly address climate change issues requires examination of energy policies and practices;

(2) global climate change issues have profound scientific, technological, economic, and public policy facets that must be addressed in a comprehensive, integrated fashion;

(3) current scientific research, experimentation, and data collection are not adequately focused on answering key questions within the United States or internationally;

(4)(A) the lack of a coordinated climate modeling strategy in the United States is hampering progress in high-end climate modeling activities;

(B) the United States lacks the capabilities to perform the requisite climate change modeling simulations and experiments in order to be able to apply existing United States intellectual expertise to important science and policy questions related to climate change; and

(C) those deficiencies, among others, limit the ability of the United States to—

(i) predict future climate characteristics and assess the results of climate change;

(ii) formulate policies that are consistent with national objectives; and

(iii) advance most effectively an understanding of the underlying scientific issues pertaining to climate change and variability;

(5) there has been a lack of progress made by Federal agencies responsible for climate observation systems, individually and collectively, in developing and maintaining a credible, integrated climate observing system, consequently limiting the ability of the United States to document and understand climate change adequately;

(6)(A) developing and deploying technologies can speed the transition to a lower level of greenhouse gas emissions in the United States and throughout the world;

(B) the pace of technological change in the marketplace is difficult to predict accurately; while breakthroughs in such developments are often incremental, capital turnover, consumer acceptance, technological compatibility, economics, and other factors can alter the pace of such change; and

(C) such technologies need to be environmentally sound, safe, cost-effective, and consumer-friendly;

(7)(A) public access to scientific, economic, and public policy information regarding climate change is severely limited;

(B) the public's right to know and to be fully informed of all aspects of climate change is not being satisfied; and

(C) open and balanced discussion leading to public support for the best environmentally and economically sound approaches to climate change policy resolution is urgently needed;

(8) sufficient scientific questions and public interest exist to warrant tangible encouragement and acknowledgment of responsible actions by private entities to reduce, avoid, or offset greenhouse gas emissions, even though many scientific, technological, economic, and public policy questions have not yet been resolved;

(9) voluntary measures should be encouraged through incentives rather than in anticipation of future domestic or international regulatory mandates; and

(10) greenhouse gas emission improvements can be achieved through voluntary measures even as we answer yet unresolved key questions about global and regional climates.

SEC. 3. DEFINITIONS.

(a) In General.—Title XVI of the Energy Policy Act of 1992 is amended by inserting before section 1601 (42 U.S.C. 13381) the following:

"SEC. 1600. DEFINITIONS.

"In this title:

"(1) Administrator.—The term 'Administrator' means the Administrator of the Energy Information Administration.

"(2) Emission reduction.—The term 'emission reduction' includes—

"(A) avoidance of the emission of a greenhouse gas;

"(B) a limitation on the emission of a greenhouse gas;

"(C) sequestration of carbon; and

"(D) mitigation for the emission of a greenhouse gas.

"(3) Energy technology.—The term 'energy technology' means—

"(A) a technology to relating to—

"(i) the generation or production (including exploration and discovery) of an energy source; or

"(ii) the transmission, distribution, conservation, or use of energy that could reduce greenhouse gas emissions; and

"(B) a technology relating to carbon sequestration, including carbon sequestration through crops, soils, forests, oceans, and wetlands.

"(4) Greenhouse gas.—The term 'greenhouse gas' means a gaseous constituent of the atmosphere, natural or anthropogenic, that absorbs and re-emits infrared radiation.".

(b) Technical Amendment.—The table of contents of the Energy Policy Act of 1992 (106 Stat. 2776) is amended by inserting before the item relating to section 1601 the following:

"Sec. 1600. Definitions.".

TITLE I—ENERGY POLICY COORDINATION

SEC. 101. RESPONSIBILITY OF DEPARTMENT OF ENERGY.

(a) In General.—Section 1603 of the Energy Policy Act of 1992 (42 U.S.C. 13383) is amended—

(1) by inserting striking "Within 6 months" and inserting the following:

"(a) In General.—Within 6 months"; and

(2) by adding at the end the following:

"(b) Role of Secretary.—The Secretary, consistent with other Federal law, shall—

"(1) coordinate all energy-related activities involving climate change issues, including scientific research, energy technology and development, and evaluation of effects and implications on energy use, sources, and related activities of various global climate change policies described in this title;

"(2) select policies to be assessed under this section and conduct the assessments; and

"(3) ensure that—

"(A) the collection and dissemination of all information developed and disseminated (including data and modeling results) relating to climate change issues described in this title is timely, balanced, accurate, and sound; and

"(B) the information described in subparagraph (A) is made available to the public.

"(c) Staff.—

"(1) Staff director.—The Secretary of Energy shall designate an appropriate officer of the Department of Energy to function as staff director for the Secretary for functions assigned to the Secretary under this title.

"(2) Staff support.—

"(A) In general.—The Secretary of Energy may request from the Secretary of Agriculture, Secretary of Commerce, Secretary of State, and Secretary of Transportation such additional staff support as the Secretary may require to carry out functions under this title.

"(B) Personnel on detail.—Staff provided under subparagraph (A) shall serve on detail to the Secretary with the approval of the respective agency heads.

"(C) No staffing increase.—This subsection and the other amendments made to this title by the Climate Change Energy Policy Response Act shall not serve to authorize an increase in staffing authority for the Secretary or any such agency head.

"(e) Consultation With NAS, NAE, NRC, and EPA.—The Secretary shall consult, as appropriate, with—

"(1) the National Academy of Sciences and National Academy of Engineering;

"(2) the National Research Council; and

"(3) the Environmental Protection Agency.".

(b) Technical Amendments.—

(1) The section heading for section 1603 of the Energy Policy Act of 1992 is amended by striking "**DIRECTOR OF**" and inserting "**COORDINATION OF**".

(2) The item in the table of contents for the Energy Policy Act of 1992 (42 U.S.C. 13381 et seq.) is amended by striking "Director of" and inserting "Coordination of".

TITLE II—ADVANCEMENT OF CLIMATE CHANGE SCIENCE

SEC. 201. COORDINATION, PRIORITIZATION, AND EVALUATION OF CLIMATE CHANGE SCIENCE RESEARCH.

(a) In General.—Title XVI of the Energy Policy Act of 1992 (42 U.S.C. 13381 et seq.) is amended by striking section 1604 and inserting the following:

"SEC. 1604. COORDINATION, PRIORITIZATION, AND EVALUATION OF CLIMATE CHANGE SCIENCE RESEARCH.

"(a) IN GENERAL.—The Secretary, with the advice and assistance of the National Academy of Sciences and the National Academy of Engineering, shall coordinate, prioritize, and evaluate the Federally funded research conducted by or through Federal agencies that, in whole or in part, involves climate change science.

"(b) RECOMMENDATIONS TO CARRY OUT RESEARCH.—The Secretary shall annually request from the National Research Council recommendations of measures to effectively carry out all scientific research performed under this title, including strengthening of peer review processes and grantmaking procedures.

"(c) PLAN FOR COORDINATION.—

"(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Climate Change Energy Policy Response Act, the Secretary shall submit to Congress recommendations for legislative and administrative measures to effectively carry out research and public information programs under this title.

"(2) SUBJECTS.—Recommendations under paragraph (1) shall include recommendations to improve peer review processes and grantmaking procedures.

"(d) OBJECTIVES OF FEDERAL CLIMATE CHANGE SCIENCE RESEARCH.—

"(1) IN GENERAL.—All climate change science research performed under this title—

"(A) in the aggregate, shall adequately address the objectives stated in paragraph (2); and

"(B) individually, shall, to the extent practicable, incorporate a focus on those objectives, as appropriate.

"(2) OBJECTIVES.—The objectives referred to in paragraph (1) are the objectives of—

"(A) understanding the Earth's capacity to assimilate natural and manmade greenhouse gas emissions;

"(B) evaluating the natural variability of the climate, including such phenomena as El Niño;

"(C)(i) developing, and assessing the capabilities of, climate models; and

"(ii) facilitating future climate assessments and our understanding and predictions of climate through formulation of a national statement of goals and objectives, followed by appropriate development of a national climate modeling strategy that—

"(I) includes the provision of adequate computational resources to enhance supercomputing capabilities and the provision of adequate human resources; and

"(II) is integrated and coordinated across the relevant agencies;

"(D) ensuring the integrity of all observational data used to validate models;

"(E) stabilizing the existing climate observational capability;

"(F) identifying critical climate variables that are inadequately measured or not measured at all;

"(G) building climate observing requirements into existing, ongoing operational programs;

"(H) revamping climate research programs and appropriate climate-critical parts of operational observing programs so as to produce truly useful long-term climate data;

"(I) establishing a funded activity for the development, implementation, and operation of climate-specific observational programs;

"(J) assessing the capability and potential of the United States and North American carbon sequestration, including carbon sequestration through crops, forests, soils, oceans, and wetlands; and

"(K) developing and deploying the technology to monitor all relevant national and global data.

"(e) REPORTS.—

"(1) IN GENERAL.—Not later than October 1 of each year, the Secretary shall submit to Congress and the President a report on the activities carried out under this section.

"(2) CONTENTS.—The report under paragraph (1) shall contain any scientific conclusions, interim status reports, and recommendations for subsequent research and testing that the Secretary considers appropriate.

"(3) DRAFT REPORT.—A report under paragraph (1) shall be made available in draft form not later than August 1 of each year to appropriate nongovernmental organizations with applicable scientific expertise for review before final publication.

"(4) PUBLIC AVAILABILITY.—Each report under paragraph (1) shall be made public, including through the National Resource Center on Climate Change established under section 1612.

"(f) AUTHORIZATION OF APPROPRIATIONS FOR CERTAIN CLIMATE CHANGE RESEARCH.—For each of fiscal years 2001 through 2004, there are authorized to be appropriated to the Secretary such sums as are necessary for—

"(1) research to assess the ability of natural carbon sinks to adjust to natural variations in climate and greenhouse gas emissions including crops, grassland, forests, soils, and oceans;

"(2) research on natural climate variability;

"(3) research to develop and assess the capabilities of climate models;

"(4) research to ensure the integrity of data used to validate climate models;

"(5) research to develop carbon sinks in the United States, primarily crop and forestry research; and

"(6) research to develop and deploy monitoring technology.".

(b) TECHNICAL AMENDMENT.—The table of contents of the Energy Policy Act of 1992 (106 Stat. 2776) is amended by striking the item relating to section 1604 and inserting the following:

"Sec. 1604. Coordination, prioritization, and evaluation of climate change science research.".

TITLE III—COMPREHENSIVE POLICY REVIEW AND ANALYSIS

SEC. 301. DOMESTIC AND INTERNATIONAL ASSESSMENT OF POLICIES FOR ADDRESSING THE EFFECTS OF GREENHOUSE GAS EMISSIONS.

(a) IN GENERAL.—Title XVI of the Energy Policy Act of 1992 (42 U.S.C. 13381 et seq.) is amended by inserting after section 1604 the following:

"SEC. 1604A. ASSESSMENT OF ALTERNATIVE ENERGY-RELATED POLICIES FOR ADDRESSING GREENHOUSE GAS EMISSIONS.

"(a) EVALUATION AND COMPREHENSIVE REPORT.—

"(1) DEFINITION OF ECONOMIC INDICATOR.—In this subsection, the term 'economic indicator' means—

"(A) the rate of inflation;

"(B) the rate of change in the gross domestic product;

"(C) the unemployment rate;

"(D) interest rates; and

"(E) the price and supply availability of fossil fuels (by category and source).

"(2) REPORTS BY SECRETARY.—

"(A) IN GENERAL.—Not later than 2 years after the date of enactment of the Climate Change Energy Policy Response Act and biannually thereafter, the Secretary, after consultation with each department referred to in paragraphs (3) through (10) and the United States Trade Representative, shall submit to Congress and to the President a report containing a critical analysis and assessment of energy-related policies for responding to potential global climate change (including a comparative assessment of the policies).

"(B) DESIGNATED POLICIES.—The Secretary shall select at least 3 energy-related policies for assessment under subparagraph (A).

"(C) SHORT-TERM AND LONG-TERM ASSESSMENTS.—The assessments shall be for the short term (within 5 years following the date of the report) and the long term (within 50 years following the date of the report).

"(3) ENERGY SUPPLY AND DEMAND.—

"(A) IN GENERAL.—The Secretary shall analyze and assess the energy supply, demand, and price implications for each energy-related policy referred to in paragraph (2)(A).

"(B) ACCOUNTING FOR VARIOUS SCENARIOS.—Each assessment described in subparagraph (A) shall address any energy implications under various scenarios, including changes in economic indicators.

"(C) INITIAL DRAFT.—The Energy Information Administration shall—

"(i) prepare the initial draft of each report required under this paragraph; and

"(ii) make a copy of the initial draft available to the public.

"(4) AGRICULTURE.—

"(A) IN GENERAL.—After opportunity for consultation with the Department of Agriculture, each report by the Secretary shall analyze and assess the agricultural production cost and market implications of each energy-related policy referred to in paragraph (2)(A), including the overall impact of the policy on rural economies.

"(B) ACCOUNTING FOR VARIOUS SCENARIOS.—Each assessment described in subparagraph (A) shall address any agricultural implications under various scenarios, changes in economic indicators, and in livestock and commodity prices.

"(5) HEALTH.—

"(A) IN GENERAL.—After opportunity for consultation with the Department of Health and Human Services, each report by the Secretary shall analyze and assess the health implications of each energy-related policy referred to in paragraph (2)(A).

"(B) ACCOUNTING FOR VARIOUS SCENARIOS.—Each assessment described in subparagraph (A) shall address any health implications under various scenarios, including changes in economic indicators.

"(6) LABOR.—

"(A) IN GENERAL.—After opportunity for consultation with the Department of Labor, each report by the Secretary shall analyze and assess the implications of each policy referred to in paragraph (2)(A) on—

"(i) workers, including wages, job opportunities, and the comparative attractiveness, if any, of locating operations of United States companies abroad; and

"(ii) consumers, in terms of projected impacts, if any, on the Consumer Price Index.

"(B) ACCOUNTING FOR VARIOUS SCENARIOS.—Each assessment described in subparagraph (A) shall account for implications under various scenarios, including changes in economic indicators.

"(7) TRANSPORTATION.—

"(A) IN GENERAL.—After opportunity for consultation with the Department of Transportation, each report by the Secretary shall analyze and assess the impacts, if any, of each policy described in paragraph (2)(A) on all modes of transportation, and the resulting economic effects of such cost changes on consumers, labor, agricultural enterprises, and businesses (including specifically domestic consumers and businesses that are dependent on transportation).

"(B) ACCOUNTING FOR VARIOUS SCENARIOS.—Each assessment described in subparagraph (A) shall address any transportation implications under various scenarios, including, in the case of motor vehicles, technological changes in vehicle design and traffic constraint mitigation.

"(C) CONSIDERATIONS.—Each assessment described in subparagraph (A) shall consider such factors as—

"(i) vehicle miles traveled;

"(ii) the availability of adequate and reliable public transportation within and between cities, States, and regions;

"(iii) the commercial use of trucks and other highway motor vehicles for transporting goods and passengers and delivering services;

"(iv) the geographic size and population of the United States relative to those of other developed countries;

"(v) safety;

"(vi) environmental laws;

"(vii) fuel prices;

"(viii) energy conservation; and

"(ix) changes in economic indicators.

"(8) HOUSING AND URBAN PLANNING.—

"(A) IN GENERAL.—After opportunity for consultation with the Department of Housing and Urban Development, each report by the Secretary shall analyze and assess the implications of each policy described in paragraph (2)(A) on housing costs and urban planning.

"(B) ACCOUNTING FOR VARIOUS SCENARIOS.—Each assessment described in subparagraph (A) shall address any housing and urban planning implications under various scenarios, including variations in mortgage and construction interest rates and changes in economic indicators.

"(9) INTERNATIONAL COMMERCE.—

"(A) IN GENERAL.—After opportunity for consultation with the Secretary of Commerce and the United States Trade Representative, each report by the Secretary shall analyze and assess the implications of each policy described in paragraph (2)(A) on United States exports and imports and trade competitiveness.

"(B) ACCOUNTING FOR VARIOUS SCENARIOS.—Each assessment described in subparagraph (A) shall address any international commerce implications under different scenarios, including changes in economic indicators.

"(10) ACTIONS BY OTHER NATIONS.—

"(A) IN GENERAL.—Each report by the Secretary shall analyze and assess the actions taken, or likely to be taken, and the net aggregate effect of such actions, by each United Nations member country to avoid, reduce, or adapt to potential global climate change.

"(B) CONSULTATION.—Each report shall be prepared in accordance with otherwise applicable laws (including regulations) after opportunity for consultation with the Central Intelligence Agency, the National Security Agency, and the Department of State.

"(C) ANALYSIS OF POLITICAL AND ECONOMIC FACTORS.—

"(i) IN GENERAL.—Each assessment described in subparagraph (A) shall analyze the political and economic factors present in each country that form the basis for the assessment.

"(ii) MATTERS TO BE ADDRESSED.—Each assessment shall specifically address—

"(I) the status of the commitment of each country to any international agreements, treaties, or protocols related to potential global climate change; and

"(II) the projected ability of each country to commit to, and the likelihood of each country's committing to, specific quantifiable targets to reduce, within specified timeframes, greenhouse gas emissions under a legally binding international agreement.

"(11) REPORTING FLEXIBILITY.—For biannual reports under this subsection, the Secretary may—

"(A) submit individual reports with respect to each paragraph under this subsection; or

"(B) submit a combination of 1 or more biannual reports, but only if submitting a combination of reports would facilitate public understanding in a timely manner.

"(b) COMPREHENSIVE POLICY REPORTS.—

"(1) IN GENERAL.—Not later than 30 months after the date of enactment of the Climate Change Energy Policy Response Act, and biannually thereafter, the President, with the advice and assistance of the Secretary, shall submit to Congress a report analyzing and integrating the combined findings of the reports required under subsection (a).

"(2) CONTENTS.—Each report under paragraph (1) shall include recommendations of any changes in law, international agreements, or public policy that the President considers to be in the best interests of the United States.

"(c) NATIONAL ACADEMY OF SCIENCES; NATIONAL ACADEMY OF ENGINEERING.—

"(1) IN GENERAL.—Not later than 30 days after the date of enactment of the Climate Change Energy Policy Response Act, the Secretary shall request that, not later than 2 years after the date of enactment of that Act and biannually thereafter, the National Academy of Sciences and the National Academy of Engineering (acting through the National Research Council) submit to Congress and to the Secretary (for inclusion in the review and report under subsection (c)) a report containing a comparative assessment of each policy assessed under subsection (b), including the known scientific effect of each mechanism on global climate change and the effect of each mechanism on the technology development and selection.

"(2) SHORT-TERM AND LONG-TERM ASSESSMENTS.—An assessment under paragraph (1) shall be for the short term (the following 5-year period) and for the long term (the following 50-year period).

"(d) REPORT ON ACTIONS UNDER EPA JURISDICTION.—

"(1) IN GENERAL.—Not later than 2 years after the date of enactment of the Climate Change Energy Policy Response Act, and biannually thereafter, based on consultations with the Administrator of the Environmental Protection Agency, the Secretary shall submit to Congress and the President a report describing the energy supply and demand implications of all activities carried out by the Agency that have a coincidental effect on actions by the private sector that affect greenhouse gas emissions.

"(2) PUBLIC CONSULTATION.—In preparing a report under paragraph (1), the Secretary shall consult with—

"(A) persons in the private sector that are regulated by the Administrator; and

"(B) persons in the public sector.

"(e) SUSPENSION OF REPORTS.—After a second report is made under this section, the Secretary may suspend any reporting requirement under subsection (a) for a period of not more than 4 years if the Secretary determines that additional responses to that requirement would not be likely to provide information that substantially supplements the earlier reports.".

(b) TECHNICAL AMENDMENT.—The table of contents of the Energy Policy Act of 1992 (106 Stat. 2776) is amended by inserting after the item relating to section 1604 the following:

"Sec. 1604A. Assessment of alternative policies for addressing greenhouse gas emissions.".

TITLE IV—PUBLIC RIGHT TO KNOW

SEC. 401. ANNUAL REPORT TO PUBLIC.

(a) IN GENERAL.—Title XVI of the Energy Policy Act of 1992 (42 U.S.C. 13381 et seq.) is amended by adding at the end the following:

"SEC. 1610. ANNUAL REPORT TO PUBLIC.

"(a) REPORT.—The Secretary, at the time the President submits to Congress the budget of the United States Government under section 1105 of title 31, United States Code, shall publish a detailed report that includes, to the maximum extent practicable—

"(1) a description of all current fiscal year and prior fiscal year Federal spending on climate change, categorized by research, regulation, education, and other activities;

"(2) an estimate of the prior year and current amount of any Federal tax credits or other Federal tax deductions claimed by taxpayers directly attributable to emission reduction activities;

"(3) a compendium of all proposed Federal spending related to climate change categorized by research, regulation, education, and other activities;

"(4) tables detailing all spending recommendations on climate change submitted by Federal agencies to the Office of Management and Budget, compared with the final recommendations of the President;

"(5) an alphabetical index of all climate change grantees, cross-referenced by name of institution and persons carrying out the grant project;

"(6) an index of all climate change grant proposals not funded by Federal agencies; and

"(7) a list of all persons, and their institutional affiliations, participating in peer review of climate change grant proposals submitted to Federal agencies.

"(b) AVAILABILITY OF REPORTS.—A report under subsection (a) shall be—

"(1) printed on recycled paper;

"(2) made available to the public; and

"(3) posted on the Internet.

"SEC. 1611. PUBLIC COMMENT.

"In the case of any report under this title that is to be published, the Secretary shall—

"(1) provide to the public notice and opportunity to comment on the contents or quality of the report before it is published; and

"(2) receive, catalogue, and make readily available to the public all written public comments on reports covered by this section, except that lengthy compilations of public comments may be published in electronic format only.

"SEC. 1612. NATIONAL RESOURCE CENTER ON CLIMATE CHANGE.

"(a) IN GENERAL.—The Secretary, in consultation with the National Academy of Sciences, shall maintain a National Resource Center on Climate Change (referred to in this section as the 'Center').

"(b) FUNCTIONS.—

"(1) IN GENERAL.—The Center shall preserve and make available to the public all reports, studies, or other information relating to climate change provided for in this title, provided for in the Climate Change Energy

Policy Response Act, or otherwise available to the Federal Government.

"(2) Reference items.—Except as otherwise provided in this title, reference items may be made available in electronic format only.

"(c) Relationship to Other Law.—Nothing in this section alters or amends otherwise applicable law restricting public access to information, including laws protecting national defense secrets, intellectual property rights, and privacy rights.".

(b) Technical Amendment.—The table of contents of the Energy Policy Act of 1992 (106 Stat. 2776) is amended by inserting after the item relating to section 1609 the following:

"Sec. 1610. Annual report to public.
"Sec. 1611. Public comment.
"Sec. 1612. National Resource Center on Climate Change.".

TITLE V—ACCELERATED DEVELOPMENT AND DEPLOYMENT OF RESPONSE TECHNOLOGY

SEC. 501. REVIEW OF FEDERALLY FUNDED ENERGY TECHNOLOGY RESEARCH AND DEVELOPMENT.

(a) In General.—Title XVI of the Energy Policy Act of 1992 (42 U.S.C. 13381 et seq.) (as amended by section 401(a)) is amended by adding at the end the following:

"SEC. 1613. REVIEW OF FEDERALLY FUNDED ENERGY TECHNOLOGY RESEARCH AND DEVELOPMENT.

"(a) Department of Energy Review of Federally Funded Energy Technology Research and Development.—

"(1) In general.—The Secretary shall—

"(A) review annually any federally funded research and development activities carried out on energy technology; and

"(B) issue a public report by October 15 of each year on the results of the review for consideration and use in the preparation of the budget of the United States Government submitted under section 1105 of title 31, United States Code, for the following fiscal year.

"(2) Assessment of technology readiness.—As part of the review of an energy technology, the Secretary shall—

"(A) assess the status (including the potential commercialization) of the technology and any barriers to the deployment of the energy technology; and

"(B) consider—

"(i) the length of time it will take for deployment and use of the energy technology so as to have a meaningful impact on emission reductions;

"(ii) the cost of deploying the energy technology;

"(iii) the safety of the energy technology; and

"(iv) other relevant factors.

"(b) Energy Technology Research and Development Clearinghouse.—

"(1) In general.—The Secretary shall establish, in the National Resource Center on Climate Change established under section 1614 or by such other means as the Secretary considers appropriate, an information clearinghouse to facilitate the transfer and dissemination of the results of federally funded research and development activities being carried out on energy technology.

"(2) No effect on restrictions or safeguards.—Paragraph (1) has no effect on any restrictions or safeguards established for national security or the protection of personal property rights (including trade secrets and confidential business information).

"(c) Authorization of Appropriations for Joint Federal/Private Demonstration Programs.—There are authorized to be appropriated to the Secretary for each of fiscal years 2001 through 2004 such sums as are necessary for programs for the demonstration of innovative energy sequestration technologies described in section 1600(3)(B) to be conducted jointly by the Federal Government and private nonprofit or for-profit entities.".

(b) Technical Amendment.—The table of contents of the Energy Policy Act of 1992 (106 Stat. 2776) (as amended by section 401(b)) is amended by inserting after the item relating to section 1612 the following:

"Sec. 1613. Review of federally funded energy technology research and development.".

SEC. 502. STUDY OF REGULATORY BARRIERS TO RAPID DEPLOYMENT OF EMISSION REDUCTION TECHNOLOGY.

Not later than 270 days after the date of enactment of this Act, the Comptroller General of the United States (in consultation with the Secretary of Commerce and the United States Trade Representative) shall—

(1) identify and evaluate regulatory barriers to the more rapid deployment of technology domestically and internationally for greenhouse gas emission reductions (within the meaning of section 1600 of the Energy Policy Act of 1992, as added by section 3);

(2) recommend to Congress changes in law that would permit more rapid deployment of such technologies; and

(3) make such other recommendations as the Comptroller General of the United States considers to be appropriate.

TITLE VI—INTERNATIONAL DEPLOYMENT OF ENERGY TECHNOLOGY TO MITIGATE CLIMATE CHANGE

SEC. 601. INTERNATIONAL DEPLOYMENT OF ENERGY TECHNOLOGY TO MITIGATE CLIMATE CHANGE.

Section 1608 of the Energy Policy Act of 1992 (42 U.S.C. 13386) is amended by striking subsection (l) and inserting the following:

"(l) International Deployment of Energy Technology To Mitigate Climate Change.—

"(1) Definitions.—In this subsection:

"(A) Energy efficiency.—The term 'energy efficiency' means the ratio of the design average annual energy output of a unit of an energy production facility (determined without regard to any cogeneration of steam) to the design average annual heat input of the unit (based on the highest heating value of the fuel used by the unit).

"(B) International energy deployment project.—The term 'international energy deployment project' means a project to construct a unit of an energy production facility outside the United States—

"(i) the output of which will be consumed outside the United States; and

"(ii) the deployment of which will result in greenhouse gas reduction when compared to the technology that would otherwise be implemented through an increase in energy efficiency of—

"(I) 5 percentage points or more, in the case of a unit placed in service before January 1, 2010;

"(II) 7 percentage points or more, in the case of a unit placed in service after December 31, 2009, and before January 1, 2020; or

"(III) 10 percentage points or more, in the case of a unit placed in service after December 31, 2019, and before January 1, 2030.

"(C) Qualifying international energy deployment project.—The term 'qualifying international energy deployment project' means an international energy deployment that—

"(i) is submitted by a United States firm to the Secretary in accordance with procedures established by the Secretary by regulation;

"(ii) uses technology that has been successfully developed or deployed in the United States;

"(iii) meets the criteria of subsection (k);

"(iv) is approved by the Secretary, with notice of the approval being published in the Federal Register; and

"(v) complies with such terms and conditions as the Secretary establishes by regulation.

"(D) United states.—The term 'United States', when used in a geographical sense, means the 50 States, the District of Columbia, and territories and possessions of the United States.

"(2) Pilot program for financial assistance.—

"(A) In general.—Not later than 180 days after the date of enactment of the Climate Change Energy Policy Response Act, the Secretary shall by regulation provide for a pilot program for financial assistance for qualifying international energy deployment projects.

"(B) Limitation.—The pilot program shall provide financial assistance, subject to the availability of appropriations, for not more than 6 qualifying international energy deployment projects.

"(C) Selection criteria.—After consultation with the Secretary of State, the Secretary of Commerce, and the United States Trade Representative, the Secretary shall select projects for participation in the program based solely on the criteria under this title and without regard to the country in which the project is located.

"(D) Financial assistance.—

"(i) In general.—A United States firm that undertakes a qualifying international energy deployment project selected to participate in the pilot program shall be eligible to receive a loan or a loan guarantee from the Secretary.

"(ii) Timing.—The Secretary may enter into a commitment to make a loan or loan guarantee before the United States firm decides on a binding contract for the construction of a qualifying international energy deployment project.

"(iii) Rate of interest.—The rate of interest of any loan made under clause (i) shall be equal to the rate for Treasury obligations then issued for periods of comparable maturities.

"(iv) Amount.—The amount of a loan or loan guarantee under clause (i) shall not exceed 75 percent of the total cost of the qualified international energy deployment project.

"(E) Coordination with other programs.—A qualifying international energy deployment project funded under this section shall not be eligible as a qualifying clean coal technology under section 415 of the Clean Air Act (42 U.S.C. 7651n).

"(F) Report.—Not later than 4 years after the date of enactment of the Climate Change Energy Policy Response Act, the Secretary shall submit to the President a report on the results of the pilot projects.

"(G) Recommendation.—Not later than 60 days after receiving the report under subparagraph (F), the President shall submit to Congress a recommendation, based on the results of the pilot projects as reported by the Secretary of Energy, concerning whether the financial assistance program under this section should be continued, expanded, reduced, or eliminated.

"(H) Authorization of appropriations.—There are authorized to be appropriated to carry out this subsection such sums as are necessary for fiscal years 2001 through 2004.".

TITLE VII—OPTIMAL OPERATING EFFICIENCY OF TRANSPORTATION SYSTEMS

SEC. 701. TRAFFIC CONGESTION RELIEF RESEARCH.

Section 502 of title 23, United States Code, is amended by adding at the end the following:

"(h) Traffic Congestion Relief Research.—

"(1) Studies.—

"(A) Regional approaches for reducing traffic congestion.—

"(i) In general.—The Secretary shall enter into an arrangement with the National Academy of Sciences to conduct a study, and prepare a report comparing, the effectiveness of various regional approaches for reducing traffic congestion.

"(ii) Required assessments.—At a minimum, the study shall assess the impact on traffic congestion of—

"(I) expansion of highway capacity;

"(II) improvement of traffic operations (including improved incident management associated with traffic accidents and vehicle breakdowns); and

"(III) programs for demand management.

"(B) Highway design concepts.—

"(i) In general.—The Secretary shall fund a study analyzing, and preparation of a report concerning, highway design concepts for projects to relieve congestion in urban areas without acquisition of additional rights-of-way.

"(ii) Entity to carry out study.—The study may be carried out and the report prepared—

"(I) by the Department of Transportation;

"(II) by another entity, through an arrangement with the Secretary; or

"(III) by a combination of the entities described in subclauses (I) and (II).

"(2) Federal share.—The Federal share of the cost of the studies required under paragraph (1) shall be 100 percent.

"(3) Funding.—

"(A) In general.—Notwithstanding any other provision of law, for each of fiscal years 2000 through 2002, $1,000,000 of the sum deducted by the Secretary under section 104(a) shall be made available to carry out the studies required under paragraph (1).

"(B) Allocation of funds.—Funds made available under subparagraph (A) shall be allocated among the 2 studies at the discretion of the Secretary, except that each study shall be allocated funds sufficient to allow for completion of the study.".

TITLE VIII—VOLUNTARY INITIATIVES

SEC. 801. IMPROVED AND STREAMLINED REPORTING AND CERTIFICATION OF VOLUNTARY MEASURES.

(a) Revised Guidelines Under Energy Policy Act of 1992.—Section 1605(b) of the Energy Policy Act of 1992 (42 U.S.C. 13385(b)) is amended—

(1) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively; and

(2) by inserting after paragraph (1) the following:

"(2) Revised guidelines.—

"(A) In general.—Not later than 1 year after the date of enactment of the Climate Change Energy Policy Response Act, the Secretary shall revise the guidelines, after notice and opportunity for public comment, to reflect the amendments to this title made by that Act. Thereafter, the Secretary shall review and revise the guidelines every 5 years, after notice and opportunity for public comment.

"(B) Contents.—The revised guidelines shall—

"(i) provide for a random or other verification process using the authorities available to the Secretary under other provisions of law;

"(ii) include a range of reference cases for reporting project-based activities in all appropriate sectors of the economy (including forestry and electric power generation); and

"(iii) address the issues, such as comparability, that are associated with permitting the option of reporting on an entity basis or on an activity or project basis.

"(C) Retention of voluntary reporting.—Any review under this paragraph shall give appropriate weight to—

"(i) the purpose of encouraging voluntary emission reductions by the private sector; and

"(ii) the voluntary nature of reporting under this section.

"(D) Validity of certification.—Except to the extent that an emission reduction certified in a report under this subsection, not later than 1 year after the date of the report, is adjusted under the verification process under subparagraph (B) or review process under subsection (d)(2), the emission reduction shall be valid for purposes of this and any other provision of law if the report meets the guidelines as in effect on the date on which the report is made.".

(b) Assurance of Accurate Reporting.—Section 1605(b) of the Energy Policy Act of 1992 (42 U.S.C. 13385(b)) (as amended by subsection (a)) is amended by striking paragraph (3) and inserting the following:

"(3) Reporting procedures.—

"(A) In general.—In accordance with paragraph (5), the Administrator shall—

"(i) develop forms for voluntary reporting under the guidelines established under paragraph (1); and

"(ii) make the forms available to entities wishing to report such information.

"(B) Certification of reports.—

"(i) In general.—A person reporting under this subsection shall certify the accuracy of the information reported.

"(ii) Reports by a corporation.—In the case of information reported by a corporation, the report—

"(I) shall be signed by an officer of the corporation; and

"(II) shall be subject to section 1001 of title 18, United States Code.".

(c) Avoidance of Duplicate Reporting.—Section 1605(b) of the Energy Policy Act of 1992 (42 U.S.C. 13385(b)) (as amended by subsection (a)) is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(2) by inserting after paragraph (2) the following:

"(4) Avoidance of duplicate reporting.—

"(A) In general.—The guidelines under this subsection shall ensure against multiple certification of the same emission reductions.

"(B) First to seek certification.—In a case in which—

"(i) more than 1 person is directly involved in the creation or implementation of an emission reduction measure;

"(ii) there is no—

"(I) written contractual arrangement between the persons that specifies which person is entitled to report the emission reduction; or

"(II) reference case or other provision of the guidelines that addresses the question which person is entitled to report the emission reduction in the circumstance of the case; and

"(iii) the Administrator determines that 2 or more of the persons have equally valid claims to the same emission reduction;

the first of the persons to certify the emission reduction in a report under this subsection shall be the only person entitled to report the emission reduction.".

(d) Simplification of Reporting.—Section 1605(b) of the Energy Policy Act of 1992 (42 U.S.C. 13385(b)) (as amended by subsection (c)) is amended by inserting after paragraph (4) the following:

"(5) Simplification of reporting.—Not later than 60 days after the date of enactment of the Climate Change Energy Policy Response Act, the Administrator shall by regulation, in consultation with the Secretary of Agriculture and the Administrator of the Small Business Administration, as appropriate, review and revise the reporting forms and procedures to facilitate greater participation by small businesses, farms, and other organizations that did not extensively participate in voluntary emission reductions and reporting under this subsection during the first 6 years after the date of enactment of this Act.".

(e) Best Practices for Estimating Emission Reductions.—Section 1605 of the Energy Policy Act of 1992 (42 U.S.C. 13385) is amended by adding at the end the following:

"(d) Best Practices for Estimating Emission Reductions.—

"(1) Establishment by the Secretary.—Not later than 180 days after the date of enactment of this subsection, after notice and opportunity for public comment, the Secretary, with the assistance of the Administrator, shall establish the most reasonably effective practices for estimating emission reductions under subsection (b).

"(2) Review of prior certifications.—Emission reductions certified before the date of enactment of this subsection shall be subject to review by the Secretary and adjustment, in appropriate cases, to account for any change in a practice under this subsection.

"(3) Conformity of prior reported emission reductions with best practices.—In any review under this subsection, the Secretary shall obtain the assistance of the Administrator in assessing whether and to what extent any prior reported emission reduction is in conformity with best practices established under paragraph (1).".

SEC. 802. PUBLIC AWARENESS CAMPAIGN REGARDING BENEFITS OF CERTIFICATION OF VOLUNTARY EMISSION REDUCTIONS.

Section 1605 of the Energy Policy Act of 1992 (42 U.S.C. 13385) (as amended by section 801(f)) is amended by adding at the end the following:

"(e) Public Awareness Program.—

"(1) In general.—The Secretary shall create and implement a public awareness program to educate all appropriate persons (especially farmers and small businesses) in all regions of the United States of—

"(A) the direct benefits of engaging in voluntary emission reduction measures and having the emission reductions certified under this section and available for use under other incentive programs; and

"(B) the forms and procedures for having emission reductions certified under this section.

"(2) Special agricultural and small business outreach.—The Secretary of Agriculture, with respect to farmers, and the Administrator of the Small Business Administration, with respect to small businesses, shall assist the Secretary in creating and implementing the public awareness program under paragraph (1).".

SEC. 803. STATE AUTHORITY TO ENCOURAGE VOLUNTARY ENERGY INITIATIVES.

(a) IN GENERAL.—Title XVI of the Energy Policy Act of 1992 is amended by striking section 1606 (106 Stat. 3003) and inserting the following:

"SEC. 1606. STATE AUTHORITY TO ENCOURAGE VOLUNTARY ENERGY INITIATIVES.

"(a) IN GENERAL.—Notwithstanding any other provision of Federal law regarding the production, transmission, distribution, sale, or use of energy or of energy services, a State is not prohibited or restricted from continuing to engage in any action, or from implementing any State law (including a regulation) in effect on the date of enactment of the Climate Change Energy Policy Response Act, if the appropriate State authority finds that the action or law is appropriate for mitigating the financial risks to producers, transmitters, distributors, sellers, buyers, or users of energy or energy services that engage in voluntary steps to reduce greenhouse gas emissions.

"(b) COORDINATION WITH LATER ENACTED LAW.—This section shall remain in effect notwithstanding any Federal law, including any Federal law enacted after the date of enactment of this section, unless the later law specifically refers to this section and expressly states that this section is superseded.".

(b) TECHNICAL AMENDMENT.—The table of contents of the Energy Policy Act of 1992 (106 Stat. 2776) is amended by striking the item relating to section 1606 and inserting the following:

"Sec. 1606. State authority to encourage voluntary energy initiatives.".

THE CLIMATE CHANGE ENERGY POLICY RESPONSE ACT OF 1999—SECTION-BY-SECTION ANALYSIS

A bill to amend the Energy Policy Act of 1992 to revise the energy policies of the U.S. in order to reduce greenhouse gas emissions, advance global climate science, promote technology development, and increase citizen awareness, and for other purposes.

SECTION 1.—SHORT TITLE AND TABLE OF CONTENTS.

SECTION 2.—FINDINGS.

SECTION 3.—DEFINITIONS.

TITLE I—ENERGY POLICY COORDINATION

SEC. 101

Directs the Secretary of Energy to:

coordinate federal activities involving climate change issues including scientific research; energy technology and development, and economic analysis of various climate change policy alternatives;

select climate change policy alternatives for critical analysis;

ensure that collection and dissemination of all government developed or funded information relating to climate change is timely, balanced, understandable, accurate, sound, and made available to the public; and

consult with the National Academy of Sciences, the National Academy of Engineering, the National Research Council, and the Environmental Protection Agency.

The Secretary of Energy is to name staff to carry out this legislation. Consulting agencies may detail additional staff to DOE. The Act authorizes no additional staffing positions in any government agency.

TITLE II—ADVANCEMENT OF CLIMATE CHANGE SCIENCE

SEC. 201—COORDINATION, PRIORITIZATION, AND EVALUATION OF CLIMATE CHANGE SCIENCE RESEARCH

This section directs the Secretary of Energy to:

(with the National Academies of Science and Engineering) coordinate, prioritize, and evaluate federally funded scientific research on climate change conducted by or through federal agencies;

request the National Research Council to annually recommend measures to effectively carry out all scientific research covered by this legislation; and

submit to Congress legislative recommendations to more effectively carry out research and public information programs under this legislation, including recommendations to improve peer review processes and grant-making procedures

This section also provides that the objectives for federal climate change science research are to:

understand the Earth's capacity to assimilate natural and manmade greenhouse gas emissions;

evaluate the natural variability of the climate, including such phenomena as El Niño;

develop, and assess the capabilities of, climate models; and develop a national climate modeling strategy with adequate computational and human resources that are integrated and coordinated across the relevant agencies;

ensure the integrity of all observational data used to validate models and stabilize the existing climate observational capability;

identify critical climate variables that are inadequately measured or not measured at all;

build climate observing requirements into existing ongoing operational programs;

revamp climate research programs and appropriate climate-critical parts of operational observing programs so as to produce useful long-term data;

establish a funded activity for the development, implementation, and operation of climate-specific observational programs;

assess the capability and potential of the United States and North American carbon sequestration, including through crops, forests, soils, oceans, and wetlands; and

development deploy the technology to monitor all relevant national and global data.

Requires DOE to submit to Congress and the President a report on all science activities carried out under this title. The reports are to contain any scientific conclusions, interim status reports, and recommendations for subsequent research and testing that DOE considers appropriate. A draft report must be made available by DOE to appropriate nongovernmental organizations for their review no later than August 1 of each year. All reports under this section must be made available to the public through the National Resource Center on Climate Change.

For each of fiscal years 2000 through 2004, such sums as are necessary are authorized to be appropriated for research:

to assess the ability of natural carbon sinks to adjust to natural variations in climate and greenhouse gas emissions including, crops, grassland, forests, soils, and oceans;

on natural climate variability;

to develop and assess the capabilities of climate models;

to ensure the integrity of data used to validate climate models;

to develop carbon sinks in the United States (primarily crop and forestry research); and

to develop and deploy monitoring technology

TITLE III—POLICY REVIEW AND COORDINATION

SEC. 301—DOMESTIC AND INTERNATIONAL ASSESSMENT OF POLICIES FOR ADDRESSING THE EFFECTS OF GREENHOUSE GAS EMISSIONS

This section provides that within two years after the bill becomes law (and biannually thereafter) DOE, after consultation with each of seven federal agencies, is to prepare an economic analysis of climate change policy alternatives. The Secretary of Energy is to select three or more such policy alternatives for critical analysis only. Each analysis is to look at short term (five years) and long-term (fifty years) implications, and account for changes in various factors, including economic indicators.

Each agency to be consulted is to contribute expertise as appropriate on each policy alternative analysis in the following areas:

energy supply and demand, and energy price implications;

agricultural production cost and market implications, including overall impact on rural economies (discrete scenarios including variations in commodity and livestock prices);

health implications, if any;

implications for (1) workers, including wages and job opportunities and potential for U.S. firms locating operations abroad; and (2) for consumers in terms of predicted changes to the Consumer Price Index;

implications on all modes of transportation and the effects of the resulting cost changes on consumers, labor, agriculture and businesses;

housing costs and urban planning (under different mortgage and construction interest rate scenarios).

implications for U.S. exports and imports and trade competitiveness.

Status of activities and commitments in other countries

In addition to the foregoing seven economic analyses, DOE is to consult with the Department of State, the Central Intelligence Agency, and the National Security Administration to assess actions taken, or likely to be taken, by each United Nations member country to avoid, reduce, or adapt to climate change. Each such assessment is to analyze political and economic factors present in each country that may impact the assessment. The status of the country's commitment to international agreements relating to climate change, and the projected ability and likelihood of each country committing to binding international agreements with targets or timetables, are to be assessed.

Integration of policy alternative analyses

Within 30 months after enactment, and biannually thereafter, the President, with the advice and assistance of the Secretary of Energy, is to submit to Congress a report analyzing and integrating the combined findings of the report. The conclusion is to contain recommendations of any changes in law, international agreements, or public policy that the President considers to be in the best interest of the United States.

Scientific effect of policy alternatives

The Secretary of Energy is to request the National Academies of Science and Engineering to assess the known scientific effect of each policy alternative chosen for analysis under this Title and its effect on technology development and selection.

Environmental Protection Agency activities with climate change implications

DOE is to report on the activities of EPA that coincidentally affect actions by the private sector that, in turn, affect greenhouse gas emissions. DOE is to consult with the public and private sectors in preparing this report.

Reporting flexibility

The Secretary of Energy may suspend one or more of the agency reporting requirements after two reports if it finds that such reports will not likely provide information that substantially supplements earlier reports.

TITLE IV—PUBLIC RIGHTS-TO-KNOW

SEC. 401—ANNUAL REPORT TO THE PUBLIC

DOE is to publish an annual report on U.S. investment in climate change activities that includes:

a description of current, prior year, and proposed spending on climate change categorized by research, regulation, education, and other activities;

estimate of current and prior year tax credits and deductions claimed by U.S. taxpayers attributable to greenhouse gas emissions reductions;

tables of spending proposals on climate change submitted by federal agencies to OMB, compared with President's final recommendations to Congress;

an index of all climate change grantees, cross-referenced by name of institutions and persons carrying out the projects;

an index of all grant proposals not funded by federal agencies; and

a list of all persons and their affiliations participating in peer review of climate change grant proposals.

Each such report is to be printed on recycled paper, made public, and posted on the Internet.

Public comment

DOE is to provide for notice and opportunity for public comment on the report. Such comments are to be catalogued and made readily available to the public in electronic format.

National Resource Center on Climate Change

DOE, in consultation with the National Academy of Science, is to establish a National Resource Center on Climate Change. The Center is to preserve and make publicly available all reports, information, studies or other information available to the federal government on climate change. Reference items may be made available in electronic format only. Public availability of information is subject to laws protecting national defense secrets, intellectual property rights, and privacy rights.

TITLE V—ACCELERATED DEVELOPMENT AND DEPLOYMENT OF RESPONSE TECHNOLOGY

SEC. 501—REVIEW OF FEDERALLY FUNDED ENERGY TECHNOLOGY RESEARCH AND DEVELOPMENT

Requires DOE by October 15 of each year to review any federally funded energy technology research and development activities. The review will assess the status of the energy technology, including lead-time required until deployment, cost, safety, potential barriers to deployment, and other relevant factors.

Requires DOE to establish a technology information clearinghouse to disseminate the results of federally funded energy technology research and development activities. The clearinghouse is to be set up within the National Research Center on Climate Change, but is not to affect national security secrets or personal property rights.

SEC. 502—STUDY OF REGULATORY BARRIERS TO RAPID DEPLOYMENT OF GREENHOUSE GAS EMISSION REDUCTION TECHNOLOGY

This section requires GAO, in consultation with the Secretary of Commerce and the U.S. Trade Representative, to identify and evaluate regulatory or other barriers to more rapid deployment of technology to reduce greenhouse gas emissions. The scope is both domestic and international. Requires GAO to recommend to Congress any necessary changes in law.

TITLE VI—INTERNATIONAL DEPLOYMENT OF ENERGY TECHNOLOGY TO MITIGATE CLIMATE CHANGE

SEC. 601—INTERNATIONAL DEPLOYMENT OF ENERGY TECHNOLOGY TO MITIGATE CLIMATE CHANGE

Pilot program for financial assistance

Requires the Secretary of Energy to create a pilot program to provide financial assistance, subject to available appropriations, for not more than six (6) qualifying, international, energy deployment projects. To qualify, the projects must be built, operated, and used outside the United States and must increase energy efficiency compared to the technology that would otherwise be implemented. The Secretary of Energy, after consultation with the Secretary of State, the Secretary of Commerce and the U.S. Trade Representative, may make the selection based solely on the criteria set forth in Sec. 601.

Financial assistance (for qualifying international energy deployment projects)

A U.S. firm undertaking an international energy deployment project which qualifies under the preceding section is eligible for financial assistance in the form of a loan or a loan guarantee. The loan amount would not exceed 75% of total project cost, and the interest rate would equal that for Treasury obligation then issued for periods of comparable maturities.

Equity investment insurance (for firms selected to participate in pilot project)

Under this section a U.S. firm that enters a binding contract for a qualifying international energy deployment project would, if approved by DOE to be part of the pilot project, be eligible for insurance on investment the firm has in the project.

Coordination with other programs

Provides that a qualifying international energy deployment project, funded under this title, would not be eligible as a qualifying clean coal technology under Section 415 of the Clean Air Act.

Report and recommendations

No later than four (4) years after the date of enactment, DOE must submit a report to the President on the results of the pilot projects. After reviewing the report the President is to recommend to Congress that the financial assistance program be continued, expanded, reduced or eliminated.

Authorization of appropriations

Authorizes appropriations (such sums as are necessary) to fund the programs under this title for fiscal years 2001–2004.

TITLE VII—OPTIMAL OPERATING EFFICIENCY OF TRANSPORTATION SYSTEMS

SEC. 701—TRAFFIC CONGESTION RELIEF RESEARCH

Amends Section 502 of title 23, United States Code. Requires DOE to enter into an arrangement with the National Academy of Sciences to conduct a study comparing the effectiveness of various regional approaches for reducing traffic congestion. At a minimum the study is to assess the impact on traffic of: (1) expansion of highway capacity; (2) improvement of traffic operations; and (3) programs for demand management.

Relieving urban congestion without additional right-of-way

Requires DOE to fund a study and prepare a report analyzing highway design concepts for projects to relieve congestion in urban areas without acquisition of additional rights-of-way. For fiscal years 2000 through 2002, $1,000,000 of the [sum deducted by the Secretary under Section 104(a)] would be available for these studies.

TITLE VIII—VOLUNTARY INITIATIVES:

SEC. 801—IMPROVED AND STREAMLINED REPORTING AND CERTIFICATION OF VOLUNTARY MEASURES

Amends the Energy Policy Act of 1992 to improve and streamline reporting and certification of voluntary measures to reduce greenhouse gas emissions.

Revised reporting guidelines

Requires DOE (with one year of enactment and every five years thereafter), to revise reporting guidelines to reflect changes made by this legislation. Establishes criteria for review of the reporting guidelines. Requires that any review pursuant to this section give appropriate weight to (1) the purpose of encouraging voluntary greenhouse gas emission reductions; and (2) the voluntary nature of reporting under this section. Validates reported emissions reductions so long as (1) the report meets then applicable guidelines and (2) reported reductions are not adjusted by Energy Information Administration (EIA).

Forms for accurate reporting

Requires DOE to develop forms for voluntary reporting and to make the forms available to entities wishing to report. Provides that entities reporting emissions reductions certify the accuracy of the report. Information reported by a corporation must be signed by one of its officers. Ensures against multiple certification of the same greenhouse gas emissions reductions: If more than one party has a valid claim to the same reduction, the first person to seek certification of a greenhouse gas emission reduction shall be granted the certification.

Greater participation by small businesses and farms

Requires the Administrator of EIA, in conjunction with the Secretary of Agriculture and Administrator of the SBA, to review and revise the guidelines to facilitate greater participation by small businesses, farms, and other organizations that did not previously participate in voluntary reductions and reporting.

Best practices for estimating reductions

Requires the Administrator of EIA to establish the most reasonably effective practices for estimating greenhouse gas emission reductions under §1605(b). Provides that emission reductions certified prior to the effective date of this section be reviewed, and modified if necessary, to account for any changes implemented by this section.

SEC. 802—PUBLIC AWARENESS CAMPAIGN OF VOLUNTARY EMISSION REDUCTIONS CERTIFICATION

Requires EIA to create a public awareness campaign: (1) on the benefits of engaging in voluntary greenhouse gas reduction measures and having the reductions certified and available for use under other incentive programs; and (2) explaining forms and procedures for having reductions certified. USDA and SBA are to implement comparable programs for the agricultural and small business communities.

SEC. 803—STATE AUTHORITY TO ENCOURAGE VOLUNTARY ENERGY INITIATIVES

This section provides that a state is not restricted from continuing to engage in any action, or from implementing any State law, that is in effect at the time this legislation is enacted, if the State determines that the action or law is appropriate for mitigating the financial risks to producers, transmitters, distributors, sellers, buyers, or users of energy or energy services who engage in voluntary steps to reduce greenhouse gas emissions. This provision remains in effect unless specifically and expressly superseded in subsequent legislation.

S. 1777

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Climate Change Tax Amendments of 1999".

SEC. 2. PERMANENT TAX CREDIT FOR RESEARCH AND DEVELOPMENT REGARDING GREENHOUSE GAS REDUCTION.

(a) IN GENERAL.—Section 41(h) of the Internal Revenue Code of 1986 (relating to termination) is amended by adding at the end the following:

"(3) EXCEPTION FOR CERTAIN RESEARCH.—Paragraph (1)(B) shall not apply in the case of any qualified research expenses if the research—

"(A) has as 1 of its purposes the reducing or sequestering of greenhouse gases, and

"(B) has been reported to the Department of Energy under section 1605(b) of the Energy Policy Act of 1992.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to amounts paid or incurred after the date of enactment of this Act, except that such amendment shall not take effect unless the Climate Change Energy Policy Response Act is enacted into law.

SEC. 3. TAX CREDIT FOR REDUCED GREENHOUSE GAS EMISSIONS FACILITIES.

(a) ALLOWANCE OF REDUCED GREENHOUSE GAS EMISSIONS FACILITIES CREDIT.—Section 46 of the Internal Revenue Code of 1986 (relating to amount of credit) is amended by striking "and" at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting ", and", and by adding at the end the following:

"(4) the reduced greenhouse gas emissions facilities credit."

(b) AMOUNT OF CREDIT.—Subpart E of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to rules for computing investment credit) is amended by inserting after section 48 the following:

"SEC. 48A. CREDIT FOR REDUCED GREENHOUSE GAS EMISSIONS FACILITIES.

"(a) IN GENERAL.—For purposes of section 46, the reduced greenhouse gas emissions facilities credit for any taxable year is the applicable percentage of the qualified investment in a reduced greenhouse gas emissions facility for such taxable year.

"(b) REDUCED GREENHOUSE GAS EMISSIONS FACILITY.—For purposes of subsection (a), the term 'reduced greenhouse gas emissions facility' means a facility of the taxpayer—

"(1)(A) the construction, reconstruction, or erection of which is completed by the taxpayer, or

"(B) which is acquired by the taxpayer if the original use of such facility commences with the taxpayer,

"(2) the operation of which—

"(A) replaces the operation of a facility of the taxpayer,

"(B) reduces greenhouse gas emissions on a per unit of output basis as compared to such emissions of the replaced facility, and

"(C) uses the same type of fuel (or combination of the same type of fuel and biomass fuel) as was used in the replaced facility,

"(3) with respect to which depreciation (or amortization in lieu of depreciation) is allowable, and

"(4) which meets the performance and quality standards (if any) which—

"(A) have been jointly prescribed by the Secretary and the Secretary of Energy by regulations,

"(B) are consistent with regulations prescribed under section 1605(b) of the Energy Policy Act of 1992, and

"(C) are in effect at the time of the acquisition of the facility.

"(c) APPLICABLE PERCENTAGE.—For purposes of subsection (a), the applicable percentage is one-half of the percentage reduction in greenhouse gas emissions described in subsection (b)(2) and reported and certified under section 1605(b) of the Energy Policy Act of 1992.

"(d) QUALIFIED INVESTMENT.—For purposes of subsection (a), the term 'qualified investment' means, with respect to any taxable year, the basis of a reduced greenhouse gas emissions facility placed in service by the taxpayer during such taxable year, but only with respect to that portion of the investment attributable to providing production capacity not greater than the production capacity of the facility being replaced.

"(e) QUALIFIED PROGRESS EXPENDITURES.—

"(1) INCREASE IN QUALIFIED INVESTMENT.—In the case of a taxpayer who has made an election under paragraph (5), the amount of the qualified investment of such taxpayer for the taxable year (determined under subsection (d) without regard to this subsection) shall be increased by an amount equal to the aggregate of each qualified progress expenditure for the taxable year with respect to progress expenditure property.

"(2) PROGRESS EXPENDITURE PROPERTY DEFINED.—For purposes of this subsection, the term 'progress expenditure property' means any property being constructed by or for the taxpayer and which it is reasonable to believe will qualify as a reduced greenhouse gas emissions facility which is being constructed by or for the taxpayer when it is placed in service.

"(3) QUALIFIED PROGRESS EXPENDITURES DEFINED.—For purposes of this subsection—

"(A) SELF-CONSTRUCTED PROPERTY.—In the case of any self-constructed property, the term 'qualified progress expenditures' means the amount which, for purposes of this subpart, is properly chargeable (during such taxable year) to capital account with respect to such property.

"(B) NON-SELF-CONSTRUCTED PROPERTY.—In the case of non-self-constructed property, the term 'qualified progress expenditures' means the amount paid during the taxable year to another person for the construction of such property.

"(4) OTHER DEFINITIONS.—For purposes of this subsection—

"(A) SELF-CONSTRUCTED PROPERTY.—The term 'self-constructed property' means property for which it is reasonable to believe that more than half of the construction expenditures will be made directly by the taxpayer.

"(B) NON-SELF-CONSTRUCTED PROPERTY.—The term 'non-self-constructed property' means property which is not self-constructed property.

"(C) CONSTRUCTION, ETC.—The term 'construction' includes reconstruction and erection, and the term 'constructed' includes reconstructed and erected.

"(D) ONLY CONSTRUCTION OF REDUCED GREENHOUSE GAS EMISSIONS FACILITY TO BE TAKEN INTO ACCOUNT.—Construction shall be taken into account only if, for purposes of this subpart, expenditures therefor are properly chargeable to capital account with respect to the property.

"(5) ELECTION.—An election under this subsection may be made at such time and in such manner as the Secretary may by regulations prescribe. Such an election shall apply to the taxable year for which made and to all subsequent taxable years. Such an election, once made, may not be revoked except with the consent of the Secretary."

(c) RECAPTURE.—Section 50(a) of the Internal Revenue Code of 1986 (relating to other special rules) is amended by adding at the end the following:

"(6) SPECIAL RULES RELATING TO REDUCED GREENHOUSE GAS EMISSIONS FACILITY.—For purposes of applying this subsection in the case of any credit allowable by reason of section 48A, the following shall apply:

"(A) GENERAL RULE.—In lieu of the amount of the increase in tax under paragraph (1), the increase in tax shall be an amount equal to the investment tax credit allowed under section 38 for all prior taxable years with respect to a reduced greenhouse gas emissions facility (as defined by section 48A(b)) multiplied by a fraction whose numerator is the number of years remaining to fully depreciate under this title the reduced greenhouse gas emissions facility disposed of, and whose denominator is the total number of years over which such facility would otherwise have been subject to depreciation. For purposes of the preceding sentence, the year of disposition of the reduced greenhouse gas emissions facility property shall be treated as a year of remaining depreciation.

"(B) PROPERTY CEASES TO QUALIFY FOR PROGRESS EXPENDITURES.—Rules similar to the rules of paragraph (2) shall apply in the case of qualified progress expenditures for a reduced greenhouse gas emissions facility under section 48A, except that the amount of the increase in tax under subparagraph (A) of this paragraph shall be substituted in lieu of the amount described in such paragraph (2).

"(C) APPLICATION OF PARAGRAPH.—This paragraph shall be applied separately with respect to the credit allowed under section 38 regarding a reduced greenhouse gas emissions facility."

(d) TECHNICAL AMENDMENTS.—

(1) Section 49(a)(1)(C) of the Internal Revenue Code of 1986 is amended by striking "and" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", and", and by adding at the end the following:

"(iv) the portion of the basis of any reduced greenhouse gas emissions facility attributable to any qualified investment (as defined by section 48A(d))."

(2) Section 50(a)(4) of such Code is amended by striking "and (5)" and inserting ", (5), and (6)".

(3) The table of sections for subpart E of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 48 the following:

"Sec. 48A. Credit for reduced greenhouse gas emissions facilities."

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

(f) STUDY OF ADDITIONAL INCENTIVES FOR VOLUNTARY REDUCTION OF GREENHOUSE GAS EMISSIONS.—

(1) IN GENERAL.—The Secretary of the Treasury and the Secretary of Energy shall jointly study possible additional incentives for, and removal of barriers to, voluntary, non recoupable expenditures for the reduction of greenhouse gas emissions. For purposes of this subsection, an expenditure shall be considered voluntary and non recoupable if the expenditure is not recoupable—

(A) from revenues generated from the investment, determined under generally accepted accounting standards (or under the applicable rate-of-return regulation, in the case of a taxpayer subject to such regulation),

(B) from any tax or other financial incentive program established under Federal, State, or local law, or

(C) pursuant to any credit-trading or other mechanism established under any international agreement or protocol that is in force.

(2) REPORT.—Within 6 months of the date of enactment of this Act, the Secretary of the Treasury and the Secretary of Energy shall jointly report to Congress on the results of the study described in paragraph (1), along with any recommendations for legislative action.

(g) SCOPE AND IMPACT.—

(1) POLICY.—In order to achieve the broadest response for reduction of greenhouse gas emissions and to ensure that the incentives established by or pursuant to this Act do not advantage one segment of an industry to the disadvantage of another, it is the sense of Congress that incentives for greenhouse gas reductions should be available for individuals, organizations, and entities, including both for-profit and non-profit institutions.

(2) LEVEL PLAYING FIELD STUDY AND REPORT.—

(A) IN GENERAL.—The Secretary of the Treasury and the Secretary of Energy shall jointly study possible additional measures that would provide non-profit entities (such as municipal utilities and energy cooperatives) with economic incentives for greenhouse gas emission reductions comparable to those incentives provided to taxpayers under the amendments made to the Internal Revenue Code of 1986 by this Act.

(B) REPORT.—Within 6 months after the date of enactment of this Act, the Secretary of the Treasury and the Secretary of Energy shall jointly report to Congress on the results of the study described in subparagraph (A), along with any recommendations for legislative action.

THE CLIMATE CHANGE TAX AMENDMENTS OF 1999—SECTION-BY-SECTION ANALYSIS

A bill to amend the Internal Revenue Code of 1986 to provide incentives for the voluntary reduction of greenhouse gas emissions and to advance global climate science and technology development.

Section 1 designates the short title as the "Climate Change Tax Amendments of 1999."

Section 2 extends on a permanent basis the tax credit for research and development in the case of R & D involving climate change.

In order for a research expense to qualify for the credit, it must: have as one of its purposes the reducing or sequestering of greenhouse gases; and have been reported to DOE under Sec. 1605(b) of the Energy Policy Act of 1992.

This tax credit applies with respect to amounts incurred after this Act becomes law, and only if the Climate Change Energy Policy Response Act also becomes law.

Section 3 provides for investment tax credits for greenhouse-gas-emission reduction facilities.

GREENHOUSE GAS EMISSIONS FACILITY CREDIT

The amount of the credit would be calculated based upon the amount of greenhouse gas emission reductions reported and certified under section 1605(b) of the Energy Policy Act. The credit would be equal to one-half of the applicable percentage of the qualified investment in a "reduced greenhouse gas emissions facility."

For example, if a taxpayer replaces a coal-fired generator with a more efficient one that reduced greenhouse gas emissions by 18 percent, compared to the retired unit, the taxpayer would be entitled to a tax credit of 9 percent of qualified investment in that "reduced greenhouse gas emissions facility". Such facility is defined as a facility of the taxpayer: the construction, reconstruction, or erection of which is completed by the taxpayer; or the facility my be acquired by the taxpayer if the original use of the facility commences with the taxpayer; which replaces an existing facility of the taxpayer; which reduces greenhouse gas emissions (on a per unit of output basis) as compared to the facility it replaces; which uses the same type of fuel as the facility it replaces; the depreciation (or amortization in lieu of depreciation) of which is allowable; which meets performance and quality standards (if any) jointly prescribed by the Secretaries of Treasury and Energy; and are consistent with regulations prescribed under Sec. 1605(b) of the Energy Policy Act (relating to voluntary reporting of greenhouse gas emission reductions).

Only that portion of the investment attributable to providing production capacity not greater than the production capacity of the facility being replaced qualifies for the credit.

While unit efficiencies could be achieved if the credit were allowed for replacing a unit with another that burned a different fuel, such incentive for fuel shifting does not directly stimulate efficiency technology development for each fuel type. The objective is to improve efficiencies "within a fuel"; not to encourage fuel shifting "between fuels."

QUALIFIED PROGRESS EXPENDITURE CREDIT

With respect to qualified progress expenditures, the amount of the qualified investment for the taxable year shall be increased by the aggregate of each qualified progress expenditure for the taxable year with respect to progress expenditure property. Progress expenditure property is defined as any property being constructed by or for the taxpayer and which it is reasonable to believe will qualify as a reduced greenhouse gas emission facility.

ELECTION

A taxpayer may elect to take the tax credit in such a manner (i.e. as an investment credit, or as qualified progress expenditure) as the Secretary may by regulations prescribe. The election will apply to the taxable year for which it was made and to all subsequent taxable years. Such an election, once made, may not be revoked except with the consent of the Secretary.

RECAPTURE WHERE FACILITY IS PREMATURELY DISPOSED OF

If the facility is disposed of before the end of the facility's depreciation period (or "useful life" for tax purposes) the taxpayer will be assessed an increase in tax equal to the greenhouse gas emissions facility investment tax credit allowed for all prior taxable years multiplied by a fraction whose numerator is the number of years remaining to fully depreciate the facility to be disposed of, and whose denominator is the total number of years over which the facility would otherwise have been subject to depreciation.

Similar rules apply in the case in which the taxpayer elected credit for progress expenditures and the property thereafter ceases to qualify for such credit.

EFFECTIVE DATE

Amendments made to the Internal Revenue Code apply to property placed in service after the date of enactment of this Act.

STUDY OF ADDITIONAL INCENTIVES FOR VOLUNTARY REDUCTION OF GREENHOUSE GAS EMISSIONS

The Secretary of Energy and the Secretary of Transportation are directed to study, and report upon to Congress along with any recommendations for legislative action, possible additional incentives for and removal of barriers to voluntary non-recoupable expenditures on the reduction of greenhouse gas emissions. An expenditure qualifies if it is voluntary and not recoupable—from revenues generated from the investment; determined under generally accepted accounting standards; under the applicable rate-of-return regulation (in the case of a taxpayer subject to such regulation); from any tax or other financial incentive program established under federal, State, or local law; and pursuant to any credit-trading or other mechanism established under any international agreement or protocol that is in force.

By Mr. CLELAND:

S. 1779. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel M/V *Sandpiper;* to the Committee on Commerce, Science, and Transportation.

CERTIFICATE OF DOCUMENTATION FOR THE VESSEL "SANDPIPER"

• Mr. CLELAND. Mr. President, I am introducing a bill today to direct that the sailing vessel *Sandpiper*, Official Number 1079439, be accorded coastwise trading privileges and be issued a certificate of documentation under section 12103 of title 46, U.S. Code.

The hull and interior of the *Sandpiper* were constructed in Taiwan in 1998 by Ta-Yang Yacht Building Company, Ltd. She is a 48 foot Cutter Rig presently used as a recreational vessel. Since construction, the vessel has been rigged and outfitted in the United States. It is estimated that 60% of the cost of the vessel has been spent on the mast, rigging, sails, electronics, navigational instruments, safety equipment, interior furnishings, and various other deck fittings. These items were acquired in Annapolis, Maryland and refitting was completed in April, 1999.

The vessel is owned by Mr. and Mrs. David Maner of Augusta, Georgia. The Maners would like to utilize their vessel in the coastwise trade of the United States. However, because the vessel's hull was constructed in Taiwan, it did not meet the requirements for coastwise license endorsement in the United States. Such documentation is mandatory to enable the owner to use the vessel for its intended purpose.

The owners of the *Sandpiper* are seeking a waiver of the existing law because they wish to use the vessel for charters. The desired intentions for the vessel's use will not adversely affect the coastwise trade in U.S. waters. If the Maners are granted this waiver, it is their intention to comply fully with U.S. documentation and safety requirements. The purpose of the legislation I am introducing is to allow the *Sandpiper* to engage in the coastwise trade of the United States.

Mr. President, I ask that the text of the bill be printed in the RECORD.

The bill follows:

S. 1779

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CERTIFICATE OF DOCUMENTATION.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), section 8 of the Act of June 19, 1886 (24 Stat. 81, chapter 421; 46 U.S.C. App. 289), and section 12106 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel SANDPIPER, United States official number 1079439.●

ADDITIONAL COSPONSORS

S. 88

At the request of Mr. ROBB, his name was added as a cosponsor of S. 88, a bill to amend title XIX of the Social Security Act to exempt disabled individuals from being required to enroll with a managed care entity under the medicaid program.

S. 631

At the request of Mr. DEWINE, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 631, a bill to amend the Social Security Act to eliminate the time limitation on benefits for immunosuppressive drugs under the Medicare Program, to provide continued entitlement for such drugs for certain individuals after Medicare benefits end, and to extend certain Medicare secondary payer requirements.

S. 961

At the request of Mr. BURNS, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 961, a bill to amend the Consolidated Farm And Rural Development Act to improve shared appreciation arrangements.

S. 1109

At the request of Mr. MCCONNELL, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 1109, a bill to conserve global bear populations by prohibiting the importation, exportation, and interstate trade of bear viscera and items, products, or substances containing, or labeled or advertised as containing, bear viscera, and for other purposes.

S. 1144

At the request of Mr. VOINOVICH, the names of the Senator from Washington (Mrs. MURRAY), the Senator from Rhode Island (Mr. REED), and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 1144, a bill to provide increased flexibility in use of highway funding, and for other purposes.

S. 1277

At the request of Mr. GRASSLEY, the names of the Senator from Montana (Mr. BURNS), the Senator from California (Mrs. BOXER), the Senator from New York (Mr. SCHUMER), and the Senator from Michigan (Mr. ABRAHAM) were added as cosponsors of S. 1277, a bill to amend title XIX of the Social Security Act to establish a new prospective payment system for Federally-qualified health centers and rural health clinics.

S. 1303

At the request of Mr. BREAUX, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1303, a bill to amend the Internal Revenue Code of 1986 to modify certain provisions relating to the treatment of forestry activities.

S. 1464

At the request of Mr. HAGEL, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1464, a bill to amend the Federal Food, Drug, and Cosmetic Act to establish certain requirements regarding the Food Quality Protection Act of 1996, and for other purposes.

S. 1473

At the request of Mr. ROBB, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 1473, a bill to amend section 2007 of the Social Security Act to provide grant funding for additional Empowerment Zones, Enterprise Communities, and Strategic Planning Communities, and for other purposes.

S. 1488

At the request of Mr. GORTON, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 1488, a bill to amend the Public Health Service Act to provide for recommendations of the Secretary of Health and Human Services regarding the placement of automatic external defibrillators in Federal buildings in order to improve survival rates of individuals who experience cardiac arrest in such buildings, and to establish protections from civil liability arising from the emergency use of the devices.

S. 1494

At the request of Mr. ROCKEFELLER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1494, a bill to ensure that small businesses throughout the United States participate fully in the unfolding electronic commerce revolution through the establishment of an electronic commerce extension program at the National Institutes of Standards and technology.

S. 1528

At the request of Mr. LOTT, the names of the Senator from Oregon (Mr. WYDEN), the Senator from Michigan (Mr. ABRAHAM), the Senator from Colorado (Mr. ALLARD), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Minnesota (Mr. GRAMS), the Senator from Mississippi (Mr. COCHRAN), the Senator from Vermont (Mr. JEFFORDS), the Senator from Florida (Mr. MACK), the Senator from New Hampshire (Mr. GREGG), the Senator from North Carolina (Mr. HELMS), the Senator from Tennessee (Mr. THOMPSON), the Senator from Alabama (Mr. SESSIONS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Virginia (Mr. ROBB), the Senator from South Carolina (Mr. THURMOND), the Senator from Iowa (Mr. GRASSLEY), the Senator from North Carolina (Mr. EDWARDS), the Senator from Georgia (Mr. COVERDELL), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Maine (Ms. COLLINS), the Senator from Arkansas (Mr. HUTCHINSON), the Senator from California (Mrs. FEINSTEIN), the Senator from Maryland (Mr. SARBANES), the Senator from Oregon (Mr. SMITH), the Senator from Georgia (Mr. CLELAND), the Senator from California (Mrs. BOXER), the Senator from Nebraska (Mr. HAGEL), the Senator from Maryland (Ms. MIKULSKI), the Senator from Maine (Ms. SNOWE), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Louisiana (Mr. BREAUX), the Senator from Indiana (Mr. BAYH), the Senator from Kansas (Mr. ROBERTS), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from New York (Mr. MOYNIHAN), the Senator from Washington (Mrs. MURRAY), the Senator from Washington (Mr. GORTON), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from New York (Mr. SCHUMER), the Senator from Indiana (Mr. LUGAR), the Senator from Florida (Mr. GRAHAM), and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 1528, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability

Act of 1980 to clarify liability under that act for certain recycling transactions.

S. 1537

At the request of Mr. SMITH, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 1537, a bill to reauthorize and amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

S. 1547

At the request of Mr. BURNS, the names of the Senator from Georgia (Mr. COVERDELL) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 1547, a bill to amend the Communications Act of 1934 to require the Federal Communications Commission to preserve low-power television stations that provide community broadcasting, and for other purposes.

S. 1619

At the request of Mr. DEWINE, the names of the Senator from Utah (Mr. HATCH) and the Senator from Washington (Mr. GORTON) were added as cosponsors of S. 1619, a bill to amend the Trade Act of 1974 to provide for periodic revision of retaliation lists or other remedial action implemented under section 306 of such Act.

S. 1623

At the request of Mr. SPECTER, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 1623, a bill to select a National Health Museum site.

S. 1667

At the request of Mr. ABRAHAM, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1667, a bill to impose a moratorium on the export of bulk fresh water from the Great Lakes.

S. 1678

At the request of Mr. DASCHLE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1678, a bill to amend title XVIII of the Social Security Act to modify the provisions of the Balanced Budget Act of 1997.

S. 1701

At the request of Mr. SESSIONS, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 1701, a bill to reform civil asset forfeiture, and for other purposes.

S. 1717

At the request of Mr. BOND, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1717, a bill to amend title XXI of the Social Security Act to provide for coverage of pregnancy-related assistance for targeted low-income pregnant women.

SENATE CONCURRENT RESOLUTION 60

At the request of Mr. FEINGOLD, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of Senate Concurrent Resolution 60, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. *Wisconsin* and all those who served aboard her.

SENATE RESOLUTION 196

At the request of Mr. WARNER, the names of the Senator from Alaska (Mr. STEVENS), the Senator from Michigan (Mr. LEVIN), the Senator from Hawaii (Mr. INOUYE), the Senator from Mississippi (Mr. COCHRAN), and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of Senate Resolution 196, a resolution commending the submarine force of the United States Navy on the 100th anniversary of the force.

SENATE RESOLUTION 206—RELATIVE TO THE DEATH OF THE HONORABLE JOHN H. CHAFEE, OF RHODE ISLAND

Mr. LOTT (for himself, Mr. DASCHLE, Mr. REED, Mr. THURMOND, Mr. BYRD, Mr. KENNEDY, Mr. INOUYE, Mr. HOLLINGS, Mr. STEVENS, Mr. ROTH, Mr. HELMS, Mr. DOMENICI, Mr. BIDEN, Mr. LEAHY, Mr. SARBANES, Mr. MOYNIHAN, Mr. LUGAR, Mr. HATCH, Mr. BAUCUS, Mr. COCHRAN, Mr. WARNER, Mr. LEVIN, Mr. DODD, Mr. GRASSLEY, Mr. SPECTER, Mr. NICKLES, Mr. MURKOWSKI, Mr. LAUTENBERG, Mr. BINGAMAN, Mr. KERRY, Mr. HARKIN, Mr. GRAMM, Mr. MCCONNELL, Mr. ROCKEFELLER, Mr. BREAUX, Ms. MIKULSKI, Mr. SHELBY, Mr. MCCAIN, Mr. REID, Mr. GRAHAM, Mr. BOND, Mr. CONRAD, Mr. GORTON, Mr. JEFFORDS, Mr. BRYAN, Mr. MACK, Mr. KERREY, Mr. ROBB, Mr. BURNS, Mr. KOHL, Mr. LIEBERMAN, Mr. AKAKA, Mr. SMITH of New Hampshire, Mr. CRAIG, Mr. WELLSTONE, Mrs. FEINSTEIN, Mr. DORGAN, Mrs. BOXER, Mr. GREGG, Mr. CAMPBELL, Mr. COVERDELL, Mr. FEINGOLD, Mrs. MURRAY, Mr. BENNETT, Mrs. HUTCHISON, Mr. INHOFE, Mr. THOMPSON, Ms. SNOWE, Mr. DEWINE, Mr. KYL, Mr. THOMAS, Mr. SANTORUM, Mr. GRAMS, Mr. ASHCROFT, Mr. ABRAHAM, Mr. FRIST, Mr. WYDEN, Mr. BROWNBACK, Mr. ROBERTS, Mr. DURBIN, Mr. TORRICELLI, Mr. JOHNSON, Mr. ALLARD, Mr. HUTCHINSON, Mr. CLELAND, Ms. LANDRIEU, Mr. SESSIONS, Mr. SMITH of Oregon, Mr. HAGEL, Ms. COLLINS, Mr. ENZI, Mr. SCHUMER, Mr. BUNNING, Mr. CRAPO, Mrs. LINCOLN, Mr. BAYH, Mr. VOINOVICH, Mr. FITZGERALD, and Mr. EDWARDS) submitted the following resolution; which was considered and agreed to:

S. RES. 206

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable John H. Chafee, a Senator from the State of Rhode Island.

Resolved, That Senator Chafee's record of public service embodied the best traditions of the Senate: Statesmanship, Comity, Tolerance, and Decency.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to be family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the deceased Senator.

AMENDMENTS SUBMITTED

THE AFRICAN GROWTH AND OPPORTUNITY ACT

ASHCROFT (AND OTHERS) AMENDMENT NO. 2328

(Ordered to lie on the table.)

Mr. ASHCROFT (for himself, Mr. DASCHLE, Mr. BAUCUS, Mr. BURNS, Mr. BROWNBACK, Mr. GRASSLEY, Mr. INHOFE, Mr. HARKIN, Mr. ROBB, Mr. CRAIG, Mr. DORGAN, Mr. LUGAR, Mr. HELMS, Mr. DURBIN, Mr. INOUYE, Mr. CONRAD, Mr. WYDEN, Mr. JOHNSON, Mr. FITZGERALD, Mr. GRAMS, Mr. ALLARD, Mr. HUTCHINSON, Mr. BOND, Mr. ENZI, and Mr. CRAPO) submitted an amendment intended to be proposed by them to the bill (H.R. 434) to authorize a new trade and investment policy for sub-Saharan Africa; as follows:

At the appropriate place, add the following:

SEC. . CHIEF AGRICULTURAL NEGOTIATOR.

(a) ESTABLISHMENT OF A POSITION.—There is established the position of Chief Agricultural Negotiator in the Office of the United States Trade Representative. The Chief Agricultural Negotiator shall be appointed by the President, with the rank of Ambassador, by and with the advice and consent of the Senate.

(b) FUNCTIONS.—The primary function of the Chief Agricultural Negotiator shall be to conduct trade negotiations and to enforce trade agreements relating to U.S. agricultural products and services. The Chief Agricultural Negotiator shall be a vigorous advocate on behalf of U.S. agricultural interests. The Chief Agricultural Negotiator shall perform such other functions as the United States Trade Representative may direct.

(c) COMPENSATION.—The Chief Agricultural Negotiator shall be paid at the highest rate of basic pay payable to a member of the Senior Executive Service.

THE MILLENNIUM DIGITAL COMMERCE ACT

ABRAHAM AND OTHERS AMENDMENT NO. 2329

(Ordered to lie on the table.)

Mr. ABRAHAM (for himself, Mr. WYDEN, and Mr. LOTT) submitted an amendment intended to be proposed by them to the bill (S. 761) to regulate interstate commerce by electronic means by permitting and encouraging the continued expansion of electronic commerce through the operation of free market forces, and for other purposes; as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Millennium Digital Commerce Act".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) the growth of electronic commerce and electronic government transactions represent a powerful force for economic growth, consumer choice, improved civic participation and wealth creation.

(2) The promotion of growth in private sector electronic commerce through Federal legislation is in the national interest because that market is globally important to the United States.

(3) A consistent legal foundation, across multiple jurisdictions, for electronic commerce will promote the growth of such transactions, and that such a foundation should be based upon a simple, technology neutral, non-regulatory, and market-based approach.

(4) The Nation and the world stand at the beginning of a large scale transition to an information society which will require innovative legal and policy approaches, and therefore, States can serve the national interest by continuing their proven role as laboratories of innovation for quickly evolving areas of public policy, provided that States also adopt a consistent, reasonable national baseline to eliminate obsolete barriers to electronic commerce such as undue paper and pen requirements, and further, that any such innovation should not unduly burden inter-jurisdictional commerce.

(5) To the extent State laws or regulations do not provide a consistent, reasonable national baseline or in fact create an undue burden to interstate commerce in the important burgeoning area of electronic commerce, the national interest is best served by Federal preemption to the extent necessary to provide such consistent, reasonable national baseline eliminate said burden, but that absent such lack of consistent, reasonable national baseline or such undue burdens, the best legal system for electronic commerce will result from continuing experimentation by individual jurisdictions.

(6) With due regard to the fundamental need for a consistent national baseline, each jurisdiction that enacts such laws should have the right to determine the need for any exceptions to protect consumers and maintain consistency with existing related bodies of law within a particular jurisdiction.

(7) Industry has developed several electronic signature technologies for use in electronic transactions, and the public policies of the United States should serve to promote a dynamic marketplace within which these technologies can compete. Consistent with this Act, States should permit the use and development of any authentication technologies that are appropriate as practicable as between private parties and in use with State agencies.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to permit and encourage the continued expansion of electronic commerce through the operation of free market forces rather than proscriptive governmental mandates and regulations;

(2) to promote public confidence in the validity, integrity and reliability of electronic commerce and online government under Federal law;

(3) to facilitate and promote electronic commerce by clarifying the legal status of electronic records and electronic signatures in the context of writing and signing requirements imposed by law;

(4) to facilitate the ability of private parties engaged in interstate transactions to agree among themselves on the terms and conditions on which they use and accept electronic signatures and electronic records; and

(5) to promote the development of a consistent national legal infrastructure necessary to support of electronic commerce at the Federal and State levels within existing areas of jurisdiction.

SEC. 4. DEFINITIONS.

In this Act:

(1) Agreement.—The term 'agreement' means the bargain of the parties in fact as found in their language or inferred from other circumstances and from rules, regulations, and procedures given the effect of agreements under laws otherwise applicable to a particular transaction.

(2) Electronic.—The term "electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(3) Electronic agent.—The term "electronic agent" means a computer program or an electronic or other automated means used to initiate an action or respond to electronic records or performances in whole or in part without review by an individual at the time of the action or response.

(4) Electronic record.—The term "electronic record" means a record created, generated, sent, communicated, received, or stored by electronic means.

(5) Electronic signature.—The term "electronic signature" means an electronic sound, symbol, or process attached to or logically associated with an electronic record and executed or adopted by a person with the intent to sign the electronic record.

(6) Governmental agency.—The term "governmental agency" means an executive, legislative, or judicial agency, department, board, commission, authority, institution, or instrumentality of the Federal Government or of a State or of any country, municipality, or other political subdivision of a State.

(7) Record.—The term "record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(8) Transaction.—The term "transaction" means an action or set of actions relating to the conduct of commerce, including the business of insurance, between 2 or more persons, neither of which is the United States Government, a State, or an agency, department, board, commission, authority, institution, or instrumentality of the United States Government or of a State.

(9) Uniform electronic transactions act.—The term "Uniform Electronic Transactions Act" means the Uniform Electronic Transactions Act as provided to State legislatures by the National Conference of Commissioners on Uniform State Law.

SEC. 5. INTERSTATE CONTRACT CERTAINTY.

(a) Application of Section.—This section applies only to transactions between parties each of which has agreed to conduct such transaction by electronic means. By agreeing to conduct a transaction by electronic means a party does not necessarily agree to conduct other transactions by electronic means.

(b) In General.—In any commercial transaction affecting interstate commerce:

(1) A record or signature may not be denied legal effect or enforceability solely because it is in electronic form.

(2) A contract or agreement may not be denied legal effect or enforceability solely because an electronic record was used in its formation.

(3) If a law requires a record to be in writing, an electronic record satisfies the law.

(4) If a law requires a signature, an electronic signature satisfies the law.

(c) Admissibility of Evidence.—In a legal proceeding, evidence of an electronic record of signature may not be excluded solely because it is in electronic form.

(d) Terms and Condition of Agreements.—The parties to a transaction may agree on the terms and conditions on which they will use and accept electronic signatures and electronic records, including the methods therefore, in commercial transactions affecting interstate commerce. Nothing in this subsection requires that any party enter into such a transaction.

(e) Retention.—

(1) If a law requires that certain records be retained, that requirement is met by retaining an electronic record of the information in the record which—

(A) accurately reflects the information set forth in the record after it was first generated in its final form as an electronic record or otherwise; and

(B) remains accessible for later reference.

(2) A requirement to retain records in accordance with paragraph (1) does not apply to any information whose sole purpose is to enable the record to be sent, communicated, or received.

(3) A person satisfies the requirements of paragraph (1) by using the services of any other person if the requirements of paragraph (1) are met.

(4) If a law requires a record to be provided or retained in its original form, or provides consequences if the record is not provided or presented or retained in its original form, that law is satisfied by an electronic record provided or retained in accordance with paragraph (1).

(5) If a law requires retention of a check, that requirement is satisfied by retention of an electronic record of the information on the front and back of the check in accordance with paragraph (1).

(6) A record retained as an electronic record in accordance with paragraph (1) satisfies a law requiring a person to retain records for evidentiary, audit, or like purposes, unless a law enacted after the effective date of this subsection specifically prohibits the use of an electronic record for a specified purpose.

(7) This subsection does not preclude a governmental agency of the United States or any State from specifying additional requirements for the retention of records, written or electronic, subject to the agency's jurisdiction.

(f) Transferable Records.—

(1) In this section, "transferable record" means an electronic record that—

(A) would be a note under Article 3 of the Uniform Commercial Code or a document under Article 7 of the Uniform Commercial Code if the electronic record were in writing;

(B) the issuer of the electronic record expressly has agreed is a transferable record; and

(C) relates to a transaction involving real or personal property.

(2) A person has control of a transferable record if a system employed for evidencing the transfer of interests in the transferable record reliably establishes that person as the person to which the transferable record was issued or transferred.

(3) A system satisfies paragraph (2), and a person is deemed to have control of a transferable record, if the transferable record is

created, stored, and assigned in such a manner that—

(A) a single authoritative copy of the transferable record exists which is unique, identifiable, and, except as otherwise provided in paragraphs (4), (5), and (6), unalterable;

(B) the authoritative copy identifies the person asserting control as—

(i) the person to which the transferable record was issued; or

(ii) if the authoritative copy indicates that the transferable record has been transferred, the person to which the transferable record was most recently transferred;

(iii) the authoritative copy is communicated to and maintained by the person asserting control or its designated custodian;

(iv) copies or revisions that add or change an identified assignee of the authoritative copy can be made only with the consent of the person asserting control;

(v) each copy of the authoritative copy and any copy of a copy is readily identifiable as a copy that is not the authoritative copy; and

(vi) any revision of the authoritative copy is readily identifiable as authorized or unauthorized.

(4) Except as otherwise agreed, a person having control of a transferable record is the holder, as defined in section 1–201(20) of the Uniform Commercial Code, of the transferable record and has the same rights and defenses as a holder of an equivalent record or writing under the Uniform Commercial Code, including, if the applicable statutory requirements under section 3–302(a), 7–501, or 9–308 of the Uniform Commercial Code are satisfied, the rights and defenses of a holder in due course, a holder to which a negotiable document of title has been duly negotiated, or a purchaser, respectively. Delivery, possession, and endorsement are not required to obtain or exercise any of the rights under this subsection.

(5) Except as otherwise agreed, an obligor under a transferable record has the same rights and defenses as an equivalent obligor under equivalent records or writings under the Uniform Commercial Code.

(6) If requested by a person against which enforcement is sought, the person seeking to enforce the transferable record shall provide reasonable proof that the person is in control of the transferable record. Proof may include access to the authoritative copy of the transferable record and related business records sufficient to review the terms of the transferable record and to establish the identity of the person having control of the transferable record.

(g) Electronic Agents.—A contract relating to a commercial transaction affecting interstate commerce may not be denied legal effect solely because its formation involved—

(1) the interaction of electronic agents of the parties; or

(2) the interaction of an electronic agent of a party and an individual who acts on that individual's own behalf or for another person.

(h) Specific Exclusions.—The provisions of this section shall not apply to a statute, regulation, or other rule of law governing any of the following:

(1) The Uniform Commercial Code, as in effect in a state, other than sections 1–107 and 1–206, Article 2, and Article 2A.

(2) The creation or execution of wills, codicils, or testamentary trusts.

(3) Premarital agreements, marriage, adoption, divorce or other matters of family law.

(4) Court orders or notices, or documents used in court proceedings.

(5) Documents of title which are filed of record with a governmental unit until such time that a state or subdivision thereof chooses to accept filings electronically.

(6) Residential landlord-tenant relationships.

(7) The Uniform Health-Care Decisions Act.

(i) Insurance.—It is the specific intent of the Congress that the benefits of this title apply to the business of insurance. This section applies to any Federal and State law and regulation governing the business of insurance that requires manual signatures or communications to be printed or in writing, document delivery, and retention.

(j) Application in UETA States.—This section does not preempt the Uniform Electronic Transactions Act as in effect in a State, if that Act, as in effect in that State, is not inconsistent, in any significant manner, with the provisions of this Act.

SEC. 6. PRINCIPLES GOVERNING THE USE OF ELECTRONIC SIGNATURES IN INTERNATIONAL TRANSACTIONS.

To the extent practicable, the Federal Government shall observe the following principles in an international context to enable commercial electronic transaction:

(1) Remove paper-based obstacles to electronic transactions by adopting relevant principles from the Model Law on Electronic Commerce adopted in 1996 by the United Nations Commission on International Trade Law.

(2) Permit parties to a transaction to determine the appropriate authentication technologies and implementation models for their transactions, with assurance that those technologies and implementation models will be recognized and enforced.

(3) Permit parties to a transaction to have the opportunity to prove in court or other proceedings that their authentication approaches and their transactions are valid.

(4) Take a non-discriminatory approach to electronic signatures and authentication methods from other jurisdictions.

SEC. 7. STUDY OF LEGAL AND REGULATORY BARRIERS TO ELECTRONIC COMMERCE.

(a) Barriers.—Each Federal agency shall, not later than 6 months after the date of enactment of this Act, provide a report to the Director of the Office of Management and Budget and the Secretary of Commerce identifying any provision of law administered by such agency, or any regulations issued by such agency and in effect on the date of enactment of this Act, that may impose a barrier to electronic transactions, or otherwise to the conduct of commerce online or be electronic means. Such barriers include, but are not limited to, barriers imposed by a law or regulation directly or indirectly requiring that signatures, or records of transactions, be accomplished or retained in other than electronic form. In its report, each agency that shall identify the barriers among those identified whose removal would require legislative action, and shall indicate agency plans to undertake regulatory action to remove such barriers among those identified as are caused by regulations issued by the agency.

(b) Report to Congress.—The Secretary of Commerce, in consultation with the Director of the Office of Management and Budget, shall, within 18 months after the date of enactment of this Act, and after the consultation required by subsection (c) of this section, report to the Congress concerning—

(1) legislation needed to remove barriers to electronic transactions or otherwise to the conduct of commerce online or by electronic means; and

(2) actions being taken by the Executive Branch and individual Federal agencies to remove such barriers as are caused by agency regulations or policies.

(c) Consultation.—In preparing the report required by this section, the Secretary of Commerce shall consult with the General Services Administration, the National Archives and Records Administration, and the Attorney General concerning matters involving the authenticity of records, their storage and retention, and their usability for law enforcement purposes.

'(d) Include Findings if No Recommendations.—If the report required by this section omits recommendations for actions needed to fully remove identified barriers to electronic transactions or to online or electronic commerce, it shall include a finding or findings, including substantial reasons therefor, that such removal is impracticable or would be inconsistent with the implementation or enforcement of applicable laws.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce that a full committee oversight hearing has been scheduled before the Committee on Energy and Natural Resources. The oversight hearing will take place Tuesday, October 26, 1999, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on the interpretation and implementation plans of Subsistence Management Regulations for Public Lands in Alaska, Subparts A, B, C, and D, Redefinition to Include Waters Subject to Subsistence Priority; Final Rule. Only the administration will present testimony.

Those who wish to submit written testimony should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. Presentation of oral testimony is by committee invitation only. For information, please contact Jo Meuse or Brian Malnak at (202) 224–6730.

AUTHORITY FOR COMMITTEE TO MEET

COMMITTEE ON SMALL BUSINESS

Mr. ALLARD. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate for a hearing entitled "Internet Cramming: The Latest High-Tech Fraud on Small Businesses." The hearing will be held on Monday, October 25, 1999, beginning at 1 p.m. in room 652 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO THOMAS BUREAU McDONALD

• Mr. BINGAMAN. Mr. President, I rise today to pay tribute to the life of Thomas Bureau McDonald who died as a result of a tragic car accident on October 9, 1999 in Albuquerque, New Mexico at the age of 35. His parents, family, and friends have lost a very special person. New Mexico has lost a young and dedicated public servant whose passion was working with college students, strengthening and expanding higher education, and stressing the importance of attending college.

Tom was a rising star among those interested in public service in New Mexico. He will be missed for his cheerful personality, his keen sense of humor, his political savvy, and his devotion to empowering students at the university and state level when it came to their education. Tom was never concerned with how much he could accomplish or who he could influence but, rather how he could live his life so when he was no longer serving in his appointed or elected capacities his ideas, dreams, and goals would be a reality. That reality was for children and their families living throughout New Mexico to have the opportunities in place to attend college to better themselves and to better their community. In life there are individuals who are concerned about being remembered for what they have done or still can do; Tom's only concern was being remembered for who he was—an outspoken leader on higher education and its students, a good son to his parents, a loving grandson to his grandmothers, and a trustworthy and loyal individual to his friends.

Tom attended the University of New Mexico and graduated from Western New Mexico University in Silver City, New Mexico where I grew up as a child. During his years at Western, Tom was elected by his peers not just once but twice to serve as their student body president (1990–1992). It was during this time that he eloquently presented a plan to the Board of Regents to build a new $3.5 million Student Union Building utilizing only student fees. Tom was fortunate to go back a few years ago to the dedication of this new building. While at the dedication ceremony he realized that what started as a vision, a risk, a challenge, turned into structure of unity where students, administrators, and community members could learn, work and just be together.

Mr. President, from 1990 to 1992 Tom was appointed to two one year terms as the student member on the Governor's Commission on Higher Education by former Governor Bruce King. During his tenure, Tom transformed the way members of the Commission viewed student participation and input on higher education. Through his optimism, determination, and presence he created an identity for students around the state who were concerned about the quality of their education. That identity which Tom helped form not only exists before the Commission today, but before the State Legislature and Office of the Governor.

From 1992 to 1993 Tom was elected by student representatives from New Mexico's two-year and four-year institutions as executive director of the Associated Students of New Mexico (ASNM). ASNM is a non-profit student organization that represents the interests of 100,000 students members enrolled in two-year and four-year institutions of higher learning before the New Mexico Commission on Higher Education, State Legislature and Office of the Governor. This organization has brought forth some of New Mexico's current and former state legislators, county commissioners, and public servants. Two of my current Washington DC staffers and one of my state staffers are former executive directors of this association. While serving as executive director, Tom always encouraged those he met to reach for their goals, pursue their dreams, and turn any rejection into motivation. He believed that what one does now to enhance their life will impact others in the future. He lived what he preached and what he did to enhance his life has left a lasting impact for students and their education throughout New Mexico.

Tom received his Masters of Criminal Justice from New Mexico State University in 1996. He was also appointed by Governor Gary Johnson to serve a two-year term from 1994–1996 as the first voting student regent in the history of New Mexico State University. One year later in 1997, he was appointed by Governor Johnson to serve a full six-year term on the New Mexico Commission on Higher Education where he served until the time of his death.

Mr. President, I would like to extend my condolences to his parents Clyde and Eileen and the entire McDonald family. I ask that my colleagues in the Senate join me in honoring the achievements and contributions in the life of this young and outstanding New Mexican.•

MENTOR A CHILD WEEK

• Mr. NICKLES. Mr. President, today I rise to recognize the efforts of those working to make a difference in the lives of today's youth. The last week in October is "Mentor a Child Week" in my home State of Oklahoma. I encourage all of us to participate.

Big Brothers, Big Sisters is an organization whose mission is to make a positive difference in the lives of children and youth. Focusing on the challenges single parents face, this organization provides professionally supportive one-to-one relationships with a positive and caring adult volunteer, and assists these children in achieving their greatest potential as they grow to become responsible citizens in the community.

Children with mentors are 46 percent less likely to use illegal drugs, 27 percent less likely to use alcohol, and 52 percent less likely to skip school. Youth with mentors have better relationships with their peers and family members.

I encourage all citizens, parents, governmental agencies, public and private institutions, businesses and schools to support efforts that will promote the mentoring of children and youth throughout our community.•

WOMEN'S BUSINESS DEVELOPMENT CENTER

• Mr. DURBIN. Mr. President, I rise today to recognize the Women's Business Development Center in their efforts to help female entrepreneurs establish their niche in the corporate world. The WBDC helps train and provide technical assistance to entrepreneurial women. These are the same women who own your neighborhood dry cleaner, run your child care center, and assist with your taxes.

Mr. President, I would like to call special attention to the women who have dedicated their time expanding child-care availability in Illinois. The WBDC sponsors the Child Care Business Initiative (CCBI) in cooperation with the Hull House Association that will provide information, resources, and guidance to women seeking entry into this important and growing industry. Over 250 women have utilized CCBI to gain critical business skills and key industry information about child care.

The Illinois Department of Commerce and Community Affairs estimates that over 1,000 child-care centers would need to be created to meet the projected demand for child care in Illinois alone. In light of the fact that only 20% of the 162,000 children who are in working families receive full-day, licensed child care, the role that the CCBI plays in helping women establish day care centers may have a significant impact on the availability and accessibility of child care in Illinois.

Again, I would like to take this time to commend the WBDC for creating and expanding opportunities for ambitious, women entrepreneurs.•

IN RECOGNITION OF TPL, INC.

• Mr. BINGAMAN. Mr. President, I am pleased today to recognize TPL, Inc. in Albuquerque, NM who is a 1999 Tibbetts Award recipient and will be honored by the U.S. Small Business Administration at a congressional reception on Tuesday, October 26, 1999 here in Washington DC.

The Fourth Annual Tibbets Award is presented by the Small Business Administration to firms that have attained high levels of success in research and development under the Small Business Innovation Research (SBIR) program and to organizations and individuals who have supported technological innovation. Moreover, those groups are judged on the economic impact of their technological innovations and overall business achievements.

I feel that it is fitting that I recognize the 1999 Tibbetts Award recipient TPL, Inc. and its CEO Mr. H.M. (Hap) Stoller for their hard work that has led them to receive this prestigious national award. TPL, Inc. is a leading contractor for the Army and Navy in the demilitarization of conventional munitions as well as the development of economically viable processes for the commercial reuse of recovered energetic materials. TPL, under sponsorship of the Defense Threat Reduction Agency in the Military Capacitor Program, has developed the state-of-the-art in high energy density dielectric materials for capacitive devices and has begun their manufacture for advance weapons system programs. The technologies underlying these accomplishments were initiated under the SBIR Program.

TPL was recently awarded a $38.4 million sub-contract from General Dynamics Ordnance Systems as part of their five-year, $145 million operational demilitarization contract from the U.S. Army's Industrial Operations Command. TPL will be totally responsible for three out of nine families of conventional munitions contained in the largest demilitarization program ever funded by the Army. Concurrently, through the Tri-Services Demilitarization Technology Office, the Navy is supporting three Phase III efforts to transition energetic materials resource recovery and reuse processes to pilot plant facilities, such processes designed to lower the cost of demilitarization activities as well as protect the environment by allowing demilitarization material reuse. These contracts reinforce TPL's position as an innovator in demilitarization processes, an activity that is essential in the rapidly changing international system. Additionally, the work associated with these contracts will be performed at Fort Wingate, New Mexico, bringing critically needed jobs to one of the more disadvantaged parts of the State.

Mr. President, as you can see TPL, Inc. reflects the very best in SBIR achievement and has established itself as a strong national leader in technological innovation. In addition, TPL, Inc. was recognized in 1997 as one of the fastest growing technology companies in the State of New Mexico and in 1995, and again in 1996, was recognized as one of the fastest growing, privately held companies in the United States. Again, let me congratulate TPL, Inc. and its staff of their hard work, dedication, and commitment. They are a tremendous asset to their community and New Mexico, and we are extremely proud of their accomplishment.●

ORDERS FOR TUESDAY, OCTOBER 26, 1999

Mr. HELMS. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Tuesday, October 26. I further ask unanimous consent that on Tuesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin 30 minutes of debate on the motion to proceed to H.R. 434, the African trade bill, to be equally divided in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I thank the Chair.

I further ask unanimous consent that the cloture vote regarding the motion to proceed to the trade bill occur at 10 a.m. on Tuesday.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I further ask unanimous consent that the Senate stand in recess from the hour of 12:30 p.m. until 2:15 p.m. on Tuesday so that the weekly party conferences can meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. HELMS. Mr. President, for the information of all Senators, the Senate will immediately resume debate on the motion to proceed to the African trade bill at 9:30 a.m. on Tuesday. In accordance with rule XXII, the Senate will proceed to a cloture vote on the motion to proceed at 10 a.m. It is hoped that cloture will be invoked and that a time agreement can be reached so that the Senate may begin debate on the bill and that Senators may begin to offer their amendments. The Senate may also consider any legislative or Executive Calendar items cleared for action, as well as any appropriations conference reports that may become available.

PERMISSION FOR FLOWERS IN THE CHAMBER

Mr. HELMS. Mr. President, I ask unanimous consent that the flowers be permitted in the Senate Chamber during the week of October 25 to honor the life of our former colleague, JOHN CHAFEE.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. HELMS. Mr. President, if there be no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the provisions of S. Res. 206 as a further mark of respect to the memory of our former colleague and Senator, JOHN CHAFEE, following the remarks by Senator ROBB from Virginia.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I thank the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Thank you, Mr. President. I thank the distinguished Senator from North Carolina for permitting me to speak after which this Senate will adjourn in memory of our friend and colleague, JOHN CHAFEE.

IN HONOR OF SENATOR JOHN CHAFEE

Mr. ROBB. Mr. President, I just returned. I was down-State when I heard the news of JOHN CHAFEE's passing. I felt compelled to come to the floor for just a very brief minute and say that, in my judgment, JOHN CHAFEE was as decent a human being as any individual I have encountered in public service.

He was a personal friend during the time he was here in Washington. We happened to attend the same church in northern Virginia. We happened to have worn the same uniform of the U.S. Marine Corps in service to our country. But most of the time I spent with JOHN CHAFEE was right here in the Capitol frequently in his hideaway. I spent more time in that particular hideaway than I did in my own office, or any other Senator's hideaway in the Capitol, meeting with a bipartisan group of Senators from both sides of the aisle trying to make the system work.

JOHN CHAFEE was an extraordinary human being in many ways. But he understood the need for bipartisanship if this institution were to accomplish the goals which the American people expect us to accomplish. And it was always at the call of JOHN CHAFEE that we would gather and try to see if we couldn't find some common ground upon which the Senate could at least offer an alternative to the occasional gridlock into which we have occasionally found ourselves forced by the process or other agendas.

It was never with any rancor that he disagreed with anyone, whether it be someone on his own side of the aisle or someone on this side of the aisle. He was always a voice of reason, always a voice of bipartisanship, always someone wanting to make the system work and committed to the goals for which he was elected to this particular institution by the people of Rhode Island.

Mr. President, I have no prepared remarks. I could not pass up this opportunity to express my own profound sense of loss of someone who was far more special, I suspect, to this institution than many of those who do not or have not had the privilege of serving in it may realize, and whose loss we may feel in ways that many of its Members have not fully come to grips with at this particular point.

JOHN CHAFEE was one of those extraordinary individuals with whom I was very proud to serve and call a friend.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. ROBB. In honor of the memory and with our own sense of loss to the family, friends, and staff of JOHN CHAFEE, I now move, in accordance with the previous order and pursuant to Senate Resolution 206, as a further mark of respect to the memory of the deceased Honorable JOHN H. CHAFEE, late a Senator from the State of Rhode Island, that the Senate stand in adjournment until 9:30 a.m. tomorrow.

The motion was agreed to; and, at 6:01 p.m., the Senate adjourned until Tuesday, October 26, 1999, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Monday, October 25, 1999*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mrs. MORELLA).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 25, 1999.

I hereby appoint the Honorable CONSTANCE A. MORELLA to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. McDevitt, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 441. An act to amend the Immigration and Nationality Act with respect to the requirements for the admission of nonimmigrant nurses who will practice in health professional shortage areas.

The message also announced that the Senate has passed a bill of the following title in which concurrence of the House is requested:

S. 1692. An act to amend title 18, United States Code, to ban partial-birth abortions.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to 5 minutes.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

URGING REJECTION OF H.R. 2260, PAIN RELIEF PROMOTION ACT

Mr. BLUMENAUER. Madam Speaker, on Wednesday the House will consider H.R. 2260, called the Pain Relief Promotion Act. The legislation is seriously misnamed and is designed simply to undercut Oregon's death with dignity law. I find it ironic, because nobody outside the Beltway is interested in criminalizing doctors' decisions that deal with some of the most profound and difficult that they will ever make. In fact, every day in America we see instances where life support is withdrawn; every day in America drugs are administered to alleviate pain which actually hasten the onset of death; every day in America some drugs are withheld which cause a shock to the system and in turn cause death; every day in America there are some very tragic incidents where people are driven to desperate acts because they cannot control their situation, often painful and traumatic for their families, occasionally involving actual suicide. Most of America looks the other way.

My State of Oregon has taken the lead to try and provide a framework for these end-of-life decisions. Oregon voters have not once but twice approved a thoughtful approach to give patients, their doctors and families more control under these most difficult of circumstances. Despite the dire predictions of a tidal wave of assisted suicide, the evidence suggests that when people actually have control in these difficult situations, the knowledge that they have such control means that they are less likely to use assisted suicide. In fact, last year it appears that there were only 15 cases in Oregon.

But with the legislation that is proposed under H.R. 2260, doctors are going to have to fear being second-guessed by prosecutors, police and nonmedical drug enforcement bureaucrats on a case-by-case basis, for the very initial section of that bill points out that prescribing pain medication can often hasten death. But that is okay under this bill, as long as the intent is pure. In essence, it means that the doctors are going to be caught looking over their shoulders, having each and every one of their decisions subject to second-guessing and potentially subjected to life in prison if the intent appears in the judgment of others to be wrong.

This is another sad example of where politicians are out of step with Americans on key personal health issues. I find of great interest one other area that sort of indicates where we are going. The medical use of marijuana was approved by eight States before last year. Six other States had their voters approve it and the District of Columbia. Citizens are indicating that they want more freedom to have pain managed and have personal control. I think it would be sad if this Congress decided to penalize the one State that is trying not to sweep it under the rug but provide a framework for making these decisions.

I strongly urge my colleagues to make a careful examination of H.R. 2260. They will find why the Oregon Medical Association, the associations of eight other States, the American Nurses Association and the American Academy of Family Physicians have all urged its rejection. If you want to outlaw assisted suicide, go ahead and do it if you must, but certainly we should not subject our physicians to criminalization of their basic medical decisions.

THE CLOCK IS TICKING

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Madam Speaker, there are only 67 days left before we ring in the new year. Billions of people around the world will start to prepare to celebrate the first day of the year 2000 and, of course, I as many of my colleagues look forward to this day also. But this afternoon I am concerned about this next year with what all of us know as the Y2K problem, or millennium bug, the inability of many computer systems to process dates correctly beyond December 31, 1999. The problem results from computers programmed to process and use only the last two digits for the year field.

Madam Speaker, I am confident that Americans are well prepared and well ahead of the game when it comes to being ready for any possible glitches resulting from the Y2K. Congress has directed the Federal Government to go through billions and billions of lines of computer codes in order to make computers Y2K compliant. It is also Congress that has worked hand in hand with State and local governments to ensure that they have the necessary tools to function properly.

Congress, led by the majority here, is helping the private sector when it comes to the Y2K problem. We fought hard and have signed into law the Small Business Year 2000 Readiness Act, which directs the Small Business Administration to establish a loan guarantee program to address Y2K problems for small businesses. And it was, of course, this Republican Congress which successfully fought and

☐This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

passed the Year 2000 Readiness and Responsibility Act, setting limits on lawsuits against businesses and individuals for Y2K failures. But, Madam Speaker, my concerns are whether the rest of the world is ready.

Hearings within the last several weeks held in both the House and the Senate have raised some serious concerns. Many nations have done little, if anything, to combat the Y2K bug. These nations lack both the expertise and the funds to upgrade and convert their computer systems. Take, for example, the government of Indonesia, which is preparing for the possible Y2K malfunctions. Their National Electricity Board strategy is to watch what happens at midnight on January 1 in Australia and New Zealand, to use those 6 hours to develop and implement suddenly their Y2K plans. Now, this would be comical if it were not so serious and disturbing.

The worldwide ramifications of Y2K disturbances, of course, can have a domino effect. It is just not enough that the United States is prepared. Potential disruptions abroad caused by Y2K problems would impact millions of Americans who are living abroad, or who are traveling overseas. Though the Central Intelligence Agency is confident that the Y2K computer failures overseas will not lead to accidental launch of ballistic missiles by any country, according to the testimony by the Central Intelligence Agency before the House Committee on International Affairs last week, nuclear power plants in nations such as Russia and the Ukraine could be susceptible to year 2000 malfunctions resulting from power grid failures.

Now, this is according to testimony presented by Lawrence Gershwin, National Intelligence Officer for Science and Technology for the CIA, and this is what he said, "In the worst case this could cause a meltdown and in some cases an accompanying release of radioactive fission gases." Furthermore, according to the CIA, Soviet power plants cannot even be tested for Y2K compliancy "given the age of the computer system and the fact that many of the original manufacturers have all gone out of business."

If the threat of another Chernobyl-like meltdown is not disturbing enough according to the CIA, there still remains the potential for Russia to misinterpret early warning data of ballistic missile launches resulting from the Y2K problem. That means during an international political crisis where tensions are already heightened, the Russians may misinterpret their missile data, leading them to believe and possibly to respond.

As a result, I am pleased to say the United States and Russia have set up a joint program to share information on their missile and space launches to prevent any misunderstanding resulting from any Y2K malfunctions.

I will not even begin in this short amount of time, Madam Speaker, to discuss all the possible problems with other countries not bringing their Y2K problem into compliance dealing with foreign energy and of course financial markets. I encourage other nations to expedite their conversions and look to the United States for leadership.

Madam Speaker, I encourage other nations to expedite their Y2K conversions before time runs out. Our Y2K compliance and success is not only contingent on the fact that this nation's computer and information systems function properly and smoothly, but also on the fact that we not feel side effects from disruptions in other countries.

REPUBLICAN CONGRESSIONAL ACCOMPLISHMENTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Illinois (Mr. WELLER) is recognized during morning hour debates for 5 minutes.

Mr. WELLER. Madam Speaker, I have the privilege of representing one of America's most diverse Congressional districts, representing the South Side of Chicago and the South Bushes, Cook and Will Counties, bedroom communities as well as farm towns and corn fields. When you represent such a diverse district as city and suburbs and country, you learn to listen. You listen to the common message. One common message that we are hearing from back home is that we should be working together to solve the challenges that we face. As I look back as one of those who was elected in 1994 to come to Washington to change how Washington works, I am proud to say we have listened to that message and we have held together and we have held firm even those who said that we should not be doing what we are doing, those who opposed our efforts to balance the budget and cut taxes for the middle class, to reform the welfare system and also to restructure the IRS.

I am proud to say in the last 4½ years, this Republican Congress has made a big difference. Balancing the budget for the first time in 28 years, cutting taxes for the middle class for the first time in 16 years, reforming our welfare system for the first time in a generation, and for the first time ever, taming the tax collector by restructuring the IRS. Those are big accomplishments and much appreciated by the folks back home in Illinois but they tell me that's history now, what are you going to do next? They ask us to respond to the questions, the common concerns that we are often asked.

While Republicans are committed to strengthening our schools and strengthening Medicare and Social Security and paying down the national debt and, of course, lowering the tax burden, we also want to respond to some of those big concerns and big questions that I hear, whether at the union hall or the VFW, the Chamber of Commerce or down at a coffee shop on Main Street or a local grain elevator. That is one of those questions that the first question I often hear is a pretty basic one and, that is, when are you folks in Washington going to stop raiding the Social Security trust fund, when are you going to stop dipping into Social Security and spending Social Security on other things?

I am proud to say, Madam Speaker, that the Republicans in this Congress have made a commitment that for the first time since the 1960s when LBJ, President Johnson, began a bad habit that is hard to break in Washington, we are walling off the Social Security trust fund. This year is the first year that our budget has been balanced without dipping into Social Security. We want to continue that. That is why I am proud to say the Congressional Budget Office on September 30 of this year stated in a letter to Speaker HASTERT that the Republican balanced budget does not spend one dime of the Social Security trust fund. We are committed to stopping the raid on the Social Security trust fund.

I would also point out that with the Social Security Medicare lockbox that Republicans are proposing, we set aside $200 billion more for Social Security and Medicare than the President's budget alone.

I would also point out, Madam Speaker, that we are responding to another important question that we hear from folks back home in the south side of Chicago and the south suburbs, and that is how come nobody ever talks about the national debt, how come no one ever talks about the need to pay town that national debt that ran up all those years that Washington had deficit spending? I am proud to say that last year we paid down $50 billion of the national debt, this year we are going to pay down a hundred billion dollars, and under the Republican budget plan we paid down almost $2.2 trillion of the national debt, over two-thirds of our national debt over the next 10 years.

Madam Speaker, the third question that I often hear back home is when are we going to do something about taxes. People tell me their taxes are too high, they are too complicated, they are unfair. They are frustrated that our tax burden on American today is at its highest level in peace time history. Forty percent of the average family's income goes to government. In fact, 21 percent of our gross domestic product, 21 percent of our economy, goes to Federal Government and taxes, and that is too high.

We passed earlier this year a measure to address the need to lower taxes, particularly for the middle class, and we had legislation which would have eliminated the marriage tax penalty for the majority of those who suffer, that would have eliminated the death tax on small businesses and family farmers, that would have rewarded those who save for retirement, those who save for their children's and college education and also would have rewarded providing health care coverage for one's employees as well as their family, and unfortunately President Clinton vetoed that effort to help families by bringing fairness to the Tax Code, and he stated, and he was very blunt; he said he vetoed this tax cut because he wanted to spend that money instead.

That is really what this is all about over the next week or so as we wrap up this legislative session. President Clinton has made it very clear he wants to spend a lot more money than Republicans do, and he says that we can do it if we increase taxes, and the President says we could do it if we raid the Social Security Trust Fund.

Madam Speaker, I very proud last week when this House of Representatives cast a vote 419 to 0, which means that every member who cast a vote voted in opposition to the President's proposal for $238 billion in tax increases. That is a very clear message to the President that we oppose his tax increases, and I also want to point out that this House also went on record in opposition to the President's plan to raid Social Security. We need to oppose his tax increases, we need to stop the raid on Social Security, but we can balance the budget without those.

RECESS

The SPEAKER pro tempore (Mrs. MORELLA). Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 47 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. GOODLATTE) at 2 p.m.

PRAYER

The Reverend Dr. Robert Dvorak, The Evangelical Church, Middletown, Connecticut, offered the following prayer:

Let the House be in a spirit of prayer.

Lord, our God, we enter into this week's schedule, mindful again of the duty to work hard and well for others. Many are waiting and hoping; even nations observe. You, the living God, see and hear us, too, taking note of all things.

We pray, then, for ourselves that You will sharpen the focus on responsibilities rightly asked of us, keeping us true to our trust. Grant us firmness in thinking, tempered by allowances for honest, contrary thought. Send a few moments our way wherein we may seek true advantage for ones around us, thereby refreshing them and ourselves.

At day's end, encourage us with a sense that life in Washington and the world is better because of the part we have played in things. Now, for this day, keep in Your protecting hand all Members of this House, its leadership, officers, and staff. Make the spirit of each to prosper with new grace the call of this prayer to You, O God. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. GIBBONS. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GIBBONS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Michigan (Mr. KILDEE) come forward and lead the House in the Pledge of Allegiance.

Mr. KILDEE led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 22, 1999.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted to Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on October 22, 1999 at 9:52 a.m.

That the Senate passed without amendment H.R. 2367.

Appointment: Board of Directors of the Mickey Leland National Urban Air Toxics Research Center

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 25, 1999.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted to Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on October 22, 1999 at 4:50 p.m.

That the Senate agreed to conference report H.R. 2466.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

PAIN RELIEF PROMOTION ACT

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, I rise today in support of the Pain Relief Promotion Act. There is a question currently pending in the country of Holland. It is this: Is the Netherlands ready for the killing of sick children?

There is a bill in their parliament that would allow the killing of seriously ill children, as young as between 12 years old, if they are considered terminal.

A spokeswoman for the Royal Dutch Medical Association said, "The doctor will do his utmost to try to reach an agreement between the patient and parents. But if the parents do not want to cooperate, it is the doctor's duty to respect the wishes of her patient." So much for the Hippocratic Oath for civilized medical institutions.

This situation in the Netherlands gives us all the more reason to pass the Pain Relief Promotion Act. This act will provide doctors with the ability to aggressively treat their patients' pain while prohibiting assisted suicides or euthanasia.

We never want to see the day when our young kids or our elderly parents legally and intentionally die at the hands of a so-called doctor.

I urge my colleagues to support this bill to promote pain management and palliative care and positive alternatives to euthanasia.

WACO STILL A BURNING QUESTION

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, after 6 years, Waco is still burning. These fires will not stop until our government tells the truth. Ninety Americans killed, and nobody, nobody has been held accountable to this date, even though the Government used deadly gas, used a bulldozer, and could have arrested David Karesh any morning out jogging.

Now, despite government denial, they find a high caliber shell casing near a position stand of an FBI sniper.

Beam me up, Mr. Speaker. One can fool some of the people some of the time, but one cannot fool all of the people all of the time. The Government is lying about Waco.

I yield back the fact that the Justice Department, by the way, investigates themselves.

STOP RAIDS ON SOCIAL SECURITY TRUST FUND ONCE AND FOR ALL

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, being a leader means making some tough choices. This year, we have a historic opportunity to lock away 100 percent of the Social Security surplus and put an end to the Democrats' practice of raiding the Social Security Trust Fund.

It means we have to make tough choices between saving Social Security or funding some other goal, like the President's desire to increase foreign aid by approximately 30 percent, taking it all out of Social Security.

The question, Mr. Speaker, is not whether we want to spend more on foreign aid or other programs. The question is whether we want to spend more on these programs if it comes out of the expense of Social Security.

Mr. Speaker, we Republicans have chosen to say no to more government spending and yes to stopping the Democratic leadership's raid on Social Security.

The American people have already made that choice as well. They would rather protect Social Security and Medicare than continue funding the fraud, waste, and abuse that runs rampant in government bureaucracy. Americans have to make tough financial choices every day, and I would encourage the Democratic leadership to stop demagoguing this issue and to join our bipartisan effort to end the raid on Social Security once and for all.

CONGRATULATIONS TO THE HIT KING

(Mr. CHABOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHABOT. Mr. Speaker, last night was a special night for Cincinnatians and for baseball fans across the country. For the first time in over 10 years, the Hit King himself, Cincinnati's own Pete Rose, was back on the baseball field to the ovation of thousands. He had the honor of being selected to baseball's All-Century team by the American people.

Charlie Hustle, who graduated from Western Hills High School in my district, was always known for his hard work, his extra effort, and head-first slides. Pete Rose was one of the greatest ball players of all time, winning three batting titles, three world championships, and setting the all-time major league record for most hits.

Although the night was tainted by the senseless inquisition of an overzealous reporter, it still belonged to baseball fans everywhere.

So congratulations to the Cincinnati Reds' Pete Rose and Johnny Bench, as well as all the other members of the All-Century team. Their accomplishments will be remembered well into the next millennium.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 6 of rule XX.

Any rollcall votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules, but not before 6 p.m. today.

EXEMPTING CERTAIN REPORTS FROM AUTOMATIC ELIMINATION AND SUNSET

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3111) to exempt certain reports from automatic elimination and sunset pursuant to the Federal Reports Elimination and Sunset Act of 1995, as amended.

The Clerk read as follows:

H.R. 3111

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXEMPTION OF CERTAIN REPORTS FROM AUTOMATIC ELIMINATION AND SUNSET.

Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) does not apply to any report required to be submitted under any of the following provisions of law:

(1) The following sections of title 18, United States Code: sections 2709(e), 3126, and 3525(b), and 3624(f)(6).

(2) The following sections of title 28, United States Code: sections 522, 524(c)(6), 529, 589a(d), and 594.

(3) Section 3718(c) of title 31, United States Code.

(4) Section 9 of the Child Protection Act of 1984 (28 U.S.C. 522 note).

(5) Section 8 of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997f).

(6) The following provisions of the Omnibus Crime Control and Safe Streets Act of 1968: sections 102(b) (42 U.S.C. 3712(b)), 520 (42 U.S.C. 3766), 522 (42 U.S.C. 3766b), and 810 (42 U.S.C. 3789e).

(7) The following provisions of the Immigration and Nationality Act: sections 103 (8 U.S.C. 1103), 207(c)(3) (8 U.S.C. 1157(c)(3)), 412(b) (8 U.S.C. 1522(b)), and 413 (8 U.S.C. 1523), and subsections (h), (l), (o), (q), and (r) of section 286 (8 U.S.C. 1356).

(8) Section 3 of the International Claims Settlement Act of 1949 (22 U.S.C. 1622).

(9) Section 9 of the War Claims Act of 1948 (50 U.S.C. App. 2008).

(10) Section 13(c) of the Act of September 11, 1957 (8 U.S.C. 1255b(c)).

(11) Section 203(b) of the Aleutian and Pribilof Islands Restitution Act (50 U.S.C. App. 1989c–2(b)).

(12) Section 801(e) of the Immigration Act of 1990 (29 U.S.C. 2920(e)).

(13) Section 401 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1364).

(14) Section 707 of the Equal Credit Opportunity Act (15 U.S.C. 1691f).

(15) Section 201(b) of the Privacy Protection Act of 1980 (42 U.S.C. 2000aa–11(b)).

(16) Section 609U of the Justice Assistance Act of 1984 (42 U.S.C. 10509).

(17) Section 13(a) of the Classified Information Procedures Act (18 U.S.C. App.).

(18) Section 1004 of the Civil Rights Act of 1964(42 U.S.C. 2000g–3).

(19) Section 1114 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414).

(20) Section 11 of the Foreign Agents Registration Act of 1938 (22 U.S.C. 621).

(21) The following provisions of the Foreign Intelligence Surveillance Act of 1978: sections 107 (50 U.S.C. 1807) and 108 (50 U.S.C. 1808).

(22) Section 102(b)(5) of the Department of Justice and Related Agencies Appropriations Act, 1993 (28 U.S.C. 533 note).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. SMITH).

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3111, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Federal Reports Elimination and Sunset Act of 1995 provided that all periodic reports provided to Congress will sunset on December 21, 1999, unless reauthorized by Congress. The intent of the act was to spur Congress to reexamine all the periodic reports it receives and eliminate the obsolete reports.

After careful review, the Committee on the Judiciary determined that about 40 reports, out of the thousands of reports subject to subset, are required for the committee to perform its legislative and oversight duties. Examples include the U.S. Department of Justice's annual report on crime statistics and the Immigration and Naturalization Service's annual statistical report.

This bill in its present form is a manager's amendment that includes 16 additional reports requested by my Democratic colleagues. Again, the bill merely continues existing report requirements. It does not authorize any new reports.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I commend the gentleman from Texas (Mr. SMITH), the chairman of the Subcommittee on Immigration and Claims of the Committee on the Judiciary. We have worked out the differences in this measure.

I have to let the RECORD show that it would have been nice to have held hearings on this measure; but, nonetheless, H.R. 3111 is a bill supported by myself, introduced by the gentleman from Illinois (Mr. HYDE), chairman of the Committee on the Judiciary. We think that the Federal Reports Elimination and Sunset Act of 1995 requires the end of the submission of various periodic reports to Congress by December 21 of this year.

The Act forces Congress to reexamine the usefulness of the various reporting requirements that have been mandated of Federal agencies, including the Department of Justice. This review process is important and a practical exercise in that we must be sure that Federal dollars and personnel time are not being wasted on obsolete reports to Congress.

But all reports are not obsolete. So together we have reviewed and have been able to agree on a reduced list of reports from the Department of Justice that will continue to provide information important to the legislative and oversight process.

One should not minimize the importance of these reports. For example, we have retained reports on pen register orders and wiretap applications to monitor the activities of the Department to ensure that its activities do not invade our society's expected right to privacy.

Other reports help Congress monitor the Department's undercover operations, the conduct of various justice programs in areas including immigration. These should not sunset.

So, again, my commendations to the gentleman from Texas (Mr. SMITH), the subcommittee chair, for the spirit of cooperation in working out this measure. The review process required to produce this bill represents an essential function of good government that we can all support on a bipartisan basis.

Mr. Speaker, I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I appreciate the generous comments of the gentleman from Michigan (Mr. CONYERS).

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 3111, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1415

MADE IN AMERICA INFORMATION ACT

Mr. BLILEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 754) to establish a toll free number under the Federal Trade Commission to assist consumers in determining if products are American-made, as amended.

The Clerk read as follows:

H.R. 754

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Made in America Information Act".

SEC. 2. ESTABLISHMENT OF TOLL FREE NUMBER PILOT PROGRAM.

(a) ESTABLISHMENT.—If the Secretary of Commerce determines, on the basis of comments submitted in rulemaking under section 3, that—

(1) interest among manufacturers is sufficient to warrant the establishment of a 3-year toll free number pilot program, and

(2) manufacturers will provide fees under section 3(c) so that the program will operate without cost to the Federal Government,

the Secretary shall establish such program solely to help inform consumers whether a product is "Made in America". The Secretary shall publish the toll-free number by notice in the Federal Register.

(b) CONTRACT.—The Secretary of Commerce shall enter into a contract for—

(1) the establishment and operation of the toll free number pilot program provided for in subsection (a), and

(2) the registration of products pursuant to regulations issued under section 3,

which shall be funded entirely from fees collected under section 3(c).

(c) USE.—The toll free number shall be used solely to inform consumers as to whether products are registered under section 3 as "Made in America". Consumers shall also be informed that registration of a product does not mean—

(1) that the product is endorsed or approved by the Government,

(2) that the Secretary has conducted any investigation to confirm that the product is a product which meets the definition of "Made in America" in section 5 of this Act, or

(3) that the product contains 100 percent United States content.

SEC. 3. REGISTRATION.

(a) PROPOSED REGULATION.—The Secretary of Commerce shall propose a regulation—

(1) to establish a procedure under which the manufacturer of a product may voluntarily register such product as complying with the definition of "Made in America" in section 5 of this Act and have such product included in the information available through the toll free number established under section 2(a);

(2) to establish, assess, and collect a fee to cover all the costs (including start-up costs) of registering products and including registered products in information provided under the toll-free number;

(3) for the establishment under section 2(a) of the toll-free number pilot program; and

(4) to solicit views from the private sector concerning the level of interest of manufacturers in registering products under the terms and conditions of paragraph (1).

(b) PROMULGATION.—If the Secretary determines based on the comments on the regulation proposed under subsection (a) that the toll-free number pilot program and the registration of products is warranted, the Secretary shall promulgate such regulation.

(c) REGISTRATION FEE.—

(1) IN GENERAL.—Manufacturers of products included in information provided under section 2 shall be subject to a fee imposed by the Secretary of Commerce to pay the cost of registering products and including them in information provided under subsection (a).

(2) AMOUNT.—The amount of fees imposed under paragraph (1) shall—

(A) in the case of a manufacturer, not be greater than the cost of registering the manufacturer's product and providing product information directly attributable to such manufacturer, and

(B) in the case of the total amount of fees, not be greater than the total amount appropriated to the Secretary of Commerce for salaries and expenses directly attributable to registration of manufacturers and having products included in the information provided under section 2(a).

(3) CREDITING AND AVAILABILITY OF FEES.—

(A) IN GENERAL.—Fees collected for a fiscal year pursuant to paragraph (1) shall be credited to the appropriation account for salaries and expenses of the Secretary of Commerce and shall be available in accordance with appropriation Acts until expended without fiscal year limitation.

(B) COLLECTIONS AND APPROPRIATION ACTS.—The fees imposed under paragraph (1)—

(i) shall be collected in each fiscal year in an amount equal to the amount specified in appropriation Acts for such fiscal year, and

(ii) shall only be collected and available for the costs described in paragraph (2).

SEC. 4. PENALTY.

Any manufacturer of a product who knowingly registers a product under section 3 which is not "Made in America"—

(1) shall be subject to a civil penalty of not more than $7500 which the Secretary of Commerce may assess and collect, and

(2) shall not offer such product for purchase by the Federal Government.

SEC. 5. DEFINITION.

For purposes of this Act:

(1) The term "Made in America" has the meaning given unqualified "Made in U.S.A." or "Made in America" claims for purposes of laws administered by the Federal Trade Commission.

(2) The term "product" means a product with a retail value of at least $250.

SEC. 6. RULE OF CONSTRUCTION.

Nothing in this Act or in any regulation promulgated under section 3 shall be construed to alter, amend, modify, or otherwise affect in any way, the Federal Trade Commission Act or the opinions, decisions, rules, or any guidance issued by the Federal Trade Commission regarding the use of unqualified "Made in U.S.A." or "Made in America" claims in labels on products introduced, delivered for introduction, sold, advertised, or offered for sale in commerce.

The SPEAKER pro tempore (Mr. GOODLATTE). Pursuant to the rule, the gentleman from Virginia (Mr. BLILEY) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. BLILEY).

GENERAL LEAVE

Mr. BLILEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 754, and to insert extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. BLILEY. Mr. Speaker, I yield myself 5 minutes.

I am pleased today to rise in support of H.R. 754, the Made in America Information Act. The bill's sponsor, the gentleman from Ohio (Mr. TRAFICANT), should be commended for his commitment to American products and the American worker. This bill is a fitting tribute to that commitment.

The legislation is designed to assist consumers when they are thinking about purchasing a major appliance or other product. For instance, a family looking for a new refrigerator could call the number to find out which brands and models of refrigerators are manufactured in the United States. Consumers have consistently demonstrated their desire to purchase products made in America, and I believe that if this information is provided, they will use this as another major factor in their purchasing decisions.

An important feature of this legislation is that the creation of the service is conditional both on market demand and the presence of private sector funding. This toll-free number will only be implemented if there is sufficient interest on the part of manufacturers in listing their products and funding the cost of the program through annual fees. Thus, there is no cost to the taxpayer for implementing this program to promote American-made products.

As my colleagues know, the House has passed this bill on a number of previous occasions, but the other body has repeatedly failed to act. The bill before the House today is essentially the same bill passed by the House during the 105th Congress, and I hope that the other body will take this opportunity to send this important measure to the President. This legislation, as reported by the Committee on Commerce, creates a much-needed consumer service, and I urge all my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I rise in strong support of H.R. 754, the Made in America Information Act. This legislation, introduced by my colleague, the gentleman from Ohio (Mr. TRAFICANT), is an important step in reversing the damage that unfairly priced imports are wreaking on workers and small businesses in this country. It is supported by three of my Democratic colleagues on the Committee on Commerce as cosponsors, the gentleman from Wisconsin (Mr. BARRETT), the gentleman from New Jersey (Mr. PALLONE), and the gentleman from Texas (Mr. GREEN).

Mr. Speaker, regardless of what mainstream economists say, regardless of what the media and talk show hosts say, the fact is there is no greater long-term threat to our economic prosperity than our ballooning trade deficit. Just ask the millions of American workers and small businesses that every month are being asked to compete against billions of dollars of goods that roll onto our shores, many of them made in places where trying to form a union or fight for environmental standards will land a person in jail.

In other cases, some of our workers and small businesses are competing against goods that masquerade as American made, especially those from Saipan, where we know that U.S. corporations exploit tens of thousands of, mostly, young women, and most with families in China, and force them to make garments for pennies an hour. We know this happens because of the efforts of their employers on Wall Street and their political allies here in Washington who continue to block our efforts to even give those very young women the minimum wage or provide the working conditions that we give to American teenagers working at a McDonald's.

Mr. Speaker, the premise behind H.R. 754 is very simple. It requires the Commerce Department to establish a toll-free telephone hot line to give the American public, the men and women who vote and pay our salaries, help in determining if the products they are buying are, in fact, made by American workers. This hot line will take the guesswork out of whether or not a product that claims to be made in America is really made here or, conversely, assembled in a sweat shop in Saipan or somewhere else. Only those products that meet the Federal Trade Commission standard for making a claim that its product is made in the USA are eligible to be listed on the registry, which the Commerce Department will use to identify American-made products for consumers.

Mr. Speaker, I would also note that, except for minor differences, H.R. 754 is the same legislation that has passed this Congress in each of the last three sessions. Unfortunately, the other body has never taken action on it, and the bill has not been enacted. I sincerely hope that will not be the situation in this Congress and that the bill finally can be enacted into law.

Mr. Speaker, I again want to thank the gentleman from Ohio (Mr. TRAFICANT) for this legislation and urge my colleagues to support H.R. 754 and stop sacrificing fair trade on the alter of free trade.

Mr. Speaker, I reserve the balance of my time.

Mr. BLILEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. TRAFICANT), the author of the bill.

Mr. TRAFICANT. Mr. Speaker, I want to thank the distinguished chairman, who has done a great job, and I appreciate his helping me on this with all the other issues he has before him on his powerful committee. I also want to thank my colleague, the gentleman from Ohio (Mr. BROWN), who has worked hard on so many issues on commerce and education.

This is an unusual bill. Both the chairman and the gentleman from Ohio (Mr. BROWN) have mentioned the fact that we have passed it before. I am a little bit frustrated. I would like to talk briefly about that frustration and then talk about mitigating that frustration by the actions of our consumers.

The Congress of the United States has moved in a trade program, in my opinion, that is very flawed. It has produced a negative balance of payments over $300 billion now, and we are now talking about $330 billion next year as a trade deficit for 1 year, which will be a new record. In the last 3 months, an $81 billion trade deficit. Think about that.

China is now taking $7 billion a month out of America. Nearly everything our consumers buy is made in China. If China's is better, fine. But China is not opening up the doors to Uncle Sam. And while we wait for all of these legislative gurus to fashion some remedy, I think it is time to give the American people information and give the consuming public an opportunity to at least be conscientious about American-made goods.

What this bill says is this: "Look, if you are buying a refrigerator in Chicago, you can call that 1-800 hot line and say, what refrigerators, if any, are still made in the United States of America." And then they would give that inquiring consumer a list. And maybe when they go out to buy, they would say to the retailer, "Do you have one of these refrigerators on sale? We would like to price them. We would like to look at their quality in comparison to the foreign-made product."

It is not a sophisticated program, for sure. It is not paid for by the taxpayers. It is paid for by the companies, whom I hope would be proud of still being in America and making and building a product in America. I think it is a straightforward bill.

I want to thank the gentleman from Virginia (Mr. BLILEY). He has a tremendous amount of important issues right now facing his committee, but he has always taken the time to give each and every Member an opportunity to appeal to that committee, and I also thank my neighboring colleague, the gentleman from Ohio (Mr. BROWN).

Mr. Speaker, I would appreciate the support, overwhelming support, on this bill.

Mr. SHAYS. Mr. Speaker, I rise in strong support of H.R. 754, the Made in America Information Act, introduced by Representative TRAFICANT of Ohio.

This important piece of legislation establishes a toll-free hotline consumers can call to determine if a product is "Made in America."

The self-financed hotline established by H.R. 754 applies to those products with a sale price of over $250, and the bill imposes a fine of up to $7,500 on any manufacturer who falsely registers a product as "Made in America."

The Made in America Act has passed the House the last three Congresses, and enjoys strong bipartisan support.

Many Americans want to "Buy America," and we have an obligation to provide consumers with the information they need to make informed choices about how to spend their money.

Mr. Speaker, this is a win-win proposition, and I strongly urge my colleagues on both sides of the aisle to support passage of the Made in America Information Act.

Mr. BROWN of Ohio. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BLILEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. BLILEY) that the House suspend the rules and pass the bill, H.R. 754, as amended.

The question was taken.

Mr. TRAFICANT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

HISTORY OF THE HOUSE AWARENESS AND PRESERVATION ACT

Mr. THOMAS. Mr. Speaker, I move to suspend the rules and pass the bill (2303) to direct the Librarian of Congress to prepare the history of the House of Representatives, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2303

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "History of the House Awareness and Preservation Act".

SEC. 2. WRITTEN HISTORY OF THE HOUSE OF REPRESENTATIVES.

(a) IN GENERAL.—Subject to available funding and in accordance with the requirements of this Act, the Librarian of Congress shall prepare, print, distribute, and arrange for the funding of, a new and complete written history of the House of Representatives, in consultation with the Committee on House Administration. In preparing this written history, the Librarian of Congress shall consult, commission, or engage the services or participation of, eminent historians, Members, and former Members of the House of Representatives.

(b) GUIDELINES.—In carrying out subsection (a), the Librarian of Congress shall take into account the following:

(1) The history should be an illustrated, narrative history of the House of Representatives, organized chronologically.

(2) The history's intended audience is the general reader, as well as Members of Congress and their staffs.

(3) The history should include a discussion of the First and Second Continental Congresses and the Constitutional Convention, especially with regard to their roles in creating the House of Representatives.

(c) PRINTING.—

(1) IN GENERAL.—The Librarian of Congress shall arrange for the printing of the history.

(2) PRINTING ARRANGEMENTS.—The printing may be performed—

(A) by the Public Printer pursuant to the provisions of chapter 5 of title 44, United States Code;

(B) under a cooperative arrangement among the Librarian of Congress, a private funding source obtained pursuant to subsection (e), and a publisher in the private sector; or

(C) under subparagraphs (A) and (B).

(3) INTERNET DISSEMINATION.—Any arrangement under paragraph (2) shall include terms for dissemination of the history over the Internet via facilities maintained by the United States Government.

(4) MEMBER COPIES.—To the extent that the history is printed by the Public Printer, copies of the history provided to the Congress under subsection (d) shall be charged to the Government Printing Office's congressional allotment for printing and binding.

(d) DISTRIBUTION.—The Librarian of Congress shall make the history available for sale to the public, and shall make available, free of charge, 5 copies to each Member of the House of Representatives and 250 copies to the Senate.

(e) PRIVATE FUNDING.—The Librarian of Congress shall solicit and accept funding for the preparation, publication, marketing, and public distribution of the history from private individuals, organizations, or entities.

SEC. 3. ORAL HISTORY OF THE HOUSE OF REPRESENTATIVES.

(a) IN GENERAL.—The Librarian of Congress shall accept for deposit, preserve, maintain, and make accessible an oral history of the House of Representatives, as told by its Members and former Members, compiled and updated (on a voluntary or contract basis) by the United States Association of Former Members of Congress or other private organization. In carrying out this section, the Librarian of Congress may enlist the voluntary aid or assistance of such organization, or may contract with it for such services as may be necessary.

(b) DEFINITION OF ORAL HISTORY.—In this section, the term "oral history" means a story or history consisting of personal recollection as recorded by any one or more of the following means:

(1) Interviews.

(2) Transcripts.

(3) Audio recordings.

(4) Video recordings.

(5) Such other form or means as may be suitable for the recording and preservation of such information.

SEC. 4. SENSE OF THE CONGRESS.

It is the sense of the Congress that—

(1) orientation programs for freshman Members of the House of Representatives should contain a seminar on the history of the House of Representatives; and

(2) the Speaker of the House of Representatives should conduct a series of forums on the topic of the history of the House of Representatives.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. THOMAS) and the gentleman from Maryland (Mr. HOYER) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this measure would require that there be created a history of the House of Representatives. The intent is to create a popular illustrated and chronologically ordered volume that covers the entire history of the House of Representatives. Notwithstanding the fact that the House has a House historian, this particular history is required in the bill to be prepared with no appropriated funds.

Mr. Speaker, I reserve the balance of my time.

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume, and I thank the chairman for his comments and his leadership on this issue.

Mr. Speaker, I am pleased to rise in support of this important legislation, sponsored by my good friend and our colleague, the gentleman from Connecticut (Mr. LARSON). This legislation has 311 cosponsors, including the Speaker and the minority leader. I understand that a few more have been added even this day.

H.R. 2303 is an extraordinarily timely initiative, given the massive institutional changes which have affected the House over the last few years, and as we move into the 21st century.

Earlier this year, the House recodified its rules for the first time since 1880, another recent useful effort to reexamine and hopefully to improve things which we tend to take for granted. We benefit as Members of the House, and the American people benefit, when Members can take some time away from the constant pressures of legislating, meeting our constituents, traveling back and forth from our districts and keeping hectic schedules, to think about the environment in which we work and the legacy of all those who came before us. And we have so little time even to do that.

In my earlier career, I was president of the State Senate in Maryland, and the gentleman from Connecticut (Mr. LARSON) was president pro tempore of the Senate in Connecticut, roughly equivalent positions in two parliamentary bodies which are older than this House of Representatives. As such, we had some responsibility for managing the work of our legislative institutions and the environment in which State Senators worked, environments rich in history.

Here in Washington it takes real work and effort for Members to learn about the history of the House, however. We rarely think of the historic figures who populate artwork throughout the Capitol as having been persons of great accomplishment in legislation, oratory, and the philosophy of democracy, rather than figures we may notice momentarily as we dart through the corridors from meeting to meeting.

□ 1430

Mr. Speaker, the Constitution requires that Congress assemble to do its work and that we can exercise our priorities only by working collectively. Too often Members can feel isolated managing their individual offices tending to constituent problems in their district and come to the floor only for a few minutes to vote. But it was not always like that in this chamber, and we do well to remember that.

It would benefit this House if the public had a better understanding of not only what we do on a daily basis, but what our predecessors did and how we stand up compared to them. Certainly, the public has more than enough exposure to the politics of the House.

The bill offered by the gentleman from Connecticut (Mr. LARSON) would offer interested citizens a chance to appreciate, in addition to the politics of the House today, the historic role of the House as the representatives of the popular will.

Mr. Speaker, the bill would direct the Librarian of Congress, at no cost to the Government, I might add, and with the ability to accept private funds, to prepare an illustrated narrative history of the House of Representatives.

The Librarian could use the extensive scholarly resources at his command and would be authorized to consult, commission, or engage the services of eminent historians, Members, and former Members of the House to produce a book accessible to the public at large as well as to the House and to the scholarly community.

The Librarian has informed us, Mr. Speaker, that once the bill is enacted into law he intends to appoint a scholarly advisory board to engage an eminent historian or historians who would conduct the principal work of writing the book.

The Librarian will also consult with the House Administration Committee led by the gentleman from California (Mr. THOMAS). The bill would also authorize the Librarian to accept materials relating to an oral history of the House as told by its Members and former Members.

The bill states the sense of the House that orientation programs for freshmen Members of the House should include a seminar on the history of the House and that the Speaker should conduct forums on the history of the House.

As ranking member of the Committee on House Administration, I participate in orientation sessions on many occasions; and I believe that they would be benefited greatly from the inclusion of a big picture view of the House, the Members' place in it, and its historical role.

I am pleased to be a cosponsor of this legislation and that it has received the strong bipartisan and leadership support needed to give the history of the House project momentum to get it underway quickly and do it thoroughly.

Mr. HOYER. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Connecticut (Mr. LARSON), the former President pro tempore of the Connecticut Senate, now a very, very active and effective leader in the House of Representatives, the sponsor of this legislation.

Mr. LARSON. Mr. Speaker, I rise in support of H.R. 2303, an act concerning the history of the House Awareness and Preservation Act.

At the outset, Mr. Speaker, let me profoundly and deeply thank the gentleman from California (Chairman THOMAS) and his staff for taking a good concept and making it into a much better bill.

I would also like to thank my good friend and colleague, the gentleman from Maryland (Mr. HOYER), for his constant advice and mentoring. As a former Senate president, as well, he understands how important it is, especially amongst freshmen Members, to make sure that we receive the appropriate kind of guidance at all times. So I want to thank the staffs, as well, who have labored on this bill.

The bill has over 300 sponsors, Mr. Speaker, and in large part because of two prominent cosponsors on the bill, the gentleman from Illinois (Speaker HASTERT) and the gentleman from Missouri (Mr. GEPHARDT). So I foster no illusions that my name on the top of this bill attracted so many sponsors, but would point out that at the heart of this bill is a deep and abiding respect for this Chamber and its history; and the gentleman from Illinois (Speaker HASTERT) and the gentleman from Missouri (Mr. GEPHARDT) personify all the Members who care deeply about this Chamber and its history.

A special thanks must go, as well, to the staff of the Speaker and Ted Van Der Meid as well in our leader's office, Dan Turton for the tireless work they performed, as well.

I would be remiss if I did not mention George Shevlin and my entire staff who have shepherded this bill to this point.

How fitting, Mr. Speaker, that as it approaches its 200th year that the Library of Congress will undertake this important local legacies project as it reaches out and asks every congressional district in return to report back to it the legacies of the 435-Member body here.

I wanted to thank the Members, especially the gentlewoman from Missouri (Mrs. EMERSON), who, on a trip to Hershey, talked to me about how important the history of this institution is and reflecting on her husband Bill; and to the gentleman from Illinois (Mr. LAHOOD), who, also during that sojourn, talked about its importance, talked about his service with Bob Michel. They were enormously helpful.

Also, I want to thank for her constant encouragement the gentlewoman from California (Ms. ESHOO).

This bill had its genesis actually at the John Fitzgerald Kennedy School in Harvard in meetings with Alan Simpson and David Broder, when they challenged the freshmen class of the 106th Congress to return to a time of civility. This charge was further echoed when we went on to Williamsburg by Cokie Roberts, talking about her dad, Hale Boggs and, of course, the beloved Lindy Boggs and the feeling that they had for this great institution. And at a dinner in Virginia with the dean of the House, to be able to hear the gentleman from Michigan (Mr. DINGELL), who has been here since 1954, talk about the Presidents and the speakers that he has served with was incredible.

All of that led me to believe that we deserved a history of our own here. I had observed, having traveled over to the other body to listen to debate, that there appeared a four-volume history of that body written by Senator BYRD. And to my chagrin, I learned that we had no such works for the People's Chamber.

Just a walk through Statuary Hall will indicate to anyone the magnitude of the history of the House of Representatives. In the very short time that I have been here, the number of important speeches that have taken place in this Chamber and the fond memories that were recalled of people like Moe Udall, of people like George Brown, who when I came here was the ranking member of the Committee on Science and had chaired that committee and, as we all know, has passed on.

The richness of the political experience and the governmental experience are the people that come here and the people that serve, and that is why this history is so important. And yet this seeks to accomplish more than just the writing of history, but the capturing of its membership in oral history, as well.

The gentleman from Maryland (Mr. HOYER) has discussed what the bill proposes and what it actually carries out. First is to have the Librarian of Congress summon both Members of this House, past and present, and eminent historians to decide how to go about and write this great history of this institution, not only including this Congress but the Continental Congress, as well. It also calls on the Library of Congress to become a repository for oral history.

The Former Members of Congress Organization, for example, has already set out on this task. But, in talking to many of them, it has been piecemeal and catch as catch can. And to come under the vast umbrella of the Library of Congress will aid it immensely because there are unique stories to be told by all the Members of this body. It truly is what makes this a representative institution.

And the last, of course, is to provide a sense of the Congress, a sense of the Congress in terms of instructing incoming freshmen about the rich history of the House of Representatives and having our more learned Members and providing them with the opportunity to meet and discuss the great history of the House of Representatives.

It also provides for the Speaker, as he may choose, to conduct forums and to provide the same kind of meetings where dialogue can take place. In discussing this with the gentleman from Illinois (Speaker HASTERT), he was reflecting, as we are both former school teachers, how interesting it would be to have Bob Michel and Dan Rostenkowski discussing the Congress in Statuary Hall and its importance and significance.

Mr. Speaker, I am very proud to stand here today as a sponsor of this bill and continue to be humbled every time I walk into this Chamber. I believe that history is important. I believe this bill is important, not so much because it is a bill that I have introduced and care deeply about, but because what it means to this grand institution.

Mr. Speaker, I submit for the RECORD a letter of support from James H. Billington, the Librarian of Congress.

THE LIBRARIAN OF CONGRESS,
Washington, DC, June 22, 1999.

Hon. JOHN B. LARSON,
U.S. House of Representatives,
Washington, DC.

DEAR MR. LARSON: I very much appreciate the opportunity to review the final version of your draft bill authorizing the Library of Congress to oversee the preparation of a written history of the House of Representatives. I believe the legislation you have developed allows the Library to bring together a number of necessary elements to produce an authoritative publication that will fill a void in the annals of the Congress, and I support both the bill's goal and substance.

Your legislation will allow the Library's publishing office and curatorial staff to work together to develop the project, identify primary source material in our collections, and explore various options for its publication. As I indicated in my comments on an earlier draft of the legislation, I envisage appointing a scholarly advisory board, including historians as well as current and former Members of Congress, to assist in the selection of one or more historians to provide the text of the book, and to continue to be involved through the publication stage. The legislation provides sufficient discretion for the Library to work out the details of funding, publication, marketing and distribution in a manner consistent with the best interests of the House of Representatives.

The legislation also reflects the appropriate roles of the Library of Congress and the U.S. Association of Former Members of Congress in the collection and preservation of oral histories of the Congress. These will undoubtedly prove invaluable to some future historian in continuing the narrative begun by your legislation.

I would like to extend again my offer to hold a lecture series on the history of the House of Representatives in the Members' Room, as a way of both stimulating interest in the published history and drawing together Members, former Members, historians and the Library's incomparable collections for the enjoyment and enlightenment of all.

Sincerely,

JAMES H. BILLINGTON,
The Librarian of Congress.

Mr. HOYER. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. GOODLATTE). The gentleman from Maryland (Mr. HOYER) has 6 minutes remaining.

Mr. HOYER. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Guam (Mr. UNDERWOOD).

Mr. UNDERWOOD. Mr. Speaker, I appreciate the time that has been yielded to me, and I rise in strong support of H.R. 2303. I would like to give a couple of observations, primarily as a history teacher I think.

For most of my career before coming to Congress, I taught history both at the university level and at the high school level. Sometimes historians make the wry observation that historians are people who, those who cannot make history, are condemned to teach it.

As a consequence, I think, in trying to meld these two experiences together, those of us who have a unique appreciation of history and also have a unique appreciation and understanding of this institution, I think this kind of legislation is very critical and much needed. I certainly congratulate all the cosponsors and in particular applaud the efforts of our colleague the gentleman from Connecticut (Mr. LARSON) to educate, inform, and ultimately preserve the legacy of this body for future generations.

What we are seeking to preserve here is not so much history but the raw material of history. And there is a little bit of a distinction in the profession of history in understanding that history is really what historians write. It is not the raw data; it is not the raw material, but what we are seeking to do here is provide the historian with an opportunity to sift through the multitude of information which this institution can provide in a more organized fashion.

Like the other Members who support this legislation, I, too, am in awe of the institution.

□ 1445

I would like to point out, because I know that perhaps this debate, or this discussion that we are having here will be part of the legacy for this legislation which hopefully will get the history of the House awareness and preservation projects under way, that I am not one of those 435 Members alluded to. The official title of the office I hold is Nonvoting Delegate. Sometimes it gets a little bit cumbersome and awkward when people come to the floor and talk about the 435 Members of the House, and you are one of five people who regularly come here and try to do business and represent your constituents and you are not one of those 435 alluded to.

So I would certainly hope that in the course of conducting this project and in the course of writing this history, that certainly those people who were Delegates, and the first Delegate, I believe, was William Henry Harrison, so there is hope for Delegates. They could become President, although they would die 1 month in office. But certainly he was the very first Delegate elected to this office. Since that time there have been a couple of models on how to represent people, in a slightly imperfect way, for those people who are not representatives of various States ranging from the Resident Commissioner model which is used currently for Puerto Rico and previously for the Philippines.

In light of that, I want to take the time to point out that in support of this legislation, we should make every effort to include all of the people who have served here.

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume.

I want to thank the gentleman from Guam for his contribution. I might want to say, as well, that I had the opportunity of being on the West Coast just a few days ago and there was a former broadcaster on Guam, a journalist with whom I talked, and she said whenever there was a problem from an historical or political perspective that the media had in Guam and wanted some expert information, they would call Dr. Underwood who was a distinguished historian and teacher and get advice and counsel and he always knew the answers. He makes an appropriate point, the 440 Members indeed that make an impact on this body.

Mr. Speaker, I again want to congratulate the gentleman from Connecticut for his leadership.

Mr. Speaker, I yield back the balance of my time.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

As I indicated, I moved to suspend the rules on H.R. 2303 with an amendment, and there was no discussion of the amendment, so I will briefly for the Members review the amendments. There were three.

One, based upon the number of cosponsors and an indication that we want to extend it to every person who has had an affiliation with the House, whether they be Member or Delegate, that the oral history portion may in fact be of a considerable length, and so in the amendment, one of the items is that "in consultation with the Committee on House Administration" was added so that there could be some minimal institutional control over the history in terms of its overall purport and direction.

Secondly, there was a provision of changing "may" to "shall." The language was that "the librarian may use private funds" and it was changed to "the librarian shall use private funds." One only need pick up current newspapers and examine the way in which "may" and "shall" will be of significance.

There was to be an event in Lisbon, Portugal which was to be funded by private dollars. It turns out that they became public dollars, including an $18,000 a month apartment for former Member Tony Coelho who headed that operation, and that was one of the reasons we stressed "shall" instead of "may."

And then finally, based upon the description about what folks thought was important in presenting this legislation to the Members, the third amendment, and probably ultimately the most important amendment, required that on the Internet, not, as the bill originally stated, excerpts of the history would be presented but, in fact, the entire history.

It seems as though as time goes on, people tend to have their own particular view of what was important and what was not, of who was important and who was not. And to ensure that no future majority is able to distort the full history of the House of Representatives, the third item was added, and I think all Americans will be supportive of the fact that the entire history is made available, not someone's version of what the history of the House of Representatives ought to be.

And so with those amendments, I am pleased to support the measure.

Ms. BALDWIN. Mr. Speaker, I rise today in support of H.R. 2303—The History Of The House Awareness And Preservation Act. I wish to commend my colleague from Connecticut for introducing this bipartisan legislation.

Mr. Speaker, we all know how easy it is to forget our history. In the hectic days and weeks that make up our lives on Capitol Hill, many of us rush from meeting to meeting through this magnificent building, often not even glancing at the beautiful artwork that adorns its walls, or to consider the awesome achievements of the men and women who preceded us.

As a freshman legislator, I am still struck with a sense of awe when I walk in this chamber to cast a vote, representing more than 600,000 Americans in their national legislature. As I walk in Statuary Hall, I am still halted by the serene statue of Wisconsin's Fighting Bob LaFollette, a progressive champion who represented my district nearly a hundred years ago. What I think is great about this institution, and why it is valuable to record its history, is that members who have been here for decades still get those feelings too.

This legislation will help us all take a moment to reflect on the importance of what has been decided here and its context in history. By having the Library of Congress create the first history of the House of Representatives, the Nation will have a resource to remind us of the how and why the 13 colonies came together in something called a Congress.

Mr. Speaker, I know it is not fashionable to praise this body. I know that pundits and critics make healthy livings denigrating Congress and the work we do here. This legislation, this history, may give them pause to consider the underpinnings of this institution, and realize that the nobler calling of the Founding Fathers are still with us, and that all of us—Republican and Democrat—are still trying to do our best to live up to those high standards established more than two centuries ago.

Mr. THOMAS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GOODLATTE). The question is on the motion offered by the gentleman from California (Mr. THOMAS) that the House suspend the rules and pass the bill, H.R. 2303, as amended.

The question was taken.

Mr. THOMAS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of H.R. 2303, the legislation just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PERMITTING NON-CONGRESSIONAL FEDERAL EMPLOYEES TO ENROLL THEIR CHILDREN IN THE HOUSE CHILD CARE CENTER

Mr. THOMAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3122) to permit the enrollment in the House of Representatives Child Care Center of children of Federal employees who are not employees of the legislative branch.

The Clerk read as follows:

H.R. 3122

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ENROLLMENT OF CHILDREN OF OTHER FEDERAL EMPLOYEES IN HOUSE OF REPRESENTATIVES CHILD CARE CENTER.

(a) IN GENERAL.—Section 312(a)(1) of the Legislative Branch Appropriations Act, 1992 (40 U.S.C. 184g(a)) is amended—

(1) by striking "and" at the end of subparagraph (A);

(2) by striking the period at the end of subparagraph (B) and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(C) if places are available after admission of all children who are eligible under subparagraphs (A) or (B), for children of employees of other offices, departments, and agencies of the Federal government.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to children admitted to the House of Representatives Child Care Center on or after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. THOMAS) and the gentleman from Maryland (Mr. HOYER) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have been a supporter of the House Child Care Center since its initiation. Actually the wife of one of our former colleagues, Al Swift, Mrs. Swift, was instrumental along with others, both staff and Members and spouses, in initiating the House Child Care Center. However, today, eligibility for that center is restricted, first to the children of House employees, then to the children of employees of the Senate, and other legislative branch agencies. While clearly the supportive costs were initiated by the House, this has become a self-funding structure. One of the concerns that we have is that this not be in direct competition with the private sector but that it be able to have a broad enough scope to sustain itself.

And so this measure provides for the extension of the House Child Care Center to a third category, which would assume its position below the others in terms of a prioritization of admittance of students, and that would be children of other employees of the Federal Government, i.e., the executive branch. This expansion of eligibility was requested by the board of directors, supported by the chief administrative officer and as evidence of our general support here on the floor of the House today.

As I said, there is no direct subsidy from the House of Representatives today, and, frankly, the budget for the House Child Care Center is one that is very tight. It performs a needed and very useful service to the legislative branch, and we would not just want this useful and needed service to fail because of our failure to extend it to other areas of the Federal Government. When a request for this change was made, the board of directors wrote this: "If we are allowed to fill vacancies with children of other Federal agencies, our budget will be augmented, more children and families will get high quality services, and no House family will be worse off. This new policy, then, will produce lots of winners and no losers."

It seems to me that a Child Care Center closely associated with the place of work is a winner to begin with, but it also must be financially viable. The step that we take with this bill today ensures indeed that we will continue to be winners.

Mr. Speaker, I reserve the balance of my time.

Mr. HOYER. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, this is a good bill, a timely bill, and hopefully every Member will support it. The House is indeed fortunate to have such an excellent Child Care Center. At present, Mr. Speaker, the center is open only to children of employees of the legislative branch, with Members and employees of the House having priority. Numerous Members and staff have entrusted their children to the center over the years. My own granddaughter Judy, as a matter of fact, when my daughter was working here was at the Child Care Center and she was enriched immeasurably by that experience. The House Child Care Center is a wonderful place, and I wish there were many more like it for parents across the country who desperately need safe, reliable, high quality child care.

The House center, which occupies space in the Ford House Office Building, receives no direct appropriations. Except for its space, utilities and benefits for its staff who are House employees, the center must sustain itself through its tuitions. Like many child care centers, the House center has difficulty filling all its places for 3- and 4-year-olds. There is a long waiting list, Mr. Speaker, for infants and strong demand for places for 1- and 2-year-olds. This is because new working parents without family-based child care alternatives often find few options for child care outside the home. However, as children approach the school age, other options become available to many parents. These options may include free or low cost public preschool programs. Parents may enroll in prekindergarten programs that virtually assure later acceptance in a particular school. The arrival of younger siblings may render it more economical for one parent to stay home or to hire a nanny to care for children in the home, if that is financially possible. For child care centers, the loss of 3- and 4-year-olds, who are the most profitable since child-to-adult ratios can be higher, has a great effect on the bottom line.

This legislation will ease this problem for the House center by expanding the population it can serve to include employees of other Federal agencies. The center will continue to give first priority to children of the House, then to other legislative branch children. If places remain, however, available thereafter, it will then be offered to children of other Federal employees. This is a sensible move that will make the House center more efficient. It will ease the upward pressure on the center's tuition rates which are already frankly beyond the reach of many House employees. Equally important, it will make the benefits of the House Child Care Center available to Federal employees throughout the Washington region. There are undoubtedly numerous Federal workers across this area who would appreciate the chance to enroll their children in the House Child Care Center. We should certainly offer them placements in our center that would otherwise go unfilled, and that is the key. We are simply providing for vacant spaces being available. We will not in any way compete with the House employees.

Mr. Speaker, by strengthening the House Child Care Center, this bill is good for the House and other legislative branch employees who need child care. By expanding the eligible population to include all Federal employees, it is good for Federal workers in this area and the government generally. I certainly rise in strong support of this legislation and ask for an affirmative vote.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of this bill, H.R. 3122 that allows federal employees who do not work for the legislative branch to enroll their children in the House of Representatives Child Care Center. Every parent that works for the federal government should have access to quality child care.

Child care is critical to the success of working families and to ensuring that every child enters school ready to learn. The need for child care has become a necessity for many parents.

It is estimated that 65 percent of women with children younger than six, and 78 percent of women with children between the ages of six and 17 are in the work force. Almost 60 percent of the women with infants are also in the work force. The majority of working women provide half or more of their family's income.

Every day, 13 million preschoolers, including six million babies and toddlers are in child care. Children enter child care programs as early as six weeks of age.

Quality child care has a lasting impact on children's well-being and ability to learn. Poor quality child care can result in delayed language and reading skills.

Many parents struggle to find affordable, quality child care because of the high costs. Full day care costs as much as $4000 to $10,000 per year—close to the cost of one year of public college tuition.

The Child Care Center that serves the House of Representatives is a high quality center that currently benefits the children of employees of the House. This center offers the quality services that parents need, and this center should be made available for other employees of the Federal government.

I urge my Colleagues to support this measure. All children deserve quality care early in life for a healthy start this bill will make these services available for more working families.

Mr. HOYER. Mr. Speaker, I yield back the balance of my time.

Mr. THOMAS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. THOMAS) that the House suspend the rules and pass the bill, H.R. 3122.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1500

GENERAL LEAVE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of H.R. 3122, the bill just passed.

The SPEAKER pro tempore (Mr. GOODLATTE). Is there objection to the request of the gentleman from California?

There was no objection.

RECOGNIZING THE CONTRIBUTIONS OF 4-H CLUBS

Mr. DEAL of Georgia. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 194) recognizing the contributions of 4-

H Clubs and their members to voluntary community service.

The Clerk read as follows:

H. CON. RES. 194

Whereas the American people have a tradition of philanthropy and volunteerism;

Whereas 4–H Clubs, an organization originally established by the Extension Service of the Department of Agriculture and land-grant colleges, provide young people in the United States with the opportunity to actively participate in volunteer services in their communities that can bridge the differences that separate people and help solve social problems;

Whereas there are more than 6,500,000 youth members of 4–H Clubs in the United States;

Whereas 4–H members touch and enhance the lives of others during the annual National 4–H Week and throughout the year by doing good, by giving where there is a need, by rebuilding what has been torn down, by teaching where there is a desire to learn, and by inspiring those who have lost hope;

Whereas 4–H Clubs and their members, as well as other volunteers and Cooperative Extension staff, have joined to promote the week of October 3 through 9, 1999, as a opportunity for national, collaborated voluntary community service; and

Whereas voluntary community service is an investment in the future all Americans must share: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress commends and recognizes 4–H Clubs and their members in the United States for their contributions to voluntary community service.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. DEAL) and the gentleman from Wisconsin (Mr. KIND) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia (Mr. DEAL).

Mr. DEAL of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, every day we hear more about the challenges currently facing our young people in society. However, today I am proud to bring good news about America's youth by specifically recognizing the 7 million young citizens who are involved in 4–H programs through this resolution.

The roots of 4–H began at the turn of the 20th century when progressive educators started to emphasize the need of young people and to introduce nature study as a basis for a better agricultural education. The 4–H program was founded sometime between 1900 and 1910 to provide local educational clubs for rural youth from ages 9 through 19 years. The program was designed to teach better home economics and agricultural techniques and to foster character development and good citizenship. Boys and girls clubs and leagues were established in schools and churches to meet these needs. Farmers saw the practical benefits, and public support and enthusiasm for 4–H, therefore, grew throughout the Nation.

The program is administered by the Cooperative Extension Service of the United States Department of Agriculture, state land grant universities, and county governments. For nearly a hundred years over 45 million Americans, myself and many other Members of this body included, in some 3,150 counties have subscribed to the 4–H philosophy of learning by doing. In all projects, 4–H members strive to develop and improve the four H's: head, heart, hands, and health that not only make themselves better citizens but, through volunteer service, 4–H members make America's cities, towns, and farms better places to live.

To keep up with the wide range of interests of today's young people, the 4–H program has diversified tremendously. Its agricultural heritage is still alive and well, but today's 4–H members also design Web pages, participate in mock legislatures, organize community clean-ups, and deliver speeches. The 4–H Youth Development Program continues to make great contributions toward the development of well-rounded youth. By this resolution we congratulate them and recognize this ongoing contribution.

Mr. Speaker, I reserve the balance of my time.

Mr. KIND. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have just one question for you and the gentleman from Georgia and all of my colleagues here this afternoon, and that question is: Are they into it?

"Are they into it" is the current slogan for the 4–H; "Are they into it" is the rallying cry for the 4–H clubs of America as they approach 100 years of service to communities and neighborhoods from coast to coast. "Are they into it" is the call that over 6 million young people answered last year in 4–H clubs and organizations across the Nation. "Are they into it" is the mantra repeated by over a half a million volunteers who donate an average of $200 per year to keep the 4–H clubs strong and vital in their communities. "Are they into it" is the question answered by private sector partners of 4–H, Mr. Speaker, who invest almost $100 million into 4–H youth development programs.

I am glad to say that today this body is into it, and I thank the gentleman from Georgia (Mr. DEAL) for bringing this resolution forward today.

Mr. Speaker, I am very pleased and proud to be on the floor supporting this important measure introduced by the gentleman from Georgia (Mr. DEAL). Many people believe we live in an era of unprecedented cynicism and skepticism. That is why it is important for this Congress to take a little time to recognize the outstanding organization like 4–H which brings young people together to do good for their communities and to grow as principled individuals.

In fact, research indicates that volunteerism among young Americans has actually been on the increase. America's youth want to participate in the betterment of their communities and their country. The 4–H is uniquely established to provide opportunity to young people nationwide to learn valuable life skills, work with others toward common goals, and developing into community leaders.

The 4–H is a dynamic organization whose mission is to foster innovation and shared learning for America's youth, ages 6 to 19. Its vision is to draw upon combined power of youth and adults so that we can learn together in order to address the challenges and opportunities critical to youth in our communities.

4–H stresses three fundamental values: first, Mr. Speaker, we must treat others with mutual trust and respect and open and honest communication; second, we must assume personal leadership and responsibility for our actions; and third, we must celebrate our differences as well as our similarities and always realize that working with youth as partners is the key to our success.

Mr. Speaker, last week I met with several young people from my district, from western Wisconsin, who are in Washington on different trips, two of whom were here for the conference Voices Against Violence, and one was here with the National Young Leadership Conference which uses the 4–H facilities here in Washington for mock government sessions throughout the year.

What I found striking about these young people is their commitment to their communities and, whether consciously or unconsciously, to the values and ideals fostered by the 4–H. Andy Slind of Boyceville, Wisconsin, told me he plans to continue working in his community during the last 2 years of his high school and would work to participate in some form of public service after college.

Mr. Speaker, our young people know they have a stake in their communities and want to help shape their futures. 4–H provides opportunities for such involvement, and it hones the values and skills we all cherish as Americans.

I am grateful for the opportunity to commemorate the 4–H today for personal reasons as well. I am a former 4–H club member myself. When I was a boy growing up in western Wisconsin, I loved and appreciated the time that I spent within my 4–H club.

4–H continues to play a central role in communities like mine. In fact, just on Saturday my local paper carried an article describing a man who was being honored for his dedication to 4–H. Bob Fredrick of Viroqua, Wisconsin, has been a 4–H youth development agent for 40 years. He started in 1957 at the age of 25 and decided to make the youth program his sole career. In honor of Bob's lifelong dedication to

Vernon County youth, the community is establishing a special fund for youth programs in his name.

Mr. Speaker, as I mentioned earlier, over 6 million young people were involved in 4-H programs last year. In fact, nationwide 1 in 7 Americans have been involved in 4-H at some point during their lives. In fact, in addition to myself, three of my staffers here in Washington were 4-H members in their youth; and I would venture to guess that many others around Capitol Hill have experience with a 4-H club.

4-H was founded in 1902 and established in my home State of Wisconsin in 1914. There are currently over 2,000 4-H clubs in my State alone and almost 190,000 young people from Wisconsin that belong to 4-H clubs. Wisconsin was proud to host the National 4-H Dairy Conference this last September, which drew over 250 young people from around the United States and Canada to learn about new technologies and techniques in dairy farming. While many people associate 4-H with rural communities and agricultural issues, kids from cities and suburbs from all backgrounds belong to 4-H clubs. Through 4-H they study citizenship and civics, communications and arts, consumer and family issues, Earth and environmental science, technology and personal leadership.

In closing, Mr. Speaker, I am very happy to be here today to commemorate 4-H and its contributions to American communities for the past 98 years. By pledging their heads to clearer thinking, their hearts to greater loyalty, their hands to larger service, and their health to better living, our young people, along with the adult volunteers who teach and help them, do work to strengthen their clubs, their communities, their countries and their world.

Mr. Speaker, I reserve the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska (Mr. BARRETT).

Mr. BARRETT of Nebraska. Mr. Speaker, I thank the gentleman from Georgia for yielding this time to me.

Mr. Speaker, I rise also in strong support of the resolution being offered today in honor of the millions of young people who participate in the 4-H program. As my colleagues know, at a time when we are so concerned about youth who act in negative ways, I think it is fitting that we take a moment to honor young people who work to give back to their communities in positive ways through service, education, and leadership. Four-H is a major program in my State, tracing its roots back to the 1890s. In Nebraska more than 325,000 kids participate in the 4-H programs. That is almost 40 percent of the young people in my State.

But 4-H is not only about kids. In Nebraska, nearly 13,000 dedicated parents and group leaders take their time and their energy to work with young people and help kids have fun while they learn. With eight different curriculum areas ranging from the traditional areas such as livestock, livestock, and food preparation to innovative projects in communications arts and environmental stewardship, the 4-H program challenges kids to work together and with adults to learn new skills and develop lifelong interests and contribute to their communities.

The 4-H program offers youth the positive experiences, support, the challenges that they need to be successful and to develop into strong, competent, caring, and responsible citizens. I want to take this moment to especially commend the chapters in Nebraska and all chapters for that matter for their dedication to our communities. These young people and their parents and sponsors deserve our thanks, and they certainly deserve our applause.

Mr. DEAL of Georgia. Mr. Speaker, I reserve the balance of my time.

Mr. KIND. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do not believe I have any more requests for time on this side, so let me just conclude with a couple of personal notes. I do want to sincerely thank the gentleman from Georgia for giving us this opportunity today to honor the 4-H clubs. It brings back a lot of fond memories for myself.

I, as I indicated, participated in 4-H when I was 8, 9, and 10 years old growing up on the north side of La Crosse. It was not a rural area. It was an urban area. We had a wonderful program, though, that brings back memories of those who participated in it, not only the other kids in the neighborhoods that I was a member with, but the adults and the volunteers who participated in it, adults such as Mary Lou and John Rochester who are no longer with us today; Mrs. Olsen and Mrs. Severson who took over the program to keep it going when the Rochesters could no longer do so; and the countless number of friends, lifelong friends, that I have today because of an organization like 4-H.

Now for those who are familiar with western Wisconsin and La Crosse would know that growing up on the north side of La Crosse was considered growing up on the other side of the railroad tracks. We had some pretty tough neighborhoods back then, and like many youth do today, we were confronted with a lot of choices and a lot of options, some good, some not so good.

At that time in my life I was just starting to get involved in another group called the Kane Street Killers, and we were arch rivals with the North Side Jack Rabbits. I guess according to today's terms they would be considered gang or gang affiliates, and we had rumbles. We would elude police officers with our youthful pranks and childish antics.

But looking back now at my own childhood, I really was at the crossroads of having to decide which way to go, and but for an organization such as 4-H or the Boys and Girls Club of the greater La Crosse area, I think many of us kids who hung out with the Kane Street Killers could have taken decidedly different routes in our lives. It was because of an organization that offered a structured learning environment like 4-H and many of the community activities that we were involved with, annual food drives during the holiday season to collect some food for the food shelters in the area, a community garden where we would grow food and share with senior centers, a softball team that we participated in that gave a lot of us a good outlet for our pent-up energies, those positive activities in our lives kept many of us out of trouble.

□ 1515

I remember participating in the musical "Oklahoma" when I was 10 years old. For me that was probably the most frightening moment of my young life, having to stand in front of people and try to carry a tune. It was not a very pretty sight, but, nevertheless, looking back on it now, it was a learning and growing experience for me. Because of that, I can honestly say here today that many of us were channeled into more constructive, more educational-oriented arenas, rather than pursuing different options on the street on the north side of La Crosse.

Again, let me conclude by thanking the gentleman from Georgia, and also thanking the thousands of individuals, the adults, the parents and uncles and aunts, grandparents, the neighbors from across the country, the volunteers, who are giving part of their busy lives to 4-H and to the kids participating in 4-H in order to provide this type of alternative option in young people's lives. I think it does perform a very important and vital role in our society as we try to raise our kids in this Nation with the best opportunities possible.

Mr. Speaker, I yield back the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in support of H. Con. Res. 194, which deals with the 4-H Clubs and their service to the community. I happen to have the honor of representing the National Headquarters of the 4-H Clubs, and I have seen the kind of work that they have done.

We all know the roots of 4-H began at the turn of the century. Educators began introducing nature study as a way of getting young people interested in agriculture. The four-leaf clover that we know so well, that design with the H's, appeared around 1908. They stand for Head, Heart, Hands, and Hustle: Head trained to think, plan and reason; heart trained to be true, kind and sympathetic; hands trained to be useful, helpful and skillful; and the hustle to render ready service to develop health and vitality.

Today, more than 6.5 million youth are involved in 4–H Clubs nationwide. Twenty-seven percent of the young people involved in 4–H are from a minority racial or ethnic group.

These 4–H programs vary from state to state. Some involve after-school activities and tutoring in inner city public housing communities. Others involve teaching youth about the environment, how to develop and implement a project in their community that will help to solve an environmental issue. We see many examples of these projects at an annual agricultural fair that we have in Montgomery County, Maryland, which is typical of what is happening all over the country under the auspices of 4–H direction.

Whether they are fighting poverty in the inner cities, or combating HIV epidemics, 4–H volunteers are making a difference. They want to help others.

Volunteerism is an American tradition. Concern for others, working together to meet the social challenges of American society, embodies the very best of American values.

Every American has the capacity to reach out to others, to enrich his or her community, and to make a difference. In the act of serving, these 4–H volunteers often find that they make a difference in their own lives. Through volunteering, they develop their own knowledge, skills and character, and they build relationships with people they might not have known otherwise.

Again, I reiterate, I am proud of 4–H, I am proud of the 4–H headquarters in Chevy Chase, Maryland, I am proud of the staff at the headquarters. I have been very much involved with many of their activities focused on Citizenship Washington and other activities where they have brought young people in from all over the country.

There are some people I want to mention. Trina Batte, Janet Hand, Jenna Carter, Loretta Espey, Sylvia Gould, and I could go on and on. These are but a few of the names of the staff members that work at the headquarters. So I am pleased to praise all of the wonderful people who work not only at the headquarters in Chevy Chase, but the volunteers and those people that work for 4–H throughout the country. They do make a difference.

Mr. DEAL of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would first of all like to thank my staff person, Peter Dale, for his work in bringing this resolution to the floor. He has been involved in 4–H, as has his family.

As has been reiterated by others, I have been involved in 4–H. My oldest daughter was a National 4–H Citizenship Winner, and in my local community we have people who are volunteering their time through an adult organization sponsoring scholarships through the 4–H program so young people can get a college education. My State is indeed fortunate to have one of the premier State 4–H educational and recreational facilities, known as Rock Eagle, in the State of Georgia. Many young people pass through that facility each year and are enriched by the experiences that they receive.

In conclusion, Mr. Speaker, I would simply urge the favorable adoption of this resolution as a recognition of the outstanding contributions that the 4–H Clubs have made to our communities and to our country. I would urge favorable adoption of the resolution.

Mr. SOUDER. Mr. Speaker, I rise today in support of H. Con. Res. 194. For nearly a century, 4–H has been helping the children of this Nation "learn by doing." As the largest youth organization in the United States, 4–H educates children through practical, hands-on methods that emphasize life skills. It is difficult to point to another organization that has had a comparable positive impact on America's youth. Since its inception in the early 1900s, more than 45 million Americans have participated in 4–H. In my home state alone, 4–H is currently helping over 252,000 young people improve their self-confidence and learn important skills such as leadership, citizenship, and decision-making that can be applied over a lifetime. Originally founded as an agricultural youth organization, the 4–H program is no longer limited to rural communities. 4–H clubs are thriving in urban centers across the country, teaching inner city kids the same values and self confidence that have helped so many rural youth. Today, kids from all walks of life can learn to design web pages, participate in mock legislatures, and organize community clean-ups. 4–H continues to work toward the development of youth as individuals and as responsible and productive citizens. I urge you to join me in supporting this resolution.

Mr. DEAL of Georgia. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GOODLATTE). The question is on the motion offered by the gentleman from Georgia (Mr. DEAL) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 194.

The question was taken.

Mr. DEAL of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. DEAL of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res 194.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

AUTHORIZING PAY ADJUSTMENTS FOR ADMINISTRATIVE LAW JUDGES

Mrs. BIGGERT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 915) to authorize a cost of living adjustment in the pay of administrative law judges, as amended.

The Clerk read as follows:

H.R. 915

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PAY OF ADMINISTRATIVE LAW JUDGES.

Section 5372(b) of title 5, United States Code, is amended—

(1) in paragraph (1), by inserting "(A)" after "(1)" and by striking all after the first sentence and inserting the following:

"(B) Within level AL–3, there shall be 6 rates of basic pay, designated as AL–3, rates A through F, respectively. Level AL–2 and level AL–1 shall each have 1 rate of basic pay.

"(C) The rate of basic pay for AL–3, rate A, may not be less than 65 percent of the rate of basic pay for level IV of the Executive Schedule, and the rate of basic pay for AL–1 may not exceed the rate for level IV of the Executive Schedule.";

(2) in paragraph (3)(A), by striking "upon" each time it appears and inserting "at the beginning of the next pay period following"; and

(3) by adding at the end the following:

"(4) Subject to paragraph (1), effective at the beginning of the first applicable pay period commencing on or after the first day of the month in which an adjustment takes effect under section 5303 in the rates of basic pay under the General Schedule, each rate of basic pay for administrative law judges shall be adjusted by an amount determined by the President to be appropriate."

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Illinois (Mrs. BIGGERT) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Illinois (Mrs. BIGGERT).

GENERAL LEAVE

Mrs. BIGGERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 915, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mrs. BIGGERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 915, sponsored by my esteemed colleague the gentleman from Pennsylvania (Mr. GEKAS). H.R. 915 is a bipartisan bill to reform the process for setting the pay of the Federal Government's administrative law judges, otherwise known as ALJs. The Federal

Government employs over 1,400 administrative law judges. Their work is crucial and very important to the Federal Government's operations. ALJs decide important cases, ranging from the Social Security complaints of senior citizens to complex securities litigation.

In order to recruit and retain qualified administrative law judges, steps must be taken to ensure their pay remains competitive. Regrettably, circumstances are making this difficult. Each grade and step of the current ALJ pay schedule is rigidly set as a fixed percentage of Level IV of the Executive Schedule. As a result, pay increases for ALJs have lagged behind those of their colleagues under the general schedule or in the Senior Executive Service.

This situation creates a disincentive for highly qualified attorneys, both in the Federal Government and in the private sector, to compete and apply for these important positions. The disincentive is particularly acute for private sector attorneys. While they must generally start at the bottom of the ALJ pay scale, government attorneys at least have the option to keep a comparable salary when they become ALJs.

By reforming the pay-setting process, H.R. 915 will make ALJ positions more attractive for attorneys across the board. Although the bill retains the current grade and step structure for ALJs, H.R. 915 provides the President with more flexibility to adjust ALJ pay. Rather than link each grade and step to a specific percentage of Level IV of the Executive Schedule, H.R. 915 simply establishes minimum and maximum rates of pay for ALJs. These are the same as the current minimum of 65 percent of Level IV and the current maximum of 100 percent of Level IV.

H.R. 915 also authorizes the President to adjust ALJ pay rates below the maximum when employees under the general schedule receive an annual pay adjustment. This mirrors the authority the President now has to adjust the pay of the Senior Executive Service.

Mr. Speaker, I am pleased to have this chance to offer H.R. 915 for consideration by the House. I encourage the support of all Members.

Mr. Speaker, I reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Federal administrative law judges, often referred to as the Federal Administrative Trial Judiciary, perform judicial functions within the Executive Branch of Government. In adjudicating cases before them, administrative law judges conduct formal trial-type hearings, make findings of fact and law, apply agency regulations and issue either initial or recommended decisions.

There are over 1,300 ALJs assigned to 31 Federal agencies. The agency employing the largest number of ALJs, over 1,184, is the Social Security Administration, which has its headquarters in my district in Baltimore.

I am pleased that the gentleman from Pennsylvania (Mr. GEKAS), the author of the legislation before us today, was able to work with the Office of Personnel Management to craft a bill that has bipartisan support. H.R. 915, a bill to authorize a cost of living adjustment in the pay of administrative law judges, makes a needed improvement in the ALJ pay system.

Under current law, both Federal judges and ALJs are paid under the Executive Schedule, as are Members of Congress. ALJs are the only executive branch Federal employees whose pay is linked to Members of Congress. From 1993 through 1996, ALJs and Federal judges received no cost of living adjustments because Congress prohibited those subject to the Executive Schedule from receiving a COLA.

When Executive Schedule pay goes unchanged, so does the basic pay for ALJs. Consequently, ALJ pay levels have not kept pace with those of other groups of Federal employees, such as the General Service and the Senior Executive Schedule. Under H.R. 915, the pay adjustment process for ALJs would mirror the process for setting the basic pay rates for the Senior Executive Schedule. The structure of the ALJ pay system would remain unchanged. The bill would retain the minimum and maximum rates for the ALJ pay range, while eliminating the specific linkages to executive pay within that range. The President would be authorized to adjust ALJ pay within that pay range at the same time as SES basic pay rates are adjusted, which is the time of the annual GS pay adjustment. The top ALJ pay rate could still not exceed the statutory maximum, which would remain the rate for the executive Level IV.

I urge my colleagues to support this legislation and bring the pay of administrative law judges in line with other groups of Federal employees.

Mr. Speaker, I reserve the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I wholeheartedly support this bill. I think we do need to include the administrative law judges under H.R. 915, and I hope we will be able in the future to look to the Social Security appeals judges also.

I am pleased to also support H.R. 915, which I think is very important. I thank also the gentleman from Maryland (Mr. CUMMINGS) and the gentleman from Maryland (Mr. HOYER) for their support of it.

Mr. CUMMINGS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Maryland (Mr. HOYER), one who has been at the forefront of protecting the rights of Federal employees and who has been a mentor to me in regard to those kind of issues and many other issues.

Mr. HOYER. Mr. Speaker, I thank the former Speaker pro tem of the Maryland House for his kind words.

Mr. Speaker, I rise today in strong support of H.R. 915, which, as has been stated, is a bill that will provide the President with the authority to provide annual cost of living adjustments to our Nation's more than 1,300 Federal administrative judges, the same authority he now has, frankly, with respect to members of the Senior Executive Service. Currently the pay and step levels for administrative law judges are tied to the Executive Schedule, so they are unable to receive an increase in pay in the years when the Executive Schedule remains unchanged. Since 1991, the basic pay for administrative law judges has increased only three times, in 1992, 1993 and not until 1998, and only one time in the last 5 years, as the figures reflect.

□ 1530

That is in contrast to employees under the General Schedule and the Senior Executive Schedule, who have received a COLA increase in 4 of the last 5 years. This legislation will bring the pay of administrative law judges into line with career employees in the General Schedule and Senior Executive Service.

Mr. Speaker, prior to 1990, administrative law judges fell under the General Schedule and were paid at the GS-15 and 16 rates. In 1990, as part of the Federal Employees Pay Comparability Act, a legislation which I had the honor of sponsoring, the judges had their pay linked to the executive schedule.

While this legislation, H.R. 915, will not change the current grade and step structures for administrative law judges, it will tie each grade and step to fixed percentages of the SES.

I support this legislation, and hope this bill will provide increased competition, and draw the highly qualified candidates that these judgeship positions require for the sound administration of the Federal Government and Federal rules and regulations.

I urge my colleagues to join me and the gentlewoman from Illinois and the gentleman from Maryland in supporting this legislation.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just take a moment to urge my colleagues to vote in favor of this very important legislation. As the gentleman from Maryland (Mr. HOYER) just stated, one of the things we are most concerned about is making sure that we attract the very best to the administrative law judge system.

Certainly, as much as we might not want to think it, pay is very important. It is something that does attract. We want to make sure that they are treated fairly. They do do an outstanding job over and over again, and are sometimes overlooked because they are on the administrative law judge level. The fact is, they do a very important job.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. CUMMINGS. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I think the gentleman's comments are very important and relevant. We need to keep focused on that.

Too often we tend to denigrate Federal service at whatever level, from the administrative law judge level to a file clerk. The fact of the matter is they are very important to the fair and proper administration of the people's government. We certainly want to make sure that we have people at these positions who have sound judgment, significant legal ability, and can wisely dispose of the issues that confront them.

I also want to say that I very much appreciate the leadership of my colleague, the gentleman from Maryland, who has been the ranking member of this subcommittee, and as such has worked with the chairman in a very positive way in ensuring that we have a sound, wise public employee policy in this country. I thank the gentleman for his leadership.

Mr. CUMMINGS. I thank the gentleman very much, Mr. Speaker.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the ranking member for yielding time to me, and I thank him for his leadership. As well, I thank the gentleman from Maryland (Mr. HOYER) and also I thank the gentlewoman from Illinois (Mrs. BIGGERT).

Let me offer to say, having worked with administrative law judges, and in particular, serving on the Subcommittee on Immigration and Claims, where there is an enormous body of administrative law judges that deal with some of the issues that confront immigrants who are seeking legal admission to the United States, I do know of the great value of the service of the administrative law judges.

I wanted to offer my support for this legislation as a way of equalizing the compensation equal to the amount of work and the amount of service that the ALJs participate in.

My first exposure to ALJs was as a lawyer, but also as a member of the Houston City Council, because many times constituents, not knowing which governmental agency to call, would call with social security issues. Those issues invariably might be addressed at the level of the ALJs.

I realize what a heavy caseload ALJs have had in a variety of areas. Social security happens to be one. I think that many people do not understand the ALJ tasks. They are not Federal judges in terms of not being judges that are appointed with the advice and consent of the Senate, they come through the administrative civil service process. Yet, they serve a very important responsibility.

When I traveled to visit the detention centers, or at least one of the detention centers in New York, I was able to see the work of ALJs as they held court right in the detention centers, to give due process to those individuals who had been detained who might have an explanation or defense for their being detained as an illegal alien or with some other concerns. It was the ALJ who presided over the proceeding, and was considered the first line of defense, or at least the first line of justice for these individuals.

So I say to the gentleman from Maryland, I simply wanted to add that ALJs play an important role in the life of justice in the United States. Although they are called administrative law judges, and they respond to the administrative process and they come through a civil service process, they are competent, they are qualified, they are trained lawyers, and therefore, they are very much a cornerstone to the justice system in this country.

I am delighted that we are now correcting or at least providing adequate compensation in this manner.

Mr. Speaker, I would like to rise in support of H.R. 915, which authorizes a Cost Of Living Adjustment (COLA), in the pay of Administrative Law Judges. Specifically, H.R. 915 reforms the compensation process for Administrative Law Judges (ALJ) by establishing maximum and minimum salaries for Administrative Law Judges.

Currently, Administrative Law Judges are appointed pursuant to Title 5 of the United States Code, establishing the Administrative Law Judge as an independent decision maker who implements the Administrative Procedure Act.

In an age where a good percentage of this country's legal minds are practicing their craft in the private sector, government must do all it can to attract and keep qualified practitioners of the Judiciary. Under current law, both Federal Judges and Administrative Law Judges are paid under the executive Schedule, as are members of Congress.

From 1993 through 1996, Administrative Law Judges and Federal Judges received no Cost Of Living Adjustment (COLA) because Congress restricted those subject to the Executive Schedule from receiving a COLA. When the Executive Schedule pay remains unchanged, so does the basic pay for Administrative Law Judges. As a result, the pay of Administrative Law Judges has not kept pace with those of other groups of federal employees, such as the General Schedule and the Senior Executive Schedule.

H.R. 915 seeks to address these concerns by adjusting the pay process for Administrative Law Judges to mirror the process for setting the basic pay rates for the Senior Executive Service. This bill would authorize the President to adjust the pay for Administrative Law Judges within the pay range at the same time that Senior Executive Service basic pay rates are adjusted, which is the time of the annual General Service pay adjustment. The top Administrative Law Judge pay rate will still not exceed the statutory maximum, which would remain the rate for Executive Level IV. As a result, instead of adjusting Administrative Law Judges's rates only when there is an increase in executive pay, the President could adjust any Administrative Law Judge pay rate, which had not reached the statutory maximum.

Mr. Speaker, dear colleagues, this is a well-needed bill that will compensate our judges for a job well done. I urge its adoption.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentlewoman for what she had to say. As I was listening to the gentlewoman, I could not help but remember, in law school one of the things we learn early on is before one gets to court, they have to exhaust their administrative process first, so they do play a very important role. Many cases are resolved before they get to the courts. Our courts would certainly be clogged if they were not resolved.

I want to thank the gentlewoman for her comments. I am sure it means a lot to all of our administrative law judges who might be listening or may read this transcript.

Mr. Speaker, again, I would urge all Members to vote in favor of this very important legislation. I also want to thank the gentlewoman from Illinois (Mrs. BIGGERT) for her efforts with regard to this, and also the gentleman from Florida (Mr. SCARBOROUGH), the chairman of our subcommittee, and certainly the chairman of the full committee and the ranking member.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, H.R. 915 is supported by the administration, the Association of Administrative Law Judges, the Federal Administrative Law Judges Conference, the American Bar Association, and the Federal Bar Association.

Mr. Speaker, H.R. 915 is good public policy, and will help attract some of the best and brightest legal minds to serve as administrative law judges. I thank the sponsor of this bill, the gentleman from Pennsylvania (Mr. GEKAS) for his work on this important issue. I also applaud the gentleman from Maryland (Mr. CUMMINGS) for his leadership in this legislation. I urge all Members to vote for H.R. 915.

Mr. DAVIS of Virginia. Mr. Speaker, I strongly support H.R. 915 and I am proud to have been a co-sponsor of this important legislation. I would like to thank my good friend and colleague from Pennsylvania, Mr. GEKAS, for introducing this important legislation. I would also like to thank the Civil Service Subcommittee and Chairman JOE SCARBOROUGH for acting on this legislation in such a timely manner. It is a fair bill and is sorely needed. With the recent passage of legislation to grant virtually all Federal civilian and military employees a 4.8 percent pay raise, this bill would finally permit a small number of administrative law judges, also career employees, the right to have their pay adjustment determined by the President on an annual basis.

At the present time, ALJs are on the Executive Pay Schedule which includes Members of Congress, Cabinet Secretaries, and Federal District Court Judges. As a result of this classification, ALJs have received only two cost-of-living-adjustments in the past 8 years. Unfortunately, ALJs have been caught in the middle of the controversial political debate surrounding pay raises for Members of Congress and have not received a pay increase. This is despite the fact that their salaries are commensurate with that of the Senior Executive Service (SES), or General Schedule employees. Clearly, it is appropriate to decouple ALJ pay raises from congressional pay raises and not freeze their salaries.

These career employees are among the very few career Federal employees who pay is still tied to congressional salaries. H.R. 915 will place them on the same level as the Senior Executive Service. This change is supported by the Office of Personnel Management (OPM) and was included in the President's FY 2000 budget request. The President will make the final decision each year as to what, if any pay adjustment these employees will have. This change is critically important to encouraging qualified individuals to serve as ALJs and to begin to adequately compensate those who are currently working as ALJs.

Mr. Speaker, many ALJs live in my congressional district in Northern Virginia. I am glad to see that we are taking action on this legislation before the end of the year. ALJs have had to wait too many years for the appropriate level of compensation. This bill is good public policy and will encourage the best and the brightest to serve their government. I urge all of my colleagues to support H.R. 915 today. Again, I would like to thank my colleague from Pennsylvania, Mr. GEKAS for introducing this legislation and working tirelessly to shepherd it through the legislative process.

Mr. GEKAS. Mr. Speaker, I rise in strong support for H.R. 915, a bill that will change the manner in which the approximately 1,300 administrative law judges (ALJs) in Federal agencies receive annual cost of living adjustments. I want to thank Chairman BURTON for his leadership in steering the bill through the Government Reform Committee, along with both the current and former Civil Service Subcommittee Chairmen SCARBOROUGH and MICA for their help in bringing this bill forward, and for their continued efforts to correct the injustice done to ALJ compensation. I would also like to thank OPM for their time and technical expertise in helping to put this bill together.

H.R. 915 is a bipartisan and noncontroversial bill that passed through both the Judiciary Subcommittee on Commercial and Administrative Law and the Civil Service Subcommittee and the full government Reform Committees by unanimous consent on voice votes without objection. The bipartisan cosponsorship of H.R. 915, as well as the support of the administration, expressed in a May, 1999 hearing in my Judiciary Subcommittee on Commercial and Administrative Law, are a testament to the strong support for this legislation.

Administrative law judges serve a vital role as an administrative judiciary to insure agency compliance with the Administrative Procedure Act. In fact, the average citizen is far more likely to appeal to these judges for redress of claims against the government than to the Federal courts.

The ALJ position demands commitment and a high degree of professional legal competence as a senior trial attorney. Therefore, it is important that Federal agencies maintain the ability to attract high quality lawyers to serve as ALJs.

In 1990 in recognition of the ALJ's unique role as independent decision makers, Congress and the Office of Personnel Management (OPM) created a judicial pay classification for the ALJs, at 60 percent to 90 percent of level four of the Executive Schedule. The new classification is above the General Schedule 16 classification, and was to compensate ALJs at a level similar to Senior Executive Service (SES) employees.

Unfortunately, according to OPM, ALJ pay has fallen to the level of GS 15 pay and has not maintained the level of SES pay. As a result, OPM, the American Bar Association, and the Federal Bar Association have all expressed concerns that the high quality of ALJ candidates will be diminished if ALJ compensation is not competitive with other senior level Federal employees.

I have sought to correct this erosion in the ALJ pay since the last Congress, when I introduced H.R. 1240 last session to provide ALJs a cost of living adjustment (COLA) when the General Schedule received a COLA. H.R. 1240 passed the full House Judiciary Committee last year by voice vote without any objection, and was included in the draft Civil Service Subcommittee reform package.

OPM proposed some changes to that approach, and I have embodied those changes in the text for H.R. 915 this year, which would treat ALJs the same as SES for COLA purposes. It does not grant an automatic COLA, but instead gives the President the discretion and authority to grant a COLA and the rate.

Additionally, I would like to point out that H.R. 915 would for the first time allow ALJs to have access to the COLA funds already contained in the budgets of the agencies where they sit, requiring no new appropriation of funds. Currently, these already appropriated ALJ COLA funds go to pay additional bonuses for SES personnel.

Enactment of H.R. 915 is a modest step to maintain a competent and independent Federal ALJ corps, and I urge its passage by the House.

Mr. GILMAN. Mr. Speaker, I rise in support of H.R. 915, legislation to authorize a cost of living adjustment in the pay of administrative law judges. Furthermore, I want to thank the sponsor of this H.R. 915, my friend and colleague the gentleman from Pennsylvania, GEORGE GEKAS and Civil Service Subcommittee chair, JOE SCARBOROUGH for all of their hard work on this important legislation. H.R. 915 will adjust the basic pay for the more than 1,300 administrative law judges employed by the Federal Government and will authorize to the President the same authority to provide annual pay adjustments to ALJs who now serve in the Senior Executive Service.

The pay for ALJs has not kept pace over the years with those in other Federal employee positions, making it extremely difficult to attract and retain qualified and experienced attorneys to serve as ALJs.

Throughout my tenure in Congress I have had the opportunity to work with many of our ALJs and have always found their abilities and commitment to public service second to none. The bill before us today will not only reward our ALJs for their tireless dedicated years of public service, but will insure that the Federal Government will continue to maintain an exceptional ALJ roster.

Accordingly, I urge all of my colleagues to support this legislation.

Mrs. BIGGERT. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GOODLATTE). The question is on the motion offered by the gentlewoman from Illinois (Mrs. BIGGERT) that the House suspend the rules and pass the bill, H.R. 915, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6 p.m.

Accordingly (at 3 o'clock and 39 minutes p.m.), the House stood in recess until approximately 6 p.m.

□ 1802

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BARRETT of Nebraska) at 6 o'clock and 2 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on approving the Journal and on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

Approval of the Journal, de novo;

H.R. 754, by the yeas and nays;

H.R. 2303, by the yeas and nays; and

House Concurrent Resolution 194, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the pending business is the question of agreeing to the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. REYNOLDS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 341, nays 49, answered "present" 1, not voting 42, as follows:

[Roll No. 533]

YEAS—341

Abercrombie
Allen
Andrews
Archer
Armey
Bachus
Baker
Baldwin
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Bonior
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Coble
Coburn
Collins
Combest
Condit
Conyers
Cooksey
Cox
Coyne
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Engel
Eshoo
Etheridge
Everett
Ewing
Farr
Fattah
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Green (WI)
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson. Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Matsui
McCarthy (MO)
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pascrell
Paul
Payne
Pease
Peterson (PA)
Petri
Phelps
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tanner
Tauscher
Tauzin
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Traficant
Turner
Udall (CO)
Upton
Velazquez
Vento
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—49

Aderholt
Baird
Bilbray
Borski
Clay
Clyburn
Costello
Crane
Crowley
DeFazio
Dickey
English
Evans
Filner
Gibbons
Gutknecht
Hastings (FL)
Hefley
Hill (MT)
Hilleary
Hilliard
Hooley
Johnson. E. B.
Klink
Kucinich
LoBiondo
McDermott
McNulty
Miller. George
Moore
Oberstar
Pallone
Pastor
Peterson (MN)
Pickett
Ramstad
Sabo
Schaffer
Slaughter
Snyder
Strickland
Taylor (MS)
Thompson (CA)
Thompson (MS)
Udall (NM)
Visclosky
Waters
Weller
Wu

ANSWERED "PRESENT"—1

Tancredo

NOT VOTING—42

Ackerman
Baldacci
Ballenger
Becerra
Boehner
Bonilla
Bono
Brady (PA)
Capuano
Carson
Cook
Cramer
Dooley
Emerson
Granger
Hinojosa
Jefferson
Kasich
Kilpatrick
Lantos
Largent
Lewis (GA)
Lipinski
Lowey
Mascara
McCarthy (NY)
McCollum
McIntosh
Moakley
Myrick
Neal
Nussle
Pelosi
Pickering
Pryce (OH)
Rogers
Rush
Scarborough
Shaw
Stupak
Taylor (NC)
Towns

☐ 1830

So the Journal was approved.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Pursuant to the provisions of clause 8 of rule XX, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on the additional motions to suspend the rules on which the Chair has postponed earlier proceedings.

MADE IN AMERICAN INFORMATION ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 754, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. BLILEY) that the House suspend the rules and pass the bill, H.R. 754, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 390, nays 2, not voting 41, as follows:

[Roll No. 534]

YEAS—390

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Borski
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes

Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin

Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Matsui
McCarthy (MO)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Ryan (WI)

Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

Paul
Sanford

NOT VOTING—41

Ackerman
Ballenger
Becerra
Bonilla
Bono
Brady (PA)
Capuano
Carson
Cook
Cramer
Dooley
Granger
Hayes
Hinojosa

Jefferson
Johnson, Sam
Kilpatrick
Lantos
Largent
Lewis (GA)
Lipinski
Lowey
Mascara
McCarthy (NY)
McCollum
McIntosh
Moakley
Myrick

Neal
Nussle
Pelosi
Pickering
Pryce (OH)
Rogers
Roukema
Rush
Scarborough
Stupak
Taylor (NC)
Towns
Visclosky

☐ 1839

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to establish a toll free number under the Department of Commerce to assist consumers in determining if products are American-made.".

A motion to reconsider was laid on the table.

Stated for:

Mr. HAYES. Mr. Speaker on rollcall No. 534, I was inadvertently detained. Had I been present, I would have voted "yes."

HISTORY OF THE HOUSE AWARENESS AND PRESERVATION ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 2303, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. THOMAS) that the House suspend the rules and pass the bill, H.R. 2303, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 388, nays 7, not voting 38, as follows:

[Roll No. 535]

YEAS—388

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray

Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Borski
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps

Cardin
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)

Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)

Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Matsui
McCarthy (MO)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Peterson (MN)

Peterson (PA)
Petri
Phelps
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Vitter

Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—7

Campbell
English
Frank (MA)
Ose
Paul
Sanford
Smith (MI)

NOT VOTING—38

Ackerman
Ballenger
Becerra
Bonilla
Bono
Brady (PA)
Capuano
Carson
Cook
Cramer
Dooley
Granger
Hinojosa
Jefferson
Kilpatrick
Lantos
Largent
Lewis (GA)
Lipinski
Lowey
Mascara
McCarthy (NY)
McCollum
McIntosh
Moakley
Myrick
Neal
Nussle
Pelosi
Pickering
Pryce (OH)
Rogers
Rush
Scarborough
Stupak
Taylor (NC)
Towns
Visclosky

☐ 1848

So (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECOGNIZING THE CONTRIBUTIONS OF 4-H CLUBS

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 194.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. DEAL) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 194, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 391, nays 0, not voting 42, as follows:

[Roll No. 536]

YEAS—391

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Borski
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Costello
Cox
Coyne
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Matsui
McCarthy (MO)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—42

Ackerman
Ballenger
Becerra
Bonilla
Bono
Brady (PA)
Capuano
Carson
Cook
Cooksey
Cramer
Dooley
Granger
Hinojosa
Jefferson
Jones (OH)
Kilpatrick
Lantos
Largent
Lewis (CA)
Lewis (GA)
Lipinski
Lowey
Mascara
McCarthy (NY)
McCollum
McIntosh
Moakley
Myrick
Neal
Nussle
Pelosi
Pickering
Pryce (OH)
Rogers
Rush
Scarborough
Stupak
Taylor (NC)
Thomas
Towns
Visclosky

☐ 1855

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. KILPATRICK. Mr. Speaker, due to district business, I was unable to be present at several votes that occurred today. Had I been present, I would have voted "aye" on the journal vote, "aye" on H.R. 754, "aye" on H.R. 2303 and "aye" on H. Con. Res. 194.

EXPRESSING SADNESS ON THE DEATHS OF THE HONORABLE JOHN H. CHAFEE, WALTER P. KENNEDY AND PAYNE STEWART

(Mr. ARMEY asked and was given permission to address the House for 1 minute.)

Mr. ARMEY. Mr. Speaker, today is a sad day for a great many people, not the least of whom are our colleagues in the other body for their loss of their colleague, Senator JOHN CHAFEE, and I would like to take a moment and just express the sympathies of the House of Representatives to our colleagues in the other body and to Senator CHAFEE's family and his constituents for that loss.

Today has become even more grim as we hear of the fatal plane crash that took the life of Payne Stewart, a man who has earned the respect of millions of Americans, and we share with America the grief of that loss.

But, Mr. Speaker, it has just come to my attention that we too in our body have suffered a loss yesterday of one of our long-term Congressional employees from the House of Representatives.

Many Members here will remember Walter Kennedy, who was the retired Republican Sergeant at Arms. Walter Kennedy spent 44 years working here in the House of Representatives. He worked for Congressman Gordon Canfield of New Jersey. He served under Charles Haleck, Gerald Ford, John Rhodes and Bob Michel.

Many of us will remember when we first arrived in town, Walter Kennedy was one of the sage advisers that helped us in many ways along the way, always a friendly voice, always an encouraging word, and always a man who put this body, its traditions, its history and its work above other things.

Mr. Speaker, at this time I would just like to express to the family of Walter Kennedy, and even to those of us who served in this body with Walter Kennedy, again, the expression of regret from this body to you for our loss of a fine colleague, a good friend, and a dedicated servant to his country.

Mr. LEWIS of California. Mr. Speaker, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Speaker, I appreciate the gentleman yielding. Having the majority leader rise and recognize the long service to this House of Walter Kennedy is most appreciated.

On both sides of the aisle we have people who are working professionals who are willing to give a hand and meet challenges when crises occur, and for years and years around here Walter was one of those people giving advice and counsel, especially to newer Members as we came along. His passing this weekend is a great sadness for his family, I know, but also for all of us who respect him for his work.

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I want to join our majority leader in expressing our sympathy to the family of Walter Kennedy. Walter was someone many of us worked with over the years. We had a great deal of affection for Walter and particularly welcomed his sage advice as we first started out in this body, and from time to time he would offer a helping hand whenever there was a problem out on the battlefield.

We will long miss Walter Kennedy. I thank the majority leader for bringing this to our attention this evening.

Mr. ARMEY. Mr. Speaker, for the RECORD I am including the obituary of Walter Kennedy, as well as details on and directions to his funeral.

RETIRED REPUBLICAN SERGEANT-AT-ARMS, U.S. HOUSE OF REPRESENTATIVES

Walter P. Kennedy, retired Republican Sergeant-at-Arms, U.S. House of Representatives (1950–1993) and a 43 year resident of Bethesda, MD, died on Sunday, October 24, 1999 in the Coronary Intensive Care Unit of the Washington Hospital Center. He was 78.

Born to Thomas Kennedy and Mary Stella McElvogue on February 23, 1921, he was an immigrant with them from Ireland in 1924. He was raised in Paterson, New Jersey.

During World War II, he served in the Army from February 1943 to November 1945. In 1943, as his unit was preparing to deploy, he became a naturalized citizen. He saw combat in France, Germany and Austria as a medic in the 63rd Engineer Battalion, 44th Infantry Division.

After his discharge from the service, he completed his studies at Seton Hall College, in New Jersey and went on to receive a law degree from Georgetown University in Washington, D.C.

He began a 44 year career in the U.S. Congress in 1950 as the chief administrative assistant for the Hon. Gordon Canfield of New Jersey, retiring in 1993 as the Republican Sergeant-at-Arms for the last couple of decades. In his position with Republican Leadership, he served under Charles Haleck, Gerald Ford, John Rhodes and Bob Michel.

Mr. Kennedy's 44 years of Congressional service is significant inasmuch as it represents more than 25% of all the years Congress has been in existence.

Notably, on the day of his retirement, he was honored by the House of Representatives while it was in session with impromptu speeches by many Members.

Subsequent to his retirement, he logged an additional 6 years on Capital Hill with consulting, political fundraising and public relations through The Kennedy Group Companies of Washington, D.C., for which he was the Chairman and CEO.

Since the death of his father, he had been the patriarch of a big and very close-knit family. He is survived by his wife, Ana Luisa Bou, to whom he was married for more than 53 years, 7 childen, Walter P. Kennedy, Jr., Ana L. Kennedy, Thomas F. Kennedy, Dennis M. Kennedy, Stella M. Kennedy-Dail, Kevin J. Kennedy and Kathleen P. Kennedy McGovern. 4 daughters-in-law and a son-in-law, 12 grandchildren, all who reside in the greater Washington, D.C., metropolitan area. He, himself, was the oldest of four children and he is survived by a brother, three sisters, their spouses and children. He was also the brother for two sister-in-laws, Ernestina Bou and Marie Isabel Pelalas.

He was active with the Boy Scouts and the Catholic Committee on Scouting for more than 40 years. Since 1956 he was an active member of Holy Redeemer Roman Catholic Church in Kensington, Maryland, particularly with the Holy Name Society and the Social Concerns Committee. He was an active member and a Knight of the 4th Degree in the Knights of Columbus.

He was a man of leadership and vision, but also, above all else, a good, honest and kind man. Though never losing focus on the future (which he always maintained as promising), he would consider everyone, yet remain vigilant for the underdog.

He was loved deeply by all and he will be greatly missed.

Viewing for Mr. Kennedy will be on Tuesday, October 26, 1999 from 2:00 to 4:00 p.m. and from 7:00 to 9:00 p.m. at Francis J. Collins Funeral Home, 500 University Blvd W, Silver Spring, MD. A funeral Mass will be held on Wednesday, October 27, 1999 at 12:30 p.m. at Holy Redeemer Catholic Church, 9705 Summit Avenue, Kensington, MD. Interment will be at the Gate of Heaven Cemetery in Silver Spring, MD following the Mass.

Donations and charitable contributions are urged to the American Diabetes Association on behalf of Mr. Kennedy.

ARRANGEMENTS AND DETAILS (DIRECTIONS BELOW)

A. There will be viewing from 2:00 until 4:00 p.m. and from 7:00 until 9:00 p.m. on Tuesday, October 26, 1999 at Francis J. Collins Funeral home (directions below);

B. There will be a Mass at 12:30 p.m. on Wednesday, October 27, 1999 at Holy Redeemer Roman Catholic Church in Kensington, Maryland (directions below);

C. Interment will be at the Gate of Heaven Cemetery following the 12:30 Mass; and,

D. A reception will be held at the Knights of Columbus, Rock Creek Council, 5417 West Cedar Lane, in Bethesda, following interment, until 6:00 p.m.

DIRECTIONS:

Francis J. Collins Funeral Home, 500 University Blvd W, Silver Spring, MD 20901–4625 Phone: (301) 593–9500

From the East on the Capitol Beltway/I–495 (in Montgomery County):

1: Take MD–193 WEST/UNIVERSITY BLVD exit towards WHEATON (US–29 N). 0.2 miles

2: Merge onto MD–193 W. 1.1 miles

3: MD–193 W becomes UNIVERSITY BLVD W. 0.1 miles

From the West on the Capitol Beltway/I–495 (in Montgomery County):

1: Take the US–29 NORTH/COLESVILLE RD exit, exit number 30A, toward COLUMBIA. 0.1 miles (Note: Those coming from downtown Silver Spring, Take the US–29 NORTH/COLESVILLE RD exit, exit number 30A, towards COLUMBIA. crossing over I–495/Capitol Beltway)

2: Merge onto COLESVILLE RD. 0.3 miles

3: Turn RIGHT onto MD–193 E. AND GET INTO LEFT U–TURN LANE IMMEDIATELY

4: Make U–Turn at light onto WESTBOUND MD–193 and cross Colesville Rd 0.8 miles

5: MD–193 E becomes UNIVERSITY BLVD W. 0.1 miles

DIRECTIONS:

Holy Redeemer Roman Catholic Church, 9705 Summit Avenue, Kensington, Maryland 20895, (301) 942–2333 (Rectory)

From the Capitol Beltway/I–495 (in Montgomery County):

1: Take the MD–185/CONNECTICUT AVE exit, exit number 33, toward KENSINGTON/CHEVY CHASE.

2: Go North on CONNECTICUT AVE.

3: At the 2nd traffic light, Turn LEFT onto SAUL RD.

4: At the 1st intersection, Turn LEFT onto SUMMIT AVE.

□ 1900

Mr. Speaker, I see the gentleman from Rhode Island (Mr. KENNEDY) is here. I would ask the gentleman from Rhode Island if he wants to speak on behalf of his loss for his State.

Mr. KENNEDY of Rhode Island. Mr. Speaker, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from Rhode Island.

Mr. KENNEDY of Rhode Island. Yes, Mr. Speaker, I do.

Mr. ARMEY. Would the gentleman prefer to have his own time to share with himself and colleagues?

Mr. KENNEDY of Rhode Island. Yes, sir.

Mr. ARMEY. Mr. Speaker, I yield the floor, and ask the Members of Congress to please give their attention and respect to the gentleman from Rhode Island (Mr. KENNEDY). His words will have meaning in this body, as they will have for the Nation.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE JOHN H. CHAFEE, SENATOR FROM THE STATE OF RHODE ISLAND

Mr. KENNEDY of Rhode Island. Mr. Speaker, I offer a privileged resolution (H. Res. 341) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 341

Resolved, That the House has heard with profound sorrow of the death of the Honorable John H. Chafee, a Senator from the State of Rhode Island.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That a committee be appointed on the part of the House to join a committee appointed on the part of the Senate to attend the funeral.

Resolved, That when the House adjourns today, it adjourn as a further mark of respect to the memory of the deceased Senator.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The gentleman from Rhode Island (Mr. KENNEDY) is recognized for 1 hour.

Mr. KENNEDY of Rhode Island. Mr. Speaker, after my opening remarks, I yield 30 minutes to the gentleman from Connecticut (Mr. SHAYS), pending which I yield myself such time as I may consume.

Mr. Speaker, I know I speak for many today in saying that it does not please me to be standing here before the House.

We are here today because of the passing of a man of uncommon valor, honor, and integrity. That man is the senior Senator from Rhode Island, JOHN CHAFEE.

It is with great regret and sadness that I offer my condolences to his wife, Virginia, his son, Warwick Mayor Lincoln Chafee, and all the members of the Chafee family. We can only hope that our words today will help to ease the grief that we are experiencing and that they are sure to experience in a very personal, personal way.

While we cannot begin to understand their depth of loss and what they are suffering, we can understand, as many Rhode Islanders will know and as many Americans will know, that the covenant that the people of this Nation have with their government is that much lessened today by the loss of a selfless public servant like Senator CHAFEE.

Mr. Speaker, Senator CHAFEE led the life of an exemplary public servant. President Franklin Delano Roosevelt, speaking of the challenges this Nation faced with the economic collapse and war beginning to thunder in Europe, stated "For the trust reposed in me, I will return the courage and the devotion that befit the time. I can do no less." Senator CHAFEE lived this ideal and he lived it until his last days.

He was born in Providence, Rhode Island, the child of one of the State's most storied families. He was still a young student at Yale University when the call went out to mobilize our Nation for war, thrusting America into the furnace of conflict in Europe. The weight of the lives of millions across the globe was placed squarely upon the shoulders of countless young men like Senator CHAFEE, who left his studies at Yale and enlisted in the United States Marine Corps.

Senator CHAFEE willingly walked into the fire of war, serving in the invasion force that blunted the Japanese advance at a tropical island that is now part of our Nation's collective memory, Guadalcanal. Mr. Speaker, his astounding bravery and willingness to shoulder the burden, placing his very life on the line, speaks far more eloquently than words could ever speak about his dedication and his love for this fine country.

Indeed, he was recalled to active duty in 1951, when he once again risked his life for freedom so that countless people around the world would enjoy the same freedom we enjoy here in this country. He commanded a rifle company of 200 American fighting men in the brutal Korean conflict.

I would like to take a moment to read a few lines from The Coldest War, by James Brady. Jim Brady, who I am told had dinner with Senator CHAFEE just this past week, served with then Captain CHAFEE in the Korean War. As we all know, the Korean war claimed the lives of 54,000 Americans. This book is a first-person account of their experience.

At the outset, Jim Brady states of his book, "Memoirs are about remembering. I wish I could recall all the names. If the book has a hero, it is Captain JOHN H. CHAFEE."

Captain CHAFEE was in charge of the Dog Company in the U.S. Marine Corps' First Division. Of Captain GHAFEE, Jim Brady writes, "You learn from men like CHAFEE, a Yalie with a law degree from Harvard who came from money, a handsome, patrician man, physically courageous and tireless. From all that could have come arrogance and snobbery. He possessed neither of these traits. He was only calm and vigorous and efficient, usually cheerfully, decent and humane, a good man, a fine officer."

Mr. Speaker, far too often we use terms like "going to war" and "trench warfare" when talking about legislative battles which go on in Washington, D.C. We should not throw around these terms so lightly, Mr. Speaker, for we have seen in the actions of Captain CHAFEE a true example of patriotism and self-sacrifice, of a willingness to accept a much more daunting challenge than simply a House or Senate floor vote, an election campaign, or a policy or political debate.

The man that Jim Brady described in this book, Captain CHAFEE, was willing to make what is called the ultimate sacrifice, the giving of one's life for one country.

Mr. Speaker, no one could ask for anything more than what Captain CHAFEE was willing to offer. However, even after risking his life by serving in the frozen tracts of Korea, Senator CHAFEE strove to give even more of himself to his community and to his State, contributing to the quality of life in his home in the State of Rhode Island.

Senator CHAFEE graduated from Yale University and eventually went to Harvard Law School, entering the public arena in 1956 when he was elected to the Rhode Island House of Representatives. He served 6 years in this capacity, where he was also elected the Minority Leader. He was elected Governor of Rhode Island in 1962, handily winning reelection for two additional terms.

In a heady appointment for this former marine, Senator CHAFEE was appointed to be President Nixon's Secretary of the Navy, working with a branch of the Armed Forces he dedicated so much of his life to. Senator CHAFEE entered the United States Senate in 1976, and most recently elected to serve a fourth term in 1994.

Senator CHAFEE was well known across the Nation as a moderate in his party, a Senator who would often place pragmatism above partisan politics. He used his frequently commonsense approach to policy to bring together all kinds of legislative coalitions that keep our Nation moving forward in progressive and steady manner.

His range of accomplishments is staggering, touching on everything from health care to gun control. The Coalition to Stop Gun Violence stated that "Senator CHAFEE was a national leader on gun control," calling him "one of the most effective voices for gun control in the Congress."

However, it was as chairman of the Environment and Public Works Committee that Senator CHAFEE made a lasting and tangible contribution to all the lives of everyone across this Nation. Senator CHAFEE has been a champion for the environment during his time in the United States Senate. He has worked to improve the air that we breathe with the Clean Air Act Amendments of 1990, and the fight against the pollutants that are causing global warming.

He fought to preserve our natural beauty and environmental safeguards that protect the lands we live in by protecting open space and preserving wetlands from irresponsible development and exploitation. He fought for our world's biodiversity, working hard for the Endangered Species Act and successfully trying to keep the most egregious anti-environmental riders from ever seeing the legislative light of day.

While we honor Senator CHAFEE by looking back on his accomplishments, we also should look at two good things he was still working on at the time of his untimely death last evening.

Two legislative proposals of note were S. 662 and S. 664. S. 662 was Senator CHAFEE's latest effort to assist the fight against breast and cervical cancer. This legislation attempted to make screening for these diseases available to low-income women. S. 664 is the Historic Home Ownership Assistance Act, and as anyone from my State of Rhode Island will tell us, preserving our many historic homes is a means by which we preserve our heritage. This legislation seeks to make historic rehabilitation and restoration a priority in the Tax Code.

On both of these legislative fronts, we should all do well to honor not only Senator CHAFEE's accomplishments, but also his work as well.

Mr. Speaker, Senator CHAFEE and I often engaged in what can be termed "lively debates" about issues that we have had differences of opinion on. Senator CHAFEE was indeed a formidable partner in our debates about public policy. However, it is the nature of our government, and I always felt that I had grown as a legislator and as a citizen and even as a person, as a result of our exchanges, to put aside the personal and to underscore the professional in our convictions to our home State.

When I look back at my work with Senator CHAFEE, a quote I heard recently from Thomas Jefferson comes to mind. In his first inaugural address as president of this great Nation, Thomas Jefferson stated that, "Every difference of opinion is not a difference of principle. We have called by different names brethren of the same principle."

In many situations we call ourselves Democrats or Republicans, liberals or conservatives, left-wing or right-wing. With Senator CHAFEE, however, it was understood that labels were irrelevant. Whatever he did, you could be sure that it was done for the good of Rhode Island and of our Nation.

Mr. Speaker, when all is said and done, when the plaudits and the pundits finish speaking about Senator CHAFEE's chairmanships, his committees, his campaigns, his debates, his bills, and his legislative accomplishments, what will remain is what will always have been there. That is, before the chairmanship of committees in the United States Senate, before overseeing our Nation's fleet as Secretary of the Navy, before sitting as Governor of the State of Rhode Island, even before the minority leadership of the State legislative body, there was a 19-year-old known only as JOHN CHAFEE.

Mr. Speaker, I would like to paint a picture. It was the winter of 1942, and this young man, a college student, made a decision to leave the coziness and the tradition-steeped security of the halls of Yale University for the uncertainty of a position as a private in the United States Marine Corps, a move that would almost certainly lead to his exposure to enemy fire in the heat of combat.

To this young man, the future Senator JOHN H. CHAFEE, there was no thought of the marbled corridors of the United States Senate in Washington, of the imposing office that he would have as Secretary of the Navy at the Pentagon, of the impressive view that he would have as Governor of the State of Rhode Island. There was only one thought in Senator CHAFEE's mind. That was of what was right and what was wrong.

This young man made the right decision to fight for the right freedoms for those who were half-way across the world. He brought his honor and his integrity into the Senate, the courage to vote his convictions, and the integrity to defend his beliefs.

There is no difference between that 19-year-old student who chose conflict over complacency during a world war and the United States Senator whom we mourn today. Both saw the challenges and scorned the path of least resistance. Instead of blazing their trail, they blazed their trail on the shining battlefield. Instead of shirking their responsibilities, they lived up to their responsibilities as citizens of this great country of ours, and that should serve as a shining example that will far outlast even those of us who honor him to this day.

Mr. SHAYS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will share my time with some of my colleagues, and I thank the Rhode Island delegation for their love and respect for this great Senator and wonderful human being.

I particularly want to thank the gentleman from Rhode Island (Mr. WEYGAND), who is going to allow a number of our colleagues to make short comments before they get on their way.

Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. WOLF).

□ 1915

Mr. WOLF. Mr. Speaker, I will be very brief. I rise in very strong support of this resolution to express our sympathy to the Chafee family. Senator CHAFEE had an outstanding record, as the gentleman from Rhode Island (Mr. KENNEDY) expressed, both in the military and as Secretary of Navy and in the Congress. He was a strong, good friend of the State of Virginia.

I had the opportunity to sit with Senator CHAFEE several months ago at the dedication when they named the CIA after former President George Bush. He expressed at that time that he was leaving and very anxious to go back and live in his home State of Rhode Island.

So I wanted to just present myself here and say to the Chafee family and to the United States Senate, we are very, very sorry.

Mr. SHAYS. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Speaker, the Nation has suffered a great loss with the death of Senator JOHN CHAFEE. I do not say that lightly, for JOHN CHAFEE was the conscience of the Senate. He was an inspiration for literally hundreds of people who have chosen the path of public service.

George Bernard Shaw once said, "Some men see things, as they are and ask why. I dream things that never were and ask why not." That exemplified the manner in which this great American conducted himself every single day that he was privileged to serve in public office.

He saw the environment being ravaged, pollution rampant, and said we must do something about it. He led the way. He saw poverty and squalor and said someone has to do something about it. He led the way. He championed for improving health care delivery in America. He did so many things so well.

He was not one to seek glory but one who constantly worked tirelessly to obtain results. Just a couple of weeks ago, I was privileged to be at a banquet where this very distinguished United States Senator and great American was honored by the League of Conservation Voters. Ted Roosevelt, IV, was presiding. A number of us, the gentleman from Connecticut (Mr. SHAYS) and others, were there that evening.

I think all of us stood a little bit taller when JOHN CHAFEE was honored. The applause seemed never to end because we did not want it to end. We wanted that recognition that was being accorded this fine human being to go on and on. The Nation has, indeed, suffered a great loss. So have many of us in this great institution.

He was an inspiration for me personally. He was a mentor, someone I could constantly call to seek advice, to seek guidance. He never steered me wrong. He always wanted to do what was best for the people in a whole wide range of areas, the environment, health care, housing, assisting the disadvantaged.

Few men of his stature pass our way. We all have been privileged to work with a giant in his time, one whose work will last for generations to come, one who has done so much for so many. I will miss JOHN CHAFEE. The Nation will miss him.

Mr. SHAYS. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, I thank the gentleman from Connecticut for yielding me this time.

Mr. Speaker, the Congress has lost a true giant of the 20th century last night with the sudden passing of the senior Senator from the State of Rhode Island, the Honorable JOHN CHAFEE.

JOHN CHAFEE's outstanding dedication to public service began half a century ago when he left Yale University to join the Marines after Pearl Harbor. He was a hero at Guadalcanal, and then he was recalled to active duty when the Korean War broke out and commanded a rifle company on the Korean peninsula during that bloody conflict. He was one of the few members of either chamber of Congress to be a veteran of both World War II and the Korean War.

This young attorney, JOHN CHAFEE, became active in Republican politics in his home State of Rhode Island. He was elected to Rhode Island's State legislature in 1956 as a young man of 34. He eventually served as the minority leader in that body and was elected in 1962 to the first of three successful 2-year terms of governor of his State.

Then in 1968, President-elect Richard Nixon appointed JOHN CHAFEE to be our Nation's Secretary of the Navy, in which position he served meritoriously.

Finally, in 1976, JOHN was elected to the first of four terms in our U.S. Senate. In that position, he served his State and Nation in an admirable manner. He was chairman of the Senate's environment and public works committee. In that position, he was a constant reminder to all of us in both bodies of the need to protect the ecology of our planet. Much of the far-reaching environmental legislation in the last quarter century bears his fingerprints.

JOHN CHAFEE is one of the co-founders of the Theodore Roosevelt Fund, which helped remind his fellow Republicans that the most conservation-minded of all Presidents, Theodore Roosevelt, was a member of the Grand Old Party.

JOHN CHAFEE, having previously announced his plans to retire in the year 2000, we knew we would be soon missing his outstanding leadership.

I join with my colleagues in extending our condolences and prayers to JOHN's widow, Virginia, to his family, and to the many who admire JOHN CHAFEE's service to our Nation.

Mr. SHAYS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the gentleman from Connecticut (Mr. SHAYS) for yielding me this time.

United States Senator JOHN CHAFEE. It is hard to believe JOHN's gone. He was a man of extraordinary intellect, of a big warm heart, tremendous patience and tenacity, and a rich sense of human.

Few people have made as much difference in the lives of others as Senator JOHN CHAFEE. When we think of people in the business world, in the academic world, religious leaders, people who dedicate their lives in the social services or in our schools, few have touched so many as deeply as Senator JOHN CHAFEE.

Whether it was in environmental law, in health policy, or in children's services, or in tax and trade law, JOHN was there. He was stalwart. He was principled. He was determined. He understood what it meant to negotiate. He understood why in a democracy as enormously complex as ours one had to come to agreement.

But compromise for JOHN never strayed from certain fundamental principles of the commitments that each of us must hold to one another in a free society that cares for its people.

I have enormous respect for JOHN. I learned from him. I relied on him. The Senate relied on him. New England Republican Members of both the House and Senate relied on him. We will miss him tremendously.

I offer my heartfelt condolences to his wife and his family and hope that the knowledge of his extraordinary gift to this Nation, as well as to their lives, will ease their pain in his loss.

Mr. SHAYS. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. LAZIO).

Mr. LAZIO. Mr. Speaker, I want to thank the gentleman from Connecticut for yielding me the time.

America has lost one of the towering figures in its history in the loss of JOHN CHAFEE. We have heard this evening about the impact that JOHN CHAFEE has had on so many Members of Congress.

If I can, I would like to, for a moment, just touch on how that senior statesman from Rhode Island who in so many ways epitomized the very finest of public service, who is the person that the public ought to be thinking about when they think about the very, very best that is called to service, what he meant to me.

When I was first elected to Congress, I asked Senator CHAFEE if he would come down to Long Island to participate in a health forum that we had down in Long Island. There was not a single reason, frankly, why somebody of JOHN CHAFEE's statuture or experience and the demands on his time as he had would have accepted that invitation from a freshman who really could do nothing at all for him. But he said, without hesitation, yes.

He came down. He was generous with his time. He did not rush back. He was gracious. He displayed the command over the nuances of health policy that so many have applauded him for.

I think it says a lot to me about the man, JOHN CHAFEE, about his character, about his sense of giving, about his leadership, about his investment in another young legislator, perhaps moving up the ranks.

I have now had the pleasure to work with and work alongside JOHN CHAFEE over my four terms in the House as I have seen him master tax policy, environmental policy, and health policy. This is a legislator who knows the nuances of policy, knows the details of policy as well as any staff member that is in the room. He prides himself in that intellect and in that work ethic of understanding the issue. He felt that the public deserved no less. He called to us a higher standard.

Recently, I was fortunate enough to attend a dinner hosted by the League of Conservation Voters that honored JOHN CHAFEE for a lifetime achievement. What I found remarkable about that event was, as Senator CHAFEE rose to accept the reward, this applause by people from both sides of the aisle, from Members of Congress, from advocates, from so-called ordinary citizens, just grew and grew in warmth and in appreciation and respect.

America mourns the loss of JOHN CHAFEE because he was an outstanding leader, an outstanding citizen, an outstanding man who is an example to us all and for which I think he richly and his family richly deserves the accolades of this body and the American public.

Mr. SHAYS. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Speaker, I would like to thank the gentleman from Connecticut for yielding me this time.

Mr. Speaker, I stand today in honor of Senator CHAFEE. Senator CHAFEE is somebody that a lot of my colleagues knew personally and professionally for a long time.

I just happened to have had the privilege over the last few years of working with the Senator on environmental issues. For those of us that have tried to work on bipartisan efforts of environmental issues, Senator CHAFEE was the cornerstone in the Senate to make sure that we did get that kind of cooperation.

I have to say that this body is going to be less without Senator CHAFEE. The Senate actually was an integral part of our working in a bipartisan effort to try to improve environmental law and actually get the outcome.

The Senator was somebody who understood how essential it was that those of us who were working on environmental issues recognize that there is not only a right, but a responsibility to make sure that, at the time we try to save our environment, there is not any need at all to trash our economy.

In fact, I think he said quite clearly that the balance between economic and environmental issues was not only appropriate, it was essential; that a strong economy and a strong environment go hand in hand.

□ 1930

And I think Senator CHAFEE has proven that again and again in his history of working on environmental issues here in the Capitol.

Let me just say, though, that I was privileged to be able to work with this man on certain issues. Our beach bill issues, border pollution issues. He was always at the forefront in wanting to make sure we made our laws here in Washington work in the real world and that the environment would benefit from our intentions.

In fact, I think Senator CHAFEE made a great point in saying that when it comes to environmental issues, caring is not enough, we need to be smart, we need to base it on scientific approaches, and talk about practical outcome. And I think all of us that have worked with him on so many issues understand that maybe coming from a small State like Rhode Island he recognized that lofty ideas must be grounded in reality and that outcome was essential.

A lot of people do not know about the Senator that he was a marine. Some say ex-marine, but those of us that know the marines know there is no such thing as an Ex-marine. One you are a marine, you are always a marine. He was mentioning to me one time that he had done his boot camp at Camp Elliott in San Diego, and he was wondering if he could come out and see the camp and how much it had changed. And, frankly, my office had the privilege of sending him photos of what Camp Elliott looked like when he was there before World War II and what it looks like today. And he was just very, very surprised at what a change had happened to Camp Elliott in San Diego since he had been there.

Well, I think we are all going to remember what changes the Senate and the Capitol have had, and Washington has had since Mr. CHAFEE became Senator CHAFEE and what great changes and positive changes he put through. Be it Democrat or Republican, I would ask us all to remember that Senator CHAFEE always kept his promise to his country. Not just as a Senator, but also as a marine. Semper fi. He was always faithful. He was always faithful to what this country stands for and what this country needs.

He is someone that is going to be sorely missed, Mr. Speaker, and let us always remember to keep forever faithful to his memory as we work on our legislative proposals throughout the year.

Mr. SHAYS. Mr. Speaker, I yield the balance of my time to the gentleman from Rhode Island (Mr. KENNEDY), and wish to thank again the gentleman from Rhode Island (Mr. WEYGAND) and the gentleman from Rhode Island (Mr. KENNEDY) for their graciousness in letting a number of Republicans speak on this incredibly wonderful gentleman. And also to say to my colleagues that the Senator clearly was an American first before he was a Republican, and that is what made him so great. We just appreciate his graciousness and thoughtfulness.

Once again, I thank my colleagues from Rhode Island, and I apologize because we had more speakers than I had thought we would, but that was nice.

Mr. KENNEDY of Rhode Island. Mr. Speaker, on behalf of my colleague, the gentleman from Rhode Island (Mr. WEYGAND) and myself, I submit for the RECORD condolences and remarks by the President of the United States, William Jefferson Clinton; the Vice President of the United States, ALBERT GORE; the Secretary of Defense, as well as many others, including many of the organizations whose causes Senator CHAFEE dedicated his public service career to.

Statement by Secretary of Defense William S. Cohen on the Passing of Sen. John H. Chafee

"Senator John Chafee was a valued friend, a talented Navy Secretary, Governor and Senator, a valiant Marine, a New England gentleman, and one of the finest people I've ever known. His death is a great loss to the Senate and to this nation.

He leaves an enduring legacy of moderation, decency, concern for the environment, and love for Rhode Island and America. Many years into the future, his life and career will be a standard against which those who aspire to public service will be measured.

Janet and I extend our most heartfelt sympathy to Virginia and the entire Chafee family at this time of loss."

Statement of Sarah Brady Re: The Death of Senator John Chafee

Jim and I were deeply saddened this morning to hear of the passing of our friend, John Chafee. Senator Chafee was a true gentleman and statesman. His leadership in reducing gun violence in our country will be greatly missed in the United States Senate.

This past June, Handgun Control honored Senator Chafee for his leadership and commitment at our 25th anniversary luncheon. As he accepted his "Celebration of Courage" award, Senator Chafee was characteristically modest. Jim and I were honored to have known him and to have called him our friend. We will miss him.

Senator John Chafee (R-RI) Was Gun Control Stalwart

Washington, DC—Senator John Chafee (R-RI) died Sunday, silencing one of the most effective voices for gun control in Congress. Throughout Senator Chafee's distinguished career, he tirelessly argued for gun control and introduced landmark legislation to ban the possession of handguns.

President of the Coalition to Stop Gun Violence Michael Beard lauded Senator Chafee's longstanding commitment to preventing gun violence. "Senator Chafee was a national leader on gun control. In addition to introducing legislation to ban the possession of handguns, Senator Chafee was a tireless advocate for the Brady Law and a ban on assault weapons. Senator Chafee understood that gun violence was an epidemic, but that it was beatable through tough, restrictive measures on firearms. In 1995, Senator Chafee addressed our national meeting of gun violence prevention activists and spoke movingly about how he came to endorse a ban on handguns. He encouraged the activists to keep up the good fight and to always persevere. In a time when partisan bickering has kept Congress at a standstill on important issues, including gun violence prevention, Senator Chafee could always be counted on to rise above petty squabbles and put the needs of the nation first. He will be sorely missed."

The Coalition to Stop Gun Violence is comprised of 44 national organizations and over 100,000 individual members. Michael Beard has been President of the Coalition to Stop Gun Violence since its inception in 1974.

Environmentalists Mourn Passing of Senator John Chafee

The League of Conservation Voters is deeply saddened by the unexpected loss of a true environmental hero, Senator John Chafee.

"The passing of Senator Chafee leaves a huge hole in the Senate, and an even bigger hole in our hearts," said LCV President Deb Callahan. "Senator Chafee's courageous leadership made him one of the most important allies the environmental community has ever known. His unwavering environmental commitment will be greatly missed."

Throughout his 23-year career as U.S. Senator from Rhode Island, Chafee served as both chairman and ranking member of the Environment and Public Works Committee. Chafee consistently worked to safeguard America's environmental and public health protections. He demonstrated political courage in both large and small conservation battles that were waged over the years in Congress.

Chaffee earned a lifetime environmental score of 70 percent from the League of Conservation Voters. Earlier this month LCV chairman Theodore Roosevelt IV presented Senator Chafee the organization's 1999 Lifetime Achievement Award. Roosevelt noted that Senator Chafee's successful leadership in strengthening the Clean Air and Safe Drinking Water acts and his tireless efforts to preserve open space and conserve America's natural resources made him a true environmental hero.

The League of Conservation Voters is the bipartisan political voice of the national environmental community. LCV is the only national environmental organization dedicated full-time to holding members of Congress accountable for their votes. For each Congress, LCV publishes the National Environmental Scorecard that assigns a percentage rating to each member of Congress based on that year's environmental votes.

Sierra Club Mourns Death of Senator John Chafee (R–RI)

Statement of Sierra Club Executive Director Carl Pope:

"The Sierra Club is deeply saddened by the loss of a true environmental giant, Senator John Chafee. Senator Chafee was at the helm of every major environmental achievement in the past two decades. His leadership steered our nation on a course of environmental conservation and protection. Transcending party lines, Senator Chafee worked to improve our lives by fighting for tough environmental laws, including the Clean Air Act, the Clean Water Act, the Endangered Species Act and Superfund clean-ups.

"When others sought to weaken environmental protections, Senator Chafee courageously stood up and demanded that companies clean up the toxic pollution they created. Thanks to Senator Chafee's vision and hard work, our children have a better chance to enjoy a heritage of breathable air, drinkable water, abundant wildlife and clean coasts.

"Because of Senator Chafee's dedication, our nation is a healthier, more beautiful place to raise our children. Like the lands he fought to protect, Senator Chafee is widely admired and completely irreplaceable."

PRESIDENT CLINTON'S STATEMENT TODAY ON THE DEATH OF JOHN CHAFEE

Before I begin my remarks, I would like to offer my sincere condolences to the family of Senator John Chafee who passed away last night. Rhode Island and America have lost one of the strongest leaders this nation has ever produced. Senator Chafee, who recently announced his retirement from the Senate after 23 years of distinguished service, will be sorely missed. He was a champion of the environment and health care who always put his concern for the American people above partisanship. Known throughout his beloved Rhode Island simply as, "the man you can trust," Senator Chafee was the consummate statesman. For him civility was not simply a matter of personal manners. It was his ideal of how politics should be conducted. I ask all Americans to join me and Hillary in offering our prayers and comfort to his wife, Ginny their five children and 12 grandchildren.

STATEMENT BY THE VICE PRESIDENT

Tipper and I were saddened to hear of the passing of Senator John Chafee.

John was one of the friends I most respected and admired in the Senate. And though we came from opposite sides of the political aisle, we saw eye-to-eye on many issues. I will always respect his dedication to serving the people of Rhode Island, his heartfelt commitment to the environment, and his bipartisan approach to the Senate.

I will also remember John as a brave man. For despite the many pressures he faced over the two decades he served in the Senate, he was never a partisan, never an ideologue. He was simply the gentleman from Rhode Island who was never afraid to speak his mind and allow the American people to judge his actions.

Our thoughts and prayers are with his wife, Virginia, and his children, Zechariah, Lincoln, John, Jr., Georgia, and Quentin.

Mr. Speaker, I yield such time as he may consume to the gentleman from Rhode Island (Mr. WEYGAND), from the Second District of Rhode Island.

Mr. WEYGAND. Mr. Speaker, let me first begin by thanking my colleague, the gentleman from Rhode Island (Mr. KENNEDY) for his very eloquent and heartfelt words about JOHN CHAFEE. It was not only a fitting tribute to a wonderful man but a fitting tribute by a true gentleman from Rhode Island.

I also want to thank the gentleman from Connecticut (Mr. SHAYS), the gentleman from Virginia (Mr. WOLF), the gentleman from New York (Mr. BOEHLERT), the gentleman from New York (Mr. GILMAN), the gentlewoman from Connecticut (Mrs. JOHNSON), and the gentleman from New York (Mr. LAZIO) for all of their kind words, because at a time like this, remembrances are very important to the family members, and I do indeed believe that they will hear all of these and I want to thank them personally.

On behalf of the people of Rhode Island, I rise today, Mr. Speaker, to mark the far too sudden passing of my colleague and my constituent JOHN CHAFEE. The senior Senator from Rhode Island was someone that we will never, ever forget because of the great work that he has done on so many different areas. But first and foremost my thoughts, my prayers, are with the family of JOHN, his wife Virginia, his five children, including Mayor Lincoln Chafee from Warwick and their 12 grandchildren. I know it is often difficult to grasp the enormity and the meaning of the loss of this kind, and I offer my sincere condolences to the Senator's family.

Like many Rhode Islanders, we woke up this morning in total shock when we heard that JOHN CHAFEE had passed last evening of heart failure. Although his public career had spanned over 44 years, the Senator still had many gifts to give, and I am sure over these next 13 to 14 months, if he had finished his tenure in office, he would have provided those to the people of America, and particularly to his beloved people of Rhode Island. I know upon his retirement, which he was looking forward to, he would have served us even in greater ways, far beyond what we would have ever expected from this fine gentleman from Rhode Island.

It is indeed a huge loss for all of us. We were blessed to have a committed public servant such as JOHN as a member of our General Assembly back in 1956, as our governor, as Secretary of the Navy, and for the past 23 years as our Senator. The contributions he made to our State, to our Nation, will never be forgotten. And his legacies, particularly with regard to his work on the environment, health care, and to disadvantaged children, will be forever appreciated.

If there was any proof that his death came too soon, it could perhaps be found in the Senator's own words. Not too long ago, in fact just last year, when a reporter from the Providence Journal asked him, "Senator, what would you like to be remembered for? What would you like to have on your tombstone? What would you like to have as an epitaph?", JOHN CHAFEE laughed and rolled back in his seat and simply said, "Here lies.", and never finished the phrase. Because he knew he had much more work to do. He never felt that he could leave anything undone, and he indeed wanted to be sure that he had that opportunity.

When he announced this past March that he was going to retire, he announced to the State, to much amazement, and to the country as well, "I will not seek another term as U.S. Senator." He said to all of Rhode Island, "I want to come home." JOHN CHAFEE had been a stalwart in Rhode Island politics, but he wanted to go home to his beloved State of Rhode Island; he wanted to share his time with his wife, his family, and his grandchildren.

JOHN was a tireless worker starting back in 1956, when he first ran for the State House of Representatives in Rhode Island from the City of Warwick. Very quickly he emerged as the minority leader in the House of Representatives. And just after 6 years, he ran for Governor of the State of Rhode Island. Winning a very narrow margin of victory in a Republican primary, then going on to win a razor thin victory in 1962 to become the State's Governor.

Quickly, in 1963, as he began his tenure as chief executive, he started working on many of the pressing issues of the State, including their State freeway and transportation systems, but most notably JOHN was known for his work on the environment. I remember very clearly as a landscape architect and as a youngster that JOHN CHAFEE started a program that he dubbed Green Acres. It was one of the first State environmental programs to enhance, to protect, and preserve open spaces and create recreational spaces throughout our State. It was known that JOHN CHAFEE was, first of all, an environmentalist, but, most importantly, he knew how to get such a bill passed in a Democratic General Assembly. He was a craftsman at the very best when it came to the legislature.

JOHN CHAFEE, most notably, led in preservation not only as a member of our General Assembly and as Governor but also as a Senator. As Senator last year, advocating for more open space, he said, "It is our duty as citizens to preserve for the future generations as much of our State's natural beauty, its green open spaces, sandy beaches, and vibrant wetlands as we possibly can."

Countless Rhode Islanders, including myself, can personally attest to the beauty of such wonderful places like Colt State Park and many of our beaches. And it was because of JOHN CHAFEE's perseverance that we have these spaces today. It is because of his leadership in those areas that we have these wonderful open spaces today.

In 1969, President Richard Nixon appointed him Secretary of the Navy and he fought through that difficult period of time during the Vietnam War to be the best he possibly could be as Secretary of the Navy. His distinguished military career, including tours in World War II and Korea, and his ties to Rhode Island and the strong naval heritage that we have, provided an invaluable background for that position. In this position, Senator CHAFEE guided the Navy through the final years of the conflict in Vietnam, and until he left that position in 1972.

Then he ran unsuccessfully for Senator, but that did not stop him. He came back again, when an open seat became available in 1976, and won that spot and has been there ever since. And during his 23 years in the U.S. Senate, he has worked on a number of issues important to our Nation but, most notably, protecting and preserving the environment. Most of us know JOHN for that.

In an interview last year, JOHN CHAFEE listed the enactment of the Clean Water Act and the Clean Air Act as his proudest accomplishments. And Senator CHAFEE, for many reasons, has the right to be proud. The passage of the Clean Air Act has been very successful in cleaning the air and improving public health. The air is indeed cleaner and the public health is indeed improved because of JOHN CHAFEE. We still have a long way to go, and a fitting way to pay our tribute and remember JOHN CHAFEE is to continue the great work he began on improving the quality of the air we breathe, and the water that we drink and that we use for fishing and swimming.

With respect to the Clean Water Act, Senator CHAFEE was a true leader, and we should be especially proud. Approximately 25 years ago, only one-third of the Nation's waters were safe for fishing and swimming according to the EPA. And now that has nearly doubled. Today, two-thirds of the Nation's waters are safe for fishing and swimming. This is especially important because of the vast majority of our population living near or on the coast and near those waters.

Clean water is imperative for our State, in terms of its commercial fishing, its tourism, and its agriculture, but also for the entire country. All of these contribute significantly to our economy, not to mention the vast improvements to the quality of life, and we can thank JOHN CHAFEE for that.

In addition to his leadership on preserving the environment, he has been a leader when it came to health care, the quality of health care, access to health care, but also ensuring that child care is available to all working families in Rhode Island and throughout this country. One of the hallmarks was his recognition of the need to compromise and work with people from both sides of the aisle. Working with both sides was not something that was uncommon to JOHN CHAFEE.

I remember back in 1984, when I was first thinking about running for the State House of Representatives in Rhode Island, I was a Democrat all my life, but JOHN CHAFEE called me up and asked me to consider running as a Republican. He said we need environmentalists and people who have an understanding, like you, of what it takes to get things done. I thanked him very kindly and humbly, because it was truly a tribute to have that Senator call this lowly candidate for a State House office and to be asked to become part of the Republican Party. However, I nodded and told him, "JOHN, I'm a Democrat. Be happy to work with you, but, indeed, we do have differences of opinion. But we can work together." He recognized that, and the 23 years that he served in the Senate, I think, were marked by bipartisanship rather than partisanship.

It is truly an honor to have served with JOHN CHAFEE, to have known him, to have worked with him, and to have helped him in whatever way we could on many of the pieces of legislation he thought was most important. He, and the gentleman from Virginia (Mr. WOLF), and myself worked very hard in opposing casino gambling. We worked together, the gentleman from Rhode Island (Mr. KENNEDY), Senator REED, and myself on improving qualify home health care, and we worked on many things that were important to the citizens of Rhode Island.

His congeniality, his demeanor, his ability to forge a compromise are perhaps the most important hallmarks not only of JOHN CHAFEE himself, but his legacy a legislator. He was a true gentleman, a class act, and in the best possible way, the best possible terms, he was a statesman.

We will miss him dearly, Mr. Speaker. Rhode Island will miss him dearly. Our sympathies, our condolences go out to his family. We have lost a giant in Rhode Island politics and in American politics.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The gentleman from Rhode Island (Mr. WEYGAND) will control the balance of the time.

Mr. WEYGAND. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Maryland (Mrs. MORELLA).

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Mrs. MORELLA. Mr. Speaker, I had to come here simply to say that we in Congress and in the United States of America have really lost a great man. He is a man who believed in what Shakespeare said, "To nature none more bound." He believed in the legacy that we must leave our offspring with regard to nature.

I must say I feel like somebody who is bound to JOHN CHAFEE. He was to me a role model. And I do not even think he knew that. But I looked to him as a man who, as has been mentioned, was bipartisan, who was a man of integrity, a man of coalition building, and a man who exemplified great common sense.

He cared about the people that he represented in Rhode Island. He cared about the people of the United States. He cared about the vulnerable people, the children, those who needed health care. And he cared about the environment which, if endangered and if violated, might not be restored.

So we have heard of the great tributes to him in terms of what he did achieve. But, for me, he was a man that I felt would take legislation and carefully craft it, carefully work with it so it came out as something that we could all agree on.

He is a man who exemplified, I think, the roughrider instinct of Theodore Roosevelt. Because he really was a tough rider. He had some difficult skirmishes that he had to contend and transcended all of it.

So to the family of Senator JOHN CHAFEE, our condolences. He will live on in love.

To all of our colleagues, those from Rhode Island, those from all parts of the country, we will all miss him very deeply. My hope is and my belief is that his inspiration will live on. And so, although he will be lost, he will be with us always.

So I thank so much the gentleman from Rhode Island (Mr. WEYGAND) for his great tribute to the man that we all loved.

Mr. WEYGAND. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentlewoman from Maryland (Mrs. MORELLA) and all the speakers here this evening for their comments. It is a fitting tribute to a gentleman, a statesman, and we thank them for their comments.

Mr. GILMAN. Mr. Speaker, the Congress has lost a true giant of the 20th Century last night with the sudden passing of the Senior Senator from the State of Rhode Island, the Honorable JOHN H. CHAFEE.

JOHN CHAFEE's outstanding dedication to public service began over a half a century ago when he left Yale University to join the Marine Corps after Pearl Harbor. A hero of Guadalcanal, JOHN CHAFEE was recalled to active duty when the Korean War broke out and commanded a rifle company on the Korean peninsula during that bloody conflict. Accordingly, he was one of the few Members of either Chamber of Congress to be a veteran of both World War II and Korea.

As a young attorney, JOHN CHAFEE became active in Republican politics in his home state of Rhode Island. He was elected to Rhode Island's state legislature in 1956 as a young man of 34. He eventually served as the Minority Leader in that body, and was elected in 1962 to the first of three successful two year terms as Governor of his state.

In 1968, President-elect Nixon appointed JOHN CHAFEE to be our nation's Secretary of the Navy in which position he served meritoriously. Finally, in 1976, JOHN was elected to the first of four terms in the U.S. Senate. In that position, he served his state and nation admirably. He was Chairman of the Senate's Environment and Public Works Committee. In that position, he was a constant reminder to all of us of the need to protect the ecology of our planet, and much of the far-reaching environmental legislation of the last quarter century bears his fingerprints. JOHN CHAFEE was one of the co-founders of the Theodore Roosevelt Fund, which helped remind his fellow Republicans that the most conservation-minded of all Presidents—Theodore Roosevelt—was a member of the Grand Old Party.

JOHN CHAFEE, having previously announced his plans to retire in the year 2000, we knew we would be missing his outstanding leadership. I join with my colleagues in extending our condolences and prayers to JOHN's widow Virginia and to his family and the many who admired JOHN CHAFEE's service to his nation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, for the better part of four decades, JOHN H. CHAFEE has served the State of Rhode Island with distinction and honor. As State Representative, Governor, Secretary of the Navy and United States Senator, JOHN CHAFEE has set an unprecedented level of service having an impact on both his state and the nation. His absence will leave a void not only in Rhode Island but on the nation as a whole.

When the United States entered World War II, he left Yale to enlist in the Marine Corps, and then served in the original invasion force at Guadalcanal. He was recalled to active duty in 1951, and commanded a rifle company in Korea.

He served six years in the Rhode Island House of Representatives, where he was elected Minority Leader. Running for Governor in 1962, CHAFEE was elected by 398 votes. He was then reelected in 1964 and 1996—both times by the largest margin in the State's history. In January 1969, he was appointed Secretary of the Navy and served in that post for three-and-a-half years.

JOHN CHAFEE's Senate career began in 1976. He was reelected to a fourth term in 1994, with sixty-five percent of the vote, and is the only Republican to be elected to the U.S. Senate from Rhode Island in the past 68 years.

Chairman of the Environment and Public Works Committee, the Senator was a leading voice in crafting Clean Air Act of 1990 which strengthened pollution emissions legislation, and a bill to strengthen the Safe Drinking Water Act. Senator CHAFEE is a longtime advocate for wetland conservation and open space preservation, and has been the recipient of every major environmental award.

A senior member of the Finance Committee, Senator CHAFEE has worked successfully to expand health care coverage for women and children, and to improve community services for persons with disabilities. In 1990, Senator CHAFEE spearheaded the Republican Health Care Task Force and became a prominent figure in the national health reform debate. He went on to lead the bipartisan effort to craft a comprehensive health care reform proposal in 1994.

The Senator has received awards and endorsements from such organizations as The National Federation of Independent Business, The American Nurses Association, The League of Conservation Voters, The Sierra Club, Handgun Control Inc., Planned Parenthood, Citizens Against Government Waste, and the National PTA.

Senator JOHN CHAFEE has approached his remarkable career with the single premise to operate through consensus and cooperation wherever possible in order to get the business of the people done. A Republican operating in a heavily Democratic state, Senator CHAFEE understood that partisanship had no place in politics. Today, I express my sincere sympathy to Senator CHAFEE's family, friends and the great people of Rhode Island. America has lost a unique native son and a hero for us all to remember.

Mr. GEPHARDT. Mr. Speaker, I join my colleagues and all Rhode Islanders in mourning the untimely death of Senator CHAFEE.

The Senator was a principled voice who was able to work with both sides of the aisle on the issues close to his heart. He left a lasting imprint in our nation's laws—playing a key role in some of the most important legislation passed by Congress over the last three decades, especially in the areas of health care and the environment.

He proved that a sustained dedication to one's ideals through politics can make a real and lasting difference to our communities and our country. His retirement would have left a void in Congress; his untimely death leaves a void in the hearts of all who had the privilege of knowing and working with a true statesman and citizen.

Mrs. MINK of Hawaii. Mr. Speaker, I rise to join my colleagues in expressing my deepest sympathy to Virginia Chafee and all the members of her family on the loss of her beloved husband, our esteemed colleague Senator JOHN H. CHAFEE.

Last night our nation lost a great American. JOHN CHAFEE saw combat service in both World War II and the Korean War. He served with distinction in the Rhode Island House of Representatives, as Governor of the State of Rhode Island, and as Secretary of the Navy. For the past 23 years, JOHN CHAFEE has served in the U.S. Senate where he was universally respected for his integrity, civility, and deeply held convictions.

Senator CHAFEE's contributions to our nation are many. His legacy includes a cleaner environment, better health care, and a model of true bipartisanship from which we can all learn.

I join in giving thanks for his life.

Mr. WEYGAND. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Without objection, the previous question is ordered on the resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WEYGAND. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 344.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1987, FAIR ACCESS TO INDEMNITY AND REIMBURSEMENT ACT

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 106–414) on the resolution (H. Res. 342) providing for consideration of the bill (H.R. 1987) to allow the recovery of attorneys' fees and costs by certain employers and labor organizations who are prevailing parties in proceedings brought against them by the National Labor Relations Board or by the Occupational Safety and Health Administration, which was referred to the House Calendar and ordered to be printed.

SPECIAL ORDERS

The SPEAKER pro tempore (Mrs. WILSON). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

AFFORDABLE PRESCRIPTION DRUGS ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Madam Speaker, I joined the President and Health and Human Services Secretary Shalala today at the White House to call on Congress to approve a prescription drug benefit in Medicare. We also called on private health plans to continue providing coverage for medicine that doctors prescribe.

The problem is twofold. Millions of Americans, young and old, cannot afford the high costs of prescription drugs. And the majority in Congress refuse to lift a finger to reduce these prices and help protect public health.

Unlike other industrialized nations, the U.S. does not regulate drug prices. So drug companies charge us the highest prices of any nation by multiples of two and three and even four times what citizens in other countries pay.

Within the United States, drug companies are charging the highest prices to those with the least bargaining power, the elderly and those without health insurance. Drug companies are diverting also huge sums of money, money that comes from inflated drug prices, into advertising.

From a market perspective, drug companies are doing everything they should be doing. We cannot blame drug companies for maximizing their profits. They make more money than any other industry in America. That is their job. Nor can we blame the President and many of us in Congress for taking steps to protect seniors and the uninsured and to address the ramifications of what drug companies are doing to the disadvantaged. That is our job.

I have introduced an initiative that would bring down prices without taking away the industry's incentive to act like an industry. My bill promotes good old-fashioned American competition.

The Affordable Prescription Drug Act, H.R. 2927, does not use price controls or regulations to bring down prescription drug prices. What my bill does is reduce drug industry power and increase consumer power by subjecting the drug industry to the same competitive forces that other industries bear. It is a means of moderating prices that are too high without inadvertently setting prices too low.

Drawing from intellectual property laws already in place in the U.S. for other products in which access is an issue, pollution control devices as one example, legislation would establish product licensing for essential prescription drugs.

If a drug price is so outrageously high that it bears no semblance to pricing norms for other industries, the Federal Government could require drug manufacturers to license their patent to generic drug companies. The generic companies could sell competing products before the brand name expires, paying the patentholder royalties for that right. The patentholder would still be amply rewarded for being the first on the market, and Americans would benefit from competitively driven prices.

Alternatively, a drug company could lower voluntarily their price, which would preclude the Government from finding cause for product licensing. Either way, Madam Speaker, the price of prescription drugs would go down.

The bill requires drug companies to provide audited, detailed information on drug company expenses. Given that these companies are asking us to accept a status quo that has bankrupt seniors and fueled health care inflation, they have kept us guessing about their true cost for far too long.

We can continue to buy into drug industry threats that R&D will dry up unless we continue to shelter them from competition. That argument, however, Madam Speaker, falls apart when we look at how R&D is funded today.

Long story short, most of research and development dollars are provided by U.S. taxpayers. Get this: fifty percent of all the research and development for drug development in this country are paid for by taxpayers and the National Institutes of Health and other Federal and State agencies; and of the 50 percent that drug companies actually spend, they get tax deductions from Congress for that.

Yet, prescription drug companies reward American taxpayers by charging Americans consumers two times, three times, four times the price for prescription drugs that people in other countries pay.

Madam Speaker, we can do nothing in this body, or we can dare to challenge the drug industry on behalf of seniors and every health care consumer in this country.

I urge my colleagues to support lowering the cost of prescription drugs.

REPUBLICAN LEADERSHIP: LEAD BY EXAMPLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. STRICKLAND) is recognized for 5 minutes.

Mr. STRICKLAND. Madam Speaker, I have introduced today a sense-of-Congress resolution. This sense-of-Congress resolution simply says that if we are going to engage in an across-the-board cut in all the Federal agencies, then Members of Congress should accept a similar cut in their salaries.

I would like to share the contents of my resolution:

"Whereas, Congress may pass an across-the-board funding reduction for Federal agencies to bring closure to the debate on Fiscal Year 2000 funding levels;

Whereas, lawmakers voted themselves a 3.4 percent cost-of-living adjustment this year;

Whereas, salaries of Members of Congress would not be affected by an across-the-board reduction;

Whereas, the rest of the Government's payroll would be affected by the proposed reduction, which would likely result in layoffs and temporary furloughs;

Whereas, it is estimated that the reductions could force layoffs of 39,000 military personnel; and

Whereas, programs at the Department of Education, Department of Labor, and the Department of Health and Human Services, programs such as Meals on Wheels, the National Institutes of Health, Head Start, and the Safe and Drug Free Schools program would be reduced.

Now, therefore, be it resolved that any across-the-board funding reduction for agencies in Fiscal Year 2000 should also include the same reduction for salaries of Members of Congress."

Why have I introduced this resolution? It is because a 1.4 percent reduction, as is being discussed, would lead to approximately 103,000 fewer women, infants, and children from benefiting from the food assistance and nutrition programs offered under the WIC program.

Title I, which provides educational benefits for disadvantaged students, would be cut by $109 million. Head Start would be cut so that some 6,700 fewer children would be able to benefit from Head Start programs.

The Centers for Disease Control would be cut by approximately $6.7 million. And a reduction of $35.7 million would take place in the area of substance abuse and mental health services, thereby denying over 5,000 American citizens access to mental health treatment and drug abuse services.

Vital programs for our farming community would be cut by $124 million. A 1.4 percent reduction would result in $3.9 billion being cuts from defense. This cut would require that military services make cuts in recruiting and engage in force separations of up to 39,000 military personnel.

Madam Speaker, I think blanket cuts are unwise and unnecessary. But if the leadership of this House is intent on forcing such cuts indiscriminately on good programs as well as bad, then they ought to be willing to bear some of the burden themselves and take a pay cut.

It is unseemly for this Congress to ask the American people to tighten their belts while not doing the same itself. With this sense-of Congress-resolution, I am simply asking that Members of Congress be consistent. If they really think it is wise to make blind cuts, then they should not be exempting their own salaries.

Quite frankly, I am sick and tired of the leadership up here treating themselves as special people while imposing hardships on ordinary Americans.

As we say in southern Ohio, what is good for the goose is good for the gander.

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SOCIAL SECURITY

The SPEAKER pro tempore (Mrs. WILSON). Under the Speaker's announced policy of January 6, 1999, the gentleman from North Dakota (Mr. POMEROY) is recognized for 60 minutes as the designee of the minority leader.

ON PASSING OF SENATOR CHAFEE

Mr. POMEROY. Madam Speaker, I would like to begin by expressing my words of recognition and condolences to the family of Senator CHAFEE. He clearly distinguished the legislative branch of government with service that was bipartisan, common sense, moderate, centrist, and simply was a personal example of integrity and honesty and courage, the like of which some suggest we have too little of around here at this time. In any event, he set the bar very high and it would do well for all of us as we mourn his passing to reflect carefully on his example and embrace it in our own lives to the extent we can. Again, that would be a tall order. Senator CHAFEE in my last visit with him was leading a bipartisan discussion on how we might somehow form a breakthrough in a knotty health policy issue that had divided the parties, divided the Chambers. It was just one example I got to see up close and personal the kind of bipartisan, nonideological, let-us-solve-the-problem leadership that Senator CHAFEE brought to his work, and clearly the work of the legislative branch was distinguished as a result of his efforts.

Tonight, I am leading a special order about Social Security. In the course of our discussion, I want to provide background about the nature of the program. I also want to discuss the debate that is waging at the moment relative to the budget discussions between the two political parties, and I want to focus on really the missing element of what has captured much of the present discussion, and that is the steps we must take to preserve the solvency of the program, to make certain that it is there not just for us but for our children and our grandchildren as well.

As will be the course in the course of this hour, as commonly happens during these special orders, I have invited several Members of the Democratic Caucus to join me on the floor this evening, and while many will no longer be available in light of the hour, I am very pleased to see the gentleman from Florida here.

Madam Speaker, I yield to the gentleman from Florida (Mr. BOYD).

Mr. BOYD. Madam Speaker, I thank my friend for yielding so that I might have an opportunity to address the Nation on this very important issue of Social Security.

Madam Speaker, the district that I represent, which is like many other congressional districts across the Nation, has more than 76,000 people over the age of 65 who receive Social Security. Tens of millions of people across the country rely on this important program for their long-term retirement needs. This makes Social Security one of the most important programs administered by the Federal Government. Everybody in Washington has concluded that finally.

Madam Speaker, I am very troubled by much of the rhetoric that we have been hearing on Social Security over the last few weeks. The rhetoric over Social Security basically has been over what we do with surplus dollars. It really has nothing to do with extending the life of the Social Security trust fund, and that is what we should be talking about.

Now, Madam Speaker, the last time I checked, the law says that the only way we can spend surplus dollars or use the surplus dollars is invest them in treasury notes. And this Congress has made no attempt to change that, nor has that been suggested in any of the rhetoric that has been going on for the last several weeks. All of this fighting and rhetoric over the surplus tends to hide the fact that no action has been taken to extend the life of the Social Security trust fund. According to the Social Security trustees, beginning in the year 2014, the Social Security trust fund will take in less taxes than it pays out in benefits. This means that Social Security will need to redeem the treasury notes it holds starting in the year 2014. By the year 2034, all of those treasury notes will have been paid in full, with interest. Once those notes are repaid, the Social Security trust fund will not have any additional revenue coming in other than the payroll taxes paid in that year to pay the promised benefits, and this will result in a significant decrease in the benefit of about 25 percent. Again, that starts under current projections in the year 2034. This long-term crisis is what Congress should be addressing now, not arguing about the surplus dollars of today. Because the longer we wait, the harder it will be to financially address and solve this very serious long-term crisis.

There have been several plans suggested by both Democrats and Republicans to address this crisis, and my Republican colleagues in the majority up to this point have not considered any of them. At the State of the Union address, President Clinton put forward his plan. The Kolbe-Stenholm plan, a Democrat and Republican, has been introduced. It is a bipartisan plan. The Archer-Shaw plan has been proposed, as well as other plans which Congress should be considering. While no action has been taken on any of these plans this year, at a minimum this congressional leadership and the President should work together to set aside funding to enact Social Security reform, meaningful, substantive Social Security reform. This idea was first proposed in the Blue Dog budget back in the spring as a way to provide the funds necessary to ensure the long-term fiscal viability of the Social Security trust fund. That budget, I might say, enjoyed bipartisan support. Under our plan, the Blue Dog plan, we would set aside $83 billion over the next 5 years of non-Social Security surplus to help pay for any reform proposal that Congress might adopt. Again, this does not exclude any reform option. All it does is ensure that we can pay for whatever plan that the Congress and the President ultimately agree upon.

Madam Speaker, in closing, I want to urge the congressional leadership and President Clinton to include these provisions which will fund substantive Social Security reform in any final budget agreement that they reach. After all of the rhetoric has ended, I believe that laying the groundwork for Social Security reform is the best thing that we can do this year to address the crisis facing the trust fund and ensure that Social Security and its benefits are there for our children, grandchildren and great grandchildren.

Mr. POMEROY. Reclaiming my time from the gentleman from Florida, I want to thank him for an excellent discussion which really is reflective of a great deal of work the gentleman has provided and leadership on this issue. I thank him very much for his contribution.

Madam Speaker, as I discussed in the opening, what I want to do over the next few minutes is talk about Social Security in its full context. I want to do that as a predicate to talk about specifically the very shallow, empty and false rhetoric coming from the majority relative to the stakes regarding Social Security as we discuss the final appropriations bills before this body this session. I then want to get to what I believe is the most important responsibility on all of us, Republican and Democrat alike, and that is lengthening the life of the Social Security trust fund so that it might be there to provide future generations the secure retirement it is presently affording. I want to talk about specifically even in the closing weeks of this session the opportunity that is before us to take this action, to promote the length of Social Security.

Social Security is our Nation's family protection program. It protects all of us. It is really a program of all of us protecting each of us, because it is a program truly that we all have a stake in. It offers us three distinct kinds of protection. First and of course the best known is the retirement income. Retirement income, payable every month, adjusted for inflation, coverage that you cannot outlive no matter how long you may live. You will have just as dependable as the first of the month that Social Security check for support. It has played an enormously important role in the lives of tens of millions of American families.

Just think about the retirement income statistics that follow. It is the primary income for two-thirds of all retirees over age 65; 90 percent of the income for one-third of the retirees. It is all they have got, which underscores how critically important when it comes to safeguarding, protecting and strengthening Social Security, how critical that challenge is. Again, one-third of all Social Security recipients have it for 90 percent or more of all their income.

There are two other benefits I need to mention in addition to the retirement benefit. One is the survivors benefit. This is when the breadwinner dies prematurely, leaving young dependents in the home. They have coverage through the Social Security program. Ninety-eight percent of the children in this country have coverage because of this feature of the Social Security program. When we think of Social Security, we think of an old people's program. Well, it is also a program for America's kids. And make no mistake about that.

Thirdly, it is a disability program, because if someone becomes disabled and unable to work, Social Security will be there. Three out of four workers in the workplace today have no other coverage but for Social Security. It is a vital protection. And without this, if they become banged up, cannot work, that is it, they do not have an income. With Social Security, they have an income. Again, three out of four, it is their only disability insurance policy.

Now, these are kind of black and white, programmatic examples of how Social Security works, but I want to put this in a very personal context, because Social Security has been very important to my family and to me personally. I was a teenager when my father died. I have received Social Security checks personally. Quite frankly, I do not know how I would have gotten through college without the Social Security program. My mother is now 79 years old. Unlike my grandmother who in her last years moved in with our family because she had not the financial resources to live independently, my mom lives independently and hopefully she will live independently for a good many years to come, because she has that Social Security check coming every month. It really makes a difference in our family between my mom living alone, as she prefers, or living with us as she is always welcome, but it is not her preference.

Finally, I have also, like many of us do, friends that have become disabled in one form or another. I have a friend, a good friend, but he has developed a very disabling bipolar mental illness and simply has been unable to work. Without Social Security, I do not know what he would do. He is now in his late 40's, does not have family to support him, and that Social Security check keeps my friend going. Without it, I shudder to think of what might be the consequences. But it has been vital. So when we talk about retirement income, we talk about survivors income, we talk about disability income, we are talking about literally Social Security achieving a miraculous benefit to the families that it touches every day, and across the country, of course, we are talking about millions and millions of families.

Now that we reflect on the program, think about the good it is doing, let us think about the challenges that face it. It is running a surplus now. In fact very healthy surpluses. But if we look at the obligations upon the program going forward, we see the story starts to change. By 2011, the Social Security program will no longer be in surplus. While that is a good ways out, you may think, well, what is the problem, we need to collect and hold the surpluses for Social Security so that the resources will be there as the baby boomers move into retirement and the draw on the program starts to accelerate. By the year 2021, we are not just paying Social Security benefits based on the FICA tax revenue, the interest of the Social Security trust fund, we at that point start to actually draw down the principal in the trust fund itself. By the year 2034 at present projection, we will wipe out the Social Security trust fund and benefits are scheduled to fall a full 25 percent.

Driving this, of course, is the shift in the demographics of the country: 5.1 workers per retiree in 1960, 3.4 workers per retiree today. In the year 2035, 2 workers per retiree. So we see that the cash flow generating capacity of the workforce changes and the retirement need, the draw on the program accelerates.

□ 2015

The key to answering the question which party is fighting for Social Security is to look at which party addresses the date at which the program goes bust; 2034 it is scheduled to go bust. Benefits fall 25 percent. Which party is addressing that figure? It is the long-term solvency of the program that is really what is at stake here.

There are three ways to prolong solvency: raise taxes. The taxes are already at 12.4 percent. I believe they are already absolutely as high as can be tolerated, and if we can figure out a way to reduce them without damaging the solvency of the program, I would be all for that.

The other alternative: cut benefits. And you do have people talking about cutting benefits, no longer having some people in this country participate in Social Security, raising the retirement age. Well, the average Social Security check each month is about $700 a month. You cannot reduce the average Social Security check in this country without doing significant harm to the one-third of the recipients that are depending on that to live.

And raising retirement age. I tell you I do not know about all of the country, but the people I represent back in North Dakota do not think that they ought to have to try and make it on the farm or doing whatever they are doing until age 70 or even higher to receive a Social Security check. They are counting on it as is presently constituted in law.

Well, if you are not going to raise taxes, if you are not going to cut benefits, the way you add to the solvency of the Social Security Trust Fund is to ultimately interject general fund balance into this program to preserve it over the long haul.

That is the backdrop of Social Security, but there is quite a different picture being presented at the present time, and I would talk about that briefly and engage my colleagues in the discussion as well. The House majority has truly launched the most audacious attack that I have seen, charging Democrats with raiding the Social Security revenues. The facts of the matter are it is not true. The fact of the matter is that the charges are hypocritical and untrue.

We are operating under a Republican-passed budget. They are the majority party in this Chamber, and they passed a budget almost on straight party lines. Spending that has occurred within this Chamber has been under the budget resolution, that is, the Republican budget resolution.

The particular spending bills that have been brought forward have been passing with Republican majorities. They are the majority party, they are passing the spending bills, and we have some important third-party validation in terms of what those spending bills have produced so far. The Congressional Budget Office has reported that Social Security revenues have been drawn on already to the tune of $14 billion, and I will tell you that that ticker is still running, that amount is still accelerating; and so the very things that the Republicans are charging the Democrats for doing, they have already done even though they have used every appropriations and budget gimmick in the book for a little sleight of hand to try and indicate that that is not the case.

In any event, take that as it will. In any event it does nothing to preserve the solvency of Social Security. For all their rhetoric, they have done nothing. Not one piece of legislation has been considered on this floor this year to advance the solvency of Social Security one day. Let us look at that legislative record.

Here we are very late in the first year of this session. For all the late-bloom rhetoric on Social Security, why in the world have they not brought a plan to the floor to advance the solvency of the trust fund? Nothing by way of activity. Why? Well, I believe it has something to do with their tax cut bill which was earlier considered, passed by the Republican majority, passed by the Senate Republican majority, sent to the President, which fortunately he vetoed because that tax bill would have gobbled up all the general fund revenue that might otherwise have been available to preserve Social Security.

They took the funds for which we can strengthen Social Security, and they shipped them out the door in a great big tax cut benefiting the wealthiest people in this country. Thank goodness the President vetoed that bill and we were able to sustain that veto on the House floor.

What I think is amazing is mere weeks after we stopped them from basically taking the funds that we need to preserve and strengthen Social Security and shipping it out to the wealthiest contributors in the form of their tax cut, just weeks after that they parade around on the floor of the House talking about how they are saving Social Security when they have not strengthened this one bit; they have not added one day to the solvency of the trust fund.

I think one has a responsibility to do more than just critique, however, an important matter like this; and I would just offer the following plan for strengthening, for actually doing something about trust fund solvency.

We are at a point to capture the Social Security surpluses. We must do that. Over time we must capture every dollar coming in and allocate it to the Social Security program. We must do so in a way that draws down the debt held by this country. As you invest those Social Security trust funds, in this case we will actually be redeeming publicly held debt, bringing the debt down from the country.

And then thirdly, because ultimately when you draw that debt down from these Social Security surpluses, you are going to have a windfall in terms of money now going to pay on interest that is no longer needed to go on interest. You take that money, and you invest it in the Social Security Trust Fund. Basically, Social Security earned that money, you can argue; Social Security ought to get that money.

Taking that step would take that trust fund I was talking about and move it from 2034 to 2050. 2050. The program without further change would be able to pay benefits through 2050.

Now I am a classic baby boomer, born in 1952. Year 2050 comes, I am going to be 98 years old, and in fact I do not know that I will be around to see the year 2050 as a good many of us will not be. But the point I want to make is moving into 2050 in the fashion promoted, actually allows us to strengthen and enhance the solvency of the trust fund.

I see that a couple of Members are joining me on the floor, and I want to include them in the discussion. I yield to the gentleman from Wisconsin (Mr. BARRETT).

Mr. BARRETT of Wisconsin. It is a pleasure to join you, my good friend from North Dakota.

I think for all of us, when we return to our districts, this is an issue that is of real importance to the people that we represent; and I have to admit that when I have town hall meetings and advertise the topic is going to be Social Security, the audience is generally filled with people who are over the age of 65, and that is somewhat surprising because for many of these people the Social Security system right now is in good shape.

For those who are in our parents' generation, they are probably not going to live beyond the year 2034, so that the assets are there right now for them. But as my friend from North Dakota mentioned, two-thirds of the elderly in this country rely on Social Security as a primary source of their income, and an amazing one-third of the elderly in this country rely on Social Security as the sole source of their income.

It is their lifeline; and, therefore, we have a responsibility to make sure that any changes that are brought up, any proposals that are brought up before this body, do not in any way, in any way, lower the income for these people, these tens of millions of people who rely on Social Security either as the primary source or as the exclusive source of income for their families.

But I am sure, as my friend from North Dakota knows, when we talk to younger people, they are really quite wary. They are not as trustful about the Social Security system, and in fact many of them say the money will not be there when I am going to retire, and the reason they say that, I think, can be summarized in part by what the gentleman from North Dakota said, because when the system began, you had 5.1 workers for each retiree. We are now at 3.4 workers for each retiree, but in about 25 to 30 years we are only going to have two workers for each retiree. So we have to do something to extend the life of Social Security beyond the year 2034.

That is why I am as shocked and baffled as the gentleman from North Dakota about the arguments that we are hearing in this Chamber today. As the gentleman from North Dakota indicated, there has not been a single piece of legislation that has been considered by this Congress that would extend the life of Social Security. At the same time we hear many of our colleagues on the Republican side of the aisle saying, I think, as the gentleman indicated, quite untruly, that the Democrats are in some way raiding Social Security surpluses. That is wrong because obviously we are not the ones that are passing the budget.

The people who are passing the budget are the Republicans. They are the ones on a party line vote for most of these measures that are advancing their agenda. So even if we wanted to, it would be virtually impossible for us to do so.

But the fact of the matter is the Congressional Budget Office, which is a nonpartisan office, although the head of the Congressional Budget Office is appointed by the Republicans, has stated that in effect the Republicans themselves have spent some of the surplus on, some of the Social Security surplus to pay for their programs. So if anyone could be accused of taking money from the Social Security system, it is Republicans.

But I think the American people are not interested in whether the Republicans are doing it or the Democrats are doing it. I think they view that as the same old potato/pa-ta-toe tomato/ta-ma-toe politics; and their reaction is let us call the whole thing off, and they will walk away from our political system, which is the worst thing that they can do.

This is far too serious an issue to let partisan politics play a key role in it, and that is why I think what we have to do in this chamber, Democrats and Republicans, is let us put aside this ugly partisan rhetoric, let us put aside these claims, and let us work on the real issue. The real issue is extending the life of Social Security, and until we have a measure on this floor that is a bipartisan, serious proposal, we are going to remain mired in partisan politics, which is the worst thing that we can do.

So I want to applaud the gentleman from North Dakota. I see my good friend from Ohio is here; my friends from Arkansas and Maine are here as well; and I think it is good that we are taking this hour tonight to talk about this because I think maybe we can get others on both sides of the aisle to form a nucleus to move ahead and come up with a proposal that will extend the life of Social Security.

So I yield back to the gentleman from North Dakota and thank him very much for his invitation to be here.

Mr. POMEROY. Reclaiming my time, and I thank very much the gentleman for participating in the discussion tonight. I think you have laid out a couple of very important ideas.

First, the open-mindedness to participate in any kind of bipartisan plan they might move forward that is talking about actually lengthening the life of the trust fund. The President has advanced a plan that lengthens the life of the trust fund. I think we craft the President's long-term plan on the majority's short-term funding plan to get us through this year. You could have the beginnings of a bipartisan deal that ultimately is absolutely true to Social Security because it does something about the length of the trust fund.

Your comments are just so critically important in terms of establishing a benchmark by which the public can really evaluate whether anything is going on with Social Security that means anything or not. The test is does it lengthen the solvency of the program? Does it preserve the life of the trust fund? And that really is the core of the issues you very well outlined.

I thank the gentleman for participating, and I would yield now to the gentleman who has patiently waited to participate as well, the gentleman from Cleveland (Mr. KUCINICH).

Mr. KUCINICH. It is certainly true that Americans are depending on us to guarantee Social Security. There is no question about it, and they are looking for help from both sides of the aisle. I know that in this big debate that has developed over the last few years the role that I have played in it is to suggest that while we want to guarantee Social Security, we need to avoid any effort towards privatization of Social Security.

As you remember, there has been a big hue and cry in Washington over the past few years saying that we can only turn to the private sector to guarantee this tremendous social and economic benefit known as Social Security, and it is lucky that Congress did not privatize Social Security this year.

You remember on October 15 the headlines nationally? Stocks Tumble

After Warning By Greenspan, The Dow's Big Drop. An unexpectedly sharp rise in consumer price index fed inflation fears contributing to the Dow's worst drop in a year. The Dow Industrial Average today suffered its worst loss in a year, dipping briefly below the symbolic 10,000 mark it bridged in March as investors recoiled from most of the high-flying stocks that have driven this stage of the bull market.

□ 2030

Now, the falling stock market, and you see this graph right here, what goes up must come down, the falling stock market illustrates the danger we place the American people in if Congress ever agreed to bet Social Security money on the stock market.

While my good friend the gentleman from North Dakota (Mr. POMEROY) does this country a service by calling a special order on this topic where we have to say we are going to guarantee Social Security, we also know that investing Social Security in the stock market is a risky proposition that may be fine for people with extra income to gamble, but Americans need a guaranteed income when they are old or disabled. So long as Congress and the President keep Social Security out of the stock market, Social Security has a chance to be sound.

Even as the stock market has been falling, and you might find this interesting, even as the stock market has been falling, Social Security has been getting stronger. The trustees released an analysis that asserted that the Social Security trust fund is now projected to be solvent through the year 2034, without any Congressional action. The previous trustees report set the date of projected insolvency to 2032. Now, think about this. The Social Security trust fund has gained 2 complete years of solvency without privatizing Social Security or investing it in the stock market.

While it is true that Americans are depending on us to guarantee Social Security, I think that Americans also want us to take note of the fact that Social Security got stronger without any Congressional action because the economy is stronger and wages are rising. This should be a lesson for everyone. We do not need the stock market to solve Social Security's projected financial shortfalls. We need to strengthen the economy, we need to raise wages, and Social Security will strengthen itself.

As the stock market falls there is even more good news for Social Security. The President wants to credit the Social Security trust fund with an additional $2.3 trillion to guarantee surpluses for the trust fund over the next 50 years. No other organization, public or private, has a plan for operation 50 years into the future. Social Security is secure.

What policymakers need to know is that Social Security is secure as long as the Congress and the President back Social Security with a guarantee of the full faith and credit of the United States. Congress can say that the United States of America will pay all promised benefits, just as America stands 100 percent behind its bonds. All Americans win if Congress guarantees Social Security. But if Social Security is invested in the stock market, all Americans will lose guaranteed old age income.

Turning Social Security over to Wall Street will mean that senior citizens, the retirees, would have to check the Dow Jones before they check their mailboxes to see if they have money for shelter, food and medicine.

The falling stock market should remind us that it is better to have a guaranteed monthly check from the U.S. Treasury. The American people received a big break this year when Congress did not privatize Social Security. We should leave Wall Street gambling to those who can afford to lose.

Americans are depending on us to guarantee Social Security. They need help from people on both sides of the aisle, and I am proud to be here with my colleagues who have a commitment to Social Security and the security of our elderly today and to future Americans.

I thank the gentleman from North Dakota (Mr. POMEROY) for his commitment, for his dedication to Social Security, and I look forward to working with the gentleman on those solutions which we know the American people will find their best interests served. So I thank the gentleman. I see our friend the gentleman from Maine (Mr. ALLEN) is here. I am glad we are all working on this issue.

Mr. POMEROY. Reclaiming my time, I thank the gentleman from Cleveland for his very vigilant efforts in this regard. Clearly if you watch what in particular the Republican Presidential candidates are talking about, in the event any of them would end up in the White House, the privatization programs will be before this Congress that fast. So your working your vigilance will be an important matter ongoing.

Clearly there are those that would like to actually end Social Security as we know it, as a Federal program of all of us protecting each of us, diminish the Federal role and allocate it out into the private sector somehow in a way that would only significantly increase the risk on the individuals, individuals, again, as we have said, two-thirds of which get 70 percent or better of their income from the program, and one-third wholly dependent upon it. So the stakes are very high. I appreciate the gentleman's leadership.

I yield now, Madam Speaker, to the gentleman from Maine, Mr. Allen.

Mr. ALLEN. Madam Speaker, I thank the gentleman for yielding. I thank the gentleman from North Dakota (Mr. POMEROY) for his leadership and his knowledge on this particular issue. It is good to be here tonight to have a chance to bring some common sense and some realistic discussion into a debate that is now going onto the airwaves in this country.

I want to start by trying to really talk about a couple of things that you hear all the time but really are not true. When I talk to young people in my district back in Maine, particularly high school students, I ask them, how many of you think that Social Security will be there for you? And very few, if any, hands go up in the room. They think that, somehow, Social Security is going away. But the truth is that as long as people in this country are working, Social Security will be there. There will always be Social Security revenues coming in, as they do now, that are turned around and going out to pay benefits to people who need them.

The problem is that in 2034, the Social Security authority runs out, the solvency of the system runs out, unless we make some changes, and then there really will not be the authority to pay out funds at that point in time. But even in the worst of all possible worlds, where this Congress did not meet its responsibility to make appropriate changes, benefits would be three-quarters of what they are today. The system does not just disappear and go away. What you would have is a reduced level of benefits.

Social Security will be there, but it will never be a retirement system. It is a social insurance system. It is meant to protect people from the worst kinds of poverty, and, in that regard, it is probably the most successful program in this country's history.

But what we have to do as Members of Congress, as elected officials, is to make sure that the benefits are not reduced, that we figure out a way to cover people so that they will have the security in the future that they have today.

The second topic I want to mention is all this talk about raiding the Social Security surplus. In fact, there are Republican ads out there on air waves in this country accusing Democrats of theft, people coming in in the dark of night to steal hard-earned Social Security dollars.

No one, and I say this about my Republican colleagues as well as Democrats, no one is raiding the Social Security surplus. No one is stealing that money and taking it away so it will not be available for benefits.

What is happening is this: The Treasury is borrowing the Social Security surplus, promising to pay back to the Social Security trust fund interest on the money that is borrowed. If the U.S. Treasury will not pay back its money to the Social Security trust fund, no one will. The Treasury has always done that. Social Security benefits have always been paid to beneficiaries.

What is going on here? What is going on here is politics, the politics of a kind that is really very disturbing, because the benefits that people get from Social Security are not at risk in this debate. The long-term solvency of Social Security is not at risk in this debate. What is going on has really a lot to do with politics, partisan positioning.

The Washington Post the other day had an editorial headlined "Fake Debate." What they were talking about was all this controversy about raiding the Social Security surplus. It is a diversion.

We have a problem, we have a serious problem, but it is a manageable problem, and it has very little to do with raiding. It is all about how we deal with the long-term consequences of this plan.

As I said, Republicans are running TV ads accusing Democrats of theft. Democrats are rightfully saying, "you are saying you are not borrowing the Social Security surplus, but in fact you have already done that to the tune of $13 billion, and before we are done here, probably some more will be 'borrowed,'" but it does not put benefits at risk or the long-term health of the system at risk.

It is important. It is important that if we borrow, if we wind up borrowing at all, and, as I say, the Republican appropriations bills have already borrowed $13 billion, that ought to be kept to a minimum. Why? Because there is one thing we need to do in this country. We need to pay down the national debt. The most important thing we can do for the long-term solvency of Social Security is pay down the national debt, so that this country is stronger economically, better able to pay Social Security benefits when the baby-boomers retire, and that is what we are doing.

From 1980 to the present there are only 3 years when any debt from any of the national debt has been paid down with the Social Security surplus, only 3 years: The year we are going into, we can already project that; the year we are going into, fiscal year 2000 we expect to pay down the national debt by about $124 billion; the year we are in, the year 1999 is about $124 billion of paying down the national debt with the Social Security surplus; last year, 1998, paying down the national debt by about $98 billion.

This is unprecedented in these two decades. We are doing well. We are getting our fiscal house in order. Democrats are leading the way. What we have been able to do is assert some fiscal discipline and do it in a way that will benefit the Social Security system in the long term.

But it is not enough. As the gentleman from North Dakota has pointed out on many occasions, in 2034 this system becomes insolvent, so we need to make changes now that will extend the life of the system beyond that date.

I applaud the President for the plan that he has announced, because it is a way of extending the solvency of the system to 2050. By contrast, the folks on the other side of the aisle have not come up with a proposal that I am aware of that would extend the life of the Social Security system by one day, not one day, and all the charts and all the exhibits and all this talk about raiding the Social Security system has nothing to do at all with extending the life of the system and making sure that it will be there for baby-boomers when they retire, when their needs are the same as seniors today.

That is why it is a little bit discouraging to hear some of the things we have heard, both on TV ads and on the floor of this body over the last few weeks, because, frankly, if we are not dealing with the facts, if we are not being honest with each other, if we are making allegations that are simply untrue, it is the people of this country who lose.

There is no question that we Democrats created Social Security, extended Social Security, protected Social Security and will fight for Social Security as long as we are here. There is no question about that. What we need to do is make sure that that basic commitment is not undermined by wild allegations that have no basis in fact. That is what I am disturbed to say I am hearing from the other side of the aisle this day.

But I believe, more than anything, that the commitment to Social Security is so strong that we will protect it, that we will protect it for those who receive it now, that we will protect it for the baby-boom generation, and that we will protect it for those kids back in the high school in Maine who do not really believe it will be there for them. We have a responsibility to do that. But this is a manageable problem, and if we maintain our fiscal discipline, if we pay down the national debt, if we adopt a plan that will extend the life of the Social Security system, it will be there well into the 22d century, not just the 21st.

I thank the gentleman from North Dakota for leading this discussion tonight, and I appreciate all the hard work that he has been doing on this work.

Mr. POMEROY. Madam Speaker, I think the gentleman's contribution to this special order has been significant and reflects his time and effort and expertise in the Social Security issue. I also appreciate the tone, which is measured, which is factual, which gives the other side their due when they are entitled to their due.

I have heard on this floor parties suggest that 100 percent of the economic recovery is due to the fact that some Republicans got elected in 1994 and that everything bad that occurred before then was the fault of Democrat Congresses, notwithstanding Republicans in the White House.

You cannot have it both ways. When there is a Republican in the White House, it is entirely the President that gets the credit, and the Democrat Congress gets the blame if something bad happens. Conversely, when it is a Republican Congress and a Democrat in the White House, it is 100 percent the Congress that has saved the day. The people of this country know better.

□ 2045

They know that this economic recovery, which is literally without precedent, occurred because of a very courageous step taken in 1993, offered as the budget plan of the new president, passed by this Congress on a straight party line vote, that began to tackle the deficits.

In the spirit of bipartisanship, I will give the other side some due for holding down spending, along with Democratic participation, because the balanced budget amendments of 1997 was a bipartisan vote. I was proud to vote for that bill.

We have collectively held down spending, but they have been part of that effort. So under the deficit reduction plan passed by the Democrats, combined with fiscal restraint of both parties in the years since, we have reversed a course that brought our country to the brink of economic ruin.

Just to cite some statistics, debt to GDP, gross domestic product, in 1980 was 26 percent. What happened in the decade and a half that followed, literally in the 12 years that followed, was complete fiscal irresponsibility. Both parties have plenty to shoulder in terms of blame for that, but that brought us in 1997 to where debt to gross domestic product was 47 percent, fully 20 percent higher than in 1980, just 17 years earlier.

We have made some headway, and today it is 40 percent. We are reversing the trends that have brought us so deeply into debt by those terribly out-of-balance budgets.

What the President has proposed is to capture this surplus generated by social security, preserve it for social security, and pay down debt held by the public. That would bring us in the year 2015 to where borrowing costs were 2 cents on every Federal dollar. Presently we pay interest, and it costs 15 cents on every taxpayer dollar, just interest. By the year 2015, according to the President's plan, that would be down to 2 percent, the lowest debt to GDP since 1917, literally without precedent in modern history.

So this business about having resolved to save social security monies, to apply them to the social security trust fund to pay down the national debt, this has a great deal of importance. But the crux of the President's plan is to basically leverage that savings. If we reduce debt at that rate, by the year 2011 we will be saving every year $107 billion in interest costs.

Interest achieves nothing. Interest costs achieve nothing by way of strengthening the national defense. They do not improve our schools, they do not reduce taxes. They are just a burden that we have to carry, much as an American family carries their mortgage interest burden or their credit card interest burden. If we can retire debt to this tune, we can save each year $107 billion.

The President's plan is to take this interest savings and pay it into the social security trust fund, because we know we have a shortfall. That is why we are going to run out of money in the year 2034. But rather than raising social security taxes to address that shortfall or cutting benefits to address that shortfall, or making that retirement age go even higher than it already is, the President would take the money we are no longer spending in interest and divert that into the social security trust fund.

That is the kind of infusion we need from the general fund that will ultimately push the solvency of the program out to 2050, so it covers virtually all of the retirement needs of the babyboomer generation.

I have been very pleased that in the course of this special order, several of our caucus' leading participants in social security have joined me on the floor. I would like to recognize one other who has just joined me, very recently having completed a hard-fought but very important legislative victory on the Patients' Bill of Rights. I am pleased to have the efforts and attention and support of the gentleman from Arkansas (Mr. BERRY) now on the issue of social security.

Madam Speaker, I yield to the gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. Madam Speaker, I thank my distinguished colleague, the gentleman from North Dakota, for those kind words.

I can remember when I first came to the Congress. In the Blue Dog Caucus, my good friend, the gentleman from North Dakota (Mr. POMEROY) came because we had had a terrible disaster in North Dakota. We had had a terrible flood. He came to the Blue Dog Caucus and he talked to us about how badly they needed the money to help repair the damage done by the flood. I remember how hard he fought and how hard he worked for the people of North Dakota.

I appreciate what he is doing here this evening. Mr. Speaker, it shows us what a good man my colleague, the gentleman from North Dakota is, when he stands here on this floor this evening and gives credit to the Republicans for the work that they have done to help reduce the debt and help reduce deficit spending, and try to make this country better by being fiscally responsible. It shows us what a charitable man he is.

I have seen those ads they are running against my friend, the gentleman from North Dakota. I was amazed the first time I saw them. I do not see how anyone could publicly accuse my good friend, the gentleman from North Dakota (Mr. POMEROY) of being a thief. It is amazing to me that anyone would rise to that level or sink to that level. But I tell the Members that just to let them know what a good man this is who is working on this particular issue this evening.

Saving social security is not complicated. First, we stop spending the social security trust fund. We preserve and invest it. But we cannot do that by just claiming to do it. Talk is one thing and action is another. The same people that we hear down here accusing the Democrats of spending the social security trust fund are the same people that said that the Census is an emergency. We have known for 200 years we were going to have to take a Census in the year 2000, but they were going to declare an emergency and use that as a budget gimmick, so we can say we are not spending the social security trust fund.

They have done these things dozens of times in this budget year. It is amazing to me that they would want to do that. It is the responsibility of the majority party to give us a budget that does not do this.

By definition, the minority party cannot pass legislation. Our Republican colleagues keep talking about spending the social security trust fund. They should know, they have been spending it. But they love to say, well, someone else is doing it. It is not my fault, someone else is doing it. It is almost childlike to hear this. Then they take money and run ads accusing someone of being a thief if they voted for any of these appropriations bills. Let us just blame it on someone else. Do not worry about the consequences. Do not worry about extending the life of the social security trust fund.

Just imagine what would have happened if the President had not vetoed that irresponsible tax bill that they tried to pass.

After we stop spending the social security trust funds, the second thing we have to do is pay off the debt, as my colleagues have also talked about here this evening. We take the on-budget surplus and pay off the debt, and we extend the life of the trust fund.

As my colleague, the gentleman from North Dakota, and my colleague, the gentleman from Maine, have already mentioned, then we take this interest that is saved and we have some money to work with, and we can extend the lives of these trust funds. We can save social security and Medicare. It is not that we do not know how to do it, it is having the political will to do it.

We also must not forget that we have got to continue to do the things that sustain this economy and let it continue to grow. If our economy goes in the tank, we are going to be in a lot more trouble with the social security trust fund and all other budget issues than we are right now, so we have to remember that we have to continue to expand our trading markets overseas and all the other things: Educate our children, continue to do research and development, and sustain this economy that has made us the greatest Nation in the history of the world.

It is a pleasure to be on the floor this evening and to compliment my good friend, the gentleman from North Dakota, for the great work he does for the people of North Dakota, for the people of this great country, and the high quality that he brings to this Congress and to this House of Representatives.

Mr. POMEROY. I thank the gentleman. I thank him deeply for the kind observations that he made about me, and more importantly, for the contribution he has made in terms of talking about the vital nature of the social security program and the importance of the debate before us.

I do not think it is the worst thing that ever happened that the parties find themselves now in an at least rhetorical debate in terms of who can best protect social security. This is good competition. This is good competition. May the best party win in terms of protecting it and preserving it and strengthening it on into the future.

We could be in quite a different matter, where all of this surplus is coming in, and rather than looking at the long-range responsibilities for our country, like the families we represent look after their long-term needs when they might have an unexpected windfall, we need to save this and commit it for the long haul, because as we have talked about, social security is a program that is on the books. It is a vital program, but it is going to run out of money in 2034, and benefits are going to fall 25 percent if we do not take the steps now to strengthen it.

So again, this debate, this little competition we are having in terms of who can best strengthen and protect social security, that is a good competition. One of the things that will make it good is whether or not there is actually any delivery behind all the rhetoric.

I see they are bringing out the charts now, so I guarantee Members in the next hour they are going to get an awful lot of rhetoric about Democrats raiding social security, and all the rest of it. I would expect those listening to what might follow to know that the issue is not the rhetoric, the issue is the performance. Ultimately that can only be measured by one thing. That trust fund, the trust fund that is going to go bust in 2030, is it preserved and strengthened? Is that trust fund date pushed back, or is it not?

We have advanced a plan that would measure the interest savings to the Federal Government by paying down the national debt due to these social security revenues. We would then take that savings reflected in general fund dollars and put it into the social security trust fund.

Again, the social security trust fund does not have enough money, so there are three things we can do to strengthen the program long-term. We can raise taxes. I do not think we should do that. We can cut benefits, stop the COLAS, raise the retirement age. I do not think we should do that. Or we can interject additional general funds. That I think we have to do, because the other two alternatives are simply unacceptable.

So let us have that general fund contribution make sense. If we consider the fact that this debt buy-down that saves these interest charges of the Federal Government is directly attributable to social security in the first place, that, Mr. Speaker, is a very good program for shoring up this program over the long haul.

I used to be an insurance commissioner. For 8 years I regulated insurance in North Dakota. That meant that I looked at a lot of phony pitches, put a lot of insurance agents out of business if they were lying about what they were selling, and I fined the heck out of a lot of companies, while I was at it.

I would just say that the efforts underway, the rhetorical efforts of the majority to pose as defenders of social security, would certainly not pass any ethical tests that are presently applicable to the sale of insurance in this country. I have put people out of business for charges that were as false as what they are saying about what the Democrats are doing relative to social security.

Let me just sum up by emphasizing the core points. We are operating under the budget passed by the majority. The appropriations bills have been passed by the majority. The Congressional Budget Office asserts that the majority, who is paying these ads to run in North Dakota and other places accusing Democrats of raiding the social security trust fund somehow, that they have already spent into that trust fund, those revenues, from the cash flow on social security to the tune of $14 billion and going up.

□ 2100

So let us put aside the smoke and the tired political rhetoric and look for bipartisan ways to lengthen the life of the trust fun. Nothing else cuts it. It is only looking at who is extending the life of the trust fund by which voters in the American public can determine who has been advancing the interest of this final program.

SAVING THE SOCIAL SECURITY TRUST FUND

The SPEAKER pro tempore (Mrs. Wilson). Under the Speaker's announced policy of January 6, 1999, the gentleman from Arizona (Mr. Hayworth) is recognized for 60 minutes as the designee of the majority leader.

Mr. HAYWORTH. Mr. Speaker, I thank my colleagues on the left for their interesting perspective. Perhaps the reason we hear such ferocity and denial is because, as former President Reagan used to say, facts are stubborn things.

I am joined this evening on the floor by the gentleman from Georgia (Mr. Kingston), a member of the Committee on Appropriations, who represents Savannah and its environs.

I yield to the gentleman from Georgia (Mr. Kingston).

Mr. KINGSTON. Mr. Speaker, I want to say to the gentleman from North Dakota (Mr. Pomeroy), I think maybe it would be a very beneficial thing, maybe, tomorrow night or the next time that we do actually have interaction in a debate, particularly about the spending situation that we are in.

I find it, for example, atrocious that the party of the gentleman from North Dakota last year mischaracterized the statement intentionally of Newt Gingrich about Medicare. I find that absolutely appalling. The distinguished gentleman from North Dakota, to my knowledge, did not do that. I would have talked to him about it if he did.

The other day on the House floor, a 1984 statement of "Candidate Dick Armey" was paraded out here saying "Majority Leader Dick Armey," which he was not the majority leader in 1984. So on a lot of this rhetorical terrorism, I am with the gentleman from North Dakota and would certainly like to have a one-on-one discussion, a party-to-party discussion.

What I am very concerned about is we have the President who vetoed the Commerce-State-Justice bill tonight because he wants to put more money into the U.N. He vetoed foreign aid because he want to increase foreign aid. As I listened to the statements of the gentleman from North Dakota tonight, his group statement, as I understand, we seem to have agreement that there is no more money out there except to reduce spending or spend it smarter.

So if we are all in agreement, although I do have a quote here from the gentleman from Missouri (Mr. Gephardt) that I am very concerned about that he said yesterday, not 1984, and not about the health care financing administration or anything like that; but the gentleman from Missouri (Mr. Gephardt) yesterday was making a statement on one of the Sunday talk shows about we should spend a little bit of Social Security. I am concerned about that.

But the point really is that we are in this budget debate. If we all agree, and we did agree last week on the House floor, a vote of 419 to 0, that we would not increase taxes. We did agree we were not even going to take it out of Social Security. There is no more surplus out there. Then we all need to say is, okay, where do we take the money out of if we do go along with the President and wanting to spend more money on foreign aid?

Mr. POMEROY. Mr. Speaker, will the gentleman yield for a brief response to the thoughts of the gentleman from Georgia (Mr. Kingston)?

Mr. HAYWORTH. I yield to the gentleman from North Dakota (Mr. Pomeroy).

Mr. POMEROY. Mr. Speaker, I think an ongoing dialogue, I would be happy to have one on the floor of the House in the context of special orders, would be beneficial. I would like the topics to include the short-term and longer-term framework for the program.

Right now I think it can actually get tripped up in what amounts to kind of blurring accounting-like arguments to the American public. I think we have to discuss the long-term solvency of the program, even as we deal with the appropriations challenge that faces Congress.

Mr. KINGSTON. Mr. Speaker, if the gentleman from Arizona will yield, I agree with that. Some Members who join the gentleman from North Dakota (Mr. Pomeroy) tonight, for example, the gentleman from Ohio (Mr. Kucinich), was saying he is against investment of the funds. Well, that was the President of the United States, not necessarily the position of the Democrat House Members, but that was the President of the United States who was saying that, and only this weekend backed off on that under the rhetorical category we need to clarify where that was coming from.

Another Member, the gentleman from Maine (Mr. Allen), said there has not been a bill introduced. I do not know what he would call the Archer-Shaw bill, which one of the other Members who was here tonight actually brought up himself, that that does address, I think, 75 years of Social Security solvency.

Frankly, it is a very intellectual accountant-type approach to this. It is a very complex problem. It is a complex solution. But that might be something that my colleagues choose to talk about, too, that we could throw on the table because I am not necessarily on that bill myself. I do not know that the gentleman from North Carolina signed off on it. But it has a vision, and it has some seriousness to it. It is well worth deciding.

Mr. POMEROY. Mr. Speaker, if the gentleman will yield, if I might make a final point, like I say, I think if the parties are in genuine competition in terms of which party best defends and strengthens Social Security, the American people win and win big.

What we need to check each other on, I think, is whether there is legitimacy, factual legitimacy in the claims that we are making as we purport to strengthen Social Security. I would just say the bottom line for me is, do we preserve and lengthen the trust fund or do we not? Really, that has to be a key kept in our discussions even as we go forward in the last week of session.

Mr. KINGSTON. Mr. Speaker, if the gentleman will yield further, one thing that is so important to Social Security is that the actions of this Congress in the next 4 to 5 days as we try to wrap up the appropriations process, if we agree that there is no more money out there in terms of an operating surplus, except from Social Security, and we all agree we do not want to take that money, then we have to go back to the very hard work.

I am a member of the Committee on Appropriations, and I can promise my colleagues there has been a lot of cooperation on both sides of the aisle to try to spend the money wisely. It is extremely difficult to try to fund all the things we mutually agree on, education, health care, senior programs, environmental programs. Then, discouragingly enough, we have this bipartisan agreement signed by both parties, a lot of fanfare in 1997; and yet it cannot be supported on a one-partisan basis. It has got to be bipartisan.

Mr. Speaker, I appreciate the gentleman from Arizona (Mr. HAYWORTH) yielding to me, and I look forward to continuing this dialogue.

Mr. HAYWORTH. Mr. Speaker, I thank the gentlemen on the other side of the aisle, the gentleman from North Dakota (Mr. POMEROY) and the gentleman from Arkansas (Mr. BERRY), for spending some time here.

I would, Mr. Speaker, call attention to the statement that appeared on the wires of the Associated Press on October 20, less than 1 week ago, of this year, and I would encourage, Mr. Speaker, those who may be viewing these proceedings through other matters perhaps might want to take a look at the easel in the well of the House.

I will quote from the document right now: "Privately, some Democrats say a final budget deal that uses some of the pension program surpluses would be a political victory for them."

Mr. Speaker, let me simply say that I think, if we, in fact, end up, at the insistence of the President of the United States, raiding the Social Security Trust Fund to spend more and more money, while some in this chamber might consider that a political victory, Mr. Speaker, I must tell my colleagues that would be a defeat for all the American people.

My friends on the left seem to be fixated on a historical argument; and it is simple, Mr. Speaker, to fall into the category of who shot John or who created the program. But I would submit to this chamber, Mr. Speaker, the question before us at this time in this place is not a question of who created Social Security. The question becomes who stands four-square for strengthening and preserving Social Security.

I would recall, just a few months ago, 9 months to be exact, the President of the United States came to this chamber, stood at that podium and offered a budget plan that was very curious, because the President in his remarks, Mr. Speaker, said that he wanted to save 62 percent of the Social Security surplus for Social Security.

Mr. Speaker, I may not be the greatest mathematician, but what is left unsaid or what was not explicitly stated in the President's remarks during that State of the Union message was that he felt perfectly fine spending an additional 38 percent of the Social Security surplus on more government programs. Indeed, in that 70-plus-minute address, he outlined some 80 new initiatives in government spending.

That, Mr. Speaker, brings to the floor and brings to the consciousness of the American body politic the fundamental debate. If one believes that one's money is better spent by Washington bureaucrats, if one believes that Washington ought to control more and more of the money one earns, if one believes that Washington and this vast bureaucracy that has grown over the last century is the be-all, end-all to solving one's problems at home, well, then, one perhaps would concur in that analysis.

But, Mr. Speaker, I must tell my colleagues what I have heard time and again is exactly the opposite. Indeed, as Members of the new majority, we came here to change the way Washington works. Once again, facts are stubborn things.

The gentleman from North Dakota (Mr. POMEROY) championed the actions of 1993 and 1994. Need I remind this House, Mr. Speaker, that in the previous majority, there was a one-vote margin to enact the largest tax increase in American history? Again, facts are stubborn things. Included in that tax increase was an increase in taxation on Social Security recipients.

So even as our friends tonight come to this floor and say they do not believe in raising taxes, recent history and their own rhetoric tonight suggests otherwise.

Indeed, the minority leader and the gentleman from Missouri (Mr. GEPHARDT) appeared yesterday on ABC's This Week. Mr. Speaker, I am aware that a lot of Americans were at church yesterday or enjoying time with their families and may not have seen this public affairs telecast, but let me quote what the House Minority Leader said: "We really ought to spend as little of it," meaning the Social Security surplus. "We really ought to try to spend as little of it as possible."

Mr. Speaker, I would say to the gentleman from Missouri (Mr. GEPHARDT) who presumes and boasts that he believes he will become Speaker of the House in the 107th Congress, that is not good enough for the American people.

From day one of my service in this institution, in enumerable town hall meetings across the width and breadth of the 6th Congressional District of Arizona, an area in square mileage almost the size of the Commonwealth of Pennsylvania, now because of massive growth approaching almost 1 million residents, as next year's census will accurately reflect through a legitimate count of each and every citizen, what I have heard time and again from my constituents is that we need to stop the raid on the Social Security Trust Fund.

The good news is, Mr. Speaker, we have taken steps in that direction. I do not blame the American people for being skeptical. I can understand, indeed, how sometimes, Mr. Speaker, that skepticism gives way to cynicism.

But, again, facts are stubborn things. In the midst of the hue and cry and the sturm und drang and the agenda setting function of our friends in the fourth estate, commonly known as the media, perhaps more accurately reflected as the partisan press, came a story in the last 10 days that was, quite frankly, ignored.

I am pleased to have this opportunity, Mr. Speaker, in this chamber to commend the collective attention of this House, my colleagues, and the American people to the findings of the Congressional Budget Office. Because again, facts are stubborn things.

What the Congressional Budget Office discovered in counting receipts and outlays for fiscal year 1999 is that, for the first time since 1960, when President Eisenhower, that great and good man, was ensconced in the executive mansion at the other end of Pennsylvania Avenue, for the first time since 1960, this Congress balanced the budget, generated a surplus of $1 billion, and did not touch one red cent of the Social Security funds to go for those expenditures.

Having made that progress, amidst the skepticism and the doubt and the cynicism, dare we retreat? The easiest thing for Washington to do is reflected sadly in the remarks of the minority leader yesterday, the man who would be Speaker, to hear, sadly, his political boasts, is again a predilection toward spending.

□ 2115

Rather than joining with us, to say, Mr. Speaker, no means no, hands off the Social Security trust funds, our friend from Missouri, the minority leader, says, "Well, we really ought to try to spend as little of it as possible."

I thought it ironic to hear my good friend from Arkansas, in extolling the virtue of my other friend from North Dakota, speak of emergency spending on one hand, about the floods that devastated the upper Midwest 2 years ago, and somehow imply that emergency spending for the same type of environmental horrors and acts of nature that have befallen other Americans somehow does not count in the current budgetary scheme of things.

There will always be emergencies. And to those who try to muddy the waters with talk of the Census, I would simply remind this House, Mr. Speaker, that it was this Director of the Census and this administration that wanted to willfully ignore a Supreme Court ruling that stipulated that we ought to actually uphold the Constitution, a unique concept, where the Constitution calls for the actual enumeration of American citizens. And, indeed, the designation of so-called emergency spending came from the fact that we had bureaucratic inertia in action and downright hostility to our supreme tribunal's assessment that the Constitution means what it says. But then again, sadly, that is nothing new.

I am so pleased to be joined on the floor by two very capable colleagues, my good friend, the gentleman from Minnesota (Mr. GUTKNECHT), who joined me here in the 104th Congress in the change in majority status and governing status to our party; and in the well of the House by the gentlewoman from New Mexico (Mrs. WILSON), who, in her short time here, elected in a special election in the tragedy of the death of our friend and colleague Steve Schiff, has come to this House and proven an effective and capable public servant with an incredible breadth of experience both in the military and in the pursuit of higher education.

And I would gladly yield to my good friend from New Mexico.

Mrs. WILSON. Mr. Speaker, I thank the gentleman from Arizona. I listened with interest to the discussion this evening, and to the comments of my colleague from North Dakota, many of which I agree with, we do need to look at Social Security over the long term. We also need to begin to draw the line in the sand this year, because we have the opportunity to do that for the first time this year.

I wanted to call my colleagues' attention to a chart that was actually prepared by the gentleman from Georgia (Mr. KINGSTON), because I thought it was a good chart to explain where we are to folks who are interested in watching this nationally. We have had deficit spending in this country for 30 years, until last year. And the reason that we do not have deficit spending now is really a combination of things. One is a very strong economy. But there also must be a will in Washington, and it starts in this House, because all of the spending bills start here, to control Federal Government spending. A commitment to balance the budget in the same way that all of us at home have to balance our own checkbooks. It is that responsible approach to government spending that we are now close to completing here in Washington for the next fiscal year.

I want to commend the President of the United States tonight for signing the defense bill. That defense bill turns the corner in restoring our national security. It includes a 4.8 percent pay raise for those on active duty. It will start the process of recruiting and retaining high quality military personnel. It will mean that we will begin replacing all of those spare parts that have been lost in expeditions overseas. We need to restore our national defense, and the defense appropriations bill begins to do that, and I want to commend the President for having signed it today.

There are other bills that we still have not completed action on, and we will do so and sit down with the President and his advisers and work through each of these bills to make sure that we have a series of spending bills that adds up to no more than $592 billion, which is the total amount we have in the checking account for the next year. We have set aside another $115 billion or so that is Social Security money. That is the money we are putting in the IRA this year for our retirement.

Every family knows that if they took the money they were supposed to put in their individual retirement account or that was supposed to be in their pension fund and they spent it this year, it would not be there when they retired. So we are making the commitment this year, because we finally are within shooting distance of being able to meet that commitment; to not touch retirement, we are not going to raise taxes, we are going to balance the budget, and we are going to emphasize education and national security. And within that context, I think we can come up with a very good budget blueprint.

And I thank the gentleman for his time.

Mr. HAYWORTH. Mr. Speaker, I thank the gentlewoman from New Mexico who, once again, points out that while there are all sorts of arcane notions and green eyeshades that one can apply to this, there is a very real human equation that comes to balancing the budget. And there is no mystery, because what goes on around the kitchen table for every American family is the basic essence of what we are trying to come to grips with here in Washington, D.C. And if it is good enough for the American family, it should be good enough for the Washington bureaucrats.

With that, let me yield to my friend from Minnesota.

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman for yielding and the gentlewoman for joining us tonight to talk about our budget priorities.

The gentleman from Arizona knows as well as I do what it was like coming here in the class of 1994. We were looking at, as my colleague will recall, the Congressional Budget Office told us in the spring of that year, when the President submitted his first budget in 1995 for us as Members of Congress, they told us that we could expect to see $250 billion deficits well into the next century. And that was under the President's proposal.

And basically what we said, as new Members of Congress, was that that was not acceptable; the idea that the Federal Government had to continue to spend more money than it took in, especially in good years. Now, we might understand, maybe we could make an excuse once in a while if there was a serious recession or a depression or a war, but in times of peace and prosperity, we just could not accept the idea that the Federal Government should continue to borrow more than it takes in year after year after year.

And the scary result of this, and this is where it gets down to what the gentleman was talking about in terms of what is going to happen to the kids, it really meant that if we continued to borrow $250 billion, what the Congressional Budget Office and others said was that if Congress did not get serious about finally balancing the budget, what was going to happen was we were going to virtually guaranty our kids were going to have a lower standard of living. In fact, they told us that by the time our kids that are in junior high and high school today, by the time they reached my age, and I was born in 1951, they were going to be paying a tax rate of between 75 and 80 percent just to pay the interest on the national debt.

Now, think about that. We were literally guaranteeing that our kids were going to have a much lower standard of living, because they would not have been able to buy a car, they would not be able to buy a house, because the tax system was going to take virtually everything they earned just to pay the interest on the national debt. We had reached a point where we had not begun to slow down this spending machine.

And I want to talk a little about what we did as a member of the Committee on the Budget. And, frankly, we as Republicans are not very good sometimes for taking credit for what we have accomplished, but a lot of things have changed in this city. One of the most important was that there was sort of an assumption around this city that every year Federal spending would go up by 2, or 3, or maybe even 4 times whatever the inflation rate was. I can remember when the Federal budget was growing at 8, 9, 10 percent. Well, we changed that. And what we did is we dramatically slowed the rate of growth in Federal spending.

In fact, I think one of the most amazing statistics is this, and I will repeat it so our colleagues who may be watching in their offices do not miss this point. This year, for the first-time I think in my adult lifetime, not only have we now balanced the budget in fiscal year 1999, without taking money from Social Security, which I think is an amazing accomplishment, because that has not happened since Dwight Eisenhower was President and Elvis was getting out of the Army, 40 years ago, that is the first time that has happened, but an even more amazing statistic is that this year the Federal budget is going to grow at slightly more than 3 percent.

That is an amazing thing. But what is even more amazing is when we realize that the average family budget this year will grow by about 3½ percent. So, again, for the first time I think in my adult lifetime we have created a situation where the average family budget is growing at a faster rate than the Federal budget. And that is part of the reason that the budget is balanced today.

Because I think people on Main Street and Wall Street began to realize that this Congress is serious about reforming welfare, of downsizing some of the Federal programs, of limiting the growth in total Federal spending, of limiting entitlements, and all of a sudden they said, if these guys are serious, real interest rates are coming down, and they did. And they said, if they are really serious and real interest rates come down, it means that more families will be able to afford a house, and a car, and maybe a dishwasher and other things, and the economy will be stronger. And it last has been.

As a result, we have had revenues coming in. In fact, the gentleman may remember, as a member of the Committee on Ways and Means, when we talked about let us lower the capital gains tax rate by 30 percent. Let us take it from the maximum rate of 28 to 20 percent. Oh, some off friends on the left said that if we did that, that that was a tax cut for the rich and we would deprive the Federal government of all of this revenue. It is a tax cut for the rich, they said, which will blow a hole in the budget. That was their term. Does the gentleman remember that and what happened?

Mr. HAYWORTH. Well, of course, when we reduced the capital gains top rate, we actually saw that far from being in the catchy-chism of the left, a tax cut for the rich, what we did was empowered American citizens to take that money and invest it in new opportunities, in greater job growth, in new homes, and to use more of their hard-earned money the way they see fit instead of having Washington spend it. And the bottom line is this. In that whole method of scoring that the Federal Government utilizes, in stark contrast to the theoreticians who said it would be a drain on government revenue, we saw reaffirmed the basic principle that when the American people hang on to more of their hard-earned money, tax receipts to the Federal Government actually increase.

More revenue comes to the government because more economic opportunity is empowered to take place. And that is what we have seen in reducing the top rate on capital gains taxes, because it freed up capital that otherwise would have remained dormant or would have gone into the coffers of the Washington bureaucrats.

Mr. GUTKNECHT. Well, it comes down to a very simple point, Americans know how to spend their money a lot smarter than we know how to spend it on their behalf. They get a full dollar's worth of value for every dollar they spend. We do not. We know that, and there has been study after study to show that.

But we have made all this progress and a lot of people still do not believe it. I go out to my town hall meetings, and when I start talking about the fact that we finally have balanced the budget without using Social Security, I can almost feel the skepticism in their eyes. At one of my town hall meetings I said, "You know what, I understand why you would not believe this." For 40 years, the American people have, in effect, been misled about what government can do and that borrowing is good and all of that. And they almost now believe that deficit spending at the Federal level is preordained; that it has to happen. So it will take some time before the American people start to really realize we are serious about balancing the budget; that we have balanced the budget without using Social Security, and, like crossing the Rubicon, we are not going to go back. We have made it very clear to our friends on the left here in Congress and to the people down at the other end of Pennsylvania Avenue that we are not going to go back and raid Social Security. We are not going to balance the budget by raising taxes.

And I might just add, we should make it very clear to the President that we are not going to let him shut down the government either. None of that has to happen. There is more than enough money in this budget. I think at the end of the day we will end up spending about $754 billion. The Congressional Budget Office has said, if we limit the total Federal spending to $1754 billion, we will balance the budget without taking a penny of Social Security and we will not have to raise taxes, and we will not have to shut down the government.

Mr. HAYWORTH. And that is a lot of money. $1.754 trillion, almost $2 trillion. The amount is astronomical. And the irony is, as my friend from Minnesota knows and, Mr. Speaker, we need to amplify again in this chamber this evening, as we are going through the appropriations process, trying to live within some fairly expansive means, $1.750 trillion, the President of the United States chose to veto a foreign aid bill because he wants to spend an additional $4 billion on non-Americans.

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Now, Mr. Speaker and my colleagues, I find it ironic that the current President and the Vice President campaigned in 1992 on the slogan "putting people first." I thought the slogan implied putting the American people first. But, apparently, given trips to a variety of different continents and promises that really spawned cynicism, such as wiring schools on other continents for the Internet, using American tax dollars, let me just say while I am in the neighborhood on this, Mr. Speaker, I would certainly invite the President to the 6th Congressional District of Arizona.

I can take him to any number of rural schools and schools on the reservations for which this administration added not one red penny in terms of impact to aid funds where the Constitution and treaty law stipulates that there is a clear, unequivocal role in the Federal level in educating the Indian children, in educating the children of military dependents, and yet to have those funds cut and still the promise of largess to non-Americans.

The bottom line is and the shock is that the President vetoed the foreign aid bill, saying that he wanted to increase that spending by 30 percent, by $4 billion. And the question becomes, Mr. Speaker, where can the President get that money? And under the current parameters, there is only one place he can go. You guessed it, the Social Security Trust Fund.

Mr. Speaker, my colleagues, I reject that sad and cynical notion that cannot help but breed the skepticism and cynicism. That money belongs to the American people. They paid it into that trust fund. It should not be spent on tin horn dictators or on utopian designs.

And then tonight, even as we welcome the news, and let us give credit where credit is due, I am so glad the President of the United States signed the defense appropriations, which contains a long overdue pay raise for America's men and women in uniform, 12,000 of whom had to apply for food stamps for their children in a sorry spectacle to make ends meet. I welcome the fact the President signed that bill.

But even as that has happened, there has been a veto or, we understand, the pending veto of the Commerce, State, Justice appropriations bill. Because, again, the President apparently thinks American money should not go to the American people or to programs for them. He would rather spend them on utopian designs that threaten our sovereignty in the United Nations.

Let me suggest to this body, Mr. Speaker, and to the President of the United States that America's dues have been paid in full many times over, including in the latest adventure in the Balkans, not paid for when our Commander in Chief put American men and women and pilots in harm's way.

Mr. Speaker, someone has to be the adult here. "No" means "no" to adventurism and overspending. This common sense conservative Congress has held the line in that regard. And we invite the President, who, as we read the pundits and the prognosticators say that he is in search of a legacy, he joined us. It took three times for him to join with us on welfare reform, but we are certainly happy to share credit. Because, after all, in our constitutional Republic, when we pass legislation, we need the President's signature. He joined us on that.

How truly ground breaking it would be, Mr. Speaker, if the President were to accept the invitation of the Speaker of the House, the gentleman from Illinois (Mr. HASTERT), who stood at that podium leaving the Speaker's rostrum the day he was sworn in as the Speaker in the 106th Congress and said to the American people, Mr. Speaker, we have reserved H.R. 1 for the President's plan to save Social Security.

I heard my friends on the left in the preceding hour somehow forget about that, apparently. The invitation is still there. And we heard the President make some statements this weekend. As a member of the Committee on Ways and means, I know my colleague, the gentleman from Minnesota (Mr. GUTKNECHT), with his background on the Committee on the Budget, we would welcome the President at long last putting into legislative language what it is he, in fact, proposes to do. I am sure that the Committee on Ways and Means and the other appropriate committees of jurisdiction will hold hearings and will examine that. But there is just one other thing that happens that adds to the cynicism that we need to point out.

Aside from some budget messages that are required by law, the last legislative initiative sent to this chamber from the other end of Pennsylvania Avenue came before my friend and I were in the Congress. It was a plan to socialize our health care. That is the last policy initiative that has come from this administration in legislative language.

So I would say, Mr. Speaker, we invite the President to put his designs on paper in legislative language in H.R. 1. As our Speaker has said, certainly a man of honor, certainly a man of his word, that proposal will receive all due consideration.

Mr. Speaker, I yield to my friend from Minnesota.

Mr. GUTKNECHT. Mr. Speaker, I would like to come back to something my colleague talked about in terms of one of the things that frustrated me about some of the comments of our friends on the left. They are saying, well, yes, sure, the Republicans are balancing the budget; but they are going to use some gimmicks.

Well, in truth, I wish we did not have to do that. But let me explain some of the things we are thinking about doing. One is a 1.29 percent cut across the board in only discretionary spending. In other words, it will not affect Social Security, will not affect Medicare, will not affect the entitlement side of the budget, only in discretionary spending, 1.29 percent.

Now, I know some of our friends say that, no, these agencies cannot absorb a 1.29 percent across-the-board cut in their agencies. But let me just tell them this. I represent a lot of farmers. Now, when we tell them that a Federal agency cannot tighten its belt slightly over 1 percent, they do not even laugh because they are tightening their belts to the tune of 20, 30, and even 40 percent. So, I mean, do not tell me that the Federal agencies do not have 1 percent worth of fat in their budgets. That is outrageous. So that is one of the gimmicks they do not like.

Another thing that we are thinking about doing is moving back one pay day, I think from the 30th of the month to the first of the month, to move us into the next fiscal year.

Now, do I wish we were not going to do that? Absolutely. But if the choice is between those two things and stealing from Social Security, that is not even a close call. But let me explain and what makes me so angry about this and what we have been up against in the last several years.

The gentleman mentioned military adventures. This administration has sent troops to more places in this world in the last 7 years than the last five Presidents put together. In fact, the little adventure in the Balkans, in Bosnia and Kosovo have already cost us over $16 billion.

Now, historians also have to judge whether or not it has been worth it. But let us at least be honest with ourselves and compare that little adventure with what happened in the Gulf. Former President Bush went to all of our allies and said, listen, we have got a problem with Saddam Hussein. It is a big problem. It is a world problem; and if he is allowed to take over Kuwait and the oil fields, he is going to be even a bigger problem for everybody in the world.

So we went to our Japanese allies and said, if you cannot send troops, will you send cash? And they did. And he went to some of our other allies around the world and they all ponied up. And at the end of the day, the war in the Gulf cost us almost nothing. It cost the taxpayers of the United States almost nothing.

Compare that to what has happened in Kosovo. I will never forget we had a meeting when I first came here with the German foreign minister and the whole thing in Bosnia was starting to boil up, and I remember what the foreign minister told us. He said, at the end of the day, this is a European problem, and it should be solved by the Europeans. And I said, amen.

But it was not long before it was obvious that the Europeans could not solve it. But do you know what at least they could do, because the economy of the European Union is now bigger than the economy of the United States, and yet we are supposed to carry 90 percent of the burden of the war in the Balkans? There is something wrong with that policy. I am not sure if there was even an attempt by this administration to go in and say, listen, we will help to solve the military problem there, we will provide the technology, we will provide the aircraft, we will provide the smart bombs, we will provide what it takes. But it would be nice if you guys would help provide some of the cash. But they did not.

So what happened was the American taxpayers and Congress had to go out and help find the money, $16 billion.

Well, we have done some juggling and we have taken from here and we have taken from that and we reshuffled the numbers. Because we always kept our eye on the ball. The idea is to reduce the rate of growth in Federal spending to allow the American people to keep more of what they earned and let the economy grow and everything will take care of itself. That is what we have done.

But the President, as my colleague from Arizona (Mr. HAYWORTH) says, has not really been there to help us solve some of these problems. Now, we need his help right now. We have made it very clear that we want to work with the White House, but we said certain things are off the table.

Last week we had a vote on taxes because the President said, at least behind closed doors, well, part of the problem could be solved if we just raised some taxes and some fees and raised cigarette taxes; and there was a proposal from the White House. It said, you know, in the budget message here are some taxes and fees you could raise. So last week the Congressional leaders brought it to a vote. And how many votes did it get?

Mr. HAYWORTH. Mr. Speaker, I am happy to report the outcome of that vote, again something that, sadly, many of our friends in the media chose not to emphasize in their reportage of the events here on Capitol Hill. And I am grateful for the time tonight.

In answering the question of my friend, the President's plan to increase taxes, as detailed in his budget message, received no votes. The vote was 419 to 0 to reject the President's plan for revenue, which his economic advisor, Gene Sperling, on many national television shows in many messages to this Congress said was part and parcel of the tough choices needed to solve our budgetary dilemma. And yet not one Member of the minority, even those who spoke so glowingly of the largest tax increase in American history, not one of them voted for that package of new taxes.

Mr. GUTKNECHT. Mr. Speaker, so what we have said unanimously everybody in the House said we are not going to raise taxes to balance the budget. That is unanimous. Everybody said that, Republicans, Democrats. And we have one independent. He voted no, as well. All of us said we are not going to raise taxes.

Now, I think there is almost unanimous feeling here in the House, we are not going to raid Social Security. All right, once we have decided that and we have taken those two things off the table, we come back to the last conclusion. At some point we are going to have to make some adjustments, we are going to have to do an across-the-board cut, or we are going to have to do whatever it takes to make certain that we live with $1754 billion. Okay?

Now, that is where we are. We are not going to raid Social Security. We already decided unanimously we are not going to raise taxes. So, Mr. President, please work with us. If one message should be coming from the Congress down to the other end of Pennsylvania Avenue, please sit down and work with us. We want to work this out and we are not going to let you shut down the Government.

There is absolutely no need this year for a Government shutdown. Almost half the bills have now have been signed by the President. There are only a couple of them left outstanding that I think where there are serious differences of opinion. And that is part of the process. We should have differences of opinion. The President has some priorities. The Senate has some priorities. I have some priorities. You have some priorities. At the end the day, you work those out. Those can all be worked out. But you have to first agree how big the pie is going to be and how big the parameters of the debate are.

We are not going to raid Social Security. We are not going to raise taxes. We not going to let the President shut down the Government if we can at all stop it. Everything else is negotiable.

Mr. HAYWORTH. Mr. Speaker, I thank my colleague from Minnesota for his comments. I think he has succinctly and forthrightly expressed the sentiment of the majority in the House.

Again, Mr. Speaker, I would implore our chief executive to understand that there are different priorities, but one legacy he dare not be tempted by would be the notion of a political stunt to shut down this Government with all the challenges we face. Because in stark contrast to times gone by, certainly one as adroit and skilled in politics knows that going to the well once too often can result in the wrong type of legacy.

I wanted to pick up on a comment my friend made earlier. The gentleman from Minnesota is quite right, what we are proposing and what we will bring to the floor in short order is an effort to trim the waste, fraud, and abuse that has run rampant throughout our system. We have been stunned by the examples.

My colleagues are familiar with the $8.5 million in food stamps sent to 26,000 people who had died; 26,000 decedents receiving $8.5 million in food stamps; the $75,000 in Social Security insurance payments that went to death-row inmates.

I can recall when I first got here and perhaps my friend in his days and service on the Committee on the Budget, when I first came to Congress in the 104th Congress I was honored to serve on the Committee on Resources. Government always gives a fancy name to different jobs. What we call an accountant in the private sector is called an Inspector General, Washington D.C.

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So, the Inspector General from the Interior Department had come down and was seated alongside the director at that time of the National Park Service, and, Mr. Speaker, you will be amazed even today to hear this story because time cannot erase or dilute its irony and its shame. The accountant for the Interior Department, the National Park Service, said the Park Service could not account for over $70 million in tax money appropriated and spent by the Park Service.

Now, Mr. Speaker, if that had happened in the private sector, some folks would have found themselves with new accommodations based on the fact that they would be in violation of criminal law. As it stood at that point in time and sadly still stands, the director of the Park Service at that time was subject to a tongue lashing that appeared on tape-delay fashion on C–Span, and that was it.

Now I tried to work with my colleagues, mindful of the fact that the Committee on Ways and Means has unique interaction with the Committee on the Budget as we look at budget reform to find a way to weed out those culprits administratively wasting and abusing the money of the American people, American tax dollars; and believe me, there is no way that eliminating and reducing by a little over 1 percent can jeopardize programs especially when we make sure, and this is something else that the American people need to hear because of the smear and fear tactics so often we see in this chamber, and sadly elsewhere around this town and in the partisan press, not one penny of those reductions will come from mandatory spending, spending that goes to the truly needy, those who expect it. It will not come out of food stamps, it will not come out of Social Security, it will not come out of veterans' pensions, it will not come out of Medicaid. We will protect those programs for the truly needy. But for the truly greedy, those in this town who fail to account for the people's money, those in this town who would use that money for their own personal comfort and be less than good stewards of the taxpayers' dollars, Mr. Speaker, they need to be put on notice that there will be a change.

Now, we can expect the hue and cry given the culture of this town and the atmospherics at the other end of Pennsylvania Avenue, but, Mr. Speaker, I must tell you this. Whether it is a farmer in Minnesota or a rancher in Arizona or an American family around the kitchen table trying to make decisions on its own spending priorities, Americans instinctively know that this bloated bureaucracy can get by on 1 percent less if it means we restore the sanctity and preserve the sanctity proven this fiscal year in keeping our hands off the Social Security Trust Fund.

I yield to the gentleman from Minnesota.

Mr. GUTKNECHT. You mentioned something about the waste and mismanagement, and you earlier talked about foreign aid.

One of the most outrageous examples that we heard about in the last month or so was that there are reports, and I think fairly well documented reports now, that of the foreign aid and the IMF money that went to Russia we believe as much as 10 billion, that is with a "B," billion dollars, has been looted by the former KGB agents who now run the Mafia in Russia. In fact, much of that money has been laundered through New York banks.

In fact to make it more interesting, just a couple of weeks ago there was several people finally to at least some credit of this Justice Department, or at least some enterprising people working out in New York, that were actually indicted. So during the same week in which we now have growing confirmation that billions of dollars in foreign aid has been expropriated and looted in places like Russia, the President says, Well folks, we need another $4 billion in foreign aid.

Now I want to come back to the point now. Our leadership has looked at several options of how we close the gap so that we make certain that we do not take a penny from Social Security, which I think everyone in this body wants to live by, and some of them say, Well, we don't like that plan.

The answer simply is, well then let us hear your plan? What is your plan? Here is the question that the members of the working press in this city ought to be asking the people down at the other end of Pennsylvania Avenue every single day: What is your plan? You do not like the plan of the folks up on Capitol Hill? Fine, exercise a little bit of leadership. You help them and help America. You show us how we can balance the budget because it can be done.

In fact, every American family knows this; and, Mr. Speaker, let me tell you a story.

Every Sunday Americans sit around their kitchen tables and their coffee tables, and you know what they do? They clip coupons from the Sunday newspaper. Every Sunday Americans clip something like 80 million coupons from the Sunday paper, worth an average of 53 cents, and that is how American families balance their budget every week. Is it so much to ask for those families to say to us: listen, if it means cutting the Federal bureaucracy 1.3 percent, you should do it. Or if you want to take money from one department, and shift it and do a few other things, we do not care. But I think what the American people are saying, the ones who have finally realized that, yes, we have balanced the budget without using Social Security, once you finally accomplish that goal, do not go back. You finally have a chance to chart a new course because, and I want to close on this, Mr. Speaker, and then I will yield back to the gentleman from Arizona.

But he also mentioned something very important, because we talk in terms of $1754 billion, and we talk about balancing the budget, and we talk in terms of numbers and percentages, and we begin to sound like accountants. But at the end of the day this is not just an accounting exercise. It really is a very, very important exercise in democracy; and what it is about, and I mentioned earlier that I was born in 1951. You know the interesting thing is there were more kids born in 1951 than any other year. We are the peak of the baby boomers, and I am fortunate. Both of my parents are still living. They are both on Social Security; they are both on Medicare. And I have three kids, and the oldest two of them now are basically on their own, sort of on their own.

But this is all about generational fairness because on one hand in terms of making certain that every penny of Social Security only goes for Social Security, on one hand what we are doing is we are saying to our parents we are going to make certain that you have a more secure retirement, and I think we need to do that.

But by balancing the budget without using Social Security we are also saying to all the baby boomers and working Americans that we are going to have a stronger economy because we are going to have lower interest rates. In a stronger economy a rising tide lifts all boats, but on the other end of that generational fairness what we are really saying to our kids is we are going to guarantee that you will have a chance at the American dream and a better standard of living.

So it is about securing a brighter future for our kids on one hand, it is about a more prosperous, stronger economic future for the people who are working currently, and it is also about securing a brighter retirement for our parents. So this is not just an accounting exercise, this is about generational fairness; and now that we finally reached the promised land, we must not turn back, and the message is clear to the American people, to our colleagues and to the people at the other end of Pennsylvania Avenue.

We will not raise taxes. We will not raid Social Security. We will not let the President shut down the government unilaterally. We are going to do everything we can to stop him. But everything else is negotiable.

We want to be reasonable. We want to be flexible. We are willing to work within those perameters. If the President will join us, we can have a budget agreement by the end of this week, we can all go home next week, and frankly the American people will be better off.

Thanks so much for taking this time, and thanks for letting me join you.

Mr. HAYWORTH. I thank my colleague from Minnesota who offers the common sense perspective of the upper Midwest and just puts in everyday terms what is absolutely so practical and so apparent, and he is quite right. What I call the human equation is at stake here, to make sure the truly needy have a safety net, but also to make sure that money masquerading as a safety net does not become a hammock for the greedy and for those who have been wastrels and less than good stewards of tax dollars from the American people.

I would note this, Mr. Speaker. In other quarters in this town there are those who are especially sensitive to polling numbers, and indeed there are stories of some folks being out in the field nightly polling to determine how they will lead. I happen to think leadership is leading first and then seeing if the message and the course of action is responded to by the American people, and that is why I bring poll numbers to this floor tonight, that I think many in this town, especially in the administration, knowing how sensitive many of its members are to polling questions and polling numbers might be.

This is a Fox News Opinion Dynamics poll of 904 registered voters conducted on October 20 and 21. The question is: Who do you trust to make the best decisions on budget issues? Mr. Speaker, 56 percent of the American people say they trust the Congress on budgetary issues. Twenty-one percent say they trust the President.

I would simply suggest, Mr. Speaker, knowing that there are those especially sensitive to those types of numbers, the reason I quote them here is to reaffirm what my colleague from Minnesota has said. We understand that reasonable people can disagree, but it is highly unreasonable for those in this town to be tempted by the allure of a political stunt to try and shut down the Government hoping that there will be an amen chorus from the partisan press that would somehow sway the American people. That is a gambit that leads to a legacy even more infamous than what already exists.

In a positive vein we congratulate the President for signing the defense appropriations bill that means that a much needed pay raise for our men and women in uniform will at long last be realized. We would ask the President to reconsider his notion of taking $4 billion of the Social Security Trust Fund to spend on non-Americans in terms of increased foreign aid, and we would ask the President to re-evaluate his plan to veto the Commerce State Justice bill because he wants more money going to international organizations that at the very least attempt to muddy our sovereignty and our unique rights as a nation state in the free world.

So I would simply say again we have stopped the raid on Social Security. We have crossed, made that incredible stride for the first time since 1960. Though the message has gotten short shrift in the reportage of this town, we dare not retreat. Having stopped the raid, let us not renew it. We would invite the President, Mr. Speaker, and the minority leader who only yesterday on national television said that it was his goal, and let me quote him again; I want to be fair about this. He said, quote: "We really ought to try to spend as little of it as possible."

To change that point of view, join with us; stop the raid on Social Security, accurately protect America's priorities, and let us work as men and women of goodwill to make sure the raid has been stopped once and for all. That is the promise of the new day. That is the pledge we make in a spirit of bipartisanship.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. CARSON (at the request of Mr. GEPHARDT) for today on account of official business.

Mr. RUSH (at the request of Mr. GEPHARDT) for today and the balance of the week on account of a death in the family.

Mr. MASCARA (at the request of Mr. GEPHARDT) for today on account of medical reasons.

Ms. KILPATRICK (at the request of Mr. GEPHARDT) for today on account of official business.

Mr. BECERRA (at the request of Mr. GEPHARDT) for today on account of official business.

Mr. TAYLOR of North Carolina (at the request of Mr. ARMEY) for today and October 26 until 5:00 p.m. on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BROWN of Ohio) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. ETHERIDGE, for 5 minutes, today.

Mr. WEYGAND, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

(The following Members (at the request of Mr. KINGSTON) to revise and extend their remarks and include extraneous material:)

Mr. COBURN, for 5 minutes, today.

BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, a bill of the House of the following title:

On October 22, 1999:

H.R. 2670. Making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

ADJOURNMENT

Mr. HAYWORTH. Mr. Speaker, pursuant to House Resolution 341, I move that the House do now adjourn in memory of the late Honorable JOHN H. CHAFEE.

The motion was agreed to; accordingly (at 9 o'clock and 58 minutes p.m.), under its previous order and pursuant to House Resolution 341, the House adjourned in memory of the late Honorable JOHN H. CHAFEE until tomorrow, Tuesday, October 26, 1999, at 9 a.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4894. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Tuberculosis in Cattle and Bison; State Designations [Docket No. 99-008-1] received October 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4895. A letter from the General Counsel, Department of Defense, transmitting the study of the methods of selection of members of the Armed Forces to serve on courts-martial; to the Committee on Armed Services.

4896. A letter from the Secretary of Defense, transmitting notification that the President approved a new Unified Command Plan that specifies the missions and responsibilities, including geographic boundaries, of the unified combatant commands; to the Committee on Armed Services.

4897. A letter from the Secretary, Department of Education, transmitting Final Regulations—William D. Ford Federal Direct Loan Program, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

4898. A letter from the Secretary of Education, transmitting the Department's final rule—Student Assistance General Provisions (RIN: 1845-AA07) received October 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4899. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Oklahoma; Recodification of Regulations [OK-8-1-5772a; FRL-6457-7] received October 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4900. A letter from the Secretary of Health and Human Services, transmitting a report entitled, "Designing a Medical Device Surveillance Network"; to the Committee on Commerce.

4901. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 00-01: Determination and Certification for Fiscal Year 2000 concerning Argentina's and Brazil's Ineligibility Under Section 102(a)(2) of the Arms Export Control Act, pursuant to 22 U.S.C. 2799aa-2; to the Committee on International Relations.

4902. A letter from the Administrator, U.S. Agency for International Development, transmitting the Agency's 1998 Annual Report on Title XII—Famine Prevention and Freedom from Hunger, pursuant to 22 U.S.C. 2220e; to the Committee on International Relations.

4903. A letter from the Secretary of State, transmitting the certification for FY 2000 that no United Nations agency or United Nations affiliated agency grants any official status, accrediation, or recognition to any organization which promotes and condones or seeks the legalization of pedophilia, or which includes as a subsidiary or member any such organization, pursuant to Public Law 103-236, section 565(b) (108 Stat. 845); to the Committee on International Relations.

4904. A letter from the Comptroller General, General Accounting Office, transmitting List of all reports issued by GAO during the month of August 1999, pursuant to 31 U.S.C. 719(h); to the Committee on Government Reform.

4905. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, National Aeronautics and Space Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Interest and Other Financial Costs [FAC 97-14; FAR Case 98-006; Item XI] (RIN: 9000-AI24) received September 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4906. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, National Aeronautics and Space Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Compensation for Senior Executives [FAC 97-14; FAR Case 98-301; Item X] (RIN: 9000-AI32) received September 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4907. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, National Aeronautics and Space Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Option Clause Consistency [FAC 97-14; FAR Case 98-606; Item IX] (RIN: 9000-AI26) received September 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4908. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, National Aeronautics and Space Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Evaluation of Proposals for Professional Services [FAC 97-14; FAR Case 97-038; Item VIII] received September 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4909. A letter from the Deputy Associate Administratior, Office of Acquisition Policy, National Aeronautics and Space Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Conforming Late Offer Treatment [FAC 97-14; FAR Case 97-030; Item VII] (RIN: 9000-AI25) received September 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4910. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, National Aeronautics and Space Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Determination of Price Reasonableness and Commerciality [FAC 97-14; FAR Case 98-300; Item VI] (RIN: 9000-AI45) received September 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4911. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, National Aeronautics and Space Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; OMB Circular A-119 [FAC 97-14; FAR Case 98-004; Item V] (RIN: 9000-AI12) received September 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4912. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, National Aeronautics and Space Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Javits-Wagner-O'Day Proposed Revisions [FAC 97-14; FAR Case 98-602; Item IV] (RIN: 9000-AI16) received September 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4913. A letter from the Acting Director, Office of Federal Housing Enterprise Oversight, transmitting the Office's response sent to the Office of Management and Budget on June 30, 1999; to the Committee on Government Reform.

4914. A letter from the Chairperson, National Council on Disability, transmitting the report entitled, "Implementation of the National Voter Registration Act by State

Vocational Rehabilitation Agencies"; to the Committee on House Administration.

4915. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Other Rockfish in the Aleutian Subarea of the Bering Sea and Aleutian Islands Management Area [Docket No. 990304063-9063-01; I.D. 101399D] received October 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4916. A letter from the Chairman, National Transportation Safety Board, transmitting correspondence with Office of Management and Budget regarding H.R. 2910, pursuant to 49 U.S.C. 1113; to the Committee on Transportation and Infrastructure.

4917. A letter from the Chairman, National Transportation Safety Board, transmitting the 1997 annual report of the Board's activities, pursuant to 49 U.S.C. 1117; to the Committee on Transportation and Infrastructure.

4918. A letter from the Commissioner, Social Security Administration, transmitting the report on continuing disability reviews for the fiscal year 1998, pursuant to Public Law 104-121, section 103(d)(2) (110 Stat. 850); to the Committee on Ways and Means.

4919. A letter from the Chairman, U.S. International Trade Commission, transmitting its annual report on the Caribbean Basin Economic Recovery Act and the Andean Trade Preference Act, pursuant to 19 U.S.C. 1332(g); to the Committee on Ways and Means.

4920. A letter from the Senior Deputy Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency For International Development, transmitting the Agency's Annual Report to Congress on activities under the Denton Program; jointly to the Committees on International Relations and Armed Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HYDE: Committee on the Judiciary. H.R. 1801. A bill to make technical corrections to various antitrust laws and to references to such laws (Rept. 106-411 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. COBLE: Committee on the Judiciary. H.R. 3028. A bill to amend certain trademark laws to prevent the misappropriation of marks; with an amendment (Rept. 106-412). Referred to the Committee of the Whole House on the State of the Union.

Mr. BURTON: Committee on Government Reform. H.R. 2885. A bill to provide uniform safeguards for the confidentiality of information acquired for exclusively statistical purposes, and to improve the efficiency and quality of Federal statistics and Federal statistical programs by permitting limited sharing of records among designated agencies for statistical purposes under strong safeguards; with an amendment (Rept. 106-413). Referred to the Committee of the Whole House on the State of the Union.

Mr. SESSIONS: Committee on Rules. House Resolution 342. Resolution providing for consideration of the bill (H.R. 1987) to allow the recovery of attorneys' fees and costs by certain employers and labor organizations who are prevailing parties in proceedings brought against them by the National Labor Relations Board or by the Occupational Safety and Health Administration (Rept. 106-414). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

[The following occurred on October 22, 1999]

Pursuant to clause 5 of rule X, the Committee on Armed Services discharged. H.R. 1801 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

Pursuant to clause 5 of rule X, the Committee on Commerce discharged. H.R. 2005 referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 1801. Referral to the Committee on Armed Services extended for a period ending not later than October 25, 1999.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. MOORE (for himself, Mr. Sandlin, Mr. Larson, Mr. Forbes, Mr. Serrano, Mr. Udall of New Mexico, Mr. Blumenauer, Ms. Eddie Bernice Johnson of Texas, Ms. Eshoo, Mr. Crowley, Mr. Holt, Mr. Minge, Ms. Sanchez, Mr. Capuano, and Mr. Gonzalez):

H.R. 3136. A bill to authorize the Consumer Product Safety Commission to require childproof caps for portable gasoline containers; to the Committee on Commerce.

By Mr. HORN (for himself, Mr. Turner, Mrs. Biggert, Mr. Kanjorski, and Mrs. Maloney of New York):

H.R. 3137. A bill to amend the Presidential Transition Act of 1963 to provide for training of individuals a President-elect intends to nominate as department heads or appoint to key positions in the Executive Office of the President; to the Committee on Government Reform.

By Mr. HYDE:

H.R. 3138. A bill to amend the Shipping Act of 1984 to restore the application of the antitrust laws to certain agreements and conduct to which such Act applies; to the Committee on the Judiciary, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KENNEDY of Rhode Island (for himself, Mrs. McCarthy of New York, Mr. Tierney, Mr. Thompson of Mississippi, Mr. Serrano, Ms. Millender-McDonald, and Mr. Payne):

H.R. 3139. A bill to amend the Internal Revenue Code of 1986 to increase the excise tax on firearms and to earmark the increase for juvenile justice and delinquency prevention programs; to the Committee on Ways and Means, and in addition to the Committees on Education and the Workforce, and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NETHERCUTT (for himself, Mrs. Emerson, Ms. DeLauro, Mr. Hinchey, Mr. Sessions, Mr. Ney, Mr. Metcalf, Mr. Lampson, Mr. Berry, Mr. Barrett of Nebraska, Mr. Serrano, Mr. Moran of Kansas, Ms. Danner, Mr. Talent, Mr. Hastings of Washington, Mr. Simpson, Mr. Hulshof, Mr. Blunt, Mr. Smith of Washington, Mr. Leach, Mr. Chambliss, Mr. John, Mr. Rangel, Ms. Dunn, and Mr. Condit):

H.R. 3140. A bill to provide stability in the United States agriculture sector and to promote adequate availability of food and medicine for humanitarian assistance abroad by requiring congressional approval before the imposition of any unilateral agricultural or medical sanction against a foreign country or foreign entity; to the Committee on International Relations, and in addition to the Committees on Rules, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SAXTON (for himself, Mr. Gilchrest, and Mr. Vento):

H.R. 3141. A bill to encourage the safe and responsible use of personal watercraft, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SLAUGHTER (for herself, Mr. Duncan, Mr. Smith of New Jersey, Mr. Lipinski, Ms. Kaptur, Mr. Green of Texas, Mr. Thompson of Mississippi, Mr. Sanford, Mr. Underwood, Mr. Owens, Mr. Hall of Ohio, Mr. Luther, and Mr. McGovern):

H.R. 3142. A bill to amend the Consumer Credit Protection Act to prevent credit card issuers from taking unfair advantage of full-time, traditional-aged, college students, to protect parents of traditional college student credit cards holders, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. UDALL of Colorado (for himself and Mr. George Miller of California):

H.R. 3143. A bill to establish the High Performance Schools Program in the Department of Education, and for other purposes; to the Committee on Education and the Workforce.

By Mr. WEINER (for himself, Ms. Stabenow, Mr. Scott, Mr. Conyers, Mr. Meehan, Mr. Rothman, Mr. Delahunt, Mr. Holt, Mr. Wexler, Ms. Hooley of Oregon, Mr. Pallone, Mr. Etheridge, Mr. Brady of Pennsylvania, Mr. Blagojevich, Ms. Baldwin, Mr. Larson, Mr. Moran of Virginia, Mr. Abercrombie, Mrs. Lowey, Mr. Reyes, Mrs. Tauscher, Mr. Berman, Mr. Ackerman, Mr. Nadler, Mr. Bonior, Ms. Jackson-Lee of Texas, Ms. Velazquez, Ms. Berkley, Mr. Udall of New Mexico, Mr. Moore, Mr. Meeks of New York, and Mr. Thompson of California):

H.R. 3144. A bill to provide reliable officers, technology, education, community prosecutors, and training in our neighborhoods; to the Committee on the Judiciary.

By Mr. McNULTY:

H. Con. Res. 205. Concurrent resolution recognizing and honoring the heroic efforts of the Air National Guard's 109th Airlift Wing and its rescue of Dr. Jerri Nielsen from the South Pole; to the Committee on Armed Services.

By Mr. SMITH of New Jersey (for himself, Mr. WOLF, and Mr. FORBES):

H. Con. Res. 206. Concurrent resolution expressing grave concern regarding armed conflict in the North Caucasus region of the Russian Federation which has resulted in civilian casualties and internally displaced persons, and urging all sides to pursue dialog for peaceful resolution of the conflict; to the Committee on International Relations.

By Mr. STRICKLAND:

H. Con. Res. 207. Concurrent resolution expressing the sense of Congress regarding support for the inclusion of salaries of Members of Congress in any proposed across-the-board reduction in fiscal year 2000 funding for Federal agencies; to the Committee on Government Reform, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KENNEDY of Rhode Island:

H. Res. 341. A resolution expressing the condolences of the House of Representatives on the death of Senator John H. Chafee.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 5: Mr. GOODE.

H.R. 21: Mr. FRANKS of New Jersey and Mr. FORBES.

H.R. 271: Mr. DOYLE.

H.R. 460: Mr. FRANK of Massachusetts.

H.R. 655: Mrs. EMERSON.

H.R. 670: Mr. GREENWOOD.

H.R. 684: Mr. McGOVERN.

H.R. 960: Mr. KILDEE.

H.R. 961: Mr. HILLIARD, Mr. THOMPSON of Mississippi, Mr. CLYBURN, Mr. DAVIS of Illinois, Mr. PASTOR, and Mr. DIXON.

H.R. 1039: Mr. VENTO.

H.R. 1044: Mr. PETERSON of Minnesota.

H.R. 1093: Mr. CLYBURN.

H.R. 1168: Mr. DAVIS of Illinois and Mr. EHLERS.

H.R. 1221: Mr. LARSON.

H.R. 1285: Mr. MASCARA and Ms. SLAUGHTER.

H.R. 1349: Mr. HERGER.

H.R. 1505: Mrs. JONES of Ohio, Mr. WELLER, and Mr. DINGELL.

H.R. 1509: Mr. HILL of Montana.

H.R. 1520: Mr. BACHUS and Mr. GARY MILLER of California.

H.R. 1775: Mr. DAVIS of Virginia, Mr. ROMERO-BARCELÓ, Mr. CALLAHAN, and Mr. WHITFIELD.

H.R. 1777: Mr. BARRETT of Wisconsin.

H.R. 1816: Mr. BENTSEN.

H.R. 1838: Mr. UNDERWOOD and Mr. ACKERMAN.

H.R. 1842: Mrs. KELLY.

H.R. 1857: Mr. FILNER.

H.R. 1899: Ms. BERKLEY and Mr. DINGELL.

H.R. 2001: Mr. BARR of Georgia.

H.R. 2053: Mrs. MORELLA.

H.R. 2200: Mr. McNULTY.

H.R. 2303: Mr. BURR of North Carolina and Mr. DREIER.

H.R. 2418: Mr. HILLEARY and Mr. NETHERCUTT.

H.R. 2420: Mr. FARR of California, Mr. PAYNE, and Mr. RADANOVICH.

H.R. 2442: Mr. HASTINGS of Florida, Mr. GOSS, and Ms. BROWN of Florida.

H.R. 2498: Mr. BALDACCI, Ms. DeGETTE, and Ms. LEE.

H.R. 2569: Mr. BOEHLERT.

H.R. 2573: Mr. BARRETT of Wisconsin and Mr. PAYNE.

H.R. 2619: Mr. PASTOR, Mr. YOUNG of Alaska, Ms. BERKLEY, Mr. GIBBONS, and Mr. GEORGE MILLER of California.

H.R. 2631: Ms. MILLENDER-McDONALD and Mr. EVANS.

H.R. 2634: Mr. UPTON.

H.R. 2655: Mr. SCHAFFER.

H.R. 2696: Mr. JONES of North Carolina.

H.R. 2720: Mr. GUTKNECHT, Mr. LaTOURETTE, Mr. HILLIARD, Mr. RAMSTAD, Mr. ENGLISH, and Mr. LaHOOD.

H.P.. 2727: Mr. DUNCAN.

H.R. 2741: Mr. FRANK of Massachusetts.

H.R. 2786: Mr. EHRLICH.

H.R. 2883: Mr. BONIOR and Mr. BLILEY.

H.R. 2890: Mr. UNDERWOOD and Mrs. LOWEY.

H.R. 2895: Mrs. KELLY, Mr. ENGEL, and Mr. OLVER.

H.R. 2899: Mr. WEINER and Mr. CROWLEY.

H.R. 2901: Mr. BURTON of Indiana.

H.R. 2928: Mr. CAMPBELL, Mr. SPENCE, Mr. RYUN of Kansas, and Mr. COMBEST.

H.R. 2936: Mr. JEFFERSON, Mr. GEJDENSON, and Mr. OBERSTAR.

H.R. 2939: Mr. STARK and Mr. DeFAZIO.

H.R. 2966: Mr. CANNON, Mr. COOK, Mr. COSTELLO, Mr. GOODLING, Mr. GUTIERREZ, Mr. JACKSON of Illinois, Mr. LaTOURETTE, Mr. MASCARA, and Ms. STABENOW.

H.R. 2985: Mr. SENSENBRENNER.

H.R. 2995: Mr. CRAMER and Ms. KAPTUR.

H.R. 3034: Mr. BURTON of Indiana, Ms. PRYCE of Ohio, Mr. SMITH of New Jersey, Mr. HOSTETTLER, Mr. HUTCHINSON, and Mr. PAUL.

H.R. 3062: Mr. MASCARA.

H.R. 3086: Mrs. CAPPS.

H.R. 3091: Mr. POMBO, Mr. NEY, Mr. WHITFIELD, Mr. DOYLE, Mr. HILLIARD, Mrs. MEEK of Florida, and Ms. BROWN of Florida.

H.R. 3128: Mr. COOK.

H.J. Res. 46: Mr. UNDERWOOD, Mr. DAVIS of Illinois, Mr. LaHOOD, and Mr. HINOJOSA.

H. Con. Res. 115: Mr. HALL of Ohio, Mr. GREEN of Texas, Mr. BERRY, Mr. ANDREWS, Ms. PRYCE of Ohio, Mr. COOKSEY, Ms. CARSON, Mr. McHUGH, Mr. ACKERMAN, Mr. OLVER, and Mr. FROST.

H. Con. Res. 188: Mrs. MORELLA and Mrs. THURMAN.

H. Con. Res. 190: Mrs. McCARTHY of New York, Mr. COMBEST, and Mr. ENGLISH.

H. Con. Res. 197: Mr. CHABOT, Mr. COOK, Mr. DREIER, Mr. FOSSELLA, Mr. GEKAS, Mr. GOODLING, Mr. KINGSTON, Mr. LINDER, Mr. MANZULLO, Mr. NUSSLE, Mr. REYNOLDS, Mr. SALMON, Mr. SANFORD, Mr. SCARBOROUGH, Mr. SHADEGG, Mr. TERRY, Mr. THUNE, Mr. WATTS of Oklahoma, Mr. WELDON of Florida, and Mrs. WILSON.

H. Res. 37: Mr. ABERCROMBIE, Ms. JACKSON-LEE of Texas, Mr. JACKSON of Illinois, and Mr. BROWN of Ohio.

H. Res. 41: Mr. DeFAZIO and Mr. DIXON.

H. Res. 298: Mr. BOUCHER, Mr. GORDON, Mrs. CLAYTON, Mr. PAYNE, Mr. DICKS, and Mr. WATT of North Carolina.

H. Res. 325: Mr. McNULTY, Mr. GILMAN, Mrs. JONES of Ohio, Mrs. MORELLA, Mr. CRAMER, Mrs. JOHNSON of Connecticut, Mr. GREEN of Texas, Mr. TIERNEY, Ms. BROWN of Florida, Mr. LaTOURETTE, Mr. CLEMENT, Mr. KUYKENDALL, Mr. SHAYS, Mr. GEJDENSON, Ms. PELOSI, Mr. GILCHREST, Mr. DIXON, Mr. LANTOS, Mrs. EMERSON, Mr. HINCHEY, Mr. WEXLER, Mr. DUNCAN, Mr. TOWNS, Mr. BILBRAY, Ms. PRYCE of Ohio, Mr. JEFFERSON, Mr. GORDON, Mr. BACHUS, Mr. LARSON, Ms. WOOLSEY, Mr. WAXMAN, Mr. KLINK, Mr. KILDEE, Mr. HORN, Mr. HILLEARY, Ms. KAPTUR, Mr. CONDIT, Mr. FORD, Mrs. MINK of Hawaii, Mr. McGOVERN, Mr. DAVIS of Illinois, Mr. QUINN, Mr. COYNE, Mr. SERRANO, Mr. BENTSEN, Ms. SCHAKOWSKY, Mr. DOYLE, Mr. FALEOMAVAEGA, Ms. KILPATRICK, and Mr. UDALL of New Mexico.

EXTENSIONS OF REMARKS

EQUITY, EDUCATION, AND THE WORKFORCE

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 25, 1999

Mr. OWENS. Mr. Speaker, since its inception in 1974, the Women's Education Act has had a tremendous impact on gender equity issues throughout our nation. While women have progressively made gains in the classroom, they are still not properly represented in most Fortune 500 companies. According to a report by Congressional Research Service, women in today's labor market typically earn between 73 cents and 76 cents for every dollar earned by men. In addition, while the government has attempted to address the wage gap differential through various forms of legislation, it appears that women are still disproportionately hired for lower tier jobs with limited access and proper training for middle and upper management positions. In a nation where women now represent more than 46% of the workforce, (up from 33% in 1960) we must continue to close the wage gap by supporting the reauthorization of WEEA.

As we move into the new millennium, this nation and a number of it's multi-national corporations are attempting to recruit workers from outside the United States to fill key Information Technology (IT) positions. This trend could be halted if more elementary and secondary schools would mentor and convince young women to take more math and science classes with a stronger emphasis on critical thinking and logical reasoning skills. Moreover, according to the American Association of University Women (AAUW) 65% of all jobs in the year 2000 and beyond will require technological skills, yet women are still being encouraged to take data entry courses. These kinds of statistics are alarming considering that still only 17% of students who take advanced computer science tests are young women. As Americans, it is our responsibility to ensure that women throughout our nation are given every opportunity to strive for academic excellence. Gender equity in the workforce cannot be achieved if we don't continue to cultivate young minds by supporting female interests in jobs that have traditionally gone to males.

Lastly, the impact WEEA has had in the private and public sector is quite evident. More women than ever are being encouraged to take challenging course work while attempting to shatter corporate America's glass ceiling. However, programs such as WEEA are now under attack from political pundits who believe women have caught up and even surpassed men. Clearly, nothing could be farther from the truth. The truth is that while women have made significant gains in corporate America they still trail men in the areas of science and technology. Although gender equity issues are now at the forefront of American politics, programs such as WEEA provide critical research that continues to identify important need areas. The WEEA Equity Resource Center, which serves as a depository for issues and programs deemed sensitive to the needs of women, provides companies, universities and athletic programs with information on recent policy briefs and studies which impact how women are treated in the workplace. For this reason, I encourage my colleagues to support the reauthorization of WEEA as we send a clear message across this nation that women are our most indispensable resource.

TRIBUTE TO RONALD PRESCOTT

HON. HOWARD L. BERMAN

OF CALIFORNIA

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 25, 1999

Mr. BERMAN. Mr. Speaker, we rise to pay tribute to our good friend, Ron Prescott, the recipient this year of the Distinguished Educator Award from the Charter School of Education at California State University, Los Angeles. It is simply impossible to overstate the contribution that Ron has made to public education during the past 38 years. From his early post as a teacher in three inner-city schools to his current position as deputy superintendent for the Los Angeles Unified School District, Ron has devoted his life to improving our public schools and boosting educational opportunities for the young people of his community, State, and Nation.

Ron launched his career in the 1960's as a teacher at two east Los Angeles schools and a third in south Los Angeles. His classes were filled with minority students to whom Ron committed his time, talents, and resources with enormous dedication. In addition to classroom teaching, Ron served as lead teacher for specially funded programs, master teacher and was the sponsor of a student intergroup program. Even after he left the classroom, Ron spent 3 years working as consultant on intergroup relations.

From the early 1970's, Ron has held a number of key administrative posts with the Los Angeles Unified School District. From 1978–81, Ron served as deputy area administrator, providing support services for 55,000 students from 85 different cultural groups. From 1982–84, Ron was administrator for Student Adjustment Services. In this post, he was responsible for direct expulsion proceedings, foreign-student admissions, and liaison services and attendance accounting. In Ron's current position, deputy superintendent in the Office of Government Relations and Public Affairs, he oversees grants assistance, policy research and development, and Parent Community Services, among other duties and responsibilities.

Ron has also worked with numerous outside organizations in the area of public education. In 1973, he founded the Tuesday Night Group, a Sacramento-based education coalition that remains active. He is also a current board member of Policy Analysis in California Education, and has served a term as president of EdSource (education policy research council).

This is but a sampling of Ron's distinguished career in education. He has been honored by the California Legislature, Phi Delta Kappa, the Padres y Maestros de Aztlan, and the YMCA for his leadership in education and his service to youth. It is an honor to recognize his accomplishments today and to ask our colleagues to join us in saluting Ron Prescott, who has worked tirelessly throughout his career to make a better world for our children. His selflessness and sense of community are a shining example for us all.

IN RECOGNITION OF ALLEN I. POLSBY, OUTGOING ASSOCIATE GENERAL COUNSEL FOR LEGISLATION AND REGULATIONS OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, October 25, 1999

Mr. GEJDENSON. Mr. Speaker, in one of the many transitions that are taking place at the Department of Housing and Urban Development, Allen I. Polsby, a mainstay of the Office of General Counsel as Associate General Counsel for Legislation and Regulations, has moved to new duties. Al Polsby grew up in my district, on a farm in Norwichtown, and attended Samuel Huntington Elementary School in the 1940's. Many members of his family, starting in the 1890's, have been prominent in the civic, commercial, educational, medical, and religious affairs of New London County. He has maintained his personal ties to the area through, for example, his membership on the board of directors of the New England Hebrew Farmers Society of Chesterfield, of which his great-grandfather was an original incorporator. But he has made his professional contributions nationally, as a lawyer and Federal civil servant.

For the past 25 years and more, Mr. Polsby has had a hand in the technical, legal aspects of virtually every appropriations measure that has affected HUD and funding for assisted housing and community development nationally. On the basis of his technical mastery, legal erudition, and a singular fair-mindedness that permitted him to generate and keep the trust of every political and technical participant

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

in the appropriations process during his tenure, his views have also often resulted in affecting how the policies of appropriations were made.

The best example of Mr. Polsby's impact on policy is in the now-accepted practices relating to the permitted uses of various classes of unexpended funds carried over from one fiscal year to the next. The legal theories on which these practices have been based, and which have in turn been one of the impetuses for the custom of reprogramming notifications, have to a large extent been created and developed by Mr. Polsby. Historically, based on these legal theories, many billions of dollars, particularly for assisted housing, have been made available that would not otherwise have been used.

On a technical level, one needs only to compare an appropriation law of 25 years ago with a current one to see Mr. Polsby's impact, along with that of many other people, on the modernization of the appropriations laws. Among the features of current appropriations laws, not found 25 years ago, that Mr. Polsby contributed are serially numbered administrative provisions, and cross-citations for appropriations laws, which are in general not codified, to the U.S. Statutes at Large. These and many other basic technical innovations were a result of Mr. Polsby's application of a personal standard to the drafts of appropriations bill texts. The standard is in this question: Can an able lawyer far from a Federal Depository Library, such as in Norwichtown, decipher the text? Any time the answer to this question was "no," another innovation has soon followed.

Mr. Polsby has carried responsibility for many other legislative duties, in addition to appropriations. These have included the drafting of such bills as the Federal Housing Corporation Charter Act, largely in H.R. 2975, 105th Cong., 1st Sess., which is a conceptual and technical landmark despite the fact that it was not enacted. He is also the draftsman of the America's Private Investment Companies Act bill, H.R. 2764 and S. 1565, 106th Cong., 1st Sess., which is part of the Clinton administration's New Markets Initiative. Mr. Polsby has also been one of the participants in the drafting of almost all HUD legislation during the past 20 years, and more recently, as Associate General Counsel, has supervised the legislation and regulations functions within the Office of General Counsel at HUD.

In transition to new duties, Mr. Polsby served briefly, for the second time in his career, as acting General Counsel of HUD. He became HUD's Associate General Counsel for Appeals in September.

After a few years in private practice, Allen I. Polsby started his civil service career in 1963 as a trial lawyer at the Civil Aeronautics Board. While there, he tried several formal cases and argued appeals to the 5-member Board, but his most lasting impact has come from an informal matter before the Board. The matter was whether to approve a senior citizens discount fare tariff. Eighty years of consistent precedent made by Federal transportation regulatory agencies, including the CAB, supported disapproval. Mr. Polsby proposed a reinterpretation of the Federal Aviation Act of 1958 that supplied a sound legal basis for approving the discount fares tariff. The CAB approved the fares on that basis, and other regulatory agencies soon followed in approving senior citizen discounts under their jurisdictions.

Mr. Polsby first came to HUD in 1966, and served his apprenticeship as a legislative draftsman under the tutelage of the established master, Hilbert Fefferman. Mr. Polsby also worked in the office of program counsel for the Model Cities Program and the Government National Mortgage Association, and in many other capacities at HUD over the years.

Allen I. Polsby is a graduate of Brown University and the George Washington University Law School. He is married to Gail K. Polsby, a private psychotherapist and long-time faculty member at the Washington School of Psychiatry. The now live in Bethesda, MD. Their two children are adutls—Dan, a lawyer named for his long-deceased grandfather, and Abigail, a professional wilderness guide.

Mr. Speaker, Allen Polsby has had significant opportunities in his career to contribute to the development of public and legal policy. He has made the most of these opportunities to improve housing policy and develop innovative legal doctrine. I wish him all the best in his future endeavors.

ABILITIES EMPLOYMENT MONTH

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Monday, October 25, 1999

Mr. UNDERWOOD. Mr. Speaker, it is characteristic of the people of my district to look for and find humor in adversity; to prompt a smile from those who grieve, or to laugh in the midst of misfortune. We have learned, over many generations, through a long history of natural and man-made disasters, that laughter indeed is the best medicine. Now, as the rest of the nation observes the month of October as National Disabilities Month, we in Guam continue to look on the bright side, as is our nature, and have proclaimed this month "Abilities Employment Month," with the theme "Think Abilities . . . Employ Abilities."

The Guam Developmental Disabilities Council, the University of Guam's University Affiliated Programs on Developmental Disabilities, the Department of Integrated Services for Individuals with Disabilities' Division of Vocational Rehabilitation, and the non-profit organizations which provide services to persons with disabilities are working together to sponsor and coordinate an impressive schedule of events and activities to promote awareness, understanding and the need as well as the benefits of employing the abilities of our families, friends and neighbors who are disabled in some way. The Governor of Guam issued a proclamation stating that, "Guam cannot afford, either morally or financially, to lose the contributions of persons with disabilities in the workplace or in our community at large." The proclamation further states, "October is set aside to help our community recognize the tremendous value and potential that people with disabilities have to commit and dedicate ourselves to their full empowerment, integration employment. . . ."

To this end, numerous activities are planned. These include Pre-employment Workshops, which focus on pre-employment skills, personal hygiene, resume preparation, application and interview skills and interpersonal relationships in the workplace; Consumer Employment Workshops, to promote consumer knowledge of employment opportunities, accessing employment services and entrepreneurship; Employer Power Workshops to increase job opportunities and expand employer placement skills with emphasis on sensitivity, provisions of the Americans with Disabilities Act (ADA), successful job accommodations and performing job analyses. Additionally, Guam System for Assistive Technology will hold an open house; there will be a legislative forum with policymakers on employment issues; a job fair at Guam's One-Stop Employment Center; and "A Day in the Life" sensitivity activity in which able people experience what it is like to have a disability.

An island-wide call for nominations of persons and organizations who exemplified superior performance in the workplace was conducted. The winners were recognized at an Awards Ceremony with Guam's Lieutenant Governor presenting the awards. It gives me great pleasure at this time to recognize, congratulate and commend the winners as well. For superior performance in the workplace as a Public Sector Employee, Ms. Catherine P. Leon Guerrero of the Department of Revenue and Taxation; for superior performance in the workplace as a Private Sector Employee, Mr. Joel E. Oyardo of Atkins Kroll, Inc.; and for superior performance in the workplace as an Employee of a Non-Profit Organization, Mr. Elipido Agaran of Goodwill Industries. The Department of Revenue & Taxation took the Outstanding Public Sector Employer Award; Citizens Security Bank won the Outstanding Private Sector Employer Award and the Outstanding Non-profit Organization Employer Award was given to Goodwill Industries of Guam. Also to be commended are the planners of this year's "Think Abilities . . . Employ-Abilities" Month: the Guam Developmental Disabilities Council, the University of Guam's University Affiliated Programs on Developmental Disabilities, the Department of Integrated Services for Individuals with Disabilities, Goodwill Guam and Guma' Mami. Maulek che'cho' miyu para todo I maninutet na taotao Guam, Si Yu'os ma'ase hamyo todos.

MAKE A DIFFERENCE DAY

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 25, 1999

Mr. BARR of Georgia. Mr. Speaker, it is my distinct honor today to recognize all Americans, and especially those at Carrollton Elementary School, participating in "Make A Difference Day," October 23rd.

Make A Difference Day is America's most encompassing national day of helping others; a celebration of neighbor helping neighbor; friend helping friend; young helping old; old helping young; teacher helping student; employer helping employee; stranger helping stranger. With the generous support of many private sponsors, nearly two million people now set aside the fourth Saturday in October for assisting others in their communities.

At Carrollton Elementary School, in the 7th district of Georgia, Principal Kathy Howell and Associate Principal Anita Buice have spearheaded an excellent, day-long campaign enabling parents and students to improve their school; including projects such as constructing educational materials and planting flowers in the schoolyard.

I would like to commend Principal Howell, Associate Principal Buice, and the students and parents of Carrollton Elementary School for their outstanding efforts; and I know they will work for a better community, not just on Make A Difference Day, but every day of their lives. Grassroots volunteer efforts such as this, will continue to strength America's communities, and thereby keep America strong well into the 21st Century.

PERSONAL EXPLANATION

HON. DAVID VITTER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 25, 1999

Mr. VITTER. Mr. Speaker, on rollcall No. 522, I was late arriving on the House floor. Had I been present, I would have voted "no."

CAMERA AND BASKETBALL HOOPS HELP BRIDGE CULTURAL GAP BETWEEN WEST VIRGINIANS AND PALESTINIANS

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 25, 1999

Mr. RAHALL. Mr. Speaker, it gives me great pleasure to submit for the RECORD an article which appeared in the Beckley, WV, Register-Herald, on October 17, 1999.

As you will note from reading this article, 10 men from Beckley and 2 from Huntington, WV, representing the Memorial Baptist Church and the Fellowship of Christian Athletes recently visited Gaza and the West Bank in the Middle East, where they used some very common skills to build friendships with Palestinians.

The Reverend Paul Blizzard, who led the group on the mission to Gaza and the West Bank, said that his visit was to show their love for the Palestinian people and to extend a helping hand in any way they could. And they did so in a most astonishing but effective manner—with a camera and basketball hoops. Aided by Bernard Bostick, coach at the Beckley-Stratton Junior High School, and Mike White, area director of the fellowship of Christian athletes, the West Virginians worked with basketball camps to help the youths develop their sports emphasis.

While the language barrier was present—West Virginians don't speak Arabic as a rule, and few Palestinians speak English—they found hand signals often worked just as well as words—and learned all over again that kids are kids and people are people no matter where they are when it comes to sports.

The camera was wielded by Rod Carney who owns the Grace Book Store in Beckley, and John Brown, a computer specialist with the Mine Safety and Health Administration in Mount Hope, WV, who took pictures of the basketball games and of families. Mr. Carney noted that "family is very important in Palestine, and they don't have any way of getting pictures made of themselves. Many families have been separated and it means a lot to them to have family portraits made or to even have individual pictures of family members." The film will be developed in Huntington and the photos sent to the Baptist workers in the West Bank for distribution among the families.

Reverend Blizzard noted that "there is so much bad press and misleading information about Palestinians. We see all the rock-throwing and terrorism and are led to believe those acts characterize the people there. It just is not true. The Palestinian people are the most hospitable, loving people you would ever want to meet."

One of the highlights of the trip was the personal meeting with President Yasir Arafat during the visit. There was a prayer, and an exchange of gifts, with President Arafat giving the group a Nativity set with the inscription Bethlehem 2000 as a gift from Gaza, and the West Virginia group gave the President a gift of the world-famous West Virginia Glass, a Bible and a West Virginia Lapel Pin from Governor Cecil Underwood. President Arafat told the group they would be welcome again anytime they desire to visit Palestine.

It was my pleasure to personally convey Rev. Blizzard's request to me to help arrange for a personal meeting with President Arafat. I was able to hand the request to President Arafat in person during his recent visit to Washington.

It is Christian efforts such as those carried out by Rev. Blizzard and his group from the Beckley and Huntington Baptist Church and the Fellowship of Christian Athletes that can help us put an end to the mindless stereotyping of Palestinians and others of Arab-descent as bomb-throwing terrorists. I know Rev. Blizzard will continue his missionary work in Palestine in the years to come.

As the Representative of Rev. Blizzard and the other 11 members of his group who made the trip, I am very proud to insert the newspaper article describing his experience in Palestine in the CONGRESSIONAL RECORD.

TEN MEN FROM BECKLEY, TWO FROM HUNTINGTON, USED SKILLS TO BUILD FRIENDSHIPS WITH PALESTINIANS

(By Bev Davis)

A Beckley group used a basketball, a camera to build friendships in another part of the world.

The Rev. Paul Blizard, pastor of Memorial Baptist Church in Beckley, used contacts from previous trips to the Middle East to arrange a 12-day visit to Gaza and the West Bank, where 10 men from Beckley and two from Huntington used some special skills to build friendships with Palestinians there.

"There is so much bad press and misleading information about Palestinians. We see all of the rock-throwing and terrorism and are led to believe those acts characterize the people there. It just is not true. The Palestinians we met are the most hospitable, loving people you would ever want to meet," Blizard said.

The American team took gifts of food, shoes, sports equipment and T-shirts.

"We gave over 100 pairs of shoes to a doctor who will distribute them in a Bedouin camp in Gaza. The people are very poor there. The shoes will enable the doctor to get people to come to the clinic for vaccinations and other medical services," Blizard said.

The group also organized a three-fold plan to provide several services to their Palestinian hosts.

Bernard Bostick, a coach at Beckley-Stratton Junior High School, and Mike White, area director of the Fellowship of Christian Athletes, prepared themselves to work in basketball camps, teaching new skills and helping the Palestinians develop their sports emphasis.

"We met with a group of kids who didn't speak much English, and we didn't know Arabic, but when the balls started to bounce, there was one language," White said. "We used hand signals to explain techniques, and the expressions on the faces of the players told us immediately they were pleased with new moves they learned from Bernie. Kids are kids, and people are people, no matter where they are. We had a wonderful opportunity to get to know these groups, and it was hard to leave."

A Baptist group arranged for Rod Carney, owner of Grace Book Store in Beckley and John Brown, a computer specialist with the Mine Safety and Health Administration in Mount Hope, to take pictures of people living in the West Bank.

"Family is very important there, and they don't have any way of getting pictures made. A lot of families have been separated, and it means a lot to them to have family portraits made or to even have individual pictures of family members," Carney said.

He shot 16 rolls of film and sent them to Huntington, where a photo shop will develop the photographs at no charge and send them back for Baptist workers in the West Bank to distribute to the families there.

"We were in homes of people who had very little, and yet they always welcomed us warmly and offered us food and beverages. We knew sometimes they were offering us all they had. We were all deeply touched by their hospitality," Carney said.

"When people asked us why we came, we told them we believe God wanted us to go there to show our love for the Palestinian people and to extend a hand to help them in any way we could," Brown said.

Huntington Audiologist Tom Waybright accompanied the group and did volunteer work in a school for the hearing-impaired.

"This was a unique opportunity to learn more about the people and to provide a service for them," Blizard said. "Everywhere we went, people were so appreciative and they just treated us like family."

One unexpected highlight was the opportunity to meet with Palestinian National Authority President Yasser Arafat and exchange greetings and gifts with him, Blizard added.

"Through the efforts of Abu Tariq, the president's personal representative, our whole group was invited into the national headquarters to meet him. We talked with him and prayed with him. We gave him gifts from Gov. Cecil Underwood's office—lapel pins in the shape of the state of West Virginia and a piece of glass from our state. The president gave us a Nativity set with the inscription "Bethlehem 2000'. One of our men gave him a Bible. It was quite an experience for all of us," Blizard said.

"It was reported the next day that Arafat enjoyed our visit very much and he sent word that we are welcome again," Blizard said.

Several of the men said they would like to go back.

"We have made wonderful friends in the Middle East and are eager to see them again. We have come to love the Palestinian people, and we look forward to our return there," Blizard said.

TRIBUTE TO ARTURO RODRIGUEZ

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 25, 1999

Mr. BERMAN. Mr. Speaker, I rise to pay tribute to my close friend, Arturo Rodriguez, who has been the president of the United Farm Workers since 1993. Arturo assumed the presidency of the UFW following the death of the organization's founder, Cesar Chavez. Although no one could ever replace Cesar Chavez, just as no one could ever replace Martin Luther King, those of us who care deeply about the UFW and the plight of farmworkers have been tremendously impressed by Arturo's leadership and accomplishments these past 6 years.

Under Arturo's direction, the UFW won 16 straight secret-ballot elections—most by big margins—and signed 21 new contracts with growers. He also organized some highly publicized, well-attended marches on behalf of the UFW. The marchers always include many teenagers too young to have personal memories of Cesar Chavez, but eager to continue the work of the UFW.

When he was a teenager living in San Antonio, TX, in the mid 1960's, Arturo first heard from his parish priest about Cesar Chavez and the burgeoning UFW. Inspired by the struggle, Arturo became an active supporter of the farmworkers. At the University of Michigan in 1971, for example, Arturo organized support for UFW boycotts.

In 1973, Arturo met Cesar Chavez, which changed his life in two ways. For one, he joined the UFW, working for two decades to plot and implement strategy. The second was a bonus: Arturo met and fell in love with Linda Chavez, Cesar's daughter. The couple were married in 1974 at La Paz, the UFW's headquarters near Bakersfield, CA. Today Arturo and Linda live at La Paz with their three children.

Prior to becoming its president, Arturo worked on many key issues for the UFW. In 1975, Arturo helped organize union representation elections in the Salinas Valley, including the UFW campaign at Molera Packing Co.—the artichoke ranch where the first election under the California Agricultural Labor Relations Act took place. Two years later, he organized union elections in Imperial Valley vegetable fields and Ventura County citrus orchards.

From May through September 1992, Arturo coordinated UFW help for grape workers walking off their jobs in the largest Coachella and San Joaquin Valley vineyard demonstrations in 20 years. He became president in May 1993, a few weeks after the death of Cesar Chavez.

Arturo has renewed UFW's presence both in the fields and in the halls of government. In Sacramento and in Washington, he joins our struggle to prevent the restoration of the discredited and disgraced bracero program.

I ask my colleagues to join me in saluting Arturo Rodriguez, whose lifelong commitment to civil rights and economic justice inspires us all. I am proud to be his friend and to fight by his side against further exploitation of America's farmworkers.

UNVEILING OF STAMPS HONORING THE UNITED STATES SUBMARINE FORCE ON ITS 100TH ANNIVERSARY

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, October 25, 1999

Mr. GEJDENSON. Mr. Speaker, I rise today to congratulate members of the United States Submarine Force as the U.S. Postal Service unveils a series of stamps which pay tribute to the Force for "A Century of Service to America." Earlier today, I was privileged to join the Postal Service, the U.S. Navy and veterans from across eastern Connecticut in introducing these stamps, which commemorate the Centennial of the Submarine Force. In this series, we can witness the stunning progress we have made from the Navy's first submarine—the U.S.S. *Holland*—to the *Ohio* and *Los Angeles* Class submarines of the late Twentieth century. However, these stamps honor much more than technological prowess. They remind us of the selfless service of tens of thousands of veterans who patrolled the depths of the world's oceans guaranteeing victory over tyranny and security for all Americans.

"A Century of Service to America" is a fitting theme for the Submarine Force. "A Century" recognizes the magnitude of the anniversary. Nearly a century ago, the Navy took ownership of its first submarine, the U.S.S. *Holland*. Since then, 648 submarines have entered the force—nearly half of which have been build in Groton, Connecticut, also known as the "Submarine Capital of the World." Our submarines have become technological marvels, the crown jewels of our nation's fleet. Consider how far we've come: the mighty *Ohio* class submarines are nearly as wide as the *Holland* was long! Today, our best and brightest are working to get the next generations of submarines, the *Seawolf* and *Virginia* Class subs, into the fleet. These will be the quietest and the most advanced submarines ever launched giving their crews an almost limitless range of new capabilities.

"Service" is a tribute to our submariners who risked their lives, everyone who supported their efforts, and the men and women who designed and built five generations of submarines. Over the past one hundred years, 400,000 men and women have either served aboard submarines or provided mission support. Over 3,500 veterans of the Submarine Force have made the supreme sacrifice for their country. Veterans of the Submarine Force during World War II paid the highest price in lives lost. Admiral Chester A. Nimitz, a submariner himself before he led the U.S. Navy in the Pacific during the Second World War, said: "It is to the everlasting honor and glory of our submarine personnel that they never failed us in our days of great peril."

In southeastern Connecticut, we also know that the men and women of Electric Boat serve their country. They design and build some of the most sophisticated machines the world has ever known. Members of the Submarine Force have been so successful in safeguarding our nation in part because of the craftsmanship and hard work of generations of EB employees.

Finally, we focus on what the Submarine Force means to America. It turned the tide in the Pacific during the Second World War accounting for fifty five percent of all enemy shipping destroyed while comprising only two percent of all Naval forces. During the Cold War, the "Forty-One for Freedom" *Polaris/Poseidon* and succeeding *Trident* submarines ensured that our nation would never be the target of nuclear aggression. Daring intelligence missions provided a clear picture of the capabilities and the goals of the Soviets and other nations which threatened our national interests. As Secretary of Defense Cohen said in urging the Postal Service to honor this anniversary, "the peaceful end to 45 years of confrontation is the modern legacy of the Submarine Force."

Mr. Speaker, America owes a great debt to the members of the Submarine Force—past and present. A series of stamps is a small gesture of a thankful nation to honor their service, their sacrifice, and their role in guaranteeing that successive generations of Americans have been able to enjoy the freedoms that make this country the greatest nation on earth.

EXCEL PROGRAM FOR GOVERNMENT OF GUAM EMPLOYEES

HON. ROBERT A UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Monday, October 25, 1999

Mr. UNDERWOOD. Mr. Speaker, the governor of Guam, Carl T.C. Gutierrex, acknowledges the hard work of government of Guam employees. The governor's employee recognition program, better known as the Excel Program, is the highest and most competitive employee awards bestowed by the governor. This program showcases the outstanding employees and programs within the government of Guam.

Over 60 governmental agencies and departments participate in this program. Awardees are chosen within each department's nominees for 55 occupational groups. These groups range from clerical to labor and trades to professional and technical positions. The various awards reflect individual and group performance, valor, sports, community service, cost savings, and integrity.

My sincerest congratulations go to this year's awardees. I urge them to keep up the good work. I am pleased to submit for the RECORD the names of this year's outstanding employees.

INSPIRATION AND ENCOURAGEMENT AWARD

Small Dept./Agency: Lucina Leon Guerrero, Vocational Rehabilitation Worker, DISID

Medium Dept./Agency: Lt. Kenneth R. Paulino, Customs and Quarantine Officer Supervisor, Customs and Quarantine Agency

Large Dept./Agency: Eulalia Harui-Walsh, Social Worker II, Guam Memorial Hospital Authority

SILENT ONES

Small Dept./Agency: Mary J. Sebastian, Administrative Services Officer, Military Affairs

Medium Dept./Agency: Gerard V. Aflague, Customs and Quarantine Officer III, Customs and Quarantine Agency

Large Dept./Agency: Susie B. Reyes-Wells, Administrative Assistant, Guam Memorial Hospital Authority

Community Service—Annie P. Roberto, Program Coordinator III, DPHSS

Female Athlete of the Year—Arleen M. Sahagon, Electric Meter Reader Supervisor, Guam Power Authority

Male Athlete of the Year—Kenneth Rios, Control Operator, Guam Power Authority

Sports Team of the Year—Guam Customs Golf Team, Customs and Quarantine Agency

Livesaving—Lillian S.N. Opena, Employment Program Administrator, Department of Labor

Integrity—Diogenes L. Tamondong, International Auditor, Guam Power Authority

MANAGER OF THE YEAR

Small Dept./Agency: Bernard Punzalan, Administrator and Operations Manager, Guam Economic Development Authority

Medium Dept./Agency: Lillian S.N. Opena, Employment Program Administrator, Department of Labor

Large Dept. Agency: Daniel P. Astroga, Personnel Services Administrator, Department of Administration.

COST SAVINGS/INNOVATIVE IDEA OF THE YEAR

Small Dept./Agency: Vera L.F. Dela Crus, Word Processing Secretary II, Military Affair

Medium Dept./Agency: Mary A. Kolski, Chemical Dependency Treatment Specialist III, Department of Corrections

Large Dept./Agency: Bradley A. Hokanson, Program Coordinator IV, Guam Police Department

PROJECT/PROGRAM OF THE YEAR

Small Dept./Agency: Guam Big Summer Festival Street Party, Guam Visitors Bureau

Medium Dept./Agency: Youth & Family Outreach Program, GHURA

Large Dept./Agency: Liheng Famagu'on, Department of Education

UNIT OF THE YEAR

Small Dept./Agency: Division of Support Services, DISID

Medium Dept./Agency: Guam-Hawaii Medical Referral Office, Governor's Office

Large Dept./Agency: Building Construction & Facility Maintenance, DPW

DEPARTMENT OF THE YEAR

Small Dept./Agency: Guam Economic Development Agency

Medium Dept./Agency: Department of Youth Affairs

Large Dept./Agency: Department of Public Works

Recognition of Former Outstanding Employee—Ana Artero, Library Technician II, Department of Education

EMPLOYEE OF THE YEAR

General Clerical: Cheryl B. Peralta, Clerk III, DPHSS

Typing & Secretarial: Jessica Q. Chong, Word Processing Secretary II, Customs & Quarantine Agency

Keypunch & Computer Operations: Johns A. P. Borja, Teleprocessing Network Coordinator, GTA

Office Management & Miscellaneous Administrative: Mercy Santiago, Administrative Assistant, Guam Economic Development Authority

Real Estate Registration and Taxation: Francisco T. Cepeda, Land Agent II, DPW

Purchasing, Surplus Property, Supply & Related: Velma L. Camacho, Buyer I, UOG

General Administration & Management Systems Analysis: Deborah Chu, Research Officer, Guam Economic Development Authority

Program Administration: Bernard Lastimoza, Program Coordinator I, GHURA

Accounting & Fiscal: Mary A. Mantanona, Accounting Technician II, AHRD

Personnel Administration, Equal Employment & Public Information: Grace O. Garces, Public Information Officer, Guam EPA

Computer Programming & Analysis: Patricia C. Dulla, Programmer/Analyst I, GPA

Community & Social Services: Rosemarie D. Nanpie, Social Worker III, Department of Mental Health & Substance Abuse

Counseling Psychology & Related: Mary Korski, Chemical Dependency Treatment Specialist III, DOC

Employment & Service Related: June R. San Nicolas, Employment Development Worker II, AHRD

Library Science & Related: Roque Iriarte, Library Technician II, UOG

Public Safety: Joseph R. Meno, Police Officer II, GPD

Security & Correction: Tommy King Corrections Officer I, DOC

Technical & Professional Engineering: Roselle Guarin, Engineer I, Guam EPA

Planning: Edwin G. Aranza, Planner II, Guam EPA

Wildlife, Biology, Agricultural Science & Related: Victor P. Camacho, Biologist I, Department of Commerce

Labortory Services: Victoria Cinco, Hospital Laboratory Technician III, Guam Memorial Authority

Crime Scene & Related Technical: Monica P. Ada, Criminalist I, GPD

Nursing & Dental Hygiene: Jennifer Rosario, Staff Nurse II, Guam Memorial Hospital Authority

Custodial: Andres S. Bautista, Maintenance Custodian, DPW

Equipment Operation & Related: Francis G. Salas, Equipment Operator Leader, GPA

Mechanical and Metal Trades: John S. Angoco, Auto Mechanic II, DPW

Building Trades: Joe Antonio, Maintenance, DYA

Power System Electrical: Jose S.N. Cruz, Substation Electrician II, GPA

Plant Operations: Gregorio T. Quitano, Plant Maintenance Mechanic II, GPA

Electronics and Related Technical: Shane Hernandez, Electronic Technician II, Guam Memorial Hospital Authority.

SUPERVISOR OF THE YEAR

Keypunch & Computer Operations: Christian Quitugua, Computer Operations Supervisor, Guam Memorial Hospital Authority

Office Management & Miscellaneous Administrative: R. Gregory Sablan, Loan Officer, Guam Economic Development Authority

Real Estate Registration & Taxation: Sharon C. Rodriguez, Acting Deputy Civil Registrar, Depart of Land Management

General Administration & Management Systems Analysis: Cecilia D. Javier, Administrative Officer, Department of Public Works

Program Administration: Robert R. Kelley, Program Coordinator IV, Department of Public Health & Social Services

Accounting & Fiscal: Reynaldo I. Dayson, General Accounting Supervisor, Guam Power Authority

Youth Services & Related: Alber Buendicho, Youth Service Supervisor, Department of Youth Affairs

Public Safety: Bonnie A. C. Suba, Police Sergeant I, Guam Police Department

Security & Correction: June D. P. Aguon, Correction Supervisor II, Department of Corrections

Technical & Professional Engineering: Perlita L. Sucgang, Engineer II (Acting Engineer Supervisor), Department of Public Works

Planning: Jordan Kaye, Chief Planner, Guam Environmental Protection Agency

Laboratory Services: Glendalyn Pangelinan, Hospital Laboratory Technician III, Guam Memorial Hosptial Authority

Crime Scene & Related Technical: Rose M. A. Fejeran, Criminalist III, Guam Police Department

Nursing & Dental Hygiene: Melinda Treluas, Community Health Nurse Supervisor I, Department of Public Health & Social Services

Labor, Grounds & Maintenance: Eleanor F. Borja, Solid Waste Management Assistant Superintendent, Department of Public Works

Equipment Operation & Related: Benny C. Salas, Cargo Checker Supervisor, Port Authority of Guam

Mechanical and Metal Trades: Vicente C. San Nicolas, Heavy Equipment Supervisor, Department of Public Works

Building Trades: Silvester T. Mendiola, Painter Supervisor, DPW

Power System Electrical: Norman P. Mesa, Line Electrician Supervisor, Guam Power Authority

Plant Operations: Bartolome Abuan, Plant Shift Supervisor, Guam Power Authority

Merit Cup Leader Award: The best of the best among the outstanding Supervisors & Managers of the Year:

Daniel P. Astorgen, Personnel Services Administrator, Department of Administration

Merit Cup Employee Award: The best of the best among the outstanding Employees of the Year:

Joseph R. Meno, Police Officer II, Guam Police Department

HIGH PERFORMANCE SCHOOLS ACT OF 1999

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 25, 1999

Mr. UDALL of Colorado. Mr. Speaker, today I am introducing the High Performance Schools Act of 1999, a bill intended to help school districts build schools that provide better learning environments for children, while also saving on energy costs and protecting the environment.

I am pleased that my colleague GEORGE MILLER is joining me as an original cosponsor of this bill.

Many of you know about my interest in energy efficiency and renewable energy technologies. These technologies further our national goals of broad-based economic growth, environmental protection, national security, and economic competitiveness.

In recent years, we've seen a wide array of successes in developing these technologies. In particular, much research has focused on improving energy efficiency and increasing the use of renewable energy in building in a "whole building" approach to design and construction. By incorporating advanced energy efficiency technologies, daylighting, and renewable energy, "whole buildings" provide benefits in the way of energy savings, environmental protection, and economic efficiency. As buildings account for roughly a third of our annual energy consumption and a commensurate share of greenhouse gas emissions, this research focus seems well justified.

The bill I am introducing today—the "High Performance Schools Act of 1999"—takes the concept of "whole buildings" and puts it into the context of our schools. My bill would establish a program in the Department of Education to help school districts produce "high performance" school buildings. It would provide block grants to state offices to education and energy, via state Governors, that they would then provide to school districts for building design and technical assistance. These grants would be available to school districts that are faced with rising elementary and secondary school enrollments, that can't afford to make major investments in construction or renovation, and that commit to work with the state agencies to produce school facilities that incorporate a "high performance" building approach.

The time is ripe for improving the way we build our schools. This country is currently experiencing a dramatic increase in student enrollment due to the "baby boom echo." the children of the baby boom generation. During the 20 years from 1989 to 2009, this Nation is being asked to educate an additional 8.3 million children. At the same time, over 70 percent of our Nation's schools were built before 1960 and are now in need of major repairs.

Visiting schools in the 2nd Congressional District in Colorado, I have seen firsthand the spaces in which our children are learning and growing. Many districts can't afford sorely needed remodeling or construction of new schools, while others are scrambling to address severe overcrowding issues. and we aren't alone: School enrollment in Colorado increased by 70,000 students in the last five years. While new schools open at or above capacity, enrollment is projected to grow in Colorado by 120,000 in the next decade.

Clearly, there's an urgent need for school construction—in Colorado and in very state across the country. Thousands of communities nationwide red even now in the process of building new schools and renovating existing ones. But in drawing up construction plans, schools often focus on short-term construction costs instead of long-term, life-cycle savings. My bill would help ensure that school districts have the tools and assistance they need to make good building decisions.

High performance schools are a win for energy savings and a win for the environment, but best of all, they are also a win for student performance. A growing number of studies link student achievement and behavior to the physical building conditions. A study from Mississippi State University, for example, showed that in schools in North Carolina, Texas and Nevada, variables such as natural light and climate control played a role in improved test scores, higher moral and fewer discipline problems.

We wouldn't dream of just putting typewriters in these new schools—we would install today's computer technology, Nor should we build yesterday's "energy inefficient," non-sustainable, and less effective schools. Our kids are our country's future, and they should have the best school facilities, especially if they will cost less and benefit us all in other ways.

In short, we have an enormous opportunity to build a new generation of sustainable schools, schools that incorporate the best of today's designs and technologies and as a result provide better learning environments for our children, cost less to operate, and help protect our local and global environment. The High Performance Schools Act would start us on the road to achieving these goals. I look forward to working with Mr. MILLER and other Members of the House to move forward with this important initiative.

RED RIBBON WEEK

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 25, 1999

Mr. BARR of Georgia. Mr. Speaker, it is my distinct honor today to recognize youth throughout the nation, and especially in the seventh district of Georgia, who will be celebrating "Red Ribbon Week," from October 23rd to 31st.

In 1985, the first Red Ribbon Week was held shortly after the tragic murder of Drug Enforcement Agent Enrique "Kiki" Camarena. Now, small towns and large cities across America take part in Red Ribbon Week, a seven-day observance promoting drug-free communities. The message during this week is simple, "just say no to drugs." The vibrant red ribbons tied around flagpoles, street signs and school yard fences remind us together we can do something about drugs and drug abuse in our communities.

Sponsored by the National Family Partnership and observed by numerous other public service organizations, Red Ribbon Week has grown from its humble beginnings in memory of Camarena's tragic death, into a national movement against drugs and drug abuse. In communities everywhere the week is observed through rallies, lectures, essay contests and other awareness activities.

In a period such as this, where pro-drug referenda are being voted on and some public officials are calling out in favor of drug legalization, it is truly outstanding that our young people are uniting to show they still know what is right: staying away from drugs. I commend all of the young people participating in Red Ribbon Week, as well as other anti-drug activities, for taking an interest in improving their lives and their communities, now and for the future. If we are to ever win the War on Drugs, grassroots efforts such as this are surely where we must start . . . and stay.

PERSONAL EXPLANATION

HON. DAVID VITTER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 25, 1999

Mr. VITTER. Mr. Speaker, on rollcall No. 523, I was late arriving on the House floor. Had I been present, I would have voted "no."

OPPOSITION TO THE NORWOOD-DINGELL INSURANCE REGULATION LEGISLATION

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 25, 1999

Mr. SMITH of Michigan. Mr. Speaker, I rise in reluctant opposition to the Norwood-Dingell health insurance regulation legislation. I have listened to my colleagues and constituents to learn all I could before casting my vote. Although I am convinced that something needs to be done to redress a health insurance system that is out of balance, I have several concerns that could not be allayed.

Norwood-Dingell properly expands the ability of patients to recover damages from health care plans in court. The current bar to recovery of any damages against a health plan is inappropriate. Those plans that act negligently or are found guilty of medical malpractice should be held accountable as any medical professional would be. Norwood-Dingell, however, would open the gates to these types of suits too broadly.

Had the amendment in the nature of a substitute offered by Representative HOUGHTON, the gentleman from New York, been adopted by the House, I would have voted for Norwood-Dingell on final passage. That common sense amendment would have ensured that employers and directors would not have to worry about liability except in very rare cases. Under the vague language of Norwood-Dingell, however, there is uncertainty. Uncertainty is always a breeding ground for lawsuits, and the result would be their employers willing to provide health care to working families. Had Mr. HOUGHTON's substitute passed, the bill would have had all the protection and access provisions of the Norwood-Dingell bill, but lawsuits would have been limited in a reasonable way.

I also support the same common sense limits on suits against doctors and other professionals that have forced malpractice insurance to skyrocket, doctors to practice "defensive medicine" and raise everyone's costs, forcing even insurance companies to raise prices and reduce quality of care. Doctors should not have any greater liability than insurance companies and they also need help redressing the balance of power that is now tilted too heavily towards insurance companies, which is why I am a cosponsor of legislation such as H.R. 1304, a bill that would allow doctors to come together when dealing with health insurers.

In closing, Mr. Speaker, we need to do more to protect patients and give doctors the freedom to treat their patients using their sound medical judgment as the yardstick rather than an insurance company's bottom line. Still, there are now more Americans without health insurance than there were just a few short years ago and we need to make sure that we don't raise health care costs more than necessary. I would note that the Congressional Budget Office has not done a cost estimate of this bill as required by the Unfunded Mandates Act and that none of us really know how much costs will increase and how many of our constituents will lost their health coverage. Before passing a bill that will affect nearly every American, I think we owe it to them to find out.

TRIBUTE TO MR. FRANK E. MATTHEWS, JR.

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 25, 1999

Mr. RAHALL. Mr. Speaker, I rise today to honor Mr. Frank E. Matthews for his tremendous work for the River Cities Combined Federal Campaign, his many years with the U.S. Army Corps of Engineers, as well as the leadership and generosity that he has shown toward the City of Huntington and the State of West Virginia as a whole.

At the Huntington District Corps of Engineers, Frank serves as executive officer to the district engineer—a position that he has held for 19 years. He adds much needed continuity and leadership to this constantly changing field.

Despite his many responsibilities to the Army Corps, Frank still makes time for worthy causes such as the River Cities Combined Federal Campaign, where he has served as coordinator since 1966. Frank has been described as the glue that holds the River Cities' CFC campaign together. Always modest, Frank refuses to take credit for the campaign's success—preferring to attribute the success to his coworkers generosity. However, his internal auditing system is one of the many ideas that has turned the annual fund-raising drive into such a success. It gives the fundraiser credibility while assuring donors that their money is spent appropriately. The auditing system allows Frank to track funded agencies and ensure that money is spent properly. Anyone at anytime can look at the report to see where the money is going. Initiatives such as the auditing system explain how the River Cities' campaign has grown and blossomed into a highly successful fund-raising drive under Frank's leadership. Just last year, Corps of Engineers employees donated $32,000 to the River Cities' CFC campaign, or almost 40 percent, to the campaign's overall total of $82,608.

In addition to his official responsibilities, Frank is very active in his hometown community of Huntington, West Virginia and his list of activities reads like a Who's Who of area organizations. He is a member of the American Legion Post 16, the Elks and Rotary Clubs, the Huntington Museum of Art, the Marshall University Alumni Association, the Southside Neighborhood Association, and is a past commandant of the 340 Marine Corps League. He has also served on the board of directors of the Region II Mental Health Association, the Boy Scouts of America Tri-State Area Council, and the Huntington Jaycees.

I have had the privilege of knowing Frank for many years. I consider him a dear friend and am honored to have worked with him on behalf of West Virginia. I would also like to take this opportunity to thank Frank's wife, Jewell, his three married daughters, Maureen, Samantha, and Juliet, as well as his son, Matt, for sharing Frank with all of us.

Mr. Speaker, I urge you and my colleagues in the House to join me in congratulating Frank on all of his hard work for West Virginia and the United States. He is truly a model of generosity and the epitome of a public servant.

PERSONAL EXPLANATION

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 25, 1999

Mr. UDALL of Colorado. Mr. Speaker, on October 21st, I was unavoidably detained from casting rollcall votes 522, 523, 524, and 525.

Had I been present, I would have voted "aye" on rollcall vote 522, "aye" on rollcall vote 523, "no" on rollcall vote 524, and "aye" on rollcall vote 525.

TRIBUTE TO B.T. COLLINS

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 25, 1999

Mr. MATSUI. Mr. Speaker, I rise in tribute to B.T. Collins. The date of November 6, 1999 will see the dedication of the B.T. Collins Army Reserve Training Center, currently under construction at the old Sacramento Army Depot. Because of this great honor, I ask all of my colleagues to join me in acknowledgment of this event.

This twenty million-dollar facility will provide training for 1,200–1,400 soldiers each month. These men and women will receive training in field medical surgical hospital techniques, field mess preparations, high tech communications, and other basic or advanced military occupational specialty training.

The lobby of this new training center will house the B.T. Collins Museum. This will provide a permanent home for many of the historical photographs, letters, uniforms, and other paraphernalia that B.T. Collins had collected throughout his Army and political careers. His sisters and friends will donate much of the collection. They will also work closely with the military and the builders to insure that the museum will reflect B.T. Collins' love of country, family and community service.

On this extraordinary day, perhaps the most notable event will be the dedication of a bust of B.T. Collins to be placed at the entrance of this important facility. The artist, Garr Ugalde has been commissioned to create the bust, and he has presented a preliminary wax model of his work that amazingly captures B.T. Collins in his green beret. This bust will be donated by his family and friends.

B.T. Collins' friends and family made a promise that they would not allow his memory, patriotism, ideals, and contribution to his country to be forgotten. This memorial is one way to make good on that promise. It is their sincere hope that this museum will inspire soldiers to emulate the ideals that B.T. Collins espoused.

Mr. Speaker, as the friends and family of B.T. Collins gather to celebrate this landmark event, I am honored to pay tribute to one of Sacramento's most outstanding citizens: B.T. Collins' contributions to his community, state, and country are commendable. I am sincerely pleased that this museum and monument to this great man will preserve his memory for generations. I ask all of my colleagues to join with me in wishing B.T. Collins and his family continued success in all their endeavors.

CONGRATULATIONS ON THE FIRST ANNUAL NATIONAL RAISE THE ROOF DAY

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 25, 1999

Ms. PELOSI. Mr. Speaker, yesterday President Clinton signed the HUD–VA appropriations bill into law providing housing assistance to many impoverished Americans. Unfortunately, while this bill is an improvement over the initial House passed spending levels, it does not go far enough to address the needs of homeless individuals, tenants living in expiring Section 8 properties or distressed public housing, and impoverished communities. To ensure that our government has the political will to invest adequately in housing assistance, we need to raise public consciousness about the unmet housing and community development needs and educate the public about the existing and proven programmatic and policy solutions that address these needs.

One recent step to educate, organize, and mobilize Americans in this direction took place last Saturday, October 16th, when more than 10,000 volunteers in 150 cities joined together for the first ever National Raise the Roof Day. Under Secretary of Housing and Urban Development Andrew Cuomo's leadership, they spent the day repairing and building homes. But they were also building something much bigger—a national awareness of one of the most pressing problems facing our nation, the need for safe, decent and affordable housing.

I would like to commend everyone who participated in this landmark event. In Washington, D.C. Mayor Anthony Williams, actress Sarah Jessica Parker, home improvement expert Bob Vila, and community volunteers joined Secretary Cuomo to repair homes in the Columbia Heights community. In my home state of California, more than 1,800 volunteers repaired or built new homes for families in fifteen cities and counties. Similar events took place throughout the nation—led by the nation's mayors, national non-profits, local community and faith based organizations, businesses, and impoverished Americans—themselves in need of affordable housing.

Secretary Cuomo convened this Raise the Roof Day for three simple but important reasons. First, while we live at a time of record economic strength, a record number of people are facing an affordable housing or home ownership crisis. There are still a record 5.3 million households with worst case housing needs, and two million units in need of major repairs. Despite a record home ownership rate, home ownership for minorities and in cities still lags behind.

Raise the Roof Day also showed us that there is something that we can do about this crisis. We are not helpless. We are not powerless, either as a nation, or as a community in confronting this challenge. Don't listen to those who say that nothing works. There are many programs that are making a difference. HUD's FHA is expanding home ownership with a record 1.3 million loans insured this year. HOPE VI grants are replacing the worst public housing with livable communities. Americans can take action to organize and mobilize for adequate investments in affordable housing.

And last year, in partnership with Congress, HUD won its best budget in a decade. And this year we've done it again—a significant budget increase for HUD, that includes 60,000 new affordable housing vouchers, more money for the homeless, and increases in funds for Fair Housing and public housing.

Finally, Raise the Roof Day celebrates the spirit of voluntarism—the spirit of community—that we need as a nation to tackle our toughest challenges. Government must provide the funds and the resources, but that's only part of the solution. It's when people come together to help their neighbors that we can really make a difference. That's how this country was built, and that's how we must take on this challenge as well.

Mr. Speaker, Raise the Roof Day was a rousing success. Americans need to become more involved in these events. This is an issue where we can really make a difference—and a cause that truly deserves our time and our energy. I look forward to similar events in the future.

TRIBUTE TO WALTER L. JOHNSON—FRIEND OF BAY AREA WORKING MEN AND WOMEN

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 25, 1999

Mr. LANTOS. Mr. Speaker, I rise today to pay tribute to the extraordinary contributions of my dear friend, Walter L. Johnson, the Secretary-Treasurer of the San Francisco Labor Council (AFL–CIO) and one of our nation's most devoted advocates for worker rights and progressive causes. A patriot, a crusader, and a man of genuine compassion and decency, Walter deserves the gratitude and appreciation of all of us who care about economic justice, civil rights, worker safety, and affordable health care.

Walter Johnson's life of community service began seventy-five years ago in the small town of Amenia, North Dakota. While still a teenager, he joined the United States Army and fought in World War II. At the conclusion of his military service, Walter moved to the Bay Area, where he met and married his wonderful wife Jane. They are the parents of three wonderful children. He also contributed his significant energies to his union—Local 1100 of the United Food & Commercial Workers Union (UFCW). Walter's talents as an organizer quickly became apparent to his colleagues in the UFCW, who selected him for a series of important positions in Local 1100—Business Agent in 1957, President in 1958 and Executive Officer in 1965.

Walter later was chosen to lead the San Mateo County Labor Council. It was while he served in this position that I first worked closely with him on issues of concern to working men and women in our area. Throughout these years and the decades that have followed, he developed a reputation as a fighter for the rights of working people and an articulate spokesman on critical issues affecting the Bay Area. On the basis of his outstanding record, Walter Johnson was elected Secretary-Treasurer of the San Francisco Labor Council on May 13, 1985, a position he still holds. There he has continued to fight for the causes to which he has devoted his life.

Mr. Speaker, whenever an injustice has been committed against any one of the Labor Council's 75,000 members, Walter Johnson can be found leading the crusade to right this wrong. When irresponsible corporations breach contracts or hire strikebreakers or operate sweatshops or discriminate against minorities or ignore worker safety laws, it is Walter who rallies San Francisco's working men and women to stand up against these injustices. It makes no difference whether the violated include truck drivers, bike messengers, hotel employees, teachers, or workers in any other profession—Walter is there, leading a picket line or rallying public opinion behind a just cause.

Walter Johnson's commitment to our nation's fundamental values extend well beyond defending the interests of the membership of the San Francisco Labor Council. He has worked, along with other leaders of the California Labor Federation (AFL–CIO), to educate citizens about matters that affect our diverse society in so many different areas: child labor, health care for young people and the underprivileged, quality child care, human rights and the proliferation of sweatshops abroad, and the civil rights of women, minorities, and immigrants. Walter's principled activism has touched many lives, and I am grateful for it.

Walter's dedication to community service has benefitted the people of San Francisco in just every way imaginable. He has served on the Board of Directors of the United Way of the Bay Area, the Bay Area Economic Forum, the Nature Conservancy, the San Francisco Bay Area Girl Scouts Council, the Council for Civic Unity, the Shelter Network (which provides housing and assistance for the homeless), and a wealth of other civic, cultural, charitable, and educational institutions.

Mr. Speaker, I urge my colleagues to join me in paying well-deserved tribute to Walter Johnson and in recognizing the exceptional contributions of this outstanding man, who has devoted his life to fighting for the interests and values of San Francisco's working men and women.

TRIBUTE TO THE ARMED GUARD

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 25, 1999

Mr. GEKAS. Mr. Speaker, I rise today to pay tribute to a group of individuals whose dedicated service deserves recognition. It gives me great joy to offer my appreciation to the brave men of the Naval Armed Guard Service who protected the flow of supplies on the high seas during World Wars I and II.

Created as a branch of the United States Navy during World War I to maintain and operate weapons aboard merchant ships targeted by enemy vessels, the men of the Armed Guard served with unflappable courage as they ensured the safe passage of vital supplies to Europe. Over 144,900 men served in the Armed Guard on more than 6,000 ships. Nearly 2,000 of these brave men lost their lives in defense of freedom.

Crossing the ocean was a perilous, often horrific journey during both World Wars. Enemy submarines were not particular when targeting military or merchant vessels. The character and heroism of the men of the Armed Guard helped to make those voyages a little safer. Their job was not an easy one. Their lives on the sea consisted of hours of quiet punctuated by moments of terror that required strong nerves and courage.

It is said that it takes ten individuals to support one infantryman. The enemy knew that the key to an allied victory was the supply routes, and consequently attacked our merchant fleet mercilessly. It is obvious to me that without the valor exhibited by the Armed Guard, victory in both wars would have been indefinitely delayed.

This country owes a debt of gratitude to these brave men.

A TRIBUTE TO LUIS J. BOTIFOLL

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 25, 1999

Ms. ROS-LEHTINEN. Mr. Speaker, I wish to take this opportunity to commend Dr. Luis J. Botifoll for being honored by The Association of Cuban Journalist's Board of Governors with its National Award for his years of work and dedication to expanding and protecting the rights of a free and open press.

Dr. Luis J. Botifoll, who once served as the Director of the Havana based newspaper "El Mundo," is being honored not only for his years of service to the Cuban people, but also for the leadership he has shown the world's free press in the face of the dictatorial regime of Fidel Castro.

Through the use of his eloquent articles and essays, Dr. Botifoll was able to bring a voice to a people who were denied the right to free press, by the dictatorship of Fidel Castro.

In recognition of his many achievements, I would like to applaud the hard-work and energy of Dr. Luis J. Botifoll. His dedication to the sanctity of free speech deserves all of our recognition and respect.

STATEMENT HONORING MR. BATISTA VIEIRA AND MRS. DOLORES VIEIRA

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 25, 1999

Ms. LOFGREN. Mr. Speaker, today I wish to congratulate Mr. Batista Vieira and Mrs. Dolores Vieira on the 25th anniversary of their involvement with the Broadcast Radio Industry, a quarter-century tenure that has been marked by tremendous dedication and service to the Portuguese community in California. Because of their work, the Portuguese language, culture, traditions, and values have remained alive for the people of California in ways that would have been otherwise impossible.

For the last twenty-five years, Mr. and Mrs. Batista's "Portuguese Radio" has helped the "Portuguese of the Diaspora" living in my district and surrounding areas in Northern California to remain in close contact with the customs and lives of their friends and families in Portugal. "The Portuguese Radio" has impressed itself upon the daily lives of so many Portuguese immigrants because of the connection it brings to the nation many of these individuals still consider their cultural homeland; the sounds of Portugal broadcast over Portuguese Radio fill the homes and businesses of these people for countless hours of the day with sounds of the land they once knew, tying their old traditions and ways of life to the land that has newly become their adopted home.

Northern California, and particularly Santa Clara County, is a land of tremendous ethnic and cultural diversity, serving as it does as a home to immigrants from all areas of the globe. The cultural richness of this area is truly a result of the efforts of individuals such as Mr. and Mrs. Vieira who have worked through the Broadcast Radio Industry to preserve the beautiful traditions of Portugal in living form. The people of Northern California owe them a profound debt of gratitude.

IN RECOGNITION OF DALE DAVIS

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 25, 1999

Mr. RILEY. Mr. Speaker, I rise today to recognize Dale Davis of Delta, Alabama. Mr. Davis died of leukemia in July of this year, but his life is being celebrated on this date, October 25, 1999, at a meeting of the Clay County Hospital Board on which he served.

Dale Davis lived all of his life in Alabama. As an adult, he worked as a well driller. However, the real measure of a man is the influence he has on others. Dale Davis' "measure" came from his faith in God and his community involvement (most notably his service on the Clay County, Alabama, Hospital Board) as well as his devotion to his wife and two children. He was well thought of by all who knew him as evidenced by this special recognition.

Dale Davis' death at such a young age was tragic, but all who knew him rejoice in his life and offer our prayers and best wishes to his wife, son and daughter.

TRIBUTE TO PAUL PATRICK COUGHLIN

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 25, 1999

Mr. MOAKLEY. Mr. Speaker, I rise this afternoon to remember a very dear friend and to mark the six month anniversary of his passing, April 23, 1999.

Paul Patrick Coughlin was an outstanding gentleman whose loyalty, warmth, and kindness touched the lives of many, many people in the Commonwealth of Massachusetts. Paul was a leader, tried and true. But Paul led with compassion. He lived every day of his life committed to improving his community, and to fostering opportunities not only for his own children and grandchildren, but for his neighbors through his tireless public service.

Paul served as a Selectman in his beloved town of Dedham, as a Trustee of the Massachusetts Maritime Academy, as Chairman of the Dedham Democratic Town Committee, as a Veteran's Agent in the Town of Dedham, as Assistant Sergeant at Arms in the Massachusetts Legislature, as a Deputy Sheriff in Norfolk County, as an Assistant Clerk of Courts in West Roxbury District Court, and as a loyal union member of the Communication Workers of America.

I miss Paul dearly, as does his family and the many, many friends who have been fortunate to have known him. Although his is no longer with us in person, his kindness, his spirit, and his good works will be remembered forever.

TICKET TO WORK AND WORK INCENTIVES IMPROVEMENT ACT OF 1999

SPEECH OF

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 19, 1999

Mr. MORAN of Kansas. Mr. Speaker, I rise today, unfortunately, to oppose this legislation. I wholeheartedly support the original intent of this bill, and I am a cosponsor of H.R. 1180. Improving the current system to provide real choices for people with disabilities is essential. The Work Incentives Improvement Act would address the barriers to employment by improving job training and rehabilitation services and providing the health insurance which is so critical.

Unfortunately, the bill we are considering today is not H.R. 1180. The bill today includes troubling language from a substitute bill, which could cost Kansas and other states' school districts, million of dollars. Section 407 of this bill would limit Medicaid funding for school districts and their education of disabled children.

Section 407 precludes or significantly restricts the use of bundled rates. The bundling system allows schools to minimize paperwork by billing for a package of medical services, rather than for each individual service provided to each child. In May of this year, HCFA sent a letter to all State Medicaid directors prohibiting bundled rates for school based services for special education health costs. At that time, there were seven states that had HCFA-approved bundled rate systems, including Kansas. Since this announcement, I have heard from nearly every school superintendent in my district. They are extremely concerned about this rule. The administrative burden this will impose on schools will be enormous. The end result of Section 407 of this bill will be to legislate this HCFA rule. Without proper committee hearings and discussion of this issue, it is upsetting that we are forced to vote on it now. If this provision is passed, I believe we could be punishing states that are efficient and accountable. We will once again be turning our backs on our students.

When the Individuals with Disabilities Education was first passed, Congress promised that the federal government would pay 40% of the costs to schools. The federal government has never lived up to this promise and currently only pays out about 10% of the costs. Then Congress and the Administration told schools that they could seek reimbursements by Medicaid for school-based medical services for students with disabilities. HCFA told schools that it would even work with states to come up with a system of reimbursement that would not be so administratively burdensome to schools. So states and schools agree and are enthusiastic about getting more federal funds for special education costs. Yet, now both HCFA and Congress turn around and change their minds.

In order to bill Medicaid for these services, schools will now have to record each service provided. The administrative burden for small schools will keep schools from seeking this reimbursement. The time and cost will be so high that schools in my district will not be able to afford to seek a reimbursement.

So this provision is putting schools between a rock and a hard place. They do not have the resources to seek reimbursements for Medicaid, yet then their school budgets will be devastated because they cannot access these federal funds. We are bankrupting our small schools and—who pays in the end—our students. The budgets of small schools are already being drained by costs associated with special education services. Funds they should have access to for books, retaining teachers, and school modernization.

This bill will now go to a conference between the House and Senate. I hope that conferees will take this time to listen to the concerns of school superintendents and state Medicaid directors. We need their advice and input as we form this legislation. I ask that we study this issue further before we legislate a rule that could hurt our schools.

TRIBUTE TO DR. DAVID PLATT RALL

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 25, 1999

Mr. CROWLEY. Mr. Speaker, I would like to talk about some distressing recent developments in the wake of the tragic death on September 28 of environmental medicine pioneer Dr. David Platt Rall.

Dr. Rall tragically died late last month from injuries sustained in a car accident while vacationing in France. His wife, Gloria Monteiro Rall, was badly injured in the accident, but is recovering. I know the thoughts and prayers of many of us go out to her and Dr. Rall's entire family.

Mr. Speaker, Dr. Rall was a giant in the world of science. His credentials are long, but the highlights include running the federal National Institute of Environmental Health Sciences (NIEHS) and the National Toxicology Program (NTP) simultaneously, Assistant Surgeon General in the U.S. Public Health Services, scientific counselor to the National Institute of Occupational Safety and Health, chair of the World Health Organization's Program on Chemical Safety, foreign secretary of the National Academy of Sciences' Institute of Medicine, board member of the Alliance to End Childhood Lead Poisoning and the Environmental Defense Fund. He had conducted breakthrough cancer research early in his career at the National Cancer Institute and he was husband, father and a grandfather.

Kenneth Olden, the current director of both NIEHS and NTP, calls Dr. Rall, "a pioneer, who established the credibility of our two federal environmental health organizations and set the paces. We are standing on his broad shoulders."

This man accomplished far more than many of us will manage to do in our lives. And, all of this work was devoted to advancing the cause of human health—and millions of people are the better for it.

It is a sad sign of our times, Mr. Speaker, when the death of such an individual becomes an invitation for cheap political attack to those who found his brilliance and accomplishments threatening.

One such person is chemical industry lobbyist and Cato Institute Adjunct Scholar Steven Milloy, who turned Dr. Rall's tragic death into what can only be seen as a callous, self-promotional opportunity.

Mr. Milloy runs a web site that features a cartoon of himself in devil costume, complete with horns, and tail. He calls himself the "Junkman," and junk certainly seems to be his main product. His self-appointed job is to denigrate the research of public interest groups and serious, accomplished academics.

But the Junkman reached a new low when on October 2, he posted a mocking "Obituary of the Day," on Dr. Rall's death, saying, and I quote, "Scratch one junk scientist".

The Cato Institute was alerted to this language by an outraged public interest group. President Edward H. Crane responded with—what seemed at the time—class and dignity, saying Milloy had an "inexcusable lapse in judgment and civility" with his "appallingly offensive comments."

In the face of that unequivocal rebuke, what did Mr. Milloy do? He refused to apologize, then posted even more vitriol the following day. His web site on October 12 said, "As far as David Rall is concerned, he was a bad guy when he was alive . . ." and that, "Death did not improve his track record."

Mr. Speaker, if this language isn't outrageous enough, the response of the Cato Institute to this second round of remarks was worse. When 11 heads of public health, consumer and environmental groups wrote Mr. Crane to sever his ties to Mr. Milloy, Mr. Crane chose not to respond. When Dr. Rall's surviving brother and two environmental group heads wanted to meet with Mr. Crane, Mr. Crane flatly refused. His rationale? The offensive web material had come down and he thought the matter was "closed."

The matter, Mr. Speaker, is far from closed. There are still no apologies to the Rall family, and Cato has taken no position on this second round of highly offensive comments. Never mind that the "junkman's" junk is out in the press now, posted on the Internet for friends and loved ones of Dr. Rall to read—along with the rest of the world.

The Cato Institute, with its silence and inaction tells media, the public and this Congress that Cato accepts this behavior and will reward the "Junkman" with a continued institutional home—no matter how badly it denigrates someone else, no matter how great the person who is being denigrated.

I call on the Cato Institute to show the same class and dignity they showed when first alerted to this situation and take additional, stronger action. Doing so would send an important message that while someone is free to say what he or she wants—however offensive—there are consequences for such actions. This is an especially libertarian view that I am sure the Cato Institute can understand.

IN HONOR OF PRESIDENT JULIUS NYERERE

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 25, 1999

Ms. SCHAKOWSKY. Mr. Speaker, as the world mourns the death of President Julius Nyerere, I wish to send the deepest condolences to the people of Tanzania.

For many years, the world has come to know President Julius Nyerere as a pioneer for change. He was committed to his people and was a leader whose only ambition was to build a strong nation and a solid future for Africa. That is why he was a great statesman and a favored son of millions of Africans.

President Nyerere fought for his nation's independence and was elected to lead Tanganyika in 1961. In 1964, President Nyerere peacefully united Tanganyika with the island of Zanzibar, forming the Republic of Tanzania. He served as the leader of that nation for nearly twenty-five years. A proud father of a post-colonial nation, he worked to translate that pride and success to all of Africa.

All righteous people admired him, for he was a fearless pursuer of justice. He stood tall and spoke up against African strongmen and brutal dictators like Uganda's Idi Amin and the minority rule in South Africa.

President Nyerere voluntarily stepped down in 1985. A world leader, he built a solid foundation for his nation so that it can peacefully grow and flourish. He returned to his modest farm, but remained a powerful voice for peace and a relentless ambassador for the needs of Africans and the African continent.

He died at the age of 77 while trying to meditate an end to the war in Burundi. At the time of his death, President Nyerere was engaged in his favorite activity—finding a way to lead Africa on a journey of lasting prosperity and peace. For all he has given to his nation, his beloved continent and its people, and the world, I am certain that his legend will live on forever. Having had the good fortune to work with the 9th Congressional District African and Caribbean Advisory Committee, I know that his influence has been broadly felt and am hopeful that his spirit will guide us in the future.

TRIBUTE TO ROBERT M. BEREN

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 25, 1999

Mr. BENTSEN. Mr. Speaker, I rise to honor Robert M. Beren, a benefactor whose generosity in Houston was recently recognized by the renaming of The Hebrew Academy at 5435 S. Braeswood. The school is now named Robert M. Beren Academy, in recognition of Mr. Beren's generous philanthropic contributions.

An oil and gas producer from Wichita, Kansas, Mr. Beren's ties to Houston run deep. His Houston grandchildren, Irene Beren Jefferson, Elizabeth Beren Jefferson, and Alexander Beren Jefferson benefit from the education at what will henceforward be known as Robert M. Beren Academy. His eldest daughter, Nancy T. Beren, and her husband, Larry S. Jefferson, M.D., are both extremely active in the Houston community. Following in her father's footsteps, Ms. Beren contributes her time and energy to projects and organizations that benefit children and families. It is especially fitting that Ms. Beren recently served for 2 years as President of Robert M. Beren Academy and that Dr. Jefferson currently serves on its Board of Education.

Robert M. Beren's penchant for giving revolves around two principles: his philosophy of reinforcing a strong Jewish background and his belief in an excellent secular education. By supporting Houston's only modern orthodox Jewish day school, Mr. Beren promotes both of these ideals.

Mr. Beren's own educational history illustrates his love of academic challenge. After graduating from Marietta High School in Marietta, Ohio, he went on to graduate cum laude from Harvard College with a B.A. in Economics. He then graduated with high distinction from Harvard's Graduate School of Business Administration. In addition to pursuing his personal studies, Robert Beren distinguished himself by serving our country as a soldier in the

U.S. Army during World War II. His keen business sense and organizational talents have served him well as President and Chairman of BEREXCO, INC., a successful oil company he oversees in Wichita, Kansas.

Robert Beren is extremely proud of his 13 grandchildren and his four children: Nancy T. Beren, Amy Beren Bressman, Julie Beren Platt, and Adam E. Beren. He has set a shining example, not only for his own family, but also for all of those who strive to give back and benefit others. The endless hours and vast resources that Mr. Beren has bestowed on religious institutions, civic organizations, and institutions of higher learning reveal where his heart lies. He is currently Vice-Chairman of the Board of Trustees of Yeshiva University; a Member of the Board of Overseers Committee for Harvard College; President of the Robert M. Beren Foundation, Inc.; Sole Trustee of the Israel Henry Beren Charitable Trust; and Board member of the Ohr Stone Institutions of Israel, the Hebrew Congregation, and the Mid-Kansas Jewish Appeal. In the past, he has given freely of his time to the Wichita Public School System, the Wichita Area Chamber of Commerce, the United Way, and the Anti-Defamation League, always with the ideal in mind of enhancing his community for the common good.

Mr. Speaker, I congratulate Mr. Beren on a lifetime of outstanding contributions to his community. I especially thank him for making the new school building for Houston's Robert M. Beren Academy a reality. With Mr. Beren's help, the school will continue to instill in its students the knowledge and ideals associated with their Jewish heritage while providing an excellent secular education to carry with them throughout their lives.

TRIBUTE TO ELIZABETH "BIZ" STEINBERG

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 25, 1999

Mrs. CAPPS. Mr. Speaker, I rise today to honor Elizabeth "Biz" Steinberg, executive director of the Economic Opportunity Commission of San Luis Obispo Inc. in my district in California. Last Friday, October 22, Biz received the Excellence in Leadership Award from the California Association of Nonprofits in Oakland, California. She was chosen from a field of 37 leaders.

I am obviously not alone in being terribly proud of Biz Steinberg. In the congratulatory letter sent to her in honor of this award, the CAN executive director said: "The selection committee was overwhelmed by your consistent display of excellence and commitment both to your organization and the community. The work you are doing in San Luis Obispo is heroic and truly an inspiration to the nonprofit sector."

Indeed, Mr. Speaker, Biz is a hero to many of us. Her unflagging grace and tireless effort on behalf of the community she serves with daily passion inspires all who know her. For the past 15 years, Biz has headed the EOC in San Luis Obispo County. When Congress founded the EOC in 1965 during the War against Poverty, I am sure that Biz's is the kind of leadership that members of Congress envisioned: one of determination and cooperation and courage.

IN HONOR OF THE THIRTIETH ANNIVERSARY OF THE COMMISSION ON CATHOLIC COMMUNITY ACTION

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 25, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to honor the thirtieth anniversary of the Catholic Diocese of Cleveland's Commission on Catholic Community Action.

The Commission on Catholic Community Action was established in 1969 with a mission to protect and promote human dignity and advance justice for all. Successful in their mission, the CCCA has played a pivotal role in the rebirth of Cleveland. Focusing on urban redevelopment, the CCCA has organized, promoted, and made a difference in neighborhood issues such as job training, economic empowerment, environmental justice, and peacemaking.

With an outlook to reduce poverty and discrimination, the CCCA has sponsored and cosponsored numerous seminars, speeches, and awards banquets. Keynote speakers at these events have educated the public on issues such as the Holocaust and prejudice reduction. Generating community awareness throughout Cleveland, the CCCA has provided participants with a new appreciation for celebrating multicultural diversity within the city.

Through hard work and determination, the CCCA has truly improved life opportunities for urban residents of Cleveland. Upholding this tradition of giving and caring, the CCCA has made Cleveland's urban residents culturally and economically stronger. Congratulations to the Commission on Catholic Community Action for thirty years of service and on continuing their mission into the new millennium.

My fellow colleagues, join me in honoring the Catholic Diocese of Cleveland's Commission on Catholic Community Action as they celebrate their thirtieth anniversary.

STUDENT RESULTS ACT OF 1999

SPEECH OF

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 20, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2) to send more dollars to the classroom and for certain other purposes:

Ms. DELAURO. Madam Chairman, I rise today in support of the Mink-Woolsey-Sanchez-Morella amendment to restore current gender equity provisions from Title I of the Elementary and Secondary Education Act to H.R. 2., the Student Results Act. We must ensure that girls succeed in school.

Since the passage of Title IX a quarter-century ago, America's schools have been expected to provide the same opportunities for girls as well as boys. While a great deal of progress has been made, a gender gap still exists in America's schools.

Studies show that more than half of all female students take no high school math beyond Algebra 2. In a global economy, where science and technology advances are paramount, this closes doors on future studies, scholarships and careers for these female students.

This amendment will retain gender equity provisions in current law, including the Women's Educational Equity Act (WEEA). The amendment encourages the training of teachers to treat boys and girls fairly in the classroom. It targets dropout prevention programs for at-risk youth, as well as pregnant and parenting teenagers. It also allows the training of teachers to encourage girls to pursue careers and higher education degrees in mathematics, science, engineering and technology.

The amendment is supported by over 70 organizations, including the Girl Scouts of America; the National Education Association; the American Association of University Women; and the National Parent Teacher Association. The National Women's Law Center, which also supports this amendment, writes:

> [The] Elimination of the Women's Educational Equity Act signifies the dissolution of the only federal program that specifically targets and tackles the barriers to educational opportunities for women and girls.

They give an example of a 1999 WEEA program that created and implemented an on-line course for teachers called "Engaging Middle School Girls in Math and Science." This program helps to ensure that stereotypes and biases do not eliminate educational opportunities for girls.

However, this is just one of many programs and services provided by WEEA. Generally, WEEA represents the federal commitment ensuring that girls' future choices and success are determined not by their gender, but by their own interests, aspirations, and abilities. It is a comprehensive resource for teachers, administrators, and parents seeking proven methods to ensure equity in their school systems and communities.

Let's do the smart thing. Let's do the right thing. Support the Mink/Woolsey/Sanchez/Morella amendment. We must give all students, girls and boys alike, the chance to learn, excel and achieve.

HONORING THE REDEDICATION OF THE YOUNG ISRAEL SHOMRAI EMUNAH OF GREATER WASHINGTON

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, October 25, 1999

Mrs. MORELLA. Mr. Speaker, I rise today in recognition of the Young Israel Shomrai Emunah of Greater Washington. On October

31st, the members of this congregation will join together to rededicate the facility that has served as their home for the past quarter-century. In addition, the congregation, located in Silver Spring, MD, will celebrate the renovation of its sanctuary and expansion of its building.

Since its creation, the Young Israel has helped to provide its members with a spiritual anchor and a firm foundation upon which to build a Torah observant community. The synagogue truly lives up to its name Shomrai Emunah—"guardian of the faith."

The synagogue, loosely established in 1951, was first located in Riggs Park, in northeast Washington, DC. Its first permanent home was established in 1957. However, a few years later, the community moved to Silver Spring and eventually built two facilities, the first located on University Boulevard. As the community grew, the leadership of the synagogue sought larger quarters, resulting in the construction of a spacious facility on Arcola Avenue. The new facility was completed in 1974.

As we all know, mortar and bricks do not make a community. Rather, the individuals in each community influence its success. Through the foresight of its founding members and the meticulous guidance of the Young Israel's esteemed spiritual leader, Rabbi Gedaliah Anemer, the synagogue boasts a membership of more than 500 families. The synagogue provides a variety of programs to serve its members. The community furnishes classes throughout the year, including an active adult education program. Seniors programs, a nursery school, the youth department, and a vibrant Sisterhood are all supported by the Young Israel.

Mr. Speaker, a synagogue is referred to as a "House of Prayer," a "House of Study," and a "House of Assembly." The Young Israel Shomrai Emunah fulfills all of these definitions. Therefore, I ask my colleagues to join me in congratulating the entire membership of the Young Israel; Rabbi Gedaliah Anemer; the President of the synagogue, Arnold Sherman; the chairman and co-chairman of the renovation committee, Sheldon Klein and Dr. Howard Schulman; and the board of directors. May they proceed from strength to strength.

TO HONOR DIETRA LEAKE FORD

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 25, 1999

Ms. LEE. Mr. Speaker, I rise to recognize the work and exceptional contributions of the late Dietra Leake Ford to the small business community and the entire Federal Government. Ms. Ford passed away on October 21, 1999.

Dietra Ford was a valuable leader in the advocacy of small, minority, and women-owned businesses; she accomplished much in her position as Associate Administrator for Enterprise Development at the General Services Administration. Under her leadership, the Office of enterprise Development won the 1997 North Star Award for excellence and leadership in economic development programs that serve women business owners. This July 1st she had just completed three years at GSA, and in that time contract numbers had tripled with women-owned businesses and doubled with minority businesses.

Ms. Ford was a highly esteemed leader and advocate for small business, not only at the General Services Administration, but also nationwide throughout the federal government and private sector. A powerful crusader for the interests of minority and women entrepreneurs, Ms. Ford served as a liaison with the White House Office of women's Initiatives, the Interagency Committee on Women's Business Enterprise, the Small Business Administration, the Office of Management and Budget, other Federal agencies, and Members of Congress.

Prior to going to GSA Dietra Ford had over 15 years of senior executive experience in both the legislative and the executive branches of the Federal Government. She served in the Clinton Administration as Executive Director of the Thrift Depositor Protection Oversight Board from 1993 to 1996. In 1992 she was named as one of the ten cluster coordinators for the Transition Office of the President-Elec. From 1975 to 1993, she was a senior legislative associate for the U.S. House of Representatives Committee on the District of Columbia.

Ms. Ford was active in many civic organizations. She served as a member of the Board of Directors of Sibley Memorial Hospital in Washington, DC. She also was a former director for the United Methodist Church General Board of Global Ministries and traveled and represented this board at numerous international forums.

Ms. Ford held a bachelor's degree from Howard University and a master's degree from Boston University, where she was HUD Urban Studies Fellow.

Dietra Ford has left to the small business community, GSA, and the Federal Government at large an impressive legacy of innovative programs and creative initiatives. She is mourned by her many colleagues and will be sorely missed.

RECOGNIZING JULIA MARIE FLOWERS

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 25, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to celebrate the birth of Julia Marie Flowers. Julia is the third child of Major Craig Flowers and his lovely wife Beth, the 16th grandchild of Denzil and Barbara Garrison, the 5th grandchild of Lt. Col. Jim and Nancy Flowers and the younger sister to Kathleen and Annie. Julia arrived in Bartlesville, Oklahoma, on Wednesday, October 20th at 12:30 p.m., weighing in at a healthy 7 pounds 7 ounces and an impressive 20½ inches. Mr. Speaker, I ask my colleagues to join me in offering our heartiest congratulations to the Flowers family and share their happiness with the arrival of darling Julia.

RUSSIAN ASSAULT ON CHECHNYA

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 25, 1999

Mr. SMITH of New Jersey. Mr. Speaker, in the name of combating terrorism, Russia has again launched a war against Chechnya. It is employing indiscriminate use of force against civilians, and another humanitarian tragedy is unfolding.

In August and September of this year, Islamic extremists based in Chechnya—independent of the government of Chechnya—twice staged armed incursions into the neighboring Russian Federation Republic of Dagestan. In response, the Russian Government has sent its army to reoccupy Chechnya, a region that had won de facto independence from the rest of Russia as a result of a bloody war from 1994–96 invaded.

Now the United States Government recognizes, as a standard of international law, the territorial integrity of the Russian Federation, and Moscow has the legal right to bring to justice those responsible for committing crimes in the incursion into Dagestan. One should also sympathize with the victims of the recent unsolved bombings that killed almost 300 persons in Russia. But neither this terrorism nor the incursions into Dagestan, as reprehensible as they were, justify the use of indiscriminate force against the civilian population of Chechnya and causing the carnage that we are seeing now.

Last week, Russian rockets struck the Chechnen capital of Grozny, hitting a marketplace and killing scores of civilians. This was preceded by air raids and artillery shelling of non-combatant villages, homes and farms in the northern part of Chechnya. The Russian Federation Migration Service states that more than 170,000 internally displaced persons have fled Chechnya, mostly to the neighboring region of Ingushetia.

Mr. Speaker, I, along with Mr. WOLF and Mr. FORBES, am introducing today a concurrent resolution calling upon the Government of the Russian Federation to cease unprovoked military attacks on the civilian population of Chechnya and to seek a negotiated solution to the conflict, using the auspices of the Organization for Security and Cooperation in Europe, which helped broker an agreement to end the 1994–96 war. The United States Government should take a stronger stand in support of these goals, as the European Union has done.

Not that the government of Chechnya has been entirely blameless. Since achieving de facto independence from Russia in 1996, Chechnya has degenerated into a morass of lawlessness and violence, with a government powerless to establish law and order. The economy, which was devastated by the war, has been sustained heavily by criminal activity. Moreover, rampant kidnapings of Russians and foreigners for ransom have caused Chechnya to lose much sympathy and support in Russia and the West.

Russia is entirely justified in using appropriate methods to combat terrorism, but not in launching a war against innocent civilians. Russia is a participating State of the OSCE, and has agreed to certain standards regarding the protection of civilians when addressing internal security matters. Yes, Chechnya is recognized by the international community as a part of Russia, but this is not merely an "internal matter." The 1991 Moscow Document of the OSCE clearly states that commitments undertaken in the field of the human dimension of the OSCE are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned.

Moreover, Moscow's current policy is likely to lengthen and widen the conflict, perhaps into Russia and beyond, and it may well jeopardize democracy in Russia if Russian leaders attempt to use "emergency" measures as part of its war policy.

Our resolution also calls upon the Chechen government to make every appropriate effort to deny bases or other support to radical elements committed to violent actions in the North Caucasus. Furthermore, the resolution urges our own government to emphasize to all parties the necessity of resolving the conflict peacefully, under OSCE auspices, and to express the willingness to extend appropriate assistance toward such resolution, including humanitarian assistance, as needed.

Mr. Speaker, I wish to emphasize that this resolution is not "anti-Russian" or "pro-Chechen." Many observers who wish to see a prosperous and democratic Russia have been deeply disturbed by the present campaign in Chechnya. The chairperson of the Moscow Helsinki Group, Ludmila Alexeyeva, has stated that: "Under the pretext of fighting terrorism, a real war is being waged against Chechnya, with tragic consequences for the civilian population. In several cities in Russia, under the same pretext, the authorities are conducting a genuine campaign of ethnic cleansing. These events are no less dangerous for European security than the Kosova crisis caused by the Milosevic regime last spring. In and around Chechnya we are witnessing a humanitarian catastrophe which is alarming, insofar as the international community is paying very little attention."

In a recent statement, Deputy Secretary of State Talbott called upon Russia to use restraint, "taking action against real terrorists," but not using indiscriminate force that endangers innocents, or resuming the disastrous 1994–96 war in Chechnya." President Clinton should back these good words with stronger steps. If Russia does not act with restraint and pursue dialogue, then Chechnya should become the main issue at the OSCE Summit in Istanbul on November 18 and 19.

I hope that the Congress would go on record as supporting these calls, and I urge my colleagues to join us in supporting this resolution.

SUPPORT FOR THE PAIN RELIEF PROMOTION ACT

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 25, 1999

Mr. BARCIA. Mr. Speaker, my esteemed colleague from Oregon, Mr. BLUMENAUER, recently presented remarks on the floor to defend Oregon's assisted suicide policy and to criticize the proposed Pain Relief Promotion Act, H.R. 2260.

First of all, I think it is important to clarify the fact that H.R. 2260, the Pain Relief Promotion Act, does not limit states' ability to legislate assisted suicide. It simply clarifies that assisted suicide may not take place with federally controlled substances. This allows states to pass their own laws while clarifying the boundaries of federal involvement regarding assisted suicide. This bill also does not establish any new authority to penalize assisted suicide. My colleague has every right to speak in favor of the policy his constituents have chosen. But by the same token, representatives of the other 49 states that have chosen not to follow such a policy have a right to ask: Why should we be voiceless participants in Oregon's experiment with assisted suicide?

Mr. BLUMENAUER has expressed grave concern over the provision in the bill that makes it illegal to intentionally prescribe federally controlled drugs with the intent to cause a patient's death. Under this provision, he says, law enforcement personnel will be judging, for the first time, whether a doctor's "intent" is to cause a patient's death. I would like to take the time right now to respond to this objection.

Currently, the Drug Enforcement Administration (DEA) routinely makes these judgments. They have always had the right to revoke controlled substance permits based on abuse by health care workers. Whenever a prescription is written for a federally controlled substance, a DEA prescription is printed using a federal DEA registration number which is then attached to the actual bottle of pills. In this way, the DEA can keep record of and check whether or not federally controlled drugs are being used for "legitimate medical purposes." There are numerous instances in which physicians have had their DEA registrations suspended or revoked because they used these drugs in ways that led to patients' deaths by drug overdose. Clearly then, the DEA has the authority, right and experience to do what it has always been doing—monitor the use of federally controlled substances. Even more extensive federal involvement, though, has been prompted by Oregon's assisted suicide law. It is my colleague's own state legislature, in fact, that has escalated federal involvement by enacting a law that freely uses federally controlled substances for assisted suicides. In so doing, Oregon has practically demanded, perhaps unintentionally, that the federal government review and clarify its policy regarding what constitutes a "legitimate medical purpose." The federal government obviously has a right to say how federally controlled substances can be used. And so it is the aim of H.R. 2260 to address this question by clarifying the federal government's policy on the use of federally controlled substances in relation to assisted suicides.

Department of Justice policy currently forces the federal government to implicitly endorse assisted suicide by directing the DEA to allow federally controlled substances to be used in any manner which a state's assisted suicide law may prescribe. Every time a lethal overdose of barbiturates is prescribed to assist an Oregon citizen's suicide, the federal authority of the DEA is invoked to authorize the prescription. Since the Controlled Substances Act requires that such prescriptions be used for a "legitimate medical purpose," the federal government implicitly endorses the use of federally controlled substances in each case of assisted suicide as a "legitimate medical purpose" under current Justice Department Policy. It is only appropriate then, that we clarify how federally controlled substances can be used instead of letting an individual state that is heroically experimenting with democracy dictate how these federally controlled substances will be used. After all, they are federally controlled substances and they require federal control.

H.R. 2260 clarifies that assisted suicide will not be performed with the federal government's blessing. It also ensures that enforcement of the Controlled Substances Act will distinguish between intentional killing and the unintended hastening of death that may rarely occur as a side-effect of aggressive pain control. (This particular distinction, by the way, is found explicitly in almost all state laws against assisted suicide enacted in recent years; it was upheld as a reasonable and workable legal standard by the U.S. Supreme Court in its Vacco v. Quill decision two years ago.) Finally, H.R. 2260 provides the funds needed to begin to seriously advance our understanding of pain management.

Beginning with the premise that aggressive pain control is to be encouraged as a legitimate part of modern medical practice, the legislation backs up this declaration through $5 million per year for the training of health professionals in palliative care, and for the education of law enforcement personnel so that they will be sensitive to the legitimate needs of modern pain management when they perform their necessary task of preventing misuse. Because this legislation sends such a clear and positive message about pain management to physicians and patients, it has been endorsed by organizations that both deal with pain issues on a regular basis and are in a position to judge the merits of the legislation. Among a notable list of supporters are the American Medical Association, the National Hospice Organization, the Hospice Association of America and the American Academy of Pain Management.

In the end, the federal government, in concert with groups that understand and are active practitioners of pain management, must make a policy decision regarding the appropriate use of drugs that fall within its jurisdiction. Will they be used to kill pain or kill patients? I believe H.R. 2260 makes the right choice.

NATIONAL CHILDHOOD LEAD POISONING PREVENTION WEEK

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 25, 1999

Mrs. MEEK of Florida. Mr. Speaker, last week the Senate passed, by unanimous consent, a resolution which designates this week—October 24, 1999, through October 30, 1999—and a similar week next year as "National Childhood Lead Poisoning Prevention

Week." I would like to take this opportunity to inform my colleagues about the very serious problem of childhood lead poisoning.

Lead poisoning is a leading environmental health hazard to children in the United States. According to the United States Center for Disease Control and Prevention, 890,000 preschool children in the United States have harmful levels of lead in their blood which can cause serious, long-term harm to children, including reduced intelligence and attention span, behavior problems, learning disabilities, and impaired growth. Children from low-income families are 8 times more likely to be poisoned by lead than those from high income families.

Mr. Speaker, I have worked with the Alliance to End Childhood Lead Poisoning and other concerned groups to help address this problem. I would like to submit the following article from the American Journal of Public Health which further details the lead poisoning problem and strategies to combat it.

[From the American Journal of Public Health, June 1999]

PROTECTING CHILDREN FROM LEAD POISONING AND BUILDING HEALTHY COMMUNITIES

Lead's toxicity to human organs and systems has been extensively documented for over 2 millennia. The 20th century is remarkable for the dispersal of lead throughout the human environment, making lead poisoning a community health problem of global dimensions.[1] Young children are at highest risk because of lead's neurotoxic effects, which reduce intelligence and attention span and cause learning difficulties and behavior problems.[2,3] Blood lead screening and surveillance are important tools, but primary prevention requires controlling sources of exposure. Although the challenge varies from country to country, the steps needed to eliminate this disease are now apparent.

EVIDENCE THAT ENVIRONMENTAL CONTROLS WORK

Over the past quarter century, progress on childhood lead poisoning in the United States has been remarkable: the mean blood lead level of US children fell by 80%, and the number of children with elevated blood leads declined by 90%.[4,5] These changes did not occur spontaneously or by chance. Strict regulation of many lead uses, enacted after decades of determined industry opposition, has gradually detoxified the air, water, and food supply. The evidence is clear that controlling ongoing sources of lead exposure produces immediate and significant health benefits, which typically far outweigh the costs.[6] The difficulty of cleaning up once lead contaminates the environment underscores the urgency of controlling it at the source.

THE LEGACY OF LEAD-BASED PAINT

Despite impressive progress, lead poisoning remains a serious environmental health hazard in the United States: 4.4% of all children aged 1 to 5 years have elevated blood lead levels (″10)g/dL).[5] Lead-based paint in nearly two thirds of all U.S. housing poses by far the greatest remaining challenge.[7] (In particular communities and populations, a variety of other sources and pathways also expose children to lead.) While children can be severely poisoned by eating paint chips, the principal pathway is chronic exposure to settled lead dust, which gets on children's hands and toys and is ingested through normal hand-to-mouth behavior.[8] Recent research has confirmed the important role of interior lead dust and the need for more protective standards.[9]

Two distinct scenarios account for most lead poisoning in U.S. children: paint deterioration because of poor maintenance and remodeling projects that inadvertently release lead particles. Remodeling and repainting projects that fail to control and clean up lead dust likely account for 5% to 10% of poisonings,[10] a challenge that conventional health education and limited training can overcome. The dominant scenario of poisoning among U.S. children is unattended deteriorating paint and lead dust hazards in older, low-income housing. Water damage and excessive moisture are the principal causes of paint deterioration as well as of a multitude of other health hazards. For example, moisture encourages the growth of mold, mildew, mites, and microbes, which contributes to asthma and other respiratory problems.[14]

In the 1980s, many considered the presence of leaded paint a health hazard. Paralyzed by the insuperable difficulties of full removal (the cost alone is estimated at $500 billion),[12] the public health response was confined almost entirely to belatedly reacting to already poisoned children. Despite its appeal at many levels, literally "getting the lead out" of U.S. housing is not a feasible primary prevention strategy. Research has validated the effectiveness of strategies that safely manage leaded paint in place[13–15] and has shown that poor paint condition is a stronger predictor of risk than the paint's lead content.[8] Rather than removing lead paint from a few properties, the more effective path to protecting children at risk is to make housing lead safe, a formidable but surmountable public health challenge.

PROTECTING CHILDREN AT RISK REQUIRES NEW APPROACHES

Continuation of current strategies is unlikely to provide near-term protection to children living in low-income housing in distressed communities, who are at highest risk for lead poisoning. Four shifts in approach are required to eradicate childhood lead poisoning in the United States.

Make Lead Safety an Integral Part of Housing Activities

Recognition that poor housing condition is a root cause of lead hazards demands a shift from the traditional approach whereby experts deal with one environmental hazard at a time. Rather than being viewed as the province of a small corps of experts conducting one-time interventions, lead safety in older housing must be integrated into various activities. While "abatement contractors" are needed for complex projects, techniques for controlling moisture and lead dust must be incorporated into all housing activities, remodeling, and vacancy treatments. Basic training in moisture control and lead safety will arm painters, remodelers, maintenance staff with vital skills and can help build indigenous capacity within communities at high risk for lead poisoning. Housing codes must be updated and enforced to ensure control of moisture and lead dust hazards.

Identify and Control Lead Hazards Before Poisoning Occurs

Preventing poisoning requires demystifying the detection of property-specific lead hazards, the vast majority of which have never been identified, much less controlled. While only a certified lead expert can declare a property "safe" for legal purposes,[16] visual inspections for maintenance deficiencies can trigger corrective preventive measures. Sending a chip of peeling paint or a single "dust wipe" to an environmental laboratory for analysis (about $5 per sample) is sufficient to detect a hazard in a high-risk property. Because deteriorated paint and dust lead levels on floors and other surfaces are strong predictors of risk, health departments need to screen high-risk housing as well as test children's blood lead levels. Parents, property owners, contractors, and community residents can be trained in a single day to conduct visual maintenance checks and environmental sampling. Environmental samples provide property-specific information that can transform the federal lead-based paint "right-to-know" law from an empty promise to a catalyst for action.[17]

Secure New Resources for Prevention

Both the public and private sectors need to dedicate additional resources to controlling housing-related health hazards. The lead, petroleum, and paint industries need to contribute their share to prevention through either the courts or the Congress. Managed care providers can reduce health care costs for asthma and lead poisoning by making strategic investments to address environmental hazards in housing before children are exposed. In particular, the Medicaid program, which serves children at high risk for lead poisoning,[18] should explore ways to support the early identification and control of health hazards in high-risk housing. Medicaid must also start screening all young children as required[19] and provide the recommended follow-up services.[20] Government support for affordable housing should be increased to recognize the importance of decent housing in controlling environmental health hazards and reducing health care and education costs.

Make Healthful Housing a National Environmental Priority

Protecting at-risk children from lead hazards in their homes requires reintegrating housing into public health and environmental health practice. The environmental and public health communities and those who fund their research, advocacy, and policy work must begin to shift attention from the ambient environment to confront the reality that substandard housing in distressed communities is the leading environmental health threat to U.S. children. There is no more chilling example of environmental injustice than concentrations of substandard housing in low-income urban neighborhoods, reflected by the fact that low-income children and Black children are at 8 times and 5 times higher risk for lead poisoning, respectively, than other U.S. children.[5] Without leadership by the environmental, public health, medical, and philanthropic communities, the accelerating deterioration of housing in distressed communities will increasingly threaten health, spread blight, and devastate low-income families.

THE GLOBAL CHALLENGE

The causes of lead poisoning vary country by country and community by community.[21] Because significant sources of lead exposure remain largely unregulated in most countries, both developed and developing, lead poisoning is typically more widespread and severe in other countries than in the United States.

A common excuse for delaying control at the source is the perceived need to determine the exact extent of the problem and the specific contribution of each source. Environmental and health officials must not allow industry's demands for screening, surveillance, or epidemiological studies to preempt or postpone the control of obvious and serious sources of exposure. Where dispersive uses of lead continue, the self-evidence of both the problem and the remedy demands action. The ready availability of superior, practicable alternatives makes the continued use of lead inexcusable in any product with the potential for broad exposure (e.g., gasoline, paint, plumbing supplies, food cans, printing ink, fertilizer, and children's toys).

Leaded gasoline, the foremost cause of global lead exposure, is the obvious first candidate for control in the more than 150 countries in which it is still in use.[22] All automobile engines can operate on unleaded gasoline,[23] and superior, cost-competitive alternatives are readily available to replace lead or reduce engine octane demand.[24] Removing lead from gasoline is the single greatest step to preventing lead poisoning as well as a prerequisite to achieving other air quality improvements through the introduction of catalytic converters and modern engine technology.[25] There is no excuse for leaded gasoline use to continue in any country after the end of this century.

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SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, October 26, 1999 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 27

9:30 a.m.
Indian Affairs
To hold a business meeting on pending calendar business; to be followed by hearings on proposed legislation authorizing funds for elementary and secondary education assistance, focusing on Indian educational programs.
SR–285

Energy and Natural Resources
Business meeting to consider pending calendar business.
SD–366

Armed Services
To hold hearings on the nomination of The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601: Gen. Joseph W. Ralston, 9172, To be General; the nomination of The following named officer for appointment as Vice Chairman of the Joint Chiefs of Staff and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 154: Gen. Richard B. Myers, 7092, To be General; the nomination of The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601: Gen. Thomas A. Schwartz, 0711, To be General; and the nomination of The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601: Gen. Ralph E. Eberhart, 7375, To be General.
SH–216

10 a.m.
Judiciary
To hold hearings on terrorism issues, focusing on victims' access to terrorist assets.
SD–226

Banking, Housing, and Urban Affairs
Securities Subcommittee
To hold hearings on the impact of ECNs, focusing on the changing face of capital markets.
SD–538

10:30 a.m.
Foreign Relations
To hold hearings to examine the future of U.S.-China relations.
SD–419

1:45 p.m.
Judiciary
Criminal Justice Oversight Subcommittee
To hold hearings on the Justice Department's response to international parental kidnapping.
SD–226

3 p.m.
Foreign Relations
To hold hearings on numerous tax treaties and protocol.
SD–419

OCTOBER 28

9:30 a.m.
Small Business
To hold hearings on the Environmental Protection Agency's recent rulemaking in regards to small businesses.
SR–428A

Armed Services
To hold hearings on United States national security implications of the 1999 NATO Strategic Concept.
SH–216

10 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on issues relating to E-commerce.
SR–253

Governmental Affairs
To hold hearings on the nomination of Joshua Gotbaum, of New York, to be Controller, Office of Federal Financial Management, Office of Management and Budget.
SD–628

10:30 a.m.
Foreign Relations
To hold hearings on the nomination of Joseph W. Prueher, of Tennessee, to be Ambassador to the People's Republic of China.
SD–419

1:30 p.m.
Judiciary
Antitrust, Business Rights, and Competition Subcommittee
To hold hearings to examine media competition and consolidation in the new millennium, focusing on the Viacom/CBS merger.
SD–226

2 p.m.
Intelligence
To hold closed hearings on pending intelligence matters.
SH–219

2:30 p.m.
Commerce, Science, and Transportation
Manufacturing and Competitiveness Subcommittee
To hold hearings on challenges confronting the machine tool industry.
SR–253

Energy and Natural Resources
Water and Power Subcommittee
To hold oversight hearings on the Federal hydroelectric licensing process.
SD–366

OCTOBER 29

10 a.m.
Foreign Relations
To hold hearings on the nomination of Joseph R. Crapa, of Virginia, to be an Assistant Administrator of the United States Agency for International Development; Willene A. Johnson, of New York, to be United States Director of the African Development Bank; and Alan Phillip Larson, of Iowa, to be Under Secretary of State (Economic, Business and Agricultural Affairs).
SD–419

NOVEMBER 2

9:30 a.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold oversight hearings on the recent announcement by President Clinton to review approximately 40 million acres of national forest lands for increased protection.
SD–366

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on the World Trade Organization, its Seattle Ministerial, and the Millennium Round.
SD–538

NOVEMBER 4

9:30 a.m.
Indian Affairs
To hold joint hearings with the House Committee on Resources on S. 1586, to reduce the fractionated ownership of Indian Lands; and S. 1315, to permit the leasing of oil and gas rights on certain lands held in trust for the Navajo Nation or allotted to a member of the Navajo Nation, in any case in which there is consent from a specified percentage interest in the parcel of land under consideration for lease.
Room to be announced

POSTPONEMENTS

OCTOBER 27

2:30 p.m.
Environment and Public Works
To hold hearings on S. 1405, to amend the Woodrow Wilson Memorial Bridge Authority Act of 1995 to provide an authorization of contract authority for fiscal years 2004 through 2007.
SD–406

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